FLORIDA

JOURNAL

OF THE

SENATE

VOLUME I

ORGANIZATION
SESSION
November 16, 2004

SPECIAL SESSION A
December 13-16, 2004

REGULAR SESSION
March 8
through
May 6, 2005

Available on
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Journal

of the

S E N A T E

State of Florida

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JOURNAL OF THE SENATE

Faye W. Blanton
Secretary of the Senate

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Journal

of the

S E N A T E

State of Florida

ORGANIZATION SESSION

November 16, 2004

At an Organization Session of the Florida Legislature convened under the Constitution of the State, as revised in 1968

MEMBERS OF THE SENATE

(26 Republicans, 14 Democrats)

ORGANIZATION SESSION
November 16, 2004

District 1: Anthony C. "Tony" Hill, Sr. (D), Jacksonville**
Parts of Duval, Flagler, Putnam, St. Johns and Volusia

District 2: Durell Peaden, Jr. (R), Crestview*
Holmes, Washington, and parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 3: Nancy Argenziano (R), Crystal River**
Baker, Dixie, Hamilton, Lafayette, Suwannee, Taylor and parts of Citrus, Columbia, Jefferson, Leon, Levy, Madison and Marion

District 4: Charlie Clary (R), Destin*
Parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 5: Stephen R. Wise (R), Jacksonville**
Parts of Clay, Duval, Nassau and St. Johns

District 6: Alfred "Al" Lawson, Jr. (D), Tallahassee*
Calhoun, Franklin, Gadsden, Gulf, Jackson, Liberty, Wakulla and parts of Bay, Jefferson, Leon and Madison

District 7: Evelyn J. Lynn (R), Ormond Beach**
Parts of Clay, Marion, Putnam and Volusia

District 8: James E. "Jim" King, Jr. (R), Jacksonville*
Parts of Duval, Flagler, Nassau, St. Johns and Volusia

District 9: Daniel Webster (R), Winter Garden**
Parts of Orange, Osceola and Seminole

District 10: Tom Lee (R), Brandon*
Parts of Hillsborough, Pasco and Polk

District 11: Mike Fasano (R), New Port Richey**
Parts of Citrus, Hernando, Pasco and Pinellas

District 12: Victor D. Crist (R), Tampa*
Parts of Hillsborough and Pasco

District 13: Dennis L. Jones, D.C. (R), Seminole**
Part of Pinellas

District 14: Rod Smith (D), Gainesville*
Alachua, Bradford, Gilchrist, Union and parts of Columbia, Levy, Marion and Putnam

District 15: Paula Dockery (R), Lakeland**
Parts of Hernando, Lake, Osceola, Polk and Sumter

District 16: Jim Sebesta (R), St. Petersburg*
Parts of Hillsborough and Pinellas

District 17: JD Alexander (R), Winter Haven**
Hardee, Highlands, and parts of DeSoto, Glades, Okeechobee, Polk and St. Lucie

District 18: Lesley "Les" Miller, Jr. (D), Tampa*
Parts of Hillsborough, Manatee and Pinellas

District 19: Gary Siplin (D), Orlando**
Parts of Orange and Osceola

District 20: Carey Baker (R), Eustis***
Parts of Lake, Marion, Seminole, Sumter and Volusia

District 21: Michael S. "Mike" Bennett (R), Bradenton**
Parts of Charlotte, DeSoto, Lee, Manatee and Sarasota

District 22: Lee Constantine (R), Altamonte Springs*
Parts of Orange and Seminole

District 23: Lisa Carlton (R), Osprey**
Parts of Charlotte, Manatee and Sarasota

District 24: Bill Posey (R), Rockledge*
Parts of Brevard, Orange and Seminole

District 25: Jeffrey H. "Jeff" Atwater (R), Palm Beach Gardens**
Parts of Broward and Palm Beach

District 26: Mike Haridopolos (R), Melbourne***
Parts of Brevard, Indian River, Osceola and St. Lucie

District 27: Dave Aronberg (D), Greenacres**
Parts of Charlotte, Glades, Hendry, Lee and Palm Beach

District 28: Ken Pruitt (R), Port St. Lucie*
Martin and parts of Indian River, Okeechobee, Palm Beach and St. Lucie

District 29: M. Mandy Dawson (D), Ft. Lauderdale**
Parts of Broward and Palm Beach

District 30: Ron Klein (D), Delray Beach*
Parts of Broward and Palm Beach

District 31: Steven A. Geller (D), Hallandale Beach**
Part of Broward

District 32: Walter G. "Skip" Campbell, Jr. (D), Tamarac*
Part of Broward

District 33: Frederica S. Wilson (D), Miami**
Part of Miami-Dade

District 34: Nan Rich (D), Weston****
Parts of Broward and Miami-Dade

District 35: Gwen Margolis (D), Miami Beach**
Parts of Broward and Miami-Dade

District 36: Alex Diaz de la Portilla (R), Miami*
Part of Miami-Dade

District 37: Burt L. Saunders (R), Naples**
Parts of Collier and Lee

District 38: J. Alex Villalobos (R), Miami*
Part of Miami-Dade

District 39: Larcenia J. Bullard (D), Miami**
Monroe and parts of Broward, Collier, Hendry, Miami-Dade and Palm Beach

District 40: Rudy Garcia (R), Hialeah*
Part of Miami-Dade

* Holdovers
** Elected General Election November 2, 2004, for a term of 4 years
*** Elected Special General Election March 25, 2003, for a term ending November 2006
**** Elected General Election November 2, 2004, for a term ending November 2006

OFFICERS OF THE SENATE

Tom Lee, *President*
Charlie Clary, *President Pro Tempore*
J. Alex Villalobos, *Majority (Republican) Leader*
Lesley "Les" Miller, Jr., *Minority (Democratic) Leader*

Non-member Elected Officer

Faye W. Blanton, *Secretary*

MEMBERS AND OFFICERS OF THE SENATE
THE 2004-2006 FLORIDA SENATE

President

Tom Lee (R)
Brandon
District 10

President Pro Tempore

Charlie Clary (R)
Destin
District 4

Majority (Republican) Leader

J. Alex Villalobos (R)
Miami
District 38

Minority (Democratic) Leader

Lesley "Les" Miller, Jr. (D)
Tampa
District 18

JD Alexander (R)
Winter Haven
District 17

Nancy Argenziano (R)
Crystal River
District 3

Dave Aronberg (D)
Greenacres
District 27

Jeffrey H. "Jeff" Atwater (R)
Palm Beach Gardens
District 25

Carey Baker (R)
Eustis
District 20

Michael S. "Mike" Bennett (R)
Bradenton
District 21

Larcenia J. Bullard (D)
Miami
District 39

Walter G. "Skip" Campbell, Jr. (D)
Tamarac
District 32

Lisa Carlton (R)
Osprey
District 23

Lee Constantine (R)
Altamonte Springs
District 22

Victor D. Crist (R)
Tampa
District 12

M. Mandy Dawson (D)
Ft. Lauderdale
District 29

Alex Diaz de la Portilla (R)
Miami
District 36

Paula Dockery (R)
Lakeland
District 15

Mike Fasano (R)
New Port Richey
District 11

Rudy Garcia (R)
Hialeah
District 40

Steven A. Geller (D)
Hallandale Beach
District 31

Mike Haridopolos (R)
Melbourne
District 26

Anthony C. "Tony" Hill, Sr. (D)
Jacksonville
District 1

Dennis L. Jones, D.C. (R)
Seminole
District 13

MEMBERS AND OFFICERS OF THE SENATE
THE 2004-2006 FLORIDA SENATE

James E. "Jim" King, Jr. (R)
Jacksonville
District 8

Ron Klein (D)
Delray Beach
District 30

Alfred "Al" Lawson, Jr. (D)
Tallahassee
District 6

Evelyn J. Lynn (R)
Ormond Beach
District 7

Gwen Margolis (D)
Miami Beach
District 35

Durell Peaden, Jr. (R)
Crestview
District 2

Bill Posey (R)
Rockledge
District 24

Ken Pruitt (R)
Port St. Lucie
District 28

Nan Rich (D)
Weston
District 34

Burt L. Saunders (R)
Naples
District 37

Jim Sebesta (R)
St. Petersburg
District 16

Gary Siplin (D)
Orlando
District 19

Rod Smith (D)
Gainesville
District 14

Daniel Webster (R)
Winter Garden
District 9

Frederica S. Wilson (D)
Miami
District 33

Stephen R. Wise (R)
Jacksonville
District 5

Non-member Elected Officer

Faye W. Blanton
Secretary of the Senate

Sergeant at Arms

Donald Severance

Journal of the Senate

ORGANIZATION SESSION **Tuesday, November 16, 2004**

Journal of the Senate for the Organization Session of the Nineteenth Legislature to be convened under the Constitution of Florida, as revised in 1968, and subsequently amended, begun and held at the Capitol in the City of Tallahassee, in the State of Florida, on Tuesday, November 16, 2004, being the day fixed by the Constitution for the purpose.

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CALL TO ORDER

The Senate was called to order by President King at 10:00 a.m.

PRAYER

The following prayer was offered by the Rev. Bill Wynn, retired pastor of the Brandon Assembly of God Church:

Heavenly Father, we approach your throne with the knowledge of our unworthiness, and with the understanding that you accept us as we are; and always take time to hear our petitions and act on them.

Today, we ask for your blessings on Senator Tom Lee, and for a generous endowment of wisdom as he assumes the important role of Senate President. Help Senator Lee and this distinguished body of Senators to work together for the good of Florida's citizens.

Help us all to understand, as mere mortals, our human limitations, and at the same time, help us to have a keen sense of your infinite knowledge, your unlimited power, and your desire to become involved in our daily lives.

While we don't know what tomorrow holds, we do know who holds tomorrow. Give wisdom to Senator Lee and the members of the Florida Senate as they face tough decisions that affect the lives of the citizens of the great state of Florida.

May each day be a day of accomplishment; and at the close of each day may we each humbly bow before you and express our profound thanks for your guiding hand that has directed us. May we be able to stand before you with good conscience, knowing that we have given our best in the spirit of fairness and unselfishness.

These things we ask in your name. Amen.

PLEDGE

Miss Regan Lee and Mr. Brandon Lee, daughter and son of Senator Lee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Fred Bearison of Brandon, sponsored by Senator Lee, as doctor of the day. Dr. Bearison specializes in internal medicine.

CERTIFICATE RECEIVED

The Secretary announced that The Honorable Glenda E. Hood, Secretary of State, had certified to the election of 22 Senators as follows:

STATE OF FLORIDA
OFFICE OF SECRETARY OF STATE

I, Glenda E. Hood, Secretary of State of the State of Florida, do hereby certify that the following candidates were duly elected at the General Election held on the Second day of November, A.D., 2004, to the office of Member, State Senate, as shown by the records of this office:

SENATE DISTRICT NUMBER

1	Anthony C. "Tony" Hill, Sr., Jacksonville
3	Nancy Argenziano, Dunnellon
5	Stephen R. Wise, Jacksonville
7	Evelyn J. Lynn, Ormond Beach
9	Daniel Webster, Orlando
11	Mike Fasano, New Port Richey
13	Dennis L. Jones, Seminole
15	Paula Dockery, Lakeland
17	JD Alexander, Lake Wales
19	Gary Siplin, Orlando
20	Carey Baker, Eustis
21	Michael S. "Mike" Bennett, Bradenton
23	Lisa Carlton, Sarasota
25	Jeffrey H. "Jeff" Atwater, North Palm Beach
27	Dave Aronberg, West Palm Beach
29	M. Mandy Dawson, Ft. Lauderdale
31	Steven A. Geller, Hallandale
33	Frederica S. Wilson, Miami
34	Nan H. Rich, Weston
35	Gwen Margolis, Adventura
37	Burt L. Saunders, Naples
39	Larcenia J. Bullard, Miami

GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this the 15th day of November, A.D., 2004

Glenda E. Hood
SECRETARY OF STATE

OATH OF OFFICE ADMINISTERED

The oath of office was administered by The Honorable Barbara Pariente, Chief Justice, Florida Supreme Court, to the recently elected Senators.

ROLL CALL

The roll of the Senate, as then constituted by the 22 newly elected members and the 18 holdover members, was called by the Secretary in alphabetical order and the following members of the Senate were recorded present:

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lee	Wilson
Crist	Lynn	Wise
Dawson	Margolis	
Diaz de la Portilla	Miller	

SPECIAL GUESTS

President King introduced the following guests: Governor Jeb Bush; former Senate President, Lieutenant Governor Toni Jennings; former Governor Bob Martinez; former Senator, Commissioner of Agriculture Charles H. Bronson; Chief Financial Officer Tom Gallagher and his wife, Laura; former Senator, Attorney General Charlie Crist; Chief Justice of the Supreme Court, Barbara Pariente; Justice Harry Lee Anstead; Justice Peggy A. Quince; and Justice Kenneth B. Bell. President King announced that in addition to former Senate President Gwen Margolis who still serves in the Senate, the Senate was honored by the presence of the following former Senate Presidents: Bob Crawford and his wife, Nancy; John McKay and his wife, Michelle; and former Senators Malcolm Beard and his wife, Mary Ellen; John Grant; Ron Silver; Van Poole; Jack Latvala; former Congresswoman Karen Thurman; former Secretary of State George Firestone; and former Education Commissioner Jim Horne. The President also introduced his wife, Linda King.

ORGANIZATION

The Senate proceeded to the organization of the body.

NOMINATIONS FOR PRESIDENT

President King announced that nominations would be received for President of the Senate, pursuant to Article III, Section 2 of the Constitution, for a term of two years.

President King recognized Senator Carlton who placed in nomination the name of Senator Tom Lee of the 10th Senatorial District.

Senator Carlton: The speeches we will hear today enlighten us about Tom Lee and his path to this Presidency. These speeches will undoubtedly assure us that he will lead this chamber with honor and distinction; that he will be fair to all Senators regardless of party affiliation.

We all know Senator Lee. But what about Tom Lee? Well, most of us, if asked, would say, and let's be honest here, "He has an air of mystery." So let's unravel the mystery that is Tom Lee.

He is a son and brother who embraces the Proverb "**A good name is more desirable than great riches**." His esteemed regard for his mom and dad, Jim and Ann Lee, give us the first clue as to who Tom Lee really is. He embodies the spirit of a son who puts family first. He is a dedicated son and brother who can live, love and work with all the same people. In a family business your siblings and parents know how much money you make and one of them usually signs the paychecks, sometimes reluctantly! His parents also taught him dedication to community.

The Tom Lee Foundation has helped countless children from his district over the years and is done with no publicity or fanfare. Tom has made his parents proud and adds another generation of true public service. Tom's administration will embody a legislative process that is open and fair. It will also be managed by those who are elected and answer to their communities rather than a third house. He comes by this honestly—he aspires for this chamber to be highly regarded by those that judge us and he challenges us to hold the name Senator as a good name, more desirable than great riches.

He is a father who will preside over this chamber as perhaps the only Senate President to serve with young children at home. He will be a better Senate President, because he was first a Dad. His style as President is really no mystery. One need look no further than in the eyes of Regan and Brandon.

Regan is his daughter and is 7 years old. She is a smart, unconventional girl, in that she would rather collect Hot Wheels than Barbies. She has an energy and a drive that can last all night, even if all night means going to a boring Republican fundraiser at the Orange Bowl.

Once she has her mind set on something or has been challenged, like a bet with her Dad that if she stays awake for the entire fundraiser she can watch *Pirates of the Carribean*, she does not stop. She will take no prisoners in her efforts to stay awake and if you think she is sleeping, you better look again. Regan also has her secrets. Word has it that a few years back Dad and daughter were discussing appropriate attire for church. Regan, being the free spirit that she is, did not want to wear a dress. Dad calmly explained that sometimes little girls needed to wear dresses. So in an effort to appease Dad, Regan sulks away defeated and puts on her conventional dress. During church she tapped her Dad. As he looked her way, she subtly lifted up her dress to reveal a pair of jeans underneath.

Now if Regan is a clue to solving the mystery of Tom Lee, we can surmise that Tom is steadfast, determined, focused on his agenda, unwavering when he feels right is on his side, but still savvy enough to appreciate that sometimes the other guy needs to think he prevailed.

Any former Senate President will tell you that in order to be successful you need to have an evenhanded approach to decision making. Through the eyes of his son Brandon, we see how Tom will balance his Presidency. Brandon is quiet, and reflective. He loves for his Dad to read to him. Instead of peddling a bicycle, he would rather be a passenger at times. His favorite books are about the Care Bears. His favorite Care Bear is Share Bear. Brandon brings out the sensitive side of the Lee family.

Brandon offers us many clues to the Tom Lee puzzle. We can logically surmise that Tom will make decisions after much thought, that he will many times keep those thoughts to himself, that he is aware that others around him may become impatient with his perceived inaction—but in the end he is going to get where he needs to go and if he can convince you to drive, then that saves his energy for his golf game.

Tom Lee is a father, son and brother who is serving as President of this body and choosing to share his talents with us. To Regan and Brandon, thank you for sharing your Daddy. He is that perfect combination of Share Bear and Brave Heart Lion Care Bear. He is a leader. Fearless in the face of danger, he would be your choice of partner on the battlefield or in the foxhole. He knows how to help others be brave. His courage and leadership is evident to all around him. However he is sensitive to the fact that others do not have as much and whenever he can, he shares good things with other people, and he has the right attitude when doing so.

It will continue to be challenging for our President's children to appreciate the sacrifices he makes to lead this body. It will most likely not be until they have children of their own that they truly earn a respect for the position he takes today. And that's the final clue. We, as Senators, can rest assured that Tom Lee's Presidency will make our time here worth the trip. Because our policy will be sound, and the manner in which we arrive at decisions will be fair, and ultimately at the end of two years Florida and this Senate will be left a better place because to do otherwise would mean he had missed all those soccer games, bedtime stories, and bicycle rides for nothing.

President King recognized Senator Campbell who seconded the nomination of Senator Lee.

Senator Campbell: Say the name "Tom Lee" and the responses can be very different.

To some, he's an intensely private man, weighing in on subjects only when he has something of relevance to say.

To others, he's a maverick, bucking the political status quo, or, as he once described another Senator, unafraid to slaughter a few "sacred cows" or step on a few toes along the way.

Wearing a size 12 shoe, Tom Lee does not have little feet. I know that you stand 6 ft. 2 in., but your staff wanted me to say 6 ft. 6 in. because that is the way all college and professional sports programs report their players. I want to make sure everybody in the lobbying community knows you are 6 ft. 6 in. But the Tom Lee I know is somewhere in the middle. Sometimes he reminds me of Gary Cooper who played Sheriff Will Kane in *High Noon*, standing his ground even though the townsfolk are telling him to duck.

He also reminds me of Gregory Peck as Atticus Finch in *To Kill a Mockingbird*. Atticus represented morality and reason. He always was even-handed. He was a character who never had to rethink his position on an issue. The only time he seriously lectured his children was on the evils of taking advantage of those less fortunate or less educated. So remember, Regan and Brandon, that your Dad loves you and you are the next leaders to love all people. Atticus believed in justice and the justice system and Tom Lee believes in the same system of justice.

He's a man unafraid to fight for what's right; occasionally drawing up his full height of 6 ft. 2 in., make that 6 ft. 6 in. for emphasis. There are a few men still here in government who can attest to this. Some of the lobbyists out there know he won't back down. I won't name them. Fortunately, I have never been on the receiving end.

Other times, the soft-spoken Senator is like the E. F. Hutton commercial; when he talks, people listen. They've even been known to take his words to heart, or in one case, the nose. Last year you'll remember we held our nose as we voted for a questionable gas tax cut the understated Senator declared "stinks."

Finally, in case you didn't know it, he's also a fashion enigma. Any man who can out-fedora Senator Gary Siplin deserves our admiration. Who remembers that fedora day, Gary?

Henny Youngman always joked that you can judge a man by the golf score he keeps. He, of course, was talking about Tom who is a scratch golfer. Unlike Gerald Ford who said, "I know I'm getting better at golf, because I'm hitting fewer spectators," Tom has never had problems with golf. Just remember, Tom, that the difference in golf and government is that in golf you can't improve your lie. Also, the income tax system has made more Americans lie than golf.

If there's a theme here, it's this, and I hope you all will live this theme: The Senate has always been—and hopefully will always remain—a body of camaraderie, dedicated more to tackling issues than tackling each other, and promoting ability, not just political connections.

It's not always easy to take the high road, or even the middle of the road when powerful interests are pushing for their own agendas, but the Senate has done just that. Tom Lee has been one of those steadfastly holding the line.

Now, as he takes the President's gavel, I have no doubt that this tradition of doing the "right thing" instead of the "political thing" will continue.

A Floridian and American above all—the Tom Lee I know has never lost touch with the common man, and shares the same determination that carved our great state out of swampland and mud bogs and still moves it forward today.

I welcome his leadership, as I value his friendship.

Congratulations, Senator Lee.

President King recognized Senator Pruitt who further seconded the nomination of Senator Lee.

Senator Pruitt: When you stop and reflect, on the portraits of the Senate Presidents who have served in this hallowed chamber, a Senate President's term can best be described as a "brief moment in time."

Right or wrong, the short time they lead this chamber, will no doubt define them forever in the history books—define them as a politician, as a person and as a leader. It is their defining moment.

Former Senator Toni Jennings' tenure as President will forever define her as a crusader for public education.

John McKay's legacy will be as a relentless advocate for tax fairness.

Jim King's lasting impression will be as a compassionate champion for biomedical research.

We all know that their contributions to our state go far beyond the labels given to them, while serving "for that brief moment in time," as Senate President. The label disregards the long journey these dedicated individuals embarked on when they became public servants.

Two years from now, Tom Lee's indelible mark as Senate President will be added to those whose portraits adorn this great chamber. Of course, some would say, that leaving an indelible mark is a little too soft to describe his impact, and that "etched in stone" would better describe the mark he's going to leave on the people of Florida.

In Tom's designation speech last December, I spoke of Tom Lee the citizen legislator, his fierce loyalty and independence, and how strongly he valued the institutional traditions of the Florida Senate. I shared with you his love of family and how his parents, Jim and Ann Lee, instilled the values of the American Dream into Tom early on. I described how Tom reminded me of being a street fighter and brave heart soldier all rolled into one.

To get a real sense of Tom Lee the public servant and Tom Lee the man, one only has to go back to 1996 when Tom was running for the Florida Senate. While some permit their political principles to blow in the wind or submit to the popular sound byte of the day, Tom Lee ran on the values and principles that have made him a success in business and more importantly, in life.

In this 1996 campaign brochure his core message was, "It's about keeping your word...it's about having the courage and conviction to do what's right!"—sound familiar?

It has been said that a picture is worth a thousand words. Today, we have compiled both pictures and testimonies of those who know Tom Lee, respect him, and can speak to his leadership and character.

[Video]

Their "moment in time" with Tom Lee has lasted for years. Some voices you will recognize—they are our colleagues and fellow leaders—some you may not know—but Tom knows them. They are the people that mean the most to him—people from his community who have watched this young man grow into a true statesman—people who can attest to the fact that no matter what position he holds or title he earns, he will always be, Tommy from Brandon.

Tom, this is your day. A day wrapped in ceremony and tradition—honoring you for not only the position that you now take, but honoring you for the person that you are.

Ladies and gentlemen—it is my great honor to nominate the next President of the Florida Senate, Tom Lee.

On motion by Senator Pruitt, nominations for President were closed.

ELECTION OF PRESIDENT

The roll was called on the election of the President and each Senator voted in the affirmative by saying "Tom Lee."

The vote was:

Yeas—39

Alexander	Carlton	Garcia
Argenziano	Clary	Geller
Aronberg	Constantine	Haridopolos
Atwater	Crist	Hill
Baker	Dawson	Jones
Bennett	Diaz de la Portilla	King
Bullard	Dockery	Klein
Campbell	Fasano	Lawson

Lynn	Pruitt	Smith
Margolis	Rich	Villalobos
Miller	Saunders	Webster
Peaden	Sebesta	Wilson
Posey	Siplin	Wise

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Atwater that a committee be appointed to escort Senator Lee to the rostrum of the Senate, President King appointed Senators Argenziano, Atwater and Smith. Senator Lee was escorted to the rostrum where the oath of office was administered by The Honorable Barbara Pariente, Chief Justice, Florida Supreme Court, and received by the President.

President King presented the gavel to President Lee, the 81st President of the Florida Senate since statehood.

PRESIDENT LEE PRESIDING

President Lee: Much has just been said about me in nomination—words far kinder than I deserve. I thank you Senator Carlton, Senator Campbell, and Senator Pruitt. I will long remember your remarks; not for their historical accuracy, mind you, but because you delivered them just like I wrote them.

I would also like to take this opportunity to recognize the special guests from my district who are seated in the east gallery. Would you please stand so that I can recognize you? Of course, my family—my father and mother, Jim and Ann Lee; my brother, Bill, and his wife, Sharon, and their son, my godson, Brian; my sister, Elizabeth Mekedici and her daughter, Jenny; my sister, Marilyn Segland, and her husband, William, and their children, Seth and Hanna. Finally, my precious children, Regan and Brandon, and their mother, Amy. Please stand and be recognized.

NOMINATIONS FOR PRESIDENT PRO TEMPORE

The President announced that nominations would be received for President Pro Tempore for a term of two years and recognized Senator Peaden who placed in nomination the name of Senator Charlie Clary of the 4th Senatorial District.

Senator Peaden: I have known Senator Clary longer than he has known himself. I never thought when I was riding on his father's shoulders at Crestview High School football games as a 4-year-old lad, I would be here making this address today.

If I had to sum up Senator Clary in one word, the word would be loyalty. Loyalty means faithfulness to a cause, allegiance, steadfastness, constancy, fidelity and truth. An alligator—and maybe not even an Auburn Tiger—could pull him off if he is on your side. He is deliberate. He stops and thoughtfully analyzes each decision until all due considerations are evaluated.

He is representative of our part of the state—the western Panhandle—where politics is sometimes a blood sport; roots run deep and the Yellow River Code still lives. He understands the political bridges between generations.

His conservative, business-like attitude affects all his decisions. He stands strong on the issues important to our party and the families of Florida.

Despite his short stature, he is long on devotion to his wife, Beth, his daughters, Laura and Joanna, and his parents, Carolyn and Chuck. I have known his mother and father longer than he has. They reflect the strong core values and work ethics which make him the man he is today.

Despite Senator Lawson receiving the most nourishment of the Panhandle Triplets, Charlie Clary is strong of record, performance and overwhelming fairness—traits that will not be soon forgotten in the halls of the Florida Senate.

He is a true southern gentleman with his bubble bread recipe, his surfer past and his bird dog named Dixie—a true thoroughbred seagull pointer.

He is a patriot. He is an individual who has served our nation in the depths of the world's oceans as a submariner and at the height of our Cold War hot spots.

He is a true son of Northwest Florida and an example for all.

It is a pleasure to offer Senator Clary for nomination as President Pro Tempore of the Florida Senate for the period of 2004-2006.

The President recognized Senator Lawson who seconded the nomination of Senator Clary.

Senator Lawson: Thank you, Mr. President. Members, the Governor, special guests, and friends, it is an honor for me to second this nomination. Most of us, when we select a President Pro Tempore, don't realize how important this position really is in the Senate. If something happened to Senator Lee, then we would take over in North Florida. Seriously, Mr. President, we want you to be well; I'm still looking out for my committee assignments.

I have had the opportunity to work with Senator Clary for many years. When Senator Clary is in committee, he's devoted, he's sharp, he's a quick study and he makes great decisions. He gives everybody in the committee a great hearing. Jim King probably described him best when he said Senator Clary was very patient.

He's a dapper kind of guy. He dresses well and he has great pride in his penmanship. He's probably the only one in the Senate whose signature we can read. He's very cool under fire. Often times the Senate President expresses himself to members in a way that no one else can. There is no better person to go to when you have tears in your eyes, than Senator Clary because he is cool under fire.

I was trying to find out what kind of person we were talking about when he decided to go off to school at Auburn. I found a poem he wrote. I thought it would be great that I share it with you under these unusual times:

Now I lay me down to study,
I pray the professors won't make me muddy, and
If I should learn this awful junk,
I pray, o dear professors,
I will not flunk.

If I should die,
Don't bury me at all,
Lay me down in this study hall.
Place my books upon my chest, and
Tell the gang I did my best.

That is the type of person that we have as second in command. A person that you can count on with great intellect and ability. He is a person who will support you when times are down. I am a true example. When all the state revenue was headed south, Senator Clary stood by me to make sure they didn't take my fire truck at Carrabelle. If you had questioned any staff person who has worked with him through the years, they would tell you that he never, never would give up. It takes guts to stay in the battle and fight. He's one of those individuals who will stay in there and fight to the end; even when revenue is short and even when we have people coming from around the state saying that we are going to suffer. I'd like to leave this with you. He may be short in stature, but he's big in heart. When the three of us are together you can't tell any of us apart.

He believes when others are doubting; he plans while others are playing; he studies while others are sleeping; he works while others are wishing; and he persists while others are quitting. What a great leader. I'm proud to second this nomination for Senator Clary as President Pro Tempore.

On motion by Senator Lawson, nominations for President Pro Tempore were closed.

ELECTION OF PRESIDENT PRO TEMPORE

The roll was called on the election of the President Pro Tempore and each Senator voted in the affirmative by saying "Charlie Clary."

The vote was:

Yeas—39

Alexander	Dockery	Miller
Argenziano	Fasano	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Pruitt
Baker	Haridopolos	Rich
Bennett	Hill	Saunders
Bullard	Jones	Sebesta
Campbell	King	Siplin
Carlton	Klein	Smith
Constantine	Lawson	Villalobos
Crist	Lee	Webster
Dawson	Lynn	Wilson
Diaz de la Portilla	Margolis	Wise

Nays—None

OATH OF OFFICE ADMINISTERED

On motion by Senator Baker that a committee be appointed to escort Senator Clary to the rostrum of the Senate, the President appointed Senators Aronberg, Baker and Haridopolos. Senator Clary was escorted to the rostrum where the oath of office was administered by The Honorable Kenneth Bell, Justice, Florida Supreme Court, received by the President and seated.

ADDRESS BY PRESIDENT PRO TEMPORE

Mr. President, esteemed colleagues, fellow Senators and friends in the gallery, I must first thank Senator Peaden and Senator Lawson for their kind words. The panhandle is well represented by the "Panhandle Triplets."

I would also like to recognize and thank my family for their continued love and support. My wife, Beth; my daughter, Joanna and her fiancé Mark; my parents, Chuck and Carolyn Clary; and my mother and father in-law, Ken and Geri Graham. Our other daughter, Laura, is unable to be here since she is at Auburn University studying hard. Would you please stand and be recognized? I would also like to recognize my committed and dedicated staff who have worked with me through the years: Peggy Hicks, Allison Carter, Stacey Allen and Paul Runk. Would you please stand and be recognized? Thank you!

Serving with Tom Lee for the past eight years has truly been an honor. He is a loyal friend and confidant and has been since we entered the Senate together in 1996. I look forward to working closely with President Lee on issues that matter so much to the people of Florida. As stated by President George W. Bush, "The presidency is more than an honor. It is more than an office. It is a charge to keep." It will be my responsibility to help President Lee honor that charge.

My job as an architect is to develop a plan, oversee the project, find any problems and work for solutions that result in a building able to stand the test of time. Architect Clark Baurer said, "In a society that continues to splinter, fragment and stratify, architecture is one of the few professions or disciplines that can speak to the whole of an individual and a society." Entering the 2004-2006 term and drawing the blueprint for the future we are building for Florida, it is up to each one of us to work together and design a future on which we can all look back and be proud.

In closing, I remember what the great baseball player Ted Williams said, "A man has to have goals—for a day, for a lifetime—and that was mine, to have people say, 'There goes Ted Williams, the greatest hitter who ever lived.' " I challenge each and every one of my fellow legislators to not only set, but achieve, high goals for both their constituents and the State of Florida.

Mr. President, I am honored to stand beside you today as your Pro Tempore and work under your leadership. May we all learn from each other, work together and strive for the very best that this chamber can achieve. Thank you.

CERTIFICATE RECEIVED

By direction of the President, the Secretary read a certificate from the Minority (Democratic) Party certifying the name of Senator Lesley "Les" Miller, Jr. as Minority Leader for the 2004-2006 term.

President Lee: Congratulations Senator Miller. I look forward to working closely with you over the next two years. You are recognized if you would like to make brief comments to the body.

Senator Miller: Thank you, Mr. President. I take great pride in congratulating our new Senate President, Tom Lee. On behalf of the entire Senate Democratic Caucus, I welcome your rite of passage, and look forward to continuing the spirit of cooperation between both Democrats and Republicans in this Senate for the good of all Floridians.

You take the helm of this body at a very divisive time in our history. The wounds laid bare in this recent election are still festering in our country, still smarting in Florida.

But, I have strong confidence in your ability to bridge the divide between the red and blue enclaves. Since our early days in Hillsborough County when I represented parts of Brandon when I was in the House of Representatives and you were involved with the Brandon Chamber of Commerce, and our days here in the Legislature, I have gotten to know Tom Lee, the man, and I am certain that your compassion and integrity run deep.

I can still recall, as a freshman Senator, the graciousness and commitment you showed to me on issues and ideas that, though sponsored by a Democrat, benefitted the community as a whole, and you remained unwavering in your support.

As you begin your presidency, I ask that you safeguard those qualities, and protect them at all cost.

You know, the great thing about the Senate is that good ideas and solid ideals have a way of transcending politics. The past two years demonstrated that commitment more so than ever before. Despite the political risks, Democrats and Republicans united in a battle for good and meaningful legislation, whether it concerned children's health, education funding, or a commitment to our state's doctors. We broke ranks with parties to unify the Senate, and we prevailed. Instead of special interests, the people of Florida were the true victors and you played no small part in making that happen.

This year may be less contentious, but the stakes will remain just as high. As our leader, your kindness, cordiality and statesmanship will be tested, of that I am sure. So too, will your resolve.

So as you tackle the issues before us, and steer this body to sometimes politically risky legislative solutions benefitting the wealthiest as well as the poorest, the powerful as well as the weak, the educated as well as the not so well educated, remember that the line is strongest when it stands together. And stand with you we will. Thank you very much.

Senator Miller introduced his wife, Gwen, a Hillsborough County Commissioner.

ELECTION OF SECRETARY

The President announced that nominations would be received for Secretary of the Senate for a term of two years and recognized Senator Villalobos who placed in nomination the name of Faye Wester Blanton.

Senator Villalobos: Mr. President, I place in nomination the name of Faye Wester Blanton as Secretary of the Senate for the 2004-2006 term. Faye does a great job of serving this Senate and overseeing the processes which support it, so I move that she be elected by acclamation of the membership of the Senate.

By unanimous consent of the membership, Faye Wester Blanton was elected Secretary of the Senate for the 2004-2006 term.

OATH OF OFFICE ADMINISTERED

Secretary Blanton was administered the oath of office by The Honorable Kenneth Bell, Justice, Florida Supreme Court.

Secretary Blanton recognized her family members present in the gallery: her husband, Ed Blanton; her sons, Travis Blanton and Wade and Doug McDaniel.

COMMITTEES APPOINTED

On motion by Senator Alexander that a committee be appointed to notify the House of Representatives that the Senate was convened for the purpose of organization, the President appointed Senators Garcia, Hill, Lynn, Rich and Alexander. The committee was excused.

On motion by Senator Constantine that a committee be appointed to notify the Governor that the Senate was convened for the purpose of organization, the President appointed Senators Dockery, Fasano, Klein and Constantine. The committee was excused.

SPECIAL PERFORMANCE

The President introduced Stewart and Jason Fleming, sons of Deputy Sergeant at Arms Jeff Fleming, Michael Hanselman and David Killingsworth. The group performed several patriotic songs for the Senate.

COMMITTEE RECEIVED

A committee from the House of Representatives composed of Representatives Gardiner, Ausley, Kyle, Gannon, Greenstein, Dawn Davis and Mike Davis was received and informed the Senate that the House of Representatives was convened for the purpose of organization. The committee then withdrew from the chamber.

COMMITTEES DISCHARGED

The committee appointed to notify the House of Representatives appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

The committee appointed to notify the Governor appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

ADDRESS BY PRESIDENT

So now we arrive at the point in this Organization Session where tradition dictates that I deliver my first message to you as your Senate President.

To the Executive Branch, Members of the Supreme Court, Senators, family and special guests: This is a powerful and historic moment for me, my family, and my community.

I want to begin by briefly talking about policy, but ultimately I want to tell you a story about me—one that might give you a glimpse into how I will approach issues as they present themselves to us over the next two years.

You know I have been outspoken about the fact that our appropriations process fails to shine a light on the long-term challenges and opportunities facing Florida. We focus most of our energy on spending taxpayers' hard-earned money and virtually no time planning for our state's financial future.

That short-sighted approach often keeps us from having creative and cost-effective fiscal solutions to issues on the horizon before they show up on a future legislature's doorstep. That may have worked politically, but it's a lousy way to manage the taxpayers' money—and we can do better.

I have also expressed frustration about a growth management system that lacks sustainability because it ignores the current disconnects between land-use decisions and the essential infrastructure that is fundamental to our quality of life. Let's face it: growth management is far more a financing problem than a planning problem. The more we grow, the further we're getting behind. Without adequate transportation, classroom space, parks, and water resources we will undoubtedly kill the goose that lays the golden eggs for long-term economic development. When we fail to invest in Florida, we inevitably leave the debt of our excesses to future generations—and we owe them more.

Of course, there are a host of other issues. Some left on the table from last session—some as a result of our state being battered by four hurricanes—and the list goes on and on.

But rest assured—I won't be looking to define our legacy in terms of some monument in my district. I'm far more interested in focusing on the problems that affect the lives of every Floridian for generations to come. Because I've learned over the past eight years that a big picture approach to governance yields timeless gifts of immeasurable and enduring value.

When I spoke at the designation ceremony last December, I noted that as much as we might like to think we're solely responsible for our own success, none of us are an island to ourselves. We are all a composite of our life's experiences. We owe much of who we are to the seemingly infinite number of people who have touched our lives along the way. Although time will not permit me to introduce you to all those people, there is one here today I'd like you to meet. This summer, I got a call from my fourth grade teacher. We talked about a legislative issue and the old days at Kingswood Elementary School. I invited him here today and I'd like to ask him to stand so he can be recognized.

Mr. Dubose—Thank you for investing your life as a teacher. I owe you much and all of the many teachers that contributed to my education, from Kingswood Elementary to Brandon Senior High School. We all owe a great deal of appreciation to the teachers across this country who spend their lives investing in children; teaching them to read—to understand the importance of contributing to society—and to dream big dreams.

Mr. Dubose—I hope, as you reflect on your career as a teacher, you realize that you have touched my life and the lives of thousands of children, and that you are part of the man that I have become.

Now, let me tell you the story that I promised to tell. Each of us has our own unique story of how we got here, and I have mine. I haven't spoken much about it, but it has greatly shaped my approach to public service.

I grew up in the community of Brandon. In many ways, it is a microcosm of our state. It grew very quickly from an agricultural/bedroom community of Tampa to a highly populated urban/suburban community. Unfortunately, along the way, the growth outstripped its infrastructure, and as a result it has struggled to sustain the quality of life that I enjoyed as a boy.

After college, I joined the homebuilding company started by my father and began to get involved in the community. I served on the Board of Directors of the Chamber of Commerce, joined the Rotary, and a host of other civic activities. Never for a moment did I consider these investments in my community as a stepping stone to run for office. In fact, I can honestly say, that I never altered anything I did on a day-to-day basis because I thought I might someday be in public service.

In the summer of 1995, someone approached me out of the blue and told me that they heard I was going to run for office—let me tell you—I looked at him like he had three heads.

I remember exactly where I was that day—coming down an elevator in downtown Tampa—and I couldn't get off that elevator fast enough.

Keep in mind; up to that point my take on most politicians had not been very positive—I considered them long on talk and short on action. Because of that, the last title I wanted behind my name was "politician."

However, I had noticed that not every politician was cut from that cloth. One such individual was my predecessor, who subsequently became my mentor, Senator Malcolm Beard. I admired him because he was a down-to-earth, straight talking, "what you see is what you get," kind of guy. I often asked myself, "Why couldn't there be more public servants like him?"

When Senator Beard announced that he would not seek re-election, I began to get phone calls suggesting that I should run.

At first, I really wasn't interested and tried to find a nice way to say that. But after much discussion with my father and encouragement from my family, I decided to give it a shot. I ran for one reason—because I loved my community and I thought I could better serve it as a member of this Senate.

I decided that day that I would model my public service in the tradition of the man I sought to replace, Malcolm Beard—a man with 40

distinguished and untarnished years of public service—tough as nails, principled, and in my mind the embodiment of a true statesman. Senator Beard is here today, and I would like to ask him to stand so that he can be recognized.

I went out and got the best campaign manager I could find, my father. Not just because he was the only one I could afford, but because he knew what it would take for me to win. He ran the show; but not without taking months out of his life and our business to organize volunteers, develop strategy, and do something he'd been trying to do all my life, to keep my foot out of my mouth. You all know how special my father is to me, and I'd like him to stand for one more recognition.

Little did I know that I was about to begin one of the most challenging experiences in my life. I was truly a political outsider. I didn't have all of the prerequisites of public service—I was no promoter, and lacked the ability to distill my life into 30-second sound bytes, or to make those stump speeches where you could almost hear the Star-Spangled Banner playing in the background.

In February 1996, I traveled to Tallahassee to meet some people and attend the Legislative Appreciation Reception held annually by the Republican Party of Florida. That night, I met a lot of lobbyists. I got a lot of warm smiles, encouragement, and what seemed like offers to help. I left with a fist full of business cards—and I was so excited.

But to show you how unfamiliar I was with Tallahassee, 45 minutes after I got on I-10 to go back to Brandon I saw a sign that said 146 miles to Pensacola. That's right; I had gone the wrong way. You might think that was a negative for me, but it wasn't. Because that evening, I realized I had the prerequisite IQ for public service.

But I was happy to have that fist full of cards. When I got home, I began to make phone calls back to the people who had said they would TRY to help me. The only problem was—I could not get one of them to TRY. I couldn't even get a return phone call.

I went through March, April, May, and into June; still, no returned calls. In the meantime, my friends and family joined me walking door to door, holding campaign signs at intersections, and raising small sums of money at local fundraisers.

There were literally dozens of people who were involved in that grass-roots initiative; many of whom are here today. I want to tell you about one who can't be in this chamber today, but whose memory I want to honor. His name is Jimbo Graves. He was one of many friends and family who went door to door with me on Saturdays in the 90 degree heat of eastern Hillsborough County.

Now, that's a sacrifice for anyone, but especially for him—because Jimbo had terminal brain cancer. At some point, the cumulative effects of chemotherapy and radiation had taken a toll on him, and he could no longer walk door to door. But he wanted to be involved; he wanted to be a part this democracy, so he insisted on driving the campaign volunteers.

By the middle of June, we had raised enough money locally, developed a grass-roots network and gained the endorsement of Senator Beard. Shortly thereafter, all those March phone calls began to get returned, by some of the very lobbyists sitting in this gallery. At this point, I would like to ask the following lobbyists to stand and be recognized . . . just kidding.

It didn't dawn on me at the time, but later it became clear, that the timing of all of those belated return phone calls was no coincidence. There had been a lot of polling going on in Tallahassee, and my strong grass-roots presence in the district had put me in the lead, and I was looking like a safe bet.

What I learned from this experience is that special interests seldom get involved in your campaign until one day after they're convinced you are going to win, and that their support is not as much of a contribution, as an investment.

I also realized, that the same people who wouldn't return my phone calls until they knew I was a winner, probably weren't going to return them once I was gone. That's why you don't trade old friends for new ones.

It's why I vowed to never forget where I came from because I know I would not be where I am today if it was not for those people back home who built the foundation from which we launched that campaign. These experiences are the reason why I am so passionate about doing what is right for the people in my community—they are the ones who invested in me early, before they knew I could win, because they believed in me as a person, and they thought I could make a difference.

For those of you who are wondering: After a gallant battle, cancer took Jimbo's life—but it can never take away the impact that he has had on my public service. His widow, Betty, and his daughter Tanya Sanchez are here today—and I would like them to stand so that we can recognize them.

So, if over the past eight years, I appear to have been offended by the power and at times the arrogance of special interests, if I have spoken out about how I believe the proliferation of unregulated money in our political process is destroying the foundation of our democracy, if I have been impatient with the shallowness of politics—I make no apologies, because I want my public service to honor the memory of people like Jimbo Graves.

There are a multitude of grass-roots supporters from every political party—from Century to Key West—who have given up their time to support their candidate because they believed in them, just like my supporters believed in me. Ordinary people upon whose shoulders we were lifted into public service, people who have no lobbyist to represent their interests—and thus have no voice in this democracy if we fail to represent them.

As we deliberate the challenging issues in the days to come, I hope we will all remember how we got here—to advance public policies that are in the interest of our "old friends"—that are reflective of what we told people like Jimbo Graves we were going to do when we first asked them to help.

I want to close with a message to my colleagues: Thank you for the honor of serving as your Senate President. Much has been written about the relationship between me and Speaker Bense—and it's all true, we are friends. However, I intend to respect the bipartisan traditions of this Senate, to respect our right to differ on issues as an institution, and to encourage an ethical conduct and decorum befitting the best traditions of public service.

As a symbol of these principles, there is a gift on each of your desks. You can open it now. Notice, there are a few symbolic items imbedded in this piece.

First, the Seal of the Florida Senate. Under our Seal, a quote taken from one of the earliest recorded remarks of a Senate President.

Most of you may not recall, but Thomas Jefferson Eppes, the grandson of our third President Thomas Jefferson, was President of this Florida Senate in 1860. I think Senator King was the Rules Chairman then.

In his first address to the Senate, Eppes expressed his appreciation for being selected as President. Although made almost 150 years ago, these words are still relevant to us today.

He said: "I want to thank you for the honor of selecting me your presiding officer; I am not unconscious of its duties and great responsibilities; by your assistance every rule will be observed, order maintained, and the interests of our people guarded and advanced." Finally, there is a copy of a very old Senate key. It symbolizes the time-honored traditions of this institution and serves as a reminder that my door is always open—senior members, freshmen, Democrats and Republicans alike. I am interested in your ideas and input.

We are a Senate of equals—you have worked hard to earn the right to be here, you have earned the right to serve, and I intend to do everything as your President to make your public service a success, as together we advance the interest of Floridians.

To my friends in the gallery, those who believed in me, you needn't worry, for although the next two years will surely test our loyalties, I will never forget how I got here, I will never forget where I came from, and most importantly, unlike that first trip to Tallahassee, I will never forget my way home.

Thank you.

ADOPTION OF RULES

On motion by Senator Pruitt, the Rules, with amendments indicated, as printed and distributed to each Senator were adopted to govern the Senate for the ensuing two years.

On motion by Senator Pruitt, the Secretary was instructed to make technical changes in the Rules as necessary.

SUMMARY OF CHANGES AND FULL TEXT OF SENATE RULES AS ADOPTED

[SEE PAGE 9]

Rule 1.361—Solicitation or acceptance of contributions; registration and disclosure requirements *(amended summary line)*
Significantly extends restrictions on the solicitation and acceptance of contributions. Broadens the application of the prohibition to include extended and special sessions and contributions to any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code. Newly created section (2) of this rule clarifies that a fundraising activity that would otherwise be prohibited during an extended or special session may take place if the activity was scheduled prior to the proclamation or resolution convening or extending the session.

Newly created section (3) requires that any Senator who directly or indirectly solicits, causes to be solicited, or accepts contributions for an organization described under section 527 or section 501(c)(4) of the Internal Revenue Code must immediately disclose the activity and register with the Committee on Rules and Calendar. Once registered the Senator must immediately create a public website containing the organization's mission statement, and within ten days of the activity, disclose on the website each contribution and expenditure of the organization.

Newly created section (4) provides that once it has been determined that there has been a violation of the rule, the President must remove that Senator from all assigned committees. The right to appeal the removal to the Committee on Rules and Calendar is specified.

Rule 1.44(1)(c)—Notice required for certain meetings
Deletes this section to conform with changes to the appropriations committee structure.

Rule 1.44(4)—Notice required for certain meetings
Clarifies that political caucuses at which legislative business is to be discussed are to be open and noticed unless they are being held solely for the purpose of designating leadership.

Rule 1.45—Violations of Rules on open meetings and notice
Provides that violations of open meetings and notice requirements do not have to be "intentional" in order to be subject to penalties.

Rule 2.1—Standing committees; standing subcommittees; select subcommittees *(amended summary line)*
Amends the list of committee names to be consistent with the new committee structure.

Rule 2.1(2)—Standing committees; standing subcommittees; select subcommittees
Adds requirement for the President's approval before a select subcommittee can be appointed. Provides that the Secretary of the Senate be notified of the appointment and the select subcommittee's charge.

Rule 2.6—Notice of committee meetings
Clarifies that select committees must meet the same notice requirements as standing committees and subcommittees.

Rule 2.8—Notice of meeting; publication
Clarifies that select committees must meet the same notice requirements as standing committees and subcommittees.

Rule 2.10—When, where committees meet
Removes requirement that the posting by the Secretary of the Senate of committee meeting times and locations be specifically "on a bulletin board provided for this purpose." Allows the Chair of the Committee on Rules and Calendar to authorize committees to schedule noticed meetings until 9:00 p.m. during interim committee meetings.

Rule 2.11—Attendance by sponsor of bill
Limits committee staff to presenting only a committee bill at committee meetings. Removes inconsistency with Rule 2.12 in regard to a committee considering a bill out of order on its agenda and thus clarifies that a chair may consider a bill out of order to accommodate a sponsor.

Rule 2.14(1) *(old number)***—Time for consideration of bills**
Deletes section and eliminates a conflict in the rules regarding the process for withdrawing a bill from committee. Deletes language regarding the removal of a "bill that has been in committee (15) legislative days or more without an extension of time having been granted."

Rule 2.14(2) *(old number)***—Time for consideration of bills**
Moves section requiring unanimous consent for consideration of a bill which has not been reported favorably by at least one Senate committee to a more appropriate placement in Rule 4.3(5) and modifies the relocated rule so that it no longer applies only to consideration after the 50th day of regular session.

Rule 2.15(3)—Standing committee duties in deliberation
Deletes duplicative language requiring that proposed committee substitutes be filed twenty-four (24) hours in advance of a committee meeting and be promptly distributed. Similar language exists in Rule 2.39.

Rule 2.16(6)—Standing subcommittee reports
Deletes provision relating to reports of the standing appropriations subcommittees. Conforms with changes to the appropriations committee structure.

Rule 2.17—Quorum of committee
Clarifies that quorum requirements also apply to select committees.

Rule 2.18 *(old number)***—Prefiled bills**
Deletes entire rule in order to reflect the removal of the distinction between prefiled and filed bills throughout the Rules. Moves and modifies section (3) to create a new Rule 3.12(2) dealing with the treatment of bills filed by Senators who will no longer be Senators at the next regular session.

Rule 2.19(6)—Conference committee in deliberation
Conforms with changes to the appropriations committee structure and committee name change.

Rule 2.39(1)—Amendments, proposed committee substitutes, and proposed committee bills; form, notice, manner of consideration *(amended summary line)*
Requires that a proposed committee bill meet the same filing deadline requirements (twenty-four hours in advance of a meeting) as proposed committee substitutes. Limits amendments filed after the twenty-four hour filing deadline to: amendments to the amendment or substitute amendments to timely filed amendments; amendments (including amendments to the amendment and substitute amendments) to proposed committee substitutes; and amendments (including amendments to the amendment and substitute amendments) to proposed committee bills. Other amendments filed after the deadline are not timely filed.

Rule 3.7—Bill filing deadline during regular session; bill filing between regular sessions *(amended summary line)*
Consolidates language from Rule 4.6(7) and (8). Exceptions from the bill filing deadline are moved from the deleted Rule 4.6(7). Old Rule 4.6(8), relating to waiver of the Rule regarding the bill filing deadline, is moved to become new Rule 3.7(2) in order to provide a more logical sequence and placement.

Rule 3.8—Filed bills; consideration between regular sessions *(amended summary line)*
Deletes portions of old Rule 3.8(1) which have become obsolete due to improved technology. Requires that calendars be "provided" to Senators, not "mailed," and, consistent with other changes, replaces "prefiled" with "filed."

Rule 3.8(5)—Filed bills; consideration between regular sessions
Permits a Senator to withdraw his or her bill from further consideration by notifying the Secretary in writing prior to introduction.

Rule 3.9—Copies of bills *(amended summary line)*
Requires that copies of introduced bills and joint resolutions be "published" instead of "printed." This is consistent with advances in technology. Conforms to committee name change.

Rule 3.12—Introducers of bills; introducers no longer Senators *(amended summary line)*
Conforms to committee name change. Creates new section (2), which is modified and moved from old Rule 2.18(3), dealing with the treatment of bills filed by Senators who will no longer be Senators at the next regular session. These bills will be deemed withdrawn from further consideration.

Rule 4.1—Sessions of the Senate
Requires that the Senate floor schedule be "provided" by the Committee

on Rules and Calendar instead of "adopted" by it. This is consistent with practice.

Rule 4.3—Daily Order of Business
Adds Pledge of Allegiance to the Daily Order of Business.

Rule 4.3(5) *(new number)***—Daily Order of Business**
Moves and modifies old Rule 2.14(2) to newly created Rule 4.3(5) as a more appropriate placement. Modifies this section requiring unanimous consent for consideration of a bill which has not been reported favorably by at least one Senate committee so that it no longer applies only to consideration after the 50th day of regular session.

Rule 4.6(1)—Reference generally *(amended summary line)*
Clarifies that the President refers bills to appropriate committees and standing subcommittees. Removes reference to "prefiled" bills.

Rule 4.6(3)—Reference generally
Allows President to change or correct a bill reference while the Legislature is not in session.

Rule 4.6(7) *(old number)***—Reference generally**
Deletes section and moves portion identifying exceptions to the bill filing deadline to Rule 3.7(1).

Rule 4.6(8) *(old number)***—Reference generally**
Moves section relating to waiver of the Rule regarding the bill filing deadline to Rule 3.7 as a new section (2). Provides more appropriate placement of the language.

Rule 4.8—Reference of bills affecting appropriations, revenue, retirement, or county or municipal spending
Conforms with changes to the appropriations committee structure and committee name changes.

Rule 4.10(1)—Reference to different committee or removal
Replaces the word "card" with the word "request" in regard to what is filed with the Rules Chair when a sponsor requests a change in reference or removal of a bill from committee. Specifies that the President also must sign the request before a motion can be made.

Rule 4.10(2) *(old number)***—Reference to different committee or removal**
Deletes section relating to the withdrawal of bills which have been reported favorably by a standing subcommittee in order to conform with changes to the appropriations committee structure.

Rule 4.15—Referral or postponement on third (3rd) reading
Conforms to committee name change.

Rule 4.17(1)—Special Order Calendar; Consent Calendar
Designates those Senators identified to submit a Special Order Calendar as the Special Order Calendar Subcommittee of the Committee on Rules and Calendar.

Rule 4.17(3)—Special Order Calendar; Consent Calendar
Allows the Chair of the Committee on Rules and Calendar, with the President's approval, to submit a Consent Bill Calendar.

Rule 4.18—Local Bill Calendar *(amended summary line)*
Allows the Chair of the Committee on Rules and Calendar, instead of the committee's "designees," to submit a calendar of local bills. The approval of the President is still required.

Rule 5.3—Casting vote for another
Removes modifier "wrongfully" from prohibition against a non-Senator voting in place of a Senator. The change strengthens the prohibition.

Rule 7.1(3)(d) *(new number)***—General form; notice; manner of consideration**
Provides that a bill cannot be used as an amendment unless it has been published for at least one legislative day under Bills on Second Reading in the Senate Calendar.

Rule 9.35 *(newly created)***—Contributions during sessions**
Prohibits lobbyists from contributing during legislative sessions to a Senator's own campaign or to organizations which must be registered under Rule 1.361(3).

Rule 10.2—Exception
Clarifies that a registered lobbyist who would otherwise be entitled to admission on the Senate floor may be admitted at the discretion of the President.

Rule 10.4—Attire
Clarifies that all persons on the Senate floor must wear appropriate business attire.

Rule 11.3—Changes in Rules
Replaces word "touching" with word "regarding." (Clarification of language)

Rule 11.5—Uniform construction
Clarifies that two-thirds of the membership of the Senate is required for consideration of additional proposed legislation during an extended session.

Rule 12.2—Executive session; purpose
Allows "staff as approved by the President" to be in attendance for specified executive sessions.

Rule 12.4—Work product confidentiality
Changes words "a secret" to the word "confidential" and changes word "secrecy" to "confidentiality" in regard to how information is kept during an executive session. (Clarification of language)

Rule 13.2—Sessions of the Senate
Requires that a special session schedule for the Senate be "provided" by the Committee on Rules and Calendar instead of "adopted." (Consistent with current practice)

Rule 13.3—Committee meetings; schedule, notice
Removes requirement during a special session that committee meetings be held following an announcement on the Senate floor by the Chair of the Committee on Rules and Calendar. Two (2) hours of posted notice would still be required. Specifies that the amendment deadline for the meeting would be included in the notice.

Rule 13.6—Conference committee reports
Requires that a conference committee report during a special session be available to the membership two (2) hours prior to the beginning of debate rather than four (4) hours.

Rule 13.8—Special Order Calendar
Specifies that the Special Order Calendar Subcommittee of the Committee on Rules and Calendar submits the Special Order Calendar during special sessions. (Consistent with regular session)

RULES OF THE SENATE

RULE ONE

OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

PART ONE—OFFICERS OF THE SENATE

1.1—Election of the President, President Pro Tempore, President Designate, President Pro Tempore Designate, Minority Leader, and Minority Leader Pro Tempore; designation of Majority Leader

A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organization session preceding the regular session of each odd-numbered year. They shall take an oath to support the *Constitutions of the United States* and *of the State of Florida*, and for the true and faithful discharge of the duties of office. At a regular session the Majority Party may, by caucus called by the President, elect a President Designate and a President Pro Tempore Designate, and their names shall be certified to the Secretary of the Senate. The President may designate a Majority Leader whose name shall be certified to the Secretary of the Senate. The Minority Party may by caucus elect a Minority Leader and a Minority Leader Pro Tempore, and their names shall be certified to the Secretary of the Senate at the organization session. All elected officers are to hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur.

1.2—Calling the Senate to order

The President shall call the Senate to order at the hour provided by these Rules or at the hour established by the Senate at the last session. On the appearance of a quorum, the President shall cause the Senate to proceed with the Daily Order of Business. The President may recess the Senate for periods of time not to exceed thirty (30) minutes.

1.3—The President's control of Chamber, corridors, and rooms

The President shall preserve order and decorum and shall have general control of the Chamber, corridors, passages, and rooms of the Senate

whether in the Capitol or elsewhere. If there is a disturbance, the President may order the area cleared.

1.4—The President's authority and signature; questions of order; travel

The President shall sign all acts, joint resolutions, resolutions, and memorials. No writ, warrant, subpoena, contract binding the Senate, authorization for payment, or other papers shall issue without the signature of the President. The President may delegate signing authority for the authorization of payments. The President shall approve vouchers. The President shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the Legislature. The President of the Senate and the Chair of the Committee on Rules and Calendar shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting the business of the Senate as authorized. The President shall have responsibility for the property of the Senate and may delegate specific duties or authority pertaining thereto. The President may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the Senate, a committee of the Senate, a member of the Senate (whether in the legal capacity of Senator or taxpayer), a former member of the Senate, or an officer or employee of the Senate when such suit is determined by the President to be of significant interest to the Senate and when it is determined by the President that the interests of the Senate would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the President.

1.5—Appointment of committees

(1) The President shall appoint all standing committees, standing subcommittees, select committees, and the Senate members of conference and joint select committees.

(2) Any member removed from a committee without his or her consent shall have the right to appeal such removal to the Committee on Rules and Calendar.

1.6—The President's vote

The President shall not be required to vote in legislative proceedings. In all yea and nay votes, the President's name shall be called last.

1.7—Vacating chair; duties of President Pro Tempore

(1) The President may name any Senator to perform the duties of the chair.

(2) If for any reason the President is absent and fails to name a Senator, the President Pro Tempore shall assume the duties of the chair.

(3) In the event the chair is vacated permanently, nothing herein shall preclude the Senate from designating a presiding officer.

(4) Should the President resign, he or she may, prior to resignation, designate a member of the Majority Party to assume the duties of the chair until a permanent successor is elected.

1.8—Election of the Secretary of the Senate

(1) The Senate shall elect a Secretary to serve at its pleasure. A staff of assistants shall be employed to regularly transact such business as required by law, by Rules of the Senate, or as assigned by the President. The Secretary shall take an oath to support the *Constitutions of the United States* and *of the State of Florida*, and for the true and faithful discharge of the duties of office.

(2) The Secretary shall be under the supervision of the President of the Senate, who may assign additional duties to the Secretary. The Secretary shall be the enrolling and engrossing clerk of the Senate and may designate an assistant enrolling and engrossing clerk.

1.9—Secretary's duties at organization session

In the absence of the President and the President Pro Tempore of the preceding session, the Secretary shall, at the organization session of the Legislature, call the Senate to order. Pending the election of a President or a President Pro Tempore, the Secretary shall preserve order and decorum, and decide all questions of order subject to appeal by any Senator. The duties prescribed by this section may be delegated by the Secretary to any Senator.

1.10—Duties generally; keeps Journal

The Secretary shall keep a correct daily Journal of the proceedings of the Senate, and this Journal shall be numbered serially from the first (1st) day of each session of the Legislature and shall be distributed by the Secretary for the information of the Legislature and the public. The Secretary shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. The Secretary shall not permit any records or papers belonging to the Senate to be removed from the custody of the Secretary other than in the regular course of business and with proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

1.11—Prepares daily calendar

(1) The Secretary shall prepare a daily calendar that shall set forth:
- (a) The order of business;
- (b) The committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute;
- (c) The status of each bill, i.e., whether on second (2nd) or third (3rd) reading;
- (d) Notices of committee meetings; and
- (e) Notices of meetings required pursuant to Rule 1.44.

(2) The Secretary shall distribute the daily calendar for the information of the Legislature and the public.

1.12—Reads papers; calls roll

The Secretary shall have read to the Senate all papers ordered to be read; note responses of Senators when the roll is called to determine the presence of a quorum; call the roll and note the answers of Senators when a question is taken by yeas and nays; and assist, under the direction of the President, in taking the count when any vote of the Senate is taken by a show of hands or otherwise.

1.13—Attests to warrants and subpoenas; certifies passage

The Secretary shall attest to all writs, warrants, and subpoenas issued by order of the Senate and shall attest to the passage of all bills, resolutions, and memorials.

1.14—Prepares printed forms

The Secretary shall prepare the copy for all printed forms used by the Senate.

1.15—Examines legal form of bills for introduction

The Secretary shall examine bills on their tender for introduction, but prior to their receiving a number, he or she shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

1.16—Indexes bills

The Secretary shall maintain a numerical index of bills and resolutions and a cumulative index by introducers.

1.17—Transmits bills to House of Representatives

The Secretary shall transmit all bills, joint resolutions, concurrent resolutions, and appropriate memorials to the House of Representatives without delay; and each shall be accompanied by a message stating the title to the measure being transmitted and requesting the concurrence of the House.

1.18—Receives and delivers for reading messages from House; summaries of House amendments to Senate bills

(1) The Secretary shall receive all messages from the House of Representatives and shall be responsible for their security. The Secretary shall have them available for reading to the Senate during the appropriate order of business. All messages reflecting House amendments to

Senate bills shall be promptly delivered to the appropriate committees for research and summary. Special notice of the summaries shall be given to each Senator.

(2) The Secretary shall advise the President when a House amendment to a Senate bill substantially changes or materially alters the bill as passed by the Senate. The President may refer such bill and House amendments to an appropriate committee or committees for hearing and further report to the Senate. Upon such reference by the President, committee or committees of reference shall meet on a date and at a time set by the President and shall make a report as defined in Rule 2.15. Favorable committee reports and accompanying measures shall be placed on the calendar.

PART TWO—SENATORS

1.20—Attendance and voting

Unless excused for just cause or necessarily prevented, every Senator shall be within the Senate Chamber during its sessions and shall vote on each question. No Senator shall be required or permitted to vote on any question immediately concerning his or her private rights as distinct from the public interest.

1.21—Excused absence

The President may excuse any Senator from attendance in the Senate and its committees for any stated period, and the excused absence shall be noted in the Journal.

1.22—Senate papers left with Secretary

A Senator necessarily absent from a session of the Senate or its committees and having in his or her possession papers relating to the business of the Senate shall leave such papers with the Secretary before leaving the Capitol.

1.23—Members deemed present unless excused

A Senator who answers roll call at the opening of a session or who enters after roll call and announces his or her presence to the Senate shall thereafter be considered present unless leave of absence is obtained from the President.

1.24—Contested seat

If a seat in the Senate is contested, notice stating the grounds of such contest shall be given by the contestant to the Senate prior to the day of the organization session of the Legislature; and the contest shall be determined by majority vote as soon as reasonably possible. The President shall appoint a Credentials Committee to be composed of not more than ten (10) members who shall consider the question and report their recommendations to the President, who shall inform the Senate.

1.25—Facilities for members

Each Senator shall be entitled to facilities and expenses that are necessary and expedient to the fulfillment of the duties of the office, the location and sufficiency of which shall be determined by the President.

1.26—Nonlegislative activities

No Senator shall accept appointments to nonlegislative committees, commissions, or task forces without prior approval of the President if travel and per diem expenses are to be taken from Senate funds.

1.27—Transition from office

A Senator who will not be a Senator at the next ensuing regular session of the Legislature shall be entitled to an amicable transition period not to exceed one (1) month in which to close out the affairs of his or her office. The transition period shall begin at the expiration of a Senator's term. A former Senator shall not be entitled to salary during the transition period, but shall receive a pro rata portion of the monthly allowance for office rental and expenses during such period. A former Senator's staff shall be entitled to a pro rata salary during such period, provided said staff performs all transitional duties assigned by the former Senator. A former Senator shall apply for transitional funds provided pursuant to this Rule, the expenditure of which shall be from Senate funds and which shall be considered for a public purpose. In the event of a vacancy in office, and until that vacancy is filled, a transitional period with pro rata salary for staff may be approved by the President to close out the vacant Senate office affairs.

PART THREE—EMPLOYEES OF THE SENATE

1.28—Dismissal of employees; services of spouse

The President shall resolve disputes involving the competency or decorum of a Senate employee, and may terminate the services of an employee. At the President's discretion the matter may be referred to the Committee on Rules and Calendar for its recommendation. The pay of an employee so terminated shall stop on the termination date. A Senator's spouse or immediate relatives may serve in any authorized position, however, they shall not receive compensation for services performed.

1.29—Employees forbidden to lobby

No employee of the Senate shall directly or indirectly interest or concern himself or herself with the passage or consideration of any measure whatsoever. Violation of this Rule by an employee shall be grounds for summary dismissal. This Rule shall not preclude the performance of duties that may be properly delegated to a Senator's legislative assistant.

1.30—Duties and hours

Employees shall perform the duties assigned to them by the President and required of them by Rule and custom of the Senate. When the Senate is in session, employees shall remain on duty as required. When the Senate is not in session, permanent staff of the Senate shall observe the hours of employment set by the President. Part-time employees and Senators' district staff shall observe hours that are prescribed by their department heads.

1.31—Absence without permission

If employees are absent without prior permission except for just cause, their employment shall be terminated or their compensation forfeited for the period of absence as determined by the President.

1.32—Political activity

Senate employees shall be regulated concerning their political activity pursuant to section 110.233, *Florida Statutes*.

1.33—Secretary; supervision of employees

All employees not specifically assigned to a Senator, to a committee, or to a permanent office of the Senate shall be under the supervision of the Secretary.

PART FOUR—LEGISLATIVE CONDUCT AND ETHICS

1.35—Legislative conduct

Every Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and, by personal example and admonition to colleagues, shall maintain the integrity and responsibility of his or her office.

1.36—Improper influence

A Senator shall not accept anything that will improperly influence his or her official act, decision, or vote.

1.361—Solicitation or acceptance of contributions*; registration and disclosure requirements* ~~**during regular session**~~

(1) During *any* ~~a~~ regular legislative session, *extended session, or special session,* a Senator may not *directly or indirectly* solicit*, cause to be solicited,* or accept any contribution ~~directly or indirectly~~ on behalf of~~, or directly or indirectly for the benefit of,~~ either the Senator's own campaign, *any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code,* ~~or~~ any political committee, ~~or~~ any committee of continuous existence, ~~or~~ any political party, or the campaign of any candidate for the Senate; however, a Senator may contribute to the Senator's own campaign.

(2) Any fundraising activity otherwise prohibited during an extended or special session by section (1) shall not be considered a violation of this rule and may take place provided that it can be shown that the event was

already scheduled prior to the issuance of the proclamation, resolution, or other communiqué extending the session or convening a special session.

(3) Any Senator who directly or indirectly solicits, causes to be solicited, or accepts any contribution on behalf of any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, any political committee, or any committee of continuous existence must immediately disclose such activity to, and register with, the Committee on Rules and Calendar. However, no registration is required as a result of a Senator's solicitation or acceptance of contributions on behalf of his or her own campaign, a campaign for any office other than Senator, or a political party. Upon registration with the committee, the Senator shall immediately create a public website that contains a mission statement for such organization and the names of the Senators associated with that organization. All contributions received by the organization must be individually disclosed on the website within ten (10) business days of deposit. All expenditures made by the organization must be individually disclosed on the website within ten (10) business days of being made.

(4) Upon a determination that a Senator has violated this rule, the President shall remove such Senator from all assigned committees subject to the right of appeal under Rule 1.5(2).

1.37—Conflicting employment

A member of the Senate shall not allow his or her personal employment to impair his or her independence of judgment in the exercise of his or her official duties.

1.38—Undue influence

A member of the Senate shall not use his or her influence as a Senator in any matter that involves substantial conflict between his or her personal interest and his or her duties in the public interest.

1.39—Disclosure and disqualification

A Senator shall disclose any personal, private, or professional interest in a bill that would inure to that Senator's special private gain or the special gain of any principal to whom the Senator is obligated. Such disclosure shall be filed with the Secretary of the Senate for reporting in the Journal immediately following the record of the vote on the measure. Such disclosure may explain the logic of voting or of his or her disqualification.

1.40—Senate employees and conflicts

Senate employees shall be accountable to the intent of this Rule.

1.41—Advisory opinions

All questions relating to the interpretation and enforcement of these Rules concerning legislative conduct and ethics shall be referred to the Committee on Rules and Calendar or shall emanate therefrom. A member of the Senate may submit a factual situation to the Committee on Rules and Calendar with a request for an advisory opinion establishing the standard of public duty. The committee shall enter its opinion responding to each inquiry. All opinions shall, after hearing, be numbered, dated, and published in the Journal of the Senate. No opinion shall identify the requesting Senator without the Senator's consent.

1.42—Violations; hearings, penalties

(1) Any person may file a sworn complaint with the Chair of the Committee on Rules and Calendar, alleging a violation by a Senator of the Rules regulating conduct and ethics. The complaint shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, and shall identify the specific Rule(s) believed by the complainant to have been violated by the Senator. Upon a determination by the chair that there are sufficient grounds for review, the complaint shall be referred either to the committee or, at the option of the chair, to a special master, for a hearing. The committee or special master may adopt rules of procedure for conduct of the proceedings. The committee or special master shall give reasonable notice to the Senator who is alleged to have violated the Rules and shall grant the Senator an opportunity to be heard. A special master's report and recommendation is advisory only and shall be made to the chair as soon as practicable after the close of the hearing. The committee's report and recommendation shall be made as soon as practicable.

(2) Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of the Rule regulating ethics and conduct may be censured, reprimanded, or expelled. Such determination and disciplinary action shall be taken by a two-thirds (2/3) vote of the Senate, on recommendation of the Committee on Rules and Calendar.

PART FIVE—PUBLIC MEETINGS AND RECORDS

1.43—Open meetings

(1) All meetings at which legislative business is discussed between more than two (2) members of the legislature shall be open to the public except:

(a) At the sole discretion of the President of the Senate, after consultation with appropriate law enforcement, public health, emergency management and/or security authorities, those portions of meetings of a select committee, committee, or subcommittee, concerning measures to address security, espionage, sabotage, attack and other acts of terrorism.

(b) Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this Rule.

(2) All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meeting.

(3) For purposes of this Rule "legislative business" is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate committee, or Senate subcommittee.

1.44—Notice required for certain meetings

(1) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary of the Senate. While the Legislature is not in regular or special session and during the first fifty (50) days of a regular session, the notice shall be filed not later than four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours before the scheduled time of the meeting:

(a) Meetings of the President of the Senate (or a Senator designated to represent the President) with the Governor, or with the Speaker of the House of Representatives (or a representative designated to represent the Speaker);

(b) Meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee;

~~(c) Steering meetings of the Chair of the Committee on Appropriations with the chair of the standing subcommittees of the Committee on Appropriations;~~ and

(c)~~(d)~~ Meetings called by the President or the President's designee, of a majority of the chairs of the Senate's standing committees.

(2) Notices of meetings required by Rule 1.44(1) shall be filed by or at the direction of the person(s) at whose call the meeting is convened; shall state the date, time, and place of the meeting; shall contain a brief description of the general subject matter scheduled to be discussed. In the case of a meeting required to be noticed pursuant to this Rule, if the meeting is to take place at or after 10:00 p.m. then the notice must be delivered to the Secretary by 5:00 p.m. Notices of such meetings shall appear in the daily calendar.

(3) In the event the times required for notice under Rule 1.44(1) are not sufficient to permit publication in a daily or interim calendar, the Secretary shall post a copy of each such notice on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. The Secretary of the Senate shall make a diligent effort to give actual notice to the representatives of the press of all noncalendared meeting notices posted.

(4) ~~Political caucuses are exempt from the foregoing notice requirements.~~ Political caucuses shall be open to the public in accordance with Rule 1.43 and noticed in accordance with this Rule when issues then pending before, or upon which foreseeable action is reasonably expected

to be taken by, the Senate, a Senate committee, or a Senate subcommittee are discussed. Political caucuses held for the sole purpose of designating a President, a President Pro Tempore, a Minority Leader, or a Minority Leader Pro Tempore need not be open or noticed.

1.45—Violations of Rules on open meetings and notice

~~Intentional~~ *V*iolations of Rules 1.43 and 1.44 constitute violations of the Rules regulating legislative ethics and conduct and shall be subject to the procedures and penalties prescribed in Rule 1.42.

1.441—Constitutional requirements concerning open meetings

(1) All legislative committee and subcommittee meetings and joint conference committee meetings shall be open and noticed to the public.

(2) All prearranged gatherings, between more than two (2) members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments shall be reasonably open to the public.

(3) In cases of conflict between this Rule and any other Rule of the Senate the Rule providing greater notice or public access shall prevail.

1.443—Reapportionment information

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information promulgated by, maintained by, or available to, any Senate standing committee or subcommittee appointed for the analysis of legislative and congressional redistricting plans.

1.444—Legislative records; maintenance, control, destruction, disposal, and disposition

(1) Public records, not exempted from public disclosure, may be inspected by any person desiring to do so at reasonable times, under reasonable conditions, and under supervision of the person who has custody of the records, or that person's designee.

(2) The following standing committee, standing subcommittee, and select committee public records, not exempted from disclosure, shall be retained by each staff director until biennially transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division: copies of bills, amendments, vote sheets, staff analyses, and fiscal notes; meeting files including agendas and appearance cards; files relating to assigned projects; final staff reports submitted to subcommittees or committees; final reports submitted by subcommittees or committees; correspondence sent or received; and audio recordings of committee meetings. At the time of transfer, the actual correspondence to be sent to the Department of State shall consist only of correspondence which relates to other committee public records required by this Rule to be transferred. Records not transferred may be otherwise disposed of or destroyed.

(3) Except for records specifically required by law or Senate Rule to be filed or retained, district office records and constituents' records may be retained by the district office until those records become obsolete, at which point they may be otherwise disposed of or destroyed.

(4) Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, or Secretary of the Senate shall be retained by that officer as specifically required by law or Senate Rule until transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division. Records not transferred may be otherwise disposed of or destroyed.

(5) The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required. However, when obtained from the Office of the Secretary, a standing committee, standing subcommittee, or select committee, there shall be no charge for a single copy of a bill other than a general appropriations bill, or for a single copy of any other public record required by law or Senate Rule to be created.

(6) Once the retention period for a public record, not exempted from public disclosure, has expired, the public record may be otherwise disposed of or destroyed. A public record need not be retained if it is published or retained by another legislative office. Only one (1) copy of a public record need be retained, additional copies of that record may be destroyed at any time. In the case of mass mailings, only one (1) representative copy of the mailing, or an abstract, need be retained.

(7) For the purpose of this Rule, a member's district office shall include the offices each member retains for the transaction of official legislative business in his or her respective district and the offices located in the Senate Office Building or the Capitol in Tallahassee assigned to each member.

(8) The following public records are exempt from inspection and copying:

(a) Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, *Florida Statutes*, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), *Florida Statutes*, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.

(b) A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.

(c) A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(d) A draft of a bill analysis or fiscal note until the bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(e) A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.

(f) Records prepared for or used in executive sessions of the Senate until ten (10) years after the date on which the executive session was held.

(g) Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committees' records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

(h) Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the

identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.

(i) Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

(9) Any Senate record created prior to July 1, 1993, which was so designated by the President on June 30, 1993, shall remain exempt from inspection and copying after July 1, 1993. Records held by joint committees, commissions or offices of the Legislature, that were jointly determined by the presiding officers of both houses to remain exempt from inspection and copying after July 1, 1993, remain exempt.

(10) For purposes of this Rule, "public record" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the legislative branch.

(11) All records, research, information, remarks, and staff work products, made or received during or in preparation for a closed meeting of a select committee, committee, or subcommittee, shall be confidential and exempt from inspection and copying for a period of 30 days after the closed meeting, at which time they will automatically become legislative public records open to inspection and copying, unless the confidentiality and the prohibition against inspection and copying has, within the 30-day period, been extended by the President of the Senate. Unless the above-listed confidential and exempt items have been earlier released by operation of this Rule, they shall automatically become available for public inspection and copying five years after the date of the closed meeting, unless this confidentiality and exemption is further extended by the President of the Senate for subsequent five-year periods.

RULE TWO

COMMITTEES, OFFICERS, MEMBERS,
VOTING, MOTIONS, DECORUM, AND DEBATE

PART ONE—COMMITTEES—ORGANIZATION, DUTIES, AND RESPONSIBILITIES

2.1—Standing committees; standing subcommittees*; select subcommittees*

(1) Permanent standing committees and standing subcommittees, when created and designated by Rule of the Senate, shall exist and function both during and between sessions. The President shall appoint the membership of the standing committees and standing subcommittees, provided that each standing committee shall consist of not fewer than five (5) members.

(a) Agriculture
~~(b) Appropriations~~
~~1. Subcommittee on Article V Implementation and Judiciary~~
~~2. Subcommittee on Criminal Justice~~
~~3. Subcommittee on Education~~
~~4. Subcommittee on General Government~~
~~5. Subcommittee on Health and Human Services~~
~~6. Subcommittee on Transportation and Economic Development~~
(b)~~(c)~~ Banking and Insurance
(c)~~(d)~~ Children and Families
(d)~~(e)~~ Commerce~~, Economic Opportunities,~~ and Consumer Services
(e)~~(f)~~ *Communications* ~~Communication~~ and Public Utilities
(f) Community Affairs
~~(g) Comprehensive Planning~~
(g)~~(h)~~ Criminal Justice
(h) Criminal Justice Appropriations
(i) Domestic Security
(j)~~(i)~~ Education
(k) Education Appropriations
(l) Environmental Preservation
(m)~~(j)~~ Ethics and Elections
~~(k) Finance and Taxation~~
(n) General Government Appropriations
(o) *Government Efficiency Appropriations*
(p)~~(l)~~ Governmental Oversight and Productivity
(q) Health and Human Services Appropriations
(r)~~(m)~~ Health~~, Aging, and Long-Term~~ Care
~~(n) Home Defense, Public Security, and Ports~~
(s)~~(o)~~ Judiciary
~~(p) Military and Veterans' Affairs, Base Protection, and Spaceports~~
~~(q) Natural Resources~~
(t)~~(r)~~ Regulated Industries
(u)~~(s)~~ Rules and Calendar
1. Subcommittee on Special Order Calendar
(v)~~(t)~~ Transportation
(w) Transportation and Economic Development Appropriations
(x) Ways and Means

(2) Each standing committee or the chair thereof*, with prior approval of the President,* may appoint a select subcommittee to study or investigate a specific matter falling within the jurisdiction of the standing committee or to consider a bill referred to it. The President of the Senate *and the Secretary of the Senate* shall be promptly notified of the appointment of *a* select *subcommittee* ~~subcommittees~~, *its* ~~their~~ assignment, the time allowed for the assignment, and shall be notified on completion of the assignment. Select subcommittees shall be regulated by the Senate Rules regulating standing subcommittees, except that *a* select *subcommittee* ~~subcommittees~~ shall exist only for the time necessary to complete *its assignment* ~~their assignments~~ and report to *its* ~~their~~ standing *committee* ~~committees~~, and not to exceed thirty (30) days. The advisory *report* ~~reports~~ by *a* select *subcommittee* ~~subcommittees~~ whether favorable or unfavorable shall be reviewed by the standing committee and accepted, amended, or rejected by majority vote of those committee members present.

2.2—Powers and responsibilities of committees

(1) Permanent standing committees and standing subcommittees are authorized:

(a) To maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area;

(b) To invite public officials, employees, and private individuals to appear before the committees or subcommittees to submit information;

(c) To request reports from departments performing functions reasonably related to the committees' jurisdictions; and

(d) To complete the interim projects assigned by the President.

(2) In order to carry out its duties, each standing committee or standing subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this state.

(3) In order to carry out the committee's duties, the chair of each standing committee, standing subcommittee, and select committee may request the President to issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by such committee. The President may issue said process at the request of the committee chair. Any member of a standing committee, standing subcommittee, or select committee may administer all oaths and affirmations, in the manner prescribed by law, to witnesses who appear before such committees to testify in any matter requiring evidence.

2.3—Committee reports

(1) Before a regular session of the Legislature convenes, each standing committee shall prepare a report of its findings, recommendations,

and proposed legislation on its authorized interim projects, and file same with the President of the Senate and the Secretary of the Senate.

(2) Before a regular session of the Legislature convenes, each standing subcommittee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and submit same to the chair of the standing committee for consideration by such committee.

(3) Within thirty (30) days following sine die adjournment of a regular session, each standing committee shall provide information on the public business assigned to it since the regular session of the preceding year.

2.4—Committee staffing

A committee shall be staffed with personnel, subject to guidelines and criteria authorized by the President. The staff shall be also subject to the pay and classification code of the Senate. The President may authorize joint utilization of personnel with the House of Representatives and may authorize the Senate to share in the cost.

2.5—Committee utilization of federal funds

No committee shall make application for or utilize federal funds, personnel, services, or facilities unless approval is obtained from the Committee on Rules and Calendar.

2.6—Notice of committee meetings

(1) Notice of meetings of standing committees, standing subcommittees, and select committees shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of any regular session until proper notice is published in the calendar for the two (2) legislative days preceding and the day of such committee meeting.

(2) Thereafter, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chair of the committee or subcommittee or, in his or her absence, the vice-chair while the Senate is in session and the posting of a notice on a bulletin board in the public corridor leading to the Senate Chamber for at least four (4) hours in advance of the meeting.

(3) The chair of a *standing* committee*, standing* ~~or~~ subcommittee, *or select committee,* or in his or her absence, the vice-chair, shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

(4) At least seven (7) days prior to the meeting of a standing committee*,* ~~or~~ standing subcommittee*, or select committee*, while the Legislature is not in session, a notice of the meeting, stating the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered, shall be filed with the Secretary of the Senate. The Secretary shall give notice to the membership and the public.

2.7—Bills recommitted

(1) A bill reported by a standing committee without proper notice shall be recommitted to the committee reporting the same on the point of order being made within two (2) days after such report is printed in the Journal. The committee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

(2) A bill reported by a standing subcommittee to its standing committee without proper notice shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. The subcommittee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

2.8—Notice of meeting; publication

For publication in the daily calendar, notice of standing committee*,* ~~or~~ standing subcommittee*, or select committee* meetings shall be delivered to the Secretary's office in writing by 4:30 p.m. on the day preceding its intended publication. If such day is a Friday, delivery shall be by 2:30 p.m. Meeting notices shall appear in the daily calendar.

2.9—Committee meetings; committee meetings after fiftieth (50th) day

(1) Each standing committee and standing subcommittee shall consider the public business assigned to it as expeditiously as possible and proper. To facilitate this, the President shall group the standing committees and subcommittees to provide each with an opportunity to meet without conflicting with the meetings of other committees.

(2) The Committee on Rules and Calendar shall, with approval of the President, provide a schedule of days, hours, and places for the meeting of committees for the regular session and during the interim, and deliver a copy of same to each Senator. However, no committee shall meet before 7:00 a.m. nor meet or continue to meet after 7:00 p.m. This scheduling shall not limit the powers of the chair of a standing committee or subcommittee as provided in these Rules.

(3) Unless approved by the Committee on Rules and Calendar, no committee shall meet after the fiftieth (50th) day of any regular session except the Committee on Rules and Calendar.

2.10—When, where committees meet

Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the Committee on Rules and Calendar and notice of such assignment shall be posted by the Secretary of the Senate ~~on a bulletin board provided for this purpose~~ in the public corridor leading into the Senate Chamber. The committee chair may arrange with the *Chair of the* Committee on Rules and Calendar for evening or other special meetings*; and during interim committee meetings, the Chair of the Committee on Rules and Calendar may also authorize committees to schedule noticed meetings until 9:00 p.m*. No committee except the Committee on Rules and Calendar shall meet while the Senate is in session without the consent of the majority of the Senate present.

2.11—Attendance by sponsor of bill

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator, his or her legislative assistant ~~or committee staff member~~, or any other representative having written permission to speak for the bill. *However, Senate committee staff shall be limited to presenting committee bills at committee meetings.* ~~Unless a majority of the committee members present shall decide otherwise, bills shall be considered when reached on the committee agenda notwithstanding the absence of the sponsor or anyone authorized by these Rules to appear on his or her behalf.~~

2.12—Order of business

(1) Bills shall be considered in the order appearing in the notice required by these Rules, except that the chair may, in his or her sole discretion, consider a bill out of its order to accommodate the presence of a Senator or Representative who is the prime introducer thereof.

(2) A bill shall be considered out of its order on the committee agenda on unanimous consent of those committee members present obtained in the following manner: Prior to consideration of the motion, the Senator moving for unanimous consent of those committee members present shall orally give the committee not less than fifteen (15) minutes' notice of the Senator's intention to move and shall specify the number of the bill. On the entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those committee members present shall be given or refused without further debate.

2.13—Open meetings

All committee meetings shall be open to the public, subject always to the powers and authority of the chair to maintain order and decorum. If any matter is reported on the basis of a poll of the committee, such matters shall be referred to such committee on a point of order made prior to final passage thereof.

~~**2.14—Time for consideration of bills**~~

~~(1) A bill that has been introduced and referred to committee can be removed only on motion of the sponsor and by a two-thirds (2/3) vote of those Senators present in session. However, any bill that has been in committee fifteen (15) legislative days or more without an extension of time having been granted may be removed from committee on motion of the sponsor. Such motion, when made, shall carry over for a period of five (5) legislative days to give the committee of reference time to meet. Failure of the committee to meet and consider such bill within said time will permit the sponsor of the bill to remove it from committee on a point of order, providing no bill may be thus withdrawn from the Committee on Appropriations during the first thirty (30) days of a regular session.~~

~~(2) Except by unanimous consent of those Senators present in session, no bill shall be considered by the Senate after the fiftieth (50th) day of a regular session if the bill or a companion measure has not been first reported favorably by at least one (1) Senate committee.~~

2.15—Standing committee duties in deliberation

(1) It shall be the duty of standing committees to report all matters referred to them either:

(a) Favorably,
(b) Favorably with committee amendment(s),
(c) Favorably with committee substitute as defined in these Rules, or
(d) Unfavorably.

The vote of the members of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two (2) members of a committee or subcommittee the vote on any other matter, properly before the committee, shall be recorded. After such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by a two-thirds (2/3) vote of those Senators present in session.

(2) Such reports shall also reflect:

(a) The time and place of the meeting at which the action was taken, and
(b) The vote of each member of the committee on the motion to report each bill or resolution.

A bill filed for introduction by a committee shall be accompanied by such report. The Secretary shall enter in the Journal the action of the committee, but shall not include that portion of the report relating to the time and place of the meeting or the vote of each member on the motion to report a measure. Reports of committees shall be preserved pursuant to law.

(3) In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). ~~Proposed substitutes shall be filed with the committee administrative assistant no less than twenty-four (24) hours prior to any committee meeting at which a recommendation of the substitute is adopted unless the substitute is merely a combination of the noticed bill(s) and amendments offered in compliance with Rule 2.39. Copies of substitutes shall be furnished to committee members' offices immediately upon filing with the committee administrative assistant, and made reasonably available by the committee administrative assistant before the meeting, upon request, to the members of the committee and to the public.~~ The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee of reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill (or bills) as originally introduced. When the original measure is reached on the calendar, the substitute shall be read a first (1st) time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first (1st) introduction of a similar measure. The name of the introducer of the original measure (or measures) shall be shown by the committee administrative assistant on the committee substitute unless the said introducer requests that it be omitted. A committee substitute may be cosponsored by a Senator whose signature is affixed to the original. A Senate committee may not recommend a Senate committee substitute for a House bill.

(4) All standing committee reports shall be signed by the chair or, in his or her absence, the vice-chair and shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next legislative day except a committee drafting and recommending a committee substitute shall file such committee report no later than 4:30 p.m. of the second (2nd) legislative day. These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the measure; if amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure. All measures reported unfavorably shall be laid on the table.

2.16—Standing subcommittee reports

(1) It shall be the duty of standing subcommittees to report all measures referred to them directly to the full standing committee, which shall promptly certify a copy to the Secretary of the Senate. The standing subcommittee shall report all measures either:

(a) Favorably,
(b) Favorably with committee amendment(s),
(c) Favorably with committee substitute as defined in these Rules, or
(d) Unfavorably.

(2) Such reports shall also reflect:

(a) The time and place of the meeting at which the action was taken, and
(b) The vote of each member of the subcommittee on the motion to report each bill or resolution.

(3) In reporting a bill to the full standing committee, a standing subcommittee may draft a new measure, embracing the same general subject matter, to be returned to the full standing committee with the recommendation that the substitute be considered in lieu of the original measure. The substitute measure must be accompanied by the original measure referred to the standing subcommittee and returned to the full standing committee in the same manner as a favorable report.

(4) All standing subcommittee reports shall be signed by the chair or, in the chair's absence, the vice-chair and shall be made on forms prescribed by the Secretary of the Senate. Each report by a standing subcommittee must set forth the identifying number of the measure; if amendments are proposed by the standing subcommittee, the words "with amendments" shall follow the identifying number. Standing subcommittee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure.

(5) All bills reported unfavorably shall be laid on the table when the standing committee considers the standing subcommittee's report. On motion by any member of the committee, adopted by a two-thirds (2/3) vote of those standing committee members present, the same may be taken from the table. When a bill is thus removed from the table by a standing committee, it shall receive a hearing de novo and witnesses shall be permitted to testify.

(6) When a bill with a favorable report by a standing subcommittee is considered by the standing committee, no additional testimony shall be permitted except by a two-thirds (2/3) vote of those standing committee members present before final action is taken; however, debate by members of the standing committee shall be allowed. ~~This Rule shall also apply to reports on budgetary matters by the standing subcommittees of the Committee on Appropriations for inclusion in the general appropriations bill.~~

2.17—Quorum of committee

A *standing* committee*,* ~~or~~ standing subcommittee*, or select committee* is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. No committee business of any type shall be conducted in the absence of a quorum. Any bill or resolution reported in violation of this Rule shall be recommitted by the President when it is called to the President's attention by a Senator.

~~**2.18—Prefiled bills**~~

~~(1) On receipt from the Secretary of each prefiled bill and if the President has not previously designated a standing subcommittee of reference, the chair of a committee shall either refer to a standing subcommittee, refer to a select committee as otherwise provided in these Rules, or place on the agenda for a meeting of the standing committee. In any event, the chair shall concurrently notify the Secretary of the Senate of his or her action on forms provided for such report. The chair of the standing subcommittee, select committee, or of the standing committee thus possessing jurisdiction of a prefiled bill shall, with the concurrence of the President, determine the time and place for the hearing during which such bill is to be considered and notify the Secretary as required by these Rules.~~

~~(2) Committees having jurisdiction of prefiled bills shall expedite the business of such committee and shall file reports as soon as practicable after each hearing, except that the Committee on Appropriations shall not be required to file such report of a prefiled bill defined in these Rules.~~

~~(3) A prefiled bill introduced solely by a Senator who will not be a Senator at the next regular session of the Legislature shall be reported unfavorably without notice or hearing.~~

2.19—Conference committee in deliberation

(1) All meetings of Senate conferees with House conferees at which the business of the conference committee is discussed shall be open to the public subject to proper order and decorum. A meeting of the Senate and House conferees is a meeting of the two groups, therefore, the rules governing each respective house apply. Meetings between a majority of the members of a conference committee may be held following a notice being filed with the Secretary of the Senate by or at the direction of the person calling the meeting, at least two (2) hours in advance of the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour in advance of the meeting. The notice shall indicate the names of the conferees and scheduled participants, the date, the time, and the location of the meeting.

(2) Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(3) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. Such amendments shall accompany the conference committee report, which shall be attached to the original measure submitted to conference. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House. Conference reports must be approved and signed by a majority of the managers on the part of each House. All final actions taken in conference committee shall be by motion.

(4) Each report shall contain a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(5) When any bill or joint resolution is referred by the President to a conference committee, a notice of the following meetings to discuss matters relating to the conference, stating the names of the conferees and scheduled participants, and the date, time, and place for the meeting, shall be filed with the Secretary of the Senate by or at the direction of the person(s) at whose call the meeting is convened, not less than two (2) hours preceding the time for the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour preceding the time for the meeting:

(a) Meetings between the President (or a Senator designated to represent the President), the Governor, and the Speaker of the House (or a Representative designated to represent the Speaker);

(b) Meetings between a majority of the members of any subcommittee of the conference committee;

(c) Meetings between the President or any Senator(s) designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker of the House of Representatives or any Representative(s) designated to represent the Speaker; and

(d) Meetings of a majority of the Senate conferees; and when the bill or joint resolution that is the subject of the conference committee deals primarily with the general appropriations act or revenue matters, any meeting of three (3) or more conferees on the part of the Senate.

(6) Notice of meetings, as scheduled, between the chair of the Senate's conferees with the chair of the House's conferees, or between respective Senate and House *committee chairs* ~~subcommittee chair~~ with each other, shall be posted on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. In the case of the appropriations conference, said notice shall also be posted on a bulletin board outside the door of the office of the Committee on *Ways and Means* ~~Appropriations~~.

(7) All meetings for which notice is required pursuant to this Rule shall be held in the Capitol, the Senate Office Building, the Knott Building, or the House Office Building, but shall not be held in the Chamber of either house while it is in session.

(8) When any bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on the measure as the Senate may determine.

(9) After Senate conferees have been appointed for seven (7) calendar days and have failed to make a report, it is a motion of the highest privilege to move to discharge said conferees and to appoint new conferees, or to instruct said conferees, and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege. Further, during the last six (6) calendar days allowed under the *State Constitution* for any regular session, it shall be a privileged motion to move to discharge, appoint, or instruct Senate conferees after the Senate conferees have been appointed thirty-six (36) hours without having made a report.

PART TWO—COMMITTEES—OFFICERS

2.20—Appointment of Chair and Vice-Chair

A chair and a vice-chair of each standing committee shall be appointed by the President preceding the regular session held each odd-numbered year and shall continue in office at the pleasure of the President. The President shall also appoint a chair for each standing subcommittee and select committee authorized by these Rules and may designate a vice-chair, both of whom shall continue in office at the pleasure of the President.

2.21—Calling committee to order

The chair or, in the chair's absence, the vice-chair, shall call the committee to order at the hour provided by these Rules. On the appearance of a quorum the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum. No committee business of any type shall be conducted in the absence of a quorum.

2.22—Chair's control

The chair or vice-chair shall preserve order and decorum and shall have general control of the committee room. If there is a disturbance or disorderly conduct in the committee room, the chair or vice-chair may require participants in the disturbance to clear the room.

2.23—Chair's authority; appeals

The chair shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. The chair shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chair to the Senate for a decision by the President during the daily session of the Senate next following such certification. The ruling shall be entered in the Journal, shall constitute binding precedent on all committees of the Senate, and shall be subject to appeal as any other question. The chair may, or on the vote of a majority of the committee members present shall, certify a question of parliamentary proce-

dure to the President as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the President as if it had been on appeal. The perfection of an appeal or the certification of a question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.

2.24—Chair, Vice-Chair; vote

The chair and vice-chair shall vote on all matters before such committee. The name of the chair shall be called last.

2.25—Temporary alternate to Chair

The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting. In the chair's absence and/or omission to make such appointment, the vice-chair shall act during his or her absence.

2.26—Vice-Chair's duties

On the death, incapacitation, or resignation of the chair, the vice-chair shall perform the duties of the office until the President shall appoint a successor. In the absence of the chair, the vice-chair shall act as chair.

PART THREE—COMMITTEES—MEMBERS

2.27—Members' attendance, voting, proxy

(1) Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented, and shall vote on each question except that no member of a committee shall be required or permitted to vote on any question immediately concerning that member's private rights as distinct from the public interest.

(2) The chair may excuse any Senator for just cause from attendance at meetings of his or her committee for any stated period, and this excused absence shall be noted on the committee's records.

(3) Failure to attend two (2) consecutive regular meetings, unless excused from attendance in the Senate on those days as provided in these Rules or by the chair of the committee, shall constitute automatic withdrawal from the committee.

(4) No member of any committee shall be allowed to vote by proxy. A majority of all the committee members present shall agree by their votes on the disposition of any bill or other matter considered by the committee.

PART FOUR—COMMITTEES—VOTING

2.28—Taking the vote

(1) The chair shall declare all votes and shall cause same to be entered on the records of the committee, but if any member questions a vote, then by a show of hands by two (2) members the chair shall count the yeas and nays. When the committee shall be equally divided, the question shall be lost.

(2) A Senator may request to:
- (a) Change his or her vote, or
- (b) Vote

before the results of a roll call are announced. After the results have been announced, a Senator with unanimous consent of those committee members present may change his or her vote or vote. If the vote alters the final action of the committee, no change of vote or vote shall be valid until the measure has been recalled to the committee for further consideration. On request of a member prior to consideration of other business, the chair shall order a verification of a vote.

2.29—Pairing prohibited

No pairing shall be permitted by the committee.

2.30—Casting vote for another

No Senator shall cast a vote for another Senator, nor shall any person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, any Senator who shall vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, any person not a Senator who shall vote in the place of a Senator shall be excluded from the committee for the remainder of the session.

2.31—Explanation of vote

No Senator shall be permitted to defer or explain his or her vote during a roll call, but may submit his or her explanation in writing and file it with the chair. This explanation shall be kept as part of the committee record and a copy filed with the Secretary of the Senate.

PART FIVE—COMMITTEES—MOTIONS AND PRECEDENCE

2.32—Motions; how made, withdrawn

Every motion may be made orally. On request of the chair, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the chair, it shall be deemed to be in possession of the committee without a second, and shall be disposed of by vote of the committee members present. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended, or before a vote shall have commenced.

2.33—Motions; precedence

(1) When a question is under debate, the chair shall receive no motion except:
- (a) To rise
- (b) To take a recess
- (c) To reconsider
- (d) To limit debate
- (e) To temporarily postpone
- (f) To postpone to a day certain
- (g) To commit to a select subcommittee
- (h) To amend

which shall have precedence in the descending order given.

(2) The chair shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute shall be considered and the substitute shall be in the same order of precedence.

2.34—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

2.35—Reconsideration generally

When a question has been decided by a committee, any Senator voting with the prevailing side may move for reconsideration of the question. Also when a question has been decided by voice vote, any member, during the meeting at which the vote was taken, may so move. Such motion may be made pending a motion to rise or if the time of adjournment has arrived. Consideration of a motion to reconsider shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned. If the committee shall refuse to consider or, upon consideration, shall confirm its first decision, no further motion to reconsider shall be in order except upon unanimous consent of those committee members present. During the last fourteen (14) days of a regular session, a motion to reconsider shall be made and considered during the meeting at which the original vote was taken.

2.36—Reconsideration; vote required

The affirmative votes of a majority of the committee members present shall be required to adopt a motion to reconsider.

2.37—Reconsideration; debate allowed

Debate shall be allowed on a motion to reconsider only when the question is debatable. When debate on a motion to reconsider is in order, no Senator shall speak thereon more than once nor longer than five (5) minutes.

2.38—Reconsideration; collateral matters

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the committee has passed to other business.

PART SIX—COMMITTEES—AMENDMENTS

2.39—Amendments*,* ~~and~~ proposed committee substitutes*, and proposed committee bills*; form, notice, manner of consideration

(1) No amendment or proposed committee substitute to any measure*, or no proposed committee bill* on any committee agenda, which was prepared prior to the committee meeting at which it is offered, shall be considered by that committee unless the amendment*,* ~~or~~ proposed committee substitute*, or proposed committee bill* was filed with the committee administrative assistant at least twenty-four (24) hours prior to the noticed meeting time. For the purpose of this rule, office hours are Monday through Friday, 8:00 a.m. - 5:00 p.m. Copies of such *amendment(s)* ~~amendment~~, ~~or~~ proposed committee *substitute(s)* ~~substitute~~*, or proposed committee bills* shall be made reasonably available by the committee administrative assistant before the meeting to the members of the committee and to the public.

(a) Subsequent to distribution of all timely filed amendments*,* ~~and proposed committee substitutes, additional~~ amendments *to amendments or substitute amendments* may be filed to any measure to which an amendment was timely filed. Such amendments may be filed with the committee administrative assistant until two (2) hours prior to the noticed meeting time.

(b) Subsequent to distribution of all timely filed proposed committee substitutes and proposed committee bills, amendments, amendments to amendments, or substitute amendments to any proposed committee substitute or proposed committee bill may be filed with the committee administrative assistant until two (2) hours prior to the noticed meeting time.

(c)~~(b)~~ After the first fifty (50) days of any regular session, an amendment or proposed committee substitute to any measure prepared prior to a committee meeting at which it is offered shall be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.

(d)~~(c)~~ The consideration of any amendment or proposed committee substitute not timely filed in accordance with this rule, including any filed during a committee meeting in which it is to be offered, requires a two-thirds (2/3) vote of those committee members present. These time requirements do not apply to a committee's recommendation during a meeting to make a committee substitute which is merely a combination of the noticed bill(s) and *amendment(s)* ~~amendments~~.

(2) Amendments shall be filed on forms prescribed by the Secretary but shall be considered only after sponsors, who are members of the committee, gain recognition from the chair to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chair and has moved its adoption. Amendments that have been filed but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

2.40—Sequence of amendments to amendments

(1) An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

(a) Amendments to the amendment are acted on before the substitute is taken up.

(b) Amendments to the substitute are next voted on.

(c) The substitute then is voted on.

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

2.41—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

2.42—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill or resolution is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The chair, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the whole bill shall be open for amendment.

2.43—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill.

2.44—Amendments by another committee

Amendments recommended by all committees of reference shall accompany a bill when filed with the Secretary. No committee shall physically remove an amendment by another committee but may recommend an amendment to an amendment, or a substitute for an amendment, by another committee. Amendments adopted by a committee to be incorporated in a committee substitute need not be filed.

PART SEVEN—COMMITTEES—DECORUM AND DEBATE

2.45—Decorum and debate

When a Senator desires to speak or deliver a matter to the committee, the Senator shall address himself or herself to "Mr. or Madam Chair" and, on being recognized, may address the committee and shall confine himself or herself to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the surname of the Senator referred to or addressed.

2.46—Chair's power to recognize

When two (2) or more Senators speak at once, the chair shall name the Senator who is to be first recognized.

2.47—Interruptions; when allowed

(1) No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by:

(a) Rising to a question of privilege;

(b) Rising to a point of order requiring an immediate ruling;

(c) Rising to appeal a decision of the chair concerning a point of order (if the appeal is made immediately following the decision);

(d) Rising to make a parliamentary inquiry requiring an immediate reply; or

(e) Rising to question the existence of a quorum.

(2) The chair shall strictly enforce this Rule.

2.48—Speaking rights

(1) When a member is speaking and another member interrupts to request recognition, the chair may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member is then entitled to resume the floor.

(2) The member making a debatable motion or the primary introducer of a bill, whether or not a member of the committee, shall have five (5) minutes in order to close debate.

2.49—Time for debate

No Senator shall speak longer than ten (10) minutes without yielding the floor, except by consent of a majority of those committee members present.

2.50—Limitation on debate

When a measure is under debate by the committee, a Senator may move to limit debate, and the motion shall be decided without debate. The introducer of the measure shall have five (5) minutes to discuss the motion, and the introducer may divide such time with, or waive it in favor of, some other member. If the question is decided in the affirmative by a two-thirds (2/3) vote of those committee members present, the debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the chair.

2.51—Priority of business

All questions relating to the priority of business shall be acted on and shall be decided without debate.

2.52—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

2.53—Appeals

The proper method of taking exception to a ruling of the chair is by appeal. An appeal from a decision of the chair must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; if the determination of the appeal is dependent on this point, it may be decided by the chair. This second (2nd) decision is also subject to appeal.

2.54—Appeals debatable

An appeal from a decision of the chair on a point of order is debatable even though the question from which it arose was not debatable.

RULE THREE

BILLS, RESOLUTIONS, AND MEMORIALS

3.1—Form of bills

(1) All bills shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*, and the enacting clause, "Be It Enacted by the Legislature of the State of Florida:." The title of each bill shall be prefaced by the words, "A bill to be entitled An act." Standard rules of capitalization shall apply.

(2) The original must be backed in a folder-jacket signed by the sponsor(s). On these jackets shall be inscribed the name and district number of the introducer and any co-introducers or the introducing committee and its chair, enough of the title for identification.

(3) Bills that propose to amend existing provisions of the *Florida Statutes* (as described in section 11.242, *Florida Statutes*) or the *Laws of Florida* shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the *State Constitution* shall contain the full text of the section to be amended.

(4) In general bills and joint resolutions that propose to create or amend existing provisions of the *Florida Statutes*, *Laws of Florida*, or the *State Constitution*, new words shall be inserted underlined, and words to be deleted shall be lined through with hyphens, except that the text of the General Appropriations Act shall not be underlined.

(5) When the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it shall not be necessary to use the coded indicators of words added or deleted but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the text of the provision being amended: "Substantial rewording of section. See s. [number], F.S., for present text." When such notation is used, the notation as well as the substantially reworded text shall be underlined.

(6) The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and shall not be considered to constitute a part of the bill under consideration.

(7) Section catchlines of existing text shall not be typed with underlining.

3.2—Bills for introduction

A bill may not be introduced until properly filed with the Secretary of the Senate.

3.3—Form of local bills

As required by Article III, Section 10 of the *State Constitution*, all local bills must either embody provision for ratifying referenda (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement. Forms of affidavit may be obtained from the Secretary of the Senate. All local bills that require publication shall, when introduced, have proof of publication securely attached to the original copy of the bill and the words "Proof of Publication Attached" clearly typed or stamped on the Senate side of the bill jacket or cover, or the same shall be rejected by the Secretary.

3.4—Form of joint resolutions

All joint resolutions shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:." Each joint resolution shall be prefaced by the words: "A joint resolution."

3.5—Form of memorials

All memorials shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:."

3.6—Form of resolutions; Senate and concurrent

(1) All Senate resolutions and all concurrent resolutions shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. Senate resolutions shall read, "Be It Resolved by the Senate of the State of Florida:." Concurrent resolutions shall read, "Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:."

(2) Only the Secretary of the Senate shall prepare copies of Senate resolutions that are to be furnished any person after the resolution's adoption.

3.7—*Bill filing deadline during regular session; bill filing between regular sessions* ~~Introduction during session~~

(1) To facilitate processing and committee referencing, all bills *(except for the general appropriations bill, local bills, Senate resolutions, and joint resolutions)* shall be filed for introduction with the Secretary of the Senate no later than 12:00 noon of the first (1st) day of the regular session.

(2) A motion to waive this Rule shall be referred to the Committee on Rules and Calendar for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill notwithstanding this Rule and a recommendation shall be reported back to the Senate. The Secretary shall number each bill to provide identity and control until a permanent number can be affixed.

(3)~~*(2)*~~ Between regular sessions of the Legislature, bills may be *filed* ~~prefiled~~ by delivery to the Secretary of the Senate.

3.8—*Filed* ~~Prefiled~~ bills*; consideration between regular sessions*

(1) A *filed* ~~prefiled~~ bill complying with these Rules shall, in anticipation of the next regular session, be serially numbered in accordance with the permanent system required by these Rules. ~~A bill received by the Secretary within three (3) weeks next preceding the convening of a regular session shall be numbered but otherwise withheld from the operation of this Rule. Such a bill shall be treated as if it had been delivered for introduction on the first (1st) day of the succeeding regular session.~~

(2) The Secretary shall deliver each such numbered bill to the President for reference to a committee or committees pursuant to these Rules.

The Secretary shall promptly forward each referenced bill to the first (1st) or only committee of reference. A copy of each *filed* ~~prefiled~~ bill shall be provided each Senator. The Secretary shall *provide* ~~mail~~ regularly to each Senator a calendar of all *filed* ~~prefiled~~ bills, including the referencing data for each bill, and of all committee hearings, including the bills noticed for hearing by each.

(3) After having been considered by a committee and a report made to the Secretary at least seven (7) days preceding a regular session, each bill shall be introduced and read on the first (1st) day thereof, pursuant to the *State Constitution, Laws of Florida,* and these Rules. The Journal shall reflect the committee reference and the report of the committee. All requirements for the referencing of bills to and the consideration of bills by Senate committees shall be deemed to have been met and discharged if the jurisdictional requirements of this Rule have been complied with as to each of such bills.

(4) If a committee fails to deliver its report of a *filed* ~~prefiled~~ bill prior to seven (7) days next preceding the convening of a regular session or, if a *filed* ~~prefiled~~ bill has received a reference to more than one (1) committee and fewer than all considered such bill, the committee or committees failing to so report and the committee or committees having failed to discharge their jurisdiction of a bill shall conduct hearings and file reports during the regular session as if such bill had not been *filed prior to the first (1st) day of the regular session* ~~prefiled~~.

(5) Notwithstanding these Rules, a Senator may, during the day of introduction of *filed* ~~prefiled~~ bills, but no later than under the Order of Business of "Motions Relating to Committee Reference" on the second (2nd) legislative day on which the Senate meets, move for reference to a different committee or for removal from a committee. This motion may be adopted by a two-thirds (2/3) vote of those Senators present. *Prior to the introduction of a bill on the first (1st) day of the regular session, a Senator may give written notification to the Secretary of the Senate to withdraw his or her bill from further consideration of the Senate.*

3.9—~~Printed~~ Copies of bills

When introduced, bills, not local in application, and joint resolutions (including committee bills and committee substitute bills) shall be *published* ~~printed~~ by the Secretary for the information of the Senate and the public. The absence of a *published* ~~printed~~ copy shall not delay the progress of a measure at any stage of the legislative process. Sufficient copies of the general appropriations bill proposed to be introduced by the Committee on *Ways and Means* ~~Appropriations~~ shall be made available to the members and, upon request, to the public, at the office of the Secretary of the Senate and at the committee's office, no less than two (2) hours prior to the time the Committee on *Ways and Means* ~~Appropriations~~ meets to consider the proposed committee bill.

3.10—Identification of bills

Bills and other measures requiring legislative action shall be introduced in the order they are received at the desk of the Secretary. They shall be serially numbered with even numbers as introduced, without differentiation in number as to type. The Secretary shall mark the original copy of each measure to ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by any device to accomplish the purpose of this Rule. Such device shall be in the custody of the Secretary, and its use by any person not authorized by this Rule is prohibited.

3.11—Companion measures

When a Senate bill is reached on the calendar of the Senate for consideration, either on second (2nd) or third (3rd) reading, and there is also pending on the calendar of the Senate a companion measure already passed by the House, it shall be in order to move that the House companion measure be substituted and considered in lieu of the Senate measure. Such motion may be adopted by a majority vote of those Senators present, provided the House measure is on the same reading; otherwise, the motion shall be to waive the Rules by a two-thirds (2/3) vote of those Senators present and read such House measure. A companion measure shall be substantially the same and identical as to specific intent and purpose as the measure for which it is being substituted. At the moment the Senate passes the House companion measure, the original Senate measure shall be regarded as automatically tabled. Recommitment of a Senate bill shall automatically carry with it any House companion measure then on the calendar.

3.12—Introducers of bills*; introducers no longer Senators*

(1) Bills shall be introduced by a Senator or group of Senators whose signature or signatures are affixed to the original, or by any committee with the name of the committee and the signature of the *c*hair of the committee affixed to the original. A bill introduced by a committee may be co-sponsored by any Senator whose signature is affixed to the original. The general appropriations bill shall be introduced by the Committee on *Ways and Means* ~~Appropriations~~.

(2) A bill introduced solely by a Senator who will not be a Senator at the next regular session of the Legislature shall be deemed withdrawn from further consideration of the Senate.

3.13—Fiscal notes

(1) Upon being favorably reported by a standing committee, all general bills or joint resolutions affecting revenues, expenditures, or fiscal liabilities of state or local governments shall be accompanied by a fiscal note. Fiscal notes shall reflect the estimated increase or decrease in revenues or expenditures. The estimated economic impact, which calculates the present and future fiscal implications of the bill or joint resolution, must be considered. The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical or mechanical defects.

(2) Fiscal notes on those bills affecting any state retirement system shall be prepared after consultation with an actuary who is a member of the Society of Actuaries and the cooperation of appropriate state agencies for necessary data shall be solicited.

(3) Fiscal notes shall be regarded as memoranda of factual information and shall be made available to members of the Senate.

(4) If a bill or joint resolution is reported favorably by a committee without a fiscal note or economic impact statement, as defined in this Rule, a Senator may at any time raise a point of order, and the President shall order return of the bill or joint resolution to the committee. A fiscal note prepared for a Senate bill or joint resolution shall be presumed as prepared also for its House companion for the purposes of point of order.

RULE FOUR

ORDER OF BUSINESS AND CALENDAR

4.1—Sessions of the Senate

The Senate shall meet pursuant to a schedule *adopted* ~~provided~~ by the Committee on Rules and Calendar and approved by the President. This schedule shall set forth hours to convene and adjourn. The Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 7:00 p.m.

4.2—Quorum

A majority of the Senate shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as it may prescribe. A Senator at any time may question the existence of a quorum.

4.3—Daily Order of Business

(1) The Daily Order of Business shall be as follows:

(a) Roll Call
(b) Prayer
(c) Pledge of Allegiance to the Flag of the United States of America
(d)~~(c)~~ Reports of Committees
(e)~~(d)~~ Motions Relating to Committee Reference
(f)~~(e)~~ Messages from the Governor and Other Executive Communications
(g)~~(f)~~ Messages from the House of Representatives
(h)~~(g)~~ Matters on Reconsideration
(i)~~(h)~~ Consideration of Bills on Third (3rd) Reading
(j)~~(i)~~ Special Order as determined by the Committee on Rules and Calendar
(k)~~(j)~~ Consideration of Bills on Second (2nd) Reading
(l)~~(k)~~ Correction and approval of Journal

(2) The Secretary of the Senate shall prepare and distribute, on each legislative day, a calendar corresponding to the Daily Order of Business; and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the Secretary separately.

(3) Certain messages from the House of Representatives may be withheld from the Daily Order of Business pursuant to Rule 1.18 or on order of the President.

~~(4) On the first (1st) legislative day of each week the Daily Order of Business shall include, after prayer, the Pledge of Allegiance to the Flag of the United States of America.~~

(4)~~(5)~~ First (1st) reading of bills shall be accomplished by publication of the title thereof in the Journal pursuant to Article III, Section 7 of the *State Constitution*.

(5) Except by unanimous consent of those Senators present in session, no bill shall be considered by the Senate if the bill or a companion measure has not been first reported favorably by at least one (1) Senate committee.

4.4—Committee of the Whole

By a majority vote of those Senators present, the Senate may resolve itself into a Committee of the Whole and, when thus constituted, may consider any question whether formally introduced in the Senate or not. The Senate may, however, restrict the subject matter to be considered by the Committee of the Whole, or its jurisdiction, by resolving itself into a Committee of the Whole for a specific and limited purpose. The President shall preside and maintain order and decorum. The Rules of the Senate applicable to standing committees shall govern when applicable. The Committee of the Whole may consider and report, by majority vote of those committee members present, on any bill or question not formally introduced in the Senate and any bill on which all standing committees of reference have rendered a favorable report. A bill on which committee action has been taken by the committee or committees of reference or on which an unfavorable committee report has been filed may be considered only by a two-thirds (2/3) vote of those committee members present. Such vote shall also be required to favorably report any such bill to the Senate. A bill thus originating in a Committee of the Whole shall, when introduced as contemplated by the *State Constitution*, receive no further reference to committee. A favorable report by a Committee of the Whole on a bill having theretofore received an unfavorable report by a standing committee of reference shall not have the effect of withdrawing such bill from the table. Consideration by the Senate of such a bill shall be preceded by the adoption of the appropriate motion during a session of the Senate. Bills considered by a Committee of the Whole shall be read once, debated, amended, and acted on as a standing committee function. The body of a bill formally introduced shall not be interlined or defaced, but all amendments denoting the page and line shall be entered on a separate paper by the Secretary of the Committee of the Whole. The same shall be agreed to by the committee, and the report filed as otherwise provided in these Rules for committee reports. After report, the bill or other matter may be again debated and shall be subject to be again amended by the Senate. The quorum for a Committee of the Whole shall be the same as for the Senate, and when the Committee of the Whole shall rise, the roll shall be called to ascertain the presence of a quorum of the Senate.

4.5—Conference committee report

(1) The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days, and on the completion of the second (2nd) reading the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last five (5) days of a regular session the report shall be read only once. Copies of conference committee reports shall be available to the membership twelve (12) hours prior to the time such report is scheduled to be taken up on the Senate floor.

(2) The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(3) Except when the Senate is voting on a proposition, reports of committees of conference shall always be in order.

4.6—Reference generally~~; final days for introduction of bills and resolutions~~

(1) All bills, including those that are strictly local in nature~~, and those prefiled in accordance with these Rules,~~ shall be referred by the President to appropriate committees *and* ~~or~~ standing subcommittees.

(2) Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall be referred within seven (7) days. Upon failure of the President to reference such bills within this limitation, they shall be referred to committees as may be recommended by the sponsor. In the event of extended absence of the President or the President's disability or incapacity, the President Pro Tempore shall assume the duty of referring bills.

(3) When the Legislature is not in session, the President may change or correct a bill reference. Notice shall be given to the Secretary of the Senate and the bill sponsor.

(4)~~(3)~~ If the President has not previously designated a standing subcommittee of reference, the chair of the standing committee shall promptly determine whether such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chair. The chair, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chair of the standing committee shall promptly report this reference and the time allowed for consideration to the Secretary of the Senate on forms provided for the purpose.

(5)~~(4)~~ The reference of a bill that appears to be local in nature shall be to the Committee on Rules and Calendar to determine whether such measure is local in nature for reference purposes and whether it responds to the legal requirements of a local bill.

(6)~~(5)~~ A bill is local in nature for referencing purposes if it does not substantially alter a law of general application throughout the state and it either affects no more than one (1) county or relates to a special district that is located wholly within no more than two (2) counties.

(7)~~(6)~~ When the Committee on Rules and Calendar, through staff analysis, has determined that the bill is not local in nature for referencing purposes, the committee shall report such determination to the President of the Senate, who shall refer such bill to an appropriate standing committee for hearing. Such report shall be made within fifteen (15) legislative days from date of reference to the Committee on Rules and Calendar. When the Committee on Rules and Calendar, through staff analysis, has determined that a bill is local in nature for referencing purposes and that it responds to the legal requirements of a local bill, the bill shall be reported and referred to the calendar on local bills.

~~(7) All Senate bills filed for introduction after 12:00 noon on the first (1st) day of the regular session (except for the general appropriations bill, local bills, Senate resolutions, and joint resolutions) shall be referenced, but shall be withheld from the committee or committees of reference until after adjournment sine die of such session.~~

~~(8) A motion to waive this Rule shall be referred to the Committee on Rules and Calendar for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill notwithstanding this Rule and a recommendation shall be reported back to the Senate. The Secretary shall number them to provide identity and control until a permanent number can be affixed. These bills shall be known as prefiled bills and considered in accordance with these Rules.~~

4.7—Reference to more than one committee; effect

In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate and no further consideration given by other committees except by a two-thirds (2/3) vote of those Senators present. If a committee reports a bill favorably with committee substitute, other committee consideration shall be directed to the substitute and not to the original.

4.8—Reference of bills affecting appropriations, revenue, retirement, or county or municipal spending

All bills authorizing or substantially affecting appropriations *or tax revenue* shall be reviewed by the Committee on *Ways and Means* ~~Appropriations~~ or *any other appropriate* ~~a standing subcommittee of that~~ committee. ~~All bills authorizing or substantially affecting tax revenue shall be reviewed by the Committee on Finance and Taxation.~~ All bills substantially affecting a state-funded or state-administered retirement system shall be reviewed by the Committee on Governmental Oversight and Productivity. All bills which are affected by the provisions of Article VII, Section 18 of the *State Constitution* shall be reviewed by the Committee on *Community Affairs* ~~Comprehensive Planning~~. A bill that is amended to substantially affect appropriations or tax revenue, a state retirement program, or expenditures or revenues as set forth in Article VII, Section 18 of the *State Constitution* shall, before being placed before the Senate for final passage, be reviewed along with all amendments by the Committee on *Ways and Means* ~~Appropriations~~ or *any other appropriate committee for* ~~a standing subcommittee of that committee, by the Committee on Finance and Taxation, by the Committee on Governmental Oversight and Productivity, or by the Committee on Comprehensive Planning, as appropriate for review and~~ recommendation to the Senate, which review during the last ten (10) days of a regular session shall be accomplished within twenty-four (24) hours.

4.9—Reference of resolutions

All resolutions shall be referred by the President to a standing committee, except resolutions on Senate organization, resolutions of condolence and commemoration that are of a statewide nonpolitical significance, or concurrent resolutions recalling a bill from the Governor's office. These may be considered on motion and adopted at time of introduction without reference, except that resolutions of condolence or commemoration that are of a statewide nonpolitical significance, may be shown as introduced, read, and adopted by publication in full in the Journal.

4.10—Reference to different committee or removal

~~(1)~~ When the President has referred a bill, the Chair of the Committee on Rules and Calendar may move for reference to a different committee or for removal from any committee after the sponsor of the bill has filed a *request* ~~card~~ with the Rules Chair signed by the chair of the affected committee*,* ~~and~~ the Chair of the Committee on Rules and Calendar*, and the President*. This motion may be adopted by a two-thirds (2/3) vote of those Senators present.

~~(2) The Chair of the Committee on Appropriations may move to withdraw a bill from that committee provided the bill has been reported favorably by a standing subcommittee and a card requesting such withdrawal has been filed with the committee by the sponsor and approved by the chair. This motion may be adopted by a two-thirds (2/3) vote of those Senators present, and shall have the effect of the bill having been reported favorably by the Committee on Appropriations as recommended by the subcommittee.~~

4.11—Papers of miscellaneous nature

Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President, be read, noted in the Journal, or filed with an appropriate committee. When there is a demand to read a paper other than one on which the Senate is called to give a final vote and the same is objected to by any Senator, it shall be determined by a majority vote of those Senators present.

4.12—Reading of bills and joint resolutions

Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote on final passage unless decided otherwise by a two-thirds (2/3) vote of those Senators present as provided in Article III, Section 7 of the *State Constitution*.

4.13—Reading of concurrent resolutions and memorials

Each concurrent resolution or memorial shall receive two (2) separate readings on two (2) separate days previous to a voice vote on adoption, unless decided otherwise by a two-thirds (2/3) vote of those Senators present. If the reading on the second (2nd) day is dispensed with by this waiver, the concurrent resolution or memorial may be read the second (2nd) time by title only.

4.14—Reading of Senate resolutions

On introduction each Senate resolution shall be read by title only and shall be read an additional time in full before the question is put on adoption by voice vote, except that resolutions of condolence or commemoration that are of a statewide nonpolitical significance may be shown as introduced, read, and adopted by publication in full in the Journal.

4.15—Referral or postponement on third (3rd) reading

On the third (3rd) reading of a bill or joint resolution, it shall not be referred or committed (except to the Committee on *Ways and Means* ~~Appropriations~~) or amended (except a corrective or title amendment) except by a two-thirds (2/3) vote of those Senators present, nor shall the vote on passage be postponed to a day certain without the consent of a majority of those Senators present.

4.16—Consideration out of regular order

A bill shall be considered out of regular order on the calendar on unanimous consent of those Senators present obtained in the following manner: Prior to the consideration of the motion, the Senator moving for unanimous consent of those Senators present shall orally give the membership not less than fifteen (15) minutes' notice of his or her intention to move and shall specify the number of the bill or joint resolution and its position on the calendar. On entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those Senators present shall be given or refused without further debate.

4.17—Special Order Calendar; Consent Calendar

(1) Commencing on the first (1st) day of a regular session of the Legislature permitted under the *State Constitution* and during any extension directed by the membership of the Legislature as permitted under the *State Constitution*, *the Special Order Calendar Subcommittee of the Committee on Rules and Calendar, consisting of* the Chair of the Committee on Rules and Calendar, the Vice-Chair of the Committee on Rules and Calendar, the Majority Leader, the Minority Leader, and two (2) other members of the committee designated by the chair*,* shall on each day submit a Special Order Calendar determining the priority for consideration of bills. Except for the first (1st) day, each Special Order Calendar shall be for the second (2nd) succeeding legislative day on which the Senate meets, and this calendar may include bills that had been scheduled for Special Order on the previous legislative day. No other bills shall be considered until this Special Order Calendar has been completed by the Senate, except that any bill appearing on this calendar may be stricken by a two-thirds (2/3) vote of those Senators present or any bill appearing on the general calendar of bills on second (2nd) or third (3rd) reading may be added to the end of the Special Order Calendar by the same vote. All bills set as Special Order for consideration at the same hour shall take precedence in the order in which they were given preference.

(2) A two-thirds (2/3) vote of those Senators present shall be required to establish a Special Order except as provided in this Rule. Notice of time and place for the establishment of the Special Order shall be published in the daily calendar; provided, during the last ten (10) days of each regular session notice of time and place may be given by announcement from the floor.

(3) The *Chair of the* Committee on Rules and Calendar, with the approval of the President, may submit a Consent Bill Calendar to be held in conjunction with the Special Order Calendar. When such a day is designated, all bills appearing on the Consent Calendar shall be considered in their order of appearance. However, if an objection by any member shall cause such bill to be temporarily postponed, it retains its order on the regular calendar. A Senator may designate only a bill that he or she sponsors or a House bill for the Consent Calendar. A committee chair may designate a committee bill sponsored by his or her committee. All Consent Calendar bills must have appeared on the printed Senate calendar.

4.18—*Local Bill* Calendar ~~of local bills~~

Local bills shall be disposed of according to the calendar of bills of a local nature and shall be considered only at such time as determined by the *Chair of the* Committee on Rules and Calendar ~~or its designees~~ and approved by the President.

4.19—Order after second (2nd) reading

The order of disposition of a bill that has been read the second (2nd) time shall be its reference to the engrossing clerk to be engrossed after all questions relative to it while on second (2nd) reading have been disposed of, and the same shall be immediately engrossed and placed on the calendar of bills on third (3rd) reading to be considered on some succeeding legislative day. No bill shall be committed to the engrossing clerk or placed on the calendar of bills on third (3rd) reading unless all motions relative to it and placed, by the President, before the Senate have been disposed of. Amendments filed with the Secretary, the adoption of which have not been formally moved, shall not be construed to be pending so as to deter such advancement. A bill shall be available for its third (3rd) reading when it has been read a second (2nd) time on a previous day and no motion left pending. Bills calendared for second (2nd) or third (3rd) reading shall not be considered on such reading until reached on the calendar and appropriately read to the Senate pursuant to order of the President.

4.20—Enrolling

The Secretary of the Senate shall be responsible for the enrolling of all bills. After enrollment, all bills shall be signed by the President and the Secretary and the enrolling report shall be published in the Journal.

4.21—Veto messages

As required by Article III, Section 8 of the *State Constitution*, if the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session. All veto messages shall be referred to the Committee on Rules and Calendar.

4.81—Claim bills

(1) Claim bills are of two (2) types: excess judgment claims filed pursuant to section 768.28(5), *Florida Statutes*, and equitable claims filed without an underlying excess judgment.

(2) All claim bills shall be filed with the Secretary of the Senate on or before August 1 in order to be considered by the Senate during the next regular session, except that members elected to the Senate during a general election may have sixty (60) days from the date of that election to file a claim bill(s). Senators currently serving who are re-elected during a general election are not subject to the immediately preceding provision relating to sixty (60) days. A motion to introduce a claim bill notwithstanding the claim bill filing deadline, shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. A House claim bill which does not have a Senate companion claim bill timely filed under this Rule shall not be considered by the Senate. Any motion to consider a House claim bill which does not have a timely filed Senate companion bill shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Committee on Rules and Calendar shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by a two-thirds (2/3) vote of those Senators present.

(3) All claim bills shall be referred by the President to one (1) or more committees for review. If the President determines that a de novo hearing is necessary to determine liability, proximate cause, and damages, a Special Master shall conduct such hearing pursuant to reasonable notice. Discovery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations no later than December 1. The report shall be signed by the Special Master who shall be available, in person, to explain his or her report to the committees and to the Senate.

(4) On receipt of the Special Master's report and recommendations, if any, the Secretary shall, under the President's initial reference, deliver each claim bill with the report attached, to the committee or committees of reference.

(5) Stipulations entered into by the parties are not binding on the Special Master, the Senate, or its committees.

(6) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted; except that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement.

RULE FIVE

VOTING

5.1—Taking the yeas and nays

The President shall declare all votes, but, if five (5) Senators immediately question a vote by a show of hands, the President shall take the vote by yeas and nays or electronic roll call. When taking yeas and nays on any question, the electronic roll call system may be used and shall have the force and effect of a roll call taken as provided in these Rules. Also this system may be used to determine the presence of a quorum. When the Senate is ready to vote on a question requiring roll call and the vote is by electronic roll call, the President shall state: "The Secretary will unlock the machine and Senators prepare to vote." When sufficient time has elapsed for each Senator to vote, the President shall say: "Have all voted?" And, after a short pause, shall state: "The Secretary shall now lock the machine and record the vote." When the vote is completely recorded, the President shall announce the result to the Senate; and the Secretary shall enter in the Journal the result. When the Senate is equally divided, the question shall be lost.

5.2—Change of vote

(1) After the result of the vote has been announced by the President, a Senator with unanimous consent of those Senators present may change his or her vote or vote on the measure except that no such change of vote or vote shall be valid where such vote would alter the final passage of the measure until the measure shall first have been recalled to the Senate for further consideration. Records of such requests shall be available at the Secretary's desk through the session. If no objections are raised before the close of the business that day, requests will be accepted.

(2) The original roll call shall not be altered, but late votes and change of votes shall be recorded under the original roll call in the Journal. On request of a Senator before considering other business, the President shall order a verification of a vote.

5.3—Casting vote for another

No Senator shall cast a vote for another Senator unless the Senator is present in the chamber area and requests the casting of said vote, nor shall a person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, a Senator who shall without such authorization vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, a person not a Senator who shall vote ~~wrongfully~~ in the place of a Senator shall be excluded from the Chamber for the remainder of the session.

5.4—Pairing

(1) Pairing, a type of absentee voting by which a Senator who is excused from attendance agrees with a Senator who would have voted opposite the excused Senator, shall be permitted.

(2) The Senator in attendance shall not vote in the electronic roll call.

(3) The pair vote form shall:
- (a) State the bill to which the pair applies,
- (b) Indicate how both Senators would have voted,
- (c) Be filed with the Secretary prior to the vote, and
- (d) Be recorded in the Journal.

5.5—Explanation of vote

No Senator shall be permitted to explain his or her vote during a roll call but may submit his or her explanation in writing and file it with the Secretary. This explanation shall be entered in the Journal.

5.6—Election by ballot

In all cases of ballot, a majority of the votes cast shall be necessary to an election. If, however, no one is elected on the first three (3) ballots, the names after the top two (2) in number of votes received on the third (3rd) tally shall be dropped, and the Senate shall ballot on the two (2) names remaining.

RULE SIX

MOTIONS AND PRECEDENCE

6.1—Motions; how made, withdrawn

Every motion may be made orally. On request of the President, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate. The mover may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

6.2—Motions; precedence

(1) When a question is under debate, the President shall receive no motion except:

(a) To adjourn
  1. Instanter
  2. At a time certain
(b) Questions of privilege
(c) To take a recess
(d) To proceed to the consideration of executive business
(e) To reconsider
(f) To limit debate
(g) To temporarily postpone
(h) To postpone to a day certain
(i) To commit to the Committee of the Whole
(j) To commit to a standing committee
(k) To commit to a select committee
(l) To amend
(m) To postpone indefinitely

which shall have precedence in the descending order given. A motion to discharge Senate conferees and to appoint or instruct said conferees as set forth in Rule 2.19 is a motion of the highest privilege and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege.

(2) The President shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute shall be entertained and the substitute shall be in the same order of precedence.

6.3—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

6.4—Reconsideration generally

(1) When a main question (the vote on passage of a measure, including a vote on a veto message, confirmation of executive appointments, removal or suspension from office) has been decided by the Senate, a Senator voting with the prevailing side may move for reconsideration of the question on the same or the next legislative day on which the Senate meets.

(a) If the question has been decided by voice vote, any Senator may so move.

(b) When a majority of those Senators present vote in the affirmative on any question but the proposition be lost because it is one in which the concurrence of more than a majority of those Senators present is necessary for adoption or passage, any Senator may move for reconsideration.

(2) Such motion may be made pending a motion to adjourn or if it is time to adjourn.

(a) Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered abandoned. If the Senate shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except on unanimous consent of those Senators present.
(b) During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day.

6.5—Reconsideration; vote required

A majority of the affirmative votes of those Senators present shall be required to adopt a motion to reconsider.

6.6—Reconsideration; debate

Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. When the question is debatable no Senator shall speak thereon more than once nor longer than five (5) minutes.

6.7—Reconsideration; collateral matters and procedural motions

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the Senate has passed to other business. Reconsideration of a procedural motion shall be considered on the same day on which it is made.

6.8—Reconsideration; Secretary to hold for period

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of any motion to waive the Rules by a two-thirds (2/3) vote of those Senators present and immediately certify any bill or joint resolution to the House shall be construed as releasing the measure from the Secretary's possession for the period of reconsideration and shall, thereafter, preclude reconsideration. During the last five (5) calendar days allowed under the *State Constitution* for a regular session and during any extensions thereof, or during any special session, the bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted forthwith.

6.9—Motion to indefinitely postpone

The adoption of a motion to indefinitely postpone a measure shall dispose of it for the duration of the legislative session and all extensions thereof. A motion to postpone consideration to a time beyond the last day allowed under the *State Constitution* for the current legislative session shall be construed as a motion to indefinitely postpone. Motions to indefinitely postpone shall not be applicable to collateral matters.

RULE SEVEN

AMENDMENTS

7.1—General form; notice; manner of consideration

(1) No amendment to a bill on any Senate Calendar which was prepared prior to the time a session of the Senate has convened shall be considered by the Senate unless the amendment was filed with the Secretary of the Senate no later than 5:00 p.m. the day prior to the day that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary of the Senate before the session, upon request, to the members and to the public. The consideration of all amendments not timely filed in accordance with this rule, requires a two-thirds (2/3) vote of those Senators present.

(2) Amendments shall be filed with the Secretary on forms prescribed by the Secretary but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chair of the committee (or, in the chair's absence, the vice-chair or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary of the Senate but have not been formally moved for adoption shall not be deemed to be pending.

(3) No proposition on a subject different from that under consideration shall be admitted under color of amendment. The following bills are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate:

(a) Bills which have received an unfavorable committee report.
(b) Bills which have been withdrawn from further consideration by the sponsor.
(c) Bills the substance of which have not been reported favorably by all committees of reference.
(d) Bills which have not been published at least one legislative day under Bills on Second Reading in the Senate calendar.

Amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

7.2—Adoption

(1) On second (2nd) reading, amendments may be adopted by a majority vote of those Senators present.

(2) On third (3rd) reading, amendments and amendments to amendments shall be adopted by a two-thirds (2/3) vote of those Senators present. Amendments to the title or corrective amendments may be decided, without debate, by a majority vote of those Senators present on third (3rd) reading.

7.3—Sequence of amendments to amendments

(1) An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

(a) Amendments to the amendment are acted on before the substitute is taken up. Only one (1) amendment to the amendment is in order.
(b) Amendments to the substitute are next voted on.
(c) The substitute then is voted on.

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

7.4—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

7.5—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The President, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the entire bill shall be open for amendment.

7.6—Printing in Journal

All amendments taken up by the Senate unless withdrawn shall be printed in the Journal except that an amendment to the general appropriations bill constituting an entirely new bill shall not be printed until the filing of the conference committee report. All item amendments to the general appropriations bill shall be printed.

7.7—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill. If a House bill is amended, the same shall be noted by the Secretary on the jacket before it is reported to the House.

7.8—House amendments to Senate bills

(1) After the reading of a House amendment to a Senate bill, the Senate may:

(a) Amend the House amendment,
(b) Concur in the House amendment,
(c) Refuse to concur in the House amendment and ask the House to recede, or
(d) Request a conference committee.

(2) The adoption of all the foregoing motions shall be by majority vote of those Senators present.

7.9—House refusal to concur in Senate amendment

(1) If the House shall refuse to concur in a Senate amendment to a House bill, the Senate may:

(a) Recede,
(b) Insist that the House concur and request a conference committee, or
(c) Insist that the House concur.

(2) The adoption of any of the foregoing motions shall be by majority vote of those Senators present.

RULE EIGHT

DECORUM AND DEBATE

8.1—Decorum and debate

When a Senator desires to speak or deliver a matter to the Senate, the Senator shall rise at his or her seat and address himself or herself to "Mr. or Madam President," and, on being recognized, may address the Senate from his or her desk or from the well of the Senate, and shall confine any remarks to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the district number of the Senator being addressed, or a Senator may also use such appellation and the surname of the Senator referred to or addressed.

8.2—Presiding officer's power of recognition

When two (2) or more Senators rise at once, the presiding officer shall name the Senator who is first to be recognized.

8.3—Interruptions; when allowed

(1) No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by:

(a) Rising to a question of privilege;
(b) Rising to a point of order requiring an immediate ruling;
(c) Rising to appeal a decision of the presiding officer concerning a point of order (if the appeal is made immediately following the decision);
(d) Rising to make a parliamentary inquiry requiring an immediate reply; or
(e) Rising to question the existence of a quorum.

(2) The presiding officer shall strictly enforce this Rule.

8.4—Senator speaking, rights

(1) When a member is speaking and another member interrupts to request recognition, the presiding officer may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member then is entitled to resume the floor.

(2) The Senator making a debatable motion or the primary introducer of a bill shall have five (5) minutes in order to close debate.

8.5—Limit on speaking

No Senator shall speak longer than thirty (30) minutes without yielding the floor, except by consent of a majority of those Senators present.

8.6—Limitation of debate

When a measure is under debate by the Senate, a Senator may move to limit debate, and such motion shall be decided without debate, except the introducer of the measure shall have five (5) minutes to discuss said motion. If, by a two-thirds (2/3) vote of those Senators present, the question is decided in the affirmative, debate shall be limited accordingly.

8.7—Points of order, parliamentary inquiry, definitions

A point of order is the parliamentary device that is used to require a deliberative body to observe its own rules and to follow established parliamentary practice. A parliamentary inquiry is the device for obtaining a predetermination of a rule or a clarification thereof and may be presented in hypothetical form.

8.8—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

8.9—Appeals

Taking exception to a ruling of a presiding officer shall be by appeal. An appeal from a decision of the presiding officer must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; and, if the determination of the appeal is dependent on this point, it may be decided by the presiding officer. This second (2nd) decision is also subject to appeal.

8.10—Appeals, debatable

An appeal from a decision of the presiding officer on a point of order is debatable even though the question from which it arose was not debatable.

8.11—Questions of privilege

(1) Questions of privilege shall be:
- (a) Those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and
- (b) The rights, reputation, and conduct of Senators individually, in their representative capacity only.

(2) These shall have precedence over all other questions except motions to adjourn. The question shall not be recognized during the debate on a bill. A question of privilege affecting either house collectively takes precedence over a question of privilege affecting an individual member.

RULE NINE

LOBBYING

9.1—Those required to register

All persons (except those specifically exempted) who seek to encourage the passage, defeat, or modification of legislation in the Senate or before its committees shall, before engaging in such activity, register as prescribed by law and the Joint Rules of the Florida House and Senate.

9.2—Obligations of lobbyist

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he or she openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

(2) A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his or her relationship with legislators.

(3) A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

9.3—Lobbyists' requirements

A lobbyist shall adhere to the statutory requirements for lobbyists provided by law and the Joint Rules.

9.4—Advisory opinions

(1) A lobbyist, when in doubt about the applicability and interpretation of this Rule in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and Calendar and may appear in person before said committee.

(2) The Committee on Rules and Calendar may render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case will constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal of the Senate.

9.5—Compilation of opinions

The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules and Calendar.

9.6—Penalties for violations

Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of this Rule shall be censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session and from appearing before any committee of the Senate. Said determination shall be made by a majority of the Senate and on recommendation of the Committee on Rules and Calendar. The Committee on Rules and Calendar, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this Rule and granting such person an opportunity to appear at the hearing.

9.7—Committees to be diligent

Committees shall be diligent to ascertain whether those who appear before them, in other than an obviously individual capacity, have conformed with the requirements of this Rule, the Joint Rules, and the *Laws of Florida*, and shall report violations. No committee member shall knowingly permit an unregistered lobbyist to be heard.

9.35—Contributions during sessions

During a regular legislative session, and during an extended or special session as further provided for in Rule 1.361(2), a lobbyist may not directly or indirectly contribute to a Senator's own campaign, or to any organization that is registered, or should have been registered, with the Committee on Rules and Calendar pursuant to Rule 1.361(3).

RULE TEN

CHAMBER OF THE SENATE

10.1—Persons entitled to admission

No person shall be admitted to the main floor of the Senate Chamber while the Senate is in session except present members of the Senate, all officers and employees of the Senate in the performance of their duties, and persons charged with messages or papers to the Senate. Also entitled to admission are the Governor or one (1) representative designated by the Governor, the Lieutenant Governor, Cabinet officers, former governors, present and former United States Senators, members or former members of the House of Representatives of the United States and of this State, Justices of the Supreme Court, former State Senators of Florida, and persons by invitation of the President. A special section of the gallery shall be reserved for members of the families of Senators.

10.2—Exception

Except at the discretion of the President, no person ~~None of the persons~~ entitled to admission shall be admitted if registered pursuant to Rule Nine (9).

10.3—Admission of press by President

Representatives of the press and of radio and television stations, in performance of their duties, shall be assigned to a press section specifically set aside for them, and shall not be allowed on the Senate floor while the Senate is in session, except with the approval of the President.

10.4—Attire

All ~~male~~ persons on the main floor of the Senate Chamber and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear *appropriate business attire* ~~coats and ties~~ at all times while the Senate is in session.

10.5—Gallery

No food or beverages shall be allowed in the gallery at any time.

RULE ELEVEN

CONSTRUCTION AND WAIVER OF RULES

11.1—Interpretation of Rules

It shall be the duty of the President, or the presiding officer for the time being, to interpret all Rules. Motions for the previous question and to lay on the table shall not be entertained.

11.2—Waiver and suspension of Rules

These Rules shall not be waived or suspended except by a two-thirds (2/3) vote of those Senators present. The motion, when made, shall be decided without debate. A motion to waive a Rule requiring unanimous consent of the Senate shall be construed to be an amendment to these Rules and shall be referred to the Committee on Rules and Calendar except by unanimous consent of those Senators present.

11.3—Changes in Rules

All proposed actions *regarding* ~~touching~~ the Rules and Order of Business in the Senate shall be first referred to the Committee on Rules and Calendar, which shall report as soon as practicable. Consideration of such a report shall always be in order. The Committee on Rules and Calendar may originate reports and resolutions dealing with these Rules and the Order of Business, and such power shall be exclusive, provided, however, that any report made pursuant to this Rule may be amended by a two-thirds (2/3) vote of those Senators present.

11.4—Majority action

Unless otherwise indicated by these Rules or the *State Constitution*, all action by the Senate shall be by majority vote of those Senators present.

11.5—Uniform construction

When in these Rules reference is made to "two-thirds (2/3) of those present," "two-thirds (2/3) vote," "two-thirds (2/3) of the Senate," "two-thirds (2/3) of those voting," etc., these shall all be construed to mean two-thirds (2/3) of those Senators present, except that two-thirds (2/3) of the *membership of the* Senate shall be required to consider additional proposed legislation in any extended session in accordance with Article III, Section 3 of the *State Constitution*.

11.6—General

When used in these Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning: the singular always includes the plural. Except where specifically provided otherwise, the use of the word "bill" or "measure" means a bill, joint resolution, concurrent resolution, resolution, or memorial.

RULE TWELVE

EXECUTIVE SESSIONS, APPOINTMENTS, SUSPENSIONS, AND REMOVALS

PART ONE—EXECUTIVE SESSIONS

12.1—Executive session; authority

The business of the Senate shall be transacted openly and not in executive session except under conditions pursuant to Article III, Section 4(b) of the *State Constitution*.

12.2—Executive session; purpose

Pursuant to Article III, Section 4(b) of the *State Constitution*, the Senate may resolve itself into executive session for the sole purpose of considering appointment, removal, or suspension. No one shall be in attendance except Senators, ~~and~~ the Secretary of the Senate*, and staff as approved by the President*, who shall be sworn not to disclose any executive business without consent of the Senate.

12.3—Executive session; vote required

When the Senate agrees, by a majority of those Senators present, that specified appointments, removals, or suspensions shall be considered in executive session, such shall be calendared for formal consideration by the Senate.

12.4—Work product confidentiality

All information and remarks including committee work product concerning the character and qualification, together with the vote on each appointment, removal, or suspension considered in executive session shall be kept *confidential* ~~a secret~~ except information on which the bans of *confidentiality* ~~secrecy~~ were lifted by the Senate while in executive session.

12.5—Separate Journal

A separate Journal shall be kept of executive proceedings of the Senate, and no information regarding same shall be made public except by order of the Senate or by order of a court of competent jurisdiction.

12.6—Violation of Rule

Violation of the above Rules as to the secrecy of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for unseating the offending Senator.

PART TWO—APPOINTMENTS, SUSPENSIONS, AND REMOVALS

12.7—Procedure

(1) Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Committee on Ethics and Elections, other appropriate committee or to a Special Master appointed by the President. Either one shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee or the Special Master appointed pursuant hereto are advisory only and shall be made to the Senate President. The report of the committee or the Special Master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or the President may refer it to the Committee on Rules and Calendar for its consideration and report. When the report is presented to the Senate in open session or received by the Committee on Rules and Calendar, the report shall lose its privileged and confidential character.

(2) Upon receipt of a request by the Governor or other appointing official or authority for the return of the documentation of an appointment, which appointment has not been acted upon by the Senate, the Secretary of the Senate, upon consultation with the President, shall return the appointment documentation and the return shall be noted in the Journal of the Senate. The appointee whose appointment was returned continues in office until the end of the next ensuing session of the Legislature or until the Senate confirms a successor, whichever occurs first.

(a) If the appointment returned was made by the Governor, official or authority's predecessor, the appointee shall not be subject to the provisions of section 114.05(1)(e) or (f), *Florida Statutes*, during the period of withdrawal.

(b) If the appointment returned was made by the Governor, official or authority requesting the return, for purposes of section 114.05(1)(e) and (f), *Florida Statutes*, the returned appointment shall be treated as if the Senate failed to consider the appointment.

(3)(a) An executive suspension of a public official who is under indictment or who has pending against him or her criminal charges filed by the appropriate prosecuting officer in

a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Committee on Ethics and Elections, other appropriate committee or Special Master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, the committee or the Special Master until the pending charges have been dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above.

(b) In a suspension case in which the criminal charge is not for the alleged commission of a felony, the committee or the Special Master, and the Senate may proceed if the written consent of counsel for the Governor and of the suspended official is obtained.

(4) The Governor and the suspended official shall be given reasonable notice in writing of any hearing or pre-hearing conference before the committee or Special Master.

(5) The suspended official may file with the Secretary of the Senate, no later than ten (10) days prior to the first (1st) pre-hearing conference, or no later than the date set by the committee or Special Master if no pre-hearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

(6) When it is advisable, the committee or Special Master may request that the Governor file a bill of particulars containing a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after the receipt of such bill of particulars by the suspended officer, that officer shall file with the committee or Special Master a response to the Governor's bill of particulars. Such response shall specifically admit or deny the facts or circumstances set forth in the Governor's bill of particulars, and may further make such representation of fact and circumstances or assert such further defenses as are responsive to the bill of particulars or as may bear on the matter of the suspension.

(7) The committee or Special Master may provide for a pre-hearing conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, and photocopies of all documentary and a description of all physical evidence that will be relied on by the parties at the hearing. Each shall state briefly what each expects to prove by such testimony and evidence.

(8) Subject to the limitations of Rule 12.7(3) the committee or Special Master shall institute action by transmitting a notice of hearing for a pre-hearing conference or a hearing on the merits within three (3) months after the effective date of the suspension order. If a suspension order is referred to the committee or Special Master but is held in abeyance in accordance with Rule 12.7(3), the committee or Special Master shall institute action within three (3) months after the termination of pending proceedings as described in Rule 12.7(3). The Senate may act on the recommendations of the committee or Special Master at any time it is in session but shall do so no later than the end of the next regular session of the Legislature.

(9) For the purposes of Article IV, Section 7(b) of the *State Constitution*, the Senate may find that the suspended official has committed a felony notwithstanding that a court may have withheld adjudication of guilt upon which the suspension order is based in whole or in part.

(10) If the Governor files an amended suspension order, the attention of the Senate, the committee, or the Special Master shall be directed at the amended suspension order.

(11) Within sixty (60) days after the Senate has completed final action on the recommendation of the committee or Special Master, any party to the suspension matter may request the return, at that party's expense, of any exhibit, document, or other evidence introduced by that party. After the expiration of sixty (60) days from the date the Senate has completed final action, the committee or Special Master may dispose of such exhibits or other evidence.

12.8—Special Master; appointment

The President may appoint and contract for the services of a Special Master to perform such duties and make such reports in relation to suspensions and removals as he or she shall prescribe.

12.9—Special Master; floor privilege

With consent of the President, the Special Master may have the privilege of the Senate floor to present and explain the report and answer questions as to the law and facts involved.

12.10—Issuance of subpoenas and process

The committee and the Special Master shall each have the authority to request the issuance of subpoenas, subpoenas duces tecum, and other necessary process under Rule 2.2. The committee chair and the Special Master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear to testify on matters pending before the committee or Special Master.

12.11—Rule takes precedence

In any situation where there is a direct conflict between the provisions of Rule Twelve (12) and part V of chapter 112, *Florida Statutes*, the Rule, derived from Article III, Section 4(a) of the *State Constitution*, shall take precedence.

RULE THIRTEEN

SPECIAL SESSION

13.1—Applicability of Senate Rules

All Senate Rules in effect on adjournment of the next preceding regular session shall apply and govern during special sessions except to the extent specifically modified or contradicted herein.

13.2—Sessions of the Senate

The Senate shall meet each legislative day at 9:00 a.m. or pursuant to a schedule *provided* ~~adopted~~ by the Committee on Rules and Calendar and approved by the President.

13.3—Committee meetings; schedule, notice

Committee meetings shall be ~~coordinated and~~ scheduled by the Committee on Rules and Calendar with the approval of the President. Meetings of standing committees and standing subcommittees scheduled in accordance with this Rule may be held following ~~an announcement by the chair while the Senate is in session, and by~~ *the* posting *of* a notice ~~on a bulletin board~~ in the public corridor leading into the Senate Chamber for two (2) hours in advance of the meeting. The notice posted shall include the date, time, and place of the meeting together with the name of the introducer, short title, ~~and~~ number of each bill to be considered*, and the amendment deadline for the meeting*. All other provisions for publication of notice of committee meetings are suspended.

13.4—Delivery for introduction

All bills and other measures for introduction may be delivered to the Secretary of the Senate at any time.

13.5—Committee reports

Every bill, joint resolution, resolution, and memorial referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third (3rd) calendar day from the day of reference (the day of reference not being counted as the first (1st) day) unless otherwise ordered by the Senate by majority vote of those Senators present. Any bill on which no committee report is filed may be withdrawn from such committee and calendared on point of order. Every bill, joint resolution, resolution, and memorial referred to a standing subcommittee shall be reported to the standing committee at a time specified by the chair of the standing committee which shall not be beyond the time allowed herein.

13.6—Conference committee reports

(1) The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative

days and, on the completion of the second (2nd) reading, the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last two (2) days of a special session the report shall be read only once. A conference committee report shall be made available to the membership *two (2)* ~~four (4)~~ hours prior to the beginning of debate of the report by the Senate.

(2) The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(3) Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(4) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House.

(5) When a bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on said measure as the Senate may determine.

(6) After Senate conferees have been appointed for thirty-six (36) hours and have failed to make a report, it is a motion of the highest privilege to move to discharge said Senate conferees and to appoint new conferees, or to instruct said Senate conferees.

13.7—Reconsideration

A motion to reconsider shall be made and considered on the same day.

13.8—Special Order Calendar

The *Special Order Calendar Subcommittee of the* Committee on Rules and Calendar may submit a Special Order Calendar determining the time and priority for consideration of bills. Such Special Order Calendar shall be for the next legislative day. The amendment deadline for bills on the Special Order Calendar shall be 5:00 p.m. or two (2) hours after the Special Order Calendar is announced, which ever occurs later.

RULE FOURTEEN

SEAL AND INSIGNIA

14.1—Seal and insignia

(1) There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof a fan of the five flags which have flown over Florida, above a disc containing the words: "In God We Trust" arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: "Seal." At the bottom shall be the date: "1838." The perimeter of the seal shall contain the words: "Senate" and "State of Florida."

(2) There shall be an official coat of arms for the Senate. The coat of arms shall contain a fan of the five flags that have flown over Florida, above the Great Seal of Florida. At the base of the coat of arms shall be the words: "The Florida Senate."

(3) The Senate Seal, the Senate Coat of Arms, official Senate stationery, calling cards, and facsimiles thereof, may be used only in connection with official Senate business.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the following Committees were granted permission to meet November 17: from 1:00 p.m. until 1:45 p.m., the Committees on Communications and Public Utilities; Community Affairs; Education; and Ethics and Elections; from 2:00 p.m. until 2:45 p.m., the Committees on Children and Families; Environmental Preservation; Regulated Industries; and Transportation; from 3:00 p.m. until 3:45 p.m., the Committees on Agriculture; Banking and Insurance; Commerce and Consumer Services; and Domestic Security; and from 4:00 p.m. until 4:45 p.m., the Committees on Criminal Justice; Governmental Oversight and Productivity; Health Care; and Judiciary as published in the calendar.

On motion by Senator Pruitt, the rules were waived and the following committees were granted permission to meet November 18: from 9:00 a.m. until 9:45 a.m., the Committees on Criminal Justice Appropriations; Education Appropriations; General Government Appropriations; Government Efficiency Appropriations; Health and Human Services Appropriations; and Transportation and Economic Development Appropriations; and from 10:00 a.m. until 10:45 a.m., the Committee on Ways and Means as published in the calendar.

COMMITTEES OF THE SENATE

Agriculture

Senator Smith, Chair; Senator Bullard, Vice Chair; Senators Argenziano, Bennett, Haridopolos and Peaden

Banking and Insurance

Senator Garcia, Chair; Senator Geller, Vice Chair; Senators Alexander, Atwater, Baker, Campbell, Fasano, Lawson, Miller and Posey

Children and Families

Senator Campbell, Chair; Senator Webster, Vice Chair; Senators Fasano, Lynn, Peaden and Rich

Commerce and Consumer Services

Senator King, Chair; Senator Pruitt, Vice Chair; Senators Aronberg, Crist, Klein, Lynn, Margolis and Saunders

Communications and Public Utilities

Senator Constantine, Chair; Senator Aronberg, Vice Chair; Senators Alexander, Atwater, Diaz de la Portilla, Dockery, Garcia, Margolis, Miller and Smith

Community Affairs

Senator Bennett, Chair; Senator Haridopolos, Vice Chair; Senators Clary, Geller, Hill, Lawson, Pruitt and Villalobos

Criminal Justice

Senator Wise, Chair; Senator Smith, Vice Chair; Senators Crist, Haridopolos, King, Klein, Lynn and Wilson

Criminal Justice Appropriations

Senator Crist, Chair; Senator Smith, Vice Chair; Senators Argenziano, Aronberg and Villalobos

Domestic Security

Senator Diaz de la Portilla, Chair; Senator Wilson, Vice Chair; Senators Constantine, Dockery, Hill, Sebesta, Siplin and Wise

Education

Senator Lynn, Chair; Senator Baker, Vice Chair; Senators Bullard, King, Klein, Webster, Wilson and Wise

Education Appropriations

Senator Alexander, Chair; Senator King, Vice Chair; Senators Bullard, Constantine, Klein, Lynn, Miller and Wise

Environmental Preservation

Senator Dockery, Chair; Senator Siplin, Vice Chair; Senators Alexander, Argenziano, Baker, Constantine, Lawson and Smith

Ethics and Elections

Senator Posey, Chair; Senator Rich, Vice Chair; Senators Argenziano, Dawson, Jones and Sebesta

General Government Appropriations

Senator Clary, Chair; Senator Lawson, Vice Chair; Senators Baker, Garcia and Siplin

Government Efficiency Appropriations

Senator Atwater, Chair; Senator Campbell, Vice Chair; Senators Diaz de la Portilla, Geller, Haridopolos and Posey

Governmental Oversight and Productivity

Senator Argenziano, Chair; Senator Lawson, Vice Chair; Senators Alexander, Garcia, Margolis and Sebesta

Health and Human Services Appropriations

Senator Saunders, Chair; Senator Pruitt, Vice Chair; Senators Bennett, Dawson, Jones, Peaden, Rich and Wilson

Health Care

Senator Peaden, Chair; Senator Dawson, Vice Chair; Senators Atwater, Fasano, Jones, Miller, Pruitt, Rich, Saunders and Siplin

Judiciary

Senator Webster, Chair; Senator Villalobos, Vice Chair; Senators Aronberg, Baker, Campbell, Clary, Geller and Posey

Regulated Industries

Senator Jones, Chair; Senator Hill, Vice Chair; Senators Aronberg, Dawson, Geller, Haridopolos, King, Posey, Saunders and Villalobos

Rules and Calendar

Senator Pruitt, Chair; Senator Argenziano, Vice Chair; Senators Campbell, Carlton, Clary, Constantine, Diaz de la Portilla, Dockery, Garcia, Geller, Klein, Margolis, Miller, Smith and Villalobos

Transportation

Senator Sebesta, Chair; Senator Klein, Vice Chair; Senators Bennett, Bullard, Clary, Crist, Diaz de la Portilla and Margolis

Transportation and Economic Development Appropriations

Senator Fasano, Chair; Senator Margolis, Vice Chair; Senators Dockery, Hill, Sebesta and Webster

Ways and Means

Senator Carlton, Chair; Senator Miller, Vice Chair; Senators Alexander, Atwater, Campbell, Clary, Crist, Fasano, King, Lawson, Margolis, Pruitt, Saunders, Smith and Villalobos

JOINT COMMITTEES

Administrative Procedures Committee

Senator Bennett, Alternating Chair; Senators Argenziano and Bullard

Legislative Auditing Committee

Senator Wise, Alternating Chair; Senators Crist, Dawson, Hill and Posey

Legislative Budget Commission

Senator Carlton, Alternating Chair; Senators Alexander, Atwater, Fasano, Miller, Saunders and Smith

Legislative Committee on Intergovernmental Relations

Senator Jones, Alternating Chair; Senators Haridopolos, Klein and Lynn

ADJOURNMENT

On motion by Senator Pruitt, the Senate in Organization Session adjourned sine die at 12:17 p.m.

ORGANIZATION SESSION

November 16, 2004

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Journal

of the

S E N A T E

State of Florida

SPECIAL SESSION A

December 13 - 16, 2004

At a Special Session of the Legislature convened by proclamation of The Honorable Tom Lee, President of the Florida Senate and The Honorable Allan Bense, Speaker of the Florida House of Representatives

MEMBERS OF THE SENATE

(26 Republicans, 14 Democrats)

SPECIAL SESSION A
December 13 - 16, 2004

District 1: Anthony C. "Tony" Hill, Sr. (D), Jacksonville**
Parts of Duval, Flagler, Putnam, St. Johns and Volusia

District 2: Durell Peaden, Jr. (R), Crestview*
Holmes, Washington, and parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 3: Nancy Argenziano (R), Crystal River**
Baker, Dixie, Hamilton, Lafayette, Suwannee, Taylor and parts of Citrus, Columbia, Jefferson, Leon, Levy, Madison and Marion

District 4: Charlie Clary (R), Destin*
Parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 5: Stephen R. Wise (R), Jacksonville**
Parts of Clay, Duval, Nassau and St. Johns

District 6: Alfred "Al" Lawson, Jr. (D), Tallahassee*
Calhoun, Franklin, Gadsden, Gulf, Jackson, Liberty, Wakulla and parts of Bay, Jefferson, Leon and Madison

District 7: Evelyn J. Lynn (R), Ormond Beach**
Parts of Clay, Marion, Putnam and Volusia

District 8: James E. "Jim" King, Jr. (R), Jacksonville*
Parts of Duval, Flagler, Nassau, St. Johns and Volusia

District 9: Daniel Webster (R), Winter Garden**
Parts of Orange, Osceola and Seminole

District 10: Tom Lee (R), Brandon*
Parts of Hillsborough, Pasco and Polk

District 11: Mike Fasano (R), New Port Richey**
Parts of Citrus, Hernando, Pasco and Pinellas

District 12: Victor D. Crist (R), Tampa*
Parts of Hillsborough and Pasco

District 13: Dennis L. Jones, D.C. (R), Seminole**
Part of Pinellas

District 14: Rod Smith (D), Gainesville*
Alachua, Bradford, Gilchrist, Union and parts of Columbia, Levy, Marion and Putnam

District 15: Paula Dockery (R), Lakeland**
Parts of Hernando, Lake, Osceola, Polk and Sumter

District 16: Jim Sebesta (R), St. Petersburg*
Parts of Hillsborough and Pinellas

District 17: JD Alexander (R), Winter Haven**
Hardee, Highlands, and parts of DeSoto, Glades, Okeechobee, Polk and St. Lucie

District 18: Lesley "Les" Miller, Jr. (D), Tampa*
Parts of Hillsborough, Manatee and Pinellas

District 19: Gary Siplin (D), Orlando**
Parts of Orange and Osceola

District 20: Carey Baker (R), Eustis***
Parts of Lake, Marion, Seminole, Sumter and Volusia

District 21: Michael S. "Mike" Bennett (R), Bradenton**
Parts of Charlotte, DeSoto, Lee, Manatee and Sarasota

District 22: Lee Constantine (R), Altamonte Springs*
Parts of Orange and Seminole

District 23: Lisa Carlton (R), Osprey**
Parts of Charlotte, Manatee and Sarasota

District 24: Bill Posey (R), Rockledge*
Parts of Brevard, Orange and Seminole

District 25: Jeffrey H. "Jeff" Atwater (R), Palm Beach Gardens**
Parts of Broward and Palm Beach

District 26: Mike Haridopolos (R), Melbourne***
Parts of Brevard, Indian River, Osceola and St. Lucie

District 27: Dave Aronberg (D), Greenacres**
Parts of Charlotte, Glades, Hendry, Lee and Palm Beach

District 28: Ken Pruitt (R), Port St. Lucie*
Martin and parts of Indian River, Okeechobee, Palm Beach and St. Lucie

District 29: M. Mandy Dawson (D), Ft. Lauderdale**
Parts of Broward and Palm Beach

District 30: Ron Klein (D), Delray Beach*
Parts of Broward and Palm Beach

District 31: Steven A. Geller (D), Hallandale Beach**
Part of Broward

District 32: Walter G. "Skip" Campbell, Jr. (D), Tamarac*
Part of Broward

District 33: Frederica S. Wilson (D), Miami**
Part of Miami-Dade

District 34: Nan Rich (D), Weston****
Parts of Broward and Miami-Dade

District 35: Gwen Margolis (D), Miami Beach**
Parts of Broward and Miami-Dade

District 36: Alex Diaz de la Portilla (R), Miami*
Part of Miami-Dade

District 37: Burt L. Saunders (R), Naples**
Parts of Collier and Lee

District 38: J. Alex Villalobos (R), Miami*
Part of Miami-Dade

District 39: Larcenia J. Bullard (D), Miami**
Monroe and parts of Broward, Collier, Hendry, Miami-Dade and Palm Beach

District 40: Rudy Garcia (R), Hialeah*
Part of Miami-Dade

* Holdovers
** Elected General Election November 2, 2004, for a term of 4 years
*** Elected Special General Election March 25, 2003, for a term ending November 2006
**** Elected General Election November 2, 2004, for a term ending November 2006

OFFICERS OF THE SENATE

Tom Lee, *President*
Charlie Clary, *President Pro Tempore*
J. Alex Villalobos, *Majority (Republican) Leader*
Lesley "Les" Miller, Jr., *Minority (Democratic) Leader*

Non-member Elected Officer

Faye W. Blanton, *Secretary*

Journal of the Senate

Number 1—Special Session A **Monday, December 13, 2004**

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, and subsequently amended, at the Capitol, in the City of Tallahassee, on Monday, December 13, 2004, in the State of Florida.

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CALL TO ORDER

The Senate was called to order by President Lee at 11:00 a.m. A quorum present—37:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Hill	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wise
Constantine	Margolis	
Crist	Miller	

Excused: Senators Haridopolos and Wilson

PRAYER

The following prayer was offered by Senator Hill:

In those times of our feeling overwhelmed, speak to us, Lord. Help us remember that we do not travel distance all at one time, but step by step; day by day; hour by hour and minute by minute; and that we walk by faith, not sight.

As we face what is ahead, give to us a sense of priority and proper ordering so that we will keep the responsibilities of life and our own strength and abilities in proper focus. Keep our hearts and minds clear. Amen.

PLEDGE

Senator Baker led the Senate in the pledge of allegiance to the flag of the United States of America.

By direction of the President, the Secretary read the following proclamations:

THE FLORIDA LEGISLATURE
JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE FLORIDA HOUSE OF REPRESENTATIVES:

We, Tom Lee, President of the Florida Senate, and Allan G. Bense, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

1. That the Legislature of the State of Florida is convened in Special Session pursuant to Article III, Section 3(c), Florida Constitution and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida beginning at 11:00 a.m. on Monday, the 13th day of December, 2004, for a period of 5 days, ending 11:59 p.m. on Friday, the 17th day of December, 2004.

2. That the Legislature is convened for the sole and exclusive purpose of considering the following:

   a. Legislation addressing the topics raised in the Governor's July 9, 2004 veto message relating to the Voluntary Prekindergarten Education Program enacted as House Bill 821 during the 2004 regular session of the Florida Legislature.

   b. Legislation addressing the operation of juvenile detention facilities for fiscal year 2004-05 and the funding responsibility of the counties as provided for in Senate Bill 2564 (2004).

   c. Legislation extending the effective date of the requirement for licensure of Discount Medical Plan Organizations contained in §636.204, F.S., as created by Section 31 of Chapter 2004-297, Laws of FLorida.

   d. Legislation providing for the tax relief of hurricane victims whose primary residence was destroyed or damaged and rendered uninhabitable by a 2004 named hurricane or tropical storm.

   e. Legislation providing for the compensation and relief of insured policyholders of residential property insurance for the cost of multiple deductibles for damage to insured residential property in Florida, arising out of two or more year 2004 named hurricanes.

   f. Legislation amending the Florida Insurance Code to address imposition of the deductible for insured future loses sustained to property due to damage associated with a named hurricane.

   g. Legislation appropriating funds for loans to school districts awaiting FEMA reimbursements to accelerate the rebuilding of public school facilities damaged or destroyed by a named hurricane or tropical storm during the 2004 hurricane season.

   h. Legislation providing for the restoration of the state's Beach and Dune System damaged by a named hurricane or tropi-

cal storm during the 2004 hurricane season, and for related administrative support.

i. Legislation providing for canker eradication efforts by the Department of Agriculture and Consumer Services, compensation for property owners for destroyed or damaged citrus crops, for completing a soybean rust survey and eradication effort, and for the Caribbean Fruit Fly Certification Program.

j. Legislation providing for the Department of Elder Affairs, the Department of Children and Families, and the Agency for Persons with Disabilities, to support 2004 named hurricane and tropical storm relief efforts from federal funds.

k. Legislation providing for the Department of Community Affairs to match FEMA funding for the Other Needs Assistance (ONA) grants for 2004 named hurricane and tropical storm relief efforts.

l. Legislation to administer the Public Assistance Program and to provide grant assistance for the repair, replacement, or restoration of publicly owned facilities that incurred losses associated with the 2004 named hurricanes or topical storms.

m. Legislation to administer the Hazard Mitigation Grant Program and to provide assistance through such program to local governments for relief efforts resulting from a 2004 named hurricane or tropical storm.

n. Legislation providing for the Agency for Workforce Innovation to assist workers displaced by a 2004 named hurricane or tropical storm.

The Honorable Tom Lee,
President, The Florida Senate
December 3, 2004

The Honorable Allan G. Bense,
Speaker, The Florida House
of Representatives
December 3, 2004

Duly filed with and received by the Florida Department of State this 3rd day of December, 2004.

Glenda E. Hood
Secretary of State

THE FLORIDA LEGISLATURE
AMENDED JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE FLORIDA HOUSE OF REPRESENTATIVES:

We, Tom Lee, President of the Florida Senate and Allan G. Bense, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c) of the Florida Constitution and Section 11.011 of the Florida Statutes, do hereby proclaim:

1. That paragraph 2 of our Joint Proclamation filed December 3, 2004, is hereby amended by adding a subparagraph (o) to read:

   o. Legislation eliminating redundant requirements for determining financial eligibility for the KidCare Program.

2. Except as amended by this Proclamation, the Joint Proclamation filed December 3, 2004, is ratified and confirmed.

The Honorable Tom Lee,
President, The Florida Senate
December 13, 2004

The Honorable Allan G. Bense,
Speaker, The Florida House
of Representatives
December 13, 2004

Duly filed with and received by the Florida Department of State this 13th day of December, 2004.

Glenda E. Hood
Secretary of State

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Carlton—

SB 2-A—A bill to be entitled An act relating to early learning; creating part V of ch. 1002, F.S.; creating the Voluntary Prekindergarten Education Program; implementing s. 1(b) and (c), Art. IX of the State Constitution; providing definitions for purposes of the program; providing eligibility and enrollment requirements; authorizing parents to enroll their children in a school-year program delivered by a private prekindergarten provider, a summer program delivered by a public school or private prekindergarten provider, or a school-year program delivered by a public school; requiring school districts to admit all eligible children in the summer program; prohibiting specified acts of discrimination and certain limits on enrollment; specifying eligibility requirements for private prekindergarten providers and public schools that deliver the program; requiring minimum hours for the program; providing minimum requirements for prekindergarten instructors; providing for the adoption of rules; providing minimum and maximum class sizes; requiring appropriate adult supervision for prekindergarten classes; requiring the Department of Education to establish minimum standards for a credential for prekindergarten directors and for emergent literacy training courses for prekindergarten instructors; requiring the credential and course to provide training and resources containing strategies that maximize the program's benefits for students with disabilities and other special needs; providing that the credential and course satisfy certain credentialing and training requirements; providing limits on when a provider or school may deliver the summer prekindergarten program; specifying eligibility requirements for school districts that deliver the school-year prekindergarten program; providing legislative intent; authorizing providers and schools to select or design curricula used for the program; directing the Department of Education to adopt performance standards and approve curricula under specified conditions; requiring providers and schools to be placed on probation and use the approved curricula under certain circumstances; requiring improvement plans and corrective actions from providers and schools under certain circumstances; providing for the removal of providers or schools that remain on probation beyond specified time limits; requiring early learning coalitions and school districts to verify the compliance of private prekindergarten providers and public schools; authorizing the removal of providers and schools for noncompliance or misconduct; requiring interagency coordination for monitoring providers; requiring the Department of Education to adopt a statewide kindergarten screening; requiring certain students to take the statewide screening; specifying requirements for screening instruments and kindergarten readiness rates; directing the State Board of Education to establish minimum rates; providing funding and reporting requirements; specifying the calculation of per-student allocations; authorizing students to withdraw, reenroll, and receive additional per-student allocations under specified conditions; providing for advance payments to

private prekindergarten providers and public schools based upon student enrollment; providing for the documentation and certification of student attendance; requiring parents to verify student attendance and certify the choice of provider or school; providing for the reconciliation of advance payments based upon attendance; requiring students to comply with attendance policies and authorizing the dismissal of students for noncompliance; requiring the Agency for Workforce Innovation to adopt a uniform attendance policy for funding purposes; providing for administrative funds to be used by early learning coalitions; prohibiting certain fees or charges; limiting the use of state funds; providing powers and duties of the Department of Education and the Agency for Workforce Innovation; requiring the department and the agency to adopt procedures for the Voluntary Prekindergarten Education Program; creating the Florida Early Learning Advisory Council; providing for the appointment and membership of the advisory council; providing membership and meeting requirements; authorizing council members to receive per diem and travel expenses; requiring the Agency for Workforce Innovation to provide staff for the advisory council; providing for the adoption of rules; amending s. 411.01, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation; deleting provisions for the appointment and membership of the partnership; redesignating school readiness coalitions as early learning coalitions; deleting obsolete references to repealed programs; deleting obsolete provisions governing the phase in of school readiness programs; deleting provisions governing the measurement of school readiness, the school readiness uniform screening, and performance-based budgeting in school readiness programs; specifying requirements for school readiness performance standards; clarifying rulemaking requirements; revising requirements for school readiness programs; specifying that school readiness programs must enhance the progress of children in certain skills; requiring early learning coalitions to obtain certain health information before enrolling a child in the school readiness program; requiring the Agency for Workforce Innovation to monitor and evaluate the performance of early learning coalitions and to identify best practices for the coalitions; requiring a reduction in the number of coalitions in accordance with specified standards; directing the Agency for Workforce Innovation to adopt procedures for the merger of coalitions; providing exceptions; authorizing the Agency for Workforce Innovation to dissolve a coalition under specified conditions; revising appointment and membership requirements for the coalitions; specifying that certain members are nonvoting; directing the Agency for Workforce Innovation to adopt criteria for the appointment of certain members; requiring each coalition to specify terms of coalition members; requiring a quorum of coalition members; prohibiting coalition members from voting under certain circumstances; providing a definition for purposes of the single point of entry; requiring early learning coalitions to use a statewide information system; requiring the Agency for Workforce Innovation to approve payment rates and consider the access of eligible children before approving proposals to increase rates; prioritizing the use of school readiness funds under certain circumstances; deleting requirements for the minimum number of children served; providing requirements for developmentally appropriate curriculum used for school readiness programs; authorizing contracts for the continuation of school readiness services under certain circumstances; requiring the Agency for Workforce Innovation to adopt criteria for the approval of school readiness plans; revising requirements for school readiness plans; providing requirements for the approval and implementation of plan revisions; revising competitive procurement requirements for early learning coalitions; authorizing the coalitions to designate certified public accountants as fiscal agents; clarifying age and income eligibility requirements for school readiness programs; revising eligibility requirements for certain at-risk children; deleting a requirement for consultation on performance standards and outcome measures; revising funding requirements; revising requirements for the adoption of a formula for the allocation of certain funds among the early learning coalitions; specifying allocations for fiscal year 2004-2005; deleting an obsolete provision requiring a report; deleting the expiration of eligibility requirements for certain children from families receiving temporary cash assistance; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the school readiness system; amending s. 20.50, F.S.; creating the Office of Early Learning within the Agency for Workforce Innovation; requiring the office to administer the school readiness system and operational requirements of the Voluntary Prekindergarten Education Program; amending s. 125.901, F.S.; conforming provisions to changes made by the act; amending ss. 216.133 and 216.136, F.S.; redesignating the School Readiness Program Estimating Conference as the Early Learning Programs Estimating Conference; requiring the estimating conference to develop certain estimates and forecasts for the Voluntary Prekindergarten Education Program; directing the Agency for Workforce Innovation to provide certain information to the estimating conference; amending ss. 402.3016, 411.011, 411.226, 411.227, 1001.23, 1002.22, and 1003.54, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation and to the redesignation of the school readiness coalitions as early learning coalitions; authorizing the agency to adopt rules; amending s. 1007.23, F.S.; requiring the articulation of certain programs into credit toward a postsecondary degree; abolishing the Florida Partnership for School Readiness; transferring all powers, rules, personnel, and property of the partnership to the Agency for Workforce Innovation; repealing ss. 411.012 and 1008.21, F.S., relating to the voluntary universal prekindergarten education program and the school readiness uniform screening; providing appropriations and authorizing additional positions; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from the lump-sum appropriations to appropriation categories; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Education; and Education Appropriations.

By Senator Crist—

SB 4-A—A bill to be entitled An act relating to juvenile detention; amending s. 985.2155, F.S.; revising the apportionment of certain costs between counties and the state of providing detention care for juveniles; deleting a requirement that the Chief Financial Officer withhold a portion of county funds if the county remits to the state less than the amount required; deleting provisions directing the Department of Juvenile Justice to negotiate with other states for certain costs and to pay the costs of detaining juveniles for whom no state of residence is established; amending s. 3 of chapter 2004-263, Laws of Florida; revising the effective date of chapter 2004-263, Laws of Florida, which has already occurred; providing an appropriation; requiring the Governor to adjust the approved operating budget for the Department of Juvenile Justice; providing legislative findings that the sanctions and services provided for juveniles who are alleged to have committed a violation of law are a necessary component of the criminal laws of the state and shall be considered as such for purposes of s. 18(d), Art. VII of the State Constitution; providing that the act fulfills an important state interest; providing effective dates.

—was referred to the Committee on Justice Appropriations.

By Senator Peaden—

SB 6-A—A bill to be entitled An act relating to discount medical plan organizations; delaying the date by which such an organization or marketer must comply with the requirements of part II of ch. 636, F.S., relating to the licensure and regulation of discount medical plan organizations; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Atwater and Lynn—

SB 8-A—A bill to be entitled An act relating to relief for persons whose primary residences were damaged by a named tropical system; providing for reimbursement of a portion of the ad valorem tax levied on a house or other residential building if the building is rendered uninhabitable due to a named tropical system; requiring that application for such reimbursement be made with the property appraiser; providing application requirements; requiring that the property owner provide documentation that the property was uninhabitable; requiring each property appraiser to determine an applicant's entitlement to reimbursement and the reimbursement amount; providing a formula for calculating the reimbursement amount; limiting the reimbursement amount; requiring property appraisers to submit reimbursement lists to the Chief Financial Officer by a specified date; requiring the Chief Financial Officer to calculate reimbursements in conformance with the amount appropriated and disperse reimbursement checks accordingly; providing a defini-

tion; providing a penalty for giving false information; providing an appropriation; providing an effective date.

—was referred to the Committee on Government Efficiency Appropriations.

By Senator Garcia—

SB 10-A—A bill to be entitled An act relating to hurricane deductibles; providing for the Department of Financial Services to reimburse policyholders of residential property insurance for multiple deductibles applied by insurers for two or more hurricanes; providing legislative findings and intent; establishing criteria for eligibility for reimbursement; requiring applications to be submitted to the department and to include certain information; limiting the maximum amount of reimbursement; limiting total reimbursement to the amount appropriated for this purpose; requiring payment to be made in a specified order of priority and providing for pro rata reimbursement; requiring insurers to provide the department with certain information related to the claim for reimbursement, subject to the policyholder's authorization; authorizing the department to contract with a third party for investigation or adjustment of a claim for reimbursement; requiring insurers to mail notice to certain policyholders of the reimbursement procedures; providing for emergency rules; providing that an application for reimbursement constitutes an insurance claim for purposes of determining insurance fraud; amending s. 627.701, F.S.; requiring that hurricane deductibles of residential property insurance policies be applied on an annual basis to all hurricane losses that occur during a calendar year; allowing insurers to apply an alternative deductible to subsequent hurricane losses after the annual deductible is met; providing the method by which the hurricane deductible is to be calculated if a hurricane deductible is changed for a new or renewal policy; allowing insurers to require policyholders to report hurricane losses or to maintain receipts or records in order to apply hurricane losses to a subsequent hurricane claim; providing appropriations; requiring the State Board of Administration to increase future premiums to the Florida Hurricane Catastrophe Fund; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations.

By Senator Alexander—

SB 12-A—A bill to be entitled An act relating to the restoration of educational facilities damaged by hurricanes in 2004; creating the Educational Facilities Hurricane Restoration Cash Flow Loan Program for the purpose of assisting district school boards in making timely payments in restoring educational facilities; providing eligibility requirements for receiving a cash flow loan; requiring the Department of Education to administer the loan program and distribute loan funds; requiring the Department of Community Affairs to notify the Department of Education when certain federal payments have been distributed; providing an appropriation; providing an effective date.

—was referred to the Committee on Education Appropriations.

By Senator Clary—

SB 14-A—A bill to be entitled An act relating to the restoration of hurricane-damaged beaches and dunes; providing legislative findings with respect to hurricane damage to the state's beach and dune systems; requiring the Department of Environmental Protection to provide a report on the repair and restoration of the state's beaches and dunes to the Governor and Legislature; providing appropriations; requiring a local match for certain appropriations; limiting the local match to counties and municipalities with a certain per capita personal income level; authorizing the Executive Office of the Governor to approve a waiver under certain conditions; restricting full release of funds until certain local match requirements are met; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; authorizing the department to redistribute funds among activities and projects; requiring that the department provide prior notice of and justification for such redistribution to the Governor and Legislature; directing the department to take the necessary steps to ensure the timely implementation and completion of certain beach repair and restoration projects; providing an effective date.

—was referred to the Committees on Environmental Preservation; and General Government Appropriations.

By Senator Argenziano—

SB 16-A—A bill to be entitled An act relating to hurricane impacts on specified agricultural programs; providing legislative findings with respect to the impact of the hurricanes and tropical storm of 2004 on the department's citrus canker eradication and compensation programs, the spread of an infestation of soybean rust resulting in the need to conduct surveys to determine the extent of such infestation, and a projected shortfall in revenues of the Plant Industry Trust Fund; requiring the department to provide a report on citrus canker eradication to the Governor and the Legislature; providing appropriations; requiring the department to maximize available federal funds for certain programs; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; providing an effective date.

—was referred to the Committees on Agriculture; and General Government Appropriations.

By Senator Saunders—

SB 18-A—A bill to be entitled An act relating to the state's health and human services agencies; providing legislative findings with respect to the need to provide nutritional, medical, and social services to the elderly, children, families, individuals with disabilities, and low-income individuals due to the impact of hurricanes and a tropical storm in this state during 2004; providing appropriations to the Department of Elderly Affairs, the Department of Children and Family Services, and the Agency for Persons with Disabilities; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations.

By Senator Constantine—

SB 20-A—A bill to be entitled An act relating to hurricane-relief funding; amending s. 252.37, F.S., relating to emergency management; requiring that the state and the affected local government provide certain amounts of matching funds following acceptance of federal public assistance funds that are conditioned upon such match; authorizing the Executive Office of the Governor to waive the requirement under certain circumstances; requiring that the recipient provide a required match before receiving federal hazard-mitigation funds; providing for certain exceptions; providing for retroactive application of the requirements for providing matching funds; providing appropriations; providing requirements for local governments with respect to matching funds; authorizing future payments or a deduction from the local government's revenue-sharing allocation; specifying that the nonrecurring appropriations are to meet needs caused by hurricanes and a tropical storm; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

By Senator Fasano—

SB 22-A—A bill to be entitled An act relating to emergency funding for temporary jobs for displaced workers affected by the 2004 hurricane

season; requiring the Agency for Workforce Innovation to report to the Governor and the Legislature on the expenditure of federal funds received for the purpose of providing temporary jobs and assisting in the restoration efforts following the tropical storm and hurricanes in this state; requiring monitoring by the agency and regional workforce boards to ensure compliance with federal law; providing an appropriation; providing budget authority to the agency with respect to the expenditure of federal funds; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from the lump-sum appropriation to appropriation categories; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations.

By Senator Lynn—

SB 24-A—A bill to be entitled An act relating to ad valorem taxation; providing for the partial refund of ad valorem taxes on homestead property rendered uninhabitable due to a named tropical system; providing procedures and deadlines; providing duties of property appraisers; requiring the Chief Financial Officer to disburse refund checks under certain conditions; providing for the proration of refunds if the appropriation is insufficient to cover the total amount of the requested refunds; defining terms; providing for the expiration of the act; providing an appropriation; providing for applicability; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Siplin—

SB 26-A—A bill to be entitled An act relating to hurricane property insurance deductibles; amending s. 627.701, F.S.; limiting application of hurricane deductible amounts in a calendar year; requiring the Florida Hurricane Catastrophe Fund to develop a deductible-loss reimbursement program for insurance companies; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senators Posey and Rich—

SB 28-A—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.814, F.S.; revising requirements for documenting family income for purposes of determining a child's eligibility for the program; providing an effective date.

—was referred to the Committee on Health Care.

MOTIONS

On motion by Senator Pruitt, the rules were waived and the procedure for establishing a Special Order Calendar during Special Session A will be by distribution or publication in the calendar.

On motion by Senator Pruitt, the rules were waived and amendment deadlines for committee meetings and sessions will be by announcement or publication.

On motion by Senator Pruitt, the rules were waived and committees and sessions were permitted to meet later than 7:00 p.m., if necessary.

On motion by Senator Pruitt, the rules were waived and all bills filed for introduction outside the call of the Special Session were referred to the Committee on Rules and Calendar.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the following committees were granted permission to meet this day: from 1:30 p.m. until 3:30 p.m., the Committees on Criminal Justice; Governmental Oversight and Productivity; Health Care; and Judiciary; and from 4:00 p.m. until 6:00 p.m., the Committees on Children and Families; Environmental Preservation; Regulated Industries; and Transportation.

On motion by Senator Pruitt, the rules were waived and the following committees were granted permission to meet December 14: from 9:00 a.m. until 1:00 p.m., the Committees on Agriculture; Banking and Insurance; Commerce and Consumer Services; and Domestic Security; and from 2:00 p.m. until 4:00 p.m., the Committees on Communications and Public Utilities; Community Affairs; and Ethics and Elections.

On motion by Senator Pruitt, the rules were waived and the following committees were granted permission to meet December 15: from 9:00 a.m. until 12:00 noon, the Committee on Education; and from 3:00 p.m. until 5:00 p.m., the Committees on Education Appropriations; General Government Appropriations; Government Efficiency Appropriations; Health and Human Services Appropriations; Justice Appropriations; and Transportation and Economic Development Appropriations.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 2004 REGULAR SESSION

The Honorable Glenda E. Hood May 25, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 220, enacted during the 36th Session of the Legislature of Florida and convened under the Constitution of 1968, during the Regular Session of 2002 and entitled:

An act relating to Official State Designations...

Senate Bill 220 would designate the merchant marine vessel the *SS American Victory* as the official state flagship of Florida. Launched in 1945, the *SS American Victory* was active during World War II, the Korean Conflict, and Vietnam. This 455-foot vessel currently rests in Tampa Bay, adjacent to the Florida Aquarium, where it will be the centerpiece of the American Victory Mariners Memorial and Museum Ship.

While I applaud the *SS American Victory* and her crew for their service to our country in times of both war and peace, I must reluctantly decline to designate it as Florida's Official Flagship. Its history is broad and vast, but the ship's time in Florida spans only three years. To designate the *SS American Victory* as our state flagship would be to disregard the other great ships that have occupied our ports and served as symbols of freedom along our coasts for the last century.

At this time I would like to ask the Legislature to join with my office to develop a process for designating entities with our state seal. As there are direct and indirect economic benefits to be gained by a designation, scrutiny and deliberation will help ensure that we have analyzed and designated the most appropriate candidates. I would encourage *SS American Victory's* advocates to pursue a recommended official designation through this process, once established.

For the reasons provided above, I am hereby withholding my approval of Senate Bill 220, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood June 24, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of Committee Substitute for Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 506, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to genetic counseling.

This bill provides for the licensing and regulation of genetic counselors. The bill establishes legislative intent, defines the practice of genetic counseling, creates the Board of Genetic Counselors, provides rulemaking authority, and establishes the basis for disciplinary action. The board is directed to set fees under a statutory cap.

The Sunrise Act, s. 11.62, F.S., states the Legislature's intent that no profession or occupation be subject to regulation unless the regulation is necessary to protect the public health, safety and welfare. This act further establishes specific criteria for evaluating proposals to regulate a new profession or occupation. I believe these standards have not been met in the following respects:

- The potential for substantial harm resulting from lack of regulation is vague and speculative;
- The current system of national certification constitutes an adequate alternative form of regulation;
- The cost effectiveness and economic impact of the regulation is not necessarily favorable to consumers, who may experience increases in insurance premiums if genetic counselors succeed in obtaining reimbursement from health plans.

For these reasons, I hereby veto, Committee Substitute for Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 506.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood June 23, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 976, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to trust funds . . .

The Cultural Institutions Trust Fund is scheduled to terminate on November 4, 2004. This bill recreates this fund without modification. For the past year, this trust fund has had neither a revenue source nor appropriations; and as there is no anticipated revenue or appropriation for fiscal year 2004-05, the fund is not necessary for operations. For fiscal year 2004-05, there has been appropriated $6.1 million in general revenue funding for the arts. While I fully support the arts, the recreation of this trust fund serves no purpose.

For this reason, I am withholding my approval of Senate Bill 976, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood June 23, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 1258, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to Workforce Development Education Programs . . .

In general, this bill modifies the allocation of workforce education funds when not specifically provided in the General Appropriations Act and requires the Department of Education to develop a funding process for school district workforce programs that is comparable to community college workforce programs. Additionally, this bill revises and updates terminology relating to workforce education.

All substantive changes in this bill are included in House Bill 769, which I have already signed into law. Unfortunately, Committee Substitute for Senate Bill 1258 revises workforce education terminology that conflicts with revisions to workforce education terminology included in House Bill 769. Consequently, allowing both Committee Substitute for Senate Bill 1258 and House Bill 769 to become law would create statutory inconsistencies.

For the technical reasons provided above, I am withholding my approval of Committee Substitute for Senate Bill 1258, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood July 8, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 1712, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to agricultural economic development . . .

Protecting and strengthening agriculture is important to Florida's economy, environment and quality of life. Public policy should pay attention to the private property rights of farmers to promote the success of agriculture. In several instances, however, farmers have raised concerns about their treatment before zoning policy-makers, feeling that counties ran roughshod over their interests by limiting land use and property rights. By ensuring the right to develop their lands at a level equivalent to surrounding properties, this bill would help farmers maximize the value of their land and thus allow them to borrow more money to stay in production.

While I applaud the bill's intent, I have four concerns with the bill that reluctantly lead me to withhold my support.

First, the legislation could actually prompt the premature conversion of agriculture lands to development. While the bill ensures the farmers are not denied the ability to "zone up" consistent with surrounding properties, it also creates a potential incentive structure for farmers to "cash out" in cases where land values rise rapidly.

Second, the bill's ambiguity and the vagueness of its definitions could significantly expand the potential scope and impact of the bill beyond its intent (particularly when considered in conjunction with the incentives for "cashing out" as discussed). The bill's definition of agriculture enclave is vague and could lead to a different interpretation in practice than that intended by the drafters. For instance, the ability to aggregate properties, the lack of an acreage limitation, and the emphasis on "approved" development may cause conversion of large tracts of land in many environmentally sensitive areas as well as undermine a county's ability to effectively plan and manage its future growth.

Third, because of the bill's ambiguity and potentially differing opinions regarding its impact and sweep, litigation is likely to result. This will lead to yet another potential unintended consequence: more lawyer and court involvement in land use decisions and delays in land use decisions. Land use policy should be determined by elected officials, not by the courts.

Finally, this bill violates a central tenet of my philosophy: that local decisions should be made at the local level. State oversight of growth management should be reserved for those issues of truly statewide concern, such as the protection of critical natural resources, ensuring adequate infrastructure, and preservation of our agricultural industry.

I believe that approving this bill would hinder, rather than encourage, further dialogue on statewide growth management issues. I recently signed into law Senate Bill 1214, the Wekiva Parkway and Protection Act, which essentially codifies a consensus among all local stakeholders, leaders and concerned citizens. Committee Substitute for Committee Substitute for Senate Bill 1712, on the other hand, addresses a single (albeit important) issue absent the context of other land use issues and further confuses rather than clarifies what ordinary citizens can expect their communities to look like in the future.

I remain sensitive to the concerns of farmers and local land owners. To that end, the concerns of the supporters of this bill for protection of property rights must be incorporated into future discussions on growth management issues. We must ensure that state oversight of land use decisions remains focused on state priorities, and carefully balances the importance of resource protection with rights of property owners to appropriately use and develop their properties. Additionally, Commissioner Bronson recently announced his intent to closely examine issues surrounding our agricultural industry, an effort which I believe is necessary and timely. I look forward to working with the Commissioner and his team on this endeavor.

For the reasons cited above, I hereby withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 1712, and do veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood May 28, 2004
Secretary of State

Dear Secretary Hood:

I hereby transmit to you, with my signature, Committee Substitute for Senate Bill 1762, entitled:

An act relating to trauma care-

Committee Substitute for Senate Bill 1762 addresses the organization and funding of trauma services by authorizing an optional sales surtax for counties with less than 800,000 residents, revising and updating the statutes related to the designation of trauma centers and the planning and operation of a trauma system, and by appropriating funds for an assessment of the trauma system as well as one-time payments to trauma centers.

The sponsors have initiated this step toward continuous state funding of trauma care based on their belief in the financial vulnerability of trauma centers. Clearly, the legislation is well intended, but the funding at this time is not justified. The bill properly calls for a study. This study must be completed before any commitment of additional state funds.

I cannot conclude immediate additional funding of the centers is necessary. While some trauma centers indeed face growing financial pressures, a review of the hospitals' financial reports reveals that all are operating in the black. All 17 hospitals for which data is available reported surplus revenue in FY 2003, with total margins ranging from 0.3% to 21%. Four hospitals reported double-digit margins. As a group, the 17 hospitals posted net incomes in excess of $401 million for FY 2003. These numbers may mask variations among hospitals and fluctuations over time, but the bill's allocation ignores such diversity and hands $1 million to each center without regard to financial need. If need is the reason, how can this approach be the answer?

Other reasons are offered to fund trauma care, but these too require more careful study. The statutes in place prior to the amendments in Committee Substitute for Senate Bill 1762 indicated that hospitals are inadequately compensated for trauma services. This bill deletes that assertion, but the contention of an unsustainable burden due to uninsured and underinsured trauma patients persists. Uncompensated care is a serious issue for all hospitals, not just trauma centers.

Trauma centers already receive specific financial assistance. More than $44 million has been awarded since 1998 through special Medicaid payments to hospitals with trauma centers and another $11.6 million is slated for FY 2004-05. Additionally, all but two trauma centers qualify for higher Medicaid reimbursement rates compared to other hospitals, a privilege that is estimated to generate an extra $191 million in revenues in the next fiscal year for the 21 hospitals targeted by this bill. Some may argue these funds are not enough, but we cannot blindly increase the already substantial state funding without more careful consideration.

Three areas demand particular attention as we continue to examine this issue. The bill acknowledges two and overlooks the other. The first issue relates to the distribution of trauma centers, the second addresses the local responsibility for trauma care, and the third relates to performance.

(1) The bill calls for an assessment which includes evaluation of the number and distribution of trauma centers. The funding allocation in the bill preempts the study of this question and equally funds each center. The results are illogical. For example, the three centers serving the 300,000 residents of Escambia County receive a total of $3 million under the bill while the nearly one million residents of Orange County benefit from just one-third of that amount because only one trauma center is located in their area.

(2) Another basic issue is the responsibility of local governments to fund trauma care. The current situation is uneven with five counties providing local tax funds to hospitals that provide trauma care and the rest choosing not to do so. In other program areas, we use state funds as an incentive for local participation. While the bill calls for study of this important question, the one-time equal funding ignores the differences and gives money to all centers without regard to local commitment. This approach sends the wrong message to communities that may be unwilling to contribute in order to preserve services that benefit them the most.

I support the bill's provisions giving greater flexibility for counties to raise local funds for trauma centers. This targeted sales surtax can be initiated by county ordinance and is appropriately subject to voter approval. If the four eligible counties with trauma centers used this option, more than $66 million would be raised for trauma centers.

(3) Outcome-based performance measurement is the other significant unanswered question. The trauma statutes create a comprehensive framework for an organized system of care and the underlying justification for this governmental superstructure is to save lives. The system has been in place for nearly 15 years, but no comparative analysis exists to demonstrate unequivocally that our system delivers results. Trauma centers save lives, but so do hospitals that are not designated trauma centers. What is the difference derived from adherence to our regulations? If state government is to initiate trauma-center unique payments, we must first know we are paying for performance.

Florida's spending must be more responsible and targeted to specific goals that can be monitored and measured. For these reasons, I hereby sign Committee Substitute for Senate Bill 1762 and veto the appropriation of $20,700,000 for payments to trauma centers.

Section 11. The sum of $20,700,000 is appropriated from the General Revenue Fund to the Administrative Trust Fund for the the Department of Health to provide equal funding for each to exceed 70 percent of the amount received by an existing 24 trauma center for a hospital with a Level I trauma center application pending with the department as of April 1, 2004.

The portion of Committee Substitute for Senate Bill 1762 is set forth herein with my objections is hereby vetoed. All other portions of Committee Substitute for Senate Bill 1762 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood May 20, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 2056, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to Corporations Not For Profit . . .

This bill would allow not-for-profit corporations to make distributions to other not-for-profit corporations that are organized and operated for similar purposes; entities that are operated exclusively for charitable, benevolent, educational, or similar purposes as the distributing corporation; or federal, state, or local governments.

While the bill is intended to address a 1999 Attorney General opinion (AGO 99-23) that interprets current law to prohibit a subsidiary not-for-profit corporation from distributing funds to a parent organization, I am concerned that the scope of the bill is too broad. The language in the bill goes far beyond the issue raised in the Attorney General's opinion. Because it could fundamentally change the relationships between nonprofit organizations, the likelihood of unintended consequences appears

high. Fraudulent activity at the expense of the public, negative tax consequences, and accounting and auditing problems might result.

Although this bill is well intended, the potential for broad unintended consequences outweighs the narrowly aimed benefits. For this reason, and the reasons set forth herein, I hereby veto, Senate Bill 2056.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood July 1, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of Committee Substitute for Senate Bill 2572, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to airport zoning . . .

This bill allows Miami-Dade County to circumvent the existing process for local government approval of school construction within airport flight paths. Although Florida law prohibits construction of schools within airport flight paths and certain noise zones, section 333.03, Florida Statutes, allows exceptions—provided certain local actions are taken. Specifically, the local government must make findings addressing health and safety concerns and the airport's governing body must conduct a noise study. Based on the legislative scheme embodied in section 333.03, these exceptions to the county's existing airport zoning regulations need not be made on a facility-specific (case-by-case) basis but instead may simply identify those areas within the flight path that the community deems appropriate for placement of schools. Indeed, section 333.03 speaks of "airport zoning regulations" in general and the creation of exceptions thereto.

The state's overarching policy presumes the paramount importance of protecting our children and teachers by forbidding construction of schools under flight paths. At the same time, the law recognizes that local governments are best equipped to make the final decision and therefore allows counties, upon certain findings of fact and noise studies, to permit school construction under flight paths. A process therefore exists by which Miami-Dade can approve school construction under flight paths. The state should not circumvent that process. Such would be bad policy and an invitation for others to seek similar such exemptions.

For these reasons, I therefore withhold my approval of Committee Substitute for Senate Bill 2572 and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood June 18, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 2640, enacted during the 36th session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to Parenting Coordination. . .

Committee Substitute for Senate Bill 2640 authorizes courts to appoint a parenting coordinator when the court finds the parties have not implemented the court-ordered parenting plan, mediation has not been successful, and the court finds the appointment is in the best interest of the children involved.

I applaud the dedicated efforts of many whose mission is to identify alternatives to assist families in conflict. I also recognize that some circuit courts are currently utilizing parenting coordinators without statutory authority, and I commend them for seeking legislative direction.

While the intent of the bill is laudable, I am vetoing the bill for the following reasons:

1. I am concerned that the bill does not adequately protect families as they try to resolve their conflicts. By authorizing courts to require families to use parenting coordinators, this legislation allows the judicial branch to order parenting coordination without the consent of all parties involved.
2. I share the concerns expressed by domestic violence advocates that this bill fails to provide adequate safeguards for victims of domestic violence.
3. I cannot approve legislation that delegates judicial authority to a parenting coordinator and which allows these parenting coordinators to serve in the dual role of judge and jury of parents' or children's rights.
4. I am concerned about funding these parenting coordinating programs in the future.
5. I believe that parenting coordinators should serve as volunteers and not be limited to an exclusive class of licensed professionals.

I will support a revised bill during the 2005 legislative session that makes the appointment and selection of a parenting coordinator subject to the consent of both parents. Also, I believe that we must limit the risk of "professionalization" of the parenting coordinator role by limiting it to volunteers. While I respect the Legislature's policy choice to allow only licensed professionals, clergy or attorneys to qualify as parenting coordinators, I believe that any volunteer, especially any faith-based volunteer, who meets certain minimum criteria should be allowed to serve as a parenting coordinator.

Basic training and standards are important. I support language, some contained in the current bill, regarding domestic violence training, family-court procedures, and mediation.

I am committed to working with the sponsors of this legislation to create a program that can assist parents, preserve their rights, protect the best interests of the children involved, and address the concerns noted above.

Furthermore, by this letter, I respectfully request the Chief Justice of the Florida Supreme Court and all chief circuit judges to consider revising these programs to ensure that parents' paramount rights are not compromised, regardless of the well-intentioned motives of the program.

For these reasons, and the reasons set forth herein, I am withholding my approval of Committee Substitute for Senate Bill 2640, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood May 25, 2004
Secretary of State

Dear Secretary Hood:

By the Authority (sic) vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 2804, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to greenways and trails.

The bill recognizes and extends the Florida National Scenic Trail. The bill refines the terms for members of Florida Greenways and Trails Council, provides for some efficiencies within the Office of Greenways and Trails, and creates a Conserve by Bicycle Program with the Florida Department of Transportation. All of these are commendable legislative efforts and I would recommend the Department of Environmental Protection consider these issues for the next legislative session.

However, the bill exempts a non-profit corporation from state fiscal controls that have been established in statute and ensure accountability for taxpayer dollars. These established fiscal controls include: the requirement that services or goods be received by the state; that travel expenses be reimbursed as provided by general law; the prohibitions against nepotism and using state dollars to lobby the legislature; and provisions requiring competitive bidding. These exemptions could create

a potentially dangerous precedent by removing oversight of recipients of taxpayer funding.

While Florida Mining-Recreation, Inc. is a non-profit corporation that performs the admirable task of transforming mining lands into recreational areas to be enjoyed by all our people, these exemptions are not good public policy. Furthermore, the withholding of my approval for this legislation will not prevent the Florida Mining-Recreation, Inc. from continuing its activities under the current grant process that currently exists at the Department of Environmental Protection.

Lastly, the bill provides a sales tax exemption for Florida Mining-Recreation, Inc. that is not justified. While reducing the tax burden of all Floridians remains a top priority, granting a sales tax exemption to a specific non-profit sets a bad precedent and only increases the tax burden, albeit incrementally, on the remaining taxpayers.

It is for these reasons above that I withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 2804.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood June 18, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of Senate Bill 3188, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to North Lauderdale Water Control District . . .

The bill codifies the district's authority into a single comprehensive act and provides certain amendments to the district's charter. The amendments to the charter include a boundary change so that the district's boundary mimics that of the municipality that controls the dependent special district. The district boundary change also mirrors recent annexations by the City of North Lauderdale. These annexations were supported by a voter approved referendum. However, no referendum was conducted nor proposed to support the special district's boundary revision.

My review of local bills is guided by a long standing local bill policy. One of the pillars of my policy is local control and awareness of changes to a special district's authority. A bill should provide for a referendum (of the citizens in the affected area(s)) if it proposes a change in boundaries for local governments, commissions, special districts or school districts. A change to a district boundary has the potential to change fees and assessments for both taxpayers in the current district and taxpayers in the expanded district. The strongest means to demonstrate local support and awareness for such a change is a voter approved referendum.

Without a voter approved referendum, I am unwilling to approve this bill. It is my hope that this change will be considered by a voter referendum and brought forward during the next legislative session.

For these reason, I therefore withhold my approval of Senate Bill 3188 and veto the same.

Sincerely,
Jeb Bush, Governor

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 16 was corrected and approved.

CO-INTRODUCERS

Senator Lynn—SB 14-A

RECESS

On motion by Senator Pruitt, the Senate recessed at 11:23 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, December 16 or upon call of the President.

Journal of the Senate

Number 2—Special Session A **Thursday, December 16, 2004**

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CALL TO ORDER

The Senate was called to order by President Lee at 9:00 a.m. A quorum present—39:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Excused: Senator Baker until 10:37 a.m.

PRAYER

The following prayer was offered by Senator Fasano:

Heavenly Father, we come before you this day to ask your guidance upon all we do. We ask your blessing upon our discussion and deliberations. As we tackle issues of great importance to the people of this state, we ask that you pour out your wisdom upon us. May we hear your voice and respond to your will. May the decisions we make, which will have implications far beyond the walls of this chamber, be the right ones. Please guide us in our speech and actions. May we uphold the dignity of this great institution. And may we always remember that public service is our mission and it is the needs of those who have asked us to be their voice that must be met. We ask all of these things in thy name. Amen.

PLEDGE

Senator Geller led the Senate in the pledge of allegiance to the flag of the United States of America.

SPECIAL ORDER CALENDAR

On motion by Senator Atwater, by two-thirds vote—

CS for SB 8-A—A bill to be entitled An act relating to relief for persons whose primary residences were damaged by a named tropical system; providing for reimbursement of a portion of the ad valorem tax levied on a house or other residential building if the building is rendered uninhabitable due to a named tropical system; requiring that application for such reimbursement be made with the property appraiser; providing application requirements; requiring that the property owner provide documentation that the property was uninhabitable; requiring each property appraiser to determine an applicant's entitlement to reimbursement and the reimbursement amount; providing a formula for calculating the reimbursement amount; limiting the reimbursement amount; requiring property appraisers to submit reimbursement lists to the Department of Revenue by a specified date; requiring the Department of Revenue to determine the total reimbursement payments; providing a definition; authorizing an applicant to file a petition with the value adjustment board if the application for reimbursement is not fully granted; requiring that the department retain funds for the purpose of paying claims that are subsequently granted by a value adjustment board; providing a penalty for giving false information; requiring that undeliverable reimbursement checks be forwarded to the certifying property appraiser; providing appropriations; providing for certifying forward unexpended funds; providing for reimbursement of the state sales tax paid on the purchase of a mobile home to replace a mobile home that experienced major damage from a named tropical storm; requiring that application for such reimbursement be made with the property appraiser; providing application requirements; requiring that the property owner provide documentation of damage to the mobile home; requiring each property appraiser to determine an applicant's entitlement to reimbursement and the reimbursement amount; limiting the reimbursement amount; requiring property appraisers to submit reimbursement lists to the Department of Revenue by a specified date; requiring the Department of Revenue to determine the total reimbursement payments; providing definitions; authorizing an applicant to file a petition with the value adjustment board if the application for reimbursement is not fully granted; requiring that the department retain funds for the purpose of paying claims that are subsequently granted by a value adjustment board; providing a penalty for giving false information; providing an appropriation; providing that the Legislature intends for payments made under the act to be considered disaster relief for purposes of the Internal Revenue Code; providing an effective date.

—was read the second time by title.

Senator Siplin moved the following amendment which failed:

Amendment 1 (545212)—On page 5, line 5, through page 10, line 26, delete those lines and insert: *period of 15 days or more for the purpose for which it was constructed. However, if a property owner is living in an uninhabitable structure because alternative living quarters are unavailable, the owner is eligible for reimbursement as provided in this section.*

(2)(a) The property appraiser shall notify the applicant by mail if the property appraiser determines that the applicant is not entitled to receive the reimbursement that he or she applied for under this section. Such notification must be made on or before April 1, 2005. If an applicant's application for reimbursement is not fully granted, the applicant may file a petition with the value adjustment board for review of that decision. The petition must be filed with the value adjustment board on or before the 30th day following the mailing of the notice by the property appraiser.

(b) The value adjustment board shall consider these petitions as expeditiously as possible at the same time it is considering denials of homestead exemptions pursuant to sections 194.032 and 196.151, Florida Statutes.

(c) By May 10, 2005, the property appraiser shall notify the Department of Revenue of the total amount of reimbursements denied for which a petition with the value adjustment board has been filed. The Department of Revenue shall retain an amount equal to the total amount of claims which had petitions filed with the value adjustment board, or $1 million, whichever is less. This retained amount shall be used for the

purpose of paying those claims that were denied by the property appraiser but granted by a value adjustment board. The Department of Revenue shall distribute the remaining funds in accordance with the provisions of paragraph (1)(e) to those property owners whose applications for reimbursement were granted by the property appraiser.

(d) The Department of Revenue may not pay claims for reimbursement from the retained funds until all appeals to the value adjustment board have become final. If reimbursements made under paragraph (1)(e) were reduced by the Department of Revenue, reimbursements granted by the value adjustment boards shall be reduced by the same percentage. If the total adjusted reimbursements approved by the value adjustment boards exceeds the amount retained by the department for paying these reimbursements, the department shall further reduce all reimbursement checks by a percentage sufficient to reduce total reimbursement payments to an amount equal to the amount retained.

(3) Any person who knowingly and willfully gives false information for the purpose of claiming reimbursement under this section commits a misdemeanor of the first degree, punishable as provided in section 775.082, Florida Statutes, or by a fine not exceeding $5,000, or both.

Section 2. *The Department of Revenue shall forward all undeliverable reimbursement checks to the certifying property appraiser for subsequent delivery attempts.*

Section 3. *The sum of $70,000 is appropriated from the General Revenue Fund to the Administrative Trust Fund of the Department of Revenue for the purpose of administering this act.*

Section 4. *Notwithstanding the provisions of section 216.301, Florida Statutes, to the contrary and in accordance with section 216.351, Florida Statutes, the Executive Office of the Governor shall, on July 1, certify forward all unexpended funds appropriated pursuant to this act.*

Section 5. *The sum of $20 million is appropriated from the General Revenue Fund to the Administrative Trust Fund of the Department of Revenue for purposes of paying a partial reimbursement of property taxes as provided in this act.*

Section 6. *Reimbursement for sales taxes paid on mobile homes purchased to replace mobile homes damaged by a named tropical system.—*

(1) If a mobile home is purchased to replace a mobile home that experienced major damage from a named tropical system, and if the damaged mobile home was the permanent residence of a permanent resident of this state, the state sales tax paid on the purchase of the replacement mobile home shall be reimbursed in the following manner:

(a) An application must be filed on or before May 1, 2005, by the owner with the property appraiser in the county where the damaged mobile home was located. Failure to file such application on or before May 1, 2005, constitutes a waiver of any claim for reimbursement under this section. The application must be filed in the manner and form prescribed by the property appraiser.

(b) The application, attested to under oath, must identify the mobile home that experienced major damage from a named tropical system and the date the damage occurred. Documentation of major damage and a copy of the invoice for the replacement mobile home must accompany the application. Such documentation may include, but is not limited to, insurance information or information from the Federal Emergency Management Agency or the American Red Cross attesting to the major damage of the mobile home.

(c) Upon receipt of the application, the property appraiser shall investigate the statements contained therein to determine whether the applicant is entitled to reimbursement under this section. If the property appraiser determines that the applicant is entitled to reimbursement, the property appraiser shall calculate the reimbursement amount. The reimbursement shall be an amount equal to the state sales tax paid on the purchase price of the replacement mobile home, as determined by the tax tables of the Department of Revenue, which amount may not exceed $1,500.

(d) The property appraiser shall compile a list of mobile home owners entitled to reimbursement. The list shall be submitted to the Department of Revenue by June 1, 2005, through an electronic, web-based application provided by the department.

(e) Upon receipt of the reimbursement lists from the property appraisers, the Department of Revenue shall disburse reimbursement checks from its Administrative Trust Fund in the amounts and to the persons indicated in the reimbursement lists received from the property appraisers. Before disbursing any reimbursement checks, the Department of Revenue shall determine the total of all reimbursement requests submitted by the property appraisers. If the total amount of reimbursement requested exceeds the amount available for that purpose, the department shall reduce all reimbursement checks by a percentage sufficient to reduce total reimbursement payments to an amount equal to the appropriation, less any amount retained pursuant to paragraph (2)(c).

(f) As used in this section, the term:

1. "Major damage" means that a mobile home is more than 50-percent destroyed or that a mobile home cannot be inhabited and cannot be repaired for less than the amount of its value before the named tropical system.

2. "Permanent residence" and "permanent resident" have the same meanings as provided in section 196.012, Florida Statutes.

(2)(a) The property appraiser shall notify the applicant by mail if the property appraiser determines that the applicant is not entitled to receive the reimbursement that he or she applied for under this section. Such notification must be made on or before June 1, 2005. If an applicant's application for reimbursement is not fully granted, the applicant may file a petition with the value adjustment board for review of that decision. The petition must be filed with the value adjustment board on or before the 30th day following the mailing of the notice by the property appraiser.

(b) The value adjustment board shall consider these petitions as expeditiously as possible at the same time it is considering denials of homestead exemptions pursuant to sections 194.032 and 196.151, Florida Statutes.

(c) By July 10, 2005, the property appraiser shall notify the Department of Revenue of the total amount of reimbursements denied for which a petition with the value adjustment board has been filed. The Department of Revenue shall retain an amount equal to the total amount of claims which had petitions filed with the value adjustment board, or $665,000, whichever is less. This retained amount shall be used for the purpose of paying those claims that were denied by the property appraiser but granted by a value adjustment board. The Department of Revenue shall distribute the remaining funds in accordance with the provisions of paragraph (1)(e) to those mobile home owners whose applications for reimbursement were granted by the property appraiser.

(d) The Department of Revenue may not pay claims for reimbursement from the retained funds until all appeals to the value adjustment board have become final. If reimbursements made under paragraph (1)(e) were reduced by the Department of Revenue, reimbursements granted by the value adjustment boards shall be reduced by the same percentage. If the total adjusted reimbursements approved by the value adjustment boards exceeds the amount retained by the department for paying these reimbursements, the department shall further reduce all reimbursement checks by a percentage sufficient to reduce total reimbursement payments to an amount equal to the amount retained.

(3) Any person who claims reimbursement under section 1 of this act is not eligible for the reimbursement provided by this section.

(4) Any person who knowingly and wilfully gives false information for the purpose of claiming reimbursement under this section commits a misdemeanor of the first degree, punishable as provided in section 775.082, Florida Statutes, or by a fine not exceeding $5,000, or both.

Section 7. *The sum of $50 million is appropriated from*

Senator Geller moved the following amendment which was adopted:

Amendment 2 (511438)—On page 9, delete line 6 and insert:

2. "Mobile home" means a mobile home as defined in section 320.01(2)(a), Florida Statutes, a manufactured home as defined in section 320.01(2)(b), Florida Statutes, or a trailer as defined in section 320.08(10), Florida Statutes.

3. "Permanent residence" and "permanent resident" have

On motion by Senator Atwater, by two-thirds vote **CS for SB 8-A** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Baker

On motion by Senator Crist, by two-thirds vote—

CS for SB 4-A—A bill to be entitled An act relating to juvenile detention; amending s. 985.2155, F.S.; revising the apportionment of certain costs between counties and the state of providing detention care for juveniles; deleting a requirement that the Chief Financial Officer withhold a portion of county funds if the county remits to the state less than the amount required; deleting provisions directing the Department of Juvenile Justice to negotiate with other states for certain costs and to pay the costs of detaining juveniles for whom no state of residence is established; amending s. 3 of chapter 2004-263, Laws of Florida; revising the effective date of chapter 2004-263, Laws of Florida, which has already occurred; providing an appropriation; requiring the Governor to adjust the approved operating budget for the Department of Juvenile Justice; providing that the act fulfills an important state interest; providing effective dates.

—was read the second time by title.

MOTION

Senator Aronberg moved that the rules be waived to allow consideration of the late filed amendment 375434. The motion failed, therefore the amendment was not considered.

On motion by Senator Crist, by two-thirds vote **CS for SB 4-A** was read the third time by title, passed by the required constitutional two-thirds vote of the membership and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Fasano	Posey
Alexander	Garcia	Pruitt
Argenziano	Haridopolos	Rich
Atwater	Hill	Saunders
Bennett	Jones	Sebesta
Campbell	King	Siplin
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	
Dockery	Peaden	

Nays—5

Aronberg	Dawson	Smith
Bullard	Geller	

Vote after roll call:

Yea—Baker

Nay to Yea—Dawson

On motion by Senator Clary, by two-thirds vote—

CS for SB 14-A—A bill to be entitled An act relating to the restoration of hurricane-damaged beaches and dunes; providing legislative findings with respect to hurricane damage to the state's beach and dune systems; requiring the Department of Environmental Protection to provide a report on the repair and restoration of the state's beaches and dunes to the Governor and Legislature; providing appropriations; requiring a local match for certain appropriations; limiting the local match to counties and municipalities with a certain per capita personal income level; authorizing the Executive Office of the Governor to approve a waiver under certain conditions; restricting full release of funds until certain local match requirements are met; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; authorizing the department to redistribute funds among activities and projects; requiring that the department provide prior notice of and justification for such redistribution to the Governor and Legislature; directing the department to take the necessary steps to ensure the timely implementation and completion of certain beach repair and restoration projects; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **CS for SB 14-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Baker

SB 16-A—A bill to be entitled An act relating to hurricane impacts on specified agricultural programs; providing legislative findings with respect to the impact of the hurricanes and tropical storm of 2004 on the department's citrus canker eradication and compensation programs, the spread of an infestation of soybean rust resulting in the need to conduct surveys to determine the extent of such infestation, and a projected shortfall in revenues of the Plant Industry Trust Fund; requiring the department to provide a report on citrus canker eradication to the Governor and the Legislature; providing appropriations; requiring the department to maximize available federal funds for certain programs; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; providing an effective date.

—was read the second time by title. On motion by Senator Argenziano, by two-thirds vote **SB 16-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Aronberg	Bullard
Alexander	Atwater	Campbell
Argenziano	Bennett	Carlton

Clary	Hill	Pruitt
Constantine	Jones	Rich
Crist	King	Saunders
Dawson	Klein	Sebesta
Diaz de la Portilla	Lawson	Smith
Dockery	Lynn	Villalobos
Fasano	Margolis	Webster
Garcia	Miller	Wilson
Geller	Peaden	Wise
Haridopolos	Posey	

Nays—None

Vote after roll call:

Yea—Baker, Siplin

SB 18-A—A bill to be entitled An act relating to the state's health and human services agencies; providing legislative findings with respect to the need to provide nutritional, medical, and social services to the elderly, children, families, individuals with disabilities, and low-income individuals due to the impact of hurricanes and a tropical storm in this state during 2004; providing appropriations to the Department of Elderly Affairs, the Department of Children and Family Services, and the Agency for Persons with Disabilities; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **SB 18-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Baker

SB 28-A—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.814, F.S.; revising requirements for documenting family income for purposes of determining a child's eligibility for the program; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **SB 28-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Clary	Haridopolos
Alexander	Constantine	Hill
Argenziano	Crist	Jones
Aronberg	Dawson	King
Atwater	Diaz de la Portilla	Klein
Bennett	Dockery	Lawson
Bullard	Fasano	Lynn
Campbell	Garcia	Margolis
Carlton	Geller	Miller
Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

Vote after roll call:

Yea—Baker

On motion by Senator Garcia, by two-thirds vote—

SB 30-A—A bill to be entitled An act relating to public records; creating an exemption from public disclosure requirements for policyholder personal-identifying information contained in records or information held by the Department of Financial Services pertaining to the multiple hurricane deductible reimbursement program; providing an exception to the exemption; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (145992)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Confidentiality of information relating to reimbursement for multiple hurricane deductibles.—*

(1) Information held by the Department of Financial Services pursuant to a request for reimbursement under the multiple hurricane deductible reimbursement program is exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution, until 90 days after a reimbursement payment has been made to the policyholder by the department, the request for reimbursement is denied, or an application for reimbursement is no longer active, whichever occurs later.

(2) Information held by the Department of Financial Services pursuant to the multiple hurricane deductible reimbursement program which would identify an insurer, including the insurer's name, address, form numbers, policy and claims numbers, and names and other information that would identify the insurer's employees, is exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution.

(3) Information held by the Department of Financial Services pursuant to the multiple hurricane deductible reimbursement program which relates to policyholders who have not filed claims for reimbursement is exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution.

(4) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. *(1) The legislative intent of the multiple hurricane deductible reimbursement program, as expressed in Senate Bill 10-A and House Bill 9-A, is to reimburse policyholders in Florida for financial loss suffered due to the application of multiple hurricane deductibles, which constitutes a valid and necessary public and governmental purpose and which serves the public health, safety, and welfare. In order for the multiple hurricane deductible reimbursement program to operate effectively and efficiently, the Department of Financial Services will receive information from insureds who will file claims under the program, as well as information from insurers which supports or verifies the claims for reimbursement made under the program.*

(2) The Legislature finds that it is a public necessity to make exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution, information held by the Department of Financial Services pursuant to a request for reimbursement under the multiple hurricane deductible reimbursement program until 90 days after a reimbursement payment has been made to the policyholder by the department, the request for reimbursement is denied, or an

application for reimbursement is no longer active, whichever occurs later. Given the concerns involving the public health, safety, and welfare, the urgency in providing relief to the appropriate residents of the state, and the temporary nature of the program, it is vital that the department be able to perform its duties under the multiple hurricane deductible reimbursement program in the most efficient and effective manner possible. The exemption provided for information held by the department pursuant to a request for reimbursement under the program is a time-limited exemption only and is enacted to permit the department maximum opportunity to fulfill its duties under the program with a minimum amount of distraction while still preserving public oversight by making information available 90 days after a reimbursement payment has been made to the policyholder by the department, the request for reimbursement is denied, or an application for reimbursement is no longer active, whichever occurs later.

(3) The Legislature also finds that it is a public necessity to make exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution, information held by the Department of Financial Services pursuant to the multiple hurricane deductible reimbursement program which would identify an insurer, including the insurer's name, address, form numbers, policy and claims numbers, and names and other information that would identify the insurer's employees. In order for the administration of this program to be effective, the department must have access to information that is available only from insurers in order to verify requests for reimbursement. This insurer information may identify an insurer, including the insurer's name, address, form numbers, policy and claims numbers, and names and other information that would identify the insurer's employees. If this information were to be made available with the reimbursement requestor's information that is later released under subsection (1), it could be used to link insureds with insurers and effectively result in the release of client lists, which is proprietary business information. If this information is not made exempt, insurers might be hesitant to provide the verification necessary to implement the program, which would defeat its purpose. In addition, the Legislature notes that release of proprietary business information of this sort could result in serious economic consequences for insurers and, ultimately, the State of Florida. Furthermore, the Legislature finds that it is a public necessity to make exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution, information held by the Department of Financial Services pursuant to the multiple hurricane deductible reimbursement program which relates to policyholders who have not filed claims for reimbursement. Under the multiple hurricane deductible reimbursement program, insurers may be providing the Department of Financial Services with information concerning large numbers of their insureds, some of whom will not file claims under the program. Insurers could provide information related to each requestor upon a request of the department, but this would increase the amount of time required to fulfill the purpose of the program. Transfer of large databases by insurers is a faster, more efficient, and more effective method of giving the department the information it needs, but this method also will give the department information concerning individual insureds who make no request for reimbursement under the program. As a result, information concerning policyholders who do not make claims for reimbursement should be protected to preserve their privacy and to protect proprietary business information of insurers.

Section 3. This act shall take effect on the same date that Senate Bill 10-A or House Bill 9-A takes effect, if such legislation is enacted in the same legislative session, or an extension thereof, and becomes law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; creating an exemption from public disclosure requirements for information held by the Department of Financial Services pursuant a request for reimbursement under the multiple hurricane deductible reimbursement program; providing exemption to expire within a specified period; creating an exemption from public disclosure requirements for information that would identify an insurer or an insurer's employees; creating an exemption from public disclosure requirements for information held by the department which relates to policyholders who have not filed claims for reimbursement under the program; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

On motion by Senator Garcia, by two-thirds vote **SB 30-A** as amended was read the third time by title, passed by the required constitutional two-thirds vote of the members present, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

On motion by Senator Carlton, by two-thirds vote—

CS for SB 2-A—A bill to be entitled An act relating to early learning; creating part V of ch. 1002, F.S.; creating the Voluntary Prekindergarten Education Program; implementing s. 1(b) and (c), Art. IX of the State Constitution; providing definitions for purposes of the program; providing eligibility and enrollment requirements; authorizing parents to enroll their children in a school-year program delivered by a private prekindergarten provider, a summer program delivered by a public school or private prekindergarten provider, or a school-year program delivered by a public school; requiring school districts to admit all eligible children in the summer program; prohibiting specified acts of discrimination and certain limits on enrollment; specifying eligibility requirements for private prekindergarten providers and public schools that deliver the program; requiring minimum hours for the program; providing minimum requirements for prekindergarten instructors; providing for the adoption of rules; providing minimum and maximum class sizes; requiring appropriate adult supervision for prekindergarten classes; requiring the Department of Education to establish minimum standards for a credential for prekindergarten directors and for emergent literacy training courses for prekindergarten instructors; requiring the credential and course to provide training and resources containing strategies that maximize the program's benefits for students with disabilities and other special needs; providing that the credential and course satisfy certain credentialing and training requirements; providing limits on when a provider or school may deliver the summer prekindergarten program; specifying eligibility requirements for school districts that deliver the school-year prekindergarten program; providing legislative intent; authorizing providers and schools to select or design curricula used for the program; directing the Department of Education to adopt performance standards and approve curricula under specified conditions; requiring providers and schools to be placed on probation and use the approved curricula under certain circumstances; requiring improvement plans and corrective actions from providers and schools under certain circumstances; providing for the removal of providers or schools that remain on probation beyond specified time limits; requiring early learning coalitions and school districts to verify the compliance of private prekindergarten providers and public schools; authorizing the removal of providers and schools for noncompliance or misconduct; requiring interagency coordination for monitoring providers; requiring the Department of Education to adopt a statewide kindergarten screening; requiring certain students to take the statewide screening; specifying requirements for screening instruments and kindergarten readiness rates; directing the State Board of Education to establish minimum rates; providing funding and reporting requirements; specifying the calculation of per-student allocations; authorizing students to withdraw, reenroll, and receive additional per-student allocations under specified conditions; providing for advance payments to private prekindergarten providers and public schools based upon student enrollment; providing for the documentation and certification of student attendance; requiring parents to verify student attendance and certify the choice of provider or school; providing for the reconciliation of advance payments based upon attendance; requiring students to comply with attendance policies and authorizing the

dismissal of students for noncompliance; requiring the Agency for Workforce Innovation to adopt a uniform attendance policy for funding purposes; providing for administrative funds to be used by early learning coalitions; prohibiting certain fees or charges; limiting the use of state funds; providing powers and duties of the Department of Education and the Agency for Workforce Innovation; requiring the department and the agency to adopt procedures for the Voluntary Prekindergarten Education Program; creating the Florida Early Learning Advisory Council; providing for the appointment and membership of the advisory council; providing membership and meeting requirements; authorizing council members to receive per diem and travel expenses; requiring the Agency for Workforce Innovation to provide staff for the advisory council; providing for the adoption of rules; amending s. 411.01, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation; deleting provisions for the appointment and membership of the partnership; redesignating school readiness coalitions as early learning coalitions; deleting obsolete references to repealed programs; deleting obsolete provisions governing the phase in of school readiness programs; deleting provisions governing the measurement of school readiness, the school readiness uniform screening, and performance-based budgeting in school readiness programs; specifying requirements for school readiness performance standards; clarifying rulemaking requirements; revising requirements for school readiness programs; specifying that school readiness programs must enhance the progress of children in certain skills; requiring early learning coalitions to obtain certain health information before enrolling a child in the school readiness program; requiring the Agency for Workforce Innovation to monitor and evaluate the performance of early learning coalitions and to identify best practices for the coalitions; requiring a reduction in the number of coalitions in accordance with specified standards; directing the Agency for Workforce Innovation to adopt procedures for the merger of coalitions; providing exceptions; authorizing the Agency for Workforce Innovation to dissolve a coalition under specified conditions; revising appointment and membership requirements for the coalitions; specifying that certain members are nonvoting; directing the Agency for Workforce Innovation to adopt criteria for the appointment of certain members; requiring each coalition to specify terms of coalition members; requiring a quorum of coalition members; prohibiting coalition members from voting under certain circumstances; providing a definition for purposes of the single point of entry; requiring early learning coalitions to use a statewide information system; requiring the Agency for Workforce Innovation to approve payment rates and consider the access of eligible children before approving proposals to increase rates; prioritizing the use of school readiness funds under certain circumstances; deleting requirements for the minimum number of children served; providing requirements for developmentally appropriate curriculum used for school readiness programs; authorizing contracts for the continuation of school readiness services under certain circumstances; requiring the Agency for Workforce Innovation to adopt criteria for the approval of school readiness plans; revising requirements for school readiness plans; providing requirements for the approval and implementation of plan revisions; revising competitive procurement requirements for early learning coalitions; authorizing the coalitions to designate certified public accountants as fiscal agents; clarifying age and income eligibility requirements for school readiness programs; revising eligibility requirements for certain at-risk children; deleting a requirement for consultation on performance standards and outcome measures; revising funding requirements; revising requirements for the adoption of a formula for the allocation of certain funds among the early learning coalitions; specifying allocations for fiscal year 2004-2005; deleting an obsolete provision requiring a report; deleting the expiration of eligibility requirements for certain children from families receiving temporary cash assistance; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the school readiness system; amending s. 20.50, F.S.; creating the Office of Early Learning within the Agency for Workforce Innovation; requiring the office to administer the school readiness system and operational requirements of the Voluntary Prekindergarten Education Program; amending s. 125.901, F.S.; conforming provisions to changes made by the act; amending ss. 216.133 and 216.136, F.S.; redesignating the School Readiness Program Estimating Conference as the Early Learning Programs Estimating Conference; requiring the estimating conference to develop certain estimates and forecasts for the Voluntary Prekindergarten Education Program; directing the Agency for Workforce Innovation to provide certain information to the estimating conference; amending ss. 402.3016, 411.011, 411.226, 411.227, 1001.23, 1002.22, and 1003.54, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation and to the redesignation of the school readiness coalitions as early learning coalitions; authorizing the agency to adopt rules; amending s. 1007.23, F.S.; requiring the articulation of certain programs into credit toward a postsecondary degree; abolishing the Florida Partnership for School Readiness; transferring all powers, rules, personnel, and property of the partnership to the Agency for Workforce Innovation; repealing ss. 411.012 and 1008.21, F.S., relating to the voluntary universal prekindergarten education program and the school readiness uniform screening; providing appropriations and authorizing additional positions; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from the lump-sum appropriations to appropriation categories; providing an effective date.

—was read the second time by title.

Amendments were considered and failed to conform **CS for SB 2-A** to **HB 1-A**.

Pending further consideration of **CS for SB 2-A**, on motion by Senator Carlton, by two-thirds vote **HB 1-A** was withdrawn from the Committees on Commerce and Consumer Services; Education; and Education Appropriations.

On motion by Senator Carlton, by two-thirds vote—

HB 1-A—A bill to be entitled An act relating to early learning; creating part V of ch. 1002, F.S.; creating the Voluntary Prekindergarten Education Program; implementing s. 1(b) and (c), Art. IX of the State Constitution; providing definitions for purposes of the program; providing eligibility and enrollment requirements; authorizing parents to enroll their children in a school-year program delivered by a private prekindergarten provider, a summer program delivered by a public school or private prekindergarten provider, or a school-year program delivered by a public school; requiring school districts to admit all eligible children in the summer program; prohibiting specified acts of discrimination and certain limits on enrollment; specifying eligibility requirements for private prekindergarten providers and public schools that deliver the program; requiring minimum hours for the program; providing minimum requirements for prekindergarten instructors; providing for the adoption of rules; providing minimum and maximum class sizes; requiring appropriate adult supervision for prekindergarten classes; requiring the Department of Education to establish minimum standards for a credential for prekindergarten directors and for emergent literacy training courses for prekindergarten instructors; requiring the credential and course to provide training and resources containing strategies that maximize the program's benefits for students with disabilities and other special needs; providing that the credential and course satisfy certain credentialing and training requirements; providing limits on when a provider or school may deliver the summer prekindergarten program; specifying eligibility requirements for school districts that deliver the school-year prekindergarten program; providing legislative intent; authorizing providers and schools to select or design curricula used for the program; directing the Department of Education to adopt performance standards and approve curricula under specified conditions; requiring providers and schools to be placed on probation and use the approved curricula under certain circumstances; requiring improvement plans and corrective actions from providers and schools under certain circumstances; providing for the removal of providers or schools that remain on probation beyond specified time limits; requiring early learning coalitions and school districts to verify the compliance of private prekindergarten providers and public schools; authorizing the removal of providers and schools for noncompliance or misconduct; requiring interagency coordination for monitoring providers; requiring the Department of Education to adopt a statewide kindergarten screening; requiring certain students to take the statewide screening; specifying requirements for screening instruments and kindergarten readiness rates; directing the State Board of Education to establish minimum rates; providing funding and reporting requirements; specifying the calculation of per-student allocations; authorizing students to withdraw, reenroll, and receive additional per-student allocations under specified conditions; providing for advance payments to private prekindergarten providers and public schools based upon student enrollment; providing for the documentation and certification of student attendance; requiring parents to verify student attendance and certify the choice of provider or school; providing for the reconciliation of advance payments based upon attendance; requiring students to comply with attendance policies and authorizing the dismissal of students for noncompliance; requiring the Agency for Workforce Innovation to adopt a uniform attendance policy for funding purposes; providing for administrative funds to be used by early learning

coalitions; prohibiting certain fees or charges; limiting the use of state funds; providing powers and duties of the Department of Education and the Agency for Workforce Innovation; requiring the department and the agency to adopt procedures for the Voluntary Prekindergarten Education Program; creating the Florida Early Learning Advisory Council; providing for the appointment and membership of the advisory council; providing membership and meeting requirements; authorizing council members to receive per diem and travel expenses; requiring the Agency for Workforce Innovation to provide staff for the advisory council; providing for the adoption of rules; amending s. 411.01, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation; deleting provisions for the appointment and membership of the partnership; redesignating school readiness coalitions as early learning coalitions; deleting obsolete references to repealed programs; deleting obsolete provisions governing the phase in of school readiness programs; deleting provisions governing the measurement of school readiness, the school readiness uniform screening, and performance-based budgeting in school readiness programs; specifying requirements for school readiness performance standards; clarifying rulemaking requirements; revising requirements for school readiness programs; specifying that school readiness programs must enhance the progress of children in certain skills; requiring early learning coalitions to obtain certain health information before enrolling a child in the school readiness program; requiring the Agency for Workforce Innovation to monitor and evaluate the performance of early learning coalitions and to identify best practices for the coalitions; requiring a reduction in the number of coalitions in accordance with specified standards; directing the Agency for Workforce Innovation to adopt procedures for the merger of coalitions; providing exceptions; authorizing the Agency for Workforce Innovation to dissolve a coalition under specified conditions; revising appointment and membership requirements for the coalitions; specifying that certain members are nonvoting; directing the Agency for Workforce Innovation to adopt criteria for the appointment of certain members; requiring each coalition to specify terms of coalition members; requiring a quorum of coalition members; prohibiting coalition members from voting under certain circumstances; providing a definition for purposes of the single point of entry; requiring early learning coalitions to use a statewide information system; requiring the Agency for Workforce Innovation to approve payment rates and consider the access of eligible children before approving proposals to increase rates; prioritizing the use of school readiness funds under certain circumstances; deleting requirements for the minimum number of children served; providing requirements for developmentally appropriate curriculum used for school readiness programs; authorizing contracts for the continuation of school readiness services under certain circumstances; requiring the Agency for Workforce Innovation to adopt criteria for the approval of school readiness plans; revising requirements for school readiness plans; providing requirements for the approval and implementation of plan revisions; revising competitive procurement requirements for early learning coalitions; authorizing the coalitions to designate certified public accountants as fiscal agents; clarifying age and income eligibility requirements for school readiness programs; revising eligibility requirements for certain at-risk children; deleting a requirement for consultation on performance standards and outcome measures; revising funding requirements; revising requirements for the adoption of a formula for the allocation of certain funds among the early learning coalitions; specifying allocations for fiscal year 2004-2005; deleting an obsolete provision requiring a report; deleting the expiration of eligibility requirements for certain children from families receiving temporary cash assistance; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the school readiness system; amending s. 20.50, F.S.; creating the Office of Early Learning within the Agency for Workforce Innovation; requiring the office to administer the school readiness system and operational requirements of the Voluntary Prekindergarten Education Program; amending s. 125.901, F.S.; conforming provisions to changes made by the act; amending ss. 216.133 and 216.136, F.S.; redesignating the School Readiness Program Estimating Conference as the Early Learning Programs Estimating Conference; requiring the estimating conference to develop certain estimates and forecasts for the Voluntary Prekindergarten Education Program; directing the Agency for Workforce Innovation to provide certain information to the estimating conference; amending ss. 402.3016, 411.011, 411.226, 411.227, 1001.23, 1002.22, and 1003.54, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation and to the redesignation of the school readiness coalitions as early learning coalitions; authorizing the agency to adopt rules; amending s. 1007.23, F.S.; requiring the articulation of certain programs into credit toward a postsecondary degree; abolishing the Florida Partnership for School Readiness; transferring all powers, rules, personnel, and property of the partnership to the Agency for Workforce Innovation; repealing ss. 411.012 and 1008.21, F.S., relating to the voluntary universal prekindergarten education program and the school readiness uniform screening; providing appropriations and authorizing additional positions; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from the lump-sum appropriations to appropriation categories; providing an effective date.

—a companion measure, was substituted for **CS for SB 2-A** and by two-thirds vote read the second time by title.

On motion by Senator Carlton, by two-thirds vote **HB 1-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crist	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wise

Nays—4

Dawson	Rich	Wilson
Geller		

RECESS

On motion by Senator Pruitt, the Senate recessed at 12:50 p.m. to reconvene at 1:15 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:24 p.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

SPECIAL ORDER CALENDAR, continued

On motion by Senator Peaden, by two-thirds vote **HB 5-A** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Peaden, by two-thirds vote—

HB 5-A—A bill to be entitled An act relating to discount medical plan organizations; delaying the date by which such an organization or marketer must comply with the requirements of pt. II of ch. 636, F.S., relating to the licensure and regulation of discount medical plan organizations; providing an effective date.

—a companion measure, was substituted for **SB 6-A** and by two-thirds vote read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 5-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

On motion by Senator Garcia, by two-thirds vote—

CS for SB 10-A—A bill to be entitled An act relating to hurricane deductibles; providing for the Department of Financial Services to reimburse policyholders of residential property insurance for multiple deductibles applied by insurers for two or more hurricanes; providing legislative findings and intent; establishing criteria for eligibility for reimbursement; requiring applications to be submitted to the department and to include certain information; limiting the maximum amount of reimbursement; limiting total reimbursement to the amount appropriated for this purpose; requiring payment to be made in a specified order of priority and providing for pro rata reimbursement; requiring insurers to provide the department with certain information related to the claim for reimbursement, subject to the policyholder's authorization; authorizing the department to contract with a third party for investigation or adjustment of a claim for reimbursement; requiring insurers to mail notice to certain policyholders of the reimbursement procedures; providing for emergency rules; providing that an application for reimbursement constitutes an insurance claim for purposes of determining insurance fraud; prohibiting insurers from changing their method of waiving or applying deductibles due to the provisions of the law providing for reimbursement to policyholders; requiring the Office of Insurance Regulation to collect data from insurers regarding the application of multiple deductibles; providing legislative intent that reimbursements made to policyholders be considered disaster-relief assistance for purposes of the Internal Revenue Code; amending s. 627.701, F.S.; requiring that hurricane deductibles of residential property insurance policies be applied on an annual basis to all hurricane losses that occur during a calendar year; allowing insurers to apply an alternative deductible to subsequent hurricane losses after the annual deductible is met; providing the method by which the hurricane deductible is to be calculated if a hurricane deductible is changed for a new or renewal policy; allowing insurers to require policyholders to report hurricane losses or to maintain receipts or records in order to apply hurricane losses to a subsequent hurricane claim; providing appropriations; requiring the State Board of Administration to increase future premiums to the Florida Hurricane Catastrophe Fund; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **CS for SB 10-A** to **HB 9-A**.

Pending further consideration of **CS for SB 10-A**, on motion by Senator Garcia, by two-thirds vote **HB 9-A** was withdrawn from the Committees on Banking and Insurance; and General Government Appropriations.

On motion by Senator Garcia, by two-thirds vote—

HB 9-A—A bill to be entitled An act relating to hurricane deductibles; providing legislative findings and intent; providing a definition; providing for the Department of Financial Services to reimburse policyholders of residential property insurance for multiple deductibles applied by insurers for two or more hurricanes; establishing criteria for policyholders to be eligible for reimbursements; requiring applications to be submitted to the department, including certain information; limiting the maximum amount of reimbursements; limiting total reimbursements to the amount appropriated for this purpose; providing reimbursement criteria for the department under certain circumstances; requiring insurers to provide certain information to the department relating to claims for reimbursement, subject to policyholders' authorization; authorizing the department to contract with third parties for investigation or adjustment of claims for reimbursement; requiring insurers to mail notices to certain policyholders of the reimbursement procedures; authorizing the department to adopt certain rules; providing legislative intent; providing that applications for reimbursements shall be insurance claims for purposes of determining insurance fraud; prohibiting insurers from changing methods of waiving or applying deductibles due to the provisions of law providing for reimbursement to policyholders; requiring the Office of Insurance Regulation to collect data from insurers regarding the application of multiple deductibles; providing legislative intent; amending s. 627.701, F.S.; requiring that hurricane deductibles of residential property insurance policies be applied on an annual basis to all hurricane losses that occur during the calendar year; allowing insurers to apply an alternative deductible to subsequent hurricane losses after the annual deductible is met; providing for calculations of hurricane deductibles for new or renewed policies; allowing insurers to require policyholders to report hurricane losses or to maintain receipts or records in order to apply hurricane losses to subsequent hurricane claims; providing applicability; providing appropriations for certain purposes; providing for reversion of certain unexpended moneys; requiring the Chief Financial Officer to report to certain entities certain multiple hurricane deductible reimbursement information; requiring the State Board of Administration to increase future premiums to the Florida Hurricane Catastrophe Fund; providing construction; providing an effective date.

—a companion measure, was substituted for **CS for SB 10-A** and by two-thirds vote read the second time by title.

SENATOR CLARY PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Garcia, by two-thirds vote **HB 9-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Rich
Atwater	Haridopolos	Saunders
Baker	Hill	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—1

Campbell

Vote after roll call:

Yea—Diaz de la Portilla

On motion by Senator Alexander, by two-thirds vote **HB 11-A** was withdrawn from the Committee on Education Appropriations.

On motion by Senator Alexander, by two-thirds vote—

HB 11-A—A bill to be entitled An act relating to the restoration of educational facilities damaged by hurricanes in 2004; creating the Educational Facilities Hurricane Restoration Cash Flow Loan Program for

the purpose of assisting district school boards in making timely payments in restoring educational facilities; providing eligibility requirements for receiving a cash flow loan; requiring the Department of Education to administer the loan program and distribute loan funds; requiring the Department of Community Affairs to notify the Department of Education when certain federal payments have been distributed; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 12-A** and by two-thirds vote read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 11-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

On motion by Senator Constantine, by two-thirds vote **HB 19-A** was withdrawn from the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

On motion by Senator Constantine, by two-thirds vote—

HB 19-A—A bill to be entitled An act relating to hurricane-relief funding; amending s. 252.37, F.S., relating to emergency management; requiring that the state and the affected local government provide certain amounts of matching funds following acceptance of federal public assistance funds that are conditioned upon such match; authorizing the Executive Office of the Governor to waive the requirement under certain circumstances; requiring that the recipient provide a required match before receiving federal hazard-mitigation funds; providing for certain exceptions; providing for retroactive application of the requirements for providing matching funds; providing appropriations; providing requirements for local governments with respect to matching funds; authorizing future payments or a deduction from the local government's revenue-sharing allocation; specifying that the nonrecurring appropriations are to meet needs caused by hurricanes and a tropical storm; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; providing an effective date.

—a companion measure, was substituted for **SB 20-A** and by two-thirds vote read the second time by title. On motion by Senator Constantine, by two-thirds vote **HB 19-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Clary	Hill
Alexander	Constantine	Jones
Argenziano	Crist	King
Aronberg	Dawson	Klein
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Margolis
Bullard	Garcia	Miller
Campbell	Geller	Peaden
Carlton	Haridopolos	Posey
Pruitt	Siplin	Webster
Rich	Smith	Wilson
Saunders	Villalobos	Wise
Sebesta		

Nays—None

On motion by Senator Fasano, by two-thirds vote **HB 21-A** was withdrawn from the Committee on Transportation and Economic Development Appropriations.

On motion by Senator Fasano, by two-thirds vote—

HB 21-A—A bill to be entitled An act relating to the Agency for Workforce Innovation; requiring the agency to provide quarterly reports on certain expenditures; requiring the report to be submitted to the Governor and Legislature; providing that the report must contain certain information; providing an appropriation; requiring that the appropriation be used for additional temporary jobs for eligible dislocated workers; authorizing the agency to spend the appropriation as permitted by the Federal Government; providing that the appropriation is nonrecurring; requiring the Executive Office of the Governor to provide notice of the allocation of the lump-sum appropriations; providing an effective date.

—a companion measure, was substituted for **SB 22-A** and by two-thirds vote read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 21-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, December 16, 2004: CS for SB 8-A, CS for SB 4-A, CS for SB 14-A, SB 16-A, SB 18-A, SB 28-A, SB 30-A, CS for SB 2-A, SB 6-A, CS for SB 10-A, SB 12-A, SB 20-A, SB 22-A

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Commerce and Consumer Services recommends the following pass: SB 2-A

The bill was referred to the Committee on Education under the original reference.

The Committee on Education recommends the following pass: SB 2-A

The bill was referred to the Committee on Education Appropriations under the original reference.

The Committee on Agriculture recommends the following pass: SB 16-A

The Committee on Banking and Insurance recommends the following pass: SB 10-A with 7 amendments

The Committee on Environmental Preservation recommends the following pass: SB 14-A

The bills contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 20-A

The bill was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 6-A, SB 30-A

The Committee on Education Appropriations recommends the following pass: SB 12-A

The Committee on General Government Appropriations recommends the following pass: SB 16-A

The Committee on Health and Human Services Appropriations recommends the following pass: SB 18-A

The Committee on Health Care recommends the following pass: SB 28-A

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SB 20-A, SB 22-A

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Education Appropriations recommends a committee substitute for the following: SB 2-A

The Committee on General Government Appropriations recommends committee substitutes for the following: SB 10-A, SB 14-A

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 8-A

The Committee on Justice Appropriations recommends a committee substitute for the following: SB 4-A

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators Garcia, Siplin, Lynn and Villalobos—

SB 30-A—A bill to be entitled An act relating to public records; creating an exemption from public disclosure requirements for policyholder personal-identifying information contained in records or information held by the Department of Financial Services pertaining to the multiple hurricane deductible reimbursement program; providing an exception to the exemption; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committee on Banking and Insurance.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Education Appropriations; and Senator Carlton—

CS for SB 2-A—A bill to be entitled An act relating to early learning; creating part V of ch. 1002, F.S.; creating the Voluntary Prekindergarten Education Program; implementing s. 1(b) and (c), Art. IX of the State Constitution; providing definitions for purposes of the program; providing eligibility and enrollment requirements; authorizing parents to enroll their children in a school-year program delivered by a private prekindergarten provider, a summer program delivered by a public school or private prekindergarten provider, or a school-year program delivered by a public school; requiring school districts to admit all eligible children in the summer program; prohibiting specified acts of discrimination and certain limits on enrollment; specifying eligibility requirements for private prekindergarten providers and public schools that deliver the program; requiring minimum hours for the program; providing minimum requirements for prekindergarten instructors; providing for the adoption of rules; providing minimum and maximum class sizes; requiring appropriate adult supervision for prekindergarten classes; requiring the Department of Education to establish minimum standards for a credential for prekindergarten directors and for emergent literacy training courses for prekindergarten instructors; requiring the credential and course to provide training and resources containing strategies that maximize the program's benefits for students with disabilities and other special needs; providing that the credential and course satisfy certain credentialing and training requirements; providing limits on when a provider or school may deliver the summer prekindergarten program; specifying eligibility requirements for school districts that deliver the school-year prekindergarten program; providing legislative intent; authorizing providers and schools to select or design curricula used for the program; directing the Department of Education to adopt performance standards and approve curricula under specified conditions; requiring providers and schools to be placed on probation and use the approved curricula under certain circumstances; requiring improvement plans and corrective actions from providers and schools under certain circumstances; providing for the removal of providers or schools that remain on probation beyond specified time limits; requiring early learning coalitions and school districts to verify the compliance of private prekindergarten providers and public schools; authorizing the removal of providers and schools for noncompliance or misconduct; requiring interagency coordination for monitoring providers; requiring the Department of Education to adopt a statewide kindergarten screening; requiring certain students to take the statewide screening; specifying requirements for screening instruments and kindergarten readiness rates; directing the State Board of Education to establish minimum rates; providing funding and reporting requirements; specifying the calculation of per-student allocations; authorizing students to withdraw, reenroll, and receive additional per-student allocations under specified conditions; providing for advance payments to private prekindergarten providers and public schools based upon student enrollment; providing for the documentation and certification of student attendance; requiring parents to verify student attendance and certify the choice of provider or school; providing for the reconciliation of advance payments based upon attendance; requiring students to comply with attendance policies and authorizing the dismissal of students for noncompliance; requiring the Agency for Workforce Innovation to adopt a uniform attendance policy for funding purposes; providing for administrative funds to be used by early learning coalitions; prohibiting certain fees or charges; limiting the use of state funds; providing powers and duties of the Department of Education and the Agency for Workforce Innovation; requiring the department and the agency to adopt procedures for the Voluntary Prekindergarten Education Program; creating the Florida Early Learning Advisory Council; providing for the appointment and membership of the advisory council; providing membership and meeting requirements; authorizing council members to receive per diem and travel expenses; requiring the Agency for Workforce Innovation to provide staff for the advisory council; providing for the adoption of rules; amending s. 411.01, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation; deleting provisions for the appointment and membership of the partnership; redesignating school readiness coalitions as early learning coalitions; deleting obsolete references to repealed programs; deleting obsolete provisions governing the phase in of school readiness programs; deleting provisions governing the

measurement of school readiness, the school readiness uniform screening, and performance-based budgeting in school readiness programs; specifying requirements for school readiness performance standards; clarifying rulemaking requirements; revising requirements for school readiness programs; specifying that school readiness programs must enhance the progress of children in certain skills; requiring early learning coalitions to obtain certain health information before enrolling a child in the school readiness program; requiring the Agency for Workforce Innovation to monitor and evaluate the performance of early learning coalitions and to identify best practices for the coalitions; requiring a reduction in the number of coalitions in accordance with specified standards; directing the Agency for Workforce Innovation to adopt procedures for the merger of coalitions; providing exceptions; authorizing the Agency for Workforce Innovation to dissolve a coalition under specified conditions; revising appointment and membership requirements for the coalitions; specifying that certain members are nonvoting; directing the Agency for Workforce Innovation to adopt criteria for the appointment of certain members; requiring each coalition to specify terms of coalition members; requiring a quorum of coalition members; prohibiting coalition members from voting under certain circumstances; providing a definition for purposes of the single point of entry; requiring early learning coalitions to use a statewide information system; requiring the Agency for Workforce Innovation to approve payment rates and consider the access of eligible children before approving proposals to increase rates; prioritizing the use of school readiness funds under certain circumstances; deleting requirements for the minimum number of children served; providing requirements for developmentally appropriate curriculum used for school readiness programs; authorizing contracts for the continuation of school readiness services under certain circumstances; requiring the Agency for Workforce Innovation to adopt criteria for the approval of school readiness plans; revising requirements for school readiness plans; providing requirements for the approval and implementation of plan revisions; revising competitive procurement requirements for early learning coalitions; authorizing the coalitions to designate certified public accountants as fiscal agents; clarifying age and income eligibility requirements for school readiness programs; revising eligibility requirements for certain at-risk children; deleting a requirement for consultation on performance standards and outcome measures; revising funding requirements; revising requirements for the adoption of a formula for the allocation of certain funds among the early learning coalitions; specifying allocations for fiscal year 2004-2005; deleting an obsolete provision requiring a report; deleting the expiration of eligibility requirements for certain children from families receiving temporary cash assistance; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the school readiness system; amending s. 20.50, F.S.; creating the Office of Early Learning within the Agency for Workforce Innovation; requiring the office to administer the school readiness system and operational requirements of the Voluntary Prekindergarten Education Program; amending s. 125.901, F.S.; conforming provisions to changes made by the act; amending ss. 216.133 and 216.136, F.S.; redesignating the School Readiness Program Estimating Conference as the Early Learning Programs Estimating Conference; requiring the estimating conference to develop certain estimates and forecasts for the Voluntary Prekindergarten Education Program; directing the Agency for Workforce Innovation to provide certain information to the estimating conference; amending ss. 402.3016, 411.011, 411.226, 411.227, 1001.23, 1002.22, and 1003.54, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation and to the redesignation of the school readiness coalitions as early learning coalitions; authorizing the agency to adopt rules; amending s. 1007.23, F.S.; requiring the articulation of certain programs into credit toward a postsecondary degree; abolishing the Florida Partnership for School Readiness; transferring all powers, rules, personnel, and property of the partnership to the Agency for Workforce Innovation; repealing ss. 411.012 and 1008.21, F.S., relating to the voluntary universal prekindergarten education program and the school readiness uniform screening; providing appropriations and authorizing additional positions; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from the lump-sum appropriations to appropriation categories; providing an effective date.

By the Committee on Justice Appropriations; and Senator Crist—

CS for SB 4-A—A bill to be entitled An act relating to juvenile detention; amending s. 985.2155, F.S.; revising the apportionment of certain costs between counties and the state of providing detention care for juveniles; deleting a requirement that the Chief Financial Officer withhold a portion of county funds if the county remits to the state less than the amount required; deleting provisions directing the Department of Juvenile Justice to negotiate with other states for certain costs and to pay the costs of detaining juveniles for whom no state of residence is established; amending s. 3 of chapter 2004-263, Laws of Florida; revising the effective date of chapter 2004-263, Laws of Florida, which has already occurred; providing an appropriation; requiring the Governor to adjust the approved operating budget for the Department of Juvenile Justice; providing that the act fulfills an important state interest; providing effective dates.

By the Committee on Government Efficiency Appropriations; and Senators Atwater and Lynn—

CS for SB 8-A—A bill to be entitled An act relating to relief for persons whose primary residences were damaged by a named tropical system; providing for reimbursement of a portion of the ad valorem tax levied on a house or other residential building if the building is rendered uninhabitable due to a named tropical system; requiring that application for such reimbursement be made with the property appraiser; providing application requirements; requiring that the property owner provide documentation that the property was uninhabitable; requiring each property appraiser to determine an applicant's entitlement to reimbursement and the reimbursement amount; providing a formula for calculating the reimbursement amount; limiting the reimbursement amount; requiring property appraisers to submit reimbursement lists to the Department of Revenue by a specified date; requiring the Department of Revenue to determine the total reimbursement payments; providing a definition; authorizing an applicant to file a petition with the value adjustment board if the application for reimbursement is not fully granted; requiring that the department retain funds for the purpose of paying claims that are subsequently granted by a value adjustment board; providing a penalty for giving false information; requiring that undeliverable reimbursement checks be forwarded to the certifying property appraiser; providing appropriations; providing for certifying forward unexpended funds; providing for reimbursement of the state sales tax paid on the purchase of a mobile home to replace a mobile home that experienced major damage from a named tropical storm; requiring that application for such reimbursement be made with the property appraiser; providing application requirements; requiring that the property owner provide documentation of damage to the mobile home; requiring each property appraiser to determine an applicant's entitlement to reimbursement and the reimbursement amount; limiting the reimbursement amount; requiring property appraisers to submit reimbursement lists to the Department of Revenue by a specified date; requiring the Department of Revenue to determine the total reimbursement payments; providing definitions; authorizing an applicant to file a petition with the value adjustment board if the application for reimbursement is not fully granted; requiring that the department retain funds for the purpose of paying claims that are subsequently granted by a value adjustment board; providing a penalty for giving false information; providing an appropriation; providing that the Legislature intends for payments made under the act to be considered disaster relief for purposes of the Internal Revenue Code; providing an effective date.

By the Committee on General Government Appropriations; and Senators Garcia and Lynn—

CS for SB 10-A—A bill to be entitled An act relating to hurricane deductibles; providing for the Department of Financial Services to reimburse policyholders of residential property insurance for multiple deductibles applied by insurers for two or more hurricanes; providing legislative findings and intent; establishing criteria for eligibility for reimbursement; requiring applications to be submitted to the department and to include certain information; limiting the maximum amount of reimbursement; limiting total reimbursement to the amount appropriated for this purpose; requiring payment to be made in a specified order of priority and providing for pro rata reimbursement; requiring insurers to provide the department with certain information related to the claim for reimbursement, subject to the policyholder's authorization; authorizing the department to contract with a third party for investigation or adjustment of a claim for reimbursement; requiring insurers to mail

notice to certain policyholders of the reimbursement procedures; providing for emergency rules; providing that an application for reimbursement constitutes an insurance claim for purposes of determining insurance fraud; prohibiting insurers from changing their method of waiving or applying deductibles due to the provisions of the law providing for reimbursement to policyholders; requiring the Office of Insurance Regulation to collect data from insurers regarding the application of multiple deductibles; providing legislative intent that reimbursements made to policyholders be considered disaster-relief assistance for purposes of the Internal Revenue Code; amending s. 627.701, F.S.; requiring that hurricane deductibles of residential property insurance policies be applied on an annual basis to all hurricane losses that occur during a calendar year; allowing insurers to apply an alternative deductible to subsequent hurricane losses after the annual deductible is met; providing the method by which the hurricane deductible is to be calculated if a hurricane deductible is changed for a new or renewal policy; allowing insurers to require policyholders to report hurricane losses or to maintain receipts or records in order to apply hurricane losses to a subsequent hurricane claim; providing appropriations; requiring the State Board of Administration to increase future premiums to the Florida Hurricane Catastrophe Fund; providing an effective date.

By the Committee on General Government Appropriations; and Senators Clary, Lynn and Klein—

CS for SB 14-A—A bill to be entitled An act relating to the restoration of hurricane-damaged beaches and dunes; providing legislative findings with respect to hurricane damage to the state's beach and dune systems; requiring the Department of Environmental Protection to provide a report on the repair and restoration of the state's beaches and dunes to the Governor and Legislature; providing appropriations; requiring a local match for certain appropriations; limiting the local match to counties and municipalities with a certain per capita personal income level; authorizing the Executive Office of the Governor to approve a waiver under certain conditions; restricting full release of funds until certain local match requirements are met; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; authorizing the department to redistribute funds among activities and projects; requiring that the department provide prior notice of and justification for such redistribution to the Governor and Legislature; directing the department to take the necessary steps to ensure the timely implementation and completion of certain beach repair and restoration projects; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 5-A, HB 11-A, HB 19-A, HB 21-A; has passed as amended HB 1-A, HB 9-A and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Farkas and others—

HB 5-A—A bill to be entitled An act relating to discount medical plan organizations; delaying the date by which such an organization or marketer must comply with the requirements of pt. II of ch. 636, F.S., relating to the licensure and regulation of discount medical plan organizations; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Pickens and others—

HB 11-A—A bill to be entitled An act relating to the restoration of educational facilities damaged by hurricanes in 2004; creating the Educational Facilities Hurricane Restoration Cash Flow Loan Program for the purpose of assisting district school boards in making timely payments in restoring educational facilities; providing eligibility requirements for receiving a cash flow loan; requiring the Department of Education to administer the loan program and distribute loan funds; requiring the Department of Community Affairs to notify the Department of Education when certain federal payments have been distributed; providing an appropriation; providing an effective date.

—was referred to the Committee on Education Appropriations.

By Representative Waters and others—

HB 19-A—A bill to be entitled An act relating to hurricane-relief funding; amending s. 252.37, F.S., relating to emergency management; requiring that the state and the affected local government provide certain amounts of matching funds following acceptance of federal public assistance funds that are conditioned upon such match; authorizing the Executive Office of the Governor to waive the requirement under certain circumstances; requiring that the recipient provide a required match before receiving federal hazard-mitigation funds; providing for certain exceptions; providing for retroactive application of the requirements for providing matching funds; providing appropriations; providing requirements for local governments with respect to matching funds; authorizing future payments or a deduction from the local government's revenue-sharing allocation; specifying that the nonrecurring appropriations are to meet needs caused by hurricanes and a tropical storm; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; providing an effective date.

—was referred to the Committee on Community Affairs; and Transportation and Economic Development Appropriations.

By Representative D. Davis and others—

HB 21-A—A bill to be entitled An act relating to the Agency for Workforce Innovation; requiring the agency to provide quarterly reports on certain expenditures; requiring the report to be submitted to the Governor and Legislature; providing that the report must contain certain information; providing an appropriation; requiring that the appropriation be used for additional temporary jobs for eligible dislocated workers; authorizing the agency to spend the appropriation as permitted by the Federal Government; providing that the appropriation is nonrecurring; requiring the Executive Office of the Governor to provide notice of the allocation of the lump-sum appropriations; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations.

By Representative Goodlette and others—

HB 1-A—A bill to be entitled An act relating to early learning; creating part V of ch. 1002, F.S.; creating the Voluntary Prekindergarten Education Program; implementing s. 1(b) and (c), Art. IX of the State Constitution; providing definitions for purposes of the program; providing eligibility and enrollment requirements; authorizing parents to enroll their children in a school-year program delivered by a private prekindergarten provider, a summer program delivered by a public school or private prekindergarten provider, or a school-year program delivered by a public school; requiring school districts to admit all eligible children in the summer program; prohibiting specified acts of discrimination and certain limits on enrollment; specifying eligibility requirements for private prekindergarten providers and public schools that deliver the program; requiring minimum hours for the program; providing minimum requirements for prekindergarten instructors; providing for the adoption of rules; providing minimum and maximum class sizes; requiring appropriate adult supervision for prekindergarten classes; requiring the Department of Education to establish minimum standards for a credential for prekindergarten directors and for emergent literacy training courses for prekindergarten instructors; requiring the credential and course to provide training and resources containing strategies that maximize the program's benefits for students with disabilities and other

special needs; providing that the credential and course satisfy certain credentialing and training requirements; providing limits on when a provider or school may deliver the summer prekindergarten program; specifying eligibility requirements for school districts that deliver the school-year prekindergarten program; providing legislative intent; authorizing providers and schools to select or design curricula used for the program; directing the Department of Education to adopt performance standards and approve curricula under specified conditions; requiring providers and schools to be placed on probation and use the approved curricula under certain circumstances; requiring improvement plans and corrective actions from providers and schools under certain circumstances; providing for the removal of providers or schools that remain on probation beyond specified time limits; requiring early learning coalitions and school districts to verify the compliance of private prekindergarten providers and public schools; authorizing the removal of providers and schools for noncompliance or misconduct; requiring interagency coordination for monitoring providers; requiring the Department of Education to adopt a statewide kindergarten screening; requiring certain students to take the statewide screening; specifying requirements for screening instruments and kindergarten readiness rates; directing the State Board of Education to establish minimum rates; providing funding and reporting requirements; specifying the calculation of per-student allocations; authorizing students to withdraw, reenroll, and receive additional per-student allocations under specified conditions; providing for advance payments to private prekindergarten providers and public schools based upon student enrollment; providing for the documentation and certification of student attendance; requiring parents to verify student attendance and certify the choice of provider or school; providing for the reconciliation of advance payments based upon attendance; requiring students to comply with attendance policies and authorizing the dismissal of students for noncompliance; requiring the Agency for Workforce Innovation to adopt a uniform attendance policy for funding purposes; providing for administrative funds to be used by early learning coalitions; prohibiting certain fees or charges; limiting the use of state funds; providing powers and duties of the Department of Education and the Agency for Workforce Innovation; requiring the department and the agency to adopt procedures for the Voluntary Prekindergarten Education Program; creating the Florida Early Learning Advisory Council; providing for the appointment and membership of the advisory council; providing membership and meeting requirements; authorizing council members to receive per diem and travel expenses; requiring the Agency for Workforce Innovation to provide staff for the advisory council; providing for the adoption of rules; amending s. 411.01, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation; deleting provisions for the appointment and membership of the partnership; redesignating school readiness coalitions as early learning coalitions; deleting obsolete references to repealed programs; deleting obsolete provisions governing the phase in of school readiness programs; deleting provisions governing the measurement of school readiness, the school readiness uniform screening, and performance-based budgeting in school readiness programs; specifying requirements for school readiness performance standards; clarifying rulemaking requirements; revising requirements for school readiness programs; specifying that school readiness programs must enhance the progress of children in certain skills; requiring early learning coalitions to obtain certain health information before enrolling a child in the school readiness program; requiring the Agency for Workforce Innovation to monitor and evaluate the performance of early learning coalitions and to identify best practices for the coalitions; requiring a reduction in the number of coalitions in accordance with specified standards; directing the Agency for Workforce Innovation to adopt procedures for the merger of coalitions; providing exceptions; authorizing the Agency for Workforce Innovation to dissolve a coalition under specified conditions; revising appointment and membership requirements for the coalitions; specifying that certain members are nonvoting; directing the Agency for Workforce Innovation to adopt criteria for the appointment of certain members; requiring each coalition to specify terms of coalition members; requiring a quorum of coalition members; prohibiting coalition members from voting under certain circumstances; providing a definition for purposes of the single point of entry; requiring early learning coalitions to use a statewide information system; requiring the Agency for Workforce Innovation to approve payment rates and consider the access of eligible children before approving proposals to increase rates; prioritizing the use of school readiness funds under certain circumstances; deleting requirements for the minimum number of children served; providing requirements for developmentally appropriate curriculum used for school readiness programs; authorizing contracts for the continuation of school readiness services under certain circumstances; requiring the Agency for Workforce Innovation to adopt criteria for the approval of school readiness plans; revising requirements for school readiness plans; providing requirements for the approval and implementation of plan revisions; revising competitive procurement requirements for early learning coalitions; authorizing the coalitions to designate certified public accountants as fiscal agents; clarifying age and income eligibility requirements for school readiness programs; revising eligibility requirements for certain at-risk children; deleting a requirement for consultation on performance standards and outcome measures; revising funding requirements; revising requirements for the adoption of a formula for the allocation of certain funds among the early learning coalitions; specifying allocations for fiscal year 2004-2005; deleting an obsolete provision requiring a report; deleting the expiration of eligibility requirements for certain children from families receiving temporary cash assistance; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the school readiness system; amending s. 20.50, F.S.; creating the Office of Early Learning within the Agency for Workforce Innovation; requiring the office to administer the school readiness system and operational requirements of the Voluntary Prekindergarten Education Program; amending s. 125.901, F.S.; conforming provisions to changes made by the act; amending ss. 216.133 and 216.136, F.S.; redesignating the School Readiness Program Estimating Conference as the Early Learning Programs Estimating Conference; requiring the estimating conference to develop certain estimates and forecasts for the Voluntary Prekindergarten Education Program; directing the Agency for Workforce Innovation to provide certain information to the estimating conference; amending ss. 402.3016, 411.011, 411.226, 411.227, 1001.23, 1002.22, and 1003.54, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation and to the redesignation of the school readiness coalitions as early learning coalitions; authorizing the agency to adopt rules; amending s. 1007.23, F.S.; requiring the articulation of certain programs into credit toward a postsecondary degree; abolishing the Florida Partnership for School Readiness; transferring all powers, rules, personnel, and property of the partnership to the Agency for Workforce Innovation; repealing ss. 411.012 and 1008.21, F.S., relating to the voluntary universal prekindergarten education program and the school readiness uniform screening; providing appropriations and authorizing additional positions; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from the lump-sum appropriations to appropriation categories; providing an effective date.

—was referred to the Committee on Commerce and Consumer Services; Education; and Education Appropriations.

By Representative Ross and others—

HB 9-A—A bill to be entitled An act relating to hurricane deductibles; providing legislative findings and intent; providing a definition; providing for the Department of Financial Services to reimburse policyholders of residential property insurance for multiple deductibles applied by insurers for two or more hurricanes; establishing criteria for policyholders to be eligible for reimbursements; requiring applications to be submitted to the department, including certain information; limiting the maximum amount of reimbursements; limiting total reimbursements to the amount appropriated for this purpose; providing reimbursement criteria for the department under certain circumstances; requiring insurers to provide certain information to the department relating to claims for reimbursement, subject to policyholders' authorization; authorizing the department to contract with third parties for investigation or adjustment of claims for reimbursement; requiring insurers to mail notices to certain policyholders of the reimbursement procedures; authorizing the department to adopt certain rules; providing legislative intent; providing that applications for reimbursements shall be insurance claims for purposes of determining insurance fraud; prohibiting insurers from changing methods of waiving or applying deductibles due to the provisions of law providing for reimbursement to policyholders; requiring the Office of Insurance Regulation to collect data from insurers regarding the application of multiple deductibles; providing legislative intent; amending s. 627.701, F.S.; requiring that hurricane deductibles of residential property insurance policies be applied on an annual basis to all hurricane losses that occur during the calendar year; allowing insurers to apply an alternative deductible to subsequent hurricane losses after the annual deductible is met; providing for calculations of hurricane deductibles for new or renewed policies; allowing insurers to

require policyholders to report hurricane losses or to maintain receipts or records in order to apply hurricane losses to subsequent hurricane claims; providing applicability; providing appropriations for certain purposes; providing for reversion of certain unexpended moneys; requiring the Chief Financial Officer to report to certain entities certain multiple hurricane deductible reimbursement information; requiring the State Board of Administration to increase future premiums to the Florida Hurricane Catastrophe Fund; providing construction; providing an effective date.

—was referred to the Committee on Banking and Insurance; and General Government Appropriations.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 8-A, CS for SB 14-A, SB 16-A, SB 18-A and SB 28-A; and passed by the required constitutional two-thirds vote of the membership of the House CS for SB 4-A.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of December 13 was corrected and approved.

CO-INTRODUCERS

Senators Alexander—SB 2-A, SB 16-A; Argenziano—CS for SB 8-A, CS for SB 10-A, SB 14-A, SB 20-A, SB 22-A, SB 28-A; Aronberg—CS for SB 8-A, SB 12-A, CS for SB 14-A, SB 16-A, SB 18-A, SB 28-A; Atwater—SB 12-A, CS for SB 14-A, SB 16-A, SB 18-A, SB 22-A; Bullard—CS for SB 2-A, SB 6-A, SB 12-A, SB 16-A, SB 18-A, SB 22-A; Clary—CS for SB 8-A, SB 12-A, SB 16-A, SB 18-A, SB 20-A, SB 28-A; Crist—CS for SB 2-A, CS for SB 8-A, CS for SB 10-A, SB 12-A, CS for SB 14-A, SB 16-A, SB 18-A, SB 20-A, SB 22-A, SB 28-A; Dockery—SB 14-A, SB 16-A, SB 28-A; Haridopolos—CS for SB 8-A, CS for SB 14-A; Klein—CS for SB 10-A, SB 14-A, SB 28-A; Lynn—CS for SB 2-A, CS for SB 4-A, SB 6-A, SB 10-A, SB 12-A, SB 18-A, SB 20-A, SB 22-A, SB 28-A; Peaden—CS for SB 8-A, SB 12-A, CS for SB 14-A, SB 16-A, SB 18-A, SB 20-A, SB 28-A; Posey—CS for SB 8-A, CS for SB 10-A, CS for SB 14-A; Pruitt—SB 2-A, CS for SB 8-A, CS for SB 10-A, SB 14-A, SB 16-A, SB 20-A, SB 28-A; Rich—SB 12-A, SB 18-A; Siplin—CS for SB 2-A, CS for SB 8-A, CS for SB 10-A, SB 12-A, CS for SB 14-A, SB 16-A, SB 18-A, SB 20-A, SB 22-A, SB 28-A; Smith—CS for SB 10-A, SB 16-A; Villalobos—CS for SB 2-A, CS for SB 4-A, SB 6-A, CS for SB 8-A, CS for SB 10-A, SB 12-A, SB 14-A, SB 16-A, SB 18-A, SB 20-A, SB 22-A, SB 28-A; Wilson—SB 6-A, SB 10-A, SB 12-A, SB 18-A, SB 20-A, SB 26-A, SB 28-A

ADJOURNMENT

On motion by Senator Pruitt, the Senate in Special Session adjourned sine die at 2:50 p.m.

Journal of the Senate

Final Reports After Adjournment Sine Die — 2004 Special Session A

ENROLLING REPORTS

CS for SB 4-A, CS for SB 8-A, CS for SB 14-A, SB 16-A, SB 18-A and SB 28-A have been enrolled, signed by the required Constitutional Officers and presented to the Governor on December 21, 2004.

Faye W. Blanton, Secretary

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State the following bills which he approved—

CS for SB 4-A, CS for SB 8-A, CS for SB 14-A, SB 16-A, SB 18-A and SB 28-A on December 21, 2004.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 23, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida in Special Session, convened at 11:00 a.m. on the 13th day of December, 2004, and adjourned at 2:50 p.m. on the 16th day of December, 2004. Additionally, there has been included a record of the transmittal of Acts and Resolutions and actions taken by the Governor subsequent to the sine die adjournment of the Special Session.

Faye W. Blanton
Secretary of the Senate

Tallahassee, Florida
December 21, 2004

MEMBERS OF THE SENATE, BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED, AND COMMITTEE ASSIGNMENTS

SPECIAL SESSION A
December 13 - 16, 2004

[Source: Office of Legislative Services]

(Boldfaced bill numbers passed both houses.)

ALEXANDER, JD—17th District
Introduced: 12-A
Co-introduced: 2-A, **16-A**

Committees: Education Appropriations, Chair; Banking and Insurance; Communications and Public Utilities; Environmental Preservation; Governmental Oversight and Productivity; Ways and Means; *Legislative Budget Commission*

ARGENZIANO, NANCY—3rd District
Introduced: **16-A**
Co-introduced: **8-A**, 10-A, **14-A**, 20-A, 22-A, **28-A**

Committees: Governmental Oversight and Productivity, Chair; Rules and Calendar, Vice Chair; Agriculture; Environmental Preservation; Ethics and Elections; Justice Appropriations; *Administrative Procedures Committee*

ARONBERG, DAVE—27th District
Co-introduced: **8-A**, 12-A, **14-A**, **16-A**, **18-A**, **28-A**

Committees: Communications and Public Utilities, Vice Chair; Commerce and Consumer Services; Judiciary; Justice Appropriations; Regulated Industries

ATWATER, JEFFREY H. "JEFF"—25th District
Introduced: **8-A**
Co-introduced: 12-A, **14-A**, **16-A**, **18-A**, 22-A

Committees: Government Efficiency Appropriations, Chair; Banking and Insurance; Communications and Public Utilities; Health Care; Ways and Means; *Legislative Budget Commission*

BULLARD, LARCENIA J.—39th District
Co-introduced: 2-A, 6-A, 12-A, **16-A**, **18-A**, 22-A

Committees: Agriculture, Vice Chair; Education; Education Appropriations; Transportation; *Administrative Procedures Committee*

CARLTON, LISA—23rd District
Introduced: 2-A

Committees: Ways and Means, Chair; Rules and Calendar; *Legislative Budget Commission, Alternating Chair*

CLARY, CHARLIE—4th District
Introduced: **14-A**
Co-introduced: **8-A**, 12-A, **16-A**, **18-A**, 20-A, **28-A**

Committees: General Government Appropriations, Chair; Community Affairs; Judiciary; Rules and Calendar; Transportation; Ways and Means

CONSTANTINE, LEE—22nd District
Introduced: 20-A

Committees: Communications and Public Utilities, Chair; Domestic Security; Education Appropriations; Environmental Preservation; Rules and Calendar; *Legislative Committee on Intergovernmental Relations*

CRIST, VICTOR D.—12th District
Introduced: **4-A**
Co-introduced: 2-A, **8-A**, 10-A, 12-A, **14-A**, **16-A**, **18-A**, 20-A, 22-A, **28-A**

Committees: Justice Appropriations, Chair; Commerce and Consumer Services; Criminal Justice; Transportation; Ways and Means; *Legislative Auditing Committee*

DOCKERY, PAULA—15th District
Co-introduced: **14-A**, **16-A**, **28-A**

Committees: Environmental Preservation, Chair; Communications and Public Utilities; Domestic Security; Rules and Calendar; Transportation and Economic Development Appropriations

FASANO, MIKE—11th District
Introduced: 22-A

Committees: Transportation and Economic Development Appropriations, Chair; Banking and Insurance; Children and Families; Health Care; Ways and Means; *Legislative Budget Commission*

GARCIA, RUDY—40th District
Introduced: 10-A, 30-A

Committees: Banking and Insurance, Chair; Communications and Public Utilities; General Government Appropriations; Governmental Oversight and Productivity; Rules and Calendar

HARIDOPOLOS, MIKE—26th District
Co-introduced: **8-A**, **14-A**

Committees: Community Affairs, Vice Chair; Agriculture; Criminal Justice; Government Efficiency Appropriations; Regulated Industries

KLEIN, RON—30th District
Co-introduced: 10-A, **14-A**, **28-A**

Committees: Transportation, Vice Chair; Commerce and Consumer Services; Criminal Justice; Education; Education Appropriations; Rules and Calendar; *Legislative Committee on Intergovernmental Relations*

LYNN, EVELYN J.—7th District
Introduced: 24-A
Co-introduced: 2-A, **4-A**, 6-A, **8-A**, 10-A, 12-A, **14-A**, **18-A**, 20-A, 22-A, **28-A**, 30-A

Committees: Education, Chair; Children and Families; Commerce and Consumer Services; Criminal Justice; Education Appropriations; *Legislative Committee on Intergovernmental Relations*

PEADEN, DURELL, JR.—2nd District
Introduced: 6-A
Co-introduced: **8-A**, 12-A, **14-A**, **16-A**, **18-A**, 20-A, **28-A**

Committees: Health Care, Chair; Agriculture; Children and Families; Health and Human Services Appropriations

POSEY, BILL—24th District
Introduced: **28-A**
Co-introduced: **8-A**, 10-A, **14-A**

Committees: Ethics and Elections, Chair; Banking and Insurance; Government Efficiency Appropriations; Judiciary; Regulated Industries; *Legislative Auditing Committee*

PRUITT, KEN—28th District
Co-introduced: 2-A, **8-A**, 10-A, **14-A**, **16-A**, 20-A, **28-A**

Committees: Rules and Calendar, Chair; Commerce and Consumer Services, Vice Chair; Health and Human Services Appropriations, Vice Chair; Community Affairs; Health Care; Ways and Means

RICH, NAN—34th District
Co-introduced: 12-A, **18-A**, **28-A**

Committees: Ethics and Elections, Vice Chair; Children and Families; Health and Human Services Appropriations; Health Care

SAUNDERS, BURT L.—37th District
Introduced: **18-A**

Committees: Health and Human Services Appropriations, Chair; Commerce and Consumer Services; Health Care; Regulated Industries; Ways and Means; *Legislative Budget Commission*

SIPLIN, GARY—19th District
Introduced: 26-A
Co-introduced: 2-A, **8-A**, 10-A, 12-A, **14-A**, **16-A**, **18-A**, 20-A, 22-A, **28-A**, 30-A

Committees: Environmental Preservation, Vice Chair; Domestic Security; General Government Appropriations; Health Care

SMITH, ROD—14th District
Co-introduced: 10-A, **16-A**

Committees: Agriculture, Chair; Criminal Justice, Vice Chair; Justice Appropriations, Vice Chair; Communications and Public Utilities; Environmental Preservation; Rules and Calendar; Ways and Means; *Legislative Budget Commission*

VILLALOBOS, J. ALEX—38th District
Co-introduced: 2-A, **4-A**, 6-A, **8-A**, 10-A, 12-A, **14-A**, **16-A**, **18-A**, 20-A, 22-A, **28-A**, 30-A

Committees: Judiciary, Vice Chair; Community Affairs; Justice Appropriations; Rules and Calendar; Ways and Means

WILSON, FREDERICA S.—33rd District
Co-introduced: 6-A, 10-A, 12-A, **18-A**, 20-A, 26-A, **28-A**

Committees: Domestic Security, Vice Chair; Criminal Justice; Education; Health and Human Services Appropriations

BILLS INTRODUCED BY COMMITTEES

SPECIAL SESSION A
December 13 - 16, 2004

[Source: Office of Legislative Services]

(Boldfaced bill numbers passed both houses.)

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GOVERNMENT EFFICIENCY APPROPRIATIONS
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December 13 - 16, 2004

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SPECIAL SESSION A
December 13-16, 2004

[Source: Office of Legislative Services]

This index embraces all measures introduced in both the Senate and House. The house of origin is identified by the letter preceding each bill: S-Senate, H-House. House bills shown in this index include those never received by the Senate, and their inclusion here is only for the convenience of the user interested in all bills introduced in the Legislature on a particular subject.

(Boldfaced bill numbers passed both houses—adopted one-house resolutions also boldfaced.)

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SPECIAL SESSION A
December 13-16, 2004

(To Obtain the Number of a Bill, see Subject Index)

Abbreviations:

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Introducers
CR — Committee Report
CS — Committee Substitute
FR — First Reading
MO — Motion
Boldfaced Page Numbers — Passage of Bill

Types of Bills:

SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
SJR/HJR — Senate/House Joint Resolution
SM/HM — Senate/House Memorial
SR — Senate Resolution

Final Disposition:

Adopted
CSP — Companion or Similar Bill Passed
DCH — Died on House Calendar
DCS — Died on Senate Calendar
DHC — Died in House Committee
DM — Died in Messages
DNI — Died, Not Introduced
DSC — Died in Senate Committee
FPH — Failed to Pass House
FPS — Failed to Pass Senate
LTH — Laid on Table in House
LTS — Laid on Table in Senate
Passed
UHC — Unfavorable Report, House Committee
USC — Unfavorable Report, Senate Committee
Vetoed
WNI — Withdrawn, Not Introduced
WS — Withdrawn from the Senate

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4-A Juvenile Detention (Justice Appropriations and others) (FR)3, (BA)**12**, (CR)18, (CR)19, (CS)20, (CO)23 Ch. 2004-473

6-A Discount Medical Plan Organizations (Peaden and others) (FR)3, (BA)17, (CR)18, (CR)19, (CO)23 LTS/CSP-HB 5-A

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10-A Hurricane Deductibles (General Government Appropriations and others) (FR)4, (BA)17, (CR)18, (CR)19, (CS)20, (CO)23 LTS/CSP-HB 9-A

12-A Educational Facilities/Restoration (Alexander and others) (FR)4, (BA)(CR)18, (CR)19, (CO)23 LTS/CSP-HB 11-A

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16-A Agricultural Prog./Hurricane Impact (Argenziano and others) (FR)4, (BA)**12**, (CR)18, (CR)19, (CO)23 Ch. 2004-476

18-A Hurricane Relief/Health/Human Svcs. (Saunders and others) (FR)4, (BA)**13**, (CR)18, (CR)19, (CO)23 Ch. 2004-477

20-A Hurricane-relief Funding (Constantine and others) (FR)4, (BA)(CR)18, (CR)19, (CO)23 LTS/CSP-HB 19-A

22-A Displaced Workers/Funding/Hurricane (Fasano and others) (FR)4, (BA)(CR)18, (CR)19, (CO)23 LTS/CSP-HB 21-A

24-A Partial Refund/Ad Valorem Taxation (Lynn) (FR)5 DSC/CSP-CS/SB 8-A

26-A Hurricane Property Ins. Deductibles (Siplin and others) (FR)5, (CO)23 DSC/CSP-HB 9-A

28-A Florida KidCare Program (Posey and others) (FR)5, (BA)**13**, (CR)18, (CR)19, (CO)23 Ch. 2004-478

30-A Public Records Exemption (Garcia and others) (BA)13, **14**, (CR)18, (CR)(FR)19 DM/CSP-HB 9-A

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1-A Voluntary Pre-K Education Program (Goodlette and others) (BA)15, **16**, (FR)21 Ch. 2004-484

5-A Discount Medical Plan Organizations (Farkas and others) (BA)16, **17**, (FR)21 Ch. 2004-479

9-A Hurricane Deductibles (Ross and others) (BA)**17**, 21, (FR)22 Ch. 2004-480

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19-A Hurricane-relief Funding (Waters and others) (BA)**18**, (FR)21 Ch. 2004-482

21-A Displaced Workers/Funding/Hurricane (D. Davis and others) (BA)**18**, (FR)21 Ch. 2004-483

Journal

of the

S E N A T E

State of Florida

THIRTY-SEVENTH REGULAR SESSION

UNDER THE CONSTITUTION AS REVISED IN 1968

MARCH 8 THROUGH MAY 6, 2005

MEMBERS OF THE SENATE

(26 Republicans, 14 Democrats)

REGULAR SESSION
March 8 through May 6, 2005

District 1: Anthony C. "Tony" Hill, Sr. (D), Jacksonville**
Parts of Duval, Flagler, Putnam, St. Johns and Volusia

District 2: Durell Peaden, Jr. (R), Crestview*
Holmes, Washington, and parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 3: Nancy Argenziano (R), Crystal River**
Baker, Dixie, Hamilton, Lafayette, Suwannee, Taylor and parts of Citrus, Columbia, Jefferson, Leon, Levy, Madison and Marion

District 4: Charlie Clary (R), Destin*
Parts of Bay, Escambia, Okaloosa, Santa Rosa and Walton

District 5: Stephen R. Wise (R), Jacksonville**
Parts of Clay, Duval, Nassau and St. Johns

District 6: Alfred "Al" Lawson, Jr. (D), Tallahassee*
Calhoun, Franklin, Gadsden, Gulf, Jackson, Liberty, Wakulla and parts of Bay, Jefferson, Leon and Madison

District 7: Evelyn J. Lynn (R), Ormond Beach**
Parts of Clay, Marion, Putnam and Volusia

District 8: James E. "Jim" King, Jr. (R), Jacksonville*
Parts of Duval, Flagler, Nassau, St. Johns and Volusia

District 9: Daniel Webster (R), Winter Garden**
Parts of Orange, Osceola and Seminole

District 10: Tom Lee (R), Brandon*
Parts of Hillsborough, Pasco and Polk

District 11: Mike Fasano (R), New Port Richey**
Parts of Citrus, Hernando, Pasco and Pinellas

District 12: Victor D. Crist (R), Tampa*
Parts of Hillsborough and Pasco

District 13: Dennis L. Jones, D.C. (R), Seminole**
Part of Pinellas

District 14: Rod Smith (D), Gainesville*
Alachua, Bradford, Gilchrist, Union and parts of Columbia, Levy, Marion and Putnam

District 15: Paula Dockery (R), Lakeland**
Parts of Hernando, Lake, Osceola, Polk and Sumter

District 16: Jim Sebesta (R), St. Petersburg*
Parts of Hillsborough and Pinellas

District 17: JD Alexander (R), Winter Haven**
Hardee, Highlands, and parts of DeSoto, Glades, Okeechobee, Polk and St. Lucie

District 18: Lesley "Les" Miller, Jr. (D), Tampa*
Parts of Hillsborough, Manatee and Pinellas

District 19: Gary Siplin (D), Orlando**
Parts of Orange and Osceola

District 20: Carey Baker (R), Eustis***
Parts of Lake, Marion, Seminole, Sumter and Volusia

District 21: Michael S. "Mike" Bennett (R), Bradenton**
Parts of Charlotte, DeSoto, Lee, Manatee and Sarasota

District 22: Lee Constantine (R), Altamonte Springs*
Parts of Orange and Seminole

District 23: Lisa Carlton (R), Osprey**
Parts of Charlotte, Manatee and Sarasota

District 24: Bill Posey (R), Rockledge*
Parts of Brevard, Orange and Seminole

District 25: Jeffrey H. "Jeff" Atwater (R), Palm Beach Gardens**
Parts of Broward and Palm Beach

District 26: Mike Haridopolos (R), Melbourne***
Parts of Brevard, Indian River, Osceola and St. Lucie

District 27: Dave Aronberg (D), Greenacres**
Parts of Charlotte, Glades, Hendry, Lee and Palm Beach

District 28: Ken Pruitt (R), Port St. Lucie*
Martin and parts of Indian River, Okeechobee, Palm Beach and St. Lucie

District 29: M. Mandy Dawson (D), Ft. Lauderdale**
Parts of Broward and Palm Beach

District 30: Ron Klein (D), Delray Beach*
Parts of Broward and Palm Beach

District 31: Steven A. Geller (D), Hallandale Beach**
Part of Broward

District 32: Walter G. "Skip" Campbell, Jr. (D), Tamarac*
Part of Broward

District 33: Frederica S. Wilson (D), Miami**
Part of Miami-Dade

District 34: Nan Rich (D), Weston****
Parts of Broward and Miami-Dade

District 35: Gwen Margolis (D), Miami Beach**
Parts of Broward and Miami-Dade

District 36: Alex Diaz de la Portilla (R), Miami*
Part of Miami-Dade

District 37: Burt L. Saunders (R), Naples**
Parts of Collier and Lee

District 38: J. Alex Villalobos (R), Miami*
Part of Miami-Dade

District 39: Larcenia J. Bullard (D), Miami**
Monroe and parts of Broward, Collier, Hendry, Miami-Dade and Palm Beach

District 40: Rudy Garcia (R), Hialeah*
Part of Miami-Dade

* Holdovers
** Elected General Election November 2, 2004, for a term of 4 years
*** Elected Special General Election March 25, 2003, for a term ending November 2006
**** Elected General Election November 2, 2004, for a term ending November 2006

OFFICERS OF THE SENATE

Tom Lee, *President*
Charlie Clary, *President Pro Tempore*
J. Alex Villalobos, *Majority (Republican) Leader*
Lesley "Les" Miller, Jr., *Minority (Democratic) Leader*

Non-member Elected Officer

Faye W. Blanton, *Secretary*

Journal of the Senate

Number 1—Regular Session **Tuesday, March 8, 2005**

Beginning the Thirty-seventh Regular Session of the Legislature of Florida convened under the Florida Constitution as revised in 1968, and subsequently amended, and the 107th Regular Session since Statehood in 1845, at the Capitol, in the City of Tallahassee, Florida, on Tuesday, the 8th of March, A.D., 2005, being the day fixed by the Constitution of the State of Florida for convening the Legislature.

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CALL TO ORDER

The Senate was called to order by President Lee at 10:00 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by Father Francis Dionne, Chaplain, Veterans Administration Medical Center, Bay Pines:

God of all creation, as we seek to fulfill our duty here as elected and trusted leaders of the people of the great State of Florida, we are aware of our differing thoughts, needs and solutions to the tasks we face. Understanding that what we do here is for the common good, we are seeking to recognize and honor our abilities and talents as individuals, and then unite ourselves in a spirit of cooperation and compassion. We are well aware that, as individuals, we are unique and valued in your sight. May each one of us here this day be open to the possibilities attainable through working together for the benefit of all. In faith, may we see through your eyes the giftedness you created in all present and then together accomplish what is needed to enhance the lives of all.

Lord God, we implore your guidance and blessings in the days, weeks and months ahead. Give to us the gifts of endurance, strength and intellect bound together in a spirit of humility. May we accomplish what we have been elected to do, and be ever grateful to you for entrusting to us the leadership and care of your people. All this we now ask prayerfully, in faith. Amen.

PLEDGE

Senate Pages Danielle Butler of Tallahassee; Grady "Trey" Goodwin III of Wewahitchka; Rian Masanoff of Parkland; and Michael Tollerton of Sarasota, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOMENT OF SILENCE

The President recognized Senator King who asked that the Senate observe a moment of silence in memory of former Senator and Secretary of the Department of Juvenile Justice Bill Bankhead, who passed away March 6.

SPECIAL GUESTS

The President recognized the Lieutenant Governor and former Senate President, 1996-2000, Toni Jennings.

The President recognized former Senator, Attorney General Charlie Crist; Chief Financial Officer Tom Gallagher and former Senator, Commissioner of Agriculture Charles H. Bronson.

The President recognized the following Supreme Court Justices: Chief Justice Barbara J. Pariente, Justice Harry Lee Anstead, Justice Kenneth B. Bell, Justice Raoul G. Cantero III, Justice R. Fred Lewis, Justice Peggy A. Quince, and Justice Charles T. Wells.

The President recognized the following former Senate Presidents: Mallory Horne, 1972-74; Phil Lewis, 1978-80; John Vogt, 1986-88; Gwen Margolis, 1990-92; Jim Scott, 1994-96 and his children, Stacy and Frank; John McKay, 2000-02, and his wife, Michelle; and Jim King, 2002-04, and his wife Linda.

The President also recognized former Senators John Grant and Van Poole.

MEMORIAL DEDICATION CEREMONY

At the request of the President, former Senate President Jim Scott, his children, Stacy and Frank, and his long-time friend and law partner, Norman Tripp were escorted to the rostrum.

Remarks by President Lee

Senators and guests, President Scott, his family and friend are here today for a very special dedication in memory of Janice Scott who lost

her battle with cancer this past year. Janice served as First Lady of the Senate from 1994-1996. For those of you who knew Janice, you can attest to the wonderful person she was. Not only was she a gracious person, but her quick wit and sharp mind made her a joy to be around.

Today it is my honor to dedicate and rename the Senate Spouses' Lounge as the *Janice Scott Senate Family Center*.

Presentation

The President presented former President Scott with a photo plaque commemorating the dedication and announced that the plaque would be placed outside the door to the *Janice Scott Senate Family Center* as a lasting tribute to Janice.

The President recognized former President Scott who briefly addressed the Senate.

COMMITTEES APPOINTED

On motion by Senator Baker that a committee be appointed to notify the House of Representatives that the Senate was convened and ready to proceed to the business of the session, the President appointed Senators Baker, Aronberg, Diaz de la Portilla, Wilson, and Wise. The committee was excused.

On motion by Senator Webster that a committee be appointed to notify the Governor that the Senate was convened and ready to proceed to the business of the session, the President appointed Senators Webster, Bullard, Garcia, Haridopolos, and Klein. The committee was excused.

SPECIAL PERFORMANCE

The President recognized Senator Margolis who introduced Vivian Baldonado. Ms. Baldonado, a music teacher at North County Charter School in Opa Locka and a recent graduate of the New World School of the Arts, sang "The Star-Spangled Banner."

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1-Org. and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Goodlette—

HCR 1-Org.—A concurrent resolution providing that the House of Representatives and Senate convene in Joint Session for the purpose of receiving a message from the Governor.

—was read the first time in full. On motion by Senator Pruitt, by two-thirds vote **HCR 1-Org.** was read the second time by title, unanimously adopted and certified to the House.

COMMITTEES DISCHARGED

The committee appointed to notify the House of Representatives appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

The committee appointed to notify the Governor appeared at the bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

ADDRESS BY PRESIDENT TOM LEE

I'll never forget the first time I walked through those Chamber doors. I was a candidate for the State Senate nearly nine years ago. Like many of you who serve here today, the thought of doing something meaningful, for the state I loved, was inspiring.

It was immediately apparent to me that the Florida Senate was a VERY special place. I could feel the sense of tradition, and the legacy of those who had served here; Floridians who cared enough about our state to make the sacrifice of public service, passionately, and without reservation.

A place that captures the best traditions of our representative democracy; where honor and humility come with being chosen to serve, by friends and neighbors, by people you know and many you don't; to **speak** for them, to **try** for them, and to **succeed** for them. A place that welcomes heart, wisdom and real-world experience; where integrity melds with acts of courage; where the public's faith and trust count just as much as the bills passed, and the honors secured.

A Florida Senate composed of ordinary people—"citizen legislators"—from all walks of life; who would serve as the strength, voice, and conscience of the people, as their best advocate, their best defender, and their best hope. Today, these citizen legislators include mothers and fathers, grandmothers and grandfathers; Floridians who have distinguished themselves in business and excelled in finance; who have taught in schools and lectured in universities; real people from the real world who chose to serve their communities, to help them, to support them, and to defend them.

Citizen legislators all, including a former school teacher whose passion for education and child safety is only matched by her unrelenting energy; a father and banker whose knowledge of finance is now focused on making government more efficient and accountable; a mother and rancher with three beautiful children who worked tirelessly to advance early childhood learning, and now leads our effort to put Medicaid on a more solid footing; a former Senate President, the first of his family to graduate from college, whose ingenuity in business has provided every young entrepreneur with a tribute to perseverance and a roadmap for success; a small businessman who risked his life to help lead another nation from tyranny to democracy a half a world away, now in this chamber to help his community; the gentleman and leader from across the aisle, who continues to overcome personal adversity to champion equal opportunity and the rights of others—Senator Miller, my friend, welcome home.

All of us who serve in this Chamber today will have the opportunity to shape tomorrow for millions of Floridians; most of whom we'll never meet or get to know, but whose lives we will touch. Together, let us resolve that here, in this Senate, we WILL stand up, and stand together, in putting integrity before expediency and principle above politics.

To reconnect people back with **their** state government, by inspiring them to believe that their ideas, their opinions, and their voices can make a difference. **To** enhance the public trust by implementing common sense reforms in the way we—and those around us—conduct the people's business.

To run government more like a business where bottom lines matter, and the customer comes first. **To** address the long-term impacts of funding short-term needs, by replacing knee-jerk reactions to crises we could have averted, with real financial planning to head off crises we never have to face. **To** remember that we work for the people, **never** forgetting where we came from, what we came here to do, and who sent us here.

As is so often the case, the issues and priorities that will define **this** session reflect the timing, and circumstance, of the state of our state.

First, this is a new day in the Florida Legislature, as together we restore balance, cooperation and trust to the governing relationship between the Senate and House. That would not be possible without Speaker Allan Bense, a father, husband, and businessman; someone who shares our no-nonsense, bottom-line, results-oriented approach to government; someone who shares our passion for cooperating, not confronting; communicating, not vilifying; devising, not dividing. We both expect great things of, and from, each other and our respective Members. We will work hard—very hard—to fulfill the promise of that expectation.

Second, we will plan ahead, think ahead, and budget ahead, in the name of **every taxpayer** in our state. This session and the next, we will insist that decisions be more far-sighted, appropriations more justified, and expenditures more controlled; a **new** discipline that helps ensure the next few budgets are both well-conceived and fiscally sound.

I want to commend the Governor and Lt. Governor for composing, then proposing, a budget and financial pro forma that looks three years down the road; one that takes into account that what we do today impacts tomorrow; an approach to budgeting that respects those who will be asked to pay the bill. All done to get ahead of the game, because falling behind means those bills will grow larger and ever more unpredictable.

As we in this Senate predicted, a focus on long-term budgeting helped us identify rapidly escalating demands on our state budget—obligations we couldn't ignore such as Medicaid, a program which is quickly putting Florida behind the financial eight-ball with exponential deficits and unsustainable growth. Medicaid will not fix itself. We can. Beginning with a candid look at every option, every possible remedy—keeping in mind that we have a moral responsibility to the elderly, disabled, and those who are in critical need—to do it right.

Long-range financial planning has produced a call for action. Here in this Senate, it's time to answer the call. When we do, we must also review the current mandates of the class-size amendment. Given that class size most dramatically impacts children in the early years of kindergarten through third grade, the practical effect of the amendment has been to handcuff local decisionmaking and deprive teachers of better salaries. It's time to take another look at what was promised, but this time, within the context of how this mandate impacts other vital components of a quality education, including teacher pay and greater local control.

Third, we have to be more responsible, and grow more responsibly, if we intend to sustain quality of life for future generations of Floridians. When our classrooms are too packed, our roads too congested, and our remaining lands too easily auctioned to development, how can we—in good conscience—just look the other way and hope someone else will take care of the problem? Hope that the future will take care of itself, all **by** itself?

That's why growth management may be the most important issue we'll **ever** face, because these laws **become** our vision, this vision **becomes** our future. I have spent most of my adult life working in and around the planning process. I have come to believe that growth management is more of a financing problem than a planning problem; and that the blueprint to sustaining our state economy, and our quality of life, means Floridians must invest in **their** future, and in their children's.

Yet if we ask people for such a commitment, they have the right to know how much is involved, who's accountable for getting it done, specifically where the help would go, that a proper financial plan is in place—and that we have revised our growth management laws so they'll know we do not intend to repeat the mistakes of the past. It is incumbent upon us, **all** of us in this Chamber, to make that case to the taxpayers of this state.

Four, we must restore the public trust by bringing the public's business more into the open with fuller, fairer disclosure. Tallahassee has an image problem today—fueled by arcane rules of advocacy and disclosure that nearly 30 states, **and** the United States Congress, have changed, amended, and/or reformed over recent years in the interest of public confidence. Here in Florida, the process is dated and not readily transparent to the public, raising questions not easily answered, about influence not easily identified.

It is a fundamental right for people to advocate before their government, either directly or through surrogates. Those surrogates can add value to the system by introducing informed perspectives and alternative points of view, but we have to recognize that the public's confidence is shaken when that advocacy is cloaked in secrecy, conducted out of the sunshine, with an unwillingness to disclose.

Florida's Sunshine Laws were passed 38 years ago. Today, we can and should take the next step, by supporting those who respect the process, and revealing those who don't. While we must fully protect the people's First Amendment rights to raise money for political expression—we must also be willing to support and defend higher standards for reporting and disclosure.

Because when we do, **we**, the members in this Chamber; the staff in this capitol; and the lobbyists in the rotunda; **together** we send a powerful public message: "We have **nothing** to fear. We have **nothing** to hide."

•A full, healthy, cooperative relationship with our colleagues in the House of Representatives.

•Long-term financial planning, to ensure we don't obligate future generations without conscience or consideration.

•Managing growth before it manages us.

•Restoring, and enhancing, the public trust.

Four hallmarks, four principles, four priorities for a Senate session that I hope will be long remembered not only for who we **are**, but for what we **did**; and **how** we did it.

As Citizen Legislators. As men and women who care about their families, their communities, their state.

Each with a different perspective.

Each from a different walk of life.

But **all** committed to making a difference in and for the state we love.

That is the journey I began nine years ago.

That is the journey you and I today will continue. Together.

COMMITTEE RECEIVED

A committee from the House of Representatives composed of Representatives Gardiner, Bowen, Kottkamp, Benson, and Gelber was received and informed the Senate that the House of Representatives was convened and ready to proceed to the business of the session. The committee then withdrew from the chamber.

MOTIONS

On motion by Senator Pruitt, the rules were waived and by two-thirds vote **SB 106**, **SB 166**, **CS for SB 200**, **CS for SB 246**, **SB 292**, **CS for SB 478**, **SB 516**, **SB 1334**, **CS for SB 1336**, **SB 1338**, **SB 1340**, **SB 1376**, **SB 1378**, **SB 1380**, **SB 1382**, **SB 1384**, **SB 1386**, **SB 1388**, **SB 1390**, **SB 1392**, **SB 1394**, **CS for SB 1396**, **SB 1398**, **SB 1400**, **SB 1402**, **SB 1404**, **CS for SB 1406**, **CS for SB 1408**, **CS for SB 1410**, and **CS for SB 1412** were established as the Special Order Calendar for Thursday, March 10.

Senator Pruitt moved that following the joint session, the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Thursday, March 10 at 9:00 a.m. or upon call of the President. The motion was adopted.

(See remainder of Senate business following the joint session.)

JOINT SESSION

Pursuant to **HCR 1-Org.**, the Senate formed in processional order and marched in a body to the chamber of the House of Representatives where they were received in due form. The joint session was called to order by The Honorable Allan Bense, Speaker of the House of Representatives.

The Lieutenant Governor, members of the Cabinet and justices of the Supreme Court were received and seated.

The Speaker invited Senator Lee, President of the Senate, and Senator Clary, President Pro Tempore of the Senate, to the rostrum and requested the President to preside over the joint session.

THE PRESIDENT PRESIDING

The President declared a quorum of the joint session present.

Father Francis Dionne, Veterans Administration Medical Center, Bay Pines delivered the prayer.

The President led the pledge of allegiance to the flag of the United States of America.

On motion by Representative Sorenson that a committee be appointed to notify the Governor that the joint session was assembled to receive his message, the President appointed Senators Villalobos, Alexander,

Campbell, Carlton, Sebesta and Lawson; and on behalf of the Speaker, appointed Representatives Rubio, Brown, Pickens, Harrell, Cusack and Bendross-Mindingall. The committee withdrew from the chamber.

The committee appointed to wait upon the Governor subsequently returned to the chamber escorting His Excellency, The Honorable Jeb Bush, Governor, who was escorted to the rostrum.

The President presented the Governor to the joint assembly.

ADDRESS BY GOVERNOR JEB BUSH

Good morning.

President Lee, Speaker Bense, members of the Legislature, members of the Supreme Court, honored guests, and my fellow Floridians, it is an honor to be with you today to review the current state of our beloved State of Florida, and to begin a discussion of the next steps toward a future of continued promise and opportunity.

I'm especially glad to have Senator Les Miller and Representative David Coley here today. Along with our gratitude for their service, we offer our prayers for their swift recovery.

Our prayers are also with the family of Bill Bankhead. Bill served in this Legislature, and in the executive branch of state government, and did both with skill and honor.

My wife, Columba, is here today. I am grateful for her contributions to this state as First Lady, and for her unwavering support that allows me to serve as Governor to the best of my ability. I have been blessed by her love and graceful influence in my life for more than 34 years, long enough to understand how much of my happiness and success I owe to her.

Lt. Governor Toni Jennings also joins us today. Over the last two years we have served as a team, and have forged a partnership that I value immensely. I thank her for her commitment and service to the people of our state.

Six months ago, as the last of four major hurricanes swept across our shores, the state of our state was an open question. Today many communities still face challenges, and many residents are still rebuilding lives interrupted by the storms. But our state continues to move forward, creating more jobs than any other state in the nation, attracting investment, and generating revenues for government that outpace our most ambitious projections. This strength ensures we have the resources to help those in need, as well as the ability to recover and rebuild.

Ladies and gentlemen, thanks to the dynamic spirit and determination of Floridians, the state of our state is stronger than ever.

We enter 2005 with strong momentum and a growing economy. We have the financial reserves to meet unexpected challenges, as well as improved credit ratings that validate our policies and practices.

I thank you all for your efforts, and our progress.

This year our nation remains at war with the enemies of freedom, and we honor the service of soldiers who stand courageously against all threats. We rely on their strength, and they can count on our support.

We understand their sacrifice, and we respect the difference they're making.

In his State of the Union address, our President introduced an Iraqi woman who proudly raised her vote stained finger to make a "victory" sign for her country. She was there to remind us of the freedom we've fostered half a world away.

Maki Kubba has lived in Florida since 1992, and is here today with his son, Hany.

As a young political activist speaking out against the evil of Saddam Hussein, Maki was imprisoned and tortured, as his father had been before him. He was eventually released, and continued his opposition to the regime. Sentenced to death in 1979, Maki fled to America. He was 21.

In January, Maki joined a dozen friends from the Tampa area to make the 24-hour roundtrip drive to Nashville. Together, they registered to vote in the first real Iraq election in history. A week later, they repeated the long journey to cast their ballots. When asked why, Maki said, "voting is the best bullet to shoot against the terrorists."

Twenty-six years after fleeing for his life, Maki is considering a return to Iraq before the next election, in time to run for office. Godspeed, Maki.

People often talk broadly about the importance of the fight for liberty. Maki shows us what it means for our friends and neighbors, both here and abroad.

First Lieutenant Tommy Davis shows us what it takes to change the world.

He was deployed to Iraq on his birthday in 2003, as part of the 3rd Battalion, 124th Infantry Regiment from Tallahassee. He and his men were some of the first Florida National Guard troops in the region. He led his platoon in combat along the eastern side of Iraq to Baghdad.

In Baghdad, Lieutenant Davis and his men trained some of the first Iraqi Defense Forces.

They also renovated schools, collected supplies for children, and rebuilt a local soccer field before leaving in January 2004.

Lieutenant Davis returned home to Chipley and reunited with his wife, Denise, and their two children, Holly and Trey. Just 90 days later he and his battalion provided search and rescue services as well as security and food distribution for hurricane victims.

Lieutenant Davis will report for active duty again in just two days. This time he's headed to Afghanistan for a year, one of 1,200 Florida Army National Guards who will train the Afghan National Army to defend their nation's hard-won freedom from all threats.

Lieutenant Davis, we send you forward with our deepest respect, our sincere gratitude, and our prayers for your family and for your safe return.

Last year we invested $6.5 million to refurbish National Guard armories in Florida. I'm asking for an additional $12.3 million this year to make sure our Guard armories can train and prepare soldiers and airmen to serve wherever they are needed.

Soldiers like Lieutenant Davis deserve our full support and so do their families. I'm asking lawmakers for $5 million to establish an emergency grant program to ensure the families of our deployed Guard troops have the support they need to meet the challenges here at home while their loved ones are away.

We've seen heroism in combat fatigues and in ink-stained fingers raised in defiance of tyranny and terror. We also saw it closer to home in first responder uniforms, and in thousands of storm-weary public servants who say they were just doing their jobs.

People like Ben Nelson—alias "Weatherboy"—the young meteorologist who tracked the storms, and calculated their potential impact with each shift of the wind. And Craig Fugate, who led Florida's Emergency Operations Team forward storm after storm . . . after storm . . . after storm, with the calm resolve that set the tone for our response.

Floridians in all uniforms of first response, from law enforcement, to firefighters, to paramedics, to public health nurses and volunteers used their skill and courage to ensure the safety of millions. Professionals like Vero Beach Police Chief Jim Gabbard and his team rushed to help wherever they were needed.

When residents of a senior citizen mobile home community took refuge in their activities center, rising floods threatened to drown them all. Chief Gabbard and his team responded in the midst of the storm, stripping off their heavy gear and swimming to the rescue. They saved lives and defined the heroism of first responders across our state.

State workers also found ways to meet the emergency needs of the people they serve. I watched Dr. John Agwunobi lead thousands of workers as Secretary of the Department of Health, and personally save a life in a Port Charlotte shelter the day after Charley hit that community with a vengeance.

The commitment of these public servants was the rule, rather than the exception. Florida is grateful to them, and the thousands of men and women they represent, who each met this extraordinary challenge with everything they had to give.

On behalf of the millions of Floridians you served with such skill and valor, we thank you.

I have never been prouder to be Governor of Florida. It was a gift of extreme privilege to witness the strength of our state, a strength drawn from the hearts of our people. Our shared experience defined us as Floridians, and left us changed in profound and personal ways.

I was moved by the resiliency of our people. By the limitless compassion of friends and family and strangers alike. By the generosity of spirit that brought us together to conquer obstacles that may have deterred us in less demanding times.

Our response brought out the very best in our state and ourselves. It stripped away politics and business as usual, and left us public service in its purest and most powerful form.

We should never accept less from ourselves, or for our state. We should use the same incredible spirit of cooperative innovation to face the significant long-term challenges and opportunities ahead.

We'll need courage to achieve our goals for this state. We'll also need the public's trust. Together we must continually earn that trust, and be worthy of it.

The people who sent us here deserve transparency in Tallahassee. As their representatives, we are accountable to them. We cannot allow anything to erode the trust between us and the people we serve. With this in mind, I applaud President Tom Lee's commitment to full disclosure of expenses related to lobbying and fund raising activities.

In the next 60 days you'll work to craft a budget, implement constitutional amendments, while reforming the process itself, and build our voluntary pre-kindergarten program. You'll also tackle reforms of our procurement practices and election process, among other issues.

While you have a duty to accomplish all of these, I ask that we achieve even more.

This is not the time for timid tweaks to the status quo. This is the time for bold, brave ideas in Florida that will shape our future and define us as dreamers, builders, and problem solvers.

Mr. Speaker, Mr. President, the three of us share a philosophy of government, and a commitment to public office as a public service rather than a career. We each have two years left to serve the people of Florida before returning to private life.

We have a finite, focused opportunity to lead Florida to a stronger future than we have today. Working together, with a shared commitment to big ideas and the hard work they require, we will truly serve our state.

We have the opportunity to build on our education reforms, and to transform our unsustainable Medicaid system.

Now is the time to improve our business climate to sustain continued growth, and to create a meaningful strategy to balance that growth with the quality of life in our communities.

I ask you to consider proposals to achieve these goals in the spirit of true partnership, to make a difference in the state of our beloved State of Florida.

We've already made a real difference, by redirecting an education system that was subtly teaching our children where they come from is more important than where they're going. Together we are demanding more for our students, and giving them the tools to build a future bigger and brighter than their past.

But good policy and ambitious reform aren't enough to improve education. We also need the sincere effort of truly talented educators in our schools.

Florida has those teachers, and their hard work is already changing the lives of the young people they teach. For the first time ever, more than half the students in our public schools are reading at or above grade level. Graduation rates are up from 60% to 72%. Drop out rates are down by almost half. Minority students are closing the achievement gap by gaining ground twice as fast in reading, and three times as fast in math, than their white classmates.

Each year we empower more students to dream bigger. But the job is far from over.

In 2002, Florida voters amended the Constitution to reduce class size in Florida schools. We're implementing that amendment, but at a tremendous cost.

Last month, I was joined by teachers, principals, school superintendents, leaders from the Florida PTA, the Florida School Board Association, the Florida Association of School Administrators, and the leadership of the Legislature, to highlight the impact of the class size amendment on our schools, and to propose a better approach.

This cross-section of education advocates understand that complete implementation will turn our teacher shortage into a crisis, and eat up resources we need to recruit and retain quality educators.

We've spent more than $2 billion on implementation so far. Next year, the figure will rise to $3.8 billion, and we're on track to spend $22.2 billion by 2010-11. Additionally, understandable reluctance to cancel art and music classes, to bus students, and to convert resource rooms to classrooms will require more construction, driving the actual cost to implement as high as $26.4 billion.

Teachers make the difference. And we would serve our students better by focusing on attracting and retaining the quality teachers who can help them discover the world, rather than pushing class size reduction down to every class in every school, in every district throughout the state.

With support from the leadership of the Legislature, we've proposed a joint resolution to ask voters to amend the Constitution, to give school districts the flexibility to maintain class size reductions at the district average level, accelerate the required reductions by three years to the 2007-08 school year, raise the minimum teacher salary to $35,000 and to keep it above the national average starting salary in the future.

We need to empower our school districts to put quality teachers in every school, and we must support our dedicated teachers with a professional pay scale that reflects their achievements and contributions. Educators who teach a subject in a critical shortage area, or teach in a low-income or high crime community, should be compensated accordingly. Educators who mentor other teachers, or play a leadership role in their schools, should be rewarded for the extra value they add.

I'm also asking that we make reading an integral part of education, and that teachers in all subject areas become effective reading instructors. We've seen the difference our "Just Read, Florida!" initiative has made, but we have a long way to go.

It's time to make our reading initiatives a permanent part of our public school budget. I am asking the Legislature to include reading dollars in our public school funding formula. We must ensure every school in Florida has money for reading instruction and that reading funding increases as our public school budget grows each year.

Last year we introduced reading coaches into our middle schools, and we're continuing this emphasis on reading instruction in the middle grades. Our plan requires students in grades six through eight who cannot read at grade level to take a reading class based on sound research developed by reading experts.

We're also aligning middle school coursework and grading systems with our high schools, and ensuring middle school students complete minimum coursework requirements for promotion to high school. We're confident these changes will improve the way we serve students in our middle schools, and help them succeed in high school.

I am proud of our progress and committed to ongoing improvement. But no matter how strong our public schools become, they may not meet the needs of some students. This year we're proposing a program to help

chronically struggling students. Children who score a Level 1, or below basic level, on the reading portion of the FCAT cannot read independently. Students who consistently struggle to master these skills in our schools should have other education options.

I'm asking the Legislature to create the Reading Compact Scholarship for students who read at Level 1 for three consecutive years, so their parents can find the best solution, whether public or private, for their success.

We must think big and act boldly to ensure our education system addresses the needs of all students. We need to apply that same bold, innovative spirit to find better ways to deliver medical care and improve the health of Florida's most vulnerable residents.

Almost a year ago, with the encouragement of the current Legislative leadership, we began asking a fundamental question regarding Medicaid. We asked, "How would we run the system, if we weren't limited by how we've always done it in the past?"

The answer creates a new vision for Medicaid, and demands a transformation of the entire system. Effective, modern Medicaid starts with the premise that the people in the program should have the power to make meaningful choices for themselves and their families.

The transformed system would reward healthy lifestyle decisions, which will save millions and enhance the quality of life for thousands of Floridians. The new system would use competitive market principles to unleash innovation, spurring new and better ways to serve patients.

Our transformed Medicaid would be a more fiscally responsible and predictable system, with spending determined by the Florida Legislature and the federal match.

The new Medicaid system would reduce fraud, by combining the oversight of the Agency for Healthcare Administration with the management expertise of provider service networks, insurers, and HMOs.

These reforms would be phased in over time, in deference to the complexity of the medical system. This measured implementation allows us to monitor the impact of each change and avoid unintended consequences.

We must transform Medicaid if we are to save it for the people who need it.

Over the last six years Medicaid costs have increased an average of MORE THAN 13% annually. State revenues grew an average of 6% a year during that time. There is no source of revenue that will grow as fast as our Medicaid costs. We have to find a solution not limited by what Medicaid is today, but focused on how to make it better tomorrow.

Mr. President, Mr. Speaker, together we can protect Medicaid for future generations and make it more responsive to the needs of the people it serves.

Creating and maintaining a world-class education system from preschool to graduate school, as well as effective and efficient healthcare delivery and other services critical to the wellbeing of Floridians will require increased funding over the long term.

Over the last few years we've learned that a sound fiscal policy improves the opportunity for Floridians to succeed. Their success, in turn, makes it possible for state government to fund the priorities of the state. We know we cannot tax our way to prosperity, and we are focused on sound fiscal policy and building a world-class business climate in Florida.

Conservative fiscal management in government is a fundamental element of a strong state economy. All three major rating agencies—Moody's, Fitch, and Standard & Poor's—have upgraded Florida's bond rating in recent weeks, including our first triple-A rating ever. Our strong financial reserves, prudent debt management, and proven ability to control government spending, make Florida a stronger state.

Our sensible tax structure is another vital part of our business climate. We've provided $10.7 billion in cumulative tax relief since 1999, and we've seen a robust and steady increase in our state revenues during that time. This year, I'm recommending more tax cuts for Florida.

We need to provide tax relief to attract manufacturing investment, and make our state more competitive for research and development programs.

We need to support Florida families with a nine-day holiday from sales taxes on clothing, books, and school supplies. We need to eliminate what remains of the cumbersome by the drink tax. We need to rid our state of the remaining intangibles tax, an insidious tax on savings and investment.

It is their money, not ours. They earned it, they should keep it.

These tax cuts amount to a rounding error in our $62 billion dollar budget. However, these dollars have a much greater impact on the Florida families and businesses who get to keep them. In their hands, the same money also has a greater impact on our state, as it is invested back into the economy, generating more revenue to meet our growing needs.

For two years, Florida has led the United States in the number of jobs created and our unemployment rate is consistently below the national average. Every week another industry leader decides to grow its future in Florida.

Our supportive tax environment helps, but businesses and entrepreneurs only create jobs in places where the workforce is robust enough, skilled enough, and in this day and age, technologically savvy enough to support their needs. Our long-term competitiveness demands that we create that workforce in Florida, and ensure the people in our state are ready to meet the challenges of the 21st century economy and job market.

My budget includes a funding increase of $103 million for workforce development next year. We're proposing to spend $25 million of this new money to fund "Jobs for Florida's Future", an initiative to create workforce development programs in public schools and community colleges that target high skill, high wage occupations. I thank Speaker Allan Bense for his leadership on this critical issue.

As we create the workforce of the future, we also need to address threats to Florida's business climate. Predatory litigation is a growing threat to our economic growth.

The U.S. Chamber Institute for Legal Reform ranks states according to fairness of their legal systems, based on a Harris Interactive survey of 1,400 corporate counsels. In 2004, Florida ranked 38th. This year we dropped to 42nd. At this rate, we'll be dead last in two years.

The problem is not limited to business owners, it affects everyone who holds a job or makes a purchase. Spiraling litigation costs limit job creation. They limit employee benefits and wages for working Floridians, and they are passed along in higher prices to consumers.

These increased costs create what amounts to a "litigation tax" on Floridians. In 2003, that tax was almost $3,400 for a family of four, or $845 per person.

We need meaningful tort reform, and we need it now.

We must eliminate "joint and several" liability in Florida, so that people and businesses pay for the injury or loss they cause according to responsibility, rather than financial ability.

We must ensure that class action awards and settlements are directed to the people who have suffered injury, to ensure they are compensated fairly.

I thank Speaker Bense for his commitment to tort reform, and I look forward to working with him and the Legislature to create a solution that holds businesses accountable for wrongdoing, without threatening the survival of those operating in good faith.

As we do the right things to create economic opportunities on a long-term basis, we must also take steps to ensure that our growth enhances, rather than detracts, from the quality of life that is the trademark of the Sunshine State.

After many years of discussion, drawing on lessons learned as well as best practices discovered, now is the time to create a comprehensive strategy for development in Florida.

Our motto for economic opportunity in Florida has been, "If you build it, they will come". But we have to build all of it, including the infrastructure to support them when they get here.

We need true concurrency between new development and the infrastructure needed to meet the demand on roads, schools, and water resources the development creates. Development must be tied directly to the infrastructure it will use, and growth decisions must be made accordingly.

We need to support this approach with adequate funding for local governments with significant infrastructure needs. We must ensure the costs of development are aligned between the developer and the community. And we must also streamline the review process for comprehensive development plans to reduce redundancy and delays.

While local and regional governments must shoulder responsibility for growth in their communities, state government must fund infrastructure of statewide priority.

These are complex issues with competing interests and no easy solutions. But I ask you to look over the horizon, and envision the future of your hometown if we do nothing. Can you honestly say we have it right? That our communities are organized effectively for growth?

If you can't, I urge you to work with us to revamp our growth management laws, and provide the funding to make them work.

This is not the time for business as usual in Florida, especially here in the Capitol. It is the time for big ideas to achieve long-term objectives. The discussion, debate, and decisions this year will be some of the most important work we'll ever do in service to this state. The actions we take regarding education reforms, Medicaid transformation, our business climate and growth management will define Florida for years to come.

I'm proud and honored to work with you to serve the 17 million Floridians who are counting on us to get the job done. Thank you for your service, and your continued commitment.

May God bless the Great State of Florida.

DISSOLUTION OF JOINT SESSION

Following the Governor's address, the committee previously appointed escorted the Governor from the rostrum and from the House chamber, followed by the Lieutenant Governor, members of the Cabinet and justices of the Supreme Court.

On motion by Senator Pruitt, the joint session was dissolved at 12:06 p.m. and the Senators were escorted from the House chamber by the Senate Sergeant at Arms.

(Remainder of Senate Business taken up prior to joint session.)

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators King and Bullard—

SB 2—A bill to be entitled An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program; extending the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course or a private tutoring program under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks to be borne by certain parties; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a private tutoring program or a correspondence or distance learning school; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information and review background checks; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; requiring the State Board of Education to initiate the adoption of rules by a time certain and report to the Legislature; providing exceptions for certain participating private schools subject to specific conditions; amending s. 220.187, F.S., relating to the Corporate Tax Credit Scholarship Program; providing a short title; providing definitions; prohibiting certain private schools and other entities from participating in the scholarship program; prohibiting certain students from participating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations on eligible contributions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of noncompliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department

of Law Enforcement; requiring costs of background checks be borne by certain parties; prohibiting certain eligible nonprofit scholarship-funding organizations the owners of which have filed for bankruptcy from participating in the program; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting the transfer of an eligible contribution between nonprofit scholarship-funding organizations; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree or 3 years of teaching experience at a public or private school, and other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning the private school organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring a private school to administer or to make provision for administering certain tests to scholarship students; requiring reporting of scores to the student's parent and to the Department of Education; requiring a private school to file an affidavit; requiring a private school to notify the Department of Education in writing within 7 days if a student is ineligible to participate in the scholarship program; requiring a private school to report to the Department of Education and distribute to scholarship applicants information concerning accreditation and years in existence; requiring the Department of Education to make certain information concerning private school accreditation available to the public; prohibiting a private school from participating in the scholarship program if the private school fails to meet its statutory obligations; requiring the Department of Education to determine the eligibility of certain nonprofit scholarship-funding organizations within 90 days after application; requiring a written notice with specific reasons for approval or denial; requiring the Department of Education to annually determine the eligibility of nonprofit scholarship-funding organizations and private schools; requiring the Department of Education to make accessible to the public a list of eligible private schools; requiring the Department of Education to annually verify the eligibility of students; requiring the Department of Education to maintain a student database of program participants and to update the database at least quarterly; requiring the Department of Education to notify a nonprofit scholarship-funding organization of any ineligible student; requiring the Department of Education to annually account for and verify the eligibility of program expenditures; requiring the Department of Education to review audits; requiring the Department of Education to report student performance data; providing limitations on reporting; requiring the Department of Education to revoke the eligibility of program participants for failure to comply with statutory obligations; requiring the Department of Education to conduct investigations of certain complaints; requiring the Department of Education to annually report on accountability activities; requiring the State Board of Education to adopt rules regarding documentation to establish eligibility of nonprofit scholarship-funding organizations, requiring an affidavit, and requiring independent income verification for determining the eligibility of students; authorizing the State Board of Education to delegate its authority to the Commissioner of Education with the exception of rulemaking authority; providing an effective date.

—was referred to the Committees on Education; Government Efficiency Appropriations; and Education Appropriations.

By Senators King and Smith—

SJR 4—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution, relating to the type of amendment or revision which may be proposed by citizen initiative.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

By Senators King, Smith, Fasano and Haridopolos—

SJR 6—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution; requiring that a proposed amendment to or revision of the State Constitution be approved by at least three-fifths of the electors of the state voting on the measure.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

By Senator Campbell—

SB 8—A bill to be entitled An act relating to the Department of Health; providing for the relief of Minouche Noel, a minor, and of her parents and natural guardians, Jean and Flora Noel, for injuries sustained due to the negligence of Children's Medical Services of the Department of Health and Rehabilitative Services; providing an appropriation; providing for the use of such funds; providing for a reversion to the state; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 10—A bill to be entitled An act relating to the Department of Transportation; providing for the relief of Stephen Hall to compensate him for injuries sustained as a result of the negligence of an employee of the department; providing an appropriation; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Clary—

SB 12—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; providing for the relief of Laura Laporte for injuries she sustained as a result of negligence by an employee of the department; providing an appropriation; providing for attorney's fees and costs; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Lawson—

SB 14—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; providing for the relief of Doretta Spurway for injuries she sustained as a result of negligence by an employee of the department; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Lawson—

SB 16—A bill to be entitled An act relating to the Florida State University; providing for the relief of Dennis Darling, Sr., and Wendy Smith, parents of Devaughn Darling, deceased, for the loss of their son, Devaughn Darling, while he was engaged in football preseason training on the Florida State University campus; providing an appropriation; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Fasano—

SB 18—A bill to be entitled An act relating to the South Broward Hospital District; providing for the relief of Sharon Jurgrau, wife of Mark Jurgrau, deceased, and Megan Jurgrau, minor child of Mark and Sharon Jurgrau; providing for an appropriation to compensate them for the death of Mark Jurgrau as a result of the negligence of the South Broward Hospital District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Health Care; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Jones—

SB 20—A bill to be entitled An act relating to the North Broward Hospital District; providing for the relief of Adam Susser, a minor, by and through his parents and natural guardians, Judith Susser and Gary Susser; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the North Broward Hospital District, d.b.a. Coral Springs Medical Center; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Health Care; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Campbell—

SB 22—A bill to be entitled An act relating to the Palm Beach County School District; providing for the relief of Monika Davis by and through Mary Hall, her mother and legal guardian, for injuries and damages caused by the negligence of the Palm Beach County School District; providing for the use of the funds; providing for attorney's fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Education; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Hill—

SB 24—A bill to be entitled An act relating to Duval County; providing for the relief of Betty Obenza; authorizing and directing Duval County to compensate Betty Obenza for injuries sustained as a result of the negligence of an employee of the Jacksonville Electric Authority; providing for attorney's fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Community Affairs; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Lynn—

SB 26—A bill to be entitled An act relating to the City of Tallahassee; providing for the relief of Sheryl D. Allen and George F. Allen, her husband; providing for an appropriation to compensate them for injuries and damages sustained as a result of a trailer/float accident involving Sheryl D. Allen and employees of the City of Tallahassee; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Health Care; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Margolis—

SB 28—A bill to be entitled An act relating to the Department of Transportation; providing an appropriation to compensate the estate of Dr. Sherrill Lynn Aversa for the death of Dr. Sherrill Lynn Aversa, which was the result of negligence by an employee of the department; providing for attorney's fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Siplin—

SB 30—A bill to be entitled An act relating to Polk County; providing for the relief of Donna Sofka for injuries sustained due to the negligence of Polk County; providing for an appropriation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Transportation; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Campbell—

SB 32—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Anthony John Angelillo, individually and as the father and natural guardian of Anthony Jacob Angelillo, a minor; authorizing and directing Miami-Dade County to compensate Anthony John Angelillo and Anthony Jacob Angelillo for injuries suffered due to the negligence of Miami-Dade County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Health Care; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Margolis—

SB 34—A bill to be entitled An act relating to the City of Miami Beach; providing for the relief of Claude Tunc and Martine Tunc, individually and as co-personal representatives of the estate of Stephanie Tunc, deceased, and Sandrine Tunc, for the death of Stephanie Tunc and injuries and damages sustained by Sandrine Tunc due to the negligence of the City of Miami Beach; providing for an appropriation; providing for the use of such funds; providing for attorney's fees and costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Criminal Justice; Government Efficiency Appropriations; and Rules and Calendar.

Senate Bills 36-38—Withdrawn prior to introduction.

By Senator Aronberg—

SB 40—A bill to be entitled An act relating to the City of Fernandina Beach; providing for the relief of Verlin C. Weaver for injuries sustained as a result of the negligence of an employee of the City of Fernandina Beach; providing for an appropriation; providing for attorney's fees and expenses; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Health Care; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Campbell—

SB 42—A bill to be entitled An act relating to the Martin County Health Department; providing for the relief of Cristina Alvarez and George Patnode; providing for appropriations to compensate them for the death of their son, Nicholas Patnode, a minor, due to the negligence of the Martin County Health Department; providing for repayment of Medicaid liens; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dawson—

SB 44—A bill to be entitled An act relating to the Palm Beach County School Board; providing for the relief of Ashraf Kamel and Marguerite Dimitri for the wrongful death of their minor child, Jean A. Pierre Kamel, as a result of the negligence of the Palm Beach County School Board; providing for an appropriation; providing for payment of court costs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committees on Education; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Geller—

SB 46—A bill to be entitled An act relating to school personnel; requiring the Department of Education to limit the number of noninstructional personnel that may be employed by school districts; defining the term "noninstructional personnel"; requiring that the department classify school districts based on the number of full-time-equivalent students enrolled in the district; requiring that the department establish ratios within each district classification for the maximum percentage of noninstructional personnel to full-time-equivalent students; limiting the maximum ratios that the department may establish; requiring a reduction in state funds for any school district that exceeds the maximum percentage of noninstructional personnel; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senators Geller and Lynn—

SB 48—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; revising legislative intent with respect to the use of an automated external defibrillator; defining an automated external defibrillator as a lifesaving defibrillation device; defining a related term; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Geller—

SB 50—A bill to be entitled An act relating to limitations on passing, changing lanes, or changing course in motor vehicles; amending s. 316.085, F.S.; prohibiting driving outside of authorized lanes or within pavement markings or traffic control devices except where explicitly permitted; providing exceptions; prohibiting a vehicle from entering certain queues of slow-moving traffic; providing a penalty; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice.

By Senator Geller—

SB 52—A bill to be entitled An act relating to commercial motor vehicles; creating s. 316.570, F.S.; providing definitions; requiring a minimum amount of insurance coverage for persons engaged in retrofitting, rebuilding, or modifying commercial trucks, truck tractors, or heavy trucks into dump trucks; providing safety standards; providing penalties; providing an effective date.

—was referred to the Committees on Transportation; Banking and Insurance; and Criminal Justice.

By Senator Geller—

SB 54—A bill to be entitled An act relating to cardrooms; amending s. 849.086, F.S.; providing definitions; authorizing cardroom operators to host high-stakes poker tournaments and high-stakes dominoes tournaments at certain pari-mutuel facilities; providing limitations; providing an effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Campbell—

SB 56—A bill to be entitled An act relating to the Streamlined Sales and Use Tax Agreement; amending s. 212.02, F.S.; redefining the terms "lease," "let," "rental," "sales price," and "tangible personal property" and defining the terms "agent," "seller," "certified service provider," "direct mail," "prewritten computer software," and "delivery charges" for purposes of sales and use taxes; providing applicability; amending s. 212.05, F.S.; deleting provisions relating to the rental or lease of motor vehicles; providing for determining the location of the sale or recharge of prepaid calling arrangements; amending s. 212.054, F.S.; providing the time for applying changes in local option tax rates; providing guidelines for determining the situs of certain transactions; providing for notice of a change in the rate of a local option sales tax; providing for applicability of s. 202.22(2), F.S., relating to determination of local tax situs, for the purpose of providing and maintaining a database of sales and use tax rates for local jurisdictions; amending s. 212.06, F.S.; defining terms; providing rules for determining the location of transactions involving the retail sale of tangible personal property, digital goods, or services and for the lease or rental of tangible personal property; requiring certain business purchasers to obtain multiple points of use exemption forms; providing for use of such forms; requiring certain purchasers of direct mail to obtain a direct mail form; providing for the use of such form; amending s. 212.08, F.S., relating to exemptions from the sales and use tax; defining and redefining terms used with respect to the exemption for general groceries; defining and redefining terms used with respect to the exemption for medical products and supplies; revising that exemption; amending s. 212.095, F.S.; revising provisions relating to refunds; creating s. 212.094, F.S.; requiring a purchaser seeking a refund or credit under chapter 212, F.S., to submit a written request for the refund or credit; providing a time period within which the dealer must respond to the written request; amending s. 212.17, F.S.; prescribing additional guidelines and procedures with respect to dealer credits for taxes paid on worthless accounts; creating s. 213.052, F.S.; providing for notice of state sales or use tax rate changes; creating s. 213.0521, F.S.; providing the effective date for state sales and use tax rate changes; amending s. 213.21, F.S.; providing for amnesty to certain sellers for uncollected or

unpaid sales and use taxes; amending s. 213.256, F.S., relating to simplified sales and use tax administration; defining terms; providing that authority to administer the Streamlined Sales and Use Tax Agreement rests with a governing board comprised of representatives of member states; providing for continuing effect of the agreement; providing for annual recertification by member states; creating s. 213.2567, F.S.; providing for the registration of sellers, the certification of a person as a certified service provider, and the certification of a software program as a certified automated system by the governing board under the Streamlined Sales and Use Tax Agreement; amending s. 212.055, F.S.; conforming a cross-reference; repealing s. 212.0596(6), F.S., relating to the exemption from collecting and remitting any local option surtax for certain dealers who make mail order sales; declaring legislative intent; providing for the adoption of emergency rules; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; Commerce and Consumer Services; and Ways and Means.

By Senators Campbell and Fasano—

SB 58—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public-records requirements; providing for the confidentiality of personal identifying information contained in records of current or former personnel of a crime laboratory or medical examiner's office and their spouses and children; providing for future repeal and legislative review under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By Senators Campbell and Fasano—

SB 60—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; providing membership in the Special Risk Class for certain employees of a law enforcement agency or medical examiner's office whose duties include collecting, examining, preserving, documenting, preparing, or analyzing physical evidence; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Ways and Means.

By Senators Campbell, Rich and Lynn—

SB 62—A bill to be entitled An act relating to seniors' services; authorizing each county to create an independent special district to provide funding for seniors' services; requiring approval by a majority vote of electors to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the special district; specifying criteria for membership to the governing board; providing terms of office; clarifying that a county may provide seniors' services or create a special district to provide such services by general or special law; specifying the powers and functions of a council on seniors' services; requiring each council to appoint a chair and a vice chair and elect officers, to identify and assess the needs of the seniors in the county served by the council, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual written report to the governing body of the county; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax money collected be paid directly to the council on seniors' services by the tax collector of the county and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report with the governing body of the county; providing that a district may be dissolved by a special act of the Legislature or by ordinance by the governing body of the county; specifying obligations of the county if a district is dissolved; authorizing the governing body of a county to fund the budget of the council on seniors' services from its own funds after or during the council's first year of operation; requiring a special district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing a county to create a dependent special district to provide certain services for seniors; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by a council on seniors' services; providing that two or more councils on seniors' services may enter into a cooperative agreement to share administrative costs, staff, and office space and seek grants, accept donations, or jointly fund programs serving multicounty areas; providing an effective date.

—was referred to the Committees on Community Affairs; and Government Efficiency Appropriations.

By Senator Campbell—

SB 64—A bill to be entitled An act relating to guardianship; amending s. 737.2065, F.S.; authorizing the guardian of the property of an incapacitated person to contest the validity of a trust before it becomes irrevocable; amending s. 744.311, F.S.; requiring the court to determine whether there is an alternative to guardianship if a person is determined incapable of exercising his or her delegable rights; authorizing an interested person to file a verified statement indicating a belief that an incapacitated person's trust, trust amendment, or durable power of attorney is invalid, in which case such instrument may not be an alternative to the appointment of a guardian; amending s. 744.441, F.S.; requiring the court to determine whether an action contesting the validity of a trust is in the ward's best interests before authorizing a guardian to bring such actions; creating s. 744.462, F.S.; requiring that the validity of a ward's durable power of attorney, trust, or trust amendment be reported in the guardianship proceedings; requiring the court to review the continued need for a guardian and delegation of the ward's rights under certain conditions; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Constantine—

SB 66—A bill to be entitled An act relating to economic-development incentives; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; amending s. 288.1162, F.S.; providing a procedure for certification of additional facilities for a retained spring training franchise; providing for application and selection; establishing a maximum number of certifications and the funding per application cycle; clarifying the number of certifications of facilities for retained spring training franchises; creating s. 288.1171, F.S.; providing for certification of units of local government owning eligible convention centers by the Office of Tourism, Trade, and Economic Development; requiring the office to adopt specified rules; providing a definition; providing requirements for certification; providing for use of proceeds distributed to units of local government under the act; providing for audits by the Department of Revenue; providing for revocation of certification; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Posey—

SJR 68—A joint resolution proposing an amendment to Section 3 of Article III and the creation of Section 26 of Article XII of the State Constitution, relating to sessions of the Legislature, to change the date for convening regular sessions of the Legislature.

—was referred to the Committees on Judiciary; and Rules and Calendar.

By Senator Posey—

SB 70—A bill to be entitled An act relating to state financial matters; amending s. 215.01, F.S.; changing the dates of the state fiscal year; providing for implementing such change; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; and Ways and Means.

By Senators Geller and Klein—

SB 72—A bill to be entitled An act relating to military personnel on duty; creating the Citizen Soldier Matching Grant Program within the Agency for Workforce Innovation; providing for matching grants to be awarded to private sector employers that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty; providing eligibility requirements for grant recipients; directing the Agency for Workforce Innovation to develop a plan to administer the application and payment procedures for the matching grants; providing for the grant program to be funded by legislative appropriations; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; and Transportation and Economic Development Appropriations.

By Senators Geller and Klein—

SB 74—A bill to be entitled An act relating to trust funds; creating the Citizen Soldier Matching Grant Trust Fund within the Agency for Workforce Innovation; requiring that moneys in the trust fund be used to award matching grants to private sector employers who provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while such employees are on federal active duty; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; and Transportation and Economic Development Appropriations.

By Senator Geller—

SB 76—A bill to be entitled An act relating to restrictions on the practice of law; amending s. 454.18, F.S.; clarifying provisions prohibiting a sheriff or deputy sheriff from practicing law in this state; authorizing an attorney to serve as a volunteer with a sheriff's auxiliary; providing an effective date.

—was referred to the Committees on Judiciary; and Criminal Justice.

By Senator Geller—

SJR 78—A joint resolution proposing an amendment to Section 2 of Article I of the State Constitution, relating to basic rights.

—was referred to the Committees on Judiciary; Domestic Security; and Rules and Calendar.

By Senator Geller—

SB 80—A bill to be entitled An act relating to the parent-child privilege; creating s. 90.5045, F.S.; creating a parent-child privilege to prevent disclosure of communications that were made by children younger than a specified age to their parents or by parents older than a specified age to their children and intended to be made in confidence; defining the term "parent"; prescribing proceedings in which the privilege does not exist; providing for waiver of the privilege; requiring that a guardian ad litem be appointed to represent a minor child prior to the court's approving the child's waiver of the privilege; providing an effective date.

—was referred to the Committees on Judiciary; and Children and Families.

By Senator Geller—

SB 82—A bill to be entitled An act relating to medical malpractice insurance; creating the Florida Medical Malpractice Insurance Fund; providing the purpose of the fund; providing for governance by a board of governors; requiring the board to submit a plan of operation for approval by the Office of Insurance Regulation; providing investment requirements; authorizing the board to employ staff and other professionals; providing immunity from liability for members of the board, its agents, and employees of the state; providing for the fund to issue medical malpractice policies to any physician, regardless of specialty; providing requirements for premium rates; providing for the tax-exempt status of the fund; requiring the Financial Services Commission to seek an opinion from the Internal Revenue Service; providing for initial capitalization; authorizing the Financial Services Commission to adopt rules; providing for termination of the fund; requiring practitioners licensed under ch. 458 or ch. 459, F.S., to obtain and maintain professional liability coverage of a specified amount as a condition of licensure; providing certain exceptions; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; Governmental Oversight and Productivity; and General Government Appropriations.

By Senator Geller—

SB 84—A bill to be entitled An act relating to video lotteries; amending s. 24.103, F.S.; providing definitions; amending s. 24.105, F.S.; providing powers and duties of the Department of the Lottery pertaining to video lottery games; providing for an annual fee; providing for disposition of the fee; creating s. 24.125, F.S.; providing for the adoption of rules; creating s. 24.126, F.S.; prohibiting certain persons from playing video lottery games; creating s. 24.127, F.S.; providing requirements for the operation of video lottery games; providing for fines and orders of suspension; providing a payout percentage; providing for the distribution of income; providing for weekly allocations; providing penalties; creating s. 24.128, F.S.; providing for the licensure of video lottery terminal vendors; providing for emergency rules; creating s. 24.129, F.S.; prohibiting certain local zoning ordinances; creating s. 24.130, F.S.; providing requirements for video lottery terminals; creating s. 24.131, F.S.; requiring video lottery terminal vendors to establish training programs for employees who service such terminals; requiring departmental approval of such programs; providing certification requirements for such employees; providing for the adoption of rules; creating s. 24.132, F.S.; providing for the distribution of proceeds from the Video Lottery Purse Trust Fund; providing for the adoption of rules; creating s. 24.133, F.S.; requiring operators of facilities where video lottery games are conducted to post certain signs regarding compulsive gambling; amending s. 212.02, F.S.; excluding video lottery terminals from the definition of the term "coin-operated amusement machine" for purposes of the sales and use tax; creating s. 24.134, F.S.; establishing programs for compulsive gambling within the Department of Children and Family Services; creating s. 24.136, F.S.; authorizing a caterer's license for video lottery retailers; providing an effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

By Senator Geller—

SB 86—A bill to be entitled An act relating to trust funds; creating s. 24.1127, F.S.; creating the Video Lottery Administrative Trust Fund within the Department of the Lottery; providing for source of moneys and purposes; providing for annual carryforward of funds; providing for

future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

By Senator Geller—

SB 88—A bill to be entitled An act relating to trust funds; creating s. 550.2631, F.S.; creating the Video Lottery Purse Trust Fund within the Department of Business and Professional Regulation; providing for source of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

By Senators Lawson, Lynn, Fasano and Margolis—

SB 90—A bill to be entitled An act relating to the designation of university buildings; designating the FAMU-FSU College of Engineering Building as the "Herbert F. Morgan Building"; providing for the erection of markers; providing an effective date.

—was referred to the Committees on Education; and Governmental Oversight and Productivity.

By Senator Margolis—

SB 92—A bill to be entitled An act relating to teacher quality; amending s. 1012.52, F.S.; providing legislative findings to enunciate that an effective educator in this state is able to demonstrate an awareness of actions that may constitute a hate crime by completing the hate crimes training program offered by the Department of Legal Affairs; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senators Margolis, Rich, Wilson, Bennett, Campbell, Aronberg and Hill—

SCR 94—A concurrent resolution ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women.

—was referred to the Committees on Judiciary; and Rules and Calendar.

By Senators Margolis, Fasano and Lynn—

SB 96—A bill to be entitled An act relating to protection and care for elders; amending s. 825.102, F.S.; reclassifying the offense of aggravated abuse of an elderly person or disabled adult from a second-degree felony to a first-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to conform; creating s. 943.17296, F.S., relating to training on identifying and investigating elder abuse for certified law enforcement officers; requiring that the training be completed by a time certain; providing that an officer's certification becomes inactive in certain circumstances related to the failure to complete the training; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; and Justice Appropriations.

By Senator Saunders—

SB 98—A bill to be entitled An act relating to water resources; creating the 2020 Water Study Commission; providing for appointment and qualification of members; providing duties of the commission; providing for public hearings; providing for an executive director and for technical advisory committees; requiring reports; providing duties of the Department of Environmental Protection; providing an appropriation; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and General Government Appropriations.

By Senators Saunders, Lynn and Fasano—

SB 100—A bill to be entitled An act relating to continuing education for health care practitioners; amending s. 456.025, F.S.; deleting requirements for the Department of Health to administer an electronic continuing education tracking system for health care practitioners; creating s. 456.0251, F.S.; providing rulemaking authority; continuing education requirements required for license renewal; authorizing citations and fines to be imposed for failure to comply with required continuing education requirements; amending s. 456.072, F.S.; providing for discipline of licensees who fail to meet continuing education requirements as a prerequisite for license renewal three or more times; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Saunders—

SB 102—A bill to be entitled An act relating to Southwest Florida transportation; creating pt. X of ch. 348, F.S., titled the "Southwest Florida Expressway Authority"; providing a short title; providing definitions; creating the Southwest Florida Expressway Authority encompassing Collier and Lee Counties; providing for a governing body of the authority; providing for membership; establishing a process for Charlotte County to participate in the authority; providing purposes and powers; providing for the Southwest Florida Transportation System; requiring the approval of specified county commissions before approval of a project within the geographical boundaries of those counties; providing for procurement; providing bond financing authority for projects; providing for bonds of the authority; providing for fiscal agents; providing the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for lease-purchase agreement with the Department of Transportation; providing that the department may be appointed agent of authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing pledges shall be enforceable by bondholders; providing for construction and application; providing for future expiration of the act; providing a contingent effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Constantine—

SB 104—A bill to be entitled An act relating to options for accelerated high school graduation; amending s. 1003.429, F.S.; revising requirements applicable to selecting such an accelerated option; revising required courses for the 3-year standard college preparatory program; deleting provisions authorizing a student to select a 3-year standard career preparatory program; revising requirements for grades that must be earned to participate in the accelerated program; providing for default to the standard graduation requirements in certain circumstances; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Constantine—

SB 106—A bill to be entitled An act relating to the state retirement system; amending s. 121.091, F.S.; providing that a disability of an employee who works in another state full time may be certified by physicians licensed in that state; amending s. 121.22, F.S.; increasing the size of the State Retirement Commission from three to five members; amending s. 121.24, F.S.; revising the quorum requirements of the commission; providing an effective date.

—was referred to the Committee on Governmental Oversight and Productivity.

By Senator Constantine—

SB 108—A bill to be entitled An act relating to fire prevention and control; creating s. 633.115, F.S.; creating the Fire and Emergency Incident Information Program in the Division of State Fire Marshal of the Department of Financial Services; providing powers and duties of the program; providing for the adoption of rules; creating a Fire and Emergency Incident Information System Technical Advisory Panel in the division; providing for membership and duties; providing a definition; amending s. 633.171, F.S.; establishing penalties for the unauthorized use of fireworks or pyrotechnic devices in an indoor facility; providing that the penalties do not apply to the manufacture, distribution, or sale of fireworks; amending s. 633.821, F.S.; authorizing the Division of State Fire Marshal to adopt additional national fire standards to ensure safe working conditions for firefighters; directing the division to adopt rules for live fire training and for a training and certification process for live-fire-training instructors; providing the contents of the training rules; requiring the live-fire-training rules to take effect by a specified date; requiring each live-fire-training instructor to be state-certified; directing that all live fire training commenced on and after a certain date, be conducted by a certified live-fire-training instructor; providing an exception; amending s. 932.7055, F.S.; providing that proceeds from the sale of forfeited property seized by the Division of State Fire Marshal in the Department of Financial Services under the Florida Contraband Forfeiture Act be deposited into the Insurance Regulatory Trust Fund and used for specified purposes; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; and General Government Appropriations.

By Senator Constantine—

SB 110—A bill to be entitled An act relating to construction practices; providing legislative findings and intent; requiring the Florida Building Commission to review construction practices and building inspections in this state and to make recommendations for the improvement of those practices and inspections; providing procedures for the review; requiring the commission to report to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Regulated Industries; and Community Affairs.

By Senator Constantine—

SB 112—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities within the purview of the Florida Building Code; amending s. 400.605, F.S.; deleting provisions requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; amending s. 400.601, F.S.; limiting the definition of the term "hospice" to entities exempt from federal tax; creating s. 400.6055, F.S.; requiring that construction standards for hospice facilities be in compliance with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

—was referred to the Committees on Health Care; Community Affairs; and Health and Human Services Appropriations.

By Senators Saunders and Crist—

SB 114—A bill to be entitled An act relating to trust funds; creating the Entertainment Industry Financial Incentive Trust Fund; providing for sources of funds and purposes; requiring funds to remain in the trust fund at the end of each fiscal year; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was referred to the Committees on Commerce and Consumer Services; and Transportation and Economic Development Appropriations.

By Senators Saunders, Lynn and Haridopolos—

SB 116—A bill to be entitled An act relating to culpable negligence; amending s. 784.05, F.S.; providing that it is a first-degree misdemeanor for a person to commit culpable negligence by driving a vehicle under the influence of alcohol or drugs while accompanied in the vehicle by a person younger than a specified age; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Saunders—

SB 118—A bill to be entitled An act relating to the regulation of massage therapy; amending s. 480.034, F.S.; exempting certain settings where massage therapy is rendered from the licensure and inspection requirements for massage establishments; providing an effective date.

—was referred to the Committees on Health Care; and Government Efficiency Appropriations.

SB 120—Withdrawn prior to introduction.

By Senators Saunders and Lynn—

SB 122—A bill to be entitled An act relating to homestead exemption; amending s. 196.131, F.S.; providing a value-based sliding scale of criminal penalties for claiming homestead exemption if the funds for the homestead were unlawfully obtained through the performance of a fraudulent act; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senators Bennett, Fasano and Rich—

SB 124—A bill to be entitled An act relating to motor vehicle insurance for foster children; creating a pilot program for the purpose of reimbursing foster parents, residential facilities, or foster children who live independently for a portion of the increased costs of motor vehicle insurance for a foster child who has a driver's license; directing the Department of Children and Family Services to establish the pilot program in Sarasota, DeSoto, Manatee, Pinellas, and Pasco Counties; requiring that the person who incurs the increased cost submit to the department documentation of that increase; requiring that foster children be encouraged to pay the remaining portion of the increase in costs; directing the department to develop procedures for operating the pilot program; requiring the department to submit a report with recommendations to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

—was referred to the Committees on Children and Families; and Health and Human Services Appropriations.

By Senators Margolis, Bullard, Bennett, Diaz de la Portilla, Lynn and Argenziano—

SB 126—A bill to be entitled An act relating to public K-12 educational instruction; amending s. 1003.42, F.S.; requiring physical educa-

tion on a full-year basis for students in grades 1 through 8; requiring development of a physical education program; amending s. 1003.43, F.S.; increasing physical education credit requirements and decreasing elective credit requirements for high school graduation; requiring the State Board of Education to adopt rules for satisfaction of certain credit requirements; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Posey—

SB 128—A bill to be entitled An act relating to the disposition of dead bodies; amending s. 406.12, F.S.; increasing a penalty for failing to report certain deaths to the district medical examiner or to alter the evidence or circumstances surrounding the death; providing an effective date.

—was referred to the Committees on Criminal Justice; and Health Care.

By Senators Dawson, Geller, Siplin, Campbell, Bullard and Wilson—

SJR 130—A joint resolution proposing an amendment to Section 4 of Article VI of the State Constitution, relating to suffrage and elections, to authorize the Legislature to provide the conditions under which a convicted felon's right to register or vote may be restored.

—was referred to the Committees on Ethics and Elections; Criminal Justice; Judiciary; and Rules and Calendar.

By Senators Dawson, Geller, Siplin, Bullard, Campbell and Wilson—

SB 132—A bill to be entitled An act relating to elections; providing a short title; amending s. 97.041, F.S.; providing for automatic restoration of former felons' right to vote following completion and satisfaction of sentence of incarceration and community supervision; providing conditions for such automatic restoration; amending ss. 97.052, 97.053, and 98.0977, F.S., to conform; providing a conditional effective date.

—was referred to the Committees on Ethics and Elections; Criminal Justice; and Judiciary.

By Senator Geller—

SB 134—A bill to be entitled An act relating to Indian gaming activities; providing for ratification of Tribal-State compacts by the Legislature; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Rules and Calendar.

By Senator Geller—

SJR 136—A joint resolution proposing an amendment, to be entitled the Fiscal Responsibility Act of 2006, to Section 1 of Article VII of the State Constitution, relating to finance and taxation, to require that any decrease in the rate of a tax levied by the state be effected in a separate bill enacted for that purpose only.

—was referred to the Committees on Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

By Senators Geller and Fasano—

SB 138—A bill to be entitled An act relating to health insurance coverage for autism spectrum disorder; requiring a health insurer or health maintenance organization that offers major medical coverage to include coverage for treating autism spectrum disorder; defining the term "autism spectrum disorder"; authorizing an insurer or health maintenance organization to confirm a diagnosis or review the appropriateness of a treatment plan; limiting the amount of annual coverage; providing that the act does not affect the licensure of a health care professional or impair the right to reimbursement of a health care provider; making a legislative finding that the act fulfills an important state interest; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and Health and Human Services Appropriations.

By Senator Geller—

SB 140—A bill to be entitled An act relating to energy efficiency standards; providing legislative findings; providing definitions; providing that the act applies to specified types of new products sold, offered for sale, or installed in this state; requiring the Department of Environmental Protection, in consultation with the Public Service Commission, to adopt rules establishing minimum efficiency standards for specified products; specifying minimum efficiency levels for those standards; setting implementation deadlines; authorizing the Department of Environmental Protection to revise rules to increase efficiency levels for specified products over minimum standards when energy conservation is promoted and cost-effective; providing for a delayed effective date; requiring the department to adopt nationally recognized procedures for testing the efficiency of specified products if the procedures are not provided for in the state building code; requiring manufacturers of specified products to certify compliance with the act; requiring the department to adopt rules governing the identification and certification of specified products; authorizing the department to use an accredited testing facility; requiring the department to charge the manufacturer for noncompliant products and to provide information to the public about noncompliant products; authorizing the department to conduct periodic inspections of distributors or retailers; requiring the department to investigate complaints and report the results to the Attorney General; authorizing the Attorney General to initiate civil proceedings to enforce the act; providing for penalties against a manufacturer, distributor, or retailer in violation of the act; providing for a warning for first-time violations; authorizing the department to adopt additional rules; providing an effective date.

—was referred to the Committees on Environmental Preservation; Judiciary; and General Government Appropriations.

Senate Resolutions 142-144—Not referenced.

By Senator Lynn—

SB 146—A bill to be entitled An act relating to the restoration of civil rights of persons exonerated of felony convictions; amending s. 940.05, F.S.; providing automatic restoration of the civil rights of a person convicted of a felony who is subsequently exonerated of the offense; amending s. 97.041, F.S., relating to qualifications to register or vote, s. 499.012, F.S., relating to the wholesale distribution of prescription drugs, s. 499.067, F.S., relating to denial, suspension, or revocation of a permit, certification, or registration to deal in prescription drugs, s. 499.64, F.S., relating to issuance of licenses and permits to deal in prescription drugs, s. 944.292, F.S., relating to suspension of civil rights, and s. 944.293, F.S., relating to initiation of restoration of civil rights, to conform; providing a contingent effective date.

—was referred to the Committees on Ethics and Elections; Criminal Justice; and Judiciary.

By Senator Lynn—

SJR 148—A joint resolution proposing an amendment to Section 4 of Article VI of the State Constitution, relating to suffrage and elections,

to provide for restoration of voting rights to certain persons convicted of felonies whose convictions are subsequently overturned.

—was referred to the Committees on Ethics and Elections; Criminal Justice; Judiciary; and Rules and Calendar.

By Senator Siplin—

SB 150—A bill to be entitled An act relating to health care for children; creating the Universal Health Access Plan for Children; providing legislative findings; providing definitions relating to health care services for children; establishing a single, publicly financed statewide program to provide medically necessary health services for each child in the state without cost to the child or his or her family; requiring the Department of Health to administer the plan; directing the department to perform certain specified activities and responsibilities; requiring the department to report annually to the Governor and the Legislature; directing the department to adopt rules to administer the plan; authorizing the department to hold public hearings; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Health and Human Services Appropriations.

By Senator Siplin—

SB 152—A bill to be entitled An act relating to alimony; amending s. 61.046, F.S.; defining the term "de facto marriage"; amending s. 61.14, F.S.; requiring a court to terminate payment of alimony if there is competent, substantial evidence to show that the recipient former spouse is cohabitating with a person of the opposite sex outside of the legal bond of matrimony; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Siplin—

SB 154—A bill to be entitled An act relating to public safety; providing for an annual salary increase for certified law enforcement officers; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Justice Appropriations; and Ways and Means.

By Senator Siplin—

SB 156—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; creating s. 288.1171, F.S.; providing for certification of units of local government owning eligible convention centers by the Office of Tourism, Trade, and Economic Development; requiring the office to adopt specified rules; providing a definition; providing requirements for certification; providing for use of proceeds distributed to units of local government under the act; providing for audits by the Department of Revenue; providing for revocation of certification; providing a contingent effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Siplin—

SB 158—A bill to be entitled An act relating to the Lifeline telecommunications service; amending s. 364.10, F.S.; prohibiting a local exchange telecommunications company from discontinuing local service to a consumer for nonpayment of other telephone services; directing the Public Service Commission to adopt rules to administer the prohibition; authorizing a local exchange telecommunications company to block specified long-distance services when a customer owes an outstanding account for those services; requiring certain state agencies to automatically enroll an eligible consumer in the Lifeline service with the appropriate local exchange telecommunications company; requiring the commission, the Department of Children and Family Services, and the Office of Public Counsel to enter into a memorandum of understanding concerning the automatic enrollment of consumers in Lifeline services; directing a local exchange telecommunications company to offer a consumer who applies for or receives Lifeline service the option of blocking all toll calls; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Governmental Oversight and Productivity; and Ways and Means.

SB 160—Withdrawn prior to introduction.

By Senator Aronberg—

SB 162—A bill to be entitled An act relating to voyeurism; amending s. 810.14, F.S.; revising the elements of the offense of voyeurism in order to eliminate acts of photographing, filming, videotaping, or recording, which are made a crime under the offense of video voyeurism; providing that a person commits the offense of voyeurism when he or she secretly observes another person when the other person is in a location that provides a reasonable expectation of privacy; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Miller—

SB 164—A bill to be entitled An act relating to parks and recreational facilities; amending s. 418.12, F.S.; authorizing the Division of Recreation and Parks of the Department of Environmental Protection to erect signs discouraging criminal activity in recreation centers and playgrounds; providing an effective date.

—was referred to the Committees on Environmental Preservation; and General Government Appropriations.

By Senators Aronberg and Fasano—

SB 166—A bill to be entitled An act relating to child support; amending s. 409.2558, F.S.; requiring the Department of Revenue to establish by rule a method that uses reasonable efforts to locate persons to whom collections or refunds are owed, including disclosing information on the Internet; providing an effective date.

—was referred to the Committees on Children and Families; and General Government Appropriations.

By Senator Lynn—

SB 168—A bill to be entitled An act relating to tours by youth of state and county correctional facilities; amending s. 945.75, F.S.; requiring that the Department of Corrections and counties allow certain youth to tour state and county correctional facilities under specified conditions; amending s. 1003.26, F.S.; authorizing a district school superintendent or a child study team to refer a child to a youth awareness tour of state and county correctional facilities; providing an effective date.

—was referred to the Committees on Criminal Justice; and Education.

By Senator Lynn—

SB 170—A bill to be entitled An act relating to the sentencing of youthful offenders; amending s. 958.04, F.S.; prohibiting the court from

sentencing a person as a youthful offender if the person is older than a specified age and found guilty of committing sexual battery, lewd or indecent exposure, or child abuse or neglect; reenacting ss. 958.03(5), 958.045(8)(a), 958.11(4), and 985.233(4)(c), F.S., relating to the definition of a youthful offender, institutions and programs for youthful offenders, and sentencing alternatives, to incorporate the amendments to s. 958.04, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Lynn—

SB 172—A bill to be entitled An act relating to probation and community control; amending s. 947.22, F.S.; requiring law enforcement officers to assist probation officers in making warrantless arrests; amending s. 948.06, F.S.; requiring law enforcement officers to assist probation officers in making warrantless arrests; requiring law enforcement and probation officers to arrest a probationer or offender if the officer has reasonable grounds to believe that the probationer or offender has violated his or her probation or community control and if the officer is aware that the probationer or offender has a history of convictions for violence; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment and alert system to monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances; requiring that information be provided to the court by the correctional probation officer; creating s. 948.062, F.S.; requiring the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; providing legislative findings with respect to the necessity for increased supervision of high-risk offenders who violate community supervision; requesting that the Supreme Court amend a Rule of Criminal Procedure to require that certain offenders arrested for a violation of probation or community control be detained while awaiting a hearing on the violation; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Lynn—

SB 174—A bill to be entitled An act relating to probation and community control; creating s. 948.033, F.S.; providing that, as a term or condition of probation or community control, a person who is convicted of a felony or misdemeanor and who is placed on probation or into community control may not become or remain a criminal street gang member or associate with a person who is a criminal street gang member, a criminal street gang associate, or a member of a prison gang; requiring a court to order intensive supervision and surveillance for any offender placed on probation or into community control who is or was a criminal street gang member; providing specified terms and conditions for probation or community control; authorizing a court to revoke probation if the offender fails to comply with the terms and conditions of probation or community control; directing the Department of Corrections to notify certain sheriffs when an offender identified as a street gang member is released from incarceration; directing the department to develop and provide specialized training for each parole and probation officer supervising an offender who has been identified as a prison gang member or a criminal street gang member; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Lynn—

SB 176—A bill to be entitled An act relating to the Florida School Recognition Program; amending s. 1008.36, F.S.; revising the requirements for uses of funds awarded under the program; providing that all such awards must be used for bonuses to the faculty and staff of selected schools; requiring that the awards be counted in calculating retirement benefits; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Education Appropriations.

By Senators Lynn and Fasano—

SB 178—A bill to be entitled An act relating to sales of fireworks; amending s. 791.07, F.S.; requiring that a person purchasing fireworks to frighten birds from agricultural works and fish hatcheries furnish the seller with an affidavit that the purchaser is qualified to purchase such fireworks; prescribing guidelines for such affidavits; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Agriculture.

By Senator Lynn—

SB 180—A bill to be entitled An act relating to the Self-storage Facility Act; amending s. 83.803, F.S.; including smaller units within the definition of the term "self-contained storage unit"; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By Senator Lynn—

SB 182—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; providing that certain contractors acting on behalf of the Department of Children and Family Services, and their employees and agents, be considered agents of the state for purposes of the waiver of sovereign immunity in tort actions; providing that such persons are not employees or agents for purposes of workers' compensation; requiring contracts to provide for indemnification of the state by such agents; amending ss. 163.01, 456.048, 458.320, 459.0085, 624.461, 624.462, 627.733, F.S., to conform cross-references; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; Governmental Oversight and Productivity; and Health and Human Services Appropriations.

By Senators Lynn and Wilson—

SB 184—A bill to be entitled An act relating to substance abuse treatment and intervention; amending s. 39.001, F.S.; providing additional legislative findings and intent with respect to the treatment of substance abuse; authorizing the court to require certain persons to undergo treatment following adjudication; amending ss. 39.402 and 39.407, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment upon a showing of good cause in connection with a shelter hearing or petition for dependency; amending ss. 39.507 and 39.521, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment as part of an adjudicatory order or pursuant to a disposition hearing; requiring a showing of good cause; authorizing the court to require participation in a treatment-based drug court program; authorizing the court to impose sanctions for noncompliance; amending s. 39.701, F.S.; authorizing the court to extend the time for completing a case plan during judicial review, based upon participation in a treatment-based drug court program; amending s. 397.334, F.S.; revising legislative intent with respect to treatment-based drug court programs to reflect participation by community support agencies, the Department of Education, and other individuals; including postadjudicatory programs as part of treatment-based drug court programs; requiring each participant enrolled in a pretrial intervention program to be subject to a coordinated strategy developed by a drug court team; directing that each coordinated strategy include a protocol of sanctions that may be imposed on the participant; requiring

the protocol of sanctions to include certain specified sanctions; directing that the coordinated strategy be provided to the participant at the time the participant enters the pretrial drug court program; requiring each judicial circuit to establish a position for a coordinator of the treatment-based drug court program; revising provisions with respect to an annual report; authorizing the chief judge of each judicial circuit to appoint an advisory committee for the treatment-based drug court program; providing for membership of the committee; amending s. 910.035, F.S.; revising provisions with respect to conditions for the transfer of a case in the drug court treatment program to a county other than that in which the charge arose; amending s. 948.08, F.S.; revising eligibility requirements for participation in pretrial intervention programs; authorizing the court to refer certain defendants who are assessed with a substance abuse problem to a pretrial intervention program with the approval of the state attorney; requiring each participant enrolled in a pretrial intervention program to be subject to a coordinated strategy developed by a drug court team; directing that each coordinated strategy include a protocol of sanctions that may be imposed on the participant; requiring the protocol of sanctions to include certain specified sanctions; directing that the coordinated strategy be provided to the participant at the time the participant enters the pretrial drug court program; deleting provisions authorizing advisory committees for the district pretrial intervention programs; amending s. 948.16, F.S.; requiring each participant enrolled in a pretrial intervention program to be subject to a coordinated strategy developed by a drug court team; directing that each coordinated strategy include a protocol of sanctions that may be imposed on the participant; requiring the protocol of sanctions to include certain specified sanctions; directing that the coordinated strategy be provided to the participant at the time the participant enters the pretrial drug court program; amending s. 985.306, F.S.; revising eligibility requirements for participation in delinquency pretrial intervention programs; authorizing the court to refer certain juveniles who are assessed as having a substance abuse problem to a substance abuse education and treatment intervention program; requiring each child enrolled in a pretrial intervention program to be subject to a coordinated strategy developed by a drug court team; directing that each coordinated strategy include a protocol of sanctions that may be imposed on the child; requiring the protocol of sanctions to include certain specified sanctions; directing that the coordinated strategy be provided to the child at the time the child enters the pretrial drug court program; deleting provisions authorizing advisory committees for the district delinquency pretrial intervention program; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; Criminal Justice; and Justice Appropriations.

By Senator Lynn—

SB 186—A bill to be entitled An act relating to the testing for pregnant women for human immunodeficiency virus (HIV) infection; amending s. 384.31, F.S.; requiring all pregnant women to be tested for HIV infection; providing that each woman be informed of the HIV test results; requiring that information be provided to the woman about medical and support services if the test results are positive; providing an exemption from testing requirements if the pregnant woman objects; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

By Senator Campbell—

SB 188—A bill to be entitled An act relating to the offense of sexual battery on a minor; amending s. 95.11, F.S.; providing for the time period for commencing a civil action based upon an act that constitutes sexual battery upon a minor to be tolled under certain circumstances; amending s. 775.15, F.S.; providing that the time period for commencing a prosecution for sexual battery upon a minor does not run during certain specified time periods; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Health Care.

By Senators Campbell, Smith, Fasano, Aronberg and Margolis—

SB 190—A bill to be entitled An act relating to student loans; creating s. 43.201, F.S.; providing for a financial assistance program administered by the Justice Administrative Commission to provide assistance to qualified assistant state attorneys and assistant public defenders for the repayment of eligible student loans; defining the term "eligible student loan"; providing the elements of the program; providing for funding; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

By Senators Campbell and Fasano—

SB 192—A bill to be entitled An act relating to attorney practices; amending s. 877.02, F.S.; providing legislative findings; prohibiting the solicitation of legal business for a profit; providing certain exceptions; prohibiting aiding, assisting, or abetting in soliciting legal business for a profit; providing criminal penalties; prohibiting attorneys from advertising services for business for a profit unless permitted by law; defining the term "solicit"; providing civil penalties; providing for equitable relief; providing for construction of the act; providing an effective date.

—was referred to the Committees on Judiciary; and Commerce and Consumer Services.

By Senator Hill—

SB 194—A bill to be entitled An act relating to juvenile services; amending s. 20.316, F.S.; redesignating the Department of Juvenile Justice as the "Department of Juvenile Services"; redesignating the Secretary of Juvenile Justice as the "Secretary of Juvenile Services"; amending ss. 216.133 and 216.136, F.S.; redesignating the Juvenile Justice Estimating Conference as the "Juvenile Services Estimating Conference"; requesting the Division of Statutory Revision of the Office of Legislative Services to prepare a reviser's bill for introduction at a subsequent session of the Legislature to conform the Florida Statutes to the changes made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Justice Appropriations.

By Senator Siplin—

SB 196—A bill to be entitled An act relating to patient's rights; amending s. 381.026, F.S.; providing that patients have the right to participate in health care decisions, select their physician or other health care provider, and choose between generic or brand-name prescription medications; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Health and Human Services Appropriations.

By Senator Siplin—

SB 198—A bill to be entitled An act relating to job opportunities for youths; providing legislative intent to support vocational training and placement provided to at-risk youths through the Professional Opportunities Program for Students (POPS); providing for a pilot program; requiring program proposals to be submitted to the Department of Juvenile Justice; requiring a report to the Legislature; providing an appropriation; providing an effective date.

—was referred to the Committees on Criminal Justice; and Justice Appropriations.

By Senator Constantine—

SB 200—A bill to be entitled An act relating to the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act; updating a reference to a federal list of hazardous substances for which the Department of Community Affairs collects fees that fund emergency planning and community right-to-know programs; providing an effective date.

—was referred to the Committees on Domestic Security; and Community Affairs.

By Senators Saunders and Crist—

SB 202—A bill to be entitled An act relating to the community contribution tax credit; amending s. 212.08, F.S.; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for eligible sponsors of certain low-income housing projects; providing requirements, criteria, and limitations; extending an expiration date; amending s. 220.03, F.S.; revising a definition to delete a provision authorizing the office to reserve certain portions of available annual tax credits for certain low-income housing purposes; amending s. 220.183, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for eligible sponsors of certain low-income housing projects; providing requirements, criteria, and limitations; extending an expiration date; amending s. 624.5105, F.S.; increasing the amount of available annual community contribution tax credits; providing that an insurer claiming a credit is not subject to the retaliatory tax levied under s. 624.5091, F.S.; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for eligible sponsors of certain low-income housing projects; providing requirements, criteria, and limitations; extending an expiration date; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

SR 204—Not referenced.

By Senators Lawson and Fasano—

SB 206—A bill to be entitled An act relating to tax exemptions; amending s. 196.202, F.S.; increasing the value of property that is exempted from taxation for widows, widowers, blind persons, and totally and permanently disabled persons; providing an effective date.

—was referred to the Committees on Community Affairs; and Government Efficiency Appropriations.

By Senator Lynn—

SB 208—A bill to be entitled An act relating to child care facilities; amending s. 402.3055, F.S.; requiring an applicant, owner, or operator of a child care facility to sign an affidavit attesting to the accuracy of certain information; authorizing the Department of Children and Family Services to apply certain requirements for personnel in child care facilities to personnel in family day care homes and large family child care homes; amending s. 402.308, F.S.; requiring family day care homes that are required to be licensed and large family child care homes to have a license that is renewed annually; authorizing the Department of Children and Family Services to apply the specified procedures for administering a license to family day care homes and large family child care homes; amending s. 402.309, F.S.; authorizing the local licensing agency or the Department of Children and Family Services to issue a provisional license or registration to a child care facility, family day care home, or large family child care home; providing that a provisional license or registration may not be issued unless child care personnel are screened according to law; requiring the department to adopt rules for issuing, suspending, and revoking provisional licenses and registrations; amending s. 402.310, F.S.; providing that an increased administrative fine may be imposed in addition to or in lieu of other disciplinary actions; authorizing the department or local licensing agencies to convert a license or registration to probation status for a violation of certain laws and rules; authorizing the department or local licensing agencies to apply disciplinary actions to registered family day care homes; directing the department to adopt rules establishing grounds for imposing disciplinary actions for violations of certain laws and rules; directing the department to adopt rules to create a uniform system of procedures to use for disciplinary actions; creating s. 402.3105, F.S.; requiring the department to establish a database of information concerning violations, citations, and penalties imposed against child care facilities, family day care homes, and large family child care homes licensed by or registered with the department and local licensing agencies; requiring the department to consult with the State Technology Office; specifying database capabilities and the uses of information contained therein; providing that implementation is not contingent upon an appropriation; repealing ss. 402.313(1)(b) and 402.3131(1)(a), F.S., relating to the authority of the department or local licensing agency to impose an administrative fine against a family care home or a large family child care home; providing an effective date.

—was referred to the Committees on Children and Families; Community Affairs; and Health and Human Services Appropriations.

By Senators Lynn, Fasano and Wilson—

SB 210—A bill to be entitled An act relating to suicide prevention; creating s. 397.3335, F.S.; creating the Statewide Office for Suicide Prevention in the Office of Drug Control; providing the goals and objectives of the office; creating the position of statewide coordinator for the statewide office; specifying the education and experience requirements for the position of coordinator; detailing the duties and responsibilities of the coordinator; creating s. 397.3336, F.S.; creating the Suicide Prevention Coordinating Council within the Office of Drug Control; providing the scope of activities for the coordinating council; creating an interagency workgroup for state agencies within the coordinating council in order to coordinate state agency plans for suicide prevention; authorizing the coordinating council to assemble an ad hoc committee to advise the coordinating council; providing for membership on the coordinating council; authorizing the coordinating council to seek and accept grants or funds from any source to support its operation; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; and Health and Human Services Appropriations.

By Senator Lynn—

SB 212—A bill to be entitled An act relating to residential tenancies; amending s. 83.67, F.S.; including air conditioning as a utility service to the tenant which may not be terminated or interrupted by the landlord; providing an effective date.

—was referred to the Committees on Judiciary; and Regulated Industries.

By Senator Lynn—

SB 214—A bill to be entitled An act relating to the right to a speedy trial; creating time limits within which a person charged with a crime must be brought to trial; permitting state attorneys to file a demand for a speedy trial; providing conditions that must be met in order to do so; requiring that the trial judge schedule a calendar call upon the filing of a demand for a speedy trial in order to schedule a trial; prescribing conditions under which the trial court may postpone a trial date; providing an effective date.

—was referred to the Committee on Judiciary.

By Senators Hill and Lynn—

SB 216—A bill to be entitled An act relating to motor vehicle safety belt usage; amending s. 316.614, F.S.; deleting a provision that limits enforcement of the safety belt law to that of a secondary action; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice.

By Senator Wilson—

SB 218—A bill to be entitled An act relating to public school teachers; creating s. 1011.635, F.S.; requiring the Legislature to fund a cost-of-living increase in the General Appropriations Act for teachers who teach prekindergarten through grade 12 in the public school system; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Education Appropriations.

By Senator Wilson—

SB 220—A bill to be entitled An act relating to independent living transition services; amending s. 409.1451, F.S.; allowing young adults who are not eligible for the Road-to-Independence Scholarship to continue to receive all foster care services until they reach 21 years of age; providing an effective date.

—was referred to the Committees on Children and Families; and Health and Human Services Appropriations.

By Senator Wilson—

SB 222—A bill to be entitled An act relating to the student assessment program for public schools; amending s. 1008.22, F.S.; requiring the Commissioner of Education to approve the continuing use of scores on specified tests as alternatives to scores on the grade-10 Florida Comprehensive Assessment Test (FCAT) for students who have failed the FCAT as specified; requiring the State Board of Education to annually determine scores on the SAT and ACT tests which are equivalent to FCAT scores; repealing s. 1008.301, F.S., relating to a concordance study of FCAT equivalency; reenacting ss. 1003.429(6)(a) and 1003.43(5)(a), F.S., relating to accelerated high school graduation and general requirements for high school graduation, to incorporate the amendments to s. 1008.22, F.S., in reference thereto; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Wilson—

SB 224—A bill to be entitled An act relating to the school grading system; amending s. 1008.34, F.S.; removing letter grades from the performance grade categories by which schools must be identified in the Commissioner of Education's annual report of the results of the statewide assessment program; amending ss. 1001.42, 1002.38, 1003.62, 1008.33, 1008.345, and 1011.62, F.S.; correcting references to the letter grades, to conform; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Wilson—

SB 226—A bill to be entitled An act relating to resident status for purposes of postsecondary tuition; amending s. 1009.21, F.S.; providing an exemption from payment of nonresident tuition at community colleges and state universities for certain students meeting eligibility criteria; amending s. 1009.40, F.S., relating to general requirements for eligibility for state financial aid; specifying procedures for determining resident status for purposes of receiving such awards; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senators Geller and Campbell—

SJR 228—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to prescribe the method for valuing certain properties for ad valorem tax purposes.

—was referred to the Committees on Community Affairs; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Wilson—

SB 230—A bill to be entitled An act relating to human immunodeficiency virus; amending s. 381.0046, F.S.; increasing the number of HIV and AIDS minority coordinators within the Department of Health; requiring the department to expand its HIV/AIDS prevention efforts in the state's minority communities and establish linkage programs for HIV-positive inmates prior to their release from jail; deleting obsolete provisions; providing an effective date.

—was referred to the Committees on Health Care; Criminal Justice; and Health and Human Services Appropriations.

By Senator Constantine—

SB 232—A bill to be entitled An act relating to emergency management; authorizing counties and municipalities to establish a disaster assistance recovery team for the purpose of facilitating communications in the event of an emergency or natural disaster; providing requirements for the membership of a disaster assistance recovery team; providing an effective date.

—was referred to the Committees on Domestic Security; and Community Affairs.

By Senator Constantine—

SB 234—A bill to be entitled An act relating to gambling; amending s. 849.161, F.S.; prohibiting arcade amusement centers from exchanging points or coupons accumulated by customers for tobacco products, alcoholic beverages, or cash; correcting a cross-reference; prohibiting gambling devices at arcade amusement centers; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Consumer Services; and Community Affairs.

SB 236—Withdrawn prior to introduction.

By Senator Campbell—

SB 238—A bill to be entitled An act relating to personal injury protection insurance; amending s. 627.732, F.S.; defining the terms "biometric" and "biometric time date technology"; amending s. 627.736, F.S.; revising procedures with respect to the use of biometric time date technology for the purpose of documenting claims and making payments under personal injury protection benefits; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Lynn—

SB 240—A bill to be entitled An act relating to emergency electrical service in nursing home facilities; creating s. 400.115, F.S.; providing definitions; requiring each nursing home facility seeking or renewing a license under ch. 400, F.S., to have, at a minimum, an emergency generator capable of providing electrical service for a specified period during an interruption of the normal electrical supply; requiring that plans for the installation and operation of the emergency generator be submitted to the Agency for Health Care Administration; providing for procedures if the agency determines that a plan does not meet the requirements for an emergency generator; directing that an emergency generator be operational within a specified time; requiring a nursing home facility to have a specified quantity of fuel onsite at all times; requiring the nursing home facility to regularly test the emergency system; directing the nursing home facility to keep logs of maintenance and testing; providing monetary fines for violating the act; authorizing the agency to prohibit admissions to a nursing home facility that is in violation of the act; providing an effective date.

—was referred to the Committees on Health Care; Domestic Security; and Health and Human Services Appropriations.

By Senator Dockery—

SB 242—A bill to be entitled An act relating to rural land protection; amending s. 570.70, F.S.; providing conclusions of a study by the Department of Agriculture and Consumer Services; amending s. 201.15, F.S.; providing for the distribution of certain excise taxes on documents to the Rural Lands Program Trust Fund of the department; creating s. 215.6195, F.S.; authorizing the issuance of bonds for rural land protection; providing certain conditions; providing for the deposit of proceeds; providing that issuance of such bonds is in the best interest of the state; amending s. 570.207, F.S.; providing uses for funds in the Conservation and Recreation Lands Program Trust Fund; amending s. 570.71, F.S.; authorizing the use of rural land protection bonds to implement provisions relating to conservation and rural land protection easements and agreements; authorizing the Department of Agriculture and Consumer Services to grant municipalities and local governments moneys to acquire land, enter into resource conservation agreements, and undertake other related activities; providing for conservation easements to be held in the name of a local government; providing a contingent effective date.

—was referred to the Committees on Agriculture; Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

By Senator Dockery—

SB 244—A bill to be entitled An act relating to trust funds; creating s. 570.209, F.S.; creating the Rural Lands Program Trust Fund within the Department of Agriculture and Consumer Services; providing for sources of funds and purposes; providing for an annual carryforward of funds; providing for future legislative review and termination or recreation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Agriculture; Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

By Senator Hill—

SB 246—A bill to be entitled An act relating to child safety; requiring a person to present picture identification before retrieving a child from a public school; providing a definition; requiring a person to present picture identification before retrieving a child from a nonpublic school or certain child care facilities; providing a definition; providing an effective date.

—was referred to the Committees on Children and Families; and Education.

Senate Resolutions 248-250—Not referenced.

By Senator Fasano—

SB 252—A bill to be entitled An act relating to Florida Retirement System benefits; amending s. 121.182, F.S.; authorizing municipalities to purchase annuities for municipal personnel in the same manner as counties may for county personnel; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and Ways and Means.

SR 254—Not referenced.

SB 256—Withdrawn prior to introduction.

By Senator Lynn—

SB 258—A bill to be entitled An act relating to trauma care centers and rape crisis centers; amending s. 395.405, F.S.; authorizing the Department of Health to adopt and enforce rules necessary to administer part II of ch. 395, F.S., relating to trauma services; establishing a task force on the distribution of funds for trauma centers; requiring a report to the Governor and the Legislature; providing for a trauma center matching grant program; amending s. 318.14, F.S.; providing additional civil penalties for certain traffic infractions; providing for such penalties to be used to fund trauma services; amending s. 318.21, F.S.; providing for certain mandatory civil traffic penalties to be used to fund trauma services; amending s. 318.18, F.S.; providing penalties for a specified violation of traffic control signal devices or for an infraction that causes bodily injury; providing for such penalties to be used to fund trauma services; directing the clerk of court to collect a fee for each civil and criminal violation of ch. 316, F.S., to be used to fund trauma services; amending s. 316.193, F.S.; directing the Department of Highway Safety and Motor Vehicles to assess specified annual surcharges against motor vehicle licensees who have a final conviction within the previous 36 months for a DUI offense; directing the department to remit a portion of such penalties to the Administrative Trust Fund in the Department of Health to be used to fund trauma services; amending s. 794.056, F.S.; requiring that funds credited to the Rape Crisis Program Trust Fund include moneys appropriated by the Legislature and grants from public and private entities; revising a requirement relating to the distribution of moneys from the trust fund pursuant to a rule by the Department of Health; creating s. 322.751, F.S.; directing the Department of Highway Safety and Motor Vehicles to assess specified annual surcharges against a motor vehicle licensee who accumulates eight or more points against his or her license within the previous 36 months; requiring the department to notify a licensee by first-class mail upon receipt of four points against his or her license; directing the department to remit all such penalties to the Administrative Trust Fund in the Department of Health to be used to fund trauma services; creating s. 322.7525, F.S.; requiring the department to notify licensees of the surcharges and the time period in which to pay the surcharges; creating s. 322.753, F.S.; requiring the department to accept installment payments for the surcharges; providing sanctions for a licensee's failure to pay an installment; allowing the department to permit licensees to pay assessed surcharges using credit cards; requiring the department to suspend a driver's license if the licensee does not pay the surcharge or arrange for installment payments within a specified time after the notice of surcharge is sent; repealing s. 395.4035, F.S., relating to the Trauma Services Trust Fund; requiring the Department of Highway Safety and Motor Vehicles to determine the costs of implementing the requirements for a surcharge against motor vehicle licensees; authorizing the department to outsource implementation services; providing an appropriation; providing for the distribution of collections in the Administrative Trust Fund in the Department of Health; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; Transportation; Government Efficiency Appropriations; Health and Human Services Appropriations; and Transportation and Economic Development Appropriations.

Senate Resolutions 260-264—Not referenced.

By Senator Saunders—

SB 266—A bill to be entitled An act relating to nursing home facilities; amending s. 400.141, F.S.; providing a method by which state-designated teaching nursing homes and affiliated assisted living facilities may demonstrate financial responsibility; providing an effective date.

—was referred to the Committees on Health Care; and Banking and Insurance.

By Senator Posey—

SB 268—A bill to be entitled An act relating to elections; amending s. 101.657, F.S.; changing the day on which early voting ends; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Senator Margolis—

SB 270—A bill to be entitled An act relating to weapons and firearms; amending s. 775.087, F.S.; increasing the minimum terms of imprisonment imposed for possessing, discharging, or seriously harming another with a semiautomatic firearm and its high-capacity detachable box magazine or with a machine gun; authorizing the court to impose an additional fine against a person whose felony conviction is reclassified under certain specified circumstances because of the person's possession of a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun; amending s. 790.07, F.S.; providing that it is a second-degree felony to possess a firearm while committing or attempting to commit a felony; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

SB 272—Withdrawn prior to introduction.

By Senator Crist—

SB 274—A bill to be entitled An act relating to the Interstate Compact for Juveniles; amending s. 985.502, F.S.; revising provisions of the former Interstate Compact on Juveniles; providing purpose of the compact; providing definitions; providing for an Interstate Commission for Juveniles; providing for the appointment of commissioners; providing for an executive committee; providing for meetings; providing powers and duties of the Interstate Commission; providing for its organization and operation; providing for bylaws, officers, and staff; providing for qualified immunity from liability for the commissioners, the executive director, and employees; requiring the Interstate Commission to adopt rules; providing for oversight, enforcement, and dispute resolution by the Interstate Commission; providing for the activities of the Interstate Commission to be financed by an annual assessment from each compacting state; requiring member states to create a State Council for Interstate Juvenile Supervision; providing for the effective date of the compact and amendments thereto; providing for a state's withdrawal from and reinstatement to the compact; providing for assistance, certain penalties, suspension, or termination following default by a state; providing for judicial enforcement; providing for dissolution of the compact; providing for severability and construction of the compact; providing for the effect of the compact with respect to other laws and for its binding effect; creating s. 985.5025, F.S.; creating the State Council for Interstate Juvenile Offender Supervision to oversee state participation in the compact; providing membership; providing for records and open meetings; prescribing procedures if the council is abolished; repealing ss. 985.503, 985.504, 985.505, 985.506, and 985.507, F.S., relating to obsolete provisions governing the former compact superseded by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

By Senator Crist—

SB 276—A bill to be entitled An act relating to wrecker services; amending s. 120.80, F.S.; exempting hearings of the Division of the Florida Highway Patrol concerning the wrecker allocation system from requirements of ch. 120, F.S.; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing a license for a wrecker company that is not in compliance with the requirements of the act; amending s. 316.530, F.S., relating to traffic control; conforming provisions to changes made by the act; reenacting s. 316.550(4), F.S., relating to special wrecker permits, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 316.605, F.S.; providing requirements for licensing wreckers and other vehicles; amending s. 320.01, F.S.; redefining the term "wrecker" for purposes of the Florida Statutes; amending ss. 320.03 and 320.0706, F.S., relating to motor vehicle registration and license plates; conforming provisions to changes made by the act; reenacting s. 320.08(5)(d) and (e), F.S., relating to license taxes, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 320.0821, F.S.; revising requirements for the issuance of wrecker license plates; amending s. 320.13, F.S., relating to dealer license plates; conforming provisions to changes made by the act; amending s. 321.051, F.S.; providing definitions; requiring the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to establish a wrecker allocation system; providing requirements for the system; authorizing the division to set maximum rates for towing and storage of vehicles; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; amending s. 323.001, F.S., relating to wrecker company storage facilities; providing definitions; providing procedures for a law enforcement agency to place a hold on a stored vehicle; providing for payment of towing and storage charges; amending s. 323.002, F.S.; providing definitions; providing requirements for a county or municipality that operates a wrecker allocation system; providing requirements for the system; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; creating chapter 508, F.S.; providing definitions; creating the Wrecker Operator Advisory Council within the Department of Agriculture and Consumer Services; providing for membership and terms; providing for reimbursement for travel and per diem expenses; requiring the council to advise the department on matters relating to standards and practices in the wrecker industry; authorizing the department to adopt rules; requiring wrecker companies to register with the department; providing requirements for registration renewal; providing requirements for advertisements; requiring insurance coverage; requiring the department to notify the Department of Highway Safety and Motor Vehicles when a registration has been suspended or revoked; authorizing the department to deny registration under certain circumstances; specifying acceptable forms of payment; establishing a certification program for wrecker operators; requiring the department to approve courses and organizations; providing requirements for examinations; providing for certification in specialized wrecker services; requiring the department to adopt rules; providing for certification cards to be issued to wrecker operators who complete the certification course and pass the examination; prohibiting the performance of wrecker services after a specified date unless the company is registered and obtains certification as required; authorizing the department to inspect employment records; providing requirements for continuing education; specifying prohibited acts; providing administrative, civil, and criminal penalties; providing for registration fees; providing for deposit of fees, penalties, and other funds; providing that the chapter does not apply to recovery agents; authorizing counties and municipalities to enact ordinances governing wrecker operators; requiring that a wrecker company maintain records of its services for a specified time; requiring a wrecker company to keep records of its operators continuing education courses for a specified time; directing organizations that conduct continuing education courses to keep records for a specified time; amending s. 713.78, F.S., relating to liens for recovering, towing, or storing vehicles and vessels; providing definitions; conforming provisions to changes made by the act; providing for attorney's fees to be

awarded to the prevailing party for a frivolous claim of wrongful taking or claim of lien; providing immunity from liability for a wrecker company, its operators, and other employees or agents if services are performed with reasonable care or for complying with the directions of a law enforcement officer; providing for the owner of a vehicle or vessel to dispute a claim of lien by a wrecker company based on a record of sale; clarifying that the amendments made by the act do not affect the validity of prior liens; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 319.30, F.S.; redefining the term "certificate of destruction," to conform; amending s. 713.69, F.S., relating to circumstances in which it is unlawful to remove property upon which a lien has accrued, to conform; amending s. 715.07, F.S., relating to the towing of vehicles and vessels parked on real property without permission; providing definitions; providing for the towing and removal of vehicles and vessels under certain circumstances; conforming provisions to changes made by the act; providing requirements for towing and storage; prohibiting a property owner from soliciting a wrecker company for a rebate for the privilege of removing vehicles from the owner's property; providing immunity from liability for a wrecker company, its operators, and other employees or agents if services are performed with reasonable care; providing that failure to comply with notice requirements precludes a wrecker company from imposing certain towing or storage charges; providing penalties; repealing s. 1.01(15), F.S., relating to the definition of the term "wrecker operator"; providing an appropriation and authorizing additional positions; providing effective dates.

—was referred to the Committees on Transportation; Commerce and Consumer Services; Criminal Justice; Judiciary; Community Affairs; and General Government Appropriations.

SB 278—Withdrawn prior to introduction.

By Senators Klein and Campbell—

SB 280—A bill to be entitled An act relating to voting systems; amending s. 101.5606, F.S.; revising a requirement and providing additional requirements for voting systems that may be approved by the Department of State; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Transportation and Economic Development Appropriations.

By Senators Aronberg and Fasano—

SB 282—A bill to be entitled An act relating to criminal acts committed during a state of emergency; amending s. 810.02, F.S.; providing enhanced penalties for specified burglaries that are committed during a state of emergency; directing that a felony burglary committed during a state of emergency be reclassified one level above the current ranking of the offense committed; amending s. 812.014, F.S.; providing enhanced penalties for the theft of certain property stolen during a state of emergency; directing that a felony theft committed during a state of emergency be reclassified one level above the current ranking of the offense committed; providing an effective date.

—was referred to the Committees on Criminal Justice; Domestic Security; and Justice Appropriations.

By Senators Aronberg and Fasano—

SB 284—A bill to be entitled An act relating to consumer protection; creating ss. 501.165 and 501.166, F.S.; prohibiting the use of deception to obtain certain personal information for commercial solicitation purposes; prohibiting the sale or other transfer to a third party of personal customer information that is protected from disclosure; providing exceptions; providing applicability; providing that transferring such protected information in violation of this section is an unfair or deceptive act or practice or unfair method of competition; providing penalties; amending s. 501.2075, F.S.; providing an exception to a civil penalty; creating s. 501.2076, F.S.; prohibiting falsely representing oneself as being affiliated with a law enforcement or firefighting agency or public utility; providing a penalty; providing that a violation of s. 817.568, F.S., relating to the criminal use of personal identification information, is an unfair or deceptive act or practice or unfair method of competition in violation of part II of ch. 501, F.S.; providing penalties; amending ss. 501.203 and 501.204, F.S.; changing obsolete dates; reenacting and amending s. 501.207, F.S., relating to remedies of the enforcing authority under the Florida Deceptive and Unfair Trade Practices Act; providing that the court may order actions brought under that act on behalf of an enterprise; providing for severability; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By Senators Aronberg and Campbell—

SJR 286—A joint resolution proposing an amendment to Section 5 of Article VI of the State Constitution to prescribe additional circumstances in which electors may vote in a primary election regardless of party affiliation.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

By the Committee on Domestic Security—

SB 288—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 311.13, F.S., relating to an exemption from public records requirements for seaport security plans; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for the repeal of the exemption; providing an effective date.

—was referred to the Committees on Domestic Security; Governmental Oversight and Productivity; and Rules and Calendar.

SB 290—Not used.

By the Committee on Agriculture—

SB 292—A bill to be entitled An act relating to citrus canker eradication; repealing s. 4 of ch. 2002-11, Laws of Florida; abrogating the repeal of s. 581.184(1)(b), F.S., which defines the term "exposed to infection" for purposes for eradicating citrus canker disease; providing an effective date.

—was referred to the Committee on Agriculture.

SB 294—Not used.

SR 296—Not referenced.

By Senator Lynn—

SB 298—A bill to be entitled An act relating to notaries public; amending s. 117.05, F.S.; authorizing notaries to charge per-person fees; prohibiting notaries from charging specified persons for acts relating to application for a benefit resulting from public service; creating s. 117.055, F.S.; requiring notaries to maintain journals of notarial acts;

prescribing information to be recorded in such journals; providing penalties for failure to comply with such requirement; providing that failure to comply with such requirement does not invalidate a notarial act; providing an effective date.

—was referred to the Committees on Judiciary; and Governmental Oversight and Productivity.

By the Committee on Government Efficiency Appropriations—

SB 300—A bill to be entitled An act relating to taxation; repealing s. 11, ch. 2000-312, Laws of Florida; abrogating the expiration of provisions in ss. 197.182(1), (3), 120.80(14)(b), 213.21(2), (3), 199.185(1)(n), 125.0104(6), (10), 212.0305(5)(c), 213.053(7)(j), 212.055(2)(c), (5), (7), F.S., relating to the Department of Revenue passing upon and ordering refunds of property taxes, taxpayer contest proceedings against the department, procedures by which the department may resolve disputes relating to assessment of taxes, interest, and penalties, exemption from the tax on intangible personal property for leasehold estates in governmental property, auditing of records relating to local administration of the Tourist Development Tax, auditing of records relating to local administration of the Convention Development Tax, disclosure of confidential information by the department, levying the County Public Hospital Surtax, distribution of the Local Government Infrastructure Surtax, and the Voter-Approved Indigent Care Surtax, which expiration was scheduled to take effect October 1, 2005; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; and Governmental Oversight and Productivity.

By Senator Atwater—

SB 302—A bill to be entitled An act relating to the Florida Retirement System; creating s. 121.11225, F.S.; providing for the purchase of retirement credit for nonqualified service; authorizing the purchase of such credit; providing limitations and conditions; providing for costs; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; General Government Appropriations; and Ways and Means.

By Senator Sebesta—

SB 304—A bill to be entitled An act relating to banking regulation; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to adopt rules relating to obtaining such an accommodation; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 494.0029, F.S.; specifying criteria for receipt of certain applications; specifying that certain permits are not transferable or assignable; amending s. 494.00295, F.S.; revising provisions to specify continuing education for certain professions; amending s. 494.003, F.S.; clarifying application of an exemption from application of specified mortgage broker licensure requirements to certain entities; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; specifying criteria for receipt of applications; authorizing the commission or the Office of Financial Regulation to require specified information from certain applicants; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for fingerprinting services; specifying that certain licenses are not transferable or assignable; amending s. 494.0033, F.S.; clarifying requirements for mortgage broker licensure; authorizing the commission to waive certain examination requirements under specified circumstances; authorizing the commission to prescribe additional testing fees; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; specifying criteria for receipt of applications; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0034, F.S.; clarifying the commission's authorization to prescribe license renewal forms; amending s. 494.0036, F.S.; clarifying provisions relating to issuance of licenses to mortgage brokerage business branch offices; specifying criteria for receipt of certain applications; amending s. 494.0041, F.S.; specifying an additional ground for disciplinary action; amending s. 494.006, F.S.; clarifying the application of an exemption from mortgage lender licensure requirements to certain entities; amending s. 494.0061, F.S.; requiring licensure of mortgage lenders; specifying criteria for receipt of applications; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; specifying criteria for receipt of applications; authorizing the office to require applicants to provide certain information; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; requiring notice of a change in principal representatives; providing educational requirements for principal representatives; amending s. 494.0064, F.S.; clarifying a reference to professional continuing education for certain licensees; amending s. 494.0065, F.S.; specifying criteria for receipt of applications; specifying education and testing requirements for certain principal representatives and for certain applications or transfer applications; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; increasing a license transfer fee; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring mortgage lenders to designate a principal representative; providing criteria and requirements; requiring notice of a change in principal representatives; amending s. 494.0066, F.S.; clarifying licensure requirements for branch offices; amending s. 494.0067, F.S.; clarifying reference to professional continuing education requirements; amending s. 494.0072, F.S.; providing an additional ground for disciplinary action; amending s. 494.00721, F.S.; correcting cross-references; amending s. 516.03, F.S.; specifying criteria for receipt of certain applications; providing that specified fees are nonrefundable; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to make rules relating to obtaining such an accommodation; amending s. 516.05, F.S.; deleting provisions relating to fees for licenses that have been denied; amending s. 516.07, F.S.; providing an additional ground for disciplinary action; amending s. 516.12, F.S.; authorizing the commission to prescribe minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 517.061, F.S.; revising provisions related to exempt transactions; amending ss. 517.051, 517.081, F.S.; revising standards for accounting principles to be used in preparing certain financial statements; amending s. 517.12, F.S.; revising provisions for taking and submitting fingerprints of dealers, associated persons, and similarly situated persons; revising provisions relating to expiration and renewal of registration of such persons; providing an exemption from registration requirements for a Canadian dealer and an associated person who represents a Canadian dealer, under certain conditions; providing for notice filing by a Canadian dealer under certain conditions; authorizing the Office of Financial Regulation of the Financial Services Commission to issue a permit to evidence the effectiveness of a notice filing for a Canadian dealer; providing for the renewal of a notice filing by a Canadian dealer; providing for reinstatement of a notice filing; providing obligations for a Canadian dealer who has given notice of filing; providing obligations for an associated person representing a Canadian dealer who has given notice of filing; providing for the termination of a notice of filing; providing for the collection of fees; amending s. 517.131, F.S.; revising conditions under which recovery can be made from the Securities Guaranty Fund; amending s. 517.141, F.S.; prescribing circumstances under which

a claimant must reimburse the fund; providing for rulemaking; amending s. 517.161, F.S.; providing an additional ground for revocation, restriction, or suspension of a registration; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; specifying criteria for receipt of certain applications; providing that certain fees are nonrefundable; amending s. 520.994, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; providing for rulemaking; amending s. 520.995, F.S.; providing an additional ground for disciplinary action; amending ss. 520.997 and 537.009, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending ss. 560.105 and 560.118, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for disciplinary action; amending s. 560.121, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; decreasing the required time period for the office to retain certain reports, records, applications, and related information; amending s. 560.126, F.S.; requiring notice of changes in information contained in a registration application; amending s. 560.205, F.S.; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; authorizing the commission to establish procedures for depositing fees and filing documents electronically; deleting a requirement that an applicant provide a list of certain vendors; requiring the reporting of certain changes of registration by written amendment; amending s. 560.207, F.S.; authorizing the commission to establish procedures for depositing fees and filing documents electronically; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; amending s. 560.210, F.S.; revising permissible investment requirements for certain registrants; amending ss. 560.211 and 560.310, F.S.; requiring notice to the office of the location of certain amended records; amending ss. 560.305 and 560.308, F.S.; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; authorizing the commission to establish procedures for depositing fees and filing documents electronically; amending s. 560.306, F.S.; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring the reporting of certain changes of registration by written amendment; specifying in general that accounting principles are those generally accepted in the United States; specifying commission authority by rules; amending s. 560.403, F.S.; revising requirements for giving notice of intent in connection with the renewal of registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a notice of intent; creating s. 626.565, F.S.; requiring an agent of the Department of Insurance to dispose of records containing personal financial or health information concerning certain persons after the retention requirement has been met; requiring such disposition to protect the confidentiality of personal financial or health information; authorizing the department to adopt rules for the disposition of personal financial or health information; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Criminal Justice; and General Government Appropriations.

SB 306—Withdrawn prior to introduction.

By Senator Fasano—

SB 308—A bill to be entitled An act relating to law enforcement officers; amending s. 112.532, F.S.; requiring that all identifiable witnesses be interviewed, whenever possible, before beginning the investigative interview of the accused law enforcement officer; requiring that the complaint and all witness statements be given to the law enforcement officer before beginning an investigative interview; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Oversight and Productivity.

By Senator Fasano—

SB 310—A bill to be entitled An act relating to bingo games; amending s. 849.0931, F.S.; authorizing the use of electronics or other technology in lieu of vocal verification for bingo games; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Fasano—

SB 312—A bill to be entitled An act relating to state liens on the proceeds of sale of certain literary accounts and the profits of sale of certain memorabilia; amending s. 944.512, F.S.; defining terms concerning the sale of literary accounts and memorabilia by and on behalf of a convicted felon; providing for a lien in favor of the state on the proceeds or profits of the sale of literary accounts, materials, and memorabilia payable to or accruing to a convicted felon, a representative of the convicted felon, or a profiteer of the felony; providing for the distribution of the proceeds or profits of the sale of literary accounts or memorabilia; amending s. 960.291, F.S.; revising definitions with respect to civil restitution liens to conform to changes made by the act; providing an effective date.

—was referred to the Committees on Judiciary; and Criminal Justice.

By Senators Fasano and Haridopolos—

SB 314—A bill to be entitled An act relating to criminal offenses; providing a short title; creating s. 775.0847, F.S.; providing for the reclassification of felonies committed against the elderly or disabled; amending s. 784.08, F.S.; providing for the reclassification of misdemeanors committed against persons 65 years of age or older; amending s. 812.0145, F.S.; providing for a mandatory term of imprisonment for certain thefts against persons 65 years of age or older; amending s. 825.103, F.S.; providing for a mandatory term of imprisonment for certain acts of exploitation against an elderly person or disabled adult; amending ss. 775.0877 and 921.0022, F.S., relating to orders for HIV testing for certain offenses and the sentencing guidelines; revising an offense description and conforming cross-references to changes made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; and Justice Appropriations.

By Senator Fasano—

SB 316—A bill to be entitled An act relating to the Criminal Punishment Code; amending s. 921.0022, F.S.; including offenses involving the possession of photographic material containing sexual conduct by a minor, the transmission of pornography by electronic device, and the transmission to a minor of material harmful to minors by electronic device within the offense severity ranking chart of the Criminal Punishment Code; reclassifying within the offense severity ranking chart the offense of soliciting a child by a computer service to commit an unlawful sexual act, which is a felony of the third degree, to increase the penalty imposed for that offense; providing an effective date.

—was referred to the Committees on Criminal Justice; and Justice Appropriations.

By Senators Margolis and Fasano—

SB 318—A bill to be entitled An act relating to cystic fibrosis treatment; creating ss. 627.64194 and 627.6614, F.S.; requiring an individual health insurance policy or a group health insurance policy to cover services needed to treat cystic fibrosis as authorized by a physician; amending s. 641.31, F.S.; requiring a contract by a health maintenance organization to cover services needed to treat cystic fibrosis as authorized by a physician; amending s. 627.6515, F.S., relating to out-of-state groups; conforming a cross-reference to changes made by the act; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and General Government Appropriations.

SB 320—Withdrawn prior to introduction.

By Senator Campbell—

SB 322—A bill to be entitled An act relating to reporting on outsourcing contracts; creating s. 287.0815, F.S.; defining the term "outsourcing contract"; requiring the Department of Management Services to produce a monthly report on agency outsourcing contracts and subcontracts; requiring that certain information be included in the reports; requiring the department to make the reports available to the public on the departmental website; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and General Government Appropriations.

SB 324—Not used.

By Senator Fasano—

SB 326—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; providing membership in the Special Risk Class for persons employed as nurses in county correctional facilities; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Ways and Means.

By Senators Fasano, Bennett, Lynn and Crist—

SB 328—A bill to be entitled An act relating to automated external defibrillators in law enforcement vehicles; providing legislative findings and intent; providing definitions; requiring the Department of Law Enforcement to administer a grant program to fund the placement of automated external defibrillators in law enforcement vehicles; requiring a law enforcement agency to provide matching funds when making a grant request; requiring the department to adopt rules; providing an appropriation; providing for unused funds to be carried over for a specified period; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; and Justice Appropriations.

By Senator Dockery—

SB 330—A bill to be entitled An act relating to pollution control; amending s. 376.121, F.S., relating to liability for damage to natural resources; conforming provisions to the transfer of the Game and Fresh Water Fish Commission to the Fish and Wildlife Conservation Commission; amending s. 376.30713, F.S.; eliminating obsolete provisions that require the Department of Environmental Protection to report on preapproved advanced cleanup projects; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Dockery—

SB 332—A bill to be entitled An act relating to water management districts; amending s. 373.199, F.S.; eliminating an obsolete requirement for a report by the districts; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and Rules and Calendar.

By Senators Saunders, Lynn, Fasano and Dockery—

SB 334—A bill to be entitled An act relating to public housing; amending s. 421.02, F.S.; clarifying a legislative finding with respect to the inability of private enterprise to revitalize blighted areas; public housing; amending s. 421.08, F.S.; authorizing a housing authority to create a for-profit or not-for-profit corporation, limited liability company, or similar entity to develop and operate residential homes or nonresidential projects; providing qualifications for a family to live in such a residential home; authorizing a corporation, limited liability company, or similar entity created by a housing authority to join with other entities to develop and operate residential or nonresidential projects; ratifying certain prior actions of a housing authority; authorizing the governing board of a housing authority to implement its own policy regarding per diem and travel expenses of its officials, officers, employees, and board members; amending s. 421.09, F.S.; providing that the certain limitations regarding the operation and management of a housing project do not restrict the activities of a for-profit or not-for-profit business entity created by the housing authority under s. 421.08, F.S.; amending s. 421.23, F.S.; authorizing a housing authority to use certain pledged funds to pay liabilities arising from the operation of its housing projects; repealing s. 421.54, F.S., relating to certain limitations on constructing housing projects in Orange and Seminole Counties; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce and Consumer Services; and Governmental Oversight and Productivity.

By Senator Wilson—

SB 336—A bill to be entitled An act relating to family day care homes; creating s. 402.31302, F.S.; providing that a deed restriction, covenant, or similar binding agreement running with the land may not prohibit the use of a residential dwelling as a family day care home; providing an exception and a burden of proof; specifying certain accommodations and real property that are exempt from the act; providing legislative intent; providing an effective date.

—was referred to the Committees on Children and Families; Community Affairs; and Judiciary.

By Senator Dockery—

SB 338—A bill to be entitled An act relating to the Department of Environmental Protection; amending s. 403.8163, F.S.; removing an obsolete reference to the Division of Beaches and Shores of the Department of Environmental Protection; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Dockery—

SB 340—A bill to be entitled An act relating to state lands; amending s. 253.71, F.S.; eliminating obsolete provisions relating to surcharges for the use of submerged lands; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Argenziano—

SB 342—A bill to be entitled An act relating to jai alai; amending s. 550.002, F.S.; redefining the term "full schedule of live racing or games" for purposes of ch. 550, F.S., to include a jai alai permitholder who conducted a certain number of live performances in a specified time period; amending s. 550.09511, F.S.; providing the amount of license fees and taxes for a jai alai permitholder that conducts fewer than a certain number of live performances in any calendar year; providing an effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Campbell—

SB 344—A bill to be entitled An act relating to health insurance coverage for infertility; creating ss. 627.64062 and 627.65742, F.S., and amending s. 641.31, F.S.; requiring coverage by health insurance policies, group, franchise, and blanket health insurance policies, and health maintenance contracts for diagnosis and treatment of infertility under certain circumstances; providing requirements and criteria; providing limitations; providing definitions; providing an exception for certain religious organizations; providing application; excluding payments for donor eggs or certain medical services; amending ss. 627.651, 627.6515, and 627.6699, F.S.; providing for application to group contracts and plans of self insurance, out-of-state groups, and standard, basic, and limited health benefit plans; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; Ways and Means; and Rules and Calendar.

By Senator Crist—

SB 346—A bill to be entitled An act relating to imposition of a death sentence; creating s. 921.1415, F.S.; providing that only criminals who were 18 years of age or older at the time the crime was committed may be sentenced to death; amending s. 775.082, F.S., to conform; providing applicability; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senators Lynn and Rich—

SB 348—A bill to be entitled An act relating to family court efficiency; creating s. 25.375, F.S.; authorizing the Supreme Court to create a system to identify cases relating to individuals and families within the court system; amending s. 39.013, F.S.; providing for modifying a court order in a subsequent civil proceeding; amending s. 39.0132, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 39.521, F.S.; conforming provisions to s. 39.0132, F.S., regarding modification of a court order in a subsequent civil action or proceeding; amending s. 39.814, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 61.13, F.S.; providing for the court to determine matters relating to child support in any proceeding under ch. 61, F.S.; eliminating provisions authorizing the court to award grandparents visitation rights; eliminating provisions giving grandparents equal standing as parents for evaluating custody arrangements; amending s. 61.21, F.S.; requiring the Department of Children and Family Services to approve parenting courses; establishing requirements relating to the provision of approved parenting courses; specifying timeframes for completing the course; amending s. 741.30, F.S.; providing for an order of temporary custody, visitation, or support to remain in effect until the court enters an order in a subsequent action; amending ss. 61.1827 and 409.2579, F.S., relating to information about applicants and recipients of child-support services; conforming cross-references; providing for severability; providing an effective date.

—was referred to the Committees on Judiciary; Children and Families; and Health and Human Services Appropriations.

By Senator Lynn—

SB 350—A bill to be entitled An act relating to accessories to a crime; providing a short title; amending s. 777.03, F.S.; removing provisions that exempt certain members of an offender's family from being charged with the offense of acting as an accessory after the fact; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Lynn—

SB 352—A bill to be entitled An act relating to religious-exempt child care programs; providing a short title; amending s. 402.316, F.S.; providing for a child care program affiliated with a religious congregation or parochial school to be exempt from regulation by the Department of Children and Family Services as a religious-exempt child care program; requiring religious-exempt child care programs to display a certificate of compliance issued by an accrediting agency recognized by the department; providing requirements for accrediting agencies recognized by the department; requiring a recognized accrediting agency to conduct an initial onsite review; providing timeframes within which child care programs must meet the requirements for training and credentials; requiring recognized accrediting agencies for religious exemption to submit standards to the department; requiring the department to create and maintain a list of recognized accrediting agencies; providing that the act does not authorize the department to regulate certain specified elements of a religious-exempt child care program; requiring that the department notify recognized accrediting agencies of any revision in standards; requiring that a recognized accrediting agency submit an annual report; providing timeframes within which an exempt child care program must notify an accrediting agency of its transfer and termination of accreditation; prohibiting a recognized accrediting agency for religious exemption from owning, operating, or administering certain programs; requiring the department to facilitate an annual meeting; providing an effective date.

—was referred to the Committees on Children and Families; Commerce and Consumer Services; and Health and Human Services Appropriations.

By Senator Lynn—

SB 354—A bill to be entitled An act relating to family child care homes; amending ss. 125.0109 and 166.0445, F.S.; redesignating family day care homes as family child care homes; deleting provisions relating to the regulation of registered family child care homes under local zoning regulations; conforming provisions to the licensure statute; amending s. 402.27, F.S.; requiring licensed family child care homes and large family child care homes to provide specified information to resource and referral agencies; amending s. 402.302, F.S.; defining the term "family child care home"; amending s. 402.3051, F.S.; deleting references to registered family child care homes; conforming provisions to the licensure statute; amending s. 402.306, F.S.; requiring the department and local licensing agencies to provide information on large family child care homes; deleting reference to registered family care homes; conforming provisions to the licensure statute; amending s. 402.312, F.S.; deleting provisions relating to the registration of family child care homes; amending s. 402.313, F.S.; requiring all family child care homes to be licensed; deleting provisions relating to registration of family child care homes; deleting provisions relating to voluntary licensing of family child care homes; requiring registered family child care homes to obtain a license by a specified date; requiring the Department of Children and Family Services to adopt rules for minimum licensing standards; amending ss. 409.1671 and 627.70161, F.S.; deleting provisions relating to registered family child care homes; conforming provisions to the licensure statute; reenacting s. 400.953(3), F.S., relating to proof of compliance with background screening requirements, to incorporate the amendment to s. 402.313, F.S., in a reference thereto; providing that the act will not take effect unless a specified number of positions are funded for licensing family child care homes; providing an effective date.

—was referred to the Committees on Children and Families; Community Affairs; and Health and Human Services Appropriations.

By Senator Lynn—

SB 356—A bill to be entitled An act relating to substance abuse treatment; amending s. 397.311, F.S.; including intensive inpatient treatment within the service components provided by a licensed service provider; defining the term "medical monitoring"; amending s. 212.055, F.S., relating to the county public hospital surtax; conforming a cross-reference; reenacting ss. 397.405(8) and 397.407(1), F.S., relating to treatment providers, to incorporate the amendment to s. 397.311, F.S., in references thereto; amending ss. 397.416 and 440.102, F.S., relating to treatment services and the drug-free workplace program; conforming cross-references; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; and Health and Human Services Appropriations.

SB 358—Withdrawn prior to introduction.

By Senator Bennett—

SB 360—A bill to be entitled An act relating to growth management; expressing the legislative intent to revise laws relating to growth management; providing an effective date.

—was referred to the Committees on Community Affairs; Transportation and Economic Development Appropriations; and Ways and Means.

By Senators Haridopolos and Fasano—

SJR 362—A joint resolution proposing amendments to Section 1 of Article VII and Section 21 of Article XII of the State Constitution, relating to a limitation on state appropriations.

—was referred to the Committees on Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senators Haridopolos and Fasano—

SJR 364—A joint resolution proposing an amendment to Section 1 of Article VII of the State Constitution, relating to a limitation on legislative power to impose or increase, or to repeal an exemption from, taxes, fees, penalties, or fines.

—was referred to the Committees on Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senators Peaden, Wise and Fasano—

SB 366—A bill to be entitled An act relating to health care practitioners; amending s. 456.072, F.S.; providing that failure of a health care practitioner to comply with the terms of a monitoring or treatment program for impaired practitioners is an additional ground under which the practitioner is subject to discipline by the Department of Health or the board having jurisdiction over the practitioner; reenacting ss. 457.109(2), 458.331(2), 459.015(2), 460.413(2), 461.013(2), 462.14(2), 463.016(2), 464.018(2), 465.016(2), 466.028(2), 467.203(2), 468.1295(2), 468.1755(1)(a) and (2), 468.217(2), 468.365(2), 468.518(2), 468.719(2), 468.811(2), 478.52(2), 480.046(2), 483.825(2), 483.901(6)(h), 484.014(2), 484.056(1)(a) and (2)(a), 486.125(2), 490.009(2), and 491.009(2), F.S., relating to health care practice acts and similar regulatory provisions, to incorporate the amendment to s. 456.072, F.S., in references thereto; providing an effective date.

—was referred to the Committee on Health Care.

By Senators Posey and Fasano—

SB 368—A bill to be entitled An act relating to the tax on sales, use, and other transactions; repealing s. 212.031(9), F.S.; repealing the exemption from the tax on rental or license fees for the use of real property which applies to charges for the rental, lease, sublease, or license for the use of a skybox, luxury box, or other box seats during a high school or college football game; providing that the repeal is inapplicable to contracts entered into before a specified date; providing that the exempt status of charges imposed under any such contract ends after a specified date; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; and Ways and Means.

By Senator Campbell—

SB 370—A bill to be entitled An act relating to judgment liens; amending s. 55.141, F.S.; revising provisions relating to satisfaction of judgments and decrees; eliminating the authority of judges to act under these provisions when there is no clerk of court; revising requirements of the clerk when accepting payment for satisfaction of a judgment and executing and recording a satisfaction of judgment; providing a sample form to be used by a clerk when recording a satisfaction of judgment; revising provisions relating to notification of satisfaction of judgment to a judgment holder; amending s. 55.202, F.S.; revising procedures for acquiring a judgment lien; authorizing the court to file a judgment lien certificate before a judgment becomes final under certain circumstances; providing that an improperly filed certificate is of no effect; amending s. 55.204, F.S.; revising provisions relating to the continuation of judgment liens; revising provisions requiring the Department of State to maintain certain files and information; amending s. 55.205, F.S.; deleting a provision authorizing certain creditors to bring certain actions against the property of a debtor; amending ss. 55.602, 55.603, 55.604, 55.605, and 55.606, F.S.; revising provisions relating to foreign judgments to apply only to out-of-country foreign judgments; amending s. 56.21, F.S.; revising requirements for notices of a levy and execution sale; amending s. 56.27, F.S.; clarifying provisions relating to payment of money received under execution; amending s. 56.29, F.S.; revising requirements regarding supplementary proceedings for unsatisfied judgments; amending s. 77.03, F.S.; deleting the provision that a garnishing creditor must believe that execution would be unavailing; amending s. 77.041, F.S.; increasing the time period during which a garnishing creditor may object to the debtor's claim of exemption and request a hearing; amending s. 222.01, F.S.; revising provisions relating to the designation of homestead property by the owner prior to levy to include foreign judgments; amending s. 319.27, F.S.; correcting a cross-reference; amending s. 679.1021, F.S.; redefining the term "lien creditor"; amending s. 701.02, F.S.; providing that chapters 670-680 of the Uniform Commercial Code govern the attachment and perfection of a security interest in a mortgage upon real property and in a promissory note or other right to payment or performance secured by that mortgage; providing that the assignment of such a mortgage need not be recorded under s. 701.02, F.S., in order for a security interest in the mortgage to attach or be perfected under the Uniform Commercial Code; providing effective dates.

—was referred to the Committees on Judiciary; and Justice Appropriations.

By Senator Crist—

SB 372—A bill to be entitled An act relating to justice systems; expressing the legislative intent to revise laws relating to justice systems; providing an effective date.

—was referred to the Committees on Justice Appropriations; and Ways and Means.

By Senator Crist—

SB 374—A bill to be entitled An act relating to juvenile justice; expressing the legislative intent to revise laws relating to juvenile justice; providing an effective date.

—was referred to the Committees on Justice Appropriations; and Ways and Means.

By Senator Alexander—

SB 376—A bill to be entitled An act relating to education; expressing the legislative intent to revise laws relating to education; providing an effective date.

—was referred to the Committees on Education Appropriations; and Ways and Means.

By Senator Alexander—

SB 378—A bill to be entitled An act relating to higher education; expressing the legislative intent to revise laws relating to higher education; providing an effective date.

—was referred to the Committees on Education Appropriations; and Ways and Means.

By Senator Alexander—

SB 380—A bill to be entitled An act relating to class size; expressing the legislative intent to revise laws relating to class size; providing an effective date.

—was referred to the Committees on Education Appropriations; and Ways and Means.

By Senator Alexander—

SB 382—A bill to be entitled An act relating to public school funding; expressing the legislative intent to revise laws relating to public school funding; providing an effective date.

—was referred to the Committees on Education Appropriations; and Ways and Means.

By Senator Alexander—

SB 384—A bill to be entitled An act relating to school readiness; expressing the legislative intent to revise laws relating to school readiness; providing an effective date.

—was referred to the Committees on Education Appropriations; and Ways and Means.

By Senator Alexander—

SB 386—A bill to be entitled An act relating to K-20 performance; expressing the legislative intent to revise laws relating to K-20 performance; providing an effective date.

—was referred to the Committees on Education Appropriations; and Ways and Means.

By Senator Alexander—

SB 388—A bill to be entitled An act relating to student financial aid; expressing the legislative intent to revise laws relating to student financial aid; providing an effective date.

—was referred to the Committees on Education Appropriations; and Ways and Means.

By Senator Clary—

SB 390—A bill to be entitled An act relating to agriculture and consumer services; expressing the legislative intent to revise laws relating to agriculture and consumer services; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Ways and Means.

By Senator Clary—

SB 392—A bill to be entitled An act relating to environmental protection; expressing the legislative intent to revise laws relating to environmental protection; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Ways and Means.

By Senator Clary—

SB 394—A bill to be entitled An act relating to regulatory programs; expressing the legislative intent to revise laws relating to regulatory programs; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Ways and Means.

By Senator Clary—

SB 396—A bill to be entitled An act relating to state revenues; expressing the legislative intent to revise laws relating to state revenues; providing an effective date.

—was referred to the Committees on General Government Appropriations; Government Efficiency Appropriations; and Ways and Means.

By Senator Clary—

SB 398—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Ways and Means.

By Senator Clary—

SB 400—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Ways and Means.

By Senator Clary—

SB 402—A bill to be entitled An act relating to citrus; expressing the legislative intent to revise laws relating to citrus; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Ways and Means.

By Senator Saunders—

SB 404—A bill to be entitled An act relating to health care; expressing the legislative intent to revise laws relating to health care; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Ways and Means.

By Senator Saunders—

SB 406—A bill to be entitled An act relating to Medicaid reform; expressing the legislative intent to revise laws relating to Medicaid reform; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Ways and Means.

By Senator Saunders—

SB 408—A bill to be entitled An act relating to the Department of Children and Family Services; expressing the legislative intent to revise laws relating to the Department of Children and Family Services; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Ways and Means.

By Senator Saunders—

SB 410—A bill to be entitled An act relating to the Department of Health; expressing the legislative intent to revise laws relating to the Department of Health; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Ways and Means.

By Senator Saunders—

SB 412—A bill to be entitled An act relating to the Department of Elderly Affairs; expressing the legislative intent to revise laws relating to the Department of Elderly Affairs; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Ways and Means.

By Senator Saunders—

SB 414—A bill to be entitled An act relating to the Agency for Persons with Disabilities; expressing the legislative intent to revise laws relating to the Agency for Persons with Disabilities; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Ways and Means.

By Senator Fasano—

SB 416—A bill to be entitled An act relating to economic development; expressing the legislative intent to revise laws relating to economic development; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Fasano—

SB 418—A bill to be entitled An act relating to governmental organization; expressing the legislative intent to revise laws relating to governmental organization; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Fasano—

SB 420—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Carlton—

SB 422—A bill to be entitled An act relating to state financial matters; expressing the legislative intent to revise laws relating to state financial matters; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Carlton—

SB 424—A bill to be entitled An act relating to employee benefits; expressing the legislative intent to revise laws relating to employee benefits; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Carlton—

SB 426—A bill to be entitled An act relating to governmental operations; expressing the legislative intent to revise laws relating to governmental operations; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Rich—

SB 428—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to develop a model waiver program to serve children with specified disorders; requiring the agency to seek federal waiver approval and implement the approved waiver subject to availability of funds and certain limitations; authorizing rules; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; and Health and Human Services Appropriations.

By Senators King and Fasano—

SB 430—A bill to be entitled An act relating to nursing; providing a short title; requiring the Agency for Workforce Innovation to establish a pilot program for the delivery of certified geriatric specialty nursing education; specifying eligibility requirements for a certified nursing assistant to obtain certification as a geriatric specialist; specifying requirements for the education of a certified nursing assistant to prepare for certification as a certified geriatric specialist; creating a Certified Geriatric Specialty Nursing Initiative Steering Committee; providing for the composition of and manner of appointment to the Certified Geriatric Specialty Nursing Initiative Steering Committee; providing responsibilities of the steering committee; providing for reimbursement for per

diem and travel expenses; requiring the Agency for Workforce Innovation to conduct or contract for an evaluation of the pilot program for the delivery of certified geriatric specialty nursing education; requiring the evaluation to include recommendations regarding the expansion of the delivery of certified geriatric specialty nursing education in nursing homes; requiring the Agency for Workforce Innovation to report to the Governor and the Legislature regarding the evaluation of the pilot program; requiring the agency to submit periodic status reports and recommended legislation to the Governor and the Legislature; creating s. 464.0125, F.S.; providing definitions; providing requirements for persons to become certified geriatric specialists; requiring the Board of Nursing to establish core competencies by rule; specifying fees; providing practice standards and grounds for which certified geriatric specialists may be subject to discipline by the Board of Nursing; providing for articulation of geriatric specialty nursing coursework and practical nursing coursework; creating restrictions on the use of professional nursing titles; prohibiting the use of certain professional titles; providing penalties; authorizing approved nursing programs to provide education for the preparation of certified geriatric specialists without further board approval; authorizing certified geriatric specialists to supervise the activities of others in nursing home facilities according to rules by the Board of Nursing; amending s. 381.00315, F.S.; revising requirements for the reactivation of the licenses of specified health care practitioners in the event of a public health emergency to include certified geriatric specialists; amending s. 400.021, F.S.; including services provided by a certified geriatric specialist within the definition of nursing service; amending s. 400.211, F.S.; revising requirements for persons employed as nursing assistants to conform to the certification of certified geriatric specialists; amending s. 400.23, F.S.; specifying that certified geriatric specialists shall be considered licensed nursing staff; authorizing licensed practical nurses to supervise the activities of certified geriatric specialists in nursing home facilities according to rules adopted by the Board of Nursing; amending s. 409.908, F.S.; revising the methodology for reimbursement of Medicaid program providers to include services of certified geriatric specialists; amending s. 458.303, F.S.; revising exceptions to the practice of medicine to include services delegated to a certified geriatric specialist under specified circumstances; amending s. 1009.65, F.S.; revising eligibility for the Medical Education Reimbursement and Loan Repayment Program to include certified geriatric specialists; amending s. 1009.66, F.S.; revising eligibility requirements for the Nursing Student Loan Forgiveness Program to include certified geriatric specialists; providing an appropriation; amending s. 464.201, F.S.; defining terms; amending s. 464.202, F.S.; authorizing the Board of Nursing to adopt rules regarding the practice and supervision of certified nursing assistants; providing an effective date.

—was referred to the Committees on Health Care; Commerce and Consumer Services; Criminal Justice; and Transportation and Economic Development Appropriations.

By Senator Lynn—

SB 432—A bill to be entitled An act relating to consumption of alcohol; amending s. 562.111, F.S.; providing that it is a crime for a person under 21 years of age to consume alcohol; providing penalties; providing for the use of certain tests as evidence of a violation; reenacting ss. 322.056(1) and 397.951(2)(i), F.S., for the purpose of incorporating the amendment to s. 562.111, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; and Justice Appropriations.

By Senators Wise, Fasano, Haridopolos and Rich—

SB 434—A bill to be entitled An act relating to individuals with disabilities; amending s. 413.08, F.S.; providing definitions; providing that an individual with a disability has full and equal access to and enjoyment of public accommodations and state and local facilities, programs, services, and activities; providing that an individual with a disability may be accompanied by a service animal in places of public accommodation and in state and local facilities; directing that documentation that a service animal is trained may not be a precondition for providing service to an individual accompanied by a service animal; requiring that a service animal be given access to all areas of a government facility or public accommodation that the public or customers are normally permitted to occupy; prohibiting segregating an individual with a service animal from other customers or the public; prohibiting a public accommodation from imposing a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual; providing that an individual with a disability may be liable for damage caused by a service animal; providing that the animal's owner is responsible for the care and supervision of a service animal; providing that the public accommodation or government entity is not required to provide care or food or a special location for a service animal; providing that a public accommodation or government entity may exclude or remove any animal from the premises if the animal's behavior poses a direct threat to the health and safety of others; increasing certain penalties for violations of the act; providing that the trainer of a service animal has the same rights and privileges as a person with a disability while training the service animal; amending s. 413.081, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and Commerce and Consumer Services.

By Senators Peaden, Argenziano, Clary, Wise, Lawson, Crist, Baker, Bennett, Posey, Villalobos, Garcia, Fasano, Webster, Lynn, Haridopolos, King, Dockery, Diaz de la Portilla, Bullard, Campbell, Jones, Sebesta, Pruitt, Constantine, Smith, Alexander, Saunders, Aronberg and Klein—

SB 436—A bill to be entitled An act relating to the protection of persons and property; creating s. 776.013, F.S.; authorizing a person to use force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances; creating a presumption that a reasonable fear of death or bodily injury exists under certain circumstances; creating a presumption that a person acts with the intent to use force or violence under specified circumstances; providing definitions; amending ss. 776.012 and 776.031, F.S.; providing that a person is justified in using deadly force under certain circumstances; declaring that a person is not under a duty to retreat if the person is in a place where he or she has a right to be; creating s. 776.032, F.S.; providing immunity from criminal prosecution or civil action for using deadly force; authorizing a law enforcement agency to investigate the use of deadly force but prohibiting the agency from arresting the person unless the agency determines that probable cause exists showing that the force the person used was unlawful; directing the court to award attorney's fees, court costs, loss of income, and other expenses under specified circumstances; amending s. 776.041, F.S.; revising the circumstances that justify the use of force by an aggressor; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senators Lynn and Haridopolos—

SB 438—A bill to be entitled An act relating to refusing to submit to a test for alcohol or chemical or controlled substances; amending s. 313.1932, F.S.; requiring that a person whom a law enforcement officer believes is operating a motor vehicle while under the influence of alcohol, chemical substances, or controlled substances be told that if he or she refuses to submit to a test of his or her breath, blood, or urine for alcohol, chemical substances, or controlled substances, the refusal will result in the person being taken into immediate custody by the law enforcement officer; amending s. 316.1939, F.S.; directing a law enforcement officer to take into immediate custody any person who refuses to submit to a lawful test for alcohol, chemical substances, or controlled substances under certain circumstances; amending s. 322.63, F.S.; requiring that a person whom a law enforcement officer believes is operating a commercial motor vehicle while under the influence of alcohol, chemical substances, or controlled substances be told that if he or she refuses to submit to a test of his or her breath, blood, or urine for alcohol, chemical substances, or controlled substances, the refusal will result in the person being taken into immediate custody by the law enforcement officer; directing a law enforcement officer to take into immediate custody any person operating a commercial motor vehicle who refuses to submit to a lawful test for alcohol, chemical substances, or controlled substances under certain circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice; Transportation; and Justice Appropriations.

By Senator Dockery—

SB 440—A bill to be entitled An act relating to water resources; amending s. 373.0361, F.S.; revising requirements for regional water supply planning; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Bennett—

SB 442—A bill to be entitled An act relating to building safety; amending s. 553.37, F.S.; providing for the approval, delivery, and installation of lawn storage buildings and storage sheds; amending s. 553.73, F.S.; specifying certain codes from the International Code Congress and the International Code Council as foundation codes for the updated Florida Building Code; providing requirements for amendments to the foundation codes; providing for the incorporation of certain statements, decisions, and amendments into the Florida Building Code; providing a timeframe for rule updates to the Florida Building Code to become effective; adding a requirement for technical amendments to the Florida Building Code; providing requirements for the Florida Building Commission in reviewing code amendments; providing an exception; amending s. 553.74, F.S.; revising the appointment of members to the Florida Building Commission; amending s. 553.77, F.S.; revising duties of the Florida Building Commission; deleting requirements that the commission hear certain appeals and issue declaratory statements; creating s. 553.775, F.S.; providing legislative intent with respect to the interpretation of the Florida Building Code; providing for the commission to resolve disputes regarding interpretations of the code; requiring the commission to review decisions of local building officials and local enforcement agencies; providing for publication of an interpretation on the Building Code Information System and in the Florida Administrative Weekly; amending s. 553.79, F.S.; exempting truss-placement plans from certain requirements; amending s. 553.791, F.S.; providing conditions for use of private plans review and inspection; conforming cross-references; amending s. 553.80, F.S.; authorizing local governments to impose certain fees for code enforcement; providing requirements and limitations; conforming a cross-reference; requiring the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; amending s. 120.80, F.S.; authorizing the Florida Building Commission to conduct proceedings to review decisions of local officials; amending s. 553.841, F.S.; revising provisions governing the Building Code Training Program; amending s. 553.842, F.S.; providing for products to be approved for statewide use; deleting an obsolete date; deleting a provision requiring the commission to adopt certain criteria for local program verification and validation by rule; providing for validation of certain products by inspection of the certification mark or listing; adding an evaluation entity to the list of entities specifically approved by the commission; deleting a requirement that the commission establish a schedule for adopting rules relating to product approvals under certain circumstances; amending s. 633.702, F.S.; providing a criminal penalty for installing, servicing, testing, repairing, improving, or inspecting a fire alarm system without being in compliance with s. 489.5185, F.S., relating to training; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; Banking and Insurance; and Government Efficiency Appropriations.

By Senator Dockery—

SB 444—A bill to be entitled An act relating to water resources; amending s. 373.0831, F.S.; revising requirements related to water resource development and water supply development; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Geller—

SB 446—A bill to be entitled An act relating to parole for juveniles; amending s. 985.225, F.S.; providing that a child younger than a specified age who is sentenced to life or more than 10 years in prison is eligible for parole if the child has been incarcerated for a minimum period and has not previously been adjudicated for certain offenses; requiring that the child be incarcerated in a youthful-offender facility; providing for review of a child's eligibility for parole by the Parole Commission; requiring the commission to conduct an initial interview with the child within a minimum time; providing that, if the child is not granted parole by the time the child reaches a specified age, or after the child receives a second parole-eligibility review before that age, the child must be transferred from the youthful-offender facility to an appropriate adult facility; providing an effective date.

—was referred to the Committees on Criminal Justice; and Justice Appropriations.

By Senators Posey and Fasano—

SB 448—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; repealing the exemption for ostrich feed; providing an effective date.

—was referred to the Committees on Agriculture; Government Efficiency Appropriations; and Ways and Means.

By Senator Geller—

SB 450—A bill to be entitled An act relating to unfair insurance practices; amending s. 626.9541, F.S.; providing that certain rate increases for motor vehicle insurance for insureds on active military service constitute unfair practices; providing penalties; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Community Affairs.

By Senator Sebesta—

SB 452—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; expressing the legislative intent to revise laws relating to the Department of Highway Safety and Motor Vehicles; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Governmental Oversight and Productivity; Transportation and Economic Development Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 454—A bill to be entitled An act relating to highway safety; expressing the legislative intent to revise laws relating to highway safety; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Governmental Oversight and Productivity; Transportation and Economic Development Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 456—A bill to be entitled An act relating to highway safety; expressing the legislative intent to revise laws relating to highway safety; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Governmental Oversight and Productivity; Transportation and Economic Development Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 458—A bill to be entitled An act relating to the Department of Transportation; expressing the legislative intent to revise laws relating to the Department of Transportation; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Governmental Oversight and Productivity; Transportation and Economic Development Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 460—A bill to be entitled An act relating to transportation; expressing the legislative intent to revise laws relating to transportation; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Governmental Oversight and Productivity; Transportation and Economic Development Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 462—A bill to be entitled An act relating to transportation; expressing the legislative intent to revise laws relating to transportation; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Governmental Oversight and Productivity; Transportation and Economic Development Appropriations; and Rules and Calendar.

By Senator Campbell—

SB 464—A bill to be entitled An act relating to state pharmaceutical programs; providing definitions; creating a prescription drug assistance clearinghouse program; requiring costs of the program to be paid by drug manufacturers; providing for the transfer of ownership of the program to the state; establishing a pharmaceutical discount card program; providing for eligibility for participation in the pharmaceutical discount card program; creating a program to obtain favorable pharmaceutical prices for state agencies and other entities; requiring a proposed pricing schedule; creating the Pharmaceutical Cost Management Commission within the Executive Office of the Governor; establishing membership; establishing powers and responsibilities of the commission; providing reporting requirements; authorizing an investigation into the feasibility of purchasing Canadian drugs; authorizing the establishment of a pricing schedule; authorizing exploration of numerous strategies, policies, and programs, including, but not limited to, referenced prices for prescription drug purchases and pricing in the state; authorizing implementation of certain designated programs; prohibiting restraint of trade; providing civil and criminal penalties; providing for advertising costs to be reported to the Governor and the Legislature; providing rulemaking authority; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; Governmental Oversight and Productivity; Criminal Justice; and Health and Human Services Appropriations.

By Senator Lynn—

SB 466—A bill to be entitled An act relating to supervised visitation programs for children; repealing ss. 753.001, 753.002, and 753.004, F.S., relating to the Florida Family Visitation Network; creating ss. 753.01, 753.02, 753.03, 753.04, 753.05, 753.06, 753.07, 753.08, 753.09, and 753.10, F.S.; providing legislative finding and intent with respect to administering supervised visitation programs; defining terms for supervised visitation and supervised exchange services; providing for the development of standards for supervised visitation and supervised exchange services; requiring compliance with interim minimum standards; providing for security of supervised visitation programs; providing for the use of funds generated from an additional fee on requests for a certification of birth to be used by supervised visitation programs to meet security standards; requiring the Clearinghouse on Supervised Visitation to develop training materials; providing for the clearinghouse to fully implement and maintain a mechanism for data collection; encouraging supervised visitation programs to develop partnerships with community organizations; providing for the clearinghouse to develop standards for supervised visitation and supervised exchange services; providing for an advisory board; requiring reports to the Legislature; amending s. 943.135, F.S.; requiring the Criminal Justice Standards and Training Commission to allow agencies employing law enforcement officers to authorize volunteer service as a means of fulfilling requirements for continuing education; creating s. 943.254, F.S.; authorizing law enforcement agencies to administer a volunteer program for officers to provide security services during off-duty hours for certain community programs; amending s. 382.0255, F.S.; requiring the Department of Health to charge an additional fee for requests for a certification of birth issued by the department; requiring that the fee be used to fund supervised visitation programs; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; and Health and Human Services Appropriations.

By Senators Wise and Haridopolos—

SB 468—A bill to be entitled An act relating to motor vehicle driving privilege requirements; amending s. 320.055, F.S.; providing for a 6-month vehicle registration for persons reinstating a driver's license that has been suspended for driving under the influence; requiring the Department of Highway Safety and Motor Vehicles to issue 6-month vehicle registration certificates and validation stickers; specifying the amount of taxes and charges which must be paid; amending s. 324.131, F.S.; requiring persons whose license or registration has been suspended or revoked due to a violation of driving under the influence to maintain, for 3 years, certain noncancelable liability coverage; authorizing the Department of Highway Safety and Motor Vehicles to adopt a form for proof of such coverage; amending s. 627.7275, F.S.; requiring insurers to make bodily injury, death, and property damage liability coverage that is noncancelable for a certain period available to certain applicants seeking coverage for reinstatement of driving privileges revoked or suspended for driving under the influence; authorizing insurers to cancel certain motor vehicle insurance policies under certain circumstances; providing that insurers are not required to offer insurance policies under certain circumstances; providing an effective date.

—was referred to the Committees on Transportation; Banking and Insurance; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senators Argenziano and Lawson—

SB 470—A bill to be entitled An act relating to the indigent care surtax; reviving, reenacting, and amending s. 212.055(7), F.S.; allowing small counties having a specified population to levy an indigent care surtax; providing procedures; providing uses of the surtax; providing a maximum tax rate; providing an effective date.

—was referred to the Committees on Community Affairs; Government Efficiency Appropriations; and Health and Human Services Appropriations.

By Senator Alexander—

SB 472—A bill to be entitled An act relating to migrant labor; providing a short title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Rules and Calendar.

By Senator Saunders—

SB 474—A bill to be entitled An act relating to nurse registries; amending s. 400.506, F.S.; revising requirements for home visits by registered nurses; deleting a mandatory requirement for monthly visits; requiring that the patient be notified of the availability of optional visits; providing an effective date.

—was referred to the Committee on Health Care.

By Senators Webster, Fasano and Haridopolos—

SB 476—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing a short title; specifying periods during which the sale of clothing, wallets, bags, school supplies, and books shall be exempt from such tax; defining the terms "clothing," "school supplies," and "books" for purposes of the exemption; providing that the exemption does not apply to sales within certain theme parks, entertainment complexes, public lodging establishments, or airports; providing for the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; and Ways and Means.

By Senator Clary—

SB 478—A bill to be entitled An act relating to podiatric medicine; amending s. 461.014, F.S.; requiring a hospital having a podiatric residency program to annually provide the Board of Podiatric Medicine with certain information; permitting a resident podiatric physician to prescribe certain medications under certain circumstances; providing a penalty; requiring the board to adopt rules to administer this act; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Saunders—

SB 480—A bill to be entitled An act relating to the Beverage Law; creating s. 561.585, F.S.; providing for certain direct shipments of wine from out of state; requiring shippers to have certain licenses; providing prohibitions; providing for administrative and criminal penalties; exempting charitable organizations from excise and sales and use taxes on sales made from direct shipments of wine from out of state, subject to restrictions; amending ss. 561.54 and 561.545, F.S.; providing that those sections are inapplicable to wine shipped under s. 561.585, F.S.; providing an effective date.

—was referred to the Committees on Regulated Industries; and Criminal Justice.

By Senator Clary—

SB 482—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing for the deposit of a percentage of unclaimed prize money in the Educational Enhancement Trust Fund; amending s. 24.121, F.S.; revising provisions relating to the allocation of revenues for public education; amending s. 1010.70, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; and Ways and Means.

By Senator Peaden—

SB 484—A bill to be entitled An act relating to health care; amending s. 400.461, F.S.; revising the purpose of part IV of ch. 400, F.S., to include the licensure of nurse registries; amending s. 400.462, F.S.; revising definitions; defining the terms "admission," "advanced registered nurse practitioner," "direct employee," and "physician assistant" for purposes of part IV of ch. 400, F.S.; amending s. 400.464, F.S., relating to licensure of home health agencies; revising the licensure period; revising and providing additional administrative, civil, and criminal penalties, sanctions, and fines; amending s. 400.471, F.S.; revising requirements for license application by a home health agency; authorizing the Agency for Health Care Administration to revoke a license under certain circumstances; authorizing administrative fines; amending s. 400.487, F.S.; revising requirements for home health agency service agreements and treatment orders; amending s. 400.491, F.S., relating to clinical records; revising the ownership of patient records generated by a home health agency; changing the timeframe for a home health agency to retain patient records; providing for the disposition of patient records when a home health agency ceases business; deleting a requirement for a service provision plan pertaining to nonskilled care; deleting requirements for maintaining such records; amending s. 400.494, F.S.; providing for the continued confidentiality of patient information in compliance with federal law; providing for disclosure in accordance with certain specified state laws; deleting a requirement for written consent of the patient or the patient's guardian for disclosure of confidential patient information; deleting an exemption provided for the Medicaid Fraud Control Unit of the Department of Legal Affairs; amending s. 400.506, F.S.; revising requirements governing nurse registries; increasing license fee; increasing the period of licensure; authorizing administrative penalties; revising criminal penalties and sanctions; revising certain requirements pertaining to health care professionals that provide services on behalf of a nurse registry; amending s. 400.512, F.S., relating to employment screening; revising the date in which an annual affidavit must be signed which verifies that certain personnel of a home health agency, a nurse registry, or homemaker service have been screened; amending s. 400.515, F.S.; providing additional circumstances under which the agency may petition for an injunction; providing an effective date.

—was referred to the Committees on Health Care; Criminal Justice; and Health and Human Services Appropriations.

By Senator Dockery—

SB 486—A bill to be entitled An act relating to phosphate mine reclamation; amending s. 378.034, F.S.; deleting an obsolete provision relating to the use of reclamation funds; amending s. 378.035, F.S.; deleting an obsolete provision authorizing the Department of Environmental Protection to expend certain funds; providing an effective date.

—was referred to the Committees on Environmental Preservation; and General Government Appropriations.

By Senators Hill, Siplin and Wilson—

SB 488—A bill to be entitled An act relating to the use of Tasers on minors; prohibiting the use of a Taser or similar device on a minor who is in a school or on the grounds of a school that includes specified grade levels; providing an effective date.

—was referred to the Committees on Education; and Criminal Justice.

By Senators Lynn and Haridopolos—

SB 490—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; requiring that all unclaimed prize money from lottery tickets, except instant lottery tickets, be deposited in the Educational Enhancement Trust Fund; amending s. 24.121, F.S.; requiring that unclaimed prize money deposited in the Educational Enhancement Trust Fund be used only to provide funding for grades K-12 through the Florida Education Finance Program; amending s. 1010.70, F.S., relating to the Educational Enhancement Trust Fund, to conform; providing an effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; and Ways and Means.

By Senators Bennett and Crist—

SB 492—A bill to be entitled An act relating to wrecker operators; amending s. 323.001, F.S.; limiting certain towing and storage rates; amending s. 713.78, F.S.; conforming provisions related to recovering, towing, or storing vessels; providing for attorney's fees; amending s. 715.07, F.S.; conforming provisions related to towing vessels parked on private property; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; Criminal Justice; and Rules and Calendar.

By Senator Bennett—

SB 494—A bill to be entitled An act relating to renewable energy; creating s. 366.91, F.S.; providing legislative findings; providing definitions; requiring public utilities, municipal utilities, and rural electric cooperatives to offer a purchase contract to producers of renewable energy; providing requirements for such contracts; requiring that a producer pay the costs for interconnection; amending s. 366.11, F.S.; specifying that requirements for the purchase of renewable energy apply to municipal utilities; amending s. 403.7061, F.S.; revising a permit requirement for a waste-to-energy facility; encouraging specified applicants for a landfill permit to consider construction of a waste-to-energy facility; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Environmental Preservation; and Community Affairs.

By Senator Hill—

SB 496—A bill to be entitled An act relating to voter intimidation; creating s. 104.0615, F.S.; providing a short title; prohibiting a person from using or threatening to use force, violence, or intimidation to induce or compel an individual to vote or refrain from voting, to refrain from registering to vote, or to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly using false information to challenge an individual's right to vote, to induce an individual to refrain from registering to vote, or to induce or attempt to induce an individual to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly destroying, mutilating, or defacing a voter registration form or election ballot or obstructing or delaying the delivery of a voter registration form or election ballot; providing criminal penalties; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; and Criminal Justice.

By Senators Margolis and Wilson—

SB 498—A bill to be entitled An act relating to the residency status of dependent immigrant children; creating s. 39.5075, F.S.; providing definitions; directing the Department of Children and Family Services or a community-based care provider to determine whether a dependent child is a citizen of the United States and to report the information to the court; providing that services to children alleged to have been abused, neglected, or abandoned be provided without regard to the citizenship of the child except where alienage or immigration status is explicitly set as a statutory condition of coverage or eligibility; requiring the case plan to include specified information; directing the department or the community-based care provider to file a petition with the court to determine whether the child meets the criteria for special immigrant juvenile status; directing the department or the community-based care provider to file papers with federal authorities to adjust the child's residency status; authorizing the court to continue jurisdiction of a child whose residency status is being considered by federal authorities; requiring that certain information be given to the court; directing the department to adopt rules; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; and Health and Human Services Appropriations.

By Senator Margolis—

SB 500—A bill to be entitled An act relating to weapons and firearms; creating s. 790.222, F.S.; defining the terms "assault weapon" and "large-capacity detachable magazine"; prohibiting the manufacture, importation, possession, purchase, sale, or transfer of an assault weapon or large-capacity detachable magazine; providing certain specified exceptions; providing that a knowing violation of the act is a felony of the second degree; providing penalties; requiring the seizure and forfeiture of assault weapons and magazines held in violation of the act or used in committing a crime; requiring that seized weapons and magazines be destroyed within a certain period; authorizing specified grace periods during which a person may lawfully transfer an assault weapon or magazine or take certain other actions; granting immunity from prosecution if a person notifies a law enforcement agency that the person will voluntarily surrender an assault weapon or magazine; requiring licensed firearms dealers to post a notice of the provisions of the act and the criminal penalties imposed for a violation of the act; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Alexander—

SB 502—A bill to be entitled An act relating to the Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; providing legislative findings and intent with respect to the implementation and funding of the Lake Okeechobee Watershed Phosphorus Control Program and the Lake Okeechobee Protection Plan; requiring the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the South Florida Water Management District to implement and establish funding priorities for the Lake Okeechobee Protection Plan; providing an effective date.

—was referred to the Committees on Environmental Preservation; Agriculture; and General Government Appropriations.

By Senator Hill—

SB 504—A bill to be entitled An act relating to electronic or electromechanical voting systems; amending s. 101.5606, F.S.; requiring that an electronic or electromechanical voting system be capable of producing a voter-verified paper record that is suitable for a manual audit; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Transportation and Economic Development Appropriations.

By Senator Hill—

SB 506—A bill to be entitled An act relating to voting; amending s. 101.6103, F.S.; requiring that a mail ballot that otherwise satisfies the requirements of law for mail ballots be counted even if the elector dies after mailing the ballot but before election day; amending s. 101.657, F.S.; directing the supervisor of elections to count a ballot cast by an elector voting early even if the elector dies after voting early but before election day; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Judiciary.

By Senator Hill—

SB 508—A bill to be entitled An act relating to African-American History and Cultural Heritage Month; authorizing the Governor to annually recognize the month of February as "African-American History and Cultural Heritage Month"; providing an effective date.

—was referred to the Committee on Governmental Oversight and Productivity.

By Senators Fasano and Posey—

SB 510—A bill to be entitled An act relating to de facto custody of a child; requesting that the Division of Statutory Revision revise the title of chapter 751, F.S.; amending s. 751.011, F.S.; providing definitions relating to de facto custodians; creating s. 751.10, F.S.; specifying circumstances under which a person may file a petition to become the de facto custodian of a child; detailing the matters that must be in the petition filed by the petitioner; requiring that reasonable notice of the custody hearing be given to specified persons; providing for a hearing; requiring that if an objection to the petition is filed, the court may grant the petition only if the petitioner shows by clear and convincing evidence that it is in the best interest of the child for the petitioner to be the de facto custodian; providing that support for the child may be ordered only under certain circumstances; providing for the termination of the order granting de facto custody; providing an effective date.

—was referred to the Committees on Judiciary; and Children and Families.

By Senator Aronberg—

SB 512—A bill to be entitled An act relating to protective injunctions; amending s. 784.046, F.S.; limiting the application of an evidentiary requirement with respect to injunctions for protection of minor children; providing an effective date.

—was referred to the Committees on Judiciary; and Children and Families.

By Senators Wilson, Lawson, Miller and Hill—

SB 514—A bill to be entitled An act relating to the restoration of civil rights; requiring each board of county commissioners to ensure that certain prisoners in the county detention facility receive information concerning the process for requesting restoration of the prisoner's civil rights; requiring that each such prisoner be assisted in initiating the process; providing that the requirement does not apply to prisoners who are transferred to the Department of Corrections; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; and Judiciary.

By Senators Alexander and Haridopolos—

SB 516—A bill to be entitled An act relating to the Department of Citrus; amending s. 601.09, F.S.; revising and reorganizing the citrus districts of the state; establishing four such districts; specifying the counties within each district; providing an effective date.

—was referred to the Committees on Agriculture; and Governmental Oversight and Productivity.

By Senator Peaden—

SB 518—A bill to be entitled An act relating to health professionals treating speech or hearing disorders; amending s. 456.062, F.S.; deleting a requirement that hearing aid specialists make certain disclosures regarding services that are provided free of charge or at a reduced fee; amending s. 468.1155, F.S.; revising requirements for the Department of Health in issuing a provisional license to practice speech-language pathology or audiology; revising licensing requirements for applicants who graduated or who are currently enrolled in a speech-language pathology or audiology program at a university outside the United States or Canada; providing a time period for renewing a provisional license; amending s. 468.1165, F.S.; deleting a specific time period for the professional-employment requirement for licensure as a speech-language pathologist or audiologist; amending s. 468.1185, F.S.; revising the requirements for qualification for a license by endorsement as a speech-language pathologist or audiologist; amending s. 468.1215, F.S.; revising the requirements for certification as a speech-language pathology assistant or an audiology assistant; providing an effective date.

—was referred to the Committees on Health Care; and Education.

By Senator Hill—

SB 520—A bill to be entitled An act relating to pawnbroking; amending s. 539.001, F.S.; requiring a law enforcement official to place a hold order on property in the possession of a pawnbroker which the official has probable cause to believe was misappropriated; requiring the state attorney to notify a pawnbroker of court proceedings involving property that is part of a criminal investigation; requiring a law enforcement official to respond to a pawnbroker's letter regarding property for which the hold order has expired; requiring a law enforcement official to return property to the pawnbroker under certain circumstances; providing that failure to return such property is a third-degree felony; providing an effective date.

—was referred to the Committees on Criminal Justice; and Commerce and Consumer Services.

By Senator Lynn—

SB 522—A bill to be entitled An act relating to moving services; amending s. 507.03, F.S.; revising mover registration requirements; providing for proof of bond or certificate of deposit in lieu of proof of insurance coverage; amending s. 507.04, F.S.; revising a requirement to maintain cargo legal liability coverage; providing for a bond or certificate of deposit in lieu of insurance coverage for a mover operating a certain number of vehicles; limiting the use of such bond or certificate of deposit to claims adjudicated by the Department of Agriculture and Consumer Services; providing that aggregate payout by the department for all claims may not exceed the amount of the bond or certificate of deposit; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Banking and Insurance; and Judiciary.

By Senators Peaden, Argenziano, Wise, Hill, Webster, Lynn, Baker, Garcia, Villalobos, Atwater, Campbell, Bullard, Fasano, Haridopolos and Miller—

SB 524—A bill to be entitled An act relating to screening of prospective residents of nursing homes and adult assisted living facilities; creating ss. 400.2155 and 400.41745, F.S.; requiring each nursing home and assisted living facility to search the sexual predator and sexual offender registries maintained by the Department of Law Enforcement before admitting a new resident; requiring a nursing home and assisted living facility to deny admission to sexual predators and sexual offenders; requiring a nursing home and assisted living facility to notify the Agency for Health Care Administration each time the nursing home or assisted living facility refuses to admit a prospective resident who is a sexual predator or sexual offender; requiring the agency to conduct a level 1 screening of each potential resident of a nursing home or assisted living facility; directing a nursing home and assisted living facility to reject a prospective resident who is disqualified under a level 1 screening; requiring a nursing home and assisted living facility to maintain proper records; requiring a nursing home and assisted living facility to notify the agency each time the nursing home refuses to admit a prospective resident because he or she is disqualified under a level 1 screening; providing an effective date.

—was referred to the Committees on Health Care; Criminal Justice; and Health and Human Services Appropriations.

By Senator Klein—

SB 526—A bill to be entitled An act relating to electric utility transmission; creating the Electric Utility Task Force; providing duties and membership of the task force; requiring that the task force submit a

report to the Governor and the Legislature; providing that the task force be dissolved on a specified date; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Domestic Security; Commerce and Consumer Services; and Governmental Oversight and Productivity.

By Senators King and Smith—

SB 528—A bill to be entitled An act relating to the Trust Fund for University Major Gifts; amending s. 1011.94, F.S.; authorizing the Florida Board of Governors Foundation, Inc., to provide matching grants; providing duties of the Board of Governors; replacing references to the State Board of Education with references to the Board of Governors; deleting references to New College; deleting provisions that authorize encumbrances; requiring donations to support priorities established by a university's board of trustees; revising provisions that prescribe the manner in which donations must be matched; revising provisions relating to donations that may be used to designate an Eminent Scholar Endowed Chair; providing an effective date.

—was referred to the Committees on Education; Education Appropriations; and Rules and Calendar.

By Senators Wise and Haridopolos—

SB 530—A bill to be entitled An act relating to driving under the influence; creating s. 322.2715, F.S.; directing the Department of Highway Safety and Motor Vehicles to require the placement of a department-approved ignition interlock device on specified vehicles operated by any person convicted of committing certain driving-under-the-influence offenses; specifying the duration of each installation period based upon the number of DUI convictions; directing the department to require installation of the ignition interlock if the court fails to order the mandatory placement of the device or fails to order placement for the applicable period; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Transportation and Economic Development Appropriations.

By Senator Campbell—

SB 532—A bill to be entitled An act relating to court-ordered payment awards in legal proceedings; amending ss. 61.16 and 742.045, F.S.; authorizing certain court orders to include additional reasonable amounts for certain attorney's fees, suit money, and costs related to certain proceedings; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Campbell—

SB 534—A bill to be entitled An act relating to the provision of health care services; specifying conditions under which a health care provider must be permitted to participate as a service provider under a health plan offered by a managed care organization; defining the term "managed care organization"; requiring that a health care provider be reimbursed for providing services under specified conditions; providing for civil penalties; amending s. 627.419, F.S.; providing for construction of policies; providing for application; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; Health and Human Services Appropriations; and Ways and Means.

By Senator Siplin—

SB 536—A bill to be entitled An act relating to the use of restraints on a child during juvenile proceedings; amending s. 985.228, F.S.; prohibiting the use of instruments of restraint on a child during an adjudicatory hearing or elsewhere in a courthouse; providing specified exceptions; amending s. 985.311, F.S.; correcting a cross-reference; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Smith—

SB 538—A bill to be entitled An act relating to the sentencing proceeding for a capital felony; amending s. 921.141, F.S.; clarifying that the prosecution may introduce and argue victim-impact evidence to the jury; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Smith—

SB 540—A bill to be entitled An act relating to the Parole Commission; amending s. 947.06, F.S.; requiring that, before a meeting of the Parole Commission, the victim of the crime be given documents and evidence relating to the granting, denying, or revoking of the inmate's parole; amending s. 947.16, F.S.; requiring that an inmate convicted of kidnapping whose parole release order has been vacated by the court be reinterviewed at 5-year intervals following the vacated release order; amending s. 947.174, F.S.; requiring that an inmate convicted of kidnapping whose presumptive parole release date is more than 5 years after the initial interview be reinterviewed thereafter at 5-year intervals; providing an effective date.

—was referred to the Committees on Criminal Justice; and Justice Appropriations.

By Senators Smith and Bullard—

SB 542—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; authorizing each community college board of trustees to establish a transportation user fee; limiting such fee to the cost of the service provided; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Smith—

SB 544—A bill to be entitled An act relating to psychotherapist-patient privilege; amending s. 90.503, F.S.; redefining the term "psychotherapist" to include certain advanced registered nurse practitioners for purposes of the psychotherapist-patient privilege of the Florida Evidence Code; providing an effective date.

—was referred to the Committees on Health Care; and Judiciary.

By Senator Smith—

SB 546—A bill to be entitled An act relating to reimbursement for lung transplant services for Medicaid recipients; amending s. 409.9062, F.S.; requiring the Agency for Health Care Administration to reimburse lung transplant facilities a global fee for services provided to Medicaid recipients; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Smith—

SB 548—A bill to be entitled An act relating to corporate income tax credit for public education partners; creating s. 220.1875, F.S.; providing

a popular name; providing purpose to encourage contributions by corporations to public schools or public school programs for which tax credit shall be given; providing definitions; providing authorization to grant tax credits and limitations on credits; providing public school requirements for expenditure and accounting of funds; requiring eligible contributions to be supplemental funds; providing for administration and rulemaking; requiring a cooperative agreement; amending ss. 220.02 and 220.13, F.S., to conform; providing an effective date.

—was referred to the Committees on Education; Government Efficiency Appropriations; and Education Appropriations.

By Senators Clary, Fasano and Bennett—

SB 550—A bill to be entitled An act relating to property tax exemptions; amending s. 196.012, F.S.; defining the term "ex-service member" for purposes of ch. 196, F.S.; amending s. 196.24, F.S.; revising the qualifications for the exemption; entitling the surviving spouse of a disabled ex-service member to an exemption from property taxation for the value of certain property under certain circumstances; providing an effective date.

—was referred to the Committees on Community Affairs; Government Efficiency Appropriations; and Ways and Means.

By Senator Margolis—

SB 552—A bill to be entitled An act relating to game promotion in connection with sale of consumer products or services; amending s. 849.094, F.S.; requiring that the operator of a game promotion in which the total announced value of the prizes offered is greater than $5,000 include the material terms of the rules and regulations of the game in all advertising copy used in connection therewith; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By Senators Haridopolos, Atwater, Fasano and Bennett—

SB 554—A bill to be entitled An act relating to property taxes; amending s. 200.071, F.S.; authorizing counties to cap annual growth in ad valorem tax revenues by charter; providing requirements and limitations; providing an exception; prohibiting ad valorem tax levies by counties in excess of amounts specified in the county charter; prohibiting ad valorem tax levies by counties through municipal service taxing units in excess of amounts specified in the ordinance establishing the unit; providing an effective date.

—was referred to the Committees on Community Affairs; and Government Efficiency Appropriations.

By Senator Peaden—

SB 556—A bill to be entitled An act relating to the documentary stamp tax on promissory or nonnegotiable notes and written obligations to pay money; amending s. 201.08, F.S.; exempting from the tax notes or other written obligations to pay money executed by agriculture producers in this state to the Commodity Credit Corporation and security instruments for such notes and obligations; providing an effective date.

—was referred to the Committees on Agriculture; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senators Rich, Campbell, Sebesta and Bennett—

SB 558—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; increasing certain minimum mandatory fines and periods of incarceration for certain acts of cruelty to animals; amending s. 828.121, F.S.; providing a definition; providing that it is a first-degree misdemeanor for a person to intentionally drag or fell by the tail a bovine animal in an organized sports exhibition; providing clarification regarding techniques or practices that are not prohibited; providing an effective date.

—was referred to the Committees on Agriculture; and Criminal Justice.

By Senator Bullard—

SB 560—A bill to be entitled An act relating to the treatment of congenital craniofacial anomalies; creating ss. 627.64194 and 627.6614, F.S.; requiring an individual health insurance policy or a group health insurance policy to cover services needed to treat congenital craniofacial anomalies as authorized by a physician; amending s. 641.31, F.S.; requiring a contract by a health maintenance organization to cover services needed to treat congenital craniofacial anomalies as authorized by a physician; amending s. 627.6515, F.S., relating to out-of-state groups; conforming a cross-reference to changes made by the act; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; General Government Appropriations; and Ways and Means.

By Senator Saunders—

SB 562—A bill to be entitled An act relating to prescribed drugs covered by Medicaid; expressing the legislative intent to revise laws relating to prescribed drugs covered under the Medicaid program; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Ways and Means.

By Senator Saunders—

SB 564—A bill to be entitled An act relating to Medicaid eligibility; expressing the legislative intent to revise laws relating to Medicaid eligibility; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Ways and Means.

By Senator Saunders—

SB 566—A bill to be entitled An act relating to institutional care provided by Medicaid; expressing the legislative intent to revise laws relating to asset considerations for eligibility to receive institutional care under the Medicaid program; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Ways and Means.

By Senator Wilson—

SB 568—A bill to be entitled An act relating to requirements for high school graduation; amending s. 1003.43, F.S.; providing that a student who is unable to earn passing scores on the Florida Comprehensive Assessment Test or its equivalent must be allowed to participate in graduation ceremonies; providing an effective date.

—was referred to the Committees on Education; and Rules and Calendar.

SB 570—Withdrawn prior to introduction.

By Senators Garcia and Fasano—

SB 572—A bill to be entitled An act relating to consumer protection; creating s. 501.161, F.S.; prohibiting the sale or rental of, or the offer to sell or rent, essential equipment, commodities, or accommodation, as defined, during a declared state of emergency for 110 percent or more of its average price for the 30 days immediately preceding the declaration of emergency; providing an exception; providing penalties; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Domestic Security; and Criminal Justice.

By Senators Haridopolos and Posey—

SB 574—A bill to be entitled An act relating to the designation of an official fruit of the State of Florida; creating s. 15.0315, F.S.; designating the orange as the official fruit of the State of Florida; providing an effective date.

—was referred to the Committees on Agriculture; and Governmental Oversight and Productivity.

By Senator Crist—

SB 576—A bill to be entitled An act relating to criminal prosecutions; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; repealing Rule 3.250, Florida Rules of Criminal Procedure, relating to the accused as a witness and being entitled to concluding arguments before the jury, to the extent of inconsistency with the act; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Wise—

SB 578—A bill to be entitled An act relating to performance contracting; providing a short title; providing a definition; authorizing state agencies to enter into performance contracts; establishing requirements for performance contracts; providing duties of the Department of Management Services regarding such contracts; requiring the monitoring of vendor performance; exempting certain contracts from performance contracts; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; General Government Appropriations; and Ways and Means.

By Senator Fasano—

SB 580—A bill to be entitled An act relating to mitigating factors in certain offenses; amending s. 921.0026, F.S.; providing that the fact that a victim was an initiator, willing participant, aggressor, or provoker of an incident, or consented to an incident, is not a mitigating factor to offenses under ch. 794, F.S., or s. 800.04, F.S., under certain circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Fasano—

SB 582—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.052, F.S.; deleting an exception to an exemption from the tax for research or development costs; providing an exemption for machinery and equipment used predominantly for research and development activities; defining the term "machinery and equipment"; allowing a business certified to receive the exemption to designate one or more state universities or community colleges as recipients of part or all of the amount of the exemption under specified conditions; providing that the business retains the rights to patents, royalties, or real or intellectual property unless an agreement specifies otherwise; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Education; Government Efficiency Appropriations; and Ways and Means.

By Senator Jones—

SB 584—A bill to be entitled An act relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; excluding hospitalized or homebound students from participating in the program; excluding certain students in Department of Juvenile Justice commitment programs from participation; providing requirements for transfer of the amount of the McKay Scholarship for students who exit a Department of Juvenile Justice commitment program and choose to participate in the scholarship program; providing an effective date.

—was referred to the Committees on Education; Education Appropriations; and Rules and Calendar.

SB 586—Withdrawn prior to introduction.

By Senator Fasano—

SB 588—A bill to be entitled An act relating to voter education; requiring district school boards and county supervisors of elections jointly to provide a program of voter education for high-school seniors; providing guidelines for the content of the educational program; requiring that the program of voter education be conducted during school hours; providing an effective date.

—was referred to the Committees on Education; Ethics and Elections; and Education Appropriations.

By Senator Bennett—

SB 590—A bill to be entitled An act relating to mold assessment and mold remediation; creating pt. IV of ch. 489, F.S.; providing legislative purpose; providing scope of the act; providing exemptions; defining terms; providing for fees relating to licensure of mold assessors and mold remediators; providing for licensure examinations; requiring good moral character; providing prerequisites to licensure; providing for the licensure of business organizations; providing for qualifying agents; providing for fees; providing responsibilities of primary and secondary qualifying agents and of financially responsible officers; establishing requirements for continuing education; requiring that the Construction Industry Licensing Board approve training courses and training providers for mold assessors and mold remediators; providing for assessing penalties; providing for renewal of licensure; providing for rulemaking; providing for reactivation of licensure; providing for disciplinary proceedings; establishing prohibitions; providing penalties; allowing the board to provide, by rule, for multiple services; providing presumptions in civil actions against persons or entities licensed under the act; providing severability; amending s. 489.107, F.S.; adding to the board a member who is a mold assessor or mold remediator; providing an appropriation and authorizing positions; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Consumer Services; Criminal Justice; and General Government Appropriations.

By Senator Bennett—

SB 592—A bill to be entitled An act relating to alternative energy; providing legislative findings; providing definitions; creating the Florida Alternative Energy Technology Center, Inc., as a not-for-profit corporation; requiring compliance with public meetings and records laws; providing for the organization, purpose, and duties of the center; providing

for the membership on the board of directors of the center; requiring the disclosure of financial interests by board members; specifying the powers and duties of the board; requiring an annual report; providing an appropriation; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Environmental Preservation; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

By Senator Fasano—

SB 594—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; including certified surgical first assistants, as defined, within certain benefits or services payment provisions; limiting application; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By Senator Klein—

SB 596—A bill to be entitled An act relating to the regulation of electrical and alarm system contractors; amending s. 489.503, F.S.; exempting certain employees of residential condominium homeowners' associations or homeowners' associations from part II of ch. 489, F.S., relating to electrical and alarm system contracting; providing an effective date.

—was referred to the Committees on Regulated Industries; and Banking and Insurance.

By Senator Fasano—

SB 598—A bill to be entitled An act relating to funding for school districts; amending s. 1011.715, F.S.; providing that a resolution of a district school board providing for the receipt of proceeds of the local government infrastructure surtax authorized under s. 212.055(2), F.S., may include a covenant to decrease capital local school property taxes or to discontinue the surtax in certain circumstances; providing an effective date.

—was referred to the Committees on Education; Government Efficiency Appropriations; and Education Appropriations.

SB 600—Withdrawn prior to introduction.

By Senators Fasano and Argenziano—

SB 602—A bill to be entitled An act relating to telecommunication rates; repealing ss. 364.059, 364.164, and 364.051(6), (7), and (8), F.S., relating to price regulation and competitive market enhancements of local exchange telecommunication companies; providing that any local telecommunications service rate that was increased and any corresponding telecommunications intrastate access fee that was reduced by action of the Public Service Commission but that has not yet been implemented is null and void; providing that if a local telecommunications service rate was increased and a corresponding telecommunications intrastate access fee was reduced, those rates and fees are suspended as of a specified date, and thereafter a local exchange telecommunications company must charge local service rates and intrastate access fees at the rates in effect on December 1, 2003; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; and Government Efficiency Appropriations.

SB 604—Withdrawn prior to introduction.

By Senator Jones—

SB 606—A bill to be entitled An act relating to ad valorem taxation for public education; amending ss. 1011.71 and 1011.73, F.S.; extending the maximum duration of voted ad valorem millage for school district operations; providing an effective date.

—was referred to the Committees on Education; Government Efficiency Appropriations; and Education Appropriations.

By Senators Garcia, Crist, Lynn, Smith, Baker, Villalobos, Carlton, Campbell, Atwater, Peaden, Haridopolos, Argenziano, Sebesta, Fasano and Saunders—

SB 608—A bill to be entitled An act relating to offenders who have committed forcible felonies; creating s. 903.0351, F.S.; prohibiting a court from admitting an offender who has committed a forcible felony to bail or any other form of pretrial release under specified circumstances; providing certain exceptions; amending s. 921.0024, F.S.; directing that 24 community sanction violation points be added to an offender's Criminal Punishment Code worksheet for a violation involving a forcible felony; amending s. 948.06, F.S.; defining the term "offender who has committed a forcible felony"; prohibiting a court from releasing an offender who is charged with committing a nonmonetary violation of probation or community control; requiring the offender to remain in custody until resolution of the charge of violating probation or community control; requiring a court to hold a hearing to determine whether the offender poses a danger to the community; directing the court to assess community violation sanction points if the offender is a danger to the community; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; Justice Appropriations; and Rules and Calendar.

By Senators Hill, Lawson, Rich, Baker, Saunders, Geller, Wilson, Jones and Miller—

SB 610—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; requiring motor vehicle registration and renewal forms to provide for a voluntary contribution to the Florida National Guard Foundation; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Senator Hill—

SB 612—A bill to be entitled An act relating to Veterans' Day; requiring school districts to observe Veterans' Day; prohibiting holding classes on that day; providing an effective date.

—was referred to the Committees on Education; and Community Affairs.

By Senator Hill—

SB 614—A bill to be entitled An act relating to consumer call center services; providing definitions; requiring each customer sales call center and customer service call center to disclose certain information to customers; requiring that calls to a foreign country be rerouted to a call center located in the United States at the request of the customer; prohibiting a customer service employee from soliciting personal identification information from a customer; providing certain exceptions; requiring that an audio recording or written documentation of the customer's consent be made and preserved by the customer sales call center or customer service call center; prohibiting a call center from sending a customer's personal identification information to a foreign country without the express consent of the customer; requiring that an audio recording or written documentation of the customer's consent to the foreign country transfer be made and preserved by the customer sales call center or customer service call center; providing that a customer service

employee or call center that violates the act commits a deceptive and unfair trade practice in violation of part II of ch. 501, F.S.; providing remedies; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By Senator Bullard—

SB 616—A bill to be entitled An act relating to the sales tax exemption for machinery and equipment used to increase productive output; amending s. 212.08, F.S.; deleting a limitation on an exemption from the sales tax for such machinery and equipment each year; deleting an exemption for such machinery and equipment used to expand certain printing manufacturing facilities or plant units; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Ways and Means.

By Senator Garcia—

SB 618—A bill to be entitled An act relating to community residential homes; amending s. 419.001, F.S.; requiring that a local government approve the location of certain community residential homes; providing an effective date.

—was referred to the Committees on Children and Families; Community Affairs; and Health and Human Services Appropriations.

By Senator Bennett—

SB 620—A bill to be entitled An act relating to the wireless emergency telephone system; amending s. 11.45, F.S.; removing the annual audit of the Wireless Emergency Telephone System Fund from the duties of the Auditor General; amending s. 364.02, F.S.; revising fee schedules for providers of interexchange telecommunications services; amending s. 365.172, F.S.; adding definitions relating to wireless telephone communications; revising duties of the Wireless 911 Board; requiring the hiring of an executive director and an independent, private attorney; providing legislative intent regarding the emergency wireless telephone system; providing standards for local governments to follow when regulating the placement, construction, or modification of a wireless communications facility; directing local governments to grant or deny properly completed applications within specified time periods; providing procedures for a provider of wireless communications services to submit an application for local approval; directing local governments to notify a provider in writing of the deficiencies in an application; directing local governments to notify a provider in writing whether the resubmission of information properly completes the application; permitting local governments to continue requesting information until the application deficiencies are cured; providing for a limited review by a local government of an accessory wireless communications facility; prohibiting local governments from imposing certain restrictions on wireless communications facilities; providing that a person who is adversely affected by a decision of a local government relating to a wireless communications facility may bring an action within a specified period; providing for the computation of the time period; amending s. 365.173, F.S.; directing how a county may use funds derived from the E911 fee; requiring the board of county commissioners to appropriate the funds to the proper uses; removing the requirement that the Auditor General annually audit the E911 fund; amending s. 337.401, F.S.; requiring municipalities and counties to treat communications services providers in a manner that is competitively neutral and nondiscriminatory when using public roads and rights-of-ways; prohibiting municipalities and counties from requiring communications services providers to obtain a license or franchise from the municipality or county; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; Governmental Oversight and Productivity; and Government Efficiency Appropriations.

By Senator Lynn—

SB 622—A bill to be entitled An act relating to community mental health services as optional Medicaid services; amending s. 409.906, F.S.; eliminating authorization for the Agency for Health Care Administration to operate a behavioral health utilization management program; eliminating the agency's authorization to implement certain reimbursement and use-management reforms; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

SR 624—Not referenced.

By Senators Constantine and Campbell—

SB 626—A bill to be entitled An act relating to environmental health; creating s. 381.0069, F.S.; providing for the regulation of portable restroom contracting; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for authorization of business entities providing portable restroom contracting services under a fictitious name; providing grounds for suspension or revocation of registration or authorization; providing fees; providing penalties and prohibitions; amending s. 381.0061, F.S.; authorizing imposition of an administrative fine for violating portable restroom contracting requirements; amending s. 381.0065, F.S.; specifying the department's powers and duties with respect to regulating portable restroom facilities and the individuals or businesses that provide and service such facilities; authorizing the department to enter the business premises of any portable restroom contractor to determine compliance and for the purpose of enforcement; authorizing issuance of a citation for a violation of portable restroom contracting requirements which may contain an order of correction or a fine; providing an effective date.

—was referred to the Committees on Health Care; Government Efficiency Appropriations; and Health and Human Services Appropriations.

SR 628—Not referenced.

By Senator Margolis—

SB 630—A bill to be entitled An act relating to the corporate income tax; providing a credit against the tax for contributions to nonprofit cultural organizations; providing legislative purpose; defining terms; providing limitations on individual credits; providing that the unused amount of a credit may not be carried forward; prohibiting conveying, assigning, or transferring the credit to another entity except as specified; providing for administration by the Department of Revenue and the Division of Cultural Affairs of the Department of State; requiring the department and the division to adopt rules; providing a tax credit for donations to the Fine Arts Trust Fund; providing that the unused amount of a credit may not be carried forward; prohibiting conveying, assigning, or transferring the credit to another entity, except as specified; providing application procedures; providing for rulemaking by the Department of Revenue and the Department of State; providing legislative intent with respect to the order in which credits may be applied; providing for an addition to taxable income for purposes of computing adjusted federal income, to conform; specifying the maximum amount of annual tax credits which may be granted under the act; providing for expiration of the act; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Government Efficiency Appropriations; and Ways and Means.

By Senator Bennett—

SB 632—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a short title; amending s. 218.72, F.S.; redefining terms used in part VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing that ss. 218.72-218.76, F.S., apply to the payment of any payment request for retainage; providing exceptions; creating s. 255.0705, F.S.; providing a short title; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment-due dates; providing procedures for handling improper payment requests; providing for an award of court costs and attorney's fees; providing for the resolution of disputes; providing for project closeout and payment of retainage; providing that ss. 255.072-255.076, F.S., apply to the payment of any payment request for retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; providing limitations on a claimant's institution of certain actions against a contractor or surety; amending s. 95.11, F.S., to conform a cross-reference; providing that specified sections of the act do not apply to certain pending contracts and projects; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Community Affairs; Regulated Industries; and General Government Appropriations.

By Senator Bennett—

SB 634—A bill to be entitled An act relating to alarm system contracting; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system without being in compliance with s. 489.5185, F.S., relating to licensure requirements for fire alarm system agents; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; and Regulated Industries.

By Senator Argenziano—

SB 636—A bill to be entitled An act relating to the Career Service System; amending s. 110.227, F.S.; revising requirements for disciplining an employee; providing for appeals of agency actions imposing penalties on employees to be reviewed by administrative law judges; revising review procedures; providing standards for awards of back pay; amending s. 447.207, F.S., relating to powers and duties of the Public Employees Relations Commission, to conform; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; and Ways and Means.

By Senators Wise, Geller, King and Campbell—

SB 638—A bill to be entitled An act relating to title insurance; amending s. 624.608, F.S.; redefining the term "title insurance" to include insurance for personal property; amending s. 627.7711, F.S.; redefining the term "related title services" to include services relating to transactions in personal property; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Rules and Calendar.

By Senator Rich—

SB 640—A bill to be entitled An act relating to educational facilities; creating s. 1013.135, F.S.; requiring each district school board to adopt and implement an indoor air quality program; requiring annual reports to the Department of Education; requiring uniform air quality inspections and evaluations; providing requirements for educational facility sites and project plans; providing requirements for heating, ventilating, and air-conditioning systems; requiring maintenance of records; requiring school district or educational facility indoor air quality committees; requiring indoor environmental quality training programs for staff; providing an effective date.

—was referred to the Committees on Education; Environmental Preservation; and Education Appropriations.

By Senators Rich and Wise—

SB 642—A bill to be entitled An act relating to traffic regulations; amending s. 316.1303, F.S.; requiring vehicle operators to stop and yield to mobility-impaired pedestrians who are assisted by guide dogs or other service animals; providing a penalty; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Senator Wise—

SB 644—A bill to be entitled An act relating to highway safety; amending s. 316.650, F.S.; providing for a parental notification system to be developed by the Department of Highway Safety and Motor Vehicles; requiring notification to the parent, guardian, or other responsible adult who signed the driver license application of a person under 18 years of age when a written warning or citation has been issued to that person for a violation of traffic law; providing for content of the notification; amending s. 322.09, F.S.; requiring a parent, guardian, or other responsible adult signing the driver license application of a minor to provide certain contact information; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Transportation and Economic Development Appropriations.

By Senator Campbell—

SB 646—A bill to be entitled An act relating to youthful offenders; amending s. 958.045, F.S.; providing for notice to state attorneys prior to placement of juvenile offenders in boot camp programs; revising sentencing provisions for juvenile offenders who violate the terms of their probation; providing an effective date.

—was referred to the Committees on Criminal Justice; and Justice Appropriations.

By Senator Campbell—

SB 648—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the sales and use tax for sales of certain tangible personal property for a certain period for certain purposes; authorizing the Department of Revenue to adopt certain rules; providing an effective date.

—was referred to the Committees on Domestic Security; Government Efficiency Appropriations; and Ways and Means.

By Senator Bennett—

SB 650—A bill to be entitled An act relating to commercial and recreational fishing working waterfronts; expressing the legislative intent to

revise laws relating to commercial and recreational fishing working waterfronts; providing an effective date.

—was referred to the Committees on Community Affairs; Environmental Preservation; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senator Sebesta—

SB 652—A bill to be entitled An act relating to public construction bonds; amending s. 255.05, F.S.; revising requirements for the form used for public construction bonds; requiring payment provisions of public construction bonds to be construed as statutory bonds; requiring payment bond forms to reference notice and time limitation provisions; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Judiciary.

By Senator Haridopolos—

SB 654—A bill to be entitled An act relating to administrative expunction of nonjudicial arrest records; amending s. 943.0581, F.S.; requiring the arresting law enforcement agency to apply to the Department of Law Enforcement for the administrative expunction of certain nonjudicial records of arrest; authorizing certain persons to apply directly to the department for administrative expunction in certain circumstances; requiring such persons to support such application with an endorsement; providing that an application or endorsement may not be admitted into evidence or construed as an admission of liability; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Rules and Calendar.

By Senators Haridopolos, Posey, Wise, Peaden, Fasano and Campbell—

SB 656—A bill to be entitled An act relating to law enforcement and correctional officers; providing a popular name; amending s. 112.19, F.S.; providing death benefits for law enforcement, correctional, or correctional probation officers in certain circumstances; amending s. 112.532, F.S.; providing a limitations period for certain actions involving the discipline, demotion, or dismissal of a law enforcement officer or correctional officer; providing for written notification of such actions; providing exceptions to the limitations period; providing for the reopening of investigations and subsequent disciplinary action in certain circumstances; reenacting ss. 110.123(4)(e), 112.19(3), as amended by chs. 2002-191 and 2004-357, Laws of Florida, 112.19(3), as amended by chs. 2002-232, 2003-1, and 2004-357, Laws of Florida, 250.34(4), 285.18(2)(c), 943.04(2)(d), and 943.68(2), F.S., relating to contributions under the state group insurance program, educational benefits for children and spouses of certain law enforcement personnel, benefits for certain members of the Florida National Guard, benefits for certain law enforcement personnel employed by tribal councils, benefits for certain law enforcement personnel employed by the Department of Law Enforcement in the Criminal Justice Investigations and Forensic Science Program, and benefits for certain law enforcement personnel employed by the Department of Law Enforcement to provide certain security involving the Governor, respectively, for the purpose of incorporating the amendment to s. 112.19, F.S., in references thereto; providing applicability; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Ways and Means.

By Senator Sebesta—

SB 658—A bill to be entitled An act relating to the University of South Florida St. Petersburg; amending s. 1004.33, F.S.; authorizing the Campus Board of the university to forward a proposal to levy a student-center-support fee to the University of South Florida Board of Trustees for approval; providing a standard for the maximum amount of the fee; providing procedures; prohibiting the inclusion of the fee in calculating the amount a student receives under specified scholarship awards; providing an effective date.

—was referred to the Committees on Education; Education Appropriations; and Ways and Means.

By Senator Carlton—

SB 660—A bill to be entitled An act relating to assets held in benefit plans; amending s. 222.22, F.S.; exempting from legal process in favor of creditors or other claimants assets held in qualified tuition programs, in certain medical savings accounts, or in Coverdell education savings accounts; amending s. 710.102, F.S.; redefining the term "benefit plan," and defining the term "qualified minor's trust," as used in the Florida Uniform Transfers to Minors Act; amending s. 710.104, F.S.; including benefit plans in the types of property that a custodian may be named to receive on behalf of a minor; amending s. 710.108, F.S.; allowing a benefit plan to be transferred to a custodian of a minor who does not have a conservator by an obligor of the minor; amending s. 710.116, F.S.; allowing a minor's custodian, without court order, to transfer custodial property to a qualified minor's trust; providing implications of the transfer; amending s. 733.808, F.S.; providing for the disposition of benefits under a benefit plan after the death of an owner of or participant in the plan; amending s. 744.301, F.S.; providing for the parents or natural guardians of a minor child to collect, receive, manage, and dispose of and make elections regarding the proceeds of an annuity contract payable to a minor child or of a benefit plan of which the minor is a beneficiary, participant, or owner, without appointment, authority, or bond, if the proceeds equal less than a specified maximum amount; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Clary—

SB 662—A bill to be entitled An act relating to hospitals that provide charity care; creating a commission to study the effect of the 2004 hurricane season on certain hospitals and identify hospitals unable to comply with the Florida Building Code or located in flood-prone areas; providing for membership, reimbursement, and duties of the study commission; requiring the Department of Community Affairs to provide staff for the study commission; requiring the commission to submit a report and recommendations to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Health Care; Community Affairs; and Governmental Oversight and Productivity.

By Senator Clary—

SB 664—A bill to be entitled An act relating to the International Certificate of Education programs; amending s. 1002.20, F.S.; adding programs to the list of public school choice options; amending s. 1002.23, F.S.; adding programs to the list of rigorous academic programs included in a parent guide; amending s. 1007.22, F.S.; adding the Advanced International Certificate of Education to acceleration mechanisms requiring postsecondary institution collaboration; amending s. 1007.261, F.S.; revising the list of courses designated as advanced level fine arts courses; amending s. 1007.27, F.S.; providing an exemption from examination fees for students enrolled in the International General Certificate of Secondary Education Program; amending s. 1009.531, F.S.; providing additional course weights for purposes of determining eligibility for the Florida Bright Futures Scholarship Program; amending s. 1009.534, F.S.; revising eligibility requirements for the Florida Academic Scholars award; including students completing or receiving a curriculum or diploma in an Advanced International Certificate of Education; amending s. 1009.535, F.S.; revising eligibility requirements for the Florida Medallion Scholars award; including students completing a curriculum in an Advanced International Certificate of Education; amending s. 1011.62, F.S.; revising test score requirements necessary to generate funding to

match the current test-scoring scale; providing a formula for calculating additional full-time equivalent membership based on International General Certificate of Secondary Education examination scores and program completion; reenacting s. 1011.69(2), F.S., relating to equity in school-level funding, to incorporate the amendment to s. 1011.62, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Posey—

SB 666—A bill to be entitled An act relating to surcharges and taxes on alcoholic beverages; amending s. 561.501, F.S.; eliminating the surcharge imposed on the sale of alcoholic beverages for consumption on the premises; providing for the future expiration of provisions governing imposition of the surcharge; amending s. 561.121, F.S.; requiring that a portion of the proceeds from certain excise taxes on alcoholic beverages be deposited into the Children and Adolescents Substance Abuse Trust Fund within the Department of Children and Family Services; amending s. 561.025, F.S., relating to the Alcoholic Beverage and Tobacco Trust Fund; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; Health and Human Services Appropriations; and Ways and Means.

By Senators Jones and Fasano—

SB 668—A bill to be entitled An act relating to defibrillators in state parks; creating s. 258.0165, F.S.; encouraging state parks to have a functioning automated external defibrillator; requiring training, maintenance, and location registration; providing immunity from liability under the Good Samaritan Act and the Cardiac Arrest Survival Act; authorizing the Division of Recreation and Parks to adopt rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Environmental Preservation; Health Care; Judiciary; and General Government Appropriations.

By Senator Jones—

SB 670—A bill to be entitled An act relating to community colleges; amending s. 1009.23, F.S.; revising provisions relating to the fee for capital improvements, technology enhancements, or equipping student buildings and the use thereof; providing requirements for the issuance and validation of bonds; revising provisions relating to the allocation for child care centers; amending s. 1011.83, F.S.; providing for funding a community college authorized to grant baccalaureate degrees; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

SB 672—Withdrawn prior to introduction.

By Senator Saunders—

SB 674—A bill to be entitled An act relating to the Big Cypress Area of Critical State Concern; amending s. 380.055, F.S.; excluding the Plantation Island Subdivision in Collier County from the designated area; providing an effective date.

—was referred to the Committees on Community Affairs; and Environmental Preservation.

By Senator Saunders—

SB 676—A bill to be entitled An act relating to public records and meetings; creating s. 383.411, F.S.; exempting from public disclosure certain personal information concerning child fatalities investigated by the State Child Abuse Death Review Committee, a local committee, or a panel or committee assembled by the state committee or a local committee; exempting portions of meetings of the state committee, a local committee, or a panel or committee assembled by the state committee or a local committee from public meetings requirements if certain personal information is discussed; providing that information made confidential under the act retains its confidential status; providing that information contained in records acquired by the State Child Abuse Death Review Committee or a local committee is not subject to subpoena, discovery, or introduction into evidence in a civil or criminal proceeding; authorizing the state committee and a local committee to share information with each other committee; providing a penalty for the unauthorized disclosure of confidential information concerning child fatalities; providing for future repeal and legislative review under the Open Government Sunset Review Act; providing a statement of public necessity; repealing s. 383.410, F.S., relating to an exemption from public records and meetings requirements formerly provided for records held by the State Child Abuse Death Review Committee, a local committee, or a panel or committee assembled by the state committee or a local committee; providing an effective date.

—was referred to the Committees on Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Campbell—

SB 678—A bill to be entitled An act relating to trademarks; creating s. 495.001, F.S.; providing a popular name; amending s. 495.011, F.S.; providing definitions; amending s. 495.021, F.S.; precluding registration of certain marks; amending s. 495.027, F.S.; conforming provisions; amending s. 495.031, F.S.; providing requirements for information to be contained in an application for registration of a mark; authorizing the Secretary of State to require certain information in an application; requiring the application to be signed and verified by oath; requiring the application to be accompanied by three specimens showing the mark; requiring the application to be accompanied by a fee; creating s. 495.035, F.S.; providing filing guidelines for applications; amending s. 495.061, F.S.; providing for the issuance of a certificate of registration by the secretary; amending s. 495.071, F.S.; providing guidelines for the renewal of marks; providing duration of effectiveness for the mark; amending s. 495.081, F.S.; providing for the assignability of marks; providing for change of name certificates for registrants; authorizing certain instruments to be recorded; providing acknowledgment of recording as prima facie evidence of the execution of an assignment or other instrument; authorizing a photocopy of any instrument to be acceptable for recording; amending s. 495.091, F.S.; requiring the secretary to record all marks registered with the state; amending s. 495.101, F.S.; requiring the secretary to cancel certain marks; amending s. 495.111; F.S., requiring the secretary to establish a classification of goods and services; amending s. 495.121, F.S.; conforming provisions; amending s. 495.131, F.S.; conforming provisions; amending s. 495.141, F.S.; providing remedies for the unauthorized use of a mark; removing provisions regarding the assessment of plaintiff's profits; creating s. 495.145, F.S.; providing a forum for actions regarding registration; providing service on out-of-state residents; amending s. 495.151, F.S.; providing for an injunction in cases of dilution of a famous mark; providing factors to consider in determining a mark to be famous; providing damages in certain circumstances of dilution; amending s. 495.161, F.S.; deleting provisions relating to the diminishing of certain common-law rights; creating s. 495.165, F.S.; requiring the secretary to prescribe certain fees; amending s. 495.171, F.S.; providing application and legislative intent; providing for severability; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Judiciary; Transportation and Economic Development Appropriations; and Ways and Means.

By the Committee on Communications and Public Utilities—

SB 680—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 202.195, F.S., relating to an exemption from public-records requirements for proprietary confidential business information obtained from a telecommunications company or franchised cable company by a local governmental entity; saving the exemption from repeal under the Open Government Sunset Review Act; clarifying the definition of the term "proprietary confidential business information"; deleting provisions that provide for the repeal of the exemption; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Saunders—

SJR 682—A joint resolution proposing the repeal of Section 25 of Article X of the State Constitution, relating to a patient's right to know about adverse medical incidents.

—was referred to the Committees on Health Care; Judiciary; and Rules and Calendar.

By Senator Saunders—

SJR 684—A joint resolution proposing the repeal of Section 26 of Article X of the State Constitution, relating to prohibition of medical license after repeated medical malpractice.

—was referred to the Committees on Health Care; Judiciary; and Rules and Calendar.

By the Committee on Transportation—

SB 686—A bill to be entitled An act relating to the disposition of traffic infractions; amending s. 318.14, F.S.; providing that a person who is cited for a noncriminal traffic infraction may elect to attend, under certain circumstances, an intermediate driver improvement course approved by the Department of Highway Safety and Motor Vehicles; providing requirements for such election; amending s. 322.025, F.S.; requiring that the department deduct points from a person's driving record for certain traffic violations in another state or under federal law; providing that such person may elect to attend a driver improvement course; providing certain limitations; amending s. 318.1451, F.S., relating to a fee collected by driver improvement schools; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Transportation; and Judiciary.

By Senator Lynn—

SB 688—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; permitting community college employees who are members of the Senior Management Service Class, and who otherwise qualify, to elect membership in the defined benefit plan of the system; prescribing requirements in making such election; providing for payment of the costs of such membership; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Ways and Means.

By Senator Lynn—

SB 690—A bill to be entitled An act relating to early childhood immunizations; prohibiting the use of vaccines that contain thimerosal or mercury in immunizing a minor against communicable diseases; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Geller—

SCR 692—A concurrent resolution renumbering current Joint Rule 8 and creating a new Joint Rule 8 of the Joint Rules of the Legislature relating to duties of the Joint Legislative Sales and Use Tax Exemption Review Committee.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senator Geller—

SB 694—A bill to be entitled An act relating to the Joint Legislative Sales and Use Tax Exemption Review Committee; creating s. 11.95, F.S.; creating the Joint Legislative Sales and Use Tax Exemption Review Committee for the purpose of reviewing exemptions from the general state sales and use tax; providing for appointments to and organization of the committee; specifying duties and procedures with respect to such review; providing for open meetings; providing for reports; requiring continuing periodic review of sales and use tax exemptions; providing a period of exemption from review for newly enacted exemptions; providing applicability to other legislation proposing to modify, repeal, or enact an exemption; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senators Smith, Haridopolos, Fasano, Argenziano and Bullard—

SB 696—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; expanding the tax exemption provided for certain farm equipment to provide that such equipment is entirely exempt from the sales tax; exempting from the tax generators used exclusively on a farm or in the agricultural production of crops or products; providing an effective date.

—was referred to the Committees on Agriculture; Government Efficiency Appropriations; and Ways and Means.

By Senator Sebesta—

SB 698—A bill to be entitled An act relating to public records; creating s. 516.115, F.S.; creating an exemption from public records requirements for information obtained by the Office of Financial Regulation of the Financial Services Commission in connection with active investigations and examinations under the Florida Consumer Finance Act; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By Senators Smith, Haridopolos, Fasano, Argenziano and Bullard—

SB 700—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; expanding the exemption from taxation provided for liquefied petroleum gas and other fuel used to heat structures in which started pullets or broilers are raised; providing a tax exemption for electricity, liquefied petroleum gas, and other fuel used on a farm; providing an effective date.

—was referred to the Committees on Agriculture; Government Efficiency Appropriations; and Ways and Means.

By Senator Peaden—

SB 702—A bill to be entitled An act relating to the area health education center network; amending s. 381.0402, F.S.; requiring the Department of Health to cooperate with specified medical schools in maintaining and evaluating the network; expanding the purposes of the network; requiring the department to contract with the named medical schools to provide funds to the network; providing that the persons to be served by the network are "medically underserved populations" rather than "low-income people"; requiring that the center assist in linking the provision of primary care services to medically underserved populations with the education of students in the health care professions and of health care providers serving medically underserved populations, as well as that of medical students, interns, and residents; providing an effective date.

—was referred to the Committees on Health Care; Education; and Health and Human Services Appropriations.

By Senator Bennett—

SB 704—A bill to be entitled An act relating to government contracting; amending s. 945.025, F.S.; providing that a revenue-generating contract entered into by the Department of Corrections in which a vendor uses governmental authority or property to sell goods or services is subject to the same procedures as the procurement of certain contractual services; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Oversight and Productivity.

By Senator Bennett—

SB 706—A bill to be entitled An act relating to motor vehicle warranties; requiring warranties to automatically transfer to subsequent purchasers; providing that extended warranties do not take effect until the end of the manufacturer's standard warranty; providing an effective date.

—was referred to the Committees on Transportation; Commerce and Consumer Services; and Banking and Insurance.

By Senator Bennett—

SB 708—A bill to be entitled An act relating to workers' compensation; amending s. 440.055, F.S.; requiring an employer with fewer than four employees who has elected alternative coverage to workers' compensation to post notice at each worksite to this effect; amending s. 440.075, F.S.; providing that every corporate officer who elects alternative coverage must proceed at common law in any action to recover damages for injury or death brought against the employer; amending s. 440.077, F.S.; providing that an officer of a corporation who elects alternative coverage may not recover workers' compensation benefits; creating s. 440.095, F.S.; providing for alternative coverage to regular workers' compensation; prescribing benefits included in alternative coverage; prescribing a schedule of benefits for specified injuries; authorizing the Financial Services Commission to adopt rules specifying policies providing alternative coverages; amending s. 440.02, F.S.; redefining the terms "employee," "employer," and "employment" for purposes of unemployment compensation coverage; deleting the power of corporate officers and certain others to elect exemption from workers' compensation coverage; amending s. 440.04, F.S.; providing that a corporate officer who has elected alternative coverage may revoke that election; amending s. 440.05, F.S.; prescribing procedures for giving notice of election of alternative coverage and of revocation of that election; amending s. 440.10, F.S.; providing for subcontractors to give evidence of alternative coverage to contractors, when applicable; amending s. 440.105, F.S.; providing penalties for an employer that coerces an employee into electing alternative coverage; amending ss. 489.115, 489.515, F.S., to conform; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senators Fasano, Jones, Wise, Klein and Sebesta—

SB 710—A bill to be entitled An act relating to the community contribution tax credit; amending s. 212.08, F.S.; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for eligible sponsors of certain low-income housing projects; providing requirements, criteria, and limitations; extending an expiration date; amending s. 220.03, F.S.; revising a definition to delete a provision authorizing the office to reserve certain portions of available annual tax credits for certain low-income housing purposes; amending s. 220.183, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for eligible sponsors of certain low-income housing projects; providing requirements, criteria, and limitations; extending an expiration date; amending s. 624.5105, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for eligible sponsors of certain low-income housing projects; providing requirements, criteria, and limitations; extending an expiration date; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Wilson—

SB 712—A bill to be entitled An act relating to campaign financing; creating ss. 106.401-106.425, F.S., to establish the "Florida Clean Elections Act"; providing a short title; providing findings and declarations; defining terms; providing eligibility requirements for clean-money campaign funding for candidates for statewide or legislative office; providing transitional requirements for the current election cycle; providing a continuing obligation to comply; providing limitations on contributions and expenditures; providing limitations on the use of personal funds; providing for seed-money contributions; providing for participation in debates; providing for certification of eligibility; specifying benefits for participating candidates; providing for the amounts and payment schedule of clean-money funding; providing limitations on the expenditure of clean-money funds; providing for disclosure of excess spending by nonparticipating candidates; providing for disclosure of and additional clean money to respond to independent expenditures; providing for disclosure of and additional clean money to respond to issue advertisements; directing the Secretary of State to create a nonpartisan Voter Information Commission and providing its duties; requiring publicly funded television and radio stations to provide free coverage of debates for specified elections; providing limitations on mailing privileges of certain public officials; providing revenue sources for the Clean Money Trust Fund; providing for the administration and dispersal of clean-money funds; providing limits on political party contributions and expenditures; amending s. 106.011, F.S.; redefining the term "political advertisement"; amending s. 106.021, F.S.; eliminating authorization for unrestricted expenditures by political committees and political parties to jointly endorse three or more candidates; amending s. 106.08, F.S.; providing limits on contributions to political parties; revising limits on contributions to candidates by political parties; providing penalties; amending s. 106.087, F.S.; eliminating a restriction on independent expenditures by certain political committees and committees of continuous existence; conforming a cross-reference; reenacting s. 106.19(1) and (3), F.S., relating to penalties, to incorporate the amendments to ss. 106.08 and 106.265, F.S., in references thereto; amending s. 106.29, F.S; revising reporting requirements of political parties; conforming cross-references; repealing ss. 106.30-106.36, F.S., the "Florida Election Campaign Financing Act," to conform; amending ss. 106.07, 106.141, 106.22, 106.265, 320.02, 322.08, 328.72, 607.1622, F.S.; revising references and providing for deposit of various fines, surplus funds, and voluntary contributions in the Clean Money Trust Fund, to conform; providing for a surcharge on civil penalties to be deposited into the trust fund and for deposit of the surcharge funds into the trust fund; reenacting ss. 106.143(8) and 106.144(2), F.S., relating to the circulation of political advertisements and endorsements or opposition by certain groups and organizations, to

incorporate the amendment to s. 106.265, F.S., in references thereto; providing severability; providing a contingent effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Wilson—

SB 714—A bill to be entitled An act relating to trust funds; creating s. 106.426, F.S.; creating the Clean Money Trust Fund, to be administered by the Department of State; providing for source of funds and purposes; providing for review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Argenziano—

SB 716—A bill to be entitled An act relating to agricultural economic development; creating s. 70.005, F.S.; providing a cause of action for landowners aggrieved by certain changes to agricultural land use; amending s. 163.2514, F.S.; defining the term "agricultural enclave" for purposes of growth policy; amending s. 163.2517, F.S.; authorizing the owner of land defined as an agricultural enclave to apply for an amendment to the local government comprehensive plan; providing requirements relating to application for a comprehensive plan amendment; amending s. 163.3187, F.S.; providing that a large scale comprehensive plan amendment adopted as a result of informal mediation may be approved without regard to the statutory frequency limits; creating s. 259.047, F.S.; providing requirements relating to purchase of land on which an agricultural lease exists; amending s. 373.0361, F.S.; providing for recognition that alternative water source options for agricultural self-suppliers are limited; amending s. 373.2234, F.S.; correcting a cross-reference; amending s. 373.236, F.S.; requiring water management districts to inform landowners of the option to obtain certain consumptive use permits; creating s. 373.407, F.S.; providing for memoranda of agreement regarding qualification for agricultural-related exemptions; providing an effective date.

—was referred to the Committees on Agriculture; Community Affairs; and Environmental Preservation.

By Senator Sebesta—

SB 718—A bill to be entitled An act relating to the Department of Transportation; amending s. 337.251, F.S.; authorizing the department to adopt rules governing the leasing of property for joint public-private development; amending s. 339.55, F.S.; establishing a maximum limit on state-funded infrastructure bank loans to the State Transportation Trust Fund; amending s. 373.4137, F.S.; revising the requirements for projects intended to mitigate the adverse effects of transportation projects; removing the Department of Environmental Protection from the mitigation process; revising requirements for the Department of Transportation and the transportation authorities with respect to submitting plans and inventories; authorizing the use of current-year funds for future projects; revising the requirements for reconciling escrow accounts used to fund mitigation projects; authorizing payments to a water management district to fund the costs of future maintenance and monitoring; requiring specified lump-sum payments to be used for the mitigation costs of certain projects; authorizing a governing board of a water management district to approve the use of mitigation funds for certain future projects; requiring that mitigation plans be approved by the water management district rather than the Department of Environmental Protection; providing an effective date.

—was referred to the Committees on Transportation; Environmental Preservation; and Transportation and Economic Development Appropriations.

By Senator Wise—

SB 720—A bill to be entitled An act relating to health care; amending s. 400.506, F.S.; deleting the requirement that a registered nurse referred by a nurse registry make monthly visits to a patient; amending ss. 413.402 and 413.4021, F.S.; making permanent the program for personal care attendants for spinal cord injury victims; providing powers and duties of the Department of Health with respect to the program; providing criteria for participation in the program; providing for an oversight workgroup; increasing the percentage of revenues collected from persons who fail to remit sales tax which shall be deposited into the Florida Endowment Foundation for Vocational Rehabilitation for the purpose of administering the program; providing an effective date.

—was referred to the Committees on Health Care; Education; Judiciary; and Health and Human Services Appropriations.

By Senator Wise—

SB 722—A bill to be entitled An act relating to Internet screening in public libraries; creating s. 257.44, F.S.; defining terms; requiring public libraries to provide technology that protects against Internet access to specified proscribed visual depictions; allowing adults to request disablement of the technology for specified purposes; prohibiting a public library from maintaining a record of adults who request such disablement; requiring a public library to post notice of its Internet safety policy; providing for the assessment of a fine and attorney's fees and costs in connection with a violation by a public library; directing the Division of Library and Information Services within the Department of State to adopt rules requiring a written attestation of compliance as a condition of state funding; providing that no cause of action arises for a violation by a public library except as provided; providing a finding of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Community Affairs; Communications and Public Utilities; and Judiciary.

By Senators Margolis and Baker—

SB 724—A bill to be entitled An act relating to affordable housing for the elderly; amending s. 420.5087, F.S.; increasing the cap on certain loan amounts available to sponsors of housing for the elderly; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

By the Committee on Judiciary—

SB 726—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 787.03, F.S., relating to a public-records exemption provided for information submitted to the sheriff or state attorney for the purpose of obtaining immunity from prosecution for the offense of interference with custody; limiting the information covered by the public-records exemption; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for the repeal of the exemption; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By Senators Wilson and Rich—

SB 728—A bill to be entitled An act relating to sentencing juveniles; amending s. 985.233, F.S.; authorizing the court to sentence a juvenile as an adult using a combination of juvenile and adult sanctions; directing the court to sentence the juvenile to any sentence authorized by ch. 948, F.S.; requiring the juvenile to successfully complete a juvenile residential commitment program; authorizing the court, under specified

circumstances, to sanction the juvenile as if the juvenile had violated an adult sanction of community control or probation; reenacting s. 985.226(1), F.S., relating to the volunteer waiver of juvenile court jurisdiction, to incorporate the amendments made to s. 985.233, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Fasano—

SB 730—A bill to be entitled An act relating to the prohibition on prostitution; amending s. 796.07, F.S.; redefining the term "lewdness" to mean an indecent or obscene act done in the presence of any person, including a law enforcement officer; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Bennett—

SB 732—A bill to be entitled An act relating to motor vehicles; providing a popular name; creating the "Road Rage Reduction Act"; providing legislative intent; amending s. 316.081, F.S.; requiring operators of motor vehicles to drive in the right-hand lane on certain highways; providing exceptions; providing penalties for violation; amending s. 322.27, F.S.; providing for the assessment of points for violating specified provisions that require operators of motor vehicles to drive on the right side of the road; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice.

By Senators Dockery and Baker—

SB 734—A bill to be entitled An act relating to safety belts on school buses; amending s. 316.6145, F.S.; providing that it is optional rather than mandatory for school districts to purchase and use school buses that are equipped with safety belts or other federally approved restraint systems; deleting a provision relating to elementary schools' receiving first priority in the allocation of school buses equipped with restraint systems; providing for retroactivity; providing an effective date.

—was referred to the Committees on Transportation; Education; and Rules and Calendar.

SB 736—Withdrawn prior to introduction.

By Senators Fasano, Haridopolos, Crist, Wise, Smith and Webster—

SB 738—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; amending s. 943.11, F.S.; requiring that the members of the commission who are law enforcement officers and who are appointed by the Governor be chosen from a list of nominees submitted by a collective bargaining agent certified by the Public Employees Relations Commission; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Oversight and Productivity.

By Senator Siplin—

SB 740—A bill to be entitled An act relating to Three Kings Day; creating s. 683.33, F.S.; designating January 5 as "Three Kings Day" and authorizing local governments to issue proclamations commemorating the occasion; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Oversight and Productivity.

By Senator Siplin—

SB 742—A bill to be entitled An act relating to Lifeline telecommunications service; amending s. 364.10, F.S.; directing local exchange telecommunications companies to notify company customers of the Lifeline service and the eligibility criteria for Lifeline participation; requiring the company to send brochures, pamphlets, or other materials to the customers at least once each year in the customer's monthly billing envelope; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; and Commerce and Consumer Services.

By Senator Siplin—

SB 744—A bill to be entitled An act relating to Lifeline telecommunication services; amending s. 364.10, F.S.; requiring each local exchange telecommunications company providing Lifeline Assistance services to submit specified information to the Public Service Commission and the Office of Public Counsel; directing that the information be provided monthly; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; and Commerce and Consumer Services.

By Senator Lawson—

SB 746—A bill to be entitled An act relating to fireworks; amending s. 791.001, F.S.; specifying persons and entities responsible for enforcing ch. 791, F.S.; amending s. 791.01, F.S.; providing additional definitions; amending s. 791.012, F.S.; conforming a cross-reference; amending s. 791.015, F.S.; revising registration requirements for manufacturers, distributors, and wholesalers of sparklers or fireworks and retailers of sparklers; requiring a separate registration for each location at which sparklers are sold; increasing certain registration fees; creating s. 791.016, F.S.; providing for issuance of cease and desist orders; creating s. 791.017, F.S.; providing for administrative fines; creating s. 791.018, F.S.; providing for suspension or revocation of registration and grounds therefor; creating s. 791.019, F.S.; providing duration of suspensions and revocations; amending s. 791.02, F.S.; providing for state issuance of permits for displays in the absence of a local mechanism; prohibiting the sale or delivery of sparklers to minors; prohibiting sales from motorized or movable apparatus; creating s. 791.021, F.S.; prescribing guidelines for the sale of sparklers; amending s. 791.04, F.S.; prescribing guidelines on the wholesale sale of fireworks; creating s. 791.041, F.S.; requiring records of sales to be kept and prescribing duties of sellers; amending s. 791.05, F.S.; revising provisions and procedures relating to forfeiture of contraband fireworks; authorizing an assessment of attorney's fees and costs; amending s. 791.055, F.S.; providing restrictions on the storage of sparklers and fireworks; amending s. 791.06, F.S.; providing penalties for violations, including enhanced penalties for second and subsequent violations; creating s. 791.061, F.S.; providing for injunctive relief; amending s. 791.07, F.S.; prescribing additional guidelines on agricultural and fish hatchery use of fireworks; creating s. 791.08, F.S.; declaring that the state has not preempted the field of fireworks regulation; requiring that local ordinances and rules must be more stringent than state law; providing an effective date.

—was referred to the Committees on Banking and Insurance; Agriculture; Community Affairs; and Criminal Justice.

By Senator Miller—

SB 748—A bill to be entitled An act relating to privately owned fire hydrants; requiring owners of private fire hydrants to test hydrants in

accordance with national standards and to contract with licensed professionals or local fire-control authorities to inspect and service such hydrants; authorizing local fire officials to contract with owners of private fire hydrants to maintain such hydrants; providing fines for noncompliance; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Community Affairs.

By Senator Baker—

SB 750—A bill to be entitled An act relating to talent agencies and advance-fee talent services; repealing part VII of ch. 468, F.S., relating to the regulation of talent agencies; providing definitions; requiring each talent agency and advance-fee talent service to obtain a surety bond for a specified amount; requiring each talent agency and advance-fee talent service to give each artist a copy of the bond; providing criminal penalties for failing to comply with the bonding requirements; requiring each talent agency and advance-fee talent service to maintain a permanent office during certain specified hours; directing that certain records, with specified information in them, be kept for each artist; requiring that records be maintained for a specified period; directing that all records of a talent agency and advance-fee talent service be open to the inspection of a state attorney; requiring that the talent agency or advance-fee talent service give the state attorney a copy of the records when so requested; providing criminal penalties if the talent agency or advance-fee talent service fails or refuses to disclose information to a state attorney; providing criminal penalties for failing to comply with the requirements pertaining to records; directing a talent agency or advance-fee talent service to post an itemized schedule of maximum fees, charges, or commissions that it intends to charge and collect for its services; providing for the location for posting of the schedule; providing criminal penalties for failing to post the fee schedule; requiring that an artist and a talent agency or advance-fee talent service enter into a written contract when such entity agrees to perform services for the artist; providing an exception under specified circumstances; providing for the content of the written contract; requiring that a talent agency or advance-fee talent service provide each artist with a copy of the contract; requiring any person who holds himself or herself out as an employee or agent of a talent agency or advance-fee talent service to meet level 2 screening requirements; directing that a talent agency or advance-fee talent service provide each artist with a copy of the level 2 screening; requiring that the screening be completed within a specified period; directing that all money collected by a talent agency from an employer or buyer be paid to the artist within a specified period; providing that a contract is voidable under certain circumstances; permitting an artist to cancel a contract by giving written notice of the cancellation to the talent agency or advance-fee talent service within a specified period; prohibiting an artist from waiving the right to cancel a contract; providing the way in which a talent agency or advance-fee talent service must refund money to an artist; providing criminal penalties for violating provisions relating to contracting; specifying certain prohibited acts by a talent agency or advance-fee talent service; providing criminal penalties for failure to comply; providing for certain specified civil remedies for violations of the act; removing the authority of the Department of Business and Professional Regulation to regulate talent agencies; providing for the use of certain funds after the effective date of the act; requiring the department to rebate talent agency license fees; authorizing the department to continue to prosecute any legal proceedings and related administrative cases that are pending on the effective date of the act; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; Criminal Justice; and General Government Appropriations.

By Senator Wise—

SB 752—A bill to be entitled An act relating to children's summer nutrition programs; providing a popular name; requiring each district school board to develop a plan to sponsor a summer nutrition program; providing criteria for operating summer nutrition program sites; authorizing exemption from sponsoring a summer nutrition program and providing procedures therefor; requiring a district school board to annually reconsider its decision to be exempt; authorizing district school boards to encourage not-for-profit entities to sponsor a summer nutrition program under certain circumstances; authorizing a superintendent of schools to collaborate with specified agencies to implement a summer nutrition program; providing for reporting; directing the Department of Education to provide each district school board with a list of organizations intending to participate; providing an effective date.

—was referred to the Committees on Education; Children and Families; and Education Appropriations.

SR 754—Not referenced.

By Senator Margolis—

SB 756—A bill to be entitled An act relating to the exercise of eminent domain by municipalities; authorizing municipalities to exercise the power of eminent domain for public school purposes; providing for future expiration; providing an effective date.

—was referred to the Committees on Community Affairs; Education; and Judiciary.

By Senator Wise—

SB 758—A bill to be entitled An act relating to administrative hearings; amending ss. 39.301 and 39.302, F.S., relating to the initiation of a protective investigation following a report to the Department of Children and Family Services of known or suspected child abuse, abandonment, or neglect; requiring that notice of a child protective investigation be given to child care registration agencies; authorizing the subject of a report by the department making a determination of indicated abuse or verified abuse to request an administrative hearing under certain circumstances; providing for notice of the right to an administrative hearing; requiring the subject of the report to request a hearing in writing within a specified period; providing certain restrictions on entering the name of the subject of the report into the department's statewide database or central abuse registry; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; and Ways and Means.

By Senator Aronberg—

SB 760—A bill to be entitled An act relating to the district school tax; amending s. 1011.71, F.S.; authorizing a school district that has fewer than a specified number of full-time equivalent students to use the proceeds of the district school tax for purposes otherwise prohibited; providing an effective date.

—was referred to the Committees on Education; Government Efficiency Appropriations; and Education Appropriations.

By Senator Haridopolos—

SB 762—A bill to be entitled An act relating to multitenant access to telecommunication and voice-over-Internet protocol services; providing definitions relating to multitenant access; requiring that a provider of telecommunications services or voice-over-Internet protocol services be granted access to multitenant properties if the provider complies with certain standards; specifying the duties of a landlord relating to the installation of telecommunications services and voice-over-Internet protocol services; prohibiting a landlord from engaging in specified acts; providing for the Public Service Commission to have jurisdiction over resolving disputes between providers of telecommunications services or and voice-over-Internet protocol services and landlords; providing dispute-resolution procedures and requirements; authorizing the commission to impose certain penalties for violations of the act; requiring the commission to adopt rules; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; and Judiciary.

By Senator Aronberg—

SB 764—A bill to be entitled An act relating to postdisaster planning; creating s. 252.357, F.S.; providing for postdisaster planning for restoration of electric power; requiring priority for nursing homes and residential care facilities; providing an effective date.

—was referred to the Committees on Domestic Security; Health Care; and Communications and Public Utilities.

By Senator King—

SB 766—A bill to be entitled An act relating to accountability of the Corporate Tax Credit Scholarship Program; amending s. 220.187, F.S.; providing a short title; providing definitions; prohibiting certain private schools and other entities from participating in the scholarship program; prohibiting certain students from participating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations on eligible contributions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of noncompliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; prohibiting certain eligible nonprofit scholarship-funding organizations the owners of which have filed for bankruptcy from participating in the program; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting the transfer of an eligible contribution between nonprofit scholarship-funding organizations; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; providing an effective date.

—was referred to the Committees on Education; Criminal Justice; Government Efficiency Appropriations; Education Appropriations; and Rules and Calendar.

By Senator Lynn—

SB 768—A bill to be entitled An act relating to instruction for exceptional students; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students; providing applicability; amending s. 1003.58, F.S.; correcting a cross-reference; providing an effective date.

—was referred to the Committees on Education; Children and Families; and Education Appropriations.

By Senator Lynn—

SB 770—A bill to be entitled An act relating to highway designations; designating Nova Road (State Road 5A) from Granada Boulevard to U.S. 1 in Volusia County as the "Robert F. Grim, Sr., Memorial Parkway"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Dockery—

SB 772—A bill to be entitled An act relating to inland lakes and canals; amending s. 327.40, F.S.; exempting from permitting requirements the placement of informational markers on inland lakes and associated canals by counties, municipalities, or other governmental entities; providing requirements for placement of such markers; specifying that placement of informational markers on state submerged lands does not subject such lands to specified lease requirements; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Senator Dockery—

SB 774—A bill to be entitled An act relating to greenways and trails; requesting the Division of Statutory Revision to retitle ch. 260, F.S., as "Florida Greenways and Trails"; amending s. 260.011, F.S.; clarifying the short title; amending s. 260.012, F.S.; revising legislative intent with respect to the development and completion of the Florida National Scenic Trail; amending s. 260.0125, F.S.; requiring a private landowner's written authorization to the Department of Environmental Protection for public access to private land that has been designated part of the state's greenways and trails system; requiring the department to provide notice of meetings at which it will consider such access; transferring, renumbering, and amending s. 260.013, F.S.; revising definitions; amending s. 260.0141, F.S.; deleting provisions authorizing certain acquisitions; amending s. 260.0142, F.S.; revising the powers and duties of the Florida Greenways and Trails Council; extending the terms of certain appointees; providing for reappointment of appointees; amending eligibility requirements for appointees of the trail-user community to include users of off-road highway vehicles; creating s. 260.0143, F.S.; creating and specifying segments of the Florida Circumnavigation Saltwater Paddling Trail; requiring the Department of Environmental Protection to name and locate segments and provide a report; authorizing the department to relocate segments and perform certain trail-management and publication functions; authorizing the Florida Greenways and Trails Council to advise the department regarding the trail; amending s. 260.015, F.S.; requiring the appraisal of certain property by the department; amending s. 260.016, F.S.; revising the general powers of the Department of Environmental Protection relating to greenways and trails; creating s. 335.067, F.S.; creating the Conserve by Bicycle Program within the Department of Transportation; providing the purposes of the program; requiring the department, with assistance of the State Pedestrian/Bicycle Coordinator, metropolitan planning organizations, the Department of Environmental Protection, and the Department of Health, to conduct a Conserve by Bicycle study; requiring that

the study be submitted to the Governor, the Legislature, and the secretaries of Transportation, Environmental Protection, and Health, under certain circumstances; amending s. 373.199, F.S.; requiring the water management districts to include information about the Florida National Scenic Trail in the 5-year work plans; amending s. 380.507, F.S.; revising provisions relating to the acquisition or disposition of certain property under the Florida Communities Trust Program; providing an effective date.

—was referred to the Committees on Environmental Preservation; Transportation; and General Government Appropriations.

By Senators Peaden, Lawson and Lynn—

SB 776—A bill to be entitled An act relating to state employment; amending s. 110.219, F.S.; providing for a payout for annual leave for certain state-employed law enforcement officers, correctional officers, and correctional probation officers; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Ways and Means.

By Senators Lawson and Argenziano—

SB 778—A bill to be entitled An act relating to per diem and travel expenses; amending s. 112.061, F.S.; establishing per diem, subsistence, and mileage ranges for travel expenses of public employees; conforming provisions and deleting obsolete provisions; providing for future adjustments of such rates; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Ways and Means.

By Senator Campbell—

SB 780—A bill to be entitled An act relating to the sale of used motor vehicles; providing a popular name; creating the "Used Motor Vehicle Warranty Act"; providing legislative intent; providing definitions; requiring express warranties with respect to the sale of used motor vehicles; providing exceptions; providing requirements for used motor vehicle dealers in honoring warranties; providing for extension of warranty terms under certain circumstances; providing for inability of dealer to conform the motor vehicle to the warranty; providing certain remedies; providing for duties of the Department of Legal Affairs; providing for establishment of resource center and toll-free consumer number; providing liability for bad-faith claims; declaring certain agreements void; declaring violation by a dealer of the act an unfair and deceptive trade practice; providing for application of the Used Motor Vehicle Warranty Act; amending s. 320.27, F.S.; providing additional circumstances under which the Department of Highway Safety and Motor Vehicles may suspend certain vehicle dealers' licenses; providing for collection of a fee on each sale of a used motor vehicle; providing for deposit of fee proceeds into the Motor Vehicle Warranty Trust Fund; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; Commerce and Consumer Services; and Justice Appropriations.

By Senator Campbell—

SB 782—A bill to be entitled An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; amending s. 1001.64, F.S., to conform a cross-reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

—was referred to the Committees on Education; Criminal Justice; and Justice Appropriations.

By Senator Haridopolos—

SB 784—A bill to be entitled An act relating to paperwork reduction in the school districts; requiring the establishment of the Paper Reduction Task Force and providing membership; requiring recommendations to minimize the paperwork burden placed on school districts and school district personnel; requiring a report to the Legislature; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Government Efficiency Appropriations.

By Senator Clary—

SB 786—A bill to be entitled An act relating to fees imposed on tire and battery sales; amending s. 403.718, F.S.; exempting new motor vehicle tires sold to governmental entities from a fee imposed on new motor vehicle tires; amending s. 403.7185, F.S.; exempting new or remanufactured lead-acid batteries sold to governmental entities from a fee imposed on sales of such batteries; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and General Government Appropriations.

By Senator Clary—

SB 788—A bill to be entitled An act relating to public school employment; amending s. 121.091, F.S.; authorizing reemployment of, and extended DROP participation by, persons formerly serving as administrative personnel in the same manner as retired instructional personnel; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Ways and Means; and Rules and Calendar.

By Senator Garcia—

SB 790—A bill to be entitled An act relating to educational facilities; amending s. 1013.735, F.S., relating to the Classrooms for Kids Program; revising the formula for determining each school district's share of the annual appropriation for the Classrooms for Kids Program; requiring that a percentage of the appropriation be used to reduce class size; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Haridopolos—

SB 792—A bill to be entitled An act relating to construction contracting; amending s. 481.221, F.S.; requiring the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seals for use by a registered architect or interior designer who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final

plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; amending s. 481.321, F.S.; requiring the Board of Landscape Architecture to prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; reenacting s. 481.225(1)(a) and (3), F.S., relating to disciplinary proceedings against registered architects, to incorporate the amendment to s. 481.221, F.S., in a reference thereto; providing penalties; reenacting s. 481.325(1)(a) and (3), F.S., relating to disciplinary proceedings against registered landscape architects, to incorporate the amendment to s. 481.321, F.S., in a reference thereto; providing penalties; amending s. 489.103, F.S.; exempting preengineered fire extinguishing system permittees from construction contracting regulation; amending s. 489.105, F.S.; revising contractor definitions to authorize Class A and Class B air-conditioning contractors to disconnect or reconnect changeouts of liquefied petroleum or natural gas appliances within buildings, mechanical contractors to install, maintain, fabricate, repair, alter, extend, or design, when not prohibited by law, liquefied petroleum gas lines within buildings, and plumbing contractors to install liquefied petroleum gas and related venting lines; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Consumer Services; and Rules and Calendar.

By Senators Haridopolos and Lynn—

SB 794—A bill to be entitled An act relating to alcohol-vaporizing devices; creating s. 562.61, F.S.; providing a definition of the term "alcohol-vaporizing devices"; prohibiting the sale, purchase, or use of machines or devices which vaporize alcohol; providing penalties; providing a fine; providing an effective date.

—was referred to the Committees on Regulated Industries; Health Care; Criminal Justice; and Justice Appropriations.

By Senators Clary, Campbell, Argenziano and Haridopolos—

SB 796—A bill to be entitled An act relating to coastal erosion; amending s. 161.021, F.S.; redefining various terms to include the use of dune stabilization or restoration structures within activities intended to preserve and rehabilitate the beach or shore; defining the terms "dune restoration" and "dune stabilization or restoration structure"; creating s. 161.084, F.S.; requiring the Department of Environmental Protection to examine and issue permits for the installation of dune stabilization or restoration structures; providing for the department, a political subdivision, or a municipality to install a dune stabilization or restoration structure without a permit following a storm event that causes critical erosion; providing requirements for such installation; requiring that the department be notified of such installation; authorizing the department to delegate its regulatory authority to a political subdivision or municipality with respect to a dune stabilization or restoration structure; authorizing the department to require certain engineering certifications; providing standards for permitting requirements; requiring the department to adopt rules; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; and General Government Appropriations.

By Senators Webster and Fasano—

SB 798—A bill to be entitled An act relating to the judiciary; expressing the legislative intent to enact laws relating to the judiciary; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senators Webster and Fasano—

SB 800—A bill to be entitled An act relating to the state courts system; expressing the legislative intent to enact laws relating to the state courts system; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senator Webster—

SB 802—A bill to be entitled An act relating to litigation; expressing the legislative intent to enact laws relating to litigation; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senator Webster—

SB 804—A bill to be entitled An act relating to individual rights; expressing the legislative intent to enact laws relating to the rights of individuals; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senators Webster and Fasano—

SB 806—A bill to be entitled An act relating to constitutional amendments; expressing the legislative intent to propose amendments to the State Constitution; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senators Webster and Fasano—

SB 808—A bill to be entitled An act relating to constitutional amendments; expressing the legislative intent to propose amendments to the State Constitution; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senators Webster and Fasano—

SB 810—A bill to be entitled An act relating to the State Constitution; expressing the legislative intent to enact laws relating to the State Constitution; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senators Argenziano and Fasano—

SB 812—A bill to be entitled An act relating to special risk retirement; amending s. 121.0515, F.S.; authorizing certain persons who have service as community-based correctional probation officers to upgrade their retirement credit therefor to Special Risk Class service; providing for

payment of additional contributions to effect the upgrade and for interest on such payments; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Ways and Means.

By Senator Posey—

SB 814—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; prescribing conditions for the reemployment of a retired member of the system as a law enforcement officer, correctional officer, or correctional probation officer; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Ways and Means.

By Senators Haridopolos and Dockery—

SB 816—A bill to be entitled An act relating to the transportation and sale of cigarettes; amending s. 210.01, F.S.; revising and providing definitions; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain persons shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; requiring manufacturers and importers to keep records of cigarettes received, sold, and delivered and to keep daily sales tickets of cigarette sales; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to examine records and equipment of any manufacturer or importer of cigarettes; amending s. 210.12, F.S.; authorizing the state to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for permit applications; prohibiting the issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for permit application denial; amending s. 210.16, F.S.; authorizing the division to revoke a person's permit for certain violations; prohibiting a person whose permit has been revoked from engaging in business; prohibiting a person whose permit has been revoked from renewing or obtaining a new permit for a certain period of time; authorizing the division to impose a civil penalty not to exceed a certain dollar amount in addition to revocation of a permit; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; prohibiting the sale or possession for sale of counterfeit cigarettes; providing penalties; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting a "criminal activity" and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; Government Efficiency Appropriations; and General Government Appropriations.

By Senators Haridopolos, Sebesta, Baker, Peaden, Bennett, Margolis, Dockery, Aronberg and Rich—

SB 818—A bill to be entitled An act relating to the tax on substitute communications systems; amending s. 202.11, F.S.; deleting certain definitions; amending s. 202.12, F.S.; deleting a provision relating to the manner in which the tax on gross receipts for communications services is applied to a substitute communications system; amending ss. 202.16, 202.17, and 202.18, F.S.; correcting cross-references; amending s. 202.19, F.S.; deleting a provision authorizing the imposition of a local communications services tax on substitute communications systems; amending s. 203.01, F.S.; deleting a provision authorizing the imposition of a gross receipts tax on actual costs of operating substitute communications systems; amending s. 624.105, F.S.; correcting a cross-reference; specifying that retroactive operation is remedial and does not create any right to or require any refunds; repealing s. 202.15, F.S., relating to special rules for users of substitute communications systems; providing for retroactive operation; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; Government Efficiency Appropriations; and Ways and Means.

By Senator Baker—

SB 820—A bill to be entitled An act relating to highway designations; designating a portion of State Road 50 in Lake County as the "Eric Ulysses Ramirez Highway"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Crist—

SB 822—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; revising the terms "state group insurance program" and "surviving spouse"; including the TRICARE supplemental insurance plan within the state group insurance program; requiring the Department of Management Services to purchase health care for employees under the TRICARE supplemental insurance plan; authorizing a surviving spouse to elect to continue coverage under the TRICARE supplemental insurance plan; providing that an enrollee in the TRICARE supplemental insurance plan may change to any other state health plan during open enrollment; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Banking and Insurance; and Ways and Means.

By Senator Crist—

SB 824—A bill to be entitled An act relating to waste-to-energy facilities; amending s. 403.7061, F.S.; requiring counties with waste-to-energy facilities to implement a solid waste management and recycling program under certain circumstances; deleting a permit requirement for a waste-to-energy facility; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Senator Crist—

SB 826—A bill to be entitled An act relating to the Florida Orchestra; designating the Florida Orchestra as the official orchestra of this state; providing an effective date.

—was referred to the Committee on Governmental Oversight and Productivity.

By Senator Crist—

SB 828—A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S.; redefining the term "cosmetology"; defining the term "salon"; deleting additional definitions; creating s. 477.0131, F.S.; providing for subclassifications of cosmetology licences and for a cosmetologist license; amending s. 477.0132, F.S.; providing for speciality certificates in shampooing, hair braiding, hair wrapping, and body wrapping; amending s. 477.0135, F.S.; removing the exemption from licensure under ch. 477, F.S., provided for persons whose practice is confined solely to shampooing; amending s. 477.014, F.S.; prohibiting a person from practicing, or holding himself or herself out as qualified to practice, in an area in which the person does not hold a license; authorizing a cosmetologist who is licensed before the effective date of the act to perform the services of a licensed cosmetologist; authorizing a facial specialist or nail technician who is registered or enrolled in a cosmetology

school before the effective date of the act to take the exam for licensure; authorizing certain specialists who are registered before the effective date of the act to continue to practice under such registration; amending s. 477.019, F.S.; providing eligibility requirements for licensure to practice cosmetology or a cosmetology specialty; providing for work experience to be substituted for required educational hours for out-of-state cosmetologists, hairstylists, estheticians, and nail technicians who apply for licensure in this state; authorizing the Board of Cosmetology to require certain licensees or registered specialists to take a refresher course or examination; amending s. 477.0201, F.S.; specifying the qualifications for registration in a specialty; providing for work experience to be substituted for required educational hours for out-of-state specialists who apply for a specialty registration in this state; amending s. 477.0212, F.S.; increasing the fee required to reactivate or renew an inactive license; authorizing the board to prescribe by rule the requirements for continuing education for license renewal or reactivation; amending s. 477.023, F.S.; providing for certification by the Department of Education of programs in grooming and salon services within the public school system; creating s. 477.0235, F.S.; providing for the licensure of an independent contractor who rents booth space; authorizing the board to adopt rules relating to the licensure of such independent contractors; amending s. 477.025, F.S.; prohibiting booth-rental salons from operating without a license; providing licensure requirements; authorizing the board to adopt rules governing the inspection of booth-rental salons; amending s. 477.026, F.S.; requiring the board to set fees for hairstylists, estheticians, nail technicians, booth-rental salons, booth renters, and cosmetologists; amending s. 477.0263, F.S.; requiring that cosmetology and specialty services be provided only by persons who are licensed in cosmetology or in a specialty; requiring that disposable implements or disinfectant be used when hair braiding and hair wrapping are practiced outside of a salon; authorizing the provision of cosmetology services and specialty services by a licensed or registered practitioner in a location other than a licensed salon under certain circumstances; amending s. 477.0265, F.S.; prohibiting a person from practicing cosmetology or a specialty without an active license or registration; prohibiting a person from owning, operating, maintaining, or establishing a booth-rental salon under certain conditions; amending s. 477.028, F.S.; authorizing the board to revoke or suspend the license of a cosmetologist, hairstylist, esthetician, or nail technician, or the registration of a specialist, under certain circumstances; authorizing the board to revoke or suspend the license of a booth-rental salon under certain circumstances; amending s. 477.029, F.S.; prohibiting a person from holding himself or herself out as a hairstylist, esthetician, nail technician, or shampoo specialist unless he or she is duly licensed or registered; providing for revocation or suspension of a license or registration; providing an effective date.

—was referred to the Committees on Regulated Industries; Education; Commerce and Consumer Services; General Government Appropriations; and Ways and Means.

By Senator Sebesta—

SB 830—A bill to be entitled An act relating to the misuse of laser lighting devices; amending s. 784.062, F.S.; providing that any person who knowingly and willingly aims a laser lighting device at a person operating a motor vehicle, vessel, or airplane commits a felony of the third degree; providing that any person who causes bodily harm while improperly pointing the laser lighting device at the operator of a motor vehicle, vessel, or airplane commits a felony of the second degree; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Justice Appropriations.

By Senators Smith and Haridopolos—

SB 832—A bill to be entitled An act relating to the assessment of obsolete agricultural equipment for purposes of ad valorem taxation; providing for obsolete agricultural equipment to be assessed at its value as salvage; defining the term "agricultural equipment"; providing a procedure for a taxpayer to claim the right of assessment under this section; authorizing the property appraiser to require information establishing a taxpayer's right to the classification; providing an effective date.

—was referred to the Committees on Agriculture; and Government Efficiency Appropriations.

By Senator Bennett—

SB 834—A bill to be entitled An act relating to property taxation; amending s. 196.199, F.S.; providing for the taxation of property owned by a governmental entity if the property is used by a private entity for a nonexempt purpose; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Community Affairs; and Government Efficiency Appropriations.

By Senator Bennett—

SB 836—A bill to be entitled An act relating to the Department of Community Affairs; expressing the legislative intent to revise laws relating to the Department of Community Affairs; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 838—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 840—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 842—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 844—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 846—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 848—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 850—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 852—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Smith—

SB 854—A bill to be entitled An act relating to agriculture; expressing the legislative intent to revise laws relating to agriculture; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Productivity; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Smith—

SB 856—A bill to be entitled An act relating to citrus; expressing the legislative intent to revise laws relating to citrus; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Productivity; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Smith—

SB 858—A bill to be entitled An act relating to the cultivation of plants; amending s. 581.083, F.S.; prohibiting the cultivation of naturalized plants for purposes of fuel production or purposes other than agriculture, in plantings greater than a specified size, except under a special permit from the Department of Agriculture and Consumer Services; providing requirements for obtaining a special permit; requiring that the plants be removed and destroyed upon expiration of the special permit or under other conditions; specifying circumstances under which the department may issue a final order directing that the plants be removed and destroyed; requiring reimbursement of the department's costs; requiring a permit applicant to maintain a bond or certificate of deposit of a specified amount; requiring notice to the department of cancellation of the bond or certificate of deposit; requiring that the department determine by rule whether to require an annual bond or certificate; authorizing the department to increase or decrease the amount of security required; authorizing the department or its agents to verify statements and accounts with respect to cultivated acreage; providing for suspension and revocation of the special permit upon failure to make records available or to deliver a new or additional bond or certificate of deposit; providing an effective date.

—was referred to the Committees on Agriculture; Environmental Preservation; Judiciary; and General Government Appropriations.

By Senator Fasano—

SB 860—A bill to be entitled An act relating to controlled substances; creating s. 831.311, F.S.; prohibiting the sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances; providing penalties; amending s. 893.04, F.S.; authorizing electronic recording of oral prescriptions for a controlled substance; providing additional requirements for the dispensing of a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing rulemaking authority to the Board of Pharmacy; creating s. 893.065, F.S.; requiring the Department of Health to develop and adopt by rule the form and content for a counterfeit-proof prescription blank for voluntary use by physicians to prescribe a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing contingent applicability of penalties; requiring reports of law enforcement agencies and medical examiners to include specified information if a person dies of an apparent overdose of a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing an effective date.

—was referred to the Committees on Health Care; Criminal Justice; and Health and Human Services Appropriations.

By Senator Bennett—

SB 862—A bill to be entitled An act relating to educational loan marketing; creating s. 1009.9997, F.S.; creating the Educational Loan Marketing Corporation of Florida to provide services as a secondary student loan market; providing for a board of directors and specifying membership; providing powers and duties of the corporation; authorizing the corporation to borrow through public bonds and private financial sources; providing exemptions from taxation, procurement procedures, and administrative procedures; providing an effective date.

—was referred to the Committees on Education; Banking and Insurance; Governmental Oversight and Productivity; and Education Appropriations.

By Senators Fasano and Crist—

SB 864—A bill to be entitled An act relating to motor vehicle repair shops; amending s. 559.904, F.S.; requiring applicants for registration to furnish proof of certain liability insurance; providing that failure to maintain such insurance is grounds for denial, revocation, or refusal to renew a registration; providing an effective date.

—was referred to the Committees on Transportation; and Banking and Insurance.

By Senators Haridopolos and Wise—

SB 866—A bill to be entitled An act relating to student financial assistance; providing legislative intent to expand access to postsecondary education and reduce student indebtedness; requiring each state university and community college to report information relating to certain funds used to provide financial assistance to certain students; prohibiting the use of such funds to provide financial assistance to specified foreign students; providing for the redirection of funds to provide additional need-based financial assistance to students classified as residents

for tuition purposes; requiring annual state university and community college reporting; providing an effective date.

—was referred to the Committees on Education; Judiciary; and Education Appropriations.

By Senator Dockery—

SB 868—A bill to be entitled An act relating to installations honoring military veterans and their families; providing a short title; providing purpose; authorizing the Department of Transportation to contract with a group or organization for the installation and maintenance of memorials at rest stops; providing for a committee to approve proposals for the contracts; providing for membership and terms of members of the committee; requiring approval by the committee for such contracts; providing conditions for approval; requiring that the group or organization be responsible for costs; requiring that the group or organization provide a bond to secure certain costs; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Senator Crist—

SB 870—A bill to be entitled An act relating to disabled parking permits; amending s. 320.0848, F.S.; revising requirements for certification of disability; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Senator Peaden—

SB 872—A bill to be entitled An act relating to motor vehicles and mobile homes; amending s. 319.32, F.S.; revising the service charge for applications in connection with the issuance, duplication, or transfer of a certificate of title; providing for the Department of Highway Safety and Motor Vehicles to revise the service charge by rule; amending s. 320.04, F.S.; revising the service charge for applications in connection with the issuance, duplication, or transfer of a registration certificate; providing for the department to revise the service charge by rule; providing an effective date.

—was referred to the Committees on Transportation; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Peaden—

SB 874—A bill to be entitled An act relating to the sale and distribution of prescription drugs; amending s. 499.003, F.S.; redefining the term "pedigree paper"; amending s. 499.0121, F.S.; deleting the expiration dates of provisions governing recordkeeping and reporting which apply to wholesale distributors of prescription drugs, drug repackagers, and chain drug entities that are part of an affiliated group; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senators Baker and Fasano—

SB 876—A bill to be entitled An act relating to educational choice programs; creating s. 1002.395, F.S.; establishing the K-12 GI Bill Program to provide educational options for dependents of an active-duty member of any branch of the United States Armed Forces, an active member of the Florida National Guard, or an active member of the Armed Forces Reserves; providing that a student may attend a public school in the school district other than the one to which assigned; providing that a student may receive a K-12 GI Bill to attend a public school in an adjacent school district or to attend a private school; providing K-12 GI Bill eligibility requirements; providing school district obligations; providing private school eligibility requirements; providing obligations of families choosing the private school option; providing for the amount, funding, and payment of a K-12 GI Bill; exempting the state from liability; authorizing State Board of Education rules; amending s. 1002.20, F.S., relating to student and parent rights to educational choice, to conform; providing an effective date.

—was referred to the Committees on Education; Community Affairs; Judiciary; and Education Appropriations.

By Senator Baker—

SB 878—A bill to be entitled An act relating to the advertisement of real or personal property with delinquent taxes; amending s. 197.402, F.S.; reducing the number of required advertisements for certain tax certificate sales; specifying a minimum time period for such advertisement prior to a sale; amending s. 197.403, F.S.; revising the requirement for transmitting a copy of the published notice; providing an effective date.

—was referred to the Committees on Community Affairs; and Government Efficiency Appropriations.

SB 880—Withdrawn prior to introduction.

By Senator Wise—

SB 882—A bill to be entitled An act relating to sovereign immunity in tort actions; amending s. 768.28, F.S.; prohibiting an attorney, lobbyist, or other representative from charging or receiving fees in excess of a certain percentage of the combined total of any judgment or settlement for services rendered in a tort claim, including any amount paid by act of the Legislature; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Wise—

SB 884—A bill to be entitled An act relating to caregivers for adults; providing legislative intent to foster caregiving as a nonlicensed paraprofessional activity and to promote the use of best practices; creating the Florida Caregiver Institute, Inc., an independent not-for-profit corporation within the Agency for Workforce Innovation; providing purposes, duties, and powers of the corporation; providing for a board of directors; providing for membership, terms of office, meetings, and powers and duties of and restrictions on the board; providing for an audit committee; requiring reports to the Governor and the Legislature; providing duties of the Agency for Workforce Innovation and other public agencies; providing for the Office of Program Policy Analysis and Government Accountability to conduct a review of the corporation by a specified date and to report to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; Governmental Oversight and Productivity; and Health and Human Services Appropriations.

By Senator Wise—

SB 886—A bill to be entitled An act relating to prison industries; creating the Prison Industries Task Force within the Office of the Auditor General; requiring the task force to determine how well the prison industries program has fulfilled its statutory mission and purpose; providing for the appointment of members to the task force; requiring the task force to hold a minimum number of public meetings; providing that the meetings and records of the task force are subject to public-meetings requirements and the public-records law; providing for members of the task force to be reimbursed for per diem and travel expenses; requiring

the Office of Program Policy Analysis and Government Accountability to provide staff support for the task force; specifying the duties of the task force with respect to conducting a study, collecting statistics and data, and taking testimony; requiring the task force to submit a report to the Governor and the Legislature; abolishing the task force on a future date; amending s. 946.505, F.S.; clarifying the state's reversionary interest in the facilities, property, and assets of the corporation operating a correctional work program; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Government Efficiency Appropriations.

By Senator Wise—

SB 888—A bill to be entitled An act relating to Florida State Employees' Charitable Campaign; amending s. 110.181, F.S.; requiring that undesignated campaign funds be shared proportionally by the participating charitable organizations based on their percentage of designations in each fiscal agent area; removing the fiscal agent's right to select the steering committee members; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Community Affairs.

By Senator Wise—

SB 890—A bill to be entitled An act relating to student and parent rights; amending s. 1002.20, F.S.; authorizing certain K-12 students to self-administer epinephrine by auto-injector under certain circumstances; requiring the adoption of rules; providing for indemnification; providing an effective date.

—was referred to the Committees on Education; Health Care; and Judiciary.

By Senator Wise—

SB 892—A bill to be entitled An act relating to regulation of faith-based counseling; providing definitions; requiring registration of faith-based counselors; specifying nonapplication of certain licensing provisions to certain faith-based counselors under certain circumstances; providing registration procedures and requirements; providing for certification by examination; providing procedures; providing for a fee; providing for registration or certification by endorsement; providing criteria and requirements; providing for renewal of registrations or certificates; providing for a fee; providing criteria and requirements; providing for inactive status; providing requirements and criteria for reactivation of certification; providing fees; providing continuing education requirements; providing procedures and criteria; providing for certain status as a provider; providing for a fee; authorizing the Department of Health to adopt rules; providing for disciplinary actions for certain activities; providing for confidentiality of certain information; providing exceptions; requiring keeping and maintaining certain records; providing requirements for display of certificates and use of professional titles on certain materials; requiring a report to the department; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

By Senator Haridopolos—

SJR 894—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to provide an additional circumstance for assessing homestead property at less than just value.

—was referred to the Committees on Community Affairs; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By the Committee on Education—

SB 896—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 1009.98, F.S., relating to the Florida Prepaid College Program; revising a public-records exemption provided for information that identifies a purchaser or beneficiary of the program; eliminating a reference to advance payment account activities; clarifying that such records are exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution; amending s. 1009.981, F.S., relating to the Florida College Savings Program; revising a public-records exemption provided for information that identifies a benefactor or beneficiary of the program; eliminating a reference to individual account activities; deleting provisions that provide for the repeal of the exemption; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Rich—

SB 898—A bill to be entitled An act relating to rabies prevention and control; amending s. 828.30, F.S.; requiring a veterinarian to vaccinate certain animals with a vaccine that is licensed by the United States Department of Agriculture; establishing revaccination requirements; prohibiting using evidence of rabies antibodies in lieu of revaccination; revising the requirements for certificates of rabies vaccinations; requiring the use of a certain form for certifying a vaccination; prohibiting a local government from requiring revaccination of currently vaccinated animals, except for postexposure treatment; providing legislative findings; providing an effective date.

—was referred to the Committees on Agriculture; Health Care; and Community Affairs.

By Senator Campbell—

SB 900—A bill to be entitled An act relating to health care services; amending s. 627.6131, F.S.; prohibiting a health insurer from demanding repayment from a provider under certain circumstances; reducing the time allowed for a health insurer to submit a claim of overpayment to a provider; requiring a health insurer to pay a claim for treatment upon proper authorization; providing for an action for damages or declaratory relief; providing for the recovery of attorney's fees and court costs; providing a limit on the recovery of attorney's fees under certain circumstances; requiring the submission of a sworn affidavit of time and cost incurred by the attorney for the prevailing party; providing that the award for attorney's fees or court costs are a part of the judgment; amending s. 641.19, F.S.; redefining the term "schedule of reimbursements"; amending s. 641.31, F.S.; prohibiting a health maintenance contract from preventing a subscriber from assigning plan benefits to a physician who is not under contract with the organization for covered health care services; requiring a health maintenance organization to recognize and pay for health care services rendered by a physician who is not under contract with the organization under certain conditions; providing that a physician who is not under contract with the health maintenance organization agrees by submitting the claim to accept the amount paid by the organization as payment in full; amending s. 641.315, F.S.; increasing the period of advance notice required for a health care provider to terminate a contract with a health maintenance organization without cause; requiring that a contract between a health care provider and a health maintenance organization contain a termination provision; amending s. 641.3155, F.S.; prohibiting a health maintenance organization from demanding repayment from a provider under certain circumstances; reducing the time allowed for a health maintenance organization to submit a claim for overpayment to a provider; providing for an action for damages or declaratory relief; providing for the recovery of attorney's fees and court costs; providing a limit on the recovery of attorney's fees under certain circumstances; requiring the submission of a sworn affidavit of time and cost incurred by the attorney for the prevailing party; providing that the award for attorney's fees or court costs are a part of the judgment; amending s. 641.3156, F.S.; requiring a health maintenance organization to pay certain claims for treatment whether or not the health care provider has contracted with the organization; amending s. 641.513, F.S.; providing for reimbursement for emergency services rendered by a physician who does not have

a contract with the health maintenance organization; reducing the time allowed to agree upon a charge; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and Judiciary.

By Senator Campbell—

SB 902—A bill to be entitled An act relating to the nonjudicial sale of vessels; amending s. 328.17, F.S.; revising requirements for notice before a nonjudicial sale of a vessel; revising methods for perfecting a marina's possessory lien; providing precedence of certain liens when a vessel is sold to satisfy a lien under s. 328.17, F.S.; prescribing a marina's right to satisfy its lien from the sale of a vessel under s. 328.17, F.S.; providing an effective date.

—was referred to the Committees on Transportation; and Judiciary.

By Senator Dockery—

SB 904—A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing that a lead community-based provider and its subcontractors supplying foster care and related services are exempt from including in written contracts and other written documents certain statements required by law; providing an exception if the lead community-based provider or its subcontractors receive more than 51 percent of their total funding from the state; providing an effective date.

—was referred to the Committees on Children and Families; and Governmental Oversight and Productivity.

By Senators Dockery, Campbell and Argenziano—

SB 906—A bill to be entitled An act relating to the Beverage Law; creating s. 561.575, F.S.; providing for the direct shipment of wine from within or outside the state; requiring that a shipper hold a direct-shipper's license; providing requirements for licensure; requiring that each container of wine shipped directly be labeled with a notice; requiring that a direct shipper file a surety bond with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; providing for attorney's fees and costs in an action to collect unpaid taxes; requiring an out-of-state direct shipper to pay the costs of an audit or examination by the division; authorizing the division to suspend or revoke a direct-shipper's license or impose fines; providing for criminal penalties; authorizing the division to adopt rules; amending ss. 561.54 and 561.545, F.S.; specifying that provisions prohibiting the direct shipment of alcoholic beverages are inapplicable to wine shipped under s. 561.575, F.S.; providing an effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; and General Government Appropriations.

By Senator Constantine—

SB 908—A bill to be entitled An act relating to the Wekiva Parkway and Protection Act; amending ss. 369.319 and 369.320, F.S.; clarifying that requirements for a local government to develop a master stormwater management plan and a wastewater facility plan apply only to that portion of the local government located within the Wekiva Study Area; amending s. 369.321, F.S.; requiring local governments hosting an interchange on the Wekiva Parkway to adopt an interchange land use plan within 1 year after the interchange location is established; exempting interchanges located on Interstate 4 from the requirement for an interchange land use plan; revising the date local governments are required to adopt a 10-year water supply facility work plan; clarifying that the Department of Community Affairs reviews comprehensive plan amendments for the Wekiva Study Area under ch. 163, F.S.; amending s. 369.324, F.S.; correcting a reference to the East Central Florida Regional Planning Council; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Senator Saunders—

SB 910—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Saunders—

SB 912—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Saunders—

SB 914—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Saunders—

SB 916—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Saunders—

SB 918—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Saunders—

SB 920—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Saunders—

SB 922—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Saunders—

SB 924—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Constantine—

SB 926—A bill to be entitled An act relating to growth management; creating part II of ch. 171, F.S.; providing a popular name; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or independent special districts; specifying the procedures for initiating an agreement and responding to a proposal for agreements; identifying issues the agreement may address; requiring local governments that are a party to the agreement to amend their comprehensive plans; providing limitations on the review of certain ordinances; providing exception to the limitation on plan amendments; specifying those persons who may challenge a plan amendment required by the agreement; requiring that an agreement be adopted by resolution; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary area agreement on the parties to the agreement; providing for a transfer of powers; authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect on interlocal agreements and county charters; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; amending s. 171.042, F.S.; revising the time period for filing of a report; providing for a cause of action to invalidate an annexation; requiring municipalities to provide notice of proposed annexation to certain persons; amending s. 171.044, F.S.; revising the time period for providing a copy of a notice; providing for a cause of action to invalidate an annexation; creating s. 171.094, F.S.; providing for the effect of interlocal service boundary agreements adopted under the act; amending s. 171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; amending s. 164.1058, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; requesting the Division of Statutory Revision to designate parts I and II of ch. 171, F.S.; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and Government Efficiency Appropriations.

By Senator Peaden—

SB 928—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 930—A bill to be entitled An act relating to the Medicaid program; expressing the legislative intent to revise laws relating to the Medicaid program; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 932—A bill to be entitled An act relating to patient safety; expressing the legislative intent to revise laws relating to patient safety; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 934—A bill to be entitled An act relating to trauma care; expressing the legislative intent to revise laws relating to trauma care; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 936—A bill to be entitled An act relating to long-term care; expressing the legislative intent to revise laws relating to long-term care; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 938—A bill to be entitled An act relating to adverse medical incidents; expressing the legislative intent to revise laws relating to adverse medical incidents; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 940—A bill to be entitled An act relating to repeated medical malpractice; expressing the legislative intent to revise laws relating to repeated medical malpractice; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; Banking and Insurance; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Peaden—

SB 942—A bill to be entitled An act relating to a public records exemption; expressing the legislative intent to revise laws relating to a public records exemption; providing an effective date.

—was referred to the Committees on Health Care; Governmental Oversight and Productivity; Judiciary; and Rules and Calendar.

By Senator Jones—

SB 944—A bill to be entitled An act relating to the regulation of professions; expressing the legislative intent to revise laws relating to the regulation of professions; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Consumer Services; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Jones—

SB 946—A bill to be entitled An act relating to alcoholic beverages; expressing the legislative intent to revise laws relating to alcoholic beverages; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Consumer Services; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Jones—

SB 948—A bill to be entitled An act relating to condominiums; expressing the legislative intent to revise laws relating to condominiums; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Jones—

SB 950—A bill to be entitled An act relating to the day cruise industry; expressing the legislative intent to revise laws relating to the day cruise industry; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Consumer Services; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Jones—

SB 952—A bill to be entitled An act relating to lotteries; expressing the legislative intent to revise laws relating to lotteries; providing an effective date.

—was referred to the Committees on Regulated Industries; Education; Government Efficiency Appropriations; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Jones—

SB 954—A bill to be entitled An act relating to mobile homes; expressing the legislative intent to revise laws relating to mobile homes; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Jones—

SB 956—A bill to be entitled An act relating to the pari-mutuel industry; expressing the legislative intent to revise laws relating to the pari-mutuel industry; providing an effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senators Baker, Peaden and Bullard—

SB 958—A bill to be entitled An act relating to animal health care services; defining the term "animal" for purposes of the act; authorizing the provision of certain animal health care services by a person who is not a licensed veterinarian; providing that the provision of such services is not the practice of veterinary medicine; prohibiting certain acts by a person who provides animal health care services; clarifying the authority of the owner of an animal to provide specified care for that animal; authorizing provision of animal nutrition or communication advice or hoof care services; providing for civil penalties; authorizing the Department of Agriculture and Consumer Services to seek judicial imposition of penalties; providing that an action in compliance with the act also complies with ch. 474, F.S., relating to the practice of veterinary medicine; providing an effective date.

—was referred to the Committees on Agriculture; Regulated Industries; and General Government Appropriations.

By Senators Smith and Bennett—

SB 960—A bill to be entitled An act relating to community supervision of offenders; amending s. 948.001, F.S.; revising definitions relating to community supervision; creating s. 948.002, F.S.; specifying the levels of intensity of supervision; creating s. 948.003, F.S.; directing the state attorney to provide certain information to the court; amending s. 948.01, F.S.; requiring an offender to report for community supervision immediately after sentencing; requiring the clerk of court to give the Department of Corrections certain specified documents; authorizing the department to request additional documents that the department believes are necessary to supervise an offender; authorizing the court to issue certain orders if the offender is a chronic substance abuser; amending s. 948.011, F.S., relating to alternatives to imprisonment; conforming provisions to changes made by the act; amending s. 948.012, F.S., relating to split sentencing; conforming provisions to changes made by the act; amending s. 948.014, F.S.; requiring that an offender allow the department to draw blood for testing purposes; amending s. 948.015, F.S.; providing for presentencing reports; deleting certain required provisions from the report; amending s. 948.03, F.S., relating to the terms and conditions of community supervision; requiring an offender to prepare and submit a monthly report; directing that the offender include certain information in the monthly report; authorizing the department to place an offender on electronic monitoring; amending s. 948.031, F.S.; authorizing the court to order an offender on community supervision to perform public service; amending s. 948.032, F.S.; providing that an order of restitution is a condition for community supervision; amending s. 948.034, F.S.; directing the department to operate a program for chronic substance abusers; detailing terms and conditions for offenders with a chronic substance abuse problem; amending s. 948.0345, F.S.; providing that community service may substitute for paying a fine under certain circumstances; amending s. 948.035, F.S.; providing that residential treatment may be a condition of community supervision; amending s. 948.036, F.S.; providing that a work program may be a condition of community supervision; amending s. 948.037, F.S.; requiring an offender on community supervision to undertake certain educational activities; amending s. 948.038, F.S.; requiring an offender on community supervision who has been convicted of domestic violence to attend certain intervention courses; amending s. 948.039, F.S.; authorizing the court to impose certain special conditions on offenders on community supervision; amending s. 948.04, F.S.; providing for time limits for community supervision; authorizing early termination of community supervision under certain circumstances; amending s. 948.05, F.S.; authorizing the court to discharge an offender from further community supervision; amending s. 948.06, F.S.; providing procedures to follow when an offender on community supervision violates the terms and conditions of supervision; authorizing a law enforcement officer to arrest and detain an offender if the officer has reasonable grounds to believe that the offender has violated the terms of community supervision; providing that a court may revoke supervision if the offender violates the terms or conditions of supervision; requiring the court to consider certain factors when considering an offender's ability to pay restitution or the costs of supervision; prohibiting a court from imprisoning an offender for failing to pay restitution or the costs of supervision except under certain circumstances; providing for the use of a technical-violation-notification letter; amending s. 948.09, F.S.; requiring each offender placed on community supervision to pay for the cost of supervision and other specified costs; amending s. 948.10, F.S.; removing a requirement that the department produce certain manuals and a risk-assessment instrument; deleting requirements applicable to an offender who is ineligible for community control; amending s. 948.101, F.S.; eliminating the criminal quarantine control program; creating s. 948.102, F.S.; requiring the department to develop a caseload-management strategy and a risk-assessment instrument; amending s. 948.11, F.S.; providing for electronic monitoring

of an offender; creating s. 948.111, F.S.; authorizing the department to require an offender to file reports by using an automated reporting station; providing for the operation of the system; authorizing the department to collect a fee from offenders to defray the costs of the automated system; amending s. 948.12, F.S.; revising the eligibility criteria for intensive supervision; amending ss. 948.30, 948.31, and 948.32, F.S.; eliminating references to parole and community control; conforming provisions to changes made by the act; amending s. 948.51, F.S.; providing departmental responsibilities for county consortiums that contract with the department; amending s. 947.22, F.S.; authorizing a law enforcement officer to arrest an offender who violates community supervision; amending ss. 775.0877, 893.13, and 921.187, F.S.; correcting cross-references; amending s. 903.03, F.S.; directing the state attorney to provide certain information to the court; repealing s. 948.013, F.S., relating to administrative probation; repealing s. 948.20, F.S., relating to drug offender probation; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; Justice Appropriations; and Rules and Calendar.

By Senator Smith—

SB 962—A bill to be entitled An act relating to the Florida Elections Commission; amending s. 106.25, F.S.; requiring the commission to report certain findings to the Division of Elections which relate to violations that could have been, but were not, alleged in a complaint; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

By Senators Smith and Dockery—

SB 964—A bill to be entitled An act relating to disclosures in connection with the sale of coastal property; amending s. 161.57, F.S.; revising requirements for the disclosures that must be provided by a seller of coastal property to the purchaser; requiring notice that the coastal property is subject to erosion and certain environmental laws; requiring that the seller determine if the property is critically eroding and, if so, notify the purchaser of the hazards; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Regulated Industries.

By Senator Smith—

SB 966—A bill to be entitled An act relating to public libraries; amending s. 257.191, F.S.; revising provisions relating to public library construction grants; authorizing the Division of Library and Information Services to administer certain funds for a small-county public library construction program; providing eligibility requirements for grant funding; providing for the adoption of rules; providing for the program to take effect contingent upon certain appropriations; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Community Affairs; and Transportation and Economic Development Appropriations.

By Senator Smith—

SB 968—A bill to be entitled An act relating to alcoholic beverage licenses; amending s. 565.02, F.S.; authorizing the issuance of a nonquota license to certain sporting and recreational lodges; requiring that serving hours conform to certain local ordinances; providing rulemaking authority; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Government Efficiency Appropriations.

By Senator Campbell—

SB 970—A bill to be entitled An act relating to household moving services; requesting the Division of Statutory Revision to redesignate the title of ch. 507, F.S.; amending s. 507.01, F.S.; revising definitions; clarifying licensing requirements for household movers and moving brokers; applying the licensing requirements to certain persons who transport or ship household goods in moving containers; clarifying and conforming provisions; amending s. 507.02, F.S.; clarifying the construction, application, and intent of the licensing requirements; amending s. 507.03, F.S.; clarifying registration requirements for household movers and moving brokers; deleting a requirement that a mover submit proof of local license or registration before being issued a state registration; revising advertising requirements; requiring a mover's vehicles to display certain signage; amending s. 507.04, F.S.; clarifying requirements that a mover maintain certain insurance coverages; requiring a mover to submit evidence of liability insurance before registration; providing requirements for liability insurance coverage; authorizing the Department of Agriculture and Consumer Services to suspend a mover's registration and seek an injunction in circuit court if the mover fails to maintain insurance coverage; providing penalties; authorizing a mover to maintain a performance bond or certificate of deposit in lieu of certain liability insurance coverage under certain circumstances; specifying that insurance coverages must be issued by a licensed insurance company or carrier; prohibiting certain limits of liability for a mover's loss or damage or a shipper's goods; requiring certain disclosures of liability limitations; authorizing a mover to offer valuation coverage under specified conditions; providing that valuation coverage meeting specified conditions satisfies certain liability of a mover; requiring certain disclosures of valuation coverage; amending ss. 507.05 and 507.06, F.S.; clarifying and conforming provisions; amending s. 507.07, F.S.; requiring that moving brokers annually register with the department; specifying that the making of certain false statements is a violation of ch. 507, F.S., regardless of whether the statements are material; clarifying and conforming provisions; amending ss. 507.08, 507.09, 507.10, 507.11, 507.12, and 507.13, F.S.; clarifying and conforming provisions; providing for the adoption of rules; amending s. 120.80, F.S.; exempting certain proceedings conducted by the Department of Agriculture and Consumer Services from the hearing requirements of the Administrative Procedure Act; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing an occupational license to a mover under certain circumstances; providing an effective date.

—was referred to the Committees on Transportation; Commerce and Consumer Services; Banking and Insurance; and Community Affairs.

By Senator Jones—

SB 972—A bill to be entitled An act relating to the financial responsibility of physicians and osteopathic physicians; amending ss. 458.320 and 459.0085, F.S.; increasing the minimum amounts of professional liability coverage, per claim and aggregate, which are required for licensure; increasing the minimum amounts required, per claim and aggregate, through an irrevocable letter of credit; increasing the minimum amounts of professional liability coverage, per claim and aggregate, which are required for physicians and osteopathic physicians who perform surgery; increasing the minimum amounts required, per claim and aggregate, through an irrevocable letter of credit; removing provisions authorizing a physician or osteopathic physician to be exempt from the financial-responsibility requirements upon posting notice and meeting certain other criteria; providing that requirements previously applicable to self-insured physicians and osteopathic physicians apply to all such physicians who are required to maintain financial responsibility; requiring that a physician or osteopathic physician satisfy an adverse final judgment within a specified period unless otherwise agreed to in writing; requiring the Department of Health to suspend the license of a physician or osteopathic physician upon notice of failure to satisfy an adverse final judgment; requiring the department to verify that a physician or osteopathic physician has met financial-responsibility requirements before granting or renewing a license; requiring the Board of Medicine and the Board of Osteopathic Medicine to adopt rules; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Judiciary.

By the Committee on Children and Families—

SB 974—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 741.3165, F.S.; authorizing the release of certain information to a domestic violence fatality review team; requiring that confidential information released to a review team remain confidential and exempt from public-disclosure requirements; clarifying that only portions of meetings of a domestic violence fatality review team are exempt from requirements otherwise applicable to a public meeting; providing that personal identifying information and records developed by a domestic violence fatality review team are confidential and exempt from public-disclosure requirements; providing for future repeal and legislative review of the exemptions under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Jones—

SB 976—A bill to be entitled An act relating to hazard mitigation for coastal redevelopment; amending s. 163.3164, F.S.; defining the term "local mitigation strategy" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; providing an additional requirement for a local government's comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising provisions with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high-hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report to the Governor and the Legislature; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross-references to conform; providing an effective date.

—was referred to the Committees on Community Affairs; Domestic Security; and Environmental Preservation.

By Senator Campbell—

SB 978—A bill to be entitled An act relating to unlawful use of personal identification information; creating s. 501.165, F.S.; providing definitions; providing that using deception to obtain certain personal identification information for commercial solicitation purposes is a deceptive and unfair trade practice in violation of part II of ch. 501, F.S.; providing remedies; prohibiting the unauthorized disclosure, sale, or transfer of personal identification information to a third party; providing applicability; prohibiting a health care business from terminating certain relationships to avoid obtaining consent from a consumer to disclose, sell, or transfer personal identification information; prohibiting a business entity or health care business from discriminating against an individual due to the individual's refusal to give such consent; providing that disclosing, selling, or transferring personal identification information is a deceptive and unfair trade practice in violation of part II of ch. 501, F.S.; providing that an individual whose property or person is injured may institute a civil action for injunctive relief, civil damages, and financial loss; providing for attorney's fees; providing that a civil action may be filed regardless of whether a criminal prosecution has been or will be instituted and that the rights and remedies are in addition to any other rights and remedies provided by law; amending s. 817.568, F.S.; including other information within the definition of the term "personal identification information"; defining the term "counterfeit or fictitious personal identification information"; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; providing that the willful and unauthorized disclosure, sale, or transfer of, or the attempt to disclose, sell, or transfer, personal identification information under specified circumstances is a felony of the third degree; providing penalties; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; providing that a violation of s. 817.568, F.S., is a deceptive and unfair trade practice in violation of part II of ch. 501, F.S.; providing remedies; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Judiciary; Commerce and Consumer Services; Criminal Justice; and Justice Appropriations.

By Senator Smith—

SB 980—A bill to be entitled An act relating to workers' compensation fraud; amending s. 440.015, F.S.; declaring legislative intent to aggressively prosecute workers' compensation fraud; amending s. 440.105, F.S.; providing for funding additional positions in state attorneys' offices to investigate and prosecute cases of workers' compensation fraud; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; and Justice Appropriations.

By Senator Bennett—

SB 982—A bill to be entitled An act relating to electrical and alarm system contracting; amending s. 489.503, F.S.; requiring certain contractors to be certified pursuant to part II of ch. 489, F.S.; providing that an employee of the producer or manufacturer of a personal emergency response system is exempt from part II of ch. 489, F.S.; amending s. 489.505, F.S.; revising definitions; amending s. 489.513, F.S.; providing eligibility requirements for registering with the Department of Business and Professional Regulation as an electrical contractor or alarm system contractor; amending s. 489.529, F.S.; requiring a central monitoring station to employ call-verification methods under certain circumstances; amending s. 489.530, F.S.; exempting a fire alarm system from the requirement that it have a device that automatically terminates its audible signal after a certain period; amending s. 489.537, F.S.; providing that certain alarm system contractors and electrical contractors may not be required by a municipality or county to obtain additional certification or meet additional licensure requirements; providing an effective date.

—was referred to the Committees on Regulated Industries; Banking and Insurance; and Community Affairs.

By Senator Smith—

SB 984—A bill to be entitled An act relating to retirement; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; providing for contribution rate increases to fund benefits provided in s. 121.091, F.S., as amended; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.71, F.S.; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and Ways and Means.

By Senator Dawson—

SB 986—A bill to be entitled An act relating to adoption; amending s. 63.042, F.S.; defining the standard for selecting an adoptive parent; requiring individual assessment of prospective adoptive parents of a

minor; eliminating the ban on adoption by a person who is a homosexual; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

By Senator Campbell—

SB 988—A bill to be entitled An act relating to evidence; repealing s. 90.602, F.S., relating to testimony of interested persons regarding oral communication with a deceased or mentally incompetent person; amending s. 90.804, F.S.; providing a hearsay exception for statements made by declarants unavailable due to death, illness, or infirmity that are similar to statements previously admitted; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Smith—

SB 990—A bill to be entitled An act relating to sexual offenses; amending s. 365.161, F.S.; redefining the term "sexual battery" for purposes of a prohibition on obscene communications; amending ss. 794.011, 827.071, and 847.001, F.S.; redefining the term "sexual battery" and defining the terms "sexual organ" and "union" for purposes of the offense of sexual battery and provisions prohibiting sexual performance by a child and unlawful activity involving obscenity; amending ss. 796.07, 800.04, and 825.1025, F.S.; redefining the term "sexual activity" and defining the terms "sexual organ" and "union" for purposes of prohibitions on prostitution and lewd and lascivious conduct; revising the elements of the offense of lewd and lascivious molestation; reenacting ss. 395.0197(10) and 415.102(24), F.S., relating to internal risk management programs and adult protective services, to incorporate the amendment made to s. 794.011, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senators Smith and Lynn—

SB 992—A bill to be entitled An act relating to the retiree health insurance subsidy; amending s. 112.363, F.S.; defining the term "the member begins drawing retirement benefits" for purposes of determining eligibility for the subsidy; revising the method of calculating the subsidy amount for certain retirees and beneficiaries; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Ways and Means.

SR 994—Not referenced.

By Senator Dawson—

SB 996—A bill to be entitled An act relating to the offense of leaving a child unattended or unsupervised in a motor vehicle; amending s. 316.6135, F.S.; providing that such offense constitutes a second-degree misdemeanor rather than a noncriminal traffic infraction; providing that such offense is a second-degree felony if the child suffers great bodily harm, disability, or disfigurement; providing penalties; providing an effective date.

—was referred to the Committees on Children and Families; Criminal Justice; and Justice Appropriations.

By Senator Posey—

SB 998—A bill to be entitled An act relating to victim's rights; amending s. 960.001, F.S.; requiring that a victim, if known, who is not incarcerated be informed by the state attorney that the victim or the victim's representative has the right to consult with the state attorney, including the right to meet with the state attorney, before the state attorney decides whether to prosecute a person for a criminal offense or a minor for a delinquent act or to offer the person or minor a pretrial intervention or diversion program; reenacting s. 945.10(1)(b), F.S., relating to confidential information, to incorporate the amendment made to s. 960.001, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Posey—

SB 1000—A bill to be entitled An act relating to income-eligibility requirements for state-funded programs; providing legislative intent; requiring an applicant for any state-funded program having an income-eligibility requirement to provide certain documentation to show proof of household income; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; Health and Human Services Appropriations; and Government Efficiency Appropriations.

By Senator Posey—

SB 1002—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 626.321, F.S.; including service warranty agreement sales covering communications equipment under certain limited licensing provisions; limiting a licensing requirement for a communications equipment retail vendor license; revising certain application and licensing requirements for certain entities; requiring certain fees; providing construction relating to criminal liability or disciplinary proceedings; amending s. 626.471, F.S.; increasing a period of notification of intent to terminate an appointment; amending s. 626.731, F.S.; revising a qualification for licensure as a general lines agent; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Consumer Services; and General Government Appropriations.

By Senator Siplin—

SB 1004—A bill to be entitled An act relating to wrongful criminal convictions; creating s. 914.145, F.S.; providing for civil damages for certain wrongful criminal convictions; providing for joint and several liability; providing for statute of limitations; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; and Justice Appropriations.

SR 1006—Not referenced.

By Senator Wilson—

SB 1008—A bill to be entitled An act relating to the testing of inmates for HIV infection in county and municipal detention facilities; amending s. 951.27, F.S.; requiring county and municipal detention facilities to perform an HIV test before an inmate is released if the inmate's HIV status is unknown; providing certain exceptions; requiring county and municipal detention facilities to notify the Department of Health and the county health department where the inmate plans to reside following release if the inmate is HIV positive; requiring the detention facilities to provide special transitional assistance to an inmate who is HIV positive; amending s. 381.004, F.S.; providing that informed consent is not

required for an HIV test of an inmate prior to the inmate's release from a municipal or county detention facility; providing an effective date.

—was referred to the Committees on Criminal Justice; Health Care; Community Affairs; Judiciary; Justice Appropriations; and Ways and Means.

By Senators Bennett and Dockery—

SB 1010—A bill to be entitled An act relating to administrative procedures; amending s. 11.60, F.S.; revising duties of the Administrative Procedures Committee with respect to its review of statutes; amending s. 120.54, F.S.; revising times for filing rules for adoption; providing for the form and provisions of bonds; revising applicability of certain uniform rules; amending s. 120.55, F.S.; requiring that certain information be included in forms incorporated by reference in rules; requiring information to be published electronically on an Internet website; providing that such publication does not preclude other publications; providing additional duties of the Department of State with respect to publications; providing requirements for the Internet website; amending s. 120.551, F.S.; postponing the repeal of this section, relating to Internet publication; amending s. 120.56, F.S.; revising provisions relating to withdrawal of challenged rules; amending s. 120.569, F.S.; prescribing circumstances under which the time for filing a petition for hearing must be extended; amending s. 120.57, F.S.; requiring that additional information be included in notices relating to protests of contract solicitations or awards; amending s. 120.74, F.S.; requiring agency reports to be filed with the Administrative Procedures Committee; requiring the Department of State to provide certain assistance to agencies in their transition to publishing on the Florida Administrative Weekly Internet website; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; and Ways and Means.

By Senator Argenziano—

SB 1012—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.271, F.S.; providing for the reinstatement of certain voided licenses; providing requirements for application and reinstatement of voided licenses, including fees, continuing education, and eligibility; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Senator Argenziano—

SB 1014—A bill to be entitled An act relating to the use of state rights-of-way; amending s. 337.406, F.S.; requiring that a local governmental entity issue a permit for the temporary use of the right-of-way of a state transportation facility, which use is otherwise prohibited by law, if such use is safe and will not endanger the public; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Senator Argenziano—

SB 1016—A bill to be entitled An act relating to construction contracting; amending s. 255.05, F.S.; making certain restrictions in bonds issued for public works projects unenforceable; amending ss. 489.129 and 489.533, F.S.; increasing an administrative fine under certain disciplinary proceeding provisions; amending s. 713.015, F.S.; revising a direct contract provision requirement; providing that failure to include such provision in such contracts limits certain lien rights under the contract; providing construction relating to validity and enforceability; preserving lien rights of certain persons; amending s. 713.02, F.S.; protecting the rights of certain persons to enforce certain contract, lien, or bond remedies or contractual obligations under certain circumstances; precluding certain defenses; amending s. 713.04, F.S.; revising certain final payment requirements; amending s. 713.08, F.S.; requiring a claim of lien to be served on an owner; amending s. 713.13, F.S.; revising provisions authorizing use of certain payment bonds to transfer certain recorded liens; specifying application of certain notice requirements to certain claims; revising time limits for serving certain required notices; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; providing construction; amending s. 713.24, F.S.; preserving certain lien rights when filing a transfer bond after commencing certain lien enforcement proceedings; amending s. 713.345, F.S.; increasing certain criminal penalties for misapplication of construction funds; amending s. 713.3471, F.S.; revising a provision requiring a lender to provide notice to a property owner when making a first loan disbursement on a construction loan secured by residential real property; revising a notice form; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Governmental Oversight and Productivity.

SR 1018—Not referenced.

By Senators Haridopolos and Fasano—

SB 1020—A bill to be entitled An act relating to police dogs, fire dogs, SAR dogs, and police horses; amending s. 843.19, F.S.; prohibiting intentionally and knowingly causing great bodily harm to or using a deadly weapon upon a police dog, fire dog, SAR dog, or police horse; prohibiting actually and intentionally maliciously touching, striking, or causing bodily harm to a police dog, fire dog, SAR dog, or police horse; prohibiting maliciously harassing, teasing, interfering with, or attempting to interfere with a police dog, fire dog, SAR dog, or police horse while the animal is in the performance of its duties; providing penalties; providing for restitution from violators; providing application; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Rich—

SB 1022—A bill to be entitled An act relating to local occupational license taxes; amending ss. 205.0315, 205.043, and 205.0535, F.S.; revising, updating, and conforming criteria and provisions for ordinances imposing local occupational license taxes; removing limitations on the authority of municipalities and counties to reclassify businesses, professions, and occupations and establish new rate structures for occupational license taxes; requiring the establishment of a review board rather than an equity study commission for certain purposes; deleting a schedule of limitations on increases in license taxes; authorizing increasing, decreasing, or eliminating local occupational license tax rates; specifying a limit on increases in such tax rates; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and Government Efficiency Appropriations.

By the Committee on Commerce and Consumer Services—

SB 1024—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 288.99, F.S., relating to the Certified Capital Company Act; conforming cross-references to changes made by the act; revising an exemption from the public records law provided for certain information relating to an investigation or review of a certified capital company by the Office of Financial Regulation of the Financial Services Commission; removing the exemption provided for information concerning a consumer complaint which is included in information relating to an investigation or review; removing the exemption provided for information concerning personnel of the office, and their spouses and children, if such personnel are or have been involved in an investigation or review that may endanger life or safety; removing the exemption provided for confidential information obtained by the office; removing the exemption provided for social security numbers of customers of certified capital companies; saving the exemptions from

repeal under the Open Government Sunset Review Act; deleting provisions providing for the repeal of the exemptions; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Banking and Insurance; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Rules and Calendar.

By the Committee on Commerce and Consumer Services—

SB 1026—A bill to be entitled An act relating to the Commission on the Future of Space in Florida; creating the commission; providing for its membership; providing for meetings; establishing voting requirements; providing duties of the commission; providing for public hearings; requiring reports; providing for technical advisory committees; providing for reimbursement of commission members; providing for an executive director; providing for staff assistance by the Department of Transportation, and for reimbursement of consultants by the department under certain circumstances; providing for expiration of the commission; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Governmental Oversight and Productivity; Transportation and Economic Development Appropriations; and Ways and Means.

By the Committee on Commerce and Consumer Services—

SB 1028—A bill to be entitled An act relating to public records; amending s. 411.011, F.S.; specifying that the exemption from public-records requirements provided for records of children in school readiness programs applies to the personally identifiable records of children enrolled in the programs; extending the exemption to records held by certain contractors of early learning coalitions; providing for future repeal and legislative review of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Campbell—

SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—was referred to the Committees on Transportation; Banking and Insurance; and Judiciary.

By Senator Bennett—

SB 1032—A bill to be entitled An act relating to the Access to Health Care Act; amending s. 766.1115, F.S.; revising a definition of low-income person to expand a poverty level family income criterion; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Baker—

SB 1034—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; providing an effective date.

—was referred to the Committee on Education.

By Senator Lynn—

SB 1036—A bill to be entitled An act relating to driver's licenses; requiring law enforcement officers to check the status of certain licenses; amending s. 322.32, F.S.; increasing the penalty for certain offenses related to the use of an invalid license; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice.

By Senator Hill—

SB 1038—A bill to be entitled An act relating to highway designations; designating a portion of Interstate 4 near mile marker 123 in honor of Trooper Darryl Haywood; designating a portion of U.S. 1 in Duval County in honor of Johnnie Mae Chappell; designating a portion of International Speedway Boulevard in Volusia County in honor of Charles W. Cherry, Sr.; designating a portion of New Kings Road in Duval County in honor of Taye Brown; designating a portion of Nova Road in Volusia County in honor of David Hinson; designating a portion of Nova Road in Volusia County in honor of Officer Robert F. Grim, Sr.; designating a portion of the Haines Street Expressway in Duval County in honor of Charles B. Dailey; providing for the erection of markers; providing for an effective date.

—was referred to the Committee on Transportation.

By Senator Dawson—

SB 1040—A bill to be entitled An act relating to bicycle lanes and pedestrian ways; amending s. 335.065, F.S.; requiring incorporation of bicycle and pedestrian ways into state, regional, and local transportation plans and programs; requiring establishment of bicycle lanes under certain circumstances; providing for bicycle lane width requirements in the department's construction standards; amending s. 335.066, F.S.; revising the purpose of the department's Safe Paths to Schools Program; requiring the department to establish a grant program to fund projects that support the program; authorizing the department to adopt rules; amending s. 335.093, F.S.; providing for inclusion of bicycle and pedestrian ways into planning and design standards for scenic highway designation to incorporate specified requirements; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Transportation and Economic Development Appropriations.

By Senator Crist—

SB 1042—A bill to be entitled An act relating to physical examinations; amending s. 493.6108, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of Class "G" permit applicants; amending s. 633.34, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of any person applying for employment as a firefighter; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Health Care.

By Senator Crist—

SB 1044—A bill to be entitled An act relating to juvenile process and service; amending s. 985.219, F.S.; providing for an adjudicatory hearing

within a specified time for a child alleged to have committed a delinquent act or law violation; amending ss. 985.201 and 985.225, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Judiciary; and Criminal Justice.

SR 1046—Not referenced.

SJR 1048—Withdrawn prior to introduction.

By Senators Crist and Dockery—

SB 1050—A bill to be entitled An act relating to the unlawful taking of personal property or equipment; amending s. 812.155, F.S.; deleting a provision specifying that the prohibition against obtaining personal property or equipment with intent to defraud does not apply to a rental-purchase agreement unless the rental store retains title to the property or equipment throughout the period of the rental-purchase agreement; providing an effective date.

—was referred to the Committees on Criminal Justice; and Commerce and Consumer Services.

By Senators Crist and Fasano—

SB 1052—A bill to be entitled An act relating to the residence of sexual offenders; amending s. 794.065, F.S.; defining the term "convicted" and "conviction" to include a conviction in another state or in a federal jurisdiction; prohibiting a person who has been convicted of certain sexual offenses in another state or federal jurisdiction from residing within 1,000 feet of certain specified locations if the victim was younger than 16 years of age; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

SCR 1054—Not referenced.

By Senator Klein—

SB 1056—A bill to be entitled An act relating to business entities; creating ss. 607.1112-607.1115, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic corporation into another business entity; providing for certificates of conversion; providing for effect of conversion; providing definitions, requirements, criteria, and procedures for conversion of another business entity into a domestic corporation; amending ss. 607.1302, 608.407, and 608.4225, F.S., to conform; creating ss. 608.4351-608.43595, F.S.; providing for appraisals of interests in certain limited liability companies; providing definitions; providing requirements, criteria, and procedures for appraisals; providing for appraisal rights of company members; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a member's acceptance of certain offers; providing procedures for members dissatisfied with company offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney's fees; providing limitations on payments by limited liability companies under certain circumstances; amending ss. 608.438, 608.4381, 608.4382, 608.4383, and 608.439, F.S., to conform; creating ss. 608.4401-608.4404, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic limited liability company into another business entity; requiring a plan of conversion; requiring certain actions on a plan of conversion; providing for certificates of conversion; providing for effects of conversion; amending s. 608.452, F.S., to conform; amending ss. 617.0302 and 617.1107, F.S., to conform; creating ss. 620.1101-620.2205, F.S.; revising the Florida Revised Uniform Limited Liability Company Act; providing a popular name; providing definitions; specifying conditions of knowledge and notice; providing for nature, purpose, and duration of limited partnerships; providing powers of limited partnerships; specifying the governing law relating to limited partnerships; providing supplemental principles of law; providing for application of certain rates of interest under certain circumstances; providing for names of limited partnerships; specifying certain fees of the Department of State for certain purposes; providing for effect of partnership agreements; providing for nonwaivable provisions; requiring limited partnerships to maintain certain required information; authorizing certain business transactions of partners with a partnership; providing for dual capacity of certain persons; requiring a designated office, registered office, and registered agent of a limited partnership; providing for change of designated office, registered office, or registered agent; providing for resignation of a registered agent; providing for service of process for certain purposes; providing for consent and proxies of partners; providing for formation of limited partnerships; providing for a certificate of limited partnership; providing for amendment or restatement of a certificate of partnership; providing for a certificate of dissolution; providing for a statement of termination; requiring certain records to be signed; providing for signing and filing of certain records pursuant to court order; providing for delivery to and filing of certain records by the Department of State; providing for effective dates and times of certain records and filings; providing for correcting certain filed records; providing for liability for false information in filed records; providing for a certificate of status; requiring delivery of annual reports to the department; providing conditions for becoming a partner; specifying absence of right or power of a limited partner to bind a limited partnership; providing for approval of certain rights; specifying absence of liability of limited partner for limited partnership obligations; specifying rights of limited partners and former limited partners to certain information; specifying limited duties of limited partners; specifying conditions of liability or lack of liability on the part of certain persons for certain partnership obligations under certain circumstances; specifying conditions for becoming a general partner; specifying a general partner as an agent for the limited partnership; specifying liability of limited partnership for certain actions of general partners; providing for liability of general partners; specifying certain actions by and against limited partnerships and general partners; specifying management rights of general partners; providing certain approval rights of other partners; specifying the right of general partners and former general partners to certain information; providing general standards of conduct for general partners; providing for form of certain contributions by partners; providing for liability for certain contributions; providing for sharing of profits, losses, and distributions; providing for interim distributions; specifying absence of right to receive a distribution upon dissociation; providing for distributions in kind; providing certain rights to distributions; providing limitations on distributions; providing for liability for certain improper distributions; providing for dissociation as limited partner under certain circumstances; providing for effect of dissociation as limited partner; providing for dissociation as general partner; specifying a person's power to dissociate as general under certain circumstances; specifying conditions and liability of wrongful dissociation; providing for effect of dissociation as general partner; providing to a dissociated general partner a power to bind and liability to a partnership before dissolution of the partnership; providing for certain liability of dissociated general partners; providing for a partner's transferable interest; providing for transfers of partner's transferable interest; providing rights of creditors of partners and transferees; providing for powers of estates of deceased partners; providing for nonjudicial dissolution of limited partnerships; providing for judicial dissolutions; providing for winding up activities of a limited partnership; providing for a power of a general partner and dissociated general partners to bind a partnership after dissolution; providing for liability of certain persons to the partnership after dissolution; providing for disposition of known claims against dissolved limited partnerships; providing for filing certain unknown claims against dissolved limited partnerships; providing for liability of certain persons for certain barred claims against a limited partnership; providing for administrative dissolution; providing for reinstatement after administrative dissolution; providing for appeals from reinstatement denials; providing for revocation of dissolution; providing for disposition of assets upon winding up of activities of a limited partnership; specifying when contributions are required; specifying the governing law relating to foreign limited partnerships; providing for applications for certificates of authority for foreign limited partnerships; specifying certain activities as not constituting transacting business by a foreign limited partnership; providing for filing a certificate of authority for foreign limited partnerships to transact business; prohibiting a foreign limited partnership from obtaining a certificate of authority for a noncomplying name;

providing for revocation of a certificate of authority for foreign limited partnerships; providing for cancellation of a certificate of authority for a foreign limited partnership; providing for effect of failure to have a certificate; authorizing the Attorney General to bring actions to restrain foreign limited partnerships from transacting business under certain circumstances; providing for reinstatement after administrative revocation; providing for amending a certificate of authority; providing for direct actions by a partner against a limited partnership or another partner under certain circumstances; authorizing partners to maintain derivative actions for certain purposes; specifying proper plaintiff in derivative actions; specifying contents of certain pleadings; specifying distribution of proceeds in derivative actions; providing for court award of expenses and attorney fees under certain circumstances; providing definitions; providing for conversion of an organization to a limited partnership or a limited partnership to another organization; requiring a plan of conversion; specifying certain actions on a plan of conversion; requiring a certificate of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a limited partnership with certain organizations; requiring a plan of merger; specifying certain actions on a plan of merger; requiring a certificate of merger; specifying certain required filings for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of a general partner after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing for appraisals of interests in certain limited partnerships; providing definitions; providing for appraisal rights of limited partners; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a limited partner's acceptance of certain offers; providing procedures for limited partners dissatisfied with limited partnership offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney's fees; providing limitations on payments by limited partnerships under certain circumstances; providing for application of laws to provisions governing conversions and mergers; providing for uniformity of application and construction; providing severability; providing for application to the Electronic Signatures in Global and National Commerce Act; providing for application to existing business entities; amending ss. 620.8103 and 620.8404, F.S., to conform; amending s. 620.8105, F.S.; providing requirements for partnership registration statements, certificates of merger or conversion, and amended partnership registrations and certificates of merger or conversion; amending s. 620.81055, F.S.; providing a fee for a certificate of conversion; creating ss. 620.8911-620.8923, F.S.; providing definitions; providing for conversion of certain organizations to a partnership or a partnership to another organization; providing requirements, criteria, and procedures for conversions; requiring a plan of conversion; requiring certain actions by a converting partnership on a plan of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a partnership with certain organizations; providing requirements, criteria, and procedures for mergers; requiring a plan of merger; specifying certain actions by a constituent partnership on a plan of merger; specifying certain requiring filings with the Department of State for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of partners after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing construction relating to application of other laws to conversions and mergers; amending s. 620.9104, F.S.; specifying additional activities not constituting transacting business; repealing s. 608.4384, F.S., relating to rights of members of limited liability companies dissenting to a merger; repealing ss. 620.101, 620.102, 620.103, 620.105, 620.1051, 620.106, 620.107, 620.108, 620.109, 620.112, 620.113, 620.114, 620.115, 620.116, 620.117, 620.118, 620.119, 620.122, 620.123, 620.124, 620.125, 620.126, 620.127, 620.128, 620.129, 620.132, 620.133, 620.134, 620.135, 620.136, 620.137, 620.138, 620.139, 620.142, 620.143, 620.144, 620.145, 620.146, 620.147, 620.148, 620.149, 620.152, 620.153, 620.154, 620.155, 620.156, 620.157, 620.158, 620.159, 620.162, 620.163, 620.164, 620.165, 620.166, 620.167, 620.168, 620.169, 620.172, 620.173, 620.174, 620.175, 620.176, 620.177, 620.178, 620.179, 620.182, 620.1835, 620.184, 620.185, 620.186, 620.187, 620.192, 620.201, 620.202, 620.203, 620.204, and 620.205, F.S., relating to the Florida Revised Uniform Limited Partnership Act (1986); repealing ss. 620.8901, 620.8902, 620.8903, 620.8904, 620.8905, 6210.8906, 620.8907, and 620.8908, F.S., relating to conversions of partnerships and limited partnerships under the Revised Uniform Partnership Act of 1995; providing effective dates.

—was referred to the Committees on Commerce and Consumer Services; Judiciary; and Government Efficiency Appropriations.

By Senator King—

SB 1058—A bill to be entitled An act relating to building designations; designating the Florida Welcome Center on Interstate 75 at the Georgia state line as the "Joseph O. Striska Florida Welcome Center"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Health Care; and Senators Fasano and Peaden—

SB 1060—A bill to be entitled An act relating to increasing the number of nurses in the state's workforce; amending s. 1009.66, F.S.; revising the criteria for receiving funds under the Nursing Student Loan Forgiveness Program; requiring that nurses employed as faculty in an approved nursing program be given priority in receiving funds under the program; providing appropriations; requiring the Division of Colleges and Universities of the Department of Education to establish a contract grants program; providing requirements for priority funding; requiring the division to report to the Legislature; requiring the Board of Nursing to adopt rules requiring nursing applicants and licensees to submit certain information concerning employment and education; authorizing the board to provide such information to the Florida Center for Nursing; providing an effective date.

—was referred to the Committees on Health Care; Education; Education Appropriations; and Ways and Means.

By the Committee on Domestic Security—

SB 1062—A bill to be entitled An act relating to the certification and duties of seaport security officers; creating s. 311.121, F.S.; authorizing the seaport authority or governing board of certain seaports to require that seaport security officers receive additional training and certification; providing eligibility requirements for such certification; creating the Seaport Security Officer Qualifications, Training, and Standards Steering Committee to develop the curriculum for the training program; providing for the membership of the steering committee; requiring the Division of Community Colleges to implement the training curriculum; authorizing the substitution of training equivalencies; requiring an examination; providing requirements for certification renewal; providing requirements for schools that offer training for seaport security officers; providing for issuance of a license indicating that the licensee is certified as a seaport security officer; creating s. 311.122, F.S.; authorizing a seaport security officer to take into custody any person whom the officer has cause to believe is trespassing in a restricted access area; providing that such officer is not criminally or civilly liable for taking such action; providing an effective date.

—was referred to the Committees on Domestic Security; Commerce and Consumer Services; Criminal Justice; and Transportation and Economic Development Appropriations.

By Senators King, Lynn and Wise—

SB 1064—A bill to be entitled An act relating to restitution and other court-ordered payments; amending s. 775.089, F.S.; transferring the responsibility for collecting and disbursing restitution and other court-ordered payments from the Department of Corrections to the Department of Revenue; requiring the Department of Revenue to conduct a needs assessment and cost-benefit analysis of the system of court-ordered payments; requiring the State Technology Office to provide assistance, if available; authorizing the Department of Revenue to procure

from a private vendor services for collecting restitution and court-ordered payments; requiring that the new system for collecting and disbursing restitution and other payments be operational by a specified date; requiring the Department of Revenue to include performance standards in its contract with a private vendor; amending s. 948.09, F.S., relating to payments for the costs of supervision and rehabilitation; conforming provisions to changes made by the act; requiring the Department of Corrections to establish a payment schedule for each offender and provide this information to the Department of Revenue; requiring disbursement of payments by the Department of Revenue; requiring that restitution payments be deposited into the Crimes Compensation Trust Fund when the Department of Revenue is unable to locate a victim; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and General Government Appropriations.

SR 1066—Not referenced.

By Senator Rich—

SB 1068—A bill to be entitled An act relating to theft of property; amending s. 812.13, F.S.; redefining the term "robbery" to include the unlawful endeavoring to take property; providing that if an offender threatens to use a weapon or firearm during the course of a robbery, the offender commits a felony of the first degree; providing for penalties; amending ss. 812.131 and 812.133, F.S.; redefining the terms "robbery by sudden snatching" and "carjacking" to include the unlawful endeavoring to take property; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senators Atwater and Dockery—

SB 1070—A bill to be entitled An act relating to economic development incentives; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; providing limitations; requiring the Department of Revenue to prescribe certain forms; creating s. 288.1171, F.S.; providing for certification of units of local government owning eligible convention centers by the Office of Tourism, Trade, and Economic Development; requiring the office to adopt specified rules; providing a definition; providing requirements for certification; providing for use of proceeds distributed to units of local government under the act; providing for audits by the Department of Revenue; providing for revocation of certification; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Ways and Means.

By Senator Atwater—

SB 1072—A bill to be entitled An act relating to auditor selection procedures; amending s. 218.391, F.S.; revising the auditor selection procedures that local governmental entities, district school boards, charter schools, and charter technical career centers must use in selecting auditors to conduct certain required financial audits; revising provisions relating to membership, purposes, and duties of audit committees required to be established to aid in such selection; providing for requests for proposals; providing review and ranking requirements; requiring written contracts and providing requirements therefor, including renewal requirements; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; Governmental Oversight and Productivity; and General Government Appropriations.

By Senator Alexander—

SB 1074—A bill to be entitled An act relating to special risk retirement; amending s. 121.0515, F.S.; providing that emergency dispatchers and 911 operators employed by a county or municipal law enforcement agency may participate as part of the Special Risk Administrative Support Class and are eligible for the special risk normal retirement date; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and Ways and Means.

By Senator Miller—

SB 1076—A bill to be entitled An act relating to requirements for high school graduation; amending s. 1003.43, F.S.; prescribing a formula for computing each student's graduation grade point average, which formula includes results from the student's grade-10 FCAT and grade-10 norm-referenced test, as well as coursework grades; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

Senate Resolutions 1078-1080—Not referenced.

By Senator Miller—

SB 1082—A bill to be entitled An act relating to public records exemptions; amending s. 1004.43, F.S.; clarifying the public records exemption for proprietary confidential business information owned or controlled by the not-for-profit corporation operating the H. Lee Moffitt Cancer Center and Research Institute and its subsidiaries relating to trade secrets; expanding the public records exemption to include information received from a person in this or another state or nation or the Federal Government which is otherwise exempt or confidential under the laws of this or another state or nation or under federal law; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Education; Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Siplin—

SB 1084—A bill to be entitled An act relating to notification of next of kin; providing a short title; creating s. 960.046, F.S.; requiring law enforcement agencies to notify the next of kin of decedents whose death occurs in certain circumstances; prescribing procedures to be followed with respect to such notification; requiring disciplinary action against officers who fail to make a required notification or who fail to follow specified procedures for making such notification; providing an effective date.

—was referred to the Committees on Criminal Justice; and Community Affairs.

By Senators Wilson and Jones—

SB 1086—A bill to be entitled An act relating to infant eye care; amending s. 383.04, F.S.; requiring certain eye examinations for all infants born in hospitals in the state; exempting this requirement from s. 383.07, F.S., relating to a penalty; revising an exception to the certain applicability requirements concerning infant eye care; amending ss. 627.6416 and 641.31, F.S.; providing that coverage for children under health insurance policies and health maintenance organization con-

tracts must include certain eye examinations for infants and children; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; Health and Human Services Appropriations; and Ways and Means.

By Senator Wilson—

SB 1088—A bill to be entitled An act relating to early learning; amending s. 1002.53, F.S.; requiring students to comply with disciplinary policies; prohibiting certain forms of discipline; amending s. 1002.65, F.S.; requiring that, by a specified future date, each school-year prekindergarten program comprise at least a specified minimum number of instructional hours; amending s. 1002.67, F.S.; requiring that the department review and approve the curriculum used by any provider in implementing the Voluntary Prekindergarten Education Program; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; Education Appropriations; and Ways and Means.

By Senators Campbell and Dawson—

SB 1090—A bill to be entitled An act relating to health care services for minors and incapacitated persons; amending s. 39.407, F.S.; specifying requirements for the Department of Children and Family Services with respect to providing psychotropic medication to a child in the custody of the department; requiring that the prescribing physician attempt to obtain express and informed parental consent for providing such medication; authorizing the department to provide psychotropic medication without such consent under certain circumstances; requiring that the child be evaluated by a physician; requiring that the department obtain court authorization for providing such medication within a specified period; providing requirements for a motion by the department seeking court authorization to provide psychotropic medication; specifying circumstances under which medication may be provided in advance of a court order; requiring that a hearing be held on the motion to provide psychotropic medication to a child under certain circumstances; specifying the required burden of proof with respect to evidence presented at the hearing; requiring that the department provide a child's medical records to the court; providing requirements for court review; authorizing the court to order the department to obtain a medical opinion; requiring the department to adopt rules governing the procedures for determining the services needed, obtaining parental consent, and obtaining court authorization for the use of psychotropic medication; conforming a cross-reference; amending s. 394.459, F.S., relating to the rights of patients under the Florida Mental Health Act; revising provisions requiring that a patient be asked to give express and informed consent before admission or treatment; requiring that additional information be provided with respect to the risks and benefits of treatment, the dosage range of medication, potential side effects, and the monitoring of treatment; clarifying provisions governing the manner in which consent may be revoked; amending s. 743.0645, F.S.; redefining the term "medical care and treatment" for purposes of obtaining consent for the medical treatment of a minor; providing an exception with respect to the consent provided under s. 39.407, F.S.; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; Judiciary; and Health and Human Services Appropriations.

SB 1092—Withdrawn prior to introduction.

By Senator Smith—

SB 1094—A bill to be entitled An act relating to the Blood Donor Protection Act; creating s. 381.0043, F.S.; providing a popular name; providing that no blood bank or subsidiary or affiliate thereof or employee or agent of a blood bank or subsidiary or affiliate thereof may be compelled to disclose the identity or identifying characteristics of any person who donates blood or any blood components; providing an exception; providing an effective date.

—was referred to the Committees on Health Care; and Governmental Oversight and Productivity.

By Senator Smith—

SB 1096—A bill to be entitled An act relating to the Freedom to Worship Safely Act; providing a popular name; creating s. 775.0861, F.S.; providing for the upgrading of the degree of an offense that involves the use or threat of physical force or violence against any individual if the offense is committed at a location where a religious institution is conducting or carrying on religious services or activities; providing for gain-time eligibility and severity ranking of offenses; amending s. 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing applicability; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Smith—

SB 1098—A bill to be entitled An act relating to public records; amending s. 39.202, F.S., relating to confidentiality requirements for reports and records in cases of child abuse or neglect; providing that staff members of a child advocacy center who are providing the services of the center to the child may have access to the records; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Lynn—

SB 1100—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; providing that the theft of property that has been deployed by a law enforcement officer is grand theft in the first degree; providing criminal penalties; creating s. 812.0147, F.S.; providing that it is a second-degree felony to possess or use a fifth wheel to commit or attempt to commit theft; providing criminal penalties; amending s. 921.0022, F.S.; classifying the offense of stealing property deployed by a law enforcement officer under the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was referred to the Committees on Criminal Justice; Transportation; and Justice Appropriations.

By Senator Atwater—

SB 1102—A bill to be entitled An act relating to the relief of persons who suffered loss in a named tropical system; expressing the legislative intent to revise laws relating to the relief of persons whose primary residences were damaged by a named tropical system; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; Community Affairs; Ways and Means; and Rules and Calendar.

By Senator Atwater—

SB 1104—A bill to be entitled An act relating to the communications services tax; expressing the legislative intent to revise laws relating to the tax on communications services; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; Communications and Public Utilities; Ways and Means; and Rules and Calendar.

By Senator Atwater—

SB 1106—A bill to be entitled An act relating to taxation; expressing the legislative intent to revise laws relating to taxation; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senator Atwater—

SB 1108—A bill to be entitled An act relating to interest and trust funds; expressing the legislative intent to revise laws relating to interest and trust funds; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senator Atwater—

SB 1110—A bill to be entitled An act relating to documentary stamp tax revenue; expressing the legislative intent to revise laws relating to the disposition of documentary stamp tax revenue; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senator Atwater—

SB 1112—A bill to be entitled An act relating to general revenue service charges; expressing the legislative intent to revise laws relating to general revenue service charges; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senator King—

SB 1114—A bill to be entitled An act relating to restaurants licensed to sell wine on the premises; creating s. 564.09, F.S.; authorizing a restaurant patron to remove a resealed wine container from a restaurant for off-premise consumption; amending s. 316.1936, F.S.; providing that a resealed wine container is not an open container for purposes of the prohibition against possessing an open container of alcohol in a vehicle; providing an effective date.

—was referred to the Committees on Regulated Industries; and Transportation.

By Senator Saunders—

SB 1116—A bill to be entitled An act relating to specialty nursing; amending s. 464.003, F.S.; defining the terms "clinical nurse specialist practice" and "clinical nurse specialist"; creating s. 464.0115, F.S.; providing requirements for certification as a clinical nurse specialist; providing fees; authorizing the Board of Nursing to adopt rules; amending 464.012, F.S.; adding clinical nurse specialist to the classifications of advanced registered nurse practitioners; creating s. 464.0125, F.S.; requiring advanced registered nurse practitioners to register with the Board of Nursing to prescribe medicinal drugs, including controlled substances; providing requirements for registration and renewal of registration, including continuing education; providing fees; prohibiting prescription of controlled substances for personal use or the use of immediate family members; providing for disciplinary actions; authorizing the board to adopt rules; amending s. 464.015, F.S.; restricting the use of professional titles and abbreviations relating to clinical nurse specialist and certified registered nurse anesthetist practice; providing penalties; amending s. 464.016, F.S.; prohibiting the use of any name or title stating or implying that a person is a clinical nurse specialist, certified registered nurse anesthetist, or certified nurse midwife unless the person is licensed or certified; providing penalties; amending s. 893.02, F.S.; redefining the term "practitioner" under the Florida Comprehensive Drug Abuse Prevention and Control Act to include certain advanced registered nurse practitioners; reenacting s. 921.0022(3)(g), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendment to s. 464.016, F.S., in a reference thereto; amending s. 458.348, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Saunders—

SB 1118—A bill to be entitled An act relating to motor vehicle crash reports; amending s. 316.066, F.S.; providing for victim services programs to immediately obtain such reports; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice.

By Senator Haridopolos—

SB 1120—A bill to be entitled An act relating to the Financial Literacy Council; creating s. 516.321, F.S.; providing legislative findings; creating the council; providing purposes; providing for membership; providing for meetings, procedures, records, and reimbursement for travel and per diem expenses; providing powers and duties of the council; providing for resources of the council; requiring annual reports to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Saunders—

SB 1122—A bill to be entitled An act relating to third-party liability; amending s. 213.053, F.S.; expanding the authority of the Department of Revenue to provide the Agency for Health Care Administration with tax information; reenacting s. 206.27(2), F.S., relating to records and files as public records, to incorporate the amendment to s. 213.053, F.S., in a reference thereto; amending s. 409.910, F.S.; requiring third-party liability administrators and pharmacy benefits managers to provide certain records and information relating to payments on behalf of Medicaid-eligible persons; amending s. 733.2121, F.S.; requiring the personal representative of a decedent to provide a copy of a death certificate to the Agency for Health Care Administration; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Government Efficiency Appropriations.

By Senators Haridopolos and Fasano—

SB 1124—A bill to be entitled An act relating to mobile homes; amending s. 723.037, F.S.; providing intent, requirements, and restrictions regarding information exchanged in meetings between park owners and homeowners' committees and at mediation; providing exceptions; amending s. 723.0611, F.S.; designating the Florida Mobile Home Relocation Corporation as an agency of the state and certain other persons as officers, employees, or agents of the state for application of sovereign immunity provisions; providing rulemaking authority to administer provisions involving the corporation; amending s. 723.0612, F.S.; providing that mobile home owners are not eligible for compensation in certain circumstances involving change in use of the land comprising the mobile home park; providing entitlement to attorney's fees and costs in certain enforcement actions; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Consumer Services; and Judiciary.

SR 1126—Not referenced.

By Senator Wilson—

SB 1128—A bill to be entitled An act relating to inmates who are parents of minor children; providing legislative findings and intent with respect to the importance of an inmate maintaining a relationship with his or her minor child; requiring the Department of Corrections to collect certain information concerning the children of inmates in the state correctional system; requiring that the department analyze the institutional assignment of each inmate who is a parent and determine the inmate's proximity to his or her minor child; providing an exception if the court has restricted an inmate's contact with his or her child; amending s. 944.17, F.S.; requiring the department to consider an inmate's proximity to his or her minor child when transferring the inmate; amending s. 944.24, F.S.; requiring that a female inmate be assigned to a facility in as close proximity as possible to her minor child; providing an exception if the court has restricted the inmate's contact with the child; amending s. 944.8031, F.S.; revising legislative findings with respect to the need for an inmate to maintain relationships with his or her minor children; providing an effective date.

—was referred to the Committees on Criminal Justice; and Children and Families.

By Senator Crist—

SB 1130—A bill to be entitled An act relating to abandonment of roads; amending s. 316.00825, F.S.; providing for conveyance of roads by a municipality to a homeowners' association; amending s. 316.006, F.S.; providing for traffic control jurisdiction over such conveyed roads; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Senator Crist—

SB 1132—A bill to be entitled An act relating to official state designations; creating s. 15.0465, F.S.; designating the official state flagship; providing an effective date.

—was referred to the Committees on Community Affairs; and Governmental Oversight and Productivity.

By Senator Argenziano—

SB 1134—A bill to be entitled An act relating to governmental effectiveness and efficiency; expressing the legislative intent to improve governmental effectiveness and efficiency; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senator Argenziano—

SB 1136—A bill to be entitled An act relating to governmental effectiveness and efficiency; expressing the legislative intent to improve governmental effectiveness and efficiency; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senator Argenziano—

SB 1138—A bill to be entitled An act relating to governmental effectiveness and efficiency; expressing the legislative intent to improve governmental effectiveness and efficiency; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senator Argenziano—

SB 1140—A bill to be entitled An act relating to executive branch collegial bodies; amending s. 20.052, F.S.; providing legislative findings that it is in the public interest to periodically review collegial bodies in the executive branch; providing definitions; revising requirements for the establishment and maintenance of executive collegial bodies; requiring each executive agency to periodically report certain information and make recommendations to the Executive Office of the Governor concerning executive collegial bodies; providing exemptions to the recommendation requirement; requiring the Executive Office of the Governor to report to the Legislature; providing for substantive committees within the Legislature to review the reports and recommendations of the executive branch; conforming provisions; providing an effective date.

—was referred to the Committee on Governmental Oversight and Productivity.

By Senator Argenziano—

SB 1142—A bill to be entitled An act relating to public records and meetings; exempting trade secrets held by state agencies from public-records requirements; requiring that a written declaration be submitted to the state agency verifying that the information is a trade secret; specifying requirements for such declaration; exempting any portion of a meeting at which information concerning a trade secret is discussed from public-meetings requirements; providing for application of the exemptions; providing for future repeal and legislative review under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Argenziano—

SB 1144—A bill to be entitled An act relating to public records and public meetings; amending s. 119.07, F.S.; transferring general exemptions from requirements relating to inspection and copying of records not otherwise transferred by this act to s. 119.071, F.S.; conforming cross-references; amending s. 119.071, F.S.; reorganizing and classifying exemptions under the headings of "agency processes," "agency personnel identifying information," "other personal identifying information," and "security"; transferring and amending s. 119.0721, F.S., relating to an exemption provided for social security numbers; creating s. 119.07101, F.S., and transferring to that section provisions of s. 119.07, F.S., relating to exemptions for records of the Department of Highway Safety and Motor Vehicles; creating s. 119.07102, F.S., and transferring to that section provisions of s. 119.07, F.S., relating to exemptions for records of the Department of Health; creating s. 119.0711, F.S., and transferring to that section provisions of s. 119.07, F.S., relating to exemptions for executive branch agencies; creating s. 119.0712, F.S., and transferring to that section provisions of s. 119.07, F.S., relating to exemptions for local government agencies; amending s. 119.15, F.S.; revising standards and guidelines for review and repeal of exemptions pursuant to the Open Government Sunset Review Act; creating s. 112.31891, F.S., and transferring to that section provisions of s. 119.07, F.S., relating to investigatory records; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; and Rules and Calendar.

By Senator Argenziano—

SB 1146—A bill to be entitled An act relating to purchasing and procurement; amending s. 14.203, F.S.; redesignating the State Council on Competitive Government as the "Center for Efficient Government"; transferring the center from the Administration Commission to the Department of Management Services; revising the powers and duties of the center; requiring the center to adopt rules; prescribing duties of the center before a state function or service is outsourced or privatized; requiring the center to perform a business-case analysis; specifying the requirements for the analysis; requiring that the center submit the proposed business case to the Legislature for approval under certain circumstances; providing requirements for the secretary or executive director of a state agency that proposes to outsource or privatize a function or service; prescribing contract requirements; providing requirements for a contract that exceeds $1 million in value; requiring the Department of Management Services to establish a program to train contract negotiators; requiring that a state agency submit certain contract amendments to the Legislative Budget Commission for approval; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

By Senator Miller—

SB 1148—A bill to be entitled An act relating to adult video games; prohibiting the sale or rental of an adult video game to a person younger than a specified age; providing that a person buying or renting an adult video game be required to present proof of age; defining the term "adult video game"; providing a penalty; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Criminal Justice; and Justice Appropriations.

By Senator Saunders—

SB 1150—A bill to be entitled An act relating to vehicle and vessel registration; amending ss. 316.605, 318.14, and 318.18, F.S., relating to vehicle licensing, noncriminal traffic infractions, and civil penalties; conforming cross-references; amending s. 320.01, F.S.; redefining the term "registration period"; defining the term "extended registration period"; amending s. 320.055, F.S.; establishing an extended registration period and renewal period for certain motor vehicles; amending s. 320.06, F.S.; extending the time period and increasing the replacement fee for registration of license plates and validation stickers; amending s. 320.07, F.S.; authorizing the biennial renewal of certain motor vehicle registration upon the payment of certain taxes, service charges, and additional fees; amending s. 320.071, F.S.; clarifying that the registration period for a motor vehicle or mobile home may not exceed a specified number of months; amending s. 322.121, F.S., relating to reexamination of drivers; conforming a cross-reference; amending s. 328.72, F.S.; identifying certain vessel owners who are eligible for an extended registration period; providing an effective date.

—was referred to the Committees on Transportation; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Argenziano—

SB 1152—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2005, and July 1, 2006; amending s. 121.40, F.S.; revising the payroll contribution rate for the Institute of Food and Agricultural Sciences, effective July 1, 2005; providing a declaration of important state interest; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Ways and Means.

By Senator Dockery—

SB 1154—A bill to be entitled An act relating to Enterprise Florida, Inc.; amending s. 288.041, F.S.; deleting the requirement that Enterprise Florida, Inc., assist in the expansion of the solar energy industry and solar technology; amending s. 288.047, F.S., relating to quick-response training; conforming provisions to changes made by the act; amending s. 288.095, F.S.; deleting obsolete provisions; repealing s. 288.8155, F.S., relating to the International Trade Data Resource and Research Center; amending s. 288.901, F.S.; revising the membership, organization, and meetings of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; deleting obsolete provisions regarding the Workforce Development Board of Enterprise Florida, Inc.; amending s. 288.90151, F.S.; deleting obsolete provisions; specifying moneys and contributions that may be considered as private-sector support to Enterprise Florida, Inc.; requiring that the annual report include a study; clarifying the term "economic development organization"; requiring Enterprise Florida, Inc. to hire certain firms to develop certain survey reporting; deleting a requirement that the annual report be certified; amending s. 288.903, F.S.; deleting the limitation on the salary of an employee of Enterprise Florida, Inc.; amending s. 288.904, F.S.; revising the power of the board to make and enter into contracts; providing that certain limitations do not apply to contracts awarded by another entity; amending s. 288.905, F.S.; deleting provisions prohibiting certain state employees from receiving a pay raise or bonus beyond a certain amount; amending s. 445.004, F.S., relating to Workforce Florida, Inc.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Communications and Public Utilities; and Transportation and Economic Development Appropriations.

SR 1156—Not referenced.

By Senator Klein—

SB 1158—A bill to be entitled An act relating to property and casualty insurance; transferring, renumbering, and amending ss. 350.061, 350.0611, 350.0612, 350.0613, and 350.0614, F.S.; authorizing the Public Counsel to represent the general public before the Office of Insurance Regulation; including certain proceedings related to rules and rate filings for residential property insurance; authorizing the Public Counsel to have access to files of the office, to seek review of orders of the office, to issue reports, recommendations, and proposed orders to the office; specifying where the Public Counsel shall maintain his or her office; authorizing the Joint Legislative Auditing Committee to authorize the Public Counsel to employ certain types of employees; requiring the Office of Insurance Regulation to provide copies of certain filings to the Public Counsel; amending s. 112.3145, F.S.; conforming a cross-reference; amending s. 215.559, F.S.; revising the distribution of funds in the Hurricane Loss Mitigation Program; providing for a low-interest loan program; amending s. 408.40, F.S.; conforming a cross-reference; amending s. 624.319, F.S.; authorizing the Public Counsel to have access to certain confidential information held by the Department of Financial Services or the Office of Insurance Regulation; amending s. 627.062, F.S.; deleting provisions that allow an insurer to require arbitration of a rate filing for property and casualty insurance; amending s. 627.0629, F.S.; requiring underwriting rules for homeowners' insurance to be filed with and approved by the Office of Insurance Regulation; providing for filing and approval provisions; amending s. 627.0651, F.S.; deleting reference to the filing of specified underwriting rules for homeowners' insurance; amending s. 627.4025, F.S.; redefining the term "hurricane coverage" to include coverage for damage from wind-driven water; amending s. 627.4133, F.S.; prohibiting an insurer from canceling or nonrenewing a residential property insurance policy for certain reasons; amending s. 627.4145, F.S.; increasing the minimum score on the reading ease test for insurance policies; creating s. 627.41494, F.S.; providing for consumer participation in review of insurance rate changes; providing for public inspection of rate filings; providing for adoption of rules by the Financial Services Commission; requiring insurers to pay costs of consumer advocacy groups under certain circumstances; amending s. 627.701, F.S.; revising the hurricane deductibles that insurers must offer for personal lines residential property insurance policies; creating s. 627.70105, F.S.; requiring payment of living expenses required due to

uninhabitability of insured property within a specified time; providing an appropriation; providing effective dates.

—was referred to the Committees on Banking and Insurance; Community Affairs; Communications and Public Utilities; General Government Appropriations; Rules and Calendar; and Ways and Means.

By the Committee on Community Affairs—

SB 1160—A bill to be entitled An act relating to comprehensive planning and land development; amending s. 163.3164, F.S.; defining the term "antiquated subdivision" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; requiring that the future land use plan element of a comprehensive plan identify areas where the local government seeks to consolidate or vacate platted or subdivided lots; requiring that a local government address necessary plan amendments related to antiquated subdivisions by a specified time; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Atwater—

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 1009.98, F.S.; revising provisions relating to eligibility for benefits if the program is terminated; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Education Appropriations; and Rules and Calendar.

By Senator Posey—

SB 1164—A bill to be entitled An act relating to the transmission of sexually oriented material to a minor; creating s. 847.01385, F.S.; providing definitions relating to the transmission of materials to a minor; prohibiting a person in this state or in any jurisdiction from transmitting sexually oriented material or material that is harmful to a minor by means of unsolicited electronic mail or a computer pop-up; providing that a violation of the act is a felony of the third degree; providing criminal penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Communications and Public Utilities; and Justice Appropriations.

By Senator Alexander—

SB 1166—A bill to be entitled An act relating to Polk County; abolishing the Peace Creek Drainage District and transferring its powers, duties, functions, assets, and liabilities to the Lake Region Lakes Management District; amending s. 1 of the charter of the Lake Region Lakes Management District, as amended; redefining the territorial boundaries of the district; amending s. 2 of the charter of the Lake Region Lakes Management District, as amended; clarifying eligibility to vote for members of the board of commissioners of the district; amending s. 3 of the charter of the Lake Region Lakes Management District, as amended; prohibiting the board of commissioners of the district from taking specified actions with respect to canals and waterways within areas of the district; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Alexander—

SB 1168—A bill to be entitled An act relating to the Commission for the Transportation Disadvantaged; amending s. 427.012, F.S.; revising the membership of the commission within the Department of Transportation; revising the number of members of the commission needed to constitute a quorum; requiring that candidates for appointment to the commission meet certain requirements for background screening; requiring that the Department of Transportation report to the commission any candidate who fails to meet the screening standards; requiring that the costs of screening be borne by the department or the candidate for appointment; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice.

By Senator Garcia—

SB 1170—A bill to be entitled An act relating to road designations; designating Ramon Puig Way in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Jones—

SB 1172—A bill to be entitled An act relating to the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 766.309, F.S.; authorizing an administrative law judge to determine if the notice requirements have been satisfied when a claim is made under the Florida Birth-Related Neurological Injury Compensation Plan; providing legislative intent with respect to a provision clarifying the jurisdiction of an administrative law judge; amending s. 766.315, F.S.; authorizing the State Board of Administration to invest funds held on behalf of the Florida Birth-Related Neurological Injury Compensation Plan; providing an effective date.

—was referred to the Committees on Judiciary; and Health Care.

By Senator Jones—

SB 1174—A bill to be entitled An act relating to the implementation of a constitutional amendment; expressing the legislative intent to enact laws implementing amendment 4 to the State Constitution; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senator Campbell—

SB 1176—A bill to be entitled An act relating to the staffing of health care facilities; creating ss. 395.051-395.057, F.S.; providing a short title; providing legislative findings; defining terms; prescribing safe staffing standards for health care facilities; requiring licensed facilities to submit an annual staffing plan to the Agency for Health Care Administration; providing standards for the required skill mix; requiring compliance with the staffing plan; requiring recordkeeping; prohibiting mandatory overtime; providing applicability; providing to employees the right to refuse certain assignments and the right to report suspected violations of safe staffing standards; providing for the agency to enforce compliance with the act; requiring the agency to develop rules; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; and Ways and Means.

By Senator Lawson—

SB 1178—A bill to be entitled An act relating to illegal use of nets; amending s. 370.093, F.S.; specifying that certain nets are not considered to be gill or entangling nets and may be used to harvest mullet; providing an effective date.

—was referred to the Committees on Environmental Preservation; Criminal Justice; Judiciary; and Rules and Calendar.

By Senator Campbell—

SB 1180—A bill to be entitled An act relating to the Board of Medicine; amending s. 458.307, F.S.; revising membership requirements; providing for expiration of terms of current members, appointment of new members to staggered terms, and appointment and terms of successors; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Campbell—

SB 1182—A bill to be entitled An act relating to the Florida Incentive-based Permitting Act; creating s. 403.0874, F.S.; providing a popular name; providing legislative findings; providing purposes; providing definitions; providing for an Incentive-based Permitting Program; providing compliance incentives for certain environmental permitting activities; providing requirements and limitations; providing for administration by the Department of Environmental Protection; requiring the department to adopt certain rules; requiring agency notification of formal enforcement actions; providing notice requirements; amending ss. 161.041 and 373.413, F.S.; specifying application of Incentive-based Permitting Program provisions; amending s. 403.087, F.S.; revising criteria for department permit issuance to conform; providing an effective date.

—was referred to the Committees on Environmental Preservation; and General Government Appropriations.

By Senator Fasano—

SB 1184—A bill to be entitled An act relating to statutory ways of necessity; amending s. 704.01, F.S.; revising criteria for establishing a statutory way of necessity exclusive of common-law right; amending s. 704.04, F.S.; removing a limitation on the existence of certain easements; providing for reenactment of certain provisions under certain circumstances; providing for effectiveness; providing an effective date.

—was referred to the Committees on Judiciary; and Community Affairs.

By Senator Atwater—

SB 1186—A bill to be entitled An act relating to building and facility designations; amending s. 267.062, F.S.; authorizing the boards of trustees of state universities to name campus buildings and facilities for living persons; amending s. 1013.79, F.S.; conforming a provision; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Rich—

SB 1188—A bill to be entitled An act relating to prosperity campaigns; creating s. 445.057, F.S.; establishing the Prosperity Campaign Office to be housed in Workforce Florida, Inc.; providing duties of the office; providing for establishment of the Florida Prosperity Campaign Council; providing membership and responsibilities; requiring development and offering of a high school financial literacy course; requiring each Prosperity Campaign to connect low-wage workers to economic benefits programs and to offer additional services; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Education; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

By Senators Wilson, Lawson and Hill—

SJR 1190—A joint resolution proposing an amendment to Section 4 of Article VI of the State Constitution, relating to suffrage and elections, to provide for restoration of a felony offender's right to vote and hold office upon completion of incarceration and postconviction supervision.

—was referred to the Committees on Ethics and Elections; Criminal Justice; Judiciary; and Rules and Calendar.

By Senator Garcia—

SB 1192—A bill to be entitled An act relating to sales of communications services; amending s. 202.125, F.S.; providing that a mobile communications service having a residential service address is exempt from the tax imposed on communication services; reenacting ss. 202.12(1)(a), 202.19(10), and 203.01(1)(a), F.S., relating to the tax on communication services, the authority of a county or municipality to impose a local communications services tax, and the tax on gross receipts for communication services, to incorporate the amendment made to s. 210.125, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; Government Efficiency Appropriations; and Ways and Means.

By Senator Bennett—

SB 1194—A bill to be entitled An act relating to homestead assessments; providing an exception to requirements to assess certain homestead property at just value under certain circumstances; providing limitations; providing an effective date.

—was referred to the Committees on Community Affairs; and Government Efficiency Appropriations.

By Senator Posey—

SB 1196—A bill to be entitled An act relating to the Agency Rules Reform Act of 2005; providing a popular name; amending s. 120.536, F.S.; providing for legislative review of proposed agency rules; providing that an agency may adopt only rules that have been reviewed and approved by the Legislature; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; Ways and Means; and Rules and Calendar.

By Senator Posey—

SB 1198—A bill to be entitled An act relating to elections; creating s. 98.485, F.S.; requiring each county supervisor of elections to submit to the district school board a calendar of election dates; requiring scheduled days to coincide with election dates and schools to be made available as polling places; requiring timely notification; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Education.

By Senator Fasano—

SB 1200—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.052, F.S.; deleting an exception to an exemption from the tax for research or development costs; providing an exemption for machinery and equipment used predominantly for research and development activities; defining the term "machinery and equipment"; authorizing a business certified to receive the exemption to designate one or more state universities or community colleges as recipients of part or all of the amount of the exemption under specified conditions; providing that the business retains the rights to patents, royalties, or real or intellectual property unless an agreement specifies otherwise; amending s. 212.08, F.S.; deleting an annual limitation on an exemption from the tax for certain machinery and equipment; deleting an exemption for machinery and equipment used to expand certain printing man-

ufacturing facilities or plant units; revising special provisions for phosphate and solid mineral severance or processing; deleting an annual limitation on an exemption from the tax for certain machinery and equipment purchased under a federal procurement contract; repealing s. 212.0805, F.S., relating to conditions for the qualification of machinery and equipment used in phosphate and solid mineral severance or processing for the exemption for new or expanding businesses; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Education; Government Efficiency Appropriations; and Ways and Means.

By Senator Bennett—

SB 1202—A bill to be entitled An act relating to the provision of electric power; amending s. 366.05, F.S.; requiring findings by the Public Service Commission before a public utility constructs a power plant or buys certain power from a third party; requiring a public utility to purchase wholesale power under certain conditions; amending s. 403.503, F.S.; adding gas and combined cycle facilities to the power plants that are subject to the Florida Electrical Power Plant Siting Act; amending s. 403.506, F.S.; providing for application of the act to steam-generating plants; applying the act's certification requirement to facilities that alter or add certain steam generating capacity to an existing plant; specifying that the replacement of an existing turbine is an alteration rather than a modification; amending s. 403.5175, F.S.; requiring that a determination of need by the Public Service Commission be included in an application for power plant certification which seeks a certain increase in steam-generating capacity at an existing plant; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Environmental Preservation; and General Government Appropriations.

By Senator Smith—

SB 1204—A bill to be entitled An act relating to enterprise zones; authorizing the Office of Tourism, Trade, and Economic Development to approve requests to amend enterprise zone boundaries; providing amendment requirements; authorizing existing enterprise zones to request recertification; providing request requirements; amending s. 212.08, F.S.; reducing the amount of sales tax refunded for business property used in an enterprise zone; revising the definition of the term "business property"; amending s. 290.007, F.S.; authorizing eligible businesses to transfer unused credits; providing requirements and limitations; amending s. 290.016, F.S.; extending the expiration date of the Florida Enterprise Zone Act of 1994; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Peaden—

SM 1206—A memorial to the Congress of the United States, urging Congress to amend the Social Security Act.

—was referred to the Committee on Rules and Calendar.

By Senator Peaden—

SB 1208—A bill to be entitled An act relating to long-term care coverage; amending s. 409.902, F.S.; directing the Agency for Health Care Administration to establish the Long-term Care Partnership Program; providing purpose and duties; amending s. 409.905, F.S.; providing conditions for eligibility; directing the agency to submit a plan and proposed legislation to the Legislature; providing a contingent effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Health and Human Services Appropriations.

By Senator Sebesta—

SJR 1210—A joint resolution proposing an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution, relating to qualifications of candidates for public office, to increase the time a person may serve as state senator or state representative before being disqualified from a consecutive candidacy.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

By Senator Bennett—

SB 1212—A bill to be entitled An act relating to construction contracting; amending s. 489.113, F.S.; revising an exemption for general contractors with respect to the requirement to subcontract the construction of certain sanitary sewer collection, storm collection, and water distribution systems; creating s. 489.1185, F.S.; providing requirements for grandfathering certified general contractors as underground utility and excavation contractors for purposes of qualifying business organizations performing such construction; providing for fees; providing an effective date.

—was referred to the Committees on Regulated Industries; and General Government Appropriations.

By Senator Wilson—

SB 1214—A bill to be entitled An act relating to public school student progression; amending s. 1008.25, F.S.; revising the components of school district student progression programs; eliminating guidelines for allocating school district remedial and supplemental instruction resources; providing for the retention of students under specified circumstances; eliminating mandatory retention requirements for certain students in grade 3; eliminating midyear promotion; providing procedures for parental requests for retention; providing for appeals; eliminating standards for exemption from mandatory retention, to conform; revising the parental notification requirements; revising guidelines for remedial reading instruction and intervention strategies; revising the purpose of the Reading Enhancement and Acceleration Development Initiative; revising the eligibility criteria for the Intensive Acceleration Class; revising the requirements for reports by district school boards specifying required rules; amending s. 1002.20, F.S.; conforming a cross-reference; amending s. 1002.23, F.S., to conform; requiring the State Board of Education to initiate the adoption of rules by a time certain; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Wise—

SB 1216—A bill to be entitled An act relating to corrections; expressing the legislative intent to revise laws relating to corrections; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senator Wise—

SB 1218—A bill to be entitled An act relating to juvenile justice; expressing the legislative intent to revise laws relating to juvenile justice; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senator Wise—

SB 1220—A bill to be entitled An act relating to probation; expressing the legislative intent to revise laws relating to probation; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senator Wise—

SB 1222—A bill to be entitled An act relating to law enforcement; expressing the legislative intent to revise laws relating to law enforcement; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senator Wise—

SB 1224—A bill to be entitled An act relating to parole; expressing the legislative intent to revise laws relating to parole; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senator Diaz de la Portilla—

SB 1226—A bill to be entitled An act relating to domestic security; expressing the legislative intent to revise laws relating to domestic security; providing an effective date.

—was referred to the Committees on Domestic Security; Criminal Justice; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senator Diaz de la Portilla—

SB 1228—A bill to be entitled An act relating to emergency preparedness; expressing the legislative intent to revise laws relating to emergency preparedness; providing an effective date.

—was referred to the Committees on Domestic Security; Community Affairs; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

By Senator Carlton—

SB 1230—A bill to be entitled An act relating to the Voluntary Prekindergarten Education Program; expressing the legislative intent to revise laws relating to the Voluntary Prekindergarten Education Program; providing an effective date.

—was referred to the Committees on Education Appropriations; and Ways and Means.

By Senator Lynn—

SB 1232—A bill to be entitled An act relating to wind-protection provisions of the Florida Building Code; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; eliminating the exemption from windborne-debris requirements currently applicable in certain areas of Franklin, Gulf, Bay, Walton, Okaloosa, Santa Rosa, and Escambia Counties; providing for removal of code provisions that allow certain buildings to be designed for internal pressures; directing the Florida Building Commission to consider various issues in the code-development process; amending s. 553.71, F.S.; deleting the definition of the term "exposure category C" for purposes of the code; directing the Florida Building Commission to consider addressing exposure category C areas in the Florida Building Code; defining the term "exposure category C"; providing an effective date.

—was referred to the Committees on Community Affairs; and Regulated Industries.

Senate Resolutions 1234-1236—Not referenced.

By Senator Wise—

SB 1238—A bill to be entitled An act relating to the abatement of drug paraphernalia; creating the Drug Paraphernalia Abatement Task Force within the Executive Office of the Governor; prescribing task force membership; providing for meetings and duties of the task force; providing that meetings and records of the task force are subject to the public-records requirements of ch. 119, F. S.; providing for members of the task force to be reimbursed for per diem and travel expenses; requiring the Office of Drug Control within the Executive Office of the Governor to provide staff support; requiring cooperation by state agencies; providing for abolishing the task force on a specified date; providing an effective date.

—was referred to the Committees on Criminal Justice; Commerce and Consumer Services; and Governmental Oversight and Productivity.

By Senator Baker—

SB 1240—A bill to be entitled An act relating to former military vehicles; amending s. 316.2952, F.S.; defining "former military vehicle"; exempting such vehicles from certain windshield requirements; requiring eye-protective devices while such vehicle is in operation; providing penalties for violation; amending s. 316.605, F.S.; exempting certain former military vehicles from license plate display requirements; amending s. 320.086, F.S.; providing for issuance of special license plates for certain former military vehicles; exempting certain former military vehicles from license plate display requirements; requiring the plate and registration certificate to be in the vehicle and available for inspection; defining "former military vehicle"; providing an effective date.

—was referred to the Committee on Transportation.

By Senators Aronberg and Fasano—

SB 1242—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.111, F.S.; authorizing additional persons to purchase credit for prior military wartime service; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and Ways and Means.

By Senator Alexander—

SB 1244—A bill to be entitled An act relating to the tax on gross receipts for utility services; amending s. 203.01, F.S.; providing for a tax on utility services delivered to a retail consumer in this state; providing for a tax on the gross receipts of a distribution company providing delivery of electricity to a retail consumer, based on an index price; providing for an annual calculation of the index price; providing for a tax reduction by refund for similar taxes paid to another jurisdiction; providing for a tax on the gross receipts of a distribution company providing for the sale or transportation of natural gas or manufactured gas to a retail consumer, based on an index price; providing for an annual calculation of the index price; providing for a tax reduction by refund for similar taxes paid to another jurisdiction; providing for a tax on the cost price of

electricity, natural gas, or manufactured gas to be paid by any person who causes these products to be severed or imported into the state for that person's own use; revising obsolete provisions; providing that the tax does not apply to certain sales, transportation, delivery, or uses; amending s. 203.012, F.S.; redefining the term "utility service"; defining the term "distribution company"; authorizing the executive director of the Department of Revenue to adopt emergency rules to implement the act; providing an amnesty for unpaid gross receipts tax, penalties, and interest on unpaid gross receipts tax otherwise due for selling natural gas in this state; providing conditions for the amnesty; providing limitations for the amnesty; authorizing the executive director of the Department of Revenue to adopt emergency rules to implement the amnesty; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; Communications and Public Utilities; Commerce and Consumer Services; and Ways and Means.

By Senator Margolis—

SB 1246—A bill to be entitled An act relating to the arrest of an elderly person; creating s. 901.243, F.S.; providing legislative intent concerning an elderly person who has been arrested for an alleged violation of a criminal law of this state; defining the term "elderly person"; requiring a law enforcement officer arresting an elderly person to notify the Department of Elderly Affairs and request that the department examine the elderly person; requiring the department to provide a qualified professional to examine the elderly person within a specified time and determine competency to proceed; specifying the responsibilities of the qualified professional when examining the elderly person; requiring the qualified professional to prepare a report; requiring the qualified professional to identify recommended treatment for the elderly person to attain competency to proceed; providing an effective date.

—was referred to the Committees on Children and Families; Criminal Justice; Judiciary; and Health and Human Services Appropriations.

By Senator Wilson—

SB 1248—A bill to be entitled An act relating to the school health services program; amending s. 381.0056, F.S.; defining the term "school-based health center" for purposes of the School Health Services Act; providing that such a center is a health care entity acting as an instrumentality of the state for purposes of certain limitations on liability; providing an effective date.

—was referred to the Committees on Health Care; Education; Judiciary; and Education Appropriations.

By Senator Wise—

SB 1250—A bill to be entitled An act relating to independent postsecondary education; amending s. 1005.22, F.S.; revising a duty of the Commission for Independent Education relating to rulemaking; amending s. 1005.31, F.S.; providing requirements of independent postsecondary educational institutions licensed by the commission; providing requirements for an investigative process for licensure of applicants; revising provisions relating to applicant status; providing for inspections; creating s. 1005.375, F.S.; specifying acts that constitute violations and providing penalties therefor; amending s. 1005.38, F.S.; providing requirements for investigation of a suspected violation of the chapter or rules; providing for denial of licensure; providing additional grounds for disciplinary actions; providing for a final order to dismiss a complaint or impose specified penalties; providing for imposition of an assessment relating to investigation and prosecution of a case; providing for an emergency suspension or restriction order; creating s. 1005.385, F.S.; requiring the commission to adopt rules relating to issuance of a citation to an institution and violations for which a citation may be issued; specifying requirements for issuance; amending s. 1010.83, F.S.; providing for the inclusion in the Institutional Assessment Trust Fund of fees and fines imposed on institutions; specifying separate accounts; revising uses of funds in the trust fund; providing an effective date.

—was referred to the Committees on Education; Criminal Justice; and Education Appropriations.

By Senators Saunders and Bennett—

SB 1252—A bill to be entitled An act relating to the Florida Gulf Coast University; authorizing the university to establish a school of engineering; authorizing the university to grant bachelor's degrees in specified fields; providing an effective date.

—was referred to the Committees on Education; Regulated Industries; Education Appropriations; and Rules and Calendar.

By Senator Constantine—

SB 1254—A bill to be entitled An act relating to the deferred compensation program for government employees; amending s. 112.215, F.S.; providing that the deferred compensation plan or plans established by the Chief Financial Officer apply to employees of governmental entities other than the state; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; General Government Appropriations; and Ways and Means.

By Senator Wise—

SB 1256—A bill to be entitled An act relating to student financial assistance; providing legislative intent; creating the Florida Independent Collegiate Assistance (FICA) Grant Program, for the purpose of providing grants to certain students who attend certain nonpublic institutions of higher education and are enrolled in programs leading to specified occupations; requiring the Department of Education to administer the program; providing for eligibility; defining the term "eligible nonpublic institution of higher education"; providing for rulemaking by the State Board of Education; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Atwater—

SB 1258—A bill to be entitled An act relating to certificates of release for mortgages; creating s. 701.041, F.S.; providing definitions; providing for the issuance of a certificate of release for a mortgage by a title insurer or its authorized agent for certain purposes; providing for recordation; specifying contents of a certificate of release; requiring execution, acknowledgment, and recordation of a certificate of release by certain entities; providing requirements for appointment of an agent for execution purposes; providing for effect of a certificate of release; providing criteria for recording multiple certificates of release; providing application; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senators Wise and Dockery—

SB 1260—A bill to be entitled An act relating to university growth funding; creating s. 1011.96, F.S.; requiring future enrollment growth funds to be appropriated to the Department of Education or to a trust fund to be distributed to public or nonpublic postsecondary educational institutions providing instruction in fields vital to the citizens of the state; providing for a request for proposals and requirements of such proposals; requiring establishment annually of a priority list; providing

for creation of a committee and specifying terms and duties thereof; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; and Education Appropriations.

By Senator Campbell—

SB 1262—A bill to be entitled An act relating to child support enforcement; amending s. 61.13, F.S.; providing civil penalties for employers, unions, and plan administrators not in compliance with requirements of the national medical support notice; amending s. 61.1354, F.S.; providing for sharing of information between consumer reporting agencies and the Department of Revenue relating to amount of current support owed; requiring the department to continue reporting to consumer reporting agencies once overdue amount is paid if current support is still owed; amending s. 61.14, F.S.; providing conditions for collection of support from workers' compensation settlements; providing for amendment of settlement agreement; providing for rulemaking by the Office of the Judges of Compensation Claims; amending s. 61.1812, F.S.; correcting a reference; amending s. 222.21, F.S.; correcting a reference; amending s. 382.016, F.S.; providing exceptions to the requirement that the department limit access to an acknowledgment of paternity that amends an original birth certificate; providing conditions under which an original birth certificate for a child born in this state whose paternity is established in another state may be amended; amending s. 409.2561, F.S.; providing limitation to exemption for support order establishment to recipients of supplemental security income and temporary cash assistance; amending s. 409.2567, F.S.; eliminating requirement for a monthly report by the department on funds identified for collection from noncustodial parents of children receiving temporary assistance; amending s. 409.821, F.S.; requiring the provision of information identifying KidCare program applicants to the department for Title IV-D purposes; providing effective dates.

—was referred to the Committees on Children and Families; Judiciary; and General Government Appropriations.

By Senator Saunders—

SB 1264—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal showing a steady red indication; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring a driver improvement course for a second moving violation of a traffic control signal showing a steady red indication within a specified time period; providing a penalty for failure to complete such course within a specified time period; amending s. 322.27, F.S.; assigning a point value for conviction of a moving violation of a traffic control signal showing a steady red indication; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing for audits and attestations; providing an effective date.

—was referred to the Committees on Transportation; Health Care; Government Efficiency Appropriations; and Health and Human Services Appropriations.

By Senator Jones—

SB 1266—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; defining the term "public school member"; amending s. 121.091, F.S.; providing for calculation of retirement benefits payable to public school members; providing retroactive applicability; providing for funding of benefit increases for public school members; providing a finding of important state interest; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Ways and Means.

By Senator Clary—

SB 1268—A bill to be entitled An act relating to the second primary election; repealing s. 100.091, F.S.; eliminating the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending s. 97.021, F.S., relating to the definition of "primary election," to conform; amending ss. 97.055, 97.071, 97.1031, 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending ss. 99.061, 99.095, F.S., relating to qualifying for nomination or election to office, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 101.62, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, 106.29, F.S., and repealing s. 102.014(4)(c), F.S.; revising references, to conform to the elimination of the second primary election; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Judiciary.

By Senator Saunders—

SB 1270—A bill to be entitled An act relating to property appraiser assessments; amending s. 193.023, F.S.; providing property appraisers with additional methods for inspecting real property for assessment purposes as an alternative to physical inspections; providing an effective date.

—was referred to the Committees on Community Affairs; and Government Efficiency Appropriations.

By Senator Wise—

SB 1272—A bill to be entitled An act relating to public records and public meetings exemptions for investigations by the Commission for Independent Education; amending s. 1005.38, F.S.; creating an exemption from public records requirements for a complaint, information obtained during an investigation, and minutes and findings of a probable cause panel relating to suspected violations of ch. 1005, F.S., or commission rules; creating an exemption from public meetings requirements for proceedings of a probable cause panel; providing for limited duration of the exemptions; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Education; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

Senate Resolutions 1274-1278—Not referenced.

By Senator Hill—

SB 1280—A bill to be entitled An act relating to education; creating s. 1003.422, F.S.; allowing school districts to provide instruction in the history of labor; providing an effective date.

—was referred to the Committee on Education.

By Senator Hill—

SB 1282—A bill to be entitled An act relating to youth athletics programs; requiring a security background screening by the Department of Law Enforcement for persons who volunteer or work for a youth athletic association; prohibiting a person from volunteering or working with a youth athletic association before completing the screening; providing for the payment of fees to cover the costs of screening; defining the term "youth athletic association"; providing an effective date.

—was referred to the Committees on Community Affairs; Criminal Justice; and Justice Appropriations.

By Senator Hill—

SB 1284—A bill to be entitled An act relating to government contracting; requiring contracts for procurement of services by governmental entities to include provisions requiring those services to be performed by United States citizens or persons lawfully able to work within the United States and to be performed within the United States; providing exceptions; providing a definition; requiring a review of existing contracts and a report by the Chief Financial Officer; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Commerce and Consumer Services; and Rules and Calendar.

By Senator Bennett—

SB 1286—A bill to be entitled An act relating to funds for the operation of schools; amending s. 1011.62, F.S.; revising the formula for determining the sparsity supplement; requiring that a district having a wealth adjustment receive no less than the statewide average amount of per-student funding; providing an effective date.

—was referred to the Committees on Education; Education Appropriations; and Ways and Means.

By Senator Aronberg—

SB 1288—A bill to be entitled An act relating to labor pools; amending s. 448.24, F.S.; authorizing a labor pool to provide day laborers with a method of obtaining cash from a cash-dispensing machine; providing criteria for the use of a cash-dispensing machine; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Banking and Insurance; and Judiciary.

By Senator Posey—

SJR 1290—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution, relating to the type of amendment or revision which may be proposed by citizen initiative.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

By Senator Bennett—

SJR 1292—A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution; requiring that the use of public funds in aid of any professional sports team, or to pay for a facility used or intended to be used by a professional sports team or for a professional sporting event, be approved by a vote of the electors of the state or by the electors of the affected county, school district, municipality, or special district; providing an exception for such payments authorized before a specified date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Bennett—

SB 1294—A bill to be entitled An act relating to use of school district millage; amending ss. 200.065 and 1011.71, F.S.; expanding authorized school board millage levy funding to include payment of premiums for property and casualty insurance necessary to insure school district educational plants; providing an effective date.

—was referred to the Committees on Education; Government Efficiency Appropriations; and Education Appropriations.

By Senators Haridopolos and Dockery—

SB 1296—A bill to be entitled An act relating to the communications services tax; amending s. 202.16, F.S.; requiring dealers to document exempt sales for resale; providing requirements; providing a definition; providing construction; providing for dealer provision of evidence of the exempt status of certain sales through an informal protest process; requiring the Department of Revenue to accept certain evidence during the protest period; providing limitations; providing for retroactive application; amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; amending s. 202.20, F.S.; limiting local governmental authority to make certain rate adjustments in the tax under certain circumstances; deleting obsolete provisions relating to making certain adjustments in the tax for certain periods; amending s. 202.21, F.S.; deleting provisions relating to local government adjustments of the tax by emergency ordinance or resolution to conform; specifying that certain amendments are remedial in nature and clarify certain provisions of law but do not grant rights to a refund of certain fees or charges under certain circumstances; providing effective dates.

—was referred to the Committees on Government Efficiency Appropriations; Communications and Public Utilities; Community Affairs; and Ways and Means.

By Senator Posey—

SB 1298—A bill to be entitled An act relating to public K-12 educational instruction; creating s. 1003.4205, F.S.; providing a popular name; providing legislative intent; requiring the provision of instruction regarding sun safety and skin protection; providing requirements for such instruction; providing an effective date.

—was referred to the Committees on Education; and Health Care.

By Senator Campbell—

SB 1300—A bill to be entitled An act relating to limitations on claims for refund of corporate income tax; amending s. 220.727, F.S.; revising provisions for determining when a payment of estimated tax is deemed paid for purposes of time limitations for refund claims; providing an effective date.

—was referred to the Committee on Government Efficiency Appropriations.

By Senator Posey—

SJR 1302—A joint resolution proposing an amendment to Section 2 of Article V of the State Constitution, relating to the judiciary, to abolish the power of the Supreme Court to adopt rules of practice and procedure for all courts; create a judicial conference to propose such rules; and empower the Legislature to accept, amend, or reject proposed rules, and to repeal or amend rules, by general law.

—was referred to the Committees on Judiciary; and Rules and Calendar.

By Senator Margolis—

SB 1304—A bill to be entitled An act relating to traffic safety; creating the "School Crossing Guard Protection Law"; amending s. 316.072, F.S.; providing penalties for willfully failing or refusing to comply with a lawful order or direction of a school crossing guard; providing an effective date.

—was referred to the Committees on Criminal Justice; and Transportation.

By Senator Fasano—

SB 1306—A bill to be entitled An act relating to professional sports franchises; expressing the legislative intent to revise laws relating to professional sports franchises; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; Government Efficiency Appropriations; and Ways and Means.

By the Committee on Regulated Industries—

SB 1308—A bill to be entitled An act relating to the Florida Clean Indoor Air Act; amending s. 386.203, F.S.; defining the term "person" for purposes of the act; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending ss. 386.2045 and 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Consumer Services; Criminal Justice; and General Government Appropriations.

By the Committee on Regulated Industries—

SB 1310—A bill to be entitled An act relating to the tax on cigarettes; amending s. 210.021, F.S.; directing the Secretary of Business and Professional Regulation to require certain dealers and agents to remit the tax on cigarettes by electronic funds transfer; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to adopt rules governing the payment of taxes by electronic funds transfer; amending s. 210.08, F.S.; revising the amount of the surety bond, certificate of deposit, or irrevocable letter of credit required by the division as surety for the payment of cigarette taxes; providing for exceptions; amending s. 210.18, F.S.; requiring that the seizure of unstamped cigarettes be reported to the division; requiring the division to keep records concerning seized unstamped cigarettes; providing an effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; and General Government Appropriations.

By Senator Carlton—

SB 1312—A bill to be entitled An act relating to the Pilot RV Mediation and Arbitration Program; amending ss. 681.1096 and 681.1097, F.S.; eliminating the termination of the mediation and arbitration pilot program for disputes involving the manufacturer of a recreational vehicle acquired on or after a specified date; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Judiciary; and Justice Appropriations.

By Senator Rich—

SB 1314—A bill to be entitled An act relating to independent living; amending s. 39.013, F.S.; authorizing a child in foster care to petition the court to retain jurisdiction of his or her case; limiting the court's continued jurisdiction to 1 year after the child's 18th birthday; identifying the issues to be considered by the court during its continued jurisdiction; providing that a judicial review hearing is not required; providing an exception; amending s. 39.701, F.S.; requiring the Department of Children and Family Services to include in its judicial review study report verification that the child has been provided with certain information about the Road-to-Independence Scholarship Program and with notice that court jurisdiction continues for a specified period of time; amending s. 409.903, F.S.; expanding Medicaid eligibility to include certain young adults; amending s. 409.1451, F.S.; authorizing a child who is eligible for the Road-to-Independence Scholarship Program to continue to reside with a licensed foster family or a group care provider; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; and Health and Human Services Appropriations.

By the Committee on Community Affairs—

SB 1316—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 327.47, F.S.; providing for funding certain boating grant programs administered by the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; increasing vessel registration fees; providing for a portion of the fees to be designated for boating grant programs; amending s. 328.76, F.S.; clarifying the use of funds designated for boating grant programs; creating s. 324.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.304-197.3047, F.S.; providing a tax deferral for ad valorem taxes and non-ad valorem assessments covered by a tax certificate and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease if there is a change in the use of the property; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—was referred to the Committees on Community Affairs; Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

By the Committee on Environmental Preservation—

SB 1318—A bill to be entitled An act relating to underground petroleum storage tanks; amending s. 376.3071, F.S.; directing the Department of Environmental Protection to encumber petroleum remediation funds uniformly throughout the state's fiscal year; providing for a prioritization within a priority scoring range; providing that limited source removal projects approved outside the established priority order may be funded from the Inland Protection Trust Fund; providing a priority order for these projects; limiting the use of the funds to certain specified purposes; limiting the amount of money allocated to such projects each fiscal year; providing for the repeal of the law on a specified date; amending s. 376.30713, F.S.; providing that the preapproved advanced cleanup provisions may apply to certain discharges under the petroleum cleanup participation program; amending s. 376.3075, F.S.; authorizing the Inland Protection Financing Corporation to borrow money and issue bonds to pay for large-scale cleanups that are eligible for state funding; extending the termination date of the corporation; providing an effective date.

—was referred to the Committees on Environmental Preservation; Banking and Insurance; General Government Appropriations; and Ways and Means.

By the Committee on Communications and Public Utilities—

SB 1320—A bill to be entitled An act relating to the Lifeline and Link-Up Assistance Program; amending s. 364.10, F.S.; requiring the Public Service Commission to increase enrollment of customers in the Lifeline and Link-Up Assistance Program; directing the commission to establish eligibility criteria for the program; requiring the commission to review the current promotional efforts of the telecommunications companies participating in the program; authorizing the commission to direct the participating telecommunications companies to increase their promotional programs and related promotional spending; requiring the commission to establish enrollment procedures; requiring the commission to adopt rules; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Commerce and Consumer Services; and Transportation and Economic Development Appropriations.

By the Committee on Communications and Public Utilities—

SB 1322—A bill to be entitled An act relating to the Public Service Commission; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; deleting the authority of the Governor to appoint members to the Public Service Commission; requiring that the commission perform its duties independently; specifying that the Governor has no planning or budgetary authority with respect to the commission; specifying that the Governor and the Department of Management Services have no authority over the commission's employees; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight rather than the Governor accept nominations and make appointments to the Public Service Commission; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners comply with the Florida Code of Judicial Conduct, with certain exceptions; requiring that the Commission on Ethics report alleged violations to the Committee on Public Service Commission Oversight rather than the Governor for purposes of enforcement; amending s. 350.042, F.S.; requiring that the Commission on Ethics report certain alleged violations to the Committee on Public Service Commission Oversight rather than the Governor for purposes of enforcement; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.043, F.S.; providing for enforcement of penalties for specified violations by the Committee on Public Service Commission Oversight rather than the Governor; amending s. 350.05, F.S.; providing for the Committee on Public Service Commission Oversight rather than the Governor to suspend a public service commissioner who becomes disqualified; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; repealing s. 350.03, F.S., relating to the power of the Governor to remove commissioners of the Public Service Commission; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; and Governmental Oversight and Productivity.

By Senators Rich, Lynn and Wilson—

SB 1324—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.8132, F.S.; providing for year-round enrollment in the Medikids program component of the Florida KidCare program; amending s. 409.8134, F.S.; providing for year-round enrollment in the Florida KidCare program; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

SR 1326—Not referenced.

By Senator Posey—

SB 1328—A bill to be entitled An act relating to civil penalties; amending s. 318.18, F.S.; authorizing a county to impose a surcharge on certain civil penalties to fund local participation in the public guardianship or guardian ad litem programs; prescribing prerequisites for imposing such surcharge; providing a limit on such surcharge; providing an effective date.

—was referred to the Committees on Judiciary; Community Affairs; Government Efficiency Appropriations; and Justice Appropriations.

By Senator Atwater—

SB 1330—A bill to be entitled An act relating to financial institutions; amending s. 655.005, F.S.; redefining the terms "imminently insolvent" and "insolvent" with respect to credit unions; creating s. 655.0201, F.S.; prescribing methods of serving process, notice, or demand on financial institutions; amending s. 655.044, F.S.; requiring all financial institutions to use the calendar year as their fiscal year; amending s. 655.057, F.S.; deleting obsolete provisions; amending s. 655.411, F.S.; conforming a cross-reference; creating s. 655.4185, F.S.; authorizing emergency action in cases of failing financial entities; amending s. 657.002, F.S.; redefining terms with respect to credit unions and deleting obsolete and other terms; amending s. 657.005, F.S.; revising procedures applicable to applying for authority to organize a credit union; amending s. 657.0061, F.S.; providing for disapproval of a proposed bylaw amendment that is not in compliance with statutes or rules; amending s. 657.008, F.S.; revising provisions relating to changes of a credit union's place of business and to establishing branch locations; amending s. 657.021, F.S.; revising duties of credit union boards of directors; amending s. 657.022, F.S.; changing the time within which the annual meeting of a credit union board of directors must be held; amending s. 657.023, F.S.; revising powers of a credit union with respect to a member's rights and continued membership; amending s. 657.024, F.S.; deleting a requirement that distributing ballots in advance of a membership meeting must be done by mail; amending s. 657.026, F.S.; deleting obsolete provisions; revising standards for reporting by a supervisory or audit committee; amending s. 657.027, F.S.; revising duties of a credit union's credit manager; amending s. 657.028, F.S.; prohibiting compensation of a credit union treasurer but authorizing compensation of its chief executive officer; revising prerequisites for serving as an officer, director, or committee member; amending s. 657.031, F.S.; revising powers of credit

unions; amending s. 657.033, F.S.; changing standards for when an account is considered dormant, unclaimed, or abandoned; prescribing limits on persons from whom credit unions may accept deposits; allowing credit unions to participate in systems that allow for automated or electronic transfer, deposit, or withdrawal of funds; requiring credit unions to maintain certain insurance; amending s. 657.038, F.S.; revising credit unions' loan powers, including the power to issue debit or credit cards; amending s. 657.039, F.S.; increasing the amount of credit that may be extended to a credit union's own officers and employees; amending s. 657.042, F.S.; authorizing investment in stock of the Federal Home Loan Bank; revising other limits on investments; amending s. 657.043, F.S.; revising standards for an allowance-for-loan-losses account; deleting the definition of risk assets; providing guidelines for borrowing money; deleting provisions relating to reserves and guaranty assistance agreements; amending s. 657.062, F.S.; deleting obsolete provisions; providing guidelines for conservatorships; amending s. 657.063, F.S.; revising provisions relating to involuntary liquidation; amending s. 657.064, F.S.; deleting obsolete provisions; revising provisions relating to voluntary liquidation; amending s. 657.065, F.S.; revising provisions governing mergers of credit unions; amending s. 657.066, F.S.; revising provisions relating to conversion of credit unions from state to federal or from federal to state; repealing s. 657.0315, F.S., relating to contracts for providing goods, products, or services, s. 657.051, F.S., relating to fiscal year, s. 657.055, F.S., relating to retention and destruction of certain records, s. 657.068, F.S., relating to central credit unions, and s. 658.43(7), F.S., relating to powers with respect to failing financial entities; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Jones—

SB 1332—A bill to be entitled An act relating to public records; expressing the legislative intent to enact laws relating to public records for the purpose of implementing Amendment 4 to the State Constitution; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Pruitt—

SB 1334—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2005 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2005 shall be effective immediately upon publication; providing that general laws enacted during the 2004 regular session and prior thereto and not included in the Florida Statutes 2005 are repealed; providing that general laws enacted during the 2005 regular session are not repealed by this adoption act.

—was referred to the Committee on Rules and Calendar.

By Senator Pruitt—

SB 1336—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 20.121, 28.246, 28.35, 28.36, 29.21, 34.191, 39.701, 63.087, 63.102, 70.20, 101.161, 112.08, 112.63, 120.536, 211.06, 215.20, 215.555, 216.023, 220.1895, 280.16, 287.042, 287.17, 288.1224, 288.12265, 288.905, 290.00689, 290.015, 311.125, 322.135, 327.395, 339.55, 339.64, 364.604, 373.145, 373.1963, 373.4592, 376.71, 376.80, 378.034, 378.035, 381.0046, 381.0065, 381.103, 381.734, 393.0655, 393.068, 394.499, 394.82, 394.9083, 395.4001, 395.404, 397.416, 397.97, 400.1755, 400.179, 403.4154, 409.2563, 409.907, 409.9071, 409.908, 409.91188, 409.912, 420.504, 430.205, 440.05, 440.491, 440.591, 443.191, 445.003, 445.009, 455.2177, 455.32, 475.615, 489.146, 497.103, 497.140, 497.150, 497.152, 497.153, 497.160, 497.166, 497.167, 497.260, 497.369, 497.453, 497.458, 497.466, 497.550, 497.551, 497.603, 497.604, 497.608, 550.0251, 553.791, 553.8413, 556.112, 558.002, 558.004, 560.408, 570.71, 581.131, 620.9901, 624.426, 626.641, 627.6699, 627.736, 628.909, 633.0215, 636.240, 641.51, 648.50, 650.05, 655.948, 658.60, 663.02, 663.318, 668.602, 717.1400, 720.303, 720.402, 720.405, 744.3678, 744.7021, 782.081, 784.046, 895.02, 921.0022, 932.706, 943.125, 944.026, 944.1905, 944.803, 948.09, 948.30, 957.07, 958.045, 985.404, 1009.765, and 1012.796, F.S.; reenacting ss. 110.161, 288.063, 381.0072, 430.04, 446.051, 450.081, 489.531, 626.112, 718.112, and 721.075, F.S.; and repealing ss. 30.17, 202.205, 288.971, 295.184, 373.1995, 394.498, 570.235, and 627.6685, F.S.; pursuant to s. 11.242, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was referred to the Committee on Rules and Calendar.

By Senator Pruitt—

SB 1338—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 20.19(5)(b)2., 20.3315(3), 27.005, 27.006, 27.271, 27.33, 27.3455, 27.36, 27.385, 27.605, 29.002, 29.003, 29.009, 29.011, 43.28, 50.071, 57.091, 166.411(11), 196.1994, 202.27(7), 213.131(2), 216.181(17), 216.292(5)(f), 218.325, 220.191(1)(h)2., 252.373(1)(b) and (c), 259.105(21), 288.9511, 288.9515, 288.9517, 339.08(4), 339.082(3), 372.127(3), 372.561(9), 376.875(6), 381.79(7), 456.0375, 601.15(3)(f), 723.06115(3), 914.06, 925.035, 925.036, 925.037, 932.7055(5)(d), 939.05, 939.07, 939.10, 939.15, 985.4075(2), 1004.225, and 1010.87(3), F.S., all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2005 Florida Statutes only through a reviser's bill duly enacted by the Legislature; amending s. 378.035, F.S., to delete obsolete material and repeal a provision that has become inoperative by noncurrent expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2005 Florida Statutes only through a reviser's bill duly enacted by the Legislature; repealing s. 383.410, F.S., to confirm the October 2, 2004, repeal of an exemption in accordance with the Open Government Sunset Review Act of 1995; amending s. 202.35(3), F.S., to conform to the repeal of s. 202.27(7), F.S.; and amending s. 627.732(1)(a), F.S., to conform to the repeal of s. 456.0375, F.S.

—was referred to the Committee on Rules and Calendar.

By Senator Pruitt—

SB 1340—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 369.324, 381.92, 458.3475, and 459.023, F.S., to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

—was referred to the Committee on Rules and Calendar.

By Senator Geller—

SB 1342—A bill to be entitled An act relating to a tax on revenues from slot machines; amending s. 849.16, F.S.; imposing a tax on revenues from slot machines located in certain pari-mutuel facilities located in Broward County or Miami-Dade County, as authorized by Section 23 of Article X of the State Constitution; defining the term "slot-machine revenues"; providing for remitting the tax proceeds periodically to the Department of Revenue; providing for rulemaking by the department; requiring the tax proceeds to be deposited in the State School Trust Fund and used to supplement public education funding; providing for the distribution of the tax proceeds; providing penalties for a failure to timely pay the tax on slot-machine revenues; requiring that the Department of Revenue coordinate with the Division of Pari-mutuel Wagering in enforcement actions; requiring the division to adopt rules governing suppliers and operators of slot machines; providing that, except for the provisions of this act, ch. 849, F.S., does not apply to a licensed pari-

mutuel facility in Miami-Dade County or Broward County which qualifies under Section 23 of Article X of the State Constitution to operate slot machines, if specified conditions are met; providing a contingency to the effective date of the tax; providing an effective date.

—was referred to the Committees on Regulated Industries; Education; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senator Sebesta—

SB 1344—A bill to be entitled An act relating to motor vehicles; amending s. 261.03, F.S.; redefining the term "off-highway vehicle" to include a two-rider ATV; adding a definition; amending s. 316.003, F.S.; defining the term "traffic signal preemption system"; amending s. 316.0775, F.S.; providing that the unauthorized use of a traffic signal preemption device is a moving violation; amending s. 316.122, F.S.; providing for the right-of-way for certain passing vehicles; creating s. 316.1576, F.S.; providing clearance specifications for a railroad-highway grade crossing; providing a penalty; creating s. 316.1577, F.S.; providing that an employer is responsible under certain circumstances for violations pertaining to railroad-highway grade crossings; providing a penalty; amending s. 316.183, F.S.; increasing the minimum speed limit on interstate highways under certain circumstances; amending s. 316.1932, F.S.; revising the requirements for printing the notice of consent for sobriety testing on a driver's license; amending s. 316.1936, F.S., relating to possession of open containers of alcohol; removing an exemption provided for passengers of a vehicle operated by a driver holding a Class D driver's license; amending s. 316.194, F.S.; authorizing traffic accident investigation officers to remove vehicles under certain circumstances; amending s. 316.1967, F.S.; providing that an owner of a leased vehicle is not responsible for a parking ticket violation in certain circumstances; amending s. 316.2074, F.S.; redefining the term "all-terrain vehicle" to include a two-rider ATV; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; amending s. 316.613, F.S.; eliminating authorization for the Department of Highway Safety and Motor Vehicles to expend certain funds for promotional purposes; creating s. 316.6131, F.S.; authorizing the department to expend certain funds for public information and education campaigns; amending s. 316.650, F.S.; providing exceptions to a prohibition against using citations as evidence in a trial; amending s. 317.0003, F.S.; defining the term "off-highway vehicle" to include a two-rider ATV; providing a definition; amending ss. 317.0004, 317.0005, and 317.0006, F.S.; conforming references; amending s. 317.0007, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue a validation sticker as an additional proof of title for an off-highway vehicle; providing for the replacement of lost or destroyed off-highway vehicle validation stickers; providing for disposition of fees; repealing s. 317.0008(2), F.S., relating to the expedited issuance of duplicate certificates of title for off-highway vehicles; amending ss. 317.0010, 317.0012, and 317.0013, F.S.; conforming references; creating s. 317.0014, F.S.; establishing procedures for the issuance of a certificate of title for an off-highway vehicle; providing duties of the Department of Highway Safety and Motor Vehicles; providing for a notice of lien and lien satisfaction; creating s. 317.0015, F.S.; providing for the applicability of certain provisions of law to the titling of off-highway vehicles; creating s. 317.0016, F.S.; providing for the expedited issuance of titles for off-highway vehicles; creating s. 317.0017, F.S.; prohibiting specified actions relating to the issuance of titles for off-highway vehicles; providing a penalty; creating s. 317.0018, F.S.; prohibiting the transfer of an off-highway vehicle without delivery of a certificate of title; prescribing other violations; providing a penalty; amending s. 318.14, F.S.; authorizing the department to modify certain actions to suspend or revoke a driver's license following notice of final disposition; providing citation procedures and proceedings for persons who do not hold a commercial driver's license; amending s. 319.23, F.S.; requiring a licensed motor vehicle dealer to notify the Department of Highway Safety and Motor Vehicles of a motor vehicle or mobile home taken as a trade-in; requiring the department to update its title record; amending s. 319.27, F.S.; correcting an obsolete cross-reference; amending s. 320.06, F.S.; providing for a credit or refund when a registrant is required to replace a license plate under certain circumstances; amending s. 320.0601, F.S.; requiring that a registration or renewal of a long-term leased motor vehicle be in the name of the lessee; amending s. 320.0605, F.S.; exempting a vehicle registered as a fleet vehicle from the requirement that the certificate of registration be carried in the vehicle at all times; amending s. 320.0843, F.S.; requiring that an applicant's eligibility for a disabled parking plate be noted on the certificate; amending s. 320.131, F.S.; authorizing the department to provide for an electronic system for motor vehicle dealers to use in issuing temporary license plates; providing a penalty; amending s. 320.18, F.S.; authorizing the department to cancel the vehicle or vessel registration, driver's license, or identification card of a person who pays certain fees or penalties with a dishonored check; amending s. 320.27, F.S.; requiring dealer principals to provide certification of completing continuing education under certain circumstances; requiring motor vehicle dealers to maintain records for a specified period; providing certain penalties; amending s. 322.01, F.S.; redefining the terms "commercial motor vehicle" and "out-of-service order"; providing the definition of conviction applicable to offenses committed in a commercial motor vehicle; amending s. 322.05, F.S.; removing requirements for a Class D driver's license; amending s. 322.051, F.S.; revising provisions relating to the application for an identification card; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.07, F.S.; removing requirements for a Class D driver's license; amending s. 322.08, F.S.; providing that a United States passport is an acceptable proof of identity for purposes of obtaining a driver's license; providing that a naturalization certificate issued by the United States Department of Homeland Security is an acceptable proof of identity for such purpose; providing that specified documents issued by the United States Department of Homeland Security are acceptable as proof of nonimmigrant classification; amending s. 322.09, F.S.; requiring the signature of a secondary guardian on a driver's license application for a minor under certain circumstances; amending s. 322.11, F.S.; providing for notice to a minor before canceling the minor's license due to the death of the person who cosigned the initial application; amending s. 322.12, F.S.; removing requirements for a Class D driver's license; amending s. 322.135, F.S.; requiring all tax collectors serving as agents for the department to provide all services available as deemed appropriate by the department; revising requirements for the deposit of certain fees for a driver's license; revising requirements for the tax collector in directing a licensee for examination or reexamination; requiring county officers to pay certain funds to the State Treasury by electronic funds transfer within a specified period; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver's license may not be waived under ch. 761, F.S.; amending s. 322.161, F.S.; removing requirements for a Class D driver's license; amending s. 322.17, F.S., relating to duplicate and replacement certificates; conforming a cross-reference; amending s. 322.18, F.S.; revising the expiration period for driver's licenses issued to specified persons; conforming cross-references; amending s. 322.19, F.S., relating to change of address or name; conforming cross-references; amending s. 322.21, F.S.; removing requirements for a Class D driver's license; requiring the department to set a fee for a hazardous-materials endorsement; providing that the fee may not exceed $100; amending s. 322.212, F.S.; providing an additional penalty for giving false information when applying for a commercial driver's license; amending s. 322.22, F.S.; authorizing the department to cancel any identification card, vehicle or vessel registration, or fuel-use decal of a licensee who pays certain fees or penalties with a dishonored check; amending s. 322.251, F.S.; removing requirements for a Class D driver's license; amending s. 322.30, F.S.; removing the requirements for a Class D driver's license; amending s. 322.53, F.S.; removing requirements for a Class D driver's license; removing a requirement that certain operators of a commercial motor vehicle obtain a specified license; amending s. 322.54, F.S.; revising the classification requirements for certain driver's licenses; deleting requirements for a Class D driver's license; amending s. 322.57, F.S.; providing testing requirements for school bus drivers; amending s. 322.58, F.S.; deleting requirements for a Class D driver's license and changing those requirements to a Class E driver's license; amending and reenacting s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; removing requirements for a Class D driver's license; amending s. 322.63, F.S.; clarifying provisions governing alcohol and drug testing for commercial motor vehicle operators; amending s. 322.64, F.S., and reenacting s. 322.64(14), F.S., relating to citation procedures and proceedings, to incorporate the amendment to s. 322.61, F.S., in a reference thereto; providing for a temporary permit issued following certain DUI offenses to apply only to the operation of noncommercial vehicles; amending s. 713.78, F.S.; revising provisions relating to the placement of a wrecker operator's lien against a motor vehicle; amending s. 843.16, F.S.; prohibiting the transportation of radio equipment that receives signals on frequencies used by this state's law enforcement officers or fire rescue personnel; redefining the term "emergency vehicle" to include any motor vehicle designated as

such by the fire chief of a county or municipality; providing an enhanced penalty; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Judiciary; and Transportation and Economic Development Appropriations.

By Senator Saunders—

SB 1346—A bill to be entitled An act relating to health care risk management; amending s. 395.10974, F.S.; revising the fee requirements for applicants for licensure to practice health care risk management; amending s. 395.0197, F.S.; requiring that a licensed health care facility use the services of a licensed risk manager rather than hire a licensed risk manager; providing that a risk manager may not be responsible for more than four internal risk management programs in separate hospitals, unless the hospitals are under one corporate ownership or the risk management programs are in rural hospitals; amending s. 456.072, F.S.; providing that invasive action taken in preparation of the patient constitutes grounds for which specified disciplinary actions may be taken; provides that noninvasive preparatory procedures do not constitute grounds for which specified disciplinary actions may be taken; providing an exception for disciplinary action when leaving a foreign body in a patient if leaving the foreign body is medically indicated and documented in the patient record; amending s. 395.3025, F.S.; clarifying circumstances under which confidential patient records may be disclosed by health care facility personnel and other licensed health care facilities for the purpose of treating a patient; authorizing the disclosure of confidential patient records by facility personnel for the purposes of treatment, payment, and its own health care operations; authorizing the disclosure of confidential patient records to health care oversight agencies and researchers of facility personnel for research purposes; defining the term "marketing" for purposes of patient treatment records that are confidential and exempt from the public-records law; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Geller—

SB 1348—A bill to be entitled An act relating to indoor smoking places; amending s. 386.203, F.S.; redefining the term "stand-alone bar" to include a licensed premises that derives no more than a specified amount of gross revenue from the sale of food consumed on the licensed premises and that is located in a building individually listed in the National Register of Historic Places; reenacting ss. 386.2045(4) and 561.695(1), F.S., relating to enclosed indoor workplaces and requirements for stand-alone bars, to incorporate the amendment made to s. 386.203, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Regulated Industries; and Commerce and Consumer Services.

By Senator Jones—

SB 1350—A bill to be entitled An act relating to trust funds; expressing the legislative intent to enact laws establishing a trust fund to implement Amendment 4 to the State Constitution; providing an effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

By Senator Aronberg—

SB 1352—A bill to be entitled An act relating to the Florida Inland Navigation District; amending s. 374.984, F.S.; providing responsibility and authority of the Board of Commissioners of the Florida Inland Navigational District with respect to that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; revising the list of acts authorizing and directing the improvement and maintenance of the Intracoastal Waterway and that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; providing an exception for maintaining the navigability of the Okeechobee Waterway under certain circumstances; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Senator Fasano—

SB 1354—A bill to be entitled An act relating to sexual offenders; amending ss. 947.1405 and 948.30, F.S.; prohibiting a sex offender from having contact with a child younger than 18; providing an exception; providing that the Parole Commission or a court may approve a sex offender having supervised contact with a child younger than 18 under specified conditions; prohibiting a sex offender from accessing or using the Internet or other computer services without an approved safety plan; reenacting s. 775.21(3)(b), F.S., relating to the threat to public safety by sexual offenders, to incorporate the amendments made to s. 947.1405, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; and Children and Families.

By Senators Alexander and Campbell—

SB 1356—A bill to be entitled An act relating to retail leases; amending s. 521.004, F.S.; requiring that a retail lessor provide the lessee with a copy of the lease agreement rather than the documents signed during the lease transaction; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Fasano—

SB 1358—A bill to be entitled An act relating to workforce education; amending s. 1011.80, F.S.; allowing a workforce education program conducted by a school district to use the term "college" in the name of the school that is the site of the program; providing an effective date.

—was referred to the Committee on Education.

By Senator Rich—

SB 1360—A bill to be entitled An act relating to adult protective services; amending s. 415.102, F.S.; defining "neglect" to include actions of a vulnerable adult against himself or herself; amending s. 415.1051, F.S.; providing that the Department of Children and Family Services may petition the court for an order authorizing the provision of protective services for a vulnerable adult in need of services; providing an effective date.

—was referred to the Committees on Children and Families; and Health and Human Services Appropriations.

By Senator Clary—

SJR 1362—A joint resolution proposing an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution, relating to limitations on the number of consecutive years during which certain elected constitutional officers may hold office before being denied the right to have their names appear on the ballot.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

By Senator Alexander—

SB 1364—A bill to be entitled An act relating to water policy; amending s. 373.069, F.S.; revising boundaries of the Southwest Florida Water Management District and the South Florida Water Management District; amending s. 373.0691, F.S.; providing for the transfer of land and other incidentals from the Southwest Florida Water Management District to the South Florida Water Management District; requiring the Southwest Florida Water Management District to take final agency action with respect to certain permit applications received prior to a date certain; amending s. 373.073, F.S.; removing Highlands County from the Southwest Florida Water Management District's governing board; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Governmental Oversight and Productivity.

By Senators Constantine and Dockery—

SB 1366—A bill to be entitled An act relating to storm infrastructure recovery; creating s. 366.8260, F.S.; providing definitions; authorizing electric utilities to petition the Florida Public Service Commission for certain financing orders for certain storm-recovery purposes; providing requirements; providing powers and duties of the commission in issuing such orders; specifying procedures and requirements for the commission in issuing financing orders; authorizing electric utilities to create storm-recovery property; providing for pledge of storm-recovery property to secure storm-recovery bonds; providing for retirement of storm-recovery bonds under certain circumstances; providing for judicial review of such orders; providing for effect of such orders; providing exceptions to commission jurisdiction to issue financing orders; providing limitations; prohibiting the commission from requiring use of storm-recovery bonds for certain purposes; specifying duties of electric utilities; specifying properties, requirements, permissible activities, and limitations relating to storm-recovery property under certain circumstances; providing for security interests in storm-recovery property; providing for perfecting security interests in storm-recovery property; providing for priority of and resolution of conflicting interests; providing requirements, procedures, and limitations for sale, assignment, or transfer of storm-recovery property; providing requirements for descriptions or indications of storm-recovery property transferred, granted, or pledged, or indicated in a financing statement; subjecting financing statements to certain provisions of law; specifying that storm-recovery bonds are not public debt; specifying storm-recovery bonds as legal investments for certain entities; specifying certain state pledges relating to bondholders; providing a tax exemption for certain revenues collected by electric utilities under certain circumstances; declaring certain entities as not electric utilities under certain circumstances; specifying effect of certain provisions in situations of conflict; providing for protecting validity of certain bonds under certain circumstances; limiting commission authority to issue certain financing orders after a time certain; amending s. 679.1091, F.S.; specifying nonapplication of secured transactions provisions of the Uniform Commercial Code to interests in storm-recovery property; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Judiciary; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Aronberg—

SB 1368—A bill to be entitled An act relating to disclaimer of property interests; creating the Florida Uniform Disclaimer of Property Interests Act; creating s. 739.101, F.S.; providing a short title; creating s. 739.102, F.S.; defining terms; creating s. 739.103, F.S.; providing the scope of the act; creating s. 739.104, F.S.; prescribing general provisions relating to persons' powers to disclaim an interest in or power over property; creating s. 739.201, F.S.; prescribing rules applicable to a disclaimer of an interest in property; creating s. 739.202, F.S.; prescribing rules applicable to a disclaimer of rights of survivorship in jointly held property; creating s. 739.203, F.S.; prescribing rules applicable to a disclaimer of interests in property held as tenancy by the entirety; creating s. 739.204, F.S.; prescribing the effect of a disclaimer of interest by a trustee; creating s. 739.205, F.S.; prescribing rules with respect to a disclaimer of the power of appointment or other power not held in a fiduciary capacity; creating s. 739.206, F.S.; prescribing rules with respect to a disclaimer by the appointee, object, or taker in default of the exercise of power of appointment; creating s. 739.207, F.S.; prescribing rules with respect to the disclaimer of power held in a fiduciary capacity; creating s. 739.301, F.S.; providing guidelines for delivering or filing a disclaimer; creating s. 739.401, F.S.; providing when a disclaimer is permitted; creating s. 739.402, F.S.; providing when a disclaimer is barred or limited; creating s. 739.501, F.S.; prescribing the effect of a tax-qualified disclaimer; creating s. 739.601, F.S.; providing for recording a disclaimer relating to real estate; creating s. 739.701, F.S.; prescribing the application to existing relationships; amending s. 731.201, F.S.; providing applicability of certain definitions to the act; repealing s. 689.21, F.S., relating to disclaimer of interests in property passing under certain nontestamentary instruments or under certain powers of appointment; repealing s. 732.801, F.S., relating to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; providing an effective date.

—was referred to the Committee on Judiciary.

SR 1370—Not referenced.

By Senator Saunders—

SB 1372—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; changing the term "television series" to "television programming" for purposes of the definition of the term "entertainment industry" in provisions establishing the Office of Film and Entertainment within the Office of Tourism, Trade, and Economic Development; amending s. 288.1254, F.S.; revising a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; revising definitions; deleting a provision that requires a digital-media-effects company to be certified by the Office of Film and Entertainment in order to submit an application for qualification for receipt of reimbursement; revising limits on reimbursement; revising the due date for the annual report to be submitted to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Dockery—

SB 1374—A bill to be entitled An act relating to school capital outlay funding; establishing the High Growth District Capital Outlay Assistance Grant Program; providing for use of funds to construct new student stations; providing requirements for school district qualification for a grant; providing methodology for allocation of funds; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Clary—

SB 1376—A bill to be entitled An act relating to trust funds; recreating the Dedicated License Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Clary—

SB 1378—A bill to be entitled An act relating to trust funds; recreating the Florida Panther Research and Management Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Clary—

SB 1380—A bill to be entitled An act relating to trust funds; recreating the Florida Forever Program Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Clary—

SB 1382—A bill to be entitled An act relating to trust funds; recreating the Land Acquisition Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Clary—

SB 1384—A bill to be entitled An act relating to trust funds; recreating the Lifetime Fish and Wildlife Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Clary—

SB 1386—A bill to be entitled An act relating to trust funds; recreating the Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Clary—

SB 1388—A bill to be entitled An act relating to trust funds; recreating the Nongame Wildlife Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Clary—

SB 1390—A bill to be entitled An act relating to trust funds; recreating the Save the Manatee Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Clary—

SB 1392—A bill to be entitled An act relating to trust funds; recreating the State Game Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Clary—

SB 1394—A bill to be entitled An act relating to trust funds; recreating the Conservation and Recreation Lands Program Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Clary—

SB 1396—A bill to be entitled An act relating to trust funds; terminating the Florida Preservation 2000 Trust Fund within the Fish and Wildlife Conservation Commission; providing for the disposition of balances in and revenues of the trust fund; prescribing procedures for the termination of the trust fund; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Clary—

SB 1398—A bill to be entitled An act relating to trust funds; creating s. 372.101, F.S.; creating the Administrative Trust Fund within the Fish and Wildlife Conservation Commission; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Clary—

SB 1400—A bill to be entitled An act relating to trust funds; creating s. 372.102, F.S.; creating the Federal Grants Trust Fund within the Fish and Wildlife Conservation Commission; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Clary—

SB 1402—A bill to be entitled An act relating to trust funds; creating s. 372.103, F.S.; creating the Grants and Donations Trust Fund within the Fish and Wildlife Conservation Commission; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By Senator Saunders—

SB 1404—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Administrative Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations.

By Senator Saunders—

SB 1406—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Federal Grants Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations.

By Senator Saunders—

SB 1408—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Operations and Maintenance Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations.

By Senator Saunders—

SB 1410—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Social Services Block Grant Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations.

By Senator Saunders—

SB 1412—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Tobacco Settlement Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations.

By the Committee on Domestic Security—

SB 1414—A bill to be entitled An act relating to domestic security; amending s. 943.03101, F.S.; providing legislative findings with respect to the need to coordinate counter-terrorism efforts and responses in accordance with the state comprehensive emergency management plan; amending s. 943.0311, F.S.; clarifying duties of the Chief of Domestic Security Initiatives; amending s. 943.0312, F.S., relating to the regional domestic security task forces; revising the statewide strategy with respect to domestic security to include prevention, protection, and recovery efforts; requiring that the regional task forces support the domestic security functions of the Department of Law Enforcement; revising the membership of the task forces; authorizing the co-chair of each task force to appoint subcommittees to address specified issues; revising the duties of the Chief of Domestic Security Initiatives; creating s. 943.0313, F.S.; creating the Domestic Security Oversight Council to act as an advisory council to guide the regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and Legislature; providing the membership of the council; authorizing the council to invite ex officio, nonvoting members to attend and participate in council meetings; providing for a chair and vice chair of the council; providing for an absent member to be represented by a designee; requiring the council to establish bylaws; providing for terms of membership; providing that members or designees are entitled to reimbursement for per diem and travel expenses; requiring the Department to Law Enforcement to provide staff for the council; providing meeting requirements; requiring the council to establish an executive committee and specifying members; providing the duties of the council; requiring the council to make annual funding recommendations; requiring an annual report to the Governor and Legislature; providing that the council is a criminal justice agency for purposes of the public-records law; providing an effective date.

—was referred to the Committees on Domestic Security; Governmental Oversight and Productivity; and Justice Appropriations.

By the Committee on Domestic Security—

SB 1416—A bill to be entitled An act relating to public meetings and records; creating s. 943.0314, F.S.; providing that portions of meetings of the Domestic Security Oversight Council are exempt from the public-meetings law if information is discussed which concerns active criminal investigations, intelligence activities, or security plans; requiring that the chair of the council disclose the reason for closing a meeting of the council; requiring that the closed session be recorded; providing that a recording or the minutes and notes generated during a closed meeting are exempt from the public-records law until the investigation or intelligence ceases to be active or the plan is no longer in use; specifying those persons who are authorized to attend a closed meeting of the council; providing for future repeal and legislative review under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Domestic Security; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Peaden—

SB 1418—A bill to be entitled An act relating to health issues concerning women; expressing the legislative intent to enact legislation to raise awareness of health issues concerning women; providing an effective date.

—was referred to the Committees on Health Care; Children and Families; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Wise—

SB 1420—A bill to be entitled An act relating to education; authorizing individual district school boards by resolution to allow invocation or

benediction at specified secondary school-related events; providing legislative intent; providing severability; providing an effective date.

—was referred to the Committees on Education; and Judiciary.

By Senator Lawson—

SB 1422—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.051, F.S.; revising the calculation of contributions and creditable service for members of the Special Risk Class who are dually employed; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Ways and Means.

By Senator Lawson—

SB 1424—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the terms "normal retirement date" and "normal retirement age" for a specified period to allow normal retirement after 25 years of service and attainment of age 50; limiting participation in the Deferred Retirement Option Program; creating s. 121.185, F.S.; authorizing the state to purchase annuities for certain state personnel; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Ways and Means.

By Senator Wise—

SB 1426—A bill to be entitled An act relating to motor vehicle service agreement companies; amending s. 634.041, F.S.; providing an exception to a prohibition against service agreement companies using certain reserves and contractual liability insurance simultaneously; authorizing service agreement companies maintaining certain net assets to use certain reserves and certain contractual liability coverage insurance simultaneously; providing a requirement; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Haridopolos—

SB 1428—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term "conviction"; specifying that the section applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Haridopolos—

SJR 1430—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to authorize legislation that would permit counties to enact ordinances that prohibit an increase in the assessed value of homestead property owned by certain persons who are 65 years of age or older.

—was referred to the Committees on Community Affairs; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

By Senator Baker—

SB 1432—A bill to be entitled An act relating to insurance administrators; amending s. 626.88, F.S.; redefining the term "administrator" and defining the terms "affiliate," "control," and "GAAP"; amending s. 626.8805, F.S.; requiring additional information to accompany an application for a certificate of authority to act as an administrator; amending s. 626.8817, F.S.; detailing the responsibilities of an insurance company in its dealings with an administrator; amending s. 626.89, F.S.; prescribing information that must be submitted in an administrator's annual report; authorizing the Financial Services Commission to require electronic submission of annual reports; creating s. 626.8991, F.S.; directing the commission to adopt rules; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senators Lawson and Rich—

SB 1434—A bill to be entitled An act relating to control of students; repealing s. 1003.32(1)(k), F.S., relating to discretionary corporal punishment by K-12 teachers; amending s. 1006.07, F.S.; requiring each district school board to adopt a written program of control or discipline with alternative forms of control or discipline; deleting provisions authorizing the district school board to prohibit corporal punishment if an alternate plan exists; providing an effective date.

—was referred to the Committee on Education.

By Senator Geller—

SB 1436—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; authorizing state and local law enforcement vehicles to carry an automated external defibrillator; authorizing local governments to use forfeiture funds for purchasing automated external defibrillators; providing an effective date.

—was referred to the Committees on Criminal Justice; and Community Affairs.

By Senator Wise—

SB 1438—A bill to be entitled An act relating to consumer services; amending s. 493.6101, F.S.; expanding the definition of the term "repossession" for purposes of the regulation of repossession services; amending s. 493.6110, F.S.; revising insurance requirements for licensure under ch. 493, F.S.; providing insurance requirements with respect to Class "B" security agencies; amending s. 493.6118, F.S.; revising the grounds for disciplinary action against a person or entity that is licensed as, or an applicant for licensure as, a recovery agency, recovery agent, or recovery agent intern; amending s. 493.6403, F.S.; revising licensure requirements for recovery agent managers and recovery agents, to conform; amending s. 493.6404, F.S.; revising requirements for the inventory of certain personal effects or property contained in or on repossessed property, to conform; amending s. 493.6405, F.S.; providing a penalty for the unauthorized sale of repossessed aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment by a recovery agent or recovery agent intern and for failure to remit the net proceeds from the sale of such repossessed property to the owner or lienholder; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Banking and Insurance; and Criminal Justice.

By the Committee on Criminal Justice—

SB 1440—A bill to be entitled An act relating to time limitations; amending s. 775.15, F.S.; reorganizing provisions establishing time limitations for prosecuting criminal offenses; clarifying certain provisions; amending s. 922.105, F.S., relating to execution of sentence; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Atwater—

SB 1442—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 440.3851 F.S.; exempting from public records and public meetings requirements certain records of the Florida Self-Insurers Guaranty Association, Incorporated, and meetings of the board of directors of the association; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Klein—

SB 1444—A bill to be entitled An act relating to centers of excellence; creating s. 1004.226, F.S.; defining the term "center of excellence"; providing purposes and objectives of centers of excellence; creating the Emerging Technology Commission in the Executive Office of the Governor and providing membership thereof; providing duties of Florida Research Consortium, Inc., relating to review and reporting; requiring the commission to adopt criteria for evaluating proposals for establishing or expanding centers of excellence; providing requirements for such proposals; requiring submission of a recommended plan and approval of a final plan for establishing or expanding centers of excellence; requiring semiannual reporting; providing appropriations; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; Governmental Oversight and Productivity; Education Appropriations; and Ways and Means.

By Senator Argenziano—

SB 1446—A bill to be entitled An act relating to state financial matters; amending s. 121.4501, F.S.; redefining the terms "eligible employee" and "participant" for purposes of the Public Employee Optional Retirement Program; prescribing certain conditions on participation in the program; deleting references to the program's advisory committees; prescribing procedures for, and certain presumptions relating to, designation of beneficiaries; providing for participation by terminated DROP participants; amending s. 121.591, F.S.; providing for cancellation of certain payment instruments under the program when not presented for payment; providing for payment upon subsequent application and for forfeiture when not claimed within a certain period; providing for designation of beneficiaries for death benefits; amending s. 215.47, F.S.; authorizing investments in asset-backed securities; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Ways and Means.

By Senator Constantine—

SB 1448—A bill to be entitled An act relating to the redevelopment of brownfields; amending ss. 199.1055, 220.1845, and 376.30781, F.S.; increasing the amount of credit which may be applied against the tax on intangible personal property and the corporate income tax for the voluntary cleanup costs of a contaminated site; increasing the amount that may be received by the taxpayer as an incentive to complete the cleanup in the final year; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to aggressively market brownfields; amending s. 376.86, F.S., relating to the Brownfield Areas Loan Guarantee Program; increasing the amount of the loan guarantee for redevelopment projects in brownfield areas; repealing ss. 376.87 and 376.875, F.S., relating to brownfield property ownership clearance assistance and the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund; providing an effective date.

—was referred to the Committees on Environmental Preservation; Commerce and Consumer Services; Government Efficiency Appropriations; and General Government Appropriations.

By Senator Klein—

SB 1450—A bill to be entitled An act relating to arthritis prevention and education; creating s. 385.210, F.S.; providing a short title; providing legislative findings; providing purposes; directing the Department of Health to establish an arthritis prevention and education program; requiring the department to conduct a needs assessment; providing for establishment of an advisory panel on arthritis; providing for implementation of a public awareness effort; providing for funding through contributions; directing the Secretary of Health to seek federal waivers as necessary to maximize federal funding; providing an effective date.

—was referred to the Committees on Health Care; Governmental Oversight and Productivity; and Health and Human Services Appropriations.

By Senator Argenziano—

SB 1452—A bill to be entitled An act relating to health care practitioners; amending 458.303, F.S.; removing a provision on grounds for disciplinary action and certain action from a list of exemptions for certain nursing services; providing prohibitions for physicians; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Health and Human Services Appropriations.

By Senator Webster—

SB 1454—A bill to be entitled An act relating to public lodging establishments; providing a popular name; creating s. 509.144, F.S.; providing definitions; prohibiting the distribution, and the direction of such distribution, of handbills in a public lodging establishment in certain circumstances; providing penalties; providing requirements for posting a sign that prohibits advertising or solicitation; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By Senator Lawson—

SB 1456—A bill to be entitled An act relating to the determination of paternity; creating s. 742.109, F.S.; providing that a male who is required to pay child support as the father of a child may file a motion to set aside a determination of paternity at any time; requiring the motion to include an affidavit and the results of a genetic test; specifying the conditions that the male ordered to pay child support must satisfy in order to have the motion granted; requiring the court to deny the motion if all conditions are not satisfied; requiring that the court find all conditions met if supported by clear and convincing evidence; providing that the duty to pay child support and other legal obligations is not suspended during the time the motion is pending; providing an exception; authorizing the court to order that the child support be paid into the registry of the court until paternity is determined; providing that the court may order additional testing under certain circumstances; providing that the person or agency requesting the testing pay the fees for the tests; authorizing the Department of Children and Family Services to seek reimbursement of fees under certain circumstances; requiring the court to assess the costs of the action and attorney's fees against the movant if the motion is not granted; providing an effective date.

—was referred to the Committees on Judiciary; Children and Families; and Health and Human Services Appropriations.

By Senator Constantine—

SB 1458—A bill to be entitled An act relating to the education of children of deceased or disabled veterans; amending s. 295.01, F.S.; extending the opportunity to receive postsecondary educational benefits at state expense to the dependent children of certain dead or disabled veterans who were Florida residents when the death or disability oc-

curred; decreasing the minimum required length of the parent's residency; providing an effective date.

—was referred to the Committees on Community Affairs; Education Appropriations; and Ways and Means.

By Senator Bennett—

SB 1460—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; requiring that the registration application form contain a provision permitting a voluntary contribution to be distributed to Southeastern Guide Dogs, Inc.; providing for use of the funds; exempting such funds from the general revenue service charge; providing an effective date.

—was referred to the Committees on Transportation; Children and Families; and Transportation and Economic Development Appropriations.

By Senator Baker—

SB 1462—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing a temporary exemption from the tax for certain items of tangible personal property used to secure a business or residence from possible damage, or to provide amenities during a power outage, due to a hurricane or tropical storm; providing an effective date.

—was referred to the Committees on Domestic Security; Government Efficiency Appropriations; and Ways and Means.

By Senator Constantine—

SB 1464—A bill to be entitled An act relating to renewable energy; amending s. 366.075, F.S.; authorizing the Public Service Commission to approve experimental or transitional rates to encourage the use of renewable energy; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; and Environmental Preservation.

By Senator Baker—

SB 1466—A bill to be entitled An act relating to vehicle crashes; creating the "Justin McWilliams 'Justice For Justin' Act"; amending s. 316.027, F.S.; revising provisions for a driver of a vehicle involved in a described crash to stop and remain at the scene of the crash; providing penalties; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Justice Appropriations.

By Senator Wise—

SCR 1468—A concurrent resolution confirming the appointment of Gary VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability.

—was referred to the Committee on Rules and Calendar.

By Senator Constantine—

SB 1470—A bill to be entitled An act relating to alternative plans review and inspection; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; specifying conditions for proceeding with building work; providing an effective date.

—was referred to the Committees on Community Affairs; and Regulated Industries.

By Senator Peaden—

SB 1472—A bill to be entitled An act relating to hospitals; amending s. 395.002, F.S.; redefining the term "hospital" to exclude designated critical access hospitals from certain requirements; amending ss. 395.003 and 408.061, F.S.; conforming cross-references; amending s. 408.07, F.S.; defining the term "critical access hospital"; redefining the term "rural hospital" to delete certain requirements applicable to the designation of a critical access hospital; amending ss. 458.345 and 459.021, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Crist—

SB 1474—A bill to be entitled An act relating to contraband within a state correctional facility; amending s. 944.47, F.S.; providing that it is a third-degree felony to give a cellular telephone to an inmate of a state correctional facility, unless authorized by the officer in charge of the facility; providing that it is a third-degree felony for an inmate or person on the grounds of a state correctional facility to possess a cellular telephone, unless authorized by the officer in charge of the facility; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming cross-references to changes made by the act; providing an effective date.

—was referred to the Committees on Criminal Justice; and Justice Appropriations.

By Senators Campbell and Margolis—

SB 1476—A bill to be entitled An act relating to the Department of Children and Family Services; providing legislative intent with respect to establishing a structure by which the department shall monitor and manage contracts with external service providers; providing definitions; requiring that the department competitively procure certain commodities and contractual services; authorizing the department to competitively procure and contract for systems of treatment or service that involve multiple providers; providing requirements if other governmental entities contribute matching funds; requiring that an entity providing matching funds comply with certain procurement procedures; authorizing the department to independently procure and contract for treatment services; requiring that the department ensure the financial integrity of and service quality in certain Medicaid services; requiring that the department develop a validated business case before outsourcing or privatizing any service or function; providing requirements for the business case; requiring that the validated business case be submitted to the Legislature for approval; requiring that a contractual service that has previously been outsourced be subject to the requirements for a validated business case; requiring that a procurement of contractual services equal to or in excess of the threshold amount for CATEGORY FIVE comply with specified requirements, including a scope of work and performance standards; authorizing the department to adopt incremental penalties by rule; authorizing the department to include cost-neutral, performance-based incentives in a contract; requiring that a contract in excess of $1 million be negotiated by a contract negotiator who is certified according to standards established by the Department of Management Services; limiting circumstances under which the department may amend a contract; requiring that a proposed contract amendment be

submitted to the Executive Office of the Governor for approval; requiring approval of a contract amendment by the Administration Commission under certain circumstances; requiring the department to develop, in consultation with the Department of Management Services, contract templates and guidelines; requiring that the department establish a contract-management process; specifying the requirements for and components of the contract-management process; providing requirements for resolving performance deficiencies and terminating a contract; requiring a corrective-action plan under certain circumstances; requiring the department to develop standards of conduct and disciplinary actions; requiring that the department establish contract-monitoring units and a contract-monitoring process; requiring written reports; requiring onsite visits for contracts involving the provision of direct client services; requiring the department to annually report to the Legislature and the Office of Program Policy Analysis and Government Accountability; specifying requirements for the annual reports; requiring that the Office of Program Policy Analysis and Government Accountability conduct two reviews of the contract-management and accountability structures of the department and report to the Legislature and the Auditor General; repealing ss. 402.72 and 402.73, F.S., relating to contract-management requirements for the Department of Children and Family Services; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; Health and Human Services Appropriations; and Ways and Means.

By Senator Garcia—

SB 1478—A bill to be entitled An act relating to public records and meetings; expressing the legislative intent to enact laws providing an exemption from public-records and public-meetings requirements; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Garcia—

SB 1480—A bill to be entitled An act relating to insurance; expressing the legislative intent to revise laws relating to insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Garcia—

SB 1482—A bill to be entitled An act relating to insurance; expressing the legislative intent to revise laws relating to insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Garcia—

SB 1484—A bill to be entitled An act relating to insurance; expressing the legislative intent to revise laws relating to insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Garcia—

SB 1486—A bill to be entitled An act relating to property insurance; expressing the legislative intent to revise laws relating to property insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Garcia—

SB 1488—A bill to be entitled An act relating to property insurance; expressing the legislative intent to revise laws relating to property insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Garcia—

SB 1490—A bill to be entitled An act relating to property insurance; expressing the legislative intent to revise laws relating to property insurance; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Clary—

SB 1492—A bill to be entitled An act relating to condominiums; amending s. 718.301, F.S.; providing for the effect of actions taken by members of the board of administration of an association before the developer relinquishes control of the association; requiring examination and certification of certain defects by certain licensed individuals or entities; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Senator Argenziano—

SB 1494—A bill to be entitled An act relating to information technology management; providing legislative intent that each state agency use a governance process and structure for managing its information technology operations and investments in order to ensure alignment with the business needs and policy requirements of the agency; providing definitions; providing a governance process for information technology which includes management of the agency's information technology portfolio along with project management; specifying the purpose of information technology portfolio management; requiring each agency to submit its approved information technology portfolio as part of its final legislative budget request; requiring that agencies implement and administer a project management methodology that complies with rules adopted by the State Technology Office; providing requirements for project plans; requiring each agency to incorporate the operational work plans and project status reports based on the standards published by the State Technology Office and the Technology Review Workgroup; requiring that each agency implement an operational governance structure that establishes an agency information technology investment management board; providing for membership of the board; providing for meetings and staffing of the board; specifying the responsibilities of the agency information technology investment management boards; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; General Government Appropriations; and Ways and Means.

By Senator Fasano—

SB 1496—A bill to be entitled An act relating to the Florida Public Service Regulatory Trust Fund; amending s. 350.113, F.S.; providing for penalties and interest assessed and collected by the Florida Public Service Commission to be deposited into the trust fund rather than the General Revenue Fund; requiring that the commission submit to the Legislature proposed uses for the penalties and interest collected; providing that such uses may include promotional or educational activities to benefit consumers; amending ss. 350.127, 364.285, 364.516, 366.095, 367.161, 368.061, and 368.111, F.S., relating to penalties imposed by the commission; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Miller—

SB 1498—A bill to be entitled An act relating to the Lead Poisoning Prevention Screening and Education Act; providing a popular name; providing legislative findings; providing definitions; providing for the establishment of a statewide comprehensive educational program on lead poisoning prevention; providing for a public information initiative; providing for distribution of literature about childhood lead poisoning; requiring the establishment of a screening program for early identification of persons at risk of elevated levels of lead in the blood; providing for screening of children; providing for prioritization of screening; providing for the maintenance of records of screenings; providing for reporting of cases of lead poisoning; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

By Senator Wilson—

SB 1500—A bill to be entitled An act relating to eligibility for Medicaid payments; amending s. 409.903, F.S.; increasing the income level at which a pregnant woman is eligible to receive Medicaid services; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; and Ways and Means.

By Senator Fasano—

SB 1502—A bill to be entitled An act relating to driver's license applications; amending s. 322.08, F.S.; allowing applicants to make a $1 contribution to the Children's Hearing Help Fund; providing an effective date.

—was referred to the Committees on Transportation; Health Care; and Transportation and Economic Development Appropriations.

SR 1504—Not referenced.

By Senator Wilson—

SB 1506—A bill to be entitled An act relating to mandatory school attendance; amending ss. 1002.20, 1003.21 and 1003.51, F.S.; changing the age for mandatory school attendance from 16 to 18; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senators Garcia and Margolis—

SB 1508—A bill to be entitled An act relating to life insurance and annuity contracts; amending s. 624.402, F.S.; providing that a certificate of authority is not required of insurers domiciled outside the United States for certain life insurance policies or annuity contracts covering only persons who are not residents of the United States and are not nonresidents illegally residing in the United States; providing criteria, requirements, and limitations; requiring the insurer to disclose certain information; providing for the Office of Insurance Regulation to determine when the insurer is no longer eligible for the exemption; providing an exemption from certain taxes; requiring life insurance applications and policies and annuity contracts to provide certain disclosure statements; specifying application of certain provisions to single-premium life insurance policies and single-premium annuity contracts issued to certain nonresidents; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Government Efficiency Appropriations.

SR 1510—Not referenced.

By Senator Aronberg—

SB 1512—A bill to be entitled An act relating to drug abuse prevention and control; amending s. 893.13, F.S.; prohibiting the sale, manufacture, or delivery of controlled substances, or possession of controlled substances with intent to sell, manufacture, or deliver, within 1,000 feet of certain libraries; amending s. 921.0022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; reenacting ss. 397.451(4)(b), 435.07(2), 772.12(2)(a), 893.1351, 903.133, 921.187(1)(a), 938.25, and 948.034(1), F.S., relating to background checks of substance abuse service provider personnel, exemptions from disqualification for employment, the Drug Dealer Liability Act, lease or rent for the purpose of trafficking in a controlled substance, prohibition on bail on appeal for certain felony convictions, disposition and sentencing, the Operating Trust Fund of the Department of Law Enforcement, and terms and conditions of probation, respectively, to incorporate the amendment to s. 893.13, F.S., in references thereto; providing applicability; providing an effective date.

—was referred to the Committees on Criminal Justice; and Justice Appropriations.

By Senator Posey—

SB 1514—A bill to be entitled An act relating to the Deferred Retirement Option Program; amending s. 121.091, F.S.; authorizing members of the Special Risk Class of the Florida Retirement System to participate in the DROP for an additional 36 months when those members are certified to do so by the administrator of the applicable employing agency; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Ways and Means.

Senate Bills 1516-2142—Not referenced.

By Senator Atwater—

SJR 2144—A joint resolution proposing amendments to Section 19 of Article III of the State Constitution, relating to requirements for state budget planning, spending, and accountability.

—was referred to the Committees on Government Efficiency Appropriations; and Ways and Means.

By Senator Atwater—

SB 2146—A bill to be entitled An act relating to state planning and budgeting; amending s. 11.90, F.S.; revising the membership of the Legislative Budget Commission; providing for the appointment of presiding officers; revising requirements for meetings and a quorum; revising requirements for appointing the staff of the commission; requiring the commission to review budget amendments proposed by the Governor or Chief Justice; authorizing the commission to perform other duties prescribed by the Legislature; creating s. 11.91, F.S.; creating the Government Efficiency Task Force for the purpose of recommending improvements to governmental operations and reducing costs; providing for the Governor, the President of the Senate, and the Speaker of the House of Representatives to appoint its members; requiring that the task force meet at 4-year intervals beginning on a specified date; authorizing the task force to conduct meeting through teleconferences; providing for members to be reimbursed for per diem and travel expenses; requiring the task force to complete its work within 1 year and report to the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court; amending s. 29.0095, F.S.; requiring the legislative appropriations committees to prescribe the format of budget expenditure reports; amending s. 110.1245, F.S., relating to the savings sharing program; correcting a reference; amending s. 216.011, F.S.; redefining the term "consultation" and defining the term "long-range financial outlook" for purposes of state fiscal affairs; creating s. 216.012, F.S.; providing requirements for the long-range financial outlook prepared by the commission; requiring state agencies to provide certain information; specifying timeframes for state agencies and the commission in developing and completing the long-range financial outlook; amending s. 216.023, F.S.; clarifying certain requirements for legislative budget instructions; amending s. 216.065, F.S.; requiring fiscal impact statements to be provided to the Legislative Budget Commission in addition to the legislative appropriations committees; requiring that such statements contain information concerning subsequent fiscal years; amending s. 216.162, F.S.; revising the date for the Governor's recommended budget to be furnished to the Legislature; authorizing the presiding officers of the Legislature to approve submission of the Governor's recommended budget at a later date than otherwise required; amending s. 216.262, F.S., relating to the transfer of positions; correcting a reference; providing a contingent effective date.

—was referred to the Committees on Government Efficiency Appropriations; and Ways and Means.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Government Efficiency Appropriations; and Senator Campbell—

CS for SB 56—A bill to be entitled An act relating to the Streamlined Sales and Use Tax Agreement; amending s. 212.02, F.S.; redefining the terms "lease," "let," "rental," "sales price," and "tangible personal property" and defining the terms "agent," "seller," "model 1 seller," "model 2 seller," "model 3 seller," "certified service provider," "direct mail," "prewritten computer software," and "delivery charges" for purposes of sales and use taxes; providing applicability; amending s. 212.0306, F.S.; deleting references to brackets; amending s. 212.04, F.S.; deleting a reference to brackets; amending s. 212.05, F.S.; deleting provisions relating to the rental or lease of motor vehicles; providing for determining the location of the sale or recharge of prepaid calling arrangements; deleting a reference to brackets; correcting a cross-reference; amending s. 212.0506, F.S.; deleting a reference to brackets; correcting a cross-reference; amending s. 212.054, F.S.; limiting the $5,000 cap on discretionary sales surtax to the sale of motor vehicles, aircraft, boats, modular homes, manufactured homes, or mobile homes; providing the time for applying changes in local option tax rates; providing guidelines for determining the situs of certain transactions; providing for notice of a change in the rate of a local option sales tax; providing for applicability of s. 202.22(2), F.S., relating to determination of local tax situs, for the purpose of providing and maintaining a database of sales and use tax rates for local jurisdictions; amending s. 212.06, F.S.; defining terms; providing rules for determining the location of transactions involving the retail sale of tangible personal property, digital goods, or services and for the lease or rental of tangible personal property; requiring certain business purchasers to obtain multiple points of use exemption forms; providing for use of such forms; requiring certain purchasers of direct mail to obtain a direct mail form; providing for the use of such form; amending s. 212.08, F.S., relating to exemptions from the sales and use tax; defining and redefining terms used with respect to the exemption for general groceries; defining and redefining terms used with respect to the exemption for medical products and supplies; revising that exemption; providing an exemption for certain farm equipment; amending s. 212.095, F.S.; revising provisions relating to refunds; creating s. 212.094, F.S.; requiring a purchaser seeking a refund or credit under chapter 212, F.S., to submit a written request for the refund or credit; providing a time period within which the dealer must respond to the written request; amending s. 212.12, F.S.; providing for a monetary allowance to certified service providers and voluntary sellers pursuant to Article VI of the Agreement; defining terms; deleting brackets; providing for computation of tax due; deleting the brackets for discretionary sales surtax calculations; amending s. 212.17, F.S.; prescribing additional guidelines and procedures with respect to dealer credits for taxes paid on worthless accounts; amending s. 212.18, F.S.; authorizing the Department of Revenue to waive the dealer registration fee for applications submitted through the central electronic registration system provided by member states of the Streamlined Sales and Use Tax Agreement; creating s. 213.052, F.S.; providing for notice of state sales or use tax rate changes; creating s. 213.0521, F.S.; providing the effective date for state sales and use tax rate changes; amending s. 213.21, F.S.; providing for amnesty to certain sellers for uncollected or unpaid sales and use taxes; amending s. 213.256, F.S., relating to simplified sales and use tax administration; defining terms; providing that authority to administer the Streamlined Sales and Use Tax Agreement rests with a governing board comprised of representatives of member states; providing for continuing effect of the agreement; providing for annual recertification by member states; creating s. 213.2567, F.S.; providing for the registration of sellers, the certification of a person as a certified service provider, and the certification of a software program as a certified automated system by the governing board under the Streamlined Sales and Use Tax Agreement; amending s. 212.055, F.S.; conforming a cross-reference; repealing s. 212.0596(6), F.S., relating to the exemption from collecting and remitting any local option surtax for certain dealers who make mail order sales; declaring legislative intent; providing for the adoption of emergency rules; providing an effective date.

By the Committee on Community Affairs; and Senators Campbell, Rich and Lynn—

CS for SB 62—A bill to be entitled An act relating to services for seniors and adults with developmental disabilities; authorizing each county to create an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by a majority vote of electors to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the special district; specifying criteria for membership to the governing board; providing terms of office; clarifying that a county may provide services for seniors and adults with developmental disabilities or create a special district to provide such services by general or special law; specifying the powers and functions of a council on services for seniors and adults with developmental disabilities; requiring each council to appoint a chair and a vice chair and elect officers, to identify and assess the needs of the seniors and adults with developmental disabilities in the county served by the council, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual written report to the governing body of the county; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council on services for seniors and adults with developmental disabilities by the tax collector of the county and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report with the governing body of the county; providing that a district may be dissolved by a special act of the Legislature or by ordinance by the governing body of the county; specifying obligations of the county if a district is dissolved; authorizing the governing body of a county to fund the budget of the council on services for seniors and adults with developmental disabilities from its own funds after or during the council's first year of operation; requiring a special district to comply with statutory requirements related to the filing of a financial or compliance report;

authorizing a county to create a dependent special district to provide certain services for seniors and adults with developmental disabilities; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by a council on services for seniors and adults with developmental disabilities; providing that two or more councils on services for seniors and adults with developmental disabilities may enter into a cooperative agreement to share administrative costs, staff, and office space and seek grants, accept donations, or jointly fund programs serving multicounty areas; prohibiting councils or districts from requiring matching funds from certain service providers as a condition for the provision of services by the council or district; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 64—A bill to be entitled An act relating to guardianship; amending s. 737.2065, F.S.; authorizing the guardian of the property of an incapacitated person to contest the validity of a trust before it becomes irrevocable; amending s. 744.107, F.S.; revising provisions relating to court monitors; requiring orders of appointment and monitors' reports to be served upon certain persons; authorizing the court to enter any order necessary to protect a ward or ward's estate; requiring notice and a hearing; authorizing a court to assess certain costs and attorney's fees under certain circumstances; creating s. 744.1075, F.S.; authorizing a court to appoint a court monitor on an emergency basis under certain circumstances; requiring the court to make certain findings; requiring the monitor to report findings and recommendations; providing duties of the court relating to probable cause for the emergency appointment; providing requirements for a court order to show cause for the emergency appointment; specifying a time period for a monitor's authority; providing for extending such time period; authorizing the court to issue certain injunctions or orders for certain purposes; requiring the court to provide copies of such injunctions or orders to all parties; authorizing the court to impose sanctions or take certain enforcement actions; providing for payment of reasonable fees to the monitor; prohibiting certain persons from receiving certain fees; authorizing a court to assess certain costs and attorney's fees under certain circumstances; amending s. 744.331, F.S.; requiring the court to determine whether there is an alternative to guardianship if a person is determined incapable of exercising his or her delegable rights; authorizing an interested person to file a verified statement indicating a belief that an incapacitated person's trust, trust amendment, or durable power of attorney is invalid, in which case such instrument may not be an alternative to the appointment of a guardian; amending s. 744.441, F.S.; requiring the court to determine whether an action contesting the validity of a trust is in the ward's best interests before authorizing a guardian to bring such actions; creating s. 744.462, F.S.; requiring that the validity of a ward's durable power of attorney, trust, or trust amendment be reported in the guardianship proceedings; requiring the court to review the continued need for a guardian and delegation of the ward's rights under certain conditions; providing an effective date.

By the Committee on Criminal Justice; and Senators Saunders and Lynn—

CS for SB 122—A bill to be entitled An act relating to homestead exemption; amending s. 196.131, F.S.; providing a value-based sliding scale of criminal penalties applicable to a claimant who knowingly and willfully gives false information for the purpose of claiming a homestead exemption if the funds for the homestead were obtained by the commission of a fraudulent act; providing an effective date.

By the Committee on Education; and Senators Margolis, Bullard, Bennett, Diaz de la Portilla, Lynn and Argenziano—

CS for SB 126—A bill to be entitled An act relating to public K-12 educational instruction; creating s. 1003.456, F.S.; providing legislative intent with respect to maintaining elective programs in the performing and fine arts; requiring each district school board to develop a performing and fine arts program; requiring that the school boards adopt written policies for providing time and access to the performing and fine arts for students in prekindergarten through grade 12 and provide a copy to the Department of Education by a specified date; requiring reports to the department; requiring each district school board to appoint a performing and fine arts coordinator to implement performing and fine arts programs developed by the school board; amending s. 1003.455, F.S.; requiring each district school board to appoint a physical education coordinator to implement physical education programs developed by the school board; providing an effective date.

By the Committee on Regulated Industries; and Senator Geller—

CS for SB 134—A bill to be entitled An act relating to Indian gaming activities; designating the Governor as the official to negotiate tribal-state compacts; providing for ratification of tribal-state compacts by the Legislature; providing for submission of the tribal-state compact to the Legislature and Secretary of State; providing for submission of the tribal-state compact to the Secretary of the Interior; providing an effective date.

By the Committee on Judiciary; and Senator Siplin—

CS for SB 152—A bill to be entitled An act relating to alimony; amending s. 61.14, F.S.; authorizing a court to modify payment of alimony if there is proof by a preponderance of the evidence that the recipient former spouse is in a de facto marriage with a person of the opposite sex outside of the legal bond of matrimony; prescribing factors to be considered by the court; providing for application; providing an effective date.

By the Committee on Children and Families; and Senator Lynn—

CS for SB 184—A bill to be entitled An act relating to drug court programs; amending s. 39.001, F.S.; providing additional legislative purposes and intent with respect to the treatment of substance abuse, including the use of the drug court program model; authorizing the court to require certain persons to undergo treatment following adjudication; providing that the court is not precluded from ordering drug testing; amending ss. 39.402 and 39.407, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment upon a showing of good cause in connection with a shelter hearing or petition for dependency; amending ss. 39.507 and 39.521, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment as part of an adjudicatory order or pursuant to a disposition hearing; requiring a showing of good cause; authorizing the court to require participation in a treatment-based drug court program; authorizing the court to impose sanctions for noncompliance; amending s. 39.701, F.S.; authorizing the court to extend the time for completing a case plan during judicial review, based upon participation in a treatment-based drug court program; amending s. 397.334, F.S.; revising legislative intent with respect to treatment-based drug court programs to reflect participation by community support agencies, the Department of Education, and other individuals; including postadjudicatory programs as part of treatment-based drug court programs; providing requirements and sanctions, including clinical placement or incarceration, for the coordinated strategy developed by the drug court team to encourage participant compliance; requiring each judicial circuit to establish a position for a coordinator of the treatment-based drug court program, subject to annual appropriation by the Legislature; authorizing the chief judge of each judicial circuit to appoint an advisory committee for the treatment-based drug court program; providing for membership of the committee; revising provisions with respect to an annual report; amending s. 910.035, F.S.; revising provisions with respect to conditions for the transfer of a case in the drug court treatment program to a county other than that in which the charge arose; amending ss. 948.08, 948.16, and 985.306, F.S., relating to felony, misdemeanor, and delinquency pretrial substance abuse education and treatment intervention programs; providing requirements and sanctions, including clinical placement or incarceration, for the coordinated strategy developed by the drug court team to encourage participant compliance and removing provisions authorizing appointment of an advisory committee, to conform to changes made by the act; providing an effective date.

By the Committee on Health Care; and Senator Lynn—

CS for SB 186—A bill to be entitled An act relating to the testing and reporting of human immunodeficiency virus; amending s. 381.004, F.S.; prohibiting the disclosure of a positive preliminary HIV test result to any person except as specifically authorized; providing that certain HIV test results are preliminary and may be released in accordance with federal requirements; providing that a pregnant woman's informed consent is not required; amending s. 384.25, F.S.; requiring the reporting of a result indicative of HIV or AIDS; requiring the Department of Health to adopt rules specifying certain information, including the maximum time period for reporting a sexually transmissible disease; requiring the use of a system developed by the Centers for Disease Control or its equivalent for the confidential reporting of HIV infection or AIDS; requiring the department to adopt rules governing the reporting of HIV-exposed infants or newborns; deleting a provision requiring the reporting of diagnosed AIDS cases based upon certain criteria; deleting a provision requiring that physicians and laboratories report certain cases of HIV infection; deleting a requirement that the department submit an annual report to the Legislature; amending s. 384.31, F.S.; requiring that certain health care professionals who attend a pregnant woman test for sexually transmissible diseases and HIV; requiring that a pregnant woman be informed of tests for sexually transmissible diseases and her right to refuse; requiring that a written statement of objection to testing for sexually transmissible diseases be placed in the pregnant woman's medical records; deleting a requirement that a health care provider counsel a pregnant woman concerning HIV testing; deleting a provision that provides immunity from liability to a health care provider who counsels a pregnant woman who objects to HIV testing; providing an effective date.

By the Committee on Judiciary; and Senators Campbell, Smith, Fasano, Aronberg and Margolis—

CS for SB 190—A bill to be entitled An act relating to student loans; creating s. 43.201, F.S.; providing for a financial assistance program administered by the Justice Administrative Commission to provide assistance to qualified assistant state attorneys, assistant public defenders, assistant attorneys general, and assistant statewide prosecutors for the repayment of eligible student loans; providing definitions; providing the elements of the program; providing for funding; providing an effective date.

By the Committee on Community Affairs; and Senator Constantine—

CS for SB 200—A bill to be entitled An act relating to the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 252.81, F.S., redesignating the act as the "Emergency Planning Community Right-to-Know Act"; amending s. 252.85, F.S.; updating a reference to a federal list of hazardous substances for which the Department of Community Affairs collects fees that fund emergency planning and community right-to-know programs; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Saunders—

CS for SB 202—A bill to be entitled An act relating to the community contribution tax credit; amending s. 212.08, F.S.; increasing the amount of available annual community contribution tax credits; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 220.03, F.S.; revising a definition to delete a provision authorizing the office to reserve certain portions of available annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; extending an expiration date; amending s. 220.183, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 624.5105, F.S.; increasing the amount of available annual community contribution tax credits; limiting application of certain retaliatory tax provisions under certain circumstances; revising tax credit eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; providing an effective date.

By the Committee on Children and Families; and Senators Lynn, Fasano and Wilson—

CS for SB 210—A bill to be entitled An act relating to suicide prevention; creating s. 397.3335, F.S.; creating the Statewide Office for Suicide Prevention in the Office of Drug Control; providing the goals and objectives of the office; creating the position of statewide coordinator for the statewide office, contingent upon a specific appropriation; specifying the education and experience requirements for the position of coordinator; detailing the duties and responsibilities of the coordinator; authorizing the Statewide Office for Suicide Prevention to seek and accept grants or funds from any source to support its operation; creating s. 397.3336, F.S.; creating the Suicide Prevention Coordinating Council within the Office of Drug Control; providing the scope of activities for the coordinating council; creating an interagency workgroup for state agencies within the coordinating council in order to coordinate state agency plans for suicide prevention; authorizing the coordinating council to assemble an ad hoc committee to advise the coordinating council; providing for membership on the coordinating council; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Children and Families; and Senators Lynn, Fasano and Wilson—

CS for CS for SB 210—A bill to be entitled An act relating to suicide prevention; creating s. 397.3335, F.S.; creating the Statewide Office for Suicide Prevention in the Office of Drug Control; providing the goals and objectives of the office; creating the position of statewide coordinator for the statewide office, contingent upon a specific appropriation; specifying the education and experience requirements for the position of coordinator; detailing the duties and responsibilities of the coordinator; authorizing the Statewide Office for Suicide Prevention to seek and accept grants or funds from any source to support its operation; creating s. 397.3336, F.S.; creating the Suicide Prevention Coordinating Council within the Office of Drug Control; providing the scope of activities for the coordinating council; creating an interagency workgroup for state agencies within the coordinating council in order to coordinate state agency plans for suicide prevention; authorizing the coordinating council to assemble an ad hoc committee to advise the coordinating council; providing for membership on the coordinating council; providing an effective date.

By the Committee on Domestic Security; and Senator Constantine—

CS for SB 232—A bill to be entitled An act relating to emergency management; amending s. 252.32, F.S.; providing that it is the policy of the Legislature to encourage counties and municipalities to explore the use of emerging technologies for the purpose of disseminating information to the public before, during, and after an emergency or natural disaster; requiring the Department of Community Affairs to compile a list of potential sources of grant funds and disseminate the list to all counties and municipalities so that they may use the list as a guide for applying for grants; amending s. 252.38, F.S.; authorizing a county or municipality to establish a volunteer disaster assistance recovery program; authorizing advisory committees to negotiate voluntary compliance standards and agreements with local businesses; authorizing a county or municipality to require that a representative of a private utility be present at the local emergency operations center for purposes of coordination during an emergency or natural disaster; providing an effective date.

By the Committee on Health Care; and Senator Lynn—

CS for SB 240—A bill to be entitled An act relating to emergency electrical service in nursing home facilities; amending s. 400.23, F.S.; requiring that each nursing home have an emergency electrical system that is capable of providing electrical service for a specified period during an interruption of the normal electrical supply; providing requirements for priority in restoring electrical power to nursing homes; requiring that the state use federal disaster funds to purchase generators for use by nursing homes if such funds are available; requiring an adjustment of the Medicaid rate for the purpose of reimbursing nursing homes for the cost of acquiring emergency generators; providing an effective date.

By the Committee on Children and Families; and Senator Hill—

CS for SB 246—A bill to be entitled An act relating to child safety; requiring school boards to promulgate policies regarding release of children; providing a definition; requiring copies of the policies to be provided to the Department of Education; requiring nonpublic schools, private schools, and certain child care facilities to promulgate policies regarding release of children; requiring making such policies available on the premises of the schools or child care facilities; providing a definition; providing an effective date.

By the Committee on Banking and Insurance; and Senator Sebesta—

CS for SB 304—A bill to be entitled An act relating to financial entities and transactions; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to adopt rules relating to obtaining such an accommodation; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 494.0029, F.S.; specifying criteria for receipt of certain applications; specifying that certain permits are not transferable or assignable; amending s. 494.00295, F.S.; revising provisions to specify continuing education for certain professions; amending s. 494.003, F.S.; clarifying application of an exemption from application of specified mortgage broker licensure requirements to certain entities; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; specifying criteria for receipt of applications; authorizing the commission or the Office of Financial Regulation to require specified information from certain applicants; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for fingerprinting services; specifying that certain licenses are not transferable or assignable; amending s. 494.0033, F.S.; clarifying requirements for mortgage broker licensure; authorizing the commission to waive certain examination requirements under specified circumstances; authorizing the commission to prescribe additional testing fees; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; specifying criteria for receipt of applications; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0034, F.S.; clarifying the commission's authorization to prescribe license renewal forms; amending s. 494.0036, F.S.; clarifying provisions relating to issuance of licenses to mortgage brokerage business branch offices; specifying criteria for receipt of certain applications; amending s. 494.0041, F.S.; specifying an additional ground for disciplinary action; amending s. 494.006, F.S.; clarifying the application of an exemption from mortgage lender licensure requirements to certain entities; amending s. 494.0061, F.S.; requiring licensure of mortgage lenders; specifying criteria for receipt of applications; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; specifying criteria for receipt of applications; authorizing the office to require applicants to provide certain information; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; requiring notice of a change in principal representatives; providing educational requirements for principal representatives; amending s. 494.0064, F.S.; clarifying a reference to professional continuing education for certain licensees; amending s. 494.0065, F.S.; specifying criteria for receipt of applications; specifying education and testing requirements for certain principal representatives and for certain applications or transfer applications; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; increasing a license transfer fee; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring mortgage lenders to designate a principal representative; providing criteria and requirements; requiring notice of a change in principal representatives; amending s. 494.0066, F.S.; clarifying licensure requirements for branch offices; amending s. 494.0067, F.S.; clarifying reference to professional continuing education requirements; amending s. 494.0072, F.S.; providing an additional ground for disciplinary action; amending s. 494.00721, F.S.; correcting cross-references; amending s. 501.137, F.S.; imposing certain costs and fees on a mortgage lender that fails to pay a property owner's tax or insurance premiums from an escrow account; amending s. 516.03, F.S.; specifying criteria for receipt of certain applications; providing that specified fees are nonrefundable; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to make rules relating to obtaining such an accommodation; amending s. 516.05, F.S.; deleting provisions relating to fees for licenses that have been denied; amending s. 516.07, F.S.; providing an additional ground for disciplinary action; amending s. 516.12, F.S.; authorizing the commission to prescribe minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 517.061, F.S.; revising provisions related to exempt transactions; amending ss. 517.051 and 517.081, F.S.; revising standards for accounting principles to be used in preparing certain financial statements; amending s. 517.12, F.S.; revising provisions for taking and submitting fingerprints of dealers, associated persons, and similarly situated persons; revising provisions relating to expiration and renewal of registration of such persons; providing an exemption from registration requirements for a Canadian dealer and an associated person who represents a Canadian dealer, under certain conditions; providing for notice filing by a Canadian dealer under certain conditions; authorizing the Office of Financial Regulation of the Financial Services Commission to issue a permit to evidence the effectiveness of a notice filing for a Canadian dealer; providing for the renewal of a notice filing by a Canadian dealer; providing for reinstatement of a notice filing; providing obligations for a Canadian dealer who has given notice of filing; providing obligations for an associated person representing a Canadian dealer who has given notice of filing; providing for the termination of a notice of filing; providing for the collection of fees; amending s. 517.131, F.S.; revising conditions under which recovery can be made from the Securities Guaranty Fund; amending s. 517.141, F.S.; prescribing circumstances under which a claimant must reimburse the fund; providing for rulemaking; amending s. 517.161, F.S.; providing an additional ground for revocation, restriction, or suspension of a registration; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; specifying criteria for receipt of certain applications; providing that certain fees are nonrefundable; amending s. 520.994, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; providing for rulemaking; amending s. 520.995, F.S.; providing an additional ground for disciplinary action; amending ss. 520.997 and 537.009, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending ss. 560.105 and 560.118, F.S.; authorizing the commission to require electronic submission of forms, documents, or

fees; providing for accommodating a technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for disciplinary action; amending s. 560.121, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; decreasing the required time period for the office to retain certain reports, records, applications, and related information; amending s. 560.126, F.S.; requiring notice of changes in information contained in a registration application; amending s. 560.205, F.S.; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; authorizing the commission to establish procedures for depositing fees and filing documents electronically; deleting a requirement that an applicant provide a list of certain vendors; requiring the reporting of certain changes of registration by written amendment; amending s. 560.207, F.S.; authorizing the commission to establish procedures for depositing fees and filing documents electronically; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; amending s. 560.210, F.S.; revising permissible investment requirements for certain registrants; amending ss. 560.211 and 560.310, F.S.; requiring notice to the office of the location of certain amended records; amending ss. 560.305 and 560.308, F.S.; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; authorizing the commission to establish procedures for depositing fees and filing documents electronically; amending s. 560.306, F.S.; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring the reporting of certain changes of registration by written amendment; specifying in general that accounting principles are those generally accepted in the United States; specifying commission authority by rules; amending s. 560.403, F.S.; revising requirements for giving notice of intent in connection with the renewal of registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a notice of intent; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senators Saunders, Lynn, Fasano and Dockery—

CS for SB 334—A bill to be entitled An act relating to public housing; amending s. 421.02, F.S.; clarifying a legislative finding with respect to the inability of private enterprise to revitalize blighted areas; public housing; amending s. 421.08, F.S.; authorizing a housing authority to organize for the purpose of creating a for-profit or not-for-profit corporation, limited liability company, or similar entity to develop and operate residential homes or nonresidential projects; providing qualifications for a family to live in such a residential home; authorizing a corporation, limited liability company, or similar entity created by a housing authority to join with other entities to develop and operate residential or nonresidential projects; ratifying certain prior actions of a housing authority; authorizing the governing board of a housing authority to implement its own policy regarding per diem and travel expenses of its officials, officers, employees, and board members; amending s. 421.09, F.S.; providing that the certain limitations regarding the operation and management of a housing project do not restrict the activities of a for-profit or not-for-profit business entity created by the housing authority under s. 421.08, F.S.; amending s. 421.23, F.S.; authorizing a housing authority to use certain pledged funds to pay liabilities arising from the operation of its housing projects; repealing s. 421.54, F.S., relating to certain limitations on constructing housing projects in Orange and Seminole Counties; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Lynn—

CS for SB 352—A bill to be entitled An act relating to religious-exempt child care programs; providing a short title; amending s. 402.316, F.S.; providing for a child care program affiliated with a religious congregation or religious school to be exempt from regulation by the Department of Children and Family Services as a religious-exempt child care program; requiring religious-exempt child care programs to display a certificate of compliance issued by an accrediting agency recognized by the department; providing requirements for accrediting agencies recognized by the department; requiring a recognized accrediting agency to conduct an initial onsite review; providing timeframes within which child care programs must meet the requirements for training and credentials; requiring recognized accrediting agencies for religious exemption to submit standards to the department; requiring the department to create and maintain a list of recognized accrediting agencies; providing that the act does not authorize the department to regulate certain specified elements of a religious-exempt child care program; requiring that the department notify recognized accrediting agencies of any revision in standards; requiring that a recognized accrediting agency submit an annual report; providing timeframes within which an exempt child care program must notify an accrediting agency of its transfer and termination of accreditation; prohibiting a recognized accrediting agency for religious exemption from owning, operating, or administering certain programs; requiring the department to facilitate an annual meeting; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 370—A bill to be entitled An act relating to procedures for the satisfaction of debts; amending s. 55.141, F.S.; revising provisions relating to satisfaction of judgments and decrees; eliminating the authority of judges to act under these provisions when there is no clerk of court; revising requirements of the clerk when accepting payment for satisfaction of a judgment and executing and recording a satisfaction of judgment; providing a sample form to be used by a clerk when recording a satisfaction of judgment; revising provisions relating to notification of satisfaction of judgment to a judgment holder; amending s. 55.202, F.S.; revising procedures for acquiring a judgment lien; authorizing the court to file a judgment lien certificate before a judgment becomes final under certain circumstances; providing that an improperly filed certificate is of no effect; amending s. 55.204, F.S.; revising provisions relating to the continuation of judgment liens; revising provisions requiring the Department of State to maintain certain files and information; amending s. 55.205, F.S.; deleting a provision authorizing certain creditors to bring certain actions against the property of a debtor; amending ss. 55.602, 55.603, 55.604, 55.605, and 55.606, F.S.; revising provisions relating to foreign judgments to apply only to out-of-country foreign judgments; amending s. 56.21, F.S.; revising requirements for notices of a levy and execution sale; amending s. 56.27, F.S.; clarifying provisions relating to payment of money received under execution; amending s. 56.29, F.S.; revising requirements regarding supplementary proceedings for unsatisfied judgments; amending s. 77.03, F.S.; deleting the provision that a garnishing creditor must believe that execution would be unavailing; amending s. 77.041, F.S.; increasing the time period during which a garnishing creditor may object to the debtor's claim of exemption and request a hearing; amending s. 222.01, F.S.; revising provisions relating to the designation of homestead property by the owner prior to levy to include foreign judgments; amending s. 319.27, F.S.; correcting a cross-reference; amending s. 679.1021, F.S.; redefining the term "lien creditor"; amending s. 701.02, F.S.; providing that chapters 670-680 of the Uniform Commercial Code govern the attachment and perfection of a security interest in a mortgage upon real property and in a promissory note or other right to payment or performance secured by that mortgage; providing that the assignment of such a mortgage need not be recorded under s. 701.02, F.S., in order for a security interest in the mortgage to attach or be perfected under the Uniform Commercial Code; providing that a creditor or subsequent purchaser of real property or of any interest therein may rely on a full or partial release, discharge, consent, joinder, subordination, satisfaction, or assignment of a mortgage upon the property which was made by the mortgagee of record, without regard to the filing of certain Uniform Commercial Code financing statements; providing that the filing of such a financing statement does not constitute notice for the purposes of s. 701.02, F.S.; defining the term "mortgagee of record"; providing effective dates.

By the Committee on Health Care; and Senator Rich—

CS for SB 428—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health

Care Administration to develop a model waiver program to serve children with specified disorders; requiring the agency to seek federal waiver approval and implement the approved waiver subject to availability of funds and certain limitations; authorizing rules; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Wise, Fasano, Haridopolos and Rich—

CS for SB 434—A bill to be entitled An act relating to individuals with disabilities; amending s. 413.08, F.S.; providing definitions; providing that an individual with a disability has full and equal access to and enjoyment of public accommodations and state and local facilities, programs, services, and activities; providing that an individual with a disability may be accompanied by a service animal in places of public accommodation and in state and local facilities; directing that documentation that a service animal is trained may not be a precondition for providing service to an individual accompanied by a service animal; requiring that a service animal be given access to all areas of a government facility or public accommodation that the public or customers are normally permitted to occupy; prohibiting segregating an individual with a service animal from other customers or the public; prohibiting a public accommodation from imposing a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual; providing that an individual with a disability may be liable for damage caused by a service animal; providing that the animal's owner is responsible for the care and supervision of a service animal; providing that the public accommodation or government entity is not required to provide care or food or a special location for a service animal; providing that a public accommodation or government entity may exclude or remove any animal from the premises if the animal's behavior poses a direct threat to the health and safety of others; increasing certain penalties for violations of the act; providing that the trainer of a service animal has the same rights and privileges as a person with a disability while training the service animal; amending s. 413.081, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Criminal Justice; and Senators Peaden, Argenziano, Clary, Wise, Lawson, Crist, Baker, Bennett, Posey, Villalobos, Garcia, Fasano, Webster, Lynn, Haridopolos, King, Dockery, Diaz de la Portilla, Bullard, Campbell, Jones, Sebesta, Pruitt, Constantine, Smith, Alexander, Saunders, Aronberg and Klein—

CS for SB 436—A bill to be entitled An act relating to the protection of persons and property; creating s. 776.013, F.S.; authorizing a person to use force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances; creating a presumption that a reasonable fear of death or bodily injury exists under certain circumstances; creating a presumption that a person acts with the intent to use force or violence under specified circumstances; providing definitions; amending ss. 776.012 and 776.031, F.S.; providing that a person is justified in using deadly force under certain circumstances; declaring that a person has no duty to retreat and has the right to stand his or her ground and meet force with force if the person is in a place where he or she has a right to be and the force is necessary to prevent death, great bodily harm, or the commission of a forcible felony; creating s. 776.032, F.S.; providing immunity from criminal prosecution or civil action for using deadly force; defining the term "criminal prosecution"; authorizing a law enforcement agency to investigate the use of deadly force but prohibiting the agency from arresting the person unless the agency determines that there is probable cause that the force the person used was unlawful; providing for the award of attorney's fees, court costs, compensation for loss of income, and other expenses to a defendant in a civil suit who was immune from prosecution under this section; providing an effective date.

By the Committees on Judiciary; Criminal Justice; and Senators Peaden, Argenziano, Clary, Wise, Lawson, Crist, Baker, Bennett, Posey, Villalobos, Garcia, Fasano, Webster, Lynn, Haridopolos, King, Dockery, Diaz de la Portilla, Bullard, Campbell, Jones, Sebesta, Pruitt, Constantine, Smith, Alexander, Saunders, Aronberg and Klein—

CS for CS for SB 436—A bill to be entitled An act relating to the protection of persons and property; creating s. 776.013, F.S.; authorizing a person to use force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances; creating a presumption that a reasonable fear of death or great bodily harm exists under certain circumstances; creating a presumption that a person acts with the intent to use force or violence under specified circumstances; providing definitions; amending ss. 776.012 and 776.031, F.S.; providing that a person is justified in using deadly force under certain circumstances; declaring that a person has no duty to retreat and has the right to stand his or her ground and meet force with force if the person is in a place where he or she has a right to be and the force is necessary to prevent death, great bodily harm, or the commission of a forcible felony; creating s. 776.032, F.S.; providing immunity from criminal prosecution or civil action for using deadly force; defining the term "criminal prosecution"; authorizing a law enforcement agency to investigate the use of deadly force but prohibiting the agency from arresting the person unless the agency determines that there is probable cause that the force the person used was unlawful; providing for the award of attorney's fees, court costs, compensation for loss of income, and other expenses to a defendant in a civil suit who was immune from prosecution under this section; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 442—A bill to be entitled An act relating to building safety; amending s. 215.559, F.S.; requiring that a specified percentage of the funds appropriated under the Hurricane Loss Mitigation Program be used for education concerning the Florida Building Code and for the operation of the disaster contractors network; requiring the Department of Community Affairs to contract with a nonprofit tax-exempt entity for training, development, and coordination; amending s. 489.537, F.S.; providing that certain alarm system contractors and electrical contractors may not be required by a municipality or county to obtain additional certification or meet additional licensure requirements; amending s. 553.37, F.S.; providing requirements for exit alarms; providing for the approval, delivery, and installation of lawn storage buildings and storage sheds; amending s. 553.73, F.S.; specifying certain codes from the International Code Congress and the International Code Council as foundation codes for the updated Florida Building Code; providing requirements for amendments to the foundation codes; providing for the incorporation of certain statements, decisions, and amendments into the Florida Building Code; providing a timeframe for rule updates to the Florida Building Code to become effective; adding a requirement for technical amendments to the Florida Building Code; providing requirements for the Florida Building Commission in reviewing code amendments; providing an exception; incorporating by reference certain standards for unvented conditioned attic assemblies; amending s. 553.74, F.S.; revising the appointment of members to the Florida Building Commission; amending s. 553.77, F.S.; revising duties of the Florida Building Commission; authorizing local building departments or other entities to approve changes to an approved building plan; prohibiting a commission member from voting or taking action on matters of a personal or financial interest to the member; deleting requirements that the commission hear certain appeals and issue declaratory statements; creating s. 553.775, F.S.; providing legislative intent with respect to the interpretation of the Florida Building Code; providing for the commission to resolve disputes regarding interpretations of the code; requiring the commission to review decisions of local building officials and local enforcement agencies; providing for publication of an interpretation on the Building Code Information System and in the Florida Administrative Weekly; authorizing the commission to adopt a fee; amending s. 553.79, F.S.; exempting truss-placement plans from certain requirements; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring that issuance of stop-work

orders be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; specifying conditions for proceeding with building work; amending s. 553.80, F.S.; authorizing local governments to impose certain fees for code enforcement; providing requirements and limitations; conforming a cross-reference; requiring the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; exempting certain buildings of the Department of Agriculture and Consumer Services from local permitting requirements, review, or fees; amending s. 120.80, F.S.; authorizing the Florida Building Commission to conduct proceedings to review decisions of local officials; amending s. 553.841, F.S.; revising provisions governing the Building Code Training Program; creating the Building Code Education and Outreach Council to coordinate, develop, and ensure enforcement of the Florida Building Code; providing for membership, terms of office, and meetings; providing duties of the council; requiring Building A Safer Florida, Inc., to provide administrative support for the council; requiring the council to develop a core curriculum and equivalency test for specified licensees; providing for the use of funds by the council; repealing s. 553.8413, F.S., relating to the Education Technical Advisory Committee; amending s. 553.842, F.S.; providing for products to be approved for statewide use; deleting an obsolete date; deleting a provision requiring the commission to adopt certain criteria for local program verification and validation by rule; providing for validation of certain products by inspection of the certification mark or listing; adding an evaluation entity to the list of entities specifically approved by the commission; deleting a requirement that the commission establish a schedule for adopting rules relating to product approvals under certain circumstances; creating s. 633.026, F.S.; requiring that the State Fire Marshal establish by rule a process for rendering nonbinding interpretations of the Florida Fire Prevention Code; authorizing the State Fire Marshal to enter into contracts and refer interpretations to a nonprofit organization; providing for the interpretations to be advisory; providing for funding the program from the Insurance Regulatory Trust Fund; providing requirements for local product approval of products or systems of construction; specifying methods for demonstrating compliance with the structural windload requirements of the Florida Building Code; providing for certification to be issued by a professional engineer or registered architect; providing for audits under a quality assurance program and other types of certification; providing that changes to the Florida Building Code do not void the approval of previously installed products; providing an effective date.

By the Committee on Health Care; and Senator Saunders—

CS for SB 474—A bill to be entitled An act relating to nurse registries; amending s. 400.506, F.S.; revising requirements for home visits by registered nurses; deleting a mandatory requirement for monthly visits; requiring that the patient be notified of the availability of optional visits; providing an effective date.

By the Committee on Health Care; and Senator Clary—

CS for SB 478—A bill to be entitled An act relating to podiatric medicine; amending s. 461.014, F.S.; requiring a hospital having a podiatric residency program to annually provide the Board of Podiatric Medicine with certain information; revising the time period during which a podiatric physician may continue as an unlicensed resident in a residency program; permitting a resident podiatric physician to prescribe certain medications under certain circumstances; providing that a podiatric resident who is registered under the act is subject to specified disciplinary procedures; providing a penalty; requiring the board to adopt rules to administer this act; providing an effective date.

By the Committee on Environmental Preservation; and Senator Alexander—

CS for SB 502—A bill to be entitled An act relating to the Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; providing legislative findings and intent with respect to the implementation and funding of the Lake Okeechobee Watershed Phosphorus Control Program and the Lake Okeechobee Protection Plan; revising a definition; requiring that the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the South Florida Water Management District be jointly responsible for implementing the Lake Okeechobee Protection Plan; requiring that annual funding priorities be jointly established; providing criteria for funding priorities; deleting obsolete provisions; providing an effective date.

By the Committee on Judiciary; and Senators Fasano and Posey—

CS for SB 510—A bill to be entitled An act relating to temporary custody of a child by an extended family member or putative father; amending s. 751.011, F.S.; defining the term "extended family member"; amending s. 751.02, F.S.; authorizing an extended family member to bring a proceeding in court to determine the temporary custody of a child; amending s. 751.03, F.S.; specifying the information that must be included in a petition for temporary custody by an extended family member or putative father; providing that only an extended family member or putative father may file a petition for temporary custody under ch. 751, F.S.; amending s. 751.05, F.S.; providing that either or both of the child's parents may petition the court to modify the order granting temporary custody under certain circumstances; providing an effective date.

By the Committee on Communications and Public Utilities; and Senator Klein—

CS for SB 526—A bill to be entitled An act relating to electric utility transmission; creating the Electric Utility Task Force; providing duties and membership of the task force; requiring that the task force submit a report to the Governor and the Legislature; providing that the task force be dissolved on a specified date; providing an appropriation; providing an effective date.

By the Committee on Criminal Justice; and Senator Smith—

CS for SB 540—A bill to be entitled An act relating to the Parole Commission; amending s. 947.06, F.S.; requiring that the victim of a crime or the victim's next of kin be given a copy of the parole examiner's recommendation upon request; amending s. 947.071, F.S.; providing for the indexing of additional final orders; amending s. 947.13, F.S.; clarifying the powers and duties of the Parole Commission; amending s. 947.1405, F.S.; clarifying provisions of the Conditional Release Program Act; clarifying conditional release eligibility; providing that probation or community control follows the term of conditional release supervision; clarifying that the Parole Commission may consider all relevant information when setting special conditions of conditional release supervision; clarifying that the Parole Commission may amend the conditions of conditional release supervision; establishing additional special conditions of conditional release supervision pertaining to sex offenders; amending s. 947.141, F.S.; clarifying revocation proceedings with respect to offenders under conditional release, control release, conditional medical release, or addiction-recovery supervision; providing for the execution of a warrant; providing for the detention of a releasee pending a revocation hearing; providing for release on recognizance; providing for arrest without a warrant; providing for tolling of supervision; providing for the issuance and enforcement of subpoenas in revocation hearings; providing that the strict rules of evidence are not applicable to revocation hearings; providing for rulemaking; amending s. 947.16, F.S.; requiring that an inmate convicted of kidnapping whose parole release order has been vacated by the court be reinterviewed at 5-year intervals following the vacated release order; amending s. 947.174, F.S.; requiring that an inmate convicted of kidnapping whose presumptive parole release date is more than 5 years after the initial interview be reinterviewed thereafter at 5-year intervals; amending s. 947.1745, F.S.; permitting an inmate convicted of kidnapping to be scheduled for an effective parole release date interview at 5-year intervals; amending s. 947.22, F.S., relating to parolees; removing provisions relating to bail; providing conforming provisions; amending s. 947.23, F.S.; providing that the strict rules of evidence are not applicable to parole revocation hearings; providing an effective date.

By the Committee on Education; and Senators Smith and Bullard—

CS for SB 542—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; authorizing each community college board of trustees to establish a transportation user fee; limiting such fee to the cost of the service provided; allowing fines to exceed the cost of services provided and to apply to persons other than those receiving specified services; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Margolis—

CS for SB 552—A bill to be entitled An act relating to game promotion in connection with sale of consumer products or services; amending s. 849.094, F.S.; providing that the operator of a game promotion in which the total announced value of the prizes offered is greater than $5,000 need include only the material terms of the rules and regulations of the game in all advertising copy used in connection therewith if the advertising copy contains information for obtaining the full rules and regulations of the game; providing an effective date.

By the Committee on Health Care; and Senators Constantine and Campbell—

CS for SB 626—A bill to be entitled An act relating to environmental health; creating s. 381.0069, F.S.; providing for the regulation of portable restroom contracting; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for authorization of business entities providing portable restroom contracting services under a fictitious name; providing grounds for suspension or revocation of registration or authorization; providing fees; providing penalties and prohibitions; amending s. 381.0061, F.S.; authorizing imposition of an administrative fine for violating portable restroom contracting requirements; amending s. 381.0065, F.S.; specifying the department's powers and duties with respect to regulating portable restroom facilities and the individuals or businesses that provide and service such facilities; authorizing the department to enter the business premises of any portable restroom contractor to determine compliance and for the purpose of enforcement; authorizing issuance of a citation for a violation of portable restroom contracting requirements which may contain an order of correction or a fine; providing an effective date.

By the Committee on Community Affairs; and Senator Margolis—

CS for SB 756—A bill to be entitled An act relating to the exercise of eminent domain by municipalities; authorizing specified municipalities to exercise the power of eminent domain for public school purposes; providing for future expiration; providing an effective date.

By the Committee on Environmental Preservation; and Senator Dockery—

CS for SB 774—A bill to be entitled An act relating to greenways and trails; requesting the Division of Statutory Revision to retitle ch. 260, F.S., as "Florida Greenways and Trails"; amending s. 260.011, F.S.; clarifying the short title; amending s. 260.012, F.S.; revising legislative intent with respect to the development and completion of the Florida National Scenic Trail; transferring, renumbering, and amending s. 260.013, F.S.; revising definitions; amending s. 260.0141, F.S.; deleting provisions authorizing certain acquisitions; amending s. 260.0142, F.S.; revising the powers and duties of the Florida Greenways and Trails Council; extending the terms of certain appointees; providing for reappointment of appointees; amending eligibility requirements for appointees of the trail-user community to include users of off-road highway vehicles; amending s. 260.015, F.S.; requiring the appraisal of certain property by the department; amending s. 260.016, F.S.; revising the general powers of the Department of Environmental Protection relating to greenways and trails; creating s. 260.20, F.S.; creating and specifying segments of the Florida Circumnavigation Saltwater Paddling Trail; requiring the Department of Environmental Protection to name and locate segments and provide a report; authorizing the department to relocate segments and perform certain trail-management and publication functions; authorizing the Florida Greenways and Trails Council to advise the department regarding the trail; amending s. 373.199, F.S.; requiring the water management districts to include information about the Florida National Scenic Trail in the 5-year work plans; amending s. 380.507, F.S.; revising provisions relating to the acquisition or disposition of certain property under the Florida Communities Trust Program; providing an effective date.

By the Committee on Agriculture; and Senators Smith and Haridopolos—

CS for SB 832—A bill to be entitled An act relating to the assessment of obsolete agricultural equipment for purposes of ad valorem taxation; providing for obsolete agricultural equipment to be assessed at its value as salvage; defining the term "agricultural equipment"; providing a procedure for a taxpayer to claim the right of assessment under this section; authorizing the property appraiser to require information establishing a taxpayer's right to the classification; providing an effective date.

By the Committee on Children and Families; and Senator Wise—

CS for SB 884—A bill to be entitled An act relating to caregivers for disabled or elderly adults; providing legislative intent to foster caregiving as a nonlicensed paraprofessional activity and to promote the caregivers' use of best practices; creating the Florida Caregiver Institute, Inc., an independent nonprofit corporation housed in the Florida Policy Exchange Center on Aging at the University of South Florida; providing purposes, duties, and powers of the corporation; providing for a board of directors; providing for membership, terms of office, meetings, and powers and duties of and restrictions on the board; requiring reports to the Governor and the Legislature; providing duties of the Florida Policy Exchange Center on Aging and other public agencies; providing for the Office of Program Policy Analysis and Government Accountability to conduct a review of the corporation by a specified date and to report to the Governor and the Legislature; providing an effective date.

By the Committee on Criminal Justice; and Senator Wise—

CS for SB 886—A bill to be entitled An act relating to prison industries; creating the Prison Industries Task Force within the Office of Legislative Service; requiring the task force to determine how well the prison industries program has fulfilled its statutory mission and purpose; providing for the appointment of members to the task force; requiring the task force to hold a minimum number of public meetings; providing that the meetings and records of the task force are subject to public-meetings requirements and the public-records law; providing for members of the task force to be reimbursed for per diem and travel expenses; requiring the Legislative Committee on Intergovernmental Relations to provide staff support for the task force; specifying the duties of the task force with respect to taking testimony; requiring the task force to submit a report to the Governor and the Legislature; abolishing the task force on a future date; amending s. 946.505, F.S.; clarifying the state's reversionary interest in the facilities, property, and assets of the corporation operating a correctional work program; providing an effective date.

By the Committee on Rules and Calendar; and Senator Pruitt—

CS for SB 1336—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 28.246, 28.35, 28.36, 29.21, 34.191, 39.701, 63.087, 63.102, 70.20, 101.161, 112.08, 112.63, 120.536, 211.06, 215.20, 215.555, 216.023, 220.1895, 280.16, 287.042, 287.17, 288.1224, 288.12265, 288.905, 290.00689, 290.015, 311.125, 322.135, 327.395, 339.55, 339.64, 364.604, 373.145, 373.1963, 373.4592, 376.71, 376.80, 378.034, 378.035, 381.0046, 381.0065, 381.103, 381.734, 393.0655, 393.068, 394.499, 394.82, 394.9083, 395.4001, 395.404, 397.416, 397.97, 400.1755, 400.179, 403.4154, 409.2563, 409.907, 409.9071, 409.908, 409.91188, 409.912, 420.504, 430.205, 440.05, 440.491, 440.591,

443.191, 445.003, 445.009, 455.2177, 455.32, 475.615, 489.146, 497.103, 497.140, 497.150, 497.152, 497.153, 497.160, 497.166, 497.167, 497.260, 497.369, 497.453, 497.458, 497.466, 497.550, 497.551, 497.603, 497.604, 497.608, 550.0251, 553.791, 553.8413, 556.112, 558.002, 558.004, 560.408, 570.71, 581.131, 620.9901, 624.426, 626.641, 627.6699, 627.736, 628.909, 633.0215, 636.240, 641.51, 648.50, 650.05, 655.948, 658.60, 663.02, 663.318, 668.602, 717.1400, 720.303, 720.402, 720.405, 744.3678, 744.7021, 782.081, 784.046, 895.02, 921.0022, 932.706, 943.125, 944.026, 944.1905, 944.803, 948.09, 948.30, 957.07, 958.045, 985.404, 1009.765, and 1012.796, F.S.; reenacting ss. 110.161, 288.063, 381.0072, 430.04, 446.051, 450.081, 489.531, 626.112, 718.112, and 721.075, F.S.; and repealing ss. 30.17, 202.205, 288.971, 295.184, 373.1995, 394.498, 570.235, and 627.6685, F.S.; pursuant to s. 11.242, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

By the Committee on General Government Appropriations; and Senator Clary—

CS for SB 1396—A bill to be entitled An act relating to trust funds; terminating the Florida Preservation 2000 Trust Fund and the Federal Law Enforcement Trust Fund within the Fish and Wildlife Conservation Commission; providing for the disposition of balances in and revenues of the trust funds; prescribing procedures for the termination of the trust funds; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Saunders—

CS for SB 1406—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Federal Grants Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Saunders—

CS for SB 1408—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Operations and Maintenance Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Saunders—

CS for SB 1410—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Social Services Block Grant Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Saunders—

CS for SB 1412—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Tobacco Settlement Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

REPORTS OF COMMITTEES

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 822 with 2 amendments

The Committee on Health Care recommends the following pass: SB 266

The Committee on Judiciary recommends the following pass: SB 660 with 2 amendments

The Committee on Transportation recommends the following pass: SB 52 with 1 amendment, SB 468, SB 864 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 96

The Committee on Education recommends the following pass: SB 752, SB 768 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 348, SB 512

The bills contained in the foregoing reports were referred to the Committee on Children and Families under the original reference.

The Committee on Children and Families recommends the following pass: SB 352 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 202, SB 334

The Committee on Transportation recommends the following pass: SB 276 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 450 with 1 amendment

The Committee on Children and Families recommends the following pass: SB 208, SB 354 with 2 amendments

The Committee on Commerce and Consumer Services recommends the following pass: SB 72, SB 74 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 328 with 2 amendments

The Committee on Domestic Security recommends the following pass: SB 200 with 1 amendment

The Committee on Environmental Preservation recommends the following pass: SB 908 with 1 amendment

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 966

The Committee on Regulated Industries recommends the following pass: SB 110

The Special Master on Claims recommends the following pass: SB 24

The Committee on Transportation recommends the following pass: SB 642

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 52, SB 108 with 1 amendment

The Committee on Commerce and Consumer Services recommends the following pass: SB 276

The Committee on Education recommends the following pass: SB 1250 with 2 amendments

The Committee on Health Care recommends the following pass: SB 230

The Committee on Judiciary recommends the following pass: SB 312 with 2 amendments

The Special Master on Claims recommends the following pass: SB 34

The Committee on Transportation recommends the following pass: SB 830

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Community Affairs recommends the following pass: SB 976 with 1 amendment

The bill was referred to the Committee on Domestic Security under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 168 with 1 amendment

The Committee on Health Care recommends the following pass: SB 720

The Special Master on Claims recommends the following pass: SB 22 with 1 amendment, SB 44 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Education under the original reference.

The Committee on Education recommends the following pass: SB 222, SB 226, SB 670 with 1 amendment

The bills were referred to the Committee on Education Appropriations under the original reference.

The Committee on Agriculture recommends the following pass: SB 242, SB 244

The Committee on Community Affairs recommends the following pass: SB 674 with 1 amendment

The Committee on Transportation recommends the following pass: SB 718

The bills contained in the foregoing reports were referred to the Committee on Environmental Preservation under the original reference.

The Committee on Children and Families recommends the following pass: SB 166 with 1 amendment

The bill was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Agriculture recommends the following pass: SB 448, SB 556, SB 696, SB 700

The Committee on Community Affairs recommends the following pass: SB 470, SB 550, SB 554 with 1 amendment, SB 878

The Committee on Education recommends the following pass: SB 606

The Committee on Environmental Preservation recommends the following pass: SB 242, SB 244

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 630 with 2 amendments

The Committee on Regulated Industries recommends the following pass: SB 342 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Agriculture recommends the following pass: SB 516 with 1 amendment, SB 574

The Committee on Communications and Public Utilities recommends the following pass: SB 680 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 252, SB 434, SB 740 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 58, SB 308

The Committee on Domestic Security recommends the following pass: SB 288

The Committee on Education recommends the following pass: SB 90, SB 688 with 1 amendment, SB 784, SB 896, SB 1162

The Committee on Environmental Preservation recommends the following pass: SB 786

The Committee on Government Efficiency Appropriations recommends the following pass: SB 300

The Committee on Judiciary recommends the following pass: SB 298 with 1 amendment, SB 726

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Children and Families recommends the following pass: SB 124

The Committee on Government Efficiency Appropriations recommends the following pass: SB 470 with 1 amendment

The Committee on Health Care recommends the following pass: SB 100 with 1 amendment, SB 356, SB 546

The bills contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Children and Families recommends the following pass: SB 356, SB 428 with 1 amendment

The Committee on Education recommends the following pass: SB 1082

The Committee on Environmental Preservation recommends the following pass: SB 668 with 1 amendment

The Special Master on Claims recommends the following pass: SB 18 with 1 amendment, SB 20 with 4 amendments, SB 26, SB 32 with 2 amendments, SB 40

The bills contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Children and Families recommends the following pass: SB 466 with 1 amendment, SB 498, SB 974

The Committee on Commerce and Consumer Services recommends the following pass: SB 284 with 2 amendments

The Committee on Criminal Justice recommends the following pass: SB 116, SB 162

The Committee on Ethics and Elections recommends the following pass: SB 506 with 2 amendments

The Committee on Health Care recommends the following pass: SB 544

The Committee on Transportation recommends the following pass: SB 492 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 190 with 3 amendments

The bill was referred to the Committee on Justice Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1072

The bill was referred to the Committee on Regulated Industries under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 472

The Committee on Government Efficiency Appropriations recommends the following pass: SB 342

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 288 with 2 amendments, SB 726

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Special Master on Claims recommends the following pass: SB 30

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 114

The Committee on Community Affairs recommends the following pass: SB 72, SB 74, SB 724

The bills contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 252

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on Agriculture recommends the following pass: SB 292

The Committee on Banking and Insurance recommends the following pass: CS for SB 64, SB 238

The Committee on Community Affairs recommends the following pass: CS for SB 232

The Committee on Education recommends the following pass: CS for SB 246

The Committee on Ethics and Elections recommends the following pass: SB 268 with 1 amendment

The Committee on General Government Appropriations recommends the following pass: SB 166, SB 1376, SB 1378, SB 1380, SB 1382, SB 1384, SB 1386, SB 1388, SB 1390, SB 1392, SB 1394, SB 1398, SB 1400, SB 1402

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 62 with 2 amendments

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 90, SB 106 with 1 amendment, SB 300, SB 516, SB 574

The Committee on Health and Human Services Appropriations recommends the following pass: SB 1404

The Committee on Judiciary recommends the following pass: SB 116

The Committee on Regulated Industries recommends the following pass: SB 310

The Committee on Rules and Calendar recommends the following pass: SB 1334, SB 1338, SB 1340

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Education recommends the following not pass: SB 568

The bill was laid on the table.

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 502

The bill with committee substitute attached was referred to the Committee on Agriculture under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 64

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 510

The bill with committee substitute attached was referred to the Committee on Children and Families under the original reference.

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 56

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 434

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Domestic Security recommends a committee substitute for the following: SB 232

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Communications and Public Utilities recommends a committee substitute for the following: SB 526

The Committee on Health Care recommends a committee substitute for the following: SB 240

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Domestic Security under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 246

The Committee on Community Affairs recommends a committee substitute for the following: SB 756

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Education under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 126, SB 542

The bills with committee substitutes attached were referred to the Committee on Education Appropriations under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 832

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 202

The Committee on Community Affairs recommends a committee substitute for the following: SB 62

The Committee on Health Care recommends a committee substitute for the following: SB 626

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 304

The Committee on Children and Families recommends a committee substitute for the following: SB 210

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 334

The Committee on Criminal Justice recommends a committee substitute for the following: SB 886

The Committee on Judiciary recommends a committee substitute for the following: SB 190

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 352

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 210

The Committee on Health Care recommends a committee substitute for the following: SB 428

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 884

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 184

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 552

The Committee on Criminal Justice recommends a committee substitute for the following: SB 436

The Committee on Health Care recommends a committee substitute for the following: SB 186

The Committee on Regulated Industries recommends a committee substitute for the following: SB 134

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 540

The Committee on Judiciary recommends a committee substitute for the following: SB 370

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Justice Appropriations under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 442

The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 774

The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 200

The Committee on Criminal Justice recommends a committee substitute for the following: SB 122

The Committee on General Government Appropriations recommends a committee substitute for the following: SB 1396

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: SB 1406, SB 1408, SB 1410, SB 1412

The Committee on Health Care recommends committee substitutes for the following: SB 474, SB 478

The Committee on Judiciary recommends committee substitutes for the following: SB 152, CS for SB 436

The Committee on Rules and Calendar recommends a committee substitute for the following: SB 1336

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

JOINT SELECT COMMITTEE REPORTS

The Honorable Tom Lee, February 7, 2005
President of the Senate

The Honorable Allan G. Bense,
Speaker, House of Representatives

Dear President Lee and Speaker Bense:

The Joint Select Committee on Collective Bargaining convened February 7, 2005, in Room 17 (Morris Hall) House Office Building, for the purpose of providing a public opportunity for all parties involved in unresolved collective bargaining disputes to present argument to the Florida Legislature, consistent with the provisions of Section 447.403, Florida Statutes, and the open meeting provisions of Article III, Section 4 of the State Constitution.

Upon conclusion of the presentations, we thanked the participating parties and announced that the Joint Select Committee on Collective Bargaining would take the disputed issues under advisement and that resolution would follow at a later date. Copies of presentation and other pertinent materials have been retained by staff and, for purposes of future public inquiry, are available through the House Governmental Operations Committee and the Senate Committee on Governmental Oversight and Productivity.

Respectfully submitted,

Senator Nancy Argenziano, Co-Chair
Representative David J. Mealor, Co-Chair

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 2004 REGULAR SESSION

The Honorable Glenda E. Hood May 25, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 220, enacted during the 36th Session of the Legislature of Florida and convened under the Constitution of 1968, during the Regular Session of 2002 and entitled:

An act relating to Official State Designations...

Senate Bill 220 would designate the merchant marine vessel the *SS American Victory* as the official state flagship of Florida. Launched in 1945, the *SS American Victory* was active during World War II, the Korean Conflict, and Vietnam. This 455-foot vessel currently rests in Tampa Bay, adjacent to the Florida Aquarium, where it will be the centerpiece of the American Victory Mariners Memorial and Museum Ship.

While I applaud the *SS American Victory* and her crew for their service to our country in times of both war and peace, I must reluctantly decline to designate it as Florida's Official Flagship. Its history is broad and vast, but the ship's time in Florida spans only three years. To designate the *SS American Victory* as our state flagship would be to disregard the other great ships that have occupied our ports and served as symbols of freedom along our coasts for the last century.

At this time I would like to ask the Legislature to join with my office to develop a process for designating entities with our state seal. As there are direct and indirect economic benefits to be gained by a designation, scrutiny and deliberation will help ensure that we have analyzed and designated the most appropriate candidates. I would encourage *SS American Victory's* advocates to pursue a recommended official designation through this process, once established.

For the reasons provided above, I am hereby withholding my approval of Senate Bill 220, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood June 24, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of Committee Substitute for Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 506, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to genetic counseling.

This bill provides for the licensing and regulation of genetic counselors. The bill establishes legislative intent, defines the practice of genetic counseling, creates the Board of Genetic Counselors, provides rulemaking authority, and establishes the basis for disciplinary action. The board is directed to set fees under a statutory cap.

The Sunrise Act, s. 11.62, F.S., states the Legislature's intent that no profession or occupation be subject to regulation unless the regulation is necessary to protect the public health, safety and welfare. This act further establishes specific criteria for evaluating proposals to regulate a new profession or occupation. I believe these standards have not been met in the following respects:

- The potential for substantial harm resulting from lack of regulation is vague and speculative;
- The current system of national certification constitutes an adequate alternative form of regulation;
- The cost effectiveness and economic impact of the regulation is not necessarily favorable to consumers, who may experience increases in insurance premiums if genetic counselors succeed in obtaining reimbursement from health plans.

For these reasons, I hereby veto, Committee Substitute for Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 506.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood June 23, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 976, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to trust funds . . .

The Cultural Institutions Trust Fund is scheduled to terminate on November 4, 2004. This bill recreates this fund without modification. For

the past year, this trust fund has had neither a revenue source nor appropriations; and as there is no anticipated revenue or appropriation for fiscal year 2004-05, the fund is not necessary for operations. For fiscal year 2004-05, there has been appropriated $6.1 million in general revenue funding for the arts. While I fully support the arts, the recreation of this trust fund serves no purpose.

For this reason, I am withholding my approval of Senate Bill 976, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood June 23, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 1258, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to Workforce Development Education Programs . . .

In general, this bill modifies the allocation of workforce education funds when not specifically provided in the General Appropriations Act and requires the Department of Education to develop a funding process for school district workforce programs that is comparable to community college workforce programs. Additionally, this bill revises and updates terminology relating to workforce education.

All substantive changes in this bill are included in House Bill 769, which I have already signed into law. Unfortunately, Committee Substitute for Senate Bill 1258 revises workforce education terminology that conflicts with revisions to workforce education terminology included in House Bill 769. Consequently, allowing both Committee Substitute for Senate Bill 1258 and House Bill 769 to become law would create statutory inconsistencies.

For the technical reasons provided above, I am withholding my approval of Committee Substitute for Senate Bill 1258, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood July 8, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 1712, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to agricultural economic development . . .

Protecting and strengthening agriculture is important to Florida's economy, environment and quality of life. Public policy should pay attention to the private property rights of farmers to promote the success of agriculture. In several instances, however, farmers have raised concerns about their treatment before zoning policy-makers, feeling that counties ran roughshod over their interests by limiting land use and property rights. By ensuring the right to develop their lands at a level equivalent to surrounding properties, this bill would help farmers maximize the value of their land and thus allow them to borrow more money to stay in production.

While I applaud the bill's intent, I have four concerns with the bill that reluctantly lead me to withhold my support.

First, the legislation could actually prompt the premature conversion of agriculture lands to development. While the bill ensures the farmers are not denied the ability to "zone up" consistent with surrounding properties, it also creates a potential incentive structure for farmers to "cash out" in cases where land values rise rapidly.

Second, the bill's ambiguity and the vagueness of its definitions could significantly expand the potential scope and impact of the bill beyond its intent (particularly when considered in conjunction with the incentives for "cashing out" as discussed). The bill's definition of agriculture enclave is vague and could lead to a different interpretation in practice than that intended by the drafters. For instance, the ability to aggregate properties, the lack of an acreage limitation, and the emphasis on "approved" development may cause conversion of large tracts of land in many environmentally sensitive areas as well as undermine a county's ability to effectively plan and manage its future growth.

Third, because of the bill's ambiguity and potentially differing opinions regarding its impact and sweep, litigation is likely to result. This will lead to yet another potential unintended consequence: more lawyer and court involvement in land use decisions and delays in land use decisions. Land use policy should be determined by elected officials, not by the courts.

Finally, this bill violates a central tenet of my philosophy: that local decisions should be made at the local level. State oversight of growth management should be reserved for those issues of truly statewide concern, such as the protection of critical natural resources, ensuring adequate infrastructure, and preservation of our agricultural industry.

I believe that approving this bill would hinder, rather than encourage, further dialogue on statewide growth management issues. I recently signed into law Senate Bill 1214, the Wekiva Parkway and Protection Act, which essentially codifies a consensus among all local stakeholders, leaders and concerned citizens. Committee Substitute for Committee Substitute for Senate Bill 1712, on the other hand, addresses a single (albeit important) issue absent the context of other land use issues and further confuses rather than clarifies what ordinary citizens can expect their communities to look like in the future.

I remain sensitive to the concerns of farmers and local land owners. To that end, the concerns of the supporters of this bill for protection of property rights must be incorporated into future discussions on growth management issues. We must ensure that state oversight of land use decisions remains focused on state priorities, and carefully balances the importance of resource protection with rights of property owners to appropriately use and develop their properties. Additionally, Commissioner Bronson recently announced his intent to closely examine issues surrounding our agricultural industry, an effort which I believe is necessary and timely. I look forward to working with the Commissioner and his team on this endeavor.

For the reasons cited above, I hereby withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 1712, and do veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood May 28, 2004
Secretary of State

Dear Secretary Hood:

I hereby transmit to you, with my signature, Committee Substitute for Senate Bill 1762, entitled:

An act relating to trauma care-

Committee Substitute for Senate Bill 1762 addresses the organization and funding of trauma services by authorizing an optional sales surtax for counties with less than 800,000 residents, revising and updating the statutes related to the designation of trauma centers and the planning and operation of a trauma system, and by appropriating funds for an assessment of the trauma system as well as one-time payments to trauma centers.

The sponsors have initiated this step toward continuous state funding of trauma care based on their belief in the financial vulnerability of trauma centers. Clearly, the legislation is well intended, but the funding at this time is not justified. The bill properly calls for a study. This study must be completed before any commitment of additional state funds.

I cannot conclude immediate additional funding of the centers is necessary. While some trauma centers indeed face growing financial pressures, a review of the hospitals' financial reports reveals that all are

operating in the black. All 17 hospitals for which data is available reported surplus revenue in FY 2003, with total margins ranging from 0.3% to 21%. Four hospitals reported double-digit margins. As a group, the 17 hospitals posted net incomes in excess of $401 million for FY 2003. These numbers may mask variations among hospitals and fluctuations over time, but the bill's allocation ignores such diversity and hands $1 million to each center without regard to financial need. If need is the reason, how can this approach be the answer?

Other reasons are offered to fund trauma care, but these too require more careful study. The statutes in place prior to the amendments in Committee Substitute for Senate Bill 1762 indicated that hospitals are inadequately compensated for trauma services. This bill deletes that assertion, but the contention of an unsustainable burden due to uninsured and underinsured trauma patients persists . Uncompensated care is a serious issue for all hospitals, not just trauma centers.

Trauma centers already receive specific financial assistance. More than $44 million has been awarded since 1998 through special Medicaid payments to hospitals with trauma centers and another $11.6 million is slated for FY 2004-05. Additionally, all but two trauma centers qualify for higher Medicaid reimbursement rates compared to other hospitals, a privilege that is estimated to generate an extra $191 million in revenues in the next fiscal year for the 21 hospitals targeted by this bill. Some may argue these funds are not enough, but we cannot blindly increase the already substantial state funding without more careful consideration.

Three areas demand particular attention as we continue to examine this issue. The bill acknowledges two and overlooks the other. The first issue relates to the distribution of trauma centers, the second addresses the local responsibility for trauma care, and the third relates to performance.

(1) The bill calls for an assessment which includes evaluation of the number and distribution of trauma centers. The funding allocation in the bill preempts the study of this question and equally funds each center. The results are illogical. For example, the three centers serving the 300,000 residents of Escambia County receive a total of $3 million under the bill while the nearly one million residents of Orange County benefit from just one-third of that amount because only one trauma center is located in their area.

(2) Another basic issue is the responsibility of local governments to fund trauma care. The current situation is uneven with five counties providing local tax funds to hospitals that provide trauma care and the rest choosing not to do so. In other program areas, we use state funds as an incentive for local participation. While the bill calls for study of this important question, the one-time equal funding ignores the differences and gives money to all centers without regard to local commitment. This approach sends the wrong message to communities that may be unwilling to contribute in order to preserve services that benefit them the most.

I support the bill's provisions giving greater flexibility for counties to raise local funds for trauma centers. This targeted sales surtax can be initiated by county ordinance and is appropriately subject to voter approval. If the four eligible counties with trauma centers used this option, more than $66 million would be raised for trauma centers.

(3) Outcome-based performance measurement is the other significant unanswered question. The trauma statutes create a comprehensive framework for an organized system of care and the underlying justification for this governmental superstructure is to save lives. The system has been in place for nearly 15 years, but no comparative analysis exists to demonstrate unequivocally that our system delivers results. Trauma centers save lives, but so do hospitals that are not designated trauma centers. What is the difference derived from adherence to our regulations? If state government is to initiate trauma-center unique payments, we must first know we are paying for performance.

Florida's spending must be more responsible and targeted to specific goals that can be monitored and measured. For these reasons, I hereby sign Committee Substitute for Senate Bill 1762 and veto the appropriation of $20,700,000 for payments to trauma centers.

Section 11. The sum of $20,700,000 is appropriated from the General Revenue Fund to the Administrative Trust Fund for the the Department of Health to provide equal funding for each to exceed 70 percent of the amount received by an existing 24 trauma center for a hospital with a Level I trauma center application pending with the department as of April 1, 2004.

The portion of Committee Substitute for Senate Bill 1762 is set forth herein with my objections is hereby vetoed. All other portions of Committee Substitute for Senate Bill 1762 are hereby approved.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood May 20, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 2056, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to Corporations Not For Profit . . .

This bill would allow not-for-profit corporations to make distributions to other not-for-profit corporations that are organized and operated for similar purposes; entities that are operated exclusively for charitable, benevolent, educational, or similar purposes as the distributing corporation; or federal, state, or local governments.

While the bill is intended to address a 1999 Attorney General opinion (AGO 99-23) that interprets current law to prohibit a subsidiary not-for-profit corporation from distributing funds to a parent organization, I am concerned that the scope of the bill is too broad. The language in the bill goes far beyond the issue raised in the Attorney General's opinion. Because it could fundamentally change the relationships between nonprofit organizations, the likelihood of unintended consequences appears high. Fraudulent activity at the expense of the public, negative tax consequences, and accounting and auditing problems might result.

Although this bill is well intended, the potential for broad unintended consequences outweighs the narrowly aimed benefits. For this reason, and the reasons set forth herein, I hereby veto, Senate Bill 2056.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood July 1, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of Committee Substitute for Senate Bill 2572, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to airport zoning . . .

This bill allows Miami-Dade County to circumvent the existing process for local government approval of school construction within airport flight paths. Although Florida law prohibits construction of schools within airport flight paths and certain noise zones, section 333.03, Florida Statutes, allows exceptions—provided certain local actions are taken. Specifically, the local government must make findings addressing health and safety concerns and the airport's governing body must conduct a noise study. Based on the legislative scheme embodied in section 333.03, these exceptions to the county's existing airport zoning regulations need not be made on a facility-specific (case-by-case) basis but instead may simply identify those areas within the flight path that the community deems appropriate for placement of schools. Indeed, section 333.03 speaks of "airport zoning regulations" in general and the creation of exceptions thereto.

The state's overarching policy presumes the paramount importance of protecting our children and teachers by forbidding construction of schools under flight paths. At the same time, the law recognizes that local governments are best equipped to make the final decision and therefore allows counties, upon certain findings of fact and noise studies, to permit school construction under flight paths. A process therefore exists by which Miami-Dade can approve school construction under flight paths. The state should not circumvent that process. Such would

be bad policy and an invitation for others to seek similar such exemptions.

For these reasons, I therefore withhold my approval of Committee Substitute for Senate Bill 2572 and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood June 18, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 2640, enacted during the 36th session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to Parenting Coordination. . .

Committee Substitute for Senate Bill 2640 authorizes courts to appoint a parenting coordinator when the court finds the parties have not implemented the court-ordered parenting plan, mediation has not been successful, and the court finds the appointment is in the best interest of the children involved.

I applaud the dedicated efforts of many whose mission is to identify alternatives to assist families in conflict. I also recognize that some circuit courts are currently utilizing parenting coordinators without statutory authority, and I commend them for seeking legislative direction.

While the intent of the bill is laudable, I am vetoing the bill for the following reasons:

1. I am concerned that the bill does not adequately protect families as they try to resolve their conflicts. By authorizing courts to require families to use parenting coordinators, this legislation allows the judicial branch to order parenting coordination without the consent of all parties involved.
2. I share the concerns expressed by domestic violence advocates that this bill fails to provide adequate safeguards for victims of domestic violence.
3. I cannot approve legislation that delegates judicial authority to a parenting coordinator and which allows these parenting coordinators to serve in the dual role of judge and jury of parents' or children's rights.
4. I am concerned about funding these parenting coordinating programs in the future.
5. I believe that parenting coordinators should serve as volunteers and not be limited to an exclusive class of licensed professionals.

I will support a revised bill during the 2005 legislative session that makes the appointment and selection of a parenting coordinator subject to the consent of both parents. Also, I believe that we must limit the risk of "professionalization" of the parenting coordinator role by limiting it to volunteers. While I respect the Legislature's policy choice to allow only licensed professionals, clergy or attorneys to qualify as parenting coordinators, I believe that any volunteer, especially any faith-based volunteer, who meets certain minimum criteria should be allowed to serve as a parenting coordinator.

Basic training and standards are important. I support language, some contained in the current bill, regarding domestic violence training, family-court procedures, and mediation.

I am committed to working with the sponsors of this legislation to create a program that can assist parents, preserve their rights, protect the best interests of the children involved, and address the concerns noted above.

Furthermore, by this letter, I respectfully request the Chief Justice of the Florida Supreme Court and all chief circuit judges to consider revising these programs to ensure that parents' paramount rights are not compromised, regardless of the well-intentioned motives of the program.

For these reasons, and the reasons set forth herein, I am withholding my approval of Committee Substitute for Senate Bill 2640, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood May 25, 2004
Secretary of State

Dear Secretary Hood:

By the Authority (sic) vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 2804, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to greenways and trails.

The bill recognizes and extends the Florida National Scenic Trail. The bill refines the terms for members of Florida Greenways and Trails Council, provides for some efficiencies within the Office of Greenways and Trails, and creates a Conserve by Bicycle Program with the Florida Department of Transportation. All of these are commendable legislative efforts and I would recommend the Department of Environmental Protection consider these issues for the next legislative session.

However, the bill exempts a non-profit corporation from state fiscal controls that have been established in statute and ensure accountability for taxpayer dollars. These established fiscal controls include: the requirement that services or goods be received by the state; that travel expenses be reimbursed as provided by general law; the prohibitions against nepotism and using state dollars to lobby the legislature; and provisions requiring competitive bidding. These exemptions could create a potentially dangerous precedent by removing oversight of recipients of taxpayer funding.

While Florida Mining-Recreation, Inc. is a non-profit corporation that performs the admirable task of transforming mining lands into recreational areas to be enjoyed by all our people, these exemptions are not good public policy. Furthermore, the withholding of my approval for this legislation will not prevent the Florida Mining-Recreation, Inc. from continuing its activities under the current grant process that currently exists at the Department of Environmental Protection.

Lastly, the bill provides a sales tax exemption for Florida Mining-Recreation, Inc. that is not justified. While reducing the tax burden of all Floridians remains a top priority, granting a sales tax exemption to a specific non-profit sets a bad precedent and only increases the tax burden, albeit incrementally, on the remaining taxpayers.

It is for these reasons above that I withhold my approval of Committee Substitute for Committee Substitute for Senate Bill 2804.

Sincerely,
Jeb Bush, Governor

The Honorable Glenda E. Hood June 18, 2004
Secretary of State

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of Senate Bill 3188, enacted during the 36th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2004, and entitled:

An act relating to North Lauderdale Water Control District . . .

The bill codifies the district's authority into a single comprehensive act and provides certain amendments to the district's charter. The amendments to the charter include a boundary change so that the district's boundary mimics that of the municipality that controls the dependent special district. The district boundary change also mirrors recent annexations by the City of North Lauderdale. These annexations were supported by a voter approved referendum. However, no referendum was conducted nor proposed to support the special district's boundary revision.

My review of local bills is guided by a long standing local bill policy. One of the pillars of my policy is local control and awareness of changes to a special district's authority. A bill should provide for a referendum (of the citizens in the affected area(s)) if it proposes a change in boundaries for local governments, commissions, special districts or school districts. A change to a district boundary has the potential to change fees and assessments for both taxpayers in the current district and taxpayers in the expanded district. The strongest means to demonstrate local support and awareness for such a change is a voter approved referendum.

Without a voter approved referendum, I am unwilling to approve this bill. It is my hope that this change will be considered by a voter referendum and brought forward during the next legislative session.

For these reason, I therefore withhold my approval of Senate Bill 3188 and veto the same.

Sincerely,
Jeb Bush, Governor

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

EXECUTIVE BUSINESS

The following Executive Orders were previously filed with the Secretary:

EXECUTIVE ORDER NUMBER 02-126

(Executive Order of Suspension)

WHEREAS, Miriam Alonso is presently serving as a County Commissioner for Miami-Dade County, Florida, and

WHEREAS, Miriam Alonso has been arrested for two counts of grand theft, in violation of section 812.014, Florida Statutes, one count of unlawful compensation, in violation of section 838.016, Florida Statutes, and one count of exploitation of official position, in violation of Miami-Dade County Ordinance Section 2-11.1(g), and

WHEREAS, it is in the best interest of the residents of Miami-Dade County, and the citizens of the State of Florida that Miriam Alonso be immediately suspended from the public office which she now holds, upon the grounds hereinafter set forth,

NOW, THEREFORE, I, JEB BUSH, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine and, for the purposes of Article IV, section 7, Florida Constitution, allege as follows:

A. Miriam Alonso is, and at all times material hereto was, a member of the County Commission for Miami-Dade County, Florida.

B. The office of County Commissioner is within the purview of the suspension powers of the Governor, pursuant to Article IV, section 7, Florida Constitution.

C. The attached warrants and affidavits state that Miriam Alonso was arrested for committing acts in violation of sections 812.014 and 838.016, Florida Statutes, and Miami-Dade County Ordinance Section 2-11.1(g), and a copy of these warrants and affidavits are hereby incorporated by reference as if fully set forth in this executive order.

D. This suspension is predicated upon the attached arrest warrants and affidavits, which set forth facts showing that Miriam Alonso committed felony offenses and malfeasance.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is hereby promulgated, effective immediately:

Section 1. Miriam Alonso is hereby suspended from the public office which she now holds, to wit: County Commissioner for Miami-Dade County, Florida.

Section 2. Miriam Alonso is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further executive order is issued, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 23rd day of April, 2002.

Jeb Bush
GOVERNOR

ATTEST:
Katherine Harris
SECRETARY OF STATE

[Referred to the Committee on Ethics and Elections May 3, 2002.]

REPORT OF COMMITTEE RELATING TO EXECUTIVE SUSPENSIONS

The Honorable Tom Lee
President, The Florida Senate

December 1, 2004

Re: Suspension of:

MIRIAM ALONSO
Member, County Commission
Miami-Dade County, Florida

Dear President Lee:

The Committee on Ethics and Elections submits this final report on the matter of the suspension of Miriam Alonso.

By Executive Order Number 02-126 dated April 23, 2002 and filed with the Secretary of State, the Honorable Jeb Bush, Governor, suspended Miriam Alonso from membership on the Miami-Dade County Commission. On September 10, 2002, the electors of Miami-Dade County selected Jose "Pepe" Diaz to fill the office of County Commissioner, District 12. The Honorable Mr. Diaz assumed the duties of the office on November 19, 2002. As a result, Ms. Alonso was effectively removed from office.

In view of the foregoing, the Committee on Ethics and Elections finds and advises that no further action by the Senate is warranted. The case is now in the proper posture for the Senate to receive this formal finding and close this suspension case.

Respectfully submitted,
Bill Posey, Chair

EXECUTIVE ORDER NO. 02-134

WHEREAS, Wyon D. Childers is presently serving as County Commissioner for Escambia County, Florida, and

WHEREAS, the Special Grand Jury, Circuit Court of the First Judicial Circuit, has returned indictments charging Wyon D. Childers with five counts of violating the Florida Sunshine law, in violation of section 286.011, Florida Statutes, and

WHEREAS, it is in the best interest of the residents of Escambia County, and the citizens of the State of Florida that Wyon D. Childers be immediately suspended from the public office which he now holds, upon the grounds hereinafter set forth;

NOW, THEREFORE, I, JEB BUSH, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine, and for the purposes of Article IV, Section 7, of the Florida Constitution, allege as follows:

A. Wyon D. Childers is, and at all times material hereto was, a County Commissioner for Escambia County, Florida.

B. The office of County Commissioner for Escambia County, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, of the Florida Constitution.

C. This suspension is predicated upon the attached Indictments and these Indictments are hereby incorporated as if fully set forth in this Executive Order.

D. The attached Indictments allege that Wyon D. Childers committed acts in violation of the laws of Florida that constitute malfeasance and/or misfeasance.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is hereby promulgated, effective immediately:

Section 1. Wyon D. Childers is hereby suspended from the public office which he now holds, to wit: County Commissioner for Escambia County, Florida.

Section 2. Wyon D. Childers is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further Executive Order is issued, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 1st day of May, 2002.

Jeb Bush
GOVERNOR

ATTEST:
Katherine Harris
SECRETARY OF STATE

[Referred to the Committee on Ethics and Elections on May 3, 2002.]

EXECUTIVE ORDER NUMBER 02-184

WHEREAS, Executive Order 02-134 suspended Wyon D. Childers from the office of County Commissioner for Escambia County, Florida, and

WHEREAS, Executive Order 02-134 alleged that Wyon D. Childers committed acts in violation of Section 286.011, Florida Statutes, and

WHEREAS, the Special Grand Jury, Circuit Court of the First Judicial Circuit, has returned an indictment charging Wyon D. Childers with one count of Money Laundering, in violation of Section 896.101, Florida Statutes, one count of Bribery, in violation of Section 838.015, Florida Statutes, and one count of Unlawful Compensation or Reward for Official Behavior, in violation of Section 838.016, Florida Statutes;

NOW, THEREFORE, I, JEB BUSH, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine, and for the purposes of Article IV, Section 7, of the Florida Constitution, allege as follows:

A. The attached indictment provides further grounds for the suspension of Wyon D. Childers and is hereby incorporated as if fully set forth in this Executive Order.

B. The attached indictment alleges that Wyon D. Childers committed felony acts in violation of the laws of Florida.

C. The acts alleged in the attached indictment also constitute malfeasance and/or misfeasance.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is hereby promulgated, effective immediately:

Section 1. Executive Order 02-134 is amended to include allegations that Wyon D. Childers committed the felony acts described in the attached indictment and that the acts also constitute malfeasance and/or misfeasance.

Section 2. Except as amended herein, Executive Order 02-134 is ratified and reaffirmed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 25th day of June, 2002.

Jeb Bush
GOVERNOR

ATTEST:
Katherine Harris
SECRETARY OF STATE

[Referred to the Committee on Ethics and Elections June 25, 2002.]

REPORT OF COMMITTEE RELATING TO EXECUTIVE SUSPENSIONS

The Honorable Tom Lee
President, The Florida Senate

December 1, 2004

Re: Suspension of:

WYON DALE "W.D." CHILDERS
Member, County Commission
Escambia County, Florida

Dear President Lee:

The Committee on Ethics and Elections submits this final report on the matter of the suspension of Wyon Dale "W.D." Childers.

By Executive Order Number 02-134 (May 1, 2002) as amended by Executive Order Number 02-184 (June 25, 2002), the Honorable Jeb Bush, Governor, suspended W.D. Childers from membership on the Escambia County Commission. On November 2, 2004, the voters of Escambia County elected Mike Whitehead as County Commissioner from District 1, the office formerly held by Mr. Childers. Mr. Whitehead assumed the duties of the office on November 16, 2004. As a result, Mr. Childers was effectively removed from office.

In view of the foregoing, the Committee on Ethics and Elections finds and advises that no further action by the Senate is warranted. The case is now in the proper posture for the Senate to receive this formal finding and close this suspension case.

Respectfully submitted,
Bill Posey, Chair

EXECUTIVE ORDER NO. 02-135

WHEREAS, Willie J. Junior is presently serving as a County Commissioner for Escambia County, Florida, and

WHEREAS, the Special Grand Jury, Circuit Court of the First Judicial Circuit, has returned indictments charging Willie J. Junior with one count of grand theft, in violation of section 812.014, Florida Statutes, four counts of extortion, in violation of section 836.05, Florida Statutes, four counts of bribery, in violation of section 838.015, Florida Statutes, one count of racketeering, in violation of section 895.03, Florida Statutes, and two counts of violating the Florida Sunshine law, in violation of section 286.011, Florida Statutes, and

WHEREAS, it is in the best interest of the residents of Escambia County, and the citizens of the State of Florida that Willie J. Junior be immediately suspended from the public office which he now holds, upon the grounds hereinafter set forth;

NOW, THEREFORE, I, JEB BUSH, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine, and for the purposes of Article IV, Section 7, of the Florida Constitution, allege as follows:

A. Willie J. Junior is, and at all times material hereto was, a County Commissioner for Escambia County, Florida.

B. The office of County Commissioner for Escambia County, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, of the Florida Constitution.

C. This suspension is predicated upon the attached Indictments and these Indictments are hereby incorporated as if fully set forth in this Executive Order.

D. The attached Indictments allege that Willie J. Junior committed acts in violation of the laws of Florida that constitute commission of felony crimes, malfeasance and/or misfeasance.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is hereby promulgated, effective immediately:

Section 1. Willie J. Junior is hereby suspended from the public office which he now holds, to wit: County Commissioner for Escambia County, Florida.

Section 2. Willie J. Junior is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further Executive Order is issued, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 1st day of May, 2002.

Jeb Bush
GOVERNOR

ATTEST:
Katherine Harris
SECRETARY OF STATE

[Referred to the Committee on Ethics and Elections May 3, 2002.]

REPORT OF COMMITTEE RELATING TO EXECUTIVE SUSPENSIONS

The Honorable Tom Lee December 1, 2004
President, The Florida Senate

Re: Suspension of:

WILLIE J. JUNIOR
Member, County Commission
Escambia County, Florida

Dear President Lee:

The Committee on Ethics and Elections submits this final report on the matter of the suspension of Willie J. Junior.

By Executive Order Number 02-135 (May 1, 2002), the Honorable Jeb Bush, Governor, suspended Willie Junior from membership on the Escambia County Commission. Governor Bush subsequently appointed Marie K. Young to serve in Mr. Junior's seat (District 3) on the Commission. On November 2, 2004, the voters of Escambia County elected Ms. Young to a new 4-year term of office representing District 3. Ms. Young assumed the duties of the office on November 16, 2004. As a result, Mr. Junior was effectively removed from office.

In view of the foregoing, the Committee on Ethics and Elections finds and advises that no further action by the Senate is warranted. The case is now in the proper posture for the Senate to receive this formal finding and close this suspension case.

Respectfully submitted,
Bill Posey, Chair

EXECUTIVE ORDER NO. 02-136

WHEREAS, Terry Smith is presently serving as a County Commissioner for Escambia County, Florida, and

WHEREAS, the Special Grand Jury, Circuit Court of the First Judicial Circuit, has returned indictments charging Terry Smith with three counts of violating the Florida Sunshine law, in violation of section 286.011, Florida Statutes, and

WHEREAS, it is in the best interest of the residents of Escambia County, and the citizens of the State of Florida that Terry Smith be immediately suspended from the public office which he now holds, upon the grounds hereinafter set forth;

NOW, THEREFORE, I, JEB BUSH, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine, and for the purposes of Article IV, Section 7, of the Florida Constitution, allege as follows:

A. Terry Smith is, and at all times material hereto was, a County Commissioner for Escambia County, Florida.

B. The office of County Commissioner for Escambia County, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, of the Florida Constitution.

C. This suspension is predicated upon the attached Indictments and these Indictments are hereby incorporated as if fully set forth in this Executive Order.

D. The attached Indictments allege that Terry Smith committed acts in violation of the laws of Florida that constitute malfeasance and/or misfeasance.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is hereby promulgated, effective immediately:

Section 1. Terry Smith is hereby suspended from the public office which he now holds, to wit: County Commissioner for Escambia County, Florida.

Section 2. Terry Smith is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further Executive Order is issued, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 1st day of May, 2002.

Jeb Bush
GOVERNOR

ATTEST:
Katherine Harris
SECRETARY OF STATE

[Referred to the Committee on Ethics and Elections May 3, 2002.]

REPORT OF COMMITTEE RELATING TO EXECUTIVE SUSPENSIONS

The Honorable Tom Lee December 14, 2004
President, The Florida Senate

Re: Suspension of:

TERRY SMITH
Member, County Commission
Escambia County, Florida

Dear President Lee:

The Committee on Ethics and Elections submits this final report on the matter of the suspension of Terry Smith.

By Executive Order Number 02-136 (May 1, 2002), the Honorable Jeb Bush, Governor, suspended Terry Smith from membership on the Escambia County Commission. On November 2, 2004, the voters of Escambia County elected Kevin White as County Commissioner from District 5, the office formerly held by Mr. Smith. Mr. White assumed the duties

of the office on November 16, 2004. As a result, Mr. White was effectively removed from office.

In view of the foregoing, the Committee on Ethics and Elections finds and advises that no further action by the Senate is warranted. The case is now in the proper posture for the Senate to receive this formal finding and close this suspension case.

Respectfully submitted,
Bill Posey, Chair

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment			*For Term Ending*
Board of Accountancy			
	Appointees:	Durkin, William H., Valrico	10/31/2005
		Puissegur, Frank D., Lakeland	10/31/2008
Board of Acupuncture			
	Appointee:	Teisinger-Nicholson, Mary Katherine, Lake Alfred	10/31/2008
Board of Athletic Training			
	Appointee:	Sehgal, Angela K., Havana	10/31/2006
Greater Orlando Aviation Authority			
	Appointees:	Rey, Jose A., Orlando	04/16/2008
		Theisen, Robert W., Jr., Longwood	04/16/2008
		Van Meter, Jeanne L., Kissimmee	04/16/2008
Florida State Boxing Commission			
	Appointee:	Lacasa, Eduardo R., Miami	09/30/2007
Florida Building Commission			
	Appointees:	Hamrick, Jonathon D., Tallahassee	11/21/2007
		McCombs, Michael C., Milton	01/30/2007
		Parrino, Craig, Tampa	07/26/2007
Board of Chiropractic Medicine			
	Appointees:	Benear, Linda, Jacksonville	10/31/2005
		Dougherty, Kenneth J., Edgewater	10/31/2008
		LaRusso, Salvatore D., Wellington	10/31/2008
Florida Citrus Commission			
	Appointees:	Carrere, Michael L., Tampa	05/31/2007
		Ferrari, William J., Sarasota	05/31/2007
		Pantuso, George T., Ft. Pierce	05/31/2007
		Ryan, Stephen W., Ft. Myers	05/31/2007
Board of Clinical Laboratory Personnel			
	Appointees:	Gereg, Andrea, Crawfordville	10/31/2008
		Seay, Pamella A., Port Charlotte	10/31/2006
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling			
	Appointees:	Bridgman, Mary W., Jacksonville	10/31/2008
		Lubowicz, Hebe, Aventura	10/31/2008
		White, Sue, Aventura	10/31/2008
Regulatory Council of Community Association Managers			
	Appointees:	Czonstka, Steven J., Niceville	10/31/2006
		Glass, Debra B., Tallahassee	10/31/2007
		Yates, Edith L., Lakeland	10/31/2006
Florida Commission on Community Service			
	Appointees:	Adams, Jane, Winter Haven	09/14/2006
		Armstrong, Jack David, Jr., Tallahassee	09/14/2006
		Greene, Marcia, Ft. Myers	09/14/2006
		Henderson, Ann L., Key West	09/14/2006
		Payne, Willard, Jr., Jacksonville	09/14/2006
		Ramsay, David B., Tallahassee	09/14/2006
		Ruano, Robert, Coral Gables	09/14/2006
		Wilkie, Pauline "Polly" O., Pembroke Pines	09/14/2006
Board of Trustees of Brevard Community College			
	Appointee:	Theriac, James S., Satellite Beach	05/31/2006
Board of Trustees of Edison College			
	Appointees:	Downing, Kenneth, LaBelle	05/31/2008
		Perry, Julia G., Moore Haven	05/31/2008
Board of Trustees of Gulf Coast Community College			
	Appointee:	Butler, Denise D., Eastpoint	05/31/2008
Board of Trustees of Lake-Sumter Community College			
	Appointee:	Childers, Richard D., Wildwood	05/31/2006
Board of Trustees of Manatee Community College			
	Appointees:	Fogarty, Julia B., Bradenton	05/31/2008
		Lumpkin, Kelvin, Sarasota	05/31/2008
Board of Trustees of Okaloosa-Walton College			
	Appointee:	Vance, Vercell, Shalimar	05/31/2005
Board of Trustees of Tallahassee Community College			
	Appointee:	Ghazvini, Alisa, Tallahassee	05/31/2006
Construction Industry Licensing Board			
	Appointees:	Bailey, Doris O., Hernando	10/31/2005
		Stewart, Robert W., Ft. Myers	10/31/2007
		Thornton, Thomas, Key Biscayne	10/31/2007
Board of Cosmetology			
	Appointees:	Ritenbaugh, Laurel, Plant City	10/31/2006
		Smith, Monica Schuloff, Palmetto Bay	10/31/2007
Board of Trustees for the Florida School for the Deaf and the Blind			
	Appointee:	Juba, Pamela L., Orange Park	02/07/2007
Board of Dentistry			
	Appointees:	Embree, Thomas E., Casselberry	10/31/2008
		Fisher, Lourdes, Pinecrest	10/31/2008
		Harrison, W. G., Panama City	10/31/2008
Florida Elections Commission			
	Appointees:	Mason, Otis A., St. Augustine	12/31/2007
		Spencer, David J., Trinity	12/31/2007
		Thomas, Claudia Medina, Tampa	12/31/2007
Electrical Contractors' Licensing Board			
	Appointees:	Kiner, Jeffrey M., Sarasota	10/31/2007
		Langer, Roger E., Miami Shores	10/31/2006
		Mugford, Norman R., Palm Coast	10/31/2007
		Penner, Donald C., Bradenton	10/31/2006
		Tibbs, Clarence Kelley, Tavares	10/31/2007
Commission on Ethics			
	Appointee:	Jones, Kurt D., Sr., Pensacola	06/30/2006
Tampa-Hillsborough County Expressway Authority			
	Appointee:	Clark, Robert J., Jr., Tampa	07/01/2008
Fish and Wildlife Conservation Commission			
	Appointee:	Lane, Kathy Barco, Jacksonville	08/01/2007
Board of Funeral and Cemetery Services			
	Appointee:	Huggins, Tracy, Winter Park	09/08/2007
Board of Funeral Directors and Embalmers			
	Appointee:	Brandenburg, Joseph A., Jacksonville	10/31/2007
Board of Professional Geologists			
	Appointee:	Blackledge, K. Dawn, Jacksonville Beach	10/31/2006
Board of Hearing Aid Specialists			
	Appointees:	Polhill, Leanne E., Port Orange	10/31/2008
		Skelly, Janet M., Boca Raton	10/31/2008

Office and Appointment		*For Term Ending*
	Smith, Wayne Lee, Leesburg	10/31/2008
Higher Educational Facilities Financing Authority		
Appointee:	Jones, Milton L., Jr., Ft. Lauderdale	01/17/2009
Citrus County Hospital Board		
Appointee:	Fredrick, Debra S., Inverness	07/07/2008
Board of Trustees of South Lake County Hospital District		
Appointee:	Zahn, Paula J., Clermont	07/05/2008
Florida Housing Finance Corporation		
Appointees:	Calvet, Cesar E., Orlando	11/13/2008
	Oellerich, David E., Tampa	11/13/2006
	Ruiz, Zully, Miami	11/13/2008
	Stultz, Lynn M., Tallahassee	11/13/2008
Florida Commission on Human Relations		
Appointee:	Stall, Billy Whitefox, Panama City	09/30/2008
Commission for Independent Education		
Appointees:	Crocitto, Peter F., Jr., Palm City	06/30/2007
	Lauff, Samuel, Jr., Ocala	06/30/2007
	Martin, Ilia Y., Oakland Park	06/30/2006
	Rodgers, Judith K., Bradenton	06/30/2005
Pinellas County Board of Juvenile Welfare		
Appointees:	Burke, Cecilia M., Largo	08/11/2008
	Milford, John A., Gulfport	08/07/2008
	Wilson, Beth S., Palm Harbor	07/18/2008
Governor's Mansion Commission		
Appointee:	de Quesada, Emilia M., Coral Gables	09/30/2008
Gulf States Marine Fisheries Commission		
Appointee:	Dempsey, Hayden R., Tallahassee	01/05/2007
Board of Massage Therapy		
Appointees:	Andriole, Irene D., Sarasota	10/31/2008
	Quiring, David C., LaBelle	10/31/2008
Board of Medicine		
Appointees:	Barrau, Carmel J., Davie	10/31/2008
	Davies, Laurie K., Gainesville	10/31/2008
	Dyches, Ronald W., Riverview	10/31/2008
	Farmer, Harry Frank, Jr., Ormond Beach	10/31/2008
Assistant Adjutant General for Army		
Appointee:	Fleming, Michael P., St. Augustine	Pleasure of the Adjutant General
Assistant Adjutant General for Air		
Appointee:	Titshaw, Emmett R., Jr., St. Augustine	Pleasure of the Adjutant General
Board of Nursing		
Appointees:	Braga, Eddie Dean, Longwood	10/31/2007
	Herrera, Mary Jane, LaBelle	10/31/2005
	Lewis, Andrea S., Tallahassee	10/31/2007
	Munoz, Rita J., Miami	10/31/2007
Board of Nursing Home Administrators		
Appointees:	Barnett, Brett, Panama City Beach	10/31/2008
	Francoeur, Jeri H., Ormond Beach	10/31/2006
	Reynolds, Suyrea, Christmas	10/31/2008
Board of Occupational Therapy Practice		
Appointees:	Diezel, Zoraida, Miami	10/31/2008
	Garcia, Laura A., Tampa	10/31/2008
Board of Opticianry		
Appointee:	Calvo, David, Miami	10/31/2008
Board of Optometry		
Appointee:	Walker, Edward K., Tallahassee	10/31/2008
Board of Orthotists and Prosthetists		
Appointees:	Calcagno, Marco T., Ft. Myers Beach	10/31/2006
	Fredrick, Jeffrey Ryan, Tallahassee	10/31/2008
	Morris, George R., Ft. Myers	10/31/2008
Board of Osteopathic Medicine		
Appointee:	Fedor, Robert P., Treasure Island	10/31/2008
Board of Pharmacy		
Appointees:	Garcia, Albert L., Miami	10/31/2005
	Mudri, John P., Tampa	10/31/2005
	Parrado, Robert Mario, Tampa	10/31/2008
	Poston, Rebecca R., Orlando	10/31/2008
Board of Physical Therapy Practice		
Appointees:	Birckhead, Judith T. M., Orlando	10/31/2005
	Bumgarner, David, Sarasota	10/31/2008
	Watson, Nancy L., Ft. Walton Beach	10/31/2008
Board of Pilot Commissioners		
Appointee:	Robas, Victoria Bowen, Fernandina Beach	10/31/2005
Board of Podiatric Medicine		
Appointees:	Inge, Saundra R., Tallahassee	10/31/2007
	Price, Melvin B., Bradenton	10/31/2008
Florida Prepaid College Board		
Appointee:	Sjostrom, Erin B., Tallahassee	06/30/2006
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointees:	Fletcher, Gloria W., Gainesville	09/30/2008
	Mehta, Ravindra "Rave" V., Windermere	09/30/2007
	Reeves, James J., Cantonment	09/30/2007
Board of Psychology		
Appointees:	Hoffman, Richard A., Lutz	10/31/2008
	Swan, Amy C., Coral Springs	10/31/2008
Apalachee Regional Planning Council, Region 2		
Appointees:	Collins, Fred H., Havana	10/01/2006
	Dykes, Dwight E., Grand Ridge	10/01/2007
	Radford, Dawn E., Eastpoint	10/01/2006
	Ranie, Benjamin F., Wewahitchka	10/01/2007
	Stanfield, Kevin L., Tallahassee	10/01/2007
	Stephens, Donald R., Blountstown	10/01/2006
North Central Florida Regional Planning Council, Region 3		
Appointees:	Butler, Martha W., Jennings	10/01/2006
	Dodge, David L., Starke	10/01/2006
	Haas, Sandra K., McAlpin	10/01/2007
	Mattingly, Rosalyn H., Gainesville	10/01/2005
	Maultsby, Charles T., Perry	10/01/2006
	Neill, Heather, Mayo	10/01/2007
	O'Neil, Gerald T., Newberry	10/01/2006
	Painter, James "Jim" F., Gainesville	10/01/2007
	Reeves, Fred T., Madison	10/01/2006
	Smith, Andrew P., Raiford	10/01/2006
	Thomas, Lorene J., Old Town	10/01/2006
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Berry, Clare G., Ponte Vedra Beach	10/01/2007
	Dungey, Mary Louise, Jacksonville	10/01/2007
	Fleckenstein, Rea T., Jacksonville	10/01/2007
	Franklin, Deidra O., Green Cove Springs	10/01/2007
	Laibl, George W. "Chip", Jr., Palatka	10/01/2006
	Maxwell, Harry L., St. Augustine	10/01/2007

Office and Appointment		*For Term Ending*
	Prachar, Charles J., Macclenny	10/01/2006
	Sgroi, Robert E., Palm Coast	10/01/2006
	Spaeth, Robert W., Amelia Island	10/01/2006
	Vallencourt, Carol, Orange Park	10/01/2007
Withlacoochee Regional Planning Council, Region 5		
Appointees:	Beard, Terrell E., Anthony	10/01/2006
	Bertoch, Carl A., Beverly Hills	10/01/2006
	Fortis, Jose, Spring Hill	10/01/2006
	Moore, Mark, Yankeetown	10/01/2006
	Powers, Linda B., Inverness	10/01/2006
	Sawyer, J. Wayne, Floral City	10/01/2006
	Winchester, Linda J., Wildwood	10/01/2006
East Central Florida Regional Planning Council, Region 6		
Appointees:	Acevedo, Nancy C., Winter Springs	10/01/2006
	Ghyabi, Maryam H., Ormond Beach	10/01/2005
	Grulich, Maria C., Celebration	10/01/2006
	Kane, Rita A., Orlando	10/01/2006
	Kershaw, Janice L., Melbourne	10/01/2006
	McLouth, Malcolm E., Cocoa Beach	10/01/2005
	O'Keefe, Daniel T., Windermere	10/01/2006
	Rawlson, Jon B., Orlando	10/01/2005
	Smith, Evelyn H., Eustis	10/01/2007
Central Florida Regional Planning Council, Region 7		
Appointees:	Fields, Kay, Lakeland	10/01/2007
	Lewis, Clifton P., Bartow	10/01/2006
	Macias, Tomas, Wauchula	10/01/2007
	Ratliff, Michael R., Okeechobee	10/01/2007
	Rimer, James M., Sebring	10/01/2006
	Tucker, Jacqueline W., Arcadia	10/01/2007
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Albrecht, Richard T., Zephyrhills	10/01/2006
	Collins, Jill M., Tampa	10/01/2006
	Ghovaee, Housh, Clearwater	10/01/2006
	Guju, Michael John, Palm Harbor	10/01/2006
	Hoyt, Kenneth S., Tampa	10/01/2006
	Wolf, Kathleen, New Port Richey	10/01/2006
Southwest Florida Regional Planning Council, Region 9		
Appointees:	Carroll, Patricia, Naples	10/01/2005
	Elkowitz, Edward B., Muse	10/01/2006
	Emblidge, Margaret, Bonita Springs	10/01/2007
	Green, James E., Ft. Myers	10/01/2007
	Groves, Janice E., LaBelle	10/01/2006
	Maio, Alan, Laurel	10/01/2006
	Messina, Andrea, Englewood	10/01/2007
	Paulmann, James A., Sarasota	10/01/2005
	Volpe, Michael J., Naples	10/01/2005
	Weikel, Frank C., Punta Gorda	10/01/2006
Treasure Coast Regional Planning Council, Region 10		
Appointees:	Baine, Herman, Lake Worth	10/01/2007
	Foley, Kevin J., Tequesta	10/01/2006
	Gibbins, Eugene R., Port St. Lucie	10/01/2006
	Haynie, Susan, Boca Raton	10/01/2006
	Hurley, Richard E., Vero Beach	10/01/2007
South Florida Regional Planning Council, Region 11		
Appointees:	Asseff, Patricia T., Hollywood	10/01/2007
	Nixon-Calamari, Christine P., Plantation	10/01/2006
	Perez, Marta, Coral Gables	10/01/2007
	Riesco, Jose A., Miami	10/01/2007
	Wallace, Paul R., Miami	10/01/2006
State Retirement Commission		
Appointee:	Seay, Millie J., Tallahassee	12/31/2005
Board of Speech-Language Pathology and Audiology		
Appointees:	Boyev, K. Paul, Tampa	10/31/2005
	Mincow, Robert, Sunny Isles Beach	10/31/2008
	Pooser, Polly B., Sopchoppy	10/31/2008
Board of Professional Surveyors and Mappers		
Appointee:	Nobles, Pamela W., Tallahassee	10/31/2007
Florida Commission on Tourism		
Appointees:	Atchison, James "Jim", Windermere	06/30/2008
	Banks, Walter L., Ft. Lauderdale	06/30/2008
	Fouche, Julian E., Windermere	06/30/2008
	Goldman, Richard, Ponte Vedra Beach	06/30/2008
	Lapi, Antonino R., Sanibel Island	06/30/2008
	Morrison, Robert B., Jr., Tampa	06/30/2008
	Wheeler, Harold D., Key West	06/30/2008
Florida Transportation Commission		
Appointee:	Eddins, Heidi J., St. Augustine	09/30/2007
Unemployment Appeals Commission		
Appointees:	Adams, John L., Pensacola	06/30/2007
	Epsky, Thomas D., Port St. Lucie	06/30/2008
Florida Commission on Veterans' Affairs		
Appointee:	Raymond, Frederic J., Wesley Chapel	11/16/2006
Board of Veterinary Medicine		
Appointees:	Horky-Burns, Katherine G., Dunedin	10/31/2007
	Jones, Kandra L., Orange Park	10/31/2007
Big Cypress Basin Board of the South Florida Water Management District		
Appointees:	Priddy, Aliese P., Immokalee	03/01/2007
	Sorey, John F. III, Naples	03/01/2006
Alafia River Basin Board of the Southwest Florida Water Management District		
Appointees:	Bissonnette, Stephen J., Lakeland	03/01/2007
	Hinton, Carol M., Plant City	03/01/2007
	Johnson, Cheryl, Valrico	03/01/2006
Coastal Rivers Basin Board of the Southwest Florida Water Management District		
Appointee:	Maggard, Randy, Zephyrhills	03/01/2007
Hillsborough River Basin Board of the Southwest Florida Water Management District		
Appointee:	Mai, Hung T., Lutz	03/01/2007
Manasota Basin Board of the Southwest Florida Water Management District		
Appointees:	Benac, Elizabeth O., Sarasota	03/01/2007
	Carraway, Mac, Bradenton	03/01/2007
	Meyers, Richard H., Bradenton	03/01/2007
	Thomas, Dora Maria C., Sarasota	03/01/2007
Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District		
Appointees:	Adams, Frank Lester III, Tampa	03/01/2007
	Paloumpis, Andreas A., Tampa	03/01/2007
Peace River Basin Board of the Southwest Florida Water Management District		
Appointees:	Dunlap, Ann W., Bartow	03/01/2007
	Edgemon, Kathleen H., Lake Placid	03/01/2006
	Harrison, James Kenneth "Ken", Arcadia	03/01/2007
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District		
Appointee:	Harris, Tina C., Palm Harbor	03/01/2007
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointees:	Baldwin, Martha Jane "Janey", Brooksville	03/01/2007
	Dennis, John V., Dunnellon	03/01/2007
	Rooks, Albert L., Jr., Floral City	03/01/2007

[Referred to the Committee on Ethics and Elections.]

Secretary of Children and Family Services

Office and Appointment		*For Term Ending*
Appointee:	Hadi, Lucy D., Tallahassee	Pleasure of Governor

[Referred to the Committees on Children and Families; and Ethics and Elections.]

Board of Directors, Enterprise Florida, Inc.

Appointees:	Hilton, Julie K., Panama City Beach	07/01/2007
	Leonhardt, Frederick W., Orlando	07/01/2008
	McDonald, Brian A., Oldsmar	07/01/2008
	Story, Susan N., Gulf Breeze	07/01/2007

[Referred to the Committees on Commerce and Consumer Services; and Ethics and Elections.]

Florida Public Service Commission

Appointee:	Edgar, Lisa B., Tallahassee	01/05/2009

[Referred to the Committees on Communications and Public Utilities; and Ethics and Elections.]

Secretary of Juvenile Justice

Appointee:	Schembri, Anthony J., Tallahassee	Pleasure of Governor

Parole Commission

Appointee:	Pate, Tena M., Tallahassee	06/30/2010

[Referred to the Committees on Criminal Justice; and Ethics and Elections.]

State Board of Education

Appointees:	Callaway, Donna G., Tallahassee	12/31/2005
	Martinez, Roberto, Coral Gables	12/31/2008
	Raulerson, Phoebe H., Okeechobee	12/31/2008

Board of Trustees, University of Central Florida

Appointee:	Santiago, Conrad, Orlando	01/06/2010

Board of Trustees, Florida International University

Appointee:	Landon, R. Kirk, Coral Gables	01/06/2010

Board of Trustees, New College of Florida

Appointee:	Hudson, Warren P., Orlando	01/06/2010

[Referred to the Committees on Education; and Ethics and Elections.]

Environmental Regulation Commission

Appointees:	Chapman, Tracy Duda, Oviedo	07/01/2007
	Klena, Christine M., Tallahassee	07/01/2007
	Ross, Donald H., Englewood	07/01/2007
	Wright, Kenneth W., Winter Park	07/01/2007

Governing Board of the Northwest Florida Water Management District

Appointee:	Benson, Lois, Pensacola	03/01/2005

Governing Board of the Southwest Florida Water Management District

Appointees:	Dabney, Thomas G. II, Sarasota	03/01/2008
	McCree, Heidi B., Tampa	03/01/2008
	Symons, Patsy C., Arcadia	03/01/2008

Governing Board of the Suwannee River Water Management District

Appointee:	Andrews, Kelby E., Chiefland	03/01/2008

[Referred to the Committees on Environmental Preservation; and Ethics and Elections.]

Investment Advisory Council

Appointee:	Dahl, James H., Jacksonville	12/12/2008

[Referred to the Committees on Governmental Oversight and Productivity; and Ethics and Elections.]

Secretary of Elderly Affairs

Appointee:	Tucker, Susan M., Havana	Pleasure of Governor

Secretary of Health Care Administration

Office and Appointment		*For Term Ending*
Appointee:	Levine, Alan M., Tallahassee	Pleasure of Governor

[Referred to the Committees on Health Care; and Ethics and Elections.]

SUPREME COURT OF FLORIDA

No. SC04-2154

In Re: CERTIFICATION OF NEED FOR ADDITIONAL JUDGES

[November 30, 2004]

PARIENTE, C.J.

The Florida Constitution vests this Court with the responsibility to determine prior to each year's legislative session whether the state courts have enough judges to meet the needs of our rapidly growing population and increasing demands on our judicial system.[1] This is one of our most crucial duties. Access to justice can only be guaranteed to the people of Florida if there are sufficient numbers of judges to handle ever-growing caseloads in a timely manner. The certification of judges by this Court is the sole mechanism established by our constitution for a systematic and uniform assessment of this need.

We emphasize, as we have in past years, that our analysis of judicial need today is not a statement of what the state courts subjectively want. Rather, it is an assessment of what the state courts need, using uniform criteria established by rule.[2] This assessment is further refined in the case of the need for new trial judges by use of the Weighted Caseload System, developed in cooperation with the Legislature and with substantial input from the National Center for State Courts.[3] Using these objective standards, we have considered judgeship requests submitted by the lower courts, examined case filing and disposition data, and analyzed various judicial workload indicators. Based on our review of these factors, we conclude that there now is a need for two additional judges in the district courts of appeal, sixty-seven additional judges in the circuit courts, and forty-one additional judges in the county courts.

FLORIDA'S STATE COURTS SYSTEM

State courts in Florida safeguard democracy by upholding and interpreting the law, protecting individual rights and liberties, and peacefully resolving disputes. The disputes adjudicated by our courts are diverse and touch the lives of all Floridians. In the civil arena, the courts handle the full panoply of cases ranging from landlord-tenant disputes to complex civil litigation. Cases involving children and families constitute almost fifty percent of our civil filings. Judges make decisions in these cases on crucial issues profoundly impacting children, including adoption, child support, custody and visitation, dependency, and delinquency. In the criminal arena, cases range from traffic misdemeanors to consumer fraud to capital felonies for which the death penalty is imposed. Florida's courts are vital to maintaining public safety, resolving costly business disputes, and protecting our most vulnerable citizens. Courts touch the lives of our citizens from birth to death.

Now, more than ever before, Florida has a truly unified State Courts System. The July 1, 2004, implementation of the constitutional amendment to article V, known as Revision 7, was the most significant and historic change for Florida's judicial branch since the 1972 revisions to article V. During this past legislative session, the two objectives of the constitutional amendment were fulfilled: the State assumed the greater share of funding for the trial court system, and resource inequities that existed between trial courts in resource rich-counties and counties with small budgets were substantially eliminated.

Prior to the funding of the amendment, it could be argued that two justice systems existed throughout the state: one that was present in counties with a higher local tax base and one that was present in counties with a lesser tax base. Counties with larger tax bases were able to fund necessary support services in the courts, such as hearing officers, general masters, mediation, and case managers. Together, these resources made a qualitative difference in the delivery of justice to those communities. Courts in counties with a lesser tax base did not fare as

well prior to the funding of Revision 7. Generally, in those smaller, rural counties there were few supplemental programs and services for citizens using the court system.

To bridge the gap between these "have" and "have nots," the State Courts System, under the leadership of the Trial Court Budget Commission and the Trial Court Performance and Accountability Commission, worked tirelessly beginning shortly after the 1998 passage of Revision 7 to identify those elements of the court system that were appropriate for state funding. By both codifying and funding the identified elements in every judicial circuit, the Legislature recognized their value to the citizens of Florida. This distribution of resources, with a focus on equity and fairness, has enabled citizens from Pensacola to Key West to access the same system of justice regardless of their location or the size or tax base of the county in which they live. This Court expresses its gratitude to the Legislature for fulfilling the voters' mandate by providing the necessary funding for the implementation of the Revision 7 constitutional amendment.

The funding of Revision 7, while essential to a unified state court system, is only part of the story. The remaining component is the proper funding of new judgeships where a demonstrable need exists. Yet despite the demonstrated judicial need, the funding of new judgeships by the Legislature has fallen short of fulfilling this need over the last several years. This trend, if permitted to continue, could have serious consequences for citizens and businesses throughout the state. Sufficient new judgeships must be funded by the Legislature for Florida to fully realize the promise of a unified state court system. Only with proper funding of the judicial branch, including funding for additional judgeships, can we ensure that our citizens' constitutional right of access to their courts is protected and that disputes are fairly and timely resolved.

TRIAL COURTS

Trial court judges are the foundation of Florida's State Courts System. In fact, almost all (approximately ninety-nine percent) of court filings in Florida are processed by circuit and county judges. Thus, the work of trial judges is vital to our citizens and businesses, who expect our judicial branch to help resolve issues fairly, peaceably, and in a manner that promotes the rule of law.

At the trial court level, this Court has adopted a case-weighting system for certifying the need for additional judges. Our certification is a statement of what the state courts objectively need to meet their workload, using accepted standards of measurement. This system was developed in response to the proviso language of the 1998 General Appropriations Act, in which the Legislature directed that the judicial branch employ a certification methodology that relies on case weights and calculations of available judge time to determine the need for additional trial court judges. Pursuant to this direction, the judicial branch undertook an extensive project to design and implement a weighted caseload system, assisted by the National Center for State Courts and the Office of Program Policy Analysis and Government Accountability.

The case weighting system analysis addresses the differences in the amount of time that must be spent on each case, depending on the case type. We have also adjusted for several factors that impact judicial workload, including differing jury trial rates in each circuit and county and the actual number of judges requested by the chief judge in each circuit.

Despite our use of a methodology that was developed at the direction of the Legislature and that was endorsed by the Office of Program Policy Analysis and Government Accountability,[4] the Legislature has authorized less than twenty percent of the total number of trial court judges certified since the Court began using the new methodology in 2000. No new trial court judges have been funded in the past two legislative sessions. The net result is a growing judicial need in the circuit and county courts.

The decade-long gap between the certified need and the authorization of new judges, and the absence of any new judgeships in the past two years, have resulted in Florida's judges carrying a much higher workload than their peers in other states. Due to tremendous growth, Florida has become the nation's fourth most populous state. Of the ten most populous states, Florida ranks second highest in filings per judge. Remarkably, as of 2002, our general jurisdiction judges handle 46.5 percent more filings than the national average.[5]

In addition, Florida is unique in several ways that affect our judicial system. First, our population swells during the winter months, which produces increased activity of all kinds that impacts judicial workload. Second, the changing demographics of Florida affect our judicial system and strain its capacity. For example, the continued growth of non-English-speaking residents increases the need for court interpreters. Typically, these cases take longer to process and may contribute to delays in case processing times. Likewise, Florida's aging population has resulted in an increase in guardianship, probate, and other cases. Lastly, geographic complexities in multi-county circuits have placed additional workload demands on the circuit courts because of required travel between courthouses.

Analysis of caseloads also reveals increases in certain types of cases in the circuit courts that are more labor intensive and therefore more heavily weighted. Most notable are cases involving murder. From fiscal year 1999-2000 to fiscal year 2002-2003, capital murder cases increased approximately fourteen percent and non-capital murder cases increased approximately thirty-one percent. The case weights for capital and non-capital murder are the highest in the weighted caseload system; accordingly, they have a significant impact on the increased need for judges.

Further exacerbating the need for additional judges is the growth of filings occurring in domestic violence, probate, and the other types of civil cases. Domestic violence cases experienced a nine percent increase from fiscal year 1999-2000 to fiscal year 2002-2003, which continues a trend that began in the early 1990's. In the past decade, there has been a 100 percent increase in domestic violence filings. These cases demand immediate attention and substantial judicial labor. Significant increases in this area may be due to the various statutory changes that have provided greater access to the court system for domestic violence victims seeking injunctions for protection. Furthermore, domestic violence advocates have been successful in encouraging more victims to use the court system to help ensure their safety. Although greater access to justice is critical for both domestic violence victims and for those accused of domestic violence, the ability to dispense justice promptly depends on an adequate number of judges to adjudicate these disputes.

From fiscal year 2001-2002 to fiscal year 2002-2003, every case type in the probate divisions experienced significant increases. Marchman Act[6] cases lead the division with an approximate thirty-one percent increase, while Baker Act[7] cases increased by approximately ten percent. Baker Act case filings are expected to continue this growth trend with the recent legislation creating a new procedure for involuntary outpatient placement. The remaining categories of circuit civil cases, including eminent domain, administrative agency appeals, replevins, and habeas corpus proceedings, experienced a ten percent increase in filings from fiscal year 1999-2000 to fiscal year 2002-2003, and this rate of growth is projected to continue over the next three-year period.

Caseloads in the county courts continue to increase at a rate even greater than those in the circuit courts. Yet the county courts have not received funding for new judgeships in the last three years. Overall, county court filings, excluding civil traffic infractions, increased approximately eleven percent from fiscal year 1999-2000 to fiscal year 2002-2003. In fact, during that time frame, significant increases were experienced in six of the eight county court case types. The County Civil Division had the foremost increases with the small claims, civil (matters involving claims ranging from $5,001 through $15,000), and evictions cases undergoing forty percent, twenty-five percent, and seventeen percent increases in filings, respectively. Under the weighted caseload system, the county civil and small claims cases have the second and fourth highest weights for the county courts.

In addition to the increased number of county civil case filings, these types of cases are generally filed by unrepresented litigants, who are often unfamiliar with statutes, court rules, and court procedures. This increases the amount of judicial time expended on these cases. Other factors impacting the workload of county courts include large increases in population, the necessity for judges and court personnel to travel between branch courthouses, and the construction of branch courthouses in urban counties.[8]

Lastly, the chief judges of the trial courts, as well as other circuit and county judges, have advised us that there are judicial workload concerns resulting from new laws passed by the Legislature. One example is recent legislation that substantially amends chapter 394, Florida Statutes, and expands the circuit courts' role in involuntary mental health

placements. The current weighted caseload system does not account for this extra judicial time. Thus, we have filed a legislative budget request for funding to reevaluate the case weights presently being used. This request is consistent with the National Center for State Courts' final report, issued in January 2000, which recommended that the weights be evaluated every five years to preserve the integrity of the system.[9] Factors such as changes in statutes, court rules, legal practices, available technologies, and supplemental resources influence the appropriateness of the case weights. We ask for serious consideration of this request by the Legislature to ensure that our case weights keep pace with new requirements and changing resources.

SUPPLEMENTAL RESOURCES

Supplemental resources are in place to assist our judges in the fundamental mission of safeguarding Floridians' constitutional rights of due process, equal protection, and access to courts. This is accomplished by providing vital assistance to our judges with their caseloads through judicial assistants, case managers, law clerks, and magistrates, by providing for mediation of certain case types to reduce the number of time-consuming trials, and by ensuring the efficient and effective operation of the trial courts through court administration. The Legislature recognized the validity and value of these resources by funding each of these categories of resources as elements of the State Courts System during the 2004 Legislative Session.

The weighted caseload system factors existing supplemental resources into its analysis. Thus, we emphasize that the case weights and the corresponding need for judges would be much higher had those resources not been available or not been considered in the methodology.

Many chief judges have reported the positive effects of these resources in their circuits. With the increase in the use of supplemental resources made possible by Revision 7 funding in circuits where such resources were previously scarce or nonexistent, we stress again the need to conduct a reevaluation of the current weighted caseload system.

REQUESTS FOR JUDGESHIPS

Over the last several years, the chief judges of this state have repeatedly emphasized the need for judicial help in their circuits. We, in turn, have critically reviewed these requests and certified the appropriate number of judgeships to the Legislature. We have been especially concerned with providing an adequate number of judges to hear our family law cases, including juvenile delinquency cases, which demand individual attention at an early stage but which also have the highest cases per judge ratio. Despite a well-documented process for assessing workload, ever increasing caseloads, and repeated certification requests, the Legislature has failed to fund an adequate number of judges for this state.

Each day the circuit and county judges of this state work to dispense justice. In many instances, their workload is well beyond capacity. This workload demand, left unaddressed, affects the timeliness and quality of judges' work. Faced with increasing caseloads, judges are forced to devote less time to each case, resulting in the potential for a diminished quality of justice and a detrimental effect on the rule of law. At the trial court level, this Court and the chief judges of this state know which divisions are in dire need of judicial services. We expressly noted in 2003:

> In previous certification opinions, this Court has emphasized the need for the adequate allocation of judicial time and resources for juvenile delinquency and dependency cases. We commend the trial courts for their diligent efforts in responding to that need. Considerable progress has been made, yet more remains to be done. Children are Florida's most precious resource. Children who are involved in the judicial system have special needs, and it is critical that all three branches of government work collaboratively to ensure that cases involving children who are abused, neglected, or delinquent are given sufficient and appropriate judicial attention. Accordingly, we encourage the trial courts to continue their efforts to ensure that adequate judicial resources are devoted to those divisions of the court serving children and families.

In re Certification of Need for Additional Judges, 842 So. 2d 100, 103 (Fla. 2003) (footnote omitted). We also have every expectation that, if funded, new judgeships will be allocated to those court divisions with the greatest need, and specifically to those divisions comprising the family court (i.e., dissolution of marriage, domestic violence, dependency and delinquency).

After reviewing the requests of the trial courts, and in light of the foregoing considerations, we certify the need for sixty-seven new circuit court judges for fiscal year 2005-2006 as follows:

1. Seven additional circuit judges each for the Fifth, Tenth, and Eleventh Circuits;
2. Six additional circuit judges each for the Thirteenth and Seventeenth Circuits;
3. Five additional circuit judges each for the Sixth and Ninth Circuits;
4. Four additional circuit judges each for the Seventh and Nineteenth Circuits;
5. Three additional circuit judges each for the First and Twentieth Circuits;
6. Two additional circuit judges each for the Second, Fourth, and Eighteenth Circuits; and
7. One additional circuit judge each for the Third, Eighth, Fourteenth, and Fifteenth Circuits.

Further, after reviewing the requests of the trial courts and in light of the above considerations, we certify the need for forty-one new county court judges for fiscal year 2005-2006 as follows:

1. Six additional county judges for Broward County;
2. Four additional county judges each for Pinellas, Hillsborough, and Brevard Counties;
3. Three additional county judges for Orange County;
4. Two additional county judges each for Marion, Pasco, Miami-Dade, Palm Beach, and Collier Counties; and
5. One additional county judge each for Duval, Hernando, Lake, Volusia, Manatee, Bay, Seminole, Martin, Saint Lucie, and Lee Counties.

We have specifically reviewed the requests for two circuit court judges in the Twelfth Circuit, one county judge in Osceola County, one county judge in Columbia County, and one additional county judge in Miami-Dade County. However, we have determined that absent special circumstances we must uniformly deny requests where the net need is less than 0.5.[10] We emphasize that in addition to mathematical calculations, our staff performs extensive analysis of each circuit's request to analyze availability of supplemental resources and any special circumstances justifying an exception. In accordance with these uniform procedures, we decline to certify the remaining requests.

The certification of need for new judges is entirely consistent with the methods used in previous years. More importantly, we would be disregarding our constitutional obligation to certify any fewer than those shown to be justified by the objective method that we employ.

DISTRICT COURTS OF APPEAL

Using the recently approved amended criteria for certifying the need for additional district court judges set forth in Florida Rule of Judicial Administration 2.035(b)(2),[11] we certify the need for one additional district court judge each for the Second and Fifth Districts.

In the future, this Court intends to further evaluate the district court workload through the Committee on District Court of Appeal Workload and Jurisdiction. This committee was established by Administrative Order AOSC04-122 (Sept. 22, 2004) to review appellate court workload issues. The committee is charged with developing recommendations to this Court on uniform criteria as a primary basis for a determination of the need to increase, decrease, or redefine the appellate districts. The committee may also make recommendations concerning district court structure and jurisdiction. In addition, the Commission on District Court of Appeal Performance and Accountability[12] is charged with proposing a process and criteria for determining the resource needs and deployment patterns sufficient to address the workload of the district courts of appeal, including a reexamination of whether the 350-filings-per-judge threshold accurately reflects a basis for certifying the need for additional district court of appeal judges.

Notwithstanding the future work of these bodies, it is apparent that the Second and Fifth Districts presently require additional judges. Statewide, the district courts of appeal recorded an average of approximately 390 case filings per judge in fiscal year 2003-2004. However, for the same time period, the Second District and the Fifth District experienced approximately 416 case filings per judge and 422 case filings per

judge, respectively. Despite this significant increase in burden, the number of judges in the district courts has remained constant since the 1999 legislative session,[13] while the number of annual filings has risen steadily. The 24,157 cases filed in the district courts in fiscal year 2003-2004 is an increase of approximately eleven percent over the 21,679 filings for fiscal year 1999-2000.

Since the 1993 legislative session, when the Second District was last authorized two additional judgeships, filings in that court have increased by approximately thirty-two percent. From 1994 forward, the Legislature authorized twenty-five additional circuit judges for the Second District but no new district judges. The current ratio of circuit judges to district judges in the Second District is ten to one and there are 142 circuit judges in the district, more than any other district.

Chief Judge Altenbernd, in his letter of judicial needs, directly addresses this issue:

> Over the last fifteen years, I have become more impressed with the direct relationship between the number of circuit court judges in a district and the need for district court judges to review their work. When the ratio is one appellate judge for every eight circuit judges, caseload is very manageable. At 1:9 pressure begins to build. There are fourteen appellate judges in the Second District and 142 circuit judges. At a ratio of 1:10, there is a need for an additional judgeship.

Under these circumstances, this Court is concerned that timely, high-quality appellate review is at risk of being compromised due to a lack of judges to handle the high workload.

The chief judge of the Fifth District notes that workload has increased to a critical level and that delay in receiving judgeships is a matter of great concern in that court as well. The Fifth District is projected to have the highest number of filings per judge, approximately 441, of any of the district courts for fiscal year 2005-2006. The current ratio of circuit judges to district judges in the Fifth District is more than eleven to one, with 111 circuit judges in the district. Traditionally, the Fifth District has resisted adding new judgeships to avoid the costs and other challenges associated with creating larger courts. However, current workload necessitates the request for an additional judgeship.

DISTRICT COURT CERTIFICATION

Given the high caseload, increases in population, and growth in the circuit courts within the Second and Fifth Districts, it is evident that the considerable efficiency measures these districts have implemented are no longer adequate to offset the need for additional judgeships. Accordingly, we certify the need for one additional district court judge each for the Second and Fifth Districts. This certification renews the requests for additional judgeships for these districts that were certified in last year's certification opinion[14] but not authorized by the Legislature.

CONCLUSION

Florida's state courts system is at the dawn of a new era. As a result of the Revision 7 budgetary unification, for the first time in its history, Florida truly has a unified court system. Citizens throughout this great state now have access to justice to an extent previously unavailable in many counties. Florida's courts are bearing an enormous and ever-increasing caseload, but are managing to do so with efficiency and at a minimal cost to the people of Florida. Even after the funding of Revision 7, the State Courts System's budget is less than one percent of the State of Florida's budget. But our courts are reaching a point where the continuing shortage of judges will impact the fair, effective, and timely resolution of disputes. Our judiciary's continuing tradition of excellence depends on an adequate number of judgeships funded by the Legislature.

This opinion fulfills our constitutional mandate to certify those additional judgeships necessary to maintain the fair and timely administration of justice in Florida's State Courts System. We are confident that the Governor and the Legislature will respond to our certification of need. Failure to meet the needs of our courts could have serious consequences for our justice system in this state. We pledge our cooperation in every way to provide information and assistance to our coordinate branches of government to assure the continuation of justice for all Floridians.

It is so ordered.

WELLS, ANSTEAD, LEWIS, QUINCE, CANTERO, and BELL, JJ., concur.

Original Proceeding - Certification of the Need for Additional Judges

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[1.] Article V, section 9 of the Florida Constitution provides:

Determination of number of judges.—The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need. Upon receipt of such certificate, the legislature, at the next regular session, shall consider the findings and recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; provided the legislature may create more judicial offices than are recommended by the supreme court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of both houses of the legislature that such a need exists. A decrease in the number of judges shall be effective only after the expiration of a term. If the supreme court fails to make findings as provided above when need exists, the legislature may by concurrent resolution request the court to certify its findings and recommendations and upon the failure of the court to certify its findings for nine consecutive months, the legislature may, upon a finding of two-thirds of the membership of both houses of the legislature that a need exists, increase or decrease the number of judges or increase, decrease or redefine appellate districts and judicial circuits.

[2.] See Fla. R. Jud. Admin. 2.035.

[3.] The history of the Weighted Caseload System is detailed in National Center for State Courts, Florida Delphi-Based Weighted Caseload Project: Executive Summary (2000), available at http://www.floridasupremecourt.org/pub_info/highprofile/certification.shtml

[4.] See Courts Improve Caseload System; Need to Address Supplemental Resources, OPPAGA Information Brief Report No. 99-38, March 2000.

[5.] National Center for State Courts, Examining the Work of State Courts, 2003 (Brian J. Ostrom et al. eds., 2004).

[6.] See ch. 397, Fla. Stat. (2004).

[7.] See ch. 394, Fla. Stat. (2004).

[8.] The issue of court access continues to be a primary concern for chief judges and this Court. The building of branch courthouses in urban settings or large counties helps to alleviate the burden of long commutes to courthouses in county seat locations and provide ready access to citizens. Examples of circuits with branch courthouse locations include the Sixth, Seventh, Eleventh, Thirteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Circuits.

[9.] The report states: **Recommendation 2**: The OSCA should plan to conduct a systematic update of the case weights approximately every five years, depending on the judgment of the Court Statistics and Workload Committee. Funding for this should be part of the regular legislative agenda related to the process of certification of the need for new judgeships. Brian J. Ostrom et al., Florida Delphi-Based Weighted Caseload Project Final Report 75 (2000), available at http://www.floridasupremecourt.org/pub_info/highprofile/DelphiFullReport.pdf

[10.] Total judicial need is the total number of judges required to complete all expected workload. Net judicial need is the difference between the total judicial need and number of existing judges.

[11.] The use of these criteria is provisional. See Amendment to the Fla. Rules of Judicial Admin. (Certification of Judges), 29 Fla. L. Weekly S582, S583 (Fla. Oct. 14, 2004).

[12.] See Administrative Order AOSC04-21 (Sept. 23, 2004).

[13.] The Fifth District Court of Appeal received an additional judgeship in 1999.

[14.] See In re Certification of Need for Additional Judges, 863 So. 2d 1191 (Fla. 2003).

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(With Revisions)

Agriculture

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Transportation

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Transportation and Economic Development Appropriations

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Ways and Means

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Legislative Budget Commission

Senator Carlton, Alternating Chair; Senators Alexander, Atwater, Fasano, Miller, Saunders and Smith

Legislative Committee on Intergovernmental Relations

Senator Jones, Alternating Chair; Senators Constantine, Klein and Lynn

CORRECTION AND APPROVAL OF JOURNAL

The Journal of December 16, 2004, Special Session A, was corrected and approved.

RECESS

Pursuant to the motion by Senator Pruitt previously adopted, upon dissolution of the joint session at 12:06 p.m., the Senate recessed for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, March 10 or upon call of the President.

SENATE PAGES

March 7-11, 2005

Elton "Bo" Barfield, Blountstown; Jody "Zach" Barnes, Wewahitchka; Justin Barnes, Wewahitchka; Danielle Butler, Tallahassee; Brandon Davis, Nocatee; Maria Fernandez-Merlo, Orlando; Grady "Trey" Goodwin III, Wewahitchka; Sophia Ibrahim, Brandon; Selah Manning, Hosford; Andrea Mars, Tallahassee; Rian Masanoff, Parkland; Cierra Smith, Tallahassee; Caitlyn Thompson, Longwood; Michael Tollerton, Sarasota; Ashley Vangates, Miami; Jeffrey Whipple, Umatilla; Roger Yeomas, Midway

Journal of the Senate

Number 2—Regular Session **Thursday, March 10, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 9:00 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by the Rev. Jim Bullock, Fort King Presbyterian Church, Ocala:

Almighty God, source of all wisdom, power and love: We thank you that you care for all of us as your children, as a loving parent, mom or dad, cares for all their children. You have brought us together in these chambers of government and you have given us the capacity to stand up for justice and to live out your love in our time.

Help us to be responsible leaders in a world fraught with dangers. Deliver us from petty motivations, shallow enticements, blindness to evil when our own advantage is at stake. Give us the courage to make costly decisions, as if the safety of men, women and children of the state of Florida and the whole world were in our hands. Help us to work together for justice, compassion and peace.

We are grateful, O God, for all the good things of life that you have given us. . . family, friends, food, clothing, shelter, work to do, and strength to do it. We are a gifted people. Help us count our blessings every day, but let us remember also that to whom much has been given, much is required. Keep us from closing our eyes to human need and failing to provide the necessities of life for all persons. We pray for all children, for the poor, for the aged, for all who are vulnerable in life here with us in Florida.

Give us a vision of a better world and the willingness to make sacrifices to make it possible. May we all be drawn into your vision for all of life.

This we pray in the name of the one we all call our Lord. Amen.

PLEDGE

Senate Pages Brandon Davis of Nocatee; Ashley Vangates of Miami; Caitlyn Thompson of Longwood; and Maria Fernandez-Merlo of Orlando, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. George Ehringer of Ormond Beach, sponsored by Senator Lynn, as doctor of the day. Dr. Ehringer specializes in Internal Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Hill—

By Senator Hill—

SR 250—A resolution recognizing and commending Omega Psi Phi Fraternity, Inc., for its invaluable community service to the people of the State of Florida.

WHEREAS, on November 17, 1911, three Howard University undergraduate students, assisted by their faculty advisor, met and conceived the idea of founding Omega Psi Phi Fraternity, Inc., based on the cardinal principles of "manhood, scholarship, perseverance, and uplift," and

WHEREAS, Omega Psi Phi Fraternity, Inc., was the first fraternity founded at a Historically Black College or University, and, since its inception, has initiated more than 130,000 members in 550 chapters in 44 states, the District of Columbia, Europe, Asia, Africa, the Bahamas, the Virgin Islands, and Panama, and

WHEREAS, Omega Psi Phi Fraternity, Inc., is committed to rendering community service that makes a difference in quality of life, and has made invaluable contributions toward improving the educational, civic, and social lives of the people it has touched in Florida and throughout the world, and

WHEREAS, Brother George H. Grace of Miami, Florida, presently leads Omega Psi Phi Fraternity, Inc., serving as the Fraternity's 37th Grand Basileus; Brother Edgar L. Mathis, Sr., of Jacksonville, Florida, is the National Representative for District 7, which includes Florida, Georgia, Alabama, and Mississippi; and Brother Leslie Gamble of Miami, Florida, is the National Representative for the State of Florida, and

WHEREAS, other distinguished Floridians who are Brothers of Omega Psi Phi Fraternity, Inc., include United States Congressman Kendrick Meek, State Senator Anthony C. "Tony" Hill, Sr., State Senator Gary Siplin, State Representative Wilbert "Tee" Holloway, State Representative Frank Peterman, Jr., and Tallahassee Mayor John Marks, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends Omega Psi Phi Fraternity, Inc., for its invaluable community service to the people of Florida and recognizes March 11, 2005, as Omega Psi Phi Fraternity, Inc., Day in the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to George H. Grace, Grand Basileus of Omega Psi Phi Fraternity, Inc., as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Hill, **SR 250** was read the second time in full and adopted.

On motion by Senator Peaden—

By Senator Peaden—

SR 1570—A resolution recognizing March 2005 as National Nutrition Month in Florida.

WHEREAS, the Florida Senate recognizes that there is an epidemic of obesity in the State of Florida, and

WHEREAS, the Secretary of Health is conducting a series of obesity summit meetings throughout the state, and

WHEREAS, Florida's Department of Health has stated that the economic impact of overweight and obesity in our state is manifested in the toll of certain diseases, reaching billions of dollars expended in the treatment of cardiovascular disease, cancer, and diabetes, and

WHEREAS, diet-related diseases decrease the quality of life for millions of Americans and account for 7 out of every 10 deaths in the United States each year, and

WHEREAS, the Surgeon General of the United States has issued a "call to action" to prevent and decrease overweight and obesity affecting two-thirds of adults and 15 percent of children and adolescents, and

WHEREAS, the Federal Trade Commission has stated that consumers waste billions of dollars each year on unproven, fraudulently marketed, and potentially harmful products and treatments for obesity, and

WHEREAS, the food we eat plays a vital role in our overall health and fitness, and

WHEREAS, the United States Department of Health and Human Services Healthy People 2010 Initiative cites nutrition and weight as a specific focus for improving America's health, listing 18 objectives for promoting health and reducing chronic diseases associated with diet and weight, and

WHEREAS, only 20 percent of Florida adults eat five servings of fruits and vegetables per day, and

WHEREAS, there is a great need for continuing nutrition education and for a wide-scale effort to enhance healthy eating practices, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 2005 is recognized as National Nutrition Month in Florida.

BE IT FURTHER RESOLVED that the Florida Senate urges increased education and awareness of the state's residents concerning prevention and treatment of obesity-related diseases as a major health concern and encourages all Floridians to become informed about nutrition in the hope of achieving optimum health for today and all the days ahead.

—was introduced out of order and read by title. On motion by Senator Peaden, **SR 1570** was read the second time in full and adopted.

At the request of Senator King—

By Senator King—

SR 624—A resolution recognizing March 15, 2005, as "St. Johns County Day" in Tallahassee.

WHEREAS, on September 8, 1565, Don Pedro Menendez de Aviles founded St. Augustine, the oldest continuously occupied European settlement in the United States, and

WHEREAS, St. Johns County is the site for Fort Mose, established by Spaniards and former African slaves in 1738, the first free black fort and settlement in North America, and

WHEREAS, on July 21, 1821, St. Johns County, named for the St. Johns River, became one of Florida's first two counties by ordinance proclaimed by Major General Andrew Jackson, and

WHEREAS, St. Johns County encompasses 609 square miles, from the many miles of beautiful beaches to the scenic Bartram Trail Highway that runs along the St. Johns River, and

WHEREAS, St. Johns County is a popular tourist destination, hosting more than 2 million visitors each year to the historic City of St. Augustine, to St. Augustine Beach, and to other communities throughout the county, and

WHEREAS, St. Johns County is one of the nation's most recognized golf destinations and is home to the World Golf Hall of Fame and to THE PLAYERS CHAMPIONSHIP, which is an internationally recognized golf event, and is also the national headquarters for the PGA Tour, and

WHEREAS, St. Johns County is also home to the Association of Tennis Players Tour, headquartered in Ponte Vedra Beach, and

WHEREAS, agriculture is a critical component of the economy of St. Johns County, with its 149 farms on 49,631 agricultural acres comprising more than 12.7 percent of all the lands in the county and producing more than $46 million in revenue annually, and

WHEREAS, the Legislature recognizes St. Johns County for its rich history and cultural diversity, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 15, 2005, be recognized as "St. Johns County Day" in Tallahassee.

—**SR 624** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senators Wilson, Dawson and Miller—

SR 1018—A resolution recognizing Alpha Kappa Alpha Sorority, Inc.

WHEREAS, Alpha Kappa Alpha Sorority, Inc., was founded at Howard University in Washington, D.C., in 1908, and

WHEREAS, this Greek letter organization is the first sorority established by African-American college women, and

WHEREAS, this sorority is an international organization with approximately 250,000 members in over 900 chapters extending across the United States, the Bahamas, Bermuda, Great Britain, Germany, Korea, and the Virgin Islands, and

WHEREAS, many of these chapters are located in communities and on college and university campuses in the State of Florida, and

WHEREAS, Alpha Kappa Alpha Sorority, Inc., is committed to community service and has made numerous contributions to the educational, civic, and social lives of Florida's residents, and

WHEREAS, Linda White of Chicago, Illinois, is the National President of this great sisterhood and leads the 250,000 women of this organization in the current international program, "The SPIRIT of AKA," the acronym and concept for Sisterhood, Service, Partnership, Innovation, Respect, Involvement, and Technology, and

WHEREAS, Irene Westbrook McCollom is the South Atlantic Regional Director of this great sisterhood and leads members of the sorority in Florida, Georgia, and South Carolina, and

WHEREAS, the largest chapter in Florida is Gamma Zeta Omega, located in Miami, and

WHEREAS, Senator Frederica S. Wilson, a past South Atlantic Regional Director, and Senator Mandy Dawson are members of Alpha Kappa Alpha Sorority, and

WHEREAS, members of the Alpha Kappa Alpha Sorority in the State of Florida contribute thousands of volunteer hours implementing service programs in their respective communities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the members of the Florida Senate recognize the commitment of members of Alpha Kappa Alpha Sorority, Inc., to community service and express special appreciation for their service in the State of Florida.

—**SR 1018** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

SR 1504—A resolution recognizing March 15, 2005, as Chronic Kidney Disease Awareness Day.

WHEREAS, more than 20 million Americans, about one in nine adults, have a form of chronic kidney disease and, of these, more than eight million have significantly reduced kidney function that, if left untreated, may progress to a more severe stage of chronic kidney disease, and

WHEREAS, chronic kidney disease and the untreated progression of that disease to stage 5 chronic kidney disease, known as end-stage renal disease, impacts more than 300,000 Americans, including approximately 18,000 Floridians, and

WHEREAS, individuals over the age of 50 and those who have a family history of kidney disease or have been diagnosed with diabetes or hypertension, which account for 60 percent of the newly diagnosed, are more likely to develop chronic kidney disease, and

WHEREAS, among the populations disproportionately impacted are African Americans, who make up 15 percent of the general population of Florida and account for 39.6 percent of Floridians with end-stage renal disease, and Hispanics, who account for 16.8 percent of Floridians with end-stage renal disease, and

WHEREAS, an individual may exhibit no symptoms of chronic kidney disease until 75 percent or more of kidney function is lost but this devastating disease can be prevented through early screening and proper education, and

WHEREAS, 95 percent of all stage 5 chronic kidney disease patients are Medicare beneficiaries, representing a significant cost to the state, and, according to the United States Renal Data Service, Florida is one of five states having the highest percentage of these patients, and

WHEREAS, simple, cost-effective means are available to identify and diagnose chronic kidney disease and associated life-threatening complications, and

WHEREAS, evidence-based clinical guidelines have been developed by scientists and renal experts and published in peer-reviewed journals, and

WHEREAS, routine testing can determine levels of kidney function and provide information for clinicians about therapeutic interventions that may preserve kidney function, sustain life, and delay progression to stage 5 chronic kidney disease or renal transplantation, or both, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 15, 2005, is recognized as "Chronic Kidney Disease Awareness Day" in Florida, and all Floridians are urged to investigate the risks associated with chronic kidney disease, and to seek screenings and information about diabetes, hypertension, and chronic kidney disease, in order to benefit from early detection and treatment.

—**SR 1504** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 1666—A resolution honoring Rotary International on the occasion of its 100th anniversary and recognizing February 23, 2005, as Rotary Day in Florida.

WHEREAS, the Rotary Club of Chicago was founded on February 23, 1905, when Chicago attorney Paul Harris and three business associates formed a club to share "mutual cooperation and informal friendship such as all of us had once known in our villages," and

WHEREAS, by 1921, Rotary Clubs had been formed on six continents, prompting the adoption of the name Rotary International in 1922, and

WHEREAS, as Rotary International grew, its focus changed from serving the business and professional needs of its members to serving communities in need, a sentiment expressed in its motto: "Service Above Self," and

WHEREAS, the Rotary Foundation, established in 1928, has garnered contributions in excess of $80 million annually to support a range of humanitarian grants and educational programs, and

WHEREAS, in 1985, Rotary International made a commitment to immunize all of the world's children against polio, and by the centennial of Rotary in 2005, more than $500 million will have been committed to the eradication of polio, and

WHEREAS, Rotary International, approaching its 100th anniversary, consists of 1.2 million members in some 31,000 Rotary clubs in 166 countries, all committed to addressing such problems as environmental degradation, illiteracy, world hunger, and children at risk, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate honors the ongoing contributions of Rotary International to communities throughout the state, nation, and world, and recognizes February 23, 2005, as Rotary Day in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution with the Seal of the Senate affixed, be presented to Glenn E. Estess, Sr., president of Rotary International, as a token of the sentiments of the Florida Senate.

—**SR 1666** was introduced, read and adopted by publication.

At the request of Senator Klein—

By Senator Klein—

SR 2410—A resolution recognizing the 40th Anniversary of Florida Atlantic University.

WHEREAS, Florida Atlantic University is celebrating its 40th anniversary this year, and

WHEREAS, over the course of four decades Florida Atlantic University has made contributions of the highest value to its service region in Southeast Florida and to the entire State of Florida, and

WHEREAS, Florida Atlantic University, a nationally known model of the distributed campus structure, is currently serving 26,000 undergraduate and graduate students on seven campuses located along 150 miles of Florida's southeast coastline, and

WHEREAS, Florida Atlantic University is developing rapidly as a center of 21st-century biomedical research and is playing an ever-expanding role in the worldwide effort to find better diagnostic and treatment options for a host of serious illnesses, and

WHEREAS, Florida Atlantic University has become a true engine of economic development in Southeast Florida, generating more than $1 billion annually in regional economic activity, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate offers sincere congratulations to Florida Atlantic University during this 40th Anniversary Year and commends the university for achieving excellence in teaching, research, and public service.

—**SR 2410** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **CS for SB 1486** was withdrawn from the Committees on Judiciary; General Government Appropriations; Ways and Means; and Rules and Calendar; **SB 938** was withdrawn from the Committees on Health and Human Services Appropriations; and Rules and Calendar; **SB 940** was withdrawn from the Committees on Banking and Insurance; Health and Human Services Appropriations; and Rules and Calendar; **SB 804** was withdrawn from the Committees on Governmental Oversight and Productivity; Justice Appropriations; Ways and Means; and Rules and Calendar; **SB 1174** was withdrawn from the Committees on Judiciary; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar; and referred to the Committees on Judiciary; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

On motion by Senator King, by two-thirds vote **SB 1064** was withdrawn from the committees of reference and further consideration.

SPECIAL ORDER CALENDAR

REVISER BILLS

SB 1334—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2005 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2005 shall be effective immediately upon publication; providing that general laws enacted during the 2004 regular session and prior thereto and not included in the Florida Statutes 2005 are repealed; providing that general laws enacted during the 2005 regular session are not repealed by this adoption act.

—was read the second time by title. On motions by Senator Pruitt, by two-thirds vote **SB 1334** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	

Nays—None

Vote after roll call:

Yea—Smith

CS for SB 1336—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 28.246, 28.35, 28.36, 29.21, 34.191, 39.701, 63.087, 63.102, 70.20, 101.161, 112.08, 112.63, 120.536, 211.06, 215.20, 215.555, 216.023, 220.1895, 280.16, 287.042, 287.17, 288.1224, 288.12265, 288.905, 290.00689, 290.015, 311.125, 322.135, 327.395, 339.55, 339.64, 364.604, 373.145, 373.1963, 373.4592, 376.71, 376.80, 378.034, 378.035, 381.0046, 381.0065, 381.103, 381.734, 393.0655, 393.068, 394.499, 394.82, 394.9083, 395.4001, 395.404, 397.416, 397.97, 400.1755, 400.179, 403.4154, 409.2563, 409.907, 409.9071, 409.908, 409.91188, 409.912, 420.504, 430.205, 440.05, 440.491, 440.591, 443.191, 445.003, 445.009, 455.2177, 455.32, 475.615, 489.146, 497.103, 497.140, 497.150, 497.152, 497.153, 497.160, 497.166, 497.167, 497.260, 497.369, 497.453, 497.458, 497.466, 497.550, 497.551, 497.603, 497.604, 497.608, 550.0251, 553.791, 553.8413, 556.112, 558.002, 558.004, 560.408, 570.71, 581.131, 620.9901, 624.426, 626.641, 627.6699, 627.736, 628.909, 633.0215, 636.240, 641.51, 648.50, 650.05, 655.948, 658.60, 663.02, 663.318, 668.602, 717.1400, 720.303, 720.402, 720.405, 744.3678, 744.7021, 782.081, 784.046, 895.02, 921.0022, 932.706, 943.125, 944.026, 944.1905, 944.803, 948.09, 948.30, 957.07, 958.045, 985.404, 1009.765, and 1012.796, F.S.; reenacting ss. 110.161, 288.063, 381.0072, 430.04, 446.051, 450.081, 489.531, 626.112, 718.112, and 721.075, F.S.; and repealing ss. 30.17, 202.205, 288.971, 295.184, 373.1995, 394.498, 570.235, and 627.6685, F.S.; pursuant to s. 11.242, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and confirming the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process.

—was read the second time by title. On motions by Senator Pruitt, by two-thirds vote **CS for SB 1336** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1338—A reviser's bill to be entitled An act relating to the Florida Statutes; repealing ss. 20.19(5)(b)2., 20.3315(3), 27.005, 27.006, 27.271, 27.33, 27.3455, 27.36, 27.385, 27.605, 29.002, 29.003, 29.009, 29.011, 43.28, 50.071, 57.091, 166.411(11), 196.1994, 202.27(7), 213.131(2), 216.181(17), 216.292(5)(f), 218.325, 220.191(1)(h)2., 252.373(1)(b) and (c), 259.105(21), 288.9511, 288.9515, 288.9517, 339.08(4), 339.082(3), 372.127(3), 372.561(9), 376.875(6), 381.79(7), 456.0375, 601.15(3)(f), 723.06115(3), 914.06, 925.035, 925.036, 925.037, 932.7055(5)(d), 939.05, 939.07, 939.10, 939.15, 985.4075(2), 1004.225, and 1010.87(3), F.S., all of which provisions have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2005 Florida Statutes only through a reviser's bill duly enacted by the Legislature; amending s. 378.035, F.S., to delete obsolete material and repeal a provision that has become inoperative by noncurrent expiration and, pursuant to s. 11.242(5)(b) and (i), may be omitted from the 2005 Florida Statutes only through a reviser's bill duly enacted by the Legislature; repealing s. 383.410, F.S., to confirm the October 2, 2004, repeal of an exemption in accordance with the Open Government Sunset Review Act of 1995; amending s. 202.35(3), F.S., to conform to the repeal of s. 202.27(7), F.S.; and amending s. 627.732(1)(a), F.S., to conform to the repeal of s. 456.0375, F.S.

—was read the second time by title. On motions by Senator Pruitt, by two-thirds vote **SB 1338** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker

Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lynn	Webster
Diaz de la Portilla	Margolis	Wilson
Dockery	Miller	Wise
Fasano	Peaden	
Garcia	Posey	

Nays—None

SB 1340—A reviser's bill to be entitled An act relating to the Florida Statutes; amending ss. 369.324, 381.92, 458.3475, and 459.023, F.S., to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

—was read the second time by title. On motions by Senator Pruitt, by two-thirds vote **SB 1340** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

TRUST FUND BILLS

SB 1376—A bill to be entitled An act relating to trust funds; recreating the Dedicated License Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1376** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Villalobos	Wilson	Wise
Webster		

Nays—None

SB 1378—A bill to be entitled An act relating to trust funds; recreating the Florida Panther Research and Management Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1378** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1380—A bill to be entitled An act relating to trust funds; recreating the Florida Forever Program Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1380** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1382—A bill to be entitled An act relating to trust funds; recreating the Land Acquisition Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1382** was read the third time by title, passed by the

required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1384—A bill to be entitled An act relating to trust funds; recreating the Lifetime Fish and Wildlife Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1384** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1386—A bill to be entitled An act relating to trust funds; recreating the Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1386** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Carlton	Geller
Alexander	Clary	Haridopolos
Argenziano	Constantine	Hill
Aronberg	Crist	Jones
Atwater	Dawson	King
Baker	Diaz de la Portilla	Klein
Bennett	Dockery	Lawson
Bullard	Fasano	Lynn
Campbell	Garcia	Margolis
Miller	Saunders	Villalobos
Peaden	Sebesta	Webster
Posey	Siplin	Wilson
Pruitt	Smith	Wise
Rich		

Nays—None

SB 1388—A bill to be entitled An act relating to trust funds; recreating the Nongame Wildlife Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1388** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1390—A bill to be entitled An act relating to trust funds; recreating the Save the Manatee Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1390** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1392—A bill to be entitled An act relating to trust funds; recreating the State Game Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1392** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1394—A bill to be entitled An act relating to trust funds; re-creating the Conservation and Recreation Lands Program Trust Fund within the Fish and Wildlife Conservation Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1394** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 1396—A bill to be entitled An act relating to trust funds; terminating the Florida Preservation 2000 Trust Fund and the Federal Law Enforcement Trust Fund within the Fish and Wildlife Conservation Commission; providing for the disposition of balances in and revenues of the trust funds; prescribing procedures for the termination of the trust funds; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **CS for SB 1396** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bullard	Diaz de la Portilla
Alexander	Campbell	Dockery
Argenziano	Carlton	Fasano
Aronberg	Clary	Garcia
Atwater	Constantine	Geller
Baker	Crist	Haridopolos
Bennett	Dawson	Hill
Jones	Peaden	Smith
King	Posey	Villalobos
Klein	Pruitt	Webster
Lawson	Rich	Wilson
Lynn	Saunders	Wise
Margolis	Sebesta	
Miller	Siplin	

Nays—None

SB 1398—A bill to be entitled An act relating to trust funds; creating s. 372.101, F.S.; creating the Administrative Trust Fund within the Fish and Wildlife Conservation Commission; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1398** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1400—A bill to be entitled An act relating to trust funds; creating s. 372.102, F.S.; creating the Federal Grants Trust Fund within the Fish and Wildlife Conservation Commission; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1400** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1402—A bill to be entitled An act relating to trust funds; creating s. 372.103, F.S.; creating the Grants and Donations Trust Fund within the Fish and Wildlife Conservation Commission; providing for sources

of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **SB 1402** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1404—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Administrative Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **SB 1404** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 1406—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Federal Grants Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **CS for SB 1406** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lynn	Webster
Diaz de la Portilla	Margolis	Wilson
Dockery	Miller	Wise
Fasano	Peaden	
Garcia	Posey	

Nays—None

CS for SB 1408—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Operations and Maintenance Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **CS for SB 1408** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 1410—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Social Services Block Grant Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **CS for SB 1410** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith

Villalobos	Wilson	Wise
Webster		

Nays—None

CS for SB 1412—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Tobacco Settlement Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **CS for SB 1412** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

GENERAL BILLS

On motion by Senator Clary—

CS for SB 478—A bill to be entitled An act relating to podiatric medicine; amending s. 461.014, F.S.; requiring a hospital having a podiatric residency program to annually provide the Board of Podiatric Medicine with certain information; revising the time period during which a podiatric physician may continue as an unlicensed resident in a residency program; permitting a resident podiatric physician to prescribe certain medications under certain circumstances; providing that a podiatric resident who is registered under the act is subject to specified disciplinary procedures; providing a penalty; requiring the board to adopt rules to administer this act; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (392796)—On page 3, line 1, delete "*this section*" and insert: *paragraph (1)(f)*

Pursuant to Rule 4.19, **CS for SB 478** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 200—A bill to be entitled An act relating to the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 252.81, F.S., redesignating the act as the "Emergency Planning Community Right-to-Know Act"; amending s. 252.85, F.S.; updating a reference to a federal list of hazardous substances for which the Department of Community Affairs collects fees that fund emergency planning and community right-to-know programs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 200** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hill—

CS for SB 246—A bill to be entitled An act relating to child safety; requiring school boards to promulgate policies regarding release of children; providing a definition; requiring copies of the policies to be provided to the Department of Education; requiring nonpublic schools, private schools, and certain child care facilities to promulgate policies regarding release of children; requiring making such policies available on the premises of the schools or child care facilities; providing a definition; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 246** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander—

SB 516—A bill to be entitled An act relating to the Department of Citrus; amending s. 601.09, F.S.; revising and reorganizing the citrus districts of the state; establishing four such districts; specifying the counties within each district; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendment which was moved by Senator Alexander and adopted:

Amendment 1 (600448)(with title amendment)—On page 1, between lines 28 and 29, insert:

Section 2. Paragraph (c) of subsection (1) and subsection (4) of section 601.04, Florida Statutes, are amended to read:

601.04 Florida Citrus Commission; creation and membership.—

(1)

(c) There shall be *three* ~~four~~ members of the commission from each of the *four* ~~three~~ citrus districts. Each member must reside in the district from which she or he was appointed. For the purposes of this section, the residence of a member shall be the actual physical and permanent residence of the member.

(4) It is the intent of the Legislature that the commission be redistricted every 5 years. Redistricting shall be based on the total boxes produced from each of the *four* ~~three~~ districts during that 5-year period.

Section 3. Paragraph (a) of subsection (4) of section 601.154, Florida Statutes, is amended to read:

601.154 Citrus Stabilization Act of Florida.—

(4)(a) Every marketing order issued pursuant to the provisions of this section shall provide for an advisory council to advise the Department of Citrus in the administration thereof. Two members of such advisory council shall be appointed by the commission chair, subject to commission concurrence, from each of the *four* ~~three~~ citrus districts as defined in s. 601.09 from producer nominees submitted by producers on or before the date of the hearing provided for in subsection (2). To qualify for appointment, such producer nominees shall meet the same qualifications as those for grower members of the commission set forth in s. 601.04(1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: amending ss. 601.04 and 601.154, F.S., relating to the membership of the Florida Citrus Commission and the Citrus Stabilization Act of Florida; conforming provisions to changes made by the act;

Pursuant to Rule 4.19, **SB 516** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

SB 292—A bill to be entitled An act relating to citrus canker eradication; repealing s. 4 of ch. 2002-11, Laws of Florida; abrogating the repeal of s. 581.184(1)(b), F.S., which defines the term "exposed to infection" for purposes for eradicating citrus canker disease; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 292** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

SB 166—A bill to be entitled An act relating to child support; amending s. 409.2558, F.S.; requiring the Department of Revenue to establish by rule a method that uses reasonable efforts to locate persons to whom collections or refunds are owed, including disclosing information on the Internet; providing an effective date.

—was read the second time by title.

The Committee on Children and Families recommended the following amendment which was moved by Senator Aronberg and adopted:

Amendment 1 (423164)(with title amendment)—On page 1, lines 16-23, delete those lines and insert:

(a) The department shall establish by rule the method for determining a collection or refund ~~to a noncustodial parent~~ to be undistributable to the final intended recipient. *Before determining a collection or refund to be undistributable, the department shall make reasonable efforts to locate persons to whom collections or refunds are owed so that payment can be made. Location efforts may include disclosure through a searchable database of the names of obligees, obligors, and depository account numbers on the Internet with appropriate safeguards to protect the privacy of the persons named in the database.*

And the title is amended as follows:

On page 1, lines 4-7, delete those lines and insert: Revenue, prior to determining a collection or refund to be undistributable to make reasonable efforts to locate persons to whom collections or refunds are owed, including disclosure on the Internet of information with appropriate safeguards to protect the privacy of the persons named in the database;

Pursuant to Rule 4.19, **SB 166** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

SB 106—A bill to be entitled An act relating to the state retirement system; amending s. 121.091, F.S.; providing that a disability of an employee who works in another state full time may be certified by physicians licensed in that state; amending s. 121.22, F.S.; increasing the size of the State Retirement Commission from three to five members; amending s. 121.24, F.S.; revising the quorum requirements of the commission; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Constantine and adopted:

Amendment 1 (291828)(with title amendment)—On page 4, before line 1, insert:

Section 4. Paragraph (a) of subsection (2) of section 121.35, Florida Statutes, is amended to read:

121.35 Optional retirement program for the State University System.—

(2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

(a) Participation in the optional retirement program provided by this section shall be limited to persons who are otherwise eligible for membership in the Florida Retirement System~~; who are employed or appointed for no less than one academic year;~~ and who are employed in one of the following State University System positions:

1. Positions classified as instructional and research faculty which are exempt from the career service under the provisions of s. 110.205(2)(d).

2. Positions classified as administrative and professional which are exempt from the career service under the provisions of s. 110.205(2)(d).

3. The Chancellor and the university presidents.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: amending s. 121.35, F.S.; deleting the provision that requires 1 academic year of employment or appointment in the State University System for participation in the optional retirement program;

Senator Constantine moved the following amendment which was adopted:

Amendment 2 (620136)(with title amendment)—On page 1, line 15 through page 3, line 2, delete those lines and insert:

Section 1. Paragraph (c) of subsection (4) and paragraph (b) of subsection (13) of section 121.091, Florida Statutes, are amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(4) DISABILITY RETIREMENT BENEFIT.—

(c) Proof of disability.—The administrator, before approving payment of any disability retirement benefit, shall require proof that the member is totally and permanently disabled as provided herein:

1. Such proof shall include the certification of the member's total and permanent disability by two licensed physicians of the state and such other evidence of disability as the administrator may require, including reports from vocational rehabilitation, evaluation, or testing specialists who have evaluated the applicant for employment. *A member whose position with an employer requires that the member work full time outside this state in the United States may include certification by two licensed physicians of the state where the member works.*

2. It must be documented that:

a. The member's medical condition occurred or became symptomatic during the time the member was employed in an employee/employer relationship with his or her employer;

b. The member was totally and permanently disabled at the time he or she terminated covered employment; and

c. The member has not been employed with any other employer after such termination.

3. If the application is for in-line-of-duty disability, in addition to the requirements of subparagraph 2., it must be documented by competent medical evidence that the disability was caused by a job-related illness or accident which occurred while the member was in an employee/employer relationship with his or her employer.

4. The unavailability of an employment position that the member is physically and mentally capable of performing will not be considered as proof of total and permanent disability.

(13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP. Participation in the DROP by an eligible member beyond the initial 60-month period as authorized in this subsection shall be on an annual contractual basis for all participants.

(b) Participation in the DROP.—

1. An eligible member may elect to participate in the DROP for a period not to exceed a maximum of 60 calendar months or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 calendar months, 96 calendar months immediately following the date on which the member first reaches his or her normal retirement date or the date to which he or she is eligible to defer his or her election to participate as provided in subparagraph (a)2. However, a member who has reached normal retirement date prior to the effective date of the DROP shall be eligible to participate in the DROP for a period of time not to exceed 60 calendar months or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 calendar months, 96 calendar months immediately following the effective date of the DROP, except a member of the Special Risk Class who has reached normal retirement date prior to the effective date of the DROP and whose total accrued value exceeds 75 percent of average final compensation as of his or her effective date of retirement shall be eligible to participate in the DROP for no more than 36 calendar months immediately following the effective date of the DROP.

2. Upon deciding to participate in the DROP, the member shall submit, on forms required by the division:

a. A written election to participate in the DROP;

b. Selection of the DROP participation and termination dates, which satisfy the limitations stated in paragraph (a) and subparagraph 1. Such termination date shall be in a binding letter of resignation with the employer, establishing a deferred termination date. The member may change the termination date within the limitations of subparagraph 1., but only with the written approval of his or her employer;

c. A properly completed DROP application for service retirement as provided in this section; and

d. Any other information required by the division.

3. The DROP participant shall be a retiree under the Florida Retirement System for all purposes, except for paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and 121.122. However, participation in the DROP does not alter the participant's employment status and such employee shall not be deemed retired from employment until his or her deferred resignation is effective and termination occurs as provided in s. 121.021(39).

4. Elected officers shall be eligible to participate in the DROP subject to the following:

a. An elected officer who reaches normal retirement date during a term of office may defer the election to participate in the DROP until the next succeeding term in that office. Such elected officer who exercises this option may participate in the DROP for up to 60 calendar months or a period of no longer than such succeeding term of office, whichever is less.

b. An elected or a nonelected participant may run for a term of office while participating in DROP and, if elected, extend the DROP termination date accordingly, except, however, if such additional term of office exceeds the 60-month limitation established in subparagraph 1., and the officer does not resign from office within such 60-month limitation, the retirement and the participant's DROP shall be null and void as provided in sub-subparagraph (c)5.d.

c. An elected officer who is dually employed and elects to participate in DROP shall be required to satisfy the definition of termination within the 60-month or, with respect to members who are instructional personnel employed by the Florida School for the Deaf and the Blind and who have received authorization by the Board of Trustees of the Florida School for the Deaf and the Blind to participate in the DROP beyond 60 months, or who are instructional personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have received authorization by the district school superintendent to participate in the DROP beyond 60 months, the 96-month limitation period as provided in subparagraph 1. for the nonelected position and may continue employment as an elected officer as provided in s. 121.053. The elected officer will be enrolled as a renewed member in the Elected Officers' Class or the Regular Class, as provided in ss. 121.053 and *121.122* ~~121.22~~, on the first day of the month after termination of employment in the nonelected position and termination of DROP. Distribution of the DROP benefits shall be made as provided in paragraph (c).

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: correcting a cross-reference;

Pursuant to Rule 4.19, **SB 106** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Carlton, provisions of Rule 2.39 were waived for the purpose of considering the proposed appropriations bills and conforming bills by the respective appropriations committees at the meetings scheduled for Wednesday, March 23; the amendment deadline for the appropriations bills and conforming bills was set for 6:00 p.m. on Monday, March 21; and the amendment deadline for amendments to amendments and substitute amendments was set for 3:00 p.m. on Tuesday, March 22.

AMENDMENT TO SENATE RULES

On motions by Senator Pruitt, the rules were waived and the following amendment to Rule 2.1(1) was adopted by two-thirds vote:

On page 24, in Rule 2.1(1), delete "(h) Criminal Justice Appropriations" and insert, before "(t)":

(s) Justice Appropriations

(Reletter existing paragraphs (i) through (s))

[Full text of Senate Rules, as amended, and the Joint Rules beginning on page 149.]

ADOPTION OF RESOLUTIONS

On motion by Senator King—

By Senator King—

SR 2658—A resolution expressing regret at the death of Senator William G. "Bill" Bankhead.

WHEREAS, the Florida Senate, with deep regret, was informed of the untimely death of former Senator Bill Bankhead, and

WHEREAS, Senator Bankhead served with distinction in the Florida Senate from 1988 until 1999, when he was appointed by Governor Jeb Bush to head the Department of Juvenile Justice, and

WHEREAS, it is most appropriate that the Florida Senate commemorate the passing of one of its former members who served his district and the State of Florida so admirably, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this legislative body does pause in its deliberations to pay its respects to the late Senator William G. "Bill" Bankhead and that the Florida Senate, in session assembled, does record this testimonial of esteem and bereavement:

IN MEMORIAM
WILLIAM G. "BILL" BANKHEAD

Bill Bankhead was born in Americus, Georgia, in 1941, moved with his family to Florida as a child, graduated from Englewood High School in Jacksonville, and earned a Business Administration Degree from the University of Florida in 1963. Following graduation, Bill Bankhead went to work for Stockton, Whatley, Davin & Co., and in 1969 joined the real estate division of what is now CSX Transportation. His involvement in civic organizations, such as the Jaycees, laid the foundation for his political career, and Bill Bankhead was recently honored at the Duval County Republican Party's annual Lincoln Day dinner as only the second recipient of the Don Brewer Excellence Award, which he received for helping to build the local Republican Party. In 1978 Bill Bankhead was first elected to the Florida House of Representatives, replacing Ander Crenshaw as the lone Republican from Jacksonville in the Duval County Legislative Delegation. After serving five successful and productive terms in the House of Representatives, Bill Bankhead was elected to the Florida Senate in 1988, where he quickly gained a reputation for diligence and attention to detail, leading one Senator to quip, "If there was a piece of legislation you didn't understand, you would say 'Let's ask Bankhead, he actually reads all the bills.'" Through dedicated hard work, Senator Bankhead became a leading expert on health and social issues and during his years in the Senate was one of the chief architects in creating the Department of Juvenile Justice. Senator Bankhead's knowledge of the Juvenile Justice system led Governor Bush to appoint him to lead that agency in 1999. Secretary Bankhead spent the remaining years of his life as agency head and brought about numerous accolades for efforts resulting in increased efficiency and lower crime rates while at the same time improving the lives of young people in this state. Senator Bill Bankhead is survived by his wife Diana, his children William G., III and Brooke, and his mother Enid Bankhead.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Senate affixed, be transmitted to Mrs. Diana O'Quinn Bankhead, widow of Senator Bill Bankhead, as a tangible token of the sentiments expressed in this resolution and as a lasting symbol of the respect of the members of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator King, **SR 2658** was read the second time in full and adopted.

On motion by Senator King, the following remarks were ordered spread upon the Journal:

Senator King: Thank you, Mr. President, and members. I said a lot on the opening day of session. I know there are many members here whose lives have been very touched by Senator Bankhead, and who wish to speak, and I am going to give them the benefit of all the time. Suffice it to say that I have the seat Senator Bankhead had.

He was my mentor when I was elected in 1986. I do not know how he put up with me because we are, by personality, so different. His input and his knowledge, and his care for this state and for this process were infused in me as they are in other people whose lives he touched. I see Jane McElroy, his able-bodied and long-time aide, in the gallery above us. I think that her loyalty to him is a testament to what Bill Bankhead was all about.

If you knew Bill, you loved Bill. If Bill said he was going to do something, he would do it. He came very close to becoming President of this body. In fact, some people argue the fact that perhaps he should have, and had the chance to do so. But he gave up on the opportunity to become President when he was appointed the Secretary of the Department of Juvenile Justice, an area that he helped create.

He was gifted. He will be missed, especially by those in the Duval delegation whom he tutored, whom he nurtured, and whom he befriended. Thank you, Mr. President.

Senator Clary: Thank you, Mr. President. I have a few brief thoughts upon our recognition of Senator Bankhead. As Senator King mentioned, Bill was his mentor. He was also my mentor. I think he mentored a lot of folks in this chamber who are here now and who have gone on since then.

When I first had an opportunity to meet Bill, he was assigned to me when I was running for office. I think they were concerned that I would self-destruct and they sent Bill over to watch me. As I campaigned, there were different levels of holding your hand or watching someone and giving them advice. Bill took it to a level probably much further than a lot of folks might do. When you are campaigning, some of the things that you do include standing on the corner, waving to folks, and going to high school football games and wearing a tee shirt that, maybe, has the face of Charlie Clary on it. I will say that Bill had the best presentation of Charlie Clary at the football game that I have seen. He was truly a friend to take it to that level of support and encouragement.

I met him through this process. In the end, I became a friend and began to know him as a result of being elected, and a lot by the efforts of him being there to mentor and help me. I will say that I will never find a truer friend and someone who is genuinely concerned about what you think, what you do. If he sees where you might stumble in some place, he is there to pick you up. I truly will miss him.

Senator Klein: Thank you, Mr. President. The great thing about the Senate and the legislative process is that you can come from different parts of the state, different parts of the country, all come together in this environment and make great friends. As we all know, our voters back home many times vote for people and the kinds of people they are, as opposed to what the issues are.

Bill was the kind of person, that although we came from totally different backgrounds, different personalities, different environments, different communities, he was the type of person you would get up here and he could just befriend anybody. He was a gentle man. He was a man with a great sense of humor, really great sense of humor. His jokes were really incredible. I will not get into any of the ones I remember that he used to tell. He really was a remarkable man. He was truly, as the resolution said, he was truly prepared.

Early on when I was learning about some of the issues, particularly juvenile justice and criminal law, I would sit down with him. His door was always open. You can say that about a lot of people, but he truly embraced you. He wanted to hear from you. He wanted to listen. He was not talking at you. You had a dialogue and a friendship. I really will always remember that friendship. I will always remember a great man. With term limits changing things and many of you not having a long time here; many of you served with him, but maybe not for a long period of time. Maybe you had the opportunity to work with him when he was the Secretary of the Department of Juvenile Justice and you watched him in that environment, a totally different environment. Still, taking on the great struggles and doing a great job.

We are all going to miss him. We will all be better because we had the opportunity to know him.

Senator Campbell: When I first got elected, I had no political experience. When I went to my first meeting, being a member of the minority party, you were not sure what you were going to get into when you got up here. I had always heard that the Senate was a chamber of collegiality and that each member had his or her own sense of friendship. The first meeting I went to, Bill Bankhead was sitting there next to me. I was a little nervous because, again, I did not know exactly what a minority member would do in the Senate. I watched down there. If you do not know, Bill Bankhead was the greatest doodler of anybody. He would be sitting there doodling. I noticed a couple of things: that he would always start from the bottom of the page, work up and he would have light strokes. I said to him, "Bill, why do you always start from the bottom of the page?" He said, "Well, when you start from the bottom of the page, that means you are ambitious; it means you are friendly; it means you are somebody that people respect; and that is what I would like to be remembered as." Then I said, "Well, why do you use light strokes?" He said, "Light strokes always indicate we are going to have a good day."

Bill, every time I sat there, was happy. He was a guy who I could talk to. He was a guy who had never said Democrat, Republican. He was a guy who just said, "What's best for the citizens of the State of Florida?" He was most concerned with our juvenile justice system and the kids out

there. He was concerned with making sure that those kids who were arrested had a chance of rehabilitation. Folks, he was the epitome of that collegiality. He was the epitome of what we are all here for. I hope that Bill Bankhead's memory will exist for many, many, many years by the members who did not have the opportunity of actually sitting next to, and being in a meeting with, and knowing Bill Bankhead. Bill, you might have died, but you are with God. Bill, we will tell you, we love you.

Senator Wise: Thank you, Mr. President. Thank you, Senator King for the resolution. I was elected in April 1988 and Bill was a piece of work. He had a dry sense of humor. You were exactly right, Senator Klein. He was really dry. We did a lot of things together. I will tell you what he told me that was really interesting. Back when he was first elected in 1978, the Republicans didn't really have many members. He was in the back row. They put him on the HHS Committee, the Children and Families Committee that we have now. I think he said it was for punishment or something. He was the only Republican they put on there. Then he said, "You know, I'm a real estate guy. I work for CSX. What am I going to do? I have no clue."

He began then to study. He read everything. He became the expert. He told me, "Knowledge is power. If you know the subject and you know it as well as the bureaucrats, you can take them on. You can change the system." That's exactly what he did. I have never forgotten that because if you flip flop from committee to committee and you kind of touch the top of the mountains, that's one thing. But he was into the valleys, into the data. He was a policy wonk. He did all those kinds of things.

He was a neat guy. I learned a lot from him. I wasn't in the House very long when he ran for the Senate. I never could figure out why he would do that. I thought the House was it. Now I understand why he came over here. He was one of the really, truly, great guys. What really is frightening is that he was the same age as me; born in 1941, I think that's pretty young. We are never guaranteed tomorrow. It was really sad to have him leave us but he left a legacy here and for the kids in the State of Florida. I am glad to be his friend.

Senator Smith: Thank you, Mr. President. I knew Bill Bankhead in an entirely different setting. I was not in the Senate with Bill Bankhead. In 1992, I was a State Attorney. We decided to go along with an idea that seemed revolutionary at the time. It was mostly Bill Bankhead's idea and that was to create, structure, and take away from a system that was much too large and cumbersome, a Department of Juvenile Justice. Part of that was creation of a Juvenile Justice Accountability Board. I was the State Attorney representative. I served two terms with him.

All the things you say personally about him are true. But Bill Bankhead's greatest legacy people don't know about is the difference in juvenile crime and the status of juveniles in this state. If we went back in history to 1993, we would see that he essentially took it on his shoulders, carried the system forward, when basically, no one knew whether it would work. Most people thought it would create another bureaucracy. He not only did it well, he did it so well that a Democratic Governor appointed him to the chairmanship of our committee. He provided us great leadership and vision.

Bill Bankhead was a person who emcompassed and embraced other people's ideas. He never had pride of authorship over an idea. He also was a guy that if you were going in the wrong direction, he would privately tell you that. All of those qualities distinguished him.

I want you to know that there are hundreds, thousands, tens of thousands of young people in Florida whose lives were changed because Bill Bankhead had a vision and then the energy and the will to do what not many people will do: to switch from this process to taking over the administration of an agency that is one of the toughest to manage, one of the toughest to lead, and to lead it with distinction and friendship for children. He traveled. He met with sheriffs. He met with State Attorneys, because he had the goal in mind to make this a better state for our young people.

I want to reveal, Jane, if you will forgive me, one little secret. I'll let you know that I know he would forgive me now. When I was running for the Senate, I was running for the wrong party as he would clearly instruct me. He was a great friend and advisor. It was literally like undercover; I would meet him somewhere and he would tell me good things. I have to tell you that he was a friend when it was hard to be a friend. He stayed with me. He was with Rod Smith when it wasn't cool.

I thank him so much. I miss him. Jane, the whole State of Florida, but particularly our young people today, thanks you for your support for him; thanks Bill for what he did for the agency. The state is different today. Young people are different today. Their futures are different today, because we had Bill Bankhead.

Senator Crist: Thank you, Mr. President. Senator Smith said probably half of what I had listed here that I was going to say. Both of us work in the same area and have had the opportunity to work with Senator Bankhead in the same capacity.

When I was first elected in 1992, I came up here. I didn't really know anyone. In fact it was a surprise I even got elected in that district that was only one-third my party affiliation. I needed to make friends and I needed to make them quickly. In those days, it was difficult for a member of the minority party in the House to get anything done and to really be effective. I came over to the Senate. I started working it over here. Someone who you and I both admire, Senator Malcolm Beard, said, "See that man over there, Senator Bankhead? You need to get to know him. Because he is an expert in the area that you have a keen interest in and he can help make things happen for you." That was the beginning of our friendship. Things did begin to happen.

We worked together on a number of projects. I have to say that Senator Smith, you were absolutely right, that Senator Bankhead was an incredible visionary. But far beyond that, it's one thing to envision something. It's different to actually create that vision and to bring it to life. He was gifted in the abilities to bring his visions to life. The Department of Juvenile Justice was a tremendous undertaking. As a Senator, to bring that to fruition during those times when there was opposition, was quite challenging. But once it was created and he came onboard and worked to develop the department, he took upon himself quite a challenge. He still had a lot of problems that needed to be worked out. He tackled new ideas and he was willing to see them to fruition.

I remember something that was important to me, and that was testing the ability to use the visual and performing arts to modify deviant juvenile behavior and then document it, so that the various arts organizations could use that scientific data to support funding in our schools for arts. He said, "Well, OK, I'm willing to look at this." Jane, you remember when we first sat down, and we started talking about PRODIGY, he was genuinely interested in it. He said, "I want to see how putting gang members in dance tights is going to make a difference. I want you to show me how art classes are going to make a difference." We worked on it for a year and put into that program the ability to measure it, which by the time he left the department, became one of his star programs. That program is very successful today thanks to his leadership, his insight, and most of all, his love for children and the desire to want to make a difference.

His body may be dead, but his spirit and his soul will live in this state forever and ever through the children of the children who he had an impact on. So Jane, thanks to him and you and the team that he assembled. We are very grateful.

Senator Webster: Thank you, Mr. President, thank you, Senator King, for doing this resolution. I knew Bill Bankhead for 25 years and he was a good man. I grew to love him. I had the chance to see him about six days ago, right about now. I'll just say that he was a good friend. He was a great legislator and he was an awesome public servant. I know Diana and the family are going to miss him, but so are we.

Senator Bullard: Thank you Mr. President. Even with a strained voice, I feel it necessary today to say something. I was very surprised and very shocked when I learned of the death of Senator Bankhead, and I will say Senator because I am told that once a Senator, always a Senator.

I got to know him as a House Member, working with him on some legislation. Initially, I was very afraid because he was like the person I was afraid to approach. One day, I decided to hug him, as you all know I love to hug. I was afraid to hug him, but then when I hugged him, he was okay with it.

Then later, there is the story of when the Florida Conference of Black State Legislators invited him to come and speak before one of our issues' conferences. I believe all the members of Florida Conference of Black State Legislators will remember this. We were all on a bus. We were having a lot of fun. He was there. He leaned over to me and said, "Where are we going to eat this evening?" We were in Miami in the village in

Coconut Grove. Someone said that there was a really fancy, fancy, soul food restaurant right in the middle of the village in Coconut Grove and that was where we were going. It turned out that when we arrived, the owner of the restaurnt decided he would be fancy and prepare a different kind of meal because he was serving Representatives and Senators. So the owner came out with these little fancy dishes, blackened fish and sauted mushrooms. Senator Bankhead leaned over to me and said, "Larcenia, I thought you told me we were coming in here to eat soul food. This is not soul food. I eat the same type of food as you do. I was looking for some smothered chicken and porkchops and some stuff like that." We laughed. We had fun. That memory will always be with me.

He did care about what happens in this state. You've all said it, but today I know that God is watching over him. Thank you.

President Lee: Senators, these are always very unique experiences in the Senate. I have witnessed a number of them. They are always reminders of what a great family we view ourselves as. Not just those of us who are serving currently, but those who have sat in those seats that we now occupy.

It is always a reminder to me that we are really just passing through. Our time here, and our opportunity to make a difference is brief. It's an inspiration to me to do what is right and to stand up for what I believe in. I hope this will inspire you because I really often wonder what a great world this would be if we all had the discipline to live our lives as we would like to be memorialized.

What a great tribute to Senator Bankhead. He is all the things you all have described him as. What a great guy and a great leader.

When I came to this Senate, he was sitting where Senator Pruitt sits now as the Rules Chairman. He was a mentor to a lot of us in our early years, helping to teach us a process that was very foreign to us. I am a better public servant today because I crossed paths with Bill Bankhead. What a great tribute. Thank you, Senator King very, very much for bringing this to us this morning.

REPORTS OF COMMITTEES

The Committee on Commerce and Consumer Services recommends the following pass: SB 1024

The Committee on Environmental Preservation recommends the following pass: SB 1318 with 3 amendments

The Committee on Health Care recommends the following pass: SB 1122

The bills contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 1028

The bill was referred to the Committee on Children and Families under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1238

The Committee on Environmental Preservation recommends the following pass: SB 1448

The Committee on Regulated Industries recommends the following pass: SB 792

The bills contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Agriculture recommends the following pass: SB 716

The Committee on Environmental Preservation recommends the following pass: SB 772, SB 824 with 2 amendments

The Committee on Judiciary recommends the following pass: SB 1184

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Agriculture recommends the following pass: SB 558

The Committee on Transportation recommends the following pass: SB 530 with 4 amendments, SB 1344 with 4 amendments

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Agriculture recommends the following pass: CS for SB 502

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 786, SB 1254 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 468

The Committee on Regulated Industries recommends the following pass: SB 666

The bills contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Children and Families recommends the following pass: SB 904

The Committee on Criminal Justice recommends the following pass: SB 656 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 974

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Children and Families recommends the following pass: SB 348

The Committee on Community Affairs recommends the following pass: SB 208, SB 354 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 498

The bills contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 1042

The bill was referred to the Committee on Health Care under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 698 with 2 amendments

The Committee on Commerce and Consumer Services recommends the following pass: SB 1454

The Committee on Criminal Justice recommends the following pass: SB 274 with 1 amendment, SB 276, SB 654

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 266

The Committee on Criminal Justice recommends the following pass: SB 312, SB 730, SB 1020 with 2 amendments

The Committee on Judiciary recommends the following pass: SB 162, SB 544 with 1 amendment

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SB 114, SB 724

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Domestic Security recommends a committee substitute for the following: SB 1062

The Committee on Regulated Industries recommends committee substitutes for the following: SB 590, SB 1308

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Domestic Security recommends a committee substitute for the following: SB 1228

The Committee on Transportation recommends a committee substitute for the following: SB 1130

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1246

The Committee on Regulated Industries recommends a committee substitute for the following: SB 816

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 572

The bill with committee substitute attached was referred to the Committee on Domestic Security under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 528, SB 664

The bills with committee substitutes attached were referred to the Committee on Education Appropriations under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1508

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1310

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1090

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1486

The Committee on Children and Families recommends a committee substitute for the following: SB 758

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 688

The bill with committee substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: CS for SB 434

The bill with committee substitute attached was placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Wilson—

SB 1516—A bill to be entitled An act relating to respite care; amending s. 52 of ch. 2001-45, Laws of Florida, as amended; specifying nonapplication of a moratorium on certificates of need for the addition of nursing home beds for nursing homes that provide respite care for certain persons; providing for repeal; requiring the Agency for Health Care Administration to adopt rules for the provision of respite care by nursing homes; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

SR 1518—Not referenced.

By Senator Lynn—

SB 1520—A bill to be entitled An act relating to consumer protection; amending s. 493.6303, F.S.; revising training requirements for obtaining a Class "D" license; requiring a minimum number of hours of training in terrorism awareness or other training prescribed by the Department of Agriculture and Consumer Services; providing a timeframe for submitting proof of having completed the training; revising the number of training hours required; amending s. 501.059, F.S.; redefining the term "telephonic sales call" to provide that the term applies to sales of any goods or services; redefining the term "consumer goods or services" to

remove the term "consumer" and include property used for business purposes; redefining the term "consumer," to conform; redefining the term "merchant" to include the offering of goods and services; redefining the term "doing business in this state" to include calls to telephone numbers in this state; requiring a telephone solicitor to identify himself or herself when calling any telephone number; adding a business to those who may subscribe to the "no sales solicitation calls" listing of the Department of Agriculture and Consumer Services; prohibiting the transmission of facsimile documents under certain circumstances; providing for attorney's fees and for the recovery of certain litigation expenses by the department and the Department of Legal Affairs; repealing ss. 546.001, 546.002, 546.003, 546.004, 546.006, and 546.008, F.S., relating to the "Amusement Ride and Attraction Insurance Act"; amending s. 559.801, F.S.; redefining the term "business opportunity" for purposes of the "Sale of Business Opportunities Act"; amending s. 559.920, F.S.; redefining actions by motor vehicle repair shops or employees which are unlawful; amending s. 559.928, F.S.; revising information to be submitted for registration as a seller of travel and information submitted by independent agents; requiring the payment of an annual fee; amending s. 616.242, F.S.; deleting provisions authorizing the owner of an amusement ride to maintain liability protection in the form of a surety bond; exempting certain governmental entities from a requirement to maintain liability protection covering amusement rides; amending s. 849.094, F.S.; redefining the term "operator" for purposes of the regulation of game promotions; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Judiciary; and General Government Appropriations.

By Senator Baker—

SB 1522—A bill to be entitled An act relating to Medicaid eligibility; amending s. 409.902, F.S.; providing asset transfer limitations for determination of eligibility for nursing facility services under the Medicaid program; authorizing the Department of Children and Family Services to adopt rules; providing a contingent effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Ways and Means.

By Senators Rich and Dawson—

SB 1524—A bill to be entitled An act relating to mental health care services; creating s. 409.91225, F.S.; directing the Agency for Health Care Administration, in cooperation with the Department of Children and Family Services, to develop a pilot program in district 10 for a mental health care provider service network to deliver mental health care services as a form of managed care under the MediPass program; providing legislative intent; providing powers, duties, and responsibilities of the agency under the program; directing the agency to determine the medical and financial eligibility standards for individuals seeking services from the program and the criteria for mental health care providers to participate in the program; providing for agreements with other governmental programs and institutions; providing for oversight; providing rulemaking authority; requiring a report to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Health Care; Children and Families; and Health and Human Services Appropriations.

By Senator Baker—

SB 1526—A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.071, F.S.; making the killing of an unborn quick child rather than the killing of a viable fetus a "vehicular homicide"; deleting a provision describing the viability of a fetus; amending s. 782.09, F.S.; defining the term "unborn quick child"; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; amending ss. 435.03 and 435.04, F.S., to conform language to changes made by s. 782.09, F.S., and reenacting ss. 435.03(2)(f) and 435.04(2)(f), F.S., relating to Level 1 and Level 2 screening standards, respectively, to incorporate the amendment to s. 782.071, F.S., in references thereto; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart, to conform provisions to changes made by the act, and reenacting paragraphs (3)(h) and (i), to incorporate the amendments to ss. 316.193 and 782.071, F.S., in references thereto; reenacting s. 316.656(3), F.S., relating to mandatory adjudication, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 947.146(3)(j), F.S., relating to the Control Release Authority, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 960.03(3)(b), F.S., relating to the definition of "crime" under the Florida Crimes Compensation Act, to incorporate the amendment to s. 782.071, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Bullard—

SB 1528—A bill to be entitled An act relating to the Florida Keys Aqueduct Authority, Monroe County; providing for codification of special laws relating to the Florida Keys Aqueduct Authority; providing legislative intent; codifying, repealing, amending, and reenacting chapters 76-441, 77-604, 77-605, 80-546, 83-468, 84-483, 84-484, 86-419, 87-454, 98-519, 2003-304, and 2003-327, Laws of Florida; providing for liberal construction; providing a savings clause in the event any provision of the act is deemed invalid; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Haridopolos—

SB 1530—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida; amending the powers and duties of the Canaveral Port District, an independent special district in Brevard County, to authorize the district to sell or otherwise dispose of certain real property; providing the procedure for such sale or other disposition; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Wilson—

SB 1532—A bill to be entitled An act relating to the Medicaid program; amending s. 409.91195, F.S.; requiring that the Medicaid Pharmaceutical and Therapeutics Committee recommend medications used to relieve the symptoms of the influenza virus to the Agency for Health Care Administration; providing that prior authorization for such medications is not required during certain months; amending s. 409.912, F.S.; authorizing the agency to remove the prior-authorization requirement for influenza drugs recommended by the committee; requiring that the agency reimburse a maximum supply of one medication used to treat the influenza virus; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senators Rich and Margolis—

SB 1534—A bill to be entitled An act relating to adoption; amending s. 63.042, F.S.; providing that a person who is a homosexual is eligible

to be an adoptive parent under certain enumerated circumstances; requiring that the eligibility criteria be met by clear and convincing evidence; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

By Senator Hill—

SB 1536—A bill to be entitled An act relating to health care disclosure; providing definitions; requiring the Office of Insurance Regulation of the Department of Financial Services to identify employers of persons receiving certain medical assistance and employers of proposed beneficiaries of certain health care benefits; requiring reports to the Legislature; providing for public access to such information; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and General Government Appropriations.

By Senator Hill—

SB 1538—A bill to be entitled An act relating to wage discrimination; amending s. 760.02, F.S.; providing definitions; amending s. 760.06, F.S.; requiring rulemaking by the Florida Commission on Human Relations regarding job criteria guidelines; amending s. 760.10, F.S.; clarifying provisions with respect to discrimination against individuals which constitutes an unlawful employment practice; clarifying administrative and civil remedies; creating s. 760.105, F.S.; providing for wage disclosure, recordkeeping, and reporting requirements of employers; requiring rulemaking by the Florida Commission on Human Relations regarding requirements; providing for relief and damages for violation of requirements; amending s. 760.11, F.S., relating to administrative and civil remedies under the Florida Civil Rights Act of 1992; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Judiciary; and Governmental Oversight and Productivity.

SR 1540—Not referenced.

By Senator Dockery—

SB 1542—A bill to be entitled An act relating to the reuse and recycling of campaign signs; creating s. 403.71853, F.S.; authorizing the Department of Environmental Protection to implement a pilot project to encourage the reuse or recycling of campaign signs; authorizing the use of funds from the Solid Waste Management Trust Fund; authorizing grants to large and small counties; providing for the purpose of the grants; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; and General Government Appropriations.

By Senator Rich—

SM 1544—A memorial to the Congress of the United States, urging the review and reorganization of Federal Emergency Management Agency policies and administrative procedures for the purpose of avoiding delays in cleanup and reimbursement in the aftermath of declared disasters.

—was referred to the Committee on Rules and Calendar.

SR 1546—Not referenced.

By Senator Wilson—

SB 1548—A bill to be entitled An act relating to racial profiling; prescribing responses that the Attorney General may take upon the filing of a complaint alleging racial profiling against a law enforcement officer or agency; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator King—

SB 1550—A bill to be entitled An act relating to bicycle regulation; amending s. 316.2065, F.S.; revising safety standard requirements for bicycle helmets that must be worn by certain riders and passengers; providing for enforcement of certain bicycle equipment requirements; providing penalties for violations; providing for dismissal of a first offense; providing an effective date.

—was referred to the Committees on Transportation; and Rules and Calendar.

By Senator Dockery—

SB 1552—A bill to be entitled An act relating to phosphate mining; amending s. 215.20, F.S.; eliminating the Phosphate Research Trust Fund from among the enumerated trust funds that contribute to the General Revenue Fund; amending s. 215.22, F.S.; exempting the Phosphate Research Trust Fund from the contribution to the General Revenue Fund required under s. 215.20, F.S.; repealing s. 378.101(1)(i), F.S., relating to a requirement that subjects the Phosphate Research Trust Fund to the service charge imposed under ch. 215, F.S.; providing an effective date.

—was referred to the Committees on Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

By Senator Wise—

SB 1554—A bill to be entitled An act relating to contracting for efficiency or conservation measures by state agencies; amending s. 489.145, F.S.; including water and wastewater efficiency and conservation in the measures encouraged by the Legislature; providing definitions; providing for inclusion of water and wastewater efficiency and conservation measures in guaranteed performance savings contracts entered into by a state agency; amending s. 287.064, F.S., to conform; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Regulated Industries; Government Efficiency Appropriations; and General Government Appropriations.

By Senator Lynn—

SB 1556—A bill to be entitled An act relating to workforce education; expressing the legislative intent to revise laws relating to workforce education; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; Education Appropriations; Ways and Means; and Rules and Calendar.

By Senator Lynn—

SB 1558—A bill to be entitled An act relating to enterprise zones; repealing s. 290.016, F.S.; abrogating the repeal of the Florida Enterprise Zone Act of 1994; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Constantine—

SB 1560—A bill to be entitled An act relating to student assessment; amending s. 1008.22, F.S.; requiring the Department of Education to conduct a concordance study to identify alternative examinations for the grade 10 FCAT for certain students with limited English proficiency; requiring approval of such examinations by the Commissioner of Education; providing student eligibility requirements; providing for satisfaction of the assessment requirement for high school graduation; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

Senate Resolutions 1562-1564—Not referenced.

By Senators Baker and Fasano—

SB 1566—A bill to be entitled An act relating to public school student progression; amending s. 1008.25, F.S.; requiring the comprehensive program for student progression to include assessment of performance in social studies; clarifying participation in the statewide assessment program; amending ss. 1003.51 and 1003.52, F.S.; conforming provisions relating to subject area grade level proficiency of students in Department of Juvenile Justice education programs; specifying that the act does not require a change in subject areas measured by the statewide assessment program; providing an effective date.

—was referred to the Committees on Education; Education Appropriations; and Rules and Calendar.

By Senator Aronberg—

SB 1568—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "compensation" to include certain supplementary payments made to firefighters, paramedics, and emergency medical technicians and to certain employer-reported retirement contributions; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and Ways and Means.

SR 1570—Not referenced.

By Senator Bennett—

SB 1572—A bill to be entitled An act relating to the Scripps Florida Funding Corporation; amending s. 288.955, F.S.; providing that the board of directors of the corporation shall have the exclusive right to select a provider or providers of water and wastewater facilities for the biomedical research institution and campus to be established by The Scripps Research Institute; specifying considerations with respect to the selection of a service provider by the board; repealing section 4, ch. 2003-420, Laws of Florida, relating to the authority of the county in which a facility established under s. 288.955, F.S., is located to provide water and wastewater services; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Transportation and Economic Development Appropriations; and Rules and Calendar.

By Senator Siplin—

SB 1574—A bill to be entitled An act relating to the use of Tasers; prohibiting the use of a Taser or similar device on an individual whom the user knows or should have known to be a minor; providing penalties; providing an effective date.

—was referred to the Committees on Judiciary; and Criminal Justice.

By Senator Fasano—

SB 1576—A bill to be entitled An act relating to the funding of dredging projects; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing criteria for the rules; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; providing an effective date.

—was referred to the Committees on Transportation; Commerce and Consumer Services; and Transportation and Economic Development Appropriations.

By Senator Lynn—

SB 1578—A bill to be entitled An act relating to court costs for drug court programs; creating s. 938.20, F.S.; authorizing counties to provide by ordinance for funding of drug court programs through the assessment of an additional mandatory court cost; providing for the assessment to be imposed against persons convicted of certain violations of drug abuse prevention and control provisions, violations of a municipal or county ordinance, or traffic violations involving alcohol or other substance use or abuse and resulting in payment of a fine or penalty; providing an exception; providing for collection and deposit of the assessment; providing for administration of the funds; providing an effective date.

—was referred to the Committees on Judiciary; Government Efficiency Appropriations; and Justice Appropriations.

By Senator Wilson—

SB 1580—A bill to be entitled An act relating to reservations of the Miccosukee Tribe of Indians of Florida; amending s. 285.16, F.S.; specifying that the state's jurisdiction over criminal offenses committed within Indian reservations and over civil causes of action arising on reservations between Indians or other persons or to which Indians or other persons are parties does not apply to Indian reservations of the Miccosukee Tribe of Indians of Florida; reenacting s. 285.061(3), F.S., relating to transfer of land to United States in trust for the Seminole and Miccosukee Indian Tribes, and s. 285.18(2)(c), F.S., relating to tribal councils, to incorporate the amendment to s. 285.16, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; Judiciary; and Rules and Calendar.

By Senator Bullard—

SB 1582—A bill to be entitled An act relating to the corporate income tax; creating s. 220.192, F.S.; providing a tax credit for donations to the Cultural Institutions Trust Fund; providing that the unused amount of a credit may not be carried forward; prohibiting conveying, assigning, or transferring the credit to another entity except as specified; providing application procedures; providing for rulemaking by the Department of Revenue; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Government Efficiency Appropriations; and Ways and Means.

By Senator Campbell—

SB 1584—A bill to be entitled An act relating to firefighter training certification; amending s. 633.35, F.S.; providing for issuance of a certificate of compliance of firefighter training by the Division of State Fire Marshal to a person who holds a federal firefighter certification; defining

the term "federal firefighter certification"; amending s. 590.02, F.S., to conform; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Campbell—

SB 1586—A bill to be entitled An act relating to procurement; amending s. 287.012, F.S.; providing definitions; creating s. 287.046, F.S.; providing for outsourcing or privatization of functions; providing procedural, contractual, and negotiation requirements; providing contract amendment requirements and limitations; providing requirements for share-in-savings contracts; requiring contracting agencies to annually report to the Governor, the Legislature, and certain entities; providing reporting requirements; requiring the Department of Management Services to annually report to the Governor, Legislature, and certain entities; providing reporting requirements; requiring the Department of Management Services to establish a personnel training program for certain purposes; amending s. 283.33, F.S.; correcting a cross-reference; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Government Efficiency Appropriations; General Government Appropriations; Ways and Means; and Rules and Calendar.

SR 1588—Not referenced.

By Senator Garcia—

SB 1590—A bill to be entitled An act relating to joint underwriters and reinsurers; amending s. 627.311, F.S.; providing requirements for the joint underwriting plan of insurers that operates as a nonprofit entity; requiring that the plan maintain its headquarters in Tallahassee; increasing the membership of the board of governors that oversees operation of the joint underwriting plan; authorizing the Financial Services Commission to remove a board member for cause; authorizing the board to select service providers competitively; requiring that the board provide notice of intent to solicit bids; requiring that the board provide for an annual review of the administrative costs of the plan and determine alternatives for procuring goods and services efficiently; requiring that the Office of Insurance Regulation review filings of the joint underwriting plan of workers' compensation insurers; requiring that the office annually approve rates; deleting certain provisions limiting the disapproval of rates by the office; requiring that excess funds received by the plan be returned to the state; providing an effective date.

—was referred to the Committees on Banking and Insurance; Government Efficiency Appropriations; and General Government Appropriations.

By Senators Haridopolos, Pruitt, Villalobos, Baker, Fasano, Atwater, Bennett, Clary, Saunders, Lynn, Sebesta, Jones, Wise, Alexander, Webster, King, Posey, Peaden, Constantine, Diaz de la Portilla, Argenziano and Crist—

SB 1592—A bill to be entitled An act relating to the Department of Military Affairs; amending s. 250.01, F.S.; defining the term "servicemembers' group life insurance"; creating s. 250.342, F.S.; requiring the department to provide life insurance for members of the Florida National Guard, subject to appropriation; requiring a report; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

By Senator Argenziano—

SB 1594—A bill to be entitled An act relating to public records and meetings; expressing the legislative intent to create an exemption from public records and meetings requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; Ways and Means; and Rules and Calendar.

By Senator Argenziano—

SB 1596—A bill to be entitled An act relating to public records and meetings; expressing the legislative intent to create an exemption from public records and meetings requirements; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Judiciary; Ways and Means; and Rules and Calendar.

By Senator Dockery—

SB 1598—A bill to be entitled An act relating to enterprise zones; creating s. 290.00710, F.S.; authorizing the City of Lakeland to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Lynn—

SB 1600—A bill to be entitled An act relating to child care health and safety; amending s. 402.302, F.S.; redefining the term "screening" to allow the Department of Children and Family Services to screen volunteers for past employment and criminal histories; amending s. 402.310, F.S.; providing that the registration of a family day care home is subject to certain disciplinary actions; providing that a consistent administrative fine may be imposed for all provider types, in addition to or in lieu of other disciplinary actions; specifying the factors the department must consider when selecting a disciplinary action against a licensee or registrant; providing an applicant, licensee, and registrant the right to appeal; amending ss. 402.313 and 402.3131, F.S.; removing conflicting provisions regarding an administrative fine; providing an effective date.

—was referred to the Committees on Children and Families; and Health and Human Services Appropriations.

By Senator Baker—

SB 1602—A bill to be entitled An act relating to state tax funds; amending s. 213.756, F.S.; specifying a complete defense to certain actions by a purchaser to recover taxes or for a refund of taxes; providing application; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Government Efficiency Appropriations.

By Senators Lynn and Fasano—

SB 1604—A bill to be entitled An act relating to the Florida 211 Network; amending s. 408.918, F.S.; requiring the Florida 211 Network to provide services in each county and to coordinate services with county emergency operations centers during disasters; providing requirements for distribution of state funds appropriated for such purposes; requiring local matching funds; requiring expenditure reports to the Florida Alliance of Information and Referral Services, the Agency for Health Care

Administration, and the Legislature; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; Community Affairs; Health and Human Services Appropriations; and Ways and Means.

By Senator Lynn—

SB 1606—A bill to be entitled An act relating to road designations; designating a portion of East Silver Springs Boulevard in the City of Ocala as the "Dr. John M. Haile Memorial Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Clary—

SB 1608—A bill to be entitled An act relating to architecture and interior design; amending s. 481.219, F.S.; revising provisions on architectural and interior design services certifications to include applicability to limited liability companies; amending s. 481.221, F.S.; authorizing the use of an electronic seal under certain circumstances; providing for the adoption of certain rules; applying requirements on the display of certificate numbers to limited liability companies; amending s. 481.225, F.S.; revising grounds for disciplinary actions; amending s. 481.229, F.S.; revising an exemption relating to interior design services and titles to include applicability to certain limited liability companies; providing an effective date.

—was referred to the Committees on Regulated Industries; and Commerce and Consumer Services.

By Senators Atwater and Fasano—

SB 1610—A bill to be entitled An act relating to recreational licenses and permits; amending s. 372.562, F.S.; revising the exemption from recreational license and permit requirements to include additional military personnel; reenacting ss. 372.57(1) and 372.5717(7), F.S., relating to recreational licenses, permits, and authorization numbers and fees and to a hunter safety course, respectively, to incorporate the amendment to s. 372.562, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

By Senator Atwater—

SB 1612—A bill to be entitled An act relating to water management district security; creating s. 373.6055, F.S.; requiring water management districts with structures or facilities identified as critical infrastructure to conduct criminal history checks of certain persons; authorizing water management districts with structures or facilities that are not identified as critical infrastructure to conduct criminal history checks of certain persons; providing requirements for criminal history checks; requiring submission of fingerprints to the Department of Law Enforcement and the Federal Bureau of Investigation; providing for payment of criminal history check costs; requiring the water management district's security plan to identify criminal history convictions or factors that disqualify applicants for employment and restricted area access; authorizing the use of such factors to disqualify certain employees and other persons; authorizing water management districts to establish appeal procedures; authorizing water management districts to grant temporary waivers; providing offenses that disqualify a person from employment or access to a restricted access area; providing an exception to disqualification; providing an effective date.

—was referred to the Committees on Environmental Preservation; Domestic Security; Criminal Justice; and General Government Appropriations.

By Senator Aronberg—

SB 1614—A bill to be entitled An act relating to life insurance for Florida National Guard members; providing for issuing a life insurance policy to members of the Florida National Guard under certain circumstances; specifying an amount; requiring the Legislature to provide for a continuing appropriation to pay the premiums on such policies under certain circumstances; providing for repeal if the policies and premiums are provided by the Federal Government; providing an effective date.

—was referred to the Committees on Community Affairs; Transportation and Economic Development Appropriations; and Rules and Calendar.

By Senator Atwater—

SB 1616—A bill to be entitled An act relating to insurable interests; amending s. 627.404, F.S.; authorizing a trust, partnership, limited liability company, or similar entity approved by a university meeting specified criteria to own or purchase life insurance on a consenting person; prescribing guidelines and requirements for such life insurance; requiring approval by the Department of Financial Services; providing an effective date.

—was referred to the Committees on Banking and Insurance; Education Appropriations; and Rules and Calendar.

By Senators Atwater and Fasano—

SB 1618—A bill to be entitled An act relating to the Autism Spectrum Disorder Medicaid Waiver Program; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to work with the Agency for Persons with Disabilities to develop a Medicaid waiver program for children with Autism Spectrum Disorder; providing a definition; providing for implementation subject to the availability of funds; authorizing the agency to adopt rules; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; and Health and Human Services Appropriations.

By Senator Atwater—

SB 1620—A bill to be entitled An act relating to sales tax exemptions; amending s. 212.08, F.S.; abrogating the repeal of a tax exemption for solar energy systems; providing an effective date.

—was referred to the Committees on Environmental Preservation; Government Efficiency Appropriations; and Ways and Means.

By Senator Atwater—

SB 1622—A bill to be entitled An act relating to hospices; amending s. 400.601, F.S.; redefining the term "hospice" for purposes of part VI of ch. 400, F.S., to remove the stipulation of not-for-profit status; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Campbell—

SB 1624—A bill to be entitled An act relating to the state excise tax on property insurance premiums; amending s. 175.101, F.S.; authorizing municipalities providing fire protection in other municipalities to assess and impose such tax on premiums of policies on property in such other municipalities; providing an effective date.

—was referred to the Committees on Community Affairs; Banking and Insurance; Governmental Oversight and Productivity; and Government Efficiency Appropriations.

By Senator Crist—

SB 1626—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; authorizing designation of positions within the offices of the capital collateral regional counsels as Senior Management Service Class; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senator Crist—

SB 1628—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public-records requirements for personal identifying information contained in records concerning current or former juvenile probation officers, juvenile probation supervisors, and juvenile detention officers of the Department of Juvenile Justice, and their spouses and children; providing for future repeal and legislative review under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Smith—

SB 1630—A bill to be entitled An act relating to recycling of recovered construction and demolition materials; creating s. 403.7047, F.S.; providing purpose; providing a definition; requiring local governments to create, if feasible, separate franchises for the collection, transportation, and recycling of recovered construction and demolition materials; providing for determination of feasibility; providing sanctions; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; and General Government Appropriations.

By Senators Smith and Fasano—

SB 1632—A bill to be entitled An act relating to DUI programs; amending s. 322.292, F.S.; requiring DUI classes to be taught by a certified instructor in a classroom in which the instructor and all offenders in the class are present; prohibiting any other method of instruction; providing an effective date.

—was referred to the Committees on Transportation; and Judiciary.

By Senator Webster—

SB 1634—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "average final compensation"; increasing a contribution rate for certain benefit change funding purposes; providing a declaration of important state interest; amending s. 121.0515, F.S.; adding certain code compliance officers to the Special Risk Class; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Community Affairs; Ways and Means; and Rules and Calendar.

By Senator Smith—

SB 1636—A bill to be entitled An act relating to liability of in-home services companies and residential delivery companies for negligent hiring, retention, or supervision; providing definitions; requiring an in-home service company or residential delivery company to obtain criminal history information concerning certain employees, agents, subcontractors, and independent contractors from the Department of Law Enforcement or private vendor; providing conditions under which a person may file suit against an in-home service company or residential delivery company for negligent hiring; providing rebuttable presumptions; authorizing an in-home service company or residential delivery company to obtain criminal history information concerning certain applicants and employed persons from the Department of Law Enforcement or a private vendor; prohibiting the disclosure of criminal history information except under certain circumstances; requiring an in-home service company or residential delivery company to maintain criminal history information for a specified period; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Criminal Justice; and Judiciary.

By Senator Smith—

SB 1638—A bill to be entitled An act relating to youth custody officers; amending s. 985.2075, F.S.; authorizing a youth custody officer to take a youth into custody if the officer has probable cause to believe that the youth has escaped from a facility operated by or under contract with the department or has absconded from the supervision of the department; requiring the youth custody officer to file certain criminal information and gather evidence for court before delivering the youth to certain facilities; providing an effective date.

—was referred to the Committees on Criminal Justice; and Justice Appropriations.

By Senator Smith—

SB 1640—A bill to be entitled An act relating to attorney's fees in eminent domain actions; amending s. 73.032, F.S.; deleting the monetary limitation on payment of compensation by a petitioner in an eminent domain action; repealing s. 73.092, F.S., relating to attorney's fees in such proceedings; amending ss. 73.015 and 73.091, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Judiciary; Transportation; Transportation and Economic Development Appropriations; and Rules and Calendar.

By Senator Smith—

SB 1642—A bill to be entitled An act relating to driving or boating under the influence; amending s. 316.193, F.S.; revising the level of alcohol content in blood or breath at which certain penalties apply for the offense of driving under the influence; amending s. 316.656, F.S.; revising the level of alcohol content in blood or breath at which the prohibition against accepting a plea to a lesser offense applies; amending s. 327.35, F.S.; revising the level of alcohol content in blood or breath at which certain penalties apply for the offense of boating under the influence; reenacting ss. 142.01(1), 316.066(3)(a), 316.072(4)(b), 316.1932(3), 316.1933(4), 316.1934(1) and (4), 316.1937(1) and (2)(d), 316.1939(1)(b), 318.143(4) and (5), 318.17(3), 322.03(2), 322.0602(2)(a), 322.21(8), 322.25(5), 322.26(1)(a), 322.2615(1), (2), (7), (8)(b), (10)(b), and (14), 322.2616(1)(a), (15), and (19), 322.264(1)(b), 322.271(2)(a), (2)(c), and (4),

322.28(2), 322.282(2)(a), 322.291(1)(a), 322.34(9)(a), 322.44, 322.62(3), 322.63(2)(d) and (6), 322.64(1), (2), (7)(a), (8)(b), (14), and (15), 323.001(4)(f), 327.35(6), 397.405(10), 440.02(17)(c), 440.09(7)(b), 493.6106(1)(d), 627.758(4), 790.06(2)(f) and (10)(f), 903.36(2), 907.041(4)(c), 938.07, 938.21, 938.23(1), 943.05(2)(d), 948.03(8)(b), 948.036(2), and 960.03(3)(b), F.S.; incorporating the amendment to s. 316.193, F.S., in references thereto; reenacting ss. 142.01(1), 327.352(3), 327.35215(1) and (2), 327.353(4), 327.354(1) and (4), 327.355(1)(a) and (4), 327.359(2), 327.36, and 938.07, F.S.; incorporating the amendment to s. 327.35, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Transportation; and Justice Appropriations.

By Senator Campbell—

SB 1644—A bill to be entitled An act relating to economic-development incentives; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; amending s. 288.1162, F.S.; providing a procedure for certification of additional facilities for a retained spring training franchise; providing for application and selection; establishing a maximum number of certifications and the funding per application cycle; clarifying the number of certifications of facilities for retained spring training franchises; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Ways and Means.

By Senator Wilson—

SB 1646—A bill to be entitled An act relating to school health services; providing a short title; amending ss. 381.0056 and 768.28, F.S.; specifying that certain persons be considered agents of the state for purposes of sovereign immunity when rendering specified services; creating s. 381.0058, F.S., relating to public-private partnerships for the provision of school nurse services; providing legislative intent and purpose; providing departmental duties; providing a process for proposal submission and review; providing for the scope of services to be provided; providing for review and selection criteria; providing legislative intent relating to funding of the act; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; Education; Judiciary; Health and Human Services Appropriations; and Ways and Means.

By Senator Fasano—

SB 1648—A bill to be entitled An act relating to highway signs; requiring the Department of Transportation to erect directional signs to certain colleges and universities in this state; requiring such colleges or universities to pay for the construction, erection, and maintenance of such signs; providing an effective date.

—was referred to the Committees on Transportation; and Education Appropriations.

By Senator King—

SB 1650—A bill to be entitled An act relating to workforce innovation; amending s. 20.50, F.S.; revising the organization, powers, and duties of the Agency for Workforce Innovation; deleting references to specific programs; amending s. 445.003, F.S.; revising certain provisions relating to funding under the federal Workforce Investment Act of 1998; deleting obsolete provisions; amending s. 445.004, F.S.; providing that members and employees of Workforce Florida, Inc., are covered by the waiver of sovereign immunity in s. 768.28, F.S.; revising membership and appointment of the board of directors of Workforce Florida, Inc., and increasing terms of members; providing for use of telecommunications to facilitate meetings; revising duties of the board chair and of Workforce Florida, Inc.; providing for rules; providing additional qualifications for certain board members; authorizing activities, incentives, and awards; amending s. 445.006, F.S.; providing for an operational plan; amending s. 445.007, F.S.; providing for the use of telecommunications to facilitate meetings of regional workforce boards; authorizing activities, incentives, and awards by regional workforce boards and their subordinate entities; deleting obsolete provisions; amending s. 445.009, F.S.; deleting provisions relating to performance evaluation; deleting obsolete provisions; requiring development of a plan for leveraging resources; amending s. 445.019, F.S.; providing an additional purpose of the teen parent and pregnancy prevention diversion program; amending s. 445.020, F.S.; requiring the Temporary Assistance for Needy Families state plan to indicate financial criteria for determination of needy families or parents, when required by federal regulations; amending s. 427.012, F.S.; providing for the director of the agency to serve on the Commission for the Transportation Disadvantaged; repealing s. 445.005, F.S., relating to First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages Councils of Workforce Florida, Inc., s. 445.012, F.S., relating to Careers for Florida's Future Incentive Grant Program, s. 445.0121, F.S., relating to student eligibility requirements for initial awards, s. 445.0122, F.S., relating to student eligibility requirements for renewal awards, s. 445.0123, F.S., relating to eligible postsecondary education institutions, s. 445.0124, F.S., relating to eligible programs, s. 445.0125, F.S., relating to repayment schedule, s. 445.013, F.S., relating to challenge grants in support of welfare-to-work initiatives, s. 446.21, F.S., providing a short title, s. 446.22, F.S., relating to definitions for the Florida Youth-at-Risk 2000 Pilot Program, s. 446.23, F.S., relating to obligations of a mentor, s. 446.24, F.S., relating to obligations of a youth participant, s. 446.25, F.S., relating to implementation of the program, s. 446.26, F.S., relating to funding the program, and s. 446.27, F.S., relating to an annual report; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

By Senator King—

SB 1652—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; exempting proceedings conducted by special deputies under chapter 443, F.S., from uniform rules of procedure; amending s. 443.071, F.S.; prohibiting establishing a fictitious employing unit for the purpose of receiving unemployment benefits; describing those acts that constitute prima facie evidence of establishing a personal benefit account and of claiming and receiving unemployment benefits; providing penalties; providing for access to certain investigative records; amending s. 443.091, F.S.; revising certain conditions of benefit eligibility; amending s. 443.1216, F.S.; clarifying powers of employee leasing companies in leasing officers and other workers to clients; restating types of employment exempt from coverage under chapter 443, F.S.; amending s. 443.1217, F.S.; providing applicability of guidelines for determining those wages subject to chapter 443, F.S.; amending s. 443.131, F.S.; redefining the term "total excess payments"; prescribing guidelines for transferring unemployment experience upon transfer or acquisition of a business; providing penalties for unlawful acts related to such transfer; amending s. 443.1317, F.S.; providing for an official seal for the Agency for Workforce Innovation; amending s. 443.151, F.S.; prescribing procedures with respect to untimely appeals; amending s. 895.02, F.S.; redefining the term "racketeering activity," for purposes of the criminal statutes pertaining to that offense, to include creation of fictitious employer schemes to commit unemployment compensation fraud; providing effective dates.

—was referred to the Committees on Commerce and Consumer Services; Criminal Justice; and Transportation and Economic Development Appropriations.

By Senator Fasano—

SB 1654—A bill to be entitled An act relating to veterinary drug distribution; amending s. 499.01, F.S.; requiring a veterinary drug distributor to obtain a permit from the Department of Health before distributing both veterinary legend drugs and certain human drugs permitted

by the department; amending s. 499.0121, F.S.; requiring a wholesale distributor of a prescription drug to provide the recipient of the drug with pedigree papers if such a drug is intended for sale to a human recipient; exempting drugs approved as human drugs sold directly to veterinarians from the pedigree-paper requirement; providing an effective date.

—was referred to the Committees on Regulated Industries; and Health Care.

By Senator Fasano—

SB 1656—A bill to be entitled An act relating to interim rates for water or wastewater utilities; amending s. 367.082, F.S.; providing that if the Public Service Commission does not approve the full amount of the final rate requested by the utility, the utility may keep only a portion of the interim revenues collected; providing a method to determine the total interim revenues the utility may keep; requiring the utility to refund the balance of interim revenues to the customers of the utility; requiring the utility to refund all revenues collected if the commission does not approve a rate increase or if the commission decreases the rates of the utility; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; and Community Affairs.

By Senator Fasano—

SB 1658—A bill to be entitled An act relating to the taxation of alcoholic beverages; amending s. 561.121, F.S.; deleting provisions crediting specified taxes on alcoholic beverages to accounts funding substance abuse programs for children and adolescents; terminating the Children and Adolescence Substance Abuse Trust Fund within the Department of Children and Family Services; providing for disposition of balances in and revenues of such trust funds; amending s. 215.20, F.S.; conforming provisions to the repeal of the trust fund; repealing s. 561.501(1), F.S., relating to a surcharge on alcoholic beverages sold for consumption on the premises; repealing 561.501, F.S., relating to the collection of the alcoholic beverage surcharge; repealing 561.121(4), F.S.; conforming provisions to the repeal of the alcoholic beverages surcharges; providing effective dates.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; Health and Human Services Appropriations; and Ways and Means.

By Senators Fasano, Lawson and Baker—

SB 1660—A bill to be entitled An act relating to employee health care access; amending s. 627.6699, F.S.; revising standards for determining applicability of the Employee Health Care Access Act; prescribing acts that may be performed by an employer without being considered contributing to premiums or facilitating administration of a policy; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Fasano—

SB 1662—A bill to be entitled An act relating to insurance; amending s. 626.901, F.S.; revising an exception from the prohibition against representing or aiding unauthorized insurers; providing for immediate cease-and-desist orders for violations of the prohibition; providing legislative findings; authorizing investigations of activities that may constitute violations of the prohibition; amending s. 626.902, F.S.; providing an exception from penalty provisions for aiding an unauthorized insurer; amending s. 626.908, F.S.; providing conditions on defenses of certain actions against unauthorized insurers and persons representing or aiding them; prescribing a time limit on motions to quash or set aside service of process in actions against such unauthorized insurers and other persons; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Peaden—

SB 1664—A bill to be entitled An act relating to contaminated drycleaning facilities; amending s. 376.3078, F.S.; providing that a drycleaning facility where an accident caused or exacerbated contamination is eligible for an exemption from liability; defining the term "accident"; providing an effective date.

—was referred to the Committees on Environmental Preservation; Judiciary; and General Government Appropriations.

Senate Resolutions 1666-1668—Not referenced.

By Senators Dockery and Pruitt—

SB 1670—A bill to be entitled An act relating to the Oceans and Coastal Resources Conservation and Management Act; creating part IV of ch. 161, F.S., consisting of ss. 161.70, 161.171, 161.72, 161.73, 161.74, 161.75, 161.76, 161.77, and 161.78, F.S.; providing definitions; establishing purposes; requiring the state agencies involved in protecting and managing the state's oceans and coastal resources to encourage and support public-private partnerships and programs to preserve those resources; requiring coordination with federal agencies and programs; requiring that the Department of Environmental Protection and the Fish and Wildlife Conservation Commission establish the Florida Oceans and Coastal Science Work Group; establishing conservation and management goals; directing the work group to help develop and implement conservation and management goals; providing for membership of the work group; providing for the Secretary of Environmental Protection and the executive director of the Fish and Wildlife Conservation Commission to jointly chair the group; providing responsibilities of the work group; requiring that the department and commission prepare an oceans and coastal resource assessment for use by the work group; providing for contents of the assessment; requiring that the department and commission, in coordination with the work group, prepare a Florida Oceans and Coastal Scientific Research Plan that recommends research priorities; providing for annual updates of the plan; providing for distribution of the plan to the Legislature; creating the Florida Oceans and Coastal Restoration Program; requiring that the department and commission, in coordination with the work group and other appropriate agencies, develop priorities for restoration of the state's oceans and coastal resources; creating the Florida Oceans and Coastal Sustainable-Use Program; requiring that the department and commission, in coordination with the work group, water management districts, and other appropriate agencies, develop a management framework to ensure sustainable use of the state's oceans and coastal resources; requiring the department and commission to coordinate the activities of the work group, the Florida Oceans and Coastal Restoration Program, and the Florida Oceans and Coastal Sustainable-Use Program to ensure that the actions taken are complementary and not duplicative; authorizing rulemaking by the Department of Environmental Protection and the Fish and Wildlife Conservation Commission; preserving authority otherwise granted to the commission, water management districts, and state agencies; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and General Government Appropriations.

By Senator Lynn—

SB 1672—A bill to be entitled An act relating to termination of parental rights; amending s. 39.806, F.S.; providing that the parental rights of a person incarcerated in a state or federal correctional institution may be terminated if the period of time for which the parent has been and is

expected to be incarcerated will constitute a substantial portion of time before the child attains the age of 18 years; reenacting ss. 39.811(6) and 61.13(2)(b), F.S., relating to the circumstances for which the parental rights of a person may be terminated and shared parental responsibility, to incorporate the amendment made to s. 39.806, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

By Senator Miller—

SB 1674—A bill to be entitled An act relating to certified capital companies; amending s. 288.99, F.S.; expanding the types of investment that such companies may make to include certain low-income communities; defining the term "qualified investing entity"; providing guidelines for investments made by such an entity; revising certain investment requirements; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Banking and Insurance; Government Efficiency Appropriations; and Ways and Means.

By Senator Wise—

SB 1676—A bill to be entitled An act relating to substance abuse services; creating s. 397.4161, F.S.; providing for certification of certain substance abuse services employees who provide certain client services; providing a directive to the Division of Statutory Revision; creating s. 397.755, F.S.; directing the Department of Corrections to create a substance abuse diversion program; providing eligibility criteria for the program; requiring judicial approval for entry to the program; requiring notice to the state attorney and the inmate's counsel; providing a time limit for the judge to respond; directing the department to prepare a postrelease treatment plan; requiring the department to notify the judge before releasing the inmate into the community; requiring the inmate to abide by the order of supervision and the rules of the department; directing the department to provide special training to employees working in the program; authorizing the department to develop performance-based contracts to supply services to the program; permitting the department to establish a system of incentives to promote participation in rehabilitative programs; providing that this act does not confer any right to placement in the substance abuse diversion program; directing the department to track recidivism and recommitment of inmates who have participated in the program; requiring a report to the Governor and Legislature; authorizing rulemaking; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; Judiciary; Justice Appropriations; and Ways and Means.

By Senator Alexander—

SB 1678—A bill to be entitled An act relating to public school class size; amending s. 1003.03, F.S.; revising provisions relating to determination of class size averages for purpose of compliance with class size maximums; providing for reversal of class size reduction operating categorical transfers under certain circumstances; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Klein—

SB 1680—A bill to be entitled An act relating to firefighters; creating s. 112.183, F.S.; providing that death or disability due to certain types of cancer suffered by a firefighter employed by the state or its political subdivisions is presumed accidental and suffered in the line of duty under certain conditions; authorizing purchase of insurance by local governments; providing criteria for physical exams for firefighters; requiring the employing agency to keep records and notify firefighters of their reported exposure to known carcinogens; providing that firefighters employed on the effective date of the act need not comply with physical-examination requirements; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and Ways and Means.

By Senator Klein—

SB 1682—A bill to be entitled An act relating to elections; amending s. 101.048, F.S.; providing that provisional ballots may be cast for specified offices only; authorizing an elector to cast a provisional ballot in any precinct in the county of registration; creating s. 101.2401, F.S.; specifying the number of voting machines that must be provided; amending s. 101.5612, F.S.; requiring all vote-tabulating devices used in early voting to have been successfully tested before placement at early voting sites; amending s. 101.64, F.S.; requiring the supervisor of elections to determine and verify appropriate return postage for absentee ballots; prohibiting information identifying an absent elector's party from being placed on the envelope in which the absentee ballot is delivered or returned; amending s. 101.65, F.S.; requiring absentee ballots to be marked in ink; requiring the amount of postage to return an absentee ballot to be included in the instructions to absent electors; amending s. 101.655, F.S.; revising procedures for absentee voting by residents of assisted living facilities and nursing homes; amending s. 101.657, F.S.; revising requirements for branch offices of the supervisor of elections to be used for early voting; providing for designation of additional early voting sites in government buildings; requiring a minimum number of early voting sites; stating hours during which early voting sites must be open; prescribing duties of supervisors of elections with respect to having sufficient workers at early voting sites and the repair or replacement of malfunctioning voting devices; amending s. 101.6921, F.S.; prohibiting information identifying an absent elector's party from being placed on the envelope in which a first-time voter's absentee ballot is delivered or returned; amending s. 102.031, F.S.; prohibiting all solicitation of voters within 50 feet of any entrance to a polling place; amending s. 104.0515, F.S.; requiring clerks and inspectors to inform law enforcement officers when persons are engaging in prohibited acts of interference with an election or intimidation of voters, regardless of the location of the acts; providing penalties; amending s. 101.5606, F.S.; revising a requirement and providing additional requirements for voting systems that may be approved by the Department of State; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; and Transportation and Economic Development Appropriations.

By the Committee on Commerce and Consumer Services—

SB 1684—A bill to be entitled An act relating to consumer services; directing the State Technology Office to integrate additional features into the state's official Internet website; requiring that the office solicit input from other state agencies; directing the State Technology Office to integrate information concerning the Florida 211 Network into the state's official Internet website; amending s. 570.544, F.S.; designating the Division of Consumer Services within the Department of Agriculture and Consumer Services as the state clearinghouse for matters relating to consumer protection, consumer information, and consumer services; specifying the duties of the division with respect to coordinating with consumer services representatives of other state agencies; requiring the division to coordinate with the Agency for Health Care Administration for exchanging information relating to health and human services; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Governmental Oversight and Productivity; General Government Appropriations; and Ways and Means.

By Senator Alexander—

SB 1686—A bill to be entitled An act relating to the Florida Self-Insurance Guaranty Association; amending s. 440.385, F.S.; requiring certain obligations of the association to be performed, specifically, by its board of directors; providing guidelines for evaluation of the financial

condition of employers and association members; providing for additional remedies in cases of financial extremity by employers; defining the term "insolvency"; revising powers and duties of the Department of Financial Services with respect to the association; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Atwater—

SB 1688—A bill to be entitled An act relating to trusts and other agency relationships; amending s. 711.501, F.S.; including additional investment instruments within the definition of the term "security account"; amending s. 737.402, F.S.; revising the powers conferred upon a trustee; amending s. 737.403, F.S.; specifying circumstances in which court authorization is not required for a trustee to exercise his or her power when a conflict of interest exists; amending s. 738.104, F.S.; revising the circumstances in which a trustee is prohibited from making an adjustment when such adjustment would benefit the trustee; clarifying the application of law pertaining to the trustee's power to adjust; amending s. 738.1041, F.S.; providing definitions governing certain trust conversions; revising method of determining fair market value; specifying consequences when a court determines that a fiduciary has not acted in good faith; providing for creating an express total return unitrust; amending s. 738.303, F.S.; defining the term "undistributed income" for purposes of a trust that is administered as a unitrust; amending s. 738.401, F.S.; providing guidelines for allocation of certain moneys received from targeted entities and investment entities; defining terms; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

SR 1690—Not referenced.

By Senator Baker—

SB 1692—A bill to be entitled An act relating to medical tort reform; creating s. 458.3175, F.S.; providing for out-of-state physicians to obtain an expert witness certificate upon approval by the Board of Medicine; authorizing the board to revoke an expert witness certificate under certain circumstances; requiring the board to adopt rules; providing a limit on the amount of the application fee for an expert witness certificate; providing for renewal; amending s. 458.331, F.S.; providing that false, deceptive, or misleading expert testimony related to the practice of medicine constitutes grounds for disciplinary action or denial of a license; creating s. 459.0066, F.S.; providing for out-of-state osteopathic physicians to obtain an expert witness certificate upon approval by the Board of Osteopathic Medicine; authorizing the board to approve or revoke an expert witness certificate under certain circumstances; requiring the board to adopt rules; providing a limit on the amount of the application fee for an expert witness certificate; providing for renewal; amending s. 459.015; providing that false, deceptive, or misleading expert testimony related to the practice of osteopathic medicine constitutes grounds for disciplinary action or denial of a medical license; amending s. 627.4147, F.S.; deleting a provision that requires a clause authorizing an insured health care professional to make or determine any offer of admission of liability and arbitration in a medical malpractice insurance contract; requiring a medical malpractice insurance contract to include a clause stating whether the insured health care professional has the exclusive right to veto any offer of admission of liability and for arbitration, settlement offer, or offer of judgment; amending s. 766.106, F.S.; requiring a claimant in an action for medical negligence to provide a prospective defendant with a medical release form that allows each prospective defendant to access the claimant's medical records and to interview, ex parte, the claimant's health care providers; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

By Senator Haridopolos—

SB 1694—A bill to be entitled An act relating to swimming pool/spa contractors and service technicians; amending s. 489.105, F.S.; revising the scope of work for commercial and residential pool/spa contractors and swimming pool/spa servicing contractors; removing licensure exemptions; defining and establishing provisional licensure for swimming pool/spa servicing contractors; amending s. 489.111, F.S.; removing the 1-year experience requirement to qualify to take the swimming pool/spa servicing contractors' examination; amending s. 514.075, F.S.; revising duties of the Department of Health; providing for public pools to be serviced by specified persons; revising certification requirements for public pool service technicians; providing an effective date.

—was referred to the Committees on Regulated Industries; Health Care; and General Government Appropriations.

By Senator Haridopolos—

SB 1696—A bill to be entitled An act relating to immunizations; amending s. 400.426, F.S.; requiring assisted living facilities to implement a program to offer immunizations to residents against influenza viruses; amending s. 1003.22, F.S.; requiring each district school board and the governing authority of each private school to provide information concerning meningococcal disease and its vaccine to parents; requiring the Department of Health to adopt rules specifying the age or grade level of students for whom such information will be provided; requiring each district school board and the governing authority of each private school to determine the means and method for the provision of information regarding meningococcal disease to parents; providing an effective date.

—was referred to the Committees on Health Care; Education; and Health and Human Services Appropriations.

By Senator Bullard—

SB 1698—A bill to be entitled An act relating to driver license restrictions; amending s. 322.16, F.S.; restricting the number of certain passengers permitted in a vehicle operated by a person under a certain age; providing for exceptions; providing penalties; amending s. 318.14, F.S.; providing citation procedures for violation of said restrictions; amending s. 322.05, F.S.; providing for application of said restrictions to requirements for issuance of driver licenses; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Bullard—

SB 1700—A bill to be entitled An act relating to road designations; designating Roi Henri Christophe Boulevard and Charles Summer Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Bennett—

SB 1702—A bill to be entitled An act relating to teen courts; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing for administration by the clerk of the circuit court; authorizing the clerk of the court to retain a specified percentage of the assessments collected as income to the clerk of the court; requiring the teen court to account for all funds deposited into the teen court account; requiring an annual report to the board of county commission-

ers by a specified date; authorizing specified organizations to operate and administer a teen court program; providing an effective date.

—was referred to the Committees on Judiciary; Community Affairs; and Justice Appropriations.

By Senator Klein—

SB 1704—A bill to be entitled An act relating to assistive technology; amending s. 413.407, F.S.; requiring the Assistive Technology Advisory Council to conduct certain activities required by federal law; revising the composition of the membership of the council; requiring that the council be made up of a majority who are persons with disabilities and who use assistive technology; deleting a provision requiring staggered terms of service; requiring the council to appoint a public policy and advocacy committee; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; and Education Appropriations.

By Senator Klein—

SB 1706—A bill to be entitled An act relating to scholarships for military personnel; amending s. 1009.534, F.S.; providing eligibility requirements for a member of Florida's military who served in the War in Afghanistan or the War in Iraq to receive a Florida Academic Scholars award; providing an effective date.

—was referred to the Committees on Education; Community Affairs; and Education Appropriations.

By Senator Villalobos—

SB 1708—A bill to be entitled An act relating to juvenile detention; amending s. 985.215, F.S.; requiring juveniles who are committed to a maximum-risk residential program to be held in secure detention care until placement or commitment is accomplished; providing an effective date.

—was referred to the Committees on Criminal Justice; and Justice Appropriations.

By the Committee on Education—

SB 1710—A bill to be entitled An act relating to charter schools; amending s. 218.39, F.S.; requiring that a charter school be notified of certain deteriorating financial conditions; amending s. 1002.32, F.S.; clarifying that charter laboratory schools are included within provisions governing other developmental research schools; deleting obsolete provisions; amending s. 1002.33, F.S.; requiring sponsors of charter schools to implement specified policies and procedures by the effective date of the act; providing additional obligations of the sponsor; revising requirements for the sponsor in monitoring a charter school; requiring that the sponsor conduct an annual review of the charter school; requiring that the director and representative of the school's governing board appear before the sponsor under certain circumstances; providing duties of the chief executive officer of the sponsor; requiring that a charter school review its achievement after its first full year of operation and propose revisions to the charter for consideration by the district school board; requiring that the Department of Education conduct an annual survey of the governing boards of charter schools and report the results to the State Board of Education; revising application requirements; prohibiting a sponsor from approving an application unless it meets the requirements of the State Board of Education; requiring that the district school board notify the Department of Education of a denial of a charter application; deleting provisions providing for the review of certain disputes by the Charter School Appeal Commission; requiring that the department offer or arrange for training and technical assistance for applicants; decreasing the period provided for an applicant and sponsor to agree on the provisions of the charter; providing requirements for mediation; providing requirements for the application for a charter school; revising provisions specifying issues for inclusion in a charter; requiring that a charter school file a financial-recovery plan with the district school board after a finding of a state of financial emergency; specifying circumstances under which the sponsor is required to not renew or to terminate the charter; providing requirements for the sponsor if the charter is terminated; requiring applicants for a charter school to register with the Department of Education; requiring that the department maintain certain information concerning charter schools; requiring the department to develop an annual financial report for use by charter schools, along with guidelines; providing reporting and monitoring requirements for the governing body of a charter school; requiring that the sponsor be an advocate for the charter school in matters relating to interpretations of the fire code; authorizing the State Board of Education to adopt rules and enforce the provisions governing charter schools; requiring that the department provide or arrange for the provision of specified assistance to potential applicants, sponsors, charter schools, and school district personnel; deleting provisions establishing the Charter School Review Panel; requiring the department to develop financial-management indicators for use by sponsors; requiring the department to include information concerning schools at risk in an annual report; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Education Appropriations; and Ways and Means.

By Senator Bennett—

SB 1712—A bill to be entitled An act relating to state appropriations; redirecting appropriations for, or on behalf of the purpose of, the Scripps Florida Funding Corporation to the Medicaid medically needy program; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

By Senator Bennett—

SB 1714—A bill to be entitled An act relating to communication services supplied by governmental authorities; defining terms related to communication services; prohibiting a governmental authority from providing a covered communication service; providing certain exceptions; authorizing a governmental authority that is supplying a covered service on a specified date to continue to supply the covered service to a subscriber; prohibiting a governmental authority from expanding its service area, adding new subscribers, or increasing covered services after a certain date; requiring a governmental authority to follow specific procedures if the governmental authority determines that there is an omitted service desired by its residents, that the service is not provided by a private provider, and that the governmental authority intends to provide the omitted service; requiring a governmental authority that provides a covered service to comply with certain applicable federal and state laws and regulations; prohibiting a governmental authority from requiring a person to use or subscribe to any covered service offered by the governmental authority; requiring a governmental authority to apply specified laws, ordinances, rules, and policies without discrimination; requiring a governmental authority to use revenues generated from a covered service in a specified manner; providing for severability; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; and General Government Appropriations.

By Senator Klein—

SB 1716—A bill to be entitled An act relating to regional autism centers; amending s. 1004.55, F.S.; creating an additional regional autism center in the state; reducing the number of counties within the service areas of two existing regional autism centers; providing for con-

sistency in service delivery; requiring each constituency board to raise funds; providing a prohibition; providing an effective date.

—was referred to the Committees on Education; Children and Families; and Education Appropriations.

Senate Bills 1718-2142—Not referenced.

SJR 2144—Previously referenced.

Senate Bills 2146-2198—Not referenced.

By Senator Atwater—

SJR 2200—A bill to be entitled An act relating to constitutional amendments; expressing the legislative intent to propose amendments to the State Constitution; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Commerce and Consumer Services; Governmental Oversight and Productivity; and Senators Wise, Fasano, Haridopolos, Rich and Jones—

CS for CS for SB 434—A bill to be entitled An act relating to individuals with disabilities; amending s. 413.08, F.S.; providing definitions; providing that an individual with a disability has full and equal access to and enjoyment of public accommodations and state and local facilities, programs, services, and activities; providing that an individual with a disability may be accompanied by a service animal in places of public accommodation and in state and local facilities; directing that documentation that a service animal is trained may not be a precondition for providing service to an individual accompanied by a service animal; requiring that a service animal be given access to all areas of a government facility or public accommodation that the public or customers are normally permitted to occupy; prohibiting segregating an individual with a service animal from other customers or the public; prohibiting a public accommodation from imposing a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual; providing that an individual with a disability may be liable for damage caused by a service animal; providing that the animal's owner is responsible for the care and supervision of a service animal; providing that the public accommodation or government entity is not required to provide care or food or a special location for a service animal; providing that a public accommodation or government entity may exclude or remove any animal from the premises if the animal's behavior poses a direct threat to the health and safety of others; increasing certain penalties for violations of the act; providing that the trainer of a service animal has the same rights and privileges as a person with a disability while training the service animal; providing that a housing accommodation may request proof of compliance with vaccination requirements; amending s. 413.081, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Education; and Senators King, Smith, and Dockery—

CS for SB 528—A bill to be entitled An act relating to the Trust Fund for University Major Gifts; amending s. 1011.94, F.S.; authorizing the Florida Board of Governors Foundation, Inc., to provide matching grants; providing duties of the Board of Governors; replacing references to the State Board of Education with references to the Board of Governors; deleting references to New College; deleting provisions that authorize encumbrances; requiring donations to support priorities established by a university's board of trustees; revising provisions that prescribe the manner in which donations must be matched; revising provisions relating to donations that may be used to designate an Eminent Scholar Endowed Chair; requiring private donations to be expended for the direct benefit of the university or universities for which donated; providing a limit on the state's obligation for matching grants under unamended matching criteria; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senators Garcia and Fasano—

CS for SB 572—A bill to be entitled An act relating to consumer protection; amending s. 501.160, F.S.; providing criminal penalties for any person who fails to possess an occupational license and offers goods and services for sale to the public during a declared state of emergency; providing that this provision shall not apply to certain organizations; providing that failure to possess such a license constitutes reasonable cause to detain such person for a reasonable amount of time and in a reasonable manner; amending s. 252.36, F.S.; providing the Governor with certain emergency management powers; providing an effective date.

By the Committee on Regulated Industries; and Senator Bennett—

CS for SB 590—A bill to be entitled An act relating to mold assessment and mold remediation; creating pt. IV of ch. 489, F.S.; providing legislative purpose; providing scope of the act; providing exemptions; defining terms; providing for fees relating to licensure of mold assessors and mold remediators; providing for licensure examinations; requiring good moral character; providing prerequisites to licensure; providing for the licensure of business organizations; providing for qualifying agents; providing for fees; providing responsibilities of primary and secondary qualifying agents and of financially responsible officers; establishing requirements for continuing education; requiring that the Construction Industry Licensing Board approve training courses and training providers for mold assessors and mold remediators; providing for assessing penalties; providing for renewal of licensure; providing for rulemaking; providing for reactivation of licensure; providing for disciplinary proceedings; establishing prohibitions; providing penalties; allowing the board to provide, by rule, for multiple services; providing presumptions in civil actions against persons or entities licensed under the act; providing severability; amending s. 489.107, F.S.; adding to the board a member who is a mold assessor or mold remediator; providing an appropriation and authorizing positions; providing an effective date.

By the Committee on Education; and Senator Clary—

CS for SB 664—A bill to be entitled An act relating to acceleration mechanisms; amending s. 1002.20, F.S.; adding programs to list of public school choice options; amending s. 1002.23, F.S.; adding programs to list of rigorous academic programs included in parent guide; amending s. 1007.22, F.S.; adding Advanced International Certificate of Education programs to acceleration mechanisms requiring postsecondary institution collaboration; amending s. 1007.261, F.S.; revising list of courses of courses designated as advanced level fine arts courses; amending s. 1007.27, F.S.; providing an exemption from examination fees for students enrolled in the International General Certificate of Secondary Education Program; amending s. 1007.271, F.S.; specifying that dual enrollment courses are creditable toward high school graduation; revising instructional time requirements and providing for FTE calculation; conforming to law minimum academic credits required for graduation; clarifying requirements for participation of independent postsecondary institutions in a dual enrollment program; providing for fee exemption; amending s. 1009.531, F.S.; providing additional course weights for Florida Bright Futures Scholarship Program eligibility determination; amending s. 1009.534, F.S.; revising Florida Academic Scholars award eligibility requirements to include students completing or receiving an Advanced International Certificate of Education curriculum or diploma; amending s. 1009.535, F.S.; revising Florida Medallion Scholars award eligibility requirements to include students completing an Advanced International Certificate of Education curriculum; amending s. 1011.62, F.S.; providing for FTE calculation for dual enrollment instruction; revising Advanced International Certificate of Education test score requirements necessary to generate funding to match current test scoring

scale; providing formula for calculating additional full-time equivalent membership based on International General Certificate of Secondary Education examination scores and program completion; reenacting s. 1011.69(2), F.S., relating to equity in school-level funding, to incorporate the amendment to s. 1011.62, F.S., in a reference thereto; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Lynn—

CS for SB 688—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; during a specified period of time, permitting local government employees who are members of the Senior Management Service Class, who have withdrawn from the Florida Retirement System, to elect membership in the defined benefit program or the public employee optional retirement program of the system; prescribing requirements in making such election; providing for payment of the costs of such membership; providing an effective date.

By the Committee on Children and Families; and Senator Wise—

CS for SB 758—A bill to be entitled An act relating to child protective investigations; amending s. 39.301, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect for purposes that adversely affect the interests of persons who are not identified as responsible for such abuse, abandonment, or neglect; amending s. 39.302, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect in institutional investigations for purposes that adversely affect the interests of persons not identified as responsible; providing circumstances under which the Department of Children and Family Services may rely on such information in a decision to renew or revoke a license; providing an effective date.

By the Committee on Regulated Industries; and Senators Haridopolos and Dockery—

CS for SB 816—A bill to be entitled An act relating to contraband and counterfeit cigarettes and the collection of existing taxes; providing additional regulatory and enforcement measures; amending s. 210.01, F.S.; revising and providing definitions; amending s. 210.021, F.S.; directing the Secretary of Business and Professional Regulation to require certain dealers and agents to remit the tax on cigarettes by certified check or electronic funds transfer; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to adopt rules governing the payment of taxes by electronic funds transfer; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; amending s. 210.08, F.S.; revising the amount of the surety bond, certificate of deposit, or irrevocable letter of credit required by the division as surety for the payment of cigarette taxes; providing for exceptions; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain persons shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; providing for application to and records requirements of manufacturers and importers; amending s. 210.12, F.S.; authorizing the state to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for permit application; prohibiting issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for permit application denial; amending s. 210.16, F.S.; revising the authority of the Division of Alcoholic Beverages and Tobacco to revoke or suspend the permits of certain persons under certain circumstances; revising a penalty period for revoked permits; increasing a civil penalty; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; prohibiting the sale or possession for sale of counterfeit cigarettes; providing penalties; requiring that the seizure of unstamped cigarettes be reported to the division; requiring the division to keep records concerning seized unstamped cigarettes; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting a "criminal activity" and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an effective date.

By the Committee on Domestic Security—

CS for SB 1062—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; requiring that the Department of Law Enforcement establish a waiver process for allowing an individual, who is otherwise unqualified, to be allowed unescorted access to a seaport or restricted access area; requiring that the administrative staff of the Parole Commission review the facts of the waiver application and transmit the findings to the Department of Law Enforcement; requiring the department to make a final disposition of the application and notify the applicant and the port authority that denied employment to the applicant; exempting the review from ch. 120, F.S.; creating s. 311.121, F.S.; authorizing the seaport authority or governing board of certain seaports to require that seaport security officers receive additional training and certification; providing eligibility requirements for such certification; creating the Seaport Security Officer Qualifications, Training, and Standards Steering Committee to develop the curriculum for the training program; providing for the membership of the steering committee; requiring the Department of Education to implement the training curriculum; authorizing the substitution of training equivalencies; requiring an examination; providing requirements for certification renewal; providing requirements for schools that offer training for seaport security officers; providing for issuance of a license indicating that the licensee is certified as a seaport security officer; creating s. 311.122, F.S.; authorizing a seaport security officer to take into custody any person whom the officer has cause to believe is trespassing in a restricted access area; providing that such officer is not criminally or civilly liable for taking such action; creating s. 311.123, F.S.; requiring that the Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law Enforcement and the Governor's Office of Drug Control, create a maritime domain awareness training program; providing purposes of the program; providing requirements for the curriculum; providing an effective date.

By the Committee on Children and Families; and Senators Campbell and Dawson—

CS for SB 1090—A bill to be entitled An act relating to mental health care services for minors and incapacitated persons; amending s. 39.407, F.S.; specifying requirements for the Department of Children and Family Services with respect to providing psychotropic medication to a child in the custody of the department; requiring that the prescribing physician attempt to obtain express and informed parental consent for providing such medication; authorizing the department to provide psychotropic medication without such consent under certain circumstances; requiring the department to provide medical information to a physician under certain circumstances; requiring that the child be evaluated by a physician; requiring that the department obtain court authorization for providing such medication within a specified period; providing requirements for a motion by the department seeking court authorization to provide psychotropic medication; specifying circumstances under which medication may be provided in advance of a court order; requiring that a hearing be held on the motion to provide psychotropic medication to a child under certain circumstances; specifying the required burden of proof with respect to evidence presented at the hearing; requiring that the department provide a child's medical records to the court; providing requirements for court review; authorizing the court to order the department to obtain a medical opinion; requiring that the department adopt rules to ensure that children receive appropriate psychotropic medications; specifying the provisions to be included in the rules; conforming a cross-reference; amending s. 394.459, F.S., relating to the rights of patients under the Florida Mental Health Act; revising provisions requiring that a patient be asked to give express and informed consent before admission or treatment; requiring that additional information be provided with respect to the risks and benefits of treatment, the dosage range of medication, potential side effects, and the monitoring of treatment; clarifying provisions governing the manner in which consent may be revoked; requiring that facilities develop a system for investigating and responding to certain complaints; amending s. 743.0645, F.S.; redefining the term "medical care and treatment" for purposes of obtaining

consent for the medical treatment of a minor; providing an exception with respect to the consent provided under s. 39.407, F.S.; providing an effective date.

By the Committee on Transportation; and Senator Crist—

CS for SB 1130—A bill to be entitled An act relating to the abandonment of roads; amending s. 316.006, F.S.; conforming a cross-reference; transferring and renumbering s. 316.00825, F.S., relating to a county's authority to close and abandon roads and rights-of-way and convey the county's interest to a homeowners' association; providing an effective date.

By the Committee on Domestic Security; and Senator Diaz de la Portilla—

CS for SB 1228—A bill to be entitled An act relating to emergency preparedness; amending s. 1006.07, F.S.; revising guidelines governing district school board duties relating to emergency management and emergency preparedness; providing requirements for the number and type of emergency drills that each school must conduct; providing an effective date.

By the Committee on Children and Families; and Senator Margolis—

CS for SB 1246—A bill to be entitled An act relating to older adults involved in the criminal justice system; creating a workgroup to study the involvement of older adults in the criminal justice system; requiring the workgroup to identify the incidence of older adults experiencing a deteriorating mental condition who come into contact with the criminal justice system; requiring that the workgroup identify the services being provided or which are needed by older adults; providing for the membership of the workgroup; providing for the members of the workgroup to receive reimbursement for travel and per diem expenses; requiring that the Secretary of Elderly Affairs, or his or her designee, act as chairperson of the workgroup and provide for staff support; requiring that the Department of Elderly Affairs report to the Legislature by a specified date; providing an appropriation; providing an effective date.

By the Committee on Regulated Industries—

CS for SB 1308—A bill to be entitled An act relating to the Florida Clean Indoor Air Act; amending s. 386.203, F.S.; defining the term "person" for purposes of the act; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending ss. 386.2045 and 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; providing a penalty for a licensee who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

By the Committee on Regulated Industries—

CS for SB 1310—A bill to be entitled An act relating to the tax on cigarettes; amending s. 210.021, F.S.; directing the Secretary of Business and Professional Regulation to require certain dealers and agents to remit the tax on cigarettes by certified check or electronic funds transfer; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to adopt rules governing the payment of taxes by certified check or electronic funds transfer; amending s. 210.08, F.S.; revising the amount of the surety bond, certificate of deposit, or irrevocable letter of credit required by the division as surety for the payment of cigarette taxes; providing for exceptions; amending s. 210.18, F.S.; requiring that the seizure of unstamped cigarettes be reported to the division; requiring the division to keep records concerning seized unstamped cigarettes; providing an effective date.

By the Committee on Banking and Insurance; and Senator Garcia—

CS for SB 1486—A bill to be entitled An act relating to property insurance; amending s. 627.701, F.S.; providing that the requirement for a hurricane deductible to apply on an annual basis applies to personal lines residential property insurance policies; requiring insurers that provide commercial residential property insurance to offer alternative hurricane deductibles that apply on an annual basis or to each hurricane; providing an effective date.

By the Committee on Banking and Insurance; and Senators Garcia and Margolis—

CS for SB 1508—A bill to be entitled An act relating to life insurance and annuity contracts; amending s. 624.402, F.S.; providing that a certificate of authority is not required of insurers domiciled outside the United States for certain life insurance policies or annuity contracts covering only persons who are not residents of the United States and are not nonresidents illegally residing in the United States; providing criteria, requirements, and limitations; requiring the insurer to disclose certain information; providing for the Office of Insurance Regulation to determine when the insurer is no longer eligible for the exemption; providing an exemption from certain taxes; requiring life insurance applications and policies and annuity contracts to provide certain disclosure statements; specifying application of certain provisions to single-premium life insurance policies and single-premium annuity contracts issued to certain nonresidents; providing an effective date.

RULES OF THE SENATE

RULE ONE

OFFICERS, SENATORS, EMPLOYEES, AND ETHICS

PART ONE—OFFICERS OF THE SENATE

1.1—Election of the President, President Pro Tempore, President Designate, President Pro Tempore Designate, Minority Leader, and Minority Leader Pro Tempore; designation of Majority Leader

A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organization session preceding the regular session of each odd-numbered year. They shall take an oath to support the *Constitutions of the United States* and *of the State of Florida*, and for the true and faithful discharge of the duties of office. At a regular session the Majority Party may, by caucus called by the President, elect a President Designate and a President Pro Tempore Designate, and their names shall be certified to the Secretary of the Senate. The President may designate a Majority Leader whose name shall be certified to the Secretary of the Senate. The Minority Party may by caucus elect a Minority Leader and a Minority Leader Pro Tempore, and their names shall be certified to the Secretary of the Senate at the organization session. All elected officers are to hold office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur.

1.2—Calling the Senate to order

The President shall call the Senate to order at the hour provided by these Rules or at the hour established by the Senate at the last session. On the appearance of a quorum, the President shall cause the Senate to proceed with the Daily Order of Business. The President may recess the Senate for periods of time not to exceed thirty (30) minutes.

1.3—The President's control of Chamber, corridors, and rooms

The President shall preserve order and decorum and shall have general control of the Chamber, corridors, passages, and rooms of the Senate whether in the Capitol or elsewhere. If there is a disturbance, the President may order the area cleared.

1.4—The President's authority and signature; questions of order; travel

The President shall sign all acts, joint resolutions, resolutions, and memorials. No writ, warrant, subpoena, contract binding the Senate, authorization for payment, or other papers shall issue without the signature of the President. The President may delegate signing authority for the authorization of payments. The President shall approve vouchers. The President shall decide all questions of order, subject to an appeal by any Senator. As necessary, the President is authorized to incur travel and per diem expenses for the next session of the Legislature. The President of the Senate and the Chair of the Committee on Rules and Calendar shall have the power to assign duties and sign requisitions pertaining to legislative expenses incurred in transacting the business of the Senate as authorized. The President shall have responsibility for the property of the Senate and may delegate specific duties or authority pertaining thereto. The President may authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the Senate, a committee of the Senate, a member of the Senate (whether in the legal capacity of Senator or taxpayer), a former member of the Senate, or an officer or employee of the Senate when such suit is determined by the President to be of significant interest to the Senate and when it is determined by the President that the interests of the Senate would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the President.

1.5—Appointment of committees

(1) The President shall appoint all standing committees, standing subcommittees, select committees, and the Senate members of conference and joint select committees.

(2) Any member removed from a committee without his or her consent shall have the right to appeal such removal to the Committee on Rules and Calendar.

1.6—The President's vote

The President shall not be required to vote in legislative proceedings. In all yea and nay votes, the President's name shall be called last.

1.7—Vacating chair; duties of President Pro Tempore

(1) The President may name any Senator to perform the duties of the chair.

(2) If for any reason the President is absent and fails to name a Senator, the President Pro Tempore shall assume the duties of the chair.

(3) In the event the chair is vacated permanently, nothing herein shall preclude the Senate from designating a presiding officer.

(4) Should the President resign, he or she may, prior to resignation, designate a member of the Majority Party to assume the duties of the chair until a permanent successor is elected.

1.8—Election of the Secretary of the Senate

(1) The Senate shall elect a Secretary to serve at its pleasure. A staff of assistants shall be employed to regularly transact such business as required by law, by Rules of the Senate, or as assigned by the President. The Secretary shall take an oath to support the *Constitutions of the United States* and *of the State of Florida*, and for the true and faithful discharge of the duties of office.

(2) The Secretary shall be under the supervision of the President of the Senate, who may assign additional duties to the Secretary. The Secretary shall be the enrolling and engrossing clerk of the Senate and may designate an assistant enrolling and engrossing clerk.

1.9—Secretary's duties at organization session

In the absence of the President and the President Pro Tempore of the preceding session, the Secretary shall, at the organization session of the Legislature, call the Senate to order. Pending the election of a President or a President Pro Tempore, the Secretary shall preserve order and decorum, and decide all questions of order subject to appeal by any Senator. The duties prescribed by this section may be delegated by the Secretary to any Senator.

1.10—Duties generally; keeps Journal

The Secretary shall keep a correct daily Journal of the proceedings of the Senate, and this Journal shall be numbered serially from the first (1st) day of each session of the Legislature and shall be distributed by the Secretary for the information of the Legislature and the public. The Secretary shall superintend the engrossing, enrolling, and transmitting of bills, resolutions, and memorials. The Secretary shall not permit any records or papers belonging to the Senate to be removed from the custody of the Secretary other than in the regular course of business and with proper receipt. The Secretary shall keep a separate Journal of the proceedings of the executive sessions of the Senate.

1.11—Prepares daily calendar

(1) The Secretary shall prepare a daily calendar that shall set forth:
- (a) The order of business;
- (b) The committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitute;
- (c) The status of each bill, i.e., whether on second (2nd) or third (3rd) reading;
- (d) Notices of committee meetings; and
- (e) Notices of meetings required pursuant to Rule 1.44.

(2) The Secretary shall distribute the daily calendar for the information of the Legislature and the public.

1.12—Reads papers; calls roll

The Secretary shall have read to the Senate all papers ordered to be read; note responses of Senators when the roll is called to determine the presence of a quorum; call the roll and note the answers of Senators when a question is taken by yeas and nays; and assist, under the direction of the President, in taking the count when any vote of the Senate is taken by a show of hands or otherwise.

1.13—Attests to warrants and subpoenas; certifies passage

The Secretary shall attest to all writs, warrants, and subpoenas issued by order of the Senate and shall attest to the passage of all bills, resolutions, and memorials.

1.14—Prepares printed forms

The Secretary shall prepare the copy for all printed forms used by the Senate.

1.15—Examines legal form of bills for introduction

The Secretary shall examine bills on their tender for introduction, but prior to their receiving a number, he or she shall determine whether they meet the requirements of law and of these Rules. The Secretary shall direct the attention of the introducer to apparent defects, but the introducer shall be exclusively responsible for the constitutional and legal correctness of the bill.

1.16—Indexes bills

The Secretary shall maintain a numerical index of bills and resolutions and a cumulative index by introducers.

1.17—Transmits bills to House of Representatives

The Secretary shall transmit all bills, joint resolutions, concurrent resolutions, and appropriate memorials to the House of Representatives

without delay; and each shall be accompanied by a message stating the title to the measure being transmitted and requesting the concurrence of the House.

1.18—Receives and delivers for reading messages from House; summaries of House amendments to Senate bills

(1) The Secretary shall receive all messages from the House of Representatives and shall be responsible for their security. The Secretary shall have them available for reading to the Senate during the appropriate order of business. All messages reflecting House amendments to Senate bills shall be promptly delivered to the appropriate committees for research and summary. Special notice of the summaries shall be given to each Senator.

(2) The Secretary shall advise the President when a House amendment to a Senate bill substantially changes or materially alters the bill as passed by the Senate. The President may refer such bill and House amendments to an appropriate committee or committees for hearing and further report to the Senate. Upon such reference by the President, committee or committees of reference shall meet on a date and at a time set by the President and shall make a report as defined in Rule 2.15. Favorable committee reports and accompanying measures shall be placed on the calendar.

PART TWO—SENATORS

1.20—Attendance and voting

Unless excused for just cause or necessarily prevented, every Senator shall be within the Senate Chamber during its sessions and shall vote on each question. No Senator shall be required or permitted to vote on any question immediately concerning his or her private rights as distinct from the public interest.

1.21—Excused absence

The President may excuse any Senator from attendance in the Senate and its committees for any stated period, and the excused absence shall be noted in the Journal.

1.22—Senate papers left with Secretary

A Senator necessarily absent from a session of the Senate or its committees and having in his or her possession papers relating to the business of the Senate shall leave such papers with the Secretary before leaving the Capitol.

1.23—Members deemed present unless excused

A Senator who answers roll call at the opening of a session or who enters after roll call and announces his or her presence to the Senate shall thereafter be considered present unless leave of absence is obtained from the President.

1.24—Contested seat

If a seat in the Senate is contested, notice stating the grounds of such contest shall be given by the contestant to the Senate prior to the day of the organization session of the Legislature; and the contest shall be determined by majority vote as soon as reasonably possible. The President shall appoint a Credentials Committee to be composed of not more than ten (10) members who shall consider the question and report their recommendations to the President, who shall inform the Senate.

1.25—Facilities for members

Each Senator shall be entitled to facilities and expenses that are necessary and expedient to the fulfillment of the duties of the office, the location and sufficiency of which shall be determined by the President.

1.26—Nonlegislative activities

No Senator shall accept appointments to nonlegislative committees, commissions, or task forces without prior approval of the President if travel and per diem expenses are to be taken from Senate funds.

1.27—Transition from office

A Senator who will not be a Senator at the next ensuing regular session of the Legislature shall be entitled to an amicable transition period not to exceed one (1) month in which to close out the affairs of his or her office. The transition period shall begin at the expiration of a Senator's term. A former Senator shall not be entitled to salary during the transition period, but shall receive a pro rata portion of the monthly allowance for office rental and expenses during such period. A former Senator's staff shall be entitled to a pro rata salary during such period, provided said staff performs all transitional duties assigned by the former Senator. A former Senator shall apply for transitional funds provided pursuant to this Rule, the expenditure of which shall be from Senate funds and which shall be considered for a public purpose. In the event of a vacancy in office, and until that vacancy is filled, a transitional period with pro rata salary for staff may be approved by the President to close out the vacant Senate office affairs.

PART THREE—EMPLOYEES OF THE SENATE

1.28—Dismissal of employees; services of spouse

The President shall resolve disputes involving the competency or decorum of a Senate employee, and may terminate the services of an employee. At the President's discretion the matter may be referred to the Committee on Rules and Calendar for its recommendation. The pay of an employee so terminated shall stop on the termination date. A Senator's spouse or immediate relatives may serve in any authorized position, however, they shall not receive compensation for services performed.

1.29—Employees forbidden to lobby

No employee of the Senate shall directly or indirectly interest or concern himself or herself with the passage or consideration of any measure whatsoever. Violation of this Rule by an employee shall be grounds for summary dismissal. This Rule shall not preclude the performance of duties that may be properly delegated to a Senator's legislative assistant.

1.30—Duties and hours

Employees shall perform the duties assigned to them by the President and required of them by Rule and custom of the Senate. When the Senate is in session, employees shall remain on duty as required. When the Senate is not in session, permanent staff of the Senate shall observe the hours of employment set by the President. Part-time employees and Senators' district staff shall observe hours that are prescribed by their department heads.

1.31—Absence without permission

If employees are absent without prior permission except for just cause, their employment shall be terminated or their compensation forfeited for the period of absence as determined by the President.

1.32—Political activity

Senate employees shall be regulated concerning their political activity pursuant to section 110.233, *Florida Statutes*.

1.33—Secretary; supervision of employees

All employees not specifically assigned to a Senator, to a committee, or to a permanent office of the Senate shall be under the supervision of the Secretary.

PART FOUR—LEGISLATIVE CONDUCT AND ETHICS

1.35—Legislative conduct

Every Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and, by personal example and admonition to colleagues, shall maintain the integrity and responsibility of his or her office.

1.36—Improper influence

A Senator shall not accept anything that will improperly influence his or her official act, decision, or vote.

1.361—Solicitation or acceptance of contributions; registration and disclosure requirements

(1) During any regular legislative session, extended session, or special session, a Senator may not directly or indirectly solicit, cause to be

solicited, or accept any contribution on behalf of either the Senator's own campaign, any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, any political committee, any committee of continuous existence, any political party, or the campaign of any candidate for the Senate; however, a Senator may contribute to the Senator's own campaign.

(2) Any fundraising activity otherwise prohibited during an extended or special session by section (1) shall not be considered a violation of this rule and may take place provided that it can be shown that the event was already scheduled prior to the issuance of the proclamation, resolution, or other communiqué extending the session or convening a special session.

(3) Any Senator who directly or indirectly solicits, causes to be solicited, or accepts any contribution on behalf of any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, any political committee, or any committee of continuous existence must immediately disclose such activity to, and register with, the Committee on Rules and Calendar. However, no registration is required as a result of a Senator's solicitation or acceptance of contributions on behalf of his or her own campaign, a campaign for any office other than Senator, or a political party. Upon registration with the committee, the Senator shall immediately create a public website that contains a mission statement for such organization and the names of the Senators associated with that organization. All contributions received by the organization must be individually disclosed on the website within ten (10) business days of deposit. All expenditures made by the organization must be individually disclosed on the website within ten (10) business days of being made.

(4) Upon a determination that a Senator has violated this rule, the President shall remove such Senator from all assigned committees subject to the right of appeal under Rule 1.5(2).

1.37—Conflicting employment

A member of the Senate shall not allow his or her personal employment to impair his or her independence of judgment in the exercise of his or her official duties.

1.38—Undue influence

A member of the Senate shall not use his or her influence as a Senator in any matter that involves substantial conflict between his or her personal interest and his or her duties in the public interest.

1.39—Disclosure and disqualification

A Senator shall disclose any personal, private, or professional interest in a bill that would inure to that Senator's special private gain or the special gain of any principal to whom the Senator is obligated. Such disclosure shall be filed with the Secretary of the Senate for reporting in the Journal immediately following the record of the vote on the measure. Such disclosure may explain the logic of voting or of his or her disqualification.

1.40—Senate employees and conflicts

Senate employees shall be accountable to the intent of this Rule.

1.41—Advisory opinions

All questions relating to the interpretation and enforcement of these Rules concerning legislative conduct and ethics shall be referred to the Committee on Rules and Calendar or shall emanate therefrom. A member of the Senate may submit a factual situation to the Committee on Rules and Calendar with a request for an advisory opinion establishing the standard of public duty. The Committee shall enter its opinion responding to each inquiry. All opinions shall, after hearing, be numbered, dated, and published in the Journal of the Senate. No opinion shall identify the requesting Senator without the Senator's consent.

1.42—Violations; hearings, penalties

(1) Any person may file a sworn complaint with the Chair of the Committee on Rules and Calendar, alleging a violation by a Senator of the Rules regulating conduct and ethics. The complaint shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, and shall identify the specific Rule(s) believed by the complainant to have been violated by the Senator. Upon a determination by the chair that there are sufficient grounds for review, the complaint shall be referred either to the committee or, at the option of the chair, to a special master, for a hearing. The committee or special master may adopt rules of procedure for conduct of the proceedings. The committee or special master shall give reasonable notice to the Senator who is alleged to have violated the Rules and shall grant the Senator an opportunity to be heard. A special master's report and recommendation is advisory only and shall be made to the chair as soon as practicable after the close of the hearing. The committee's report and recommendation shall be made as soon as practicable.

(2) Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of the Rule regulating ethics and conduct may be censured, reprimanded, or expelled. Such determination and disciplinary action shall be taken by a two-thirds (2/3) vote of the Senate, on recommendation of the Committee on Rules and Calendar.

PART FIVE—PUBLIC MEETINGS AND RECORDS

1.43—Open meetings

(1) All meetings at which legislative business is discussed between more than two (2) members of the legislature shall be open to the public except:

(a) At the sole discretion of the President of the Senate, after consultation with appropriate law enforcement, public health, emergency management and/or security authorities, those portions of meetings of a select committee, committee, or subcommittee, concerning measures to address security, espionage, sabotage, attack and other acts of terrorism.

(b) Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this Rule.

(2) All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meeting.

(3) For purposes of this Rule "legislative business" is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate committee, or Senate subcommittee.

1.44—Notice required for certain meetings

(1) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary of the Senate. While the Legislature is not in regular or special session and during the first fifty (50) days of a regular session, the notice shall be filed not later than four (4) hours before the scheduled time of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours before the scheduled time of the meeting:

(a) Meetings of the President of the Senate (or a Senator designated to represent the President) with the Governor, or with the Speaker of the House of Representatives (or a representative designated to represent the Speaker);

(b) Meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee; and

(c) Meetings called by the President or the President's designee, of a majority of the chairs of the Senate's standing committees.

(2) Notices of meetings required by Rule 1.44(1) shall be filed by or at the direction of the person(s) at whose call the meeting is convened; shall state the date, time, and place of the meeting; shall contain a brief description of the general subject matter scheduled to be discussed. In the case of a meeting required to be noticed pursuant to this Rule, if the meeting is to take place at or after 10:00 p.m. then the notice must be delivered to the Secretary by 5:00 p.m. Notices of such meetings shall appear in the daily calendar.

(3) In the event the times required for notice under Rule 1.44(1) are not sufficient to permit publication in a daily or interim calendar, the Secretary shall post a copy of each such notice in the public corridor leading to the Senate Chamber. The Secretary of the Senate shall make

a diligent effort to give actual notice to the representatives of the press of all noncalendared meeting notices posted.

(4) Political caucuses shall be open to the public in accordance with Rule 1.43 and noticed in accordance with this Rule when issues then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate committee, or a Senate subcommittee are discussed. Political caucuses held for the sole purpose of designating a President, a President Pro Tempore, a Minority Leader, or a Minority Leader Pro Tempore need not be open or noticed.

1.441—Constitutional requirements concerning open meetings

(1) All legislative committee and subcommittee meetings and joint conference committee meetings shall be open and noticed to the public.

(2) All prearranged gatherings, between more than two (2) members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments shall be reasonably open to the public.

(3) In cases of conflict between this Rule and any other Rule of the Senate the Rule providing greater notice or public access shall prevail.

1.443—Reapportionment information

All Senators shall have equal access to the Senate electronic redistricting system, census data, and all other information promulgated by, maintained by, or available to, any Senate standing committee or subcommittee appointed for the analysis of legislative and congressional redistricting plans.

1.444—Legislative records; maintenance, control, destruction, disposal, and disposition

(1) Public records, not exempted from public disclosure, may be inspected by any person desiring to do so at reasonable times, under reasonable conditions, and under supervision of the person who has custody of the records, or that person's designee.

(2) The following standing committee, standing subcommittee, and select committee public records, not exempted from disclosure, shall be retained by each staff director until biennially transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division: copies of bills, amendments, vote sheets, staff analyses, and fiscal notes; meeting files including agendas and appearance cards; files relating to assigned projects; final staff reports submitted to subcommittees or committees; final reports submitted by subcommittees or committees; correspondence sent or received; and audio recordings of committee meetings. At the time of transfer, the actual correspondence to be sent to the Department of State shall consist only of correspondence which relates to other committee public records required by this Rule to be transferred. Records not transferred may be otherwise disposed of or destroyed.

(3) Except for records specifically required by law or Senate Rule to be filed or retained, district office records and constituents' records may be retained by the district office until those records become obsolete, at which point they may be otherwise disposed of or destroyed.

(4) Public records, not exempted from public disclosure, created or received by the President, President Pro Tempore, or Secretary of the Senate shall be retained by that officer as specifically required by law or Senate Rule until transferred to the Division of Library and Information Services of the Department of State via its Legislative Library Division. Records not transferred may be otherwise disposed of or destroyed.

(5) The Secretary shall, with the approval of the President, establish a reasonable fee for copies of public legislative records not exempted from public disclosure. Such fees shall be based upon the actual cost of duplication of the record and shall include the material and supplies used to duplicate the record but not the labor cost or overhead cost associated with such duplication. If the nature or volume of records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by employees of the Senate, a special service charge in addition to the actual cost of duplication may be imposed. Such special service charge shall be reasonable and based on the cost incurred for the extensive use of information technology resources or the labor cost of employees providing the service that is actually incurred by the Senate or attributable to the Senate for the clerical and supervisory assistance required. However, when obtained from the Office of the Secretary, a standing committee, standing subcommittee, or select committee, there shall be no charge for a single copy of a bill other than a general appropriations bill, or for a single copy of any other public record required by law or Senate Rule to be created.

(6) Once the retention period for a public record, not exempted from public disclosure, has expired, the public record may be otherwise disposed of or destroyed. A public record need not be retained if it is published or retained by another legislative office. Only one (1) copy of a public record need be retained, additional copies of that record may be destroyed at any time. In the case of mass mailings, only one (1) representative copy of the mailing, or an abstract, need be retained.

(7) For the purpose of this Rule, a member's district office shall include the offices each member retains for the transaction of official legislative business in his or her respective district and the offices located in the Senate Office Building or the Capitol in Tallahassee assigned to each member.

(8) The following public records are exempt from inspection and copying:

(a) Records, or information contained therein, held by the legislative branch of government which, if held by an agency as defined in section 119.011, *Florida Statutes*, or any other unit of government, would be confidential or exempt from the provisions of section 119.07(1), *Florida Statutes*, or otherwise exempt from public disclosure, and records or information of the same type held by the Legislature.

(b) A formal complaint about a member or officer of the Legislature or about a lobbyist and the records relating to the complaint, until the complaint is dismissed, a determination as to probable cause has been made, a determination that there are sufficient grounds for review has been made and no probable cause panel is to be appointed, or the respondent has requested in writing that the President of the Senate or the Speaker of the House of Representatives make public the complaint or other records relating to the complaint, whichever occurs first.

(c) A legislatively produced draft, and a legislative request for a draft, of a bill, resolution, memorial, or legislative rule, and an amendment thereto, which is not provided to any person other than the member or members who requested the draft, an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(d) A draft of a bill analysis or fiscal note until the bill analysis or fiscal note is provided to a person other than an employee of the Legislature, a contract employee or consultant retained by the Legislature, or an officer of the Legislature.

(e) A draft, and a request for a draft, of a reapportionment plan or redistricting plan and an amendment thereto. Any supporting documents associated with such plan or amendment until a bill implementing the plan, or the amendment, is filed.

(f) Records prepared for or used in executive sessions of the Senate until ten (10) years after the date on which the executive session was held.

(g) Portions of records of former legislative investigating committees whose records are sealed or confidential as of June 30, 1993, which may reveal the identity of any witness, any person who was a subject of the inquiry, or any person referred to in testimony, documents, or evidence retained in the committees' records; however, this exemption does not apply to a member of the committee, its staff, or any public official who was not a subject of the inquiry.

(h) Requests by members for an advisory opinion concerning the application of the rules of either house pertaining to ethics, unless the member requesting the opinion authorizes in writing the release of such information. All advisory opinions shall be open to inspection except that the

identity of the member shall not be disclosed in the opinion unless the member requesting the opinion authorizes in writing the release of such information.

(i) Portions of correspondence held by the legislative branch which, if disclosed, would reveal: information otherwise exempt from disclosure by law; an individual's medical treatment, history, or condition; the identity or location of an individual if there is a substantial likelihood that releasing such information would jeopardize the health or safety of that individual; or information regarding physical abuse, child abuse, spouse abuse, or abuse of the elderly.

(9) Any Senate record created prior to July 1, 1993, which was so designated by the President on June 30, 1993, shall remain exempt from inspection and copying after July 1, 1993. Records held by joint committees, commissions or offices of the Legislature, that were jointly determined by the presiding officers of both houses to remain exempt from inspection and copying after July 1, 1993, remain exempt.

(10) For purposes of this Rule, "public record" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the legislative branch.

(11) All records, research, information, remarks, and staff work products, made or received during or in preparation for a closed meeting of a select committee, committee, or subcommittee, shall be confidential and exempt from inspection and copying for a period of 30 days after the closed meeting, at which time they will automatically become legislative public records open to inspection and copying, unless the confidentiality and the prohibition against inspection and copying has, within the 30-day period, been extended by the President of the Senate. Unless the above-listed confidential and exempt items have been earlier released by operation of this Rule, they shall automatically become available for public inspection and copying five years after the date of the closed meeting, unless this confidentiality and exemption is further extended by the President of the Senate for subsequent five-year periods.

1.45—Violations of Rules on open meetings and notice

Violations of Rules 1.43 and 1.44 constitute violations of the Rules regulating legislative ethics and conduct and shall be subject to the procedures and penalties prescribed in Rule 1.42.

RULE TWO

COMMITTEES, OFFICERS, MEMBERS,
VOTING, MOTIONS, DECORUM, AND DEBATE

PART ONE—COMMITTEES—ORGANIZATION, DUTIES, AND RESPONSIBILITIES

2.1—Standing committees; standing subcommittees

(1) Permanent standing committees and standing subcommittees, when created and designated by Rule of the Senate, shall exist and function both during and between sessions. The President shall appoint the membership of the standing committees and standing subcommittees, provided that each standing committee shall consist of not fewer than five (5) members.

(a) Agriculture
(b) Banking and Insurance
(c) Children and Families
(d) Commerce and Consumer Services
(e) Communications and Public Utilities
(f) Community Affairs
(g) Criminal Justice
(h) Domestic Security
(i) Education
(j) Education Appropriations
(k) Environmental Preservation
(l) Ethics and Elections
(m) General Government Appropriations
(n) Government Efficiency Appropriations
(o) Governmental Oversight and Productivity
(p) Health and Human Services Appropriations
(q) Health Care
(r) Judiciary
(s) Justice Appropriations
(t) Regulated Industries
(u) Rules and Calendar
    1. Subcommittee on Special Order Calendar
(v) Transportation
(w) Transportation and Economic Development Appropriations
(x) Ways and Means

(2) Each standing committee or the chair thereof, with prior approval of the President, may appoint a select subcommittee to study or investigate a specific matter falling within the jurisdiction of the standing committee or to consider a bill referred to it. The President of the Senate and the Secretary of the Senate shall be promptly notified of the appointment of a select subcommittee, its assignment, the time allowed for the assignment, and shall be notified on completion of the assignment. Select subcommittees shall be regulated by the Senate Rules regulating standing subcommittees, except that a select subcommittee shall exist only for the time necessary to complete its assignment and report to its standing committee, and not to exceed thirty (30) days. The advisory report by a select subcommittee whether favorable or unfavorable shall be reviewed by the standing committee and accepted, amended, or rejected by majority vote of those committee members present.

2.2—Powers and responsibilities of committees

(1) Permanent standing committees and standing subcommittees are authorized:

(a) To maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area;
(b) To invite public officials, employees, and private individuals to appear before the committees or subcommittees to submit information;
(c) To request reports from departments performing functions reasonably related to the committees' jurisdictions; and
(d) To complete the interim projects assigned by the President.

(2) In order to carry out its duties, each standing committee or standing subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this state.

(3) In order to carry out the committee's duties, the chair of each standing committee, standing subcommittee, and select committee may request the President to issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by such committee. The President may issue said process at the request of the committee chair. Any member of a standing committee, standing subcommittee, or select committee may administer all oaths and affirmations, in the manner prescribed by law, to witnesses who appear before such committees to testify in any matter requiring evidence.

2.3—Committee reports

(1) Before a regular session of the Legislature convenes, each standing committee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and file same with the President of the Senate and the Secretary of the Senate.

(2) Before a regular session of the Legislature convenes, each standing subcommittee shall prepare a report of its findings, recommendations, and proposed legislation on its authorized interim projects, and submit same to the chair of the standing committee for consideration by such committee.

(3) Within thirty (30) days following sine die adjournment of a regular session, each standing committee shall provide information on the public business assigned to it since the regular session of the preceding year.

2.4—Committee staffing

A committee shall be staffed with personnel, subject to guidelines and criteria authorized by the President. The staff shall be also subject to the pay and classification code of the Senate. The President may authorize joint utilization of personnel with the House of Representatives and may authorize the Senate to share in the cost.

2.5—Committee utilization of federal funds

No committee shall make application for or utilize federal funds, personnel, services, or facilities unless approval is obtained from the Committee on Rules and Calendar.

2.6—Notice of committee meetings

(1) Notice of meetings of standing committees, standing subcommittees, and select committees shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of any regular session until proper notice is published in the calendar for the two (2) legislative days preceding and the day of such committee meeting.

(2) Thereafter, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chair of the committee or subcommittee or, in his or her absence, the vice-chair while the Senate is in session and the posting of a notice in the public corridor leading to the Senate Chamber for at least four (4) hours in advance of the meeting.

(3) The chair of a standing committee, standing subcommittee, or select committee, or in his or her absence, the vice-chair, shall provide the Secretary's office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

(4) At least seven (7) days prior to the meeting of a standing committee, standing subcommittee, or select committee, while the Legislature is not in session, a notice of the meeting, stating the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered, shall be filed with the Secretary of the Senate. The Secretary shall give notice to the membership and the public.

2.7—Bills recommitted

(1) A bill reported by a standing committee without proper notice shall be recommitted to the committee reporting the same on the point of order being made within two (2) days after such report is printed in the Journal. The committee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

(2) A bill reported by a standing subcommittee to its standing committee without proper notice shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. The subcommittee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

2.8—Notice of meeting; publication

For publication in the daily calendar, notice of standing committee, standing subcommittee, or select committee meetings shall be delivered to the Secretary's office in writing by 4:30 p.m. on the day preceding its intended publication. If such day is a Friday, delivery shall be by 2:30 p.m. Meeting notices shall appear in the daily calendar.

2.9—Committee meetings; committee meetings after fiftieth (50th) day

(1) Each standing committee and standing subcommittee shall consider the public business assigned to it as expeditiously as possible and proper. To facilitate this, the President shall group the standing committees and subcommittees to provide each with an opportunity to meet without conflicting with the meetings of other committees.

(2) The Committee on Rules and Calendar shall, with approval of the President, provide a schedule of days, hours, and places for the meeting of committees for the regular session and during the interim, and deliver a copy of same to each Senator. However, no committee shall meet before 7:00 a.m. nor meet or continue to meet after 7:00 p.m. This scheduling shall not limit the powers of the chair of a standing committee or subcommittee as provided in these Rules.

(3) Unless approved by the Committee on Rules and Calendar, no committee shall meet after the fiftieth (50th) day of any regular session except the Committee on Rules and Calendar.

2.10—When, where committees meet

Each committee or subcommittee, standing or select, shall meet in the place and within the time assigned for its use by the Committee on Rules and Calendar and notice of such assignment shall be posted by the Secretary of the Senate in the public corridor leading into the Senate Chamber. The committee chair may arrange with the Chair of the Committee on Rules and Calendar for evening or other special meetings; and during interim committee meetings, the Chair of the Committee on Rules and Calendar may also authorize committees to schedule noticed meetings until 9:00 p.m. No committee except the Committee on Rules and Calendar shall meet while the Senate is in session without the consent of the majority of the Senate present.

2.11—Attendance by sponsor of bill

The introducer of a bill shall attend the meeting of the committee before which such bill is noticed as provided in these Rules. Such introducer may discharge this duty by sending another legislator, his or her legislative assistant, or any other representative having written permission to speak for the bill. However, Senate committee staff shall be limited to presenting committee bills at committee meetings.

2.12—Order of business

(1) Bills shall be considered in the order appearing in the notice required by these Rules, except that the chair may, in his or her sole discretion, consider a bill out of its order to accommodate the presence of a Senator or Representative who is the prime introducer thereof.

(2) A bill shall be considered out of its order on the committee agenda on unanimous consent of those committee members present obtained in the following manner: Prior to consideration of the motion, the Senator moving for unanimous consent of those committee members present shall orally give the committee not less than fifteen (15) minutes' notice of the Senator's intention to move and shall specify the number of the bill. On the entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those committee members present shall be given or refused without further debate.

2.13—Open meetings

All committee meetings shall be open to the public, subject always to the powers and authority of the chair to maintain order and decorum. If any matter is reported on the basis of a poll of the committee, such matters shall be referred to such committee on a point of order made prior to final passage thereof.

2.14—Repealed

2.15—Standing committee duties in deliberation

(1) It shall be the duty of standing committees to report all matters referred to them either:

(a) Favorably,
(b) Favorably with committee amendment(s),
(c) Favorably with committee substitute as defined in these Rules, or
(d) Unfavorably.

The vote of the members of a standing committee or subcommittee on final passage of any measure shall be recorded. Upon the request of any two (2) members of a committee or subcommittee the vote on any other matter, properly before the committee, shall be recorded. After such report has been received by the Secretary, no matter so reported shall be recommitted to a committee except by a two-thirds (2/3) vote of those Senators present in session.

(2) Such reports shall also reflect:

(a) The time and place of the meeting at which the action was taken, and

(b) The vote of each member of the committee on the motion to report each bill or resolution.

A bill filed for introduction by a committee shall be accompanied by such report. The Secretary shall enter in the Journal the action of the committee, but shall not include that portion of the report relating to the time and place of the meeting or the vote of each member on the motion to report a measure. Reports of committees shall be preserved pursuant to law.

(3) In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee of reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill (or bills) as originally introduced. When the original measure is reached on the calendar, the substitute shall be read a first (1st) time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first (1st) introduction of a similar measure. The name of the introducer of the original measure (or measures) shall be shown by the committee administrative assistant on the committee substitute unless the said introducer requests that it be omitted. A committee substitute may be cosponsored by a Senator whose signature is affixed to the original. A Senate committee may not recommend a Senate committee substitute for a House bill.

(4) All standing committee reports shall be signed by the chair or, in his or her absence, the vice-chair and shall be filed with the Secretary's office as soon as practicable, but not later than 4:30 p.m. on the next legislative day except a committee drafting and recommending a committee substitute shall file such committee report no later than 4:30 p.m. of the second (2nd) legislative day. These reports must be accompanied by the original bill. Each report by a committee must set forth the identifying number of the measure; if amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure. All measures reported unfavorably shall be laid on the table.

2.16—Standing subcommittee reports

(1) It shall be the duty of standing subcommittees to report all measures referred to them directly to the full standing committee, which shall promptly certify a copy to the Secretary of the Senate. The standing subcommittee shall report all measures either:

(a) Favorably,

(b) Favorably with committee amendment(s),

(c) Favorably with committee substitute as defined in these Rules, or

(d) Unfavorably.

(2) Such reports shall also reflect:

(a) The time and place of the meeting at which the action was taken, and

(b) The vote of each member of the subcommittee on the motion to report each bill or resolution.

(3) In reporting a bill to the full standing committee, a standing subcommittee may draft a new measure, embracing the same general subject matter, to be returned to the full standing committee with the recommendation that the substitute be considered in lieu of the original measure. The substitute measure must be accompanied by the original measure referred to the standing subcommittee and returned to the full standing committee in the same manner as a favorable report.

(4) All standing subcommittee reports shall be signed by the chair or, in the chair's absence, the vice-chair and shall be made on forms prescribed by the Secretary of the Senate. Each report by a standing subcommittee must set forth the identifying number of the measure; if amendments are proposed by the standing subcommittee, the words "with amendments" shall follow the identifying number. Standing subcommittee amendments shall be printed in full on proper forms, numbered serially, and attached to the measure.

(5) All bills reported unfavorably shall be laid on the table when the standing committee considers the standing subcommittee's report. On motion by any member of the committee, adopted by a two-thirds (2/3) vote of those standing committee members present, the same may be taken from the table. When a bill is thus removed from the table by a standing committee, it shall receive a hearing de novo and witnesses shall be permitted to testify.

(6) When a bill with a favorable report by a standing subcommittee is considered by the standing committee, no additional testimony shall be permitted except by a two-thirds (2/3) vote of those standing committee members present before final action is taken; however, debate by members of the standing committee shall be allowed.

2.17—Quorum of committee

A standing committee, standing subcommittee, or select committee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. No committee business of any type shall be conducted in the absence of a quorum. Any bill or resolution reported in violation of this Rule shall be recommitted by the President when it is called to the President's attention by a Senator.

2.18—Repealed

2.19—Conference committee in deliberation

(1) All meetings of Senate conferees with House conferees at which the business of the conference committee is discussed shall be open to the public subject to proper order and decorum. A meeting of the Senate and House conferees is a meeting of the two groups, therefore, the rules governing each respective house apply. Meetings between a majority of the members of a conference committee may be held following a notice being filed with the Secretary of the Senate by or at the direction of the person calling the meeting, at least two (2) hours in advance of the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour in advance of the meeting. The notice shall indicate the names of the conferees and scheduled participants, the date, the time, and the location of the meeting.

(2) Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(3) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. Such amendments shall accompany the conference committee report, which shall be attached to the original measure submitted to conference. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House. Conference reports must be approved and signed by a majority of the managers on the part of each House. All final actions taken in conference committee shall be by motion.

(4) Each report shall contain a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(5) When any bill or joint resolution is referred by the President to a conference committee, a notice of the following meetings to discuss matters relating to the conference, stating the names of the conferees and scheduled participants, and the date, time, and place for the meeting, shall be filed with the Secretary of the Senate by or at the direction of the person(s) at whose call the meeting is convened, not less than two (2) hours preceding the time for the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour preceding the time for the meeting:

(a) Meetings between the President (or a Senator designated to represent the President), the Governor, and the

Speaker of the House (or a Representative designated to represent the Speaker);

(b) Meetings between a majority of the members of any subcommittee of the conference committee;

(c) Meetings between the President or any Senator(s) designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker of the House of Representatives or any Representative(s) designated to represent the Speaker; and

(d) Meetings of a majority of the Senate conferees; and when the bill or joint resolution that is the subject of the conference committee deals primarily with the general appropriations act or revenue matters, any meeting of three (3) or more conferees on the part of the Senate.

(6) Notice of meetings, as scheduled, between the chair of the Senate's conferees with the chair of the House's conferees, or between respective Senate and House committee chairs with each other, shall be posted in the public corridor leading to the Senate Chamber. In the case of the appropriations conference, said notice shall also be posted outside the door of the office of the Committee on Ways and Means.

(7) All meetings for which notice is required pursuant to this Rule shall be held in the Capitol, the Senate Office Building, the Knott Building, or the House Office Building, but shall not be held in the Chamber of either house while it is in session.

(8) When any bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on the measure as the Senate may determine.

(9) After Senate conferees have been appointed for seven (7) calendar days and have failed to make a report, it is a motion of the highest privilege to move to discharge said conferees and to appoint new conferees, or to instruct said conferees, and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege. Further, during the last six (6) calendar days allowed under the *State Constitution* for any regular session, it shall be a privileged motion to move to discharge, appoint, or instruct Senate conferees after the Senate conferees have been appointed thirty-six (36) hours without having made a report.

PART TWO—COMMITTEES—OFFICERS

2.20—Appointment of Chair and Vice-Chair

A chair and a vice-chair of each standing committee shall be appointed by the President preceding the regular session held each odd-numbered year and shall continue in office at the pleasure of the President. The President shall also appoint a chair for each standing subcommittee and select committee authorized by these Rules and may designate a vice-chair, both of whom shall continue in office at the pleasure of the President.

2.21—Calling committee to order

The chair or, in the chair's absence, the vice-chair, shall call the committee to order at the hour provided by these Rules. On the appearance of a quorum the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum. No committee business of any type shall be conducted in the absence of a quorum.

2.22—Chair's control

The chair or vice-chair shall preserve order and decorum and shall have general control of the committee room. If there is a disturbance or disorderly conduct in the committee room, the chair or vice-chair may require participants in the disturbance to clear the room.

2.23—Chair's authority; appeals

The chair shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. The chair shall decide all questions of order, subject to an appeal by any Senator, and the appeal shall be certified by the chair to the Senate for a decision by the President during the daily session of the Senate next following such certification. The ruling shall be entered in the Journal, shall constitute binding precedent on all committees of the Senate, and shall be subject to appeal as any other question. The chair may, or on the vote of a majority of the committee members present shall, certify a question of parliamentary procedure to the President as contemplated by the Rule without a formal appeal. Such a certified question shall be disposed of by the President as if it had been on appeal. The perfection of an appeal or the certification of a question pursuant to this Rule shall not constitute an automatic stay to further legislative action on the measure under consideration.

2.24—Chair, Vice-Chair; vote

The chair and vice-chair shall vote on all matters before such committee. The name of the chair shall be called last.

2.25—Temporary alternate to Chair

The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting. In the chair's absence and/or omission to make such appointment, the vice-chair shall act during his or her absence.

2.26—Vice-Chair's duties

On the death, incapacitation, or resignation of the chair, the vice-chair shall perform the duties of the office until the President shall appoint a successor. In the absence of the chair, the vice-chair shall act as chair.

PART THREE—COMMITTEES—MEMBERS

2.27—Members' attendance, voting, proxy

(1) Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented, and shall vote on each question except that no member of a committee shall be required or permitted to vote on any question immediately concerning that member's private rights as distinct from the public interest.

(2) The chair may excuse any Senator for just cause from attendance at meetings of his or her committee for any stated period, and this excused absence shall be noted on the committee's records.

(3) Failure to attend two (2) consecutive regular meetings, unless excused from attendance in the Senate on those days as provided in these Rules or by the chair of the committee, shall constitute automatic withdrawal from the committee.

(4) No member of any committee shall be allowed to vote by proxy. A majority of all the committee members present shall agree by their votes on the disposition of any bill or other matter considered by the committee.

PART FOUR—COMMITTEES—VOTING

2.28—Taking the vote

(1) The chair shall declare all votes and shall cause same to be entered on the records of the committee, but if any member questions a vote, then by a show of hands by two (2) members the chair shall count the yeas and nays. When the committee shall be equally divided, the question shall be lost.

(2) A Senator may request to:

(a) Change his or her vote, or

(b) Vote

before the results of a roll call are announced. After the results have been announced, a Senator with unanimous consent of those committee members present may change his or her vote or vote. If the vote alters the final action of the committee, no change of vote or vote shall be valid until the measure has been recalled to the committee for further consideration. On request of a member prior to consideration of other business, the chair shall order a verification of a vote.

2.29—Pairing prohibited

No pairing shall be permitted by the committee.

2.30—Casting vote for another

No Senator shall cast a vote for another Senator, nor shall any person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, any Senator who shall vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, any person not a Senator who shall vote in the place of a Senator shall be excluded from the committee for the remainder of the session.

2.31—Explanation of vote

No Senator shall be permitted to defer or explain his or her vote during a roll call, but may submit his or her explanation in writing and file it with the chair. This explanation shall be kept as part of the committee record and a copy filed with the Secretary of the Senate.

PART FIVE—COMMITTEES—MOTIONS AND PRECEDENCE

2.32—Motions; how made, withdrawn

Every motion may be made orally. On request of the chair, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the chair, it shall be deemed to be in possession of the committee without a second, and shall be disposed of by vote of the committee members present. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended, or before a vote shall have commenced.

2.33—Motions; precedence

(1) When a question is under debate, the chair shall receive no motion except:

(a) To rise
(b) To take a recess
(c) To reconsider
(d) To limit debate
(e) To temporarily postpone
(f) To postpone to a day certain
(g) To commit to a select subcommittee
(h) To amend

which shall have precedence in the descending order given.

(2) The chair shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute shall be considered and the substitute shall be in the same order of precedence.

2.34—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

2.35—Reconsideration generally

When a question has been decided by a committee, any Senator voting with the prevailing side may move for reconsideration of the question. Also when a question has been decided by voice vote, any member, during the meeting at which the vote was taken, may so move. Such motion may be made pending a motion to rise or if the time of adjournment has arrived. Consideration of a motion to reconsider shall be a special and continuing order of business for the succeeding committee meeting, and, unless considered during such meeting, shall be considered abandoned. If the committee shall refuse to consider or, upon consideration, shall confirm its first decision, no further motion to reconsider shall be in order except upon unanimous consent of those committee members present. During the last fourteen (14) days of a regular session, a motion to reconsider shall be made and considered during the meeting at which the original vote was taken.

2.36—Reconsideration; vote required

The affirmative votes of a majority of the committee members present shall be required to adopt a motion to reconsider.

2.37—Reconsideration; debate allowed

Debate shall be allowed on a motion to reconsider only when the question is debatable. When debate on a motion to reconsider is in order, no Senator shall speak thereon more than once nor longer than five (5) minutes.

2.38—Reconsideration; collateral matters

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the committee has passed to other business.

PART SIX—COMMITTEES—AMENDMENTS

2.39—Amendments, proposed committee substitutes, and proposed committee bills; form, notice, manner of consideration

(1) No amendment or proposed committee substitute to any measure, or no proposed committee bill on any committee agenda, which was prepared prior to the committee meeting at which it is offered, shall be considered by that committee unless the amendment, proposed committee substitute, or proposed committee bill was filed with the committee administrative assistant at least twenty-four (24) hours prior to the noticed meeting time. For the purpose of this rule, office hours are Monday through Friday, 8:00 a.m. - 5:00 p.m. Copies of such amendment(s), proposed committee substitute(s), or proposed committee bills shall be made reasonably available by the committee administrative assistant before the meeting to the members of the committee and to the public.

(a) Subsequent to distribution of all timely filed amendments, amendments to amendments or substitute amendments may be filed to any measure to which an amendment was timely filed. Such amendments may be filed with the committee administrative assistant until two (2) hours prior to the noticed meeting time.
(b) Subsequent to distribution of all timely filed proposed committee substitutes and proposed committee bills, amendments, amendments to amendments, or substitute amendments to any proposed committee substitute or proposed committee bill may be filed with the committee administrative assistant until two (2) hours prior to the noticed meeting time.
(c) After the first fifty (50) days of any regular session, an amendment or proposed committee substitute to any measure prepared prior to a committee meeting at which it is offered shall be filed with the committee administrative assistant at least two (2) hours prior to the noticed meeting time.
(d) The consideration of any amendment or proposed committee substitute not timely filed in accordance with this rule, including any filed during a committee meeting in which it is to be offered, requires a two-thirds (2/3) vote of those committee members present. These time requirements do not apply to a committee's recommendation during a meeting to make a committee substitute which is merely a combination of the noticed bill(s) and amendment(s).

(2) Amendments shall be filed on forms prescribed by the Secretary but shall be considered only after sponsors, who are members of the committee, gain recognition from the chair to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chair and has moved its adoption. Amendments that have been filed but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

2.40—Sequence of amendments to amendments

(1) An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

(a) Amendments to the amendment are acted on before the substitute is taken up.
(b) Amendments to the substitute are next voted on.
(c) The substitute then is voted on.

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

2.41—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

2.42—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill or resolution is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The chair, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the whole bill shall be open for amendment.

2.43—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill.

2.44—Amendments by another committee

Amendments recommended by all committees of reference shall accompany a bill when filed with the Secretary. No committee shall physically remove an amendment by another committee but may recommend an amendment to an amendment, or a substitute for an amendment, by another committee. Amendments adopted by a committee to be incorporated in a committee substitute need not be filed.

PART SEVEN—COMMITTEES—DECORUM AND DEBATE

2.45—Decorum and debate

When a Senator desires to speak or deliver a matter to the committee, the Senator shall address himself or herself to "Mr. or Madam Chair" and, on being recognized, may address the committee and shall confine himself or herself to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the surname of the Senator referred to or addressed.

2.46—Chair's power to recognize

When two (2) or more Senators speak at once, the chair shall name the Senator who is to be first recognized.

2.47—Interruptions; when allowed

(1) No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by:

(a) Rising to a question of privilege;
(b) Rising to a point of order requiring an immediate ruling;
(c) Rising to appeal a decision of the chair concerning a point of order (if the appeal is made immediately following the decision);
(d) Rising to make a parliamentary inquiry requiring an immediate reply; or
(e) Rising to question the existence of a quorum.

(2) The chair shall strictly enforce this Rule.

2.48—Speaking rights

(1) When a member is speaking and another member interrupts to request recognition, the chair may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member is then entitled to resume the floor.

(2) The member making a debatable motion or the primary introducer of a bill, whether or not a member of the committee, shall have five (5) minutes in order to close debate.

2.49—Time for debate

No Senator shall speak longer than ten (10) minutes without yielding the floor, except by consent of a majority of those committee members present.

2.50—Limitation on debate

When a measure is under debate by the committee, a Senator may move to limit debate, and the motion shall be decided without debate. The introducer of the measure shall have five (5) minutes to discuss the motion, and the introducer may divide such time with, or waive it in favor of, some other member. If the question is decided in the affirmative by a two-thirds (2/3) vote of those committee members present, the debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the chair.

2.51—Priority of business

All questions relating to the priority of business shall be acted on and shall be decided without debate.

2.52—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

2.53—Appeals

The proper method of taking exception to a ruling of the chair is by appeal. An appeal from a decision of the chair must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; if the determination of the appeal is dependent on this point, it may be decided by the chair. This second (2nd) decision is also subject to appeal.

2.54—Appeals debatable

An appeal from a decision of the chair on a point of order is debatable even though the question from which it arose was not debatable.

RULE THREE

BILLS, RESOLUTIONS, AND MEMORIALS

3.1—Form of bills

(1) All bills shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*, and the enacting clause, "Be It Enacted by the Legislature of the State of Florida:." The title of each bill shall be prefaced by the words, "A bill to be entitled An act." Standard rules of capitalization shall apply.

(2) The original must be backed in a folder-jacket signed by the sponsor(s). On these jackets shall be inscribed the name and district number of the introducer and any co-introducers or the introducing committee and its chair, enough of the title for identification.

(3) Bills that propose to amend existing provisions of the *Florida Statutes* (as described in section 11.242, *Florida Statutes*) or the *Laws of Florida* shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the *State Constitution* shall contain the full text of the section to be amended.

(4) In general bills and joint resolutions that propose to create or amend existing provisions of the *Florida Statutes*, *Laws of Florida*, or the *State Constitution*, new words shall be inserted underlined, and words to be deleted shall be lined through with hyphens, except that the text of the General Appropriations Act shall not be underlined.

(5) When the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it shall not be necessary to use the coded indicators of words added or deleted but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the text of the provision being amended: "Substantial rewording of section. See s. [number], F.S., for present text." When such notation is used, the notation as well as the substantially reworded text shall be underlined.

(6) The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and shall not be considered to constitute a part of the bill under consideration.

(7) Section catchlines of existing text shall not be typed with underlining.

3.2—Bills for introduction

A bill may not be introduced until properly filed with the Secretary of the Senate.

3.3—Form of local bills

As required by Article III, Section 10 of the *State Constitution*, all local bills must either embody provision for ratifying referenda (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement. Forms of affidavit may be obtained from the Secretary of the Senate. All local bills that require publication shall, when introduced, have proof of publication securely attached to the original copy of the bill and the words "Proof of Publication Attached" clearly typed or stamped on the Senate side of the bill jacket or cover, or the same shall be rejected by the Secretary.

3.4—Form of joint resolutions

All joint resolutions shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:." Each joint resolution shall be prefaced by the words: "A joint resolution."

3.5—Form of memorials

All memorials shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:."

3.6—Form of resolutions; Senate and concurrent

(1) All Senate resolutions and all concurrent resolutions shall contain a proper title, as defined in Article III, Section 6 of the *State Constitution*. Standard rules of capitalization shall apply. Senate resolutions shall read, "Be It Resolved by the Senate of the State of Florida:." Concurrent resolutions shall read, "Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:."

(2) Only the Secretary of the Senate shall prepare copies of Senate resolutions that are to be furnished any person after the resolution's adoption.

3.7—Bill filing deadline during regular session; bill filing between regular sessions

(1) To facilitate processing and committee referencing, all bills (except for the general appropriations bill, local bills, Senate resolutions, and joint resolutions) shall be filed for introduction with the Secretary of the Senate no later than 12:00 noon of the first (1st) day of the regular session.

(2) A motion to waive this Rule shall be referred to the Committee on Rules and Calendar for a hearing and its advisory recommendation as to the existence of an emergency reasonably compelling consideration of a bill notwithstanding this Rule and a recommendation shall be reported back to the Senate. The Secretary shall number each bill to provide identity and control until a permanent number can be affixed.

(3) Between regular sessions of the Legislature, bills may be filed by delivery to the Secretary of the Senate.

3.8—Filed bills; consideration between regular sessions

(1) A filed bill complying with these Rules shall, in anticipation of the next regular session, be serially numbered in accordance with the permanent system required by these Rules.

(2) The Secretary shall deliver each such numbered bill to the President for reference to a committee or committees pursuant to these Rules. The Secretary shall promptly forward each referenced bill to the first (1st) or only committee of reference. A copy of each filed bill shall be provided each Senator. The Secretary shall provide regularly to each Senator a calendar of all filed bills, including the referencing data for each bill, and of all committee hearings, including the bills noticed for hearing by each.

(3) After having been considered by a committee and a report made to the Secretary at least seven (7) days preceding a regular session, each bill shall be introduced and read on the first (1st) day thereof, pursuant to the *State Constitution, Laws of Florida,* and these Rules. The Journal shall reflect the committee reference and the report of the committee. All requirements for the referencing of bills to and the consideration of bills by Senate committees shall be deemed to have been met and discharged if the jurisdictional requirements of this Rule have been complied with as to each of such bills.

(4) If a committee fails to deliver its report of a filed bill prior to seven (7) days next preceding the convening of a regular session or, if a filed bill has received a reference to more than one (1) committee and fewer than all considered such bill, the committee or committees failing to so report and the committee or committees having failed to discharge their jurisdiction of a bill shall conduct hearings and file reports during the regular session as if such bill had not been filed prior to the first (1st) day of the regular session.

(5) Notwithstanding these Rules, a Senator may, during the day of introduction of filed bills, but no later than under the Order of Business of "Motions Relating to Committee Reference" on the second (2nd) legislative day on which the Senate meets, move for reference to a different committee or for removal from a committee. This motion may be adopted by a two-thirds (2/3) vote of those Senators present. Prior to the introduction of a bill on the first (1st) day of the regular session, a Senator may give written notification to the Secretary of the Senate to withdraw his or her bill from further consideration of the Senate.

3.9—Copies of bills

When introduced, bills, not local in application, and joint resolutions (including committee bills and committee substitute bills) shall be published by the Secretary for the information of the Senate and the public. The absence of a published copy shall not delay the progress of a measure at any stage of the legislative process. Sufficient copies of the general appropriations bill proposed to be introduced by the Committee on Ways and Means shall be made available to the members and, upon request, to the public, at the office of the Secretary of the Senate and at the committee's office, no less than two (2) hours prior to the time the Committee on Ways and Means meets to consider the proposed committee bill.

3.10—Identification of bills

Bills and other measures requiring legislative action shall be introduced in the order they are received at the desk of the Secretary. They shall be serially numbered with even numbers as introduced, without differentiation in number as to type. The Secretary shall mark the original copy of each measure to ensure its identification, and each page thereof, as the item introduced in order to prevent unauthorized or improper substitutions. This identification may be made by any device to accomplish the purpose of this Rule. Such device shall be in the custody of the Secretary, and its use by any person not authorized by this Rule is prohibited.

3.11—Companion measures

When a Senate bill is reached on the calendar of the Senate for consideration, either on second (2nd) or third (3rd) reading, and there is also pending on the calendar of the Senate a companion measure already passed by the House, it shall be in order to move that the House companion measure be substituted and considered in lieu of the Senate measure. Such motion may be adopted by a majority vote of those Senators present, provided the House measure is on the same reading; otherwise, the motion shall be to waive the Rules by a two-thirds (2/3) vote of those Senators present and read such House measure. A companion measure shall be substantially the same and identical as to specific intent and purpose as the measure for which it is being substituted. At the moment the Senate passes the House companion measure, the original Senate measure shall be regarded as automatically tabled. Recommitment of a Senate bill shall automatically carry with it any House companion measure then on the calendar.

3.12—Introducers of bills; introducers no longer Senators

(1) Bills shall be introduced by a Senator or group of Senators whose signature or signatures are affixed to the original, or by any committee with the name of the committee and the signature of the chair of the committee affixed to the original. A bill introduced by a committee may be co-sponsored by any Senator whose signature is affixed to the original. The general appropriations bill shall be introduced by the Committee on Ways and Means.

(2) A bill introduced solely by a Senator who will not be a Senator at the next regular session of the Legislature shall be deemed withdrawn from further consideration of the Senate.

3.13—Fiscal notes

(1) Upon being favorably reported by a standing committee, all general bills or joint resolutions affecting revenues, expenditures, or fiscal liabilities of state or local governments shall be accompanied by a fiscal note. Fiscal notes shall reflect the estimated increase or decrease in revenues or expenditures. The estimated economic impact, which calculates the present and future fiscal implications of the bill or joint resolution, must be considered. The fiscal note shall not express opinion relative to the merits of the measure, but may identify technical or mechanical defects.

(2) Fiscal notes on those bills affecting any state retirement system shall be prepared after consultation with an actuary who is a member of the Society of Actuaries and the cooperation of appropriate state agencies for necessary data shall be solicited.

(3) Fiscal notes shall be regarded as memoranda of factual information and shall be made available to members of the Senate.

(4) If a bill or joint resolution is reported favorably by a committee without a fiscal note or economic impact statement, as defined in this Rule, a Senator may at any time raise a point of order, and the President shall order return of the bill or joint resolution to the committee. A fiscal note prepared for a Senate bill or joint resolution shall be presumed as prepared also for its House companion for the purposes of point of order.

RULE FOUR

ORDER OF BUSINESS AND CALENDAR

4.1—Sessions of the Senate

The Senate shall meet pursuant to a schedule adopted by the Committee on Rules and Calendar and approved by the President. This schedule shall set forth hours to convene and adjourn. The Senate shall not meet before 7:00 a.m. nor meet or continue to meet after 7:00 p.m.

4.2—Quorum

A majority of the Senate shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as it may prescribe. A Senator at any time may question the existence of a quorum.

4.3—Daily Order of Business

(1) The Daily Order of Business shall be as follows:

(a) Roll Call
(b) Prayer
(c) Pledge of Allegiance to the Flag of the United States of America
(d) Reports of Committees
(e) Motions Relating to Committee Reference
(f) Messages from the Governor and Other Executive Communications
(g) Messages from the House of Representatives
(h) Matters on Reconsideration
(i) Consideration of Bills on Third (3rd) Reading
(j) Special Order as determined by the Committee on Rules and Calendar
(k) Consideration of Bills on Second (2nd) Reading
(l) Correction and approval of Journal

(2) The Secretary of the Senate shall prepare and distribute, on each legislative day, a calendar corresponding to the Daily Order of Business; and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the Secretary separately.

(3) Certain messages from the House of Representatives may be withheld from the Daily Order of Business pursuant to Rule 1.18 or on order of the President.

(4) First (1st) reading of bills shall be accomplished by publication of the title thereof in the Journal pursuant to Article III, Section 7 of the *State Constitution*.

(5) Except by unanimous consent of those Senators present in session, no bill shall be considered by the Senate if the bill or a companion measure has not been first reported favorably by at least one (1) Senate committee.

4.4—Committee of the Whole

By a majority vote of those Senators present, the Senate may resolve itself into a Committee of the Whole and, when thus constituted, may consider any question whether formally introduced in the Senate or not. The Senate may, however, restrict the subject matter to be considered by the Committee of the Whole, or its jurisdiction, by resolving itself into a Committee of the Whole for a specific and limited purpose. The President shall preside and maintain order and decorum. The Rules of the Senate applicable to standing committees shall govern when applicable. The Committee of the Whole may consider and report, by majority vote of those committee members present, on any bill or question not formally introduced in the Senate and any bill on which all standing committees of reference have rendered a favorable report. A bill on which committee action has been taken by the committee or committees of reference or on which an unfavorable committee report has been filed may be considered only by a two-thirds (2/3) vote of those committee members present. Such vote shall also be required to favorably report any such bill to the Senate. A bill thus originating in a Committee of the Whole shall, when introduced as contemplated by the *State Constitution*, receive no further reference to committee. A favorable report by a Committee of the Whole on a bill having theretofore received an unfavorable report by a standing committee of reference shall not have the effect of withdrawing such bill from the table. Consideration by the Senate of such a bill shall be preceded by the adoption of the appropriate motion during a session of the Senate. Bills considered by a Committee of the Whole shall be read once, debated, amended, and acted on as a standing committee function. The body of a bill formally introduced shall not be interlined or defaced, but all amendments denoting the page and line shall be entered on a separate paper by the Secretary of the Committee of the Whole. The same shall be agreed to by the Committee, and the report filed as otherwise provided in these Rules for committee reports. After report, the bill or other matter may be again debated and shall be subject to be again amended by the Senate. The quorum for a Committee of the Whole shall be the same as for the Senate, and when the Committee of the Whole shall rise, the roll shall be called to ascertain the presence of a quorum of the Senate.

4.5—Conference committee report

(1) The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days, and on the completion of the second (2nd) reading the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last five (5) days of a regular session the report shall be read only once. Copies of conference committee reports shall be available to the membership twelve (12) hours prior to the time such report is scheduled to be taken up on the Senate floor.

(2) The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(3) Except when the Senate is voting on a proposition, reports of committees of conference shall always be in order.

4.6—Reference generally

(1) All bills, including those that are strictly local in nature, shall be referred by the President to appropriate committees and standing subcommittees.

(2) Bills received by the President during a regular session and within three (3) weeks next preceding the convening of a regular session shall be referred within seven (7) days. Upon failure of the President to reference such bills within this limitation, they shall be referred to committees as may be recommended by the sponsor. In the event of extended absence of the President or the President's disability or incapacity, the President Pro Tempore shall assume the duty of referring bills.

(3) When the Legislature is not in session, the President may change or correct a bill reference. Notice shall be given to the Secretary of the Senate and the bill sponsor.

(4) If the President has not previously designated a standing subcommittee of reference, the chair of the standing committee shall promptly determine whether such measure shall initially be considered by the full committee, a standing subcommittee, or a select subcommittee appointed by the chair. The chair, in referring a bill to a subcommittee, shall specify the number of days available for consideration. If subreference is to a standing subcommittee, the chair of the standing committee shall promptly report this reference and the time allowed for consideration to the Secretary of the Senate on forms provided for the purpose.

(5) The reference of a bill that appears to be local in nature shall be to the Committee on Rules and Calendar to determine whether such measure is local in nature for reference purposes and whether it responds to the legal requirements of a local bill.

(6) A bill is local in nature for referencing purposes if it does not substantially alter a law of general application throughout the state and it either affects no more than one (1) county or relates to a special district that is located wholly within no more than two (2) counties.

(7) When the Committee on Rules and Calendar, through staff analysis, has determined that the bill is not local in nature for referencing purposes, the committee shall report such determination to the President of the Senate, who shall refer such bill to an appropriate standing committee for hearing. Such report shall be made within fifteen (15) legislative days from date of reference to the Committee on Rules and Calendar. When the Committee on Rules and Calendar, through staff analysis, has determined that a bill is local in nature for referencing purposes and that it responds to the legal requirements of a local bill, the bill shall be reported and referred to the calendar on local bills.

4.7—Reference to more than one committee; effect

In case of multiple reference of a bill, it shall be considered by each committee separately in the order in which the multiple reference is made. However, if any committee to which the bill is referred makes an unfavorable report on said bill, that report shall be filed with the Senate and no further consideration given by other committees except by a two-thirds (2/3) vote of those Senators present. If a committee reports a bill favorably with committee substitute, other committee consideration shall be directed to the substitute and not to the original.

4.8—Reference of bills affecting appropriations, revenue, retirement, or county or municipal spending

All bills authorizing or substantially affecting appropriations or tax revenue shall be reviewed by the Committee on Ways and Means or any other appropriate committee. All bills substantially affecting a state-funded or state-administered retirement system shall be reviewed by the Committee on Governmental Oversight and Productivity. All bills which are affected by the provisions of Article VII, Section 18 of the *State Constitution* shall be reviewed by the Committee on Community Affairs. A bill that is amended to substantially affect appropriations or tax revenue, a state retirement program, or expenditures or revenues as set forth in Article VII, Section 18 of the *State Constitution* shall, before being placed before the Senate for final passage, be reviewed along with all amendments by the Committee on Ways and Means or any other appropriate committee for recommendation to the Senate, which review during the last ten (10) days of a regular session shall be accomplished within twenty-four (24) hours.

4.81—Claim bills

(1) Claim bills are of two (2) types: excess judgment claims filed pursuant to section 768.28(5), *Florida Statutes*, and equitable claims filed without an underlying excess judgment.

(2) All claim bills shall be filed with the Secretary of the Senate on or before August 1 in order to be considered by the Senate during the next regular session, except that members elected to the Senate during a general election may have sixty (60) days from the date of that election to file a claim bill(s). Senators currently serving who are re-elected during a general election are not subject to the immediately preceding provision relating to sixty (60) days. A motion to introduce a claim bill notwithstanding the claim bill filing deadline, shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. A House claim bill which does not have a Senate companion claim bill timely filed under this Rule shall not be considered by the Senate. Any motion to consider a House claim bill which does not have a timely filed Senate companion bill shall be referred to the Committee on Rules and Calendar for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Committee on Rules and Calendar shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by a two-thirds (2/3) vote of those Senators present.

(3) All claim bills shall be referred by the President to one (1) or more committees for review. If the President determines that a de novo hearing is necessary to determine liability, proximate cause, and damages, a Special Master shall conduct such hearing pursuant to reasonable notice. Discovery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, tape record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations no later than December 1. The report shall be signed by the Special Master who shall be available, in person, to explain his or her report to the committees and to the Senate.

(4) On receipt of the Special Master's report and recommendations, if any, the Secretary shall, under the President's initial reference, deliver each claim bill with the report attached, to the committee or committees of reference.

(5) Stipulations entered into by the parties are not binding on the Special Master, the Senate, or its committees.

(6) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted; except that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement.

4.9—Reference of resolutions

All resolutions shall be referred by the President to a standing committee, except resolutions on Senate organization, resolutions of condolence and commemoration that are of a statewide nonpolitical significance, or concurrent resolutions recalling a bill from the Governor's office. These may be considered on motion and adopted at time of introduction without reference, except that resolutions of condolence or commemoration that are of a statewide nonpolitical significance, may be shown as introduced, read, and adopted by publication in full in the Journal.

4.10—Reference to different committee or removal

When the President has referred a bill, the Chair of the Committee on Rules and Calendar may move for reference to a different committee or for removal from any committee after the sponsor of the bill has filed a request with the Rules Chair signed by the chair of the affected committee, the Chair of the Committee on Rules and Calendar, and the President. This motion may be adopted by a two-thirds (2/3) vote of those Senators present.

4.11—Papers of miscellaneous nature

Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President, be read, noted in the Journal, or filed with an appropriate committee. When there is a demand to read a paper other than one on which the Senate is called to give a final vote and the same is objected to by any Senator, it shall be determined by a majority vote of those Senators present.

4.12—Reading of bills and joint resolutions

Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote on final passage unless decided otherwise by a two-thirds (2/3) vote of those Senators present as provided in Article III, Section 7 of the *State Constitution*.

4.13—Reading of concurrent resolutions and memorials

Each concurrent resolution or memorial shall receive two (2) separate readings on two (2) separate days previous to a voice vote on adoption, unless decided otherwise by a two-thirds (2/3) vote of those Senators present. If the reading on the second (2nd) day is dispensed with by this waiver, the concurrent resolution or memorial may be read the second (2nd) time by title only.

4.14—Reading of Senate resolutions

On introduction each Senate resolution shall be read by title only and shall be read an additional time in full before the question is put on adoption by voice vote, except that resolutions of condolence or commemoration that are of a statewide nonpolitical significance may be shown as introduced, read, and adopted by publication in full in the Journal.

4.15—Referral or postponement on third (3rd) reading

On the third (3rd) reading of a bill or joint resolution, it shall not be referred or committed (except to the Committee on Ways and Means) or amended (except a corrective or title amendment) except by a two-thirds (2/3) vote of those Senators present, nor shall the vote on passage be postponed to a day certain without the consent of a majority of those Senators present.

4.16—Consideration out of regular order

A bill shall be considered out of regular order on the calendar on unanimous consent of those Senators present obtained in the following manner: Prior to the consideration of the motion, the Senator moving for unanimous consent of those Senators present shall orally give the membership not less than fifteen (15) minutes' notice of his or her intention to move and shall specify the number of the bill or joint resolution and its position on the calendar. On entertainment of the motion, the moving Senator shall be allowed one (1) minute to explain his or her purpose, and unanimous consent of those Senators present shall be given or refused without further debate.

4.17—Special Order Calendar; Consent Calendar

(1) Commencing on the first (1st) day of a regular session of the Legislature permitted under the *State Constitution* and during any extension directed by the membership of the Legislature as permitted under the *State Constitution*, the Special Order Calendar Subcommittee of the Committee on Rules and Calendar, consisting of the Chair of the Committee on Rules and Calendar, the Vice-Chair of the Committee on Rules and Calendar, the Majority Leader, the Minority Leader, and two (2) other members of the committee designated by the chair, shall on each day submit a Special Order Calendar determining the priority for consideration of bills. Except for the first (1st) day, each Special Order Calendar shall be for the second (2nd) succeeding legislative day on which the Senate meets, and this calendar may include bills that had been scheduled for Special Order on the previous legislative day. No other bills shall be considered until this Special Order Calendar has been completed by the Senate, except that any bill appearing on this calendar may be stricken by a two-thirds (2/3) vote of those Senators present or any bill appearing on the general calendar of bills on second (2nd) or third (3rd) reading may be added to the end of the Special Order Calendar by the same vote. All bills set as Special Order for consideration at the same hour shall take precedence in the order in which they were given preference.

(2) A two-thirds (2/3) vote of those Senators present shall be required to establish a Special Order except as provided in this Rule. Notice of time and place for the establishment of the Special Order shall be published in the daily calendar; provided, during the last ten (10) days of each regular session notice of time and place may be given by announcement from the floor.

(3) The Chair of the Committee on Rules and Calendar, with the approval of the President, may submit a Consent Bill Calendar to be held in conjunction with the Special Order Calendar. When such a day is designated, all bills appearing on the Consent Calendar shall be considered in their order of appearance. However, if an objection by any member shall cause such bill to be temporarily postponed, it retains its order on the regular calendar. A Senator may designate only a bill that he or she sponsors or a House bill for the Consent Calendar. A committee chair may designate a committee bill sponsored by his or her committee. All Consent Calendar bills must have appeared on the printed Senate calendar.

4.18—Local Bill Calendar

Local bills shall be disposed of according to the calendar of bills of a local nature and shall be considered only at such time as determined by the Chair of the Committee on Rules and Calendar and approved by the President.

4.19—Order after second (2nd) reading

The order of disposition of a bill that has been read the second (2nd) time shall be its reference to the engrossing clerk to be engrossed after all questions relative to it while on second (2nd) reading have been disposed of, and the same shall be immediately engrossed and placed on the calendar of bills on third (3rd) reading to be considered on some succeeding legislative day. No bill shall be committed to the engrossing clerk or placed on the calendar of bills on third (3rd) reading unless all motions relative to it and placed, by the President, before the Senate have been disposed of. Amendments filed with the Secretary, the adoption of which have not been formally moved, shall not be construed to be pending so as to deter such advancement. A bill shall be available for its third (3rd) reading when it has been read a second (2nd) time on a previous day and no motion left pending. Bills calendared for second (2nd) or third (3rd) reading shall not be considered on such reading until reached on the calendar and appropriately read to the Senate pursuant to order of the President.

4.20—Enrolling

The Secretary of the Senate shall be responsible for the enrolling of all bills. After enrollment, all bills shall be signed by the President and the Secretary and the enrolling report shall be published in the Journal.

4.21—Veto messages

As required by Article III, Section 8 of the *State Constitution*, if the originating house votes to re-enact a vetoed measure, whether in a regular or special session, and the other house does not consider or fails to re-enact the vetoed measure, no further consideration by either house at any subsequent session may be taken. If a vetoed measure is presented at a special session and the originating house does not consider it, the measure will be available for consideration at any intervening special session and until the end of the next regular session. All veto messages shall be referred to the Committee on Rules and Calendar.

RULE FIVE

VOTING

5.1—Taking the yeas and nays

The President shall declare all votes, but, if five (5) Senators immediately question a vote by a show of hands, the President shall take the vote by yeas and nays or electronic roll call. When taking yeas and nays on any question, the electronic roll call system may be used and shall have the force and effect of a roll call taken as provided in these Rules. Also this system may be used to determine the presence of a quorum. When the Senate is ready to vote on a question requiring roll call and the vote is by electronic roll call, the President shall state: "The Secretary will unlock the machine and Senators prepare to vote." When sufficient time has elapsed for each Senator to vote, the President shall say: "Have all voted?" And, after a short pause, shall state: "The Secretary shall now lock the machine and record the vote." When the vote is completely recorded, the President shall announce the result to the Senate; and the Secretary shall enter in the Journal the result. When the Senate is equally divided, the question shall be lost.

5.2—Change of vote

(1) After the result of the vote has been announced by the President, a Senator with unanimous consent of those Senators present may change his or her vote or vote on the measure except that no such change

of vote or vote shall be valid where such vote would alter the final passage of the measure until the measure shall first have been recalled to the Senate for further consideration. Records of such requests shall be available at the Secretary's desk through the session. If no objections are raised before the close of the business that day, requests will be accepted.

(2) The original roll call shall not be altered, but late votes and change of votes shall be recorded under the original roll call in the Journal. On request of a Senator before considering other business, the President shall order a verification of a vote.

5.3—Casting vote for another

No Senator shall cast a vote for another Senator unless the Senator is present in the chamber area and requests the casting of said vote, nor shall a person not a Senator cast a vote for a Senator. In addition to such penalties as may be prescribed by law, a Senator who shall without such authorization vote or attempt to vote for another Senator may be punished as the Senate may deem proper. Also, a person not a Senator who shall vote in the place of a Senator shall be excluded from the Chamber for the remainder of the session.

5.4—Pairing

(1) Pairing, a type of absentee voting by which a Senator who is excused from attendance agrees with a Senator who would have voted opposite the excused Senator, shall be permitted.

(2) The Senator in attendance shall not vote in the electronic roll call.

(3) The pair vote form shall:
- (a) State the bill to which the pair applies,
- (b) Indicate how both Senators would have voted,
- (c) Be filed with the Secretary prior to the vote, and
- (d) Be recorded in the Journal.

5.5—Explanation of vote

No Senator shall be permitted to explain his or her vote during a roll call but may submit his or her explanation in writing and file it with the Secretary. This explanation shall be entered in the Journal.

5.6—Election by ballot

In all cases of ballot, a majority of the votes cast shall be necessary to an election. If, however, no one is elected on the first three (3) ballots, the names after the top two (2) in number of votes received on the third (3rd) tally shall be dropped, and the Senate shall ballot on the two (2) names remaining.

RULE SIX

MOTIONS AND PRECEDENCE

6.1—Motions; how made, withdrawn

Every motion may be made orally. On request of the President, a Senator shall submit his or her motion in writing. After a motion has been stated or read by the President, it shall be deemed to be in possession of the Senate and, without a second, shall be disposed of by vote of the Senate. The mover may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before the vote shall have commenced.

6.2—Motions; precedence

(1) When a question is under debate, the President shall receive no motion except:
- (a) To adjourn
  1. Instanter
  2. At a time certain
- (b) Questions of privilege
- (c) To take a recess
- (d) To proceed to the consideration of executive business
- (e) To reconsider
- (f) To limit debate
- (g) To temporarily postpone
- (h) To postpone to a day certain
- (i) To commit to the Committee of the Whole
- (j) To commit to a standing committee
- (k) To commit to a select committee
- (l) To amend
- (m) To postpone indefinitely

which shall have precedence in the descending order given. A motion to discharge Senate conferees and to appoint or instruct said conferees as set forth in Rule 2.19 is a motion of the highest privilege and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege.

(2) The President shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

(3) When a motion is under consideration, but prior to the commencement of the vote, a substitute motion shall be in order. Only one (1) substitute shall be entertained and the substitute shall be in the same order of precedence.

6.3—Division of question

A Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

6.4—Reconsideration generally

(1) When a main question (the vote on passage of a measure, including a vote on a veto message, confirmation of executive appointments, removal or suspension from office) has been decided by the Senate, a Senator voting with the prevailing side may move for reconsideration of the question on the same or the next legislative day on which the Senate meets.
- (a) If the question has been decided by voice vote, any Senator may so move.
- (b) When a majority of those Senators present vote in the affirmative on any question but the proposition be lost because it is one in which the concurrence of more than a majority of those Senators present is necessary for adoption or passage, any Senator may move for reconsideration.

(2) Such motion may be made pending a motion to adjourn or if it is time to adjourn.
- (a) Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered abandoned. If the Senate shall refuse to reconsider or, on reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except on unanimous consent of those Senators present.
- (b) During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day.

6.5—Reconsideration; vote required

A majority of the affirmative votes of those Senators present shall be required to adopt a motion to reconsider.

6.6—Reconsideration; debate

Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. When the question is debatable no Senator shall speak thereon more than once nor longer than five (5) minutes.

6.7—Reconsideration; collateral matters and procedural motions

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the Senate has passed to other business. Reconsideration of a procedural motion shall be considered on the same day on which it is made.

6.8—Reconsideration; Secretary to hold for period

The Secretary shall hold all bills for the period after passage during which reconsideration may be moved. The adoption of any motion to waive the Rules by a two-thirds (2/3) vote of those Senators present and immediately certify any bill or joint resolution to the House shall be construed as releasing the measure from the Secretary's possession for the period of reconsideration and shall, thereafter, preclude reconsideration. During the last five (5) calendar days allowed under the *State Constitution* for a regular session and during any extensions thereof, or during any special session, the bills shall be immediately transmitted to the House. Messages relating to Senate action on House amendments or to conference committee reports shall be transmitted forthwith.

6.9—Motion to indefinitely postpone

The adoption of a motion to indefinitely postpone a measure shall dispose of it for the duration of the legislative session and all extensions thereof. A motion to postpone consideration to a time beyond the last day allowed under the *State Constitution* for the current legislative session shall be construed as a motion to indefinitely postpone. Motions to indefinitely postpone shall not be applicable to collateral matters.

RULE SEVEN

AMENDMENTS

7.1—General form; notice; manner of consideration

(1) No amendment to a bill on any Senate calendar which was prepared prior to the time a session of the Senate has convened shall be considered by the Senate unless the amendment was filed with the Secretary of the Senate no later than 5:00 p.m. the day prior to the day that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary of the Senate before the session, upon request, to the members and to the public. The consideration of all amendments not timely filed in accordance with this rule, requires a two-thirds (2/3) vote of those Senators present.

(2) Amendments shall be filed with the Secretary on forms prescribed by the Secretary but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chair of the committee (or, in the chair's absence, the vice-chair or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary of the Senate but have not been formally moved for adoption shall not be deemed to be pending.

(3) No proposition on a subject different from that under consideration shall be admitted under color of amendment. The following bills are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate:

(a) Bills which have received an unfavorable committee report.
(b) Bills which have been withdrawn from further consideration by the sponsor.
(c) Bills the substance of which have not been reported favorably by all committees of reference.
(d) Bills which have not been published at least one (1) legislative day under Bills on Second Reading in the Senate calendar.

Amendments covered by this Rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

7.2—Adoption

(1) On second (2nd) reading, amendments may be adopted by a majority vote of those Senators present.

(2) On third (3rd) reading, amendments and amendments to amendments shall be adopted by a two-thirds (2/3) vote of those Senators present. Amendments to the title or corrective amendments may be decided, without debate, by a majority vote of those Senators present on third (3rd) reading.

7.3—Sequence of amendments to amendments

(1) An amendment to a pending amendment may be received, but until it is disposed of, no other motion to amend will be in order, except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

(a) Amendments to the amendment are acted on before the substitute is taken up. Only one (1) amendment to the amendment is in order.
(b) Amendments to the substitute are next voted on.
(c) The substitute then is voted on.

(2) The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.

7.4—Deleting everything after enacting clause

A proposal to delete everything after the enacting clause, or the resolving clause of a bill or resolution, and insert new matter of the same general subject as stated in the original title shall be deemed proper and germane and shall be treated as an amendment.

7.5—Amendment by section

The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The President, in recognizing Senators for the purpose of moving the adoption of amendments, shall endeavor to cause all amendments to section 1 to be considered first, then all those in section 2, and so on. After all sections have been considered separately, the entire bill shall be open for amendment.

7.6—Printing in Journal

All amendments taken up by the Senate unless withdrawn shall be printed in the Journal except that an amendment to the general appropriations bill constituting an entirely new bill shall not be printed until the filing of the conference committee report. All item amendments to the general appropriations bill shall be printed.

7.7—Senate amendments to House bills

A House bill may be amended in the same manner as a Senate bill. If a House bill is amended, the same shall be noted by the Secretary on the jacket before it is reported to the House.

7.8—House amendments to Senate bills

(1) After the reading of a House amendment to a Senate bill, the Senate may:

(a) Amend the House amendment,
(b) Concur in the House amendment,
(c) Refuse to concur in the House amendment and ask the House to recede, or
(d) Request a conference committee.

(2) The adoption of all the foregoing motions shall be by majority vote of those Senators present.

7.9—House refusal to concur in Senate amendment

(1) If the House shall refuse to concur in a Senate amendment to a House bill, the Senate may:

(a) Recede,
(b) Insist that the House concur and request a conference committee, or
(c) Insist that the House concur.

(2) The adoption of any of the foregoing motions shall be by majority vote of those Senators present.

RULE EIGHT

DECORUM AND DEBATE

8.1—Decorum and debate

When a Senator desires to speak or deliver a matter to the Senate, the Senator shall rise at his or her seat and address himself or herself to "Mr. or Madam President," and, on being recognized, may address the Senate from his or her desk or from the well of the Senate, and shall confine any remarks to the question under debate, avoiding personality. A Senator shall not address or refer to another Senator by his or her first name. A Senator shall use the appellation of Senator or such appellation and the district number of the Senator being addressed, or a Senator may also use such appellation and the surname of the Senator referred to or addressed.

8.2—Presiding officer's power of recognition

When two (2) or more Senators rise at once, the presiding officer shall name the Senator who is first to be recognized.

8.3—Interruptions; when allowed

(1) No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by:

(a) Rising to a question of privilege;
(b) Rising to a point of order requiring an immediate ruling;
(c) Rising to appeal a decision of the presiding officer concerning a point of order (if the appeal is made immediately following the decision);
(d) Rising to make a parliamentary inquiry requiring an immediate reply; or
(e) Rising to question the existence of a quorum.

(2) The presiding officer shall strictly enforce this Rule.

8.4—Senator speaking, rights

(1) When a member is speaking and another member interrupts to request recognition, the presiding officer may permit the person rising to state why he or she desires the floor. If the question the member desires to raise is entitled to precedence, the member originally speaking shall relinquish the floor until the question having precedence is disposed of. The member then is entitled to resume the floor.

(2) The Senator making a debatable motion or the primary introducer of a bill shall have five (5) minutes in order to close debate.

8.5—Limit on speaking

No Senator shall speak longer than thirty (30) minutes without yielding the floor, except by consent of a majority of those Senators present.

8.6—Limitation of debate

When a measure is under debate by the Senate, a Senator may move to limit debate, and such motion shall be decided without debate, except the introducer of the measure shall have five (5) minutes to discuss said motion. If, by a two-thirds (2/3) vote of those Senators present, the question is decided in the affirmative, debate shall be limited accordingly.

8.7—Points of order, parliamentary inquiry, definitions

A point of order is the parliamentary device that is used to require a deliberative body to observe its own rules and to follow established parliamentary practice. A parliamentary inquiry is the device for obtaining a predetermination of a rule or a clarification thereof and may be presented in hypothetical form.

8.8—Questioning right to vote

A point of order questioning the right of a member to vote on account of interest may be raised after the vote has been recorded and before the result is announced.

8.9—Appeals

Taking exception to a ruling of a presiding officer shall be by appeal. An appeal from a decision of the presiding officer must be made promptly before debate has concluded or other business has intervened. A point of order on any other question is not in order while an appeal is pending, but a point of order relating to the appeal may be raised; and, if the determination of the appeal is dependent on this point, it may be decided by the presiding officer. This second (2nd) decision is also subject to appeal.

8.10—Appeals, debatable

An appeal from a decision of the presiding officer on a point of order is debatable even though the question from which it arose was not debatable.

8.11—Questions of privilege

(1) Questions of privilege shall be:

(a) Those affecting the rights of the Senate collectively, its safety, dignity, and the integrity of its proceedings; and
(b) The rights, reputation, and conduct of Senators individually, in their representative capacity only.

(2) These shall have precedence over all other questions except motions to adjourn. The question shall not be recognized during the debate on a bill. A question of privilege affecting either house collectively takes precedence over a question of privilege affecting an individual member.

RULE NINE

LOBBYING

9.1—Those required to register

All persons (except those specifically exempted) who seek to encourage the passage, defeat, or modification of legislation in the Senate or before its committees shall, before engaging in such activity, register as prescribed by law and the Joint Rules of the Florida House and Senate.

9.2—Obligations of lobbyist

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he or she openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

(2) A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his or her relationship with legislators.

(3) A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

9.3—Lobbyists' requirements

A lobbyist shall adhere to the statutory requirements for lobbyists provided by law and the Joint Rules.

9.35—Contributions during sessions

During a regular legislative session, and during an extended or special session as further provided for in Rule 1.361(2), a lobbyist may not directly or indirectly contribute to a Senator's own campaign, or to any organization that is registered, or should have been registered, with the Committee on Rules and Calendar pursuant to Rule 1.361(3).

9.4—Advisory opinions

(1) A lobbyist, when in doubt about the applicability and interpretation of this Rule in a particular context, may submit in writing a statement of the facts involved to the Committee on Rules and Calendar and may appear in person before said committee.

(2) The Committee on Rules and Calendar may render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case will constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal of the Senate.

9.5—Compilation of opinions

The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Rules and Calendar.

9.6—Penalties for violations

Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of this Rule shall be censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session and from appearing before any committee of the Senate. Said determination shall be made by a majority of the Senate and on recommendation of the Committee on Rules and Calendar. The Committee on Rules and Calendar, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this Rule and granting such person an opportunity to appear at the hearing.

9.7—Committees to be diligent

Committees shall be diligent to ascertain whether those who appear before them, in other than an obviously individual capacity, have conformed with the requirements of this Rule, the Joint Rules, and the *Laws of Florida*, and shall report violations. No committee member shall knowingly permit an unregistered lobbyist to be heard.

RULE TEN

CHAMBER OF THE SENATE

10.1—Persons entitled to admission

No person shall be admitted to the main floor of the Senate Chamber while the Senate is in session except present members of the Senate, all officers and employees of the Senate in the performance of their duties, and persons charged with messages or papers to the Senate. Also entitled to admission are the Governor or one (1) representative designated by the Governor, the Lieutenant Governor, Cabinet officers, former governors, present and former United States Senators, members or former members of the House of Representatives of the United States and of this State, Justices of the Supreme Court, former State Senators of Florida, and persons by invitation of the President. A special section of the gallery shall be reserved for members of the families of Senators.

10.2—Exception

Except at the discretion of the President, no person entitled to admission shall be admitted if registered pursuant to Rule Nine (9).

10.3—Admission of press by President

Representatives of the press and of radio and television stations, in performance of their duties, shall be assigned to a press section specifically set aside for them, and shall not be allowed on the Senate floor while the Senate is in session, except with the approval of the President.

10.4—Attire

All persons on the main floor of the Senate Chamber and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear appropriate business attire at all times while the Senate is in session.

10.5—Gallery

No food or beverages shall be allowed in the gallery at any time.

RULE ELEVEN

CONSTRUCTION AND WAIVER OF RULES

11.1—Interpretation of Rules

It shall be the duty of the President, or the presiding officer for the time being, to interpret all Rules. Motions for the previous question and to lay on the table shall not be entertained.

11.2—Waiver and suspension of Rules

These Rules shall not be waived or suspended except by a two-thirds (2/3) vote of those Senators present. The motion, when made, shall be decided without debate. A motion to waive a Rule requiring unanimous consent of the Senate shall be construed to be an amendment to these Rules and shall be referred to the Committee on Rules and Calendar except by unanimous consent of those Senators present.

11.3—Changes in Rules

All proposed actions regarding the Rules and Order of Business in the Senate shall be first referred to the Committee on Rules and Calendar, which shall report as soon as practicable. Consideration of such a report shall always be in order. The Committee on Rules and Calendar may originate reports and resolutions dealing with these Rules and the Order of Business, and such power shall be exclusive, provided, however, that any report made pursuant to this Rule may be amended by a two-thirds (2/3) vote of those Senators present.

11.4—Majority action

Unless otherwise indicated by these Rules or the *State Constitution*, all action by the Senate shall be by majority vote of those Senators present.

11.5—Uniform construction

When in these Rules reference is made to "two-thirds (2/3) of those present," "two-thirds (2/3) vote," "two-thirds (2/3) of the Senate," "two-thirds (2/3) of those voting," etc., these shall all be construed to mean two-thirds (2/3) of those Senators present, except that two-thirds (2/3) of the membership of the Senate shall be required to consider additional proposed legislation in any extended session in accordance with Article III, Section 3 of the *State Constitution*.

11.6—General

When used in these Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning: the singular always includes the plural. Except where specifically provided otherwise, the use of the word "bill" or "measure" means a bill, joint resolution, concurrent resolution, resolution, or memorial.

RULE TWELVE

EXECUTIVE SESSIONS, APPOINTMENTS, SUSPENSIONS, AND REMOVALS

PART ONE—EXECUTIVE SESSIONS

12.1—Executive session; authority

The business of the Senate shall be transacted openly and not in executive session except under conditions pursuant to Article III, Section 4(b) of the *State Constitution*.

12.2—Executive session; purpose

Pursuant to Article III, Section 4(b) of the *State Constitution*, the Senate may resolve itself into executive session for the sole purpose of considering appointment, removal, or suspension. No one shall be in attendance except Senators, the Secretary of the Senate, and staff as approved by the President, who shall be sworn not to disclose any executive business without consent of the Senate.

12.3—Executive session; vote required

When the Senate agrees, by a majority of those Senators present, that specified appointments, removals, or suspensions shall be considered in executive session, such shall be calendared for formal consideration by the Senate.

12.4—Work product confidentiality

All information and remarks including committee work product concerning the character and qualification, together with the vote on each appointment, removal, or suspension considered in executive session shall be kept confidential except information on which the bans of confidentiality were lifted by the Senate while in executive session.

12.5—Separate Journal

A separate Journal shall be kept of executive proceedings of the Senate, and no information regarding same shall be made public except by order of the Senate or by order of a court of competent jurisdiction.

12.6—Violation of Rule

Violation of the above Rules as to the confidentiality of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for unseating the offending Senator.

PART TWO—APPOINTMENTS, SUSPENSIONS, AND REMOVALS

12.7—Procedure

(1) Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Committee on Ethics and Elections, other appropriate committee or to a Special Master appointed by the President. Either one shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee or the Special Master appointed pursuant hereto are advisory only and shall be made to the Senate President. The report of the committee or the Special Master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or the President may refer it to the Committee on Rules and Calendar for its consideration and report. When the report is presented to the Senate in open session or received by the Committee on Rules and Calendar, the report shall lose its privileged and confidential character.

(2) Upon receipt of a request by the Governor or other appointing official or authority for the return of the documentation of an appointment, which appointment has not been acted upon by the Senate, the Secretary of the Senate, upon consultation with the President, shall return the appointment documentation and the return shall be noted in the Journal of the Senate. The appointee whose appointment was returned continues in office until the end of the next ensuing session of the Legislature or until the Senate confirms a successor, whichever occurs first.

(a) If the appointment returned was made by the Governor, official or authority's predecessor, the appointee shall not be subject to the provisions of section 114.05(1)(e) or (f), *Florida Statutes*, during the period of withdrawal.

(b) If the appointment returned was made by the Governor, official or authority requesting the return, for purposes of section 114.05(1)(e) and (f), *Florida Statutes*, the returned appointment shall be treated as if the Senate failed to consider the appointment.

(3)(a) An executive suspension of a public official who is under indictment or who has pending against him or her criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Committee on Ethics and Elections, other appropriate committee or Special Master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, the committee or the Special Master until the pending charges have been dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above.

(b) In a suspension case in which the criminal charge is not for the alleged commission of a felony, the committee or the Special Master, and the Senate may proceed if the written consent of counsel for the Governor and of the suspended official is obtained.

(4) The Governor and the suspended official shall be given reasonable notice in writing of any hearing or pre-hearing conference before the committee or Special Master.

(5) The suspended official may file with the Secretary of the Senate, no later than ten (10) days prior to the first (1st) pre-hearing conference, or no later than the date set by the committee or Special Master if no pre-hearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

(6) When it is advisable, the committee or Special Master may request that the Governor file a bill of particulars containing a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after the receipt of such bill of particulars by the suspended officer, that officer shall file with the committee or Special Master a response to the Governor's bill of particulars. Such response shall specifically admit or deny the facts or circumstances set forth in the Governor's bill of particulars, and may further make such representation of fact and circumstances or assert such further defenses as are responsive to the bill of particulars or as may bear on the matter of the suspension.

(7) The committee or Special Master may provide for a pre-hearing conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, and photocopies of all documentary and a description of all physical evidence that will be relied on by the parties at the hearing. Each shall state briefly what each expects to prove by such testimony and evidence.

(8) Subject to the limitations of Rule 12.7(3) the committee or Special Master shall institute action by transmitting a notice of hearing for a pre-hearing conference or a hearing on the merits within three (3) months after the effective date of the suspension order. If a suspension order is referred to the committee or Special Master but is held in abeyance in accordance with Rule 12.7(3), the committee or Special Master shall institute action within three (3) months after the termination of pending proceedings as described in Rule 12.7(3). The Senate may act on the recommendations of the committee or Special Master at any time it is in session but shall do so no later than the end of the next regular session of the Legislature.

(9) For the purposes of Article IV, Section 7(b) of the *State Constitution*, the Senate may find that the suspended official has committed a felony notwithstanding that a court may have withheld adjudication of guilt upon which the suspension order is based in whole or in part.

(10) If the Governor files an amended suspension order, the attention of the Senate, the committee, or the Special Master shall be directed at the amended suspension order.

(11) Within sixty (60) days after the Senate has completed final action on the recommendation of the committee or Special Master, any party to the suspension matter may request the return, at that party's expense, of any exhibit, document, or other evidence introduced by that party. After the expiration of sixty (60) days from the date the Senate has completed final action, the committee or Special Master may dispose of such exhibits or other evidence.

12.8—Special Master; appointment

The President may appoint and contract for the services of a Special Master to perform such duties and make such reports in relation to suspensions and removals as he or she shall prescribe.

12.9—Special Master; floor privilege

With consent of the President, the Special Master may have the privilege of the Senate floor to present and explain the report and answer questions as to the law and facts involved.

12.10—Issuance of subpoenas and process

The committee and the Special Master shall each have the authority to request the issuance of subpoenas, subpoenas duces tecum, and other necessary process under Rule 2.2. The committee chair and the Special Master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear to testify on matters pending before the committee or Special Master.

12.11—Rule takes precedence

In any situation where there is a direct conflict between the provisions of Rule Twelve (12) and part V of chapter 112, *Florida Statutes*, the Rule, derived from Article III, Section 4(a) of the *State Constitution*, shall take precedence.

RULE THIRTEEN

SPECIAL SESSION

13.1—Applicability of Senate Rules

All Senate Rules in effect on adjournment of the next preceding regular session shall apply and govern during special sessions except to the extent specifically modified or contradicted herein.

13.2—Sessions of the Senate

The Senate shall meet each legislative day at 9:00 a.m. or pursuant to a schedule provided by the Committee on Rules and Calendar and approved by the President.

13.3—Committee meetings; schedule, notice

Committee meetings shall be scheduled by the Committee on Rules and Calendar with the approval of the President. Meetings of standing committees and standing subcommittees scheduled in accordance with this Rule may be held following the posting of a notice in the public corridor leading into the Senate Chamber for two (2) hours in advance of the meeting. The notice posted shall include the date, time, and place of the meeting together with the name of the introducer, short title, number of each bill to be considered, and the amendment deadline for the meeting. All other provisions for publication of notice of committee meetings are suspended.

13.4—Delivery for introduction

All bills and other measures for introduction may be delivered to the Secretary of the Senate at any time.

13.5—Committee reports

Every bill, joint resolution, resolution, and memorial referred to a standing committee or committees shall be reported to the Secretary before 4:30 p.m. of the third (3rd) calendar day from the day of reference (the day of reference not being counted as the first (1st) day) unless otherwise ordered by the Senate by majority vote of those Senators present. Any bill on which no committee report is filed may be withdrawn from such committee and calendared on point of order. Every bill, joint resolution, resolution, and memorial referred to a standing subcommittee shall be reported to the standing committee at a time specified by the chair of the standing committee which shall not be beyond the time allowed herein.

13.6—Conference committee reports

(1) The report of a committee of conference appointed pursuant to Rule 1.5 shall be read to the Senate on two (2) consecutive legislative days and, on the completion of the second (2nd) reading, the vote shall be on the adoption or rejection thereof and final passage of the measure as recommended. During the last two (2) days of a special session the report shall be read only once. A conference committee report shall be made available to the membership two (2) hours prior to the beginning of debate of the report by the Senate.

(2) The report must be acted on as a whole, being adopted or rejected, and each report shall include a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

(3) Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

(4) A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment deleting everything after the enacting clause of any such bill referred to the committee. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House.

(5) When a bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on said measure as the Senate may determine.

(6) After Senate conferees have been appointed for thirty-six (36) hours and have failed to make a report, it is a motion of the highest privilege to move to discharge said Senate conferees and to appoint new conferees, or to instruct said Senate conferees.

13.7—Reconsideration

A motion to reconsider shall be made and considered on the same day.

13.8—Special Order Calendar

The Special Order Calendar Subcommittee of the Committee on Rules and Calendar may submit a Special Order Calendar determining the time and priority for consideration of bills. Such Special Order Calendar shall be for the next legislative day. The amendment deadline for bills on the Special Order Calendar shall be 5:00 p.m. or two (2) hours after the Special Order Calendar is announced, which ever occurs later.

RULE FOURTEEN

SEAL AND INSIGNIA

14.1—Seal and insignia

(1) There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter having in the center thereof a fan of the five flags which have flown over Florida, above a disc containing the words: "In God We Trust" arched above a gavel, quill, and scroll. At the top of the field of flags shall be the word: "Seal." At the bottom shall be the date: "1838." The perimeter of the seal shall contain the words: "Senate" and "State of Florida."

(2) There shall be an official coat of arms for the Senate. The coat of arms shall contain a fan of the five flags that have flown over Florida, above the Great Seal of Florida. At the base of the coat of arms shall be the words: "The Florida Senate."

(3) The Senate Seal, the Senate Coat of Arms, official Senate stationery, calling cards, and facsimiles thereof, may be used only in connection with official Senate business.

JOINT RULES

JOINT RULE ONE

LOBBYIST REGISTRATION AND REPORTING

(As Amended March 2000)

1.1—Those Required to Register; Exemptions; Committee Appearance Records

(1) All lobbyists before the Florida Legislature must register with the Lobbyist Registration Office in the Division of Legislative Information Services of the Office of Legislative Services, referred to in Joint Rule One as the Lobbyist Registration Office. Registration is required for each principal represented.

(2) As used in this rule, unless the context otherwise requires:

(a) "Designated lobbyist" means the lobbyist who is appointed, by a principal represented by two or more lobbyists, to file expenditure reports that include lobbying expenditures made directly by the principal.

(b) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(c) "Lobby" or "lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(d) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a "lobbyist" unless the employee is principally employed for governmental affairs. "Principally employed for governmental affairs"

means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. Any person employed by any executive, judicial, or quasi-judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(e) "Payment" or "salary" means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(f) "Principal" means the person, firm, corporation, or other entity that has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(3) For purposes of this rule, the terms "lobby" and "lobbying" do not include any of the following:

(a) Response to an inquiry for information made by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services that arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term "lobbyist" does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge's official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer's official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive, judicial, or quasi-judicial department of the state or community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record on a form to be provided by the respective house.

1.2—Method of Registration

(1) Each person who is required to register under Joint Senate and House Rule 1.1 must register on forms furnished by the Lobbyist Registration Office, on which that person must state, under oath, that person's full legal name, driver's license number, business address, and phone number, the name and business address of each principal that person represents, the areas of that person's legislative interest, and the extent of any direct business association or partnership that person has with any member of the Legislature. The Lobbyist Registration Office or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Lobbyist Registration Office in writing within 15 days on forms furnished by the Lobbyist Registration Office.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. At the time of registration, the registrant shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. Any person required to register must renew the registration annually, in accordance with Joint Senate and House Rule 1.3.

(3) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The principal may change its designated lobbyist at any time in writing on forms furnished by the Lobbyist Registration Office. Upon termination of the designated lobbyist's representation, the principal shall notify the Lobbyist Registration Office within 15 days, on forms furnished by the office, of the appointment of a new designated lobbyist.

(4) A lobbyist shall promptly send a notice to the Lobbyist Registration Office, on forms furnished by the Lobbyist Registration Office, cancelling the registration for a principal upon termination of the lobbyist's representation of that principal. A notice of cancellation takes effect the day it is received by the Lobbyist Registration Office. Notwithstanding this requirement, the Lobbyist Registration Office may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the Lobbyist Registration Office that the lobbyist is no longer authorized to represent that principal. Each lobbyist shall file an expenditure report for each period during any portion of which he or she was registered, and each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(5) The Lobbyist Registration Office shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6) The Lobbyist Registration Office shall retain all original documents submitted under this section.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 112.3148 and 112.3149, Florida Statutes, relating to the reporting of and the prohibited receipt of gifts and honoraria.

1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the Lobbyist Registration Office. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

(a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.

(b) Two employees of the Fish and Wildlife Conservation Commission.

(c) Two employees of the Executive Office of the Governor.

(d) Two employees of the Commission on Ethics.

(e) Two employees of the Florida Public Service Commission.

(f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to $50 per each house for a person to register to represent one principal and up to an additional $10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the President of the Senate and the Speaker of the House of Representatives. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Lobbyist Registration Office. The fees collected by the

Lobbyist Registration Office under this joint policy shall be deposited in the State Treasury and credited to the Legislative Lobbyist Registration Trust Fund specifically to cover the costs incurred in administering this joint policy.

1.4—Periodic Reports Required

(1) REPORTING DATES.—Each person who registers pursuant to Joint Senate and House Rule 1.2 must submit to the Lobbyist Registration Office, on forms provided by the Lobbyist Registration Office and for each reporting period required by this rule, a signed and certified statement listing all lobbying expenditures during the reporting period and the sources of funds for those expenditures as required in this rule. Reporting statements shall be filed no later than 45 days after the end of the reporting period. Only two reports are required each calendar year. The first report shall disclose expenditures made from January 1 through June 30. The second report shall disclose expenditures for July 1 through December 31. It is the intent of this rule that each reporting period be separate from the other reporting period and that each expenditure be reported just once. In addition, any reporting statement may be filed by electronic means, when feasible.

(2) TIMELINESS OF REPORTS.—Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(3) LOBBYIST'S EXPENDITURE REPORT.—

(a) The Lobbyist's Expenditure Report shall include the name of the lobbyist and the name of the principal on whom the report is prepared. Expenditures for the reporting period shall be reported by the following categories: Food and Beverages; Entertainment; Research; Communications; Media Advertising; Publications; Travel; Lodging; Special Events; and Other. For each expenditure category, the report must identify the amount paid directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. Forms shall be provided by the Lobbyist Registration Office.

(b) A lobbyist shall file a Lobbyist's Expenditure Report for each principal represented.

(c) When a principal has two or more lobbyists, the designated lobbyist will be responsible for filing a report that discloses the expenditures made directly by the principal and the expenditures of the designated lobbyist on behalf of the principal. The designated lobbyist is responsible for making a good faith effort to obtain the figures reported as lobbying expenditures made by the principal.

(d) When there are multiple lobbyists, only the designated lobbyist is to report expenditures made directly by the principal. When there are multiple lobbyists, only unduplicated amounts should be reported for expenditures initiated or expended by the lobbyist and paid for by the principal.

(e) The principal is responsible for the accuracy of the figures submitted to the lobbyist for reporting, and the lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist. The principal shall sign the expenditure report submitted by the principal's sole or designated lobbyist.

(4) EXPENDITURES.—

(a) Definitions.—

1. "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made or controlled, directly or indirectly, by a lobbyist or principal for the purpose of lobbying. Expenditures shall be accounted for and reported on an accrual accounting basis.

2. "Accrual accounting basis" means the method of accounting that recognizes expenses during the period in which they are incurred regardless of when they are actually paid.

(b) Goodwill expenditures.—An expenditure shall be considered to have been intended to be for the purpose of engendering goodwill if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or an employee of the Legislature, unless the member or employee is a relative of the lobbyist. A relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any other natural person having the same legal residence as the member or employee.

(c) Expenditure categories.—Each reporting individual shall make a good faith effort to report an expenditure and to report it in the appropriate category. If an expenditure fits in two or more categories, it shall be reported in the category to which the expense primarily relates. When an expenditure is not within any defined category, it should be reported in the "Other" category. The categories of expenditures used in this rule are as follows:

1.a. "Communications" means dissemination of information, including, but not limited to, by means of the following:

I. Audio-visual materials; and

II. Signs, placards, banners, buttons, promotional materials, and other display materials;

together with any associated production services.

b. This category does not include media advertising, publications, or research.

2. "Entertainment" means amusement or recreation, including, but not limited to, sporting, hunting, fishing, theatrical, artistic, cultural, and musical activities or events.

3. "Food and Beverages" means meals, snacks or other edible substances, or liquids for drinking, including services associated therewith.

4. "Lodging" means sleeping or living accommodations for an individual for one or more nights.

5. "Media Advertising" means newspaper and magazine advertising, radio and television advertising, and outdoor advertising, including production services and copyrighting services.

6. "Other" means any item or service that is not included within one of the specified categories, but does not include any item or service that is not required by law to be reported.

7. "Publications" means mass-produced, printed materials, including, but not limited to, magazines, newsletters, brochures, or pamphlets, which expressly encourage persons to communicate with members or employees of the Legislature to influence the official actions of members or employees of the Legislature or which are designed to communicate with members or employees of the Legislature.

8. "Research" means procurement of information relating to a specific issue, regardless of the form or medium in which that information is provided, including, but not limited to, surveys, bill-tracking services, information services, periodicals, and consultants or consultant services to gather data or statistics.

9. "Special Events" means large-scale occurrences, including, but not limited to, receptions, banquets, dinners, or legislative days, to which more than 250 persons are invited and for which the expenditures associated with hosting the occurrence are negotiated with a catering service or facility at a single, set price or which include multiple expenditure categories.

10. "Travel" means transporting an individual from one place to another, regardless of the means used.

(d) Items that are not expenditures.—The term "expenditure" does not include:

1. Contributions or expenditures reported pursuant to chapter 106, Florida Statutes; campaign-related personal services provided without compensation by individuals volunteering their time; or any other contribution or expenditure by a political party.

2. A lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel. If the principal is a firm, corporation, association, or person, other than a natural person, the office expenses of the entity and the salaries of the officers of the entity, as well as expenses for their lodging, meals, and travel, are not lobbying expenditures. Office expenses include, but are not limited to, payment or obligation for rent or mortgage, utilities, postage, telephone service, employees' salaries, furniture, copies, computers, software, paper supplies, and custodial or maintenance services. Communications, publications, and research are office expenses if performed or produced by the lobbyist or principal or their employees. If those functions are performed by independent contractors, other than the lobbyist or principal or an affiliate controlled by the principal, they are expenditures reportable under the appropriate expenditure category.

3. If an expense is incurred for a nonlobbying business purpose and the product of that expense is later used for a lobbying purpose, a reportable expenditure is not created.

(e) Valuation of expenditures.—

1. In calculating the amount of aggregate expenditures, a lobbyist or principal may, prior to prorating, round each entry up or down to the nearest $5. A record is not required to be maintained for any amount that rounds to zero.

2. The amount to be reported for an expenditure shall be determined using the actual cost to the lobbyist or principal or other person making the payment on behalf of the lobbyist or principal, less any compensation received by such lobbyist or principal in payment for the object of the expenditure. If a lobbyist or principal makes a contribution to an expenditure by another lobbyist or principal, the person making the contribution shall report the amount of the contribution as an expenditure, and the person receiving the contribution shall subtract the value of the contribution from the expenditure to be reported by that person.

3. When a lobbyist has multiple principals, expenditures made for the purpose of engendering goodwill that are not attributable to one principal may be prorated among the lobbyist's principals or may be attributed to one principal.

4. When a lobbyist has multiple principals, expenditures for research or other expenditures that may benefit several principals may be reported to the principal for whom the research was done or other expenditures incurred or prorated to those principals that may benefit from the research or other expenditures.

5. The amount reported as an expenditure shall not include the amount of any additional expenses that are required as a condition precedent to eligibility to make an expenditure if the amount expended for the condition precedent is primarily intended to be for a purpose other than lobbying or if it is paid to a charitable organization. If the amount expended for the condition precedent is primarily intended to be for a lobbying purpose and is not paid to a charitable organization, the total amount of the expenditure shall be reported as a lobbying expenditure. Initiation fees, membership fees, and booster fees are examples, although not exclusive examples, of additional expenses that are regularly required as conditions precedent for eligibility to make other expenditures.

6. A person providing transportation in a private automobile shall be considered to be making an expenditure at the rate of 29 cents per mile, and the amount of an expenditure made for transportation provided in other private conveyances shall be determined in accordance with the provisions of section 112.3148(7), Florida Statutes.

7. A person providing lodging in a private residence shall be considered to be making an expenditure of $29 per night.

8. Expenditures made for more than one person may be attributed, on a pro rata basis, among all of the persons for whom the expenditure is made.

(5) AGGREGATION OF EXPENDITURE FIGURES.—For each reporting period, the Lobbyist Registration Office shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Following the last report for each calendar year, the Lobbyist Registration Office shall provide a total of expenditures reported as spent by and on behalf of each principal for that calendar year.

1.5—Penalties for Late Filing

(1) Upon determining that a report is late, the person designated to review the timeliness of reports shall immediately notify the lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day, not to exceed $5,000 per report.

(2) Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

(a) When a report is actually received by the lobbyist registration and reporting office;

(b) When the report is postmarked;

(c) When the certificate of mailing is dated; or

(d) When the receipt from an established courier company is dated.

(3) Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the Lobbyist Registration Office. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive this one-time fine waiver, all reports for which the lobbyist is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

(5) A lobbyist, a lobbyist's legal representative, or the principal of a lobbyist may request that the filing of an expenditure report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request. The registration of a lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid or waived.

(6) The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed.

1.6—Appeal of Fines; Hearings; Unusual Circumstances

(1) A lobbyist wishing to appeal or dispute a fine imposed in accordance with Joint Senate and House Rule 1.5 shall file with the Lobbyist Registration Office a notice of appeal within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. A request for a hearing on the matter before the General Counsel of the Office of Legislative Services must be made within the same 30-day period. The notice of appeal may be accompanied by any documentation or evidence supporting the claim. Failure to timely file a notice of appeal as described in this subsection shall constitute a waiver of the right to appeal or to dispute a fine.

(2) The President of the Senate and the Speaker of the House of Representatives may waive the fine in whole or in part for good cause shown based on the unusual circumstances presented by the lobbyist.

(3) The term "unusual circumstances" for the purposes of this rule means uncommon, rare, or sudden events over which the person has no control and which directly result in the failure to meet the filing requirements.

(4) The Department of Banking and Finance shall collect any fine that is not timely paid.

1.7—Questions Regarding Registration

(1) A person may request in writing an informal opinion from the general counsel of the Office of Legislative Services as to the application of this rule to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion which is issued shall be provided to the presiding officer of each house. The committees designated under section 11.045(4), Florida Statutes, may revise any informal opinion rendered by the general counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this rule may submit in writing the facts for an advisory opinion to the committee of either house designated pursuant to section 11.045(4), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(4), Florida Statutes.

1.8—Open Records

All of the lobbyist registration and expenditure reports received by the Lobbyist Registration Office shall be available for public inspection and for duplication at reasonable cost.

1.9—Records Retention and Inspection

Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this rule, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

JOINT RULE TWO

GENERAL APPROPRIATIONS BILL

(As Amended March 1999)

2.1—General Appropriations Bill; Review Period

(1) A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final passage of the bill in the form that will be presented to the Governor.

(2) If a bill is returned to the house in which the bill originated and the originating house does not concur in all the amendments or adds additional amendments, no further action shall be taken on the bill by the nonoriginating house, and a conference committee shall be established by operation of this rule to consider the bill.

(3) If a bill is referred to a conference committee by operation of this rule, a 72-hour public review period shall be provided prior to a vote being taken on the conference committee report by either house.

(4) A copy of the bill, a copy of the bill with amendments adopted by the nonoriginating house, or the conference committee report shall be furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet. Copies for the Governor, Chief Justice and members of the Cabinet shall be furnished to the official's office in the Capitol or Supreme Court Building. A member's copy shall be furnished to the member's desk in the appropriate chamber. The Secretary of the Senate shall be responsible for furnishing copies under this rule for Senate bills, House bills as amended by the Senate, and conference committee reports on Senate bills. The Clerk of the House shall be responsible for furnishing copies under this rule for House bills, Senate bills as amended by the House, and conference committee reports on House bills.

(5) The 72-hour public review period shall begin to run upon completion of the furnishing of copies required to be provided herein. The Speaker of the House and the President of the Senate, as appropriate, shall be informed of the completion time and such time shall be announced on the floor prior to vote on final passage in each house and shall be entered in the journal of each house. Saturdays, Sundays, and holidays shall be included in the computation under this rule.

2.2—General Appropriations Bill; Definition

For the purposes of Joint Rule 2, the term "general appropriations bill" means a bill which provides for the salaries of public officers and other current expenses of the state and contains no subject other than appropriations. A bill which contains appropriations which are incidental and necessary solely to implement a substantive law is not included within this term.

JOINT RULE THREE

LEGISLATIVE SUPPORT SERVICES

(As Amended April 1998)

3.1—Organizational Structure

The Legislature shall be supported by the Office of Legislative Services, the Office of Legislative Information Technology Services, and the Office of Economic and Demographic Research. These offices shall provide support services that are determined by the President of the Senate and the Speaker of the House of Representatives to be necessary and that can be effectively provided jointly to both houses and other units of the Legislature. Each office shall be directed by a coordinator selected by the President of the Senate and the Speaker of the House of Representatives.

(1) The Office of Legislative Services shall provide legislative support services other than those prescribed in subsections (2) and (3). The Division of Statutory Revision and the Division of Legislative Information shall be two of the divisions within the Office of Legislative Services.

(2) The Office of Legislative Information Technology Services shall provide support services to assist the Legislature in achieving its objectives through the application of cost-effective information technology.

(3) The Office of Economic and Demographic Research shall provide research support services, principally regarding forecasting economic and social trends that affect policymaking, revenue, and appropriations.

3.2—Policies

The President of the Senate and the Speaker of the House of Representatives shall jointly adopt policies they consider advisable to carry out the functions of the Legislature.

JOINT RULE FOUR

JOINT LEGISLATIVE AUDITING COMMITTEE

(As Amended March 2000)

4.1—Responsibilities

(1) On or before December 31 of the year following each decennial census, the Legislative Auditing Committee shall review the performance of the Auditor General and shall submit a report to the Legislature which recommends whether the Auditor General should continue to serve in office.

(2) The expenses of the members of the committee shall be approved by the chair of the committee and paid from the appropriation for legislative expense.

(3) The committee shall submit to the President of the Senate and the Speaker of the House of Representatives, for approval, an estimate

of the financial needs of the committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability, and the Public Counsel.

(4) The committee and the units it oversees, including the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the Public Counsel, shall submit their budget requests and operating budgets to the President of the Senate and the Speaker of the House of Representatives for prior written approval by the presiding officers acting together.

(5) The committee may receive requests for audits and reviews from legislators. Staff of the committee shall review each request and make a recommendation to the committee concerning its disposition. The manner of disposition recommended may be:

(a) Assignment to the Auditor General for inclusion in a regularly scheduled agency audit;

(b) Assignment to the Auditor General for special audit or review;

(c) Assignment to the Office of Program Policy Analysis and Government Accountability for inclusion in a regularly scheduled performance audit;

(d) Assignment to the Office of Program Policy Analysis and Government Accountability for special audit or review;

(e) Assignment to committee staff; or

(f) Rejection as being an unnecessary or inappropriate application of legislative resources.

(6) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(7) The committee shall review the performance of the director of the Office of Program Policy Analysis and Government Accountability every 4 years and shall submit a report to the Legislature recommending whether the director should be reappointed. A vacancy in the office must be filled in the same manner as the original appointment.

JOINT RULE FIVE

AUDITOR GENERAL

5.1—Rulemaking authority

The Auditor General shall make and enforce reasonable rules and regulations necessary to facilitate audits that he or she is authorized to perform.

5.2—Budget and accounting

(1) The Auditor General shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval a proposed budget for the ensuing fiscal year.

(2) Within the limitations of the approved operating budget, the salaries and expenses of the Auditor General and the staff of the Auditor General shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The Auditor General shall approve all bills for salaries and expenses for his or her staff before the same shall be paid.

5.3—Audit report distribution

(1) A copy of each audit report shall be submitted to the Governor, to the Comptroller, and to the officer or person in charge of the state agency or political subdivision audited. One copy shall be filed as a permanent public record in the office of the Auditor General. In the case of county reports, one copy of the report of each county office, school district, or other district audited shall be submitted to the board of county commissioners of the county in which the audit was made and shall be filed in the office of the clerk of the circuit court of that county as a public record. When an audit is made of the records of the district school board, a copy of the audit report shall also be filed with the district school board, and thereupon such report shall become a part of the public records of such board.

(2) A copy of each audit report shall be made available to each member of the Legislative Auditing Committee.

(3) The Auditor General shall transmit a copy of each audit report to the appropriate substantive and fiscal committees of the Senate and House of Representatives.

(4) Other copies may be furnished to other persons who, as in the opinion of the Auditor General, are directly interested in the audit or who have a duty to perform in connection therewith.

(5) The Auditor General shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by audit reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

JOINT RULE SIX

OFFICE OF PROGRAM POLICY

ANALYSIS AND GOVERNMENT ACCOUNTABILITY

6.1—Responsibilities of the director

(1) The director may adopt and enforce reasonable rules necessary to facilitate the studies, reviews, and reports that the office is authorized to perform.

(2) The director shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval the annual projected work plan of the office in conjunction with a proposed operating budget for the ensuing fiscal year.

(3) Within the monetary limitations of the approved operating budget, the salaries and expenses of the director and the staff of the Office of Program Policy Analysis and Government Accountability shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The director shall approve all bills for salaries and expenses before the same shall be paid.

(4) Within the monetary limitations of the approved operating budget, the director shall make all spending decisions, including entering into contracts on behalf of the Office of Program Policy Analysis and Government Accountability.

(5) The director shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by office reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The director may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

JOINT RULE SEVEN

JOINT LEGISLATIVE BUDGET COMMISSION

(As Created November 2000)

7.1—General Responsibilities

(1) The commission, as provided in chapter 216, Florida Statutes, shall receive and review notices of budget and personnel actions and proposed actions taken or to be taken by the executive and judicial branches and shall approve or disapprove such actions.

(2) Through the chairman, the commission shall advise the Governor and the Chief Justice of actions or proposed actions that exceed delegated authority or that are contrary to legislative policy and intent.

(3) To the extent possible, the commission shall inform members of the Legislature of budget amendments requested by the executive or judicial branches.

(4) The commission shall consult with the Comptroller and the Executive Office of the Governor on matters as required by chapter 216, Florida Statutes.

(5) The President of the Senate and the Speaker of the House of Representatives may jointly assign other responsibilities to the commission in addition to those assigned by law.

(6) The commission shall develop policies and procedures necessary to carry out its assigned responsibilities.

(7) The commission, with the approval of the President of the Senate and the Speaker of the House of Representatives, may appoint subcommittees as necessary to facilitate its work.

7.2—Zero-based Budgeting

(1) The commission shall develop a schedule and apply zero-based budgeting principles in reviewing the budget of each state agency at least once every 8 years.

(2) By July 1 of each year, the commission shall issue instructions to the agencies whose budgets are to be reviewed prior to the next legislative session.

(3) The commission shall provide these reviews to the President of the Senate and the Speaker of the House of Representatives by December 31 of the year in which they are completed.

(4) By February 1, 2001, the commission shall provide to the President of the Senate and the Speaker of the House of Representatives a schedule for completing zero-based budgeting reviews of all state agencies prior to December 31, 2008.

7.3—Organizational Structure

(1) The commission shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives. The appointees shall include the chairman of the Fiscal Responsibility Council in the House of Representatives and the chairman of the Committee on Appropriations in the Senate.

(2) The members of the commission shall elect a chairman and a vice chairman. In even-numbered years, a Senator shall be chairman and a House member vice chairman. In odd-numbered years, a House member shall be chairman and a Senator vice chairman.

(3) The commission shall meet at least quarterly and more frequently at the direction of the presiding officers or the chairman. Meetings may be conducted through teleconferences or other electronic means.

(4) A quorum shall consist of a majority of the commission members of each house plus one additional member of the commission.

(5) Action by the commission shall require a majority vote of the members present of each house.

(6) The commission shall be jointly staffed by the appropriations committees of both houses. During even-numbered years, the Senate shall provide the lead staff. During odd-numbered years, the House of Representatives shall provide the lead staff.

7.4—Notice of Commission Meetings

Not less than 7 days prior to a meeting of the commission, a notice of the meeting, stating the items to be considered, date, time, and place, shall be filed with the Secretary of the Senate when the chairman is a Senator or with the Clerk of the House of Representatives when the chairman is a Representative. The Secretary or the Clerk shall distribute notice to the Legislature and the public, consistent with the rules and policies of their respective houses.

JOINT RULE EIGHT

CONTINUING EXISTENCE OF JOINT RULES

(As amended November 2000)

8.1—Continuing Existence of Joint Rules

All joint rules adopted by concurrent resolution, and amendments thereto, shall continue in effect from session to session or Legislature to Legislature until repealed by concurrent resolution.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 8 was corrected and approved.

CO-INTRODUCERS

Senators Alexander—SB 876; Atwater—SB 876, SB 1070, SB 1324; Bennett—CS for SB 334, SB 876, SB 958; Campbell—SB 778, SB 958, SB 1434; Clary—SB 876; Constantine—CS for SB 526, SB 1070; Crist—SB 284, CS for SB 352; Diaz de la Portilla—SB 876, SB 1862; Dockery—SB 98, SB 292, SB 480, CS for SB 528, SB 876; Fasano—SB 612, SB 1374, SB 1466; Garcia—SB 876; Haridopolos—SB 716, SB 876; Hill—SB 1324; Jones—CS for SB 126, CS for SB 434; King—SB 632, SB 768; Lawson—SB 958; Lynn—SB 284, SB 818, CS for SB 886; Miller—SB 284, SB 524, SB 1060; Peaden—SB 876; Posey—SB 876, SB 1862; Pruitt—SB 1862; Rich—SB 226, SB 778; Sebesta—SB 876; Villalobos—SB 876; Webster—SB 876; Wilson—SB 1434; Wise—SB 876

Senator Atwater withdrew as the introducer of SB 1070.

RECESS

On motion by Senator Pruitt, the Senate recessed at 10:22 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Thursday, March 17 or upon call of the President.

Journal of the Senate

Number 3—Regular Session **Monday, March 14, 2005**

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REPORTS OF COMMITTEES

The Committee on Health Care recommends the following pass: SB 702 with 2 amendments, SB 1060 with 2 amendments

The bills were referred to the Committee on Education under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 626

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: SB 550

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: SB 554 with 3 amendments

The bill was placed on the calendar.

The Committee on Judiciary recommends a committee substitute for the following: SB 192

The bill with committee substitute attached was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 1244

The bill with committee substitute attached was referred to the Committee on Communications and Public Utilities under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 492

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 118

The bill with committee substitute attached was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 1472

The bill with committee substitute attached was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Health Care recommends committee substitutes for the following: SB 366, SB 690

The bills with committee substitutes attached were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Bullard—

SB 1718—A bill to be entitled An act relating to the Crisis Intervention Team program; providing for adoption of the program as a pilot program; directing the Louis de la Parte Florida Mental Health Institute at the University of South Florida to conduct a study of the Crisis Intervention Team (C.I.T.) program; providing the purpose of the study; providing for a report; providing for funding; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; and Justice Appropriations.

By Senator Haridopolos—

SB 1720—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; exempting certain educational materials from the tax; providing an effective date.

—was referred to the Committees on Education; Government Efficiency Appropriations; and Ways and Means.

By Senator Fasano—

SB 1722—A bill to be entitled An act relating to multiservice senior centers; creating s. 430.901, F.S.; providing a definition and purposes of a "multiservice senior center"; renumbering and amending s. 430.206, F.S.; providing for certain accreditation; amending s. 430.203, F.S.; repealing a definition of "multiservice senior center," to conform; amending s. 430.205, F.S.; providing that activities of a community care service area may be directed from a multiservice senior center as defined in s. 430.901, F.S.; providing an effective date.

—was referred to the Committees on Children and Families; and Health Care.

By Senators Wilson and Rich—

SB 1724—A bill to be entitled An act relating to providing discounted computers to low-income students; creating a program for this purpose; providing eligibility requirements for receiving a discounted price on a computer; requiring the Department of Education to negotiate terms with a computer manufacturer; requiring the department to adopt rules, including rules relating to providing technical training to the students; providing an effective date.

—was referred to the Committees on Education; Education Appropriations; and Ways and Means.

By Senator Wilson—

SB 1726—A bill to be entitled An act relating to the social status of black men and boys; creating the Council on the Social Status of Black Men and Boys; providing for the appointment and qualification of members; providing for the appointment of members to fill vacant positions; providing for terms of office; requiring the council to make a systematic study of conditions affecting black men and boys; requiring the Office of the Attorney General to provide administrative support; requiring the council to submit an annual report to the Governor and Legislature; providing for reimbursement for per diem and travel expenses; requiring the Attorney General to organize the initial meeting of the council; providing for the expiration of the council; providing an appropriation; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; Justice Appropriations; and Ways and Means.

By Senator Campbell—

SB 1728—A bill to be entitled An act relating to sexual and career offenders; amending s. 775.21, F.S.; revising the definition of "institution of higher education" to include a career center; revising provisions relating to use of prior felonies for sexual predator determination; amending s. 775.261, F.S.; revising an operational date used for career offender registration; amending s. 943.0435, F.S.; revising language relating to the definition of "sexual offender"; revising the definition of "institution of higher education" to include a career center; revising a provision relating to offender driver's license or identification card renewal; revising a reporting requirement for sexual offenders who vacate a permanent residence and fail to establish or maintain another permanent or temporary residence; amending s. 944.607, F.S.; revising language relating to the definition of "sexual offender"; revising the definition of "institution of higher education" to include a career center; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Dockery—

SB 1730—A bill to be entitled An act relating to environmental permitting programs; creating s. 373.4143, F.S.; providing legislative intent; creating s. 373.4144, F.S.; providing for the consolidation of federal and state wetland permitting programs; providing duties of the Department of Environmental Protection; requiring a report to the Legislature and coordination with the Florida Congressional Delegation; providing an effective date.

—was referred to the Committees on Environmental Preservation; and General Government Appropriations.

By Senator Saunders—

SB 1732—A bill to be entitled An act relating to aerospace ad valorem taxes; creating s. 196.1999, F.S.; providing an exemption from ad valorem taxes for certain space laboratories; repealing s. 196.1994, F.S., which expired effective July 1, 2004, and which provided an exemption from ad valorem taxes for certain space laboratories; providing for retroactivity; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Ways and Means.

By Senators Rich and Hill—

SB 1734—A bill to be entitled An act relating to children's health programs; amending s. 409.818, F.S.; requiring the Department of Health to develop a plan for publicizing the Florida KidCare program; requiring the Agency for Health Care Administration to adopt rules to comply with the Florida KidCare Act and federal requirements; amending s. 624.91, F.S.; revising the time period for penalties or waiting periods for reinstatement of coverage within the Florida Healthy Kids Corporation; deleting the requirement that the corporation develop a plan to publicize the Florida Healthy Kids Corporation; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By Senator Crist—

SB 1736—A bill to be entitled An act relating to vehicular accidents involving death or personal injuries; providing a short title; amending s. 316.027, F.S.; requiring the court to sentence a driver of a vehicle to a minimum term of imprisonment if the person is driving under the influence and leaves the scene of an accident that results in death; requiring the court to order the driver of a vehicle to make restitution to the victim for any damage or loss if a driver leaves the scene of an accident that results in injury or death; requiring the court to make the payment of restitution a condition of probation; providing that an order requiring the defendant to make restitution to a victim does not remove or diminish the requirement that the court order payment to the Crimes Compensation Trust Fund; amending s. 316.193, F.S.; requiring that a person convicted of DUI manslaughter be sentenced to a mandatory minimum term of imprisonment; amending s. 921.0021, F.S.; requiring that victim-injury points be assessed against an offender convicted of leaving the scene of an accident that results in injury or death; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Wise—

SB 1738—A bill to be entitled An act relating to juvenile detention; amending s. 985.03, F.S.; redefining the term "home detention" to mean detention that requires a parent, guardian, or custodian to supervise a child who is placed on home detention; deleting provisions making the Department of Juvenile Justice responsible for supervising a child who is placed on home detention; amending ss. 985.215 and 985.231, F.S.; providing that a child may be placed on home detention with or without electronic monitoring; amending s. 985.2311, F.S.; clarifying that the parent must pay the fees for the cost of care for a child placed on home detention; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

Senate Resolutions 1740-1742—Not referenced.

By Senators Alexander, Geller, Aronberg, Crist and Bullard—

SB 1744—A bill to be entitled An act relating to workers' compensation for first responders; amending s. 440.02, F.S.; revising and providing definitions; amending s. 440.09, F.S.; revising provisions relating to

compensation for occupational diseases and repetitive exposure to provide an exception for first responders; amending s. 440.091, F.S.; providing that certain conditions relating to smallpox vaccinations are an injury by accident arising out of the employment for purposes of ch. 440, F.S.; amending s. 440.093, F.S.; providing conditions for compensation for first responders for cases involving mental or nervous injuries; providing additional conditions for payment of indemnity benefits under ch. 440, F.S.; providing an exception with regard to determination of mental and nervous injuries; amending s. 440.15, F.S.; providing an additional exception with regard to compensation for permanent total disability; amending s. 440.151, F.S.; providing an exception with regard to compensation for occupational diseases; amending s. 440.34, F.S.; providing factors to be considered by a judge of compensation claims in awarding attorney's fees and costs in cases involving first responders; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Community Affairs; and General Government Appropriations.

By Senator Wise—

SB 1746—A bill to be entitled An act relating to the Florida Department of Law Enforcement; amending s. 943.61, F.S.; revising the powers and duties of the Capitol Police; amending s. 943.611, F.S.; revising duties of the director of the Capitol Police; amending s. 943.62, F.S.; revising provisions relating to investigations by the Capitol Police; amending s. 943.64, F.S.; revising provisions relating to designation of other law enforcement officers as ex officio agents of the Capitol Police; amending s. 943.68, F.S.; revising provisions relating to transportation and protective services of the Capitol Police; amending s. 316.640, F.S.; revising provisions relating to enforcement of traffic laws; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Agriculture—

SB 1748—A bill to be entitled An act relating to agricultural water conservation; requiring the water management districts to review permit-exemption programs and recommend additional permit exemptions that will encourage agricultural water conservation; requiring a report by the Department of Agriculture and Consumer Services to the appropriate legislative committees; amending s. 373.236, F.S.; authorizing the issuance of permits for agricultural production for a specified period for uses that incorporate agricultural water conservation measures and provide a net reduction in water use or replace a water supply source; amending s. 373.406, F.S.; providing that an exemption provided for activities having minimal adverse impact does not apply to certain environmental restoration or water quality improvement activities; amending s. 373.414, F.S.; authorizing the governing board of a water management district or the department to adopt criteria by rule for issuing permits for the use of wetlands for implementing agricultural water conservation measures; authorizing a water management district or the department to authorize, under a general permit, the on-site relocation or filling of isolated wetlands on agricultural lands under specified conditions; amending s. 373.2234, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Agriculture; Environmental Preservation; and General Government Appropriations.

SR 1750—Not referenced.

By Senator Bennett—

SB 1752—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry Counties; amending chapter 2000-423, Laws of Florida; authorizing the district to sell, lease, or otherwise encumber surplus real property owned by the district; providing an exception; providing an effective date.

Proof of Publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 1754—Not referenced.

By the Committee on Commerce and Consumer Services—

SB 1756—A bill to be entitled An act relating to early learning; amending s. 411.01, F.S.; requiring early learning coalitions to provide parents with profiles of school readiness providers; deleting authorization for coalitions to receive subsidized child care funds for all children eligible for certain federal programs; authorizing the Agency for Workforce Innovation to allow coalitions to pay a rate differential to providers under certain circumstances; revising eligibility criteria and priorities for participation in school readiness programs; conforming provisions; creating s. 411.0101, F.S.; authorizing early learning coalitions to establish school-age readiness services under certain circumstances; providing requirements for these services; establishing eligibility criteria and priorities for participation in school-age readiness services; limiting the use of school readiness funds for school-age readiness services; transferring, renumbering, and amending s. 402.3145, F.S.; revising requirements for transportation services in school readiness programs; conforming provisions; authorizing contracts; deleting obsolete references to a repealed program; transferring, renumbering, and amending s. 402.3017, F.S.; providing requirements for school readiness quality initiatives; revising requirements for the Teacher Education and Compensation Helps scholarship program; establishing requirements for the Home Instruction for Parents of Preschool Youngsters Program; transferring, renumbering, and amending s. 409.178, F.S.; revising requirements for the Child Care Executive Partnership Program; deleting a short title and legislative intent; revising requirements for family income; deleting obsolete references to a repealed program; requiring the Agency for Workforce Innovation to provide for staff; revising provisions for the administration of purchasing pools; providing for the adoption of rules; amending s. 411.0105, F.S.; revising federal lead agency responsibilities; requiring a contract; transferring, renumbering, and amending s. 402.27, F.S.; revising provisions for the statewide resource and referral network; conforming provisions; transferring, renumbering, and amending s. 402.3051, F.S.; revising definitions for purposes of child care market rate reimbursement; revising requirements for calculating the market rate and prevailing market rate; requiring the adoption of a prevailing market-rate schedule; transferring, renumbering, and amending s. 402.3018, F.S.; providing for technical assistance to child care and early learning providers; conforming provisions; transferring, renumbering, and amending s. 402.25, F.S.; revising requirements for activities to foster brain development in infants and toddlers in certain state-funded programs; conforming provisions; amending s. 411.011, F.S., conforming a cross-reference; transferring, renumbering, and amending s. 402.3016, F.S.; revising provisions for Early Head Start collaboration grants; requiring the Agency for Workforce Innovation to submit a report; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Children and Families; Education; and Transportation and Economic Development Appropriations.

By Senator Haridopolos—

SB 1758—A bill to be entitled An act relating to enterprise zones; creating s. 290.0073, F.S.; authorizing Indian River County, the City of Vero Beach, and the City of Sebastian to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone in Indian River County; providing requirements with respect thereto; requiring the office to establish the initial effective date of the enterprise zone; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Geller—

SB 1760—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; authorizing certain businesses to have automated external defibrillators on their premises; providing for training in the operation and maintenance thereof by the local emergency medical services provider at no cost to the business; providing immunity from civil liability; amending s. 212.08, F.S.; providing an exemption from the tax on sales, use, and other transactions for automated external defibrillators purchased by certain businesses; providing an effective date.

—was referred to the Committees on Health Care; Commerce and Consumer Services; Judiciary; and Government Efficiency Appropriations.

By Senator Geller—

SB 1762—A bill to be entitled An act relating to drawbridges; requiring such bridges to be equipped with video cameras and monitors; providing an effective date.

—was referred to the Committees on Transportation; and Transportation and Economic Development Appropriations.

By Senator Geller—

SB 1764—A bill to be entitled An act relating to periods of wartime service for veterans; amending s. 1.01, F.S.; redefining the term "veteran" for purposes of construing the Florida Statutes to include a person who served in the active military, naval, or air service in Operation Enduring Freedom or Operation Iraqi Freedom; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and General Government Appropriations.

By Senator Crist—

SB 1766—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting recipients of state funds used for educational purposes from requiring a student to be prescribed or administered psychotropic medication as a condition of receipt of educational services; providing requirements for administration; providing a restriction relating to the diagnosis or treatment of mental disorders; providing an effective date.

—was referred to the Committees on Education; and Health Care.

By Senator Crist—

SB 1768—A bill to be entitled An act relating to online dating services; providing definitions; requiring criminal background checks before allowing a member of a dating service to perform certain acts; providing exceptions; requiring disclosures in certain circumstances; requiring each service to establish a policy concerning criminal background check results; providing minimum requirements for a policy; requiring opportunities for certain persons to review the policy; requiring a specified disclosure on the profile of a person having a criminal conviction; providing for civil actions for violations of the act; providing for damages, including specified liquidated damages, costs, and attorney's fees; providing for actions by the Attorney General to enforce the act; providing specified immunity for the state; providing for criminal violations of the act; providing penalties; providing that specified acts by operators do not violate the act; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Criminal Justice.

By the Committee on Commerce and Consumer Services—

SB 1770—A bill to be entitled An act relating to the Florida Enterprise Zone Act; amending s. 290.001, F.S.; revising the title of the act; amending s. 290.004, F.S.; deleting obsolete definitions; amending s. 290.0055, F.S.; revising procedures for counties or municipalities to nominate an area for designation as a new enterprise zone; deleting obsolete provisions; removing the authority for certain counties to nominate more than one enterprise zone; providing procedures for changing an enterprise zone boundary; amending s. 290.0056, F.S.; deleting the requirement that a governing body pass an ordinance to appoint the board of an enterprise zone development agency; revising requirements for making such appointments; deleting a requirement that a certificate of appointment of a board member be filed with the clerk of the county or municipality; deleting the requirement that an annual report by a board be published and available for inspection; providing additional responsibilities for an enterprise zone development agency; amending s. 290.0057, F.S.; requiring that an application for designation as a new enterprise zone contain an enterprise zone development plan; amending s. 290.0058, F.S.; updating obsolete references; revising requirements for determining poverty in an area nominated as a rural enterprise zone; providing an exception; amending s. 290.0065, F.S.; establishing the maximum number of enterprise zones allowed, subject to any new zones authorized by the Legislature; revising the procedure for designating a new enterprise zone, which procedure is only available if an existing zone is not redesignated; deleting a requirement that an application for designation as an enterprise zone be categorized by population; deleting obsolete provisions; providing a procedure for redesignating certain zones; providing a procedure for review and approval or denial of redesignation of an enterprise zone which takes into consideration past zone performance and the current need for enterprise zone incentives; providing for an approval procedure prohibiting an entity having jurisdiction over an area denied redesignation as an enterprise zone from reapplying for redesignation for 1 year; providing a redesignation procedure for zones authorized in conjunction with certain federal acts; providing requirements for an application for redesignation; deleting obsolete provisions; amending s. 290.0066, F.S.; providing that failure to make progress or failure to comply with measurable goals may be considered as grounds for revocation of an enterprise zone designation; amending s. 290.12, F.S.; providing a transition date that provides for a zone having an effective date on or before January 1, 2005, to continue to exist until December 21, 2005, and to expire on that date; requiring that any zone designated or redesignated after January 1, 2006, do so in accordance with the Florida Enterprise Zone Act; amending s. 290.016, F.S.; delaying the repeal of the the Florida Enterprise Zone Act; amending ss. 166.231, 193.077, 193.085, 195.073, 196.012, 205.022, 205.054, and 212.02, F.S.; extending an expiration date with respect to various tax exemptions; conforming provisions to changes made by the act; amending s. 212.08, F.S.; revising the procedures for applying for a tax exemption on building materials used to rehabilitate property; deleting a restriction on refund claims; extending the expiration date in order to conform to changes made by the act; lowering the purchase threshold for an exemption for the business property exemption from $5,000 per unit to $500 per item; extending the expiration date for the exemption; deleting obsolete provisions governing the community contribution tax credit for donations; extending the expiration date of the tax credit allowed for electrical energy used in an enterprise zone, to conform; amending s. 212.096, F.S.; revising the enterprise zone jobs tax credit against sales tax to allow for a new hire, not just a new job, to qualify for the credit; revising the requirements to qualify as an eligible business under the enterprise zone jobs tax credit; deleting obsolete provisions; redefining the term "jobs"; deleting a definition; extending the expiration date for the enterprise zone jobs tax credit, to conform; amending ss. 220.02 and 220.03, F.S.; extending the expiration date of the enterprise zone jobs tax credit against corporate income tax to conform to changes made by the act; revising definitions; amending s. 220.181, F.S.; revising the enterprise zone jobs tax credit against corporate income tax to allow for a new hire, not just a new job, to qualify for the credit; revising requirements for claiming the credit; extending the expiration date of the tax credit, to conform; amending s. 220.182, F.S.; extending the expiration date of the enterprise zone property tax credit; amending s. 370.28, F.S.; requiring that an enterprise zone in a community affected by net limitations which is redesignated after January 1, 2006, do so in accordance with the Florida Enterprise Zone Act; repealing ss. 290.00555, 290.0067, 290.00675, 290.00676, 290.00678, 290.00679, 290.0068, 290.00685, 290.00686, 290.00687, 290.00688, 290.00689, 290.0069, 290.00691, 290.00692, 290.00693, 290.00694, 290.00695, 290.00696, 290.00697, 290.00698, 290.00699, 290.00701, 290.00702, 290.00703, 290.00704,

290.00705, 290.00706, 290.00707, 290.00708, 290.00709, 290.009, and 290.015, F.S., relating to the designation of a satellite enterprise zone, an enterprise zone in Lake Apopka, a boundary amendment for the City of Brooksville in Hernando County, an amendment of certain rural enterprise zone boundaries, a designation of rural champion communities as enterprise zones, amendments to certain rural enterprise zone boundaries, the designation of a brownfield as an enterprise zone, an application to amend an enterprise zone containing a brownfield, the designation of enterprise zones in Brevard County and the City of Cocoa, the designation of an enterprise zone in Pensacola, the designation of an enterprise zone in Leon County, the designation of a pilot project in an enterprise zone, the designation of an enterprise zone in Liberty County, the designation of an enterprise zone in Columbia County and Lake City, the designation of an enterprise zone in Suwannee County and Live Oak, the designation of an enterprise zone in Gadsden County, the designation of an enterprise zone in Sarasota County and Sarasota, the designation of enterprise zones in Hernando County and Brooksville, the designation of an enterprise zone in Holmes County, the designation of an enterprise zone in Calhoun County, the designation of an enterprise zone in Okaloosa County, the designation of an enterprise zone in Hillsborough County, the designation of an enterprise zone in Escambia County, the designation of enterprise zones in Osceola County and the City of Cocoa, the designation of an enterprise zone in South Daytona, the designation of an enterprise zone in Lake Wales, the designation of an enterprise zone in Walton County, the designation of enterprise zones in Miami-Dade County and the City of West Miami, the designation of an enterprise zone in Hialeah, a boundary amendment in an enterprise zone within a consolidated government, a boundary amendment in an enterprise zone within an inland county, an enterprise zone coordinating council, and an evaluation and review of the enterprise zone program; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Ways and Means.

By Senator Baker—

SB 1772—A bill to be entitled An act relating to law enforcement; creating the Sunshine Security Act; creating the Law Enforcement Agency Consolidation Task Force; providing for the appointment of members; providing for duties; providing for preliminary and final reports addressing the effects of the consolidation of all sworn law enforcement functions in the state; providing for future repeal; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Justice Appropriations.

By Senator Rich—

SB 1774—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; increasing the fine for a noncriminal infraction of the Florida Litter Law from $50 to $200; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Government Efficiency Appropriations.

By Senator Clary—

SB 1776—A bill to be entitled An act relating to the State Homeland Security Trust Fund; creating s. 288.833, F.S.; creating the State Homeland Security Trust Fund, to be administered by the Division of Emergency Management within the Department of Community Affairs; providing for sources of funds and purposes; providing for review of requests for funding; providing for annual carryforward of unused funds; providing for review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Commerce and Consumer Services; Domestic Security; Judiciary; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By the Committee on Transportation—

SB 1778—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; requiring the Florida Transportation Commission to examine the department's district boundaries as they relate to the strategic planning regions established in the state's strategic plan for economic development; requiring an annual report to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Transportation; and Commerce and Consumer Services.

By Senator Smith—

SB 1780—A bill to be entitled An act relating to dealers in agricultural products; amending s. 604.15, F.S.; revising definitions; expanding the list of products covered by the law; defining the terms "negotiating broker" and "producer's agent"; amending s. 604.16, F.S.; revising exceptions to provisions regulating dealers; amending s. 604.18, F.S., relating to applications for dealer licensure; requiring dealers to provide mailing and location address information; requiring dealers to provide certain information relating to the dollar amount of business done or to be done; amending s. 604.19, F.S.; providing requirements relating to cancellation of a bond or certificate of deposit; increasing license fees and delinquent renewal penalties; amending s. 604.20, F.S.; providing a calculation for the amount of a bond or certificate of deposit; adding requirements relating to bond or certificate of deposit assignment or agreement; authorizing the Department of Agriculture and Consumer Services to issue a conditional license under certain conditions; amending s. 604.21, F.S.; increasing the minimum claim amount and requiring a complaint filing fee; providing requirements for submission of a complaint and payment for multiple claims; authorizing a dealer in agricultural products to file a complaint against another dealer in agricultural products; limiting the time a complaint may be held in abeyance; authorizing review of a final order; clarifying distribution of bond or certificate of deposit proceeds; amending s. 604.22, F.S.; revising recordkeeping requirements of licensees; clarifying application of provisions; amending ss. 604.23 and 604.25, F.S.; clarifying application of provisions; amending s. 604.30, F.S.; clarifying that a violator of provisions regulating dealers in agricultural products may be a person, partnership, corporation, or other business entity; increasing the maximum administrative fine and the fine for continued violation of an administrative order; providing an effective date.

—was referred to the Committees on Agriculture; Banking and Insurance; Judiciary; and General Government Appropriations.

By Senator Clary—

SB 1782—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 1009.531, F.S.; revising program requirements to exclude from eligibility any student who is enrolled full time in an early admission program of a postsecondary institution and who enters ninth grade in the 2005-2006 school year and thereafter; amending ss. 1007.27, 1007.271, and 1011.62, F.S., relating to articulated acceleration mechanisms, dual enrollment programs, and the calculation of full-time equivalent membership; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Clary—

SB 1784—A bill to be entitled An act relating to professional services acquisition; amending s. 287.055, F.S.; revising certain definitions; defining the term "negotiate"; providing additional criteria for processing bids to purchase professional services which exceed certain threshold amounts; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Productivity; and General Government Appropriations.

By Senator Geller—

SB 1786—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; providing that the sponsor of a charter school shall not be liable for civil damages for certain actions; providing that the duty to monitor a charter school shall not be the basis for a private cause of action; expanding a school district's immunity from assumption of contractual debts; providing an effective date.

—was referred to the Committees on Education; and Judiciary.

By Senator Clary—

SB 1788—A bill to be entitled An act relating to travel to and commerce with terrorist nations; creating s. 288.857, F.S.; creating the "Travel To and Commerce With Terrorist Nations Act"; providing a popular name; providing legislative intent; providing definitions; providing for the levy of a security assessment on charter transportation for trips originating in this state and arriving in an identified terrorist nation; providing for the rate of the assessment; providing requirements and procedures with respect thereto; requiring any university or community college within the State University System or the Florida Community College System that organizes or directs the organization of a cultural or educational trip utilizing charter transportation to any terrorist nation to provide the Department of Education with specified information; providing standards for disqualification from participation in specific programs and services administered by the state for residents who engage in travel to terrorist nations; providing for the reallocation of state funds derived as a result of the denial or discontinuance of benefits from such programs; requiring the Department of Agriculture and Consumer Services to develop a terrorist travel disclosure form; providing for contents of the form; providing requirements with respect to completion and submission of such form; providing for an administrative processing assessment; providing for calculation and deposit of such assessment; requiring the department to create, operate, and maintain a database for the collection of information contained in such forms; providing for utilization of the database by state agencies; requiring the Department of Children and Family Services to monitor the database for specified compliance; requiring the Department of Children and Family Services to include a terrorist travel waiver form with specified applications for assistance; providing for contents of the form; providing for a state surcharge on the trade and shipment of cattle to any terrorist nation; providing for utilization of funds derived from the terrorist commerce surcharge; requiring a report; providing a fine for violation of the act; specifying exemptions to the act; providing for the adoption of rules; providing for the adoption of emergency rules; providing that emergency rules shall remain in effect for a specified period; providing severability; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Domestic Security; Judiciary; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By the Committee on Judiciary—

SB 1790—A bill to be entitled An act relating to street lighting; creating s. 768.1382, F.S.; limiting liability for certain public and private entities providing street lights, security lights, or other similar illumination; providing that certain entities do not owe duty to the public to provide, operate, or maintain illumination; providing for exceptions; prohibiting certain findings of fault or responsibility of an entity not a party to litigation; providing for severability; providing for application; providing an effective date.

—was referred to the Committees on Judiciary; Communications and Public Utilities; and Rules and Calendar.

By Senator Hill—

SB 1792—A bill to be entitled An act relating to the Florida minimum wage; amending s. 95.11, F.S.; providing limitations on actions alleging violations of s. 24, Art. X of the State Constitution; creating s. 448.065, F.S.; creating the Florida Minimum Wage Act; providing that the purpose of the act is to implement s. 24, Art. X of the State Constitution, which establishes a state minimum wage; requiring payment of the minimum wage to certain employees by a specified date; requiring the Agency for Workforce Innovation to annually calculate an adjusted state minimum wage; requiring that the agency and the Department of Revenue notify employers of the amount of the minimum wage; prohibiting an employer or other party from discriminating against a person who exercises rights protected under s. 24, Art. X of the State Constitution; authorizing a person to bring a civil action against an employer or person in violation of the act; providing for the recovery of unpaid back wages, liquidated damages, and attorney's fees and costs; providing for legal or equitable relief; authorizing the Attorney General to bring a civil action to enforce the act and seek injunctive relief; authorizing a fine; specifying the statute of limitations for actions brought under the act; authorizing class actions; providing that the act is the exclusive remedy available for a violation of s. 24, Art. X of the State Constitution; limiting the authority of the Agency for Workforce Innovation; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Judiciary; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Klein—

SB 1794—A bill to be entitled An act relating to law enforcement; creating s. 943.1713, F.S.; requiring the Criminal Justice Standards and Training Commission to establish annual firearms qualification instruction standards for law enforcement officers; requiring agencies to report qualification results; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Justice Appropriations.

By Senator Atwater—

SB 1796—A bill to be entitled An act relating to property tax administration; amending s. 195.0995, F.S.; providing that if the Department of Revenue finds that more than 10 percent of sales qualified or disqualified by a county do not fall within applicable criteria, the department shall issue a postaudit notification of defects instead of a review notice; amending s. 195.096, F.S.; revising the requirements placed on the department in its review of assessment rolls; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; and General Government Appropriations.

By Senator Atwater—

SB 1798—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2005 version of the Internal Revenue Code; providing for retroactive operation; providing an effective date.

—was referred to the Committee on Government Efficiency Appropriations.

By the Committee on Banking and Insurance—

SB 1800—A bill to be entitled An act relating to health maintenance organizations; amending s. 641.316, F.S.; redefining the term "fiscal intermediary services organization"; amending s. 641.234, F.S.; expanding the requirement that a health maintenance organization remains responsible for violations of certain statutory requirements if the organization transfers to any entity the obligations to pay any provider for claims arising from services to subscribers of the organization; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By Senator Campbell—

SB 1802—A bill to be entitled An act relating to capital collateral representation; amending s. 27.709, F.S.; providing for the Commission on Capital Cases to undertake certain projects and authorizing it to sponsor certain continuing legal education classes; amending s. 27.710, F.S.; revising provisions relating to continuing legal education requirements for attorneys on the registry of attorneys applying to represent persons in postconviction capital collateral proceedings; providing for the removal of appointed attorneys who fail to sign contracts or submit specified reports; requiring an appointed attorney who does not wish to continue representation at the federal level to make reasonable efforts to assist the client in finding replacement counsel; amending s. 27.711, F.S.; providing for payment of attorneys after a final hearing, rather than after a final order; providing for additional payments to attorneys; increasing the maximum number of inmates that may be represented by a capital collateral attorney; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By the Committee on Banking and Insurance—

SB 1804—A bill to be entitled An act relating to the solvency of insurers; amending s. 624.316, F.S.; revising requirements for the periodic examination of insurers by the Office of Insurance Regulation of the Financial Services Commission; increasing the period between examinations for insurers that maintain a risk-based capital level of a specified percentage; creating s. 624.4087, F.S.; requiring property insurers to maintain surplus and reinsurance adequate to cover the 100-year probable maximum loss from hurricanes; providing requirements for determining the probable maximum loss; amending s. 624.424, F.S.; authorizing the office to require that an insurer submit an actuarial certification by an independent actuary; amending s. 628.801, F.S.; revising a reference with respect to registration requirements for insurance holding companies; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committee on Banking and Insurance—

SB 1806—A bill to be entitled An act relating to employee leasing companies; amending s. 468.521, F.S.; revising the criteria for the appointment of members of the Board of Employee Leasing Companies; amending s. 468.525, F.S.; requiring that an applicant for a renewal license as an employee leasing company have a specified net worth; deleting provisions authorizing certain companies to submit financial statements that are reviewed rather than audited by a certified public accountant; amending s. 468.529, F.S.; requiring that an employee leasing company make certain information available to the Division of Workers' Compensation of the Department of Financial Services; providing an administrative fine for failure or refusal to submit the required reports, forms, or notices; amending s. 627.192, F.S.; requiring workers' compensation insurers providing coverage for employee leasing companies to provide certain information to the rating organization; requiring a report by the rating organization to the lessee; providing an effective date.

—was referred to the Committees on Banking and Insurance; Regulated Industries; and General Government Appropriations.

By Senator Campbell—

SB 1808—A bill to be entitled An act relating to the regulation of airports; amending s. 330.30, F.S.; prohibiting the Department of Transportation from renewing or reissuing licenses to certain general aviation airports that fail to develop a security plan; requiring that the plans be consistent with certain published guidelines; providing for review and approval of such plans by the Department of Law Enforcement; requiring periodic update of the plans; providing an effective date.

—was referred to the Committees on Transportation; and Domestic Security.

By Senator Campbell—

SB 1810—A bill to be entitled An act relating to public records exemptions; creating s. 744.1076, F.S.; exempting from public records requirements certain court records relating to appointment of certain court monitors, reports of such monitors, and orders of a court; providing for future legislative review and repeal; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Campbell—

SB 1812—A bill to be entitled An act relating to pediatric skilled nursing facilities; providing a definition; requiring the Agency for Health Care Administration to implement a pilot project and develop criteria for designation as a pediatric skilled nursing facility; requiring that certain affiliations be established and providing purposes thereof; authorizing an appropriation; providing criteria for a nursing home to qualify as a pediatric skilled nursing facility; prohibiting expenditure of funds for certain purposes; providing an effective date.

—was referred to the Committees on Health Care; Children and Families; and Health and Human Services Appropriations.

By Senator Baker—

SB 1814—A bill to be entitled An act relating to franchised motor vehicle dealers; amending s. 320.60, F.S.; revising the definition of "demonstrator"; defining "existing franchised motor vehicle dealer"; amending s. 320.64, F.S.; prohibiting applicant or licensee failure to pay certain costs and amounts to a dealer after termination of franchise; amending s. 320.641, F.S.; providing for admissibility of certain evidence in a hearing of a complaint or petition filed relating to discontinuations, cancellations, nonrenewals, modifications, or replacement of franchise agreements; amending s. 320.642, F.S.; revising criteria and procedures to establish an additional dealership or relocate an existing dealer in an area where the same line-make vehicle is presently represented; revising provisions excluding certain openings and reopenings from consideration as an additional or relocated motor vehicle dealer; limiting such openings and reopenings; requiring distance between sites to be measured from the geometric centroid of each site; amending s. 320.643, F.S.; exempting a transferee proposing to simultaneously relocate dealership operations in conjunction with the purchase from location requirements in the franchise agreement under certain circumstances; providing requirements for such proposals; amending s. 320.699, F.S.; revising procedures for administrative hearings; requiring a certain schedule unless extended by the administrative law judge under certain conditions; amending ss. 320.645, 681.102, and 681.113, F.S.; correcting cross references; providing an effective date.

—was referred to the Committees on Transportation; Commerce and Consumer Services; Regulated Industries; Judiciary; and General Government Appropriations.

By Senator Campbell—

SB 1816—A bill to be entitled An act relating to motor vehicle repairs; requiring collision centers, insurance claims centers, and insurance adjusters' offices to display a disclosure relating to the selection and ownership of repair facilities; requiring certain repair facilities to submit a report to the Office of Insurance Regulation; providing criteria for the report; requiring the office to maintain the information contained in the report; requiring the office to make such information available to appropriate substantive legislative committees; authorizing the office to penalize repair facilities; providing civil penalties; providing that no order of the office or court or holding of a hearing will relieve or absolve a person from liability, penalty, or forfeiture under law; providing an effective date.

—was referred to the Committees on Banking and Insurance; Transportation; Judiciary; and General Government Appropriations.

SR 1818—Not referenced.

By Senator Klein—

SB 1820—A bill to be entitled An act relating to golf cart regulations; amending s. 316.212, F.S.; granting local jurisdictions the authority to enact ordinances governing the use of golf carts which are more restrictive than state law; amending s. 316.2126, F.S.; requiring that the use of golf carts upon any state, county, or municipal road located within a local jurisdiction be in compliance with local ordinances governing the use of golf carts; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Senator Siplin—

SB 1822—A bill to be entitled An act relating to paintball guns and markers; defining the terms "paintball gun" and "paintball marker"; prohibiting a person from carrying a paintball gun or a paintball marker in a vehicle on the highway; providing specified exceptions; providing that the act does not apply to a commercial paintball field, range, or course operator when the operator transports passengers to and from designated player areas; providing that a person who violates the act commits a misdemeanor of the first degree; providing criminal penalties; providing an effective date.

—was referred to the Committees on Transportation; and Criminal Justice.

By Senator Smith—

SB 1824—A bill to be entitled An act relating to state reserves; creating s. 258.166, F.S.; establishing the Rodman Reservoir State Reserve; directing the Division of Recreation and Parks of the Department of Environmental Protection to develop multipurpose recreational opportunities and provide supervision of the area; allowing public hunting; authorizing the Division of State Lands to acquire adjacent or contiguous property; requiring the Division of State Lands to notify persons having easements in the area; requiring a report; providing an effective date.

—was referred to the Committees on Environmental Preservation; and General Government Appropriations.

By Senator Constantine—

SB 1826—A bill to be entitled An act relating to property appraiser assessments; amending s. 193.023, F.S.; providing property appraisers with additional methods for inspecting real property for assessment purposes as an alternative to physical inspections; providing an effective date.

—was referred to the Committees on Community Affairs; and Government Efficiency Appropriations.

By Senator Wilson—

SB 1828—A bill to be entitled An act relating to access by legislators to confidential or exempt information of the Department of Children and Family Services; creating s. 402.117, F.S.; requiring the Department of Children and Family Services to share specified confidential or exempt information with any member of the Legislature when such information is reasonably necessary for the performance of the legislator's official duties; providing procedures with respect to requests for such information; providing for the adoption of rules by the department; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Argenziano—

SB 1830—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing for licensure of persons providing home inspection services; providing legislative intent and definitions; providing standards of practice; creating the Florida Home Inspection Advisory Council; providing licensure requirements, including grandfathering provisions; providing exemptions; providing prohibited acts and penalties; providing for complaints and discipline; providing fees; requiring liability insurance; exempting from duty to provide repair cost estimates; providing for reciprocity; providing continuing education requirements; providing limitations; providing for enforcement of violations; providing an appropriation and authorizing positions; providing an effective date.

—was referred to the Committees on Regulated Industries; and General Government Appropriations.

By Senator Argenziano—

SB 1832—A bill to be entitled An act relating to the Department of Corrections; amending s. 944.091, F.S.; authorizing the department to contract with the Federal Government to house prisoners convicted in federal courts in this state; specifying conditions to be included in, and to be excluded from, such contracts; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Justice Appropriations.

By Senator Siplin—

SB 1834—A bill to be entitled An act relating to the tourist development tax; amending s. 125.0104, F.S., the "Local Option Tourist Development Act"; revising the permissible uses of proceeds from the tax; allowing a specified percentage of the tax proceeds to be used for economic development activities in the county; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Argenziano—

SB 1836—A bill to be entitled An act relating to assisted living facilities; requesting the Division of Statutory Revision to transfer provisions relating to assisted living facilities from part III of ch. 400, F.S., to ch. 429, F.S., and to make necessary conforming changes to the Florida Statutes; designating ch. 429, F.S., as "Assisted Care Communities"; providing an effective date.

—was referred to the Committees on Children and Families; and Health Care.

By Senator Constantine—

SB 1838—A bill to be entitled An act relating to construction contracting; amending s. 489.117, F.S.; specifying when a person may perform specialty contracting services for the construction, remodeling, repair, or improvement of a swimming pool or spa without obtaining a local professional license; requiring certain local authorities to allow local registration, as specified, as an alternative to other local licenses; authorizing a fee; requiring workers' compensation coverage or an exemption therefrom; providing applicability to certain other local licensing exemption provisions; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Banking and Insurance.

By Senator Constantine—

SB 1840—A bill to be entitled An act relating to the transportation disadvantaged; amending s. 427.012, F.S.; revising the composition of the board of the Commission for the Transportation Disadvantaged; providing for 15 board members with nine members appointed by the Governor; providing for a member to be appointed to a term of 4 years and limiting the member to two terms; providing criteria for membership on the commission relating to contracts and benefits; providing for filling a vacancy; prohibiting a member from serving more than 2 years as chairperson of the commission; requiring each member to represent the needs of the transportation disadvantaged throughout the state and not subordinate the needs of the transportation disadvantaged in general to favor the needs of others residing in a specific location in the state; authorizing the commission to appoint technical advisory committees; providing for the membership and duties of the technical advisory committees; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Aronberg—

SB 1842—A bill to be entitled An act relating to pharmaceutical purchasing practices; requiring the Agency for Health Care Administration and the Department of Management Services to conduct studies related to pharmaceutical purchasing practices; providing purpose; requiring a report to the Legislature; providing an effective date.

—was referred to the Committees on Health Care; Governmental Oversight and Productivity; and Health and Human Services Appropriations.

By Senator Wilson—

SB 1844—A bill to be entitled An act relating to school-entry health and vision examinations; amending s. 1003.22, F.S.; requiring children who enter public or private schools in the state to present evidence of having received a comprehensive vision examination; providing an exemption; amending ss. 1002.20 and 1002.42, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Education; Health Care; and Education Appropriations.

By Senator Wilson—

SB 1846—A bill to be entitled An act relating to required instruction in the public schools; amending s. 1003.42, F.S.; revising provisions relating to the development and adoption of character-development curricula by district school boards; revising components of the curricula; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Bennett—

SB 1848—A bill to be entitled An act relating to student safety; providing a short title; providing legislative findings; providing that this section does not limit other rights or responsibilities; defining the term "harassment"; providing that this section does not limit certain specific rights; requiring each school district to adopt a policy prohibiting discrimination and harassment on school property, at a school-sponsored function, or on a school bus; providing minimum requirements for the contents of the policy; requiring the State Board of Education to develop and issue model policies; requiring notice of a school district's policy; requiring educational institutions to develop and put into effect methods for instructing teachers, administrators, and counselors in identifying, preventing, and responding to harassment, discrimination, and violence; providing applicability; providing severability; providing an effective date.

—was referred to the Committees on Education; Judiciary; and Education Appropriations.

By Senator Peaden—

SB 1850—A bill to be entitled An act relating to outdoor advertising; amending s. 479.106, F.S.; prohibiting the planting of trees or other vegetation that screens a sign from view; requiring enforcement of the prohibition by the Department of Transportation; providing that a violation constitutes a removal of the sign for which just compensation is required; amending s. 479.25, F.S.; authorizing the owner of a sign to increase the height of the sign under certain circumstances; deleting a requirement that certain signs be approved by the Federal Highway Administration; requiring that a reconstructed sign be in compliance with the Florida Building Code; requiring the department and local governmental entity to issue permits for such reconstruction, notwithstanding rules or ordinances to the contrary; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Judiciary.

By Senator Wise—

SB 1852—A bill to be entitled An act relating to specialty behavioral health care providers; amending s. 394.4574, F.S.; authorizing the Agency for Health Care Administration to establish a demonstration project in certain counties in order to determine the benefits of developing a specialty behavioral health care provider to deliver behavioral health services to persons who reside in an assisted living facility that holds a limited mental health license; authorizing the agency to create an advisory committee; defining the term "specialty behavioral health care provider"; providing the requirements for the specialty behavioral health care provider demonstration project; providing that certain specialty behavioral health care providers may seek and develop cooperative agreements with administrators of certain assisted living facilities; authorizing the agency to seek federal waivers to implement an alternative prepaid behavioral health care plan under certain conditions; authorizing the agency to implement the demonstration project and the advisory committee to complete work; providing for an independent evaluation; requiring that a report be submitted to the Legislature; authorizing the agency to seek a waiver or approval for an amendment to a waiver for the purpose of addressing needs of individuals who reside in certain assisted living facilities; requiring the agency to establish a workgroup for the purpose of preparing an amendment to a waiver; providing requirements for the amendment; requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation; requiring the agency to implement the waiver amendment; prohibiting the waiver amendment from increasing costs to the Medicaid program; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; and Health and Human Services Appropriations.

By Senator Constantine—

SB 1854—A bill to be entitled An act relating to the electronic submittal of an application for a local building permit; amending s. 713.135, F.S.; authorizing the county or municipality responsible for the issuance of certain building permits to accept applications that are transmitted electronically; providing for the format of an electronic application; providing for an electronic affidavit by the owner applying for the permit; providing penalties for knowingly making a false statement in the affidavit; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; Criminal Justice; and Justice Appropriations.

By Senator Villalobos—

SB 1856—A bill to be entitled An act relating to the Commission on Ethics; amending s. 112.321, F.S.; prohibiting an individual who qualifies as a lobbyist from serving on the commission; prohibiting a member of the commission from lobbying any state or local governmental entity; providing exceptions for individuals who are members of the commission on the effective date of the act until the expiration of their current terms; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Rules and Calendar.

By Senator Villalobos—

SB 1858—A bill to be entitled An act relating to standards of conduct for public officers; amending s. 112.313, F.S.; prohibiting members of the Board of Governors of the State University System and members of a board of trustees of a local constituent university from representing principals before the Legislature; providing an effective date.

—was referred to the Committees on Ethics and Elections; Education; and Rules and Calendar.

By Senator Dockery—

SB 1860—A bill to be entitled An act relating to initiatives; amending s. 100.371, F.S.; providing that violation of the section invalidates any petition form on which signatures were obtained through the violation; prohibiting counting any such signature to determine number and distribution; providing that supervisors of elections are responsible for enforcing provisions relating to submission and verification and that the Secretary of State is otherwise responsible for enforcing the section; providing that signatures gathered by a paid gatherer will not count if the gatherer's name and address do not appear on the form; requiring proposed amendments or revisions proposed by the Legislature to be reviewed by the Financial Impact Estimating Conference; adding principals to the conference for initiative proposals; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; and Ways and Means.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Health Care; and Senator Saunders—

CS for SB 118—A bill to be entitled An act relating to the regulation of massage therapy; amending s. 480.034, F.S.; exempting certain settings where massage therapy is rendered from the licensure and inspection requirements for massage establishments; providing an effective date.

By the Committee on Judiciary; and Senators Campbell and Fasano—

CS for SB 192—A bill to be entitled An act relating to advertising for legal services; creating s. 454.37, F.S., relating to advertising for legal services in print or electronic media; requiring an affidavit certifying certain information to accompany an advertisement for legal services submitted by an attorney licensed in this state or by a legal plan, organization, or association composed of lawyers licensed in this state and located in this state; requiring other advertisements for legal services to include certain statements; requiring that such advertisements be accompanied by a sworn statement certifying that the advertisement complies with the standards required for advertisements placed by lawyers licensed in this state; providing for civil penalties and for enforcement; requiring publishers of advertisements to send a copy of the advertisement and accompanying document to The Florida Bar and retain certain copies for a specified period; providing an exemption for certain advertisements; providing that false, deceptive, or misleading advertising of legal services is an unfair and deceptive trade practice; specifying that these provisions are cumulative; defining the term "electronic media"; providing an effective date.

By the Committee on Health Care; and Senators Peaden, Wise and Fasano—

CS for SB 366—A bill to be entitled An act relating to health care practitioners; amending s. 456.072, F.S.; providing that a health care practitioner's failure to comply with the terms of a monitoring or treatment program for impaired practitioners or failure to complete any drug-treatment or alcohol-treatment program is an additional ground under which the practitioner is subject to discipline by the Department of Health or the board having jurisdiction over the practitioner; reenacting ss. 457.109(2), 458.331(2), 459.015(2), 460.413(2), 461.013(2), 462.14(2), 463.016(2), 464.018(2), 465.016(2), 466.028(2), 467.203(2), 468.1295(2), 468.1755(1)(a) and (2), 468.217(2), 468.365(2), 468.518(2), 468.719(2), 468.811(2), 478.52(2), 480.046(2), 483.825(2), 483.901(6)(h), 484.014(2), 484.056(1)(a) and (2)(a), 486.125(2), 490.009(2), and 491.009(2), F.S., relating to health care practice acts and similar regulatory provisions, to incorporate the amendment to s. 456.072, F.S., in references thereto; providing an effective date.

By the Committee on Judiciary; and Senators Bennett and Crist—

CS for SB 492—A bill to be entitled An act relating to wrecker operators; amending s. 319.30, F.S.; redefining the term "certificate of destruction," to conform; amending s. 323.001, F.S.; revising certain towing and storage rates; amending s. 713.78, F.S.; conforming provisions related to recovering, towing, or storing vessels; providing for attorney's fees; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 715.07, F.S.; conforming provisions related to towing vessels parked on private property; imposing criminal penalties for failure to comply with certain laws governing the towing of vehicles and vessels; providing effective dates.

By the Committee on Health Care; and Senator Lynn—

CS for SB 690—A bill to be entitled An act relating to immunizations; prohibiting vaccinating a woman who is knowingly pregnant or a child who is younger than a specified age with a vaccine that contains any mercury or injecting such a woman or child with a product that contains more than a specified amount of mercury; prohibiting vaccinating a woman who is knowingly pregnant or a child under a specified age with an influenza vaccine that contains more than a specified amount of mercury; providing the effective date of such prohibitions; providing for the State Health Officer to authorize the use of vaccines that contain a greater amount of mercury than is otherwise allowed if the Secretary of Health declares a public health emergency and makes certain findings; providing exceptions to the prohibition following disclosure regarding certain risks and benefits; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senator Alexander—

CS for SB 1244—A bill to be entitled An act relating to the tax on gross receipts for utility services; amending s. 203.01, F.S.; providing for a tax on utility services delivered to a retail consumer in this state; providing for a tax on the gross receipts of a distribution company providing delivery of electricity to a retail consumer, based on an index price; providing for an annual calculation of the index price; providing for a tax reduction by refund for a like tax paid to another jurisdiction;

providing for a tax on the gross receipts of a distribution company providing for the sale or transportation of natural gas or manufactured gas to a retail consumer, based on an index price; providing for an annual calculation of the index price; providing for a tax reduction by refund for similar taxes paid to another jurisdiction; providing for a tax on the cost price of electricity, natural gas, or manufactured gas to be paid by any person who causes these products to be severed or imported into the state for that person's own use; revising obsolete provisions; providing that the tax does not apply to certain sales, transportation, delivery, or uses; providing that a written certificate of entitlement to the exclusion from tax for persons eligible for an exemption under s. 212.08(7)(ff)2., F.S., relieves the seller or person providing transportation or delivery from responsibility of remitting tax; requiring any person who transports natural or manufactured gas to furnish a list of customers to the Department of Revenue; amending s. 203.012, F.S.; redefining the term "utility service"; defining the term "distribution company"; authorizing the executive director of the Department of Revenue to adopt emergency rules to implement the act; providing an amnesty for unpaid gross receipts tax, penalties, and interest on unpaid gross receipts tax otherwise due for selling natural gas in this state; providing conditions for the amnesty; providing limitations for the amnesty; authorizing the executive director of the Department of Revenue to adopt emergency rules to implement the amnesty; providing an effective date.

By the Committee on Health Care; and Senator Peaden—

CS for SB 1472—A bill to be entitled An act relating to hospitals; amending s. 395.002, F.S.; redefining the term "hospital" to exclude designated critical access hospitals from certain requirements; amending s. 395.003, F.S.; extending by 1 year the moratorium on approving additional emergency departments located off the premises of a licensed hospital; amending s. 408.061, F.S.; conforming a cross-reference; amending s. 408.07, F.S.; defining the term "critical access hospital"; redefining the term "rural hospital" to delete certain requirements applicable to the designation of a critical access hospital; amending ss. 458.345 and 459.021, F.S.; conforming cross-references; providing an effective date.

CO-INTRODUCERS

Senators Atwater—SJR 4, SJR 6, SB 318, SB 1572; Baker—SB 1374, SB 1714; Campbell—SB 1714; Fasano—SB 958; King—SB 1714; Lawson—SB 992; Lynn—SB 1090; Miller—SB 1460, SB 1512; Posey—SB 550; Rich—SB 1880

SENATE PAGES

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REPORTS OF COMMITTEES

The Committee on Criminal Justice recommends the following pass: SB 1050

The bill was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1436

The Committee on Judiciary recommends the following pass: SB 276 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1250

The bill was referred to the Committee on Education Appropriations under the original reference.

The Committee on Communications and Public Utilities recommends the following pass: SB 494 with 2 amendments, SB 1464 with 1 amendment

The bills were referred to the Committee on Environmental Preservation under the original reference.

The Committee on Community Affairs recommends the following pass: SJR 894, SB 1270 with 1 amendment

The Committee on Criminal Justice recommends the following pass: CS for SB 816 with 4 amendments

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 784, SB 1582 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1832

The Committee on Health Care recommends the following pass: SB 1082

The Committee on Judiciary recommends the following pass: SB 274 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 230 with 1 amendment

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 538, SB 1440

The Committee on Education recommends the following pass: SB 720, CS for SB 756 with 1 amendment

The Committee on Health Care recommends the following pass: CS for SB 1090 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 316, SB 830

The bills were referred to the Committee on Justice Appropriations under the original reference.

The Committee on Judiciary recommends the following pass: SB 654

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Community Affairs recommends the following pass: SB 966

The Committee on Criminal Justice recommends the following pass: SB 530

The bills contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 656

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on Community Affairs recommends the following pass: SB 450, SB 908

The Committee on Criminal Justice recommends the following pass: SB 52

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 904 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 532

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 108

The bill with committee substitute attached was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Communications and Public Utilities recommends a committee substitute for the following: SB 1366

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1010

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: SB 804, SB 1368

The bills with committee substitutes attached were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators Dockery, Fasano, Villalobos, Baker, Sebesta, Argenziano, Atwater, Alexander, Wise, Constantine, Webster, Haridopolos, Pruitt, Diaz de la Portilla and Posey—

SB 1862—A bill to be entitled An act relating to women's health care; providing a popular name; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortion clinics performing abortions after the first trimester of pregnancy; requiring abortion clinics to develop policies to protect the health, care, and treatment of patients; providing that rules regulating abortion clinics may not impose an unconstitutional burden rather than a legally significant burden on a woman's right to choose to terminate her pregnancy; providing for severability; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

By Senator Crist—

SB 1864—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; revising definitions; revising applicability of ch. 538, F.S.; amending s. 538.04, F.S.; revising recordkeeping requirements for secondhand dealers; providing penalties for knowingly giving false verification of ownership or a false or altered identification, and for receiving money from a secondhand dealer for goods sold, consigned, or traded if the value of the money received is less than $300, and if the value of the money received is $300 or more; providing for the electronic transfer of secondhand dealer transactions under specified circumstances; authorizing appropriate law enforcement agencies to provide a secondhand dealer with a computer and other equipment necessary to electronically transfer secondhand dealer transactions; providing procedures with respect to electronic transfer of secondhand dealer transactions; amending s. 538.05, F.S.; revising provisions relating to the inspection of records and premises of secondhand dealers; amending s. 538.06, F.S.; revising provisions with respect to the holding period during which a secondhand dealer may not sell, barter, exchange, alter, adulterate, use, or dispose of secondhand goods; revising provisions with respect to the holding of goods upon probable cause that the goods are stolen; providing for payment of restitution, attorney's fees, and costs to a secondhand dealer under specified circumstances; increasing the time limit for maintenance of transaction records by dealers in secondhand property; amending s. 538.07, F.S.; revising provisions relating to restitution for stolen property recovered from a secondhand dealer; amending s. 538.09, F.S.; revising provisions with respect to registration as a secondhand dealer; increasing the period of time during which a secondhand dealer must hold secondhand goods at a registered location; revising conditions under which registration may be denied, revoked, restricted, or suspended by the Department of Revenue; repealing s. 538.16, F.S., relating to disposal of property by secondhand dealers; amending s. 516.02, F.S.; removing cross-references; reenacting s. 790.335(3)(f), F.S., which provides a second-degree felony penalty for any secondhand dealer who contracts with a specified third-party provider or electronically transmits certain records of firearms transactions to any third-party provider; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Consumer Services; and Criminal Justice.

By Senator Smith—

SB 1866—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.395, F.S.; deleting provisions limiting boating safety requirements to people 21 years of age or younger; prohibiting any person born after a specified date from operating a motor of 10 horsepower or greater without having identification and a boater safety card issued by the Fish and Wildlife Conservation Commission; amending s. 327.803, F.S.; revising certain criteria for membership on the Boating Advisory Council; requiring the commission, rather than the Governor, to make certain appointments to the council; adding issues upon which the council makes recommendations to the Fish and Wildlife Conservation Commission and the Department of Community Affairs; authorizing reimbursement for expenses for members of the council; providing for members of the council to be removed for cause; amending s. 370.06, F.S.; providing for receipt of a saltwater products license issued by the Fish and Wildlife Conservation Commission to a firm or corporation; clarifying a provision barring transfer of a saltwater products license; clarifying a provision regarding the annual fee that an individual, firm, or corporation must pay for a license; providing for an increase in annual saltwater products license fees; providing definitions; amending s. 370.13, F.S.; reducing certificate transfer fees for 2005-2006; providing for establishment of transfer fees in subsequent years; reducing surcharge fees for 2005-2006; providing for the establishment of surcharge fees in subsequent years; authorizing rulemaking by the Fish and Wildlife Conservation Commission; amending s. 372.83, F.S.; establishing penalties for certain persons who illegally take game; creating s. 372.831, F.S.; establishing penalties for violations of rules, regulations, or orders relating to the use of dogs for hunting wildlife; amending s. 372.988, F.S.; applying requirements regarding fluorescent orange material to persons hunting on private land; reenacting s. 372.83(1), F.S., relating to noncriminal infractions relating to wildlife laws, to incorporate the amendment to s. 372.988, F.S., in a reference thereto; repealing s. 372.674, F.S., relating to environmental education and the Advisory Council on Environmental Education; amending s. 372.672, F.S., relating to the Florida Panther Research and Management Trust Fund, to conform; providing effective dates.

—was referred to the Committees on Environmental Preservation; Judiciary; Government Efficiency Appropriations; and General Government Appropriations.

By Senator Atwater—

SB 1868—A bill to be entitled An act relating to poison control centers; amending s. 395.1027, F.S.; requiring a health care facility or practitioner to release a patient's medical records upon request of a regional poison control center under certain circumstances; amending ss. 395.3025 and 456.057, F.S.; authorizing a regional poison control center to disclose a patient's medical records for purposes of treatment, case management, and to comply with state and federal data-collection requirements; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Alexander—

SJR 1870—A joint resolution proposing the creation of a new section in Article X of the State Constitution relating to the Florida Hurricane Catastrophe Fund.

—was referred to the Committees on Banking and Insurance; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Saunders—

SB 1872—A bill to be entitled An act relating to the Florida Cancer Council; amending s. 381.921, F.S.; authorizing the Florida Cancer Council to award grants from certain funds; requiring the council to show preference to certain proposals; creating s. 381.922, F.S.; apportioning the funds allocated for the purposes of Florida Cancer Council Grants; providing an appropriation for 5 fiscal years to the council; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; and Ways and Means.

By Senators Alexander and Hill—

SB 1874—A bill to be entitled An act relating to farm workers; amending s. 316.003, F.S.; changing the term "migrant farm worker" to "farm worker"; modifying the definition accordingly; deleting the definition of "migrant farm worker carrier"; defining the term "farm labor vehicle" as any vehicle designed, used, or maintained for the transportation of nine or more farm workers to or from a place of employment or employment-related activities; amending s. 316.614, F.S.; providing that on or after January 1, 2006, the term "motor vehicle" also means any farm labor vehicle for purposes of the Florida Safety Belt Law; repealing s. 316.620, F.S., relating to rules for the safe transportation of migrant farm workers; creating s. 316.622, F.S.; requiring that farm labor vehicles operating on public state highways conform to applicable vehicle federal and state safety standards; providing that only an authorized labor contractor may operate a farm labor vehicle; requiring that such contractor display an inspection sticker; providing that a violation constitutes a noncriminal traffic infraction, punishable as a nonmoving violation; amending s. 450.33, F.S.; conforming a cross-reference; requiring that the Department of Business and Professional Regulation develop by rule a display sticker for vehicles used to transport farm workers; requiring that such sticker indicate that the vehicle is authorized for use in transporting farm workers and include an expiration date of the authorization; providing an effective date.

—was referred to the Committees on Transportation; Commerce and Consumer Services; and General Government Appropriations.

By Senator Siplin—

SB 1876—A bill to be entitled An act relating to commercial distribution of pornographic materials; providing a short title; providing definitions to terms relating to the commercial distribution of pornographic materials; prohibiting a person from willfully and knowingly distributing pornographic materials for commercial purposes; providing for a civil penalty; providing that any person, including a church or religious organization, or other representative group or organization may bring an action to enforce the act; providing certain specified exemptions; providing procedures to enforce the act; providing that if civil penalties are assessed in any litigation, the plaintiff is entitled to reasonable attorney's fees and costs; providing that any civil penalty collected be deposited into the General Revenue Fund; providing for declaratory and injunctive relief; authorizing a person to recover actual damages and attorney's fees if the person suffers a loss as a result of commercial distribution of pornographic materials; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By Senator Lynn—

SB 1878—A bill to be entitled An act relating to the City of Daytona Beach, Volusia County; amending ch. 2001-316, Laws of Florida; clarifying that specified provisions of the act do not preclude the City of Daytona Beach from subleasing submerged lands leased from the state; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Saunders, Constantine, Rich and Aronberg—

SB 1880—A bill to be entitled An act relating to the Save Our Everglades Trust Fund; providing legislative intent with respect to the need to expeditiously implement the Comprehensive Everglades Restoration Plan; amending s. 373.470, F.S.; removing obsolete provisions; directing the deposit of funds into the Save Our Everglades Trust Fund within the Department of Environmental Protection; requiring that a portion of those funds be used for land acquisition; providing an appropriation; providing an effective date.

—was referred to the Committees on Environmental Preservation; General Government Appropriations; and Ways and Means.

By Senator Campbell—

SB 1882—A bill to be entitled An act relating to motor vehicle weights; amending s. 316.545, F.S.; revising the penalties imposed for violating the declared gross motor vehicle weight or for violating weight limits on a road or bridge; deleting limitations on the maximum fines that may be imposed for an expired license plate or registration or for operating a motor vehicle of excess weight; providing an effective date.

—was referred to the Committees on Transportation; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Campbell—

SB 1884—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing for a civil penalty, costs, and attorney's fees against an employer, union, or plan administrator for failing to enroll a child in health care coverage; providing for enforcement by the Department of Revenue; amending s. 61.1301, F.S.; requiring the repayment of a support delinquency through an additional income deduction; requiring an obligor contesting an income deduction order rendered by the Title IV-D agency to file the petition with the Title IV-D agency; requiring the Department of Revenue to provide payors with Internet access to income deduction and national medical support notices issued on or after a specified date; amending s. 61.13016, F.S.; providing for suspension of a driver's license to enforce compliance with an order to appear for genetic testing; amending s. 61.1354, F.S.; requiring the Department of Revenue to report to consumer reporting agencies the amount of overdue support owed by an obligor and the amount of the obligor's support obligation when the overdue support is paid; amending s. 61.14, F.S.; authorizing a circuit court to order an obligor to seek employment, engage in employment activities, and to inform the court and the Department of Revenue of the employment activities; providing that an obligor may be in contempt of court for failing to comply with work-related activities; providing for recovery of support arrearages from workers' compensation lump-sum settlements; requiring the Office of Judges of Compensation Claims to adopt procedural rules; requiring local depositories to provide the Department of Revenue with certain information each month using electronic means; amending s. 61.1814, F.S.; providing that certain specified fines be deposited in the Child Support Enforcement Application and Program Revenue Trust Fund; amending s. 61.1824, F.S.; requiring the State Disbursement Unit, to the extent feasible, to provide for electronic disbursement of support payments to obligees; requiring certain employers to electronically remit support payments to the State Disbursement Unit by a specified date; authorizing the department to issue waivers; amending s. 120.80, F.S.;

providing for entry of final orders by the Division of Administrative Hearings in proceedings to establish paternity or paternity and child support; providing for the right to immediate judicial review to contest an administrative order for genetic testing; providing for judicial enforcement of agency final orders; providing for venue of administrative hearings in paternity proceedings and determinations of noncovered medical expenses; amending s. 322.142, F.S.; authorizing the Department of Revenue to obtain digital photographs and signatures from the Department of Highway Safety and Motor Vehicles for use in establishing paternity and establishing, modifying, or enforcing support obligations; amending s. 382.013, F.S.; requiring the Department of Health to amend a child's birth certificate when paternity is established by the Department of Revenue; amending s. 382.015, F.S.; requiring the clerk of the circuit court to ensure that all judicial determinations of paternity are reported to the Department of Health; requiring the Department of Health to monitor compliance and report data to the clerks of the circuit court; amending s. 382.016, F.S.; providing for the Department of Health not to seal birth certificates and related papers when a father is listed under an acknowledgment of paternity; requiring the Department of Health to amend the birth certificate of a child born in this state but whose paternity is established in another state; providing for an exception; requiring the Department of Revenue and other specified organizations to study the feasibility and report on the filing of birth certificates and other documents by electronic means with the Department of Health; amending s. 395.003, F.S.; requiring a hospital that provides birthing services to affirm as part of its application for a new, provisional, or renewal license that the hospital will comply with assisting unmarried parents who request assistance in executing a voluntary acknowledgment of paternity; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules relating to administrative proceedings to establish paternity, paternity and child support orders, and orders to appear for genetic testing; amending s. 409.2558, F.S.; requiring the Department of Revenue to make reasonable efforts to locate persons to whom collections or refunds are owed; providing for location efforts to include disclosure through a searchable Internet database using appropriate privacy safeguards; creating s. 409.256, F.S.; defining terms relating to administrative procedures to establish paternity and support orders; authorizing the Department of Revenue to establish administrative procedures to determine paternity using the results of genetic testing; providing for notice, an opportunity for an administrative hearing, and the right to judicial review; authorizing the Department of Revenue to combine a paternity proceeding with an administrative proceeding to establish a child support order; providing for administrative orders to order a person to appear for genetic testing; providing for the right to contest the order to appear; providing for the scheduling of genetic testing and for the rescheduling of the test for a claim of good cause; providing specified sanctions for failing or refusing to submit to genetic testing; providing for a presumption of paternity based on genetic testing results; providing for admissibility of genetic testing results at administrative hearings; providing for administrative hearings to be conducted by the Division of Administrative Hearings; providing that a final order issued by an administrative law judge constitutes final agency action by the Department of Revenue; providing that a final order establishing paternity has the same effect as a judgment entered by a court; requiring a respondent to notify the Department of Revenue of changes of address; providing that subsequent notice by mail is deemed to have been received; providing that the administrative procedures are a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2561, F.S.; providing that no obligation of support is incurred by a recipient of supplemental security income or temporary cash assistance for the benefit of a dependent child; amending s. 409.2563, F.S.; authorizing the Department of Revenue to establish an administrative support order when paternity is determined by administrative procedures; creating s. 409.25635, F.S.; authorizing the Department of Revenue to determine in Title IV-D cases the amount owed by an obligor for noncovered medical expenses; defining the term "noncovered medical expenses"; providing for notice, an opportunity for an administrative hearing, and the right to judicial review; requiring the obligee to prepare a written declaration under penalty of perjury documenting the claim; requiring the Department of Revenue to provide specified information in the notice to proceed; authorizing the Department of Revenue to collect noncovered medical expenses by using the same remedies available for the collection of support; providing that the administrative procedure is a supplemental remedy; providing for the Department of Revenue to adopt rules; amending s. 409.2564, F.S.; requiring that the amount of retroactive support permanently assigned to the state be reduced by a specified percentage when the obligor and the department agree to a support order; amending s. 409.25645, F.S.; requiring a correctional facility to assist a putative father to comply with an administrative order for genetic testing; providing that an administrative order for genetic testing has the same force and effect as a court order; amending s. 409.2567, F.S.; requiring the Department of Revenue to waive the federal application fee and pay the fee for certain applicants; providing for the Department of Revenue to seek a federal waiver from the requirement that an individual apply for Title IV-D services; providing for the department to adopt rules if a waiver is granted and begin providing Title IV-D services if support payments are not paid as ordered unless the individual elects not to receive services after notice; amending s. 409.259, F.S.; requesting the Supreme Court and others to work cooperatively to implement electronic filing of pleadings and other documents by a specified date; amending s. 409.2598, F.S.; authorizing the Department of Revenue to commence a proceeding to suspend an obligor's occupational, business, trade, professional, or recreational license for noncompliance with a support order; providing for notice by regular mail and an opportunity to contest the suspension of the license in circuit court; providing grounds for contesting the proposed suspension; providing for a stay of the suspension proceedings under certain circumstances; providing for a written agreement with the Department of Revenue to avoid suspension of the license; requiring the Department of Revenue to issue a reinstatement notice if the obligor complies with the support order; providing for the suspension of the license under certain circumstances; providing for reinstatement of the license of the obligor after receiving a court order; authorizing the use of the license-suspension proceedings to enforce subpoenas, orders to appear, or similar orders; providing for a combined proceeding to suspend an occupational license and a driver's license; authorizing the Department of Revenue to adopt rules; amending s. 409.821, F.S.; requiring the Agency for Health Care Administration to disclose information identifying Florida Kidcare applicants or enrollees to the Department of Revenue for purposes of administering the state's Title IV-D program; amending s. 414.065, F.S.; authorizing a court to order a noncustodial parent who is delinquent under the terms of a support order to participate in work activities; amending s. 443.051, F.S.; defining the terms "support obligations" and "support order"; requiring the Agency for Workforce Innovation to deduct and withhold a specified percentage of the unemployment compensation otherwise payable to an individual; providing for the Department of Revenue to promptly refund any excess deduction to the obligor; providing that the Agency for Workforce Innovation deduct and withhold support according to the terms of the support order as disclosed by the Department of Revenue; amending s. 455.203, F.S.; deleting provisions requiring the Department of Business and Professional Regulation to screen license applicants for compliance with support obligations; amending s. 742.10, F.S.; providing that when paternity is adjudicated by the Department of Revenue, the adjudication constitutes the establishment of paternity for purposes of ch. 742, F.S.; amending s. 760.40, F.S.; requiring that DNA testing be conducted only with the informed consent of the person tested, with the exception of genetic testing in paternity cases; authorizing disclosure of test results for genetic testing in paternity cases; amending s. 827.06, F.S.; deleting provisions that require exhaustion of civil remedies and other provisions relating to the criminal prosecution for nonsupport; providing for the state attorneys, the Florida Prosecuting Attorneys Association, and the Department of Revenue to identify strategies for pursuing criminal prosecution in appropriate cases; requiring the collaborating group to file a joint report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; reenacting s. 61.30(8), F.S., relating to health insurance costs in the child support guidelines, to incorporate the amendment made to s. 61.13, F.S., in a reference thereto; repealing ss. 61.13(1)(e) and 409.2564(7), F.S., relating to a judicial circuit with a work experience and job training pilot project; providing effective dates.

—was referred to the Committees on Children and Families; Judiciary; and General Government Appropriations.

By the Committee on Community Affairs—

SB 1886—A bill to be entitled An act relating to local government; amending s. 163.3246, F.S.; revising various provisions of the Local Government Comprehensive Planning Certification Program; specifying the duties of the state land planning agency rather than the Department of Community Affairs in order to conform to other provisions governing planning and development; revising the requirements for a local government to obtain certification under the program; requiring that the local

government develop a map, certain plans, and disaster strategies; revising requirements for public hearings; deleting provisions limiting the number of certification agreements each fiscal year; revising the requirements for filing a petition for an administration hearing concerning an agreement; providing that an application for development approval within a certified area is exempt from review as a development of regional impact if a local government does not request review of such development in its application for certification; deleting provisions requiring a biennial report to the Governor and Legislature by the state land planning agency; amending s. 212.055, F.S.; providing for the levy of the local government infrastructure surtax pursuant to an ordinance enacted by a majority of the county governing body; authorizing a majority of a county's governing body to levy the school capital outlay surtax with certain limitations; requiring a citizen's review and oversight board for the levy or extension of certain surtaxes; amending s. 336.025, F.S.; providing for the local option fuel tax to be levied by a majority of the governing body of the county rather than by a super majority of the governing body; creating s. 201.032, F.S.; authorizing county governing authorities, by ordinance, to levy a surtax on deeds and other documents taxed under s. 201.02, F.S.; establishing a maximum rate of the surtax; requiring the grantor to pay the surtax; exempting certain documents from the surtax; requiring that the surtax be approved by referendum or adopted by an extraordinary vote of the governing authority; requiring the governing authority to notify the Department of Revenue of the imposition, termination, or rate change of the surtax; restricting the effective dates for imposing a surtax or changing the tax rate; requiring a ballot statement and providing a format; providing for the use of surtax proceeds; requiring the Department of Revenue to administer the surtax and providing for administrative costs of the department; exempting the surtax from s. 201.15, F.S., relating to distribution; restricting uses of the surtax proceeds; requiring a report to the Department of Financial Services; restricting the imposition or increase of other impact fees if the governing authority imposes the surtax; requiring the Department of Revenue to adopt forms; requiring the use of such forms when the surtax is paid; authorizing the clerk of the court to collect a fee; authorizing the Department of Revenue to adopt emergency rules; providing an exception when there is a dissolution of marriage; providing an effective date.

—was referred to the Committees on Community Affairs; and Government Efficiency Appropriations.

By Senator Lynn—

SB 1888—A bill to be entitled An act relating to postsecondary education; expressing the legislative intent to revise laws relating to postsecondary education; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Education Appropriations; Ways and Means; and Rules and Calendar.

By Senator Lynn—

SB 1890—A bill to be entitled An act relating to exceptional student education; expressing the legislative intent to revise laws relating to exceptional student education; providing an effective date.

—was referred to the Committees on Education; Education Appropriations; Ways and Means; and Rules and Calendar.

By Senator Lynn—

SB 1892—A bill to be entitled An act relating to the Florida Comprehensive Assessment Test (FCAT); expressing the legislative intent to revise laws relating to the Florida Comprehensive Assessment Test (FCAT); providing an effective date.

—was referred to the Committees on Education; Education Appropriations; Ways and Means; and Rules and Calendar.

By Senator Lynn—

SB 1894—A bill to be entitled An act relating to trust funds; expressing the legislative intent to revise laws relating to trust funds; providing an effective date.

—was referred to the Committees on Education; Education Appropriations; Ways and Means; and Rules and Calendar.

By Senator Lynn—

SB 1896—A bill to be entitled An act relating to public records; expressing the legislative intent to revise laws relating to public records; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Lynn—

SB 1898—A bill to be entitled An act relating to public records; expressing the legislative intent to revise laws relating to public records; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Lynn—

SB 1900—A bill to be entitled An act relating to postsecondary education; expressing the legislative intent to revise laws relating to access to postsecondary education; providing an effective date.

—was referred to the Committees on Education; Education Appropriations; Ways and Means; and Rules and Calendar.

By Senator Lynn—

SB 1902—A bill to be entitled An act relating to teacher education; expressing the legislative intent to revise laws relating to teacher education; providing an effective date.

—was referred to the Committees on Education; Education Appropriations; Ways and Means; and Rules and Calendar.

By Senator Saunders—

SB 1904—A bill to be entitled An act relating to the Immokalee Water and Sewer District, Collier County; amending chapter 98-495, Laws of Florida; revising district boundaries; raising the threshold requiring disbursement of district funds to be by signed warrant or check; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Dockery—

SB 1906—A bill to be entitled An act relating to resource recovery and management; amending s. 403.703, F.S.; adding the terms "wood" and "concrete" to the list of materials included in the definition of the term "recoverable materials"; amending s. 403.7046, F.S.; providing that construction and demolition debris brought to specified waste processing facilities is also considered recovered material; providing that people handling such material in accordance with a Department of Environ-

mental Protection permit or other authorization will be considered certified; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Senators Dockery, Fasano, Webster, Bullard, Peaden, Lawson, King, Garcia, Haridopolos, Diaz de la Portilla, Saunders, Pruitt, Wise, Alexander, Atwater, Lynn, Argenziano, Jones, Bennett, Sebesta, Baker and Villalobos—

SB 1908—A bill to be entitled An act relating to the termination of pregnancies; repealing s. 390.01115, F.S., relating to the Parental Notice of Abortion Act; creating s. 390.01114, F.S.; reenacting the Parental Notice of Abortion Act without modification; providing a short title; defining terms; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; prescribing notice requirements; providing exceptions; prescribing a procedure for judicial waiver of notice; providing for notice of right to counsel; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petitions; requiring the issuance of written findings of fact and legal conclusions; providing for expedited appeal; providing for waiver of filing fees and court costs; precluding assumption of certain expenses by counties; requesting the Supreme Court to adopt rules; requiring the Supreme Court to report annually to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Health Care; and Judiciary.

By Senator King—

SB 1910—A bill to be entitled An act relating to workforce innovation; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determing eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Children and Families; and Transportation and Economic Development Appropriations.

By Senator Argenziano—

SB 1912—A bill to be entitled An act relating to insurance agents and agencies; amending s. 624.501, F.S.; clarifying a license fee; amending s. 626.016, F.S.; subjecting insurance agencies to regulation by the Chief Financial Officer; amending s. 626.112, F.S.; delaying the effective date by which agencies must obtain a license; providing that an agency may file for registration in lieu of licensure, under specified conditions; imposing a fine on any agency that fails to timely apply for licensure or registration; amending s. 626.171, F.S.; specifying licensure and registration application requirements for insurance entities other than insurance agencies; deleting a provision applying to insurance agencies; amending s. 626.172, F.S.; revising insurance agency licensure application requirements; amending s. 626.342, F.S.; including insurance agencies under provisions prohibiting furnishing supplies to certain unlicensed agents and imposing civil liability under certain circumstances; amending s. 626.382, F.S.; requiring licensure renewal application forms to be adopted; amending s. 626.536, F.S.; including insurance agencies under an action-reporting requirement; amending s. 626.561, F.S.; including insurance agencies under provisions providing funds reporting and accounting requirements and imposing criminal penalties; amending s. 626.572, F.S.; including insurance agencies under provisions prohibiting rebating; amending s. 626.601, F.S.; including insurance agencies under provisions authorizing the department to inquire into improper conduct; creating s. 626.602, F.S.; authorizing the Department of Financial Services to disapprove the use of certain names under certain circumstances; amending s. 626.6115, F.S.; providing an additional ground for the department to take compulsory adverse insurance agency license actions; providing that grounds for adverse action against a licensed agency do not necessarily constitute grounds for adverse action against another licensed agency, even if there is common ownership; amending s. 626.6215, F.S.; providing an additional ground for the department to take discretionary adverse insurance agency license actions; providing that grounds for adverse action against a licensed agency do not necessarily constitute grounds for adverse action against another licensed agency, even if there is common ownership; amending ss. 626.292, 626.321, F.S.; conforming cross-references; repealing s. 626.592, F.S., relating to primary agents; amending s. 626.747, F.S.; requiring each branch agency to have a licensed general lines agent or life or health agents; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and General Government Appropriations.

By Senator Argenziano—

SB 1914—A bill to be entitled An act relating to juvenile justice; amending s. 985.407, F.S.; revising employee-screening procedures of the Department of Juvenile Justice; requiring the department to provide fingerprint information to the Department of Law Enforcement and pay an annual fee; providing an effective date.

—was referred to the Committees on Criminal Justice; and Justice Appropriations.

By Senator Saunders—

SB 1916—A bill to be entitled An act relating to medical malpractice insurance; creating the Enterprise Act for Patient Protection and Provider Liability; providing legislative findings; amending s. 381.0271, F.S.; authorizing the Florida Patient Safety Corporation to intervene as a party in certain actions involving patient safety; amending s. 395.0197, F.S., relating to internal risk management programs; conforming provisions to changes made by the act; amending s. 458.320, F.S.; exempting certain physicians who perform surgery in certain patient safety facilities from the requirement to establish financial responsibility; requiring a licensed physician who is covered for medical negligence claims by a hospital that assumes liability under the act to prominently post notice or provide a written statement to patients; requiring a licensed physician who meets certain requirements for payment or settlement of a medical malpractice claim and who is covered for medical negligence claims by a hospital that assumes liability under the act to prominently post notice or provide a written statement to patients; amending s. 459.0085, F.S.; requiring a licensed osteopathic physician who is covered for medical negligence claims by a hospital that assumes liability under the act to prominently post notice or provide a written statement to patients; requiring a licensee of osteopathic medicine who meets certain requirements for payment or settlement of a medical malpractice claim and who is covered for medical negligence claims by a hospital that assumes liability under the act to prominently post notice or provide a written statement to patients; creating s. 627.41485, F.S.; authorizing insurers to offer liability insurance coverage to physicians which has an exclusion for certain acts of medical negligence under certain conditions; authorizing the Department of Health to adopt rules; amending s. 766.316, F.S.; requiring hospitals that assume liability for affected physicians under the act to provide notice to obstetrical patients regarding the limited no-fault alternative to birth-related neurological injuries; amending s. 766.110, F.S.; requiring hospitals that assume liability for acts of medical negligence under the act to carry insurance; requiring the hospital's policy regarding medical liability insurance to satisfy certain statutory financial-responsibility requirements; authorizing an insurer who is authorized to write casualty insurance to write such coverage; authorizing certain hospitals to indemnify certain medical staff for legal liability of loss, damages, or expenses arising from medical malpractice within hospital premises; requiring a hospital to acquire a policy of professional liability insurance or a fund for malpractice coverage; requiring an annual certified financial statement to the Patient Safety Corporation and the Office of Insurance Regulation within the Depart-

ment of Financial Services; authorizing certain hospitals to charge physicians a fee for malpractice coverage; creating s. 766.401, F.S.; providing definitions; creating s. 766.402, F.S.; authorizing an eligible hospital to petition the Agency for Health Care Administration to enter an order certifying the hospital as a patient safety facility; providing requirements for certification as a patient safety facility; creating s. 766.403, F.S.; providing requirements for a hospital to demonstrate that it is engaged in a common enterprise for the care and treatment of patients; specifying required patient safety measures; prohibiting a report or document generated under the act, from being admissible or discoverable as evidence; creating s. 766.404, F.S.; authorizing the agency to enter an order certifying a hospital as a patient safety facility and providing that the hospital bears liability for acts of medical negligence for its health care providers or an agent of the hospital; providing that certain persons or entities are not liable for medically negligent acts occurring in a certified patient safety facility; requiring that an affected practitioner prominently post notice regarding exemption from personal liability; requiring an affected physician who is covered by an enterprise plan in a licensed facility that receives sovereign immunity to prominently post notice regarding exemption from personal liability; providing that an agency order certifying approval of an enterprise plan is evidence of a hospital's compliance with applicable patient safety requirements; providing circumstances in which notice is not required; providing that the order certifying approval of an enterprise plan applies prospectively to causes of action for medical negligence; authorizing the agency to conduct onsite examinations of a licensed facility; providing circumstances under which the agency may revoke its order certifying approval of an enterprise plan; providing that an employee or agent of a certified patient safety facility may not be joined as a defendant in an action for medical negligence; requiring an affected physician to cooperate in good faith in an investigation of a claim for medical malpractice; providing a cause of action for failure of a physician to act in good faith; providing that strict liability or liability without fault is not imposed for medical incidents that occur in the affected facility; providing requirements that a claimant must prove to demonstrate medical negligence by an employee, agent, or medical staff of a licensed facility; providing that the act does not create an independent cause of action or waive sovereign immunity; creating s. 766.405, F.S.; requiring an eligible hospital to execute an enterprise agreement; requiring certain conditions to be contained within an enterprise agreement; creating s. 766.406, F.S.; requiring a certified patient safety facility to report medical incidents occurring on its premises and adverse findings of medical negligence to the Department of Health; authorizing an affected facility to require an affected practitioner to undertake additional training, education, or professional counseling under certain conditions; authorizing an affected facility to limit, suspend, or terminate clinical privileges of an affected practitioner under certain circumstances; providing that a licensed facility and its officers, directors, employees, and agents are immune from liability for certain sanctions; providing that deliberations and findings of a peer review committee are not discoverable or admissible as evidence; authorizing the department to adopt rules; creating s. 766.407, F.S.; providing that an enterprise agreement may provide clinical privileges to certain persons; requiring certain organizations to share in the cost of omnibus medical liability insurance premiums subject to certain conditions; authorizing a licensed facility to impose a reasonable assessment against an affected practitioner who commits medical negligence; providing for the revocation of clinical privileges for failure to pay the assessment; exempting certain employees and agents from such assessments; creating s. 766.408, F.S.; requiring a certified patient safety facility to submit an annual report to the agency and the Legislature; providing requirements for the annual report; providing that the annual report may include certain information from the Office of Insurance Regulation within the Department of Financial Services; providing that the annual report is subject to public-records requirements, but is not admissible as evidence in a legal proceeding; creating s. 766.409, F.S.; providing rulemaking authority; creating s. 766.410, F.S.; authorizing certain teaching hospitals and eligible hospitals to petition the agency for certification; providing for limitations on damages for eligible hospitals that are certified for compliance with certain patient safety measures; authorizing the agency to conduct onsite examinations of certified eligible hospitals; authorizing the agency to revoke its order certifying approval of an enterprise plan; providing that an agency order certifying approval of an enterprise plan is evidence of a hospital's compliance with applicable patient safety requirements; providing that evidence of noncompliance is inadmissible in any action for medical malpractice; providing that entry of the agency's order does not impose enterprise liability on the licensed facility for acts or omissions of medical negligence; providing that a hospital may not be approved for certification for both enterprise liability and limitations on damages; amending s. 768.28, F.S.; providing limitations on payment of a claim or judgment for an action for medical negligence within a certified patient safety facility that is covered by sovereign immunity; providing definitions; providing that a certified patient safety facility is an agent of a state university board of trustees to the extent that the licensed facility is solely liable for acts of medical negligence of physicians providing health care services within the licensed facility; providing for severability; providing for broad statutory view of the act; providing for self-execution of the act; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; Judiciary; and Health and Human Services Appropriations.

By Senator Sebesta—

SB 1918—A bill to be entitled An act relating to highway designations; designating the Sunshine Skyway Bridge as the "Bob Graham/Sunshine Skyway Bridge"; repealing s. 25 of ch. 2004-392, Laws of Florida; designating the William C. Cramer Parkway; designating a portion of Interstate 275 in Pinellas County as the "St. Petersburg Parkway/William C. Cramer Memorial Highway"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Lynn—

SB 1920—A bill to be entitled An act relating to the Board of Governors; expressing the legislative intent to revise laws relating to the Board of Governors; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Judiciary; Education Appropriations; and Rules and Calendar.

By Senator Sebesta—

SB 1922—A bill to be entitled An act relating to public records and meetings; amending s. 112.324, F.S.; exempting records and meetings of a commission on ethics established by a municipality from disclosure and public-meetings requirements; providing a statement of public necessity; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Sebesta—

SB 1924—A bill to be entitled An act relating to the child support guidelines; amending s. 61.30, F.S.; creating a rebuttable presumption that a parent is able to earn minimum wage, as set by the United States Department of Labor; providing for the parent to present his or her rebuttal before a trier of fact; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

By Senator Margolis—

SB 1926—A bill to be entitled An act relating to inflammatory bowel disease; creating the Inflammatory Bowel Disease Research Act; requiring the Department of Health to conduct an inflammatory bowel disease epidemiology study; requiring the Agency for Health Care Administration to conduct a chronic disease study on the coverage standards provided by Medicaid for inflammatory bowel disease therapies; requiring reports to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Sebesta—

SB 1928—A bill to be entitled An act relating to traffic safety; amending s. 316.2015, F.S.; removing an exception to prohibition of persons riding on the exterior of a passenger vehicle; revising exceptions to prohibition of persons riding on any vehicle on an area of the vehicle not designed or intended for the use of passengers; prohibiting operator from allowing certain minors to ride within the open body of a pickup truck or flatbed truck; providing exceptions; providing penalties; providing for counties to be exempted from the act; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Criminal Justice.

By Senator Garcia—

SB 1930—A bill to be entitled An act relating to special risk retirement; amending s. 121.0515, F.S.; authorizing certain persons who earned credit for service in the Regular Class of the Florida Retirement System while attending a training academy or facility for certification as a law enforcement officer or correctional officer to upgrade their retirement credit therefor to Special Risk Class service; providing for payment of additional contributions to effect the upgrade and for interest on such payments; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Ways and Means.

By Senators Crist and Aronberg—

SB 1932—A bill to be entitled An act relating to juvenile justice; amending s. 985.215, F.S.; requiring electronic monitoring of juveniles who are adjudicated and awaiting placement in a commitment program in detention care; requiring electronic monitoring of juvenile sexual offenders released from detention and transferred to home detention or nonsecure detention; amending s. 985.216, F.S.; providing for electronic monitoring as an alternative sanction for a child who has committed direct contempt of court or indirect contempt of a valid court order; amending s. 985.233, F.S.; providing for sentencing certain juveniles transferred to adult court to the sanction of electronic monitoring; authorizing the court to sentence a child adjudicated delinquent to a community control program, which may include electronic monitoring; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Sebesta—

SJR 1934—A joint resolution proposing an amendment to Section 5 of Article VI of the State Constitution to prescribe additional circumstances in which electors may vote in a primary election regardless of party affiliation.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

By Senator Sebesta—

SB 1936—A bill to be entitled An act relating to access to emergency services and care; amending s. 395.1041, F.S.; authorizing a hospital to require payment from a person not suffering from an emergency medical condition and authorizing discharge if payment cannot be made, under certain circumstances; directing the Department of Health Services Research, Management and Policy at the University of Florida to conduct an Uninsured Noncitizen Care Study and providing purposes thereof; providing an appropriation; requiring a report; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Education Appropriations.

By Senator Sebesta—

SB 1938—A bill to be entitled An act relating to aerospace; creating s. 196.1999, F.S.; providing for an exemption from ad valorem taxes for certain space laboratories, carriers, and components; creating s. 331.501, F.S.; creating the Florida Aerospace Infrastructure Act; providing a short title; creating s. 331.502, F.S.; providing legislative findings and intent; creating s. 331.503, F.S.; providing definitions; creating s. 331.504, F.S.; providing administration for the Florida Aerospace Infrastructure Investment Trust Fund; creating s. 331.505, F.S.; creating an Independent Investment Committee; providing purpose, powers, limitations, and membership; establishing investment criteria for the fund; creating s. 331.506, F.S.; providing tax-exempt status of the Florida Aerospace Finance Corporation; creating s. 331.507, F.S.; requiring reports and audits; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Sebesta—

SB 1940—A bill to be entitled An act relating to the county road system; amending s. 336.025, F.S.; revising the vote requirements for the imposition of a local option motor fuel and diesel fuel tax; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Crist—

SJR 1942—A joint resolution proposing an amendment to Section 2 of Article V of the State Constitution, relating to administration, practice, and procedure in the judicial system, to create a judicial conference that will propose rules on criminal procedure, juvenile procedure relating to criminal violations, and postconviction proceedings; to require submission of such rules for legislative approval before they may take effect; and to change the vote required for the Legislature to repeal a rule of court.

—was referred to the Committees on Criminal Justice; Judiciary; and Rules and Calendar.

By Senator Posey—

SB 1944—A bill to be entitled An act relating to ethics for public officers and employees; amending s. 104.31, F.S.; prohibiting employees of the state and its political subdivisions from participating in a political campaign during certain time periods; amending s. 112.313, F.S.; prohibiting certain disclosures by a former public officer, agency employee, or local government attorney; redefining the term "employee" to include certain other-personal-services employees for certain postemployment activities; providing an exemption from provisions prohibiting conflicts in employment to a person who, after serving on an advisory board, files a statement with the Commission on Ethics relating to a bid or submission; amending s. 112.3144, F.S.; specifying how assets valued in excess of $1,000 are to be reported by a reporting individual; amending s. 112.3145, F.S.; requiring that a delinquency notice be sent to certain officeholders by certified mail, return receipt requested; reducing the maximum penalty for failing to file a disclosure of financial interests from $1,500 to $300; revising certain filing deadlines; revising the grounds to appeal a fine; amending s. 112.3147, F.S.; deleting certain provisions relating to reporting the value of assets; amending s. 112.3148, F.S.; providing requirements for persons who have left office or employment as to filing a report relating to gifts; amending s. 112.3149, F.S.; requiring that a report of honoraria by a person who left office or employment be filed by a specified date; amending s. 112.317, F.S.; authorizing the commission to recommend a restitution penalty be paid to the agency or the General Revenue Fund; authorizing the Attorney General to recover costs for filing suit to collect penalties and fines; deleting provisions imposing a penalty for the disclosure of information

concerning a complaint or an investigation; amending 112.3185, F.S.; providing additional standards for state agency employees relating to procurement of goods and services by a state agency; authorizing an employee whose position was eliminated to engage in certain contractual activities; prohibiting former employees from certain specified activities; amending s. 112.3215, F.S.; requiring the commission to adopt a rule detailing the grounds for waiving a fine and the procedures when a lobbyist fails to timely file his or her report; requiring automatic suspension of a lobbyist's registration if the fine is not timely paid; amending s. 112.322, F.S.; authorizing travel and per diem expenses for certain witnesses; amending s. 112.324, F.S.; providing procedures for the commission to handle complaints of violations; amending s. 914.21, F.S.; redefining the terms "official investigation" and "official proceeding," for purposes of provisions relating to tampering with witnesses, to include an investigation by the Commission on Ethics; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Posey—

SB 1946—A bill to be entitled An act relating to public records; amending s. 112.324, F.S.; providing an exemption from public-records requirements for information and referrals received by the Commission on Ethics relating to violations of the ethics code until the commission determines that it will not investigate the complaint or referral; providing for release of such information to criminal investigative agencies; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Posey—

SB 1948—A bill to be entitled An act relating to the code of ethics for public officers and employees; amending s. 112.313, F.S.; providing that it is a conflict of interest for a member of the Legislature to accept compensation from an agency or business entity receiving state funds under specified circumstances; providing penalties; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Senator Posey—

SB 1950—A bill to be entitled An act relating to regulating legislative lobbying; amending s. 11.045, F.S.; providing that it is a conflict of interest for a person registered to lobby the Legislature to serve on a governing or advisory body of an entity that receives state funds if the person's position on the body is subject to gubernatorial or legislative appointment; providing penalties; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Senator Posey—

SB 1952—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 626.321, F.S.; revising provisions that allow limited licensing as an agent for the purpose of transacting communications equipment property insurance and communications equipment inland marine insurance and allowing such licensure to transact communications equipment service warranty sales; defining terms for purposes of such licensure; amending s. 626.471, F.S.; increasing a period of notification of intent to terminate an appointment; amending s. 626.731, F.S.; revising a qualification for licensure as a general lines agent; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations.

By Senator Posey—

SB 1954—A bill to be entitled An act relating to the line of ordinary high water dividing sovereign and riparian ownership in certain navigable freshwater bodies; creating s. 253.024, F.S.; defining the term "ordinary high-water line" for purposes of ch. 253, F.S., relating to state lands; amending ss. 197.502, 258.39, 258.399, 380.0555, and 403.813, F.S., relating to property descriptions in tax deeds, boundaries of aquatic preserves, and the Apalachicola Bay Area; providing a definition; providing an effective date.

—was referred to the Committees on Judiciary; Environmental Preservation; Community Affairs; and General Government Appropriations.

By Senator Posey—

SB 1956—A bill to be entitled An act relating to the second primary election; repealing s. 100.091, F.S.; eliminating the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending s. 97.021, F.S., relating to the definition of "primary election," to conform; amending ss. 97.055, 97.071, 97.1031, 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending ss. 99.061, 99.095, F.S., relating to qualifying for nomination or election to office, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 101.62, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, 106.29, F.S., and repealing s. 102.014(4)(c), F.S.; revising references, to conform to the elimination of the second primary election; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Judiciary.

By Senator Saunders—

SB 1958—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; defining the terms "audit" and "surrogate guardian"; amending s. 744.1083, F.S.; providing that the Statewide Public Guardianship Office need not review credit and criminal investigations from a college or university before registering the institution as a professional guardian; amending s. 744.301, F.S.; providing that in the event of death, the surviving parent is the sole natural guardian of a minor; prohibiting a natural guardian from using the property of the ward for the guardian's benefit without a court order; creating s. 744.3025, F.S.; authorizing a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; requiring a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; providing that a court need not appoint a guardian ad litem under certain circumstances; requiring a court to award reasonable fees and costs to the guardian ad litem; amending s. 744.3031, F.S.; increasing the time an emergency temporary guardian may serve to 90 days; authorizing an extension; requiring an emergency temporary guardian to file a final report; providing for the contents of the final report; amending s. 744.304, F.S.; specifying the persons who may file a petition for a standby guardian; requiring that notice of the appointment hearing be served on the ward's next of kin; clarifying when a standby guardian may assume the duties of guardian; requiring that each standby guardian submit to credit and criminal background checks; amending s. 744.3115, F.S.; providing a cross-reference; amending s. 744.3135, F.S.; providing procedures for completing a guardians' criminal background investigation; authorizing a guardian to use inkless electronic fingerprinting equipment that is available for background investigations of public employees; providing that a guardian need not be rescreened if he or she uses certain inkless electronic fingerprinting equipment; requiring the Statewide Public Guardianship Office to adopt a rule for credit investigations of guardians; amending s. 744.3145, F.S.; reducing the time in which a guardian must complete the education courses from 1 year to 4 months; amending s. 744.3215, F.S.; providing that an incapacitated person retains the right to receive necessary services and rehabilitation necessary to maximize the quality of the person's life; amending s. 744.331, F.S.; requiring that the court appoint an attorney from a specified registry; requiring

attorneys to complete certain training programs; providing that a member of the examining committee may not be related to or associated with certain persons; prohibiting a person who served on an examining committee from being appointed as the guardian; requiring each member of an examining committee to file an affidavit stating that he or she has completed the mandatory training; providing for training programs; requiring each member to report the time and date that he or she examined the person alleged to be incapacitated; providing for an award of attorney's fees; amending s. 744.341, F.S.; requiring the voluntary guardian to include certain information in the annual report; requiring that certain specified information be included in the notice to terminate a voluntary guardianship; amending s. 744.361, F.S.; requiring a professional guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; amending s. 744.365, F.S.; requiring that the verified inventory include information on any trust to which a ward is a beneficiary; amending s. 744.367, F.S.; requiring that the annual report of the guardian be filed on or before April 1 of each year; amending s. 744.3675, F.S.; requiring that the annual guardianship plan include information on the mental condition of the ward; providing for an annual guardianship plan for wards who are minors; amending s. 744.3678, F.S.; providing that property of the ward which is not under the control of the guardian, including certain trusts, is not subject to annual accounting; requiring certain documentation for the annual accounting; amending s. 744.3679, F.S.; removing a provision prohibiting the clerk of court from having responsibility for monitoring or auditing accounts in certain cases; amending s. 744.368, F.S.; requiring that the verified inventory and the accountings be audited within a specified time period; amending s. 744.441, F.S.; requiring the court to retain oversight for assets of a ward transferred to a trust; creating s. 744.442, F.S.; providing that a guardian may designate a surrogate guardian to exercise the powers of the guardian if the guardian is unavailable to act; requiring the surrogate guardian to be a professional guardian; providing the procedures to be used in appointing a surrogate guardian; providing the duties of a surrogate guardian; requiring the guardian to be liable for the acts of the surrogate guardian; authorizing the guardian to terminate the services of the surrogate guardian by filing a written notice of the termination with the court; amending s. 744.464, F.S.; removing the state attorney from the list of persons to be served a notice of a hearing on restoration of capacity; removing a time limitation on the filing of a suggestion of capacity; amending s. 744.511, F.S.; providing that a ward who is a minor need not be served with the final report of a removed guardian; amending s. 744.527, F.S.; providing that final reports for a deceased ward be filed at a specified time; amending s. 744.528, F.S.; providing for a notice of the hearing for objections to a report filed by a guardian; amending s. 744.708, F.S.; requiring a public guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; amending s. 765.101, F.S.; redefining the term "health care decision" to include informed consent for mental health treatment services; amending s. 28.345, F.S.; exempting a public guardian from paying court-related fees and charges; amending ss. 121.091, 709.08, and 744.1085, F.S.; conforming cross-references; reenacting s. 117.107(4), F.S., relating to prohibited acts of a notary public, to incorporate the amendment made to s. 744.3215, F.S., in a reference thereto; amending s. 318.18, F.S.; authorizing a county to impose a surcharge on certain civil penalties to fund local participation in the public guardianship program; prescribing prerequisites for imposing the surcharge; providing a limit on the surcharge; creating s. 938.065, F.S.; requiring that a specified surcharge be assessed against all misdemeanor offenses; providing that the clerk of the court may retain a service charge; directing that the funds collected be used to fund public guardianship programs; providing an effective date.

—was referred to the Committees on Judiciary; Children and Families; Criminal Justice; and Justice Appropriations.

SR 1960—Not referenced.

By Senator Posey—

SB 1962—A bill to be entitled An act relating to standards of conduct for appointed state officers; amending s. 112.313, F.S.; expanding the definition of the term "appointed state officer" to include members of appointive boards, commissions, committees, or councils created under the State Constitution; prohibiting appointed state officers from personally representing another person or entity for compensation before any state agency; providing that this prohibition does not apply to any appointed state officer whose term of office began before a specified date; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Senator Webster—

SB 1964—A bill to be entitled An act relating to compensation of individuals wrongly imprisoned; expressing the legislative intent to enact legislation to provide for the compensation of individuals who were wrongly imprisoned and whose innocence is established; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; Justice Appropriations; Ways and Means; and Rules and Calendar.

By Senator King—

SB 1966—A bill to be entitled An act relating to college savings programs; amending s. 1009.972, F.S., relating to the Florida Prepaid College Trust Fund; providing for the transfer of funds from a terminated advance payment contract to a direct-support organization; providing that the direct-support organization may award scholarships from the funds of terminated contracts to certain children whose parents were members of the Armed Forces or Coast Guard of the United States who died in certain combat theaters of operation and who were state residents or listed the state as their domicile at the time of their death; amending s. 1009.98, F.S., relating to the Florida Prepaid College Program, to conform; amending s. 1009.981, F.S., relating to the Florida College Savings Program; providing that the direct-support organization may award scholarships from the funds of terminated participation agreements to certain children whose parents were members of the Armed Forces or Coast Guard of the United States who died in certain combat theaters of operation and who were state residents or listed the state as their domicile at the time of their death; providing an effective date.

—was referred to the Committees on Education; Community Affairs; and Education Appropriations.

By Senator Lawson—

SB 1968—A bill to be entitled An act relating to building designations; designating the Kleist Health Education Center and the Herbert J. and Margaret S. Sugden Hall at the Florida Gulf Coast University; designating the James and Annie Ying Academic Center and the Anthony and Sonja Nicholson Field House at the University of Central Florida; designating the Sybil C. Mobley Business Building, the Margaret W. Lewis/Jacqueline B. Beck Allied Health Building, the Walter L. Smith Architecture Building, and the Carrie Meek/James N. Eaton, Sr. Southeast Regional Black Archives Research Center and Museum at the Florida Agricultural and Mechanical University; designating the Powell Family Structures and Materials Laboratory, the Farrior Hall, and the Steinbrenner Band Hall at the University of Florida; designating the James E. "Jim" and Linda King, Jr. Student Union Building at the University of North Florida; designating the John M. McKay Visitors Pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Center for Cultural Arts; designating Reubin O'D. Askew Student Life Center, the Sherrill Williams Ragans Hall, the John Thrasher Building, the Mike Martin Field at Dick Houser Stadium, and the JoAnne Graf Softball Field at Florida State University; designating the Herbert F. Morgan Building at the Florida Agricultural and Mechanical University-Florida State University College of Engineering; authorizing the universities to erect markers; providing an effective date.

—was referred to the Committees on Education; and Governmental Oversight and Productivity.

By Senator Posey—

SB 1970—A bill to be entitled An act relating to the Florida Space Research Institute; amending s. 331.368, F.S.; revising the purpose of the institute; providing for the institute to serve as a multi-university center for research and technology development; requiring the institute to submit a plan to the Board of Governors for its operation; authorizing the institute to leverage certain funding for certain purposes; revising membership of the Board of the Florida Space Research Institute; providing for the board to invite participation of Embry Riddle Aeronautical University; deleting requirement for the board to select a lead university; deleting requirement to comanage with the National Aeronautics and Space Administration the Space Experiment Research and Processing Laboratory; providing for such comanagement of the Space Life Sciences Lab at the John F. Kennedy Space Center; revising requirement that the board develop certain initiatives to include space exploration; revising requirement that the board coordinate and conduct research in certain fields to include space exploration; providing appropriations for certain purposes; providing effective dates.

—was referred to the Committees on Commerce and Consumer Services; Education; and Education Appropriations.

By Senator Crist—

SB 1972—A bill to be entitled An act relating to the death penalty; providing a popular name; amending s. 27.51, F.S.; prohibiting certain public defenders from representing certain persons sentenced to death; providing for notification of the Florida Supreme Court and appointment by the court of another public defender; reenacting s. 27.702(1), F.S., relating to a duty of the capital collateral regional counsel; reenacting s. 27.703, F.S., relating to conflict of interest and substitute counsel; reenacting s. 27.709(2), F.S., relating to a duty of the Commission on Capital Cases; reenacting s. 27.710, F.S., relating to a registry of attorneys applying to represent persons in postconviction capital collateral proceedings; reenacting s. 27.711(3) and (13), F.S., relating to fees of attorneys appointed as counsel in postconviction capital collateral proceedings; amending s. 119.011, F.S.; revising the definition of "active"; amending s. 119.19, F.S., relating to capital postconviction public records production; revising a threshold date to conform; reenacting s. 922.095, F.S., relating to grounds for a death warrant and limitations of actions; reenacting s. 922.108, F.S., relating to sentencing orders in capital cases; reenacting s. 924.055, F.S., relating to postconviction review in capital cases; amending ss. 924.056 and 924.057, F.S.; revising a threshold date to conform; revising criteria for determining full pleading of a capital postconviction action; amending ss. 924.058 and 924.059, F.S.; revising a threshold date to conform; deleting a provision relating to Florida Supreme Court rule revision of certain capital postconviction relief procedures; reenacting s. 924.395, F.S., relating to sanctions; directing the Florida Supreme Court to submit to the Legislature implementation rules proposed by the Judicial Conference; repealing certain rules of criminal procedure; providing severability; specifying a contingent criterion for the repeal of certain rules of criminal procedure; providing a contingent effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Posey—

SB 1974—A bill to be entitled An act establishing a cause of action for the negligent infliction of emotional distress arising out of the loss of a pregnancy because of the negligence of another; providing for damages; providing exceptions; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Posey—

SB 1976—A bill to be entitled An act relating to permanency planning for children in foster care; amending s. 39.01, F.S.; redefining the term "legal guardianship" and removing the term "long-term custody"; amending s. 39.302, F.S.; conforming a cross-reference; amending s. 39.621, F.S.; requiring that a permanency hearing be conducted within a specified time; requiring the court to approve a permanency plan; listing the permanency options available to the court; providing that adoption is the primary permanency option if reunification of the child with his or her parents is not in the best interest of the child; amending s. 39.622, F.S.; providing for the appointment of a legal guardian; providing the criteria for the court to consider before appointing a legal guardian; amending s. 39.623, F.S.; providing for long-term licensed custody and independent living; amending s. 39.806, F.S.; providing that the parental rights of a person incarcerated in a state or federal correctional institution may be terminated if the period of time for which the parent is expected to be incarcerated will constitute a substantial portion of time before the child attains the age of 18 years; providing that the time period is measured from the time the parent enters the correctional institution; amending s. 39.810, F.S.; providing that if termination of parental rights is in the manifest best interest of the child, it may also constitute proof that the termination is the least restrictive means of protecting the child; amending s. 39.811, F.S.; conforming provisions to changes made by the act; reenacting ss. 39.811(6) and 61.13(2)(b), F.S., relating to the circumstances for which the parental rights of a person may be terminated and shared parental responsibility, to incorporate the amendment made to s. 39.806, F.S., in references thereto; repealing s. 39.624, F.S., relating to independent living; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; and Health and Human Services Appropriations.

By Senator Crist—

SB 1978—A bill to be entitled An act relating to juvenile justice; amending s. 985.03, F.S.; redefining terms relating to juvenile justice; defining the terms "day treatment," "intensive delinquency diversion program," and "independent living"; amending s. 985.231, F.S.; providing that the department or a provider report quarterly to the court the child's progress with his or her treatment plan; creating s. 985.3052, F.S.; requiring the Department of Juvenile Justice to create, contingent upon funding and in cooperation with certain specified organizations, an intensive delinquency diversion program for certain young offenders; providing the components of the program; amending s. 985.314, F.S.; requiring that a youth adjudicated delinquent for an act that would be a felony if committed by an adult must be committed to certain specified programs; creating s. 985.318, F.S.; requiring the department, contingent upon a specific appropriation, to establish an independent living program; providing the purpose of the program; amending s. 985.403, F.S.; requiring the Task Force on Juvenile Sex Offenders to convene meetings to consider specified topics; requiring the task force to draft a report and recommendations and to submit the report to the Legislature by a specified date; providing for the membership of the task force; amending s. 985.4046, F.S.; removing food as contraband prohibited from juvenile justice facilities and programs; creating s. 985.4061, F.S.; requiring the Department of Juvenile Justice to establish a workgroup to study the certification of professional staff working for a provider of juvenile justice services; providing for membership; requiring the workgroup to consider the feasibility of implementing and operating a certification system for professional staff; requiring the workgroup to consider, at a minimum, certain specified issues; directing the workgroup to recommend a process for testing and validating the effectiveness of the recommended professional staff development system; requiring the workgroup to prepare a report of its deliberations and recommendations and to submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; amending s. 985.407, F.S.; providing legislative intent relating to the Department of Juvenile Justice contracting with private providers; amending s. 985.412, F.S.; providing that quality assurance standards for providers under contract with the department shall remain unchanged; providing exceptions; amending ss. 784.075, 984.05, 985.231, 985.31, and 985.3141, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; and Justice Appropriations.

By Senator Sebesta—

SB 1980—A bill to be entitled An act relating to the Florida Commission on Tourism; amending s. 288.1223, F.S.; designating a member from the restaurant industry to the Florida Commission on Tourism; revising financial-disclosure requirements for commission members to conform with those of other statewide boards and commissions exercising governing authority; repealing s. 288.1224(11), F.S., relating to a statewide advisory committee of the Florida Commission on Tourism; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Ethics and Elections.

By Senator Crist—

SB 1982—A bill to be entitled An act relating to public records exemptions; creating s. 559.5472, F.S.; exempting from public records disclosure requirements certain information relating to investigations and examinations by the Office of Financial Regulation of the Financial Services Commission; providing exceptions; providing for continuing the exemption under certain circumstances; providing for repeal and review of such exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Consumer Services; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Crist—

SB 1984—A bill to be entitled An act relating to collection practices; amending s. 559.544, F.S., relating to commercial collection agencies; revising registration requirements under part V of ch. 559, F.S.; clarifying the application of certain exemptions; amending s. 559.545, F.S.; providing requirements for registration as a commercial collection agency; requiring the Financial Services Commission to adopt rules governing the electronic submission of fees and documents; revising application fees; requiring an applicant to provide information concerning partners, officers, and persons directly or indirectly controlling the applicant; requiring that the Office of Financial Regulation of the commission investigate the applicant; providing a registration period; providing for renewal of a registration; prohibiting the transfer of a registration; authorizing the office to deny registration under specified circumstances; amending s. 559.546, F.S.; revising requirements for a corporate surety bond; providing requirements for cancellation of the bond; creating s. 559.5471, F.S.; specifying the powers and duties of the Office of Financial Regulation with respect to the regulation of a commercial collection agency; authorizing the office to adopt rules; requiring fees, charges, and fines to be deposited into the Regulatory Trust Fund of the office; authorizing the office to issue subpoenas and exercise other powers with respect to enforcing compliance with part V of ch. 559, F.S.; authorizing witness fees and costs; authorizing the office to assess a registrant the costs of an investigation; creating s. 559.5473, F.S.; authorizing the office to bring an action to enjoin a violation of part V of ch. 559, F.S., or of any rule of the commission; authorizing the court to issue injunctions, impound property, appoint a receiver, or issue additional orders; creating s. 559.5474, F.S.; authorizing the Office of Financial Regulation to issue cease and desist orders and orders of restitution; creating s. 559.5475, F.S.; providing for certain worksheets, reports, or other related documents to be admitted into evidence; creating s. 559.5476, F.S.; requiring that a registrant maintain certain books, accounts, and records; requiring that the commission specify the required records by rule; creating s. 559.5477, F.S.; providing administrative remedies that may be invoked by the office against a registrant; specifying grounds for the revocation or suspension of a registration; providing for administrative fines; creating s. 559.5479, F.S.; providing guidelines for the office in imposing administrative remedies or penalties; amending s. 559.55, F.S., relating to consumer collection agencies; revising definitions and providing additional definitions; amending s. 559.552, F.S.; specifying that a violation of the federal Fair Debt Collection Practices Act constitutes a prohibited practice under part VI of ch. 559, F.S.; amending s. 559.553, F.S.; revising registration requirements under part VI of ch. 559, F.S.; clarifying the application of certain exemptions; amending s. 559.555, F.S.; providing requirements for registration as a consumer collection agency; requiring the Financial Services Commission to adopt rules governing the electronic submission of fees and documents; revising application fees; requiring an applicant to provide information concerning partners, officers, and persons directly or indirectly controlling the applicant; requiring that the Office of Financial Regulation of the commission investigate the applicant; providing a registration period; providing for renewal of a registration; prohibiting the transfer of a registration; authorizing the office to deny registration under specified circumstances; creating s. 559.556, F.S.; requiring that a registrant obtain a corporate surety bond; providing requirements for cancellation of the bond; amending s. 559.72, F.S.; revising standards of conduct with respect to the practice of collecting consumer debts; prohibiting certain communications with a consumer; prohibiting false, deceptive, or misleading representations; prohibiting the use of unfair or unconscionable means to collect or attempt to collect any debt; specifying procedures for communicating with a consumer in connection with the collection of a debt; providing that the failure of a consumer to dispute the validity of a debt is not an admission of liability; providing requirements with respect to any legal action by a debt collector; amending s. 559.725, F.S.; revising requirements for consumer complaints filed with the Division of Consumer Services of the Department of Financial Services; creating s. 559.726, F.S.; specifying the powers and duties of the Office of Financial Regulation with respect to the regulation of a consumer collection agency; authorizing the office to adopt rules; requiring fees, charges, and fines to be deposited into the Regulatory Trust Fund of the office; authorizing the office to issue subpoenas and exercise other powers with respect to enforcing compliance with part VI of ch. 559, F.S.; authorizing witness fees and costs; authorizing the office to assess a registrant the costs of an investigation; creating s. 559.7262, F.S.; authorizing the office to bring an action to enjoin a violation of part VI of ch. 559, F.S., or any rule of the commission; authorizing the court to issue injunctions, impound property, appoint a receiver, or issue additional orders; creating s. 559.7263, F.S.; authorizing the Office of Financial Regulation to issue cease and desist orders and orders of restitution; creating s. 559.7264, F.S.; providing for certain worksheets, reports, or other related documents to be admitted into evidence; creating s. 559.7265, F.S.; requiring that a registrant maintain certain books, accounts, and records; requiring that the commission specify the required records by rule; amending s. 559.730, F.S.; revising provisions governing the administrative remedies that may be invoked by the office against a registrant; specifying grounds for the revocation or suspension of a registration; providing for administrative fines; creating s. 559.735, F.S.; providing guidelines for the office in imposing administrative remedies or penalties; amending s. 559.77, F.S., relating to civil remedies; conforming provisions to changes made by the act; requiring that a conflict of law be interpreted so that the consumer or debtor is given the most protection; amending s. 559.785, F.S.; increasing the penalties imposed for operating or soliciting business as a consumer collection agency without registering; specifying additional acts that constitute a violation of law; repealing ss. 559.547, 559.563, and 559.565, F.S., relating to registration and enforcement actions against out-of-state consumer debt collectors; requiring that the Office of Financial Regulation of the Financial Services Commission submit a biennial report to the Legislature concerning the consumer and commercial collection practice acts; providing an appropriation and authorizing additional positions; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Consumer Services; Judiciary; General Government Appropriations; and Ways and Means.

By Senator Dockery—

SB 1986—A bill to be entitled An act relating to pretrial release; amending s. 903.047, F.S.; defining the term "intimate partners"; prohibiting a defendant, as a condition of pretrial release, from purchasing or receiving a firearm under certain specified circumstances; requiring that the defendant surrender any firearm in his or her possession to a law enforcement officer if the defendant poses a credible threat to the safety of the alleged victim, the victim's family, or a witness and if the defendant and the alleged victim are intimate partners; providing for the defendant's pretrial release to be revoked and the defendant placed in pretrial detention if the defendant fails to surrender a firearm; specifying the form for orders for pretrial release conditions, modification of pretrial release conditions, and termination of pretrial release conditions in domestic violence cases involving intimate partners; requiring

the clerk of the court to forward a court's domestic violence order to the sheriff no later than 24 hours after the pretrial release conditions are ordered, terminated, modified, or otherwise rendered no longer effective; requiring the sheriff to electronically notify the Department of Law Enforcement of the domestic violence information no later than 24 hours after receiving the information from the clerk of the court; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Saunders—

SB 1988—A bill to be entitled An act relating to certification of water management activities and corrective actions; creating s. 373.1165, F.S.; authorizing the Department of Environmental Protection and the governing boards of water management districts to require certification of such activities and actions by certain professionals; providing for the cost of such certifications; providing for implementation of certified activities and actions; creating s. 373.1175, F.S.; providing for requirements that a professional geologist sign and seal specified documents; prescribing responsibility for the costs of such signing and sealing; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Regulated Industries.

By Senator Alexander—

SB 1990—A bill to be entitled An act relating to attorney's fees; amending s. 627.428, F.S.; prohibiting the application of a contingency risk multiplier in the award of attorney's fees in suits based on claims arising under the Florida Motor Vehicle No-Fault Law except in certain circumstances; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Garcia—

SB 1992—A bill to be entitled An act relating to inspection of perishable items; requiring the Department of Agriculture and Consumer Services to inspect items that are exported by certain countries and enter the state through its airports; providing for payment of inspection costs; providing an effective date.

—was referred to the Committees on Agriculture; Domestic Security; Transportation; and General Government Appropriations.

By Senator Garcia—

SB 1994—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for certain visual services prescribed to Medicaid recipients regardless of age; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; and Ways and Means.

By Senator Alexander—

SB 1996—A bill to be entitled An act relating to the petition process; providing a short title; amending s. 99.097, F.S.; revising requirements for verification of signatures on petitions; prescribing limits on use of paid petition circulators; providing procedures to contest alleged improper signature verification; amending s. 100.371, F.S.; revising procedures for placing an initiative on the ballot; providing requirements for information to be contained on petitions; providing procedure for revocation of a petition signature; creating s. 100.372, F.S.; providing regulation for initiative petition circulators and their activities; amending s. 101.161, F.S.; deleting obsolete provisions relating to a ballot initiative concerning merit selection and retention of judges; amending s. 101.62, F.S.; conforming a cross-reference; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registration applications; amending s. 104.185, F.S.; proscribing specified actions involving petitions and providing or increasing criminal penalties therefor; amending s. 104.42, F.S.; prescribing duties of supervisors of elections with respect to unlawful registrations, petitions, and voting; providing for verifying and counting signatures submitted for verification before the effective date of the act; requiring resubmission and reapproval of petition forms; providing severability; providing an effective date.

—was referred to the Committees on Ethics and Elections; Criminal Justice; Judiciary; and Government Efficiency Appropriations.

By Senator Alexander—

SB 1998—A bill to be entitled An act relating to investment of public funds; amending ss. 17.57, 218.415, F.S.; authorizing the state and units of local government, respectively, to invest public funds in certificates of deposit of federally insured banks or savings and loan associations, which certificates are procured through qualified public depositories; prescribing conditions for such investments and depositories; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Ways and Means.

By Senator Diaz de la Portilla—

SB 2000—A bill to be entitled An act relating to domestic security; amending s. 943.0311, F.S.; providing requirements for security assessments of buildings, facilities, or structures owned or leased by state agencies, state universities, and community colleges; requiring that security needs be prioritized; requiring that assessments be completed before construction, occupancy, or modification of a building, facility, or structure; requiring that the Chief of Domestic Security Initiatives work in conjunction with the State Fire Marshal and other entities to develop and implement best practices; providing an effective date.

—was referred to the Committees on Domestic Security; Governmental Oversight and Productivity; and Education.

By Senator Posey—

SB 2002—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; providing that a law enforcement officer and the employing agency of the officer are not liable for civil damages for injury or death effected or caused by a person fleeing from the law enforcement officer under certain circumstances; providing for severability; providing for application; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Garcia—

SB 2004—A bill to be entitled An act relating to thoroughbred racing; amending s. 550.5251, F.S.; deleting a requirement that certain permitholders operate a specified number of days each season; clarifying that certain permits continue in effect despite actions by regulatory authorities; extending a qualifying period for certain permittees; providing an effective date.

—was referred to the Committees on Regulated Industries; and Government Efficiency Appropriations.

By Senator Garcia—

SB 2006—A bill to be entitled An act relating to motor vehicle service agreements; amending s. 634.011, F.S.; including paintless dent-

removal in the services that may be covered by such agreements; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Commerce and Consumer Services.

By Senator Sebesta—

SB 2008—A bill to be entitled An act relating to ethics for public officers and employees; amending s. 104.31, F.S.; prohibiting employees of the state and its political subdivisions from participating in a political campaign during certain time periods; amending s. 112.313, F.S.; prohibiting certain disclosures by a former public officer, agency employee, or local government attorney; redefining the term "employee" to include certain other-personal-services employees for certain postemployment activities; providing an exemption from provisions prohibiting conflicts in employment to a person who, after serving on an advisory board, files a statement with the Commission on Ethics relating to a bid or submission; amending s. 112.3144, F.S.; specifying how assets valued in excess of $1,000 are to be reported by a reporting individual; amending s. 112.3145, F.S.; requiring that a delinquency notice be sent to certain officeholders by certified mail, return receipt requested; reducing the maximum penalty for failing to file a disclosure of financial interests from $1,500 to $300; revising certain filing deadlines; revising the grounds to appeal a fine; amending s. 112.3147, F.S.; deleting certain provisions relating to reporting the value of assets; amending s. 112.3148, F.S.; providing requirements for persons who have left office or employment as to filing a report relating to gifts; amending s. 112.3149, F.S.; requiring that a report of honoraria by a person who left office or employment be filed by a specified date; amending s. 112.317, F.S.; authorizing the commission to recommend a restitution penalty be paid to the agency or the General Revenue Fund; authorizing the Attorney General to recover costs for filing suit to collect penalties and fines; deleting provisions imposing a penalty for the disclosure of information concerning a complaint or an investigation; amending s. 112.3185, F.S.; providing additional standards for state agency employees relating to procurement of goods and services by a state agency; authorizing an employee whose position was eliminated to engage in certain contractual activities; prohibiting former employees from certain specified activities; amending s. 112.3215, F.S.; requiring the commission to adopt a rule detailing the grounds for waiving a fine and the procedures when a lobbyist fails to timely file his or her report; requiring automatic suspension of a lobbyist's registration if the fine is not timely paid; amending s. 112.322, F.S.; authorizing travel and per diem expenses for certain witnesses; amending s. 112.324, F.S.; providing procedures for the commission to handle complaints of violations; amending s. 914.21, F.S.; redefining the terms "official investigation" and "official proceeding," for purposes of provisions relating to tampering with witnesses, to include an investigation by the Commission on Ethics; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

SR 2010—Not referenced.

By Senator Dockery—

SB 2012—A bill to be entitled An act relating to the transportation and sale of cigarettes; amending s. 210.01, F.S.; revising and providing definitions; creating s. 210.0205, F.S.; providing definitions; imposing a fee on certain cigarettes; providing payment requirements; requiring reporting of the number and denominations of stamps affixed to individual packages of certain cigarettes by manufacturer and brand family; authorizing rulemaking regarding such reports; requiring registration with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation of nonsettling manufacturers of cigarettes; requiring development, maintenance, and publication by the division of a list of nonsettling manufacturers of cigarettes which have certified their compliance with the act; treating cigarettes of certain manufacturers that have not paid the fee imposed by this act or that have not complied with reporting requirements as cigarettes for which the tax imposed by s. 210.02, F.S., has not been paid; prohibiting the stamping of certain cigarettes for which the fee imposed by the act has not been paid in full or the nonsettling manufacturer of which has not complied with reporting requirements; delaying application of the fee to a subsequent participating manufacturer under certain circumstances; amending s. 210.05, F.S.; providing stamp requirements for cigarettes in transport; providing stamp exceptions for certain cigarettes; requiring transporters of certain cigarettes to submit certain reports; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain persons shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; amending s. 210.12, F.S.; authorizing the state to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for a permit application; prohibiting issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for denial of a permit application; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; prohibiting the sale or possession for sale of counterfeit cigarettes; providing penalties; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting a "criminal activity" and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an appropriation and authorizing positions; providing an appropriation to the Department of Health; providing purposes; amending s. 17.41, F.S.; providing an additional source of revenue to the Tobacco Settlement Trust Fund; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Ways and Means.

By Senator Alexander—

SB 2014—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; increasing the claims-paying capacity of the Florida Hurricane Catastrophe Fund; amending s. 627.351, F.S.; providing a cap on deficits of the Citizens Property Insurance Corporation deficits which may be recovered through assessments; providing effective dates.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Senator Posey—

SB 2016—A bill to be entitled An act relating to ethics in government; expressing the legislative intent to revise laws relating to ethics in government; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Governmental Oversight and Productivity; Ways and Means; and Rules and Calendar.

By Senator Posey—

SB 2018—A bill to be entitled An act relating to ethics in government; expressing the legislative intent to revise laws relating to ethics in government; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Governmental Oversight and Productivity; Ways and Means; and Rules and Calendar.

By Senator Posey—

SB 2020—A bill to be entitled An act relating to ethics in government; expressing the legislative intent to revise laws relating to ethics in government; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Governmental Oversight and Productivity; Ways and Means; and Rules and Calendar.

By Senator Posey—

SB 2022—A bill to be entitled An act relating to elections; expressing the legislative intent to revise laws relating to elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

By Senator Posey—

SCR 2024—A bill to be entitled An act relating to elections; expressing the legislative intent to revise laws relating to elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

By Senator Posey—

SB 2026—A bill to be entitled An act relating to elections; expressing the legislative intent to revise laws relating to elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

By Senator Margolis—

SB 2028—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.20, F.S.; providing for the distribution of a portion of revenues from the tax to eligible publicly owned football facilities; providing limitations on the uses of the funds; creating s. 288.1174, F.S.; providing for the Office of Tourism, Trade, and Economic Development to certify eligible publicly owned football facilities; requiring the office to adopt rules; defining the term "publicly owned football facility"; providing requirements for certification; providing for the uses of funds distributed under this act; providing for audits by the Department of Revenue; providing for the revocation of certification; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Education; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Posey—

SB 2030—A bill to be entitled An act relating to ethics in government; expressing the legislative intent to revise laws relating to ethics in government; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Governmental Oversight and Productivity; Ways and Means; and Rules and Calendar.

By Senator Atwater—

SB 2032—A bill to be entitled An act relating to tax administration; amending s. 95.091, F.S.; adding a cross-reference; amending s. 198.32, F.S.; allowing an estate that is not required to file a federal tax return to file with the clerk of the court an affidavit attesting that no Florida estate tax is due, regardless of the decedent's date of death; amending s. 199.135, F.S.; providing special provisions for the imposition of the nonrecurring intangibles tax imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.02, F.S.; providing special provisions for the imposition of the tax on deeds or other instruments relating to real property or interests in real property imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.08, F.S.; providing special provisions for the imposition of the tax on promissory or nonnegotiable notes or written obligations to pay money imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 202.11, F.S.; providing an additional definition of the term "service address" for the purposes of the tax on communications services; amending ss. 206.09, 206.095, 206.14, and 206.485, F.S., relating to fuel taxes; providing for the distribution of penalties; amending s. 206.27, F.S.; allowing the Department of Revenue the option of posting the list of active and canceled fuel licenses on the departmental web site or mailing it to licensees; amending s. 212.05, F.S.; clarifying the tax treatment of nonresident purchasers of airplanes; amending s. 212.06, F.S.; clarifying that sales tax is not due on any vessel imported into this state for the sole purpose of being offered for retail sale by a registered Florida yacht broker or dealer under certain conditions; amending s. 212.12, F.S.; including in the definition of tax fraud willful attempts to evade a tax, surcharge, or fee imposed by chapter 212, F.S.; amending s. 213.053, F.S.; authorizing expanded sharing of confidential information between the Department of Revenue and the Department of Agriculture and Consumer Services for the Bill of Lading Program; amending s. 213.21, F.S.; specifying which taxes qualify for the automatic penalty compromise or settlement of liability; providing for retroactivity; amending s. 213.27, F.S.; clarifying that the notification by the Department of Revenue to the taxpayer that the taxpayer's account is being referred to a debt collection agency must be at least 30 days before the referral; amending s. 215.26, F.S.; adding a cross-reference; amending s. 252.372, F.S.; authorizing the Florida Surplus Lines Service Office to collect the Emergency Management, Preparedness, and Assistance Trust Fund surcharge and deposit the proceeds into the trust fund; amending s. 443.131, F.S.; requiring employers who transfer their business to a related entity to retain their unemployment experience history under certain circumstances; providing penalties; amending s. 443.141, F.S.; authorizing the Department of Revenue to send to employers by regular mail notices of unemployment tax assessments and notices of the filing of liens; creating s. 624.50921, F.S.; creating a statute of limitations for assessments of the insurance premium tax if the amount of corporate income tax or a workers' compensation administrative assessment paid by the insurer is adjusted through an amended return or refund; reviving and readopting s. 213.21, F.S., relating to informal conference procedures within the Department of Revenue; providing effective dates.

—was referred to the Committees on Government Efficiency Appropriations; Commerce and Consumer Services; Criminal Justice; General Government Appropriations; and Ways and Means.

By Senator Argenziano—

SB 2034—A bill to be entitled An act relating to public records exemptions; creating s. 288.961, F.S.; clarifying the public records exemption relating to trade secrets for proprietary confidential business information owned or controlled by the not-for-profit corporation operating the Florida Vaccine Research Institute and its subsidiaries; expanding the public records exemption to include information received from a person in this or another state or nation or the Federal Government which is otherwise exempt or confidential under the laws of this or another state or nation or under federal law; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Posey—

SB 2036—A bill to be entitled An act relating to liens on commercial real estate; creating ch. 714, F.S., the "Commercial Real Estate Lien Act"; providing definitions; specifying conditions under which a broker is entitled to a lien on commercial real estate; requiring a written instrument; requiring the recording of a notice of lien; providing for the contents and service of such notice; providing requirements with respect to installment and future commissions, leases, sales of property before commission is due, and written instruments with transferees; providing for enforcement; requiring written demand to initiate or file an answer to such lawsuit; providing conditions for satisfaction or release of the lien; providing for an alternative dispute resolution process; providing for assessment of costs, fees, and interest; declaring any waiver of lien rights void; providing priority of other recorded liens, mortgages, and encumbrances; providing for escrow of disputed amounts; amending s. 475.42, F.S.; providing that brokers may place liens on property as provided by law; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Senator Garcia—

SB 2038—A bill to be entitled An act relating to hospital county reimbursement; creating s. 154.317, F.S.; authorizing a county hospital to request reimbursement of costs of care incurred for an indigent from the county where that indigent is a resident; requiring the county of residency to reimburse the county or county hospital district for costs of care for such indigents within a certain number of days following the date of the request; providing an effective date.

—was referred to the Committees on Health Care; Community Affairs; and Health and Human Services Appropriations.

By Senator Garcia—

SB 2040—A bill to be entitled An act relating to driver licensing; creating s. 322.073, F.S.; providing for the Department of Highway Safety and Motor Vehicles to issue driver licenses to certain foreign nationals who frequently visit the state; providing for expiration and renewal of the license; requiring submission of certain information to receive the license; authorizing the department to adopt rules; creating s. 322.075, F.S.; providing for the department to issue driving permits to certain foreign nationals who entered the country under specified circumstances; providing eligibility criteria; requiring the department to conduct criminal background check and verify certain information; providing requirements for the permits; providing for period of validity; restricting validity to use in the state; providing for renewal; prohibiting certain use and providing penalties therefor; providing for fees; authorizing the department to adopt rules; providing an effective date.

—was referred to the Committees on Transportation; Domestic Security; Criminal Justice; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Fasano—

SB 2042—A bill to be entitled An act relating to trust funds; amending s. 250.175, F.S.; creating the Welfare Transition Trust Fund within the Department of Military Affairs; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations.

By Senator Crist—

SB 2044—A bill to be entitled An act relating to motor vehicle and motorcycle insurance; creating s. 627.7289, F.S.; requiring certain insurance policies to provide coverage for towing and impoundment costs relating to recovery of stolen vehicles; prohibiting application of a deductible to coverage of certain costs; requiring the Office of Insurance Regulation of the Financial Services Commission to enforce the provisions of the section; providing an effective date.

—was referred to the Committees on Banking and Insurance; Transportation; and General Government Appropriations.

By Senator Crist—

SB 2046—A bill to be entitled An act relating to a violation of probation or community control; amending s. 948.06, F.S.; requiring a court, under certain circumstances, to revoke an offender's probation or community control, adjudicate the offender guilty of the offense forming the basis of the probation or community control, and impose a term of imprisonment which the court might have imposed before placing the offender on probation or in community control; amending s. 921.0017, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Crist—

SB 2048—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in each circuit; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; amending s. 35.06, F.S.; revising the number of district court judges in certain district courts of appeal; providing for appointment or election of new judges created by the act; providing an effective date.

—was referred to the Committees on Judiciary; Justice Appropriations; and Ways and Means.

By Senator Aronberg—

SB 2050—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.013, F.S.; revising requirements to be entitled to take the licensure examination to practice in this state as a surveyor and mapper; amending s. 472.015, F.S.; authorizing certain photogrammetrists to qualify for a license by endorsement; amending s. 472.021, F.S.; revising liability of partnerships and other business entities rendering professional surveying and mapping services; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Senator Garcia—

SB 2052—A bill to be entitled An act relating to motorcycles and motor-driven cycles; requiring passenger footrests and handholds on such cycles; limiting the height of handlebars; providing an effective date.

—was referred to the Committee on Transportation.

By Senators Argenziano and Villalobos—

SB 2054—A bill to be entitled An act relating to paralegals; creating pt. II of ch. 454, F.S.; relating to regulation of paralegals; providing a popular name; providing legislative intent; providing definitions; providing exceptions and exemptions; providing educational requirements for qualification as a paralegal; providing continuing education requirements; providing for a paralegal code of ethics and professional responsibility; providing a grandfathering clause; providing for reciprocity; providing penalties; providing for severability; establishing the Paralegal Regulation Board; providing for the board's powers, members, terms,

vacancies, fiscal accountability, and meetings; amending ss. 57.104 and 744.108, F.S.; conforming cross-references; providing effective dates.

—was referred to the Committees on Judiciary; Criminal Justice; Governmental Oversight and Productivity; and Justice Appropriations.

By Senator Baker—

SB 2056—A bill to be entitled An act relating to career offender and murderer registration; amending s. 775.261, F.S.; providing a short title; defining the terms "murder" and "murderer" for purposes of the registration of persons convicted of murder; providing criteria for the registration of persons convicted of murder; requiring a person convicted of murder to register with the Department of Corrections; requiring the person to provide certain information; authorizing a law enforcement agency to notify the community that a person convicted of murder is present in the community; requiring the department to develop a system to verify the address of persons convicted of murder; providing that a person convicted of murder commits a felony of the third degree if he or she fails to register or otherwise violates the act; specifying the locations in which a person convicted of murder may be prosecuted for violations of the act; amending s. 944.608, F.S.; correcting cross-references; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Baker—

SB 2058—A bill to be entitled An act relating to the Board of Hearing Aid Specialists and the Board of Speech-Language Pathology and Audiology; merging these boards into a new Board of Communication Disorders; providing for membership of the new board; providing for a type two transfer of powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the former boards to the new board; preserving pending judicial and administrative actions; specifying the time of abolishment of the former boards; providing for jurisdiction of the new board; amending ss. 20.43, 468.1125, 468.1135, 468.1246, 468.1315, 484.041, and 484.0512, F.S.; conforming provisions to changes made by the act; repealing ss. 484.042 and 484.043, F.S., relating to the Board of Hearing Aid Specialists and its membership, appointment, terms, and headquarters; providing effective dates.

—was referred to the Committees on Health Care; and Governmental Oversight and Productivity.

By Senator Baker—

SB 2060—A bill to be entitled An act relating to community redevelopment agencies; amending s.163.387, F.S.; specifying events that enable modification of the amount of tax increment financing that a county must, absent an interlocal agreement, provide to a community redevelopment agency that was created by a municipality outside the delegation authority of a home rule county; authorizing modification, by interlocal agreement after the occurrence of one such event, of the amount of such tax increment financing that such a county must provide; specifying the contents of the interlocal agreement; limiting the amount that the financing may be reduced; amending s. 163.415, F.S.; providing that a county without a home rule charter is not obligated to provide tax increment financing to a community redevelopment agency that a municipality creates on a specified date absent an interlocal agreement with that municipality; authorizing establishment of tax increment financing for such an agency by the interlocal agreement; specifying the contents of the interlocal agreement; limiting modifications to the size, plan, or financing of a community redevelopment agency created before a specified date in a county that did not have a home rule charter absent an interlocal agreement between the county and the municipality that created the agency; authorizing the interlocal agreement to establish differing tax increment financing for such an agency and the authority to expand or modify the agency; providing an effective date.

—was referred to the Committees on Community Affairs; and Government Efficiency Appropriations.

By Senator Campbell—

SB 2062—A bill to be entitled An act relating to homeowners' associations; creating s. 718.1265, F.S.; providing a definition; authorizing a condominium association board to exercise specified emergency powers during an emergency created by a catastrophic event; providing immunity for acts taken by a board in good faith; amending s. 718.112, F.S.; extending a period in which condominium common areas do not have to be retrofitted with sprinkler systems; creating s. 712.11, F.S.; providing for the revival of certain declarations that have been extinguished; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Judiciary.

By Senator King—

SB 2064—A bill to be entitled An act relating to postsecondary athletics; providing that it is a third-degree felony for a person to solicit or accept any thing of value from an employee or representative of a public postsecondary educational institution for the purpose of encouraging a student to enroll in such institution in order to compete in intercollegiate athletic events; providing that the act does not prohibit actions otherwise permitted by a rule or regulation governing the recruitment of athletes by postsecondary educational institutions; providing an effective date.

—was referred to the Committees on Education; Criminal Justice; and Justice Appropriations.

By Senator Constantine—

SB 2066—A bill to be entitled An act relating to the tax on communication services; amending s. 202.11, F.S.; defining additional terms related to communication services; amending s. 202.125, F.S.; providing an exception for services purchased, used, or sold to provide access to the Internet; amending s. 202.16, F.S.; requiring a dealer to document the resale sale to prove the exempt status of the sale; requiring that certain documents be retained by the dealer; providing alternative methods to document the exempt nature of the sale; amending s. 202.19, F.S.; clarifying the type of local fees the communication services tax replaces; amending s. 202.20, F.S.; clarifying the authority for certain revenue adjustments; repealing s. 202.20(2)(a), F.S., relating to the allocation of revenues by local government; amending s. 202.21, F.S.; deleting a provision granting emergency powers to local governments to adjust rates for the local communications service tax; clarifying that the act is remedial in nature; providing that the act does not grant any right to a refund; providing an exception; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; Communications and Public Utilities; Community Affairs; and Ways and Means.

By Senator Constantine—

SB 2068—A bill to be entitled An act relating to telecommunications; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that activities regulated by the commission are exempt from ch. 501, F.S., relating to consumer protection; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; deleting certain legislative findings with respect to the provision of local telecommunications services; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring that the commission promote consistency with federal law and coordination with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S.; amending s. 364.02, F.S.; defining the terms

"broadband service" and "VoIP"; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol or other advanced telecommunications, regardless of the platform or provider; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; repealing s. 364.502, F.S., relating to video programming services; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Commerce and Consumer Services; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Constantine—

SB 2070—A bill to be entitled An act relating to the tax on substitute communications systems; amending s. 202.11, F.S.; deleting certain definitions; amending s. 202.12, F.S.; deleting a provision relating to the manner in which the tax on gross receipts for communications services is applied to a substitute communications system; amending ss. 202.16, 202.17, and 202.18, F.S.; conforming cross-references; repealing s. 202.19(7), F.S., relating to imposing a local communications services tax on substitute communications systems; amending s. 203.01, F.S.; deleting a provision imposing a gross receipts tax on the actual costs of operating substitute communications systems; amending s. 624.105, F.S.; conforming a cross-reference; specifying that the retroactive operation is remedial and does not create any right to or require any refunds; repealing s. 202.15, F.S., relating to special rules for users of substitute communications systems; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; Government Efficiency Appropriations; and Ways and Means.

By Senator Constantine—

SB 2072—A bill to be entitled An act relating to local governments; providing a legislative finding that the policy of the state is to prohibit local governments from offering communications services in competition with private providers; providing definitions; authorizing a local government providing communications services on the effective date of the act to continue offering service to existing subscribers; requiring that, upon finding that it cannot obtain a service, a local government notify dealers of communications services and allow such dealers a specified period in which to provide the service; providing requirements for a local government with respect to its provision of communications services and the exercise of its authority; providing that the local government is subject to the ordinances, rules, and policies that apply to private providers; prohibiting a local government from pledging revenues in support of bonds used to finance a venture outside its boundaries in competition with private providers; providing that a local government is subject to certain prohibitions concerning restraint of trade and monopolization; providing for severability; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; and General Government Appropriations.

By Senator Constantine—

SB 2074—A bill to be entitled An act relating to hydrogen energy technology; creating s. 377.801, F.S.; creating the Hydrogen Energy Technologies Act; creating s. 377.802, F.S.; providing legislative intent concerning the development and promotion of hydrogen energy technologies; creating s. 377.803, F.S.; providing the purpose of the act; creating s. 377.804, F.S.; providing definitions; creating s. 377.805, F.S.; creating the Hydrogen Energy Technologies Grants Program within the Department of Environmental Protection to promote demonstration, commercialization, research, and development of hydrogen energy technologies; providing for matching grants to be made to specified entities; providing factors for the department to consider in awarding grants; authorizing the department to amend grant awards; requiring that the department report to the Governor and the Legislature on the grant program; amending s. 212.08, F.S.; providing a sales tax exemption for certain hydrogen energy technology projects; creating s. 213.053, F.S.; providing for information sharing between the Department of Revenue and the Department of Environmental Protection for purposes of the tax exemption and tax credit created by the act; amending s. 220.02, F.S.; providing for the priority of tax credits; creating s. 220.192, F.S.; creating a hydrogen energy technologies investment tax credit; defining terms; providing for a credit to be taken against the corporate income tax for a specified period; requiring that application be made to the Department of Environmental Protection for certification of eligibility for the credit; authorizing the Department of Environmental Protection to adopt rules; authorizing the Department of Revenue to perform audits and investigations; providing procedures for revoking or modifying the decision granting eligibility for the tax credit; authorizing the Department of Revenue to adopt rules; providing for expiration of the provisions authorizing the tax credit; amending s. 220.13, F.S.; allowing the adjustment of federal income in conformance with tax credits taken; amending s. 366.8255, F.S.; authorizing an investor-owned electric utility to recover the costs of investments in hydrogen energy technologies incurred within a specified period; amending s. 633.022, F.S.; authorizing the State Fire Marshal to adopt uniform standards for hydrogen fueling, storage, and production facilities; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Environmental Preservation; Commerce and Consumer Services; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

By Senator Sebesta—

SB 2076—A bill to be entitled An act relating to commercial parasailing; creating s. 327.375, F.S.; defining the term "commercial parasailing"; requiring each vessel to obtain an annual license; requiring each owner to carry liability insurance; providing for minimum amounts of insurance and maximum deductibles; providing requirements for persons conducting commercial parasailing operations; providing a criminal penalty; providing an effective date.

—was referred to the Committees on Environmental Preservation; Banking and Insurance; and General Government Appropriations.

By Senator Sebesta—

SB 2078—A bill to be entitled An act relating to trust funds; creating the Florida Aerospace Infrastructure Investment Trust Fund; providing for uses and sources of funds; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Margolis—

SB 2080—A bill to be entitled An act relating to community redevelopment agencies' expenses for fire services; amending s. 163.356, F.S.; authorizing a county or a municipality to appropriate funds for the expenses of a community redevelopment agency for fire rescue services; providing an effective date.

—was referred to the Committee on Community Affairs.

By Senator Sebesta—

SB 2082—A bill to be entitled An act relating to driver licenses and identification cards; amending s. 322.02, F.S.; deleting legislative findings and intent with respect to the delivery of limited driver license services by county tax collectors; repealing s. 322.135, F.S., relating to the authority of the Department of Highway Safety and Motor Vehicles to designate tax collectors to act as its agent; creating s. 322.136, F.S.; requiring that the department, by a specified date, enter into contracts

for the issuance of driver licenses and identification cards; providing a fee in addition to the fees set forth in ch. 322, F.S.; requiring that a portion of the fee be deposited into the Highway Safety Operating Trust Fund; providing requirements for a bond; providing effective dates.

—was referred to the Committees on Transportation; and Transportation and Economic Development Appropriations.

By Senator Posey—

SB 2084—A bill to be entitled An act relating to elections; expressing the legislative intent to revise laws relating to elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

By Senator Posey—

SB 2086—A bill to be entitled An act relating to elections; expressing the legislative intent to revise laws relating to elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

By Senator Lynn—

SB 2088—A bill to be entitled An act relating to a special election to be held on September 6, 2005, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of this state of a joint resolution amending Section 1 of Article IX of the State Constitution, relating to provisions that mandate maximum class sizes for students in prekindergarten through grade 12; providing a contingent effective date.

—was referred to the Committees on Education; Education Appropriations; and Rules and Calendar.

By Senator Lynn—

SJR 2090—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution, relating to public education, to amend the class-size requirements for students in grades prekindergarten through 12 and to prescribe minimum salary standards for public school teachers.

—was referred to the Committees on Education; Government Efficiency Appropriations; Education Appropriations; and Rules and Calendar.

By Senator Argenziano—

SB 2092—A bill to be entitled An act relating to emergency management; expressing the legislative intent to revise laws governing the powers and duties related to emergency management; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Domestic Security; Judiciary; Ways and Means; and Rules and Calendar.

By Senator Posey—

SB 2094—A bill to be entitled An act relating to elections; expressing the legislative intent to revise laws relating to elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

By Senator Lynn—

SB 2096—A bill to be entitled An act relating to options for the accelerated completion of high school; repealing s. 1003.429, F.S., relating to options for accelerated high school graduation; amending ss. 1003.431, 1007.261, 1008.22, and 1009.531, F.S., relating to career education certification, state university admissions, a student assessment program for public schools, and the Florida Bright Futures Scholarship Program; conforming provisions to the repeal of s. 1003.429, F.S.; providing for application of the act; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Lynn—

SB 2098—A bill to be entitled An act relating to career education; expressing the legislative intent to revise laws relating to career education; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; Education Appropriations; Ways and Means; and Rules and Calendar.

By Senator Lynn—

SB 2100—A bill to be entitled An act relating to educational services in programs of the Department of Juvenile Justice; amending s. 1003.52, F.S.; requiring the Department of Education to develop procedures for reporting performance and participation data of students in juvenile justice education programs; providing an effective date.

—was referred to the Committees on Education; Criminal Justice; and Education Appropriations.

By Senator Lynn—

SB 2102—A bill to be entitled An act relating to apprenticeship programs; expressing the legislative intent to revise laws relating to apprenticeship programs; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; Education Appropriations; Ways and Means; and Rules and Calendar.

By Senator Campbell—

SB 2104—A bill to be entitled An act relating to the line of ordinary high water dividing sovereign and riparian ownership in certain navigable freshwater bodies; creating s. 253.024, F.S.; defining the term "ordinary high-water line" for purposes of ch. 253, F.S., relating to state lands; amending ss. 197.502, 258.39, 258.399, 380.0555, and 403.813, F.S., relating to property descriptions in tax deeds, boundaries of aquatic preserves, and the Apalachicola Bay Area; providing a definition; providing an effective date.

—was referred to the Committees on Judiciary; Environmental Preservation; Community Affairs; and General Government Appropriations.

By Senator Campbell—

SB 2106—A bill to be entitled An act relating to court interpreters; requiring that the Supreme Court establish standards and procedures for the certification, discipline, and training of court interpreters; authorizing the Supreme Court to set fees and to appoint personnel to assist the court; requiring revenue generated by such fees to be used for administering the certification process; providing an effective date.

—was referred to the Committees on Judiciary; and Justice Appropriations.

By Senator Argenziano—

SB 2108—A bill to be entitled An act relating to economic development; providing legislative intent; creating s. 288.96, F.S.; establishing the Florida Vaccine Research Institute in the College of Pharmacy and Pharmaceutical Sciences at Florida Agricultural and Mechanical University; prescribing its purposes; providing for a board of directors; providing for a chief executive officer; providing for a council of scientific advisors; providing for public-records access; providing for audit; providing for program evaluation; providing for liability; providing an appropriation; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; Governmental Oversight and Productivity; Education Appropriations; and Ways and Means.

By Senator Rich—

SB 2110—A bill to be entitled An act relating to human and civil rights; amending ss. 760.01, 760.05, 760.07, 760.08, 760.23, 760.24, 760.25, 760.31, 760.50, and 760.60, F.S.; revising terminology relating to impermissible grounds for discrimination; amending s. 760.02, F.S.; defining the term "disability"; amending s. 760.10, F.S.; revising provisions relating to unlawful employment practices; defining the terms "because of sex" and "on the basis of sex"; amending s. 760.11, F.S.; revising provisions relating to administrative and civil remedies for unlawful discrimination; revising requirements relating to notice of complaint and response, determination of reasonable cause, and commencement of actions; reenacting s. 760.11(15), F.S., for purposes of incorporating the amendments to s. 760.10, F.S., in a reference thereto; amending s. 760.22, F.S.; substituting a definition of the term "disability" for a definition of the term "handicap"; amending s. 760.29, F.S.; providing for a fine for certain exempt communities of housing for older persons that fail to register with the Commission on Human Relations; revising terminology relating to impermissible grounds for discrimination; amending s. 760.34, F.S.; revising terminology relating to enforcement actions; amending s. 419.001, F.S.; revising the definition of the term "resident" for purposes of community residential homes; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Banking and Insurance; Judiciary; and General Government Appropriations.

By Senator Rich—

SB 2112—A bill to be entitled An act relating to emergency medical services; amending s. 401.107, F.S.; defining the terms "youth athletic organization" and "automated external defibrillator device"; amending s. 401.111, F.S.; providing for grants to local agencies, emergency medical services organizations, and youth athletic organizations to expand the use of automated external defibrillator devices; amending s. 401.113, F.S.; providing for disbursement of funds from the Emergency Medical Services Trust Fund; providing an effective date.

—was referred to the Committees on Health Care; Community Affairs; and Health and Human Services Appropriations.

By Senator Baker—

SB 2114—A bill to be entitled An act relating to pupil progression in grades K-12; providing legislative intent; requiring the State Board of Education periodically to review student performance data; prescribing the purposes of such reviews; prescribing the focus for the state board's review of student performance standards; providing requirements for each school district's system of school improvement and student progression; prescribing limits on and conditions for increases in the standards for student promotion; providing for rulemaking; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Argenziano—

SB 2116—A bill to be entitled An act relating to enterprise zones; creating s. 290.0072, F.S.; authorizing Taylor County to apply to the Office of Tourism, Trade, and Economic Development to amend the boundaries of its enterprise zone; providing requirements; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Atwater—

SB 2118—A bill to be entitled An act relating to worker's compensation; amending s. 440.02, F.S.; redefining the term "employee" under the Workers' Compensation Law to revise an exemption relating to owner-operators of motor vehicles; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Atwater—

SB 2120—A bill to be entitled An act relating to the Opportunity Scholarship Program; amending s. 1002.38, F.S.; changing the deadline by which a parent must notify the Department of Education of the student's acceptance into an eligible private school from July 1 to September 15 of the first year in which the student intends to use the Opportunity Scholarship Program; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Campbell—

SB 2122—A bill to be entitled An act relating to a tax on the revenues from slot machines; imposing a tax on the revenues from slot machines located in certain pari-mutuel facilities that conduct slot-machine gaming as authorized by s. 23, Art. X of the State Constitution; requiring that the proceeds of the tax be remitted to the Division of Pari-mutuel Wagering; requiring the Department of Revenue to adopt rules; providing penalties for failure to remit the tax; authorizing the Department of Revenue or the Division of Pari-mutuel Wagering to enforce the act; requiring that the proceeds of the tax be deposited into the State School Trust Fund and used solely for the purpose of funding public education in the state; providing an effective date.

—was referred to the Committees on Regulated Industries; Education; Government Efficiency Appropriations; and Ways and Means.

By Senator Wise—

SB 2124—A bill to be entitled An act relating to medical negligence; amending s. 766.102, F.S.; providing that an agreement waiving a claim-

ant's right to certain damages in a medical negligence action is null and void; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Wise—

SB 2126—A bill to be entitled An act relating to student and faculty academic freedom in postsecondary education; amending s. 1002.21, F.S.; providing student rights to academic freedom; creating s. 1004.09, F.S.; providing a postsecondary student and faculty academic bill of rights; specifying student, faculty, and instructor rights; requiring the dissemination of copies of the act to state universities and community colleges; providing an effective date.

—was referred to the Committees on Education; and Judiciary.

By Senator Wise—

SB 2128—A bill to be entitled An act relating to the withholding or withdrawal of nutrition or hydration from incompetent persons; creating part VI of ch. 765, F.S.; providing a part title; providing definitions; declaring that an incompetent person is presumed to have directed health care providers to provide the necessary nutrition and hydration to sustain life; prohibiting a court, proxy, or surrogate from withholding or withdrawing nutrition or hydration except under specified circumstances; providing that the presumption to provide nutrition and hydration is inapplicable under certain circumstances; amending ss. 765.106, 765.107, 765.204, 765.305, 765.401, and 765.404, F.S.; conforming provisions to changes made by the act; prohibiting an inference of incapacity due to a person's developmental disability; providing for the act to apply to pending litigation; declaring that the act supersedes existing court orders otherwise applicable on or after the effective date of the act; providing an effective date.

—was referred to the Committees on Health Care; and Judiciary.

By Senators Miller, Bennett and Atwater—

SB 2130—A bill to be entitled An act relating to distribution and use of cigarette tax proceeds; amending s. 210.20, F.S.; providing for an additional portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to develop and maintain a technology-based clinical care and research network; providing a minimum appropriation requirement; amending s. 210.201, F.S.; providing for the use of the transferred moneys; requiring the board of directors to develop and pay costs for a technology-based clinical care and research network; authorizing issuance of tax exempt bonds for certain purposes; authorizing, rather than requiring, replacement of such moneys by tobacco settlement proceeds; providing an effective date.

—was referred to the Committees on Education; Health Care; Government Efficiency Appropriations; and Ways and Means.

By Senator Baker—

SB 2132—A bill to be entitled An act relating to fiscally constrained counties; amending s. 212.20, F.S.; providing for a distribution of tax revenue to fiscally constrained counties; creating s. 218.67, F.S.; providing eligibility criteria to qualify as a fiscally constrained county; providing for the distribution of additional funds to certain fiscally constrained counties; providing a methodology for calculating the distribution of funds to eligible counties; providing for a phase-out period; providing for the use of funds; amending s. 985.2155, F.S.; revising the definition of the term "fiscally constrained county"; amending s. 288.1169, F.S.; correcting a cross reference; providing an effective date.

—was referred to the Committees on Community Affairs; Government Efficiency Appropriations; and Ways and Means.

By Senator Wise—

SB 2134—A bill to be entitled An act relating to school bus safety; creating the Diana Kautz Student Safety Sponsors Act; creating s. 1006.273, F.S.; providing for district school boards to adopt policies for private sponsorship of described seat belt assemblies on school buses; providing for a sponsorship fee; providing for use of moneys collected; providing for signage on the exterior of the school bus acknowledging sponsorship; providing for design, placement, and size of the signage by rule of the State Board of Education; limiting liability of sponsors; amending s. 1006.25, F.S.; requiring sponsor signs to be covered when school buses are transporting passengers who are not school students; revising requirement that students use crash protection system on school bus; amending s. 1006.261, F.S.; requiring sponsor signs to be covered when school buses are used for nonschool purposes; providing an effective date.

—was referred to the Committees on Transportation; Education; and Education Appropriations.

By Senator Baker—

SB 2136—A bill to be entitled An act relating to the administration of medication; amending s. 393.506, F.S.; authorizing certain staff members to administer prescription medications under the supervision of a registered nurse to persons with developmental disabilities at a comprehensive transitional education program; providing an effective date.

—was referred to the Committees on Health Care; and Children and Families.

By Senator Baker—

SB 2138—A bill to be entitled An act relating to career education; creating s. 1003.416, F.S.; providing for the Department of Education to review the Sunshine State Standards for high school; providing purposes; requiring the Commissioner of Education to make recommendations to the State Board of Education; providing for rulemaking; providing duties of the department relating to teacher preparation for the purpose of ensuring instructional relevance; requiring the department to identify career academies and other models for delivering high school instruction; amending ss. 1006.02 and 1006.025, F.S.; requiring each public school's guidance report to document that students have used certain career planning tools; requiring the department to conduct and complete an articulation audit for postsecondary vocational education by a specified deadline; providing requirements for the audit; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; and Education Appropriations.

By Senator Argenziano—

SB 2140—A bill to be entitled An act relating to home health services; amending s. 400.4785, F.S.; providing requirements for training staff of organizations that provide companion or homemaker services; amending s. 400.509, F.S.; exempting organizations that provide certain personal care services from licensure; requiring organizations that provide personal care services to register with the Agency for Health Care Administration and to maintain liability insurance coverage; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Health and Human Services Appropriations.

By Senator Argenziano—

SB 2142—A bill to be entitled An act relating to public records exemptions; amending s. 257.43, F.S.; providing an exemption from public records requirements for the identity of donors to the citizen support organization created to provide assistance, funding, and promotional

support for the library, archives, and records management programs of the Division of Library and Information Services of the Department of State who desire to remain anonymous; providing for review and repeal; amending s. 265.703, F.S.; providing an exemption from public records requirements for the identity of donors to the citizen support organization created to provide assistance, funding, and promotional support for the cultural and arts programs of the Division of Cultural Affairs of the Department of State who desire to remain anonymous; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Community Affairs; Banking and Insurance; and Rules and Calendar.

Senate Bills 2144-2146—Previously referenced.

By Senator Argenziano—

SB 2148—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; revising provisions for the conduct of bingo sessions and games; revising definitions; defining "bingo session," "calendar week," "day," and "member"; restricting assistance in the conduct of bingo to members; revising provisions for prizes and jackpots; providing for an additional jackpot per session; providing for valuation of noncash prizes; prohibiting free games; providing an exception; limiting bingo sessions; revising provisions for assistance in the conduct of bingo; revising rules for the conduct of bingo games; providing for accommodations for persons with physical disabilities; preempting regulation of bingo to the state; prohibiting certain persons from conducting or assisting in the conduct of bingo; prohibiting certain persons from being a bingo lessor or employee of such lessor; prohibiting a bingo organization from allowing use of its identity for the purpose of conducting bingo; prohibiting certain persons from participating in certain bingo games; providing restriction on sale of bingo cards; providing penalties; amending s. 849.161, F.S.; providing that specified gambling regulations do not apply to specified bingo facilities; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and General Government Appropriations.

By Senator Baker—

SB 2150—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; providing that a charter school may be formed by reconstituting an existing charter school; specifying purposes; authorizing the Florida Charter School Accountability Authority (FCSAA) to be a sponsor; providing for the sponsor's policies to apply to the charter school by mutual agreement; amending provisions relating to the deadline for the school board's vote on approving an applicant for a charter; providing for the appeal of an FCSAA decision; revising application deadlines and procedures; providing limitations on matters subject to the ruling of an administrative law judge; stipulating the permissible initial term of a charter; requiring that a charter renewal be granted to a charter school that meets specified conditions; revising the list of causes for nonrenewal or termination of a charter; increasing the number of charters that an organization may hold statewide; requiring district school boards to make timely and efficient payment and reimbursement to charter schools; tightening deadlines and increasing administrative penalties for the failure to make such reimbursements; exempting charter school facilities from certain fees; revising the list of services that a sponsor must provide; requiring the Department of Education to conduct a study of the administrative fee withheld by the sponsors and to submit a report to specified officials; requiring the department to provide to the public information on a charter format and a charter renewal format, as well as an application format, to be used by sponsors as guidelines; creating the Florida Charter School Accountability Authority; providing for its funding, administration, mission, and duties; creating the Board of Trustees of the Florida Charter School Accountability Authority; providing for membership, qualifications, and meetings of the board and for regional offices to assist the board; providing for the FCSAA to accept funding from various sources; delaying FCSAA activation until funding reaches a specified level; authorizing the FCSAA to retain an administrative fee; amending s. 1012.74, F.S.; granting instructional and administrative personnel in charter schools the option of obtaining educator professional liability coverage at cost; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Education Appropriations.

By Senator Argenziano—

SB 2152—A bill to be entitled An act relating to Department of State; creating s. 257.015, F.S.; providing definitions; amending s. 257.02, F.S.; increasing membership on the State Library Council; revising criteria for membership; revising provisions with respect to the selection process for members; providing for officers of the council; amending s. 257.031, F.S.; deleting references to the State Library Council and provisions for officers of the council; providing additional responsibilities of the State Librarian; amending s. 257.12, F.S.; designating the Division of Library and Information Services as the state library administrative agency; amending s. 257.192, F.S.; conforming terminology; creating s. 257.43, F.S.; providing for the establishment of a citizen support organization to provide assistance, funding, and promotional support for the library, archives, and records management programs of the Division of Library and Information Services; providing for use of administrative services and property; requiring an annual audit; amending s. 265.284, F.S.; designating the Division of Cultural Affairs as the state arts administrative agency; deleting obsolete provisions; amending s. 265.2865, F.S.; deleting obsolete provisions; amending s. 265.606, F.S.; requiring local sponsoring organizations to submit an annual postaudit to the division under certain circumstances; amending s. 265.701, F.S.; providing contract requirements to ensure continued use as a cultural facility for a specified period following a grant award; providing for repayment of grant funds to the department under specified circumstances; amending s. 265.702, F.S.; providing contract requirements to ensure continued use as a regional cultural facility for a specified period following a grant award; providing for repayment of grant funds to the department under specified circumstances; creating s. 265.703, F.S.; providing for the establishment of a citizen support organization to provide assistance, funding, and promotional support for the cultural and arts programs of the Division of Cultural Affairs; providing for use of administrative services and property; requiring an annual audit; amending s. 267.031, F.S.; authorizing the Division of Historical Resources to establish an endowment under the Florida Historical Resources Act; removing a requirement for the establishment of historic preservation regional offices in specific locations; requiring the establishment of at least three historic preservation regional offices; creating citizen advisory boards for regional offices in lieu of citizen support organizations; providing purpose and for appointment of members of the advisory boards; amending s. 267.0612, F.S.; revising provisions with respect to service as a member of the Florida Historical Commission; amending s. 267.0617, F.S.; providing for appointment of a grant-review-panel chair under the Historic Preservation Grant Program; amending s. 267.0619, F.S.; providing for appointment of a grant-review-panel chair under the Historical Museum Grants program; amending s. 267.0731, F.S.; revising provisions with respect to nominations under the Great Floridians Program; amending s. 267.13, F.S.; providing for the adoption of rules by the Division of Historical Resources to implement provisions governing prohibited practices and penalties therefor; repealing s. 267.16(3), F.S., which imposes a duty on the Division of Historical Resources with respect to Florida Folklife Programs; amending s. 267.173, F.S.; conforming a reference; amending s. 267.174, F.S.; revising dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, completion of the initial draft of the master plan, and submission of the completed master plan; repealing s. 15.0913, F.S., which requires the Department of State to file all Uniform Commercial Code documents within a specified time after receipt of such documents by the Bureau of Uniform Commercial Code of the Division of Corporations; repealing s. 265.51, F.S., relating to the authority of the Department of State to make agreements to indemnify specified items against loss or damage; repealing s. 265.52, F.S., relating to items eligible for indemnity agreements of the Department of State; repealing s. 265.53, F.S., relating to application for indemnity agreement by a nonprofit agency, institution, or government in the state attempting to obtain indemnification for eligible items it proposes to borrow from a person, organization, institution, or government not in the state; repealing s. 265.54, F.S., relating to review by the Department of State of applications for indemnity agreements

and limits of indemnity; repealing s. 265.55, F.S., relating to the processing by the Division of Risk Management of the Department of Financial Services of claims for losses covered by an indemnity agreement; repealing s. 265.56, F.S., relating to an annual report to the Legislature by the Department of State with respect to current and pending claims under indemnity agreements and the value of contracts entered into by the department which are outstanding at the close of the fiscal year; providing severability; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Community Affairs; Banking and Insurance; and Transportation and Economic Development Appropriations.

By Senator Campbell—

SB 2154—A bill to be entitled An act relating to adoption; amending s. 63.022, F.S.; providing legislative intent; amending s. 63.032, F.S.; redefining terms and defining the term "primarily lives and works in Florida"; amending s. 63.039, F.S.; requiring an adoption entity to diligently search for a person whose consent is required for the adoption; amending s. 63.0423, F.S.; providing that a judgement of adoption is voidable under certain circumstances if a court finds that a person whose consent is required gave false information; amending s. 63.052, F.S.; providing that a court in this state retains jurisdiction until the adoption is finalized in this state or in another state; amending s. 63.053, F.S.; providing that if an unmarried biological father fails to take the actions that are available to him to establish a relationship with his child, his parental interest may be lost entirely; amending s. 63.054, F.S.; providing that if a putative father fails to report a change of address to the Florida Putative Father Registry, the failure is not a valid defense based upon lack of notice and the adoption entity or adoption petitioner is not obligated to search further for the registrant; providing that if a father who is required to consent to an adoption does not know the county in which the birth mother resides, gave birth, or intends to give birth, he may initiate an action in any county in the state; amending s. 63.062, F.S.; specifying who is required to consent to an adoption; providing that an adoption agency may file a notice of an intended adoption plan at any time before the birth of the child or before placing the child in the adoptive home; requiring an adoption entity to make a good faith effort to locate the putative father; providing when an adoption entity has no further obligation to search for the putative father; providing for the proper venue to file a petition to terminate parental rights; amending s. 63.064, F.S.; providing that a court may waive consent for an adoption if the person from whom consent is required has been judicially declared incompetent and for whom restoration is improbable within a reasonable period of time, taking into consideration the best interests of the child; amending s. 63.082, F.S.; providing that consent for a minor parent who is 14 years of age or younger may be witnessed by a stepparent or designated guardian; limiting revocation of a consent to adopt to 3 days if the child is older than 6 months of age; authorizing a court to transfer a child to the prospective adoptive parents under certain circumstances; requiring the adoption entity to file a petition for adoption or termination of parental rights after the transfer of the child; providing procedures to follow if a person whose consent is required withdraws consent; amending s. 63.085, F.S.; clarifying the time to revoke consent; amending s. 63.087, F.S.; providing procedures to terminate parental rights pending an adoption; providing jurisdiction of the court; providing the proper venue in which to file a petition to terminate parental rights; requiring a person to answer the petition and to appear at the hearing for termination of parental rights; amending s. 63.088, F.S.; requiring the court to conduct an inquiry concerning the father of the child who is to be adopted; amending s. 63.089, F.S.; providing grounds to terminate parental rights; providing that a court may terminate the parental rights of a person who has been judicially declared incompetent and is not likely to fulfill his or her parental responsibilities; amending s. 63.092, F.S.; providing that if an adoption entity fails to file the report of its intended placement within the specified time period the failure does not constitute grounds to deny the petition for termination of parental rights or adoption under certain circumstances; identifying additional individuals who may perform a home study; providing an exception if the person to be adopted is an adult; amending s. 63.097, F.S.; providing for fees to be paid to an adoption entity; amending s. 63.102, F.S.; providing procedures for the filing of a petition for adoption; providing the proper venue where the petition may be filed; providing for an approval of fees; amending s. 63.112, F.S.; requiring that a certified copy of a judgement terminating parental rights be filed at the same time the petition is filed; amending s. 63.122, F.S.; providing that certain information may be removed from the petition; amending s. 63.125, F.S.; providing certain licensed professionals may conduct the final home investigation; amending s. 63.132, F.S.; requiring the adoptive parent and the adoption entity to file an affidavit itemizing all expenses and receipts; detailing the expenses and receipts that must be in the affidavit; providing an exception; amending s. 63.135, F.S.; requiring the adoption entity or petitioner to file an affidavit under the Uniform Child Custody Jurisdictional and Enforcement Act; amending s. 63.142, F.S.; requiring that if an adoption petition is dismissed, further proceedings, if any, regarding the minor be brought in a separate custody action under ch. 61, F.S., a dependency action under ch. 39, F.S., or a paternity action under ch. 742, F.S.; amending s. 63.152, F.S.; requiring the clerk of court to transmit a certified statement of the adoption to the state where the child was born; amending s. 63.162, F.S.; clarifying that the court index of adoption files is not a public record and not open to public inspection; authorizing the birth parent to release his or her name under certain circumstances; authorizes a court to permit certain entities to contact a birth parent to advise him or her of the adoptee's request to open the file or the adoption registry, and provide the opportunity to waive confidentiality and consent to the opening of records; amending s. 63.192, F.S.; requiring the courts of this state to recognize decrees of termination of parental rights and adoptions from other states; amending s. 63.207, F.S.; requiring that the interstate compact on adoption be used for out-of-state placements for adoption unless excused by a court for good cause; amending s. 63.212, F.S.; prohibiting certain acts; amending s. 63.213, F.S.; prohibiting an attorney from representing the volunteer mother and the intended mother in a preplanned adoption arrangement; creating s. 63.236, F.S.; providing that any petition for termination of parental rights filed before the effective date of the act is governed by the law in effect at the time the petition was filed; amending s. 409.166, F.S.; redefining the term "special needs child" to remove children of racially mixed parentage; amending s. 409.176, F.S.; providing that licensing provisions do not apply to certain licensed child-placing agencies; amending s. 742.14, F.S.; providing that the donor of an embryo relinquishes all parental rights and obligations to the embryo or the resulting children at the time of the donation; amending s. 742.15, F.S.; authorizing a physician in a state outside this state to advise a commissioning couple concerning a gestational surrogate; creating s. 742.18, F.S; prohibiting a person or entity, except a licensed physician, fertility clinic, or attorney from doing certain specified acts; prohibiting a person other than a licensed physician, fertility clinic, or attorney from accepting a fee for finding, screening, matching, or facilitating a donor or gestational carrier arrangement; providing that if a person willfully violates the act he or she commits a misdemeanor of the second degree; providing criminal penalties; providing that if a person violates the act he or she is liable for damages caused by his or her acts or omissions and for reasonable attorney's fees and costs; reenacting ss. 39.01(49), 984.03(39), and 985.03(40), F.S., relating to the definition of a parent, to incorporate the amendment made to s. 63.062, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

By Senator Baker—

SB 2156—A bill to be entitled An act relating to vessels; amending s. 327.59, F.S.; holding vessel owners liable for certain damages to marina property; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; amending s. 328.17, F.S.; providing for possessory liens for marinas on certain abandoned vessels; providing for attachment of the lien and recovery of certain costs under certain circumstances; amending s. 376.11, F.S.; revising provisions relating to the Florida Coastal Protection Trust Fund to conform to changes made by the act; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs shall be recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of derelict vessels; amending s. 705.101, F.S.; defining certain vessels as abandoned property; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; specifying officers authorized to remove such vessels; providing that

vessel removal may be funded by certain grants; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; providing an effective date.

—was referred to the Committees on Transportation; Environmental Preservation; Judiciary; and General Government Appropriations.

By Senator Wilson—

SB 2158—A bill to be entitled An act relating to construction costs for school facilities; amending s. 1013.64, F.S.; revising provisions relating to annual adjustments in the maximum allowable construction cost per student station; specifying that certain costs are not included in the cost per student station; authorizing the Commissioner of Education to adopt rules relating to waivers from certain requirements pertaining to cost ceilings for specialized education centers and rules allowing specified costs to be deducted from the cost per student station; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

SR 2160—Not referenced.

By Senator Posey—

SB 2162—A bill to be entitled An act relating to Internet computer fraud; providing legislative intent; defining terms; prohibiting a person or a business entity from using the Internet to solicit, request, or take any action to induce a computer user to provide personal identification information by fraudulently representing that the person or business is an on-line business; providing an exception; prohibiting a business entity or person who is not the authorized user of a computer from committing certain specified deceptive acts or practices that involve the computer; prohibiting a person or business entity from collecting certain information without notice to and the consent of the authorized user of the computer; providing that a violation is a deceptive and unfair trade practice under part II of ch. 501, F.S.; authorizing a computer user to file a civil action for violations of the act; providing that a civil action may be filed regardless of whether there is any criminal prosecution; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Commerce and Consumer Services; and Judiciary.

SR 2164—Not referenced.

By Senator Rich—

SB 2166—A bill to be entitled An act relating to modification or termination of a residential rental agreement by a victim of domestic violence; creating s. 83.683, F.S.; providing definitions; providing for an early termination of a lease if a victim of domestic violence elects to leave a residential rental property under certain circumstances; providing that a residential lease agreement may not waive or modify the rights of a victim; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Posey—

SB 2168—A bill to be entitled An act relating to the local government infrastructure surtax; amending s. 212.055, F.S.; limiting use of surtax revenues for infrastructure purposes; authorizing a portion of surtax revenues to be used for property tax reduction under certain circumstances; authorizing use of a portion of surtax revenues for operating expenses under certain circumstances; providing limitations; deleting a limitation on issuing bonds; providing an effective date.

—was referred to the Committees on Community Affairs; Education; Government Efficiency Appropriations; Education Appropriations; and Rules and Calendar.

By Senator Miller—

SB 2170—A bill to be entitled An act relating to health insurance; requiring health benefit plans, as defined, to offer coverage for prostate cancer early detection screening for certain men; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and Ways and Means.

By Senator Atwater—

SB 2172—A bill to be entitled An act relating to robbery on religious real property; creating s. 812.134, F.S.; defining the terms "robbery while on religious property" and "religious real property"; providing that a person who attempts to commit robbery or who commits robbery while on religious real property commits a felony of the first degree; providing criminal penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Wilson—

SB 2174—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; requiring seaport security plans to establish restricted access areas within the seaport; deleting a provision that subjects all prospective employees to a fingerprint-based criminal history check if the seaport security plan does not designate one or more restricted access areas; providing that only restricted access areas require regulations concerning prospective or current employees having criminal convictions or history; providing an effective date.

—was referred to the Committees on Domestic Security; Transportation; and Criminal Justice.

By Senator Posey—

SB 2176—A bill to be entitled An act relating to electors and elections; amending s. 97.012, F.S.; authorizing the Secretary of State to issue binding directives to the supervisors of elections or the county canvassing boards; providing penalties for failure to follow such a directive; authorizing the Secretary of State to delegate certain duties to voter registration officials; amending s. 97.021, F.S.; redefining the term "lists of registered electors" to include the information maintained by the Department of State in the statewide voter registration system; defining the term "voter registration official"; amending s. 97.051, F.S.; revising the oath required upon registering to vote; amending s. 97.052, F.S.; revising the contents of the uniform statewide voter registration application; amending s. 97.053, F.S.; revising provisions governing the acceptance of voter registration applications by the supervisor of elections; requiring that an applicant complete a registration application before the date of book closing in order to be eligible to vote in that election; revising the information required on the registration application; requiring the Department of State to verify the authenticity or nonexistence of a registrant's driver's license, identification card, or social security number; providing for a provisional ballot to be issued if such information cannot be verified by the book closing date; amending s. 97.0535, F.S.; revising requirements for voters who register by mail and who have not previously voted in the state; amending s. 97.055, F.S.; limiting the updates that may be made to registration information following book closing; amending s. 97.057, F.S.; revising the requirements for voter registration conducted by the Department of Highway Safety and Motor Vehicles; requiring that the department electronically transmit information to the statewide voter registration system; providing additional

duties to the Department of State and the Department of Highway Safety and Motor Vehicles with respect to retaining records, comparing address information, and verifying the accuracy of driver's license information; amending s. 97.058, F.S.; clarifying the duties of voter registration agencies; amending s. 97.061, F.S.; revising certain requirements for registering electors who require assistance; conforming provisions to changes made by the act; amending s. 97.071, F.S.; specifying the information to be included on the voter information card; amending s. 97.073, F.S., relating to the disposition of voter registration applications; conforming provisions; amending s. 97.1031, F.S.; revising requirements for a voter who changes his or her residence, name, or party affiliation; amending s. 97.105, F.S.; providing for the registration of electors by voter registration officials; amending s. 98.015, F.S.; revising the duties of the supervisor of elections with respect to the statewide voter registration system; requiring that each supervisor maintain lists of valid residential street addresses; creating s. 98.035, F.S.; requiring that the Secretary of State implement, operate, and maintain the statewide voter registration system; prohibiting the Department of State from contracting with a private entity for operation of the system; authorizing the department to adopt rules; amending s. 98.045, F.S.; requiring that the department determine the eligibility of voter applicants; providing for the removal of registered voters; requiring that records be maintained for a specified period; requiring that the department maintain a statewide electronic database of valid street addresses and make such database available to the Department of Highway Safety and Motor Vehicles; authorizing the department to adopt rules; amending s. 98.065, F.S.; providing requirements for the Department of State and the Supervisors of Elections in maintaining voter registration records; providing requirements for address-confirmation notices; prohibiting the removal of a voter's name from the statewide voter registration system later than a specified period before a federal election under certain circumstances; amending s. 98.075, F.S.; requiring that the department identify duplicate registrations and registrations of deceased persons, persons adjudicated mentally incapacitated, and felons; providing procedures for removal of such persons from the statewide voter registration system; creating s. 98.0755, F.S.; providing a procedure for appealing a determination of ineligibility in circuit court; amending s. 98.077, F.S.; revising the procedures for updating a voter signature to conform to changes made by the act; amending s. 98.081, F.S.; providing requirements for the removal of names from the statewide voter registration system; conforming terminology; amending s. 98.093, F.S.; revising requirements by which specified officials are required to furnish information to the Department of State; requiring the Department of Law Enforcement to furnish lists of felons; requiring the Board of Executive Clemency to furnish lists of individuals who have been granted clemency; requiring the Department of Corrections to furnish lists of inmates; requiring the Department of Highway Safety and Motor Vehicles to furnish lists of individuals whose names have been removed from the driver's license database; amending s. 98.212, F.S.; requiring that the Department of State furnish certain statistical and other information to universities and colleges, governmental agencies, and political committees; amending s. 98.461, F.S., relating to voter registration information; conforming provisions to changes made by the act; amending s. 100.371, F.S.; revising the date for filing initiative petitions with the Secretary of State; revising procedures for validating signatures; authorizing the department to adopt rules; amending s. 101.043, F.S.; specifying the types of identification that constitute valid picture identification for purposes of voter identification; providing for electronically recording signatures; amending s. 101.045, F.S., relating to voting following a change in residence or name; conforming provisions to changes made by the act; amending s. 101.048, F.S., relating to provisional ballots; conforming provisions; amending s. 101.5608, F.S.; providing for alternative methods of recording a signature for purposes of voting; amending s. 101.663, F.S.; deleting provisions governing a change of residence to another county in the state; amending ss. 101.6921 and 101.6923, F.S., relating to absentee ballots; conforming cross-references and other provisions; amending s. 102.012, F.S.; requiring the supervisor to provide lists of registered electors to the inspectors of election; amending s. 104.051, F.S.; providing for a civil penalty to be assessed against a supervisor or member of a county canvassing board for willful failure to following a binding directive of the Secretary of State; amending s. 120.52, F.S.; redefining the term "rule" for purposes of ch. 120, F.S., to exclude advisory opinions issued by the Department of State and directives issued by the Secretary of State; repealing ss. 98.055, 98.075, 98.095, 98.0977, 98.0979, 98.101, 98.181, 98.231, 98.451, and 98.481, F.S., relating to the maintenance of registration lists, county registers, the voter registration database, specifications for registration files and forms, the supervisor's indexes and records, duties of the supervisor, and challenges to electors; providing effective dates.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

By Senator Posey—

SB 2178—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; deleting an exemption from disclosure provided for the voter's telephone number; exempting from public disclosure information relating to absentee ballot requests; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Fasano—

SB 2180—A bill to be entitled An act relating to public K-12 educational instruction; amending s. 1003.42, F.S.; revising provisions relating to required instruction and courses of study in the public schools; including study of the history of the United States and free enterprise; requiring standards and assessments adopted by the State Board of Education to conform; providing requirements for the teaching and assessment of the history of the United States; amending s. 1003.43, F.S., relating to general requirements for high school graduation; including study of the Declaration of Independence; amending s. 1002.20, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Education; Judiciary; and Education Appropriations.

By Senator Margolis—

SB 2182—A bill to be entitled An act relating to clinical laboratories; amending s. 483.041, F.S.; redefining the term "licensed practitioner" to authorize a psychologist, licensed under ch. 490, F.S., to request the services of a clinical laboratory licensed under part I of ch. 483, F.S.; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Baker—

SB 2184—A bill to be entitled An act relating to local government revenue bonds for hurricane recovery; amending s. 631.54, F.S.; revising a definition; amending s. 631.57, F.S.; providing requirements and limitations for the Florida Insurance Guaranty Association, Inc., relating to emergency assessments for covered claims payable from revenue bonds issued by counties or municipalities; authorizing the association to contract with counties and municipalities to issue revenue bonds for certain purposes; requiring the Department of Financial Services to levy emergency assessments on certain insurers for bond repayment purposes; providing requirements for the department in levying and administering such assessments; providing requirements for use of bond proceeds; requiring the association to issue an annual report relating to use of bond proceeds and payment of claims; providing insurer rate filing requirements relating to emergency assessments; providing requirements for terms and liability of assessments; specifying assessments as not premium and not subject to tax, fees, or commissions; providing for insurer liability for emergency assessments; creating s. 631.695, F.S.; providing legislative findings and purposes; providing for issuance of

revenue bonds through counties and municipalities to fund assistance programs for paying covered claims for hurricane damage; providing procedures, requirements, and limitations for counties, municipalities, and the Florida Insurance Guaranty Association, Inc., relating to issuance and validation of such bonds; providing for payments on and retirement of such bonds from certain emergency assessments; prohibiting pledging the funds, credit, property, and taxing power of the state, counties, and municipalities for payment of bonds; specifying authorized uses of bond proceeds; limiting the term of bonds; specifying a state covenant to protect bondholders from adverse actions relating to such bonds; specifying exemptions for bonds, notes, and other obligations of counties and municipalities from certain taxes or assessments on property and revenues; authorizing counties and municipalities to create a legal entity to exercise certain powers; prohibiting repeal of certain provisions relating to certain bonds under certain circumstances; providing severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Community Affairs; Government Efficiency Appropriations; and General Government Appropriations.

By Senator Fasano—

SB 2186—A bill to be entitled An act relating to the Florida Clean Energy Technology Center for Excellence; requiring the Florida Energy Office in the Department of Environmental Protection to contract with the Florida Technological Research and Development Authority to operate the Florida Clean Energy Technology Center of Excellence; providing for administration by the center of a grant program to support businesses developing a product or service related to energy; providing for responsibilities of the center relating to a Florida Hydrogen Capabilities Catalog, an annual venture forum, and the promotion of alternative energy technologies; requiring conformance with the powers granted to the authority; providing an appropriation; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Environmental Preservation; Commerce and Consumer Services; General Government Appropriations; and Ways and Means.

By Senator Posey—

SB 2188—A bill to be entitled An act relating to daylight saving time; exempting the State of Florida and its political subdivisions from federal law which establishes a uniform time for an advance to daylight saving time; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Governmental Oversight and Productivity.

By Senator Wise—

SB 2190—A bill to be entitled An act relating to the Florida Virtual School; amending ss. 11.45, 1000.04, 1001.42, 1002.20, 1002.23, 1002.37, 1003.02, 1003.03, 1003.52, 1007.27, and 1011.61, F.S.; providing for application of provisions relating to the Florida Virtual School to approved school district franchises of the school; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Crist—

SB 2192—A bill to be entitled An act relating to enterprise zones; amending s. 290.00699, F.S.; authorizing Hillsborough County to apply to the Office of Tourism, Trade, and Economic Development to amend the boundary of its enterprise zone; authorizing the office to approve the amendment to the boundary lines of the enterprise zone under certain conditions; authorizing the City of Tampa to apply to the Office of Tourism, Trade, and Economic Development to amend the boundary of its enterprise zone; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Crist—

SB 2194—A bill to be entitled An act relating to trust funds; creating s. 947.045, F.S.; creating the Federal Grants Trust Fund within the Parole Commission; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Justice Appropriations.

By Senator Crist—

SB 2196—A bill to be entitled An act relating to trust funds; expressing the legislative intent to establish a trust fund within the Department of Juvenile Justice; providing an effective date.

—was referred to the Committees on Justice Appropriations; and Ways and Means.

By Senator Atwater—

SB 2198—A bill to be entitled An act relating to constitutional amendments; expressing the legislative intent to propose amendments to the State Constitution; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

SB 2200—Previously referenced.

By Senator Atwater—

SB 2202—A bill to be entitled An act relating to constitutional amendments; expressing the legislative intent to propose amendments to the State Constitution; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Atwater—

SB 2204—A bill to be entitled An act relating to constitutional amendments; expressing the legislative intent to propose amendments to the State Constitution; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Saunders—

SB 2206—A bill to be entitled An act relating to trust funds; creating the Florida Aerospace Infrastructure Investment Trust Fund; providing for uses and sources of funds; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Saunders—

SB 2208—A bill to be entitled An act relating to aerospace; creating s. 196.1999, F.S.; providing an exemption from ad valorem taxes for certain space laboratories; repealing s. 196.1994, F.S., which expired effective July 1, 2004, and which provided an exemption from ad valorem taxes for certain space laboratories; providing for retroactivity; creating s. 331.501, F.S.; creating the Florida Aerospace Infrastructure Act; providing a short title; creating s. 331.502, F.S.; providing legislative findings and intent; creating s. 331.503, F.S.; providing definitions; creating s. 331.504, F.S.; providing administration for the Florida Aerospace Infrastructure Investment Trust Fund; creating s. 331.505, F.S.; creating an Independent Investment Committee, providing purpose, powers, limitations, and membership; establishing investment criteria for the fund; creating s. 331.506, F.S.; providing tax-exempt status; creating s. 331.507, F.S.; requiring reports and audits; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Saunders—

SB 2210—A bill to be entitled An act relating to the Nurse Licensure Compact; creating ss. 464.100, 464.102, 464.103, 464.104, 464.107, 464.108, 464.109, 464.110, 464.112, 464.113, 464.114, 464.115, and 464.116, F.S.; incorporating the Nurse Licensure Compact into the Nurse Practice Act; providing for implementation of the Nurse Licensure Compact; requiring the Board of Nursing to adopt rules to conform with the compact; providing legislative intent, findings, and purpose; providing definitions; providing jurisdiction; providing for applications for licensure; providing for adverse actions by the licensing board; providing for additional authority given to licensing boards; providing for a coordinated licensure information system; providing for compact administration and interchange of information; providing for the state's ability to withdraw and amend the compact; providing for statutory construction and severability; providing for an implementation date to be set; amending s. 464.003, F.S.; revising definitions to include the Nurse Licensure Compact; amending s. 464.012, F.S.; providing for a professional nurse with a multistate licensure privilege from a compact state to be certified as an advanced registered nurse practitioner; amending s. 464.0195, F.S.; creating requirements for submission of employment data, education, and other workforce information to the Board of Nursing; amending s. 464.014, F.S.; creating provisions for retired nurse status; amending s. 464.015, F.S.; revising restrictions on use of professional titles; amending s. 464.022, F.S.; providing an exception to practice nursing for licensees from a compact state and providing for a temporary license for successful examination candidates without a social security number; amending s. 464.201, F.S.; providing a definition of the practice of certified nursing assistant; amending s. 464.202, F.S.; revising the powers and duties of the board; amending s. 464.204, F.S.; revising grounds for disciplinary actions against certified nursing assistants; providing an effective date.

—was referred to the Committees on Health Care; Governmental Oversight and Productivity; and Health and Human Services Appropriations.

By Senator Saunders—

SB 2212—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; revising sales price criteria for characterizing business property; conforming provisions to the designated urban job tax credit area revision; amending s. 212.097, F.S.; revising provisions providing for an urban job tax credit program to apply to designated urban job tax credit areas rather than high-crime areas; revising and providing definitions, eligibility criteria, application procedures and requirements, and area characteristics and criteria; authorizing transfer of unused credits under the Designated Urban Job Tax Credit Area Program; specifying use of transferred credits; prohibiting transfer of transferred credits; amending s. 212.098, F.S.; authorizing transfer of unused credits under the Rural Job Tax Credit Program; specifying use of transferred credits; prohibiting transfer of transferred credits; amending s. 220.1895, F.S., to conform; amending s. 288.99, F.S.; conforming provisions to the designated urban job tax credit area revision; amending s. 290.007, F.S.; authorizing eligible businesses to transfer unused credits; providing requirements and limitations; authorizing the Office of Tourism, Trade, and Economic Development to approve requests to amend enterprise zone boundaries; providing amendment requirements; authorizing existing enterprise zones to request recertification; providing request requirements; amending s. 290.016, F.S.; extending the expiration date of the Florida Enterprise Zone Act of 1994; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; General Government Appropriations; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Saunders—

SB 2214—A bill to be entitled An act relating to discount medical plan organizations; amending s. 636.202, F.S.; revising a definition; amending s. 636.204, F.S.; revising provisions relating to licensure requirements to do business as a discount medical plan organization; amending s. 636.206, F.S.; providing that discount medical plan organizations are not subject to the Florida Insurance Code for purposes of examination and investigation; creating s. 636.207, F.S.; providing for applicability of pt. II of ch. 636, F.S.; amending s. 636.208, F.S.; revising provisions relating to reimbursement of certain charges and fees upon cancellation of membership in the plan; amending s. 636.210, F.S.; revising prohibitions relating to advertising; amending s. 636.212, F.S.; revising provisions relating to disclosures to prospective members; amending s. 636.214, F.S.; revising provisions relating to provider agreements; amending s. 636.216, F.S.; providing conditions for approval of charges and forms; deleting a provision relating to request for a hearing; amending s. 636.218, F.S.; revising requirements for information to be included in annual reports; creating s. 636.223, F.S.; providing for administrative penalties; amending s. 636.228, F.S.; specifying marketing requirements of discount medical plans; providing limitations; amending s. 636.230, F.S.; specifying fee disclosure requirements for bundling discount medical plans with other products; amending s. 636.236, F.S.; requiring discount medical plan organizations to maintain surety bonds; providing conditions for substituting deposited securities for surety bonds; amending s. 636.238, F.S.; revising penalties; repealing s. 636.242, F.S., relating to civil remedies; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By Senator Saunders—

SB 2216—A bill to be entitled An act relating to tax refund programs for qualified target industry businesses and qualified defense contractors; amending s. 288.095, F.S., relating to payment of claims for certain tax refunds; revising a reporting requirement; amending s. 288.1045, F.S.; redefining the term "jobs"; clarifying that state communications services taxes may be refunded; revising requirements for an application for certification; permitting a qualified applicant to seek an economic-stimulus exemption due to the effects of a named hurricane or tropical storm; extending the period of the exemption; revising the exemption application deadline; providing for retroactivity; clarifying the cap on tax refunds; providing for a waiver of the requirement for local financial support, in certain circumstances and for a limited time; revising the expiration date; amending s. 288.106, F.S.; clarifying that state communications services taxes may be refunded; revising an application requirement; permitting a business to seek an economic-stimulus exemption due to the effects of a named hurricane or tropical storm; extending the period of the exemption; revising the exemption application deadline; providing for retroactivity; providing for a waiver of the requirement for local financial support, in certain circumstances and for a limited time; revising the expiration date; requiring the Office of Tourism, Trade, and Economic Development to attempt to amend existing tax refund agreements; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Saunders—

SB 2218—A bill to be entitled An act relating to patients' right to know about adverse medical incidents; creating s. 381.028, F.S.; providing a short title; providing a purpose; providing definitions; requiring health care facilities and health care providers to observe certain delineated rights of patients; providing that certain records obtained through the act may not be subject to discovery or introduced into evidence in any civil or administrative proceeding; providing that the person responsible for providing or preparing such records cannot be compelled to testify about the information in the records in any civil or administrative proceeding; providing that the limited use of records obtained through this act does not alter or repeal other statutory restrictions regarding discoverability or admissibility; providing that the limited use of records in this act does not require disclosure of documents regarding attorney-client communications or attorney work product; authorizing a patient to waive his or her right to request records under certain conditions; providing for applicability of the act to certain records; amending s. 381.0271, F.S.; authorizing the Florida Patient Safety Corporation to use hypothetical cases to evaluate quality assurance and safety programs; prohibiting the investigations, proceedings, and records of the corporation from being discovered or introduced into evidence in any civil or administrative proceeding under certain circumstances; providing that the person in attendance at a meeting of the corporation cannot be compelled to testify about the information, findings, opinions, or recommendations of the corporation in any civil or administrative proceeding; providing that certain information is not immune from discovery; providing for severability; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

By Senators King and Lynn—

SB 2220—A bill to be entitled An act relating to public records; creating s. 1002.72, F.S.; providing an exemption from public-records requirements for records of children in the Voluntary Prekindergarten Education Program; providing for application of the exemption; authorizing a parent, guardian, or individual acting as a parent in the absence of a parent or guardian to inspect and copy the records of his or her child; specifying agencies and organizations to which the records may be released for certain authorized purposes; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Education; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator King—

SB 2222—A bill to be entitled An act relating to economic development; amending s. 288.095, F.S.; increasing the cap on refunds from the Economic Development Trust Fund; providing for separate accounting for refunds to certain industries; amending s. 288.106, F.S.; defining the term "aerospace industry" and redefining the term "target industry business" for purposes of the tax refund program for such businesses; amending ss. 288.107, 290.00677, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Klein—

SB 2224—A bill to be entitled An act relating to genetic counselors; creating part XV of ch. 468, F.S., the "Genetic Counseling Practice Act"; providing a popular name; providing legislative purpose and intent; providing definitions; requiring licensure to practice genetic counseling; providing exemptions; creating the Board of Genetic Counselors and providing for appointment and staggering of terms of its members; requiring the board to adopt rules; providing licensure requirements; providing for biennial renewal of licensure; providing for continuing education; providing fees; prohibiting certain acts; providing penalties; providing grounds for disciplinary action; providing for denial of licensure or imposition of other disciplinary actions authorized by law; amending s. 20.43, F.S.; creating the Board of Genetic Counselors within the Division of Medical Quality Assurance in the Department of Health; amending s. 456.001, F.S.; redefining the term "health care practitioner" to include persons licensed under part XV of ch. 468, F.S.; providing an effective date.

—was referred to the Committees on Health Care; Governmental Oversight and Productivity; and Health and Human Services Appropriations.

By Senator Siplin—

SB 2226—A bill to be entitled An act relating to enterprise zones; authorizing the Office of Tourism, Trade, and Economic Development to designate enterprise zones in Orange County and Osceola County which include the boundaries of a community redevelopment zone; requiring that the application be submitted by a specified date; requiring the office to establish the initial effective date of the enterprise zone; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Webster—

SB 2228—A bill to be entitled An act relating to asbestos-related claims; providing legislative findings and intent; defining terms related to asbestos-related claims; providing that the limitations of liabilities in the act apply to a corporation that is a successor and became a successor before January 1, 1972; providing exceptions to the limitations of the act; providing that the cumulative successor asbestos-related liabilities of a corporation are limited to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation; providing an exception; providing methods by which to establish fair market value of total gross assets; providing for the fair market value of total gross assets at the time of a merger or consolidation to increase annually; providing a methodology by which the fair market value of the assets is increased; requiring that the courts liberally construe the act; providing for severability; providing for applicability; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Banking and Insurance; and Judiciary.

By Senator Atwater—

SB 2230—A bill to be entitled An act relating to dental hygienists; amending s. 466.004, F.S.; revising provisions relating to members and meetings of the Council on Dental Hygiene; providing procedures for the council and the Board of Dentistry to consider rule and policy recommendations of the council; amending s. 466.023, F.S.; expanding the scope and area of practice of dental hygienists to include practice with physicians; expanding the scope and area of practice of dental hygienists to include screening and referral of patients for comprehensive dental examinations; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Constantine—

SB 2232—A bill to be entitled An act relating to regulation of telephone rates; amending s. 364.051, F.S.; providing that evidence of natural disaster damage to the equipment and facilities of a local exchange telecommunications company constitutes a compelling showing of

changed circumstances to justify a rate increase; requiring the Public Service Commission to verify the costs and expenses for repairing, restoring, or replacing damaged lines, plants, or facilities; requiring the commission to determine whether the costs and expenses are reasonable; providing that the commission may authorize increased rates or add a separate line-item charge for certain customers; providing for a rate increase and providing the maximum number of months the increased rate may be imposed; requiring the company to file a tariff; providing for an effective date.

—was referred to the Committees on Communications and Public Utilities; and Commerce and Consumer Services.

By Senator Fasano—

SB 2234—A bill to be entitled An act relating to the sale of mobile home parks; amending s. 723.071, F.S.; requiring a mobile home park owner to notify the officers of the homeowners' association upon receipt of a bona fide offer for purchase of the mobile home park; providing that the homeowners' association may execute a contract only for the mobile home park that it represents; extending the park owner's obligation to offer the homeowners' association a right to repurchase for another 10 days if the terms and conditions of the offer change; deleting a requirement that the park owner notify the homeowners' association upon receipt of a bona fide offer to purchase the park; deleting a provision specifying that a park owner has no obligation to sell to the home owners or to interrupt or delay other negotiations; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Senators Constantine and Campbell—

SB 2236—A bill to be entitled An act relating to tuition rates at state colleges and universities; creating s. 1009.286, F.S.; requiring students to pay the out-of-state tuition rate for credit hours in excess of a specified number for community-college credits and for overall credits applied to a baccalaureate degree; creating s. 1009.287, F.S.; providing for tuition rebates for students who take minimal excess hours in earning a baccalaureate degree; providing a maximum allowable amount for such a rebate; providing conditions to such a rebate; providing an effective date.

—was referred to the Committees on Education; Government Efficiency Appropriations; and Education Appropriations.

By Senator Siplin—

SB 2238—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 943.13, F.S.; requiring all officers, as a minimum qualification for employment or appointment, to attend a specified amount of training on how to use a taser gun as a means of restraining and arresting individuals suspected of criminal activity; providing an effective date.

—was referred to the Committees on Criminal Justice; Justice Appropriations; and Ways and Means.

By Senator Siplin—

SB 2240—A bill to be entitled An act relating to training for law enforcement officers, probation officers, and correctional officers; creating s. 943.1717, F.S.; requiring that the Criminal Justice Standards and Training Commission establish standards for instruction in the use of tasers in self defense and in the use of deadly force; requiring that a minimum number of hours in such training be included in the basic-skills course required for certification; providing an effective date.

—was referred to the Committees on Criminal Justice; Justice Appropriations; and Ways and Means.

By Senator Clary—

SB 2242—A bill to be entitled An act relating to arbitration; amending s. 682.02, F.S.; clarifying provisions governing the application of arbitration agreements; amending s. 682.03, F.S.; clarifying provisions; prohibiting refusal of an order of arbitration on the grounds that the claim alleges a contract is voidable or illegal; amending s. 682.18, F.S.; prohibiting a court from refusing to enforce certain arbitration agreements or provisions; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Fasano—

SB 2244—A bill to be entitled An act relating to cardrooms; amending s. 849.086, F.S.; deleting an exception that allows pari-mutuel permitholders to operate cardrooms on certain days when they are not holding pari-mutuel; providing an effective date.

—was referred to the Committees on Regulated Industries; and Government Efficiency Appropriations.

By Senator Posey—

SB 2246—A bill to be entitled An act relating to private donations for public programs and activities; providing legislative intent; providing that a person may make donations to support any activity or program that is funded by the state; requiring that any such donation made to the state be made to the Department of Financial Services; requiring the department to hold the donations until they are distributed; providing for the distribution of the donations; requiring that the donations be held in a trust fund; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Ways and Means.

By Senator Posey—

SB 2248—A bill to be entitled An act relating to public records; creating an exemption from public-records requirements for information obtained by the Department of Financial Services in connection with the receipt of private donations for programs or activities the donor believes is inadequately funded; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on General Government Appropriations; Ways and Means; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Posey—

SB 2250—A bill to be entitled An act relating to trust funds; creating the Private Donations Trust Fund within the Department of Financial Services; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committees on General Government Appropriations; and Ways and Means.

By Senator Wise—

SB 2252—A bill to be entitled An act relating to red light violations; creating s. 316.0065, F.S.; creating the "Mark Wandall Traffic Safety Act"; providing for a county or municipality to enforce a traffic control signal steady red light indication using a traffic control photographic system; providing definitions; providing system capability, design, and implementation requirements; providing for citation of the motor vehicle owner; providing for a civil fee; providing for distribution of moneys

collected; requiring payment of a civil fee; providing for exceptions; prohibiting dual enforcement; providing for citation and enforcement; providing for additional fees and costs of collection to be paid; providing for distribution of such fees and costs collected; providing procedures and grounds for appeal of citation; providing for admissibility of recorded images as evidence of violation; amending s. 318.121, F.S.; exempting local enforcement under the act from certain civil traffic penalty restrictions; amending s. 318.14, F.S.; exempting local enforcement under the act from certain traffic infraction enforcement procedures; amending s. 322.264, F.S.; revising the definition of the term "habitual traffic offender" to include a certain number of violations of traffic control signal steady red light indication within a certain timeframe; reenacting ss. 322.27(5) and 322.34(1), (2), (5), and (8)(a), F.S., relating to the authority of the Department of Highway Safety and Motor Vehicles to suspend or revoke a driver license and driving while a driver license is suspended, revoked, canceled, or disqualified, for the purpose of incorporating the amendment to s. 322.264, F.S., in references thereto; providing for severability; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senators King and Pruitt—

SB 2254—A bill to be entitled An act relating to the awarding of baccalaureate degrees by community colleges; amending s. 1001.64, F.S.; providing that community colleges that grant baccalaureate degrees pursuant to s. 1007.33, F.S., remain under the authority of the State Board of Education with respect to specified responsibilities; providing that, subject to specified conditions, the board of trustees of such a community college is the governing board for purposes of granting baccalaureate degrees; providing powers of the boards of trustees, including the power to establish tuition and out-of-state fees; providing restrictions; requiring such boards to adopt a policy requiring teachers who teach certain upper-division courses to teach a specified minimum number of hours; amending s. 1004.65, F.S.; requiring community colleges that offer baccalaureate degrees to maintain their primary purpose and not terminate associate in arts programs because they offer baccalaureate degrees; amending s. 1007.33, F.S.; requiring that a formal agreement for the delivery of specified baccalaureate degree programs by a regionally accredited college or university at a community college site include certain provisions; requiring that the curriculum for the degree be developed and approved within a specified time; requiring that a proposal to deliver such a degree document that the community college has notified the accredited colleges and universities in the district of its intent to seek approval for delivery of the degree; allowing the colleges and universities to propose an alternative plan for providing the degree; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting tuition and out-of-state fees for upper-division courses; requiring the State Board of Education, annually by a specified date, to adopt a resident fee schedule for baccalaureate degree programs offered by community colleges; amending s. 1011.83, F.S.; providing requirements for funding nonrecurring and recurring costs associated with such programs; limiting per-student funding to a specified percentage of costs associated with baccalaureate degree programs offered in state universities; requiring community colleges to maintain a distinction in reporting and funding between baccalaureate degree programs approved under s. 1007.33, F.S., and those offered under concurrent-use partnerships; amending s. 1013.60, F.S.; allowing community college boards of trustees to request funding for all authorized programs; requiring that enrollment in baccalaureate degree programs be computed into the survey of need for facilities; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Wise—

SB 2256—A bill to be entitled An act relating to the Florida Faith-based and Community-based Advisory Board; creating s. 14.31, F.S.; providing legislative findings and intent; creating the Florida Faith-based and Community-based Advisory Board within the Executive Office of the Governor for certain purposes; providing for board membership; providing for terms of members; providing for successor appointments; providing for meetings and organization of the board; specifying serving without compensation; providing for per diem and travel expenses; specifying required activities of the board; specifying restricted activities; requiring a report to the Governor and Legislature; providing for future repeal and abolition of the board; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Ways and Means.

By Senator Siplin—

SB 2258—A bill to be entitled An act relating to early release of certain sexual offenders; amending ss. 794.05 and 800.04, F.S.; prohibiting a court from suspending, deferring, or withholding adjudication of guilt or imposition of sentence for certain offenses involving a victim who is younger than 18 years of age; providing that a person who is convicted and sentenced to a term of incarceration is not eligible for statutory gain-time or any form of discretionary early release; providing exceptions; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Siplin—

SB 2260—A bill to be entitled An act relating to the indecent wearing of below-waist underwear; creating s. 800.035, F.S.; providing that a person may not expose below-waist underwear in a specified manner; providing criminal penalties; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator Haridopolos—

SB 2262—A bill to be entitled An act relating to drug testing of student athletes; amending s. 1001.43, F.S.; authorizing district school board programs and policies to require random drug testing of certain student athletes for the use of performance-enhancing drugs; providing criteria for such testing; amending s. 1002.42, F.S.; authorizing private schools to implement random drug-testing procedures; providing criteria for such testing; amending s. 1006.20, F.S.; requiring bylaws of the Florida High School Athletic Association to specify that a school must abide by random drug-testing procedures in order to qualify for membership in the organization; providing an effective date.

—was referred to the Committees on Education; Health Care; Judiciary; and Education Appropriations.

By Senator Atwater—

SB 2264—A bill to be entitled An act relating to the payment of instructional costs for students; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction in this state as an exceptional student; requiring a nonresident exceptional student's placing authority or parent to pay the cost of the instruction, facilities, and services for the student; providing duties of the Department of Education; providing duties of residential facilities that educate exceptional students; providing applicability; amending s. 1003.58, F.S.; correcting a cross-reference; amending s. 1009.21, F.S.; defining the term "initial undergraduate enrollment" for purposes of determining a postsecondary student's residential status for tuition purposes; providing duties of institutions of higher education; providing conditions under which a nonresident undergraduate may be reclassified as a resident of this state; requiring that specified evidence of the legal residence and dependent status of an undergraduate be provided as a prerequisite to classification as a resident for tuition purposes; amending s. 1009.40, F.S.; providing that certain students are ineligible to receive more than one state-funded tuition assistance grant; providing an effective date.

—was referred to the Committees on Education; Children and Families; and Education Appropriations.

By Senators Lawson and Dockery—

SB 2266—A bill to be entitled An act relating to the retiree health insurance subsidy; amending s. 112.363, F.S.; increasing the minimum and maximum health insurance subsidies; providing for an annual cost-of-living adjustment to the subsidy; increasing the contribution paid by employers of members in state-administered retirement plans; providing legislative findings; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; and Ways and Means.

By Senator Fasano—

SB 2268—A bill to be entitled An act relating to athletic trainers; amending s. 468.707, F.S.; revising the requirements for licensure as an athletic trainer; amending s. 468.711, F.S.; revising the criteria for continuing education in athletic training; amending s. 468.717, F.S.; providing that a person who practices athletic training without holding an active license commits a first-degree misdemeanor regardless of whether the person receives compensation; amending s. 468.723, F.S.; providing that a person employed as an apprentice trainer or athletic trainer is not exempt from part XIII of ch. 468, F.S.; amending s. 1012.46, F.S.; deleting the classification of first responder in a school district's athletic injuries prevention and treatment program; requiring that an athletic trainer employed by a school district be licensed as an athletic trainer; deleting a requirement that such person possess certain certification as an educator; providing an effective date.

—was referred to the Committees on Health Care; and Education.

By Senators Posey and Webster—

SB 2270—A bill to be entitled An act relating to elections; amending s. 101.5614, F.S., relating to the canvas of returns; providing for automatic tabulation of early voted ballots; including early voted ballots within the official return of the election; requiring that the return record precinct results; amending ss. 101.64 and 101.657, F.S., relating to absentee ballots and early voting; requiring that the supervisor of elections indicate on each ballot, secrecy envelope, mailing envelope, or early voted ballot the precinct of the voter; amending s. 101.68, F.S.; requiring that the absentee ballots be combined with the tabulated votes of each precinct and included in the total vote of the county; providing an effective date.

—was referred to the Committee on Ethics and Elections.

By Senator Posey—

SB 2272—A bill to be entitled An act relating to emergency medical services; creating s. 401.49, F.S.; providing that chapter 401, F.S., supersedes earlier local acts on the subject of medical transport unless those local acts are reenacted by the Legislature; providing an effective date.

—was referred to the Committees on Health Care; Community Affairs; and Judiciary.

By Senator Bullard—

SB 2274—A bill to be entitled An act relating to public school accountability; providing a popular name; amending s. 1008.34, F.S.; revising school performance grade categories; revising requirements for obtaining increased budget authority by schools; revising the method for determining school performance grades; providing for public hearings relating to the adoption of school performance grade requirements; amending s. 1008.36, F.S.; renaming the Florida School Recognition Program as the Students First Program and revising provisions thereof; providing program components; providing for the use of Students First Program funds; providing duties of the Department of Education; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Geller—

SB 2276—A bill to be entitled An act relating to the prevention of unintended pregnancy, sexually transmitted infection, and abortion; creating the Prevention First Act; requiring school districts to develop a comprehensive family life and reproductive education plan; providing definitions; providing duties of licensed health care facilities and practitioners relating to treatment of rape survivors; providing an effective date.

—was referred to the Committees on Health Care; Education; Education Appropriations; and Ways and Means.

By Senator Baker—

SB 2278—A bill to be entitled An act relating to private security services; amending s. 493.6115, F.S.; revising the types of firearms that a Class "D" security officer is authorized to carry; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Criminal Justice.

Senate Bills 2280-2582—Not referenced.

By Senator Alexander—

SB 2584—A bill to be entitled An act relating to higher education; expressing the legislative intent to revise laws relating to higher education; providing an effective date.

—was referred to the Committees on Education Appropriations; and Ways and Means.

Senate Bills 2586-2642—Not referenced.

By Senator Sebesta—

SB 2644—A bill to be entitled An act relating to public records; creating s. 11.0456, F.S.; creating an exemption from public-records requirements for user identification and passwords held by the Division of Legislative Information Services pursuant to s. 11.0455, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic filing system pursuant to s. 11.0455, F.S.; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Ethics and Elections; and Governmental Oversight and Productivity.

By Senator Sebesta—

SB 2646—A bill to be entitled An act relating to legislative lobbying; amending s. 11.045, F.S., relating to the requirements that lobbyists register and report as required by legislative rule; defining the term "compensation"; requiring each registrant who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each registrant designate the general areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a lobbyist; requiring expenditure reports to include the name and address of each person to whom the expenditure was made and the amount, date, and purpose of the expenditure; requiring that expenditures made as open invitations be so designated; requiring that each lobbyist report the areas of the principal's legislative interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain

records for a specified period; providing for inspection of such records by a representative of the Legislature; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; authorizing legislative committees to investigate persons engaged in legislative lobbying; requiring that lobbying-activity reports be electronically filed; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to the data that is filed via the Internet; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the activity reports filed by lobbyists; granting the Auditor General independent authority to audit the accounts and records of any principal or legislative lobbyist with respect to compliance with the compensation-reporting requirements; requiring that the audit reports be forwarded to the Legislature; specifying the initial reporting period that is subject to the requirements of the act; providing an effective date.

—was referred to the Committees on Ethics and Elections; and General Government Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Criminal Justice; and Senator Constantine—

CS for SB 108—A bill to be entitled An act relating to fire prevention and control; creating s. 633.115, F.S.; creating the Fire and Emergency Incident Information Program in the Division of State Fire Marshal of the Department of Financial Services; providing powers and duties of the program; providing for the adoption of rules; creating a Fire and Emergency Incident Information System Technical Advisory Panel in the division; providing for membership and duties; providing a definition; amending s. 633.171, F.S.; establishing penalties for the unauthorized use of fireworks or pyrotechnic devices in a structure; providing that the penalties do not apply to the manufacture, distribution, or sale of fireworks; amending s. 633.821, F.S.; authorizing the Division of State Fire Marshal to adopt additional national fire standards to ensure safe working conditions for firefighters; directing the division to adopt rules for live fire training and for a training and certification process for live-fire-training instructors; providing the contents of the training rules; requiring the live-fire-training rules to take effect by a specified date; requiring each live-fire-training instructor to be state-certified; directing that all live fire training commenced on and after a certain date, be conducted by a certified live-fire-training instructor; providing an exception; amending s. 932.7055, F.S.; providing that proceeds from the sale of forfeited property seized by the Division of State Fire Marshal in the Department of Financial Services under the Florida Contraband Forfeiture Act be deposited into the Insurance Regulatory Trust Fund and used for specified purposes; providing an effective date.

By the Committee on Judiciary; and Senator Webster—

CS for SB 804—A bill to be entitled An act relating to the suspension of artificially provided sustenance or hydration from a person in a persistent vegetative state; creating s. 765.405, F.S.; prohibiting the suspension of the sustenance or hydration under certain conditions; authorizing certain parties to petition the court to prevent suspension of the sustenance or hydration; specifying that the act is remedial and providing for its application; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Bennett and Dockery—

CS for SB 1010—A bill to be entitled An act relating to administrative procedures; amending s. 11.60, F.S.; revising duties of the Administrative Procedures Committee with respect to its review of statutes; amending s. 120.54, F.S.; revising times for filing rules for adoption; providing for the form and provisions of bonds; revising applicability of certain uniform rules; amending s. 120.55, F.S.; requiring that certain information be included in forms incorporated by reference in rules; requiring information to be published electronically on an Internet website; providing that such publication does not preclude other publications; providing additional duties of the Department of State with respect to publications; providing requirements for the Internet website; amending s. 120.551, F.S.; postponing the repeal of this section, relating to Internet publication; amending s. 120.56, F.S.; revising provisions relating to withdrawal of challenged rules; amending s. 120.569, F.S.; prescribing circumstances under which the time for filing a petition for hearing must be extended; amending s. 120.57, F.S.; requiring that additional information be included in notices relating to protests of contract solicitations or awards; amending s. 120.74, F.S.; requiring agency reports to be filed with the Administrative Procedures Committee; requiring the Department of State to provide certain assistance to agencies in their transition to publishing on the Florida Administrative Weekly Internet website; providing effective dates.

By the Committee on Communications and Public Utilities; and Senators Constantine and Dockery—

CS for SB 1366—A bill to be entitled An act relating to storm infrastructure recovery; creating s. 366.8260, F.S.; providing definitions; authorizing electric utilities to petition the Florida Public Service Commission for certain financing orders for certain storm-recovery purposes; providing requirements; providing powers and duties of the commission in issuing such orders; specifying procedures and requirements for the commission in issuing financing orders; authorizing electric utilities to create storm-recovery property; providing for pledge of storm-recovery property to secure storm-recovery bonds; providing for retirement of storm-recovery bonds under certain circumstances; providing for judicial review of such orders; providing for effect of such orders; providing exceptions to commission jurisdiction to issue financing orders; providing limitations; prohibiting the commission from requiring use of storm-recovery bonds for certain purposes; specifying duties of electric utilities; specifying properties, requirements, permissible activities, and limitations relating to storm-recovery property under certain circumstances; providing for security interests in storm-recovery property; providing for perfecting security interests in storm-recovery property; providing for priority of and resolution of conflicting interests; providing requirements, procedures, and limitations for sale, assignment, or transfer of storm-recovery property; providing requirements for descriptions or indications of storm-recovery property transferred, granted, or pledged, or indicated in a financing statement; subjecting financing statements to certain provisions of law; specifying that storm-recovery bonds are not public debt; specifying storm-recovery bonds as legal investments for certain entities; specifying certain state pledges relating to bondholders; declaring certain entities as not electric utilities under certain circumstances; specifying effect of certain provisions in situations of conflict; providing for protecting validity of certain bonds under certain circumstances; limiting commission authority to issue certain financing orders after a time certain; amending s. 679.1091, F.S.; specifying nonapplication of secured transactions provisions of the Uniform Commercial Code to interests in storm-recovery property; providing an effective date.

By the Committee on Judiciary; and Senator Aronberg—

CS for SB 1368—A bill to be entitled An act relating to disclaimer of property interests; creating the Florida Uniform Disclaimer of Property Interests Act; creating s. 739.101, F.S.; providing a short title; creating s. 739.102, F.S.; defining terms; creating s. 739.103, F.S.; providing the scope of the act; creating s. 739.104, F.S.; prescribing general provisions relating to persons' powers to disclaim an interest in or power over property; creating s. 739.201, F.S.; prescribing rules applicable to a disclaimer of an interest in property; creating s. 739.202, F.S.; prescribing rules applicable to a disclaimer of rights of survivorship in jointly held property; creating s. 739.203, F.S.; prescribing rules applicable to a disclaimer of interests in property held as tenancy by the entirety; creating s. 739.204, F.S.; prescribing the effect of a disclaimer of interest by a trustee; creating s. 739.205, F.S.; prescribing rules with respect to a disclaimer of the power of appointment or other power not held in a fiduciary capacity; creating s. 739.206, F.S.; prescribing rules with respect to a disclaimer by the appointee, object, or taker in default of the exercise of power of appointment; creating s. 739.207, F.S.; prescribing

rules with respect to the disclaimer of power held in a fiduciary capacity; creating s. 739.301, F.S.; providing guidelines for delivering or filing a disclaimer; creating s. 739.401, F.S.; providing when a disclaimer is permitted; creating s. 739.402, F.S.; providing when a disclaimer is barred or limited; creating s. 739.501, F.S.; prescribing the effect of a tax-qualified disclaimer; creating s. 739.601, F.S.; providing for recording a disclaimer relating to real estate; creating s. 739.701, F.S.; prescribing the application to existing relationships; amending s. 731.201, F.S.; providing applicability of certain definitions to the act; repealing s. 689.21, F.S., relating to disclaimer of interests in property passing under certain nontestamentary instruments or under certain powers of appointment; repealing s. 732.801, F.S., relating to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment		*For Term Ending*
Florida Commission on Human Relations		
Appointee:	Cannon, Gayle B., Lake City	09/30/2008
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointee:	Butchko, Beatrice A., Miami Beach	09/30/2008
Treasure Coast Regional Planning Council, Region 10		
Appointee:	Miteff, Daniel N., Wellington	10/01/2007

[Referred to the Committee on Ethics and Elections.]

Board of Trustees, University of Central Florida		
Appointee:	Perez, Hector "Tico" A., Orlando	01/06/2010
Board of Trustees, Florida Gulf Coast University		
Appointee:	Whitcomb, Jaynie M., Bonita Springs	01/06/2010
Board of Trustees, New College of Florida		
Appointee:	Smiley, Jane T., Sarasota	01/06/2010
Board of Trustees, University of North Florida		
Appointees:	Abdullah, Edythe M., Jacksonville	01/06/2010
	Taylor, R. Bruce, Jacksonville	01/06/2010
Board of Trustees, University of West Florida		
Appointees:	Herrick, Sharon Hess, Pensacola	01/06/2010
	Smith, Roy W., Jr., Pensacola	01/06/2010

[Referred to the Committees on Education; and Ethics and Elections.]

CO-INTRODUCERS

Senators Alexander—SB 1714; Aronberg—SB 102, SB 608; Atwater—SB 1082; Bennett—SB 608; Bullard—SB 732, SB 1702; Campbell—SB 1070, SB 1744; Crist—SB 1714; Dawson—SCR 94, SB 226, SB 446, SB 1324; Dockery—SB 788, SB 1620; Fasano—SB 818, SB 1264; Garcia—SB 656; Geller—SCR 94, SB 818; Hill—SB 472, SB 1374; Jones—SB 608; King—CS for CS for SB 210, SB 608, SB 734, SJR 2200; Klein—SB 656; Lawson—SB 318; Lynn—CS for SB 572, SB 1744; Miller—SCR 94, SB 318; Posey—SB 608, SB 1714; Rich—SB 318; Smith—SCR 94; Wise—SB 1714

Journal of the Senate

Number 5—Regular Session **Thursday, March 17, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 1:00 p.m. A quorum present—37:

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Rich
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Baker	Hill	Siplin
Bennett	Jones	Smith
Bullard	King	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Excused: Senators Clary and Dawson; and Senator Peaden until 2:50 p.m.

PRAYER

The following prayer was offered by the Rev. Dr. Douglas Dortch, Pastor, First Baptist Church, Tallahassee:

Almighty and everlasting God, source of all life and giver of every good and perfect gift, we thank you this day that we have the privilege of serving the interests of the good and facilitating the realization of an orderly and meaningful existence for every aspect of your creation.

We pray this afternoon for these your public servants who have gathered in this Florida Senate to offer their best thought and deliberation with respect to the complicated issues and responsibilities that fall upon every member of this august assembly. Only you, O God, fully comprehend the pressures they feel and the burdens they bear. So, we lift up each member of this Senate and all who work with them. We ask that you bestow upon them your wisdom and your strength, your mercy and your grace. Grant to them every resource necessary to fulfill their charge of enhancing the quality of life for all Floridians. Watch over them, keep them, and bless them in all their endeavors.

In a day of heightened tension and uncertainty, remind us all that you are at work quietly, but faithfully, to bring about your eternal purpose. Use these willing participants in this Florida Senate to be instruments of your peace, both today and for the remainder of this session.

This prayer we offer in your name. Amen.

PLEDGE

Senate Pages Rachel Eisenberg of Plantation; Rachel Axelson of Niceville; Joshua Reynolds of Live Oak; and Justin Tolar of Plant City, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Jones—

By Senator Jones—

SR 994—A resolution recognizing March 15 and 16, 2005, as Legislative Massage Therapy Awareness Days.

WHEREAS, members of the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association throughout the state are actively involved in public awareness and health programs to improve the health and quality of life of Florida residents, and

WHEREAS, the Florida State Massage Therapy Association and the Florida Chapter of the American Massage Therapy Association have been holding Legislative Massage Therapy Awareness Days at the Florida Capitol since 1988 for the purpose of educating the State Legislature and the public concerning the many health benefits of massage therapy, and

WHEREAS, licensed massage therapists have been licensed and regulated in the State of Florida since 1943, and there are over 23,000 massage therapists licensed by the state, and

WHEREAS, massage therapy is a low-cost, high-quality means of enhancing and restoring health, and

WHEREAS, increased awareness of the benefits of massage therapy will lead to improved health and vitality of the residents of the State of Florida, and

WHEREAS, the Legislature recognizes massage therapy for wellness and preventive health measures, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 15 and 16, 2005, are recognized as "Legislative Massage Therapy Awareness Days."

—**SR 994** was introduced, read and adopted by publication.

BILLS ON THIRD READING

Consideration of **CS for SB 478** was deferred.

CS for SB 200—A bill to be entitled An act relating to the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 252.81, F.S., redesignating the act as the "Emergency Planning Community Right-to-Know Act"; amending s. 252.85, F.S.; updating a reference to a federal list of hazardous substances for which the Department of Community Affairs collects fees that fund emergency planning and community right-to-know programs; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for SB 200** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Rich
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Baker	Hill	Siplin
Bennett	Jones	Smith
Bullard	King	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Nays—None

CS for SB 246—A bill to be entitled An act relating to child safety; requiring school boards to promulgate policies regarding release of children; providing a definition; requiring copies of the policies to be provided to the Department of Education; requiring nonpublic schools, private schools, and certain child care facilities to promulgate policies regarding release of children; requiring making such policies available on the premises of the schools or child care facilities; providing a definition; providing an effective date.

—was read the third time by title.

On motion by Senator Hill, **CS for SB 246** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Rich
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Baker	Hill	Siplin
Bennett	Jones	Smith
Bullard	King	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Nays—None

SB 516—A bill to be entitled An act relating to the Department of Citrus; amending s. 601.09, F.S.; revising and reorganizing the citrus districts of the state; establishing four such districts; specifying the counties within each district; amending ss. 601.04 and 601.154, F.S., relating to the membership of the Florida Citrus Commission and the Citrus Stabilization Act of Florida; conforming provisions to changes made by the act; providing an effective date.

—as amended March 10 was read the third time by title.

On motion by Senator Alexander, **SB 516** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Bennett	Diaz de la Portilla
Alexander	Bullard	Dockery
Argenziano	Campbell	Fasano
Aronberg	Carlton	Garcia
Atwater	Constantine	Geller
Baker	Crist	Haridopolos
Hill	Miller	Smith
Jones	Posey	Villalobos
King	Pruitt	Webster
Klein	Rich	Wilson
Lawson	Saunders	Wise
Lynn	Sebesta	
Margolis	Siplin	

Nays—None

SB 292—A bill to be entitled An act relating to citrus canker eradication; repealing s. 4 of ch. 2002-11, Laws of Florida; abrogating the repeal of s. 581.184(1)(b), F.S., which defines the term "exposed to infection" for purposes for eradicating citrus canker disease; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **SB 292** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Rich
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Baker	Hill	Siplin
Bennett	Jones	Smith
Bullard	King	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Nays—None

SB 166—A bill to be entitled An act relating to child support; amending s. 409.2558, F.S.; requiring the Department of Revenue, prior to determining a collection or refund to be undistributable to make reasonable efforts to locate persons to whom collections or refunds are owed, including disclosure on the Internet of information with appropriate safeguards to protect the privacy of the persons named in the database; providing an effective date.

—as amended March 10 was read the third time by title.

On motion by Senator Aronberg, **SB 166** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Rich
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Baker	Hill	Siplin
Bennett	Jones	Smith
Bullard	King	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Nays—None

SB 106—A bill to be entitled An act relating to the state retirement system; amending s. 121.091, F.S.; providing that a disability of an employee who works in another state full time may be certified by physicians licensed in that state; correcting a cross-reference; amending s.

121.22, F.S.; increasing the size of the State Retirement Commission from three to five members; amending s. 121.24, F.S.; revising the quorum requirements of the commission; amending s. 121.35, F.S.; deleting the provision that requires 1 academic year of employment or appointment in the State University System for participation in the optional retirement program; providing an effective date.

—as amended March 10 was read the third time by title.

On motion by Senator Constantine, **SB 106** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Rich
Aronberg	Geller	Saunders
Atwater	Haridopolos	Sebesta
Baker	Hill	Siplin
Bennett	Jones	Smith
Bullard	King	Villalobos
Campbell	Klein	Webster
Carlton	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Nays—None

SPECIAL ORDER CALENDAR

CS for SB 804—A bill to be entitled An act relating to the suspension of artificially provided sustenance or hydration from a person in a persistent vegetative state; creating s. 765.405, F.S.; prohibiting the suspension of the sustenance or hydration under certain conditions; authorizing certain parties to petition the court to prevent suspension of the sustenance or hydration; specifying that the act is remedial and providing for its application; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which failed:

Amendment 1 (462276)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 765.405, Florida Statutes, is created to read:

765.405 Withholding or withdrawing artificially provided sustenance or hydration.—When upon request of a proxy, surrogate, or guardian a court is to decide whether to issue an order or provide other authority for the withholding or withdrawing of artificially provided sustenance or hydration from a person in a persistent vegetative state who has no advance directive, the decision of the court to issue the order or provide the authority must be supported by clear and convincing evidence that the person, while competent and prior to entering into a persistent vegetative state, expressly and unequivocally directed or instructed the withholding or withdrawing of artificially provided sustenance or hydration.

Section 2. *The provisions of this act apply to every living person on and after the effective date of this act. Specifically, the provisions of this act apply to all situations in which a person is in a persistent vegetative state on or after the effective date of this act and requires artificially provided sustenance or hydration for survival. It is the intent of the Legislature that this act authorizes an interested party, as determined by the court, to petition a court of competent jurisdiction to decide whether artificially provided sustenance or hydration may be withheld after being withdrawn from a person in a persistent vegetative state on or after the effective date of this act.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to artificially provided sustenance or hydration; creating s. 765.405, F.S.; prescribing evidence to govern court decisions on withholding or withdrawing artificially provided sustenance or hydration from certain persons in persistent vegetative states; providing for application of the act; expressing legislative intent to authorize certain parties to petition a court relating to the withholding of artificially provided sustenance or hydration; providing an effective date.

The vote was:

Yeas—16

Mr. President	Fasano	Sebesta
Atwater	Garcia	Villalobos
Baker	Haridopolos	Webster
Constantine	Lawson	Wise
Crist	Posey	
Diaz de la Portilla	Pruitt	

Nays—21

Alexander	Dockery	Margolis
Argenziano	Geller	Miller
Aronberg	Hill	Rich
Bennett	Jones	Saunders
Bullard	King	Siplin
Campbell	Klein	Smith
Carlton	Lynn	Wilson

Vote after roll call:

Yea—Peaden

Votes Recorded:

March 18, 2005: Yea—Clary

MOTION

On motion by Senator Pruitt, the rules were waived and time of recess was extended until completion of the Special Order Calendar.

On motion by Senator Webster, further consideration of **CS for SB 804** was deferred.

On motion by Senator Garcia—

CS for SB 1486—A bill to be entitled An act relating to property insurance; amending s. 627.701, F.S.; providing that the requirement for a hurricane deductible to apply on an annual basis applies to personal lines residential property insurance policies; requiring insurers that provide commercial residential property insurance to offer alternative hurricane deductibles that apply on an annual basis or to each hurricane; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1486** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 114—A bill to be entitled An act relating to trust funds; creating the Entertainment Industry Financial Incentive Trust Fund; providing for sources of funds and purposes; requiring funds to remain in the trust fund at the end of each fiscal year; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 114** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 238—A bill to be entitled An act relating to personal injury protection insurance; amending s. 627.732, F.S.; defining the terms "biometric" and "biometric time date technology"; amending s. 627.736, F.S.; revising procedures with respect to the use of biometric time date technology for the purpose of documenting claims and making payments under personal injury protection benefits; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 238** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SB 300—A bill to be entitled An act relating to taxation; repealing s. 11, ch. 2000-312, Laws of Florida; abrogating the expiration of provisions in ss. 197.182(1), (3), 120.80(14)(b), 213.21(2), (3), 199.185(1)(n), 125.0104(6), (10), 212.0305(5)(c), 213.053(7)(j), 212.055(2)(c), (5), (7), F.S., relating to the Department of Revenue passing upon and ordering refunds of property taxes, taxpayer contest proceedings against the department, procedures by which the department may resolve disputes relating to assessment of taxes, interest, and penalties, exemption from the tax on intangible personal property for leasehold estates in governmental property, auditing of records relating to local administration of the Tourist Development Tax, auditing of records relating to local administration of the Convention Development Tax, disclosure of confidential information by the department, levying the County Public Hospital Surtax, distribution of the Local Government Infrastructure Surtax, and the Voter-Approved Indigent Care Surtax, which expiration was scheduled to take effect October 1, 2005; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 300** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

SB 162—A bill to be entitled An act relating to voyeurism; amending s. 810.14, F.S.; revising the elements of the offense of voyeurism in order to eliminate acts of photographing, filming, videotaping, or recording, which are made a crime under the offense of video voyeurism; providing that a person commits the offense of voyeurism when he or she secretly observes another person when the other person is in a location that provides a reasonable expectation of privacy; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 162** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 366** was deferred.

On motion by Senator Saunders—

SB 266—A bill to be entitled An act relating to nursing home facilities; amending s. 400.141, F.S.; providing a method by which state-designated teaching nursing homes and affiliated assisted living facilities may demonstrate financial responsibility; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 266** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for SB 434—A bill to be entitled An act relating to individuals with disabilities; amending s. 413.08, F.S.; providing definitions; providing that an individual with a disability has full and equal access to and enjoyment of public accommodations and state and local facilities, programs, services, and activities; providing that an individual with a disability may be accompanied by a service animal in places of public accommodation and in state and local facilities; directing that documentation that a service animal is trained may not be a precondition for providing service to an individual accompanied by a service animal; requiring that a service animal be given access to all areas of a government facility or public accommodation that the public or customers are normally permitted to occupy; prohibiting segregating an individual with a service animal from other customers or the public; prohibiting a public accommodation from imposing a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual; providing that an individual with a disability may be liable for damage caused by a service animal; providing that the animal's owner is responsible for the care and supervision of a service animal; providing that the public accommodation or government entity is not required to provide care or food or a special location for a service animal; providing that a public accommodation or government entity may exclude or remove any animal from the premises if the animal's behavior poses a direct threat to the health and safety of others; increasing certain penalties for violations of the act; providing that the trainer of a service animal has the same rights and privileges as a person with a disability while training the service animal; providing that a housing accommodation may request proof of compliance with vaccination requirements; amending s. 413.081, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendments which were adopted:

Amendment 1 (820374)—On page 5, line 24 through page 11, line 17, delete those lines and insert:

(i) "Substantially limits" means the impact of the condition renders the individual unable to perform an activity compared to an average person in the general population. Factors to consider in determining whether an impairment substantially limits a major life activity include the nature and severity of the impairment, how long it will last or is expected to last, and its permanent or long-term impact or expected impact.

(j) "Undue burden" means a significant difficulty or expense that is determined by considering:

1. The nature and costs of the action needed under this part;

2. The overall financial resources of the site involved in the action, the number of persons employed at the site; the effect on expenses and resources; safety requirements that are necessary for safe operation, including crime-prevention measures, and the impact of the action upon the operation of the site;

3. The geographic separation and the administrative or fiscal relationship of the site in question to a parent corporation or entity;

4. If applicable, the overall financial resources of a parent corporation or entity; the overall size of the parent corporation or entity with respect to its number of employees; and the number, type, and location of its facilities; and

5. If applicable, the type of operations of a parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

(2)~~(1)(a)~~ *An individual with a disability is* ~~The deaf, hard of hearing, blind, visually handicapped, and otherwise physically disabled are~~ entitled to full and equal accommodations, advantages, *benefits,* facilities, and privileges on all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, and other public conveyances or modes of transportation*; in all state and local government facilities, programs, services, and activities;* and at ~~hotels, lodging places,~~ places of public *accommodations* ~~accommodation, amusement, or resort,~~ and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons. ~~This section does not require any person, firm, or corporation, or any agent thereof, to modify or provide any vehicle, premises, facility,~~

~~or service to a higher degree of accommodation than is required for a person not so disabled.~~

(3)~~(b)~~ Every *individual with a disability* ~~deaf or hard of hearing person, totally or partially blind person, person who is subject to epilepsy or other such seizure disorders, or physically disabled person~~ has the right to be accompanied by a ~~dog guide or~~ service *animal* ~~dog~~, specially trained for the purpose, in any *place* of *public accommodation or state or local government facility, program, service, or activity* ~~the places listed in paragraph (a) without being required to pay an extra charge for the dog guide or service dog; however, such a person is liable for any damage done to the premises or facilities by such a dog. The dog guide or service dog must be capable of being properly identified as being from a recognized school for seeing eye dogs, hearing ear dogs, service dogs, including, but not limited to, seizure alert and seizure response dogs, or guide dogs~~.

(4) State and local governmental entities and public accommodations must accommodate service animals that assist individuals with disabilities unless doing so would result in an undue burden or fundamental alteration to the nature of the program, activity, service, facility, or business.

(5) Documentation that the service animal is trained is not a precondition for providing service to an individual accompanied by a service animal. A public accommodation or government entity may ask if an animal is a service animal or what tasks the animal has been trained to perform in order to determine the difference between a service animal and a pet.

(6) A service animal may accompany the individual with a disability to all areas of a government facility or public accommodation that the public or customers are normally permitted to occupy. An individual with a service animal may not be segregated or treated in a manner that is unequal to that extended to other customers or the public.

(7)(a) A public accommodation may not impose a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual with a disability, even if a deposit is routinely required for pets.

(b) An individual with a disability is liable for damage caused by a service animal if it is the regular policy and practice of the public accommodation to charge nondisabled persons for damages caused by their pets.

(8) The care or supervision of a service animal is the responsibility of the individual owner. A public accommodation or government entity is not required to provide care or food or a special location for the service animal or assistance with removing animal excrement.

(9)(a) A public accommodation or government entity may exclude or remove any animal from the premises, including a service animal, if the animal's behavior poses a direct threat to the health and safety of others. Allergies and fear of animals are not valid reasons for denying access or refusing service to an individual with a service animal. The perception of a threat or fear based on past experience does not constitute a direct threat.

(b) If a service animal is excluded or removed as being a direct threat to others, the public accommodation or government entity must provide the individual with a disability the option of continuing access to the public accommodation or government entity without having the service animal on the premises.

~~(c) Every person with paraplegia or quadriplegia has the right to be accompanied by a nonhuman primate of the genus Cebus, specially trained for the purpose of providing personal care services, in any of the places listed in paragraph (a) without being required to pay an extra charge for the nonhuman primate; however, such a person is liable for any damage done to the premises or facilities by such nonhuman primate.~~

(10)~~(2)~~ Any person, firm, *business,* or corporation, or the agent of any person, firm, *business,* or corporation, who denies or interferes with admittance to, or enjoyment of, the public *accommodation of,* ~~facilities enumerated in subsection (1)~~ or otherwise interferes with the rights of, *an individual with a disability* ~~a deaf person, a hard of hearing person, a totally or partially blind person, a person who is subject to epilepsy or other such seizure disorders, or an otherwise physically disabled person~~ under this section, or the trainer of a ~~dog guide or~~ service *animal* ~~dog~~ while engaged in the training of *the animal under* ~~such a dog pursuant to~~ subsection *(14)* ~~(7)~~, *commits* ~~is guilty of~~ a misdemeanor of the second degree *for the first offense and a misdemeanor of the first degree for each subsequent offense*, punishable as provided in s. 775.082*,* ~~or~~ s. 775.083*, or s. 775.084*.

(11)~~(3)~~ It is the policy of this state that *individuals with disabilities* ~~the deaf, hard of hearing, blind, visually handicapped, and otherwise physically disabled shall~~ be employed in the service of the state or political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds, and an employer may not refuse employment to *an individual with a disability* ~~the deaf, the hard of hearing, the blind, the visually handicapped, or the otherwise physically disabled~~ on the basis of the disability alone~~, unless it is shown that the particular disability prevents the satisfactory performance of the work involved~~.

(12)~~(4)~~ *Each individual with a disability is* ~~Deaf persons, hard of hearing persons, blind persons, visually handicapped persons, and otherwise physically disabled persons are~~ entitled to rent, lease, or purchase, as other members of the general public, any housing accommodations offered for rent, lease, or other compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

~~(a) As used in this subsection, the term "housing accommodations" means any real property or portion thereof which is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but does not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.~~

~~(b) This section does not require any person renting, leasing, or otherwise providing real property for compensation to modify her or his property in any way or provide a higher degree of care for a deaf person, hard of hearing person, blind person, visually handicapped person, or otherwise physically disabled person than for a person who is not so handicapped.~~

(13)~~(c)~~ Each *individual with a disability* ~~deaf person, hard of hearing person, totally or partially blind person, or otherwise physically disabled person~~ who has a *service animal* ~~dog guide~~, or who obtains a *service animal* ~~dog guide~~, is entitled to full and equal access to all housing accommodations provided for in this section, and *the* ~~such a~~ person *may* ~~shall~~ not be required to pay extra compensation for the *service animal* ~~dog guide~~. However, *an individual with a disability* ~~such a person~~ is liable for any damage done to the premises *or another person* by ~~such~~ a *service animal* ~~dog guide~~. *A housing accommodation may request proof of compliance with vaccination requirements.*

~~(d) Each person with paraplegia or quadriplegia who has or obtains a nonhuman primate of the genus Cebus, specially trained for the purpose of providing personal care services, is entitled to full and equal access to all housing accommodations provided for in this section, and she or he shall not be required to pay extra compensation for such a nonhuman primate. However, the person is liable for any damage done to the premises by such a nonhuman primate.~~

(14)~~(5)~~ *An* ~~Any~~ employer covered under subsection *(11)* ~~(3)~~ who discriminates against *an individual with a disability* ~~the deaf, hard of hearing, blind, visually handicapped, or otherwise physically disabled in employment, unless it is shown that the particular disability prevents the satisfactory performance of the work involved, or any person, firm, or corporation,~~ or the agent of any person, firm, *business,* or corporation~~,~~ providing housing accommodations as provided in subsection *(12)* ~~(4)~~ who discriminates against *an individual with a disability commits* ~~the deaf, hard of hearing, blind, visually handicapped, or otherwise physically disabled is guilty of~~ a misdemeanor of the second degree *for the first offense and a misdemeanor of the first degree for each subsequent offense*, punishable as provided in s. 775.082*,* ~~or~~ s. 775.083*, or s. 755.084*.

~~(6)(a) As used in this section, the term "physically disabled person" means any person who has a physical impairment that substantially limits one or more major life activities.~~

~~(b) As used in this section, the term "hard of hearing person" means an individual who has suffered a permanent hearing impairment that~~

~~is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication.~~

(15)~~(7)~~ Any trainer of a ~~dog guide or~~ service *animal*

Amendment 2 (620910)—On page 10, delete line 13 and insert: premises *or to another person on the premises* by ~~such a~~ *the service animal* ~~dog guide~~.

Pursuant to Rule 4.19, **CS for CS for SB 434** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 62—A bill to be entitled An act relating to services for seniors and adults with developmental disabilities; authorizing each county to create an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by a majority vote of electors to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the special district; specifying criteria for membership to the governing board; providing terms of office; clarifying that a county may provide services for seniors and adults with developmental disabilities or create a special district to provide such services by general or special law; specifying the powers and functions of a council on services for seniors and adults with developmental disabilities; requiring each council to appoint a chair and a vice chair and elect officers, to identify and assess the needs of the seniors and adults with developmental disabilities in the county served by the council, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual written report to the governing body of the county; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council on services for seniors and adults with developmental disabilities by the tax collector of the county and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report with the governing body of the county; providing that a district may be dissolved by a special act of the Legislature or by ordinance by the governing body of the county; specifying obligations of the county if a district is dissolved; authorizing the governing body of a county to fund the budget of the council on services for seniors and adults with developmental disabilities from its own funds after or during the council's first year of operation; requiring a special district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing a county to create a dependent special district to provide certain services for seniors and adults with developmental disabilities; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by a council on services for seniors and adults with developmental disabilities; providing that two or more councils on services for seniors and adults with developmental disabilities may enter into a cooperative agreement to share administrative costs, staff, and office space and seek grants, accept donations, or jointly fund programs serving multicounty areas; prohibiting councils or districts from requiring matching funds from certain service providers as a condition for the provision of services by the council or district; providing an effective date.

—was read the second time by title.

The Committee on Government Efficiency Appropriations recommended the following amendment which was moved by Senator Campbell:

Amendment 1 (452396)—On page 3, delete line 25 and insert: *vote of at least 60 percent of those electors voting on the question, to*

On motion by Senator Campbell, further consideration of **CS for SB 62** with pending **Amendment 1 (452396)** was deferred.

On motion by Senator Smith—

SB 544—A bill to be entitled An act relating to psychotherapist-patient privilege; amending s. 90.503, F.S.; redefining the term "psychotherapist" to include certain advanced registered nurse practitioners for purposes of the psychotherapist-patient privilege of the Florida Evidence Code; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Smith and adopted:

Amendment 1 (220592)—On page 2, line 11, delete "*(5)*" and insert: *5.*

Pursuant to Rule 4.19, **SB 544** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 474—A bill to be entitled An act relating to nurse registries; amending s. 400.506, F.S.; revising requirements for home visits by registered nurses; deleting a mandatory requirement for monthly visits; requiring that the patient be notified of the availability of optional visits; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 474** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 64—A bill to be entitled An act relating to guardianship; amending s. 737.2065, F.S.; authorizing the guardian of the property of an incapacitated person to contest the validity of a trust before it becomes irrevocable; amending s. 744.107, F.S.; revising provisions relating to court monitors; requiring orders of appointment and monitors' reports to be served upon certain persons; authorizing the court to enter any order necessary to protect a ward or ward's estate; requiring notice and a hearing; authorizing a court to assess certain costs and attorney's fees under certain circumstances; creating s. 744.1075, F.S.; authorizing a court to appoint a court monitor on an emergency basis under certain circumstances; requiring the court to make certain findings; requiring the monitor to report findings and recommendations; providing duties of the court relating to probable cause for the emergency appointment; providing requirements for a court order to show cause for the emergency appointment; specifying a time period for a monitor's authority; providing for extending such time period; authorizing the court to issue certain injunctions or orders for certain purposes; requiring the court to provide copies of such injunctions or orders to all parties; authorizing the court to impose sanctions or take certain enforcement actions; providing for payment of reasonable fees to the monitor; prohibiting certain persons from receiving certain fees; authorizing a court to assess certain costs and attorney's fees under certain circumstances; amending s. 744.331, F.S.; requiring the court to determine whether there is an alternative to guardianship if a person is determined incapable of exercising his or her delegable rights; authorizing an interested person to file a verified statement indicating a belief that an incapacitated person's trust, trust amendment, or durable power of attorney is invalid, in which case such instrument may not be an alternative to the appointment of a guardian; amending s. 744.441, F.S.; requiring the court to determine whether an action contesting the validity of a trust is in the ward's best interests before authorizing a guardian to bring such actions; creating s. 744.462, F.S.; requiring that the validity of a ward's durable power of attorney, trust, or trust amendment be reported in the guardianship proceedings; requiring the court to review the continued need for a guardian and delegation of the ward's rights under certain conditions; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (554576)(with title amendment)—On page 7, between lines 17 and 18, insert:

Section 5. Subsection (2) of section 744.387, Florida Statutes, is amended to read:

744.387 Settlement of claims.—

(2) In the same manner as provided in subsection (1) or as authorized by s. 744.301, the natural guardians or guardian of a minor may settle any claim by or on behalf of a minor that does not exceed $15,000 without bond. A legal guardianship shall be required when the amount of the net settlement to the ward exceeds $15,000. *The present value or future benefits of a structured settlement may not be included in determining the net settlement to a ward for guardianship purposes if the settlement includes a structured settlement that does not pay benefits to the minor until the minor reaches the age of majority.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 15, after the first semicolon (;) insert: amending s. 744.387, F.S.; providing that the present value or future benefits of a structured settlement may not be included in determining the net settlement to a ward for guardianship purposes if the settlement includes a structured settlement that does not pay benefits to the minor until the minor reaches the age of majority;

Pursuant to Rule 4.19, **CS for SB 64** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, the Senate resumed consideration of—

CS for SB 62—A bill to be entitled An act relating to services for seniors and adults with developmental disabilities; authorizing each county to create an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by a majority vote of electors to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the special district; specifying criteria for membership to the governing board; providing terms of office; clarifying that a county may provide services for seniors and adults with developmental disabilities or create a special district to provide such services by general or special law; specifying the powers and functions of a council on services for seniors and adults with developmental disabilities; requiring each council to appoint a chair and a vice chair and elect officers, to identify and assess the needs of the seniors and adults with developmental disabilities in the county served by the council, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual written report to the governing body of the county; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council on services for seniors and adults with developmental disabilities by the tax collector of the county and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report with the governing body of the county; providing that a district may be dissolved by a special act of the Legislature or by ordinance by the governing body of the county; specifying obligations of the county if a district is dissolved; authorizing the governing body of a county to fund the budget of the council on services for seniors and adults with developmental disabilities from its own funds after or during the council's first year of operation; requiring a special district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing a county to create a dependent special district to provide certain services for seniors and adults with developmental disabilities; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by a council on services for seniors and adults with developmental disabilities; providing that two or more councils on services for seniors and adults with developmental disabilities may enter into a cooperative agreement to share administrative costs, staff, and office space and seek grants, accept donations, or jointly fund programs serving multicounty areas; prohibiting councils or districts from requiring matching funds from certain service providers as a condition for the provision of services by the council or district; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (452396)** by the Committee on Government Efficiency Appropriations was adopted.

The Committee on Government Efficiency Appropriations recommended the following amendment which was moved by Senator Campbell and adopted:

Amendment 2 (630652)(with title amendment)—On page 3, delete line 27 and insert: *millage rate authorized by this section. Such approval shall be obtained by submitting the question to a referendum of the qualified electors in the county. The referendum shall be held in conjunction with the next regularly scheduled general election, in accordance with section 100.342, Florida Statutes. A district created*

And the title is amended as follows:

On page 1, delete line 8 and insert: by referendum at the next general election to annually levy

Pursuant to Rule 4.19, **CS for SB 62** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 366—A bill to be entitled An act relating to health care practitioners; amending s. 456.072, F.S.; providing that a health care practitioner's failure to comply with the terms of a monitoring or treatment program for impaired practitioners or failure to complete any drug-treatment or alcohol-treatment program is an additional ground under which the practitioner is subject to discipline by the Department of Health or the board having jurisdiction over the practitioner; reenacting ss. 457.109(2), 458.331(2), 459.015(2), 460.413(2), 461.013(2), 462.14(2), 463.016(2), 464.018(2), 465.016(2), 466.028(2), 467.203(2), 468.1295(2), 468.1755(1)(a) and (2), 468.217(2), 468.365(2), 468.518(2), 468.719(2), 468.811(2), 478.52(2), 480.046(2), 483.825(2), 483.901(6)(h), 484.014(2), 484.056(1)(a) and (2)(a), 486.125(2), 490.009(2), and 491.009(2), F.S., relating to health care practice acts and similar regulatory provisions, to incorporate the amendment to s. 456.072, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 366** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster, the Senate resumed consideration of—

CS for SB 804—A bill to be entitled An act relating to the suspension of artificially provided sustenance or hydration from a person in a persistent vegetative state; creating s. 765.405, F.S.; prohibiting the suspension of the sustenance or hydration under certain conditions; authorizing certain parties to petition the court to prevent suspension of the sustenance or hydration; specifying that the act is remedial and providing for its application; providing an effective date.

—which was previously considered this day.

MOTION

Senator Fasano moved that the rules be waived to allow consideration of the late filed amendment 754072. The motion failed, therefore the amendment was not considered.

Pursuant to Rule 4.19, **CS for SB 804** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Committees on Education Appropriations; General Government Appropriations; Government Efficiency Appropriations; Health and Human Services Appropriations; and Transportation and Economic Development Appropriations were granted permission to meet 30 minutes after recess until 7:45 p.m. in lieu of 3:30 p.m. until 7:00 p.m. as scheduled this day.

MOTIONS

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, March 18.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, March 17, 2005: CS for SB 804, CS for SB 1486, SB 114, SB 238, SB 300, SB 162, CS for SB 366, SB 266, CS for CS for SB 434, CS for SB 62, SB 544, CS for SB 474, CS for SB 64

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Commerce and Consumer Services recommends the following pass: SB 1438 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1030

The bills contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Transportation recommends the following pass: SB 1460

The bill was referred to the Committee on Children and Families under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: SB 1296 with 1 amendment

The bill was referred to the Committee on Communications and Public Utilities under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 748 with 1 amendment

The Committee on Environmental Preservation recommends the following pass: SB 1352

The Committee on Transportation recommends the following pass: SB 868

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Children and Families recommends the following pass: SB 996 with 1 amendment

The Committee on Transportation recommends the following pass: SB 732 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: SB 606

The bill was referred to the Committee on Education Appropriations under the original reference.

The Committee on Domestic Security recommends the following pass: SB 976

The bill was referred to the Committee on Environmental Preservation under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 1310

The bill was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 1448

The bill was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Children and Families recommends the following pass: SB 1098

The Committee on Regulated Industries recommends the following pass: SB 1072

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Children and Families recommends the following pass: SB 1360

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 318 with 3 amendments

The bill was referred to the Committee on Health Care under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1330 with 2 amendments, SB 1662 with 1 amendment

The Committee on Commerce and Consumer Services recommends the following pass: SB 1056 with 6 amendments

The Committee on Ethics and Elections recommends the following pass: SJR 4 with 1 amendment, SJR 6 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Children and Families recommends the following pass: SB 96

The bill was referred to the Committee on Justice Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 822

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 56

The Committee on Government Efficiency Appropriations recommends the following pass: SJR 2144, SB 2146

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 832 with 1 amendment, SB 878 with 1 amendment

The bills were placed on the calendar.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1288

The Committee on Health Care recommends a committee substitute for the following: SB 1208

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1124

The bill with committee substitute attached was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Communications and Public Utilities recommends a committee substitute for the following: SB 620

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1652

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 518

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1458

The bill with committee substitute attached was referred to the Committee on Education Appropriations under the original reference.

The Committee on Agriculture recommends committee substitutes for the following: SB 858, SB 1748

The bills with committee substitutes attached were referred to the Committee on Environmental Preservation under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 2

The bill with committee substitute attached was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1476

The Committee on Commerce and Consumer Services recommends committee substitutes for the following: SB 1026, SB 1650

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 1324

The bill with committee substitute attached was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1314

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1312

The Committee on Community Affairs recommends a committee substitute for the following: SJR 228

The Committee on Ethics and Elections recommends a committee substitute for the following: SJR 2200

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 328

The bill with committee substitute attached was referred to the Committee on Justice Appropriations under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1114

The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1446

The bill with committee substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 512

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1012

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Education; and Senators King and Bullard—

CS for SB 2—A bill to be entitled An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program; revising requirements for scholarship funding and payments; providing reporting requirements for school districts; holding a school

district harmless from a specified student enrollment ceiling; prohibiting the transfer of funds to the Florida School for the Deaf and the Blind under certain circumstances; extending the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course or a private tutoring program under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks to be borne by certain parties; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a private tutoring program or a correspondence or distance learning school; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information and review background checks; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; requiring the State Board of Education to initiate the adoption of rules by a time certain and report to the Legislature; providing exceptions for certain participating private schools subject to specific conditions; amending s. 220.187, F.S., relating to the Corporate Tax Credit Scholarship Program; providing a short title; providing definitions; prohibiting certain private schools and other entities from participating in the scholarship program; authorizing students whose family income level meets certain federal poverty level criteria to continue to participate in the scholarship program; prohibiting certain students from participating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations on eligible contributions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of noncompliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; prohibiting certain eligible nonprofit scholarship-funding organizations the owners of which have filed for bankruptcy from participating in the program; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting the transfer of an eligible contribution between nonprofit scholarship-funding organizations; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree or 3 years of teaching experience at a public or private school, and other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning the private school organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring a private school to administer or to make provision for administering certain tests to scholarship students; requiring reporting of scores to the student's parent and to the Department of Education; requiring a private school to file an affidavit; requiring a private school to notify the Department of Education in writing within 7 days if a student is ineligible to participate in the scholarship program; requiring a private school to report to the Department of Education and distribute to scholarship applicants information concerning accreditation and years in existence; requiring the

Department of Education to make certain information concerning private school accreditation available to the public; prohibiting a private school from participating in the scholarship program if the private school fails to meet its statutory obligations; requiring the Department of Education to determine the eligibility of certain nonprofit scholarship-funding organizations within 90 days after application; requiring a written notice with specific reasons for approval or denial; requiring the Department of Education to annually determine the eligibility of nonprofit scholarship-funding organizations and private schools; requiring the Department of Education to make accessible to the public a list of eligible private schools; requiring the Department of Education to annually verify the eligibility of students; requiring the Department of Education to maintain a student database of program participants and to update the database at least quarterly; requiring the Department of Education to notify a nonprofit scholarship-funding organization of any ineligible student; requiring the Department of Education to annually account for and verify the eligibility of program expenditures; requiring the Department of Education to review audits; requiring the Department of Education to report student performance data; providing limitations on reporting; requiring the Department of Education to revoke the eligibility of program participants for failure to comply with statutory obligations; requiring the Department of Education to conduct investigations of certain complaints; requiring the Department of Education to annually report on accountability activities; requiring the State Board of Education to adopt rules regarding documentation to establish eligibility of nonprofit scholarship-funding organizations, requiring an affidavit, and requiring independent income verification for determining the eligibility of students; authorizing the State Board of Education to delegate its authority to the Commissioner of Education with the exception of rulemaking authority; providing an effective date.

By the Committee on Community Affairs; and Senators Geller and Campbell—

CS for SJR 228—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to prescribe the method for valuing certain properties for ad valorem tax purposes.

By the Committee on Community Affairs; and Senators Fasano, Bennett, Lynn and Crist—

CS for SB 328—A bill to be entitled An act relating to automated external defibrillators in law enforcement vehicles; providing legislative findings and intent; providing definitions; requiring the Department of Law Enforcement to administer a grant program to fund the placement of automated external defibrillators in law enforcement vehicles; requiring a law enforcement agency to provide matching funds when making a grant request; providing an exception; providing for priority consideration for certain applications; authorizing local governments to use funds derived from forfeiture proceedings to purchase automated external defibrillators for law enforcement, firefighting, and emergency medical services vehicles and for training personnel; requiring the department to adopt rules; providing an appropriation; providing for administrative costs; providing for unused funds to be carried over for a specified period; providing an effective date.

By the Committee on Children and Families; and Senators Aronberg and Lynn—

CS for SB 512—A bill to be entitled An act relating to protective injunctions; amending s. 784.046, F.S.; providing standing for a governmental employer to seek an injunction for protection against repeat violence on behalf of an employee; revising the application of evidentiary requirements with respect to injunctions for protection of minor children; providing an effective date.

By the Committee on Health Care; and Senator Peaden—

CS for SB 518—A bill to be entitled An act relating to health professionals treating speech or hearing disorders; amending s. 468.1155, F.S.; revising requirements for the Department of Health in issuing a provisional license to practice speech-language pathology or audiology; revising licensing requirements for applicants who graduated, or who are currently enrolled, in a speech-language pathology or audiology program at a university located outside of the United States or Canada; authorizing the Board of Speech-Language Pathology and Audiology to waive certain requirements for applicants who received professional education in another country under certain circumstances; amending s. 468.1165, F.S.; revising requirements for applicants to obtain professional employment in order to be licensed by the department to practice speech-language pathology or audiology; amending s. 468.1185, F.S.; revising requirements for the department to issue a license to an applicant to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for a person to be certified as an audiology assistant; requiring an audiologist or speech-language pathologist to give an assistant a board-approved plan for training and to maintain responsibility for services performed by the assistant; providing an effective date.

By the Committee on Communications and Public Utilities; and Senator Bennett—

CS for SB 620—A bill to be entitled An act relating to the wireless emergency telephone system; amending s. 11.45, F.S.; removing the annual audit of the Wireless Emergency Telephone System Fund from the duties of the Auditor General; amending s. 364.02, F.S.; revising fee schedules for providers of interexchange telecommunications services; amending s. 365.171, F.S.; revising provisions for certain nonemergency telephone number pilot projects; amending s. 365.172, F.S.; limiting application of definitions; adding definitions relating to wireless telephone communications; revising duties of the Wireless 911 Board; providing for grants and loans to certain counties for the purpose of upgrading E911 systems; authorizing the hiring of an executive director and an independent, private attorney; specifying that state and local governments are not customers for specified purposes; providing legislative intent regarding the emergency wireless telephone system; providing standards for local governments to follow when regulating the placement, construction, or modification of a wireless communications facility; directing local governments to grant or deny properly completed applications within specified time periods; providing criteria and procedures for local approval of an application by a provider of wireless communications services; authorizing the local government to impose an application fee; directing local governments to notify a provider in writing of the deficiencies in an application; directing local governments to notify a provider in writing whether the resubmission of information properly completes the application; permitting local governments to continue requesting information until the application deficiencies are cured; providing for a limited review by a local government of an accessory wireless communications facility; prohibiting local governments from imposing certain restrictions on wireless communications facilities; providing that an action brought by a person adversely affected by a decision of a local government relating to a wireless communications facility shall be considered on an expedited basis; removing certain complaint procedures; amending s. 365.173, F.S.; directing how a county may use funds derived from the E911 fee; requiring the board of county commissioners to appropriate the funds to the proper uses; removing the requirement that the Auditor General annually audit the E911 fund; amending s. 337.401, F.S.; revising provisions relating to use of right-of-way for utilities subject to regulation to remove certain application provisions; providing an effective date.

By the Committee on Agriculture; and Senator Smith—

CS for SB 858—A bill to be entitled An act relating to agriculture; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a short title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; revising the definition of the term "material safety data sheet" for purposes of the Florida Agricultural Worker Safety Act; repealing s. 502.014(5), F.S.; deleting a duty of the Department of Agriculture and Consumer Services

relating to the issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting a reference to a type of milk which is no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of the term "frozen desserts"; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; amending s. 570.9135, F.S.; correcting a reference; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agricultural in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring the removal and destruction of plants under certain circumstances; specifying the circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing the requirement of an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for the suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for the department's regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing for obsolete agricultural equipment to be assessed at its value as salvage; defining the term "agricultural equipment"; providing a procedure for a taxpayer to claim the right of assessment under this section; authorizing the property appraiser to require information establishing a taxpayer's right to the classification; providing severability; providing an effective date.

By the Committee on Regulated Industries; and Senator Argenziano—

CS for SB 1012—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.271, F.S.; providing for the reinstatement of certain voided licenses; providing requirements for application and reinstatement of voided licenses, including fees, continuing education, and eligibility; providing an exemption; providing an effective date.

By the Committee on Commerce and Consumer Services—

CS for SB 1026—A bill to be entitled An act relating to the aerospace industry; creating the Commission on the Future of Space in Florida; providing for membership and organization of the commission; providing procedures for action by the commission; authorizing the commission to appoint an executive director; providing for administrative and staff assistance from the Department of Transportation; providing for compensation of consultants; providing duties of the commission; requiring the commission to identify, examine, and review certain information related to aerospace and the aerospace industry; authorizing the commission to appoint technical advisory committees; authorizing reimbursement of travel expenses; requiring a certain number of meetings in various regions of the state; directing certain agencies and requesting other agencies to render assistance and cooperation; requiring preliminary and final reports; requiring the Department of Transportation to prepare legislative recommendations consistent with the report; abolishing the commission; providing an expiration date; providing for an appropriation; providing an effective date.

By the Committee on Regulated Industries; and Senator King—

CS for SB 1114—A bill to be entitled An act relating to restaurants licensed to sell wine on the premises; creating s. 564.09, F.S.; authorizing a restaurant patron to remove a resealed wine container from a restaurant for off-premise consumption; amending s. 316.1936, F.S.; providing that a resealed wine container is not an open container for purposes of the prohibition against possessing an open container of alcohol in a vehicle; providing an effective date.

By the Committee on Regulated Industries; and Senators Haridopolos and Fasano—

CS for SB 1124—A bill to be entitled An act relating to mobile homes; amending s. 723.037, F.S.; providing intent, requirements, and restrictions regarding information exchanged in meetings between park owners and homeowners' committees and at mediation; providing exceptions; amending s. 723.0611, F.S.; designating the Florida Mobile Home Relocation Corporation as an agency of the state and certain other persons as officers, employees, or agents of the state for application of sovereign immunity provisions; providing rulemaking authority to administer provisions involving the corporation; amending s. 723.0612, F.S.; providing that mobile home owners are not eligible for compensation in certain circumstances involving change in use of the land comprising the mobile home park; providing entitlement to attorney's fees and costs in certain enforcement actions; providing an effective date.

By the Committee on Health Care; and Senator Peaden—

CS for SB 1208—A bill to be entitled An act relating to long-term care coverage; amending s. 409.905, F.S.; providing conditions for eligibility; creating s. 409.9102, F.S.; directing the Agency for Health Care Administration to establish the Long-term Care Partnership Program; providing purpose and duties; directing the agency to submit a plan and proposed legislation to the Legislature; providing a contingent effective date.

By the Committee on Commerce and Consumer Services; and Senators Aronberg and Lynn—

CS for SB 1288—A bill to be entitled An act relating to labor pools; amending s. 448.24, F.S.; authorizing a labor pool to provide day laborers with a method of obtaining cash from a cash-dispensing machine; providing criteria for the use of a cash-dispensing machine; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Carlton—

CS for SB 1312—A bill to be entitled An act relating to the recreational vehicles; amending s. 479.261, F.S.; requiring the Department of Transportation to incorporate certain markers on logo signs for certain establishments; requiring the department to adopt rules regarding the incorporation of those markers; amending s. 681.1096, F.S.; eliminating future termination of the program; revising requirements for program certification to ensure neutrality of dispute resolution; providing guidelines for the training of arbitrators and mediators; providing that the program must complete all mediation and arbitration within 70 days after receipt of the consumer's claim; requiring the program to gather and make available all documents relevant to a dispute; providing consumer exemption from mediation when at least one manufacturer does not qualify for the program; authorizing the Department of Legal Affairs to revoke the qualification of a noncompliant program; providing for notice to programs and manufacturers not in compliance, for opportunity to correct deficiencies, and for administrative hearings; requiring the program to maintain dispute records; creating an annual reporting requirement; providing the program with rulemaking authority to implement provisions of this section; amending s. 681.1097, F.S.; providing and revising dispute resolution guidelines for consumers of recreational

vehicles; requiring consumers to submit their dispute to the program; providing that the claim is considered filed when it is date-stamped as received by the program; requiring the consumer's application form to be prescribed by the program; requiring the program administrator to screen all applications to determine eligibility; requiring the program administrator to provide notice of rejected applications; providing for mandatory mediation and the expansion of the scope of mediation at the consent of the parties; providing guidelines for mediation proceedings; requiring written response of manufacturers to consumer allegations; removing requirement that the program administrator notify the department of the mediation outcome; extending the deadline for consumer notification to the program administrator of a manufacturer's failure in comply with a mediation decision; revising guidelines for arbitration proceedings; providing that technical rules of evidence do not apply to arbitration proceedings; providing for the expansion of the scope of arbitration at the consent of the parties; requiring the arbitrator's decision to consider all legal and equitable factors; providing consumers with means for civil enforcement of an award; extending the deadline for consumer notification to the program administrator of a manufacturer's failure in comply with an arbitration decision; providing that the arbitrator's decision is admissible as evidence in certain civil actions; providing an effective date.

By the Committee on Children and Families; and Senators Rich and Lynn—

CS for SB 1314—A bill to be entitled An act relating to independent living; amending s. 39.013, F.S.; authorizing a child in foster care to petition the court to retain jurisdiction of his or her case; limiting the court's continued jurisdiction to 1 year after the child's 18th birthday; identifying the issues to be considered by the court during its continued jurisdiction; providing that a judicial review hearing is not required; providing an exception; amending s. 39.701, F.S.; requiring the Department of Children and Family Services to include in its judicial review study report verification that the child has been provided with certain information about the Road-to-Independence Scholarship Program and with notice of the child's right to petition the court for continuing jurisdiction; amending s. 409.1451, F.S.; authorizing a child who is eligible for the Road-to-Independence Scholarship Program to continue to reside with a licensed foster family or a group care provider; requiring that the department enroll certain young adults who were formerly in foster care in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid; requiring that the Independent Living Services Advisory Council study the most effective way of providing health insurance for young adults in the program for independent living who are not eligible for the Florida KidCare program; requiring the council to report its recommendations to the Legislature; providing an effective date.

By the Committee on Health Care; and Senators Rich, Lynn, Wilson, Hill, Atwater, Klein and Dawson—

CS for SB 1324—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.8132, F.S.; providing for year-round enrollment in the Medikids program component of the Florida KidCare program; amending s. 409.8134, F.S.; providing for year-round enrollment in the Florida KidCare program; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Argenziano—

CS for SB 1446—A bill to be entitled An act relating to state financial matters; amending s. 121.021, F.S.; clarifying that the State Board of Administration may require that a member of the Florida Retirement System provide evidence of termination; amending s. 121.091, F.S.; providing that a member of the Public Employee Optional Retirement Program may not return to employment with an employer under the Florida Retirement System until after being terminated for 3 calendar months; providing an exception for those members who have reached the normal retirement requirements of the defined benefit plan; amending s. 121.4501, F.S.; redefining the terms "eligible employee" and "participant" for purposes of the Public Employee Optional Retirement Program; prescribing certain conditions on participation in the program; deleting references to the program's advisory committees; prescribing procedures for, and certain presumptions relating to, designation of beneficiaries; providing for participation by terminated DROP participants; amending s. 121.591, F.S.; providing for cancellation of certain payment instruments under the program when not presented for payment; providing for payment upon subsequent application and for forfeiture when not claimed within a certain period; providing that members of the Public Employee Optional Retirement Program may not receive a distribution from their account until after being terminated for 3 calendar months; providing an exception; providing for designation of beneficiaries for death benefits; amending s. 215.47, F.S.; authorizing investments in asset-backed securities; providing an effective date.

By the Committee on Community Affairs; and Senator Constantine—

CS for SB 1458—A bill to be entitled An act relating to the education of children of deceased or disabled veterans; amending s. 295.01, F.S.; extending the opportunity to receive postsecondary educational benefits at state expense to the dependent children of certain dead or disabled veterans who were Florida residents when the death or disability occurred; decreasing the minimum required length of the parent's residency; amending s. 295.0185, F.S.; providing educational opportunity at state expense for dependent children of military personnel who die or suffer a specified disability in Operation Iraqi Freedom; amending s. 295.02, F.S.; authorizing the use of funds for educational opportunities for the children of certain deceased and disabled veterans; providing an effective date.

By the Committee on Children and Families; and Senators Campbell and Margolis—

CS for SB 1476—A bill to be entitled An act relating to the Department of Children and Family Services; providing legislative intent with respect to establishing a structure by which the department shall monitor and manage contracts with external service providers; providing definitions; requiring the department to competitively procure certain commodities and contractual services; requiring the department to allow all public postsecondary institutions to bid on contracts intended for any public postsecondary institution; authorizing the department to competitively procure and contract for systems of treatment or service that involve multiple providers; providing requirements if other governmental entities contribute matching funds; requiring that an entity providing matching funds must comply with certain procurement procedures; authorizing the department to independently procure and contract for treatment services; requiring that the department develop a validated business case before outsourcing any service or function; providing requirements for the business case; requiring that the validated business case be submitted to the Legislature for approval; requiring that a contractual service that has previously been outsourced be subject to the requirements for a validated business case; requiring that a procurement of contractual services equal to or in excess of the threshold amount for CATEGORY FIVE comply with specified requirements, including a scope of work and performance standards; authorizing the department to adopt incremental penalties by rule; authorizing the department to include cost-neutral, performance-based incentives in a contract; requiring that a contract in excess of $1 million be negotiated by a contract negotiator who is certified according to standards established by the Department of Management Services; limiting circumstances under which the department may amend a contract; requiring that a proposed contract amendment be submitted to the Executive Office of the Governor for approval; requiring approval of a contract amendment by the Administration Commission under certain circumstances; requiring the department to verify that contractural terms have been satisfied before renewing a contract; requiring certain documentation; requiring the department to develop, in consultation with the Department of Management Services, contract templates and guidelines; requiring that the department establish a contract-management process; specifying the requirements for and components of the contract-management process; providing requirements for resolving performance deficiencies and terminating a contract; requiring a corrective-action plan under certain

circumstances; requiring the department to develop standards of conduct and disciplinary actions; requiring that the department establish contract-monitoring units and a contract-monitoring process; requiring written reports; requiring on-site visits for contracts involving the provision of direct client services; requiring the department to make certain documents available to the Legislature; requiring the department to create an electronic database to store the documents; amending s. 402.73, F.S.; requiring the Agency for Persons with Disabilities to implement systems to ensure quality and fiscal integrity of programs in the developmental services Medicaid waiver system; providing an exemption for health services from competitive bidding requirements; amending s. 409.1671, F.S.; conforming provisions to changes made by the act; requiring that the Office of Program Policy Analysis and Government Accountability conduct two reviews of the contract-management and accountability structures of the department and report to the Legislature and the Auditor General; repealing s. 402.72, F.S., relating to contract-management requirements for the Department of Children and Family Services; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator King—

CS for SB 1650—A bill to be entitled An act relating to workforce innovation; amending s. 20.50, F.S.; revising the organization, powers, and duties of the Agency for Workforce Innovation; deleting references to specific programs; amending s. 445.003, F.S.; revising certain provisions relating to funding under the federal Workforce Investment Act of 1998; deleting obsolete provisions; amending s. 445.004, F.S.; revising membership and appointment of the board of directors of Workforce Florida, Inc., and increasing terms of members; providing for use of telecommunications to facilitate meetings; revising duties of the board chair and of Workforce Florida, Inc.; providing for rules; providing additional qualifications for certain board members; authorizing activities, incentives, and awards; requiring a dispute-resolution process under certain circumstances; amending s. 445.006, F.S.; providing for an operational plan; amending s. 445.007, F.S.; revising organizational requirements for regional workforce boards; providing for the use of telecommunications to facilitate meetings of regional workforce boards; authorizing activities, incentives, and awards by regional workforce boards and their subordinate entities; deleting obsolete provisions; amending s. 445.009, F.S.; deleting provisions relating to performance evaluation; deleting obsolete provisions; requiring development of a plan for leveraging resources; amending s. 445.019, F.S.; providing an additional purpose of the teen parent and pregnancy prevention diversion program; amending s. 445.020, F.S.; requiring the Temporary Assistance for Needy Families state plan to indicate financial criteria for determination of needy families or parents, when required by federal regulations; amending s. 427.012, F.S.; providing for the director of the agency to serve on the Commission for the Transportation Disadvantaged; repealing s. 445.005, F.S., relating to First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages Councils of Workforce Florida, Inc., s. 445.012, F.S., relating to Careers for Florida's Future Incentive Grant Program, s. 445.0121, F.S., relating to student eligibility requirements for initial awards, s. 445.0122, F.S., relating to student eligibility requirements for renewal awards, s. 445.0123, F.S., relating to eligible postsecondary education institutions, s. 445.0124, F.S., relating to eligible programs, s. 445.0125, F.S., relating to repayment schedule, s. 445.013, F.S., relating to challenge grants in support of welfare-to-work initiatives, s. 446.21, F.S., providing a short title, s. 446.22, F.S., relating to definitions for the Florida Youth-at-Risk 2000 Pilot Program, s. 446.23, F.S., relating to obligations of a mentor, s. 446.24, F.S., relating to obligations of a youth participant, s. 446.25, F.S., relating to implementation of the program, s. 446.26, F.S., relating to funding the program, and s. 446.27, F.S., relating to an annual report; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator King—

CS for SB 1652—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; exempting proceedings conducted by special deputies under chapter 443, F.S., from uniform rules of procedure; amending s. 443.071, F.S.; prohibiting establishing a fictitious employing unit for the purpose of receiving unemployment benefits; describing those acts that constitute prima facie evidence of establishing a personal benefit account and of claiming and receiving unemployment benefits; providing penalties; providing for access to certain investigative records; amending s. 443.091, F.S.; revising certain conditions of benefit eligibility; amending s. 443.1216, F.S.; clarifying powers of employee leasing companies in leasing officers and other workers to clients; restating types of employment exempt from coverage under chapter 443, F.S.; amending s. 443.1217, F.S.; providing applicability of guidelines for determining those wages subject to chapter 443, F.S.; amending s. 443.131, F.S.; redefining the term "total excess payments"; prescribing guidelines for transferring unemployment experience upon transfer or acquisition of a business; providing penalties for unlawful acts related to such transfer; amending s. 443.1317, F.S.; providing for an official seal for the Agency for Workforce Innovation; amending s. 443.151, F.S.; prescribing procedures with respect to untimely appeals; amending s. 895.02, F.S.; redefining the term "racketeering activity," for purposes of the criminal statutes pertaining to that offense, to include creation of fictitious employer schemes to commit unemployment compensation fraud; reenacting ss. 16.56(1)(a) and 905.34, F.S., relating to the Office of Statewide Prosecution and to the powers and duties of a statewide grand jury, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; reenacting ss. 655.50(3)(g) and 896.101(2)(g), relating to the Florida Control of Money Laundering in the Financial Institutions Act and the Florida Money Laundering Act, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; providing effective dates.

By the Committee on Agriculture—

CS for SB 1748—A bill to be entitled An act relating to agricultural water conservation; requiring each water management district to review rule criteria for environmental resource permits, existing permit exemptions, and alternatives to standard permitting programs and recommend regulatory alternatives that will encourage agricultural water conservation; requiring a report by the Department of Agriculture and Consumer Services and the Department of Environmental Protection to the appropriate legislative committees; amending s. 373.236, F.S.; authorizing the issuance of permits for agricultural production for a specified period for uses that incorporate agricultural water conservation measures and provide a 10-percent net reduction in permitted water use or the replacement of a water supply source; amending s. 373.406, F.S.; providing that an exemption provided for activities having minimal adverse impact does not apply to any activities that are conducted as mitigation for wetland or other surface water impacts; amending s. 373.414, F.S.; authorizing the governing board of a water management district or the department to adopt criteria by rule for issuing permits for the use of wetlands for implementing agricultural water conservation measures; amending s. 373.2234, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Ethics and Elections; and Senators Atwater and King—

CS for SJR 2200—A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution; requiring that a proposed amendment to or revision of the State Constitution which authorizes the imposition of a new state tax or fee by state government must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; requiring that a proposed amendment to or revision of the State Constitution which increases, or authorizes the increase of, an existing state tax or fee by state government must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase "existing State tax or fee" means any tax or fee producing revenue subject to lump sum or other appropriation by the Legislature, either for the state general revenue fund or any trust fund, which tax or fee is in effect at the time of the election when the proposed amendment or revision is considered; requiring that a proposed amendment to or revision of the State Constitution which imposes a significant financial impact on state government be approved by at

least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase "significant financial impact" means an amount greater than one-tenth of 1 percent of the total state budget for the state fiscal year ending in the year prior to the general election in which such proposed amendment or revision is considered; deleting obsolete provisions.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 1334, CS for SB 1336, SB 1338 and SB 1340.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 10, 14 and 16 were corrected and approved.

CO-INTRODUCERS

Senators Bennett—SB 1116, SB 2570; Campbell—SB 1068, SB 2210; Dawson—SB 1176; Fasano—SB 2542; Geller—SB 1068; Hill—SR 2690; Jones—SB 1116; King—SR 2690; Lynn—CS for SB 56, SB 162, SB 316, SB 830, SB 1056, SB 1098, SB 1360, SB 1436, SB 1448; Posey—SB 612; Rich—SB 1620; Wise—SB 818

RECESS

On motion by Senator Pruitt, the Senate recessed at 3:46 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, March 18 or upon call of the President.

Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Lee at 9:15 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by Senator Haridopolos:

Dear God, we thank you for the honor to serve you and the citizens of our state. We thank you for the opportunity to assemble in freedom. Today, we humbly seek your guidance as we make a difficult decision. We pray that our choice is pleasing to your ears. Regardless of our vote, please know that each of us loves you and we seek your grace.

We pray for the safety of men and women in the Armed Forces, as well as their families, as they promote hope, opportunity and freedom abroad.

Let us remember the words from your Book: "Be slow to speak, slow to anger, quick to listen." God, we love you and please continue to bless the citizens of our state, and the City on the Hill that you created, the United States of America. Amen.

PLEDGE

Senate Pages Andrew Palmer of Orange Park; Marguerite "Anne" Timmel and Elizabeth "Bette" Marston of Tampa; and Matthew Tolar of Plant City, led the Senate in the pledge of allegiance to the flag of the United States of America.

BILLS ON THIRD READING

CS for SB 478—A bill to be entitled An act relating to podiatric medicine; amending s. 461.014, F.S.; requiring a hospital having a podiatric residency program to annually provide the Board of Podiatric Medicine with certain information; revising the time period during which a podiatric physician may continue as an unlicensed resident in a residency program; permitting a resident podiatric physician to prescribe certain medications under certain circumstances; providing that a podiatric resident who is registered under the act is subject to specified disciplinary procedures; providing a penalty; requiring the board to adopt rules to administer this act; providing an effective date.

—as amended March 10 was read the third time by title.

On motion by Senator Clary, **CS for SB 478** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 804—A bill to be entitled An act relating to the suspension of artificially provided sustenance or hydration from a person in a persistent vegetative state; creating s. 765.405, F.S.; prohibiting the suspension of the sustenance or hydration under certain conditions; authorizing certain parties to petition the court to prevent suspension of the sustenance or hydration; specifying that the act is remedial and providing for its application; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, further consideration of **CS for SB 804** was deferred.

CS for SB 1486—A bill to be entitled An act relating to property insurance; amending s. 627.701, F.S.; providing that the requirement for a hurricane deductible to apply on an annual basis applies to personal lines residential property insurance policies; requiring insurers that provide commercial residential property insurance to offer alternative hurricane deductibles that apply on an annual basis or to each hurricane; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 1486** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine
Atwater	Campbell	Crist

Diaz de la Portilla	Klein	Saunders
Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wise
Jones	Pruitt	
King	Rich	

Nays—None

Vote after roll call:

Yea—Dawson, Wilson

SB 114—A bill to be entitled An act relating to trust funds; creating the Entertainment Industry Financial Incentive Trust Fund; providing for sources of funds and purposes; requiring funds to remain in the trust fund at the end of each fiscal year; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Saunders, **SB 114** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	

Nays—None

Vote after roll call:

Yea—Dawson, Villalobos

SB 238—A bill to be entitled An act relating to personal injury protection insurance; amending s. 627.732, F.S.; defining the terms "biometric" and "biometric time date technology"; amending s. 627.736, F.S.; revising procedures with respect to the use of biometric time date technology for the purpose of documenting claims and making payments under personal injury protection benefits; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **SB 238** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Clary	Jones
Alexander	Constantine	King
Argenziano	Crist	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Saunders	Smith	Wilson
Sebesta	Villalobos	Wise
Siplin	Webster	

Nays—None

Vote after roll call:

Yea—Dawson

SB 300—A bill to be entitled An act relating to taxation; repealing s. 11, ch. 2000-312, Laws of Florida; abrogating the expiration of provisions in ss. 197.182(1), (3), 120.80(14)(b), 213.21(2), (3), 199.185(1)(n), 125.0104(6), (10), 212.0305(5)(c), 213.053(7)(j), 212.055(2)(c), (5), (7), F.S., relating to the Department of Revenue passing upon and ordering refunds of property taxes, taxpayer contest proceedings against the department, procedures by which the department may resolve disputes relating to assessment of taxes, interest, and penalties, exemption from the tax on intangible personal property for leasehold estates in governmental property, auditing of records relating to local administration of the Tourist Development Tax, auditing of records relating to local administration of the Convention Development Tax, disclosure of confidential information by the department, levying the County Public Hospital Surtax, distribution of the Local Government Infrastructure Surtax, and the Voter-Approved Indigent Care Surtax, which expiration was scheduled to take effect October 1, 2005; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **SB 300** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

SB 162—A bill to be entitled An act relating to voyeurism; amending s. 810.14, F.S.; revising the elements of the offense of voyeurism in order to eliminate acts of photographing, filming, videotaping, or recording, which are made a crime under the offense of video voyeurism; providing that a person commits the offense of voyeurism when he or she secretly observes another person when the other person is in a location that provides a reasonable expectation of privacy; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **SB 162** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bullard	Dockery
Alexander	Campbell	Fasano
Argenziano	Carlton	Garcia
Aronberg	Clary	Geller
Atwater	Constantine	Haridopolos
Baker	Crist	Hill
Bennett	Diaz de la Portilla	Jones

King	Peaden	Siplin
Klein	Posey	Smith
Lawson	Pruitt	Villalobos
Lynn	Rich	Webster
Margolis	Saunders	Wilson
Miller	Sebesta	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 366—A bill to be entitled An act relating to health care practitioners; amending s. 456.072, F.S.; providing that a health care practitioner's failure to comply with the terms of a monitoring or treatment program for impaired practitioners or failure to complete any drug-treatment or alcohol-treatment program is an additional ground under which the practitioner is subject to discipline by the Department of Health or the board having jurisdiction over the practitioner; reenacting ss. 457.109(2), 458.331(2), 459.015(2), 460.413(2), 461.013(2), 462.14(2), 463.016(2), 464.018(2), 465.016(2), 466.028(2), 467.203(2), 468.1295(2), 468.1755(1)(a) and (2), 468.217(2), 468.365(2), 468.518(2), 468.719(2), 468.811(2), 478.52(2), 480.046(2), 483.825(2), 483.901(6)(h), 484.014(2), 484.056(1)(a) and (2)(a), 486.125(2), 490.009(2), and 491.009(2), F.S., relating to health care practice acts and similar regulatory provisions, to incorporate the amendment to s. 456.072, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for SB 366** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

SB 266—A bill to be entitled An act relating to nursing home facilities; amending s. 400.141, F.S.; providing a method by which state-designated teaching nursing homes and affiliated assisted living facilities may demonstrate financial responsibility; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **SB 266** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bullard	Dockery
Alexander	Campbell	Fasano
Argenziano	Carlton	Garcia
Aronberg	Clary	Geller
Atwater	Constantine	Haridopolos
Baker	Crist	Hill
Bennett	Diaz de la Portilla	Jones
King	Peaden	Siplin
Klein	Posey	Smith
Lawson	Pruitt	Villalobos
Lynn	Rich	Webster
Margolis	Saunders	Wilson
Miller	Sebesta	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for CS for SB 434—A bill to be entitled An act relating to individuals with disabilities; amending s. 413.08, F.S.; providing definitions; providing that an individual with a disability has full and equal access to and enjoyment of public accommodations and state and local facilities, programs, services, and activities; providing that an individual with a disability may be accompanied by a service animal in places of public accommodation and in state and local facilities; directing that documentation that a service animal is trained may not be a precondition for providing service to an individual accompanied by a service animal; requiring that a service animal be given access to all areas of a government facility or public accommodation that the public or customers are normally permitted to occupy; prohibiting segregating an individual with a service animal from other customers or the public; prohibiting a public accommodation from imposing a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual; providing that an individual with a disability may be liable for damage caused by a service animal; providing that the animal's owner is responsible for the care and supervision of a service animal; providing that the public accommodation or government entity is not required to provide care or food or a special location for a service animal; providing that a public accommodation or government entity may exclude or remove any animal from the premises if the animal's behavior poses a direct threat to the health and safety of others; increasing certain penalties for violations of the act; providing that the trainer of a service animal has the same rights and privileges as a person with a disability while training the service animal; providing that a housing accommodation may request proof of compliance with vaccination requirements; amending s. 413.081, F.S.; conforming provisions to changes made by the act; providing an effective date.

—as amended March 17 was read the third time by title.

On motion by Senator Wise, **CS for CS for SB 434** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Rich
Atwater	Haridopolos	Saunders
Baker	Hill	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Campbell, Dawson

CS for SB 62—A bill to be entitled An act relating to services for seniors and adults with developmental disabilities; authorizing each county to create an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by referendum at the next general election to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing

board for the special district; specifying criteria for membership to the governing board; providing terms of office; clarifying that a county may provide services for seniors and adults with developmental disabilities or create a special district to provide such services by general or special law; specifying the powers and functions of a council on services for seniors and adults with developmental disabilities; requiring each council to appoint a chair and a vice chair and elect officers, to identify and assess the needs of the seniors and adults with developmental disabilities in the county served by the council, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual written report to the governing body of the county; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council on services for seniors and adults with developmental disabilities by the tax collector of the county and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report with the governing body of the county; providing that a district may be dissolved by a special act of the Legislature or by ordinance by the governing body of the county; specifying obligations of the county if a district is dissolved; authorizing the governing body of a county to fund the budget of the council on services for seniors and adults with developmental disabilities from its own funds after or during the council's first year of operation; requiring a special district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing a county to create a dependent special district to provide certain services for seniors and adults with developmental disabilities; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by a council on services for seniors and adults with developmental disabilities; providing that two or more councils on services for seniors and adults with developmental disabilities may enter into a cooperative agreement to share administrative costs, staff, and office space and seek grants, accept donations, or jointly fund programs serving multicounty areas; prohibiting councils or districts from requiring matching funds from certain service providers as a condition for the provision of services by the council or district; providing an effective date.

—as amended March 17 was read the third time by title.

On motion by Senator Campbell, **CS for SB 62** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Crist	Miller	
Diaz de la Portilla	Peaden	

Nays—1

Hill

Vote after roll call:

Yea—Dawson

SB 544—A bill to be entitled An act relating to psychotherapist-patient privilege; amending s. 90.503, F.S.; redefining the term "psychotherapist" to include certain advanced registered nurse practitioners for purposes of the psychotherapist-patient privilege of the Florida Evidence Code; providing an effective date.

—as amended March 17 was read the third time by title.

On motion by Senator Smith, **SB 544** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 474—A bill to be entitled An act relating to nurse registries; amending s. 400.506, F.S.; revising requirements for home visits by registered nurses; deleting a mandatory requirement for monthly visits; requiring that the patient be notified of the availability of optional visits; providing an effective date.

—was read the third time by title.

Senator Saunders moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (862478)—On page 1, lines 20-29, delete those lines and insert: *or a person acting on behalf of the patient at the time of contracting for services through the nurse registry of the availability of registered nurses to visit the patient's home to assess the patient's condition at an additional cost.* ~~A registered nurse shall make monthly visits to the patient's home to assess the patient's condition and quality of care being provided by the certified nursing assistant or home health aide.~~ Any condition which in the professional judgment of the nurse requires further medical attention shall be reported to the attending physician and the nurse registry. The assessment shall become a

On motion by Senator Saunders, **CS for SB 474** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 64—A bill to be entitled An act relating to guardianship; amending s. 737.2065, F.S.; authorizing the guardian of the property of

an incapacitated person to contest the validity of a trust before it becomes irrevocable; amending s. 744.107, F.S.; revising provisions relating to court monitors; requiring orders of appointment and monitors' reports to be served upon certain persons; authorizing the court to enter any order necessary to protect a ward or ward's estate; requiring notice and a hearing; authorizing a court to assess certain costs and attorney's fees under certain circumstances; creating s. 744.1075, F.S.; authorizing a court to appoint a court monitor on an emergency basis under certain circumstances; requiring the court to make certain findings; requiring the monitor to report findings and recommendations; providing duties of the court relating to probable cause for the emergency appointment; providing requirements for a court order to show cause for the emergency appointment; specifying a time period for a monitor's authority; providing for extending such time period; authorizing the court to issue certain injunctions or orders for certain purposes; requiring the court to provide copies of such injunctions or orders to all parties; authorizing the court to impose sanctions or take certain enforcement actions; providing for payment of reasonable fees to the monitor; prohibiting certain persons from receiving certain fees; authorizing a court to assess certain costs and attorney's fees under certain circumstances; amending s. 744.331, F.S.; requiring the court to determine whether there is an alternative to guardianship if a person is determined incapable of exercising his or her delegable rights; authorizing an interested person to file a verified statement indicating a belief that an incapacitated person's trust, trust amendment, or durable power of attorney is invalid, in which case such instrument may not be an alternative to the appointment of a guardian; amending s. 744.387, F.S.; providing that the present value or future benefits of a structured settlement may not be included in determining the net settlement to a ward for guardianship purposes if the settlement includes a structured settlement that does not pay benefits to the minor until the minor reaches the age of majority; amending s. 744.441, F.S.; requiring the court to determine whether an action contesting the validity of a trust is in the ward's best interests before authorizing a guardian to bring such actions; creating s. 744.462, F.S.; requiring that the validity of a ward's durable power of attorney, trust, or trust amendment be reported in the guardianship proceedings; requiring the court to review the continued need for a guardian and delegation of the ward's rights under certain conditions; providing an effective date.

—as amended March 17 was read the third time by title.

On motion by Senator Campbell, **CS for SB 64** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

REPORTS OF COMMITTEES

The Committee on Regulated Industries recommends a committee substitute for the following: CS for SB 442

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 454

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Regulated Industries; Community Affairs; and Senator Bennett—

CS for CS for SB 442—A bill to be entitled An act relating to building safety; amending s. 215.559, F.S.; requiring that a specified percentage of the funds appropriated under the Hurricane Loss Mitigation Program be used for education concerning the Florida Building Code and for the operation of the disaster contractors network; requiring the Department of Community Affairs to contract with a nonprofit tax-exempt entity for training, development, and coordination; amending s. 468.621, F.S.; providing additional grounds for which disciplinary actions may be taken against building code enforcement officials; amending s. 489.537, F.S.; providing that certain alarm system contractors and electrical contractors may not be required by a municipality or county to obtain additional certification or meet additional licensure requirements; amending s. 553.37, F.S.; providing requirements for exit alarms; providing for the approval, delivery, and installation of lawn storage buildings and storage sheds; amending s. 553.73, F.S.; specifying certain codes from the International Code Congress and the International Code Council as foundation codes for the updated Florida Building Code; providing requirements for amendments to the foundation codes; providing for the incorporation of certain statements, decisions, and amendments into the Florida Building Code; providing a timeframe for rule updates to the Florida Building Code to become effective; adding a requirement for technical amendments to the Florida Building Code; providing requirements for the Florida Building Commission in reviewing code amendments; providing an exception; incorporating by reference certain standards for unvented conditioned attic assemblies; amending s. 553.77, F.S.; revising duties of the Florida Building Commission; authorizing local building departments or other entities to approve changes to an approved building plan; prohibiting a commission member from voting or taking action on matters of a personal or financial interest to the member; deleting requirements that the commission hear certain appeals and issue declaratory statements; creating s. 553.775, F.S.; providing legislative intent with respect to the interpretation of the Florida Building Code; providing for the commission to resolve disputes regarding interpretations of the code; requiring the commission to review decisions of local building officials and local enforcement agencies; providing for publication of an interpretation on the Building Code Information System and in the Florida Administrative Weekly; authorizing the commission to adopt a fee; amending s. 553.79, F.S.; exempting truss-placement plans from certain requirements; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring that issuance of stop-work orders be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; specifying conditions for proceeding with building work; amending s. 553.80, F.S.; authorizing local governments to impose certain fees for code enforcement; providing requirements and limitations; conforming a cross-reference; requiring the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; exempting certain buildings of the Department of Agriculture and Consumer Services from local permitting requirements, review, or fees; amending s. 120.80, F.S.; authorizing the Florida Building Commission to conduct proceedings to review decisions of local officials; amending s. 553.841, F.S.; revising provisions governing the Building Code Training Program; creating the Building Code Education and Outreach Council to coordinate, develop, and ensure enforcement of the Florida Building Code; providing for membership, terms of office, and meetings; providing duties of the council; providing for administrative

support for the council; requiring the council to develop a core curriculum and equivalency test for specified licensees; providing for the use of funds by the council; repealing s. 553.8413, F.S., relating to the Education Technical Advisory Committee; amending s. 553.842, F.S.; providing for products to be approved for statewide use; deleting an obsolete date; deleting a provision requiring the commission to adopt certain criteria for local program verification and validation by rule; providing for validation of certain products by inspection of the certification mark or listing; adding an evaluation entity to the list of entities specifically approved by the commission; deleting a requirement that the commission establish a schedule for adopting rules relating to product approvals under certain circumstances; creating s. 633.026, F.S.; requiring that the State Fire Marshal establish by rule a process for rendering nonbinding interpretations of the Florida Fire Prevention Code; authorizing the State Fire Marshal to enter into contracts and refer interpretations to a nonprofit organization; providing for the interpretations to be advisory; providing for funding the program from the Insurance Regulatory Trust Fund; providing requirements for local product approval of products or systems of construction; specifying methods for demonstrating compliance with the structural windload requirements of the Florida Building Code; providing for certification to be issued by a professional engineer or registered architect; providing for audits under a quality assurance program and other types of certification; providing that changes to the Florida Building Code do not void the approval of previously installed products; amending s. 633.021, F.S.; redefining terms used in ch. 633, F.S.; amending s. 633.0215, F.S.; revising provisions relating to the construction of townhouse stairs; amending s. 633.065, F.S.; providing additional requirements for inspection and maintenance of fire suppression equipment; amending s. 633.071, F.S.; requiring inspection tags to be attached to all fire protection systems; providing for the standardization of inspection tags and reports; amending s. 633.082, F.S.; requiring fire protection systems to be inspected in accordance with nationally accepted standards; amending s. 633.521, F.S.; establishing a permit classification for individuals who inspect fire protection systems; amending s. 633.524, F.S.; establishing fees for various classes of permits; amending s. 633.537, F.S.; establishing continuing education requirements; amending s. 633.539, F.S.; requiring fire protection systems to be inspected, serviced, or maintained by a permitholder; establishing the scope of work criteria; amending s. 633.547, F.S.; providing for disciplinary action; repealing s. 553.851, F.S., relating to the protection of underground gas pipelines; providing that a local government must act upon certain permit applications within a specified time or the permits are automatically deemed approved; providing for an extension; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 454—A bill to be entitled An act relating to highway safety; amending s. 316.006, F.S.; providing for interlocal agreements between municipalities and counties transferring traffic regulatory authority; amending s. 316.083, F.S.; requiring an appropriate signal when overtaking and passing a vehicle; amending s. 316.155, F.S.; specifying that signals are required when overtaking or passing a vehicle; amending s. 316.2095, F.S.; revising physical requirements for operating motorcycles under certain circumstances; amending s. 316.302, F.S.; providing a penalty for operating a commercial motor vehicle bearing a false or other illegal identification number; amending s. 316.3045, F.S.; revising criteria related to the operation of radios or other sound-making devices in motor vehicles; amending s. 318.1215, F.S.; clarifying that funds from the Dori Slosberg Driver Education Safety Act be used for driver education programs in schools; requiring that funds be used for enhancement of a driver education program funds; providing a requirement for behind-the-wheel training; amending s. 320.08058, F.S.; revising requirements for agencies that receive funds from the Choose Life license plate; revising authorized uses of revenues from the Animal Friend specialty license plate; amending s. 320.089, F.S.; allowing retired members of the U.S. Armed Forces Reserve to be issued U.S. Reserve license plates; amending s. 322.08, F.S.; allowing funds collected from a voluntary contribution associated with driver's license renewals to be used for hearing screening for all age groups; amending s. 322.2615, F.S.; providing that the disposition of a related criminal proceeding may not affect a suspension of a driver's license for refusal to submit to blood, breath, or urine testing; directing the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level if the suspended person is found not guilty at trial of the underlying violation of law; amending s. 322.27, F.S.; correcting a cross-reference relating to points assigned for littering violations; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 17 was corrected and approved.

CO-INTRODUCERS

Senators Baker—SB 2180; Bullard—SB 114, SB 266; Fasano—SB 1872, SB 1958; Haridopolos—SB 1374; Lynn—CS for SB 816; Rich—SB 1714

RECESS

On motion by Senator Pruitt, the Senate recessed at 9:51 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Tuesday, March 22 or upon call of the President.

Journal of the Senate

Number 7—Regular Session **Tuesday, March 22, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 9:18 a.m. A quorum present—39:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Excused: Senator Dawson

PRAYER

The following prayer was offered by the Rev. James Golden, Ward Temple African Methodist Episcopal Church, Bradenton:

Dear Heavenly Father, for the winter of our discontent that has ended and for the season of spring that has sprung, we thank you. For the second day of this wonderful season of renewal, restoration, and reflection, we thank you.

For your power that lifted the sun from beyond the horizon this morning and directed its rays to scatter the moon and stars and the long, dark night into nothingness, we thank you.

For your goodness that awakened each of us from last night's slumber from what could have been an endless sleep, we thank you. For your mercy that did not make our beds our cooling boards and our bedsheets our winding clothes, we thank you. For your grace that has allowed us the full use and activities of our mind, and limbs for one more day, we thank you.

For your glory that has moved across the threshold of our minds and the altars of our hearts, and has turned us toward public duty and service at this hour, in this place, we thank you. For your righteousness that has stirred our collective conscience and our individual wills, and that has given us another opportunity to be a part of the uplifting and upbuilding of your kingdom on earth as it is in heaven, we thank you.

Now Father God Almighty, our maker, our sustainer, our provider, our rewarder, the wellspring of our being: For our unkind thoughts, unkind words, and unkind acts, forgive us. For our ill temper, ill will, and illogic, forgive us. For our pride, prejudice, and pettiness, forgive us. For our insolence, ignorance, and indifference, forgive us. For our weakness, willfulness, and wickedness, forgive us.

And Father God, before we close this prayer and come forth from our prayer closets to go about this day's work, we are so pleased to ask you to clothe us with truth in our words, clothe us with wisdom in our deliberations, clothe us with integrity in our dealings, clothe us with fidelity in our promises, clothe us with humility in our victories, clothe us with patience in our defeats, and clothe us with cooperation in our efforts.

A charge to keep we have,
A God to glorify,
A never-dying soul to save,
And fit it for the sky.

To serve the present age,
Our calling to fulfill;
O may it all our powers engage
To do our God's will. Amen.

PLEDGE

Senate Pages Skyler Ansel of Hollywood; Lauren Klein, daughter of Senator Klein of Boca Raton; Amy Atwater, daughter of Senator Atwater of North Palm Beach; and Katharine "Katie" Villalobos, daughter of Senator Villalobos of Miami, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Paul Shirley of Jacksonville, sponsored by Senator King, as doctor of the day. Dr. Shirley specializes in Orthopaedics.

ADOPTION OF RESOLUTIONS

On motion by Senator Haridopolos—

By Senators Haridopolos, Fasano, Lee, Alexander, Argenziano, Aronberg, Atwater, Baker, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Crist, Diaz de la Portilla, Dockery, Garcia, Geller, Hill, Jones, King, Klein, Lawson, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Rich, Saunders, Sebesta, Siplin, Smith, Villalobos, Webster, Wilson and Wise—

SR 1066—A resolution recognizing February 6, 2005, as "Ronald Reagan Day" in Florida.

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, and corporate spokesman, and was elected Governor of California and President of the United States, and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America and was elected to his second term by 3/5 of the electorate and by 49 of the 50 states, a record unsurpassed in the history of American presidential elections, and

WHEREAS, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation that was shackled by rampant inflation and high unemployment, and

WHEREAS, during Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to the Federal Government, which led to an unprecedented economic expansion and opportunity for millions of Americans, and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped to lower crime and reduce drug use in our neighborhoods, and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values, and those cherished by the free world, and prepared America's Armed Forces to meet the challenges of the 21st Century, and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people, and

WHEREAS, February 6, 2005, will be the 94th anniversary of Ronald Reagan's birth, and the first anniversary since his passing, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate pauses in its deliberations to honor the memory and accomplishments of President Ronald Wilson Reagan and to recognize February 6, 2005, as "Ronald Reagan Day" in the State of Florida.

—was introduced out of order and read by title. On motion by Senator Haridopolos, **SR 1066** was read the second time in full and adopted.

On motion by Senator Dockery—

By Senators Dockery and Bullard—

SR 2654—A resolution recognizing March 22, 2005, as "Florida Film and Television Production Industry Day."

WHEREAS, the film and entertainment industry employs more than 42,000 Floridians, and

WHEREAS, in 2002, sales generated from film and video production alone reached more than $1.16 billion, employing a total of 10,083 Floridians in more than 1,554 firms, and

WHEREAS, from 1995 to 2001, Florida employment in film and video production grew by a compound annual rate of 11.7 percent, wages grew by a compound annual rate of 14.1 percent, and units of employment grew by 7.6 percent, and

WHEREAS, at the end of 2003, Florida ranked first in the nation for Spanish-language film and television production, and third in the nation for location production, and

WHEREAS, television and cable constitute Florida's largest production industry at 47 percent, followed by motion picture and video at 24 percent, and

WHEREAS, in 2002, 17 national cable networks were headquartered in Florida, including two of the largest Spanish-language networks in the world, Telemundo and Univision, and

WHEREAS, the leading source of revenue generated by Florida's film and video production industry is commercial production, with 33 percent of revenue produced in that sector, and

WHEREAS, Florida averages more than 100,000 hotel room nights booked per year as a result of production at Florida locations, and

WHEREAS, there are 21 full-service local film commission offices and 34 local film commission liaisons in Florida and more than 51 studios and sound stages across the state which work in partnership with the Governor's Office of Film and Entertainment to promote Florida's industry infrastructure and locations at the state, national, and international level, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Tuesday, March 22, 2005, is recognized as "Florida Film and Television Production Industry Day" at the Florida State Capitol.

—was introduced out of order and read by title. On motion by Senator Dockery, **SR 2654** was read the second time in full and adopted.

At the request of Senator Margolis—

By Senator Margolis—

SR 1588—A resolution commending the work of the Endometriosis Research Center and recognizing March 2005 as Endometriosis Awareness Month.

WHEREAS, endometriosis, a condition involving abnormal uterine cell growth, affects more women than does breast cancer, striking more than 5.5 million teens and women in the United States alone and nearly 70 million worldwide, and

WHEREAS, studies have shown an elevated risk of certain cancers and autoimmune diseases in endometriosis patients, and endometriosis is a leading cause of female infertility and hysterectomy, and

WHEREAS, endometriosis may have a debilitating impact on a woman's life and her relationships, in some cases rendering her unable to work, to care for herself or her family, or to go about her normal routines, and

WHEREAS, there is currently no definitive cure for endometriosis, and

WHEREAS, the Endometriosis Research Center is a nonprofit organization founded in 1997 to address the needs of the international community of individuals who suffer from endometriosis and to improve the quality of life for those with the disease through education and support programs, and

WHEREAS, the Endometriosis Research Center works to raise awareness about endometriosis throughout the medical and lay communities and raises funds to facilitate and promote research for effective treatments and, ultimately, a cure for the disease, and

WHEREAS, in observance of the anniversary of the Endometriosis Research Center, events and activities, including ERC Casual Days, are held annually during the month of March in an effort to educate the public about the significance of this disease, to support and assist women living with the disease, and to raise funds for the organization's efforts, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate pauses in its deliberations to commend the worthy efforts of the Endometriosis Research Center and to recognize March 2005 as Endometriosis Awareness Month.

—**SR 1588** was introduced, read and adopted by publication.

At the request of Senator Haridopolos—

By Senator Haridopolos—

SR 1754—A resolution honoring Stetson University and recognizing March 16, 2005, as "Stetson University Day."

WHEREAS, Florida's first private university was founded in 1883 as DeLand Academy by Henry A. DeLand, a New York businessman, and

WHEREAS, in 1887, the Legislature of the State of Florida enacted the Charter of DeLand University as an independent institution of higher learning, and

WHEREAS, the university's name was changed in 1889 to honor John B. Stetson, the nationally known hat manufacturer who generously gave of his time and means to advance the quality and reputation of the institution, and

WHEREAS, Stetson University's mission of "commitment to values," carried forward on four campuses across the state, is a way of life for its

students, making the institution a nationally recognized leader in education with a commitment to social responsibility, and

WHEREAS, Stetson University proudly boasts 192 full-time faculty members on the DeLand campus, 84 percent of whom hold Ph.D. or equivalent degrees, teaching undergraduate classes with a student/faculty ratio of 12-to-1, and

WHEREAS, Stetson University provides more than 60 majors and minors to approximately 3,500 students representing 42 states and more than 42 foreign countries, and

WHEREAS, Stetson University is an NCAA Division I member of the Atlantic Sun Conference, and the talented "Hatters" compete on the intercollegiate level in 15 varsity sports, and

WHEREAS, among other Florida firsts, Stetson established the first college-level Model United States Senate program, a prototype for the nation; was awarded the first private university Phi Beta Kappa chapter; and was the home of Florida's first School of Business Administration, School of Music, and College of Law, and

WHEREAS, Stetson's College of Law is one of the first in the nation to share space with a working court and is ranked first in the nation for trial advocacy, and

WHEREAS, Stetson University's duPont-Ball Library is home to Florida's first federal document depository, established in 1887, and

WHEREAS, through the Center for International Education, Stetson University last year welcomed students from 42 countries to its campus and offers study-abroad programs at eight foreign centers, and

WHEREAS, 76 percent of Stetson University's undergraduates are residents of the State of Florida, and

WHEREAS, Stetson University's administration, faculty, students, and graduates, including many legislators, have made innumerable contributions to the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 16, 2005, is recognized as Stetson University Day.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to H. Douglas Lee, President of Stetson University, as a tangible token of the sentiments of the Florida Senate.

—**SR 1754** was introduced, read and adopted by publication.

At the request of Senator Haridopolos—

By Senator Haridopolos—

SR 1818—A resolution recognizing March 10, 2005, as "APPRENTICESHIP Day" and honoring the APPRENTICESHIP Program for contributing to a growing and prosperous Florida economy.

WHEREAS, the APPRENTICESHIP method of on-the-job training and related classroom instruction is found worldwide and has consistently been proven to be an effective efficient, and economical way to pass on trade and craft skills and knowledge needed by the builders of a country's economy, and

WHEREAS, since being incorporated into state law 57 years ago, Florida's APPRENTICESHIP Program has successfully taught multiple tens of thousands of students critical, industry-identified skills and knowledge necessary for apprentices to take their places as sought-after, skilled craftpersons, a diversification that helps keep our economy growing by being built upon enduring strengths, and

WHEREAS, those students who complete the APPRENTICESHIP Program consistently earn higher salaries than students earning college degrees through the baccalaureate level, and

WHEREAS, research shows that Florida's apprentices seldom require public assistance and are likely to remain in the high-skill, high-wage fields in which they received their training, and

WHEREAS, Florida's current APPRENTICESHIP Program trains 113,253 apprentices in 293 programs throughout the state, ranking Florida in the top 10 percent nationally in the number of apprentices served, and

WHEREAS, the registered apprenticeship system guarantees the availability of a quality workforce, trained to the exacting standards of Florida's trades, while at the same time improving the training standards of business and industry, and

WHEREAS, Florida's APPRENTICESHIP Program welcomes all apprentices 16 years of age and older without regard to gender or ethnicity, helping Florida's economy to flourish and maintain a competitive edge nationally and internationally through its diversified workforce, and

WHEREAS, it is commonly known that the effectiveness and uniqueness of Florida's registered APPRENTICESHIP Program is, in part, due to the unique cooperation and strong partnerships forged among the business and industry sectors, apprenticeship program sponsors, the educational community, and dedicated students who are highly motivated to learn, and

WHEREAS, registered APPRENTICESHIP Programs are an essential part of our educational system and such programs are a critical component in the development and delivery of high-caliber and skilled craftspeople needed to continue the growth that has been Florida's hallmark, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 10, 2005, is recognized by the Florida Senate as APPRENTICESHIP Day in the state.

—**SR 1818** was introduced, read and adopted by publication.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Constantine—

SB 908—A bill to be entitled An act relating to the Wekiva Parkway and Protection Act; amending ss. 369.319 and 369.320, F.S.; clarifying that requirements for a local government to develop a master stormwater management plan and a wastewater facility plan apply only to that portion of the local government located within the Wekiva Study Area; amending s. 369.321, F.S.; requiring local governments hosting an interchange on the Wekiva Parkway to adopt an interchange land use plan within 1 year after the interchange location is established; exempting interchanges located on Interstate 4 from the requirement for an interchange land use plan; revising the date local governments are required to adopt a 10-year water supply facility work plan; clarifying that the Department of Community Affairs reviews comprehensive plan amendments for the Wekiva Study Area under ch. 163, F.S.; amending s. 369.324, F.S.; correcting a reference to the East Central Florida Regional Planning Council; providing an effective date.

—was read the second time by title.

The Committee on Environmental Preservation recommended the following amendment which was moved by Senator Constantine and adopted:

Amendment 1 (730310)(with title amendment)—On page 1, between lines 27 and 28, insert:

Section 1. Subsection (1) of section 369.318, Florida Statutes, is amended to read:

369.318 Studies.—

(1) The Department of Environmental Protection shall study the efficacy and applicability of water quality and wastewater treatment standards needed to achieve nitrogen reductions protective of surface and groundwater quality within the Wekiva Study Area and report to the Governor and the Department of Community Affairs ~~no later than December 1, 2004. Based on the December 2004 report,~~ The Department

of Environmental Protection *may adopt rules to implement the specific recommendations set forth in sections C.2. and C.4. of its report entitled "A Strategy for Water Quality Protection: Wastewater Treatment in the Wekiva Study Area," dated December 2004, in order to achieve nitrogen reductions protective of surface and groundwater quality in the Wekiva Study Area and implement Recommendation 8 of the Wekiva River Basin Coordinating Committee's final report dated March 16, 2004* ~~shall, if appropriate, by March 1, 2005, initiate rulemaking to achieve nitrogen reductions protective of surface and groundwater quality or recommend any additional statutory authority needed to implement the report recommendations~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after "Act;" insert: amending s. 369.318, F.S.; clarifying the Department of Environmental Protection's rulemaking authority to implement certain recommendations;

Pursuant to Rule 4.19, **SB 908** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

SB 724—A bill to be entitled An act relating to affordable housing for the elderly; amending s. 420.5087, F.S.; increasing the cap on certain loan amounts available to sponsors of housing for the elderly; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 724** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for SB 512—A bill to be entitled An act relating to protective injunctions; amending s. 784.046, F.S.; providing standing for a governmental employer to seek an injunction for protection against repeat violence on behalf of an employee; revising the application of evidentiary requirements with respect to injunctions for protection of minor children; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 512** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for CS for SB 436—A bill to be entitled An act relating to the protection of persons and property; creating s. 776.013, F.S.; authorizing a person to use force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances; creating a presumption that a reasonable fear of death or great bodily harm exists under certain circumstances; creating a presumption that a person acts with the intent to use force or violence under specified circumstances; providing definitions; amending ss. 776.012 and 776.031, F.S.; providing that a person is justified in using deadly force under certain circumstances; declaring that a person has no duty to retreat and has the right to stand his or her ground and meet force with force if the person is in a place where he or she has a right to be and the force is necessary to prevent death, great bodily harm, or the commission of a forcible felony; creating s. 776.032, F.S.; providing immunity from criminal prosecution or civil action for using deadly force; defining the term "criminal prosecution"; authorizing a law enforcement agency to investigate the use of deadly force but prohibiting the agency from arresting the person unless the agency determines that there is probable cause that the force the person used was unlawful; providing for the award of attorney's fees, court costs, compensation for loss of income, and other expenses to a defendant in a civil suit who was immune from prosecution under this section; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendments which were adopted:

Amendment 1 (844260)—On page 4, line 7, after "*person*" insert: *who is not engaged in an unlawful activity and*

Amendment 2 (591424)—On page 6, line 5, delete "*described*" and insert: *permitted*

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which failed:

Amendment 3 (494914)—On page 4, lines 7-13, delete those lines

Pursuant to Rule 4.19, **CS for CS for SB 436** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 532—A bill to be entitled An act relating to court-ordered payment awards in legal proceedings; amending ss. 61.16 and 742.045, F.S.; authorizing certain court orders to include additional reasonable amounts for certain attorney's fees, suit money, and costs related to certain proceedings; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 532** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for SB 1012—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.271, F.S.; providing for the reinstatement of certain voided licenses; providing requirements for application and reinstatement of voided licenses, including fees, continuing education, and eligibility; providing an exemption; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1012** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 730—A bill to be entitled An act relating to the prohibition on prostitution; amending s. 796.07, F.S.; redefining the term "lewdness" to mean an indecent or obscene act done in the presence of any person, including a law enforcement officer; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (103590)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 796.07, Florida Statutes, is amended to read:

796.07 Prohibiting prostitution, etc.; evidence; penalties; definitions.—

(1) As used in this section:

(b) "Lewdness" means any indecent or obscene act *that may cause substantial offense to one or more persons viewing it or may otherwise substantially intrude upon the rights of others. A lewd act may be offensive to, or may intrude upon the rights of, a person who is a law enforcement officer. Lewdness is to be determined based on what a reasonable member of the public might find substantially offensive*.

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to lewdness; amending s. 796.07, F.S.; redefining the term "lewdness" for purposes of provisions that prohibit and provide penalties for prostitution, lewdness, or assignation; providing an effective date.

Pursuant to Rule 4.19, **SB 730** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

SB 52—A bill to be entitled An act relating to commercial motor vehicles; creating s. 316.570, F.S.; providing definitions; requiring a minimum amount of insurance coverage for persons engaged in retrofitting, rebuilding, or modifying commercial trucks, truck tractors, or heavy trucks into dump trucks; providing safety standards; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Geller and adopted:

Amendment 1 (184166)—On page 2, lines 11-18, delete those lines and insert:

(4) Any person who violates subsection (2) or subsection (3) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any person who violates subsection (2) or subsection (3) a second time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who violates subsection (2) or subsection (3) a third or subsequent time commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Pursuant to Rule 4.19, **SB 52** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 310—A bill to be entitled An act relating to bingo games; amending s. 849.0931, F.S.; authorizing the use of electronics or other technology in lieu of vocal verification for bingo games; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (864526)(with title amendment)—On page 1, between lines 27 and 28, insert:

Section 2. Paragraph (b) of subsection (1) and subsection (2) of section 849.0935, Florida Statutes, are amended to read:

849.0935 Charitable, nonprofit organizations; drawings by chance; required disclosures; unlawful acts and practices; penalties.—

(1) As used in this section, the term:

(b) "Organization" means an organization which is exempt from federal income taxation pursuant to 26 U.S.C. s. 501(c)(3), (4), (7), (8), (10), or (19), *or a chamber of commerce pursuant to 26 U.S.C. s. 501(c)(6),* and which has a current determination letter from the Internal Revenue Service, and its bona fide members or officers.

(2) The provisions of s. 849.09 shall not be construed to prohibit an organization qualified under 26 U.S.C. s. 501(c)(3), (4), (7), (8), (10), or (19)*, or a chamber of commerce pursuant to 26 U.S.C. s. 501(c)(6),* from conducting drawings by chance pursuant to the authority granted by this section, provided the organization has complied with all applicable provisions of chapter 496.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, following the semicolon (;) insert: amending s. 849.0935, F.S.; revising the definition of "organization" to include chambers of commerce; exempting chambers of commerce from provisions prohibiting drawings by chance;

Pursuant to Rule 4.19, **SB 310** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for SB 1368—A bill to be entitled An act relating to disclaimer of property interests; creating the Florida Uniform Disclaimer of Property Interests Act; creating s. 739.101, F.S.; providing a short title; creating s. 739.102, F.S.; defining terms; creating s. 739.103, F.S.; providing the scope of the act; creating s. 739.104, F.S.; prescribing general provisions relating to persons' powers to disclaim an interest in or power over property; creating s. 739.201, F.S.; prescribing rules applicable to a disclaimer of an interest in property; creating s. 739.202, F.S.; prescribing rules applicable to a disclaimer of rights of survivorship in jointly held property; creating s. 739.203, F.S.; prescribing rules applicable to a disclaimer of interests in property held as tenancy by the entirety; creating s. 739.204, F.S.; prescribing the effect of a disclaimer of interest by a trustee; creating s. 739.205, F.S.; prescribing rules with respect to a disclaimer of the power of appointment or other power not held in a fiduciary capacity; creating s. 739.206, F.S.; prescribing rules with respect to a disclaimer by the appointee, object, or taker in default of the exercise of power of appointment; creating s. 739.207, F.S.; prescribing rules with respect to the disclaimer of power held in a fiduciary capacity; creating s. 739.301, F.S.; providing guidelines for delivering or filing a disclaimer; creating s. 739.401, F.S.; providing when a disclaimer is permitted; creating s. 739.402, F.S.; providing when a disclaimer is barred or limited; creating s. 739.501, F.S.; prescribing the effect of a tax-qualified disclaimer; creating s. 739.601, F.S.; providing for recording a disclaimer relating to real estate; creating s. 739.701, F.S.; prescribing the application to existing relationships; amending s. 731.201, F.S.; providing applicability of certain definitions to the act; repealing s. 689.21, F.S., relating to disclaimer of interests in property passing under certain nontestamentary instruments or under certain powers of appointment; repealing s. 732.801, F.S., relating to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following amendment which was adopted:

Amendment 1 (634900)(with title amendment)—On page 21, between lines 10 and 11, insert:

Section 3. Paragraph (b) of subsection (8) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(8) DESIGNATION OF BENEFICIARIES.—

(b) A designated beneficiary of a retirement account for whom there is a monetary interest may disclaim his or her monetary interest as provided in *chapter 739* ~~s. 689.21,~~ and in accordance with division rules

governing such disclaimers. Such disclaimer must be filed within 24 months after the event that created the interest, that is, the death of the member or annuitant.

Section 4. Subsection (1) of section 710.121, Florida Statutes, is amended to read:

710.121 Renunciation, resignation, death, or removal of custodian; designation of successor custodian.—

(1) A person nominated under s. 710.104 or designated under s. 710.111 as custodian may decline to serve by delivering a valid disclaimer under *chapter 739* ~~s. 689.21~~ to the person who made the nomination or to the transferor or the transferor's legal representative. If the event giving rise to a transfer has not occurred and no substitute custodian able, willing, and eligible to serve was nominated under s. 710.104, the person who made the nomination may nominate a substitute custodian under s. 710.104; otherwise, the transferor or the transferor's legal representative shall designate a substitute custodian at the time of the transfer, in either case from among the persons eligible to serve as custodian for that kind of property under s. 710.111(1). The custodian so designated has the rights of a successor custodian.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 13, after the semicolon (;) insert: amending ss. 121.091 and 710.121, F.S., to conform;

Pursuant to Rule 4.19, **CS for SB 1368** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

INTRODUCTION OF FORMER SENATOR

Senator Margolis introduced former Senator and Congresswoman Karen Thurman who was present in the chamber.

MOTIONS

On motion by Senator Carlton, provisions of Rule 2.39 were waived for the purpose of considering the proposed appropriations bill, implementing bill and conforming bills by the Committee on Ways and Means at the meeting scheduled for Thursday, March 31; the amendment deadline for the appropriations bill, implementing bill and conforming bills was set for 3:00 p.m. on Tuesday, March 29; and the amendment deadline for amendments to amendments and substitute amendments was set for 12:00 noon on Wednesday, March 30.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SJR 4**, **SJR 6**, **SJR 1210**, **SB 1332**, **SJR 1362**, **SB 1488**, **SB 1490**, **SB 1856**, **SB 1858** and **CS for SJR 2200** were withdrawn from the Committee on Rules and Calendar; **SB 1174** was withdrawn from the Committee on Ways and Means; **SB 1146** was withdrawn from the Committees on Government Efficiency Appropriations; and Ways and Means; and **SB 356** and **SB 470** were withdrawn from the Committee on Health and Human Services Appropriations.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, March 22, 2005: SB 908, SB 724, CS for SB 512, CS for CS for SB 436, SB 532, CS for SB 1012, SB 730, SB 52, SB 310, CS for SB 1368

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Communications and Public Utilities recommends the following pass: CS for SB 1244

The bill was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Education recommends the following pass: SB 612 with 1 amendment

The Committee on Environmental Preservation recommends the following pass: SB 494 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Environmental Preservation recommends the following pass: SB 1612

The bill was referred to the Committee on Domestic Security under the original reference.

The Committee on Children and Families recommends the following pass: SB 752

The bill was referred to the Committee on Education Appropriations under the original reference.

The Committee on Communications and Public Utilities recommends the following pass: SB 592, SB 2074 with 2 amendments, SB 2186

The bills were referred to the Committee on Environmental Preservation under the original reference.

The Committee on Environmental Preservation recommends the following pass: SB 1730

The bill was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Environmental Preservation recommends the following pass: SB 1620, SB 1774 with 1 amendment

The bills were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Children and Families recommends the following pass: SB 1028

The Committee on Community Affairs recommends the following pass: CS for SB 620

The Committee on Transportation recommends the following pass: SB 102

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Children and Families recommends the following pass: SB 1618, SB 1852

The bills were referred to the Committee on Health Care under the original reference.

The Committee on Children and Families recommends the following pass: SB 1262 with 1 amendment

The Committee on Transportation recommends the following pass: SB 1632

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Transportation recommends the following pass: SB 1550

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Children and Families recommends the following pass: CS for SB 510

The Committee on Community Affairs recommends the following pass: SB 772, CS for SB 1130

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 1542

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 1464

The bill with committee substitute attached was placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Siplin—

SB 2280—A bill to be entitled An act relating to student assessment instruments; amending s. 1008.23, F.S.; authorizing a student's parent and the student to review the questions and the student's answers to questions on the criterion-referenced portion of the Florida Comprehensive Assessment Test; providing restrictions on the review; requiring the Department of Education to honor requests within a certain time period; requiring that district school boards notify eligible parents; requiring the State Board of Education to adopt rules; authorizing reasonable attorney's fees and costs under certain circumstances; amending s. 1003.433, F.S.; revising requirements for receipt of a standard high school diploma for certain transfer students; providing an effective date.

—was referred to the Committees on Education; Judiciary; and Education Appropriations.

By Senator Baker—

SB 2282—A bill to be entitled An act relating to beach access and use; providing legislative findings and intent; requiring the Attorney General to take all steps necessary to protect and defend the public right of beach access and use; prohibiting persons from creating an obstruction that denies public access to or use of the beach; prohibiting persons from erecting a sign, barrier, or other structure intending to restrict public access to or use of the beach; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; and Judiciary.

By Senator Bennett—

SB 2284—A bill to be entitled An act relating to Small Cities Community Development Block Grants; amending s. 290.0411, F.S.; stating legislative intent regarding the Small Cities Community Development Block Grant Program; amending s. 290.044, F.S.; removing requirement that the Department of Community Affairs provide recommendations to the Legislature as to distribution of federal funds relating to Small Cities Community Development Block Grant Program Fund; authorizing the department to set aside federal funds for a local government for disaster relief; removing provisions limiting a set-aside to certain federal funds; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

By Senator Bennett—

SB 2286—A bill to be entitled An act relating to local government permit applications; providing that a local government must act upon certain permit applications within a specified time or the permits are automatically deemed approved; providing for an extension; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and Governmental Oversight and Productivity.

By Senator Bennett—

SB 2288—A bill to be entitled An act relating to public marina facilities and boat ramps; amending s. 403.814, F.S.; authorizing the Department of Environmental Protection to allow such facilities or ramps to be constructed and maintained by local governments; providing guidelines and limitations relating to such projects; providing for fees; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; General Government Appropriations; and Ways and Means.

By Senator Bennett—

SB 2290—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for tangible personal property sold to a contractor employed directly by or as an agent of the United States Government or state or local government when such property will become part of a public K-12 school owned by the governmental entity, if specified conditions are met; providing duties of such governmental entities, contractors, and sellers with respect to documentation and recordkeeping; providing for application of penalties; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Ways and Means.

By Senator Bennett—

SB 2292—A bill to be entitled An act relating to model comprehensive residential services for foster children; amending s. 409.1679, F.S.; providing that a child may be moved from one residence to another for certain specified reasons; requiring that a child be given the opportunity for a full academic year of appropriate instruction; requiring that an educational assessment be completed if a child is not demonstrating academic progress; requiring an educational staffing to review the results of the assessment; requiring that a clear and specific plan be developed to help the child make educational progress; providing specified satisfaction levels for certain services; providing an effective date.

—was referred to the Committees on Children and Families; Education; and Education Appropriations.

By Senator Bennett—

SB 2294—A bill to be entitled n act relating to the Citizens Property Insurance Corporation; amending s. 627.351, F.S.; revising criteria for

rates for coverage provided by the corporation; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Bennett—

SB 2296—A bill to be entitled An act relating to pharmacy practice; amending s. 465.003, F.S.; redefining the term "practice of the profession of pharmacy" to include the administering of influenza virus immunizations to adults by a pharmacist within an established protocol and under a supervisory practitioner who is a licensed physician or by written agreement with a county health department; providing requirements for the protocol; requiring professional liability insurance, training and certification in immunization, and employer approval before entering into a protocol; providing requirements for the certification program; providing an effective date.

—was referred to the Committees on Health Care; and Banking and Insurance.

By Senator Constantine—

SB 2298—A bill to be entitled An act relating to the Joint Legislative Committee on Everglades Oversight; repealing s. 11.80, F.S., relating to the Joint Legislative Committee on Everglades Oversight, which was created for the purpose of monitoring implementation of the Everglades Forever Act; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Rules and Calendar.

By Senator Bennett—

SB 2300—A bill to be entitled An act relating to community redevelopment; amending s. 163.335, F.S.; revising legislative findings relating to eminent domain power; amending s. 163.340, F.S.; redefining the term "blighted area"; defining the term "economic distress"; amending s. 163.360, F.S.; revising provisions relating to land in a community redevelopment area which may not be acquired unless it meets certain criteria; prohibiting the compulsory acquisition of certain property before the approval of a redevelopment plan; amending s. 163.370, F.S.; conforming provisions relating to the acquisition of property before adoption of a redevelopment plan; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; and Government Efficiency Appropriations.

By Senator Bennett—

SB 2302—A bill to be entitled An act relating to local government land development requirements; creating s. 163.3219, F.S.; providing legislative findings, declarations, and intent relating to local government impact fees; requiring impact fees to be based upon certain available data; requiring a credit against impact fees for certain taxes, fees, assessments, liens, charges, or payments; providing criteria; specifying a time period before collecting an impact fee or fee increase; prohibiting application of an impact fee to certain building permits; requiring local governments to report certain impact fee information to the Auditor General; limiting imposition of administrative fees; requiring refund of an impact fee under certain circumstances; providing criteria for payment of impact fees; authorizing a local government to establish a schedule of payments; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and Government Efficiency Appropriations.

By Senator Geller—

SB 2304—A bill to be entitled An act relating to stem cell research; creating a stem cell research program; requiring the program to conform to certain ethical standards; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; and Ways and Means.

By Senator Geller—

SB 2306—A bill to be entitled An act relating to a prescription drug reimportation program; providing legislative findings; providing definitions; authorizing the Agency for Health Care Administration to enter into an agreement with the state of Illinois regarding its program for accessing affordable prescription drugs in other countries; requiring the agency to maintain a web site; requiring the agency to work with other states that are participating in the program; creating a joint work group for administration of the program; authorizing the state of Illinois to act as primary administrator for the program; providing for standards of practice; providing for modification of the agreement; providing for the state of Illinois to provide notice to the agency regarding the addition of another state to the program; authorizing the state of Illinois and the agency to conduct inspections of network pharmacies; providing that only prescription drugs that are approved by the state of Illinois may be filled by the network pharmacies; providing for the agency and the state of Illinois to coordinate media and outreach efforts; requiring the pharmacy benefits manager to pay acquisition fees to the program for certain purposes; providing that the agency is entitled to a certain amount of the acquisition fees; authorizing the state of Illinois or the agency to withdraw from the agreement; providing that the state of Illinois or the agency is not liable for acts or omission of acts arising from the agreement; creating a working group to develop promotional tools related to the program; providing duties of the working group; providing that the agency is not liable for any injury or damage to a person from products obtained through the program; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; Governmental Oversight and Productivity; and Health and Human Services Appropriations.

By Senator Crist—

SB 2308—A bill to be entitled An act relating to health care advance directives; amending s. 765.101, F.S.; providing and revising definitions; amending s. 765.302, F.S.; providing that any competent adult may make a living will or written declaration that provides life-prolonging procedures in the event such person has a medically futile condition; amending s. 765.303, F.S.; revising medical conditions included in a suggested form of a living will; amending s. 765.304, F.S.; revising procedures for acting in accordance with a living will; amending s. 765.305, F.S.; revising procedures relating to an incompetent patient's right to forego treatment in the absence of a living will; creating s. 765.3051, F.S.; specifying persons who may execute a health care advance directive on behalf of a patient who is less than 18 years of age and has a specified medical condition; creating s. 765.3052, F.S.; providing that certain pregnant patients may not have life-sustaining treatment withdrawn or withheld; amending s. 765.306, F.S.; revising guidelines for determining a patient's condition; creating s. 765.3061, F.S.; requiring the Department of Highway Safety and Motor Vehicles to develop and implement a voluntary program for driver's license or identification card notation of a health care advance directive; providing for noting an individual's health care advance directive relative to life-prolonging procedures on the individual's driver's license or identification card upon request; providing that an individual is not required to provide a copy of a health care advance directive to have a notation on his or her driver's license or identification card; requiring the Division of Driver Licenses offices to make forms available to the public; requiring the Department of Highway Safety and Motor Vehicles and the Agency for Health Care Administration to make sample forms accessible electronically on the Internet; creating s. 765.3064, F.S.; providing certain health care employees with civil and criminal immunity from acts performed in conjunction with certain information indicated by the department; expressing the sovereign immunity of the department and its employees from

criminal prosecution and civil liability for certain acts; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Transportation and Economic Development Appropriations.

By Senator Smith—

SB 2310—A bill to be entitled An act relating to the death penalty; repealing Rule 3.203, Florida Rules of Criminal Procedure, relating to imposition of the death penalty; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senators Smith, Fasano and Bullard—

SB 2312—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; amending provisions relating to the exemption for machinery and equipment used to increase productive output; eliminating a limitation on the exemption for spaceport activities and manufacturing facilities and an exemption for machinery and equipment used in printing facilities; providing an exemption from the entire amount of the tax for machinery and equipment used under federal procurement contracts; repealing s. 212.0805, F.S., relating to qualifying for the exemption and credit for machinery and equipment purchased for use in phosphate or other solid-minerals severance, mining, or processing operations; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Ways and Means.

By Senator Crist—

SB 2314—A bill to be entitled An act relating to justice for crime victims; creating s. 943.0315, F.S.; creating the Commission on Justice for Crime Victims within the Department of Law Enforcement; providing membership; requiring the commission to review the needs of persons who are the victims of crime in this state; requiring the commission to review and comment on certain specified issues; requiring the commission to hold public hearings each year; requiring the commission to prepare a report and to deliver the report to the Governor and the Legislature by a specified date each year; providing that members of the commission are entitled to reimbursement for travel and per diem; authorizing the commission to employ an executive director and other staff; requiring the commission to expire on a certain date; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

By Senator Crist—

SB 2316—A bill to be entitled An act relating to medical screening of children; amending s. 39.407, F.S.; revising provisions relating to medical screenings performed on children who are removed from the home and maintained in an out-of-home placement; specifying certain conditions that the screening must cover; prohibiting the Department of Children and Family Services from administering or authorizing psychiatric or psychological tests or psychotropic medications for a child in departmental custody except with the written and informed consent of the child's parent or legal guardian or by court order; requiring the department to ensure that children who are in departmental custody receive appropriate psychotropic medications but have options for alternative treatments; providing for rulemaking; providing that the department may not provide consent for administering psychotropic medications to a child for whom the department is the legal custodian; amending s. 39.601, F.S., relating to case plan requirements; providing that case plans may not require parents to give their children psychotropic medications; prohibiting the department from threatening to terminate parental rights based solely on the parents' refusal to give their child psychotropic medications; amending s. 39.703, F.S.; prohibiting the department from initiating proceedings to terminate parental rights based solely on the parents' refusal to give their child psychotropic medications; amending s. 39.806, F.S.; providing that the refusal of parents to give their child psychotropic medications may not be considered grounds for termination of parental rights; providing that the parents' refusal to give their child psychotropic medications may not be considered abuse or neglect; amending s. 984.19, F.S.; revising provisions relating to medical screenings performed on children who are placed in shelter care; specifying certain conditions that the screening must cover; prohibiting the Department of Juvenile Justice from administering or authorizing psychiatric or psychological tests or psychotropic medications for a child in departmental custody except with the written and informed consent of the child's parent or legal guardian or by court order; requiring the department to ensure that children who are in departmental custody receive appropriate psychotropic medications but have options for alternative treatments; providing for rulemaking; providing that the department may not provide consent for administering psychotropic medications to a child for whom the department is the legal custodian; amending s. 985.224, F.S.; revising provisions relating to medical screenings performed on children who are taken into detention; specifying certain conditions that the screening must cover; prohibiting the Department of Juvenile Justice from administering or authorizing psychiatric or psychological tests or psychotropic medications for a child in departmental custody except with the written and informed consent of the child's parent or legal guardian or by court order; requiring the Department of Juvenile Justice to ensure that children who are in departmental custody receive appropriate psychotropic medications but have options for alternative treatments; providing for rulemaking; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; Judiciary; and Health and Human Services Appropriations.

By Senator Argenziano—

SB 2318—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; repealing s. 288.1175, F.S., relating to state funding for agriculture education and promotion facilities; providing an effective date.

—was referred to the Committees on Agriculture; and General Government Appropriations.

By Senator Siplin—

SB 2320—A bill to be entitled An act relating to community reinvestment plans; providing definitions; authorizing a business to develop and implement a community reinvestment plan for tax-credit purposes; providing certain requirements for a community reinvestment plan; providing a tax credit for a business that meets the requirements of its community reinvestment plan; providing for the carryover of credit; providing for the duties of the Financial Services Commission; requiring the commission to adopt rules, in consultation with the Department of Community Affairs and the Florida Housing Finance Corporation, regarding community reinvestment plans; authorizing a business to list its community reinvestment plan on its website; requiring the Financial Service Commission, the Department of Community Affairs, the Office of Tourism, Trade, and Economic Development, and the Florida Housing Finance Corporation to prepare a strategic plan relating to access to financial capital in certain areas of the state; providing requirements for the strategic plan; requiring the commission to create and maintain an Internet site to include certain public information on financial matters; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Banking and Insurance; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Alexander—

SB 2322—A bill to be entitled An act relating to restoration of water quality; amending s. 403.067, F.S.; authorizing the Department of Environmental Protection to allocate the total maximum daily pollutant load

between as well as among pollutant sources; providing for the allocation to attain pollutant reductions rather than water quality standards; authorizing a preliminary allocation of pollutant loads; revising factors the department must consider when allocating pollutant loads; eliminating a requirement that the department submit a report regarding the allocation of total maximum daily load; authorizing a phased calculation or allocation of pollutant loads pending availability of data; deleting provisions regarding watershed or basin management planning; providing for development of a basin management action plan by the department or the department and a water management district; providing for the contents of the basin plan; requiring the basin plan to allocate pollutant reduction requirements to various basins or sources; authorizing the plan to provide credits for prior pollutant reductions; requiring the basin plan to identify mechanisms to address future pollutant sources; retaining provisions regarding participation by stakeholders in the plan development process and a required public meeting; authorizing a basin plan that is adopted by rule to alter a prior calculation or allocation of total maximum daily pollutant load by the department; requiring the department to adopt a basin plan that does not alter such a prior calculation or allocation by order; requiring periodic evaluation of an adopted basin plan and providing for adoption of plan revisions; requiring the department to revise basin plans in cooperation with stakeholders; providing for basin plan revisions regarding nonpoint pollutant sources; authorizing the department's use of additional strategies, including an adopted basin plan, to implement pollutant load reductions; providing definitions; requiring incorporation of provisions of an adopted basin plan in certain NPDES permits issued by the department; prohibiting the department from requiring a pollution reduction in the NPDES permits in addition to the incorporated plan provisions; providing that the basin management plan does not relieve a pollutant discharger of certain NPDES permitting requirements; requiring a discharger that is subject to NPDES permitting to complete strategies in the basin plan pursuant to the schedule in the plan; providing for the term of the schedule; exempting certain requirements from the basin plan which are included in a NPDES permit from challenge under ch. 120, F.S.; requiring various regulatory programs to implement actions in an adopted basin plan to reduce pollution from nonagricultural sources that are subject to NPDES permitting; requiring implementation of best-management practices to reduce certain pollution by a discharger of nonpoint pollution that is not subject to NPDES permitting when the basin plan was adopted; exempting such a discharger from the requirement to implement best-management practices upon a certain showing; denying such a discharger who fails to make such a showing eligibility for a presumption of compliance with water quality standards and release of liability to pay the Water Quality Assurance Trust Fund regarding remediation of pollution which bars certain proceedings by the department to recover costs and damages for pollution; limiting the authority of the department and the water management districts to pursue remedies or penalties when such eligibility is denied; prohibiting a permit or other enforcement action that would require a person who is implementing pollutant reduction strategies in an adopted basin plan to implement additional pollutant reduction strategies; creating a presumption that such person is in compliance with provisions regarding development of total maximum daily load calculations; authorizing the department and the water management districts to develop, or to adopt rules specifying, interim measures, best-management practices, or other measures to achieve the reductions of nonagricultural, nonpoint pollution established by various additional management strategies, including a basin plan or the department's calculation of total maximum daily load; requiring a nonagricultural discharger of nonpoint pollution to implement the best-management practices or other measures that are adopted by rule; removing a requirement that the department and the districts assist with implementation; requiring the department to verify the effectiveness of the best-management practices or other measures adopted by rule; deleting a provision that implementation of a measure or practice that the department has verified as effective creates a presumption of compliance with water quality standards and a release of liability to pay the Water Quality Assurance Trust Fund regarding remediation of pollution which bars certain proceedings by the department to recover costs and damages for pollution; deleting a provision requiring a department or district rule adopting best-management practices or other measures to include requirements to assure implementation; deleting a requirement that the department or districts institute a reevaluation if water quality problems are detected despite implementation of a practice or measure adopted by a rule; authorizing the Department of Agriculture and Consumer Services to adopt rules specifying interim measures, best-management practices, or other measures to achieve the reductions of agricultural pollutant sources established by various additional management strategies, including a basin plan or the department's calculation of total maximum daily load; applying provisions relating to development and implementation of the additional measures or practices; deleting a provision requiring verification of effectiveness of the practices or measures adopted by rule; deleting a provision that implementation of a measure or practice that the department has verified as effective creates a presumption of compliance with water quality standards and a release of liability to pay the Water Quality Assurance Trust Fund regarding remediation of pollution which bars certain proceedings by the department to recover costs and damages for pollution; deleting a provision requiring reevaluation by the Department of Agriculture and Consumer Services when water quality problems are detected despite implementation of a practice or measure adopted by a rule; requiring the Department of Environmental Protection to verify the effectiveness of an interim measure, best-management practice, or other measure that is adopted by rule by the department, the water management districts, or the Department of Agriculture and Consumer Services; providing for verification of effectiveness through an initial assessment and an assessment by monitoring at representative sites; requiring the department to, where applicable, notify the Department of Agriculture and Consumer Services or a water management district prior to adoption of a rule proposal that includes a best-management practice or other measure, if the department's initial assessment cannot verify the effectiveness of the practice or measure; providing that implementation of a measure or practice that the department has verified as effective creates a presumption of compliance with water quality standards and a release from liability to pay the Water Quality Assurance Trust Fund regarding remediation of pollution which bars certain proceedings by the department to recover costs and damages for pollution; requiring the department, or, in consultation with the department, a water management district, or the Department of Agriculture and Consumer Services to institute a reevaluation of a best-management practice or other measure that is adopted by rule if water quality problems are detected or predicted; requiring revisions to rules of the department, the water management districts, or the Department of Agriculture and Consumer Services, as appropriate, when a practice or measure requires modification; providing for implementation of the modified practice; conforming a reference to retain the authority of the department and the water management districts to require compliance with water quality standards or best-management practice requirements; conforming references that foreclose application of provisions that conflict with department rules that maintain a federally delegated or approved program; authorizing rulemaking by the department to implement the basin management action plan program, to implement basin plans through permitting programs of the department or the districts, and to implement various other specific provisions; deleting a requirement for legislative ratification of a water pollutant trading rule of the department; conforming provisions relating to the voluntary implementation of interim measures, best-management practices, and other measures to reduce pollutants in waters where a total maximum daily load has not been calculated or allocated; requiring the department to submit a report to the Governor and the Legislature before adopting rules regarding pollutant trading among water pollution sources; amending ss. 373.4595 and 570.085, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Environmental Preservation; Agriculture; and General Government Appropriations.

By Senator Constantine—

SB 2324—A bill to be entitled An act relating to telecommunications; expressing the legislative intent to revise laws relating to telecommunications; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Constantine—

SB 2326—A bill to be entitled An act relating to telecommunications; expressing the legislative intent to revise laws relating to telecommunications; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Siplin—

SB 2328—A bill to be entitled An act relating to private schools; amending s. 1002.42, F.S.; providing that earning passing scores on the Florida Comprehensive Assessment Test (FCAT) or, in specified circumstances, on an equivalent standardized test is a prerequisite to receiving a high school diploma from a private school in this state; providing an effective date.

—was referred to the Committees on Education; Judiciary; and Education Appropriations.

By Senator Alexander—

SB 2330—A bill to be entitled An act relating to offenses involving insurance; amending s. 400.9935, F.S.; providing for health care clinics to post signs with information about a reward program for information leading to conviction of certain offenses; providing for inspections of such clinics by employees of the Division of Insurance Fraud; amending s. 440.105, F.S.; increasing penalties for employers unlawfully failing to secure workers' compensation insurance when an employee is injured by or dies from a work-related injury; amending s. 624.15, F.S.; providing criminal penalties for violations of emergency rules or orders of the Department of Financial Services; amending s. 624.155, F.S.; revising provisions that authorize a civil cause of action for violations of the requirement for a certificate of authority to act as an insurer; amending s. 626.112, F.S.; providing criminal penalties for transacting insurance or engaging in insurance activities without a license; amending s. 626.901, F.S.; stating that independently procured coverage constitutes an exception to the prohibition on representing an unauthorized entity only when transacted outside the state; amending s. 626.938, F.S.; providing that independently procured coverage must be accomplished outside the state, must be procured through an unauthorized insurer licensed in some other state or country, and is not available for life, health, or workers' compensation insurance; amending s. 626.989, F.S.; allowing insurers, agents, and other licensees, their employees, and self-insured entities contracting or associated with the National Insurance Crime Bureau to report fraudulent insurance acts; authorizing adoption of rules for reporting suspected fraudulent activity; amending s. 817.234, F.S.; providing that it is insurance fraud for a service provider to agree or intend to waive deductibles; providing criminal penalties for scheming to create documentation of a nonexistent motor vehicle accident; amending s. 817.2361, F.S.; providing criminal penalties for creating, marketing, or presenting any false or fraudulent proof of motor vehicle insurance; amending s. 817.50, F.S.; providing that giving false or fictitious information to a health care provider is not prima facie evidence of intent to defraud when done by a law enforcement officer during an investigation; amending s. 817.505, F.S.; providing criminal penalties for soliciting or receiving compensation or receiving a split-fee arrangement for acceptance or acknowledgement of treatment from a health care provider or health care facility; redefining the term "health care provider or health care facility"; amending s. 843.08, F.S.; providing criminal penalties for falsely personating an officer of the Department of Financial Services; providing severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; Criminal Justice; General Government Appropriations; and Justice Appropriations.

By Senator Bennett—

SB 2332—A bill to be entitled An act relating to fraud; amending s. 775.0844, F.S.; redefining "white collar crime" to include Medicaid provider fraud; providing a minimum mandatory term of imprisonment for committing an aggravated white collar crime involving Medicaid provider fraud; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming provisions to changes made by the act; creating s. 501.161, F.S.; prohibiting the sale or rental of, or the offer to sell or rent, essential equipment, commodities, or accommodation, as defined, during a declared state of emergency for 110 percent or more of its average price for the 30 days immediately preceding the declaration of emergency; providing an exception; providing penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Commerce and Consumer Services; Health Care; and Justice Appropriations.

By Senator Siplin—

SB 2334—A bill to be entitled An act relating to substance abuse treatment programs; amending s. 397.754, F.S.; requiring the Department of Corrections to assess the needs of all inmates for substance abuse services; requiring the department to provide inmates with individualized services; requiring the department to provide training to all employees providing substance abuse treatment services to inmates; amending s. 775.16, F.S.; requiring a person under the supervision of the department to participate in and complete a substance abuse treatment and rehabilitation program in order to be eligible for employment by any agency of the state or to apply for a license, permit, or certificate required by any agency of the state to practice an occupation, trade, profession, or business; amending s. 944.473, F.S.; requiring each inmate who meets the criteria to participate in a substance abuse treatment program; providing that an inmate has a right to receive substance abuse services from the department; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Bennett—

SB 2336—A bill to be entitled An act relating to tax benefits related to catastrophic emergencies; amending s. 212.055, F.S.; defining the term "public facilities" to include certain private facilities used as public shelters or staging areas for emergency-response equipment during emergencies declared by the state or local government; including such facilities as infrastructure that may be financed through the local government infrastructure surtax; amending s. 212.03, F.S.; providing that the temporary rental or lease of residential quarters to individuals who have been displaced by a hurricane or other catastrophic disaster is not subject to the transient rentals tax under this section; providing for refunds of sales tax paid on temporary rentals by individuals who were displaced by a hurricane during 2004; providing for rulemaking by the Department of Revenue; providing an effective date.

—was referred to the Committees on Domestic Security; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Alexander—

SB 2338—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.311, F.S.; providing standards for administration of the motor vehicle insurance risk apportionment program; prescribing duties of the program's board of governors and the Office of Insurance Regulation; providing circumstances in which new carriers will be added to the program and in which the board of governors will be replaced; providing composition of the board; requiring actuarial certification of loss reserves; providing for certain costs to be included in rate filings; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Argenziano—

SB 2340—A bill to be entitled An act relating to private investigative, private security, and repossession services; amending s. 493.6106, F.S.; increasing the minimum age required for certain licensees; amending s. 493.6110, F.S.; revising agency insurance requirements and limiting such requirements to security agencies; amending s. 493.6113, F.S.; conforming a provision requiring certification of insurance coverage; requiring certain licensees to complete specified continuing education; requiring the Department of Agriculture and Consumer Services to establish by rule criteria for the approval of continuing education courses and providers and the form for certificates of completion; amending s. 493.6202, F.S.; requiring the department to establish by rule certain fees relating to private investigative services; amending s. 493.6203, F.S.; requiring passage of an examination for licensure as a private investigator; providing exemption for certain licensees; requiring reexamination for relicensure under certain circumstances; requiring successful completion of certain coursework and passage of an examination for licensure as a private investigator intern; requiring the department to establish by rule the general content and the form for certificates of completion of such training and criteria for the examination; requiring reexamination for relicensure under certain circumstances; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Education; and General Government Appropriations.

By Senator Alexander—

SB 2342—A bill to be entitled An act relating to mobile home and recreational vehicle safety and sales; transferring all powers, duties, responsibilities, functions, personnel, property, and appropriations of the Bureau of Mobile Home and Recreational Vehicle Construction in the Department of Highway Safety and Motor Vehicles to the Department of Community Affairs; authorizing the Department of Community Affairs and the Department of Highway Safety and Motor Vehicles to enter into agreements to effectuate such transfers; transferring the mobile home portion of the Mobile Home and Recreational Vehicle Protection Trust Fund administered by the Department of Highway Safety and Motor Vehicles into the Operating Trust Fund of the Department of Community Affairs; providing definitions; requiring dealers in secondhand mobile homes to apply for a certificate of title with the Department of Highway Safety and Motor Vehicles; requiring nonresident mobile home dealers to apply for a certificate of title, register with the Department of Revenue, and pay a license tax; specifying the license term; providing for distributing the tax proceeds; providing for service of process on nonresident mobile home dealers; prohibiting engaging in business as a mobile home dealer without a license from the Department of Community Affairs; providing definitions; providing for application and renewal of a mobile home dealer license; authorizing the Department of Community Affairs to prescribe an application form; providing for processing of an applicant's fingerprints by the Department of Law Enforcement and payment of associated costs; authorizing issuance of a revocable mobile home dealer license; authorizing investigation of an applicant; prohibiting issuance of a mobile home dealer license under certain conditions; establishing and providing for payment and deposit of application and renewal fees; providing for denial of a license application, including notice and hearing regarding a denial; providing terms of a mobile home dealer license; providing for issuance of a license certificate; requiring the licensee to pay certain fees and costs; providing for distributing fees and costs paid by applicants and licensees; authorizing the Department of Community Affairs to set training requirements for mobile home dealers; requiring an applicant to verify compliance with training requirements; providing for issuance of a supplemental license to a mobile home dealer licensee; providing for supplemental mobile home dealer licenses; requiring recordkeeping by a licensee; requiring that a licensee retain evidence of title of certain mobile homes; authorizing rulemaking by the Department of Community Affairs regarding licensing and mobile home installation; requiring that a licensee comply with criteria for installing mobile homes; requiring a mobile home dealer licensee to place a deposit in escrow; providing a criminal penalty; authorizing the Department of Community Affairs to seek judicial enjoinment of unauthorized action by a mobile home dealer; authorizing suspension, denial, or revocation of a mobile home dealer license; authorizing administrative fines against a licensee and providing for a hearing; requiring that an applicant for a mobile home dealer license provide a bond for the benefit of certain retail customer claimants; specifying the amount, terms, and conditions of the bond; requiring notice to the surety company of license denial, suspension, or revocation; requiring a surety company to notify the Department of Community Affairs of payment of a claim against the bond or cancellation of the bond; authorizing the Department of Community Affairs to charge certain fees for mobile home dealer or manufacturer licensure; providing for use of such fees and other mobile home fees collected by the Department of Highway Safety and Motor Vehicles to compensate certain claimants; limiting use of such fees; providing for application for such compensation; authorizing the Department of Community Affairs to require documentation of a claim; establishing procedures and terms for claim processing and payment; authorizing the Department of Community Affairs to seek recovery of claim payments rendered and reimbursement of attorney's fees to secure such recovery; requiring maintenance of a log of qualified claimants; specifying the order of payment of claims; providing criminal penalties for false or misleading statements; providing definitions; prohibiting engaging in business as a mobile home manufacturer without a license from the Department of Community Affairs; providing for license application and renewal; authorizing the Department of Community Affairs to prescribe application forms; establishing and providing for payment and deposit of license application and renewal fees; providing for service of process to a nonresident applicant; requiring a mobile home manufacturer to provide a bond or other financial assurance for the benefit of certain retail customers; requiring rulemaking by the Department of Community Affairs regarding assurance of satisfaction of claims; requiring notice to the surety company of license denial, suspension, or revocation; requiring a surety company to notify the Department of Community Affairs of payment of a claim against, or cancellation of, a licensee's bond; establishing the license term; authorizing denial of an application for a mobile home manufacturer's license; authorizing revocation, suspension, or reinstatement of a mobile home manufacturer's license; authorizing civil penalties; requiring certain mobile homes to meet federal and state construction and safety standards; authorizing the Department of Community Affairs to adopt certain mobile home construction and safety standards; establishing criteria for the mobile home repair and remodeling code; authorizing administration, enforcement, and rulemaking by the Department of Community Affairs; authorizing entry into a mobile home manufacturing establishment to ascertain compliance with the act; prohibiting certain alterations to mobile homes by a licensed dealer; shifting warranty responsibility to a mobile home dealer who performs prohibited alternations; authorizing a manufacturer to recover from the dealer when warranty responsibility shifts; providing that a warranty is void if a mobile home owner undertakes certain alterations; requiring notice that the warranty will be voided; providing for designation or certification of a person authorized to perform mobile home alterations; authorizing rulemaking by the Department of Community Affairs regarding authorized and unauthorized alternation of mobile homes, including certification fees; requiring the Department of Community Affairs to determine the adequacy of local standards authorizing a person to alter mobile homes; providing criteria for the department's determination; requiring a license from the Department of Community Affairs to install a mobile home; providing application and license fees for mobile home installers; requiring annual license renewal; authorizing the Department of Community Affairs to adopt rules establishing an application fee for mobile home installers; establishing licensing criteria for mobile home installers; requiring a performance bond, insurance, training, and passage of an exam approved by the Department of Community Affairs; authorizing the department to charge an examination fee to mobile home installers; authorizing recourse by a licensed dealer or manufacturer against a mobile home installer's performance bond; authorizing actions by an employee of a licensed mobile home installer; establishing supervisory responsibility of a licensed installer; prohibiting an unlicensed person from claiming licensure as a mobile home installer; providing a criminal penalty; prohibiting certain activities by a licensee or a license applicant; authorizing imposition of penalties by the Department of Community Affairs, including fines and license denial, suspension, or revocation; providing for state preemption of mobile home installer regulation; authorizing a local occupational license fee; providing for an installation decal; requiring a licensee to maintain a log; prohibiting certain activities by installers; providing for the use of fees received by the department; prohibiting the manufacture of mobile home installation items that are not certified by the Department of Community Affairs; providing for department certification of mobile home installation items; providing for suspension or revocation of certification; delaying application of the certification requirement; requiring new mobile home construction to be inspected by the Department of Community Affairs; requiring the department to

develop inspection procedures; authorizing rulemaking by the department regarding mobile home inspection; authorizing unannounced visits to mobile home manufacturing plants; requiring mobile home manufacturers and dealers to pay an inspection fee; authorizing inspections; requiring the department to determine inspection and label fees; providing for use of fees; prohibiting the sale of a new mobile home by a dealer without a label from the Department of Community Affairs and a certification of code compliance by the manufacturer; establishing a presumption that a mobile home having a label complies with local construction law; prohibiting the alteration of a mobile home having a label; providing for issuance of labels by the department; providing for certification by a manufacturer; prohibiting the manufacture of a mobile home without a label and certification; authorizing the department to prescribe the manner of label display; requiring counties and municipalities to inspect the installation of mobile homes; authorizing the Department of Community Affairs to designate an installation inspector when a county or municipality does not; requiring that only competent inspectors be designated; providing for issuance of a permit for the installation of mobile homes by a county or municipality; providing for issuance of a certificate of occupancy for an inspected mobile home; providing for inspection fees; authorizing the department to issue a guideline for the fee schedule; requiring enforcement by the department; prescribing regulatory authority of county and municipal governments over mobile homes; providing a civil penalty for a violation of the National Mobile Home Construction and Safety Standards Act; providing a criminal penalty for certain violations of that federal act; providing a criminal penalty for a manufacturer, dealer, or inspector for certain violations; preserving the validity of ch. 527, F.S., relating to liquefied petroleum gas; authorizing the Department of Community Affairs to establish uniform standards by rule for mobile home installation and for the manufacture of items used in the installation of mobile homes; providing requirements for installation; prohibiting alteration of the uniform standards set by the department by other entities; requiring a mobile home owner to comply with the installation rules; limiting the mobile homes for which a licensed insurer may issue windstorm damage insurance; prohibiting denial of insurance coverage in certain circumstances involving damage to an improperly installed mobile home; authorizing a civil action by an aggrieved person against a person that fails to meet the uniform standards; providing for costs, damages, and injunctive relief; authorizing the department or the state attorneys to pursue injunctive relief, without a bond and regardless of the adequacy of other remedies, against a person that fails to meet uniform standards; limiting application to certain mobile home installations; providing definitions; providing for retention, disposal, and reproduction of records by the Department of Community Affairs; providing for treatment of reproductions as originals in determining admissibility of evidence; requiring a person who engages in the trade of selling mobile homes to make disclosures to a buyer or in an advertisement regarding the manner used to determine the length of a mobile home; providing legislative intent relating to mobile homes; providing for warranties required of a new mobile home dealer, installer, or component supplier; authorizing the Department of Community Affairs to establish rules regarding resolution of disputes among the mobile home manufacturer, dealer, installer, or component supplier; providing for presentation of and response to a warranty claim; authorizing the transfer of responsibility to remedy a mobile home defect covered by warranty among mobile home manufacturers, dealers, or suppliers; requiring the warrantor to compensate certain persons who remedy a defect covered by a warranty; prohibiting coercion to secure performance of warranty service; authorizing a civil action to enforce a warranty claim; authorizing award of damages, including punitive damages, and costs, including attorney's fees; prohibiting the waiver of rights conferred by a warranty; providing that the warranty is in addition to and not in derogation of other applicable rights; providing for liquidated damages due to the retail seller of a mobile home when the buyer fails to accept delivery; providing for inspection of records of a licensed mobile home manufacturer or dealer by the Department of Community Affairs relating to a written complaint against the licensee; authorizing the department to compel production of documents and, through subpoena, attendance of witnesses relating to the disposition of a written complaint against a licensed manufacturer or dealer; providing for denial, suspension, or revocation of a license or an application for a license; providing for a licensee's responsibility for actions of its employees; providing requirements regarding maintenance of electronic records regarding licensees by the Department of Community Affairs; authorizing the Department of Community Affairs to accept an application by electronic or telephonic means; amending s. 20.18, F.S.; providing a mission statement for the Department of Community Affairs with respect to the regulation of mobile homes; amending ss. 205.193, 319.001, 320.131, 320.27, 320.28, and 320.71, F.S.; conforming provisions to changes made by the act; repealing s. 320.77, F.S., relating to mobile home dealer licenses; amending ss. 320.771, 320.781, 320.822, and 320.8225, F.S., conforming provisions to changes made by the act; repealing s. 320.823, F.S., relating to mobile home construction and safety standards; amending ss. 320.8232, 320.824, and 320.8245, F.S; conforming provisions to changes made by the act; repealing s. 320.8249, F.S., relating to mobile home installation licensure; repealing s. 320.8251, F.S., relating to mobile home installation products; repealing s. 320.8255, F.S., relating to mobile home inspection; repealing s. 320.827, relating to mobile home labeling and certification; amending s. 320.8285, F.S.; conforming provisions to changes made by the act; repealing s. 320.830, relating to reciprocity with other states that have mobile home laws; amending ss. 320.831 and 320.8325, F.S.; conforming provisions to changes made by the act; repealing s. 320.8335, F.S., relating to disclosure of the manner used in determining the length of mobile homes; repealing s. 320.834, F.S.; relating to legislative intent; amending s. 320.835, F.S.; conforming provisions to changes made by the act; repealing s. 320.840, F.S., relating to liquidated damages when a mobile home buyer refuses to accept delivery of a mobile home; amending ss. 320.865, 553.415, 627.351, and 1013.37, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Judiciary; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Haridopolos—

SB 2344—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 497.172, F.S.; creating a public meetings exemption for meetings of the Board of Funeral, Cemetery, and Consumer Services conducted for the exclusive purpose of developing or reviewing licensure examination questions and answers; creating a public-meetings exemption for probable-cause-panel meetings of the board; creating a public-records exemption for records relating to the scheduling of inspections and special examinations; creating a public-records exemption for records relating to investigations or examinations in process; creating a public-records exemption for trade-secret information of licensees and applicants; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Banking and Insurance; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Haridopolos—

SB 2346—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; clarifying eligibility for Board of Funeral, Cemetery, and Consumer Services membership; providing rulemaking authority regarding application for board membership; amending s. 497.103, F.S.; revising authority of the Department of Financial Services to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; amending s. 497.141, F.S.; revising licensure application procedures to provide for persons other than natural persons; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of license; amending s. 497.142, F.S.; revising fingerprinting requirements; eliminating obsolete references; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is deemed to be a complaint; amending s. 497.152, F.S.;

revising disciplinary provisions; revising applicability in other jurisdictions; revising certain grounds for disciplinary action; specifying what is deemed to be a complaint; providing exceptions to remittance deficiency disciplinary infractions; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising criminal provisions relating to prelicensure examinations, willful obstruction, trust funds, and specified violations; providing penalties; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising a provision for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizing the licensing authority to establish certain rules; amending s. 497.380, F.S.; revising certain requirements for funeral establishments; providing requirements for reporting a change in location of the establishment; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; revising grounds for issuance of a preneed branch license; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S.; revising application procedures for preneed sales agents; creating s. 497.468, F.S.; providing for disclosure of information to the public; amending s. 497.550, F.S.; revising application procedures for licensure as a monument establishment; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; providing requirements for change of ownership and location of monument establishments; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; revising requirements for rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.604, F.S.; revising provisions concerning direct disposal establishment licensure and application for licensure and regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions concerning cinerator facility licensure and application for licensure and regulation of cinerator facilities; amending s. 497.607, F.S.; providing for publication of rules regarding cremation by chemical means; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; amending s. 163.3187, F.S.; prohibiting a local government from approving an amendment to its adopted comprehensive plan which allows a funeral establishment, cremation facility, or other noncemetery facility to be located on cemetery lands; repealing s. 497.275, F.S., relating to identification of human remains in licensed cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

—was referred to the Committees on Regulated Industries; Banking and Insurance; Criminal Justice; and General Government Appropriations.

By Senators Haridopolos, Wise, Peaden, Argenziano, Lynn, Fasano, Dockery, Sebesta, Baker, Bennett, Constantine, Atwater, Campbell, Saunders, Posey, Webster, Diaz de la Portilla, King, Alexander and Jones—

SB 2348—A bill to be entitled An act relating to the tax on intangible personal property; amending s. 199.032, F.S.; reducing the annual rate of the tax; amending s. 199.202, F.S.; authorizing the executive director of the Department of Revenue to adopt emergency rules; providing for the future repeal of ss. 199.012, 199.032, 199.033, 199.042, 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106, 199.175, and 199.185, F.S., which provide for annual taxes on intangible personal property; amending ss. 192.032, 192.042, 192.091, 193.114, 196.015, 196.199, 196.1993, 199.023, 199.183, 199.303, 201.23, 212.02, 213.053, 213.054, 213.27, 215.555, 220.1845, 288.039, 288.1045, 288.106, 376.30781, 493.6102, 516.031, 627.311, 627.351, 650.05, 655.071, 733.702, and 766.105, F.S., conforming provisions; providing effective dates.

—was referred to the Committees on Government Efficiency Appropriations; Banking and Insurance; Community Affairs; and Ways and Means.

By Senator Aronberg—

SB 2350—A bill to be entitled An act relating to domestic violence; amending s. 741.28, F.S.; correcting a cross-reference; amending s. 741.283, F.S.; requiring a court to sentence a person to serve a minimum of 5 days in the county jail if the person is adjudicated guilty of the crime of domestic violence and deprives a family or household member of communications services; creating s. 741.311, F.S.; defining the term "communication services"; prohibiting a person from depriving a family or household member of the use of communication services in the course of committing domestic violence; providing an enhanced penalty if a person is adjudicated guilty of a crime in the course of committing domestic violence, and during the time the crime was committed, deprived a family or household member of the use of communication services; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Peaden—

SB 2352—A bill to be entitled An act relating to controlled substances; amending s. 893.033, F.S.; revising the definition of "listed precursor chemical" to include benzaldehyde, hydriodic acid, and nitroethane, and to remove anhydrous ammonia and benzyl chloride; revising the definition of "listed essential chemical" to include anhydrous ammonia, benzyl chloride, hydrochloric gas, and iodine; amending s. 893.13, F.S.; prohibiting a person from manufacturing methamphetamine or phencyclidine or from possessing listed chemicals with the intent to manufacture methamphetamine or phencyclidine; providing criminal penalties; providing for minimum terms of imprisonment in circumstances where a person commits or attempts to commit such crime in a structure or conveyance where a child is present and in circumstances where a child suffers great bodily harm; providing criminal penalties in circumstances where a person fails to store anhydrous ammonia as required; providing criminal penalties in circumstances involving a violation of ch. 893, F.S., which results in serious injury to a state, local, or federal law enforcement officer; increasing the criminal penalties if such violation results in death or great bodily harm to such officer; prohibiting a person from selling, manufacturing, delivering, or attempting to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of an assisted living facility; providing criminal penalties for such offense; specifying minimum terms of imprisonment for such offense; amending s. 893.135, F.S.; including offenses involving pseudoephedrine within the offense of trafficking in amphetamine; providing criminal penalties; providing that it is a capital offense to manufacture or import pseudoephedrine knowing that the probable result will be death; amending s.

893.149, F.S., relating to the prohibition against possessing listed chemicals; providing an exception to such prohibition for a person authorized to clean up or dispose of hazardous waste or toxic substances pursuant to ch. 893, F.S.; providing that damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical is the sole responsibility of the person unlawfully possessing, storing, or tampering with the chemical; providing that the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller is immune from liability in the absence of negligent misconduct or failure to abide by laws governing possession or storage; creating s. 893.1495, F.S.; limiting sales of products containing more than a specified amount of ephedrine or related compounds in a single transaction; providing restrictions on the display of products containing ephedrine or related compounds; providing an exemption from liability for a general owner or operator of an outlet where a sale of products containing ephedrine or related compounds exceeding the specified amount took place if specified employee training was provided; providing that local regulations passed after a specified date that are more restrictive than this act are superseded; providing for exemption of products from certain provisions if they receive a certain certification; providing criminal penalties; reenacting s. 893.02(12), F.S., relating to the definition of the term "listed chemical," for the purpose of incorporating the amendment to s. 893.033, F.S., in a reference thereto; reenacting ss. 435.07(2), 921.187(1), 938.25, and 948.034(1) and (2), F.S., relating to exemptions from disqualification for certain employment, disposition and sentencing alternatives, the assessment of fees for purposes of funding the Operating Trust Fund of the Department of Law Enforcement, and the terms and conditions of probation, respectively, for the purpose of incorporating the amendment to s. 893.13, F.S., in references thereto; reenacting ss. 311.12(3)(c), 414.095(1), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3)(a), and (4)(a), 893.13(8)(d), 907.041(4)(c), 921.0022(3)(g), (h), and (i), 921.0024(1), 921.142(2), 943.0585, and 943.059, F.S., relating to seaport security standards, eligibility for temporary cash assistance, mandatory sentencing in circumstances involving the possession of use of a weapon, specified offenses that may be charged as murder if death results, prohibited acts by prescribing practitioners, circumstances in which the court may order pretrial detention, the offense severity ranking chart of the Criminal Punishment Code, worksheet computations and scoresheets under the Criminal Punishment Code, sentencing in capital drug trafficking cases, limitations on circumstances in which a criminal history record may be expunged, and limitations on circumstances in which a criminal history record may be sealed, respectively, for the purpose of incorporating the amendment to s. 895.135, F.S., in references thereto; reenacting ss. 397.451(4)(b) and (6), 772.12(2)(a), 893.1351(1), and 903.133, F.S., relating to background checks of service provider personnel, the Drug Dealer Liability Act, the prohibition against leasing or renting for the purpose of trafficking in a controlled substance, and the limitation of admission to bail, respectively, for the purpose of incorporating the amendments to ss. 893.13 and 893.135, F.S., in references thereto; providing applicability; providing an effective date.

—was referred to the Committees on Health Care; Criminal Justice; and Justice Appropriations.

By Senator Lawson—

SB 2354—A bill to be entitled An act relating to disposition of state land and facilities in the Florida Capitol Center; creating s. 272.1231, F.S.; authorizing the Department of Management Services to determine that certain property in the Capitol Center is not needed for certain purposes; requiring the Division of State Lands of the Department of Environmental Protection to notify certain entities of such determination; authorizing such entities to apply for transfer of or enter into negotiations for such property; providing application requirements; authorizing the division to transfer such property or negotiate for the sale of such property at below appraised value under certain circumstances; requiring a joint agreement between certain entities prior to transfer or sale of such lands or facilities; providing for transfer approval by the Board of Trustees of the Internal Improvement Trust Fund; providing application; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Environmental Preservation; General Government Appropriations; and Ways and Means.

By Senator Lawson—

SB 2356—A bill to be entitled An act relating to procurement of personal property and services; creating s. 287.019, F.S.; defining "privatization"; requiring the head of a state agency, prior to the purchase, lease, or acquisition of commodities or contractual services by privatization, to conduct a business case evaluation of the proposed privatization; providing elements and components of the evaluation; requiring the head of a state agency, subsequent to the purchase, lease, or acquisition of commodities or contractual services by privatization, to conduct an evaluation of the privatization; providing evaluation criteria; requiring state agencies to establish a system for monitoring the performance of a privatization contractor and for monitoring the contractor's compliance with the terms and conditions of the privatization contract; requiring state agencies to conduct annual evaluations of the performance of privatization contractors and report their findings to the Legislature, the Office of Program Policy Analysis and Government Accountability, and the Auditor General; requiring the Office of Program Policy Analysis and Government Accountability and the Auditor General to periodically examine any privatization in order to assist the Legislature in evaluating whether expected savings and outcomes have been achieved through privatization; creating s. 14.204, F.S.; creating the Center for Efficient Government; providing purposes of the center; providing for an oversight advisory board to oversee the activities of the center; providing for membership of the board; creating s. 110.1095, F.S.; requiring executive agencies to address the transition of employees affected by outsourcing initiatives; requiring agencies to develop job placement policies for such employees; requiring agencies to develop a reemployment and retraining assistance plan for employees; authorizing agencies to provide job skills retraining to any impacted employee who is not offered comparable employment within 1 year of separating from state employment; requiring agencies to coordinate the impact and transition of affected employees with the Agency for Workforce Innovation; requiring the coordination of services for state employees with Workforce Florida, Inc., and regional workforce boards throughout the state; requiring agencies to offer critical employee retention salary increases; authorizing agencies to use a percentage of the savings realized from an implemented outsourcing initiative as an employee recognition allocation to reward the employee or group of employees who proposed the initiative; requiring agencies to consider incorporating severance compensation provisions into outsourcing contracts; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; General Government Appropriations; and Ways and Means.

By Senator Constantine—

SB 2358—A bill to be entitled An act relating to the Citizens Property Insurance Corporation; amending s. 627.351, F.S.; requiring the corporation's board of governors to offer insureds the option of paying premiums semiannually or quarterly; providing for a processing fee for such payments; requiring the plan and fee to be approved by the Office of Insurance Regulation; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Geller—

SB 2360—A bill to be entitled An act relating to condominiums; amending s. 718.117, F.S.; substantially revising provisions relating to the termination of the condominium form of ownership of a property; providing grounds; providing powers and duties of the board of administration of the association; waiving certain notice requirements following natural disasters; providing requirements for a plan of termination; providing for the allocation of proceeds from the sale of condominium property; providing powers and duties of a termination trustee; providing notice requirements; providing a procedure for contesting a plan of termination; providing rules for the distribution of property and sale proceeds; providing for the association's status following termination; allowing the creation of another condominium by the trustee; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Senators Smith and Fasano—

SB 2362—A bill to be entitled An act relating to research and development costs; amending s. 212.052, F.S.; defining the term "machinery and equipment"; deleting a limitation on an exemption from the tax on sales, use, and other transactions for property used in research or development; providing an exemption for machinery and equipment used predominantly for research and development activities; allowing a business that has been certified to receive the exemption to designate one or more state universities or community colleges as recipients of part or all of the amount of the exemption under certain conditions; providing that the business retains the rights to patents, royalties, or real or intellectual property unless an agreement specifies otherwise; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Education; Government Efficiency Appropriations; and Ways and Means.

By Senator Fasano—

SB 2364—A bill to be entitled An act relating to elderly affairs; amending s. 430.205, F.S.; deleting the requirement for the Agency for Health Care Administration to develop a plan to integrate a plan for frail elderly persons into a diversion pilot program; deleting the agency's requirement to integrate two separate Medicaid waiver programs into one waiver program; deleting the requirement to seek federal waivers for these waiver programs; requiring the agency and the Department of Elderly Affairs to reimburse providers and develop standards for case management within a certain Medicaid waiver program; authorizing the coordinating of certain medical services to be included in the capitated rate for case management services; deleting the agency's requirements to implement interagency agreements; providing reimbursement for an elderly lead agency on a prepaid or fixed-sum basis for certain services under a particular diversion pilot project; clarifying that the lead agency be reimbursed for all services by the third year of operation; revising the basis under which the agency is required to develop reimbursement rates; deleting the method of rate of payment for custodial nursing home placement beyond the first 3 years; deleting the department's requirements to study and develop a plan for the integration of certain database systems and submit the plan to the Legislature; amending s. 430.7031, F.S.; deleting the requirement for certain program staff to annually review a certain number of case files to find certain nursing home residents who are eligible for possible community placement; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Argenziano—

SB 2366—A bill to be entitled An act relating to students with disabilities; amending s. 1003.43, F.S.; providing additional options through which a student with disabilities may receive a waiver from passing the grade 10 FCAT for purposes of high school graduation; amending s. 1008.22, F.S.; conforming provisions relating to statewide student assessment; amending s. 1008.25, F.S.; providing an additional good cause exemption from mandatory third grade retention; providing an effective date.

—was referred to the Committee on Education.

By Senator Argenziano—

SB 2368—A bill to be entitled An act relating to springs protection; creating part IV of ch. 369, F.S.; providing legislative intent; providing definitions; providing for delineation of the springshed and protection zone of certain springs by the Department of Environmental Protection with the cooperation of the water management districts; establishing criteria and schedule; providing for inclusion of certain springs whose water quality is impaired in the total maximum daily loads program implemented by the department; providing for criteria to determine the impairment of springs; requiring the department, in conjunction with water management districts, to develop and implement a basin management plan relating to protection of the springshed; providing for allocation of a portion of the nonagricultural, nonpoint pollutant load calculated under the program to certain local governments; requiring a local government having jurisdiction over the springshed or protection zones of certain high-magnitude springs to review its comprehensive plan and prepare a report for consideration by its governing body; providing for amendment of such comprehensive plan if necessary to meet certain criteria relating to springs protection; providing for guidance by the department, the Department of Community Affairs, the Department of Health, and the water management districts; providing for the prohibition or restriction of certain activities within the primary protection zone of a spring; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; and General Government Appropriations.

By Senator Smith—

SB 2370—A bill to be entitled An act relating to all-terrain vehicles; creating s. 261.20, F.S.; providing safety and equipment requirements for the operation of ATVs on public lands; restricting the operation by children of certain ages; requiring safety training; requiring the Department of Agriculture and Consumer Services to implement a safety training program; providing instructor qualifications; providing equipment and safe-operating requirements; prohibiting certain acts; providing penalties; providing an effective date.

—was referred to the Committees on Transportation; Agriculture; General Government Appropriations; and Rules and Calendar.

By Senator Peaden—

SB 2372—A bill to be entitled An act relating to clinical perfusionists; creating ss. 458.3476 and 459.025, F.S.; providing definitions; requiring a supervising physician to be qualified in the medical area in which the clinical perfusionist performs; prescribing duties of a clinical perfusionist; requiring a clinical perfusionist to convey that he or she is a clinical perfusionist to a patient; authorizing a clinical perfusionist to perform medical tasks and services within a certain protocol; prohibiting a clinical perfusionist from prescribing, ordering, compounding, or dispensing certain drugs or a medical device; providing that a clinical perfusionist may administer certain drugs, fluids, and blood products under the supervision of a physician; exempting a trainee from requirements of a clinical perfusionist; requiring board approval of training programs for clinical perfusionists; providing licensure requirements; providing provisional licensing requirements; providing for a temporary license as a clinical perfusionist; authorizing the Board of Medicine and the Board of Osteopathic Medicine to impose a penalty against a clinical perfusionist found guilty of or investigated for violating ch. 456, ch. 458, or ch. 459, F.S.; authorizing the chair of each board to appoint certain persons to advise the board regarding rules for the licensure of clinical perfusionists; providing duties of each board; providing a penalty for any person who falsely holds himself or herself out as a clinical perfusionist; providing for the denial, suspension, or revocation of a license; requiring each board to adopt rules; requiring the Department of Health to allocate fees collected to each board; amending s. 456.048, F.S.; specifying financial responsibility requirements for clinical perfusionists; amending ss. 458.331 and 459.015, F.S.; providing that the failure to adequately supervise the activities of a clinical perfusionist is grounds for denial of a medical doctor's or osteopathic physician's license or disciplinary action; providing an effective date.

—was referred to the Committees on Health Care; Criminal Justice; and Health and Human Services Appropriations.

By Senator Peaden—

SB 2374—A bill to be entitled An act relating to enterprise zones; amending s. 290.00698, F.S.; authorizing Okaloosa County and the City of Crestview to apply to the Office of Tourism, Trade, and Economic

Development to amend the boundaries of the enterprise zone in Okaloosa County; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Fasano—

SB 2376—A bill to be entitled An act relating to the Cancer Research and Treatment Trust Fund; creating s. 381.926, F.S.; creating the Cancer Research and Treatment Trust Fund within the Department of Health; providing a revenue source for the fund; requiring that moneys in the trust fund be used for the disbursement of grants by the Florida Cancer Council for certain purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senators Fasano, Smith, King, Rich and Dockery—

SB 2378—A bill to be entitled An act relating to cancer research and treatment; providing a short title; providing legislative intent; amending s. 210.01, F.S.; providing a definition; amending s. 210.20, F.S.; deleting an obsolete provision directing deposit and payment of cigarette tax funds; providing for the deposit of a portion of cigarette tax funds into the Cancer Research and Treatment Trust Fund for certain uses by the Florida Cancer Council; specifying such uses; specifying a minimum appropriation; creating s. 212.202, F.S.; requiring the council to use cigarette tax collection distributions for certain purposes; requiring Governor and Cabinet approval for capital construction projects; amending s. 381.921, F.S.; authorizing the council to award grants; providing preference criteria; creating ss. 381.922, 381.923, 381.924, and 381.925, F.S.; specifying allocations of certain funds in the Cancer Research and Treatment Trust Fund; requiring Governor and Cabinet approval for capital construction projects; requiring executed contracts for council grants; providing contract requirements; requiring an extraordinary vote for contract amendment approval; requiring the council to work with the Office of Tourism, Trade, and Economic Development to determine economic benefits of grants; requiring a report; specifying report requirements; specifying a time period for council award of grants; providing for reversion of undisbursed funds; requiring the Office of Program Policy and Government Accountability to conduct certain reviews and report to the Legislature; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Wise—

SB 2380—A bill to be entitled An act relating to certification of professional staff; requiring the Department of Juvenile Justice to establish a workgroup to study the certification of professional staff working for a provider of juvenile justice services; providing for membership; requiring the workgroup to consider the feasibility of implementing and operating a certification system for professional staff; requiring the workgroup to consider, at a minimum, certain specified issues; directing the workgroup to recommend a process for testing and validating the effectiveness of the recommended professional staff development system; requiring the workgroup to prepare a report of its deliberations and recommendations and to submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; and Justice Appropriations.

By Senator Smith—

SB 2382—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public-records requirements for personal identifying information concerning current or former guardians ad litem and their spouses and children; providing a procedure for requesting an agency that is the custodian of the personal information and that is not the employer of the guardian ad litem to maintain the confidentiality of the information; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Peaden—

SB 2384—A bill to be entitled An act relating to the Florida Health Insurance Plan; amending s. 627.64872, F.S.; redefining the term "health insurance" for purposes of determining assessments under the plan; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By Senator Peaden—

SB 2386—A bill to be entitled An act relating to the Agency for Persons with Disabilities; amending s. 39.202, F.S.; authorizing the release of otherwise confidential information concerning child abuse or neglect to authorized agents and providers of the agency; amending s. 39.502, F.S.; requiring that a person identified as having a mental illness or disability be informed by the court of agency services; amending s. 383.14, F.S.; providing for a representative of the agency to sit on the Genetics and Newborn Screening Advisory Council rather than a representative from the Department of Children and Family Services; repealing s. 393.061, F.S., relating to a short title; amending s. 393.062, F.S.; revising legislative findings and intent with respect to providing services for the developmentally disabled; amending s. 393.063, F.S.; revising definitions to conform to changes made by the act; defining the term "principles of self-determination"; amending s. 393.064, F.S.; requiring that the agency provide additional evaluations and assessments; revising requirements for intervention services and support services; amending s. 393.0641, F.S.; defining the term "severe self-injurious behavior" for purposes of prevention and treatment services that are provided by the agency; amending s. 393.065, F.S.; revising requirements for the agency in determining eligibility for certain services; authorizing the agency to adopt rules; amending s. 393.0651, F.S.; revising requirements for the family or individual support plan; amending s. 393.0655, F.S., relating to the screening of service providers; authorizing the agency to take additional remedial action; requiring that the agency adopt rules for conducting background screening; amending s. 393.0657, F.S.; clarifying provisions governing the rescreening of human resource personnel; amending s. 393.066, F.S., relating to community-based services; authorizing the agency to adopt rules governing the purchase of services; amending s. 393.067, F.S.; requiring the agency to adopt rules governing the licensure of residential facilities and comprehensive transitional education programs; providing that a licenseholder does not have a property right to that license; revising the requirements for background screening of license applicants; revising the requirements for the comprehensive emergency management plans of homes serving individuals having complex medical conditions; amending s. 393.0673, F.S.; clarifying provisions governing administrative fines; amending s. 393.0674, F.S.; providing a penalty for noncompliance with requirements for background screening; amending s. 393.0675, F.S.; clarifying provisions authorizing the agency to seek an injunction under certain circumstances; amending s. 393.0678, F.S.; revising provisions governing receivership proceedings; amending s. 393.068, F.S.; including the principles of self-determination within the skills emphasized in a family care program; amending s. 393.0695, F.S.; requiring that the agency reassess in-home subsidies quarterly; amending s. 393.075, F.S., relating to liability coverage; conforming terminology to changes made by the act; amending s. 393.11, F.S.; requiring certain assessments for the involuntary commitment of a person with retardation or autism; revising the procedures for

the agency with respect to such commitment; requiring that a hearing be held in the county in which the petition is filed; revising the standards for determining the issue of competency; amending s. 393.122, F.S., relating to continued residential services; conforming a cross-reference; amending s. 393.125, F.S.; clarifying the agency's rulemaking duties with respect to service providers; amending s. 393.13, F.S., relating to the Bill of Rights of Persons Who are Developmentally Disabled; revising legislative intent; requiring that intermediate care facilities comply with requirements that clients be afforded certain rights and opportunities; amending s. 393.135, F.S., relating to prohibitions against sexual misconduct by employees; conforming provisions to the transfer of duties from the Department of Children and Family Services to the Agency for Persons with Disabilities; amending s. 393.15, F.S.; revising provisions governing the Community Resources Development Trust Fund to establish the Community Resources Development Loan Program; providing eligibility requirements for a loan; requiring that the agency deposit funds received from enforcement of a lien into the agency's Administrative Trust Fund and be used to fund the program; creating s. 393.18, F.S.; creating the comprehensive transitional education program within the agency as a transitional program for services for persons exhibiting maladaptive behaviors; providing requirements for the services and the staff for such programs; requiring an individual education plan for each person served; limiting the number of residents which may be served by such a program; amending s. 393.501, F.S., relating to the agency's rulemaking authority; removing obsolete provisions governing ICF/MR facilities; amending s. 393.506, F.S.; revising requirements governing the administration of medication; amending s. 397.405, F.S., relating to exemptions from licensure; conforming a cross-reference; amending s. 400.419, F.S.; requiring that the annual list of facilities that are sanctioned or fined by the Agency for Health Care Administration be provided to the Agency for Persons with Disabilities; repealing s. 400.960(1), (6), (7), and (11), F.S.; removing obsolete definitions applicable to intermediate care facilities for developmentally disabled persons; amending s. 400.464, F.S., relating to home health agencies; conforming a cross-reference; amending s. 400.967, F.S., relating to rules; conforming provisions to the transfer of duties from the Department of Children and Family Services to the agency; amending s. 402.20, F.S.; providing requirements for county contracts for services and mental health facilities; amending s. 402.22, F.S., relating to education programs for students who reside in residential care facilities; conforming provisions to the transfer of duties from the Department of Children and Family Services to the agency; amending s. 408.036, F.S.; exempting the beds in certain developmental disabilities institutions from certificate-of-need review; amending ss. 409.908 and 409.9127, F.S., relating to Medicaid providers and conflicts of interest; conforming a cross-reference and terminology; amending ss. 411.224 and 411.232, F.S., relating to family support plans and the Children's Early Investment Program; conforming provisions to the transfer of duties from the Department of Children and Family Services to the agency; amending s. 415.102, F.S.; redefining the term "neglect" for purposes of the Adult Protective Services Act to include actions against oneself by a vulnerable adult; amending s. 415.1035, F.S.; providing duties of the agency with respect to the rights of residents of a facility serving vulnerable adults; amending s. 415.1051, F.S.; requiring that certain intervention actions be taken on behalf of a vulnerable adult in need of services; amending ss. 415.1055 and 415.107, F.S.; providing duties of the agency with respect to reports of abuse, neglect, or exploitation and the confidentiality of records; amending s. 419.001, F.S., relating to community residential homes; conforming provisions to the transfer of duties from the Department of Children and Family Services to the agency; amending s. 435.03, F.S.; providing screening requirements for employees and employers of developmental disabilities institutions; amending s. 944.602, F.S.; requiring that the Department of Corrections notify the agency before releasing a mentally retarded inmate; amending ss. 945.025 and 947.185, F.S., relating to services for mentally retarded inmates and parolees; specifying duties of the agency; amending ss. 984.19, 984.225, and 984.226, F.S., relating to medical screening of children in need of services; conforming provisions to the transfer of duties from the Department of Children and Family Services to the agency; amending s. 985.224, F.S.; requiring that the agency conduct certain assessments of a child who is alleged to be delinquent; amending s. 1003.58, F.S.; providing duties of the Department of Education with respect to children in residential care facilities of the agency; repealing s. 114 of ch. 2004-267, Laws of Florida, relating to the Economic Self-Sufficiency Services Program; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; and Health and Human Services Appropriations.

By Senator Constantine—

SB 2388—A bill to be entitled An act relating to education in grades pre-K through 12; amending s. 1003.455, F.S.; requiring that health-related fitness assessments be periodically administered to students; requiring that the fitness-assessment scores be reported to various persons and to the Department of Education; providing requirements for the training of physical education instructors; requiring that school districts have coordinators for physical education and health; providing for recognition awards; requiring that school districts establish wellness policies as federally mandated; requiring the department during school year 2005-2006 to coordinate regional meetings relating to physical education programs; requiring certain public high schools to have a defibrillator on school grounds; providing an effective date.

—was referred to the Committees on Education; Health Care; and Education Appropriations.

By Senator Campbell—

SB 2390—A bill to be entitled An act relating to nursing home facilities; amending s. 400.021, F.S.; defining additional terms related to nursing home facilities; amending s. 400.023, F.S.; requiring a resident or the resident's legal representative to include a certificate of compliance when a complaint alleging a violation of a resident's rights is filed with the clerk of court; amending s. 400.0233, F.S.; requiring that the presuit notice of a claim against a nursing home facility be given to each prospective defendant; requiring that certain specified information be included with the notice; providing that a defendant may request voluntary binding arbitration; authorizing the parties to toll designated time periods in order to mediate issues of liability and damages; amending s. 400.0234, F.S.; specifying that failing to provide certain records waives certain requirements; creating s. 400.02342, F.S.; providing that any party may elect to participate in voluntary binding arbitration; providing procedures to initiate and conduct a voluntary binding arbitration; requiring that a claimant agree to a damage award; providing exceptions and limitations; authorizing the Division of Administrative Hearings to adopt rules; authorizing the division to levy specified sanctions; authorizing the division to charge a party requesting binding arbitration an administrative fee; permitting the parties to use private arbitrators; creating s. 400.02343, F.S.; requiring multiple defendants to a binding arbitration proceeding to apportion a damage award through a second arbitration proceeding; providing arbitration procedures for apportioning damage awards; providing that a participant has a cause of action for contribution from other defendants; creating s. 400.02344, F.S.; providing consequences for a claimant or defendant that fails to offer or rejects an offer to participate in binding arbitration; prescribing limitations if a party wishes to proceed to trial; creating s. 400.02345, F.S.; providing procedures for determining if a specific claim is subject to binding arbitration; creating s. 400.02347, F.S.; requiring a defendant to pay a damage award within a specified time period; creating s. 400.02348, F.S.; providing for an appeal of an arbitration or apportionment award; providing that an appeal does not stay an arbitration or apportionment award; permitting a party to an arbitration or apportionment proceeding to enforce an arbitration award or an apportionment of financial responsibility; providing enforcement procedures; providing exceptions; amending s. 400.141, F.S.; requiring a nursing home facility to maintain general and professional liability insurance with specified insurance carriers; providing alternative methods to establish financial responsibility for claims filed against the nursing home; directing that the amount of financial responsibility be increased by the annual rate of inflation; providing exceptions; amending s. 400.151, F.S.; providing criteria for a resident's contract which include arbitration or dispute-resolution provisions; requiring prominent notice of arbitration provisions; requiring notice of which claims are subject to arbitration; amending s. 409.907, F.S.; prohibiting the Agency for Health Care Administration from renewing a Medicaid provider agreement with a chronically poor-performing nursing home facility after a specified date; providing that a chronically poor-performing nursing home facility may not participate in voluntary binding arbitration after a specified date; amending s. 409.908, F.S.; deleting obsolete provisions; requiring the agency to recognize increases in the costs of professional liability insurance by providing a pass-through of professional liability insurance in a specified amount; authorizing the agency to impose an assessment fee for quality assurance; amending s. 400.147, F.S.; conforming a cross-reference; reenacting s. 430.80(3)(h), F.S., relating to a teaching nursing home pilot

project, to incorporate the amendment made to s. 400.141, F.S., in a reference thereto; requiring that arbitration limits be adjusted annually for inflation; providing legislative intent that the Agency for Health Care Administration not renew a Medicaid provider agreement with a nursing home facility that has a pattern of harming its residents; directing the agency to consult with certain specified private organizations to identify and improve poor-performing nursing homes; requiring the agency to prepare a report of the Medicaid Up-or-Out Program; providing legislative intent that a study be conducted by the Institute on Aging at the University of South Florida of all federal and state enforcement sanctions and remedies available to the agency to use with nursing home facilities; providing the subjects to be studied; requiring that a report of the findings of the study be submitted by a specified date; requiring the Agency for Health Care Administration to establish a health care quality improvement system for nursing home facilities; providing guidelines; requiring each nursing home facility to pay an annual assessment on each licensed bed after a specified date; providing for the use of the funds collected; providing a method by which the assessment will be determined; providing for nonseverability; providing effective dates.

—was referred to the Committees on Health Care; Banking and Insurance; Judiciary; and Health and Human Services Appropriations.

By Senator Crist—

SB 2392—A bill to be entitled An act relating to the Florida Faith-Based Initiative; establishing the Florida Faith-Based Initiative; creating the Florida Families Faith-Based Institute and providing for administration by the University of South Florida; providing a definition; providing duties; prohibiting imposition of fees for certain purposes; requiring a report; providing for open records and meetings; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Government Efficiency Appropriations; and Education Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Environmental Preservation; and Senator Constantine—

CS for SB 1464—A bill to be entitled An act relating to renewable energy; amending s. 366.075, F.S.; authorizing the Public Service Commission to approve experimental or transitional rates to encourage the use of renewable energy; providing an effective date.

By the Committee on Environmental Preservation; and Senator Dockery—

CS for SB 1542—A bill to be entitled An act relating to the reuse and recycling of campaign signs; requiring the Department of Environmental Protection to design a pilot project to encourage the reuse or recycling of campaign signs; requiring the department to submit details of the program and a budget request for use of funds from the Solid Waste Management Trust Fund; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 18 was corrected and approved.

CO-INTRODUCERS

Senators Baker—SB 1256; Bennett—SB 1116, SB 1324, SB 1734; Bullard—SB 724; Dawson—SB 2190; Diaz de la Portilla—SB 1116; Fasano—SB 1286; Garcia—SB 818; Lynn—CS for SB 366, SB 538, SB 1642, CS for SB 1650, CS for SB 1652; Villalobos—SB 1714; Wilson—SB 558

RECESS

On motion by Senator Pruitt, the Senate recessed at 10:44 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Wednesday, March 23 or upon call of the President.

SENATE PAGES

March 21-25, 2005

Skyler Ansel, Hollywood; Amy Atwater, North Palm Beach; John Atwater, North Palm Beach; Jordan Beard, Valrico; Casey Beaty, Plant City; Angela Benyon, Wellington; Christopher Bonk, Longwood; William "Will" Bristol, Tallahassee; Beth Brown, West Palm Beach; William "Will" Bruce, Tallahassee; Elizabeth "Liz" Gilbert, Boca Raton; Travis Gomillion, Land O'Lakes; Kyle R. Hanrahan, Lutz; Matthew Janes, Palm Beach Gardens; Michele Jones, Miami; Lauren Klein, Boca Raton; Tyler Nedley, Tallahassee; Justin Newsome, Plant City; Steven Pruitt, Port St. Lucie; Katharine "Katie" Villalobos, Miami

Journal of the Senate

Number 8—Regular Session **Wednesday, March 23, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 1:15 p.m. A quorum present—39:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Excused: Senator Dawson

PRAYER

The following prayer was offered by the Rev. Dr. John Frank Green, Senior Minister, Bethel A.M.E. Church, Tallahassee:

Dear God of love, mercy and grace: the men and women of the Senate of this great State of Florida have gathered together to deliberate and contemplate the needs of the people of Florida.

Grant unto them wisdom and charitable love needed to demonstrate genuine sensitivity and compassion. Unleash your vision for the growth and development for this great state such that their decision-making will be forthright and inclusive of the masses. Give them the mind and will to complete the work at hand with pride and humility.

And now, as the men and women of this Senate move forward to be instruments of righteousness, justice, and peace, increase their faith and restore their courage to do what is right for all citizens. For all of this and more, we pray for your continuing love and mercy. Help us to help each other, O God, and bear each other's cross. Surely, our work here will not be in vain.

Dear God, we thank you for wisdom, thank you for guidance, thank you for endurance, thank you for substance, and thank you for another opportunity to serve. Amen.

PLEDGE

Senate Pages William "Will" Bruce and William "Will" Bristol of Tallahassee; Elizabeth "Liz" Gilbert of Boca Raton; and Michele Jones of Miami, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. John Williams of Tallahassee, sponsored by Senator Lawson, as doctor of the day. Dr. Williams specializes in Surgery.

ADOPTION OF RESOLUTIONS

On motion by Senator Lawson—

By Senator Lawson—

SR 2652—A resolution recognizing March 23, 2005, as "FAMU Day."

WHEREAS, the Tallahassee campus of Florida A&M University (FAMU) is the oldest coeducational, land-grant institution of higher learning in the State University System, and

WHEREAS, FAMU was founded in 1887, named a land-grant institution in 1891, and designated a university in 1953, and

WHEREAS, FAMU is a 4-year, historically black university, offering undergraduate, graduate, and doctoral programs, which seeks qualified students from all racial, ethnic, religious, and national groups, and

WHEREAS, FAMU provides immeasurable educational opportunities that enhance the quality of life for young men and women, and

WHEREAS, the university's academic components consists of 13 colleges and schools and two institutes: Arts and Sciences, Education, Engineering Sciences, Technology and Agriculture, Pharmacy and Pharmaceutical Sciences, Engineering, Allied Health Sciences, Architecture, Business and Industry, General Studies, Journalism and Graphic Communication, Nursing, Law, Graduate Studies and Research, the Environmental Sciences Institute, and the Institute of Public Health, and

WHEREAS, FAMU offers undergraduate and graduate programs that are designed to meet the needs of a diverse population of students, awarding baccalaureate degrees in 63 disciplines, master's degrees in 36 disciplines, and the doctor of philosophy degree in 11 disciplines - educational leadership; environmental science; biomedical, chemical, civil, electrical, industrial, and mechanical engineering; pharmacy; physics; and entomology in cooperation with the University of Florida - and two professional degrees in law and pharmacy, and

WHEREAS, FAMU is the top producer of African Americans with baccalaureate degrees, the top producer of black educators, and one of the top recruiters of National Merit Scholars in the country, and its College of Pharmacy and Pharmaceutical Sciences was ranked first in the southeast and third nationwide in funding by National Institute of Health, and

WHEREAS, FAMU won the Honda Campus All-Star Challenge Team Championships in 1991, 1996, 1998, 1999, and 2003, and

WHEREAS, the Marching "100" participated in the pre-game show, performing before more than 79,000 fans, at Super Bowl XXXIX in Jacksonville, Florida, and

WHEREAS, the FAMU Women's Volleyball Team won the 2004 MEAC Championship and was ranked No. 25 in the nation in Division I, head coach Tony Trifonov earned MEAC Coach of the Year and Outstanding Tournament Coach honors, and FAMU had four players named to the All-Mid-Eastern Athletic Conference All-Star first team and four players named to the MEAC All-Team Tournament, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes March 23, 2005, as "FAMU Day" in Tallahassee, in recognition of Florida Agricultural and Mechanical University's contributions as an outstanding institution of higher education.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Castell Vaughn Bryant, Interim President of Florida Agricultural and Mechanical University, as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Lawson, **SR 2652** was read the second time in full and adopted.

On motion by Senator King—

By Senator King—

SR 2696—A resolution recognizing March 29, 2005, as F.S.U. Day.

WHEREAS, the Tallahassee campus of Florida State University is the oldest continuous site of higher education in Florida, and holds the state's first chapter of Phi Beta Kappa, and

WHEREAS, in 1994, the Florida State University joined an elite group of the nation's top research universities, being designated as a "Research I" institution by the Carnegie Foundation, and

WHEREAS, today, Florida State University offers graduate and undergraduate degrees in 573 fields within 17 independent colleges and schools, and Florida State University's comprehensive offerings prepare students for graduate school, professional degree programs, and successful careers, and

WHEREAS, Florida State University received a reaffirmation of its accreditation by the Southern Association of Colleges and Schools Commission on Colleges, primarily through the creation of a Quality Enhancement Plan focusing on student-leadership development both in and out of the classroom, and

WHEREAS, the Florida State University College of Medicine, serving the state's rural, geriatric, and other medically underserved populations, received full accreditation from the Liaison Committee on Medical Education, becoming the first new allopathic medical school established in the United States in more than 20 years, and

WHEREAS, the college experience continues to enrich the lives of Florida State University students due to the long-standing tradition of promoting racial, ethnic, and cultural diversity on its campus along with the aggressive recruitment of diverse groups of students, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate hereby recognizes March 29, 2005, as F.S.U. Day in Tallahassee, in recognition of Florida State University's contributions as an outstanding institution of higher education.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. T.K. Wetherell, President of Florida State University, as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator King, **SR 2696** was read the second time in full and adopted.

At the request of Senator Wise—

By Senators Wise, Hill and King—

SR 2690—A resolution commemorating the life and public service of Congresswoman Tillie Kidd Fowler.

WHEREAS, Tillie Kidd Fowler was born in Milledgeville, Georgia, the daughter of Georgia State Senator Culver Kidd, who served for 42 years in the Georgia General Assembly, and

WHEREAS, among the things she learned from her father were the importance of working for women as well as for men and the importance of doing the right thing while in public office, and

WHEREAS, on her father's advice, Tillie Kidd entered the Emory University School of Law, one of five women in a class of 106, and, after graduation finding her job possibilities restricted as a woman attorney, went to Washington as an aide to U.S. Representative Robert Stephens and later joined the Nixon White House in 1969 as General Counsel in the Office of Consumer Affairs, and

WHEREAS, several years later she and her husband, attorney Buck Fowler moved to Jacksonville and began raising a family, but Tillie Fowler soon realized that she had energy to spare and in 1985 she won a seat on the Jacksonville City Council against the advice of local politicians who advised her that, as a woman, her chances of political success were slim, and

WHEREAS, Tillie Fowler's next step was to win the City Council presidency in 1989, becoming the first woman to hold that office, and 3 years later, she won the Congressional seat that had been held by Charles E. Bennett for 44 years, and

WHEREAS, in Washington, Congresswoman Tillie Fowler made a name for herself as an expert on defense issues, working vigorously to advance the interests of Jacksonville and Mayport during the base closings, serving on the House Armed Services Committee, and becoming an ardent champion of the Navy, and

WHEREAS, serving for 6 of her 8 years in Congress as Deputy Majority Whip, Congresswoman Fowler was chosen vice chairwoman of the Republican Conference, making her the highest-ranking woman in Congress, and

WHEREAS, while Congresswoman Fowler could have run for a fifth term in Congress, her own position on the value of term limits led her to leave Congress in 2000, and

WHEREAS, she then went to work for the firm of Holland & Knight and in 2003 was named chairwoman of the Defense Policy Board Advisory Committee, served on the Chief of Naval Operations Executive Panel, was chairwoman of the panel that reviewed sexual-misconduct allegations at the U.S. Air Force Academy, and was named to a panel that included two former Secretaries of Defense to advise Secretary of Defense Donald Rumsfeld on issues relating to the allegations of prisoner mistreatment in Iraq, and

WHEREAS, in the midst of maintaining an intensely busy schedule and commuting each week from Jacksonville to Washington, former Congresswoman Tillie Fowler suffered a cerebral hemorrhage on Monday, March 1st, and died at St. Vincent's Medical Center in Jacksonville on Wednesday, March 3rd, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate pauses in its deliberations to pay tribute to the memory of an outstanding Floridian and American, and to extend its condolences to her family and to her husband Buck Fowler and her daughters Tillie Anne and Elizabeth Fowler.

—**SR 2690** was introduced, read and adopted by publication.

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for SB 804—A bill to be entitled An act relating to the suspension of artificially provided sustenance or hydration from a person in a persis-

tent vegetative state; creating s. 765.405, F.S.; prohibiting the suspension of the sustenance or hydration under certain conditions; authorizing certain parties to petition the court to prevent suspension of the sustenance or hydration; specifying that the act is remedial and providing for its application; providing an effective date.

—which was previously considered March 18.

On motion by Senator Webster, **CS for SB 804** failed to pass. The vote was:

Yeas—18

Mr. President	Diaz de la Portilla	Posey
Atwater	Fasano	Pruitt
Baker	Garcia	Sebesta
Clary	Haridopolos	Villalobos
Constantine	Lawson	Webster
Crist	Peaden	Wise

Nays—21

Alexander	Dockery	Margolis
Argenziano	Geller	Miller
Aronberg	Hill	Rich
Bennett	Jones	Saunders
Bullard	King	Siplin
Campbell	Klein	Smith
Carlton	Lynn	Wilson

SB 908—A bill to be entitled An act relating to the Wekiva Parkway and Protection Act; amending s. 369.318, F.S.; clarifying the Department of Environmental Protection's rulemaking authority to implement certain recommendations; amending ss. 369.319 and 369.320, F.S.; clarifying that requirements for a local government to develop a master stormwater management plan and a wastewater facility plan apply only to that portion of the local government located within the Wekiva Study Area; amending s. 369.321, F.S.; requiring local governments hosting an interchange on the Wekiva Parkway to adopt an interchange land use plan within 1 year after the interchange location is established; exempting interchanges located on Interstate 4 from the requirement for an interchange land use plan; revising the date local governments are required to adopt a 10-year water supply facility work plan; clarifying that the Department of Community Affairs reviews comprehensive plan amendments for the Wekiva Study Area under ch. 163, F.S.; amending s. 369.324, F.S.; correcting a reference to the East Central Florida Regional Planning Council; providing an effective date.

—as amended March 22 was read the third time by title.

On motion by Senator Constantine, **SB 908** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

SB 724—A bill to be entitled An act relating to affordable housing for the elderly; amending s. 420.5087, F.S.; increasing the cap on certain loan amounts available to sponsors of housing for the elderly; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, **SB 724** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

CS for SB 512—A bill to be entitled An act relating to protective injunctions; amending s. 784.046, F.S.; providing standing for a governmental employer to seek an injunction for protection against repeat violence on behalf of an employee; revising the application of evidentiary requirements with respect to injunctions for protection of minor children; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for SB 512** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Miller	

Nays—None

Vote after roll call:

Yea—Margolis

CS for CS for SB 436—A bill to be entitled An act relating to the protection of persons and property; creating s. 776.013, F.S.; authorizing a person to use force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances; creating a presumption that a reasonable fear of death or great bodily harm exists under certain circumstances; creating a presumption that a person acts with the intent to use force or violence under specified circumstances; providing definitions; amending ss. 776.012 and 776.031, F.S.; providing that a person is justified in using deadly force under certain circumstances; declaring that a person has no duty to retreat and has the right to stand his or her ground and meet force with force if the person is in a place where he or she has a right to be and the force is necessary to prevent death, great bodily harm, or the commission of a forcible felony; creating s. 776.032, F.S.; providing immunity from criminal prosecution or civil action for using deadly force; defining the term "criminal prosecution"; authorizing a law enforcement agency to investigate the use of deadly force but prohibiting the agency from arresting the person unless the agency determines that there is probable cause that

the force the person used was unlawful; providing for the award of attorney's fees, court costs, compensation for loss of income, and other expenses to a defendant in a civil suit who was immune from prosecution under this section; providing an effective date.

—as amended March 22 was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 436** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

SB 532—A bill to be entitled An act relating to court-ordered payment awards in legal proceedings; amending ss. 61.16 and 742.045, F.S.; authorizing certain court orders to include additional reasonable amounts for certain attorney's fees, suit money, and costs related to certain proceedings; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **SB 532** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

CS for SB 1012—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.271, F.S.; providing for the reinstatement of certain voided licenses; providing requirements for application and reinstatement of voided licenses, including fees, continuing education, and eligibility; providing an exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **CS for SB 1012** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Atwater	Campbell
Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine
Crist	King	Rich
Diaz de la Portilla	Klein	Saunders
Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise

Nays—None

SB 730—A bill to be entitled An act relating to lewdness; amending s. 796.07, F.S.; redefining the term "lewdness" for purposes of provisions that prohibit and provide penalties for prostitution, lewdness, or assignation; providing an effective date.

—as amended March 22 was read the third time by title.

Senators Fasano and Campbell offered the following amendment which was moved by Senator Fasano and adopted by two-thirds vote:

Amendment 1 (473074)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 796.07, Florida Statutes, is amended to read:

796.07 Prohibiting prostitution, etc.; evidence; penalties; definitions.—

(3)*(a)* In the trial of a person charged with a violation of this section, testimony concerning the reputation of any place, structure, building, or conveyance involved in the charge, testimony concerning the reputation of any person residing in, operating, or frequenting such place, structure, building, or conveyance, and testimony concerning the reputation of the defendant is admissible in evidence in support of the charge.

(b) Notwithstanding any other provision of law, a police officer may testify as an offended party in an action regarding charges filed pursuant to this section.

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the prohibition on prostitution; amending s. 796.07, F.S.; allowing a police officer to testify as an offended party in an action under s. 796.07, F.S.; providing an effective date.

On motion by Senator Fasano, **SB 730** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

SB 52—A bill to be entitled An act relating to commercial motor vehicles; creating s. 316.570, F.S.; providing definitions; requiring a

minimum amount of insurance coverage for persons engaged in retrofitting, rebuilding, or modifying commercial trucks, truck tractors, or heavy trucks into dump trucks; providing safety standards; providing penalties; providing an effective date.

—as amended March 22 was read the third time by title.

On motion by Senator Geller, **SB 52** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Geller	Rich
Aronberg	Haridopolos	Saunders
Atwater	Hill	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Crist	Miller	
Diaz de la Portilla	Peaden	

Nays—2

Baker	Garcia

SB 310—A bill to be entitled An act relating to bingo games; amending s. 849.0931, F.S.; authorizing the use of electronics or other technology in lieu of vocal verification for bingo games; amending s. 849.0935, F.S.; revising the definition of "organization" to include chambers of commerce; exempting chambers of commerce from provisions prohibiting drawings by chance; providing an effective date.

—as amended March 22 was read the third time by title.

On motion by Senator Fasano, **SB 310** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	

Nays—1

Webster

CS for SB 1368—A bill to be entitled An act relating to disclaimer of property interests; creating the Florida Uniform Disclaimer of Property Interests Act; creating s. 739.101, F.S.; providing a short title; creating s. 739.102, F.S.; defining terms; creating s. 739.103, F.S.; providing the scope of the act; creating s. 739.104, F.S.; prescribing general provisions relating to persons' powers to disclaim an interest in or power over property; creating s. 739.201, F.S.; prescribing rules applicable to a disclaimer of an interest in property; creating s. 739.202, F.S.; prescribing rules applicable to a disclaimer of rights of survivorship in jointly held property; creating s. 739.203, F.S.; prescribing rules applicable to a disclaimer of interests in property held as tenancy by the entirety; creating s. 739.204, F.S.; prescribing the effect of a disclaimer of interest by a trustee; creating s. 739.205, F.S.; prescribing rules with respect to a disclaimer of the power of appointment or other power not held in a fiduciary capacity; creating s. 739.206, F.S.; prescribing rules with respect to a disclaimer by the appointee, object, or taker in default of the exercise of power of appointment; creating s. 739.207, F.S.; prescribing rules with respect to the disclaimer of power held in a fiduciary capacity; creating s. 739.301, F.S.; providing guidelines for delivering or filing a disclaimer; creating s. 739.401, F.S.; providing when a disclaimer is permitted; creating s. 739.402, F.S.; providing when a disclaimer is barred or limited; creating s. 739.501, F.S.; prescribing the effect of a tax-qualified disclaimer; creating s. 739.601, F.S.; providing for recording a disclaimer relating to real estate; creating s. 739.701, F.S.; prescribing the application to existing relationships; amending s. 731.201, F.S.; providing applicability of certain definitions to the act; amending ss. 121.091 and 710.121, F.S., to conform; repealing s. 689.21, F.S., relating to disclaimer of interests in property passing under certain nontestamentary instruments or under certain powers of appointment; repealing s. 732.801, F.S., relating to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; providing an effective date.

—as amended March 22 was read the third time by title.

On motion by Senator Aronberg, **CS for SB 1368** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 2646** was withdrawn from the Committee on General Government Appropriations; and referred to the Committee on Ways and Means.

REPORTS OF COMMITTEES

The Committee on Agriculture recommends the following pass: SB 1780

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 1756 with 1 amendment, SB 1910 with 5 amendments

The Committee on Criminal Justice recommends the following pass: SB 1354 with 2 amendments

The Committee on Health Care recommends the following pass: SB 2136 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Children and Families under the original reference.

The Committee on Domestic Security recommends the following pass: CS for SB 526 with 1 amendment

The Committee on Government Efficiency Appropriations recommends the following pass: SB 2032 with 4 amendments

The bills contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 632 with 3 amendments

The Committee on Health Care recommends the following pass: SB 662 with 3 amendments, SB 1604 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 634 with 1 amendment

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 1308 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 2220

The Committee on Ethics and Elections recommends the following pass: SB 1858

The bills contained in the foregoing reports were referred to the Committee on Education under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 1980

The bill was referred to the Committee on Ethics and Elections under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1318 with 1 amendment

The Committee on Ethics and Elections recommends the following pass: SB 2646 with 1 amendment

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 816, SB 1796

The bills contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1590 with 2 amendments

The Committee on Judiciary recommends the following pass: CS for SB 1366 with 1 amendment

The Committee on Regulated Industries recommends the following pass: SB 482

The bills contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1024

The Committee on Community Affairs recommends the following pass: SB 926 with 3 amendments

The Committee on Criminal Justice recommends the following pass: SB 738 with 1 amendment

The Committee on Domestic Security recommends the following pass: SB 1414 with 1 amendment, SB 2000

The Committee on Ethics and Elections recommends the following pass: SB 2644 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Agriculture recommends the following pass: SB 898 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 1172

The bills contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 580 with 1 amendment, SB 1068 with 2 amendments, SB 1096 with 1 amendment, CS for SB 1246, SB 1428 with 1 amendment

The Committee on Health Care recommends the following pass: SB 1498

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Judiciary recommends the following pass: CS for SB 1312

The bill was referred to the Committee on Justice Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 792

The Committee on Ethics and Elections recommends the following pass: SB 1856

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 558 with 1 amendment

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 118 with 1 amendment, SB 784, SB 1798

The Committee on Judiciary recommends the following pass: SB 538, CS for SB 552, SB 1440

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SB 2042

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Commerce and Consumer Services recommends committee substitutes for the following: SB 1598, SB 1770

The bills with committee substitutes attached were referred to the Committee on Community Affairs under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: CS for SB 590

The Committee on Domestic Security recommends a committee substitute for the following: SB 1416

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 304

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 716

The bill with committee substitute attached was referred to the Committee on Environmental Preservation under the original reference.

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 1146, SB 1494

The bills with committee substitutes attached were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1372

The bill with committee substitute attached was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1684

The Committee on Education recommends a committee substitute for the following: SB 1710

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 440

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1784

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1476

The bill with committee substitute attached was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 794

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1520

The Committee on Ethics and Elections recommends a committee substitute for the following: Senate Joint Resolutions 1210 and 1362

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1144

The Committee on Regulated Industries recommends committee substitutes for the following: SB 750, SB 1016

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 646

The bill with committee substitute attached was referred to the Committee on Justice Appropriations under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1232

The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1592

The bill with committee substitute attached was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Education Appropriations recommends committee substitutes for the following: SB 378, SB 388, SB 2584

The Committee on General Government Appropriations recommends committee substitutes for the following: SB 392, SB 394, SB 400

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 778

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 660, SB 1432

The bills with committee substitutes attached were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Margolis—

SB 2394—A bill to be entitled An act relating to urban revitalization tax-free zones; providing a popular name; defining the terms "business," "tax-free zone," and "urban revitalization task force"; providing criteria and procedures for the urban revitalization tax-free zones pilot project; providing for certain tax exemptions for businesses in such zones under certain circumstances; requiring businesses to apply to a respective urban revitalization tax force for exemption certification; providing procedures and requirements for certification of exemption by such task

forces; requiring the Department of Revenue to issue tax exemption certificates to businesses in such zones under certain circumstances; providing exemption eligibility requirements; providing an expiration date; creating the Miami-Dade County and the Duval County Urban Revitalization Task Forces; providing for membership and duties; requiring reports; requiring review of the urban revitalization tax-free zones pilot project by the Office of Program Policy Analysis and Government Accountability; providing review criteria; requiring a report to the Legislature; providing for future repeal of the act; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Sebesta—

SM 2396—A memorial to the President and Congress of the United States, urging the President and Congress to expedite the reauthorization of the Transportation Equity Act for the 21st Century.

—was referred to the Committee on Rules and Calendar.

By Senator Sebesta—

SB 2398—A bill to be entitled An act relating to building designations; designating the H. William Heller Hall at the University of South Florida St. Petersburg; designating the John S. Curran, M.D., Children's Health Center at the University of South Florida St. Petersburg; directing the university to erect suitable markers; providing effective dates.

—was referred to the Committees on Education; and Governmental Oversight and Productivity.

By Senator Bullard—

SB 2400—A bill to be entitled An act relating to driving privilege; providing a short title; creating s. 318.1225, F.S.; providing additional charges for certain traffic violations; providing for distribution of moneys collected; amending s. 318.21, F.S.; revising provisions relating to disposition of civil penalties by county courts; creating s. 322.287, F.S.; providing additional fees for reinstatement of suspended driving privilege; providing for distribution of moneys collected; providing an effective date.

—was referred to the Committees on Judiciary; Transportation; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Bullard—

SB 2402—A bill to be entitled An act relating to abuse of children; amending s. 39.01, F.S., relating to proceedings relating to children; amending s. 827.01, F.S., relating to abuse of children; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

By Senator Bullard—

SB 2404—A bill to be entitled An act relating to anti-gang education; requiring the school board of Miami-Dade County to develop and implement an anti-gang education program for 5th-grade students in the county; providing requirements for the curriculum used in the program; providing that the University of Miami Athletic Department will be a partner to the school board in implementing the program and will provide specified amenities; providing an appropriation; providing an effective date.

—was referred to the Committees on Education; Children and Families; Education Appropriations; and Ways and Means.

By Senator Hill—

SB 2406—A bill to be entitled An act relating to sexual offenders; amending s. 943.0435, F.S.; requiring law enforcement agencies to inform members of the community and the public of a sexual offender's presence; requiring the sheriff of the county or the chief of police of the municipality where the sexual offender establishes or maintains a residence to notify members of the community and the public of the presence of the sexual offender; requiring the sheriff or the chief of police to notify each licensed day care center, elementary school, middle school, and high school within a specified proximity of the residence of the sexual offender; requiring certain information be given to the community and the public regarding a sexual offender; authorizing the sheriff or the police chief to coordinate the community and public notification efforts with the Department of Law Enforcement; requiring the department to notify the public of all designated sexual offenders through the Internet; requiring the department to adopt a protocol to assist law enforcement agencies in their efforts to notify the community and the public of the presence of sexual offenders; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Hill—

SB 2408—A bill to be entitled An act relating to election days; amending s. 110.117, F.S.; adding primary and general election days to the list of paid holidays for state employees; creating s. 112.0465, F.S.; providing that each primary or general election day is a legal holiday; requiring county, municipal, and other political subdivisions to close their offices during the whole of the day; providing that a primary and general election day is a paid holiday for employees; amending s. 683.01, F.S.; adding the primary election day to the list of legal holidays; amending s. 1001.42, F.S.; requiring a district school board to recognize the primary and general election day as a legal holiday; requiring public schools to be closed and the employees of the school district to be given a paid holiday; providing an effective date.

—was referred to the Committees on Ethics and Elections; Community Affairs; Governmental Oversight and Productivity; Education Appropriations; and Ways and Means.

SR 2410—Not referenced.

By Senator Garcia—

SB 2412—A bill to be entitled An act relating to securities transactions; amending s. 517.021, F.S.; providing that viatical settlement investments are securities for purposes of regulation and defining that term; defining the term "qualified institutional buyer"; creating s. 517.072, F.S.; providing that viatical settlement investments are not covered by certain exemptions; amending s. 517.081, F.S.; establishing guidelines for evaluating certain securities; authorizing the adoption of certain disclosure and recordkeeping requirements for the sale of viatical settlement investments; creating ss. 517.1215 and 517.1217, F.S.; providing for the adoption of rules relating to rules of conduct and prohibited business practices of investment advisors and dealers; repealing s. 626.99245(4), F.S., which provides that the regulation of viatical settlement investments and providers of such investments is exclusively within the jurisdiction of the Office of Insurance Regulation; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Garcia—

SB 2414—A bill to be entitled An act relating to insurance; creating s. 627.40951, F.S.; providing legislative findings and intent; providing for an advisory committee; providing for membership; providing authority for the Office of Insurance Regulation to require standard residential property insurance policies; amending s. 627.4143, F.S.; requiring insurers to provide personal lines property insurance policyholders with a checklist of items contained in policies; prescribing elements to be contained in the checklist; requiring the checklist and outline of insurance coverage to be sent with each renewal; clarifying that homeowners' insurance includes mobile homeowners', dwelling, and condominium unit owners' insurance for purposes of the outline of coverage; amending s. 627.701, F.S.; requiring insurers to provide written notice explaining hurricane deductible options for residential property insurance policies to policyholders; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Commerce and Consumer Services.

By Senator Hill—

SB 2416—A bill to be entitled An act relating to workers' compensation; providing rights and remedies on behalf of injured workers; providing for access to physicians; prescribing procedures with respect to workers' compensation proceedings; providing that subpoenas be issued by judges of compensation claims only; prescribing rights to benefits, including compensation, training, and employment; limiting employers and insurance carriers in their activities in workers' compensation cases; prescribing duties of the Department of Financial Services with respect to workers' compensation cases; prescribing limits on the dissemination and discovery of records, including medical records; amending s. 440.34, F.S.; reinstating former provisions that provided procedures and remedies in cases of bad-faith dealings; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; Judiciary; and General Government Appropriations.

By Senator Hill—

SB 2418—A bill to be entitled An act relating to enterprise zones; authorizing the governing body of the consolidated government of the City of Jacksonville, Duval County, to the Office of Tourism, Trade, and Economic Development to amend an enterprise zone boundary to include a specific census tract; requires the office to approve the application under certain circumstances; providing requirements; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Hill—

SB 2420—A bill to be entitled An act relating to elections; amending s. 97.055, F.S.; eliminating the book-closing period for voter registration; providing registration and changes in registration at the polls on election day; amending ss. 97.021, 97.053, 97.071, 98.065, 98.081, 98.231, 101.045, and 101.663, F.S., to conform; repealing s. 97.0555, F.S., relating to late registration, to conform; amending s. 100.011, F.S.; delaying the closing of the polls; amending ss. 101.65, 101.67, 101.6923, and 101.6925, F.S., to conform; amending ss. 99.061 and 105.031, F.S.; providing for earlier qualifying for nomination or election to public office; amending ss. 99.095, 99.0955, and 99.096, F.S.; providing for earlier filing of the oath to qualify by the alternative method; amending ss. 100.061 and 100.091, F.S.; providing for earlier primary elections; amending s. 106.07, F.S.; providing for additional campaign finance reporting periods; removing a reference to conform to changes made by the act; amending s. 101.048, F.S.; authorizing the voting of a provisional ballot at a precinct in the county other than that of a voter's legal residence under certain circumstances; amending s. 101.151, F.S.; restricting the length of ballots; amending s. 101.5606, F.S.; requiring voting systems approved for use in this state to provide each voter casting a ballot with a paper receipt that indicates each vote cast on the ballot; providing for phase-in of such requirement over 3 years and requiring the state to fully fund the cost; amending s. 101.657, F.S.; revising provisions relating to absentee voting to allow for weekend voting; requiring the supervisor of elections to provide additional locations for absentee voting; authorizing the use of mobile voting units for absentee voting; providing limitations; amending s. 110.117, F.S.; making General Election Day a paid holiday observed by all state branches and agencies; reenacting s. 683.01(1)(r), F.S., relating to the designation of General Election Day as a legal holiday; amending s. 106.161, F.S.; requiring broadcast television and radio stations to provide certain free air time to candidates for public office; creating a task force to rebut false or inaccurate statements in political campaigns; amending s. 106.08, F.S.; prohibiting political committees from making contributions to candidates for election to or retention in office; providing a limit to contributions to state and county executive committees of political parties; removing provisions relating to nonallocable items for purposes of limits on contributions from political party committees and a related reporting requirement; providing penalties; amending s. 106.021, F.S.; prohibiting an individual from being appointed and serving as campaign treasurer for a candidate and a political committee or any combination of candidates and political committees; removing expenditure authorization for certain joint endorsements; amending s. 106.03, F.S.; requiring a political committee to report information relating to any candidate or political party the committee opposes; amending s. 106.087, F.S.; removing expenditure authorization for certain joint endorsements; removing references to committees of continuous existence; repealing s. 106.04, F.S., relating to organization, certification, and duties of committees of continuous existence; amending ss. 98.095, 98.0979, 101.62, 102.031, 106.07, 106.12, 106.147, 106.23, 106.265, 106.27, 106.29, 106.33, 111.075, 112.3148, 112.3149, 1004.28, 1004.70, and 1004.71, F.S.; removing or correcting references, to conform; amending s. 106.011, F.S.; revising and removing definitions, to conform; expanding the definition of "political advertisement"; amending s. 106.082, F.S.; revising provisions relating to campaign financing restrictions on candidacies for Commissioner of Agriculture; removing references to committees of continuous existence; repealing s. 106.32(3), F.S., relating to deposit of certain obsolete assessments, to conform; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

By Senator Smith—

SB 2422—A bill to be entitled An act relating to prohibiting the registration of firearms; amending s. 790.001, F.S.; defining the term "computer-aided dispatch (CAD) system"; amending s. 790.335, F.S.; exempting from the prohibition of keeping records of firearms records generated by a computer-assisted dispatch system used for officer safety; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Haridopolos—

SB 2424—A bill to be entitled An act relating to the municipal service tax; amending s. 125.01, F.S.; authorizing charter counties to levy and collect a municipal service tax; deleting the provision that a referendum is not a prerequisite to levying ad valorem taxes for the provision of municipal services within a municipal service tax unit; providing an effective date.

—was referred to the Committees on Community Affairs; Communications and Public Utilities; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Clary—

SB 2426—A bill to be entitled An act relating to beach and coastal area safety; amending s. 380.276, F.S.; allowing the display of only

certain warning and safety flags on public beaches; clarifying the authority of the Department of Environmental Protection over the uniform warning and safety flag program; authorizing participation in the program by any government having jurisdiction over a public beach; removing provisions setting certain flag design or replacement specifications; authorizing the department to use grants to establish or operate the program; clarifying the limitation on liability of governmental entities, or their agents or employees, for injury or loss caused by posting signs; authorizing the department to develop and publicize beach safety information; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and General Government Appropriations.

By Senator Campbell—

SB 2428—A bill to be entitled An act relating to residential foreclosure proceedings; amending s. 45.031, F.S.; specifying an additional judicial sale notice-of-sale requirement for collecting surplus funds; creating s. 45.0311, F.S.; providing requirements and procedures for disbursement of surplus funds from a judicial sale; authorizing a court to determine reasonable attorney's fees for motions to disburse surplus funds; providing a right of certain parties to petition a court to set aside certain deeds or assignments under certain circumstances; creating s. 48.184, F.S.; specifying a required notice to be served with a summons and complaint in actions to foreclose an interest in residential real estate; requiring the notice to be included in the service-of-process; requiring certain verification of service; amending s. 48.21, F.S.; specifying an additional notice requirement for return of service-of-process forms made for foreclosures of residential real estate; authorizing a clerk of court to charge a fee for attempts to serve process; requiring the clerk of court to use fee proceeds for certain public education purposes; amending s. 49.08, F.S.; requiring certain notices of action to contain an additional notice of potential surplus and application procedures information; amending s. 57.105, F.S.; entitling certain parties to recover all fees and costs incurred in certain surplus-funds actions; providing for the court to determine reasonable attorney's fees in such actions; creating s. 501.2078, F.S.; providing definitions; providing a civil penalty for knowingly using unfair or deceptive homeowner victimization methods, acts, or practices in residential foreclosure proceedings; specifying a period during which companies or attorneys may not contact a homeowner for certain purposes; specifying higher priority of an order of restitution or reimbursement over imposition of a civil penalty; providing for deposit of civil penalties into the Legal Affairs Revolving Trust Fund of the Department of Legal Affairs; allocating such funds for certain purpose; creating s. 689.251, F.S.; requiring documents transferring an interest in real estate to disclose certain information; authorizing a seller to void a transaction under certain circumstances; requiring the seller to repay certain amounts to a purchaser, minus certain amounts, under such circumstances; amending s. 702.065, F.S.; prohibiting a court or clerk of court from entering a default or default judgment against a mortgagor in a residential foreclosure proceeding if a return of service does not contain a required notice; amending s. 702.10, F.S.; including a reference to a required residential foreclosure proceeding notice in certain orders to show cause in final judgment of foreclosure entries; providing an effective date.

—was referred to the Committees on Judiciary; and Banking and Insurance.

By Senator Atwater—

SB 2430—A bill to be entitled An act relating to funding sources for growth management; expressing the legislative intent to enact laws providing revenue sources to fund growth management; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; Community Affairs; Ways and Means; and Rules and Calendar.

By Senator Bullard—

SB 2432—A bill to be entitled An act relating to cardrooms; amending s. 849.086, F.S.; revising definitions to include dominoes as an authorized game; providing an effective date.

—was referred to the Committees on Regulated Industries; and Government Efficiency Appropriations.

By Senator Sebesta—

SB 2434—A bill to be entitled An act relating to driver responsibility; amending s. 318.1451, F.S.; providing an additional assessment fee for persons who attend driver improvement schools; providing for the collection and allocation of such fees; amending s. 318.18, F.S.; increasing the civil penalties for certain load violations; amending s. 318.21, F.S.; providing for the distribution of load-violation fees; creating s. 322.75, F.S.; providing a short title; creating s. 322.751, F.S.; directing the Department of Highway Safety and Motor Vehicles to assess specified annual surcharges against a motor vehicle licensee who accumulates seven or more points against his or her license within the previous 36 months; requiring the department to notify a licensee by first-class mail upon receipt of four points against his or her license; creating s. 322.7515, F.S.; directing the department to assess specified annual surcharges against motor vehicle licensees who have a final conviction within the previous 36 months for a DUI offense; creating s. 322.752, F.S.; directing the department to assess specified annual surcharges against persons who have been convicted of driving without a license or without insurance within a specified period; creating s. 322.7525, F.S.; requiring the department to notify licensees of the surcharges and the time period in which to pay the surcharges; creating s. 322.753, F.S.; requiring the department to accept installment payments for the surcharges; providing sanctions for a licensee's failure to pay an installment; authorizing the department to permit licensees to pay assessed surcharges with credit cards; requiring the department to suspend a driver's license if the licensee does not pay the surcharge or arrange for installment payments within a specified time after the notice of surcharge is sent; creating s. 322.7535, F.S.; authorizing the department to contract with a public or private vendor to collect specified annual surcharges; creating s. 322.754, F.S.; providing for distribution of surcharges collected by the department; providing an effective date.

—was referred to the Committees on Transportation; Health Care; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Siplin—

SB 2436—A bill to be entitled An act relating to the governing board of the Central Florida Regional Transportation Authority; amending s. 343.63, F.S.; increasing the membership of the board; revising the method of appointing members to the board; authorizing appointments by the Governor and specified county commissions; providing for specified mayors or designated council or commission members to serve on the board; providing for the member appointed by the Secretary of Transportation to be a nonvoting member; specifying certain board member qualifications and terms of service; providing for reappointment in the case of a vacancy; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Senator Siplin—

SB 2438—A bill to be entitled An act relating to indictment and information; repealing s. 923.03, F.S., which provides for the form of indictment and information in applicable cases; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Fasano—

SB 2440—A bill to be entitled An act relating to direct shipments of alcoholic beverages; expressing the legislative intent to revise laws relating to direct shipments of alcoholic beverages; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Consumer Services; Criminal Justice; Government Efficiency Appropriations; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Senator Siplin—

SB 2442—A bill to be entitled An act relating to Osceola County transportation; creating pt. X of ch. 348, F.S., titled "Osceola County Expressway Authority"; providing a short title; providing definitions; creating the Osceola County Expressway Authority; providing for a governing body of the authority; providing for membership; providing purposes and powers; providing for the Osceola County Expressway System; providing for procurement, including eminent domain; providing for financing, including bonds, debts, user charges, tolls, gasoline tax funds, developer contributions, or partnership agreements; requiring agreement of the authority and the Department of Transportation prior to use of Osceola County gasoline tax funds; providing for construction, operation, and maintenance of the system; prohibiting the authority from pledging the credit or taxing power of the state; requiring the consent of Osceola County or an affected municipality prior to certain actions by the authority; providing for bond financing authority; providing for bonds of the authority; providing for fiscal agents; providing that the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for rights and remedies of bondholders; providing for a lease-purchase agreement with the Department of Transportation; providing for appointment of the department as agent of authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing that pledges shall be enforceable by bondholders; providing for construction and application; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Siplin—

SB 2444—A bill to be entitled An act relating to conventions and tourism; requiring the Florida Commission on Tourism, the Florida Black Business Investment Board, Inc., and the Office of Tourism, Trade, and Economic Development to jointly establish and use African-American businesses in the convention and tourism industry; providing guidelines; providing for a committee to enforce the program; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

By Senator Siplin—

SB 2446—A bill to be entitled An act relating to discriminatory lending practices; prohibiting an employee or agent of a financial institution from denying loans or restricting the number of loans made to residents of a particular geographic area of a community based on the race, national origin, or income of the residents of that area; providing a penalty; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; and Justice Appropriations.

By Senator Siplin—

SB 2448—A bill to be entitled An act relating to weapons; creating s. 790.223, F.S.; providing that manufacture, display, sale, repair, or possession of a stun gun is illegal; providing criminal penalties; providing exceptions; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Siplin—

SB 2450—A bill to be entitled An act relating to paternity testing; amending s. 742.12, F.S.; providing that a court may order the parties to submit to scientific testing in any proceeding in which the established paternity of a child is being challenged; providing that a court may order the parties to submit to scientific testing in such a proceeding without limitation of time; providing an effective date.

—was referred to the Committees on Judiciary; and Children and Families.

By Senator Aronberg—

SB 2452—A bill to be entitled An act relating to pharmacy technicians; amending s. 465.014, F.S.; authorizing pharmacy technicians to initiate or receive requests for original prescriptions when dispensing for nonhuman use; prohibiting a licensed pharmacist from supervising more than a certain number of pharmacy technicians in dispensing prescriptions for nonhuman use; amending s. 465.035, F.S.; providing an exception to certain requirements for dispensing medicinal drugs for nonhuman use via facsimile; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Webster—

SB 2454—A bill to be entitled An act relating to the tax on transient rental accommodations; amending s. 212.03, F.S.; clarifying the meaning of the term "engaging in the business of renting, leasing, letting, or granting a license to use transient rental accommodations" for taxation purposes to include certain remarketing activities; redefining the term "taxable rent or consideration" to include charges or fees paid by a customer to a person collecting the rent or consideration as a condition of occupancy of a transient rental; requiring persons engaged in certain remarketing activities regarding transient rental accommodations to collect taxes on total rentals; providing alternative methods for remitting the taxes to the Department of Revenue; providing for incorporating transient rentals into vacation packages; providing for administration by the department of taxes remitted by remarketers; providing for a local audit under certain circumstances; providing that specified subsections are intended to clarify existing law; providing intent; providing an amnesty for unpaid taxes, penalties, and interest on transient rentals under certain circumstances; providing for the adoption of emergency rules to implement the amnesty; amending s. 212.04, F.S.; requiring a travel agent to be registered as a seller of travel; providing for recordkeeping; amending s. 212.18, F.S.; requiring only a single registration for transient rental remarketers; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; Commerce and Consumer Services; and General Government Appropriations.

By Senator Aronberg—

SB 2456—A bill to be entitled An act relating to the Interstate Insurance Product Regulation Compact; providing legislative findings and intent; providing purposes; providing definitions; providing for establishment of an Interstate Insurance Product Regulation Commission; providing responsibilities of the commission; specifying the commission as an instrumentality of the compacting states; providing for venue;

providing powers of the commission; providing for organization of the commission; providing for membership, voting, and bylaws; designating the Chief Financial Officer as the representative of this state on the commission; providing for a management committee, officers, and personnel of the commission; providing authority of the management committee; providing for legislative and advisory committees; providing for qualified immunity, defense, and indemnification of members, officers, employees, and representatives of the commission; providing for meetings and acts of the commission; providing rules and operating procedures; providing rulemaking functions of the commission; providing for opting out of uniform standards; providing procedures and requirements; providing for commission records and enforcement; authorizing the commission to adopt rules; providing for disclosure of certain information; requiring the commission to monitor for compliance; providing for dispute resolution; providing for product filing and approval; requiring the commission to establish filing and review processes and procedures; providing for review of commission decisions regarding filings; providing for finance of commission activities; providing for payment of expenses; authorizing the commission to collect filing fees for certain purposes; providing for approval of a commission budget; exempting the commission from all taxation; prohibiting the commission from pledging the credit of any compacting states without authority; requiring the commission to keep complete accurate accounts, provide for audits, and make annual reports to the Governors and Legislatures of compacting states; providing for effective date and amendment of the compact; providing for withdrawal from the compact, default by compacting states, and dissolution of the compact; providing severability and construction; providing for binding effect of compact and other laws; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; Judiciary; and General Government Appropriations.

By Senator Atwater—

SB 2458—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for tangible personal property sold to a contractor employed directly by or as an agent of the United States Government or a state or local government when such property becomes part of a prekindergarten or elementary school owned by the governmental entity under specified conditions; providing duties of governmental entities, contractors, and sellers relating to documentation and recordkeeping; providing for application of penalties; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Ways and Means.

By Senator Atwater—

SB 2460—A bill to be entitled An act relating to drainage and water control districts; amending s. 298.22, F.S.; authorizing the board of supervisors of a district to purchase or lease real or personal property; amending s. 298.225, F.S.; requiring the board of supervisors to submit a plan or amendment for review only for those projects that require a permit from the jurisdictional water management district pursuant to ch. 373, F.S.; providing that an engineer's report is exempt from parts of the plan-adoption process if it meets certain criteria; providing that minor or insubstantial amendments or engineer's reports may be adopted by resolution of the board of supervisors; providing that certain engineer's reports constitute a minor, insubstantial amendment; amending s. 298.301, F.S.; clarifying requirements for holding the final hearing on approval of a proposed plan or plan amendment; requiring that proposed revisions to the engineer's report, water control plans, or plan amendments be heard and determined by the board of supervisors; authorizing the board to approve and confirm the engineer's report and water plan or plan amendment or order the report or amendment changed to conform with its findings; amending s. 298.341, F.S.; providing that assessments constitute a lien from January 1 of each year that assessable property is liable for district assessments; amending s. 298.77, F.S.; requiring that an engineer's report be revised accordingly if there is a material change in the value of land; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Senator Atwater—

SB 2462—A bill to be entitled An act relating to water resource planning and reporting; amending s. 373.036, F.S.; deleting a requirement for a water management district to use an inventory of groundwater resource availability information in its district plan; authorizing the governing board of each water management district to substitute a strategic plan for a water management plan and a water resource development 5-year work program otherwise required; providing criteria for the substitute plan; providing for consolidation of specified reports, plans, or accountings required of water management districts into an annual report; providing for distribution of the consolidated annual district report; authorizing inclusion of information in the consolidated report; providing for the format of the consolidated report; requiring the consolidated report of the South Florida Water Management District to include additional specified plans, reports, and accountings; repealing s. 373.0395, F.S., relating to an inventory of groundwater resource availability by each district, which regional planning councils, counties, and municipalities must review and reflect in local comprehensive planning; amending s. 373.0397, F.S.; eliminating a requirement that notice of a public hearing on designation of prime groundwater recharge areas to the Floridan and Biscayne aquifers by the governing board of the South Florida Water Management District be published upon preparation of the inventory of groundwater resource availability, to conform; amending s. 11.80, F.S.; revising the deadline for a report on implementation of the Everglades Forever Act by the South Florida Water Management District; including such report in the consolidated annual report; amending s. 373.042, F.S.; revising the deadline for a report by each district on the priority list and schedule for minimum flows and levels of certain waters; eliminating requirement that the list and schedule be published in the Florida Administrative Weekly; including the report in the consolidated annual report; amending s. 373.145, F.S.; eliminating a requirement that the districts distribute information regarding conditions of major surface and groundwater sources and suggested conservation practices at least every 6 months; requiring that the districts distribute such information to the public, the members of the Legislature, and the media; eliminating a requirement that each district distribute such information in its geographic area; amending s. 373.1961, F.S.; revising the deadline for a report by each district regarding dispersal of moneys or facilities to water providers and users to develop alternative water supplies; including the report in the consolidated annual report; amending s. 373.199, F.S.; revising the deadline for a report by each district regarding acquisitions under or modifications to its Florida Forever 5-year work plan; including the report in the consolidated annual report; amending s. 373.207, F.S.; eliminating a requirement that each district provide an annual report of its work plan regarding abandoned artesian wells to the Department of Environmental Protection; amending s. 373.414, F.S.; revising the deadline and reporting period for a report by the districts and the Department of Environmental Protection regarding projects or donations to mitigate wetland impacts; including the report in the consolidated annual report; amending s. 373.4592, F.S.; revising the deadline for a report on the Everglades research and monitoring program by the South Florida Water Management District and the Department of Environmental Protection; revising the deadline for a report by the South Florida Water Management District regarding implementation of provisions regarding Everglades improvement and management; including such reports, and an accounting required of the South Florida Water Management District regarding moneys used for the Everglades Construction project, in the district's consolidated annual report; amending s. 373.45926, F.S; including a report by the South Florida Water Management District regarding expenditures from the Everglades Trust Fund in the district's consolidated annual report; amending s. 373.4595, F.S.; revising the deadline for a report on implementation of the Lake Okeechobee Protection Program by the South Florida Water Management District; including the report in the district's consolidated annual report; amending s. 373.470, F.S.; revising the deadline for a report by the South Florida Water Management District regarding financial commitments and implementation of a plan relating to Everglades restoration; including the report in the district's consolidated report; amending s. 373.536, F.S.; revising the deadline for reports by

each district regarding its 5-year capital improvements plan and its 5-year water resource development work program; including the reports in each district's consolidated annual report; revising the deadline for review by the Department of Environmental Protection of each district's 5-year water resource development work plan; directing the Department of Environmental Protection, in consultation with the districts, to recommend additional reforms or consolidations of planning and reporting requirements; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Government Efficiency Appropriations.

By Senator Bullard—

SB 2464—A bill to be entitled An act relating to school-based health care; creating the School-Based Health-Care Task Force; providing for appointment of members; providing responsibilities; requiring a report to the Governor and the Legislature by a specified date; providing for staffing; providing an effective date.

—was referred to the Committees on Education; Health Care; and Education Appropriations.

By Senator Bullard—

SB 2466—A bill to be entitled An act relating to interstate highway safety; creating the interstate highway traffic safety priority program area in the Department of Transportation Highway Safety Grant Program; providing requirements for awarding grants; amending s. 318.18, F.S.; providing for a surcharge for disposition of traffic infractions; amending s. 318.21, F.S.; providing for distribution of the surcharge; providing an effective date.

—was referred to the Committees on Transportation; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Lynn—

SB 2468—A bill to be entitled An act relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; authorizing a John M. McKay Scholarship to fund a home-based early intervention program for a child with an Autism Spectrum Disorder; providing program requirements; specifying uses for scholarship funds; authorizing a John M. McKay Scholarship to fund certain community-based services for a public school student with an Autism Spectrum Disorder; providing an exemption from an attendance requirement; providing an effective date.

—was referred to the Committees on Education; Children and Families; and Education Appropriations.

By Senator Lynn—

SB 2470—A bill to be entitled An act relating to detection of breast cancer in women through the use of screening mammograms; providing legislative findings; creating the Carole Green Breast Cancer Steering Committee; amending s. 456.077, F.S.; authorizing the Board of Medicine and the Board of Osteopathic Medicine to issue a citation instead of disciplinary action for the first allegation of missed diagnosis for breast cancer via a mammogram; amending s. 766.118, F.S.; providing for the limitation on noneconomic damages for negligence of health care practitioners who provide mammography services; requiring the Department of Health to create a pilot medical review panel; requiring the department to report to the Governor and the Legislature regarding the usefulness of such panels; creating s. 766.119, F.S.; providing for the burden of proof in an action arising from a radiologist's duties involving mammograms; clarifying use of subsequent mammograms as evidence in negligence actions; providing for severability; providing for applicability; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; Judiciary; and Health and Human Services Appropriations.

By Senator Lynn—

SB 2472—A bill to be entitled An act relating to the resale of tickets to college or professional sporting events; amending s. 817.36, F.S.; exempting such resales from "scalping" prohibitions in certain situations; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Criminal Justice; and Rules and Calendar.

By Senator Lynn—

SB 2474—A bill to be entitled An act relating to drug-free corrections; amending s. 944.4731, F.S., relating to the Addiction-Recovery Supervision Program; requiring that the Department of Corrections provide a supply of medication for each offender released under such a program; deleting provisions limiting the right to such a program; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; and Justice Appropriations.

By Senator Lynn—

SB 2476—A bill to be entitled An act relating to a NASCAR Hall of Fame facility; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to a NASCAR Hall of Fame facility; creating s. 288.1170, F.S.; specifying the Office of Tourism, Trade, and Economic Development as the state entity for screening NASCAR Hall of Fame facility applicants; providing for certification of such facility by the office; providing requirements for certification and operation of the facility; providing for distribution of funds; authorizing certain uses of funds distributed to the facility; providing procedural requirements for the office; limiting distribution of funds by the Department of Revenue; providing for audits by the department; providing for periodic recertification by the office; providing requirements; providing certain advertising contribution requirements; providing for increasing such advertising contribution requirements under certain circumstances; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Lynn—

SB 2478—A bill to be entitled An act relating to private school bus drivers; amending s. 1002.42, F.S.; providing requirements for private school bus drivers, including specified qualifications, drug and alcohol testing, background screening, and certain registration or licensure; providing an effective date.

—was referred to the Committees on Education; Transportation; and Education Appropriations.

By Senator Lynn—

SB 2480—A bill to be entitled An act relating to education; amending s. 20.15, F.S.; creating the Division of Accountability, Research, and Measurement of the Department of Education; amending s. 1000.041, F.S., relating to the Better Educated Students and Teachers Florida Teaching program; revising guiding principles of the program; amending s. 1001.03, F.S., relating to the powers of the State Board of Education; requiring the State Board of Education to periodically review the

Sunshine State Standards; establishing an information systems platform for teachers; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office within the Department of Education; providing duties of the office; creating s. 1002.385, F.S.; creating the Reading Compact Scholarships Program; providing scholarships to attend a public or private school to students who have scored at Level 1 on the reading portion of the Florida Comprehensive Assessment Test for 3 consecutive years; providing an opportunity for screening to identify reading disabilities; providing scholarship eligibility requirements; specifying scholarship obligations for participating public and private schools and parents and students; providing for scholarship funding and payment; directing the Department of Education and the Commissioner of Education to administer the scholarship program; limiting the liability of the state; providing rulemaking authority; creating s. 1002.421, F.S.; prescribing requirements of private schools participating in state school choice scholarship programs; requiring compliance with requirements relating to notice, student enrollment and attendance verification, fiscal soundness, and criminal-background checks and to applicable state and local health, safety, and welfare laws, codes, and rules; providing grounds for ineligibility to participate in certain scholarship programs; providing rulemaking authority to the State Board of Education; creating s. 1003.035, F.S.; providing for the contingent application of the section upon the adoption of an amendment to the State Constitution; prescribing district average class size limitations for grades prekindergarten through 3, grades 4 through 8, and grades 9 through 12; requiring the Department of Education to annually calculate class size measures based on a specified student-membership survey; creating s. 1003.06, F.S.; limiting the starting date of the school year, providing for exceptions; amending s. 1003.415, F.S., relating to the Middle School Grades Reform Act; revising legislative intent; deleting obsolete references; creating s. 1003.4155, F.S.; establishing a grading system for middle schools; creating s. 1003.4156, F.S.; establishing general requirements for graduation from middle school; requiring the successful completion of 12 academic credits in certain courses; requiring an intensive reading course under certain circumstances; defining a middle school academic credit for purposes of the section; providing rulemaking authority to the State Board of Education; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students; providing applicability; creating s. 1003.575, F.S.; requiring the Department of Education to devise an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; amending s. 1003.58, F.S.; conforming a cross-reference; amending s. 1004.04, F.S.; requiring the Department of Education to review and report on the effectiveness of the graduates of state-approved teacher preparation programs and alternative certification programs; creating s. 1004.64, F.S.; establishing the Florida Center for Reading Research; specifying duties of the center; amending s. 1008.22, F.S., relating to student assessment; expressing legislative intent; identifying grade levels for state assessment administration; eliminating obsolete references; requiring certain reports; amending s. 1008.25, F.S., relating to public school student progression; eliminating obsolete references; directing the Department of Education to establish a uniform format for reporting student progression information; requiring certain reports; amending s. 1008.31, F.S., relating to education accountability; expressing legislative intent relating to performance measures established by the Board of Governors with respect to the state universities; eliminating certain performance-based funding requirements; providing guiding principles for the accountability system; revising the goals of the accountability system; requiring certain reports; providing rulemaking authority to the State Board of Education; amending s. 1008.33, F.S., relating to the authority to enforce public school improvement; authorizing school boards to suspend and renegotiate certain provisions of collective bargaining contracts which impede the authority of the school boards to appropriately staff certain low-performing schools; amending s. 1008.34, F.S., relating to the school grading system; requiring the Department of Education to develop a school report card; amending s. 1008.36, F.S., relating to the Florida School Recognition Program; providing for the disposition of school recognition funds; defining eligibility for the receipt of school recognition bonuses; amending s. 1011.62, F.S., relating to funds for the operation of schools; creating a research-based reading-instruction allocation for students in kindergarten through grade 12; providing for the use of the funds; providing for fund disbursement; creating s. 1011.6855, F.S.; providing for the contingent application of the section upon the adoption of an amendment to the State Constitution; establishing an operating categorical fund; providing a minimum teacher salary; requiring the use of certain funds for class size reduction; amending s. 1012.21, F.S., relating to the duties of the Department of Education; requiring the department to annually post school district collective bargaining agreements on-line; amending s. 1012.22, F.S., relating to public school personnel; requiring school boards to adopt differentiated-pay policies for school administrators and instructional personnel; specifying factors to be included in differentiated-pay policies; providing for the withholding of funds for failure to comply; creating s. 1012.2305, F.S.; expressing legislative intent regarding minimum teacher pay; providing for contingent application of the section upon the adoption of an amendment to the State Constitution; establishing minimum pay for teachers; amending s. 1012.231, F.S., relating to the BEST Florida Teaching salary career ladder program; eliminating certain requirements relating to teacher assignments; eliminating obsolete references; creating s. 1012.2315, F.S.; establishing legislative findings; expressing legislative intent; providing criteria for the assignment of teachers to certain schools; authorizing certain salary incentives; limiting certain collective bargaining provisions relating to incentives to teach at certain schools; amending s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; requiring that the Department of Education administer the Dale Hickam Excellent Teaching Program Trust Fund; requiring the department to evaluate the effectiveness of the program; creating s. 1012.986, F.S.; establishing a statewide system for the professional development of school leaders; providing a short title; providing program purposes and legislative intent; defining the term "school leader" for purposes of the program; requiring certain program components; providing for a program delivery system; providing rulemaking authority to the State Board of Education; repealing s. 1008.51, F.S., relating to the Council for Education Policy Research and Improvement; repealing s. 1003.03, F.S., relating to statutory class size maximums, contingent upon the adoption of an amendment to the State Constitution; repealing s. 1011.685, F.S., relating to the class size reduction categorical fund, contingent upon the adoption of an amendment to the State Constitution; providing for severability; providing effective dates.

—was referred to the Committees on Education; Judiciary; and Education Appropriations.

By Senator Lynn—

SB 2482—A bill to be entitled An act relating to the licensure of postsecondary educational institutions; repealing s. 1005.32(1)(e), F.S.; deleting a provision requiring that an independent postsecondary educational institution be a Florida corporation in order to apply for licensure by means of accreditation; providing an effective date.

—was referred to the Committee on Education.

By Senators Lynn and Clary—

SB 2484—A bill to be entitled An act relating to qualified job training organizations; creating s. 288.1171, F.S.; defining the term "qualified job training organization"; providing for the Office of Tourism, Trade, and Economic Development to certify qualified job training organizations; providing for the distribution of certain funds to a certified organization; specifying uses of the funds; authorizing the Auditor General to audit such organizations for certain purposes; providing for revocation of certification under certain circumstances; providing for appropriations to be distributed through the Florida Goodwill Association; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Lynn—

SB 2486—A bill to be entitled An act relating to self-insurance funds; creating s. 624.4624, F.S.; authorizing two or more entities providing community mental health or substance abuse treatment services which are members of the Florida Council for Community Mental Health or the

Florida Council for Behavioral Healthcare to form a self-insurance fund; providing requirements of such funds; exempting funds so created from certain requirements otherwise applicable to self-insurance funds; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Lynn—

SB 2488—A bill to be entitled An act relating to contracts of the Department of Transportation; creating s. 337.183, F.S.; creating dispute review boards to hear claims arising out of department construction contracts and recommend resolutions prior to submitting claims to arbitration; providing an effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

By Senator Clary—

SB 2490—A bill to be entitled An act relating to small scale comprehensive plan amendments in a county designated as a rural area of economic concern; amending s. 163.3187, F.S.; including an area in a county that is designated as a rural area of critical concern in an exemption for certain small scale amendments from a limit on the frequency of amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such a county; authorizing a small scale amendment for property within such a county which involves a site that is near to, and owned by the same person as, property that was the subject of a recent comprehensive plan amendment; providing an effective date.

—was referred to the Committees on Community Affairs; Environmental Preservation; and Commerce and Consumer Services.

By Senator Clary—

SB 2492—A bill to be entitled An act relating to insurance rates and contracts; amending s. 627.041, F.S.; revising definitions; amending s. 627.091, F.S.; defining terms related to workers' compensation and employer's liability insurance; deleting a provision that provides for an insurer to have a ratings organization make filings for the insurer; establishing requirements and guidelines for certain filings; amending s. 627.101, F.S.; providing for the review of prospective loss cost filings and final rate filings; amending s. 627.211, F.S.; clarifying provisions that allow certain workers' compensation or employer's liability insurers to file for uniform rate increases; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Clary—

SB 2494—A bill to be entitled An act relating to the disposition of unclaimed property; amending s. 717.106, F.S., relating to funds in financial organizations; providing for documented telephone contact in certain cases; amending s. 717.117, F.S., relating to reports of unclaimed property; amending time and notice requirements; amending s. 717.118, F.S., relating to notification of apparent owners; providing threshold value for notifications; amending s. 717.119, F.S., relating to payment or delivery of unclaimed property; providing for disposition of funds; amending s. 717.122, F.S., relating to public sale of unclaimed property; providing for disposition; amending s. 717.124, F.S., relating to unclaimed property claims; providing for identification; amending s. 717.12404, F.S., relating to claims on behalf of a business entity or trust; providing for reference to corporate records on the Internet; creating s. 717.12405, F.S.; providing definitions; amending s. 717.1241, F.S., relating to conflicting claims; amending s. 717.1242, F.S., relating to jurisdiction of probate court and department; amending s. 717.1243, F.S., relating to small-estate accounts; providing for live testimony; creating s. 717.1245, F.S.; providing for costs and fees in cases seeking garnishment of certain unclaimed property; repealing s. 717.1311(3), F.S., which provides for reporting requirements and payments in cases where records are not maintained; amending s. 717.1315, F.S., relating to records retention; amending s. 717.132, F.S., relating to enforcement; amending s. 717.1322, F.S., relating to administrative and civil enforcement; providing for registration; providing times for revocation and suspension of registration; creating s. 717.1323, F.S.; restricting use of claim forms; prohibiting contracts to purchase and certain fees for unreported unclaimed property; requiring registration; providing a criminal penalty; amending s. 717.1331, F.S., relating to actions against holders; providing for enforcement of subpoena; amending s. 717.1333, F.S., relating to evidence and reports; providing for estimation of amount due in certain cases; amending s. 717.135, F.S., relating to powers of attorney and agreements; specifying certain disclosure requirements and forms; amending s. 717.1351, F.S., relating to purchase agreements; specifying form; creating s. 717.1381, F.S.; declaring state policy to protect interests of owners of unclaimed property; providing that certain recovery agreements and purchase agreements are void; providing for retroactive application; amending s. 717.1400, F.S., relating to registration; providing for maintenance of licensing and other requirements as a condition of registration; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Constantine—

SB 2496—A bill to be entitled An act relating to community redevelopment agencies; amending s. 163.340, F.S.; conforming a cross-reference; amending s. 163.356, F.S.; requiring a community redevelopment agency to include additional information in a report to the governing body of a county or municipality; amending s. 163.387, F.S.; authorizing implementation of a funding alternative by a local government that is subject to tax increment financing obligations relating to a community redevelopment agency; requiring specification of a funding alternative in an interlocal agreement; authorizing a credit toward the tax increment obligation of a local government for the cost of the funding alternative; requiring each funding alternative to ensure sufficient payment to the community redevelopment agency; requiring a community redevelopment agency to include additional information in an audit report to each taxing authority; amending s. 163.410, F.S.; requiring development of an interlocal agreement regarding community redevelopment areas in a home rule county; requiring the governing board of the county or a municipality in the county to commence negotiation of the agreement; providing for dispute resolution if agreement cannot be reached; amending s. 163.415, F.S.; requiring development of an interlocal agreement regarding community redevelopment areas in a county without a home rule charter; requiring the governing board of the county or a municipality in the county to commence negotiation of the agreement; providing for dispute resolution if agreement cannot be reached; providing an effective date.

—was referred to the Committees on Community Affairs; and Government Efficiency Appropriations.

By Senator Campbell—

SB 2498—A bill to be entitled An act relating to warranty associations; amending s. 634.271, F.S.; providing an exemption from penalty provisions for certain service warranties; providing actual damages and costs for violations for which such statutory penalties do not apply; providing retroactive applicability; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Senator Rich—

SB 2500—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.12, F.S.; authorizing a dealer to elect to forego the collection allowance and direct that the collection allowance be transferred to the Educational Enhancement Trust Fund;

providing exceptions; providing for rulemaking by the Department of Revenue; providing an appropriation; providing for costs recovery; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; Commerce and Consumer Services; and Ways and Means.

By Senator Dockery—

SB 2502—A bill to be entitled An act relating to water management districts; amending s. 373.1501, F.S.; defining projects; authorizing the South Florida Water Management District to acquire land by eminent domain to implement such projects; requiring that each water management district establish a program to encourage small businesses, including businesses that are owned by women and minorities, to participate in the procurement and contract activities of the district; requiring that the districts adopt rules to administer the program; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; Judiciary; and General Government Appropriations.

By Senator Fasano—

SB 2504—A bill to be entitled An act relating to pretrial release; amending s. 903.047, F.S.; requiring that a defendant charged with an offense involving controlled substances prove the legitimacy of any funds intended to be used to obtain the release of the defendant; requiring proof of the purpose and intention of the surety to secure the appearance of the defendant to answer charges; amending s. 903.0471, F.S.; requiring a court to revoke a defendant's existing pretrial release and return the defendant to custody on the pending charge following the defendant's arrest for a subsequent felony offense involving controlled substances; providing that the defendant is ineligible for pretrial release under certain circumstances; requiring a defendant to prove that releasing the defendant will not pose a danger to the community; creating s. 903.081, F.S.; requiring a surety in a case involving controlled substances to file an affidavit attesting that he or she has made a diligent effort to determine the source and legitimacy of any funds or property intended to be used to pay the premium charged to a defendant or to act as collateral; requiring the surety to provide the detailed information relied on by the surety in preparing the affidavit; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Senator Alexander—

SB 2506—A bill to be entitled An act relating to transportation funding; amending s. 206.606, F.S.; eliminating the deduction of service charges and administrative costs from the proceeds of the fuel sales taxes on motor fuel and diesel fuel deposited in the Fuel Tax Collection Trust Fund; amending s. 206.608, F.S.; eliminating the deduction of service charges and administrative costs from the proceeds of the State Comprehensive Enhanced Transportation System Tax on motor fuel and diesel fuel deposited in the Fuel Tax Collection Trust Fund; providing for use of the revenues derived from elimination of such costs and service charges; amending ss. 215.20, 215.22, F.S.; providing that the 7-percent service charge for the cost of general government and the additional 0.3-percent service charge shall not be deducted from the Fuel Tax Collection Trust Fund, the Local Alternative Fuel User Fee Clearing Trust Fund, the Local Option Fuel Tax Trust Fund, the State Alternative Fuel User Fee Clearing Trust Fund, and taxes on motor fuels other than gasoline levied under s. 206.87(1)(a), F.S.; amending ss. 206.875, 206.879, 206.9845, 206.9945, 212.0501, F.S., to conform; amending s. 320.072, F.S.; providing that a portion of the revenues from the additional fee on certain motor vehicle registration transactions shall be used to fund the County Incentive Grant Program rather than deposited in the General Revenue Fund in certain fiscal years; amending ss. 206.41, 336.021, 336.025, F.S.; providing that the rates of the ninth-cent fuel tax on motor fuel and the local option fuel tax on motor fuel, if approved by counties through referendum or adoption of a local ordinance, may be adjusted annually based on the Consumer Price Index; providing for notification of tax rates by the Department of Revenue; eliminating the deduction of administrative costs from the proceeds of the local option fuel taxes on motor fuel and diesel fuel; expanding the uses of proceeds from local option fuel taxes on motor fuel and diesel fuel; including governing bodies of certain municipalities as authorized users of certain proceeds; repealing s. 215.211(3), F.S., which provides for future reduction and elimination of the 7-percent service charge deducted from proceeds of the local option fuel tax distributed under s. 336.025, F.S.; exempting funds generated by the act from certain provisions requiring 15 percent of transportation funds be earmarked for public transportation; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Lawson—

SB 2508—A bill to be entitled An act relating to higher education; amending s. 1009.21, F.S.; classifying certain student athletes at community colleges and state universities as residents for tuition purposes; providing an effective date.

—was referred to the Committees on Education; Education Appropriations; and Rules and Calendar.

By Senator Lawson—

SB 2510—A bill to be entitled An act relating to review by the state of federal activities under the federal Coastal Zone Management Act; amending s. 380.23, F.S.; providing for limits on consistency review by the state of certain federally licensed or permitted activities relating to electrical power plants, drilling, mining, pipelines, geological and geophysical activities, and rights-of-way on public lands and deepwater ports; prohibiting consistency review of certain activities subject to federal permits absent a finding by the Department of Environmental Protection; creating a presumption that the state has sufficient data to conduct a consistency review of a federal activity when an environmental impact statement has been prepared; eliminating a requirement that the department waive its review of certain federally licensed or permitted activities; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Communications and Public Utilities.

By Senator Lawson—

SB 2512—A bill to be entitled An act relating to rural economic development; creating ss. 291.40-291.65, F.S.; providing a short title; providing legislative findings; providing definitions; establishing the Florida Rural Economic Development Authority; providing powers and duties; providing for membership of its board; providing for terms of board members; providing for organization of the board; providing general powers of the authority; providing for an executive director and specifying duties; requiring an annual report; providing for the use of surplus moneys by the authority; providing for the combination of state and federal and international programs to facilitate the purpose of the authority; authorizing the authority to participate in federal, state, and local programs; requiring the authority to provide for loan criteria by rule; authorizing the authority to provide for loan requirements; authorizing the authority to make loans or grants, directly or as agent for federal programs, for agricultural land and facilities improvements and to providers and producers of biomass and renewable energy technology and products and equipment and facilities and to animal waste treatment and byproduct-conversion facilities; authorizing the authority to make loans to mortgage lenders and other lenders; authorizing the authority to purchase mortgage loans and secured loans from mortgage lenders; providing powers of the authority relating to loans; providing for the issuance of bonds and notes by the authority; authorizing the authority to establish bond reserve funds; providing remedies of bondholders and holders of notes; providing that bonds and notes are legal

investments; providing requirements with respect to funds of the authority; authorizing the examination of accounts by the Auditor General; requiring a report; limiting the liability of members of the authority; requiring the assistance of state officers, agencies, and departments in expediting and facilitating the authority's purposes; providing for liberal construction of the act; requiring disclosure of specified conflicts of interest; prohibiting certain participation in the event of a conflict of interest; specifying conflicts of interest with respect to the executive director of the authority; providing an exemption from competitive bidding requirements; authorizing the authority to enter into specified agreements; providing for liability; requiring the authority to establish and develop a rural development loan assistance program; providing program criteria; authorizing the authority to create and develop alternative agriculture assistance and renewable energy programs; providing for the adoption of rules with respect to enforcement of provisions relative to such programs; authorizing the authority to bring action for enforcement; creating s. 159.8082, F.S.; establishing the rural economic development bond pool; amending s. 159.804, F.S.; providing for specific allocations of state volume limitations to the rural economic development pool; amending s. 159.809, F.S.; specifying provisions for bond issuance reports not received; providing an effective date.

—was referred to the Committees on Agriculture; Commerce and Consumer Services; Governmental Oversight and Productivity; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Fasano—

SB 2514—A bill to be entitled An act relating to health insurance; amending s. 408.909, F.S.; requiring disapproval of health flex plans that cannot be shown to meet general eligibility standards for insurer certificate of authority; amending s. 627.411, F.S.; prescribing a limit on rate increases for closed forms; amending s. 627.413, F.S.; authorizing insurers and health maintenance organizations to issue high deductible insurance plans that meet certain criteria; creating s. 627.4141, F.S.; prohibiting mandatory arbitration clauses in life insurance and health insurance policies; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed availability of individual health insurance coverage to eligible individuals; amending s. 627.64872, F.S.; revising definitions relating to the Florida Health Insurance Plan; providing for the Commissioner of Insurance Regulation to serve on the plan's board of directors; deleting obsolete provisions relating to an interim report; revising qualifications for eligibility; revising sources of additional revenue for the plan; prescribing a limit on health care provider reimbursement; amending s. 627.6515, F.S.; providing that out-of-state group health insurance policies are subject to the prohibition on mandatory arbitration clauses; amending s. 627.6692, F.S.; extending time limits for giving certain notice with respect to health insurance coverage continuation; amending s. 627.6699, F.S.; requiring health insurance small employer carriers to offer high deductible insurance plans that meet certain criteria; reconstituting the board of the Florida Small Employer Health Reinsurance Program; changing the date by which the board must take certain actions; prescribing duties of the board with respect to advising the Office of Insurance Regulation and other entities on health insurance issues; amending s. 641.27, F.S.; increasing the interval at which the office must examine health maintenance organizations; deleting authority of the office to accept a report of an independent certified public accountant; deleting a limit on examination expenses; amending s. 641.31, F.S.; providing that health maintenance organization contracts are subject to the prohibition on mandatory arbitration clauses; providing applicability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and General Government Appropriations.

By Senator Constantine—

SB 2516—A bill to be entitled An act relating to state uniform traffic control; amending s. 318.18, F.S.; increasing the fines imposed for failing to obey a traffic-control device and for a moving violation of a traffic control signal steady red indication; amending ss. 142.01 and 318.121, F.S., relating to court costs; conforming cross-references; amending s. 318.21, F.S.; providing for the disposition of such fines; creating s. 395.4036, F.S.; providing for the distribution of funds to trauma centers; providing for audits and attestations; providing an effective date.

—was referred to the Committees on Transportation; Health Care; Government Efficiency Appropriations; Health and Human Services Appropriations; and Ways and Means.

By Senators Clary and Peaden—

SB 2518—A bill to be entitled An act relating to private investment in public education; creating s. 220.188, F.S.; providing a short title; providing purpose; defining terms; authorizing tax credits; providing limitations on individual and total credits; providing that the Consortium of Florida Education Foundations is the fiscal agent for the programs funded under this section; providing for administrative costs; providing obligations of public school education foundations; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Education; Government Efficiency Appropriations; Education Appropriations; and Ways and Means.

By Senator Crist—

SB 2520—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing in effect an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility; abrogating the repeal of s. 212.031(10), F.S., relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sale price or actual value of an admission; continuing in effect an exemption from the tax which is provided for admission charges to an event sponsored by a governmental entity, sports authority, or sports commission; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Senator Argenziano—

SB 2522—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.26165, F.S.; providing that breeders' awards and stallion awards are available to breeders of Florida-bred horses participating in horseraces and stakes races; providing that such awards are given uniform rates; revising the requirements of such awards; providing that rates for such awards are established in an annual plan; providing that a cap on winnings may limit, exclude, or defer payment on certain classes of races of stallion and breeders' awards; deleting the provision that gives priority to imposing such restrictions related to the cap on winnings; providing that a breeders' associations' plan may be amended under certain circumstances; amending s. 550.2625, F.S.; increasing the percentage amount that a certain permitholder may withhold from the handle on exotic wagering for use as overnight purses; providing that a certain percentage of the purse account, notwithstanding how it is generated, be used for the Florida owners' awards; deleting the provision that exempts certain permitholders from the requirement of using a percentage of purse account for Florida owners' awards; authorizing the breeder of a Florida-bred thoroughbred horse that participates in a horserace to receive an award up to a specified amount; authorizing the owner of the sire of a Florida-bred thoroughbred horse that participates in a stakes race to receive a stallion award up to a specified amount; requiring the Florida Thoroughbred Breeders' Association to establish eligibility requirements for payment of stallion awards; revising the eligibility requirements; conforming to changes made by the act; requiring the Florida Thoroughbred Breeders' Association to adopt a

plan that establishes a uniform rate and procedure for the payment of breeders' and stallion awards; deleting certain requirements for the plan; requiring that certain funds be used for payment of Florida owners' awards in the absence of a written agreement that establishes rate, procedure, and eligibility requirements; providing severability; providing effective dates.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; and General Government Appropriations.

By Senator Geller—

SB 2524—A bill to be entitled An act relating to regional transportation authorities; amending s. 343.52, F.S.; revising the definition of "transit system" for purposes of the South Florida Regional Transportation Authority Act; amending s. 343.54, F.S.; revising powers and duties of that authority; amending s. 343.55, F.S.; providing for issuance, reissuance, and redemption of revenue bonds by the authority; amending s. 343.58, F.S.; revising funding sources of the authority; removing certain county contributions to the authority; revising a vehicle registration tax levied by the authority; providing for annual revision of the tax until a specified time; amending s. 120.52, F.S.; providing that specified regional transportation authorities are not agencies under the Administrative Procedure Act; amending s. 163.3180, F.S.; providing that comprehensive plan concurrency requirements do not apply to transit-oriented development master plans; providing criteria for such plans; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Geller—

SB 2526—A bill to be entitled An act relating to public records; creating s. 343.59, F.S.; providing an exemption from public-records requirements for certain appraisal reports, offers, and counteroffers relating to land acquisition by the South Florida Regional Transportation Authority; providing that the exemption expires upon execution of a certain contract or at a certain time before a purchase contract or agreement is considered for approval; providing exceptions to the exemption; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Transportation; Community Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Senators Siplin and Miller—

SB 2528—A bill to be entitled An act relating to tax refunds for hiring at-risk, inner-city youth; creating a tax refund program for hiring an at-risk, inner-city youth; defining terms; prescribing how the amount of the refund must be calculated; establishing limits on the amount of refunds; authorizing additional refunds for offering employee health insurance; prescribing taxes that may be refunded; providing criminal penalties for fraudulent refund claims; providing for repayment of refunds plus penalties; providing timeframes and procedures for claiming refunds; specifying information that must be submitted to support refund claims; providing for review and approval of applications for refunds; providing for interagency cooperation and sharing of information; specifying that refunds are subject to legislative appropriation; providing for the issuance of warrants to pay refunds; requiring the Department of Revenue to provide the Legislature with an estimated amount of such refunds; authorizing the department to adopt rules; providing for the expiration of the refund program; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Criminal Justice; General Government Appropriations; and Ways and Means.

By Senator Siplin—

SB 2530—A bill to be entitled An act relating to economic development; amending s. 125.0104, F.S., relating to the local option tourist development tax; allowing a county that levies the tax authorized under s. 125.0104(3)(n), F.S., to use the tax proceeds to participate with the state in an economic-development project to attract specified types of high-technology industries to the county; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Argenziano—

SB 2532—A bill to be entitled An act relating to payments in lieu of taxes; amending s. 373.59, F.S.; deleting a 10-year limitation on such payments; subjecting such payments to certain indexes used by the Governor in funding rural initiatives; amending s. 373.5905, F.S., to conform; providing an effective date.

—was referred to the Committees on Community Affairs; Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

By Senator Argenziano—

SB 2534—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for a report to the Legislature; providing for an advisory group to the council; requiring the Southwest Florida Water Management District to act as lead entity for the purpose of providing staff and administrative support for the council; providing for a Citrus/Hernando Waterways restoration program; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; and General Government Appropriations.

By Senator Fasano—

SB 2536—A bill to be entitled An act relating to sinkhole investigation reports; requiring any licensed professional engineer contracted to conduct a sinkhole investigation to file a report with the clerk of court if a sinkhole is present; requiring the clerk to record the report with the certificate of title for the property; providing for the payment of recording costs; requiring notification of the recording requirement to the property owner; limiting the cost of filing and recording the report; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Senator Argenziano—

SB 2538—A bill to be entitled An act relating to drawings by chance; amending s. 849.0935, F.S.; redefining the term "organization" to include homeowners' associations, certain other associations, and chambers of commerce among those allowed to conduct drawings by chance; defining the term "charitable purpose" as applied to permissible uses of the proceeds from such drawings; providing restrictions upon the construction of s. 849.09, F.S., relating to prohibitions against lotteries and exceptions from such prohibitions; providing an effective date.

—was referred to the Committees on Regulated Industries; and Community Affairs.

By Senator Alexander—

SB 2540—A bill to be entitled An act relating to outdoor advertising; creating s. 479.024, F.S.; prohibiting the repair or replacement of certain highway signs that are damaged or destroyed; providing an exception; providing an effective date.

—was referred to the Committees on Community Affairs; and Judiciary.

By Senators Smith and Fasano—

SB 2542—A bill to be entitled An act relating to the state judicial system; amending s. 27.34, F.S.; requiring negotiated rates of reimbursement; amending s. 27.40, F.S., relating to circuit registries for court-appointed counsel; requiring that an attorney enter into a contract to be included on the registry; requiring data on the race, sex, and ethnicity of attorneys; requiring the Justice Administrative Commission to approve uniform procedures and forms for use in billing for an attorney's fees, costs, and related expenses; requiring that a withdrawal order be filed with the commission; providing that withdrawal from a case creates a rebuttable presumption of nonentitlement to the entire flat fee; amending s. 27.42, F.S.; requiring that the circuit Article V indigent services committee establish the compensation rates for court-appointed counsel or in cases of indigency; requiring each committee to establish a schedule of allowances for due-process expenses; authorizing alternate models for providing criminal and civil due-process representation; requiring that the expenses for representing indigent persons be appropriated in a separate category within the Justice Administrative Commission rather than paid from funds appropriated for use by the public defenders; requiring the commission to track and report data on the race, sex, and ethnicity of private court-appointed counsel; amending s. 27.52, F.S., relating to the determination of indigent status; providing for application to the clerk of court for such a determination and appointment of a public defender; prescribing duties of the clerk and the public defender relating to an application; prescribing application requirements and review criteria; providing for review by the court of a clerk's determination; authorizing the court to determine a person indigent for costs and eligible for payment of due-process expenses; requiring certain parents or legal guardians to furnish legal services and costs; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for the provision of false information; amending s. 27.5304, F.S.; authorizing the Justice Administrative Commission to pay attorney's fees without court approval under certain conditions; requiring the attorney to provide the commission with advance notice of a court hearing on payment of fees and costs; authorizing the commission to participate in such hearings telephonically; specifying intervals other than final disposition of a case at which private court-appointed counsel may request payment; clarifying a prohibition against allowing an attorney who is not on the registry to appear; limiting the reimbursement allowed for the preparation of invoices; amending s. 27.54, F.S.; requiring that the county or municipality pay certain costs for due-process services; prescribing assessment of fees to recover such costs; requiring negotiated rates of reimbursement; requiring that reimbursements received by the public defender be returned to the fund from which the expenditure was made; amending s. 28.24, F.S.; requiring that the clerk of the court provide copies to attorneys ad litem and court-appointed counsel paid by the state; requiring clerks of the court to participate in the Comprehensive Case Information System by a certain date; providing an exception to the designation of the clerk of court as custodian of official records; amending s. 28.2402, F.S.; prohibiting the circuit court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting enforcement actions of local code violations from the filing fee; amending s. 28.241, F.S.; providing for the clerk of the court to collect a service fee for appeals from circuit court; amending s. 28.245, F.S.; requiring that the clerks of the court remit collections to the Department of Revenue within a specified period; amending s. 28.246, F.S.; conforming a reference; revising provisions authorizing an individual to enter into a payment plan for the payment of fees, costs, or fines; providing for the court to review the payment plan; amending s. 28.345, F.S.; exempting certain court staff, attorneys ad litem, and court-appointed counsel from the payment of fees and charges assessed by the clerk of the circuit court; amending s. 28.35, F.S.; requiring the Florida Clerks of Court Operations Committee to report on additional budget funding authority provided to a clerk; amending s. 28.36, F.S.; revising the date for the county clerk to submit a proposed budget; conforming a reference to the Florida Clerks of Court Operations Corporation; authorizing the corporation to approve additional annual funding for a clerk under prescribed conditions; requiring notice and documentation; amending s. 29.004, F.S.; providing for state appropriations to be used for expert witnesses who are appointed by the court rather than requested by any party; amending s. 29.007, F.S.; providing for state funds to be used in providing mental health professionals in certain civil cases; clarifying the use of state funds at the trial or appellate level to pay certain costs on behalf of a litigant who is indigent; amending s. 29.008, F.S.; requiring that the county where the appellate district is located fund the appellate division of the public defender's office; expanding the definition of the term "facility" to include items necessary for court-reporting services; narrowing a limitation on the application of certain requirements to specified facilities; including hearing rooms within those facilities funded by the county as a court-related function; including audio equipment within county-funded communications services; amending s. 29.015, F.S.; authorizing the Justice Administrative Commission to transfer funds to address budget deficits relating to due-process services; requiring notice of the transfer; amending s. 29.018, F.S.; eliminating the authority for court-appointed counsel to contract to share in court and due-process costs; providing that the Justice Administrative Commission may contract for such cost-sharing on behalf of court-appointed counsel; creating s. 29.0185, F.S.; specifying conditions under which state-funded due-process services are provided; amending s. 34.045, F.S.; prohibiting the county court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions of local code violations from the filing fee; expanding conditions under which the county or municipality is the prevailing party; requiring an assessment for a filing fee; amending s. 34.191, F.S.; clarifying a requirement that certain fines and forfeitures committed within an unincorporated area of a municipality be paid to the clerk of the county court; amending s. 39.0132, F.S.; authorizing the Justice Administrative Commission to inspect certain court records; amending s. 39.821, F.S.; requiring that the Guardian Ad Litem Program rather than the chief judge request the federal criminal records check for purposes of certifying guardians ad litem; amending s. 39.822, F.S.; directing agencies, persons, and other organizations to provide a guardian ad litem access to certain records related to the best interests of a child; amending s. 40.29, F.S.; clarifying procedures for the payments made by the state to the clerk of the court for the costs of witnesses; creating s. 40.355, F.S.; requiring the clerk of the court to report on, and refund to the state attorneys and public defenders, certain moneys collected for payment of jurors and due-process costs; amending s. 43.16, F.S.; providing that the Justice Administrative Commission is not subject to the Administrative Procedure Act; amending s. 44.102, F.S.; revising conditions under which nonvolunteer court mediators may be compensated by the county or parties; amending s. 44.108, F.S.; clarifying the fees charged for scheduled mediation services provided by a circuit court's mediation program; requiring the clerk of the court to report to the chief judge the amount of such fees collected; creating s. 57.082, F.S., relating to the determination of civil indigent status; providing for application to the clerk of court for such a determination; prescribing duties of the clerk relating to an application; prescribing application requirements and review criteria; providing for an interim determination by the court and appointment of counsel; providing for review by the court of the clerk's determination; providing for enrollment in a payment plan by a person determined indigent; providing for the waiver of fees and costs under certain conditions; providing for reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for providing false information; creating s. 61.1828, F.S.; authorizing certain county child support enforcement agencies to receive court services under specified conditions; prohibiting imposition of fees and bonds for such agencies; amending s. 92.142, F.S.; deleting a provision that provides for payment of per diem and travel expenses for a witness in a criminal case at the discretion of the court; amending s. 116.01, F.S.; providing procedures for the clerk of the court to remit funds to the Department of Revenue; amending s. 119.07, F.S.; extending the time period during which certain social security numbers and other data included in court or official county records may be available for public inspection unless redaction is requested; extending the deadline by which court clerks and county recorders must keep such data confidential; amending s. 142.01, F.S.; clarifying those moneys to be included within the fine and forfeiture fund of the clerk of the circuit court; amending s. 213.13, F.S.; requiring that the funds remitted by the clerk to the state be transmitted electronically within a specified period; amending s. 219.07, F.S.; clarifying the distributions that the clerk is

required to make as part of his or her court-related functions; amending s. 219.075, F.S.; exempting funds collected by the clerk from the requirements for the investment of surplus funds of a county; amending s. 318.121, F.S.; clarifying that certain court costs and surcharges are added to civil traffic penalties; amending s. 318.18, F.S.; requiring that the clerk of the court report the amount of certain surcharges collected to the chief judge, the Governor, and the Legislature; amending s. 318.21, F.S.; providing for the disposition of traffic-infraction penalties for violations occurring in unincorporated areas of certain municipalities having a consolidated government; amending s. 318.31, F.S.; deleting provisions concerning the appointment of a civil traffic infraction hearing officer; amending s. 318.325, F.S.; deleting provisions specifying the funding of such hearing officer; amending s. 322.29, F.S.; increasing the fees charged for reinstating a driver's license; amending s. 372.72, F.S.; requiring that the proceeds from unclaimed bonds be deposited into the clerk's fine and forfeiture fund; amending s. 903.26, F.S.; revising the procedure for determining the amount of the costs incurred in returning a defendant to the county of jurisdiction; amending s. 903.28, F.S.; revising certain notice requirements following the surrender or apprehension of a defendant for purposes of remission of a forfeiture; authorizing the clerk of the circuit court to enter into certain contracts for purposes of representation in an action for the remission of a forfeiture; providing that the clerk is the real party in interest for all appeals arising from such an action; amending s. 916.115, F.S.; providing requirements for the payment of experts; specifying those fees which are paid by the state, the office of the public defender, the office of the state attorney, or the Justice Administrative Commission; amending s. 916.12, F.S.; revising the procedures under which the court may take action following a finding that the defendant is incompetent to proceed; amending s. 916.301, F.S.; requiring the court to pay for certain court-appointed retardation and autism experts; amending s. 938.29, F.S.; providing for a judgment lien for the payment of certain attorney's fees to be filed without cost; amending s. 939.06, F.S.; clarifying that an acquitted defendant is not liable for certain fees; providing a procedure for such a defendant to request a refund from the Justice Administrative Commission of costs or fees paid; amending s. 985.05, F.S.; authorizing the Justice Administrative Commission to have access to certain court records; requiring that the party calling a witness in traffic court bear the costs; requiring that the office of the state attorney pay such costs if the witness is required to testify on behalf of the prosecution; authorizing the trial court administrator to recover expenditures for state-funded services if those services were furnished to a user possessing the ability to pay; requiring that the chief judge determine the rate, which may not exceed the cost of the service and recovery; repealing s. 29.005(4), F.S., relating to prosecution expenses for appointing mental health professionals; repealing s. 318.37, F.S., relating to funding for a Civil Traffic Infraction Hearing Officer Program; providing an effective date.

—was referred to the Committees on Judiciary; Government Efficiency Appropriations; and Justice Appropriations.

By Senator Lawson—

SB 2544—A bill to be entitled An act relating to a toilet tissue use fee; creating s. 403.1839, F.S.; providing definitions; imposing a fee on toilet paper sold in this state; requiring dealers to collect the fee; providing a criminal penalty for failure by a dealer to remit the fee; providing for administration and enforcement by the Department of Revenue; authorizing rulemaking by the Department of Revenue and the Department of Environmental Protection; providing for use of the proceeds of the fee for administrative costs of the Department of Revenue; providing for deposit of the proceeds of the fee in the Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund administered by the Department of Environmental Protection; providing for use of proceeds of the fee deposited into the trust fund; providing an effective date.

—was referred to the Committees on Environmental Preservation; Criminal Justice; Government Efficiency Appropriations; and General Government Appropriations.

By Senator Haridopolos—

SB 2546—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 14.25, F.S., relating to the Florida State Commission on Hispanic Affairs; amending s. 14.26, F.S.; revising reporting requirements of the Citizen's Assistance Office; repealing s. 14.27, F.S., relating to the Florida Commission of African-American Affairs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 17.32, F.S.; revising the recipients of the annual report of trust funds by the Chief Financial Officer; amending s. 17.325, F.S.; deleting a reporting requirement relating to the governmental efficiency hotline; amending s. 20.057, F.S.; deleting a reporting requirement of the Governor relating to interagency agreements to delete duplication of inspections; amending s. 20.19, F.S.; deleting provisions relating to planning by the Department of Children and Family Services; deleting provisions relating to planning in service districts of the department; amending s. 20.315, F.S.; revising provisions relating to planning functions of the Florida Corrections Commission; repealing s. 20.316(4)(e), (f), and (g), F.S.; deleting provisions relating to information systems of the Department of Juvenile Justice; amending s. 20.43, F.S.; revising provisions relating to planning by the Department of Health; amending s. 39.001, F.S.; revising provisions relating to planning by the Department of Children and Family Services; amending s. 39.3065, F.S.; deleting certain provisions relating to evaluations and reports of child protective investigative services; amending s. 39.4086, F.S.; deleting provisions relating to a report by the State Courts Administrator on a guardian ad litem program for dependent children; repealing s. 39.523(5), F.S.; deleting provisions relating to a report on placement of children in licensed residential group care; amending s. 98.255, F.S.; deleting provisions relating to a report on the effectiveness of voter education programs; repealing s. 106.22(10), F.S.; deleting a provision relating to a report by the Division of Elections; amending s. 110.1227, F.S.; revising provisions relating to a report by the board of directors of the Florida Long-Term Care Plan; amending s. 120.542, F.S.; deleting provisions relating to reports of petitions filed for variances to agency rules; amending s. 120.60, F.S.; deleting a provision relating to filing of notice and certification of an agency's intent to grant or deny a license; amending s. 120.695, F.S.; deleting obsolete provisions relating to agency review of rules; amending s. 120.74, F.S.; deleting provisions relating to an agency report of review and revision of rules; amending s. 121.45, F.S.; deleting provisions relating to reports on interstate compacts relating to pension portability; repealing s. 153.952, F.S., relating to legislative findings and intent on privately owned wastewater systems and facilities; amending s. 161.053, F.S.; deleting a provision relating to a report on the coastal construction control line; amending s. 161.161, F.S.; deleting a provision requiring a report on funding for beach erosion control; repealing s. 163.2526, F.S., relating to a review and evaluation of urban infill; amending s. 163.3167, F.S.; deleting provisions relating to local government comprehensive plans; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; amending s. 163.3178, F.S.; deleting a duty of the Coastal Resources Interagency Management Committee to submit certain recommendations; repealing s. 163.519(12), F.S.; deleting a requirement of a report on neighborhood improvement districts by the Department of Legal Affairs; repealing s. 186.007(9), F.S.; deleting provisions relating to a committee to recommend to the Governor changes in the state comprehensive plan; amending s. 186.022, F.S.; deleting a reference to the Criminal and Juvenile Justice Information Systems Council; amending ss. 189.4035, 189.412, F.S.; revising requirements relating to dissemination of the official list of special districts; amending s. 194.034, F.S.; deleting a requirement that the Department of Revenue be notified of certain value adjustment board decisions; amending s. 206.606, F.S.; revising provisions relating to a report on the Florida Boating Improvement Program; amending s. 212.054, F.S.; deleting the requirement of a report on costs of administering the discretionary sales surtax; amending s. 212.08, F.S.; deleting a requirement for a report on the sales tax exemption for machinery and equipment used in semiconductor, defense, or space technology production and research and development; repealing s. 213.0452, F.S., relating to a report on the structure of the Department of Revenue; repealing s. 213.054, F.S., relating to monitoring and reporting on persons claiming tax exemptions; repealing s. 215.5601(5)(f), F.S.; deleting provisions relating to duties of the Governor with respect to the Lawton Chiles Endowment Fund; amending s. 215.70, F.S.; requiring the State Board of Administration to report to the Governor when funds need to be appropriated to honor the full faith and credit of the state; amending s. 216.011, F.S.; redefining the term "long-range program plan"; amending s. 216.013, F.S.; revising requirements with respect to long-range program plans; repealing s. 216.103, F.S., relating to agencies receiving federal funds; repealing s. 216.172, F.S., relating to meetings of legislative appropriations committees; repealing s. 216.181(10)(c), F.S.; deleting provisions relating to reports of filled and vacant positions and salaries; repealing s. 216.1825, F.S., relating to zero-based budgeting;

amending s. 252.55, F.S.; revising certain reporting requirements relating to the Civil Air Patrol; amending s. 253.7825, F.S.; deleting provisions relating to the plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to Cross Florida Barge Canal structures; repealing s. 253.7829, F.S., relating to a management plan for retention or disposition of Cross Florida Barge Canal lands; amending s. 259.037, F.S.; revising provisions relating to a report of the Land Management Uniform Accounting Council; repealing s. 265.56, F.S., relating to an annual report by the Department of State; repealing s. 267.074(4), F.S.; deleting provisions relating to a plan for the State Historical Marker Program; repealing s. 272.121, F.S., relating to Capitol Center long-range planning; repealing s. 282.102(28), F.S.; deleting a requirement for a report by the State Technology Office; repealing s. 284.50(3), F.S.; deleting a requirement for a report by the Interagency Advisory Council on Loss Prevention and department heads; repealing s. 287.045(11), F.S.; deleting a requirement for reports on use of recycled products; amending s. 287.059, F.S.; deleting a requirement for reporting proposed fee schedules for private attorney services for the Attorney General's office; repealing s. 287.16(10), F.S.; deleting a requirement of a report on aircraft use by the Department of Management Services; repealing s. 288.1045(6)(d), F.S.; deleting a requirement for a report by the Office of Tourism, Trade, and Economic Development on the defense contractor tax refund program; repealing s. 288.108(7), F.S.; deleting a requirement for a report by the Office of Tourism, Trade, and Economic Development on high-impact businesses; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 288.1226, F.S.; deleting a requirement for the Office of Tourism, Trade, and Economic Development to certify operations of the Florida Tourism Industry Marketing Corporation; amending s. 288.1229, F.S.; revising duties of the direct-support organization to support sports-related industries and amateur athletics; repealing s. 288.7015(4), F.S.; deleting a requirement for a report by the rules ombudsman in the Executive Office of the Governor; amending s. 288.7771, F.S.; revising a reporting requirement of the Florida Export Finance Corporation; repealing s. 288.8175(8), (10), and (11), F.S.; deleting certain responsibilities of the Department of Education with respect to linkage institutes between postsecondary institutions in this state and foreign countries; repealing s. 288.853(5), F.S.; deleting the requirement of a report on assistance to and commerce with Cuba; amending s. 288.95155, F.S.; revising requirements for a report by Enterprise Florida, Inc., on the Florida Small Business Technology Growth Program; amending s. 288.9604, F.S.; deleting a requirement of a report by the Florida Development Finance Corporation; amending s. 288.9610, F.S.; revising provisions relating to annual reporting by the corporation; amending s. 292.04, F.S.; deleting provisions relating to a survey by the Florida Commission on Veterans' Affairs; amending s. 292.05, F.S.; revising requirements relating to a report by the Department of Veterans' Affairs; repealing ss. 296.16, 296.29, F.S., relating to reports by the executive director of the Department of Veterans' Affairs; repealing s. 315.03(12)(c), F.S.; deleting provisions relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 319.324, F.S.; deleting provisions relating to funding a report on odometer fraud prevention and detection; amending s. 322.181, F.S.; revising provisions relating to a study by the Department of Highway Safety and Motor Vehicles on driving by the elderly; repealing s. 322.251(7)(c), F.S.; deleting provisions relating to a plan to indemnify persons wanted for passing worthless bank checks; amending s. 365.171, F.S.; deleting a provision relating to a schedule for implementing emergency telephone system 911; repealing s. 365.172(6)(d), F.S.; deleting provisions relating to a study by the board of directors of the Wireless 911 Board; repealing s. 366.82(4), F.S.; deleting a provision relating to reports by utilities to the Public Service Commission; amending s. 369.22, F.S.; revising requirements relating to a report by the Department of Environmental Protection on nonindigenous plant control; repealing s. 370.26(8), F.S.; deleting a duty of the Fish and Wildlife Conservation Commission relating to an aquaculture plan; amending s. 372.5712, F.S.; revising provisions relating to a report by the commission on waterfowl permit revenues; amending s. 372.5715, F.S.; revising provisions relating to a report by the commission on wild turkey permit revenues; repealing s. 372.673, F.S., relating to the Florida Panther Technical Advisory Council; repealing s. 372.674, F.S., relating to environmental education; amending s. 373.0391, F.S.; deleting provisions relating to provision of certain information by water management districts; amending s. 373.046, F.S.; deleting an obsolete provision requiring a report by the secretary of the Department of Environmental Protection; amending s. 373.1963, F.S.; deleting an obsolete provision relating to an agreement between the West Coast Regional Water Supply Authority and the Southwest Florida Water Management District; repealing s. 376.121(14), F.S.; deleting a provision relating to a report by the Department of Environmental Protection on damage to natural resources; repealing s. 376.17, F.S., relating to reports of the department to the Legislature; repealing s. 376.30713(5), F.S.; deleting provisions relating to a report on preapproved advanced cleanup; amending s. 377.703, F.S.; deleting a requirement for a report from the Public Service Commission on electricity, natural gas, and energy conservation; amending s. 380.06, F.S.; deleting provisions on transmission of revisions relating to statewide guidelines and standards for developments of regional impact; repealing s. 380.0677(3), F.S.; deleting provisions relating to powers of the Green Swamp Land Authority; repealing s. 381.0011(3), F.S.; deleting provisions relating to an inclusion in the Department of Health's strategic plan; repealing s. 381.0066, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS; repealing s. 381.731, F.S., relating to strategic planning of the Department of Health; amending s. 381.795, F.S.; deleting provisions relating to studies by the Department of Health on long-term, community-based supports; repealing s. 381.90(7)(a), F.S.; deleting provisions relating to the Health Information Systems Council's duty to develop a strategic plan; amending s. 381.931, F.S.; deleting provisions relating to the duty of the Department of Health to develop a report on Medicaid expenditures; amending s. 383.19, F.S.; revising provisions relating to reports by hospitals contracting to provide perinatal intensive care services; repealing s. 383.21, F.S., relating to perinatal intensive care service program review; amending s. 383.2161, F.S.; revising requirements relating to a report by the Department of Health on maternal and child health; repealing s. 384.25(6), F.S.; deleting provisions relating to a report by the Department of Health on sexually transmissible diseases; repealing s. 394.4573(4), F.S.; deleting the requirement for a report by the Department of Children and Family Services on state mental health facility staffing; amending s. 394.4985, F.S.; deleting provisions relating to plans by department districts; amending s. 394.75, F.S.; revising provisions relating to reports by the department on substance abuse and mental health plans; repealing s. 394.82, F.S., relating to funding of expanded community mental health services; amending s. 394.9082, F.S.; deleting obsolete provisions relating to an amendment to the master state plan on behavioral health services and to provision of status reports; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 395.807(2)(c), F.S.; deleting requirements for a report on retention of family practice residents; repealing s. 397.321(1) and (20), F.S.; deleting a requirement that the Department of Children and Family Services develop a plan for substance abuse services; repealing s. 397.332(3), F.S.; deleting the requirement for a report by the director of the Office of Drug Control; amending s. 397.333, F.S.; deleting the requirement for a report by the Statewide Drug Policy Advisory Council; repealing s. 397.94(1), F.S.; deleting provisions relating to children's substance abuse services plans by service districts of the Department of Children and Family Services; amending s. 400.0067, F.S.; revising requirements relating to a report by the State Long-Term Care Ombudsman Council; repealing s. 400.0075(3), F.S.; deleting a provision relating to such report; amending s. 400.0089, F.S.; revising requirements relating to a report by the Department of Elderly Affairs and transferring responsibility for the report to the council; repealing s. 400.148(2), F.S.; deleting a provision relating to a pilot program of the Agency for Health Care Administration on a quality-of-care contract management program; amending s. 400.407, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on extended congregate care facilities; repealing s. 400.408(1)(i), F.S.; deleting a provision relating to local workgroups of field offices of the Agency for Health Care Administration; amending s. 400.419, F.S.; requiring a specified report to be distributed to the Agency for Persons with Disabilities; amending s. 400.441, F.S.; deleting provisions relating to a report concerning standards for assisted living facilities; amending s. 400.967, F.S.; deleting provisions relating to a report by the Agency for Health Care Administration on intermediate care facilities for developmentally disabled persons; revising agencies that may review the agency's plan; repealing s. 402.3016(3), F.S.; deleting a requirement for a report by the agency on early head start collaboration grants; repealing s. 402.40(9), F.S.; deleting a provision relating to submission of certain information related to child welfare training to the Legislature; amending s. 402.73, F.S.; deleting provisions relating to a report by the Department of Children and Family Services on competitive procurement of client services; amending s. 403.067, F.S.; deleting provisions requiring a report by the Department of Environmental Protection on water pollution; amending s. 403.4131, F.S.; deleting provisions relating to a report on the adopt-a-highway program; repealing s. 403.756, F.S., relating to a report on oil recycling; amending s. 403.7226, F.S.; deleting provisions relating to responsibilities of the Department

of Environmental Protection with respect to local hazardous waste management; repealing s. 403.7265(2), F.S.; deleting provisions relating to a statewide local hazardous waste management plan; amending s. 403.7895, F.S.; deleting provisions relating to a hazardous waste needs and capacity study; repealing s. 406.02(4)(a), F.S.; deleting a requirement for a report by the Medical Examiners Commission; amending s. 408.033, F.S.; revising provisions relating to reports by local health councils; repealing s. 408.914(4), F.S.; deleting provisions requiring the Agency for Health Care Administration to submit a plan on comprehensive health and human services eligibility access to the Governor; amending s. 408.915(3)(i), F.S.; deleting provisions requiring periodic reports on the pilot program for such access; repealing s. 408.917, F.S., relating to evaluation of the pilot project; amending s. 409.1451, F.S.; revising requirements relating to reports on independent living transition services; repealing s. 409.146, F.S., relating to the children and families client and management information system; repealing s. 409.152, F.S., relating to service integration and family preservation; repealing s. 409.1679(1) and (2), F.S.; deleting provisions relating to reports concerning residential group care services; amending s. 409.1685, F.S.; revising provisions relating to reports by the Department of Children and Family Services on children in foster care; amending s. 409.178, F.S.; deleting provisions relating to use of child care purchasing pool funds; repealing s. 409.221(4)(k), F.S.; deleting provisions relating to reports on consumer-directed care; amending s. 409.25575, F.S.; deleting provisions relating to a report by the Department of Revenue regarding a quality assurance program for privatization of services; amending s. 409.2558, F.S.; deleting provisions relating to the Department of Revenue's solicitation of recommendations related to a rule on undistributable collections; amending s. 409.2567, F.S.; deleting provisions relating to a report by the Department of Revenue on collection of assistance from noncustodial parents; repealing s. 409.441(3), F.S.; deleting provisions relating to the state plan for the handling of runaway youths; amending s. 409.906, F.S.; deleting a requirement for reports of child-welfare-targeted case management projects; amending s. 409.9065, F.S.; deleting a provision relating to a report by the Agency for Health Care Administration on the pharmaceutical expense assistance program; amending s. 409.91188, F.S.; deleting a requirement that the Agency for Health Care Administration monitor and report on a waiver program for specialty prepaid health plans; amending s. 409.912, F.S.; revising provisions relating to duties of the agency with respect to cost-effective purchasing of health care; repealing s. 410.0245, F.S., relating to a study of service needs of the disabled adult population; repealing s. 410.604(10), F.S.; deleting a requirement for the Department of Children and Family Services to evaluate the community care for disabled adults program; repealing s. 411.221, F.S., relating to prevention and early assistance; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later program; repealing s. 413.402(8), F.S.; deleting a provision relating to a plan by the Association of Centers for Independent Living on a personal care attendant program; repealing s. 414.1251(3), F.S.; deleting a provision relating to an electronic data transfer system for the learnfare program; amending s. 414.14, F.S.; deleting a provision relating to a report by the secretary of the Department of Children and Family Services on public assistance policy simplification; repealing s. 414.36(1), F.S.; deleting a provision relating to a plan for privatization of recovery of public assistance overpayment claims; repealing s. 414.391(3), F.S.; deleting provisions relating to a plan for automated fingerprint imaging; amending s. 415.1045, F.S.; deleting a requirement for a study by the Office of Program Policy Analysis and Government Accountability on documentation of exploitation, abuse, or neglect; amending s. 415.111, F.S.; deleting the requirement for a report by the Department of Children and Family Services on exploitation, abuse, or neglect; amending s. 420.622, F.S.; revising requirements relating to a report by the State Council on Homelessness; repealing s. 420.623(4), F.S.; deleting a requirement for a report by the Department of Community Affairs on homelessness; amending s. 427.704, F.S.; revising requirements relating to a report by the Public Service Commission on a telecommunications access system; amending s. 427.706, F.S.; revising requirements relating to a report by the advisory committee on telecommunications access; amending s. 430.04, F.S.; revising duties of the Department of Elderly Affairs with respect to certain reports and recommendations; amending s. 430.502, F.S.; revising requirements with respect to reports by the Alzheimer's Disease Advisory Committee; amending s. 430.707, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on contracts with managed care organizations; amending s. 445.003, F.S.; revising requirements relating to a report by Workforce Florida, Inc., on the Incumbent Worker Training Program; amending s. 445.004, F.S.; deleting provisions relating to appointment of members to Workforce Florida, Inc.; amending s. 445.006, F.S.; deleting provisions relating to a strategic plan for workforce development; repealing s. 445.022(4), F.S.; deleting a requirement for reports by regional workforce boards on retention incentive; repealing s. 445.049(9), F.S.; deleting a requirement for a report by the Digital Divide Council; repealing s. 446.27, F.S., relating to a report by the former Department of Labor and Employment Security; amending s. 446.50, F.S.; deleting provisions relating to a state plan for displaced homemakers; amending s. 446.609, F.S.; deleting provisions relating to measuring success of the Jobs for Florida's Graduates Act; repealing s. 455.204, F.S., relating to long-range policy planning in the Department of Business and Professional Regulation; repealing s. 455.2226(8), F.S.; deleting a requirement for a report by the Board of Funeral Directors and Embalmers; repealing s. 455.2228(6), F.S.; deleting a requirement for reports by the Barbers' Board and the Board of Cosmetology; amending s. 456.005, F.S.; revising requirements relating to long-range planning by professional boards; amending s. 456.025, F.S.; revising requirements relating to a report to professional boards by the Department of Health; repealing s. 456.031(5), F.S.; deleting provisions relating to reports by professional boards about instruction on domestic violence; repealing s. 456.033(8), F.S.; deleting provisions relating to reports by professional boards about HIV and AIDS; repealing s. 456.034(6), F.S.; deleting provisions relating to reports by professional boards about HIV and AIDS; amending s. 517.302, F.S.; deleting a requirement for a report by the Office of Financial Regulation on deposits into the Anti-Fraud Trust Fund; repealing s. 526.3135, F.S., relating to reports by the Division of Standards; repealing s. 531.415(3), F.S.; deleting the requirement of a report by the Department of Agriculture and Consumer Services on fees; repealing s. 553.975, F.S., relating to a report to the Governor and Legislature by the Public Service Commission; repealing s. 570.0705(3), F.S.; deleting the requirement of a report by the Commissioner of Agriculture about advisory committees; repealing s. 570.0725(5), F.S.; deleting provisions relating to a report by the Department of Agriculture and Consumer Services about supporting food recovery programs; repealing s. 570.235(3), F.S.; deleting a requirement for a report by the pest Exclusion Advisory Committee; repealing s. 570.543(3), F.S.; deleting provisions relating to legislative recommendations of the Florida Consumers' Council; repealing s. 570.952(5), F.S.; deleting provisions relating to a recommendation of the Commissioner of Agriculture concerning the Florida Agriculture Center and Horse Park Authority; amending s. 603.204, F.S.; revising requirements relating to the South Florida Tropical Fruit Plan; amending s. 657.351, F.S.; revising duties of the Citizens Property Insurance Corporation relating to insurance risk apportionment plans; amending s. 627.64872, F.S.; deleting provisions relating to an interim report by the board of directors of the Florida Health Insurance Plan; prohibiting the board from acting to implement the plan until certain funds are appropriated; amending s. 644.7021, F.S.; revising provisions relating to reports by the executive director of the Statewide Public Guardianship Office; amending s. 744.708, F.S.; revising provisions relating to audits of public guardian offices and to reports concerning those offices; repealing s. 765.5215(3), F.S.; deleting a requirement for a report by the Agency for Health Care Administration about organ donation; amending s. 768.295, F.S.; revising duties of the Attorney General relating to reports about "SLAPP" lawsuits; amending s. 775.084, F.S.; deleting provisions relating to sentencing of violent career criminals and to reports of judicial actions with respect thereto; amending s. 790.22, F.S.; deleting provisions relating to reports by the Department of Juvenile Justice about certain juvenile offenses that involve weapons; repealing s. 732.7055(9)(b), F.S.; deleting the requirement of a report by the Department of Law Enforcement relating to disposition of liens and forfeited property; repealing s. 943.08(3), F.S.; deleting provisions relating to planning by the Criminal and Juvenile Justice Information Systems Council; repealing s. 943.125(2), F.S.; deleting provisions relating to reports by the Florida Sheriffs Association and the Florida Police Chiefs Association about law enforcement agency accreditation; amending s. 943.68, F.S.; revising requirements relating to reports by the Department of Law Enforcement about transportation and protective services; amending s. 944.023, F.S.; deleting provisions relating to the comprehensive correctional master plan; amending s. 944.801, F.S.; deleting a requirement to deliver to specified officials copies of certain reports about education of state prisoners; repealing s. 945.35(10), F.S.; deleting a requirement for a report by the Department of Corrections concerning HIV and AIDS education; repealing s. 948.10(8)(d), F.S.; deleting a requirement for a report by the Department of Corrections about placement of ineligible offenders on community control; repealing s. 948.045(9), F.S.; deleting provisions relating to a report by the department about youthful offenders; amending s. 960.045, F.S.; revising requirements relating to reports by the Department of Legal Affairs with respect to victims of crimes; repealing s. 985.02(8)(c),

F.S.; deleting the requirement of a study by the Office of Program Policy Analysis and Government Accountability on programs for young females within the Department of Juvenile Justice; amending s. 985.08, F.S.; deleting provisions relating to a plan by a multiagency task force on information systems related to delinquency; amending s. 985.3045, F.S.; deleting provisions relating to a report by the prevention services program; repealing s. 985.3046, F.S., relating to agencies and entities providing prevention services; repealing s. 985.305(5), F.S.; deleting provisions relating to a report by the Department of Juvenile Justice on early delinquency intervention; amending s. 985.309, F.S.; deleting provisions relating to a report concerning a boot camp for children; amending s. 985.31, F.S.; deleting provisions relating to a report on serious or habitual juvenile offenders; amending s. 985.311, F.S.; deleting provisions relating to a report on intensive residential treatment for offenders under 13 years of age; amending s. 985.3155, F.S.; deleting provisions relating to submission of the multiagency plan for vocational education; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; repealing s. 985.412(7), F.S.; deleting provisions relating to a report by the Department of Corrections on quality assurance in contractual procurements; repealing s. 1001.02(3) and (4), F.S.; deleting provisions relating to powers of the State Board of Education relating to assigning limited access status to educational programs and to approving certain baccalaureate degree programs; repealing s. 1001.03(14), F.S.; deleting an obsolete provision relating to recommendation of a uniform classification system for school personnel; repealing s. 1002.34(19), F.S.; deleting provisions relating to an evaluation and report by the Commissioner of Education about charter technical career centers; repealing s. 1003.492(4), F.S.; deleting provisions relating to a study about industry-certified career education programs; repealing s. 1003.61(4), F.S.; deleting provisions relating to evaluation of a pilot attendance project in Manatee County; amending s. 1004.22, F.S.; deleting provisions relating to university reports concerning sponsored research; repealing s. 1004.50(6), F.S.; deleting a requirement for a report by the Governor concerning unmet needs in urban communities; repealing s. 1004.94(2) and (4), F.S.; deleting provisions relating to guidelines for and a report on plans for a state adult literacy program; amending s. 1004.95, F.S.; revising requirements relating to implementing provisions for adult literacy centers; repealing s. 1006.0605, F.S., relating to students' summer nutrition; repealing s. 1006.67, F.S., relating to a report of campus crime statistics; repealing s. 1007.27(11), F.S.; deleting provisions relating to a review and report about articulated acceleration mechanisms; amending s. 1009.70, F.S.; deleting provisions relating to a report on a minority law school scholarship program; amending s. 1011.32, F.S.; requiring the Governor to be given a copy of a report related to the Community College Facility Enhancement Challenge Grant Program; repealing s. 1011.4105(5), F.S.; deleting provisions relating to a plan concerning transition to the university accounting system; amending s. 1011.62, F.S.; deleting provisions relating to recommendations for implementing the extended-school-year program; repealing s. 1012.05(2)(l), F.S.; deleting provisions relating to a plan concerning teacher recruitment and retention; amending s. 1012.42, F.S.; deleting provisions relating to a plan of assistance for teachers teaching out-of-field; repealing s. 1013.03(13), F.S.; deleting an obsolete provision relating to the Department of Education's duty to review school construction requirements; amending s. 1013.11, F.S.; deleting provisions relating to transmittal of a report on physical plant safety; amending ss. 259.041, 259.101, 370.12, 372.672, 403.7264, 409.91196, 411.01, 411.232, 641.386, 1008.30, 1011.82, F.S., conforming cross-references to changes made by the act; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Government Efficiency Appropriations; and Rules and Calendar.

By Senator Fasano—

SB 2548—A bill to be entitled An act relating to pharmacy technicians; amending s. 465.014, F.S.; requiring a pharmacy technician to be registered with the Board of Pharmacy; providing requirements for registration; prohibiting a pharmacist whose license has been suspended, denied, or restricted from registering as a pharmacy technician; authorizing a pharmacy technician student to be trained in a pharmacy without registering under certain conditions; authorizing an unpaid volunteer to perform functions as a pharmacy technician without registering under certain conditions; providing that a licensed pharmacy intern may be employed as a pharmacy technician without being registered as a pharmacy technician under certain conditions; requiring continuing education; requiring the board to adopt rules relating to the display of a pharmacy technician's registration; providing grounds for denial of registration as a pharmacy technician; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Wise—

SB 2550—A bill to be entitled An act relating to assistive technology devices and services; requiring interagency agreements to ensure that assistive technology devices remain with a young person with disabilities as he or she makes certain transitions; providing an effective date.

—was referred to the Committees on Education; and Commerce and Consumer Services.

By Senator Geller—

SB 2552—A bill to be entitled An act relating to the Beverage Law; creating s. 561.585, F.S.; providing for certain direct shipments of wine from out of state to a resident of this state; requiring shippers to have certain licenses; providing prohibitions; providing for administrative and criminal penalties; amending ss. 561.54 and 561.545, F.S.; providing that those sections do not apply to wine shipped under s. 561.585, F.S.; providing an effective date.

—was referred to the Committees on Regulated Industries; and Criminal Justice.

By Senator Peaden—

SB 2554—A bill to be entitled An act relating to health insurance; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed availability of individual health insurance coverage to eligible individuals; amending s. 627.64872, F.S.; revising definitions relating to the Florida Health Insurance Plan; providing for the Commissioner of Insurance Regulation to serve on the plan's board of directors; deleting obsolete provisions relating to an interim report; revising qualifications for eligibility; revising sources of additional revenue for the plan; prescribing a limit on health care provider reimbursement; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and General Government Appropriations.

By Senator Webster—

SB 2556—A bill to be entitled An act relating to naturopathic medicine; changing the title of ch. 462, F.S., from "Naturopathy" to "Naturopathic Medicine"; amending s. 462.01, F.S.; revising and providing definitions; creating s. 462.0215, F.S.; creating the Board of Naturopathic Medicine; providing membership and duties of the board; providing guidelines for probable cause panels and disciplinary decisions; providing applicability of ch. 456, F.S.; amending s. 462.023, F.S.; providing powers and duties of the board under ch. 462, F.S., including rulemaking authority; deleting obsolete language; amending s. 462.08, F.S.; conforming terminology; amending s. 462.11, F.S.; conforming and correcting terminology; amending s. 462.13, F.S.; providing additional powers and duties of the board; amending s. 462.14, F.S.; specifying authority of the department and the board with respect to disciplinary action and revising grounds for disciplinary action with respect to such authority; conforming terminology; amending s. 462.16, F.S.; specifying authority for setting the fee for the reissuance of license under certain circumstances; conforming terminology; amending s. 462.17, F.S.; providing penalties for falsely using certain titles; amending s. 462.18, F.S., relating to educational requirements; conforming terminology; amending s. 462.19, F.S.; increasing the maximum amount at which the inactive status fee may be set; creating s. 462.193, F.S.; providing requirements for licensure as a naturopathic physician; providing fees; providing

grounds for denying or restricting licenses; providing for the applicability of certain rights to naturopathic physicians who have certain qualifications; creating s. 462.195, F.S.; providing exemptions from licensure requirements; amending s. 462.2001, F.S.; updating the saving clause; conforming terminology; providing that certain rights and privileges of active licensees are retained; amending ss. 20.43, 381.0031, 468.301, 476.044, 477.0135, 485.003, 486.161, 627.351, 893.02, and 921.0022, F.S.; conforming terminology; providing an effective date.

—was referred to the Committees on Health Care; Criminal Justice; and Health and Human Services Appropriations.

Senate Bills 2558-2582—Not referenced.

SB 2584—Previously referenced.

Senate Bills 2586-2608—Not referenced.

By Senator Carlton—

SB 2610—A bill to be entitled An act relating to the management of state financial matters; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism to advise and consult with the Consensus Estimating Conference principals concerning certain duties; amending s. 45.062, F.S.; requiring that certain legislative officers and the Attorney General receive prior notice concerning settlement negotiations and presettlement agreements or orders; specifying that such notice is a condition precedent to an agency's authority to enter into such an agreement; providing certain exceptions; requiring that moneys paid in settlement of a legal action be placed unobligated into the General Revenue Fund or an appropriate trust fund; prohibiting payment outside the State Treasury except in settlement of a personal injury claim; requiring that certain legislative officers and the Attorney General receive prior notice concerning certain settlements involving a state agency or officer; amending s. 110.1245, F.S., relating to a savings sharing program; correcting a reference; amending s. 215.32, F.S.; requiring state agencies to use trust funds for specified purposes, to the extent possible; authorizing an agency to request the creation of a necessary trust fund; revising requirements and uses of the Working Capital Fund; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund; revising provisions governing appropriations to the fund; amending ss. 215.93 and 215.94, F.S., relating to the Florida Financial Management Information System; revising duties of the Financial Management Information Board and the functional owners of the information subsystems; requiring the Auditor General to provide technical advice; amending s. 215.97, F.S., relating to the Florida Single Audit Act; revising and providing definitions; revising the uniform state audit requirements for state financial assistance that is provided by state agencies to nonstate entities; requiring the Department of Financial Services to adopt rules and perform additional duties with respect to the provision of financial assistance to carry out state projects; specifying duties of coordinating agencies; exempting nonstate entities that act only as a conduit of state financial assistance from the requirements of the Florida Single Audit Act; amending s. 216.011, F.S.; revising definitions applicable to the fiscal affairs of the state; defining the terms "mandatory reserve," "budget reserve," "activity," and "statutorily authorized entity"; amending s. 216.013, F.S.; revising requirements for the long-range program plans developed by state agencies; providing for submitting such plans on an alternate date under certain circumstances; revising the date for making adjustments; amending s. 216.023, F.S., relating to legislative budget requests; providing alternate dates for submitting such requests under certain circumstances; providing requirements for a request to outsource or privatize agency functions; deleting certain requirements for performance-based program budget requests; amending s. 216.031, F.S.; revising requirements for target budget requests; repealing s. 216.052(2), (3), (8), and (9), F.S., relating to community budget requests and a revolving loan program; repealing s. 216.053(5), F.S., relating to summary information concerning performance-based program budgets; amending s. 216.065, F.S.; requiring that a fiscal impact statement provided to the legislative appropriations committees contain information concerning subsequent fiscal years; amending s. 216.081, F.S.; providing data requirements for the Governor's recommended budget under certain circumstances; repealing s. 216.136(7) and (8), F.S., relating to the Child Welfare System Estimating Conference and the Juvenile Justice Estimating Conference; amending s. 216.162, F.S.; revising the date for the Governor to submit the recommended budget for the state; amending s. 216.167, F.S.; deleting references to the Working Capital Fund to conform to changes made by the act; amending s. 216.168, F.S.; deleting provisions exempting the Governor from a requirement to submit amended recommendations; amending s. 216.177, F.S.; revising requirements for notifying the Legislature of actions taken under ch. 216, F.S., and funds expended in settlement of agency litigation; amending s. 216.181, F.S.; requiring approval of certain amendments to an approved operating budget by the Legislative Budget Commission; clarifying provisions with respect to the notice required for the transfer of lump-sum appropriations; revising requirements for determining salary rates; authorizing the Legislative Budget Commission to approve salary rates; deleting certain notice requirements; authorizing certain refunds, payments, and transfers pursuant to budget authority within the executive branch and the judicial branch; requiring notice to the chairs of the legislative committees responsible for developing the general appropriations acts; repealing ss. 216.1825 and 216.183, F.S., relating to the use of zero-based budgeting principles and performance-based program budgets; amending s. 216.192, F.S.; requiring that an agency submit an operational work plan to the Executive Office of the Governor and the chairs of the legislative appropriations committees for approval before funds are released for information technology projects; providing requirements for the work plan; requiring that the agency submit project-status reports; requiring that the frequency of work plans and status reports be specified in the General Appropriations Act; deleting provisions authorizing the legislative appropriations committees to provide advice regarding the release of funds; authorizing the Executive Office of the Governor and the Chief Justice to place appropriations in mandatory reserve or budget reserve; amending s. 216.195, F.S.; deleting certain notice and review requirements for the impoundment of funds; amending s. 216.221, F.S.; authorizing the Legislature to direct the use of any state funds in an appropriations act; revising requirements for adjusting budgets in order to avoid or eliminate a deficit; revising procedures for certifying a budget deficit; revising requirements for the Governor and the Chief Justice in developing plans of action; requiring that the Legislative Budget Commission implement certain reductions in appropriations; revising requirements for resolving deficits; requiring that certain actions to resolve a deficit be approved by the Legislative Budget Commission; amending s. 216.231, F.S., relating to the release of classified appropriations; conforming provisions to changes made by the act; amending s. 216.235, F.S., relating to the Innovation Investment Program; correcting references; limiting the funding of certain proposals under the program; amending s. 216.241, F.S.; requiring that the initiation or commencement of new programs be approved by the Legislative Budget Commission; deleting certain notice requirements; limiting certain other actions and budget adjustments by a state agency or the judicial branch without the approval of the Legislature or the Legislative Budget Commission; amending s. 216.251, F.S.; correcting a reference; revising requirements for establishing certain salaries; amending s. 216.262, F.S.; requiring the Legislative Budget Commission to approve certain increases in the number of positions; deleting provisions authorizing an agency to retain salary dollars under certain circumstances; amending s. 216.292, F.S.; revising provisions limiting the transferability of appropriations; prohibiting spending fixed capital outlay for other purposes; prohibiting transferring appropriations except as otherwise provided by law; providing certain exceptions; amending s. 216.301, F.S.; revising requirements for continuing unexpended balances of appropriations for fixed capital outlay; requiring approval by the Executive Office of the Governor; authorizing the President of the Senate and the Speaker of the House of Representatives to provide for the retention of certain balances from legislative budget entities; repealing s. 218.60(3), F.S., relating to estimates made by the revenue estimating conference and provided to local governments; amending ss. 252.37 and 265.55, F.S.; deleting certain references to the Working Capital Fund to conform to changes made by the act; repealing s. 288.1234, F.S., relating to the Olympic Games Guaranty Account within the Economic Development Trust Fund; amending s. 320.20, F.S.; providing duties of the Chief Financial Officer with respect to the deposit of certain trust fund moneys based on anticipated annual revenues; amending s. 339.135, F.S.; revising requirements for the tentative work programs submitted by state agencies; requiring that the Legislative Budget Commission approve certain extensions of spending authority; revising requirements for amending certain work programs; amending s. 381.0303, F.S.; authorizing the Department of Health to obtain reimbursement for special needs

shelters from unappropriated moneys in the General Revenue Fund; amending s. 409.906, F.S.; deleting provisions authorizing the Department of Children and Family Services to transfer certain funds in excess of the amount specified in the General Appropriations Act; repealing s. 409.912(11)(b), F.S., relating to the transfer of certain funds from the Department of Elderly Affairs to the Agency for Health Care Administration; amending ss. 468.392 and 475.484, F.S.; deleting provisions exempting funds in the Auctioneer Recovery Fund and the Real Estate Recovery Fund from limitations imposed by an appropriation act; amending s. 631.141, F.S.; clarifying provisions requiring the Legislative Budget Commission to approve certain appropriations; amending s. 921.001, F.S.; requiring the Legislature to make certain determinations with respect to legislation that affects the prison population; amending s. 943.61, F.S., relating to appropriations to the Capitol Police; deleting provisions requiring approval by the Governor and the Legislative Budget Commission; amending s. 1009.536, F.S.; deleting duties of the Workforce Estimating Conference with respect to certain career education programs; amending s. 1013.512, F.S.; requiring a recommendation by the Governor before placing certain school district funds in reserve; providing for references to the Working Capital Fund in certain appropriations and proviso language to be replaced with a reference to the General Revenue Fund; providing effective dates.

—was referred to the Committee on Ways and Means.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Governmental Oversight and Productivity; Banking and Insurance; and Senator Sebesta—

CS for CS for SB 304—A bill to be entitled An act relating to financial entities and transactions; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to adopt rules relating to obtaining such an accommodation; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 494.0029, F.S.; specifying criteria for receipt of certain applications; specifying that certain permits are not transferable or assignable; amending s. 494.00295, F.S.; revising provisions to specify continuing education for certain professions; amending s. 494.003, F.S.; clarifying application of an exemption from application of specified mortgage broker licensure requirements to certain entities; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; specifying criteria for receipt of applications; authorizing the commission or the Office of Financial Regulation to require specified information from certain applicants; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for fingerprinting services; specifying that certain licenses are not transferable or assignable; amending s. 494.0033, F.S.; clarifying requirements for mortgage broker licensure; authorizing the commission to waive certain examination requirements under specified circumstances; authorizing the commission to prescribe additional testing fees; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; specifying criteria for receipt of applications; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0034, F.S.; clarifying the commission's authorization to prescribe license renewal forms; amending s. 494.0036, F.S.; clarifying provisions relating to issuance of licenses to mortgage brokerage business branch offices; specifying criteria for receipt of certain applications; amending s. 494.0041, F.S.; specifying an additional ground for disciplinary action; amending s. 494.006, F.S.; clarifying the application of an exemption from mortgage lender licensure requirements to certain entities; amending s. 494.0061, F.S.; requiring licensure of mortgage lenders; specifying criteria for receipt of applications; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; specifying criteria for receipt of applications; authorizing the office to require applicants to provide certain information; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; requiring notice of a change in principal representatives; providing educational requirements for principal representatives; amending s. 494.0064, F.S.; clarifying a reference to professional continuing education for certain licensees; amending s. 494.0065, F.S.; specifying criteria for receipt of applications; specifying education and testing requirements for certain principal representatives and for certain applications or transfer applications; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; increasing a license transfer fee; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring mortgage lenders to designate a principal representative; providing criteria and requirements; requiring notice of a change in principal representatives; amending s. 494.0066, F.S.; clarifying licensure requirements for branch offices; amending s. 494.0067, F.S.; clarifying reference to professional continuing education requirements; amending s. 494.0072, F.S.; providing an additional ground for disciplinary action; amending s. 494.00721, F.S.; correcting cross-references; amending s. 501.137, F.S.; imposing certain costs and fees on a mortgage lender that fails to pay a property owner's tax or insurance premiums from an escrow account; amending s. 516.03, F.S.; specifying criteria for receipt of certain applications; providing that specified fees are nonrefundable; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to make rules relating to obtaining such an accommodation; amending s. 516.05, F.S.; deleting provisions relating to fees for licenses that have been denied; amending s. 516.07, F.S.; providing an additional ground for disciplinary action; amending s. 516.12, F.S.; authorizing the commission to prescribe minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 517.061, F.S.; revising provisions related to exempt transactions; amending ss. 517.051 and 517.081, F.S.; revising standards for accounting principles to be used in preparing certain financial statements; amending s. 517.12, F.S.; revising provisions for taking and submitting fingerprints of dealers, associated persons, and similarly situated persons; revising provisions relating to expiration and renewal of registration of such persons; providing an exemption from registration requirements for a Canadian dealer and an associated person who represents a Canadian dealer, under certain conditions; providing for notice filing by a Canadian dealer under certain conditions; authorizing the Office of Financial Regulation of the Financial Services Commission to issue a permit to evidence the effectiveness of a notice filing for a Canadian dealer; providing for the renewal of a notice filing by a Canadian dealer; providing for reinstatement of a notice filing; providing obligations for a Canadian dealer who has given notice of filing; providing obligations for an associated person representing a Canadian dealer who has given notice of filing; providing for the termination of a notice of filing; providing for the collection of fees; amending s. 517.131, F.S.; revising conditions under which recovery can be made from the Securities Guaranty Fund; amending s. 517.141, F.S.; prescribing circumstances under which a claimant must reimburse the fund; providing for rulemaking; amending s. 517.161, F.S.; providing an additional ground for revocation, restriction, or suspension of a registration; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; specifying criteria for receipt of certain applications; providing that certain fees are nonrefundable; amending s. 520.994, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; providing for rulemaking; amending s. 520.995, F.S.; providing an additional ground for disciplinary action; amending ss. 520.997 and 537.009, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recog-

nize alternative statutes of limitation for such destruction; providing for procedures; amending ss. 560.105 and 560.118, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for disciplinary action; amending s. 560.121, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; decreasing the required time period for the office to retain certain reports, records, applications, and related information; amending s. 560.126, F.S.; requiring notice of changes in information contained in a registration application; amending s. 560.205, F.S.; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; authorizing the commission to establish procedures for depositing fees and filing documents electronically; deleting a requirement that an applicant provide a list of certain vendors; requiring the reporting of certain changes of registration by written amendment; amending s. 560.207, F.S.; authorizing the commission to establish procedures for depositing fees and filing documents electronically; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; amending s. 560.210, F.S.; revising permissible investment requirements for certain registrants; amending ss. 560.211 and 560.310, F.S.; requiring notice to the office of the location of certain amended records; amending ss. 560.305 and 560.308, F.S.; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; authorizing the commission to establish procedures for depositing fees and filing documents electronically; amending s. 560.306, F.S.; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring the reporting of certain changes of registration by written amendment; specifying in general that accounting principles are those generally accepted in the United States; specifying commission authority by rules; amending s. 560.403, F.S.; revising requirements for giving notice of intent in connection with the renewal of registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a notice of intent; providing an effective date.

By the Committee on Education Appropriations; and Senator Alexander—

CS for SB 378—A bill to be entitled An act relating to higher education; amending s. 561.121, F.S.; eliminating provisions requiring an annual distribution of funds to Florida State University for a specified purpose; providing an effective date.

By the Committee on Education Appropriations; and Senator Alexander—

CS for SB 388—A bill to be entitled An act relating to student financial aid; amending ss. 1009.50, 1009.51, and 1009.52, F.S.; authorizing the deposit of funds appropriated by the Legislature for student financial assistance into the State Student Financial Assistance Trust Fund; amending s. 1009.89, F.S.; eliminating a requirement that funds appropriated for the William L. Boyd, IV, Florida Resident Access Grant Program be deposited into such trust fund; providing an effective date.

By the Committee on General Government Appropriations; and Senator Clary—

CS for SB 392—A bill to be entitled An act relating to the Water Quality Assurance Trust Fund; amending s. 376.307, F.S.; authorizing the Department of Environmental Protection to use certain funds for brownfield activities; providing an effective date.

By the Committee on General Government Appropriations; and Senator Clary—

CS for SB 394—A bill to be entitled An act relating to the enforcement of farm labor laws; amending s. 450.38, F.S.; requiring that moneys to enforce farm labor laws be transferred to the Professional Regulation Trust Fund from the Workers' Compensation Administration Trust Fund within the Department of Financial Services; authorizing the appropriation of moneys for such purpose; providing an effective date.

By the Committee on General Government Appropriations; and Senator Clary—

CS for SB 400—A bill to be entitled An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

By the Committee on Environmental Preservation; and Senator Dockery—

CS for SB 440—A bill to be entitled An act relating to water supply policy, planning, and production; creating part VII of ch. 373, F.S., relating to water supply policy, planning, and production; creating s. 373.701, F.S.; providing a declaration of policy; creating s. 373.703, F.S.; providing definitions; creating s. 373.705, F.S.; providing for the powers and duties of water management district governing boards; creating s. 373.707, F.S.; requiring the Department of Environmental Protection to develop the Florida water supply plan; providing components of the plan; requiring water management district governing boards to develop water supply plans for their respective regions; providing components of district water supply plans; creating s. 373.709, F.S.; providing legislative findings and intent with respect to water resource development and water supply development; requiring water management districts to fund and implement water resource development; specifying water supply development projects that are eligible to receive priority consideration for state or water management district funding assistance; creating s. 373.711, F.S.; providing legislative findings and intent with respect to alternative water supplies; requiring the governing boards of the water management districts where water resource caution areas have been designated to include in their annual budgets an amount for the development of alternative water supply systems; providing funding priority for projects; providing that governing boards are encouraged to establish revolving loan funds; providing requirements with respect to such revolving loan funds; providing legislative intent with respect to the development of rate structures by the appropriate rate-setting authorities for all water, wastewater, and reclaimed water and other alternative water supply utilities in the service area of a funded utility; specifying intended purposes of such rate structures; providing that funding assistance provided by the water management districts for a water reuse system project may include specified grant or loan conditions; providing requirements for eligibility for funding of projects; requiring specified written notice; providing for application of revenues; requiring governing boards to make written guidelines for disbursal of revenues available annually; providing components of such guidelines; requiring the governing board of each water management district to establish an alternative water supplies grants advisory committee to recommend to the governing board projects for funding; providing requirements with respect to revenues made available annually; defining "alternative water supplies"; providing that provisions governing alternative water supplies are not subject to the rulemaking requirements of the Administrative Procedures Act; requiring water management districts to submit annual reports accounting for the disbursal of all budget amounts; requiring the Florida Public Service Commission to allow entities under its jurisdiction constructing alternative water supply facilities to recover specified costs through their rate structure; providing that every component of an alternative water supply facility constructed by an investor-owned utility shall be recovered in current rates; creating s. 373.713, F.S.; requiring a water management district governing board

to conduct water supply planning for each region identified in the district water supply plan; providing procedures and requirements with respect to regional water supply plans; providing for joint development of a specified water supply development component of a regional water supply plan within the boundaries of the Southwest Florida Water Management District; providing that approval of a regional water supply plan is not subject to the rulemaking requirements of the Administrative Procedures Act; requiring the department to submit annual reports on the status of regional water supply planning in each district; providing construction with respect to the water supply development component of a district water management plan; creating s. 373.715, F.S.; requiring the water management districts to assist local governments in the development and future revision of local government comprehensive plan elements or public facilities reports related to water resource issues; requiring each water management district to prepare and provide information and data to assist local governments in the preparation and implementation of local government comprehensive plans or public facilities reports; creating s. 373.717, F.S.; providing for the creation of regional water supply authorities; providing purpose of such authorities; specifying considerations with respect to the creation of a proposed authority; specifying authority of a regional water supply authority; providing authority of specified entities to convey title, dedicate land, or grant land-use rights to a regional water supply authority for specified purposes; providing preferential rights of counties and municipalities to purchase water from regional water supply authorities; providing exemption for specified water supply authorities from consideration of certain factors and submissions; providing applicability of such exemptions; creating s. 373.719, F.S.; authorizing the West Coast Regional Water Supply Authority and its member governments to reconstitute the authority's governance and rename the authority under a voluntary interlocal agreement; providing compliance requirements with respect to the interlocal agreement; providing for supersession of conflicting general or special laws; providing requirements with respect to annual budgets; specifying the annual millage for the authority; authorizing the authority to request the governing board of the district to levy ad valorem taxes within the boundaries of the authority to finance authority functions; providing requirements and procedures with respect to the collection of such taxes; amending ss. 120.52, 163.3167, 163.3177, 163.3191, 186.009, 189.404, 189.4155, 189.4156, and 367.021, F.S.; conforming cross-references; amending s. 373.019, F.S.; revising definitions; amending ss. 373.0421, 373.0695, 373.223, 373.2234, 373.229, 373.421, 373.536, 373.59, 378.212, 378.404, 403.031, 403.813, 403.0891, 556.102, 682.02, F.S.; conforming cross-references; repealing s. 373.036, F.S., relating to Florida water and district water management plans; repealing s. 373.0361, F.S., relating to regional water supply planning; repealing s. 373.0391, F.S., relating to technical assistance to local governments; repealing s. 373.0831, F.S., relating to water resource and water supply development; repealing s. 373.196, F.S., relating to legislative findings; repealing s. 373.1961, F.S., relating to water production; repealing s. 373.1962, F.S., relating to regional water supply authorities; repealing s. 373.1963, F.S., relating to assistance to the West Coast Regional Water Supply Authority; providing an effective date.

By the Committees on Commerce and Consumer Services; Regulated Industries; and Senator Bennett—

CS for CS for SB 590—A bill to be entitled An act relating to mold assessment and mold remediation; creating pt. IV of ch. 489, F.S.; providing legislative purpose; providing exemptions; defining terms; providing for fees relating to licensure of mold assessors and mold remediators; providing for licensure examinations; requiring good moral character; providing prerequisites to licensure; providing for the licensure of business organizations; providing for qualifying agents; providing for fees; providing responsibilities of primary and secondary qualifying agents and of financially responsible officers; establishing requirements for continuing education; requiring that the Construction Industry Licensing Board approve training courses and training providers for mold assessors and mold remediators; providing for assessing penalties; providing for renewal of licensure; providing for rulemaking; providing for reactivation of licensure; providing for disciplinary proceedings; establishing prohibitions; providing penalties; allowing the board to provide, by rule, for multiple services; providing presumptions in civil actions against persons or entities licensed under the act; providing severability; amending s. 489.107, F.S.; adding to the board a member who is a mold assessor or mold remediator; providing an appropriation and authorizing positions; providing an effective date.

By the Committee on Criminal Justice; and Senator Campbell—

CS for SB 646—A bill to be entitled An act relating to youthful offenders; amending ss. 958.045 and 958.11, F.S.; revising sentencing provisions for juvenile offenders who violate the terms of their probation; revising references to obsolete offices within the Department of Corrections relating to youthful offenders; providing an effective date.

By the Committee on Banking and Insurance; and Senator Carlton—

CS for SB 660—A bill to be entitled An act relating to assets held in benefit plans; amending s. 222.21, F.S.; exempting certain tax-exempt funds or accounts from legal process in favor of creditors; amending s. 222.22, F.S.; exempting from legal process in favor of creditors or other claimants assets held in qualified tuition programs, in certain health savings accounts and medical savings accounts, in Coverdell education savings accounts, or in hurricane savings accounts; defining the term "hurricane savings account"; amending s. 710.102, F.S.; redefining the term "benefit plan," and defining the term "qualified minor's trust," as used in the Florida Uniform Transfers to Minors Act; amending s. 710.104, F.S.; including benefit plans in the types of property that a custodian may be named to receive on behalf of a minor; amending s. 710.108, F.S.; allowing a benefit plan to be transferred to a custodian of a minor who does not have a conservator by an obligor of the minor; amending s. 710.116, F.S.; allowing a minor's custodian, without court order, to transfer custodial property to a qualified minor's trust; providing implications of the transfer; amending s. 733.808, F.S.; providing for the disposition of benefits under a benefit plan after the death of an owner of or participant in the plan; amending s. 744.301, F.S.; providing for the parents or natural guardians of a minor child to collect, receive, manage, and dispose of and make elections regarding the proceeds of an annuity contract payable to a minor child or of a benefit plan of which the minor is a beneficiary, participant, or owner, without appointment, authority, or bond, if the proceeds equal less than a specified maximum amount; providing an effective date.

By the Committee on Community Affairs; and Senators Argenziano and Haridopolos—

CS for SB 716—A bill to be entitled An act relating to agricultural economic development; amending s. 70.001, F.S.; providing a cause of action for landowners aggrieved by certain changes to agricultural land use; amending s. 163.2514, F.S.; defining the terms "agricultural enclave" and "family farm agricultural enclave" for purposes of growth policy; amending s. 163.2517, F.S.; authorizing the owner of land defined as an agricultural enclave or a family farm agricultural enclave to apply for an amendment to the local government comprehensive plan; providing requirements relating to application for a comprehensive plan amendment; providing for the granting of amendment upon the failure to act in a timely fashion; amending s. 163.3177, F.S.; requiring land use plans to establish appropriate uses of lands in agricultural enclaves; amending acreage limits for rural land stewardship areas; requiring the department to obtain written agreements from landowners; amending s. 163.3187, F.S.; providing that an amendment to an agricultural enclave comprehensive plan or an amendment to a large scale comprehensive plan adopted as a result of informal mediation may be approved without regard to statutory frequency limits; creating s. 259.047, F.S.; providing requirements relating to the purchase of land on which an agricultural lease exists; amending s. 373.0361, F.S.; providing for recognition that alternative water-source options for agricultural self-suppliers are limited; amending s. 373.2234, F.S.; conforming a cross-reference; amending s. 373.236, F.S.; requiring water management districts to inform landowners of the option to obtain certain consumptive use permits; creating s. 373.407, F.S.; providing for memoranda of agreement regarding qualification for agricultural-related exemptions; providing an effective date.

By the Committee on Regulated Industries; and Senator Baker—

CS for SB 750—A bill to be entitled An act relating to talent agencies and advance-fee talent services; repealing part VII of ch. 468, F.S., relating to the regulation of talent agencies; providing definitions; requiring each talent agency and advance-fee talent service to obtain a

surety bond for a specified amount; requiring each talent agency and advance-fee talent service to give each artist a copy of the bond; providing criminal penalties for failing to comply with the bonding requirements; requiring each talent agency and advance-fee talent service to maintain a permanent office during certain specified hours; directing that certain records, with specified information in them, be kept for each artist; requiring that records be maintained for a specified period; directing that all records of a talent agency and advance-fee talent service be open to the inspection of a state attorney; requiring that the talent agency or advance-fee talent service give the state attorney a copy of the records when so requested; providing criminal penalties if the talent agency or advance-fee talent service fails or refuses to disclose information to a state attorney; providing criminal penalties for failing to comply with the requirements pertaining to records; directing a talent agency or advance-fee talent service to post an itemized schedule of maximum fees, charges, or commissions that it intends to charge and collect for its services; providing for the location for posting of the schedule; providing criminal penalties for failing to post the fee schedule; requiring that an artist and a talent agency or advance-fee talent service enter into a written contract when such entity agrees to perform services for the artist; providing an exception under specified circumstances; providing for the content of the written contract; requiring that a talent agency or advance-fee talent service provide each artist with a copy of the contract; requiring any person who holds himself or herself out as an employee or agent of a talent agency or advance-fee talent service to meet level 1 screening requirements; directing that a talent agency or advance-fee talent service provide each artist with a copy of the level 1 screening; requiring that the screening be completed within a specified period; directing that all money collected by a talent agency from an employer or buyer be paid to the artist within a specified period; providing that a contract is voidable under certain circumstances; permitting an artist to cancel a contract by giving written notice of the cancellation to the talent agency or advance-fee talent service within a specified period; prohibiting an artist from waiving the right to cancel a contract; providing the way in which a talent agency or advance-fee talent service must refund money to an artist; providing criminal penalties for violating provisions relating to contracting; specifying certain prohibited acts by a talent agency or advance-fee talent service; providing criminal penalties for failure to comply; providing for certain specified civil remedies for violations of the act; removing the authority of the Department of Business and Professional Regulation to regulate talent agencies; providing for the use of certain funds after the effective date of the act; requiring the department to rebate talent agency license fees; authorizing the department to continue to prosecute any legal proceedings and related administrative cases that are pending on the effective date of the act; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Lawson, Argenziano, Campbell and Rich—

CS for SB 778—A bill to be entitled An act relating to per diem and travel expenses; amending s. 112.061, F.S.; establishing per diem, subsistence, and mileage rates for travel expenses of public employees; conforming provisions and deleting obsolete provisions; providing for future adjustments of such rates; providing an effective date.

By the Committee on Regulated Industries; and Senators Haridopolos and Lynn—

CS for SB 794—A bill to be entitled An act relating to alcoholic beverages; creating s. 562.61, F.S.; providing a definition of the term "alcohol-vaporizing devices"; prohibiting the sale, purchase, or use of machines or devices which vaporize alcohol; providing penalties; providing a fine; creating s. 563.09, F.S.; permitting certain licensees to conduct malt beverage tastings; providing an effective date.

By the Committee on Regulated Industries; and Senator Argenziano—

CS for SB 1016—A bill to be entitled An act relating to construction contracting; amending s. 255.05, F.S.; making certain restrictions in bonds issued for public works projects unenforceable; amending ss. 489.129 and 489.533, F.S.; increasing an administrative fine under certain disciplinary proceeding provisions; amending s. 713.015, F.S.; revising a direct contract provision requirement; providing that failure to include such provision in such contracts limits certain lien rights under the contract; providing construction relating to validity and enforceability; preserving lien rights of certain persons; amending s. 713.02, F.S.; protecting the rights of certain persons to enforce certain contract, lien, or bond remedies or contractual obligations under certain circumstances; precluding certain defenses; amending s. 713.04, F.S.; revising certain final payment requirements; amending s. 713.08, F.S.; requiring a claim of lien to be served on an owner; amending s. 713.13, F.S.; revising provisions authorizing use of certain payment bonds to transfer certain recorded liens; specifying application of certain notice requirements to certain claims; revising time limits for serving certain required notices; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; providing construction; amending s. 713.24, F.S.; preserving jurisdiction in the county court over certain transfer bond claims for nonpayment; preserving certain lien rights when filing a transfer bond after commencing certain lien enforcement proceedings; amending s. 713.345, F.S.; increasing certain criminal penalties for misapplication of construction funds; amending s. 713.3471, F.S.; revising a provision requiring a lender to provide notice to a borrower when making a disbursement on a construction loan secured by residential property; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Argenziano—

CS for SB 1144—A bill to be entitled An act relating to public records and public meetings; amending s. 119.01, F.S.; clarifying general state policy on public records; amending s. 119.07, F.S.; conforming cross-references; making editorial and conforming changes; transferring exemptions from public-records requirements under that section to indicated sections of Florida Statutes; amending s. 119.071, F.S.; transferring exemptions from public-records requirements under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classifications of "Agency Administration," "Agency Investigations," "Security," "Agency Personnel Information," and "Other Personal Information"; making editorial and conforming changes; transferring and amending s. 119.0721, F.S.; transferring exemptions provided for social security numbers to s. 119.071, F.S.; making editorial and conforming changes; deleting obsolete provisions; creating s. 119.0711, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Executive Branch Agency Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; creating s. 119.0712, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Executive Branch Agency-Specific Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; creating s. 119.0713, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Local Government Branch Agency Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; amending s. 119.15, F.S.; revising standards and guidelines for the review and repeal of exemptions from public-records and public-meetings requirements pursuant to the Open Government Sunset Review Act; making editorial and conforming changes; creating s. 112.31891, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Investigatory Records"; making editorial and conforming changes; creating s. 27.7081, F.S.; transferring provisions relating to capital postconviction public records production under s. 119.19, F.S., to that section; amending ss. 27.708, 101.5607, 112.533, 119.011, 286.0113, 287.0943, 320.05, 322.20, 338.223, 401.27, 409.2577, 633.527, 794.024, and 1007.35, F.S.; conforming cross-references; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Argenziano—

CS for SB 1146—A bill to be entitled An act relating to purchasing and procurement; providing definitions; authorizing the Department of Management Services to establish the Center for Efficient Government; providing for the powers and duties of the center; prescribing duties of a state agency before a service may be outsourced; requiring agencies to

do a business case analysis; specifying the requirements for the analysis; requiring that an agency submit the proposed business case with the agency's legislative budget request; prescribing the process for approval if the outsourcing is not included in the agency's approved operating budget; prohibiting an agency from privatizing a service without specific legislative authorization; prescribing contract requirements for a contract that meets or exceeds a specified threshold amount; authorizing a contract to include certain incentives; providing requirements for a contract that exceeds $1 million in value; providing a process for a state agency to submit to the Executive Office of the Governor certain contract amendments for approval; requiring approval of the Administration Commission under certain circumstances; creating s. 215.4211, F.S.; authorizing the Chief Financial Officer to review contracts for state agencies; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing an appropriation; providing restrictions on contractor supervision of state employees; providing restrictions on contractor involvement in state procurement; providing an effective date.

By the Committee on Ethics and Elections; and Senators Sebesta and Clary—

CS for SJR's 1210 and 1362—A joint resolution proposing an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution, relating to qualifications of candidates for public office, to increase the time a person may serve as state senator or state representative before being disqualified from a consecutive candidacy.

By the Committee on Community Affairs; and Senator Lynn—

CS for SB 1232—A bill to be entitled An act relating to wind-protection provisions of the Florida Building Code; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; providing an appropriation; providing for incorporation in the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; requiring the Florida Building Commission to make recommendations to the Legislature; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Saunders—

CS for SB 1372—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; changing the term "television series" to "television programming" for purposes of the definition of the term "entertainment industry" in provisions establishing the Office of Film and Entertainment within the Office of Tourism, Trade, and Economic Development; amending s. 288.1254, F.S.; revising a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; revising definitions; revising application procedures and requirements; revising application approval provisions; revising reimbursement eligibility criteria and requirements; revising limits on reimbursement; revising the due date for the annual report to be submitted to the Governor and the Legislature; providing an effective date.

By the Committee on Domestic Security; and Senator Diaz de la Portilla—

CS for SB 1416—A bill to be entitled An act relating to public meetings and records; creating s. 943.0314, F.S.; providing that portions of meetings of the Domestic Security Oversight Council are exempt from the public-meetings law if information is discussed which concerns active criminal investigations or intelligence activities; requiring that the chair of the council disclose the reason for closing a meeting of the council; requiring that the closed session be recorded; providing that a recording or the minutes and notes generated during a closed meeting are exempt from the public-records law until the investigation or intelligence ceases to be active; specifying those persons who are authorized to attend a closed meeting of the council; providing for future repeal and legislative review under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Banking and Insurance; and Senator Baker—

CS for SB 1432—A bill to be entitled An act relating to insurance administrators; amending s. 626.88, F.S.; redefining the term "administrator" and defining the terms "affiliate," "control," and "GAAP"; amending s. 626.8805, F.S.; requiring additional information to accompany an application for a certificate of authority to act as an administrator; amending s. 626.8817, F.S.; detailing the responsibilities of an insurance company in its dealings with an administrator; amending s. 626.89, F.S.; prescribing information that must be submitted in an administrator's annual report; authorizing the Financial Services Commission to require electronic submission of annual reports; creating s. 626.8991, F.S.; authorizing the commission to adopt rules; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Children and Families; and Senators Campbell and Margolis—

CS for CS for SB 1476—A bill to be entitled An act relating to the Department of Children and Family Services; providing legislative intent with respect to establishing a structure by which the department shall monitor and manage contracts with external service providers; providing definitions; requiring the department to competitively procure certain commodities and contractual services; requiring the department to allow all public postsecondary institutions to bid on contracts intended for any public postsecondary institution; authorizing the department to competitively procure and contract for systems of treatment or service that involve multiple providers; providing requirements if other governmental entities contribute matching funds; requiring that an entity providing matching funds must comply with certain procurement procedures; authorizing the department to independently procure and contract for treatment services; requiring that the department develop a validated business case before outsourcing any service or function; providing requirements for the business case; requiring that the validated business case be submitted to the Legislature for approval; requiring that a contractual service that has previously been outsourced be subject to the requirements for a validated business case; requiring that a procurement of contractual services equal to or in excess of the threshold amount for CATEGORY FIVE comply with specified requirements, including a scope of work and performance standards; authorizing the department to adopt incremental penalties by rule; authorizing the department to include cost-neutral, performance-based incentives in a contract; requiring that a contract in excess of $1 million be negotiated by a contract negotiator who is certified according to standards established by the Department of Management Services; limiting circumstances under which the department may amend a contract; requiring that a proposed contract amendment be submitted to the Executive Office of the Governor for approval; requiring approval of a contract amendment by the Administration Commission under certain circumstances; requiring the department to verify that contractual terms have been satisfied before renewing a contract; requiring certain documentation; requiring the department to develop, in consultation with the Department of Management Services, contract templates and guidelines; requiring that the department establish a contract-management process; specifying the requirements for and components of the contract-management process; providing requirements for resolving performance deficiencies and terminating a contract; requiring a corrective-action plan under certain circumstances; requiring the department to develop standards of conduct and disciplinary actions; requiring that the department establish contract-monitoring units and a contract-monitoring process; requiring written reports; requiring on-site visits for contracts involving the provision of direct client services; requiring the department to make certain documents available to the Legislature; requiring the department to create an electronic database to store the documents; amending s. 402.73, F.S.; requiring the Agency for Persons with Disabilities to implement systems to ensure quality and fiscal integrity of programs in the developmental services Medicaid waiver system; providing an exemption for health services from competitive bidding requirements; amending s. 409.1671, F.S.; conforming provisions to changes made by the act;

requiring that the Office of Program Policy Analysis and Government Accountability conduct two reviews of the contract-management and accountability structures of the department and report to the Legislature and the Auditor General; repealing s. 402.72, F.S., relating to contract-management requirements for the Department of Children and Family Services; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Argenziano—

CS for SB 1494—A bill to be entitled An act relating to information technology management; providing legislative intent that each state agency use a governance process and structure for managing its information technology operations and investments in order to ensure alignment with the business needs and policy requirements of the agency; providing definitions; providing a governance process for information technology which includes management of the agency's information technology portfolio along with project management; specifying the purpose of information technology portfolio management; requiring each agency to submit its approved information technology portfolio as part of its final legislative budget request; requiring that agencies implement and administer a project management methodology; providing requirements for project plans; requiring each agency to incorporate the operational work plans and project status reports based on requirements in the General Appropriations Act; requiring that each agency implement an operational governance structure that establishes an agency information technology investment management board; providing for membership of the board; providing for meetings and staffing of the board; specifying the responsibilities of the agency information technology investment management boards; amending s. 20.22, F.S.; renaming an office within the Department of Management Services; amending ss. 20.23, 20.255, and 110.191, F.S.; conforming cross-references; repealing s. 110.205(2)(e) and (w), F.S., relating to personnel of the State Technology Office; amending s. 186.022, F.S.; providing for review of information technology plans of the Financial Management Information Board, the Criminal Juvenile Justice Information Systems Council, and the Health Information Systems Council by the Executive Office of the Governor rather than the State Technology Office; amending s. 216.013, F.S.; revising provisions governing review of agency program plans by the Executive Office of the Governor; amending s. 216.0446, F.S.; revising the responsibilities of the Legislature's Technology Review Workgroup; repealing s. 216.292(1)(c), F.S., relating to transfer of positions or appropriations for fiscal year 2001-2002; amending s. 282.0041, F.S.; revising definitions; amending s. 282.005, F.S.; transferring responsibilities relating to information technology from the State Technology Office to each agency head or to the Department of Management Services; amending s. 282.102, F.S.; eliminating the State Technology Office and transferring responsibilities of the office to the Department of Management Services; revising various responsibilities relating to information technology; amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S.; transferring responsibilities relating to the SUNCOM Network from the State Technology Office to the Department of Management Services; amending ss. 282.1095 and 282.111, F.S.; transferring responsibilities relating to various law enforcement radio systems from the office to the department; amending s. 282.20, F.S.; transferring responsibilities relating to the Technology Resource Center from the office to the department; amending s. 282.21, F.S.; transferring authorization to collect fees for provision of remote electronic access services from the office to the department; amending s. 282.22, F.S.; transferring responsibilities relating to production, dissemination, and ownership of various materials or products from the office to the department; repealing s. 282.23, F.S., relating to the State Strategic Information Technology Alliance; amending s. 282.3031, F.S.; deleting provisions assigning responsibility for information resources management to the State Technology Office; repealing s. 282.3055, F.S., relating to personnel of the State Technology Office; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; transferring responsibilities relating to the Agency Chief Information Officers Council from the State Technology Office to the Department of Management Services; specifying an additional responsibility; amending s. 282.318, F.S.; transferring various responsibilities relating to security of data and information technology resources from the State Technology Office to each agency head or the Department of Management Services; amending s. 282.322, F.S.; deleting provisions relating to information technology projects identified as high-risk; amending s. 287.042, F.S.; transferring responsibilities from the State Technology Office to the Department of Management Services; deleting provisions requiring consultation between the department and the office; repealing s. 287.057(24), F.S., relating to strategic information technology alliances; amending s. 402.731, F.S.; conforming a cross-reference; amending s. 445.049, F.S.; transferring responsibilities relating to the Digital Divide Council from the State Technology Office to the Department of Management Services or the secretary of the department; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Lynn—

CS for SB 1520—A bill to be entitled An act relating to consumer protection; amending s. 493.6303, F.S.; revising training requirements for obtaining a Class "D" license; requiring a minimum number of hours of training in terrorism awareness or other training prescribed by the Department of Agriculture and Consumer Services; providing a timeframe for submitting proof of having completed the training; revising the number of training hours required; amending s. 501.059, F.S.; prohibiting the transmission of facsimile documents under certain circumstances; providing for attorney's fees and for the recovery of certain litigation expenses by the department and the Department of Legal Affairs; repealing ss. 546.001, 546.002, 546.003, 546.004, 546.006, and 546.008, F.S., relating to the "Amusement Ride and Attraction Insurance Act"; amending s. 559.801, F.S.; redefining the term "business opportunity" for purposes of the "Sale of Business Opportunities Act"; amending s. 559.920, F.S.; redefining actions by motor vehicle repair shops or employees which are unlawful; amending s. 559.927, F.S.; defining the term "travel club" for the purpose of part XI of ch. 559, F.S., relating to sellers of travel; amending s. 559.928, F.S.; revising information to be submitted for registration as a seller of travel and information submitted by independent agents; requiring the payment of an annual fee; amending s. 616.242, F.S.; deleting provisions authorizing the owner of an amusement ride to maintain liability protection in the form of a surety bond; exempting certain governmental entities from a requirement to maintain liability protection covering amusement rides; amending s. 849.094, F.S.; redefining the term "operator" for purposes of the regulation of game promotions; providing requirements relating to disclosure of the rules and regulations of a game promotion; increasing the annual filing fee; directing the State Technology Office to integrate additional features into the state's official Internet website; directing the State Technology Office to integrate information concerning the Florida 211 Network into the state's official Internet website; amending s. 570.544, F.S.; designating the Division of Consumer Services within the Department of Agriculture and Consumer Services as the state clearinghouse for matters relating to consumer protection, consumer information, and consumer services; deleting reporting requirements; amending s. 496.405, F.S.; increasing registration fees for charitable organizations; amending s. 501.015, F.S.; increasing health studios' registration fees; repealing s. 559.904(5), F.S., which provides an exemption from registration fees for motor vehicle repair shops in specified jurisdictions; providing appropriations and authorizing additional positions; providing effective dates.

By the Committee on Community Affairs; and Senators Haridopolos, Pruitt, Villalobos, Baker, Fasano, Atwater, Bennett, Clary, Saunders, Lynn, Sebesta, Jones, Wise, Alexander, Webster, King, Posey, Peaden, Constantine, Diaz de la Portilla, Argenziano and Crist—

CS for SB 1592—A bill to be entitled An act relating to the Department of Military Affairs; amending s. 250.01, F.S.; defining the term "servicemembers' group life insurance"; creating s. 250.342, F.S.; requiring the department to provide life insurance for members of the Florida National Guard, subject to appropriation; requiring a report; creating s. 250.5206, F.S.; requiring the Department of Military Affairs to establish the Family Readiness Program; stating that the purpose of the program is to provide need-based assistance to families of specified members of the Florida National Guard who are on active duty; providing that implementation of the program is subject to appropriations expressly provided for the program; specifying uses of the funds; specifying services for which the funds may be used; providing criteria for program eligibility; providing for a review of requests for assistance under the program;

creating a Family Readiness Advisory Board; providing for membership of the board; providing that the Adjutant General or the Adjutant General's designee has the authority to disburse program funds; providing for periodic audits of the program; requiring the department to provide an annual report to the Governor and the Legislature; authorizing the department to adopt rules; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Dockery—

CS for SB 1598—A bill to be entitled An act relating to enterprise zones; creating s. 290.00710, F.S.; authorizing the City of Lakeland to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; creating s. 290.0073, F.S.; authorizing Indian River County, the City of Vero Beach, and the City of Sebastian to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone in Indian River County; providing requirements with respect thereto; requiring the office to establish the initial effective date of the enterprise zone; providing an effective date.

By the Committee on Commerce and Consumer Services—

CS for SB 1684—A bill to be entitled An act relating to consumer services; directing the State Technology Office to integrate additional features into the state's official Internet website; directing the State Technology Office to integrate information concerning the Florida 211 Network into the state's official Internet website; amending s. 570.544, F.S.; designating the Division of Consumer Services within the Department of Agriculture and Consumer Services as the state clearinghouse for matters relating to consumer protection, consumer information, and consumer services; deleting reporting requirements; amending s. 496.405, F.S.; increasing registration fees for charitable organizations; amending s. 501.015, F.S.; increasing health studios' registration fees; repealing s. 559.904(5), F.S., which provides an exemption from registration fees for motor vehicle repair shops in specified jurisdictions; amending s. 559.928, F.S.; requiring registration fees for independent agents of sellers of travel; amending s. 849.094, F.S.; increasing a filing fee for operators of a game promotion; providing appropriations and authorizing additional positions; providing effective dates.

By the Committee on Education—

CS for SB 1710—A bill to be entitled An act relating to charter schools; amending s. 218.39, F.S.; requiring that a charter school be notified of certain deteriorating financial conditions; amending s. 218.50, F.S.; providing a short title; amending s. 218.501, F.S.; revising the statement of purpose; amending s. 218.503, F.S.; providing for charter schools to be subject to provisions governing financial emergencies; amending s. 1002.32, F.S.; clarifying that charter laboratory schools are included within provisions governing other developmental research schools; deleting obsolete provisions; amending s. 1002.33, F.S.; requiring sponsors of charter schools to implement specified policies and procedures by the effective date of the act; providing additional obligations of the sponsor; revising requirements for the sponsor in monitoring a charter school; requiring that the sponsor conduct an annual review of the charter school; requiring that the director and representative of the school's governing board appear before the sponsor under certain circumstances; providing duties of the chief executive officer of the sponsor; requiring that a charter school review its achievement after its first full year of operation and propose revisions to the charter for consideration by the district school board; requiring that the Department of Education conduct an annual survey of the governing boards of charter schools and report the results to the State Board of Education; revising application requirements; prohibiting a sponsor from approving an application unless it meets the requirements of the State Board of Education; requiring that the district school board notify the Department of Education of a denial of a charter application; deleting provisions providing for the review of certain disputes by the Charter School Appeal Commission; requiring that the department offer or arrange for training and technical assistance for applicants; decreasing the period provided for an applicant and sponsor to agree on the provisions of the charter; providing requirements for mediation; providing requirements for the application for a charter school; revising provisions specifying issues for inclusion in a charter; providing duties of the governing board of a charter school with respect to an annual financial audit and monitoring compliance with a corrective-action plan; specifying circumstances under which the sponsor is required to not renew or to terminate the charter; providing requirements for the sponsor if the charter is terminated; requiring applicants for a charter school to register with the Department of Education; requiring that the department maintain certain information concerning charter schools; requiring the department to develop an annual financial report for use by charter schools, along with guidelines; providing reporting and monitoring requirements for the governing body of a charter school; providing membership requirements for the governing board of a charter school; providing qualifications; providing quorum requirements; prohibiting conflicts of interest; providing for terms of office; requiring a minimum of quarterly meetings; authorizing the State Board of Education to adopt rules and enforce the provisions governing charter schools; requiring that the department provide or arrange for the provision of specified assistance to potential applicants, sponsors, charter schools, and school district personnel; deleting provisions establishing the Charter School Review Panel; requiring the department to develop financial-management indicators for use by sponsors; requiring the department to include information concerning schools at risk in an annual report; amending s. 1011.68, F.S.; providing that an isolated student who attends a charter school governed by a community college generates school transportation funding according to a specified formula; authorizing a community college board of trustees to pay for transportation of students in private passenger cars under certain circumstances; providing an effective date.

By the Committee on Commerce and Consumer Services—

CS for SB 1770—A bill to be entitled An act relating to the Florida Enterprise Zone Act; amending s. 290.001, F.S.; revising the name of the act; amending s. 290.004, F.S.; deleting obsolete definitions; amending s. 290.0055, F.S.; revising procedures for counties or municipalities to nominate an area for designation as a new enterprise zone; deleting obsolete provisions; removing the authority for certain counties to nominate more than one enterprise zone; revising criteria for eligibility of an area for nomination by certain local governments for designation as an enterprise zone; revising procedures and requirements for amending enterprise zone boundaries; amending s. 290.0056, F.S.; deleting a requirement that a governing body appoint the board of an enterprise zone development agency by ordinance; revising requirements for making such appointments; deleting a requirement that a certificate of appointment of a board member be filed with the clerk of the county or municipality; deleting the requirement that an annual report by a board be published and available for inspection in the office of the municipal or county clerk; revising the powers and responsibilities of an enterprise zone development agency; providing additional responsibilities; revising certain reporting requirements; amending s. 290.0057, F.S.; specifying application of enterprise zone development plan requirements only to designations of new enterprise zones; amending s. 290.0058, F.S.; updating obsolete references; revising requirements for determining pervasive poverty in an area nominated as a rural enterprise zone; providing an exception for areas nominated for designation as a rural enterprise zone; amending s. 290.0065, F.S.; establishing the maximum number of enterprise zones allowed, subject to any new zones authorized by the Legislature; revising the procedure for designating a new enterprise zone if an existing zone is not redesignated; deleting a requirement that an application for designation as an enterprise zone be categorized by population; deleting obsolete provisions; authorizing the office to redesignate enterprise zones having an effective date on or before January 1, 2005; providing requirements and procedures; authorizing a governing body to request enterprise zone boundary changes; requiring the office to determine, in consultation with Enterprise Florida, Inc., the merits of enterprise zone redesignations; providing criteria; providing for an enterprise zone redesignation approval procedure; prohibiting an entity having jurisdiction over an area denied redesignation as an enterprise zone from reapplying for redesignation for 1 year; providing a redesignation procedure for zones authorized in conjunction with certain federal acts; providing requirements for an application for redesignation; deleting obsolete provisions; amending s. 290.0066, F.S.; providing that failure to make progress or failure to comply with measurable goals may be considered as grounds for revocation of an enterprise zone designation; amending s. 290.012, F.S.; providing a transition date that provides for

a zone having an effective date on or before January 1, 2005, to continue to exist until December 21, 2005, and to expire on that date; requiring any zone designated or redesignated after January 1, 2006, to be designated or redesignated in accordance with the Florida Enterprise Zone Act; amending s. 290.014, F.S., to conform; amending s. 290.016, F.S.; delaying the repeal of the Florida Enterprise Zone Act; amending s. 163.345, F.S., to conform; amending ss. 166.231, 193.077, 193.085, 195.073, 196.012, 205.022, 205.054, and 212.02, F.S.; extending expiration dates with respect to various tax exemptions to conform provisions to changes made by the act; amending s. 212.08, F.S.; revising the procedures for applying for a tax exemption on building materials used to rehabilitate property located in an enterprise zone; deleting a limitation on claiming exemptions through a refund of previously paid taxes; extending an expiration date for the exemption; lowering the purchase threshold for an exemption for business property used in an enterprise zone from $5,000 per unit to $500 per item; extending an expiration date for the exemption; deleting obsolete provisions governing the community contribution tax credit for donations, to conform; extending the expiration date of the tax credit for electrical energy used in an enterprise zone, to conform; amending s. 212.096, F.S.; extending the expiration date for the enterprise zone jobs tax credit, to conform; amending ss. 220.02 and 220.03, F.S.; extending the expiration date of the enterprise zone jobs tax credit against corporate income tax to conform to changes made by the act; revising definitions to extend the expiration date of the credit to conform; amending s. 220.181, F.S.; extending the expiration date of the tax credit, to conform; amending s. 220.182, F.S.; extending the expiration date of the enterprise zone property tax credit, to conform; amending s. 288.1175, F.S., to conform; amending s. 370.28, F.S.; providing that an enterprise zone having an effective date on or before January 1, 2005, shall continue to exist until December 21, 2005, and shall expire on that date; requiring that an enterprise zone in a community affected by net limitations which is redesignated after January 1, 2006, do so in accordance with the Florida Enterprise Zone Act; repealing s. 290.00555, F.S., relating to the designation of a satellite enterprise zone; repealing s. 290.0067, F.S., relating to an enterprise zone in Lake Apopka; repealing s. 290.00675, F.S., relating to a boundary amendment for the City of Brooksville in Hernando County; repealing s. 290.00676, F.S., relating to an amendment of certain rural enterprise zone boundaries; repealing s. 290.00678, F.S., relating to a designation of rural champion communities as enterprise zones; repealing s. 290.00679, F.S., relating to amendments to certain rural enterprise zone boundaries; repealing s. 290.0068, F.S., relating to the designation of an enterprise zone encompassing a brownfield pilot project; repealing s. 290.00685, F.S., relating to an application to amend boundaries of an enterprise zone containing a brownfield pilot project; repealing s. 290.00686, F.S., relating to the designation of enterprise zones in Brevard County and the City of Cocoa; repealing s. 290.00687, F.S., relating to the designation of an enterprise zone in Pensacola; repealing s. 290.00688, F.S., relating to the designation of an enterprise zone in Leon County; repealing s. 290.00689, F.S., relating to the designation of a pilot project in an enterprise zone; repealing s. 290.0069, F.S., relating to the designation of an enterprise zone in Liberty County; repealing s. 290.00691, F.S., relating to the designation of an enterprise zone in Columbia County and Lake City; repealing s. 290.00692, F.S., relating to the designation of an enterprise zone in Suwannee County and Live Oak; repealing s. 290.00693, F.S., relating to the designation of an enterprise zone in Gadsden County; repealing s. 290.00694, F.S., relating to the designation of an enterprise zone in Sarasota County and Sarasota; repealing s. 290.00695, F.S., relating to the designation of enterprise zones in Hernando County and Brooksville; repealing s. 290.00696, F.S., relating to the designation of an enterprise zone in Holmes County; repealing s. 290.00697, F.S., relating to the designation of an enterprise zone in Calhoun County; repealing s. 290.00698, F.S., relating to the designation of an enterprise zone in Okaloosa County; repealing s. 290.00699, F.S., relating to the designation of an enterprise zone in Hillsborough County; repealing s. 290.00701, F.S., relating to the designation of an enterprise zone in Escambia County; repealing s. 290.00702, F.S., relating to the designation of enterprise zones in Osceola County and the City of Kissimmee; repealing s. 290.00703, F.S., relating to the designation of an enterprise zone in South Daytona; repealing s. 290.00704, F.S., relating to the designation of an enterprise zone in Lake Wales; repealing s. 290.00705, F.S., relating to the designation of an enterprise zone in Walton County; repealing s. 290.00706, F.S., relating to the designation of enterprise zones in Miami-Dade County and the City of West Miami; repealing s. 290.00707, F.S., relating to the designation of an enterprise zone in Hialeah; repealing s. 290.00708, F.S., relating to a boundary amendment in an enterprise zone within a consolidated government; repealing s. 290.00709, F.S., relating to a boundary amendment in an enterprise zone within an inland county; repealing s. 290.009, F.S., relating to the Enterprise Zone Interagency Coordinating Council; repealing s. 290.015, F.S., relating to an evaluation and review of the enterprise zone program; repealing s. 212.08(5)(g), F.S., relating to a tax exemption for building materials used in the rehabilitation of real property in an enterprise zone; repealing s. 212.08(5)(h), F.S., relating to a tax exemption for business property used in an enterprise zone; repealing s. 212.08(15), F.S., relating to tax exemptions for electrical energy used in an enterprise zone; repealing s. 212.096, F.S., relating to enterprise zone jobs credit against sales tax; authorizing the continuation of tax credits; providing an effective date.

By the Committee on Regulated Industries; and Senator Clary—

CS for SB 1784—A bill to be entitled An act relating to professional services acquisition; amending s. 287.055, F.S.; revising certain definitions; defining the term "negotiate"; providing additional criteria for processing bids to purchase professional services which exceed certain threshold amounts; revising criteria for the competitive selection of bids to purchase professional services; providing an effective date.

By the Committee on Education Appropriations; and Senator Alexander—

CS for SB 2584—A bill to be entitled An act relating to higher education; amending s. 1011.94, F.S.; authorizing the deposit of funds appropriated by the Legislature into the Trust Fund for University Major Gifts; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment		*For Term Ending*
Education Practices Commission		
Appointee:	Griffin, Dennis J., St. Petersburg	09/30/2007
Florida Commission on Human Relations		
Appointee:	Elam, Donna, Orlando	09/30/2008
Board of Medicine		
Appointee:	Long, Monique W., Apopka	10/31/2008
South Florida Regional Planning Council, Region 11		
Appointee:	Walters, Sandra, Sugarloaf Key	10/01/2006

[Referred to the Committee on Ethics and Elections.]

Board of Governors		
Appointees:	Desai, Akshay M., St. Petersburg	01/06/2006
	Marshall, J. Stanley, Tallahassee	01/06/2012
	Pappas, M. Lynn, St. Augustine	01/06/2012
Board of Trustees, Florida Atlantic University		
Appointees:	Adams, Scott H., Boca Raton	01/06/2010
	Gupta, Rajendra P., Ft. Lauderdale	01/06/2010
	Tripp, Norman D., Ft. Lauderdale	01/06/2010
Board of Trustees, Florida State University		
Appointees:	Brooks, Derrick, Tampa	01/06/2010
	McFarlain, Richard C., Tallahassee	01/06/2010
Board of Trustees, Florida International University		
Appointees:	Atkins, Betsy S., Coral Gables	01/06/2010
	Parker, David R., New York	01/06/2010
Board of Trustees, New College of Florida		
Appointee:	Heiser, Rolland V., Sarasota	01/06/2010
Board of Trustees, University of Florida		

Office and Appointment		*For Term Ending*
Appointees:	Daniels, Roland C., Gainesville	01/06/2010
	Merkel, Joelen K., Ocean Ridge	01/06/2010
	Powell, Earl W., Coral Gables	01/06/2010

Board of Trustees, University of South Florida

Appointee:	Patel, Kiran C., Tampa	01/06/2010

[Referred to the Committees on Education; and Ethics and Elections.]

Secretary of Management Services

Appointee:	Hosay, Robert H., Tallahassee	Pleasure of Governor

[Referred to the Committees on Governmental Oversight and Productivity; and Ethics and Elections.]

Secretary of Elderly Affairs

Appointee:	Green, Carole A., Ft. Myers	Pleasure of Governor

[Referred to the Committees on Health Care; and Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 49; has passed as amended HB 701; has adopted HCR 1127 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Stargel and others—

HB 49—A bill to be entitled An act relating to the tax on substitute communications systems; amending s. 202.11, F.S.; deleting certain definitions; amending s. 202.12, F.S.; deleting a provision relating to the manner in which the tax on gross receipts for communications services is applied to a substitute communications system; amending ss. 202.16, 202.17, and 202.18, F.S.; correcting cross references; amending s. 202.19, F.S.; deleting a provision authorizing the imposition of a local communications services tax on substitute communications systems; amending s. 203.01, F.S.; deleting a provision authorizing the imposition of a gross receipts tax on actual costs of operating substitute communications systems; specifying that retroactive operation is remedial and does not create any right to or require any refunds; amending s. 624.105, F.S.; correcting a cross reference; repealing s. 202.15, F.S., relating to special rules for users of substitute communications systems; providing for retroactive operation; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; General Government Appropriations; and Ways and Means.

By Representative Baxley and others—

HB 701—A bill to be entitled An act relating to artificially provided sustenance and hydration; amending ss. 765.401 and 765.404, F.S.; excluding the withholding or withdrawing of artificially provided sustenance or hydration from certain authority to make health care decisions; creating s. 765.405, F.S.; prohibiting the withholding or withdrawing of artificially provided sustenance or hydration from a person in a persistent vegetative state in specific circumstances; providing conditions under which the prohibition does not apply; requiring consultation with an in-house or outside medical ethics committee under certain conditions; providing that certain individuals and facilities are not liable for decisions relating to the withholding or withdrawing of artificially provided sustenance or hydration; authorizing certain interested persons to petition for enforcement of the section; providing for application of the act; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Homan and others—

HCR 1127—A concurrent resolution confirming the appointment of Gary VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability.

—was referred to the Committee on Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 22 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—SB 1068; Atwater—SB 1662; Bennett—SB 2312; Bullard—SCR 94; Campbell—SB 1618; Constantine—SB 748; Jones—SB 1566; King—SB 1872; Lynn—SB 1618; Miller—SB 198, CS for SB 1324; Posey—SB 1068; Smith—SB 1848; Wise—SB 2378

RECESS

On motion by Senator Pruitt, the Senate recessed at 5:14 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, March 30 or upon call of the President.

Journal of the Senate

Number 9—Regular Session **Wednesday, March 30, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 9:29 a.m. A quorum present—37:

Mr. President	Diaz de la Portilla	Posey
Alexander	Dockery	Pruitt
Argenziano	Fasano	Rich
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Baker	Haridopolos	Siplin
Bennett	Hill	Smith
Bullard	Jones	Villalobos
Campbell	King	Webster
Carlton	Klein	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Excused: Senators Clary, Lawson and Peaden

PRAYER

The following prayer was offered by Rabbi Jack Romberg, Temple Israel, Tallahassee:

The Psalmist wrote in Psalm 39: "Lord, cause me to know my end, and the measure of my days, what it is. Let me know how short lived I am." It seems as if the writer of this Psalm is pleading with God to know the length of his life and the manner of his death. Ultimately, only God controls these matters, so the writer would be looking to learn that which is privy only to God.

But the phrase, "measure of my days" is a hint that this is not merely a plea to know how long his life will be. Our days are measured not by their quantity, but by their quality. How well we fill those days, having the knowledge that we are here only for a brief span of time, is not up to God. It is up to us. God controls the quantity of our days, but we, human beings, control the quality.

This body of Senators, as our elected representatives, is entrusted with an authority that affects the quality and quantity of the lives of the citizens of Florida. This can be a difficult and sometimes thankless responsibility. But we should thank, and do thank, God that you are willing to do this job. We ask for God's blessings upon your lives and upon your work.

O Source of all Being, we ask you to bless all of the members of this Senate, all of its officers, and those who work to assist their efforts. Please grant to all of them continued health and strength.

Grant them the wisdom to see the difference between ideas in the public interest that enhance and protect our individual lives, versus those which intrude in our private lives under the guise of being in the public welfare.

Grant them the compassion to keep the needs of all of our citizens, including those with the smallest means, close to their hearts.

Most of all, grant them a bit of divine insight. Grant them the ability to see each other, not as labels—Republicans or Democrats or liberals or conservatives, but as individuals created in your image, each invested with a spark of divine potential. May the respect that comes from recognizing that all are created in God's image pervade their actions. May your presence always be felt in these chambers, lifting up those whose spirits are low and humbling those whose hearts are haughty.

"May the words of my mouth and the meditations of my heart be acceptable to you, O God, my Rock and my Redeemer." Amen.

PLEDGE

Senate Pages John Oates of Rockledge; Gregory D. Owens of Miami; Lindsay "Page" Painter of Tampa; and Kathryn Hueber of Riverview, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Robert Brooks, sponsored by Senator Peaden, as doctor of the day. Dr. Brooks specializes in Infectious Diseases.

ADOPTION OF RESOLUTIONS

On motion by Senator Miller—

SR 1126—A resolution commending the Armwood High School "Hawks" on winning its 2nd consecutive Class 4A State Football Championship.

WHEREAS, last year the Armwood High "Hawks" broke a 34-year drought in Hillsborough County by winning the Class 4A State Football Championship, and

WHEREAS, this year Armwood won the championship again with a 49-21 victory over Lake Gibson, accomplishing what no other county team has ever done in winning consecutive state championships, and

WHEREAS, Hillsborough County schools have had a long history of struggles in the arena of high school football, and it used to be said that the Hillsborough public high school could never win the state title, and

WHEREAS, this "Hawks" team had scored 29 victories in a row on the field as they captured their second state title, based on the all-out efforts of their dynamic, talented, and well-coordinated team members; the outstanding leadership of their Head Coach, Sean Callahan; and the skilled guidance and support of Armwood's coaching staff -- Offensive Coordinator Chris Taylor, Defensive Coordinator Matt Thompson, Running Back Coach Bobby Holder, Wide Receiver Coach Todd Gicker, Offensive Line Coach Miles Bilinski, Defensive Line Coach Ernest Hayes, Outside Linebackers Coach Cory Peterson, Defensive Back Coach C.C. Culpepper, Quarterback Coach T.J. Laflamby, -- and Team Chaplain Ron Ellis, and

WHEREAS, the Armwood's "Hawks" have demonstrated the kind of teamwork and dedication that set an example for all Florida youth and

have brought the students and parents of Armwood High School together with their singularly winning attitude, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate congratulates and commends the Armwood "Hawks" on a magnificent sustained performance over these last 2 years and wishes them continued success in their future endeavors.

—was introduced out of order and read by title. On motion by Senator Miller, **SR 1126** was read the second time in full and adopted.

On motion by Senator Hill—

SR 1278—A resolution recognizing March 31, annually, as Cesar Chavez Day.

WHEREAS, Cesar Estrada Chavez improved the lives and working conditions of millions of migrant workers and other laborers in America through his inspired leadership of the farm labor movement over a period of 50 years, and

WHEREAS, Born on March 31, 1927, near Yuma, Arizona, Chavez witnessed firsthand, as a child, the devastation of the Great Depression and was just 10 years old when his family lost their farm and began to attempt to support themselves as migrant workers, and

WHEREAS, as Chavez grew up, the Chavez family followed the crops in California, along with approximately 300,000 other migrant farm workers in that state, living in temporary, overcrowded, and unsanitary quarters having few supports for health, education, or well-being, and

WHEREAS, after serving in the U.S. Navy in the Pacific during World War II, Chavez returned to America to work in the fields with his family and soon met and married Helen Fabela, a woman who shared his social conscience and longing to see improvements in the working and living conditions of migrant workers, and

WHEREAS, together they began teaching Mexican farm workers how to read and write in order to prepare them for the test for becoming American citizens, hoping that, with citizenship, migrant workers would become more willing to organize to achieve their rights as workers, and

WHEREAS, Chavez's inspired career as a migrant labor leader began with his recruitment in 1952 into Saul Alinsky's Community Service Organization, which held meetings to urge migrant farm laborers to register to vote and later to inspire them to form a union, and

WHEREAS, 10 years later, appalled at the lack of progress and the continuing exploitation of migrant workers, Chavez left his own job to devote himself full-time to union organizing and 6 months later convened 300 union members in Fresno, California, the first meeting of the National Farm Workers Union, and

WHEREAS, a decade of dramatic struggle lay ahead for the small union, requiring the tactics of strikes and boycotts and leading to violence by strike-breakers and to repeated arrests and jailings of Chavez and other union members, and

WHEREAS, throughout these struggles Chavez called for nonviolence on the part of union members, and meanwhile public outrage at the spectacle of the farm workers' treatment and their struggles grew throughout the 1970s, and

WHEREAS, public officials, religious leaders, and ordinary citizens from across America flocked to California to march in support of the farm workers union while millions of Americans supported the workers by supporting the boycotts, and

WHEREAS, gradually progress was made for migrant workers, in large part due to the visionary leadership of Cesar Chavez, who continued to serve their cause - and additionally the causes of a safe food supply and of equality for racial minorities - until his death in 1993, and

WHEREAS, the vision, leadership, and personal sacrifice of Cesar Estrada Chavez; his lifelong commitment to human rights, social justice, and nonviolence; and his success at building the migrant workers and farm labor movements to become the United Farm Workers of America call for our respect, appreciation, and recognition, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 31, 2005, and each March 31 hereafter, is recognized as "Cesar Chavez Day" in the State of Florida.

—was introduced out of order and read by title. On motion by Senator Hill, **SR 1278** was read the second time in full and adopted.

At the request of Senator Jones—

By Senator Jones—

SR 1668—A resolution recognizing April 2005 as Craniosacral Therapy Awareness Month.

WHEREAS, craniosacral therapy was pioneered and developed by osteopathic physician John E. Upledger at Michigan State University, and

WHEREAS, craniosacral therapy is a gentle method of manually evaluating and normalizing the environment of the membranes and cerebrospinal fluid that surround and protect the brain and spinal cord, and

WHEREAS, restrictions or imbalances in the craniosacral system may directly affect all aspects of the central nervous system, and

WHEREAS, these problems can be detected and corrected by a skilled therapist using simple methods of palpation to improve the performance of the central nervous system, and

WHEREAS, by complementing the body's natural healing processes, craniosacral therapy is increasingly used as a preventive health measure for its ability to bolster resistance to disease and to address a wide range of medical problems associated with pain and dysfunction, including migraine headaches, chronic neck and back pain, learning disabilities, post-traumatic stress disorder, chronic fatigue, scoliosis, infantile disorders, motor coordination impairments, and other problems, and

WHEREAS, the Legislature recognizes craniosacral therapy for its use as a preventive health measure, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes April 2005 as "Craniosacral Therapy Awareness Month."

—**SR 1668** was introduced, read and adopted by publication.

At the request of Senator Wise—

By Senator Wise—

SR 1750—A resolution recognizing the week of March 29 to April 4, 2005, as Merit Shop Construction Week in Florida.

WHEREAS, the construction industry in Florida employs more than 404,000 men and women and is the fourth-largest industry in Florida according to the Florida Statistical Abstract, and

WHEREAS, total employment in the Florida construction industry is more than double the state's cumulative employment in agriculture, forestry, and fisheries, and

WHEREAS, the construction industry has a minority employment rate of 30.7 percent, and

WHEREAS, merit shop construction has a record of higher workplace safety and lower fatality rates than union shops and the industry average, and

WHEREAS, construction in Florida produces an annual payroll in excess of $8.8 billion, and

WHEREAS, construction in Florida contributes nearly $914 million in sales and use tax collected each year, and

WHEREAS, Florida's Constitution guarantees that "the right of persons to work shall not be denied or abridged on account of membership

or nonmembership in any labor union or labor organization," NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That March 29, 2005, through April 4, 2005, is recognized as Merit Shop Construction Week in Florida.

—**SR 1750** was introduced, read and adopted by publication.

At the request of Senator Argenziano—

By Senator Argenziano—

SR 2704—A resolution honoring women in Florida agriculture.

WHEREAS, Florida's agricultural industry has a significant impact on the economy of the state, and 18 percent of the farmers in Florida are women, and

WHEREAS, women are key to development of rural areas through their contributions to sustainable agriculture and rural development, including food security, and

WHEREAS, as Florida's agricultural industry has changed dramatically during the past 20 years, so too has the role of the state's farm women, and

WHEREAS, women in agriculture are being called upon to educate the public about farm issues and farm life and to represent agriculture in the public policy arena, and

WHEREAS, women in agriculture are directly involved in production, and a growing number are serving in political leadership positions on the state and local levels, and

WHEREAS, March 29, 2005, is an appropriate day on which to honor women in Florida agriculture, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate proudly recognizes and enthusiastically salutes all women involved in Florida's agricultural industry and commends them for their vital role in protecting the state's agricultural environment.

—**SR 2704** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 2708—A resolution commending Hadassah, the Women's Zionist Organization of America, and the Florida Central, Florida Broward, Greater Miami, and Florida Atlantic Regions.

WHEREAS, Hadassah, the Women's Zionist Organization of America, the largest Zionist, largest Jewish, and largest women's membership organization in the country, was founded in 1912 by Henrietta Szold to help meet the medical needs of Palestinians, and

WHEREAS, since that time, Hadassah has been a leading force in supporting Israel's medical needs through Mt. Scopus Hospital, Ein Karem Hospital, and various clinics across the country, and

WHEREAS, Hadassah hospitals, in addition to serving as a model of peaceful coexistence in the Middle East, provide state-of-the-art health care to 600,000 patients a year – regardless of race, religion, or creed – and often treat the most critically wounded in the region's ongoing conflicts, and

WHEREAS, in the United States, Hadassah women sold $200 million in US World War II bonds as their first national domestic effort, and

WHEREAS, since then, Hadassah women have been actively engaged in domestic health education programs on breast cancer and osteoporosis; voter registration efforts; Jewish education; grassroots advocacy on US-Israel relations, Jewish communal concerns, and women's issues; humanitarian relief to distressed communities and countries, including most recently, the victims of the tsunami disaster; and volunteer work in literacy programs and at domestic violence shelters, and

WHEREAS, today, Wednesday, March 30, 2005, Hadassah women have gathered at the Capitol in Tallahassee to help educate Florida Legislators on the value of supporting embryonic stem cell research for all Floridians, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Hadassah's Florida Central, Florida Broward, Florida Atlantic, and Greater Miami Regions are commended on the activities of its members in playing a vital role in improving the quality of life of people in Florida and the United States, in Israel and Palestine, and elsewhere in the world.

—**SR 2708** was introduced, read and adopted by publication.

At the request of Senator Rich—

By Senator Rich—

SR 2710—A resolution recognizing May 6, 2005, as "Holocaust Remembrance Day."

WHEREAS, Holocaust Remembrance Day is a day set aside annually for remembering the victims of the Holocaust and for reminding Americans of what can happen to civilized people when bigotry, hatred, and indifference reign in human society, and

WHEREAS, the United States Holocaust Memorial Council, created by an Act of Congress in 1980, was mandated to lead the nation in civic commemorations of the Holocaust and to encourage appropriate remembrance observances throughout the country, and

WHEREAS, while the Council has called for special observances and remembrance activities to be held during the week surrounding May 6, 2005, it is fitting that we begin to acknowledge the importance of Holocaust Remembrance activities today, March 30, 2005, which is Jewish Advocacy Day, and

WHEREAS, the Holocaust is not only a record of incredible human destruction and loss, and of the stark, staggering immorality of an apathetic world; it is also the story of individuals of extraordinary courage, of life that flourished before the Holocaust, struggled through its darkest hours, and ultimately prevailed as survivors rebuilt their lives; and thus the Holocaust is a vital part of the history of the human spirit, and

WHEREAS, Justice Robert Jackson, Chief U.S. Counsel to the International Military Tribunal in Nuremberg, Germany, expressed the gravity of the social and political meaning of the Holocaust when he wrote: "The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated," NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate pauses in its deliberations today, Jewish Advocacy Day 2005, to contemplate the enormous outrage committed against the Jewish people and millions of others, and against Humanity itself, by the moral and political failures that enabled the Holocaust to take place; calls for the observation of Holocaust Remembrance Day on May 6, 2005; and calls upon all within hearing to repeat the vital words: "Never again for any people, anywhere, at any time," and to support those words with their actions.

—**SR 2710** was introduced, read and adopted by publication.

SPECIAL ORDER CALENDAR

SENATOR PRUITT PRESIDING

On motion by Senator Lynn—

SB 356—A bill to be entitled An act relating to substance abuse treatment; amending s. 397.311, F.S.; including intensive inpatient

treatment within the service components provided by a licensed service provider; defining the term "medical monitoring"; amending s. 212.055, F.S., relating to the county public hospital surtax; conforming a cross-reference; reenacting ss. 397.405(8) and 397.407(1), F.S., relating to treatment providers, to incorporate the amendment to s. 397.311, F.S., in references thereto; amending ss. 397.416 and 440.102, F.S., relating to treatment services and the drug-free workplace program; conforming cross-references; providing an effective date.

—was read the second time by title.

Senator Lynn moved the following amendment which was adopted:

Amendment 1 (532134)(with title amendment)—On page 1, between lines 19 and 20, insert:

Section 1. Subsection (1) of section 394.499, Florida Statutes, is amended to read:

394.499 Integrated children's crisis stabilization unit/juvenile addictions receiving facility services.—

(1) Beginning July 1, 2001, the Department of Children and Family Services, in consultation with the Agency for Health Care Administration, is authorized to establish children's behavioral crisis unit demonstration models in Collier, Lee, and Sarasota Counties. By December 31, 2003, the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees that oversee departmental activities a report that evaluates the number of clients served, quality of services, performance outcomes, and feasibility of continuing or expanding the demonstration models. *As a result of the recommendations regarding expansion of the demonstration models contained in the evaluation report of December 31, 2003* ~~Beginning July 1, 2004, subject to approval by the Legislature~~, the department, in cooperation with the agency, may expand the demonstration models to other areas in the state *after July 1, 2005*. The children's behavioral crisis unit demonstration models will integrate children's mental health crisis stabilization units with substance abuse juvenile addictions receiving facility services, to provide emergency mental health and substance abuse services that are integrated within facilities licensed and designated by the agency for children under 18 years of age who meet criteria for admission or examination under this section. The services shall be designated as "integrated children's crisis stabilization unit/juvenile addictions receiving facility services," shall be licensed by the agency as children's crisis stabilization units, and shall meet all licensure requirements for crisis stabilization units. The department, in cooperation with the agency, shall develop standards that address eligibility criteria; clinical procedures; staffing requirements; operational, administrative, and financing requirements; and investigation of complaints for such integrated facility services. Standards that are implemented specific to substance abuse services shall meet or exceed existing standards for addictions receiving facilities.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 394.499, F.S.; authorizing the Department of Children and Family Services to expand certain demonstration models;

Pursuant to Rule 4.19, **SB 356** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

SB 538—A bill to be entitled An act relating to the sentencing proceeding for a capital felony; amending s. 921.141, F.S.; clarifying that the prosecution may introduce and argue victim-impact evidence to the jury; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 538** was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

SB 1856—A bill to be entitled An act relating to the Commission on Ethics; amending s. 112.321, F.S.; prohibiting an individual who qualifies as a lobbyist from serving on the commission; prohibiting a member of the commission from lobbying any state or local governmental entity; providing exceptions for individuals who are members of the commission on the effective date of the act until the expiration of their current terms; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1856** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

SB 1440—A bill to be entitled An act relating to time limitations; amending s. 775.15, F.S.; reorganizing provisions establishing time limitations for prosecuting criminal offenses; clarifying certain provisions; amending s. 922.105, F.S., relating to execution of sentence; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1440** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster, by two-thirds vote—

CS for SB 1454—A bill to be entitled An act relating to public lodging establishments; providing a popular name; creating s. 509.144, F.S.; providing definitions; prohibiting the distribution, and the direction of such distribution, of handbills in a public lodging establishment in certain circumstances; providing penalties; providing requirements for posting a sign that prohibits advertising or solicitation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1454** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

SB 1020—A bill to be entitled An act relating to police dogs, fire dogs, SAR dogs, and police horses; amending s. 843.19, F.S.; prohibiting intentionally and knowingly causing great bodily harm to or using a deadly weapon upon a police dog, fire dog, SAR dog, or police horse; prohibiting actually and intentionally maliciously touching, striking, or causing bodily harm to a police dog, fire dog, SAR dog, or police horse; prohibiting maliciously harassing, teasing, interfering with, or attempting to interfere with a police dog, fire dog, SAR dog, or police horse while the animal is in the performance of its duties; providing penalties; providing for restitution from violators; providing application; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendments which were moved by Senator Haridopolos and adopted:

Amendment 1 (101000)(with title amendment)—On page 2, lines 14 and 15, delete those lines and insert:

(2) Any person who *intentionally and* knowingly, ~~and willfully and~~ without lawful cause or justification, *causes*

And the title is amended as follows:

On page 1, line 4, after "knowingly" insert: , without justification,

Amendment 2 (605784)—On page 3, line 6, delete "July" and insert: October

Pursuant to Rule 4.19, **SB 1020** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 470** was deferred.

On motion by Senator Dockery—

SB 904—A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing that a lead community-based provider and its subcontractors supplying foster care and related services are exempt from including in written contracts and other written documents certain statements required by law; providing an exception if the lead community-based provider or its subcontractors receive more than 51 percent of their total funding from the state; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Dockery and adopted:

Amendment 1 (963738)(with title amendment)—On page 1, line 27, delete "*51*" and insert: *35*

And the title is amended as follows:

On page 1, line 11, delete "51" and insert: 35

Pursuant to Rule 4.19, **SB 904** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

SB 558—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; increasing certain minimum mandatory fines and periods of incarceration for certain acts of cruelty to animals; amending s. 828.121, F.S.; providing a definition; providing that it is a first-degree misdemeanor for a person to intentionally drag or fell by the tail a bovine animal in an organized sports exhibition; providing clarification regarding techniques or practices that are not prohibited; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Klein and adopted:

Amendment 1 (820324)—On page 3, line 13, delete "July 1" and insert: October 1

Pursuant to Rule 4.19, **SB 558** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Atwater, by two-thirds vote—

CS for SB 1330—A bill to be entitled An act relating to financial institutions; amending s. 655.005, F.S.; redefining the terms "imminently insolvent" and "insolvent" with respect to credit unions; creating s. 655.0201, F.S.; prescribing methods of serving process, notice, or demand on financial institutions; amending s. 655.044, F.S.; requiring all financial institutions to use the calendar year as their fiscal year; amending s. 655.057, F.S.; deleting obsolete provisions; amending s. 655.411, F.S.; conforming a cross-reference; creating s. 655.4185, F.S.; authorizing emergency action in cases of failing financial entities; amending s. 657.002, F.S.; redefining terms with respect to credit unions and deleting obsolete and other terms; amending s. 657.005, F.S.; revising procedures applicable to applying for authority to organize a credit union; amending s. 657.0061, F.S.; providing for disapproval of a proposed bylaw amendment that is not in compliance with statutes or rules; amending s. 657.008, F.S.; revising provisions relating to changes of a credit union's place of business and to establishing branch locations; amending s. 657.021, F.S.; revising duties of credit union boards of directors; amending s. 657.022, F.S.; changing the time within which the annual meeting of a credit union board of directors must be held; amending s. 657.023, F.S.; revising powers of a credit union with respect to a member's rights and continued membership; amending s. 657.024, F.S.; deleting a requirement that distributing ballots in advance of a membership meeting must be done by mail; amending s. 657.026, F.S.; deleting obsolete provisions; revising standards for reporting by a supervisory or audit committee; amending s. 657.027, F.S.; revising duties of a credit union's credit manager; amending s. 657.028, F.S.; prohibiting compensation of a credit union treasurer but authorizing compensation of its chief executive officer; revising prerequisites for serving as an officer, director, or committee member; amending s. 657.031, F.S.; revising powers of credit unions; amending s. 657.033, F.S.; changing standards for when an account is considered dormant, unclaimed, or abandoned; prescribing limits on persons from whom credit unions may accept deposits; allowing credit unions to participate in systems that allow for automated or electronic transfer, deposit, or withdrawal of funds; requiring credit unions to maintain certain insurance; amending s. 657.038, F.S.; revising credit unions' loan powers, including the power to issue debit or credit cards; amending s. 657.039, F.S.; increasing the amount of credit that may be extended to a credit union's own officers and employees; amending s. 657.042, F.S.; authorizing investment in stock of the Federal Home Loan Bank; revising other limits on investments; amending s. 657.043, F.S.; revising standards for an allowance-for-loan-losses account; deleting the definition of risk assets; providing guidelines for borrowing money; deleting provisions relating to reserves and guaranty assistance agreements; amending s. 657.062, F.S.; deleting obsolete provisions; providing guidelines for conservatorships; amending s. 657.063, F.S.; revising provisions relating to involuntary liquidation; amending s. 657.064, F.S.; deleting obsolete provisions; revising provisions relating to voluntary liquidation; amending s. 657.065, F.S.; revising provisions governing mergers of credit unions; amending s. 657.066, F.S.; revising provisions relating to conversion of credit unions from state to federal or from federal to state; repealing s. 657.0315, F.S., relating to contracts for providing goods, products, or services, s. 657.051, F.S., relating to fiscal year, s. 657.055, F.S., relating to retention and destruction of certain records, s. 657.068, F.S., relating to central credit unions, and s. 658.43(7), F.S., relating to powers with respect to failing financial entities; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1330** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for SB 1432—A bill to be entitled An act relating to insurance administrators; amending s. 626.88, F.S.; redefining the term "administrator" and defining the terms "affiliate," "control," and "GAAP"; amending s. 626.8805, F.S.; requiring additional information to accompany an application for a certificate of authority to act as an administrator; amending s. 626.8817, F.S.; detailing the responsibilities of an insurance company in its dealings with an administrator; amending s. 626.89, F.S.; prescribing information that must be submitted in an administrator's annual report; authorizing the Financial Services Commission to require electronic submission of annual reports; creating s. 626.8991, F.S.; authorizing the commission to adopt rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1432** was placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

CS for SB 552—A bill to be entitled An act relating to game promotion in connection with sale of consumer products or services; amending s. 849.094, F.S.; providing that the operator of a game promotion in which the total announced value of the prizes offered is greater than $5,000 need include only the material terms of the rules and regulations of the game in all advertising copy used in connection therewith if the advertising copy contains information for obtaining the full rules and regulations of the game; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 552** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 1130—A bill to be entitled An act relating to the abandonment of roads; amending s. 316.006, F.S.; conforming a cross-reference; transferring and renumbering s. 316.00825, F.S., relating to a county's authority to close and abandon roads and rights-of-way and convey the county's interest to a homeowners' association; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1130** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

SB 878—A bill to be entitled An act relating to the advertisement of real or personal property with delinquent taxes; amending s. 197.402, F.S.; reducing the number of required advertisements for certain tax certificate sales; specifying a minimum time period for such advertisement prior to a sale; amending s. 197.403, F.S.; revising the requirement for transmitting a copy of the published notice; providing an effective date.

—was read the second time by title.

The Committee on Government Efficiency Appropriations recommended the following amendment which was moved by Senator Baker and adopted:

Amendment 1 (074026)—On page 1, line 21, delete "*under this subsection*" and insert: *pursuant to section 197.432*

Senators Geller and Wise offered the following amendment which was moved by Senator Geller and failed:

Amendment 2 (612100)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) is added to section 197.402, Florida Statutes, to read:

197.402 Advertisement of real or personal property with delinquent taxes.—

(5) Notwithstanding the provisions of this section, the counties of Lake, Marion, Seminole, and Sumter shall enter into a pilot program for the next two full property tax cycles. During this time the tax collector in each county shall, in lieu of the advertisement required in subsection (3), advertise once at least 21 days prior to a sale under that subsection. At the end of this 2-year pilot program, the tax collector in each of the counties named in this subsection shall submit a report to the President of the Senate and the Speaker of the House of Representatives, on or before October 1, 2007, which compares the effectiveness of single publication versus the effectiveness of triple publication by listing the number and percentage of properties on which delinquent taxes were paid after the single publication in comparison to the number and percentage of properties on which delinquent taxes were paid after three publications.

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

On page 1, lines 4-10, delete those lines and insert: amending s. 197.402, F.S.; creating a pilot program for certain counties to study the effectiveness of current legislation that governs the advertisement of real or personal property with delinquent taxes; providing requirements for the pilot program; requiring the tax collector of each county to report to the Legislature on the results of the pilot program; providing an effective date.

The vote was:

Yeas—18

Aronberg	Dawson	Posey
Bennett	Geller	Rich
Bullard	Hill	Siplin
Campbell	Klein	Smith
Constantine	Margolis	Wilson
Crist	Miller	Wise

Nays—19

Mr. President	Dockery	Pruitt
Alexander	Fasano	Saunders
Argenziano	Garcia	Sebesta
Atwater	Haridopolos	Villalobos
Baker	Jones	Webster
Carlton	King	
Diaz de la Portilla	Lynn	

MOTION

On motion by Senator Margolis, the rules were waived to allow the following amendment to be considered:

Senator Margolis moved the following amendment which failed:

Amendment 3 (664878)—On page 1, lines 20-23, delete those lines and insert: whichever is later, the tax collector shall advertise once *at least 21 days prior to a sale for nonhomestead property and once* each week for 3 weeks *for homestead property* and shall sell tax certificates on all real property with delinquent taxes. The tax collector shall make a

Pursuant to Rule 4.19, **SB 878** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Siplin—

CS for SB 152—A bill to be entitled An act relating to alimony; amending s. 61.14, F.S.; authorizing a court to modify payment of alimony if there is proof by a preponderance of the evidence that the recipient former spouse is in a de facto marriage with a person of the opposite sex outside of the legal bond of matrimony; prescribing factors to be considered by the court; providing for application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 152** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 784** was deferred.

On motion by Senator Dockery—

SB 772—A bill to be entitled An act relating to inland lakes and canals; amending s. 327.40, F.S.; exempting from permitting requirements the placement of informational markers on inland lakes and associated canals by counties, municipalities, or other governmental entities; providing requirements for placement of such markers; specifying that placement of informational markers on state submerged lands does not subject such lands to specified lease requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 772** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SB 1798—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2005 version of the Internal Revenue Code; providing for retroactive operation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1798** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 2042—A bill to be entitled An act relating to trust funds; amending s. 250.175, F.S.; creating the Welfare Transition Trust Fund within the Department of Military Affairs; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2042** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

SB 470—A bill to be entitled An act relating to the indigent care surtax; reviving, reenacting, and amending s. 212.055(7), F.S.; allowing small counties having a specified population to levy an indigent care surtax; providing procedures; providing uses of the surtax; providing a maximum tax rate; providing an effective date.

—was read the second time by title.

The Committee on Government Efficiency Appropriations recommended the following amendment which was moved by Senator Argenziano and failed:

Amendment 1 (453280)—On page 2, lines 13 and 14, delete those lines and insert: *vote of at least 60 percent of the electors of the county voting in a referendum. The surtax may be levied at a rate not to exceed 1*

Pursuant to Rule 4.19, **SB 470** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Campbell, the House was requested to return **CS for SB 62**.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 1306** was withdrawn from the Committees on Transportation and Economic Development Appropriations; Government Efficiency Appropriations; and Ways and Means; and referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Ways and Means; **CS for CS for SB 1476** and **CS for SB 1494** were withdrawn from the Committee on Ways and Means; **SB 2212** was withdrawn from the Committees on General Government Appropriations; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means; and referred to the Committees on Community Affairs; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means; **CS for SB 2264** was withdrawn from the Committees on Children and Families; and Education Appropriations; and referred to the Committees on Government Efficiency Appropriations; and Education Appropriations; **SB 96** and **CS for SB 1312** were withdrawn from the Committee on Justice Appropriations; and **SB 472** was withdrawn from the Committee on Rules and Calendar.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 30, 2005: SB 356, SB 538, SB 1856, SB 1440, CS for SB 1454, SB 1020, SB 470, SB 904, SB 558, CS for SB 1330, CS for SB 1432, CS for SB 552, CS for SB 1130, SB 878, CS for SB 152, SB 784, SB 772, SB 1798, SB 2042

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Environmental Preservation recommends the following pass: SB 2076

The Committee on Regulated Industries recommends the following pass: SB 982 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Communications and Public Utilities recommends the following pass: SB 1320 with 1 amendment, SB 2162

The Committee on Environmental Preservation recommends the following pass: SB 2074 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Communications and Public Utilities recommends the following pass: SB 1656

The Committee on Transportation recommends the following pass: SB 1820, SB 1940

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Ethics and Elections recommends the following pass: SB 1996 with 1 amendment

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Transportation recommends the following pass: SB 2134 with 2 amendments

The bill was referred to the Committee on Education under the original reference.

The Committee on Community Affairs recommends the following pass: SB 276

The bill was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Communications and Public Utilities recommends the following pass: SB 1496

The Committee on Community Affairs recommends the following pass: SJR 1430

The Committee on Education recommends the following pass: SB 1294

The Committee on Regulated Industries recommends the following pass: SB 1658 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Environmental Preservation recommends the following pass: SB 592 with 1 amendment

The Committee on Ethics and Elections recommends the following pass: SB 2176 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Children and Families recommends the following pass: SB 1722

The Committee on Transportation recommends the following pass: SB 1502

The bills contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Environmental Preservation recommends the following pass: SB 1866 with 3 amendments

The Committee on Ethics and Elections recommends the following pass: SJR 286, SJR 1934

The Committee on Regulated Industries recommends the following pass: SB 2050 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Children and Families recommends the following pass: SB 1460

The bill was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 642, SB 868, SB 1352

The Committee on Education recommends the following pass: SB 1858

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Education recommends a committee substitute for the following: SB 2264

The bill with committee substitute attached was referred to the Committee on Children and Families under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1002

The Committee on Regulated Industries recommends a committee substitute for the following: SB 234

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 618

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 484

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 1060

The bill with committee substitute attached was referred to the Committee on Education Appropriations under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 2236

The bill with committee substitute attached was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Communications and Public Utilities recommends a committee substitute for the following: SB 1322

The Committee on Environmental Preservation recommends committee substitutes for the following: SB 330, SB 1670

The Committee on Judiciary recommends a committee substitute for the following: SB 698

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1600

The Committee on Health Care recommends a committee substitute for the following: SB 1622

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Ethics and Elections recommends a committee substitute for the following: Senate Bills 1268 and 1956

The bills with committee substitute attached were referred to the Committee on Judiciary under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 2048

The bill with committee substitute attached was referred to the Committee on Justice Appropriations under the original reference.

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 964

The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: SB 404, SB 408, SB 410

The bills with committee substitutes attached were referred to the Committee on Ways and Means under the original reference.

The Committee on Education recommends a committee substitute for the following: CS for SB 518

The Committee on Judiciary recommends committee substitutes for the following: SB 506, SB 1330, SB 1454

The Committee on Transportation recommends a committee substitute for the following: CS for SB 1114

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Dawson—

SB 2558—A bill to be entitled An act relating to the transient rentals tax; amending s. 212.03, F.S.; clarifying the meaning of the term "engaging in the business of renting, leasing, letting, or granting a license to use transient rental accommodations" for taxation purposes; expanding the definition of the term "taxable rent or consideration"; requiring persons engaged in renting certain accommodations to register with the Department of Revenue as sales tax dealers and collect and remit taxes; providing that the registered owners or operators of certain accommodations may agree in writing to report and remit taxes on behalf of the person engaged in renting the accommodations; providing intent; providing amnesty for unpaid taxes, penalties, and interest on transient rentals under certain circumstances; authorizing the department to adopt emergency rules to implement the amnesty; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; Commerce and Consumer Services; and General Government Appropriations.

By Senators Webster and King—

SB 2560—A bill to be entitled An act relating to limitation on liability for persons or political subdivisions providing street lights, security lights, or other similar illumination; creating s. 768.1382, F.S.; providing that a person or political subdivision that provides, operates, or maintains street lights or other similar illumination is not liable for civil damages for injury or death effected or caused by the adequacy or failure of illumination of the lights, regardless whether the adequacy or failure of illumination is alleged or demonstrated to have caused or contributed in any way to the injury or death; providing an effective date.

—was referred to the Committees on Judiciary; Communications and Public Utilities; and Rules and Calendar.

By Senator Webster—

SB 2562—A bill to be entitled An act relating to asbestos and silica claims; providing a short title; providing purposes; providing definitions; requiring physical impairment as an essential element of a claim; providing criteria for prima facie evidence of physical impairment for claims and certain actions; providing an exception; providing additional requirements for evidence relating to physical impairment; specifying absence of certain presumptions at trial; providing procedures for claims and certain actions; providing for consolidation; providing for venue; providing for preliminary proceedings; requiring asbestos and silica claims to include certain information; specifying certain limitation periods for certain claims; specifying distinct causes of action for certain conditions; limiting damages under certain circumstances; prohibiting a general release from liability; prohibiting award of punitive damages; providing for collateral source payments; specifying liability rules applicable to certain persons; providing for construction; providing severability; providing application to certain civil actions; providing an effective date.

—was referred to the Committees on Health Care; Commerce and Consumer Services; and Judiciary.

By Senators Webster and King—

SB 2564—A bill to be entitled An act relating to civil actions; amending s. 501.211, F.S.; requiring a person who proposes to file an action against a person who is alleged to have violated the Deceptive and Unfair Trade Practices Act to give the other person written notice a specified number of days before filing the action; providing for the content of the notice; providing that the person who is alleged to have violated the act be given an opportunity to cure the violations; requiring that notice be given if the proposed action will be a class action; requiring that the person proposing to file an action allow the person who is alleged to have violated the act an opportunity to inspect the goods or other evidence relevant to the claim; providing that compliance with the request to inspect is a prerequisite to satisfying the obligation to permit a reasonable opportunity to cure; requiring the person filing the action to plead and prove that the defendant had a reasonable opportunity to cure all alleged violations and that the defendant failed to do so; providing that a failure to plead that the defendant had a reasonable opportunity to cure all alleged violations is grounds to dismiss the case for failing to state a claim; providing that a defendant has an absolute defense to the action if the defendant proves certain conditions; amending s. 768.79, F.S.; requiring the attorney for the plaintiff in a class action to be solely and personally liable for all reasonable costs and attorney's fees incurred by the defendant which are otherwise payable by the plaintiff to the defendant if the attorney rejects an offer of settlement; limiting the membership in a class action to those who were residents in this state at the time of the alleged misconduct or injury; requiring the order certifying the class to state how the class claims and issues affecting individual members will be tried in a manageable, time-efficient manner; requiring each class claimant to allege and prove actual damages in order to obtain any monetary relief; providing that a judgment may not be entered until the trier of fact determines the amount of money owed to each class member; requiring that the amount of judgment not exceed the sum of the money owed to all class members; requiring that the judgment order identify each member of the class and his or her individual monetary award; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By Senators Webster and King—

SB 2566—A bill to be entitled An act relating to negligence; creating s. 768.0755, F.S.; providing that if a person slips and falls on a transitory foreign substance in a retail establishment, the injured person must prove that the retail establishment had knowledge of the condition and that the condition existed for a sufficient time for the retail establishment to have taken action to remedy the condition; providing that constructive knowledge may be proven by circumstantial evidence; amending s. 768.81, F.S.; providing for the apportionment of damages if an unnamed person commits an intentional tort or a criminal act from which the litigation arises; redefining the term "negligence cases" to include claims for negligent security in which the defendant is sued for failing to prevent the commission of an intentional tort; providing that the apportionment of damages does not apply to any action in which an intentional tortfeasor is sued and seeks to apportion fault to a negligent tortfeasor; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; reenacting s. 25.077, F.S., relating to the duty of the clerk of court to report certain information concerning negligence cases, to incorporate

the amendment made to s. 768.81, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By Senator Webster—

SB 2568—A bill to be entitled An act relating to limitation on liability for products; creating s. 768.1259, F.S.; defining the term "seller"; prohibiting a person from commencing or maintaining a civil claim or action against the seller of a product based on any legal theory that the product caused harm unless certain specified conditions are satisfied; providing that the seller of a product is subject to an action for product liability if the manufacturer of the product is not subject to personal jurisdiction in this state; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By Senators Jones and Bennett—

SB 2570—A bill to be entitled An act relating to home medical equipment providers; amending s. 400.925, F.S.; revising and providing definitions; amending s. 400.931, F.S.; including additional categories of equipment in a report required by applicants for licensure; increasing the amount of liability insurance required of home medical equipment providers; amending s. 400.933, F.S.; revising requirements for licensure inspections and investigations; amending s. 400.934, F.S.; revising minimum standards required for licensure; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to provide additional regulatory standards by rule; creating s. 400.936, F.S.; requiring proof of accreditation as a prerequisite for licensure or license renewal; providing for temporary licensure; providing for rules relating to designation of accrediting organizations; amending s. 400.95, F.S.; providing for notice of a toll-free telephone number to report fraud and abuse by providers; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Webster—

SB 2572—A bill to be entitled An act relating to nursing home fire-safety; amending s. 633.022, F.S.; requiring nursing homes to be protected by certain automatic sprinkler systems; providing a schedule; authorizing the Division of State Fire Marshal to grant certain time extensions; authorizing the division to adopt certain rules; providing for administrative sanctions under certain circumstances; requiring adjustments to certain provider Medicaid rates for reimbursement for Medicaid s portion of costs to meet certain requirements; requiring funding for such adjustments to come from existing nursing home appropriations; creating s. 633.024, F.S.; providing legislative findings and intent; creating s. 633.0245, F.S.; authorizing the State Fire Marshal to enter into an investment agreement with public depositories to establish the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program as a limited loan guarantee program to retrofit nursing homes with fire protection systems; providing investment and agreement limitations; requiring the State Fire Marshal to solicit requests for proposals; providing for application requirements and procedures; providing for review and approval by the State Fire Marshal; providing application requirements and procedures for program loans by public depositories; providing deadlines and limitations; limiting certain claims for loss under certain circumstances; providing a definition; authorizing the State Fire Marshal to adopt rules; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; and Health and Human Services Appropriations.

By Senator Atwater—

SB 2574—A bill to be entitled An act relating to dentistry; amending s. 466.004, F.S.; limiting the time a member may serve on the Board of Dentistry; amending s. 466.006, F.S.; clarifying examination provisions; amending s. 466.007, F.S.; reducing the postsecondary education required to take the licensing examination; amending s. 466.0135, F.S.; authorizing the board to authorize a continuing education practice-management course; amending s. 466.021, F.S.; increasing the time that certain work orders must be retained; amending s. 466.025, F.S.; providing for the board to issue temporary certificates to certain unlicensed persons practicing in government facilities; providing an effective date.

—was referred to the Committee on Health Care.

By Senator Haridopolos—

SB 2576—A bill to be entitled An act relating to competency to proceed; amending s. 916.115, F.S.; requiring an expert appointed to examine a defendant to evaluate the defendant with mental illness in a facility of the Department of Corrections when appropriate; amending s. 916.145, F.S.; requiring a defendant be returned to the custody of the Department of Corrections after charges against the defendant are dismissed but the defendant has an active sentence with the department; amending s. 916.17, F.S.; prohibiting a court from ordering a conditional release if the defendant with mental illness has an active sentence with the Department of Corrections; amending s. 916.301, F.S.; authorizing an expert to examine a defendant who has mental retardation or autism in a facility of the Department of Corrections; amending s. 916.304, F.S.; prohibiting a court from ordering a conditional release if the defendant who has mental retardation or autism has an active sentence with the Department of Corrections; amending s. 922.07, F.S.; providing for procedures when a person under sentence of death is alleged to be insane; requiring the Department of Children and Family Services to supply a treatment team to evaluate and treat the person; requiring the treatment team to report to the Governor within a specified time; authorizing the Governor to appoint a commission to reexamine the person; providing that if the Governor determines that the person has regained the mental capacity to understand the nature of the death penalty, the Governor shall lift the stay and proceed with the execution; amending s. 945.41, F.S.; providing for legislative intent for inmates sentenced to death who may not be competent to participate in postconviction proceedings; amending s. 945.42, F.S.; redefining the term "psychologist"; creating s. 945.501, F.S.; defining terms relating to inmates sentenced to death who may not be competent to participate in postconviction proceedings; creating s. 945.502, F.S.; authorizing counsel to file a motion requesting the court to determine whether the inmate is competent to proceed; providing procedures to determine the competency of the inmate; requiring the court to appoint examining experts; providing for responsibilities of the experts; requiring the experts to file a report with the court; requiring the court to hold a hearing; creating s. 945.503, F.S,; providing procedures to determine whether an inmate found not competent to proceed should be committed to the Department of Children and Family Services for treatment or training; requiring the Department of Children and Family Services to provide treatment or training services; providing procedures to reexamine the inmate; creating s. 945.504, F.S.; providing for involuntary treatment of an inmate found not to be competent to proceed who refuses to give express and informed consent to the treatment or training; providing procedures for emergency and non-emergency situations; providing a hearing, authorizing the court to appoint a master to preside at the hearing; providing an effective date.

—was referred to the Committees on Judiciary; Children and Families; Criminal Justice; and Justice Appropriations.

By Senator Atwater—

SB 2578—A bill to be entitled An act relating to the discretionary surtax on documents; amending ss. 125.0167 and 201.031, F.S.; authorizing certain counties operating under a home rule charter to levy the discretionary surtax for purposes of establishing and funding a Housing Assistance Loan Trust Fund to assist in providing housing for low-income and moderate-income families; prohibiting certain counties from levying the surtax unless approved by a majority of the electors of the county voting in a referendum; providing requirements for holding a

referendum; providing for the future repeal of ss. 125.0167 and 201.031, F.S., relating to the surtax on documents for purposes of funding housing assistance; repealing s. 3 of ch. 83-220, Laws of Florida, as amended, relating to the former repeal date established for the discretionary surtax on documents; providing an effective date.

—was referred to the Committees on Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Siplin—

SB 2580—A bill to be entitled An act relating to student assessments; creating s. 1008.225, F.S.; providing for a Standardized Test Academic Grade, or STAG, to be used in lieu of the Florida Comprehensive Assessment Test to assess high school students for purposes of promotion and graduation; providing legislative findings; requiring that the Commissioner of Education develop and implement the STAG program by a specified date; providing purposes; providing eligibility requirements for student use of STAG; providing a formula for computing a student's STAG score; requiring the Department of Education to study the program and report its findings to legislative leaders and to the Commissioner of Education; amending ss. 1003.42 and 1008.22, F.S., to conform; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Siplin—

SB 2582—A bill to be entitled An act relating to delinquency proceedings; amending s. 985.228, F.S.; requiring the Department of Juvenile Justice to adopt rules governing the procedures that may be used to restrain a child before and during an adjudicatory hearing; prohibiting unreasonable restraint or extended periods of isolation; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

SB 2584—Previously referenced.

By Senator Alexander—

SB 2586—A bill to be entitled An act relating to higher education; expressing the legislative intent to revise laws relating to higher education; providing an effective date.

—was referred to the Committees on Education Appropriations; and Ways and Means.

By Senator Alexander—

SB 2588—A bill to be entitled An act relating to higher education; expressing the legislative intent to revise laws relating to higher education; providing an effective date.

—was referred to the Committees on Education Appropriations; and Ways and Means.

By the Committee on Education Appropriations—

SB 2590—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Health and Human Services Appropriations—

SB 2592—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Justice Appropriations—

SB 2594—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on General Government Appropriations—

SB 2596—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Transportation and Economic Development Appropriations—

SB 2598—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

Bill Numbers 2600-2602 have been reserved for appropriations bills.

By Senator Lynn—

SB 2604—A bill to be entitled An act relating to funding for the Florida Virtual School; amending s. 1002.37, F.S.; providing a methodology for determining the full-time equivalent student membership of the Florida Virtual School in order to calculate funding under the Florida Education Finance Program; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Senator Crist—

SB 2606—A bill to be entitled An act relating to student financial assistance; creating s. 1009.893, F.S.; creating the Sure Futures Postgraduate Scholarship Program to match private sector businesses that need employees who have advanced degrees with students who are seeking advanced degrees and employment; establishing the Sure Futures Foundation and a foundation board to administer the program; providing membership and duties of the foundation board; providing criteria for student and corporate partner participation in the program; providing that corporate partners shall donate funds for scholarships and receive tax credits for amounts donated; providing restrictions on tax credits; providing for scholarship conversion to a low-interest loan if certain student or employee obligations are not met; providing duties of

the Department of Education and state universities; providing an effective date.

—was referred to the Committees on Education; Commerce and Consumer Services; Government Efficiency Appropriations; and Education Appropriations.

By Senator Fasano—

SB 2608—A bill to be entitled An act relating to the licensure of health care providers; designating parts I, II, III, and IV of chapter 408, F.S.; creating ss. 408.801-408.819, F.S., the Health Care Licensing Procedures Act; providing legislative findings with respect to the standardization of basic licensing requirements for health care providers; providing for applicability; providing definitions; providing requirements for licensure; providing for license fees; providing requirements for license applications; providing requirements for change of ownership of a provider; providing license categories; providing requirements for background screening; authorizing the Agency for Health Care Administration to make inspections; prohibiting certain unlicensed activities; providing for administrative fines; authorizing the agency to impose moratoriums and suspensions; providing for license denial and revocation; authorizing the agency to institute injunction proceedings; providing for administrative proceedings; providing for deposit of fees and fines into the Health Care Trust Fund; authorizing the agency to adopt rules; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; providing for applicability of part II of ch. 408, F.S.; deleting duplicative provisions governing background screening and license fees; amending ss. 383.301, 383.305, 383.309, 383.315, 383.324, 383.33, and 383.335, F.S., and repealing ss. 383.304, 383.325, 383.331, and 383.332, F.S., relating to birth centers; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending ss. 390.011, 390.012, 390.014, and 390.018, F.S., and repealing s. 390.013, 390.015, 390.016, 390.017, 390.019, and 390.021, F.S., relating to abortion clinics; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending s. 394.455, F.S.; redefining the term "hospital" for purposes of the Florida Mental Health Act; amending s. 394.67, F.S.; defining the term "short-term residential treatment facility" for purposes of the Community Substance Abuse and Mental Health Services Act; amending ss. 394.875, 394.877, 394.878, 394.879, 394.90, and 394.907, F.S., and repealing s. 394.876 and 394.902, F.S.; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending ss. 395.003, 395.004, 395.0161, 395.0163, 395.0193, 395.0199, 395.1046, 395.1055, 395.1065, 395.10973, and 395.10974, F.S., and repealing ss. 395.002(4), 395.0055, and 395.0162, F.S., relating to hospital licensing and regulation; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending ss. 400.022, 400.051, 400.062, 400.063, 400.071, 400.102, 400.111, 400.1183, 400.121, 400.141, 400.179, 400.18, 400.19, 400.191, 400.20, and 400.23, F.S., and repealing ss. 400.021(5) and (20), 400.0712(3), 400.125, and 400.241(1) and (2), F.S., relating to nursing homes; conforming cross-references; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; revising requirements for posting reports and records; amending ss. 400.402, 400.407, 400.4075, 400.408, 400.411, 400.412, 400.414, 400.417, 400.4174, 400.4176, 400.418, 400.419, 400.423, 400.424, 400.4255, 400.4256, 400.427, 400.4275, 400.431, 400.434, 400.441, 400.442, 400.444, 400.452, and 400.454, F.S., and repealing ss. 400.415, 400.4178(7), 400.421, 400.435(1), 400.447(1), (2), and (3), and 400.451, F.S., relating to assisted living facilities; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending ss. 400.464, 400.471, 400.474, 400.484, 400.487, 400.494, 400.495, 400.497, 400.506, 400.509, and 400.512, F.S., and repealing s. 400.515, F.S., relating to home health agencies and nurse registries; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; clarifying the authority of physician's assistants and advanced registered nurse practitioners; requiring that a nurse registry provide certain information; amending ss. 400.551, 400.554, 400.555, 400.556, 400.5565, 400.557, 400.5572, 400.559, 400.56, and 400.562, F.S., and repealing ss. 400.5575, 400.558, and 400.564, F.S., relating to adult day care centers; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending ss. 400.602, 400.605, 400.606, 400.6065, 400.607, and 400.6095, F.S., relating to hospices; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending ss. 400.617, 400.619, 400.6194, 400.6196, 400.621, 400.6211, and 400.625, F.S., and repealing s. 400.622, F.S., relating to adult family-care homes; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, inspections, and enforcement; amending ss. 400.801 and 400.805, F.S., relating to homes for special services and transitional living facilities; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending ss. 400.902, 400.903, 400.905, 400.907, 400.908, 400.912, 400.914, and 400.915, F.S., and repealing ss. 400.906, 400.910, 400.911, 400.913, 400.916, and 400.917, F.S., relating to prescribed pediatric extended care centers; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, inspections, and enforcement; amending ss. 400.925, 400.93, 400.931, 400.932, 400.933, and 400.935, F.S., and repealing ss. 400.95, 400.953(2), 400.955(4), and 400.956, F.S., relating to home medical equipment providers; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending ss. 400.960, 400.962, 400.967, 400.968, 400.9685, and 400.969, F.S., and repealing ss. 400.963 and 400.965, F.S., relating to intermediate care facilities for the developmentally disabled; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending s. 440.980, F.S., relating to health care service pools; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending ss. 400.991, 400.9915, 400.9925, 400.993, 400.9935, and 400.995, F.S., and repealing ss. 400.992, 400.994, and 400.9945, F.S., relating to health care clinics; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending s. 408.831, F.S., relating to the licensure of health care facilities; providing for application to affiliated business entities; correcting cross-references; amending s. 440.102, F.S.; revising requirements for drug-testing laboratories to conform to changes made by the act; amending ss. 483.035, 483.051, 483.061, 483.091, 483.101, 483.111, 483.172, 483.201, 483.221, and 483.23, F.S., and repealing ss. 483.131 and 483.25, F.S., relating to clinical laboratories; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending ss. 483.291, 483.294, 483.30, 483.302, and 483.32, F.S., and repealing ss. 483.311, 483.317(1), 483.322(1), and 483.328, F.S., relating to multiphasic health testing centers; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, background screening, inspections, and enforcement; amending ss. 765.541, 765.542, and 765.544, F.S., relating to entities engaged in organ and tissue procurement; conforming licensure requirements; deleting duplicative provisions governing license applications and fees, inspections, and enforcement; providing for part II of ch. 408, F.S., to prevail in cases of conflict with other specified provisions; providing for the transfer of rules adopted by the Department of Elderly Affairs pursuant to parts III, V, VI, and VII of ch. 400 to be transferred to the Agency for Health Care Administration; authorizing the agency to issue licenses for less than a 2-year period until a specified date; providing an effective date.

—was referred to the Committees on Health Care; Children and Families; Criminal Justice; Government Efficiency Appropriations; and Health and Human Services Appropriations.

SB 2610—Previously referenced.

By Senator Lynn—

SB 2612—A bill to be entitled An act relating to behavioral health service delivery; amending s. 394.9082, F.S.; requiring the Department of Children and Family Services to enter into a noncompetitive contract with the North East Florida Addictions Network to establish a single

managing entity for districts 2, 3, 4, 12, and 13, to deliver substance abuse services to recipients of child protective services in the five districts; requiring the department and the North East Florida Addictions Network to develop and implement a plan that allows the phase-in of services beginning with the delivery of substance abuse services; requiring the department to initiate implementation of the substance abuse delivery component of this program without delay in the expansion districts and furnish status reports to the appropriate substantive committees of the Senate and the House of Representatives by specified dates; requiring the department to monitor and evaluate the expansion project; providing an effective date.

—was referred to the Committees on Children and Families; Government Efficiency Appropriations; Health and Human Services Appropriations; and Rules and Calendar.

By Senator Constantine—

SB 2614—A bill to be entitled An act relating to university campus planning; amending s. 1013.30, F.S.; requiring each university board of trustees to maintain a copy of the campus master plan on the university's website and provide for electronic copies of its draft master plan; requiring that the university hold an informal public information session before the required public hearings are held on the draft master plan; requiring that the public hearings be held at specified times; limiting the issues that an individual may raise challenging a campus master plan; authorizing the university to execute a campus development agreement during the pendency of a challenge; providing for an evidentiary hearing to be held by the state land planning agency if a challenge to the master plan is not resolved; specifying the evidentiary procedures to be used in such hearing; providing for attorney's fees in any dispute submitted to the state land planning agency or the Administration Commission in which the pleading or motion was made for an improper purpose or for economic advantage; requiring that each university board of trustees rather than the State Board of Education adopt rules to administer the procedures for preparing and adopting the campus master plan; providing an effective date.

—was referred to the Committees on Community Affairs; Education; Judiciary; and Education Appropriations.

By Senator Clary—

SB 2616—A bill to be entitled An act relating to emergency management; amending s. 252.355, F.S.; providing that the Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the general public, including special needs clients, regarding registration as a person with special needs, special needs shelters, and general information regarding shelter stays; requiring the department to disseminate educational and outreach information through local emergency management offices; amending s. 381.0303, F.S.; removing a condition of specified funding as a prerequisite to the assumption of lead responsibility by the Department of Health for specified coordination with respect to the development of a plan for the staffing and medical management of special needs shelters; providing that the local Children's Medical Services offices shall assume lead responsibility for specified coordination with respect to the development of a plan for the staffing and medical management of pediatric special needs shelters; requiring such plans to be in conformance with the local comprehensive emergency management plan; requiring county governments to assist in the process of coordinating the recruitment of health care practitioners to staff local special needs shelters; providing that the appropriate county health department, Children's Medical Services, and local emergency management agency shall jointly determine the responsibility for medical supervision in a special needs shelter; providing that the Department of Elderly Affairs shall be the lead agency responsible for ensuring the placement of special needs residents rendered homeless due to a disaster event and for appropriate and necessary discharge planning for special needs shelter residents; providing that the Department of Children and Family Services shall be the lead agency responsible for ensuring the placement of developmentally disabled persons, mental health special needs residents, and Alzheimer adult special needs residents rendered homeless due to a disaster event and for the appropriate and necessary discharge planning for special needs shelter residents; providing that state employees with a preestablished role in disaster response may be called upon to serve in times of disaster in specified capacities; requiring hospitals that are used to shelter special needs persons during and after an evacuation to submit invoices for reimbursement from the state for expenses incurred for medical care provided at the request of the Department of Health in special needs shelters or at other locations during times of emergency or major disaster; revising the role of the special needs shelter interagency committee with respect to the planning and operation of special needs shelters; providing required functions of the committee; providing for the inclusion of specified rules with respect to health practitioner recruitment for special needs shelters; providing that the requirement for submission of emergency management plans by home health agencies, nurse registries, and hospice programs to local emergency management agencies for review and approval remains in effect; providing requirements with respect to such plans; removing a condition of specified funding as a prerequisite to the submission of such plans; amending s. 252.385, F.S.; requiring the Department of Management Services to annually review the registry of persons with special needs to ensure that the construction of special needs shelters is sufficient and suitable to house such persons during and after an evacuation; amending s. 400.492, F.S.; providing that home health, hospice, and durable medical equipment provider agencies shall not be required to continue to provide care to patients in emergency situations that are beyond their control and that make it impossible to provide services; authorizing home health agencies and durable medical equipment providers to establish links to local emergency operations centers to determine a mechanism to approach areas within a disaster area in order for the agency to reach its clients; providing that the presentation of home care clients to the special needs shelter without the home health agency making a good faith effort to provide services in the shelter setting constitutes abandonment of the client; requiring regulatory review in such cases; amending s. 408.831, F.S.; providing that entities regulated or licensed by the Agency for Health Care Administration may exceed their licensed capacity to act as a receiving facility under specified circumstances; providing requirements while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; providing fees; providing an effective date.

—was referred to the Committees on Domestic Security; Community Affairs; Health Care; and Health and Human Services Appropriations.

By Senator Geller—

SB 2618—A bill to be entitled An act relating to insurance rate filings; amending s. 627.062, F.S.; requiring a statement of certification to accompany certain rate filings; providing statement requirements; providing for the adoption of rules by the Office of Insurance Regulation; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Senator Sebesta—

SB 2620—A bill to be entitled An act relating to seaports; requiring the Department of Law Enforcement to develop a program to survey the underwater areas of certain deepwater seaports; providing an appropriation; providing an effective date.

—was referred to the Committees on Domestic Security; Transportation; Justice Appropriations; and Ways and Means.

By Senator Carlton—

SB 2622—A bill to be entitled An act relating to retirement; expressing the legislative intent to revise laws relating to retirement; providing an effective date.

—was referred to the Committee on Ways and Means.

By Senator Fasano—

SB 2624—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 790.065, F.S.; requiring the department to review other records in addition to criminal history records to evaluate a potential buyer or transferee of a firearm, including an adjudication of mental defectiveness or a commitment to a mental institution as criteria that prohibit a person from purchasing a firearm; providing definitions; requiring the department to maintain an automated database of persons who are prohibited from purchasing a firearm; requiring each clerk of court to submit certain court records to the department within a certain period; requiring the department to delete certain records from the automated database upon the request of an individual meeting specified conditions; authorizing the department to disclose collected data to other federal or state agencies with regard to the sale or transfer of a firearm; authorizing the department to disclose certain information to the Department of Agriculture and Consumer Services for determining the eligibility of an applicant for a concealed weapons or concealed firearms license; requiring the clerk of court or mental hospital to provide additional information upon request following an appeal of an unapproved sale or transfer of a firearm; amending s. 914.25, F.S.; providing for recertification for protective services for an additional period, with reimbursement for expenses from the Victim and Witness Protection Review Committee; providing for unlimited protective services for a victim or witness without reimbursement; amending s. 937.021, F.S.; providing immunity to the department, other law enforcement agencies, and media representatives from civil liability for complying in good faith with a request to record or report information of an Amber Alert or Missing Child Alert; providing that a technical or clerical error or incorrect or incomplete information does not overcome the presumption of good faith in reporting information about an Amber Alert or Missing Child Alert; providing that it is a discretionary decision of the law enforcement agency or its employees to report, record, or display Amber Alert or Missing Child Alert information; amending s. 938.07, F.S.; requiring that a portion of certain court costs imposed for a conviction of driving or boating under the influence be deposited into the department's Operating Trust Fund instead of the Criminal Justice Standards and Training Trust Fund; amending s. 938.27, F.S.; requiring that investigative costs recovered on behalf of the department be deposited into the Forfeiture and Investigative Trust Fund of the department; amending s. 943.05, F.S.; authorizing the department to retain fingerprints in certain circumstances and use retained fingerprints for certain purposes; amending s. 943.052, F.S.; requiring that disposition reports for dispositions relating to minor offenders are mandatory after a specified date; amending s. 68.07, F.S.; requiring a set of fingerprints as part of a name change petition; amending s. 943.053, F.S.; requiring the department to make certain information available to judges; limiting use of information; authorizing a criminal justice agency to obtain a criminal history background check of a noncertified agency employee by submitting fingerprints to the department; requiring the department to adopt rules setting a fee for conducting the criminal history background search and establishing procedures; requiring that criminal history check be provided by the department in certain circumstances; amending s. 943.0585, F.S.; prohibiting a court from expunging a criminal history record containing certain sexual offenses or certain offenses that require registration as a sexual offender; requiring a valid certificate of eligibility for expunction in a petition to expunge a criminal history record; specifying the time during which a certificate of eligibility for expunction is valid; requiring that a trial must not have occurred in order for a person to obtain a statement from the state attorney authorizing the expunction of a criminal record; authorizing a person who has secured a prior sealing or expunction of a criminal history record to seek a certificate of eligibility for expunction if the criminal history record was previously sealed for a specified time and is otherwise eligible for expunction; providing that a person who is seeking authorization for employment or access to a seaport may not deny or fail to acknowledge an arrest covered by an expunged record; providing that the department may acknowledge an expunged criminal history record under certain circumstances; amending s. 943.059, F.S.; enumerating certain sexual offenses and offenses that require registration as a sexual offender which may not be sealed; requiring a valid certificate of eligibility for sealing in a petition to seal a criminal history record; specifying the period during which a certificate of eligibility for sealing is valid; providing that the information contained in a sealed criminal record is available to a criminal justice agency for the purpose of conducting a criminal history background check for approval of a firearms purchase or transfer; prohibiting a person from denying arrests covered by his or her sealed criminal record when attempting to purchase a firearm; providing that a person who is seeking authorization for employment or access to a seaport may not deny or fail to acknowledge an arrest covered by sealed record; providing that the department may acknowledge a sealed criminal history record under certain circumstances; amending s. 943.13, F.S.; requiring the department to enter the fingerprints of law enforcement or correctional officers into a statewide automated fingerprint identification system; requiring the department to search each arrest fingerprint card received against fingerprints retained in the statewide automated fingerprint identification system; providing for refingerprinting by a certain date; amending ss. 943.1715 and 943.1716, F.S.; deleting the minimum number of hours required for basic skills training and continued employment training relating to diverse populations for law enforcement officers; repealing s. 943.2569, F.S., relating to an annual financial audit of criminal justice selection centers; amending s. 943.257, F.S.; authorizing the Criminal Justice Standards and Training Commission and the advisory board of a criminal justice selection center to inspect and copy any documents from a center in order to carry out oversight responsibilities, including documents pertaining to any internal or independent audits; amending s. 943.401, F.S.; requiring the department to investigate all public assistance that is provided by the state; requiring public assistance recipients to consent in writing to an investigation into their employment and financial histories by the Agency for Workforce Innovation; requiring the department to report the results of the investigations to the Agency for Workforce Innovation; authorizing the department to purchase goodwill and promotional materials; limiting the annual amount of such expenditures; prohibiting the unauthorized use of the department's emblems and names; providing a penalty; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

SR 2626—Not referenced.

By Senator Lawson—

SJR 2628—A joint resolution proposing an amendment to Section 16 of Article X of the State Constitution relating to marine net fishing.

—was referred to the Committees on Environmental Preservation; Judiciary; and Rules and Calendar.

By Senator Crist—

SB 2630—A bill to be entitled An act relating to caregivers for adults; creating the Seniors Offering Services program within the Department of Elderly Affairs; providing purposes; providing an effective date.

—was referred to the Committees on Children and Families; and Health and Human Services Appropriations.

By Senator Siplin—

SB 2632—A bill to be entitled An act relating to condominium associations; amending s. 718.116, F.S.; providing that a lien foreclosure action or an action to recover a money judgment brought as a result of unpaid condominium association assessments may only be brought in instances meeting a monetary threshold; providing that an association is not entitled to recover attorney's fees in foreclosure actions or in actions to recover a money judgment brought as a result of unpaid association assessments; requiring an association to provide 180 days' written notice of its intention to foreclose its lien before foreclosure judgment may be entered; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Senator Haridopolos—

SB 2634—A bill to be entitled An act relating to medical practice; amending s. 458.348, F.S. and creating s. 459.025, F.S.; defining the term "physician office practice setting"; providing standards for arrangements in which a physician or osteopathic physician is in a supervisory relationship over an advanced registered nurse practitioner or physician assistant outside a physician office practice setting; providing for rules; amending s. 464.003, F.S.; revising the makeup of the committee that has approval powers over acts constituting advanced or specialized nursing practice; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Posey—

SB 2636—A bill to be entitled An act relating to Medicaid reimbursement to nursing homes; amending s. 409.908, F.S.; requiring the Agency for Health Care Administration to permit licensed nursing homes to bid on rates for Medicaid certified beds under certain circumstances; providing for rules; requiring the agency to provide a list of approved bidders to social service providers; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Senator Alexander—

SB 2638—A bill to be entitled An act relating to the Florida minimum wage; amending s. 95.11, F.S.; providing limitations on actions alleging violations of s. 24, Art. X of the State Constitution; creating s. 448.065, F.S.; creating the Florida Minimum Wage Act; providing that the purpose of the act is to implement s. 24, Art. X of the State Constitution, which establishes a state minimum wage; requiring payment of the minimum wage to certain employees by a specified date; requiring the Agency for Workforce Innovation to annually calculate an adjusted state minimum wage; requiring that the agency and the Department of Revenue notify employers of the amount of the minimum wage; prohibiting an employer or other party from discriminating against a person who exercises rights protected under s. 24, Art. X of the State Constitution; authorizing a person to bring a civil action against an employer or person in violation of the act; requiring prior notice; providing for the recovery of unpaid back wages, liquidated damages, and attorney's fees and costs; providing for legal or equitable relief; authorizing the Attorney General to bring a civil action to enforce the act and seek injunctive relief; authorizing the court to impose a fine; specifying the statute of limitations for actions brought under the act; authorizing class actions; providing that the act is the exclusive remedy available for a violation of s. 24, Art. X of the State Constitution; limiting the authority of the Agency for Workforce Innovation; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Judiciary; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Senator Geller—

SB 2640—A bill to be entitled An act relating to chiropractic education; amending s. 400.9905, F.S.; exempting clinical facilities affiliated with certain chiropractic colleges from certain regulations; creating s. 460.4063, F.S.; authorizing chiropractic college-based internship programs; providing registration requirements and program requirements; prescribing fees; providing an effective date.

—was referred to the Committees on Health Care; and Education.

By Senator Saunders—

SB 2642—A bill to be entitled An act relating to distributions of sales and use tax proceeds; amending s. 212.20, F.S.; increasing a monthly distribution of funds to certain professional sports franchises; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

Senate Bills 2644-2646—Previously referenced.

By Senator Garcia—

SB 2648—A bill to be entitled An act relating to pyramid promotional schemes; amending s. 849.091, F.S.; deleting a provision declaring pyramid sales schemes to be a lottery and providing a criminal penalty for participating in such schemes; creating s. 849.09105, F.S.; providing definitions; prohibiting establishing, promoting, operating, or participating in pyramid promotional schemes; providing limitations; providing construction; preserving the Attorney General's authority to bring certain actions; authorizing the Attorney General to issue certain orders, bring certain actions, and impose certain civil penalties; requiring notification of persons named in certain orders to a right to a hearing; providing for waiver of such right under certain circumstances; providing requirements for such orders; providing for granting certain injunctions, restraining orders, or writs of mandamus under certain circumstances; providing for appointment of a receiver or conservator for certain purposes; authorizing a court to enter certain additional orders for certain purposes; prohibiting a court from requiring the Attorney General to post a bond; requiring the Attorney General to collect certain costs and attorney's fees in addition to fines and penalties; providing criminal penalties; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Criminal Justice; Judiciary; and Justice Appropriations.

By Senator Posey—

SB 2650—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising duties of the Secretary of State as chief election officer; amending s. 97.021, F.S.; revising definitions; creating s. 97.029, F.S.; relating to the award of attorney's fees and costs in proceedings challenging election or voter registration law; amending s. 97.051, F.S.; revising the oath a person must take to register to vote; amending s. 97.052, F.S.; revising provisions relating to the uniform statewide voter registration application; removing the requirement that the uniform statewide voter registration application must contain certain homestead exemption information; amending s. 97.053, F.S.; revising criteria for a voter registration application to be deemed complete; specifying where an initial voter registration application may be mailed; amending s. 97.055, F.S.; providing for permitted updates once registration books are closed; creating s. 97.0575, F.S.; regulating third-party voter registrations and registration organizations; requiring third-party voter registration organizations to name a registered agent and submit certain information to the Division of Elections; providing for a fiduciary duty of the third-party voter registration organization to the applicant; providing for joint and several liability for a breach of fiduciary duty; specifying fines; authorizing the division to investigate certain violations; providing for collected fines to be set aside by the division in a trust fund; authorizing the division to adopt certain rules; amending s. 98.045, F.S.; correcting a cross reference; amending s. 98.077, F.S.; providing for signature updates for use in verifying absentee and provisional ballots; providing a deadline for the supervisor of elections to receive voter signature updates; amending s. 99.061, F.S.; amending to conform; revising a financial disclosure requirement for candidate qualification; providing a submission deadline for qualifying papers; amending s. 99.063, F.S.; revising a financial disclosure requirement for certain designated candidates; amending s. 99.092, F.S., relating to qualifying fees of candidates, to conform; amending s. 99.095, F.S.; providing for a petition process in lieu of a qualifying fee and party assessment; providing requirements for signatures and petition format; providing submission deadlines; amending s. 99.0955, F.S.; revising provisions relating to candidates with no party affiliation; amending to conform; deleting obsolete provisions; amending s. 99.096, F.S.; revising filing requirements of minor political party candidates; amending to conform; deleting obsolete provisions;

amending s. 99.09651, F.S., relating to signature requirements for ballot position in a year of apportionment, to conform; amending s. 100.011, F.S.; requiring electors in line at the official closing of the polls to be allowed to vote; amending s. 100.101, F.S.; deleting a provision requiring a special election to be held if a vacancy occurs in nomination; amending s. 100.111, F.S.; revising requirements relating to filling candidate vacancies; deleting provisions relating to a prohibition of qualified candidates to fill a vacancy in nomination; deleting obsolete provisions; amending s. 100.141, F.S.; conforming provisions relating to vacancies in nomination and qualifying by an alternative method; amending s. 101.031, F.S.; revising the voter's bill of rights to allow for an elector whose identity in question to cast a provisional ballot and to remove the right for an elector to prove identity by signing an affidavit; amending s. 101.043, F.S., relating to identification required at polls, to conform; amending s. 101.048, F.S.; providing a person casting a provisional ballot the right to present certain eligibility evidence by a certain date; providing for the county canvassing board to review provisional ballot voter's certificates and affirmations; providing a standard of review; revising the provisional ballot voter's certificate and affirmation form; revising provisions relating to casting provisional ballots by electronic means; amending s. 101.049, F.S.; providing for provisional ballots and persons with disabilities; amending s. 101.051, F.S.; prohibiting solicitation of assistance to electors with certain disabilities at certain locations; providing a penalty; requiring a person providing an elector assistance to vote to take a specified oath; amending s. 101.111, F.S.; revising the oath taken by persons challenging the right of a person to vote; deleting the oath required to be taken by a person whose right to vote was challenged and allowing that person to cast a provisional ballot; providing a prohibition against and penalty for frivolous challenges; amending s. 101.131, F.S.; allowing certain poll watchers in early voting areas and polling rooms; providing limitations and restrictions on behavior of poll watchers; providing deadlines regarding designation and approval of poll watchers; amending s. 101.151, F.S.; replacing paper ballots with marksense ballots and accompanying specifications; amending s. 101.171, F.S.; requiring a copy of constitutional amendments to be available at polls in poster or booklet form; amending s. 101.294, F.S.; prohibiting a vendor of voting equipment from providing an uncertified voting system or upgrade; providing for certification of voting systems and upgrades; amending s. 101.295, F.S.; providing a penalty; amending s. 101.49, F.S.; revising the procedure of election officers where signatures differ; amending s. 101.51, F.S., relating to electors' occupation of booths, to conform; amending s. 101.5606, F.S., relating to requirements for approval of voting systems, to conform; amending s. 101.5608, F.S., relating to voting by electronic or electromechanical methods, to conform; amending s. 101.5612, F.S.; providing for additional testing of voting systems under certain circumstances; amending s. 101.5614, F.S.; correcting a cross reference; amending s. 101.572, F.S.; revising a provision relating to the public inspection of ballots; amending s. 101.58, F.S.; authorizing any Department of State employee full access to all premises, records, equipment, and staff of the supervisor of elections; amending s. 101.595, F.S.; providing for the reporting of overvotes and undervotes in presidential or gubernatorial races; amending s. 101.6103, F.S.; authorizing canvassing boards to begin canvassing mail ballots before the election; providing a time when the results may be released; providing a penalty; amending s. 101.62, F.S.; revising provisions relating to the deadline by which the supervisor of elections must receive a request for an absentee ballot to be mailed to a voter; requiring information relating to absentee receipt and delivery dates to be available to the voter requesting the ballot; providing for unavailable regular absentee ballots for overseas electors; providing a deadline by which an absentee ballot request may be fulfilled by personal delivery; amending s. 101.64, F.S.; providing for a certain oath to be provided to overseas electors in lieu of a voter's certificate; amending s. 101.657, F.S.; revising requirements relating to early voting locations; revising the deadline to end early voting; providing for uniformity of county early voting sites; requiring any person in line at the closing of an early voting site to be allowed to vote; providing for early voting in municipal and special district elections; amending s. 101.663, F.S.; revising provisions relating to certain electors who move to another state; amending s. 101.68, F.S.; providing that an absentee ballot is deemed to have been cast once it has been received by the supervisor; amending s. 101.69, F.S.; revising a provision relating to voting in person by electors who have requested absentee ballots; amending s. 101.6923, F.S.; revising a provision relating to special absentee ballot instructions for certain voters; amending s. 101.694, F.S.; requiring certain absentee envelopes to meet specifications as determined by a certain federal program; amending s. 101.697, F.S.; providing a condition on the department's ability to accept certain election materials by electronic transmission from overseas voters; amending s. 102.012, F.S.; revising provisions to require supervisors of election to appoint one election board for each precinct; requiring each supervisor to furnish inspectors of election in each precinct with the list of registered voters for the precinct; amending s. 102.014, F.S.; requiring the division to develop a uniform training curriculum for poll workers; revising grounds upon which a supervisor shall replace an inspector or clerk; revising requirements relating to the provisions and availability of a uniform polling place procedures manual; amending s. 102.031, F.S.; revising a provision relating to maintenance of good order at polls, authorities, persons allowed in polling rooms, and unlawful solicitation of voters to apply to early voting areas; prohibiting a person from bringing a camera into a polling room or early voting area; increasing the distance for the no solicitation zone; providing for the designation of the no solicitation zone; amending s. 102.071, F.S.; decreasing the certificates of the results needed to one; amending s. 102.111, F.S.; providing for typographical errors in official county returns to be certified by the Elections Canvassing Commission; amending s. 102.112, F.S.; requiring the county returns to contain a certain certification; authorizing the department to correct typographical errors in county returns; amending s. 102.141, F.S.; revising provisions relating to county canvassing boards and their duties; requiring that the county canvassing board be responsible for ordering county and local recounts; revising deadlines relating to submission of unofficial returns; adding procedure and content requirements relating to county canvassing boards' reports on conduction of elections; requiring the department to adopt rules establishing the required content and acceptable formats for certain filings; amending s. 102.166, F.S.; revising provisions relating to manual recounts; amending s. 102.168, F.S.; revising proper party defendants in actions contesting the election or nomination of a candidate; amending s. 103.021, F.S.; requiring the state executive committee of each political party to recommend candidates for presidential electors to the Governor using a specified procedure; providing definitions; amending ss. 103.051 and 103.061, F.S.; revising certain meeting and notice times of the presidential electors; amending s. 103.121, F.S.; revising the powers and duties of executive committees; amending s. 104.051, F.S.; prohibiting willful failure of a supervisor or county canvassing board member to follow a certain binding directive; providing a penalty; authorizing only the Secretary of State to file certain complaints; amending s. 105.031, F.S.; exempting school board candidates from qualifying fee requirements; revising requirements relating to financial interest statements made by public officers; providing a time by which a qualifying officer may accept and hold certain qualifying papers; amending s. 105.035, F.S.; renaming the "alternative method" of qualifying for certain offices as the "petition process"; removing provisions requiring a person seeking to qualify by the petition process to file a certain oath; providing a limitation upon elector signatures needed by certain candidates; revising deadlines; amending s. 106.22, F.S.; revising the duties of the Division of Elections to remove the duty to conduct certain investigations and make subsequent reports; amending s. 106.29, F.S., relating to the powers and duties of the Florida Elections Commission, to conform; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute the offenses of crimes involving voter registration, voting, or candidate or issue petition activities; amending s. 119.07, F.S.; placing a condition on when the supervisor of elections shall notify certain candidates of ballot inspection; amending s. 120.52, F.S.; revising a definition of "rule" to exempt certain Division of Election advisory opinions and Secretary of State directives; amending s. 145.09, F.S.; requiring the Department of State to adopt rules establishing certification requirements of supervisors of elections; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0979, F.S.; relating to the statewide voter registration database's being open to inspection and copies; repealing s. 98.181, F.S., relating to supervisors of elections making up indexes or records; repealing s. 98.481, F.S., relating to challenge to electors; repealing s. 101.253, F.S.; relating to when names are not to be printed on ballots; repealing s. 101.635, F.S.; relating to distribution of blocks of printed ballots; repealing s. 102.061, F.S.; relating to duties of election board, counting, and closing polls; repealing s. 106.085, F.S., relating to independent expenditures, prohibited unfair surprise, notice requirements, and a penalty; repealing s. 106.144, F.S.; relating to endorsements or opposition by certain groups and organizations; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; and Transportation and Economic Development Appropriations.

Senate Resolutions 2652-2654—Not referenced.

By Senator Wise—

SB 2656—A bill to be entitled An act relating to juvenile justice; redesignating parts I, II, III, IV, and V of ch. 985, F.S.; creating parts VI, VII, VIII, IX, X, XI, XII, and XIII of ch. 985, F.S.; transferring, renumbering, and amending s. 985.01, F.S.; deleting requirements for personnel standards and screening; transferring, renumbering, and amending s. 985.02, F.S., relating to legislative intent; conforming a cross-reference; transferring, renumbering, and amending s. 985.03, F.S., relating to definitions; conforming provisions to changes made by the reorganization of ch. 985, F.S.; transferring, renumbering, and amending s. 985.201, F.S.; specifying the jurisdiction of the court with respect to a child alleged to have committed a delinquent act or violation of law; transferring and renumbering s. 985.202, F.S., relating to legal representation for delinquency cases; transferring, renumbering, and amending s. 985.203, F.S., relating to the right to counsel; conforming a cross-reference; transferring and renumbering s. 985.205, F.S., relating to hearings; transferring, renumbering, and amending s. 985.206, F.S.; authorizing the release of a juvenile offense report to the victim of the offense; transferring, renumbering, and amending s. 985.216, F.S., relating to punishment for contempt of court; conforming provisions to the reorganization of ch. 985, F.S.; transferring and renumbering s. 985.2311, F.S., relating to the cost of supervision and care; transferring, renumbering, and amending s. 985.04, F.S.; providing requirements for oaths, records, and confidential information obtained by the Department of Juvenile Justice, the Parole Commission, the Department of Corrections, juvenile justice circuit boards, law enforcement agencies, and licensed professionals or agencies; transferring, renumbering, and amending s. 985.05, F.S., relating to court records; conforming cross-references; transferring and renumbering ss. 985.06 and 985.08, F.S., relating to information systems; transferring, renumbering, and amending s. 985.207, F.S., relating to the custody of children; prohibiting placing a child into a vehicle containing an adult under arrest; conforming cross-references; transferring and renumbering s. 985.2075, F.S., relating to youth custody officers; transferring, renumbering, and amending s. 985.212, F.S., relating to fingerprinting and photographing children; conforming a cross-reference; transferring, renumbering, and amending s. 985.211, F.S.; revising requirements for the release or delivery of a child taken into custody; transferring, renumbering, and amending s. 985.301, F.S., relating to civil citations; conforming a cross-reference; transferring and renumbering s. 985.3065, F.S., relating to prearrest or postarrest diversion programs; creating s. 985.3307, F.S.; providing for filing probable cause affidavits; transferring and renumbering s. 985.209, F.S., relating to juvenile assessment centers; transferring, renumbering, and amending s. 985.21, F.S.; providing requirements for an intake and case-management system; conforming provisions to the reorganization of ch. 985, F.S.; creating s. 985.33212, F.S.; specifying the responsibilities of the juvenile probation officer during intake; providing requirements for screenings and assessments; creating s. 985.33213, F.S.; providing requirements for the state attorney with respect to filing petitions and other actions; transferring and renumbering s. 985.303, F.S., relating to neighborhood restorative justice centers; transferring, renumbering, and amending s. 985.304, F.S., relating to community arbitration; conforming a cross-reference; transferring, renumbering, and amending s. 985.224, F.S.; providing requirements for the intake and case-management system; requiring certain evaluations concerning a youth having multiple arrests; transferring, renumbering, and amending s. 985.229, F.S.; revising requirements for evaluations; transferring and renumbering ss. 985.223 and 985.418, F.S., relating to incompetency to proceed and transferals to other treatment services; transferring, renumbering, and amending s. 985.213, F.S.; prohibiting the use of detention for certain purposes; repealing s. 985.214, F.S., relating to prohibited uses of detention; creating s. 985.5213, F.S.; providing requirements for risk assessment; conforming provisions to the reorganization of ch. 985, F.S.; transferring, renumbering, and amending s. 985.215, F.S.; providing requirements for detention intake; creating s. 985.52152, F.S.; providing criteria for detention; providing for detention hearings; creating ss. 985.52155, 985.53215, 985.56215, and 985.57215, F.S.; providing requirements for the length of time for detaining a child before an adjudicatory hearing or release, the cost of detention care, and postcommitment detention; conforming provisions to the reorganization of ch. 985, F.S.; transferring, renumbering, and amending s. 985.208, F.S., relating to the detention of an escapee; conforming a cross-reference; transferring and renumbering s. 985.218, F.S., relating to petitions; transferring, renumbering, and amending s. 985.219, F.S., relating to process and service; conforming provisions to the reorganization of ch. 985, F.S.; transferring, renumbering, and amending s. 985.22, F.S., relating to threatening or dismissing an employee; conforming cross-references; transferring and renumbering ss. 985.221, 985.222, and 985.306, F.S., relating to court and witness fees, petitions, and pretrial intervention programs; transferring, renumbering, and amending s. 985.228, F.S., relating to adjudicatory hearings; conforming cross-references; creating s. 985.7229, F.S.; providing requirements for predisposition reports and other evaluations; conforming provisions to the reorganization of ch. 985, F.S.; transferring, renumbering, and amending s. 985.23, F.S.; revising requirements for disposition hearings in delinquency cases; transferring, renumbering, and amending s. 985.231, F.S.; providing for probation and postcommitment probation; providing requirements for community service; creating ss. 985.72311, 985.72312, and 985.72313, F.S.; providing requirements for restitution orders, violations of probation and postcommitment probation, and commitment; conforming provisions to the reorganization of ch. 985, F.S.; transferring and renumbering s. 985.232, F.S., relating to commitment forms; creating ss. 985.72314, 985.72315, and 985.72316, F.S.; providing requirements for disposition of cases involving grand theft and other dispositional issues; conforming provisions to the reorganization of ch. 985, F.S.; transferring, renumbering, and amending s. 985.316, F.S., relating to conditional release; conforming a cross-reference; transferring, renumbering, and amending s. 985.313, F.S.; revising requirements for the court's jurisdiction over a child; transferring, renumbering, and amending s. 985.31, F.S.; providing procedures for the commitment and treatment of a serious or habitual juvenile offender; creating s. 985.74231, F.S.; providing procedures for the commitment and treatment of a juvenile sexual offender; conforming provisions to the reorganization of ch. 985, F.S.; transferring and renumbering s. 985.308, F.S., relating to juvenile sexual offender commitment programs; transferring, renumbering, and amending s. 985.311, F.S.; providing procedures for the intensive residential treatment of offenders younger than a specified age; transferring, renumbering, and amending s. 985.312, F.S., relating to intensive residential treatment programs; conforming a cross-reference; transferring, renumbering, and amending ss. 985.309 and 985.314, F.S., relating to a boot camp program and other commitment programs; conforming cross-references; creating s. 985.8203, F.S.; requiring payment of the costs of representing a child; transferring and renumbering s. 985.204, F.S., relating to court orders for counseling; creating s. 985.8231, F.S.; specifying the powers of the court with respect to the parent or guardian of a child who is adjudicated delinquent; creating s. 985.8233, F.S.; requiring the parent or guardian to pay the costs of care of a child placed with the Department of Juvenile Justice; transferring and renumbering ss. 985.234, 985.235, and 985.236, F.S., relating to appeals; transferring, renumbering, and amending ss. 985.226, 985.227, and 985.225, F.S., relating to the voluntary and involuntary waiver of juvenile court jurisdiction, direct filing of an information, and indictments; conforming cross-references; transferring, renumbering, and amending s. 985.233, F.S., relating to sentencing procedures; conforming provisions to the reorganization of ch. 985, F.S.; creating s. 985.9133, F.S.; providing procedures for the department to recoup the cost of care of a juvenile; transferring and renumbering s. 985.417, F.S., relating to the transfer of children from the Department of Corrections to the Department of Juvenile Justice; transferring, renumbering, and amending s. 985.404, F.S., relating to the juvenile justice continuum; conforming provisions to the reorganization of ch. 985, F.S.; transferring, renumbering, and amending ss. 985.3045 and 985.3046, F.S., relating to prevention service programs; conforming cross-references; transferring and renumbering ss. 985.305 and 985.2066, F.S., relating to early delinquency intervention programs and interagency cooperation; transferring, renumbering, and amending s. 985.315, F.S., relating to educational and career-related programs; conforming a cross-reference; transferring and renumbering s. 985.3155, F.S., relating to multiagency plans for vocational education; transferring, renumbering, and amending s. 985.317, F.S., relating to literacy programs for juvenile offenders; conforming a cross-reference; transferring and renumbering ss. 985.419, 985.412, 985.42, and 985.405, F.S., relating to contracts for the transfer of children in federal custody, quality assurance, inspections, and rules; transferring, renumbering, and amending s. 985.407, F.S., relating to contracting powers of the department; conforming provisions to the reorganization of ch. 985, F.S.; transferring and renumbering ss. 985.408 and 985.409, F.S., relating to the hiring of consultants by the department and certain programs in the State Risk Management Trust Fund; transferring, renumbering, and amending ss. 985.406 and 985.4135, F.S., relating to juvenile justice training academies and juvenile justice circuit boards and county councils; conforming cross-references; transferring and renumbering ss. 985.416 and 985.4145, F.S., relating to innovation zones and direct-support organizations; transferring, renumbering, and amending s. 985.415, F.S., relating to community juvenile justice

partnership grants; conforming cross-references; transferring and renumbering ss. 985.403, 985.41, and 985.2155, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims, the siting of facilities, and shared county and state responsibility for juvenile detention; transferring, renumbering, and amending s. 985.411, F.S., relating to county and municipal delinquency programs; conforming a cross-reference; transferring and renumbering ss. 985.4075, 985.4041, 985.4042, 985.4045, and 985.4046, F.S., relating to startup funding for juvenile justice programs, the Juvenile Welfare Trust Fund, the Juvenile Care and Maintenance Trust Fund, and activities prohibited on the grounds of a juvenile detention facility or commitment program; transferring, renumbering, and amending s. 985.3141, F.S., relating to escapees from detention; conforming a cross-reference; transferring and renumbering ss. 985.2065, 985.501, 985.502, 985.503, 985.504, 985.505, 985.506, and 985.507, F.S., relating to minor runaways and the Interstate Compact on Juveniles; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; Judiciary; and Justice Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Regulated Industries; and Senator Constantine—

CS for SB 234—A bill to be entitled An act relating to gambling; amending s. 849.161, F.S.; prohibiting arcade amusement centers from exchanging points or coupons accumulated by customers for tobacco products, alcoholic beverages, or cash; correcting a cross-reference; providing powers of local government regarding arcade amusement centers; providing an effective date.

By the Committee on Environmental Preservation; and Senator Dockery—

CS for SB 330—A bill to be entitled An act relating to notification of contamination; amending s. 376.301, F.S.; defining specified terms; creating s. 376.30702, F.S.; requiring that a person provide notice to the Division of Waste Management of the Department of Environmental Protection, the department's district office, and the Department of Health when contamination is discovered as a result of site rehabilitation activities; providing requirements for notice; requiring notice when laboratory analytical results demonstrate that contamination exists in any medium beyond the boundaries of the property of the site rehabilitation; providing requirements for notice; requiring that the department notify the record owners of real property at which contamination has been discovered; authorizing the department to collaborate with the Department of Health to establish procedures for responding to public inquiries; providing rulemaking authority; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Saunders—

CS for SB 404—A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; delaying provisions requiring a nursing home staffing increase; amending ss. 409.903, 409.904, F.S.; deleting certain limitations on services to the medically needy; amending s. 409.906, F.S., relating to optional Medicaid services; providing for adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.908, F.S.; revising guidelines relating to reimbursement of Medicaid providers; amending ss. 409.9112, 409.9113, 409.9117, F.S., relating to the hospital disproportionate share program; deleting obsolete provisions; amending s. 409.91195, F.S.; revising provisions relating to the Medicaid Pharmaceutical and Therapeutics Committee and its duties with respect to developing a preferred drug list; amending s. 409.912, F.S.; revising the Medicaid prescribed drug spending control program; eliminating case management fees; directing the Agency for Health Care Administration to implement, and authorizing it to seek federal waivers for, the program of all-inclusive care for children; amending s. 409.9124, F.S.; requiring the Agency for Health Care Administration to publish managed care reimbursement rates annually; providing effective dates.

By the Committee on Health and Human Services Appropriations; and Senator Saunders—

CS for SB 408—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 414.065, F.S.; revising the penalties imposed by the department against a participant who is receiving temporary cash assistance and who fails to comply with work requirements; eliminating provisions allowing the continuation of temporary cash assistance for children; amending s. 414.095, F.S.; revising certain requirements for determining eligibility for temporary cash assistance in order to conform to federal requirements; eliminating certain eligibility options for stepparents; amending s. 414.105, F.S.; providing for a lifetime cumulative period during which a person may receive temporary cash assistance; eliminating certain other time limitations; revising the membership requirements for regional workforce boards; repealing s. 414.32(2), F.S., relating to disqualification from the food stamp program for an arrearage in child support payments; amending ss. 409.2564 and 445.048, F.S.; conforming cross-references; repealing s. 114, ch. 2004-267, Laws of Florida, relating to authorization for the department to contract with private vendors for determining eligibility for the Economic Self-Sufficiency Services program; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Saunders—

CS for SB 410—A bill to be entitled An act relating to the Department of Health; amending s. 456.013, F.S.; eliminating a requirement that the department issue wall certificates; amending s. 456.017, F.S.; prohibiting the use of a state-developed examination if a national examination has been certified by the department; revising the criteria under which an applicant may challenge the validity of an examination; authorizing the department to post examination scores on the Internet in lieu of mailing the scores to each applicant; amending s. 456.036, F.S.; providing for a retired-status license; providing a fee for changing to retired status at the time of license renewal; requiring an additional fee if retired status is chosen at any time other than at the time of license renewal; authorizing each board or the department to reexamine a licensee who has been retired or inactive for a specified period in order to assess the licensee's competency; amending s. 464.201, F.S.; defining the phrase "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules specifying the scope of practice and level of supervision required for certified nursing assistants; amending s. 464.203, F.S.; requiring the biennial renewal of certification as a nursing assistant; reducing the number of required hours of inservice training for certified nursing assistants; providing a fee for certification renewal; providing an effective date.

By the Committee on Health Care; and Senator Peaden—

CS for SB 484—A bill to be entitled An act relating to health care; amending s. 400.461, F.S.; revising the purpose of part IV of ch. 400, F.S., to include the licensure of nurse registries; amending s. 400.462, F.S.; revising definitions; defining the terms "admission," "advanced registered nurse practitioner," "direct employee," and "physician assistant" for purposes of part IV of ch. 400, F.S.; amending s. 400.464, F.S., relating to licensure of home health agencies; revising the licensure period; revising and providing additional administrative fines; increasing penalties; amending s. 400.471, F.S.; revising requirements for license application by a home health agency; authorizing the Agency for Health Care Administration to revoke a license under certain circumstances; authorizing administrative fines; amending s. 400.487, F.S.; revising requirements for home health agency service agreements and treatment orders; amending s. 400.491, F.S., relating to clinical records; revising the ownership of patient records generated by a home health agency; changing the timeframe for a home health agency to retain patient records; providing for the disposition of patient records when a home health agency ceases business; deleting a requirement for a service provision plan pertaining to nonskilled care; deleting requirements for maintaining such records; amending s. 400.494, F.S.; providing for the continued confidentiality of patient information in compliance with federal law; providing for disclosure in accordance with certain specified state laws; deleting a requirement for written consent of the patient or the patient's guardian for disclosure of confidential patient information;

amending s. 400.506, F.S.; revising requirements governing nurse registries; increasing license fee; increasing the period of licensure; authorizing administrative penalties; providing criminal penalties and sanctions; revising certain requirements pertaining to health care professionals that provide services on behalf of a nurse registry; amending s. 400.512, F.S., relating to employment screening; revising the date in which an annual affidavit must be signed which verifies that certain personnel of a home health agency, a nurse registry, or homemaker service have been screened; amending s. 400.515, F.S.; providing additional circumstances under which the agency may petition for an injunction; providing an effective date.

By the Committee on Judiciary; and Senator Hill—

CS for SB 506—A bill to be entitled An act relating to voting; amending s. 101.6103, F.S.; requiring that a mail ballot that otherwise satisfies the requirements of law for mail ballots be counted even if the elector dies after mailing the ballot but before election day if certain conditions are met; amending s. 101.657, F.S.; requiring that an early voting ballot that otherwise satisfies the requirements of law for early voting ballots be counted even if the elector dies on or before election day; amending s. 101.68, F.S.; providing that electors who die on or before election day and have cast an absentee ballot shall remain on the voter registration books until the election is certified; providing that the ballot of an elector who casts an absentee ballot shall be counted even if the elector dies on or before election day if certain conditions are met; providing an effective date.

By the Committees on Education; Health Care; and Senator Peaden—

CS for CS for SB 518—A bill to be entitled An act relating to health professionals treating speech or hearing disorders; amending s. 468.1155, F.S.; revising requirements for the Department of Health in issuing a provisional license to practice speech-language pathology or audiology; revising licensing requirements for applicants who graduated, or who are currently enrolled, in a speech-language pathology or audiology program at a university located outside of the United States or Canada; authorizing the Board of Speech-Language Pathology and Audiology to waive certain requirements for applicants who received professional education in another country under certain circumstances; amending s. 468.1165, F.S.; revising requirements for applicants to obtain professional employment in order to be licensed by the department to practice speech-language pathology or audiology; amending s. 468.1185, F.S.; revising requirements for the department to issue a license to an applicant to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for a person to be certified as an audiology assistant; requiring an audiologist or speech-language pathologist to give an assistant a board-approved plan for training and to maintain responsibility for services performed by the assistant; providing an effective date.

By the Committee on Children and Families; and Senator Garcia—

CS for SB 618—A bill to be entitled An act relating to community residential homes; amending s. 419.001, F.S.; redefining the term "community residential home" to include dwelling units that are licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, or the Department of Juvenile Justice, in addition to clients of the Department of Children and Family Services, or dwelling units that are licensed by the Agency for Health Care Administration; requiring that a sponsoring entity of a community residential home and the licensing entity provide information to the local government concerning other community residential homes located within the area of a proposed home; requiring that additional information be provided concerning licensure; prohibiting a licensing entity from issuing a license to a sponsoring entity under certain circumstances; providing an effective date.

By the Committee on Judiciary; and Senator Sebesta—

CS for SB 698—A bill to be entitled An act relating to public records; creating s. 516.115, F.S.; creating an exemption from public records requirements for information obtained by the Office of Financial Regulation of the Financial Services Commission in connection with investigations and examinations under the Florida Consumer Finance Act; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

By the Committee on Environmental Preservation; and Senators Smith and Dockery—

CS for SB 964—A bill to be entitled An act relating to disclosures in connection with the sale of coastal property; amending s. 161.57, F.S.; revising requirements for the disclosures that must be provided by a seller of coastal property to the purchaser; requiring notice that the coastal property is subject to erosion and certain environmental laws; requiring that the seller determine if the property is critically eroding and, if so, notify the purchaser of the hazards; providing an effective date.

By the Committee on Banking and Insurance; and Senator Posey—

CS for SB 1002—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 626.321, F.S.; including service warranty agreement sales covering communications equipment under certain limited licensing provisions; revising provisions relating to licensure of branch locations; prescribing renewal fees for specified branch locations; amending s. 626.731, F.S.; revising a qualification for licensure as a general lines agent; providing an effective date.

By the Committees on Education; Health Care; and Senators Fasano, Peaden and Miller—

CS for SB 1060—A bill to be entitled An act relating to increasing the number of nurses in the state's workforce; amending s. 1009.66, F.S.; revising the criteria for receiving funds under the Nursing Student Loan Forgiveness Program; requiring that nurses employed as faculty in an approved nursing program be given priority in receiving funds under the program; providing appropriations; requiring the Division of Colleges and Universities of the Department of Education to establish a contract grants program; providing requirements for priority funding; requiring the division to report to the Legislature; requiring the Board of Nursing to adopt rules requiring nursing applicants and licensees to submit certain information concerning employment and education; authorizing the board to provide such information to the Florida Center for Nursing; providing an appropriation to the Florida Center for Nursing for conducting a study, analyzing data, and planning to implement recommendations relating to the nursing shortage in this state; providing an effective date.

By the Committees on Transportation; Regulated Industries; and Senator King—

CS for CS for SB 1114—A bill to be entitled An act relating to restaurants licensed to sell wine on the premises; creating s. 564.09, F.S.; authorizing a restaurant patron to remove a resealed wine container from a restaurant for off-premise consumption; amending s. 316.1936, F.S.; providing that a resealed wine container is not an open container for purposes of the prohibition against possessing an open container of alcohol in a motor vehicle; providing an effective date.

By the Committee on Ethics and Elections; and Senators Clary and Posey—

CS for SB's 1268 and 1956—A bill to be entitled An act relating to the second primary election; repealing s. 100.091, F.S.; eliminating the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending s. 97.021, F.S., relating to the definition of "primary election," to conform; amending ss. 97.055, 97.071, 97.1031, 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending ss. 99.061, 99.095, F.S.,

relating to qualifying for nomination or election to office, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 101.62, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, 106.29, F.S., and repealing s. 102.014(4)(c), F.S.; revising references, to conform to the elimination of the second primary election; providing an effective date.

By the Committee on Communications and Public Utilities—

CS for SB 1322—A bill to be entitled An act relating to the Public Service Commission; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; specifying that the Governor has no planning or budgetary authority with respect to the commission; specifying that the Governor and the Department of Management Services have no authority over the commission's employees; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide a nominee for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; providing an effective date.

By the Committee on Judiciary; and Senator Atwater—

CS for SB 1330—A bill to be entitled An act relating to financial institutions; amending s. 655.005, F.S.; redefining the terms "imminently insolvent" and "insolvent" with respect to credit unions; creating s. 655.0201, F.S.; prescribing methods of serving process, notice, or demand on financial institutions; amending s. 655.044, F.S.; requiring all financial institutions to use the calendar year as their fiscal year; amending s. 655.057, F.S.; deleting obsolete provisions; amending s. 655.411, F.S.; conforming a cross-reference; creating s. 655.4185, F.S.; authorizing emergency action in cases of failing financial entities; amending s. 657.002, F.S.; redefining terms with respect to credit unions and deleting obsolete and other terms; amending s. 657.005, F.S.; revising procedures applicable to applying for authority to organize a credit union; amending s. 657.0061, F.S.; providing for disapproval of a proposed bylaw amendment that is not in compliance with statutes or rules; amending s. 657.008, F.S.; revising provisions relating to changes of a credit union's place of business and to establishing branch locations; amending s. 657.021, F.S.; revising duties of credit union boards of directors; amending s. 657.022, F.S.; changing the time within which the annual meeting of a credit union board of directors must be held; amending s. 657.023, F.S.; revising powers of a credit union with respect to a member's rights and continued membership; amending s. 657.024, F.S.; deleting a requirement that distributing ballots in advance of a membership meeting must be done by mail; amending s. 657.026, F.S.; deleting obsolete provisions; revising standards for reporting by a supervisory or audit committee; amending s. 657.027, F.S.; revising duties of a credit union's credit manager; amending s. 657.028, F.S.; prohibiting compensation of a credit union treasurer but authorizing compensation of its chief executive officer; revising prerequisites for serving as an officer, director, or committee member; amending s. 657.031, F.S.; revising powers of credit unions; amending s. 657.033, F.S.; changing standards for when an account is considered dormant, unclaimed, or abandoned; prescribing limits on persons from whom credit unions may accept deposits; allowing credit unions to participate in systems that allow for automated or electronic transfer, deposit, or withdrawal of funds; requiring credit unions to maintain certain insurance; amending s. 657.038, F.S.; revising credit unions' loan powers, including the power to issue debit or credit cards; amending s. 657.039, F.S.; increasing the amount of credit that may be extended to a credit union's own officers and employees; amending s. 657.042, F.S.; authorizing investment in stock of the Federal Home Loan Bank; revising other limits on investments; amending s. 657.043, F.S.; revising standards for an allowance-for-loan-losses account; deleting the definition of risk assets; providing guidelines for borrowing money; deleting provisions relating to reserves and guaranty assistance agreements; amending s. 657.062, F.S.; deleting obsolete provisions; providing guidelines for conservatorships; amending s. 657.063, F.S.; revising provisions relating to involuntary liquidation; amending s. 657.064, F.S.; deleting obsolete provisions; revising provisions relating to voluntary liquidation; amending s. 657.065, F.S.; revising provisions governing mergers of credit unions; amending s. 657.066, F.S.; revising provisions relating to conversion of credit unions from state to federal or from federal to state; repealing s. 657.0315, F.S., relating to contracts for providing goods, products, or services, s. 657.051, F.S., relating to fiscal year, s. 657.055, F.S., relating to retention and destruction of certain records, s. 657.068, F.S., relating to central credit unions, and s. 658.43(7), F.S., relating to powers with respect to failing financial entities; providing an effective date.

By the Committee on Judiciary; and Senator Webster—

CS for SB 1454—A bill to be entitled An act relating to public lodging establishments; providing a popular name; creating s. 509.144, F.S.; providing definitions; prohibiting the distribution, and the direction of such distribution, of handbills in a public lodging establishment in certain circumstances; providing penalties; providing requirements for posting a sign that prohibits advertising or solicitation; providing an effective date.

By the Committee on Children and Families; and Senator Lynn—

CS for SB 1600—A bill to be entitled An act relating to child care; transferring, renumbering, and amending s. 402.3017, F.S.; revising requirements for the Teacher Education and Compensation Helps scholarship program; amending s. 402.302, F.S.; redefining the term "screening"; authorizing the screening of child care volunteers; amending s. 402.3055, F.S.; requiring an applicant, owner, or operator of a child care facility to sign an affidavit attesting to the accuracy of certain information; authorizing the Department of Children and Family Services to apply certain requirements for personnel in child care facilities to personnel in family day care homes and large family child care homes; amending s. 402.308, F.S.; requiring family day care homes that are required to be licensed and large family child care homes to have a license that is renewed annually; authorizing the Department of Children and Family Services to apply the specified procedures for administering a license to family day care homes and large family child care homes; amending s. 402.309, F.S.; authorizing the local licensing agency or the Department of Children and Family Services to issue a provisional license or registration to a child care facility, family day care home, or large family child care home; providing that a provisional license or registration may not be issued unless child care personnel are screened according to law; requiring the department to adopt rules for issuing, suspending, and revoking provisional licenses and registrations; amending s. 402.310, F.S.; providing that an increased administrative fine may be imposed in addition to or in lieu of other disciplinary actions; authorizing the department or local licensing agencies to convert a license or registration to probation status for a violation of certain laws and rules; authorizing the department or local licensing agencies to apply disciplinary actions to registered family day care homes; directing the department to adopt rules establishing grounds for imposing disciplinary actions for violations of certain laws and rules; directing the department to adopt rules to create a uniform system of procedures to use for disciplinary actions; creating s. 402.3105, F.S.; requiring the department to establish a database of information concerning violations, citations, and penalties imposed against child care facilities, family day care homes, and large family child care homes licensed by or registered with the department and local licensing agencies; requiring the department to consult with the State Technology Office; specifying database

capabilities and the uses of information contained therein; providing that implementation is not contingent upon an appropriation; amending s. 402.313, F.S.; removing conflicting provisions regarding an administrative fine; requiring the adoption of a rule establishing minimum standards for safety; repealing s. 402.3131(1)(a), F.S., relating to the authority of the department or local licensing agency to impose an administrative fine against a large family child care home; providing an effective date.

By the Committee on Health Care; and Senator Atwater—

CS for SB 1622—A bill to be entitled An act relating to hospices; amending s. 400.601, F.S.; redefining the term "hospice" for purposes of part VI of ch. 400, F.S., to remove the stipulation of not-for-profit status; amending s. 400.602, F.S.; providing for licensure of hospices that meet specified conditions; requiring a report to the Legislature by the Agency for Health Care Administration; providing an effective date.

By the Committee on Environmental Preservation; and Senators Dockery and Pruitt—

CS for SB 1670—A bill to be entitled An act relating to the Oceans and Coastal Resources Conservation and Management Act; creating part IV of ch. 161, F.S., consisting of ss. 161.70, 161.171, 161.72, 161.73, 161.74, 161.75, 161.76, 161.77, and 161.78, F.S.; providing definitions; establishing purposes; requiring the state agencies involved in protecting and managing the state's oceans and coastal resources to encourage and support public-private partnerships and programs to preserve those resources; requiring coordination with federal agencies and programs; requiring that the Department of Environmental Protection and the Fish and Wildlife Conservation Commission establish the Florida Oceans and Coastal Science Work Group; establishing conservation and management goals; directing the work group to help develop and implement conservation and management goals; providing for membership of the work group; providing for the Secretary of Environmental Protection and the executive director of the Fish and Wildlife Conservation Commission to jointly chair the group; providing responsibilities of the work group; requiring that the department and commission prepare an oceans and coastal resource assessment for use by the work group; providing for contents of the assessment; requiring that the department and commission, in coordination with the work group, prepare a Florida Oceans and Coastal Scientific Research Plan that recommends research priorities; providing for annual updates of the plan; providing for distribution of the plan to the Legislature; creating the Florida Oceans and Coastal Restoration Program; requiring that the department and commission, in coordination with the work group and other appropriate agencies, develop priorities for restoration of the state's oceans and coastal resources; creating the Florida Oceans and Coastal Sustainable-Use Program; requiring that the department and commission, in coordination with the work group, water management districts, and other appropriate agencies, develop a management framework to ensure sustainable use of the state's oceans and coastal resources; requiring the department and commission to coordinate the activities of the work group, the Florida Oceans and Coastal Restoration Program, and the Florida Oceans and Coastal Sustainable-Use Program to ensure that the actions taken are complementary and not duplicative; authorizing rulemaking by the Department of Environmental Protection and the Fish and Wildlife Conservation Commission; preserving authority otherwise granted to the commission, water management districts, and state agencies; providing an effective date.

By the Committee on Judiciary; and Senator Crist—

CS for SB 2048—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; amending s. 35.06, F.S.; revising the number of district court judges in certain district courts of appeal; providing for appointment or election of new judges created by the act; providing effective dates.

By the Committee on Education; and Senators Constantine and Campbell—

CS for SB 2236—A bill to be entitled An act relating to tuition rates at state colleges and universities; creating s. 1009.286, F.S.; requiring students to pay the out-of-state tuition rate for credit hours in excess of a specified number for community-college credits and for overall credits applied to a baccalaureate degree; creating s. 1009.287, F.S.; providing for tuition rebates for students who take minimal excess hours in earning a baccalaureate degree; providing a maximum allowable amount for such a rebate; providing conditions to such a rebate; providing an effective date.

By the Committee on Education; and Senator Atwater—

CS for SB 2264—A bill to be entitled An act relating to the payment of instructional costs for students; amending s. 1009.21, F.S.; defining the term "initial undergraduate enrollment" for purposes of determining a postsecondary student's residential status for tuition purposes; providing duties of institutions of higher education; providing conditions under which a nonresident undergraduate may be reclassified as a resident of this state; requiring that specified evidence of the legal residence and dependent status of an undergraduate be provided as a prerequisite to classification as a resident for tuition purposes; amending s. 1009.40, F.S.; providing that certain students are ineligible to receive more than one state-funded tuition assistance grant; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 23 was corrected and approved.

CO-INTRODUCERS

Senators Argenziano—SB 734, SB 1216, SB 2266, SB 2312; Bullard—SB 558; Campbell—SB 1848; Constantine—SB 1270; Crist—SB 1266, SB 2266, SB 2312, SB 2362; Dawson—CS for SB 1314, SB 1792; Diaz de la Portilla—SB 608; Fasano—SB 1216, SB 1220, SB 1222, SB 1224; Garcia—SB 1306; Haridopolos—CS for CS for SB 442, SB 1714, SB 2216; Hill—SB 1714; Jones—SB 2130; King—SB 2476; Klein—SB 1354, SB 2216; Lynn—SB 734, SB 612, SB 1118, SB 1722; Miller—SB 132, SB 230, SB 642, SB 1724, SR 2010; Peaden—SB 1862; Pruitt—SB 2074; Siplin—SB 1374

Senator Argenziano withdrew as a co-introducer of SB 1862.

Senator Wise withdrew as the introducer of SB 1216.

RECESS

On motion by Senator Pruitt, the Senate recessed at 11:13 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, March 31 or upon call of the President.

SENATE PAGES

March 28-April 1, 2005

Allison Anderson, Freeport; Charles "Chip" Beatty, Ft. Myers; Caroline Caplan, Port Orange; Jennifer "Jenny" Cento, Miami; Caitlin Daimler, Dunnellon; Nilesia Hall, Tallahassee; Sean Heeney, Lake City; Kathryn Hueber, Riverview; Jessica Isabelle, Tallahassee; Brent Lang, Tallahassee; Elizabeth "Liz" Liberman, Sarasota; Jena Luckman, Boynton Beach; John Oates, Rockledge; Gregory D. Owens, Miami; Lindsay "Page" Painter, Tampa; John "Sam" Ryon, Tallahassee; Mary "Cheree" Suttles, Pensacola

Journal of the Senate

Number 10—Regular Session **Thursday, March 31, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 9:12 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Senator Dawson recorded her presence at 9:50 a.m. with the Secretary.

PRAYER

The following prayer was offered by Father Bob Morris, St. Mary's Catholic Church, Tampa:

We stand before you, Source of All Being,
conscious of our limitations,
but aware that we gather in your presence.

Come to us, remain with us,
and enlighten our hearts.

Give us light and strength
to know your will,
to make it our own,
and to live it in our lives.

Guide us by your wisdom,
support us by your power.

You desire justice for all:
enable us to uphold the rights of others;
do not allow us to be misled by ignorance
or corrupted by fear or favor.

Unite us to yourself in the bond of love
and keep us faithful to all that is true.

As we gather in your name
may we temper justice with love,
so that all our decisions
may be pleasing to you,
and earn the reward
promised to good and faithful servants.

Fill us with your grace this day
for you are God for ever and ever.

(Adaptation of a prayer used before every session of the Second Vatican Council)

PLEDGE

Senate Pages Caroline Caplan of Port Orange; Caitlin Daimler of Dunnellon; Nilesia Hall of Tallahassee; and Sean Heeney of Lake City, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Daniel Roberts of Rockledge, sponsored by Senator Posey, as doctor of the day. Dr. Roberts specializes in Dermatology.

INTRODUCTION OF FORMER SENATOR

Senator Rich introduced former Senator and Congresswoman Debbie Wasserman Schultz who was present in the chamber.

ADOPTION OF RESOLUTIONS

On motion by Senator Rich—

SR 1564—A resolution recognizing the 20th Anniversary of the American Cancer Society's Relay For Life.

WHEREAS, what began as one man's personal statement in the fight against cancer has led to the development of a worldwide event to help banish cancer, and

WHEREAS, Dr. Gordy Klatt, a colorectal surgeon and avid runner, took the first step of his 24-hour walk/run around a track in Tacoma, Washington, in May 1985, and clocked 83 miles, raising $27,000 in support of the American Cancer Society, and

WHEREAS, 220 supporters in 19 teams joined Dr. Klatt in 1986 for this overnight event, and the American Cancer Society Relay For Life was born, and

WHEREAS, Relay For Life is the American Cancer Society's signature activity, offering everyone a chance to participate in the fight against cancer in their local community, and

WHEREAS, Relay For Life has spread to more than 4,100 communities in the United States and 13 foreign countries in the last 20 years, and

WHEREAS, the Florida Division of the American Cancer Society hosts Relay For Life events in more than 260 communities across the state and raised more than $14 million in 2004, and

WHEREAS, the power of Relay For Life is that it allows a community to grieve for those lost to cancer and to celebrate the lives of those who have survived the disease while embracing the hope that one day cancer will be eliminated, and

WHEREAS, active promotion of and participation in local Relay For Life events allows Floridians to experience the power of Relay, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That 2005 is recognized as the 20th Anniversary of the American Cancer Society's signature event, Relay For Life, and urges all Floridians to join their local community members in the fight against cancer.

—was introduced out of order and read by title. On motion by Senator Rich, **SR 1564** was read the second time in full and adopted.

At the request of Senator Wilson—

By Senator Wilson—

SR 2712—A resolution commending The Links, Incorporated, for its work in Florida.

WHEREAS, The Links, Incorporated, is a highly respected international organization of more than 10,000 professional, accomplished, dedicated women of African ancestry in 274 chapters located in 42 states and three countries with a mission and purpose of friendship and community service, and

WHEREAS, members of The Links are role models, mentors, activists, and volunteers who work toward purposeful public service with educational, cultural, and civic commitments through four functional facets – International Trends and Services, National Trends and Services, The Arts, and Services to Youth, and

WHEREAS, the National Trends and Services facet of The Links, Incorporated, also encompasses service related to three Linkages including: Education; Health and Wellness; and Legislative work that highlights and addresses concerns of the organization in these areas and also impacts African-Americans and society, and

WHEREAS, major issues and needs that concern the Southern Area of The Links, Incorporated, include eliminating health disparities in conformity with the federal Healthy People 2010 program, which establishes national health objectives designed to identify the most significant preventable threats to the health of African-Americans, and targeting six focus areas that disproportionately impact the health of African-Americans – infant mortality, cancer, cardiovascular disease, diabetes, HIV/AIDS, and immunizations, and

WHEREAS, Links from around the State of Florida have assembled today to demonstrate their support for the 2004 Florida Legislature's enactment of Healthy People 2010 legislation promoting elimination of health disparities, to thank members of the Florida Legislature for their wisdom and prudent action in addressing health and wellness in terms of societal need, and to encourage Legislators to monitor, implement and seek progress through this important legislation, and

WHEREAS, Senator Frederica Wilson and Senator Mandy Dawson are members of The Links, Incorporated, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this body does pause in its deliberations to pay its respects to the dedicated efforts and example of the Southern Area of The Links, Incorporated, led by Margaret Thompson Johnson, in their successful campaign for the advancement and accomplishment of equitable health care policy and services for all Floridians, and to recognize the exemplary value of their work toward increasing quality and years of healthy life for the residents of this state.

—**SR 2712** was introduced, read and adopted by publication.

INTRODUCTION OF FORMER SENATOR

Senator Alexander introduced former Senator Rick Dantzler who was present in the chamber.

BILLS ON THIRD READING

SENATOR PRUITT PRESIDING

SB 356—A bill to be entitled An act relating to substance abuse treatment; amending s. 394.499, F.S.; authorizing the Department of Children and Family Services to expand certain demonstration models; amending s. 397.311, F.S.; including intensive inpatient treatment within the service components provided by a licensed service provider; defining the term "medical monitoring"; amending s. 212.055, F.S., relating to the county public hospital surtax; conforming a cross-reference; reenacting ss. 397.405(8) and 397.407(1), F.S., relating to treatment providers, to incorporate the amendment to s. 397.311, F.S., in references thereto; amending ss. 397.416 and 440.102, F.S., relating to treatment services and the drug-free workplace program; conforming cross-references; providing an effective date.

—as amended March 30 was read the third time by title.

On motion by Senator Lynn, **SB 356** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

SB 538—A bill to be entitled An act relating to the sentencing proceeding for a capital felony; amending s. 921.141, F.S.; clarifying that the prosecution may introduce and argue victim-impact evidence to the jury; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senator Smith moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (763652)(with title amendment)—On page 1, line 9, insert:

Section 1. *This act may be cited as the "Caroline Cody Act."*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: providing a popular name;

On motion by Senator Smith, **SB 538** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker

Bennett	Geller	Posey
Bullard	Haridopolos	Pruitt
Campbell	Hill	Rich
Carlton	Jones	Saunders
Clary	King	Sebesta
Constantine	Klein	Siplin
Crist	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

Vote after roll call:

Yea—Dawson

SB 1856—A bill to be entitled An act relating to the Commission on Ethics; amending s. 112.321, F.S.; prohibiting an individual who qualifies as a lobbyist from serving on the commission; prohibiting a member of the commission from lobbying any state or local governmental entity; providing exceptions for individuals who are members of the commission on the effective date of the act until the expiration of their current terms; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **SB 1856** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

SB 1440—A bill to be entitled An act relating to time limitations; amending s. 775.15, F.S.; reorganizing provisions establishing time limitations for prosecuting criminal offenses; clarifying certain provisions; amending s. 922.105, F.S., relating to execution of sentence; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **SB 1440** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlton	Haridopolos
Alexander	Clary	Hill
Argenziano	Constantine	Jones
Aronberg	Crist	King
Atwater	Diaz de la Portilla	Klein
Baker	Dockery	Lawson
Bennett	Fasano	Lynn
Bullard	Garcia	Margolis
Campbell	Geller	Miller
Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 1454—A bill to be entitled An act relating to public lodging establishments; providing a popular name; creating s. 509.144, F.S.; providing definitions; prohibiting the distribution, and the direction of such distribution, of handbills in a public lodging establishment in certain circumstances; providing penalties; providing requirements for posting a sign that prohibits advertising or solicitation; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **CS for SB 1454** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

SB 1020—A bill to be entitled An act relating to police dogs, fire dogs, SAR dogs, and police horses; amending s. 843.19, F.S.; prohibiting intentionally and knowingly, without justification, causing great bodily harm to or using a deadly weapon upon a police dog, fire dog, SAR dog, or police horse; prohibiting actually and intentionally maliciously touching, striking, or causing bodily harm to a police dog, fire dog, SAR dog, or police horse; prohibiting maliciously harassing, teasing, interfering with, or attempting to interfere with a police dog, fire dog, SAR dog, or police horse while the animal is in the performance of its duties; providing penalties; providing for restitution from violators; providing application; providing an effective date.

—as amended March 30 was read the third time by title.

On motion by Senator Haridopolos, **SB 1020** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Clary	Jones
Alexander	Constantine	King
Argenziano	Crist	Klein
Aronberg	Diaz de la Portilla	Lawson
Atwater	Dockery	Lynn
Baker	Fasano	Margolis
Bennett	Garcia	Miller
Bullard	Geller	Peaden
Campbell	Haridopolos	Posey
Carlton	Hill	Pruitt

Rich	Siplin	Webster
Saunders	Smith	Wilson
Sebesta	Villalobos	Wise

Nays—None

Vote after roll call:

Yea—Dawson

SB 470—A bill to be entitled An act relating to the indigent care surtax; reviving, reenacting, and amending s. 212.055(7), F.S.; allowing small counties having a specified population to levy an indigent care surtax; providing procedures; providing uses of the surtax; providing a maximum tax rate; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **SB 470** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Diaz de la Portilla	Posey
Alexander	Dockery	Pruitt
Argenziano	Fasano	Rich
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Crist	Miller	

Nays—2

Baker	Haridopolos

Vote after roll call:

Yea—Dawson, Peaden

SB 904—A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing that a lead community-based provider and its subcontractors supplying foster care and related services are exempt from including in written contracts and other written documents certain statements required by law; providing an exception if the lead community-based provider or its subcontractors receive more than 35 percent of their total funding from the state; providing an effective date.

—as amended March 30 was read the third time by title.

On motion by Senator Dockery, **SB 904** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	

Nays—1

Rich

Vote after roll call:

Yea—Dawson

SB 558—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; increasing certain minimum mandatory fines and periods of incarceration for certain acts of cruelty to animals; amending s. 828.121, F.S.; providing a definition; providing that it is a first-degree misdemeanor for a person to intentionally drag or fell by the tail a bovine animal in an organized sports exhibition; providing clarification regarding techniques or practices that are not prohibited; providing an effective date.

—as amended March 30 was read the third time by title.

On motion by Senator Rich, **SB 558** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 1330—A bill to be entitled An act relating to financial institutions; amending s. 655.005, F.S.; redefining the terms "imminently insolvent" and "insolvent" with respect to credit unions; creating s. 655.0201, F.S.; prescribing methods of serving process, notice, or demand on financial institutions; amending s. 655.044, F.S.; requiring all financial institutions to use the calendar year as their fiscal year; amending s. 655.057, F.S.; deleting obsolete provisions; amending s. 655.411, F.S.; conforming a cross-reference; creating s. 655.4185, F.S.; authorizing emergency action in cases of failing financial entities; amending s. 657.002, F.S.; redefining terms with respect to credit unions and deleting obsolete and other terms; amending s. 657.005, F.S.; revising procedures applicable to applying for authority to organize a credit union; amending s. 657.0061, F.S.; providing for disapproval of a proposed bylaw amendment that is not in compliance with statutes or rules; amending s. 657.008, F.S.; revising provisions relating to changes of a credit union's place of business and to establishing branch locations; amending s. 657.021, F.S.; revising duties of credit union boards of directors; amending s. 657.022, F.S.; changing the time within which the annual meeting of a credit union board of directors must be held; amending s. 657.023, F.S.; revising powers of a credit union with respect to a member's rights and continued membership; amending s. 657.024, F.S.; deleting a requirement that distributing ballots in advance of a membership meeting must be done by mail; amending s. 657.026, F.S.; deleting obsolete provisions; revising standards for reporting by a supervisory or audit committee; amending s. 657.027, F.S.; revising duties of a credit union's credit manager; amending s. 657.028, F.S.; prohibiting compensation of a credit union treasurer but authorizing compensation of its chief executive officer; revising prerequisites for serving as an officer, director, or committee member; amending s. 657.031, F.S.; revising powers of credit unions; amending s. 657.033, F.S.; changing standards for when an account is considered dormant, unclaimed, or abandoned; prescribing limits on persons from whom credit unions may accept deposits; allowing credit unions to participate in systems that allow for automated or electronic transfer, deposit, or withdrawal of funds; requiring credit unions to maintain certain insurance; amending s. 657.038, F.S.; revising credit unions' loan powers, including the power to issue debit or

credit cards; amending s. 657.039, F.S.; increasing the amount of credit that may be extended to a credit union's own officers and employees; amending s. 657.042, F.S.; authorizing investment in stock of the Federal Home Loan Bank; revising other limits on investments; amending s. 657.043, F.S.; revising standards for an allowance-for-loan-losses account; deleting the definition of risk assets; providing guidelines for borrowing money; deleting provisions relating to reserves and guaranty assistance agreements; amending s. 657.062, F.S.; deleting obsolete provisions; providing guidelines for conservatorships; amending s. 657.063, F.S.; revising provisions relating to involuntary liquidation; amending s. 657.064, F.S.; deleting obsolete provisions; revising provisions relating to voluntary liquidation; amending s. 657.065, F.S.; revising provisions governing mergers of credit unions; amending s. 657.066, F.S.; revising provisions relating to conversion of credit unions from state to federal or from federal to state; repealing s. 657.0315, F.S., relating to contracts for providing goods, products, or services, s. 657.051, F.S., relating to fiscal year, s. 657.055, F.S., relating to retention and destruction of certain records, s. 657.068, F.S., relating to central credit unions, and s. 658.43(7), F.S., relating to powers with respect to failing financial entities; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **CS for SB 1330** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 1432—A bill to be entitled An act relating to insurance administrators; amending s. 626.88, F.S.; redefining the term "administrator" and defining the terms "affiliate," "control," and "GAAP"; amending s. 626.8805, F.S.; requiring additional information to accompany an application for a certificate of authority to act as an administrator; amending s. 626.8817, F.S.; detailing the responsibilities of an insurance company in its dealings with an administrator; amending s. 626.89, F.S.; prescribing information that must be submitted in an administrator's annual report; authorizing the Financial Services Commission to require electronic submission of annual reports; creating s. 626.8991, F.S.; authorizing the commission to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for SB 1432** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlton	Haridopolos
Alexander	Clary	Hill
Argenziano	Constantine	Jones
Aronberg	Crist	King
Atwater	Diaz de la Portilla	Klein
Baker	Dockery	Lawson
Bennett	Fasano	Lynn
Bullard	Garcia	Margolis
Campbell	Geller	Miller
Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 552—A bill to be entitled An act relating to game promotion in connection with sale of consumer products or services; amending s. 849.094, F.S.; providing that the operator of a game promotion in which the total announced value of the prizes offered is greater than $5,000 need include only the material terms of the rules and regulations of the game in all advertising copy used in connection therewith if the advertising copy contains information for obtaining the full rules and regulations of the game; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, **CS for SB 552** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

Consideration of **CS for SB 1130** was deferred.

SB 878—A bill to be entitled An act relating to the advertisement of real or personal property with delinquent taxes; amending s. 197.402, F.S.; reducing the number of required advertisements for certain tax certificate sales; specifying a minimum time period for such advertisement prior to a sale; amending s. 197.403, F.S.; revising the requirement for transmitting a copy of the published notice; providing an effective date.

—as amended March 30 was read the third time by title.

On motion by Senator Baker, further consideration of **SB 878** as amended was deferred.

THE PRESIDENT PRESIDING

CS for SB 152—A bill to be entitled An act relating to alimony; amending s. 61.14, F.S.; authorizing a court to modify payment of alimony if there is proof by a preponderance of the evidence that the recipient former spouse is in a de facto marriage with a person of the opposite sex outside of the legal bond of matrimony; prescribing factors to be considered by the court; providing for application; providing an effective date.

—was read the third time by title.

On motion by Senator Siplin, **CS for SB 152** was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Diaz de la Portilla	Posey
Alexander	Dockery	Pruitt
Argenziano	Garcia	Sebesta
Aronberg	Haridopolos	Siplin
Atwater	Hill	Villalobos
Bennett	Jones	Webster
Carlton	King	Wilson
Clary	Klein	Wise
Constantine	Miller	
Dawson	Peaden	

Nays—10

Bullard	Geller	Rich
Campbell	Lynn	Saunders
Crist	Margolis	Smith
Fasano		

Vote after roll call:

Yea—Baker, Lawson

Consideration of **SB 772** was deferred.

SB 1798—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2005 version of the Internal Revenue Code; providing for retroactive operation; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **SB 1798** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 2042—A bill to be entitled An act relating to trust funds; amending s. 250.175, F.S.; creating the Welfare Transition Trust Fund within the Department of Military Affairs; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motions by Senator Fasano, **SB 2042** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker
Bennett	Garcia	Peaden
Bullard	Geller	Pruitt
Campbell	Haridopolos	Rich
Carlton	Hill	Saunders
Clary	Jones	Sebesta
Constantine	King	Siplin
Crist	Klein	Smith
Dawson	Lawson	Villalobos
Diaz de la Portilla	Lynn	Webster
Dockery	Margolis	Wilson
Fasano	Miller	Wise

Nays—None

Vote after roll call:

Yea—Posey

MOTIONS

On motions by Senator Carlton, a deadline of 3:00 p.m., Tuesday, April 5, was set for filing amendments to the Appropriations Bill, **SB 2600**, and the Appropriations Implementing Bill, **SB 2602**, and a deadline of 12:00 noon, Wednesday, April 6 was set for filing amendments to amendments and substitute amendments to the Appropriations Bill and the Appropriations Implementing Bill to be considered Thursday, April 7.

REPORTS OF COMMITTEES

The Committee on Commerce and Consumer Services recommends the following pass: SB 2228

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 1070, SB 1644 with 1 amendment, SB 2110 with 5 amendments, SB 2216

The bills were referred to the Committee on Community Affairs under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 1062, SB 2278 with 1 amendment

The Committee on Domestic Security recommends the following pass: CS for SB 572

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Banking and Insurance recommends the following pass: SJR 1870

The bill was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1122

The Committee on Commerce and Consumer Services recommends the following pass: SB 2312 with 1 amendment

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 102

The Committee on Judiciary recommends the following pass: CS for SJR 2200

The bills contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 1238

The Committee on Criminal Justice recommends the following pass: CS for SB 454 with 1 amendment, SB 814, SB 1746

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Judiciary recommends the following pass: SB 720

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1030 with 1 amendment

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 1124

The Committee on Criminal Justice recommends the following pass: SB 1344

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1816

The Committee on Criminal Justice recommends the following pass: SB 1642

The bills contained in the foregoing reports were referred to the Committee on Transportation under the original reference.

The Committee on Judiciary recommends the following pass: CS for SJR 1210 and SJR 1362

The Committee on Rules and Calendar recommends the following pass: SCR 1468

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2006

The bill with committee substitute attached was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1154

The bill with committee substitute attached was referred to the Committee on Communications and Public Utilities under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 2212

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 2362

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1194

The Committee on Domestic Security recommends a committee substitute for the following: Senate Bills 1462 and 648

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1442

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1604

The bill with committee substitute attached was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 890

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 638, SB 1258, SB 1912

The bills with committee substitutes attached were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2302

The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: SB 748, SB 1436

The bills with committee substitutes attached were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Banking and Insurance; and Senators Wise, Geller, King and Campbell—

CS for SB 638—A bill to be entitled An act relating to title insurance; amending s. 624.608, F.S.; redefining the term "title insurance" to include insurance for security interests in personal property; amending s. 627.7711, F.S.; redefining the term "related title services" to include the examination of searches of certain records; redefining the term "primary title services" to include search and examination of certain records; amending s. 627.7845, F.S.; prohibiting a title insurer from issuing a title insurance commitment, endorsement, or policy until there has been

an examination of certain records; requiring the title insurer to preserve and retain evidence of certain records; providing that certain policy forms may continue to be sold by property and casualty insurers until the Office of Insurance Regulation approves a title insurance form; providing an effective date.

By the Committee on Community Affairs; and Senators Miller and Constantine—

CS for SB 748—A bill to be entitled An act relating to fire hydrants; amending s. 633.065, F.S.; requiring owners of fire hydrants to test hydrants in accordance with national standards; requiring nonfunctioning privately owned hydrants to be reported and repaired; providing fines for noncompliance; providing an effective date.

By the Committee on Education; and Senator Wise—

CS for SB 890—A bill to be entitled An act relating to student and parent rights; amending s. 1002.20, F.S.; authorizing certain K-12 students to self-administer epinephrine by auto-injector under certain circumstances; requiring the adoption of rules; providing for indemnification; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Dockery—

CS for SB 1154—A bill to be entitled An act relating to Enterprise Florida, Inc.; amending s. 288.041, F.S.; deleting the requirement that Enterprise Florida, Inc., assist in the expansion of the solar energy industry and solar technology; amending s. 288.095, F.S.; deleting obsolete provisions; repealing s. 288.8155, F.S., relating to the International Trade Data Resource and Research Center; amending s. 288.901, F.S.; revising the membership, organization, and meetings of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; deleting obsolete provisions regarding the Workforce Development Board of Enterprise Florida, Inc.; amending s. 288.90151, F.S.; deleting obsolete provisions; specifying moneys and contributions that may be considered as private-sector support to Enterprise Florida, Inc.; requiring that the annual report include a study; clarifying the term "economic development organization"; requiring Enterprise Florida, Inc. to hire certain firms to develop certain survey reporting; deleting a requirement that the annual report be certified; amending s. 288.904, F.S.; revising the power of the board to make and enter into contracts; providing that certain limitations do not apply to contracts awarded by another entity; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 1194—A bill to be entitled An act relating to homestead assessments; providing an exception to requirements to assess certain homestead property at just value under certain circumstances; providing limitations; providing an effective date.

By the Committee on Banking and Insurance; and Senator Atwater—

CS for SB 1258—A bill to be entitled An act relating to certificates of release for mortgages; creating s. 701.041, F.S.; providing definitions; providing for the issuance of a certificate of release for a mortgage by a title insurer or its authorized agent for certain purposes; providing for recordation; specifying contents of a certificate of release; requiring execution, acknowledgment, and recordation of a certificate of release by certain entities; providing requirements for appointment of an agent for execution purposes; providing for effect of a certificate of release; providing for liability of title insurers under certain circumstances; providing criteria for recording multiple certificates of release; providing application; requiring the Financial Services Commission to adopt rules establishing a minimum premium charge for certificates of release; repealing s. 701.05, F.S., relating to failing or refusing to satisfy a lien and punishment therefor; providing an effective date.

By the Committee on Community Affairs; and Senators Geller and Lynn—

CS for SB 1436—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; authorizing state and local law enforcement vehicles to carry an automated external defibrillator; amending s. 932.7055, F.S.; authorizing local governments to use forfeiture funds for purchasing automated external defibrillators; providing an effective date.

By the Committee on Banking and Insurance; and Senator Atwater—

CS for SB 1442—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 440.3851, F.S.; exempting from public-records and public-meetings requirements certain records of the Florida Self-Insurers Guaranty Association, Incorporated, and certain meetings of the board of directors of the association or any subcommittee of the board; providing for release of such records under certain circumstances; providing requirements; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

By the Committee on Domestic Security; and Senators Baker and Campbell—

CS for SB's 1462 and 648—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the tax on sales, use, and other transactions for sales of certain items of tangible personal property for a certain period for certain purposes; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

By the Committee on Community Affairs; and Senators Lynn and Fasano—

CS for SB 1604—A bill to be entitled An act relating to the Florida 211 Network; amending s. 408.918, F.S.; requiring the Florida 211 Network to provide services in each county and to coordinate services with county emergency management agencies during disasters; providing requirements for distribution of state funds appropriated for such purposes; requiring local matching funds; requiring expenditure reports to the Florida Alliance of Information and Referral Services, the Agency for Health Care Administration, and the Legislature; defining the term "211 provider"; providing an appropriation; providing an effective date.

By the Committee on Banking and Insurance; and Senator Argenziano—

CS for SB 1912—A bill to be entitled An act relating to insurance agents and agencies; amending s. 624.317, F.S.; including insurance agencies among entities the Department of Financial Services is authorized to investigate; amending s. 624.318, F.S.; providing for electronic scanning in the course of investigations and examinations; amending s. 624.501, F.S.; clarifying a license fee; amending s. 626.015, F.S.; redefining the term "home state"; defining the term "resident"; amending s. 626.016, F.S.; including insurance agencies among entities subject to regulation by the Chief Financial Officer; amending s. 626.025, F.S.; correcting cross-references; amending s. 626.112, F.S.; delaying the effective date by which agencies must obtain a license; providing that an

agency may file for registration in lieu of licensure, under specified conditions; imposing a fine on any agency that fails to timely apply for licensure or registration; deleting certain agency licensure requirement provisions; amending s. 626.171, F.S.; specifying licensure and registration application requirements for insurance entities other than insurance agencies; deleting a provision applying to insurance agency license application requirements; amending s. 626.172, F.S.; revising insurance agency licensure application requirements; providing procedures and limitations; providing duties of the department; amending s. 626.221, F.S.; revising examination requirements; amending s. 626.2815, F.S.; revising continuing education requirements; amending ss. 626.292 and 626.321, F.S.; correcting cross-references, to conform; amending s. 626.342, F.S.; including insurance agencies under provisions prohibiting furnishing supplies to certain unlicensed agents and imposing civil liability under certain circumstances; amending s. 626.382, F.S.; providing for renewal of licenses; amending s. 626.451, F.S.; revising requirements for appointment; amending s. 626.536, F.S.; including insurance agencies under an action reporting requirement; amending s. 626.561, F.S.; including insurance agencies under provisions providing funds reporting and accounting requirements and imposing criminal penalties; amending s. 626.572, F.S.; including insurance agencies under provision prohibiting rebating under certain circumstances; amending s. 626.601, F.S.; including insurance agencies under provisions authorizing the department to inquire into improper conduct; creating s. 626.602, F.S.; authorizing the department to disapprove the use of certain names under certain circumstances; amending s. 626.6115, F.S.; providing an additional ground for the department to take compulsory adverse insurance agency license actions; providing that the existence of grounds for adverse action against a licensed agency does not constitute grounds for adverse action against another licensed agency; amending s. 626.6215, F.S.; providing an additional ground for the department to take discretionary adverse insurance agency license actions; providing that the existence of grounds for adverse action against a licensed agency does not constitute grounds for adverse action against another licensed agency; amending s. 626.747, F.S.; revising agent requirements for branch agencies to include life or health agents; amending s. 626.621, F.S.; revising criteria for the department's refusal, suspension or revocation of a license or appointment; amending s. 626.641, F.S.; providing requirements for reinstatement of a previously suspended license or appointment; revising criteria for reapplication and requalification for a previously revoked license or appointment; amending s. 626.7351, F.S.; revising the qualifications for a customer representative's license; amending ss. 626.7355 and 626.8411, F.S.; deleting cross-references, to conform; creating s. 626.84201, F.S.; providing for the issuance of a nonresident title insurance agent license; amending s. 648.50, F.S.; revising the persons whose license or appointment may be revoked or suspended when a bail bond's license or appointment is revoked or suspended; repealing s. 626.592, F.S., relating to primary agents; creating s. 624.1275, F.S.; providing a restriction for state agencies or political subdivisions from preventing a licensed agent from responding to a bid or negotiation for an insurance product; providing an effective date.

By the Committee on Banking and Insurance; and Senator Garcia—

CS for SB 2006—A bill to be entitled An act relating to motor vehicle service agreements; amending s. 634.011, F.S.; including paintless dent-removal in the services that may be covered by a motor vehicle service agreement; amending s. 634.041, F.S.; revising requirements governing qualifications for a license to issue such agreements; providing for use of a 50-percent reserve or contractual liability coverage by certain service agreement companies; amending s. 634.136, F.S.; requiring a motor vehicle service contract company to maintain additional information relating to motor vehicle service agreements; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Saunders—

CS for SB 2212—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; conforming provisions to the designated urban job tax credit area revision; amending s. 212.097, F.S.; revising provisions providing for an urban job tax credit program to apply to designated urban job tax credit areas rather than high-crime areas; revising and providing definitions, eligibility criteria, application procedures and requirements, and area characteristics and criteria; amending s. 220.1895, F.S., to conform; deleting an obsolete provision; amending s. 288.99, F.S.; conforming provisions to the designated urban job tax credit area revision; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 2302—A bill to be entitled An act relating to local government land development requirements; creating s. 163.3219, F.S.; providing legislative findings, declarations, and intent relating to local government impact fees; requiring impact fees to be based upon certain available data; requiring a credit against impact fees for certain taxes, fees, assessments, liens, charges, or payments; providing criteria; specifying a time period before collecting an impact fee or fee increase; prohibiting application of an impact fee to certain building permits; requiring local governments to report certain impact fee information to the Auditor General; limiting imposition of administrative fees; requiring refund of an impact fee under certain circumstances; providing for the distribution of impact fees collected within an incorporated area; providing criteria for payment of impact fees; authorizing a local government to establish a schedule of payments; providing an exception; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senators Smith, Fasano and Crist—

CS for SB 2362—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.052, F.S.; deleting an exception to an exemption from the tax for research or development costs; amending s. 212.08, F.S.; providing an exemption for machinery and equipment used predominantly for research and development activities; defining the terms "predominantly" and "machinery and equipment"; authorizing the Department of Revenue to adopt rules to administer the exemption; providing for an affidavit to be given by a taxpayer claiming entitlement to the exemption; authorizing a business to designate one or more state universities or community colleges as recipients of part or all of the amount of the exemption under specified conditions; providing that the business retains the rights to patents, royalties, or real or intellectual property unless an agreement specifies otherwise; providing for a review of the exemption by the Office of Program Policy Analysis and Government Accountability; amending s. 1011.94, F.S.; adding cross-references and deleting the reference to a requirement for certification of the exempt business; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 200.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

ENROLLING REPORTS

SB 1334, CS for SB 1336, SB 1338, and SB 1340 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 31, 2005.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 30 was corrected and approved.

CO-INTRODUCERS

Senators Alexander—SB 1168; Atwater—SB 612; Campbell—SB 1056; Constantine—SB 1168; Dawson—SB 1714, SB 1848; King—SB 2216

Senator Alexander withdrew as the introducer of SB 1168.

Senator Fasano withdrew as the introducer of SB 1306.

RECESS

On motion by Senator Pruitt, the Senate recessed at 10:09 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, April 6 or upon call of the President.

Journal of the Senate

Number 11—Regular Session **Tuesday, April 5, 2005**

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REPORTS OF COMMITTEES

The Committee on Health Care recommends the following pass: SB 2296

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Education recommends the following pass: SB 1444

The bill was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Education recommends the following pass: SB 782

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Health Care recommends the following pass: SB 1248 with 1 amendment

The bill was referred to the Committee on Education under the original reference.

The Committee on Education recommends the following pass: SB 658, SB 1678

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 2236 with 4 amendments

The bills contained in the foregoing reports were referred to the Committee on Education Appropriations under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: SB 1448, SB 1590

The bills were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Education recommends the following pass: SB 598

The bill was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Education recommends the following pass: SB 2220 with 1 amendment

The Committee on Health Care recommends the following pass: CS for SB 884, SB 1094 with 1 amendment, SB 1450

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Health Care recommends the following pass: SB 2376

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Health Care recommends the following pass: SB 1908 with 4 amendments

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Communications and Public Utilities recommends the following pass: CS for SB 1154

The Committee on Government Efficiency Appropriations recommends the following pass: SB 1496

The bills contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: SJR 894

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on General Government Appropriations recommends the following pass: CS for SB 502, SB 1796

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 1194, CS for SB 1508, CS for SJR 2200

The Committee on Justice Appropriations recommends the following pass: CS for SB 540, CS for SB 646, SB 2194

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SB 1460, CS for SB 1592

The Committee on Ways and Means recommends the following pass: CS for SB 378, CS for SB 388, CS for SB 392, CS for SB 394, CS for SB 400, CS for SB 408, CS for SB 410, CS for SB 2584

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1978

The bill with committee substitute attached was referred to the Committee on Children and Families under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2152

The Committee on Transportation recommends a committee substitute for the following: SB 460

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1072

The bill with committee substitute attached was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 1056

The bill with committee substitute attached was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1628

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Health Care recommends a committee substitute for the following: Senate Bills 1872 and 2378

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 186, CS for SB 1090

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 172, SB 1526

The Committee on Health Care recommends committee substitutes for the following: SB 938, SB 940

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 492

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 1652

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1026

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 1152, SB 2266

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1010

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 732

The Committee on General Government Appropriations recommends committee substitutes for the following: CS for SB 1146, CS for SB 1494

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 298, SB 2644

The Committee on Health and Human Services Appropriations recommends a committee substitute for the following: CS for CS for SB 1476

The Committee on Health Care recommends a committee substitute for the following: SB 1868

The Committee on Judiciary recommends committee substitutes for the following: SJR 4, SJR 6, SB 1662

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: SB 530

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 404, SB 424, SJR 2144, SB 2146, SB 2610, SB 2646

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By the Committee on Ways and Means—

SB 2600—A bill to be entitled An act making appropriations; providing monies for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Committee on Ways and Means—

SB 2602—A bill to be entitled An act implementing the 2005-2006 General Appropriations Act; providing legislative intent; providing for

use of specified calculations with respect to the Florida Education Finance Program; providing for the budget of the Council for Education Policy Research and Improvement to be administered by the Auditor General; providing that the council is otherwise independent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a forensic mental health treatment facility; amending s. 402.305, F.S.; providing for the child care competency examination to be given in Spanish; amending s. 402.33, F.S.; suspending authority of the Department of Children and Family Services to use funds in excess of fee collections; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due-process appropriations; amending s. 413.4021, F.S.; requiring additional revenues from the tax collection enforcement diversion program to be used for the personal care attendant pilot program and for state attorney contracts; providing for expenditure of funds from the Working Capital Fund to offset deficiencies in due-process services; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction of an agricultural interdiction station in Escambia County; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; amending s. 375.041, F.S.; providing for use of funds allocated to the Land Acquisition Trust Fund for water quality issues; creating s. 376.30715, F.S.; providing conditions on state financial assistance in restoration of contaminated petroleum storage or retail sites; amending s. 287.057, F.S.; revising methods of compensating on-line providers of commodities and contractual services; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determing eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; amending s. 259.032, F.S.; providing for use of certain funds for constructing replacement museum facilities; amending s. 288.1045, F.S.; extending the qualified defense contractor tax refund program; amending s. 288.106, F.S.; extending the tax refund program for qualified target industry businesses; amending s. 290.044, F.S.; revising the amounts that may be set aside from the neighborhood revitalization category of the Small Cities Community Development Block Grant Program Fund; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 339.135, F.S.; authorizing increased appropriations for certain projects in the Department of Transportation; creating s. 320.0846, F.S.; providing for free motor vehicle license plates for active members of the Florida National Guard; creating s. 250.5206, F.S.; creating the Family Readiness Program in the Department of Military Affairs; providing purpose, availability and use of funding, services, eligibility, application and review; providing for a report; creating the Family Readiness Advisory Board and specifying membership; reenacting s. 215.32(2)(b), F.S., relating to the source and use of trust funds; amending s. 216.192, F.S.; prescribing additional conditions that must be met before the release or transfer of agency funds or the transfer of positions; providing goals for implementing the Aspire project; providing factors to be considered; providing for review; providing finding of best interest of the state for authorization and issuance of certain debt; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2005-2006 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing effective dates.

—was referred to the Committee on Ways and Means.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary; and Senators King, Smith and Atwater—

CS for SJR 4—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution, relating to the type of amendment or revision which may be proposed by citizen initiative.

By the Committee on Judiciary; and Senators King, Smith, Fasano, Haridopolos and Atwater—

CS for SJR 6—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution; requiring that a proposed amendment to or revision of the State Constitution be approved by at least sixty percent of the electors of the state voting on the measure.

By the Committee on Criminal Justice; and Senator Lynn—

CS for SB 172—A bill to be entitled An act relating to probation and community control; amending s. 947.22, F.S.; requiring law enforcement officers to assist probation officers in making warrantless arrests; amending s. 948.06, F.S.; requiring law enforcement officers to assist probation officers in making warrantless arrests; requiring law enforcement and probation officers to arrest a probationer or offender if the officer has reasonable grounds to believe that the probationer or offender has violated his or her probation or community control and if the officer is aware that the probationer or offender has a history of convictions for violence; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment and alert system to monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances; requiring that information be provided to the court by the correctional probation officer; authorizing the department to adopt rules; creating s. 948.062, F.S.; requiring the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; providing legislative findings with respect to the necessity for increased supervision of

high-risk offenders who violate community supervision; requesting that the Supreme Court amend a Rule of Criminal Procedure to require that certain offenders arrested for a violation of probation or community control be detained while awaiting a hearing on the violation; providing for implementation; providing an effective date.

By the Committees on Judiciary; Health Care; and Senator Lynn—

CS for CS for SB 186—A bill to be entitled An act relating to sexually transmissible disease testing and reporting; amending s. 381.004, F.S.; prohibiting the disclosure of a positive preliminary HIV test result to any person except as specifically authorized; providing that certain HIV test results are preliminary and may be released in accordance with federal requirements; providing that a pregnant woman's informed consent is not required; amending s. 384.25, F.S.; requiring the reporting of a result indicative of HIV or AIDS; requiring the Department of Health to adopt rules specifying certain information, including the maximum time period for reporting a sexually transmissible disease; requiring the use of a system developed by the Centers for Disease Control or its equivalent for the confidential reporting of HIV infection or AIDS; requiring the department to adopt rules governing the reporting of HIV-exposed infants or newborns; deleting a provision requiring the reporting of diagnosed AIDS cases based upon certain criteria; deleting a provision requiring that physicians and laboratories report certain cases of HIV infection; deleting a requirement that the department submit an annual report to the Legislature; amending s. 384.31, F.S.; requiring that certain health care professionals who attend a pregnant woman test for sexually transmissible diseases and HIV; requiring that a pregnant woman be informed of tests for sexually transmissible diseases and her right to refuse; requiring that a written statement of objection to testing for sexually transmissible diseases be placed in the pregnant woman's medical records; deleting a requirement that a health care provider counsel a pregnant woman concerning HIV testing; deleting a provision that provides immunity from liability to a health care provider who counsels a pregnant woman who objects to HIV testing; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Lynn—

CS for SB 298—A bill to be entitled An act relating to notaries public; amending s. 117.05, F.S.; authorizing notaries to charge fees per notarized signature; prohibiting notaries from charging specified persons for acts relating to application for a benefit resulting from public service; providing an effective date.

By the Committees on Ways and Means; Health and Human Services Appropriations; and Senator Saunders—

CS for CS for SB 404—A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; delaying provisions requiring a nursing home staffing increase; amending ss. 409.903, 409.904, F.S.; deleting certain limitations on services to the medically needy; amending s. 409.906, F.S., relating to optional Medicaid services; providing for adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.908, F.S.; revising guidelines relating to reimbursement of Medicaid providers; amending ss. 409.9112, 409.9113, 409.9117, F.S., relating to the hospital disproportionate share program; deleting obsolete provisions; amending s. 409.91195, F.S.; revising provisions relating to the Medicaid Pharmaceutical and Therapeutics Committee and its duties with respect to developing a preferred drug list; amending s. 409.912, F.S.; revising the Medicaid prescribed drug spending control program; eliminating case management fees; directing the Agency for Health Care Administration to implement, and authorizing it to seek federal waivers for, the program of all-inclusive care for children; amending s. 409.9122, F.S.; revising a provision governing assignment to a managed care option for a Medicaid recipient who does not choose a plan or provider in certain geographic areas where the Agency for Health Care Administration contracts for comprehensive behavioral health services; amending s. 409.9124, F.S.; requiring the Agency for Health Care Administration to publish managed care reimbursement rates annually; limiting the application of certain rates and rate reductions; providing effective dates.

By the Committee on Ways and Means; and Senator Carlton—

CS for SB 424—A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 460—A bill to be entitled An act relating to transportation; amending s. 332.007, F.S.; giving the Department of Transportation the discretion to fund certain eligible aviation planning projects to be performed by not-for-profit organizations representing a majority of public airports; amending s. 337.11, F.S.; adding written work orders to the type of documents covered by the Department of Transportation's contracting laws; specifying changes to surety bondholder's liability under certain circumstances; creating s. 337.195, F.S.; providing presumptions relating to liability in certain actions against the Department of Transportation; limiting liability, in certain circumstances, of contractors and engineers doing work for that department; amending s. 339.64, F.S.; directing the Florida Transportation Commission to include as part of its annual work program review an assessment of the department's progress on the Strategic Intermodal System; requiring an annual report; directing the department to coordinate with federal, regional, and local entities for transportation planning that impacts military installations; requiring the Strategic Intermodal System Plan to include an assessment of the impacts of proposed projects on military installations; adding a military representative to the Governor's appointees to the Strategic Intermodal Transportation Advisory Council; deleting obsolete provisions; providing an effective date.

By the Committees on Criminal Justice; Judiciary; and Senators Bennett and Crist—

CS for CS for SB 492—A bill to be entitled An act relating to wrecker operators; amending s. 319.30, F.S.; redefining the term "certificate of destruction," to conform; amending s. 323.001, F.S.; revising certain towing and storage rates; amending s. 713.78, F.S.; removing mobile homes from the application of a statutory lien for towing and storage; conforming provisions related to recovering, towing, or storing vessels; providing for attorney's fees; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 715.07, F.S.; conforming provisions related to towing vessels parked on private property; imposing criminal penalties for failure to comply with certain laws governing the towing of vehicles and vessels; providing effective dates.

By the Committee on Transportation and Economic Development Appropriations; and Senators Wise, Haridopolos and Sebesta—

CS for SB 530—A bill to be entitled An act relating to driving under the influence; amending s. 322.271, F.S.; correcting a cross-reference; creating s. 322.2715, F.S.; directing the Department of Highway Safety and Motor Vehicles to require the placement of a department-approved ignition interlock device on specified vehicles operated by any person convicted of committing certain driving-under-the-influence offenses; providing an exception; specifying the duration of each installation period based upon the number of DUI convictions; directing the depart-

ment to require installation of the ignition interlock if the court fails to order the mandatory placement of the device or fails to order placement for the applicable period; providing an exception; providing an effective date.

By the Committee on Criminal Justice; and Senators Bennett and Bullard—

CS for SB 732—A bill to be entitled An act relating to motor vehicles; providing a popular name; creating the "Road Rage Reduction Act"; providing legislative intent; amending s. 316.081, F.S.; requiring operators of motor vehicles to drive in the right-hand lane on certain highways; providing exceptions; providing penalties for violation; amending s. 322.27, F.S.; correcting a cross-reference; providing for the assessment of points for violating specified provisions that require operators of motor vehicles to drive on the right side of the road; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing an effective date.

By the Committee on Health Care; and Senator Peaden—

CS for SB 938—A bill to be entitled An act relating to adverse medical incidents; creating s. 381.028, F.S.; providing a short title; providing a purpose; defining terms; specifying patients' right of access to records relating to an adverse medical incident; prohibiting the disclosure of the identity of certain patients; providing for maintaining privacy restrictions imposed by federal law; providing for the applicability of s. 25, Art. X of the State Constitution; providing for applicability of this section; providing restrictions upon the use of the records; providing for the identification and production of the records; providing for fees charged for copies of records; providing an effective date.

By the Committee on Health Care; and Senator Peaden—

CS for SB 940—A bill to be entitled An act relating to repeated medical malpractice; amending s. 456.041, F.S.; requiring the Department of Health to verify information submitted by a person who applies for initial licensure, or renewal of licensure, as a physician; creating s. 456.50, F.S.; defining terms; prescribing acts that constitute repeated medical malpractice; providing for review of acts and determination by the Board of Medicine and the Board of Osteopathic Medicine; authorizing the Board of Medicine and the Board of Osteopathic Medicine to require licensees and applicants for licensure to provide a copy of the record of the trial of any medical malpractice judgment involving an incident occurring on or after a specified date; extending the 90-day requirement for granting or denying a complete allopathic or osteopathic licensure application to 180 days; amending s. 458.331, F.S.; redefining acts of medical malpractice, gross medical malpractice, or repeated medical malpractice which constitute grounds for disciplinary action against a physician; amending s. 459.015, F.S.; redefining acts of medical malpractice, gross medical malpractice, or repeated medical malpractice which constitute grounds for disciplinary action against an osteopathic physician; providing an effective date.

By the Committees on Judiciary; Governmental Oversight and Productivity; and Senators Bennett and Dockery—

CS for CS for SB 1010—A bill to be entitled An act relating to administrative procedures; amending s. 11.60, F.S.; revising duties of the Administrative Procedures Committee with respect to its review of statutes; amending s. 57.111, F.S.; redefining the term "small business" to include certain specified individuals whose net worth does not exceed a specified amount; amending s. 120.54, F.S.; requiring an agency to file a notice of change with the Administrative Procedures Committee; revising times for filing rules for adoption; providing for the form and provisions of bonds; revising applicability of certain uniform rules; amending s. 120.55, F.S.; requiring that certain information be included in forms incorporated by reference in rules; requiring information to be published electronically on an Internet website; providing that such publication does not preclude other publications; providing additional duties of the Department of State with respect to publications; providing requirements for the Internet website; amending s. 120.551, F.S.; postponing the repeal of this section, relating to Internet publication; amending s. 120.56, F.S.; revising provisions relating to withdrawal of challenged rules; amending s. 120.569, F.S.; prescribing circumstances under which the time for filing a petition for hearing must be extended; amending s. 120.57, F.S.; requiring a final order to include an explicit ruling on each exception to the recommended order; providing when certain orders become effective; requiring that additional information be included in notices relating to protests of contract solicitations or awards; amending s. 120.65, F.S.; requiring the Division of Administrative Hearings to include certain recommendations in its annual report to the Administrative Procedures Committee; amending s. 120.74, F.S.; requiring agency reports to be filed with the Administrative Procedures Committee; requiring that the annual report filed by an agency identify the types of cases or disputes in which it is involved which should be conducted under the summary hearing process; requiring the Department of State to provide certain assistance to agencies in their transition to publishing on the Florida Administrative Weekly Internet website; providing effective dates.

By the Committees on Governmental Oversight and Productivity; and Commerce and Consumer Services—

CS for CS for SB 1026—A bill to be entitled An act relating to the aerospace industry; creating the Commission on the Future of Space in Florida; providing for membership and organization of the commission; providing procedures for action by the commission; authorizing the commission to appoint an executive director; providing for administrative and staff assistance from the Department of Transportation; providing for compensation of consultants; providing duties of the commission; requiring the commission to identify, examine, and review certain information related to aerospace and the aerospace industry; authorizing the commission to appoint technical advisory committees; authorizing reimbursement of travel expenses; requiring a certain number of meetings in various regions of the state; directing certain agencies and requesting other agencies to render assistance and cooperation; requiring preliminary and final reports; requiring the Department of Transportation to prepare legislative recommendations consistent with the report; abolishing the commission; providing an expiration date; providing for an appropriation; providing an effective date.

By the Committee on Judiciary; and Senators Klein, Lynn and Campbell—

CS for SB 1056—A bill to be entitled An act relating to business entities; creating ss. 607.1112-607.1115, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic corporation into another business entity; providing for certificates of conversion; providing for effect of conversion; providing definitions, requirements, criteria, and procedures for conversion of another business entity into a domestic corporation; amending ss. 607.1302, 608.407, and 608.4225, F.S., to conform; creating ss. 608.4351-608.43595, F.S.; providing for appraisals of interests in certain limited liability companies; providing definitions; providing requirements, criteria, and procedures for appraisals; providing for appraisal rights of company members; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a member's acceptance of certain offers; providing procedures for members dissatisfied with company offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney's fees; providing limitations on payments by limited liability companies under certain circumstances; amending ss. 608.438, 608.4381, 608.4382, 608.4383, and 608.439, F.S., to conform; creating ss. 608.4401-608.4404, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic limited liability company into another business entity; requiring a plan of conversion; requiring certain actions on a plan of conversion; providing for certificates of conversion; providing for effects of conversion; amending s. 608.452, F.S., to conform; amending s. 617.0302, F.S., to conform; amending s. 617.0505, F.S.; exempting certain private clubs organized as corporations from a

prohibition against distributions made to members in certain circumstances; creating s. 617.1108, F.S.; providing that certain statutory provisions related to mergers of corporations apply to not-for-profit corporations; creating ss. 620.1101-620.2205, F.S.; revising the Florida Revised Uniform Limited Partnership Act; providing a popular name; providing definitions; specifying conditions of knowledge and notice; providing for nature, purpose, and duration of limited partnerships; providing powers of limited partnerships; specifying the governing law relating to limited partnerships; providing supplemental principles of law; providing for application of certain rates of interest under certain circumstances; providing for names of limited partnerships; specifying certain fees of the Department of State for certain purposes; providing for effect of partnership agreements; providing for nonwaivable provisions; requiring limited partnerships to maintain certain required information; authorizing certain business transactions of partners with a partnership; providing for dual capacity of certain persons; requiring a designated office, registered office, and registered agent of a limited partnership; providing for change of designated office, registered office, or registered agent; providing for resignation of a registered agent; providing for service of process for certain purposes; providing for consent and proxies of partners; providing for formation of limited partnerships; providing for a certificate of limited partnership; providing for amendment or restatement of a certificate of partnership; providing for a certificate of dissolution; providing for a statement of termination; requiring certain records to be signed; providing for signing and filing of certain records pursuant to court order; providing for delivery to and filing of certain records by the Department of State; providing for effective dates and times of certain records and filings; providing for correcting certain filed records; providing for liability for false information in filed records; providing for a certificate of status; requiring delivery of annual reports to the department; providing conditions for becoming a partner; specifying absence of right or power of a limited partner to bind a limited partnership; providing for approval of certain rights; specifying absence of liability of limited partner for limited partnership obligations; specifying rights of limited partners and former limited partners to certain information; specifying limited duties of limited partners; specifying conditions of liability or lack of liability on the part of certain persons for certain partnership obligations under certain circumstances; specifying conditions for becoming a general partner; specifying a general partner as an agent for the limited partnership; specifying liability of limited partnership for certain actions of general partners; providing for liability of general partners; specifying certain actions by and against limited partnerships and general partners; specifying management rights of general partners; providing certain approval rights of other partners; specifying the right of general partners and former general partners to certain information; providing general standards of conduct for general partners; providing for form of certain contributions by partners; providing for liability for certain contributions; providing for sharing of profits, losses, and distributions; providing for interim distributions; specifying absence of right to receive a distribution upon dissociation; providing for distributions in kind; providing certain rights to distributions; providing limitations on distributions; providing for liability for certain improper distributions; providing for dissociation as limited partner under certain circumstances; providing for effect of dissociation as limited partner; providing for dissociation as general partner; specifying a person's power to dissociate as general under certain circumstances; specifying conditions and liability of wrongful dissociation; providing for effect of dissociation as general partner; providing to a dissociated general partner a power to bind and liability to a partnership before dissolution of the partnership; providing for certain liability of dissociated general partners; providing for a partner's transferable interest; providing for transfers of partner's transferable interest; providing rights of creditors of partners and transferees; providing for powers of estates of deceased partners; providing for nonjudicial dissolution of limited partnerships; providing for judicial dissolutions; providing for winding up activities of a limited partnership; providing for a power of a general partner and dissociated general partners to bind a partnership after dissolution; providing for liability of certain persons to the partnership after dissolution; providing for disposition of known claims against dissolved limited partnerships; providing for filing certain unknown claims against dissolved limited partnerships; providing for liability of certain persons for certain barred claims against a limited partnership; providing for administrative dissolution; providing for reinstatement after administrative dissolution; providing for appeals from reinstatement denials; providing for revocation of dissolution; providing for disposition of assets upon winding up of activities of a limited partnership; specifying when contributions are required; specifying the governing law relating to foreign limited partnerships; providing for applications for certificates of authority for foreign limited partnerships; specifying certain activities as not constituting transacting business by a foreign limited partnership; providing for filing a certificate of authority for foreign limited partnerships to transact business; prohibiting a foreign limited partnership from obtaining a certificate of authority for a noncomplying name; providing for revocation of a certificate of authority for foreign limited partnerships; providing for cancellation of a certificate of authority for a foreign limited partnership; providing for effect of failure to have a certificate; authorizing the Attorney General to bring actions to restrain foreign limited partnerships from transacting business under certain circumstances; providing for reinstatement after administrative revocation; providing for amending a certificate of authority; providing for direct actions by a partner against a limited partnership or another partner under certain circumstances; authorizing partners to maintain derivative actions for certain purposes; specifying proper plaintiff in derivative actions; specifying contents of certain pleadings; specifying distribution of proceeds in derivative actions; providing for court award of expenses and attorney fees under certain circumstances; providing definitions; providing for conversion of an organization to a limited partnership or a limited partnership to another organization; requiring a plan of conversion; specifying certain actions on a plan of conversion; requiring a certificate of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a limited partnership with certain organizations; requiring a plan of merger; specifying certain actions on a plan of merger; requiring a certificate of merger; specifying certain required filings for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of a general partner after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing for appraisals of interests in certain limited partnerships; providing definitions; providing for appraisal rights of limited partners; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a limited partner's acceptance of certain offers; providing procedures for limited partners dissatisfied with limited partnership offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney's fees; providing limitations on payments by limited partnerships under certain circumstances; providing for application of laws to provisions governing conversions and mergers; providing for uniformity of application and construction; providing severability; providing for application to the Electronic Signatures in Global and National Commerce Act; providing for application to existing business entities; amending ss. 620.8103 and 620.8404, F.S., to conform; amending s. 620.8105, F.S.; providing requirements for partnership registration statements, certificates of merger or conversion, and amended partnership registrations and certificates of merger or conversion; amending s. 620.81055, F.S.; providing a fee for a certificate of conversion; creating ss. 620.8911-620.8923, F.S.; providing definitions; providing for conversion of certain organizations to a partnership or a partnership to another organization; providing requirements, criteria, and procedures for conversions; requiring a plan of conversion; requiring certain actions by a converting partnership on a plan of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a partnership with certain organizations; providing requirements, criteria, and procedures for mergers; requiring a plan of merger; specifying certain actions by a constituent partnership on a plan of merger; specifying certain requiring filings with the Department of State for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of partners after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing construction relating to application of other laws to conversions and mergers; amending s. 620.9104, F.S.; specifying additional activities not constituting transacting business; amending s. 607.11101, F.S.; conforming cross-references; repealing s. 608.4384, F.S., relating to rights of members of limited liability companies dissenting to a merger; repealing ss. 620.101, 620.102, 620.103, 620.105, 620.1051, 620.106, 620.107, 620.108, 620.109, 620.112, 620.113, 620.114, 620.115, 620.116, 620.117, 620.118, 620.119, 620.122, 620.123, 620.124, 620.125, 620.126, 620.127, 620.128, 620.129, 620.132, 620.133, 620.134, 620.135, 620.136, 620.137, 620.138, 620.139, 620.142, 620.143, 620.144, 620.145, 620.146, 620.147, 620.148, 620.149, 620.152, 620.153, 620.154, 620.155, 620.156, 620.157, 620.158, 620.159, 620.162, 620.163, 620.164, 620.165, 620.166, 620.167, 620.168, 620.169,

620.172, 620.173, 620.174, 620.175, 620.176, 620.177, 620.178, 620.179, 620.182, 620.1835, 620.184, 620.185, 620.186, 620.187, 620.192, 620.201, 620.202, 620.203, 620.204, and 620.205, F.S., relating to the Florida Revised Uniform Limited Partnership Act (1986); repealing ss. 620.8901, 620.8902, 620.8903, 620.8904, 620.8905, 6210.8906, 620.8907, and 620.8908, F.S., relating to conversions of partnerships and limited partnerships under the Revised Uniform Partnership Act of 1995; providing effective dates.

By the Committee on Governmental Oversight and Productivity; and Senator Atwater—

CS for SB 1072—A bill to be entitled An act relating to auditor selection procedures; amending s. 218.391, F.S.; revising the auditor selection procedures that local governmental entities, district school boards, charter schools, and charter technical career centers must use in selecting auditors to conduct certain required financial audits; revising provisions relating to membership, purposes, and duties of audit committees required to be established to aid in such selection; providing for requests for proposals; providing review and ranking requirements; requiring written contracts and providing requirements therefor, including renewal requirements; providing an effective date.

By the Committees on Judiciary; Children and Families; and Senators Campbell, Dawson and Lynn—

CS for CS for SB 1090—A bill to be entitled An act relating to mental health care services for minors and incapacitated persons; amending s. 39.402, F.S.; requiring a child's parent or legal guardian to provide certain information to the Department of Children and Family Services; amending s. 39.407, F.S.; specifying requirements for the department with respect to providing psychotropic medication to a child in the custody of the department; requiring that the prescribing physician attempt to obtain express and informed parental consent for providing such medication; authorizing the department to provide psychotropic medication without such consent under certain circumstances; requiring the department to provide medical information to a physician under certain circumstances; requiring that the child be evaluated by a physician; requiring that the department obtain court authorization for providing such medication within a specified period; providing requirements for a motion by the department seeking court authorization to provide psychotropic medication; specifying circumstances under which medication may be provided in advance of a court order; requiring that notice be provided to all parties if the department proposes to provide psychotropic medication to the child; requiring that a hearing be held if any party objects; providing requirements for the hearing; authorizing the court to order additional medical consultation; specifying the required burden of proof with respect to evidence presented at the hearing; requiring that the department provide a child's medical records to the court; providing requirements for court review; authorizing the court to order the department to obtain a medical opinion; requiring that the department adopt rules to ensure that children receive appropriate psychotropic medications; specifying the provisions to be included in the rules; conforming a cross-reference; amending s. 394.459, F.S., relating to the rights of patients under the Florida Mental Health Act; revising provisions requiring that a patient be asked to give express and informed consent before admission or treatment; requiring that additional information be provided with respect to the risks and benefits of treatment, the dosage range of medication, potential side effects, and the monitoring of treatment; clarifying provisions governing the manner in which consent may be revoked; requiring that facilities develop a system for investigating and responding to certain complaints; amending s. 743.0645, F.S.; redefining the term "medical care and treatment" for purposes of obtaining consent for the medical treatment of a minor; providing an exception with respect to the consent provided under s. 39.407, F.S.; directing the department to conduct an assessment; requiring a report; providing an effective date.

By the Committees on General Government Appropriations; Governmental Oversight and Productivity; and Senators Argenziano and Dockery—

CS for CS for SB 1146—A bill to be entitled An act relating to purchasing and procurement; providing definitions; authorizing the Department of Management Services to establish the Center for Efficient Government; providing for the powers and duties of the center; prescribing duties of a state agency before a service may be outsourced; requiring agencies to do a business case analysis; specifying the requirements for the analysis; requiring that an agency submit the proposed business case with the agency's legislative budget request; prescribing the process for approval if the outsourcing is not included in the agency's approved operating budget; prohibiting an agency from privatizing a service without specific legislative authorization; prescribing contract requirements for a contract that meets or exceeds a specified threshold amount; authorizing a contract to include certain incentives; providing requirements for a contract that exceeds $1 million in value; providing a process for a state agency to submit to the Executive Office of the Governor certain contract amendments for approval; requiring approval of the Administration Commission under certain circumstances; creating s. 215.4211, F.S.; authorizing the Chief Financial Officer to review contracts for state agencies; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing appropriations and authorizing positions; providing restrictions on contractor supervision of state employees; providing restrictions on contractor involvement in state procurement; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Argenziano—

CS for SB 1152—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2005, and July 1, 2006; amending s. 121.40, F.S.; revising the payroll contribution rate for the Institute of Food and Agricultural Sciences, effective July 1, 2005; providing a declaration of important state interest; providing an effective date.

By the Committees on Health and Human Services Appropriations; Governmental Oversight and Productivity; Children and Families; and Senators Campbell and Margolis—

CS for CS for CS for SB 1476—A bill to be entitled An act relating to the Department of Children and Family Services; providing legislative intent with respect to establishing a structure by which the department shall monitor and manage contracts with external service providers; providing definitions; requiring the department to competitively procure certain commodities and contractual services; requiring the department to allow all public postsecondary institutions to bid on contracts intended for any public postsecondary institution; authorizing the department to competitively procure and contract for systems of treatment or service that involve multiple providers; providing requirements if other governmental entities contribute matching funds; requiring that an entity providing matching funds must comply with certain procurement procedures; authorizing the department to independently procure and contract for treatment services; requiring that the department develop a validated business case before outsourcing any service or function; providing requirements for the business case; requiring that the validated business case be submitted to the Legislature for approval; requiring that a contractual service that has previously been outsourced be subject to the requirements for a validated business case; requiring that a procurement of contractual services equal to or in excess of the threshold amount for CATEGORY FIVE comply with specified requirements, including a scope of work and performance standards; authorizing the department to adopt incremental penalties by rule; authorizing the department to include cost-neutral, performance-based incentives in a contract; requiring multiyear contracts unless justification is provided; requiring that a contract in excess of $1 million be negotiated by a contract negotiator who is certified according to standards established by the Department of Management Services; limiting circumstances under which the department may amend a contract; requiring that a proposed contract amendment be submitted to the Executive Office of the Governor for approval; requiring approval of a contract amendment

by the Administration Commission under certain circumstances; requiring the department to verify that contractual terms have been satisfied before renewing a contract; requiring certain documentation; requiring the department to develop, in consultation with the Department of Management Services, contract templates and guidelines; requiring that the department establish a contract-management process; specifying the requirements for and components of the contract-management process; providing requirements for resolving performance deficiencies and terminating a contract; requiring a corrective-action plan under certain circumstances; requiring the department to develop standards of conduct and disciplinary actions; requiring that the department establish contract-monitoring units and a contract-monitoring process; requiring written reports; requiring on-site visits for contracts involving the provision of direct client services; requiring the department to make certain documents available to the Legislature; requiring the department to create an electronic database to store the documents; prohibiting contractors from performing certain functions; amending s. 402.73, F.S.; requiring the Agency for Persons with Disabilities to implement systems to ensure quality and fiscal integrity of programs in the developmental services Medicaid waiver system; providing an exemption for health services from competitive bidding requirements; amending s. 409.1671, F.S.; conforming provisions to changes made by the act; requiring that the Office of Program Policy Analysis and Government Accountability conduct two reviews of the contract-management and accountability structures of the department and report to the Legislature and the Auditor General; repealing s. 402.72, F.S., relating to contract-management requirements for the Department of Children and Family Services; providing an appropriation; providing an effective date.

By the Committees on General Government Appropriations; Governmental Oversight and Productivity; and Senator Argenziano—

CS for CS for SB 1494—A bill to be entitled An act relating to information technology management; providing legislative intent that each state agency use a governance process and structure for managing its information technology operations and investments in order to ensure alignment with the business needs and policy requirements of the agency; providing definitions; providing a governance process for information technology which includes management of the agency's information technology portfolio along with project management; specifying the purpose of information technology portfolio management; requiring each agency to submit its information technology portfolio as part of its legislative budget request; requiring that agencies implement and administer a project management methodology; requiring that each agency implement a management process; amending s. 20.22, F.S.; renaming an office within the Department of Management Services; repealing s. 110.205(2)(e) and (w), F.S., relating to personnel of the State Technology Office; repealing s. 186.022, F.S., relating to information technology strategic plans; repealing s. 216.292(1)(c), F.S., relating to transfer of positions or appropriations for fiscal year 2001-2002; amending s. 282.0041, F.S.; revising definitions; repealing s. 282.005, F.S., relating to legislative findings and intent concerning information technology; creating s. 282.0055, F.S.; prohibiting the Department of Management Services and the Florida Technology Council from taking certain actions with respect to the information technology personnel of cabinet officers; amending s. 282.102, F.S.; eliminating the State Technology Office and transferring responsibilities of the office to the Department of Management Services; revising various responsibilities relating to information technology; amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S.; transferring responsibilities relating to the SUNCOM Network from the State Technology Office to the Department of Management Services; amending ss. 282.1095 and 282.111, F.S.; transferring responsibilities relating to various law enforcement radio systems from the office to the department; amending s. 282.20, F.S.; revising the duties of the Technology Resource Center; amending s. 282.21, F.S.; transferring authorization to collect fees for provision of remote electronic access services from the office to the department; amending s. 282.22, F.S.; transferring responsibilities relating to production, dissemination, and ownership of various materials or products from the office to the department; repealing s. 282.23, F.S., relating to the State Strategic Information Technology Alliance; creating s. 282.3025, F.S.; creating the Florida Technology Council within the Department of Management Services; providing for the State Technology Officer to head the council; requiring that the council develop a statewide information technology strategic plan, in consultation with the Agency Chief Information Officers Council; providing requirements for the plan; requiring that the council assist state agencies in implementing the information technology portfolio management process; requiring the council to provide status reports to the Administration Commission; amending s. 282.3031, F.S.; deleting provisions assigning responsibility for information resources management to the State Technology Office; repealing s. 282.3055, F.S., relating to personnel of the State Technology Office; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; revising certain duties of the Agency Chief Information Officers Council; specifying an additional responsibility; amending s. 282.318, F.S.; transferring various responsibilities relating to security of data and information technology resources from the State Technology Office to each agency head or the Department of Management Services; repealing s. 282.322(2), F.S., relating to information technology projects identified as high-risk; amending s. 287.042, F.S.; transferring responsibilities from the State Technology Office to the Department of Management Services; deleting provisions requiring consultation between the department and the office; repealing s. 287.057(24), F.S., relating to strategic information technology alliances; amending s. 445.049, F.S.; transferring responsibilities relating to the Digital Divide Council from the State Technology Office to the Department of Management Services or the secretary of the department; providing an appropriation and authorizing positions; requiring that certain notice with respect to budget actions be given to the Legislative Budget Commission; providing an effective date.

By the Committee on Criminal Justice; and Senator Baker—

CS for SB 1526—A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; amending ss. 435.03 and 435.04, F.S., to conform provisions to changes made by the amendments to s. 782.09, F.S.; reenacting s. 921.0022(3)(h) and (i), F.S., relating to the Criminal Punishment Code offense severity ranking chart, to incorporate the amendment to s. 316.193, F.S., in references thereto; reenacting s. 316.656(3), F.S., relating to mandatory adjudication, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 947.146(3)(j), F.S., relating to the Control Release Authority, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 960.03(3)(b), F.S., relating to the definition of "crime" under the Florida Crimes Compensation Act, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 1628—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public-records requirements for personal identifying information contained in records concerning current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, senior juvenile detention officers, juvenile detention officer supervisors, and juvenile detention officers of the Department of Juvenile Justice; providing for future repeal and legislative review under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing an effective date.

By the Committees on Criminal Justice; Commerce and Consumer Services; and Senators King and Lynn—

CS for CS for SB 1652—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; exempting proceedings conducted by special deputies under chapter 443, F.S., from

uniform rules of procedure; amending s. 443.071, F.S.; prohibiting establishing a fictitious employing unit for the purpose of receiving unemployment benefits; describing those acts that constitute prima facie evidence of establishing a personal benefit account and of claiming and receiving unemployment benefits; providing penalties; providing for access to certain investigative records; amending s. 443.091, F.S.; revising certain conditions of benefit eligibility; amending s. 443.1216, F.S.; clarifying powers of employee leasing companies in leasing officers and other workers to clients; restating types of employment exempt from coverage under chapter 443, F.S.; amending s. 443.1217, F.S.; providing applicability of guidelines for determining those wages subject to chapter 443, F.S.; amending s. 443.131, F.S.; redefining the term "total excess payments"; prescribing guidelines for transferring unemployment experience upon transfer or acquisition of a business; providing penalties for unlawful acts related to such transfer; amending s. 443.1317, F.S.; providing for an official seal for the Agency for Workforce Innovation; amending s. 443.151, F.S.; prescribing procedures with respect to untimely appeals; amending s. 895.02, F.S.; redefining the term "racketeering activity," for purposes of the criminal statutes pertaining to that offense, to include creation of fictitious employer schemes to commit unemployment compensation fraud; reenacting ss. 16.56(1)(a) and 905.34, F.S., relating to the Office of Statewide Prosecution and to the powers and duties of a statewide grand jury, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; reenacting ss. 655.50(3)(g) and 896.101(2)(g), relating to the Florida Control of Money Laundering in the Financial Institutions Act and the Florida Money Laundering Act, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; providing effective dates.

By the Committee on Judiciary; and Senators Fasano and Atwater—

CS for SB 1662—A bill to be entitled An act relating to insurance; amending s. 626.901, F.S.; revising an exception from the prohibition against representing or aiding unauthorized insurers; providing for immediate cease-and-desist orders for violations of the prohibition; providing legislative findings; authorizing investigations of activities that may constitute violations of the prohibition; amending s. 626.902, F.S.; providing an exception from penalty provisions for a person who cooperates with the office to administer the Unauthorized Insurers Process Law; amending s. 626.908, F.S.; providing conditions on defenses of certain actions against unauthorized insurers and persons representing or aiding them; prescribing a time limit on motions to quash or set aside service of process in actions against such unauthorized insurers and other persons; providing an effective date.

By the Committee on Health Care; and Senator Atwater—

CS for SB 1868—A bill to be entitled An act relating to health care; amending s. 395.003, F.S.; extending by 1 year the moratorium on approving additional emergency departments located off the premises of a licensed hospital; amending s. 395.1027, F.S.; requiring that the regional poison control centers be certified; requiring a health care facility or practitioner to release a patient's medical records upon request of a regional poison control center under certain circumstances; amending ss. 395.3025 and 456.057, F.S.; authorizing a regional poison control center to disclose a patient's medical records for purposes of treatment and case management, and to comply with data-collection requirements of the state and the poison control organization that certifies poison control centers in accordance with federal law; providing an effective date.

By the Committee on Health Care; and Senators Saunders, Fasano, King, Smith, Rich, Dockery and Wise—

CS for SB's 1872 and 2378—A bill to be entitled An act relating to biomedical research; providing legislative intent; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 381.855, F.S.; revising the purpose of the Florida Center for Universal Research to Eradicate Disease; requiring the center to provide grants for cancer research and Alzheimer's disease research; revising membership of the center's advisory council; providing procedures for the awarding of grants for cancer research and Alzheimer's disease research; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; amending s. 1004.445, F.S.; renaming the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute as the "Ronald Reagan Alzheimer's Center and Research Institute"; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 1978—A bill to be entitled An act relating to juvenile justice; amending s. 985.03, F.S.; redefining terms relating to juvenile justice; redefining the terms "day treatment" and "restrictiveness level"; amending s. 985.207, F.S.; clarifying when a child who escapes from commitment may be taken into custody by a law enforcement officer; amending s. 985.208, F.S.; clarifying when the Department of Corrections may take a child who is believed to have escaped from a facility of the department into custody; amending s. 985.231, F.S.; incorporating newly defined terms to clarify the terms of a child's commitment; providing for the maximum length of a minimum-risk, nonresidential commitment for a child who commits a second-degree misdemeanor; providing that the department or a provider report quarterly to the court the child's progress with his or her treatment plan; conforming a cross-reference; amending s. 985.2311, F.S.; requiring parents to pay the costs of supervision related to minimum-risk, nonresidential commitment to the department; amending s. 985.316, F.S.; providing for assessment by the department of the need of juveniles in residential commitment for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; requiring the department to create a task force on juvenile sexual offenders and their victims; providing for membership, powers, duties, and dissolution of the task force; requiring a written report; directing the Department of Juvenile Justice to provide administrative support; prohibiting certain compensation or reimbursement of task force members; requiring the Department of Juvenile Justice to create a task force to study certification for juvenile justice provider staff; providing for membership, powers, duties and dissolution of the task force; requiring a written report; directing the department to provide administrative support; prohibiting certain compensation or reimbursement of task force members; amending s. 985.4135, F.S.; providing that membership of juvenile justice county councils or circuit boards may, rather than must, include certain entities; amending ss. 784.075, 985.231, 985.31, and 985.3141, F.S.; conforming cross-references; providing an effective date.

By the Committee on Ways and Means; and Senator Atwater—

CS for SJR 2144—A joint resolution proposing amendments to Section 19 of Article III of the State Constitution, relating to requirements for state budget planning, spending, and accountability.

By the Committee on Ways and Means; and Senator Atwater—

CS for SB 2146—A bill to be entitled An act relating to state planning and budgeting; amending s. 11.90, F.S.; revising the membership of the Legislative Budget Commission; providing for the appointment of presiding officers; revising requirements for meetings and a quorum; revising requirements for appointing the staff of the commission; requiring the commission to review budget amendments proposed by the Governor or Chief Justice; authorizing the commission to perform other duties prescribed by the Legislature; creating s. 11.91, F.S.; creating the Government Efficiency Task Force for the purpose of recommending improvements to governmental operations and reducing costs; providing for the Governor, the President of the Senate, and the Speaker of the House of Representatives to appoint its members; requiring that the task force meet at 4-year intervals beginning on a specified date; authorizing the task force to conduct meeting through teleconferences; providing for members to be reimbursed for per diem and travel expenses; requiring the task force to complete its work within 1 year and report to the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court; amending s. 29.0095, F.S.; requiring the legislative appropriations committees to prescribe the format of budget expenditure reports; amending s. 110.1245, F.S., relating to the savings sharing program; correcting a reference; amending s. 216.011, F.S.; redefining the term "consultation" and defining the term "long-range financial outlook" for purposes of state fiscal affairs; creating s. 216.012,

F.S.; providing requirements for the long-range financial outlook prepared by the commission; requiring state agencies to provide certain information; specifying timeframes for state agencies and the commission in developing and completing the long-range financial outlook; amending s. 216.023, F.S.; clarifying certain requirements for legislative budget instructions; amending s. 216.065, F.S.; requiring fiscal impact statements to be provided to the Legislative Budget Commission in addition to the legislative appropriations committees; requiring that such statements contain information concerning subsequent fiscal years; amending s. 216.162, F.S.; revising the date for the Governor's recommended budget to be furnished to the Legislature; authorizing the presiding officers of the Legislature to approve submission of the Governor's recommended budget at a later date than otherwise required; amending s. 216.178, F.S.; extending the deadline for production of the final budget; amending s. 216.262, F.S., relating to the transfer of positions; correcting a reference; providing a contingent effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Argenziano—

CS for SB 2152—A bill to be entitled An act relating to Department of State; creating s. 257.015, F.S.; providing definitions; amending s. 257.02, F.S.; increasing membership on the State Library Council; revising criteria for membership; revising provisions with respect to the selection process for members; providing for officers of the council; amending s. 257.031, F.S.; deleting references to the State Library Council and provisions for officers of the council; providing additional responsibilities of the State Librarian; amending s. 257.12, F.S.; designating the Division of Library and Information Services as the state library administrative agency; amending s. 257.192, F.S.; conforming terminology; creating s. 257.43, F.S.; providing for the establishment of a citizen support organization to provide assistance, funding, and promotional support for the library, archives, and records management programs of the Division of Library and Information Services; providing for use of administrative services and property; requiring an annual audit; amending s. 265.284, F.S.; designating the Division of Cultural Affairs as the state arts administrative agency; deleting obsolete provisions; amending s. 265.2865, F.S.; deleting obsolete provisions; amending s. 265.606, F.S.; requiring local sponsoring organizations to submit an annual postaudit to the division under certain circumstances; amending s. 265.701, F.S.; providing contract requirements to ensure continued use as a cultural facility for a specified period following a grant award; providing for repayment of grant funds to the department under specified circumstances; amending s. 265.702, F.S.; providing contract requirements to ensure continued use as a regional cultural facility for a specified period following a grant award; providing for repayment of grant funds to the department under specified circumstances; creating s. 265.703, F.S.; providing for the establishment of a citizen support organization to provide assistance, funding, and promotional support for the cultural and arts programs of the Division of Cultural Affairs; providing for use of administrative services and property; requiring an annual audit; amending s. 267.031, F.S.; authorizing the Division of Historical Resources to establish an endowment under the Florida Historical Resources Act; removing a requirement for the establishment of historic preservation regional offices in specific locations; requiring the establishment of at least three historic preservation regional offices; creating citizen advisory boards for regional offices in lieu of citizen support organizations; providing purpose and for appointment of members of the advisory boards; amending s. 267.0612, F.S.; revising provisions with respect to service as a member of the Florida Historical Commission; amending s. 267.0617, F.S.; providing for appointment of a grant-review-panel chair under the Historic Preservation Grant Program; amending s. 267.0619, F.S.; providing for appointment of a grant-review-panel chair under the Historical Museum Grants program; amending s. 267.0731, F.S.; revising provisions with respect to nominations under the Great Floridians Program; amending s. 267.13, F.S.; providing for the adoption of rules by the Division of Historical Resources to implement provisions governing prohibited practices and penalties therefor; repealing s. 267.16(3), F.S., which imposes a duty on the Division of Historical Resources with respect to Florida Folklife Programs; amending s. 267.173, F.S.; conforming a reference; amending s. 267.174, F.S.; revising dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, completion of the initial draft of the master plan, and submission of the completed master plan; repealing s. 15.0913, F.S., which requires the Department of State to file all Uniform Commercial Code documents within a specified time after receipt of such documents by the Bureau of Uniform Commercial Code of the Division of Corporations; repealing s. 265.51, F.S., relating to the authority of the Department of State to make agreements to indemnify specified items against loss or damage; repealing s. 265.52, F.S., relating to items eligible for indemnity agreements of the Department of State; repealing s. 265.53, F.S., relating to application for indemnity agreement by a nonprofit agency, institution, or government in the state attempting to obtain indemnification for eligible items it proposes to borrow from a person, organization, institution, or government not in the state; repealing s. 265.54, F.S., relating to review by the Department of State of applications for indemnity agreements and limits of indemnity; repealing s. 265.55, F.S., relating to the processing by the Division of Risk Management of the Department of Financial Services of claims for losses covered by an indemnity agreement; repealing s. 265.56, F.S., relating to an annual report to the Legislature by the Department of State with respect to current and pending claims under indemnity agreements and the value of contracts entered into by the department which are outstanding at the close of the fiscal year; providing severability; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Lawson, Dockery, Crist and Argenziano—

CS for SB 2266—A bill to be entitled An act relating to the retiree health insurance subsidy; amending s. 112.363, F.S.; increasing the minimum and maximum health insurance subsidies; providing for an annual cost-of-living adjustment to the subsidy; increasing the contribution paid by employers of members in state-administered retirement plans; providing legislative findings; providing effective dates.

By the Committee on Ways and Means; and Senator Carlton—

CS for SB 2610—A bill to be entitled An act relating to the management of state financial matters; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism to advise and consult with the Consensus Estimating Conference principals concerning certain duties; amending s. 20.316, F.S., relating to the Department of Juvenile Justice information systems; correcting a reference; amending s. 45.062, F.S.; requiring that certain legislative officers and the Attorney General receive prior notice concerning settlement negotiations and presettlement agreements or orders; specifying that such notice is a condition precedent to an agency's authority to enter into such an agreement; providing certain exceptions; requiring that moneys paid in settlement of a legal action be placed unobligated into the General Revenue Fund or an appropriate trust fund; prohibiting payment outside the State Treasury except in settlement of a personal injury claim; requiring that certain legislative officers and the Attorney General receive prior notice concerning certain settlements involving a state agency or officer; correcting a reference; amending s. 110.1239, F.S.; correcting a cross-reference; amending s. 110.1245, F.S., relating to a savings sharing program; correcting a reference; amending s. 215.32, F.S.; providing for unallocated general revenue; revising a provision relating to the restoration of expenditures from the Budget Stabilization Fund; eliminating the Working Capital Fund as a fund type; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund; revising provisions governing appropriations to the fund; amending ss. 215.93 and 215.94, F.S., relating to the Florida Financial Management Information System; revising duties of the Financial Management Information Board and the functional owners of the information subsystems; requiring the Auditor General to provide technical advice; amending s. 215.97, F.S., relating to the Florida Single Audit Act; revising and providing definitions; revising the uniform state audit requirements for state financial assistance that is provided by state agencies to nonstate entities; requiring the Department of Financial Services to adopt rules and perform additional duties with respect to the provision of financial assistance to carry out state projects; specifying duties of coordinating agencies; exempting nonstate entities that act only as a conduit of state financial assistance from the requirements of the Florida Single Audit Act; amending s. 216.011, F.S.; revising definitions applicable to the fiscal affairs of the state; defining the terms "mandatory reserve," "budget reserve," "activity," and "statutorily authorized entity"; amending s. 216.013, F.S.; revising requirements for the long-range program plans developed by state agencies; providing for submitting such plans on an alternate date under certain circumstances;

revising the date for making adjustments; amending s. 216.023, F.S., relating to legislative budget requests; providing alternate dates for submitting such requests under certain circumstances; providing requirements for a request to outsource or privatize agency functions; deleting certain requirements for performance-based program budget requests; amending s. 216.031, F.S.; revising requirements for target budget requests; repealing s. 216.052(2), (3), (8), and (9), F.S., relating to community budget requests and a revolving loan program; repealing s. 216.053(5), F.S., relating to summary information concerning performance-based program budgets; amending s. 216.065, F.S.; requiring that a fiscal impact statement provided to the legislative appropriations committees contain information concerning subsequent fiscal years; amending s. 216.081, F.S.; providing data requirements for the Governor's recommended budget under certain circumstances; amending s. 216.133, F.S.; deleting references to conform; amending s. 216.134, F.S.; stipulating that consensus estimating conferences are within the legislative branch; revising provisions relating to public meetings of consensus estimating conferences; amending s. 216.136, F.S.; deleting provisions for the Child Welfare System Estimating Conference and the Juvenile Justice Estimating Conference; amending s. 216.162, F.S.; revising the date for the Governor to submit the recommended budget for the state; amending s. 216.167, F.S.; deleting references to the Working Capital Fund to conform to changes made by the act; amending s. 216.168, F.S.; deleting provisions exempting the Governor from a requirement to submit amended recommendations; amending s. 216.177, F.S.; revising requirements for notifying the Legislature of actions taken under ch. 216, F.S., and funds expended in settlement of agency litigation; amending s. 216.181, F.S.; requiring approval of certain amendments to an approved operating budget by the Legislative Budget Commission; clarifying provisions with respect to the notice required for the transfer of lump-sum appropriations; revising requirements for determining salary rates; authorizing the Legislative Budget Commission to approve salary rates; deleting certain notice requirements; authorizing certain refunds, payments, and transfers pursuant to budget authority within the executive branch and the judicial branch; requiring notice to the chairs of the legislative committees responsible for developing the general appropriations acts; repealing ss. 216.1825 and 216.183, F.S., relating to the use of zero-based budgeting principles and performance-based program budgets; amending s. 216.192, F.S.; requiring an agency to submit an operational work plan for approval before funds or positions are released or transferred or spending authority is increased for information technology projects; providing requirements for the work plan; requiring that the agency submit project-status reports; requiring that the frequency of work plans and status reports be specified in the General Appropriations Act; deleting provisions authorizing the legislative appropriations committees to provide advice regarding the release of funds; authorizing the Executive Office of the Governor and the Chief Justice to place appropriations in mandatory reserve or budget reserve; amending s. 216.195, F.S.; deleting certain notice and review requirements for the impoundment of funds; amending s. 216.221, F.S.; authorizing the Legislature to direct the use of any state funds in an appropriations act; revising requirements for adjusting budgets in order to avoid or eliminate a deficit; revising procedures for certifying a budget deficit; revising requirements for the Governor and the Chief Justice in developing plans of action; requiring that the Legislative Budget Commission implement certain reductions in appropriations; revising requirements for resolving deficits; requiring that certain actions to resolve a deficit be approved by the Legislative Budget Commission; amending s. 216.231, F.S., relating to the release of classified appropriations; conforming provisions to changes made by the act; amending s. 216.235, F.S., relating to the Innovation Investment Program; correcting references; limiting the funding of certain proposals under the program; amending s. 216.241, F.S.; requiring that the initiation or commencement of new programs be approved by the Legislative Budget Commission; deleting certain notice requirements; limiting certain other actions and budget adjustments by a state agency or the judicial branch without the approval of the Legislature or the Legislative Budget Commission; amending s. 216.251, F.S.; correcting a reference; revising requirements for establishing certain salaries; amending s. 216.262, F.S.; requiring the Legislative Budget Commission to approve certain increases in the number of positions; deleting provisions authorizing an agency to retain salary dollars under certain circumstances; amending s. 216.292, F.S.; revising provisions limiting the transferability of appropriations; prohibiting spending fixed capital outlay for other purposes; prohibiting transferring appropriations except as otherwise provided by law; providing certain exceptions; amending s. 216.301, F.S.; revising requirements for continuing unexpended balances of appropriations for fixed capital outlay; requiring approval by the Executive Office of the Governor; authorizing the President of the Senate and the Speaker of the House of Representatives to provide for the retention of certain balances from legislative budget entities; repealing s. 218.60(3), F.S., relating to estimates made by the revenue estimating conference and provided to local governments; amending ss. 252.37 and 265.55, F.S.; deleting certain references to the Working Capital Fund to conform to changes made by the act; repealing s. 288.1234, F.S., relating to the Olympic Games Guaranty Account within the Economic Development Trust Fund; amending s. 288.7091, F.S.; correcting a cross-reference; amending s. 320.20, F.S.; providing duties of the Chief Financial Officer with respect to the deposit of certain trust fund moneys based on anticipated annual revenues; amending s. 339.135, F.S.; requiring that the Legislative Budget Commission approve certain extensions of spending authority; revising requirements for amending certain work programs; amending s. 381.0303, F.S.; authorizing the Department of Health to obtain reimbursement for special needs shelters from unappropriated moneys in the General Revenue Fund; amending s. 409.906, F.S.; deleting provisions authorizing the Department of Children and Family Services to transfer certain funds in excess of the amount specified in the General Appropriations Act; repealing s. 409.912(11)(b), F.S., relating to the transfer of certain funds from the Department of Elderly Affairs to the Agency for Health Care Administration; amending ss. 468.392 and 475.484, F.S.; deleting provisions exempting funds in the Auctioneer Recovery Fund and the Real Estate Recovery Fund from limitations imposed by an appropriation act; amending s. 631.141, F.S.; clarifying provisions requiring the Legislative Budget Commission to approve certain appropriations; amending s. 921.001, F.S.; requiring the Legislature to make certain determinations with respect to legislation that affects the prison population; amending s. 943.61, F.S., relating to appropriations to the Capitol Police; deleting provisions requiring approval by the Governor and the Legislative Budget Commission; amending s. 1009.536, F.S.; deleting duties of the Workforce Estimating Conference with respect to certain career education programs; amending s. 1013.512, F.S.; requiring a recommendation by the Governor before placing certain school district funds in reserve; providing for references to the Working Capital Fund in certain appropriations and proviso language to be replaced with a reference to the General Revenue Fund; providing effective dates.

By the Committee on Governmental Oversight and Productivity; and Senator Sebesta—

CS for SB 2644—A bill to be entitled An act relating to public records and open meetings; amending s. 11.0431, F.S.; creating an exemption from public-records requirements for user identification and passwords held by the Division of Legislative Information Services pursuant to s. 11.0455, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic filing system pursuant to s. 11.0455, F.S.; creating s. 112.32156, F.S.; creating an exemption from public-records requirements for user identifications and passwords held by the Commission on Ethics pursuant to s. 112.32155, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic system pursuant to s. 112.32155, F.S.; providing for future legislative review and repeal under the Open Government Sunset Review Act; amending s. 112.3215, F.S.; creating a temporary exemption from public-records and open-meetings requirements for records relating to the compensation-reporting audit and investigation of possible lobbying compensation reporting violations and for meetings held pursuant to an investigation or at which a compensating-reporting audit is discussed; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

By the Committee on Ways and Means; and Senator Sebesta—

CS for SB 2646—A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the term "compensation"; requiring each registrant who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each registrant designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a legislative lobbyist; requiring

lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure, and the name and title of the person for whom the expenditure was made; requiring that expenditures made as open invitations be so designated; requiring that each legislative lobbyist report the areas of the principal's legislative interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Division of Legislative Information Services to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the Legislature; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; authorizing legislative committees to investigate persons engaged in legislative or executive lobbying; requiring that lobbying-activity reports be electronically filed; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to the data that is filed via the Internet; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the activity reports filed by legislative and executive lobbyists; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that the audit reports be forwarded to the Legislature; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report; defining the term "compensation"; requiring each lobbyist who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each lobbyist designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure and the name, title, and agency of the person for whom the expenditure was made; requiring that each lobbyist report the areas of the principal's lobbying interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Commission on Ethics to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the commission; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; requiring that lobbying-activity reports be electronically filed; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to the data that is filed via the Internet; specifying the initial reporting period that is subject to the requirements of the act; providing effective dates.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment		*For Term Ending*
Board of Governors		
Appointees:	Albors, Rene, Orlando	01/06/2006
	Duncan, Ann W., Tarpon Springs	01/06/2012
Board of Trustees, Florida A & M University		
Appointee:	Allen, W. George, Ft. Lauderdale	01/06/2010
Board of Trustees, Florida State University		
Appointee:	Furlow, Jessie V., Quincy	01/06/2010
Board of Trustees, Florida Gulf Coast University		
Appointees:	Lester, W. Bernard, LaBelle	01/06/2010
	Lucas, David, Ft. Myers	01/06/2010
Board of Trustees, Florida International University		
Appointee:	Frost, Patricia, Miami Beach	01/06/2010
Board of Trustees, University of North Florida		
Appointee:	Coggin, Luther W., Ponte Vedra Beach	01/06/2010
Board of Trustees, University of South Florida		
Appointee:	Tomasino, Sherrill M., Temple Terrace	01/06/2010

[Referred to the Committees on Education; and Ethics and Elections.]

Secretary of Management Services		
Appointee:	Lewis, Tom, Jr., Kissimmee	Pleasure of Governor

[Referred to the Committees on Governmental Oversight and Productivity; and Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 669, HB 723, HB 725, HB 733, HB 749, HB 755, HB 859, HB 923, HB 969, HB 1253; has passed as amended HB 721, HB 767, HB 857 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Berfield—

HB 669—A bill to be entitled An act relating to Pinellas County; amending chapter 90-403, Laws of Florida; increasing a civil penalty imposed under the Pinellas County Environmental Enforcement Act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Reagan—

HB 723—A bill to be entitled An act relating to the Braden River Fire Control and Rescue District, Manatee County; amending chapter 2000-404, Laws of Florida; revising the district charter to rename the district, provide it with specified statutory powers and authority, and delete unnecessary or redundant provisions relating to the district board of commissioners, special powers of the district, and taxes, non-ad valorem assessments, impact fees, and user charges; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Reagan—

HB 725—A bill to be entitled An act relating to the Cedar Hammock Fire Control District, Manatee County; amending chapter 2000-391, Laws of Florida; conforming the district charter to chapter 191, Florida Statutes, relating to impact fees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative M. Davis—

HB 733—A bill to be entitled An act relating to the Immokalee Water and Sewer District, Collier County; amending chapter 98-495, Laws of Florida; revising district boundaries; raising the threshold requiring disbursement of district funds to be by signed warrant or check; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sansom and others—

HB 749—A bill to be entitled An act relating to the Holley-Navarre Fire District, Santa Rosa County; amending chapter 2004-463, Laws of Florida; providing for impact fees; providing legislative intent; providing application; requiring fee proceeds to be kept separate from other funds; providing a definition; providing that fees shall not be used for the acquisition, purchase, or construction of facilities which must be obtained in any event; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bean—

HB 755—A bill to be entitled An act relating to the City of Lake Butler, Union County; amending chapter 63-1499, Laws of Florida, as amended; providing for numbered commission seats; providing for qualifications for office; providing for filling of seat when only one candidate qualifies; revising the qualifying period; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Kreegel—

HB 859—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry Counties; amending chapter 2000-423, Laws of Florida; authorizing the district to sell, lease, or otherwise encumber surplus real property owned by the district; providing an exception; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harrell—

HB 923—A bill to be entitled An act relating to the St. Lucie County Fire District; establishing an exemption from payment to redevelopment trust funds created by community redevelopment agencies; providing for the St. Lucie County Fire District to appropriate to the redevelopment trust fund to the extent funds are insufficient to cover debt service on any bonds authorized and issued before the effective date of the act but not after the effective date of the act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Patterson—

HB 969—A bill to be entitled An act relating to the City of Daytona Beach, Volusia County; amending chapter 2001-316, Laws of Florida, to provide that the act does not preclude the City of Daytona Beach from subleasing submerged lands underlying the historic pier; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative D. Davis and others—

HB 1253—A bill to be entitled An act relating to the Jacksonville Airport Authority, Consolidated City of Jacksonville, Duval County; amending chapter 2004-464, Laws of Florida; renaming the authority as the Jacksonville Aviation Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Vana—

HB 721—A bill to be entitled An act relating to the Pine Tree Water Control District, Palm Beach County; providing that the Pine Tree Water Control District shall become a dependent district of the Village of Wellington; providing that the Village of Wellington Council members shall act as the board of supervisors of said district; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Domino—

HB 767—A bill to be entitled An act relating to the Northern Palm Beach County Improvement District; amending chapter 2000-467, Laws of Florida; increasing terms of office of members of the board of supervisors; revising procedures for election of board members; providing a definition; providing qualifications of board members; providing for filling of vacancies; providing certain exemption from campaign financing requirements; authorizing and providing conditions for compensation of board members; revising the time for holding annual meetings; precluding use of certain publicly owned property for voting shares; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Machek—

HB 857—A bill to be entitled An act relating to the Pal-Mar Water Control District, Palm Beach and Martin Counties; codifying, amending, reenacting, and repealing special acts relating to the district; providing boundaries; providing for a board of supervisors; providing membership, terms of office, removal from office, and powers of the board; repealing chapters 82-356 and 85-483, Laws of Florida; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 292 and SB 516.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 1376, SB 1378, SB 1380, SB 1382, SB 1384, SB 1386, SB 1388, SB 1390, SB 1392, SB 1394, CS for SB 1396, SB 1398, SB 1400, SB 1402, SB 1404, CS for SB 1406, CS for SB 1408, CS for SB 1410, and SB 2042 by the required constitutional three-fifths vote of the membership of the House.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CO-INTRODUCERS

Senators Alexander—SB 2132; Argenziano—SB 818; Bennett—SB 1608, SB 2132; Campbell—CS for CS for SB 442; Crist—SB 788, SB 1608, CS for SB 1784; Dawson—SB 996; Diaz de la Portilla—SB 818, SB 1608; Dockery—SB 1140, SB 1146, SB 2132, SB 2216; Geller—SB 1566; King—SB 2312; Klein—SB 1096; Lawson—SB 2132; Lynn—SCR 94, CS for SB 454, CS for SB 1124, SB 1238, SB 1344; Margolis—SB 1070, SB 2304, SB 2312; Peaden—SB 2132, CS for SB 2152; Saunders—SB 1938, SB 2078; Sebesta—SB 530; Smith—SB 124, SB 1314; Wilson—SB 1314

SENATE PAGES

April 4-8, 2005

Margaret “Maggie” Annis, Orlando; Jeffrey “Lane” Batley, Jr., Plant City; John Bavlsik, Palm Harbor; Heidi Ford, New Smyrna Beach; Megan Fox, Crawfordville; Courtney Gager, Havana; Kent Gutowski, Plant City; Ashley Hellums, Gulf Breeze; Jesse L. Jackson, Tallahassee; Evan Lieberman, Cooper City; Gracie Maurer, Brandon; Myrick Mitchell, Miami; KeJuan Nedd, Tampa; Scott Nelson, Plant City; Margaret Papapetrou, Live Oak; Megan Shelley, Dover; Brandy “Elana” Smith, Tallahassee; James Sullivan, Plant City; Cameron Thomas, North Miami

Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Lee at 9:11 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by the Rev. Donald L. Roberts, President, Goodwill Industries-Manasota, Sarasota:

Holy and Eternal God: Well, here we are again, Lord, another session, another day, another opening prayer. And then, we are off to the busyness of the business of brokering the deals that get the votes that accumulate the majorities that create the legislation that the House will surely screw up, and the Governor may veto, and the people of Florida may have a constitutional amendment initiative to remind us who is really in charge.

Medicaid is eating our $400 million lunch and Governor Bush wants it solved today. School class room size amendments are creating a crush of capital needs we haven't begun to figure out how to fund. A tsunami of population growth and rising real estate prices are making our growth management practices obsolete.

Senator Carlton has to manage the money, and Senator Bennett has a point of view on the Scripps Institute water supply. President Lee has to manage the unruly process, and Senator King is happy to be a has-been President.

So, Lord, please be patient with us, when our tempers flare. We don't get enough sleep. We eat all the wrong things, and we are picked to death by the lobbyists.

For Lord, we come to this place to do the business of the people of Florida; and in their name we welcome you to this Senate, to this Session, and into the midst of all our efforts to discern and do your will through this thing we call politics.

It ain't easy, Lord, it ain't easy, as Senator Sebesta knows. Pray for us. Amen.

PLEDGE

Senate Pages Heidi Ford of New Smyrna Beach; Courtney Gager of Havana; Evan Lieberman of Cooper City; James Sullivan of Plant City; and Gracie Maurer of Brandon, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Laurie Davies of Gainesville, sponsored by Senator Smith, as doctor of the day. Dr. Davies specializes in Anesthesiology.

ADOPTION OF RESOLUTIONS

On motion by Senator Dockery—

By Senators Dockery, Smith, Atwater, Rich, Campbell, Alexander, Pruitt, Constantine, Lynn and Argenziano—

SR 2700—A resolution recognizing April 6, 2005, as "University of Florida Day" in Tallahassee.

WHEREAS, the University of Florida, the largest and most comprehensive institution of higher learning in the state of Florida and the state's only university honored by membership in the prestigious Association of American Universities, has recently inaugurated its new president, Dr. J. Bernard Machen, and increasingly is recognized as an international leader in advancements in the arts, science, and medicine, and

WHEREAS, through an unrelenting resolve to promote excellence, the university attracts the best students in the state, the country, and the world, now ranking first among all public universities in the number of enrolled National Merit Scholars, ranking first for the number of National Achievement Scholars enrolled for the third year in a row, and again ranking first among all universities in the world in landing International Baccalaureate students, and

WHEREAS, the university is home to the finest faculty and staff to be found on any campus in Florida, where a record $469.8 million in research and training grants was awarded in academic year 2003-2004, and where its overall accomplishments and quality of education earned the University of Florida a Top-5 ranking by Kiplinger Magazine in its most recent rankings, and

WHEREAS, the university, one of the top five largest in the United States, also is one of the most diverse in the number of academic programs at both the undergraduate and graduate levels, thus providing the state a center of education significant in size and scope to offer the full range of professional skills necessary for a 21st century society, and

WHEREAS, its service to the state is unrivaled, with its student enrollment representing all 67 Florida counties, and with the UF Institute of Food and Agricultural Sciences providing extension services to each Florida county, including the Tropical Research and Education Center at its Homestead office, and with the University's health-related clinics and research serving Floridians each day, such as the Hialeah Dental Clinic that provides vital dental care to the southeastern Florida community, and

WHEREAS, the University of Florida also excels in its student-athletic program, which has been a Top-Ten program nationally for the past 21 years, posting a program record 12 Top-Ten ranked teams, and was, once again in 2003-2004, the top-ranked Southeastern Conference varsity program for men and women, and whose chief cheerleader for three generations of Gator fans has been the indefatigable George "Mr. Two-Bits" Edmondson, and

WHEREAS, the University of Florida takes great pride in each community it serves, from the magnificent hospitality of greater Gainesville/Alachua County recently identified by Popular Science Magazine as one of the Top-30 "technologically advanced" in the nation, to the synergistic effort in Miami-Dade County which has made the New World School of the Arts a global resource for today's artistic expression, and in Florida's Panhandle region where UF's Graduate Engineering Education Center, soon to be renamed the Research Engineering Education Facility, works closely with our national defense programs to create new technologies to protect our servicemen and women wherever they are deployed, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate celebrates April 6, 2005, as "University of Florida Day" in Tallahassee, in honor of the University of Florida's singular contribution to its state, its nation, and throughout the world.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. J. Bernard Machen, President of the University of Florida, as a token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Dockery, **SR 2700** was read the second time in full and adopted.

On motion by Senator King—

By Senator King—

SR 2164—A resolution commending the Florida Goodwill Association for its contributions to the economic base of the State of Florida.

WHEREAS, Goodwill Industries, operating on the belief that productivity and vocation are cornerstones of life, and that all people have a right to be treated with dignity and respect without regard to race, gender, age, marital status, national origin, or state of health, is now the largest nonprofit provider of vocational training and employment services in the United States, and

WHEREAS, Goodwill Industries provides quality vocational training and employment services to people who are impaired by disabilities and to those who suffer other disadvantages, such as being undereducated or illiterate, welfare-dependent, or homeless, or having a criminal history, and

WHEREAS, through the 103 years of its existence, Goodwill Industries has successfully designed and implemented many innovative vocational training and employment programs, enabling millions of disabled and disadvantaged people to develop career opportunities and improve the quality of their lives, and

WHEREAS, between 2001 and 2004, 215,295 Floridians have participated in the programs administered by Goodwill Industries, and 52,422 of those participants have obtained gainful employment in the communities in which they live, and

WHEREAS, between 2001 and 2004, the Florida Goodwill Association, through nine local Goodwill Industries entities operating throughout Florida, collectively generated $550,464,241 in earnings realized by people placed in community employment, resulting in a significant contribution to the state's economic base and increasing its tax revenues, and

WHEREAS, Goodwill Industries of Florida provided $1 million of in-kind donations to the Florida Hurricane Relief Fund, providing hurricane survivors with clothing and household items to assist affected Floridians recover from the 2004 hurricane season, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the Florida Goodwill Association and honors the organization for its valued programs, which have expanded the opportunities and occupational capabilities of millions of Floridians and helped the state in its greatest time of need.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mr. Fred Shelfer, President of the Florida Goodwill Association, as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator King, **SR 2164** was read the second time in full and adopted.

On motion by Senator Campbell—

By Senator Campbell—

SR 2160—A resolution recognizing April 6, 2005, as "Broward Days Day" in Tallahassee.

WHEREAS, Broward Days is an independent, nonprofit, and nonpartisan group advocating for the diverse needs and concerns of Broward County, Florida, during an annual local legislative issues forum for the state, and

WHEREAS, Broward Days Tallahassee 2005 is April 5th and 6th, 2005, and

WHEREAS, Broward Days is one of the largest and most diverse organizations of its kind, with over 600 active community leaders and sponsors serving as a voice for issues and concerns of Broward County, and

WHEREAS, Broward Days' effectiveness stems from the work of members who volunteer to lead legislative issues teams and the teams' participants, and

WHEREAS, the teams' objective is to improve the quality of life for all Floridians by advocating for issues of concern, and

WHEREAS, the following legislative issues teams are represented this year at Broward Days: 2-1-1 Community, Social Services & Disaster Information, Children's Issues, Court Funding, Creative Industries and Film, Disabilities, Domestic Security, Economic Development, PreK-12 Education, Postsecondary Education, Education Workforce Development, Energy Conservation, Everglades Preservation, Growth Management, Health Care, Immigrant Issues, Insurance, Financial Services, and Health Insurance, Intangibles Tax, International Business & Trade, Juvenile Justice, Port Everglades, Technology, Women's Issues, and the Broward League of Cities, and

WHEREAS, sponsors for Broward Days play a strong leadership role in shaping the future of Broward County and play a critical role in helping Broward Days reach Florida decisionmakers who can effect positive changes in our community, and

WHEREAS, Broward Days' success is the result of cooperation between Broward Days, the Broward Legislative Delegation, and the Broward County Board of County Commissioners, and

WHEREAS, Broward County is home to 1.7 million residents, many of whom are immigrants from dozens of different countries, and

WHEREAS, Broward County celebrates the Year of the Environment in 2005, highlighting 300 miles of inland waterways, 23 miles of Blue Wave certified beaches, the exotic Everglades, and sunny skies year-round, and

WHEREAS, Broward County possesses an abundance of natural wonders, from the seagrass to the sawgrass, and

WHEREAS, Broward Days represents the diverse voices of Broward County on issues that matter to them, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That April 6, 2005, is recognized as "Broward Days Day" in Tallahassee as the Senate welcomes and celebrates with the Broward Days participants at the State Capitol.

—was introduced out of order and read by title. On motion by Senator Campbell, **SR 2160** was read the second time in full and adopted.

At the request of Senator Hill—

By Senator Hill—

SR 248—A resolution honoring Florida's Legal Services and Legal Aid Attorneys and recognizing April 6, 2005, as "Legal Aid Day" in Tallahassee.

WHEREAS, more than 13 percent of all Floridians are living in poverty, and

WHEREAS, in passing the Florida Access to Civil Legal Assistance Act, the Florida Legislature has recognized the importance of civil legal assistance to the poor and the need to improve their access to justice, and

WHEREAS, in 1973, the Florida Bar and representatives of the Governor formed Florida Legal Services, Inc., to expand the availability of civil legal assistance to the poor in Florida, and

WHEREAS, Florida Legal Services, Inc., has become the lead organization for preserving and improving legal assistance to indigent and vulnerable Floridians through direct representation, legislative and administrative advocacy, training, technical support, and coordination of effort for the local legal services and legal aid offices that provide legal assistance in all of the state's 67 counties, and

WHEREAS, by working with local Legal Services and Legal Aid Attorneys throughout the state, and in conjunction with Florida legislators, Florida Legal Services, Inc., has successfully obtained legal protections for people moving from welfare to work, legal protection for Medicaid recipients, regulation of day-labor operations, legal protections for the homeless, legal protections for residential tenants, restrictions on predatory mortgage-lending practices, and landmark legislation regulating title loans and payday loans, and

WHEREAS, Florida's Legal Services and Legal Aid Attorneys demonstrate commitment, dedication, and excellence in securing access to justice for Florida's most vulnerable and needy residents, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That April 6, 2005, is recognized as "Legal Aid Day" in Tallahassee in honor of the contributions that Legal Services and Legal Aid Attorneys have made and continue to make towards guaranteeing access to justice for the poor in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to each Legal Services and Legal Aid Attorney in this state as a token of the sentiments of the Florida Senate.

—**SR 248** was introduced, read and adopted by publication.

At the request of Senator Peaden—

By Senator Peaden—

SR 1236—A resolution commending the osteopathic physicians of this state and recognizing April 6, 2005, as Osteopathic Medicine Day.

WHEREAS, osteopathic physicians provide health care services that account for more than 100 million patient visits in this country each year, and

WHEREAS, this state has nine accredited osteopathic hospitals, two osteopathic medical colleges, and the fourth largest osteopathic physician population in the United States, and

WHEREAS, osteopathic manipulation of the musculoskeletal system is a viable and proven technique for many diagnoses and treatments and provides an alternative to many drug therapies, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use of drugs, surgery, manipulation, and hospital referrals, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the osteopathic physicians of this state for their contributions to the health and welfare of the residents of this state and recognizes April 6, 2005, as Osteopathic Medicine Day.

—**SR 1236** was introduced, read and adopted by publication.

At the request of Senator Smith—

By Senator Smith—

SR 2718—A resolution recognizing April 2005 as "Organ and Tissue Donation Awareness Month" and encouraging Floridians to become a part of the Florida Organ and Tissue Donor Registry.

WHEREAS, the Florida Senate recognizes the contributions made every day by families, family members, donor organizations, and private individuals in prolonging life and the quality of life of fellow human beings through organ and tissue donations, and

WHEREAS, organ and tissue donation is encouraged if government and private entities work together to provide educational tools that encourage family discussions and encourage individuals to make conscious choices concerning the disposition of their organs and tissue, and

WHEREAS, in the United States more than 87,000 individuals are on the National Organ Donor Waiting List, and

WHEREAS, Florida currently has more than 3,000 individuals on the National Organ Donor Waiting List, and

WHEREAS, on average, 18 people die each day because of a lack of donated organs and tissue, and

WHEREAS, the Florida Senate recognizes the dedication, selflessness, and contributions of donor families who choose to provide the ultimate "Gift of Life" so that others might live or have a better quality of life, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That April 2005 is recognized as "Organ and Tissue Donation Awareness Month" in the State of Florida, and all residents of this state are urged to have family discussions encouraging family members to become part of the Florida Organ and Tissue Donor Registry.

—**SR 2718** was introduced, read and adopted by publication.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has returned as requested CS for SB 62.

John B. Phelps, Clerk

CS for SB 62—A bill to be entitled An act relating to services for seniors and adults with developmental disabilities; authorizing each county to create an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by referendum at the next general election to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the special district; specifying criteria for membership to the governing board; providing terms of office; clarifying that a county may provide services for seniors and adults with developmental disabilities or create a special district to provide such services by general or special law; specifying the powers and functions of a council on services for seniors and adults with developmental disabilities; requiring each council to appoint a chair and a vice chair and elect officers, to identify and

assess the needs of the seniors and adults with developmental disabilities in the county served by the council, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual written report to the governing body of the county; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council on services for seniors and adults with developmental disabilities by the tax collector of the county and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report with the governing body of the county; providing that a district may be dissolved by a special act of the Legislature or by ordinance by the governing body of the county; specifying obligations of the county if a district is dissolved; authorizing the governing body of a county to fund the budget of the council on services for seniors and adults with developmental disabilities from its own funds after or during the council's first year of operation; requiring a special district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing a county to create a dependent special district to provide certain services for seniors and adults with developmental disabilities; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by a council on services for seniors and adults with developmental disabilities; providing that two or more councils on services for seniors and adults with developmental disabilities may enter into a cooperative agreement to share administrative costs, staff, and office space and seek grants, accept donations, or jointly fund programs serving multicounty areas; prohibiting councils or districts from requiring matching funds from certain service roviders as a condition for the provision of services by the council or district; providing an effective date.

RECONSIDERATION OF BILL

On motion by Senator Campbell, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 62—A bill to be entitled An act relating to services for seniors and adults with developmental disabilities; authorizing each county to create an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by referendum at the next general election to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the special district; specifying criteria for membership to the governing board; providing terms of office; clarifying that a county may provide services for seniors and adults with developmental disabilities or create a special district to provide such services by general or special law; specifying the powers and functions of a council on services for seniors and adults with developmental disabilities; requiring each council to appoint a chair and a vice chair and elect officers, to identify and assess the needs of the seniors and adults with developmental disabilities in the county served by the council, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual written report to the governing body of the county; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council on services for seniors and adults with developmental disabilities by the tax collector of the county and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report with the governing body of the county; providing that a district may be dissolved by a special act of the Legislature or by ordinance by the governing body of the county; specifying obligations of the county if a district is dissolved; authorizing the governing body of a county to fund the budget of the council on services for seniors and adults with developmental disabilities from its own funds after or during the council's first year of operation; requiring a special district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing a county to create a dependent special district to provide certain services for seniors and adults with developmental disabilities; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by a council on services for seniors and adults with developmental disabilities; providing that two or more councils on services for seniors and adults with developmental disabilities may enter into a cooperative agreement to share administrative costs, staff, and office space and seek grants, accept donations, or jointly fund programs serving multicounty areas; prohibiting councils or districts from requiring matching funds from certain service providers as a condition for the provision of services by the council or district; providing an effective date.

—as amended passed March 18.

Senator Campbell moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (961638)—On page 3, delete line 25 and insert: *majority vote of those electors voting on the*

On motions by Senator Campbell, **CS for SB 62** as amended was passed, ordered engrossed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Alexander

Yea to Nay—Haridopolos

BILLS ON THIRD READING

On motion by Senator Crist, by two-thirds vote **HB 625** was withdrawn from the Committees on Transportation; and Community Affairs.

On motion by Senator Crist, by two-thirds vote—

HB 625—A bill to be entitled An act relating to abandonment of roads; amending s. 316.006, F.S.; conforming a cross reference; transferring and renumbering s. 316.00825, F.S., relating to a county's authority to close and abandon roads and rights-of-way and convey the county's interest to a homeowners' association; providing an effective date.

—a companion measure, was substituted for **CS for SB 1130** and by two-thirds vote read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 625** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith

Villalobos	Wilson	Wise
Webster		

Nays—None

The Senate resumed consideration of—

SB 878—A bill to be entitled An act relating to the advertisement of real or personal property with delinquent taxes; amending s. 197.402, F.S.; reducing the number of required advertisements for certain tax certificate sales; specifying a minimum time period for such advertisement prior to a sale; amending s. 197.403, F.S.; revising the requirement for transmitting a copy of the published notice; providing an effective date.

—which was previously considered March 31.

Senators Geller and Baker offered the following amendment which was moved by Senator Geller and adopted by two-thirds vote:

Amendment 1 (704450)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) is added to section 197.402, Florida Statutes, to read:

197.402 Advertisement of real or personal property with delinquent taxes.—

(5) Notwithstanding the provisions of this section, the counties of Lake, Marion, Seminole, and Sumter shall enter into a pilot program for the next two full property tax cycles. During this time the tax collector in each county shall, in lieu of the advertisement required in subsection (3), advertise once at least 21 days prior to a sale under that subsection. At the end of this 2-year pilot program, the tax collector in each of the counties named in this subsection shall submit a report to the President of the Senate and the Speaker of the House of Representatives, on or before October 1, 2007, which compares the effectiveness of single publication versus the effectiveness of triple publication by listing the number and percentage of properties on which delinquent taxes were paid after the single publication in comparison to the number and percentage of properties on which delinquent taxes were paid after three publications.

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

On page 1, lines 4-10, delete those lines and insert: amending s. 197.402, F.S.; creating a pilot program for certain counties to study the effectiveness of current legislation that governs the advertisement of real or personal property with delinquent taxes; providing requirements for the pilot program; requiring the tax collector of each county to report to the Legislature on the results of the pilot program; providing an effective date.

On motion by Senator Baker, **SB 878** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—2

Argenziano	Lynn

On motion by Senator Dockery, by two-thirds vote **HB 331** was withdrawn from the Committees on Environmental Preservation; and Community Affairs.

On motion by Senator Dockery, by two-thirds vote—

HB 331—A bill to be entitled An act relating to inland lakes and canals; amending s. 327.40, F.S.; exempting from permitting requirements the placement of informational markers on inland lakes and associated canals by counties, municipalities, or other governmental entities; providing requirements for placement of such markers; specifying that placement of informational markers on state submerged lands does not subject such lands to specified lease requirements; providing an effective date.

—a companion measure, was substituted for **SB 772** and by two-thirds vote read the second time by title. On motion by Senator Dockery, by two-thirds vote **HB 331** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Sebesta—

CS for SB 2646—A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the term "compensation"; requiring each registrant who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each registrant designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a legislative lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure, and the name and title of the person for whom the expenditure was made; requiring that expenditures made as open invitations be so designated; requiring that each legislative lobbyist report the areas of the principal's legislative interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Division of Legislative Information Services to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the Legislature; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; authorizing legislative committees to investigate persons engaged in legislative or executive lobbying; requiring that lobbying-activity reports be electronically filed; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to

the data that is filed via the Internet; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the activity reports filed by legislative and executive lobbyists; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that the audit reports be forwarded to the Legislature; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report; defining the term "compensation"; requiring each lobbyist who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each lobbyist designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure and the name, title, and agency of the person for whom the expenditure was made; requiring that each lobbyist report the areas of the principal's lobbying interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Commission on Ethics to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the commission; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; requiring that lobbying-activity reports be electronically filed; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to the data that is filed via the Internet; specifying the initial reporting period that is subject to the requirements of the act; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2646** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 2644—A bill to be entitled An act relating to public records and open meetings; amending s. 11.0431, F.S.; creating an exemption from public-records requirements for user identification and passwords held by the Division of Legislative Information Services pursuant to s. 11.0455, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic filing system pursuant to s. 11.0455, F.S.; creating s. 112.32156, F.S.; creating an exemption from public-records requirements for user identifications and passwords held by the Commission on Ethics pursuant to s. 112.32155, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic system pursuant to s. 112.32155, F.S.; providing for future legislative review and repeal under the Open Government Sunset Review Act; amending s. 112.3215, F.S.; creating a temporary exemption from public-records and open-meetings requirements for records relating to the compensation-reporting audit and investigation of possible lobbying compensation reporting violations and for meetings held pursuant to an investigation or at which a compensating-reporting audit is discussed; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2644** was placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

SB 96—A bill to be entitled An act relating to protection and care for elders; amending s. 825.102, F.S.; reclassifying the offense of aggravated abuse of an elderly person or disabled adult from a second-degree felony to a first-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to conform; creating s. 943.17296, F.S., relating to training on identifying and investigating elder abuse for certified law enforcement officers; requiring that the training be completed by a time certain; providing that an officer's certification becomes inactive in certain circumstances related to the failure to complete the training; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 96** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for SB 690—A bill to be entitled An act relating to immunizations; prohibiting vaccinating a woman who is knowingly pregnant or a child who is younger than a specified age with a vaccine that contains any mercury or injecting such a woman or child with a product that contains more than a specified amount of mercury; prohibiting vaccinating a woman who is knowingly pregnant or a child under a specified age with an influenza vaccine that contains more than a specified amount of mercury; providing the effective date of such prohibitions; providing for the State Health Officer to authorize the use of vaccines that contain a greater amount of mercury than is otherwise allowed if the Secretary of Health declares a public health emergency and makes certain findings; providing exceptions to the prohibition following disclosure regarding certain risks and benefits; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 690** was placed on the calendar of Bills on Third Reading.

INTRODUCTION OF FORMER SENATOR

Senator Villalobos introduced former Senator Debby Sanderson who was present in the chamber.

On motion by Senator Atwater—

CS for SJR 2144—A joint resolution proposing amendments to Section 19 of Article III of the State Constitution, relating to requirements for state budget planning, spending, and accountability.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SJR 2144** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

CS for SB 2146—A bill to be entitled An act relating to state planning and budgeting; amending s. 11.90, F.S.; revising the membership of the Legislative Budget Commission; providing for the appointment of presiding officers; revising requirements for meetings and a quorum; revising requirements for appointing the staff of the commission; requiring the commission to review budget amendments proposed by the Governor or Chief Justice; authorizing the commission to perform other duties prescribed by the Legislature; creating s. 11.91, F.S.; creating the Government Efficiency Task Force for the purpose of recommending improvements to governmental operations and reducing costs; providing for the Governor, the President of the Senate, and the Speaker of the House of Representatives to appoint its members; requiring that the task force meet at 4-year intervals beginning on a specified date; authorizing the task force to conduct meeting through teleconferences; providing for members to be reimbursed for per diem and travel expenses; requiring the task force to complete its work within 1 year and report to the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court; amending s. 29.0095, F.S.; requiring the legislative appropriations committees to prescribe the format of budget expenditure reports; amending s. 110.1245, F.S., relating to the savings

sharing program; correcting a reference; amending s. 216.011, F.S.; redefining the term "consultation" and defining the term "long-range financial outlook" for purposes of state fiscal affairs; creating s. 216.012, F.S.; providing requirements for the long-range financial outlook prepared by the commission; requiring state agencies to provide certain information; specifying timeframes for state agencies and the commission in developing and completing the long-range financial outlook; amending s. 216.023, F.S.; clarifying certain requirements for legislative budget instructions; amending s. 216.065, F.S.; requiring fiscal impact statements to be provided to the Legislative Budget Commission in addition to the legislative appropriations committees; requiring that such statements contain information concerning subsequent fiscal years; amending s. 216.162, F.S.; revising the date for the Governor's recommended budget to be furnished to the Legislature; authorizing the presiding officers of the Legislature to approve submission of the Governor's recommended budget at a later date than otherwise required; amending s. 216.178, F.S.; extending the deadline for production of the final budget; amending s. 216.262, F.S., relating to the transfer of positions; correcting a reference; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2146** was placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

CS for SB 748—A bill to be entitled An act relating to fire hydrants; amending s. 633.065, F.S.; requiring owners of fire hydrants to test hydrants in accordance with national standards; requiring nonfunctioning privately owned hydrants to be reported and repaired; providing fines for noncompliance; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 748** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for CS for SB 1146—A bill to be entitled An act relating to purchasing and procurement; providing definitions; authorizing the Department of Management Services to establish the Center for Efficient Government; providing for the powers and duties of the center; prescribing duties of a state agency before a service may be outsourced; requiring agencies to do a business case analysis; specifying the requirements for the analysis; requiring that an agency submit the proposed business case with the agency's legislative budget request; prescribing the process for approval if the outsourcing is not included in the agency's approved operating budget; prohibiting an agency from privatizing a service without specific legislative authorization; prescribing contract requirements for a contract that meets or exceeds a specified threshold amount; authorizing a contract to include certain incentives; providing requirements for a contract that exceeds $1 million in value; providing a process for a state agency to submit to the Executive Office of the Governor certain contract amendments for approval; requiring approval of the Administration Commission under certain circumstances; creating s. 215.4211, F.S.; authorizing the Chief Financial Officer to review contracts for state agencies; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing appropriations and authorizing positions; providing restrictions on contractor supervision of state employees; providing restrictions on contractor involvement in state procurement; providing an effective date.

—was read the second time by title.

SENATOR WEBSTER PRESIDING

Senator Argenziano moved the following amendments which were adopted:

Amendment 1 (741192)—On page 2, after line 31, insert:

(g) The provisions of this section shall not apply to contracts in support of the planning, development, implementation, operation or maintenance of the road, bridge, and public transportation construction program of the Department of Transportation.

Amendment 2 (774982)—On page 6, lines 13-16, delete those lines and insert: *Statutes. Prior to approval in the General Appropriations Act, the agency may initiate the procurement process pursuant to section 287.057, Florida Statutes, however, only upon approval in the General Appropriations Act, may the agency complete contract execution pursuant to section 287.057, Florida Statutes.*

Pursuant to Rule 4.19, **CS for CS for SB 1146** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for CS for SB 1476—A bill to be entitled An act relating to the Department of Children and Family Services; providing legislative intent with respect to establishing a structure by which the department shall monitor and manage contracts with external service providers; providing definitions; requiring the department to competitively procure certain commodities and contractual services; requiring the department to allow all public postsecondary institutions to bid on contracts intended for any public postsecondary institution; authorizing the department to competitively procure and contract for systems of treatment or service that involve multiple providers; providing requirements if other governmental entities contribute matching funds; requiring that an entity providing matching funds must comply with certain procurement procedures; authorizing the department to independently procure and contract for treatment services; requiring that the department develop a validated business case before outsourcing any service or function; providing requirements for the business case; requiring that the validated business case be submitted to the Legislature for approval; requiring that a contractual service that has previously been outsourced be subject to the requirements for a validated business case; requiring that a procurement of contractual services equal to or in excess of the threshold amount for CATEGORY FIVE comply with specified requirements, including a scope of work and performance standards; authorizing the department to adopt incremental penalties by rule; authorizing the department to include cost-neutral, performance-based incentives in a contract; requiring multiyear contracts unless justification is provided; requiring that a contract in excess of $1 million be negotiated by a contract negotiator who is certified according to standards established by the Department of Management Services; limiting circumstances under which the department may amend a contract; requiring that a proposed contract amendment be submitted to the Executive Office of the Governor for approval; requiring approval of a contract amendment by the Administration Commission under certain circumstances; requiring the department to verify that contractual terms have been satisfied before renewing a contract; requiring certain documentation; requiring the department to develop, in consultation with the Department of Management Services, contract templates and guidelines; requiring that the department establish a contract-management process; specifying the requirements for and components of the contract-management process; providing requirements for resolving performance deficiencies and terminating a contract; requiring a corrective-action plan under certain circumstances; requiring the department to develop standards of conduct and disciplinary actions; requiring that the department establish contract-monitoring units and a contract-monitoring process; requiring written reports; requiring on-site visits for contracts involving the provision of direct client services; requiring the department to make certain documents available to the Legislature; requiring the department to create an electronic database to store the documents; prohibiting contractors from performing certain functions; amending s. 402.73, F.S.; requiring the Agency for Persons with Disabilities to implement systems to ensure quality and fiscal integrity of programs in the developmental services Medicaid waiver system; providing an exemption for health services from competitive bidding requirements; amending s. 409.1671, F.S.; conforming provisions to changes made by the act; requiring that the Office of Program Policy Analysis and Government Accountability conduct two reviews of the contract-management and accountability structures of the department and report to the Legislature and the Auditor General; repealing s. 402.72, F.S., relating to contract-management requirements for the Department of Children and Family Services; providing an appropriation; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (410086)—On page 10, lines 8-12, delete those lines and insert: *Florida Statutes. Prior to approval in the General Appropriations Act, the agency may initiate the procurement process pursuant to section 287.057, Florida Statutes. However, only upon approval in the General Appropriations Act may the agency complete contract execution pursuant to section 287.057, Florida Statutes.*

Pursuant to Rule 4.19, **CS for CS for CS for SB 1476** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

INTRODUCTION OF FORMER SENATOR

Senator Dawson introduced former Senator Howard Forman who was present in the chamber.

On motion by Senator Argenziano—

CS for CS for SB 1494—A bill to be entitled An act relating to information technology management; providing legislative intent that each state agency use a governance process and structure for managing its information technology operations and investments in order to ensure alignment with the business needs and policy requirements of the agency; providing definitions; providing a governance process for information technology which includes management of the agency's information technology portfolio along with project management; specifying the purpose of information technology portfolio management; requiring each agency to submit its information technology portfolio as part of its legislative budget request; requiring that agencies implement and administer a project management methodology; requiring that each agency implement a management process; amending s. 20.22, F.S.; renaming an office within the Department of Management Services; repealing s. 110.205(2)(e) and (w), F.S., relating to personnel of the State Technology Office; repealing s. 186.022, F.S., relating to information technology strategic plans; repealing s. 216.292(1)(c), F.S., relating to transfer of positions or appropriations for fiscal year 2001-2002; amending s. 282.0041, F.S.; revising definitions; repealing s. 282.005, F.S., relating to legislative findings and intent concerning information technology; creating s. 282.0055, F.S.; prohibiting the Department of Management Services and the Florida Technology Council from taking certain actions with respect to the information technology personnel of cabinet officers; amending s. 282.102, F.S.; eliminating the State Technology Office and transferring responsibilities of the office to the Department of Management Services; revising various responsibilities relating to information technology; amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S.; transferring responsibilities relating to the SUNCOM Network from the State Technology Office to the Department of Management Services; amending ss. 282.1095 and 282.111, F.S.; transferring responsibilities relating to various law enforcement radio systems from the office to the department; amending s. 282.20, F.S.; revising the duties of the Technology Resource Center; amending s. 282.21, F.S.; transferring authorization to collect fees for provision of remote electronic access services from the office to the department; amending s. 282.22, F.S.; transferring responsibilities relating to production, dissemination, and ownership of various materials or products from the office to the department; repealing s. 282.23, F.S., relating to the State Strategic Information Technology Alliance; creating s. 282.3025, F.S.; creating the Florida Technology Council within the Department of Management Services; providing for the State Technology Officer to head the council; requiring that the council develop a statewide information technology strategic plan, in consultation with the Agency Chief Information Officers Council; providing requirements for the plan; requiring that the council assist state agencies in implementing the information technology portfolio management process; requiring the council to provide status reports to the Administration Commission; amending s. 282.3031, F.S.; deleting provisions assigning responsibility for information resources management to the State Technology Office; repealing s. 282.3055, F.S., relating to personnel of the State Technology Office; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; revising certain duties of the Agency Chief Information Officers Council; specifying an additional responsibility; amending s. 282.318, F.S.; transferring various responsibilities relating to security of data and information technology resources from the State Technology Office to each agency head or the Department of Management Services; repealing s. 282.322(2), F.S., relating to information technology projects identified as high-risk; amending s. 287.042, F.S.; transferring responsibilities from the State Technology Office to the Department of Management Services; deleting provisions requiring consultation between the department and the office; repealing s. 287.057(24), F.S., relating to strategic information technology alliances; amending s. 445.049, F.S.; transferring responsibilities relating to the Digital Divide Council from the State Technology Office to the Department of Management Services or the secretary of the department; providing an appropriation and authorizing positions; requiring that certain notice with respect to budget actions be given to the Legislative Budget Commission; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1494** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

SB 1858—A bill to be entitled An act relating to standards of conduct for public officers; amending s. 112.313, F.S.; prohibiting members of the Board of Governors of the State University System and members of a board of trustees of a local constituent university from representing principals before the Legislature; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment:

Amendment 1 (954766)(with title amendment)—On page 2, lines 6-10, delete those lines and insert: *citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall be principally employed as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.*

And the title is amended as follows:

On page 1, lines 4-8, delete those lines and insert: prohibiting citizen members of the Board of Governors of the State University System and citizen members of a board of trustees of a local constituent university from being principally employed as a legislative lobbyist, as specified; providing an effective date.

Senator Villalobos offered the following substitute amendment which was moved by Senator Pruitt and adopted:

Amendment 2 (621990)(with title amendment)—On page 2, lines 5-10, delete those lines and insert:

(17) BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.—No citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to section 11.045, Florida Statutes.

And the title is amended as follows:

On page 1, lines 4-8, delete those lines and insert: prohibiting citizen members of the Board of Governors of the State University System and citizen members of a board of trustees of a local constituent university from representing principals before the Legislature; providing an effective date.

Pursuant to Rule 4.19, **SB 1858** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

SB 450—A bill to be entitled An act relating to unfair insurance practices; amending s. 626.9541, F.S.; providing that certain rate increases for motor vehicle insurance for insureds on active military service constitute unfair practices; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Banking and Insurance recommended the following amendment which was moved by Senator Geller and adopted:

Amendment 1 (860120)(with title amendment)—On page 1, lines 26 and 27, delete "*applicant for coverage was*" and insert: *applicant for coverage or his or her covered dependents were*

And the title is amended as follows:

On page 1, line 6, after "service" insert: , and their covered dependents,

Pursuant to Rule 4.19, **SB 450** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

SB 868—A bill to be entitled An act relating to installations honoring military veterans and their families; providing a short title; providing purpose; authorizing the Department of Transportation to contract with a group or organization for the installation and maintenance of memorials at rest stops; providing for a committee to approve proposals for the contracts; providing for membership and terms of members of the committee; requiring approval by the committee for such contracts; providing conditions for approval; requiring that the group or organization be responsible for costs; requiring that the group or organization provide a bond to secure certain costs; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendments which were adopted:

Amendment 1 (871110)(with title amendment)—On page 1, lines 28-31, delete those lines and insert:

Section 3. *The Department of Transportation is authorized to enter into contract with any not-for-profit group or organization that has been operating for not less than 2 years for the installation of monuments and memorials honoring Florida's military veterans at highway rest areas around the state pursuant to the provisions of this section.*

And the title is amended as follows:

On page 1, lines 6-8, delete those lines and insert: with a not-for-profit group or organization for the installation of plaques, markers, monuments, memorials, or various retired military equipment at rest stops; providing for a committee to

Amendment 2 (250556)(with title amendment)—On page 2, lines 13-25, delete those lines and insert: *sacrifices made by them and their families.*

(3) The group or organization making the proposal shall be responsible for all costs of the monument and its installation.

(4) The group or organization making the proposal shall provide a 10-year bond securing the cost of removal of the monument and any modifications made to the site as part of the placement of the monument should the Department of Transportation determine it necessary to remove or relocate the monument. Such removal or relocation shall be approved by the committee described in subsection (1). Prior to expiration, the bond shall be renewed for another 10-year period if the

And the title is amended as follows:

On page 1, lines 13 and 14, delete those lines and insert: approval; providing that the group or organization shall be responsible for costs;

Pursuant to Rule 4.19, **SB 868** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 1312—A bill to be entitled An act relating to the recreational vehicles; amending s. 479.261, F.S.; requiring the Department of Transportation to incorporate certain markers on logo signs for certain establishments; requiring the department to adopt rules regarding the incorporation of those markers; amending s. 681.1096, F.S.; eliminating future termination of the program; revising requirements for program certification to ensure neutrality of dispute resolution; providing guidelines for the training of arbitrators and mediators; providing that the program must complete all mediation and arbitration within 70 days after receipt of the consumer's claim; requiring the program to gather and make available all documents relevant to a dispute; providing consumer exemption from mediation when at least one manufacturer does not qualify for the program; authorizing the Department of Legal Affairs to revoke the qualification of a noncompliant program; providing for notice to programs and manufacturers not in compliance, for opportunity to correct deficiencies, and for administrative hearings; requiring the program to maintain dispute records; creating an annual reporting requirement; providing the program with rulemaking authority to implement provisions of this section; amending s. 681.1097, F.S.; providing and revising dispute resolution guidelines for consumers of recreational vehicles; requiring consumers to submit their dispute to the program; providing that the claim is considered filed when it is date-stamped as received by the program; requiring the consumer's application form to be prescribed by the program; requiring the program administrator to screen all applications to determine eligibility; requiring the program administrator to provide notice of rejected applications; providing for mandatory mediation and the expansion of the scope of mediation at the consent of the parties; providing guidelines for mediation proceedings; requiring written response of manufacturers to consumer allegations; removing requirement that the program administrator notify the department of the mediation outcome; extending the deadline for consumer notification to the program administrator of a manufacturer's failure in comply with a mediation decision; revising guidelines for arbitration proceedings; providing that technical rules of evidence do not apply to arbitration proceedings; providing for the expansion of the scope of arbitration at the consent of the parties; requiring the arbitrator's decision to consider all legal and equitable factors; providing consumers with means for civil enforcement of an award; extending the deadline for consumer notification to the program administrator of a manufacturer's failure in comply with an arbitration decision; providing that the arbitrator's decision is admissible as evidence in certain civil actions; providing an effective date.

—was read the second time by title.

Senator Carlton offered the following amendment which was moved by Senator Geller and adopted:

Amendment 1 (833738)—On page 4, lines 10 and 11, delete those lines and insert: *marker must consist of a design approved by the Federal Highway Administration. The department shall adopt rules in*

Pursuant to Rule 4.19, **CS for SB 1312** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 1352** was deferred.

On motion by Senator King—

CS for CS for SB 1114—A bill to be entitled An act relating to restaurants licensed to sell wine on the premises; creating s. 564.09, F.S.; authorizing a restaurant patron to remove a resealed wine container from a restaurant for off-premise consumption; amending s. 316.1936, F.S.; providing that a resealed wine container is not an open container for purposes of the prohibition against possessing an open container of alcohol in a motor vehicle; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (405866)—On page 2, lines 4 and 5, delete those lines and insert: *glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.*

Pursuant to Rule 4.19, **CS for CS for SB 1114** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

SB 1352—A bill to be entitled An act relating to the Florida Inland Navigation District; amending s. 374.984, F.S.; providing responsibility and authority of the Board of Commissioners of the Florida Inland Navigational District with respect to that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; revising the list of acts authorizing and directing the improvement and maintenance of the Intracoastal Waterway and that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; providing an exception for maintaining the navigability of the Okeechobee Waterway under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1352** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for SB 732—A bill to be entitled An act relating to motor vehicles; providing a popular name; creating the "Road Rage Reduction Act"; providing legislative intent; amending s. 316.081, F.S.; requiring operators of motor vehicles to drive in the right-hand lane on certain highways; providing exceptions; providing penalties for violation; amending s. 322.27, F.S.; correcting a cross-reference; providing for the assessment of points for violating specified provisions that require operators of motor vehicles to drive on the right side of the road; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (134694)(with title amendment)—On page 1, line 27 through page 5, line 23, delete those lines and insert:

Section 3. Effective January 1, 2006, section 316.081, Florida Statutes, is amended to read:

316.081 Driving on right side of roadway; exceptions.—

(1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon. *However, upon any limited access roadway having two or more lanes for each direction of travel, any vehicle driven in the left-most lane shall yield right-of-way to any vehicle traveling at a higher speed by moving to the nearest lane to the right at the first practicable and safe opportunity*; or

(d) Upon a roadway designated and signposted for one-way traffic.

(2) Upon *a two-lane roadway providing for two-way movement of traffic, a vehicle* ~~all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing~~ shall be driven in the right-hand lane ~~then~~ available for traffic or as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(3) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under paragraph (1)(b). However, this subsection shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road, or driveway.

(a) Upon a four-lane highway, an interstate highway, or a highway with fully controlled access, or the Florida Intrastate Highway System, a vehicle may not be driven in the left-hand lane except when overtaking and passing another vehicle.

(b) Paragraph (a) shall not apply:

1. When no other vehicle is directly behind the vehicle in the left-hand lane;

2. When traffic conditions and congestion make it impractical to drive in the right-hand lane;

3. When inclement weather conditions make it necessary to drive in the left-hand lane;

4. When obstructions or hazards exist in the right-hand lane;

5. When, because of highway design, a vehicle must be driven in the left-hand lane when preparing to exit;

6. On toll highways when necessary to use Sun-Pass and on toll and other highways when driving in the left-hand lane is required to comply with an official traffic control device; or

7. To law enforcement vehicles, ambulances, and other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations.

(4) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 4. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.

2. Leaving the scene of a crash resulting in property damage of more than $50—6 points.

3. Unlawful speed resulting in a crash—6 points.

4. Passing a stopped school bus—4 points.

5. Unlawful speed:

a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.

b. In excess of 15 miles per hour of lawful or posted speed—4 points.

6. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).

7. Any moving violation covered above, excluding unlawful speed, resulting in a crash—4 points.

8. Any conviction under *s. 403.413(6)(b)* ~~s. 403.413(5)(b)~~ —3 points.

9. Any conviction under s. 316.081—4 points.

Section 5. *The Department of Highway Safety and Motor Vehicles shall provide an educational awareness campaign informing the motoring public about the Road Rage Reduction Act. The department shall provide information about the Road Rage Reduction Act in all newly printed driver license educational materials after October 1, 2005, and in public service announcements produced in cooperation with the Florida Highway Patrol.*

Section 6. *Effective July 1, 2005, a driver of a motor vehicle who does not violate the then-existing provisions of section 316.081, Florida Statutes, but whose conduct would violate those provisions as amended effective January 1, 2006, may be issued a verbal warning and given educational literature regarding the changes in this act by a law enforcement officer.*

Section 7. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005.

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: providing a grace period when warnings and educational literature may be issued by a law enforcement officer;

Pursuant to Rule 4.19, **CS for SB 732** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Geller—

CS for SB 1436—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; authorizing state and local law enforcement vehicles to carry an automated external defibrillator; amending s. 932.7055, F.S.; authorizing local governments to use forfeiture funds for purchasing automated external defibrillators; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1436** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise, by two-thirds vote **HCR 1127** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Wise—

HCR 1127—A concurrent resolution confirming the appointment of Gary VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability.

WHEREAS, the Joint Legislative Auditing Committee appointed Gary VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability on January 24, 2005, and

WHEREAS, section 11.511, Florida Statutes, provides that the appointment of the Director of the Office of Program Policy Analysis and Government Accountability must be confirmed by a majority vote of the Senate and the House of Representatives, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring: That the appointment of Gary VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability by the Joint Legislative Auditing Committee under

—a companion measure, was substituted for **SCR 1468** and read the second time in full.On motion by Senator Wise, **HCR 1127** was adopted and certified to the House.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Committee on Health Care was granted permission to extend time of adjournment of the meeting this day until completion of agenda or until 7:00 p.m.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 938**, **SB 940**, **SB 2600**, and **SB 2602** were withdrawn from the Committee on Ways and Means; **SB 838** was withdrawn from the Committees on Health and Human Services Appropriations; and Rules and Calendar; **SB 1216** was withdrawn from the Committees on Judiciary; and Rules and Calendar; **SB 1320** was withdrawn from the Committee on Transportation and Economic Development Appropriations; **SB 1488** was withdrawn from the Committees on Judiciary; and Ways and Means; **SB 1964** was withdrawn from the Committees on Justice Appropriations; and Rules and Calendar; **SB 998** was also referred to the Committee on Justice Appropriations; **CS for SB 330** and **SB 444** were withdrawn from the Committee on Rules and Calendar; and were also referred to the Committees on General Government Appropriations; and Ways and Means; **SB 1920** was withdrawn from the Committees on Governmental Oversight and Productivity; Judiciary; and Rules and Calendar; **SB 2228** was withdrawn from the Committee on Banking and Insurance; **CS for SB 1072** was withdrawn from the Committee on General Government Appropriations; **CS for SB 1144** was withdrawn from the Committee on Judiciary; and **CS for CS for SB 492** and **SB 792** were withdrawn from the Committee on Rules and Calendar.

MOTION

On motion by Senator Pruitt, the rules were waived and time of recess was extended until completion of announcements.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 6, 2005: CS for SB 2646, CS for SB 2644, SB 96, CS for SB 690, CS for SJR 2144, CS for SB 2146, CS for SB 748, CS for CS for SB 1146, CS for CS for CS for SB 1476, CS for CS for SB 1494, SB 1858, SB 450, SB 868, CS for SB 1312, SB 1352, CS for CS for SB 1114, CS for SB 732, CS for SB 1436, SCR 1468

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Environmental Preservation recommends the following pass: SB 2186 with 1 amendment

The bill was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Environmental Preservation recommends the following pass: SB 2288

The Committee on Regulated Industries recommends the following pass: SB 2148 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1438

The Committee on Commerce and Consumer Services recommends the following pass: SB 2032

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Children and Families recommends the following pass: SB 1756 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 2614

The bills contained in the foregoing reports were referred to the Committee on Education under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2132

The bill was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1998

The Committee on Children and Families recommends the following pass: SB 1726 with 2 amendments, SB 2382

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1780

The Committee on Children and Families recommends the following pass: SB 1884 with 8 amendments

The Committee on Environmental Preservation recommends the following pass: SB 1664 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1470

The Committee on Environmental Preservation recommends the following pass: SB 1988 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Regulated Industries under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 1244

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on Ethics and Elections recommends the following pass: SB 1980

The Committee on Regulated Industries recommends the following pass: CS for SB 1232 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Environmental Preservation recommends the following not pass: SB 98

The bill was laid on the table.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1624

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Communications and Public Utilities recommends committee substitutes for the following: SB 2068, SB 2232

The bills with committee substitutes attached were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 768

The Committee on Government Efficiency Appropriations recommends committee substitutes for the following: CS for SB 2, SB 1294

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Education Appropriations under the original reference.

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: CS for SB 1366

The bill with committee substitute attached was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on General Government Appropriations recommends a committee substitute for the following: SB 1318

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 482

The Committee on Justice Appropriations recommends committee substitutes for the following: CS for SB 2048, SB 2196

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 2136

The Committee on Community Affairs recommends a committee substitute for the following: SB 612

The Committee on Government Efficiency Appropriations recommends committee substitutes for the following: SB 1270, SB 1300, SB 1774

The Committee on Justice Appropriations recommends a committee substitute for the following: CS for SB 370

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Government Efficiency Appropriations; Education; and Senators King and Bullard—

CS for CS for SB 2—A bill to be entitled An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program; revising requirements for scholarship funding and payments; providing reporting requirements for school districts; holding a school district harmless from a specified student enrollment ceiling; prohibiting the transfer of funds to the Florida School for the Deaf and the Blind under certain circumstances; extending the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course or a private tutoring program under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; prohibiting discrimination on the basis of religion by a private school; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks to be borne by certain parties; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a private tutoring program or a correspondence or distance learning school; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information and review background checks; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; requiring the State Board of Education to initiate the adoption of rules by a time certain and report to the Legislature; providing exceptions for certain participating private schools subject to specific conditions; amending s. 220.187, F.S., relating to the Corporate Tax Credit Scholarship Program; providing a short title; providing definitions; eliminating the $5-million cap on contributions to any single eligible nonprofit scholarship-funding organization; prohibiting certain private schools and other entities from participating in the scholarship program; authorizing students whose family income level meets certain federal poverty level criteria to continue to participate in the scholarship program; prohibiting certain students from participating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations on eligible contributions; requiring scholarship-funding organizations to obligate, in the same fiscal year in which a contribution was received, all of the contributions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of noncompliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; prohibiting certain eligible nonprofit scholarship-funding organizations the owners of which have filed for bankruptcy from participating in the program; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting the transfer of an eligible contribution between nonprofit scholarship-funding organizations; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree or 3 years of teaching experience at a public or private school, and other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning the private school organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law

Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring a private school to administer or to make provision for administering certain tests to scholarship students; requiring reporting of scores to the student's parent and to the Department of Education; requiring a private school to file an affidavit; requiring a private school to notify the Department of Education in writing within 7 days if a student is ineligible to participate in the scholarship program; requiring a private school to report to the Department of Education and distribute to scholarship applicants information concerning accreditation and years in existence; requiring the Department of Education to make certain information concerning private school accreditation available to the public; prohibiting a private school from participating in the scholarship program if the private school fails to meet its statutory obligations; prohibiting discrimination on the basis of religion by a private school; requiring the Department of Education to determine the eligibility of certain nonprofit scholarship-funding organizations within 90 days after application; requiring a written notice with specific reasons for approval or denial; requiring the Department of Education to annually determine the eligibility of nonprofit scholarship-funding organizations and private schools; requiring the Department of Education to make accessible to the public a list of eligible private schools; requiring the Department of Education to annually verify the eligibility of students; requiring the Department of Education to maintain a student database of program participants and to update the database at least quarterly; requiring the Department of Education to notify a nonprofit scholarship-funding organization of any ineligible student; requiring the Department of Education to annually account for and verify the eligibility of program expenditures; requiring the Department of Education to review audits; requiring the Department of Education to report student performance data; providing limitations on reporting; requiring the Department of Education to revoke the eligibility of program participants for failure to comply with statutory obligations; requiring the Department of Education to conduct investigations of certain complaints; requiring the Department of Education to annually report on accountability activities; requiring the State Board of Education to adopt rules regarding documentation to establish eligibility of nonprofit scholarship-funding organizations, requiring an affidavit, and requiring independent income verification for determining the eligibility of students; authorizing the State Board of Education to delegate its authority to the Commissioner of Education with the exception of rulemaking authority; providing that a secular private school may continue its participation in the scholarship program even if the act is found to violate the State Constitution; providing an effective date.

By the Committees on Justice Appropriations; Judiciary; and Senator Campbell—

CS for CS for SB 370—A bill to be entitled An act relating to procedures for the satisfaction of debts; amending s. 55.141, F.S.; revising provisions relating to satisfaction of judgments and decrees; eliminating the authority of judges to act under these provisions when there is no clerk of court; revising requirements of the clerk when accepting payment for satisfaction of a judgment and executing and recording a satisfaction of judgment; providing a sample form to be used by a clerk when recording a satisfaction of judgment; revising provisions relating to notification of satisfaction of judgment to a judgment holder; amending s. 55.202, F.S.; revising procedures for acquiring a judgment lien; authorizing the court to file a judgment lien certificate before a judgment becomes final under certain circumstances; providing that an improperly filed certificate is of no effect; amending s. 55.204, F.S.; revising provisions relating to the continuation of judgment liens; revising provisions requiring the Department of State to maintain certain files and information; amending s. 55.205, F.S.; deleting a provision authorizing certain creditors to bring certain actions against the property of a debtor; amending ss. 55.602, 55.603, 55.604, 55.605, and 55.606, F.S.; revising provisions relating to foreign judgments to apply only to out-of-country foreign judgments; amending s. 56.21, F.S.; revising requirements for notices of a levy and execution sale; amending s. 56.27, F.S.; clarifying provisions relating to payment of money received under execution; amending s. 56.29, F.S.; revising requirements regarding supplementary proceedings for unsatisfied judgments; amending s. 77.03, F.S.; deleting the provision that a garnishing creditor must believe that execution would be unavailing; amending s. 77.04, F.S.; specifying a time period for a garnishee to serve an answer to a writ; amending s. 77.041, F.S.; increasing the time period during which a garnishing creditor may object to the debtor's claim of exemption and request a hearing; amending s. 77.07, F.S.; providing for automatic dissolution of a writ and discharge of a garnishee of liability under certain circumstances; granting a plaintiff the right to extend a writ for a certain time period; providing procedures; amending s. 222.01, F.S.; revising provisions relating to the designation of homestead property by the owner prior to levy to include foreign judgments; amending s. 319.27, F.S.; correcting a cross-reference; amending s. 679.1021, F.S.; redefining the term "lien creditor"; amending s. 701.02, F.S.; providing that chapters 670-680 of the Uniform Commercial Code govern the attachment and perfection of a security interest in a mortgage upon real property and in a promissory note or other right to payment or performance secured by that mortgage; providing that the assignment of such a mortgage need not be recorded under s. 701.02, F.S., in order for a security interest in the mortgage to attach or be perfected under the Uniform Commercial Code; providing that a creditor or subsequent purchaser of real property or of any interest therein may rely on a full or partial release, discharge, consent, joinder, subordination, satisfaction, or assignment of a mortgage upon the property which was made by the mortgagee of record, without regard to the filing of certain Uniform Commercial Code financing statements; providing that the filing of such a financing statement does not constitute notice for the purposes of s. 701.02, F.S.; defining the term "mortgagee of record"; providing effective dates.

By the Committee on Government Efficiency Appropriations; and Senator Clary—

CS for SB 482—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing for the deposit of a percentage of unclaimed prize money in the Educational Enhancement Trust Fund; authorizing 80 percent of unclaimed prize money to be used to match private contributions received under certain postsecondary matching grant programs; amending s. 24.121, F.S.; revising provisions relating to the allocation of revenues for public education; amending s. 1010.70, F.S.; conforming provisions; providing an effective date.

By the Committee on Community Affairs; and Senators Hill, Fasano, Posey, Lynn and Atwater—

CS for SB 612—A bill to be entitled An act relating to Veterans' Day; requiring school districts to observe Veterans' Day; prohibiting holding classes on that day; providing an exception; providing an effective date.

By the Committee on Children and Families; and Senators Lynn and King—

CS for SB 768—A bill to be entitled An act relating to instruction for exceptional students; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; amending s. 1003.58, F.S.; correcting a cross-reference; creating s. 1003.575, F.S.; requiring the Department of Education to develop an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senators Saunders and Constantine—

CS for SB 1270—A bill to be entitled An act relating to property appraiser assessments; amending s. 193.023, F.S.; providing property appraisers with additional methods for inspecting real property for assessment purposes in addition to physical inspections; reducing the required frequency of physical inspections; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senator Bennett—

CS for SB 1294—A bill to be entitled An act relating to use of school district millage; amending ss. 200.065 and 1011.71, F.S.; expanding authorized school board millage levy funding to include payment of premiums for property and casualty insurance necessary to insure school district educational plants; limiting the use of certain operating revenues; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senator Campbell—

CS for SB 1300—A bill to be entitled An act relating to limitations on claims for refund of corporate income tax; amending s. 220.727, F.S.; revising provisions for determining when a payment of estimated tax is deemed paid for purposes of time limitations for refund claims; providing for retroactive application; providing an effective date.

By the Committees on General Government Appropriations; Environmental Preservation—

CS for SB 1318—A bill to be entitled An act relating to underground petroleum storage tanks; amending s. 376.3071, F.S.; directing the Department of Environmental Protection to encumber petroleum remediation funds uniformly throughout the state's fiscal year; providing for a prioritization within a priority scoring range; providing that limited source removal projects approved outside the established priority order may be funded from the Inland Protection Trust Fund; providing a priority order for these projects; limiting the use of the funds to certain specified purposes; limiting the amount of money allocated to such projects each fiscal year; providing for the repeal of the law on a specified date; amending s. 376.30713, F.S.; providing that the preapproved advanced cleanup provisions may apply to certain discharges under the petroleum cleanup participation program; amending s. 376.3075, F.S.; authorizing the Inland Protection Financing Corporation to borrow money and issue bonds to pay for large-scale cleanups that are eligible for state funding; requiring submission of a plan by the Inland Protection Financing Corporation prior to the issuance of certain debt; requiring the department to obtain legislative authorization for certain debt-financed cleanup projects and payments; extending the termination date of the corporation; creating s. 376.30715, F.S.; providing that certain contaminated sites acquired prior to July 1, 1990, are eligible for state financial cleanup assistance; providing an effective date.

By the Committees on Government Efficiency Appropriations; Communications and Public Utilities; and Senators Constantine and Dockery—

CS for CS for SB 1366—A bill to be entitled An act relating to storm infrastructure recovery; creating s. 366.8260, F.S.; providing definitions; authorizing electric utilities to petition the Florida Public Service Commission for certain financing orders for certain storm-recovery purposes; providing requirements; providing powers and duties of the commission in issuing such orders; specifying procedures and requirements for the commission in issuing financing orders; authorizing electric utilities to create storm-recovery property; providing for pledge of storm-recovery property to secure storm-recovery bonds; providing for retirement of storm-recovery bonds under certain circumstances; providing for judicial review of such orders; providing for effect of such orders; providing exceptions to commission jurisdiction to issue financing orders; providing limitations; prohibiting the commission from requiring use of storm-recovery bonds for certain purposes; specifying duties of electric utilities; specifying properties, requirements, permissible activities, and limitations relating to storm-recovery property under certain circumstances; providing for security interests in storm-recovery property; providing for perfecting security interests in storm-recovery property; providing for priority of and resolution of conflicting interests; providing requirements, procedures, and limitations for sale, assignment, or transfer of storm-recovery property; providing requirements for descriptions or indications of storm-recovery property transferred, granted, or pledged, or indicated in a financing statement; subjecting financing statements to certain provisions of law; specifying that storm-recovery bonds are not public debt; specifying storm-recovery bonds as legal investments for certain entities; specifying certain state pledges relating to bondholders; declaring certain entities as not electric utilities under certain circumstances; specifying effect of certain provisions in situations of conflict; providing for protecting validity of certain bonds under certain circumstances; limiting commission authority to issue certain financing orders after a time certain; amending s. 679.1091, F.S.; specifying nonapplication of secured transactions provisions of the Uniform Commercial Code to interests in storm-recovery property; providing an effective date.

By the Committee on Community Affairs; and Senator Campbell—

CS for SB 1624—A bill to be entitled An act relating to firefighters' pensions; amending s. 175.041, F.S.; providing that any municipality that provides fire protection services to another municipality under an interlocal agreement is eligible to receive premium taxes; authorizing the municipality that receives the fire protection services to enact an ordinance levying the tax; authorizing the Division of Retirement within the Department of Management Services to distribute the premium taxes; amending s. 175.101, F.S.; authorizing any municipality that has entered into an interlocal agreement for fire protection services with another municipality to impose an excise tax on entities that are engaged in the business of property insurance; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senator Rich—

CS for SB 1774—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; increasing the fine for a noncriminal infraction of the Florida Litter Law from $50 to $100; dedicating a portion of the increase to the Solid Waste Management Trust Fund; providing a use for such funds; providing an effective date.

By the Committees on Justice Appropriations; Judiciary; and Senator Crist—

CS for CS for SB 2048—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; amending s. 35.06, F.S.; revising the number of district court judges in certain district courts of appeal; providing for appointment or election of new judges created by the act; providing effective dates.

By the Committee on Communications and Public Utilities; and Senator Constantine—

CS for SB 2068—A bill to be entitled An act relating to telecommunications; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; redefining the term "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to $500 from $250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up

to $1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; providing an effective date.

By the Committee on Children and Families; and Senator Baker—

CS for SB 2136—A bill to be entitled An act relating to the administration of medication; amending s. 393.506, F.S.; authorizing certain staff members to administer prescription medications under the supervision of a registered nurse to persons with developmental disabilities at a comprehensive transitional education program; directing the Agency for Persons with Disabilities to adopt rules to implement s. 393.506, F.S.; providing an effective date.

By the Committee on Justice Appropriations; and Senator Crist—

CS for SB 2196—A bill to be entitled An act relating to trust funds; creating s. 985.4043, F.S.; creating the Shared County/State Juvenile Detention Trust Fund within the Department of Juvenile Justice; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

By the Committee on Communications and Public Utilities; and Senator Constantine—

CS for SB 2232—A bill to be entitled An act relating to the regulation of telephone rates; amending s. 364.051, F.S.; providing that damage to the equipment and facilities of a local exchange telecommunications as a result of a named tropical system constitutes a compelling showing of changed circumstances to justify a rate increase; allows such companies to petition for recover of such costs and expenses; requiring the Public Service Commission to verify the intrastate costs and expenses for repairing, restoring, or replacing damaged lines, plants, or facilities; requiring the commission to determine whether the intrastate costs and expenses are reasonable; requiring a company to exhaust any storm-reserve funds prior to recovery from customers; providing that the commission may authorize adding an equal line-item charge per access line for certain customers; providing for a rate cap and providing the maximum number of months the rate may be imposed; providing a 12-month limit for the application; allowing recovery for more than one storm within the limit; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 151, HB 331, HR 401; has passed as amended HB 63, HB 77, HB 281, HB 385, HB 561, HB 625, HB 1001 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Sorensen and others—

HB 151—A bill to be entitled An act relating to the Access to Health Care Act; amending s. 766.1115, F.S.; revising a definition of low-income person to expand a poverty level family income criterion; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Representative Bowen and others—

HB 331—A bill to be entitled An act relating to inland lakes and canals; amending s. 327.40, F.S.; exempting from permitting requirements the placement of informational markers on inland lakes and associated canals by counties, municipalities, or other governmental entities; providing requirements for placement of such markers; specifying that placement of informational markers on state submerged lands does not subject such lands to specified lease requirements; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Representative M. Davis and others—

HB 401—An act relating to Southwest Florida transportation; creating pt. X of ch. 348, F.S., titled "Southwest Florida Expressway Authority"; providing a popular name; providing definitions; creating the Southwest Florida Expressway Authority encompassing Collier and Lee Counties; providing for a governing body of the authority; providing for membership; establishing a process for Charlotte County to participate in the authority; providing purposes and powers; providing for the Southwest Florida Transportation System; requiring the approval of specified county commissions before approval of a project within the geographical boundaries of those counties; prohibiting authority involvement with a certain road development; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for a lease-purchase agreement with the Department of Transportation; providing the department may be appointed agent of authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing pledges shall be enforceable by bondholders; providing for construction and application; providing legislative intent regarding changes; providing for future expiration of the act; providing a contingent effective date.

—was referred to the Committees on Transportation; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Representative Simmons and others—

HB 63—A bill to be entitled An act relating to disabled parking permits; amending s. 320.0848, F.S.; revising requirements for certification of disability; removing certain restrictions on certification of disability by an advanced registered nurse practitioner or a physician assistant; providing for disciplinary action for violation by certain certifying practitioners; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Representative Littlefield and others—

HB 77—A bill to be entitled An act relating to waste-to-energy facilities; amending s. 403.7061, F.S.; revising a permit or certification requirement for a waste-to-energy facility; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Representative Sansom and others—

HB 281—A bill to be entitled An act relating to paperwork reduction in the school districts; requiring the establishment of the Paper Reduction Task Force and providing membership; requiring recommendations to minimize the paperwork burden placed on school districts and school

district personnel; requiring a report to the Legislature; providing for abolishment of the task force; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and General Government Appropriations.

By Representative Rubio—

HB 385—A bill to be entitled An act relating to state facility designations; designating Ramon Puig Way, Shawn O'Dare Way, Marge Pearlson Way, and Jorge L. Cabrera Way in Miami-Dade County; designating the Correction Officers Memorial Bridge in Bradford and Union Counties; designating Martin Andersen Beachline Expressway in Orange and Brevard Counties; designating Daniel Webster Western Beltway in Orange County; designating Robert F. Grim, Sr., Memorial Parkway in Volusia County; designating Veteran's Memorial Boulevard in Walton County; designating the Southeastern Guide Dog Overpass in Manatee County; designating the Joseph O. Striska Florida Welcome Center in Hamilton County; designating Purple Heart Memorial Highway in Highlands County; repealing s. 25 of ch. 2004-392, Laws of Florida, relating to the designation of St. Petersburg/William C. Cramer Parkway in Pinellas County; designating St. Petersburg Parkway/William C. Cramer Memorial Highway in Pinellas County; designating Richard E. "Pete" Damon Bridge in Palm Beach County; designating Alexander Alden Ware Memorial Cable Barrier System in Palm Beach, St. Lucie, and Miami-Dade Counties; directing the Department of Transportation to erect suitable markers; designating Jorge L. Cabrera Way, Roi Henri Christophe Boulevard, Charles Summer Boulevard, Capois-La-Mort Boulevard, and Jean Baptiste Point du Sable Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Pickens and others—

HB 561—A bill to be entitled An act relating to agricultural economic development; amending s. 70.001, F.S.; providing a cause of action for landowners aggrieved by certain changes to agricultural land use; providing a notice period; amending s. 163.2514, F.S.; defining the terms "agricultural enclave" and "family farm agricultural enclave" for purposes of growth policy; amending s. 163.2517, F.S.; authorizing the owner of land defined as an agricultural enclave or a family farm agricultural enclave to apply for an amendment to the local government comprehensive plan and development of regional impact approval, if applicable; providing requirements relating to application; providing that an amendment or approval shall be granted upon failure to act in a timely fashion; amending s. 163.3177, F.S.; requiring land use plans to establish appropriate uses of lands in agricultural enclaves; amending acreage limits for rural land stewardship areas; requiring the Department of Community Affairs to obtain written agreements from landowners designating rural land stewardship areas; amending s. 163.3187, F.S.; providing that an agricultural enclave comprehensive plan amendment or a large-scale comprehensive plan amendment adopted as a result of informal mediation may be approved without regard to statutory frequency limits; creating s. 259.047, F.S.; providing requirements relating to purchase of land on which an agricultural lease exists; amending s. 373.0361, F.S.; providing for recognition that alternative water source options for agricultural self-suppliers are limited; amending s. 373.2234, F.S.; correcting a cross reference; amending s. 373.236, F.S.; requiring water management districts to inform landowners of the option to obtain certain consumptive use permits; creating s. 373.407, F.S.; providing for memoranda of agreement regarding qualification for agricultural-related exemptions; providing an effective date.

—was referred to the Committees on Agriculture; Community Affairs; and Environmental Preservation.

By Representative Littlefield and others—

HB 625—A bill to be entitled An act relating to abandonment of roads; amending s. 316.006, F.S.; conforming a cross reference; transferring and renumbering s. 316.00825, F.S., relating to a county's authority to close and abandon roads and rights-of-way and convey the county's interest to a homeowners' association; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Representative Goodlette and others—

HB 1001—A bill to be entitled An act relating to governance of the State University System; providing definitions; specifying the constitutional duties of the Board of Governors of the State University System under s. 7, Art. IX of the State Constitution; specifying the constitutional duties of the Legislature; providing legislative intent; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Judiciary; Education Appropriations; and Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 31 and April 5 were corrected and approved.

CO-INTRODUCERS

Senators Argenziano—SB 774; Baker—CS for SB 1598; Bullard—SB 220, SB 782, SB 1726, SB 1766, SB 2254; Constantine—CS for SB 126, SB 608, SB 1264; Dawson—SB 1726; Diaz de la Portilla—SB 2254; Hill—SB 1726; Lawson—SB 1726; Lynn—SB 618, SB 814, SB 2312, CS for SB 1486; Margolis—SB 2388; Miller—SB 1726; Posey—SB 2130; Sebesta—SB 2130; Siplin—SB 1726; Smith—CS for CS for SB 210; Villalobos—SB 1906

RECESS

On motion by Senator Pruitt, the Senate recessed at 11:31 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, April 7 or upon call of the President.

Journal of the Senate

Number 13—Regular Session **Thursday, April 7, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 10:20 a.m. A quorum present—39:

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Excused: Senator Haridopolos until 11:32 a.m.

PRAYER

The following prayer was offered by the Rev. Robert W. Jakoby, Corporate Director, Pastoral Care Services, Baptist Health South Florida Hospital, Miami:

Almighty God, maker of heaven and earth, and all living creatures: We bow before you in humble adoration, not just for the many blessings you give, but for who you are. Thank you for your love, your grace, and your mercy; for being a God who knows us intimately, our strengths, our weaknesses, our accomplishments, and our failures, and loves us anyway.

Most Holy God, we come before you confessing that you are God, and we are not. Therefore, we ask for your wisdom and guidance in all areas of our lives. In our humanness, when we sometimes go our own way doing our own thing, remind us that you love us too much to leave us there. Thank you for holding us accountable for our actions, because in doing so we realize our need of you. Help us see people, all people, through your eyes with the same love and forgiveness you give to us.

Giving God, grant to the Senators your divine insight and wisdom, as they face the many challenges and tasks ahead. Encourage, strengthen, and support each one in doing the right thing. May their minds and hearts be open to you, so they may know your blessings and peace, even in the difficult decisions they will face, as they serve the people of this great State of Florida.

In your Holy Name, I pray. Amen.

PLEDGE

Senate Pages Ashley Hellums of Gulf Breeze; KeJuan Nedd of Tampa; Megan Fox of Crawfordville; and Megan Shelley of Dover, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

On motion by Senator Fasano—

By Senators Fasano, Lee, Alexander, Argenziano, Aronberg, Atwater, Baker, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Crist, Dawson, Diaz de la Portilla, Dockery, Garcia, Geller, Haridopolos, Hill, Jones, King, Klein, Lawson, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Rich, Saunders, Sebesta, Siplin, Smith, Villalobos, Webster, Wilson and Wise—

SR 2736—A resolution honoring the life and example of Pope John Paul II.

WHEREAS, born of a military father in Wadwice, Poland, on May 18, 1920, and orphaned by age 20, Karol Josef Wojtyla was ordained a Catholic priest at the age of 26 after having served as a professor of moral theology, social ethics, and philosophy, reflecting ideals evidenced in his life not only by his elevation to the office of Bishop of Kracow and Cardinal but also by his active resistance from a young age to Nazi occupation, and

WHEREAS, Karol Josef Wojtyla, along with some friends, was stopped by the Gestapo during the 1940's Nazi occupation of Poland and he alone being in possession of a work visa was released, while his friends were arrested, deported to Auschwitz, and killed, an event that motivated him to join an underground seminary and dedicate his life to God, and

WHEREAS, on October 16, 1978, Karol Josef Wojtyla, having been elected as Supreme Pontiff by the Sacred College of Cardinals, chose to be called by the name "John Paul II," and

WHEREAS, Pope John Paul's pilgrimage to his native Poland in 1979 sparked a revolution against Soviet style totalitarianism, empowered by conscience and morality, beginning with the Solidarity Labor movement and resulting in similar civil uprisings in Eastern Europe; this "soft power" revolution, speaking truth to the corruption of totalitarianism, combined with President Ronald Reagan's efforts to secure peace through strength, forged a partnership for human freedom culminating in the fall of the Berlin Wall in 1989 and the collapse of Soviet Communism in 1991; and early in this revolution, in 1981, Pope John Paul survived an assassination attempt perpetrated by fear of his persuasive moral leadership, and

WHEREAS, Pope John Paul II, evangelist and pilgrim of peace, the most traveled pope in history, declared evangelism the essential mission of the church; globalized the Roman Catholic Church and its message by visiting nearly 130 countries and territories during his papacy, traveling over 700,000 miles, the equivalent of 28 circumnavigations of the globe, including seven trips to the United States, but with particular emphasis on the developing nations in Africa, Latin America, and Asia; addressed over 17 million people directly in his general audiences, from the slum dwellers of Rio de Janeiro to AIDS sufferers in Uganda and the United States; and whether he was in Muslim Morocco, Buddhist Japan, or Catholic Spain, he advanced the message that the Gospel is not out of place in any country, and

WHEREAS, Pope John Paul II, for Roman Catholics the successor to St. Peter, Christian theologian, poet, and Second Vatican Council participant, authored 5 books, 14 papal encyclicals, 15 apostolic exhortations,

11 apostolic constitutions, and 45 apostolic letters instructing mankind on issues ranging from capitalism to ecumenism, abortion to euthanasia, private property rights to morality, and, most significantly, the triumph of life over death, and through these writings exhorted mankind to "be not afraid" to live Christ-like lives, and

WHEREAS, Pope John Paul II, ecumenical leader and religious unifier, emphasized that which is common among world religions over that which is disputed; was the first Bishop of Rome to pray with Roman Jews in their synagogue since St. Peter and the first Pope to visit the Western Wall in Jerusalem; called anti-Semitism a sin against God and was known to have cried at Yad Vashem, the Holocaust memorial; was the first Pope since the Reformation to visit the Canterbury Cathedral and with the Reverend Billy Graham held the great ecumenical rally of 1987, bringing together evangelicals, Protestants, Orthodox, and Anglicans to give common witness to the Gospel; was the first Pope to visit a mosque and quote the Qur'an and encouraged Christians to fast with Muslims during Ramadan after the horror of September 11, 2001; coordinated interfaith condemnations of terrorism; and constantly advanced the understanding of the Church as a means of communion with all people of God, and

WHEREAS, Pope John Paul II, instrumental in the defeat of Nazism and Communism, two of the most pernicious and godless evils of modern time, was adviser and spiritual example to world leaders, holding over 730 audiences with heads of state and almost 250 audiences with prime ministers, and was a strong force in ending the nuclear arms race, and

WHEREAS, Pope John Paul II, Vicar of Christ, mystic, and pastor to over 1.1 billion Roman Catholics and a powerful exemplar of a consecrated life to people of all faiths worldwide, was known as the pope of the people, or "don de gente," for his love of all life, especially children and the suffering, and for his example of strict morality and gentle mercy; who, as an assassination attempt survivor, within three days publicly forgave and ministered to his would-be assassin, promoting hope and mercy for the condemned; and who, through his daily example, epitomized a life guided by I Corinthians 11:1, "Imitate me as I imitate Christ," NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Pope John Paul II be remembered for his exemplary life of daily courage as a common man who adored his God, who through and for Him dedicated his life and soul to the love, compassion, mercy, and service of others, and who in so doing changed the world forever.

BE IT FURTHER RESOLVED that the Senate, on behalf of all Floridians, does commend his noble soul to the merciful love of God our Heavenly Father and invoke upon all who mourn his passing the divine blessings of consolation, strength, and peace and further commend to all Floridians the encouragement of "truth and faith" uttered as the last word by Pope John Paul II, "Amen."

—was introduced out of order and read by title. On motion by Senator Fasano, **SR 2736** was read the second time in full and adopted.

At the request of Senator Miller—

By Senator Miller—

SR 142—A resolution congratulating the Tampa Police Department on its reaccreditation by the Commission on Accreditation for Law Enforcement Agencies for the sixth consecutive time, and commending the department for having taken extraordinary steps in delivering quality law enforcement service to the community.

WHEREAS, the Tampa Police Department has a long history of valiant and dedicated service to the Tampa community, dating back to its inception in 1887, and

WHEREAS, the Commission on Accreditation for Law Enforcement Agencies (CALEA) reaccredited the Tampa Police Department on July 31, 2004, for yet another 3-year term, and

WHEREAS, the Tampa Police Department is one of only two agencies in the United States to have been reaccredited by CALEA six consecutive times, and is the only agency of its size to have done so, and

WHEREAS, to achieve accredited status, an agency must comply with all 439 CALEA performance standards during a rigorous on-site assessment that involves a public information hearing, standards documentation reviews, ride-alongs, and interviews with sworn officers and civilian personnel, and

WHEREAS, in complying with the CALEA performance standards, the Tampa Police Department has shown that its members and staff vigorously embrace the intent of the Legislature set forth in section 943.125, Florida Statutes, and

WHEREAS, the intent of the Legislature in section 943.125, Florida Statutes, is that law enforcement agencies should adopt high and meaningful standards for their officers and personnel in order to provide equal and fair enforcement of the law, maximize crime prevention and control capabilities, and increase interagency cooperation throughout the state, and

WHEREAS, the Tampa Police Department has more than 1,350 sworn and civilian personnel who work together to make meeting these high standards possible, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate congratulates the Tampa Police Department for being reaccredited for the sixth consecutive time by the Commission on Accreditation for Law Enforcement Agencies and commends the department's officers and staff for providing outstanding law enforcement service on a daily basis to more than 300,000 residents of the Tampa community.

—**SR 142** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

SR 1518—A resolution recognizing the 2004-2005 Jefferson High School Varsity Football Team as the Florida High School Football Class 3A State runner-up, and honoring the Dragons for their success throughout the year.

WHEREAS, the 2004-2005 Jefferson High School Football Team won the district championship, regional championship, and southern regional championship, and

WHEREAS, with a lot of heart, hard work, and dedication the Jefferson Dragons 11-4 record in 2004-2005 earned them a place in the Florida High School Football Class 3A State Championship, and

WHEREAS, the Dragons' opening drive of the Championship game was a dazzling 68-yard touchdown drive in five plays, completed in under 2:12 minutes, illustrating the strength and skill of the team, and

WHEREAS, Mike Simmonds, head coach for Jefferson, has led the Dragons to six 10 plus winning seasons since he took over the program in 1998, leading his team all the way to the State Championship in 2002 and 2004, and

WHEREAS, the football program at Jefferson High School provides support for the student athletes in the classroom and on the field year-round, helping each student achieve scholastic and athletic success, and

WHEREAS, the graduating seniors on the Jefferson Dragons football team have earned the respect of their coaches, teammates, and classmates with their love for the game and passion to win, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate honors the 2004-2005 Jefferson High School Football Team for their hard-earned winning record and for being the Florida High School Football Class 3A State Championship runner-up.

—**SR 1518** was introduced, read and adopted by publication.

At the request of Senator Sebesta—

By Senator Sebesta—

SR 1546—A resolution recognizing April 12, 2005, as Aviation Day in Florida.

WHEREAS, the aviation industry is one of the cornerstones of Florida's economy, with 19 commercial service airports and 111 general aviation airports that are open to the public and more than 550 private airports, and

WHEREAS, Florida's airports provide nearly $90 billion annually in economic activity, and its aviation industry supports more than one million jobs that generate over $26 billion in annual payroll, and

WHEREAS, Florida has the largest flight training industry in the world, and

WHEREAS, Florida's commercial service airports provide nonstop scheduled service to 160 domestic and international destinations, serve 110 million passengers annually, handle 6 percent of the nation's air cargo, and carry in excess of 50 percent of the visitors that come to the state each year, and

WHEREAS, each year, Florida's general aviation aircraft bring 9 million visitors to the state, and its general aviation airports house 14,000 aircraft, comprising 6 percent of the nation's general aviation fleet, and accommodate 7 million takeoffs and landings yearly, ranking Florida second in the nation in this function, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate acknowledges the outstanding contributions made by the more than one million employees of the aviation industry of the state and is pleased to recognize April 12, 2005, as Aviation Day in Florida.

—**SR 1546** was introduced, read and adopted by publication.

At the request of Senator Baker—

By Senator Baker—

SR 2684—A resolution recognizing November 2005 as "Family Month" in Florida.

WHEREAS, America's character begins in the home, where children learn the proper standards of conduct and values, and

WHEREAS, families provide children with the encouragement, support, and love they need to become confident, compassionate, and successful members of society, and

WHEREAS, we must work together to promote and preserve the health and security of our families by upholding the timeless values that have sustained our society throughout history, and

WHEREAS, recent events have reminded Americans of the blessings of family and friends and the importance of faith, and

WHEREAS, parents should be the most prominent and active figures in their children's lives, recognizing that by spending more family time together, they can develop positive and open relationships with their children which will allow them to better engage their children and encourage them to make positive choices, and

WHEREAS, state residents, schools, and civic institutions can assist families by helping to meet the needs of all those who live in our communities, and

WHEREAS, as we work together to strengthen our families, we build a nation of hope and opportunity for all, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the month of November 2005 is recognized as "Family Month" in Florida and that all Florida residents are urged to observe this month by spending quality time with family members to strengthen relationships between parents and their children.

—**SR 2684** was introduced, read and adopted by publication.

BILLS ON THIRD READING

CS for SB 2646—A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the term "compensation"; requiring each registrant who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each registrant designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a legislative lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure, and the name and title of the person for whom the expenditure was made; requiring that expenditures made as open invitations be so designated; requiring that each legislative lobbyist report the areas of the principal's legislative interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Division of Legislative Information Services to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the Legislature; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; authorizing legislative committees to investigate persons engaged in legislative or executive lobbying; requiring that lobbying-activity reports be electronically filed; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to the data that is filed via the Internet; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the activity reports filed by legislative and executive lobbyists; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that the audit reports be forwarded to the Legislature; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report; defining the term "compensation"; requiring each lobbyist who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each lobbyist designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure and the name, title, and agency of the person for whom the expenditure was made; requiring that each lobbyist report the areas of the principal's lobbying interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Commission on Ethics to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the commission; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; requiring that lobbying-activity reports be electronically filed; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to the data that is filed via the Internet; specifying the initial reporting period that is subject to the requirements of the act; providing effective dates.

—was read the third time by title.

On motion by Senator Sebesta, **CS for SB 2646** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Haridopolos

CS for SB 2644—A bill to be entitled An act relating to public records and open meetings; amending s. 11.0431, F.S.; creating an exemption from public-records requirements for user identification and passwords held by the Division of Legislative Information Services pursuant to s. 11.0455, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic filing system pursuant to s. 11.0455, F.S.; creating s. 112.32156, F.S.; creating an exemption from public-records requirements for user identifications and passwords held by the Commission on Ethics pursuant to s. 112.32155, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic system pursuant to s. 112.32155, F.S.; providing for future legislative review and repeal under the Open Government Sunset Review Act; amending s. 112.3215, F.S.; creating a temporary exemption from public-records and open-meetings requirements for records relating to the compensation-reporting audit and investigation of possible lobbying compensation reporting violations and for meetings held pursuant to an investigation or at which a compensating-reporting audit is discussed; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Sebesta, **CS for SB 2644** was passed by the required two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Haridopolos

MOTION

On motion by Senator Pruitt, the rules were waived and the Secretary was directed to deliver **CS for SB 2646** and **CS for SB 2644** to the House at the direction of the President.

SB 96—A bill to be entitled An act relating to protection and care for elders; amending s. 825.102, F.S.; reclassifying the offense of aggravated abuse of an elderly person or disabled adult from a second-degree felony to a first-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to conform; creating s. 943.17296, F.S., relating to training on identifying and investigating elder abuse for certified law enforcement officers; requiring that the training be completed by a time certain; providing that an officer's certification becomes inactive in certain circumstances related to the failure to complete the training; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, **SB 96** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Haridopolos

SENATOR CLARY PRESIDING

CS for SB 690—A bill to be entitled An act relating to immunizations; prohibiting vaccinating a woman who is knowingly pregnant or a child who is younger than a specified age with a vaccine that contains any mercury or injecting such a woman or child with a product that contains more than a specified amount of mercury; prohibiting vaccinating a woman who is knowingly pregnant or a child under a specified age with an influenza vaccine that contains more than a specified amount of mercury; providing the effective date of such prohibitions; providing for the State Health Officer to authorize the use of vaccines that contain a greater amount of mercury than is otherwise allowed if the Secretary of Health declares a public health emergency and makes certain findings; providing exceptions to the prohibition following disclosure regarding certain risks and benefits; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for SB 690** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Campbell	Fasano
Alexander	Carlton	Garcia
Argenziano	Clary	Geller
Aronberg	Constantine	Hill
Atwater	Crist	Jones
Baker	Dawson	King
Bennett	Diaz de la Portilla	Klein
Bullard	Dockery	Lawson

Lynn	Pruitt	Smith
Margolis	Rich	Villalobos
Miller	Saunders	Webster
Peaden	Sebesta	Wilson
Posey	Siplin	Wise

Nays—None

Vote after roll call:

Yea—Haridopolos

CS for SJR 2144—A joint resolution proposing amendments to Section 19 of Article III of the State Constitution, relating to requirements for state budget planning, spending, and accountability.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Section 19 of Article III of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE III
LEGISLATURE

SECTION 19. State Budgeting, Planning and Appropriations Processes.—

(a) ANNUAL BUDGETING.

(1) ~~Effective July 1, 1994,~~ General law shall prescribe the adoption of annual state budgetary and planning processes and require that detail reflecting the annualized costs of the state budget and reflecting the nonrecurring costs of the budget requests shall accompany state department and agency legislative budget requests, the governor's recommended budget, and appropriation bills.

(2) Unless approved by a three-fifths vote of the membership of each house, appropriations made for recurring purposes from nonrecurring general revenue funds for any fiscal year shall not exceed three percent of the total general revenue funds estimated to be available at the time such appropriation is made.

(3) As prescribed by general law, each state department and agency shall be required to submit a legislative budget request that is based upon and that reflects the long-range financial outlook adopted by the joint legislative budget commission or that specifically explains any variance from the long-range financial outlook contained in the request.

(4) For purposes of this *section* ~~subsection~~, the terms department and agency shall include the judicial branch.

(b) APPROPRIATION BILLS FORMAT. Separate sections within the general appropriation bill shall be used for each major program area of the state budget; major program areas shall include: education enhancement "lottery" trust fund items; education (all other funds); human services; criminal justice and corrections; natural resources, environment, growth management, and transportation; general government; and judicial branch. Each major program area shall include an itemization of expenditures for: state operations; state capital outlay; aid to local governments and nonprofit organizations operations; aid to local governments and nonprofit organizations capital outlay; federal funds and the associated state matching funds; spending authorizations for operations; and spending authorizations for capital outlay. Additionally, appropriation bills passed by the legislature shall include an itemization of specific appropriations that exceed one million dollars ($1,000,000.00) in 1992 dollars. For purposes of this subsection, "specific appropriation," "itemization," and "major program area" shall be defined by law. This itemization threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics or its successor. Substantive bills containing appropriations shall also be subject to the itemization requirement mandated under this provision and shall be subject to the governor's specific appropriation veto power described in Article III, Section 8. ~~This subsection shall be effective July 1, 1994.~~

(c) APPROPRIATIONS ~~REVIEW~~ PROCESS.

(1) No later than September 15 of each year, the joint legislative budget commission shall issue a long-range financial outlook setting out fiscal strategies for the state and its departments and agencies in order to assist the legislature in making policy and budget decisions. The long-range financial outlook must include major workload and revenue estimates. In order to implement this paragraph, the joint legislative budget commission shall use current official consensus estimates and may request the development of additional official estimates.

(2) The joint legislative budget commission shall seek input from the public and from the executive and judicial branches when developing and implementing the long-range financial outlook.

(3) The legislature shall prescribe by general law conditions under which limited adjustments to the budget, as recommended by the governor or the chief justice of the supreme court, may be approved without the concurrence of the full legislature. ~~Effective July 1, 1993, general law shall prescribe requirements for each department and agency of state government to submit a planning document and supporting budget request for review by the appropriations committees of both houses of the legislature. The review shall include a comparison of the major issues in the planning document and budget requests to those major issues included in the governor's recommended budget. For purposes of this subsection, the terms department and agency shall include the judicial branch.~~

(d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All general appropriation bills shall be furnished to each member of the legislature, each member of the cabinet, the governor, and the chief justice of the supreme court at least seventy-two hours before final passage by either house of the legislature of the bill in the form that will be presented to the governor.

(e) FINAL BUDGET REPORT. ~~Effective November 4, 1992,~~ A final budget report shall be prepared as prescribed by general law. The final budget report shall be produced no later than the *120th* ~~90th~~ day after the beginning of the fiscal year, and copies of the report shall be furnished to each member of the legislature, the head of each department and agency of the state, the auditor general, and the chief justice of the supreme court.

(f) TRUST FUNDS.

(1) No trust fund of the State of Florida or other public body may be created *or re-created* by law without a three-fifths ~~(3/5)~~ vote of the membership of each house of the legislature in a separate bill for that purpose only.

(2) ~~State trust funds in existence before the effective date of this subsection shall terminate not more than four years after the effective date of this subsection.~~ State trust funds ~~created after the effective date of this subsection~~ shall terminate not more than four years after the effective date of the act authorizing the *initial* creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.

(3) Trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions, whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the state transportation trust fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida retirement trust fund; trust funds for institutions under the management of the Board of *Governors* ~~Regents~~, where such trust funds are for auxiliary enterprises and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the chief financial officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by this Constitution, are not subject to the requirements set forth in paragraph (2) of this subsection.

(4) All cash balances and income of any trust funds abolished under this subsection shall be deposited into the general revenue fund.

~~(5) The provisions of this subsection shall be effective November 4, 1992.~~

(g) BUDGET STABILIZATION FUND. ~~Beginning with the 1994-1995 fiscal year, at least 1% of an amount equal to the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund shall be increased to at least 2% of said amount for the 1995-1996 fiscal year, at least 3% of said amount for the 1996-1997 fiscal year, at least 4% of said amount for the 1997-1998 fiscal year, and at least 5% of said amount for the 1998-1999 fiscal year.~~ Subject to the provisions of this subsection, ~~the budget stabilization fund shall be maintained at~~ an amount equal to at least 5% of the last completed fiscal year's net revenue collections for the general revenue fund *shall be retained in the budget stabilization fund*. The budget stabilization fund's principal balance shall not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund. The legislature shall provide criteria for withdrawing funds from the budget stabilization fund in a separate bill for that purpose only and only for the purpose of covering revenue shortfalls of the general revenue fund or for the purpose of providing funding for an emergency, as defined by general law. General law shall provide for the restoration of this fund. The budget stabilization fund shall be comprised of funds not otherwise obligated or committed for any purpose.

(h) *LONG-RANGE* STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESSES. *General law shall provide for a long-range state planning document.* The governor shall recommend to the legislature biennially any revisions to the *long-range* state planning document, as defined by law. General law shall require a biennial review and revision of the *long-range* state planning document~~, shall require the governor to report to the legislature on the progress in achieving the state planning document's goals,~~ and shall require all departments and agencies of state government to develop planning documents *that identify statewide strategic goals and objectives,* consistent with the *long-range* state planning document. The *long-range* state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. *The long-range state planning document must include projections of future needs and resources of the state which are consistent with the long-range financial outlook.* The department and agency planning documents shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law. ~~To ensure productivity and efficiency in the executive, legislative, and judicial branches, a quality management and accountability program shall be implemented by general law. For the purposes of this subsection, the terms department and agency shall include the judicial branch. This subsection shall be effective July 1, 1993.~~

(i) GOVERNMENT EFFICIENCY TASK FORCE. No later than January of 2007, and each fourth year thereafter, the president of the senate, the speaker of the house of representatives, and the governor shall appoint a government efficiency task force, the membership of which shall be established by general law. The task force shall be composed of members of the legislature and representatives from the private and public sectors who shall develop recommendations for improving governmental operations and reducing costs. Staff to assist the task force in performing its duties shall be assigned by general law, and the task force may obtain assistance from the private sector. The task force shall complete its work within one year and shall submit its recommendations to the joint legislative budget commission, the governor, and the chief justice of the supreme court.

(j) JOINT LEGISLATIVE BUDGET COMMISSION. There is created within the legislature the joint legislative budget commission composed of equal numbers of senate members appointed by the president of the senate and house members appointed by the speaker of the house of representatives. Each member shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment. From November of each odd-numbered year through October of each even-numbered year, the chairperson of the joint legislative budget commission shall be appointed by the president of the senate and the vice chairperson of the commission shall be appointed by the speaker of the house of representatives. From November of each even-numbered year through October of each odd-numbered year, the chairperson of the joint legislative budget commission shall be appointed by the speaker of the house of representatives and the vice chairperson of the commission shall be appointed by the president of the senate. The joint legislative budget commission shall be governed by the joint rules of the senate and the house of representatives, which shall remain in effect until repealed or amended by concurrent resolution. The commission shall convene at least quarterly and shall convene at the call of the president of the senate and the speaker of the house of representatives. A majority of the commission members of each house plus one additional member from either house constitutes a quorum. Action by the commission requires a majority vote of the commission members present of each house. The commission may conduct its meetings through teleconferences or similar means. In addition to the powers and duties specified in this subsection, the joint legislative budget commission shall exercise all other powers and perform any other duties not in conflict with paragraph (c)(3) and as prescribed by general law or joint rule.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE III, SECTION 19

STATE PLANNING AND BUDGET PROCESS.—Proposing amendments to the State Constitution to limit the amount of nonrecurring general revenue which may be appropriated for recurring purposes in any fiscal year to 3 percent of the total general revenue funds estimated to be available, unless otherwise approved by a three-fifths vote of the Legislature; to establish a Joint Legislative Budget Commission, which shall issue long-range financial outlooks; to provide for limited adjustments in the state budget without the concurrence of the full Legislature, as provided by general law; to reduce the number of times trust funds are automatically terminated; to require the preparation and biennial revision of a long-range state planning document; and to establish a Government Efficiency Task Force and specify its duties.

—was read the third time in full.

On motion by Senator Atwater, **CS for SJR 2144** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Haridopolos

CS for SB 2146—A bill to be entitled An act relating to state planning and budgeting; amending s. 11.90, F.S.; revising the membership of the Legislative Budget Commission; providing for the appointment of presiding officers; revising requirements for meetings and a quorum; revising requirements for appointing the staff of the commission; requiring the commission to review budget amendments proposed by the Governor or Chief Justice; authorizing the commission to perform other duties prescribed by the Legislature; creating s. 11.91, F.S.; creating the Government Efficiency Task Force for the purpose of recommending improvements to governmental operations and reducing costs; providing for the Governor, the President of the Senate, and the Speaker of the House of Representatives to appoint its members; requiring that the task force meet at 4-year intervals beginning on a specified date; authorizing the task force to conduct meeting through teleconferences; providing for members to be reimbursed for per diem and travel expenses; requiring the task force to complete its work within 1 year and report to the Legislative Budget Commission, the Governor, and the Chief Justice of the Supreme Court; amending s. 29.0095, F.S.; requiring the

legislative appropriations committees to prescribe the format of budget expenditure reports; amending s. 110.1245, F.S., relating to the savings sharing program; correcting a reference; amending s. 216.011, F.S.; redefining the term "consultation" and defining the term "long-range financial outlook" for purposes of state fiscal affairs; creating s. 216.012, F.S.; providing requirements for the long-range financial outlook prepared by the commission; requiring state agencies to provide certain information; specifying timeframes for state agencies and the commission in developing and completing the long-range financial outlook; amending s. 216.023, F.S.; clarifying certain requirements for legislative budget instructions; amending s. 216.065, F.S.; requiring fiscal impact statements to be provided to the Legislative Budget Commission in addition to the legislative appropriations committees; requiring that such statements contain information concerning subsequent fiscal years; amending s. 216.162, F.S.; revising the date for the Governor's recommended budget to be furnished to the Legislature; authorizing the presiding officers of the Legislature to approve submission of the Governor's recommended budget at a later date than otherwise required; amending s. 216.178, F.S.; extending the deadline for production of the final budget; amending s. 216.262, F.S., relating to the transfer of positions; correcting a reference; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Atwater, **CS for SB 2146** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Haridopolos

CS for SB 748—A bill to be entitled An act relating to fire hydrants; amending s. 633.065, F.S.; requiring owners of fire hydrants to test hydrants in accordance with national standards; requiring nonfunctioning privately owned hydrants to be reported and repaired; providing fines for noncompliance; providing an effective date.

—was read the third time by title.

On motion by Senator Miller, **CS for SB 748** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Constantine	Klein
Alexander	Crist	Lawson
Argenziano	Dawson	Lynn
Aronberg	Diaz de la Portilla	Margolis
Atwater	Dockery	Miller
Baker	Fasano	Peaden
Bennett	Garcia	Posey
Bullard	Geller	Pruitt
Campbell	Hill	Rich
Carlton	Jones	Saunders
Clary	King	Sebesta
Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

Vote after roll call:

Yea—Haridopolos

CS for CS for SB 1146—A bill to be entitled An act relating to purchasing and procurement; providing definitions; authorizing the Department of Management Services to establish the Center for Efficient Government; providing for the powers and duties of the center; prescribing duties of a state agency before a service may be outsourced; requiring agencies to do a business case analysis; specifying the requirements for the analysis; requiring that an agency submit the proposed business case with the agency's legislative budget request; prescribing the process for approval if the outsourcing is not included in the agency's approved operating budget; prohibiting an agency from privatizing a service without specific legislative authorization; prescribing contract requirements for a contract that meets or exceeds a specified threshold amount; authorizing a contract to include certain incentives; providing requirements for a contract that exceeds $1 million in value; providing a process for a state agency to submit to the Executive Office of the Governor certain contract amendments for approval; requiring approval of the Administration Commission under certain circumstances; creating s. 215.4211, F.S.; authorizing the Chief Financial Officer to review contracts for state agencies; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing appropriations and authorizing positions; providing restrictions on contractor supervision of state employees; providing restrictions on contractor involvement in state procurement; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator Argenziano, further consideration of **CS for CS for SB 1146** as amended was deferred.

CS for CS for CS for SB 1476—A bill to be entitled An act relating to the Department of Children and Family Services; providing legislative intent with respect to establishing a structure by which the department shall monitor and manage contracts with external service providers; providing definitions; requiring the department to competitively procure certain commodities and contractual services; requiring the department to allow all public postsecondary institutions to bid on contracts intended for any public postsecondary institution; authorizing the department to competitively procure and contract for systems of treatment or service that involve multiple providers; providing requirements if other governmental entities contribute matching funds; requiring that an entity providing matching funds must comply with certain procurement procedures; authorizing the department to independently procure and contract for treatment services; requiring that the department develop a validated business case before outsourcing any service or function; providing requirements for the business case; requiring that the validated business case be submitted to the Legislature for approval; requiring that a contractual service that has previously been outsourced be subject to the requirements for a validated business case; requiring that a procurement of contractual services equal to or in excess of the threshold amount for CATEGORY FIVE comply with specified requirements, including a scope of work and performance standards; authorizing the department to adopt incremental penalties by rule; authorizing the department to include cost-neutral, performance-based incentives in a contract; requiring multiyear contracts unless justification is provided; requiring that a contract in excess of $1 million be negotiated by a contract negotiator who is certified according to standards established by the Department of Management Services; limiting circumstances under which the department may amend a contract; requiring that a proposed contract amendment be submitted to the Executive Office of the Governor for approval; requiring approval of a contract amendment by the Administration Commission under certain circumstances; requiring the department to verify that contractual terms have been satisfied before renewing a contract; requiring certain documentation; requiring the department to develop, in consultation with the Department of Management Services, contract templates and guidelines; requiring that the department establish a contract-management process; specifying the requirements for and components of the contract-management process;

providing requirements for resolving performance deficiencies and terminating a contract; requiring a corrective-action plan under certain circumstances; requiring the department to develop standards of conduct and disciplinary actions; requiring that the department establish contract-monitoring units and a contract-monitoring process; requiring written reports; requiring on-site visits for contracts involving the provision of direct client services; requiring the department to make certain documents available to the Legislature; requiring the department to create an electronic database to store the documents; prohibiting contractors from performing certain functions; amending s. 402.73, F.S.; requiring the Agency for Persons with Disabilities to implement systems to ensure quality and fiscal integrity of programs in the developmental services Medicaid waiver system; providing an exemption for health services from competitive bidding requirements; amending s. 409.1671, F.S.; conforming provisions to changes made by the act; requiring that the Office of Program Policy Analysis and Government Accountability conduct two reviews of the contract-management and accountability structures of the department and report to the Legislature and the Auditor General; repealing s. 402.72, F.S., relating to contract-management requirements for the Department of Children and Family Services; providing an appropriation; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator Campbell, **CS for CS for CS for SB 1476** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Haridopolos

CS for CS for SB 1494—A bill to be entitled An act relating to information technology management; providing legislative intent that each state agency use a governance process and structure for managing its information technology operations and investments in order to ensure alignment with the business needs and policy requirements of the agency; providing definitions; providing a governance process for information technology which includes management of the agency's information technology portfolio along with project management; specifying the purpose of information technology portfolio management; requiring each agency to submit its information technology portfolio as part of its legislative budget request; requiring that agencies implement and administer a project management methodology; requiring that each agency implement a management process; amending s. 20.22, F.S.; renaming an office within the Department of Management Services; repealing s. 110.205(2)(e) and (w), F.S., relating to personnel of the State Technology Office; repealing s. 186.022, F.S., relating to information technology strategic plans; repealing s. 216.292(1)(c), F.S., relating to transfer of positions or appropriations for fiscal year 2001-2002; amending s. 282.0041, F.S.; revising definitions; repealing s. 282.005, F.S., relating to legislative findings and intent concerning information technology; creating s. 282.0055, F.S.; prohibiting the Department of Management Services and the Florida Technology Council from taking certain actions with respect to the information technology personnel of cabinet officers; amending s. 282.102, F.S.; eliminating the State Technology Office and transferring responsibilities of the office to the Department of Management Services; revising various responsibilities relating to information technology; amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S.; transferring responsibilities relating to the SUNCOM Network from the State Technology Office to the Department of Management Services; amending ss. 282.1095 and 282.111, F.S.; transferring responsibilities relating to various law enforcement radio systems from the office to the department; amending s. 282.20, F.S.; revising the duties of the Technology Resource Center; amending s. 282.21, F.S.; transferring authorization to collect fees for provision of remote electronic access services from the office to the department; amending s. 282.22, F.S.; transferring responsibilities relating to production, dissemination, and ownership of various materials or products from the office to the department; repealing s. 282.23, F.S., relating to the State Strategic Information Technology Alliance; creating s. 282.3025, F.S.; creating the Florida Technology Council within the Department of Management Services; providing for the State Technology Officer to head the council; requiring that the council develop a statewide information technology strategic plan, in consultation with the Agency Chief Information Officers Council; providing requirements for the plan; requiring that the council assist state agencies in implementing the information technology portfolio management process; requiring the council to provide status reports to the Administration Commission; amending s. 282.3031, F.S.; deleting provisions assigning responsibility for information resources management to the State Technology Office; repealing s. 282.3055, F.S., relating to personnel of the State Technology Office; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; revising certain duties of the Agency Chief Information Officers Council; specifying an additional responsibility; amending s. 282.318, F.S.; transferring various responsibilities relating to security of data and information technology resources from the State Technology Office to each agency head or the Department of Management Services; repealing s. 282.322(2), F.S., relating to information technology projects identified as high-risk; amending s. 287.042, F.S.; transferring responsibilities from the State Technology Office to the Department of Management Services; deleting provisions requiring consultation between the department and the office; repealing s. 287.057(24), F.S., relating to strategic information technology alliances; amending s. 445.049, F.S.; transferring responsibilities relating to the Digital Divide Council from the State Technology Office to the Department of Management Services or the secretary of the department; providing an appropriation and authorizing positions; requiring that certain notice with respect to budget actions be given to the Legislative Budget Commission; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **CS for CS for SB 1494** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Haridopolos

SB 1858—A bill to be entitled An act relating to standards of conduct for public officers; amending s. 112.313, F.S.; prohibiting citizen members of the Board of Governors of the State University System and citizen members of a board of trustees of a local constituent university from representing principals before the Legislature; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator Alexander, **SB 1858** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Haridopolos

SB 450—A bill to be entitled An act relating to unfair insurance practices; amending s. 626.9541, F.S.; providing that certain rate increases for motor vehicle insurance for insureds on active military service, and their covered dependents, constitute unfair practices; providing penalties; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator Geller, **SB 450** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Baker	Geller	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Atwater

SB 868—A bill to be entitled An act relating to installations honoring military veterans and their families; providing a short title; providing purpose; authorizing the Department of Transportation to contract with a not-for-profit group or organization for the installation of plaques, markers, monuments, memorials, or various retired military equipment at rest stops; providing for a committee to approve proposals for the contracts; providing for membership and terms of members of the committee; requiring approval by the committee for such contracts; providing conditions for approval; providing that the group or organization shall be responsible for costs; requiring that the group or organization provide a bond to secure certain costs; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator Dockery, **SB 868** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 1312—A bill to be entitled An act relating to the recreational vehicles; amending s. 479.261, F.S.; requiring the Department of Transportation to incorporate certain markers on logo signs for certain establishments; requiring the department to adopt rules regarding the incorporation of those markers; amending s. 681.1096, F.S.; eliminating future termination of the program; revising requirements for program certification to ensure neutrality of dispute resolution; providing guidelines for the training of arbitrators and mediators; providing that the program must complete all mediation and arbitration within 70 days after receipt of the consumer's claim; requiring the program to gather and make available all documents relevant to a dispute; providing consumer exemption from mediation when at least one manufacturer does not qualify for the program; authorizing the Department of Legal Affairs to revoke the qualification of a noncompliant program; providing for notice to programs and manufacturers not in compliance, for opportunity to correct deficiencies, and for administrative hearings; requiring the program to maintain dispute records; creating an annual reporting requirement; providing the program with rulemaking authority to implement provisions of this section; amending s. 681.1097, F.S.; providing and revising dispute resolution guidelines for consumers of recreational vehicles; requiring consumers to submit their dispute to the program; providing that the claim is considered filed when it is date-stamped as received by the program; requiring the consumer's application form to be prescribed by the program; requiring the program administrator to screen all applications to determine eligibility; requiring the program administrator to provide notice of rejected applications; providing for mandatory mediation and the expansion of the scope of mediation at the consent of the parties; providing guidelines for mediation proceedings; requiring written response of manufacturers to consumer allegations; removing requirement that the program administrator notify the department of the mediation outcome; extending the deadline for consumer notification to the program administrator of a manufacturer's failure in comply with a mediation decision; revising guidelines for arbitration proceedings; providing that technical rules of evidence do not apply to arbitration proceedings; providing for the expansion of the scope of arbitration at the consent of the parties; requiring the arbitrator's decision to consider all legal and equitable factors; providing consumers with means for civil enforcement of an award; extending the deadline for consumer notification to the program administrator of a manufacturer's failure in comply with an arbitration decision; providing that the arbitrator's decision is admissible as evidence in certain civil actions; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator Carlton, **CS for SB 1312** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bennett	Crist
Alexander	Bullard	Dawson
Argenziano	Campbell	Diaz de la Portilla
Aronberg	Carlton	Dockery
Atwater	Clary	Fasano
Baker	Constantine	Garcia

Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise
Lawson	Saunders	
Lynn	Sebesta	

Nays—None

On motion by Senator Aronberg, by two-thirds vote **HB 655** was withdrawn from the Committees on Environmental Preservation; and Community Affairs.

On motion by Senator Aronberg, by two-thirds vote—

HB 655—A bill to be entitled An act relating to the Florida Inland Navigation District; amending s. 374.984, F.S.; providing responsibility and authority of the Board of Commissioners of the Florida Inland Navigational District with respect to that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; revising the list of acts authorizing and directing the improvement and maintenance of the Intracoastal Waterway and that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; providing an exception for maintaining the navigability of the Okeechobee Waterway under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 1352** and by two-thirds vote read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 655** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 1114—A bill to be entitled An act relating to restaurants licensed to sell wine on the premises; creating s. 564.09, F.S.; authorizing a restaurant patron to remove a resealed wine container from a restaurant for off-premise consumption; amending s. 316.1936, F.S.; providing that a resealed wine container is not an open container for purposes of the prohibition against possessing an open container of alcohol in a motor vehicle; providing an effective date.

—as amended April 6 was read the third time by title.

On motion by Senator King, **CS for CS for SB 1114** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bullard	Dockery
Alexander	Campbell	Fasano
Argenziano	Clary	Garcia
Aronberg	Constantine	Geller
Atwater	Crist	Haridopolos
Baker	Dawson	Hill
Bennett	Diaz de la Portilla	Jones
Klein	Posey	Smith
Lawson	Pruitt	Villalobos
Lynn	Rich	Webster
Margolis	Saunders	Wilson
Miller	Sebesta	Wise
Peaden	Siplin	

Nays—1

Carlton

Vote after roll call:

Yea—King

CS for SB 732—A bill to be entitled An act relating to motor vehicles; providing a popular name; creating the "Road Rage Reduction Act"; providing legislative intent; amending s. 316.081, F.S.; requiring operators of motor vehicles to drive in the right-hand lane on certain highways; providing exceptions; providing penalties for violation; amending s. 322.27, F.S.; correcting a cross-reference; providing for the assessment of points for violating specified provisions that require operators of motor vehicles to drive on the right side of the road; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing a grace period when warnings and educational literature may be issued by a law enforcement officer; providing an effective date.

—as amended April 6 was read the third time by title.

An amendment was considered and adopted to conform **CS for SB 732** to **HB 157**.

Pending further consideration of **CS for SB 732** as amended, on motion by Senator Bennett, by two-thirds vote **HB 157** was withdrawn from the Committees on Transportation; and Criminal Justice.

On motion by Senator Bennett, by two-thirds vote—

HB 157—A bill to be entitled An act relating to motor vehicles; providing a popular name; creating the "Road Rage Reduction Act"; providing legislative intent; amending s. 316.081, F.S.; requiring operators of motor vehicles in the left-most lane to yield the right-of-way to vehicles moving faster on certain highways; requiring operators of motor vehicles to drive in the right-hand lane on certain highways; providing exceptions; providing penalties for violation; amending s. 322.27, F.S.; providing for the assessment of points for violating specified provisions that require operators of motor vehicles to drive on the right side of the road; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing a grace period when warnings and educational literature may be issued; providing effective dates.

—a companion measure, was substituted for **CS for SB 732** as amended and by two-thirds vote read the second time by title and by two-thirds vote read the third time by title.

Senator Posey moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (644198)—On line 128, delete "*4 points*" and insert: *3 points*

On motion by Senator Bennett, **HB 157** as amended was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Carlton	Hill
Alexander	Clary	Jones
Argenziano	Constantine	King
Aronberg	Crist	Klein
Atwater	Dawson	Margolis
Baker	Garcia	Miller
Bennett	Geller	Peaden
Bullard	Haridopolos	Posey

Pruitt	Saunders	Sebesta
Rich		

Nays—10

Campbell	Lawson	Smith
Diaz de la Portilla	Lynn	Webster
Dockery	Siplin	Wise
Fasano		

Vote after roll call:

Yea—Villalobos

CS for SB 1436—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; authorizing state and local law enforcement vehicles to carry an automated external defibrillator; amending s. 932.7055, F.S.; authorizing local governments to use forfeiture funds for purchasing automated external defibrillators; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, **CS for SB 1436** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Senate resumed consideration of—

CS for CS for SB 1146—A bill to be entitled An act relating to purchasing and procurement; providing definitions; authorizing the Department of Management Services to establish the Center for Efficient Government; providing for the powers and duties of the center; prescribing duties of a state agency before a service may be outsourced; requiring agencies to do a business case analysis; specifying the requirements for the analysis; requiring that an agency submit the proposed business case with the agency's legislative budget request; prescribing the process for approval if the outsourcing is not included in the agency's approved operating budget; prohibiting an agency from privatizing a service without specific legislative authorization; prescribing contract requirements for a contract that meets or exceeds a specified threshold amount; authorizing a contract to include certain incentives; providing requirements for a contract that exceeds $1 million in value; providing a process for a state agency to submit to the Executive Office of the Governor certain contract amendments for approval; requiring approval of the Administration Commission under certain circumstances; creating s. 215.4211, F.S.; authorizing the Chief Financial Officer to review contracts for state agencies; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing appropriations and authorizing positions; providing restrictions on contractor supervision of state employees; providing restrictions on contractor involvement in state procurement; providing an effective date.

—which was previously considered this day.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (725110)—On page 10, line 28, delete "*more; or*" and insert: *more; and*

On motion by Senator Argenziano, **CS for CS for SB 1146** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

RECESS

On motion by Senator Pruitt, the Senate recessed at 12:19 p.m. to reconvene at 12:35 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 12:48 p.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

SPECIAL ORDER CALENDAR

SB 2600—A bill to be entitled An act making appropriations; providing monies for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the second time by title.

SENATOR PRUITT PRESIDING

Senators Campbell, Aronberg, Klein, Wilson and Margolis offered the following amendment which was moved by Senator Campbell and failed:

Amendment 1 (997057)—

In Section: 02 On Page: 020 Specific Appropriation: 73

	Delete	Insert
EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - FEFP		
In Section 02 On Page 020 73 Aid To Local Governments Grants And Aids - Florida Educational Finance Program		

In Section 02, on Page 20, DELETE the following:

In addition, if a school board's 0.51 mill levy provides funds per unweighted FTE that are less than the statewide average funds per unweighted FTE generated by the 0.51 mill levy, the school district shall receive an amount from the funds provided in Specific Appropriation 73, which, when added to the funds generated by the district's 0.51 mill levy, is equivalent to the statewide average.

THE PRESIDENT PRESIDING

Senators Margolis, Campbell, Garcia, Klein, Wilson, Rich, Diaz de la Portilla, Bullard, Geller, Atwater, Dawson and Lynn offered the following amendment which was moved by Senator Margolis and failed:

Amendment 2 (997058)—

In Section: 02 On Page: 020 Specific Appropriation: 73

	Delete	Insert
EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - FEFP		
In Section 02 On Page 020 73 Aid To Local Governments Grants And Aids - Florida Educational Finance Program		

In Section 02, on Page 20, after the sixth paragraph of proviso language following Specific Appropriation 73, INSERT the following:

However for 2005-2006, the DCD shall be the same as calculated for 2004-2005 and a 50% hold harmless provision shall be applied as in 2004-2005.

Senators Margolis, Campbell, Rich, Diaz de la Portilla, Bullard, Wilson, Garcia, Klein, Geller, Atwater, Dawson and Lynn offered the following amendment which was moved by Senator Margolis and failed:

Amendment 3 (997059)—

In Section: 02 On Page: 020 Specific Appropriation: 73

	Delete	Insert
EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - FEFP		
In Section 02 On Page 020 73 Aid To Local Governments Grants And Aids - Florida Educational Finance Program		

In Section 02, on Page 20, after the sixth paragraph of proviso language following Specific Appropriation 73, INSERT the following:

An independent study shall be commissioned to study the DCD with national educational funding experts to analyze equity issues in the funding formula. Two (2) representatives of the Florida School Board Association and two (2) representatives from the Florida Association of District School Superintendents shall be involved in the selection of the national educational funding experts. One (1) representative from each of the two (2) groups shall be from a district which benefits from the current wage based index and the other representative shall be from a district that is negatively affected by the current wage based index.

Senator Alexander moved the following amendment which was adopted:

Amendment 4 (997061)—

In Section: 02 On Page: 024 Specific Appropriation: 91

	Delete	Insert
EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - Non FEFP		
In Section 02 On Page 024 91 Special Categories Transfer To Excellent Teaching Trust Fund		
From General Revenue Fund	67,521,651	67,021,651
Program: Workforce Education		
In Section 02 On Page 030 117B Special Categories Grants And Aids - School And Instructional Enhancements		
From General Revenue Fund	300,000	800,000

DELETE the proviso immediately following Specific Appropriation 117B:

Funds in Specific Appropriation 117B are provided for the SABER Nursing Program.

and insert in lieu thereof:

From the funds appropriated in Specific Appropriation 117B, $300,000 is provided for the SABER Nursing Program.

From the funds appropriated in Specific Appropriation 117B, $500,000 shall be used by the Department to support school-to-career transition programs for high school students available through one or more non-profit statewide organizations in the food service industry. Such programs shall be designed to prepare students for progressive careers in the food service industry. In making its selection from among competitive sealed proposals, the Department shall consider, among other factors, the provider's experience in representing the food service industry, the provider's experience in providing and supporting food service training for high school students, and the provider's ability to provide a statewide program with broad industry support and participation.

MOTION

On motion by Senator Alexander, the rules were waived to allow the following amendment to be considered:

Senator Alexander moved the following amendment which was adopted:

Amendment 5 (997056)—

In Section: 02 On Page: 024 Specific Appropriation: 91

	Delete	Insert
EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - Non FEFP		
In Section 02 On Page 024 91 Special Categories Transfer To Excellent Teaching Trust Fund		
From General Revenue Fund	67,521,651	62,521,651
Program: Private Colleges And Universities		

In Section 02 On Page 017
58 Special Categories
Grants And Aids - First Accredited Medical School University Of Miami

From General Revenue Fund 9,001,657 11,226,657

Immediately following Specific Appropriation 58, DELETE:

From the funds in Specific Appropriation 58, $1,875,200 is provided for cancer research; and $1,076,200 is provided for the PhD Program in Biomedical Science. In addition, $6,050,257 is provided for 500 Florida residents attending the University of Miami College of Medicine.

and insert in lieu thereof:

From the funds in Specific Appropriation 58, $1,875,200 is provided for cancer research; and $1,076,200 is provided for the PhD Program in Biomedical Science. In addition, $8,275,257 is provided for 500 Florida residents attending the University of Miami College of Medicine.

Universities, Division Of
Program: Educational And General Activities

In Section 02 On Page 039
148 Aid To Local Governments
Grants And Aids - University Of South Florida Medical Center

From General Revenue Fund 48,947,694 49,322,694

In Section 02 On Page 040
149 Aid To Local Governments
Grants And Aids - University Of Florida Health Center

From General Revenue Fund 80,351,070 82,751,070

MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendment to be considered:

Senator Siplin moved the following amendment which was adopted:

Amendment 6 (997062)—

In Section: 02 On Page: 025 Specific Appropriation: 99

Delete Insert

EDUCATION, DEPARTMENT OF
Public Schools, Division Of
Program: State Grants/K-12 Program - Non FEFP

In Section 02 On Page 025
99 Special Categories
Grants And Aids - School And Instructional Enhancements

From General Revenue Fund 7,157,634 7,257,634

Immediately following Specific Appropriation 99, DELETE:

From the funds in Specific Appropriation 99, $300,000 is provided for Arts for a Complete Education, $105,634 is provided for Instructional Materials Management, $60,000 is provided for the State Science Fair, $100,000 is provided for the Academic Tourney, $200,000 is provided for the Florida Holocaust Museum, $1,100,000 is provided for the Prekindergarten Demonstration Pilot Project, $100,000 is provided for the Sunshine State Scholars Program, $495,000 is provided for the Mathematics and Science Commission, $1,000,000 is provided for the YMCA Out of School Program, $547,000 is provided for Science Comes to Life at Metro Zoo, $100,000 is provided for the Rio Grande Charter School of Excellence, $250,000 is provided for Professional Opportunities Programs for Students (POPS), $500,000 is provided for the Embry-Riddle Aeronautical University Aero/Space Engineering and Physics Career Launch Program, $250,000 is provided for WPPB-TV BECON educational programming, $550,000 is provided for SeaTrek Distance Learning, and $500,000 is provided for the FCAT Recovery Program that has performance criteria that include job placement, leadership training, and 12 month follow-up upon graduation from high school and has linkage to the statewide and local workforce development boards.

and insert in lieu thereof:

From the funds in Specific Appropriation 99, $300,000 is provided for Arts for a Complete Education, $105,634 is provided for Instructional Materials Management, $60,000 is provided for the State Science Fair, $100,000 is provided for the Academic Tourney, $200,000 is provided for the Florida Holocaust Museum, $1,100,000 is provided for the Prekindergarten Demonstration Pilot Project, $100,000 is provided for the Sunshine State Scholars Program, $495,000 is provided for the Mathematics and Science Commission, $1,000,000 is provided for the YMCA Out of School Program, $547,000 is provided for Science Comes to Life at Metro Zoo, $100,000 is provided for the Rio Grande Charter School of Excellence, $250,000 is provided for Professional Opportunities Programs for Students (POPS), $500,000 is provided for the Embry-Riddle Aeronautical University Aero/Space Engineering and Physics Career Launch Program, $250,000 is provided for WPPB-TV BECON educational programming, $550,000 is provided for SeaTrek Distance Learning, $100,000 is provided for the Pre-K Digital Academy, and $500,000 is provided for the FCAT Recovery Program that has performance criteria that include job placement, leadership training, and 12 month follow-up upon graduation from high school and has linkage to the statewide and local workforce development boards.

In Section 02 On Page 024
91 Special Categories
Transfer To Excellent Teaching Trust Fund

From General Revenue Fund 67,521,651 67,421,651

Senator Garcia moved the following amendment which was adopted:

Amendment 7 (997074)—

In Section: 02 On Page: 007 Specific Appropriation: 17

Delete Insert

EDUCATION, DEPARTMENT OF
Program: Education - Fixed Capital Outlay

In Section 02 On Page 007
17 Fixed Capital Outlay
Maintenance, Repair, Renovation, And Remodeling

DELETE a portion of proviso immediately following Specific Appropriation 17:
Funds in Specific Appropriation 17 for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for release of funds have been met. These conditions shall include a recommendation for release of funds received from the Land Acquisition and Facilities Advisory Board appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning, construction, and facilities maintenance operations are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action recommended by the Auditor General and the Office of Program Policy Analysis and Government Accountability (OPPAGA).

18 Fixed Capital Outlay
Survey Recommended Needs - Public Schools

DELETE a portion of proviso immediately following Specific Appropriation 18:

Funds in Specific Appropriation 18 for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for release of funds have been met. These conditions shall include a recommendation for release of funds received from the Land Acquisition and Facilities Advisory Board appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning, construction, and facilities maintenance operations are consistent with recommendations of the Land Acquisition and Facilities Advisory Board and will accomplish corrective action recommended by the Auditor General and the Office of Program Policy Analysis and Government Accountability (OPPAGA).

Senator Clary moved the following amendment which was adopted:

Amendment 8 (997063)—

In Section: 03 On Page: 052 Specific Appropriation: 198

	Delete	Insert
AGENCY FOR HEALTH CARE ADMINISTRATION		
Program: Health Care Services		
Medicaid Services To Individuals		
In Section 03 On Page 052		
198 Special Categories		
Other Lab And X-Ray Services		

Immediately following Specific Appropriation 198, DELETE:

From the funds in Specific Appropriation 198, the agency shall complete the procurement process to secure risk-based contracts required in the Fiscal Year 2003-04 General Appropriations Act to procure statewide laboratory services for Medicaid recipients that includes a real-time, web-based reporting system that interfaces with a real-time, web-based prescription ordering and dispensing system.

Immediately following Specific Appropriation 198, INSERT:

From the funds in Specific Appropriation 198, the agency shall issue Request for Proposals, per the provisions of chapter 287, Florida Statutes, to secure risk-based contracts required in the Fiscal Year 2003-04 General Appropriations Act to procure statewide laboratory services for Medicaid recipients that include a real-time, web-based reporting system that interfaces with a real-time, web-based prescription ordering and dispensing system.

Amendment 9 was withdrawn.

Senators Fasano, Sebesta and Jones offered the following amendment which was moved by Senator Fasano and adopted:

Amendment 10 (997065)—

In Section: 03 On Page: 079 Specific Appropriation: 423

	Delete	Insert
ELDER AFFAIRS, DEPARTMENT OF		
Program: Services To Elders Program		
Home And Community Services		
In Section 03 On Page 079		
423 Special Categories		
Home And Community Based Services Waiver		

Immediately following Specific Appropriation 423, INSERT:

From the funds in Specific Appropriations 417, 418, 423 and 424, a model demonstration project shall be funded in Pasco/Pinellas counties using the Area Agency on Aging and designated community care for the elderly lead agencies to develop a price-competitive system of integrated primary, acute and long-term care services to preserve the network of community services for the elderly. The demonstration project will enable lead agencies and managed care organizational partnership to assume financial risk and move to integrate public funding for elder services. The funds to be integrated in this model shall include Community Care for the Elderly, Home Care for the Elderly, Alzheimer's Disease Initiative, Aged and Disabled Medicaid Waiver, and Assisted Living for the Elderly Medicaid Waiver services.

Amendment 11 was withdrawn.

Senator Wilson moved the following amendments which were adopted:

Amendment 12 (997067)—

In Section: 04 On Page: 115 Specific Appropriation: 787

	Delete	Insert
CORRECTIONS, DEPARTMENT OF		
Program: Community Corrections		
Adult Substance Abuse Prevention, Evaluation And Treatment Services		
In Section 04 On Page 115		
787 Special Categories		
Local Community Corrections Project		
From General Revenue Fund	1,905,000	1,955,000

At the end of existing proviso language, following Specific Appropriation 787, INSERT:

From the funds in Specific Appropriation 787, $50,000 from non-recurring general revenue is provided for the Village Jail Diversion Program in Dade County.

LAW ENFORCEMENT, DEPARTMENT OF		
Program: Investigations And Forensic Science Program		
Provide Investigative Services		
In Section 04 On Page 158		
1206 Fixed Capital Outlay		
Minor Repairs And Renovations At Regional Operating Facilities		
From General Revenue Fund	1,685,000	1,635,000

Amendment 13 (997068)—

In Section: 04 On Page: 115 Specific Appropriation: 787

	Delete	Insert
CORRECTIONS, DEPARTMENT OF		
Program: Community Corrections		
Adult Substance Abuse Prevention, Evaluation And Treatment Services		
In Section 04 On Page 115		
787 Special Categories		
Local Community Corrections Project		
From General Revenue Fund	1,905,000	1,955,000

At the end of existing proviso language, following Specific Appropriation 787, INSERT:

From the funds in Specific Appropriation 787, $50,000 from non-recurring general revenue is provided to the Alternatives to Incarceration (ATI) Program in Dade County.

LAW ENFORCEMENT, DEPARTMENT OF		
Program: Investigations And Forensic Science Program		
Provide Investigative Services		
In Section 04 On Page 158		
1206 Fixed Capital Outlay		

Minor Repairs And Renovations At Regional Operating Facilities

From General Revenue Fund 1,685,000 1,635,000

MOTION

On motion by Senator Lawson, the rules were waived to allow the following amendment to be considered:

Senator Lawson moved the following amendment which was adopted:

Amendment 14 (997069)—

In Section: 04 On Page: 157 Specific Appropriation: 1201

	Delete	Insert
LAW ENFORCEMENT, DEPARTMENT OF Program: Investigations And Forensic Science Program Provide Investigative Services		
In Section 04 On Page 157 1201 Special Categories Grants And Aids - Special Projects		
From General Revenue Fund	1,775,000	1,850,000

In the list of proviso following Specific Appropriation 1201, in the 4th line: DELETE

Radio Communications Equipment..... 350,000

and insert:

Radio Communications Equipment..... 425,000

In Section 04 On Page 158 1206 Fixed Capital Outlay Minor Repairs And Renovations At Regional Operating Facilities		
From General Revenue Fund	1,685,000	1,610,000

Senator Wilson moved the following amendment which was adopted:

Amendment 15 (997052)—

In Section: 05 On Page: 207 Specific Appropriation: 1721A

	Delete	Insert
ENVIRONMENTAL PROTECTION, DEPARTMENT OF Program: Water Resource Management Water Resource Protection And Restoration		
In Section 05 On Page 207 1721A Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Statewide Water Projects - Restoration		

DELETE from existing proviso language following Specific Appropriation 1721A:

Opa Locka NW 139th Street Stormwater Drainage/ Roadway Improvements..... 48,547
Opa Locka NW 141 Street Stormwater Drainage/Roadway Improvements..... 68,434
Opa Locka NW 147 Street Stormwater Drainage/Roadway Improvements..... 150,000
Opa Locka NW 19 Avenue Stormwater Drainage/Roadway Improvements..... 150,000
Opa Locka Perviz Avenue Stormwater Drainage/Roadway Improvements..... 100,000
Village of El Portal Seawall/Canal Bank Stabilization..... 287,500

and INSERT:

Opa Locka NW 139th Street Stormwater Drainage/ Roadway Improvements..... 17,141
Opa Locka NW 132nd Street Stormwater Drainage/ Roadway Improvements..... 291,382
Opa Locka NW 128th Street Stormwater Drainage/ Roadway Improvements..... 208,458
El Portal Drainage Improvements Project 287,500

Senator Lynn moved the following amendment which was adopted:

Amendment 16 (997053)—

In Section: 05 On Page: 207 Specific Appropriation: 1721A

	Delete	Insert
ENVIRONMENTAL PROTECTION, DEPARTMENT OF Program: Water Resource Management Water Resource Protection And Restoration		
In Section 05 On Page 207 1721A Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Statewide Water Projects - Restoration		

DELETE from existing proviso language following Specific Appropriation 1721A:

Northern Coastal Basin Initiative..... 900,000

and INSERT:

Marion County State Road 40 Stormwater Retrofit..... 100,000
Northern Coastal Basin Initiative..... 800,000

Amendment 17 was withdrawn.

MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendment to be considered:

Senators Siplin and Wilson offered the following amendment which was moved by Senator Siplin and adopted:

Amendment 18 (997054)—

In Section: 05 On Page: 207 Specific Appropriation: 1721A

	Delete	Insert
ENVIRONMENTAL PROTECTION, DEPARTMENT OF Program: Water Resource Management Water Resource Protection And Restoration		
In Section 05 On Page 207 1721A Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Statewide Water Projects - Restoration		

At the end of existing proviso language, following Specific Appropriation 1721A, INSERT:

Local governmental entities, which have been declared in a state of financial emergency pursuant to section 218.503, Florida Statutes, shall be exempt from the match provision.

Senator Lynn moved the following amendment which was adopted:

Amendment 19 (997072)—

In Section: 05 On Page: 234 Specific Appropriation: 2023

	Delete	Insert
TRANSPORTATION, DEPARTMENT OF Transportation Systems Operations Program: Highway Operations		

In Section 05 On Page 234
2023 Fixed Capital Outlay
Transportation Highway Maintenance
Contracts

From State Transportation (Primary) Trust Fund 232,558,096 232,058,096

2024 Fixed Capital Outlay
Intrastate Highway Construction

From State Transportation (Primary) Trust Fund 1,084,211,070 1,084,711,070

DELETE the proviso immediately following Specific Appropriation 2024:

From the funds in Specific Appropriation 2024, $15,729,000 is provided for the following projects:

U.S. Highway 441 Enhancement Project from Lake Blvd. to College Drive - Lake County..... 1,300,000
SR 528/SR 15 Interchange Improvement Project..... 4,000,000
Modifications to SR 580 and SR 583 within the City of Temple Terrace - Hillsborough County..... 1,000,000
SR 50 from Avalon Rd to SR 429 (Western Beltway) - project 410983-1..... 2,000,000
US 301 from Sun City Blvd to Gibsonton Dr. - Widen to 4 lanes..... 5,700,000
SR 574 (MLK) from Parsons Ave to Kingsway Rd - widen to 4 lanes..... 822,000
SR 574 (MLK) from Queen Palm Dr. to Williams Rd (bridge over I-75)- widen to 6 lanes..... 807,000
SR 292 High Speed Hurricane Evacuation Route in Escambia County..... 100,000

and insert in lieu thereof:

From the funds in Specific Appropriation 2024, $16,229,000 is provided for the following projects:

U.S. Highway 441 Enhancement Project from Lake Blvd. to College Drive - Lake County..... 1,300,000
SR 528/SR 15 Interchange Improvement Project..... 4,000,000
Modifications to SR 580 and SR 583 within the City of Temple Terrace - Hillsborough County..... 1,000,000
SR 50 from Avalon Rd to SR 429 (Western Beltway) - project 410983-1..... 2,000,000
US 301 from Sun City Blvd to Gibsonton Dr. - Widen to 4 lanes..... 5,700,000
SR 574 (MLK) from Parsons Ave to Kingsway Rd - widen to 4 lanes..... 822,000
SR 574 (MLK) from Queen Palm Dr. to Williams Rd (bridge over I-75)- widen to 6 lanes..... 807,000
SR 292 High Speed Hurricane Evacuation Route in Escambia County..... 100,000
US 1/I-95 Interchange and Ormond Crossings Business Park In Volusia County..... 500,000

Senator Klein moved the following amendment which was adopted:

Amendment 20 (997071)—

In Section: 05 On Page: 186 Specific Appropriation: 1508A

	Delete	Insert
COMMUNITY AFFAIRS, DEPARTMENT OF Program: Emergency Management Emergency Planning		
In Section 05 On Page 186 1508A Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Local Emergency Management Facilities		
From General Revenue Fund	8,189,092	8,089,092

Immediately following Specific Appropriation 1508A, DELETE:

From the funds in Specific Appropriation 1508A, $8,189,092 in non-recurring general revenue is provided for the following projects:

St. Lucie Special Needs Shelter..... 2,500,000
Indian River Emergency Operations Center..... 2,500,000
Osceola County Consolidated EOC/Communications Center..... 250,000
Putnam County Storm Shelter Retrofits..... 500,000
Hurricane Relief for Primrose Center, Inc in Orange County.. 409,692
Hurricane Disaster Plan Special Needs Shelter in Pinellas County..... 179,400
Windstorm Damage Mitigation Training & Demonstration Center in Pinellas County..... 750,000
Emergency Operations Center retrofit / upgrade..... 1,100,000

Immediately following Specific Appropriation 1508A, INSERT:

From the funds in Specific Appropriation 1508A, $8,089,092 in non-recurring general revenue is provided for the following projects:

St. Lucie Special Needs Shelter..... 2,500,000
Indian River Emergency Operations Center..... 2,500,000
Osceola County Consolidated EOC/Communications Center..... 250,000
Putnam County Storm Shelter Retrofits..... 500,000
Hurricane Relief for Primrose Center, Inc in Orange County.. 409,692
Hurricane Disaster Plan Special Needs Shelter in Pinellas County..... 179,400
Windstorm Damage Mitigation Training & Demonstration Center in Pinellas County..... 750,000
Emergency Operations Center retrofit / upgrade..... 1,000,000

GOVERNOR, EXECUTIVE OFFICE OF THE
Program: Office Of Tourism, Trade And Economic Development
Economic Development Programs And Projects

In Section 06 On Page 282
2498 Special Categories
Economic Development Projects

From General Revenue Fund 100,000

Immediately following Specific Appropriation 2498, INSERT:

From the nonrecurring general revenue funds provided in Specific Appropriation 2498, $100,000 is provided for the West Palm Beach City Commons economic revitalization project.

Amendments 21 and **22** were withdrawn.

On motions by Senator Carlton, by two-thirds vote **SB 2600** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith

Villalobos	Wilson	Wise
Webster		

Nays—None

SB 2602—A bill to be entitled An act implementing the 2005-2006 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; providing for the budget of the Council for Education Policy Research and Improvement to be administered by the Auditor General; providing that the council is otherwise independent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a forensic mental health treatment facility; amending s. 402.305, F.S.; providing for the child care competency examination to be given in Spanish; amending s. 402.33, F.S.; suspending authority of the Department of Children and Family Services to use funds in excess of fee collections; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due-process appropriations; amending s. 413.4021, F.S.; requiring additional revenues from the tax collection enforcement diversion program to be used for the personal care attendant pilot program and for state attorney contracts; providing for expenditure of funds from the Working Capital Fund to offset deficiencies in due-process services; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction of an agricultural interdiction station in Escambia County; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; amending s. 375.041, F.S.; providing for use of funds allocated to the Land Acquisition Trust Fund for water quality issues; creating s. 376.30715, F.S.; providing conditions on state financial assistance in restoration of contaminated petroleum storage or retail sites; amending s. 287.057, F.S.; revising methods of compensating on-line providers of commodities and contractual services; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determing eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; amending s. 259.032, F.S.; providing for use of certain funds for constructing replacement museum facilities; amending s. 288.1045, F.S.; extending the qualified defense contractor tax refund program; amending s. 288.106, F.S.; extending the tax refund program for qualified target industry businesses; amending s. 290.044, F.S.; revising the amounts that may be set aside from the neighborhood revitalization category of the Small Cities Community Development Block Grant Program Fund; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 339.135, F.S.; authorizing increased appropriations for certain projects in the Department of Transportation; creating s. 320.0846, F.S.; providing for free motor vehicle license plates for active members of the Florida National Guard; creating s. 250.5206, F.S.; creating the Family Readiness Program in the Department of Military Affairs; providing purpose, availability and use of funding, services, eligibility, application and review; providing for a report; creating the Family Readiness Advisory Board and specifying membership; reenacting s. 215.32(2)(b), F.S., relating to the source and use of trust funds; amending s. 216.192, F.S.; prescribing additional conditions that must be met before the release or transfer of agency funds or the transfer of positions; providing goals for implementing the Aspire project; providing factors to be considered; providing for review; providing finding of best interest of the state for authorization and issuance of certain debt; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2005-2006 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing effective dates.

—was read the second time by title.

Senators Miller and Campbell offered the following amendment which was moved by Senator Miller and adopted:

Amendment 1 (705996)—On page 10, lines 15-27, delete those lines

On motions by Senator Carlton, by two-thirds vote **SB 2602** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 388—A bill to be entitled An act relating to student financial aid; amending ss. 1009.50, 1009.51, and 1009.52, F.S.; authorizing the deposit of funds appropriated by the Legislature for student financial assistance into the State Student Financial Assistance Trust Fund; amending s. 1009.89, F.S.; eliminating a requirement that funds appropriated for the William L. Boyd, IV, Florida Resident Access Grant Program be deposited into such trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 388** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 392—A bill to be entitled An act relating to the Water Quality Assurance Trust Fund; amending s. 376.307, F.S.; authorizing the Department of Environmental Protection to use certain funds for brownfield activities; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **CS for SB 392** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 394—A bill to be entitled An act relating to the enforcement of farm labor laws; amending s. 450.38, F.S.; requiring that moneys to enforce farm labor laws be transferred to the Professional Regulation Trust Fund from the Workers' Compensation Administration Trust Fund within the Department of Financial Services; authorizing the appropriation of moneys for such purpose; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **CS for SB 394** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Clary	Hill
Alexander	Constantine	Jones
Argenziano	Crist	King
Aronberg	Dawson	Klein
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Margolis
Bullard	Garcia	Miller
Campbell	Geller	Peaden
Carlton	Haridopolos	Posey
Pruitt	Siplin	Webster
Rich	Smith	Wilson
Saunders	Villalobos	Wise
Sebesta		

Nays—None

CS for SB 400—A bill to be entitled An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

—was read the second time by title. On motions by Senator Clary, by two-thirds vote **CS for SB 400** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 404—A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; delaying provisions requiring a nursing home staffing increase; amending ss. 409.903, 409.904, F.S.; deleting certain limitations on services to the medically needy; amending s. 409.906, F.S., relating to optional Medicaid services; providing for adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.908, F.S.; revising guidelines relating to reimbursement of Medicaid providers; amending ss. 409.9112, 409.9113, 409.9117, F.S., relating to the hospital disproportionate share program; deleting obsolete provisions; amending s. 409.91195, F.S.; revising provisions relating to the Medicaid Pharmaceutical and Therapeutics Committee and its duties with respect to developing a preferred drug list; amending s. 409.912, F.S.; revising the Medicaid prescribed drug spending control program; eliminating case management fees; directing the Agency for Health Care Administration to implement, and authorizing it to seek federal waivers for, the program of all-inclusive care for children; amending s. 409.9122, F.S.; revising a provision governing assignment to a managed care option for a Medicaid recipient who does not choose a plan or provider in certain geographic areas where the Agency for Health Care Administration contracts for comprehensive behavioral health services; amending s. 409.9124, F.S.; requiring the Agency for Health Care Administration to publish managed care reimbursement rates annually; limiting the application of certain rates and rate reductions; providing effective dates.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **CS for CS for SB 404** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Aronberg	Bennett
Alexander	Atwater	Bullard
Argenziano	Baker	Campbell

Carlton	Haridopolos	Pruitt
Clary	Hill	Rich
Constantine	Jones	Saunders
Crist	King	Sebesta
Dawson	Lawson	Siplin
Diaz de la Portilla	Lynn	Smith
Dockery	Margolis	Villalobos
Fasano	Miller	Webster
Garcia	Peaden	Wilson
Geller	Posey	Wise

Nays—None

CS for SB 408—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 414.065, F.S.; revising the penalties imposed by the department against a participant who is receiving temporary cash assistance and who fails to comply with work requirements; eliminating provisions allowing the continuation of temporary cash assistance for children; amending s. 414.095, F.S.; revising certain requirements for determining eligibility for temporary cash assistance in order to conform to federal requirements; eliminating certain eligibility options for stepparents; amending s. 414.105, F.S.; providing for a lifetime cumulative period during which a person may receive temporary cash assistance; eliminating certain other time limitations; revising the membership requirements for regional workforce boards; repealing s. 414.32(2), F.S., relating to disqualification from the food stamp program for an arrearage in child support payments; amending ss. 409.2564 and 445.048, F.S.; conforming cross-references; repealing s. 114, ch. 2004-267, Laws of Florida, relating to authorization for the department to contract with private vendors for determining eligibility for the Economic Self-Sufficiency Services program; providing an effective date.

—was read the second time by title.

Senator Wilson moved the following amendment:

Amendment 1 (441024)—On page 2, lines 8-11, delete those lines and insert: REQUIREMENT PLANS.—The department shall establish procedures for administering penalties for nonparticipation in work requirements and failure to comply with the alternative requirement plan. If an individual in a family receiving

On motion by Senator Saunders, further consideration of **CS for SB 408** with pending **Amendment 1 (441024)** was deferred.

CS for SB 410—A bill to be entitled An act relating to the Department of Health; amending s. 456.013, F.S.; eliminating a requirement that the department issue wall certificates; amending s. 456.017, F.S.; prohibiting the use of a state-developed examination if a national examination has been certified by the department; revising the criteria under which an applicant may challenge the validity of an examination; authorizing the department to post examination scores on the Internet in lieu of mailing the scores to each applicant; amending s. 456.036, F.S.; providing for a retired-status license; providing a fee for changing to retired status at the time of license renewal; requiring an additional fee if retired status is chosen at any time other than at the time of license renewal; authorizing each board or the department to reexamine a licensee who has been retired or inactive for a specified period in order to assess the licensee's competency; amending s. 464.201, F.S.; defining the phrase "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules specifying the scope of practice and level of supervision required for certified nursing assistants; amending s. 464.203, F.S.; requiring the biennial renewal of certification as a nursing assistant; reducing the number of required hours of inservice training for certified nursing assistants; providing a fee for certification renewal; providing an effective date.

—was read the second time by title. On motions by Senator Saunders, by two-thirds vote **CS for SB 410** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lynn	Webster
Diaz de la Portilla	Margolis	Wilson
Dockery	Miller	Wise
Fasano	Peaden	
Garcia	Posey	

Nays—None

CS for SB 424—A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendment which was adopted:

Amendment 1 (273818)—On page 1, lines 17-23, delete section 2 and renumber subsequent section.

On motions by Senator Carlton, by two-thirds vote **CS for SB 424** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 2584—A bill to be entitled An act relating to higher education; amending s. 1011.94, F.S.; authorizing the deposit of funds appropriated by the Legislature into the Trust Fund for University Major Gifts; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 2584** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith

Villalobos Wilson Wise
Webster

Nays—None

CS for SB 2610—A bill to be entitled An act relating to the management of state financial matters; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism to advise and consult with the Consensus Estimating Conference principals concerning certain duties; amending s. 20.316, F.S., relating to the Department of Juvenile Justice information systems; correcting a reference; amending s. 45.062, F.S.; requiring that certain legislative officers and the Attorney General receive prior notice concerning settlement negotiations and presettlement agreements or orders; specifying that such notice is a condition precedent to an agency's authority to enter into such an agreement; providing certain exceptions; requiring that moneys paid in settlement of a legal action be placed unobligated into the General Revenue Fund or an appropriate trust fund; prohibiting payment outside the State Treasury except in settlement of a personal injury claim; requiring that certain legislative officers and the Attorney General receive prior notice concerning certain settlements involving a state agency or officer; correcting a reference; amending s. 110.1239, F.S.; correcting a cross-reference; amending s. 110.1245, F.S., relating to a savings sharing program; correcting a reference; amending s. 215.32, F.S.; providing for unallocated general revenue; revising a provision relating to the restoration of expenditures from the Budget Stabilization Fund; eliminating the Working Capital Fund as a fund type; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund; revising provisions governing appropriations to the fund; amending ss. 215.93 and 215.94, F.S., relating to the Florida Financial Management Information System; revising duties of the Financial Management Information Board and the functional owners of the information subsystems; requiring the Auditor General to provide technical advice; amending s. 215.97, F.S., relating to the Florida Single Audit Act; revising and providing definitions; revising the uniform state audit requirements for state financial assistance that is provided by state agencies to nonstate entities; requiring the Department of Financial Services to adopt rules and perform additional duties with respect to the provision of financial assistance to carry out state projects; specifying duties of coordinating agencies; exempting nonstate entities that act only as a conduit of state financial assistance from the requirements of the Florida Single Audit Act; amending s. 216.011, F.S.; revising definitions applicable to the fiscal affairs of the state; defining the terms "mandatory reserve," "budget reserve," "activity," and "statutorily authorized entity"; amending s. 216.013, F.S.; revising requirements for the long-range program plans developed by state agencies; providing for submitting such plans on an alternate date under certain circumstances; revising the date for making adjustments; amending s. 216.023, F.S., relating to legislative budget requests; providing alternate dates for submitting such requests under certain circumstances; providing requirements for a request to outsource or privatize agency functions; deleting certain requirements for performance-based program budget requests; amending s. 216.031, F.S.; revising requirements for target budget requests; repealing s. 216.052(2), (3), (8), and (9), F.S., relating to community budget requests and a revolving loan program; repealing s. 216.053(5), F.S., relating to summary information concerning performance-based program budgets; amending s. 216.065, F.S.; requiring that a fiscal impact statement provided to the legislative appropriations committees contain information concerning subsequent fiscal years; amending s. 216.081, F.S.; providing data requirements for the Governor's recommended budget under certain circumstances; amending s. 216.133, F.S.; deleting references to conform; amending s. 216.134, F.S.; stipulating that consensus estimating conferences are within the legislative branch; revising provisions relating to public meetings of consensus estimating conferences; amending s. 216.136, F.S.; deleting provisions for the Child Welfare System Estimating Conference and the Juvenile Justice Estimating Conference; amending s. 216.162, F.S.; revising the date for the Governor to submit the recommended budget for the state; amending s. 216.167, F.S.; deleting references to the Working Capital Fund to conform to changes made by the act; amending s. 216.168, F.S.; deleting provisions exempting the Governor from a requirement to submit amended recommendations; amending s. 216.177, F.S.; revising requirements for notifying the Legislature of actions taken under ch. 216, F.S., and funds expended in settlement of agency litigation; amending s. 216.181, F.S.; requiring approval of certain amendments to an approved operating budget by the Legislative Budget Commission; clarifying provisions with respect to the notice required for the transfer of lump-sum appropriations; revising requirements for determining salary rates; authorizing the Legislative Budget Commission to approve salary rates; deleting certain notice requirements; authorizing certain refunds, payments, and transfers pursuant to budget authority within the executive branch and the judicial branch; requiring notice to the chairs of the legislative committees responsible for developing the general appropriations acts; repealing ss. 216.1825 and 216.183, F.S., relating to the use of zero-based budgeting principles and performance-based program budgets; amending s. 216.192, F.S.; requiring an agency to submit an operational work plan for approval before funds or positions are released or transferred or spending authority is increased for information technology projects; providing requirements for the work plan; requiring that the agency submit project-status reports; requiring that the frequency of work plans and status reports be specified in the General Appropriations Act; deleting provisions authorizing the legislative appropriations committees to provide advice regarding the release of funds; authorizing the Executive Office of the Governor and the Chief Justice to place appropriations in mandatory reserve or budget reserve; amending s. 216.195, F.S.; deleting certain notice and review requirements for the impoundment of funds; amending s. 216.221, F.S.; authorizing the Legislature to direct the use of any state funds in an appropriations act; revising requirements for adjusting budgets in order to avoid or eliminate a deficit; revising procedures for certifying a budget deficit; revising requirements for the Governor and the Chief Justice in developing plans of action; requiring that the Legislative Budget Commission implement certain reductions in appropriations; revising requirements for resolving deficits; requiring that certain actions to resolve a deficit be approved by the Legislative Budget Commission; amending s. 216.231, F.S., relating to the release of classified appropriations; conforming provisions to changes made by the act; amending s. 216.235, F.S., relating to the Innovation Investment Program; correcting references; limiting the funding of certain proposals under the program; amending s. 216.241, F.S.; requiring that the initiation or commencement of new programs be approved by the Legislative Budget Commission; deleting certain notice requirements; limiting certain other actions and budget adjustments by a state agency or the judicial branch without the approval of the Legislature or the Legislative Budget Commission; amending s. 216.251, F.S.; correcting a reference; revising requirements for establishing certain salaries; amending s. 216.262, F.S.; requiring the Legislative Budget Commission to approve certain increases in the number of positions; deleting provisions authorizing an agency to retain salary dollars under certain circumstances; amending s. 216.292, F.S.; revising provisions limiting the transferability of appropriations; prohibiting spending fixed capital outlay for other purposes; prohibiting transferring appropriations except as otherwise provided by law; providing certain exceptions; amending s. 216.301, F.S.; revising requirements for continuing unexpended balances of appropriations for fixed capital outlay; requiring approval by the Executive Office of the Governor; authorizing the President of the Senate and the Speaker of the House of Representatives to provide for the retention of certain balances from legislative budget entities; repealing s. 218.60(3), F.S., relating to estimates made by the revenue estimating conference and provided to local governments; amending ss. 252.37 and 265.55, F.S.; deleting certain references to the Working Capital Fund to conform to changes made by the act; repealing s. 288.1234, F.S., relating to the Olympic Games Guaranty Account within the Economic Development Trust Fund; amending s. 288.7091, F.S.; correcting a cross-reference; amending s. 320.20, F.S.; providing duties of the Chief Financial Officer with respect to the deposit of certain trust fund moneys based on anticipated annual revenues; amending s. 339.135, F.S.; requiring that the Legislative Budget Commission approve certain extensions of spending authority; revising requirements for amending certain work programs; amending s. 381.0303, F.S.; authorizing the Department of Health to obtain reimbursement for special needs shelters from unappropriated moneys in the General Revenue Fund; amending s. 409.906, F.S.; deleting provisions authorizing the Department of Children and Family Services to transfer certain funds in excess of the amount specified in the General Appropriations Act; repealing s. 409.912(11)(b), F.S., relating to the transfer of certain funds from the Department of Elderly Affairs to the Agency for Health Care Administration; amending ss. 468.392 and 475.484, F.S.; deleting provisions exempting funds in the Auctioneer Recovery Fund and the Real Estate Recovery Fund from limitations imposed by an appropriation act; amending s. 631.141, F.S.; clarifying provisions requiring the Legislative Budget Commission to approve certain appropriations; amending s. 921.001, F.S.; requiring the Legislature to make certain determinations with respect to legislation that affects the prison population; amending s. 943.61, F.S., relating to appropriations to the Capitol Police; deleting provisions requiring approval by the Governor and the Legislative

Budget Commission; amending s. 1009.536, F.S.; deleting duties of the Workforce Estimating Conference with respect to certain career education programs; amending s. 1013.512, F.S.; requiring a recommendation by the Governor before placing certain school district funds in reserve; providing for references to the Working Capital Fund in certain appropriations and proviso language to be replaced with a reference to the General Revenue Fund; providing effective dates.

—was read the second time by title.

Senators Carlton and Pruitt offered the following amendments which were moved by Senator Carlton and adopted:

Amendment 1 (124406)(with title amendment)—On page 11, line 8 through page 13, line 28, delete those lines and insert: state funds or other state resources, *exceeding $1 million, the refund or future loss of state revenues exceeding $10 million,* or the establishment of any new program, unless:

(a) The expenditure is provided for by an existing appropriation or program established by law; ~~and~~

(b) At the time settlement negotiations are begun in earnest, written notification is given to the President of the Senate, the Speaker of the House of Representatives, the Senate and House minority leaders, the chairs of the appropriations committees of the Legislature, and the Attorney General; and

(c)~~(b)~~ Prior written notification is given *at least* ~~within~~ 5 business days *or as soon thereafter as practicable, before* ~~of~~ the date the settlement or presettlement agreement or order is to be made final to the President of the Senate, the Speaker of the House of Representatives, the Senate and House minority leaders, *the chairs of the appropriations committees of the Legislature,* and the Attorney General. Such notification shall specify how the agency involved will address the costs in future years within the limits of current appropriations.

1. The Division of Risk Management need not give the notification required by this paragraph when settling any claim covered by the state self-insurance program for an amount less than $250,000.

2. The notification specified in this paragraph is not required if:

a. The only settlement obligation of the state resulting from the claim is to pay court costs in an amount less than $10,000;

b. Notification would preclude the state's participation in multi-state litigation;

c. Notification is precluded by federal law or regulation; or

d. Notification is precluded by court rule or sanction.

(2) The state executive branch agency or officer shall negotiate a closure date as soon as possible for the civil action.

(3) The state executive branch agency or officer may not pledge any current or future action of another branch of state government as a condition for settling the civil action.

(4) Any settlement that commits the state to spending in excess of current appropriations or to policy changes inconsistent with current state law shall be contingent upon and subject to legislative appropriation or statutory amendment. The state agency or officer may agree to use all efforts to procure legislative funding or statutory amendment.

(5) When a state agency or officer settles an action or legal claim in which the state asserted a right to recover money, all moneys paid to the state by a party in full or partial exchange for a release of the state's claim shall be placed into the General Revenue Fund or the appropriate trust fund.

(6)~~(5)~~ State executive branch agencies and officers shall report to each substantive and fiscal committee of the Legislature having jurisdiction over the reporting agency on all potential settlements that may commit the state to:

(a) Spend in excess of current appropriations; or

(b) Make policy changes inconsistent with current state law.

The state executive branch agency or officer shall provide periodic updates to the appropriate legislative committees on these issues during the settlement process.

And the title is amended as follows:

On page 1, lines 15-28, delete those lines and insert: presettlement agreements or orders; providing certain exceptions; requiring that moneys paid in settlement of a legal action be placed into the General Revenue Fund or an appropriate trust fund; amending s.

Amendment 2 (273404)(with title amendment)—On page 43, line 28 through page 46, line 2, delete those lines and insert:

Section 11. Paragraphs (a), (b), (gg), (hh), and (jj) of subsection (1) of section 216.011, Florida Statutes, are amended, paragraphs (rr) and (ss) are added to that subsection, and paragraph (c) is added to subsection (3) of that section, to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(a) "Annual salary rate" means the monetary compensation authorized to be paid a position on an annualized basis. The term does not include moneys authorized for benefits associated with the position. ~~In calculating salary rate, a vacant position shall be calculated at the minimum of the pay grade for that position.~~

(b) "Appropriation" means a legal authorization to make expenditures for specific purposes within the amounts authorized *by law* ~~in the appropriations act~~.

(gg) *"Mandatory reserve" means the reduction of an appropriation by the Governor or the Legislative Budget Commission due to an anticipated deficit in a fund, pursuant to s. 216.221. Action may not be taken to restore a mandatory reserve either directly or indirectly.* ~~"Performance-based program appropriation" means the appropriation category used to fund a specific set of activities or classification of expenditure within an approved performance-based program.~~

(hh) *"Budget reserve" means the withholding, as authorized by the Legislature, of an appropriation or portion thereof. The need for a budget reserve may exist until certain conditions set by the Legislature are met by the affected agency, or such need may exist due to financial or program changes that have occurred since, and were unforeseen at the time of, passage of the General Appropriations Act.* ~~"Performance-based program budget" means a budget that incorporates approved programs and performance measures.~~

(jj) "Program" means a set of *services and* activities undertaken in accordance with a plan of action organized to realize identifiable goals and objectives based on legislative authorization.

(rr) "Activity" means a unit of work which has identifiable starting and ending points, consumes resources, and produces outputs.

(ss) "Qualified expenditure category" means the appropriations category used to fund specific activities and projects which must be transferred to one or more appropriation categories for expenditure upon the recommendation by the Governor or Chief Justice, as appropriate, and subject to approval by the Legislative Budget Commission.

(3) For purposes of this chapter, the term:

(c) "Statutorily authorized entity" means any entity primarily acting as an instrumentality of the state, any regulatory or governing body, or any other governmental or quasi-governmental organization that receives, disburses, expends, administers, awards, recommends expenditure of, handles, manages, or has custody or control of funds appropriated by the Legislature and:

1. Is created, organized, or specifically authorized to be created or established by general law; or

2. Assists a department, as defined in s. 20.03(2), or other unit of state government in providing programs or services on a statewide basis with a statewide service area or population.

Section 12. Effective July 1, 2006, paragraph (n) of subsection (1) of section 216.011, Florida Statutes, as amended by section 11 of this act, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(n) "Expense" means the appropriation category used to fund the usual, ordinary, and incidental expenditures by an agency or the judicial branch, including such items as ~~contractual services,~~ commodities, ~~and~~ supplies of a consumable nature, current obligations, and fixed charges, and excluding expenditures classified as operating capital outlay. Payments to other funds or local, state, or federal agencies may be included in this category.

And the title is amended as follows:

On page 3, line 1, after "activity," insert: "qualified expenditure category"

Amendment 3 (684050)(with title amendment)—On page 54, delete line 4 and insert: instructions *and, within the discretion of the head of the state agency or the Chief Justice of the Supreme Court, may contain only information found in the pleadings*.

And the title is amended as follows:

On page 3, line 15, after the first semicolon (;) insert: changing the requirements for an annual inventory of certain litigation;

Amendment 4 (904494)—On page 74, line 16, after the period (.) insert: *A proposed budget action shall be deemed approved by a chair of a legislative committee if written notice of the objection is not provided to the Governor or Chief Justice, as appropriate, within 14 days of the chair receiving notice of the action pursuant to the provisions of s. 216.177.*

Amendment 5 (911040)—On page 93, after line 25, insert:

3. Any agency exceeding salary rate established pursuant to s. 216.181(8) on June 30th of any fiscal year shall not be authorized to make transfers pursuant to subparagraphs 1. and 2. in the subsequent fiscal year.

4. Notice of proposed transfers under subparagraphs 1. and 2. shall be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 3 days prior to agency implementation in order to provide an opportunity for review. The review shall be limited to ensuring that the transfer is in compliance with the requirements of this paragraph.

On motions by Senator Carlton, by two-thirds vote **CS for SB 2610** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Senate resumed consideration of—

CS for SB 408—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 414.065, F.S.; revising the penalties imposed by the department against a participant who is receiving temporary cash assistance and who fails to comply with work requirements; eliminating provisions allowing the continuation of temporary cash assistance for children; amending s. 414.095, F.S.; revising certain requirements for determining eligibility for temporary cash assistance in order to conform to federal requirements; eliminating certain eligibility options for stepparents; amending s. 414.105, F.S.; providing for a lifetime cumulative period during which a person may receive temporary cash assistance; eliminating certain other time limitations; revising the membership requirements for regional workforce boards; repealing s. 414.32(2), F.S., relating to disqualification from the food stamp program for an arrearage in child support payments; amending ss. 409.2564 and 445.048, F.S.; conforming cross-references; repealing s. 114, ch. 2004-267, Laws of Florida, relating to authorization for the department to contract with private vendors for determining eligibility for the Economic Self-Sufficiency Services program; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (441024)** by Senator Wilson was withdrawn.

On motions by Senator Saunders, by two-thirds vote **CS for SB 408** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—1

Fasano

Vote after roll call:

Nay to Yea—Fasano

MOTIONS

On motions by Senator Miller, the rules were waived and staff of the Committee on Ways and Means was instructed to make title amendments; and technical and conforming changes in **SB 2600** and **SB 2602** as necessary; and Rule 2.19(2) was also waived to allow Senate Budget Conferees, when appointed, the latitude to deal with additional issues which may develop on all the bills included in the conference.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **CS for SB 1478** was withdrawn from the Committees on Judiciary; and Rules and Calendar; **HB 1001** was withdrawn from the Committees on Governmental Oversight and Productivity; Judiciary; and Rules and Calendar; **CS for SB 1232** was removed from the calendar and was also referred to the Committee on General Government Appropriations; **SB 2562** was withdrawn from the Committee on Commerce and Consumer Services; **SB 1790** and **CS for SB 1144** were withdrawn from the Committee on Rules and Calendar.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 7,

2005: SB 2600, SB 2602, CS for SB 388, CS for SB 392, CS for SB 394, CS for SB 400, CS for CS for SB 404, CS for SB 408, CS for SB 410, CS for SB 424, CS for SB 2584, CS for SB 2610

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Judiciary recommends the following pass: SB 80

The bill was referred to the Committee on Children and Families under the original reference.

The Committee on Transportation recommends the following pass: SB 1576, SB 1778

The bills were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Health Care recommends the following pass: SB 112 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 1702

The Committee on Transportation recommends the following pass: SB 870

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 282 with 1 amendment

The bill was referred to the Committee on Domestic Security under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 2000

The bill was referred to the Committee on Education under the original reference.

The Committee on Criminal Justice recommends the following pass: CS for CS for SB 590

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1670

The bills contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Transportation recommends the following pass: SB 872 with 2 amendments

The bill was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Judiciary recommends the following pass: CS for SB 1016 with 1 amendment

The bill was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 2310

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1512

The bill was referred to the Committee on Justice Appropriations under the original reference.

The Committee on Judiciary recommends the following pass: CS for SB 938 with 4 amendments, CS for SB 940

The bills were placed on the calendar.

The Committee on Education recommends a committee substitute for the following: SB 1716

The bill with committee substitute attached was referred to the Committee on Children and Families under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 1704

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1348

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1572

The Committee on Health Care recommends a committee substitute for the following: SB 898

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 1272

The Committee on Transportation recommends committee substitutes for the following: SB 1118, SB 1168

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 1808

The bill with committee substitute attached was referred to the Committee on Domestic Security under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 2254

The bill with committee substitute attached was referred to the Committee on Education Appropriations under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1316

The Committee on Transportation recommends a committee substitute for the following: SB 2156

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Environmental Preservation under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1488

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 486

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1784

The Committee on Health Care recommends a committee substitute for the following: SB 318

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 1598

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 2462

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 620

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1478

The Committee on Community Affairs recommends a committee substitute for the following: SB 662

The Committee on Environmental Preservation recommends committee substitutes for the following: SB 444, SB 2502

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2178

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2330

The Committee on Transportation recommends committee substitutes for the following: SB 1264, SB 2434

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2412

The Committee on Education recommends a committee substitute for the following: SB 1420

The Committee on Environmental Preservation recommends a committee substitute for the following: CS for SB 858

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2022

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 652

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1174

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 958

The Committee on Community Affairs recommends committee substitutes for the following: SB 632, SB 2286

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Regulated Industries under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 680

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2284

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 592

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: SB 494, SB 1184

The Committee on Education recommends a committee substitute for the following: SB 1034

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1322

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Health Care; and Senators Margolis, Fasano, Atwater, Miller, Lawson and Rich—

CS for SB 318—A bill to be entitled An act relating to cystic fibrosis treatment; creating s. 627.6614, F.S.; requiring a group health insurance policy to cover services needed to treat cystic fibrosis as authorized by a physician; amending s. 641.31, F.S.; requiring a contract by a health maintenance organization to cover services needed to treat cystic fibrosis as authorized by a physician; amending s. 627.6515, F.S., relating to out-of-state groups; conforming a cross-reference to changes made by the act; providing that the act fulfills an important state interest; providing an effective date.

By the Committee on Environmental Preservation; and Senator Dockery—

CS for SB 444—A bill to be entitled An act relating to the development of water supplies; amending s. 201.15, F.S.; providing for the distribution of certain excise taxes on documents to the Water Protection and Sustainability Program Trust Fund of the Department of Environmental Protection; creating s. 215.6197, F.S.; establishing the Water Protection and Sustainability Program; authorizing the issuance of bonds; establishing criteria for distribution of bonds for a specified period; prohibiting the sale of bonds under certain conditions; authorizing the issuance of the water protection and sustainability bonds in the best interest of the state; amending s. 373.196, F.S.; encouraging cooperation in the development of water supplies; providing for alternative water supply development; establishing the primary roles of the water management district in water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; requiring the Legislature to identify a recurring and dedicated source of statewide funds to provide economic incentives to local water suppliers; requiring that the water management districts develop a plan to provide economic incentives for alternative water supply development by January 1, 2006; requiring that state funds made available for alternative water supply development be matched by the entity receiving the funds; requiring the development of cost-effective alternative water supplies in areas where traditional sources of water are inadequate for existing and future uses; requiring that appropriate rate-setting authorities establish a rate structure for all water facilities in a service area that receives financial assistance from the state and a water management district for alternative water supply development; amending s. 373.1961, F.S.; providing general powers and duties of the water management districts in water production; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; defining the term "alternative water supplies"; creating a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the local capital costs of an approved project; defining the term "capital costs"; requiring that the alternative water supplies grants advisory committee recommend alternative water supply projects for grant funding; establishing criteria; establishing criteria for funding assistance for water reuse systems; amending s. 373.1962, F.S.; clarifying that counties, municipalities, and special districts may execute interlocal agreements to create regional water supply authorities; amending s. 373.223, F.S.; establishing criteria for certain water supply entities to be presumed to have a use consistent with the public interest for requirements for consumptive use permitting; amending s. 373.236, F.S.; providing permits of at least 20 years for development of alternative water supplies under certain conditions; amending s. 373.459, F.S.; requiring that entities receiving state funding for implementation of surface water improvement and management projects provide a 50-percent match of cash or in-kind services; amending s. 373.0361, F.S.; providing for the development of regional water supply plans; providing requirements for the content of each plan; providing for an approval process for the plans; providing for annual updates; providing for local government use of the plans; providing notification requirements for water management districts concerning findings within the plan; changing the deadline for certain plan updates; amending s. 163.3177, F.S.; providing that a local government submit a water supply analysis to the department; establishing criteria; encouraging multijurisdictional water supply facilities to develop alternative water sources; amending s. 163.3180, F.S.; requiring adequate water supplies to serve new development; amending s. 163.3191, F.S.; requiring the evaluation and appraisal report to evaluate water supply sources; amending s. 403.067, F.S.; providing that preliminary allocation of allowable pollutant loads between point and nonpoint sources may be developed as part of a total maximum daily load; establishing criteria for establishing preliminary and final allocations to attain pollutant reductions; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads that establish incremental total maximum daily loads under certain conditions; requiring the development of basin management action plans; requiring that basin management action plans integrate the appropriate management strategies to achieve the total maximum daily loads and the restoration of designated uses; requiring that the plans establish a schedule for implementing management strategies, establish a basis for evaluating the plans' effectiveness, and identify feasible water funding strategies; requiring that a basin management action plan equitably allocate pollutant reductions to individual basins; authorizing that plans may provide pollutant load reduction credits to dischargers that have implemented strategies to reduce pollutant loads prior to the development of the basin management action plan; requiring that the plan identify mechanisms by which potential future sources of pollution will be addressed; requiring that the department assure key stakeholder participation in the basin management action planning process; requiring that the department hold at least one public meeting to discuss and receive comments during the planning process; providing notice requirements; requiring that the department adopt all or part of a basin management action plan by secretarial order pursuant to ch. 120, F.S.; requiring that basin management action plans that alter that calculation or preliminary allocation of a total maximum daily load, the revised calculation, or preliminary allocation must be adopted by rule; requiring periodic evaluation of basin management action plans; requiring that revisions to plans be made by the department in cooperation with stakeholders; providing for basin plan revisions regarding nonpoint pollutant sources; authorizing the department's use of additional strategies, including an adopted basin plan, to implement pollutant load reductions; requiring that adopted basin management action plans be included in subsequent NPDES permits or permit modifications; providing that implementation of a total maximum daily load or basin management action plan for holders of a NPDES municipal separate storm water sewer system permit may be achieved through the use of best management practices; requiring the department to impose additional pollution-reduction requirements for a pollutant of concern in a NPDES permit until such time as the total maximum daily load or the basin management action plan is revised, the NPDES permit expires, or the NPDES permit holder modifies its discharge; providing that basin management action plans do not relieve a discharger from the requirement to obtain, renew, or modify a NPDES permit or to abide by other requirements of the permit; requiring that plan management strategies be completed pursuant to the schedule set forth in the basin management action plan and providing that the implementation schedule may extend beyond the term of a NPDES permit; providing that management strategies and pollution reduction requirements in a basin management action plan for a specific pollutant of concern are not subject to a challenge under ch. 120, F.S., at the time they are incorporated, in identical form, into a subsequent NPDES permit or permit modification; requiring timely adoption and implementation of pollutant reduction actions for nonagricultural pollutant sources not subject to NPDES permitting but regulated pursuant to other state, regional, or local regulatory programs; requiring timely implementation of best management practices for agricultural or nonagricultural nonpoint pollutant source dischargers not subject to permitting at the time a basin management action plan is adopted; providing an exemption; providing for presumption of compliance under certain circumstances; providing for enforcement action by the department or a water management district; requiring that a landowner, discharger, or other responsible person that is implementing management strategies specified in an adopted basin management action plan will not be required by permit, enforcement action, or otherwise to implement additional management strategies to reduce pollutant loads; providing that the authority of the department to amend a basin management plan is not limited; requiring that the department verify at representative sites the effectiveness of interim measures, best management practices, and other measures adopted by rule; requiring that the department use its best professional judgment in making initial verifications that best management practices are not effective; requiring notice to the appropriate

water management district or the Department of Agriculture and Consumer Services under certain conditions; establishing a presumption of compliance for implementation of practices initially verified to be effective or verified to be effective at representative sites; limiting the institution of proceedings by the department against the owner of a source of pollution to recover costs or damages associated with the contamination of surface or ground water caused by those pollutants; requiring the Department of Agriculture and Consumer Services to institute a reevaluation of best management practices or other measures where water quality problems are detected or predicted during the development or amendment of a basin management action plan; providing for rule revisions; providing the department with rulemaking authority; requiring that a report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing recommendations on rules for pollutant trading prior to the adoption of those rules; requiring that recommendations be adopted in cooperation with a technical advisory committee containing experts in pollutant trading and representatives of potentially affected parties; deleting a requirement that no pollutant trading program shall become effective prior to review and ratification by the Legislature; amending ss. 373.4595 and 570.085, F.S.; correcting cross-references; amending s. 403.885, F.S.; revising requirements relating to the department's grant program for water quality improvement and water restoration project grants; eliminating grants for water quality improvement, water management, and drinking water projects; authorizing grants for wastewater management; creating additional criteria for funding storm water grants; requiring local matching funds; providing an exception from matching fund requirements for financially disadvantaged small local governments; creating s. 403.890, F.S.; establishing the Water Protection and Sustainability Funding Program; establishing a funding formula for the distribution of revenues generated by the bonding provisions as provided in s. 215.6197, F.S.; establishing funding for alternative water supply development as provided in s. 373.1961, F.S., the development and implementation of total maximum daily load projects as provided in s. 403.067, F.S., surface water improvement and management plans and programs as provided in ss. 373.451 and 373.459, F.S., the Clean Water State Revolving Loan Grants Program as provided in s. 403.1835, F.S., the Drinking Water State Revolving Loan Grant Program as provided in s. 403.8532, F.S., and the Disadvantaged Small Community Wastewater Grant Program as provided in s. 403.1838, F.S.; providing an effective date.

By the Committee on Environmental Preservation; and Senator Dockery—

CS for SB 486—A bill to be entitled An act relating to phosphate mine reclamation; amending s. 378.034, F.S.; deleting an obsolete provision relating to the use of reclamation funds; amending s. 378.035, F.S.; deleting an obsolete provision authorizing the Department of Environmental Protection to expend certain funds; amending s. 373.414, F.S.; requiring financial responsibility for wetlands mitigation; specifying the financial responsibility demonstration for permitted activities occurring over a period of 3 years or more of mining activities; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 494—A bill to be entitled An act relating to renewable energy; creating s. 366.91, F.S.; providing legislative findings; providing definitions; requiring public utilities, municipal utilities, and rural electric cooperatives to offer a purchase contract to producers of renewable energy; providing requirements for such contracts; requiring that a producer pay the costs for interconnection; amending s. 366.11, F.S.; specifying that requirements for the purchase of renewable energy apply to municipal utilities; amending s. 403.7061, F.S.; revising a permit requirement for a waste-to-energy facility; encouraging specified applicants for a landfill permit to consider construction of a waste-to-energy facility; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Bennett—

CS for SB 592—A bill to be entitled An act relating to alternative energy; providing legislative findings; providing definitions; creating the Florida Alternative Energy Technology Center, Inc., as a not-for-profit corporation; requiring compliance with public meetings and records laws; providing for the organization, purpose, and duties of the center; providing for the membership on the board of directors of the center; requiring the disclosure of financial interests by board members; specifying the powers and duties of the board; requiring an annual report; providing an appropriation; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Communications and Public Utilities; and Senator Bennett—

CS for CS for SB 620—A bill to be entitled An act relating to the wireless emergency telephone system; amending s. 11.45, F.S.; removing the annual audit of the Wireless Emergency Telephone System Fund from the duties of the Auditor General; amending s. 364.02, F.S.; revising fee schedules for providers of interexchange telecommunications services; amending s. 365.171, F.S.; revising provisions for certain nonemergency telephone number pilot projects; amending s. 365.172, F.S.; limiting application of definitions; adding definitions relating to wireless telephone communications; revising duties of the Wireless 911 Board; providing for grants and loans to certain counties for the purpose of upgrading E911 systems; authorizing the hiring of an executive director and an independent, private attorney; specifying that state and local governments are not customers under provisions for the wireless E911 monthly fee; revising timeframe to reduce the amount of the fee or for reallocation of moneys collected for the fee; providing legislative intent regarding the emergency wireless telephone system; providing standards for local governments to follow when regulating the placement, construction, or modification of a wireless communications facility; directing local governments to grant or deny properly completed applications within specified time periods; providing criteria and procedures for local approval of an application by a provider of wireless communications services; authorizing the local government to impose an application fee; directing local governments to notify a provider in writing of the deficiencies in an application; directing local governments to notify a provider in writing whether the resubmission of information properly completes the application; authorizing local governments to continue requesting information until the application deficiencies are cured; providing for a limited review by a local government of an accessory wireless communications facility; prohibiting local governments from imposing certain restrictions on wireless communications facilities; providing that an action brought by a person adversely affected by a decision of a local government relating to a wireless communications facility shall be considered on an expedited basis; removing certain complaint procedures; amending s. 365.173, F.S.; directing how a county may use funds derived from the E911 fee; requiring the board of county commissioners to appropriate the funds to the proper uses; removing the requirement that the Auditor General annually audit the E911 fund; amending s. 337.401, F.S.; revising provisions relating to use of right-of-way for utilities subject to regulation to remove certain application provisions; providing an effective date.

By the Committee on Community Affairs; and Senators Bennett and King—

CS for SB 632—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a short title; amending s. 218.72, F.S.; redefining terms used in part VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing that ss. 218.72-218.76, F.S., apply to the

payment of any payment request for retainage; providing exceptions; creating s. 255.0705, F.S.; providing a short title; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, subsubcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment-due dates; providing procedures for handling improper payment requests; providing for an award of court costs and attorney's fees; providing for the resolution of disputes; providing for project closeout and payment of retainage; providing that ss. 255.072-255.076, F.S., apply to the payment of any payment request for retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; providing limitations on a claimant's institution of certain actions against a contractor or surety; amending s. 95.11, F.S., to conform a cross-reference; providing that specified sections of the act do not apply to certain pending contracts and projects; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Sebesta—

CS for SB 652—A bill to be entitled An act relating to public construction bonds; amending s. 255.05, F.S.; revising requirements for the form used for public construction bonds; requiring payment provisions of public construction bonds to be construed as statutory bonds; requiring payment bond forms to reference notice and time limitation provisions; providing an effective date.

By the Committee on Community Affairs; and Senator Clary—

CS for SB 662—A bill to be entitled An act relating to hospitals that provide charity care; creating a commission to study the effect of the 2004 hurricane season on certain hospitals and identify hospitals unable to comply with the Florida Building Code or located in flood-prone areas; providing for membership, reimbursement, and duties of the study commission; requiring the Department of Community Affairs to provide staff for the study commission; requiring the commission to submit a report and recommendations to the Governor and the Legislature; providing an effective date.

By the Committees on Governmental Oversight and Productivity; and Communications and Public Utilities—

CS for SB 680—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 202.195, F.S.; revising a public-records exemption for proprietary confidential business information obtained from a telecommunications company or franchised cable company for specified purposes under the Communications Services Tax Simplification Law; removing the October 2, 2005, repeal thereof scheduled under the Open Government Sunset Review Act; removing superfluous provisions; making editorial changes; providing an effective date.

By the Committees on Environmental Preservation; Agriculture; and Senator Smith—

CS for CS for SB 858—A bill to be entitled An act relating to agriculture; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a short title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; revising the definition of the term "material safety data sheet" for purposes of the Florida Agricultural Worker Safety Act; repealing s. 502.014(5), F.S.; deleting a duty of the Department of Agriculture and Consumer Services relating to the issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting a reference to a type of milk which is no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of the term "frozen desserts"; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; amending s. 570.9135, F.S.; correcting a reference; amending s. 581.011, F.S.; defining the term "invasive plant"; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agricultural in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring the removal and destruction of plants under certain circumstances; specifying the circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing the requirement of an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for the suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for the department's regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing for obsolete agricultural equipment to be assessed at its value as salvage; defining the term "agricultural equipment"; providing a procedure for a taxpayer to claim the right of assessment under this section; authorizing the property appraiser to require information establishing a taxpayer's right to the classification; providing severability; providing an effective date.

By the Committee on Health Care; and Senator Rich—

CS for SB 898—A bill to be entitled An act relating to rabies prevention and control; amending s. 828.30, F.S.; requiring a veterinarian to vaccinate certain animals with a vaccine that is licensed by the United States Department of Agriculture; establishing revaccination requirements; prohibiting using evidence of rabies antibodies in lieu of revaccination; revising the requirements for certificates of rabies vaccinations; requiring the use of a certain form for certifying a vaccination; authorizing the administering veterinarian to use a signature stamp on the vaccination certificate; prohibiting a local government from requiring revaccination of currently vaccinated animals, except for postexposure treatment; providing legislative findings; providing an effective date.

By the Committee on Agriculture; and Senators Baker, Peaden, Bullard, Lawson, Bennett, Campbell and Fasano—

CS for SB 958—A bill to be entitled An act relating to animal health care services; amending s. 474.203, F.S.; providing that ch. 474, F.S., related to veterinary medical practice, does not apply to certain persons

who are under the supervision of an animal's owner or to certain persons providing specific services to horse owners; providing an effective date.

By the Committee on Education; and Senator Baker—

CS for SB 1034—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing district school boards to establish a waiver process; requiring the State Board of Education to approve school district waiver processes; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

By the Committee on Transportation; and Senators Saunders and Lynn—

CS for SB 1118—A bill to be entitled An act relating to motor vehicle crash reports; amending s. 316.003, F.S.; defining the term "victim services programs"; amending s. 316.066, F.S.; providing for victim services programs to immediately obtain vehicle crash reports; providing an effective date.

By the Committee on Transportation; and Senators Constantine and Alexander—

CS for SB 1168—A bill to be entitled An act relating to the Commission for the Transportation Disadvantaged; amending s. 427.012, F.S.; revising the membership of the commission; establishing term limits; directing each member of the commission to serve without regional bias; providing qualifications for appointment to membership on the commission; requiring candidates for appointment to the commission to meet certain standards for background screening; requiring the Department of Transportation to inform the commission if a candidate fails to meet the screening standards; providing that costs of screening be borne by the department or the candidate for appointment; authorizing the commission to appoint technical advisory committees; providing an effective date.

By the Committee on Regulated Industries; and Senator Jones—

CS for SB 1174—A bill to be entitled An act relating to slot machine gaming; creating ch. 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by a local referendum; providing definitions; providing powers and duties of the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; providing for licensure to conduct slot machine gaming; providing for slot machine licensure renewal; providing for a license fee, machine fee, and tax rate; requiring occupational licenses and application fees; prohibiting certain business relationships; prohibiting certain acts and providing penalties; providing an exception to prohibitions relating to slot machines; providing for the exclusion of certain persons from facilities; prohibiting minors under 21 years of age from playing slot machines; designating slot machine gaming areas; providing for days and hours of operation; providing penalties; providing a compulsive gambling treatment program; providing for a caterer's license; providing for rulemaking; providing an effective date.

By the Committee on Community Affairs; and Senator Fasano—

CS for SB 1184—A bill to be entitled An act relating to statutory ways of necessity; amending s. 704.01, F.S.; revising criteria for establishing a statutory way of necessity exclusive of common-law right; amending s. 704.04, F.S.; removing a limitation on the existence of certain easements; providing for reenactment of certain provisions under certain circumstances; providing for effectiveness; providing an effective date.

By the Committee on Transportation; and Senators Saunders, Fasano and Constantine—

CS for SB 1264—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring the printed traffic citation form to have a box for failing to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal showing a steady red indication; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring a driver improvement course for a second moving violation of a traffic control signal showing a steady red indication within a specified time period; providing a penalty for failure to complete such course within a specified time period; amending s. 322.27, F.S.; assigning a point value for conviction of a moving violation of a traffic control signal showing a steady red indication; correcting a cross-reference relating to assessment of points for litter violations; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing for audits and attestations; providing an effective date.

By the Committee on Education; and Senator Wise—

CS for SB 1272—A bill to be entitled An act relating to public records and public meetings exemptions for investigations by the Commission for Independent Education; amending s. 1005.38, F.S.; creating an exemption from public records requirements for investigatory records, including minutes and findings of an exempt probable cause panel relating to suspected violations of ch. 1005, F.S., or commission rules; creating an exemption from public meetings requirements for proceedings of a probable cause panel; providing for limited duration of the exemptions; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Community Affairs—

CS for SB 1316—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; requiring the Department of Environmental Protection and appropriate water management districts to expedite permitting of certain marina projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 327.47, F.S.; providing for funding certain boating grant programs administered by

the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; increasing vessel registration fees; providing for a portion of the fees to be designated for boating grant programs; amending s. 328.76, F.S.; clarifying the use of funds designated for boating grant programs; creating s. 324.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax-deferral ordinances for recreational and commercial working waterfronts; providing a tax deferral for ad valorem taxes and non-ad valorem assessments covered by a tax certificate and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease if there is a change in the use of the property; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

By the Committees on Governmental Oversight and Productivity; and Communications and Public Utilities—

CS for CS for SB 1322—A bill to be entitled An act relating to the Public Service Commission; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; specifying that the Governor has no planning or budgetary authority with respect to the commission; specifying that the Governor and the Department of Management Services have no authority over the commission's employees; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide a nominee for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; amending s. 120.80, F.S.; requiring that the commission refer certain matters affecting the substantial interest of a utility to the Division of Administrative Hearings so that an administrative judge may be assigned to conduct a hearing and enter a recommended order; providing an effective date.

By the Committee on Regulated Industries; and Senator Geller—

CS for SB 1348—A bill to be entitled An act relating to indoor smoking places; amending s. 386.203, F.S.; conforming a cross-reference; defining the term "person" for purposes of the act; redefining the term "stand-alone bar" to include a licensed premises that derives no more than a specified amount of gross revenue from the sale of food consumed on the licensed premises and that is located in a building individually listed in the National Register of Historic Places; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending s. 386.2045, F.S.; conforming cross-references; permitting smoking upon a stage as part of a theatrical production; amending s. 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; providing a penalty for a licensee who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

By the Committee on Education; and Senator Wise—

CS for SB 1420—A bill to be entitled An act relating to education; authorizing individual district school boards by resolution to allow an inspirational message at specified secondary school-related events; providing legislative intent; providing severability; providing an effective date.

By the Committee on Banking and Insurance; and Senator Garcia—

CS for SB 1478—A bill to be entitled An act relating to public records and meetings; creating s. 627.06292, F.S.; exempting from public-records requirements reports of hurricane loss and exposure data which are specific to an insurance company and reported by insurers or rating organizations to the Office of Insurance Regulation or to a state university for purposes of developing a public hurricane loss projection model; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; amending s. 627.0628, F.S.; exempting from public-records and public-meetings requirements trade secrets used in designing and constructing a hurricane loss model, which information is provided to the Florida Commission on Hurricane Loss Projection Methodology, the Office of Insurance Regulation, or the consumer advocate; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing contingent effective dates.

By the Committee on Banking and Insurance; and Senators Garcia and Klein—

CS for SB 1488—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the retention of losses for which an insurer is not entitled to reimbursement from the Florida Hurricane Catastrophe Fund; amending s. 215.559, F.S.; revising the allocation of funds appropriated to the Department of Community Affairs from the Florida Hurricane Catastrophe Fund for the Hurricane

Loss Mitigation Program; requiring that the department establish a low-interest loan program and pilot project for hurricane loss mitigation; authorizing contractual agreements between the department and financial institutions; authorizing the Department of Community Affairs to adopt rules; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to submit a proposed plan to the Legislature establishing uniform rating territories to be used by insurers for residential property insurance rate filings; requiring a further act of the Legislature to implement the plan; limiting the recoupment by an insurer in its rates of the reimbursement premium it pays to the Florida Hurricane Catastrophe Fund; repealing provisions allowing an insurer to submit a rate filing to an arbitration panel; amending s. 627.0628, F.S.; restricting the admissibility and relevance in rate proceedings of findings of the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; lowering the percentage amount of a rate filing based on a computer model which requires a public hearing; creating s. 627.06291, F.S.; requiring residential property insurance and rating and advisory organizations to report hurricane loss data for development of a public hurricane model for hurricane loss projections; amending s. 627.351, F.S.; limiting the coverage limits for dwellings insured by Citizens Property Insurance Corporation; revising the appointments to the board and the approval of officers and employees of the corporation; creating a Market Accountability Advisory Committee to assist the corporation in developing awareness of it rates and service levels; providing for membership of the committee; providing terms of office; requiring the committee to report to the corporation at each board meeting; revising the criteria and standards for establishing the rates charged for coverage by the corporation; providing that rates may not be increased by more than a specified percentage; creating s. 627.40951, F.S.; providing legislative findings and intent; providing for an advisory committee; providing for membership; providing for recommendations to be submitted to the Legislature regarding standard residential property insurance policies; amending s. 627.411, F.S.; adding grounds for which the Office of Insurance Regulation must disapprove a form filed by an insurer; amending s. 627.4133, F.S.; prohibiting insurers from canceling or nonrenewing residential property insurance policies under certain emergency circumstances; providing exceptions; providing notice requirements; providing application to personal residential and commercial residential policies covering certain damaged property; amending s. 627.4143, F.S.; requiring insurers to provide personal lines property insurance policyholders with a checklist of items contained in policies; authorizing the Financial Services Commission to adopt rules; prescribing elements to be contained in the checklist; requiring the checklist and outline of insurance coverage to be sent with each renewal; clarifying that homeowners' insurance includes mobile homeowners', dwelling, and condominium unit owners' insurance for purposes of the outline of coverage; amending s. 627.701, F.S.; increasing the maximum allowable hurricane deductible for personal lines and certain commercial lines residential policies; requiring insurers to offer specified hurricane deductibles for such policies; requiring insurers to provide written notice explaining hurricane deductible options for such policies; amending s. 627.7011, F.S.; requiring insurers to offer coverage for additional costs of repair due to laws and ordinances; requiring insurers to pay the replacement cost for a loss insured on that basis, whether or not the insured replaces or repairs the dwelling or property; amending s. 627.7015, F.S.; providing a penalty for an insurer that fails to notify a claimant of the availability of mediation procedures for resolving a disputed property insurance claim; amending s. 627.702, F.S.; providing legislative intent regarding the requirement that an insurer pay policy limits if there is a total loss of a building; amending s. 627.706, F.S., relating to sinkhole insurance; providing definitions; amending s. 627.707, F.S.; revising requirements for insurers in investigating sinkhole claims; requiring that the insurer provide certain notification to the policyholder; requiring that the insurer engage an engineer and professional geologist; providing requirements for the insurer if a claim is denied; providing requirements if a sinkhole loss is verified; creating s. 627.7071, F.S.; requiring that the Department of Business and Professional Regulation certify persons as qualified to identify sinkholes and recommend remediation of sinkhole damage; providing for the Department of Financial Services to select engineers and professional geologists to verify sinkhole loss; requiring that the insurer pay the fees of the department in selecting the engineer or geologist; authorizing the Department of Business and Professional Regulation to adopt rules; creating s. 627.7072, F.S.; providing testing standards for sinkholes; authorizing the Department of Financial Services to adopt rules; creating s. 627.7073, F.S.; providing requirements for reports issued by engineers and professional geologists; requiring certain reports and certifications to be issued to the policyholder and the insurer; requiring that the insurer file a copy of the report and certification with the clerk of court to be recorded with the certificate of title or deed for the property; providing that there is no cause of action or liability against an insurer for filing such report and certification; creating s. 627.711, F.S.; requiring insurers to provide written notice to applicants and policyholders of the amount of the premium discounts and credits for fixtures and construction techniques that reduce the amount of windstorm loss; authorizing the Financial Services Commission to adopt rules; creating s. 627.712, F.S.; requiring property insurers to pay or deny claims within certain time periods; providing that overdue payments bear interest; requiring the Office of the Auditor General to conduct an operational audit of Citizens Property Insurance Corporation; providing that the amendment to s. 627.702, F.S., is intended to be remedial and clarifying in nature; providing an appropriation and authorizing positions; providing effective dates.

By the Committee on Commerce and Consumer Services; and Senators Bennett and Atwater—

CS for SB 1572—A bill to be entitled An act relating to the Scripps Funding Corporation; amending s. 4 of ch. 2003–420, Laws of Florida; prohibiting the use of eminent domain against other governmental entities under certain circumstances; providing an effective date.

By the Committees on Community Affairs; Commerce and Consumer Services; and Senators Dockery and Baker—

CS for CS for SB 1598—A bill to be entitled An act relating to enterprise zones; creating s. 290.00710, F.S.; authorizing the City of Lakeland to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; creating s. 290.0073, F.S.; authorizing Indian River County, the City of Vero Beach, and the City of Sebastian to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone in Indian River County; providing requirements with respect thereto; requiring the office to establish the initial effective date of the enterprise zone; creating s. 290.0074, F.S.; authorizing Sumter County to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; providing an effective date.

By the Committee on Education; and Senator Klein—

CS for SB 1704—A bill to be entitled An act relating to assistive technology; amending s. 413.407, F.S.; requiring the Assistive Technology Advisory Council to conduct certain activities required by federal law; revising the composition of the membership of the council; requiring that the council be made up of a majority who are persons with disabilities and who use assistive technology; deleting a provision requiring staggered terms of service; requiring the council to appoint a public policy and advocacy committee; providing for the reappointment of members of the council; providing an effective date.

By the Committee on Education; and Senator Klein—

CS for SB 1716—A bill to be entitled An act relating to regional autism centers; amending s. 1004.55, F.S.; creating an additional re-

gional autism center in the state; reducing the number of counties within the service areas of two existing regional autism centers; providing for consistency in service delivery; encouraging each constituency board to raise funds; providing a prohibition; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Regulated Industries; and Senators Clary and Crist—

CS for CS for SB 1784—A bill to be entitled An act relating to professional services acquisition; amending s. 287.055, F.S.; revising certain definitions; defining the term "negotiate"; providing additional criteria for processing bids to purchase professional services which exceed certain threshold amounts; revising criteria for the competitive selection of bids to purchase professional services; amending s. 287.17, F.S.; revising the limitation on the use of state aircraft; providing an effective date.

By the Committee on Transportation; and Senator Campbell—

CS for SB 1808—A bill to be entitled An act relating to the regulation of airports; amending s. 330.30, F.S.; prohibiting the Department of Transportation from renewing or reissuing licenses to certain general aviation airports that fail to develop a security plan; requiring that the plans be consistent with certain published guidelines; requiring that certain information in the plans be submitted to the Department of Law Enforcement; requiring periodic update of the plans; providing an effective date.

By the Committee on Ethics and Elections; and Senator Posey—

CS for SB 2022—A bill to be entitled An act relating to constitutional amendments; amending s. 16.061, F.S.; requiring the Attorney General to petition the Supreme Court regarding compliance of financial impact statements; amending s. 100.371, F.S.; requiring initiative petitions to be filed by February 1 of a general election year in order to be placed on the ballot; providing an effective date.

By the Committee on Transportation; and Senator Baker—

CS for SB 2156—A bill to be entitled An act relating to vessels; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; authorizing contract provisions and notice relating to removing or securing vessels; amending s. 328.17, F.S.; providing for possessory liens for marinas on certain abandoned vessels; providing for attachment of the lien and recovery of certain costs under certain circumstances; providing that a marina may satisfy its possessory lien by giving notice to certain individuals; requiring the marina to conduct a good-faith lien search of vessel registration records for vessels registered outside this state; authorizing the marina to sell the vessel if the fees, costs, and interest are not paid within a specified time after the marina gives notice to the vessel owner; authorizing the owner or the lienholder to satisfy the lien; amending s. 376.11, F.S.; revising provisions relating to the Florida Coastal Protection Trust Fund to conform to changes made by the act; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs shall be recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of derelict vessels; amending s. 403.813, F.S.; providing exemptions from permitting for certain floating vessel platforms; amending s. 705.101, F.S.; defining certain vessels as abandoned property; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; specifying officers authorized to remove such vessels; providing that vessel removal may be funded by certain grants; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; providing an effective date.

By the Committee on Ethics and Elections; and Senator Posey—

CS for SB 2178—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Education; and Senators King, Pruitt, Diaz de la Portilla and Bullard—

CS for SB 2254—A bill to be entitled An act relating to community colleges; amending s. 1001.64, F.S.; providing that community colleges that grant baccalaureate degrees pursuant to s. 1007.33, F.S., remain under the authority of the State Board of Education with respect to specified responsibilities; providing that, subject to specified conditions, the board of trustees of such a community college is the governing board for purposes of granting baccalaureate degrees and, under certain conditions, approving an articulated associate in science degree program to a bachelor of applied science baccalaureate degree program; providing powers of the boards of trustees, including the power to establish tuition and out-of-state fees; providing restrictions; requiring such boards to adopt a policy requiring teachers who teach certain upper-division courses to teach a specified minimum number of hours; amending s. 1004.65, F.S.; requiring community colleges that offer baccalaureate degrees to maintain their primary purpose and not terminate associate in arts programs because they offer baccalaureate degrees; amending s. 1007.33, F.S.; removing a requirement for review and comment by the Council for Education Policy Research and Improvement of a proposal to deliver baccalaureate degree programs; requiring that a formal agreement for the delivery of specified baccalaureate degree programs by a regionally accredited college or university at a community college site include certain provisions; requiring that the curriculum for the degree be developed and approved within a specified time; requiring that the degree program be implemented within a specified time; requiring that a proposal to deliver such a degree document that the community college has notified the accredited colleges and universities in the district of its intent to seek approval for delivery of the degree; allowing the colleges and universities to propose an alternative plan for providing the degree; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting tuition and out-of-state fees for upper-division courses; requiring the State Board of Education, annually by a specified date, to adopt a resident fee schedule for baccalaureate degree programs offered by community colleges; amending s. 1011.83, F.S.; providing requirements for funding nonrecurring and recurring costs associated with such programs; limiting per-student funding to a specified percentage of costs associated with baccalaureate degree programs offered in state universities; requiring community colleges to maintain a distinction in reporting and funding between baccalaureate degree programs approved under s. 1007.33, F.S., and those offered under concurrent-use partnerships; amending s. 1013.60, F.S.; allowing community college boards of trustees to request funding for all authorized programs; requiring that enrollment in baccalaureate degree programs be computed into the survey of need for facilities; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College

Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 2284—A bill to be entitled An act relating to Small Cities Community Development Block Grants; amending s. 290.0411, F.S.; stating legislative intent regarding the Small Cities Community Development Block Grant Program; amending s. 290.044, F.S.; providing an additional program category for grants; removing requirement that the Department of Community Affairs provide recommendations to the Legislature as to distribution of federal funds relating to Small Cities Community Development Block Grant Program Fund; authorizing the department to set aside federal funds for a local government for disaster relief; removing provisions limiting a set-aside to certain federal funds; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 2286—A bill to be entitled An act relating to building permit applications; requiring that a local government automatically consider an application for a building permit to be properly completed unless the applicant is notified in writing within a specified period that additional information is required; requiring that the local government notify an applicant following receipt of a completed application for a building permit if additional information is required and to approve, approve with conditions, or deny an application within a specified period; specifying those building permit applications to which the act applies; exempting wireless communication facilities from application of the act; providing that the act does not supersede any other provision of law, rule, or local ordinance; providing an effective date.

By the Committee on Banking and Insurance; and Senator Alexander—

CS for SB 2330—A bill to be entitled An act relating to offenses involving insurance; amending s. 400.9935, F.S.; prohibiting a medical or clinic director from referring patients to the clinic under specified circumstances; providing for health care clinics to post signs with information about a reward program for information leading to conviction of certain offenses; providing for inspections of such clinics by employees of the Division of Insurance Fraud; amending s. 440.105, F.S.; deleting the provision that a violation of a stop-work order is a misdemeanor of the first degree; increasing penalties for employers unlawfully failing to secure workers' compensation insurance when an employee is injured by or dies from a work-related injury; amending s. 624.15, F.S.; providing criminal penalties for violations of emergency rules or orders of the Department of Financial Services or Office of Insurance Regulation; amending s. 624.155, F.S.; revising provisions that authorize a civil cause of action for violations of the requirement for a certificate of authority to act as an insurer; amending s. 626.112, F.S.; providing criminal penalties for transacting insurance or engaging in insurance activities without a license; amending s. 626.901, F.S.; stating that independently procured coverage constitutes an exception to the prohibition on representing an unauthorized entity only when transacted outside the state; amending s. 626.918, F.S.; providing that certain letters of credit issued or confirmed by a qualified United States financial institution may be used to fund a trust established and maintained by an alien insurer for the protection of policyholders in the United States; defining the term "qualified United States financial institution"; amending s. 626.938, F.S.; providing that independently procured coverage must be accomplished outside the state, must be procured through an unauthorized insurer licensed in some other state or country, and is not available for life, health, or workers' compensation insurance; amending s. 626.989, F.S.; allowing insurers, agents, and other licensees, their employees, and self-insured entities contracting or associated with the National Insurance Crime Bureau to report fraudulent insurance acts; authorizing adoption of rules for reporting suspected fraudulent activity; amending s. 817.234, F.S.; providing that it is insurance fraud for a service provider to agree or intend to waive deductibles; providing criminal penalties for scheming to create documentation of a nonexistent motor vehicle accident; amending s. 817.2361, F.S.; providing criminal penalties for creating, marketing, or presenting any false or fraudulent proof of motor vehicle insurance; amending s. 817.50, F.S.; providing that giving false or fictitious information to a health care provider is not prima facie evidence of intent to defraud when done by a law enforcement officer during an investigation; amending s. 817.505, F.S.; providing criminal penalties for soliciting or receiving compensation or receiving a split-fee arrangement for acceptance or acknowledgement of treatment from a health care provider or health care facility; redefining the term "health care provider or health care facility"; amending s. 843.08, F.S.; providing criminal penalties for falsely personating an officer of the Department of Financial Services; providing severability; providing an effective date.

By the Committee on Banking and Insurance; and Senator Garcia—

CS for SB 2412—A bill to be entitled An act relating to viatical settlements; amending s. 517.021, F.S.; revising and providing definitions; creating s. 517.072, F.S.; specifying nonapplication of certain exemptions to viatical settlement investments; specifying the offering of a viatical settlement investment as not an exempt transaction under certain provisions of law; amending s. 517.081, F.S.; authorizing the Financial Services Commission to adopt additional rules relating to securities registration; authorizing the commission to adopt rules establishing requirements and standards for disclosures and records relating to viatical settlement investments; creating s. 517.1215, F.S.; requiring the commission to adopt rules specifying requirements for certain investment advisors; requiring the commission to establish by rule rules of conduct and prohibited business practices for investment advisers and associated persons; providing requirements; creating s. 517.1217, F.S.; authorizing the commission to establish by rule rules of conduct and prohibited business practices for dealers and associated persons; providing requirements; amending s. 624.501, F.S.; including agents making an appointment under certain life insurance agent fee provisions; amending ss. 626.015, 626.112, 626.207, and 626.331, F.S., to conform; amending s. 626.611, F.S.; providing an additional ground for compulsory refusal, suspension, or revocation of certain licenses or appointments for transactions relating to viatical settlement contracts; amending s. 626.777, F.S., to conform; amending s. 626.7845, F.S.; prohibiting certain activities by a person relating to viatical settlement contracts unless he or she is a licensed life agent; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9912, F.S., to conform; amending s. 626.9913, F.S.; specifying additional requirements for annual statements by viatical settlement provider licensees; providing an alternative bond provision for certain viatical settlement providers for a certain time period; prohibiting certain persons from levying upon certain assets or securities under certain circumstances; requiring annual statements to contain certain information; amending s. 626.9914, F.S.; including the authority to deny a license among the adverse actions the Office of Insurance Regulation may take against a viatical settlement provider for certain actions; amending s. 626.9916, F.S.; revising licensure requirements for viatical settlement brokers; providing for self-appointment; providing for transfers of appointments; providing for termination of licenses; specifying a fiduciary duty of viatical settlement brokers; prohibiting dividing or sharing compensation received by a life agent for certain activities under certain circumstances; amending ss. 626.9919, 626.992, and 626.9921, F.S., to conform; amending s. 626.9922, F.S.; specifying office jurisdiction over certain viatical settlement purchase agreements; authorizing the office to refer certain cases to the United States Securities and Exchange Commission for administrative action under certain circumstances; providing application to life expectancy providers; amending ss. 626.99245, 626.9925, 626.9926, and 626.9927, F.S., to conform; amending s. 626.99275, F.S.; revising a prohibited practice to apply to issuing life expectancies under certain cir-

cumstances; providing a criminal penalty; amending s. 626.99278, F.S.; requiring an anti-fraud plan to include a life expectancy accuracy review process; amending ss. 626.9928 and 626.99285, F.S., to conform; amending s. 626.99295, F.S.; revising application of a grace period for certain viatical settlement purchase agreements; repealing s. 626.9917, F.S., relating to denial, suspension, revocation, or nonrenewal of viatical settlement broker licenses; repealing s. 626.9918, F.S., relating to effect of suspension or revocation of viatical settlement broker licenses; repealing s. 626.99235, F.S., relating to disclosures to viatical settlement purchasers; repealing s. 626.99236, F.S., relating to further disclosures to viatical settlement purchasers; repealing s. 626.99277, F.S., relating to false representations; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 2434—A bill to be entitled An act relating to driver responsibility; amending s. 318.1451, F.S.; providing an additional assessment fee for persons who attend driver improvement schools; providing for the collection and allocation of such fees; amending s. 318.18, F.S.; increasing the civil penalties for certain load violations; amending s. 318.21, F.S.; providing for the distribution of load-violation fees; creating s. 322.75, F.S.; providing a short title; creating s. 322.751, F.S.; directing the Department of Highway Safety and Motor Vehicles to assess specified annual surcharges against a motor vehicle licensee who accumulates seven or more points against his or her license within the previous 36 months; requiring the department to notify a licensee by first-class mail upon receipt of four points against his or her license; creating s. 322.7515, F.S.; directing the department to assess specified annual surcharges against motor vehicle licensees who have a final conviction within the previous 36 months for a DUI offense; creating s. 322.752, F.S.; directing the department to assess specified annual surcharges against persons who have been convicted of driving without a license or without insurance within a specified period; creating s. 322.7525, F.S.; requiring the department to notify licensees of the surcharges and the time period in which to pay the surcharges; creating s. 322.753, F.S.; requiring the department to accept installment payments for the surcharges; providing sanctions for a licensee's failure to pay an installment; authorizing the department to permit licensees to pay assessed surcharges with credit cards; requiring the department to suspend a driver's license if the licensee does not pay the surcharge or arrange for installment payments within a specified time after the notice of surcharge is sent; creating s. 322.7535, F.S.; authorizing the department to contract with a public or private vendor to collect specified annual surcharges; creating s. 322.754, F.S.; providing for distribution of surcharges collected by the department; providing an effective date.

By the Committee on Environmental Preservation; and Senator Atwater—

CS for SB 2462—A bill to be entitled An act relating to water resource planning and reporting; amending s. 373.036, F.S.; authorizing submission of an annual strategic plan in lieu of other district water management plan information and providing requirements therefor; requiring water management districts to submit a consolidated annual report and providing requirements therefor; correcting a cross-reference; amending ss. 11.80, 163.3177, 193.625, 373.0397, 373.042, 373.145, 373.1961, 373.199, 373.207, 373.414, 373.4592, 373.45926, 373.4595, 373.470, and 373.536, F.S.; revising certain reporting requirements and cross-references to conform; directing the Department of Environmental Protection to recommend to the Governor and Legislature additional changes to or consolidation of planning and reporting requirements of ch. 373, F.S., relating to water resources; repealing s. 373.0395, F.S., relating to groundwater basin resource availability inventories; providing an effective date.

By the Committee on Environmental Preservation; and Senator Dockery—

CS for SB 2502—A bill to be entitled An act relating to water management districts; creating s. 373.1135, F.S.; authorizing each water management district to establish a small business program to encourage small businesses, including those owned by women and minorities, to participate in district procurement and contract activities; amending s. 373.073, F.S.; allowing a water management district government board member to serve until a replacement has been appointed; amending s. 373.414, F.S.; allowing a petition for a jurisdictional declaratory statement to be submitted to the Department of Environmental Protection or a water management district on or before June 1, 1994; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment		*For Term Ending*
Florida Black Business Investment Board, Inc.		
Appointees:	Jackson, Dorothea U., Boynton Beach	06/30/2008
	Keys, Brady, Jr., Orlando	06/30/2005
Florida State Boxing Commission		
Appointee:	Entin, Alvin E., Tamarac	09/30/2008
Education Practices Commission		
Appointees:	Demetriades, Lynn F., Indialantic	09/30/2007
	Rasco, Ana M., Key Biscayne	09/30/2007
Florida Elections Commission		
Appointee:	Merritt-Bell, Demetria L., Tampa	12/31/2007
Florida Housing Finance Corporation		
Appointee:	Terry, Sandra, Laurel	11/13/2008
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointee:	Smith, Rebecca J., Tampa	09/30/2008

[Referred to the Committee on Ethics and Elections.]

Board of Governors		
Appointee:	McCollum, Ira "Bill" William, Jr., Longwood	01/06/2012
Board of Trustees, Florida A & M University		
Appointees:	Branker, Laura, Chevy Chase	01/06/2010
	Griffin, David, Tallahassee	01/06/2010
Board of Trustees, Florida Atlantic University		
Appointees:	Feder, David, Boca Raton	01/06/2010
	Grossman, Armand W., Boca Raton	01/06/2006
Board of Trustees, University of Central Florida		
Appointees:	Christiansen, Patrick T., Orlando	01/06/2010
	Weiss, Allen R., Kissimmee	01/06/2010
Board of Trustees, Florida State University		
Appointee:	Knowles, Harold M., Tallahassee	01/06/2010
Board of Trustees, Florida Gulf Coast University		
Appointee:	Harrington, Lindsay, Punta Gorda	01/06/2006
Board of Trustees, New College of Florida		
Appointee:	Mason, Raymond E., Jr., Osprey	01/06/2010
Board of Trustees, University of Florida		

Office and Appointment		*For Term Ending*
Appointee:	Cunningham, Courtney, Pinecrest	01/06/2010
Board of Trustees, University of North Florida		
Appointee:	Halverson, Steven T., Jacksonville	01/06/2010
Board of Trustees, University of South Florida		
Appointee:	Garcia, Sonja W., Tampa	01/06/2010
Board of Trustees, University of West Florida		
Appointees:	Bell, Honor M., Pensacola	01/06/2010
	Fetterman, Nancy A., Pensacola	01/06/2006
	Young, Jarl T., Pensacola	01/06/2010

[Referred to the Committees on Education; and Ethics and Elections.]

Governing Board of the South Florida Water Management District		
Appointees:	Carlson, Alice J., Naples	03/01/2007
	Lindahl, Lennart E., Tequesta	03/01/2009
	Wade, Malcolm S., Jr., Clewiston	03/01/2009

[Referred to the Committees on Environmental Preservation; and Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 655; has passed as amended HB 157 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Machek and others—

HB 655—A bill to be entitled An act relating to the Florida Inland Navigation District; amending s. 374.984, F.S.; providing responsibility and authority of the Board of Commissioners of the Florida Inland Navigational District with respect to that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; revising the list of acts authorizing and directing the improvement and maintenance of the Intracoastal Waterway and that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; providing an exception for maintaining the navigability of the Okeechobee Waterway under certain circumstances; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs

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By Representative Sorensen and others—

HB 157—A bill to be entitled An act relating to motor vehicles; providing a popular name; creating the "Road Rage Reduction Act"; providing legislative intent; amending s. 316.081, F.S.; requiring operators of motor vehicles in the left-most lane to yield the right-of-way to vehicles moving faster on certain highways; requiring operators of motor vehicles to drive in the right-hand lane on certain highways; providing exceptions; providing penalties for violation; amending s. 322.27, F.S.; providing for the assessment of points for violating specified provisions that require operators of motor vehicles to drive on the right side of the road; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing a grace period when warnings and educational literature may be issued; providing effective dates.

—was referred to the Committees on Transportation; and Criminal Justice.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 436.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 6 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—SB 1252; Baker—SB 2312; Bullard—SB 96, SB 752; Campbell—SB 2074; Clary—SB 476, SB 818, SB 1692, SB 1862, SB 2002, CS for SB 2068, SB 2074, SB 2124, SB 2132, SB 2560, SB 2562, SB 2564, SB 2566, SB 2568; Crist—CS for SB 1220, SB 1762; Dawson—SJR 130; Klein—CS for SB 1216, SR 1234; Lawson—SB 132; Miller—SJR 130; Posey—SB 2126

RECESS

On motion by Senator Pruitt, the Senate recessed at 3:33 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, April 13 or upon call of the President.

Journal of the Senate

Number 14—Regular Session **Wednesday, April 13, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 10:23 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by the Rev. Albert Simpson, Jr., Pastor-Teacher, Philemon Baptist Church, Jacksonville:

Our Father which art in heaven, hallowed be thy name.

Thy kingdom come, thy will be done on earth as it is in heaven. Give us this day our daily bread. Forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil.

O God, you are our creator and sustainer, and we invoke your presence in this Senate Chamber, as we exhort supplications, intercessions, and giving of thanks be made for all. Endow them with your divine favor to deliberate as civil servants in this legislative process to your glory.

For thine is the Kingdom, and the Power, and the Glory forever. Amen.

PLEDGE

Senate Pages Britton Alexander, daughter of Senator Alexander of Lake Wales; Amber Bryant of Lakeland; Samantha "Sam" Hoffman of Homosassa; and Locklyn Diane Tucker of Crawfordville, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Ricardo Requena of Clearwater, sponsored by his brother-in-law, Senator Villalobos, as doctor of the day. Dr. Requena specializes in Otolaryngology and Facial Plastic Surgery.

ADOPTION OF RESOLUTIONS

On motion by Senator Miller—

By Senators Miller, Crist and Sebesta—

SR 1510—A resolution congratulating the owners and operators of the Columbia Restaurant on the occasion of its 100th anniversary.

WHEREAS, the Columbia Restaurant was founded in 1905 with its flagship in Tampa's Historic Ybor City, and has grown to include five additional facilities, and

WHEREAS, the restaurant was founded by Cuban immigrant Casimiro Hernandez, Sr., and has been owned and operated throughout the ensuing century by the next four generations of the family, including his son, Casimiro, Jr., his granddaughter, Adela and her husband Cesar Gonzmart, and now the great grandchildren, Casey and Richard Gonzmart, and the great-great grandchildren, Lauren and Andrea Gonzmart, making the Columbia Restaurant a fifth generation family-owned and operated business, with additional members of the fifth generation being trained as prospective leaders and a sixth generation of hope and promise recently begun, and

WHEREAS, the family persevered in keeping the restaurant open throughout the years, including during periods of decline in Ybor City, bringing in world class entertainment to attract customers, a tradition continuing today with renowned flamenco dancers, and

WHEREAS, after the flagship restaurant underwent $6.5 million in renovations in anticipation of its centennial celebration, the Columbia Restaurant in Ybor City now encompasses an entire city block of 52,000 square feet and, with 15 dining rooms, has enough seating for 1,700 people, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Gonzmart Family is recognized on the celebration of the 100th birthday of the Columbia Restaurant, the oldest restaurant in Florida, the largest Spanish restaurant in the world, and the economic heartbeat of Ybor City.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Gonzmart Family as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Miller, **SR 1510** was read the second time in full and adopted.

At the request of Senator Posey—

By Senator Posey—

SR 2722—A resolution recognizing April 29, 2005, as "Dale Earnhardt Day" in Florida.

WHEREAS, NASCAR racing legend Dale Earnhardt, born April 29, 1951, in Kannapolis, North Carolina, won many stock car races at all levels in Florida as well as in numerous other states, and

WHEREAS, known as The Intimidator, Dale Earnhardt brought excitement and joy to his many fans in Florida and throughout the entire world by his phenomenal accomplishments, including his winning seven Winston Cup championships, a NASCAR record, and

WHEREAS, Dale Earnhardt amassed 76 Winston Cup victories during his more than 30-year racing career and established a track record of 34 wins at the Daytona International Speedway, and

WHEREAS, never one to turn back from a challenge, Dale Earnhardt, in his twentieth attempt, won the fortieth annual Daytona 500, and

WHEREAS, as President of Dale Earnhardt, Inc., in 1999, the legendary racer claimed the NASCAR Busch Series Owner's championship at the Homestead-Miami Speedway in Homestead, and, on five occasions, he was named Driver of the Year by the National Motorsports Press Association, and

WHEREAS, an outstanding sportsman and citizen whose indomitable character and determination inspired young people the world over, Dale Earnhardt, on February 18, 2001, was tragically taken from his family, his friends, and his fans on the final lap of the Daytona 500, and

WHEREAS, it is appropriate to pay tribute to the life of this extraordinary individual who meant so much to the people of this state, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That April 29, 2005, is recognized as "Dale Earnhardt Day" in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Earnhardt family as a tangible token of the sentiments of the Florida Senate.

—**SR 2722** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 2724—A resolution commending Bob DiNicola for his many years of public leadership and service.

WHEREAS, as Mayor of Indian Rocks Beach from 1994 to 2005, Bob DiNicola has worked with great success to improve and expand programs, public facilities, and infrastructure, and

WHEREAS, he has also served as a delegate to the Barrier Islands Government Council from 1994 to 2003 and as its president in 1999-2000; as a member of the Suncoast League of Municipalities Board of Directors from 2002 to 2004; as a delegate to the Florida League of Cities from 1994 to 2004 and as a member of its Finance and Taxation Committee from 2001 to 2004; and as a member of the Pinellas Planning Council from 1999 to 2004 and its chairperson in 2003, and

WHEREAS, Bob DiNicola initiated action on many issues of regional importance, including gulf beach renourishment and the Gulf Beach Trolley System; provided assistance for the State Coastal Construction Line Program and recreation programming for the North Beaches; assisted in improvements to the accessibility, appearance, and amenities of the Indian Rocks' beaches; and helped to obtain federal assistance in response to the "No Name Storm" of 1993, and

WHEREAS, Bob DiNicola has also managed to provide further public service and community betterment through his activities as a Life Member of the Veterans of Foreign Wars; as a member of and usher for St. Jerome's Catholic Church; as a member and past president of the Indian Rocks Beach Civic Association; as president of the North Beaches YMCA Board of Directors; and as a member of the YMCA of the Suncoast Board of Directors, and

WHEREAS, in 2003, Mayor DiNicola became the first recipient of the "Commitment to Excellence in Leadership Award" from the Indian Rocks Volunteer Firemen's Association of Pinellas Suncoast Fire and Rescue, and he has earned the admiration and gratitude of all who have worked with him and benefited from his energy and guidance, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends and congratulates Bob DiNicola on his many years of exemplary and effective leadership and public service.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Bob DiNicola as a token of the sentiments of the Florida Senate.

—**SR 2724** was introduced, read and adopted by publication.

At the request of Senator Margolis—

By Senator Margolis—

SR 2734—A resolution recognizing and commending the philanthropic leadership of Mr. Hodding Carter, III.

WHEREAS, Hodding Carter, III, has demonstrated a lifelong commitment to the highest principles of philanthropy, a distinguished American tradition, and

WHEREAS, Hodding Carter, III, has displayed high-profile leadership in his efforts to communicate the values of philanthropy, marked by his eminent board service with Florida Philanthropic Network, the Independent Sector, the Japan Society, the Center for Policy Alternatives, the George C. Marshall Foundation, the Population Resource Center, the Pew Center for Civic Journalism, the Southern Regional Council, the International Center for Journalists, and the American Council of Young Political Leaders, and

WHEREAS, Hodding Carter, III, provided key leadership in cofounding and funding Florida Philanthropic Network, a coalition of Florida foundations dedicated to promoting and developing Florida philanthropy, creating cooperation and collaboration among business, government, and nonprofit organizations, and promoting effective public policy in the State of Florida, and

WHEREAS, Hodding Carter, III, played a pivotal role in reorganizing the National Community Development Initiative into Living Cities, an urban development consortium of foundations, private financial institutions, and the Department of Housing and Urban Development working in 26 cities in the United States, and

WHEREAS, Hodding Carter, III, was a founding board member and served for 10 years with the Mississippi Action for Progress, a state-wide Head Start agency serving 10,000 children, and

WHEREAS, Hodding Carter, III, was instrumental in significantly increasing the resources of the John S. and James L. Knight Foundation which are available for grantmaking and more than doubling the amount annually granted to worthy causes during his tenure, and

WHEREAS, Hodding Carter, III, has been included three times in the Nonprofit Times' Power and Influence Top 50 list, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Hodding Carter, III, is recognized and commended for his leadership, inspiration, and philanthropic work.

—**SR 2734** was introduced, read and adopted by publication.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 2600, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

SB 2600—A bill to be entitled An act making appropriations; providing monies for the annual period beginning July 1, 2005, and ending

June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the journal.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 2602, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

SB 2602—A bill to be entitled An act implementing the 2005-2006 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; providing for the budget of the Council for Education Policy Research and Improvement to be administered by the Auditor General; providing that the council is otherwise independent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a forensic mental health treatment facility; amending s. 402.305, F.S.; providing for the child care competency examination to be given in Spanish; amending s. 402.33, F.S.; suspending authority of the Department of Children and Family Services to use funds in excess of fee collections; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due-process appropriations; amending s. 413.4021, F.S.; requiring additional revenues from the tax collection enforcement diversion program to be used for the personal care attendant pilot program and for state attorney contracts; providing for expenditure of funds from the Working Capital Fund to offset deficiencies in due-process services; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction of an agricultural interdiction station in Escambia County; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; amending s. 375.041, F.S.; providing for use of funds allocated to the Land Acquisition Trust Fund for water quality issues; creating s. 376.30715, F.S.; providing conditions on state financial assistance in restoration of contaminated petroleum storage or retail sites; amending s. 287.057, F.S.; revising methods of compensating on-line providers of commodities and contractual services; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determing eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; amending s. 259.032, F.S.; providing for use of certain funds for constructing replacement museum facilities; amending s. 288.1045, F.S.; extending the qualified defense contractor tax refund program; amending s. 288.106, F.S.; extending the tax refund program for qualified target industry businesses; amending s. 290.044, F.S.; revising the amounts that may be set aside from the neighborhood revitalization category of the Small Cities Community Development Block Grant Program Fund; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 339.135, F.S.; authorizing increased appropriations for certain projects in the Department of Transportation; creating s. 320.0846, F.S.; providing for free motor vehicle license plates for active members of the Florida National Guard; creating s. 250.5206, F.S.; creating the Family Readiness Program in the Department of Military Affairs; providing purpose, availability and use of funding, services, eligibility, application and review; providing for a report; creating the Family Readiness Advisory Board and specifying membership; reenacting s. 215.32(2)(b), F.S., relating to the source and use of trust funds; amending s. 216.192, F.S.; prescribing additional conditions that must be met before the release or transfer of agency funds or the transfer of positions; providing goals for implementing the Aspire project; providing factors to be considered; providing for review; providing finding of best interest of the state for authorization and issuance of certain debt; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2005-2006 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing effective dates.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the journal.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 388, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 388—A bill to be entitled An act relating to student financial aid; amending ss. 1009.50, 1009.51, and 1009.52, F.S.; authorizing

the deposit of funds appropriated by the Legislature for student financial assistance into the State Student Financial Assistance Trust Fund; amending s. 1009.89, F.S.; eliminating a requirement that funds appropriated for the William L. Boyd, IV, Florida Resident Access Grant Program be deposited into such trust fund; providing an effective date.

House Amendment 1 (935807)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2) of section 287.055, Florida Statutes, is amended, and paragraph (e) is added to subsection (4) of said section, to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(b) "Agency" means the state, a state agency, a municipality, a political subdivision, a school district, ~~or~~ a school board*, or a regional consortium service organization formed under s. 1001.451*. The term "agency" does not extend to a nongovernmental developer that contributes public facilities to a political subdivision under s. 380.06 or ss. 163.3220-163.3243.

(4) COMPETITIVE SELECTION.—

(e) A school district may make purchases under contracts procured pursuant to this section by a regional consortium service organization, formed under s. 1001.451, of which it is a member.

Section 2. Paragraph (a) of subsection (2) of section 1001.451, Florida Statutes, is amended to read:

1001.451 Regional consortium service organizations.—In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(2)(a) Each regional consortium service organization that consists of four or more school districts is eligible to receive, through the Department of Education, an incentive grant *as provided in the annual General Appropriations Act* ~~of $25,000 per school district~~ to be used for the delivery of services within the participating school districts.

Section 3. Section 1001.453, Florida Statutes, is amended to read:

1001.453 Direct-support organization; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) "~~District school board~~ Direct-support organization" means *a district school board direct-support organization or a regional consortium service organization direct-support* ~~an~~ organization that:

1. Is approved by the district school board *or regional consortium service organization board of directors*;

2. Is a Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State; and

3. Is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public kindergarten through 12th grade education and adult career and community education programs in this state.

(b) "Personal services" includes full-time or part-time personnel, as well as payroll processing.

(c) "Regional consortium service organization" means an organization formed under s. 1001.451.

(2) USE OF PROPERTY.—A district school board *or regional consortium service organization board of directors*:

(a) Is authorized to permit the use of property, facilities, and personal services of the district *or regional consortium service organization* by a direct-support organization, subject to the provisions of this section.

(b) Shall prescribe by rule conditions with which a ~~district school board~~ direct-support organization must comply in order to use property, facilities, or personal services of the district *or regional consortium service organization*. Adoption of such rules shall be coordinated with the Department of Education. The rules shall provide for budget and audit review and oversight by the district school board *or regional consortium service organization board of directors* and the department.

(c) Shall not permit the use of property, facilities, or personal services of a direct-support organization if such organization does not provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or national origin.

(3) BOARD OF DIRECTORS.—The board of directors of the ~~district school board~~ direct-support organization shall be approved by the district school board *or the regional consortium service organization board of directors*.

(4) ANNUAL AUDIT.—Each direct-support organization with more than $100,000 in expenditures or expenses shall provide for an annual ~~financial~~ audit of its *financial statements in order to express an opinion on the fairness with which the financial statements are presented in conformance with generally accepted accounting principles. The audit is* ~~accounts and records,~~ to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the Commissioner of Education. The annual audit report shall be submitted *to the Auditor General and the district school board or regional consortium service organization board of directors for review* within 9 months after the *end of the* fiscal *year or by the date established by* ~~year's end to~~ the district school board *or regional consortium service organization board of directors* and the Auditor General*, whichever is earlier*. The Commissioner of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability have the authority to require and receive from the organization or the district auditor *or regional consortium service organization auditor* any records relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors are confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of chapter 119.

Section 4. Subsection (5) of section 1009.50, Florida Statutes, is amended to read:

1009.50 Florida Public Student Assistance Grant Program; eligibility for grants.—

(5) Funds appropriated by the Legislature for state student assistance grants *may* ~~shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

Section 5. Subsection (5) of section 1009.51, Florida Statutes, is amended to read:

1009.51 Florida Private Student Assistance Grant Program; eligibility for grants.—

(5) Funds appropriated by the Legislature for Florida private student assistance grants *may* ~~shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

Section 6. Subsection (6) of section 1009.52, Florida Statutes, is amended to read:

1009.52 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(6) Funds appropriated by the Legislature for Florida postsecondary student assistance grants *may* ~~shall~~ be deposited in the State Student

Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

Section 7. Subsection (6) of section 1009.89, Florida Statutes, is amended to read:

1009.89 The William L. Boyd, IV, Florida resident access grants.—

(6) Funds appropriated by the Legislature for the William L. Boyd, IV, Florida Resident Access Grant Program *may* ~~shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year which has been allocated to the William L. Boyd, IV, Florida Resident Access Grant Program shall remain therein and shall be available for carrying out the purposes of this section. If the number of eligible students exceeds the total authorized in the General Appropriations Act, an institution may use its own resources to assure that each eligible student receives the full benefit of the grant amount authorized.

Section 8. Section 1010.09, Florida Statutes, is amended to read:

1010.09 Direct-support organizations.—School district, *regional consortium service organization,* community college, and university direct-support organizations shall be organized and conducted under the provisions of ss. 1001.453, 1004.28, and 1004.70 and rules of the State Board of Education, as applicable.

Section 9. Section 1010.34, Florida Statutes, is amended to read:

1010.34 Audits of direct-support organizations.—Audits of school district, *regional consortium service organization,* community college, and state university direct-support organizations are subject to the audit provisions of ss. 1001.453(4), 1004.28(5), and 1004.70(6), as applicable.

Section 10. Section 1010.72, Florida Statutes, is amended to read:

1010.72 Dale Hickam Excellent Teaching Program Trust Fund.—The Dale Hickam Excellent Teaching Program Trust Fund is created to be administered by the Department of Education. Funds *may* ~~must~~ be credited to the trust fund as provided in chapter 98-309, Laws of Florida, to be used for the purposes set forth therein.

Section 11. Subsection (6) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(6) DETERMINATION OF SPARSITY SUPPLEMENT.—

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of the FEFP qualified districts a sparsity supplement which shall be computed as follows:

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000. *A district that exceeds the full-time equivalent student membership requirement shall receive a one-time transition supplement in the amount of one-half of the sparsity supplement calculated for said district provided the district qualified for the sparsity supplement in each of the most recent 3 fiscal years.*

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count.;

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count.;

3. A total potential funds per FTE for each district shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for each district by its FTE student count.

4. A state average total potential funds per FTE shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for all districts by the state total FTE student count.

5.~~3.~~ For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1. *However, no district shall have a sparsity wealth adjustment which, when applied to the total potential funds calculated in subparagraph 3., would cause the district's total potential funds per FTE to be less than the state average calculated in subparagraph 4.*;

6.~~4.~~ Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

Section 12. Section 1011.765, Florida Statutes, is amended to read:

1011.765 Florida Academic Improvement Trust Fund matching grants.—

(1) MATCHING GRANTS.—The Florida Academic Improvement Trust Fund shall be utilized to provide matching grants to the Florida School for the Deaf and the Blind Endowment Fund*,* ~~and to~~ any public school district education foundation*, and any regional consortium service organization education foundation* that meets the requirements of this section and is recognized by the local school district as *a* ~~its~~ designated K-12 education foundation. *For purposes of this section, "regional consortium service organization" means an organization formed under s. 1001.451.*

(a) The State Board of Education shall adopt rules for the administration, submission, documentation, evaluation, and approval of requests for matching funds and for maintaining accountability for matching funds.

(b) Donations, state matching funds, or proceeds from endowments established pursuant to this section shall be used at the discretion of the public school district education foundation*, the regional consortium service organization education foundation,* or the Florida School for the Deaf and the Blind for academic achievement within the school district*, school districts,* or school, and shall not be expended for the construction of facilities or for the support of interscholastic athletics. *A* ~~No~~ public school district education foundation*, a regional consortium service organization education foundation,*or the Florida School for the Deaf and the Blind shall *not*accept or purchase facilities for which the state will be asked for operating funds unless the Legislature has granted prior approval for such acquisition.

(2) ALLOCATION OF THE TRUST FUND.—Funds appropriated to the Florida Academic Improvement Trust Fund shall be allocated by the Department of Education in the following manner:

(a) For every year in which there is a legislative appropriation to the trust fund, an equal amount of the annual appropriation, to be determined by dividing the total legislative appropriation by the number of local education foundations *and regional consortium service organization education foundations,* as well as the Florida School for the Deaf and the Blind, must be reserved for each public school district education foundation*, each regional consortium service organization education foundation,* and the Florida School for the Deaf and the Blind Endowment Fund to provide each foundation and the Florida School for the Deaf and the Blind with an opportunity to receive and match appropriated funds. Trust funds that remain unmatched by contribution on April 1 of any year shall be made available for matching by any public school district education foundation*, by any regional consortium service organization education foundation,* and by the Florida School for the Deaf and the Blind which shall have an opportunity to apply for excess trust funds prior to the award of such funds.

(b) Matching grants shall be proportionately allocated from the trust fund on the basis of matching each $4 of state funds with $6 of private funds. To be eligible for matching, a minimum of $4,500 must be raised from private sources.

(c) Funds sufficient to provide the match shall be transferred from the state trust fund to the public school education foundation*, to the regional consortium service organization education foundation,* or to the Florida School for the Deaf and the Blind Endowment Fund upon notification that a proportionate amount has been received and deposited by the foundation or school into its own trust fund.

(d) If the total of the amounts to be distributed in any quarter pursuant to this subsection exceeds the amount of funds remaining from specific appropriations made for the implementation of this section, all grants shall be proportionately reduced so that the total of matching grants distributed does not exceed available appropriations.

(3) GRANT ADMINISTRATION.—

(a) Each public school district education foundation, *each regional consortium service organization education foundation,* and the Florida School for the Deaf and the Blind participating in the Florida Academic Improvement Trust Fund shall separately account for all funds received pursuant to this section, and may establish its own academic improvement trust fund as a depository for the private contributions, state matching funds, and earnings on investments of such funds. State matching funds shall be transferred to the public school district education foundation, *to the regional consortium service organization education foundation,* or to the Florida School for the Deaf and the Blind Endowment Fund upon notification that the foundation or school has received and deposited private contributions that meet the criteria for matching as provided in this section. The public school district education foundations*, the regional consortium service organization education foundations,* and the Florida School for the Deaf and the Blind are responsible for the maintenance, investment, and administration of their academic improvement trust funds.

(b) The public school district education foundations, *the regional consortium service organization education foundations,* and the Florida School for the Deaf and the Blind shall be responsible for soliciting and receiving contributions to be deposited and matched with grants for academic achievement within the school district, *school districts,* or school.

(c) Each public school district education foundation, *each regional consortium service organization education foundation,* and the Florida School for the Deaf and the Blind shall be responsible for proper expenditure of the funds received pursuant to this section.

Section 13. Subsection (1) of section 1011.94, Florida Statutes, is amended to read:

1011.94 Trust Fund for University Major Gifts.—

(1) There is established a Trust Fund for University Major Gifts. The purpose of the trust fund is to enable each university and New College to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments and sales tax exemption matching funds received pursuant to s. 212.08(5)(j), which must be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by the State Board of Education. All funds appropriated for the challenge grants, new donors, major gifts, sales tax exemption matching funds pursuant to s. 212.08(5)(j), or eminent scholars program *may* ~~must~~ be deposited into the trust fund and invested pursuant to s. 17.61 until the State Board of Education allocates the funds to universities to match private donations. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund which is not matched and distributed to universities must remain in the trust fund and be used to increase the total funds available for challenge grants. Funds deposited in the trust fund for the sales tax exemption matching program authorized in s. 212.08(5)(j), and interest earnings thereon, shall be maintained in a separate account within the Trust Fund for University Major Gifts, and may be used only to match qualified sales tax exemptions that a certified business designates for use by state universities and community colleges to support research and development projects requested by the certified business. The State Board of Education may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 1011.45.

Section 14. Subsections (1) and (3) of section 1013.79, Florida Statutes, are amended to read:

1013.79 University Facility Enhancement Challenge Grant Program.—

(1) The Legislature recognizes that the universities do not have sufficient physical facilities to meet the current demands of their instructional and research programs. It further recognizes that, to strengthen and enhance universities, it is necessary to provide facilities in addition to those currently available from existing revenue sources. It further recognizes that there are sources of private support that, if matched with state support, can assist in constructing much-needed facilities and strengthen the commitment of citizens and organizations in promoting excellence throughout the state universities. Therefore, it is the intent of the Legislature to establish a trust fund to provide the opportunity for each university to receive *support for* ~~and match~~ challenge grants for instructional and research-related capital facilities within the university.

(3) There is established the Alec P. Courtelis Capital Facilities Matching Trust Fund for the purpose of providing matching funds from private contributions for the development of high priority instructional and research-related capital facilities, including common areas connecting such facilities, within a university. The Legislature *may* ~~shall~~ appropriate funds to be transferred to the trust fund. The Public Education Capital Outlay and Debt Service Trust Fund, Capital Improvement Trust Fund, Division of Sponsored Research Trust Fund, and Contracts and Grants Trust Fund shall not be used as the source of the state match for private contributions. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 17.61. Interest income accruing to that portion of the trust fund shall increase the total funds available for the challenge grant program. Interest income accruing from the private donations shall be returned to the participating foundation upon completion of the project. The State Board of Education shall administer the trust fund and all related construction activities.

Section 15. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to education funding; amending s. 287.055, F.S.; including regional consortium service organizations under provisions relating to procurement and competitive selection of certain professional services; amending s. 1001.451, F.S.; revising provisions for award of incentive grants to regional consortium service organizations; amending 1001.453, F.S.; revising definition of direct-support organization to include a regional consortium service organization direct-support organization; authorizing use of property and requiring rules; providing for approval of a board of directors and requiring audits; amending ss. 1009.50, 1009.51, 1009.52, and 1009.89, F.S.; authorizing funds appropriated for Florida public student assistance grants, Florida private student assistance grants, Florida postsecondary student assistance grants, and William L. Boyd, IV, Florida resident access grants to be deposited in the State Student Financial Assistance Trust Fund; amending ss. 1010.09 and 1010.34, F.S.; conforming provisions relating to direct-support organizations and audits thereof; amending s. 1010.72,

F.S.; authorizing funds to be credited to the Dale Hickam Excellent Teaching Program Trust Fund; amending s. 1011.62, F.S., relating to funds for operation of schools; providing for a transition sparsity supplement under certain circumstances; revising provisions relating to the manner in which each school district's allocation of sparsity supplement funds shall be adjusted; amending s. 1011.765, F.S.; providing that the Florida Academic Improvement Trust Fund shall be utilized to provide matching grants to regional consortium service organization education foundations; amending s. 1011.94, F.S.; authorizing funds to be deposited in the Trust Fund for University Major Gifts; amending s. 1013.79, F.S.; authorizing the appropriation of funds to be transferred to the Alec P. Courtelis Capital Facilities Matching Trust Fund; providing an effective date.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 392, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 392—A bill to be entitled An act relating to the Water Quality Assurance Trust Fund; amending s. 376.307, F.S.; authorizing the Department of Environmental Protection to use certain funds for brownfield activities; providing an effective date.

House Amendment 1 (156373)(with title amendment)—Remove everything after the enacting clause

And the title is amended as follows:

Remove the entire title

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 394, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 394—A bill to be entitled An act relating to the enforcement of farm labor laws; amending s. 450.38, F.S.; requiring that moneys to enforce farm labor laws be transferred to the Professional Regulation Trust Fund from the Workers' Compensation Administration Trust Fund within the Department of Financial Services; authorizing the appropriation of moneys for such purpose; providing an effective date.

House Amendment 1 (919467)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (8) is added to section 450.38, Florida Statutes, to read:

450.38 Enforcement of farm labor laws.—

(8) Funds for the enforcement of the farm labor laws shall be transferred to the Professional Regulation Trust Fund within the Department of Business and Professional Regulation from the Workers' Compensation Administration Trust Fund within the Department of Financial Services.

Section 2. *In addition to the purpose of the Workers' Compensation Administration Trust Fund specified in section 440.50(1)(a), Florida Statutes, funds in the Workers' Compensation Administration Trust Fund within the Department of Financial Services may also be appropriated to fund the enforcement of farm labor laws by the Department of Business and Professional Regulation.*

Section 3. This act shall take effect January 1, 2006.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the enforcement of farm labor laws; amending s. 450.38, F.S.; requiring that funds for the enforcement of farm labor laws be transferred to the Professional Regulation Trust Fund within the Department of Business and Professional Regulation from the Workers' Compensation Administration Trust Fund within the Department of Financial Services; authorizing the appropriation of moneys for such purpose; providing an effective date.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 400, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 400—A bill to be entitled An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

House Amendment 1 (236479)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (23) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(23)

(c)*1.* The department may *impose and shall* collect *all* fees for the use of the on-line procurement systems. *Such* ~~The~~ fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of such services, including administrative and project service costs in accordance with the policies of the department. *All fees and surcharges collected under this paragraph shall be deposited into the Grants and Donations Trust Fund as provided by law.*

2. If the department contracts with a provider for on-line procurement, the department, pursuant to appropriation, shall compensate the provider from such fees after the department has satisfied all ongoing costs. The provider shall report transaction data to the department each month so that the department may determine the amount due and payable to the department from each vendor.

3. All fees that are due and payable to the state on a transactional basis or as a fixed percentage of the cost savings generated are subject to s. 215.31 and must be remitted within 40 days after receipt of payment for which such fees are due. For any fees that are not remitted within 40

days, the vendor shall pay interest at the rate established under s. 55.03(1) on the unpaid balance from the expiration of the 40-day period until the fees are remitted. ~~For the purposes of compensating the provider, the department may authorize the provider to collect and retain a portion of the fees. The providers may withhold the portion retained from the amount of fees to be remitted to the department. The department may negotiate the retainage as a percentage of such fees charged to users, as a flat amount, or as any other method the department deems feasible. All fees and surcharges collected under this paragraph shall be deposited in the Grants and Donation Trust Fund as provided by law.~~

Section 2. This act shall take effect January 1, 2006.

And the title is amended as follows:

Remove the entire title, and insert:

A bill to be entitled An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 404, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for CS for SB 404—A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; delaying provisions requiring a nursing home staffing increase; amending ss. 409.903, 409.904, F.S.; deleting certain limitations on services to the medically needy; amending s. 409.906, F.S., relating to optional Medicaid services; providing for adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.908, F.S.; revising guidelines relating to reimbursement of Medicaid providers; amending ss. 409.9112, 409.9113, 409.9117, F.S., relating to the hospital disproportionate share program; deleting obsolete provisions; amending s. 409.91195, F.S.; revising provisions relating to the Medicaid Pharmaceutical and Therapeutics Committee and its duties with respect to developing a preferred drug list; amending s. 409.912, F.S.; revising the Medicaid prescribed drug spending control program; eliminating case management fees; directing the Agency for Health Care Administration to implement, and authorizing it to seek federal waivers for, the program of all-inclusive care for children; amending s. 409.9122, F.S.; revising a provision governing assignment to a managed care option for a Medicaid recipient who does not choose a plan or provider in certain geographic areas where the Agency for Health Care Administration contracts for comprehensive behavioral health services; amending s. 409.9124, F.S.; requiring the Agency for Health Care Administration to publish managed care reimbursement rates annually; limiting the application of certain rates and rate reductions; providing effective dates.

House Amendment 1 (932633)(with title amendment)—Remove the entire body and insert:

Section 1. Paragraph (a) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)(a) The agency shall adopt rules providing ~~for the~~ minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.9 hours of direct care per resident per day beginning July 1, *2006* ~~2005~~. Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted toward the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted toward the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

Section 2. Subsections (2) and (5) of section 409.814, Florida Statutes, are amended to read:

409.814 Eligibility.—A child who has not reached 19 years of age whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida KidCare program as provided in this section. For enrollment in the Children's Medical Services Network, a complete application includes the medical or behavioral health screening. If, subsequently, an individual is determined to be ineligible for coverage, he or she must immediately be disenrolled from the respective Florida KidCare program component.

(2) A child who is not eligible for Medicaid, but who is eligible for the Florida KidCare program, may obtain health benefits coverage under any of the other components listed in s. 409.813 if such coverage is approved and available in the county in which the child resides. However, a child who is eligible for Medikids*, including those eligible under subsection (5),* may participate in the Florida Healthy Kids program only if the child has a sibling participating in the Florida Healthy Kids program and the child's county of residence permits such enrollment.

(5) A child whose family income is above 200 percent of the federal poverty level or a child who is excluded under the provisions of subsection (4) may *apply for coverage and shall be allowed to* participate in the Florida KidCare program, excluding the Medicaid program, but is subject to the following provisions:

(a) The family is not eligible for premium assistance payments and must pay the full cost of the premium, including any administrative costs.

(b) The agency is authorized to place limits on enrollment in Medikids by these children in order to avoid adverse selection. The number of children participating in Medikids whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Medikids program.

(c) The board of directors of the Florida Healthy Kids Corporation is authorized to place limits on enrollment of these children in order to avoid adverse selection. In addition, the board is authorized to offer a reduced benefit package to these children in order to limit program costs for such families. The number of children participating in the Florida Healthy Kids program whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Florida Healthy Kids program.

(d) Children described in this subsection are not counted in the annual enrollment ceiling for the Florida KidCare program.

Section 3. Subsection (5) of section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The agency shall make payments for medical assistance and related services on behalf of the following persons who the department, or the Social Security Administration by contract with the Department of Children and Family Services, determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(5) A pregnant woman for the duration of her pregnancy and for the postpartum period as defined in federal law and rule, or a child under age 1, if either is living in a family that has an income which is at or below 150 percent of the most current federal poverty level, or, effective January 1, 1992, that has an income which is at or below 185 percent of the most current federal poverty level. Such a person is not subject to an assets test. Further, a pregnant woman who applies for eligibility for the Medicaid program through a qualified Medicaid provider must be offered the opportunity, subject to federal rules, to be made presumptively eligible for the Medicaid program. ~~Effective July 1, 2005, eligibility for Medicaid services is eliminated for women who have incomes above 150 percent of the most current federal poverty level.~~

Section 4. Subsections (1) and (2) of section 409.904, Florida Statutes, are amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1)*(a) From July 1, 2005, through December 31, 2005, inclusive,* a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of federal poverty level, and whose assets do not exceed established limitations.

(b) Effective January 1, 2006, and subject to federal waiver approval, a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of the federal poverty level, whose assets do not exceed established limitations, and who is not eligible for Medicare, or, if eligible for Medicare, is also eligible for and receiving Medicaid-covered institutional care or hospice or home-based and community-based services. The agency shall seek federal authorization through a waiver to provide this coverage.

(2) A family, a pregnant woman, a child under age 21, a person age 65 or over, or a blind or disabled person, who would be eligible under any group listed in s. 409.903(1), (2), or (3), except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A family or person eligible under the coverage known as the "medically needy," is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled. ~~Effective July 1, 2005, the medically needy are eligible for prescribed drug services only.~~

Section 5. Paragraph (b) of subsection (1) of section 409.906, Florida Statutes, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(1) ADULT DENTAL SERVICES.—

(b) ~~Beginning January 1, 2005,~~ The agency may pay for dentures, the procedures required to seat dentures, and the repair and reline of dentures, provided by or under the direction of a licensed dentist, for a recipient who is 21 years of age or older. ~~This paragraph is repealed effective July 1, 2005.~~

Section 6. *Effective January 1, 2006, section 409.9065, Florida Statutes, is repealed.*

Section 7. Paragraph (b) of subsection (2) and subsection (14) of section 409.908, Florida Statutes, are amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care *and indirect care subcomponents* ~~subcomponent~~ of the per diem rate ~~shall be limited by the cost-based class ceiling, and the indirect care subcomponent~~ shall be limited by the lower of *a* ~~the~~ cost-based class ceiling, *a* ~~by the~~ target rate class ceiling, or *an* ~~by the~~ individual provider target *for each subcomponent*. ~~The agency shall adjust the patient care component effective January 1, 2002.~~ The cost to adjust the direct care subcomponent shall be *the* net

of the total funds previously allocated for the case mix add-on. ~~The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.~~

3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.

4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

6. In order to offset the cost of general and professional liability insurance, the agency shall amend the plan to allow for interim rate adjustments to reflect increases in the cost of general or professional liability insurance for nursing homes. This provision shall be implemented to the extent existing appropriations are available.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(14) A provider of prescribed drugs shall be reimbursed the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency, plus a dispensing fee.

(a) For pharmacies with less than $75,000 in average aggregate monthly payments, the Medicaid maximum allowable fee for ingredient cost will be based on the lower of: average wholesale price (AWP) minus 15.4 percent, wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

(b) For pharmacies with $75,000 or more in average aggregate monthly payments, the Medicaid maximum allowable fee for ingredient cost will be based on the lower of: average wholesale price (AWP) minus 17 percent, wholesaler acquisition cost (WAC) plus 3.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

(c) Medicaid providers are required to dispense generic drugs if available at lower cost and the agency has not determined that the branded product is more cost-effective, unless the prescriber has requested and received approval to require the branded product. The agency is directed to implement a variable dispensing fee for payments for prescribed medicines while ensuring continued access for Medicaid recipients. The variable dispensing fee may be based upon, but not limited to, either or both the volume of prescriptions dispensed by a specific pharmacy provider, the volume of prescriptions dispensed to an individual recipient, and dispensing of preferred-drug-list products. The agency may increase the pharmacy dispensing fee authorized by statute and in the annual General Appropriations Act by $0.50 for the dispensing of a Medicaid preferred-drug-list product and reduce the pharmacy dispensing fee by $0.50 for the dispensing of a Medicaid product that is not included on the preferred drug list. The agency may establish a supplemental pharmaceutical dispensing fee to be paid to providers returning unused unit-dose packaged medications to stock and crediting the Medicaid program for the ingredient cost of those medications if the ingredient costs to be credited exceed the value of the supplemental dispensing fee. The agency is authorized to limit reimbursement for prescribed medicine in order to comply with any limitations or directions provided for in the General Appropriations Act, which may include implementing a prospective or concurrent utilization review program.

Section 8. Paragraph (a) of subsection (39) of section 409.912, Florida Statutes, is amended, and subsections (50) and (51) are added to said section, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency is authorized to seek federal waivers necessary to implement this policy.

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. Medicaid prescribed-drug coverage for brand-name drugs for adult Medicaid recipients is limited to the dispensing of *three* ~~four~~ brand-name drugs *and three generic drugs* per month per recipient. Children are exempt from this restriction. ~~Antiretroviral agents are excluded from this limitation. No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, severe depression, or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available without restriction for persons with mental illnesses include atypical antipsychotic medications, conventional antipsychotic medications, selective serotonin reuptake inhibitors, and other medications used for the treatment of serious mental illnesses.~~ The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply. ~~The agency shall continue to provide unlimited generic drugs, contraceptive drugs and items, and diabetic supplies.~~ Although a drug may be included on the preferred drug formulary, it would not be exempt from the *three-brand* ~~four-brand~~ limit *or the generic drug limit*. ~~The agency may authorize exceptions to the brand-name-drug restriction based upon the treatment needs of the patients, only when such exceptions are based on prior consultation provided by the agency or an agency contractor, but the agency must establish procedures to ensure that:~~

~~a. There will be a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation;~~

~~b. A 72-hour supply of the drug prescribed will be provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.; and~~

~~c. Except for the exception for nursing home residents and other institutionalized adults and except for drugs on the restricted formulary~~

~~for which prior authorization may be sought by an institutional or community pharmacy, prior authorization for an exception to the brand-name-drug restriction is sought by the prescriber and not by the pharmacy. When prior authorization is granted for a patient in an institutional setting beyond the brand-name-drug restriction, such approval is authorized for 12 months and monthly prior authorization is not required for that patient.~~

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of:

a. The average wholesale price (AWP) minus 15.4 percent, the wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider *for pharmacies with less than $75,000 in average aggregate monthly payments*.

b. The average wholesale price (AWP) minus 17 percent, wholesaler acquisition cost (WAC) plus 3.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider for pharmacies with $75,000 or more in average aggregate monthly payments.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease-management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers.

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug formulary in accordance with 42 U.S.C. s. 1396r-8, and, pursuant to the establishment of such formulary, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug formulary. However, a pharmaceutical manufacturer is not guaranteed placement on the formulary by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

8. The agency shall establish an advisory committee for the purposes of studying the feasibility of using a restricted drug formulary for nursing home residents and other institutionalized adults. The committee shall be comprised of seven members appointed by the Secretary of Health Care Administration. The committee members shall include two physicians licensed under chapter 458 or chapter 459; three pharmacists licensed under chapter 465 and appointed from a list of recommendations provided by the Florida Long-Term Care Pharmacy Alliance; and two pharmacists licensed under chapter 465.

9. The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

10. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

11.a. The agency shall implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program shall include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

c. If the agency is unable to negotiate a contract with one or more manufacturers to finance and guarantee savings associated with a behavioral drug management program by September 1, 2004, the four-brand drug limit and preferred drug list prior-authorization requirements shall apply to mental health-related drugs, notwithstanding any provision in subparagraph 1. The agency is authorized to seek federal waivers to implement this policy.

12. The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

13. The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

14. The agency may require prior authorization for the off-label use of Medicaid-covered prescribed drugs as specified in the General Appropriations Act. The agency may, but is not required to, preauthorize the use of a product for an indication not in the approved labeling. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the off-label use of a drug.

15. The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a $5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner.

(50) The agency may implement a program of all-inclusive care for children to reduce the need for hospitalization of children, as appropriate. The purpose of the program is to provide in-home hospice-like support services to children diagnosed with a life-threatening illness who are enrolled in the Children's Medical Services Network. The agency, in consultation with the Department of Health, may implement the program of all-inclusive care for children after obtaining approval from the Centers for Medicare and Medicaid Services.

(51) By July 1, 2005, the agency shall develop a plan for implementing the delivery of comprehensive vision care services to Medicaid recipients through a capitated prepaid arrangement. The plan shall include contracting with a private entity or entities to provide for the comprehensive vision care services through a capitated prepaid arrangement. However, the entity must:

(a) Be licensed under chapter 627.

(b) Have sufficient financial resources.

(c) Have a contracted provider network that has statewide coverage.

(d) Have experience in providing medical and surgical vision care services.

(e) Have experience with the implementation of large statewide contracts. As used in this section, the term "vision care services" means covered vision services, including routine, medical, and surgical vision care services that are available to Medicaid recipients. If necessary, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide vision care services to all Medicaid recipients. The entity must offer sufficient choice of providers within its network to ensure access to care for the recipient and the opportunity to select a provider with whom the recipient is satisfied.

Section 9. Paragraph (k) of subsection (2) of section 409.9122, Florida Statutes, is amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)

(k) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan, except in those counties in which there are fewer than two managed care plans accepting Medicaid enrollees, in which case assignment shall be to a managed care plan or a MediPass provider. Medicaid recipients in counties with fewer than two managed care plans accepting Medicaid enrollees who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 40 percent in MediPass and 60 percent in managed care plans is achieved. Once that enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 40 percent and 60 percent proportion, respectively. ~~In geographic areas where the agency is contracting for the provision of comprehensive behavioral health services through a capitated prepaid arrangement, recipients who fail to make a choice shall be assigned equally to MediPass or a managed care plan.~~ For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes exclusive provider organizations, provider service networks, Children's Medical Services Network, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

5. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

Section 10. Subsections (6) and (7) are added to section 409.9124, Florida Statutes, to read:

409.9124 Managed care reimbursement.—

(6) The agency shall develop rates for children age 0-3 months and separate rates for children age 4-12 months. The agency shall amend the payment methodology for participating Medicaid-managed health care plans to comply with this subsection.

(7) The agency shall not pay rates at per-member per-month averages higher than that allowed for in the General Appropriations Act.

Section 11. Except as otherwise provided herein, this act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; delaying a nursing home staffing increase; amending s. 409.814, F.S.; granting more children access to the Florida KidCare program; amending s. 409.903, F.S.; deleting a provision eliminating eligibility for Medicaid services for certain women; amending s. 409.904, F.S.; providing for the Agency for Health Care Administration to pay for medical assistance for certain Medicaid-eligible persons; deleting a limitation on eligibility for coverage under the medically needy program; amending s.

409.906, F.S.; deleting a repeal of a provision that provides adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.908, F.S.; revising provisions relating to the long-term care reimbursement and cost reporting system; revising provisions relating to the Medicaid maximum allowable fee for certain pharmacies; amending s. 409.912, F.S.; revising components of the Medicaid prescribed-drug spending-control program; authorizing the agency to implement a program of all-inclusive care for certain children; authorizing the agency to adopt rules; requiring a plan for comprehensive vision care services; amending s. 409.9122, F.S.; deleting assignment requirement for recipients in areas with capitated behavioral health services; amending s. 409.9124, F.S.; requiring the agency to develop managed care rates for children of specified ages and to amend the methodology for reimbursing managed care plans to comply therewith; limiting the amount of reimbursement; providing effective dates.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 408, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 408—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 414.065, F.S.; revising the penalties imposed by the department against a participant who is receiving temporary cash assistance and who fails to comply with work requirements; eliminating provisions allowing the continuation of temporary cash assistance for children; amending s. 414.095, F.S.; revising certain requirements for determining eligibility for temporary cash assistance in order to conform to federal requirements; eliminating certain eligibility options for stepparents; amending s. 414.105, F.S.; providing for a lifetime cumulative period during which a person may receive temporary cash assistance; eliminating certain other time limitations; revising the membership requirements for regional workforce boards; repealing s. 414.32(2), F.S., relating to disqualification from the food stamp program for an arrearage in child support payments; amending ss. 409.2564 and 445.048, F.S.; conforming cross-references; repealing s. 114, ch. 2004-267, Laws of Florida, relating to authorization for the department to contract with private vendors for determining eligibility for the Economic Self-Sufficiency Services program; providing an effective date.

House Amendment 1 (381627)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (12) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(12) The Title IV-D agency shall review child support orders in IV-D cases at least every 3 years upon request by either party, or the agency in cases where there is an assignment of support to the state under s. 414.095*(7)*~~(8)~~, and may seek adjustment of the order if appropriate under the guidelines established in s. 61.30. Not less than once every 3 years the IV-D agency shall provide notice to the parties subject to the order informing them of their right to request a review and, if appropriate, an adjustment of the child support order. Said notice requirement may be met by including appropriate language in the initial support order or any subsequent orders.

Section 2. Subsections (3) through (5) of section 414.065, Florida Statutes, are renumbered as subsections (2) through (4), respectively, and present subsections (1) and (2) of said section are amended to read:

414.065 Noncompliance with work requirements.—

(1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.—~~The department shall establish procedures for administering penalties for nonparticipation in work requirements and failure to comply with the alternative requirement plan.~~ If an individual in a family receiving temporary cash assistance fails to engage in work activities required *under* ~~in accordance with~~ s. 445.024 *or under an alternative requirement plan as described in subsection (3)*, the *department shall administer sanctions consistent with federal food stamp regulations as provided under 7 C.F.R. part 273, including the state option to disqualify the entire household when the head of the household is noncompliant* ~~following penalties shall apply~~. Prior to the imposition of a sanction, the participant shall be notified orally or in writing that the participant is subject to sanction and that action will be taken to impose the sanction unless the participant complies with the work activity requirements *or the alternative requirement plan*. The participant shall be counseled as to the consequences of noncompliance and, if appropriate, shall be referred for services that could assist the participant to fully comply with program requirements. If the participant has good cause for noncompliance or demonstrates satisfactory compliance, the sanction shall not be imposed. If the participant has subsequently obtained employment, the participant shall be counseled regarding the transitional benefits that may be available and provided information about how to access such benefits. The department shall administer sanctions related to food stamps consistent with federal regulations.

~~(a)1. First noncompliance: temporary cash assistance shall be terminated for the family for a minimum of 10 days or until the individual who failed to comply does so.~~

~~2. Second noncompliance: temporary cash assistance shall be terminated for the family for 1 month or until the individual who failed to comply does so, whichever is later. Upon meeting this requirement, temporary cash assistance shall be reinstated to the date of compliance or the first day of the month following the penalty period, whichever is later.~~

~~3. Third noncompliance: temporary cash assistance shall be terminated for the family for 3 months or until the individual who failed to comply does so, whichever is later. The individual shall be required to comply with the required work activity upon completion of the 3-month penalty period, before reinstatement of temporary cash assistance. Upon meeting this requirement, temporary cash assistance shall be reinstated to the date of compliance or the first day of the month following the penalty period, whichever is later.~~

~~(b) If a participant receiving temporary cash assistance who is otherwise exempted from noncompliance penalties fails to comply with the alternative requirement plan required in accordance with this section, the penalties provided in paragraph (a) shall apply.~~

~~If a participant fully complies with work activity requirements for at least 6 months, the participant shall be reinstated as being in full compliance with program requirements for purpose of sanctions imposed under this section.~~

~~(2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.—~~

~~(a) Upon the second or third occurrence of noncompliance, temporary cash assistance and food stamps for the child or children in a family who are under age 16 may be continued. Any such payments must be made through a protective payee or, in the case of food stamps, through an authorized representative. Under no circumstances shall temporary cash assistance or food stamps be paid to an individual who has failed to comply with program requirements.~~

~~(b) Protective payees shall be designated by the department and may include:~~

~~1. A relative or other individual who is interested in or concerned with the welfare of the child or children and agrees in writing to utilize the assistance in the best interest of the child or children.~~

~~2. A member of the community affiliated with a religious, community, neighborhood, or charitable organization who agrees in writing to utilize the assistance in the best interest of the child or children.~~

~~3. A volunteer or member of an organization who agrees in writing to fulfill the role of protective payee and to utilize the assistance in the best interest of the child or children.~~

~~(c) The protective payee designated by the department shall be the authorized representative for purposes of receiving food stamps on behalf of a child or children under age 16. The authorized representative must agree in writing to use the food stamps in the best interest of the child or children.~~

~~(d) If it is in the best interest of the child or children, as determined by the department, for the staff member of a private agency, a public agency, the department, or any other appropriate organization to serve as a protective payee or authorized representative, such designation may be made, except that a protective payee or authorized representative must not be any individual involved in determining eligibility for temporary cash assistance or food stamps for the family, staff handling any fiscal processes related to issuance of temporary cash assistance or food stamps, or landlords, grocers, or vendors of goods, services, or items dealing directly with the participant.~~

~~(e) The department may pay incidental expenses or travel expenses for costs directly related to performance of the duties of a protective payee as necessary to implement the provisions of this subsection.~~

Section 3. Subsections (5) through (19) of section 414.095, Florida Statutes, are renumbered as subsections (4) through (18), respectively, and paragraph (a) of subsection (2), present subsection (4), paragraphs (c) and (e) of present subsection (15), and present subsection (17) of said section are amended to read:

414.095 Determining eligibility for temporary cash assistance.—

(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

(a) To be eligible for services or temporary cash assistance and Medicaid:

1. An applicant must be a United States citizen, or a qualified noncitizen, as defined in this section.

2. An applicant must be a legal resident of the state.

3. Each member of a family must provide to the department the member's social security number or shall provide proof of application for a social security number. An individual who fails to provide ~~to the department~~ a social security number, or proof of application for a social security number, is not eligible to participate in the program.

4. A minor child must reside with a custodial parent or parents~~,~~ ~~or~~ with a relative caretaker who is within the specified degree of blood relationship as defined *by 45 C.F.R. part 233* ~~under this chapter~~, or*, if the minor is a teen parent with a child,* in a setting approved by the department *as provided in subsection (14)*.

5. Each family must have a minor child and meet the income and resource requirements of the program. All minor children who live in the family, as well as the parents of the minor children, shall be included in the eligibility determination unless specifically excluded.

~~(4) STEPPARENTS.—A family that contains a stepparent has the following special eligibility options if the family meets all other eligibility requirements:~~

~~(a) A family that does not contain a mutual minor child has the option to include or exclude a stepparent in determining eligibility if the stepparent's monthly gross income is less than 185 percent of the federal poverty level for a two-person family.~~

~~1. If the stepparent chooses to be excluded from the family, temporary cash assistance, without shelter expense, shall be provided for the child. The parent of the child must comply with work activity requirements as provided in s. 445.024. Income and resources from the stepparent may not be included in determining eligibility; however, any income and resources from the parent of the child shall be included in determining eligibility.~~

~~2. If a stepparent chooses to be included in the family, the department shall determine eligibility using the requirements for a nonstepparent family. A stepparent whose income is equal to or greater than 185 percent of the federal poverty level for a two-person family does not have the option to be excluded from the family, and all income and resources of the stepparent shall be included in determining the family's eligibility.~~

~~(b) A family that contains a mutual minor child does not have the option to exclude a stepparent from the family, and the income and resources from the stepparent shall be included in determining eligibility.~~

~~(c) A family that contains two stepparents, with or without a mutual minor child, does not have the option to exclude a stepparent from the family, and the income and resources from each stepparent must be included in determining eligibility.~~

(14)~~(15)~~ PROHIBITIONS AND RESTRICTIONS.—

(c) The teen parent is not required to live with a parent, legal guardian, or other adult caretaker relative if the department determines that:

1. The teen parent has suffered or might suffer harm in the home of the parent, legal guardian, or adult caretaker relative.

2. The requirement is not in the best interest of the teen parent or the child. If the department determines that it is not in the best interest of the teen parent or child to reside with a parent, legal guardian, or other adult caretaker relative, the department shall provide or assist the teen parent in finding a suitable home, a second-chance home, a maternity home, or other appropriate adult-supervised supportive living arrangement. Such living arrangement may include a shelter obligation in accordance with subsection *(10)*~~(11)~~.

The department may not delay providing temporary cash assistance to the teen parent through the alternative payee designated by the department pending a determination as to where the teen parent should live and sufficient time for the move itself. A teen parent determined to need placement that is unavailable shall continue to be eligible for temporary cash assistance so long as the teen parent cooperates with the department and the Department of Health. The teen parent shall be provided with counseling to make the transition from independence to supervised living and with a choice of living arrangements.

(e) If a parent or caretaker relative does not assign any rights a family member may have to support from any other person as required by subsection *(7)*~~(8)~~, temporary cash assistance to the entire family shall be denied until the parent or caretaker relative assigns the rights to the department.

(16)~~(17)~~ PROPORTIONAL REDUCTION.—If the Social Services Estimating Conference forecasts an increase in the temporary cash assistance caseload and there is insufficient funding, a proportional reduction as determined by the department shall be applied to the levels of temporary cash assistance in subsection *(10)*~~(11)~~.

Section 4. Section 414.105, Florida Statutes, is amended to read:

414.105 Time limitations of temporary cash assistance.—*Except as* ~~Unless~~ otherwise ~~expressly~~ provided in this *section* ~~chapter~~, an applicant or current participant shall receive temporary cash assistance for *no* ~~episodes of not more than 24 cumulative months in any consecutive 60-month period that begins with the first month of participation and for not~~ more than a lifetime cumulative total of 48 months ~~as an adult~~, unless otherwise provided by law.

~~(1) The time limitation for episodes of temporary cash assistance may not exceed 36 cumulative months in any consecutive 72-month period that begins with the first month of participation and may not exceed a lifetime cumulative total of 48 months of temporary cash assistance as an adult, for cases in which the participant:~~

~~(a) Has received aid to families with dependent children or temporary cash assistance for any 36 months of the preceding 60 months; or~~

~~(b) Is a custodial parent under the age of 24 who:~~

~~1. Has not completed a high school education or its equivalent; or~~

~~2. Had little or no work experience in the preceding year.~~

~~(2) A participant who is not exempt from work activity requirements may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the participant is fully complying with the work activities of the WAGES Program through subsidized or unsubsidized public or private sector employment. The period for which extended temporary cash assistance~~

~~is granted shall be based upon compliance with WAGES Program requirements beginning October 1, 1996.~~

~~(3) A WAGES participant who is not exempt from work activity requirements and who participates in a recommended mental health or substance abuse treatment program may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the individual fully complies with the requirements of the treatment program. This treatment credit may be awarded only upon the successful completion of the treatment program and only once during the 48-month time limit.~~

(1)~~(4) A participant may not receive temporary cash assistance under this subsection, in combination with other periods of temporary cash assistance for longer than a lifetime limit of 48 months.~~ Hardship exemptions to the time limitations *provided in this section* ~~of this chapter~~ shall be limited to 20 percent of the average monthly caseload, as determined by the department in cooperation with Workforce Florida, Inc. Criteria for hardship exemptions include:

(a) Diligent participation in activities, combined with inability to obtain employment.

(b) Diligent participation in activities, combined with extraordinary barriers to employment, including the conditions which may result in an exemption to work requirements.

(c) Significant barriers to employment, combined with a need for additional time.

(d) Diligent participation in activities and a need by teen parents for an exemption in order to have 24 months of eligibility beyond receipt of the high school diploma or equivalent.

(e) A recommendation of extension for a minor child of a participating family that has reached the end of the eligibility period for temporary cash assistance. The recommendation must be the result of a review which determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care. ~~Temporary cash assistance shall be provided through a protective payee. Staff of the Child Care Services Program Office of the department shall conduct all assessments in each case in which it appears a child may require continuation of temporary cash assistance through a protective payee.~~

(2)~~(5) In addition to the exemptions listed in subsection (3),~~ A victim of domestic violence may be granted a hardship exemption if the effects of such domestic violence delay or otherwise interrupt or adversely affect the individual's participation in the program.

(3)~~(6)~~ The department, in cooperation with Workforce Florida, Inc., shall establish a procedure for approving hardship exemptions and for reviewing hardship cases at least once every 2 years. Regional workforce boards may assist in making these determinations. ~~The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.~~

(4)~~(7)~~ For individuals who have moved from another state, the months in which temporary cash assistance was received under a block grant program that provided temporary assistance for needy families in any state shall count towards the cumulative 48-month benefit limit for temporary cash assistance.

(5)~~(8)~~ For individuals subject to a time limitation under the Family Transition Act of 1993, that time limitation shall continue to apply. Months in which temporary cash assistance was received through the family transition program shall count towards the time limitations under this *section* ~~chapter~~.

(6)~~(9)~~ Except when temporary cash assistance was received through the family transition program, the calculation of the time limitation for temporary cash assistance shall begin with the first month of receipt of temporary cash assistance after the effective date of this act.

(7)~~(10)~~ Child-only cases are not subject to time limitations, and temporary cash assistance received while an individual is a minor child shall not count towards time limitations.

(8)~~(11)~~ An individual who receives benefits under the Supplemental Security Income (SSI) program or the Social Security Disability Insurance (SSDI) program is not subject to time limitations. An individual who has applied for supplemental security income (SSI) or supplemental security disability income (SSDI)~~,~~ but has not yet received a determination must be granted an extension of time limits until the individual receives a final determination on the SSI *or SSDI* application. Determination shall be considered final once all appeals have been exhausted, benefits have been received, or denial has been accepted without any appeal. While awaiting a final determination, *the* ~~such~~ individual must continue to meet all program requirements assigned to the participant based on medical ability to comply. If a final determination results in the denial of benefits for supplemental security income (SSI) or supplemental security disability income (SSDI), any period during which the recipient received assistance under this *section* ~~chapter~~ shall *be counted in* ~~count against~~ the recipient's 48-month lifetime limit.

(9)~~(12)~~ A person who is totally responsible for the personal care of a disabled family member is not subject to time limitations if the need for the care is verified and alternative care is not available for the family member. The department shall annually evaluate an individual's qualifications for this exemption.

(10)~~(13)~~ A member of the staff of the regional workforce board shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the *48-month* ~~24-month~~ time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit time limit for temporary cash assistance and, if appropriate, shall refer the participant for services that could facilitate employment.

Section 5. Subsections (3) through (5) of section 414.32, Florida Statutes, are renumbered as subsections (2) through (4), respectively, and present subsection (2) of said section is amended to read:

414.32 Prohibitions and restrictions with respect to food stamps.—

~~(2) DISQUALIFICATION FOR CHILD SUPPORT ARREARS. An individual is ineligible to participate in the food stamp program as a member of a food stamp assistance group during any month in which the individual is delinquent in any payment due under a court order for the support of a child. This subsection does not apply if the court is allowing the individual to delay payment for the support of a child or if the individual is complying with a payment plan approved by the court or the state agency that administers the child support enforcement program.~~

Section 6. Subsection (3) of section 445.048, Florida Statutes, as amended by chapter 2004-269, Laws of Florida, is amended to read:

445.048 Passport to Economic Progress demonstration program.—

(3) INCOME DISREGARD.—In order to provide an additional incentive for employment, and notwithstanding the amount specified in s. 414.095*(11)*~~(12)~~, for individuals residing in the areas designated for this demonstration program, the first $300 plus one-half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of s. 414.095*(11)*~~(12)~~ shall continue to apply to such individuals.

Section 7. *Section 114 of chapter 2004-267, Laws of Florida, is repealed.*

Section 8. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to economic eligibility services; amending s. 409.2564, F.S.; correcting a cross reference; amending s. 414.065, F.S.; aligning food stamp sanctions with federal penalties; deleting provisions relating to continuation of temporary cash assistance for children through protective payees; amending s. 414.095, F.S.; clarifying eligibility for temporary cash assistance for teen parents; deleting additional eligibility options relating to families containing a stepparent; correcting cross references; amending s. 414.105, F.S.; aligning time limitations for temporary cash assistance with federal requirements; deleting provisions relating to review panels; amending s. 414.32, F.S.;

deleting food stamp sanctions for persons who are delinquent on child support payments; amending s. 445.048, F.S.; correcting a cross reference; repealing s. 114 of ch. 2004-267, Laws of Florida, relating to the Economic Self-Sufficiency Services program eligibility determination functions; providing an effective date.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 410, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 410—A bill to be entitled An act relating to the Department of Health; amending s. 456.013, F.S.; eliminating a requirement that the department issue wall certificates; amending s. 456.017, F.S.; prohibiting the use of a state-developed examination if a national examination has been certified by the department; revising the criteria under which an applicant may challenge the validity of an examination; authorizing the department to post examination scores on the Internet in lieu of mailing the scores to each applicant; amending s. 456.036, F.S.; providing for a retired-status license; providing a fee for changing to retired status at the time of license renewal; requiring an additional fee if retired status is chosen at any time other than at the time of license renewal; authorizing each board or the department to reexamine a licensee who has been retired or inactive for a specified period in order to assess the licensee's competency; amending s. 464.201, F.S.; defining the phrase "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules specifying the scope of practice and level of supervision required for certified nursing assistants; amending s. 464.203, F.S.; requiring the biennial renewal of certification as a nursing assistant; reducing the number of required hours of inservice training for certified nursing assistants; providing a fee for certification renewal; providing an effective date.

House Amendment 1 (047605)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 456.013, Florida Statutes, is amended to read:

456.013 Department; general licensing provisions.—

(2) Before the issuance of any license, the department shall charge an initial license fee as determined by the applicable board or, if *there is* no ~~such~~ board ~~exists~~, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. The license shall consist of a wallet-size identification card and a wall card measuring 6 1/2 inches by 5 inches. ~~In addition to the two-part license, the department, at the time of initial licensure, shall issue a wall certificate suitable for conspicuous display, which shall be no smaller than 8 1/2 inches by 14 inches.~~ The licensee shall surrender to the department the wallet-size identification card *and*~~,~~ the wall card~~, and the wall certificate, if one has been issued by the department,~~ if the licensee's license *was issued in error or* is revoked.

Section 2. Paragraph (c) of subsection (1) and subsection (2) of section 456.017, Florida Statutes, are amended, and subsection (7) is added to said section, to read:

456.017 Examinations.—

(1)

(c)~~1.~~ The board, or the department when there is no board, shall approve by rule the use of one or more national examinations which the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules.

1. Providers of examinations seeking certification ~~by the department~~ shall pay the actual costs incurred by the department in making a determination regarding the certification. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.

2. ~~The board, or the department when there is no board, shall approve and begin administering a national examination no later than December 31, 2001.~~ Neither the board nor the department may administer a state-developed written examination *if a national examination has been certified by the department* ~~after December 31, 2001, notwithstanding any other provision of law~~. The examination may be administered electronically if adequate security measures are used, as determined by rule of the department.

3. The board, or the department when there is no board, may administer a state-developed practical or clinical examination, as required by the applicable practice act, if all costs of development, purchase, validation, administration, review, and defense are paid by the examination candidate prior to the administration of the examination. If a national practical or clinical examination is available and certified by the department pursuant to this section, the board, or the department when there is no board, may administer the national examination.

4. It is the intent of the Legislature to reduce the costs associated with state examinations and to encourage the use of national examinations whenever possible.

(2) For each examination developed by the department or a contracted vendor, the board, or the department when there is no board, shall adopt rules providing for reexamination of any applicants who failed an examination developed by the department or a contracted vendor. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which the applicant failed to achieve a passing grade, if the applicant successfully passes that portion within a reasonable time, as determined by rule of the board, or the department when there is no board, of passing the other portion. Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of the applicant's examination grades. Notwithstanding any other provisions, only candidates who fail an examination *with a score that is* ~~by~~ less than 10 percent *below the minimum score required to pass the examination* shall be entitled to challenge the validity of the examination at hearing.

(7) The department may post examination scores electronically on the Internet in lieu of mailing the scores to each applicant. Such electronic posting of the examination scores meets the requirements of chapter 120 if the department also posts with the examination scores a notification of rights as set forth in chapter 120. The date of receipt for purposes of chapter 120 shall be the date the examination scores are posted electronically. The department shall also notify the examinee when scores are posted electronically of the availability of a postexamination review, if applicable.

Section 3. Subsections (5) through (11) of section 456.025, Florida Statutes, are renumbered as subsections (4) through (10), respectively, and present subsection (4) of said section is amended to read:

456.025 Fees; receipts; disposition.—

~~(4) Each board, or the department if there is no board, may charge a fee not to exceed $25, as determined by rule, for the issuance of a wall certificate pursuant to s. 456.013(2) requested by a licensee who was licensed prior to July 1, 1998, or for the issuance of a duplicate wall certificate requested by any licensee.~~

Section 4. Subsections (1), (2), and (4) of section 456.036, Florida Statutes, are amended, subsections (10), (12), and (13) are renumbered as subsections (11), (14), and (15), respectively, present subsection (11) is renumbered as subsection (13) and amended, and new subsections (10) and (12) are added to said section, to read:

456.036 Licenses; active*,* ~~and~~ inactive*, and retired*status; delinquency.—

(1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession *with an inactive status, retired status, or delinquent* ~~without an active status~~ license is in violation of this section and s. 456.072, and the board, or the department if there is no board, may impose discipline on the licensee.

(2) Each board, or the department if there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active*,* ~~or~~ inactive*, or retired* status.

(4) Notwithstanding any other provision of law to the contrary, a licensee may change licensure status at any time.

(a) Active status licensees choosing inactive status at the time of license renewal must pay the inactive status renewal fee, and, if applicable, the delinquency fee and the fee to change licensure status. Active status licensees choosing inactive status at any other time than at the time of license renewal must pay the fee to change licensure status.

(b) Active status or inactive status licensees choosing retired status at the time of license renewal must pay the retired status fee, not to exceed $50, as established by rule of the board, or the department if there is no board. Active status or inactive status licensees choosing retired status at any other time than at the time of license renewal must pay the retired status fee plus the fee to change licensure status.

(c)~~(b)~~ An inactive status licensee may change to active status at any time, if the licensee meets all requirements for active status. Inactive status licensees choosing active status at the time of license renewal must pay the active status renewal fee, any applicable reactivation fees as set by the board, or the department if there is no board, and, if applicable, the delinquency fee and the fee to change licensure status. Inactive status licensees choosing active status at any other time than at the time of license renewal must pay the difference between the inactive status renewal fee and the active status renewal fee, if any exists, any applicable reactivation fees as set by the board, or the department if there is no board, and the fee to change licensure status.

(10) Each board, or the department if there is no board, may by rule impose reasonable conditions, including full reexamination to assess current competency, necessary to ensure that a licensee who has been on retired status for more than 5 years or a licensee from another state who has not been in active practice within the past 5 years and who applies for active status is able to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are retired.

(12) Before reactivation, a retired status licensee must meet the same continuing education requirements, if any, and pay any renewal fees imposed on active status licensees for all biennial licensure periods in which the licensee was in retired status.

(13)~~(11)~~ The status or a change in status of a licensee does not alter in any way the right of the board, or of the department if there is no board, to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, *retired,* or delinquent.

Section 5. Subsection (5) of section 464.201, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to said section to read:

464.201 Definitions.—As used in this part, the term:

(5) "Practice of a certified nursing assistant" means the provision of care and assistance with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, postmortem care, patient socialization and reality orientation, end-of-life care, cardiopulmonary resuscitation and emergency care, residents' or patients' rights, documentation of nursing assistant services, and other tasks that a certified nursing assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by the registered nurse. This subsection does not restrict the ability of any person who is otherwise trained and educated from performing such tasks.

Section 6. Section 464.202, Florida Statutes, is amended to read:

464.202 Duties and powers of the board.—The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by board rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The board shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants *that specify the scope of practice authorized and the level of supervision required for the practice of certified nursing assistants* ~~to enforce this part~~. The board may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall pay all reasonable costs and expenses incurred by the board in evaluating the provider's application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

Section 7. Subsections (5) and (7) of section 464.203, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

464.203 Certified nursing assistants; certification requirement.—

(5) Certification as a nursing assistant, in accordance with this part, *may be renewed* ~~continues in effect~~ until such time as the nursing assistant allows a period of 24 consecutive months to pass during which period the nursing assistant fails to perform any nursing-related services for monetary compensation. When a nursing assistant fails to perform any nursing-related services for monetary compensation for a period of 24 consecutive months, the nursing assistant must complete a new training and competency evaluation program or a new competency evaluation program.

(7) A certified nursing assistant shall complete *12* ~~18~~ hours of inservice training during each calendar year. The certified nursing assistant shall be responsible for maintaining documentation demonstrating compliance with these provisions. The Council on Certified Nursing Assistants, in accordance with s. 464.2085(2)(b), shall propose rules to implement this subsection.

(8) The department shall renew a certificate upon receipt of the renewal application and receipt of a fee. The department shall adopt rules establishing a procedure for the biennial renewal of certificates and the imposition of a fee of not less than $20 and not more than $50 biennially. Any certificate not renewed by July 1, 2006, is void.

Section 8. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the regulation of health care professionals; amending s. 456.013, F.S.; deleting the requirement that

the Department of Health issue wall certificates; requiring licensees with licenses issued in error to surrender certain documents to the department; amending s. 456.017, F.S.; specifying that a state-developed test is not permitted if a national examination has been certified by the department; clarifying the limitation on who may challenge the validity of an examination; permitting the department to post examination scores on the Internet; amending s. 456.025, F.S.; deleting an obsolete provision; amending s. 456.036, F.S.; providing for a retired license status and providing a fee for such status; authorizing the department to reexamine certain licensees under certain circumstances; providing requirements for retired status licensees to reactivate their licenses; amending s. 464.201, F.S.; defining "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules to specify the scope of practice for certified nursing assistants; amending s. 464.203, F.S.; providing for the renewal of nursing assistant certification; providing for a fee; reducing the hours of inservice training required of certified nursing assistants; requiring certification as a nursing assistant to be renewed and authorizing a fee for such renewal; requiring the department to adopt rules regarding such renewal; providing that certificates not renewed by a specified date are void; providing an effective date.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 424, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 424—A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

House Amendment 1 (636363)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *All economic collective bargaining issues at impasse for the 2005-2006 fiscal year between the State of Florida and the legal representatives of the certified bargaining units for state employees shall be resolved pursuant to the instructions provided in Senate Bill 2600, 2005 Regular Session, and the relevant provisions of any legislation enacted to implement Senate Bill 2600.*

Section 2. *All noneconomic collective bargaining issues at impasse for the 2005-2006 fiscal year between the State of Florida and the legal representatives of the certified bargaining units for state employees shall be resolved consistent with the personnel rules in effect on March 8, 2005, and the relevant provisions of any legislation modifying the terms and conditions of state employment.*

Section 3. This act shall take effect January 1, 2006.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2584, with amendment(s), and requests the concurrence of the Senate or, failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed by the Speaker to resolve differences between the houses.

John B. Phelps, Clerk

CS for SB 2584—A bill to be entitled An act relating to higher education; amending s. 1011.94, F.S.; authorizing the deposit of funds appropriated by the Legislature into the Trust Fund for University Major Gifts; providing an effective date.

House Amendment 1 (411821)(with title amendment)—Remove everything after the enacting clause

And the title is amended as follows:

Remove the entire title

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the House's request for a conference committee.

The action of the Senate was certified to the House.

SPECIAL ORDER CALENDAR

On motion by Senator Carlton—

CS for SB 660—A bill to be entitled An act relating to assets held in benefit plans; amending s. 222.21, F.S.; exempting certain tax-exempt funds or accounts from legal process in favor of creditors; amending s. 222.22, F.S.; exempting from legal process in favor of creditors or other claimants assets held in qualified tuition programs, in certain health savings accounts and medical savings accounts, in Coverdell education savings accounts, or in hurricane savings accounts; defining the term "hurricane savings account"; amending s. 710.102, F.S.; redefining the term "benefit plan," and defining the term "qualified minor's trust," as used in the Florida Uniform Transfers to Minors Act; amending s. 710.104, F.S.; including benefit plans in the types of property that a custodian may be named to receive on behalf of a minor; amending s. 710.108, F.S.; allowing a benefit plan to be transferred to a custodian of a minor who does not have a conservator by an obligor of the minor; amending s. 710.116, F.S.; allowing a minor's custodian, without court order, to transfer custodial property to a qualified minor's trust; providing implications of the transfer; amending s. 733.808, F.S.; providing for the disposition of benefits under a benefit plan after the death of an owner of or participant in the plan; amending s. 744.301, F.S.; providing for the parents or natural guardians of a minor child to collect, receive, manage, and dispose of and make elections regarding the proceeds of an annuity contract payable to a minor child or of a benefit plan of which the minor is a beneficiary, participant, or owner, without appointment, authority, or bond, if the proceeds equal less than a specified maximum amount; providing an effective date.

—was read the second time by title.

Senator Carlton moved the following amendments which were adopted:

Amendment 1 (623548)—On page 4, lines 24-27, delete those lines and insert: *402(c) of the Internal Revenue Code of 1986.*

Amendment 2 (634484)(with title amendment)—On page 6, line 29 through page 8, line 4, delete those lines and insert:

(4)(a) Moneys paid into or out of the assets of and the income of any hurricane savings account established by an insurance policyholder for residential property in this state equal to twice the deductible sum of such insurance to cover an insurance deductible or other uninsured portion of the risks of loss from a hurricane, rising flood waters, or other catastrophic windstorm event are not liable to attachment, levy, garnishment, or legal process in this state in favor of any creditor of or claimant against any account participant, purchaser, owner or contributor, or account beneficiary.

(b) As used in this subsection, the term "hurricane savings account" means an account established by the owner of residential real estate in this state, which meets the requirements of homestead exemption under s. 4, Art. X of the State Constitution, who specifies that the purpose of the account is to cover the amount of insurance deductibles and other uninsured portions of risks of loss from hurricanes, rising flood waters, or other catastrophic windstorm events.

(c) This subsection shall take effect only when the federal government provides tax-exempt or tax-deferred status to a hurricane savings account, disaster savings account, or other similar account created to cover an insurance deductible or other uninsured portion of the risks of loss from a hurricane, rising flood waters, or other catastrophic windstorm event.

And the title is amended as follows:

On page 2, line 9, after "providing" insert: a conditional effective date and

Pursuant to Rule 4.19, **CS for SB 660** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for SB 1322—A bill to be entitled An act relating to the Public Service Commission; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; specifying that the Governor has no planning or budgetary authority with respect to the commission; specifying that the Governor and the Department of Management Services have no authority over the commission's employees; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide a nominee for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; amending s. 120.80, F.S.; requiring that the commission refer certain matters affecting the substantial interest of a utility to the Division of Administrative Hearings so that an administrative judge may be assigned to conduct a hearing and enter a recommended order; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1322** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander, by two-thirds vote **HB 155** was withdrawn from the Committees on Environmental Preservation; Agriculture; and General Government Appropriations.

On motion by Senator Alexander, by two-thirds vote—

HB 155—A bill to be entitled An act relating to the Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; providing legislative findings with respect to implementation and funding of the Lake Okeechobee Watershed Phosphorus Control Program and the Lake Okeechobee Protection Program; revising a definition; providing that the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the South Florida Water Management District be jointly responsible for implementing the Lake Okeechobee Protection Plan; requiring that annual funding priorities be jointly established; providing criteria for determining funding priorities; repealing obsolete provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 502** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 155** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater, by two-thirds vote **HB 349** was withdrawn from the Committees on Community Affairs; Regulated Industries; Governmental Oversight and Productivity; and General Government Appropriations.

On motion by Senator Atwater, by two-thirds vote—

HB 349—A bill to be entitled An act relating to auditor selection procedures; amending s. 218.391, F.S.; revising the auditor selection procedures that local governmental entities, district school boards, charter schools, and charter technical career centers must use in selecting auditors to conduct certain required financial audits; revising provisions relating to membership, purposes, and duties of audit committees required to be established to aid in such selection; providing for requests for proposals; providing review and ranking requirements; requiring written contracts and providing requirements therefor, including renewal requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 1072** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 349** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for SB 1194—A bill to be entitled An act relating to homestead assessments; providing an exception to requirements to assess certain homestead property at just value under certain circumstances; providing limitations; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1194** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 938—A bill to be entitled An act relating to adverse medical incidents; creating s. 381.028, F.S.; providing a short title; providing a purpose; defining terms; specifying patients' right of access to records relating to an adverse medical incident; prohibiting the disclosure of the identity of certain patients; providing for maintaining privacy restrictions imposed by federal law; providing for the applicability of s. 25, Art. X of the State Constitution; providing for applicability of this section; providing restrictions upon the use of the records; providing for the identification and production of the records; providing for fees charged for copies of records; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendments which were moved by Senator Posey and failed:

Amendment 1 (603030)—On page 2, between lines 24 and 25, insert:

(c) "Adverse medical incident records" mean records of the following:

1. A health care provider's competence, qualifications, and experience, including but not limited to, substance abuse, allegations or findings of misconduct, or the performance of a procedure or treatment on the wrong part of a patient or on the wrong patient;

2. A health care facility's infection experiences;

3. Adverse incidents caused by medication, radiology, pathology, or anesthesia;

4. Level of patient supervision and assistance; and

5. Reports of adverse incidents that are required to be made by law.

Adverse medical incident records do not include non-final versions of reports of adverse incidents required by law, notes on which the report is based, or attorney-client privileged communications, or documents privileged under the work-product doctrine.

(Renumber subsequent paragraphs.)

Amendment 2 (170094)(with title amendment)—On page 3, lines 24-31, delete those lines and insert: (re-designate subsequent paragraphs)

Amendment 3 (762694)—On page 5, delete line 31 and insert: *requesting access. A patient is also granted access to records relating to a health care facility's infection experiences; adverse medical incidents caused by medication, radiology, pathology, or anesthesia; and level of patient supervision and assistance.*

Amendment 4 (664126)(with title amendment)—On page 6, lines 1-9, delete those lines and redesignate subsequent paragraphs

And the title is amended as follows:

On page 1, lines 14 and 15, delete those lines and insert: providing for fees charged for

Pursuant to Rule 4.19, **CS for SB 938** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for SB 1144—A bill to be entitled An act relating to public records and public meetings; amending s. 119.01, F.S.; clarifying general state policy on public records; amending s. 119.07, F.S.; conforming cross-references; making editorial and conforming changes; transferring exemptions from public-records requirements under that section to indicated sections of Florida Statutes; amending s. 119.071, F.S.; transferring exemptions from public-records requirements under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classifications of "Agency Administration," "Agency Investigations," "Security," "Agency Personnel Information," and "Other Personal Information"; making editorial and conforming changes; transferring and amending s. 119.0721, F.S.; transferring exemptions provided for social security numbers to s. 119.071, F.S.; making editorial and conforming changes; deleting obsolete provisions; creating s. 119.0711, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Executive Branch Agency Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; creating s. 119.0712, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Executive Branch Agency-Specific Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; creating s. 119.0713, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Local Government Branch Agency Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; amending s. 119.15, F.S.; revising standards and guidelines for the review and repeal of exemptions from public-records and public-meetings requirements pursuant to the Open Government Sunset Review Act; making editorial and conforming changes; creating s. 112.31891, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Investigatory Records"; making editorial and conforming changes; creating s. 27.7081, F.S.; transferring provisions relating to capital postconviction public records production under s. 119.19, F.S., to that section; amending ss. 27.708, 101.5607, 112.533, 119.011, 286.0113, 287.0943, 320.05, 322.20, 338.223, 401.27, 409.2577, 633.527, 794.024, and 1007.35, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1144** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 646—A bill to be entitled An act relating to youthful offenders; amending ss. 958.045 and 958.11, F.S.; revising sentencing provisions for juvenile offenders who violate the terms of their probation; revising references to obsolete offices within the Department of Corrections relating to youthful offenders; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 646** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

SB 1172—A bill to be entitled An act relating to the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 766.309, F.S.; authorizing an administrative law judge to determine if the notice requirements have been satisfied when a claim is made under the Florida Birth-Related Neurological Injury Compensation Plan; providing legislative intent with respect to a provision clarifying the jurisdiction of an administrative law judge; amending s. 766.315, F.S.; authorizing the State Board of Administration to invest funds held on behalf of the Florida Birth-Related Neurological Injury Compensation Plan; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1172** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 940—A bill to be entitled An act relating to repeated medical malpractice; amending s. 456.041, F.S.; requiring the Department of Health to verify information submitted by a person who applies for initial licensure, or renewal of licensure, as a physician; creating s. 456.50, F.S.; defining terms; prescribing acts that constitute repeated medical malpractice; providing for review of acts and determination by the Board of Medicine and the Board of Osteopathic Medicine; authorizing the Board of Medicine and the Board of Osteopathic Medicine to require licensees and applicants for licensure to provide a copy of the record of the trial of any medical malpractice judgment involving an incident occurring on or after a specified date; extending the 90-day requirement for granting or denying a complete allopathic or osteopathic licensure application to 180 days; amending s. 458.331, F.S.; redefining acts of medical malpractice, gross medical malpractice, or repeated medical malpractice which constitute grounds for disciplinary action against a physician; amending s. 459.015, F.S.; redefining acts of medical malpractice, gross medical malpractice, or repeated medical malpractice which constitute grounds for disciplinary action against an osteopathic physician; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 940** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hill—

CS for SB 612—A bill to be entitled An act relating to Veterans' Day; requiring school districts to observe Veterans' Day; prohibiting holding classes on that day; providing an exception; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Hill, the rules were waived to allow the following amendment to be considered:

Senator Hill moved the following amendment which was adopted:

Amendment 1 (074468)(with title amendment)—On page 1, delete line 13 and insert: *state emergency. If November 11 falls on a Saturday or Sunday, a school holiday shall be observed on a weekday immediately following or preceding that weekend so as to correspond with the date that Veterans' Day is observed as a federal holiday.*

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: requiring the date of the Veterans' Day observance to correspond with the federal holiday;

Pursuant to Rule 4.19, **CS for SB 612** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 1662—A bill to be entitled An act relating to insurance; amending s. 626.901, F.S.; revising an exception from the prohibition against representing or aiding unauthorized insurers; providing for immediate cease-and-desist orders for violations of the prohibition; providing legislative findings; authorizing investigations of activities that may constitute violations of the prohibition; amending s. 626.902, F.S.; providing an exception from penalty provisions for a person who cooperates with the office to administer the Unauthorized Insurers Process Law; amending s. 626.908, F.S.; providing conditions on defenses of certain actions against unauthorized insurers and persons representing or aiding them; prescribing a time limit on motions to quash or set aside service of process in actions against such unauthorized insurers and other persons; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (155416)—On page 2, lines 12 and 13, delete "*and without advance notice or hearing*"

Pursuant to Rule 4.19, **CS for SB 1662** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1508** was deferred.

CS for SB 1034—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing district school boards to establish a waiver process; requiring the State Board of Education to approve school district waiver processes; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Wilson, the rules were waived to allow the following amendment to be considered:

Senator Wilson moved the following amendment:

Amendment 1 (810942)—On page 2, line 15, after "*or perform*" insert: *, unless the student is participating in an approved tutoring program*

On motion by Senator Baker, further consideration of **CS for SB 1034** with pending **Amendment 1 (810942)** was deferred.

On motion by Senator Bennett—

CS for SB 494—A bill to be entitled An act relating to renewable energy; creating s. 366.91, F.S.; providing legislative findings; providing definitions; requiring public utilities, municipal utilities, and rural electric cooperatives to offer a purchase contract to producers of renewable energy; providing requirements for such contracts; requiring that a producer pay the costs for interconnection; amending s. 366.11, F.S.; specifying that requirements for the purchase of renewable energy apply to municipal utilities; amending s. 403.7061, F.S.; revising a permit requirement for a waste-to-energy facility; encouraging specified applicants for a landfill permit to consider construction of a waste-to-energy facility; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 494** to **HB 77**.

Pending further consideration of **CS for SB 494** as amended, on motion by Senator Bennett, by two-thirds vote **HB 77** was withdrawn from the Committees on Environmental Preservation; and Community Affairs.

On motion by Senator Bennett, the rules were waived and—

HB 77—A bill to be entitled An act relating to waste-to-energy facilities; amending s. 403.7061, F.S.; revising a permit or certification requirement for a waste-to-energy facility; providing an effective date.

—a companion measure, was substituted for **CS for SB 494** as amended and read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (734522)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 366.91, Florida Statutes, is created to read:

366.91 Renewable energy.—

(1) The Legislature finds that it is in the public interest to promote the development of renewable energy resources in this state. Renewable energy resources have the potential to help diversify fuel types to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.

(2) As used in this section, the term:

(a) "Biomass" means a power source that is comprised of, but not limited to, combustible residues or gases from forest-products manufacturing, agricultural and orchard crops, waste products from livestock and poultry operations and food processing, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas.

(b) "Renewable energy" means electrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced from sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid manufacturing operations.

(3) On or before January 1, 2006, each public utility must continuously offer a purchase contract to producers of renewable energy. The commission shall establish requirements relating to the purchase of capacity and energy by public utilities from renewable energy producers and may adopt rules to administer this section. The contract shall contain payment provisions for energy and capacity which are based upon the utility's full avoided costs, as defined in s. 366.051; however, capacity payments are not required if, due to the operational characteristics of the renewable energy generator or the anticipated peak and off-peak availability and capacity factor of the utility's avoided unit, the producer is unlikely to provide any capacity value to the utility or the electric grid during the contract term. Each contract must provide a contract term of at least 10 years. Prudent and reasonable costs associated with a renew-

able energy contract shall be recovered from the ratepayers of the contracting utility, without differentiation among customer classes, through the appropriate cost-recovery clause mechanism administered by the commission.

(4) On or before January 1, 2006, each municipal electric utility and rural electric cooperative whose annual sales, as of July 1, 1993, to retail customers were greater than 2,000 gigawatt hours must continuously offer a purchase contract to producers of renewable energy containing payment provisions for energy and capacity which are based upon the utility's or cooperative's full avoided costs, as determined by the governing body of the municipal utility or cooperative; however, capacity payments are not required if, due to the operational characteristics of the renewable energy generator or the anticipated peak and off-peak availability and capacity factor of the utility's avoided unit, the producer is unlikely to provide any capacity value to the utility or the electric grid during the contract term. Each contract must provide a contract term of at least 10 years.

(5) A contracting producer of renewable energy must pay the actual costs of its interconnection with the transmission grid or distribution system.

Section 2. Subsection (1) of section 366.11, Florida Statutes, is amended to read:

366.11 Certain exemptions.—

(1) No provision of this chapter shall apply in any manner, other than as specified in ss. 366.04, 366.05(7) and (8), 366.051, 366.055, 366.093, 366.095, 366.14, ~~and~~ 366.80-366.85, *and 366.91,* to utilities owned and operated by municipalities, whether within or without any municipality, or by cooperatives organized and existing under the Rural Electric Cooperative Law of the state, or to the sale of electricity, manufactured gas, or natural gas at wholesale by any public utility to, and the purchase by, any municipality or cooperative under and pursuant to any contracts now in effect or which may be entered into in the future, when such municipality or cooperative is engaged in the sale and distribution of electricity or manufactured or natural gas, or to the rates provided for in such contracts.

Section 3. Section 403.7061, Florida Statutes, is amended to read:

403.7061 Requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection.—

(1) The Legislature recognizes the need to use an integrated approach to municipal solid waste management. Accordingly, the solid waste management legislation adopted in 1988 was guided by policies intended to foster integrated solid waste management by using waste reduction, recycling, waste-to-energy facilities, and landfills. Progress is being made in the state using this integrated approach to municipal solid waste management, and this approach should be continued. Waste-to-energy facilities will continue to be an integral part of the state's solid waste management practices. However, the state is committed to achieving its recycling and waste reduction goals and must ensure that waste-to-energy facilities are fully integrated with the state's waste management goals. Therefore, the Legislature finds that the department should evaluate applications for waste-to-energy facilities in accordance with the new criteria in subsection (3) to confirm that the facilities are part of an integrated waste management plan.

(2) Notwithstanding any other provisions of state law, the department shall not issue a construction permit or certification to build a waste-to-energy facility or expand an existing waste-to-energy facility unless the facility meets the requirements set forth in subsection (3). Any construction permit issued by the department between January 1, 1993, and May 12, 1993, which does not address these new requirements shall be invalid. These new requirements do not apply to the issuance of permits or permit modifications to retrofit existing facilities with new or improved pollution control equipment to comply with state or federal law. The department shall initiate rulemaking to incorporate the criteria in subsection (3) into its permit review process.

(3) An applicant must provide reasonable assurance that the construction of a new waste-to-energy facility or the expansion of an existing waste-to-energy facility will comply with the following *criteria* ~~subsections~~:

(a) The facility is a necessary part of the local government's integrated solid waste management program in the jurisdiction where the facility is located and cannot be avoided through feasible and practical efforts to use recycling or waste reduction.

(b) The use of capacity at existing waste-to-energy facilities within reasonable transportation distance of the proposed facility must have been evaluated and found not to be economically feasible when compared to the use of the proposed facility for the expected life of the proposed facility. This paragraph does not apply to:

1. Applications to build or expand waste-to-energy facilities received by the department before March 1, 1993, or amendments to such applications that do not increase combustion capacity beyond that requested as of March 1, 1993; or

2. Any modification to waste-to-energy facility construction or operating permits or certifications or conditions thereto, including certifications under ss. 403.501-403.518, that do not increase combustion capacity above that amount applied for before March 1, 1993.

(c) The county in which the facility is located *has implemented and maintains a solid waste management and recycling program that is designed to* ~~will~~ achieve the ~~30-percent~~ waste reduction goal set forth in s. 403.706(4) ~~by the time the facility begins operation~~. For the purposes of this section, the provisions of s. 403.706(4)(c) for counties *having* ~~with~~ populations of *100,000* ~~75,000~~ or *fewer* ~~less~~ do not apply.

(d) The local government in which the facility is located has implemented a mulching, composting, or other waste reduction program for yard trash.

(e) The local governments served by the facility will have implemented or participated in a separation program designed to remove small-quantity generator and household hazardous waste, mercury containing devices, and mercuric-oxide batteries from the waste stream prior to incineration, by the time the facility begins operation.

(f) The local government in which the facility is located has implemented a program to procure products or materials with recycled content, pursuant to s. 403.7065.

(g) A program will exist in the local government in which the facility is located for collecting and recycling recovered material from the institutional, commercial, and industrial sectors by the time the facility begins operation.

(h) The facility will be in compliance with applicable local ordinances and with the approved state and local comprehensive plans required by chapter 163.

(i) The facility is in substantial compliance with its permit, conditions of certification, and any agreements or orders resulting from environmental enforcement actions by state agencies.

(4) For the purposes of this section, the term "waste-to-energy facility" means a facility that uses an enclosed device using controlled combustion to thermally break down solid, liquid, or gaseous combustible solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term also does not include facilities that burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

Section 4. *Requirements relating to solid waste disposal facility permitting.—Local government applicants for a permit to construct or expand a Class I landfill are encouraged to consider construction of a waste-to-energy facility as an alternative to additional landfill space.*

Section 5. This act shall take effect October 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to renewable energy; creating s. 366.91, F.S.; providing legislative findings; providing definitions; requiring public

utilities, municipal utilities, and rural electric cooperatives to offer a purchase contract to producers of renewable energy; requiring the Florida Public Service Commission to establish requirements relating to the purchase of capacity and energy by public utilities from renewable energy producers; authorizing the commission to adopt rules; providing requirements for contracts; requiring that a producer pay the costs for interconnection; amending s. 366.11, F.S.; specifying that requirements for the purchase of renewable energy apply to municipal utilities; amending s. 403.7061, F.S.; revising a permit requirement for a waste-to-energy facility; encouraging specified applicants for a landfill permit to consider construction of a waste-to-energy facility; providing an effective date.

Pursuant to Rule 4.19, **HB 77** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

SB 784—A bill to be entitled An act relating to paperwork reduction in the school districts; requiring the establishment of the Paper Reduction Task Force and providing membership; requiring recommendations to minimize the paperwork burden placed on school districts and school district personnel; requiring a report to the Legislature; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 784** to **HB 281**.

Pending further consideration of **SB 784** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 281** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; and General Government Appropriations.

On motion by Senator Haridopolos—

HB 281—A bill to be entitled An act relating to paperwork reduction in the school districts; requiring the establishment of the Paper Reduction Task Force and providing membership; requiring recommendations to minimize the paperwork burden placed on school districts and school district personnel; requiring a report to the Legislature; providing for abolishment of the task force; providing an effective date.

—a companion measure, was substituted for **SB 784** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 281** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

SB 1980—A bill to be entitled An act relating to the Florida Commission on Tourism; amending s. 288.1223, F.S.; designating a member from the restaurant industry to the Florida Commission on Tourism; revising financial-disclosure requirements for commission members to conform with those of other statewide boards and commissions exercising governing authority; repealing s. 288.1224(11), F.S., relating to a statewide advisory committee of the Florida Commission on Tourism; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1980** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SB 1796—A bill to be entitled An act relating to property tax administration; amending s. 195.0995, F.S.; providing that if the Department of Revenue finds that more than 10 percent of sales qualified or disqualified by a county do not fall within applicable criteria, the department shall issue a postaudit notification of defects instead of a review notice; amending s. 195.096, F.S.; revising the requirements placed on the department in its review of assessment rolls; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1796** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

SB 1460—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; requiring that the registration application form contain a provision permitting a voluntary contribution to be distributed to Southeastern Guide Dogs, Inc.; providing for use of the funds; exempting such funds from the general revenue service charge; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1460** was placed on the calendar of Bills on Third Reading.

CS for SJR's 1210 and 1362—A joint resolution proposing an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution, relating to qualifications of candidates for public office, to increase the time a person may serve as state senator or state representative before being disqualified from a consecutive candidacy.

—was read the second time by title.

On motion by Senator Sebesta, further consideration of **CS for SJR's 1210 and 1362** was deferred.

On motion by Senator Bennett—

CS for CS for SB 492—A bill to be entitled An act relating to wrecker operators; amending s. 319.30, F.S.; redefining the term "certificate of destruction," to conform; amending s. 323.001, F.S.; revising certain towing and storage rates; amending s. 713.78, F.S.; removing mobile homes from the application of a statutory lien for towing and storage; conforming provisions related to recovering, towing, or storing vessels; providing for attorney's fees; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 715.07, F.S.; conforming provisions related to towing vessels parked on private property; imposing criminal penalties for failure to comply with certain laws governing the towing of vehicles and vessels; providing effective dates.

—was read the second time by title.

Senator Bennett moved the following amendments which were adopted:

Amendment 1 (100640)—On page 3, line 4 through page 9, line 28, delete those lines and insert:

Section 3. Subsections (2), (4), (5), (6), (7), (10), (11), and (13) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(2) Whenever a person regularly engaged in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier recovers, removes, or stores a vehicle *or*, vessel~~, or mobile home~~ upon instructions from:

(a) The owner thereof; ~~or~~

(b) The owner or lessor, or a person authorized by the owner or lessor, of property on which such vehicle *or vessel* is wrongfully parked, and *the* ~~such~~ removal is done in compliance with s. 715.07; or

(c) Any law enforcement agency~~; or~~

~~(d) A mobile home park owner as defined in s. 723.003 who has a current writ of possession for a mobile home lot pursuant to s. 723.061~~,

she or he shall have a lien on *the* ~~such~~ vehicle or vessel for a reasonable towing fee and for a reasonable storage fee; except that no storage fee shall be charged if *the* ~~such~~ vehicle is stored for less than 6 hours.

(4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.

(b) Whenever any law enforcement agency authorizes the removal of a vehicle *or vessel* or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle *or vessel* pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle *or vessel*. Upon receipt of the full description of the vehicle *or vessel*, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle *or vessel*, and whether any person has filed a lien upon the vehicle *or vessel* as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days *after* ~~from~~ the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.

(c) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens after 35 days if the vehicle or vessel is more than 3 years of age or after 50 days if the vehicle or vessel is 3 years of age or less.

(d) If attempts to locate the *name and address of the* owner or lienholder prove unsuccessful, the towing-storage operator shall, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction in writing by certified mail or acknowledged hand delivery that the towing-storage company has been unable to locate the *name and address of the* owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made. For purposes of this paragraph and subsection (9), "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:

1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

2. Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle *or vessel* at beginning of tow, if private tow.

4. If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of-state address is indicated from driver license information.

5. Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.

6. Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

7. Check of vehicle for vehicle identification number.

8. Check of vessel for vessel registration number.

9. Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(5)(a) The owner of a vehicle or vessel removed pursuant to the provisions of subsection (2), or any person claiming a lien, other than the towing-storage operator, within 10 days after the time she or he has knowledge of the location of the vehicle or vessel, may file a complaint in the county court of the county in which the vehicle or vessel is stored or in which the owner resides to determine if her or his property was wrongfully taken or withheld from her or him.

(b) Upon filing of a complaint, an owner or lienholder may have her or his vehicle or vessel released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing or storage and lot rental amount to ensure the payment of such charges in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the vehicle or vessel. At the time of such release, after reasonable inspection, she or he shall give a receipt to the towing-storage company reciting any claims she or he has for loss or damage to the vehicle or vessel or the contents thereof.

(c) Upon determining the respective rights of the parties, the court may award damages*, attorney's fees,* and costs in favor of the prevailing party. In any event, the final order shall provide for immediate payment in full of recovery, towing, and storage fees by the vehicle or vessel owner or lienholder; or the agency ordering the tow; or the owner, lessee, or agent thereof of the property from which the vehicle or vessel was removed.

(6) Any vehicle or vessel which is stored pursuant to subsection (2) and which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid ~~or for which a lot rental amount is due and owing to the mobile home park owner, as evidenced by a judgment for unpaid rent~~, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge ~~or unpaid lot rental amount~~ after 35 days from the time the vehicle or vessel is stored therein if the vehicle or vessel is more than 3 years of age or after 50 days following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle *or*~~,~~ vessel~~, or mobile home~~ is registered~~, to the mobile home park owner,~~ and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is

to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, *and* costs of the sale, ~~and the unpaid lot rental amount,~~ in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

(7)(a) A wrecker operator recovering, towing, or storing vehicles or vessels is not liable for damages connected with such services, theft of such vehicles or vessels, or theft of personal property contained in such vehicles or vessels, provided that such services have been performed with reasonable care and provided, further, that, in the case of removal of a vehicle or vessel upon the request of a person purporting, and reasonably appearing, to be the owner or lessee, or a person authorized by the owner or lessee, of the property from which such vehicle or vessel is removed, such removal has been done in compliance with s. 715.07. Further, a wrecker operator is not liable for damage *to a vehicle, vessel, or cargo that obstructs the normal movement of traffic or creates a hazard to traffic and is removed in compliance with the request of a law enforcement officer.* ~~connected with such services when complying with the lawful directions of a law enforcement officer to remove a vehicle stopped, standing, or parked upon a street or highway in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other traffic upon the street or highway.~~

(b) For the purposes of this subsection, a wrecker operator is presumed to use reasonable care to prevent the theft of a vehicle or vessel or of any personal property contained in such vehicle stored in the wrecker operator's storage facility if all of the following apply:

1. The wrecker operator surrounds the storage facility with a chain-link or solid-wall type fence at least 6 feet in height;

2. The wrecker operator has illuminated the storage facility with lighting of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet during nighttime; and

3. The wrecker operator uses one or more of the following security methods to discourage theft of vehicles or vessels or of any personal property contained in such vehicles or vessels stored in the wrecker operator's storage facility:

a. A night dispatcher or watchman remains on duty at the storage facility from sunset to sunrise;

b. A security dog remains at the storage facility from sunset to sunrise;

c. Security cameras or other similar surveillance devices monitor the storage facility; or

d. A security guard service examines the storage facility at least once each hour from sunset to sunrise.

(c) Any law enforcement agency requesting that a motor vehicle be removed from an accident scene, street, or highway must conduct an inventory and prepare a written record of all personal property found in the vehicle before the vehicle is removed by a wrecker operator. However, if the owner or driver of the motor vehicle is present and accompanies the vehicle, no inventory by law enforcement is required. A wrecker operator is not liable for the loss of personal property alleged to be contained in such a vehicle when such personal property was not identified on the inventory record prepared by the law enforcement agency requesting the removal of the vehicle.

(10) Persons who provide services pursuant to this section shall permit vehicle or vessel owners or their agents, which agency is evidenced by *an original* ~~a~~ writing acknowledged by the owner before a notary public or other person empowered by law to administer oaths, to inspect the towed vehicle or vessel and shall release to the owner or agent *the vehicle, vessel, or* all personal property not affixed to the vehicle or vessel which was in the vehicle or vessel at the time the vehicle or vessel came into the custody of the person providing such services.

(11)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2) and who has complied with the provisions of subsections (3) and (6), when such vehicle or vessel is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle *or*~~,~~ vessel~~, or mobile home~~ described in the certificate of title, shall apply to the county tax collector for a certificate of destruction. A certificate of destruction, which authorizes the dismantling or destruction of the vehicle or vessel described therein, shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the vehicle or vessel for which it is issued, when such vehicle or vessel is sold for such purposes, in lieu of a certificate of title. The application for a certificate of destruction must include an affidavit from the applicant that it has complied with all applicable requirements of this section and, if the vehicle or vessel is not registered in this state, by a statement from a law enforcement officer that the vehicle or vessel is not reported stolen, and shall be accompanied by such documentation as may be required by the department.

(b) The Department of Highway Safety and Motor Vehicles shall charge a fee of $3 for each certificate of destruction. A service charge of $4.25 shall be collected and retained by the tax collector who processes the application.

(c) The Department of Highway Safety and Motor Vehicles may adopt such rules as it deems necessary or proper for the administration of this subsection.

(13)(a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or storage of an abandoned vehicle *or*~~,~~ vessel ~~or mobile home~~ upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11), the department shall place the name of the registered owner of that vehicle *or*~~,~~ vessel~~, or mobile home~~ on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle *or*~~,~~ vessel~~, or mobile home~~ is owned jointly by more than one person, the name of each registered owner shall be placed on the list. The notice of wrecker operator's lien shall be submitted on forms provided by the department, which must include:

1. The name, address, and telephone number of the wrecker operator.

2. The name of the registered owner of the vehicle *or*~~,~~ vessel~~, or mobile home~~ and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).

3. A general description of the vehicle *or*~~,~~ vessel~~, or mobile home~~, including its color, make, model, body style, and year.

4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; ~~mobile home sticker number, state, and year;~~ vessel registration number; hull identification number; or other identification number, as applicable.

5. The name of the person or the corresponding law enforcement agency that requested that the vehicle *or*~~,~~ vessel~~, or mobile home~~ be recovered, towed, or stored.

6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle *or*~~,~~ vessel~~, or mobile home~~ for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under subsection (2) or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.

(c)1. The registered owner of a vehicle *or*~~,~~ vessel~~, or mobile home~~ may dispute a wrecker operator's lien, by notifying the department of the

dispute in writing on forms provided by the department, if at least one of the following applies:

a. The registered owner presents a notarized bill of sale proving that the vehicle *or*~~,~~ vessel~~, or mobile home~~ was sold in a private or casual sale before the vehicle *or*~~,~~ vessel~~, or mobile home~~ was recovered, towed, or stored.

b. The registered owner presents proof that the Florida certificate of title of the vehicle *or*~~,~~ vessel~~, or mobile home~~ was sold to a licensed dealer as defined in s. 319.001 before the vehicle *or*~~,~~ vessel~~, or mobile home~~ was recovered, towed, or stored.

If the registered owner's dispute of a wrecker operator's lien complies with one of these criteria, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. If the vehicle *or*~~,~~ vessel~~, or mobile home~~ is owned jointly by more than one person, each registered owner must dispute the wrecker operator's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8) if the wrecker operator has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the wrecker operator's lien claimed under this section. In such a case, the amount of the wrecker operator's lien allowed by paragraph (b) may be increased to include no more than $500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in nature, shall not be considered final agency action, and is appealable only to the county court for the county in which the vehicle *or*~~,~~ vessel~~, or mobile home~~ was ordered removed.

2. A person against whom a wrecker operator's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint, challenging the validity of the lien or the amount thereof, in the county court of the county in which the vehicle *or*~~,~~ vessel~~, or mobile home~~ was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle *or*~~,~~ vessel~~, or mobile home~~ was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien. Upon the posting of the bond and the payment of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

4. A wrecker operator's lien expires 5 years after filing.

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle *or*~~,~~ vessel~~, or mobile home~~ attesting that the amount of the wrecker operator's lien allowed by paragraph (b) has been discharged. Upon presentation of the certificate of discharged wrecker operator's lien by the registered owner, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. Issuance of a certificate of discharged wrecker operator's lien under this paragraph does not discharge the entire amount of the wrecker operator's lien claimed under subsection (2), but only certifies to the department that the amount of the wrecker operator's lien allowed by paragraph (b), for which the department will prevent issuance of a license plate or revalidation sticker, has been discharged.

(e) When a wrecker operator files a notice of wrecker operator's lien under this subsection, the department shall charge the wrecker operator a fee of $2, which shall be deposited into the General Revenue Fund established under s. 860.158. A service charge of $2.50 shall be collected and retained by the tax collector who processes a notice of wrecker operator's lien.

(f) This subsection applies only to the annual renewal in the registered owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under chapter 320, except for the transfer of registrations which is inclusive of the annual renewals. This subsection does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

(g) The Department of Highway Safety and Motor Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

Amendment 2 (101136)(with title amendment)—On page 3, line 14, after "vehicle" insert: *or vessel*

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to recovering, towing, and storage of motor vehicles, vessels, and mobile homes; amending

Amendment 3 (641172)(with title amendment)—On page 20, lines 21-23, delete those lines and insert:

(1) As used in this section, the term*:*

(a) "Vehicle" means any mobile item which normally uses wheels, whether motorized or not.

(b) "Vessel" means every description of watercraft, barge, and air boat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02(8).

And the title is amended as follows:

On page 1, line 30, following the semicolon (;) insert: defining the term "vessel";

Pursuant to Rule 4.19, **CS for CS for SB 492** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 370—A bill to be entitled An act relating to procedures for the satisfaction of debts; amending s. 55.141, F.S.; revising provisions relating to satisfaction of judgments and decrees; eliminating the authority of judges to act under these provisions when there is no clerk of court; revising requirements of the clerk when accepting payment for satisfaction of a judgment and executing and recording a satisfaction of judgment; providing a sample form to be used by a clerk when recording a satisfaction of judgment; revising provisions relating to notification of satisfaction of judgment to a judgment holder; amending s. 55.202, F.S.; revising procedures for acquiring a judgment lien; authorizing the court to file a judgment lien certificate before a judgment becomes final under certain circumstances; providing that an improperly filed certificate is of no effect; amending s. 55.204, F.S.; revising provisions relating to the continuation of judgment liens; revising provisions requiring the Department of State to maintain certain files and information; amending s. 55.205, F.S.; deleting a provision authorizing certain

creditors to bring certain actions against the property of a debtor; amending ss. 55.602, 55.603, 55.604, 55.605, and 55.606, F.S.; revising provisions relating to foreign judgments to apply only to out-of-country foreign judgments; amending s. 56.21, F.S.; revising requirements for notices of a levy and execution sale; amending s. 56.27, F.S.; clarifying provisions relating to payment of money received under execution; amending s. 56.29, F.S.; revising requirements regarding supplementary proceedings for unsatisfied judgments; amending s. 77.03, F.S.; deleting the provision that a garnishing creditor must believe that execution would be unavailing; amending s. 77.04, F.S.; specifying a time period for a garnishee to serve an answer to a writ; amending s. 77.041, F.S.; increasing the time period during which a garnishing creditor may object to the debtor's claim of exemption and request a hearing; amending s. 77.07, F.S.; providing for automatic dissolution of a writ and discharge of a garnishee of liability under certain circumstances; granting a plaintiff the right to extend a writ for a certain time period; providing procedures; amending s. 222.01, F.S.; revising provisions relating to the designation of homestead property by the owner prior to levy to include foreign judgments; amending s. 319.27, F.S.; correcting a cross-reference; amending s. 679.1021, F.S.; redefining the term "lien creditor"; amending s. 701.02, F.S.; providing that chapters 670-680 of the Uniform Commercial Code govern the attachment and perfection of a security interest in a mortgage upon real property and in a promissory note or other right to payment or performance secured by that mortgage; providing that the assignment of such a mortgage need not be recorded under s. 701.02, F.S., in order for a security interest in the mortgage to attach or be perfected under the Uniform Commercial Code; providing that a creditor or subsequent purchaser of real property or of any interest therein may rely on a full or partial release, discharge, consent, joinder, subordination, satisfaction, or assignment of a mortgage upon the property which was made by the mortgagee of record, without regard to the filing of certain Uniform Commercial Code financing statements; providing that the filing of such a financing statement does not constitute notice for the purposes of s. 701.02, F.S.; defining the term "mortgagee of record"; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 370** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **HB 213** was withdrawn from the Committees on Regulated Industries; Commerce and Consumer Services; and Rules and Calendar.

On motion by Senator Haridopolos, by two-thirds vote—

HB 213—A bill to be entitled An act relating to construction professionals; amending s. 481.221, F.S.; requiring the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seals for use by a registered architect or interior designer who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; amending s. 481.321, F.S.; requiring the Board of Landscape Architecture to prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; reenacting s. 481.225(1)(a) and (3), F.S., relating to disciplinary proceedings against registered architects, to incorporate the amendment to s. 481.221, F.S., in a reference thereto; providing penalties; reenacting s. 481.325(1)(a) and (3), F.S., relating to disciplinary proceedings against registered landscape architects, to incorporate the amendment to s. 481.321, F.S., in a reference thereto; providing penalties; amending s. 489.103, F.S.; exempting preengineered fire extinguishing system permittees from construction contracting regulation; amending s. 489.105, F.S.; revising contractor definitions to authorize Class A and Class B air-conditioning contractors to disconnect or reconnect changeouts of liquefied petroleum or natural gas appliances within buildings, mechanical contractors to install, maintain, fabricate, repair, alter, extend, or design, when not prohibited by law, liquefied petroleum gas lines within buildings, and plumbing contractors to install liquefied petroleum gas and related venting lines; providing an effective date.

—a companion measure, was substituted for **SB 792** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 213** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **HB 1765** was withdrawn from the Committee on Justice Appropriations.

On motion by Senator Crist, by two-thirds vote—

HB 1765—A bill to be entitled An act relating to the Federal Grants Trust Fund; creating s. 947.045, F.S.; creating the Federal Grants Trust Fund within the Florida Parole Commission; providing for the source and use of funds; providing for annual carryover of funds; providing for review and termination or re-creation of the trust fund; providing an effective date.

—a companion measure, was substituted for **SB 2194** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1765** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 1508—A bill to be entitled An act relating to life insurance and annuity contracts; amending s. 624.402, F.S.; providing that a certificate of authority is not required of insurers domiciled outside the United States for certain life insurance policies or annuity contracts covering only persons who are not residents of the United States and are not nonresidents illegally residing in the United States; providing criteria, requirements, and limitations; requiring the insurer to disclose certain information; providing for the Office of Insurance Regulation to determine when the insurer is no longer eligible for the exemption; providing an exemption from certain taxes; requiring life insurance applications and policies and annuity contracts to provide certain disclosure statements; specifying application of certain provisions to single-premium life insurance policies and single-premium annuity contracts issued to certain nonresidents; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1508** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for SB 1034—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing district school boards to establish a waiver process; requiring the State Board of Education to approve school district waiver processes; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (810942)** by Senator Wilson was withdrawn.

MOTION

On motion by Senator Villalobos, the rules were waived to allow the following amendment to be considered:

Senator Villalobos moved the following amendment:

Amendment 2 (322130)—On page 2, line 19, after the period (.) insert: *However, a student who is not eligible may continue to participate in extracurricular activities for a 9-week grading period. Following the 9-week period, if that student does not meet the requirements of this section, the student may not participate in the extracurricular activities as provided in this section.*

MOTION

On motion by Senator Pruitt, the rules were waived and time of recess was extended until completion of the Special Order Calendar, motions and announcements.

On motion by Senator Baker, further consideration of **CS for SB 1034** with pending **Amendment 2 (322130)** was deferred.

The Senate resumed consideration of—

CS for SJR's 1210 and 1362—A joint resolution proposing an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution, relating to qualifications of candidates for public office, to increase the time a person may serve as state senator or state representative before being disqualified from a consecutive candidacy.

—which was previously considered this day.

Pending further consideration of **CS for SJR's 1210 and 1362**, on motion by Senator Sebesta, by two-thirds vote **HJR 1177** was withdrawn from the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

On motion by Senator Sebesta, by two-thirds vote—

HJR 1177—A joint resolution proposing an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution relating to limitations on the number of consecutive years during which certain elected constitutional officers may hold office before being denied the right to have their names appear on the ballot.

—a companion measure, was substituted for **CS for SJR's 1210 and 1362** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HJR 1177** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for SB 1034—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing district school boards to establish a waiver process; requiring the State Board of Education to approve school district waiver processes; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—which was previously considered this day. Pending **Amendment 2 (322130)** by Senator Villalobos was withdrawn.

Pending further consideration of **CS for SB 1034**, on motion by Senator Baker, by two-thirds vote **HB 149** was withdrawn from the Committee on Education.

On motion by Senator Baker, by two-thirds vote—

HB 149—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing establishment of a waiver process; prohibiting certain waivers; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—a companion measure, was substituted for **CS for SB 1034** and by two-thirds vote read the second time by title.

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendment to be considered:

Senator Baker moved the following amendment:

Amendment 1 (805952)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 1006.15, Florida Statutes, is amended to read:

1006.15 Student standards for participation in ~~interscholastic~~ extracurricular student activities; regulation.—

(1) This section may be cited as the "Craig Dickinson Act."

(2) ~~Interscholastic~~ Extracurricular student activities are an important complement to the academic curriculum. Participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult. As used in this section, the term "extracurricular" means any school-authorized or education-related activity*, including, but not limited to, interscholastic activities,* occurring during or outside the regular instructional school day. *For purposes of this section, a student shall not be precluded from receiving tutoring, performing community service, or attending school athletic, social, and academic functions. However, a student who is not eligible, pursuant to this section, to participate in extracurricular activities shall not perform at school functions or travel with a school team, band, club, or other organization to any event where the group is to compete or perform. This section does not prohibit a student who is enrolled in a class designated by the student course code directory provided by the Department of Education from performing or traveling to compete or perform as part of the class curriculum. However, a student who is not eligible may continue to participate in extracurricular activities for a 9-week grading period. Following the 9-week period, if that student does not meet the requirements of this section, the student may not participate in the extracurricular activities as provided in this section.*

(3)(a) To be eligible to participate in ~~interscholastic~~ extracurricular student activities, a student must:

1. Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1).

2. Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student's parents, if the student's cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in the courses required by s. 1003.43(1) or, for students who entered the 9th grade prior to the 1997-1998 school year, if the student's cumulative grade point average falls below 2.0 on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) that are taken after July 1, 1997. At a minimum, the contract must require that the student attend summer school, or its graded equivalent, between grades 9 and 10 or grades 10 and 11, as necessary.

3. Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) during his or her junior or senior year.

4. Maintain satisfactory conduct and, if a student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student's participation in ~~interscholastic~~ extracurricular activities is contingent upon established and published district school board policy.

District school boards are encouraged to establish a process to waive the requirements of this paragraph based on extenuating circumstances of an

individual student. The State Board of Education shall approve each school district's waiver process prior to implementation.

(b) Any student who is exempt from attending a full school day based on rules adopted by the district school board for double session schools or programs, experimental schools, or schools operating under emergency conditions must maintain the grade point average required by this section and pass each class for which he or she is enrolled. *The establishment and approval of the waiver process pursuant to paragraph (a) shall apply to the requirements of this paragraph.*

(c) An individual home education student is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to district or interdistrict controlled open enrollment provisions, or may develop an agreement to participate at a private school, in the ~~interscholastic~~ extracurricular activities of that school, provided the following conditions are met:

1. The home education student must meet the requirements of the home education program pursuant to s. 1002.41.

2. During the period of participation at a school, the home education student must demonstrate educational progress as required in paragraph (b) in all subjects taken in the home education program by a method of evaluation agreed upon by the parent and the school principal which may include: review of the student's work by a certified teacher chosen by the parent; grades earned through correspondence; grades earned in courses taken at a community college, university, or trade school; standardized test scores above the 35th percentile; or any other method designated in s. 1002.41.

3. The home education student must meet the same residency requirements as other students in the school at which he or she participates.

4. The home education student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.

5. The student must register with the school his or her intent to participate in ~~interscholastic~~ extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A home education student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a home education program to a public school before or during the first grading period of the school year is academically eligible to participate in ~~interscholastic~~ extracurricular activities during the first grading period provided the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in ~~interscholastic~~ extracurricular activities is ineligible to participate in such activities as a home education student until the student has successfully completed one grading period in home education pursuant to subparagraph 2. to become eligible to participate as a home education student.

(d) An individual charter school student pursuant to s. 1002.33 is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend, pursuant to district or interdistrict controlled open-enrollment provisions, in any ~~interscholastic~~ extracurricular activity of that school, unless such activity is provided by the student's charter school, if the following conditions are met:

1. The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.

2. During the period of participation at a school, the charter school student must demonstrate educational progress as required in paragraph (b).

3. The charter school student must meet the same residency requirements as other students in the school at which he or she participates.

4. The charter school student must meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.

5. The charter school student must register with the school his or her intent to participate in ~~interscholastic~~ extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in ~~interscholastic~~ extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in ~~interscholastic~~ extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school pursuant to subparagraph 2. to become eligible to participate as a charter school student.

(4) The student standards for participation in ~~interscholastic~~ extracurricular activities must be applied beginning with the student's first semester of the 9th grade. Each student must meet such other requirements for participation as may be established by the district school board; however, a district school board may not establish requirements for participation in ~~interscholastic~~ extracurricular activities which make participation in such activities less accessible to home education students than to other students. Except as set forth in paragraph (3)(c), evaluation processes or requirements that are placed on home education student participants may not go beyond those that apply under s. 1002.41 to home education students generally.

(5) Any organization or entity that regulates or governs ~~interscholastic~~ extracurricular activities of public schools:

(a) Shall permit home education associations to join as member schools.

(b) Shall not discriminate against any eligible student based on an educational choice of public, private, or home education.

(6) Public schools are prohibited from membership in any organization or entity which regulates or governs ~~interscholastic~~ extracurricular activities and discriminates against eligible students in public, private, or home education.

(7) Any insurance provided by district school boards for participants in extracurricular activities shall cover the participating home education student. If there is an additional premium for such coverage, the participating home education student shall pay the premium.

Section 2. Subsection (11) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(11) PARTICIPATION IN ~~INTERSCHOLASTIC~~ EXTRACURRICULAR ACTIVITIES.—A charter school student is eligible to participate in an ~~interscholastic~~ extracurricular activity at the public school to which the student would be otherwise assigned to attend pursuant to s. 1006.15(3)(d).

Section 3. Subsection (4) of section 1002.41, Florida Statutes, is amended to read:

1002.41 Home education programs.—

(4) Home education students may participate in ~~interscholastic~~ extracurricular student activities in accordance with the provisions of s. 1006.15.

Section 4. *The Department of Education shall gather data regarding the number of students who have been precluded from participating in extracurricular activities due to the provisions of section 1006.15, Florida*

Statutes, as amended by this act, and the effect of those provisions on graduation rates and dropout rates. This data shall be reported annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 5. This act shall take effect January 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing district school boards to establish a waiver process; requiring the State Board of Education to approve school district waiver processes; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

On motion by Senator Baker, further consideration of **HB 149** with pending **Amendment 1 (805952)** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bennett, by two-thirds vote **SB 704**, **SB 706**, **SB 708**, **SB 834**, **SB 1202**, **SB 1212**, **SB 1712**, **SB 1848**, **SB 2290** and **SB 2300** were withdrawn from the committees of reference and further consideration.

On motion by Senator Campbell, by two-thirds vote **SB 2104** was withdrawn from the committees of reference and further consideration.

On motion by Senator Pruitt, by two-thirds vote **CS for SB 1216**, **CS for SB's 1872 and 2378**, **CS for SB 2196**, **HB 1889** and **HB 1899** were withdrawn from the Committee on Ways and Means; **CS for SB 460** was withdrawn from the Committees on Community Affairs; and Rules and Calendar; **SB 360** was withdrawn from the Committees on Transportation and Economic Development Appropriations; and Ways and Means; and referred to the Committees on Transportation; and Ways and Means; **CS for SB 2068** was withdrawn from the Committee on Transportation and Economic Development Appropriations; **CS for SB 1174** and **SB 1254** were withdrawn from the Committee on General Government Appropriations; **SB 1122** and **CS for SB 2264** were withdrawn from the Committee on Government Efficiency Appropriations; **SJR 2090** was withdrawn from the Committee on Government Efficiency Appropriations; and Rules and Calendar; **CS for SB 1246**, **SB 1344** and **SB 2480** were withdrawn from the Committee on Judiciary; **CS for SB 1228** was withdrawn from the Committees on Community Affairs; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar; and also referred to the Committee on Education; **SB 702** was withdrawn from the Committee on Education; and **SB 208** and **CS for SB 1600** were withdrawn from the Committee on Health and Human Services Appropriations.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 13, 2005: CS for SB 660, CS for CS for SB 1322, CS for SB 502, CS for SB 1072, CS for SB 1194, CS for SB 938, CS for SB 1144, CS for SB 646, SB 1172, CS for SB 940, CS for SB 612, CS for SB 1662, CS for SB 1508, CS for SB 1034, CS for SB 494, SB 784, SB 1980, SB 1796, SB 1460, CS for SJR's 1210 and 1362, CS for CS for SB 492, CS for CS for SB 370, SB 792, SB 2194

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Environmental Preservation recommends the following pass: SB 2322

The bill was referred to the Committee on Agriculture under the original reference.

The Committee on Regulated Industries recommends the following pass: SB 2344 with 1 amendment

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Health Care recommends the following pass: SB 2608 with 1 amendment

The bill was referred to the Committee on Children and Families under the original reference.

The Committee on Judiciary recommends the following pass: SB 1790

The bill was referred to the Committee on Communications and Public Utilities under the original reference.

The Committee on Environmental Preservation recommends the following pass: SB 796, SB 2460

The Committee on Transportation recommends the following pass: SB 1928 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Health Care recommends the following pass: SB 2352 with 1 amendment

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Health Care recommends the following pass: SB 1696 with 1 amendment, SB 2268

The bills were referred to the Committee on Education under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1710

The bill was referred to the Committee on Education Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2288

The Committee on Environmental Preservation recommends the following pass: CS for SB 1748 with 1 amendment

The Committee on Transportation recommends the following pass: CS for SB 774 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 2212 with 1 amendment, SB 2216, SB 2578 with 1 amendment

The Committee on Regulated Industries recommends the following pass: SB 2244

The bills contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Criminal Justice recommends the following pass: CS for SB 1272, CS for SB 1416, SB 1930 with 1 amendment

The Committee on Education recommends the following pass: SB 2398

The Committee on Health Care recommends the following pass: SB 676 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 618

The Committee on Criminal Justice recommends the following pass: CS for SB 484

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1450

The Committee on Health Care recommends the following pass: SB 1032, SB 1618

The Committee on Judiciary recommends the following pass: SB 1498

The bills contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Education recommends the following pass: SB 2130

The bill was referred to the Committee on Health Care under the original reference.

The Committee on Children and Families recommends the following pass: SB 1924

The Committee on Criminal Justice recommends the following pass: SB 2624 with 1 amendment

The Committee on Ethics and Elections recommends the following pass: SB 1860

The Committee on Health Care recommends the following pass: CS for SB 890, SB 1862, SB 2562 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1702 with 1 amendment

The Committee on Judiciary recommends the following pass: CS for SB 1526

The bills contained in the foregoing reports were referred to the Committee on Justice Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1854

The Committee on Education recommends the following pass: SB 1252

The bills contained in the foregoing reports were referred to the Committee on Regulated Industries under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 440

The Committee on Judiciary recommends the following pass: CS for SB 638

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1100

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 1572

The Committee on Environmental Preservation recommends the following pass: SB 718

The Committee on Health Care recommends the following pass: SB 1502

The bills contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 60

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SB 1496

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Criminal Justice recommends the following pass: CS for SB 1118

The Committee on Education Appropriations recommends the following pass: CS for SB 542, SB 670, SB 1678 with 1 amendment

The Committee on Health and Human Services Appropriations recommends the following pass: CS for CS for SB 186, CS for SB 1324

The Committee on Health Care recommends the following pass: SB 1172, SB 2574

The Committee on Judiciary recommends the following pass: SB 2242

The Committee on Justice Appropriations recommends the following pass: SB 1512

The Committee on Transportation recommends the following pass: SB 1918

The Committee on Transportation and Economic Development Appropriations recommends the following pass: CS for CS for SB 1652 with 1 amendment, CS for SB 2284

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2346

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 1456

The bill with committee substitute attached was referred to the Committee on Children and Families under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 2550

The Committee on Transportation recommends committee substitutes for the following: SB 1814, SB 1874

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Communications and Public Utilities recommends committee substitutes for the following: SB 2070, Senate Bills 2072 and 1714

The Committee on Criminal Justice recommends a committee substitute for the following: SB 514

The Committee on Environmental Preservation recommends committee substitutes for the following: SB 1906, SB 2368

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 608

The Committee on Transportation recommends a committee substitute for the following: SB 216

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1162

The bill with committee substitute attached was referred to the Committee on Education Appropriations under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2490

The bill with committee substitute attached was referred to the Committee on Environmental Preservation under the original reference.

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 1182

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 330

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 1770

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 926

The Committee on Regulated Industries recommends committee substitutes for the following: CS for SB 2302, SB 2432

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Environmental Preservation recommends committee substitutes for the following: SB 332, SB 2426

The bills with committee substitutes attached were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 1994

The bill with committee substitute attached was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1836

The Committee on Regulated Industries recommends committee substitutes for the following: SB 1654, SB 1694

The Committee on Transportation recommends a committee substitute for the following: SB 2516

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1218, SB 1220, SB 2056

The Committee on Ethics and Elections recommends a committee substitute for the following: Senate Bills 1944 and 2008

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1492

The Committee on Transportation recommends a committee substitute for the following: SB 686

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: CS for SB 1978

The Committee on Criminal Justice recommends committee substitutes for the following: SB 782, SB 1216, SB 1914

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Justice Appropriations under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 634

The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 2478

The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1910

The Committee on Transportation recommends a committee substitute for the following: SB 2082

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Education Appropriations recommends a committee substitute for the following: SB 658

The Committee on General Government Appropriations recommends a committee substitute for the following: SJR 1870

The Committee on Health Care recommends a committee substitute for the following: SB 838

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1354

The Committee on Community Affairs recommends a committee substitute for the following: SB 1160

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1438

The Committee on General Government Appropriations recommends committee substitutes for the following: CS for SB 486, SB 786, SB 1590, SB 1730, CS for CS for SB 1784

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 334, SB 738, CS for SB 1016, SB 1094

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: SB 348, CS for SB 626, CS for SB 1472, CS for SB 1872 and SB 2378

The Committee on Judiciary recommends a committee substitute for the following: SB 1908

The Committee on Justice Appropriations recommends committee substitutes for the following: SB 316, CS for SB 328, CS for SB 1216

The Committee on Transportation recommends a committee substitute for the following: SB 770

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: SB 718, CS for SB 1910

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Children and Families recommends that the Senate confirm the following appointment made by the Governor:

Office and Appointment	*For Term Ending*
Secretary of Children and Family Services	
Appointee: Lucy D. Hadi	Pleasure of Governor

The Committee on Communications and Public Utilities recommends that the Senate confirm the following appointment made by the Governor:

Office and Appointment	*For Term Ending*
Florida Public Service Commission	
Appointee: Lisa B. Edgar	01/05/2009

The Committee on Criminal Justice recommends that the Senate confirm the following appointment made by the Governor:

Office and Appointment	*For Term Ending*
Secretary of Juvenile Justice	
Appointee: Anthony J. Schembri	Pleasure of Governor

The Committee on Governmental Oversight and Productivity recommends that the Senate confirm the following appointment made by the Governor:

Office and Appointment	*For Term Ending*
Secretary of Management Services	
Appointee: Tom Lewis, Jr.	Pleasure of Governor

[The appointments contained in the foregoing reports were referred to the Committee on Ethics and Elections under the original reference.]

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Baker—

SB 2660—A bill to be entitled An act relating to the Lake County Water Authority district; amending, codifying, reenacting, and repealing special acts relating to the district in conformity to s. 189.429, F.S.; providing district boundaries; providing purposes; providing for a governing body and prescribing its powers, duties, functions, membership, and organization; providing for partisan election of board members; providing duties of constitutional officers in Lake County with respect to the authority; providing a limit on the amount the authority may spend to educate the public regarding water issues; providing maximum millage limit; repealing chapters 29222 (1953), 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of Florida, relating to the district; providing for a referendum on whether elections to the authority shall be partisan; providing a ballot statement; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Posey—

SB 2662—A bill to be entitled An act relating to the City of Melbourne, Brevard County; providing for extending the corporate limits of the City of Melbourne; providing for annexation of two unincorporated areas known and described as Aurora Road Area A and Aurora Road Area B; providing for elections; providing for effective dates of annexation; providing for the effects of annexation; providing for transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Constantine—

SB 2664—A bill to be entitled An act relating to the Sanford Airport Authority, Seminole County; amending chapter 71-924, Laws of Florida; authorizing the authority to enter into contracts, leases, franchises, or other arrangements with any person or persons granting the privilege of using or improving any project of the authority, or any portion thereof of space therein, for commercial purposes; providing requirements and limitations with respect thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Fasano—

SB 2666—A bill to be entitled An act relating to Pasco County Mosquito Control District, Pasco County; ratifying and confirming the creation of Pasco County Mosquito Control District pursuant to chapter 390, Florida Statutes (1951), as an independent mosquito control district; providing for a special act charter for the district pursuant to section 189.429, Florida Statutes; providing legislative intent; providing for applicability of chapters 388 and 189, Florida Statutes, and other general laws; providing for district boundaries; providing for officers, powers, rules, and a district budget; providing for liability and group insurance; providing construction; providing for severability; repealing chapter 71-839, Laws of Florida, relating to salary of board members; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Fasano—

SB 2668—A bill to be entitled An act relating to the Homosassa Special Water District, Citrus County; providing for annexation of specified areas; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Baker—

SB 2670—A bill to be entitled An act relating to Lake County; amending chapter 93-358, Laws of Florida; revising provisions governing career service with the Lake County Sheriff's Office; revising definitions; deleting provisions relating to the establishment of divisions within the office; providing effect of voluntary and involuntary termination of employment on career service status; authorizing demotion of certain employees without cause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Haridopolos—

SB 2672—A bill to be entitled An act relating to the Merritt Island Public Library District, Brevard County; codifying, amending, reenacting, and repealing chapters 65-1289, 72-477, 76-330, 82-263, and 94-449, Laws of Florida, relating to the district; providing boundaries; providing for appointment of a library board; prescribing its duties, powers, and authority; providing for raising funds by taxation; providing a method of levying, collecting, and disbursing such funds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Sebesta, Lee and Crist—

SB 2674—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising the definition of "salaries or wages" to provide for an employer pickup so that the employees in Division A may make pension contributions on a pre-tax basis; revising longevity retirement provisions to provide for a multiplier of 1.15 percent for employees in Division B; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Crist, Lee and Sebesta—

SB 2676—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation to issue an alcoholic beverage license to the Arts Council of Hillsborough County for use within the Tampa Theatre; providing that the license may be used for special events only; providing for payment of the license fee by the council; providing for sale of beverages for consumption within the theatre; prohibiting sales for consumption off the premises; providing that purchasers may remove partially consumed, open containers from the premises; providing for temporary transfer of the license; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Regulated Industries; and Rules and Calendar.

By Senator Saunders—

SB 2678—A bill to be entitled An act relating to Lee County; creating the Sanibel Public Library District, an independent special district for public library purposes in the county; providing legislative intent; providing a charter for the district; fixing boundaries of the district; providing powers; providing for a governing body, officers, budget and taxing authority, and indebtedness; providing for planning; providing for construction and severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Crist, Lee and Sebesta—

SB 2680—A bill to be entitled An act relating to Hillsborough County; providing for a fee to be paid by felony offenders in the county; providing for an accounting of such fees and remission of the fee revenues collected by the Department of Corrections; providing the duties of the clerk of the court in connection with the fee revenues remitted; providing for the use of the funds by the board of county commissioners; providing for costs of administration; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Justice Appropriations; and Rules and Calendar.

By Senator Bullard—

SB 2682—A bill to be entitled An act relating to the Key Largo Fire Rescue and Emergency Medical Services District, Monroe County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of district personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing for powers, duties, and responsibilities of the board; providing for ad valorem taxes; providing a cap on the rate of taxation; providing for impact fees; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances; authorizing the district to acquire land, enter into contracts, establish salaries, and establish and operate fire, rescue, and emergency medical services; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2684-2686—Not referenced.

By Senator Saunders—

SB 2688—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County; revising the definition of the term "additional premium tax revenues" for purposes of the district under chapter 175, Florida Statutes, relating to firefighter pensions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2690-2712—Not referenced.

By Senator Alexander—

SB 2714—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; providing for codification of special laws relating to the Spring Lake Improvement District, a special tax district; providing legislative intent; codifying, reenacting, amending, and repealing chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida; providing for minimum charter requirements; providing for provision of other laws made applicable; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Alexander—

SB 2716—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; codifying, amending, reenacting, and repealing special acts relating to the authority; defining the powers and duties of said authority; granting to the authority power to acquire, lease, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate airport and other facilities; providing for the issuance of bonds of the authority, payable solely from funds provided therefor under the act, to pay the cost of acquiring, constructing, or reconstructing any facilities and the cost of improvements, extensions, enlargements, and equipment; granting to the authority power to acquire necessary real and personal property and to exercise the power of eminent domain; providing for the imposition and collection of charges for the use of and for the services furnished by any such facilities; authorizing the City of Sebring to make grants and conveyances to the authority; prescribing the powers and duties of the authority in connection with the foregoing and the rights and remedies of the holders of any bonds or revenue certificates issued under the provisions of this act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 2718—Not referenced.

By Senator Bennett—

SB 2720—A bill to be entitled An act relating to Manatee and Sarasota Counties; creating within portions of such counties the "Lakewood Ranch Stewardship District Act"; providing a popular name; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing that the exercise of the special powers by the district within Manatee and Sarasota Counties is limited until such time as the district enters into an interlocal agreement with the respective county; providing for required notices to purchasers of residential units within the district; providing severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Transportation; and Senators Hill and Lynn—

CS for SB 216—A bill to be entitled An act relating to motor vehicle safety belt usage; providing a short title; amending s. 316.614, F.S.; revising provisions relating to safety belt usage; requiring the Department of Highway Safety and Motor Vehicles to develop a policy to prohibit the practice of racial profiling; providing an effective date.

By the Committee on Justice Appropriations; and Senators Fasano and Lynn—

CS for SB 316—A bill to be entitled An act relating to the Criminal Punishment Code; amending s. 921.0022, F.S.; including offenses involving the possession of photographic material containing sexual conduct by a minor, the transmission of pornography by electronic device, and the transmission to a minor of material harmful to minors by electronic

device within the offense severity ranking chart of the Criminal Punishment Code; reclassifying within the offense severity ranking chart the offense of soliciting a child by a computer service to commit an unlawful sexual act, which is a felony of the third degree, to increase the penalty imposed for that offense; providing an effective date.

By the Committees on Justice Appropriations; Community Affairs; and Senators Fasano, Bennett, Lynn and Crist—

CS for CS for SB 328—A bill to be entitled An act relating to automated external defibrillators in law enforcement vehicles; providing legislative findings and intent; providing definitions; requiring the Department of Law Enforcement to administer a grant program to fund the placement of automated external defibrillators in law enforcement vehicles; limiting the amount of such grants to amounts specifically appropriated; providing for administrative costs; requiring a law enforcement agency to provide matching funds when making a grant request; providing an exception; providing for priority consideration for certain applications; requiring the department to adopt rules; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Environmental Preservation; and Senator Dockery—

CS for CS for SB 330—A bill to be entitled An act relating to notification of contamination; amending s. 376.301, F.S.; defining specified terms; creating s. 376.30702, F.S.; requiring that a person provide notice to the Division of Waste Management of the Department of Environmental Protection, the department's district office, and the Department of Health when contamination is discovered as a result of site rehabilitation activities; providing requirements for notice; requiring notice when laboratory analytical results demonstrate that contamination exists in any medium beyond the boundaries of the property of the site rehabilitation; providing requirements for notice; requiring that the department notify the record owners of real property at which contamination has been discovered; authorizing the department to collaborate with the Department of Health to establish procedures for responding to public inquiries; providing rulemaking authority; providing an effective date.

By the Committee on Environmental Preservation; and Senator Dockery—

CS for SB 332—A bill to be entitled An act relating to trust funds; creating s. 403.891, F.S.; creating the Water Protection and Sustainability Trust Fund within the Department of Environmental Protection; providing for sources of funds and purposes; providing for an annual carryforward of funds; providing for future legislative review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committees on Governmental Oversight and Productivity; Commerce and Consumer Services; and Senators Saunders, Lynn, Fasano, Dockery and Bennett—

CS for CS for SB 334—A bill to be entitled An act relating to public housing; amending s. 421.02, F.S.; clarifying a legislative finding with respect to the inability of private enterprise to revitalize blighted areas; public housing; amending s. 421.08, F.S.; authorizing a housing authority to organize for the purpose of creating a for-profit or not-for-profit corporation, limited liability company, or similar entity to develop and operate residential homes or nonresidential projects; providing qualifications for a family to live in such a residential home; authorizing a corporation, limited liability company, or similar entity created by a housing authority to join with other entities to develop and operate residential or nonresidential projects; ratifying certain prior actions of a housing authority; authorizing the governing board of a housing authority to implement its own policy regarding per diem and travel expenses of its officials, officers, employees, and board members; amending s. 421.09, F.S.; providing that the certain limitations regarding the operation and management of a housing project do not restrict the activities of a for-profit or not-for-profit business entity created by the housing authority under s. 421.08, F.S.; amending s. 421.23, F.S.; authorizing a housing authority to use certain pledged funds to pay liabilities arising from the operation of its housing projects; repealing s. 421.54, F.S., relating to certain limitations on constructing housing projects in Orange and Seminole Counties; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senators Lynn and Rich—

CS for SB 348—A bill to be entitled An act relating to family court efficiency; creating s. 25.375, F.S.; authorizing the Supreme Court to create a system to identify cases relating to individuals and families within the court system; requiring the Supreme Court, the Criminal and Juvenile Justice Information System Council, the Article V Technology Board, and the Florida Association of State Court Clerks to provide recommendations regarding a personal identifier relating to individuals and families within the court system; amending s. 39.013, F.S.; providing for modifying a court order in a subsequent civil proceeding; amending s. 39.0132, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 39.521, F.S.; conforming provisions to s. 39.0132, F.S., regarding modification of a court order in a subsequent civil action or proceeding; amending s. 39.814, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 61.13, F.S.; providing for the court to determine matters relating to child support in any proceeding under ch. 61, F.S.; eliminating provisions authorizing the court to award grandparents visitation rights; eliminating provisions giving grandparents equal standing as parents for evaluating custody arrangements; amending s. 61.21, F.S.; requiring the Department of Children and Family Services to approve parenting courses; establishing requirements relating to the provision of approved parenting courses; specifying timeframes for completing the course; amending s. 741.30, F.S.; providing for an order of temporary custody, visitation, or support to remain in effect until the court enters an order in a subsequent action; amending ss. 61.1827 and 409.2579, F.S., relating to information about applicants and recipients of child-support services; conforming cross-references; providing for severability; providing an effective date.

By the Committees on General Government Appropriations; Environmental Preservation; and Senator Dockery—

CS for CS for SB 486—A bill to be entitled An act relating to phosphate mine reclamation; amending s. 378.034, F.S.; deleting an obsolete provision relating to the use of reclamation funds; amending s. 378.035, F.S.; deleting an obsolete provision authorizing the Department of Environmental Protection to expend certain funds; amending s. 373.414, F.S.; requiring financial responsibility for wetlands mitigation; specifying the financial responsibility demonstration for permitted activities occurring over a period of 3 years or more of mining activities; extending the due date of the Peace River Basin study; providing an effective date.

By the Committee on Criminal Justice; and Senators Wilson, Lawson, Miller and Hill—

CS for SB 514—A bill to be entitled An act relating to the restoration of civil rights; requiring that the administrator of a county detention facility provide an application form for the restoration of civil rights to a prisoner who has been convicted of a felony and is serving a sentence in that facility; authorizing the use of volunteers to assist the prisoner in completing the application; providing that this section does not apply to prisoners who are transferred to the Department of Corrections; providing an effective date.

By the Committee on Judiciary; and Senators Garcia, Crist, Lynn, Smith, Baker, Villalobos, Carlton, Campbell, Atwater, Peaden, Haridopolos, Argenziano, Sebesta, Fasano, Saunders, Posey, Aronberg, Jones, Bennett, King, Diaz de la Portilla and Constantine—

CS for SB 608—A bill to be entitled An act relating to forcible felony violators; creating the Anti-Murder Act; creating s. 903.0351, F.S.; denying bail or any form of pretrial release to forcible felony violators in

certain circumstances; amending s. 948.06, F.S.; providing definitions; providing that forcible felony violators shall remain in custody pending the resolution of probation or community control violation hearings; providing exceptions; providing for hearings to determine the nature and probability of any danger that forcible felony violators pose to the community before release of violators following probation or community control violations; amending s. 921.0024, F.S.; revising Criminal Punishment Code computations to provide additional community sanction violation points when a community sanction violation is committed by a forcible felony violator; reenacting ss. 948.012(2)(b), 948.10(9), and 958.14, F.S., relating to split sentence of probation or community control and imprisonment, community control programs, and violation of probation or community control program, respectively, to incorporate the amendment to s. 948.06, F.S., in references thereto; providing applicability; providing an effective date.

By the Committees on Health and Human Services Appropriations; Health Care; and Senators Constantine and Campbell—

CS for CS for SB 626—A bill to be entitled An act relating to environmental health; creating s. 381.0069, F.S.; providing for the regulation of portable restroom contracting; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for authorization of business entities providing portable restroom contracting services under a fictitious name; providing grounds for suspension or revocation of registration or authorization; providing fees; providing penalties and prohibitions; amending s. 381.0061, F.S.; authorizing imposition of an administrative fine for violating portable restroom contracting requirements; amending s. 381.0065, F.S.; specifying the department's powers and duties with respect to regulating portable restroom facilities and the individuals or businesses that provide and service such facilities; authorizing the department to enter the business premises of any portable restroom contractor to determine compliance and for the purpose of enforcement; authorizing issuance of a citation for a violation of portable restroom contracting requirements which may contain an order of correction or a fine; providing an effective date.

By the Committee on Criminal Justice; and Senator Bennett—

CS for SB 634—A bill to be entitled An act relating to alarm system contracting; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless the person who performs those acts has certain qualifications or is exempt under s. 489.503, F.S.; providing an effective date.

By the Committee on Education Appropriations; and Senator Sebesta—

CS for SB 658—A bill to be entitled An act relating to the University of South Florida St. Petersburg; amending s. 1009.24, F.S.; authorizing the Campus Board of the university to submit a proposal to assess a student-center-support fee to the University of South Florida Board of Trustees for approval; providing a cap on the sum of the fees students are required to pay for courses; prohibiting the inclusion of the fee in calculating the amount a student receives under specified scholarship awards; providing procedures for fee recommendation and approval; providing authorized uses of revenues from such fee; providing an effective date.

By the Committee on Transportation—

CS for SB 686—A bill to be entitled An act relating to the disposition of traffic infractions; amending s. 318.14, F.S.; providing that a person who is cited for a noncriminal traffic infraction may elect to attend, under certain circumstances, an intermediate driver improvement course approved by the Department of Highway Safety and Motor Vehicles; providing requirements for such election; amending s. 322.025, F.S.; requiring that the department deduct points from a person's driving record for certain traffic violations in another state or under federal law; providing that such person may elect to attend a driver improvement course; providing certain limitations; amending s. 318.1451, F.S., relating to driver improvement schools; requiring passage of a department-approved final examination at the conclusion of a driver improvement course; allowing a student to retake the examination once without charge; requiring certain data to be provided to the department; requiring that the department consider certain course content of intermediate driver improvement courses prior to approval of such courses; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senator Sebesta—

CS for SB 718—A bill to be entitled An act relating to the Department of Transportation; amending s. 337.251, F.S.; authorizing the department to adopt rules governing the leasing of property for joint public-private development; amending s. 337.406, F.S.; granting local governments authority to issue permits allowing limited temporary use of state transportation right-of-way; clarifying limited access facilities are not included in such authority; amending s. 339.55, F.S.; establishing a maximum limit on state-funded infrastructure bank loans to the State Transportation Trust Fund; amending s. 373.4137, F.S.; revising the requirements for projects intended to mitigate the adverse effects of transportation projects; removing the Department of Environmental Protection from the mitigation process; revising requirements for the Department of Transportation and the transportation authorities with respect to submitting plans and inventories; authorizing the use of current-year funds for future projects; revising the requirements for reconciling escrow accounts used to fund mitigation projects; authorizing payments to a water management district to fund the costs of future maintenance and monitoring; requiring specified lump-sum payments to be used for the mitigation costs of certain projects; authorizing a governing board of a water management district to approve the use of mitigation funds for certain future projects; requiring that mitigation plans be approved by the water management district rather than the Department of Environmental Protection; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Fasano, Haridopolos, Crist, Wise, Smith and Webster—

CS for SB 738—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; amending s. 943.11, F.S.; requiring that the members of the commission who are sheriffs appointed by the Governor be chosen from a list of nominees submitted by the Florida Sheriffs Association; requiring that the members of the commission who are chiefs of police appointed by the Governor be chosen from a list of nominees submitted by the Florida Police Chiefs Association; requiring that the members of the commission who are law enforcement officers of the rank of sergeant or below and the member who is a correctional officer of the rank of sergeant or below who are appointed by the Governor be chosen from a list of nominees submitted by a committee composed of certain collective bargaining agents; providing selection criteria for the committee; requiring lists of nominees to be submitted by a time certain; providing an effective date.

By the Committee on Transportation; and Senator Lynn—

CS for SB 770—A bill to be entitled An act relating to state facility designations; designating Ramon Puig Way, Shawn O'Dare Way, Marge Pearlson Way, and Jorge L. Cabrera Way in Miami-Dade County; designating the Correction Officers Memorial Bridge in Bradford and Union Counties; designating Martin Andersen Beachline Expressway in Orange and Brevard Counties; designating Daniel Webster Western Beltway in Orange County; designating Robert F. Grim, Sr., Memorial Parkway in Volusia County; designating Veteran's Memorial Boulevard in Walton County; designating the Southeastern Guide Dog Overpass in Manatee County; designating the Joseph O. Striska Florida Welcome Center in Hamilton County; designating Purple Heart Memorial Highway in Highlands County; repealing s. 25 of ch. 2004-392, Laws of Florida, relating to the designation of St. Petersburg/William C. Cramer

Parkway in Pinellas County; designating St. Petersburg Parkway/William C. Cramer Memorial Highway in Pinellas County; designating Richard E. "Pete" Damon Bridge in Palm Beach County; designating Alexander Alden Ware Memorial Cable Barrier System in Palm Beach, St. Lucie, and Miami-Dade Counties; designating Roi Henri Christophe Boulevard, Charles Summer Boulevard, Capois-La-Mort Boulevard, and Jean Baptiste Point du Sable Boulevard in Miami-Dade County; designating Eric Ulysses Ramirez Highway in Lake County; designating Trooper Darryl Haywood Highway, David Hinson and Charles W. Cherry in Volusia County; designating Taye Brown Parkway, Charles B. Dailey Parkway, and Johnnie Mae Chappell Parkway in Duval County; designating Dr. John M. Haile Memorial Boulevard in Marion County; designating Bob Graham/Sunshine Skyway Bridge in Pinellas County; and designating Ricardo Karakadze Street in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

By the Committee on Criminal Justice; and Senators Campbell and Bullard—

CS for SB 782—A bill to be entitled An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; creating a rule of construction; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; creating a rule of construction; amending s. 1001.64, F.S., to conform a cross-reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

By the Committee on General Government Appropriations; and Senator Clary—

CS for SB 786—A bill to be entitled An act relating to fees imposed on tire and battery sales; amending s. 403.718, F.S.; imposing a fee on the sale of new motor vehicle tires sold to governmental entities; amending s. 403.7185, F.S.; imposing a fee on the sale of new or remanufactured lead-acid batteries sold to governmental entities; specifying that certain amendments are remedial in nature and are intended for clarification; providing that certain dealers are not eligible for a refund; providing an effective date.

By the Committee on Health Care; and Senator Peaden—

CS for SB 838—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Constantine—

CS for SB 926—A bill to be entitled An act relating to growth management; creating part II of ch. 171, F.S.; providing a popular name; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or independent special districts; specifying the procedures for initiating an agreement and responding to a proposal for agreements; identifying issues the agreement may address; requiring local governments that are a party to the agreement to amend their comprehensive plans; providing limitations on the review of certain ordinances; providing exception to the limitation on plan amendments; specifying those persons who may challenge a plan amendment required by the agreement; requiring that an agreement be adopted by resolution; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary area agreement on the parties to the agreement; providing for a transfer of powers;

authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect on interlocal agreements and county charters; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; amending s. 171.042, F.S.; revising the time period for filing of a report; providing for a cause of action to invalidate an annexation; requiring municipalities to provide notice of proposed annexation to certain persons; amending s. 171.044, F.S.; revising the time period for providing a copy of a notice; providing for a cause of action to invalidate an annexation; creating s. 171.094, F.S.; providing for the effect of interlocal service boundary agreements adopted under the act; amending s. 171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; amending s. 164.1058, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; requesting the Division of Statutory Revision to designate parts I and II of ch. 171, F.S.; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Regulated Industries; and Senator Argenziano—

CS for CS for SB 1016—A bill to be entitled An act relating to construction contracting; amending s. 255.05, F.S.; making certain restrictions in bonds issued for public works projects unenforceable; amending ss. 489.129 and 489.533, F.S.; increasing an administrative fine under certain disciplinary proceeding provisions; amending s. 713.015, F.S.; revising a direct contract provision requirement; providing that failure to include such provision in such contracts limits certain lien rights under the contract; providing construction relating to validity and enforceability; preserving lien rights of certain persons; amending s. 713.02, F.S.; protecting the rights of certain persons to enforce certain contract, lien, or bond remedies or contractual obligations under certain circumstances; precluding certain defenses; amending s. 713.04, F.S.; revising certain final payment requirements; amending s. 713.08, F.S.; requiring a claim of lien to be served on an owner; amending s. 713.13, F.S.; revising provisions authorizing use of certain payment bonds to transfer certain recorded liens; specifying application of certain notice requirements to certain claims; revising time limits for serving certain required notices; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; providing construction; amending s. 713.23, F.S.; providing that a contractor may commence an action to enforce a claim any time after a notice of nonpayment has been served; amending s. 713.24, F.S.; preserving jurisdiction in the county court over certain transfer bond claims for nonpayment; preserving certain lien rights when filing a transfer bond after commencing certain lien enforcement proceedings; amending s. 713.345, F.S.; increasing certain criminal penalties for misapplication of construction funds; amending s. 713.3471, F.S.; revising a provision requiring a lender to provide notice to a borrower when making a disbursement on a construction loan secured by residential property; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Smith—

CS for SB 1094—A bill to be entitled An act relating to the Blood Donor Protection Act; creating s. 381.0043, F.S.; providing a popular name; providing that no blood bank or subsidiary or affiliate thereof or employee or agent of a blood bank or subsidiary or affiliate thereof may be compelled to disclose the identity or identifying characteristics of any person who donates blood or any blood components; providing an exception; providing an effective date.

By the Committee on Community Affairs—

CS for SB 1160—A bill to be entitled An act relating to comprehensive planning and land development; amending s. 163.3164, F.S.; defining the term "antiquated subdivision" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; requiring that the future land use plan element of a comprehensive plan identify areas where the local government seeks to consolidate or vacate platted or subdivided lots; providing an exception; requiring that a local government address necessary plan amendments related to antiquated subdivisions by a specified time; providing that the governing body of a local government may not seek to consolidate or vacate all or part of a subdivision under certain circumstances; providing that the definition of an antiquated subdivision does not apply under certain circumstances; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Atwater—

CS for SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 1009.98, F.S.; deleting the requirement that an independent college or university be a not-for-profit institution to be eligible for a transfer of benefits; providing a restriction on the transfer of benefits; revising provisions relating to eligibility for benefits if the program is terminated; providing an effective date.

By the Committee on Environmental Preservation; and Senator Campbell—

CS for SB 1182—A bill to be entitled An act relating to incentive-based permitting; creating s. 403.0874, F.S.; providing a short title; providing legislative findings; providing purposes; providing definitions; providing for an Incentive-based Permitting Program; providing compliance incentives for certain environmental permitting activities; providing requirements and limitations; providing for administration by the Department of Environmental Protection; requiring the department to adopt certain rules; requiring agency notification of formal enforcement actions; providing notice requirements; amending ss. 161.041 and 373.413, F.S.; specifying application of the provisions of the Incentive-based Permitting Program; amending s. 403.087, F.S.; revising criteria for permits issued by the department, to conform; providing an effective date.

By the Committee on Criminal Justice; and Senators Argenziano, Fasano and Klein—

CS for SB 1216—A bill to be entitled An act relating to high risk offenders; providing a short title; amending s. 775.21, F.S.; extending the period for a petition to remove a sexual predator designation; providing that it is a criminal offense to fail to report or to provide false information about a sexual predator or to harbor or hide a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to report or providing false information about a sexual predator and harboring or hiding a sexual predator; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S.; requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; amending s. 947.1405, F.S.; requiring electronic monitoring for certain offenders placed on conditional release supervision; amending s. 948.012, F.S.; requiring the court to impose a split sentence in certain circumstances; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment and alert system to

monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances; requiring that information be provided to the court by the correctional probation officer; requiring the department to have fingerprint reading equipment and capability by October 1, 2006; creating s. 948.062, F.S.; requiring the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; creating s. 948.063, F.S.; requiring the court to order electronic monitoring for designated sexual offenders and predators who violate probation or community control; amending s. 948.11, F.S.; requiring the department to develop and implement procedures to notify certain officials on the availability of electronic monitoring units; requiring the department to use certain electronic monitoring systems on high risk offenders; amending s. 948.15, F.S.; specifying that the terms of the contract must contain procedures for accessing criminal history records concerning probationers; amending s. 948.30, F.S.; requiring certain sex offenders and sexual predators on probation or community control to be placed on electronic monitoring; creating a task force within the Department of Law Enforcement; requiring the task force to examine the collection and dissemination of offender information within the criminal justice system and community; prescribing task force membership; requiring that the task force submit findings and recommendations to the Governor and the Legislature; requiring cooperation by state agencies; providing for abolishing the task force on a specified date; requiring the Office of Program Policy Analysis and Governmental Accountability to perform a study of and report to the Legislature on the effectiveness of Florida's sexual predator and sexual offender registries and community and public notification provisions; providing an appropriation; providing an effective date.

By the Committees on Justice Appropriations; Criminal Justice; and Senators Argenziano, Fasano and Klein—

CS for CS for SB 1216—A bill to be entitled An act relating to high-risk offenders; providing a short title; amending s. 775.21, F.S.; extending the period for a petition to remove a sexual predator designation; requiring the Department of Law Enforcement to develop procedures for twice yearly reporting by sexual predators; providing that it is a criminal offense to fail to report or to provide false information about a sexual predator or to harbor or hide a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to report or providing false information about a sexual predator and harboring or hiding a sexual predator; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S.; requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; requiring the department to develop procedures for twice yearly reporting of sexual offenders; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; requiring the Department of Law Enforcement to develop procedures for twice yearly reporting of sexual offenders; amending s. 947.1405, F.S.; requiring electronic monitoring for certain offenders placed on conditional release supervision; amending s. 948.012, F.S.; requiring the court to impose a split sentence in certain circumstances; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment system to monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances; requiring that information be provided to the court by the correctional probation officer; requiring the court to assist the department by creating and maintaining an automated system; requiring the department to have fingerprint reading equipment and capability by October 1, 2006; creating s. 948.062, F.S.; requiring the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; creating s. 948.063, F.S.; requiring the court to order electronic monitoring for designated sexual offenders and predators who violate probation or community control; amending s. 948.11, F.S.; requiring the department to develop and implement procedures to notify certain officials on the availability of electronic monitoring units; requiring the department to use certain electronic monitoring systems on high-risk offenders; amending s. 948.15, F.S.; specifying that the terms of the contract must contain procedures for accessing criminal history records concerning probationers; amending s. 948.30, F.S.; requiring certain sex offenders and sexual predators on probation or community control to be placed on electronic monitoring; creating a task force within the Department of Law Enforcement; requiring the task force to examine the collection and dissemination of offender information within the criminal justice system and community; prescribing task force membership; requiring that the task force submit findings and recommendations to the Governor and the Legislature; requiring cooperation by state agencies; providing for abolishing the task force on a specified date; requiring the Office of Program Policy Analysis and Governmental Accountability to perform a study of and report to the Legislature on the effectiveness of Florida's sexual predator and sexual offender registries and community and public notification provisions; providing appropriations and authorizing positions; providing an effective date.

By the Committee on Criminal Justice; and Senator Wise—

CS for SB 1218—A bill to be entitled An act relating to juvenile defendants; amending s. 27.51, F.S.; requiring that the public defender represent an indigent child taken into custody for a felony, misdemeanor, or criminal contempt; amending s. 27.52, F.S.; providing that failure of a child's parent or legal guardian to furnish legal services and costs does not bar the appointment of legal counsel for the child; amending s. 985.203, F.S.; requiring that a child be given a meaningful opportunity to confer with counsel; requiring that the court appoint counsel for an indigent child if the child's parent or legal guardian is the alleged victim in the case; providing that the parent or guardian is not liable for fees, charges, or costs upon a finding by the court that the parent or guardian is a victim of the offense; providing an effective date.

By the Committee on Criminal Justice; and Senators Wise, Fasano and Crist—

CS for SB 1220—A bill to be entitled An act relating to electronic monitoring; amending s. 648.387, F.S.; authorizing bail bond agents to be vendors of electronic monitoring services; authorizing bail bond agents to contract with vendors to provide electronic monitoring of pretrial releasees in certain circumstances; authorizing bail bond agents to contract with government entities to provide electronic monitoring services in certain circumstances; authorizing such agents to collect a fee for electronic monitoring services; providing that failure to make timely payment of fees constitutes grounds to remand; providing that such fees are exempt from regulation by the Department of Financial Services; creating s. 903.135, F.S.; authorizing issuance of a probation appearance bond; authorizing electronic monitoring of a person subject to a probation appearance bond; providing procedures for revocation of the bond; providing application; creating s. 907.06, F.S.; providing for electronic monitoring of persons on pretrial release; requiring the monitored person to pay fees; prohibiting a person being monitored from tampering with monitoring equipment; creating s. 907.07, F.S.; providing a means by which the chief judge of each circuit shall create a list of approved vendors for provision of electronic monitoring services; creating s. 907.08, F.S.; providing standards for privately owned electronic monitoring devices; creating s. 907.09, F.S.; providing criminal penalties for tampering with electronic monitoring devices; providing criminal penalties for cloning the signal of an electronic monitoring device; providing an effective date.

By the Committee on Children and Families; and Senators Fasano and Klein—

CS for SB 1354—A bill to be entitled An act relating to sexual offenders; amending ss. 947.005 and 948.001, F.S.; defining terms; amending ss. 947.1405 and 948.30, F.S.; prohibiting a sex offender from having contact with a child younger than 18; providing an exception; providing that the Parole Commission or a court may approve a sex offender having supervised contact with a child younger than 18 under specified conditions; directing the Department of Health to prepare and maintain a list of "qualified practitioners"; requiring a court and the commission to use qualified practitioners on the department list to prepare risk assessments; specifying that qualified practitioners must meet the rule requirements specified by their respective licensing boards; prohibiting a sex offender from accessing or using the Internet or other computer services without an approved safety plan; reenacting s. 775.21(3)(b), F.S., relating to the threat to public safety by sexual offenders, to incorporate the amendments made to s. 947.1405, F.S., in a reference thereto; providing an effective date.

By the Committee on Criminal Justice; and Senator Wise—

CS for SB 1438—A bill to be entitled An act relating to consumer services; amending s. 493.6101, F.S.; expanding the definition of the term "repossession" for purposes of the regulation of repossession services; amending s. 493.6102, F.S.; revising the applicability of ch. 493, F.S., governing private investigative, private security, and repossession services; amending s. 493.6110, F.S.; revising insurance requirements for licensure under ch. 493, F.S.; providing insurance requirements with respect to Class "B" security agencies; amending s. 493.6118, F.S.; revising the grounds for disciplinary action against a person or entity that is licensed as, or an applicant for licensure as, a recovery agency, recovery agent, or recovery agent intern; amending s. 493.6403, F.S.; revising licensure requirements for recovery agent managers and recovery agents, to conform; amending s. 493.6404, F.S.; revising requirements for the inventory of certain personal effects or property contained in or on repossessed property, to conform; amending s. 493.6405, F.S.; providing a penalty for the unauthorized sale of repossessed aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment by a recovery agent or recovery agent intern and for failure to remit the net proceeds from the sale of such repossessed property to the owner or lienholder; providing an effective date.

By the Committee on Judiciary; and Senator Lawson—

CS for SB 1456—A bill to be entitled An act relating to paternity; permitting a petition to set aside a determination of paternity; specifying contents of the petition; providing standards upon which relief shall be granted; providing remedies; providing that child support obligations shall not be suspended while a petition is pending; providing for genetic testing; providing for assessment of costs and attorney's fees; providing an effective date.

By the Committees on Health and Human Services Appropriations; Health Care; and Senator Peaden—

CS for CS for SB 1472—A bill to be entitled An act relating to hospitals; amending s. 395.002, F.S.; redefining the term "hospital" to exclude designated critical access hospitals from certain requirements; redefining the term "intensive residential treatment programs for children and adolescents"; amending s. 395.003, F.S.; extending by 1 year the moratorium on approving additional emergency departments located off the premises of a licensed hospital; amending s. 408.061, F.S.; conforming a cross-reference; amending s. 408.07, F.S.; defining the term "critical access hospital"; redefining the term "rural hospital" to delete certain requirements applicable to the designation of a critical access hospital; amending ss. 458.345 and 459.021, F.S.; conforming cross-references; providing an effective date.

By the Committee on Regulated Industries; and Senator Clary—

CS for SB 1492—A bill to be entitled An act relating to condominiums; amending s. 718.301, F.S.; providing for the effect of actions taken by members of the board of administration of an association designated by the developer; requiring examination and certification of certain defects by certain licensed individuals or entities; providing an effective date.

By the Committee on General Government Appropriations; and Senator Garcia—

CS for SB 1590—A bill to be entitled An act relating to joint underwriters and reinsurers; amending s. 627.311, F.S.; providing requirements for the joint underwriting plan of insurers that operates as a nonprofit entity; requiring that the plan maintain its headquarters in Tallahassee; increasing the membership of the board of governors that oversees operation of the joint underwriting plan; authorizing the Financial Services Commission to remove a board member for cause; authorizing the board to select service providers competitively; requiring that the board provide notice of intent to solicit bids; requiring that the board provide for an annual review of the administrative costs of the plan and determine alternatives for procuring goods and services efficiently; requiring that the Office of Insurance Regulation review filings of the joint underwriting plan of workers' compensation insurers; requiring that the office annually approve rates; deleting certain provisions limiting the disapproval of rates by the office; requiring that excess funds received by the plan be returned to the state; providing an effective date.

By the Committee on Regulated Industries; and Senator Fasano—

CS for SB 1654—A bill to be entitled An act relating to veterinary drug distribution; amending s. 499.006, F.S.; providing that a drug is adulterated if it is a certain prescription drug that has been returned by a veterinarian to a limited veterinary prescription drug wholesaler; amending s. 499.01, F.S.; requiring a limited veterinary prescription drug wholesaler to obtain a permit for operation from the Department of Health; providing that a permit for a limited veterinary prescription drug wholesaler may not be issued to the address of certain health care entities; amending s. 499.012, F.S.; establishing a permit for a limited veterinary prescription drug wholesaler; amending s. 499.0122, F.S.; redefining the term "veterinary legend drug retail establishment"; amending s. 499.041, F.S.; requiring the department to assess an annual fee within a certain monetary range for a limited veterinary prescription drug wholesaler permit; amending s. 499.065, F.S.; requiring the department to inspect each limited veterinary prescription drug wholesaler establishment; authorizing the department to determine that a limited veterinary prescription drug wholesaler establishment is an imminent danger to the public; providing an effective date.

By the Committee on Regulated Industries; and Senator Haridopolos—

CS for SB 1694—A bill to be entitled An act relating to swimming pool/spa contractors and service technicians; amending s. 489.105, F.S.; revising the scope of work for commercial and residential pool/spa contractors and swimming pool/spa servicing contractors; removing licensure exemptions; defining and establishing provisional licensure for swimming pool/spa servicing contractors; amending s. 489.111, F.S.; removing the 1-year experience requirement to qualify to take the swimming pool/spa servicing contractors' examination; amending s. 514.075, F.S.; revising duties of the Department of Health; providing for public pools to be serviced by specified persons; revising certification requirements for public pool service technicians; amending s. 514.0115, F.S.; providing that private pools and water therapy facilities connected with licensed massage therapy establishments are exempt from supervision or regulation by the Department of Health; providing that a license is not required for the infusion of chlorine gas in residential swimming pools; providing an effective date.

By the Committee on General Government Appropriations; and Senator Dockery—

CS for SB 1730—A bill to be entitled An act relating to environmental permitting programs; creating s. 373.4143, F.S.; providing legislative intent; creating s. 373.4144, F.S.; providing for the consolidation of federal and state wetland permitting programs; providing duties of the Department of Environmental Protection; requiring a report to the Legislature and coordination with the Florida Congressional Delegation; amending s. 373.4145, F.S., and reenacting subsections (1)-(4) of that section, to continue the interim part IV permitting program for the Northwest Florida Water Management District; providing for the future repeal of the interim program; providing an effective date.

By the Committees on Community Affairs; and Commerce and Consumer Services—

CS for CS for SB 1770—A bill to be entitled An act relating to the Florida Enterprise Zone Act; amending s. 290.001, F.S.; revising the name of the act; amending s. 290.004, F.S.; deleting obsolete definitions; amending s. 290.0055, F.S.; revising procedures for counties or municipalities to nominate an area for designation as a new enterprise zone; deleting obsolete provisions; removing the authority for certain counties to nominate more than one enterprise zone; revising criteria for eligibility of an area for nomination by certain local governments for designation as an enterprise zone; revising procedures and requirements for amending enterprise zone boundaries; amending s. 290.0056, F.S.; deleting a requirement that a governing body appoint the board of an enterprise zone development agency by ordinance; revising requirements for making such appointments; deleting a requirement that a certificate of appointment of a board member be filed with the clerk of the county or municipality; deleting the requirement that an annual report by a board be published and available for inspection in the office of the municipal or county clerk; revising the powers and responsibilities of an enterprise zone development agency; providing additional responsibilities; revising certain reporting requirements; amending s. 290.0057, F.S.; specifying application of enterprise zone development plan requirements only to designations of new enterprise zones; amending s. 290.0058, F.S.; updating obsolete references; revising requirements for determining pervasive poverty in an area nominated as a rural enterprise zone; providing an exception for areas nominated for designation as a rural enterprise zone; amending s. 290.0065, F.S.; establishing the maximum number of enterprise zones allowed, subject to any new zones authorized by the Legislature; revising the procedure for designating a new enterprise zone if an existing zone is not redesignated; deleting a requirement that an application for designation as an enterprise zone be categorized by population; deleting obsolete provisions; authorizing the office to redesignate enterprise zones having an effective date on or before January 1, 2005; providing requirements and procedures; authorizing a governing body to request enterprise zone boundary changes; requiring the office to determine, in consultation with Enterprise Florida, Inc., the merits of enterprise zone redesignations; providing criteria; providing for an enterprise zone redesignation approval procedure; prohibiting an entity having jurisdiction over an area denied redesignation as an enterprise zone from reapplying for redesignation for 1 year; providing a redesignation procedure for zones authorized in conjunction with certain federal acts; providing requirements for an application for redesignation; deleting obsolete provisions; amending s. 290.0066, F.S.; providing that failure to make progress or failure to comply with measurable goals may be considered as grounds for revocation of an enterprise zone designation; amending s. 290.012, F.S.; providing a transition date that provides for a zone having an effective date on or before January 1, 2005, to continue to exist until December 21, 2005, and to expire on that date; requiring any zone designated or redesignated after January 1, 2006, to be designated or redesignated in accordance with the Florida Enterprise Zone Act; amending s. 290.014, F.S., to conform; amending s. 290.016, F.S.; delaying the repeal of the Florida Enterprise Zone Act; amending s. 163.345, F.S., to conform; amending ss. 166.231, 193.077, 193.085, 195.073, 196.012, 205.022, 205.054, and 212.02, F.S.; extending expiration dates with respect to various tax exemptions to conform provisions to changes made by the act; amending s. 212.08, F.S.; revising the procedures for applying for a tax exemption on building materials used to rehabilitate property located in an enterprise zone; deleting a limitation on claiming exemptions through a refund of previously paid taxes; extending an expiration date for the exemption; lowering the purchase threshold for an exemption for business property used in an enterprise zone from $5,000 per unit to $500 per item; extending an expiration date for the exemption; deleting obsolete provisions governing the community contribution tax credit for donations, to conform; extending the expiration date of the tax credit for electrical energy used in an enterprise zone, to conform; amending s. 212.096, F.S.; extending the expiration date for the enterprise zone jobs tax credit, to conform; amending ss. 220.02 and 220.03, F.S.; extending the expiration date of the enterprise zone jobs tax credit against corporate income tax to conform to changes made by the act; revising definitions to extend the expiration date of the credit to conform; amending s. 220.181, F.S.; extending the expiration date of the tax credit, to conform; amending s. 220.182, F.S.; extending the expiration date of the enterprise zone property tax credit, to conform; amending s. 288.1175, F.S., to conform; amending s. 370.28, F.S.; providing that an enterprise zone having an effective date on or before January 1, 2005, shall continue to exist until December 21, 2005, and shall expire on that date; requiring that an enterprise zone in a community affected by net limitations which is redesignated after January 1, 2006, do so in accordance with the Florida Enterprise Zone Act; repealing s. 290.00555, F.S., relating to the designation of a satellite enterprise zone; repealing s. 290.0067, F.S., relating to an enterprise zone in Lake Apopka; repealing s. 290.00675, F.S., relating to a boundary amendment for the City of Brooksville in Hernando County; repealing s. 290.00676, F.S., relating to an amendment of certain rural enterprise zone boundaries; repealing s. 290.00678, F.S., relating to a designation of rural champion communities as enterprise zones; repealing s. 290.00679, F.S., relating to amendments to certain rural enterprise zone boundaries; repealing s. 290.0068, F.S., relating to the designation of an enterprise zone encompassing a brownfield pilot project; repealing s. 290.00685, F.S., relating to an application to amend boundaries of an enterprise zone containing a brownfield pilot project; repealing s. 290.00686, F.S., relating to the designation of enterprise zones in Brevard County and the City of Cocoa; repealing s. 290.00687, F.S., relating to the designation of an enterprise zone in Pensacola; repealing s. 290.00688, F.S., relating to the designation of an enterprise zone in Leon County; repealing s. 290.00689, F.S., relating to the designation of a pilot project in an enterprise zone; repealing s. 290.0069, F.S., relating to the designation of an enterprise zone in Liberty County; repealing s. 290.00691, F.S., relating to the designation of an enterprise zone in Columbia County and Lake City; repealing s. 290.00692, F.S., relating to the designation of an enterprise zone in Suwannee County and Live Oak; repealing s. 290.00693, F.S., relating to the designation of an enterprise zone in Gadsden County; repealing s. 290.00694, F.S., relating to the designation of an enterprise zone in Sarasota County and Sarasota; repealing s. 290.00695, F.S., relating to the designation of enterprise zones in Hernando County and Brooksville; repealing s. 290.00696, F.S., relating to the designation of an enterprise zone in Holmes County; repealing s. 290.00697, F.S., relating to the designation of an enterprise zone in Calhoun County; repealing s. 290.00698, F.S., relating to the designation of an enterprise zone in Okaloosa County; repealing s. 290.00699, F.S., relating to the designation of an enterprise zone in Hillsborough County; repealing s. 290.00701, F.S., relating to the designation of an enterprise zone in Escambia County; repealing s. 290.00702, F.S., relating to the designation of enterprise zones in Osceola County and the City of Kissimmee; repealing s. 290.00703, F.S., relating to the designation of an enterprise zone in South Daytona; repealing s. 290.00704, F.S., relating to the designation of an enterprise zone in Lake Wales; repealing s. 290.00705, F.S., relating to the designation of an enterprise zone in Walton County; repealing s. 290.00706, F.S., relating to the designation of enterprise zones in Miami-Dade County and the City of West Miami; repealing s. 290.00707, F.S., relating to the designation of an enterprise zone in Hialeah; repealing s. 290.00708, F.S., relating to a boundary amendment in an enterprise zone within a consolidated government; repealing s. 290.00709, F.S., relating to a boundary amendment in an enterprise zone within an inland county; repealing s. 290.009, F.S., relating to the Enterprise Zone Interagency Coordinating Council; repealing s. 290.015, F.S., relating to an evaluation and review of the enterprise zone program; authorizing the continuation of tax credits; providing an effective date.

By the Committees on General Government Appropriations; Governmental Oversight and Productivity; Regulated Industries; and Senators Clary and Crist—

CS for CS for CS for SB 1784—A bill to be entitled An act relating to professional services acquisition; amending s. 287.055, F.S.; revising certain definitions; defining the term "negotiate"; providing additional

criteria for processing bids to purchase professional services which exceed certain threshold amounts; amending s. 287.17, F.S.; revising the limitation on the use of state aircraft; providing an effective date.

By the Committee on Transportation; and Senator Baker—

CS for SB 1814—A bill to be entitled An act relating to franchised motor vehicle dealers; amending s. 320.13, F.S.; specifying a definition for purposes of provisions for issuance of dealer license plates; amending s. 320.60, F.S.; revising the definition of the term "demonstrator"; defining the term "existing franchised motor vehicle dealer"; amending s. 320.64, F.S.; prohibiting applicant or licensee failure to pay certain costs and amounts to a dealer after termination of franchise; providing that the prohibition does not apply to terminations, cancellations, or nonrenewals implemented as a result of the sale of assets or stock of the dealer; requiring that certain procedures be followed; amending s. 320.641, F.S.; providing procedures for discontinuation, cancellation, nonrenewal, modification, or replacement of a franchise agreement based upon an alleged failure of the dealer to comply with certain sales or service obligations; amending s. 320.642, F.S.; revising criteria and procedures to establish an additional dealership or relocate an existing dealer in an area where the same line-make vehicle is presently represented; revising provisions for determination by the Department of Highway Safety and Motor Vehicles that the existing franchised motor vehicle dealer or dealers are providing adequate representation; revising criteria for protest by an existing dealer; revising provisions excluding certain openings and reopenings from consideration as an additional or relocated motor vehicle dealer; prohibiting notice of an additional dealer for a certain period of time within a certain distance from a dealer that was opened or reopened and not considered an additional dealer subject to protest; requiring distance between sites to be measured from the geometric centroid of each site; amending s. 320.643, F.S.; exempting a transferee from location requirements in the franchise agreement when the transferee proposes to simultaneously relocate dealership operations in conjunction with the purchase of the dealership under certain circumstances; providing requirements for such proposals; amending s. 320.699, F.S.; revising procedures for administrative hearings; requiring a certain schedule unless extended by the administrative law judge under certain conditions; providing an effective date.

By the Committee on Children and Families; and Senator Argenziano—

CS for SB 1836—A bill to be entitled An act relating to assisted care communities; creating ch. 429, F.S., and transferring pt. III of ch. 400, F.S., relating to assisted living facilities, to pt. I of ch. 429, F.S., and pt. VII of ch. 400, F.S., relating to adult family-care homes, to pt. II of ch. 429, F.S., and pt. V of ch. 400, F.S., relating to adult day care centers, to pt. III of ch. 429, F.S.; amending ss. 101.655, 189.428, 196.1975, 202.125, 205.1965, 212.031, 212.08, 296.02, 381.0035, 394.455, 394.4574, 394.463, 400.0063, 400.0069, 400.0073, 400.0077, 400.0239, 400.119, 400.141, 400.142, 400.191, 400.215, 400.23, 400.232, 400.401, 400.402, 400.404, 400.407, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4177, 400.4178, 400.418, 400.419, 400.4195, 400.42, 400.421, 400.422, 400.423, 400.424, 400.4255, 400.4256, 400.426, 400.427, 400.4275, 400.428, 400.429, 400.4293, 400.4294, 400.4295, 400.4296, 400.4297, 400.431, 400.434, 400.441, 400.442, 400.444, 400.4445, 400.447, 400.451, 400.452, 400.453, 400.462, 400.464, 400.497, 400.55, 400.551, 400.552, 400.553, 400.554, 400.555, 400.556, 400.5565, 400.557, 400.5571, 400.5572, 400.5575, 400.558, 400.559, 400.56, 400.562, 400.563, and 400.564, 400.601, 400.616, 400.617, 400.618, 400.619, 400.6194, 400.6196, 400.621, 400.6211, 400.622, 400.625, 400.6255, 400.628, 400.629, 400.93, 400.962, 400.980, 400.9905, 400.9935, 401.23, 402.164, 408.033, 408.831, 409.212, 409.907, 410.031, 410.034, 415.1111, 430.601, 430.703, 435.03, 435.04, 440.13, 456.0375, 465.0235, 468.505, 477.025, 509.032, 509.241, 627.732, 651.011, 651.022, 651.023, 651.055, 651.095, 651.118, 765.1103, 765.205, 768.735, and 943.0585, F.S.; conforming references to changes made by the act; providing a directive to the Division of Statutory Revision to make necessary conforming changes to the Florida Statutes; providing an effective date.

By the Committee on General Government Appropriations; and Senator Alexander—

CS for SJR 1870—A joint resolution proposing the creation of a new section in Article X of the State Constitution relating to the Florida Hurricane Catastrophe Fund.

By the Committees on Health and Human Services Appropriations; Health Care; and Senators Saunders, Fasano, King, Smith, Rich, Dockery and Wise—

CS for CS for SB's 1872 and 2378—A bill to be entitled An act relating to biomedical research; providing legislative intent; amending s. 20.435, F.S.; authorizing use of funds in the Biomedical Research Trust Fund administered by the Department of Health for the purposes of the Florida Center for Universal Research to Eradicate Disease; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 381.855, F.S.; revising the purpose of the Florida Center for Universal Research to Eradicate Disease; requiring the center to provide grants for cancer research and Alzheimer's disease research; revising membership of the center's advisory council; providing procedures for the awarding of grants for cancer research and Alzheimer's disease research; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; amending s. 1004.445, F.S.; renaming the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute as the "Ronald Reagan Alzheimer's Center and Research Institute"; providing an effective date.

By the Committee on Transportation; and Senators Alexander and Hill—

CS for SB 1874—A bill to be entitled An act relating to farm labor vehicles; amending s. 316.003, F.S.; revising and providing definitions; repealing s. 316.620, F.S., relating to transportation of migrant farm workers; creating s. 316.622, F.S.; requiring owners and operators of farm labor vehicles to conform such vehicles to certain standards; requiring seat belts at each passenger position in certain vehicles; requiring certain operators to display a certain sticker on the vehicle; requiring a certain sign to be displayed in the vehicle; providing a penalty; amending ss. 320.38, 322.031, and 450.181, F.S.; conforming provisions; amending s. 450.28, F.S.; revising a definition; amending s. 450.33, F.S.; conforming a cross-reference; requiring the department to issue a vehicle authorization sticker denoting the authorization of a vehicle for use in the transportation of farm workers; requiring the display of the sticker; providing an effective date.

By the Committee on Environmental Preservation; and Senators Dockery and Villalobos—

CS for SB 1906—A bill to be entitled An act relating to reuse and recycling; creating s. 403.7047, F.S.; prohibiting franchises or contracts for exclusive collections of construction and demolition debris under certain circumstances; creating s. 403.71853, F.S.; authorizing the Department of Environmental Protection to implement a pilot project to encourage the reuse or recycling of campaign signs; authorizing the use of funds from the Solid Waste Management Trust Fund; authorizing grants to large and small counties; providing for the purpose of the grants; providing an effective date.

By the Committee on Judiciary; and Senators Dockery, Fasano, Webster, Bullard, Peaden, Lawson, King, Garcia, Haridopolos, Diaz de la Portilla, Saunders, Pruitt, Wise, Alexander, Atwater, Lynn, Argenziano, Jones, Bennett, Sebesta, Baker and Villalobos—

CS for SB 1908—A bill to be entitled An act relating to the termination of pregnancies; repealing s. 390.01115, F.S., relating to the Parental Notice of Abortion Act; creating s. 390.01114, F.S.; creating the Parental Notice of Abortion Act; providing a short title; defining terms; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; prescribing notice requirements; providing exceptions; prescribing

a procedure for judicial waiver of notice; providing for notice of right to counsel; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petitions; requiring the issuance of written findings of fact and legal conclusions; providing for expedited appeal; providing for waiver of filing fees and court costs; precluding assumption of certain expenses by counties; requesting the Supreme Court to adopt rules; requiring the Supreme Court to report annually to the Governor and the Legislature; providing an effective date.

By the Committee on Children and Families; and Senator King—

CS for SB 1910—A bill to be entitled An act relating to workforce innovation; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determing eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Children and Families; and Senator King—

CS for CS for SB 1910—A bill to be entitled An act relating to workforce innovation; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determing eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; creating the Florida Youth Summer Jobs Pilot Program; providing eligibility requirements for program participants and public employers; requiring the program to be administered by a regional workforce board in consultation with Workforce Florida, Inc.; providing employment and educational requirements; requiring the regional workforce board to make an annual report; providing certain uses for program funds; providing an effective date.

By the Committee on Criminal Justice; and Senator Argenziano—

CS for SB 1914—A bill to be entitled An act relating to juvenile justice; amending s. 985.407, F.S.; revising employee-screening procedures of the Department of Juvenile Justice; requiring the department to provide fingerprint information to the Department of Law Enforcement and pay an annual fee; providing an effective date.

By the Committee on Ethics and Elections; and Senators Posey and Sebesta—

CS for SB's 1944 and 2008—A bill to be entitled An act relating to ethics for public officers and employees; amending s. 104.31, F.S.; prohibiting employees of the state and its political subdivisions from participating in a political campaign during certain time periods; amending s. 112.313, F.S.; prohibiting certain disclosures by a former public officer, agency employee, or local government attorney; redefining the term "employee" to include certain other-personal-services employees for certain postemployment activities; providing an exemption from provisions prohibiting conflicts in employment to a person who, after serving on an advisory board, files a statement with the Commission on Ethics relating to a bid or submission; amending s. 112.3144, F.S.; specifying how assets valued in excess of $1,000 are to be reported by a reporting individual; amending s. 112.3145, F.S.; requiring that a delinquency notice be sent to certain officeholders by certified mail, return receipt requested; revising certain filing deadlines; revising the grounds to appeal a fine; amending s. 112.3147, F.S.; deleting certain provisions relating to reporting the value of assets; amending s. 112.3148, F.S.; providing requirements for persons who have left office or employment as to filing a report relating to gifts; amending s. 112.3149, F.S.; requiring that a report of honoraria by a person who left office or employment be filed by a specified date; amending s. 112.317, F.S.; authorizing the commission to recommend a restitution penalty be paid to the agency or the General Revenue Fund; authorizing the Attorney General to recover costs for filing suit to collect penalties and fines; deleting provisions imposing a penalty for the disclosure of information concerning a complaint or an investigation; amending 112.3185, F.S.; providing additional standards for state agency employees relating to procurement of goods and services by a state agency; authorizing an employee whose position was eliminated to engage in certain contractual activities; prohibiting former employees from certain specified activities; amending s. 112.3215, F.S.; requiring the commission to adopt a rule detailing the grounds for waiving a fine and the procedures when a lobbyist fails to timely file his or her report; requiring automatic suspension of a lobbyist's registration if the fine is not timely paid; amending s. 112.322, F.S.; authorizing travel and per diem expenses for certain witnesses; amending s. 112.324, F.S.; providing procedures for the commission to handle complaints of violations; amending s. 914.21, F.S.; redefining the terms "official investigation" and "official proceeding," for purposes of provisions relating to tampering with witnesses, to include an investigation by the Commission on Ethics; providing an effective date.

By the Committees on Children and Families; Criminal Justice; and Senator Crist—

CS for CS for SB 1978—A bill to be entitled An act relating to juvenile justice; amending s. 985.03, F.S.; redefining terms relating to juvenile justice; redefining the terms "day treatment" and "restrictiveness level"; amending s. 985.207, F.S.; clarifying when a child who escapes from commitment may be taken into custody by a law enforcement officer; amending s. 985.208, F.S.; clarifying when the Department of Corrections may take a child who is believed to have escaped from a facility of the department into custody; amending s. 985.231, F.S.; incorporating newly defined terms to clarify the terms of a child's commitment; providing for the maximum length of a minimum-risk, nonresidential commitment for a child who commits a second-degree misdemeanor; providing that the department or a provider report quarterly to the court the child's progress with his or her treatment plan; conforming a cross-reference; amending s. 985.2311, F.S.; requiring parents to pay the costs of supervision related to minimum-risk, nonresidential commitment to the department; amending s. 985.316, F.S.; providing for assessment by the department of the need of juveniles in residential commitment for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; requiring the department to create a task force on juvenile sexual offenders and their victims; providing for membership, powers, duties, and dissolution of the task force; requiring a written report; directing the Department of Juvenile Justice to provide administrative support; prohibiting certain compensation or reimbursement of task force members; requiring the Department of Juvenile Justice to create a task force to study certification for juvenile justice provider staff; providing for membership, powers, duties and dissolution of the task force; requiring a written report; directing the department to provide administrative support; prohibiting certain compensation or reimbursement of task force members; amending s. 985.4135, F.S.; providing that membership of juvenile justice county councils or circuit boards may, rather than must, include certain entities; amending ss. 784.075, 985.231, 985.31, and 985.3141, F.S.; conforming cross-references; providing an effective date.

By the Committee on Health Care; and Senator Garcia—

CS for SB 1994—A bill to be entitled An act relating to Medicaid; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for certain visual services prescribed to Medicaid recipients regardless of age; amending s. 409.907, F.S.; requiring a hospital that is licensed in this state and is owned in whole or in part by a

municipality or county to collect specified information when purchasing or contracting for medical supplies from a vendor; requiring the hospital to exercise a contracting preference for vendors that use the greater number of employees residing in this state under certain circumstances; providing an effective date.

By the Committee on Criminal Justice; and Senator Baker—

CS for SB 2056—A bill to be entitled An act relating to career offender and murderer registration; amending s. 775.13, F.S.; exempting a murderer who has registered under another provision of law from certain registration requirements; amending s. 775.26, F.S.; providing legislative intent relating to registration of murderers and public notification; amending s. 775.261, F.S.; providing a short title; defining the terms "murder" and "murderer" for purposes of the registration of persons convicted of murder; providing criteria for the registration of persons convicted of murder; providing exemptions; requiring the clerk of court to secure and distribute fingerprints of a convicted murderer who is not sentenced to prison; requiring a person convicted of murder to register with the Department of Corrections; requiring the person to provide certain information; requiring the sheriff to secure and distribute a photo and fingerprints of a registered murderer; requiring the Department of Highway Safety and Motor Vehicles to forward certain of the information provided by a registered murderer to the Department of Corrections; providing for notice, to law enforcement officials, of the residence of a registered murderer by the Department of Corrections; providing criminal penalties for a murderer who fails to provide certain information regarding residence; providing for the Department of Corrections to adopt guidelines governing registration as a murderer and dissemination of information regarding a murderer; providing for removal of a person from classification as a murderer; authorizing a law enforcement agency to notify the community that a person convicted of murder is present in the community; requiring the department to develop a system to verify the address of persons convicted of murder; providing that a person convicted of murder commits a felony of the third degree if he or she fails to register or otherwise violates the act; specifying the locations in which a person convicted of murder may be prosecuted for violations of the act; amending s. 944.608, F.S.; defining the term "murderer"; requiring the clerk of court to collect, and distribute to the Department of Corrections, the fingerprints of a murderer who is not sentenced to prison; providing for registration of a murderer who is not incarcerated; requiring a registered murderer to provide certain information; directing the department to compile information relating to registered murderers; providing for distribution of information compiled by the department to the Department of Law Enforcement; providing that a murderer who violates the section commits a felony of the third degree; amending s. 944.609, F.S.; defining the term "murderer"; providing legislative intent; directing the Department of Corrections to provide information regarding a murderer who is being released from incarceration to certain law enforcement officials and other persons; authorizing a law enforcement agency to notify the community that a murderer is present in the community; providing an effective date.

By the Committee on Communications and Public Utilities; and Senator Constantine—

CS for SB 2070—A bill to be entitled An act relating to communications services; providing a short title; specifying the period during which the actual cost of operating a substitute communications system is exempt from such taxes; creating the Communications Service Tax Task Force; providing for the membership of the task force; providing a purpose; providing for staffing and administrative support; requiring a report to the Governor and the Legislature; amending s. 202.11, F.S.; providing that the definition of sales price for purposes of communication services tax does not include specified charges for Internet access services; amending s. 202.26, F.S.; prescribing methods of record keeping relating to bundled sales; amending s. 212.02, F.S.; providing that the definition of sales price for purposes of sales tax does not include specified charges for Internet access services; amending s. 202.13, F.S.; prescribing methods of record keeping relating to bundled sales; providing an effective date.

By the Committee on Communications and Public Utilities; and Senators Constantine, Bennett, Campbell, Baker, King, Alexander, Crist, Wise, Posey, Rich, Villalobos, Hill, Haridopolos, Dawson and Bullard—

CS for SB's 2072 and 1714—A bill to be entitled An act relating to local governments; providing definitions; providing for notice of public hearings to consider whether the local government will provide a communications service; requiring a governmental entity to consider certain factors before a communications service is provided; requiring a local government to make available a written business plan; providing criteria for the business plan; setting pricing standards; providing for accounting and books and records; requiring the governmental entity to establish an enterprise fund; requiring the governmental entity to maintain separate operating and capital budgets; limiting the use of eminent-domain powers; requiring compliance with certain federal and state laws; requiring local government to treat itself the same as it treats other providers of similar communications services; requiring a local government provider of communications services to follow the same prohibitions as other providers of the same services; providing for severability; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 2082—A bill to be entitled An act relating to driver licenses and identification cards; amending ss. 318.15 and 322.29, F.S.; providing for a reinstatement charge rather than a service charge for issuing a person's driver's license after reinstatement of his or her license and driving privilege; conforming provisions to changes made by the act; amending s. 322.02, F.S.; deleting legislative findings and intent with respect to the delivery of limited driver license services by county tax collectors; repealing s. 322.135, F.S., relating to the authority of the Department of Highway Safety and Motor Vehicles to designate tax collectors to act as its agents; creating s. 322.136, F.S.; requiring that the department, by a specified date, contract with a person or entity for the provision of specified driver license services; providing for an authorized agent of the department to charge a service fee for each transaction; prohibiting a service fee for certain specified services; requiring that employees of an authorized agent maintain the confidentiality of personal information as required by law; requiring authorized agents to post a bond; requiring that the department establish a quality assurance unit to monitor the authorized agents; requiring an annual report to the executive branch and legislative branch of government; providing effective dates.

By the Committees on Regulated Industries; Community Affairs; and Senator Bennett—

CS for CS for SB 2302—A bill to be entitled An act relating to local government land development requirements; creating s. 163.3219, F.S.; providing legislative findings, declarations, and intent relating to local government impact fees; requiring impact fees to be based upon certain available data; requiring a credit against impact fees for certain taxes, fees, assessments, liens, charges, or payments; providing criteria; specifying a time period before collecting an impact fee or fee increase; prohibiting application of an impact fee to certain building permits; requiring independent certified public accountants who conduct audits of local governments to report certain information in accordance with generally accepted accounting principles relating to impact fees; requiring audit report statements concerning compliance from certified public accountants; limiting imposition of administrative fees; requiring refund of an impact fee under certain circumstances; providing for the distribution of impact fees collected within an incorporated area; providing criteria for payment of impact fees; authorizing a local government to establish a schedule of payments; providing an exception; exempting existing impact fees from application of the act; providing an effective date.

By the Committee on Regulated Industries; and Senator Haridopolos—

CS for SB 2346—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; providing for lighting equipment on certain non-law enforcement vehicles in a funeral procession; amending s. 497.005, F.S.; revising definitions; amending s.

497.101, F.S.; providing for eligibility for membership on the Board of Funeral, Cemetery, and Consumer Services; providing rulemaking authority regarding application for board membership; amending s. 497.103, F.S.; revising authority of the Department of Financial Services to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; providing for a late-renewal fee; amending s. 497.141, F.S.; revising licensure application procedures to provide for persons other than natural persons; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of license; amending s. 497.142, F.S.; revising fingerprinting requirements; eliminating obsolete references; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising applicability in other jurisdictions; revising certain grounds for disciplinary action; specifying what is deemed to be a complaint; providing exceptions to remittance deficiency disciplinary infractions; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising criminal provisions relating to prelicensure examinations, willful obstruction, trust funds, and specified violations; providing penalties; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.165, F.S.; revising a standard for determining liability for a trust fund deficiency; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising a provision for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.365, F.S.; requiring that certain fees be paid before an inactive license is renewed; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizes the licensing authority to establish certain rules; amending s. 497.378, F.S.; revising a license renewal fee; amending s. 497.380, F.S.; revising certain requirements for funeral establishments; providing requirements for reporting a change in location of the establishment; revising a license renewal fee; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; increasing the renewal fee for a branch license which is set by the Board of Funeral, Cemetery, and Consumer Services; revising grounds for issuance of a preneed branch license; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S., relating to preneed sales agents; substantially revising provisions relating to licensure requirements; revising application procedures, fees, the issuance of a temporary preneed sales agent license, the conversion of such a license to a permanent preneed sales agent license, restrictions upon an applicant who has a criminal or disciplinary record, termination of a permanent license due to lack of appointments, procedures for appointing preneed sales agents and for renewing such an appointment, termination of appointments, fees, and administrative matters; providing responsibilities of preneed licensees for preneed sales agents; creating s. 497.468, F.S.; providing for disclosure of information to the public; amending s. 497.550, F.S.; revising application requirements and procedures for licensure as a monument establishment; requiring that a monument establishment be licensed as a monument builder or as a monument dealer; exempting a monument dealer from a requirement to maintain certain facilities and from certain inspection requirements; requiring that a monument establishment obtain licensure as a monument builder in order to be eligible for a preneed sales license; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; providing requirements for change of ownership and location of monument establishments; providing for an annual inspection fee; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; revising requirements for rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.603, F.S.; revising the license renewal fee for a direct disposer; amending s. 497.604, F.S.; revising provisions concerning direct disposal establishment licensure and application for licensure and regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions concerning cinerator facility licensure and application for licensure and regulation of cinerator facilities; amending s. 497.607, F.S.; providing for publication of rules regarding cremation by chemical means; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; repealing s. 497.275, F.S., relating to identification of human remains in licensed cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

By the Committee on Environmental Preservation; and Senator Argenziano—

CS for SB 2368—A bill to be entitled An act relating to minimum flows and levels of surface watercourses; amending s. 373.042, F.S.; deleting a provision under which second magnitude springs are not included on the priority list under certain conditions; requiring the Suwannee River Water Management District and the Southwest Florida Water Management District to establish minimum flows and levels for certain magnitude springs by a certain date; providing that such minimum flows and levels are not subject to independent peer review; requiring that a minimum flow or level take effect notwithstanding the filing of a petition for an administrative hearing; amending s. 373.59, F.S.; authorizing the Suwannee River Water Management District and the Southwest Florida Water Management District to use money from the Water Management Lands Trust Fund for the purpose of establishing minimum flows or levels for first and second magnitude springs; providing an effective date.

By the Committee on Environmental Preservation; and Senator Clary—

CS for SB 2426—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; revising the provisions for the placement of uniform warning and safety flags at public beaches; prohibiting the display of flags not specifically developed by the Department of Environmental Protection; revising liability provisions; authorizing the department to develop and distribute information and materials related to beach safety; providing an effective date.

By the Committee on Regulated Industries; and Senator Bullard—

CS for SB 2432—A bill to be entitled An act relating to cardrooms; amending s. 849.086, F.S.; revising definitions to include dominoes as an authorized game and to allow games other than card games to be played in cardrooms; authorizing rulemaking relating to poker and dominoes by the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation; providing for supervision of dominoes games at a cardroom; limiting wagering related to authorized games; providing an effective date.

By the Committee on Education; and Senator Lynn—

CS for SB 2478—A bill to be entitled An act relating to for-hire bus drivers; creating s. 125.5805, F.S.; requiring counties to adopt ordinances relating to registration of drivers who transport school students for hire; providing specified qualifications, including background screening and commercial driver licensure; providing for applicability; providing an effective date.

By the Committee on Community Affairs; and Senator Clary—

CS for SB 2490—A bill to be entitled An act relating to small scale comprehensive plan amendments in an area designated as a rural area of critical economic concern; amending s. 163.3187, F.S.; including an area that is designated as a rural area of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; authorizing a small scale amendment for property within such an area which involves a site that is near to, and owned by the same person as, property that was the subject of a recent comprehensive plan amendment; amending s. 380.06, F.S.; increasing certain guidelines and standards for development in a county that shares a common border with more than three counties that have been redesignated as a rural area of critical economic concern; providing an effective date.

By the Committee on Transportation; and Senator Constantine—

CS for SB 2516—A bill to be entitled An act relating to highway safety; amending s. 316.650, F.S.; requiring the printed traffic citation form to have a box for failing to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal showing a steady red indication; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring a driver improvement course for a second moving violation of a traffic control signal showing a steady red indication within a specified time period; providing a penalty for failure to complete such course within a specified time period; amending s. 322.27, F.S.; assigning a point value for conviction of a moving violation of a traffic control signal showing a steady red indication; correcting a cross-reference relating to assessment of points for litter violations; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; providing for audits and attestations; providing an effective date.

By the Committee on Education; and Senator Wise—

CS for SB 2550—A bill to be entitled An act relating to assistive technology devices and services; requiring interagency agreements to ensure that assistive technology devices be retained for use by a person with disabilities as he or she makes certain transitions; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment		*For Term Ending*
Barbers' Board		
Appointee:	White, Herman, Pensacola	10/31/2008
Florida Black Business Investment Board, Inc.		
Appointee:	Villain, Jean-Marc, Miami	06/30/2008
Board of Trustees of Valencia Community College		
Appointees:	Cabrera-Morris, M. Bertica, Orlando	05/31/2007
	Slocum, Lawrence D., Kissimmee	05/31/2008
Board of Funeral Directors and Embalmers		
Appointee:	Deakins, John P., Dunnellon	10/31/2008
Board of Landscape Architecture		
Appointee:	Walter, Collene W., Atlantis	10/31/2008
Florida Real Estate Commission		
Appointee:	Varnado, James D., Tallahassee	10/31/2008

[Referred to the Committee on Ethics and Elections.]

Board of Trustees, Florida A & M University		
Appointee:	Benjamin, Regina, Spanish Fort	01/06/2010
Board of Trustees, Florida Atlantic University		
Appointee:	Janke, Lalita M., Vero Beach	01/06/2010
Board of Trustees, University of South Florida		
Appointee:	Soran, Robert, Sarasota	01/06/2010

[Referred to the Committees on Education; and Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 657, HB 853, HB 1907; has passed as amended HB 149, HB 155, HB 213, HB 349, HB 1889, HB 1899; has passed by the required constitutional three-fifths vote of the membership HB 1765; has passed as amended by the required constitutional three-fifths vote of the membership HJR 1177 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Bean and others—

HB 657—A bill to be entitled An act relating to public libraries; amending s. 257.191, F.S.; revising provisions relating to public library construction grants; authorizing the Division of Library and Information Services to accept and administer appropriated funds for purposes of small county public library construction grants; providing for eligibility for grant funding; providing for effect contingent upon specific appropriations; limiting grants in the same fiscal year; providing for the adoption of rules; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Community Affairs; and Transportation and Economic Development Appropriations.

By Representative Reagan and others—

HB 853—A bill to be entitled An act relating to motor vehicle lease agreements; amending s. 521.004, F.S.; revising retail lessor disclosure requirements; revising requirement for copies of certain documents to be provided to the lessee; providing an effective date.

—was referred to the Committee on Transportation.

By the Fiscal Council; and Representative Negron—

HB 1907—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2005, and July 1, 2006; providing an effective date.

—was referred to the Committee on Ways and Means.

By Representative Patterson and others—

HB 149—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing establishment of a waiver process; prohibiting certain waivers; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—was referred to the Committee on Education.

By Representative Machek and others—

HB 155—A bill to be entitled An act relating to the Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; providing legislative findings with respect to implementation and funding of the Lake Okeechobee Watershed Phosphorus Control Program and the Lake Okeechobee Protection Program; revising a definition; providing that the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the South Florida Water Management District be jointly responsible for implementing the Lake Okeechobee Protection Plan; requiring that annual funding priorities be jointly established; providing criteria for determining funding priorities; repealing obsolete provisions; providing an effective date.

—was referred to the Committees on Environmental Preservation; Agriculture; and General Government Appropriations.

By Representative Evers and others—

HB 213—A bill to be entitled An act relating to construction professionals; amending s. 481.221, F.S.; requiring the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seals for use by a registered architect or interior designer who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; amending s. 481.321, F.S.; requiring the Board of Landscape Architecture to prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; reenacting s. 481.225(1)(a) and (3), F.S., relating to disciplinary proceedings against registered architects, to incorporate the amendment to s. 481.221, F.S., in a reference thereto; providing penalties; reenacting s. 481.325(1)(a) and (3), F.S., relating to disciplinary proceedings against registered landscape architects, to incorporate the amendment to s. 481.321, F.S., in a reference thereto; providing penalties; amending s. 489.103, F.S.; exempting preengineered fire extinguishing system permittees from construction contracting regulation; amending s. 489.105, F.S.; revising contractor definitions to authorize Class A and Class B air-conditioning contractors to disconnect or reconnect changeouts of liquefied petroleum or natural gas appliances within buildings, mechanical contractors to install, maintain, fabricate, repair, alter, extend, or design, when not prohibited by law, liquefied petroleum gas lines within buildings, and plumbing contractors to install liquefied petroleum gas and related venting lines; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Consumer Services; and Rules and Calendar.

By Representative Brummer and others—

HB 349—A bill to be entitled An act relating to auditor selection procedures; amending s. 218.391, F.S.; revising the auditor selection procedures that local governmental entities, district school boards, charter schools, and charter technical career centers must use in selecting auditors to conduct certain required financial audits; revising provisions relating to membership, purposes, and duties of audit committees required to be established to aid in such selection; providing for requests for proposals; providing review and ranking requirements; requiring written contracts and providing requirements therefor, including renewal requirements; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; Governmental Oversight; and General Government Appropriations.

By the Fiscal Council; and Representative Negron—

HB 1889—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; revising monetary criteria for distributing portions of the tax to certain trust funds; revising authorization for the Department of Revenue to use certain amounts for certain purposes; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund; providing for increased distributions to certain trust funds under certain circumstances to provide for payments on bonds; revising monetary criteria for distributing portions of the tax to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; requiring distributions to the State Housing Trust Fund to be sufficient for certain purposes; providing a limitation; providing effective dates.

—was referred to the Committee on Ways and Means.

By the Fiscal Council; and Representative Negron—

HB 1899—A bill to be entitled An act relating to corrections; amending s. 20.315, F.S.; abolishing the Florida Corrections Commission; amending s. 944.8041, F.S.; conforming references; requiring the annual report on elderly offenders within the correctional system to be submitted to the Governor in addition to the Legislature; amending s. 946.40, F.S.; permitting political subdivisions to reimburse the Department of Corrections for certain services of inmates and personnel of the department; amending s. 957.04, F.S.; revising requirements for contracts for the operation of private correctional facilities; conforming references; amending s. 957.07, F.S.; providing for the Prison Per-Diem Workgroup to develop certain rates on an as-needed basis; amending s. 957.12, F.S.; revising provisions relating to prohibitions on contact with respect to a request for proposals for a private correctional facility; amending ss. 20.315, 20.32, 23.21, 112.011, 186.005, 255.502, 322.16, 394.926, 394.927, 775.089, 775.16, 784.07, 784.078, 843.01, 843.02, 843.08, 893.11, 921.001, 921.16, 921.20, 921.21, 921.22, 940.03, 940.05, 941.23, 943.0311, 943.06, 944.012, 944.02 944.024, 944.23, 944.291, 944.4731,

945.091, 945.10, 945.47, 945.73, 947.002, 947.005, 947.02, 947.021, 947.1405, 947.141, 947.146, 947.181, 947.185, 947.22, 948.09, 948.10, 949.05, 957.06, 958.045, 960.001, 960.17, 985.04, and 985.05, F.S.; abolishing the Parole Commission; providing for the creation of regional parole boards; providing for membership, powers, and duties of such boards; providing for assignment of inmates to boards; conforming provisions; amending s. 784.078, F.S.; conforming a cross reference; repealing s. 947.01, F.S., relating to the creation of the Parole Commission; repealing s. 947.022, F.S., relating to terms of members of the Parole Commission; transferring support for the Governor and Cabinet acting in their capacity as the Executive Board of Clemency from the Parole Commission to the Executive Office of the Governor; providing a directive to the Division of Statutory Revision; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Fiscal Council; and Representative Barreiro—

HB 1765—A bill to be entitled An act relating to the Federal Grants Trust Fund; creating s. 947.045, F.S.; creating the Federal Grants Trust Fund within the Florida Parole Commission; providing for the source and use of funds; providing for annual carryover of funds; providing for review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Justice Appropriations.

By Representative Troutman and others—

HJR 1177—A joint resolution proposing an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution relating to limitations on the number of consecutive years during which certain elected constitutional officers may hold office before being denied the right to have their names appear on the ballot.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

ENROLLING REPORTS

CS for SB 200, SB 292, SB 516, SB 1376, SB 1378, SB 1380, SB 1382, SB 1384, SB 1386 , SB 1388, SB 1390, SB 1392, SB 1394, CS for SB 1396, SB 1398, SB 1400, SB 1402, SB 1404, CS for SB 1406, CS for SB 1408, CS for SB 1410 and SB 2042 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 12, 2005.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 7 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—SB 558, SB 978, SB 980; Atwater—SB 818, SB 1096, SR 2160; Baker—SB 2088, SJR 2090, SB 2480; Bullard—CS for SB 1288, CS for SB 1314, SB 1444, SB 1714; Campbell—SB 1096, CS for SB 1314, SB 1862; Clary—CS for CS for SB 620; Crist—SB 2348; Fasano—SM 1206, CS for SB 1208; Haridopolos—CS for CS for SB 1598, SB 1964, SB 2088, SJR 2090, SB 2480; Margolis—SB 1620; Peaden—SB 2088, SJR 2090, SB 2480; Rich—CS for SB 1604; Sebesta—SJR 2090, SB 2480; Webster—SB 818

RECESS

On motion by Senator Pruitt, the Senate recessed at 1:18 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, April 14 or upon call of the President.

SENATE PAGES

April 11-15, 2005

Britton Alexander, Lake Wales; Doug Baillie, Sarasota; Adam B. Bates, Holiday; Amber Bryant, Lakeland; Alexandra Bunker, Altamonte Springs; Angela "Angie" Diaz, Pinecrest; Lauren Doyle, Miami; Samantha "Sam" Hoffman, Homosassa; Cortni Powell, Plant City; Jason Roberts, New Smyrna Beach; David Schultz, Ft. Myers; Chelsey Severance, Tallahassee; James "Jim" Stephens, Greenville; Michael R. Treiser, Naples; Locklyn Diane Tucker, Crawfordville; Ashley M. Van Oosten, Plant City

Journal of the Senate

Number 15—Regular Session **Thursday, April 14, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 9:20 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by Senator Lynn:

Dear God of the universe, we pray to you for guidance as we consider the issues that will affect the many people we serve in our wonderful state.

We ask today that you watch over our armed forces, as they fight to protect us from the terrors that threaten our world today . . . and as they seek to establish and maintain the many freedoms which we enjoy as citizens of our great nation.

God, we pray that you will help us solve the many problems that threaten our children and our elderly. And we ask for your blessings and assistance in supporting each and every one of us to be all that we can be . . . and to do all the good we can do to make our state, our nation, and our world fulfill all your expectations.

In God's name, we pray. Amen.

PLEDGE

Senate Pages Alexandra Bunker of Altamonte Springs; Jason Roberts of New Smyrna Beach; David Schultz of Ft. Myers; and Chelsey Severance, daughter of Donald Severance, Sergeant at Arms, of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTORS OF THE DAY

The President recognized Dr. Ricardo Requena of Clearwater, sponsored by his brother-in-law, Senator Villalobos, and Dr. Stephanie Haridopolos of Melbourne, sponsored by her husband, Senator Haridopolos, as doctors of the day. Dr. Requena specializes in Otolaryngology/Facial Plastic Surgery and Dr. Haridopolos specializes in Family Practice.

ADOPTION OF RESOLUTIONS

On motion by Senator Crist—

By Senators Crist and Miller—

SR 1046—A resolution recognizing April 14, 2005, as Lowry Park Zoo Day in Tallahassee.

WHEREAS, the 2004 Legislature recognized the Lowry Park Zoo, a not-for-profit corporation located in Hillsborough County, as a state center for Florida species conservation and biodiversity, and

WHEREAS, the Lowry Park Zoo is the only licensed not-for-profit manatee rehabilitation facility in the world, and

WHEREAS, the only zoo where six endangered species (the Florida panther, red wolf, Florida manatee, whooping crane, Key Largo wood rat, and Key deer) can be seen in one place, the Lowry Park Zoo is host to an inventory of 1,600 animals, and

WHEREAS, the Lowry Park Zoo is Florida's best-attended, not-for-profit attraction and features a year-round education center popularly known as "The Zoo School," with early child care and preschool education, and

WHEREAS, Child Magazine recognized the school as the "Number One Zoo in the United States for Kids," a distinction based on the strict criteria and data compiled after an extensive 5-month investigation of more than 150 institutions belonging to the American Zoo and Aquarium Association, and

WHEREAS, Lowry Park Zoo has an estimated annual economic impact of more than $72 million, with 80 percent of its annual $12-million budget based on earned revenue, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes April 14, 2005, as Lowry Park Zoo Day in Tallahassee in recognition of its outstanding work in providing exhibits and education on species conservation and biodiversity, as the Legislature concurrently celebrates "Hillsborough County Day" at the State Capital with the second annual "Flavors of Hillsborough" event.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Lowry Park Zoo as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Crist, **SR 1046** was read the second time in full and adopted.

On motion by Senator Crist—

By Senators Crist and Sebesta—

SR 1960—A resolution commending the Tampa Bay Lightning for their outstanding 2004 ice hockey season and Stanley Cup victory against the Calgary Flames.

WHEREAS, the National Aeronautics and Space Administration in 2002 declared Rwanda (in Central Africa) the "lightning capital of the world," and

WHEREAS, professional hockey's Tampa Bay Lightning unraveled the findings of those at NASA, unequivocally declaring on June 7, 2004, that Tampa is truly the "Lightning Capital of the World," as the Bolts extinguished the Calgary Flames in the seventh and final game for the Stanley Cup, and

WHEREAS, the team, 25 players strong, including captain Dave Andreychuk, with 22 years in the National Hockey League and holder of the NHL record of 270 power-play goals; Brad Richards, winner of the Conn Smythe Trophy and the Lady Byng Trophy; Martin St. Louis, winner of the Hart Trophy, the Pearson Award, and the Art Ross Trophy; Ruslan Fedotenko, who delivered both of Tampa Bay's goals in the final game; and goaltender Nikolai Khabibulin, who masterfully protected the one-goal lead in the third period, along with owner Bill Davidson, CEO Tom Wilson, president Ron Campbell, and general manager Jay Feaster, and

WHEREAS, the team arose from humble beginnings, playing in a barn at the Florida State Fairgrounds followed by three seasons in a baseball stadium, then skating to the ultimate hockey victory in the St. Pete Times Forum by being successfully challenged by head coach John Tortorella, who later won the Jack Adams Award as Coach of the Year, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate congratulates the Tampa Bay Lightning on winning the 2004 Stanley Cup, making Tampa the home of the best professional hockey team in North America and keeping the Stanley Cup in the United States of America.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Tampa Bay Lightning as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Crist, **SR 1960** was read the second time in full and adopted.

At the request of Senator Sebesta—

By Senators Sebesta, Crist and Miller—

SR 2010—A resolution recognizing April 14, 2005, as "Hillsborough County Day" in Tallahassee.

WHEREAS, Hillsborough County was organized as a county in 1834 and is now comprised of some 1,050 square miles, with a current population exceeding 1.1 million people, and

WHEREAS, the county is home to three municipalities, including Plant City, chartered in 1885; Tampa, chartered in 1887; and Temple Terrace, chartered in 1925, and

WHEREAS, Hillsborough County is a multicultural, diverse community, a microcosm of the State of Florida offering a breadth of available lifestyles, including a strong urban core, a smaller group of Main Street municipalities, a flourishing suburbia, community living for the active elderly, and sufficient rural areas for those who choose more pastoral or agrarian lifestyles, with the average price of housing running at $183,000, and

WHEREAS, Hillsborough County is the western anchor of the burgeoning I-4 corridor and is the state's epicenter of business and commerce, creating over 25,000 jobs in 2004, dropping its unemployment rate almost to the prerecession level of 2.9 in early 2001, and projecting an increase in effective buying income of 26 percent by 2009, and

WHEREAS, Hillsborough County has a wealth of cultural facilities and programs, including Lowry Park Zoo, the Number One Children's Zoo in America, with an estimated regional economic impact of $72 million, and the Tampa Bay Performing Arts Center, which is one of the top 20 performing arts centers in America on number of tickets sold in 2004 with an estimated regional economic impact in the region of $93 million, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That April 14, 2005, is recognized as "Hillsborough County Day" as the Senate celebrates the "Flavors of Hillsborough" at the State Capitol.

—**SR 2010** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 2732—A resolution recognizing April 2005 as "Cancer Control Awareness Month."

WHEREAS, cancer will strike approximately one out of two men and about one out of every three women in the course of their lives, and

WHEREAS, cancer accounts for one out of every four deaths, and is the leading cause of death, and

WHEREAS, the American Cancer Society estimates that more than 96,200 new cases of cancer in Florida will be diagnosed and more than 39,960 Floridians will die from cancer during the year 2005, and

WHEREAS, many cancers can be prevented by lifestyle changes, or cured if detected early and treated promptly, and

WHEREAS, as many as one-third of the cancer deaths expected in Florida this year will be related to nutrition, physical inactivity, obesity, and other lifestyle factors, and thus may have been prevented, and

WHEREAS, almost half of all Floridians who continue to smoke may expect to die prematurely from lung cancer or other tobacco-related diseases, and

WHEREAS, 30 percent of all cancer deaths and 87 percent of all lung cancer deaths are caused by smoking cigarettes or other tobacco products, and

WHEREAS, the 5-year survival rate for all cancers combined is 64 percent, but survival rates may increase significantly for certain cancers such as breast, cervical, and colorectal cancers when they are detected and treated early, and

WHEREAS, rates of cancer incidence and death in Florida may be significantly reduced with increased awareness of the American Cancer Society's cancer-screening guidelines and compliance with those screening guidelines, and

WHEREAS, promotion of Cancer Control Awareness Month and statewide cancer control initiatives, such as the Florida Dialogue on Cancer sponsored by the American Cancer Society, may assist Florida in significantly reducing the burden of cancer faced by Floridians and the state, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the month of April 2005 is recognized as "Cancer Control Awareness Month" in Florida and all Floridians are urged to understand the risks associated with cancer, change behaviors that increase their cancer risks, and follow the American Cancer Society's cancer-screening guidelines.

—**SR 2732** was introduced, read and adopted by publication.

REPORT OF THE SENATE GENERAL COUNSEL

Tom Lee April 11, 2005
President of the Senate
409 Capitol
404 S Monroe Street
Tallahassee, FL 32399-1100

Re: South Africa Ports Mission Inquiry;
Senator Mandy Dawson

Dear President Lee:

The task you assigned to me one month ago was to conduct a thorough but expeditious investigation of the facts and circumstances of Enterprise Florida's January 27-February 6, 2005 Ports Mission trip to the Republic of South Africa. My inquiry was to cover the trip's purpose, organization, and financing, with emphasis on the pre-trip solicitation allegedly conducted by Senator Mandy Dawson.

Pursuant to your letter of instructions, the attached written report contains my factual conclusions. This report contains no conclusions or recommendations. It ends with a concise summary of the statutes and Senate Rules that could apply, both to senators and to the lobbyists involved.

Sincerely,
D. Stephen Kahn
Senate Counsel

BACKGROUND

The January 27-February 6, 2005 Ports Mission to the Republic of South Africa was primarily the result of the efforts of Enterprise Florida, Inc., the Florida Caucus of Black State Legislators, Inc., and the Florida Ports Council, Inc., a non-profit trade group comprised of the managers of Florida's 14 deepwater seaports.

In 2001, shortly after Enterprise Florida established its contract position of African Trade Development Director in Johannesburg, Lieutenant Governor Frank Brogan led Florida's first "official" trade delegation to South Africa.

Then, in August 2001, a delegation representing South African seaports, including the CEO of the entity that operates all of them, visited eight Florida ports: Port Everglades, Port of Palm Beach, Port Canaveral, JAXPORT, Port of Panama City, Port of Pensacola, Port of Tampa, and the Port of Miami.

On October 4-11, 2003, another Enterprise Florida organized trade mission visited South Africa. State Representative "Ed" Jennings, Jr., participated. South African officials suggested a reciprocal mission by the Florida ports. Representative Jennings then approached the Florida Ports Council and Enterprise Florida and asked them to work together to organize a subsequent Florida mission to South Africa focusing on sea cargo development.

In January 2004, representatives from Enterprise Florida attended a meeting of the Florida Ports Council. Based on a consensus of the port directors, Enterprise Florida planned a May-June follow-up mission to some of the seaports in South Africa. That trip was first postponed to November 5-13, 2004, and then postponed again to January 27-February 6, 2005. Its focus would be to promote Florida as the "Gateway" for trade between Africa and the Americas. There were 31 Florida participants: port representatives (sea and air), private sector entrepreneurs, a city councilman, a county commissioner, eight state legislators and their four guests, and miscellaneous staff.

The state legislators traveling were: Senators Dawson, Hill, and Wilson; and State Representatives Bendross-Mindingall, Cusack, Gibson, Jennings, and Peterman.

THE ITINERARY

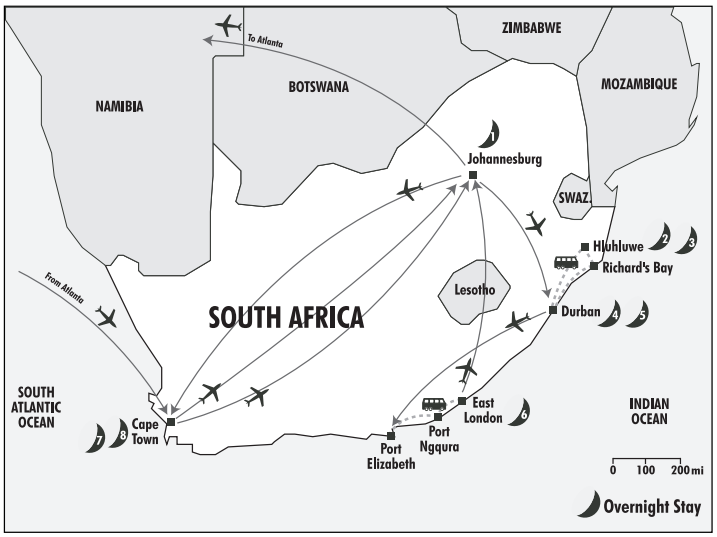
The group departed from Atlanta on the afternoon of Thursday, January 27, 2005, and after a brief stop in Capetown, proceeded to Johannesburg. On arrival, there were introductions and welcoming remarks from various South African and United States officials. The group was accommodated at the nearby Gauteng Park Hyatt Hotel where they spent their first night in South Africa.

On Saturday morning the group took a very early flight to Durban and traveled to a safari lodge at Hluhluwe, KwaZulu Natal, about 1 hour north of Richard's Bay. The members passed the afternoon at a workshop briefing and had the remainder of Saturday and all of Sunday at leisure. As the flight to South Africa was long and the time is 7 hours ahead of Florida, the weekend gave the delegates the opportunity to prepare for the rest of the Mission.

Monday morning representatives of four Florida ports made presentations at the Africa-America Gateway Conference, a major event cosponsored by the Florida Ports Council, Inc., Citrix Systems, Inc., the South Africa National Ports Authority, and South African Port Operations. There was national press coverage of this event and a capacity audience of over 200 people from major shipping lines, public and private sector leaders from all over South Africa, and logistics agencies and port personnel. The group visited the Port of Richard's Bay, heard presentations and attended business meetings followed by a mid-day port tour. Monday night lodging was at the Hilton Durban Hotel.

Tuesday morning the group visited the Port of Durban where they heard presentations on cargo operations, agriculture opportunities, the impact of U.S. antiterrorism measures on trade, cruise operations, and port real estate. They attended a business meeting followed by a port tour. The day was capped by the signing of a sister seaport agreement between the Port of Miami and the Port of Durban. The group lodged Tuesday night at the Hilton Durban Hotel.

Wednesday morning the group departed at 4:30 a.m. to fly to Port Elizabeth where they followed a similar pattern: presentations on the benefits of doing business through Florida ports, business meetings, and a port tour. Then, the group went on a bus trip to Port Ngqura at Coega, for a presentation and tour of the new deepwater port facility under construction in the Eastern Cape Province, approximately 45 minutes northeast of Port Elizabeth. The group departed mid-afternoon for East London where they were accommodated overnight at the Regent Hotel and Conference Center.



Thursday morning was spent at the Port of East London where the group had similar presentations, business meetings, a port tour, and optional manufacturing plant visits, followed by a mid-afternoon flight back to Johannesburg, a quick stop-over, and a flight on to Capetown where they were accommodated overnight at the Townhouse Hotel.

Friday morning featured a trip to Parliament, a tour of Capetown Harbour, presentations (including a significant key note address by the Western Cape Minister of Economic Affairs), business meetings, the signing of an agreement between the Port of Miami and the Port of Capetown, and a visit to the Victoria and Alfred waterfront area. Friday overnight, the group was accommodated at Capetown's Townhouse Hotel.

Saturday, the final full day in-country, was a day at leisure. The group split into two parts: the legislative delegation made the practically obligatory visit to the national memorial on Robben Island in Capetown Harbour. The business delegation visited some nearby winelands and the Afriaans Taal Monument. The group reunited in the mid-afternoon for the flight back to Johannesburg and an evening departure to Atlanta.

The group arrived in Atlanta on Sunday, February 6, 2005.

THE BUDGET

The $2,500 "participation fee" was a mandatory charge, established by Enterprise Florida, for every person traveling with the Mission. There were 13 travelers in the Florida legislative component of the 31-person mission: three senators, five house members, two legislative spouses, two traveling companions, and one legislative staff person. Each traveler was responsible for his or her own participation fee. In setting the participation fee at $2,500, Enterprise Florida factored in the $1,330 round-trip airfare component charged by South African Airlines and the $933 hotel single room accommodation component. All participation fees collected and corporate sponsorships received toward the trip went into an Enterprise Florida account. All funds collected beyond the actual per person cost for hotels and airfare went toward general and common trip expenses such as ground transportation, group meals and snacks, luggage and personnel transfers, admission fees, transit taxes, conference room hire, tourist guide services, and so on. All spouses and traveling companions, including those from the private sector who shared a double room with their host, were charged the same $2,500 participation fee. All excess amounts, after airfare and hotel bills, were likewise used by Enterprise Florida for common expenses of the trip.

In addition to the $2,500 per person participation fees, Enterprise Florida solicited and received three corporate sponsorships: $1,000 from the Miami-Dade County Aviation Department; $1,500 from the Florida Ports Council, Inc.; and $5,000 from Citrix Systems, Inc. There were also some sponsorships and trip expenses paid by various South African entities.

WHO PAID WHOSE PARTICIPATION FEES AND HOW

Representative Bendross-Mindingall paid her $250 deposit with a personal check and the $2,250 balance with a check written on her §106.141(5) separate office account.

Representative Cusack paid the $500 deposit for her party of two with a personal check, $2,500 of the balance with a personal check and the remainder with a $2,000 charge on her husband's personal VISA card.

Mr. Davis, the legislative staff person, paid his $250 deposit with a personal money order and the $2,250 balance with his personal VISA credit card.

Senator Dawson's and her traveling companion's $5,000 participation fees were paid to Enterprise Florida by the Caucus using a Caucus check dated January 12, 2005. Actually the check paid for 3 Dawson-related participation fees, however, Senator Dawson's daughter who had signed up to go, decided not to but that decision was made after her participation fee had already been paid to Enterprise Florida by the Caucus. Repayment of the Caucus for Miss Dawson's $2,500 participation fee is now an issue between the Caucus and Senator Dawson and/or her daughter.

Representative Gibson paid her $250 deposit with a check drawn on her §106.141(5) separate office account. She paid the $2,250 balance with a check drawn on that same account.

Senator Hill paid his $2,500 participation fee as part of a $3,000 check to the Caucus, drawn on his political campaign account, written in conjunction with closing out that account on October 11/12, 2004. The Caucus then on January 12, 2005, passed through Senator Hill's $2,500 participation fee to Enterprise Florida from the $3,000 "donation" it had received from Senator Hill in October 2004.

Representative Jennings, Chairman of the Caucus, was accompanied on the trip by his mother. He paid one $250 deposit with a check drawn on his open political campaign account and the second $250 deposit with a check drawn on his intradistrict office account. The $4,500 balance was paid to Enterprise Florida by the Caucus with a Caucus check that he and the Caucus Executive Director signed. Around March 15, 2005, Representative Jennings tendered a $2,250 undated personal check to the Caucus, apparently to reimburse the Caucus for the balance of his mother's participation fee that it had paid. Thus, $2,250 of Chairman Jennings' own participation fee was ultimately paid by the Caucus as a perquisite of the office of its chairman and in apparent recognition of his leading role in organizing and leading the legislative participants on this Mission.

Representative Peterman paid the entire participation fee for himself and his spouse with a $5,000 personal check. Then on December 8, 2004, he reimbursed himself for his $2,500 participation fee from his §106.141(5) separate office account.

Senator Wilson paid her $933 hotel accommodations invoice received from Enterprise Florida with a check drawn on her §106.141(5) separate office account. She used her personal American Express credit card to pay $1,731.96 to South African Airways. Senator Wilson decided to go after the group tickets had been purchased. She had to make separate arrangements to pay Enterprise Florida for the $933 cost of her hotel accommodations, and pay directly to South African Airways, $1,731.96, a price that was $401.96 in excess of the $1,330 "group" airfare rate. On March 7, 2005, Senator Wilson reimbursed herself $2,664.96 from her §106.141(5) separate office account.

The above list may not be complete because reimbursements from §106.141(5) separate office accounts for personal funds advanced for this trip's participation fees are not required to be postmarked or delivered to the Department of State until today, April 11, 2005.

SENATOR DAWSON'S SOLICITATIONS

Senator Dawson used two methods to solicit the funds to cover her $2,500 "participation fee" for this trip.

Method One

On January 3, 2005, while in her Fort Lauderdale district office, Senator Dawson drafted the text of a letter in longhand on a legal pad. The final letter, a copy of which is attached to this report as Exhibit "A", states that she had been "offered a wonderful opportunity to travel to South Africa as part of the Florida Ports Mission." The letter's second paragraph repeats a statement of the trip's purpose practically verbatim from a preliminary one-page trip fact sheet provided by Enterprise Florida to all the potential travelers. Her letter's third paragraph contains a solicitation for $2,500 "to help defray the cost" of "a once-in-a-lifetime opportunity [for her] to participate." The senator's letter then states that "due to ethics regulations, the check should be made out to the FL Caucus of Black State Legislators." The letter concludes with a request for a prompt reply, a note of thanks, and a "look forward to working with you in the future."

Senator Dawson handed her draft of the letter to her chief legislative assistant with instructions to type it. They briefly discussed to whom the letter would be sent. There were three or four "regulars" who would automatically go on such a list and then the senator specified, by name, the remaining five or six persons who were to be added. Her legislative assistant hesitated, pointing out to Senator Dawson the possible misuse of official Senate letterhead for a solicitation such as this and the reference to "ethics regulations" but, after briefly discussing it with the senator, did what she was told to do - type it. The legislative assistant may have corrected a spelling or grammar error or two. The assistant then signed the senator's name to nine letters and faxed them, or supervised the faxing of them, to the following 9 persons:

Ronald Book: Mr. Book received the January 3rd letter by fax, hesitated over it a while, but felt obliged to respond with something because of the personalized nature of the solicitation and his generally positive relationship with Senator Dawson and the Caucus. On or about Friday, January 7, 2005, he hand wrote a $1,500 check on his law office operating account, payable to the Caucus as the solicitation letter had suggested, and had it mailed to Senator Dawson's district office in Fort Lauderdale with a cover letter signed by his secretary. When the letter and check were received there a day or so later, probably on Monday, January 10, 2005, one of Senator Dawson's other legislative assistants opened the envelope, saw that the check was payable to the Caucus, stuffed it all (check and cover letter) back into a new envelope, and mailed it to the Caucus office in Tallahassee.

The check was deposited into the Caucus bank account on or about January 26, 2005. There was no understanding that this $1,500 check was intended for anything other than Senator Dawson's trip expense. Mr. Book wrote the check in direct response to the January 3rd solicitation letter.

Yolanda Cash Jackson:	Acknowledged receiving the solicitation letter, read it, discarded it, hasn't discussed the issue with Senator Dawson, and hasn't made and knows of no payments made, directly or indirectly, in response to it.
Jorge Dominicis:	Did not receive the solicitation letter because it had been faxed to the office of his former employer. He has not discussed the issue with Senator Dawson. He hasn't made and knows of no payment made directly or indirectly in response to it. Neither has his successor at the company, Gaston Cantens.
W. Michael Goldie:	Acknowledged receiving the solicitation letter, hasn't discussed the issue with Senator Dawson, and hasn't made and knows of no payment made directly or indirectly in response to it.
Paul W. Hamilton:	Acknowledged receiving the letter, hasn't discussed the issue with Senator Dawson, and hasn't made and knows of no payment made directly or indirectly in response to it.
Robert E. Hawken:	Acknowledged receiving the solicitation letter and discarded it upon receipt, hasn't discussed the issue with Senator Dawson, and hasn't made and knows of no payment made directly or indirectly in response to it. His client, FCCI Services, Inc., did give a $2,500 "political contribution" to the Caucus for its general good works, which check he delivered to the Caucus Executive Director around the beginning of March 2005, in conjunction with the Caucus Gala event. The amount of the check is generally consistent with FCCI's prior annual levels of general support for the Caucus.
Dr. Alan Mendelsohn:	Didn't see and never heard of the solicitation letter but he did get a personal phone call from Senator Dawson. She asked him to be a $2,500 sponsor and she explained the purpose. Dr. Mendelsohn instructed the treasurer of Ophthalmology PAC, his registered committee of continuous existence, to prepare a $2,500 Ophthalmology PAC check. It is dated January 25, 2005, and is payable to the Caucus. The Caucus deposit ticket is dated February 11, 2005.
William D. Rubin:	Doesn't recall seeing the solicitation letter, hasn't discussed the issue with Senator Dawson, and hasn't made and knows of no payment made directly or indirectly in response to it.
Paul B. Sanford:	Received the solicitation letter, hasn't discussed the issue with Senator Dawson, and hasn't made and knows of no payment made directly or indirectly in response to it.

Method Two

In either late November or very early December 2004, about a month before the date of her January 3rd general solicitation letter, Senator Dawson informally discussed her upcoming South African travel opportunity with Larry Williams, the designated lobbyist for R.J. Reynolds Tobacco Company. Senator Dawson followed her conversation with a personally-signed letter dated December 2, 2004. Attached to that brief letter, a copy of which is attached to this report as Exhibit "B", were three pages of trip information, including an explanation of the $2,500 participation fee requirement. Her letter stated "As I mentioned, sponsorship contributions should be made payable to the [Caucus] with a notation including my name." She closed the letter with an assurance that she would "truly appreciate" his support.

Mr. Williams faxed Senator Dawson's letter, written on official Senate letterhead, to R.J. Reynolds Tobacco Company in Winston-Salem. Four business days later, R.J. Reynolds Tobacco Company wrote a $1,000 check payable to the Caucus but mailed it to Senator Dawson's office at 410 Senate Office Building. When received there, someone called the Caucus Executive Director who came to the Capitol to pick it up. The $1,000 R.J. Reynolds check is shown on a Caucus deposit slip dated January 11, 2005.

Thus, Senator Dawson's and her traveling companion's $5,000 participation fees were quite coincidentally set off exactly by the $5,000 she raised as a result of her solicitations: $1,000 received from R. J. Reynolds Tobacco Company; $1,500 received from Mr. Book; and $2,500 received from Dr. Mendelsohn's Ophthalmology CCE.

WHO'S WHAT

Enterprise Florida, Inc., created by §288.901, Florida Statutes, is a registered legislative principal with 12 registered legislative lobbyists.

Florida Ports Council, Inc., a Florida not-for-profit corporation, is a registered legislative principal with 5 registered legislative lobbyists.

The Florida Caucus of Black State Legislators, Inc., does business under the fictitious name of the Florida Conference of Black State Legislators. It is a Florida not-for-profit corporation with tax exempt status under Section 501 of the Internal Revenue Code.

The Republic of South Africa has no registered lobbying representation before either house of the Florida Legislature.

The Miami-Dade County Aviation Department has indirect legislative lobbying representation; first as a division of Miami-Dade County with 37 registered legislative lobbyists, and as a member of the Florida Airports Council with 4 registered legislative lobbyists.

Citrix Systems, Inc., a Florida corporation, is a registered legislative principal with 6 registered legislative lobbyists.

Ronald Book is a registered legislative lobbyist with 60 registered lobbying principals.

Yolanda Cash Jackson is a registered legislative lobbyist with 22 registered lobbying principals.

Jorge Dominicis was at relevant times employed by, or is currently employed by corporations that between them, directly or indirectly, have 12 registered legislative lobbyists.

W. Michael Goldie is a registered legislative lobbyist with 6 registered lobbying principals.

Paul W. Hamilton is a registered legislative lobbyist with 1 registered lobbying principal.

Robert E. Hawken is a registered legislative lobbyist with 3 registered lobbying principals.

Dr. Alan Mendelsohn is not a registered legislative lobbyist but apparently has the authority to direct the political expenditures of Ophthalmology PAC, a committee of continuous existence registered under Chapter 106, Florida Statutes.

William D. Rubin is a registered legislative lobbyist with 25 registered lobbying principals.

Paul B. Sanford was a registered legislative lobbyist for the year 2004. He had 11 registered legislative principals. He has not yet registered for 2005 but is nevertheless a legislative lobbyist as that term is used in Chapter 112, Florida Statutes.

SUMMARY OF STATUTES AND SENATE RULES OF POSSIBLE APPLICATION IN SENATOR DAWSON'S CASE

§112.3148(3), Florida Statutes	Prohibits a senator from soliciting any "gift" from a lobbyist or a lobbyist's principal, or from a committee of continuous existence, where such gift is for the personal benefit of the senator or any member of the senator's immediate family.
§112.3148(2), Florida Statutes	"Immediate family" means any parent, spouse, child, or sibling.
§112.3148(4), Florida Statutes	Prohibits a senator or any person on his or her behalf from accepting, directly or indirectly, a gift from a committee of continuous existence, or from a lobbyist who lobbies the Legislature; or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if the senator knows or reasonably believes that the gift has a value in excess of $100.

§112.312(12), Florida Statutes	Gift includes intangible personal property [i.e. money], transportation, use of real or tangible property, food, beverage, or any similar thing having an attributable value, that is not specifically exempted by §112.312(12)(b), Florida Statutes.
§112.3148(7)(b), Florida Statutes	In determining the value of the gift, compensation provided by the donee to the donor, if provided within 90 days after receipt of the gift, is to be deducted from the value of the gift.
§112.317(3), Florida Statutes	The penalties prescribed by the Code of Ethics do not limit the power of either house of the Legislature to discipline its own members.
§106.141(5), Florida Statutes	Unspent political campaign contributions, transferred to a separate office account, can be used only for "legitimate expenses" in connection with the [legislator's] public office including "travel expenses incurred by the officer or a staff member."
Senate Rule 1.35	Every Senator is required to maintain the integrity of his or her office.
Senate Rule 1.42	A Senator determined to have violated the requirements of the Rule regulating ethics and conduct may be censured, reprimanded, or expelled, by a two-thirds vote of the Senate, on recommendation of the Committee on Rules and Calendar.
Senate Rule 11.2	The Senate may waive a Senate Rule by two-thirds vote of those Senators present.
Senate Rule 14.1(3)	Official Senate stationery may be used only in connection with official Senate business.

SUMMARY OF STATUTES AND SENATE RULES
OF POSSIBLE APPLICATION TO A LOBBYIST
IN THE CONTEXT OF THIS CASE

§112.3148(5)(a), Florida Statutes	Prohibits a committee of continuous existence, or a lobbyist who lobbies the Legislature, or a principal of a lobbyist, or anyone on behalf of the lobbyist, partner, firm, principal, or employer of the lobbyist, from giving, either directly or indirectly to the senator or to any other person on the senator's behalf, a gift that has a value in excess of $100.
§112.312(12), Florida Statutes	Gift includes intangible personal property [i.e. money], transportation, use of real or tangible property, food, beverage, or any similar thing having an attributable value, that is not specifically exempted by §112.312(12)(b), Florida Statutes.
Senate Rule 9.2(2)	A lobbyist, by personal example and admonition to colleagues, is obliged to uphold the honor of the legislative process by the integrity of his or her relationship with legislators.
Senate Rule 9.6	A person determined to have violated the requirements of this Rule shall be censured, reprimanded, placed on probation, or prohibited from lobbying for the duration of the session, and from appearing before any committee of the Senate.

EXHIBIT "A"

Mr. Ronald L. Book
2999 NE 191st Street, PH6
Aventura, FL 33180

January 3, 2005

Dear Ron:

As a member of the Florida Caucus of Black State Legislators, I have been offered a wonderful opportunity to travel to South Africa at the end of this month as part of a Florida Ports Mission.

This mission is part of the strategy to develop Florida as "The Gateway to the Americas" for Africa. According to the US Commercial Service, South Africa is among the easiest markets in the world to enter for US companies and it has by far the largest economy of the African continent.

This is a once-in-a-lifetime opportunity for me and in order to participate, I need to raise funds to help defray the cost. As a longtime supporter of mine, I am asking if you would consider helping to sponsor my trip. I would like to request $2500, if at all possible. Due to ethics regulations, the check should be made out to the FL Caucus of Black State Legislators. Unfortunately, since the trip is scheduled for January 27th, time is of the essence, and I hope I will hear from you as soon as possible to let me know if you can assist me.

Thank you in advance and, as always, I look forward to working with you in the future.

With kind regards,
M. Mandy Dawson
Florida State Senator
District 29

EXHIBIT "B"

Mr. J. Larry Williams
PO Box 1877
Tallahassee, FL 32303-1877

December 2, 2004

Dear Larry:

As per our conversation, enclosed please find information about the Florida Ports Mission to South Africa.

As I mentioned, sponsorship contributions should be made payable to the Florida Caucus of Black State Legislators, with a notation including my name.

I truly appreciate your support.

With kind regards,
M. Mandy Dawson
Florida State Senator
District 29

MOTION

On motion by Senator Pruitt, by two-thirds vote, the provisions of Rule 1.42 were waived.

RECOMMENDATION OF THE CHAIR OF THE COMMITTEE ON RULES AND CALENDAR

Tom Lee
President of the Senate
409 Capitol
404 S Monroe Street
Tallahassee, FL 32399-1100

April 13, 2005

Dear Mr. President:

Thank you for forwarding Mr. Kahn's report to me for my review. I have completed that review and have three preliminary points to make:

1. This is only the third time in 30 years that the Florida Senate will have been called on to consider disciplining one of its own members for violation of the statutory code of ethics or the Senate's Rules on ethics and conduct.
2. Under the normal disciplinary process, a case against a senator is triggered by the filing of a sworn complaint. To the best of my knowledge, no such complaint has been filed in this matter against Senator Dawson; but, rather than waiting for a sworn complaint to be filed, you determined that it would be preferable to self-start the inquiry, to get it done expeditiously and thoroughly, and to present the findings of fact to the Senate for disposition this session. Of course, there is nothing to prevent some person from filing a complaint with the Florida Ethics Commission, for the Commission to investigate that complaint (taking its normal 9-12 month processing cycle) at the end of which, the Commission's only permissible action would be to file a public report. At most, a Commission report would end up precisely where we are now, only up to a year from now.
3. Senator Dawson has been advised of her right to request a full hearing before the Committee on Rules and Calendar. She has com-

municated her desire to waive that right. She has agreed to submit herself to the judgment of the Florida Senate.

As for the application of the law and Senate Rules to Mr. Kahn's findings of fact regarding Senator Dawson, it is my view that:

1. Section 112.3148(3), Florida Statutes, is the first statute to consider. In order to find a violation of that statutory prohibition, the Senate is required to find by a preponderance of evidence that Senator Dawson in fact solicited something of value from someone in the so-called "prohibited class" (someone in the lobbying corps, or from that lobbyist's principal, or from a CCE); and that the solicitation was for her *personal benefit* or that of her immediate family, or for the *personal benefit* of any person who files financial disclosure. The unresolved issue here is whether the solicitation was for her *personal benefit*. In my view, the trip to South Africa had a hybrid purpose. While there undoubtedly was some public benefit from the trip (in the two sister-to-sister seaport agreements signed, the discussions of future cargo, cruise line and miscellaneous trade relations between Florida's and South Africa's ports, the private business contacts made by the private entrepreneurs who were part of the delegation, and perhaps even the goodwill engendered between the delegation members and their South African hosts), Senator Dawson's trip also had a substantial and obvious personal benefit to her. To the extent that it did, in my view, she violated the statute.
2. Section 112.3148(4), Florida Statutes, the other statute to consider, contains the prohibition against a senator directly or indirectly accepting a gift in excess of $100 in apparent value from a lobbyist, or a lobbyist's principal, or from a CCE. I think that Senator Dawson's written instructions to each of the solicited individuals for them to make their $2,500 checks for her trip payable to the FL Caucus of Black State Legislators "because of ethical regulations" was an apparent attempt to avoid a direct violation of this statutory prohibition. Whether the checks were payable to the Caucus or payable to her personally, it clearly was her intention that the funds would be used to pay her $2,500 trip participation fee. It is my view that Senator Dawson accepted $5,000 as an indirect result of her solicitations, and that $5,000 was in fact applied toward her $2,500 trip participation fee and the $2,500 participation fee of her traveling companion.

As for the application of the law and rules to the persons paying in excess of $100 to or for Senator Dawson's benefit, it is my view that:

Section 112.3148(5), Florida Statutes, prohibited the solicited individuals' payments of $1,000, $1,500, and $2,500 respectively. In spite of Senator Dawson's emphasis of the public purpose of the trip, and the suggestions in her letters as to how the checks should be made payable, it is my view that the three persons in the prohibited class who responded with money had an affirmative duty to inquire further about the legality of the gift before paying the money. For instance, section 112.3148(10), Florida Statutes, contains an invitation for members who have any doubt about the legality of what they are about to do concerning the gift law, to ask our General Counsel for a written "safe harbor" letter of guidance. Members and lobbyists alike have since December 1990, taken advantage of the availability of this guidance, in both the Senate and in the House of Representatives. It is my view that the three donors in this case were careless in allowing themselves to be thrown off the track by Senator Dawson's solicitations, but that their conduct did not rise to the level of culpability and thus does not warrant punishment at this time under Senate Rule 9.

As for disposition of this case, it is my view that Senator M. Mandy Dawson violated both of the above statutes. It is further my view that her actions constituted a violation of Senate Rule 1.35 that requires a senator to maintain the integrity of his or her office. Such a violation invokes the penalty provisions in Senate Rule 1.42(2).

I recommend that Senator Dawson be disciplined by the Florida Senate.

The possible disciplinary actions provided in Rule 1.42(2) are censure, reprimand, or expulsion. It takes a 2/3 vote to administer the discipline.

Accordingly, I recommend:

a) that the Senate exercise its jurisdiction and prerogative to discipline one of its members: Senator M. Mandy Dawson;

b) that based upon Senator Dawson's waiver of her right to be heard by the Committee on Rules and Calendar, that formal committee reference, hearing, and action be dispensed with;

c) that the Senate find that Senator M. Mandy Dawson violated sections 112.3148(3) and 112.3148(4), Florida Statutes, and Senate Rule 1.35;

d) that upon a waiver by the Senate of Senate Rule 1.42, that Senator M. Mandy Dawson be disciplined, in the absence of a sworn complaint, and administered the following punishment through adoption of a Senate Resolution:

1) a reprimand; and
2) removal from the Senate Committee on Ethics and Elections, effective immediately upon adoption of the Resolution by the Senate and continuing through the 2006 organization session of the Florida Legislature; and

e) that the record in this case, comprised of Mr. Kahn's report, this letter, and the Senate Resolution, be published in full in the Senate Journal.

Sincerely,
Ken Pruitt
Chair

MOTION

On motion by Senator Pruitt, the recommendations contained in his letter of April 13 were approved by the Senate.

CONSIDERATION OF RESOLUTION

On motion by Senator Pruitt—

By Senator Pruitt—

SR 2754—A resolution relating to State Senator M. Mandy Dawson, of the 29th Senate District of the State of Florida.

WHEREAS, in absence of a sworn complaint, on March 11, 2005, the President of the Senate directed Senate Counsel to conduct an investigation and to assemble the facts with which the Senate could determine whether State Senator M. Mandy Dawson had violated certain laws and Senate Rules relating to conduct and ethics, and

WHEREAS, that report was submitted to the Senate President on April 11, 2005, and

WHEREAS, that written report was forwarded to the Chairman of the Committee on Rules and Calendar for his recommendations as to further handling, and

WHEREAS, the Chairman of the Committee on Rules and Calendar has made and communicated his determination that between December 3, 2004, and February 6, 2005, State Senator M. Mandy Dawson violated subsections (3) and (4) of section 112.3148, Florida Statutes, and Senate Rule 1.35, and

WHEREAS, State Senator M. Mandy Dawson has waived her right to a hearing before the Committee on Rules and Calendar, has consented to the handling of this matter directly by the Senate without a sworn complaint, and has consented to the imposition of discipline by the full Senate, without further notice or hearing, and

WHEREAS, the Chairman of the Committee on Rules and Calendar has moved that the applicable Rules of the Senate be waived to allow the Senate to proceed forthwith, in absence of a sworn complaint, and in absence of a full hearing before any Committee of the Senate, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That M. Mandy Dawson, Senator, District 29, did, between December 3, 2004, and February 6, 2005, violate subsections (3) and (4) of section 112.3148, Florida Statutes, and Senate Rule 1.35, and

That Senator M. Mandy Dawson is hereby reprimanded for those violations, and

That Senator M. Mandy Dawson is hereby removed from the Senate Committee on Ethics and Elections effective immediately and continuing until the 2006 organization session of the Florida Legislature.

—was introduced out of order and read by title. On motion by Senator Pruitt, **SR 2754** was read the second time in full and adopted by two-thirds vote.

REMARKS

At the direction of the President, the following remarks were ordered spread upon the Journal:

Senator Dawson: Mr. President, Senators, I thank you for allowing me this opportunity.

I wish to thank you, Mr. President, and the Rules Chair, Chairman Pruitt, for your expeditious attention and resolution to this issue. I want to also thank the members of this chamber for your support, both professional and personal, and hope that you will accept my humble and sincere apology if my actions have compromised the integrity of this body.

Please know that I hold sacred, and respect, the integrity of this Senate and its rules, which serve as our "bond of trust" to the public.

I was 12 years old when my parents purchased a home. With a home of our own, I wanted what many young people want at the first opportunity, a pet. So, off we went to the humane society, to find that perfect puppy.

After spending a couple of hours searching for that perfect dog, I came upon a litter of beagle pups. All were healthy, except for one who, unlike her brothers and sister, was tiny, frail and hairless. But I was told, if given a lot of love and attention and 2 baths a day, the little puppy would grow strong and as beautiful as any other beagle pup.

Well, I left the pound that day with that undernourished, frail and hairless pup; named her Ginger, and with committed compassion and love, raised one of the most beautiful beagles that I have ever seen.

In 1988 I joined Florida's legislative family as a legislative aide. I was a divorced mother raising 3 beautiful daughters and wanted to learn how to utilize this opportunity in order to help people in our state, just like I helped Ginger.

Between 1988 and 1992 there was a dramatic increase in the infection rate of a big disease with a little name - HIV/AIDS, which threatened the health, welfare and safety of the people of our state. Cocaine babies and downsizing was the beginning of a paradigm shift for our state.

In 1992, upon becoming elected to the legislature, I made a commitment to the citizens and asked for their trust and confidence in order to represent them through the process.

Since my first election in 1992, and ultimately being elected to this body in 1998, my commitment to serve and protect their interests has never, and will not, waiver.

My purpose for being a part of this trade mission was simple: to be a part of creating extended opportunities for our small businesses in this state, in the same way that Florida has with other European countries.

We watched South Africa fight for freedom, both personal and political, and its economics enabled an economic fairness for all of the citizens of its country.

They call it reconciliation - moving out of the past without blame, and forward into a productive future for all. I pledge that to you today.

In closing, I truly believe, in my heart of hearts, that although my path into this body is different, my constituents see my value and continue to support me, and for that I am eternally grateful. Sabownia and yabo—which is Zulu for "great happy day—go in happiness." That's my wish for you all—sabownia and yabo.

Thank you.

REPORT OF THE COMMITTEE ON RULES AND CALENDAR

President Tom Lee April 13, 2005
Office of the Senate President
409 Capitol
Tallahassee, Florida 32399-1100

Dear President Lee:

The Senate Committee on Rules and Calendar met on April 13, 2005, to consider the sworn complaint brought against Mr. Charles Brady by Ms. Linda Sims, Past President of the Florida State Court and County Law Librarian Association (the association).

Several key facts from the material presented to the committee should be highlighted:

Mr. Brady was hired by the association in March 2004, to represent them before the Florida Legislature, and a $6000 fee was paid to Mr. Brady's employer.

Mr. Brady has admitted, in writing, to lobbying "various members of the House and Senate" on behalf of the association during 2004 and has recognized that he was required to register as a lobbyist.

Mr. Brady was not registered as a legislative lobbyist for any principal during 2004.

Applicable state law and rules required that Mr. Brady list the association as his principal during 2004.

After consideration of the evidence and materials related to the sworn complaint, the Committee finds and recommends the following:

That Mr. Charles Brady did act as a paid legislative lobbyist in 2004 and did violate Senate Rule 9, Joint Rule 1, and section 11.045 (6), Florida Statutes, by failing to register as a lobbyist for the Florida State Court and County Law Librarian Association.

That Mr. Charles Brady be censured, that he be prohibited from lobbying until the conclusion of the 2006 legislative session, and that he be fined $2500, to be paid to the Chief Financial Officer within twelve months of the date of final Senate action on this matter.

Sincerely,
Ken Pruitt
Chair

MOTION

On motion by Senator Pruitt, the report of the Committee on Rules and Calendar was adopted.

BILLS ON THIRD READING

CS for SB 660—A bill to be entitled An act relating to assets held in benefit plans; amending s. 222.21, F.S.; exempting certain tax-exempt funds or accounts from legal process in favor of creditors; amending s. 222.22, F.S.; exempting from legal process in favor of creditors or other claimants assets held in qualified tuition programs, in certain health savings accounts and medical savings accounts, in Coverdell education savings accounts, or in hurricane savings accounts; defining the term "hurricane savings account"; amending s. 710.102, F.S.; redefining the term "benefit plan," and defining the term "qualified minor's trust," as used in the Florida Uniform Transfers to Minors Act; amending s. 710.104, F.S.; including benefit plans in the types of property that a custodian may be named to receive on behalf of a minor; amending s. 710.108, F.S.; allowing a benefit plan to be transferred to a custodian of a minor who does not have a conservator by an obligor of the minor; amending s. 710.116, F.S.; allowing a minor's custodian, without court order, to transfer custodial property to a qualified minor's trust; providing implications of the transfer; amending s. 733.808, F.S.; providing for the disposition of benefits under a benefit plan after the death of an owner of or participant in the plan; amending s. 744.301, F.S.; providing for the parents or natural guardians of a minor child to collect, receive, manage, and dispose of and make elections regarding the proceeds of an annuity contract payable to a minor child or of a benefit plan of which the minor is a beneficiary, participant, or owner, without appointment, authority, or bond, if the proceeds equal less than a specified maximum amount; providing a conditional effective date and an effective date.

—as amended April 13 was read the third time by title.

On motion by Senator Carlton, **CS for SB 660** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 1322—A bill to be entitled An act relating to the Public Service Commission; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; specifying that the Governor has no planning or budgetary authority with respect to the commission; specifying that the Governor and the Department of Management Services have no authority over the commission's employees; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide a nominee for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; amending s. 120.80, F.S.; requiring that the commission refer certain matters affecting the substantial interest of a utility to the Division of Administrative Hearings so that an administrative judge may be assigned to conduct a hearing and enter a recommended order; providing an effective date.

—was read the third time by title.

Senators Argenziano and Constantine offered the following amendment which was moved by Senator Constantine:

Amendment 1 (113280)(with title amendment)—On page 12, between lines 14 and 15, insert:

(i) A commissioner may not directly or indirectly, through staff or the means, solicit any thing of value from any public utility regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission or from any party appearing in a proceeding considered by the commission in the last 2 years.

And the title is amended as follows:

On page 1, line 30, after the first semicolon (;) insert: prohibiting a commissioner from soliciting any thing of value, either directly or indirectly, from any public utility, its affiliate, or any party;

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senators Argenziano and Constantine offered the following substitute amendment which was moved by Senator Constantine and adopted by two-thirds vote:

Amendment 2 (602018)(with title amendment)—On page 12, between lines 14 and 15, insert:

(i) A commissioner may not directly or indirectly, through staff or other means, solicit any thing of value from any public utility regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

And the title is amended as follows:

On page 1, line 30, after the first semicolon (;) insert: prohibiting a commissioner from soliciting any thing of value, either directly or indirectly, from any public utility, its affiliate, or any party;

On motion by Senator Constantine, **CS for CS for SB 1322** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 155—A bill to be entitled An act relating to the Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; providing legislative findings with respect to implementation and funding of the Lake Okeechobee Watershed Phosphorus Control Program and the Lake Okeechobee Protection Program; revising a definition; providing that the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the South Florida Water Management District be jointly responsible for implementing the Lake Okeechobee Protection Plan; requiring that annual funding priorities be jointly established; providing criteria for determining funding priorities; repealing obsolete provisions; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **HB 155** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Carlton	Haridopolos
Alexander	Clary	Hill
Argenziano	Crist	Jones
Aronberg	Dawson	King
Atwater	Diaz de la Portilla	Klein
Baker	Dockery	Lawson
Bennett	Fasano	Lynn
Bullard	Garcia	Margolis
Campbell	Geller	Miller

Peaden	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise
Saunders	Villalobos	

Nays—None

Vote after roll call:

Yea—Constantine, Posey

HB 349—A bill to be entitled An act relating to auditor selection procedures; amending s. 218.391, F.S.; revising the auditor selection procedures that local governmental entities, district school boards, charter schools, and charter technical career centers must use in selecting auditors to conduct certain required financial audits; revising provisions relating to membership, purposes, and duties of audit committees required to be established to aid in such selection; providing for requests for proposals; providing review and ranking requirements; requiring written contracts and providing requirements therefor, including renewal requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 349** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 1194—A bill to be entitled An act relating to homestead assessments; providing an exception to requirements to assess certain homestead property at just value under certain circumstances; providing limitations; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for SB 1194** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 938—A bill to be entitled An act relating to adverse medical incidents; creating s. 381.028, F.S.; providing a short title; providing a purpose; defining terms; specifying patients' right of access to records relating to an adverse medical incident; prohibiting the disclosure of the identity of certain patients; providing for maintaining privacy restrictions imposed by federal law; providing for the applicability of s. 25, Art. X of the State Constitution; providing for applicability of this section; providing restrictions upon the use of the records; providing for the identification and production of the records; providing for fees charged for copies of records; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for SB 938** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—2

Campbell	Miller

CS for SB 1144—A bill to be entitled An act relating to public records and public meetings; amending s. 119.01, F.S.; clarifying general state policy on public records; amending s. 119.07, F.S.; conforming cross-references; making editorial and conforming changes; transferring exemptions from public-records requirements under that section to indicated sections of Florida Statutes; amending s. 119.071, F.S.; transferring exemptions from public-records requirements under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classifications of "Agency Administration," "Agency Investigations," "Security," "Agency Personnel Information," and "Other Personal Information"; making editorial and conforming changes; transferring and amending s. 119.0721, F.S.; transferring exemptions provided for social security numbers to s. 119.071, F.S.; making editorial and conforming changes; deleting obsolete provisions; creating s. 119.0711, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Executive Branch Agency Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; creating s. 119.0712, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Executive Branch Agency-Specific Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; creating s. 119.0713, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Local Government Branch Agency Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; amending s. 119.15, F.S.; revising standards and guidelines for the review and repeal of exemptions from public-records and public-meetings requirements pursuant to the Open Government Sunset Review Act; making editorial and conforming changes; creating s. 112.31891, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Investigatory Records"; making editorial and conforming changes; creating s. 27.7081, F.S.; transferring provisions relating to capital postconviction public records production under s. 119.19, F.S., to that section; amending ss. 27.708, 101.5607, 112.533, 119.011, 286.0113, 287.0943, 320.05, 322.20, 338.223, 401.27, 409.2577, 633.527, 794.024, and 1007.35, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **CS for SB 1144** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 646—A bill to be entitled An act relating to youthful offenders; amending ss. 958.045 and 958.11, F.S.; revising sentencing provisions for juvenile offenders who violate the terms of their probation; revising references to obsolete offices within the Department of Corrections relating to youthful offenders; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **CS for SB 646** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1172—A bill to be entitled An act relating to the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 766.309, F.S.; authorizing an administrative law judge to determine if the notice requirements have been satisfied when a claim is made under the Florida Birth-Related Neurological Injury Compensation Plan; providing legislative intent with respect to a provision clarifying the jurisdiction of an administrative law judge; amending s. 766.315, F.S.; authorizing the State Board of Administration to invest funds held on behalf of the Florida Birth-Related Neurological Injury Compensation Plan; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **SB 1172** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Aronberg	Bullard
Alexander	Baker	Campbell
Argenziano	Bennett	Carlton
Clary	Jones	Rich
Constantine	King	Saunders
Dawson	Klein	Sebesta
Diaz de la Portilla	Lawson	Siplin
Dockery	Lynn	Smith
Fasano	Margolis	Villalobos
Garcia	Miller	Webster
Geller	Peaden	Wilson
Haridopolos	Posey	Wise
Hill	Pruitt	

Nays—None

Vote after roll call:

Yea—Atwater, Crist

CS for SB 940—A bill to be entitled An act relating to repeated medical malpractice; amending s. 456.041, F.S.; requiring the Department of Health to verify information submitted by a person who applies for initial licensure, or renewal of licensure, as a physician; creating s. 456.50, F.S.; defining terms; prescribing acts that constitute repeated medical malpractice; providing for review of acts and determination by the Board of Medicine and the Board of Osteopathic Medicine; authorizing the Board of Medicine and the Board of Osteopathic Medicine to require licensees and applicants for licensure to provide a copy of the record of the trial of any medical malpractice judgment involving an incident occurring on or after a specified date; extending the 90-day requirement for granting or denying a complete allopathic or osteopathic licensure application to 180 days; amending s. 458.331, F.S.; redefining acts of medical malpractice, gross medical malpractice, or repeated medical malpractice which constitute grounds for disciplinary action against a physician; amending s. 459.015, F.S.; redefining acts of medical malpractice, gross medical malpractice, or repeated medical malpractice which constitute grounds for disciplinary action against an osteopathic physician; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for SB 940** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dawson	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Jones	Siplin
Bullard	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	

Nays—3

Campbell	Hill	Miller

Vote after roll call:

Yea—Diaz de la Portilla, Smith

CS for SB 612—A bill to be entitled An act relating to Veterans' Day; requiring school districts to observe Veterans' Day; prohibiting holding classes on that day; providing an exception; requiring the date of the Veterans' Day observance to correspond with the federal holiday; providing an effective date.

—as amended April 13 was read the third time by title.

On motion by Senator Hill, **CS for SB 612** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 1662—A bill to be entitled An act relating to insurance; amending s. 626.901, F.S.; revising an exception from the prohibition against representing or aiding unauthorized insurers; providing for immediate cease-and-desist orders for violations of the prohibition; providing legislative findings; authorizing investigations of activities that may constitute violations of the prohibition; amending s. 626.902, F.S.; providing an exception from penalty provisions for a person who cooperates with the office to administer the Unauthorized Insurers Process Law; amending s. 626.908, F.S.; providing conditions on defenses of certain actions against unauthorized insurers and persons representing or aiding them; prescribing a time limit on motions to quash or set aside service of process in actions against such unauthorized insurers and other persons; providing an effective date.

—as amended April 13 was read the third time by title.

On motion by Senator Fasano, **CS for SB 1662** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Consideration of **CS for SB 1508** and **HB 77** was deferred.

HB 281—A bill to be entitled An act relating to paperwork reduction in the school districts; requiring the establishment of the Paper Reduction Task Force and providing membership; requiring recommendations to minimize the paperwork burden placed on school districts and school district personnel; requiring a report to the Legislature; providing for abolishment of the task force; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 281** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1980—A bill to be entitled An act relating to the Florida Commission on Tourism; amending s. 288.1223, F.S.; designating a member from the restaurant industry to the Florida Commission on Tourism; revising financial-disclosure requirements for commission members to conform with those of other statewide boards and commissions exercising governing authority; repealing s. 288.1224(11), F.S., relating to a statewide advisory committee of the Florida Commission on Tourism; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **SB 1980** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1796—A bill to be entitled An act relating to property tax administration; amending s. 195.0995, F.S.; providing that if the Department of Revenue finds that more than 10 percent of sales qualified or disqualified by a county do not fall within applicable criteria, the department shall issue a postaudit notification of defects instead of a review notice; amending s. 195.096, F.S.; revising the requirements placed on the department in its review of assessment rolls; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **SB 1796** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bullard	Diaz de la Portilla
Alexander	Campbell	Dockery
Argenziano	Carlton	Fasano
Aronberg	Clary	Garcia
Atwater	Constantine	Geller
Baker	Crist	Haridopolos
Bennett	Dawson	Hill

Jones	Miller	Sebesta
King	Peaden	Siplin
Klein	Posey	Smith
Lawson	Pruitt	Villalobos
Lynn	Rich	Webster
Margolis	Saunders	Wise

Nays—None

Vote after roll call:

Yea—Wilson

SB 1460—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; requiring that the registration application form contain a provision permitting a voluntary contribution to be distributed to Southeastern Guide Dogs, Inc.; providing for use of the funds; exempting such funds from the general revenue service charge; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **SB 1460** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HJR 1177—A joint resolution proposing an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution relating to limitations on the number of consecutive years during which certain elected constitutional officers may hold office before being denied the right to have their names appear on the ballot.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2006:

ARTICLE VI

SUFFRAGE AND ELECTIONS

Section 1. Disqualifications.—

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability.

(b) No person may appear on the ballot for re-election to any of the following offices:

(1) Florida representative~~,~~ *or*

(2) Florida senator~~,~~

~~(3) Florida Lieutenant governor,~~

~~(4) any office of the Florida cabinet,~~

~~(5) U.S. Representative from Florida, or~~

~~(6) U.S. Senator from Florida~~

if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for *twelve* ~~eight~~ consecutive years.

(c) No person may appear on the ballot for re-election to any office of the Florida cabinet or the office of Florida lieutenant governor if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

ARTICLE XII

SCHEDULE

SECTION 26.—The amendment to Section 4 of Article VI denying ballot access for re-election to any state legislator who will have served (or, but for resignation, would have served) in that office for 12 consecutive years, rather than 8 consecutive years, shall take effect upon approval by the voters and shall apply only to those officers whose consecutive years in office begin in November 2006 or thereafter.

BE IT FURTHER RESOLVED that the title and substance of the amendment proposed herein shall appear on the ballot as follows:

TERM LIMITS

Proposes an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution to increase, from 8 to 12, the number of consecutive years a state legislator may serve in that office before being denied the right to have his or her name appear on the ballot for re-election to that office; applies to those officers whose consecutive years in office begin in November 2006 or thereafter; removes provisions that apply term limits by means of ballot access to members of Congress, which the United States Supreme Court has determined violate the Federal Constitution.

—was read the third time in full.

On motion by Senator Sebesta, **HJR 1177** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dawson	Posey
Alexander	Diaz de la Portilla	Pruitt
Argenziano	Geller	Rich
Aronberg	Haridopolos	Saunders
Atwater	Hill	Sebesta
Baker	Jones	Siplin
Bennett	King	Smith
Bullard	Klein	Villalobos
Campbell	Lawson	Webster
Carlton	Margolis	Wilson
Clary	Miller	Wise
Constantine	Peaden	

Nays—4

Crist	Fasano	Lynn
Dockery		

Vote after roll call:

Yea—Garcia

CS for CS for SB 492—A bill to be entitled An act relating to recovering, towing, and storage of motor vehicles, vessels, and mobile homes; amending s. 319.30, F.S.; redefining the term "certificate of destruction," to conform; amending s. 323.001, F.S.; revising certain towing and storage rates; amending s. 713.78, F.S.; removing mobile homes from the application of a statutory lien for towing and storage; conforming provisions related to recovering, towing, or storing vessels; providing for attorney's fees; creating s. 713.785, F.S.; authorizing the imposition of lien

by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 715.07, F.S.; defining the term "vessel"; conforming provisions related to towing vessels parked on private property; imposing criminal penalties for failure to comply with certain laws governing the towing of vehicles and vessels; providing effective dates.

—as amended April 13 was read the third time by title.

On motion by Senator Bennett, **CS for CS for SB 492** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 370—A bill to be entitled An act relating to procedures for the satisfaction of debts; amending s. 55.141, F.S.; revising provisions relating to satisfaction of judgments and decrees; eliminating the authority of judges to act under these provisions when there is no clerk of court; revising requirements of the clerk when accepting payment for satisfaction of a judgment and executing and recording a satisfaction of judgment; providing a sample form to be used by a clerk when recording a satisfaction of judgment; revising provisions relating to notification of satisfaction of judgment to a judgment holder; amending s. 55.202, F.S.; revising procedures for acquiring a judgment lien; authorizing the court to file a judgment lien certificate before a judgment becomes final under certain circumstances; providing that an improperly filed certificate is of no effect; amending s. 55.204, F.S.; revising provisions relating to the continuation of judgment liens; revising provisions requiring the Department of State to maintain certain files and information; amending s. 55.205, F.S.; deleting a provision authorizing certain creditors to bring certain actions against the property of a debtor; amending ss. 55.602, 55.603, 55.604, 55.605, and 55.606, F.S.; revising provisions relating to foreign judgments to apply only to out-of-country foreign judgments; amending s. 56.21, F.S.; revising requirements for notices of a levy and execution sale; amending s. 56.27, F.S.; clarifying provisions relating to payment of money received under execution; amending s. 56.29, F.S.; revising requirements regarding supplementary proceedings for unsatisfied judgments; amending s. 77.03, F.S.; deleting the provision that a garnishing creditor must believe that execution would be unavailing; amending s. 77.04, F.S.; specifying a time period for a garnishee to serve an answer to a writ; amending s. 77.041, F.S.; increasing the time period during which a garnishing creditor may object to the debtor's claim of exemption and request a hearing; amending s. 77.07, F.S.; providing for automatic dissolution of a writ and discharge of a garnishee of liability under certain circumstances; granting a plaintiff the right to extend a writ for a certain time period; providing procedures; amending s. 222.01, F.S.; revising provisions relating to the designation of homestead property by the owner prior to levy to include foreign judgments; amending s. 319.27, F.S.; correcting a cross-reference; amending s. 679.1021, F.S.; redefining the term "lien creditor"; amending s. 701.02, F.S.; providing that chapters 670-680 of the Uniform Commercial Code govern the attachment and perfection of a security interest in a mortgage upon real property and in a promissory note or other right to payment or performance secured by that mortgage; providing that the assignment of such a mortgage need not be recorded under s. 701.02, F.S., in order for a security interest in the mortgage to attach or be perfected under the Uniform Commercial Code; providing that a creditor or subsequent purchaser of real property or of any interest therein may rely on a full or partial release, discharge, consent, joinder, subordination, satisfaction, or assignment of a mortgage upon the property which was made by the mortgagee of record, without regard to the filing of certain Uniform Commercial Code financing statements; providing that the filing of such a financing statement does not constitute notice for the purposes of s. 701.02, F.S.; defining the term "mortgagee of record"; providing effective dates.

—was read the third time by title.

On motion by Senator Campbell, **CS for CS for SB 370** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Siplin

HB 213—A bill to be entitled An act relating to construction professionals; amending s. 481.221, F.S.; requiring the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seals for use by a registered architect or interior designer who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; amending s. 481.321, F.S.; requiring the Board of Landscape Architecture to prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; reenacting s. 481.225(1)(a) and (3), F.S., relating to disciplinary proceedings against registered architects, to incorporate the amendment to s. 481.221, F.S., in a reference thereto; providing penalties; reenacting s. 481.325(1)(a) and (3), F.S., relating to disciplinary proceedings against registered landscape architects, to incorporate the amendment to s. 481.321, F.S., in a reference thereto; providing penalties; amending s. 489.103, F.S.; exempting preengineered fire extinguishing system permittees from construction contracting regulation; amending s. 489.105, F.S.; revising contractor definitions to authorize Class A and Class B air-conditioning contractors to disconnect or reconnect changeouts of liquefied petroleum or natural gas appliances within buildings, mechanical contractors to install, maintain, fabricate, repair, alter, extend, or design, when not prohibited by law, liquefied petroleum gas lines within buildings, and plumbing contractors to install liquefied petroleum gas and related venting lines; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 213** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1765—A bill to be entitled An act relating to the Federal Grants Trust Fund; creating s. 947.045, F.S.; creating the Federal Grants Trust Fund within the Florida Parole Commission; providing for the source and use of funds; providing for annual carryover of funds; providing for review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **HB 1765** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Carlton

SPECIAL ORDER CALENDAR

The Senate resumed consideration of—

HB 149—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing establishment of a waiver process; prohibiting certain waivers; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—which was previously considered April 13. Pending **Amendment 1 (805952)** by Senator Baker was withdrawn.

Senator Baker moved the following amendment:

Amendment 2 (762378)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 1006.15, Florida Statutes, is amended to read:

1006.15 Student standards for participation in ~~interscholastic~~ extracurricular student activities; regulation.—

(1) This section may be cited as the "Craig Dickinson Act."

(2) ~~Interscholastic~~ Extracurricular student activities are an important complement to the academic curriculum. Participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult. As used in this section, the term "extracurricular" means any school-authorized or education-related activity*, including, but not limited to, interscholastic activities,* occurring during or outside the regular instructional school day. *For purposes of this section, a student shall not be precluded from receiving tutoring, performing community service, or attending school athletic, social, and academic functions. However, a student who is not eligible, pursuant to this section, to participate in extracurricular activities shall not perform at school functions or travel with a school team, band, club, or other organization to any event where the group is to compete or perform. This section does not prohibit a student who is enrolled in a class designated by the student course code directory provided by the Department of Education from performing or traveling to compete or perform as part of the class curriculum.*

(3)(a) To be eligible to participate in ~~interscholastic~~ extracurricular student activities, a student must:

1. Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1).

2. Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student's parents, if the student's cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in the courses required by s. 1003.43(1) or, for students who entered the 9th grade prior to the 1997-1998 school year, if the student's cumulative grade point average falls below 2.0 on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) that are taken after July 1, 1997. At a minimum, the contract must require that the student attend summer school, or its graded equivalent, between grades 9 and 10 or grades 10 and 11, as necessary.

3. Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) during his or her junior or senior year.

4. Maintain satisfactory conduct and, if a student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student's participation in ~~interscholastic~~ extracurricular activities is contingent upon established and published district school board policy.

District school boards are encouraged to establish a process to waive the requirements of this paragraph based on extenuating circumstances of an individual student. The State Board of Education shall approve each school district's waiver process prior to implementation.

(b) Any student who is exempt from attending a full school day based on rules adopted by the district school board for double session schools or programs, experimental schools, or schools operating under emergency conditions must maintain the grade point average required by this section and pass each class for which he or she is enrolled. *The establishment and approval of the waiver process pursuant to paragraph (a) shall apply to the requirements of this paragraph.*

(c) An individual home education student is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to district or interdistrict controlled open enrollment provisions, or may develop an agreement to participate at a

private school, in the ~~interscholastic~~ extracurricular activities of that school, provided the following conditions are met:

1. The home education student must meet the requirements of the home education program pursuant to s. 1002.41.

2. During the period of participation at a school, the home education student must demonstrate educational progress as required in paragraph (b) in all subjects taken in the home education program by a method of evaluation agreed upon by the parent and the school principal which may include: review of the student's work by a certified teacher chosen by the parent; grades earned through correspondence; grades earned in courses taken at a community college, university, or trade school; standardized test scores above the 35th percentile; or any other method designated in s. 1002.41.

3. The home education student must meet the same residency requirements as other students in the school at which he or she participates.

4. The home education student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.

5. The student must register with the school his or her intent to participate in ~~interscholastic~~ extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A home education student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a home education program to a public school before or during the first grading period of the school year is academically eligible to participate in ~~interscholastic~~ extracurricular activities during the first grading period provided the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in ~~interscholastic~~ extracurricular activities is ineligible to participate in such activities as a home education student until the student has successfully completed one grading period in home education pursuant to subparagraph 2. to become eligible to participate as a home education student.

(d) An individual charter school student pursuant to s. 1002.33 is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend, pursuant to district or interdistrict controlled open-enrollment provisions, in any ~~interscholastic~~ extracurricular activity of that school, unless such activity is provided by the student's charter school, if the following conditions are met:

1. The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.

2. During the period of participation at a school, the charter school student must demonstrate educational progress as required in paragraph (b).

3. The charter school student must meet the same residency requirements as other students in the school at which he or she participates.

4. The charter school student must meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.

5. The charter school student must register with the school his or her intent to participate in ~~interscholastic~~ extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in ~~interscholastic~~ extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in ~~interscholastic~~ extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school pursuant to subparagraph 2. to become eligible to participate as a charter school student.

(4) The student standards for participation in ~~interscholastic~~ extracurricular activities must be applied beginning with the student's first semester of the 9th grade. Each student must meet such other requirements for participation as may be established by the district school board; however, a district school board may not establish requirements for participation in ~~interscholastic~~ extracurricular activities which make participation in such activities less accessible to home education students than to other students. Except as set forth in paragraph (3)(c), evaluation processes or requirements that are placed on home education student participants may not go beyond those that apply under s. 1002.41 to home education students generally.

(5) Any organization or entity that regulates or governs ~~interscholastic~~ extracurricular activities of public schools:

(a) Shall permit home education associations to join as member schools.

(b) Shall not discriminate against any eligible student based on an educational choice of public, private, or home education.

(6) Public schools are prohibited from membership in any organization or entity which regulates or governs ~~interscholastic~~ extracurricular activities and discriminates against eligible students in public, private, or home education.

(7) Any insurance provided by district school boards for participants in extracurricular activities shall cover the participating home education student. If there is an additional premium for such coverage, the participating home education student shall pay the premium.

Section 2. Subsection (11) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(11) PARTICIPATION IN ~~INTERSCHOLASTIC~~ EXTRACURRICULAR ACTIVITIES.—A charter school student is eligible to participate in an ~~interscholastic~~ extracurricular activity at the public school to which the student would be otherwise assigned to attend pursuant to s. 1006.15(3)(d).

Section 3. Subsection (4) of section 1002.41, Florida Statutes, is amended to read:

1002.41 Home education programs.—

(4) Home education students may participate in ~~interscholastic~~ extracurricular student activities in accordance with the provisions of s. 1006.15.

Section 4. *The Department of Education shall gather data regarding the number of students who have been precluded from participating in extracurricular activities due to the provisions of section 1006.15, Florida Statutes, as amended by this act, and the effect of those provisions on graduation rates and dropout rates. This data shall be reported annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 5. This act shall take effect January 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing district school boards to establish a waiver process;

requiring the State Board of Education to approve school district waiver processes; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

MOTION

On motion by Senator Wilson, the rules were waived to allow the following amendment to be considered:

Senator Wilson moved the following amendment to **Amendment 2** which failed:

Amendment 2A (254598)—On page 2, line 13, after the period (.) insert: *However, a student who is eligible may continue to participate in extra-curricular activities other than athletics for a 9-week grading period. Following the 9-week period, if that student does not meet the requirements of this section, the student may not participate in the extra-curricular activities as provided in this section.*

The question recurred on **Amendment 2**.

On motion by Senator Baker, further consideration of **HB 149** with pending **Amendment 2 (762378)** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 896**, **CS for SB 1028**, **SB 2220**, **SB 1024** and **CS for SB 440** were withdrawn from the Committee on Rules and Calendar; **SB 1660** was also referred to the Committee on Ways and Means; **CS for CS for SB 1026** and **CS for SB 1964** were withdrawn from the Committee on Ways and Means; **SB 2216** was withdrawn from the Committee on Government Efficiency Appropriations; **SB 2344** was withdrawn from the Committees on Criminal Justice; and Rules and Calendar; **CS for SB 214** was also referred to the Committee on Criminal Justice; **CS for SB 514** was withdrawn from the Committee on Community Affairs; and **SB 1360** was withdrawn from the Committee on Health and Human Services Appropriations.

REPORTS OF COMMITTEES

The Committee on Communications and Public Utilities recommends the following pass: HB 49 with 1 amendment

The bill was referred to the Committee on Community Affairs under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 1970

The bill was referred to the Committee on Education under the original reference.

The Committee on Education recommends the following pass: HB 1001 with 1 amendment, SB 2088 with 1 amendment

The bills were referred to the Committee on Education Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 2012 with 4 amendments, SB 2222 with 2 amendments

The bills were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 526 with 1 amendment

The bill was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 2572

The bill was referred to the Committee on Health Care under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1688, SB 2118

The Committee on Commerce and Consumer Services recommends the following pass: SB 2564, SB 2566, SB 2568

The Committee on Education recommends the following pass: SB 2614 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 2044

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 2296

The bill was placed on the calendar.

The Committee on Judiciary recommends a committee substitute for the following: SB 1958

The bill with committee substitute attached was referred to the Committee on Children and Families under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: SB 214, SB 1964

The bills with committee substitutes attached were referred to the Committee on Criminal Justice under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 1256, SJR 2090

The bills with committee substitutes attached were referred to the Committee on Education Appropriations under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for CS for SB 304

The bill with committee substitute attached was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1602

The bill with committee substitute attached was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 1810

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Health Care recommends committee substitutes for the following: SB 874, SB 2364

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1314

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1802, SB 1996, SB 2314

The bills with committee substitutes attached were referred to the Committee on Judiciary under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 274

The Committee on Judiciary recommends committee substitutes for the following: SB 1096, SB 1428

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Justice Appropriations under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1022

The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 974, SB 1082, SB 1098

The bills with committee substitutes attached were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1650

The bill with committee substitute attached was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: CS for SB 572, CS for SB 1168, SB 2278

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1028

The Committee on Health Care recommends a committee substitute for the following: SB 1722

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 1258, SB 2228

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary; and Senator Lynn—

CS for SB 214—A bill to be entitled An act relating to the right to a speedy trial; creating time limits within which a person charged with a crime must be brought to trial; permitting state attorneys to file a demand for a speedy trial; providing conditions that must be met in order to do so; requiring that the trial judge schedule a calendar call upon the filing of a demand for a speedy trial in order to schedule a trial; prescribing conditions under which the trial court may postpone a trial date; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Crist—

CS for SB 274—A bill to be entitled An act relating to the Interstate Compact for Juveniles; amending s. 985.502, F.S.; revising provisions of the former Interstate Compact on Juveniles; providing purpose of the compact; providing definitions; providing for an Interstate Commission for Juveniles; providing for the appointment of commissioners; providing for an executive committee; providing for meetings; providing powers and duties of the Interstate Commission; providing for its organization and operation; providing for bylaws, officers, and staff; providing for qualified immunity from liability for the commissioners, the executive director, and employees; requiring the Interstate Commission to adopt rules; providing for oversight, enforcement, and dispute resolution by the Interstate Commission; providing for the activities of the Interstate Commission to be financed by an annual assessment from each compacting state; requiring member states to create a State Council for Interstate Juvenile Supervision; providing for the effective date of the compact and amendments thereto; providing for a state's withdrawal from and reinstatement to the compact; providing for assistance, certain penalties, suspension, or termination following default by a state; providing for judicial enforcement; providing for dissolution of the compact; providing for severability and construction of the compact; providing for the effect of the compact with respect to other laws and for its binding effect; creating s. 985.5025, F.S.; creating the State Council for Interstate Juvenile Offender Supervision to oversee state participation in the compact; providing membership; providing for records and open meetings; prescribing procedures if the council is abolished; providing for the review and future repeal of ss. 985.502 and 985.5025, F.S.; repealing ss. 985.503, 985.504, 985.505, 985.506, and 985.507, F.S., relating to obsolete provisions governing the former compact superseded by the act; providing an effective date.

By the Committees on Criminal Justice; Governmental Oversight and Productivity; Banking and Insurance; and Senator Sebesta—

CS for CS for CS for SB 304—A bill to be entitled An act relating to financial entities and transactions; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to adopt rules relating to obtaining such an accommodation; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 494.0029, F.S.; specifying criteria for receipt of certain applications; specifying that certain permits are not transferable or assignable; amending s. 494.00295, F.S.; revising provisions to specify continuing education for certain professions; amending s. 494.003, F.S.; clarifying application of an exemption from application of specified mortgage broker licensure requirements to certain entities; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; specifying criteria for receipt of applications; authorizing the commission or the Office of Financial Regulation to require specified information from certain applicants; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for fingerprinting services; specifying that certain licenses are not transferable or assignable; amending s. 494.0033, F.S.; clarifying requirements

for mortgage broker licensure; authorizing the commission to waive certain examination requirements under specified circumstances; authorizing the commission to prescribe additional testing fees; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; specifying criteria for receipt of applications; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0034, F.S.; clarifying the commission's authorization to prescribe license renewal forms; amending s. 494.0036, F.S.; clarifying provisions relating to issuance of licenses to mortgage brokerage business branch offices; specifying criteria for receipt of certain applications; amending s. 494.0041, F.S.; specifying an additional ground for disciplinary action; amending s. 494.006, F.S.; clarifying the application of an exemption from mortgage lender licensure requirements to certain entities; amending s. 494.0061, F.S.; requiring licensure of mortgage lenders; specifying criteria for receipt of applications; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; specifying criteria for receipt of applications; authorizing the office to require applicants to provide certain information; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; requiring notice of a change in principal representatives; providing educational requirements for principal representatives; amending s. 494.0064, F.S.; clarifying a reference to professional continuing education for certain licensees; amending s. 494.0065, F.S.; specifying criteria for receipt of applications; specifying education and testing requirements for certain principal representatives and for certain applications or transfer applications; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; increasing a license transfer fee; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring mortgage lenders to designate a principal representative; providing criteria and requirements; requiring notice of a change in principal representatives; amending s. 494.0066, F.S.; clarifying licensure requirements for branch offices; amending s. 494.0067, F.S.; clarifying reference to professional continuing education requirements; amending s. 494.0072, F.S.; providing an additional ground for disciplinary action; amending s. 494.00721, F.S.; correcting cross-references; amending s. 501.137, F.S.; imposing certain costs and fees on a mortgage lender that fails to pay a property owner's tax or insurance premiums from an escrow account; amending s. 516.03, F.S.; specifying criteria for receipt of certain applications; providing that specified fees are nonrefundable; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to make rules relating to obtaining such an accommodation; amending s. 516.031, F.S.; increasing a reimbursement charge for certain investigation costs; amending s. 516.05, F.S.; deleting provisions relating to fees for licenses that have been denied; amending s. 516.07, F.S.; providing an additional ground for disciplinary action; amending s. 516.12, F.S.; authorizing the commission to prescribe minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 517.061, F.S.; revising provisions related to exempt transactions; amending ss. 517.051 and 517.081, F.S.; revising standards for accounting principles to be used in preparing certain financial statements; amending s. 517.12, F.S.; revising provisions for taking and submitting fingerprints of dealers, associated persons, and similarly situated persons; revising provisions relating to expiration and renewal of registration of such persons; providing an exemption from registration requirements for a Canadian dealer and an associated person who represents a Canadian dealer, under certain conditions; providing for notice filing by a Canadian dealer under certain conditions; authorizing the Office of Financial Regulation of the Financial Services Commission to issue a permit to evidence the effectiveness of a notice filing for a Canadian dealer; providing for the renewal of a notice filing by a Canadian dealer; providing for reinstatement of a notice filing; providing obligations for a Canadian dealer who has given notice of filing; providing obligations for an associated person representing a Canadian dealer who has given notice of filing; providing for the termination of a notice of filing; providing for the collection of fees; amending s. 517.131, F.S.; revising conditions under which recovery can be made from the Securities Guaranty Fund; amending s. 517.141, F.S.; prescribing circumstances under which a claimant must reimburse the fund; providing for rulemaking; amending s. 517.161, F.S.; providing an additional ground for revocation, restriction, or suspension of a registration; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; specifying criteria for receipt of certain applications; providing that certain fees are nonrefundable; amending s. 520.994, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; providing for rulemaking; amending s. 520.995, F.S.; providing an additional ground for disciplinary action; amending ss. 520.997 and 537.009, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending ss. 560.105 and 560.118, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for disciplinary action; amending s. 560.121, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; decreasing the required time period for the office to retain certain reports, records, applications, and related information; amending s. 560.126, F.S.; requiring notice of changes in information contained in a registration application; amending s. 560.205, F.S.; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; authorizing the commission to establish procedures for depositing fees and filing documents electronically; deleting a requirement that an applicant provide a list of certain vendors; requiring the reporting of certain changes of registration by written amendment; amending s. 560.207, F.S.; authorizing the commission to establish procedures for depositing fees and filing documents electronically; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; amending s. 560.210, F.S.; revising permissible investment requirements for certain registrants; amending ss. 560.211 and 560.310, F.S.; requiring notice to the office of the location of certain amended records; amending ss. 560.305 and 560.308, F.S.; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; authorizing the commission to establish procedures for depositing fees and filing documents electronically; amending s. 560.306, F.S.; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring the reporting of certain changes of registration by written amendment; specifying in general that accounting principles are those generally accepted in the United States; specifying commission authority by rules; amending s. 560.403, F.S.; revising requirements for giving notice of intent in connection with the renewal of registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a notice of intent; amending s. 655.935, F.S.; authorizing the search of a safe-deposit box co-leased by a decedent; providing limitations; amending s. 655.936, F.S.; providing for the delivery of a safe-deposit box to a court-appointed personal representative; amending s. 655.937, F.S.; revising provisions for access to safe-deposit boxes; amending s. 733.6065, F.S.; revising provisions related to the initial opening of a safe-deposit box leased or co-leased by a decedent; amending s. 817.801, F.S.; defining the term "creditor contribution"; amending s. 817.802, F.S.; revising the amount of money that a person who engages in debt management or credit counseling services can charge a debtor residing in this state for such services; amending s. 817.804, F.S.; requiring a person engaged in debt management or credit counseling services to obtain an annual audit

that includes all accounts of such person in which funds of debtors are deposited and from which payments are made to the creditors; amending s. 817.805, F.S.; requiring a person engaged in debt management or credit counseling services to disburse to the creditors all funds from a debtor, less fees and any creditor contributions; providing appropriations; providing an effective date.

By the Committees on Criminal Justice; Commerce and Consumer Services; and Senators Garcia, Fasano and Lynn—

CS for CS for SB 572—A bill to be entitled An act relating to consumer protection; amending s. 501.160, F.S.; providing criminal penalties for any person who fails to possess an occupational license and offers goods and services for sale to the public during a declared state of emergency; providing that this provision shall not apply to certain organizations; providing that failure to possess such a license constitutes reasonable cause to detain such person for a reasonable amount of time and in a reasonable manner; amending s. 252.36, F.S.; providing the Governor with certain emergency management powers; providing an effective date.

By the Committee on Health Care; and Senator Peaden—

CS for SB 874—A bill to be entitled An act relating to the sale and distribution of prescription drugs; amending s. 499.003, F.S.; redefining the term "pedigree paper"; amending s. 499.012, F.S.; providing an exemption from wholesale distribution for the transfer of prescription drugs due to a change in the ownership of a pharmacy; amending s. 499.0121, F.S.; abrogating the expiration of recordkeeping provisions for pedigree papers which relate to chain drug entities that are part of an affiliated group; providing an effective date.

By the Committees on Governmental Oversight and Productivity; and Children and Families—

CS for SB 974—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 741.3165, F.S.; expanding the exemption from public-records requirements for confidential or exempt information obtained by a domestic violence fatality review team to include information that identifies a victim of domestic violence or the children of a victim; expanding the exemption from public-meetings requirements to exempt those portions of meetings at which confidential or exempt information is discussed; providing for review and repeal; providing a statement of public necessity; removing unnecessary provisions; making clarifying changes; providing an effective date.

By the Committee on Community Affairs; and Senator Rich—

CS for SB 1022—A bill to be entitled An act relating to local occupational license taxes; amending s. 205.0535, F.S.; updating provisions authorizing reclassification and new rate structure revisions to local occupational license taxes by ordinance; deleting counties from such authorization provisions; providing construction relating to decreasing or repealing such taxes; providing an effective date.

By the Committees on Governmental Oversight and Productivity; and Commerce and Consumer Services—

CS for SB 1028—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 411.011, F.S., which provides a public-records exemption for specified records of children enrolled in school readiness programs; removing the October 2, 2005, repeal thereof scheduled under the Open Government Sunset Review Act; making editorial changes; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Miller and Atwater—

CS for SB 1082—A bill to be entitled An act relating to a public-records exemption; amending s. 1004.43, F.S.; expanding the public-records exemption for proprietary confidential business information owned or controlled by the not-for-profit corporation operating the H. Lee Moffitt Cancer Center and Research Institute and its subsidiaries relating to trade secrets; expanding the exemption to include information received from an agency in this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law; providing for future review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

By the Committee on Judiciary; and Senators Smith, Klein, Atwater, Campbell and Aronberg—

CS for SB 1096—A bill to be entitled An act relating to the Freedom to Worship Safely Act; providing a popular name; creating s. 775.0861, F.S.; providing for the upgrading of the degree of an offense that involves the use or threat of physical force or violence against any individual if the offense is committed at a location where a religious institution is conducting or carrying on religious services or activities; providing for the severity ranking of offenses; amending s. 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing applicability; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Smith and Lynn—

CS for SB 1098—A bill to be entitled An act relating to public-records exemptions; amending s. 39.202, F.S.; creating an exception to the exemption from public-records requirements for all records held by the Department of Children and Family Services concerning reports of child abandonment, abuse, or neglect; amending s. 39.0132, F.S.; creating an exemption from public-records requirements for information obtained by a guardian ad litem in the discharge of his or her official duty; providing an exception to the exemption; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; amending s. 119.07, F.S.; creating an exemption from public-records requirements for certain identification and location information regarding a current or former guardian ad litem or the spouse and children of the guardian ad litem; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

By the Committees on Criminal Justice; Transportation; and Senators Constantine and Alexander—

CS for CS for SB 1168—A bill to be entitled An act relating to the Commission for the Transportation Disadvantaged; amending s. 427.012, F.S.; revising the membership of the commission; establishing term limits; directing each member of the commission to serve without regional bias; providing qualifications for appointment to membership on the commission; requiring candidates for appointment to the commission to meet certain standards for background screening; requiring the Department of Transportation to inform the commission if a candidate fails to meet the screening standards; providing that costs of screening be borne by the department or the candidate for appointment; authorizing the commission to appoint technical advisory committees; providing an effective date.

By the Committee on Education; and Senators Wise and Baker—

CS for SB 1256—A bill to be entitled An act relating to student financial assistance; providing legislative intent; creating the Florida Independent Collegiate Assistance (FICA) Grant Program, for the purpose of providing grants to certain students who attend certain nonpublic institutions of higher education and are enrolled in programs leading

to specified occupations; requiring the Department of Education to administer the program; providing for eligibility; defining the term "eligible nonpublic institution of higher education"; providing for rulemaking by the State Board of Education; providing an effective date.

By the Committees on Judiciary; Banking and Insurance; and Senator Atwater—

CS for CS for SB 1258—A bill to be entitled An act relating to certificates of release for mortgages; creating s. 701.041, F.S.; providing definitions; providing for the issuance of a certificate of release for a mortgage by a title insurer or its authorized agent for certain purposes; providing for recordation; specifying contents of a certificate of release; requiring execution, acknowledgment, and recordation of a certificate of release by certain entities; providing requirements for appointment of an agent for execution purposes; providing for effect of a certificate of release; providing for liability of title insurers under certain circumstances; providing criteria for recording multiple certificates of release; providing application; requiring the Financial Services Commission to adopt rules establishing an actuarially sound premium charge for certificates of release; repealing s. 701.05, F.S., relating to failing or refusing to satisfy a lien and punishment therefor; providing an effective date.

By the Committees on Judiciary; Children and Families; and Senators Rich, Lynn, Dawson, Smith, Wilson, Campbell and Bullard—

CS for CS for SB 1314—A bill to be entitled An act relating to independent living; amending s. 39.013, F.S.; authorizing a child in foster care to petition the court to retain jurisdiction of his or her case; limiting the court's continued jurisdiction to 1 year after the child's 18th birthday; identifying the issues to be considered by the court during its continued jurisdiction; providing that a judicial review hearing is not required; providing an exception; amending s. 39.701, F.S.; requiring the Department of Children and Family Services to include in its judicial review study report verification that the child has been provided with certain information about the Road-to-Independence Scholarship Program and with notice of the child's right to petition the court for continuing jurisdiction; amending s. 409.1451, F.S.; authorizing a child who is eligible for the Road-to-Independence Scholarship Program to continue to reside with a licensed foster family or a group care provider; requiring that the department enroll certain young adults who were formerly in foster care in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid; requiring that the Independent Living Services Advisory Council study the most effective way of providing health insurance for young adults in the program for independent living who are not eligible for the Florida KidCare program; requiring the council to report its recommendations to the Legislature; providing an effective date.

By the Committee on Judiciary; and Senator Haridopolos—

CS for SB 1428—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term "conviction"; specifying that the section applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for impoundment of vehicles used in violation of provisions governing motor vehicle speed competitions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Baker—

CS for SB 1602—A bill to be entitled An act relating to state tax funds; amending s. 213.756, F.S.; establishing a burden of proof for certain refund claims; establishing a measure of damages for certain refund claims; specifying an affirmative defense to certain actions by a purchaser to recover taxes or for a refund of taxes; providing application; providing construction; providing severability; providing for retroactive application; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Commerce and Consumer Services; and Senators King and Lynn—

CS for CS for SB 1650—A bill to be entitled An act relating to workforce innovation; amending s. 20.50, F.S.; revising the organization, powers, and duties of the Agency for Workforce Innovation; deleting references to specific programs; amending s. 445.003, F.S.; revising certain provisions relating to funding under the federal Workforce Investment Act of 1998; deleting obsolete provisions; amending s. 445.004, F.S.; revising membership and appointment of the board of directors of Workforce Florida, Inc., and increasing terms of members; providing for use of telecommunications to facilitate meetings; revising duties of the board chair and of Workforce Florida, Inc.; providing for rules; providing additional qualifications for certain board members; authorizing activities, incentives, and awards; requiring a dispute-resolution process under certain circumstances; amending s. 445.006, F.S.; providing for an operational plan; amending s. 445.007, F.S.; revising organizational requirements for regional workforce boards; providing for the use of telecommunications to facilitate meetings of regional workforce boards; authorizing activities, incentives, and awards by regional workforce boards and their subordinate entities; deleting obsolete provisions; amending s. 445.009, F.S.; deleting provisions relating to performance evaluation; deleting obsolete provisions; requiring development of a plan for leveraging resources; amending s. 445.019, F.S.; providing an additional purpose of the teen parent and pregnancy prevention diversion program; amending s. 445.020, F.S.; requiring the Temporary Assistance for Needy Families state plan to indicate financial criteria for determination of needy families or parents, when required by federal regulations; amending s. 427.012, F.S.; providing for the director of the agency to serve on the Commission for the Transportation Disadvantaged; repealing s. 445.005, F.S., relating to First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages Councils of Workforce Florida, Inc., s. 445.012, F.S., relating to Careers for Florida's Future Incentive Grant Program, s. 445.0121, F.S., relating to student eligibility requirements for initial awards, s. 445.0122, F.S., relating to student eligibility requirements for renewal awards, s. 445.0123, F.S., relating to eligible postsecondary education institutions, s. 445.0124, F.S., relating to eligible programs, s. 445.0125, F.S., relating to repayment schedule, s. 445.013, F.S., relating to challenge grants in support of welfare-to-work initiatives, s. 446.21, F.S., providing a short title, s. 446.22, F.S., relating to definitions for the Florida Youth-at-Risk 2000 Pilot Program, s. 446.23, F.S., relating to obligations of a mentor, s. 446.24, F.S., relating to obligations of a youth participant, s. 446.25, F.S., relating to implementation of the program, s. 446.26, F.S., relating to funding the program, and s. 446.27, F.S., relating to an annual report; providing an effective date.

By the Committee on Health Care; and Senators Fasano and Lynn—

CS for SB 1722—A bill to be entitled An act relating to multiservice senior centers; creating s. 430.901, F.S.; providing a definition and purposes of a "multiservice senior center"; renumbering and amending s. 430.206, F.S.; providing for certain accreditation; amending s. 430.203, F.S.; repealing a definition of "multiservice senior center," to conform; amending s. 430.205, F.S.; providing that activities of a community care service area may be directed from a multiservice senior center as defined in s. 430.901, F.S.; repealing s. 430.041, F.S., relating to the Office of Long-Term-Care Policy; providing an effective date.

By the Committee on Criminal Justice; and Senator Campbell—

CS for SB 1802—A bill to be entitled An act relating to capital collateral representation; amending s. 27.709, F.S.; authorizing the Commission on Capital Cases to sponsor certain continuing legal education classes; amending s. 27.710, F.S.; revising provisions relating to continuing legal education requirements for attorneys on the registry of attorneys applying to represent persons in postconviction capital collateral proceedings; providing for minimum qualification of attorneys on the registry; providing for notification to the court when appointed attorneys fail to submit specified reports; requiring an appointed attorney who does not wish to continue representation at the federal level to make reasonable efforts to assist the client in finding replacement counsel; amending s. 27.711, F.S.; providing for payment of attorneys after a final hearing, rather than after a final order; providing for additional payments to attorneys; increasing the maximum number of inmates which

may be represented by a capital collateral attorney; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 1810—A bill to be entitled An act relating to public-records exemptions; creating s. 744.1076, F.S.; exempting from public-records requirements certain court records relating to the appointment of certain court monitors, reports of such monitors, and orders of a court; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

By the Committee on Judiciary; and Senators Saunders and Fasano—

CS for SB 1958—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; defining the terms "audit" and "surrogate guardian"; amending s. 744.1083, F.S.; authorizing revocation or suspension of a guardian's registration; providing that the Statewide Public Guardianship Office need not review credit and criminal investigations from a college or university before registering the institution as a professional guardian; amending s. 744.301, F.S.; providing that in the event of death, the surviving parent is the sole natural guardian of a minor; prohibiting a natural guardian from using the property of the ward for the guardian's benefit without a court order; creating s. 744.3025, F.S.; authorizing a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; requiring a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; providing that a court need not appoint a guardian ad litem under certain circumstances; requiring a court to award reasonable fees and costs to the guardian ad litem; amending s. 744.3031, F.S.; increasing the time an emergency temporary guardian may serve to 90 days; authorizing an extension; requiring an emergency temporary guardian to file a final report; providing for the contents of the final report; amending s. 744.304, F.S.; specifying the persons who may file a petition for a standby guardian; requiring that notice of the appointment hearing be served on the ward's next of kin; clarifying when a standby guardian may assume the duties of guardian; requiring that each standby guardian submit to credit and criminal background checks; amending s. 744.3115, F.S.; providing a cross-reference; amending s. 744.3135, F.S.; providing procedures for completing a guardians' criminal background investigation; authorizing a guardian to use inkless electronic fingerprinting equipment that is available for background investigations of public employees; providing that a guardian need not be rescreened if he or she uses certain inkless electronic fingerprinting equipment; requiring the Department of Law Enforcement to retain electronically submitted fingerprints and to enter them into the statewide automated fingerprint identification system; requiring the department to search all fingerprint cards received from each guardian and each employee of such guardian against fingerprints retained in the statewide automated fingerprint identification system; requiring a guardian to pay an annual fee to the clerk of court for the background investigation; requiring a guardian and each employee of such guardian to complete an investigation of his or her credit history; requiring the Statewide Public Guardianship Office to adopt a rule for credit investigations of guardians; authorizing the office to inspect the results of any criminal or credit investigation; amending s. 744.3145, F.S.; reducing the time in which a guardian must complete the education courses from 1 year to 4 months; amending s. 744.3215, F.S.; providing that an incapacitated person retains the right to receive necessary services and rehabilitation necessary to maximize the quality of the person's life; amending s. 744.331, F.S.; requiring that the court appoint an attorney from a specified registry; requiring attorneys to complete certain training programs; providing that a member of the examining committee may not be related to or associated with certain persons; prohibiting a person who served on an examining committee from being appointed as the guardian; requiring each member of an examining committee to file an affidavit stating that he or she has completed the mandatory training; providing for training programs; requiring each member to report the time and date that he or she examined the person alleged to be incapacitated; providing for an award of attorney's fees; amending s. 744.341, F.S.; requiring the voluntary guardian to include certain information in the annual report; requiring that certain specified information be included in the notice to terminate a voluntary guardianship; amending s. 744.361, F.S.; requiring a professional guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; amending s. 744.365, F.S.; requiring that the verified inventory include information on any trust to which a ward is a beneficiary; amending s. 744.367, F.S.; requiring that the annual report of the guardian be filed on or before April 1 of each year; amending s. 744.3675, F.S.; requiring that the annual guardianship plan include information on the mental condition of the ward; providing for an annual guardianship plan for wards who are minors; amending s. 744.3678, F.S.; providing that property of the ward which is not under the control of the guardian, including certain trusts, is not subject to annual accounting; requiring certain documentation for the annual accounting; amending s. 744.3679, F.S.; removing a provision prohibiting the clerk of court from having responsibility for monitoring or auditing accounts in certain cases; amending s. 744.368, F.S.; requiring that the verified inventory and the accountings be audited within a specified time period; amending s. 744.441, F.S.; requiring the court to retain oversight for assets of a ward transferred to a trust; creating s. 744.442, F.S.; providing that a guardian may designate a surrogate guardian to exercise the powers of the guardian if the guardian is unavailable to act; requiring the surrogate guardian to be a professional guardian; providing the procedures to be used in appointing a surrogate guardian; providing the duties of a surrogate guardian; requiring the guardian to be liable for the acts of the surrogate guardian; authorizing the guardian to terminate the services of the surrogate guardian by filing a written notice of the termination with the court; amending s. 744.464, F.S.; removing the state attorney from the list of persons to be served a notice of a hearing on restoration of capacity; removing a time limitation on the filing of a suggestion of capacity; amending s. 744.474, F.S.; revising the circumstances under which a guardian may be removed; amending s. 744.511, F.S.; providing that a ward who is a minor need not be served with the final report of a removed guardian; amending s. 744.527, F.S.; providing that final reports for a deceased ward be filed at a specified time; amending s. 744.528, F.S.; providing for a notice of the hearing for objections to a report filed by a guardian; amending s. 744.708, F.S.; requiring a public guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; amending s. 765.101, F.S.; redefining the term "health care decision" to include informed consent for mental health treatment services; amending s. 28.345, F.S.; exempting a public guardian from paying court-related fees and charges; amending ss. 121.091, 709.08, and 744.1085, F.S.; conforming cross-references; reenacting s. 117.107(4), F.S., relating to prohibited acts of a notary public, to incorporate the amendment made to s. 744.3215, F.S., in a reference thereto; providing an effective date.

By the Committee on Judiciary; and Senators Webster and Haridopolos—

CS for SB 1964—A bill to be entitled An act relating to compensation for wrongfully incarcerated persons; creating s. 961.01, F.S.; providing a short title; creating s. 961.02, F.S.; defining the term "wrongfully incarcerated person"; requiring courts to determine whether certain persons are wrongfully incarcerated persons; authorizing petitions to the court for a determination of wrongful conviction; creating s. 961.03, F.S.; authorizing compensation for certain wrongfully incarcerated persons; providing exceptions and limitations; creating s. 961.04, F.S.; providing procedures to apply to the Attorney General for compensation; providing for presuit negotiation of compensation; authorizing lawsuits against the state for determination of compensation; providing for recovery of certain fees and costs; providing for determination of such fees and costs; reducing compensation based on services received while incarcerated; limiting total compensation; providing for the manner of payment of compensation; providing restrictions on use of compensation; providing timeframes for applying for compensation; creating s. 961.05, F.S.; providing rulemaking authority; providing an effective date.

By the Committee on Criminal Justice; and Senator Alexander—

CS for SB 1996—A bill to be entitled An act relating to the petition process; providing a short title; amending s. 99.097, F.S.; revising requirements for verification of signatures on petitions; prescribing limits on use of paid petition circulators; providing procedures to contest alleged improper signature verification; amending s. 100.371, F.S.; revis-

ing procedures for placing an initiative on the ballot; providing requirements for information to be contained on petitions; providing procedure for revocation of a petition signature; creating s. 100.372, F.S.; providing regulation for initiative petition circulators and their activities; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.62, F.S.; conforming a cross-reference; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registration applications; amending s. 104.185, F.S.; proscribing specified actions involving petitions and providing or increasing criminal penalties therefor; amending s. 104.42, F.S.; prescribing duties of supervisors of elections with respect to unlawful registrations, petitions, and voting; providing for verifying and counting signatures submitted for verification before the effective date of the act; requiring resubmission and reapproval of petition forms; providing severability; providing an effective date.

By the Committee on Education; and Senators Lynn, Sebesta, Baker, Haridopolos and Peaden—

CS for SJR 2090—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution, relating to public education, to amend the class-size requirements for students in grades prekindergarten through 12 and to prescribe minimum salary standards for public school teachers.

By the Committee on Judiciary; and Senator Webster—

CS for SB 2228—A bill to be entitled An act relating to asbestos-related claims; providing legislative findings and intent; defining terms related to asbestos-related claims; providing that the limitations of liabilities in the act apply to a corporation that is a successor and became a successor before January 1, 1972; providing exceptions to the limitations of the act; providing that the cumulative successor asbestos-related liabilities of a corporation are limited to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation; providing an exception; providing methods by which to establish fair market value of total gross assets; providing for the fair market value of total gross assets at the time of a merger or consolidation to increase annually; providing a methodology by which the fair market value of the assets is increased; requiring that the courts liberally construe the act; providing for severability; providing for applicability; providing an effective date.

By the Committee on Criminal Justice; and Senator Baker—

CS for SB 2278—A bill to be entitled An act relating to private security services; amending s. 493.6115, F.S.; revising the types of firearms that a security officer is authorized to carry; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 2314—A bill to be entitled An act relating to justice for crime victims; creating s. 943.0315, F.S.; creating the Victims Voice Council within the Department of Law Enforcement; providing membership; requiring the council to review the needs of persons who are the victims of crime in this state; requiring the council to review and comment on certain specified issues; requiring the council to hold public hearings each year; requiring the council to prepare a report and to deliver the report to the Governor and the Legislature by a specified date each year; providing that members of the council are entitled to reimbursement for travel and per diem; authorizing the council to employ an executive director and other staff; providing an effective date.

By the Committee on Health Care; and Senator Fasano—

CS for SB 2364—A bill to be entitled An act relating to elderly affairs; amending s. 430.205, F.S.; deleting the requirement for the Agency for Health Care Administration to develop a plan to integrate a plan for frail elderly persons into a diversion pilot program; deleting the agency's requirement to integrate two separate Medicaid waiver programs into one waiver program; deleting the requirement to seek federal waivers for these waiver programs; requiring the agency and the Department of Elderly Affairs to reimburse providers and develop standards for case management within a certain Medicaid waiver program; authorizing the coordinating of certain medical services to be included in the capitated rate for case management services; deleting the agency's requirements to implement interagency agreements; providing reimbursement for an elderly lead agency on a prepaid or fixed-sum basis for certain services under a particular diversion pilot project; clarifying that the lead agency be reimbursed for all services by the third year of operation; revising the basis under which the agency is required to develop reimbursement rates; deleting the method of rate of payment for custodial nursing home placement beyond the first 3 years; deleting the department's requirements to study and develop a plan for the integration of certain database systems and submit the plan to the Legislature; amending s. 430.7031, F.S.; deleting the requirement for certain program staff to annually review a certain number of case files to find certain nursing home residents who are eligible for possible community placement; amending s. 430.705, F.S.; revising eligibility requirements relating to financial solvency for entities that provide services under the long-term care community diversion pilot projects; authorizing the department to adopt rules; amending s. 430.707, F.S.; requiring project providers to report quarterly to the department regarding compliance with financial requirements; repealing s. 430.041, F.S., relating to the Office of Long-Term-Care Policy; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 1334, CS for SB 1336, SB 1338 and SB 1340 which he approved on April 5, 2005; CS for SB 200, SB 292, SB 516, SB 1376, SB 1378, SB 1380, SB 1382, SB 1384, SB 1386, SB 1388, SB 1390, SB 1392, SB 1394, CS for SB 1396, SB 1398, SB 1400, SB 1402, SB 1404, CS for SB 1406, CS for SB 1408, CS for SB 1410 and SB 2042 which he approved on April 14, 2005.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 323, HB 357, HB 473, HB 939 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Mahon and others—

HB 323—A bill to be entitled An act relating to driving under the influence; amending s. 322.292, F.S.; providing additional requirements for DUI education courses; providing an effective date.

—was referred to the Committees on Transportation; and Judiciary.

By Representative Jordan and others—

HB 357—A bill to be entitled An act relating to bicycle regulation; amending s. 316.2065, F.S.; revising safety standard requirements for bicycle helmets that must be worn by certain riders and passengers; providing for enforcement of certain bicycle equipment requirements; providing penalties for violations; providing for dismissal of a first offense; providing an effective date.

—was referred to the Committees on Transportation; and Rules and Calendar.

By Representative Poppell and others—

HB 473—A bill to be entitled An act relating to water management district security; creating s. 373.6055, F.S.; requiring water management districts with structures or facilities identified as critical infrastructure to conduct criminal history checks of certain persons; authorizing water management districts with structures or facilities that are not identified as critical infrastructure to conduct criminal history checks of certain persons; providing requirements for criminal history checks; requiring submission of fingerprints to the Department of Law Enforcement and the Federal Bureau of Investigation; providing for payment of criminal history check costs; requiring the water management district security's plan to identify criminal history convictions or factors that disqualify applicants for employment and restricted area access; authorizing the use of such factors to disqualify certain employees and other persons; authorizing water management districts to establish appeal procedures; authorizing water management districts to grant temporary waivers; providing offenses that disqualify a person from employment or access to a restricted access area; providing an exception to disqualification; providing an effective date.

—was referred to the Committees on Environmental Preservation; Domestic Security; Criminal Justice; and General Government Appropriations.

By Representative Brown, Coley and others—

HB 939—A bill to be entitled An act relating to the Panama City-Bay County Airport and Industrial District, an independent special district in Bay County; codifying, amending, reenacting, and repealing chapter 98-527, Laws of Florida, relating to the district; providing definitions; providing boundaries of the district; providing restrictions with respect to certain real estate; providing for a board of directors and its membership, quorum, travel expenses, and per diem; providing purposes of the district; providing powers of the board; providing for the issuance of bonds; exempting district property from taxation; providing severability; repealing chapter 98-527, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 52, SB 266, CS for SB 366 and CS for SB 1012.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed HB 157, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 13 was corrected and approved.

CO-INTRODUCERS

Senators Argenziano—CS for SB 612, SB 966; Aronberg—SB 1096, SB 2132; Baker—SB 966; Bennett—SB 102; Crist—CS for SB 938, CS for SB 940, SB 1512, SB 2056, SB 2574; Klein—CS for SB 612; Lawson—SB 966; Lynn—CS for SB 1194; Peaden—SB 966; Posey—SB 2312, SB 2190

RECESS

On motion by Senator Pruitt, the Senate recessed at 11:26 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:15 p.m., Wednesday, April 20 or upon call of the President.

Journal of the Senate

Number 16—Regular Session **Tuesday, April 19, 2005**

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REPORTS OF COMMITTEES

The Committee on Community Affairs recommends the following pass: CS for SB 2152

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Environmental Preservation recommends the following pass: CS for SB 2490 with 1 amendment

The bill was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Domestic Security recommends the following pass: SB 2336

The Committee on Regulated Industries recommends the following pass: SB 968

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Domestic Security recommends the following pass: SB 1612

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: SB 598

The bill was referred to the Committee on Education Appropriations under the original reference.

The Committee on Environmental Preservation recommends the following pass: SB 1610

The bill was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Regulated Industries recommends the following pass: CS for SB 2286

The bill was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Banking and Insurance recommends the following pass: CS for SB 1208

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Environmental Preservation recommends the following pass: CS for SB 2156 with 3 amendments

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: SB 102, SB 468, SB 872

The bills were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: SB 1620, SB 2132 with 1 amendment

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Children and Families recommends the following pass: SB 80

The Committee on Government Efficiency Appropriations recommends the following pass: CS for CS for SB 620, CS for SB 1056 with 2 amendments

The Committee on Transportation recommends the following pass: SB 1240, SB 1356

The Committee on Ways and Means recommends the following pass: SB 252, CS for SB 482, CS for SB 688, CS for SB 1244, CS for SB 1318

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1864

The Committee on Judiciary recommends a committee substitute for the following: SB 978

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 2066

The bill with committee substitute attached was referred to the Committee on Communications and Public Utilities under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2184

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1732

The Committee on Domestic Security recommends a committee substitute for the following: SB 2616

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1768

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 750

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1188

The bill with committee substitute attached was referred to the Committee on Education under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: CS for SB 1716

The Committee on Education recommends committee substitutes for the following: SB 1920, SB 2480

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Education Appropriations under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: SB 1262, CS for SB 1520, SB 1884, CS for SB 1912

The bills with committee substitutes attached were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: CS for CS for SB 442

The Committee on Children and Families recommends a committee substitute for the following: SB 2612

The Committee on Commerce and Consumer Services recommends committee substitutes for the following: SB 1306, SB 1938, SB 2078, SB 2476, SB 2642

The Committee on Education recommends a committee substitute for the following: SB 1720

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1120, SB 1744

The bills with committee substitutes attached were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 2630

The bill with committee substitute attached was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 560, SB 2214

The bills with committee substitutes attached were referred to the Committee on Health Care under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 2494, SB 2498

The Committee on Children and Families recommends a committee substitute for the following: SB 182

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2086

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Domestic Security recommends a committee substitute for the following: SB 282

The bill with committee substitute attached was referred to the Committee on Justice Appropriations under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 360

The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 2484

The bill with committee substitute attached was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1660

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 1110

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 758

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 864, SB 2486

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1320

The Committee on Government Efficiency Appropriations recommends committee substitutes for the following: CS for SB 926, CS for SB 2462

The Committee on Judiciary recommends a committee substitute for the following: SB 284

The Committee on Regulated Industries recommends a committee substitute for the following: CS for SB 964

The Committee on Ways and Means recommends committee substitutes for the following: SB 656, CS for CS for SB 1010, CS for SB 1446

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Children and Families; and Senator Lynn—

CS for SB 182—A bill to be entitled An act relating to community behavioral health agencies; creating s. 394.9085, F.S.; providing that certain facilities or programs defined in chs. 394 and 397, F.S., have liability limits in tort actions under certain circumstances; limiting net economic damages allowed per claim; requiring that damages be offset by collateral source payment in accordance with s. 768.76, F.S.; providing for claims bills to be filed with the Legislature; requiring that costs to defend actions be assumed by the provider or its insurer; specifying occasions that immunities enjoyed by the provider extend to the employee; requiring that providers obtain and maintain specified liability coverage; specifying that persons providing contractual services to the state are not considered agents or employees under ch. 490, F.S.; providing for an annual increase in the conditional limitations on damages; providing an effective date.

By the Committee on Domestic Security; and Senators Aronberg and Fasano—

CS for SB 282—A bill to be entitled An act relating to criminal acts committed during a state of emergency; amending s. 810.02, F.S.; providing enhanced penalties for specified burglaries that are committed during a state of emergency; providing that a person arrested for committing a burglary during a state of emergency may not be released until that person appears before a magistrate at a first-appearance hearing; directing that a felony burglary committed during a state of emergency be reclassified one level above the current ranking of the offense committed; amending s. 812.014, F.S.; providing enhanced penalties for the theft of certain property stolen during a state of emergency; directing that a felony theft committed during a state of emergency be reclassified one level above the current ranking of the offense committed; providing an effective date.

By the Committee on Judiciary; and Senators Aronberg, Fasano, Lynn, Crist and Miller—

CS for SB 284—A bill to be entitled An act relating to consumer protection; creating s. 501.165, F.S.; prohibiting the use of deception to obtain certain personal information for commercial solicitation purposes; providing that such acts are deceptive trade practices or unfair methods of competition; providing penalties; creating s. 501.167, F.S.; prescribing duties of persons and businesses holding computerized personal information upon discovery of a breach of security of the system on which such data are maintained; defining terms; prescribing forms that notification of the breach must take; providing exceptions; providing remedies; amending s. 501.2075, F.S.; providing an exception to a civil penalty; creating s. 501.2076, F.S.; prohibiting falsely representing oneself as being affiliated with a law enforcement or firefighting agency or public utility; providing a penalty; amending s. 501.2077, F.S.; providing that it is an unfair or deceptive act to cause a handicapped person or certain senior citizens to waive certain benefits or rights; providing an exception; providing that a violation of s. 817.568, F.S., relating to the criminal use of personal identification information, is an unfair or deceptive act or practice or unfair method of competition in violation of part II of ch. 501, F.S.; providing penalties; amending ss. 501.203 and 501.204, F.S.; changing obsolete dates; reenacting and amending s. 501.207, F.S., relating to remedies of the enforcing authority under the Florida Deceptive and Unfair Trade Practices Act; providing that the court may order actions brought under that act on behalf of an enterprise; amending s. 817.568, F.S.; redefining the term "personal identification information" and defining the term "counterfeit or fictitious personal identification information"; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; providing for severability; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 360—A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing requirements for a local government that prepares its own water supply analysis for purposes of an element of the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; encouraging local governments to include a community vision and an urban service boundary component to their comprehensive plans; prescribing taxing authority of local governments doing so; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that certain level-of-service standards established by the Department of Transportation be maintained; providing guidelines under which a local government may grant an exception to the comprehensive plan; revising criteria and providing guidelines for transportation concurrency exception areas; providing a process to monitor de minimus impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established districtwide; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing requirements for such proportionate-share mitigation; revising requirements for interlocal agreements with respect to public school facilities; providing mitigation options for transportation facilities; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for expedited plan amendment review under certain circumstances; revising agency review and challenge timeframes for certain amendments; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 212.055, F.S.; revising permissible rates for charter county transit system surtax; revising methods for approving such a surtax; providing for a noncharter county to levy this surtax under certain circumstances; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising methods for approving a local government infrastructure surtax; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising a ceiling on rates of small county surtaxes; revising methods for approving a school capital outlay surtax; amending s. 206.41, F.S.; providing for annual adjustment of the ninth-cent fuel tax and local option

fuel tax; amending s. 336.021, F.S.; revising methods for approving such a fuel tax; limiting authority of a county to impose the ninth-cent fuel tax without adopting a community vision; amending s. 336.025, F.S.; limiting authority of a county to impose the local option fuel tax without adopting a community vision; revising methods for approving such a fuel tax; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; providing an appropriation; providing effective dates.

By the Committees on Banking and Insurance; Regulated Industries; Community Affairs; and Senators Bennett, Haridopolos and Campbell—

CS for CS for CS for SB 442—A bill to be entitled An act relating to building safety; amending s. 215.559, F.S.; requiring that a specified percentage of the funds appropriated under the Hurricane Loss Mitigation Program be used for education concerning the Florida Building Code and for the operation of the disaster contractors network; requiring the Department of Community Affairs to contract with a nonprofit tax-exempt entity for training, development, and coordination; amending s. 468.621, F.S.; providing additional grounds for which disciplinary actions may be taken against building code enforcement officials; amending s. 489.537, F.S.; providing that certain alarm system contractors and electrical contractors may not be required by a municipality or county to obtain additional certification or meet additional licensure requirements; amending s. 553.37, F.S.; providing requirements for exit alarms; providing for the approval, delivery, and installation of lawn storage buildings and storage sheds; amending s. 553.73, F.S.; specifying certain codes from the International Code Congress and the International Code Council as foundation codes for the updated Florida Building Code; providing requirements for amendments to the foundation codes; providing for the incorporation of certain statements, decisions, and amendments into the Florida Building Code; providing a timeframe for rule updates to the Florida Building Code to become effective; adding a requirement for technical amendments to the Florida Building Code; providing requirements for the Florida Building Commission in reviewing code amendments; providing an exception; incorporating by reference certain standards for unvented conditioned attic assemblies; amending s. 553.77, F.S.; revising duties of the Florida Building Commission; authorizing local building departments or other entities to approve changes to an approved building plan; providing that a member may abstain from voting under certain circumstances; deleting requirements that the commission hear certain appeals and issue declaratory statements; creating s. 553.775, F.S.; providing legislative intent with respect to the interpretation of the Florida Building Code; providing for the commission to resolve disputes regarding interpretations of the code; requiring the commission to review decisions of local building officials and local enforcement agencies; providing for publication of an interpretation on the Building Code Information System and in the Florida Administrative Weekly; authorizing the commission to adopt a fee; amending s. 553.79, F.S.; exempting truss-placement plans from certain requirements; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring that issuance of stop-work orders be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; specifying conditions for proceeding with building work; amending s. 553.80, F.S.; providing that certain buildings are exempt from the building code; providing that universities and colleges may create a board of adjustment; authorizing local governments to impose certain fees for code enforcement; providing requirements and limitations; conforming a cross-reference; requiring the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; exempting certain buildings of the Department of Agriculture and Consumer Services from local permitting requirements, review, or fees; amending s. 120.80, F.S.; authorizing the Florida Building Commission to conduct proceedings to review decisions of local officials; amending s. 553.841, F.S.; revising provisions governing the Building Code Training Program; creating the Building Code Education and Outreach Council to coordinate, develop, and ensure enforcement of the Florida Building Code; providing for membership, terms of office, and meetings; providing duties of the council; providing for administrative support for the council; requiring the council to develop a core curriculum and equivalency test for specified licensees; providing for the use of funds by the council; repealing s. 553.8413, F.S., relating to the Education Technical Advisory Committee; amending s. 553.842, F.S.; providing for products to be approved for statewide use; deleting an obsolete date; deleting a provision requiring the commission to adopt certain criteria for local program verification and validation by rule; adding an evaluation entity to the list of entities specifically approved by the commission; deleting a requirement that the commission establish a schedule for adopting rules relating to product approvals under certain circumstances; authorizing the commission to adopt rules relating to material standards; creating s. 633.026, F.S.; requiring that the State Fire Marshal establish by rule a process for rendering nonbinding interpretations of the Florida Fire Prevention Code; authorizing the State Fire Marshal to enter into contracts and refer interpretations to a nonprofit organization; providing for the interpretations to be advisory; providing for funding the program from the Insurance Regulatory Trust Fund; providing requirements for local product approval of products or systems of construction; specifying methods for demonstrating compliance with the structural windload requirements of the Florida Building Code; providing for certification to be issued by a professional engineer or registered architect; providing for audits under a quality assurance program and other types of certification; providing that changes to the Florida Building Code do not void the approval of previously installed products; providing for guidelines for the mitigation grant program; amending s. 633.021, F.S.; redefining terms used in ch. 633, F.S.; amending s. 633.0215, F.S.; revising provisions relating to the construction of townhouse stairs; amending s. 633.065, F.S.; providing additional requirements for inspection and maintenance of fire suppression equipment; amending s. 633.071, F.S.; requiring inspection tags to be attached to all fire protection systems; providing for the standardization of inspection tags and reports; amending s. 633.082, F.S.; requiring fire protection systems to be inspected in accordance with nationally accepted standards; amending s. 633.521, F.S.; establishing a permit classification for individuals who inspect fire protection systems; amending s. 633.524, F.S.; establishing fees for various classes of permits; amending s. 633.537, F.S.; establishing continuing education requirements; amending s. 633.539, F.S.; requiring fire protection systems to be inspected, serviced, or maintained by a permitholder; establishing the scope of work criteria; amending s. 633.547, F.S.; providing for disciplinary action; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless the person who performs those acts has certain qualifications or is exempt under s. 489.503, F.S.; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; providing an appropriation; providing for incorporation in the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; requiring the Florida Building Commission to make recommendations to the Legislature; repealing s. 553.851, F.S., relating to the protection of underground gas pipelines; providing that a local government must act upon certain permit applications within a specified time or the permits are automatically deemed approved; providing for an extension; providing an effective date.

By the Committee on Banking and Insurance; and Senator Bullard—

CS for SB 560—A bill to be entitled An act relating to congenital craniofacial anomalies; requiring that the Agency for Health Care Ad-

ministration, in consultation with the Office of Insurance Regulation, conduct a study concerning the medical necessity, costs, and efficacy of mandating coverage for certain treatments and therapies; providing an appropriation; requiring that the agency report its findings and recommendations to the Legislature; providing an effective date.

By the Committee on Ways and Means; and Senators Haridopolos, Posey, Wise, Peaden, Fasano, Campbell, Klein and Garcia—

CS for SB 656—A bill to be entitled An act relating to law enforcement and correctional officers; providing a popular name; amending s. 112.19, F.S.; providing death benefits for law enforcement, correctional, or correctional probation officers in certain circumstances; amending s. 112.532, F.S.; providing a limitations period for certain actions involving the discipline, demotion, or dismissal of a law enforcement officer or correctional officer; providing for written notification of such actions; providing exceptions to the limitations period; providing for the reopening of investigations and subsequent disciplinary action in certain circumstances; reenacting ss. 110.123(4)(e), 112.19(3), as amended by chs. 2002-191 and 2004-357, Laws of Florida, 112.19(3), as amended by chs. 2002-232, 2003-1, and 2004-357, Laws of Florida, 250.34(4), 285.18(2)(c), 943.04(2)(d), and 943.68(2), F.S., relating to contributions under the state group insurance program, educational benefits for children and spouses of certain law enforcement personnel, benefits for certain members of the Florida National Guard, benefits for certain law enforcement personnel employed by tribal councils, benefits for certain law enforcement personnel employed by the Department of Law Enforcement in the Criminal Justice Investigations and Forensic Science Program, and benefits for certain law enforcement personnel employed by the Department of Law Enforcement to provide certain security involving the Governor, respectively, for the purpose of incorporating the amendment to s. 112.19, F.S., in references thereto; providing applicability; providing an effective date.

By the Committees on Judiciary; Regulated Industries; and Senator Baker—

CS for CS for SB 750—A bill to be entitled An act relating to talent agencies and advance-fee talent services; repealing part VII of ch. 468, F.S., relating to the regulation of talent agencies; providing definitions; requiring each talent agency and advance-fee talent service to obtain a surety bond for a specified amount; requiring each talent agency and advance-fee talent service to give each artist a copy of the bond; providing criminal penalties for failing to comply with the bonding requirements; requiring each talent agency and advance-fee talent service to maintain a permanent office during certain specified hours; directing that certain records, with specified information in them, be kept for each artist; requiring that records be maintained for a specified period; directing that all records of a talent agency and advance-fee talent service be open to the inspection of a state attorney; requiring that the talent agency or advance-fee talent service give the state attorney a copy of the records when so requested; providing criminal penalties if the talent agency or advance-fee talent service fails or refuses to disclose information to a state attorney; providing criminal penalties for failing to comply with the requirements pertaining to records; directing a talent agency or advance-fee talent service to post an itemized schedule of maximum fees, charges, or commissions that it intends to charge and collect for its services; providing for the location for posting of the schedule; providing criminal penalties for failing to post the fee schedule; requiring that an artist and a talent agency or advance-fee talent service enter into a written contract when such entity agrees to perform services for the artist; providing an exception under specified circumstances; providing for the content of the written contract; requiring that a talent agency or advance-fee talent service provide each artist with a copy of the contract; requiring any person who holds himself or herself out as an employee or agent of a talent agency or advance-fee talent service to submit fingerprints for background screening requirements; directing that a talent agency or advance-fee talent service provide each artist with a copy of the screening results; directing that all money collected by a talent agency from an employer or buyer be paid to the artist within a specified period; providing that a contract is voidable under certain circumstances; permitting an artist to cancel a contract by giving written notice of the cancellation to the talent agency or advance-fee talent service within a specified period; prohibiting an artist from waiving the right to cancel a contract; providing the way in which a talent agency or advance-fee talent service must refund money to an artist; providing criminal penalties for violating provisions relating to contracting; specifying certain prohibited acts by a talent agency or advance-fee talent service; providing criminal penalties for failure to comply; providing for certain specified civil remedies for violations of the act; removing the authority of the Department of Business and Professional Regulation to regulate talent agencies; providing for the use of certain funds after the effective date of the act; requiring the department to rebate talent agency license fees; authorizing the department to continue to prosecute any legal proceedings and related administrative cases that are pending on the effective date of the act; providing an effective date.

By the Committees on Judiciary; Children and Families; and Senator Wise—

CS for CS for SB 758—A bill to be entitled An act relating to child protective investigations; amending s. 39.202, F.S.; providing staff of a children's advocacy center with access to records of child abuse and neglect; amending s. 39.301, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect for purposes that adversely affect the interests of persons who are not identified as responsible for such abuse, abandonment, or neglect; amending s. 39.302, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect in institutional investigations for purposes that adversely affect the interests of persons not identified as responsible; providing circumstances under which the Department of Children and Family Services may rely on such information in a decision to renew or revoke a license; providing an effective date.

By the Committee on Banking and Insurance; and Senators Fasano and Crist—

CS for SB 864—A bill to be entitled An act relating to motor vehicle repair shops; amending s. 559.904, F.S.; requiring applicants for registration to furnish proof of certain liability insurance; providing that failure to maintain such insurance is grounds for denial, revocation, or refusal to renew a registration; amending s. 559.921, F.S.; providing that a violation of the requirement to maintain liability insurance is a criminal violation; providing for administrative fines and criminal penalties; providing an effective date.

By the Committees on Government Efficiency Appropriations; Governmental Oversight and Productivity; and Senator Constantine—

CS for CS for SB 926—A bill to be entitled An act relating to growth management; creating part II of ch. 171, F.S.; providing a popular name; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or independent special districts; specifying the procedures for initiating an agreement and responding to a proposal for agreements; identifying issues the agreement may address; requiring local governments that are a party to the agreement to amend their comprehensive plans; providing limitations on the review of certain ordinances; providing exception to the limitation on plan amendments; specifying those persons who may challenge a plan amendment required by the agreement; requiring that an agreement be adopted by resolution; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary area agreement on the parties to the agreement; providing for a transfer of powers; authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect on interlocal agreements and county charters; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; amending s. 171.042, F.S.; revising the time period for filing of a report; providing for a cause of action to invalidate an annexation; requiring municipalities to provide notice of proposed annexation to certain persons; amending s. 171.044, F.S.; revising the time period for providing a copy of a notice; providing for a cause of action to invalidate an annexation; creating s. 171.094, F.S.;

providing for the effect of interlocal service boundary agreements adopted under the act; amending s. 171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; amending s. 163.01, F.S.; providing for the place of filing an interlocal agreement in certain circumstances; amending s. 164.1058, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; requesting the Division of Statutory Revision to designate parts I and II of ch. 171, F.S.; providing an effective date.

By the Committees on Regulated Industries; Environmental Preservation; and Senators Smith and Dockery—

CS for CS for SB 964—A bill to be entitled An act relating to disclosures in connection with the sale of coastal property; amending s. 161.57, F.S.; revising requirements for the disclosures that must be provided by a seller of coastal property to the purchaser; providing for the effect of failure to deliver a disclosure, affidavit, or survey; providing an effective date.

By the Committee on Judiciary; and Senators Campbell and Aronberg—

CS for SB 978—A bill to be entitled An act relating to unlawful use of personal identification information; amending s. 817.568, F.S.; including other information within the definition of the term "personal identification information"; defining the term "counterfeit or fictitious personal identification information"; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to disclose breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; providing an effective date.

By the Committees on Ways and Means; Judiciary; Governmental Oversight and Productivity; and Senators Bennett and Dockery—

CS for CS for CS for SB 1010—A bill to be entitled An act relating to administrative procedures; amending s. 11.60, F.S.; revising duties of the Administrative Procedures Committee with respect to its review of statutes; amending s. 57.111, F.S.; redefining the term "small business" to include certain specified individuals whose net worth does not exceed a specified amount; amending s. 120.54, F.S.; requiring an agency to file a notice of change with the Administrative Procedures Committee; revising times for filing rules for adoption; providing for the form and provisions of bonds; revising applicability of certain uniform rules; amending s. 120.55, F.S.; requiring that certain information be included in forms incorporated by reference in rules; requiring information to be published electronically on an Internet website; providing that such publication does not preclude other publications; providing additional duties of the Department of State with respect to publications; providing requirements for the Internet website; amending s. 120.551, F.S.; postponing the repeal of this section, relating to Internet publication; amending s. 120.56, F.S.; revising provisions relating to withdrawal of challenged rules; amending s. 120.569, F.S.; prescribing circumstances under which the time for filing a petition for hearing must be extended; amending s. 120.57, F.S.; requiring a final order to include an explicit ruling on each exception to the recommended order; providing when certain orders become effective; requiring that additional information be included in notices relating to protests of contract solicitations or awards; amending s. 120.65, F.S.; requiring the Division of Administrative Hearings to include certain recommendations in its annual report to the Administrative Procedures Committee; amending s. 120.74, F.S.; requiring agency reports to be filed with the Administrative Procedures Committee; requiring that the annual report filed by an agency identify the types of cases or disputes in which it is involved which should be conducted under the summary hearing process; amending s. 120.80, F.S.; requiring that the commission refer certain matters affecting the substantial interest of a utility to the Division of Administrative Hearings so that an administrative judge may be assigned to conduct a hearing and enter a recommended order; requiring the Department of State to provide certain assistance to agencies in their transition to publishing on the Florida Administrative Weekly Internet website; providing effective dates.

By the Committee on Government Efficiency Appropriations; and Senator Atwater—

CS for SB 1110—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; revising monetary criteria for distributing portions of the tax to certain trust funds; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund; providing for increased distributions to certain trust funds under certain circumstances to provide for payments on bonds; providing a limitation; providing an effective date.

By the Committee on Banking and Insurance; and Senator Haridopolos—

CS for SB 1120—A bill to be entitled An act relating to the Financial Literacy Council; creating the council; providing purposes; providing for membership; providing for meetings, procedures, records, and reimbursement for travel and per diem expenses; prohibiting compensation for council members; providing powers and duties of the council; providing for resources of the council; requiring any funds received by the council to be deposited in the Administrative Trust Fund; requiring annual reports to the Governor and Legislature; providing an appropriation; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Rich—

CS for SB 1188—A bill to be entitled An act relating to prosperity campaigns; creating s. 445.057, F.S.; establishing the Prosperity Campaign Office to be housed in Workforce Florida, Inc.; providing duties of the office; providing for establishment of the Florida Prosperity Campaign Council; providing membership and responsibilities; providing for meetings, per diem, and travel; requiring development of financial literacy information for use in high school courses in life management skills and orientation programs at community colleges and universities; authorizing each prosperity campaign to connect low-wage workers to economic benefits programs and to offer additional services; providing for reporting requirements; providing for future repeal; amending s. 1003.43, F.S.; requiring financial literacy instruction to be part of courses in life management skills; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 1262—A bill to be entitled An act relating to child support enforcement; amending s. 61.13, F.S.; providing civil penalties for employers, unions, and plan administrators not in compliance with requirements of the national medical support notice; amending s. 61.1354, F.S.;

providing for sharing of information between consumer reporting agencies and the Department of Revenue relating to amount of current support owed; requiring the department to continue reporting to consumer reporting agencies once overdue amount is paid if current support is still owed; amending s. 61.14, F.S.; providing conditions for collection of support from workers' compensation settlements; providing for amendment of settlement agreement; providing for rulemaking by the Office of the Judges of Compensation Claims; amending s. 61.1812, F.S.; correcting a reference; amending s. 222.21, F.S.; correcting a reference; amending s. 382.016, F.S.; providing exceptions to the requirement that the department limit access to an acknowledgment of paternity that amends an original birth certificate; providing conditions under which an original birth certificate for a child born in this state whose paternity is established in another state may be amended; amending s. 409.2558, F.S.; providing a procedure for redirecting payments to the person with whom a child resides; providing for notice and hearing; amending s. 409.2561, F.S.; providing limitation to exemption for support order establishment to recipients of supplemental security income and temporary cash assistance; amending s. 409.2567, F.S.; eliminating requirement for a monthly report by the department on funds identified for collection from noncustodial parents of children receiving temporary assistance; amending s. 409.821, F.S.; requiring the provision of information identifying KidCare program applicants to the department for Title IV-D purposes; providing effective dates.

By the Committee on Commerce and Consumer Services; and Senator Garcia—

CS for SB 1306—A bill to be entitled An act relating to professional sports franchises; amending s. 288.1162, F.S.; increasing the number of facilities certified by the Office of Tourism, Trade, and Economic Development as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise; providing an additional exception to disqualification for certification of an applicant when the franchise formed the basis of a previous certification; providing that payments to a certified applicant may not extend beyond the period for which the original certification was issued; specifying the date on which an applicant certified after the effective date of the act may receive disbursements; providing an effective date.

By the Committees on Commerce and Consumer Services; and Communications and Public Utilities—

CS for SB 1320—A bill to be entitled An act relating to the Lifeline and Link-up Assistance Program; amending s. 364.10, F.S.; transferring applicability from telecommunications companies serving as carriers of last resort to eligible telecommunications carriers; defining the term "eligible telecommunications carrier"; providing requirements for eligible telecommunications carriers; requiring the Public Service Commission to establish procedures for notification and termination of the Lifeline Assistance credit; providing criteria for connection, reconnection, and discontinuation of basic local telecommunications service for Lifeline Assistance subscribers; providing criteria for blocking access to long-distance service; adding the Department of Education and the Office of Public Counsel to those agencies that are directed to cooperate in developing procedures for promoting Lifeline participation; requiring the commission to adopt rules; requiring the commission to report to the Legislature; providing an effective date.

By the Committees on Ways and Means; Governmental Oversight and Productivity; and Senator Argenziano—

CS for CS for SB 1446—A bill to be entitled An act relating to state financial matters; amending s. 121.021, F.S.; clarifying that the State Board of Administration may require that a member of the Florida Retirement System provide evidence of termination; amending s. 121.091, F.S.; providing that a member of the Public Employee Optional Retirement Program may not return to employment with an employer under the Florida Retirement System until after being terminated for 3 calendar months; providing an exception for those members who have reached the normal retirement requirements of the defined benefit plan; amending s. 121.35, F.S.; changing the requirements of the Department of Management Services' designation of a fifth company to provide services under the state university optional retirement program; amending s. 121.4501, F.S.; redefining the terms "eligible employee" and "participant" for purposes of the Public Employee Optional Retirement Program; prescribing certain conditions on participation in the program; deleting references to the program's advisory committees; prescribing procedures for, and certain presumptions relating to, designation of beneficiaries; providing for participation by terminated DROP participants; amending s. 121.591, F.S.; providing for cancellation of certain payment instruments under the program when not presented for payment; providing for payment upon subsequent application and for forfeiture when not claimed within a certain period; providing that members of the Public Employee Optional Retirement Program may not receive a distribution from their account until after being terminated for 3 calendar months; providing an exception; providing for designation of beneficiaries for death benefits; amending s. 215.47, F.S.; authorizing investments in asset-backed securities; providing an effective date.

By the Committees on Judiciary; Commerce and Consumer Services; and Senator Lynn—

CS for CS for SB 1520—A bill to be entitled An act relating to consumer protection; amending s. 493.6303, F.S.; revising training requirements for obtaining a Class "D" license; requiring a minimum number of hours of training in terrorism awareness or other training prescribed by the Department of Agriculture and Consumer Services; providing a timeframe for submitting proof of having completed the training; revising the number of training hours required; amending s. 501.059, F.S.; prohibiting the transmission of facsimile documents under certain circumstances; providing for attorney's fees and for the recovery of certain litigation expenses by the department and the Department of Legal Affairs; repealing ss. 546.001, 546.002, 546.003, 546.004, 546.006, and 546.008, F.S., relating to the "Amusement Ride and Attraction Insurance Act"; amending s. 559.801, F.S.; redefining the term "business opportunity" for purposes of the "Sale of Business Opportunities Act"; amending s. 559.920, F.S.; redefining actions by motor vehicle repair shops or employees which are unlawful; amending s. 559.927, F.S.; defining the term "travel club" for the purpose of part XI of ch. 559, F.S., relating to sellers of travel; amending s. 559.928, F.S.; revising information to be submitted for registration as a seller of travel and information submitted by independent agents; requiring the payment of an annual fee; amending s. 616.242, F.S.; exempting certain governmental entities from a requirement to maintain liability protection covering amusement rides; amending s. 849.094, F.S.; redefining the term "operator" for purposes of the regulation of game promotions; providing requirements relating to disclosure of the rules and regulations of a game promotion; directing the State Technology Office to integrate additional features into the state's official Internet website; directing the State Technology Office to integrate information concerning the Florida 211 Network into the state's official Internet website; amending s. 570.544, F.S.; designating the Division of Consumer Services within the Department of Agriculture and Consumer Services as the state clearinghouse for matters relating to consumer protection, consumer information, and consumer services; deleting reporting requirements; providing for implementation; providing effective dates.

By the Committee on Banking and Insurance; and Senators Fasano, Lawson and Baker—

CS for SB 1660—A bill to be entitled An act relating to health insurance; amending s. 408.05, F.S.; changing the due date for a report from the Agency for Health Care Administration regarding the State Center for Health Statistics; amending s. 408.909, F.S.; providing an additional criterion for the Office of Insurance Regulation to disapprove or withdraw approval of health flex plans; amending s. 627.413, F.S.; authorizing insurers and health maintenance organizations to offer policies or contracts providing for a high-deductible plan meeting federal requirements and in conjunction with a health savings account; amending s. 627.6487, F.S.; revising the definition of the term "eligible individual" for purposes of obtaining coverage in the Florida Health Insurance Plan; amending s. 627.64872, F.S.; revising definitions; changing references to the Director of the Office of Insurance Regulation to the Commissioner of Insurance Regulation; deleting obsolete language; providing additional eligibility criteria; reducing premium rate limitations; revising

requirements for sources of additional revenue; authorizing the board to cancel policies under inadequate funding conditions; providing a limitation; specifying a maximum provider reimbursement rate; requiring licensed providers to accept assignment of plan benefits and consider certain payments as payments in full; amending s. 627.65626, F.S.; providing insurance rebates for healthy lifestyles; amending s. 627.6692, F.S.; extending a time period within which eligible employees may apply for continuation of coverage; amending s. 627.6699, F.S.; revising standards for determining applicability of the Employee Health Care Access Act; prescribing acts that may be performed by an employer without being considered contributing to premiums or facilitating administration of a policy; authorizing certain carriers to offer coverage to certain employees without being subject to the act under certain circumstances; requiring a carrier who offers such coverage to provide notice to the primary insured prior to cancellation for nonpayment of premium; revising an availability of coverage provision of the Employee Health Care Access Act; including high-deductible plans meeting federal health savings account plan requirements; revising membership of the board of the small employer health reinsurance program; revising certain reporting dates relating to program losses and assessments; requiring the board to advise executive and legislative entities on health insurance issues; providing requirements; amending s. 641.27, F.S.; increasing the interval at which the office examines health maintenance organizations; deleting authorization for the office to accept an audit report from a certified public accountant in lieu of conducting its own examination; increasing an expense limitation; amending s. 641.31, F.S.; providing for an insurance rebate for members in a health wellness program; providing for the rebate to cease under certain conditions; creating a high-deductible health insurance plan study group; specifying membership; requiring the study group to investigate certain issues relating to high-deductible health insurance plans; requiring the group to meet and submit recommendations to the Governor and Legislature; repealing s. 627.6402, F.S., relating to authorized insurance rebates for healthy lifestyles; providing application; providing an appropriation; providing an effective date.

By the Committees on Children and Families; Education; and Senator Klein—

CS for CS for SB 1716—A bill to be entitled An act relating to regional autism centers; amending s. 1004.55, F.S.; creating an additional regional autism center in the state; reducing the number of counties within the service areas of two existing regional autism centers; providing for consistency in service delivery; encouraging each constituency board to raise funds; providing a prohibition; providing an effective date.

By the Committee on Education; and Senator Haridopolos—

CS for SB 1720—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; exempting certain textbooks from the tax; defining terms for purposes of the tax exemption; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Saunders—

CS for SB 1732—A bill to be entitled An act relating to aerospace ad valorem taxes; creating s. 196.1999, F.S.; providing an exemption from ad valorem taxes for certain space laboratories; repealing s. 196.1994, F.S., which expired effective July 1, 2004, and which provided an exemption from ad valorem taxes for certain space laboratories; providing for retroactivity; providing an effective date.

By the Committee on Banking and Insurance; and Senators Alexander, Geller, Aronberg, Crist, Bullard, Lynn and Campbell—

CS for SB 1744—A bill to be entitled An act relating to workers' compensation for first responders; creating s. 112.1815, F.S.; providing a definition; providing standard of proof for first responders with an injury or disease caused by exposure to a toxic substance; providing that any adverse result or complication relating to small pox vaccinations is an injury by accident arising out of employment for first responders; providing standard of proof for first responders in cases involving occupational disease; providing for the continuation of permanent total supplemental benefits after the age of 62 for certain first responders; revising attorney's fees for first responders in cases involving exposure to toxic substances or occupational diseases; providing that the act fulfills an important state interest; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Crist—

CS for SB 1768—A bill to be entitled An act relating to online dating services; creating ss. 501.165, 501.166, 501.167, 501.168, 501.169, and 501.171, F.S.; providing a short title; providing legislative intent; defining terms; requiring disclosures by online dating services; requiring certain online dating services to develop and publish policies; creating civil penalties; providing exclusions; providing a severability clause; providing an effective date.

By the Committee on Banking and Insurance; and Senators Crist and Baker—

CS for SB 1864—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; revising definitions; revising applicability of ch. 538, F.S.; exempting persons or entities offering secondhand goods or personal property for sale, purchase, consignment, or trade via the Internet from the provisions of ch. 538, F.S., under certain circumstances; exempting certain businesses that sell, rent, or trade motion picture videos or video games from ch. 538, F.S.; amending s. 538.04, F.S.; revising recordkeeping requirements for secondhand dealers; providing penalties for knowingly giving false verification of ownership or a false or altered identification, and for receiving money from a secondhand dealer for goods sold, consigned, or traded if the value of the money received is less than $300, and if the value of the money received is $300 or more; providing for the electronic transfer of secondhand dealer transactions under specified circumstances; authorizing appropriate law enforcement agencies to provide a secondhand dealer with a computer and other equipment necessary to electronically transfer secondhand dealer transactions; providing procedures with respect to electronic transfer of secondhand dealer transactions; amending s. 538.05, F.S.; revising provisions relating to the inspection of records and premises of secondhand dealers; amending s. 538.06, F.S.; revising provisions with respect to the holding of goods upon probable cause that the goods are stolen; providing for payment of restitution, attorney's fees, and costs to a secondhand dealer under specified circumstances; increasing the time limit for maintenance of transaction records by dealers in secondhand property; amending s. 538.07, F.S.; revising provisions relating to restitution for stolen property recovered from a secondhand dealer; amending s. 538.09, F.S.; revising provisions with respect to registration as a secondhand dealer; revising conditions under which registration may be denied, revoked, restricted, or suspended by the Department of Revenue; repealing s. 538.16, F.S., relating to disposal of property by secondhand dealers; amending s. 516.02, F.S.; removing cross-references; reenacting s. 790.335(3)(f), F.S., which provides a second degree felony penalty for any secondhand dealer who contracts with a specified third-party provider or electronically transmits certain records of firearms transactions to any third-party provider; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 1884—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing for a civil penalty, costs, and attorney's fees against an employer, union, or plan administrator for failing to enroll a child in health care coverage; providing for enforcement by the Department of Revenue; amending s. 61.1301, F.S.; requiring the repayment of a support delinquency through an additional income deduction; requiring an obligor contesting an income deduction order rendered by the Title IV-D agency to file the petition with the Title IV-D agency; requiring the Department of Revenue to provide payors with Internet access to income deduction and national medical support notices issued on or after a specified date; amending s. 61.13016, F.S.; providing for suspension of a driver's license to enforce compliance with an order to

appear for genetic testing; amending s. 61.1354, F.S.; requiring the Department of Revenue to report to consumer reporting agencies the amount of overdue support owed by an obligor and the amount of the obligor's support obligation when the overdue support is paid; amending s. 61.14, F.S.; authorizing a circuit court to order an obligor to seek employment, engage in employment activities, and to inform the court and the Department of Revenue of the employment activities; providing that an obligor may be in contempt of court for failing to comply with work-related activities; providing for recovery of support arrearages from workers' compensation lump-sum settlements; requiring the Office of Judges of Compensation Claims to adopt procedural rules; requiring local depositories to provide the Department of Revenue with certain information each month using electronic means; amending s. 61.1814, F.S.; providing that certain specified fines be deposited in the Child Support Enforcement Application and Program Revenue Trust Fund; amending s. 61.1824, F.S.; requiring the State Disbursement Unit, to the extent feasible, to provide for electronic disbursement of support payments to obligees; requiring certain employers to electronically remit support payments to the State Disbursement Unit by a specified date; authorizing the department to issue waivers; amending s. 120.80, F.S.; providing for entry of final orders by the Division of Administrative Hearings in proceedings to establish paternity or paternity and child support; providing for the right to immediate judicial review to contest an administrative order for genetic testing; providing for judicial enforcement of agency final orders; providing for venue of administrative hearings in paternity proceedings and determinations of noncovered medical expenses; adding a cross-reference; amending s. 322.142, F.S.; authorizing the Department of Revenue to obtain digital photographs and signatures from the Department of Highway Safety and Motor Vehicles for use in establishing paternity and establishing, modifying, or enforcing support obligations; amending s. 382.013, F.S.; requiring the Department of Health to amend a child's birth certificate when paternity is established by the Department of Revenue; amending s. 382.015, F.S.; requiring the clerk of the circuit court to ensure that all judicial determinations of paternity are reported to the Department of Health; requiring the Department of Health to monitor compliance and report data to the clerks of the circuit court; amending s. 382.016, F.S.; providing for the Department of Health not to seal birth certificates and related papers when a father is listed under an acknowledgment of paternity; requiring the Department of Health to amend the birth certificate of a child born in this state but whose paternity is established in another state; providing for an exception; requiring the Department of Revenue to develop written educational materials concerning the establishment of paternity for use and distribution by certain specified departments; requiring the Department of Revenue and other specified organizations to study the feasibility and report on the filing of birth certificates and other documents by electronic means with the Department of Health; amending s. 395.003, F.S.; requiring a hospital that provides birthing services to affirm as part of its application for a new, provisional, or renewal license that the hospital will comply with assisting unmarried parents who request assistance in executing a voluntary acknowledgment of paternity; prohibiting sanctions against hospitals for noncompliance with s. 382.013(2)(c), F.S., relating to notice concerning the acknowledgement of paternity; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules relating to administrative proceedings to establish paternity, paternity and child support orders, and orders to appear for genetic testing; amending s. 409.2558, F.S.; requiring the Department of Revenue to make reasonable efforts to locate persons to whom collections or refunds are owed; providing for location efforts to include disclosure through a searchable Internet database using appropriate privacy safeguards; creating s. 409.256, F.S.; defining terms relating to administrative procedures to establish paternity and support orders; authorizing the Department of Revenue to establish administrative procedures to determine paternity using the results of genetic testing; providing for notice, an opportunity for an administrative hearing, and the right to judicial review; authorizing the Department of Revenue to combine a paternity proceeding with an administrative proceeding to establish a child support order; providing for administrative orders to order a person to appear for genetic testing; providing for the right to contest the order to appear; providing for the scheduling of genetic testing and for the rescheduling of the test for a claim of good cause; providing specified sanctions for failing or refusing to submit to genetic testing; providing for a presumption of paternity based on genetic testing results; providing for admissibility of genetic testing results at administrative hearings; providing for administrative hearings to be conducted by the Division of Administrative Hearings; providing that a final order issued by an administrative law judge constitutes final agency action by the Department of Revenue; providing that a final order establishing paternity has the same effect as a judgment entered by a court; requiring a respondent to notify the Department of Revenue of changes of address; providing that subsequent notice by mail is deemed to have been received; providing that the administrative procedures are a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2561, F.S.; providing that no obligation of support is incurred by a recipient of supplemental security income or temporary cash assistance for the benefit of a dependent child; amending s. 409.2563, F.S.; authorizing the Department of Revenue to establish an administrative support order when paternity is determined by administrative procedures; creating s. 409.25635, F.S.; authorizing the Department of Revenue to determine in Title IV-D cases the amount owed by an obligor for noncovered medical expenses; defining the term "noncovered medical expenses"; providing for notice, an opportunity for an administrative hearing, and the right to judicial review; requiring the obligee to prepare a written declaration under penalty of perjury documenting the claim; requiring the Department of Revenue to provide specified information in the notice to proceed; authorizing the Department of Revenue to collect noncovered medical expenses by using the same remedies available for the collection of support; providing that the administrative procedure is a supplemental remedy; providing for the Department of Revenue to adopt rules; amending s. 409.2564, F.S.; requiring that the amount of retroactive support permanently assigned to the state be reduced by a specified percentage when the obligor and the department agree to a support order; amending s. 409.25645, F.S.; requiring a correctional facility to assist a putative father to comply with an administrative order for genetic testing; providing that an administrative order for genetic testing has the same force and effect as a court order; amending s. 409.2567, F.S.; requiring the Department of Revenue to waive the federal application fee and pay the fee for certain applicants; providing for the Department of Revenue to seek a federal waiver from the requirement that an individual apply for Title IV-D services; providing for the department to adopt rules if a waiver is granted and begin providing Title IV-D services if support payments are not paid as ordered unless the individual elects not to receive services after notice; amending s. 409.259, F.S.; requesting certain public officials and agencies to work cooperatively to implement electronic filing of pleadings and other documents by a specified date; amending s. 409.2598, F.S.; authorizing the Department of Revenue to commence a proceeding to suspend an obligor's occupational, business, trade, professional, or recreational license for noncompliance with a support order; providing for notice by regular mail and an opportunity to contest the suspension of the license in circuit court; providing grounds for contesting the proposed suspension; providing for a stay of the suspension proceedings under certain circumstances; providing for a written agreement with the Department of Revenue to avoid suspension of the license; requiring the Department of Revenue to issue a reinstatement notice if the obligor complies with the support order; providing for the suspension of the license under certain circumstances; providing for reinstatement of the license of the obligor after receiving a court order; authorizing the use of the license-suspension proceedings to enforce subpoenas, orders to appear, or similar orders; providing for a combined proceeding to suspend an occupational license and a driver's license; authorizing the Department of Revenue to adopt rules; amending s. 409.821, F.S.; requiring the Agency for Health Care Administration to disclose information identifying Florida Kidcare applicants or enrollees to the Department of Revenue for purposes of administering the state's Title IV-D program; amending s. 414.065, F.S.; authorizing a court to order a noncustodial parent who is delinquent under the terms of a support order to participate in work activities; amending s. 443.051, F.S.; defining the terms "support obligations" and "support order"; requiring the Agency for Workforce Innovation to deduct and withhold a specified percentage of the unemployment compensation otherwise payable to an individual; providing for the Department of Revenue to promptly refund any excess deduction to the obligor; providing that the Agency for Workforce Innovation deduct and withhold support according to the terms of the support order as disclosed by the Department of Revenue; amending s. 455.203, F.S.; deleting provisions requiring the Department of Business and Professional Regulation to screen license applicants for compliance with support obligations; amending s. 742.10, F.S.; providing that when paternity is adjudicated by the Department of Revenue, the adjudication constitutes the establishment of paternity for purposes of ch. 742, F.S.; amending s. 760.40, F.S.; requiring that DNA testing be conducted only with the informed consent of the person tested, with the exception of genetic testing in paternity cases; authorizing disclosure of test results for genetic testing in paternity cases; amending s. 827.06, F.S.; deleting provisions that require exhaustion of civil remedies and other provisions relating to the criminal prosecution for nonsupport; providing for the state attorneys,

the Florida Prosecuting Attorneys Association, and the Department of Revenue to identify strategies for pursuing criminal prosecution in appropriate cases; requiring the collaborating group to file a joint report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; reenacting s. 61.30(8), F.S., relating to health insurance costs in the child support guidelines, to incorporate the amendment made to s. 61.13, F.S., in a reference thereto; amending s. 61.14, F.S.; correcting a cross-reference; amending s. 61.30, F.S.; correcting a cross-reference; repealing ss. 61.13(1)(e) and 409.2564(7), F.S., relating to a judicial circuit with a work experience and job training pilot project; providing effective dates.

By the Committees on Judiciary; Banking and Insurance; and Senator Argenziano—

CS for CS for SB 1912—A bill to be entitled An act relating to insurance agents and agencies; amending s. 624.317, F.S.; including insurance agencies among entities the Department of Financial Services is authorized to investigate; amending s. 624.318, F.S.; providing for electronic scanning in the course of investigations and examinations; amending s. 624.501, F.S.; clarifying a license fee; amending s. 626.015, F.S.; redefining the term "home state"; defining the term "resident"; amending s. 626.016, F.S.; including insurance agencies among entities subject to regulation by the Chief Financial Officer; amending s. 626.025, F.S.; correcting cross-references; amending s. 626.112, F.S.; delaying the effective date by which agencies must obtain a license; providing that an agency may file for registration in lieu of licensure, under specified conditions; imposing a fine on any agency that fails to timely apply for licensure or registration; deleting certain agency licensure requirement provisions; amending s. 626.171, F.S.; specifying licensure and registration application requirements for insurance entities other than insurance agencies; deleting a provision applying to insurance agency license application requirements; amending s. 626.172, F.S.; revising insurance agency licensure application requirements; providing procedures and limitations; providing duties of the department; amending s. 626.221, F.S.; revising examination requirements; amending s. 626.2815, F.S.; revising continuing education requirements; amending ss. 626.292 and 626.321, F.S.; correcting cross-references, to conform; amending s. 626.342, F.S.; including insurance agencies under provisions prohibiting furnishing supplies to certain unlicensed agents and imposing civil liability under certain circumstances; amending s. 626.382, F.S.; providing for renewal of licenses; amending s. 626.451, F.S.; revising requirements for appointment; amending s. 626.536, F.S.; including insurance agencies under an action reporting requirement; amending s. 626.561, F.S.; including insurance agencies under provisions providing funds reporting and accounting requirements and imposing criminal penalties; amending s. 626.572, F.S.; including insurance agencies under provision prohibiting rebating under certain circumstances; amending s. 626.601, F.S.; including insurance agencies under provisions authorizing the department to inquire into improper conduct; creating s. 626.602, F.S.; authorizing the department to disapprove the use of certain names under certain circumstances; amending s. 626.6115, F.S.; providing an additional ground for the department to take compulsory adverse insurance agency license actions; providing that the existence of grounds for adverse action against a licensed agency does not constitute grounds for adverse action against another licensed agency; amending s. 626.6215, F.S.; providing an additional ground for the department to take discretionary adverse insurance agency license actions; providing that the existence of grounds for adverse action against a licensed agency does not constitute grounds for adverse action against another licensed agency; amending s. 626.747, F.S.; revising agent requirements for branch agencies to include life or health agents; amending s. 626.621, F.S.; revising criteria for the department's refusal, suspension or revocation of a license or appointment; amending s. 626.641, F.S.; providing requirements for reinstatement of a previously suspended license or appointment; revising criteria for reapplication and requalification for a previously revoked license or appointment; amending s. 626.7351, F.S.; revising the qualifications for a customer representative's license; amending ss. 626.7355 and 626.8411, F.S.; deleting cross-references, to conform; creating s. 626.84201, F.S.; providing for the issuance of a nonresident title insurance agent license; amending s. 648.50, F.S.; revising the persons whose license or appointment may be revoked or suspended when a bail bond's license or appointment is revoked or suspended; repealing s. 626.592, F.S., relating to primary agents; creating s. 624.1275, F.S.; providing a restriction for state agencies or political subdivisions from preventing a licensed agent from responding to a bid or negotiation for an insurance product; providing an effective date.

By the Committee on Education; and Senator Lynn—

CS for SB 1920—A bill to be entitled An act relating to postsecondary education; providing definitions; specifying the constitutional duties of the Board of Governors of the State University System under s. 7, Art. IX of the State Constitution; specifying the constitutional duties of the Legislature; providing legislative intent; amending s. 112.313, F.S.; prohibiting citizen members of the Board of Governors of the State University System and citizen members of a board of trustees of a local constituent university from representing principals before the Legislature; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senators Sebesta and Saunders—

CS for SB 1938—A bill to be entitled An act relating to aerospace; creating s. 196.1999, F.S.; providing for an exemption from ad valorem taxes for certain space laboratories; providing for the exemption to apply retroactively to January 1, 2005; repealing s. 196.1994, F.S., which expired effective July 1, 2004, and which provided an exemption from ad valorem taxes for certain space laboratories; creating ss. 331.501, 331.502, 331.503, 331.504, 331.505, 331.506, and 331.507, F.S.; providing a popular name; creating the Florida Aerospace Infrastructure Act; providing legislative findings and intent; providing definitions; creating the Florida Aerospace Infrastructure Investment Program within the Florida Aerospace Finance Corporation; providing purposes; providing for funding the program; requiring the corporation to administer the program; providing requirements; providing the corporation with investment authorizations, criteria, requirements, and limitations; creating the Independent Investment Committee within the corporation; providing purposes of the committee; providing for appointment of committee members and criteria; providing for terms; requiring members to serve without compensation; providing for per diem and travel expenses; providing committee responsibilities; specifying tax-exempt status of the corporation; exempting the corporation from all state and local taxes; providing an exception; requiring the corporation to prepare and submit annual reports; providing for severability; providing an appropriation; providing effective dates.

By the Committee on Government Efficiency Appropriations; and Senator Constantine—

CS for SB 2066—A bill to be entitled An act relating to the communications services tax; amending s. 202.16, F.S.; requiring dealers to document exempt sales for resale; providing requirements; providing a definition; providing construction; providing for dealer provision of evidence of the exempt status of certain sales through an informal protest process; requiring the Department of Revenue to accept certain evidence during the protest period; providing limitations; providing for retroactive application; requiring the Department of Revenue to establish a toll-free telephone number for the purpose of verifying registration numbers and resale certificates; requiring the department to establish a system for receiving information from dealers regarding certificate numbers; amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; amending s. 202.20, F.S.; limiting local governmental authority to make certain rate adjustments in the tax under certain circumstances; deleting obsolete provisions relating to making certain adjustments in the tax for certain periods; amending s. 202.21, F.S.; deleting provisions relating to local government adjustments of the tax by emergency ordinance or resolution to conform; specifying that certain amendments are remedial in nature and clarify certain provisions of law but do not grant rights to a refund of certain fees or charges under certain circumstances; providing effective dates.

By the Committee on Commerce and Consumer Services; and Senators Sebesta and Saunders—

CS for SB 2078—A bill to be entitled An act relating to the Florida Aerospace Infrastructure Investment Trust Fund; creating s. 331.508, F.S.; creating the Florida Aerospace Infrastructure Investment Trust Fund within the Office of Tourism, Trade, and Economic Development; providing for sources and uses of funds; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

By the Committee on Ethics and Elections; and Senator Posey—

CS for SB 2086—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; exempting certain voter-education activities from requirements for competitive solicitation; authorizing the Secretary of State to investigate voter fraud; authorizing the Department of State to adopt rules; amending s. 97.021, F.S.; defining the term "marksense ballots"; defining the terms "early voting area," "early voting site," and "third-party voter registration organization"; creating s. 97.029, F.S.; providing for attorney's fees and costs in any action for injunctive relief or an action challenging an election law or voter-registration law; requiring an itemized affidavit; providing for review of an award of attorney's fees and costs; providing a limitation on the amount awarded; amending s. 97.051, F.S.; revising the oath required upon registering to vote; amending s. 97.052, F.S.; revising the contents of the uniform statewide voter registration application; amending s. 97.053, F.S.; revising provisions governing the acceptance of voter registration applications by the supervisor of elections; requiring that an applicant complete a registration application before the date of book closing in order to be eligible to vote in that election; revising the information required on the registration application; amending s. 97.055, F.S.; limiting the updates that may be made to registration information following book closing; creating s. 97.0575, F.S.; providing requirements for third-party voter registration organizations that collect voter-registration applications; providing fines for failure to deliver applications as required; authorizing the Division of Elections to adopt rules to administer provisions governing third-party voter registration organizations; amending s. 97.071, F.S.; specifying the information to be included on the registration identification card; amending s. 98.045, F.S.; deleting a cross-reference; amending s. 98.077, F.S.; revising the procedures for updating a voter signature used to verify an absentee ballot or provisional ballot; amending s. 99.061, F.S.; providing for qualifying for nomination or election by the petition process; requiring the filing of statements of financial interest; requiring that a qualifying officer accept certain qualifying papers filed before the qualifying period; amending s. 99.063, F.S.; providing filing requirements for public officers; amending s. 99.092, F.S., relating to qualifying fees; clarifying provisions governing qualifying for nomination or election by the petition process to conform to changes made by the act; amending s. 99.095, F.S.; revising the requirements for qualifying as a candidate by a petition process in lieu of paying a qualifying fee and party assessment; providing requirements for submitting petitions and certifications; requiring that the division or supervisor of elections, as applicable, determine whether the required number of signatures has been obtained; amending s. 99.0955, F.S.; providing procedures for a candidate having no party affiliation to qualify by the petition process; amending s. 99.096, F.S.; revising the procedures for a minor political party to submit nominated candidates to be on the general election ballot; providing for candidates to qualify by the petition process; amending s. 99.09651, F.S., relating to signature requirements for ballot position; conforming provisions to changes made by the act; amending s. 100.011, F.S.; requiring that an elector in line at the time the polls close be allowed to vote; amending s. 100.101, F.S.; revising the circumstances under which a special election or primary is held; amending s. 100.111, F.S.; revising requirements for filling a vacancy in a nomination; requiring that ballots cast for a former nominee be counted for the person designated to replace the nominee under certain circumstances; amending s. 100.141, F.S., relating to the notice of a special election; conforming provisions to changes made by the act; amending s. 101.031, F.S.; revising the Voter's Bill of Rights to authorize a provisional ballot if a person's identity is in question; amending s. 101.043, F.S.; revising the procedures for a voter to provide identification when voting; amending s. 101.048, F.S.; providing for certain additional voters to cast provisional ballots; providing requirements for presenting evidence in support of a person's right to vote; requiring that the county canvassing board count such a ballot unless it determines by a preponderance of the evidence that the person was not entitled to vote; requiring that a person casting a provisional ballot be informed of certain rights; amending s. 101.049, F.S.; providing requirements for ballots for persons with disabilities; amending s. 101.051, F.S.; prohibiting certain solicitations to provide assistance to an elector; providing a penalty; authorizing an elector to request that a person other than an election official provide him or her with assistance in voting; providing for the form of the oath to be signed; amending s. 101.111, F.S.; revising the requirements for challenging an elector's right to vote; providing a penalty for filing a frivolous challenge; amending s. 101.131, F.S.; revising requirements for poll watchers; authorizing certain political committees to have poll watchers; prohibiting a poll watcher from interacting with a voter; providing for poll watchers at early voting areas; amending s. 101.151, F.S.; providing requirements for marksense ballots; amending s. 101.171, F.S.; requiring that a copy of a proposed constitutional amendment be available at voting locations; amending s. 101.294, F.S.; prohibiting a vendor of voting equipment from providing systems, components, or system upgrades to a local governing body or supervisor of elections which have not been certified by the Division of Elections; requiring that the vendor provide sworn certification of such equipment; amending s. 101.295, F.S.; providing a penalty for providing voting equipment in violation of ch. 101, F.S.; amending s. 101.49, F.S.; revising the procedures for verifying an elector's signature; amending s. 101.51, F.S.; requiring that an elector occupy a voting booth alone; amending s. 101.5612, F.S.; providing requirements for testing voting equipment; amending s. 101.572, F.S.; requiring that the supervisor of elections notify the candidates if ballots are examined before the end of the contest; amending s. 101.58, F.S.; authorizing employees of the department to have access to the premises, records, equipment, and staff of the supervisors of elections; amending s. 101.595, F.S.; requiring that certain overvotes and undervotes be reported to the department; amending s. 101.6103, F.S.; authorizing the canvassing board to begin canvassing before the election; prohibiting the release of results before election day; providing a penalty for any early release of results; amending s. 101.62, F.S.; revising the requirements for mailing absentee ballots to voters; amending s. 101.64, F.S.; providing for an oath to be provided to persons voting absentee under the Uniformed and Overseas Citizens Absentee Voting Act; amending s. 101.663, F.S.; providing for certain persons to vote absentee after moving to another state; amending s. 101.68, F.S.; prohibiting changing a voter's certificate after the absentee ballot is received by the supervisor; amending s. 101.69, F.S.; prohibiting a voter from voting another ballot after casting an absentee ballot; providing for a provisional ballot under certain circumstances; amending s. 101.6923, F.S.; providing for the form of the printed instructions on an absentee ballot; amending s. 101.694, F.S.; providing requirements for absentee envelopes printed for voters voting under the Uniformed and Overseas Citizens Absentee Voting Act; amending s. 101.697, F.S.; requiring the Department of State to determine whether secure electronic ballots may be provided for overseas voters; requiring that the department adopt rules for accepting overseas ballots; amending s. 102.012, F.S.; requiring the supervisor of elections to appoint an election board before any election; providing duties of the board; amending s. 102.014, F.S.; requiring that the Division of Elections develop a uniform training curriculum for poll workers; amending s. 102.031, F.S.; providing requirements for maintaining order at early voting areas; requiring the designation of a no-solicitation zone; prohibiting photography in a polling room or early voting area; amending s. 102.071, F.S.; revising requirements for tabulating votes; amending s. 102.111, F.S.; providing for corrections to be made to the official election returns; amending s. 102.112, F.S.; requiring that a return contain a certification by the canvassing board; authorizing the Department of State to correct typographical errors; amending s. 102.141, F.S.; revising requirements for the canvassing boards in submitting returns to the department; providing requirements for the report filed by the canvassing board; requiring the department to adopt rules for filing results and statistical information; amending s. 102.166, F.S.; revising the circumstances under which a manual recount may be ordered; amending s. 102.168, F.S.; requiring that complaints be filed with the board responsible for certifying the election results; specifying the parties to an action who may contest an election or nomination; amending s. 103.021, F.S.; providing for nomination of presidential electors by the state executive committee of each political party; defining the term "national party" for purposes of nominating a candidate for President and Vice President of the United States; amending ss. 103.051 and 103.061, F.S.; specifying duties of the presidential electors; amending s. 103.121, F.S.; revising powers and duties of executive committees to conform to changes made by the act; amending s. 105.031, F.S.; providing for public officers to file a statement of financial interests at the time of qualifying; requiring that a filing officer accept certain qualifying

papers filed before the qualifying period; amending s. 105.035, F.S.; revising procedures for qualifying for certain judicial offices and the office of school board member; prohibiting a candidate from obtaining signatures until appointing a campaign treasurer and designating a campaign depository; revising the requirements for the supervisor of elections with respect to certifying signatures; amending s. 106.011, F.S.; redefining the term "expenditure" to include an obligation to make a payment; creating s. 106.022, F.S.; requiring that a political committee, committee of continuous existence, or electioneering communications entity maintain a registered office and registered agent; providing requirements for the statement of appointment; amending s. 106.07, F.S.; providing reporting requirements for a committee of continuous existence or other business entities; requiring that contributions be reported to the Department of State; revising fines for late filing of reports; amending s. 106.08, F.S.; restricting contributions by related entities; amending s. 106.24, F.S.; clarifying the duties of Secretary of State; amending s. 106.265, F.S.; providing civil penalties for failure to report contributions or expenditures; amending s. 106.141, F.S., relating to the disposition of surplus funds; conforming provisions to changes made by the act; transferring and renumbering s. 98.122, F.S., relating to the use of closed captioning and descriptive narrative in television broadcasts; amending s. 106.22, F.S.; eliminating certain duties of the Division of Elections with respect to reports to the Legislature and preliminary investigations; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute crimes involving voter registration, voting, or certain petition activities; amending s. 119.07, F.S.; clarifying requirements of the supervisor of elections with respect to notifying candidates of the inspection of ballots; amending s. 145.09, F.S.; requiring that the Department of State adopt rules establishing certification requirements for supervisors of elections; repealing ss. 98.095, 98.0979, 98.181, 98.481, 101.253, 101.635, 102.061, 106.085, and 106.144, F.S., relating to inspections of county registers and the voter database, indexes and records, challenges to elections, the printing and distribution of ballots, duties of the election board, expenditures, and endorsements or opposition by certain groups; providing for severability; providing effective dates.

By the Committee on Banking and Insurance; and Senator Baker—

CS for SB 2184—A bill to be entitled An act relating to insurer insolvency; amending s. 631.181, F.S.; providing an exception to certain requirements for a signed statement for certain claims against an insolvent insurer; providing requirements; creating s. 631.1915, F.S.; providing requirements for policyholder collateral, deductible reimbursements, and other policyholder obligations; specifying that certain collateral held by an insurer or a receiver to secure policyholder obligations under a deductible agreement are not an estate asset; requiring use of such collateral to secure policyholder obligations under such agreement; requiring a receiver to use such collateral to pay noncovered claims under certain circumstances; providing for certain claims to be claims against an insurer's estate under certain circumstances; requiring a receiver to allocate collateral among certain obligations and administer such collateral; authorizing a receiver to continue and enforce certain alternative policyholder claim funding contractual agreements; specifying certain actions as a bar to certain claims and an extinguishment of certain obligations; requiring a guaranty association to bill a policyholder for certain reimbursement amounts for certain claims; specifying policyholder obligation for certain amounts; prohibiting certain defenses; requiring a receiver to use certain collateral for certain purposes; requiring a receiver to prorate certain funds of an estate under certain circumstances; authorizing a guaranty association to deduct certain expenses; requiring a guaranty association to provide a complete accounting of certain billing and collection activities; authorizing a guaranty association to contract for certain collections; providing for claims against an insolvent insurer's estate for certain unreimbursed claims payments; requiring a receiver to annually adjust collateral held pursuant to a deductible agreement; specifying jurisdiction of a state court to resolve disputes; preserving rights of a guaranty association to reimbursement for certain claims; providing application to certain orders of liquidation; providing definitions; providing for nonapplication to certain claims; amending s. 631.54, F.S.; redefining the term "covered claim"; amending s. 631.57, F.S.; providing requirements and limitations for the Florida Insurance Guaranty Association, Inc., relating to assessments for covered claims payable from revenue bonds issued by counties or municipalities; authorizing the association to contract with counties and municipalities to issue revenue bonds for certain purposes; providing requirements for use of bond proceeds; creating s. 631.695, F.S.; providing legislative findings and purposes; providing for issuance of revenue bonds through counties and municipalities to fund assistance programs for paying covered claims for hurricane damage; providing procedures, requirements, and limitations for counties, municipalities, and the Florida Insurance Guaranty Association, Inc., relating to issuance and validation of such bonds; providing for payments on and retirement of such bonds from certain assessments; prohibiting pledging the funds, credit, property, and taxing power of the state, counties, and municipalities for payment of bonds; specifying authorized uses of bond proceeds; limiting the term of bonds; specifying a state covenant to protect bondholders from adverse actions relating to such bonds; specifying exemptions for bonds, notes, and other obligations of counties and municipalities from certain taxes or assessments on property and revenues; authorizing counties and municipalities to create a legal entity to exercise certain powers; prohibiting repeal of certain provisions relating to certain bonds under certain circumstances; providing severability; providing an effective date.

By the Committee on Banking and Insurance; and Senator Saunders—

CS for SB 2214—A bill to be entitled An act relating to discount medical plan organizations; amending s. 636.202, F.S.; revising a definition; amending s. 636.204, F.S.; revising provisions relating to licensure requirements to do business as a discount medical plan organization; creating s. 636.205, F.S.; providing for processing of an application for licensure of a discount medical plan organization by the Office of Insurance Regulation of the Financial Services Commission; amending s. 636.206, F.S.; providing that discount medical plan organizations are not subject to the Florida Insurance Code for purposes of examination and investigation; creating s. 636.207, F.S.; providing for applicability of pt. II of ch. 636, F.S.; amending s. 636.208, F.S.; revising provisions relating to reimbursement of certain charges and fees upon cancellation of membership in the plan; amending s. 636.210, F.S.; revising prohibitions relating to advertising; amending s. 636.212, F.S.; revising provisions relating to disclosures to prospective members; amending s. 636.214, F.S.; revising provisions relating to provider agreements; amending s. 636.216, F.S.; providing conditions for approval of charges and forms; deleting a provision relating to request for a hearing; amending s. 636.218, F.S.; revising requirements for information to be included in annual reports; creating s. 636.223, F.S.; providing for administrative penalties; amending s. 636.228, F.S.; specifying marketing requirements of discount medical plans; providing limitations; amending s. 636.230, F.S.; specifying fee disclosure requirements for bundling discount medical plans with other products; amending s. 636.236, F.S.; requiring discount medical plan organizations to maintain surety bonds; providing conditions for substituting deposited securities for surety bonds; amending s. 636.238, F.S.; revising penalties; repealing s. 636.242, F.S., relating to civil remedies; providing an effective date.

By the Committees on Government Efficiency Appropriations; Environmental Preservation; and Senator Atwater—

CS for CS for SB 2462—A bill to be entitled An act relating to water resource planning and reporting; amending s. 373.036, F.S.; authorizing submission of an annual strategic plan in lieu of other district water management plan information and providing requirements therefor; requiring water management districts to submit a consolidated annual report and providing requirements therefor; correcting a cross-reference; amending ss. 11.80, 163.3177, 193.625, 373.0397, 373.042, 373.145, 373.1961, 373.199, 373.207, 373.414, 373.4592, 373.45926, 373.4595, 373.470, and 373.536, F.S.; revising certain reporting requirements and cross-references to conform; directing the Department of Environmental Protection to recommend to the Governor and Legislature additional changes to or consolidation of planning and reporting requirements of ch. 373, F.S., relating to water resources; repealing s. 373.0395, F.S., relating to groundwater basin resource availability inventories; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senators Lynn and King—

CS for SB 2476—A bill to be entitled An act relating to a NASCAR Hall of Fame facility; amending s. 212.20, F.S.; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to a NASCAR Hall of Fame facility; creating s. 288.1170, F.S.; specifying the Office of Tourism, Trade, and Economic Development as the state entity for screening NASCAR Hall of Fame facility applicants; providing for certification of such facility by the office; providing requirements for certification and operation of the facility; providing for distribution of funds; authorizing certain uses of funds distributed to the facility; providing procedural requirements for the office; limiting distribution of funds by the Department of Revenue; providing for audits by the department; providing for periodic recertification by the office; providing requirements; providing certain advertising contribution requirements; providing for increasing such advertising contribution requirements under certain circumstances; amending ss. 320.08056 and 320.08058, F.S.; providing for a NASCAR license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a NASCAR license plate; providing for the distribution and use of fees; providing an effective date.

By the Committee on Education; and Senators Lynn, Haridopolos, Baker, Sebesta and Peaden—

CS for SB 2480—A bill to be entitled An act relating to education; amending s. 1001.03, F.S., relating to the powers of the State Board of Education; requiring the State Board of Education to periodically review the Sunshine State Standards; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office within the Department of Education; providing duties of the office; amending s. 1001.42, F.S., relating to powers and duties of a district school board; revising the requirements for school improvement plans; creating s. 1002.385, F.S.; creating the Reading Compact Scholarships Program; providing scholarships to attend a public or private school to students who have scored at Level 1 on the reading portion of the Florida Comprehensive Assessment Test for 3 consecutive years; providing an opportunity for screening to identify reading disabilities; providing scholarship eligibility requirements; specifying scholarship obligations for participating public and private schools and parents and students; providing for scholarship funding and payment; directing the Department of Education and the Commissioner of Education to administer the scholarship program; limiting the liability of the state; providing rulemaking authority; creating s. 1002.421, F.S.; prescribing requirements of private schools participating in state school choice scholarship programs; requiring compliance with requirements relating to notice, student enrollment and attendance verification, fiscal soundness, academic assessment, and criminal-background checks and to applicable state and local health, safety, and welfare laws, codes, and rules; providing grounds for ineligibility to participate in certain scholarship programs; providing rulemaking authority to the State Board of Education; creating s. 1002.423, F.S.; prescribing obligations of the Department of Education for education scholarship programs; requiring the department to identify certain assessments; requiring the department to select a private research organization to which private schools report student scores; providing reporting requirements; creating s. 1003.035, F.S.; providing for the contingent application of the section upon the adoption of an amendment to the State Constitution; prescribing district average class size limitations for grades prekindergarten through 3, grades 4 through 8, and grades 9 through 12; requiring the Department of Education to annually calculate class size measures based on a specified student-membership survey; amending s. 1003.05, F.S., relating to military families; limiting certain enrollment opportunities; creating s. 1003.413, F.S.; requiring school districts to adopt certain reading policies in high schools; requiring that certain high schools offer specific support services for students scoring at Level 1 on the FCAT reading test; creating a high school task force; providing membership; providing reporting requirements; amending s. 1003.415, F.S., relating to the Middle School Grades Reform Act; revising legislative intent; deleting obsolete references; creating s. 1003.4155, F.S.; establishing a grading system for middle schools; creating s. 1003.4156, F.S.; establishing general requirements for promotion from middle school; requiring the successful completion of 12 academic credits in certain courses; requiring an intensive reading course under certain circumstances; defining a middle school academic credit for purposes of the section; requiring district school boards to adopt policies for alternatives to obtain credits; amending s. 1003.42, F.S., relating to required instruction; revising and increasing the requirements for studying U.S. history and free enterprise; providing rulemaking authority to the State Board of Education; repealing s. 1003.429, F.S., relating to options for accelerated high school graduation; providing for application; amending ss. 1003.431, 1007.261, 1008.22, and 1009.531, F.S., relating to career education certification, state university admissions, a student assessment program for public schools, and the Florida Bright Futures Scholarship Program; conforming provisions to the repeal of s. 1003.429, F.S.; providing for application; amending s. 1003.52, F.S.; requiring the Department of Education to develop procedures for reporting performance and participation data of students in juvenile justice education programs; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; creating s. 1003.575, F.S.; requiring the Department of Education to devise an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; amending s. 1003.58, F.S.; conforming a cross-reference; amending s. 1004.04, F.S.; requiring the Council for Education Policy Research and Improvement to review and report on the effectiveness of the graduates of state-approved teacher preparation programs and alternative certification programs; creating s. 1004.64, F.S.; establishing the Florida Center for Reading Research; specifying duties of the center; amending s. 1008.22, F.S., relating to student assessment; expressing legislative intent; identifying grade levels for state assessment administration; eliminating obsolete references; requiring certain reports; amending s. 1008.25, F.S., relating to public school student progression; eliminating obsolete references; directing the Department of Education to establish a uniform format for reporting student progression information; requiring certain reports; amending s. 1008.31, F.S., relating to education accountability; expressing legislative intent relating to performance measures established by the Board of Governors with respect to the state universities; eliminating certain performance-based funding requirements; providing guiding principles for the accountability system; revising the goals of the accountability system; requiring certain reports; providing rulemaking authority to the State Board of Education; amending s. 1008.33, F.S., relating to the authority to enforce public school improvement; authorizing transfer of certain teachers to low-performing schools; amending s. 1008.34, F.S., relating to the school grading system; requiring that student test scores be calculated in the alternative school in which the student is enrolled and the school previously attended; providing exceptions; requiring the Department of Education to develop a school report card; creating s. 1008.341, F.S.; requiring the grading of alternative schools; providing definitions; requiring that the Commissioner of Education prepare an annual report; specifying the data to be used in determining school grades; requiring that a school report card be delivered to parents; requiring the State Board of Education to adopt rules; amending s. 1008.36, F.S., relating to the Florida School Recognition Program; providing that certain feeder schools are eligible to participate in the program; providing a definition; requiring certain feeder schools to be subject to the Opportunity Scholarship Program, as defined in s. 1002.38, F.S.; providing for the disposition of school recognition funds; defining eligibility for the receipt of school recognition funds; amending s. 1011.62, F.S., relating to funds for the operation of schools; creating a research-based reading-instruction allocation for students in kindergarten through grade 12; providing for the use of the funds; providing for fund disbursement; creating s. 1011.6855, F.S.; providing for the contingent application of the section upon the adoption of an amendment to the State Constitution; establishing an operating categorical fund; providing a minimum instructional personnel salary; requiring the use of certain funds for class size reduction; amending s. 1012.21, F.S., relating to the duties of the Department of Education; requiring the department to annually post school district collective bargaining agreements on-line; amending s. 1012.22, F.S., relating to public school personnel; requiring school boards to adopt differentiated-pay policies for school administrators and instructional personnel; specifying factors to be included in differentiated-pay policies; providing for the withholding of funds for failure to comply; creating s. 1012.2305, F.S.; expressing legislative intent regarding minimum instructional personnel pay; providing for contingent application of the section upon the adoption of an amendment to the State Constitution; establishing minimum pay for certain instructional personnel; creating

s. 1012.2315, F.S.; establishing legislative findings; expressing legislative intent; providing criteria for the assignment of teachers to certain schools; authorizing certain salary incentives; limiting certain collective bargaining provisions relating to assignment of teachers at certain schools; amending s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; requiring that the Department of Education administer the Dale Hickam Excellent Teaching Program Trust Fund; requiring the Council for Education Policy Research and Improvement to evaluate the benefits and effectiveness of the program; creating s. 1012.986, F.S.; establishing a statewide system for the professional development of school leaders; providing a short title; providing program purposes and legislative intent; requiring the Department of Education to annually determine criteria for school leadership designations based on certain factors; requiring certain program components; providing for a program delivery system; providing rulemaking authority to the State Board of Education; repealing s. 1012.987, F.S., relating to education leadership development; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching Salary career ladder program; repealing s. 1003.03, F.S., relating to statutory class size maximums, contingent upon the adoption of an amendment to the State Constitution; repealing s. 1011.685, F.S., relating to the class size reduction categorical fund, contingent upon the adoption of an amendment to the State Constitution; providing for severability; providing effective dates.

By the Committee on Commerce and Consumer Services; and Senators Lynn and Clary—

CS for SB 2484—A bill to be entitled An act relating to qualified job training organizations; creating s. 288.1171, F.S.; defining the term "qualified job-training organization"; providing for the Office of Tourism, Trade, and Economic Development to certify qualified job-training organizations; providing for the distribution of certain funds to a certified organization; specifying uses of the funds; authorizing the Auditor General to audit such organizations for certain purposes; providing for revocation of certification under certain circumstances; providing for appropriations to be distributed through the Office of Tourism, Trade, and Economic Development; providing an effective date.

By the Committee on Banking and Insurance; and Senator Lynn—

CS for SB 2486—A bill to be entitled An act relating to community mental health or substance abuse providers; amending s. 624.462, F.S.; authorizing community mental health or substance abuse providers to form a commercial self-insurance fund; providing an effective date.

By the Committee on Banking and Insurance; and Senator Clary—

CS for SB 2494—A bill to be entitled An act relating to the disposition of unclaimed property; amending s. 717.106, F.S., relating to funds in financial organizations; providing for documented telephone contact in certain cases; amending s. 717.1101, F.S.; revising the time in which stock, equity interest, and certain debt of a business association is presumed unclaimed; revising the time period in which such property ceases to be unclaimed; providing the time period in which certain other equity of a business association is presumed unclaimed; amending s. 717.117, F.S., relating to reports of unclaimed property; amending time and notice requirements; amending s. 717.118, F.S., relating to notification of apparent owners; providing threshold value for notifications; amending s. 717.119, F.S., relating to payment or delivery of unclaimed property; providing for disposition of funds; amending s. 717.122, F.S., relating to public sale of unclaimed property; providing for disposition; amending s. 717.124, F.S., relating to unclaimed property claims; providing for identification; amending s. 717.12404, F.S., relating to claims on behalf of a business entity or trust; providing for reference to corporate records on the Internet; creating s. 717.12405, F.S.; providing definitions; amending s. 717.1241, F.S., relating to conflicting claims; amending s. 717.1242, F.S., relating to jurisdiction of probate court and department; amending s. 717.1243, F.S., relating to small-estate accounts; providing for live testimony; creating s. 717.1245, F.S.; providing for costs and fees in cases seeking garnishment of certain unclaimed property; repealing s. 717.1311(3), F.S., which provides for reporting requirements and payments in cases where records are not maintained; amending s. 717.1315, F.S., relating to records retention; amending s. 717.132, F.S., relating to enforcement; amending s. 717.1322, F.S., relating to administrative and civil enforcement; providing for registration; providing times for revocation and suspension of registration; creating s. 717.1323, F.S.; prohibiting entry of false information; amending s. 717.1331, F.S., relating to actions against holders; providing for enforcement of subpoena; amending s. 717.1333, F.S., relating to evidence and reports; providing for estimation of amount due in certain cases; amending s. 717.135, F.S., relating to powers of attorney and agreements; specifying certain disclosure requirements and forms; amending s. 717.1351, F.S., relating to purchase agreements; specifying form; creating s. 717.1381, F.S.; declaring state policy to protect interests of owners of unclaimed property; providing that certain powers of attorney and purchase agreements are void; providing for retroactive application; amending s. 717.1400, F.S., relating to registration; providing for maintenance of licensing and other requirements as a condition of registration; providing an effective date.

By the Committee on Banking and Insurance; and Senator Campbell—

CS for SB 2498—A bill to be entitled An act relating to warranty associations; amending s. 634.271, F.S.; providing an exemption from penalty provisions for certain service warranties; providing actual damages and costs for violations for which such statutory penalties do not apply; providing retroactive applicability; amending s. 634.401, F.S.; redefining the term "service warranty"; providing an effective date.

By the Committee on Children and Families; and Senator Lynn—

CS for SB 2612—A bill to be entitled An act relating to behavioral health service delivery; amending s. 394.9082, F.S.; authorizing the Department of Children and Family Services to expand its pilot program to establish a single managing entity for districts 2, 3, 4, 12, and 13, to deliver substance abuse services to recipients of child protective services in the five districts; requiring the department to initiate implementation of the substance abuse delivery component of this program without delay in the expansion districts and furnish status reports to the appropriate substantive committees of the Senate and the House of Representatives by specified dates; requiring the department to monitor and evaluate the expansion project; providing an effective date.

By the Committee on Domestic Security; and Senator Clary—

CS for SB 2616—A bill to be entitled An act relating to emergency management; amending s. 252.355, F.S.; requiring the Department of Community Affairs to be the designated lead agency responsible for community education and outreach to the general public regarding registration as a person with special needs, for special needs shelters, and for general information regarding shelter stays; requiring the department to disseminate educational and outreach information through local emergency management offices; requiring the department to coordinate with other organizations; requiring information about special needs registration to be given to the Department of Health; amending s. 381.0303, F.S.; removing a condition of specified funding as a prerequisite to the assumption of lead responsibility by the Department of Health for specified coordination with respect to the development of a plan for the staffing and medical management of special needs shelters; requiring the local Children's Medical Services offices to assume lead responsibility for specified coordination with respect to the development of a plan for the staffing and medical management of pediatric special needs shelters; requiring such plans to be in conformance with the local comprehensive emergency management plan; requiring county governments to assist in the process of coordinating the recruitment of health care practitioners to staff local special needs shelters; requiring the appropriate county health department, Children's Medical Services, and local emergency management agency to jointly determine the responsibility for medical supervision in a special needs shelter; requiring the Department of Elderly Affairs to be the lead agency responsible for ensuring the placement of special needs for elderly and Alzheimer's adult special needs residents rendered homeless due to a disaster event and for appropriate discharge planning; requiring the Agency for Persons with Disabilities to be the lead agency responsible for ensuring the placement of developmentally disabled special needs residents rendered homeless by a disas-

ter event; requiring the Department of Children and Family Services to be the lead agency responsible for ensuring the placement of children within the welfare system and individuals receiving mental health services from the department; requiring the appropriate agency to provide necessary discharge planning for their respective clients; providing that state employees having a preestablished role in disaster response may be called upon to serve in times of disaster in specified capacities; requiring hospitals and nursing homes that are used to shelter special needs persons during and after an evacuation to submit invoices for reimbursement from the state for expenses incurred for medical care provided at the request of the Department of Health in special needs shelters or at other locations during times of emergency or major disaster; revising the role of the special needs shelter interagency committee with respect to the planning and operation of special needs shelters; providing required functions of the committee; requiring the Department of Health to establish a statewide database to capture and disseminate special needs registration information; revising the composition of the special needs shelter interagency committee; providing for the inclusion of specified rules with respect to health practitioner recruitment for special needs shelters; providing requirements with respect to emergency management plans submitted by home health agencies, nurse registries, and hospice programs to county health departments for review; removing a condition of specified funding as a prerequisite to the submission of such plans; amending s. 252.385, F.S.; requiring the Department of Community Affairs to include special needs shelters in their biennial plan; requiring inspection of public hurricane evacuation shelter facilities by local emergency management agencies before activation of such facilities; amending s. 400.492, F.S.; providing that a home health agency, a hospice, and a durable medical equipment provider are not required to continue to provide care to patients in emergency situations that are beyond their control and that make it impossible to provide services; authorizing home health agencies, nurse registries, hospices, and durable medical equipment providers to establish links to local emergency operations centers to determine a mechanism to approach areas within a disaster area in order for the agency to reach its clients; providing that the presentation of home care clients to the special needs shelter without the home health agency making a good-faith effort to provide services in the shelter setting constitutes abandonment of the client; requiring regulatory review in such cases; amending s. 408.831, F.S.; authorizing entities regulated or licensed by the Agency for Health Care Administration to exceed their licensed capacity to act as a receiving facility under specified circumstances; providing requirements while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; providing fees; creating s. 252.357, F.S.; requiring the Agency for Health Care Administration to contact nursing homes and provide emergency contact numbers; providing an effective date.

By the Committee on Children and Families; and Senators Crist and Lynn—

CS for SB 2630—A bill to be entitled An act relating to caregivers for adults; authorizing the Department of Elderly Affairs to create a pilot program to train economically disadvantaged workers who are a specified age or older to act as companions and provide certain services to frail and vulnerable adults in the community; specifying additional purposes of the pilot program; requiring an evaluation and report to the Legislature; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Saunders—

CS for SB 2642—A bill to be entitled An act relating to facilities for professional sports franchises; amending s. 212.20, F.S.; increasing a monthly distribution of funds to applicants certified as facilities for certain professional sports franchises; amending s. 288.1162, F.S.; conforming certification requirements to changes in distribution of funds to applicants certified as facilities for certain professional sports franchises; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 1483, HB 1673; has passed as amended HB 27, HB 93, HB 319, HB 523, HB 579, HB 643, HB 1885, HB 1887; has passed as amended by the required constitutional two-thirds vote of the members voting HB 729; has passed as amended by the required constitutional two-thirds vote of the membership HB 235 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Economic Development, Trade and Banking; and Representative Bilirakis and others—

HB 1483—A bill to be entitled An act relating to tax refund programs for qualified defense contractors and target industry businesses; amending s. 288.095, F.S.; specifying an order of payment of claims for certain tax refunds; providing duties of the Office of Tourism, Trade, and Economic Development in paying certain tax refunds from appropriations; deleting a provision for the office to determine proportions of certain refunds under circumstances of insufficient appropriations; revising certain reporting requirements for Enterprise Florida, Inc.; amending s. 288.1045, F.S.; revising the definition of the term "jobs"; including state communications services taxes under qualified defense contractor tax refund program provisions; specifying nonapplication to certain taxes; providing for retroactive effect; authorizing the office to make supplemental tax refund payments for certain purposes; revising certification application requirements; permitting a qualified applicant to seek an economic-stimulus exemption due to the effects of the impact of a named hurricane or tropical storm; extending the period of the exemption; changing the exemption application deadline; clarifying the cap on tax refunds; providing for a waiver of the local financial support requirement in certain circumstances and for a limited time; revising the program expiration date; amending s. 288.106, F.S.; including state communications services taxes under qualified target industry business tax refund program provisions; specifying nonapplication to certain taxes; providing for retroactive effect; authorizing the office to make supplemental tax refund payments for certain purposes; revising application requirements; permitting a business to seek an economic-stimulus exemption due to the effects of the impact of a named hurricane or tropical storm; extending the period of the exemption; changing the exemption application deadline; providing for a waiver of the local financial support requirement in certain circumstances and for a limited time; revising the program expiration date; requiring the office to attempt to amend certain existing tax refund agreements; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Representative Kottkamp and others—

HB 1673—A bill to be entitled An act relating to the second primary election; repealing s. 100.091, F.S.; eliminating the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending s. 97.021, F.S., relating to the definition of "primary election," to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending ss. 99.061 and 99.095, F.S., relating to qualifying for nomination or election to office, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 101.62, 102.014, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, and 106.29, F.S., F.S.; revising references, to

conform to the elimination of the second primary election; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Judiciary.

By Representative Meadows and others—

HB 27—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment used to increase productive output; deleting an exemption for machinery and equipment used to expand certain printing manufacturing facilities or plant units; deleting a limitation on application of the exemption for machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations by way of a prospective credit; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment purchased under a federal procurement contract; repealing s. 212.0805, F.S., relating to qualifications for the exemption and credit for machinery and equipment purchased by an expanding business for use in phosphate or other solid minerals severance, mining, or processing operations; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Ways and Means.

By Representative Bilirakis and others—

HB 93—A bill to be entitled An act relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; revising definition of the term "students with disabilities"; revising student eligibility requirements for receipt of a scholarship; revising provisions relating to scholarship funding and payment; providing funding and payment requirements for former Florida School for the Deaf and the Blind students and for students exiting a Department of Juvenile Justice program; providing an effective date.

—was referred to the Committees on Education; Government Efficiency Appropriations; Education Appropriations; and Rules and Calendar.

By Representative Ryan and others—

HB 319—A bill to be entitled An act relating to the Freedom to Worship Safely Act; providing a popular name; creating s. 775.0861, F.S.; providing definitions; providing for the upgrading of the degree of an offense that involves the use or threat of physical force or violence if the offense is committed on the property of a religious institution while the victim is on the property for the purpose of participating in or attending a religious service; providing for severity ranking of offenses; amending s. 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing applicability; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Representative Flores and others—

HB 523—A bill to be entitled An act relating to evidence; repealing s. 90.602, F.S., relating to testimony of interested persons regarding oral communication with a deceased or mentally incompetent person; amending s. 90.804, F.S.; providing a hearsay exception in specified actions or proceedings for a statement made by a declarant who is unavailable due to death, illness, or infirmity regarding the same subject matter as a statement made by the declarant that was previously offered by an adverse party and admitted; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Proctor and others—

HB 579—A bill to be entitled An act relating to acceleration mechanisms; amending s. 1002.20, F.S.; adding programs to list of public school choice options; amending s. 1002.23, F.S.; adding programs to list of rigorous academic programs included in parent guide; amending s. 1007.22, F.S.; adding Advanced International Certificate of Education programs to acceleration mechanisms requiring postsecondary institution collaboration; amending s. 1007.261, F.S.; revising list of courses designated as advanced level fine arts courses; amending s. 1007.27, F.S.; providing an exemption from examination fees for students enrolled in the International General Certificate of Secondary Education Program; amending s. 1007.271, F.S.; specifying that dual enrollment courses are creditable toward high school completion; revising instructional time requirements and providing for FTE calculation; conforming to law minimum academic credits required for graduation; clarifying requirements for participation of independent postsecondary institutions in a dual enrollment program; providing for fee exemption; amending s. 1009.531, F.S.; providing additional course weights for Florida Bright Futures Scholarship Program eligibility determination; amending s. 1009.534, F.S.; revising Florida Academic Scholars award eligibility requirements to include students completing or receiving an Advanced International Certificate of Education curriculum or diploma; amending s. 1009.535, F.S.; revising Florida Medallion Scholars award eligibility requirements to include students completing an Advanced International Certificate of Education curriculum; amending s. 1011.62, F.S.; providing for FTE calculation for dual enrollment instruction; revising Advanced International Certificate of Education test score requirements necessary to generate funding to match current test scoring scale; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Representative Bowen and others—

HB 643—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for farm equipment; amending s. 212.02, F.S.; revising definitions; amending s. 212.08, F.S.; making total a partial exemption for certain farm equipment; amending s. 212.12, F.S.; correcting a cross reference to conform; providing an effective date.

—was referred to the Committees on Agriculture; Commerce and Consumer Services; Government Efficiency Appropriations; and Ways and Means.

By the Fiscal Council; and Representative Negron—

HB 1885—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries and other expenses, capital outlay buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was referred to the Committee on Ways and Means.

By the Fiscal Council; and Representative Negron—

HB 1887—A bill to be entitled An act implementing the 2005-2006 General Appropriations Act; providing legislative intent; amending s. 1013.62, F.S.; deleting a provision providing for the allocation of charter school capital outlay funds if the appropriation for such funds is greater than the 2002-2003 appropriation; creating s. 1004.065, F.S.; providing a limitation on university and direct-support organization financings; amending s. 394.908, F.S.; providing for substance abuse and mental health funding equity as provided in the General Appropriations Act; including funds appropriated for projects in specific locations in the base funding of such locations when calculating the distribution of funds under the equity formula; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a mental health treatment facility; amending s. 381.79, F.S.; providing for use of funds in the Brain and Spinal Cord Injury Program

Trust Fund for spinal cord injury and brain injury research at the University of Miami; amending s. 402.33, F.S.; suspending authority of the Department of Children and Family Services to use funds in excess of fee collections; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 932.7055, F.S.; allowing municipalities to reimburse their general funds from moneys they advanced to their own special law enforcement trust funds; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; providing for the transfer of a specified building to the Department of Corrections for additional prison beds; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 376.3071, F.S.; providing for use of funds from the Inland Protection Trust Fund to clean up certain petroleum contaminated sites and to purchase generators for emergency fuel supply; amending s. 373.4137, F.S.; providing for water management districts to use specified funds in certain surface water improvement and management or invasive plant control projects; amending s. 120.551, F.S.; continuing Internet publication of certain notices of the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund; creating the Florida Pork Producers Transition Grant Program within the Department of Agriculture and Consumer Services; entitling certain persons using farming methods described in the Florida Constitution on a certain date to apply for a grant; providing a cap on such grants and authorizing the department to adopt rules to implement the grant program; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting a provision relating to the disregard of income for purposes of determining eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for such bonuses; providing that such bonuses are not an entitlement; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 265.702, F.S.; providing a limit on the annual amount of individual cultural facilities grants; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due process appropriations; providing for expenditure of funds from the Working Capital Fund to offset deficiencies in due process services; reenacting s. 215.32(2)(b), F.S., relating to the source and use of trust funds; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2005-2006 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

—was referred to the Committee on Ways and Means.

By Representative Goodlette—

HB 729—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 440.3851, F.S.; exempting from public records and public meetings requirements certain records of the Florida Self-Insurers Guaranty Association, Incorporated, and certain meetings of the board of directors of the association or any subcommittee of the board; providing for release of such records under certain circumstances; providing requirements; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Porth and others—

HB 235—A bill to be entitled An act relating to juvenile proceedings; amending s. 985.228, F.S.; providing the time period by which a juvenile shall be brought for an adjudicatory hearing; repealing Florida Rule of Juvenile Procedure 8.090 to the extent it is inconsistent with the act; providing an effective date; providing a contingent effective date.

—was referred to the Committees on Judiciary; and Criminal Justice.

CO-INTRODUCERS

Senators Argenziano—CS for SB 444; Aronberg—CS for CS for SB 1216; Atwater—CS for SB 838; Campbell—SB 818, CS for SB 838; Carlton—CS for SB 838; Haridopolos—CS for CS for SB 1216; Jones—CS for SB 2278; Lynn—SB 312, SB 450, CS for CS for SB 1146, CS for SB 1354, CS for CS for SB 1476, CS for CS for SB 1494, CS for SB 1964, SB 2566; Miller—SR 1960; Rich—CS for SB 838; Saunders—CS for SB 838; Smith—SJR 130, SB 132, SB 818

Senator Bullard withdrew as a co-introducer of SB 1766.

SENATE PAGES

April 18-22, 2005

Alejandro "Alex" Aparicio, Ft. Lauderdale; Derrick D. Conyers, Jr., Tallahassee; Jesse Dreaden, Crestview; Holly Dunn, Ponce de Leon; Samantha Gibson, Tallahassee; Brittany Nicole Hadley, Tallahassee; Andrew Hart, New Smyrna Beach; Martha Hodgson, Sarasota; Joshua S. Jahnke, Boys Ranch; Ashley Lanpher, Winter Haven; John "Basil" Noriega, Lithia; Mary Ashley Olsen, Oviedo; Jordan Paredes, Tallahassee; Nick Pastor, Palmetto; Ashleigh Plunkett, Tarpon Springs; Terrell K. Roman, Boys Ranch; Robert "Matt" Sadberry, Tallahassee; Jeremy Selvig, Boys Ranch; Darya "Dasha" Vakulenko, Altamonte Springs

Journal of the Senate

Number 17—Regular Session **Wednesday, April 20, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 1:30 p.m. A quorum present—39:

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Excused: Senator Garcia

PRAYER

The following prayer was offered by Sue Semrau, Coach of the Florida State University Women's Basketball Team, Tallahassee:

Heavenly Father, we just thank you for who you are. We thank you for this assembly. We thank you for humor and, God, we just thank you that you govern us all, and that you lead and guide us.

Lord, I just pray for an inner strength for each Senator in here, Father, that they would be really blessed, not only with wisdom and power, but a strength, physically, mentally and emotionally. Lord, I just thank you for that.

I pray a special blessing on Senator Campbell, with that crazy gator over there that he has, and I just pray that you would really speak to his heart today. We ask all this in your name. Amen.

PLEDGE

Senate Pages Darya "Dasha" Vakulenko of Altamonte Springs; Holly Dunn of Ponce de Leon; Joshua S. Jahnke and Terrell K. Roman of Boys Ranch, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Robert E. Pickard, sponsored by Senator Diaz de la Portilla, as doctor of the day. Dr. Pickard specializes in Otolaryngology.

ADOPTION OF RESOLUTIONS

At the request of Senator Saunders—

By Senator Saunders—

SR 254—A resolution recognizing and commending the Oak Gators Flag Football Team for winning the Let It Fly Flag Football 15 and Under National Championship.

WHEREAS, the 2004 Oak Gators Flag Football Team is made up of young men who are members of the Boys and Girls Club of Lee County, Florida, and

WHEREAS, the players are: Jamal Rogers, quarterback/defensive back; James Gant, center/defensive back; Jamal Temple, running back/rusher; Ervin Kent, wide receiver/defensive back; Darrius Preston, wide receiver/rusher; and Quinton Pointer, wide receiver/defensive back; and the coaches are: Head Coach LeDondrick Rowe and Assistant Coach Torrance McCray, and

WHEREAS, in the 2004 flag football season the team achieved an overall win-loss record of 33-0 in the Let It Fly Flag Football competition, culminated by winning the Let It Fly Flag Football 15 and Under National Championship Tournament in Lakeland, Florida, and

WHEREAS, the team's accomplishment in winning the 2004 Let It Fly Flag Football 15 and Under National Championship brings distinctive honor to the State of Florida and its citizens, especially those who reside in Lee County, Florida, and who are members and supporters of the Boys and Girls Club of Lee County, by exemplifying the competitive excellence a group of young men can attain through combining their talents and disciplining themselves to work together toward achieving success in playing the game of football, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the 2004 Oak Gators Flag Football Team is recognized and commended for its outstanding accomplishment in winning the 2004 Let it Fly Flag Football 15 and Under National Championship.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the 2004 Oak Gators Flag Football Team as a token of the sentiments of the Florida Senate.

—**SR 254** was introduced, read and adopted by publication.

At the request of Senator Saunders—

By Senator Saunders—

SR 260—A resolution recognizing and commending Janiqua Johnson for winning the 2004 Fitness Authority National Championship in the Girls 14-15 Division.

WHEREAS, Janiqua Johnson, a Cape Coral High School student athlete, won the 2004 Fitness Authority National Championship in the Girls 14-15 Division at Miami, Florida, and

WHEREAS, Janiqua Johnson has the distinction of also having achieved first place in the 2003 Fitness Authority National Championship in the Girls 14-15 Division, and

WHEREAS, Janiqua diligently worked out at least 4 days each week at the Shady Oaks Community Center in Fort Myers under the direction of Coach LeDondrick Rowe and, after winning the 2004 Fitness Authority State and Regional Championships in the Girls 14-15 Division, was one of 94 athletes to compete in the 2004 Fitness Authority National Championships, and

WHEREAS, for her record-setting performances, Janiqua will receive a $1,000 scholarship and an all-expense-paid trip to Washington D.C. to meet the President of the United States at the White House, and

WHEREAS, Janiqua's outstanding achievement demonstrates the value of promoting physical education among school-age children in this state and brings honor to the residents of Fort Myers, Lee County, and the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Janiqua Johnson is recognized and commended for her record-breaking performances in winning the 2004 Fitness Authority State, Regional, and National Championships in the Girls 14-15 Division.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Janiqua Johnson as a tangible token of the sentiments of the Florida Senate.

—**SR 260** was introduced, read and adopted by publication.

At the request of Senator Saunders—

By Senator Saunders—

SR 262—A resolution recognizing and commending Josh Raven for winning the 2004 Fitness Authority National Championship in the Boys 16-18 Division.

WHEREAS, Josh Raven, a Senior at Mariner High School, won the 2004 Fitness Authority National Championship in the Boys 16-18 Division at Miami, Florida, and

WHEREAS, Josh diligently worked out at least 4 days each week at the Shady Oaks Community Center in Fort Myers under the direction of Coach LeDondrick Rowe and, after winning the 2004 Fitness Authority State and Regional Championships in the Boys 16-18 Division, was one of 94 athletes to compete in the 2004 Fitness Authority National Championships, and

WHEREAS, for his outstanding performances, Josh will receive a $1,000 scholarship and an all-expense-paid trip to Washington D.C. to meet the President of the United States at the White House, and

WHEREAS, Josh's outstanding achievement demonstrates the value of promoting physical education among school-age children in this state and brings honor to the residents of Fort Myers, Lee County, and the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Josh Raven is recognized and commended for his outstanding performances in winning the 2004 Fitness Authority State, Regional, and National Championships in the Boys 16-18 Division.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Josh Raven as a tangible token of the sentiments of the Florida Senate.

—**SR 262** was introduced, read and adopted by publication.

At the request of Senator Saunders—

By Senator Saunders—

SR 264—A resolution recognizing and commending Darrius Preston for winning the 2004 Fitness Authority National Championship in the Boys 12-13 Division.

WHEREAS, Darrius Preston won the 2004 Fitness Authority National Championship in the Boys 12-13 Division at Miami, Florida, and

WHEREAS, Darrius diligently worked out at least 4 days each week at the Shady Oaks Community Center in Fort Myers under the direction of Coach LeDondrick Rowe and, after winning the 2004 Fitness Authority State and Regional Championships in the Boys 12-13 Division, was one of 94 athletes to compete in the 2004 Fitness Authority National Championships, and

WHEREAS, for his outstanding performances, Darrius will receive a $1,000 scholarship and an all-expense-paid trip to Washington D.C. to meet the President of the United States at the White House, and

WHEREAS, Darrius' outstanding achievement demonstrates the value of promoting physical education among school-age children in this state and brings honor to the residents of Fort Myers, Lee County, and the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Darrius Preston is recognized and commended for his outstanding performances in winning the 2004 Fitness Authority State, Regional, and National Championships in the Boys 12-13 Division.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Darrius Preston as a tangible token of the sentiments of the Florida Senate.

—**SR 264** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

SR 296—A resolution recognizing April 20, 2005, as "STOP Day" in the State of Florida.

WHEREAS, violence in America's schools threatens the core of the educational process and deprives students and teachers of opportunities to learn and teach without the fear of harm, and

WHEREAS, "STOP Day" is intended to raise awareness of the growing epidemic of violence in America's schools and to motivate those who foment violence to opt for peaceful resolution of their grievances and a path of self-improvement and healing, and

WHEREAS, students are urged to recite the "STOP Day" pledge, which states: "I pledge to be nonviolent and to respect my fellow classmates. I will report crime or acts of violence to appropriate officials or call Crime Stoppers to report incidents anonymously. I will not let the actions of a few make my school dangerous or unsafe. I want a safe learning environment and will work with my fellow students to make it so," and

WHEREAS, "STOP Day" participants are urged to show their support by developing anti-violence community service projects, inviting legal professionals to speak to student groups, conducting open-ended skits that allow student observers to predict outcomes of conflict based upon real life choices, developing a process that encourages the reporting of school crime or violence, and conducting mock trials, and

WHEREAS, "STOP Day" will give every student in Florida an opportunity to evaluate this critical issue and assess his or her role in preventing crime or violence in our schools, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate is aware of the importance of stopping violence in schools and recognizes April 20, 2005, as "STOP Day" in the State of Florida.

—**SR 296** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

SR 1078—A resolution recognizing the PONY Baseball All-Stars and the Palma Ceia/Bayshore Junior League All-Stars on their championship victories in world competition in August 2004.

WHEREAS, on August 10, 2004, the PONY Baseball All-Stars defeated Puerto Rico with a score of 11-2 to win the Colt World Series in Lafayette, Indiana, and

WHEREAS, this victory was the All-Stars' second straight Colt World Series championship and was marked by a 10-game winning streak in the Series, and

WHEREAS, 11 days later, on August 21, the Palma Ceia/Bayshore Junior League team won the Junior League World Series championship, defeating Venezuela by a score of 5-2 in Taylor, Michigan, and

WHEREAS, the Palma Ceia/Bayshore team broke the Series record for home runs and they were the third Florida team in history to win the Junior League World Series, and

WHEREAS, the talent and determination of these two teams are a credit to their coaches and bring great honor to the Tampa Bay area and the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the PONY Baseball All-Stars and the Palma Ceia/Bayshore Junior League All-Stars are congratulated and commended on their hard work and great success in world competition, creating inspiring examples for the youth of our state and bringing credit to the Tampa Bay area and the State of Florida.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be presented to the PONY Baseball All-Stars and the Palma Ceia/Bayshore Junior League All-Stars as a tangible token of the sentiments of the Florida Senate.

—**SR 1078** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

SR 1080—A resolution recognizing the accomplishments of Middleton High School Football Coach Harry Hubbard.

WHEREAS, Harry Hubbard has coached the Middleton High School Football Team for 3 years and in that time has developed the team to become a winning force in Florida high school football, and

WHEREAS, before coming to Middleton, Coach Hubbard was Assistant Head Coach for 4 years at Plant City High School, and for 11 years at Jefferson High School, with earlier coaching-related experience in Texas, and

WHEREAS, Coach Hubbard's skills, dedication, and indomitable energy have earned him this year's Hillsborough County Coach of the Year award, and

WHEREAS, this award, the "Billy Turner Coach of the Year Award," is named for one of the most respected football coaches in Hillsborough County history and is based on a vote by peers, the media, and board members of the National Football Foundation, and

WHEREAS, Coach Hubbard was honored at this year's National Football Foundation and Hall of Fame luncheon after bringing his team to regional victory in only its second varsity season despite his own battle with prostate cancer, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate applauds the talent, dedication, and professionalism of Coach Harry Hubbard and congratulates him on his recognition by his peers, the sports media, and the Football Hall of Fame.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Coach Harry Hubbard as a token of the sentiments of the Florida Senate.

—**SR 1080** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senators Wilson, Hill, Lawson, Miller, Siplin, Dawson, Diaz de la Portilla, Villalobos, Bullard, Garcia and Rich—

SR 1156—A resolution recognizing the week of April 17-23, 2005, as "Minority Cancer Awareness Week" in the State of Florida.

WHEREAS, there has been recent progress in the fight against cancer, yet many Floridians still suffer unequal rates of cancer incidence and mortality, and medically underserved populations have inadequate access to quality cancer prevention, screening, treatment, and rehabilitation services, and

WHEREAS, certain populations of Floridians, such as African-Americans, Hispanics, Latinos, and the medically uninsured, experience higher rates of cancer incidence and death, and

WHEREAS, even when poverty levels are accounted for, African-Americans, American Indians, Asian Americans, and Pacific Islanders have lower 5-year-cancer-survival rates than whites who are not of Hispanic descent, and

WHEREAS, among all racial and ethnic groups, African-Americans are the largest minority group in the state and suffer the highest death rate from all cancers and the highest death rate from lung, bronchial, colorectal, female breast, prostate, and uterine cancers, and

WHEREAS, Hispanics and Latinos are the fastest-growing segment of the nation's population, and are expected to become the largest minority population in Florida, and

WHEREAS, almost 35 percent of the Hispanic and Latino population has no health care coverage and almost 31 percent have no access to regular medical care, making Hispanics and Latinos the most medically underserved population among all racial and ethnic groups, and

WHEREAS, 18.7 percent of adult Floridians have no health care coverage and frequently lack access to quality health care, including potentially lifesaving services to screen for, detect, and treat cancer, and

WHEREAS, minority cancer awareness initiatives, such as those promoted by the American Cancer Society and Florida's recognition of the nationally observed Minority Cancer Awareness Week, will encourage efforts to reduce ethnic, racial, and socioeconomic cancer disparities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the week of April 17-23, 2005, the third week of the month, as "Minority Cancer Awareness Week" in the State of Florida and urges all Floridians to work with cancer education providers, such as the American Cancer Society, to increase awareness of the disparities that minority populations face in the fight against cancer.

—**SR 1156** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

SR 1562—A resolution recognizing Phyllis Marshall for 34 years of dedicated support to students of the University of South Florida.

WHEREAS, Phyllis Marshall, born in Milton, West Virginia in 1926, was hired by the fledgling University of South Florida in 1960, "sight unseen," from a small girls school in Virginia and spent the next 34 years of her life working with USF students, and

WHEREAS, in 1960, when the first co-eds moved into the fourth floor of the University Center, USF's original makeshift dorms, Phyllis Marshall was there to welcome them and to ease their transition into university life, and

WHEREAS, through her work at the University Center and with student government, Phyllis Marshall devoted decades to fostering a well-rounded university experience for young men and women at USF, organizing intramural sports, social clubs, hospitality committees, bridge clubs, bowling leagues, campus tours, and dances, and producing the first USF yearbook, and

WHEREAS, upon her retirement and throughout her long and courageous battle with cancer, Phyllis Marshall remained a reliable resource at the university as a volunteer, supporting, guiding, and inspiring today's Generation X Bulls with the same enthusiasm she gave to the Baby Boomers, and

WHEREAS, the students returned her affection by successfully petitioning the Florida Legislature to rename the University Center as the "Phyllis Marshall Center," and

WHEREAS, Phyllis Marshall, who passed away in Tampa on February 5, 2005, will be missed by the many thousands of students whose lives she improved over the decades, whom she called "my clients, my loves," NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate pauses in its deliberations to pay its respects to the memory of a great lady who set an example of service and support that made success in university studies and in life possible for thousands of young people in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Phyllis Marshall Center at the University of South Florida as a tangible token of the sentiments of the Florida Senate.

—**SR 1562** was introduced, read and adopted by publication.

At the request of Senator Lynn—

By Senator Lynn—

SR 2694—A resolution recognizing April 20, 2005, as "Florida Institute of Certified Public Accountants Day" in Florida.

WHEREAS, on April 20, 1905, the Florida Society of Accountants, now the Florida Institute of Certified Public Accountants (FICPA), was formed in order to uphold the highest educational and ethical standards of the accounting profession while ensuring its continued growth and success, and

WHEREAS, from 1905, when legislative efforts of the society resulted in Governor Napoleon Bonaparte Broward's signing of Florida's first accountancy law, through 2004, when the FICPA supported legislation relating to licensure and a mandatory ethics course, the organization has worked to promote the highest standards of professionalism and to protect the needs of the general public, and

WHEREAS, in 1979, the FICPA successfully supported legislation that, in 1983, enabled Florida to become the first major state to implement the 150-hour education requirement for CPA candidates to further ensure that the public receives the services of educated, tested, and licensed professionals, and

WHEREAS, in 1992, the FICPA sought support from the Florida Legislature to create the Division of Certified Public Accounting, and

WHEREAS, the FICPA has gone to great lengths to assist in the establishment and, since 1992, the funding of an unlicensed activity public awareness campaign that has resulted in the equivalent of $11 million in airtime, through $1.65 million of CPA license fees, developed to protect the public from illegal activities, and

WHEREAS, the FICPA established an educational foundation in 1959 which has distributed more than $1.7 million in scholarships to accounting students and universities and has created a High School Coordinators program that has placed 660 volunteer certified public accountants in over 585 high schools in Florida to encourage students to consider a career in accounting, and

WHEREAS, in 1998, in order to assist minority students in completing their fifth year of college accounting education, the FICPA sought legislation that created the Minority Scholarship Program, funded solely by CPA license fees, that has awarded $408,000 to 79 students; and in that same year, in an effort to encourage rising minority students to explore career opportunities in business, finance, or accounting, the FICPA created a Minority Summer Residency Program to enable high school seniors to spend a week on a college campus, and

WHEREAS, in 1998, the FICPA worked cooperatively in a public-private partnership with the Florida Department of Revenue to create the Certified Audit Program, which, since 1999, has recovered over $6.9 million in underpaid taxes to the state, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate, in honor of the 100-year anniversary of the FICPA, recognizes April 20, 2005, as "Florida Institute of Certified Public Accountants Day" in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Lloyd "Buddy" Turman, Chief Executive Officer and Executive Director of the FICPA, as a tangible token of the sentiments of the Florida Senate.

—**SR 2694** was introduced, read and adopted by publication.

At the request of Senator Haridopolos—

By Senator Haridopolos—

SR 2742—A resolution commemorating the Pontian Greek Genocide of 1914 to 1922.

WHEREAS, from 1914 to 1922, the Ottoman Turks directed the genocide of 353,000 Greeks living in Pontus and forced an equal number to flee their homeland, and

WHEREAS, today we solemnly recognize and remember the victims of this devastating event in the hope that their memories can serve as the conscience of the world, and

WHEREAS, it is fitting to emphasize the importance for all civilized nations to remain vigilant against tyranny to ensure that such atrocities will never again be committed, and

WHEREAS, it is also fitting to pay tribute to the survivors and offer thanks to them and their descendants for the many enriching contributions they have made to our culture and our way of life in this state and this nation, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Pontian Greek Genocide of 1914 to 1922 is commemorated and the Pontian Greek people are commended for their significant contributions to civilization.

—**SR 2742** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 2752—A resolution recognizing the 50th Anniversary of the Incorporation of the Town of Redington Shores.

WHEREAS, the residents of the unincorporated area now known as the Town of Redington Shores united together to create a new municipality, and

WHEREAS, on August 30, 1955, the electors and freeholders of this community gathered together for an election by referendum vote, and

WHEREAS, the outcome of the referendum vote incorporated the Town of Redington Shores, and

WHEREAS, on August 30, 2005, the Town of Redington Shores is proud to celebrate its 50th Anniversary, and

WHEREAS, the Redington Shores Board of Commissioners invites the residents, tourists, and electors of the Town of Redington Shores to gather to express their gratitude and thanks to our forefathers for their foresight in establishing the Town of Redington Shores, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That August 30, 2005, is recognized as the 50th Anniversary of the Incorporation of the Town of Redington Shores.

—**SR 2752** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

SR 2766—A resolution recognizing April 20, 2005, as "University of South Florida Day."

WHEREAS, the University of South Florida is a multicampus system of higher education with campuses in Tampa, St. Petersburg, Sarasota, and Lakeland, serving over 42,500 students in 230 undergraduate and graduate degree programs, and

WHEREAS, the University of South Florida boasts approximately 190,000 alumni, with 90,000 Proud Bulls calling the Tampa Bay area "home," and

WHEREAS, USF plays a role in improving nearly every aspect of Florida's communities, from its College of Education, which trains more teachers than any other university, to its medical doctors, which serve more than 1,000 patients per day in 345 locations, and

WHEREAS, USF ranks fifth in the nation among the fastest-growing universities in terms of funding from the National Institutes of Health and conducts over $290 million annually in national-caliber research that tackles Florida's toughest issues, including research in robotics and biodefense, health care, aging, education, the environment, and many other areas, and

WHEREAS, USF is an engine for economic development in Tampa Bay and throughout the State of Florida, especially in bioscience and high-technology, with the USF Center for Entrepreneurship ranked number one in the nation last year for life-sciences entrepreneurship, and

WHEREAS, USF's Research Park and business partnership programs develop new technologies, spawn new business, provide direct assistance to existing companies, and educate a highly skilled workforce, and

WHEREAS, USF, the only Division I-A University serving more than 3.5 million people in the region, will join the Big East this Fall, bringing intercollegiate sports to a new level of excitement in Bulls Country, and

WHEREAS, USF is poised to move into the top 50 of public research universities within the next 5 years under the leadership of President Judy Genshaft, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate proudly recognizes Wednesday, April 20, 2005, as "University of South Florida Day" at the Capitol.

—**SR 2766** was introduced, read and adopted by publication.

At the request of Senator Atwater—

By Senator Atwater—

SR 2768—A resolution recognizing April 10, 2005, as "Professional Golfers' Association of America Day" in Florida.

WHEREAS, the Professional Golfers' Association of America (PGA) was founded in New York City on April 10, 1916, with 35 charter members and, today, is the world's largest working sports organization, comprising more than 28,000 male and female professionals who are dedicated to the growth of the game of golf, and

WHEREAS, the headquarters of PGA of America, commonly known as PGA National, has been located in Palm Beach County since March 17, 1965, and recently celebrated 40 years in Palm Beach County, and

WHEREAS, the PGA hosts one of the preeminent events of all sports, the Ryder Cup Matches, a tournament that, since its inception in 1927, has been held every 2 years almost without exception, and

WHEREAS, attracting large numbers of out-of-state visitors as well as countless residents, the more than 1,300 golf courses in Florida are major contributors to the economy and well-being of the state, generating substantial revenues, providing employment for thousands, raising property values, and protecting and enhancing the environment, and

WHEREAS, the golf industry in Florida makes enormous contributions to a wide range of community and charitable organizations, conducts junior golf camps for tens of thousands of youngsters, holds the Special Olympics National Golf Tournament and the National Minority College Golf Championship, and conducts community outreach programs that afford anyone who desires the opportunity to enjoy the game of golf, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That April 10, 2005, is recognized as "Professional Golfers' Association of America Day" in Florida, the PGA of America is commended for its promotion of the game of golf and the resultant positive impact on the state, and residents and visitors alike are urged to take an afternoon and enjoy a round of golf.

—**SR 2768** was introduced, read and adopted by publication.

INTRODUCTION OF FORMER SENATOR

Senator Margolis introduced former Senator Patsy Kurth who was present in the chamber.

BILLS ON THIRD READING

On motion by Senator Villalobos, by two-thirds vote **HB 105** was withdrawn from the Committees on Banking and Insurance; and Government Efficiency Appropriations.

On motion by Senator Villalobos, by two-thirds vote—

HB 105—A bill to be entitled An act relating to life insurance and annuity contracts; amending s. 624.402, F.S.; providing that a certificate of authority is not required of insurers domiciled outside the United States for certain life insurance policies or annuity contracts covering only persons who are not residents of the United States and are not nonresidents illegally residing in the United States; providing criteria, requirements, and limitations; requiring the insurer to disclose certain information; providing for the Office of Insurance Regulation to determine when the insurer is no longer eligible for the exemption; providing an exemption from certain taxes; requiring life insurance applications and policies and annuity contracts to provide certain disclosure statements; specifying application of certain provisions to single-premium life insurance policies and single-premium annuity contracts issued to certain nonresidents; providing an effective date.

—a companion measure, was substituted for **CS for SB 1508** and by two-thirds vote read the second time by title. On motion by Senator Villalobos, by two-thirds vote **HB 105** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlton	Haridopolos
Alexander	Clary	Hill
Argenziano	Constantine	Jones
Aronberg	Crist	King
Atwater	Dawson	Klein
Baker	Diaz de la Portilla	Lawson
Bennett	Dockery	Lynn
Bullard	Fasano	Margolis
Campbell	Geller	Miller

Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

Consideration of **HB 77** was deferred.

SPECIAL ORDER CALENDAR

On motion by Senator Baker, the Senate resumed consideration of—

HB 149—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing establishment of a waiver process; prohibiting certain waivers; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—which was previously considered April 14. Pending **Amendment 2 (762378)** by Senator Baker was withdrawn.

Senator Baker moved the following amendment:

Amendment 3 (364772)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 1006.15, Florida Statutes, is amended to read:

1006.15 Student standards for participation in ~~interscholastic~~ extracurricular student activities; regulation.—

(1) This section may be cited as the "Craig Dickinson Act."

(2) ~~Interscholastic~~ Extracurricular student activities are an important complement to the academic curriculum. Participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult. As used in this section, the term "extracurricular" means any school-authorized or education-related activity*, including, but not limited to, interscholastic activities,* occurring during or outside the regular instructional school day. *For purposes of this section, a student may not be precluded from receiving tutoring, performing community service, or attending school athletic, social, and academic functions. However, a student who is not eligible, pursuant to this section, to participate in extracurricular activities may not perform at school functions or travel with a school team, band, club, or other organization to any event where the group is to compete or perform. This section does not prohibit a student who is enrolled in a class designated by the student course code directory provided by the Department of Education from performing or traveling to compete or perform as part of the class curriculum.*

(3)(a) To be eligible to participate in ~~interscholastic~~ extracurricular student activities *in athletics*, a student must:

1. Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1).

2. Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student's parents, if the student's cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in the courses required by s. 1003.43(1) ~~or, for students who entered the 9th grade prior to the 1997-1998 school year, if the student's cumulative grade point average falls below 2.0 on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) that are taken after July 1, 1997~~. At a minimum, the contract must require that the student attend summer school, or its graded equivalent, between grades 9 and 10 or grades 10 and 11, as necessary.

3. Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) during his or her junior or senior year.

4. Maintain satisfactory conduct and, if a student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student's participation in ~~interscholastic~~ extracurricular activities is contingent upon established and published district school board policy.

(b) Any student who is exempt from attending a full school day based on rules adopted by the district school board for double session schools or programs, experimental schools, or schools operating under emergency conditions must maintain the grade point average required by this section and pass each class for which he or she is enrolled. *The establishment and approval of the waiver process pursuant to paragraph (e) shall apply to the requirements of this paragraph.*

(c) An individual home education student is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to district or interdistrict controlled open enrollment provisions, or may develop an agreement to participate at a private school, in the ~~interscholastic~~ extracurricular activities of that school, provided the following conditions are met:

1. The home education student must meet the requirements of the home education program pursuant to s. 1002.41.

2. During the period of participation at a school, the home education student must demonstrate educational progress as required in paragraph (b) in all subjects taken in the home education program by a method of evaluation agreed upon by the parent and the school principal which may include: review of the student's work by a certified teacher chosen by the parent; grades earned through correspondence; grades earned in courses taken at a community college, university, or trade school; standardized test scores above the 35th percentile; or any other method designated in s. 1002.41.

3. The home education student must meet the same residency requirements as other students in the school at which he or she participates.

4. The home education student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.

5. The student must register with the school his or her intent to participate in ~~interscholastic~~ extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A home education student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a home education program to a public school before or during the first grading period of the school year is academically eligible to participate in ~~interscholastic~~ extracurricular activities during the first grading period provided the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in ~~interscholastic~~ extracurricular activities is ineligible to participate in such activities as a home education student until the student has successfully completed one grading period in home education pursuant to subparagraph 2. to become eligible to participate as a home education student.

(d) An individual charter school student pursuant to s. 1002.33 is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend, pursuant to district or interdistrict controlled open-enrollment provisions, in any ~~interscholastic~~ extracurricular activity of that school, unless such activity is provided by the student's charter school, if the following conditions are met:

1. The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.

2. During the period of participation at a school, the charter school student must demonstrate educational progress as required in paragraph (b).

3. The charter school student must meet the same residency requirements as other students in the school at which he or she participates.

4. The charter school student must meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.

5. The charter school student must register with the school his or her intent to participate in ~~interscholastic~~ extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in ~~interscholastic~~ extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in ~~interscholastic~~ extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school pursuant to subparagraph 2. to become eligible to participate as a charter school student.

(e) In addition to any other requirements as provided by law with the exception of paragraph (a), to be eligible to participate in extracurricular student activities other than athletics, a student must comply with the following policies:

1. Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent in the courses required by s. 1003.43(1) if required by a district school board. District school boards are encouraged to require students who wish to participate in extracurricular activities other than athletics to maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1).

2. Maintain satisfactory conduct and, if a student is convicted of, or is found to have committed, a felony or a delinquent act that would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student's participation is contingent upon established and published district school board policy.

If a district school board elects not to require a student to maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, the board must do so at a district school board public meeting held under s. 1001.372. The board shall offer its reasons for the board's decision not to require the minimum grade point average at the same public meeting. In addition, the board shall report specific steps it is taking to improve the grade point averages of the students participating in extracurricular activities who would not meet the minimum grade point average if the policy were in force. At each board meeting held under s. 1001.372 immediately following each grading period, the board shall report the number of students participating in extracurricular activities other than athletics; the number of those students who would be below the minimum grade point average standard if the policy were in force; the number of those students below the minimum grade point average standard whose grade point average has improved, declined, or remained the same, along with the amount of change in grade point average per student; and the number of students who would meet the minimum grade point average standard if the policy were in force. The board shall report this data in a manner consistent with s. 1002.22. If a board reports more than half of the students participating in extracurricular activities other than athletics who are below the minimum grade point average standard did not improve their grade point averages, the board must immediately adopt at its next public meeting held under s. 1001.372, a minimum grade point average requirement of 2.0 on a 4.0 scale, or its equivalent, for all students participating in extracurricular activities. A board that opts to require the minimum grade point average of 2.0 on a 4.0 scale, or its equivalent, for students participating in extracurricular activities other than athletics is exempt from this meeting and reporting requirement. District school boards are encouraged to establish a process to waive the requirements of this paragraph based on extenuating circumstances of an individual student.

(4) The student standards for participation in ~~interscholastic~~ extracurricular activities must be applied beginning with the student's first semester of the 9th grade. Each student must meet such other requirements for participation as may be established by the district school board; however, a district school board may not establish requirements for participation in ~~interscholastic~~ extracurricular activities which make participation in such activities less accessible to home education students than to other students. Except as set forth in paragraph (3)(c), evaluation processes or requirements that are placed on home education student participants may not go beyond those that apply under s. 1002.41 to home education students generally.

(5) Any organization or entity that regulates or governs ~~interscholastic~~ extracurricular activities of public schools:

(a) Shall permit home education associations to join as member schools.

(b) Shall not discriminate against any eligible student based on an educational choice of public, private, or home education.

(6) Public schools are prohibited from membership in any organization or entity which regulates or governs ~~interscholastic~~ extracurricular activities and discriminates against eligible students in public, private, or home education.

(7) Any insurance provided by district school boards for participants in extracurricular activities shall cover the participating home education student. If there is an additional premium for such coverage, the participating home education student shall pay the premium.

Section 2. Subsection (11) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(11) PARTICIPATION IN ~~INTERSCHOLASTIC~~ EXTRACURRICULAR ACTIVITIES.—A charter school student is eligible to participate in an ~~interscholastic~~ extracurricular activity at the public school to which the student would be otherwise assigned to attend pursuant to s. 1006.15(3)(d).

Section 3. Subsection (4) of section 1002.41, Florida Statutes, is amended to read:

1002.41 Home education programs.—

(4) Home education students may participate in ~~interscholastic~~ extracurricular student activities in accordance with the provisions of s. 1006.15.

Section 4. *The Department of Education shall gather data regarding the number of students who have been precluded from participating in extracurricular activities due to the provisions of section 1006.15, Florida Statutes, as amended by this act, and the effect of those provisions on graduation rates and dropout rates. This data shall be reported annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 5. *By June 30, each district school board shall annually report to the Department of Education the number of waivers granted under section 1006.15, Florida Statutes, for the previous school year.*

Section 6. This act shall take effect January 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; requiring specific reporting requirements for

certain district school boards; authorizing district school boards to establish a waiver process; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; requiring district school boards to report waivers granted under s. 1006.15, F.S.; providing an effective date.

MOTION

On motion by Senator Dawson, the rules were waived to allow the following amendment to be considered:

Senator Dawson moved the following amendment to **Amendment 3** which failed:

Amendment 3A (694292)—On page 6, line 20 through page 7, line 9, delete those lines and insert:

(e) In addition to any other requirements as provided by law with the exception of paragraph (a), to be eligible to participate in extracurricular student activities other than athletics, a student must maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent in the courses required by s. 1003.43(1) if required by a district school board. District school boards are encouraged to require students who wish to participate in extracurricular activities other than athletics to maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1).

The question recurred on **Amendment 3** which was adopted.

Pursuant to Rule 4.19, **HB 149** as amended was placed on the calendar of Bills on Third Reading.

SENATOR FASANO PRESIDING

On motion by Senator Constantine—

CS for SB 1320—A bill to be entitled An act relating to the Lifeline and Link-up Assistance Program; amending s. 364.10, F.S.; transferring applicability from telecommunications companies serving as carriers of last resort to eligible telecommunications carriers; defining the term "eligible telecommunications carrier"; providing requirements for eligible telecommunications carriers; requiring the Public Service Commission to establish procedures for notification and termination of the Lifeline Assistance credit; providing criteria for connection, reconnection, and discontinuation of basic local telecommunications service for Lifeline Assistance subscribers; providing criteria for blocking access to long-distance service; adding the Department of Education and the Office of Public Counsel to those agencies that are directed to cooperate in developing procedures for promoting Lifeline participation; requiring the commission to adopt rules; requiring the commission to report to the Legislature; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1320** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 316** was deferred.

On motion by Senator Clary, by two-thirds vote **HB 841** was withdrawn from the Committees on Regulated Industries; Government Efficiency Appropriations; and Ways and Means.

On motion by Senator Clary, by two-thirds vote—

HB 841—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing for the deposit of a percentage of unclaimed prize money in the Educational Enhancement Trust Fund; authorizing use of such funds subject to appropriations; amending s. 24.121, F.S.; revising provisions relating to the allocation of revenues for public education; amending s. 1010.70, F.S.; conforming provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 482** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 841** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for SB 1600—A bill to be entitled An act relating to child care; transferring, renumbering, and amending s. 402.3017, F.S.; revising requirements for the Teacher Education and Compensation Helps scholarship program; amending s. 402.302, F.S.; redefining the term "screening"; authorizing the screening of child care volunteers; amending s. 402.3055, F.S.; requiring an applicant, owner, or operator of a child care facility to sign an affidavit attesting to the accuracy of certain information; authorizing the Department of Children and Family Services to apply certain requirements for personnel in child care facilities to personnel in family day care homes and large family child care homes; amending s. 402.308, F.S.; requiring family day care homes that are required to be licensed and large family child care homes to have a license that is renewed annually; authorizing the Department of Children and Family Services to apply the specified procedures for administering a license to family day care homes and large family child care homes; amending s. 402.309, F.S.; authorizing the local licensing agency or the Department of Children and Family Services to issue a provisional license or registration to a child care facility, family day care home, or large family child care home; providing that a provisional license or registration may not be issued unless child care personnel are screened according to law; requiring the department to adopt rules for issuing, suspending, and revoking provisional licenses and registrations; amending s. 402.310, F.S.; providing that an increased administrative fine may be imposed in addition to or in lieu of other disciplinary actions; authorizing the department or local licensing agencies to convert a license or registration to probation status for a violation of certain laws and rules; authorizing the department or local licensing agencies to apply disciplinary actions to registered family day care homes; directing the department to adopt rules establishing grounds for imposing disciplinary actions for violations of certain laws and rules; directing the department to adopt rules to create a uniform system of procedures to use for disciplinary actions; creating s. 402.3105, F.S.; requiring the department to establish a database of information concerning violations, citations, and penalties imposed against child care facilities, family day care homes, and large family child care homes licensed by or registered with the department and local licensing agencies; requiring the department to consult with the State Technology Office; specifying database capabilities and the uses of information contained therein; providing that implementation is not contingent upon an appropriation; amending s. 402.313, F.S.; removing conflicting provisions regarding an administrative fine; requiring the adoption of a rule establishing minimum standards for safety; repealing s. 402.3131(1)(a), F.S., relating to the authority of the department or local licensing agency to impose an administrative fine against a large family child care home; providing an effective date.

—was read the second time by title.

Senator Lynn moved the following amendment which was adopted:

Amendment 1 (175382)(with title amendment)—On page 16, between lines 27 and 28, insert:

Section 9. *The Office of Program Policy Analysis and Government Accountability shall conduct a study of the administrative and operational structure of the Child Care Services Program Office of the Department of Children and Family Services, including a review of all resources supporting the program. The Office of Program Policy Analysis and Government Accountability shall report its findings and make a recommendation regarding the appropriate state agency to administer child care regulation functions, to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 1, 2005.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 5, after the semicolon (;) insert: a large family child care home; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the Child Care Services Program Office of the Department of Children and Family Services and provide a report to the Legislature;

Pursuant to Rule 4.19, **CS for SB 1600** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

SB 1512—A bill to be entitled An act relating to drug abuse prevention and control; amending s. 893.13, F.S.; prohibiting the sale, manufacture, or delivery of controlled substances, or possession of controlled substances with intent to sell, manufacture, or deliver, within 1,000 feet of certain libraries; amending s. 921.0022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; reenacting ss. 397.451(4)(b), 435.07(2), 772.12(2)(a), 893.1351, 903.133, 921.187(1)(a), 938.25, and 948.034(1), F.S., relating to background checks of substance abuse service provider personnel, exemptions from disqualification for employment, the Drug Dealer Liability Act, lease or rent for the purpose of trafficking in a controlled substance, prohibition on bail on appeal for certain felony convictions, disposition and sentencing, the Operating Trust Fund of the Department of Law Enforcement, and terms and conditions of probation, respectively, to incorporate the amendment to s. 893.13, F.S., in references thereto; providing applicability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1512** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1216—A bill to be entitled An act relating to high-risk offenders; providing a short title; amending s. 775.21, F.S.; extending the period for a petition to remove a sexual predator designation; requiring the Department of Law Enforcement to develop procedures for twice yearly reporting by sexual predators; providing that it is a criminal offense to fail to report or to provide false information about a sexual predator or to harbor or hide a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to report or providing false information about a sexual predator and harboring or hiding a sexual predator; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S.; requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; requiring the department to develop procedures for twice yearly reporting of sexual offenders; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; requiring the Department of Law Enforcement to develop procedures for twice yearly reporting of sexual offenders; amending s. 947.1405, F.S.; requiring electronic monitoring for certain offenders placed on conditional release supervision; amending s. 948.012, F.S.; requiring the court to impose a split sentence in certain circumstances; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment system to monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances; requiring that information be provided to the court by the correctional probation officer; requiring the court to assist the department by creating and maintaining an automated system; requiring the department to have fingerprint reading equipment and capability by October 1, 2006; creating s. 948.062, F.S.; requiring the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; creating s. 948.063, F.S.; requiring the court to order electronic monitoring for designated sexual offenders and predators who violate probation or community control; amending s. 948.11, F.S.; requiring the department to develop and implement procedures to notify certain officials on the availability of electronic monitoring units; requiring the department to use certain electronic monitoring systems on high-risk offenders; amending s. 948.15, F.S.; specifying that the terms of the contract must contain procedures for accessing criminal history records concerning probationers; amending s. 948.30, F.S.; requiring certain sex offenders and sexual predators on probation or community control to be placed on electronic monitoring; creating a task force within the Department of Law Enforcement; requiring the task force to examine the collection and dissemination of offender information within the criminal justice system and community; prescribing task force membership; requiring that the task force submit findings and recommendations to the Governor and the Legislature; requiring cooperation by state agencies; providing for abolishing the task force on a specified date; requiring the Office of Program Policy Analysis and Governmental Accountability to perform a study of and report to the Legislature on the effectiveness of Florida's sexual predator and sexual offender registries and community and public notification provisions; providing appropriations and authorizing positions; providing an effective date.

—was read the second time by title.

Senator Argenziano moved the following amendment which was adopted:

Amendment 1 (361600)(with title amendment)—On page 4, between lines 27 and 28, insert:

Section 2. Paragraph (a) of subsection (5) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—

(a) Duties.—The Criminal Justice Estimating Conference shall:

1. Develop such official information relating to the criminal justice system, including forecasts of prison admissions and population and of supervised felony offender admissions and population, as the conference determines is needed for the state planning and budgeting system.

2. Develop such official information relating to the number of eligible discharges and the projected number of civil commitments for determining space needs pursuant to the civil proceedings provided under part V of chapter 394.

3. Develop official information relating to the number of sexual offenders and sexual predators who are required by law to be placed on community control, probation, or conditional release who are subject to electronic monitoring. In addition, the Office of Economic and Demographic Research shall study the factors relating to the sentencing of sex offenders from the point of arrest through the imposition of sanctions by the sentencing court, including original charges, plea negotiations, trial dispositions, and sanctions. The Department of Corrections, the Office of the State Courts Administrator, the Florida Department of Law Enforcement, and the State Attorneys shall provide information deemed necessary for the study. The final report shall be provided to the President of the Senate and Speaker of the House by March 1, 2006.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: amending s. 216.136, F.S.; assigning additional responsibilities of the Criminal Justice Estimating Conference; requiring a study;

Senator Argenziano moved the following amendment:

Amendment 2 (541738)(with title amendment)—On page 4, line 28 through page 32, line 13, delete those lines and insert:

Section 2. Paragraph (l) of subsection (6), subsection (8), and subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

(6) REGISTRATION.—

(l) A sexual predator must maintain registration with the department for the duration of his or her life, unless the sexual predator has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that met the criteria for the sexual predator designation. However, a sexual predator who was designated as a sexual predator by a court before October 1, 1998, and who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. A sexual predator who was designated a sexual predator by a court on or after October 1, 1998, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. *A sexual predator who was designated as a sexual predator by a court on or after October 1, 2005, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 30 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation.* The court may grant or deny such relief if the petitioner demonstrates to the court that he or she has not been arrested for any crime since release, the requested relief complies with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to the removal of the designation as a sexual predator or required to be met as a condition for the receipt of federal funds by the state, and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual predator may again petition the court for relief, subject to the standards for relief provided in this paragraph. Unless specified in the order, a sexual predator who is granted relief under this paragraph must comply with the requirements for registration as a sexual offender and other requirements provided under s. 943.0435 or s. 944.607. If a petitioner obtains an order from the court that imposed the order designating the petitioner as a sexual predator which removes such designation, the petitioner shall forward a certified copy of the written findings or order to the department in order to have the sexual predator designation removed from the sexual predator registry.

The sheriff shall promptly provide to the department the information received from the sexual predator.

(8) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. The system must be consistent with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. The Department of Corrections shall verify the addresses of sexual predators who are not incarcerated but who reside in the community under the supervision of the Department of Corrections. County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual predators who are not under the care, custody, control, or supervision of the Department of Corrections.

(a) A sexual predator must report in person each year during the month of the sexual predator's birthday and during the sixth month following the sexual predator's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual predator, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual predator is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment or employment status.

3. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual predator to the department in a manner prescribed by the department. This procedure shall be implemented by December 1, 2005.

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver's license or identification card; who fails to provide required location information or change-of-name information; who fails to make a required report in connection with vacating a permanent residence; *who fails to reregister as required; who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence;* or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025, where the victim is a minor and the defendant is not the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s. 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or a violation of a similar law of another jurisdiction, when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who misuses public records information relating to a sexual predator, as defined in this section, or a sexual offender, as defined in s. 943.0435 or s. 944.607, to secure a payment from such a predator or offender; who knowingly distributes or publishes false information relating to such a predator or offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A sexual predator who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last

registered address of the sexual predator, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

(e) An arrest on charges of failure to register, the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register when the predator has been provided and advised of his or her statutory obligation to register under subsection (6). A sexual predator's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual predator charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual predator who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(f) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual predator of criminal liability for the failure to register.

(g) Any person who knows that a sexual predator is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual predator in eluding a law enforcement agency that is seeking to find the sexual predator to question the sexual predator about, or to arrest the sexual predator for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual predator's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual predator;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual predator;

3. Hides or attempts to hide, or assists another person in hiding or attempting to hide, the sexual predator; or

4. Provides information to the law enforcement agency regarding the sexual predator which the person knows to be false information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This paragraph does not apply if the sexual predator is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

Section 3. Paragraph (a) of subsection (3) of section 775.082, Florida Statutes, is amended to read:

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a)1. For a life felony committed prior to October 1, 1983, by a term of imprisonment for life or for a term of years not less than 30.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. *Except as provided in subparagraph 4.,* for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

4. For a life felony committed on or after October 1, 2005, which is a violation of s. 800.04(5)(b), by:

a. A term of imprisonment for life, which shall be incarceration of the person for the remainder of the person's natural life; or

b. A split sentence that is a term of years not exceeding life, followed by probation or community control for the remainder of the person's natural life, as provided in s. 948.012(4).

Section 4. Paragraph (b) of subsection (5) of section 800.04, Florida Statutes, is amended to read:

800.04 Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.—

(5) LEWD OR LASCIVIOUS MOLESTATION.—

(b) An offender 18 years of age or older who commits lewd or lascivious molestation against a victim less than 12 years of age commits a *life* felony ~~of the first degree~~, punishable as provided in *s. 775.082(3)(a)4.* ~~s. 775.082, s. 775.083, or s. 775.084.~~

Section 5. Paragraphs (f), (g), and (i) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Forgery of pedigree papers.
499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
499.0051(5)	2nd	Sale of legend drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
~~775.21(10)~~	~~3rd~~	~~Sexual predators; failure to register; failure to renew driver's license or identification card.~~
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

Florida Statute	Felony Degree	Description
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.015(9)	2nd	Retail theft; property stolen $300 or more; second or subsequent conviction.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $20,000.
827.03(1)	3rd	Abuse of a child.
827.03(3)(c)	3rd	Neglect of a child.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
~~943.0435(9)~~	~~3rd~~	~~Sex offenders; failure to comply with reporting requirements.~~
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.

Florida Statute	Felony Degree	Description
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by money transmitter.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	*3rd*	*Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.*
775.21(10)(b)	*3rd*	*Sexual predator working where children regularly congregate.*
775.21(10)(g)	*3rd*	*Failure to report or providing false information about a sexual predator; harbor or hide a sexual predator.*
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341(2)(b)& (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

Florida Statute	Felony Degree	Description
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
943.0435(4)(c)	*2nd*	*Sexual offender vacating permanent residence; failure to comply with reporting requirements.*
943.0435(8)	*2nd*	*Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.*
943.0435(9)(a)	*3rd*	*Sexual offender; failure to comply with reporting requirements.*
943.0435(13)	*3rd*	*Failure to report or providing false information about a sexual offender; harbor or hide a sexual offender.*
943.0435(14)	*3rd*	*Sexual offender; failure to report and reregister; failure to respond to address verification.*
944.607(9)	*3rd*	*Sexual offender; failure to comply with reporting requirements.*
944.607(10)(a)	*3rd*	*Sexual offender; failure to submit to the taking of a digitized photograph.*
944.607(12)	*3rd*	*Failure to report or providing false information about a sexual offender; harbor or hide a sexual offender.*
944.607(13)	*3rd*	*Sexual offender; failure to report and reregister; failure to respond to address verification.*

(i) LEVEL 9

316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
499.0053	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding $100,000 by money transmitter.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding $100,000.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding $100,000 by financial institution.
775.0844	1st	Aggravated white collar crime.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.

Florida Statute	Felony Degree	Description
782.04(3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
790.161	1st	Attempted capital destructive device offense.
790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
800.04(5)(b)	*Life* ~~1st~~	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
812.135(2)(b)	1st	Home-invasion robbery with weapon.
817.568(7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
893.135 (1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
893.135 (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding $100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $100,000.

Section 6. Paragraph (o) is added to subsection (5) of section 921.141, Florida Statutes, to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances shall be limited to the following:

(o) The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21 or a person previously designated as a sexual predator who had the sexual-predator designation removed.

Section 7. Subsection (5) is added to section 943.043, Florida Statutes, to read:

943.043 Toll-free telephone number; Internet notification; sexual predator and sexual offender information.—

(5) In an effort to ensure that sexual predators and sexual offenders who fail to respond to address-verification attempts or who otherwise abscond from registration are located in a timely manner, the department shall share information with local law enforcement agencies. The department shall use analytical resources to assist local law enforcement agencies to determine the potential whereabouts of any sexual predator or sexual offender who fails to respond to address-verification attempts or who otherwise absconds from registration. The department shall review and analyze all available information concerning any such predator or offender who fails to respond to address-verification attempts or who otherwise absconds from registration and provide the information to

local law enforcement agencies in order to assist the agencies in locating and apprehending the sexual predator or sexual offender.

Section 8. Subsections (13) and (14) are added to section 943.0435, Florida Statutes, to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(13) Any person who knows that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

3. Hides or attempts to hide, or assists another person in hiding or attempting to hide, the sexual offender; or

4. Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner prescribed by the department. This procedure shall be implemented by December 1, 2005.

Section 9. Section 943.04352, Florida Statutes, is created to read:

943.04352 Search of registration information regarding sexual predators and sexual offenders required when placement on misdemeanor probation.—When the court places a defendant on misdemeanor probation pursuant to ss. 948.01 and 948.15, the public or private entity providing probation services must conduct a search of the probationer's name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043. The probation services provider may conduct the search using the Internet site maintained by the Department of Law Enforcement.

Section 10. Subsections (12) and (13) are added to section 944.607, Florida Statutes, to read:

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

(12) Any person who knows that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual offender's non-compliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

3. Hides or attempts to hide, or assists another person in hiding or attempting to hide, the sexual offender; or

4. Provides information to the law enforcement agency regarding the sexual offender which the person knows to be false information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply if the sexual offender is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

(13)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification corre-

spondence from the department within three weeks of the date of the correspondence, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, and s. 775.084.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the Florida Department of Law Enforcement in a manner prescribed by the Florida Department of Law Enforcement. This procedure shall be implemented by December 1, 2005.

And the title is amended as follows:

On page 1, line 6 through page 2, line 4, delete those lines and insert: twice yearly reregistration by sexual predators; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator, and harboring or hiding a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator or sexual offender, and harboring or hiding a sexual predator or sexual offender; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S., requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; requiring twice yearly reregistration by sexual offenders; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual offender, and harboring or hiding a sexual offender; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; requiring twice yearly reregistration by sexual offenders; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual offender, and harboring or hiding a sexual offender; amending

Senator Argenziano moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (263148)(with title amendment)—On page 16, line 28 through page 35, line 11, delete those lines and insert:

775.21(10)(g)	*3rd*	*Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.*
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.

812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341(2)(b)& (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
943.0435(4)(c)	*2nd*	*Sexual offender vacating permanent residence; failure to comply with reporting requirements.*
943.0435(8)	*2nd*	*Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.*
943.0435(9)(a)	*3rd*	*Sexual offender; failure to comply with reporting requirements.*
943.0435(13)	*3rd*	*Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.*
943.0435(14)	*3rd*	*Sexual offender; failure to report and reregister; failure to respond to address verification.*
944.607(9)	*3rd*	*Sexual offender; failure to comply with reporting requirements.*
944.607(10)(a)	*3rd*	*Sexual offender; failure to submit to the taking of a digitized photograph.*
944.607(12)	*3rd*	*Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.*
944.607(13)	*3rd*	*Sexual offender; failure to report and reregister; failure to respond to address verification.*

(i) LEVEL 9

316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
499.0053	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding $100,000 by money transmitter.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding $100,000.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding $100,000 by financial institution.
775.0844	1st	Aggravated white collar crime.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
782.04(3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
790.161	1st	Attempted capital destructive device offense.
790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
800.04(5)(b)	*Life* ~~1st~~	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
812.135(2)(b)	1st	Home-invasion robbery with weapon.
817.568(7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
893.135 (1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
893.135 (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding $100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $100,000.

Section 2. Paragraph (o) is added to subsection (5) of section 921.141, Florida Statutes, to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances shall be limited to the following:

(o) The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21 or a person previously designated as a sexual predator who had the sexual-predator designation removed.

Section 3. Subsection (5) is added to section 943.043, Florida Statutes, to read:

943.043 Toll-free telephone number; Internet notification; sexual predator and sexual offender information.—

(5) In an effort to ensure that sexual predators and sexual offenders who fail to respond to address-verification attempts or who otherwise abscond from registration are located in a timely manner, the department shall share information with local law enforcement agencies. The department shall use analytical resources to assist local law enforcement agencies to determine the potential whereabouts of any sexual predator or sexual offender who fails to respond to address-verification attempts or who otherwise absconds from registration. The department shall review and analyze all available information concerning any such predator or offender who fails to respond to address-verification attempts or who otherwise absconds from registration and provide the information to local law enforcement agencies in order to assist the agencies in locating and apprehending the sexual predator or sexual offender.

Section 4. Subsections (13) and (14) are added to section 943.0435, Florida Statutes, to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(13) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

3. Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

4. Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner prescribed by the department. This procedure shall be implemented by December 1, 2005.

Section 5. Section 943.04352, Florida Statutes, is created to read:

943.04352 Search of registration information regarding sexual predators and sexual offenders required when placement on misdemeanor probation.—When the court places a defendant on misdemeanor probation pursuant to ss. 948.01 and 948.15, the public or private entity providing probation services must conduct a search of the probationer's name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043. The probation services provider may conduct the search using the Internet site maintained by the Department of Law Enforcement.

Section 6. Subsections (12) and (13) are added to section 944.607, Florida Statutes, to read:

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

(12) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual offender's non-compliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

3. Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

4. Provides information to the law enforcement agency regarding the sexual offender which the person knows to be false information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply if the sexual offender is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

(13)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and

address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, and s. 775.084.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the Florida Department of Law Enforcement in a manner prescribed by the Florida Department of Law Enforcement. This procedure shall be implemented by December 1, 2005.

And the title is amended as follows:

On page 35, line 20 through page 37, line 17, delete those lines and insert: twice yearly reregistration by sexual predators; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator, and harboring or concealing a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator or sexual offender, and harboring or concealing a sexual predator or sexual offender; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S., requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; requiring twice yearly reregistration by sexual offenders; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual offender, and harboring or concealing a sexual offender; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; requiring twice yearly reregistration by sexual offenders; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual offender, and harboring or hiding a sexual offender; amending

Amendment 2 as amended was adopted.

Senator Argenziano moved the following amendments which were adopted:

Amendment 3 (524788)(with title amendment)—On page 4, line 28 through page 8, line 4, delete those lines and insert:

Section 2. Paragraph (b) of subsection (4), Paragraph (l) of subsection (6), subsection (8), and subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

(4) SEXUAL PREDATOR CRITERIA.—

(b) In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony. ~~If the offender's prior enumerated felony was committed more than 10 years before the primary offense, it shall not be considered a prior felony under this subsection if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later.~~

(6) REGISTRATION.—

(l) A sexual predator must maintain registration with the department for the duration of his or her life, unless the sexual predator has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that met the criteria for the sexual predator designation. However, a sexual predator who was designated as a sexual predator by a court before October 1, 1998, and who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. A sexual predator who was designated a sexual predator by a court on or after October 1, 1998, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. *A sexual predator who was designated as a sexual predator by a court on or after October 1, 2005, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 30 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation.* The court may grant or deny such relief if the petitioner demonstrates to the court that he or she has not been arrested for any crime since release, the requested relief complies with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to the removal of the designation as a sexual predator or required to be met as a condition for the receipt of federal funds by the state, and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual predator may again petition the court for relief, subject to the standards for relief provided in this paragraph. Unless specified in the order, a sexual predator who is granted relief under this paragraph must comply with the requirements for registration as a sexual offender and other requirements provided under s. 943.0435 or s. 944.607. If a petitioner obtains an order from the court that imposed the order designating the petitioner as a sexual predator which removes such designation, the petitioner shall forward a certified copy of the written findings or order to the department in order to have the sexual predator designation removed from the sexual predator registry.

The sheriff shall promptly provide to the department the information received from the sexual predator.

(8) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. The system must be consistent with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. The Department of Corrections shall verify the addresses of sexual predators who are not incarcerated but who reside in the community under the supervision of the Department of Corrections. County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual predators who are not under the care, custody, control, or supervision of the Department of Corrections.

(a) A sexual predator must report in person each year during the month of the sexual predator's birthday and during the sixth month following the sexual predator's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual predator, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual predator is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment or employment status.

3. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual predator to the department in a manner prescribed by the department. This procedure shall be implemented by December 1, 2005.

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver's license or identification card; who fails to provide required location information or change-of-name information; who fails to make a required report in connection with vacating a permanent residence; *who fails to reregister as required; who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence;* or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025, where the victim is a minor and the defendant is not the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s. 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or a violation of a similar law of another jurisdiction, when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who misuses public records information relating to a sexual predator, as defined in this section, or a sexual offender, as defined in s. 943.0435 or s. 944.607, to secure a payment from such a predator or offender; who knowingly distributes or publishes false information relating to such a predator or offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A sexual predator who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual predator, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

(e) An arrest on charges of failure to register, the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register when the predator has been provided and advised of his or her statutory obligation to register under subsection (6). A sexual predator's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual predator charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual predator who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(f) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual predator of criminal liability for the failure to register.

(g) Any person who has reason to believe that a sexual predator is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual predator in eluding a law enforcement agency that is seeking to find the sexual predator to question the sexual predator about, or to arrest the sexual predator for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual predator's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual predator;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual predator;

3. Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual predator; or

4. Provides information to the law enforcement agency regarding the sexual predator which the person knows to be false information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This paragraph does not apply if the sexual predator is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

And the title is amended as follows:

On page 1, lines 4-11, delete those lines and insert: F.S.; revising sexual predator criteria; extending the period for a petition to remove a sexual predator designation; requiring twice yearly reregistration by sexual predators; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator, and harboring or concealing a sexual predator; amending s.

Amendment 4 (113272)—On page 5, line 25; on page 8, line 22; on page 32, line 18; on page 34, line 14; and on page 42, line 26, delete "*October*" and insert: *September*

Senator Smith moved the following amendment which was adopted:

Amendment 5 (455002)(with title amendment)—On page 8, lines 22-30, delete those lines and insert:

4. For a life felony committed on or after October 1, 2005, which is a violation of s. 800.04(5)(b), by:

a. A term of imprisonment for life; or

b. A split sentence that is a term of not less than 25 years imprisonment and not exceeding life imprisonment, followed by probation or community control for the remainder of the person's natural life, as provided in s. 948.012(4).

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: providing for 25-year mandatory minimum term of imprisonment;

Senators Argenziano and Smith offered the following amendment which was moved by Senator Argenziano and adopted:

Amendment 6 (145958)—On page 32, lines 19 and 20, delete those lines and insert: *794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the unlawful activity involved a victim who was 15 years of age or younger and the offender is 18 years of age or older*

Senators Argenziano and Smith offered the following amendment which was moved by Senator Smith and adopted:

Amendment 7 (284008)(with title amendment)—On page 32, between lines 24 and 25, insert:

Section 12. Subsection (4) of section 948.06, Florida Statutes, is amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(4) Notwithstanding any other provision of this section, a probationer or an offender in community control who is arrested for violating his or her probation or community control in a material respect may be taken before the court in the county or circuit in which the probationer or offender was arrested. That court shall advise him or her of such charge of a violation and, if such charge is admitted, shall cause him or her to be brought before the court which granted the probation or community control. If such violation is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing. *However, if the probationer or offender is under supervision for any criminal offense proscribed in chapter 794, s. 800.04(4), s. 800.04(5), s. 800.04(6), s. 827.071, or s. 847.0145, or is a registered sexual predator or a registered sexual offender, or is under supervision for a criminal offense for which he or she would meet the registration criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the effective date of those sections, the court must make a finding that the probationer or offender is not a danger to the public prior to release with or without bail. In determining the danger posed by the offender or probationer's release, the court may consider the nature and circumstances of the violation and any new offenses charged; the offender or probationer's past and present conduct, including convictions of crimes; any record of arrests without conviction for crimes involving violence or sexual crimes; any other evidence of allegations of unlawful sexual conduct or the use of violence by the offender or probationer; the offender or probationer's family ties, length of residence in the community, employment history, and mental condition; his or her history and conduct during the probation or community control supervision from which the violation arises and any other previous supervisions, including disciplinary records of previous incarcerations; the likelihood that the offender or probationer will engage again in a criminal course of conduct; the weight of the evidence against the offender or probationer; and any other facts the court considers relevant.* The court, as soon as is practicable, shall give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel. After such hearing, the court shall make findings of fact and forward the findings to the court which granted the probation or community control and to the probationer or offender or his or her attorney. The findings of fact by the hearing court are binding on the court which granted the probation or community control. Upon the probationer or offender being brought before it, the court which granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 27, after the semicolon (;) insert: amending s. 948.06(4); requiring a court finding with regard to dangerousness to the public prior to release on bail under certain circumstances;

Senator Argenziano moved the following amendments which were adopted:

Amendment 8 (953444)(with title amendment)—On page 34, line 26 through page 36, line 18, delete those lines and insert:

948.061 Identifying, assessing, and monitoring high-risk sex offenders on community supervision; providing cumulative criminal and supervision histories on the Internet.—

(1) By December 1, 2005, the department shall develop a graduated risk assessment that identifies, assesses, and closely monitors a high-risk sex offender who is placed on probation or in community control and who:

(a) Has previously been placed on probation or in community control and has a history of committing multiple violations of community supervision in this state or in any other jurisdiction or have previously been incarcerated in this state or in any other jurisdiction; and

(b) Has experienced more than one of the following risk factors that could potentially make the offender more likely to pose a danger to others:

1. Previous conviction for domestic violence;

2. History of substance abuse;

3. Unemployment or substantial financial difficulties;

4. Previous conviction for violence or sex acts against children, particularly involving strangers; or

5. Any other risk factor identified by the department.

(2) To facilitate the information available to the court at first appearance hearings and at all subsequent hearings for these high-risk sex offenders, the department shall, no later than March 1, 2006, post on FDLE's Criminal Justice Intranet a cumulative chronology of the sex offender's prior terms of state probation and community control, including all substantive or technical violations of state probation or community control. The sheriff's office in the county where the arrested person is booked shall insure that state and national criminal history information and all criminal justice information available in the Florida Crime Information Center and the National Crime Information Center, is provided to the court at the time of the first appearance. The courts shall assist the department's dissemination of critical information by creating and maintaining an automated system to provide the information as specified in this subsection and by providing the necessary technology in the courtroom to deliver the information.

(3) In monitoring the location of high-risk sex offenders,

And the title is amended as follows:

On page 3, line 5, after "provided" insert: via FDLE's Criminal Justice Intranet

Amendment 9 (881208)—On page 37, line 29 through page 38, line 1, delete those lines and insert:

(2) The department shall provide a statistical data summary from these reviews to the

Senators Argenziano and Smith offered the following amendment which was moved by Senator Smith and adopted:

Amendment 10 (243348)—On page 38, lines 19 and 20, delete "*12 years of age or under*" and insert: *15 years of age or younger and the offender is 18 years of age or older*

Senator Villalobos moved the following amendment which was adopted:

Amendment 11 (840886)(with title amendment)—On page 40, between lines 9 and 10, insert:

(8) A person who intentionally alters, tampers with, damages or destroys any electronic monitoring equipment pursuant to court or commission order, unless such person is the owner of the equipment, or an agent of the owner, performing ordinary maintenance and repairs commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

On page 3, delete line 29 and insert: offenders; prohibiting the intentional altering, tampering, damaging or destroying of any electronic monitoring equipment; amending s. 948.15, F.S.; specifying

Senator Argenziano moved the following amendment which was adopted:

Amendment 12 (384472)(with title amendment)—On page 42, lines 17-24, delete those lines and insert:

Section 18. Subsection (2) of section 948.30, Florida Statutes, is amended and subsection (3) is added to that section to read:

948.30 Additional terms and conditions of probation or community control for certain sex offenses.—Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(2) Effective for a probationer or community controllee whose crime was committed on or after October 1, 1997, and who is placed on *community control or* sex offender probation for a violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, in addition to any other provision of this subsection, the court must impose the following conditions of probation or community control:

(a) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid for by the sex offender. The results of the polygraph examination shall not be used as evidence in court to prove that a violation of community supervision has occurred.

(b) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

(c) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

(d) If there was sexual contact, a submission to, at the probationer's or community controllee's expense, an HIV test with the results to be released to the victim or the victim's parent or guardian.

(e) Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections.

And the title is amended as follows:

On page 4, line 2, after the semicolon (;) insert: specifying additional conditions for persons placed on community control;

Senator Argenziano offered the following amendment which was moved by Senator Smith and adopted:

Amendment 13 (300466)—On page 42, line 29 through page 43, line 6, delete those lines and insert: *violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older;*

(b) Is designated a sexual predator pursuant to s. 775.21; or

(c) Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older,

Senator Argenziano moved the following amendments which were adopted:

Amendment 14 (062026)(with title amendment)—On page 43, between lines 10 and 11, insert:

Section 19. Subsection (1) of section 1012.465, Florida Statutes, is amended to read:

1012.465 Background screening requirements for certain noninstructional school district employees and contractors.—

(1) Noninstructional school district employees or contractual personnel who *are permitted access on school grounds when students are present, who* have direct contact with students or *who* have access to or control of school funds must meet level 2 screening requirements as described in s. 1012.32. *Contractual personnel shall include any vendor, individual, or entity under contract with the school board.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 4, after the semicolon (;) insert: amending s. 1012.465(1), F.S.; clarifying background screening requirements for contractual personnel who have access on school grounds;

Amendment 15 (574718)—On page 44, lines 6-17, delete those lines and insert:

4. Any other subject that the task force deems

Amendment 16 (633294)—On page 45, lines 10-19, delete those lines and insert: *registration process and community and public notification provisions. As part of determining the effectiveness os the registration process, the OPPAGA shall examine the current practices of: the Department of Corrections, county probation offices, clerk of courts, court administrators, county jails and booking facilities, Department of Children and Family Services, judges, state attorneys offices, Department of Highway Safety and Motor Vehicles, Department of Law Enforcement, and local law enforcement agencies as they relate to: sharing of offender information regarding registered sexual predators and sexual offenders for purposes of fulfilling the requirements set fourth in the registration laws; ensuring the most accurate, current and comprehensive information is provided in a timely manner to the registry; ensuring the effective supervision and subsequent monitoring of sexual predators and offenders; and ensuring informed decisions are made at each point of the criminal justice and registration process. In addition to determining the effectiveness of the registration process, the report shall focus on the question of whether the notification provisions in statute are sufficient to apprise communities of the presence of sexual predators and sexual offenders. The report shall examine how local law enforcement agencies collect and disseminate information in an effort to notify the public and communities of the presence of sexual predators and offenders. If the report finds deficiencies in the registration process,*

Amendment 17 (754514)—On page 46, delete line 11 and insert: *fiscal year. The sum of $121,114 in nonrecurring funds is*

Amendment 18 (645288)—On page 46, line 28 through page 47, line 7, delete those lines and insert: *Nine full-time positions are authorized and the sum of $389,905 in recurring funds is appropriated from the General Revenue Fund to the Department of Law Enforcement for salaries and benefits for the 2005-2006 fiscal year. The sums of $58,617 in recurring funds and $77,070 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Law Enforcement for expenses for the 2005-2006 fiscal year. The sum of $94,200 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Law Enforcement for operating capital outlay for the 2005-06 fiscal year. The sums of $143,000 in recurring funds and $521,000 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Law Enforcement for other personal services for the 2005-2006 fiscal year.*

Amendment 19 (790800)—On page 47, line 13, delete "October" and insert: September

On motion by Senator Argenziano, further consideration of **CS for CS for SB 1216** as amended was deferred.

On motion by Senator Atwater—

CS for SB 1868—A bill to be entitled An act relating to health care; amending s. 395.003, F.S.; extending by 1 year the moratorium on approving additional emergency departments located off the premises of a licensed hospital; amending s. 395.1027, F.S.; requiring that the regional poison control centers be certified; requiring a health care facility or practitioner to release a patient's medical records upon request of a regional poison control center under certain circumstances; amending ss. 395.3025 and 456.057, F.S.; authorizing a regional poison control center to disclose a patient's medical records for purposes of treatment and case management, and to comply with data-collection requirements of the state and the poison control organization that certifies poison control centers in accordance with federal law; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1868** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 2196—A bill to be entitled An act relating to trust funds; creating s. 985.4043, F.S.; creating the Shared County/State Juvenile Detention Trust Fund within the Department of Juvenile Justice; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2196** was placed on the calendar of Bills on Third Reading.

Consideration of **HB 1889** and **HB 1899** was deferred.

On motion by Senator Webster—

CS for SB 2228—A bill to be entitled An act relating to asbestos-related claims; providing legislative findings and intent; defining terms related to asbestos-related claims; providing that the limitations of liabilities in the act apply to a corporation that is a successor and became a successor before January 1, 1972; providing exceptions to the limitations of the act; providing that the cumulative successor asbestos-related liabilities of a corporation are limited to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation; providing an exception; providing methods by which to establish fair market value of total gross assets; providing for the fair market value of total gross assets at the time of a merger or consolidation to increase annually; providing a methodology by which the fair market value of the assets is increased; requiring that the courts liberally construe the act; providing for severability; providing for applicability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2228** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for CS for SB 1446—A bill to be entitled An act relating to state financial matters; amending s. 121.021, F.S.; clarifying that the State Board of Administration may require that a member of the Florida Retirement System provide evidence of termination; amending s. 121.091, F.S.; providing that a member of the Public Employee Optional Retirement Program may not return to employment with an employer under the Florida Retirement System until after being terminated for 3 calendar months; providing an exception for those members who have reached the normal retirement requirements of the defined benefit plan; amending s. 121.35, F.S.; changing the requirements of the Department of Management Services' designation of a fifth company to provide services under the state university optional retirement program; amending s. 121.4501, F.S.; redefining the terms "eligible employee" and "participant" for purposes of the Public Employee Optional Retirement Program; prescribing certain conditions on participation in the program; deleting references to the program's advisory committees; prescribing procedures for, and certain presumptions relating to, designation of beneficiaries; providing for participation by terminated DROP participants; amending s. 121.591, F.S.; providing for cancellation of certain payment instruments under the program when not presented for payment; providing for payment upon subsequent application and for forfeiture when not claimed within a certain period; providing that members of the Public Employee Optional Retirement Program may not receive a distribution from their account until after being terminated for 3 calendar months; providing an exception; providing for designation of beneficiaries for death benefits; amending s. 215.47, F.S.; authorizing investments in asset-backed securities; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1446** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 718—A bill to be entitled An act relating to the Department of Transportation; amending s. 337.251, F.S.; authorizing the department to adopt rules governing the leasing of property for joint public-private development; amending s. 337.406, F.S.; granting local governments authority to issue permits allowing limited temporary use of state transportation right-of-way; clarifying limited access facilities are not included in such authority; amending s. 339.55, F.S.; establishing a maximum limit on state-funded infrastructure bank loans to the State Transportation Trust Fund; amending s. 373.4137, F.S.; revising the requirements for projects intended to mitigate the adverse effects of transportation projects; removing the Department of Environmental Protection from the mitigation process; revising requirements for the Department of Transportation and the transportation authorities with respect to submitting plans and inventories; authorizing the use of current-year funds for future projects; revising the requirements for reconciling escrow accounts used to fund mitigation projects; authorizing payments to a water management district to fund the costs of future maintenance and monitoring; requiring specified lump-sum payments to be used for the mitigation costs of certain projects; authorizing a governing board of a water management district to approve the use of mitigation funds for certain future projects; requiring that mitigation plans be approved by the water management district rather than the Department of Environmental Protection; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 718** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for SB 2284—A bill to be entitled An act relating to Small Cities Community Development Block Grants; amending s. 290.0411, F.S.; stating legislative intent regarding the Small Cities Community Development Block Grant Program; amending s. 290.044, F.S.; providing an additional program category for grants; removing requirement that the Department of Community Affairs provide recommendations to the Legislature as to distribution of federal funds relating to Small Cities Community Development Block Grant Program Fund; authorizing the de-

partment to set aside federal funds for a local government for disaster relief; removing provisions limiting a set-aside to certain federal funds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2284** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for CS for SB 334—A bill to be entitled An act relating to public housing; amending s. 421.02, F.S.; clarifying a legislative finding with respect to the inability of private enterprise to revitalize blighted areas; public housing; amending s. 421.08, F.S.; authorizing a housing authority to organize for the purpose of creating a for-profit or not-for-profit corporation, limited liability company, or similar entity to develop and operate residential homes or nonresidential projects; providing qualifications for a family to live in such a residential home; authorizing a corporation, limited liability company, or similar entity created by a housing authority to join with other entities to develop and operate residential or nonresidential projects; ratifying certain prior actions of a housing authority; authorizing the governing board of a housing authority to implement its own policy regarding per diem and travel expenses of its officials, officers, employees, and board members; amending s. 421.09, F.S.; providing that the certain limitations regarding the operation and management of a housing project do not restrict the activities of a for-profit or not-for-profit business entity created by the housing authority under s. 421.08, F.S.; amending s. 421.23, F.S.; authorizing a housing authority to use certain pledged funds to pay liabilities arising from the operation of its housing projects; repealing s. 421.54, F.S., relating to certain limitations on constructing housing projects in Orange and Seminole Counties; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Klein, the rules were waived to allow the following amendment to be considered:

Senator Klein moved the following amendment which was adopted:

Amendment 1 (525270)(with title amendment)—On page 2, line 7, insert:

Section 1. Paragraph (m) of subsection (6) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(m) Sponsors shall annually certify the adjusted gross income of all persons or families qualified under subsection (2) at the time of initial occupancy, who are residing in a project funded by this program. All persons or families qualified under subsection (2) may continue to qualify under subsection (2) in a project funded by this program if the adjusted gross income of those persons or families at the time of annual recertification meets the requirements established in s. 142(d)(3)(B) of the Internal Revenue Code of 1986, as amended. If the annual recertification of persons or families qualifying under subsection (2) results in noncompliance with income occupancy requirements, the next available unit must be rented to a person or family qualifying under subsection (2) in order to ensure continuing compliance of the project. *The Corporation may waive the annual recertification if 100 percent of the units are set aside as affordable.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 420.5087, F.S.; authorizing the Florida Housing Finance Corporation to waive annual recertification under certain conditions;

Pursuant to Rule 4.19, **CS for CS for SB 334** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

CS for SB 1774—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; increasing the fine for a noncriminal infraction of the Florida Litter Law from $50 to $100; dedicating a portion of the increase to the Solid Waste Management Trust Fund; providing a use for such funds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1774** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 348** was deferred.

On motion by Senator Bennett—

SB 2296—A bill to be entitled An act relating to pharmacy practice; amending s. 465.003, F.S.; redefining the term "practice of the profession of pharmacy" to include the administering of influenza virus immunizations to adults by a pharmacist within an established protocol and under a supervisory practitioner who is a licensed physician or by written agreement with a county health department; providing requirements for the protocol; requiring professional liability insurance, training and certification in immunization, and employer approval before entering into a protocol; providing requirements for the certification program; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (050498)—On page 3, line 17, after the period (.) insert: *The certification to perform inactivated influenza vaccinations shall include, but need not be limited to, the following compliance criteria:*

(a) Compliance with all provisions of s. 381.003 relating to communicable disease and AIDS prevention and control;

(b) Compliance with all provisions of s. 381.0031 relating to reporting of diseases of public health significance to the department;

(c) Compliance with all provisions of s. 381.0098 relating to biomedical waste;

(d) Compliance with all Occupational Safety and Health Administration standards for management, handling, and disposal of sharps; and

(e) Completion of and compliance with the Centers for Disease Control Influenza Update for the year in which influenza vaccinations will be offered.

The pharmacist's certification must be obtained prior to advertising to the public and administering inactivated influenza vaccinations. The pharmacist shall submit to the Board of Pharmacy a copy of the protocol or written agreement to administer inactivated influenza vaccine.

MOTION

On motion by Senator Sebesta, the rules were waived to allow the following amendment to be considered:

Senator Sebesta moved the following amendment which was adopted:

Amendment 2 (454978)(with title amendment)—On page 3, line 1, after the period (.) insert: *A pharmacist administering an influenza vaccine shall maintain and make available patient records using the same standards for confidentiality and maintenance of such records as those that are imposed on health care practitioners by s. 456.057. These records must be maintained for a minimum of 5 years.*

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: requiring a pharmacist to maintain and make available patient records for a certain time period;

Pursuant to Rule 4.19, **SB 2296** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater, by two-thirds vote **HB 531** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Atwater, by two-thirds vote—

HB 531—A bill to be entitled An act relating to certificates of release for mortgages; creating s. 701.041, F.S.; providing definitions; providing for the issuance of a certificate of release for a mortgage by a title insurer or its authorized agent for certain purposes; providing for recordation; specifying contents of a certificate of release; requiring execution, acknowledgment, and recordation of a certificate of release by certain entities; providing requirements for appointment of an agent for execution purposes; providing for effect of a certificate of release; providing for liability of title insurers under certain circumstances; providing criteria for recording multiple certificates of release; providing application; requiring the Financial Services Commission to adopt rules establishing an actuarially sound premium charge for certificates of release; repealing s. 701.05, F.S., relating to failing or refusing to satisfy a lien and punishment therefor; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1258** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 531** was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

CS for CS for SB 572—A bill to be entitled An act relating to consumer protection; amending s. 501.160, F.S.; providing criminal penalties for any person who fails to possess an occupational license and offers goods and services for sale to the public during a declared state of emergency; providing that this provision shall not apply to certain organizations; providing that failure to possess such a license constitutes reasonable cause to detain such person for a reasonable amount of time and in a reasonable manner; amending s. 252.36, F.S.; providing the Governor with certain emergency management powers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 572** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander—

SB 1678—A bill to be entitled An act relating to public school class size; amending s. 1003.03, F.S.; revising provisions relating to determination of class size averages for purpose of compliance with class size maximums; providing for reversal of class size reduction operating categorical transfers under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Education Appropriations recommended the following amendment which was moved by Senator Alexander and adopted:

Amendment 1 (094700)—On page 3, line 1, delete *2005* and insert: *2003*

Pursuant to Rule 4.19, **SB 1678** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, by two-thirds vote **HB 763** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

On motion by Senator Peaden, by two-thirds vote—

HB 763—A bill to be entitled An act relating to critical access hospitals; amending s. 395.002, F.S.; revising the definition of "hospital" to provide an exception with regard to facilities offered by a critical access hospital; revising the definition of "intensive residential treatment programs for children and adolescents" to include additional accrediting organizations for purposes of licensure of such programs; correcting a cross reference; amending s. 395.003, F.S.; extending the moratorium on approving additional emergency departments located off the premises of licensed hospitals; providing for additional accrediting organizations for purposes of licensure of intensive residential treatment programs; correcting a cross reference; amending s. 395.602, F.S.; revising the definition of "rural hospital" to conform to changes made by the act; amending s. 408.07, F.S.; defining the term "critical access hospital"; revising the definition of "rural hospital"; amending ss. 408.061, 458.345, and 459.021, F.S.; conforming cross references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1472** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 763** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for SB 1318—A bill to be entitled An act relating to underground petroleum storage tanks; amending s. 376.3071, F.S.; directing the Department of Environmental Protection to encumber petroleum remediation funds uniformly throughout the state's fiscal year; providing for a prioritization within a priority scoring range; providing that limited source removal projects approved outside the established priority order may be funded from the Inland Protection Trust Fund; providing a priority order for these projects; limiting the use of the funds to certain specified purposes; limiting the amount of money allocated to such projects each fiscal year; providing for the repeal of the law on a specified date; amending s. 376.30713, F.S.; providing that the preapproved advanced cleanup provisions may apply to certain discharges under the petroleum cleanup participation program; amending s. 376.3075, F.S.; authorizing the Inland Protection Financing Corporation to borrow money and issue bonds to pay for large-scale cleanups that are eligible for state funding; requiring submission of a plan by the Inland Protection Financing Corporation prior to the issuance of certain debt; requiring the department to obtain legislative authorization for certain debt-financed cleanup projects and payments; extending the termination date of the corporation; creating s. 376.30715, F.S.; providing that certain contaminated sites acquired prior to July 1, 1990, are eligible for state financial cleanup assistance; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1318** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SB 2574—A bill to be entitled An act relating to dentistry; amending s. 466.004, F.S.; limiting the time a member may serve on the Board of Dentistry; amending s. 466.006, F.S.; clarifying examination provisions; amending s. 466.007, F.S.; reducing the postsecondary education required to take the licensing examination; amending s. 466.0135, F.S.; authorizing the board to authorize a continuing education practice-management course; amending s. 466.021, F.S.; increasing the time that certain work orders must be retained; amending s. 466.025, F.S.; provid-

ing for the board to issue temporary certificates to certain unlicensed persons practicing in government facilities; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2574** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander—

CS for SB 1244—A bill to be entitled An act relating to the tax on gross receipts for utility services; amending s. 203.01, F.S.; providing for a tax on utility services delivered to a retail consumer in this state; providing for a tax on the gross receipts of a distribution company providing delivery of electricity to a retail consumer, based on an index price; providing for an annual calculation of the index price; providing for a tax reduction by refund for a like tax paid to another jurisdiction; providing for a tax on the gross receipts of a distribution company providing for the sale or transportation of natural gas or manufactured gas to a retail consumer, based on an index price; providing for an annual calculation of the index price; providing for a tax reduction by refund for similar taxes paid to another jurisdiction; providing for a tax on the cost price of electricity, natural gas, or manufactured gas to be paid by any person who causes these products to be severed or imported into the state for that person's own use; revising obsolete provisions; providing that the tax does not apply to certain sales, transportation, delivery, or uses; providing that a written certificate of entitlement to the exclusion from tax for persons eligible for an exemption under s. 212.08(7)(ff)2., F.S., relieves the seller or person providing transportation or delivery from responsibility of remitting tax; requiring any person who transports natural or manufactured gas to furnish a list of customers to the Department of Revenue; amending s. 203.012, F.S.; redefining the term "utility service"; defining the term "distribution company"; authorizing the executive director of the Department of Revenue to adopt emergency rules to implement the act; providing an amnesty for unpaid gross receipts tax, penalties, and interest on unpaid gross receipts tax otherwise due for selling natural gas in this state; providing conditions for the amnesty; providing limitations for the amnesty; authorizing the executive director of the Department of Revenue to adopt emergency rules to implement the amnesty; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (201706)—On page 3, lines 27 and 28, delete "*final consumer*" and insert: *retail consumer*

Pursuant to Rule 4.19, **CS for SB 1244** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SB 1094—A bill to be entitled An act relating to the Blood Donor Protection Act; creating s. 381.0043, F.S.; providing a popular name; providing that no blood bank or subsidiary or affiliate thereof or employee or agent of a blood bank or subsidiary or affiliate thereof may be compelled to disclose the identity or identifying characteristics of any person who donates blood or any blood components; providing an exception; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1094** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 1438—A bill to be entitled An act relating to consumer services; amending s. 493.6101, F.S.; expanding the definition of the term "repossession" for purposes of the regulation of repossession services; amending s. 493.6102, F.S.; revising the applicability of ch. 493, F.S., governing private investigative, private security, and repossession services; amending s. 493.6110, F.S.; revising insurance requirements for licensure under ch. 493, F.S.; providing insurance requirements with respect to Class "B" security agencies; amending s. 493.6118, F.S.; revising the grounds for disciplinary action against a person or entity that is licensed as, or an applicant for licensure as, a recovery agency, recovery agent, or recovery agent intern; amending s. 493.6403, F.S.; revising licensure requirements for recovery agent managers and recovery agents, to conform; amending s. 493.6404, F.S.; revising requirements for the inventory of certain personal effects or property contained in or on repossessed property, to conform; amending s. 493.6405, F.S.; providing a penalty for the unauthorized sale of repossessed aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment by a recovery agent or recovery agent intern and for failure to remit the net proceeds from the sale of such repossessed property to the owner or lienholder; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1438** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for CS for SB 186—A bill to be entitled An act relating to sexually transmissible disease testing and reporting; amending s. 381.004, F.S.; prohibiting the disclosure of a positive preliminary HIV test result to any person except as specifically authorized; providing that certain HIV test results are preliminary and may be released in accordance with federal requirements; providing that a pregnant woman's informed consent is not required; amending s. 384.25, F.S.; requiring the reporting of a result indicative of HIV or AIDS; requiring the Department of Health to adopt rules specifying certain information, including the maximum time period for reporting a sexually transmissible disease; requiring the use of a system developed by the Centers for Disease Control or its equivalent for the confidential reporting of HIV infection or AIDS; requiring the department to adopt rules governing the reporting of HIV-exposed infants or newborns; deleting a provision requiring the reporting of diagnosed AIDS cases based upon certain criteria; deleting a provision requiring that physicians and laboratories report certain cases of HIV infection; deleting a requirement that the department submit an annual report to the Legislature; amending s. 384.31, F.S.; requiring that certain health care professionals who attend a pregnant woman test for sexually transmissible diseases and HIV; requiring that a pregnant woman be informed of tests for sexually transmissible diseases and her right to refuse; requiring that a written statement of objection to testing for sexually transmissible diseases be placed in the pregnant woman's medical records; deleting a requirement that a health care provider counsel a pregnant woman concerning HIV testing; deleting a provision that provides immunity from liability to a health care provider who counsels a pregnant woman who objects to HIV testing; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 186** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for SB 656—A bill to be entitled An act relating to law enforcement and correctional officers; providing a popular name; amending s. 112.19, F.S.; providing death benefits for law enforcement, correctional, or correctional probation officers in certain circumstances; amending s. 112.532, F.S.; providing a limitations period for certain actions involving the discipline, demotion, or dismissal of a law enforcement officer or correctional officer; providing for written notification of such actions; providing exceptions to the limitations period; providing for the reopening of investigations and subsequent disciplinary action in certain circumstances; reenacting ss. 110.123(4)(e), 112.19(3), as amended by chs. 2002-191 and 2004-357, Laws of Florida, 112.19(3), as amended by chs. 2002-232, 2003-1, and 2004-357, Laws of Florida, 250.34(4), 285.18(2)(c), 943.04(2)(d), and 943.68(2), F.S., relating to contributions under the state group insurance program, educational benefits for children and spouses of certain law enforcement personnel, benefits for certain members of the Florida National Guard, benefits for certain law enforcement personnel employed by tribal councils, benefits for certain law enforcement personnel employed by the Department of Law Enforcement in the

Criminal Justice Investigations and Forensic Science Program, and benefits for certain law enforcement personnel employed by the Department of Law Enforcement to provide certain security involving the Governor, respectively, for the purpose of incorporating the amendment to s. 112.19, F.S., in references thereto; providing applicability; providing an effective date.

—was read the second time by title.

Senator Haridopolos moved the following amendments which were adopted:

Amendment 1 (805928)—On page 2, line 11, delete "*This act*", and insert: *Sections 1 through 10 of this act*

Amendment 2 (772062)(with title amendment)—On page 10, between lines 24 and 25, insert:

Section 11. Paragraph (a) of subsection (1) of section 943.22, Florida Statutes, is amended to read:

943.22 Salary incentive program for full-time officers.—

(1) For the purpose of this section, the term:

(a) "Accredited college, university, or community college" means a college, university, or community college *that* ~~which~~ has been accredited by the Southern Association of Colleges and Schools, another regional accrediting agency, ~~or~~ the Accrediting Council for Independent Colleges and Schools *or an accrediting agency or association that is recognized by the database created and maintained by the United States Department of Education*.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: amending s. 943.22, F.S.; revising definitions relating to qualification of certain law enforcement officers for a salary incentive program;

Pursuant to Rule 4.19, **CS for SB 656** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for CS for SB 1010—A bill to be entitled An act relating to administrative procedures; amending s. 11.60, F.S.; revising duties of the Administrative Procedures Committee with respect to its review of statutes; amending s. 57.111, F.S.; redefining the term "small business" to include certain specified individuals whose net worth does not exceed a specified amount; amending s. 120.54, F.S.; requiring an agency to file a notice of change with the Administrative Procedures Committee; revising times for filing rules for adoption; providing for the form and provisions of bonds; revising applicability of certain uniform rules; amending s. 120.55, F.S.; requiring that certain information be included in forms incorporated by reference in rules; requiring information to be published electronically on an Internet website; providing that such publication does not preclude other publications; providing additional duties of the Department of State with respect to publications; providing requirements for the Internet website; amending s. 120.551, F.S.; postponing the repeal of this section, relating to Internet publication; amending s. 120.56, F.S.; revising provisions relating to withdrawal of challenged rules; amending s. 120.569, F.S.; prescribing circumstances under which the time for filing a petition for hearing must be extended; amending s. 120.57, F.S.; requiring a final order to include an explicit ruling on each exception to the recommended order; providing when certain orders become effective; requiring that additional information be included in notices relating to protests of contract solicitations or awards; amending s. 120.65, F.S.; requiring the Division of Administrative Hearings to include certain recommendations in its annual report to the Administrative Procedures Committee; amending s. 120.74, F.S.; requiring agency reports to be filed with the Administrative Procedures Committee; requiring that the annual report filed by an agency identify the types of cases or disputes in which it is involved which should be conducted under the summary hearing process; amending s. 120.80, F.S.; requiring that the commission refer certain matters affecting the substantial interest of a utility to the Division of Administrative Hearings so that an administrative judge may be assigned to conduct a hearing and enter a recommended order; requiring the Department of State to provide certain assistance to agencies in their transition to publishing on the Florida Administrative Weekly Internet website; providing effective dates.

—was read the second time by title.

Senator Fasano offered the following amendments which were moved by Senator Bennett and adopted:

Amendment 1 (315354)(with title amendment)—On page 20, line 23 through page 21, line 4, delete section 11 and renumber subsequent sections.

And the title is amended as follows:

On page 2, lines 17-23, delete those lines and insert: under the summary hearing process;

Amendment 2 (152702)—On page 20, lines 28-31, delete those lines and insert:

(g) In any agency action initiated by the Public Service Commission on or after January 1, 2006, which affects the substantial interest of a utility regulated under chapter 367 concerning any matter pertaining to s. 120.60(5), when a formal administrative hearing is

Pursuant to Rule 4.19, **CS for CS for CS for SB 1010** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 1122—A bill to be entitled An act relating to third-party liability; amending s. 213.053, F.S.; expanding the authority of the Department of Revenue to provide the Agency for Health Care Administration with tax information; reenacting s. 206.27(2), F.S., relating to records and files as public records, to incorporate the amendment to s. 213.053, F.S., in a reference thereto; amending s. 409.910, F.S.; requiring third-party liability administrators and pharmacy benefits managers to provide certain records and information relating to payments on behalf of Medicaid-eligible persons; amending s. 733.2121, F.S.; requiring the personal representative of a decedent to provide a copy of a death certificate to the Agency for Health Care Administration; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1122** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1722** was deferred.

On motion by Senator Saunders—

CS for SB 1118—A bill to be entitled An act relating to motor vehicle crash reports; amending s. 316.003, F.S.; defining the term "victim services programs"; amending s. 316.066, F.S.; providing for victim services programs to immediately obtain vehicle crash reports; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1118** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 328** and **SB 252** was deferred.

On motion by Senator Lynn, by two-thirds vote **HB 385** was withdrawn from the Committee on Transportation.

On motion by Senator Lynn, the rules were waived and—

HB 385—A bill to be entitled An act relating to state facility designations; designating Ramon Puig Way, Shawn O'Dare Way, Marge Pearlson Way, and Jorge L. Cabrera Way in Miami-Dade County; designating the Correction Officers Memorial Bridge in Bradford and Union Counties; designating Martin Andersen Beachline Expressway in Orange and Brevard Counties; designating Daniel Webster Western Beltway in Orange County; designating Robert F. Grim, Sr., Memorial Parkway in Volusia County; designating Veteran's Memorial Boulevard in Walton County; designating the Southeastern Guide Dog Overpass in Manatee County; designating the Joseph O. Striska Florida Welcome Center in Hamilton County; designating Purple Heart Memorial Highway in Highlands County; repealing s. 25 of ch. 2004-392, Laws of Florida, relating to the designation of St. Petersburg/William C. Cramer Parkway in Pinellas County; designating St. Petersburg Parkway/William C. Cramer Memorial Highway in Pinellas County; designating Richard E. "Pete" Damon Bridge in Palm Beach County; designating Alexander Alden Ware Memorial Cable Barrier System in Palm Beach, St. Lucie, and Miami-Dade Counties; directing the Department of Transportation to erect suitable markers; designating Jorge L. Cabrera Way, Roi Henri Christophe Boulevard, Charles Summer Boulevard, Capois-La-Mort Boulevard, and Jean Baptiste Point du Sable Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—a companion measure, was substituted for **CS for SB 770** and read the second time by title.

Senator Lynn moved the following amendment:

Amendment 1 (985940)(with title amendment)—On page 8, between lines 204 and 205, insert:

Section 21. *Eric Ulysses Ramirez Highway designated; Department of Transportation to erect suitable markers.—*

(1) The portion of State Road 50 in Lake County between the community of Stuckey and the Mascotte city limits is designated as the "Eric Ulysses Ramirez Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the Eric Ulysses Ramirez Highway as described in subsection (1).

Section 22. *Trooper Darryl Haywood Highway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of Interstate Highway 4 in the vicinity of mile marker 123 in Volusia County is designated as "Trooper Darryl Haywood Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Trooper Darryl Haywood Highway as described in subsection (1).

Section 23. *David Hinson Parkway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of Nova Road in Volusia County between International Speedway Boulevard to George W. Ingram Boulevard is designated as the "David Hinson Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating the David Hinson Parkway as described in subsection (1).

Section 24. *Charles W. Cherry, Sr., Parkway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of International Speedway Boulevard between Nova Road and Beach Street in Volusia County is designated as "Charles W. Cherry, Sr., Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Charles W. Cherry, Sr., Parkway as described in subsection (1).

Section 25. *Taye Brown Parkway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of New Kings Road (U.S. 1) in Duval County between the 2400 block and the 3700 block is designated as "Taye Brown Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Taye Brown Parkway as described in subsection (1).

Section 26. *Charles B. Dailey Parkway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of the Haines Street Expressway between Jessie Street and Eighth Street in Duval County is designated as "Charles B. Dailey Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Charles B. Dailey Parkway as described in subsection (1).

Section 27. *Johnnie Mae Chappell Parkway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. Highway 1 between Finch Avenue and Redpoll Avenue in Duval County is designated as "Johnnie Mae Chappell Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Johnnie Mae Chappell Parkway as described in subsection (1).

Section 28. *Dr. John M. Haile Memorial Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) That portion of East Silver Springs Boulevard, State Road 40, in the City of Ocala from East 11th Avenue to East 16th Avenue is designated as the "Dr. John M. Haile Memorial Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating the Dr. John M. Haile Memorial Boulevard, as directed in subsection (1).

Section 29. *Bob Graham/Sunshine Skyway Bridge designated; Department of Transportation to erect suitable markers.—*

(1) The Sunshine Skyway Bridge over Tampa Bay is designated as the "Bob Graham/Sunshine Skyway Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the Bob Graham/Sunshine Skyway Bridge as described in subsection (1).

Section 30. *Ricardo Karakadze Street designated; Department of Transportation to erect suitable markers.—*

(1) The portion of 104th Street between U.S. 1 and 97th Avenue is designated as the "Ricardo Karakadze Street."

(2) The Department of Transportation is directed to erect suitable markers designating the Ricardo Karakadze Street as described in subsection (1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 28, after the semicolon (;) insert: designating Eric Ulysses Ramirez Highway in Lake County; designating Trooper Darryl Haywood Highway; designating the David Hinson Parkway and the Charles W. Cherry Parkway in Volusia County; designating Taye Brown Parkway, Charles B. Dailey Parkway, and Johnnie Mae Chappell Parkway in Duval County; designating Dr. John M. Haile Memorial Boulevard in Marion County; designating Bob Graham/Sunshine Skyway Bridge in Pinellas County; designating Ricardo Karakadze Street in Miami-Dade County; directing the Department of Transportation to erect suitable markers;

MOTION

On motion by Senator Clary, the rules were waived to allow the following amendment to be considered:

Senator Clary moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (751360)(with title amendment)—On page 4, line 6, insert:

Section 31. *Ralph C. Carter Parkway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of State Park Road at the entrance to the Falling Waters State Recreational area, from Joiner Road to Falling Waters Road, in Chipley, Washington County, is designated as the "Ralph C. Carter Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating the Ralph C. Carter Parkway as described in subsection (1).

Section 32. *Henry Koerber Parkway designated; Department of Transportation to erect suitable markers.—*

(1) That portion of U.S. Highway 90, between Davis Lane and Old Airport Road, in DeFuniak Springs, Walton County, is designated as the "Henry Koerber Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating the Henry Koerber Parkway as described in subsection (1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 27, after the semicolon (;) insert: Bridge in Pinellas County; designating Ricardo Karakadze Street in Miami-Dade County; designating the Ralph C. Carter Parkway in Washington County; and designating the Henry Koerber Parkway in Walton County;

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (631412)(with title amendment)—On page 4, line 6, insert:

Section 31. *Fred N. Dunn, Sr. Highway designated; Department of Transportation to erect suitable markers.—*

(1) The portion of U.S. Highway 441 between Plymouth Sorrento Road and State Road 436 in Orange County is designated as the "Fred N. Dunn, Sr. Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the Fred N. Dunn, Sr. Highway as described in subsection (1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 27, after the semicolon (;) insert: and designating Fred N. Dunn, Sr. Highway in Orange County; directing the Department of Transportation to erect suitable markers;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 385** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **SB 574** was deferred.

THE PRESIDENT PRESIDING

On motion by Senator Jones—

SB 670—A bill to be entitled An act relating to community colleges; amending s. 1009.23, F.S.; revising provisions relating to the fee for capital improvements, technology enhancements, or equipping student buildings and the use thereof; providing requirements for the issuance and validation of bonds; revising provisions relating to the allocation for child care centers; amending s. 1011.83, F.S.; providing for funding a community college authorized to grant baccalaureate degrees; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Jones and adopted:

Amendment 1 (045150)(with title amendment)—On page 3, line 21 through page 4, line 19, delete section 2 and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 9-11, delete those lines and insert: care centers;

Pursuant to Rule 4.19, **SB 670** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for SB 626—A bill to be entitled An act relating to environmental health; creating s. 381.0069, F.S.; providing for the regulation of portable restroom contracting; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for authorization of business entities providing portable restroom contracting services under a fictitious name; providing grounds for suspension or revocation of registration or authorization; providing fees; providing penalties and prohibitions; amending s. 381.0061, F.S.; authorizing imposition of an administrative fine for violating portable restroom contracting requirements; amending s. 381.0065, F.S.; specifying the department's powers and duties with respect to regulating portable restroom facilities and the individuals or businesses that provide and service such facilities; authorizing the department to enter the business premises of any portable restroom contractor to determine compliance and for the purpose of enforcement; authorizing issuance of a citation for a violation of portable restroom contracting requirements which may contain an order of correction or a fine; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 626** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 316—A bill to be entitled An act relating to the Criminal Punishment Code; amending s. 921.0022, F.S.; including offenses involving the possession of photographic material containing sexual conduct by a minor, the transmission of pornography by electronic device, and the transmission to a minor of material harmful to minors by electronic device within the offense severity ranking chart of the Criminal Punishment Code; reclassifying within the offense severity ranking chart the offense of soliciting a child by a computer service to commit an unlawful sexual act, which is a felony of the third degree, to increase the penalty imposed for that offense; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 316** to **HB 411**.

Pending further consideration of **CS for SB 316** as amended, on motion by Senator Fasano, by two-thirds vote **HB 411** was withdrawn from the Committees on Criminal Justice; and Justice Appropriations.

On motion by Senator Fasano, by two-thirds vote—

HB 411—A bill to be entitled An act relating to the Criminal Punishment Code; amending s. 921.0022, F.S.; including offenses involving the possession of photographic material containing sexual conduct by a minor, the transmission of pornography by electronic device, and the transmission to a minor of material harmful to minors by electronic device within the offense severity ranking chart of the Criminal Punishment Code; reclassifying within the offense severity ranking chart the offense of soliciting a child by a computer service to commit an unlawful sexual act, which is a felony of the third degree, to increase the penalty imposed for that offense; providing an effective date.

—a companion measure, was substituted for **CS for SB 316** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 411** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 1722—A bill to be entitled An act relating to multiservice senior centers; creating s. 430.901, F.S.; providing a definition and purposes of a "multiservice senior center"; renumbering and amending s. 430.206, F.S.; providing for certain accreditation; amending s. 430.203, F.S.; repealing a definition of "multiservice senior center," to conform; amending s. 430.205, F.S.; providing that activities of a community care service area may be directed from a multiservice senior center as defined in s. 430.901, F.S.; repealing s. 430.041, F.S., relating to the Office of Long-Term-Care Policy; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (715444)(with title amendment)—On page 4, lines 4 and 5, delete section 5 and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 13-15, delete those lines and insert: 430.901, F.S.; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1722** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for CS for SB 328—A bill to be entitled An act relating to automated external defibrillators in law enforcement vehicles; providing legislative findings and intent; providing definitions; requiring the Department of Law Enforcement to administer a grant program to fund the placement of automated external defibrillators in law enforcement vehicles; limiting the amount of such grants to amounts specifically appropriated; providing for administrative costs; requiring a law enforcement agency to provide matching funds when making a grant request; providing an exception; providing for priority consideration for certain applications; requiring the department to adopt rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 328** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 252—A bill to be entitled An act relating to Florida Retirement System benefits; amending s. 121.182, F.S.; authorizing municipalities to purchase annuities for municipal personnel in the same manner as counties may for county personnel; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 252** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB 1216—A bill to be entitled An act relating to high-risk offenders; providing a short title; amending s. 775.21, F.S.; extending the period for a petition to remove a sexual predator designation; requiring the Department of Law Enforcement to develop procedures for twice yearly reporting by sexual predators; providing that it is a criminal offense to fail to report or to provide false information about a sexual predator or to harbor or hide a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to report or providing false information about a sexual predator and harboring or hiding a sexual predator; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S.; requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; requiring the department to develop procedures for twice yearly reporting of sexual offenders; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; providing that it is a criminal offense to fail to report or to provide false information about a sexual offender or to harbor or hide a sexual offender; requiring the Department of Law Enforcement to develop procedures for twice yearly reporting of sexual offenders; amending s. 947.1405, F.S.; requiring electronic monitoring for certain offenders placed on conditional release supervision; amending s. 948.012, F.S.; requiring the court to impose a split sentence in certain circumstances; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment system to monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances; requiring that information be provided to the court by the correctional probation officer; requiring the court to assist the department by creating and maintaining an automated system; requiring the department to have fingerprint reading equipment and capability by October 1, 2006; creating s. 948.062, F.S.; requiring the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; creating s. 948.063, F.S.; requiring the court to order electronic monitoring for designated sexual offenders and predators who violate probation or community control; amending s. 948.11, F.S.; requiring the department to develop and implement procedures to notify certain officials on the availability of electronic monitoring units; requiring the department to use certain electronic monitoring systems on high-risk offenders; amending s. 948.15, F.S.; specifying that the terms of the contract must contain procedures for accessing criminal history records concerning probationers; amending s. 948.30, F.S.; requiring certain sex offenders and sexual predators on probation or community control to be placed on electronic monitoring; creating a task force within the Department of Law Enforcement; requiring the task force to examine the collection and dissemination of offender information within the criminal justice system and community; prescribing task force membership; requiring that the task force submit findings and recommendations to the Governor and the Legislature; requiring cooperation by state agencies; providing for abolishing the task force on a specified date; requiring the Office of Program Policy Analysis and Governmental Accountability to perform a study of and report to the Legislature on the effectiveness of Florida's sexual predator and sexual offender registries and community and public notification provisions; providing appropriations and authorizing positions; providing an effective date.

—which was previously considered and amended this day.

MOTION

On motion by Senator Villalobos, the rules were waived to allow the following amendment to be considered:

Senator Villalobos moved the following amendment which was adopted:

Amendment 20 (271396)—On page 45, line 8, after "*shall*" insert: *, every 3 years,*

Pending further consideration of **CS for CS for SB 1216** as amended, on motion by Senator Argenziano, by two-thirds vote **HB 1877** was withdrawn from the Committees on Criminal Justice; Judiciary; Justice Appropriations; Ways and Means; and Rules and Calendar.

On motion by Senator Argenziano, the rules were waived and by two-thirds vote—

HB 1877—A bill to be entitled An act relating to sexual predators and sexual offenders; providing a popular name; amending s. 216.136, F.S.; assigning an additional responsibility to the Criminal Justice Estimating Conference; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; creating s. 775.0821, F.S.; creating a felony offense for removing, altering, or failing to maintain an electronic monitoring device for the purpose of committing a crime; providing criminal penalties; amending s. 775.21, F.S.; revising criteria for sexual predator designation; requiring certain notification of sentence; providing for electronic monitoring; extending period for petition to remove sexual predator designation; creating s. 775.235, F.S.; prohibiting the harboring of a sexual predator or sexual offender; providing criminal penalties; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; revising ranking for certain offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration and other requirements; amending s. 921.141, F.S.; creating an aggravating circumstance pertaining to sexual predators for purposes of imposing the death penalty; amending s. 943.043, F.S.; requiring the Department of Corrections to share information with local law enforcement agencies to assist in determining the potential whereabouts of registered sexual predators and sexual offenders; amending s. 943.0435, F.S.; revising provisions relating to sexual offender registration; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.606, F.S.; requiring the Department of Corrections to provide information regarding electronic monitoring to the Department of Law Enforcement; amending s. 944.607, F.S.; requiring sexual offenders sentenced to electronic monitoring to provide such information to the Department of Corrections and for such department to provide that information to the Department of Law Enforcement; amending s. 947.1405, F.S.; requiring sexual offenders and sexual predators on conditional release to be placed on electronic monitoring; requiring the Parole Commission to order sexual offenders and sexual predators on conditional release to be returned to prison until expiration of sentence for any material violation of supervision; creating s. 947.1406, F.S.; providing requirements for electronic monitoring of sexual offenders and sexual predators on conditional release; amending s. 948.06, F.S.; requiring electronic monitoring for any violation of probation or community control supervision by certain offenders and sexual predators; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment and alert system to monitor certain offenders placed on probation or community control; authorizing the department to adopt rules; requiring the department to have fingerprint-reading equipment and capability by a specified date; amending s. 948.11, F.S.; providing requirements for electronic monitoring of sexual offenders and sexual predators on community control or probation; amending s. 948.30, F.S.; requiring sexual offenders and sexual predators on community control or probation to be placed on electronic monitoring; requiring a study by the Office of Program Policy Analysis and Governmental Accountability of the effectiveness of Florida's sexual predator and sexual offender registration process and community and public notification provisions; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1216** as amended and by two-thirds vote read the second time by title.

Senator Argenziano moved the following amendment:

Amendment 1 (244374)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Jessica Lunsford Act."*

Section 2. Paragraph (a) of subsection (5) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—

(a) Duties.—The Criminal Justice Estimating Conference shall:

1. Develop such official information relating to the criminal justice system, including forecasts of prison admissions and population and of supervised felony offender admissions and population, as the conference determines is needed for the state planning and budgeting system.

2. Develop such official information relating to the number of eligible discharges and the projected number of civil commitments for determining space needs pursuant to the civil proceedings provided under part V of chapter 394.

3. Develop official information relating to the number of sexual offenders and sexual predators who are required by law to be placed on community control, probation, or conditional release who are subject to electronic monitoring. In addition, the Office of Economic and Demographic Research shall study the factors relating to the sentencing of sex offenders from the point of arrest through the imposition of sanctions by the sentencing court, including original charges, plea negotiations, trial dispositions, and sanctions. The Department of Corrections, the Office of the State Courts Administrator, the Florida Department of Law Enforcement, and the State Attorneys shall provide information deemed necessary for the study. The final report shall be provided to the President of the Senate and Speaker of the House by March 1, 2006.

Section 3. Paragraph (b) of subsection (4), paragraph (l) of subsection (6), subsection (8), and subsection (10) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

(4) SEXUAL PREDATOR CRITERIA.—

(b) In order to be counted as a prior felony for purposes of this subsection, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense and sentenced or adjudicated separately from any other felony conviction that is to be counted as a prior felony. ~~If the offender's prior enumerated felony was committed more than 10 years before the primary offense, it shall not be considered a prior felony under this subsection if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later.~~

(6) REGISTRATION.—

(l) A sexual predator must maintain registration with the department for the duration of his or her life, unless the sexual predator has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that met the criteria for the sexual predator designation. However, a sexual predator who was designated as a sexual predator by a court before October 1, 1998, and who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 10 years and has not been arrested for any felony or misdemeanor offense since release, may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. A sexual predator who was designated a sexual predator by a court on or after October 1, 1998, who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 20 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. *A sexual predator who was designated as a sexual predator by a court on or after September 1, 2005, who has been lawfully*

released from confinement, supervision, or sanction, whichever is later, for at least 30 years, and who has not been arrested for any felony or misdemeanor offense since release may petition the criminal division of the circuit court in the circuit in which the sexual predator resides for the purpose of removing the sexual predator designation. The court may grant or deny such relief if the petitioner demonstrates to the court that he or she has not been arrested for any crime since release, the requested relief complies with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to the removal of the designation as a sexual predator or required to be met as a condition for the receipt of federal funds by the state, and the court is otherwise satisfied that the petitioner is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual predator may again petition the court for relief, subject to the standards for relief provided in this paragraph. Unless specified in the order, a sexual predator who is granted relief under this paragraph must comply with the requirements for registration as a sexual offender and other requirements provided under s. 943.0435 or s. 944.607. If a petitioner obtains an order from the court that imposed the order designating the petitioner as a sexual predator which removes such designation, the petitioner shall forward a certified copy of the written findings or order to the department in order to have the sexual predator designation removed from the sexual predator registry.

The sheriff shall promptly provide to the department the information received from the sexual predator.

(8) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. The system must be consistent with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. The Department of Corrections shall verify the addresses of sexual predators who are not incarcerated but who reside in the community under the supervision of the Department of Corrections. County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual predators who are not under the care, custody, control, or supervision of the Department of Corrections.

(a) A sexual predator must report in person each year during the month of the sexual predator's birthday and during the sixth month following the sexual predator's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual predator, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual predator is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment or employment status.

3. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual predator to the department in a manner prescribed by the department. This procedure shall be implemented by December 1, 2005.

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver's license or identification card; who fails to provide required location information or change-of-name information; who fails to make a required report in connection with vacating a permanent residence; *who fails to reregister as required; who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence;* or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025, where the victim is a minor and the defendant is not the victim's parent; s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s. 800.04; s. 827.071; s. 847.0133; or s. 847.0145, or a violation of a similar law of another jurisdiction, when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, day care center, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who misuses public records information relating to a sexual predator, as defined in this section, or a sexual offender, as defined in s. 943.0435 or s. 944.607, to secure a payment from such a predator or offender; who knowingly distributes or publishes false information relating to such a predator or offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A sexual predator who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual predator, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

(e) An arrest on charges of failure to register, the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register when the predator has been provided and advised of his or her statutory obligation to register under subsection (6). A sexual predator's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual predator charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual predator who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(f) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual predator of criminal liability for the failure to register.

(g) Any person who has reason to believe that a sexual predator is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual predator in eluding a law enforcement agency that is seeking to find the sexual predator to question the sexual predator about, or to arrest the sexual predator for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual predator's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual predator;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual predator;

3. Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual predator; or

4. Provides information to the law enforcement agency regarding the sexual predator which the person knows to be false information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This paragraph does not apply if the sexual predator is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

Section 4. Paragraph (a) of subsection (3) of section 775.082, Florida Statutes, is amended to read:

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a)1. For a life felony committed prior to October 1, 1983, by a term of imprisonment for life or for a term of years not less than 30.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. *Except as provided in subparagraph 4.,* for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

4. For a life felony committed on or after September 1, 2005, which is a violation of s. 800.04(5)(b), by:

a. A term of imprisonment for life; or

b. A split sentence that is a term of not less than 25 years imprisonment and not exceeding life imprisonment, followed by probation or community control for the remainder of the person's natural life, as provided in s. 948.012(4).

Section 5. Paragraph (b) of subsection (5) of section 800.04, Florida Statutes, is amended to read:

800.04 Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.—

(5) LEWD OR LASCIVIOUS MOLESTATION.—

(b) An offender 18 years of age or older who commits lewd or lascivious molestation against a victim less than 12 years of age commits a *life* felony ~~of the first degree~~, punishable as provided in *s. 775.082(3)(a)4.* ~~s. 775.082, s. 775.083, or s. 775.084.~~

Section 6. Paragraphs (f), (g), and (i) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Forgery of pedigree papers.
499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
499.0051(5)	2nd	Sale of legend drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
~~775.21(10)~~	~~3rd~~	~~Sexual predators; failure to register; failure to renew driver's license or identification card.~~
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.

Florida Statute	Felony Degree	Description
812.015(9)	2nd	Retail theft; property stolen $300 or more; second or subsequent conviction.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $20,000.
827.03(1)	3rd	Abuse of a child.
827.03(3)(c)	3rd	Neglect of a child.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
~~943.0435(9)~~	~~3rd~~	~~Sex offenders; failure to comply with reporting requirements.~~
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
		(g) LEVEL 7
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by money transmitter.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	*3rd*	*Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.*
775.21(10)(b)	*3rd*	*Sexual predator working where children regularly congregate.*

Florida Statute	Felony Degree	Description
775.21(10)(g)	*3rd*	*Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.*
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341(2)(b)& (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.

Florida Statute	Felony Degree	Description
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
943.0435(4)(c)	*2nd*	*Sexual offender vacating permanent residence; failure to comply with reporting requirements.*
943.0435(8)	*2nd*	*Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.*
943.0435(9)(a)	*3rd*	*Sexual offender; failure to comply with reporting requirements.*
943.0435(13)	*3rd*	*Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.*
943.0435(14)	*3rd*	*Sexual offender; failure to report and reregister; failure to respond to address verification.*
944.607(9)	*3rd*	*Sexual offender; failure to comply with reporting requirements.*
944.607(10)(a)	*3rd*	*Sexual offender; failure to submit to the taking of a digitized photograph.*
944.607(12)	*3rd*	*Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.*
944.607(13)	*3rd*	*Sexual offender; failure to report and reregister; failure to respond to address verification.*

(i) LEVEL 9

316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
499.0053	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding $100,000 by money transmitter.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding $100,000.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding $100,000 by financial institution.
775.0844	1st	Aggravated white collar crime.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
782.04(3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

Florida Statute	Felony Degree	Description
790.161	1st	Attempted capital destructive device offense.
790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
800.04(5)(b)	*Life* ~~1st~~	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
812.135(2)(b)	1st	Home-invasion robbery with weapon.
817.568(7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
893.135 (1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
893.135 (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding $100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $100,000.

Section 7. Paragraph (o) is added to subsection (5) of section 921.141, Florida Statutes, to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances shall be limited to the following:

(o) The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21 or a person previously designated as a sexual predator who had the sexual-predator designation removed.

Section 8. Subsection (5) is added to section 943.043, Florida Statutes, to read:

943.043 Toll-free telephone number; Internet notification; sexual predator and sexual offender information.—

(5) In an effort to ensure that sexual predators and sexual offenders who fail to respond to address-verification attempts or who otherwise abscond from registration are located in a timely manner, the department shall share information with local law enforcement agencies. The department shall use analytical resources to assist local law enforcement agencies to determine the potential whereabouts of any sexual predator or sexual offender who fails to respond to address-verification attempts or who otherwise absconds from registration. The department shall review and analyze all available information concerning any such predator or offender who fails to respond to address-verification attempts or who otherwise absconds from registration and provide the information to local law enforcement agencies in order to assist the agencies in locating and apprehending the sexual predator or sexual offender.

Section 9. Subsections (13) and (14) are added to section 943.0435, Florida Statutes, to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(13) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

3. Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

4. Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information, commits

a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner prescribed by the department. This procedure shall be implemented by December 1, 2005.

Section 10. Section 943.04352, Florida Statutes, is created to read:

943.04352 Search of registration information regarding sexual predators and sexual offenders required when placement on misdemeanor probation.—When the court places a defendant on misdemeanor probation pursuant to ss. 948.01 and 948.15, the public or private entity providing probation services must conduct a search of the probationer's name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043. The probation services provider may conduct the search using the Internet site maintained by the Department of Law Enforcement.

Section 11. Subsections (12) and (13) are added to section 944.607, Florida Statutes, to read:

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

(12) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

1. Withholds information from, or does not notify, the law enforcement agency about the sexual offender's non-compliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

2. Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

3. Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

4. Provides information to the law enforcement agency regarding the sexual offender which the person knows to be false information, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply if the sexual offender is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

(13)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this paragraph. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within three weeks of the date of the correspondence, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, and s. 775.084.

(b) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the Florida Department of Law Enforcement in a manner prescribed by the Florida Department of Law Enforcement. This procedure shall be implemented by December 1, 2005.

Section 12. Subsection (10) is added to section 947.1405, Florida Statutes, to read:

947.1405 Conditional release program.—

(10) Effective for a releasee whose crime was committed on or after September 1, 2005, in violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145, and the unlawful activity involved a victim who was 15 years of age or younger and the offender is 18 years of age or older or for a releasee who is designated as a sexual predator pursuant to s. 775.21, in addition to any other provision of this section, the commission must order electronic monitoring for the duration of the releasee's supervision.

Section 13. Subsection (4) of section 948.06, Florida Statutes, is amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(4) Notwithstanding any other provision of this section, a probationer or an offender in community control who is arrested for violating his or her probation or community control in a material respect may be taken before the court in the county or circuit in which the probationer or offender was arrested. That court shall advise him or her of such charge of a violation and, if such charge is admitted, shall cause him or her to be brought before the court which granted the probation or community control. If such violation is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing. *However, if the probationer or offender is under supervision for any criminal offense proscribed in chapter 794, s. 800.04(4), s. 800.04(5), s. 800.04(6), s. 827.071, or s. 847.0145, or is a registered sexual predator or a registered sexual offender, or is under supervision for a criminal offense for which he or she would meet the registration criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the effective date of those sections, the court must make a finding that the probationer or offender is not a danger to the public prior to release with or without bail. In determining the danger posed by the offender or probationer's release, the court may consider the nature and circumstances of the violation and any new offenses charged; the offender or probationer's past and present conduct, including convictions of crimes; any record of arrests without conviction for crimes involving violence or sexual crimes; any other evidence of allegations of unlawful sexual conduct or the use of violence by the offender or probationer; the offender or probationer's family ties, length of residence in the community, employment history, and mental condition; his or her history and conduct during the probation or community control supervision from which the violation arises and any other previous supervisions, including disciplinary records of previous incarcerations; the likelihood that the offender or probationer will engage again in a criminal course of conduct; the weight of the evidence against the offender or probationer; and any other facts the court considers relevant.* The court, as soon as is practicable, shall give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel. After such hearing, the court shall make findings of fact and forward the findings to the court which granted the probation or community control and to the probationer or offender or his or her attorney. The findings of fact by the hearing court are binding on the court which granted the probation or community control. Upon the probationer or offender being brought before it, the court which granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section.

Section 14. Subsection 948.012, Florida Statutes, is amended to read:

948.012 Split sentence of probation or community control and imprisonment.—

(1) Whenever punishment by imprisonment for a misdemeanor or a felony, except for a capital felony, is prescribed, the court, in its discretion, may, at the time of sentencing, impose a split sentence whereby the defendant is to be placed on probation or, with respect to any such felony, into community control upon completion of any specified period of such sentence which may include a term of years or less. In such case, the court shall stay and withhold the imposition of the remainder of sentence imposed upon the defendant and direct that the defendant be placed upon probation or into community control after serving such period as may be imposed by the court. The period of probation or community control shall commence immediately upon the release of the defendant from incarceration, whether by parole or gain-time allowances.

(2) The court may also impose a split sentence whereby the defendant is sentenced to a term of probation which may be followed by a period of incarceration or, with respect to a felony, into community control, as follows:

(a) If the offender meets the terms and conditions of probation or community control, any term of incarceration may be modified by court order to eliminate the term of incarceration.

(b) If the offender does not meet the terms and conditions of probation or community control, the court may revoke, modify, or continue the probation or community control as provided in s. 948.06. If the probation or community control is revoked, the court may impose any sentence that it could have imposed at the time the offender was placed on probation or community control. The court may not provide credit for time served for any portion of a probation or community control term toward a subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses pending before the court for sentencing, would exceed the maximum penalty allowable as provided in s. 775.082. Such term of incarceration shall be served under applicable law or county ordinance governing service of sentences in state or county jurisdiction. This paragraph does not prohibit any other sanction provided by law.

(3) The court may also impose split probation whereby, upon satisfactory completion of half the term of probation, the Department of Corrections may place the offender on administrative probation for the remainder of the term of supervision.

(4) Effective for offenses committed on or after September 1, 2005, the court must impose a split sentence pursuant to subsection (1) for any person who is convicted of a life felony for lewd and lascivious molestation pursuant to s. 800.04(5)(b) if the court imposes a term of years in accordance with s. 775.082(3)4.b. rather than life imprisonment. The probation or community control portion of the split sentence imposed by the court for a defendant must extend for the duration of the defendant's natural life and include a condition that he or she be electronically monitored.

Section 15. Section 948.061, Florida Statutes, is created to read:

948.061 Identifying, assessing, and monitoring high-risk sex offenders on community supervision; providing cumulative criminal and supervision histories on the Internet.—

(1) By December 1, 2005, the department shall develop a graduated risk assessment that identifies, assesses, and closely monitors a high-risk sex offender who is placed on probation or in community control and who:

(a) Has previously been placed on probation or in community control and has a history of committing multiple violations of community supervision in this state or in any other jurisdiction or have previously been incarcerated in this state or in any other jurisdiction; and

(b) Has experienced more than one of the following risk factors that could potentially make the offender more likely to pose a danger to others:

1. Previous conviction for domestic violence;

2. History of substance abuse;

3. Unemployment or substantial financial difficulties;

4. Previous conviction for violence or sex acts against children, particularly involving strangers; or

5. Any other risk factor identified by the department.

(2) To facilitate the information available to the court at first appearance hearings and at all subsequent hearings for these high-risk sex offenders, the department shall, no later than March 1, 2006, post on FDLE's Criminal Justice Intranet a cumulative chronology of the sex offender's prior terms of state probation and community control, including all substantive or technical violations of state probation or community control. The sheriff's office in the county where the arrested person is booked shall insure that state and national criminal history information and all criminal justice information available in the Florida Crime Information Center and the National Crime Information Center, is provided to the court at the time of the first appearance. The courts shall assist the department's dissemination of critical information by creating and maintaining an automated system to provide the information as specified in this subsection and by providing the necessary technology in the courtroom to deliver the information.

(3) In monitoring the location of high-risk sex offenders, the department, shall, no later than October 1, 2006, have fingerprint-reading equipment and capability that will immediately identify the probationer or community controllee when they report to their designated probation officer and alert department probation officials when probationers and community controllees are subsequently rearrested.

Section 16. Section 948.062, Florida Statutes, is created to read:

948.062 Reviewing and reporting serious offenses committed by offenders placed on probation or community control.—

(1) The department shall review the circumstances related to an offender placed on probation or community control who has been arrested while on supervision for the following offenses:

(a) Any murder as provided in s. 782.04;

(b) Any sexual battery as provided in s. 794.011 or s. 794.023;

(c) Any sexual performance by a child as provided in s. 827.071;

(d) Any kidnapping, false imprisonment, or luring of a child as provided in s. 787.01, s. 782.07, or s. 787.025;

(e) Any lewd and lascivious battery or lewd and lascivious molestation as provided in s. 800.04(4) or s. 800.04(5);

(f) Any aggravated child abuse as provided in s. 827.03(2);

(g) Any robbery with a firearm or other deadly weapon, home invasion robbery, or carjacking as provided in s. 812.13(2)(a), s. 812.135, or s. 812.133;

(h) Any aggravated stalking as provided in s. 784.048(3), (4), or (5);

(i) Any forcible felony as provided in s. 776.08, committed by any person on probation or community control who is designated as a sexual predator; or

(j) Any DUI manslaughter as provided in s. 316.193(3)(c), or vehicular or vessel homicide as provided in s. 782.071 or s. 787.072, committed by any person who is on probation or community control for an offense involving death or injury resulting from a driving incident.

(2) The department shall provide a statistical data summary from these reviews to the Office of Program Policy Analysis and Government Accountability. The Office of Program Policy Analysis and Government Accountability shall analyze this data and provide a written report to the President of the Senate and the Speaker of the House of Representatives by March 1, 2006. The report must include, at a minimum, any identified systemic deficiencies in managing high-risk offenders on community supervision; any patterns of noncompliance by correctional probation officers; and recommendations for improving the community supervision program.

Section 17. Section 948.063, Florida Statutes, is created to read:

948.063 Violations of probation or community control by designated sexual offenders and sexual predators.—If probation or community control is revoked by the court pursuant to s. 948.06(2)(e) and the offender is designated as a sexual offender or sexual predator pursuant to s. 775.21 for unlawful sexual activity involving a victim 15 years of age or younger and the offender is 18 years of age or older, and if the court imposes a subsequent term of supervision following the revocation of probation or community control, the court must order electronic monitoring as a condition of the subsequent term of probation or community control.

Section 18. Section 948.11, Florida Statutes, is amended to read:

948.11 Electronic monitoring devices.—

(1)(a) The Department of Corrections may, at its discretion, electronically monitor an offender sentenced to community control.

(b) The Department of Corrections shall electronically monitor an offender sentenced to criminal quarantine community control 24 hours per day.

(2) Any offender placed on community control who violates the terms and conditions of community control and is restored to community control may be supervised by means of an electronic monitoring device or system.

(3) For those offenders being electronically monitored, the Department of Corrections shall develop procedures to determine, investigate, and report the offender's noncompliance with the terms and conditions of sentence 24 hours per day. All reports of noncompliance shall be immediately investigated by a community control officer.

(4) The Department of Corrections may contract with local law enforcement agencies to assist in the location and apprehension of offenders who are in noncompliance as reported by the electronic monitoring system. This contract is intended to provide the department a means for providing immediate investigation of noncompliance reports, especially after normal office hours.

(5) Any person being electronically monitored by the department as a result of placement on community control shall be required to pay a surcharge as provided in s. 948.09(2).

(6) For probationers, community controllees, or conditional releasees who have current or prior convictions for violent or sexual offenses, the department, in carrying out a court or commission order to electronically monitor an offender, must use a system that actively monitors and identifies the offender's location and timely reports or records the offender's presence near or within a crime scene or in a prohibited area or the offender's departure from specified geographic limitations.

(7) A person who intentionally alters, tampers with, damages or destroys any electronic monitoring equipment pursuant to court or commission order, unless such person is the owner of the equipment, or an agent of the owner, performing ordinary maintenance and repairs commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 19. Section 948.15, Florida Statutes, is amended to read:

948.15 Misdemeanor probation services.—

(1) Defendants found guilty of misdemeanors who are placed on probation shall be under supervision not to exceed 6 months unless otherwise specified by the court. In relation to any offense other than a felony in which the use of alcohol is a significant factor, the period of probation may be up to 1 year.

(2) A private entity or public entity under the supervision of the board of county commissioners or the court may provide probation services for offenders sentenced by the county court.

(3) Any private entity providing services for the supervision of misdemeanor probationers must contract with the county in which the services are to be rendered. In a county with a population of less than 70,000, the county court judge, or the administrative judge of the county court in a county that has more than one county court judge, must approve the contract. Terms of the contract must state, but are not limited to:

(a) The extent of the services to be rendered by the entity providing supervision or rehabilitation.

(b) Staff qualifications and criminal record checks of staff in accordance with essential standards established by the American Correctional Association as of January 1, 1991.

(c) Staffing levels.

(d) The number of face-to-face contacts with the offender.

(e) Procedures for handling the collection of all offender fees and restitution.

(f) Procedures for handling indigent offenders which ensure placement irrespective of ability to pay.

(g) Circumstances under which revocation of an offender's probation may be recommended.

(h) Reporting and recordkeeping requirements.

(i) Default and contract termination procedures.

(j) Procedures that aid offenders with job assistance.

(k) Procedures for accessing criminal history records of probationers.

In addition, the entity shall supply the chief judge's office with a quarterly report summarizing the number of offenders supervised by the

private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity must be open to inspection upon the request of the county, the court, the Auditor General, the Office of Program Policy Analysis and Government Accountability, or agents thereof.

(4) A private entity that provides court-ordered services to offenders and that charges a fee for such services must register with the board of county commissioners in the county in which the services are offered. The entity shall provide the following information for each program it operates:

(a) The length of time the program has been operating in the county.

(b) A list of the staff and a summary of their qualifications.

(c) A summary of the types of services that are offered under the program.

(d) The fees the entity charges for court-ordered services and its procedures, if any, for handling indigent offenders.

(5) The private entity providing misdemeanor supervision services shall also comply with all other applicable provisions of law.

Section 20. Subsection (2) of section 948.30, Florida Statutes, is amended and subsection (3) is added to that section to read:

948.30 Additional terms and conditions of probation or community control for certain sex offenses.—Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(2) Effective for a probationer or community controllee whose crime was committed on or after October 1, 1997, and who is placed on *community control or* sex offender probation for a violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, in addition to any other provision of this subsection, the court must impose the following conditions of probation or community control:

(a) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid for by the sex offender. The results of the polygraph examination shall not be used as evidence in court to prove that a violation of community supervision has occurred.

(b) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

(c) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

(d) If there was sexual contact, a submission to, at the probationer's or community controllee's expense, an HIV test with the results to be released to the victim or the victim's parent or guardian.

(e) Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections.

(3) Effective for a probationer or community controllee whose crime was committed on or after September 1, 2005, and who:

(a) Is placed on probation or community control for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older;

(b) Is designated a sexual predator pursuant to s. 775.21; or

(c) Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older, the court must order, in addition to any other provision of this section, mandatory electronic monitoring as a condition of the probation or community control supervision.

Section 21. Subsection (1) of section 1012.465, Florida Statutes, is amended to read:

1012.465 Background screening requirements for certain noninstructional school district employees and contractors.—

(1) Noninstructional school district employees or contractual personnel who *are permitted access on school grounds when students are present, who* have direct contact with students or *who* have access to or control of school funds must meet level 2 screening requirements as described in s. 1012.32. *Contractual personnel shall include any vendor, individual, or entity under contract with the school board.*

Section 22. *(1)(a) There is created within the Department of Law Enforcement a task force for the purpose of examining the collection and dissemination of offender information within the criminal justice system and community. The task force shall recommend strategies and actions that may be implemented to enhance coordination and cooperation among the various entities within the criminal justice system with a common goal of public safety.*

(b) The task force shall consist of the membership of the Criminal Justice Information Systems Council set forth in section 943.06, Florida Statutes.

(2)(a) The task force shall study and take testimony regarding:

1. The collection and dissemination of offender information, including criminal history and any other pertinent matters, to the court, the prosecuting attorney, and defense counsel at first appearance hearings.

2. The collection and dissemination of offender information, including criminal history and any other pertinent matters, to the court, the prosecuting attorney and defense counsel at all court appearances subsequent to first appearance.

3. The collection and dissemination of offender information, including criminal history and any other pertinent matters, to county probation officers or officials.

4. Any other subject that the task force deems relevant to the collection and dissemination of offender information within the criminal justice system and community.

(b) The task force shall submit a preliminary draft report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 45 days before the first day of the 2006 regular session of the Legislature. The final report shall be filed with the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 30 days before the first day of the 2006 regular session. In addition to the findings and recommendations included in the final report, the report must include a draft of proposed rules and proposed legislation for any recommendations requiring proposed rules and proposed legislation.

(c) Each state agency shall fully cooperate with the task force in the performance of its duties.

(3) All meetings of the task force and all business of the task force for which reimbursement may be requested shall be concluded before the final report is filed. The task force is abolished July 1, 2006.

Section 23. *The Office of Program Policy Analysis and Governmental Accountability shall perform a study of the effectiveness of Florida's sexual predator and sexual offender registration process and community and public notification provisions. As part of determining the effectiveness os the registration process, the OPPAGA shall examine the current practices of: the Department of Corrections, county probation offices, clerk of courts, court administrators, county jails and booking facilities, Department of Children and Family Services, judges, state attorneys offices, Department of Highway Safety and Motor Vehicles, Department of Law Enforcement, and local law enforcement agencies as they relate to: sharing of offender information regarding registered sexual predators and sexual offenders for purposes of fulfilling the requirements set fourth in the registration laws; ensuring the most accurate, current and comprehensive information is provided in a timely manner to the registry; ensur-*

ing the effective supervision and subsequent monitoring of sexual predators and offenders; and ensuring informed decisions are made at each point of the criminal justice and registration process. In addition to determining the effectiveness of the registration process, the report shall focus on the question of whether the notification provisions in statute are sufficient to apprise communities of the presence of sexual predators and sexual offenders. The report shall examine how local law enforcement agencies collect and disseminate information in an effort to notify the public and communities of the presence of sexual predators and offenders. If the report finds deficiencies in the registration process, the notification provisions, or both, the report shall provide options for correcting those deficiencies and shall include the projected cost of implementing those options. In conducting the study, the Office of Program Policy Analysis and Governmental Accountability shall consult with the Florida Council Against Sexual Violence and the Florida Association for the Treatment of Sexual Abusers in addition to other interested entities that may offer experiences and perspectives unique to this area of research. The report shall be submitted to the President of the Senate and the Speaker of the House of Representatives by January 1, 2006.

Section 24. *Four full-time positions are authorized and the sum of $196,908 in recurring funds is appropriated from the General Revenue Fund to the Department of Corrections in salaries and benefits for the 2005-2006 fiscal year. The sum of $15,840 in recurring funds is appropriated from the General Revenue Fund to the Department of Corrections for salary incentive payments for the 2005-2006 fiscal year. The sums of $26,052 in recurring funds and $12,920 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Corrections for expenses for the 2005-2006 fiscal year. The sum of $121,114 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Corrections for other capital outlay for the 2005-2006 fiscal year. The sum of $3,169,530 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Corrections for fixed capital outlay for new prison beds, and the sum of $164,673 in recurring funds is appropriated from the General Revenue Fund to the Department of Corrections for operating costs for the 2005-2006 fiscal year.*

Section 25. *The sum of $3,928,860 in recurring funds is appropriated from the General Revenue Fund to the Department of Corrections for the 2005-2006 fiscal year for the purpose of increasing by 1,200 units the number of active Global Positioning System electronic monitoring devices available to the court when placing offenders on felony probation or other forms of community supervision authorized in chapters 948 and 947, Florida Statutes.*

Section 26. *Nine full-time positions are authorized and the sum of $389,905 in recurring funds is appropriated from the General Revenue Fund to the Department of Law Enforcement for salaries and benefits for the 2005-2006 fiscal year. The sums of $58,617 in recurring funds and $77,070 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Law Enforcement for expenses for the 2005-2006 fiscal year. The sum of $94,200 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Law Enforcement for operating capital outlay for the 2005-06 fiscal year. The sums of $143,000 in recurring funds and $521,000 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Law Enforcement for other personal services for the 2005-2006 fiscal year.*

Section 27. *The sums of $509,500 in recurring funds and $2,520,500 in nonrecurring funds are appropriated from the General Revenue Fund to the Office of State Courts Administrator for the 2005-2006 fiscal year for other data processing services.*

Section 28. This act shall take effect September 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to high-risk offenders; providing a short title; amending s. 216.136, F.S.; assigning additional responsibilities of the Criminal Justice Estimating Conference; requiring a study; amending s. 775.21, F.S.; revising sexual predator criteria; extending the period for a petition to remove a sexual predator designation; requiring twice yearly reregistration by sexual predators; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator, and harboring or concealing a sexual predator; requiring twice yearly reregistration by sexual predators; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator, and harboring or concealing a sexual predator; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; providing for 25-year mandatory minimum term of imprisonment; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; deleting ranking for offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration requirements and other requirements; ranking new criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual predator or sexual offender, and harboring or concealing a sexual predator or sexual offender; correcting a reference to the felony degree of a lewd or lascivious offense; amending s. 921.141, F.S.; providing an additional aggravating circumstance pertaining to sexual predators for the purpose of imposing the death penalty; amending s. 943.043, F.S., requiring the Department of Law Enforcement to provide to local law enforcement agencies information on sexual predators and sexual offenders who fail to respond to address verification attempts or abscond from registration; amending s. 943.0435, F.S.; requiring twice yearly reregistration by sexual offenders; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual offender, and harboring or concealing a sexual offender; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.607, F.S.; requiring twice yearly reregistration by sexual offenders; requiring reregistration information be provided to the Department of Law Enforcement; providing criminal offenses for failing to reregister, failing to respond to address verification, failing to report or providing false information about a sexual offender, and harboring or concealing a sexual offender; amending s. 947.1405, F.S.; requiring electronic monitoring for certain offenders placed on conditional release supervision; amending s. 948.06(4), F.S.; requiring a court finding with regard to dangerousness to the public prior to release on bail under certain circumstances; amending s. 948.012, F.S.; requiring the court to impose a split sentence in certain circumstances; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment system to monitor certain offenders placed on probation or community control; requiring increased supervision of such offenders under certain circumstances; requiring that information be provided via FDLE's Criminal Justice Intranet to the court by the correctional probation officer; requiring the court to assist the department by creating and maintaining an automated system; requiring the department to have fingerprint reading equipment and capability by October 1, 2006; creating s. 948.062, F.S.; requiring the Department of Corrections to review the circumstances of certain arrests of offenders on probation or community control; requiring the Office of Program Policy Analysis and Government Accountability to analyze the reviews and report to the President of the Senate and the Speaker of the House of Representatives; creating s. 948.063, F.S.; requiring the court to order electronic monitoring for designated sexual offenders and predators who violate probation or community control; amending s. 948.11, F.S.; requiring the department to develop and implement procedures to notify certain officials on the availability of electronic monitoring units; requiring the department to use certain electronic monitoring systems on high-risk offenders; prohibiting the intentional altering, tampering, damaging or destroying of any electronic monitoring equipment; amending s. 948.15, F.S.; specifying that the terms of the contract must contain procedures for accessing criminal history records concerning probationers; amending s. 948.30, F.S.; specifying additional conditions for persons placed on community control; requiring certain sex offenders and sexual predators on probation or community control to be placed on electronic monitoring; amending s. 1012.465(1), F.S.; clarifying background screening requirements for contractual personnel who have access on school grounds; creating a task force within the Department of Law Enforcement; requiring the task force to examine the collection and dissemination of offender information within the criminal justice system and community; prescribing task force membership; requiring that the task force submit findings and

recommendations to the Governor and the Legislature; requiring cooperation by state agencies; providing for abolishing the task force on a specified date; requiring the Office of Program Policy Analysis and Governmental Accountability to perform a study of and report to the Legislature on the effectiveness of Florida's sexual predator and sexual offender registries and community and public notification provisions; providing appropriations and authorizing positions; providing an effective date.

Senator Villalobos moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (905230)—On page 51, line 26, after "*shall*" and insert: *, every 3 years,*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1877** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

SB 574—A bill to be entitled An act relating to the designation of an official fruit of the State of Florida; creating s. 15.0315, F.S.; designating the orange as the official fruit of the State of Florida; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 574** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, the Senate recalled from Engrossing—

CS for CS for CS for SB 1010—A bill to be entitled An act relating to administrative procedures; amending s. 11.60, F.S.; revising duties of the Administrative Procedures Committee with respect to its review of statutes; amending s. 57.111, F.S.; redefining the term "small business" to include certain specified individuals whose net worth does not exceed a specified amount; amending s. 120.54, F.S.; requiring an agency to file a notice of change with the Administrative Procedures Committee; revising times for filing rules for adoption; providing for the form and provisions of bonds; revising applicability of certain uniform rules; amending s. 120.55, F.S.; requiring that certain information be included in forms incorporated by reference in rules; requiring information to be published electronically on an Internet website; providing that such publication does not preclude other publications; providing additional duties of the Department of State with respect to publications; providing requirements for the Internet website; amending s. 120.551, F.S.; postponing the repeal of this section, relating to Internet publication; amending s. 120.56, F.S.; revising provisions relating to withdrawal of challenged rules; amending s. 120.569, F.S.; prescribing circumstances under which the time for filing a petition for hearing must be extended; amending s. 120.57, F.S.; requiring a final order to include an explicit ruling on each exception to the recommended order; providing when certain orders become effective; requiring that additional information be included in notices relating to protests of contract solicitations or awards; amending s. 120.65, F.S.; requiring the Division of Administrative Hearings to include certain recommendations in its annual report to the Administrative Procedures Committee; amending s. 120.74, F.S.; requiring agency reports to be filed with the Administrative Procedures Committee; requiring that the annual report filed by an agency identify the types of cases or disputes in which it is involved which should be conducted under the summary hearing process; amending s. 120.80, F.S.; requiring that the commission refer certain matters affecting the substantial interest of a utility to the Division of Administrative Hearings so that an administrative judge may be assigned to conduct a hearing and enter a recommended order; requiring the Department of State to provide certain assistance to agencies in their transition to publishing on the Florida Administrative Weekly Internet website; providing effective dates.

—for further consideration.

RECONSIDERATION OF AMENDMENT

On motion by Senator Fasano, the Senate reconsidered the vote by which **Amendment 2 (152702)** was adopted. **Amendment 2** was withdrawn.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1010** as amended was ordered engrossed and placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motions by Senator Pruitt, the rules were waived and the Committee on Ways and Means was granted permission to meet from 11:00 a.m. until 1:15 p.m. in lieu of 11:00 a.m. until noon, Thursday, April 21; and the Committee on Judiciary was granted permission to meet from 9:30 a.m. until noon, Friday, April 22.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 288**, **CS for SB 680**, **SB 726**, **CS for SB 1416** and **CS for SB 2178** were withdrawn from the Committee on Rules and Calendar; **CS for SB 332** was withdrawn from the Committee on Rules and Calendar; and also referred to the Committees on General Government Appropriations; and Ways and Means; and **CS for SB 1308** was withdrawn from the Committee on General Government Appropriations.

MOTIONS

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 21.

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Thursday, April 21.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 20, 2005: HB 149, CS for SB 1320, CS for SB 316, CS for SB 482, CS for SB 1600, SB 1512, CS for CS for SB 1216, CS for SB 1868, CS for SB 2196, HB 1889, HB 1899, CS for SB 2228, CS for CS for SB 1446, CS for SB 718, CS for SB 2284, CS for CS for SB 334, CS for SB 1774, CS for SB 348, SB 2296, CS for CS for SB 1258, CS for CS for SB 572, SB 1678, CS for CS for SB 1472, CS for SB 1318, SB 2574, CS for SB 1244, CS for SB 1094, CS for SB 1438, CS for CS for SB 186, CS for SB 656, CS for CS for CS for SB 1010, SB 1122, CS for SB 1722, CS for SB 1118, CS for CS for SB 328, SB 252, CS for SB 770, SB 574, SB 670, CS for CS for SB 626

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Community Affairs recommends the following pass: SB 2110

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1158 with 1 amendment

The bill was referred to the Committee on Community Affairs under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1928

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 2340

The bill was referred to the Committee on Education under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 1704

The Committee on Education recommends the following pass: SB 1374 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Education Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 2076

The Committee on Community Affairs recommends the following pass: CS for SB 2072 and SB 1714, with 3 amendments, SB 2148

The Committee on Criminal Justice recommends the following pass: SB 1612, SB 2032

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 332

The bills contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1070 with 3 amendments, SB 1644, CS for SB 1732

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1024

The Committee on Health Care recommends the following pass: CS for SB 1264 with 1 amendment, SB 2130, CS for SB 2516

The bills contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: CS for SB 1624, SB 2344

The Committee on Commerce and Consumer Services recommends the following pass: SB 1444

The Committee on Community Affairs recommends the following pass: SB 1242 with 1 amendment, SB 1568

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Community Affairs recommends the following pass: SB 112

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1800

The Committee on Domestic Security recommends the following pass: SB 764 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Health Care under the original reference.

The Committee on Banking and Insurance recommends the following pass: CS for SB 1288 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 188 with 2 amendments, SB 1972 with 1 amendment, SB 2002 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1746

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Domestic Security recommends the following pass: SB 2620

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: SB 1576 with 1 amendment

The bill was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1998

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 2006

The Committee on Communications and Public Utilities recommends the following pass: SB 1790

The Committee on Community Affairs recommends the following pass: SB 870, CS for SB 898, SB 1820, SB 2460 with 1 amendment

The Committee on Criminal Justice recommends the following pass: CS for SB 216

The Committee on Domestic Security recommends the following pass: CS for SB 1808

The Committee on Education recommends the following pass: SB 2000, SB 2268

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1416

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Commerce and Consumer Services recommends the following not pass: SJR 1292

The bill was laid on the table.

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1982, SB 1984

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1608

The Committee on Transportation recommends a committee substitute for the following: SB 970

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 2510

The bill with committee substitute attached was referred to the Committee on Communications and Public Utilities under the original reference.

The Committee on Communications and Public Utilities recommends a committee substitute for the following: Senate Bills 1296 and 2066

The Committee on Transportation recommends a committee substitute for the following: SB 1850

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: CS for SB 2346

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 2648

The Committee on Ethics and Elections recommends a committee substitute for the following: SJR 1190

The Committee on Transportation recommends a committee substitute for the following: SB 1466

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 2040

The bill with committee substitute attached was referred to the Committee on Domestic Security under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1616

The bill with committee substitute attached was referred to the Committee on Education Appropriations under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 2322

The Committee on Commerce and Consumer Services recommends committee substitutes for the following: CS for SB 1002, CS for SB 1874

The Committee on Regulated Industries recommends a committee substitute for the following: CS for SB 632

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends committee substitutes for the following: CS for SB 2068, SB 2074, SB 2520

The Committee on Environmental Preservation recommends a committee substitute for the following: CS for SB 1316

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1142

The Committee on Community Affairs recommends a committee substitute for the following: SB 1922

The Committee on Education recommends a committee substitute for the following: SB 1968

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 594

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 2638

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 496

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2036

The Committee on Transportation recommends a committee substitute for the following: SB 902

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Transportation recommends a committee substitute for the following: CS for SB 360

The bill with committee substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Consumer Services recommends committee substitutes for the following: CS for SB 192, CS for SB 2232

The Committee on Environmental Preservation recommends a committee substitute for the following: SB 976

The Committee on Regulated Industries recommends a committee substitute for the following: CS for SB 634

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Commerce and Consumer Services; Judiciary; and Senators Campbell and Fasano—

CS for CS for SB 192—A bill to be entitled An act relating to advertising for legal services; creating s. 454.37, F.S., relating to advertising for legal services in print or electronic media; defining the terms "electronic media" and "lawyer referral service"; requiring advertisements and unsolicited written communications for legal services disseminated in Florida by certain entities to comply with the rules regulating The Florida Bar; requiring a specific statement to accompany advertisements for legal services and unsolicited written communications by lawyer-referral services; requiring an affidavit certifying certain information to accompany an advertisement for legal services submitted by an attorney licensed in this state, a business entity organized under the rules regulating The Florida Bar, a lawyer licensed out-of-state, a law firm owned by a lawyer licensed out-of-state, a lawyer-referral service, or a group or legal plan; requiring that such advertisements be accompanied by a sworn statement certifying that the advertisement complies with the standards required for advertisements placed by lawyers licensed in this state; requiring publishers of advertisements to retain certain copies for a specified period; providing for civil penalties and for enforcement; providing that false, deceptive, or misleading advertising of legal services is an unfair and deceptive trade practice; specifying that the act is cumulative and does not repeal any other law, rule, or penalty; providing an effective date.

By the Committees on Transportation; Community Affairs; and Senator Bennett—

CS for CS for SB 360—A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing requirements for a local government that prepares its own water supply analysis for purposes of an element of the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; encouraging local governments to include a community vision and an urban service boundary component to their comprehensive plans; prescribing taxing authority of local governments doing so; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that certain level-of-service standards established by the Department of Transportation be maintained; providing guidelines under which a local government may grant an exception to the comprehensive plan; revising criteria and providing guidelines for transportation concurrency exception areas; providing a process to monitor de minimus impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established districtwide; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing requirements for such proportionate-share mitigation; revising requirements for interlocal agreements with respect to public school facilities; providing mitigation options for transportation facilities; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for expedited plan amendment review under certain circumstances; revising agency review and challenge timeframes for certain amendments; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 212.055, F.S.; revising permissible rates for charter county transit system surtax; revising methods for approving such a surtax; providing for a noncharter county to levy this surtax under certain circumstances; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising methods for approving a local government infrastructure surtax; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising a ceiling on rates of small county surtaxes; revising methods for approving a school capital outlay surtax; amending s. 206.41, F.S.; providing for annual adjustment of the ninth-cent fuel tax and local option fuel tax; amending s. 336.021, F.S.; revising methods for approving such a fuel tax; limiting authority of a county to impose the ninth-cent fuel tax without adopting a community vision; amending s. 336.025, F.S.; limiting authority of a county to impose the local option fuel tax without adopting a community vision; revising methods for approving such a fuel tax; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; providing an appropriation; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; providing effective dates.

By the Committee on Ethics and Elections; and Senator Hill—

CS for SB 496—A bill to be entitled An act relating to voter intimidation; creating s. 104.0615, F.S.; providing a short title; prohibiting a person from using or threatening to use force, violence, or intimidation to induce or compel an individual to vote or refrain from voting, to refrain from registering to vote, or to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly using false information to challenge an individual's right to vote, to induce an individual to refrain from registering to vote, or to induce or attempt to induce an individual to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly destroying, mutilating, or defacing a voter registration form or election ballot or obstructing or delaying the delivery of a voter registration form or election ballot; providing criminal penalties; providing an effective date.

By the Committee on Banking and Insurance; and Senator Fasano—

CS for SB 594—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; providing for payments to a physician assistant under contracts providing for paying for surgical first assisting benefits or services; including certified surgical first assistants, as defined, within certain benefits or services payment provisions; limiting application; providing an effective date.

By the Committees on Regulated Industries; Community Affairs; and Senators Bennett and King—

CS for CS for SB 632—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a short title; amending s. 218.72, F.S.; redefining terms used in part VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and pay-

ment of retainage; providing requirements for local government construction retainage; providing that ss. 218.72-218.76, F.S., apply to the payment of any payment request for retainage; providing exceptions; creating s. 255.0705, F.S.; providing a short title; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, subsubcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment-due dates; providing procedures for handling improper payment requests; providing for an award of court costs and attorney's fees; providing for the resolution of disputes; providing for project closeout and payment of retainage; providing that ss. 255.072-255.076, F.S., apply to the payment of any payment request for retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; providing limitations on a claimant's institution of certain actions against a contractor or surety; amending s. 287.0585, F.S.; providing an exemption for contractors making late payment to subcontractors when the contract is subject to the "Prompt Payment Act"; amending s. 95.11, F.S., to conform a cross-reference; providing that specified sections of the act do not apply to certain pending contracts and projects; providing an effective date.

By the Committees on Regulated Industries; Criminal Justice; and Senator Bennett—

CS for CS for SB 634—A bill to be entitled An act relating to alarm system contracting; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless the person who performs those acts has certain qualifications or is exempt under s. 489.503, F.S.; amending s. 489.537, F.S.; revising provisions authorizing a municipality or county to require that an electrical journeyman be present on certain nonresidential construction sites; providing for the reinstatement of certain licenses that have expired; providing effective dates.

By the Committee on Transportation; and Senator Campbell—

CS for SB 902—A bill to be entitled An act relating to nonjudicial sale of vessels; amending s. 328.17, F.S.; revising notice requirements of a marina having a possessory lien on a vessel for unpaid costs, charges, or fees prior to nonjudicial sale of the vessel; reducing the time allowed to pay the fees, charges, and costs giving rise to the lien prior to sale of the vessel; revising requirements with respect to perfection of and priority over prior or other liens; providing an effective date.

By the Committee on Transportation; and Senator Campbell—

CS for SB 970—A bill to be entitled An act relating to household moving services; requesting the Division of Statutory Revision to redesignate the title of ch. 507, F.S.; amending s. 507.01, F.S.; revising definitions; defining "household move," "moving broker," and "moving container"; clarifying licensing requirements for household movers and moving brokers; applying the licensing requirements to moving brokers and certain persons who transport or ship household goods in moving containers; clarifying and conforming provisions; amending s. 507.02, F.S.; clarifying the construction, application, and intent of the licensing requirements; amending s. 507.03, F.S.; requiring moving brokers to register with the Department of Agriculture and Consumer Services; providing requirements and fees for such registration; providing for certificate of registration; requiring display of the certificate; clarifying registration requirements for household movers and moving brokers; requiring brokers to obtain local registration or license when required by the county or municipality where the broker's principal place of business is located; deleting provisions for issuance by the department of a certificate of registration when a mover submits proof of local license or registration; revising advertising requirements; requiring a mover's vehicles to display certain signage; providing for denial, refusal to renew, or revocation of registration of mover or moving broker; requiring brokers to provide evidence of certain insurance coverage; revising requirement for mover to provide evidence of certain insurance coverage; amending s. 507.04, F.S.; clarifying requirements that a mover maintain certain insurance coverages; requiring a mover to submit evidence of liability insurance before registration; providing requirements for liability insurance coverage; authorizing the Department of Agriculture and Consumer Services to suspend a mover's registration and seek an injunction in circuit court if the mover fails to maintain insurance coverage; providing penalties; authorizing certain movers and requiring moving brokers to maintain a performance bond or certificate of deposit in lieu of certain liability insurance coverage; providing requirements for the performance bond or certificate of deposit; providing for payment of claims pursuant to department order in an administrative proceeding; specifying that insurance coverages must be issued by a licensed insurance company or carrier; prohibiting certain limits of liability for a mover's loss or damage of a shipper's goods; requiring certain disclosures of liability limitations; authorizing a mover to offer valuation coverage under specified conditions; providing that valuation coverage meeting specified conditions satisfies certain liability of a mover; requiring certain disclosures of valuation coverage; amending s. 507.06, F.S.; revising provisions for delivery and storage of household goods; amending s. 507.07, F.S.; requiring that moving brokers annually register with the department; revising provisions relating to prohibited acts and violations; specifying that the making of certain false statements is a violation of ch. 507, F.S., regardless of whether the statements are material; clarifying and conforming provisions; amending s. 507.11, F.S.; providing penalties; amending ss. 507.05, 507.08, 507.09, 507.10, 507.12, and 507.13, F.S., relating to estimates and contracts for service, deceptive and unfair trade practice, administrative remedies and penalties, civil penalties and remedies, the General Inspection Trust Fund, and local regulation; providing for application to moving brokers; clarifying and conforming provisions; providing for the adoption of rules; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing an occupational license to a mover or moving broker under certain circumstances; providing an effective date.

By the Committee on Environmental Preservation; and Senator Jones—

CS for SB 976—A bill to be entitled An act relating to hazard mitigation for coastal redevelopment; amending s. 163.3164, F.S.; defining the term "local mitigation strategy" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; providing an additional requirement for a local government's comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising provisions with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high-hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report to the Governor and the Legislature; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross-references to conform; providing an effective date.

By the Committees on Commerce and Consumer Services; Banking and Insurance; and Senator Posey—

CS for CS for SB 1002—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 626.321, F.S.; including service warranty agreement sales covering communications equipment under certain limited licensing provisions; revising provisions relating to licensure of branch locations; prescribing renewal fees for specified branch locations; amending s. 626.731, F.S.; revising a qualification for licensure as a general lines agent; amending s. 627.7295, F.S.; removing a provision requiring that a per-policy fee be included in a motor vehicle insurer's rate filing; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Argenziano—

CS for SB 1142—A bill to be entitled An act relating to public records and public meetings; creating an exemption from public-records requirements for trade secrets held by an agency; requiring that a written

declaration be submitted to the agency verifying that the information is a trade secret; specifying requirements for such declaration; providing for retroactive application of the public-records exemption; creating an exemption from public-meetings requirements for any portion of a meeting at which a trade secret is discussed; providing for future review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; repealing s. 815.045, F.S., relating to trade secret information; providing an effective date.

By the Committee on Ethics and Elections; and Senators Wilson, Lawson and Hill—

CS for SJR 1190—A joint resolution proposing an amendment to Section 4 of Article VI of the State Constitution, relating to suffrage and elections, to provide for restoration of a felony offender's right to vote and hold office upon completion of incarceration and postconviction supervision and payment of all court-ordered restitution.

By the Committees on Communications and Public Utilities; Government Efficiency Appropriations; and Senators Haridopolos, Constantine and Dockery—

CS for SB's 1296 and CS for SB 2066—A bill to be entitled An act relating to the communications services tax; amending s. 202.16, F.S.; requiring dealers to document exempt sales for resale; providing requirements; providing a definition; providing construction; providing for dealer provision of evidence of the exempt status of certain sales through an informal protest process; requiring the Department of Revenue to accept certain evidence during the protest period; providing limitations; providing for retroactive application; requiring the Department of Revenue to establish a toll-free telephone number for the purpose of verifying registration numbers and resale certificates; requiring the department to establish a system for receiving information from dealers regarding certificate numbers; amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; amending s. 202.20, F.S.; limiting local governmental authority to make certain rate adjustments in the tax under certain circumstances; deleting obsolete provisions relating to making certain adjustments in the tax for certain periods; amending s. 202.21, F.S.; deleting provisions relating to local government adjustments of the tax by emergency ordinance or resolution to conform; specifying that certain amendments are remedial in nature and clarify certain provisions of law but do not grant rights to a refund of certain fees or charges under certain circumstances; providing effective dates.

By the Committees on Environmental Preservation; and Community Affairs—

CS for CS for SB 1316—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 193.501, F.S.; defining the term "open to the general public" for the purpose of determining outdoor recreational or park purposes; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; requiring the Department of Environmental Protection and appropriate water management districts to expedite permitting of certain marina projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 327.47, F.S.; providing for funding certain boating grant programs administered by the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; increasing vessel registration fees; providing for a portion of the fees to be designated for boating grant programs; amending s. 328.76, F.S.; clarifying the use of funds designated for boating grant programs; creating s. 324.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax-deferral ordinances for recreational and commercial working waterfronts; providing a tax deferral for ad valorem taxes and non-ad valorem assessments covered by a tax certificate and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease if there is a change in the use of the property; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; amending s. 253.002, F.S.; clarifying provisions; amending s. 253.67, F.S.; providing definitions; amending s. 253.68, F.S.; conforming provisions; amending s. 253.74, F.S.; conforming provisions; providing a penalty; amending s. 253.75, F.S.; conforming provisions; providing an effective date.

By the Committee on Transportation; and Senators Baker and Fasano—

CS for SB 1466—A bill to be entitled An act relating to vehicle crashes; creating the "Justin McWilliams 'Justice For Justin' Act"; amending s. 316.027, F.S.; revising provisions for a driver of a vehicle involved in a described crash to stop and remain at the scene of the crash; providing penalties; providing an effective date.

By the Committee on Regulated Industries; and Senators Clary, Diaz de la Portilla, Crist and Bennett—

CS for SB 1608—A bill to be entitled An act relating to architecture, landscape architecture, and interior design; amending s. 481.219, F.S.; revising provisions on architectural and interior design services certifications to include applicability to limited liability companies; amending s. 481.221, F.S.; requiring the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seals for use by a registered architect or interior designer who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; amending s. 481.225, F.S.; revising grounds for disciplinary actions relating to the practice of architecture; amending s. 481.2251, F.S.; revising grounds for disciplinary proceedings relating to the practice of interior design; amending s. 481.229, F.S.; revising an exemption relating to interior design services and titles to include applicability to certain limited liability companies; amending s. 481.321, F.S.; requiring the Board of Landscape Architecture to prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; reenacting s. 481.325(1)(a) and (3), F.S., relating to disciplinary proceedings against registered landscape architects, to incorporate the amendment to s. 481.321, F.S., in a reference thereto; providing an effective date.

By the Committee on Banking and Insurance; and Senator Atwater—

CS for SB 1616—A bill to be entitled An act relating to insurable interests; amending s. 627.404, F.S.; authorizing a trust, partnership, limited liability company, or similar entity approved by a university meeting specified criteria to own or purchase life insurance on a consenting person; prescribing guidelines and requirements for such life insurance; requiring approval by the Department of Financial Services; providing an effective date.

By the Committee on Transportation; and Senator Peaden—

CS for SB 1850—A bill to be entitled An act relating to outdoor advertising; amending s. 479.106, F.S.; prohibiting the planting of trees or other vegetation that screens a sign from view; providing the criteria for a view zone; providing penalties for violation; amending s. 479.25, F.S.; authorizing the owner of a sign to increase the height of the sign under certain circumstances; deleting a requirement that certain signs be approved by the Federal Highway Administration; requiring that a reconstructed sign be in compliance with the Florida Building Code; requiring the department and local governmental entity to issue permits for reconstruction, notwithstanding rules or ordinances to the contrary; providing an effective date.

By the Committees on Commerce and Consumer Services; Transportation; and Senators Alexander and Hill—

CS for CS for SB 1874—A bill to be entitled An act relating to farm labor vehicles; amending s. 316.003, F.S.; revising and providing definitions; repealing s. 316.620, F.S., relating to transportation of migrant farm workers; creating s. 316.622, F.S.; requiring owners and operators of farm labor vehicles to conform such vehicles to certain standards; requiring seat belts at each passenger position in certain vehicles; requiring certain operators to display a certain sticker on the vehicle; requiring a certain sign to be displayed in the vehicle; providing a penalty; amending ss. 320.38, 322.031, and 450.181, F.S.; conforming provisions; amending s. 450.28, F.S.; revising a definition; amending s. 450.33, F.S.; conforming a cross-reference; requiring the department to issue a vehicle authorization sticker denoting the authorization of a vehicle for use in the transportation of farm workers; requiring the display of the sticker; providing an effective date.

By the Committee on Community Affairs; and Senator Sebesta—

CS for SB 1922—A bill to be entitled An act relating to public-records and public-meetings exemptions; amending s. 112.324, F.S.; providing an exemption from public-records requirements for a complaint of an alleged violation of part III of chapter 112, F.S., the Code of Ethics for Public Officers and Employees, or any other alleged breach of the public trust within the jurisdiction of a Commission on Ethics and Public Trust established by a municipality and records relating to such complaint or to any preliminary investigation held by the commission; providing an exemption from public- meetings requirements for any proceeding conducted by the commission pursuant to such complaint or preliminary investigation; providing conditions for termination of the exemptions; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

By the Committee on Education; and Senator Lawson—

CS for SB 1968—A bill to be entitled An act relating to building designations; designating the Kleist Health Education Center and the Herbert J. and Margaret S. Sugden Hall at the Florida Gulf Coast University; designating the James and Annie Ying Academic Center and the Anthony and Sonja Nicholson Field House at the University of Central Florida; designating the Sybil C. Mobley Business Building, the Margaret W. Lewis/Jacqueline B. Beck Allied Health Building, the Walter L. Smith Architecture Building, and the Carrie Meek/James N. Eaton, Sr. Southeast Regional Black Archives Research Center and Museum at the Florida Agricultural and Mechanical University; designating the Powell Family Structures and Materials Laboratory, the Farrior Hall, and the Steinbrenner Band Hall at the University of Florida; designating the James E. "Jim" and Linda King, Jr. Student Union Building at the University of North Florida; designating the John M. McKay Visitors Pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Center for Cultural Arts; designating Reubin O'D. Askew Student Life Center, the Sherrill Williams Ragans Hall, the John Thrasher Building, the Mike Martin Field at Dick Houser Stadium, and the JoAnne Graf Softball Field at Florida State University; designating the Herbert F. Morgan Building at the Florida Agricultural and Mechanical University-Florida State University College of Engineering; authorizing the universities to erect markers; designating the Norman C. Hayslip Biological Control Research and Containment Laboratory at the University of Florida/IFAS in Ft. Pierce; providing an effective date.

By the Committee on Banking and Insurance; and Senator Crist—

CS for SB 1982—A bill to be entitled An act relating to public records exemptions; creating s. 559.5472, F.S.; creating an exemption from public records requirements for certain information relating to investigations and examinations by the Office of Financial Regulation of the Financial Services Commission; providing exceptions; providing construction; providing for future legislative review and repeal of such exemption; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Banking and Insurance; and Senator Crist—

CS for SB 1984—A bill to be entitled An act relating to commercial and consumer collection practices; amending s. 559.543, F.S.; providing a definition; amending s. 559.544, F.S.; deleting provisions requiring registration as a commercial collection agency; specifying nonapplication of certain registration requirements to certain persons or entities; amending s. 559.545, F.S.; revising requirements and procedures for application for registration as a commercial collection agency; authorizing the Financial Services Commission to adopt rules; providing for fees; providing for amendments to and changes in registrations; authorizing the Office of Financial Regulation to deny registrations under certain circumstances; amending s. 559.546, F.S.; providing requirements and procedures for issuance of a corporate surety bond; creating ss. 559.5471, 559.5473, 559.5474, 559.5475, 559.5476, 559.5477, and 559.5479, F.S.; specifying powers and duties of the Office of Financial Regulation; providing procedures; providing for disposition of fees; authorizing the office to adopt rules; authorizing the office to issue subpoenas; providing requirements, procedures, and limitations; authorizing the office to assess certain investigation costs and expenses; authorizing the office to bring certain actions for injunctions to restrain certain violations; providing requirements and procedures; authorizing the office to issue certain cease and desist orders and take certain corrective actions for certain violations; authorizing the office to seek orders of restitution of certain funds; providing for admissibility of certain documents and materials of the office as evidence; requiring registrants to maintain certain records; providing requirements and procedures for maintaining such records; authorizing the office to adopt rules; authorizing the office to revoke or suspend registrations for certain activities by a registrant; providing requirements and procedures for termination of a registration; authorizing the office to impose administrative fines; providing requirements and limitations; providing guidelines for imposing administrative remedies or penalties; providing administrative guidelines for administrative penalties and remedies; amending s. 559.55, F.S.; revising definitions; providing additional definitions; amending s. 559.552, F.S.; revising provisions specifying the relationship of state and federal laws; providing construction; amending s. 559.553, F.S.; deleting provisions requiring registration as a consumer collection agency; specifying nonapplication of certain registration requirements to certain persons or entities; providing a definition; amending s. 559.555, F.S.; revising requirements and procedures for application for registration as a consumer collection agency; authorizing the Financial Services Commission to adopt rules; providing for fees; providing for amendments to and changes in registrations; authorizing the Office of Financial Regulation to deny registrations under certain circumstances; creating s. 559.556, F.S.; providing requirements and procedures for issuance of a corporate surety bond; amending s. 559.72, F.S.; specifying prohibited activities in collecting consumer debts; providing requirements for debt collectors communicat-

ing with certain persons; providing prohibitions and limitations; providing notification requirements; prohibiting false, deceptive or misleading representations by a debt collector; prohibiting unfair or unconscionable means of collecting debts; requiring debt collectors to provide certain notice to consumers in connection with collecting a debt; specifying required information; providing procedures and requirements for disputing a debt; providing procedures and requirements for payments on multiple debts; providing requirements for debt collectors bringing legal actions on a debt; prohibiting designing, compiling, and furnishing certain misleading forms; providing for liability for certain violations; amending s. 559.725, F.S.; revising provisions providing requirements and procedures for consumer complaints; creating ss. 559.726, 559.7262, 559.7263, 559.7264, and 559.7265, F.S.; specifying powers and duties of the Office of Financial Regulation; providing procedures; providing for disposition of fees; authorizing the office to adopt rules; authorizing the office to issue subpoenas; providing requirements, procedures, and limitations; authorizing the office to assess certain investigation costs and expenses; authorizing the office to bring certain actions for injunctions to restrain certain violations; providing requirements and procedures; authorizing the office to issue certain cease and desist orders and take certain corrective actions for certain violations; authorizing the office to seek orders of restitution of certain funds; providing for admissibility of certain documents and materials of the office as evidence; requiring registrants to maintain certain records; providing requirements and procedures for maintaining such records; authorizing the office to adopt rules; amending s. 559.730, F.S.; authorizing the office to revoke or suspend registrations for certain activities by a registrant; providing requirements and procedures for termination of a registration; authorizing the office to impose administrative fines; providing requirements and limitations; creating s. 559.735, F.S.; providing guidelines for imposing administrative remedies or penalties; amending s. 559.77, F.S.; specifying application of certain provisions of law; providing for priority of application; amending s. 559.785, F.S.; increasing criminal penalties for certain activities; specifying a criminal penalty for certain activities; authorizing the office to refer certain evidence to certain agencies for certain purposes; creating s. 559.786, F.S.; requiring the office to submit an annual report; specifying contents; repealing ss. 559.547 and 559.563, F.S., relating to void registrations; repealing s. 559.565, F.S., relating to enforcement actions against out-of-state consumer debt collectors; providing an appropriation; providing an effective date.

By the Committee on Regulated Industries; and Senator Posey—

CS for SB 2036—A bill to be entitled An act relating to liens on commercial real estate; creating part III of ch. 475, F.S., the "Commercial Real Estate Sales Commission Lien Act"; providing definitions; specifying conditions under which a broker is entitled to a lien upon the owner's net proceeds from the disposition of commercial real estate for any commission earned by the broker under a brokerage agreement; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the commission notice and delivery to certain parties; providing a form for the commission notice; providing that a lien may not be enforced if the notice is not delivered to certain parties; providing that the commission notice may be recorded; providing for expiration and extension under certain conditions; providing for release of the commission notice under certain conditions; providing the duties of the closing agent; requiring the closing agent to reserve an owner's proceeds under certain conditions; providing for the release of proceeds under certain conditions; requiring deduction of certain costs from the proceeds; providing for interpleader or other legal proceedings sought by a closing agent to adjudicate certain rights; providing for the deposit of reserved proceeds in a court registry; providing for the discharge of the closing agent from further liability; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; establishing the priority of a recorded commission notice; providing for the service of notice; providing that a buyer's broker is not entitled to a lien; providing certain conditions under which a buyer's broker may seek payment of a commission; creating part IV of ch. 475, F.S., the "Commercial Real Estate Leasing Commission Lien Act"; providing definitions; providing conditions under which a broker may place a lien upon an owner's interest in commercial real estate for any commission earned under a brokerage agreement with respect to a lease of commercial real estate; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the lien notice; providing a form for the lien notice; providing that the lien notice may be recorded; providing that a lien may not be enforced if the broker fails to record the notice; providing for effectiveness of a recorded lien notice; providing for release of the lien notice under certain conditions; providing for expiration and extension under certain conditions; providing for foreclosure of a recorded lien under certain conditions; providing a form; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; providing procedures to transfer a lien to a security; providing that the clerk of court may collect a service charge; providing for a subordination of a lien; amending s. 475.42, F.S.; providing that a broker may place a lien when allowed by law; providing an effective date.

By the Committee on Transportation; and Senator Garcia—

CS for SB 2040—A bill to be entitled An act relating to driver licensing; creating s. 322.073, F.S.; providing for the Department of Highway Safety and Motor Vehicles to issue driver licenses to certain foreign nationals who frequently visit the state; providing for expiration and renewal of the license; requiring submission of certain information to receive the license; authorizing the department to adopt rules; creating s. 322.075, F.S.; providing for the department to issue driving permits to certain foreign nationals who entered the country under specified circumstances; providing eligibility criteria; requiring the department to conduct criminal background checks; providing requirements for the permits; providing for period of validity; restricting validity to use in the state; providing for renewal; prohibiting certain use and providing penalties therefor; providing for seizure and cancellation of the permit under certain circumstances; providing for fees; authorizing the department to adopt rules; providing an effective date.

By the Committees on Commerce and Consumer Services; Communications and Public Utilities; and Senators Constantine and Clary—

CS for CS for SB 2068—A bill to be entitled An act relating to telecommunications; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; redefining the term "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to $500 from $250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up to $1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; providing clarification of rights of local governments and duties of cable service providers to comply with certain laws and regulations; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senators Constantine, Pruitt, Clary and Campbell—

CS for SB 2074—A bill to be entitled An act relating to hydrogen energy technology; creating s. 377.801, F.S.; creating the Hydrogen Energy Technologies Act; creating s. 377.802, F.S.; providing legislative intent concerning the development and promotion of hydrogen energy

technologies; creating s. 377.803, F.S.; providing the purpose of the act; creating s. 377.804, F.S.; providing definitions; creating s. 377.805, F.S.; creating the Hydrogen Energy Technologies Grants Program within the Department of Environmental Protection to promote demonstration, commercialization, research, and development of hydrogen energy technologies; providing for matching grants to be made to specified entities; providing factors for the department to consider in awarding grants; authorizing the department to amend grant awards; requiring that the department report to the Governor and the Legislature on the grant program; amending s. 212.08, F.S.; providing a sales tax exemption for certain hydrogen energy technology projects; creating s. 213.053, F.S.; providing for information sharing between the Department of Revenue and the Department of Environmental Protection for purposes of the tax exemption and tax credit created by the act; amending s. 220.02, F.S.; providing for the priority of tax credits; creating s. 220.192, F.S.; creating a hydrogen energy technologies investment tax credit; defining terms; providing for a credit to be taken against the corporate income tax for a specified period; requiring that application be made to the Department of Environmental Protection for certification of eligibility for the credit; authorizing the Department of Environmental Protection to adopt rules; authorizing the Department of Revenue to perform audits and investigations; providing procedures for revoking or modifying the decision granting eligibility for the tax credit; authorizing the Department of Revenue to adopt rules; providing for expiration of the provisions authorizing the tax credit; amending s. 220.13, F.S.; allowing the adjustment of federal income in conformance with tax credits taken; amending s. 366.075, F.S.; authorizing the Public Service Commission to approve experimental or transitional rates to encourage the use of renewable energy; amending s. 366.8255, F.S.; authorizing an investor-owned electric utility to recover the costs of investments in hydrogen energy technologies incurred within a specified period; amending s. 633.022, F.S.; authorizing the State Fire Marshal to adopt uniform standards for hydrogen fueling, storage, and production facilities; providing an effective date.

By the Committees on Commerce and Consumer Services; Communications and Public Utilities; and Senator Constantine—

CS for CS for SB 2232—A bill to be entitled An act relating to telecommunications; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; redefining the term "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to $500 from $250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up to $1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; requiring providers to comply with certain laws; amending s. 364.051, F.S.; providing that damage to the equipment and facilities of a local exchange telecommunications as a result of a named tropical system constitutes a compelling showing of changed circumstances to justify a rate increase; allowing such companies to petition for recovery of such costs and expenses; requiring the Public Service Commission to verify the intrastate costs and expenses for repairing, restoring, or replacing damaged lines, plants, or facilities; requiring the commission to determine whether the intrastate costs and expenses are reasonable; requiring a company to exhaust any storm-reserve funds prior to recovery from customers; providing that the commission may authorize adding an equal line-item charge per access line for certain customers; providing for a rate cap and providing the maximum number of months the rate may be imposed; providing a 12-month limit for the application; allowing recovery for more than one storm within the limit; providing an effective date.

By the Committee on Agriculture; and Senator Alexander—

CS for SB 2322—A bill to be entitled An act relating to total maximum daily loads; amending s. 403.067, F.S.; providing for the attainment of pollutant reductions for achievement of certain water quality standards in impaired waters; revising provisions for the allocation of allowable pollutant loads; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads under certain conditions; providing for the development and implementation of basin management action plans in developing and implementing total maximum daily loads; revising provisions for the implementation of and compliance with total maximum daily loads; authorizing the department to adopt basin management action plans by order; revising provisions relating to verification by the department of best management practices whose implementation creates a presumption of compliance with certain water quality standards and a release of liability to the state for pollution remediation; revising provisions relating to reevaluation of best management practices when water quality problems occur; removing a provision specifying that provisions relating to the department's verification or reevaluation of best management practices do not preclude authority of the department or the water management districts to require compliance with water quality standards or other specified requirements; authorizing rulemaking by the department to administer funds to implement the basin management action planning program and for other purposes in the section; requiring the department to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to adopting rules for pollutant trading; amending ss. 373.4595 and 570.085, F.S.; correcting cross-references; providing an effective date.

By the Committees on Banking and Insurance; Regulated Industries; and Senator Haridopolos—

CS for CS for SB 2346—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; providing for lighting equipment on certain non-law enforcement vehicles in a funeral procession; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; providing for eligibility for membership on the Board of Funeral, Cemetery, and Consumer Services; providing rulemaking authority regarding application for board membership; amending s. 497.103, F.S.; revising authority of the Department of Financial Services to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; providing for a late-renewal fee; amending s. 497.141, F.S.; revising licensure application procedures to provide for persons other than natural persons; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of license; amending s. 497.142, F.S.; revising fingerprinting requirements; eliminating obsolete references; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint re-

quirements in certain circumstances; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising applicability in other jurisdictions; revising certain grounds for disciplinary action; specifying what is deemed to be a complaint; providing exceptions to remittance deficiency disciplinary infractions; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising criminal provisions relating to prelicensure examinations, willful obstruction, trust funds, and specified violations; providing penalties; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.165, F.S.; revising a standard for determining liability for a trust fund deficiency; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising a provision for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.365, F.S.; requiring that certain fees be paid before an inactive license is renewed; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizes the licensing authority to establish certain rules; amending s. 497.378, F.S.; revising a license renewal fee; amending s. 497.380, F.S.; revising certain requirements for funeral establishments; providing requirements for reporting a change in location of the establishment; revising a license renewal fee; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; increasing the renewal fee for a branch license which is set by the Board of Funeral, Cemetery, and Consumer Services; revising grounds for issuance of a preneed branch license; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S., relating to preneed sales agents; substantially revising provisions relating to licensure requirements; revising application procedures, fees, the issuance of a temporary preneed sales agent license, the conversion of such a license to a permanent preneed sales agent license, restrictions upon an applicant who has a criminal or disciplinary record, termination of a permanent license due to lack of appointments, procedures for appointing preneed sales agents and for renewing such an appointment, termination of appointments, fees, and administrative matters; providing responsibilities of preneed licensees for preneed sales agents; creating s. 497.468, F.S.; providing for disclosure of information to the public; amending s. 497.550, F.S.; revising application requirements and procedures for licensure as a monument establishment; requiring that a monument establishment be licensed as a monument builder or as a monument dealer; exempting a monument dealer from a requirement to maintain certain facilities and from certain inspection requirements; requiring that a monument establishment obtain licensure as a monument builder in order to be eligible for a preneed sales license; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; providing requirements for change of ownership and location of monument establishments; providing for an annual inspection fee; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; revising requirements for rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.603, F.S.; revising the license renewal fee for a direct disposer; amending s. 497.604, F.S.; revising provisions concerning direct disposal establishment licensure and application for licensure and regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions concerning cinerator facility licensure and application for licensure and regulation of cinerator facilities; amending s. 497.607, F.S.; providing for publication of rules regarding cremation by chemical means; authorizing the anatomical board of this state to provide for the final disposition of human remains delivered to the board as the board determines to be adequate and proper; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; repealing s. 497.275, F.S., relating to identification of human remains in licensed cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

By the Committee on Environmental Preservation; and Senator Lawson—

CS for SB 2510—A bill to be entitled An act relating to natural resources; amending s. 380.23, F.S.; clarifying the list of federally licensed and permitted activities reviewed for consistency under the Florida Coastal Management Program; revising provisions relating to the licensing and relicensing of hydroelectric power plants; requiring the inclusion of National Environmental Policy Act documents in consistency reviews for certain activities; amending s. 380.06, F.S.; providing that heavy mineral mining at greater than 500 acres per year or consuming more than 3 million gallons of water per day requires review; amending s. 376.121, F.S.; providing an alternative to the compensation schedule for calculating natural resources damages; revising procedures relating to damage assessment; removing a restriction on the amount of compensation; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Crist—

CS for SB 2520—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing in effect an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility for a specified period; postponing the repeal of s. 212.031(10), F.S., relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sale price or actual value of an admission; continuing in effect an exemption from the tax which is provided for admission charges to

an event sponsored by a governmental entity, sports authority, or sports commission for a specified period; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senators Alexander and Lynn—

CS for SB 2638—A bill to be entitled An act relating to the state minimum wage; amending s. 95.11, F.S.; providing periods of limitations on actions for violations of the Florida Minimum Wage Act; creating s. 448.110, F.S., the Florida Minimum Wage Act; providing legislative intent to implement s. 24, Art. X of the State Constitution in accordance with authority granted to the Legislature therein; requiring employers to pay certain employees a minimum wage for all hours worked in Florida; incorporating provisions of the federal Fair Labor Standards Act; requiring the minimum wage to be adjusted annually; providing a formula for calculating such adjustment; requiring the Agency for Workforce Innovation and the Department of Revenue to annually publish the amount of the initial and adjusted minimum wage; providing criteria for posting; requiring the agency to provide written notice to certain employers; providing a deadline for the notice to be mailed; providing that employers are responsible for maintaining their current addresses with the agency; requiring the agency to provide the department with certain information; prohibiting discrimination or adverse action against persons exercising constitutional rights under s. 24, Art. X of the State Constitution; providing for civil action by aggrieved persons; requiring aggrieved persons bringing civil actions to provide written notice to their employers alleged to have violated the act; providing information that must be included in the notice; providing a deadline by which an employer alleged to have violated the act must pay the unpaid wages in question or resolve the claim to the aggrieved person's satisfaction; providing a statute of limitations period; providing that aggrieved persons who prevail in their actions may be entitled to liquidated damages and reasonable attorney's fees and costs; authorizing additional legal or equitable relief for aggrieved persons who prevail in such actions; providing that punitive damages may not be awarded; providing that actions brought under the act are subject to s. 768.79, F.S.; authorizing the Attorney General to bring a civil action and seek injunctive relief; providing a fine; providing statutes of limitations; authorizing class actions; declaring the act the exclusive remedy under state law for violations of s. 24, Art. X of the State Constitution; providing for implementation measures; designating ss. 448.01-448.110, F.S., as part I of ch. 448, F.S.; providing a part title; providing for severability; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Garcia—

CS for SB 2648—A bill to be entitled An act relating to pyramid promotional schemes; amending s. 849.091, F.S.; deleting a provision declaring pyramid sales schemes to be a lottery and providing a criminal penalty for participating in such schemes; creating s. 849.09105, F.S.; providing definitions; prohibiting establishing, promoting, operating, or participating in pyramid promotional schemes; providing limitations; providing construction; providing criminal penalties; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 411; has passed as amended HB 105, HB 531, HB 763, HB 841, HB 913, HB 951, HB 1877 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Kravitz and others—

HB 411—A bill to be entitled An act relating to the Criminal Punishment Code; amending s. 921.0022, F.S.; including offenses involving the possession of photographic material containing sexual conduct by a minor, the transmission of pornography by electronic device, and the transmission to a minor of material harmful to minors by electronic device within the offense severity ranking chart of the Criminal Punishment Code; reclassifying within the offense severity ranking chart the offense of soliciting a child by a computer service to commit an unlawful sexual act, which is a felony of the third degree, to increase the penalty imposed for that offense; providing an effective date.

—was referred to the Committees on Criminal Justice; and Justice Appropriations.

By Representative Llorente and others—

HB 105—A bill to be entitled An act relating to life insurance and annuity contracts; amending s. 624.402, F.S.; providing that a certificate of authority is not required of insurers domiciled outside the United States for certain life insurance policies or annuity contracts covering only persons who are not residents of the United States and are not nonresidents illegally residing in the United States; providing criteria, requirements, and limitations; requiring the insurer to disclose certain information; providing for the Office of Insurance Regulation to determine when the insurer is no longer eligible for the exemption; providing an exemption from certain taxes; requiring life insurance applications and policies and annuity contracts to provide certain disclosure statements; specifying application of certain provisions to single-premium life insurance policies and single-premium annuity contracts issued to certain nonresidents; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Government Efficiency Appropriations.

By Representative Hasner and others—

HB 531—A bill to be entitled An act relating to certificates of release for mortgages; creating s. 701.041, F.S.; providing definitions; providing for the issuance of a certificate of release for a mortgage by a title insurer or its authorized agent for certain purposes; providing for recordation; specifying contents of a certificate of release; requiring execution, acknowledgment, and recordation of a certificate of release by certain entities; providing requirements for appointment of an agent for execution purposes; providing for effect of a certificate of release; providing for liability of title insurers under certain circumstances; providing criteria for recording multiple certificates of release; providing application; requiring the Financial Services Commission to adopt rules establishing an actuarially sound premium charge for certificates of release; repealing s. 701.05, F.S., relating to failing or refusing to satisfy a lien and punishment therefor; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Representative Troutman and others—

HB 763—A bill to be entitled An act relating to critical access hospitals; amending s. 395.002, F.S.; revising the definition of "hospital" to provide an exception with regard to facilities offered by a critical access

hospital; revising the definition of "intensive residential treatment programs for children and adolescents" to include additional accrediting organizations for purposes of licensure of such programs; correcting a cross reference; amending s. 395.003, F.S.; extending the moratorium on approving additional emergency departments located off the premises of licensed hospitals; providing for additional accrediting organizations for purposes of licensure of intensive residential treatment programs; correcting a cross reference; amending s. 395.602, F.S.; revising the definition of "rural hospital" to conform to changes made by the act; amending s. 408.07, F.S.; defining the term "critical access hospital"; revising the definition of "rural hospital"; amending ss. 408.061, 458.345, and 459.021, F.S.; conforming cross references; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Representative Attkisson and others—

HB 841—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing for the deposit of a percentage of unclaimed prize money in the Educational Enhancement Trust Fund; authorizing use of such funds subject to appropriations; amending s. 24.121, F.S.; revising provisions relating to the allocation of revenues for public education; amending s. 1010.70, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; and Ways and Means.

By Representative Culp and others—

HB 913—A bill to be entitled An act relating to littering; amending s. 403.413, F.S.; revising the prohibition against dumping litter on private property; increasing the civil penalty for littering; dedicating a portion of the increase to the Solid Waste Management Trust Fund; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Government Efficiency Appropriations.

By Representative Carroll—

HB 951—A bill to be entitled An act relating to the Florida Small Cities Community Development Block Grant Program; amending s. 290.0411, F.S.; revising legislative intent; amending s. 290.044, F.S.; revising grant program categories; eliminating the requirement for distribution of certain categorical funds to be established by the Legislature; authorizing the Department of Community Affairs to allocate funds for emergency and natural disaster related activities; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

By the Committee on Criminal Justice; and Representatives Kravitz, Dean, Rice and others—

HB 1877—A bill to be entitled An act relating to sexual predators and sexual offenders; providing a popular name; amending s. 216.136, F.S.; assigning an additional responsibility to the Criminal Justice Estimating Conference; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; creating s. 775.0821, F.S.; creating a felony offense for removing, altering, or failing to maintain an electronic monitoring device for the purpose of committing a crime; providing criminal penalties; amending s. 775.21, F.S.; revising criteria for sexual predator designation; requiring certain notification of sentence; providing for electronic monitoring; extending period for petition to remove sexual predator designation; creating s. 775.235, F.S.; prohibiting the harboring of a sexual predator or sexual offender; providing criminal penalties; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; revising ranking for certain offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration and other requirements; amending s. 921.141, F.S.; creating an aggravating circumstance pertaining to sexual predators for purposes of imposing the death penalty; amending s. 943.043, F.S.; requiring the Department of Corrections to share information with local law enforcement agencies to assist in determining the potential whereabouts of registered sexual predators and sexual offenders; amending s. 943.0435, F.S.; revising provisions relating to sexual offender registration; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.606, F.S.; requiring the Department of Corrections to provide information regarding electronic monitoring to the Department of Law Enforcement; amending s. 944.607, F.S.; requiring sexual offenders sentenced to electronic monitoring to provide such information to the Department of Corrections and for such department to provide that information to the Department of Law Enforcement; amending s. 947.1405, F.S.; requiring sexual offenders and sexual predators on conditional release to be placed on electronic monitoring; requiring the Parole Commission to order sexual offenders and sexual predators on conditional release to be returned to prison until expiration of sentence for any material violation of supervision; creating s. 947.1406, F.S.; providing requirements for electronic monitoring of sexual offenders and sexual predators on conditional release; amending s. 948.06, F.S.; requiring electronic monitoring for any violation of probation or community control supervision by certain offenders and sexual predators; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment and alert system to monitor certain offenders placed on probation or community control; authorizing the department to adopt rules; requiring the department to have fingerprint-reading equipment and capability by a specified date; amending s. 948.11, F.S.; providing requirements for electronic monitoring of sexual offenders and sexual predators on community control or probation; amending s. 948.30, F.S.; requiring sexual offenders and sexual predators on community control or probation to be placed on electronic monitoring; requiring a study by the Office of Program Policy Analysis and Governmental Accountability of the effectiveness of Florida's sexual predator and sexual offender registration process and community and public notification provisions; providing for severability; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Justice Appropriations; Ways and Means; and Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 356, SB 538, SB 724, SB 904 and SB 1440.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CONFEREES APPOINTED

The President appointed the following conferees on **SB 2600**, **SB 2602**, **CS for SB 388**, **CS for SB 392**, **CS for SB 394**, **CS for SB 400**, **CS for CS for SB 404**, **CS for SB 408**, **CS for SB 410**, **CS for SB 424** and **CS for SB 2584**: Committee on Ways and Means: Senator Carlton, Chair; Committee on Education Appropriations: Senator Alexander, Chair; Senators Bullard, Constantine, King, Klein, Lynn, Miller and

Wise; Committee on General Government Appropriations: Senator Clary, Chair; Senators Baker, Garcia and Lawson; Committee on Health and Human Services Appropriations: Senator Saunders, Chair; Senators Bennett, Dawson, Jones, Peaden, Pruitt, Rich and Wilson; Committee on Justice Appropriations: Senator Crist, Chair; Senators Argenziano, Aronberg, Siplin, Smith and Villalobos; Committee on Transportation and Economic Development Appropriations: Senator Fasano, Chair; Senators Dockery, Hill, Margolis, Sebesta and Webster.

ENROLLING REPORTS

CS for CS for SB 436 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 20, 2005.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 14 and April 19 were corrected and approved.

CO-INTRODUCERS

Senators Baker—CS for SB 770, SB 1658, SB 2176; Crist—SB 792, SB 818; Dockery—CS for SB 1324, SB 1658, SB 2190; Haridopolos—SB 1658; Lynn—CS for SB 482, CS for SB 748, CS for CS for SB 1216, SB 1678, CS for CS for SB 1874, CS for CS for SB 1910; Peaden—CS for SB 1324; Posey—SB 818; Villalobos—CS for SB 1324; Wilson—SB 818, SB 1620; Wise—SR 1234

RECESS

On motion by Senator Pruitt, the Senate recessed at 4:12 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 2:00 p.m., Thursday, April 21 or upon call of the President.

Journal of the Senate

Number 18—Regular Session **Thursday, April 21, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 2:15 p.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by Rabbi Schneur Z. Oirechman, Director, Chabad Lubavitch of the Panhandle, Tallahassee:

Almighty God, Creator of the Universe: As Passover, the Festival of Freedom, will be celebrated around the world in a few days, let us internalize the message of Passover today. Let our public servants humbly recognize their important role in promoting freedom here and abroad, and let the Passover spirit inspire us all to pass over our obstacles and reach ever-greater heights.

Almighty God: Let us learn from the life of the late Lubavitcher Rebbe, Rabbi Menachem M. Schneersohn, whose birthday our community now marks; and live and act with the utmost meaning, light, and optimism.

As this world-renowned Jewish leader escaped the injustice of communism and lauded the freedom of America's soil, so too may we appreciate our precious gifts of life, liberty and the pursuit of happiness.

As surely as the Four Sons of the Passover Seder—good, evil, ignorant and apathetic—gather around one table, as one family, let us unite and love one another. Let us reach out to those whose tables are bare. Let us bring lost and lonely souls to our tables, that they, too, may belong.

Almighty God: Bless this chamber and its worthy Senators, who have dedicated themselves to promoting these values. Let these values take root among the good citizens of this great State of Florida, and together let us build a better world—that peaceful world yearned for by all people in all ages—one good act at a time. Amen.

PLEDGE

Senate Pages Brittany Nicole Hadley of Tallahassee; Ashleigh Plunkett of Tarpon Springs; Nick Pastor of Palmetto; Andrew Hart of New Smyrna Beach; and John "Basil" Noriega of Lithia, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Alan B. Pillersdorf of Palm Springs, sponsored by Senator Atwater, as doctor of the day. Dr. Pillersdorf specializes in Plastic Surgery.

ADOPTION OF RESOLUTIONS

On motion by Senator Dockery—

By Senator Dockery—

SR 2626—A resolution recognizing April 21, 2005, as "Polk County Legislative Day" in Tallahassee.

WHEREAS, Polk County encompasses 17 municipalities in the heart of Central Florida, including Auburndale, Davenport, Dundee, Eagle Lake, Fort Meade, Lake Wales, Lakeland, Mulberry, Polk City, and Winter Haven, and

WHEREAS, Polk County covers 2,010 square miles of land, dotted with more than 554 freshwater lakes and lush nature preserves featuring rare and exotic wildlife, rolling hills, sparkling rivers, beautiful savannas, oak hammocks, and pinewood forests, and

WHEREAS, the Seminole Indians settled in Polk County in the 1700's seeking hunting grounds and cattle ranges, and established the village of Talakchopco near modern-day Fort Meade as a trading post, and

WHEREAS, Seminole Chief Oponay kept a magnificent plantation near Lake Hancock, and

WHEREAS, Polk County, named for President James K. Polk, was established in 1861 and later nicknamed "Imperial Polk County" in 1914 by a newspaper editor in recognition of the county's expanding network of roads and its prominence in agriculture, phosphate, cattle, and timber, and

WHEREAS, Polk County was home to three of Florida's most prominent statesmen, Park Trammel, Governor of Florida from 1913 to 1917 and a United States Senator from 1917 to 1936; Spessard Holland, Governor from 1941 to 1945 and U.S. Senator from 1946 to 1971; and Lawton Chiles, U.S. Senator from 1971 to 1989 and Governor from 1991 to 1998, and

WHEREAS, Polk County is a Florida Population center in which 7.5 million people reside within a 100-mile radius, and

WHEREAS, the vacation destinations of Polk County are visited by more than 1.5 million tourists annually and include the Historic Bok Sanctuary, Cypress Gardens Adventure Park, Hollis Gardens, Fantasy of Flight, Sun'N Fun Fly In, the Water Ski Hall of Fame, and the Frank Lloyd Wright architecture at Florida Southern College, and

WHEREAS, Polk County is the center of citrus production and phosphate mining for the world, and

WHEREAS, Polk County is the corporate headquarters for many of Florida's major corporations, including Publix Super Markets, W.S. Badcock Corporation, Mosaic, and ButterKrust Bakeries, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes April 21, 2005, as Polk County Legislative Day in Tallahassee.

—was introduced out of order and read by title. On motion by Senator Dockery, **SR 2626** was read the second time in full and adopted.

At the request of Senator Saunders—

By Senator Saunders—

SR 144—A resolution recognizing the contributions of Ann Olesky to the restoration of Lake Trafford in Collier County, Florida.

WHEREAS, campaigns to preserve the vigor and beauty of the state's natural heritage are often inspired and led by aware and dedicated state residents, and

WHEREAS, an outstanding example of environmental activism was demonstrated through the leadership of Ann Olesky in establishing and sustaining the effort to save Lake Trafford, the largest natural lake south of Lake Okeechobee, and

WHEREAS, Lake Trafford sustained massive environmental damage in 1996 as a result of oxygen-depletion in the lake caused by algae blooms from years of die-off of the exotic hydrilla plant that thrived there, and

WHEREAS, living and working on the shore of Lake Trafford, Ann Olesky was dismayed by the destruction of the lake's ecosystem and, with her husband, Edward Olesky, at her side, undertook an 8-year grassroots campaign to save the lake, and

WHEREAS, faced with muck-removal estimates that escalated to $20 million, Ann began coordinating local fundraising projects in the community of Immokalee which raised $32,000 for the lake's dredging, and

WHEREAS, Ann Olesky realized that ongoing involvement by the community would be imperative to bring the necessary governmental resources to the cleanup of the lake, therefore she formed "Friends of Lake Trafford" in order to raise the necessary support in Congress and in state government, and

WHEREAS, Ann Olesky's tireless efforts led Congress in 1998 to include the lake in an authorization for critical restoration projects by the U.S. Army Corps of Engineers, but the funding for those projects was depleted before Lake Trafford's restoration could be begun, and

WHEREAS, refusing to give up the campaign to save the lake, Ann continued her lobbying efforts to reach out to officials at every level of government and ultimately achieved the commitment of funds needed from the state and the South Florida Water Management District, and

WHEREAS, a contract for the dredging of Lake Trafford was finally signed just 2 days before the unanticipated death of Ann Olesky on June 13, 2004, and

WHEREAS, the loss of this vibrant and outstanding community leader is deeply felt by thousands of Florida residents and officials who witnessed her inspired efforts to save Lake Trafford, and

WHEREAS, her community has recognized and memorialized Ann Olesky's service and leadership by renaming Lake Trafford Park in Immokalee in her memory, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this body does pause in its deliberations to pay its respects to the dedicated efforts and example of Ann Olesky in her successful campaign to restore the environmental health of Lake Trafford for present and future generations of Floridians and to recognize the exemplary value of her work to preserve Florida's ecosystem.

—**SR 144** was introduced, read and adopted by publication.

At the request of Senator Saunders—

By Senator Saunders—

SR 1326—A resolution recognizing the Immokalee High School Football Team on its victory in the 2004 Class 2A State Championships.

WHEREAS, the Immokalee High School "Indians," through hard work, dedicated effort, skilled coaching, and teamwork, became the 2004 Class 2A State Football Champions, and

WHEREAS, the Indians' victory has brought Immokalee High School its first state football title in the school's 54-year history, and

WHEREAS, Immokalee High's football team had been described as "underdogs" given their comparative lack of both athletic size and competitive experience, and

WHEREAS, the team nevertheless determined that they would go forward and win the championship and, building their strength, skills, and confidence day by day, became what their coach, John Weber, calls "the hardest working team I have ever coached," and

WHEREAS, the Indians' victory has brought a great sense of pride to Immokalee High School and to the Immokalee community, which raised the funds to send the team to the championship playoffs, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Immokalee High School Indians are congratulated on their victory as 2004 Class 2A State Football Champions and commended for the consistent dedication, hard work, and team spirit that have made them an outstanding example to their peers throughout the state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Immokalee High School Football Team as a tangible token of the sentiments of the Florida Senate.

—**SR 1326** was introduced, read and adopted by publication.

At the request of Senator Saunders—

By Senator Saunders—

SR 1370—A resolution recognizing September 2005 as Ovarian Cancer Awareness Month in Florida and commending the Ovarian Cancer Alliance of Florida--Gulf Coast.

WHEREAS, approximately 25,000 women are diagnosed with ovarian cancer in the United States every year, with 80 percent of women diagnosed in the late stages of cancer, and

WHEREAS, ovarian cancer is the most deadly of the gynecological cancers, with over 16,000 women in the United States dying from ovarian cancer annually, and

WHEREAS, if diagnosed and treated at an early stage, survival rates among ovarian cancer patients increase dramatically, and

WHEREAS, the risks and symptoms of ovarian cancer are not well known by the public, and

WHEREAS, the Ovarian Cancer Alliance of Florida--Gulf Coast is dedicated to public education related to ovarian cancer through programs that raise awareness of the disease and promote education regarding its risks and symptoms, and

WHEREAS, it is appropriate for all the residents of the State of Florida to learn more about ovarian cancer and to recognize the efforts of the Ovarian Cancer Alliance of Florida--Gulf Coast as it promotes Ovarian Cancer Awareness Month in our state, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate designates September 2005 as Ovarian Cancer Awareness Month in Florida and commends the Ovarian Cancer Alliance of Florida--Gulf Coast for its efforts to educate people about this deadly disease, thereby promoting early diagnosis of the disease and helping to save lives.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Carolyn Benivegna, President and Founder of the Ovarian Cancer Alliance of Florida, as a tangible token of the sentiments of the Florida Senate.

—**SR 1370** was introduced, read and adopted by publication.

At the request of Senator Bennett—

By Senator Bennett—

SR 2698—A resolution paying tribute to the 50th Anniversary of Mote Marine Laboratory.

WHEREAS, Mote Marine Laboratory was created in 1955 by the now-famous shark researcher Dr. Eugenie Clark, with support from William and Alfred Vanderbilt, and was known then as the Cape Haze Marine Laboratory and was humbly housed in a 12-foot-by-20-foot shed in Placida, Florida, and

WHEREAS, during the laboratory's first decade of existence, its reputation grew as did its facilities, and

WHEREAS, under the guidance of many people dedicated to the laboratory's success, including former director William R. Mote and current president Dr. Kumar Mahadevan, the laboratory has grown to encompass eight buildings for research, education, and conferences located on a 10.5-acre campus in Sarasota, Florida, with research and education also going forward in a Sarasota inland aquaculture park and in field stations in Charlotte Harbor and in the Florida Keys, and

WHEREAS, after starting with only a handful of researchers focused solely on sharks, Mote Marine Laboratory is now a powerhouse of nearshore marine research, studying everything from sharks to red tide to marine mammals and fisheries at seven centers, and

WHEREAS, the laboratory has also made a significant commitment to public education through its aquarium, which draws 400,000 visitors annually, and through its on-campus and distance-learning programs, which educate more than 50,000 K-12 and college students, and

WHEREAS, today, Mote Marine Laboratory is one of the world's few remaining independent marine research centers and has more than 230 staff members and 1,400 volunteers, and

WHEREAS, Mote Marine Laboratory has earned international recognition for its contribution to the greater body of scientific knowledge and to public education concerning fragile marine and estuarine ecosystems, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Mote Marine Laboratory is commended for its tireless pursuit of answers to some of the oceans' most pressing questions and for sharing its knowledge with the world.

—**SR 2698** was introduced, read and adopted by publication.

BILLS ON THIRD READING

Consideration of **HB 77** was deferred.

HB 149—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing establishment of a waiver process; prohibiting certain waivers; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator Baker, **HB 149** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Atwater	Garcia	Saunders
Baker	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	King	Webster
Clary	Klein	Wise
Constantine	Lawson	
Crist	Lynn	

Nays—5

Aronberg	Margolis	Rich
Dawson	Miller	

Vote after roll call:

Nay—Wilson

Yea to Nay—Smith

CS for SB 1320—A bill to be entitled An act relating to the Lifeline and Link-up Assistance Program; amending s. 364.10, F.S.; transferring applicability from telecommunications companies serving as carriers of last resort to eligible telecommunications carriers; defining the term "eligible telecommunications carrier"; providing requirements for eligible telecommunications carriers; requiring the Public Service Commission to establish procedures for notification and termination of the Lifeline Assistance credit; providing criteria for connection, reconnection, and discontinuation of basic local telecommunications service for Lifeline Assistance subscribers; providing criteria for blocking access to long-distance service; adding the Department of Education and the Office of Public Counsel to those agencies that are directed to cooperate in developing procedures for promoting Lifeline participation; requiring the commission to adopt rules; requiring the commission to report to the Legislature; providing an effective date.

—was read the third time by title.

SENATOR VILLALOBOS PRESIDING

Senator Siplin moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1 (302164)(with title amendment)—On page 6, lines 8-14, delete those lines and insert:

(i) Whenever a state agency determines that a person is eligible for Lifeline service, the agency must immediately ensure that the person is automatically enrolled in the Lifeline service with the appropriate local exchange telecommunications company. The commission shall adopt rules providing for an automatic enrollment process in order that eligible customers receive Lifeline service.

(j)~~(c)~~ The commission shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 each year on the number of customers who are subscribing to Lifeline service and the effectiveness of any procedures to promote participation.

(k) The commission shall adopt rules to administer this section.

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: requiring certain state agencies to automatically enroll an eligible consumer in the Lifeline service with the appropriate local exchange telecommunications company;

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (903332)—On page 7, line 8, after the period (.) insert: *By January 15, 2006, a copy of the reports shall be provided to the Office of Program Policy Analysis and Government Accountability (OPPAGA), which shall provide comment, if any, on the reports findings, including a recommendation whether state funding mechanisms, including, but not limited to, tax credits, for Lifeline and Link-up service are appropriate in a multiple-eligible telecommunications carrier environment. OPPAGA's comments shall be provided to the President of the Senate and the Speaker of the House of Representatives by March 1, 2006.*

On motion by Senator Constantine, **CS for SB 1320** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Miller	

Nays—2

Dawson	Siplin

HB 411—A bill to be entitled An act relating to the Criminal Punishment Code; amending s. 921.0022, F.S.; including offenses involving the possession of photographic material containing sexual conduct by a minor, the transmission of pornography by electronic device, and the transmission to a minor of material harmful to minors by electronic device within the offense severity ranking chart of the Criminal Punishment Code; reclassifying within the offense severity ranking chart the offense of soliciting a child by a computer service to commit an unlawful sexual act, which is a felony of the third degree, to increase the penalty imposed for that offense; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **HB 411** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 841—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing for the deposit of a percentage of unclaimed prize money in the Educational Enhancement Trust Fund; authorizing use of such funds subject to appropriations; amending s. 24.121, F.S.; revising provisions relating to the allocation of revenues for public education; amending s. 1010.70, F.S.; conforming provisions; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **HB 841** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

Vote after roll call:

Yea—Siplin

CS for SB 1600—A bill to be entitled An act relating to child care; transferring, renumbering, and amending s. 402.3017, F.S.; revising requirements for the Teacher Education and Compensation Helps scholarship program; amending s. 402.302, F.S.; redefining the term "screening"; authorizing the screening of child care volunteers; amending s. 402.3055, F.S.; requiring an applicant, owner, or operator of a child care facility to sign an affidavit attesting to the accuracy of certain information; authorizing the Department of Children and Family Services to apply certain requirements for personnel in child care facilities to personnel in family day care homes and large family child care homes; amending s. 402.308, F.S.; requiring family day care homes that are required to be licensed and large family child care homes to have a license that is renewed annually; authorizing the Department of Children and Family Services to apply the specified procedures for administering a license to family day care homes and large family child care homes; amending s. 402.309, F.S.; authorizing the local licensing agency or the Department of Children and Family Services to issue a provisional license or registration to a child care facility, family day care home, or large family child care home; providing that a provisional license or registration may not be issued unless child care personnel are screened according to law; requiring the department to adopt rules for issuing, suspending, and revoking provisional licenses and registrations; amending s. 402.310, F.S.; providing that an increased administrative fine may be imposed in addition to or in lieu of other disciplinary actions; authorizing the department or local licensing agencies to convert a license or registration to probation status for a violation of certain laws and rules; authorizing the department or local licensing agencies to apply disciplinary actions to registered family day care homes; directing the department to adopt rules establishing grounds for imposing disciplinary actions for violations of certain laws and rules; directing the department to adopt rules to create a uniform system of procedures to use for disciplinary actions; creating s. 402.3105, F.S.; requiring the department to establish a database of information concerning violations, citations, and penalties imposed against child care facilities, family day care homes, and large family child care homes licensed by or registered

with the department and local licensing agencies; requiring the department to consult with the State Technology Office; specifying database capabilities and the uses of information contained therein; providing that implementation is not contingent upon an appropriation; amending s. 402.313, F.S.; removing conflicting provisions regarding an administrative fine; requiring the adoption of a rule establishing minimum standards for safety; a large family child care home; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the Child Care Services Program Office of the Department of Children and Family Services and provide a report to the Legislature; repealing s. 402.3131(1)(a), F.S., relating to the authority of the department or local licensing agency to impose an administrative fine against a large family child care home; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator Lynn, **CS for SB 1600** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SB 1512—A bill to be entitled An act relating to drug abuse prevention and control; amending s. 893.13, F.S.; prohibiting the sale, manufacture, or delivery of controlled substances, or possession of controlled substances with intent to sell, manufacture, or deliver, within 1,000 feet of certain libraries; amending s. 921.0022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; reenacting ss. 397.451(4)(b), 435.07(2), 772.12(2)(a), 893.1351, 903.133, 921.187(1)(a), 938.25, and 948.034(1), F.S., relating to background checks of substance abuse service provider personnel, exemptions from disqualification for employment, the Drug Dealer Liability Act, lease or rent for the purpose of trafficking in a controlled substance, prohibition on bail on appeal for certain felony convictions, disposition and sentencing, the Operating Trust Fund of the Department of Law Enforcement, and terms and conditions of probation, respectively, to incorporate the amendment to s. 893.13, F.S., in references thereto; providing applicability; providing an effective date.

—was read the third time by title.

Senator Aronberg moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (311228)(with title amendment)—On page 2, line 11, after "*or library*" insert: *, not including a mobile library*

And the title is amended as follows:

On page 1, delete line 8 and insert: certain libraries, not including mobile libraries; amending s. 921.0022, F.S.;

On motion by Senator Aronberg, **SB 1512** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine
Atwater	Campbell	Crist
Dawson	King	Rich
Diaz de la Portilla	Klein	Saunders
Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise

Nays—None

HB 1877—A bill to be entitled An act relating to sexual predators and sexual offenders; providing a popular name; amending s. 216.136, F.S.; assigning an additional responsibility to the Criminal Justice Estimating Conference; amending s. 775.082, F.S.; providing for specified sentencing of persons convicted of the life felony offense in s. 800.04(5)(b), F.S.; creating s. 775.0821, F.S.; creating a felony offense for removing, altering, or failing to maintain an electronic monitoring device for the purpose of committing a crime; providing criminal penalties; amending s. 775.21, F.S.; revising criteria for sexual predator designation; requiring certain notification of sentence; providing for electronic monitoring; extending period for petition to remove sexual predator designation; creating s. 775.235, F.S.; prohibiting the harboring of a sexual predator or sexual offender; providing criminal penalties; amending s. 800.04, F.S.; providing that it is a life felony for an offender 18 years of age or older to commit lewd or lascivious molestation against a victim younger than 12 years of age; amending s. 921.0022, F.S.; revising ranking for certain offenses involving sexual predators and sexual offenders failing to comply with registration requirements; ranking offenses involving sexual predators and sexual offenders failing to comply with registration and other requirements; amending s. 921.141, F.S.; creating an aggravating circumstance pertaining to sexual predators for purposes of imposing the death penalty; amending s. 943.043, F.S.; requiring the Department of Corrections to share information with local law enforcement agencies to assist in determining the potential whereabouts of registered sexual predators and sexual offenders; amending s. 943.0435, F.S.; revising provisions relating to sexual offender registration; creating s. 943.04352, F.S.; requiring a search of the sexual offender and sexual predator registry by entities providing probation services; amending s. 944.606, F.S.; requiring the Department of Corrections to provide information regarding electronic monitoring to the Department of Law Enforcement; amending s. 944.607, F.S.; requiring sexual offenders sentenced to electronic monitoring to provide such information to the Department of Corrections and for such department to provide that information to the Department of Law Enforcement; amending s. 947.1405, F.S.; requiring sexual offenders and sexual predators on conditional release to be placed on electronic monitoring; requiring the Parole Commission to order sexual offenders and sexual predators on conditional release to be returned to prison until expiration of sentence for any material violation of supervision; creating s. 947.1406, F.S.; providing requirements for electronic monitoring of sexual offenders and sexual predators on conditional release; amending s. 948.06, F.S.; requiring electronic monitoring for any violation of probation or community control supervision by certain offenders and sexual predators; creating s. 948.061, F.S.; requiring the Department of Corrections to develop a risk assessment and alert system to monitor certain offenders placed on probation or community control; authorizing the department to adopt rules; requiring the department to have fingerprint-reading equipment and capability by a specified date; amending s. 948.11, F.S.; providing requirements for electronic monitoring of sexual offenders and sexual predators on community control or probation; amending s. 948.30, F.S.; requiring sexual offenders and sexual predators on community control or probation to be placed on electronic monitoring; requiring a study by the Office of Program Policy Analysis and Governmental Accountability of the effectiveness of Florida's sexual predator and sexual offender registration process and community and public notification provisions; providing for severability; providing an effective date.

—as amended April 20 was read the third time by title.

RECONSIDERATION OF AMENDMENT

Senator Argenziano moved that the Senate reconsider the vote by which **Amendment 1 (244374)** as amended was adopted.

MOTION

On motion by Senator Argenziano, the rules were waived to allow the following amendments to be considered:

Senator Argenziano moved the following amendments to **Amendment 1** which were adopted by two-thirds vote:

Amendment 1B (081648)—On page 41, line 28, delete "*sheriff's office*" and insert: *county jail*

Amendment 1C (823490)—On page 53, line 29, after the period (.) insert: *Procurement of electronic monitoring services under this act shall be by invitation to bid as defined in section 287.057, Florida Statutes.*

Amendment 1D (362802)—On page 45, line 19, after the period (.) insert: *Procurement of electronic monitoring services under this subsection shall be by invitation to bid as defined in s. 287.057.*

Amendment 1 as amended was adopted by two-thirds vote.

On motions by Senator Argenziano, **HB 1877** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 1868—A bill to be entitled An act relating to health care; amending s. 395.003, F.S.; extending by 1 year the moratorium on approving additional emergency departments located off the premises of a licensed hospital; amending s. 395.1027, F.S.; requiring that the regional poison control centers be certified; requiring a health care facility or practitioner to release a patient's medical records upon request of a regional poison control center under certain circumstances; amending ss. 395.3025 and 456.057, F.S.; authorizing a regional poison control center to disclose a patient's medical records for purposes of treatment and case management, and to comply with data-collection requirements of the state and the poison control organization that certifies poison control centers in accordance with federal law; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **CS for SB 1868** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Constantine	Jones
Argenziano	Crist	King
Aronberg	Dawson	Klein
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Margolis
Bullard	Garcia	Miller
Campbell	Geller	Peaden
Carlton	Haridopolos	Posey
Clary	Hill	Pruitt
Rich	Siplin	Webster
Saunders	Smith	Wilson
Sebesta	Villalobos	Wise

Nays—None

CS for SB 2196—A bill to be entitled An act relating to trust funds; creating s. 985.4043, F.S.; creating the Shared County/State Juvenile Detention Trust Fund within the Department of Juvenile Justice; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **CS for SB 2196** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 2228—A bill to be entitled An act relating to asbestos-related claims; providing legislative findings and intent; defining terms related to asbestos-related claims; providing that the limitations of liabilities in the act apply to a corporation that is a successor and became a successor before January 1, 1972; providing exceptions to the limitations of the act; providing that the cumulative successor asbestos-related liabilities of a corporation are limited to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation; providing an exception; providing methods by which to establish fair market value of total gross assets; providing for the fair market value of total gross assets at the time of a merger or consolidation to increase annually; providing a methodology by which the fair market value of the assets is increased; requiring that the courts liberally construe the act; providing for severability; providing for applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **CS for SB 2228** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 1446—A bill to be entitled An act relating to state financial matters; amending s. 121.021, F.S.; clarifying that the State Board of Administration may require that a member of the Florida Retirement System provide evidence of termination; amending s. 121.091, F.S.; providing that a member of the Public Employee Optional Retirement Program may not return to employment with an employer under the Florida Retirement System until after being terminated for 3 calendar months; providing an exception for those members who have reached the normal retirement requirements of the defined benefit plan; amending s. 121.35, F.S.; changing the requirements of the Department of Management Services' designation of a fifth company to provide services under the state university optional retirement program; amending s. 121.4501, F.S.; redefining the terms "eligible employee" and "participant" for purposes of the Public Employee Optional Retirement Program; prescribing certain conditions on participation in the program; deleting references to the program's advisory committees; prescribing procedures for, and certain presumptions relating to, designation of beneficiaries; providing for participation by terminated DROP participants; amending s. 121.591, F.S.; providing for cancellation of certain payment instruments under the program when not presented for payment; providing for payment upon subsequent application and for forfeiture when not claimed within a certain period; providing that members of the Public Employee Optional Retirement Program may not receive a distribution from their account until after being terminated for 3 calendar months; providing an exception; providing for designation of beneficiaries for death benefits; amending s. 215.47, F.S.; authorizing investments in asset-backed securities; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **CS for CS for SB 1446** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **CS for SB 718** was deferred.

On motion by Senator Bennett, by two-thirds vote **HB 951** was withdrawn from the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

On motion by Senator Bennett, by two-thirds vote—

HB 951—A bill to be entitled An act relating to the Florida Small Cities Community Development Block Grant Program; amending s. 290.0411, F.S.; revising legislative intent; amending s. 290.044, F.S.; revising grant program categories; eliminating the requirement for distribution of certain categorical funds to be established by the Legislature; authorizing the Department of Community Affairs to allocate funds for emergency and natural disaster related activities; providing an effective date.

—a companion measure, was substituted for **CS for SB 2284** and read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 951** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **CS for CS for SB 334** was deferred.

On motion by Senator Rich, by two-thirds vote **HB 913** was withdrawn from the Committees on Environmental Preservation; and Government Efficiency Appropriations.

On motion by Senator Rich, by two-thirds vote—

HB 913—A bill to be entitled An act relating to littering; amending s. 403.413, F.S.; revising the prohibition against dumping litter on private property; increasing the civil penalty for littering; dedicating a portion of the increase to the Solid Waste Management Trust Fund; providing an effective date.

—a companion measure, was substituted for **CS for SB 1774** and read the second time by title.

MOTION

On motion by Senator Rich, the rules were waived to allow the following amendment to be considered:

Senator Rich moved the following amendment which was adopted:

Amendment 1 (114810)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (6) of section 403.413, Florida Statutes, is amended to read:

403.413 Florida Litter Law.—

(6) PENALTIES; ENFORCEMENT.—

(a) Any person who dumps litter in violation of subsection (4) in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes is guilty of a noncriminal infraction, punishable by a civil penalty of *$100, from which $50 shall be deposited into the Solid Waste Management Trust Fund to be used for the solid waste management grant program pursuant to s. 403.7095* ~~$50~~. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; increasing the fine for a noncriminal infraction of the Florida Litter Law from $50 to $100; dedicating a portion of the increase to the Solid Waste Management Trust Fund; providing a use for such funds; providing an effective date.

On motion by Senator Rich, by two-thirds vote **HB 913** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

Vote after roll call:

Yea—Saunders

SB 2296—A bill to be entitled An act relating to pharmacy practice; amending s. 465.003, F.S.; redefining the term "practice of the profession of pharmacy" to include the administering of influenza virus immunizations to adults by a pharmacist within an established protocol and under a supervisory practitioner who is a licensed physician or by written agreement with a county health department; providing requirements for the protocol; requiring professional liability insurance, training and certification in immunization, and employer approval before entering into a protocol; requiring a pharmacist to maintain and make available patient records for a certain time period; providing requirements for the certification program; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator Bennett, **SB 2296** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 531—A bill to be entitled An act relating to certificates of release for mortgages; creating s. 701.041, F.S.; providing definitions; providing for the issuance of a certificate of release for a mortgage by a title insurer or its authorized agent for certain purposes; providing for recordation; specifying contents of a certificate of release; requiring execution, acknowledgment, and recordation of a certificate of release by certain entities; providing requirements for appointment of an agent for execution purposes; providing for effect of a certificate of release; providing for liability of title insurers under certain circumstances; providing criteria for recording multiple certificates of release; providing application; requiring the Financial Services Commission to adopt rules establishing an actuarially sound premium charge for certificates of release; repealing s. 701.05, F.S., relating to failing or refusing to satisfy a lien and punishment therefor; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 531** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

Vote after roll call:

Yea—Bennett

CS for CS for SB 572—A bill to be entitled An act relating to consumer protection; amending s. 501.160, F.S.; providing criminal penalties for any person who fails to possess an occupational license and offers goods and services for sale to the public during a declared state of emergency; providing that this provision shall not apply to certain organizations; providing that failure to possess such a license constitutes reasonable cause to detain such person for a reasonable amount of time and in a reasonable manner; amending s. 252.36, F.S.; providing the Governor with certain emergency management powers; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for CS for SB 572** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Miller	

Nays—None

Consideration of **SB 1678** was deferred.

HB 763—A bill to be entitled An act relating to critical access hospitals; amending s. 395.002, F.S.; revising the definition of "hospital" to provide an exception with regard to facilities offered by a critical access hospital; revising the definition of "intensive residential treatment programs for children and adolescents" to include additional accrediting organizations for purposes of licensure of such programs; correcting a cross reference; amending s. 395.003, F.S.; extending the moratorium on approving additional emergency departments located off the premises of licensed hospitals; providing for additional accrediting organizations for purposes of licensure of intensive residential treatment programs; correcting a cross reference; amending s. 395.602, F.S.; revising the definition of "rural hospital" to conform to changes made by the act; amending s. 408.07, F.S.; defining the term "critical access hospital"; revising the definition of "rural hospital"; amending ss. 408.061, 458.345, and 459.021, F.S.; conforming cross references; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **HB 763** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1318—A bill to be entitled An act relating to underground petroleum storage tanks; amending s. 376.3071, F.S.; directing the Department of Environmental Protection to encumber petroleum remediation funds uniformly throughout the state's fiscal year; providing for a prioritization within a priority scoring range; providing that limited source removal projects approved outside the established priority order may be funded from the Inland Protection Trust Fund; providing a priority order for these projects; limiting the use of the funds to certain specified purposes; limiting the amount of money allocated to such projects each fiscal year; providing for the repeal of the law on a specified date; amending s. 376.30713, F.S.; providing that the preapproved advanced cleanup provisions may apply to certain discharges under the petroleum cleanup participation program; amending s. 376.3075, F.S.; authorizing the Inland Protection Financing Corporation to borrow money and issue bonds to pay for large-scale cleanups that are eligible for state funding; requiring submission of a plan by the Inland Protection Financing Corporation prior to the issuance of certain debt; requiring the department to obtain legislative authorization for certain debt-financed cleanup projects and payments; extending the termination date of the corporation; creating s. 376.30715, F.S.; providing that certain contaminated sites acquired prior to July 1, 1990, are eligible for state financial cleanup assistance; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for SB 1318** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SB 2574—A bill to be entitled An act relating to dentistry; amending s. 466.004, F.S.; limiting the time a member may serve on the Board of Dentistry; amending s. 466.006, F.S.; clarifying examination provisions; amending s. 466.007, F.S.; reducing the postsecondary education required to take the licensing examination; amending s. 466.0135, F.S.; authorizing the board to authorize a continuing education practice-management course; amending s. 466.021, F.S.; increasing the time that certain work orders must be retained; amending s. 466.025, F.S.; providing for the board to issue temporary certificates to certain unlicensed persons practicing in government facilities; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **SB 2574** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1244—A bill to be entitled An act relating to the tax on gross receipts for utility services; amending s. 203.01, F.S.; providing for a tax on utility services delivered to a retail consumer in this state; providing for a tax on the gross receipts of a distribution company providing delivery of electricity to a retail consumer, based on an index price; providing for an annual calculation of the index price; providing for a tax reduction by refund for a like tax paid to another jurisdiction; providing for a tax on the gross receipts of a distribution company providing for the sale or transportation of natural gas or manufactured gas to a retail consumer, based on an index price; providing for an annual calculation of the index price; providing for a tax reduction by refund for similar taxes paid to another jurisdiction; providing for a tax on the cost price of electricity, natural gas, or manufactured gas to be paid by any person who causes these products to be severed or imported into the state for that person's own use; revising obsolete provisions; providing that the tax does not apply to certain sales, transportation, delivery, or uses; providing that a written certificate of entitlement to the exclusion from tax for persons eligible for an exemption under s. 212.08(7)(ff)2., F.S., relieves the seller or person providing transportation or delivery from responsibility of remitting tax; requiring any person who transports natural or manufactured gas to furnish a list of customers to the Department of Revenue; amending s. 203.012, F.S.; redefining the term "utility service"; defining the term "distribution company"; authorizing the executive director of the Department of Revenue to adopt emergency rules to implement the act; providing an amnesty for unpaid gross receipts tax, penalties, and interest on unpaid gross receipts tax otherwise due for selling natural gas in this state; providing conditions for the amnesty; providing limitations for the amnesty; authorizing the executive director of the Department of Revenue to adopt emergency rules to implement the amnesty; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator Alexander, **CS for SB 1244** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Clary	Haridopolos
Argenziano	Constantine	Hill
Aronberg	Crist	Jones
Atwater	Dawson	King
Baker	Diaz de la Portilla	Klein
Bennett	Dockery	Lawson
Bullard	Fasano	Lynn
Campbell	Garcia	Margolis
Carlton	Geller	Miller

Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

CS for SB 1094—A bill to be entitled An act relating to the Blood Donor Protection Act; creating s. 381.0043, F.S.; providing a popular name; providing that no blood bank or subsidiary or affiliate thereof or employee or agent of a blood bank or subsidiary or affiliate thereof may be compelled to disclose the identity or identifying characteristics of any person who donates blood or any blood components; providing an exception; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for SB 1094** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1438—A bill to be entitled An act relating to consumer services; amending s. 493.6101, F.S.; expanding the definition of the term "repossession" for purposes of the regulation of repossession services; amending s. 493.6102, F.S.; revising the applicability of ch. 493, F.S., governing private investigative, private security, and repossession services; amending s. 493.6110, F.S.; revising insurance requirements for licensure under ch. 493, F.S.; providing insurance requirements with respect to Class "B" security agencies; amending s. 493.6118, F.S.; revising the grounds for disciplinary action against a person or entity that is licensed as, or an applicant for licensure as, a recovery agency, recovery agent, or recovery agent intern; amending s. 493.6403, F.S.; revising licensure requirements for recovery agent managers and recovery agents, to conform; amending s. 493.6404, F.S.; revising requirements for the inventory of certain personal effects or property contained in or on repossessed property, to conform; amending s. 493.6405, F.S.; providing a penalty for the unauthorized sale of repossessed aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment by a recovery agent or recovery agent intern and for failure to remit the net proceeds from the sale of such repossessed property to the owner or lienholder; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 1438** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Carlton	Garcia
Argenziano	Clary	Geller
Aronberg	Constantine	Haridopolos
Atwater	Crist	Hill
Baker	Dawson	Jones
Bennett	Diaz de la Portilla	King
Bullard	Dockery	Klein
Campbell	Fasano	Lawson
Lynn	Pruitt	Smith
Margolis	Rich	Villalobos
Miller	Saunders	Webster
Peaden	Sebesta	Wilson
Posey	Siplin	Wise

Nays—None

CS for CS for SB 186—A bill to be entitled An act relating to sexually transmissible disease testing and reporting; amending s. 381.004, F.S.; prohibiting the disclosure of a positive preliminary HIV test result to any person except as specifically authorized; providing that certain HIV test results are preliminary and may be released in accordance with federal requirements; providing that a pregnant woman's informed consent is not required; amending s. 384.25, F.S.; requiring the reporting of a result indicative of HIV or AIDS; requiring the Department of Health to adopt rules specifying certain information, including the maximum time period for reporting a sexually transmissible disease; requiring the use of a system developed by the Centers for Disease Control or its equivalent for the confidential reporting of HIV infection or AIDS; requiring the department to adopt rules governing the reporting of HIV-exposed infants or newborns; deleting a provision requiring the reporting of diagnosed AIDS cases based upon certain criteria; deleting a provision requiring that physicians and laboratories report certain cases of HIV infection; deleting a requirement that the department submit an annual report to the Legislature; amending s. 384.31, F.S.; requiring that certain health care professionals who attend a pregnant woman test for sexually transmissible diseases and HIV; requiring that a pregnant woman be informed of tests for sexually transmissible diseases and her right to refuse; requiring that a written statement of objection to testing for sexually transmissible diseases be placed in the pregnant woman's medical records; deleting a requirement that a health care provider counsel a pregnant woman concerning HIV testing; deleting a provision that provides immunity from liability to a health care provider who counsels a pregnant woman who objects to HIV testing; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for CS for SB 186** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 656—A bill to be entitled An act relating to law enforcement and correctional officers; providing a popular name; amending s. 112.19, F.S.; providing death benefits for law enforcement, correctional, or correctional probation officers in certain circumstances; amending s. 112.532, F.S.; providing a limitations period for certain actions involving the discipline, demotion, or dismissal of a law enforcement officer or correctional officer; providing for written notification of such actions; providing exceptions to the limitations period; providing for the reopening of investigations and subsequent disciplinary action in certain circumstances; reenacting ss. 110.123(4)(e), 112.19(3), as amended by chs. 2002-191 and 2004-357, Laws of Florida, 112.19(3), as amended by chs. 2002-232, 2003-1, and 2004-357, Laws of Florida, 250.34(4), 285.18(2)(c), 943.04(2)(d), and 943.68(2), F.S., relating to contributions under the state group insurance program, educational benefits for children and

spouses of certain law enforcement personnel, benefits for certain members of the Florida National Guard, benefits for certain law enforcement personnel employed by tribal councils, benefits for certain law enforcement personnel employed by the Department of Law Enforcement in the Criminal Justice Investigations and Forensic Science Program, and benefits for certain law enforcement personnel employed by the Department of Law Enforcement to provide certain security involving the Governor, respectively, for the purpose of incorporating the amendment to s. 112.19, F.S., in references thereto; amending s. 943.22, F.S.; revising definitions relating to qualification of certain law enforcement officers for a salary incentive program; providing applicability; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator Haridopolos, **CS for SB 656** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for CS for SB 1010—A bill to be entitled An act relating to administrative procedures; amending s. 11.60, F.S.; revising duties of the Administrative Procedures Committee with respect to its review of statutes; amending s. 57.111, F.S.; redefining the term "small business" to include certain specified individuals whose net worth does not exceed a specified amount; amending s. 120.54, F.S.; requiring an agency to file a notice of change with the Administrative Procedures Committee; revising times for filing rules for adoption; providing for the form and provisions of bonds; revising applicability of certain uniform rules; amending s. 120.55, F.S.; requiring that certain information be included in forms incorporated by reference in rules; requiring information to be published electronically on an Internet website; providing that such publication does not preclude other publications; providing additional duties of the Department of State with respect to publications; providing requirements for the Internet website; amending s. 120.551, F.S.; postponing the repeal of this section, relating to Internet publication; amending s. 120.56, F.S.; revising provisions relating to withdrawal of challenged rules; amending s. 120.569, F.S.; prescribing circumstances under which the time for filing a petition for hearing must be extended; amending s. 120.57, F.S.; requiring a final order to include an explicit ruling on each exception to the recommended order; providing when certain orders become effective; requiring that additional information be included in notices relating to protests of contract solicitations or awards; amending s. 120.65, F.S.; requiring the Division of Administrative Hearings to include certain recommendations in its annual report to the Administrative Procedures Committee; amending s. 120.74, F.S.; requiring agency reports to be filed with the Administrative Procedures Committee; requiring that the annual report filed by an agency identify the types of cases or disputes in which it is involved which should be conducted under the summary hearing process; requiring the Department of State to provide certain assistance to agencies in their transition to publishing on the Florida Administrative Weekly Internet website; providing effective dates.

—as amended April 20 was read the third time by title.

On motion by Senator Bennett, **CS for CS for CS for SB 1010** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SB 1122—A bill to be entitled An act relating to third-party liability; amending s. 213.053, F.S.; expanding the authority of the Department of Revenue to provide the Agency for Health Care Administration with tax information; reenacting s. 206.27(2), F.S., relating to records and files as public records, to incorporate the amendment to s. 213.053, F.S., in a reference thereto; amending s. 409.910, F.S.; requiring third-party liability administrators and pharmacy benefits managers to provide certain records and information relating to payments on behalf of Medicaid-eligible persons; amending s. 733.2121, F.S.; requiring the personal representative of a decedent to provide a copy of a death certificate to the Agency for Health Care Administration; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **SB 1122** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1722—A bill to be entitled An act relating to multiservice senior centers; creating s. 430.901, F.S.; providing a definition and purposes of a "multiservice senior center"; renumbering and amending s. 430.206, F.S.; providing for certain accreditation; amending s. 430.203, F.S.; repealing a definition of "multiservice senior center," to conform; amending s. 430.205, F.S.; providing that activities of a community care service area may be directed from a multiservice senior center as defined in s. 430.901, F.S.; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator Fasano, **CS for SB 1722** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Dawson
Atwater	Carlton	Diaz de la Portilla
Baker	Clary	Dockery

Fasano	Lawson	Saunders
Garcia	Lynn	Sebesta
Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise

Nays—None

CS for SB 1118—A bill to be entitled An act relating to motor vehicle crash reports; amending s. 316.003, F.S.; defining the term "victim services programs"; amending s. 316.066, F.S.; providing for victim services programs to immediately obtain vehicle crash reports; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for SB 1118** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 328—A bill to be entitled An act relating to automated external defibrillators in law enforcement vehicles; providing legislative findings and intent; providing definitions; requiring the Department of Law Enforcement to administer a grant program to fund the placement of automated external defibrillators in law enforcement vehicles; limiting the amount of such grants to amounts specifically appropriated; providing for administrative costs; requiring a law enforcement agency to provide matching funds when making a grant request; providing an exception; providing for priority consideration for certain applications; requiring the department to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for CS for SB 328** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

SB 252—A bill to be entitled An act relating to Florida Retirement System benefits; amending s. 121.182, F.S.; authorizing municipalities to purchase annuities for municipal personnel in the same manner as counties may for county personnel; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **SB 252** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 385—A bill to be entitled An act relating to state facility designations; designating Ramon Puig Way, Shawn O'Dare Way, Marge Pearlson Way, and Jorge L. Cabrera Way in Miami-Dade County; designating the Correction Officers Memorial Bridge in Bradford and Union Counties; designating Martin Andersen Beachline Expressway in Orange and Brevard Counties; designating Daniel Webster Western Beltway in Orange County; designating Robert F. Grim, Sr., Memorial Parkway in Volusia County; designating Veteran's Memorial Boulevard in Walton County; designating the Southeastern Guide Dog Overpass in Manatee County; designating the Joseph O. Striska Florida Welcome Center in Hamilton County; designating Purple Heart Memorial Highway in Highlands County; repealing s. 25 of ch. 2004-392, Laws of Florida, relating to the designation of St. Petersburg/William C. Cramer Parkway in Pinellas County; designating St. Petersburg Parkway/William C. Cramer Memorial Highway in Pinellas County; designating Richard E. "Pete" Damon Bridge in Palm Beach County; designating Alexander Alden Ware Memorial Cable Barrier System in Palm Beach, St. Lucie, and Miami-Dade Counties; directing the Department of Transportation to erect suitable markers; designating Jorge L. Cabrera Way, Roi Henri Christophe Boulevard, Charles Summer Boulevard, Capois-La-Mort Boulevard, and Jean Baptiste Point du Sable Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—as amended April 20 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Crist, the Senate reconsidered the vote by which **Amendment 1 (985940)** as amended was adopted.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senators Crist and Miller offered the following amendment to **Amendment 1** which was moved by Senator Crist and adopted by two-thirds vote:

Amendment 1C (714226)(with title amendment)—On page 4, line 6, insert:

Section 31. *Art Pepin Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) That portion of 56th Street between Fletcher Avenue and Dr. Martin Luther King Boulevard in Hillsborough County is designated as "Art Pepin Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Art Pepin Boulevard as described in subsection (1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 27, after the semicolon (;) insert: designating Art Pepin Boulevard in Hillsborough County; directing the Department of Transportation to erect suitable markers;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Lynn, **HB 385** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **SB 574** was deferred.

SB 670—A bill to be entitled An act relating to community colleges; amending s. 1009.23, F.S.; revising provisions relating to the fee for capital improvements, technology enhancements, or equipping student buildings and the use thereof; providing requirements for the issuance and validation of bonds; revising provisions relating to the allocation for child care centers; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator Jones, **SB 670** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 626—A bill to be entitled An act relating to environmental health; creating s. 381.0069, F.S.; providing for the regulation of portable restroom contracting; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for authorization of business entities providing portable restroom contracting services under a fictitious name; providing grounds for suspension or revocation of registration or authorization; providing fees; providing penalties and prohibitions; amending s. 381.0061, F.S.; authorizing imposition of an administrative fine for violating portable restroom contracting requirements; amending s. 381.0065, F.S.; specifying the department's powers and duties with respect to regulating portable restroom facilities and the individuals or businesses that provide and service such facilities; authorizing the department to enter the business premises of any portable restroom contractor to determine compliance and for the purpose of enforcement; authorizing issuance of a citation for a violation of portable restroom contracting requirements which may contain an order of correction or a fine; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 626** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SB 1678—A bill to be entitled An act relating to public school class size; amending s. 1003.03, F.S.; revising provisions relating to determination of class size averages for purpose of compliance with class size maximums; providing for reversal of class size reduction operating categorical transfers under certain circumstances; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator Alexander, **SB 1678** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Atwater—

CS for CS for SB 2462—A bill to be entitled An act relating to water resource planning and reporting; amending s. 373.036, F.S.; authorizing submission of an annual strategic plan in lieu of other district water management plan information and providing requirements therefor; requiring water management districts to submit a consolidated annual report and providing requirements therefor; correcting a cross-reference; amending ss. 11.80, 163.3177, 193.625, 373.0397, 373.042, 373.145, 373.1961, 373.199, 373.207, 373.414, 373.4592, 373.45926, 373.4595, 373.470, and 373.536, F.S.; revising certain reporting requirements and cross-references to conform; directing the Department of Environmental Protection to recommend to the Governor and Legislature additional changes to or consolidation of planning and reporting requirements of ch. 373, F.S., relating to water resources; repealing s. 373.0395, F.S., relating to groundwater basin resource availability inventories; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2462** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

CS for SB 1324—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.8132, F.S.; providing for year-round enrollment in the Medikids program component of the Florida KidCare program; amending s. 409.8134, F.S.; providing for year-round enrollment in the Florida KidCare program; providing an effective date.

—was read the second time by title.

Senator Rich moved the following amendment:

Amendment 1 (952326)—On page 2, line 26, after the period (.) insert: *An application for the Florida KidCare program shall be valid for a period of 120 days after the date it was received. At the end of the 120-day period, if the applicant has not been enrolled in the program, the application shall be invalid and the applicant shall be notified of the action. The applicant may resubmit the application after the notification of the action taken by the program.*

MOTION

On motion by Senator Rich, the rules were waived to allow the following amendment to be considered:

Senator Rich moved the following substitute amendment which was adopted:

Amendment 2 (614650)(with title amendment)—On page 2, line 26, after the period (.) insert: *An application for the Florida KidCare program shall be valid for a period of 120 days after the date it was received. At the end of the 120-day period, if the applicant has not been enrolled in the program, the application shall be invalid and the applicant shall be notified of the action. The applicant may resubmit the application after the notification of the action taken by the program.*

And the title is amended as follows:

On page 1, delete line 8 and insert: program; providing a time period for the validity of an application; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1324** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for SB 1168—A bill to be entitled An act relating to the Commission for the Transportation Disadvantaged; amending s. 427.012, F.S.; revising the membership of the commission; establishing term limits; directing each member of the commission to serve without regional bias; providing qualifications for appointment to membership on the commission; requiring candidates for appointment to the commission to meet certain standards for background screening; requiring the Department of Transportation to inform the commission if a candidate fails to meet the screening standards; providing that costs of screening be borne by the department or the candidate for appointment; authorizing the commission to appoint technical advisory committees; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (703894)(with title amendment)—On page 7, line 9, after the period (.) insert: *Thirty days after the release of the Governor's Executive Budget Recommendations, the commission shall present to the Legislative Budget Commission for approval the formula for allocating the Medicaid nonemergency transportation funds it anticipates receiving from the Agency for Health Care Administration, as specified in the Governor's Executive Budget Recommendations, for the upcoming fiscal year. The formula must document the amount of the funding expected to be allocated to each county. No change that would negatively affect any county may be implemented by the commission unless the General Appropriations Act approved by the Legislature reduces the amount allocated to the commission. Any reduction made to a county as a result of the Legislature's reducing the funding available to the commission must be made in a fair and equitable manner.*

Section 2. Subsection (12) of section 427.013, Florida Statutes, is amended to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(12)*(a)* Have the authority to apply for and accept funds, grants, gifts, and services from the Federal Government, state government, local governments, or private funding sources. Applications by the commission for local government funds shall be coordinated through the appropriate coordinating board. Funds acquired or accepted under this subsection shall be administered by the commission and shall be used to carry out the commission's responsibilities.

(b) Develop a Medicaid allocation methodology or formula that equitably distributes the funds under the control of the commission to compensate counties, community transportation coordinators, or other entities providing transportation disadvantaged services. The formula shall take into account not only the actual costs of each trip but also program efficiencies. The methodology or formula must ensure that a trip credit process is incorporated into the formula to ensure that cost-effective solutions are properly measured and taken into account.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: requiring the commission to present a formula to the Legislative Budget Commission for allocating the Medicaid nonemergency transportation funds the commission anticipates receiving from the Agency for Health Care Administration; requiring the commission to document the amount of the funding expected to be allocated to each county; prohibiting any reduction in allocation to a county unless the General Appropriations Act reduces the amount allocated to the commission; amending s. 427.013, F.S.; requiring the commission to develop a Medicaid allocation methodology to equitably distribute transportation funds under the control of the commission to counties, community transportation coordinators, or other

entities providing transportation disadvantaged services; providing for the methodology to develop the formula;

Pursuant to Rule 4.19, **CS for CS for SB 1168** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King, by two-thirds vote **HB 1861** was withdrawn from the Committees on Commerce and Consumer Services; Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator King, by two-thirds vote—

HB 1861—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 411.011, F.S., which provides a public records exemption for specified records of children enrolled in school readiness programs; removing the October 2, 2005, repeal thereof scheduled under the Open Government Sunset Review Act; making editorial changes; providing an effective date.

—a companion measure, was substituted for **CS for SB 1028** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1861** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for SB 1908—A bill to be entitled An act relating to the termination of pregnancies; repealing s. 390.01115, F.S., relating to the Parental Notice of Abortion Act; creating s. 390.01114, F.S.; creating the Parental Notice of Abortion Act; providing a short title; defining terms; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; prescribing notice requirements; providing exceptions; prescribing a procedure for judicial waiver of notice; providing for notice of right to counsel; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petitions; requiring the issuance of written findings of fact and legal conclusions; providing for expedited appeal; providing for waiver of filing fees and court costs; precluding assumption of certain expenses by counties; requesting the Supreme Court to adopt rules; requiring the Supreme Court to report annually to the Governor and the Legislature; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendments which were adopted:

Amendment 1 (575340)—On page 3, lines 30 and 31, delete those lines and insert: *be filed under a pseudonym or through the use of initials, as provided by court rule. The*

Amendment 2 (600660)—On page 5, lines 3 and 4, delete "*to the appropriate agency or law enforcement agency*" and insert: *, as provided in s. 39.201*

Amendment 3 (503634)(with title amendment)—On page 5, lines 11-16, delete those lines and insert: *and shall order that a confidential record be maintained, as required under s. 390.01116. At the hearing, the court shall hear evidence relating to the emotional development, maturity, intellect, and understanding of the minor, and all other relevant evidence. All hearings under this section, including appeals, shall remain confidential and closed to the public, as provided by court rule.*

(f) An expedited appeal shall be

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: providing for confidential and closed hearings;

Pursuant to Rule 4.19, **CS for SB 1908** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Klein—

CS for SB 1056—A bill to be entitled An act relating to business entities; creating ss. 607.1112-607.1115, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic corporation into another business entity; providing for certificates of conversion; providing for effect of conversion; providing definitions, requirements, criteria, and procedures for conversion of another business entity into a domestic corporation; amending ss. 607.1302, 608.407, and 608.4225, F.S., to conform; creating ss. 608.4351-608.43595, F.S.; providing for appraisals of interests in certain limited liability companies; providing definitions; providing requirements, criteria, and procedures for appraisals; providing for appraisal rights of company members; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a member's acceptance of certain offers; providing procedures for members dissatisfied with company offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney's fees; providing limitations on payments by limited liability companies under certain circumstances; amending ss. 608.438, 608.4381, 608.4382, 608.4383, and 608.439, F.S., to conform; creating ss. 608.4401-608.4404, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic limited liability company into another business entity; requiring a plan of conversion; requiring certain actions on a plan of conversion; providing for certificates of conversion; providing for effects of conversion; amending s. 608.452, F.S., to conform; amending s. 617.0302, F.S., to conform; amending s. 617.0505, F.S.; exempting certain private clubs organized as corporations from a prohibition against distributions made to members in certain circumstances; creating s. 617.1108, F.S.; providing that certain statutory provisions related to mergers of corporations apply to not-for-profit corporations; creating ss. 620.1101-620.2205, F.S.; revising the Florida Revised Uniform Limited Partnership Act; providing a popular name; providing definitions; specifying conditions of knowledge and notice; providing for nature, purpose, and duration of limited partnerships; providing powers of limited partnerships; specifying the governing law relating to limited partnerships; providing supplemental principles of law; providing for application of certain rates of interest under certain circumstances; providing for names of limited partnerships; specifying certain fees of the Department of State for certain purposes; providing for effect of partnership agreements; providing for nonwaivable provisions; requiring limited partnerships to maintain certain required information; authorizing certain business transactions of partners with a partnership; providing for dual capacity of certain persons; requiring a designated office, registered office, and registered agent of a limited partnership; providing for change of designated office, registered office, or registered agent; providing for resignation of a registered agent; providing for service of process for certain purposes; providing for consent and proxies of partners; providing for formation of limited partnerships; providing for a certificate of limited partnership; providing for amendment or restatement of a certificate of partnership; providing for a certificate of dissolution; providing for a statement of termination; requiring certain records to be signed; providing for signing and filing of certain records pursuant to court order; providing for delivery to and filing of certain records by the Department of State; providing for effective dates and times of certain records and filings; providing for correcting certain filed records; providing for liability for false information in filed records; providing for a certificate of status; requiring delivery of annual reports to the department; providing conditions for becoming a partner; specifying absence of right or power of a limited partner to bind a limited partnership; providing for approval of certain rights; specifying absence of liability of limited partner for limited partnership obligations; specifying rights of limited partners and former limited partners to certain information; specifying limited duties of limited partners; specifying conditions of liability or lack of liability on the part of certain persons for certain partnership obligations under certain circumstances; specifying conditions for becoming a general partner; specifying a general partner as an agent for the limited partnership; specifying liability of limited partnership for certain actions of general partners; providing for liability of general partners; specifying certain actions by and against limited partnerships and general partners; specifying management rights of general partners; providing certain approval rights of other partners; specifying the

right of general partners and former general partners to certain information; providing general standards of conduct for general partners; providing for form of certain contributions by partners; providing for liability for certain contributions; providing for sharing of profits, losses, and distributions; providing for interim distributions; specifying absence of right to receive a distribution upon dissociation; providing for distributions in kind; providing certain rights to distributions; providing limitations on distributions; providing for liability for certain improper distributions; providing for dissociation as limited partner under certain circumstances; providing for effect of dissociation as limited partner; providing for dissociation as general partner; specifying a person's power to dissociate as general under certain circumstances; specifying conditions and liability of wrongful dissociation; providing for effect of dissociation as general partner; providing to a dissociated general partner a power to bind and liability to a partnership before dissolution of the partnership; providing for certain liability of dissociated general partners; providing for a partner's transferable interest; providing for transfers of partner's transferable interest; providing rights of creditors of partners and transferees; providing for powers of estates of deceased partners; providing for nonjudicial dissolution of limited partnerships; providing for judicial dissolutions; providing for winding up activities of a limited partnership; providing for a power of a general partner and dissociated general partners to bind a partnership after dissolution; providing for liability of certain persons to the partnership after dissolution; providing for disposition of known claims against dissolved limited partnerships; providing for filing certain unknown claims against dissolved limited partnerships; providing for liability of certain persons for certain barred claims against a limited partnership; providing for administrative dissolution; providing for reinstatement after administrative dissolution; providing for appeals from reinstatement denials; providing for revocation of dissolution; providing for disposition of assets upon winding up of activities of a limited partnership; specifying when contributions are required; specifying the governing law relating to foreign limited partnerships; providing for applications for certificates of authority for foreign limited partnerships; specifying certain activities as not constituting transacting business by a foreign limited partnership; providing for filing a certificate of authority for foreign limited partnerships to transact business; prohibiting a foreign limited partnership from obtaining a certificate of authority for a noncomplying name; providing for revocation of a certificate of authority for foreign limited partnerships; providing for cancellation of a certificate of authority for a foreign limited partnership; providing for effect of failure to have a certificate; authorizing the Attorney General to bring actions to restrain foreign limited partnerships from transacting business under certain circumstances; providing for reinstatement after administrative revocation; providing for amending a certificate of authority; providing for direct actions by a partner against a limited partnership or another partner under certain circumstances; authorizing partners to maintain derivative actions for certain purposes; specifying proper plaintiff in derivative actions; specifying contents of certain pleadings; specifying distribution of proceeds in derivative actions; providing for court award of expenses and attorney fees under certain circumstances; providing definitions; providing for conversion of an organization to a limited partnership or a limited partnership to another organization; requiring a plan of conversion; specifying certain actions on a plan of conversion; requiring a certificate of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a limited partnership with certain organizations; requiring a plan of merger; specifying certain actions on a plan of merger; requiring a certificate of merger; specifying certain required filings for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of a general partner after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing for appraisals of interests in certain limited partnerships; providing definitions; providing for appraisal rights of limited partners; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a limited partner's acceptance of certain offers; providing procedures for limited partners dissatisfied with limited partnership offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney's fees; providing limitations on payments by limited partnerships under certain circumstances; providing for application of laws to provisions governing conversions and mergers; providing for uniformity of application and construction; providing severability; providing for application to the Electronic Signatures in Global and National Commerce Act; providing for application to existing business entities; amending ss. 620.8103 and 620.8404, F.S., to conform; amending s. 620.8105, F.S.; providing requirements for partnership registration statements, certificates of merger or conversion, and amended partnership registrations and certificates of merger or conversion; amending s. 620.81055, F.S.; providing a fee for a certificate of conversion; creating ss. 620.8911-620.8923, F.S.; providing definitions; providing for conversion of certain organizations to a partnership or a partnership to another organization; providing requirements, criteria, and procedures for conversions; requiring a plan of conversion; requiring certain actions by a converting partnership on a plan of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a partnership with certain organizations; providing requirements, criteria, and procedures for mergers; requiring a plan of merger; specifying certain actions by a constituent partnership on a plan of merger; specifying certain requiring filings with the Department of State for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of partners after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing construction relating to application of other laws to conversions and mergers; amending s. 620.9104, F.S.; specifying additional activities not constituting transacting business; amending s. 607.11101, F.S.; conforming cross-references; repealing s. 608.4384, F.S., relating to rights of members of limited liability companies dissenting to a merger; repealing ss. 620.101, 620.102, 620.103, 620.105, 620.1051, 620.106, 620.107, 620.108, 620.109, 620.112, 620.113, 620.114, 620.115, 620.116, 620.117, 620.118, 620.119, 620.122, 620.123, 620.124, 620.125, 620.126, 620.127, 620.128, 620.129, 620.132, 620.133, 620.134, 620.135, 620.136, 620.137, 620.138, 620.139, 620.142, 620.143, 620.144, 620.145, 620.146, 620.147, 620.148, 620.149, 620.152, 620.153, 620.154, 620.155, 620.156, 620.157, 620.158, 620.159, 620.162, 620.163, 620.164, 620.165, 620.166, 620.167, 620.168, 620.169, 620.172, 620.173, 620.174, 620.175, 620.176, 620.177, 620.178, 620.179, 620.182, 620.1835, 620.184, 620.185, 620.186, 620.187, 620.192, 620.201, 620.202, 620.203, 620.204, and 620.205, F.S., relating to the Florida Revised Uniform Limited Partnership Act (1986); repealing ss. 620.8901, 620.8902, 620.8903, 620.8904, 620.8905, 6210.8906, 620.8907, and 620.8908, F.S., relating to conversions of partnerships and limited partnerships under the Revised Uniform Partnership Act of 1995; providing effective dates.

—was read the second time by title.

The Committee on Government Efficiency Appropriations recommended the following amendments which were moved by Senator Klein and adopted:

Amendment 1 (191066)—On page 78, line 23 through page 79, line 6, delete those lines and insert: *notice, or demand.*

(4) Service is effected under subsection (3) upon the date shown as having been received by the Department of State.

Amendment 2 (094192)(with title amendment)—On page 206, lines 18-21, delete those lines and insert:

Section 23. Subsections (2) and (7) of section 607.11101, Florida Statutes, are amended to read:

607.11101 Effect of merger of domestic corporation and other business entity.—When a merger becomes effective:

(2) The title to all real estate and other property, or any interest therein, owned by each domestic corporation and other business entity that is a party to the merger is vested in the surviving entity without reversion or impairment. ~~The surviving entity shall record a certified copy of the articles of merger in any county in which a merging entity holds an interest in real property.~~

And the title is amended as follows:

On page 10, line 11, after the first semicolon (;) insert: deleting the requirement that a certified copy of the articles of merger be recorded;

MOTION

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following amendment which was adopted:

Amendment 3 (204360)(with title amendment)—On page 207, lines 9-25, delete those lines, and insert:

(1) Section 607.0129, Florida Statutes, is repealed.

(2) Section 608.4384, Florida Statutes, is repealed.

(3) Section 617.0129, Florida Statutes, is repealed.

(4) Sections 620.101, 620.102, 620.103, 620.105, 620.1051, 620.106, 620.107, 620.108, 620.109, 620.112, 620.113, 620.114, 620.115, 620.116, 620.117, 620.118, 620.119, 620.122, 620.123, 620.124, 620.125, 620.126, 620.127, 620.128, 620.129, 620.132, 620.133, 620.134, 620.135, 620.136, 620.137, 620.138, 620.139, 620.142, 620.143, 620.144, 620.145, 620.146, 620.147, 620.148, 620.149, 620.152, 620.153, 620.154, 620.155, 620.156, 620.157, 620.158, 620.159, 620.162, 620.163, 620.164, 620.165, 620.166, 620.167, 620.168, 620.169, 620.172, 620.173, 620.174, 620.175, 620.176, 620.177, 620.178, 620.179, 620.182, 620.1835, 620.184, 620.185, 620.186, 620.187, 620.192, 620.201, 620.202, 620.203, 620.204, and 620.205, Florida Statutes, are repealed.

(5) Sections 620.8901, 620.8902, 620.8903, 620.8904, 620.8905, 620.8906, 620.8907, and 620.8908, Florida Statutes, are repealed.

Section 25. Section 817.155, Florida Statutes, is amended to read:

817.155 Matters within jurisdiction of Department of State; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.—A person may not, in any matter within the jurisdiction of the Department of State, knowingly and willfully falsify or conceal a material fact, make any false, fictitious, or fraudulent statement or representation, or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates this section is guilty of a *felony* ~~misdemeanor~~ of the *third* ~~second~~ degree, punishable as provided in s. 775.082*,* ~~or~~ s. 775.083*, or s.775.084*. The statute of limitations for prosecution of an act committed in violation of this section is 5 years from the date the act was committed.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 14 through page 11, line 5, delete those lines and insert: merger; repealing ss. 607.0129 and 617.0129, F.S., relating to signing a false document; repealing s. 608.4384, F.S., relating to rights of members of limited liability companies dissenting to a merger; repealing ss. 620.101, 620.102, 620.103, 620.105, 620.1051, 620.106, 620.107, 620.108, 620.109, 620.112, 620.113, 620.114, 620.115, 620.116, 620.117, 620.118, 620.119, 620.122, 620.123, 620.124, 620.125, 620.126, 620.127, 620.128, 620.129, 620.132, 620.133, 620.134, 620.135, 620.136, 620.137, 620.138, 620.139, 620.142, 620.143, 620.144, 620.145, 620.146, 620.147, 620.148, 620.149, 620.152, 620.153, 620.154, 620.155, 620.156, 620.157, 620.158, 620.159, 620.162, 620.163, 620.164, 620.165, 620.166, 620.167, 620.168, 620.169, 620.172, 620.173, 620.174, 620.175, 620.176, 620.177, 620.178, 620.179, 620.182, 620.1835, 620.184, 620.185, 620.186, 620.187, 620.192, 620.201, 620.202, 620.203, 620.204, and 620.205, F.S., relating to the Florida Revised Uniform Limited Partnership Act (1986); repealing ss. 620.8901, 620.8902, 620.8903, 620.8904, 620.8905, 6210.8906, 620.8907, and 620.8908, F.S., relating to conversions of partnerships and limited partnerships under the Revised Uniform Partnership Act of 1995; amending s. 817.155, F.S.; providing that a person making a false or fraudulent statement to the Department of State commits a felony of the third degree;

MOTION

On motion by Senator Klein, the rules were waived to allow the following amendments to be considered:

Senator Klein moved the following amendments which were adopted:

Amendment 4 (583148)—On page 168, between lines 2 and 3, insert:

(c) For a limited partnership with ten or fewer limited partners, without discounting for lack of marketability or minority status.

Amendment 5 (683370)(with title amendment)—On page 20, between lines 9 and 10, insert:

Section 2. Effective upon this section becoming a law, paragraph (c) is added to subsection (4) of section 607.1301, Florida Statutes, to read:

607.1301 Appraisal rights; definitions.—The following definitions apply to ss. 607.1302-607.1333:

(4) "Fair value" means the value of the corporation's shares determined:

(c) For a corporation with ten or fewer shareholders, without discounting for lack of marketability or minority.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: amending s. 607.1301, F.S.; redefining the term "fair value" to clarify existing law regarding the rights of minority shareholders;

Amendment 6 (234176)—On page 24, between lines 3 and 4, insert:

(c) For a limited liability company with ten or fewer members, without discounting for lack of marketability or minority status.

Pursuant to Rule 4.19, **CS for SB 1056** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

SB 1240—A bill to be entitled An act relating to former military vehicles; amending s. 316.2952, F.S.; defining "former military vehicle"; exempting such vehicles from certain windshield requirements; requiring eye-protective devices while such vehicle is in operation; providing penalties for violation; amending s. 316.605, F.S.; exempting certain former military vehicles from license plate display requirements; amending s. 320.086, F.S.; providing for issuance of special license plates for certain former military vehicles; exempting certain former military vehicles from license plate display requirements; requiring the plate and registration certificate to be in the vehicle and available for inspection; defining "former military vehicle"; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1240** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 864—A bill to be entitled An act relating to motor vehicle repair shops; amending s. 559.904, F.S.; requiring applicants for registration to furnish proof of certain liability insurance; providing that failure to maintain such insurance is grounds for denial, revocation, or refusal to renew a registration; amending s. 559.921, F.S.; providing that a violation of the requirement to maintain liability insurance is a criminal violation; providing for administrative fines and criminal penalties; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (672334)(with title amendment)—On page 1, line 15, insert:

Section 1. *This act may be cited as the "Abelardo 'Al' Castillo Act."*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: providing a short title;

Pursuant to Rule 4.19, **CS for SB 864** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for SB 348—A bill to be entitled An act relating to family court efficiency; creating s. 25.375, F.S.; authorizing the Supreme Court to create a system to identify cases relating to individuals and families within the court system; requiring the Supreme Court, the Criminal and Juvenile Justice Information System Council, the Article V Technology Board, and the Florida Association of State Court Clerks to provide recommendations regarding a personal identifier relating to individuals and families within the court system; amending s. 39.013, F.S.; providing for modifying a court order in a subsequent civil proceeding; amending s. 39.0132, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 39.521, F.S.; conforming provisions to s. 39.0132, F.S., regarding modification of a court order in a subsequent civil action or proceeding; amending s. 39.814, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 61.13, F.S.; providing for the court to determine matters relating to child support in any proceeding under ch. 61, F.S.; eliminating provisions authorizing the court to award grandparents visitation rights; eliminating provisions giving grandparents equal standing as parents for evaluating custody arrangements; amending s. 61.21, F.S.; requiring the Department of Children and Family Services to approve parenting courses; establishing requirements relating to the provision of approved parenting courses; specifying timeframes for completing the course; amending s. 741.30, F.S.; providing for an order of temporary custody, visitation, or support to remain in effect until the court enters an order in a subsequent action; amending ss. 61.1827 and 409.2579, F.S., relating to information about applicants and recipients of child-support services; conforming cross-references; providing for severability; providing an effective date.

—was read the second time by title.

Senator Lynn moved the following amendment:

Amendment 1 (095536)(with title amendment)—On page 16, line 23, delete "frequent and continuing" and insert: *equal* ~~frequent and continuing~~

And the title is amended as follows:

On page 1, line 26, after "support" insert: and custody

Senator Lynn moved the following substitute amendment which was adopted:

Amendment 2 (455532)(with title amendment)—On page 16, lines 23-26, delete those lines and insert: child has *equal* ~~frequent and continuing~~ contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. *When a parent petitions the court for equal time with each minor child, and it is in the best interests of that child, the court shall provide equal contact with both parents.* After considering

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: providing for equal contact in custody determinations in certain circumstances;

Pursuant to Rule 4.19, **CS for SB 348** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived to allow the budget conference committees to meet until 10:00 p.m., beginning on Monday, April 25, and continuing through the remainder of the conference schedule.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **CS for CS for SB 202** was withdrawn from the Committees on Transportation and Economic Development Appropriations; and Ways and Means; **CS for CS for CS for SB 1770**, **CS for SB 476**, **CS for CS for SB's 1462 and 648**, **CS for SB 2222**, **SB 550**, **CS for SB 658** and **CS for CS for SB 758** were withdrawn from the Committee on Ways and Means; **SB 2542** and **CS for SB 1372** were withdrawn from the Committee on Government Efficiency Appropriations; **CS for SB 2578** was withdrawn from the Committee on Transportation and Economic Development Appropriations; **CS for SB 1916** was withdrawn from the Committee on Banking and Insurance; **CS for SB 514**, **CS for SB 890**, **CS for SB 2412** and **SB 1866** were withdrawn from the Committee on Judiciary; **CS for CS for SB 2346**, **CS for SB 1262**, **CS for SB 1748** and **CS for SB 1884** were withdrawn from the Committee on General Government Appropriations; **SB 100**, **CS for SB 484** and **CS for SB 618** were withdrawn from the Committee on Health and Human Services Appropriations; **CS for SB 274** was withdrawn from the Committee on Justice Appropriations; and **CS for SB 1174** was withdrawn from the Committee on Government Efficiency Appropriations; and rereferred to the Committee on Ways and Means.

MOTIONS

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Wednesday, April 27.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 21, 2005: CS for CS for SB 2462, CS for SB 1324, CS for CS for SB 1168, CS for SB 1028, CS for SB 1908, CS for SB 1056, SB 1240, CS for SB 864, CS for CS for SB 620, SB 1360, CS for CS for SB 926, CS for SB 976, CS for SB 2278

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Government Efficiency Appropriations recommends the following pass: SB 2500 with 1 amendment

The Committee on Health Care recommends the following pass: SB 1760 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Health Care recommends the following pass: SB 2112 with 1 amendment

The bill was referred to the Committee on Community Affairs under the original reference.

The Committee on Health Care recommends the following pass: CS for SB 794 with 2 amendments, CS for SB 2330 with 2 amendments

The bills were referred to the Committee on Criminal Justice under the original reference.

The Committee on Health Care recommends the following pass: SB 2640 with 1 amendment

The bill was referred to the Committee on Education under the original reference.

The Committee on Health Care recommends the following pass: CS for SB 2434 with 2 amendments

The bill was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Health Care recommends the following pass: SB 2224 with 1 amendment

The bill was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 1264

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Health Care recommends the following pass: SB 668 with 1 amendment

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Transportation and Economic Development Appropriations recommends the following pass: CS for SB 1572

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Education Appropriations recommends the following pass: SB 606, SB 752 with 1 amendment, CS for SB 768 with 1 amendment, CS for SB 1920 with 1 amendment

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 1602, SB 2244, CS for SB 2432

The Committee on Health and Human Services Appropriations recommends the following pass: SB 498, CS for CS for SB 1090, CS for SB 2364

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SB 102, SB 468, CS for SB 1154, SB 1502, CS for CS for SB 1650

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Education recommends a committee substitute for the following: SB 862

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2656

The bill with committee substitute attached was referred to the Committee on Children and Families under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2142

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 584

The bill with committee substitute attached was referred to the Committee on Education Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 2426

The bill with committee substitute attached was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Education recommends a committee substitute for the following: CS for SB 2362

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 886

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 1186

The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 1696

The bill with committee substitute attached was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 1766, SB 2262

The bills with committee substitutes attached were referred to the Committee on Health Care under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 1728, SB 1738, SB 2166

The Committee on Education recommends a committee substitute for the following: SB 866

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 2502

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 2240, SB 2352

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1414

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Justice Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1554

The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 698, CS for SB 1272, CS for SB 1442

The bills with committee substitutes attached were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 1062

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2176

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 1308

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 526, CS for SB 662, SB 896, CS for SB 2178, SB 2220

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Governmental Oversight and Productivity; Communications and Public Utilities; and Senators Klein and Constantine—

CS for CS for SB 526—A bill to be entitled An act relating to electric utility transmission; creating the Electric Utility Task Force; providing duties and membership of the task force; creating the Electric Utility Task Force Advisory Panel to advise the task force; providing for membership and duties of the panel; requiring that the task force submit a report to the Governor and the Legislature; providing that the task force be dissolved on a specified date; providing an appropriation; providing an effective date.

By the Committee on Education; and Senator Jones—

CS for SB 584—A bill to be entitled An act relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; revising definition of the term "students with disabilities"; revising student eligibility requirements for receipt of a scholarship; revising provisions relating to scholarship funding and payment; providing funding and payment requirements for former Florida School for the Deaf and the Blind students and for students exiting a Department of Juvenile Justice program; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Community Affairs; and Senator Clary—

CS for CS for SB 662—A bill to be entitled An act relating to hospitals; creating a commission to study the effect of the 2004 hurricane season on certain hospitals and identify hospitals unable to comply with the Florida Building Code or located in flood-prone areas; providing for membership, reimbursement, and duties of the study commission; requiring the Department of Community Affairs to provide staff for the study commission; requiring the commission to submit a report and recommendations to the Governor and the Legislature; creating a high-deductible-health-insurance plan study group; specifying membership; requiring the study group to investigate certain issues relating to high-deductible health insurance plans; requiring the group to meet and submit recommendations to the Governor and Legislature; directing the Office of Program Policy Analysis and Government Accountability to conduct a study to evaluate whether the State of Florida should join the Nurse Licensure Compact; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Judiciary; and Senator Sebesta—

CS for CS for SB 698—A bill to be entitled An act relating to public records; creating s. 516.115, F.S.; creating an exemption from public-records requirements for information obtained by the Office of Financial Regulation of the Financial Services Commission in connection with active investigations and examinations under the Florida Consumer Finance Act; providing an exception; providing a definition; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Education; and Senator Bennett—

CS for SB 862—A bill to be entitled An act relating to educational loan marketing; creating s. 1009.9997, F.S.; creating the Educational Loan Marketing Corporation of Florida, Inc., to provide services as a secondary student loan market; requiring compliance with not-for-profit corporation requirements and public records and public meetings requirements; authorizing the corporation to borrow through public bonds and private financial sources; providing uses of proceeds of the corporation; providing for a board of directors and specifying membership; providing for powers and duties of the board of directors; requiring the corporation to submit a business plan to the Department of Education; providing accounting and audit requirements; requiring revenues of the corporation to be used for providing secondary student loan market services; prohibiting state indebtedness or obligation; exempting bonds issued by the corporation, their transfer, and the income therefrom from taxation; providing intent and requirements relating to costs; requiring budget approval by the department; providing an effective date.

By the Committee on Education; and Senators Haridopolos and Wise—

CS for SB 866—A bill to be entitled An act relating to student financial assistance; providing legislative intent to expand access to postsecondary education and reduce student indebtedness; requiring each state university and community college to report information relating to certain funds used to provide financial assistance to certain students; prohibiting the use of such funds to provide financial assistance to specified foreign students; defining the term "eligible Florida resident"; providing for the redirection of funds to provide additional need-based financial assistance to eligible Florida residents; requiring a report by state universities and community colleges; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Criminal Justice; and Senators Wise and Lynn—

CS for CS for SB 886—A bill to be entitled An act relating to prison industries; creating the Prison Industries Task Force within the Office of Legislative Services; requiring the task force to determine how well the prison industries program has fulfilled its statutory mission and purpose; providing for the appointment of members to the task force; requiring the task force to hold a minimum number of public meetings; providing that the meetings and records of the task force are subject to public-meetings requirements and the public-records law; providing for members of the task force to be reimbursed for per diem and travel

expenses; requiring the Legislative Committee on Intergovernmental Relations to provide staff support for the task force; specifying the duties of the task force with respect to taking testimony; requiring the task force to submit a report to the Governor and the Legislature; abolishing the task force on a future date; amending s. 946.505, F.S.; clarifying the state's reversionary interest in the facilities, property, and assets of the corporation operating a correctional work program; providing an effective date.

By the Committees on Governmental Oversight and Productivity; and Education—

CS for SB 896—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 1009.981, F.S.; revising a public-records exemption for the Florida College Savings Program; narrowing the exemption; deleting provisions that provide for repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

By the Committees on Criminal Justice; and Domestic Security—

CS for CS for SB 1062—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; requiring that the Department of Law Enforcement establish a waiver process for allowing an individual, who is otherwise unqualified, to be allowed unescorted access to a seaport or restricted access area; requiring that the administrative staff of the Parole Commission review the facts of the waiver application and transmit the findings to the Department of Law Enforcement; requiring the department to make a final disposition of the application and notify the applicant and the port authority that denied employment to the applicant; exempting the review from ch. 120, F.S.; creating s. 311.121, F.S.; authorizing the seaport authority or governing board of certain seaports to require that seaport security officers receive additional training and certification; providing legislative intent relating to mitigation of operational security costs at seaports; requiring the department to apply such intent; providing eligibility requirements for such certification; creating the Seaport Security Officer Qualifications, Training, and Standards Steering Committee to develop the curriculum for the training program; providing for the membership of the steering committee; requiring the Department of Education to implement the training curriculum; authorizing the substitution of training equivalencies; requiring an examination; providing requirements for certification renewal; providing requirements for schools that offer training for seaport security officers; providing for issuance of a license indicating that the licensee is certified as a seaport security officer; creating s. 311.122, F.S.; authorizing a seaport security officer to take into custody any person whom the officer has cause to believe is trespassing in a restricted access area; providing that such officer is not criminally or civilly liable for taking such action; creating s. 311.123, F.S.; requiring that the Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law Enforcement and the Governor's Office of Drug Control, create a maritime domain awareness training program; providing purposes of the program; providing requirements for the curriculum; providing an effective date.

By the Committee on Education; and Senator Atwater—

CS for SB 1186—A bill to be entitled An act relating to building and facility designations; amending s. 267.062, F.S.; authorizing the boards of trustees of state universities to name campus buildings and facilities for living persons; requiring the Board of Governors to adopt uniform policies; reserving the right of the Legislature to name buildings or facilities; amending s. 1013.79, F.S.; conforming a provision; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Education; and Senator Wise—

CS for CS for SB 1272—A bill to be entitled An act relating to public records and public meetings exemptions for investigations by the Commission for Independent Education; amending s. 1005.38, F.S.; creating an exemption from public records requirements for investigatory records, including minutes and findings of an exempt probable cause panel relating to suspected violations of ch. 1005, F.S., or commission rules; creating an exemption from public meetings requirements for proceedings of a probable cause panel; providing for limited duration of the exemptions; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

By the Committees on Criminal Justice; and Regulated Industries—

CS for CS for SB 1308—A bill to be entitled An act relating to the Florida Clean Indoor Air Act; amending s. 386.203, F.S.; defining the terms "person" and "proprietor or other person in charge of an enclosed indoor workplace" for purposes of the act; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending s. 386.2045, F.S.; conforming cross-references; creating a new exemption; amending s. 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; providing a penalty for a vendor who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

By the Committees on Governmental Oversight and Productivity; and Domestic Security—

CS for SB 1414—A bill to be entitled An act relating to domestic security; amending s. 943.03101, F.S.; providing legislative findings with respect to the need to coordinate counter-terrorism efforts and responses in accordance with the state comprehensive emergency management plan; amending s. 943.0311, F.S.; clarifying duties of the Chief of Domestic Security Initiatives; amending s. 943.0312, F.S., relating to the regional domestic security task forces; revising the statewide strategy with respect to domestic security to include prevention, protection, and recovery efforts; requiring that the regional task forces support the domestic security functions of the Department of Law Enforcement; revising the membership of the task forces; authorizing the co-chair of each task force to appoint subcommittees to address specified issues; revising the duties of the Chief of Domestic Security Initiatives; creating s. 943.0313, F.S.; creating the Domestic Security Oversight Council to act as an advisory council to guide the regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and Legislature; providing the membership of the council; authorizing the council to invite ex officio, nonvoting members to attend and participate in council meetings; providing for a chair and vice chair of the council; providing for an absent member to be represented by a designee; requiring the council to establish bylaws; providing for terms of membership; providing that members or designees are entitled to reimbursement for per diem and travel expenses; requiring the Department of Law Enforcement to provide staff for the council; providing meeting requirements; requiring the council to establish an executive committee and specifying members; providing the duties of the council; requiring the council to make annual funding recommendations; requiring an annual report to the Governor and Legislature; providing that the council is a criminal justice agency for purposes of the public-records law; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Banking and Insurance; and Senator Atwater—

CS for CS for SB 1442—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 440.3851, F.S.; exempting from public-records and public-meetings requirements certain records of the Florida Self-Insurers Guaranty Association, Incorporated, and certain meetings of the board of directors of the association or any subcommittee of the board; providing for release of such records under certain circumstances; providing requirements; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Wise—

CS for SB 1554—A bill to be entitled An act relating to contracting for efficiency or conservation measures by state agencies; amending s. 489.145, F.S.; including water and wastewater efficiency and conservation in the measures encouraged by the Legislature; providing definitions; providing for inclusion of water and wastewater efficiency and conservation measures in guaranteed performance savings contracts entered into by a state agency; amending s. 287.064, F.S., to conform; providing an effective date.

By the Committee on Education; and Senator Haridopolos—

CS for SB 1696—A bill to be entitled An act relating to immunizations; amending s. 381.005, F.S.; requiring certain assisted living facilities to offer immunizations against influenza viruses to residents age 65 or older; requiring the Department of Health or its designee to notify assisted living facilities by a specified date of the facilities' responsibilities; amending s. 1003.22, F.S.; requiring each district school board and the governing authority of each private school to provide information concerning meningococcal disease and its vaccine to parents; requiring the Department of Health to adopt rules specifying the age or grade level of students for whom such information will be provided; requiring each district school board and the governing authority of each private school to determine the means and method for the provision of information regarding meningococcal disease to parents; providing an effective date.

By the Committee on Criminal Justice; and Senator Campbell—

CS for SB 1728—A bill to be entitled An act relating to sexual and career offenders; amending s. 775.21, F.S.; redefining the term "institution of higher education" to include a career center; revising sexual predator criteria to include additional qualifying offenses; revising provisions relating to use of prior felonies for sexual predator determination; revising sexual predator designation provisions relevant to persons living in this state who have received a sexual offender designation in another state; revising a penalty provision relating to an offense involving a sexual predator working where children regularly congregate; amending s. 775.261, F.S.; revising an operational date used for career offender registration; amending s. 943.0435, F.S.; revising provisions relating to the definition of "sexual offender"; redefining the term "institution of higher education" to include a career center; revising a provision relating to offender driver's license or identification card renewal; amending s. 944.606, F.S.; redefining the term "sexual offender" to include offenders who have committed certain additional acts; amending s. 944.607, F.S.; revising provisions relating to the definition of "sexual offender"; redefining the term "institution of higher education" to include a career center; providing an effective date.

By the Committee on Criminal Justice; and Senator Wise—

CS for SB 1738—A bill to be entitled An act relating to juvenile detention; amending s. 985.03, F.S.; redefining the term "home detention" to mean detention that requires a parent, guardian, or custodian to supervise a child who is placed on home detention; deleting provisions making the Department of Juvenile Justice responsible for supervising a child who is placed on home detention; amending ss. 985.215 and 985.231, F.S.; providing that a child may be placed on home detention with or without electronic monitoring; providing for detention under certain criteria; providing an extension of the statutory time limit on post-commitment detention; amending s. 985.2311, F.S.; clarifying that the parent is not responsible for the department's fee for a child placed on home detention; providing an effective date.

By the Committee on Education; and Senator Crist—

CS for SB 1766—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a recipient of state funds from requiring a student to be prescribed or administered psychotropic medication as a condition of receipt of educational services financed by state funds; providing requirements for administration; providing a restriction relating to referral for diagnosis or treatment of mental disorders; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Argenziano—

CS for SB 2142—A bill to be entitled An act relating to public records exemptions; amending s. 257.43, F.S.; providing an exemption from public records requirements for the identity of donors to the citizen support organization created to provide assistance, funding, and promotional support for the library, archives, and records management programs of the Division of Library and Information Services of the Department of State who desire to remain anonymous; providing for review and repeal; amending s. 265.703, F.S.; providing an exemption from public records requirements for the identity of donors to the citizen support organization created to provide assistance, funding, and promotional support for the cultural and arts programs of the Division of Cultural Affairs of the Department of State who desire to remain anonymous; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Criminal Justice; and Senator Rich—

CS for SB 2166—A bill to be entitled An act relating to residential tenancies; creating s. 83.683, F.S.; providing definitions; providing for an early termination of a lease if a victim of domestic violence, sexual violence, dating violence, or repeat violence elects to leave a residential rental property under certain circumstances; providing effect of such termination; prescribing responsibilities of parties; providing landlord's rights under such termination; providing that the rights of a victim may not be waived; amending s. 83.59, F.S.; prescribing landlord's right to recover possession of a dwelling unit upon the death of a tenant; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Posey and Baker—

CS for SB 2176—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; correcting a cross-reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible

valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; conforming a cross-reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change or residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; providing the method of qualifying for nomination or election to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; providing effective dates.

By the Committees on Governmental Oversight and Productivity; Ethics and Elections; and Senator Posey—

CS for CS for SB 2178—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Governmental Oversight and Productivity; and Senators King and Lynn—

CS for SB 2220—A bill to be entitled An act relating to a public-records exemption for the Voluntary Prekindergarten Education Program; creating s. 1002.72, F.S.; creating an exemption from public-records requirements for individual records of children enrolled in the Voluntary Prekindergarten Education Program; providing for retroactive application; providing for exceptions to the exemption; providing for future review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

By the Committee on Criminal Justice; and Senator Siplin—

CS for SB 2240—A bill to be entitled An act relating to dart-firing stun guns; creating s. 943.1717, F.S.; providing parameters within which law enforcement, correctional probation and correctional officers may employ dart-firing stun guns; requiring that the Criminal Justice Standards and Training Commission establish standards for instruction in the use of dart-firing stun guns in self defense and in the use of deadly force; requiring that a minimum number of hours in such training be included in the basic-skills course required for certification; providing an effective date.

By the Committee on Education; and Senator Haridopolos—

CS for SB 2262—A bill to be entitled An act relating to drug testing student athletes; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to adopt bylaws relating to steroid use and

the adherence to a coaches code of ethics; requiring development of such code; requiring the Florida High School Athletic Association to make recommendations for a pilot drug testing program to test for performance- enhancing drugs; providing an effective date.

By the Committee on Criminal Justice; and Senator Peaden—

CS for SB 2352—A bill to be entitled An act relating to controlled substances; amending s. 893.033, F.S.; revising the definition of "listed precursor chemical" to include benzaldehyde, hydriodic acid, and nitroethane, and to remove anhydrous ammonia and benzyl chloride; revising the definition of "listed essential chemical" to include anhydrous ammonia, benzyl chloride, hydrochloric gas, and iodine; amending s. 893.13, F.S.; prohibiting a person from manufacturing methamphetamine or phencyclidine or from possessing listed chemicals with the intent to manufacture methamphetamine or phencyclidine; providing criminal penalties; providing for minimum terms of imprisonment in circumstances where a person commits or attempts to commit such crime in a structure or conveyance where a child is present and in circumstances where a child suffers great bodily harm; providing criminal penalties in circumstances where a person fails to store anhydrous ammonia as required; providing criminal penalties in circumstances involving a violation of ch. 893, F.S., which results in serious injury to a state, local, or federal law enforcement officer; increasing the criminal penalties if such violation results in death or great bodily harm to such officer; prohibiting a person from selling, manufacturing, delivering, or attempting to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of an assisted living facility; providing criminal penalties for such offense; specifying minimum terms of imprisonment for such offense; amending s. 893.135, F.S.; including offenses involving pseudoephedrine within the offense of trafficking in amphetamine; providing criminal penalties; providing that it is a capital offense to manufacture or import pseudoephedrine knowing that the probable result will be death; amending s. 893.149, F.S., relating to the prohibition against possessing listed chemicals; providing an exception to such prohibition for a person authorized to clean up or dispose of hazardous waste or toxic substances pursuant to ch. 893, F.S.; providing that damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical is the sole responsibility of the person unlawfully possessing, storing, or tampering with the chemical; providing that the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller is immune from liability in the absence of negligent misconduct or failure to abide by laws governing possession or storage; creating s. 893.1495, F.S.; limiting sales of products containing more than a specified amount of ephedrine or related compounds in a single transaction; providing restrictions on the display of products containing ephedrine or related compounds; requiring specialized training for employees of retail outlets who engage in retail sale of such products; providing that local regulations are superseded; providing criminal penalties; reenacting s. 893.02(12), F.S., relating to the definition of the term "listed chemical," for the purpose of incorporating the amendment to s. 893.033, F.S., in a reference thereto; reenacting ss. 435.07(2), 921.187(1), 938.25, and 948.034(1) and (2), F.S., relating to exemptions from disqualification for certain employment, disposition and sentencing alternatives, the assessment of fees for purposes of funding the Operating Trust Fund of the Department of Law Enforcement, and the terms and conditions of probation, respectively, for the purpose of incorporating the amendment to s. 893.13, F.S., in references thereto; reenacting ss. 311.12(3)(c), 414.095(1), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3)(a), and (4)(a), 893.13(8)(d), 907.041(4)(c), 921.0022(3)(g), (h), and (i), 921.0024(1), 921.142(2), 943.0585, and 943.059, F.S., relating to seaport security standards, eligibility for temporary cash assistance, mandatory sentencing in circumstances involving the possession of use of a weapon, specified offenses that may be charged as murder if death results, prohibited acts by prescribing practitioners, circumstances in which the court may order pretrial detention, the offense severity ranking chart of the Criminal Punishment Code, worksheet computations and scoresheets under the Criminal Punishment Code, sentencing in capital drug trafficking cases, limitations on circumstances in which a criminal history record may be expunged, and limitations on circumstances in which a criminal history record may be sealed, respectively, for the purpose of incorporating the amendment to s. 895.135, F.S., in references thereto; reenacting ss. 397.451(4)(b) and (6), 772.12(2)(a), 893.1351(1), and 903.133, F.S., relating to background checks of service provider personnel, the Drug Dealer Liability Act, the prohibition against leasing or renting for the purpose of trafficking in a controlled substance, and the limitation of admission to bail, respectively, for the purpose of incorporating the amendments to ss. 893.13 and 893.135, F.S., in references thereto; providing applicability; providing an effective date.

By the Committees on Education; Commerce and Consumer Services; and Senators Smith, Fasano and Crist—

CS for CS for SB 2362—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.052, F.S.; deleting an exception to an exemption from the tax for research or development costs; amending s. 212.08, F.S.; providing an exemption for machinery and equipment used in semiconductor, defense, or space technology research and development activities; providing definitions; providing for the adoption of rules pertaining to procedures to claim exemptions and revising guidelines relating to such procedures; providing for a review of the exemption by the Office of Program Policy Analysis and Government Accountability and Enterprise Florida, Inc.; requiring a report; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Environmental Preservation; and Senator Clary—

CS for CS for SB 2426—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; revising the provisions for the placement of uniform warning and safety flags at public beaches; prohibiting the display of flags not specifically developed by the Department of Environmental Protection; revising liability provisions; authorizing the department to develop and distribute information and materials related to beach safety; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Environmental Preservation; and Senator Dockery—

CS for CS for SB 2502—A bill to be entitled An act relating to water management districts; creating s. 373.1135, F.S.; authorizing each water management district to establish a small business program to encourage small businesses, including those owned by women and minorities, to participate in district procurement and contract activities; amending s. 373.073, F.S.; allowing a water management district government board member to serve until a replacement has been appointed; amending s. 373.414, F.S.; allowing a petition for a jurisdictional declaratory statement to be submitted to the Department of Environmental Protection or a water management district on or before June 1, 1994; providing an effective date.

By the Committee on Criminal Justice; and Senator Wise—

CS for SB 2656—A bill to be entitled An act relating to juvenile justice; reorganizing ch. 985, F.S.; providing new section numbers and part titles; amending s. 985.01, F.S., relating to purposes and intent for the chapter; amending s. 985.02, F.S., relating to the legislative intent for the juvenile justice system; revising a reference and cross-references to conform; amending s. 985.03, F.S., relating to definitions for the chapter; amending, renumbering, and revising references and cross-references to conform; creating s. 985.0301, F.S., relating to the jurisdiction of the juvenile court; amending and renumbering s. 985.201, F.S.; amending and renumbering a provision of s. 985.219, F.S., that relates to such jurisdiction; amending and redesignating a provision of s. 985.231, F.S., that relates to such jurisdiction; amending and redesignating a provision of s. 985.31, F.S., that relates to such jurisdiction; amending and redesignating a provision of s. 985.313, F.S., that relates to such jurisdiction; revising references and cross-references to conform; creating s. 985.032, F.S., relating to legal representation for delinquency cases; renumbering s. 985.202, F.S.; creating s. 985.033, F.S., relating to the right to counsel; amending and renumbering s. 985.203, F.S.; revising references to conform; creating s. 985.035, F.S., relating to open hearings; renumbering s. 985.205, F.S.; creating s. 985.036, F.S., relating to the rights of victims in juvenile proceedings; amending and renumbering s. 985.206, F.S.; providing for the release of certain information to victims; creating s. 985.037, F.S., relating to punishment for contempt of court and alternative sanctions; amending and renumbering

s. 985.216, F.S.; revising provisions relating to contempt of court; creating s. 985.039, F.S., relating to the cost of supervision and care; renumbering s. 985.2311, F.S.; amending and renumbering s. 985.04, F.S.; clarifying a provision relating to the release of certain information; revising references and cross-references to conform; creating s. 985.045, F.S., relating to court records; amending and renumbering s. 985.05, F.S.; revising references and cross-references to conform; creating s. 985.046, F.S., relating to the statewide information-sharing system and interagency workgroup; renumbering s. 985.06, F.S.; creating s. 985.047, F.S., relating to information systems; renumbering s. 985.08, F.S.; creating s. 985.101, F.S., relating to taking a child into custody; amending and renumbering s. 985.207, F.S.; creating s. 985.105, F.S., relating to intake and case management; renumbering s. 985.2075, F.S.; renumbering a provision of s. 985.215, F.S., relating to transporting a child who has been taken into custody; revising a reference and cross-references to conform; creating s. 985.105, F.S., relating to youth custody officers; renumbering s. 985.2075, F.S.; creating s. 985.11, F.S., relating to fingerprinting and photographing; amending and renumbering s. 985.212, F.S.; revising a cross-reference to conform; creating s. 985.115, F.S., relating to release or delivery from custody; amending and renumbering provisions of s. 985.211, F.S., that relate to such release or delivery; revising cross-references to conform; creating s. 985.12, F.S., relating to civil citations; amending and renumbering s. 985.301, F.S.; revising a cross-reference to conform; creating s. 985.125, F.S., relating to prearrest or postarrest diversion programs; renumbering s. 985.3065, F.S.; creating s. 985.13, F.S., relating to probable cause affidavits; amending and renumbering provisions of s. 985.211, F.S., that relate to probable cause affidavits and certain requirements upon the taking of a child into custody; revising cross-references to conform; creating s. 985.135, F.S., relating to juvenile assessment centers; renumbering s. 985.209, F.S.; creating s. 985.14, F.S., relating to the intake and case management system; amending, renumbering, and redesignating provisions of s. 985.21, F.S., that relate to intake and case management; revising cross-references to conform; creating s. 985.145, F.S., relating to the responsibilities of the juvenile probation officer during intake and to screenings and assessments; amending and redesignating provisions of s. 985.21, F.S., that relate to such responsibilities, screenings, and assessments; revising cross-references to conform; creating s. 985.15, F.S., relating to filing decisions in juvenile cases; amending and redesignating provisions of s. 985.21, F.S., that relate to such decisions; revising cross-references to conform; creating s. 985.155, F.S., relating to neighborhood restorative justice; renumbering s. 985.303, F.S.; creating s. 985.16, F.S., relating to community arbitration; amending and renumbering s. 985.304; F.S.; revising a reference to conform; creating s. 985.18, F.S., relating to medical, psychiatric, psychological, substance abuse, and educational examination and treatment; renumbering s. 985.224, F.S.; redesignating a provision of s. 985.215, F.S., that relates to comprehensive evaluations of certain youth; creating s. 985.185, F.S., relating to evaluations for dispositions; amending and renumbering provisions of s. 985.229, F.S., that relate to such evaluations; creating s. 985.19, F.S., relating to incompetency in juvenile delinquency cases; renumbering s. 985.223, F.S.; creating s. 985.195, F.S., relating to transfer to other treatment services; renumbering s. 985.418, F.S.; creating s. 985.24, F.S., relating to the use of detention and to prohibitions on the use of detention; renumbering provisions of s. 985.213, F.S., that relate to the use of detention; renumbering s. 985.214, F.S.; creating s. 985.245, F.S., relating to the risk assessment instrument; amending and renumbering a provision of s. 985.213, F.S., that relates to such instrument; revising cross-references to conform; creating s. 985.25, F.S., relating to detention intake; amending, renumbering, and redesignating provisions of s. 985.215, F.S., that relate to detention intake; revising cross-references to conform; creating s. 985.255, F.S., relating to detention criteria and detention hearings; amending and renumbering a provision of s. 985.215, F.S., that relates to such criteria and hearings; revising cross-references to conform; amending and redesignating a provision of s. 985.213, F.S., that relates to such criteria and hearings in circumstances involving domestic violence; revising a cross-reference to conform; creating s. 985.26, F.S., relating to length of detention; amending, renumbering, and redesignating provisions of s. 985.215, F.S., that relate to length of detention; revising cross-references to conform; creating s. 985.265, F.S., relating to detention transfer and release, education of juvenile offenders while in detention or on detention status, and holding of juvenile offenders in adult jails; amending and renumbering provisions of s. 985.215, F.S., that relate to transfer, release, and holding juvenile offenders in adult jails; renumbering a provision of s. 985.213, F.S., that relates to education of juvenile offenders while in detention or on detention status; revising references and cross-references to conform; creating s. 985.27, F.S., relating to postcommitment detention of juvenile offenders while such offenders are awaiting residential placement; amending and redesignating provisions of s. 985.215, F.S., that relate to such detention; limiting the use of such detention; revising references to "detention" to clarify that such term means "secure detention" in certain circumstances; creating s. 985.275, F.S., relating to the detention of an escapee; amending and renumbering s. 985.208, F.S.; revising a cross-reference to conform; creating s. 985.318, F.S., relating to petitions; renumbering s. 985.218, F.S.; creating s. 985.319, F.S., relating to process and service; renumbering provisions of s. 985.219, F.S., that relate to process and service; creating s. 985.325, relating to prohibitions against threatening or dismissing employees; amending and renumbering s. 985.22, F.S.; revising cross-references to conform; creating s. 985.331, F.S., relating to court and witness fees; renumbering s. 985.221, F.S.; creating s. 985.335, F.S., relating to answering a petition; renumbering s. 985.222, F.S.; creating s. 985.345, F.S., relating to delinquency pretrial intervention programs; renumbering s. 985.306, F.S.; creating s. 985.35, F.S., relating to adjudicatory hearings, withholding of adjudication, and orders of adjudication; amending and renumbering s. 985.228, F.S.; repealing a provision prohibiting a person from possessing a firearm in certain circumstances; revising a reference and cross-references to conform; creating s. 985.43, F.S., relating to predisposition reports and other evaluations; amending and renumbering provisions of s. 985.229, F.S., that relate to such reports and evaluations; revising cross-references to conform; creating s. 985.433, F.S., relating to disposition hearings in delinquency cases; amending and renumbering s. 985.23, F.S.; clarifying who is considered a party to a juvenile case; specifying who must be given an opportunity to comment on the issue of disposition; revising cross-references to conform; amending a provision of s. 985.231, F.S., relating to requirement of written disposition orders; creating s. 985.435, F.S., relating to probation, postcommitment probation, and community service; amending and redesignating a provision of s. 985.231, F.S., relating to probation, postcommitment probation, and community control; creating s. 985.437, F.S., relating to restitution; amending and redesignating provisions of s. 985.231, F.S., that relate to restitution; revising a reference and cross-reference to conform; creating s. 985.439, F.S., relating to violations of probation or postcommitment probation; amending and redesignating provisions of s. 985.231, F.S., that relate to such violations; revising cross-references to conform; creating s. 985.441, F.S., relating to commitment; amending and redesignating provisions of s. 985.231, F.S., that relate to commitment; providing a requirement for commitment of a child as a juvenile sexual offender; revising cross-references to conform; renumbering a provision of s. 985.404, F.S., that relates to transfers of the child to administer commitment; creating s. 985.442, F.S., relating to the form of commitment; renumbering s. 985.232, F.S.; creating s. 985.445, F.S., relating to disposition of delinquency cases involving grand theft of a motor vehicle; amending and redesignating a provision of s. 985.231, F.S., that relates to disposition in such cases; creating s. 985.45, F.S., relating to liability and remuneration for work; amending and redesignating a provision of s. 985.231, F.S., that relates to liability and remuneration; creating s. 985.455, F.S., relating to other dispositional issues; amending and redesignating provisions of s. 985.231, F.S., that relate to determination of sanctions, rehabilitation programs, and certain contact with the victim subsequent to disposition; redesignating provisions of s. 985.231, F.S., that specify the duration of commitment and suspension of disposition; revising a cross-reference to conform; creating s. 985.46, F.S., relating to conditional release; amending and renumbering s. 985.316, F.S.; revising a cross-reference to conform; creating s. 985.465, F.S., relating to juvenile correctional facilities and juvenile prisons; amending and renumbering s. 985.313, F.S.; creating s. 985.47, F.S., relating to serious and habitual juvenile offenders; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; amending and renumbering s. 985.31, F.S.; revising a reference and cross-references to conform; creating s. 985.475, F.S., relating to juvenile sexual offenders; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; revising a cross-reference to conform; amending and renumbering a provision of s. 985.231, F.S., that relates to such offenders; revising cross-references to conform; creating s. 985.48, F.S., relating to juvenile sexual offender commitment programs and sexual abuse intervention networks; renumbering s. 985.308, F.S.; creating s. 985.483, F.S., relating to intensive residential treatment programs for juvenile offenders less than 13 years of age; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; amending and renumbering s. 985.311, F.S.; revising cross-references to conform; creating s. 985.486, F.S, relating to the prerequisites for commitment of juvenile offenders less than 13 years

of age to intensive residential treatment programs; amending and renumbering s. 985.312, F.S.; revising cross-references to conform; creating s. 985.489, F.S., relating to boot camp for children; amending and renumbering s. 985.309, F.S.; revising cross-references to conform; creating s. 985.494, F.S., relating to commitment programs for juvenile felony offenders; amending and renumbering s. 985.314, F.S.; revising cross-references to conform; creating s. 985.511, F.S., relating to the child's right to counsel and the cost of representation; amending and renumbering a provision of s. 985.41, F.S., that relates to such rights and costs; amending and renumbering a provision of s. 985.2155, F.S., as amended by ch. 2003-402, Laws of Florida, that relates to such rights and costs; creating s. 985.512, F.S., relating to the powers of the court with respect to certain children; renumbering s. 985.204, F.S.; creating s. 985.513, F.S., relating to the powers of the court over parents or guardians at disposition of the child's case; amending and redesignating provisions of s. 985.231, F.S., that relate to such powers; revising cross-references to conform; creating s. 985.514, F.S., relating to the responsibilities of the parents or guardians of a child for certain fees related to the cost of care; amending and redesignating a provision of s. 985.215, F.S., that relates to such responsibilities; revising a cross-reference to conform; amending and redesignating a provision of s. 985.231, F.S., that relates to such responsibilities; revising a cross-reference to conform; amending and redesignating a provision of s. 985.233, F.S., that relates to such responsibilities; revising a cross-reference to conform; creating s. 985.534, F.S., relating to appeals in juvenile cases; renumbering s. 985.234, F.S.; creating s. 985.535, F.S., relating to time for taking appeal by the state; renumbering s. 985.235, F.S.; creating s. 985.536, F.S., relating to orders or decisions when the state appeals; renumbering s. 985.236, F.S.; creating s. 985.556, F.S., relating to voluntary and involuntary waivers of juvenile court jurisdiction and hearings for such waivers; amending and renumbering s. 985.226, F.S.; revising cross-references to conform; creating s. 985.557, F.S., relating to discretionary and mandatory criteria for the direct filing of an information against a juvenile offender in the criminal division of the circuit court; amending and renumbering s. 985.227, F.S.; revising cross-references to conform; creating s. 985.56, F.S., relating to indictment of juvenile offenders; amending and renumbering s. 985.225, F.S.; revising a reference and cross-references to conform; creating s. 985.565, F.S., relating to powers, procedures, and alternatives available to the court when sentencing juvenile offenders prosecuted as adults; amending, renumbering, and redesignating provisions of s. 985.233, F.S., that relate to such powers, procedures, and alternatives; revising cross-references to conform; creating s. 985.57, F.S., relating to the transfer of children from the Department of Corrections to the Department of Juvenile Justice; renumbering s. 985.417; creating s. 985.601, F.S., relating to administering the juvenile justice continuum; renumbering provisions of s. 985.404, F.S., that relate to such administration; creating s. 985.605, F.S., relating to requirements for prevention service programs; amending and renumbering s. 985.3045, F.S.; revising cross-references to conform; creating s. 985.606, F.S., relating to requirements for agencies and entities providing prevention services; amending and renumbering s. 985.3046, F.S.; revising a cross-reference to conform; creating s. 985.61, F.S., relating to criteria for early delinquency intervention programs; renumbering s. 985.305, F.S.; creating s. 985.614, F.S., relating to interagency cooperation for children who are locked out of their homes; renumbering s. 985.2066, F.S.; creating s. 985.618, F.S., relating to educational and career-related programs; amending and renumbering s. 985.315, F.S.; revising a cross-reference to conform; creating s. 985.622, F.S., relating to a multiagency plan for vocational education; renumbering s. 985.3155, F.S.; creating s. 985.625, F.S., relating to literacy programs for juvenile offenders; amending and renumbering s. 985.317, F.S.; revising a cross-reference to conform; creating s. 985.629, F.S., relating to contracts for the transfer of Florida children in federal custody; renumbering s. 985.419, F.S.; creating s. 985.632, F.S., relating to quality assurance and cost-effectiveness; renumbering s. 985.412, F.S.; creating s. 985.636, F.S., relating to the Office of the Inspector General within the Department of Juvenile Justice; renumbering s. 985.42, F.S.; creating s. 985.64, F.S., relating to the authority of the Department of Juvenile Justice to adopt rules; renumbering s. 985.405, F.S.; creating s. 985.644, F.S., relating to the contracting powers and the personnel standards and screening requirements of the Department of Juvenile Justice; renumbering a provision of s. 985.01, F.S., that relates to such powers; renumbering s. 985.407, F.S.; creating s. 985.648, F.S., relating to consultants; renumbering s. 985.408, F.S.; creating s. 985.652, F.S., relating to participation of certain juvenile programs in the State Risk Management Trust Fund; renumbering s. 985.409, F.S.; creating s. 985.66, F.S., relating to juvenile justice training academies, the Juvenile Justice Standards and Training Commission, and the Juvenile Justice Trust Fund; amending and renumbering s. 985.406, F.S.; revising a cross-reference to conform; creating s. 985.664, F.S., relating to juvenile justice circuit boards and juvenile justice county councils; amending and renumbering s. 985.4135, F.S.; revising a cross-reference to conform; creating s. 985.668, F.S., relating to innovation zones; renumbering s. 985.416, F.S.; creating s. 985.672, F.S., relating to direct-support organizations; renumbering s. 985.4145, F.S.; creating s. 985.9475, F.S., relating to community juvenile justice partnership grants; amending and renumbering s. 985.415, F.S.; revising cross-references to conform; creating s. 985.68, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; renumbering s. 985.403, F.S.; creating s. 985.682, F.S., relating to studies and criteria for siting juvenile facilities; amending and renumbering s. 985.41, F.S.; creating s. 985.686, F.S., relating to shared county and state responsibility for juvenile detention; renumbering s. 985.2155, F.S.; creating s. 985.688, F.S., relating to administering county and municipal delinquency programs and facilities; amending and renumbering s. 985.411, F.S.; revising a cross-reference to conform; creating s. 985.69, F.S., relating to one-time startup funding for juvenile justice purposes; renumbering s. 985.4075, F.S.; creating s. 985.692, F.S., relating to the Juvenile Welfare Trust Fund; renumbering s. 985.4041, F.S.; creating s. 985.694, F.S., relating to the Juvenile Care and Maintenance Trust Fund; renumbering s. 985.4042, F.S.; creating s. 985.701, F.S., relating to prohibiting sexual misconduct, reporting requirements, and penalties; renumbering s. 985.4045, F.S.; creating s. 985.711, F.S., relating to penalties for the introduction, removal, or possession of certain articles; renumbering s. 985.4046, F.S.; creating s. 985.721, F.S., relating to escapes from secure detention or residential commitment facilities; amending and renumbering s. 985.3141, F.S.; revising a cross-reference to conform; creating s. 985.731, F.S., relating to sheltering or aiding unmarried minors; renumbering s. 985.2065, F.S.; creating s. 985.801, F.S., relating to legislative findings, policy, and implementation of the Interstate Compact on Juveniles; renumbering s. 985.501, F.S.; creating s. 985.802, F.S., relating to execution of the interstate compact; renumbering s. 985.502, F.S.; creating s. 985.803, F.S., relating to the administrator of the juvenile compact; renumbering s. 985.503, F.S.; creating s. 985.804, F.S., relating to supplementary agreements to the compact; renumbering s. 985.504, F.S.; creating s. 985.805, F.S., relating to financial arrangements related to the compact; renumbering s. 985.505, F.S.; creating s. 985.806, F.S., relating to the responsibilities of state departments, agencies, and officers; renumbering s. 985.506, F.S.; creating s. 985.807, F.S., relating to procedures in addition to those provided under the compact; renumbering s. 985.507, F.S.; repealing ss. 985.215(6), 985.231(1)(b), (c), (f), and (i), and (2) and 985.233(4)(d), F.S.; amending ss. 29.004, 29.008, 253.025, 318.21, 397.334, 400.953, 419.001, 435.04, 784.075, 790.115, 790.22, 921.0022, 938.10, 943.053, 943.0582, 943.0585, 943.059, 948.51, 958.046, 960.001, 984.03, 984.05, 984.09, 984.226, 1003.52, 1006.08, 1006.13, and 1012.797, F.S.; conforming cross-references; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 1861; has passed as amended HB 727 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Governmental Operations; and Representative Kottkamp—

HB 1861—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 411.011, F.S., which provides a public records exemption for specified records of children enrolled in school readiness programs; removing the October 2, 2005, repeal thereof scheduled under the Open Government Sunset Review Act; making editorial changes; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative M. Davis and others—

HB 727—A bill to be entitled An act relating to water management district planning and reporting; amending s. 373.036, F.S.; authorizing submission of an annual strategic plan in lieu of other district water management plan information and providing requirements therefor; requiring water management districts to submit a consolidated annual report and providing requirements therefor; correcting a cross reference; amending ss. 11.80, 163.3177, 193.625, 373.0397, 373.042, 373.145, 373.1961, 373.199, 373.207, 373.414, 373.4592, 373.45926, 373.4595, 373.470, and 373.536, F.S.; revising certain reporting requirements and cross references to conform; directing the Department of Environmental Protection to recommend to the Governor and Legislature additional changes to or consolidation of planning and reporting requirements of ch. 373, F.S., relating to water resources; repealing s. 373.0395, F.S., relating to groundwater basin resource availability inventories; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Government Efficiency Appropriations.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Tom Lee, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the Conference Committee for CS for SB 388: Rep. Negron, Chair; Rep. Mahon, Vice Chair: Full Committee—At Large: Reps. Gardiner, Waters, Rubio, Bowen, Simmons, Brummer, Goodlette, Greenstein, Jennings, and Ryan; Agriculture and Environment—Rep. Mayfield, Chair, and Reps. Evers, Brown, Kendrick, Stansel, Poppell, Littlefield, and Machek (alternate); Education—Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Sansom, Arza, Mealor, Vana, Bendross-Mindingall, Richardson, Justice (alternate), and Altman (alternate); Health Care—Rep. Bean, Chair, and Reps. Benson, Murzin, Cannon, Galvano, Garcia, Farkas, Roberson, Gannon, Bilirakis (alternate), Hays (alternate), and Sobel (alternate); Justice—Rep. Barreiro, Chair, and Reps. Needelman, Kottkamp, Planas, Adams, Hasner, Seiler, Joyner, Clarke (alternate), and Gelber (alternate); State Administration—Rep. Berfield, Chair, and Reps. Troutman, Carroll, Quinones, Reagan, Sands, A. Gibson, and Patterson (alternate); Transportation and Economic Development—Rep. D. Davis, Chair, and Reps. Llorente, Bogdanoff, M. Davis, Traviesa, Kravitz, Cusack, Ausley, McInvale (alternate), and Allen (alternate).

John B. Phelps, Clerk

CS for SB 388—A bill to be entitled An act relating to student financial aid; amending ss. 1009.50, 1009.51, and 1009.52, F.S.; authorizing the deposit of funds appropriated by the Legislature for student financial assistance into the State Student Financial Assistance Trust Fund; amending s. 1009.89, F.S.; eliminating a requirement that funds appropriated for the William L. Boyd, IV, Florida Resident Access Grant Program be deposited into such trust fund; providing an effective date.

The Honorable Tom Lee, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the Conference Committee for CS for SB 392: Rep. Negron, Chair; Rep. Mahon, Vice Chair: Full Committee—At Large: Reps. Gardiner, Waters, Rubio, Bowen, Simmons, Brummer, Goodlette, Greenstein, Jennings, and Ryan; Agriculture and Environment—Rep. Mayfield, Chair, and Reps. Evers, Brown, Kendrick, Stansel, Poppell, Littlefield, and Machek (alternate); Education—Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Sansom, Arza, Mealor, Vana, Bendross-Mindingall, Richardson, Justice (alternate), and Altman (alternate); Health Care—Rep. Bean, Chair, and Reps. Benson, Murzin, Cannon, Galvano, Garcia, Farkas, Roberson, Gannon, Bilirakis (alternate), Hays (alternate), and Sobel (alternate); Justice—Rep. Barreiro, Chair, and Reps. Needelman, Kottkamp, Planas, Adams, Hasner, Seiler, Joyner, Clarke (alternate), and Gelber (alternate); State Administration—Rep. Berfield, Chair, and Reps. Troutman, Carroll, Quinones, Reagan, Sands, A. Gibson, and Patterson (alternate); Transportation and Economic Development—Rep. D. Davis, Chair, and Reps. Llorente, Bogdanoff, M. Davis, Traviesa, Kravitz, Cusack, Ausley, McInvale (alternate), and Allen (alternate).

John B. Phelps, Clerk

CS for SB 392—A bill to be entitled An act relating to the Water Quality Assurance Trust Fund; amending s. 376.307, F.S.; authorizing the Department of Environmental Protection to use certain funds for brownfield activities; providing an effective date.

The Honorable Tom Lee, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the Conference Committee for CS for SB 394: Rep. Negron, Chair; Rep. Mahon, Vice Chair: Full Committee—At Large: Reps. Gardiner, Waters, Rubio, Bowen, Simmons, Brummer, Goodlette, Greenstein, Jennings, and Ryan; Agriculture and Environment—Rep. Mayfield, Chair, and Reps. Evers, Brown, Kendrick, Stansel, Poppell, Littlefield, and Machek (alternate); Education—Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Sansom, Arza, Mealor, Vana, Bendross-Mindingall, Richardson, Justice (alternate), and Altman (alternate); Health Care—Rep. Bean, Chair, and Reps. Benson, Murzin, Cannon, Galvano, Garcia, Farkas, Roberson, Gannon, Bilirakis (alternate), Hays (alternate), and Sobel (alternate); Justice—Rep. Barreiro, Chair, and Reps. Needelman, Kottkamp, Planas, Adams, Hasner, Seiler, Joyner, Clarke (alternate), and Gelber (alternate); State Administration—Rep. Berfield, Chair, and Reps. Troutman, Carroll, Quinones, Reagan, Sands, A. Gibson, and Patterson (alternate); Transportation and Economic Development—Rep. D. Davis, Chair, and Reps. Llorente, Bogdanoff, M. Davis, Traviesa, Kravitz, Cusack, Ausley, McInvale (alternate), and Allen (alternate).

John B. Phelps, Clerk

CS for SB 394—A bill to be entitled An act relating to the enforcement of farm labor laws; amending s. 450.38, F.S.; requiring that moneys to enforce farm labor laws be transferred to the Professional Regulation Trust Fund from the Workers' Compensation Administration Trust Fund within the Department of Financial Services; authorizing the appropriation of moneys for such purpose; providing an effective date.

The Honorable Tom Lee, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the Conference Committee for CS for SB 400: Rep. Negron, Chair; Rep. Mahon, Vice Chair: Full Committee—At Large: Reps. Gardiner, Waters, Rubio, Bowen, Simmons, Brummer, Goodlette, Greenstein, Jennings, and Ryan; Agriculture and Environment—Rep. Mayfield, Chair, and Reps. Evers, Brown, Kendrick, Stansel, Poppell, Littlefield, and Machek (alternate); Education—Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Sansom, Arza, Mealor, Vana, Bendross-Mindingall, Richardson, Justice (alternate), and Altman (alternate); Health Care—Rep. Bean, Chair, and Reps. Benson, Murzin, Cannon, Galvano, Garcia, Farkas, Roberson, Gannon, Bilirakis (alternate), Hays (alternate), and Sobel (alternate); Justice—Rep. Barreiro, Chair, and Reps. Needelman, Kottkamp, Planas, Adams, Hasner, Seiler, Joyner, Clarke (alternate), and Gelber (alternate); State Administration—Rep. Berfield, Chair, and Reps. Troutman, Carroll, Quinones, Reagan, Sands, A. Gibson, and Patterson (alternate); Transportation and Economic Development—Rep. D. Davis, Chair, and Reps. Llorente, Bogdanoff, M. Davis, Traviesa, Kravitz, Cusack, Ausley, McInvale (alternate), and Allen (alternate).

John B. Phelps, Clerk

CS for SB 400—A bill to be entitled An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

The Honorable Tom Lee, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the Conference Committee for CS for CS for SB 404: Rep. Negron, Chair; Rep. Mahon, Vice Chair: Full Committee—At Large: Reps. Gardiner, Waters, Rubio, Bowen, Simmons, Brummer, Goodlette, Greenstein, Jennings, and Ryan; Agriculture and Environment—Rep. Mayfield, Chair, and Reps. Evers, Brown, Kendrick, Stansel, Poppell, Littlefield, and Machek (alternate); Education—Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Sansom, Arza, Mealor, Vana, Bendross-Mindingall, Richardson, Justice (alternate), and Altman (alternate); Health Care—Rep. Bean, Chair, and Reps. Benson, Murzin, Cannon, Galvano, Garcia, Farkas, Roberson, Gannon, Bilirakis (alternate), Hays (alternate), and Sobel (alternate); Justice—Rep. Barreiro, Chair, and Reps. Needelman, Kottkamp, Planas, Adams, Hasner, Seiler, Joyner, Clarke (alternate), and Gelber (alternate); State Administration—Rep. Berfield, Chair, and Reps. Troutman, Carroll, Quinones, Reagan, Sands, A. Gibson, and Patterson (alternate); Transportation and Economic Development—Rep. D. Davis, Chair, and Reps. Llorente, Bogdanoff, M. Davis, Traviesa, Kravitz, Cusack, Ausley, McInvale (alternate), and Allen (alternate).

John B. Phelps, Clerk

CS for CS for SB 404—A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; delaying provisions requiring a nursing home staffing increase; amending ss. 409.903, 409.904, F.S.; deleting certain limitations on services to the medically needy; amending s. 409.906, F.S., relating to optional Medicaid services; providing for adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.908, F.S.; revising guidelines relating to reimbursement of Medicaid providers; amending ss. 409.9112, 409.9113, 409.9117, F.S., relating to the hospital disproportionate share program; deleting obsolete provisions; amending s. 409.91195, F.S.; revising provisions relating to the Medicaid Pharmaceutical and Therapeutics Committee and its duties with respect to developing a preferred drug list; amending s. 409.912, F.S.; revising the Medicaid prescribed drug spending control program; eliminating case management fees; directing the Agency for Health Care Administration to implement, and authorizing it to seek federal waivers for, the program of all-inclusive care for children; amending s. 409.9122, F.S.; revising a provision governing assignment to a managed care option for a Medicaid recipient who does not choose a plan or provider in certain geographic areas where the Agency for Health Care Administration contracts for comprehensive behavioral health services; amending s. 409.9124, F.S.; requiring the Agency for Health Care Administration to publish managed care reimbursement rates annually; limiting the application of certain rates and rate reductions; providing effective dates.

The Honorable Tom Lee, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the Conference Committee for CS for SB 408: Rep. Negron, Chair; Rep. Mahon, Vice Chair: Full Committee—At Large: Reps. Gardiner, Waters, Rubio, Bowen, Simmons, Brummer, Goodlette, Greenstein, Jennings, and Ryan; Agriculture and Environment—Rep. Mayfield, Chair, and Reps. Evers, Brown, Kendrick, Stansel, Poppell, Littlefield, and Machek (alternate); Education—Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Sansom, Arza, Mealor, Vana, Bendross-Mindingall, Richardson, Justice (alternate), and Altman (alternate); Health Care—Rep. Bean, Chair, and Reps. Benson, Murzin, Cannon, Galvano, Garcia, Farkas, Roberson, Gannon, Bilirakis (alternate), Hays (alternate), and Sobel (alternate); Justice—Rep. Barreiro, Chair, and Reps. Needelman, Kottkamp, Planas, Adams, Hasner, Seiler, Joyner, Clarke (alternate), and Gelber (alternate); State Administration—Rep. Berfield, Chair, and Reps. Troutman, Carroll, Quinones, Reagan, Sands, A. Gibson, and Patterson (alternate); Transportation and Economic Development—Rep. D. Davis, Chair, and Reps. Llorente, Bogdanoff, M. Davis, Traviesa, Kravitz, Cusack, Ausley, McInvale (alternate), and Allen (alternate).

John B. Phelps, Clerk

CS for SB 408—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 414.065, F.S.; revising the penalties imposed by the department against a participant who is receiving temporary cash assistance and who fails to comply with work requirements; eliminating provisions allowing the continuation of temporary cash assistance for children; amending s. 414.095, F.S.; revising certain requirements for determining eligibility for temporary cash assistance in order to conform to federal requirements; eliminating certain eligibility options for stepparents; amending s. 414.105, F.S.; providing for a lifetime cumulative period during which a person may receive temporary cash assistance; eliminating certain other time limitations; revising the membership requirements for regional workforce boards; repealing s. 414.32(2), F.S., relating to disqualification from the food stamp program for an arrearage in child support payments; amending ss. 409.2564 and 445.048, F.S.; conforming cross-references; repealing s. 114, ch. 2004-267, Laws of Florida, relating to authorization for the department to contract with private vendors for determining eligibility for the Economic Self-Sufficiency Services program; providing an effective date.

The Honorable Tom Lee, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the Conference Committee for CS for SB 410: Rep. Negron, Chair; Rep. Mahon, Vice Chair: Full Committee—At Large: Reps. Gardiner, Waters, Rubio, Bowen, Simmons, Brummer, Goodlette, Greenstein, Jennings, and Ryan; Agriculture and Environment—Rep. Mayfield, Chair, and Reps. Evers, Brown, Kendrick, Stansel, Poppell, Littlefield, and Machek (alternate); Education—Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Sansom, Arza, Mealor, Vana, Bendross-Mindingall, Richardson, Justice (alternate), and Altman (alternate); Health Care—Rep. Bean, Chair, and Reps. Benson, Murzin, Cannon, Galvano, Garcia, Farkas, Roberson, Gannon, Bilirakis (alternate), Hays (alternate), and Sobel (alternate); Justice—Rep. Barreiro, Chair, and Reps. Needelman, Kottkamp, Planas, Adams, Hasner, Seiler, Joyner, Clarke (alternate), and Gelber (alternate); State Administration—Rep. Berfield, Chair, and Reps. Troutman, Carroll, Quinones, Reagan, Sands, A. Gibson, and Patterson (alternate); Transportation and Economic Development—Rep. D. Davis, Chair, and Reps. Llorente, Bogdanoff, M. Davis, Traviesa, Kravitz, Cusack, Ausley, McInvale (alternate), and Allen (alternate).

John B. Phelps, Clerk

CS for SB 410—A bill to be entitled An act relating to the Department of Health; amending s. 456.013, F.S.; eliminating a requirement that the department issue wall certificates; amending s. 456.017, F.S.; prohibiting the use of a state-developed examination if a national examination has been certified by the department; revising the criteria under which an applicant may challenge the validity of an examination; authorizing the department to post examination scores on the Internet in lieu of mailing the scores to each applicant; amending s. 456.036, F.S.; providing for a retired-status license; providing a fee for changing to retired status at the time of license renewal; requiring an additional fee if retired status is chosen at any time other than at the time of license renewal; authorizing each board or the department to reexamine a licensee who has been retired or inactive for a specified period in order to assess the licensee's competency; amending s. 464.201, F.S.; defining the phrase "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules specifying the scope of practice and level of supervision required for certified nursing assistants; amending s. 464.203, F.S.; requiring the biennial renewal of certification as a nursing assistant; reducing the number of required hours of inservice training for certified nursing assistants; providing a fee for certification renewal; providing an effective date.

The Honorable Tom Lee, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the Conference Committee for CS for SB 424: Rep. Negron, Chair; Rep. Mahon, Vice Chair: Full Committee—At Large: Reps. Gardiner, Waters, Rubio, Bowen, Simmons, Brummer, Goodlette, Greenstein, Jennings, and Ryan; Agriculture and Environment—Rep. Mayfield, Chair, and Reps. Evers, Brown, Kendrick, Stansel, Poppell, Littlefield, and Machek (alternate); Education—Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Sansom, Arza, Mealor, Vana, Bendross-Mindingall, Richardson, Justice (alternate), and Altman (alternate); Health Care—Rep. Bean, Chair, and Reps. Benson, Murzin, Cannon, Galvano, Garcia, Farkas, Roberson, Gannon,

Bilirakis (alternate), Hays (alternate), and Sobel (alternate); Justice—Rep. Barreiro, Chair, and Reps. Needelman, Kottkamp, Planas, Adams, Hasner, Seiler, Joyner, Clarke (alternate), and Gelber (alternate); State Administration—Rep. Berfield, Chair, and Reps. Troutman, Carroll, Quinones, Reagan, Sands, A. Gibson, and Patterson (alternate); Transportation and Economic Development—Rep. D. Davis, Chair, and Reps. Llorente, Bogdanoff, M. Davis, Traviesa, Kravitz, Cusack, Ausley, McInvale (alternate), and Allen (alternate).

John B. Phelps, Clerk

CS for SB 424—A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

The Honorable Tom Lee, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the Conference Committee for CS for SB 2584: Rep. Negron, Chair; Rep. Mahon, Vice Chair: Full Committee—At Large: Reps. Gardiner, Waters, Rubio, Bowen, Simmons, Brummer, Goodlette, Greenstein, Jennings, and Ryan; Agriculture and Environment—Rep. Mayfield, Chair, and Reps. Evers, Brown, Kendrick, Stansel, Poppell, Littlefield, and Machek (alternate); Education—Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Sansom, Arza, Mealor, Vana, Bendross-Mindingall, Richardson, Justice (alternate), and Altman (alternate); Health Care—Rep. Bean, Chair, and Reps. Benson, Murzin, Cannon, Galvano, Garcia, Farkas, Roberson, Gannon, Bilirakis (alternate), Hays (alternate), and Sobel (alternate); Justice—Rep. Barreiro, Chair, and Reps. Needelman, Kottkamp, Planas, Adams, Hasner, Seiler, Joyner, Clarke (alternate), and Gelber (alternate); State Administration—Rep. Berfield, Chair, and Reps. Troutman, Carroll, Quinones, Reagan, Sands, A. Gibson, and Patterson (alternate); Transportation and Economic Development—Rep. D. Davis, Chair, and Reps. Llorente, Bogdanoff, M. Davis, Traviesa, Kravitz, Cusack, Ausley, McInvale (alternate), and Allen (alternate).

John B. Phelps, Clerk

CS for SB 2584—A bill to be entitled An act relating to higher education; amending s. 1011.94, F.S.; authorizing the deposit of funds appropriated by the Legislature into the Trust Fund for University Major Gifts; providing an effective date.

The Honorable Tom Lee, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the Conference Committee for SB 2600: Rep. Negron, Chair; Rep. Mahon, Vice Chair: Full Committee—At Large: Reps. Gardiner, Waters, Rubio, Bowen, Simmons, Brummer, Goodlette, Greenstein, Jennings, and Ryan; Agriculture and Environment—Rep. Mayfield, Chair, and Reps. Evers, Brown, Kendrick, Stansel, Poppell, Littlefield, and Machek (alternate); Education—Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Sansom, Arza, Mealor, Vana, Bendross-Mindingall, Richardson, Justice (alternate), and Altman (alternate); Health Care—Rep. Bean, Chair, and Reps. Benson, Murzin, Cannon, Galvano, Garcia, Farkas, Roberson, Gannon, Bilirakis (alternate), Hays (alternate), and Sobel (alternate); Justice—Rep. Barreiro, Chair, and Reps. Needelman, Kottkamp, Planas, Adams, Hasner, Seiler, Joyner, Clarke (alternate), and Gelber (alternate); State Administration—Rep. Berfield, Chair, and Reps. Troutman, Carroll, Quinones, Reagan, Sands, A. Gibson, and Patterson (alternate); Transportation and Economic Development—Rep. D. Davis, Chair, and Reps. Llorente, Bogdanoff, M. Davis, Traviesa, Kravitz, Cusack, Ausley, McInvale (alternate), and Allen (alternate).

John B. Phelps, Clerk

SB 2600—A bill to be entitled An act making appropriations; providing monies for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

The Honorable Tom Lee, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the Conference Committee for SB 2602: Rep. Negron, Chair; Rep. Mahon, Vice Chair: Full Committee—At Large: Reps. Gardiner, Waters, Rubio, Bowen, Simmons, Brummer, Goodlette, Greenstein, Jennings, and Ryan; Agriculture and Environment—Rep. Mayfield, Chair, and Reps. Evers, Brown, Kendrick, Stansel, Poppell, Littlefield, and Machek (alternate); Education—Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Sansom, Arza, Mealor, Vana, Bendross-Mindingall, Richardson, Justice (alternate), and Altman (alternate); Health Care—Rep. Bean, Chair, and Reps. Benson, Murzin, Cannon, Galvano, Garcia, Farkas, Roberson, Gannon, Bilirakis (alternate), Hays (alternate), and Sobel (alternate); Justice—Rep. Barreiro, Chair, and Reps. Needelman, Kottkamp, Planas, Adams, Hasner, Seiler, Joyner, Clarke (alternate), and Gelber (alternate); State Administration—Rep. Berfield, Chair, and Reps. Troutman, Carroll, Quinones, Reagan, Sands, A. Gibson, and Patterson (alternate); Transportation and Economic Development—Rep. D. Davis, Chair, and Reps. Llorente, Bogdanoff, M. Davis, Traviesa, Kravitz, Cusack, Ausley, McInvale (alternate), and Allen (alternate).

John B. Phelps, Clerk

SB 2602—A bill to be entitled An act implementing the 2005-2006 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; providing for the budget of the Council for Education Policy Research and Improvement to be administered by the Auditor General; providing that the council is otherwise independent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a forensic mental health treatment facility; amending s. 402.305, F.S.; providing for the child care competency examination to be given in Spanish; amending s. 402.33, F.S.; suspending authority of the Department of Children and Family Services to use funds in excess of fee collections; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due-process appropriations; amending s. 413.4021, F.S.; requiring additional revenues from the tax collection enforcement diversion program to be used for the personal care attendant pilot program and for state attorney contracts; providing for expenditure of funds from the Working Capital Fund to offset deficiencies in due-process services; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction of an agricultural interdiction station in Escambia County; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; amending s. 375.041, F.S.; providing for use of funds allocated to the Land Acquisition Trust Fund for water quality issues; creating s. 376.30715, F.S.; providing conditions on state financial assistance in restoration of contaminated petroleum storage or retail sites; amending s. 287.057, F.S.; revising methods of compensating on-line providers of commodities and contractual services; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used

for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determing eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; amending s. 259.032, F.S.; providing for use of certain funds for constructing replacement museum facilities; amending s. 288.1045, F.S.; extending the qualified defense contractor tax refund program; amending s. 288.106, F.S.; extending the tax refund program for qualified target industry businesses; amending s. 290.044, F.S.; revising the amounts that may be set aside from the neighborhood revitalization category of the Small Cities Community Development Block Grant Program Fund; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 339.135, F.S.; authorizing increased appropriations for certain projects in the Department of Transportation; creating s. 320.0846, F.S.; providing for free motor vehicle license plates for active members of the Florida National Guard; creating s. 250.5206, F.S.; creating the Family Readiness Program in the Department of Military Affairs; providing purpose, availability and use of funding, services, eligibility, application and review; providing for a report; creating the Family Readiness Advisory Board and specifying membership; reenacting s. 215.32(2)(b), F.S., relating to the source and use of trust funds; amending s. 216.192, F.S.; prescribing additional conditions that must be met before the release or transfer of agency funds or the transfer of positions; providing goals for implementing the Aspire project; providing factors to be considered; providing for review; providing finding of best interest of the state for authorization and issuance of certain debt; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2005-2006 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing effective dates.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 552.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 20 was corrected and approved.

CO-INTRODUCERS

Senators Lynn—CS for SB 1704; Wilson—SB 996

RECESS

On motion by Senator Pruitt, the Senate recessed at 5:00 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Wednesday, April 27 or upon call of the President.

Journal of the Senate

Number 19—Regular Session **Tuesday, April 26, 2005**

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REPORTS OF COMMITTEES

The Committee on Banking and Insurance recommends the following pass: SB 746

The bill was referred to the Committee on Agriculture under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 970

The Committee on Community Affairs recommends the following pass: CS for SB 2142

The bills contained in the foregoing reports were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 1864

The Committee on Domestic Security recommends the following pass: CS for SB 2040 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 1542

The bill was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 968, CS for SB 2070, CS for SB 2184 with 1 amendment

The Committee on Regulated Industries recommends the following pass: CS for SB 1022

The bills contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Judiciary recommends the following pass: SB 798 with 1 amendment

The bill was referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2112

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 2384 with 1 amendment

The bill was referred to the Committee on Health Care under the original reference.

The Committee on Transportation recommends the following pass: SB 1642

The bill was referred to the Committee on Justice Appropriations under the original reference.

The Committee on Regulated Industries recommends the following pass: SB 2676 with 1 amendment

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Banking and Insurance recommends the following pass: CS for SB 2152

The Committee on Education recommends the following pass: SB 1756 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on General Government Appropriations recommends the following pass: SB 2288

The bill was referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 1608

The Committee on Communications and Public Utilities recommends the following pass: CS for SB 2510

The Committee on General Government Appropriations recommends the following pass: SB 1448

The Committee on Judiciary recommends the following pass: CS for SB 1268 and SB 1956

The Committee on Ways and Means recommends the following pass: HB 1907 with 1 amendment

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Commerce and Consumer Services recommends the following not pass: SB 1788

The bill was laid on the table.

The Committee on Judiciary recommends a committee substitute for the following: SB 1974

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2538

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2446

The Committee on Children and Families recommends a committee substitute for the following: CS for SB 1958

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1854

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 1610

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 444

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Children and Families recommends committee substitutes for the following: SB 220, CS for SB 1456

The Committee on Health Care recommends committee substitutes for the following: SB 1516, SB 1852, SB 1926, SB 2570

The Committee on Judiciary recommends a committee substitute for the following: SB 1862

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2110

The Committee on Health Care recommends a committee substitute for the following: SB 1916

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 1220, SB 2542

The bills with committee substitutes attached were referred to the Committee on Justice Appropriations under the original reference.

The Committee on Education Appropriations recommends a committee substitute for the following: CS for SB 528

The Committee on Justice Appropriations recommends a committee substitute for the following: SB 2680

The Committee on Ways and Means recommends a committee substitute for the following: CS for SB 1110

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 2222

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 454, CS for SB 460

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on General Government Appropriations recommends a committee substitute for the following: SB 2032

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1930

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1174

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Education Appropriations recommends a committee substitute for the following: CS for SB 126

The Committee on General Government Appropriations recommends committee substitutes for the following: SB 276, CS for CS for SB 590, CS for SB 774, CS for SB 816, CS for SB 1488, CS for SB 1670

The Committee on Government Efficiency Appropriations recommends committee substitutes for the following: CS for SB 202, CS for CS for CS for SB 442, SB 476, CS for SB 1462 and SB 648, CS for CS for SB 1770, SB 2578

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: SB 124, CS for CS for SB 210, SB 702, SB 720, CS for SB 874, CS for SB 1246, CS for SB 1622

The Committee on Health Care recommends a committee substitute for the following: SB 48

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 652, SB 2562, SB 2566

The Committee on Justice Appropriations recommends committee substitutes for the following: SB 830, CS for SB 1526, CS for SB 1914

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1988

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: CS for CS for SB 1026, SB 1344, CS for CS for SB 1366, SB 1576, SB 2216

The Committee on Ways and Means recommends committee substitutes for the following: SB 822, CS for SB 838, SB 1254, CS for CS for SB 2048

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 2722-2724—Not referenced.

By Senator Campbell—

SB 2726—A bill to be entitled An act relating to Broward County; amending chapter 75-350, Laws of Florida, as amended; revising timeframe for municipal elections; providing dates for candidates to file paperwork; providing dates of municipal primary and general elections; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Posey—

SB 2728—A bill to be entitled An act relating to the Ranger Drainage District, Orange County; amending chapter 99-453, Laws of Florida; providing additional authority for limited fire control and prevention; providing for maintenance of passive recreation areas and facilities, environmental mitigation, security services, signage, and maintenance of common areas; providing authority for enforcement of covenants and deed restrictions; increasing the membership of the governing board; providing for staggered terms of members; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2730-2742—Not referenced.

By Senator Campbell—

SB 2744—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Coral Springs and the City of Parkland; providing for the annexation of specified unincorporated areas; providing for annexation of the unincorporated area known as Country Acres; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2746—A bill to be entitled An act relating to the Performing Arts Center Authority, Broward County; codifying, reenacting, amending, and repealing special acts relating to the authority; providing that the authority is a public body, corporate and politic; providing purposes; providing membership and organization; providing definitions; providing for the method and manner of the appointment of the authority and terms of the authority's membership; providing for reimbursement of members' expenses; providing for removal of members; providing for the organization, powers, functions, financing, privileges, duties, and responsibilities of the authority; providing for competitive bidding in certain instances; authorizing the acquisition of certain property acquired by eminent domain; providing for budget approval by the Broward County Commission and the Fort Lauderdale City Commission; providing for the issuance of revenue bonds by the authority to carry out the purposes of this act; providing for sources of revenues for paying for the construction of facilities, the administrative expenses of the authority, and said revenue bonds; authorizing appropriations by the county, the city, and other governmental units in Broward County for operation and maintenance of said facilities; providing for public or private subscriptions; providing for the issuance of a license to sell alcoholic beverages for on-premise consumption; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2748—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Town of Davie; providing for annexation of the unincorporated area known as Pine Island Ridge; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2750—A bill to be entitled An act relating to Broward County; amending chapter 94-429, Laws of Florida, as amended; authorizing expenditures for the purposes enumerated therein, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering goodwill toward its seaport, Port Everglades; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

Senate Resolutions 2752-2760—Not referenced.

By Senator Campbell—

SB 2762—A bill to be entitled An act relating to the Downtown Development Authority of the City of Fort Lauderdale, Broward County; codifying, amending, reenacting, and repealing chapters 65-1541, 67-1385, 69-1056, 75-371, 80-501, 85-393, 87-507, 89-431, 92-247, 93-392, and 95-531, Laws of Florida; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2764—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; codifying, amending, reenacting, and repealing chapters 71-580, 84-398, 85-387, 87-505, 89-440, 91-353, 92-245, 94-445, and 96-537, Laws of Florida, relating to the district; providing legislative intent; deleting gender-specific references; providing a district charter; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Health Care; and Senators Geller and Lynn—

CS for SB 48—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; revising legislative intent with respect to the use of an automated external defibrillator; defining an automated external defibrillator as a lifesaving defibrillation device; defining a related term; providing that it is a first-degree misdemeanor for a person to commit certain acts involving the misuse of an automated external defibrillator; authorizing a local government to adopt an ordinance to license, permit, or inspect automated external defibrillators; providing for enforcement of such local ordinances; requiring the Department of Health to implement an educational campaign to inform the public about the lack of immunity from liability regarding the use of automated external defibrillator devices under certain conditions; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senators Bennett, Fasano, Rich and Smith—

CS for SB 124—A bill to be entitled An act relating to motor vehicle insurance for foster children; creating a pilot program for the purpose of reimbursing foster parents, residential facilities, or foster children who live independently for a portion of the increased costs of motor vehicle insurance for a foster child who has a driver's license; directing the Department of Children and Family Services to establish the pilot program in Sarasota, DeSoto, Manatee, Pinellas, and Pasco Counties; requiring that the person who incurs the increased cost submit to the department documentation of that increase; requiring that foster children be encouraged to pay the remaining portion of the increase in costs; directing the department to develop procedures for operating the pilot program; requiring the department to submit a report with recommendations to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

By the Committees on Education Appropriations; Education; and Senators Margolis, Bullard, Bennett, Diaz de la Portilla, Lynn, Argenziano, Jones and Constantine—

CS for CS for SB 126—A bill to be entitled An act relating to education; amending s. 1003.455, F.S.; requiring each school district to submit a copy of its wellness policy to the Department of Education; requiring the department to post each policy on its website; encouraging each school district to review its level of participation and evaluate the success of its wellness programs; encouraging school districts to solicit public input regarding their policies on nutritional offerings and wellness plans; requiring the department to evaluate the extent to which certain standards in the arts are being taught in each school district; providing requirements for the evaluation; requiring results of such evaluation to be reported to the Governor and the Legislature; requiring certain public high schools to have a defibrillator on the school grounds; encouraging public and private partnerships to cover the costs associated with the defibrillator; encouraging school boards to review research with regard to how physical movement can enhance learning in academic subjects; requiring certain content to be included in staff development of physical education and arts instructors; providing an effective date.

By the Committees on Government Efficiency Appropriations; Commerce and Consumer Services; and Senators Saunders and Crist—

CS for CS for SB 202—A bill to be entitled An act relating to the community contribution tax credit program; amending s. 212.08, F.S.; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 220.03, F.S.; revising a definition to delete a provision authorizing the office to reserve certain portions of available annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; extending an expiration date; amending s. 220.183, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 624.5105, F.S.; increasing the amount of available annual community contribution tax credits; limiting application of certain retaliatory tax provisions under certain circumstances; revising tax credit eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; providing an effective date.

By the Committees on Health and Human Services Appropriations; Governmental Oversight and Productivity; Children and Families; and Senators Lynn, Fasano, Wilson, King and Smith—

CS for CS for CS for SB 210—A bill to be entitled An act relating to suicide prevention; creating s. 14.2019, F.S.; creating the Statewide Office for Suicide Prevention in the Executive Office of the Governor; providing the goals and objectives of the office; creating the position of statewide coordinator for the statewide office, contingent upon a specific appropriation; specifying the education and experience requirements for the position of coordinator; detailing the duties and responsibilities of the coordinator; authorizing the Statewide Office for Suicide Prevention to seek and accept grants or funds from any source to support its operation; creating s. 14.20195, F.S.; creating the Suicide Prevention Coordinating Council within the Statewide Office for Suicide Prevention; providing the scope of activities for the coordinating council; creating an interagency workgroup for state agencies within the coordinating council in order to coordinate state agency plans for suicide prevention; authorizing the coordinating council to assemble an ad hoc committee to advise the coordinating council; providing for membership on the coordinating council; providing an effective date.

By the Committee on Children and Families; and Senators Wilson and Bullard—

CS for SB 220—A bill to be entitled An act relating to independent living; directing the Department of Children and Family Services to create a pilot program in Miami-Dade County; specifying eligibility; limiting enrollment; providing elements of the program; requiring a young adult to notify the court of a decision to participate in the pilot program; identifying a cohort group for the purposes of comparing results; directing the department to prepare a report to the Legislature; providing for expiration of the program; providing an effective date.

By the Committee on General Government Appropriations; and Senator Crist—

CS for SB 276—A bill to be entitled An act relating to wrecker services; amending s. 120.80, F.S.; exempting hearings of the Division of the Florida Highway Patrol concerning the wrecker allocation system from requirements of ch. 120, F.S.; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing a license for a wrecker company that is not in compliance with the requirements of the act; amending s. 316.530, F.S., relating to traffic control; conforming provisions to changes made by the act; reenacting s. 316.550(4), F.S., relating to special wrecker permits, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; providing requirements for licensing wreckers and other vehicles; amending s. 320.01, F.S.; redefining the term "wrecker" for purposes of the Florida Statutes; amending ss. 320.03 and 320.0706, F.S., relating to motor vehicle registration and license plates; conforming provisions to changes made by the act; reenacting s. 320.08(5)(d) and (e), F.S., relating to license taxes, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 320.0821, F.S.; revising requirements for the

issuance of wrecker license plates; amending s. 320.13, F.S., relating to dealer license plates; conforming provisions to changes made by the act; amending s. 321.051, F.S.; providing definitions; requiring the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to establish a wrecker allocation system; providing requirements for the system; authorizing the division to set maximum rates for towing and storage of vehicles; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; amending s. 323.001, F.S., relating to wrecker company storage facilities; providing definitions; providing procedures for a law enforcement agency to place a hold on a stored vehicle; providing for payment of towing and storage charges; amending s. 323.002, F.S.; providing definitions; providing requirements for a county or municipality that operates a wrecker allocation system; providing requirements for the system; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; creating chapter 508, F.S.; providing definitions; creating the Wrecker Operator Advisory Council within the Department of Agriculture and Consumer Services; providing for membership and terms; providing for reimbursement for travel and per diem expenses; requiring the council to advise the department on matters relating to standards and practices in the wrecker industry; authorizing the department to adopt rules; requiring wrecker companies to register with the department; providing requirements for registration renewal; providing requirements for advertisements; requiring insurance coverage; requiring the department to notify the Department of Highway Safety and Motor Vehicles when a registration has been suspended or revoked; authorizing the department to deny registration under certain circumstances; specifying acceptable forms of payment; establishing a certification program for wrecker operators; requiring the department to approve courses and organizations; providing requirements for examinations; providing for certification in specialized wrecker services; requiring the department to adopt rules; providing for certification cards to be issued to wrecker operators who complete the certification course and pass the examination; prohibiting the performance of wrecker services after a specified date unless the company is registered and obtains certification as required; authorizing the department to inspect employment records; providing requirements for continuing education; specifying prohibited acts; providing administrative, civil, and criminal penalties; providing for registration fees; providing for deposit of fees, penalties, and other funds; providing that the chapter does not apply to recovery agents; authorizing counties and municipalities to enact ordinances governing wrecker operators; requiring that a wrecker company maintain records of its services for a specified time; requiring a wrecker company to keep records of its operators continuing education courses for a specified time; directing organizations that conduct continuing education courses to keep records for a specified time; amending s. 713.78, F.S.; removing mobile homes from the application of a statutory lien for towing and storage; conforming provisions related to recovering, towing, or storing vessels; providing for attorney's fees; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 715.07, F.S.; defining the term "vessel"; conforming provisions related to towing vessels parked on private property; imposing criminal penalties for failure to comply with certain laws governing the towing of vehicles and vessels; repealing s. 1.01(15), F.S., relating to the definition of the term "wrecker operator"; providing an appropriation and authorizing additional positions; providing effective dates.

By the Committees on Government Efficiency Appropriations; Banking and Insurance; Regulated Industries; Community Affairs; and Senators Bennett, Haridopolos and Campbell—

CS for CS for CS for CS for SB 442—A bill to be entitled An act relating to building safety; amending s. 215.559, F.S.; requiring that a specified percentage of the funds appropriated under the Hurricane Loss Mitigation Program be used for education concerning the Florida Building Code and for the operation of the disaster contractors network; requiring the Department of Community Affairs to contract with a nonprofit tax-exempt entity for training, development, and coordination; amending s. 400.23, F.S.; providing that residents of nursing homes may move their beds under certain circumstances; requiring the nursing homes to notify the Agency for Heath Care Administration; amending s. 468.621, F.S.; providing additional grounds for which disciplinary actions may be taken against building code enforcement officials; amending ss. 471.033 and 481.225, F.S.; providing criminal penalties for performing building inspections under certain circumstances; amending s. 489.537, F.S.; providing that certain alarm system contractors and electrical contractors may not be required by a municipality or county to obtain additional certification or meet additional licensure requirements; amending s. 553.73, F.S.; specifying certain codes from the International Code Congress and the International Code Council as foundation codes for the updated Florida Building Code; providing requirements for amendments to the foundation codes; providing for the incorporation of certain statements, decisions, and amendments into the Florida Building Code; providing a timeframe for rule updates to the Florida Building Code to become effective; adding a requirement for technical amendments to the Florida Building Code; providing requirements for the Florida Building Commission in reviewing code amendments; providing an exception; incorporating by reference certain standards for unvented conditioned attic assemblies; amending s. 553.77, F.S.; revising duties of the Florida Building Commission; authorizing local building departments or other entities to approve changes to an approved building plan; providing that a member shall abstain from voting under certain circumstances; deleting requirements that the commission hear certain appeals and issue declaratory statements; creating s. 553.775, F.S.; providing legislative intent with respect to the interpretation of the Florida Building Code; providing for the commission to resolve disputes regarding interpretations of the code; requiring the commission to review decisions of local building officials and local enforcement agencies; providing for publication of an interpretation on the Building Code Information System and in the Florida Administrative Weekly; authorizing the commission to adopt a fee; amending s. 553.79, F.S.; exempting truss-placement plans from certain requirements; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; providing a definition; authorizing performance audits by local building code enforcement agencies of private providers; specifying conditions for proceeding with building work; amending s. 553.80, F.S.; providing that certain buildings are exempt from the building code; providing that universities and colleges may create a board of adjustment; authorizing local governments to impose certain fees for code enforcement; providing requirements and limitations; conforming a cross-reference; requiring the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; exempting certain buildings of the Department of Agriculture and Consumer Services from local permitting requirements, review, or fees; amending s. 120.80, F.S.; authorizing the Florida Building Commission to conduct proceedings to review decisions of local officials; amending s. 553.841, F.S.; revising provisions governing the Building Code Training Program; creating the Building Code Education and Outreach Council to coordinate, develop, and ensure enforcement of the Florida Building Code; providing for membership, terms of office, and meetings; providing duties of the council; providing for administrative support for the council; requiring the council to develop a core curriculum and equivalency test for specified licensees; providing for the use of funds by the council; repealing s. 553.8413, F.S., relating to the Education Technical Advisory Committee; amending s. 553.842, F.S.; providing for products to be approved for statewide use; deleting an obsolete date; deleting a provision requiring the commission to adopt certain criteria for local program verification and validation by rule; adding an evaluation entity to the list of entities specifically approved by the commission; deleting a requirement that the commission establish a schedule for adopting rules relating to product approvals under certain cir-

cumstances; authorizing the commission to adopt rules relating to material standards; amending s. 633.025, F.S.; providing that local governments may adopt fire sprinkler requirements under certain circumstances; creating s. 633.026, F.S.; requiring that the State Fire Marshal establish by rule a process for rendering nonbinding interpretations of the Florida Fire Prevention Code; authorizing the State Fire Marshal to enter into contracts and refer interpretations to a nonprofit organization; providing for the interpretations to be advisory; providing for establishing a fee by department rule; providing requirements for local product approval of products or systems of construction; specifying methods for demonstrating compliance with the structural windload requirements of the Florida Building Code; providing for certification to be issued by a professional engineer or registered architect; providing for audits under a quality assurance program and other types of certification; providing that changes to the Florida Building Code do not void the approval of previously installed products; providing for guidelines for the mitigation grant program; amending s. 633.021, F.S.; redefining terms used in ch. 633, F.S.; amending s. 633.0215, F.S.; revising provisions relating to the construction of townhouse stairs; amending s. 633.071, F.S.; requiring inspection tags to be attached to all fire protection systems; providing for the standardization of inspection tags and reports; amending s. 633.082, F.S.; requiring fire protection systems to be inspected in accordance with nationally accepted standards; amending s. 633.521, F.S.; establishing a permit classification for individuals who inspect fire protection systems; amending s. 633.524, F.S.; establishing fees for various classes of permits; amending s. 633.537, F.S.; establishing continuing education requirements; amending s. 633.539, F.S.; requiring fire protection systems to be inspected, serviced, or maintained by a permitholder; establishing the scope of work criteria; amending s. 633.547, F.S.; providing for disciplinary action; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless the person who performs those acts has certain qualifications or is exempt under s. 489.503, F.S.; amending s. 1013.372, F.S.; providing that counties pay costs of making new education facilities ready for emergencies; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; providing an appropriation; providing that the Department of Environmental Protection retains exclusive authority to review and approve boat docking facility permits; providing for incorporation in the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; requiring the Florida Building Commission to make recommendations to the Legislature; providing an effective date for the Florida Building Code; repealing s. 553.851, F.S., relating to the protection of underground gas pipelines; providing that a local government must act upon certain permit applications within a specified time or the permits are automatically deemed approved; providing for an extension; providing procedures for disaster recovery mitigation companies; requiring the Florida Building Commission to amend certain provisions of the Florida Building Code relating to mezzanine size and use; requiring the Florida Building Commission to convene a workgroup to study the recommendation for a single validation entity; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Environmental Preservation; and Senators Dockery and Argenziano—

CS for CS for SB 444—A bill to be entitled An act relating to the development of water supplies; amending s. 201.15, F.S.; providing for the distribution of certain excise taxes on documents to the Water Protection and Sustainability Program Trust Fund of the Department of Environmental Protection, the Invasive Plant Control Trust Fund of the Department of Environmental Protection, and the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; creating s. 215.6197, F.S.; establishing the Water Protection and Sustainability Program; authorizing the issuance of bonds; establishing criteria for distribution of bonds for a specified period; prohibiting the sale of bonds under certain conditions; authorizing the issuance of the water protection and sustainability bonds in the best interest of the state; amending s. 373.019, F.S.; defining the terms "alternative water supply," "capital costs," and "multijurisdictional water supply entities"; amending s. 373.196, F.S.; encouraging cooperation in the development of water supplies; providing for alternative water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management district in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; amending s. 373.1961, F.S.; providing general powers and duties of the water management districts in water production; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; creating a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the local capital costs of an approved project; requiring that the governing board or alternative water supplies advisory committee recommend alternative water supply projects for funding; establishing criteria; providing for cost recovery from the Public Service Commission; establishing criteria for funding assistance for water reuse systems; amending s. 373.1962, F.S.; clarifying that counties, municipalities, and special districts may execute interlocal agreements to create regional water supply authorities; amending s. 373.223, F.S.; establishing criteria for certain water supply entities to be presumed to have a use consistent with the public interest for requirements for consumptive use permitting; amending s. 373.236, F.S.; providing permits of at least 20 years for development of alternative water supplies under certain conditions; amending s. 373.459, F.S.; requiring that entities receiving state funding for implementation of surface water improvement and management projects provide a 50-percent match of cash or in-kind services; amending s. 373.0361, F.S.; providing for the development of regional water supply plans; providing requirements for the content of each plan; providing for an approval process for the plans; providing for annual updates; providing for local government use of the plans; providing notification requirements for water management districts concerning findings within the plan; changing the deadline for certain plan updates; amending s. 163.3177, F.S.; requiring a local government to incorporate alternative water supply projects into the comprehensive plan; requiring local governments to identify specific projects needed; providing for cooperative planning; amending s. 163.3180, F.S.; requiring adequate water supplies to serve new development; amending s. 163.3191, F.S.; requiring the evaluation and appraisal report to evaluate water supply sources; amending s. 403.067, F.S.; providing that initial allocation of allowable pollutant loads between point and nonpoint sources may be developed as part of a total maximum daily load; establishing criteria for establishing initial and detailed allocations to attain pollutant reductions; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads that establish incremental total maximum daily loads under certain conditions; requiring the development of basin management action plans; requiring that basin management action plans integrate the appropriate management strategies to achieve the total maximum daily loads; requiring that the plans establish a schedule for implementing management strategies; requiring that a basin management action plan equitably allocate pollutant reductions to individual basins; authorizing that plans may provide pollutant load reduction credits to dischargers that have implemented strategies to reduce pollutant loads prior to the development of the basin management action plan; requiring that the plan identify mechanisms by which potential future sources of pollution will be addressed; requiring that the department assure key stakeholder participation in the basin management action planning process; requiring that the department hold at least one public meeting to discuss and receive comments during the planning process; providing notice requirements; requiring that the department adopt all or part of a basin management action plan by secretarial order pursuant to ch. 120, F.S.; requiring that basin management action plans that alter that calculation or initial allocation of a total maximum daily load, the revised calculation, or initial allocation must be adopted by rule; requiring periodic evaluation of basin management action plans; requiring that revisions to plans be made by the department in cooperation with stakeholders; providing for basin plan revisions regarding nonpoint pollutant sources; requiring that adopted basin management action plans be included in subsequent NPDES permits or permit modifications; providing that implementation of a total maximum daily load or basin management action plan for holders of an NPDES municipal separate stormwater sewer system permit may be achieved through the use of best management practices; providing that basin management action plans do not relieve a discharger from the

requirement to obtain, renew, or modify an NPDES permit or to abide by other requirements of the permit; requiring that plan management strategies be completed pursuant to the schedule set forth in the basin management action plan and providing that the implementation schedule may extend beyond the term of an NPDES permit; providing that management strategies and pollution reduction requirements in a basin management action plan for a specific pollutant of concern are not subject to a challenge under ch. 120, F.S., at the time they are incorporated, in identical form, into a subsequent NPDES permit or permit modification; requiring timely adoption and implementation of pollutant reduction actions for nonagricultural pollutant sources not subject to NPDES permitting but regulated pursuant to other state, regional, or local regulatory programs; requiring timely implementation of best management practices for nonpoint pollutant source dischargers not subject to permitting at the time a basin management action plan is adopted; providing for presumption of compliance under certain circumstances; providing for enforcement action by the department or a water management district; requiring that a landowner, discharger, or other responsible person that is implementing management strategies specified in an adopted basin management action plan will not be required by permit, enforcement action, or otherwise to implement additional management strategies to reduce pollutant loads; providing that the authority of the department to amend a basin management plan is not limited; requiring that the department verify at representative sites the effectiveness of interim measures, best management practices, and other measures adopted by rule; requiring that the department use its best professional judgment in making initial verifications that best management practices are not effective; requiring notice to the appropriate water management district and the Department of Agriculture and Consumer Services under certain conditions; establishing a presumption of compliance for implementation of practices initially verified to be effective or verified to be effective at representative sites; limiting the institution of proceedings by the department against the owner of a source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants; requiring the Department of Agriculture and Consumer Services to institute a reevaluation of best management practices or other measures where water quality problems are detected or predicted during the development or amendment of a basin management action plan; providing for rule revisions; providing the department with rulemaking authority; requiring that a report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing recommendations on rules for pollutant trading prior to the adoption of those rules; requiring that recommendations be adopted in cooperation with a technical advisory committee containing experts in pollutant trading and representatives of potentially affected parties; deleting a requirement that no pollutant trading program shall become effective prior to review and ratification by the Legislature; amending ss. 373.4595 and 570.085, F.S.; correcting cross-references; amending s. 403.885, F.S.; revising requirements relating to the department's grant program for water quality improvement and water restoration project grants; eliminating grants for water quality improvement, water management, and drinking water projects; authorizing grants for wastewater management; creating additional criteria for funding storm water grants; requiring local matching funds; providing an exception from matching fund requirements for financially disadvantaged small local governments; creating s. 403.890, F.S.; establishing the Water Protection and Sustainability Program; establishing a funding formula for the distribution of revenues generated by the bonding provisions as provided in s. 215.6197, F.S.; establishing funding for alternative water supply development as provided in s. 373.1961, F.S., the development and implementation of total maximum daily load projects as provided in s. 403.067, F.S., surface water improvement and management plans and programs as provided in ss. 373.451 and 373.459, F.S., the Clean Water State Revolving Loan Grants Program as provided in s. 403.1835, F.S., the Drinking Water State Revolving Loan Grant Program as provided in s. 403.8532, F.S., and the Disadvantaged Small Community Wastewater Grant Program as provided in s. 403.1838, F.S.; providing for legislative review; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Transportation; and Senators Sebesta and Lynn—

CS for CS for SB 454—A bill to be entitled An act relating to highway safety; amending s. 61.13016, F.S.; allowing a driver's license suspension to be set aside by a court if the person proves that failure to pay child support is due to medical inability or involuntary unemployment; amending s. 316.006, F.S.; providing for interlocal agreements between municipalities and counties transferring traffic regulatory authority; amending s. 316.083, F.S.; requiring an appropriate signal when overtaking and passing a vehicle; amending s. 316.155, F.S.; specifying that signals are required when moving right or left or overtaking or passing a vehicle; amending s. 316.2095, F.S.; revising physical requirements for operating motorcycles under certain circumstances; amending s. 316.212, F.S.; granting local jurisdictions the authority to enact ordinances governing the use of golf carts which are more restrictive than state law; amending s. 316.2126, F.S.; requiring that the use of golf carts upon any state, county, or municipal road within a local jurisdiction be in compliance with local ordinances governing the use of golf carts; amending s. 316.302, F.S.; providing a penalty for operating a commercial motor vehicle bearing a false or other illegal identification number; amending s. 316.3045, F.S.; revising criteria related to the operation of radios or other sound-making devices in motor vehicles; amending s. 318.1215, F.S.; clarifying that funds from the Dori Slosberg Driver Education Safety Act be used for driver education programs in schools; requiring that funds be used for enhancement of a driver education program; providing a requirement for behind-the-wheel training; amending s. 319.30, F.S.; revising provisions relating to the applicability of certificate of destruction requirements for certain damaged vehicles; amending s. 320.02, F.S.; authorizing the withholding of motor vehicle registrations or re-registrations in certain situations; requiring motor vehicle dealers to maintain certain information; allowing owners and co-owners to dispute a dealer's claims of money owed; amending s. 320.27, F.S.; providing for motor vehicle dealer license discipline for the failure to maintain evidence of notification to the owner or co-owner of a vehicle regarding registration and titling fees owed; revising authorized uses of revenues from the United We Stand specialty license plate; amending s. 320.08058, F.S.; revising requirements for agencies that receive funds from the Choose Life license plate; revising authorized uses of revenues from the Animal Friend specialty license plate; amending s. 320.089, F.S.; allowing retired members of the U.S. Armed Forces Reserve to be issued U.S. Reserve license plates; amending s. 322.08, F.S.; revising the use of funds collected from a voluntary contribution associated with driver's license renewals to be used for the purposes designated by the Hearing Research Institute, Inc.; amending s. 322.2615, F.S.; providing that the disposition of a related criminal proceeding may not affect a suspension of a driver's license for refusal to submit to blood, breath, or urine testing; directing the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level if the suspended person is found not guilty at trial of the underlying violation of law; creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature; amending s. 322.27, F.S.; correcting a cross-reference relating to points assigned for littering violations; amending s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; providing an exception to the requirement that a commercial driver's license be in possession of the commercial driver; removing requirements for a Class D driver's license; amending s. 321.24, F.S.; providing that certain medical professionals who volunteer for Florida Highway Patrol service are considered employees of the state for sovereign immunity purposes; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Transportation; and Senator Sebesta—

CS for CS for SB 460—A bill to be entitled An act relating to transportation; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing criteria for the rules; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 332.007, F.S.; authorizing the Department of Transportation to fund certain eligible aviation planning projects to be performed by not-for-profit organizations representing a majority of public airports; amending s. 322.14, F.S.; reducing the number of members of the Secure Airports for Florida's Economy (SAFE) Council; providing for the funding

of the council through annual grants made by the Department of Transportation; authorizing the council to contract for administrative support; requiring the council to establish an advisory board; authorizing the council to advise the department on aviation issues; removing the Department of Community Affairs from the review of council products; eliminating the requirement that airports fund the council; abolishing the council by a specified date; amending s. 337.11, F.S.; adding written work orders to the type of documents covered by the department's contracting laws; specifying changes to surety bondholder's liability under certain circumstances; creating s. 337.195, F.S.; providing presumptions relating to liability in certain actions against the department; limiting liability, in certain circumstances, of contractors and engineers doing work for the department; amending 338.155, F.S.; providing that persons participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty are exempt from paying tolls; amending 339.175, F.S.; requiring metropolitan planning organizations to have recorded roll-votes and super-majority votes on certain plans; amending s. 339.64, F.S.; requiring the Florida Transportation Commission to include as part of its annual work program review an assessment of the department's progress on the Strategic Intermodal System; requiring an annual report to the Governor and the Legislature by a certain time period; directing the department to coordinate with federal, regional, and local entities for transportation planning that impacts military installations; requiring the Strategic Intermodal System Plan to include an assessment of the impacts of proposed projects on military installations; adding a military representative to the Governor's appointees to the Strategic Intermodal Transportation Advisory Council; deleting obsolete provisions; creating part IV of chapter 343, F.S., entitled "Northwest Florida Transportation Corridor Authority"; providing a short title; providing definitions; creating the Northwest Florida Transportation Corridor Authority encompassing Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties; providing for a governing body of the authority; providing for membership, organization, purposes, and powers of the authority; requiring a master plan; providing for the U.S. 98 Corridor System; prohibiting tolls on certain existing highways and other transportation facilities within the corridor; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing that the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for the rights and remedies of bondholders; providing for a lease-purchase agreement with the department; authorizing the authority to appoint the department as its agent for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing for public-private partnerships; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing that pledges are enforceable by bondholders; providing for complete and additional statutory authority for the department and other state agencies; amending s. 380.06, F.S., relating to developments of regional impact; deleting a provision stating criteria for determining when a change to certain airports necessitates a review; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senators Webster, Fasano, Haridopolos and Clary—

CS for SB 476—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing a short title; specifying periods during which the sale of clothing, wallets, bags, school supplies, and books shall be exempt from such tax; defining the terms "clothing," "school supplies," and "books" for purposes of the exemption; providing that the exemption does not apply to sales within certain theme parks, entertainment complexes, public lodging establishments, or airports; providing for the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

By the Committees on Education Appropriations; Education; and Senators King, Smith and Dockery—

CS for CS for SB 528—A bill to be entitled An act relating to education funding; amending s. 1011.32, F.S., relating to the Community College Facility Enhancement Challenge Grant Program; authorizing a direct-support organization of a community college to accept real property having a value of up to a specified amount; prohibiting initiation of a project until any gift of real property has been legally conveyed to the community college; amending s. 1013.79, F.S., relating to the University Facility Enhancement Challenge Grant Program; authorizing a foundation serving a university to accept real property having a value of up to a specified amount; prohibiting initiation of a project until any gift of real property has been legally conveyed to the university; amending s. 1011.94, F.S.; authorizing the Florida Board of Governors Foundation, Inc., to provide matching grants; providing duties of the Board of Governors; replacing references to the State Board of Education with references to the Board of Governors; deleting references to New College; deleting provisions that authorize encumbrances; requiring donations to support priorities established by a university's board of trustees; revising provisions that prescribe the manner in which donations must be matched; revising provisions relating to donations that may be used to designate an Eminent Scholar Endowed Chair; requiring private donations to be expended for the direct benefit of the university or universities for which donated; providing a limit on the state's obligation for matching grants under unamended matching criteria; providing that, if an Eminent Scholar Endowed Chair is vacant for more than 12 months, the donor may request that the gift be returned to the donor or the donor may request that the gift be transferred to another designated university; requiring that the state matching funds previously matched to the donation must be transferred to the university receiving the transferred gift; defining the term "vacant"; providing an effective date.

By the Committees on General Government Appropriations; Commerce and Consumer Services; Regulated Industries; and Senator Bennett—

CS for CS for CS for SB 590—A bill to be entitled An act relating to mold assessment and remediation; creating s. 489.1134, F.S.; providing educational requirements and procedural requirements for mold remediation certification; providing for discipline; requiring review of mold remediation training programs; requiring a person certified under this section to be present on certain job sites; assigning responsibility for workforce compliance; requiring compliance; providing definitions; creating s. 501.933, F.S.; providing definitions; providing requirements for practice as a mold assessor; providing exemptions; providing prohibited acts and penalties; requiring that mold assessors maintain liability insurance; providing that mold assessors do not have a duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; creating s. 501.934, F.S.; providing definitions; providing requirements for practice as a noncontracting mold remediator; providing exemptions; providing prohibited acts and penalties; requiring that noncontracting mold remediators maintain liability insurance; providing limitations; providing for enforcement of violations; providing an effective date.

By the Committees on Judiciary; Governmental Oversight and Productivity; and Senator Sebesta—

CS for CS for SB 652—A bill to be entitled An act relating to public construction bonds; amending s. 255.05, F.S.; revising requirements for the form used for public construction bonds; requiring payment provisions of public construction bonds to be construed as statutory bonds; requiring payment bond forms to reference notice and time limitation provisions; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Peaden—

CS for SB 702—A bill to be entitled An act relating to the area health education center network; amending s. 381.0402, F.S.; requiring the Department of Health to cooperate with specified medical schools in maintaining and evaluating the network; expanding the purposes of the network; requiring the department to contract with the medical schools to provide funds to the network; providing that the persons to be served by the network are "medically underserved populations" rather than "low-income people"; requiring that the center assist in linking the provision of primary care services to medically underserved populations with the education of students in the health care professions and of health care providers serving medically underserved populations, as well as

that of medical students, interns, and residents; amending s. 381.0405, F.S.; providing that the Office of Rural Health is responsible for state coordination of federal rural hospital and rural health care grant programs; deleting obsolete provisions; creating s. 381.0409, F.S.; authorizing the Department of Health to coordinate with the Federal Government in carrying out certain activities relating to the recruitment and placement of health practitioners in medically underserved areas; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Wise—

CS for SB 720—A bill to be entitled An act relating to health care; amending s. 400.506, F.S.; deleting the requirement that a registered nurse referred by a nurse registry make monthly visits to a patient; amending ss. 413.402 and 413.4021, F.S.; making permanent the program for personal care attendants for spinal cord injury victims; providing powers and duties of the Department of Health with respect to the program; providing criteria for participation in the program; providing for an oversight workgroup; increasing the percentage of revenues collected from persons who fail to remit sales tax which shall be deposited into the Florida Endowment Foundation for Vocational Rehabilitation for the purpose of administering the program; deleting obsolete provisions to conform; providing an effective date.

By the Committees on General Government Appropriations; Environmental Preservation; and Senators Dockery and Argenziano—

CS for CS for SB 774—A bill to be entitled An act relating to greenways and trails; requesting the Division of Statutory Revision to retitle ch. 260, F.S., as "Florida Greenways and Trails"; amending s. 110.501, F.S.; conforming a cross-reference; amending s. 260.011, F.S.; clarifying the short title; amending s. 260.012, F.S.; revising legislative intent with respect to the development and completion of the Florida National Scenic Trail; transferring, renumbering, and amending s. 260.013, F.S.; revising definitions; amending s. 260.0141, F.S.; deleting provisions authorizing certain acquisitions; amending s. 260.0142, F.S.; revising the powers and duties of the Florida Greenways and Trails Council; extending the terms of certain appointees; providing for reappointment of appointees; amending eligibility requirements for appointees of the trail-user community to include users of off-road highway vehicles; amending s. 260.015, F.S.; requiring the appraisal of certain property by the department; amending s. 260.016, F.S.; revising the general powers of the Department of Environmental Protection relating to greenways and trails; creating s. 260.20, F.S.; creating and specifying segments of the Florida Circumnavigation Saltwater Paddling Trail; requiring the Department of Environmental Protection to name and locate segments and provide a report; authorizing the department to relocate segments and perform certain trail-management and publication functions; authorizing the Florida Greenways and Trails Council to advise the department regarding the trail; creating s. 260.021, F.S.; encouraging a partnership between various organizations and mining interests to develop recreational opportunities on mined lands; creating s. 335.067, F.S.; creating the Conserve by Bicycle Program in the Department of Transportation; providing purposes of the program; directing the department to conduct a study; directing the State Pedestrian/Bicycle Coordinator, metropolitan planning organizations, the Office of Greenways and Trails of the Department of Environmental Protection, and the Department of Health to assist with the study; amending s. 373.199, F.S.; requiring the water management districts to include information about the Florida National Scenic Trail in the 5-year work plans; repealing s. 378.036(6), F.S., relating to the formation and operation of a nonprofit corporation to develop recreational opportunities on mined lands; amending s. 380.507, F.S.; revising provisions relating to the acquisition or disposition of certain property under the Florida Communities Trust Program; providing an effective date.

By the Committees on General Government Appropriations; Regulated Industries; and Senators Haridopolos, Dockery and Lynn—

CS for CS for SB 816—A bill to be entitled An act relating to contraband and counterfeit cigarettes and the collection of existing taxes; providing additional regulatory and enforcement measures; amending s. 210.01, F.S.; revising and providing definitions; amending s. 210.021, F.S.; directing the Secretary of Business and Professional Regulation to require certain dealers and agents to remit the tax on cigarettes by certified check or electronic funds transfer; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to adopt rules governing the payment of taxes by electronic funds transfer; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; amending s. 210.08, F.S.; revising the amount of the surety bond, certificate of deposit, or irrevocable letter of credit required by the division as surety for the payment of cigarette taxes; providing for exceptions; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain persons shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; providing for application to and records requirements of manufacturers and importers; amending s. 210.12, F.S.; authorizing the state, pursuant to the Florida Contraband Forfeiture Act, to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for permit application; prohibiting issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for permit application denial; amending s. 210.16, F.S.; revising the authority of the Division of Alcoholic Beverages and Tobacco to revoke or suspend the permits of certain persons under certain circumstances; revising a penalty period for revoked permits; increasing a civil penalty; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; prohibiting the sale or possession for sale of counterfeit cigarettes; providing penalties; requiring that the seizure of unstamped cigarettes be reported to the division; requiring the division to keep records concerning seized unstamped cigarettes; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting a "criminal activity" and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an effective date.

By the Committee on Ways and Means; and Senator Crist—

CS for SB 822—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; revising the terms "state group insurance program" and "surviving spouse" and defining the term "TRICARE supplemental insurance plan"; including the TRICARE supplemental insurance plan within the state group insurance program; requiring the Department of Management Services to purchase health care for employees under the TRICARE supplemental insurance plan; authorizing a surviving spouse to elect to continue coverage under the TRICARE supplemental insurance plan; providing that an enrollee in the TRICARE supplemental insurance plan may change to any other state health plan during open enrollment; providing an effective date.

By the Committee on Justice Appropriations; and Senators Sebesta and Lynn—

CS for SB 830—A bill to be entitled An act relating to the misuse of laser lighting devices; amending s. 784.062, F.S.; redefining the term "laser lighting device"; providing that any person who knowingly and willingly aims a laser lighting device at a person operating a motor vehicle, vessel, or aircraft commits a felony of the third degree; providing that any person who causes bodily harm while improperly pointing the laser lighting device at the operator of a motor vehicle, vessel, or aircraft commits a felony of the second degree; providing an effective date.

By the Committees on Ways and Means; Health Care; and Senators Peaden, Atwater, Campbell, Carlton, Rich and Saunders—

CS for CS for SB 838—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the

clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation for the purpose of contracting to monitor and evaluate clinical practice patterns; providing an appropriation for the purpose of contracting for the database to review real-time utilization of Medicaid services; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing an effective date.

By the Committees on Health and Human Services Appropriations; Health Care; and Senator Peaden—

CS for CS for SB 874—A bill to be entitled An act relating to the sale and distribution of prescription drugs; amending s. 499.003, F.S.; redefining the term "pedigree paper"; amending s. 499.012, F.S.; providing an exemption from wholesale distribution for the transfer of prescription drugs due to a change in the ownership of a pharmacy; amending s. 499.0121, F.S.; abrogating the expiration of recordkeeping provisions for pedigree papers which relate to chain drug entities that are part of an affiliated group; prohibiting the Agency for Health Care Administration from reviewing or using certain violations relating to recordkeeping for prescription drugs to deny or withhold Medicaid payments to pharmacies or to audit the records of such pharmacies; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Governmental Oversight and Productivity; and Commerce and Consumer Services—

CS for CS for CS for SB 1026—A bill to be entitled An act relating to the aerospace industry; creating the Commission on the Future of Space in Florida; providing for membership and organization of the commission; providing procedures for action by the commission; authorizing the commission to appoint an executive director; providing for administrative and staff assistance from the Office of Tourism, Trade, and Economic Development; providing for compensation of consultants; providing duties of the commission; requiring the commission to identify, examine, and review certain information related to aerospace and the aerospace industry; authorizing the commission to appoint technical advisory committees; authorizing reimbursement of travel expenses; requiring a certain number of meetings in various regions of the state; directing certain agencies and requesting other agencies to render assistance and cooperation; requiring preliminary and final reports; requiring the Office of Tourism, Trade, and Economic Development to prepare legislative recommendations consistent with the report; abolishing the commission; providing an expiration date; providing appropriations; providing an effective date.

By the Committees on Ways and Means; Government Efficiency Appropriations; and Senator Atwater—

CS for CS for SB 1110—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; revising monetary criteria for distributing portions of the tax to certain trust funds; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund; providing for increased distributions to certain trust funds under certain circumstances to provide for payments on bonds; revising monetary criteria for distributing portions of the tax to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; requiring distributions to the State Housing Trust Fund to be sufficient for certain purposes; providing direction on the recurring impact; making appropriations; providing a limitation; providing an effective date.

By the Committees on Judiciary; Regulated Industries; and Senator Jones—

CS for CS for SB 1174—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.2415, F.S.; requiring the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation to maintain certain records regarding injuries and the disposition of greyhounds that race in this state; providing guidelines and requirements for injury and disposition report forms; providing for the adoption of rules; providing penalties; creating ch. 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by a local referendum; providing definitions; providing powers and duties of the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; clarifying the authority of local law enforcement

agencies; providing for licensure to conduct slot machine gaming; providing for slot machine licensure renewal; providing for a license fee, machine fee, and tax rate; providing for a local supplemental tax; requiring occupational licenses and application fees; prohibiting certain business relationships; prohibiting certain acts and providing penalties; providing an exception to prohibitions relating to slot machines; providing for the exclusion of certain persons from facilities; prohibiting minors under 21 years of age from playing slot machines; designating slot machine gaming areas; prohibiting automated teller machines on the property of a slot machine licensee; providing for days and hours of operation; providing penalties; providing a compulsive gambling treatment program; providing for a caterer's license; providing for rulemaking; providing for the conduct of a referendum election for slot machines; providing for elections for ratification of slot machine licensing; providing effective dates.

By the Committees on Judiciary; Criminal Justice; and Senators Wise, Fasano and Crist—

CS for CS for SB 1220—A bill to be entitled An act relating to electronic monitoring; amending s. 648.387, F.S.; authorizing bail bond agents to be vendors of electronic monitoring services; authorizing bail bond agents to contract with third-party vendors to provide electronic monitoring of pretrial releases in certain circumstances; authorizing bail bond agents to contract with government entities to provide electronic monitoring services in certain circumstances; authorizing such agents to collect a fee for electronic monitoring services; providing that failure to make timely payment of such fee constitutes grounds to remand; providing that such fee is exempt from regulation by the Department of Financial Services; creating s. 903.135, F.S.; authorizing issuance of a probation appearance bond; authorizing electronic monitoring of a person subject to a probation appearance bond; providing procedures for revocation of the bond; providing application; creating s. 907.06, F.S.; providing for electronic monitoring of persons on pretrial release; requiring the monitored person to pay fees; providing that provision of electronic monitoring equipment and services is not an undertaking; prohibiting a person being monitored from tampering with monitoring equipment; creating s. 907.07, F.S.; providing a means by which the chief judge of each circuit shall maintain a list of eligible private vendors for provision of electronic monitoring services; creating s. 907.08, F.S.; providing standards for privately owned electronic monitoring devices; creating s. 907.09, F.S.; providing criminal penalties for tampering with electronic monitoring devices; providing criminal penalties for cloning the signal of an electronic monitoring device; amending s. 948.039, F.S.; allowing a court to require a probation appearance bond; amending s. 948.11, F.S.; allowing private vendors to provide electronic monitoring of offenders subject to community control or probation for violent felonies and sex-related offenses; providing an effective date.

By the Committees on Health and Human Services Appropriations; Children and Families; and Senator Margolis—

CS for CS for SB 1246—A bill to be entitled An act relating to older adults involved in the criminal justice system; creating a workgroup to study the involvement of older adults in the criminal justice system; requiring the workgroup to identify the incidence of older adults experiencing a deteriorating mental condition who come into contact with the criminal justice system; requiring that the workgroup identify the services being provided or which are needed by older adults; providing for the membership of the workgroup; requiring each agency or organization that appoints a member to the workgroup to bear the costs of the member's participation; providing for the members of the workgroup to receive reimbursement for travel and per diem expenses; requiring that the Secretary of Elderly Affairs, or his or her designee, act as chairperson of the workgroup and provide for staff support; requiring that the Department of Elderly Affairs report to the Legislature by a specified date; providing an effective date.

By the Committee on Ways and Means; and Senator Constantine—

CS for SB 1254—A bill to be entitled An act relating to deferred compensation programs; amending s. 112.215, F.S.; revising the term "employee" and defining the term "governmental entity"; authorizing governmental entities, by ordinance, contract agreement, or other documentation, to participate in the deferred compensation plan of the state and specifying responsibility of the Chief Financial Officer with respect thereto; amending s. 20.121, F.S., relating to the Department of Financial Services, to conform; providing effective dates.

By the Committee on Transportation and Economic Development Appropriations; and Senators Sebesta and Lynn—

CS for SB 1344—A bill to be entitled An act relating to motor vehicles; amending s. 261.03, F.S.; redefining the term "off-highway vehicle" to include a two-rider ATV; adding a definition; amending s. 316.003, F.S.; defining the term "traffic signal preemption system"; amending s. 316.0775, F.S.; providing that the unauthorized use of a traffic signal preemption device is a moving violation; amending s. 316.122, F.S.; providing for the right-of-way for certain passing vehicles; creating s. 316.1576, F.S.; providing clearance specifications for a railroad-highway grade crossing; providing a penalty; creating s. 316.1577, F.S.; providing that an employer is responsible under certain circumstances for violations pertaining to railroad-highway grade crossings; providing a penalty; amending s. 316.183, F.S.; increasing the minimum speed limit on interstate highways under certain circumstances; amending s. 316.1932, F.S.; revising the requirements for printing the notice of consent for sobriety testing on a driver's license; amending s. 316.1936, F.S., relating to possession of open containers of alcohol; removing an exemption provided for passengers of a vehicle operated by a driver holding a Class D driver's license; amending s. 316.194, F.S.; authorizing traffic accident investigation officers to remove vehicles under certain circumstances; amending s. 316.1967, F.S.; providing that an owner of a leased vehicle is not responsible for a parking ticket violation in certain circumstances; amending s. 316.2074, F.S.; redefining the term "all-terrain vehicle" to include a two-rider ATV; amending s. 316.302, F.S.; updating a reference to the Code of Federal Regulations relating to commercial motor vehicles; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; amending s. 316.613, F.S.; eliminating authorization for the Department of Highway Safety and Motor Vehicles to expend certain funds for promotional purposes; creating s. 316.6131, F.S.; authorizing the department to expend certain funds for public information and education campaigns; amending s. 316.650, F.S.; providing exceptions to a prohibition against using citations as evidence in a trial; amending s. 317.0003, F.S.; defining the term "off-highway vehicle" to include a two-rider ATV; providing a definition; amending ss. 317.0004, 317.0005, and 317.0006, F.S.; conforming references; amending s. 317.0007, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue a validation sticker as an additional proof of title for an off-highway vehicle; providing for the replacement of lost or destroyed off-highway vehicle validation stickers; providing for disposition of fees; repealing s. 317.0008(2), F.S., relating to the expedited issuance of duplicate certificates of title for off-highway vehicles; amending ss. 317.0010, 317.0012, and 317.0013, F.S.; conforming references; creating s. 317.0014, F.S.; establishing procedures for the issuance of a certificate of title for an off-highway vehicle; providing duties of the Department of Highway Safety and Motor Vehicles; providing for a notice of lien and lien satisfaction; creating s. 317.0015, F.S.; providing for the applicability of certain provisions of law to the titling of off-highway vehicles; creating s. 317.0016, F.S.; providing for the expedited issuance of titles for off-highway vehicles; creating s. 317.0017, F.S.; prohibiting specified actions relating to the issuance of titles for off-highway vehicles; providing a penalty; creating s. 317.0018, F.S.; prohibiting the transfer of an off-highway vehicle without delivery of a certificate of title; prescribing other violations; providing a penalty; amending s. 318.14, F.S.; authorizing the department to modify certain actions to suspend or revoke a driver's license following notice of final disposition; providing citation procedures and proceedings for persons who do not hold a commercial driver's license; amending s. 319.23, F.S.; requiring a licensed motor vehicle dealer to notify the Department of Highway Safety and Motor Vehicles of a motor vehicle or mobile home taken as a trade-in; requiring the department to update its title record; amending s. 319.27, F.S.; correcting an obsolete cross-reference; amending s. 320.06, F.S.; providing for a credit or refund when a registrant is required to replace a license plate under certain circumstances; amending s. 320.0601, F.S.; requiring that a registration or renewal of a long-term leased motor vehicle be in the name of the lessee; amending s. 320.0605, F.S.; exempting a vehicle registered as a fleet vehicle from the requirement that the certificate of registration be carried in the vehicle at all times; amending s. 320.0843, F.S.; requiring that an applicant's

eligibility for a disabled parking plate be noted on the certificate; amending s. 320.131, F.S.; authorizing the department to provide for an electronic system for motor vehicle dealers to use in issuing temporary license plates; providing a penalty; amending s. 320.18, F.S.; authorizing the department to cancel the vehicle or vessel registration, driver's license, or identification card of a person who pays certain fees or penalties with a dishonored check; amending s. 320.27, F.S.; requiring dealer principals to provide certification of completing continuing education under certain circumstances; requiring motor vehicle dealers to maintain records for a specified period; providing certain penalties; amending s. 322.01, F.S.; redefining the terms "commercial motor vehicle" and "out-of-service order"; providing the definition of conviction applicable to offenses committed in a commercial motor vehicle; amending s. 322.05, F.S.; removing requirements for a Class D driver's license; amending s. 322.051, F.S.; revising provisions relating to the application for an identification card; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.07, F.S.; removing requirements for a Class D driver's license; amending s. 322.08, F.S.; providing that a United States passport is an acceptable proof of identity for purposes of obtaining a driver's license; providing that a naturalization certificate issued by the United States Department of Homeland Security is an acceptable proof of identity for such purpose; providing that specified documents issued by the United States Department of Homeland Security are acceptable as proof of nonimmigrant classification; amending s. 322.09, F.S.; requiring the signature of a secondary guardian on a driver's license application for a minor under certain circumstances; amending s. 322.11, F.S.; providing for notice to a minor before canceling the minor's license due to the death of the person who cosigned the initial application; amending s. 322.12, F.S.; removing requirements for a Class D driver's license; amending s. 322.135, F.S.; revising requirements for the tax collector in directing a licensee for examination or reexamination; requiring county officers to pay certain funds to the State Treasury by electronic funds transfer within a specified period; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver's license may not be waived under ch. 761, F.S.; amending s. 322.161, F.S.; removing requirements for a Class D driver's license; amending s. 322.17, F.S., relating to duplicate and replacement certificates; conforming a cross-reference; amending s. 322.18, F.S.; revising the expiration period for driver's licenses issued to specified persons; conforming cross-references; amending s. 322.19, F.S., relating to change of address or name; conforming cross-references; amending s. 322.21, F.S.; removing requirements for a Class D driver's license; requiring the department to set a fee for a hazardous-materials endorsement; providing that the fee may not exceed $100; amending s. 322.212, F.S.; providing an additional penalty for giving false information when applying for a commercial driver's license; amending s. 322.22, F.S.; authorizing the department to cancel any identification card, vehicle or vessel registration, or fuel-use decal of a licensee who pays certain fees or penalties with a dishonored check; amending s. 322.251, F.S.; removing requirements for a Class D driver's license; amending s. 322.2615, F.S.; revising provisions related to administrative suspension of driver's licenses; amending s. 322.27, F.S.; providing 4 points to be assessed against a person's driver's license for a violation of s. 316.0775(2), F.S.; amending s. 322.30, F.S.; removing the requirements for a Class D driver's license; amending s. 322.53, F.S.; removing requirements for a Class D driver's license; removing a requirement that certain operators of a commercial motor vehicle obtain a specified license; amending s. 322.54, F.S.; revising the classification requirements for certain driver's licenses; deleting requirements for a Class D driver's license; amending s. 322.57, F.S.; providing testing requirements for school bus drivers; amending s. 322.58, F.S.; deleting requirements for a Class D driver's license and changing those requirements to a Class E driver's license; amending and reenacting s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; removing requirements for a Class D driver's license; amending s. 322.63, F.S.; clarifying provisions governing alcohol and drug testing for commercial motor vehicle operators; amending s. 322.64, F.S., and reenacting s. 322.64(14), F.S., relating to citation procedures and proceedings, to incorporate the amendment to s. 322.61, F.S., in a reference thereto; providing for a temporary permit issued following certain DUI offenses to apply only to the operation of noncommercial vehicles; amending s. 713.78, F.S.; revising provisions relating to the placement of a wrecker operator's lien against a motor vehicle; amending s. 843.16, F.S.; prohibiting the transportation of radio equipment that receives signals on frequencies used by this state's law enforcement officers or fire rescue personnel; redefining the term "emergency vehicle" to include any motor vehicle designated as such by the fire chief of a county or municipality; providing an enhanced penalty; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Government Efficiency Appropriations; Communications and Public Utilities; and Senators Constantine and Dockery—

CS for CS for CS for SB 1366—A bill to be entitled An act relating to storm infrastructure recovery; creating s. 366.8260, F.S.; providing definitions; authorizing electric utilities to petition the Florida Public Service Commission for certain financing orders for certain storm-recovery purposes; providing requirements; providing powers and duties of the commission in issuing such orders; specifying procedures and requirements for the commission in issuing financing orders; authorizing electric utilities to create storm-recovery property; providing for pledge of storm-recovery property to secure storm-recovery bonds; providing for retirement of storm-recovery bonds under certain circumstances; providing for judicial review of such orders; providing for effect of such orders; providing exceptions to commission jurisdiction to issue financing orders; providing limitations; prohibiting the commission from requiring use of storm-recovery bonds for certain purposes; specifying duties of electric utilities; specifying properties, requirements, permissible activities, and limitations relating to storm-recovery property under certain circumstances; providing for security interests in storm-recovery property; providing for perfecting security interests in storm-recovery property; providing for priority of and resolution of conflicting interests; providing requirements, procedures, and limitations for sale, assignment, or transfer of storm-recovery property; providing requirements for descriptions or indications of storm-recovery property transferred, granted, or pledged, or indicated in a financing statement; subjecting financing statements to certain provisions of law; specifying that storm-recovery bonds are not public debt; specifying storm-recovery bonds as legal investments for certain entities; specifying certain state pledges relating to bondholders; declaring certain entities as not electric utilities under certain circumstances; specifying effect of certain provisions in situations of conflict; providing for protecting validity of certain bonds under certain circumstances; providing penalties; amending s. 679.1091, F.S.; specifying nonapplication of secured transactions provisions of the Uniform Commercial Code to interests in storm-recovery property; providing an effective date.

By the Committees on Children and Families; Judiciary; and Senator Lawson—

CS for CS for SB 1456—A bill to be entitled An act relating to paternity; permitting a petition to set aside a determination of paternity; providing a time limit for filing the petition; providing for notice of such petition; specifying contents of the petition; providing standards upon which relief shall be granted; providing remedies; providing that child support obligations shall not be suspended while a petition is pending; providing for genetic testing; providing for assessment of costs and attorney's fees; providing an effective date.

By the Committees on Government Efficiency Appropriations; Domestic Security; and Senators Baker and Campbell—

CS for CS for SB's 1462 and 648—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the tax on sales, use, and other transactions for sales of certain items of tangible personal property for a certain period for certain purposes; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

By the Committees on General Government Appropriations; Banking and Insurance; and Senators Garcia and Klein—

CS for CS for SB 1488—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the retention of losses for which an insurer is not entitled to reimbursement from the

Florida Hurricane Catastrophe Fund; amending s. 215.559, F.S.; revising the allocation of funds appropriated to the Department of Community Affairs from the Florida Hurricane Catastrophe Fund for the Hurricane Loss Mitigation Program; requiring that the department establish a low-interest loan program and pilot project for hurricane loss mitigation; authorizing contractual agreements between the department and financial institutions; authorizing the Department of Community Affairs to adopt rules; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to submit a proposed plan to the Legislature establishing uniform rating territories to be used by insurers for residential property insurance rate filings; requiring a further act of the Legislature to implement the plan; limiting the recoupment by an insurer in its rates of the reimbursement premium it pays to the Florida Hurricane Catastrophe Fund; repealing provisions allowing an insurer to submit a rate filing to an arbitration panel; amending s. 627.0628, F.S.; restricting the admissibility and relevance in rate proceedings of findings of the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; lowering the percentage amount of a rate filing based on a computer model which requires a public hearing; creating s. 627.06291, F.S.; requiring residential property insurance and rating and advisory organizations to report hurricane loss data for development of a public hurricane model for hurricane loss projections; amending s. 627.351, F.S.; revising the appointments to the board and the approval of officers and employees of the corporation; creating a Market Accountability Advisory Committee to assist the corporation in developing awareness of it rates and service levels; providing for membership of the committee; providing terms of office; requiring the committee to report to the corporation at each board meeting; revising the criteria and standards for establishing the rates charged for coverage by the corporation; providing that rates may not be increased by more than a specified percentage; creating s. 627.40951, F.S.; providing legislative findings and intent; providing for an advisory committee; providing for membership; providing for recommendations to be submitted to the Legislature regarding standard residential property insurance policies; amending s. 627.411, F.S.; adding grounds for which the Office of Insurance Regulation must disapprove a form filed by an insurer; amending s. 627.4133, F.S.; prohibiting insurers from canceling or nonrenewing residential property insurance policies under certain emergency circumstances; providing exceptions; providing notice requirements; providing application to personal residential and commercial residential policies covering certain damaged property; amending s. 627.4143, F.S.; requiring insurers to provide personal lines property insurance policyholders with a checklist of items contained in policies; authorizing the Financial Services Commission to adopt rules; prescribing elements to be contained in the checklist; requiring the checklist and outline of insurance coverage to be sent with each renewal; clarifying that homeowners' insurance includes mobile homeowners', dwelling, and condominium unit owners' insurance for purposes of the outline of coverage; amending s. 627.701, F.S.; increasing the maximum allowable hurricane deductible for personal lines and certain commercial lines residential policies; requiring insurers to offer specified hurricane deductibles for such policies; requiring insurers to provide written notice explaining hurricane deductible options for such policies; amending s. 627.7011, F.S.; requiring insurers to offer coverage for additional costs of repair due to laws and ordinances; requiring insurers to pay the replacement cost for a loss insured on that basis, whether or not the insured replaces or repairs the dwelling or property; amending s. 627.7015, F.S.; providing a penalty for an insurer that fails to notify a claimant of the availability of mediation procedures for resolving a disputed property insurance claim; amending s. 627.702, F.S.; providing legislative intent regarding the requirement that an insurer pay policy limits if there is a total loss of a building; amending s. 627.706, F.S., relating to sinkhole insurance; providing definitions; amending s. 627.707, F.S.; revising requirements for insurers in investigating sinkhole claims; requiring that the insurer provide certain notification to the policyholder; requiring that the insurer engage an engineer and professional geologist; providing requirements for the insurer if a claim is denied; providing requirements if a sinkhole loss is verified; creating s. 627.7072, F.S.; providing testing standards for sinkholes; creating s. 627.7073, F.S.; providing requirements for reports issued by engineers and professional geologists; requiring certain reports and certifications to be issued to the policyholder and the insurer; requiring that the insurer file a copy of the report and certification with the county property appraiser to be recorded with the parcel number for the property; providing that there is no cause of action or liability against an insurer for filing such report and certification; creating s. 627.711, F.S.; requiring insurers to provide written notice to applicants and policyholders of the amount of the premium discounts and credits for fixtures and construction techniques that reduce the amount of windstorm loss; authorizing the Financial Services Commission to adopt rules; creating s. 627.712, F.S.; requiring property insurers to pay or deny claims within certain time periods; providing that overdue payments bear interest; requiring the Office of the Auditor General to conduct an operational audit of Citizens Property Insurance Corporation; providing an appropriation and authorizing positions; providing effective dates.

By the Committee on Health Care; and Senator Wilson—

CS for SB 1516—A bill to be entitled An act relating to respite care; creating s. 400.4071, F.S.; creating an intergenerational respite care assisted living facility pilot program; providing duties of the Agency for Health Care Administration with respect to the program; providing requirements and standards for the program; providing for rules; requiring a report to the Legislature; providing an effective date.

By the Committees on Justice Appropriations; Criminal Justice; and Senator Baker—

CS for CS for SB 1526—A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; adopting the definition of viable fetus for purposes of this offense; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; adopting the definition of viable fetus for purposes of this offense; amending ss. 435.03 and 435.04, F.S., to conform provisions to changes made by the amendments to s. 782.09, F.S.; reenacting s. 921.0022(3)(h) and (i), F.S., relating to the Criminal Punishment Code offense severity ranking chart, to incorporate the amendment to s. 316.193, F.S., in references thereto; reenacting s. 316.656(3), F.S., relating to mandatory adjudication, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 947.146(3)(j), F.S., relating to the Control Release Authority, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 960.03(3)(b), F.S., relating to the definition of "crime" under the Florida Crimes Compensation Act, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

CS for SB 1576—A bill to be entitled An act relating to the funding of dredging projects; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing criteria for the rules; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senators Atwater and Fasano—

CS for SB 1610—A bill to be entitled An act relating to recreational licenses and permits; amending s. 372.57, F.S.; providing for a military gold sportsman's license; providing for an annual fee; providing authorizations allowed under license; providing eligibility requirements; amending ss. 372.5712, 372.5715, and 372.573, F.S.; providing for uses of specified pro rata portions of revenue generated from the military gold sportsman's license; amending s. 372.661, F.S.; exempting patrons of

licensed hunting preserves from the license and permit requirements of the military gold sportsman's license while hunting on the licensed preserve property; providing an effective date.

By the Committees on Health and Human Services Appropriations; Health Care; and Senator Atwater—

CS for CS for SB 1622—A bill to be entitled An act relating to hospices; amending s. 400.602, F.S.; providing for licensure of hospices that meet specified conditions; requiring a report to the Legislature by the Agency for Health Care Administration; providing an effective date.

By the Committees on General Government Appropriations; Environmental Preservation; and Senators Dockery and Pruitt—

CS for CS for SB 1670—A bill to be entitled An act relating to the Oceans and Coastal Resources Conservation and Management Act; creating part IV of ch. 161, F.S., consisting of ss. 161.70, 161.71, 161.72, 161.73, 161.74, 161.75, and 161.76, F.S.; providing definitions; providing findings and intent; requiring that the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the Department of Agriculture and Consumer Services to establish the Florida Oceans and Coastal Council; providing for membership of the council; providing for the Secretary of Environmental Protection and the executive director of the Fish and Wildlife Conservation Commission to jointly chair the council; providing responsibilities of the council; requiring that the council undertake a research review; providing for content and access to the review; requiring the council to prepare a research plan that recommends research priorities; providing for annual updates of the plan; providing for distribution of the plan to the Legislature; prepare an oceans and coastal resource assessment; providing for contents of the assessment; requiring the council to establish objectives for research projects; providing for a pilot project; authorizing rulemaking by the Department of Environmental Protection and the Fish and Wildlife Conservation Commission; preserving authority otherwise granted to the commission and state agencies; providing an effective date.

By the Committees on Government Efficiency Appropriations; Community Affairs; and Commerce and Consumer Services—

CS for CS for CS for SB 1770—A bill to be entitled An act relating to the Florida Enterprise Zone Act; amending s. 290.001, F.S.; revising the name of the act; amending s. 290.004, F.S.; deleting obsolete definitions; amending s. 290.0055, F.S.; revising procedures for counties or municipalities to nominate an area for designation as a new enterprise zone; deleting obsolete provisions; removing the authority for certain counties to nominate more than one enterprise zone; revising criteria for eligibility of an area for nomination by certain local governments for designation as an enterprise zone; revising procedures and requirements for amending enterprise zone boundaries; amending s. 290.0056, F.S.; deleting a requirement that a governing body appoint the board of an enterprise zone development agency by ordinance; revising requirements for making such appointments; deleting a requirement that a certificate of appointment of a board member be filed with the clerk of the county or municipality; deleting the requirement that an annual report by a board be published and available for inspection in the office of the municipal or county clerk; revising the powers and responsibilities of an enterprise zone development agency; providing additional responsibilities; revising certain reporting requirements; amending s. 290.0057, F.S.; specifying application of enterprise zone development plan requirements only to designations of new enterprise zones; amending s. 290.0058, F.S.; updating obsolete references; revising requirements for determining pervasive poverty in an area nominated as a rural enterprise zone; providing an exception for areas nominated for designation as a rural enterprise zone; amending s. 290.0065, F.S.; establishing the maximum number of enterprise zones allowed, subject to any new zones authorized by the Legislature; revising the procedure for designating a new enterprise zone if an existing zone is not redesignated; deleting a requirement that an application for designation as an enterprise zone be categorized by population; deleting obsolete provisions; authorizing the office to redesignate enterprise zones having an effective date on or before January 1, 2005; providing requirements and procedures; authorizing a governing body to request enterprise zone boundary changes; requiring the office to determine, in consultation with Enterprise Florida, Inc., the merits of enterprise zone redesignations; providing criteria; providing for an enterprise zone redesignation approval procedure; prohibiting an entity having jurisdiction over an area denied redesignation as an enterprise zone from reapplying for redesignation for 1 year; providing a redesignation procedure for zones authorized in conjunction with certain federal acts; providing requirements for an application for redesignation; deleting obsolete provisions; amending s. 290.0066, F.S.; providing that failure to make progress or failure to comply with measurable goals may be considered as grounds for revocation of an enterprise zone designation; amending s. 290.012, F.S.; providing a transition date that provides for a zone having an effective date on or before January 1, 2005, to continue to exist until December 21, 2005, and to expire on that date; requiring any zone designated or redesignated after January 1, 2006, to be designated or redesignated in accordance with the Florida Enterprise Zone Act; amending s. 290.014, F.S., to conform; amending s. 290.016, F.S.; delaying the repeal of the Florida Enterprise Zone Act; amending s. 163.345, F.S., to conform; amending ss. 166.231, 193.077, 193.085, 195.073, 196.012, 205.022, 205.054, and 212.02, F.S.; extending expiration dates with respect to various tax exemptions to conform provisions to changes made by the act; amending s. 212.08, F.S.; revising the procedures for applying for a tax exemption on building materials used to rehabilitate property located in an enterprise zone; deleting a limitation on claiming exemptions through a refund of previously paid taxes; extending an expiration date for the exemption; deleting obsolete provisions governing the community contribution tax credit for donations, to conform; extending the expiration date of the tax credit for electrical energy used in an enterprise zone, to conform; amending s. 212.096, F.S.; extending the expiration date for the enterprise zone jobs tax credit, to conform; amending ss. 220.02 and 220.03, F.S.; extending the expiration date of the enterprise zone jobs tax credit against corporate income tax to conform to changes made by the act; revising definitions to extend the expiration date of the credit to conform; amending s. 220.181, F.S.; extending the expiration date of the tax credit, to conform; amending s. 220.182, F.S.; extending the expiration date of the enterprise zone property tax credit, to conform; amending s. 288.1175, F.S., to conform; amending s. 370.28, F.S.; providing that an enterprise zone having an effective date on or before January 1, 2005, shall continue to exist until December 21, 2005, and shall expire on that date; requiring that an enterprise zone in a community affected by net limitations which is redesignated after January 1, 2006, do so in accordance with the Florida Enterprise Zone Act; repealing s. 290.00555, F.S., relating to the designation of a satellite enterprise zone; repealing s. 290.0067, F.S., relating to an enterprise zone in Lake Apopka; repealing s. 290.00675, F.S., relating to a boundary amendment for the City of Brooksville in Hernando County; repealing s. 290.00676, F.S., relating to an amendment of certain rural enterprise zone boundaries; repealing s. 290.00678, F.S., relating to a designation of rural champion communities as enterprise zones; repealing s. 290.00679, F.S., relating to amendments to certain rural enterprise zone boundaries; repealing s. 290.0068, F.S., relating to the designation of an enterprise zone encompassing a brownfield pilot project; repealing s. 290.00685, F.S., relating to an application to amend boundaries of an enterprise zone containing a brownfield pilot project; repealing s. 290.00686, F.S., relating to the designation of enterprise zones in Brevard County and the City of Cocoa; repealing s. 290.00687, F.S., relating to the designation of an enterprise zone in Pensacola; repealing s. 290.00688, F.S., relating to the designation of an enterprise zone in Leon County; repealing s. 290.00689, F.S., relating to the designation of a pilot project in an enterprise zone; repealing s. 290.0069, F.S., relating to the designation of an enterprise zone in Liberty County; repealing s. 290.00691, F.S., relating to the designation of an enterprise zone in Columbia County and Lake City; repealing s. 290.00692, F.S., relating to the designation of an enterprise zone in Suwannee County and Live Oak; repealing s. 290.00693, F.S., relating to the designation of an enterprise zone in Gadsden County; repealing s. 290.00694, F.S., relating to the designation of an enterprise zone in Sarasota County and Sarasota; repealing s. 290.00695, F.S., relating to the designation of enterprise zones in Hernando County and Brooksville; repealing s. 290.00696, F.S., relating to the designation of an enterprise zone in Holmes County; repealing s. 290.00697, F.S., relating to the designation of an enterprise zone in Calhoun County; repealing s. 290.00698, F.S., relating to the designation of an enterprise zone in Okaloosa County; repealing s. 290.00699, F.S., relating to the designation of an enterprise zone in Hillsborough County; repealing s. 290.00701, F.S., relating to the designation of an enterprise zone in Escambia County; repealing s. 290.00702, F.S., relating to the designation of enterprise zones in Osceola County and the City of Kissimmee;

repealing s. 290.00703, F.S., relating to the designation of an enterprise zone in South Daytona; repealing s. 290.00704, F.S., relating to the designation of an enterprise zone in Lake Wales; repealing s. 290.00705, F.S., relating to the designation of an enterprise zone in Walton County; repealing s. 290.00706, F.S., relating to the designation of enterprise zones in Miami-Dade County and the City of West Miami; repealing s. 290.00707, F.S., relating to the designation of an enterprise zone in Hialeah; repealing s. 290.00708, F.S., relating to a boundary amendment in an enterprise zone within a consolidated government; repealing s. 290.00709, F.S., relating to a boundary amendment in an enterprise zone within an inland county; repealing s. 290.009, F.S., relating to the Enterprise Zone Interagency Coordinating Council; repealing s. 290.015, F.S., relating to an evaluation and review of the enterprise zone program; authorizing the continuation of tax credits; providing an effective date.

By the Committee on Health Care; and Senator Wise—

CS for SB 1852—A bill to be entitled An act relating to mental health services providers; amending s. 409.912, F.S.; providing requirements for the provision of mental health services to residents of an assisted living facility having a limited mental health license; requiring the Agency for Health Care Administration to establish a workgroup to examine strategies and make recommendations prior to implementation of any managed care plan that would include behavioral health care services in specified counties; providing for membership; creating the Best Practices and Limited Mental Health Assisted Living Facilities workgroup; providing duties and responsibilities; providing for membership; authorizing the workgroup to request assistance from the Florida Mental Health Institute; requiring the workgroup to prepare and file a report with the Governor and the Legislature by a specified date; providing an effective date.

By the Committee on Regulated Industries; and Senator Constantine—

CS for SB 1854—A bill to be entitled An act relating to the electronic submittal of an application for a local building permit; amending s. 713.135, F.S.; authorizing the county or municipality responsible for the issuance of certain building permits to accept applications that are transmitted electronically; providing for the format of an electronic application; providing for an electronic affidavit by the owner applying for the permit; providing penalties for knowingly making a false statement in the affidavit; requiring that an entity that accepts electronic applications provide public Internet access to such applications; providing an effective date.

By the Committee on Judiciary; and Senators Dockery, Fasano, Villalobos, Baker, Sebesta, Atwater, Alexander, Wise, Constantine, Webster, Haridopolos, Pruitt, Diaz de la Portilla, Posey, Peaden, Clary, Campbell and Bullard—

CS for SB 1862—A bill to be entitled An act relating to women's health care; providing a short title; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortion clinics performing abortions after the first trimester of pregnancy; requiring rules that prescribe standards for physical facilities, supplies and equipment, personnel, screening and evaluation, the abortion procedure, recovery, followup care, and incident reporting; providing that rules regulating abortion clinics may not impose an unconstitutional burden rather than a legally significant burden on a woman's right to choose to terminate her pregnancy; providing for severability; providing an effective date.

By the Committees on Justice Appropriations; Criminal Justice; and Senator Argenziano—

CS for CS for SB 1914—A bill to be entitled An act relating to juvenile justice; amending s. 985.407, F.S.; revising employee-screening procedures of the Department of Juvenile Justice; requiring the department to provide fingerprint information to the Department of Law Enforcement and pay an annual fee; providing appropriations; providing an effective date.

By the Committee on Health Care; and Senator Saunders—

CS for SB 1916—A bill to be entitled An act relating to medical malpractice insurance; creating the Enterprise Act for Patient Protection and Provider Liability; providing legislative findings; amending s. 395.0197, F.S., relating to internal risk management programs; conforming provisions to changes made by the act; amending ss. 458.320 and 459.0085, F.S.; exempting certain allopathic and osteopathic physicians who perform surgery in certain patient safety facilities from the requirement to establish financial responsibility; requiring a licensed physician who is covered for medical negligence claims by a hospital that assumes liability under the act to prominently post notice or provide a written statement to patients; requiring a licensed allopathic physician or a licensed osteopathic physician who meets certain requirements for payment or settlement of a medical malpractice claim and who is covered for medical negligence claims by a hospital that assumes liability under the act to prominently post notice or provide a written statement to patients; creating s. 627.41485, F.S.; authorizing insurers to offer liability insurance coverage to physicians which has an exclusion for certain acts of medical negligence under certain conditions; authorizing the Department of Health to adopt rules; amending s. 766.316, F.S.; requiring hospitals that assume liability for affected physicians under the act to provide notice to obstetrical patients regarding the limited no-fault alternative to birth-related neurological injuries; amending s. 766.110, F.S.; requiring hospitals that assume liability for acts of medical negligence under the act to carry insurance; requiring the hospital's policy regarding medical liability insurance to satisfy certain statutory financial-responsibility requirements; authorizing an insurer who is authorized to write casualty insurance to write such coverage; authorizing certain hospitals to indemnify certain medical staff for legal liability of loss, damages, or expenses arising from medical malpractice within hospital premises; requiring a hospital to acquire a policy of professional liability insurance or a fund for malpractice coverage; requiring an annual certified financial statement to the Agency for Health Care Administration; authorizing certain hospitals to charge physicians a fee for malpractice coverage; creating s. 766.401, F.S.; providing definitions; creating s. 766.402, F.S.; authorizing an eligible hospital to petition the Agency for Health Care Administration to enter an order certifying the hospital as a patient safety facility; providing requirements for certification as a patient safety facility; creating s. 766.403, F.S.; providing requirements for a hospital to demonstrate that it is engaged in a common enterprise for the care and treatment of patients; specifying required patient safety measures; prohibiting a report or document generated under the act, from being admissible or discoverable as evidence; creating s. 766.404, F.S.; authorizing the agency to enter an order certifying a hospital as a patient safety facility and providing that the hospital bears liability for acts of medical negligence for its health care providers or an agent of the hospital; providing that certain persons or entities are not liable for medically negligent acts occurring in a certified patient safety facility; requiring that an affected practitioner prominently post notice regarding exemption from personal liability; requiring an affected physician who is covered by an enterprise plan in a licensed facility that receives sovereign immunity to prominently post notice regarding exemption from personal liability; providing that an agency order certifying approval of an enterprise plan is evidence of a hospital's compliance with applicable patient safety requirements; providing circumstances in which notice is not required; providing that the order certifying approval of an enterprise plan applies prospectively to causes of action for medical negligence; authorizing the agency to conduct onsite examinations of a licensed facility; providing circumstances under which the agency may revoke its order certifying approval of an enterprise plan; providing that an employee or agent of a certified patient safety facility may not be joined as a defendant in an action for medical negligence; requiring an affected physician to cooperate in good faith in an investigation of a claim for medical malpractice; providing a cause of action for failure of a physician to act in good faith; providing that strict liability or liability without fault is not imposed for medical incidents that occur in the affected facility; providing requirements that a claimant must prove to demonstrate medical negligence by an employee, agent, or medical staff of a licensed facility; providing that the act does not create an independent cause of action or waive sovereign immunity; creating s. 766.405, F.S.; requiring an eligible hospital to execute an enterprise plan; requiring certain conditions to be contained within an enterprise plan; creating

s. 766.406, F.S.; requiring a certified patient safety facility to report medical incidents occurring on its premises and adverse findings of medical negligence to the Department of Health; authorizing a certified patient safety facility to continue to perform certain peer review activities; creating s. 766.407, F.S.; providing that an enterprise plan may require practitioners with clinical privileges to share in the cost of liability insurance premiums and require certain organizations to share in the cost of omnibus medical liability insurance premiums subject to certain conditions; authorizing a licensed facility to impose a reasonable assessment against an affected practitioner who commits medical negligence; providing for the revocation of clinical privileges for failure to pay the assessment; exempting certain employees and agents from such assessments; creating s. 766.408, F.S.; requiring a certified patient safety facility to submit an annual report to the agency and the Legislature; providing requirements for the annual report; providing that the annual report may include certain information from the Office of Insurance Regulation within the Department of Financial Services; providing that the annual report is subject to public-records requirements, but is not admissible as evidence in a legal proceeding; creating s. 766.409, F.S.; providing rulemaking authority; creating s. 766.410, F.S.; authorizing certain teaching hospitals and eligible hospitals to petition the agency for certification; providing for limitations on damages for eligible hospitals that are certified for compliance with certain patient safety measures; authorizing the agency to conduct onsite examinations of certified eligible hospitals; authorizing the agency to revoke its order certifying approval of an enterprise plan; providing that an agency order certifying approval of an enterprise plan is evidence of a hospital's compliance with applicable patient safety requirements; providing that evidence of noncompliance is inadmissible in any action for medical malpractice; providing that entry of the agency's order does not impose enterprise liability on the licensed facility for acts or omissions of medical negligence; providing that a hospital may not be approved for certification for both enterprise liability and limitations on damages; amending s. 768.28, F.S.; providing limitations on payment of a claim or judgment for an action for medical negligence within a certified patient safety facility that is covered by sovereign immunity; providing definitions; providing that a certified patient safety facility is an agent of a state university board of trustees to the extent that the licensed facility is solely liable for acts of medical negligence of physicians providing health care services within the licensed facility; providing for severability; providing for broad statutory view of the act; providing for self-execution of the act; providing an effective date.

By the Committee on Health Care; and Senator Margolis—

CS for SB 1926—A bill to be entitled An act relating to inflammatory bowel disease; creating the Inflammatory Bowel Disease Research Act; requiring the Department of Health to conduct an inflammatory bowel disease epidemiology study with the University of Florida College of Public Health and Health Professions; requiring the Agency for Health Care Administration to conduct a chronic disease study on the coverage standards provided by Medicaid for inflammatory bowel disease therapies; providing for membership in a study group; requiring reports to the Governor and Legislature; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Garcia—

CS for SB 1930—A bill to be entitled An act relating to special risk retirement; amending s. 121.0515, F.S.; authorizing certain persons who earned credit for service in the Regular Class of the Florida Retirement System while attending a training academy or facility for certification as a law enforcement officer or correctional officer to upgrade their retirement credit therefor to Special Risk Class service; providing for payment of additional contributions to effect the upgrade and for interest on such payments; providing for funding of the revision of the Florida Retirement System by this act; providing a finding of important state interest; providing an effective date.

By the Committees on Children and Families; Judiciary; and Senators Saunders and Fasano—

CS for CS for SB 1958—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; defining the terms "audit" and "surrogate guardian"; amending s. 744.1083, F.S.; authorizing revocation or suspension of a guardian's registration; providing that the Statewide Public Guardianship Office need not review credit and criminal investigations from a college or university before registering the institution as a professional guardian; amending s. 744.301, F.S.; providing that in the event of death, the surviving parent is the sole natural guardian of a minor; prohibiting a natural guardian from using the property of the ward for the guardian's benefit without a court order; creating s. 744.3025, F.S.; authorizing a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; requiring a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; providing that a court need not appoint a guardian ad litem under certain circumstances; requiring a court to award reasonable fees and costs to the guardian ad litem; amending s. 744.3031, F.S.; increasing the time an emergency temporary guardian may serve to 90 days; authorizing an extension; requiring an emergency temporary guardian to file a final report; providing for the contents of the final report; amending s. 744.304, F.S.; specifying the persons who may file a petition for a standby guardian; requiring that notice of the appointment hearing be served on the ward's next of kin; clarifying when a standby guardian may assume the duties of guardian; requiring that each standby guardian submit to credit and criminal background checks; amending s. 744.3115, F.S.; providing a cross-reference; amending s. 744.3135, F.S.; providing procedures for completing a guardians' criminal history record check; authorizing a guardian to use electronic fingerprinting equipment that is available for criminal history record checks of public employees; providing that a guardian need not be rescreened if he or she uses certain electronic fingerprinting equipment; requiring the Department of Law Enforcement to retain electronically submitted fingerprints and to enter them into the statewide automated fingerprint identification system; requiring the department to search all fingerprint cards received from each guardian and each employee of such guardian against fingerprints retained in the statewide automated fingerprint identification system; requiring a guardian to pay an annual fee to the clerk of court for the background investigation; requiring a guardian and each employee of such guardian to complete an investigation of his or her credit history; requiring the Statewide Public Guardianship Office to adopt a rule for credit investigations of guardians; authorizing the office to inspect the results of any criminal or credit investigation; amending s. 744.3145, F.S.; reducing the time in which a guardian must complete the education courses from 1 year to 4 months; amending s. 744.3215, F.S.; providing that an incapacitated person retains the right to receive necessary services and rehabilitation necessary to maximize the quality of the person's life; amending s. 744.331, F.S.; requiring that the court appoint an attorney from a specified registry; requiring attorneys to complete certain training programs; providing that a member of the examining committee may not be related to or associated with certain persons; prohibiting a person who served on an examining committee from being appointed as the guardian; requiring each member of an examining committee to file an affidavit stating that he or she has completed the mandatory training; providing for training programs; requiring each member to report the time and date that he or she examined the person alleged to be incapacitated; providing for an award of attorney's fees; amending s. 744.341, F.S.; requiring the voluntary guardian to include certain information in the annual report; requiring that certain specified information be included in the notice to terminate a voluntary guardianship; amending s. 744.361, F.S.; requiring a professional guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; amending s. 744.365, F.S.; requiring that the verified inventory include information on any trust to which a ward is a beneficiary; amending s. 744.367, F.S.; requiring that the annual report of the guardian be filed on or before April 1 of each year; amending s. 744.3675, F.S.; requiring that the annual guardianship plan include information on the mental condition of the ward; providing for an annual guardianship plan for wards who are minors; amending s. 744.3678, F.S.; providing that property of or a trust benefiting the ward which is not under the control of the guardian is not subject to annual accounting; requiring certain documentation for the annual accounting; amending s. 744.3679, F.S.; removing a provision prohibiting the clerk of court from having responsibility for monitoring or auditing accounts in certain cases; amending s. 744.368, F.S.; requiring that the verified inventory

and the accountings be audited within a specified time period; amending s. 744.441, F.S.; requiring the court to retain oversight for assets of a ward transferred to a trust; creating s. 744.442, F.S.; providing that a guardian may designate a surrogate guardian to exercise the powers of the guardian if the guardian is unavailable to act; requiring the surrogate guardian to be a professional guardian; providing the procedures to be used in appointing a surrogate guardian; providing the duties of a surrogate guardian; requiring the guardian to be liable for the acts of the surrogate guardian; authorizing the guardian to terminate the services of the surrogate guardian by filing a written notice of the termination with the court; amending s. 744.464, F.S.; removing the state attorney from the list of persons to be served a notice of a hearing on restoration of capacity; removing a time limitation on the filing of a suggestion of capacity; amending s. 744.474, F.S.; revising the circumstances under which a guardian may be removed; providing a rebuttable presumption that certain relatives act in the best interests of the ward; amending s. 744.511, F.S.; providing that a ward who is a minor need not be served with the final report of a removed guardian; amending s. 744.527, F.S.; providing that final reports for a deceased ward be filed at a specified time; amending s. 744.528, F.S.; providing for a notice of the hearing for objections to a report filed by a guardian; amending s. 744.708, F.S.; requiring a public guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; amending s. 765.101, F.S.; redefining the term "health care decision" to include informed consent for mental health treatment services; amending s. 28.345, F.S.; exempting a public guardian from paying court-related fees and charges; amending ss. 121.091, 709.08, and 744.1085, F.S.; conforming cross-references; reenacting s. 117.107(4), F.S., relating to prohibited acts of a notary public, to incorporate the amendment made to s. 744.3215, F.S., in a reference thereto; providing an effective date.

By the Committee on Judiciary; and Senator Posey—

CS for SB 1974—A bill to be entitled An act relating to a cause of action for prenatal death caused by negligence; creating s. 768.38, F.S.; providing for the admissibility of certain evidence in evaluating a claim for damages for the mental pain and suffering of the parents in an action alleging that a pregnancy was wrongfully ended by the negligence of another; providing findings and intent; providing an effective date.

By the Committee on Regulated Industries; and Senator Saunders—

CS for SB 1988—A bill to be entitled An act relating to certification of water management activities; creating s. 373.1175, F.S.; providing for requirements that a professional geologist sign and seal specified documents; prescribing responsibility for the costs of such signing and sealing; providing an effective date.

By the Committee on General Government Appropriations; and Senator Atwater—

CS for SB 2032—A bill to be entitled An act relating to tax administration; amending s. 95.091, F.S.; adding a cross-reference; amending s. 198.32, F.S.; allowing an estate that is not required to file a federal tax return to file with the clerk of the court an affidavit attesting that no Florida estate tax is due, regardless of the decedent's date of death; amending s. 199.135, F.S.; providing special provisions for the imposition of the nonrecurring intangibles tax imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.02, F.S.; providing special provisions for the imposition of the tax on deeds or other instruments relating to real property or interests in real property imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.08, F.S.; providing special provisions for the imposition of the tax on promissory or nonnegotiable notes or written obligations to pay money imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 202.11, F.S.; providing an additional definition of the term "service address" for the purposes of the tax on communications services; amending ss. 206.09, 206.095, 206.14, and 206.485, F.S., relating to fuel taxes; providing for the distribution of penalties; amending s. 206.27, F.S.; allowing the Department of Revenue the option of posting the list of active and canceled fuel licenses on the departmental web site or mailing it to licensees; amending s. 212.0305, F.S.; permitting golf courses to be built with the proceeds of a charter county convention development tax; amending s. 212.05, F.S.; clarifying the tax treatment of nonresident purchasers of aircraft; amending s. 212.06, F.S.; clarifying that sales tax is not due on any vessel imported into this state for the sole purpose of being offered for retail sale by a registered Florida yacht broker or dealer under certain conditions; amending s. 212.12, F.S.; including in the definition of tax fraud willful attempts to evade a tax, surcharge, or fee imposed by chapter 212, F.S.; amending s. 213.053, F.S.; authorizing expanded sharing of confidential information between the Department of Revenue and the Department of Agriculture and Consumer Services for the Bill of Lading Program; amending s. 213.21, F.S.; specifying which taxes qualify for the automatic penalty compromise or settlement of liability; providing for retroactivity; amending s. 213.27, F.S.; clarifying that the notification by the Department of Revenue to the taxpayer that the taxpayer's account is being referred to a debt collection agency must be at least 30 days before the referral; amending s. 215.26, F.S.; adding a cross-reference; amending s. 252.372, F.S.; authorizing the Florida Surplus Lines Service Office to collect the Emergency Management, Preparedness, and Assistance Trust Fund surcharge and deposit the proceeds into the trust fund; amending s. 443.131, F.S.; requiring employers who transfer their business to a related entity to retain their unemployment experience history under certain circumstances; providing penalties; amending s. 443.141, F.S.; authorizing the Department of Revenue to send to employers by regular mail notices of unemployment tax assessments and notices of the filing of liens; creating s. 624.50921, F.S.; creating a statute of limitations for assessments of the insurance premium tax if the amount of corporate income tax or a workers' compensation administrative assessment paid by the insurer is adjusted through an amended return or refund; amending s. 624.509, F.S.; providing for an alternative method of calculating a tax credit against the insurance premium tax for certain groups of affiliated corporations; clarifying the definition of the term "employees" for purposes of calculating such a credit; authorizing the department to adopt rules to administer such a credit; providing legislative intent regarding the meaning of the term "employees" for purposes of determining the salary credit against the insurance premium tax; reviving and readopting s. 213.21, F.S., relating to informal conference procedures within the Department of Revenue; exempting from the documentary stamp tax certain security agreements recorded in error or by mistake; providing effective dates.

By the Committees on Ways and Means; Justice Appropriations; Judiciary; and Senator Crist—

CS for CS for CS for SB 2048—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; amending s. 35.06, F.S.; revising the number of district court judges in certain district courts of appeal; providing for appointment or election of new judges created by the act; providing legislative findings; requiring the Secretary of State to qualify candidates for the 2006 election; providing effective dates.

By the Committee on Banking and Insurance; and Senator Rich—

CS for SB 2110—A bill to be entitled An act relating to human and civil rights; amending ss. 760.01, 760.05, 760.07, 760.08, 760.23, 760.24, 760.25, 760.31, 760.50, and 760.60, F.S.; revising terminology relating to impermissible grounds for discrimination; amending s. 760.02, F.S.; defining the term "disability"; amending s. 760.10, F.S.; revising provisions relating to unlawful employment practices; defining the terms "because of sex" and "on the basis of sex"; amending s. 760.11, F.S.; revising provisions relating to administrative and civil remedies for unlawful discrimination; revising requirements relating to notice of complaint and response, determination of reasonable cause, and commencement of actions; reenacting s. 760.11(15), F.S., for purposes of incorporating the amendments to s. 760.10, F.S., in a reference thereto; amending s. 760.22, F.S.; substituting a definition of the term "disability" for a definition of the term "handicap"; amending s. 760.29, F.S.; providing for a fine for certain exempt communities of housing for older persons that fail to register with the Commission on Human Relations; revising terminology relating to impermissible grounds for discrimination; amending s. 760.34, F.S.; revising terminology relating to enforcement actions; amending s. 419.001, F.S.; revising the definition of the

term "resident" for purposes of community residential homes; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senators Saunders, Klein, Haridopolos, King and Dockery—

CS for SB 2216—A bill to be entitled An act relating to tax refund programs for qualified target industry businesses and qualified defense contractors; amending s. 288.095, F.S., relating to payment of claims for certain tax refunds; revising a reporting requirement; amending s. 288.1045, F.S.; redefining the term "jobs"; clarifying that state communications services taxes may be refunded; revising requirements for an application for certification; permitting a qualified applicant to seek an economic-stimulus exemption due to the effects of a named hurricane or tropical storm; extending the period of the exemption; revising the exemption application deadline; providing for retroactivity; clarifying the cap on tax refunds; providing for a waiver of the requirement for local financial support, in certain circumstances and for a limited time; revising the expiration date; amending s. 288.106, F.S.; clarifying that state communications services taxes may be refunded; revising an application requirement; permitting a business to seek an economic-stimulus exemption due to the effects of a named hurricane or tropical storm; extending the period of the exemption; revising the exemption application deadline; providing for retroactivity; providing for a waiver of the requirement for local financial support, in certain circumstances and for a limited time; revising the expiration date; requiring the Office of Tourism, Trade, and Economic Development to attempt to amend existing tax refund agreements; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senator King—

CS for SB 2222—A bill to be entitled An act relating to economic development; amending s. 288.095, F.S.; increasing the cap on refunds from the Economic Development Trust Fund; providing for separate accounting for refunds to certain industries; amending s. 288.106, F.S.; defining the term "aerospace industry" and redefining the term "target industry business" for purposes of the tax refund program for such businesses; amending ss. 288.107, 290.00677, F.S.; conforming cross-references; providing an effective date.

By the Committee on Banking and Insurance; and Senator Siplin—

CS for SB 2446—A bill to be entitled An act relating to lending practices; requiring the Office of Financial Regulation to conduct a study of lending practices and submit a report to the Legislature; providing an effective date.

By the Committee on Regulated Industries; and Senator Argenziano—

CS for SB 2538—A bill to be entitled An act relating to drawings by chance; amending s. 849.0935, F.S.; redefining the term "organization" to include homeowners' associations, certain other associations, and chambers of commerce among those allowed to conduct drawings by chance; defining the term "charitable purpose" as applied to permissible uses of the proceeds from such drawings; providing restrictions upon the construction of s. 849.09, F.S., relating to prohibitions against lotteries and exceptions from such prohibitions; providing an effective date.

By the Committee on Judiciary; and Senators Smith and Fasano—

CS for SB 2542—A bill to be entitled An act relating to the state judicial system; amending s. 27.40, F.S., relating to circuit registries for court-appointed counsel; requiring that an attorney enter into a contract to be included on the registry; limiting the appointment of attorneys from the same law firm; prohibiting the sharing of duties among attorneys except under certain circumstances; requiring data on the race, sex, and ethnicity of attorneys; requiring the Justice Administrative Commission to approve uniform procedures and forms for use in billing for an attorney's fees, costs, and related expenses; requiring that a withdrawal order be filed with the commission; providing that withdrawal from a case creates a rebuttable presumption of nonentitlement to the entire flat fee; amending s. 27.42, F.S.; requiring that the circuit Article V indigent services committee establish the compensation rates for court-appointed counsel or in cases of indigency; providing a limitation on the rates; requiring each committee to establish a schedule of allowances for due-process expenses; authorizing alternate models for providing criminal and civil due-process representation; requiring that the expenses for representing indigent persons be appropriated in a separate category within the Justice Administrative Commission rather than paid from funds appropriated for use by the public defenders; requiring the commission to track and report data on the race, sex, and ethnicity of private court-appointed counsel; amending s. 27.52, F.S., relating to the determination of indigent status; providing for application to the clerk of court for such a determination and appointment of a public defender; prescribing duties of the clerk and the public defender relating to an application; prescribing application requirements and review criteria; providing for review by the court of a clerk's determination; authorizing the court to determine a person indigent for costs and eligible for payment of due-process expenses; requiring certain parents or legal guardians to furnish legal services and costs; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for the provision of false information; amending s. 27.5304, F.S.; providing that court-appointed counsel use uniform contract, procedures, and forms in certain circumstances; authorizing the Justice Administrative Commission to pay attorney's fees without court approval under certain conditions; requiring the attorney to provide the commission with advance notice of a court hearing on payment of fees and costs; authorizing the commission to participate in such hearings telephonically; eliminating a requirement for the Article V Indigent Services Advisory Board to make recommendations on compensation of private court-appointed counsel; providing that private court-appointed counsel is entitled to compensation upon final disposition of the case; providing exceptions; specifying intervals other than final disposition of a case at which private court-appointed counsel may request payment; clarifying a prohibition against allowing an attorney who is not on the registry to appear; limiting the reimbursement allowed for the preparation of invoices; amending s. 27.54, F.S.; requiring that the county or municipality pay certain costs for due-process services; prescribing assessment of fees to recover such costs; amending s. 28.24, F.S.; requiring that the clerk of the court provide copies to public guardians, attorneys ad litem, and court-appointed counsel paid by the state; requiring clerks of the court to participate in the Comprehensive Case Information System by a certain date; designating the custodian of official records; providing that official records are county property; amending s. 28.2402, F.S.; prohibiting the circuit court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions from the filing fee; amending s. 28.241, F.S.; providing for the clerk of the court to collect a service fee for appeals from circuit court; amending s. 28.245, F.S.; requiring that the clerks of the court remit collections to the Department of Revenue within a specified period; amending s. 28.246, F.S.; conforming a reference; revising provisions authorizing an individual to enter into a payment plan for the payment of fees, costs, or fines; providing for the court to review the payment plan; amending s. 28.345, F.S.; exempting certain court staff, public guardians, attorneys ad litem, and court-appointed counsel from the payment of fees and charges assessed by the clerk of the circuit court; amending s. 28.35, F.S.; requiring the Florida Clerks of Court Operations Committee to report on additional budget funding authority provided to a clerk; amending s. 28.36, F.S.; revising the date for the county clerk to submit a proposed budget; conforming a reference to the Florida Clerks of Court Operations Corporation; conforming a reference to the Chief Financial Officer; conforming a cross-reference; providing for identification of ineligible expenditures by the clerks of court; requiring the clerks to reimburse ineligible expenditures to the Clerks of Court Trust Fund; authorizing the corporation to approve additional annual funding for a clerk under prescribed conditions; requiring notice and documentation; amending s. 28.37, F.S.; expanding the types of excess funds that clerks of the court must remit to the Department of Revenue over the amount needed to meet approved budgets; amending s. 29.004, F.S.; providing for state appropriations to be used for expert witnesses who are appointed by the court rather than requested by any party; amending s. 29.007, F.S.; providing for state funds to be used in providing mental health professionals in certain civil cases; clarifying the use of state funds at the trial or appellate level to pay certain costs on behalf of a litigant who is indigent; amending s. 29.008, F.S.; requiring that the

county where the appellate district is located fund the appellate division of the public defender's office; expanding the definition of the term "facility" to include items necessary for court-reporting services; narrowing a limitation on the application of certain requirements to specified facilities; including hearing rooms within those facilities funded by the county as a court-related function; including audio equipment within county-funded communications services; creating s. 29.0081, F.S.; authorizing counties and judicial circuits to agree to the funding of personnel positions for the circuit; providing requirements for such agreements; providing for the effect and limitation of such agreements; amending s. 29.015, F.S.; authorizing the Justice Administrative Commission to transfer funds to address budget deficits relating to due-process services; requiring notice of the transfer; amending s. 29.018, F.S.; eliminating the authority for court-appointed counsel to contract to share in court and due-process costs; providing that the Justice Administrative Commission may contract for such cost-sharing on behalf of court-appointed counsel; creating s. 29.0185, F.S.; specifying conditions under which state-funded due-process services are provided; amending s. 34.045, F.S.; prohibiting the county court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions of local code violations from the filing fee; expanding conditions under which the county or municipality is the prevailing party; requiring an assessment for a filing fee; amending s. 34.191, F.S.; providing that for certain purposes, a municipality does not include certain unincorporated areas; clarifying a requirement that certain fines and forfeitures committed within an unincorporated area of a municipality be paid to the clerk of the county court; amending s. 39.0132, F.S.; authorizing the Justice Administrative Commission to inspect certain court dockets; amending s. 39.821, F.S.; requiring that the Guardian Ad Litem Program rather than the chief judge request the federal criminal records check for purposes of certifying guardians ad litem; amending s. 39.822, F.S.; directing agencies, persons, and other organizations to provide a guardian ad litem access to certain records related to the best interests of a child; amending s. 40.29, F.S.; clarifying procedures for the payments made by the state to the clerk of the court for the costs of witnesses; creating s. 40.355, F.S.; requiring the clerk of the court to report on, and refund to the state attorneys and public defenders, certain moneys collected for payment of jurors and due-process costs; amending s. 43.16, F.S.; providing that the Justice Administrative Commission is not subject to the Administrative Procedure Act; amending s. 43.26, F.S.; prescribing responsibilities of the chief judge and the clerk of court relating to the administration of justice and provision of court-related functions; amending s. 44.102, F.S.; revising conditions under which nonvolunteer court mediators may be compensated by the county or parties; amending s. 44.108, F.S.; clarifying the fees charged for scheduled mediation services provided by a circuit court's mediation program; requiring the clerk of the court to report to the chief judge the amount of such fees collected; amending s. 57.081, F.S.; adding a cross-reference to conform; creating s. 57.082, F.S., relating to the determination of civil indigent status; providing for application to the clerk of court for such a determination; prescribing duties of the clerk relating to an application; prescribing application requirements and review criteria; providing for an interim determination by the court and appointment of counsel; providing for review by the court of the clerk's determination; providing for enrollment in a payment plan by a person determined indigent; providing for the waiver of fees and costs under certain conditions; providing for reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for providing false information; amending s. 92.142, F.S.; deleting a provision that provides for payment of per diem and travel expenses for a witness in a criminal case at the discretion of the court; amending s. 92.231, F.S.; removing references to the Article V Indigent Services Advisory Board and the provision of recommendations on expert witness fees; amending s. 110.205, F.S.; providing that officers and employees of the Justice Administrative Commission and specified related organizations are not career service positions; amending s. 116.01, F.S.; providing procedures for the clerk of the court to remit funds to the Department of Revenue; amending s. 116.21, F.S.; providing for the disposition of unclaimed moneys collected in the course of court-related activities by the clerk of the court; requiring the clerk to pay certain publication costs; amending s. 119.07, F.S.; extending the time period during which certain social security numbers and other data included in court or official county records may be available for public inspection unless redaction is requested; extending the deadline by which court clerks and county recorders must keep such data confidential; amending s. 142.01, F.S.; clarifying those moneys to be included within the fine and forfeiture fund of the clerk of the circuit court; amending s. 213.13, F.S.; requiring that the funds remitted by the clerk to the state be transmitted electronically within a specified period; amending s. 219.07, F.S.; clarifying the distributions that the clerk is required to make as part of his or her court-related functions; amending s. 219.075, F.S.; exempting funds collected by the clerk from the requirements for the investment of surplus funds of a county; amending s. 318.121, F.S.; clarifying that certain court costs and surcharges are added to civil traffic penalties; amending s. 318.18, F.S.; requiring that the clerk of the court report the amount of certain surcharges collected to the chief judge, the Governor, and the Legislature; amending s. 318.21, F.S.; providing for the disposition of traffic-infraction penalties for violations occurring in unincorporated areas of certain municipalities having a consolidated government; amending s. 318.31, F.S.; deleting provisions concerning the appointment of a civil traffic infraction hearing officer; amending s. 318.325, F.S.; deleting provisions specifying the funding of such hearing officer; amending s. 322.29, F.S.; increasing the fees charged for reinstating a driver's license; amending s. 372.72, F.S.; requiring that the proceeds from unclaimed bonds be deposited into the clerk's fine and forfeiture fund; amending s. 903.26, F.S.; revising the procedure for determining the amount of the costs incurred in returning a defendant to the county of jurisdiction; amending s. 903.28, F.S.; revising certain notice requirements following the surrender or apprehension of a defendant for purposes of remission of a forfeiture; authorizing the clerk of the circuit court to enter into certain contracts for purposes of representation in an action for the remission of a forfeiture; providing that the clerk is the real party in interest for all appeals arising from such an action; amending s. 916.115, F.S.; providing requirements for the payment of experts; specifying those fees which are paid by the state, the office of the public defender, the office of the state attorney, or the Justice Administrative Commission; amending s. 916.12, F.S.; revising the procedures under which the court may take action following a finding that the defendant is incompetent to proceed; amending s. 916.301, F.S.; requiring the court to pay for certain court-appointed retardation and autism experts; amending s. 938.29, F.S.; providing for a judgment lien for the payment of certain attorney's fees to be filed without cost; amending s. 939.06, F.S.; clarifying that an acquitted defendant is not liable for certain fees; providing a procedure for such a defendant to request a refund from the Justice Administrative Commission of costs or fees paid; amending s. 985.05, F.S.; authorizing the Justice Administrative Commission to have access to certain court records; amending s. 985.201, F.S.; revising the manner in which a court may retain jurisdiction over a child and the child's parent when the court has ordered restitution for certain delinquent acts; requiring entry of a restitution order; creating s. 92.152, F.S.; requiring that the party calling a witness in traffic court bear the costs; requiring that the office of the state attorney pay such costs if the witness is required to testify on behalf of the prosecution; directing the trial court administrator to recover expenditures for state-funded services if those services were furnished to a user possessing the ability to pay; providing that the rate may not exceed the cost of the service and recovery; repealing s. 29.005(4), F.S., relating to prosecution expenses for appointing mental health professionals; repealing s. 29.014, F.S., relating to the Article V Indigent Services Advisory Board; repealing s. 318.37, F.S., relating to funding for a Civil Traffic Infraction Hearing Officer Program; providing effective dates.

By the Committee on Judiciary; and Senators Webster and Clary—

CS for SB 2562—A bill to be entitled An act relating to asbestos and silica claims; providing a short title; providing purposes; providing definitions; requiring physical impairment as an essential element of a claim; providing criteria for prima facie evidence of physical impairment for claims and certain actions; providing exceptions; providing additional requirements for evidence relating to physical impairment; specifying absence of certain presumptions at trial; providing procedures for claims and certain actions; providing for consolidation; providing for venue; providing for preliminary proceedings; requiring asbestos and silica claims to include certain information; specifying certain limitation periods for certain claims; specifying distinct causes of action for certain conditions; limiting damages under certain circumstances; prohibiting a general release from liability; prohibiting award of punitive damages; providing for collateral source payments; specifying liability rules applicable to certain persons; providing for construction; providing severability; providing application to certain civil actions; providing an effective date.

By the Committee on Judiciary; and Senators Webster, King, Clary and Lynn—

CS for SB 2566—A bill to be entitled An act relating to negligence; creating s. 768.0755, F.S.; providing that if a person slips and falls on a transitory foreign substance in a retail establishment, the injured person must prove that the retail establishment had knowledge of the condition in that the condition existed for a sufficient time for the retail establishment to have taken action to remedy the condition; providing that constructive knowledge may be proven by circumstantial evidence; creating s. 812.18, F.S.; providing legislative intent relating to business parking lot security; providing an evidentiary presumption relating to determining whether there was adequate security to protect against a reasonably foreseeable and preventable criminal act that occurs in a commercial parking lot; providing for admissibility of evidence relating to compliance with this section; providing an exception to applicability of the section; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; providing an effective date.

By the Committee on Health Care; and Senators Jones and Bennett—

CS for SB 2570—A bill to be entitled An act relating to home medical equipment providers; amending s. 400.925, F.S.; revising and providing definitions; amending s. 400.931, F.S.; including additional categories of equipment in a report required by applicants for licensure; increasing the amount of liability insurance required of home medical equipment providers; amending s. 400.933, F.S.; revising requirements for licensure and assessment of fees; amending s. 400.934, F.S.; revising minimum standards required for licensure; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to provide additional regulatory standards by rule; creating s. 400.936, F.S.; requiring proof of accreditation as a prerequisite for licensure or license renewal; providing for temporary licensure; providing for rules relating to designation of accrediting organizations; amending s. 400.95, F.S.; providing for notice of a toll-free telephone number to report fraud and abuse by providers; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senator Atwater—

CS for SB 2578—A bill to be entitled An act relating to the discretionary surtax on documents; amending ss. 125.0167 and 201.031, F.S.; authorizing certain counties operating under a home rule charter to levy the discretionary surtax for purposes of establishing and funding a Housing Assistance Loan Trust Fund to assist in providing housing for low-income and moderate-income families; prohibiting certain counties from levying the surtax unless approved by a majority of the electors of the county voting in a referendum; providing requirements for holding a referendum; providing for the future repeal of ss. 125.0167 and 201.031, F.S., relating to the surtax on documents for purposes of funding housing assistance; amending s. 201.0205, F.S.; deleting references to s. 3 of ch. 83-220, Laws of Florida, updating cross-references; repealing s. 3 of ch. 83-220, Laws of Florida, as amended, relating to the former repeal date established for the discretionary surtax on documents; providing an effective date.

By the Committee on Justice Appropriations; and Senators Crist, Lee and Sebesta—

CS for SB 2680—A bill to be entitled An act relating to Hillsborough County; providing for a fee to be paid by felony offenders in the county; providing for an accounting of such fees and remission of the fee revenues collected by the Department of Corrections; providing the duties of the clerk of the court in connection with the fee revenues remitted; providing for the use of the funds by the board of county commissioners; providing for costs of administration; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for CS for SB 436 which he approved on April 26, 2005.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Commerce and Consumer Services recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment		*For Term Ending*
Board of Directors, Enterprise Florida, Inc.		
Appointees:	Frederick W. Leonhardt	07/01/2008
	Julie K. Hilton	07/01/2007
	Susan N. Story	07/01/2007

The Committee on Environmental Preservation recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment		*For Term Ending*
Environmental Regulation Commission		
Appointees:	Donald H. Ross	07/01/2007
	Kenneth W. Wright	07/01/2007
	Tracy Duda Chapman	07/01/2007
Governing Board of the Southwest Florida Water Management District		
Appointees:	Heidi B. McCree	03/01/2008
	Patsy C. Symons	03/01/2008
	Thomas G. Dabney, II	03/01/2008
Governing Board of the Suwannee River Water Management District		
Appointee:	Kelby E. Andrews	03/01/2008

The Committee on Health Care recommends that the Senate confirm the following appointment made by the Governor:

Office and Appointment		*For Term Ending*
Secretary of Elderly Affairs		
Appointee:	Carole A. Green	Pleasure of Governor

[The appointments contained in the foregoing reports were referred to the Committee on Ethics and Elections under the original reference.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 19, HB 925, HB 1289, HB 1699, HB 1729, HB 1813, HB 1921, HB 1923; has passed as amended HB 41, HB 101, HB 177, HB 205, HB 225, HB 233, HB 255, HB 279, HB 291, HB 423, HB 497, HB 525, HB 565, HB 567, HB 569, HB 577, HB 623, HB 699, HB 757, HB 759, HB 775, HB 835, HB 855, HB 879, HB 897, HB 963, HB 977, HB 1025, HB 1029, HB 1041, HB 1305, HB 1389, HB 1403, HB 1659, HB 1681, HB 1697, HB 1803, HB 1833, HCB 6001 (for HB's 337, 737); has passed by the required constitutional two-thirds vote of the members voting HB 627, HB 1307, HB 1695; has adopted as amended HM 821 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Kravitz and others—

HB 19—A bill to be entitled An act relating to motor vehicle driving privilege requirements; amending s. 320.055, F.S.; providing for a 6-month vehicle registration for persons reinstating a driver's license that

has been suspended for driving under the influence; requiring the Department of Highway Safety and Motor Vehicles to issue 6-month vehicle registration certificates and validation stickers; specifying the amount of taxes and charges which must be paid; amending s. 324.131, F.S.; requiring persons whose license or registration has been suspended or revoked due to a violation of driving under the influence to maintain, for 3 years, certain noncancelable liability coverage; authorizing the Department of Highway Safety and Motor Vehicles to adopt a form for proof of such coverage; amending s. 627.7275, F.S.; requiring insurers to make bodily injury, death, and property damage liability coverage that is noncancelable for a certain period available to certain applicants seeking coverage for reinstatement of driving privileges revoked or suspended for driving under the influence; authorizing insurers to cancel certain motor vehicle insurance policies under certain circumstances; providing that insurers are not required to offer insurance policies under certain circumstances; providing an effective date.

—was referred to the Committees on Transportation; Banking and Insurance; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Representative Bendross-Mindingall and others—

HB 925—A bill to be entitled An act relating to traffic regulations; amending s. 316.1303, F.S.; requiring vehicle operators to stop and yield to mobility-impaired pedestrians who are assisted by guide dogs or other service animals; providing a penalty; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Representative Jordan—

HB 1289—A bill to be entitled An act relating to signing and sealing by professional geologists; creating s. 373.1175, F.S.; authorizing the Department of Environmental Protection and the governing boards of water management districts to require signing and sealing of certain documents and reports by professional geologists; requiring such cost to be borne by the permit applicant or permittee; providing construction with respect to professional engineers; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Regulated Industries.

By the Committee on Governmental Operations; and Representative Kottkamp—

HB 1699—A bill to be entitled An act relating to review under the Open Government Sunset Review Act; amending s. 787.03, F.S., which provides a public records exemption for information provided to a sheriff or state attorney in specified domestic violence cases in which a person seeks shelter from an act or possible act of domestic violence and takes with him or her any child 17 years of age or younger; extending the repeal date scheduled under the Open Government Sunset Review Act; narrowing the exemption; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Governmental Operations; and Representative Kottkamp—

HB 1729—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 1009.981, F.S.; revising a public records exemption for the Florida College Savings Program; narrowing the exemption; deleting provisions that provide for repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Finance and Tax; and Representative Brummer and others—

HB 1813—A bill to be entitled An act relating to tax administration; amending s. 95.091, F.S.; adding a cross reference; amending s. 198.32, F.S.; allowing an estate that is not required to file a federal tax return to file with the clerk of the court an affidavit attesting that no Florida estate tax is due, regardless of the decedent's date of death; amending s. 199.135, F.S.; providing special provisions for the imposition of the nonrecurring intangibles tax imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.02, F.S.; providing special provisions for the imposition of the tax on deeds or other instruments relating to real property or interests in real property imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.08, F.S.; providing special provisions for the imposition of the tax on promissory or nonnegotiable notes or written obligations to pay money imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 202.11, F.S.; providing an additional definition of the term "service address" for the purposes of the tax on communications services; amending ss. 206.09, 206.095, 206.14, and 206.485, F.S., relating to fuel taxes; providing for the distribution of penalties; amending s. 206.27, F.S.; allowing the Department of Revenue the option of posting the list of active and canceled fuel licenses on the departmental web site or mailing it to licensees; amending s. 212.05, F.S.; clarifying the tax treatment of nonresident purchasers of airplanes; amending s. 212.06, F.S.; clarifying that sales tax is not due on any vessel imported into this state for the sole purpose of being offered for retail sale by a registered yacht broker or dealer in this state under certain conditions; amending s. 212.11, F.S.; correcting a cross reference; amending s. 212.12, F.S.; including in the definition of tax fraud willful attempts to evade a tax, surcharge, or fee imposed by chapter 212, F.S.; providing penalties; amending s. 213.053, F.S.; authorizing expanded sharing of confidential information between the Department of Revenue and the Department of Agriculture and Consumer Services for the Bill of Lading Program; amending s. 213.21, F.S.; specifying which taxes qualify for the automatic penalty compromise or settlement of liability; providing for retroactivity; amending s. 213.27, F.S.; clarifying that the notification by the Department of Revenue to the taxpayer that the taxpayer's account is being referred to a debt collection agency must be at least 30 days before the referral; amending s. 215.26, F.S.; adding a cross reference; amending s. 252.372, F.S.; authorizing the Florida Surplus Lines Service Office to collect the Emergency Management, Preparedness, and Assistance Trust Fund surcharge and deposit the proceeds into the trust fund; providing applicability; amending s. 443.131, F.S.; requiring employers who transfer their business to a related entity to retain their unemployment experience history under certain circumstances; providing penalties; amending s. 443.141, F.S.; authorizing the Department of Revenue to send to employers by regular mail notices of unemployment tax assessments and notices of the filing of liens; amending s. 624.509, F.S.; revising a definition to clarify that adjusters, managing general agents, and service representatives are employees; creating s. 624.50921, F.S.; creating a statute of limitations for assessments of the insurance premium tax if the amount of corporate income tax or a workers' compensation administrative assessment paid by the insurer is adjusted through an amended return or refund; reviving and readopting s. 213.21, F.S., relating to informal conference procedures within the Department of Revenue; providing effective dates.

—was referred to the Committees on Government Efficiency Appropriations; Commerce and Consumer Services; Criminal Justice; General Government Appropriations; and Ways and Means.

By the Committee on Governmental Operations; and Representative Kottkamp—

HB 1921—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 741.3165, F.S.; expanding the exemption from public records requirements for confidential or exempt information obtained by a domestic violence fatality review team to include information that identifies a victim of domestic violence or the children of a victim; expanding the exemption from public meetings requirements to exempt those portions of meetings at which confidential or exempt information is discussed; providing for review

and repeal; providing a statement of public necessity; removing unnecessary language; making clarifying changes; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Governmental Operations; and Representative Kottkamp—

HB 1923—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 202.195, F.S.; revising a public records exemption for proprietary confidential business information obtained from a telecommunications company or franchised cable company for specified purposes under the Communications Services Tax Simplification Law; removing the October 2, 2005, repeal thereof scheduled under the Open Government Sunset Review Act; removing superfluous language; making editorial changes; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative H. Gibson and others—

HB 41—A bill to be entitled An act relating to alarm system contracting; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless authorized by part II of ch. 489; providing exemptions; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; and Regulated Industries.

By Representative Sansom and others—

HB 101—A bill to be entitled An act relating to tax on sales, use, and other transactions; specifying a period during which the sale of books, clothing, and school supplies are exempt from such tax; providing definitions providing exceptions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Government Efficiency Appropriations; and Ways and Means.

By Representative Adams and others—

HB 177—A bill to be entitled An act relating to drug court programs; amending s. 39.001, F.S.; providing additional legislative purposes and intent with respect to the treatment of substance abuse, including the use of the drug court program model; authorizing the court to require certain persons to undergo treatment following adjudication; amending s. 39.407, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment upon a showing of good cause in connection with a shelter petition or petition for dependency; amending ss. 39.507 and 39.521, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment as part of an adjudicatory order or pursuant to a disposition hearing; requiring a showing of good cause; authorizing the court to require participation in a treatment-based drug court program; authorizing the court to impose sanctions for noncompliance; amending s. 39.701, F.S.; authorizing the court to extend the time for completing a case plan during judicial review, based upon participation in a treatment-based drug court program; amending s. 397.334, F.S.; revising legislative intent with respect to treatment-based drug court programs to reflect participation by community support agencies, the Department of Education, and other individuals; including postadjudicatory programs as part of treatment-based drug court programs; providing requirements and sanctions, including clinical placement or incarceration, for the coordinated strategy developed by the drug court team to encourage participant compliance; requiring each judicial circuit to establish a position for a coordinator of the treatment-based drug court program, subject to annual appropriation by the Legislature; authorizing the chief judge of each judicial circuit to appoint an advisory committee for the treatment-based drug court program; providing for membership of the committee; revising language with respect to an annual report; amending s. 910.035, F.S.; revising language with respect to conditions for the transfer of a case in the drug court treatment program to a county other than that in which the charge arose; amending ss. 948.08, 948.16, and 985.306, F.S., relating to felony, misdemeanor, and delinquency pretrial substance abuse education and treatment intervention programs; providing requirements and sanctions, including clinical placement or incarceration, for the coordinated strategy developed by the drug court team to encourage participant compliance and removing provisions authorizing appointment of an advisory committee, to conform to changes made by the act; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; Criminal Justice; and Justice Appropriations.

By Representative Altman and others—

HB 205—A bill to be entitled An act relating to contraband and counterfeit cigarettes; providing additional regulatory and enforcement measures; amending s. 210.01, F.S.; revising and providing definitions; amending s. 210.021, F.S.; directing the Secretary of Business and Professional Regulation to require certain dealers and agents to remit the tax on cigarettes by certified check or electronic funds transfer; requiring the Division of Alcoholic Beverages and Tobacco of the department to adopt rules governing the payment of taxes by electronic funds transfer; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; amending s. 210.08, F.S.; revising the amount of the surety bond, certificate of deposit, or irrevocable letter of credit required by the division as surety for the payment of cigarette taxes; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain persons shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; providing for application to and records requirements of manufacturers and importers; amending s. 210.12, F.S.; authorizing the state to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for permit application; prohibiting issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for permit application denial; amending s. 210.16, F.S.; revising the authority of the Division of Alcoholic Beverages and Tobacco to revoke or suspend the permits of certain persons under certain circumstances; revising a penalty period for revoked permits; increasing a civil penalty; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; expanding the list of persons required to report seizures of unstamped cigarettes; requiring the division to keep certain records; providing for seizure of counterfeit cigarettes and related machinery; making unlawful the selling or possessing with intent to sell counterfeit cigarettes; providing criminal penalties; providing for destruction of counterfeit cigarettes; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting a "criminal activity" and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; Government Efficiency Appropriations; and General Government Appropriations.

By Representative Sorensen—

HB 225—A bill to be entitled An act relating to the Florida Keys Aqueduct Authority, Monroe County; providing for codification of special laws relating to the Florida Keys Aqueduct Authority; providing legisla-

tive intent; codifying, repealing, amending, and reenacting chapters 76-441, 77-604, 77-605, 80-546, 83-468, 84-483, 84-484, 86-419, 87-454, 98-519, 2003-304, and 2003-327, Laws of Florida; providing for liberal construction; providing a savings clause in the event any provision of the act is deemed invalid; providing for a referendum; providing, subject to referendum approval, for the board of directors to be elected; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Planas and others—

HB 233—A bill to be entitled An act relating to unlawful killing of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.09, F.S.; providing that the unlawful killing of an unborn quick child by injury to the mother that would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing that the unlawful killing of an unborn quick child by injury to the mother that would be manslaughter if it resulted in the death of the mother is manslaughter; providing an exception for acts by the mother; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; amending ss. 435.03 and 435.04, F.S., to conform language to changes made by this act to s. 782.09, F.S.; reenacting s. 921.0022(3)(h) and (i), F.S., to incorporate the amendment to s. 316.193, F.S., in references thereto; reenacting s. 316.656(1) and (2)(b), F.S., relating to mandatory adjudication, to incorporate the amendment to s. 316.193, F.S., in references thereto; reenacting s. 947.146(3)(j), F.S., relating to the Control Release Authority, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; providing applicability; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Representative Russell and others—

HB 255—A bill to be entitled An act relating to rabies vaccination; amending s. 828.30, F.S.; revising requirements for the frequency of rabies vaccination for specified animals; revising rabies vaccination certificate requirements; deleting an obsolete provision; prohibiting local governments from mandating revaccination of currently vaccinated animals except in specified instances; providing legislative findings; providing an effective date.

—was referred to the Committees on Agriculture; Health Care; and Community Affairs.

By Representative Grimsley and others—

HB 279—A bill to be entitled An act relating to student and parent rights; providing a popular name; amending s. 1002.20, F.S.; authorizing certain K-12 students to self-administer epinephrine by auto-injector under certain circumstances; requiring the adoption of rules; providing for indemnification; providing an effective date.

—was referred to the Committees on Education; Health Care; and Judiciary.

By Representative Evers and others—

HB 291—A bill to be entitled An act relating to condominiums; amending s. 718.301, F.S.; providing for the effect of actions taken by members of the board of administration of an association designated by the developer; requiring examination and certification of certain defects by certain licensed individuals or entities; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Representative Ross—

HB 423—A bill to be entitled An act relating to the definition of "employee" for the purposes of workers' compensation; amending s. 440.02, F.S.; redefining the term "employee" under the Workers' Compensation Law to revise an exemption relating to owner-operators of motor vehicles; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Representative Cannon and others—

HB 497—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring traffic citation forms to include a check box indicating a failure to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal steady red indication and of a traffic control device when a driver fails to stop at a traffic signal; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a second moving violation of a traffic control signal steady red indication or of a traffic control device within a specified time period and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete said course within a specified time period; amending s. 322.27, F.S.; assigning a point value for the conviction of a moving violation of a traffic control signal steady red indication or of a traffic control device; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; authorizing trauma centers to request that such funds be used as intergovernmental transfer funds in the Medicaid program; providing for audits and attestations; providing an appropriation; providing an effective date.

—was referred to the Committees on Transportation; Health Care; Government Efficiency Appropriations; Health and Human Services Appropriations; and Ways and Means.

By Representative Troutman and others—

HB 525—A bill to be entitled An act relating to labor pools; amending s. 448.24, F.S.; providing a limit on the amount a labor pool may charge a laborer for transportation to or from a designated worksite; authorizing a labor pool to provide day laborers with a method of obtaining cash from a cash-dispensing machine; providing criteria for the use of a cash-dispensing machine; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Banking and Insurance; and Judiciary.

By Representative Farkas and others—

HB 565—A bill to be entitled An act relating to mobile homes; amending s. 723.037, F.S.; providing intent, requirements, and restrictions regarding information exchanged in meetings between park owners and homeowners' committees and at mediation; providing exceptions; amending s. 723.0611, F.S.; designating the Florida Mobile Home Relocation Corporation as an agency of the state and certain other persons as officers, employees, or agents of the state for application of sovereign immunity provisions; providing rulemaking authority to administer provisions involving the corporation; amending s. 723.0612, F.S.; providing that mobile home owners are not eligible for compensation in certain circumstances involving change in use of the land comprising the mobile home park; providing entitlement to attorney's fees and costs in certain enforcement actions; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Consumer Services; and Judiciary.

By Representative Galvano and others—

HB 567—A bill to be entitled An act relating to alternative plans review and inspection; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; providing a definition; authorizing performance audits by local building code enforcement agencies of private providers; specifying conditions for proceeding with building work; amending s. 468.621, F.S.; revising a ground for taking certain disciplinary actions; providing an effective date.

—was referred to the Committees on Community Affairs; and Regulated Industries.

By Representative Garcia and others—

HB 569—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.8132, F.S.; providing for year-round enrollment in the Medikids program component of the Florida KidCare program; amending s. 409.8134, F.S.; providing for year-round enrollment in the Florida KidCare program; providing a time period for the validity of an application; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Representative Needelman and others—

HB 577—A bill to be entitled An act relating to the Interstate Compact for Juveniles; amending s. 985.502, F.S.; revising provisions of the former Interstate Compact on Juveniles; providing purpose of the compact; providing definitions; providing for an Interstate Commission for Juveniles; providing for the appointment of commissioners; providing for an executive committee; providing for meetings; providing powers and duties of the Interstate Commission; providing for its organization and operation; providing for bylaws, officers, and staff; providing for qualified immunity from liability for the commissioners, the executive director, and employees; requiring the Interstate Commission to adopt rules; providing for oversight, enforcement, and dispute resolution by the Interstate Commission; providing for the activities of the Interstate Commission to be financed by an annual assessment from each compacting state; requiring member states to create a State Council for Interstate Juvenile Supervision; providing for the effective date of the compact and amendments thereto; providing for a state's withdrawal from and reinstatement to the compact; providing for assistance, certain penalties, suspension, or termination following default by a state; providing for judicial enforcement; providing for dissolution of the compact; providing for severability and construction of the compact; providing for the effect of the compact with respect to other laws and for its binding effect; creating s. 985.5025, F.S.; creating the State Council for Interstate Juvenile Offender Supervision to oversee state participation in the compact; providing membership; providing for records and open meetings; prescribing procedures if the council is abolished; repealing ss. 985.503, 985.504, 985.505, 985.506, and 985.507, F.S., relating to obsolete provisions governing the former compact superseded by the act; providing for the future legislative review and repeal of ss. 985.502 and 985.5025, F.S.; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

By Representative Littlefield and others—

HB 623—A bill to be entitled An act relating to former military vehicles; amending s. 316.2952, F.S.; defining "former military vehicle"; exempting such vehicles from certain windshield requirements; requiring eye-protective devices while such vehicle is in operation; providing penalties for violation; amending s. 316.605, F.S.; exempting certain former military vehicles from license plate display requirements; amending s. 320.086, F.S.; providing for issuance of special license plates for certain former military vehicles; exempting certain former military vehicles from license plate display requirements; requiring the plate and registration certificate to be in the vehicle and available for inspection; defining "former military vehicle"; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Altman and others—

HB 699—A bill to be entitled An act relating to architecture, landscape architecture, and interior design; amending s. 481.219, F.S.; revising provisions on architectural and interior design services certifications to include applicability to limited liability companies; amending s. 481.221, F.S.; requiring the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seals for use by a registered architect or interior designer who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; amending s. 481.225, F.S.; revising grounds for disciplinary actions relating to the practice of architecture; amending s. 481.2251, F.S.; revising grounds for disciplinary proceedings relating to the practice of interior design; amending s. 481.229, F.S.; revising an exemption relating to interior design services and titles to include applicability to certain limited liability companies; amending s. 481.321, F.S.; requiring the Board of Landscape Architecture to prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; reenacting s. 481.325(1)(a) and (3), F.S., relating to disciplinary proceedings against registered landscape architects, to incorporate the amendment to s. 481.321, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Regulated Industries; and Commerce and Consumer Services.

By Representative Waters and others—

HB 757—A bill to be entitled An act relating to household moving services; requesting the Division of Statutory Revision to redesignate the title of ch. 507, F.S.; amending s. 507.01, F.S.; revising definitions; defining "household move," "moving broker," and "moving container"; clarifying licensing requirements for household movers and moving brokers; applying the licensing requirements to moving brokers and certain persons who transport or ship household goods in moving containers; clarifying and conforming provisions; amending s. 507.02, F.S.; clarifying the construction, application, and intent of the licensing requirements; amending s. 507.03, F.S.; requiring moving brokers to register with the Department of Agriculture and Consumer Services; providing requirements and fees for such registration; providing for certificate of registration; requiring display of the certificate; clarifying registration requirements for household movers and moving brokers; requiring brokers to obtain local registration or license when required by the county or municipality where the broker's principal place of business is located; deleting provisions for issuance by the department of a certificate of registration when a mover submits proof of local license or registration; revising advertising requirements; requiring a mover's vehicles to display certain signage; providing for denial, refusal to renew, or revocation of registration of mover or moving broker; requiring brokers to provide

evidence of certain insurance coverage; revising requirement for mover to provide evidence of certain insurance coverage; amending s. 507.04, F.S.; clarifying requirements that a mover maintain certain insurance coverages; requiring a mover to submit evidence of liability insurance before registration; providing requirements for liability insurance coverage; authorizing the Department of Agriculture and Consumer Services to suspend a mover's registration and seek an injunction in circuit court if the mover fails to maintain insurance coverage; providing penalties; authorizing certain movers and requiring moving brokers to maintain a performance bond or certificate of deposit in lieu of certain liability insurance coverage; providing requirements for the performance bond or certificate of deposit; providing for payment of claims pursuant to department order in an administrative proceeding; specifying that insurance coverages must be issued by a licensed insurance company or carrier; prohibiting certain limits of liability for a mover's loss or damage of a shipper's goods; requiring certain disclosures of liability limitations; authorizing a mover to offer valuation coverage under specified conditions; providing that valuation coverage meeting specified conditions satisfies certain liability of a mover; requiring certain disclosures of valuation coverage; amending s. 507.06, F.S.; revising provisions for delivery and storage of household goods; amending s. 507.07, F.S.; requiring that moving brokers annually register with the department; revising provisions relating to prohibited acts and violations; specifying that the making of certain false statements is a violation of ch. 507, F.S., regardless of whether the statements are material; clarifying and conforming provisions; amending s. 507.11, F.S.; providing penalties; amending ss. 507.05, 507.08, 507.09, 507.10, 507.12, and 507.13, F.S., relating to estimates and contracts for service, deceptive and unfair trade practice, administrative remedies and penalties, civil penalties and remedies, General Inspection Trust Fund, and local regulation; providing for application to moving brokers; clarifying and conforming provisions; providing for the adoption of rules; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing an occupational license to a mover or moving broker under certain circumstances; providing an effective date.

—was referred to the Committees on Transportation; Commerce and Consumer Services; Banking and Insurance; and Community Affairs.

By Representative Williams and others—

HB 759—A bill to be entitled An act relating to environmental permitting programs; amending s. 373.414, F.S., relating to additional criteria for activities in surface waters and wetlands; revising a date relating to an exemption from specified requirements; providing for submission of financial responsibility prior to the commencement of phosphate mining operations; providing for review of financial responsibility; providing mechanisms for providing financial responsibility; providing exclusions; clarifying intent; creating s. 373.4143, F.S.; providing legislative intent; creating s. 373.4144, F.S.; providing for the consolidation of federal and state wetland permitting programs; providing duties of the Department of Environmental Protection; requiring a report to the Legislature and coordination with the Florida Congressional Delegation; amending s. 373.4145, F.S., and reenacting subsections (1)-(4), to continue the interim part IV permitting program for the Northwest Florida Water Management District; providing for future repeal of such interim program; amending s. 10, ch. 2003-423, Laws of Florida; revising the date by which the Peace River Basin resource management plan must be submitted; providing an effective date.

—was referred to the Committees on Environmental Preservation; and General Government Appropriations.

By the Committee on Future of Florida's Families; and Representative Galvano and others—

HB 775—A bill to be entitled An act relating to child support enforcement; amending s. 61.13, F.S.; providing civil penalties for employers, unions, and plan administrators not in compliance with requirements of the national medical support notice; amending s. 61.1354, F.S.; providing for sharing of information between consumer reporting agencies and the Department of Revenue relating to amount of current support owed; requiring the department to continue reporting to consumer reporting agencies once overdue amount is paid if current support is still owed; amending s. 61.14, F.S.; providing conditions for collection of support from workers' compensation settlements; providing for amendment of the allocation of support recovery within the settlement agreement; providing for rulemaking by the Office of the Judges of Compensation Claims; amending s. 61.1812, F.S.; correcting a reference; amending s. 222.21, F.S.; correcting a reference; amending s. 382.016, F.S.; providing exceptions to the requirement that the department limit access to an acknowledgment of paternity that amends an original birth certificate; providing conditions under which an original birth certificate for a child born in this state whose paternity is established in another state may be amended; amending s. 409.2558, F.S.; providing a procedure for redirecting payments to the person with whom a child resides under certain circumstances; providing for notice and hearing; amending s. 409.2561, F.S.; providing limitation to exemption for support order establishment to recipients of supplemental security income and temporary cash assistance; amending s. 409.2567, F.S.; eliminating requirement for a monthly report by the department on funds identified for collection from noncustodial parents of children receiving temporary assistance; amending s. 409.821, F.S.; requiring the provision of information identifying KidCare program applicants to the department for Title IV-D purposes; providing effective dates.

—was referred to the Committees on Children and Families; Judiciary; and General Government Appropriations.

By Representative Detert and others—

HB 835—A bill to be entitled An act relating to wind-protection provisions of the Florida Building Code; requiring the commission to adopt certain wind protection requirements for areas of the state not within the high velocity hurricane zone; providing construction; providing for incorporation into the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; providing an appropriation for a joint program to educate contractors for certain purposes; requiring the commission to review damage from Hurricane Ivan and make recommendations to the Legislature for changes to the Florida Building Code, especially relating to certain areas; requiring a report; directing the commission to evaluate the definition of the term "exposure category C" and recommend a revision to accurately reflect certain conditions specific to the state; providing an effective date.

—was referred to the Committees on Community Affairs; and Regulated Industries.

By Representative Sansom and others—

HB 855—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; revising definitions; revising applicability of ch. 538, F.S.; exempting persons or entities offering secondhand goods or personal property for sale, purchase, consignment, or trade via the Internet from the provisions of ch. 538, F.S., under certain circumstances; amending s. 538.04, F.S.; revising recordkeeping requirements for secondhand dealers; providing penalties for knowingly giving false verification of ownership or a false or altered identification, and for receiving money from a secondhand dealer for goods sold, consigned, or traded if the value of the money received is less than $300, and if the value of the money received is $300 or more; providing for the electronic transfer of secondhand dealer transactions under specified circumstances; authorizing appropriate law enforcement agencies to provide a secondhand dealer with a computer and other equipment necessary to electronically transfer secondhand dealer transactions; providing procedures with respect to electronic transfer of secondhand dealer transactions; amending s. 538.05, F.S.; revising provisions relating to the inspection of records and premises of secondhand dealers; amending s. 538.06, F.S.; revising provisions with respect to the holding period during which a secondhand dealer may not sell, barter, exchange, alter, adulterate, use, or dispose of secondhand goods; revising provisions with respect to the holding of goods upon probable cause that the goods are stolen; providing for payment of restitution, attorney's fees, and costs to a secondhand dealer under specified circumstances; increasing the time limit for maintenance of transaction records by dealers in secondhand property; amending s. 538.07, F.S.; revising provisions relating to restitution for stolen property recovered from a secondhand dealer; amending s. 538.09, F.S.; revising provisions with respect to registration as a

secondhand dealer; increasing the period of time during which a secondhand dealer must hold secondhand goods at a registered location; revising conditions under which registration may be denied, revoked, restricted, or suspended by the Department of Revenue; repealing s. 538.16, F.S., relating to disposal of property by secondhand dealers; amending s. 516.02, F.S.; removing cross-references; reenacting s. 790.335(3)(f), F.S., which provides a second degree felony penalty for any secondhand dealer who contracts with a specified third-party provider or electronically transmits certain records of firearms transactions to any third-party provider; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Consumer Services; and Criminal Justice.

By Representative Hukill and others—

HB 879—A bill to be entitled An act relating to public school educational instruction; requiring the Department of Education to evaluate the extent to which the Sunshine State Standards in the arts are being taught; requiring a report to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Representative Hukill and others—

HB 897—A bill to be entitled An act relating to trusts and other agency relationships; amending s. 711.501, F.S.; including additional investment instruments within the definition of the term "security account"; creating s. 737.309, F.S.; providing procedures for the resignation of a trustee; providing that such resignation does not discharge or affect any liability of the resigning trustee; providing for notice of resignation; amending s. 737.402, F.S.; revising the powers conferred upon a trustee; amending s. 737.403, F.S.; specifying circumstances in which court authorization is not required for a trustee to exercise his or her power when a conflict of interest exists; amending s. 738.104, F.S.; removing a prohibition on a trustee's power to make certain adjustments; specifying a circumstance under which an adjustment shall not be deemed to benefit the trustee; providing application of section to administration of certain trusts; conforming cross references; amending s. 738.1041, F.S.; providing and revising definitions; providing methods by which a trustee may make certain changes to trusts; removing requirements regarding certain minimum unitrust amounts; removing a spouse's right to compel reconversion of certain trusts; providing remedies for trustees or disinterested persons not acting in good faith; expanding scope of section to trusts administered either in this state or under Florida law; authorizing a grantor to create an express total return unitrust; requiring certain provisions to be included in an express total return unitrust; amending s. 738.303, F.S.; redefining the term "undistributed income"; amending s. 738.401, F.S., relating to character of receipts; providing certain statements that a trustee may rely upon; providing special rules to apply to receipts by private trustees from certain entities; providing definitions; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Representative Brummer and others—

HB 963—A bill to be entitled An act relating to the annual intangible personal property tax; repealing ss. 199.012, 199.023, 199.032, 199.033, 199.042, 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106, 199.175, and 199.185, F.S., relating to the annual intangible personal property tax; amending s. 199.303, F.S.; providing additional legislative intent relating to the annual intangible personal property tax; amending ss. 28.35, 192.0105, 192.032, 192.042, 192.091, 193.114, 196.015, 196.199, 199.133, 199.183, 199.218, 199.232, 199.282, 199.292, 201.23, 212.02, 213.053, 213.054, 213.27, 220.1845, 376.30781, 493.6102, 650.05, 655.071, and 733.702, F.S., to conform provisions to the repeal of the annual intangible personal property tax; providing for application of certain collection, administration, and enforcement provisions to taxation of certain leaseholds; authorizing the Department of Revenue to adopt emergency implementing rules for a certain time; providing effective dates.

—was referred to the Committees on Government Efficiency Appropriations; Banking and Insurance; Community Affairs; and Ways and Means.

By Representative Adams and others—

HB 977—A bill to be entitled An act relating to the regulation of airports; amending s. 330.30, F.S.; prohibiting the Department of Transportation from renewing or reissuing licenses to certain general aviation airports that fail to develop a security plan; requiring that the plans be consistent with certain published guidelines; requiring certain information in the plans to be submitted to the Department of Law Enforcement; requiring periodic update of the plans; providing an effective date.

—was referred to the Committees on Transportation; and Domestic Security.

By Representative Waters and others—

HB 1025—A bill to be entitled An act relating to the misuse of laser lighting devices; amending s. 784.062, F.S.; revising the definition of "laser lighting device"; providing that any person who knowingly and willfully aims a laser lighting device at a person operating a motor vehicle, vessel, or aircraft commits a felony of the third degree; providing that any person who causes bodily harm while improperly pointing the laser lighting device at the operator of a motor vehicle, vessel, or aircraft commits a felony of the second degree; providing penalties; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Justice Appropriations.

By Representative Russell and others—

HB 1029—A bill to be entitled An act relating to funding for dredging projects; creating s. 311.115, F.S.; requiring the Florida Seaport Transportation and Economic Development Council to establish a matching funds program for certain dredging projects; requiring the adoption of rules and criteria for project evaluation; requiring approved projects to be reviewed by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; providing an effective date.

—was referred to the Committees on Transportation; Commerce and Consumer Services; and Transportation and Economic Development Appropriations.

By Representative Bean and others—

HB 1041—A bill to be entitled An act relating to women's health care; providing a popular name; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortion clinics performing abortions after the first trimester of pregnancy; requiring rules that prescribe standards for physical facilities, supplies and equipment, personnel, screening and evaluation, the abortion procedure, recovery, follow-up care, and incident reporting; providing that rules regulating abortion clinics may not impose an unconstitutional burden rather than a legally significant burden on a woman's right to choose to terminate her pregnancy; providing for severability; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

By the Committee on Tourism; and Representative Detert and others—

HB 1305—A bill to be entitled An act relating to the Department of State; creating s. 257.015, F.S.; providing definitions; amending s. 257.02, F.S.; increasing membership on the State Library Council; revising criteria for membership; revising provisions with respect to the selection process for members; providing for officers of the council; amending s. 257.031, F.S.; deleting references to the State Library Council and provisions for officers of the council; providing additional responsibilities of the State Librarian; amending s. 257.12, F.S.; designating the Division of Library and Information Services as the state library administrative agency; amending s. 257.192, F.S.; correcting terminology; creating s. 257.43, F.S.; providing for the establishment of a citizen support organization to provide assistance, funding, and promotional support for the library, archives, and records management programs of the Division of Library and Information Services; providing for use of administrative services and property; requiring an annual audit; amending s. 265.284, F.S.; designating the Division of Cultural Affairs as the state arts administrative agency; deleting obsolete language; amending s. 265.2865, F.S.; deleting obsolete language; amending s. 265.606, F.S.; requiring local sponsoring organizations to submit an annual postaudit to the division under certain circumstances; amending s. 265.701, F.S.; providing contract requirements to ensure continued use as a cultural facility for a specified period following a grant award; providing for repayment of grant funds to the department under specified circumstances; amending s. 265.702, F.S.; providing contract requirements to ensure continued use as a regional cultural facility for a specified period following a grant award; providing for repayment of grant funds to the department under specified circumstances; creating s. 265.703, F.S.; providing for the establishment of a citizen support organization to provide assistance, funding, and promotional support for the cultural and arts programs of the Division of Cultural Affairs; providing for use of administrative services and property; requiring an annual audit; amending s. 267.031, F.S.; authorizing the Division of Historical Resources to establish an endowment under the Florida Historical Resources Act; removing a requirement for the establishment of historic preservation regional offices in specific locations; requiring the establishment of at least three historic preservation regional offices; creating citizen advisory boards for regional offices in lieu of citizen support organizations; providing purpose and for appointment of members of the advisory boards; amending s. 267.0612, F.S.; revising provisions with respect to service as a member of the Florida Historical Commission; amending s. 267.0617, F.S.; providing for appointment of a grant review panel chair under the Historic Preservation Grant Program; amending s. 267.0619, F.S.; providing for appointment of a grant review panel chair under the Historical Museum Grants program; amending s. 267.0731, F.S.; revising provisions with respect to nominations under the Great Floridians Program; amending s. 267.13, F.S.; providing for the adoption of rules by the Division of Historical Resources to implement provisions governing prohibited practices and penalties therefor; amending s. 267.16, F.S.; removing a duty of the Division of Historical Resources with respect to Florida Folklife Programs; amending s. 267.173, F.S.; conforming a reference; amending s. 267.174, F.S.; revising dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, completion of the initial draft of the master plan, and submission of the completed master plan; repealing s. 15.0913, F.S., which requires the Department of State to file all Uniform Commercial Code documents within a specified time after receipt of such documents by the Bureau of Uniform Commercial Code of the Division of Corporations; repealing s. 265.51, F.S., relating to the authority of the Department of State to make agreements to indemnify specified items against loss or damage; repealing s. 265.52, F.S., relating to items eligible for indemnity agreements of the Department of State; repealing s. 265.53, F.S., relating to application for indemnity agreement by a nonprofit agency, institution, or government in the state attempting to obtain indemnification for eligible items it proposes to borrow from a person, organization, institution, or government not in the state; repealing s. 265.54, F.S., relating to review by the Department of State of applications for indemnity agreements and limits of indemnity; repealing s. 265.55, F.S., relating to the processing by the Division of Risk Management of the Department of Financial Services of claims for losses covered by an indemnity agreement; repealing s. 265.56, F.S., relating to an annual report to the Legislature by the Department of State with respect to current and pending claims under indemnity agreements and the value of contracts entered into by the department which are outstanding at the close of the fiscal year; providing severability; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Community Affairs; Banking and Insurance; and Transportation and Economic Development Appropriations.

By Representative Domino—

HB 1389—A bill to be entitled An act relating to water control districts; amending s. 298.22, F.S.; revising powers of the board of supervisors to execute water control plans; amending s. 298.225, F.S.; revising provisions for water control plan development and amendment; clarifying the authority of certain districts as exclusive providers of certain services and facilities; amending s. 298.301, F.S.; revising water control plan adoption procedures; amending s. 298.341, F.S.; revising provisions for assessment liens; amending s. 298.77, F.S.; providing for revision of the engineer's report pursuant to an assessment readjustment; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Representative Poppell—

HB 1403—A bill to be entitled An act relating to nonjudicial sale of vessels; amending s. 328.17, F.S.; revising notice requirements of a marina having a possessory lien on a vessel for unpaid costs, charges, or fees prior to nonjudicial sale of the vessel; reducing the time allowed to pay the fees, charges, and costs giving rise to the lien prior to sale of the vessel; revising requirements with respect to perfection of and priority over prior or other liens; providing an effective date.

—was referred to the Committees on Transportation; and Judiciary.

By Representative Kottkamp and others—

HB 1659—A bill to be entitled A bill to be entitled An act relating to parental notification of termination of a minor's pregnancy; amending s. 390.01115, F.S.; providing a popular name; providing definitions; providing that actual notice shall be given by the physician who will perform the termination of pregnancy procedure; providing for written notice in certain circumstances; specifying information required to be included in notices; providing circumstances in which prior notice is not required; providing that violation of the notice requirements by physicians shall be considered medical malpractice; providing procedures for judicial waiver of notice; providing circumstances under which certain circuit courts may grant a petition for a judicial waiver of notice; providing for the appointment of a guardian ad litem and counsel; providing time requirements for court proceedings; requiring written transcripts of certain proceedings; providing for confidentiality; providing for the availability of an appeal under certain circumstances; waiving filing fees and court costs for certain minors; relieving counties of certain counsel costs; requiring the Supreme Court to ensure certain proceedings are conducted expeditiously and lawfully; providing an effective date.

—was referred to the Committees on Health Care; and Judiciary.

By the Committee on Transportation; and Representative Sansom and others—

HB 1681—A bill to be entitled An act relating to transportation; creating s. 311.115, F.S.; requiring the Florida Seaport Transportation and Economic Development Council to establish a matching funds program for certain dredging projects; requiring the adoption of rules and criteria for project evaluation; requiring approved projects to be reviewed by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 332.007, F.S.; authorizing the department to fund certain eligible aviation planning projects to be performed by not-for-profit organizations representing a majority of public airports; amending s. 337.11, F.S.; providing for department contracts to use written

work orders pursuant to certain contingency items or supplemental agreements; removing requirement for surety approval of supplemental agreements; limiting liability of the surety when unapproved contract changes exceed a certain amount; providing purposes for the use of written work orders; revising criteria for use of supplemental agreements in department contracts; creating s. 337.195, F.S.; specifying presumptions of proximate cause for determination of liability in certain civil actions against the department or its agents or its consultants or contractors on certain transportation facilities when death, personal injury, or property damage resulted from a motor vehicle crash within a construction zone; limiting liability under certain circumstances of a contractor who constructed or repaired a highway, road, street, or bridge for the department; limiting liability under certain circumstances of a person or entity who contracts with the department to prepare or provide engineering plans for certain transportation facility projects; amending s. 337.251, F.S.; authorizing the department to adopt rules governing the leasing of property for joint public-private development; amending s. 337.406, F.S.; providing that exceptions to prohibited uses of transportation facilities shall not apply to limited access highways; amending s. 338.155, F.S.; providing that persons participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty are exempt from paying tolls; amending s. 339.175, F.S.; requiring a metropolitan planning organization to approve certain plans and programs on a recorded roll call vote; providing that modifications of certain plans and programs require a recorded roll call vote for approval by a specified super majority; amending s. 339.55, F.S.; establishing a limit on state-funded infrastructure bank loans to the State Transportation Trust Fund; amending s. 339.61, F.S.; revising legislative intent for transportation facilities comprising the Strategic Intermodal System; adding economic development and job growth as criteria for projects; amending s. 339.62, F.S.; adding planned facilities meeting certain criteria and thresholds to components of the Strategic Intermodal System; amending s. 339.64, F.S.; directing the Florida Transportation Commission to include as part of its annual work program review an assessment of the department's progress on the Strategic Intermodal System; requiring an annual report; directing the department to coordinate with federal, regional, and local entities for transportation planning impacting military installations; requiring the Strategic Intermodal System Plan to include an assessment of the impacts of proposed projects on military installations; adding a military representative to the Governor's appointees to the Statewide Intermodal Transportation Advisory Council; creating part IV of chapter 343, F.S., titled the "Northwest Florida Transportation Corridor Authority"; providing a popular name; providing definitions; creating the Northwest Florida Transportation Corridor Authority encompassing Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties; providing for a governing body of the authority; providing for membership, organization, purposes, and powers of the authority; requiring a master plan; providing for the U.S. 98 Corridor System; prohibiting tolls on certain existing highways and other transportation facilities within the corridor; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing that the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for the rights and remedies of bondholders; providing for a lease-purchase agreement with the Department of Transportation; providing the department may be appointed agent of the authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing for public-private partnerships; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing that pledges shall be enforceable by bondholders; providing for complete and additional statutory authority for the department and other state agencies; amending s. 348.0003, F.S.; changing the membership of expressway authority governing boards in certain counties; amending s. 348.0004, F.S.; requiring notification to certain local governmental entities and metropolitan planning organizations by certain expressway authorities proposing a toll increase or a new point of toll collection; providing procedures for public notice and hearing prior to implementation; creating part X of chapter 348, F.S., titled the "Osceola County Expressway Authority"; providing a popular name; providing definitions; creating the authority as an agency of the state; providing for membership, terms, organization, personnel, and administration; providing purposes and powers for construction, expansion, maintenance, improvement, and operation of the Osceola County Expressway System; providing for use of certain funds to pay obligations; requiring consent of local jurisdiction for agreements that would restrict construction of roads; providing for bond financing of improvements to certain facilities; providing for issuance of bonds; providing for rights and remedies granted to bondholders; providing for appointment of trustee to represent the bondholders; providing for appointment of receiver to take possession of and operate and maintain the system; providing for lease of the system to the Department of Transportation under a lease-purchase agreement; authorizing the department to act in place of the authority under terms of the lease-purchase agreement; requiring approval by the county for certain provisions of the lease-purchase agreement; providing that the system is part of the state road system; authorizing the department to expend a limited amount of funds; providing for the authority to appoint the department as its agent for certain construction purposes; authorizing the authority to acquire property; limiting liability of the authority for contamination existing on an acquired property; providing for remedial acts necessary due to such contamination; authorizing agreements between the authority and other entities; providing pledge of the state to bondholders; exempting the authority from taxation; providing for application and construction of the part; amending s. 373.4137, F.S.; revising requirements for projects intended to mitigate the adverse effects of transportation projects; removing the Department of Environmental Protection from the mitigation process; revising requirements for the Department of Transportation and transportation authorities with respect to submitting plans and inventories; authorizing the use of current-year funds for future projects; revising the requirements for reconciling escrow accounts used to fund mitigation projects; authorizing payments to a water management district to fund the costs of future maintenance and monitoring; requiring specified lump-sum payments to be used for the mitigation costs of certain projects; authorizing a governing board of a water management district to approve the use of mitigation funds for certain future projects; requiring that mitigation plans be approved by the water management district rather than the Department of Environmental Protection; directing the Department of Transportation to select and fund a consultant to perform a study of bicycle facilities on or connected to the State Highway System; requiring the results of the study to be presented to the Governor and the Legislature; providing for management of the study by the state Pedestrian and Bicycle Coordinator; providing for inclusion of certain elements in the study; requiring the study to include an implementation plan; providing an effective date.

—was referred to the Committees on Transportation; Environmental Preservation; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

By the Committee on Transportation; and Representative Evers and others—

HB 1697—A bill to be entitled An act relating to motor vehicles; amending s. 61.13016, F.S.; revising provisions for suspension of the driver's license of certain support obligors who are delinquent in payment; providing for set-aside of the suspension upon a showing of good cause; defining "good cause"; amending s. 261.03, F.S.; redefining the term "off-highway vehicle" to include a two-rider ATV; defining the term "two-rider ATV"; amending s. 316.003, F.S.; defining the term "traffic signal preemption system"; amending s. 316.006, F.S.; providing for interlocal agreements between municipalities and counties transferring traffic regulatory authority; amending s. 316.074, F.S.; requiring hearing for violations of traffic control devices resulting in a crash; amending s. 316.075, F.S.; requiring hearing for specified violations of traffic control signal devices resulting in a crash; amending s. 316.0775, F.S.; providing that the unauthorized use of a traffic signal preemption device is a moving violation; amending s. 316.122, F.S.; providing for the right-of-way for certain passing vehicles; creating s. 316.1576, F.S.; prohibiting driving through a railroad-highway grade crossing that does not have sufficient space or clearance; providing a penalty; creating s. 316.1577, F.S.; prohibiting employer from allowing, requiring, permitting, or authorizing certain violations pertaining to railroad-highway grade crossings; providing a penalty; amending s. 316.183, F.S.; increasing the minimum speed limit on interstate highways under certain circumstances; amending s. 316.1932, F.S.; revising the requirements for printing the notice of consent for sobriety testing on a driver's license; amending s. 316.1936, F.S., relating to possession of open containers of alcohol; removing an exemption provided for passengers of a vehicle operated by a driver holding a Class D driver's license; amending s. 316.194, F.S.; authorizing traffic accident investigation officers to remove vehicles under certain circumstances; amending s. 316.1967, F.S.;

providing that an owner of a leased vehicle is not responsible for a parking ticket violation in certain circumstances; amending s. 316.2074, F.S.; redefining the term "all-terrain vehicle" to include a two-rider ATV; amending s. 316.2095, F.S.; revising equipment requirements for operating motorcycles; providing penalties; amending s. 316.212, F.S.; authorizing local governments to enact more restrictive golf cart equipment and operation regulations; requiring public notification; providing for enforcement jurisdiction; providing penalties; amending s. 316.2126, F.S.; providing for application of local golf cart equipment and operation regulations to golf cart and utility vehicle use by municipalities; amending s. 316.302, F.S.; updating a reference to the Code of Federal Regulations relating to commercial motor vehicles; amending s. 316.3045, F.S.; revising restrictions on the operation of radios or other soundmaking devices in motor vehicles; providing penalties; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; amending s. 316.613, F.S.; eliminating authorization for the Department of Highway Safety and Motor Vehicles to expend certain funds for promotional purposes; creating s. 316.6131, F.S.; authorizing the department to expend certain funds for public information and education campaigns; amending s. 316.650, F.S.; providing exceptions to a prohibition against using citations as evidence in a trial; amending s. 317.0003, F.S.; defining the term "off-highway vehicle" to include a two-rider ATV; providing a definition; amending ss. 317.0004, 317.0005, and 317.0006, F.S.; conforming references; amending s. 317.0007, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue a validation sticker as an additional proof of title for an off-highway vehicle; providing for the replacement of lost or destroyed off-highway vehicle validation stickers; providing for disposition of fees; repealing s. 317.0008(2), F.S., relating to the expedited issuance of duplicate certificates of title for off-highway vehicles; amending ss. 317.0010, 317.0012, and 317.0013, F.S.; conforming references; creating s. 317.0014, F.S.; establishing procedures for the issuance of a certificate of title for an off-highway vehicle; providing duties of the Department of Highway Safety and Motor Vehicles; providing for a notice of lien and lien satisfaction; creating s. 317.0015, F.S.; providing for the applicability of certain provisions of law to the titling of off-highway vehicles; creating s. 317.0016, F.S.; providing for the expedited issuance of titles for off-highway vehicles; creating s. 317.0017, F.S.; prohibiting specified actions relating to the issuance of titles for off-highway vehicles; providing a penalty; creating s. 317.0018, F.S.; prohibiting the transfer of an off-highway vehicle without delivery of a certificate of title; prescribing other violations; providing a penalty; amending s. 318.1215, F.S.; clarifying that funds from the Dori Slosberg Driver Education Safety Act be used for driver education programs in schools; requiring that funds be used for enhancement of driver education program funds; providing program requirements; amending s. 318.14, F.S.; authorizing the department to modify certain actions to suspend or revoke a driver's license following notice of final disposition; providing that certain citation procedures and proceedings apply to persons who do not hold a commercial driver's license; providing penalties for certain traffic infractions requiring a mandatory hearing; providing for distribution of moneys collected; requiring audit of certain funds; amending s. 318.21, F.S.; providing for distribution of specified civil penalties by county courts; amending s. 319.23, F.S.; requiring a licensed motor vehicle dealer to notify the Department of Highway Safety and Motor Vehicles of a motor vehicle or mobile home taken as a trade-in; requiring the department to update its title record; amending s. 319.27, F.S.; correcting an obsolete cross-reference; amending s. 320.02, F.S.; authorizing the department to withhold motor vehicle registration or renewal of registration when notified by a dealer of unpaid registration and titling fees; requiring the motor vehicle dealer to maintain certain signed evidence and information; providing for dispute of dealer's claim of unpaid fees; amending s. 320.06, F.S.; providing for a credit or refund when a registrant is required to replace a license plate under certain circumstances; amending s. 320.0601, F.S.; requiring that a registration or renewal of a long-term leased motor vehicle be in the name of the lessee; amending s. 320.0605, F.S.; exempting a vehicle registered as a fleet vehicle from the requirement that the certificate of registration be carried in the vehicle at all times; amending s. 320.08058, F.S.; revising distribution and authorized uses of revenues from the United We Stand and Animal Friend specialty license plates; amending s. 320.0843, F.S.; requiring that an applicant's eligibility for a disabled parking plate be noted on the certificate; amending s. 320.089, F.S.; allowing retired members of the United States Armed Forces Reserve to be issued U.S. Reserve license plates; amending s. 320.131, F.S.; authorizing the department to provide for an electronic system for motor vehicle dealers to use in issuing temporary license plates; providing a penalty; authorizing the department to adopt rules; amending s. 320.18, F.S.; authorizing the department to cancel the vehicle or vessel registration, driver's license, or identification card of a person who pays certain fees or penalties with a dishonored check; amending s. 320.27, F.S.; requiring dealer principals to provide certification of completing continuing education under certain circumstances; requiring motor vehicle dealers to maintain records for a specified period; providing for denial, suspension, or revocation of a motor vehicle dealer's license for failure to maintain evidence of notification to the owner or coowner of a vehicle regarding unpaid registration and titling fees; providing certain penalties; amending s. 320.77, F.S.; providing that mobile home dealers may provide a cash bond or letter of credit in lieu of a required surety bond; creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature; amending s. 322.01, F.S.; redefining the terms "commercial motor vehicle" and "out-of-service order"; providing the definition of conviction applicable to offenses committed in a commercial motor vehicle; amending s. 322.05, F.S.; removing requirements for a Class D driver's license; amending s. 322.051, F.S.; revising provisions relating to the application for an identification card; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.07, F.S.; removing requirements for a Class D driver's license; amending s. 322.08, F.S.; providing that a United States passport is an acceptable proof of identity for purposes of obtaining a driver's license; providing that a naturalization certificate issued by the United States Department of Homeland Security is an acceptable proof of identity for such purpose; providing that specified documents are acceptable as proof of nonimmigrant classification; removing prescribed purpose of funds collected from a voluntary contribution option on driver's license applications associated with hearing research; amending s. 322.09, F.S.; requiring the signature of a secondary guardian on a driver's license application for a minor under certain circumstances; amending s. 322.11, F.S.; providing for notice to a minor before canceling the minor's license due to the death of the person who cosigned the initial application; amending s. 322.12, F.S.; removing requirements for a Class D driver's license; amending s. 322.135, F.S.; revising requirements for the deposit of certain fees for a driver's license; revising requirements for the tax collector in directing a licensee for examination or reexamination; requiring county officers to pay certain funds to the State Treasury by electronic funds transfer within a specified period; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver's license may not be waived under ch. 761, F.S.; amending s. 322.161, F.S.; removing requirements for a Class D driver's license; amending s. 322.17, F.S., relating to duplicate and replacement certificates; conforming a cross-reference; amending s. 322.18, F.S.; revising the expiration period for driver's licenses issued to specified persons; conforming cross-references; amending s. 322.19, F.S., relating to change of address or name; conforming cross-references; amending s. 322.21, F.S.; removing requirements for a Class D driver's license; requiring the department to set a fee for a hazardous-materials endorsement; providing maximum fee amount; authorizing the department to adopt rules; amending s. 322.212, F.S.; providing an additional penalty for giving false information when applying for a commercial driver's license; amending s. 322.22, F.S.; authorizing the department to cancel any identification card, vehicle or vessel registration, or fuel-use decal of a licensee who pays certain fees or penalties with a dishonored check; amending s. 322.251, F.S.; removing requirements for a Class D driver's license; amending s. 322.2615, F.S.; revising provisions related to notice and review procedures for administrative suspension of driver's licenses; revising notice information; clarifying review procedures; amending s. 322.27, F.S.; correcting a cross-reference relating to points assigned for littering violations; assigning point value for a conviction of specified violations of a traffic control device or traffic control signal device resulting in a crash; amending s. 322.30, F.S.; removing the requirements for a Class D driver's license; amending s. 322.53, F.S.; removing requirements for a Class D driver's license; removing a requirement that certain operators of a commercial motor vehicle obtain a specified license; amending s. 322.54, F.S.; revising the classification requirements for certain driver's licenses; deleting requirements for a Class D driver's license; amending s. 322.57, F.S.;

providing testing requirements for school bus drivers; removing certain license restriction requirements; amending s. 322.58, F.S.; deleting requirements for a Class D driver's license and changing those requirements to a Class E driver's license; amending and reenacting s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; providing an exception; removing requirements for a Class D driver's license; amending s. 322.63, F.S.; clarifying provisions governing alcohol and drug testing for commercial motor vehicle operators; amending s. 322.64, F.S., and reenacting s. 322.64(14), F.S., relating to citation procedures and proceedings, to incorporate the amendment to s. 322.61, F.S., in a reference thereto; providing for a temporary permit issued following certain DUI offenses to apply only to the operation of noncommercial vehicles; amending s. 338.155, F.S.; exempting from payment of toll any person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty; creating s. 549.102, F.S.; authorizing temporary overnight parking during a motorsports event at a motorsports entertainment complex; exempting such parking from regulations relating to recreational vehicle parks; providing for application of health agency requirements; amending s. 713.78, F.S.; revising provisions relating to the placement of a wrecker operator's lien against a motor vehicle; amending s. 768.28, F.S.; providing that certain medical professionals volunteering for Florida Highway Patrol service are considered employees of the state for sovereign immunity purposes; amending s. 843.16, F.S.; prohibiting the transportation of radio equipment that receives signals on frequencies used by this state's law enforcement officers or fire rescue personnel; redefining the term "emergency vehicle" to include any motor vehicle designated as such by the fire chief of a county or municipality; revising penalties; providing effective dates.

—was referred to the Committees on Transportation; Criminal Justice; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

By the Committee on Finance and Tax; and Representative Brummer and others—

HB 1803—A bill to be entitled An act relating to the taxation of alcoholic beverages; amending s. 561.121, F.S.; deleting provisions providing for certain annual distributions of funds for specified purposes; deleting provisions crediting specified taxes on alcoholic beverages to accounts funding substance abuse programs for children and adolescents; deleting a provision providing for payment and credit of alcoholic beverage surcharge funds to the General Revenue Fund to conform; terminating the Children and Adolescents Substance Abuse Trust Fund within the Department of Children and Family Services; providing for disposition of balances in and revenues of such trust fund; amending s. 215.20, F.S.; conforming provisions to the repeal of the trust fund; amending s. 561.501, F.S.; deleting a provision imposing a surcharge on alcoholic beverages sold for consumption on the premises; amending s. 561.025, F.S., to conform; repealing 561.501, F.S., relating to the collection of the alcoholic beverage surcharge; providing effective dates.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; Health and Human Services Appropriations; and Ways and Means.

By the Committee on Civil Justice; and Representative Mahon and others—

HB 1833—A bill to be entitled An act relating to adoption; amending s. 63.182, F.S.; providing that the interest that entitles a person to notice of an adoption proceeding must be direct, financial, and immediate; providing an exception; providing that a showing of an indirect, inconsequential, or contingent interest is wholly inadequate; providing construction and applicability; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

By the Committee on Finance and Tax; and Representative Greenstein and others—

HCB 6001 (for HB's 337, 737)—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the sales and use tax for sales of certain tangible personal property for a certain period for certain purposes; authorizing the Department of Revenue to adopt certain rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Domestic Security; Government Efficiency Appropriations; and Ways and Means.

By Representative Detert—

HB 627—A bill to be entitled An act relating to public records; creating s. 516.115, F.S.; creating an exemption from public records requirements for information obtained by the Office of Financial Regulation of the Financial Services Commission in connection with active investigations and examinations under the Florida Consumer Finance Act; providing an exception; providing a definition; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Tourism; and Representative Detert—

HB 1307—A bill to be entitled An act relating to public records exemptions; amending s. 257.43, F.S.; providing an exemption from public records requirements for the identity of donors to the citizen support organization created to provide assistance, funding, and promotional support for the library, archives, and records management programs of the Division of Library and Information Services of the Department of State who desire to remain anonymous; providing for review and repeal; amending s. 265.703, F.S.; providing an exemption from public records requirements for the identity of donors to the citizen support organization created to provide assistance, funding, and promotional support for the cultural and arts programs of the Division of Cultural Affairs of the Department of State who desire to remain anonymous; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Community Affairs; Banking and Insurance; and Rules and Calendar.

By the Committee on PreK-12; and Representative Arza and others—

HB 1695—A bill to be entitled An act relating to a public records exemption for the Voluntary Prekindergarten Education Program; creating s. 1002.72, F.S.; creating an exemption from public records requirements for individual records of children enrolled in the Voluntary Prekindergarten Education Program; providing for retroactive application; providing for exceptions to the exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Education; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Jordan and others—

HM 821—A memorial to the Congress of the United States, urging Congress to ensure that the aircraft carrier USS John F. Kennedy remains in active service, that Naval Station Mayport remains the home

port for the USS John F. Kennedy, and that the strength of the U.S. Navy's Atlantic carrier fleet is maintained at its current level.

—was referred to the Committee on Rules and Calendar.

CO-INTRODUCERS

Senators Aronberg—CS for SB 970, CS for SB 1056; Baker—SB 2126; Bennett—SB 2088, SJR 2090, SB 2480; Bullard—CS for SB 348, CS for SB 1324, SB 1862; Campbell—CS for SB 284; Crist—CS for SB 190, CS for SB 316, CS for SB 1600; Klein—CS for SB 1458; Lynn—CS for CS for SB 192; Margolis—SB 1924; Posey—SB 1658; Rich—CS for SB 1592; Sebesta—SB 1658

SENATE PAGES

April 25-29, 2005

Reynolds Arrington, Tallahassee; Edward "Eddie" Bogel, Palm Harbor; Blake Palmer Burford, Ft. Pierce; Carey "Allie" Caldwell, Tallahassee; Lillian "Lilly" Caldwell, Tallahassee; Vincent D. Evans, Middleburg; Tyler "Alex" Gomez, Pembroke Pines; Cory Guzzo, Tallahassee; Crystal Nicole Handfield, Aventura; Sarah Hardy, Rockledge; Carlyn Harris, Tallahassee; Caroline King, Ocala; Rebecca Mazak, Webster; Kenny McCloud, Quincy; Marlon L. Perry, Jacksonville; Eric James Perrott, Pembroke Pines; Taylor Snively, Winter Haven; Sarah Winson Strang, Winter Haven; Katherine Ward, Tallahassee; Tiffany Ward, Pembroke Pines

Journal of the Senate

Number 20—Regular Session **Wednesday, April 27, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 9:57 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by Pastor Jim Schettler, Campus Church, Pensacola:

Oh, Mighty God, Creator and Sustainer of the beauties and wonders of this land that we call Florida, we acknowledge you as the King. Father, we acknowledge that your kingdom is from generation to generation. We are also thankful, Father, for the awesomeness of the creation you have given to us in Florida.

Father, we now humbly recognize our failures, our sins, and our inadequacies. We ask you for forgiveness and, Lord, we pray that you will give us strength to be stewards of the glorious wonders you have provided us as Floridians.

We beseech you, Father, to impart to this assembly today wisdom. Father, give these Senators courage, and integrity to resolve with justice the numerous legislative issues now before this Senate, especially in these next eight to ten days.

Now, Heavenly Father, we fervently implore you to bestow upon these legislators a heart to protect the innocent, and the courage, and strength to fight for your will to be done in Florida as it is in heaven. We pray these things in the name of your holy son. Amen.

PLEDGE

Senate Pages Crystal Nicole Handfield of Aventura; Caroline King of Ocala; Tyler "Alex" Gomez of Pembroke Pines; and Carey "Allie" Caldwell, daughter of Diana Caldwell, Staff Director, Committee on Communications and Public Utilities, of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Timothy P. Laird of Melbourne, sponsored by Senator Posey, as doctor of the day. Dr. Laird specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator Fasano—

By Senator Fasano—

SR 628—A resolution recognizing the career accomplishments of Dr. Robert W. (Bob) Judson, Jr.

WHEREAS, Dr. Robert W. (Bob) Judson, Jr., has spent 33 distinguished years at Pasco-Hernando Community College and is the last of the original employees who began on July 1, 1972, and

WHEREAS, Bob Judson has performed admirably in a variety of positions at Pasco-Hernando Community College culminating in his serving as the college's second president, beginning on July 1, 1994, and

WHEREAS, the college has grown according to the vision of Bob Judson, has thrived under this leadership, and today offers excellent instruction in both credit and noncredit programs at three campuses and a center and via distance-learning programs that serve the residents of Pasco and Hernando counties, and

WHEREAS, Bob Judson has inspired college faculty, staff, and administrators who have supported and implemented his vision of a comprehensive educational experience for students, including access to student activities, cultural events, and state-of-the-art technological and academic experiences, and

WHEREAS, Bob Judson has fostered strong ties among business and industry to meet the area's economic development needs, especially in the area of trained health care workers, and

WHEREAS, Bob Judson has advocated loudly and strongly for the value and the needs of Florida's Community College System and of Pasco-Hernando Community College, and

WHEREAS, Bob Judson has been a role model for other college presidents and has spoken tirelessly about the positive impact that education has in breaking cycles of poverty and unemployment, and

WHEREAS, Bob Judson retired January 31, 2005, which marked the end of 33 years of tireless service to the college and to the thousands of students who have attended Pasco-Hernando Community College, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Dr. Bob Judson is commended for his many years of outstanding leadership and service to Pasco-Hernando Community College and to the residents of Pasco and Hernando counties.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Judson as a tangible token of the esteem of the Florida Senate.

—**SR 628** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 1276—A resolution recognizing July 26, 2005, as Aunts and Uncles Day in honor of the important role aunts and uncles play in the lives of their nieces and nephews.

WHEREAS, aunts and uncles throughout the United States have the chance to influence the lives of their nieces and nephews in a way that few other adults can, and

WHEREAS, rich or poor, young or old, aunts and uncles can make holidays, family gatherings, and ordinary days special for their nieces and nephews by showering them with unconditional love and affection, and

WHEREAS, many times when a niece or nephew is especially close to an aunt or uncle, they become as dear to one another as siblings, and deep friendships are forged between the child and adult that last lifetimes, and

WHEREAS, when parents pass away or become otherwise unable to care for their children, it is often the children's aunts or uncles who become their main caregivers, providing the children with a support system in their greatest time of need, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes and honors the influence that aunts and uncles have on their nieces and nephews, and recognizes July 26, 2005, as Aunts and Uncles Day in the State of Florida.

—**SR 1276** was introduced, read and adopted by publication.

At the request of Senator Fasano—

By Senator Fasano—

SR 1690—A resolution recognizing October 2005 as "Greyhound Adoption Month."

WHEREAS, the Greyhound dog is one of the oldest currently existing breeds, and

WHEREAS, the Greyhound's origin is deeply rooted in ancient history, with dogs looking similar to today's Greyhound depicted more than 4,000 years ago on the walls of ancient Egyptian tombs, and

WHEREAS, the Arabs so admired the physical attributes and speed of the Greyhound that it was the only animal permitted to share their tents and ride atop their camels, and

WHEREAS, the Greyhound arrived in Europe 3,500 years ago, and in 1014 A.D., King Canute of England enacted the Forest Laws, which stated that only noblemen could own and hunt with Greyhounds, and

WHEREAS, Queen Elizabeth I abolished the Forest Laws in the 1500s and later initiated the first formal rules of "Greyhound coursing," the pursuit of hares, and

WHEREAS, in the late 1800s, farmers imported Greyhounds to the United States to help control jackrabbit populations and, because of their speed and natural instincts, Greyhounds soon became the focus of popular neighborhood competitions – the first organized Greyhound racing events, and

WHEREAS, Greyhound racing as we know it today began in 1912 with Owen Patrick Smith's invention of a mechanical lure that could circle a track, with the first track opening in 1919 in Emeryville, California, and

WHEREAS, Greyhounds have an average life expectancy of 12 to 14 years but are retired from racing at between 2 and 5 years of age with many good years left to live, and

WHEREAS, there are numerous available Greyhounds waiting each year to be adopted when they are retired from racing, and

WHEREAS, the Greyhound's devotion to people is legendary, and retired Greyhounds seem especially loyal to their owners, thriving with the constant love and attention of a family of their own, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes October 2005 as "Greyhound Adoption Month."

—**SR 1690** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 2686—A resolution recognizing Dr. Albert E. Dotson and Dr. Earlene Dotson for their many accomplishments.

WHEREAS, on July 11, 1959, high-school sweethearts Albert E. Dotson and Earlene Puryear were married in Hamtramck, Michigan, and

WHEREAS, Albert's first job was at Sears Roebuck & Company in Detroit where he was employed in 1956 as a part-time stock boy, and

WHEREAS, on April 1, 1971, he became the first African-American to manage a Sears store, in Chicago, Illinois, and

WHEREAS, the Dotson family subsequently moved to Atlanta, Georgia, for 3 years and then relocated to Miami, where they still reside, and

WHEREAS, today, Dr. Dotson is chair and chief executive officer of Puryear, Inc., a consulting firm, and

WHEREAS, in addition to his vocational accomplishments, Dr. Dotson has since 1983 been a member of the Florida International University Foundation Board, and, in 1986, he was appointed by the Chancellor of the State University System to FIU's most recent presidential search committee, and

WHEREAS, Dr. Dotson also is a member of the Greater Miami Chamber of Commerce Board of Governors, sits on the boards of Barry University and the Dade County Fair and Expo, and served as president of the Orange Bowl Committee in 1998, and

WHEREAS, Dr. Dotson has played leadership roles with the NAACP, the Salvation Army, the Perrine Cutler Ridge Council, and the Baptist Health System of South Florida, and

WHEREAS, Mrs. Dotson is the president of Eagle Security Service, Inc. and Puryear, Inc., and

WHEREAS, after the Dotson's five children were grown, Mrs. Dotson returned to school and earned a Bachelor of Science degree in Human Resource Management and Biblical Studies from Trinity College, and

WHEREAS, Mrs. Dotson is a charter member and the founding president of the Greater Miami Chapter of the Continental Societies and was elected their national president in July 2001, and

WHEREAS, she is a deaconess at Sweet Home Baptist Church, where she coordinates sending mail to active-military church members and coteaches a married-couple's Sunday School class with her husband, and

WHEREAS, in December 1998, Barry University bestowed doctoral degrees upon both Dr. Albert and Dr. Earlene Dotson, in honor of their distinguished community service and involvement, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Dr. Albert E. Dotson and Dr. Earlene Puryear Dotson are commended for their outstanding accomplishments in business, in the Miami-Dade community, and in their family life.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Drs. Albert E. and Earlene Dotson as a tangible token of the sentiments of the Florida Senate.

—**SR 2686** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 2730—A resolution recognizing the accomplishments of Robert L. Epling.

WHEREAS, Robert L. Epling, President and CEO of Community Bank of Florida since 1977, is one of South Florida's most distinguished business and civic leaders, and

WHEREAS, Mr. Epling was the 55th President of the Orange Bowl Committee, served as the leader of the 1993-1994 Festival, and was Chair of the 1996 South Florida Olympic Soccer Organizing Committee, and

WHEREAS, Robert Epling provides leadership and energy to a wide variety of community support organizations, serving on the executive board of the South Florida Council of Boy Scouts of America and as a member of the Homestead Rotary Club, and

WHEREAS, he is also Chair of the Board of the International Hurricane Center, and spent countless hours helping to rebuild the devastated community of Homestead following Hurricane Andrew, and

WHEREAS, in addition, Robert Epling serves on the Board of AvMed, Inc., is the Founding Chair of the Vision Council, served as Chair of Beacon Council, Dade's official economic development agency, and currently serves on additional boards and foundations, and

WHEREAS, in his role as a financial leader, Mr. Epling has served as the president of banks in Lexington, Kentucky, and Dania and Marathon in Florida, and spent 3 years as an assistant bank examiner for the Federal Deposit Insurance Corporation (FDIC) in Washington, D.C., and

WHEREAS, Robert Epling was president of the Community Bankers/Florida Bankers Association from 1988 to 1990, received the Community Bankers of Florida's "Banker of the Year" award in 1993, was honored with a University Distinguished Service Award from Florida International University in 1999, and was presented with the Florida Bankers Association "Legends Award" in 2003, and

WHEREAS, in addition to his business and community leadership work, Robert Epling has also been an agricultural leader and grower of limes for more than 25 years, and he is on the Board of the Dade County Farm Bureau, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate commends the many professional and community service accomplishments of Robert L. Epling and recognizes the many ways in which his leadership and activism have benefitted the State of Florida.

—**SR 2730** was introduced, read and adopted by publication.

At the request of Senator Dockery—

By Senator Dockery—

SR 2756—A resolution recognizing November 2005 as "Lung Cancer Awareness Month."

WHEREAS, lung cancer is the leading cause of cancer death in the state of Florida, and

WHEREAS, nearly 12,440 Floridians will die from lung cancer in 2005 and more than 13,130 Floridians will be diagnosed with the disease, and

WHEREAS, cigarette smoking and other tobacco use is the leading cause of lung cancer, with more than 87 percent of all lung cancer attributed to smoking tobacco products, and

WHEREAS, early detection of lung cancer is very difficult, costly, and has not yet been proven to improve survival rates, and

WHEREAS, the 5-year survival rate for lung cancer is only 15 percent, and

WHEREAS, smoking-related diseases, such as lung cancer, cost Florida nearly $6 billion in directly related health costs and another $5.86 billion in smoking-caused productivity losses, and

WHEREAS, the best-known way to prevent lung cancer, the premature deaths associated with lung cancer, and the costs related to this disease is to prevent youth from starting to use tobacco and helping current smokers to quit, and

WHEREAS, the American Cancer Society, in partnership with the Florida Department of Health, helps adult and youth smokers stop smoking through the proven cessation support of the toll-free Quit-For-Life-Line, 1-877-U-CAN-NOW, and

WHEREAS, the Florida Division of the American Cancer Society is committed to preventing youth use and addiction to tobacco through all scientifically proven methods, including the measures detailed in the Centers for Disease Control and Prevention's recommendations for a fully comprehensive statewide youth tobacco-prevention and cessation program, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the month of November 2005 as "Lung Cancer Awareness Month" in Florida and urges all Floridians to understand the risks associated with lung cancer, to take preventive steps to minimize those risks, and to join the American Cancer Society in promoting better health and lung-cancer prevention through the cessation of current smoking and prevention of future tobacco use.

—**SR 2756** was introduced, read and adopted by publication.

BILLS ON THIRD READING

HB 77—A bill to be entitled An act relating to waste-to-energy facilities; amending s. 403.7061, F.S.; revising a permit or certification requirement for a waste-to-energy facility; providing an effective date.

—as amended April 13 was read the third time by title.

On motion by Senator Bennett, **HB 77** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

Consideration of **CS for SB 718** was deferred.

CS for CS for SB 334—A bill to be entitled An act relating to public housing; amending s. 420.5087, F.S.; authorizing the Florida Housing Finance Corporation to waive annual recertification under certain conditions; amending s. 421.02, F.S.; clarifying a legislative finding with respect to the inability of private enterprise to revitalize blighted areas; public housing; amending s. 421.08, F.S.; authorizing a housing authority to organize for the purpose of creating a for-profit or not-for-profit

corporation, limited liability company, or similar entity to develop and operate residential homes or nonresidential projects; providing qualifications for a family to live in such a residential home; authorizing a corporation, limited liability company, or similar entity created by a housing authority to join with other entities to develop and operate residential or nonresidential projects; ratifying certain prior actions of a housing authority; authorizing the governing board of a housing authority to implement its own policy regarding per diem and travel expenses of its officials, officers, employees, and board members; amending s. 421.09, F.S.; providing that the certain limitations regarding the operation and management of a housing project do not restrict the activities of a for-profit or not-for-profit business entity created by the housing authority under s. 421.08, F.S.; amending s. 421.23, F.S.; authorizing a housing authority to use certain pledged funds to pay liabilities arising from the operation of its housing projects; repealing s. 421.54, F.S., relating to certain limitations on constructing housing projects in Orange and Seminole Counties; providing an effective date.

—as amended April 20 was read the third time by title.

On motion by Senator Saunders, **CS for CS for SB 334** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

Consideration of **SB 574** was deferred.

On motion by Senator Atwater, by two-thirds vote **HB 727** was withdrawn from the Committees on Environmental Preservation; and Government Efficiency Appropriations.

On motion by Senator Atwater, by two-thirds vote—

HB 727—A bill to be entitled An act relating to water management district planning and reporting; amending s. 373.036, F.S.; authorizing submission of an annual strategic plan in lieu of other district water management plan information and providing requirements therefor; requiring water management districts to submit a consolidated annual report and providing requirements therefor; correcting a cross reference; amending ss. 11.80, 163.3177, 193.625, 373.0397, 373.042, 373.145, 373.1961, 373.199, 373.207, 373.414, 373.4592, 373.45926, 373.4595, 373.470, and 373.536, F.S.; revising certain reporting requirements and cross references to conform; directing the Department of Environmental Protection to recommend to the Governor and Legislature additional changes to or consolidation of planning and reporting requirements of ch. 373, F.S., relating to water resources; repealing s. 373.0395, F.S., relating to groundwater basin resource availability inventories; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2462** and read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 727** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

On motion by Senator Rich, by two-thirds vote **HB 569** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

On motion by Senator Rich, by two-thirds vote—

HB 569—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.8132, F.S.; providing for year-round enrollment in the Medikids program component of the Florida KidCare program; amending s. 409.8134, F.S.; providing for year-round enrollment in the Florida KidCare program; providing a time period for the validity of an application; providing an effective date.

—a companion measure, was substituted for **CS for SB 1324** as amended and read the second time by title. On motion by Senator Rich, by two-thirds vote **HB 569** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 1168—A bill to be entitled An act relating to the Commission for the Transportation Disadvantaged; amending s. 427.012, F.S.; revising the membership of the commission; establishing term limits; directing each member of the commission to serve without regional bias; providing qualifications for appointment to membership on the commission; requiring candidates for appointment to the commission to meet certain standards for background screening; requiring the Department of Transportation to inform the commission if a candidate fails to meet the screening standards; providing that costs of screening be borne by the department or the candidate for appointment; authorizing the commission to appoint technical advisory committees; requiring the commission to present a formula to the Legislative Budget Commission for allocating the Medicaid nonemergency transportation funds the commission anticipates receiving from the Agency for Health Care Administration; requiring the commission to document the amount of the funding expected to be allocated to each county; prohibiting any reduction in allocation to a county unless the General Appropriations Act reduces the amount allocated to the commission; amending s. 427.013,

F.S.; requiring the commission to develop a Medicaid allocation methodology to equitably distribute transportation funds under the control of the commission to counties, community transportation coordinators, or other entities providing transportation disadvantaged services; providing for the methodology to develop the formula; providing an effective date.

—as amended April 21 was read the third time by title.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (120916)(with title amendment)—On page 7, line 27 through page 9, line 12, delete those lines and insert: department.

(13)(a) No later than 30 days after the Governor issues his executive budget recommendations, the commission shall present to the Legislative Budget Commission a proposed formula for allocating the transportation funds that the commission anticipates receiving from the General Appropriations Act for the next fiscal year. The document must specifically detail the amount of funding expected to be allocated to each county for transportation disadvantaged services. The Legislative Budget Commission shall approve, reject, or request modifications to the formula no later than 60 days after receiving the proposed funding allocation formula.

(b) Upon the General Appropriations Act becoming law, the commission shall present to the Legislative Budget Commission the county distribution schedule which is the approved allocation formula applied to the funds allocated to the commission.

(c) The commission may not change the transportation disadvantaged distribution schedule without the permission of the Legislative Budget Commission, except in the case of a disaster as defined in chapter 252.

Section 2. Subsection (12) of section 427.013, Florida Statutes, is amended to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(12)*(a)* Have the authority to apply for and accept funds, grants, gifts, and services from the Federal Government, state government, local governments, or private funding sources. Applications by the commission for local government funds shall be coordinated through the appropriate coordinating board. Funds acquired or accepted under this subsection shall be administered by the commission and shall be used to carry out the commission's responsibilities.

(b) Develop an allocation methodology or formula that equitably distributes the funds under the control of the commission to compensate counties, community transportation coordinators, or other entities providing transportation disadvantaged services. The formula shall take into account not only the actual costs of each transportation disadvantaged trip but also those efficiencies that a provider might adopt to reduce costs.

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: requiring the commission to present a proposed funding distribution formula to the Legislative Budget Commission for allocating transportation disadvantaged funds the commission anticipates receiving from the General Appropriations Act; authorizing the Legislative Budget Commission to approve, reject, or modify the proposed allocation formula; requiring the commission to detail the expected allocation of funding to each county; prohibiting the commission from altering the distribution schedule without the approval of the Legislative Budget Commission except in the case of a disaster; amending s. 427.013, F.S.; requiring the commission to develop an allocation methodology to equitably distribute transportation funds under the control of the commission to counties, community transportation coordinators, or other entities providing transportation disadvantaged services;

On motion by Senator Constantine, **CS for CS for SB 1168** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1861—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 411.011, F.S., which provides a public records exemption for specified records of children enrolled in school readiness programs; removing the October 2, 2005, repeal thereof scheduled under the Open Government Sunset Review Act; making editorial changes; providing an effective date.

—was read the third time by title.

On motion by Senator King, **HB 1861** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 1908—A bill to be entitled An act relating to the termination of pregnancies; repealing s. 390.01115, F.S., relating to the Parental Notice of Abortion Act; creating s. 390.01114, F.S.; creating the Parental Notice of Abortion Act; providing a short title; defining terms; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; prescribing notice requirements; providing exceptions; prescribing a procedure for judicial waiver of notice; providing for notice of right to counsel; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petitions; requiring the issuance of written findings of fact and legal conclusions; providing for confidential and closed hearings; providing for expedited appeal; providing for waiver of filing fees and court costs;

precluding assumption of certain expenses by counties; requesting the Supreme Court to adopt rules; requiring the Supreme Court to report annually to the Governor and the Legislature; providing an effective date.

—as amended April 21 was read the third time by title.

An amendment was considered and failed and amendments were considered and adopted to conform **CS for SB 1908** to **HB 1659**.

Pending further consideration of **CS for SB 1908** as amended, on motion by Senator Dockery, by two-thirds vote **HB 1659** was withdrawn from the Committees on Health Care; and Judiciary.

On motion by Senator Dockery, the rules were waived and by two-thirds vote—

HB 1659—A bill to be entitled A bill to be entitled An act relating to parental notification of termination of a minor's pregnancy; amending s. 390.01115, F.S.; providing a popular name; providing definitions; providing that actual notice shall be given by the physician who will perform the termination of pregnancy procedure; providing for written notice in certain circumstances; specifying information required to be included in notices; providing circumstances in which prior notice is not required; providing that violation of the notice requirements by physicians shall be considered medical malpractice; providing procedures for judicial waiver of notice; providing circumstances under which certain circuit courts may grant a petition for a judicial waiver of notice; providing for the appointment of a guardian ad litem and counsel; providing time requirements for court proceedings; requiring written transcripts of certain proceedings; providing for confidentiality; providing for the availability of an appeal under certain circumstances; waiving filing fees and court costs for certain minors; relieving counties of certain counsel costs; requiring the Supreme Court to ensure certain proceedings are conducted expeditiously and lawfully; providing an effective date.

—a companion measure, was substituted for **CS for SB 1908** as amended and read the second time by title, and by two-thirds vote read the third time by title.

MOTION

On motion by Senator Dockery, the rules were waived to allow the following amendment to be considered:

Senator Dockery moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (245870)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Section 390.01115, Florida Statutes, is repealed.*

Section 2. Section 390.01114, Florida Statutes, is created to read:

390.01114 Parental Notice of Abortion Act.—

(1) SHORT TITLE.—This section may be cited as the "Parental Notice of Abortion Act."

(2) DEFINITIONS.—As used in this section, the term:

(a) "Actual notice" means notice that is given directly, in person, or by telephone.

(b) "Child abuse" has the meaning ascribed in s. 39.0015(3).

(c) "Constructive notice" means notice that is given by certified mail to the last known address of the parent or legal guardian of a minor, with delivery deemed to have occurred 48 hours after the certified notice is mailed.

(d) "Medical emergency" means a condition that, on the basis of a physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate termination of her pregnancy to avert her death, or for which a delay in the termination of her pregnancy will create serious risk of substantial and irreversible impairment of a major bodily function.

(e) "Sexual abuse" has the meaning ascribed in s. 39.01.

(f) "Minor" means a person under the age of 18 years.

(3) NOTIFICATION REQUIRED.—

(a) A termination of pregnancy may not be performed or induced upon a minor unless the physician performing or inducing the termination of pregnancy has given at least 48 hours' actual notice to one parent or to the legal guardian of the pregnant minor of his or her intention to perform or induce the termination of pregnancy. The notice may be given by a referring physician. The physician who performs the termination of pregnancy must receive the written statement of the referring physician certifying that the referring physician has given notice. If actual notice is not possible after a reasonable effort has been made, the physician performing or inducing the termination of pregnancy or the referring physician must give 48 hours' constructive notice.

(b) Notice is not required if:

1. In the physician's good-faith clinical judgment, a medical emergency exists and there is insufficient time for the attending physician to comply with the notification requirements. If a medical emergency exists, the physician may proceed but must document reasons for the medical necessity in the patient's medical records;

2. Notice is waived in writing by the person who is entitled to notice;

3. Notice is waived by the minor who is or has been married or has had the disability of nonage removed under s. 743.015 or a similar statute of another state;

4. Notice is waived by the patient because the patient has a minor child dependent on her; or

5. Notice is waived under subsection (4).

(c) Violation of this subsection by a physician constitutes grounds for disciplinary action under s. 458.331 or s. 459.015.

(4) PROCEDURE FOR JUDICIAL WAIVER OF NOTICE.—

(a) A minor may petition any circuit court for a waiver of the notice requirements of subsection (3) and may participate in proceedings on her own behalf. The petition may be filed under a pseudonym or through the use of initials, as provided by court rule. The petition must include a statement that the petitioner is pregnant and notice has not been waived. The court shall advise the minor that she has a right to court-appointed counsel and shall provide her with counsel upon her request at no cost to the minor.

(b) Court proceedings under this subsection must be given precedence over other pending matters to the extent necessary to ensure that the court reaches a decision promptly. The court shall rule, and issue written findings of fact and conclusions of law, within 48 hours after the petition is filed, except that the 48-hour limitation may be extended at the request of the minor. If the court fails to rule within the 48-hour period and an extension has not been requested, the petition is granted, and the notice requirement is waived.

(c) If the court finds, by clear and convincing evidence, that the minor is sufficiently mature to decide whether to terminate her pregnancy, the court shall issue an order authorizing the minor to consent to the performance or inducement of a termination of pregnancy without the notification of a parent or guardian. If the court does not make the finding specified in this paragraph or paragraph (d), it must dismiss the petition.

(d) If the court finds, by a preponderance of the evidence, that there is evidence of child abuse or sexual abuse of the petitioner by one or both of her parents or her guardian, or that the notification of a parent or guardian is not in the best interest of the petitioner, the court shall issue an order authorizing the minor to consent to the performance or inducement of a termination of pregnancy without the notification of a parent or guardian. If the court finds evidence of child abuse or sexual abuse of the minor petitioner by any person, the court shall report the evidence of child abuse or sexual abuse of the petitioner, as provided in s. 39.201. If the court does not make the finding specified in this paragraph or paragraph (c), it must dismiss the petition.

(e) A court that conducts proceedings under this section shall provide for a written transcript of all testimony and proceedings and issue written and specific factual findings and legal conclusions supporting its decision and shall order that a confidential record be maintained, as required under s. 390.01116. At the hearing, the court shall hear evidence relating to the emotional development, maturity, intellect, and understanding of the minor, and all other relevant evidence. All hearings under this section, including appeals, shall remain confidential and closed to the public, as provided by court rule.

(f) An expedited appeal shall be available, as the Supreme Court provides by rule, to any minor to whom the circuit court denies a waiver of notice. An order authorizing a termination of pregnancy without notice is not subject to appeal.

(g) No filing fees or court costs shall be required of any pregnant minor who petitions a court for a waiver of parental notification under this subsection at either the trial or the appellate level.

(h) No county shall be obligated to pay the salaries, costs, or expenses of any counsel appointed by the court under this subsection.

(5) PROCEEDINGS.—The Supreme Court is requested to adopt rules and forms for petitions to ensure that proceedings under subsection (4) are handled expeditiously and in a manner that will satisfy the requirements of state and federal courts. The Supreme Court is also requested to adopt rules to ensure that the hearings protect the minor's confidentiality and the confidentiality of the proceedings. All procedures in this section shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

(6) REPORT.—The Supreme Court, through the Office of the State Courts Administrator, shall report by February 1 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the number of petitions filed under subsection (4) for the preceding year, and the timing and manner of disposal of such petitions by each circuit court.

Section 3. This act shall take effect upon the adoption of rules and forms by the Supreme Court, but no later than July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the termination of pregnancies; repealing s. 390.01115, F.S., relating to the Parental Notice of Abortion Act; creating s. 390.01114, F.S.; creating the Parental Notice of Abortion Act; providing a short title; defining terms; prohibiting the performing or inducement of a termination of pregnancy upon a minor without specified notice; providing disciplinary action for violation; prescribing notice requirements; providing exceptions; prescribing a procedure for judicial waiver of notice; providing for notice of right to counsel; providing for issuance of a court order authorizing consent to a termination of pregnancy without notification; providing for dismissal of petitions; requiring the issuance of written findings of fact and legal conclusions; providing for confidential and closed hearings; providing for expedited appeal; providing for waiver of filing fees and court costs; precluding assumption of certain expenses by counties; requesting the Supreme Court to adopt rules; requiring the Supreme Court to report annually to the Governor and the Legislature; providing a contingent effective date.

On motion by Senator Dockery, further consideration of **HB 1659** as amended was deferred.

CS for SB 1056—A bill to be entitled An act relating to business entities; creating ss. 607.1112-607.1115, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic corporation into another business entity; providing for certificates of conversion; providing for effect of conversion; providing definitions, requirements, criteria, and procedures for conversion of another business entity into a domestic corporation; amending s. 607.1301, F.S.; redefining the term "fair value" to clarify existing law regarding the rights of minority shareholders; amending ss. 607.1302, 608.407, and 608.4225, F.S., to conform; creating ss. 608.4351-608.43595, F.S.; providing for appraisals of interests in certain limited liability companies; providing definitions; providing requirements, criteria, and procedures for appraisals; providing for appraisal rights of company members; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a member's acceptance of certain offers; providing procedures for members dissatisfied with company offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney's fees; providing limitations on payments by limited liability companies under certain circumstances; amending ss. 608.438, 608.4381, 608.4382, 608.4383, and 608.439, F.S., to conform; creating ss. 608.4401-608.4404, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic limited liability company into another business entity; requiring a plan of conversion; requiring certain actions on a plan of conversion; providing for certificates of conversion; providing for effects of conversion; amending s. 608.452, F.S., to conform; amending s. 617.0302, F.S., to conform; amending s. 617.0505, F.S.; exempting certain private clubs organized as corporations from a prohibition against distributions made to members in certain circumstances; creating s. 617.1108, F.S.; providing that certain statutory provisions related to mergers of corporations apply to not-for-profit corporations; creating ss. 620.1101-620.2205, F.S.; revising the Florida Revised Uniform Limited Partnership Act; providing a popular name; providing definitions; specifying conditions of knowledge and notice; providing for nature, purpose, and duration of limited partnerships; providing powers of limited partnerships; specifying the governing law relating to limited partnerships; providing supplemental principles of law; providing for application of certain rates of interest under certain circumstances; providing for names of limited partnerships; specifying certain fees of the Department of State for certain purposes; providing for effect of partnership agreements; providing for nonwaivable provisions; requiring limited partnerships to maintain certain required information; authorizing certain business transactions of partners with a partnership; providing for dual capacity of certain persons; requiring a designated office, registered office, and registered agent of a limited partnership; providing for change of designated office, registered office, or registered agent; providing for resignation of a registered agent; providing for service of process for certain purposes; providing for consent and proxies of partners; providing for formation of limited partnerships; providing for a certificate of limited partnership; providing for amendment or restatement of a certificate of partnership; providing for a certificate of dissolution; providing for a statement of termination; requiring certain records to be signed; providing for signing and filing of certain records pursuant to court order; providing for delivery to and filing of certain records by the Department of State; providing for effective dates and times of certain records and filings; providing for correcting certain filed records; providing for liability for false information in filed records; providing for a certificate of status; requiring delivery of annual reports to the department; providing conditions for becoming a partner; specifying absence of right or power of a limited partner to bind a limited partnership; providing for approval of certain rights; specifying absence of liability of limited partner for limited partnership obligations; specifying rights of limited partners and former limited partners to certain information; specifying limited duties of limited partners; specifying conditions of liability or lack of liability on the part of certain persons for certain partnership obligations under certain circumstances; specifying conditions for becoming a general partner; specifying a general partner as an agent for the limited partnership; specifying liability of limited partnership for certain actions of general partners; providing for liability of general partners; specifying certain actions by and against limited partnerships and general partners; specifying management rights of general partners; providing certain approval rights of other partners; specifying the right of general partners and former general partners to certain information; providing general standards of conduct for general partners; providing for form of certain contributions by partners; providing for liability for certain contributions; providing for sharing of profits, losses, and distributions; providing for interim distributions; specifying absence of right to receive a distribution upon dissociation; providing for distributions in kind; providing certain rights to distributions; providing limitations on distributions; providing for liability for certain improper distributions; providing for dissociation as limited partner under certain circumstances; providing for effect of dissociation as limited partner; providing for dissociation as general partner; specifying a person's power to dissociate as general under certain circumstances; specifying conditions and liability of wrongful dissociation; providing for effect of dissociation as general partner; providing to a dissociated general partner a power to bind and liability to a partnership before dissolution of the partnership; providing for certain liability of dissociated general partners; providing for a partner's transferable interest; providing for trans-

fers of partner's transferable interest; providing rights of creditors of partners and transferees; providing for powers of estates of deceased partners; providing for nonjudicial dissolution of limited partnerships; providing for judicial dissolutions; providing for winding up activities of a limited partnership; providing for a power of a general partner and dissociated general partners to bind a partnership after dissolution; providing for liability of certain persons to the partnership after dissolution; providing for disposition of known claims against dissolved limited partnerships; providing for filing certain unknown claims against dissolved limited partnerships; providing for liability of certain persons for certain barred claims against a limited partnership; providing for administrative dissolution; providing for reinstatement after administrative dissolution; providing for appeals from reinstatement denials; providing for revocation of dissolution; providing for disposition of assets upon winding up of activities of a limited partnership; specifying when contributions are required; specifying the governing law relating to foreign limited partnerships; providing for applications for certificates of authority for foreign limited partnerships; specifying certain activities as not constituting transacting business by a foreign limited partnership; providing for filing a certificate of authority for foreign limited partnerships to transact business; prohibiting a foreign limited partnership from obtaining a certificate of authority for a noncomplying name; providing for revocation of a certificate of authority for foreign limited partnerships; providing for cancellation of a certificate of authority for a foreign limited partnership; providing for effect of failure to have a certificate; authorizing the Attorney General to bring actions to restrain foreign limited partnerships from transacting business under certain circumstances; providing for reinstatement after administrative revocation; providing for amending a certificate of authority; providing for direct actions by a partner against a limited partnership or another partner under certain circumstances; authorizing partners to maintain derivative actions for certain purposes; specifying proper plaintiff in derivative actions; specifying contents of certain pleadings; specifying distribution of proceeds in derivative actions; providing for court award of expenses and attorney fees under certain circumstances; providing definitions; providing for conversion of an organization to a limited partnership or a limited partnership to another organization; requiring a plan of conversion; specifying certain actions on a plan of conversion; requiring a certificate of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a limited partnership with certain organizations; requiring a plan of merger; specifying certain actions on a plan of merger; requiring a certificate of merger; specifying certain required filings for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of a general partner after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing for appraisals of interests in certain limited partnerships; providing definitions; providing for appraisal rights of limited partners; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a limited partner's acceptance of certain offers; providing procedures for limited partners dissatisfied with limited partnership offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney's fees; providing limitations on payments by limited partnerships under certain circumstances; providing for application of laws to provisions governing conversions and mergers; providing for uniformity of application and construction; providing severability; providing for application to the Electronic Signatures in Global and National Commerce Act; providing for application to existing business entities; amending ss. 620.8103 and 620.8404, F.S., to conform; amending s. 620.8105, F.S.; providing requirements for partnership registration statements, certificates of merger or conversion, and amended partnership registrations and certificates of merger or conversion; amending s. 620.81055, F.S.; providing a fee for a certificate of conversion; creating ss. 620.8911-620.8923, F.S.; providing definitions; providing for conversion of certain organizations to a partnership or a partnership to another organization; providing requirements, criteria, and procedures for conversions; requiring a plan of conversion; requiring certain actions by a converting partnership on a plan of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a partnership with certain organizations; providing requirements, criteria, and procedures for mergers; requiring a plan of merger; specifying certain actions by a constituent partnership on a plan of merger; specifying certain requiring filings with the Department of State for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of partners after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing construction relating to application of other laws to conversions and mergers; amending s. 620.9104, F.S.; specifying additional activities not constituting transacting business; amending s. 607.11101, F.S.; deleting the requirement that a certified copy of the articles of merger be recorded; conforming cross-references; repealing s. 608.4384, F.S., relating to rights of members of limited liability companies dissenting to a merger; repealing ss. 607.0129 and 617.0129, F.S., relating to signing a false document; repealing s. 608.4384, F.S., relating to rights of members of limited liability companies dissenting to a merger; repealing ss. 620.101, 620.102, 620.103, 620.105, 620.1051, 620.106, 620.107, 620.108, 620.109, 620.112, 620.113, 620.114, 620.115, 620.116, 620.117, 620.118, 620.119, 620.122, 620.123, 620.124, 620.125, 620.126, 620.127, 620.128, 620.129, 620.132, 620.133, 620.134, 620.135, 620.136, 620.137, 620.138, 620.139, 620.142, 620.143, 620.144, 620.145, 620.146, 620.147, 620.148, 620.149, 620.152, 620.153, 620.154, 620.155, 620.156, 620.157, 620.158, 620.159, 620.162, 620.163, 620.164, 620.165, 620.166, 620.167, 620.168, 620.169, 620.172, 620.173, 620.174, 620.175, 620.176, 620.177, 620.178, 620.179, 620.182, 620.1835, 620.184, 620.185, 620.186, 620.187, 620.192, 620.201, 620.202, 620.203, 620.204, and 620.205, F.S., relating to the Florida Revised Uniform Limited Partnership Act (1986); repealing ss. 620.8901, 620.8902, 620.8903, 620.8904, 620.8905, 6210.8906, 620.8907, and 620.8908, F.S., relating to conversions of partnerships and limited partnerships under the Revised Uniform Partnership Act of 1995; amending s. 817.155, F.S.; providing that a person making a false or fraudulent statement to the Department of State commits a felony of the third degree; providing effective dates.

—as amended April 21 was read the third time by title.

Senator Klein moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (465332)—On page 20, line 31, after "*minority*" insert: *status*

Senator Klein moved the following amendment:

Amendment 2 (313376)(with title amendment)—On page 21, lines 1-16, delete those lines and insert:

Section 2. Subsection (1) of section 607.1302, Florida Statutes, is amended to read:

607.1302 Right of shareholders to appraisal.—

(1) A shareholder *of a domestic corporation* is entitled to appraisal rights, and to obtain payment of the fair value of that shareholder's shares, in the event of any of the following corporate actions:

(a) *Consummation of a conversion of such corporation pursuant to s. 607.1112 if shareholder approval is required for the conversion and the shareholder is entitled to vote on the conversion under ss. 607.1103 and 607.1112(6), or the*consummation of a merger to which *such* ~~the~~ corporation is a party if shareholder approval is required for the merger *under* ~~by~~ s. 607.1103 and the shareholder is entitled to vote on the merger or if *such* ~~the~~ corporation is a subsidiary and the merger is governed by s. 607.1104;

(b) Consummation of a share exchange to which the corporation is a party as the corporation whose shares will be acquired if the shareholder is entitled to vote on the exchange, except that appraisal rights shall not be available to any shareholder of the corporation with respect to any class or series of shares of the corporation that is not exchanged;

(c) Consummation of a disposition of assets pursuant to s. 607.1202 if the shareholder is entitled to vote on the disposition, including a sale in dissolution but not including a sale pursuant to court order or a sale for cash pursuant to a plan by which all or substantially all of the net proceeds of the sale will be distributed to the shareholders within 1 year after the date of sale;

(d) An amendment of the articles of incorporation with respect to the class or series of shares which reduces the number of shares of a class or series owned by the shareholder to a fraction of a share if the corporation has the obligation or right to repurchase the fractional share so created;

(e)~~(d)~~ Any other amendment to the articles of incorporation, merger, share exchange, or disposition of assets to the extent provided by the articles of incorporation, bylaws, or a resolution of the board of directors, except that no bylaw or board resolution providing for appraisal rights may be amended or otherwise altered except by shareholder approval; or

(f)~~(e)~~ With regard to a class of shares prescribed in the articles of incorporation prior to October 1, 2003, including any shares within that class subsequently authorized by amendment, any amendment of the articles of incorporation if the shareholder is entitled to vote on the amendment and if such amendment would adversely affect such shareholder by:

1. Altering or abolishing any preemptive rights attached to any of his or her shares;

2. Altering or abolishing the voting rights pertaining to any of his or her shares, except as such rights may be affected by the voting rights of new shares then being authorized of any existing or new class or series of shares;

3. Effecting an exchange, cancellation, or reclassification of any of his or her shares, when such exchange, cancellation, or reclassification would alter or abolish the shareholder's voting rights or alter his or her percentage of equity in the corporation, or effecting a reduction or cancellation of accrued dividends or other arrearages in respect to such shares;

4. Reducing the stated redemption price of any of the shareholder's redeemable shares, altering or abolishing any provision relating to any sinking fund for the redemption or purchase of any of his or her shares, or making any of his or her shares subject to redemption when they are not otherwise redeemable;

5. Making noncumulative, in whole or in part, dividends of any of the shareholder's preferred shares which had theretofore been cumulative;

6. Reducing the stated dividend preference of any of the shareholder's preferred shares; or

7. Reducing any stated preferential amount payable on any of the shareholder's preferred shares upon voluntary or involuntary liquidation.

And the title is amended as follows:

On page 1, line 16, following the first semicolon (;) insert: amending s. 607.1302, F.S.; providing additional ground for exercise of appraisal rights;

MOTION

On motion by Senator Klein, the rules were waived to allow the following amendment to be considered:

Senator Klein moved the following amendment to **Amendment 2** which was adopted by two-thirds vote:

Amendment 2A (740828)—In title, on page 4, lines 6 and 7, delete those lines and insert: amending s. 607.1302, F.S.; clarifying ground for exercise of appraisal

Amendment 2 as amended was adopted by two-thirds vote.

On motion by Senator Klein, further consideration of **CS for SB 1056** as amended was deferred.

On motion by Senator Baker, by two-thirds vote **HB 623** was withdrawn from the Committee on Transportation.

On motion by Senator Baker, by two-thirds vote—

HB 623—A bill to be entitled An act relating to former military vehicles; amending s. 316.2952, F.S.; defining "former military vehicle"; exempting such vehicles from certain windshield requirements; requiring eye-protective devices while such vehicle is in operation; providing penalties for violation; amending s. 316.605, F.S.; exempting certain former military vehicles from license plate display requirements; amending s. 320.086, F.S.; providing for issuance of special license plates for certain former military vehicles; exempting certain former military vehicles from license plate display requirements; requiring the plate and registration certificate to be in the vehicle and available for inspection; defining "former military vehicle"; providing an effective date.

—a companion measure, was substituted for **SB 1240** and read the second time by title. On motion by Senator Baker, by two-thirds vote **HB 623** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Alexander

CS for SB 864—A bill to be entitled An act relating to motor vehicle repair shops; providing a short title; amending s. 559.904, F.S.; requiring applicants for registration to furnish proof of certain liability insurance; providing that failure to maintain such insurance is grounds for denial, revocation, or refusal to renew a registration; amending s. 559.921, F.S.; providing that a violation of the requirement to maintain liability insurance is a criminal violation; providing for administrative fines and criminal penalties; providing an effective date.

—as amended April 21 was read the third time by title.

On motion by Senator Fasano, **CS for SB 864** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

Vote after roll call:

Yea—Sebesta

Nay—Baker

CS for SB 348—A bill to be entitled An act relating to family court efficiency; creating s. 25.375, F.S.; authorizing the Supreme Court to create a system to identify cases relating to individuals and families within the court system; requiring the Supreme Court, the Criminal and

Juvenile Justice Information System Council, the Article V Technology Board, and the Florida Association of State Court Clerks to provide recommendations regarding a personal identifier relating to individuals and families within the court system; amending s. 39.013, F.S.; providing for modifying a court order in a subsequent civil proceeding; amending s. 39.0132, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 39.521, F.S.; conforming provisions to s. 39.0132, F.S., regarding modification of a court order in a subsequent civil action or proceeding; amending s. 39.814, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 61.13, F.S.; providing for the court to determine matters relating to child support in any proceeding under ch. 61, F.S.; providing for equal contact in custody determinations in certain circumstances; eliminating provisions authorizing the court to award grandparents visitation rights; eliminating provisions giving grandparents equal standing as parents for evaluating custody arrangements; amending s. 61.21, F.S.; requiring the Department of Children and Family Services to approve parenting courses; establishing requirements relating to the provision of approved parenting courses; specifying timeframes for completing the course; amending s. 741.30, F.S.; providing for an order of temporary custody, visitation, or support to remain in effect until the court enters an order in a subsequent action; amending ss. 61.1827 and 409.2579, F.S., relating to information about applicants and recipients of child-support services; conforming cross-references; providing for severability; providing an effective date.

—as amended April 21 was read the third time by title.

On motion by Senator Lynn, **CS for SB 348** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Saunders—

CS for CS for SB 202—A bill to be entitled An act relating to the community contribution tax credit program; amending s. 212.08, F.S.; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 220.03, F.S.; revising a definition to delete a provision authorizing the office to reserve certain portions of available annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; extending an expiration date; amending s. 220.183, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 624.5105, F.S.; increasing the amount of available annual community contribution tax credits; limiting application of certain retaliatory tax provisions under certain circumstances; revising tax credit eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 202** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

SB 550—A bill to be entitled An act relating to property tax exemptions; amending s. 196.012, F.S.; defining the term "ex-service member" for purposes of ch. 196, F.S.; amending s. 196.24, F.S.; revising the qualifications for the exemption; entitling the surviving spouse of a disabled ex-service member to an exemption from property taxation for the value of certain property under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 550** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, by two-thirds vote **HB 775** was withdrawn from the Committees on Children and Families; Judiciary; and General Government Appropriations.

On motion by Senator Campbell—

HB 775—A bill to be entitled An act relating to child support enforcement; amending s. 61.13, F.S.; providing civil penalties for employers, unions, and plan administrators not in compliance with requirements of the national medical support notice; amending s. 61.1354, F.S.; providing for sharing of information between consumer reporting agencies and the Department of Revenue relating to amount of current support owed; requiring the department to continue reporting to consumer reporting agencies once overdue amount is paid if current support is still owed; amending s. 61.14, F.S.; providing conditions for collection of support from workers' compensation settlements; providing for amendment of the allocation of support recovery within the settlement agreement; providing for rulemaking by the Office of the Judges of Compensation Claims; amending s. 61.1812, F.S.; correcting a reference; amending s. 222.21, F.S.; correcting a reference; amending s. 382.016, F.S.; providing exceptions to the requirement that the department limit access to an acknowledgment of paternity that amends an original birth certificate; providing conditions under which an original birth certificate for a child born in this state whose paternity is established in another state may be amended; amending s. 409.2558, F.S.; providing a procedure for redirecting payments to the person with whom a child resides under certain circumstances; providing for notice and hearing; amending s. 409.2561, F.S.; providing limitation to exemption for support order establishment to recipients of supplemental security income and temporary cash assistance; amending s. 409.2567, F.S.; eliminating requirement for a monthly report by the department on funds identified for collection from noncustodial parents of children receiving temporary assistance; amending s. 409.821, F.S.; requiring the provision of information identifying KidCare program applicants to the department for Title IV-D purposes; providing effective dates.

—a companion measure, was substituted for **CS for SB 1262** and read the second time by title.

Pursuant to Rule 4.19, **HB 775** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 1884—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing for a civil penalty, costs, and attorney's fees against an employer, union, or plan administrator for failing to enroll a child in health care coverage; providing for enforcement by the Department of Revenue; amending s. 61.1301, F.S.; requiring the repayment of a support delinquency through an additional income deduction; requiring an obligor contesting an income deduction order rendered by

the Title IV-D agency to file the petition with the Title IV-D agency; requiring the Department of Revenue to provide payors with Internet access to income deduction and national medical support notices issued on or after a specified date; amending s. 61.13016, F.S.; providing for suspension of a driver's license to enforce compliance with an order to appear for genetic testing; amending s. 61.1354, F.S.; requiring the Department of Revenue to report to consumer reporting agencies the amount of overdue support owed by an obligor and the amount of the obligor's support obligation when the overdue support is paid; amending s. 61.14, F.S.; authorizing a circuit court to order an obligor to seek employment, engage in employment activities, and to inform the court and the Department of Revenue of the employment activities; providing that an obligor may be in contempt of court for failing to comply with work-related activities; providing for recovery of support arrearages from workers' compensation lump-sum settlements; requiring the Office of Judges of Compensation Claims to adopt procedural rules; requiring local depositories to provide the Department of Revenue with certain information each month using electronic means; amending s. 61.1814, F.S.; providing that certain specified fines be deposited in the Child Support Enforcement Application and Program Revenue Trust Fund; amending s. 61.1824, F.S.; requiring the State Disbursement Unit, to the extent feasible, to provide for electronic disbursement of support payments to obligees; requiring certain employers to electronically remit support payments to the State Disbursement Unit by a specified date; authorizing the department to issue waivers; amending s. 120.80, F.S.; providing for entry of final orders by the Division of Administrative Hearings in proceedings to establish paternity or paternity and child support; providing for the right to immediate judicial review to contest an administrative order for genetic testing; providing for judicial enforcement of agency final orders; providing for venue of administrative hearings in paternity proceedings and determinations of noncovered medical expenses; adding a cross-reference; amending s. 322.142, F.S.; authorizing the Department of Revenue to obtain digital photographs and signatures from the Department of Highway Safety and Motor Vehicles for use in establishing paternity and establishing, modifying, or enforcing support obligations; amending s. 382.013, F.S.; requiring the Department of Health to amend a child's birth certificate when paternity is established by the Department of Revenue; amending s. 382.015, F.S.; requiring the clerk of the circuit court to ensure that all judicial determinations of paternity are reported to the Department of Health; requiring the Department of Health to monitor compliance and report data to the clerks of the circuit court; amending s. 382.016, F.S.; providing for the Department of Health not to seal birth certificates and related papers when a father is listed under an acknowledgment of paternity; requiring the Department of Health to amend the birth certificate of a child born in this state but whose paternity is established in another state; providing for an exception; requiring the Department of Revenue to develop written educational materials concerning the establishment of paternity for use and distribution by certain specified departments; requiring the Department of Revenue and other specified organizations to study the feasibility and report on the filing of birth certificates and other documents by electronic means with the Department of Health; amending s. 395.003, F.S.; requiring a hospital that provides birthing services to affirm as part of its application for a new, provisional, or renewal license that the hospital will comply with assisting unmarried parents who request assistance in executing a voluntary acknowledgment of paternity; prohibiting sanctions against hospitals for noncompliance with s. 382.013(2)(c), F.S., relating to notice concerning the acknowledgement of paternity; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules relating to administrative proceedings to establish paternity, paternity and child support orders, and orders to appear for genetic testing; amending s. 409.2558, F.S.; requiring the Department of Revenue to make reasonable efforts to locate persons to whom collections or refunds are owed; providing for location efforts to include disclosure through a searchable Internet database using appropriate privacy safeguards; creating s. 409.256, F.S.; defining terms relating to administrative procedures to establish paternity and support orders; authorizing the Department of Revenue to establish administrative procedures to determine paternity using the results of genetic testing; providing for notice, an opportunity for an administrative hearing, and the right to judicial review; authorizing the Department of Revenue to combine a paternity proceeding with an administrative proceeding to establish a child support order; providing for administrative orders to order a person to appear for genetic testing; providing for the right to contest the order to appear; providing for the scheduling of genetic testing and for the rescheduling of the test for a claim of good cause; providing specified sanctions for failing or refusing to submit to genetic testing; providing for a presumption of paternity based on genetic testing results; providing for admissibility of genetic testing results at administrative hearings; providing for administrative hearings to be conducted by the Division of Administrative Hearings; providing that a final order issued by an administrative law judge constitutes final agency action by the Department of Revenue; providing that a final order establishing paternity has the same effect as a judgment entered by a court; requiring a respondent to notify the Department of Revenue of changes of address; providing that subsequent notice by mail is deemed to have been received; providing that the administrative procedures are a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2561, F.S.; providing that no obligation of support is incurred by a recipient of supplemental security income or temporary cash assistance for the benefit of a dependent child; amending s. 409.2563, F.S.; authorizing the Department of Revenue to establish an administrative support order when paternity is determined by administrative procedures; creating s. 409.25635, F.S.; authorizing the Department of Revenue to determine in Title IV-D cases the amount owed by an obligor for noncovered medical expenses; defining the term "noncovered medical expenses"; providing for notice, an opportunity for an administrative hearing, and the right to judicial review; requiring the obligee to prepare a written declaration under penalty of perjury documenting the claim; requiring the Department of Revenue to provide specified information in the notice to proceed; authorizing the Department of Revenue to collect noncovered medical expenses by using the same remedies available for the collection of support; providing that the administrative procedure is a supplemental remedy; providing for the Department of Revenue to adopt rules; amending s. 409.2564, F.S.; requiring that the amount of retroactive support permanently assigned to the state be reduced by a specified percentage when the obligor and the department agree to a support order; amending s. 409.25645, F.S.; requiring a correctional facility to assist a putative father to comply with an administrative order for genetic testing; providing that an administrative order for genetic testing has the same force and effect as a court order; amending s. 409.2567, F.S.; requiring the Department of Revenue to waive the federal application fee and pay the fee for certain applicants; providing for the Department of Revenue to seek a federal waiver from the requirement that an individual apply for Title IV-D services; providing for the department to adopt rules if a waiver is granted and begin providing Title IV-D services if support payments are not paid as ordered unless the individual elects not to receive services after notice; amending s. 409.259, F.S.; requesting certain public officials and agencies to work cooperatively to implement electronic filing of pleadings and other documents by a specified date; amending s. 409.2598, F.S.; authorizing the Department of Revenue to commence a proceeding to suspend an obligor's occupational, business, trade, professional, or recreational license for noncompliance with a support order; providing for notice by regular mail and an opportunity to contest the suspension of the license in circuit court; providing grounds for contesting the proposed suspension; providing for a stay of the suspension proceedings under certain circumstances; providing for a written agreement with the Department of Revenue to avoid suspension of the license; requiring the Department of Revenue to issue a reinstatement notice if the obligor complies with the support order; providing for the suspension of the license under certain circumstances; providing for reinstatement of the license of the obligor after receiving a court order; authorizing the use of the license-suspension proceedings to enforce subpoenas, orders to appear, or similar orders; providing for a combined proceeding to suspend an occupational license and a driver's license; authorizing the Department of Revenue to adopt rules; amending s. 409.821, F.S.; requiring the Agency for Health Care Administration to disclose information identifying Florida Kidcare applicants or enrollees to the Department of Revenue for purposes of administering the state's Title IV-D program; amending s. 414.065, F.S.; authorizing a court to order a noncustodial parent who is delinquent under the terms of a support order to participate in work activities; amending s. 443.051, F.S.; defining the terms "support obligations" and "support order"; requiring the Agency for Workforce Innovation to deduct and withhold a specified percentage of the unemployment compensation otherwise payable to an individual; providing for the Department of Revenue to promptly refund any excess deduction to the obligor; providing that the Agency for Workforce Innovation deduct and withhold support according to the terms of the support order as disclosed by the Department of Revenue; amending s. 455.203, F.S.; deleting provisions requiring the Department of Business and Professional Regulation to screen license applicants for compliance with support obligations; amending s. 742.10, F.S.; providing that when paternity is adjudicated by the Department of Revenue, the adjudication constitutes the establishment of paternity for purposes of ch. 742, F.S.; amending s. 760.40,

F.S.; requiring that DNA testing be conducted only with the informed consent of the person tested, with the exception of genetic testing in paternity cases; authorizing disclosure of test results for genetic testing in paternity cases; amending s. 827.06, F.S.; deleting provisions that require exhaustion of civil remedies and other provisions relating to the criminal prosecution for nonsupport; providing for the state attorneys, the Florida Prosecuting Attorneys Association, and the Department of Revenue to identify strategies for pursuing criminal prosecution in appropriate cases; requiring the collaborating group to file a joint report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; reenacting s. 61.30(8), F.S., relating to health insurance costs in the child support guidelines, to incorporate the amendment made to s. 61.13, F.S., in a reference thereto; amending s. 61.14, F.S.; correcting a cross-reference; amending s. 61.30, F.S.; correcting a cross-reference; repealing ss. 61.13(1)(e) and 409.2564(7), F.S., relating to a judicial circuit with a work experience and job training pilot project; providing effective dates.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (430202)—On page 40, lines 16-18, delete those lines and insert: *obligors, and depository account numbers on the Internet in compliance with the requirements of s. 119.01(2)(a).*

Pursuant to Rule 4.19, **CS for SB 1884** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for CS for CS for SB 1784—A bill to be entitled An act relating to professional services acquisition; amending s. 287.055, F.S.; revising certain definitions; defining the term "negotiate"; providing additional criteria for processing bids to purchase professional services which exceed certain threshold amounts; amending s. 287.17, F.S.; revising the limitation on the use of state aircraft; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1784** was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for CS for CS for SB 1026—A bill to be entitled An act relating to the aerospace industry; creating the Commission on the Future of Space in Florida; providing for membership and organization of the commission; providing procedures for action by the commission; authorizing the commission to appoint an executive director; providing for administrative and staff assistance from the Office of Tourism, Trade, and Economic Development; providing for compensation of consultants; providing duties of the commission; requiring the commission to identify, examine, and review certain information related to aerospace and the aerospace industry; authorizing the commission to appoint technical advisory committees; authorizing reimbursement of travel expenses; requiring a certain number of meetings in various regions of the state; directing certain agencies and requesting other agencies to render assistance and cooperation; requiring preliminary and final reports; requiring the Office of Tourism, Trade, and Economic Development to prepare legislative recommendations consistent with the report; abolishing the commission; providing an expiration date; providing appropriations; providing an effective date.

—was read the second time by title.

Senator King moved the following amendments which were adopted:

Amendment 1 (690812)—On page 4, line 13, delete "*department*" and insert: *Office of Tourism, Trade, and Economic Development*

Amendment 2 (292742)(with title amendment)—On page 6, between lines 24 and 25, insert:

Section 3. Section 331.405, Florida Statutes, is amended to read:

331.405 Definitions.—As used in this part:

(1) "Account" means the account established pursuant to s. 331.415.

(2) "Aerospace" means the industry concerned with the design and manufacture of aircraft, rockets, missiles, spacecraft, satellites, space vehicles, space stations, space *and defense* facilities, or components thereof, and equipment, systems, facilities, simulators, programs, and activities related thereto.

(3) "Authority" means the Florida Space Authority created by s. 331.302.

(4) "Board" means the governing body of the corporation.

(5) "Corporation" means the Florida Aerospace Finance Corporation.

(6) "Domiciled in this state" means registered to do business in Florida.

(7) "Financial institution" has the same meaning as in s. 655.005(1)(h).

(8) "Financing agreement" has the same meaning as in s. 331.303(10).

(9) "Member" means an individual appointed to be a member of the board.

(10) "President" means the chief executive officer of the corporation.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the second semicolon (;) insert: amending s. 331.405, F.S.; amending a definition;

Pursuant to Rule 4.19, **CS for CS for CS for SB 1026** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **HB 577** was withdrawn from the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

On motion by Senator Crist—

HB 577—A bill to be entitled An act relating to the Interstate Compact for Juveniles; amending s. 985.502, F.S.; revising provisions of the former Interstate Compact on Juveniles; providing purpose of the compact; providing definitions; providing for an Interstate Commission for Juveniles; providing for the appointment of commissioners; providing for an executive committee; providing for meetings; providing powers and duties of the Interstate Commission; providing for its organization and operation; providing for bylaws, officers, and staff; providing for qualified immunity from liability for the commissioners, the executive director, and employees; requiring the Interstate Commission to adopt rules; providing for oversight, enforcement, and dispute resolution by the Interstate Commission; providing for the activities of the Interstate Commission to be financed by an annual assessment from each compacting state; requiring member states to create a State Council for Interstate Juvenile Supervision; providing for the effective date of the compact and amendments thereto; providing for a state's withdrawal from and reinstatement to the compact; providing for assistance, certain penalties, suspension, or termination following default by a state; providing for judicial enforcement; providing for dissolution of the compact; providing for severability and construction of the compact; providing for the effect of the compact with respect to other laws and for its binding effect; creating s. 985.5025, F.S.; creating the State Council for Interstate Juvenile Offender Supervision to oversee state participation in the compact; providing membership; providing for records and open meetings; prescribing procedures if the council is abolished; repealing ss. 985.503, 985.504, 985.505, 985.506, and 985.507, F.S., relating to obsolete provisions governing the former compact superseded by the act; providing for the future legislative review and repeal of ss. 985.502 and 985.5025, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB 274** and read the second time by title.

Pursuant to Rule 4.19, **HB 577** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 620—A bill to be entitled An act relating to the wireless emergency telephone system; amending s. 11.45, F.S.; removing the annual audit of the Wireless Emergency Telephone System Fund from the duties of the Auditor General; amending s. 364.02, F.S.; revising fee schedules for providers of interexchange telecommunications services; amending s. 365.171, F.S.; revising provisions for certain nonemergency telephone number pilot projects; amending s. 365.172, F.S.; limiting application of definitions; adding definitions relating to wireless telephone communications; revising duties of the Wireless 911 Board; providing for grants and loans to certain counties for the purpose of upgrading E911 systems; authorizing the hiring of an executive director and an independent, private attorney; specifying that state and local governments are not customers under provisions for the wireless E911 monthly fee; revising timeframe to reduce the amount of the fee or for reallocation of moneys collected for the fee; providing legislative intent regarding the emergency wireless telephone system; providing standards for local governments to follow when regulating the placement, construction, or modification of a wireless communications facility; directing local governments to grant or deny properly completed applications within specified time periods; providing criteria and procedures for local approval of an application by a provider of wireless communications services; authorizing the local government to impose an application fee; directing local governments to notify a provider in writing of the deficiencies in an application; directing local governments to notify a provider in writing whether the resubmission of information properly completes the application; authorizing local governments to continue requesting information until the application deficiencies are cured; providing for a limited review by a local government of an accessory wireless communications facility; prohibiting local governments from imposing certain restrictions on wireless communications facilities; providing that an action brought by a person adversely affected by a decision of a local government relating to a wireless communications facility shall be considered on an expedited basis; removing certain complaint procedures; amending s. 365.173, F.S.; directing how a county may use funds derived from the E911 fee; requiring the board of county commissioners to appropriate the funds to the proper uses; removing the requirement that the Auditor General annually audit the E911 fund; amending s. 337.401, F.S.; revising provisions relating to use of right-of-way for utilities subject to regulation to remove certain application provisions; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (373134)—On page 23, line 6, delete "*review which*" and insert: *review, which*

Pursuant to Rule 4.19, **CS for CS for SB 620** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

SB 1360—A bill to be entitled An act relating to adult protective services; amending s. 415.102, F.S.; defining "neglect" to include actions of a vulnerable adult against himself or herself; amending s. 415.1051, F.S.; providing that the Department of Children and Family Services may petition the court for an order authorizing the provision of protective services for a vulnerable adult in need of services; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1360** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for CS for SB 874—A bill to be entitled An act relating to the sale and distribution of prescription drugs; amending s. 499.003, F.S.; redefining the term "pedigree paper"; amending s. 499.012, F.S.; providing an exemption from wholesale distribution for the transfer of prescription drugs due to a change in the ownership of a pharmacy; amending s. 499.0121, F.S.; abrogating the expiration of recordkeeping provisions for pedigree papers which relate to chain drug entities that are part of an affiliated group; prohibiting the Agency for Health Care Administration from reviewing or using certain violations relating to recordkeeping for prescription drugs to deny or withhold Medicaid payments to pharmacies or to audit the records of such pharmacies; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 874** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for CS for SB's 1872 and 2378—A bill to be entitled An act relating to biomedical research; providing legislative intent; amending s. 20.435, F.S.; authorizing use of funds in the Biomedical Research Trust Fund administered by the Department of Health for the purposes of the Florida Center for Universal Research to Eradicate Disease; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 381.855, F.S.; revising the purpose of the Florida Center for Universal Research to Eradicate Disease; requiring the center to provide grants for cancer research and Alzheimer's disease research; revising membership of the center's advisory council; providing procedures for the awarding of grants for cancer research and Alzheimer's disease research; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; amending s. 1004.445, F.S.; renaming the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute as the "Ronald Reagan Alzheimer's Center and Research Institute"; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendment:

Amendment 1 (393104)(with title amendment)—On page 2, line 15 through page 20, line 9, delete those lines and insert:

Section 2. Subsection (1) of section 561.121, Florida Statutes, is amended to read:

561.121 Deposit of revenue.—

(1) All state funds collected pursuant to ss. 563.05, 564.06, and 565.12 shall be paid into the State Treasury and disbursed in the following manner:

(a)~~1.~~ Two percent of monthly collections of the excise taxes on alcoholic beverages established in ss. 563.05, 564.06, and 565.12 shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund to meet the division's appropriation for the state fiscal year.

~~2. Beginning July 1, 2004, there is annually distributed $15 million to the Grants and Donations Trust Fund within the Department of Elderly Affairs, and these funds are annually appropriated to support a contract with the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida for the purposes of conducting research, developing and operating integrated data projects, and providing assistance to memory disorder clinics as established in s. 430.502.~~

~~3. Beginning July 1, 2004, there is annually distributed $6 million to the Biomedical Research Trust Fund within the Department of Health, and these funds are annually appropriated to the James and Esther King Biomedical Research Program. From these funds, up to $250,000 shall be available annually for the operating costs of the Florida Center for Universal Research to Eradicate Disease.~~

~~4. Beginning July 1, 2004, there is annually distributed $9 million to be paid by warrant drawn by the Chief Financial Officer upon the~~

~~State Treasury to Florida State University for the School of Chiropractic Medicine. Notwithstanding the provisions of chapter 216, until the School of Chiropractic Medicine is completely staffed and fully operational, these funds may be used for any purpose by the university.~~

(b) The remainder of collection shall be credited to the General Revenue Fund.

Section 3. Section 381.855, Florida Statutes, is amended to read:

381.855 Florida Center for Universal Research to Eradicate Disease.—

(1) The Legislature finds that an estimated 128 million Americans suffer from acute, chronic, and degenerative diseases and that biomedical research is the key to finding cures for these diseases that negatively affect all Floridians. The Legislature further finds that, while there is much research being conducted throughout this state and throughout the world, there is a lack of coordination of efforts among researchers. The Legislature, therefore, finds that there is a significant need for a coordinated effort if the goal of curing disease is to be achieved. Moreover, the Legislature finds that the biomedical technology sector meets the criteria of a high-impact sector, pursuant to s. 288.108, having a high importance to this state's economy with a significant potential for growth and contribution to our universities and quality of life.

(2) It is the intent of the Legislature that Florida strive to become the nation's leader in biomedical research and commit itself to being the state to find cures for the most deadly and widespread diseases. It is further the intent of the Legislature that there be a coordinated effort among the state's public and private universities and the biomedical industry to discover such cures. Moreover, it is the intent of the Legislature to expand the state economy by attracting biomedical researchers and research companies to this state.

(3) There is established within the Department of Health the Florida Center for Universal Research to Eradicate Disease, which shall be known as "CURED."

(a) The purpose of the center is to coordinate, improve, expand, and monitor all biomedical research programs within the state, *provide grants for cancer research and Alzheimer's disease research,* facilitate funding opportunities, and foster improved technology transfer of research findings into clinical trials and widespread public use.

(b) The goal of the center is to find cures for diseases such as cancer, heart disease, lung disease, diabetes, autoimmune disorders, and neurological disorders, including Alzheimer's disease, epilepsy, and Parkinson's disease.

(c) The center shall hold an annual biomedical technology summit in Florida to which biomedical researchers, biomedical technology companies, business incubators, pharmaceutical manufacturers, and others around the nation and world are invited to share biomedical research findings in order to expedite the discovery of cures. Summit attendees shall cover the costs of such attendance or obtain sponsorship for such attendance.

(d) The center shall encourage clinical trials in this state on research that holds promise of curing a disease or condition. The center shall facilitate partnerships between researchers, treating physicians, and community hospitals for the purpose of sharing new techniques and new research findings, as well as coordinating voluntary donations to ensure an adequate supply of adult stem cells, placentas, or cord blood.

(e) The center shall facilitate the formation of partnerships between researchers in this state and institutions in other states and countries where research with rare plants or animals could lead to cures.

(f) The center shall encourage agricultural colleges and agricultural businesses in this state to be active in the search for cures and in providing information to the public about disease prevention.

(g) The center shall facilitate partnerships among researchers working to cure all types of diseases, including those that are prevalent in developed countries and those that occur mainly in developing countries.

(h) The center shall also encourage the discovery and production in Florida of vaccines that prevent disease.

(i) The center shall monitor the supply and demand needs of researchers relating to stem cell research and other types of human tissue research. If the center determines that there is a need for increased donation of human tissue, it shall notify hospitals licensed pursuant to chapter 395 which have entered into partnership agreements with research institutes conducting stem cell research located in the same geographic region as the researchers demanding the stem cells or other tissues. Such hospitals shall implement programs that encourage voluntary donations of cord blood or other needed adult tissue.

(j) The center shall be funded through private, state, and federal sources.

(k) The center shall serve as a registry of all known opportunities for biomedical grants ~~and may assist any public or private biomedical research program in this state in preparing grant requests~~.

(l) The center shall provide grants for cancer research and Alzheimer's disease research to further the search for cures for those diseases.

(m)~~(l)~~ The center shall maintain a website with links to peer-reviewed biomedical research. The website shall also contain a list of all known biomedical research being conducted in Florida and shall facilitate communication among researchers and other interested parties.

(n)~~(m)~~ The center shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 15 which contains recommendations for legislative change necessary to foster a positive climate for biomedical research in this state.

(4) The Department of Health may outsource the duties of the center to a private entity or state university.

(5) There is established within the center an advisory council that shall meet at least annually.

(a) The council shall consist of ~~the members of the board of directors of the Florida Research Consortium and at least~~ one representative from:

1. The Emerging Technology Commission.

2. Enterprise Florida, Inc.

3. BioFlorida.

4. The Biomedical Research Advisory Council.

5. The Florida Medical Foundation.

6. Pharmaceutical Research and Manufacturers of America.

7. The Florida Tri-Agency Coalition on Smoking OR Health.

8. The Florida Cancer Council.

9. The American Cancer Society, Florida Division, Inc.

10. The American Heart Association.

11. The American Lung Association of Florida.

12. The American Diabetes Association, South Coastal Region.

13. The Alzheimer's Association.

14. The Epilepsy Foundation.

15. The National Parkinson Foundation.

16. The Florida Public Health Foundation, Inc.

17. Scripps Florida or the entity formed in this state by The Scripps Research Institute.

18. The Florida Research Consortium.

(b) Members of the council shall serve without compensation, and each organization represented shall cover all expenses of its representative.

(6)(a) Applications for cancer research funding may be submitted from any university or established research institute in the state. All qualified investigators in the state, regardless of institution affiliation, shall have equal access and opportunity to compete for the research funding. Grants shall be awarded by the Secretary of Health, after consultation with the council, on the basis of scientific merit, as determined by an open, competitive peer review process that ensures objectivity, consistency, and high quality. The following types of applications shall be considered for funding:

1. Investigator-initiated research grants.

2. Institutional research grants.

(b) To ensure that all proposals for research funding are appropriate and are evaluated fairly on the basis of scientific merit, the Secretary of Health, in consultation with the council, shall appoint a peer review panel of independent, scientifically qualified individuals to review the scientific content of each proposal and establish its scientific priority score. The priority scores shall be forwarded to the council and must be considered in determining which proposals shall be recommended for funding.

(c) The council and the peer review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflict of interest. A member of the council or panel may not participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee, or with which the member has entered into a contractual arrangement. Meetings of the council and the peer review panels are subject to chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.

(7) The Legislature shall annually appropriate funds for research grants and for operating costs to the Florida Center for Universal Research to Eradicate Disease in the General Appropriations Act.

Section 4. Section 381.921, Florida Statutes, is amended to read:

381.921 Florida Cancer Council mission and duties.—The council, which shall work in concert with the Florida Center for Universal Research to Eradicate Disease to ensure that the goals of the center are advanced, shall endeavor to dramatically improve cancer research and treatment in this state through:

(1) Efforts to significantly expand cancer research capacity in the state by:

(a) Identifying ways to attract new research talent and attendant national grant-producing researchers to ~~Florida-based~~ cancer research facilities *in this state*;

(b) Implementing a peer-reviewed, competitive process to identify and fund the best proposals to expand cancer research institutes in this state;

(c) Funding through available resources for those proposals that demonstrate the greatest opportunity to attract federal research grants and private financial support;

(d) Encouraging the employment of bioinformatics in order to create a cancer informatics infrastructure that enhances information and resource exchange and integration through researchers working in diverse disciplines, to facilitate the full spectrum of cancer investigations;

(e) Facilitating the technical coordination, business development, and support of intellectual property as it relates to the advancement of cancer research; and

(f) Aiding in other multidisciplinary research-support activities as they inure to the advancement of cancer research.

(2) Efforts to improve both research and treatment through greater participation in clinical trials networks by:

(a) Identifying ways to increase adult enrollment in cancer clinical trials;

(b) Supporting public and private professional education programs designed to increase the awareness and knowledge about cancer clinical trials;

(c) Providing tools to cancer patients and community-based oncologists to aid in the identification of cancer clinical trials available in the state; and

(d) Creating opportunities for the state's academic cancer centers to collaborate with community-based oncologists in cancer clinical trials networks.

(3) Efforts to reduce the impact of cancer on disparate groups by:

(a) Identifying those cancers that disproportionately impact certain demographic groups; and

(b) Building collaborations designed to reduce health disparities as they relate to cancer.

Section 5. *The following appropriations are made for the 2005-2006 fiscal year from the General Revenue Fund:*

(1) To the Florida Center for Universal Research to Eradicate Disease, $9 million to be distributed pursuant to law to provide grants to researchers seeking cures for cancer, with emphasis given to the goals enumerated in section 381.921, Florida Statutes, as those goals inure to the advancement of such cures.

(2) To the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida, $15 million for the purposes of conducting research, developing and operating integrated data projects, and providing assistance to memory disorder clinics as established under section 430.502, Florida Statutes.

(3) To the James and Esther King Biomedical Research Program, $6 million for the purposes of section 215.5602, Florida Statutes.

Section 6. Subsection (11) is added to section 215.5602, Florida Statutes, to read:

215.5602 James and Esther King Biomedical Research Program.—

(11) The Legislature shall annually appropriate funds to the James and Esther King Biomedical Research Program for the purposes of this section in the General Appropriations Act.

Section 7. Subsection (11) is added to section 1004.445, Florida Statutes, to read:

1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.—

(11) The Legislature shall annually appropriate funds to support research to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida in the General Appropriations Act.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 3-24, delete those lines and insert: providing legislative intent; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 381.855, F.S.; revising the purpose of the Florida Center for Universal Research to Eradicate Disease; requiring the center to provide grants for cancer research and Alzheimer's disease research; revising membership of the center's advisory council; providing procedures for the awarding of grants for cancer research; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; providing appropriations; amending s. 215.5602, F.S.; requiring the Legislature to annually appropriate funds to the James and Esther King Biomedical Research Program; amending s. 1004.445, F.S.; requiring the Legislature to annually appropriate funds to support research to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; providing an effective

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (093742)—On page 9, line 29 through page 10, line 14, delete those lines and insert:

Section 5. *The following appropriations are made for the 2005-2006 fiscal year:*

(1) To the Florida Center for Universal Research to Eradicate Disease within the Department of Health, $9 million from the General Revenue Fund to be distributed pursuant to law to provide grants to researchers seeking cures for cancer, with emphasis given to the goals enumerated in section 381.921, Florida Statutes, as those goals inure to the advancement of such cures.

(2) To the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida, $15 million from the General Revenue Fund for the purposes of conducting research, developing and operating integrated data projects, and providing assistance to memory disorder clinics as established under section 430.502, Florida Statutes.

(3) To the Department of Health Biomedical Research Trust Fund, $6 million from the General Revenue Fund.

(4) To the James and Esther King Biomedical Research Program, $6 million from the Biomedical Research Trust Fund for the purposes of section 215.5602, Florida Statutes.

Amendment 1 as amended was adopted.

Senator King moved the following amendment which was adopted:

Amendment 2 (114610)—On page 9, lines 16 and 17, delete those lines and insert:

17. A Florida not-for-profit institution engaged in basic and clinical biomedical research and education that receives more than $10 million in annual grant funding from the National Institutes of Health. This position is for a 4-year term. Consecutive terms may not be held by the same institution.

Pursuant to Rule 4.19, **CS for CS for SB's 1872 and 2378** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 726—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 787.03, F.S., relating to a public-records exemption provided for information submitted to the sheriff or state attorney for the purpose of obtaining immunity from prosecution for the offense of interference with custody; limiting the information covered by the public-records exemption; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for the repeal of the exemption; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 726** to **HB 1699**.

Pending further consideration of **SB 726** as amended, on motion by Senator Webster, by two-thirds vote **HB 1699** was withdrawn from the Committees on Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Webster—

HB 1699—A bill to be entitled An act relating to review under the Open Government Sunset Review Act; amending s. 787.03, F.S., which provides a public records exemption for information provided to a sheriff or state attorney in specified domestic violence cases in which a person seeks shelter from an act or possible act of domestic violence and takes with him or her any child 17 years of age or younger; extending the repeal date scheduled under the Open Government Sunset Review Act; narrowing the exemption; providing an effective date.

—a companion measure, was substituted for **SB 726** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1699** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SB 2460—A bill to be entitled An act relating to drainage and water control districts; amending s. 298.22, F.S.; authorizing the board of supervisors of a district to purchase or lease real or personal property; amending s. 298.225, F.S.; requiring the board of supervisors to submit a plan or amendment for review only for those projects that require a permit from the jurisdictional water management district pursuant to ch. 373, F.S.; providing that an engineer's report is exempt from parts of the plan-adoption process if it meets certain criteria; providing that minor or insubstantial amendments or engineer's reports may be adopted by resolution of the board of supervisors; providing that certain engineer's reports constitute a minor, insubstantial amendment; amending s. 298.301, F.S.; clarifying requirements for holding the final hearing on approval of a proposed plan or plan amendment; requiring that proposed revisions to the engineer's report, water control plans, or plan amendments be heard and determined by the board of supervisors; authorizing the board to approve and confirm the engineer's report and water plan or plan amendment or order the report or amendment changed to conform with its findings; amending s. 298.341, F.S.; providing that assessments constitute a lien from January 1 of each year that assessable property is liable for district assessments; amending s. 298.77, F.S.; requiring that an engineer's report be revised accordingly if there is a material change in the value of land; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 2460** to **HB 1389**.

Pending further consideration of **SB 2460** as amended, on motion by Senator Atwater, by two-thirds vote **HB 1389** was withdrawn from the Committees on Environmental Preservation; and Community Affairs.

On motion by Senator Atwater—

HB 1389—A bill to be entitled An act relating to water control districts; amending s. 298.22, F.S.; revising powers of the board of supervisors to execute water control plans; amending s. 298.225, F.S.; revising provisions for water control plan development and amendment; clarifying the authority of certain districts as exclusive providers of certain services and facilities; amending s. 298.301, F.S.; revising water control plan adoption procedures; amending s. 298.341, F.S.; revising provisions for assessment liens; amending s. 298.77, F.S.; providing for revision of the engineer's report pursuant to an assessment readjustment; providing an effective date.

—a companion measure, was substituted for **SB 2460** as amended and read the second time by title.

Senator Atwater moved the following amendment which was adopted:

Amendment 1 (634176)—On lines 61-67, insert: portion of the district's lands are located. *A district which has an adopted water control plan and is located entirely within an unincorporated portion of a county shall be the exclusive provider within the district for services and facilities as authorized by this chapter or special act and included in an adopted water control plan.*

Pursuant to Rule 4.19, **HB 1389** as amended was placed on the calendar of Bills on Third Reading.

SENATOR PRUITT PRESIDING

On motion by Senator Constantine—

CS for CS for SB 926—A bill to be entitled An act relating to growth management; creating part II of ch. 171, F.S.; providing a popular name; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or independent special districts; specifying

the procedures for initiating an agreement and responding to a proposal for agreements; identifying issues the agreement may address; requiring local governments that are a party to the agreement to amend their comprehensive plans; providing limitations on the review of certain ordinances; providing exception to the limitation on plan amendments; specifying those persons who may challenge a plan amendment required by the agreement; requiring that an agreement be adopted by resolution; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary area agreement on the parties to the agreement; providing for a transfer of powers; authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect on interlocal agreements and county charters; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; amending s. 171.042, F.S.; revising the time period for filing of a report; providing for a cause of action to invalidate an annexation; requiring municipalities to provide notice of proposed annexation to certain persons; amending s. 171.044, F.S.; revising the time period for providing a copy of a notice; providing for a cause of action to invalidate an annexation; creating s. 171.094, F.S.; providing for the effect of interlocal service boundary agreements adopted under the act; amending s. 171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; amending s. 163.01, F.S.; providing for the place of filing an interlocal agreement in certain circumstances; amending s. 164.1058, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; requesting the Division of Statutory Revision to designate parts I and II of ch. 171, F.S.; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (320438)—On page 6, line 21, delete "*(11)*" and insert: *(12)*

Amendment 2 (084050)—On page 7, lines 7-10, delete those lines and insert: *of the taxable or assessable value of an independent special district.*

Amendment 3 (211296)—On page 12, line 24, delete "*171.202(10)(a)*" and insert: *171.202(11)(a)*

Amendment 4 (982360)—On page 14, line 8, before the period (.) insert: *, unless the agreement provides for the dissolution of an independent special district or the removal of more than 10 percent of the taxable or assessable value of an independent special district*

Pursuant to Rule 4.19, **CS for CS for SB 926** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for CS for SB 1650—A bill to be entitled An act relating to workforce innovation; amending s. 20.50, F.S.; revising the organization, powers, and duties of the Agency for Workforce Innovation; deleting references to specific programs; amending s. 445.003, F.S.; revising certain provisions relating to funding under the federal Workforce Investment Act of 1998; deleting obsolete provisions; amending s. 445.004, F.S.; revising membership and appointment of the board of directors of Workforce Florida, Inc., and increasing terms of members; providing for use of telecommunications to facilitate meetings; revising duties of the board chair and of Workforce Florida, Inc.; providing for rules; providing additional qualifications for certain board members; authorizing activities, incentives, and awards; requiring a dispute-resolution process under certain circumstances; amending s. 445.006, F.S.; providing for an operational plan; amending s. 445.007, F.S.; revising organizational requirements for regional workforce boards; providing for the use of telecommunications to facilitate meetings of regional workforce boards; authorizing activities, incentives, and awards by regional workforce boards and their subordinate entities; deleting obsolete provisions; amending s. 445.009, F.S.; deleting provisions relating to performance evaluation; deleting obsolete provisions; requiring development of a plan for leveraging resources; amending s. 445.019, F.S.; providing an additional purpose of the teen parent and pregnancy prevention diversion program; amending s. 445.020, F.S.; requiring the Temporary Assistance for Needy Families state plan to indicate financial criteria for determination of needy families or parents, when required by federal regulations; amending s. 427.012, F.S.; providing for the director of the agency to serve on the Commission for the Transportation Disadvantaged; repealing s. 445.005, F.S., relating to First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages Councils of Workforce Florida, Inc., s. 445.012, F.S., relating to Careers for Florida's Future Incentive Grant Program, s. 445.0121, F.S., relating to student eligibility requirements for initial awards, s. 445.0122, F.S., relating to student eligibility requirements for renewal awards, s. 445.0123, F.S., relating to eligible postsecondary education institutions, s. 445.0124, F.S., relating to eligible programs, s. 445.0125, F.S., relating to repayment schedule, s. 445.013, F.S., relating to challenge grants in support of welfare-to-work initiatives, s. 446.21, F.S., providing a short title, s. 446.22, F.S., relating to definitions for the Florida Youth-at-Risk 2000 Pilot Program, s. 446.23, F.S., relating to obligations of a mentor, s. 446.24, F.S., relating to obligations of a youth participant, s. 446.25, F.S., relating to implementation of the program, s. 446.26, F.S., relating to funding the program, and s. 446.27, F.S., relating to an annual report; providing an effective date.

—was read the second time by title.

Senator King moved the following amendments which were adopted:

Amendment 1 (362132)—On page 16, lines 1-4, delete those lines and insert: entity of state government *and shall be exempt from chapters 120 and 287. Workforce Florida, Inc., shall apply the procurement and expenditure procedures required by federal law for the expenditure of federal funds.* Workforce

Amendment 2 (165514)—On page 23, lines 16 and 17, delete those lines and insert: *managed, or paid by the Agency for Workforce Innovation pursuant to s. 20.50(2) are exempt from s. 112.061, but shall be governed by s. 445.004(1).*

Amendment 3 (730120)—On page 39, lines 13-17, delete those lines and insert: state agencies *and are exempt from chapters 120 and 287. The regional workforce boards shall apply the procurement and expenditure procedures required by federal law for the expenditure of federal funds.* ~~, but the boards and their administrative entities must comply with state procurement laws and procedures until Workforce Florida, Inc., adopts the provisions or alternative procurement procedures that meet the requirements of federal law.~~ *Regional workforce boards, their*

Pursuant to Rule 4.19, **CS for CS for SB 1650** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wilson—

CS for SB 514—A bill to be entitled An act relating to the restoration of civil rights; requiring that the administrator of a county detention facility provide an application form for the restoration of civil rights to a prisoner who has been convicted of a felony and is serving a sentence in that facility; authorizing the use of volunteers to assist the prisoner in completing the application; providing that this section does not apply to prisoners who are transferred to the Department of Corrections; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 514** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1910—A bill to be entitled An act relating to workforce innovation; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determing eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements

for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; creating the Florida Youth Summer Jobs Pilot Program; providing eligibility requirements for program participants and public employers; requiring the program to be administered by a regional workforce board in consultation with Workforce Florida, Inc.; providing employment and educational requirements; requiring the regional workforce board to make an annual report; providing certain uses for program funds; providing an effective date.

—was read the second time by title. On motions by Senator Carlton, by two-thirds vote **CS for CS for SB 1910** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Baker

MOTION

On motion by Senator Carlton, the House was requested to pass **CS for CS for SB 1910** as passed by the Senate; and in the event the House refuses, that the bill be included in the appropriations conference.

On motion by Senator Jones—

CS for CS for SB 1308—A bill to be entitled An act relating to the Florida Clean Indoor Air Act; amending s. 386.203, F.S.; defining the terms "person" and "proprietor or other person in charge of an enclosed indoor workplace" for purposes of the act; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending s. 386.2045, F.S.; conforming cross-references; creating a new exemption; amending s. 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; providing a penalty for a vendor who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1308** was placed on the calendar of Bills on Third Reading.

On motion by Senator King, by two-thirds vote **HB 1695** was withdrawn from the Committees on Commerce and Consumer Services; Education; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator King—

HB 1695—A bill to be entitled An act relating to a public records exemption for the Voluntary Prekindergarten Education Program; creating s. 1002.72, F.S.; creating an exemption from public records requirements for individual records of children enrolled in the Voluntary Prekindergarten Education Program; providing for retroactive application; providing for exceptions to the exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 2220** and read the second time by title.

Pursuant to Rule 4.19, **HB 1695** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for CS for SB 1366—A bill to be entitled An act relating to storm infrastructure recovery; creating s. 366.8260, F.S.; providing definitions; authorizing electric utilities to petition the Florida Public Service Commission for certain financing orders for certain storm-recovery purposes; providing requirements; providing powers and duties of the commission in issuing such orders; specifying procedures and requirements for the commission in issuing financing orders; authorizing electric utilities to create storm-recovery property; providing for pledge of storm-recovery property to secure storm-recovery bonds; providing for retirement of storm-recovery bonds under certain circumstances; providing for judicial review of such orders; providing for effect of such orders; providing exceptions to commission jurisdiction to issue financing orders; providing limitations; prohibiting the commission from requiring use of storm-recovery bonds for certain purposes; specifying duties of electric utilities; specifying properties, requirements, permissible activities, and limitations relating to storm-recovery property under certain circumstances; providing for security interests in storm-recovery property; providing for perfecting security interests in storm-recovery property; providing for priority of and resolution of conflicting interests; providing requirements, procedures, and limitations for sale, assignment, or transfer of storm-recovery property; providing requirements for descriptions or indications of storm-recovery property transferred, granted, or pledged, or indicated in a financing statement; subjecting financing statements to certain provisions of law; specifying that storm-recovery bonds are not public debt; specifying storm-recovery bonds as legal investments for certain entities; specifying certain state pledges relating to bondholders; declaring certain entities as not electric utilities under certain circumstances; specifying effect of certain provisions in situations of conflict; providing for protecting validity of certain bonds under certain circumstances; providing penalties; amending s. 679.1091, F.S.; specifying nonapplication of secured transactions provisions of the Uniform Commercial Code to interests in storm-recovery property; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1366** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 484—A bill to be entitled An act relating to health care; amending s. 400.461, F.S.; revising the purpose of part IV of ch. 400, F.S., to include the licensure of nurse registries; amending s. 400.462, F.S.; revising definitions; defining the terms "admission," "advanced

registered nurse practitioner," "direct employee," and "physician assistant" for purposes of part IV of ch. 400, F.S.; amending s. 400.464, F.S., relating to licensure of home health agencies; revising the licensure period; revising and providing additional administrative fines; increasing penalties; amending s. 400.471, F.S.; revising requirements for license application by a home health agency; authorizing the Agency for Health Care Administration to revoke a license under certain circumstances; authorizing administrative fines; amending s. 400.487, F.S.; revising requirements for home health agency service agreements and treatment orders; amending s. 400.491, F.S., relating to clinical records; revising the ownership of patient records generated by a home health agency; changing the timeframe for a home health agency to retain patient records; providing for the disposition of patient records when a home health agency ceases business; deleting a requirement for a service provision plan pertaining to nonskilled care; deleting requirements for maintaining such records; amending s. 400.494, F.S.; providing for the continued confidentiality of patient information in compliance with federal law; providing for disclosure in accordance with certain specified state laws; deleting a requirement for written consent of the patient or the patient's guardian for disclosure of confidential patient information; amending s. 400.506, F.S.; revising requirements governing nurse registries; increasing license fee; increasing the period of licensure; authorizing administrative penalties; providing criminal penalties and sanctions; revising certain requirements pertaining to health care professionals that provide services on behalf of a nurse registry; amending s. 400.512, F.S., relating to employment screening; revising the date in which an annual affidavit must be signed which verifies that certain personnel of a home health agency, a nurse registry, or homemaker service have been screened; amending s. 400.515, F.S.; providing additional circumstances under which the agency may petition for an injunction; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (515612)—On page 10, delete line 18 and insert: misdemeanor of the first degree, punishable as

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senator Peaden moved the following amendment which was adopted:

Amendment 2 (353284)—On page 22, line 23, delete "*felony of the third degree*" and insert: *misdemeanor of the first degree*

Pursuant to Rule 4.19, **CS for SB 484** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 2364—A bill to be entitled An act relating to elderly affairs; amending s. 430.205, F.S.; deleting the requirement for the Agency for Health Care Administration to develop a plan to integrate a plan for frail elderly persons into a diversion pilot program; deleting the agency's requirement to integrate two separate Medicaid waiver programs into one waiver program; deleting the requirement to seek federal waivers for these waiver programs; requiring the agency and the Department of Elderly Affairs to reimburse providers and develop standards for case management within a certain Medicaid waiver program; authorizing the coordinating of certain medical services to be included in the capitated rate for case management services; deleting the agency's requirements to implement interagency agreements; providing reimbursement for an elderly lead agency on a prepaid or fixed-sum basis for certain services under a particular diversion pilot project; clarifying that the lead agency be reimbursed for all services by the third year of operation; revising the basis under which the agency is required to develop reimbursement rates; deleting the method of rate of payment for custodial nursing home placement beyond the first 3 years; deleting the department's requirements to study and develop a plan for the integration of certain database systems and submit the plan to the Legislature; amending s. 430.7031, F.S.; deleting the requirement for certain program staff to annually review a certain number of case files to find certain nursing home residents who are eligible for possible community placement; amending s. 430.705, F.S.; revising eligibility requirements relating to financial solvency for entities that provide services under the long-term care community diversion pilot projects; authorizing the department to adopt rules; amending s. 430.707, F.S.; requiring project providers to report quarterly to the department regarding compliance with financial requirements; repealing s. 430.041, F.S., relating to the Office of Long-Term-Care Policy; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (894990)(with title amendment)—On page 11, lines 30 and 31, delete section 5 and renumber subsequent sections.

And the title is amended as follows:

On page 2, lines 15 and 16, delete those lines and insert: providing an

Pursuant to Rule 4.19, **CS for SB 2364** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

SB 288—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 311.13, F.S., relating to an exemption from public records requirements for seaport security plans; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for the repeal of the exemption; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendments which were moved by Senator Diaz de la Portilla and adopted:

Amendment 1 (103770)—On page 1, line 20, delete "provisions of"

Amendment 2 (505976)—On page 1, line 24, delete "the provisions of"

Pursuant to Rule 4.19, **SB 288** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 1808—A bill to be entitled An act relating to the regulation of airports; amending s. 330.30, F.S.; prohibiting the Department of Transportation from renewing or reissuing licenses to certain general aviation airports that fail to develop a security plan; requiring that the plans be consistent with certain published guidelines; requiring that certain information in the plans be submitted to the Department of Law Enforcement; requiring periodic update of the plans; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1808** to **HB 977**.

Pending further consideration of **CS for SB 1808** as amended, on motion by Senator Campbell, by two-thirds vote **HB 977** was withdrawn from the Committees on Transportation; and Domestic Security.

On motion by Senator Campbell—

HB 977—A bill to be entitled An act relating to the regulation of airports; amending s. 330.30, F.S.; prohibiting the Department of Transportation from renewing or reissuing licenses to certain general aviation airports that fail to develop a security plan; requiring that the plans be consistent with certain published guidelines; requiring certain information in the plans to be submitted to the Department of Law Enforcement; requiring periodic update of the plans; providing an effective date.

—a companion measure, was substituted for **CS for SB 1808** as amended and read the second time by title.

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendments to be considered:

Senator Campbell moved the following amendments which were adopted:

Amendment 1 (065984)—On page 3, line 58-60, delete those lines and insert: *to approving it for filing to determine whether it is consistent with Florida Airport Councils Guidelines. No renewal license shall be issued to the airport*

Amendment 2 (440414)—On page 2, line 51-53, delete those lines and insert: *guidelines.*

Pursuant to Rule 4.19, **HB 977** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn, by two-thirds vote **HB 1729** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Lynn—

HB 1729—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 1009.981, F.S.; revising a public records exemption for the Florida College Savings Program; narrowing the exemption; deleting provisions that provide for repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 896** and read the second time by title.

Pursuant to Rule 4.19, **HB 1729** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for SB 1154—A bill to be entitled An act relating to Enterprise Florida, Inc.; amending s. 288.041, F.S.; deleting the requirement that Enterprise Florida, Inc., assist in the expansion of the solar energy industry and solar technology; amending s. 288.095, F.S.; deleting obsolete provisions; repealing s. 288.8155, F.S., relating to the International Trade Data Resource and Research Center; amending s. 288.901, F.S.; revising the membership, organization, and meetings of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; deleting obsolete provisions regarding the Workforce Development Board of Enterprise Florida, Inc.; amending s. 288.90151, F.S.; deleting obsolete provisions; specifying moneys and contributions that may be considered as private-sector support to Enterprise Florida, Inc.; requiring that the annual report include a study; clarifying the term "economic development organization"; requiring Enterprise Florida, Inc. to hire certain firms to develop certain survey reporting; deleting a requirement that the annual report be certified; amending s. 288.904, F.S.; revising the power of the board to make and enter into contracts; providing that certain limitations do not apply to contracts awarded by another entity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1154** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1748** was deferred.

On motion by Senator Saunders, by two-thirds vote **HB 1483** was withdrawn from the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

On motion by Senator Saunders—

HB 1483—A bill to be entitled An act relating to tax refund programs for qualified defense contractors and target industry businesses; amending s. 288.095, F.S.; specifying an order of payment of claims for certain tax refunds; providing duties of the Office of Tourism, Trade, and Economic Development in paying certain tax refunds from appropriations; deleting a provision for the office to determine proportions of certain refunds under circumstances of insufficient appropriations; revising certain reporting requirements for Enterprise Florida, Inc.; amending s. 288.1045, F.S.; revising the definition of the term "jobs"; including state communications services taxes under qualified defense contractor tax refund program provisions; specifying nonapplication to certain taxes; providing for retroactive effect; authorizing the office to make supplemental tax refund payments for certain purposes; revising certification application requirements; permitting a qualified applicant to seek an economic-stimulus exemption due to the effects of the impact of a named hurricane or tropical storm; extending the period of the exemption; changing the exemption application deadline; clarifying the cap on tax refunds; providing for a waiver of the local financial support requirement in certain circumstances and for a limited time; revising the program expiration date; amending s. 288.106, F.S.; including state communications services taxes under qualified target industry business tax refund program provisions; specifying nonapplication to certain taxes; providing for retroactive effect; authorizing the office to make supplemental tax refund payments for certain purposes; revising application requirements; permitting a business to seek an economic-stimulus exemption due to the effects of the impact of a named hurricane or tropical storm; extending the period of the exemption; changing the exemption application deadline; providing for a waiver of the local financial support requirement in certain circumstances and for a limited time; revising the program expiration date; requiring the office to attempt to amend certain existing tax refund agreements; providing an effective date.

—a companion measure, was substituted for **CS for SB 2216** and read the second time by title.

Pursuant to Rule 4.19, **HB 1483** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for SB 124—A bill to be entitled An act relating to motor vehicle insurance for foster children; creating a pilot program for the purpose of reimbursing foster parents, residential facilities, or foster children who live independently for a portion of the increased costs of motor vehicle insurance for a foster child who has a driver's license; directing the Department of Children and Family Services to establish the pilot program in Sarasota, DeSoto, Manatee, Pinellas, and Pasco Counties; requiring that the person who incurs the increased cost submit to the department documentation of that increase; requiring that foster children be encouraged to pay the remaining portion of the increase in costs; directing the department to develop procedures for operating the pilot program; requiring the department to submit a report with recommendations to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 124** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, by two-thirds vote **HB 1923** was withdrawn from the Committees on Communications and Public Utilities; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Constantine—

HB 1923—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 202.195, F.S.; revising a public records exemption for proprietary confidential business information obtained from a telecommunications company or franchised cable company for specified purposes under the Communications Services Tax Simplification Law; removing the October 2, 2005, repeal thereof scheduled under the Open Government Sunset Review Act; removing superfluous language; making editorial changes; providing an effective date.

—a companion measure, was substituted for **CS for SB 680** and read the second time by title.

Pursuant to Rule 4.19, **HB 1923** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for SB 2278—A bill to be entitled An act relating to private security services; amending s. 493.6115, F.S.; revising the types of firearms that a security officer is authorized to carry; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2278** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SB 1748—A bill to be entitled An act relating to agricultural water conservation; requiring each water management district to review rule criteria for environmental resource permits, existing permit exemptions, and alternatives to standard permitting programs and recommend regulatory alternatives that will encourage agricultural water conservation; requiring a report by the Department of Agriculture and Consumer Services and the Department of Environmental Protection to the appropriate legislative committees; amending s. 373.236, F.S.; authorizing the issuance of permits for agricultural production for a specified period for uses that incorporate agricultural water conservation measures and provide a 10-percent net reduction in permitted water use or the replacement of a water supply source; amending s. 373.406, F.S.; providing that an exemption provided for activities having minimal adverse impact does not apply to any activities that are conducted as mitigation for wetland or other surface water impacts; amending s. 373.414, F.S.; authorizing the governing board of a water management district or the department to adopt criteria by rule for issuing permits for the use of wetlands for implementing agricultural water conservation measures; amending s. 373.2234, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

The Committee on Environmental Preservation recommended the following amendment which was moved by Senator Smith and adopted:

Amendment 1 (262070)(with title amendment)—On page 3, line 26 through page 5, line 21, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 24-29, delete those lines and insert: water impacts; amending s.

Senator Smith moved the following amendment which was adopted:

Amendment 2 (894724)(with title amendment)—On page 2, lines 27-30, delete those lines and insert: *for a period of 20 years for uses that replace a water supply source that has been*

And the title is amended as follows:

On page 1, lines 16-19, delete those lines and insert: replace a water supply source that has been impacted by water-use withdrawals; amending s. 373.406, F.S.;

Pursuant to Rule 4.19, **CS for SB 1748** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, by two-thirds vote **HB 1673** was withdrawn from the Committees on Ethics and Elections; and Judiciary.

On motion by Senator Clary—

HB 1673—A bill to be entitled An act relating to the second primary election; repealing s. 100.091, F.S.; eliminating the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending s. 97.021, F.S., relating to the definition of "primary election," to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending ss. 99.061 and 99.095, F.S., relating to qualifying for nomination or election to office, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 101.62, 102.014, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, and 106.29, F.S., F.S.; revising references, to conform to the elimination of the second primary election; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1268 and 1956** and read the second time by title.

Pursuant to Rule 4.19, **HB 1673** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 1502—A bill to be entitled An act relating to driver's license applications; amending s. 322.08, F.S.; allowing applicants to make a $1 contribution to the Children's Hearing Help Fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1502** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for CS for SB 518—A bill to be entitled An act relating to health professionals treating speech or hearing disorders; amending s. 468.1155, F.S.; revising requirements for the Department of Health in issuing a provisional license to practice speech-language pathology or audiology; revising licensing requirements for applicants who graduated, or who are currently enrolled, in a speech-language pathology or audiology program at a university located outside of the United States or Canada; authorizing the Board of Speech-Language Pathology and Audiology to waive certain requirements for applicants who received professional education in another country under certain circumstances; amending s. 468.1165, F.S.; revising requirements for applicants to obtain professional employment in order to be licensed by the department to practice speech-language pathology or audiology; amending s. 468.1185, F.S.; revising requirements for the department to issue a license to an applicant to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for a person to be certified as an audiology assistant; requiring an audiologist or speech-language pathologist to give an assistant a board-approved plan for training and to maintain responsibility for services performed by the assistant; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 518** was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Argenziano, the Senate recessed at 12:13 p.m. to reconvene at 1:15 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:44 p.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for SB 2412** was deferred.

On motion by Senator Clary—

CS for CS for SB 662—A bill to be entitled An act relating to hospitals; creating a commission to study the effect of the 2004 hurricane season on certain hospitals and identify hospitals unable to comply with the Florida Building Code or located in flood-prone areas; providing for membership, reimbursement, and duties of the study commission; requiring the Department of Community Affairs to provide staff for the study commission; requiring the commission to submit a report and recommendations to the Governor and the Legislature; creating a high-deductible-health-insurance plan study group; specifying membership; requiring the study group to investigate certain issues relating to high-deductible health insurance plans; requiring the group to meet and submit recommendations to the Governor and Legislature; directing the Office of Program Policy Analysis and Government Accountability to conduct a study to evaluate whether the State of Florida should join the Nurse Licensure Compact; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendments which were adopted:

Amendment 1 (431776)—On page 4, delete line 26 and insert: *to be appointed by America's Health Insurance Plans.*

Amendment 2 (634192)—On page 6, between lines 5 and 6, insert:

(d) The provision of comparative-cost information to insureds and subscribers before service delivery.

Pursuant to Rule 4.19, **CS for CS for SB 662** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for SB 1602—A bill to be entitled An act relating to state tax funds; amending s. 213.756, F.S.; establishing a burden of proof for certain refund claims; establishing a measure of damages for certain refund claims; specifying an affirmative defense to certain actions by a purchaser to recover taxes or for a refund of taxes; providing application; providing construction; providing severability; providing for retroactive application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1602** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 102—A bill to be entitled An act relating to Southwest Florida transportation; creating pt. X of ch. 348, F.S., titled the "Southwest Florida Expressway Authority"; providing a short title; providing definitions; creating the Southwest Florida Expressway Authority encompassing Collier and Lee Counties; providing for a governing body of the authority; providing for membership; establishing a process for Charlotte County to participate in the authority; providing purposes and powers; providing for the Southwest Florida Transportation System; requiring the approval of specified county commissions before approval of a project within the geographical boundaries of those counties; providing for procurement; providing bond financing authority for projects; providing for bonds of the authority; providing for fiscal agents; providing the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for lease-purchase agreement with the Department of Transportation; providing that the department may be appointed agent of authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing pledges shall be enforceable by bondholders; providing for construction and application; providing for future expiration of the act; providing a contingent effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 102** to **HB 401**.

Pending further consideration of **SB 102** as amended, on motion by Senator Saunders, by two-thirds vote **HB 401** was withdrawn from the Committees on Transportation; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

On motion by Senator Saunders—

HB 401—A bill to be entitled An act relating to Southwest Florida transportation; creating pt. X of ch. 348, F.S., titled "Southwest Florida Expressway Authority"; providing a popular name; providing definitions; creating the Southwest Florida Expressway Authority encompassing Collier and Lee Counties; providing for a governing body of the authority; providing for membership; establishing a process for Charlotte County to participate in the authority; providing purposes and powers; providing for the Southwest Florida Transportation System; requiring the approval of specified county commissions before approval of a project within the geographical boundaries of those counties; prohibiting authority involvement with a certain road development; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for a lease-purchase agreement with the Department of Transportation; providing the department may be appointed agent of authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing pledges shall be enforceable by bondholders; providing for construction and application; providing legislative intent regarding changes; providing for future expiration of the act; providing a contingent effective date.

—a companion measure, was substituted for **SB 102** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 401** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 822—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; revising the terms "state group insurance program" and "surviving spouse" and defining the term "TRICARE supplemental insurance plan"; including the TRICARE supplemental insurance plan within the state group insurance program; requiring the Department of Management Services to purchase health care for employees under the TRICARE supplemental insurance plan; authorizing a surviving spouse to elect to continue coverage under the

TRICARE supplemental insurance plan; providing that an enrollee in the TRICARE supplemental insurance plan may change to any other state health plan during open enrollment; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 822** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise, by two-thirds vote **HB 19** was withdrawn from the Committees on Transportation; Banking and Insurance; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

On motion by Senator Wise—

HB 19—A bill to be entitled An act relating to motor vehicle driving privilege requirements; amending s. 320.055, F.S.; providing for a 6-month vehicle registration for persons reinstating a driver's license that has been suspended for driving under the influence; requiring the Department of Highway Safety and Motor Vehicles to issue 6-month vehicle registration certificates and validation stickers; specifying the amount of taxes and charges which must be paid; amending s. 324.131, F.S.; requiring persons whose license or registration has been suspended or revoked due to a violation of driving under the influence to maintain, for 3 years, certain noncancelable liability coverage; authorizing the Department of Highway Safety and Motor Vehicles to adopt a form for proof of such coverage; amending s. 627.7275, F.S.; requiring insurers to make bodily injury, death, and property damage liability coverage that is noncancelable for a certain period available to certain applicants seeking coverage for reinstatement of driving privileges revoked or suspended for driving under the influence; authorizing insurers to cancel certain motor vehicle insurance policies under certain circumstances; providing that insurers are not required to offer insurance policies under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 468** and read the second time by title.

Pursuant to Rule 4.19, **HB 19** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **HB 205** was withdrawn from the Committees on Regulated Industries; Criminal Justice; Government Efficiency Appropriations; and General Government Appropriations.

On motion by Senator Haridopolos—

HB 205—A bill to be entitled An act relating to contraband and counterfeit cigarettes; providing additional regulatory and enforcement measures; amending s. 210.01, F.S.; revising and providing definitions; amending s. 210.021, F.S.; directing the Secretary of Business and Professional Regulation to require certain dealers and agents to remit the tax on cigarettes by certified check or electronic funds transfer; requiring the Division of Alcoholic Beverages and Tobacco of the department to adopt rules governing the payment of taxes by electronic funds transfer; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; amending s. 210.08, F.S.; revising the amount of the surety bond, certificate of deposit, or irrevocable letter of credit required by the division as surety for the payment of cigarette taxes; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain persons shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; providing for application to and records requirements of manufacturers and importers; amending s. 210.12, F.S.; authorizing the state to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for permit application; prohibiting issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for permit application denial; amending s. 210.16, F.S.; revising the authority of the Division of Alcoholic Beverages and Tobacco to revoke or suspend the permits of certain persons under certain circumstances; revising a penalty period for revoked permits; increasing a civil penalty; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; expanding the list of persons required to report seizures of unstamped cigarettes; requiring the division to keep certain records; providing for seizure of counterfeit cigarettes and related machinery; making unlawful the selling or possessing with intent to sell counterfeit cigarettes; providing criminal penalties; providing for destruction of counterfeit cigarettes; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting a "criminal activity" and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 816** and read the second time by title.

On motion by Senator Haridopolos, further consideration of **HB 205** was deferred.

SENATOR VILLALOBOS PRESIDING

On motion by Senator Constantine—

SB 1448—A bill to be entitled An act relating to the redevelopment of brownfields; amending ss. 199.1055, 220.1845, and 376.30781, F.S.; increasing the amount of credit which may be applied against the tax on intangible personal property and the corporate income tax for the voluntary cleanup costs of a contaminated site; increasing the amount that may be received by the taxpayer as an incentive to complete the cleanup in the final year; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to aggressively market brownfields; amending s. 376.86, F.S., relating to the Brownfield Areas Loan Guarantee Program; increasing the amount of the loan guarantee for redevelopment projects in brownfield areas; repealing ss. 376.87 and 376.875, F.S., relating to brownfield property ownership clearance assistance and the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1448** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich, by two-thirds vote **HB 255** was withdrawn from the Committees on Agriculture; Health Care; and Community Affairs.

On motion by Senator Rich—

HB 255—A bill to be entitled An act relating to rabies vaccination; amending s. 828.30, F.S.; revising requirements for the frequency of rabies vaccination for specified animals; revising rabies vaccination certificate requirements; deleting an obsolete provision; prohibiting local governments from mandating revaccination of currently vaccinated animals except in specified instances; providing legislative findings; providing an effective date.

—a companion measure, was substituted for **CS for SB 898** and read the second time by title.

MOTION

On motion by Senator Rich, the rules were waived to allow the following amendment to be considered:

Senator Rich moved the following amendment which was adopted:

Amendment 1 (902398)—On page 2, lines 40-53, delete those lines and insert:

~~(a) The license number of the administering veterinarian.~~

~~(b) The name, address, and phone number of the veterinarian and owner.~~

~~(c) The date of vaccination.~~

~~(d) The expiration date of the vaccination.~~

~~(e) The species, age, sex, color, breed, weight, and name of the animal vaccinated.~~

~~(f) The rabies vaccine manufacturer.~~

~~(g) The vaccine lot number and expiration date.~~

~~(h) The type and brand of vaccine used.~~

~~(i) The route of administration of the vaccine.~~

~~(j) the signature or signature stamp of the licensed veterinarian.~~

Pursuant to Rule 4.19, **HB 255** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 658—A bill to be entitled An act relating to the University of South Florida St. Petersburg; amending s. 1009.24, F.S.; authorizing the Campus Board of the university to submit a proposal to assess a student-center-support fee to the University of South Florida Board of Trustees for approval; providing a cap on the sum of the fees students are required to pay for courses; prohibiting the inclusion of the fee in calculating the amount a student receives under specified scholarship awards; providing procedures for fee recommendation and approval; providing authorized uses of revenues from such fee; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 658** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for CS for SB 1526—A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; adopting the definition of viable fetus for purposes of this offense; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; adopting the definition of viable fetus for purposes of this offense; amending ss. 435.03 and 435.04, F.S., to conform provisions to changes made by the amendments to s. 782.09, F.S.; reenacting s. 921.0022(3)(h) and (i), F.S., relating to the Criminal Punishment Code offense severity ranking chart, to incorporate the amendment to s. 316.193, F.S., in references thereto; reenacting s. 316.656(3), F.S., relating to mandatory adjudication, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 947.146(3)(j), F.S., relating to the Control Release Authority, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 960.03(3)(b), F.S., relating to the definition of "crime" under the Florida Crimes Compensation Act, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1526** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 192—A bill to be entitled An act relating to advertising for legal services; creating s. 454.37, F.S., relating to advertising for legal services in print or electronic media; defining the terms "electronic media" and "lawyer referral service"; requiring advertisements and unsolicited written communications for legal services disseminated in Florida by certain entities to comply with the rules regulating The Florida Bar; requiring a specific statement to accompany advertisements for legal services and unsolicited written communications by lawyer-referral services; requiring an affidavit certifying certain information to accompany an advertisement for legal services submitted by an attorney licensed in this state, a business entity organized under the rules regulating The Florida Bar, a lawyer licensed out-of-state, a law firm owned by a lawyer licensed out-of-state, a lawyer-referral service, or a group or legal plan; requiring that such advertisements be accompanied by a sworn statement certifying that the advertisement complies with the standards required for advertisements placed by lawyers licensed in this state; requiring publishers of advertisements to retain certain copies for a specified period; providing for civil penalties and for enforcement; providing that false, deceptive, or misleading advertising of legal services is an unfair and deceptive trade practice; specifying that the act is cumulative and does not repeal any other law, rule, or penalty; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (055188)(with title amendment)—On page 5, line 14 through page 7, line 7, delete those lines and insert: *a lawyer-referral service, or a group or prepaid legal plan must be filed with The Florida Bar and accompanied by an affidavit signed under oath and affirming under penalty of perjury that the person:*

(a) Has read and understands the rules regulating The Florida Bar which govern lawyer advertising;

(b) Acknowledges that he or she is the person responsible for the advertisement;

(c) If the advertisement is by or on behalf of a member of The Florida Bar or an authorized business entity properly organized under the rules regulating The Florida Bar, acknowledges that he or she is the appropriate person for the Supreme Court of Florida to discipline if the advertisement is found to be in violation of the rules regulating The Florida Bar which govern lawyer advertising. If the advertisement is by or on behalf of a lawyer licensed to practice in a foreign country or in another state, a law firm owned by a lawyer licensed to practice in a foreign country or in another state, a lawyer-referral service, or a group or prepaid legal plan, the advertisement must contain the following statement: "The advertiser states that, although not directly subject to the rules regulating The Florida Bar which govern lawyer advertising, the advertiser has read and, by submitting this advertisement, agrees to comply with the rules regulating The Florida Bar which govern lawyer advertising, including filing requirements.";

(d) Affirms that the advertisement complies with the rules regulating The Florida Bar which govern lawyer advertising;

(e) Acknowledges that a knowing violation of the rules regulating The Florida Bar which govern lawyer advertising subjects the person to a civil penalty of $1,000 for the first offense and a civil penalty of $10,000 for each subsequent offense; and

(f) Affirms that the person:

1. Has filed the advertisement for review with The Florida Bar in compliance with the rules regulating The Florida Bar which govern lawyer advertising;

2. Is responsible for filing and will file the advertisement for review with The Florida Bar in compliance with the rules regulating The Florida Bar which govern lawyer advertising; or

3. Has determined that the advertisement is exempt from the filing requirement as set forth in the rules regulating The Florida Bar.

(5) The Florida Bar shall retain a copy of each affidavit submitted to The Florida Bar in accordance with subsection (4) for 2 years.

(6) A person who violates subsection (2), subsection (3), or subsection (4) is subject to a civil penalty of $1,000 for the first offense and a civil penalty of $10,000 for each subsequent offense. Any person who, upon information and belief, claims a violation of subsection (2), subsection (3), or subsection (4) may, in a court of competent jurisdiction, seek to enforce such penalties and seek an injunction against any person who violates subsection (2), subsection (3), or subsection (4). As

And the title is amended as follows:

On page 1, lines 22-28, delete those lines and insert: service, or a group or legal plan; requiring that such advertisement be filed with The Florida Bar; requiring that such advertisements be accompanied by a sworn statement certifying that the advertisement complies with the standards required for advertisements placed by lawyers licensed in this state; requiring The Florida Bar to retain certain copies of advertisements for a

Pursuant to Rule 4.19, **CS for CS for SB 192** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for SB 976—A bill to be entitled An act relating to hazard mitigation for coastal redevelopment; amending s. 163.3164, F.S.; defining the term "local mitigation strategy" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; providing an additional requirement for a local government's comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising provisions with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high-hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report to the Governor and the Legislature; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross-references to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 976** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 720—A bill to be entitled An act relating to health care; amending s. 400.506, F.S.; deleting the requirement that a registered nurse referred by a nurse registry make monthly visits to a patient; amending ss. 413.402 and 413.4021, F.S.; making permanent the program for personal care attendants for spinal cord injury victims; providing powers and duties of the Department of Health with respect to the program; providing criteria for participation in the program; providing for an oversight workgroup; increasing the percentage of revenues collected from persons who fail to remit sales tax which shall be deposited into the Florida Endowment Foundation for Vocational Rehabilitation for the purpose of administering the program; deleting obsolete provisions to conform; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 720** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 2006—A bill to be entitled An act relating to motor vehicle service agreements; amending s. 634.011, F.S.; including paintless dent-removal in the services that may be covered by a motor vehicle service agreement; amending s. 634.041, F.S.; revising requirements governing qualifications for a license to issue such agreements; providing for use of a 50-percent reserve or contractual liability coverage by certain service agreement companies; amending s. 634.136, F.S.; requiring a motor vehicle service contract company to maintain additional information relating to motor vehicle service agreements; providing an effective date.

—was read the second time by title.

Senator Dockery offered the following amendment which was moved by Senator Jones and adopted:

Amendment 1 (745820)(with title amendment)—On page 5, between lines 14 and 15, insert:

Section 4. Subsection (13) of section 634.401, Florida Statutes, is amended to read:

634.401 Definitions.—As used in this part, the term:

(13) "Service warranty" means any warranty, guaranty, extended warranty or extended guaranty, maintenance service contract *equal to or* greater than 1 year in length or which does not meet the exemption in paragraph (a), contract agreement, or other written promise *for a specific duration to perform the repair, replacement, or maintenance of a consumer product, or for indemnification for repair, replacement, or maintenance, for operational or structural failure due to a defect in materials or workmanship, normal wear and tear, power surge, or accidental damage from handling* ~~to indemnify against the cost of repair or replacement of a consumer product~~ in return for the payment of a segregated charge by the consumer; however:

(a) Maintenance service contracts written for *less than* 1 year ~~or less~~ which do not contain provisions for indemnification and which do not provide a discount to the consumer for any combination of parts and labor in excess of 20 percent during the effective period of such contract, motor vehicle service agreements, transactions exempt under s. 624.125, and home warranties subject to regulation under parts I and II of this chapter are excluded from this definition; ~~and~~

(b) The term "service warranty" does not include service contracts between consumers and condominium associations*; and*~~.~~

(c) All contracts that include coverage for accidental damage from handling must be covered by the contractual liability policy referred to in s. 634.406(3).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to warranty associations; amending s. 634.401, F.S.; redefining the term "service warranty" for purposes of regulation of service warranty associations; amending s. 634.011, F.S.;

Pursuant to Rule 4.19, **CS for SB 2006** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 530—A bill to be entitled An act relating to driving under the influence; amending s. 322.271, F.S.; correcting a cross-reference; creating s. 322.2715, F.S.; directing the Department of Highway Safety and Motor Vehicles to require the placement of a department-approved ignition interlock device on specified vehicles operated by any person convicted of committing certain driving-under-the-influence offenses; providing an exception; specifying the duration of each installation period based upon the number of DUI convictions; directing the department to require installation of the ignition interlock if the court fails to order the mandatory placement of the device or fails to order placement for the applicable period; providing an exception; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 530** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

SB 752—A bill to be entitled An act relating to children's summer nutrition programs; providing a popular name; requiring each district school board to develop a plan to sponsor a summer nutrition program; providing criteria for operating summer nutrition program sites; authorizing exemption from sponsoring a summer nutrition program and providing procedures therefor; requiring a district school board to annually reconsider its decision to be exempt; authorizing district school boards to encourage not-for-profit entities to sponsor a summer nutrition program under certain circumstances; authorizing a superintendent of schools to collaborate with specified agencies to implement a summer nutrition program; providing for reporting; directing the Department of Education to provide each district school board with a list of organizations intending to participate; providing an effective date.

—was read the second time by title.

The Committee on Education Appropriations recommended the following amendment which was moved by Senator Wise and failed:

Amendment 1 (935320)(with title amendment)—On page 2, line 11, after the period (.) insert: *In order to become exempt from sponsoring the program, the district school board must demonstrate that offering the program would result in a financial hardship that would adversely impact instructional programs.*

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: providing criteria for exemption;

Pursuant to Rule 4.19, **SB 752** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 1300—A bill to be entitled An act relating to limitations on claims for refund of corporate income tax; amending s. 220.727, F.S.; revising provisions for determining when a payment of estimated tax is deemed paid for purposes of time limitations for refund claims; providing for retroactive application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1300** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for CS for SB 1914—A bill to be entitled An act relating to juvenile justice; amending s. 985.407, F.S.; revising employee-screening procedures of the Department of Juvenile Justice; requiring the department to provide fingerprint information to the Department of Law Enforcement and pay an annual fee; providing appropriations; providing an effective date.

—was read the second time by title.

Senator Argenziano moved the following amendments which were adopted:

Amendment 1 (084260)—On page 1, line 17, delete "*reason*" and insert: *person*

Amendment 2 (611752)—On page 2, delete line 3 and insert: *2. Beginning December 15, 2005, fingerprint*

Pursuant to Rule 4.19, **CS for CS for SB 1914** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

SB 498—A bill to be entitled An act relating to the residency status of dependent immigrant children; creating s. 39.5075, F.S.; providing definitions; directing the Department of Children and Family Services or a community-based care provider to determine whether a dependent child is a citizen of the United States and to report the information to the court; providing that services to children alleged to have been abused, neglected, or abandoned be provided without regard to the citizenship of the child except where alienage or immigration status is explicitly set as a statutory condition of coverage or eligibility; requiring the case plan to include specified information; directing the department or the community-based care provider to file a petition with the court to determine whether the child meets the criteria for special immigrant juvenile status; directing the department or the community-based care provider to file papers with federal authorities to adjust the child's residency status; authorizing the court to continue jurisdiction of a child whose residency status is being considered by federal authorities; requiring that certain information be given to the court; directing the department to adopt rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 498** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 510—A bill to be entitled An act relating to temporary custody of a child by an extended family member or putative father; amending s. 751.011, F.S.; defining the term "extended family member"; amending s. 751.02, F.S.; authorizing an extended family member to bring a proceeding in court to determine the temporary custody of a child; amending s. 751.03, F.S.; specifying the information that must be included in a petition for temporary custody by an extended family member or putative father; providing that only an extended family member or putative father may file a petition for temporary custody under ch. 751, F.S.; amending s. 751.05, F.S.; providing that either or both of the child's parents may petition the court to modify the order granting temporary custody under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 510** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for SB 1920—A bill to be entitled An act relating to postsecondary education; providing definitions; specifying the constitutional duties of the Board of Governors of the State University System under s. 7, Art. IX of the State Constitution; specifying the constitutional duties of the Legislature; providing legislative intent; amending s. 112.313, F.S.; prohibiting citizen members of the Board of Governors of the State University System and citizen members of a board of trustees of a local constituent university from representing principals before the Legislature; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **CS for SB 1920** to **HB 1001**.

Pending further consideration of **CS for SB 1920**, on motion by Senator Lynn, by two-thirds vote **HB 1001** was withdrawn from the Committee on Education Appropriations.

On motion by Senator Lynn—

HB 1001—A bill to be entitled An act relating to governance of the State University System; providing definitions; specifying the constitutional duties of the Board of Governors of the State University System under s. 7, Art. IX of the State Constitution; specifying the constitutional duties of the Legislature; providing legislative intent; providing an effective date.

—a companion measure, was substituted for **CS for SB 1920** and read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Lynn and adopted:

Amendment 1 (675996)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Responsibility for the State University System under Section 7, Article IX of the State Constitution; legislative finding and intent.—*

(1) LEGISLATIVE FINDINGS.—

(a) Definitions.—For purposes of this act, the term:

1. "Board of Governors" as it relates to the State University System and as used in Section 7, Article IX of the State Constitution and Title XLVIII and other sections of the Florida Statutes is the Board of Governors of the State University System which belongs to and is part of the executive branch of state government.

2. "Institutions of higher learning" as used in the State Constitution and the Florida Statutes includes publicly funded state universities.

3. "Public officer" as used in the Florida Statutes includes members of the Board of Governors.

4. "State university" or "state universities" as used in the State Constitution and the Florida Statutes are agencies of the state which belong to and are part of the executive branch of state government. This definition of state universities as state agencies is only for the purposes of the delineation of constitutional lines of authority. Statutory exemptions for state universities from statutory provisions relating to state agencies that are in effect on the effective date of this act remain in effect and are not repealed by virtue of this definition of state universities.

(b) Constitutional duties of the Board of Governors of the State University System.—In accordance with Section 7, Article IX of the State Constitution, the Board of Governors of the State University System has the duty to operate, regulate, control, and be fully responsible for the management of the whole publicly funded State University System and the board, or the board's designee, has responsibility for:

1. Defining the distinctive mission of each constituent university.

2. Defining the articulation of each constituent university in conjunction with the Legislature's authority over the public schools and community colleges.

3. Ensuring the well-planned coordination and operation of the State University System.

4. Avoiding wasteful duplication of facilities or programs within the State University System.

5. Accounting for expenditure of funds appropriated by the Legislature for the State University System as provided by law.

6. Submitting a budget request for legislative appropriations for the institutions under the supervision of the board as provided by law.

7. Adopting strategic plans for the State University System and each constituent university.

8. Approving, reviewing, and terminating degree programs of the State University System.

9. Governing admissions to the state universities.

10. Serving as the public employer to all public employees of state universities for collective bargaining purposes.

11. Establishing a personnel system for all state university employees; however, the Department of Management Services shall retain authority over state university employees for programs established in sections 110.123, 110.1232, 110.1234, 110.1238, and 110.161, Florida Statutes, and in chapters 121, 122, and 238, Florida Statutes.

12. Complying with, and enforcing for institutions under the board's jurisdiction, all applicable local, state, and federal laws.

(c) Constitutional duties of the Legislature.—In accordance with Section 3, Article II of the State Constitution, which establishes the separation of powers of three branches of government; Section 1, Article III of the State Constitution, which vests the legislative power of the state in the Legislature; Section 8, Article III of the State Constitution, which provides the exclusive executive veto power of the Governor and the exclusive veto override power of the Legislature; Section 19, Article III of the State Constitution, which requires the Legislature to enact state planning and budget processes and requirements for budget requests by general law; Section 1, Article VII of the State Constitution, which requires that the authority to expend state funds be by general law enacted by the Legislature; and Section 1, Article IX of the State Constitution, which requires the Legislature to make adequate provision by law for the "establishment, maintenance, and operation of institutions of higher learning," the Legislature has the following responsibilities:

1. Making provision by law for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.

2. Appropriating all state funds through the General Appropriations Act or other law.

3. Establishing tuition and fees.

4. Establishing policies relating to merit and need-based student financial aid.

5. Establishing policies relating to expenditure of, accountability for, and management of funds appropriated by the Legislature or revenues authorized by the Legislature. This includes, but is not limited to, policies relating to: budgeting, deposit of funds; investments; accounting; purchasing, procurement, and contracting; insurance; audits; maintenance and construction of facilities; property; bond financing; leasing; and information reporting.

6. Maintaining the actuarial and fiscal soundness of centrally administered state systems by requiring state universities to continue to participate in programs such as the Florida Retirement System, the state group health insurance programs, the state telecommunications and data network (SUNCOM), and the state casualty insurance program.

7. Establishing and regulating the use of state powers and protections, including, but not limited to, eminent domain, certified law enforcement, and sovereign immunity.

8. Establishing policies relating to the health, safety, and welfare of students, employees, and the public while present on the campuses of institutions of higher learning.

(2) LEGISLATIVE INTENT.—It is the intent of the Legislature to reenact laws relating to the Board of Governors of the State University System, the university boards of trustees, the State Board of Education, and the postsecondary education system in accordance with the findings of this act.

Section 2. Subsection (17) is added to section 112.313, Florida Statutes, to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(17) BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.—No citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to postsecondary education; providing definitions; specifying the constitutional duties of the Board of Governors of the State University System under s. 7, Art. IX of the State Constitution; specifying the constitutional duties of the Legislature; providing legislative intent; amending s. 112.313, F.S.; prohibiting citizen members of

the Board of Governors of the State University System and citizen members of a board of trustees of a local constituent university from representing principals before the Legislature; providing an effective date.

WHEREAS, in 2000, the Florida Legislature enacted chapter 2000-321, Laws of Florida, the Florida Education Governance Reorganization Act of 2000, which restructured the state's public education system to create a seamless K-20 system and repealed the Florida Board of Regents, an entity previously established by the Legislature to govern the administration of the State University System, and

WHEREAS, in 2000, the Legislature consolidated the administration of the state's institutions of higher education with grades K through 12 in the Florida Board of Education (later the State Board of Education) and the Commissioner of Education, and

WHEREAS, in 2002, the voters amended the State Constitution to create the Board of Governors to "be responsible for the coordinated and accountable operation of the whole university system" and did not express an intent to limit legislative powers granted in section 1, Article IX of the State Constitution, and

WHEREAS, in its review of the ballot title and summary to the initiative proposal creating the Board of Governors, the Florida Supreme Court found that the amendment would authorize "the statewide board of governors to 'operate, regulate, control, and be fully responsible for the management of the whole university system' " [Advisory Opinion to the Attorney General Re Local Trustees, 819 So.2d 725, 729 (Fla. 2002)], and

WHEREAS, the Florida Supreme Court found that the ballot title and summary for the proposed amendment plainly and unequivocally expressed its chief purpose and that this purpose "does not substantially affect or alter any provision in the State Constitution" [Id. at 732], and

WHEREAS, the Court's advisory opinion indicates that the Court interpreted "the plain unequivocal language" of the proposal's ballot summary as not making fundamental changes redistributing legislative power to an entity within another branch, which would alter the balance of governmental powers, and

WHEREAS, since 1968 and continuing through today, Section 1 of Article IX of the State Constitution provides that "[a]dequate provision shall be made by law for ... the establishment, maintenance, and operation of institutions of higher learning ...," and

WHEREAS, as of November 2002, the Board of Governors is charged by Section 7 of Article IX of the State Constitution with the responsibility to "operate, regulate, control, and be fully responsible for the management of the whole university system," and

WHEREAS, the canons of Florida statutory construction require that laws on the same subject are to be construed "in harmony with one another" so as not to render any part meaningless based upon the presumption that the people would not have adopted useless constitutional law [See, e.g., Unruh v. State, 669 So.2d 242 (Fla. 1996); see, also, State ex rel. McKay v. Keller, 191 So. 542 (Fla. 1939) (holding that principles governing the construction of statutes are generally applicable as well to the construction of constitutions)], and

WHEREAS, in accordance with these dictates, it is the Legislature's intention herein to harmonize and give meaningful effect to both Sections 1 and 7 of Article IX of the State Constitution, and

WHEREAS, litigants in Floridians for Constitutional Integrity, Inc., et al. v. State Board of Education and Board of Governors, Case No. 04-CA-3040, filed in the Second Judicial Circuit in and for Leon County, Florida, have alleged that the 2002 amendment so altered the State Constitution that the Legislature cannot enact laws controlling the policy or direction of the State University System, that the Board of Governors is not subject to legislative control, that the Board of Governors controls such public funds as tuition and student fees, federal contracts and grants, and that all authority over the State University System was transferred by the 2002 amendment to the Board of Governors subject only to legislative appropriation authority of only the state's general revenue, and

WHEREAS, on the contrary, the Florida Supreme Court stated that while the 2002 amendment interacts with Section 1 of Article IX, "it does not substantially affect or change" it [Advisory Opinion, Id. at 730], and

WHEREAS, it is the duty of the Florida Legislature to uphold Section 3 of Article II of the State Constitution and safeguard the powers of one branch of government from encroachments from entities of the other branches, and

WHEREAS, the Legislature has found that the powers of the Legislature in Section 1 of Article IX of the State Constitution and the powers of the Board of Governors in Section 7 of Article IX of the State Constitution must and can be defined in harmony to give each entity its full measure of constitutional responsibility, and

WHEREAS, Section 18 of Article III of the State Constitution confers upon the Legislature the obligation to prohibit conflict between the public duties and private interests of state officers, and

WHEREAS, the members of the statewide board of governors and local boards of trustees, as established in Section 7, Article IX of the State Constitution, are state officers and subject to the ethics laws of the State of Florida, and

WHEREAS, it is the intent of the Legislature to ensure good government practices in the operation of the education boards of this state, and

WHEREAS, the Legislature finds that lobbyists serving as members of state education boards present an actual or potential conflict of interest, and

WHEREAS, the Legislature finds that the Board of Governors and the local boards of trustees should reach their decisions free of political influence and in the best interests of the people of the State of Florida, NOW, THEREFORE,

Pursuant to Rule 4.19, **HB 1001** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 890—A bill to be entitled An act relating to student and parent rights; amending s. 1002.20, F.S.; authorizing certain K-12 students to self-administer epinephrine by auto-injector under certain circumstances; requiring the adoption of rules; providing for indemnification; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 890** to **HB 279**.

Pending further consideration of **CS for SB 890** as amended, on motion by Senator Wise, by two-thirds vote **HB 279** was withdrawn from the Committees on Education; Health Care; and Judiciary.

On motion by Senator Wise—

HB 279—A bill to be entitled An act relating to student and parent rights; providing a popular name; amending s. 1002.20, F.S.; authorizing certain K-12 students to self-administer epinephrine by auto-injector under certain circumstances; requiring the adoption of rules; providing for indemnification; providing an effective date.

—a companion measure, was substituted for **CS for SB 890** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 279** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hill—

CS for SB 216—A bill to be entitled An act relating to motor vehicle safety belt usage; providing a short title; amending s. 316.614, F.S.; revising provisions relating to safety belt usage; requiring the Department of Highway Safety and Motor Vehicles to develop a policy to prohibit the practice of racial profiling; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

Senator Klein moved the following amendment:

Amendment 1 (590580)(with title amendment)—On page 1, line 14 through page 2, line 17, delete those lines and insert:

Section 2. Subsection (8) of section 316.614, Florida Statutes, is amended to read:

316.614 Safety belt usage.—

(8) Any person who violates the provisions of this section commits a nonmoving violation, punishable as provided in chapter 318. *By January 1, 2006, each law enforcement agency in this state shall adopt departmental policy to prohibit the practice of racial profiling. When a law enforcement officer issues a citation for a violation of this section, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and forward the information to the department in a form and manner determined by the department. The department shall collect this information by jurisdiction and annually report the data to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must show separate statewide totals for the state's county sheriffs and municipal law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies.* ~~However, except for violations of s. 316.613, enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this chapter, chapter 320, or chapter 322.~~

And the title is amended as follows:

On page 1, lines 2-8, delete those lines and insert: An act relating to traffic law enforcement; designating the Dori Slosberg Safety Belt Law; amending s. 316.614, F.S.; requiring law enforcement agencies to adopt policies prohibiting racial profiling; requiring law enforcement officers to collect certain information to be forwarded by the agency to the Department of Highway Safety and Motor Vehicles; requiring the department to compile such information and annually submit reports of such data to the Governor and the Legislature; deleting the requirement for enforcement of the Florida Safety Belt Law as a secondary action; providing an effective date.

On motion by Senator Hill, further consideration of **CS for SB 216** with pending **Amendment 1 (590580)** was deferred.

On motion by Senator Lynn—

CS for SB 768—A bill to be entitled An act relating to instruction for exceptional students; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; amending s. 1003.58, F.S.; correcting a cross-reference; creating s. 1003.575, F.S.; requiring the Department of Education to develop an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; providing an effective date.

—was read the second time by title.

The Committee on Education Appropriations recommended the following amendment which was moved by Senator Lynn and adopted:

Amendment 1 (603922)—On page 5, delete line 11 and insert: *including, but not limited to, a public school, a private school, a group home*

Pursuant to Rule 4.19, **CS for SB 768** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for SB 276—A bill to be entitled An act relating to wrecker services; amending s. 120.80, F.S.; exempting hearings of the Division of the Florida Highway Patrol concerning the wrecker allocation system from requirements of ch. 120, F.S.; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing a license for a wrecker company that is not in compliance with the requirements of the act; amending s. 316.530, F.S., relating to traffic control; conforming provisions to changes made by the act; reenacting s. 316.550(4), F.S., relating to special wrecker permits, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; providing requirements for licensing wreckers and other vehicles; amending s. 320.01, F.S.; redefining the term "wrecker" for purposes of the Florida Statutes; amending ss. 320.03 and 320.0706, F.S., relating to motor vehicle registration and license plates; conforming provisions to changes made by the act; reenacting s. 320.08(5)(d) and (e), F.S., relating to license taxes, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 320.0821, F.S.; revising requirements for the issuance of wrecker license plates; amending s. 320.13, F.S., relating to dealer license plates; conforming provisions to changes made by the act; amending s. 321.051, F.S.; providing definitions; requiring the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to establish a wrecker allocation system; providing requirements for the system; authorizing the division to set maximum rates for towing and storage of vehicles; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; amending s. 323.001, F.S., relating to wrecker company storage facilities; providing definitions; providing procedures for a law enforcement agency to place a hold on a stored vehicle; providing for payment of towing and storage charges; amending s. 323.002, F.S.; providing definitions; providing requirements for a county or municipality that operates a wrecker allocation system; providing requirements for the system; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; creating chapter 508, F.S.; providing definitions; creating the Wrecker Operator Advisory Council within the Department of Agriculture and Consumer Services; providing for membership and terms; providing for reimbursement for travel and per diem expenses; requiring the council to advise the department on matters relating to standards and practices in the wrecker industry; authorizing the department to adopt rules; requiring wrecker companies to register with the department; providing requirements for registration renewal; providing requirements for advertisements; requiring insurance coverage; requiring the department to notify the Department of Highway Safety and Motor Vehicles when a registration has been suspended or revoked; authorizing the department to deny registration under certain circumstances; specifying acceptable forms of payment; establishing a certification program for wrecker operators; requiring the department to approve courses and organizations; providing requirements for examinations; providing for certification in specialized wrecker services; requiring the department to adopt rules; providing for certification cards to be issued to wrecker operators who complete the certification course and pass the examination; prohibiting the performance of wrecker services after a specified date unless the company is registered and obtains certification as required; authorizing the department to inspect employment records; providing requirements for continuing education; specifying prohibited acts; providing administrative, civil, and criminal penalties; providing for registration fees; providing for deposit of fees, penalties, and other funds; providing that the chapter does not apply to recovery agents; authorizing counties and municipalities to enact ordinances governing wrecker operators; requiring that a wrecker company maintain records of its services for a specified time; requiring a wrecker company to keep records of its operators continuing education courses for a specified time; directing organizations that conduct continuing education courses to keep records for a specified time; amending s. 713.78, F.S.; removing mobile homes from the application of a statutory lien for towing and storage; conforming provisions related to recovering, towing, or storing vessels; providing for attorney's fees; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation

stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 715.07, F.S.; defining the term "vessel"; conforming provisions related to towing vessels parked on private property; imposing criminal penalties for failure to comply with certain laws governing the towing of vehicles and vessels; repealing s. 1.01(15), F.S., relating to the definition of the term "wrecker operator"; providing an appropriation and authorizing additional positions; providing effective dates.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 276** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for SB 758—A bill to be entitled An act relating to child protective investigations; amending s. 39.202, F.S.; providing staff of a children's advocacy center with access to records of child abuse and neglect; amending s. 39.301, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect for purposes that adversely affect the interests of persons who are not identified as responsible for such abuse, abandonment, or neglect; amending s. 39.302, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect in institutional investigations for purposes that adversely affect the interests of persons not identified as responsible; providing circumstances under which the Department of Children and Family Services may rely on such information in a decision to renew or revoke a license; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 758** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 2268—A bill to be entitled An act relating to athletic trainers; amending s. 468.707, F.S.; revising the requirements for licensure as an athletic trainer; amending s. 468.711, F.S.; revising the criteria for continuing education in athletic training; amending s. 468.717, F.S.; providing that a person who practices athletic training without holding an active license commits a first-degree misdemeanor regardless of whether the person receives compensation; amending s. 468.723, F.S.; providing that a person employed as an apprentice trainer or athletic trainer is not exempt from part XIII of ch. 468, F.S.; amending s. 1012.46, F.S.; deleting the classification of first responder in a school district's athletic injuries prevention and treatment program; requiring that an athletic trainer employed by a school district be licensed as an athletic trainer; deleting a requirement that such person possess certain certification as an educator; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2268** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 1029** was withdrawn from the Committees on Transportation; Commerce and Consumer Services; and Transportation and Economic Development Appropriations.

On motion by Senator Fasano—

HB 1029—A bill to be entitled An act relating to funding for dredging projects; creating s. 311.115, F.S.; requiring the Florida Seaport Transportation and Economic Development Council to establish a matching funds program for certain dredging projects; requiring the adoption of rules and criteria for project evaluation; requiring approved projects to be reviewed by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; providing an effective date.

—a companion measure, was substituted for **CS for SB 1576** and read the second time by title.

Pursuant to Rule 4.19, **HB 1029** was placed on the calendar of Bills on Third Reading.

Consideration of **HB 1889** and **HB 1899** was deferred.

On motion by President Lee, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

SB 574—A bill to be entitled An act relating to the designation of an official fruit of the State of Florida; creating s. 15.0315, F.S.; designating the orange as the official fruit of the State of Florida; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **SB 574** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Senate resumed consideration of—

CS for SB 1056—A bill to be entitled An act relating to business entities; creating ss. 607.1112-607.1115, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic corporation into another business entity; providing for certificates of conversion; providing for effect of conversion; providing definitions, requirements, criteria, and procedures for conversion of another business entity into a domestic corporation; amending s. 607.1301, F.S.; redefining the term "fair value" to clarify existing law regarding the rights of minority shareholders; amending ss. 607.1302, 608.407, and 608.4225, F.S., to conform; creating ss. 608.4351-608.43595, F.S.; providing for appraisals of interests in certain limited liability companies; providing definitions; providing requirements, criteria, and procedures for appraisals; providing for appraisal rights of company members; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a member's acceptance of certain offers; providing procedures for members dissatisfied with company offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney's fees; providing limitations on payments by limited liability companies under certain circumstances; amending ss. 608.438, 608.4381, 608.4382, 608.4383, and 608.439, F.S., to conform; creating ss. 608.4401-608.4404, F.S.; providing definitions, requirements, criteria, and procedures for conversion of a domestic limited liability company into another business entity; requiring a plan of conversion; requiring certain actions on a plan of conversion; providing for certificates of conversion; providing for effects of conversion; amending s. 608.452, F.S., to conform; amending s.

617.0302, F.S., to conform; amending s. 617.0505, F.S.; exempting certain private clubs organized as corporations from a prohibition against distributions made to members in certain circumstances; creating s. 617.1108, F.S.; providing that certain statutory provisions related to mergers of corporations apply to not-for-profit corporations; creating ss. 620.1101-620.2205, F.S.; revising the Florida Revised Uniform Limited Partnership Act; providing a popular name; providing definitions; specifying conditions of knowledge and notice; providing for nature, purpose, and duration of limited partnerships; providing powers of limited partnerships; specifying the governing law relating to limited partnerships; providing supplemental principles of law; providing for application of certain rates of interest under certain circumstances; providing for names of limited partnerships; specifying certain fees of the Department of State for certain purposes; providing for effect of partnership agreements; providing for nonwaivable provisions; requiring limited partnerships to maintain certain required information; authorizing certain business transactions of partners with a partnership; providing for dual capacity of certain persons; requiring a designated office, registered office, and registered agent of a limited partnership; providing for change of designated office, registered office, or registered agent; providing for resignation of a registered agent; providing for service of process for certain purposes; providing for consent and proxies of partners; providing for formation of limited partnerships; providing for a certificate of limited partnership; providing for amendment or restatement of a certificate of partnership; providing for a certificate of dissolution; providing for a statement of termination; requiring certain records to be signed; providing for signing and filing of certain records pursuant to court order; providing for delivery to and filing of certain records by the Department of State; providing for effective dates and times of certain records and filings; providing for correcting certain filed records; providing for liability for false information in filed records; providing for a certificate of status; requiring delivery of annual reports to the department; providing conditions for becoming a partner; specifying absence of right or power of a limited partner to bind a limited partnership; providing for approval of certain rights; specifying absence of liability of limited partner for limited partnership obligations; specifying rights of limited partners and former limited partners to certain information; specifying limited duties of limited partners; specifying conditions of liability or lack of liability on the part of certain persons for certain partnership obligations under certain circumstances; specifying conditions for becoming a general partner; specifying a general partner as an agent for the limited partnership; specifying liability of limited partnership for certain actions of general partners; providing for liability of general partners; specifying certain actions by and against limited partnerships and general partners; specifying management rights of general partners; providing certain approval rights of other partners; specifying the right of general partners and former general partners to certain information; providing general standards of conduct for general partners; providing for form of certain contributions by partners; providing for liability for certain contributions; providing for sharing of profits, losses, and distributions; providing for interim distributions; specifying absence of right to receive a distribution upon dissociation; providing for distributions in kind; providing certain rights to distributions; providing limitations on distributions; providing for liability for certain improper distributions; providing for dissociation as limited partner under certain circumstances; providing for effect of dissociation as limited partner; providing for dissociation as general partner; specifying a person's power to dissociate as general under certain circumstances; specifying conditions and liability of wrongful dissociation; providing for effect of dissociation as general partner; providing to a dissociated general partner a power to bind and liability to a partnership before dissolution of the partnership; providing for certain liability of dissociated general partners; providing for a partner's transferable interest; providing for transfers of partner's transferable interest; providing rights of creditors of partners and transferees; providing for powers of estates of deceased partners; providing for nonjudicial dissolution of limited partnerships; providing for judicial dissolutions; providing for winding up activities of a limited partnership; providing for a power of a general partner and dissociated general partners to bind a partnership after dissolution; providing for liability of certain persons to the partnership after dissolution; providing for disposition of known claims against dissolved limited partnerships; providing for filing certain unknown claims against dissolved limited partnerships; providing for liability of certain persons for certain barred claims against a limited partnership; providing for administrative dissolution; providing for reinstatement after administrative dissolution; providing for appeals from reinstatement denials; providing for revocation of dissolution; providing for disposition of assets upon winding up of activities of a limited partnership; specifying when contributions are required; specifying the governing law relating to foreign limited partnerships; providing for applications for certificates of authority for foreign limited partnerships; specifying certain activities as not constituting transacting business by a foreign limited partnership; providing for filing a certificate of authority for foreign limited partnerships to transact business; prohibiting a foreign limited partnership from obtaining a certificate of authority for a noncomplying name; providing for revocation of a certificate of authority for foreign limited partnerships; providing for cancellation of a certificate of authority for a foreign limited partnership; providing for effect of failure to have a certificate; authorizing the Attorney General to bring actions to restrain foreign limited partnerships from transacting business under certain circumstances; providing for reinstatement after administrative revocation; providing for amending a certificate of authority; providing for direct actions by a partner against a limited partnership or another partner under certain circumstances; authorizing partners to maintain derivative actions for certain purposes; specifying proper plaintiff in derivative actions; specifying contents of certain pleadings; specifying distribution of proceeds in derivative actions; providing for court award of expenses and attorney fees under certain circumstances; providing definitions; providing for conversion of an organization to a limited partnership or a limited partnership to another organization; requiring a plan of conversion; specifying certain actions on a plan of conversion; requiring a certificate of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a limited partnership with certain organizations; requiring a plan of merger; specifying certain actions on a plan of merger; requiring a certificate of merger; specifying certain required filings for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of a general partner after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing for appraisals of interests in certain limited partnerships; providing definitions; providing for appraisal rights of limited partners; providing for assertion of appraisal rights by nominees and beneficial owners; providing for notice of appraisal rights; providing for notice of intent to demand payment; providing for a written appraisal notice and form; providing for perfection of appraisal rights; providing a right to withdraw; providing for a limited partner's acceptance of certain offers; providing procedures for limited partners dissatisfied with limited partnership offers; providing for court action to determine fair value of certain demands for payment under certain circumstances; providing for award of court costs and attorney's fees; providing limitations on payments by limited partnerships under certain circumstances; providing for application of laws to provisions governing conversions and mergers; providing for uniformity of application and construction; providing severability; providing for application to the Electronic Signatures in Global and National Commerce Act; providing for application to existing business entities; amending ss. 620.8103 and 620.8404, F.S., to conform; amending s. 620.8105, F.S.; providing requirements for partnership registration statements, certificates of merger or conversion, and amended partnership registrations and certificates of merger or conversion; amending s. 620.81055, F.S.; providing a fee for a certificate of conversion; creating ss. 620.8911-620.8923, F.S.; providing definitions; providing for conversion of certain organizations to a partnership or a partnership to another organization; providing requirements, criteria, and procedures for conversions; requiring a plan of conversion; requiring certain actions by a converting partnership on a plan of conversion; specifying certain required filings with the Department of State for a conversion; providing for effect of conversion; providing for a merger of a partnership with certain organizations; providing requirements, criteria, and procedures for mergers; requiring a plan of merger; specifying certain actions by a constituent partnership on a plan of merger; specifying certain requiring filings with the Department of State for a merger; providing for effect of merger; providing restrictions on approval of conversions and mergers; providing for liability of partners after conversion or merger; providing for power of certain persons to bind an organization after conversion or merger; providing construction relating to application of other laws to conversions and mergers; amending s. 620.9104, F.S.; specifying additional activities not constituting transacting business; amending s. 607.11101, F.S.; deleting the requirement that a certified copy of the articles of merger be recorded; conforming cross-references; repealing s. 608.4384, F.S., relating to rights of members of limited liability companies dissenting to a merger; repealing ss. 607.0129 and 617.0129, F.S., relating to signing a false document; repealing s. 608.4384, F.S., relating to rights of members of limited liability companies dissenting to a merger; repealing ss. 620.101, 620.102, 620.103, 620.105, 620.1051, 620.106, 620.107, 620.108, 620.109,

620.112, 620.113, 620.114, 620.115, 620.116, 620.117, 620.118, 620.119, 620.122, 620.123, 620.124, 620.125, 620.126, 620.127, 620.128, 620.129, 620.132, 620.133, 620.134, 620.135, 620.136, 620.137, 620.138, 620.139, 620.142, 620.143, 620.144, 620.145, 620.146, 620.147, 620.148, 620.149, 620.152, 620.153, 620.154, 620.155, 620.156, 620.157, 620.158, 620.159, 620.162, 620.163, 620.164, 620.165, 620.166, 620.167, 620.168, 620.169, 620.172, 620.173, 620.174, 620.175, 620.176, 620.177, 620.178, 620.179, 620.182, 620.1835, 620.184, 620.185, 620.186, 620.187, 620.192, 620.201, 620.202, 620.203, 620.204, and 620.205, F.S., relating to the Florida Revised Uniform Limited Partnership Act (1986); repealing ss. 620.8901, 620.8902, 620.8903, 620.8904, 620.8905, 6210.8906, 620.8907, and 620.8908, F.S., relating to conversions of partnerships and limited partnerships under the Revised Uniform Partnership Act of 1995; amending s. 817.155, F.S.; providing that a person making a false or fraudulent statement to the Department of State commits a felony of the third degree; providing effective dates.

—which was previously considered and amended this day.

On motion by Senator Klein, **CS for SB 1056** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Garcia—

CS for SB 2412—A bill to be entitled An act relating to viatical settlements; amending s. 517.021, F.S.; revising and providing definitions; creating s. 517.072, F.S.; specifying nonapplication of certain exemptions to viatical settlement investments; specifying the offering of a viatical settlement investment as not an exempt transaction under certain provisions of law; amending s. 517.081, F.S.; authorizing the Financial Services Commission to adopt additional rules relating to securities registration; authorizing the commission to adopt rules establishing requirements and standards for disclosures and records relating to viatical settlement investments; creating s. 517.1215, F.S.; requiring the commission to adopt rules specifying requirements for certain investment advisors; requiring the commission to establish by rule rules of conduct and prohibited business practices for investment advisers and associated persons; providing requirements; creating s. 517.1217, F.S.; authorizing the commission to establish by rule rules of conduct and prohibited business practices for dealers and associated persons; providing requirements; amending s. 624.501, F.S.; including agents making an appointment under certain life insurance agent fee provisions; amending ss. 626.015, 626.112, 626.207, and 626.331, F.S., to conform; amending s. 626.611, F.S.; providing an additional ground for compulsory refusal, suspension, or revocation of certain licenses or appointments for transactions relating to viatical settlement contracts; amending s. 626.777, F.S., to conform; amending s. 626.7845, F.S.; prohibiting certain activities by a person relating to viatical settlement contracts unless he or she is a licensed life agent; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9912, F.S., to conform; amending s. 626.9913, F.S.; specifying additional requirements for annual statements by viatical settlement provider licensees; providing an alternative bond provision for certain viatical settlement providers for a certain time period; prohibiting certain persons from levying upon certain assets or securities under certain circumstances; requiring annual statements to contain certain information; amending s. 626.9914, F.S.; including the authority to deny a license among the adverse actions the Office of Insurance Regulation may take against a viatical settlement provider for certain actions; amending s. 626.9916, F.S.; revising licensure requirements for viatical settlement brokers; providing for self-appointment; providing for transfers of appointments; providing for termination of licenses; specifying a fiduciary duty of viatical settlement brokers; prohibiting dividing or sharing compensation received by a life agent for certain activities under certain circumstances; amending ss. 626.9919, 626.992, and 626.9921, F.S., to conform; amending s. 626.9922, F.S.; specifying office jurisdiction over certain viatical settlement purchase agreements; authorizing the office to refer certain cases to the United States Securities and Exchange Commission for administrative action under certain circumstances; providing application to life expectancy providers; amending ss. 626.99245, 626.9925, 626.9926, and 626.9927, F.S., to conform; amending s. 626.99275, F.S.; revising a prohibited practice to apply to issuing life expectancies under certain circumstances; providing a criminal penalty; amending s. 626.99278, F.S.; requiring an anti-fraud plan to include a life expectancy accuracy review process; amending ss. 626.9928 and 626.99285, F.S., to conform; amending s. 626.99295, F.S.; revising application of a grace period for certain viatical settlement purchase agreements; repealing s. 626.9917, F.S., relating to denial, suspension, revocation, or nonrenewal of viatical settlement broker licenses; repealing s. 626.9918, F.S., relating to effect of suspension or revocation of viatical settlement broker licenses; repealing s. 626.99235, F.S., relating to disclosures to viatical settlement purchasers; repealing s. 626.99236, F.S., relating to further disclosures to viatical settlement purchasers; repealing s. 626.99277, F.S., relating to false representations; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which failed:

Amendment 1 (750484)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 626.99271, Florida Statutes, is created to read:

626.99271 Viatical fraudulent prevention and control.—

(1) FRAUDULENT VIATICAL SETTLEMENT ACTS; INTERFERENCE AND PARTICIPATION OF CONVICTED FELONS PROHIBITED.—

(a) A person may not commit a fraudulent viatical settlement act.

(b) A person may not knowingly or intentionally interfere with the enforcement of this act or investigations of suspected or actual violation of this section.

(c) A person in the business of viatical settlements may not knowingly or intentionally permit any person convicted of a felony involving dishonesty or breach of trust to participate in the business of viatical settlements.

(2) FRAUD WARNING REQUIRED.—

(a) Viatical settlement contracts and purchase agreement forms and applications for viatical settlements, regardless of the form of transmission, must contain the following statement or a substantially similar statement:

Any person who knowingly presents false information in an application for insurance, a viatical settlement contract, or a viatical settlement purchase agreement may be subject to fines.

(b) The lack of a statement as required in paragraph (a) does not constitute a defense in any prosecution for a fraudulent viatical settlement act.

(3) MANDATORY REPORTING OF FRAUDULENT VIATICAL SETTLEMENT ACTS.—

(a) A person who engages in the business of viatical settlements who knows or has a reasonable belief that a fraudulent viatical settlement act is being, will be, or has been committed must provide to the Financial

Services Commission the information required by, and in a manner prescribed by, the commission.

(b) Any other person who knows or has a reasonable belief that a fraudulent viatical settlement act is being, will be, or has been committed may provide to the commission the information required by, and in a manner prescribed by, the commission.

(4) IMMUNITY FROM LIABILITY.—

(a) Civil liability may not be imposed on and a cause of action may not arise from a person furnishing information concerning suspected, anticipated, or completed fraudulent acts with respect to viatical settlements or suspected or completed fraudulent insurance acts if the information is provided to or received from:

1. The Financial Services Commission or the commission's employees, agents, or representatives;

2. Federal, state, or local law enforcement or regulatory officials or their employees, agents, or representatives;

3. A person involved in the prevention and detection of fraudulent viatical settlement acts or the agent, employee or representative of the person;

4. The National Association of Insurance Commissions (NAIC), National Association of Securities Dealers (NASD), the North American Securities Administrators Association (NASAA), or their employees, agents, or representatives, or other regulatory body overseeing life insurance, viatical settlements, securities, or investment fraud; or

5. The life insurer that issued the life insurance policy covering the life of the insured.

(b) Paragraph (a) does not apply to statements made with actual malice. In an action brought against a person for filing a report or furnishing other information concerning a fraudulent viatical settlement act or a fraudulent insurance act, the party bringing the action must plead specifically any allegation that paragraph (a) does not apply because the person filing the report or furnishing the information did so with actual malice.

(c) A person identified in paragraph (a) is entitled to an award of attorney's fees and costs if he or she is the prevailing party in a civil cause of action for libel, slander, or any other relevant tort arising out of activities in carrying out this act and the party bringing the action was not substantially justified in doing so. For purposes of this section, a proceeding is "substantially justified" if it had a reasonable basis in law or fact at the time that it was initiated.

(d) This section does not abrogate or modify common law or statutory privileges or immunities enjoyed by a person described in paragraph (a).

(5) OTHER LAW ENFORCEMENT OR REGULATORY AUTHORITY.—This act does not:

(a) Preempt the authority or relieve the duty of other law enforcement or regulatory agencies to investigate, examine, or prosecute suspected violation of law;

(b) Prevent or prohibit a person from voluntarily disclosing information concerning viatical settlement fraud to a law enforcement or regulatory agency other than the insurance department; or

(c) Limit the powers granted elsewhere by the laws of this state to the commission or an insurance fraud unit to investigate and examine possible violations of law and to take appropriate action against wrongdoers.

(6) VIATICAL SETTLEMENT ANTI-FRAUD INITIATIVES.—Viatical settlement providers and viatical settlement brokers must have active anti-fraud initiatives reasonably calculated to detect, prosecute, and prevent fraudulent viatical settlement acts. The Financial Services Commission may order, or a licensee may request and the commission may grant, such modifications of the following required initiatives as necessary to ensure an effective anti-fraud program. The modifications may be more or less restrictive than the required initiatives so long as the modifications may reasonably be expected to accomplish the purpose of this section. Anti-fraud initiatives must include:

(a) Fraud investigators, who may be viatical settlement provider or viatical settlement broker employees or independent contractors; and

(b) An anti-fraud plan that must be submitted to the commission. The anti-fraud plan must include, but not be limited to, a description of:

1. The procedures for detecting and investigating possible fraudulent viatical settlement acts and procedures for resolving material inconsistencies between medical records and insurance applications;

2. The procedures for reporting possible fraudulent viatical settlement acts to the commission;

3. The plan for anti-fraud education and training of underwriters and other personnel; and

4. The chart outlining the organizational arrangement of the anti-fraud personnel who are responsible for the investigation and reporting of possible fraudulent viatical settlement acts and investigating unresolved material inconsistencies between medical records and insurance applications.

Section 2. Section 626.99279, Florida Statutes, is created to read:

626.99279 Advertising for viatical settlements and viatical settlement purchase agreements.—The Legislature intends this section to provide prospective viators and viatical settlement purchasers with clear and unambiguous statements in the advertisement of viatical settlements and to ensure the clear, truthful, and adequate disclosure of the benefits, risks, limitations, and exclusions of any viatical settlement contract or viatical settlement purchase agreement bought or sold. The intent of the Legislature is to be accomplished by establishing guidelines and standards of permissible and impermissible conduct in the advertising of viatical settlements. These standards and guidelines are to ensure that product descriptions are presented in a manner that prevents unfair, deceptive, or misleading advertising and is conducive to accurate presentation and description of viatical settlements through the advertising media and material used by viatical settlement licensees.

(1) This section applies to any advertising of viatical settlement contracts, viatical purchase agreements, or related products or services intended for dissemination in this state, including Internet advertising viewed by persons located in this state. When disclosure requirements are established under federal regulation, this section shall be interpreted to minimize or eliminate conflict with federal regulation whenever possible.

(2) Every viatical settlement licensee shall establish and at all times maintain a system of control over the content, form, and method of dissemination of all advertisements of its contracts, products, and services. All advertisements, regardless of by whom written, created, designed, or presented, are the responsibility of the viatical settlement licensee as well as the individual who created or presented the advertisement. A system of control must include regular routine notification, at least once a year, to agents and others authorized by the viatical settlement licensee who disseminate advertisements of the requirements and procedures for approval before the use of any advertisements not furnished by the viatical settlement licensee.

(3) Advertisements must be truthful and not misleading in fact or by implication. The form and content of an advertisement of a viatical settlement contract or viatical settlement purchase agreement, product, or service must be sufficiently complete and clear so as to avoid deception. It may not have the capacity or tendency to mislead or deceive. Whether an advertisement has the capacity or tendency to mislead or deceive shall be determined by the Financial Services Commission from the overall impression that the advertisement may be reasonably expected to create upon a person of average education or intelligence within the segment of the public to which it is directed.

(4) Certain viatical settlement advertisements are deemed false and misleading on their face and are prohibited. False and misleading viatical settlement advertisements include, but are not limited to, the following representations:

(a) "Guaranteed," "fully secured," "100 percent secured," "fully insured," "secure," "safe," "backed by rated insurance companies," "backed by federal law," "backed by state law," "backed by state guaranty funds," or similar representations;

(b) "No risk," "minimal risk," "low risk," "no speculation," "no fluctuation," or similar representations;

(c) "Qualified or approved for individual retirement accounts (IRAs), Roth IRAs, 401(k) plans, simplified employee pensions (SEP), 403(b), Keogh plans, TSA, other retirement account rollovers," "tax deferred," or similar representations;

(d) Use of the word "guaranteed" to describe the fixed return, annual return, principal, earnings, profits, investment, or similar representations;

(e) "No sales charges or fees" or similar representations;

(f) "High yield," "superior return," "excellent return," "high return," "quick profit," or similar representations; and

(g) Purported favorable representations or testimonials about the benefits of viatical settlement contracts or viatical settlement purchase agreements as an investment, taken out of context from newspapers, trade papers, journals, radio and television programs, and all other forms of print and electronic media.

(5) The information required to be disclosed under this section may not be minimized, rendered obscure, or presented in an ambiguous fashion or intermingled with the text of the advertisement so as to be confusing or misleading.

(a) An advertisement may not:

1. Omit material information or use words, phrases, statements, references, or illustrations if the omission or use has the capacity, tendency, or effect of misleading or deceiving viators, purchasers, or prospective purchasers as to the nature or extent of any benefit, loss covered, premium payable, or state or federal tax consequence. The fact that the viatical settlement contract or viatical settlement purchase agreement offered is made available for inspection before consummation of the sale, that an offer is made to refund the payment if the viator is not satisfied, or that the viatical settlement contract or viatical settlement purchase agreement includes a "free look" period that satisfies or exceeds legal requirements does not remedy misleading statements.

2. Use the name or title of a life insurance company or a life insurance policy unless the advertisement has been approved by the insurer.

3. Represent that premium payments will not be required to be paid on the life insurance policy that is the subject of a viatical settlement contract or viatical settlement purchase agreement in order to maintain that policy, unless that is the fact.

4. State or imply that interest charged on an accelerated death benefit or a policy loan is unfair, inequitable, or in any manner an incorrect or improper practice.

(b) The words "free," "no cost," "without cost," "no additional cost," and "at no extra cost" or words of similar import may not be used with respect to any benefit or service unless true. An advertisement may specify the charge for a benefit or a service or may state that a charge is included in the payment or use other appropriate language.

(c) Testimonials, appraisals, or analysis used in advertisements must be genuine; represent the current opinion of the author; be applicable to the viatical settlement contract or viatical settlement purchase agreement, product, or service advertised, if any; and be accurately reproduced with sufficient completeness to avoid misleading or deceiving prospective viators or purchasers as to the nature or scope of the testimonials, appraisal, analysis, or endorsement. In using testimonials, appraisals, or analysis, the viatical settlement licensee makes as its own all the statements contained therein, and the statements are subject to all the provisions of this section.

1. If the individual making a testimonial, appraisal, analysis, or endorsement has a financial interest in the viatical settlement provider or related entity as a stockholder, director, officer, employee, or otherwise, or receives any benefit directly or indirectly other than required union scale wages, that fact must be prominently disclosed in the advertisement.

2. An advertisement may not state or imply that a viatical settlement contract or viatical settlement purchase agreement, benefit, or service has been approved or endorsed by a group of individuals, society, association, or other organization unless that is the fact and unless any relationship between an organization and the viatical settlement licensee is disclosed. If the entity making the endorsement or testimonial is owned, controlled, or managed by the viatical settlement licensee, or receives any payment or other consideration from the viatical settlement licensee for making an endorsement or testimonial, that fact must be disclosed in the advertisement.

3. When an endorsement refers to benefits received under a viatical settlement contract or viatical settlement purchase agreement, all pertinent information must be retained for a period of 5 years after its use.

(6) An advertisement may not contain statistical information unless it accurately reflects recent and relevant facts. The source of all statistics used in an advertisement must be identified.

(7) An advertisement may not disparage insurers, viatical settlement providers, viatical settlement brokers, viatical settlement investment agents, insurance producers, policies, services, or methods of marketing.

(8) The name of the viatical settlement licensee must be clearly identified in all advertisements about the licensee or its viatical settlement contracts or viatical settlement purchase agreements, products, or services, and if any specific viatical settlement contract or viatical settlement purchase agreement is advertised, the viatical settlement contract or viatical settlement purchase agreement shall be identified either by form number or some other appropriate description. If an application is part of the advertisement, the name of the viatical settlement provider must be shown on the application.

(9) An advertisement may not use a trade name, group designation, name of the parent company of a viatical settlement licensee, name of a particular division of the viatical settlement licensee, service mark, slogan, symbol, or other device or reference without disclosing the name of the viatical settlement licensee if the advertisement would have the capacity or tendency to mislead or deceive as to the true identity of the viatical settlement licensee or to create the impression that a company other that the viatical settlement licensee would have any responsibility for the financial obligation under a viatical settlement contract or viatical settlement purchase agreement.

(10) An advertisement may not use any combination of words, symbols, or physical materials that by their content, phraseology, shape, color, or other characteristics are so similar to a combination of words, symbols, or physical materials used by a government program or agency, or otherwise appear to be of such nature, that they tend to mislead prospective viators or purchasers into believing that the solicitation is in some manner connected with a government program or agency.

(11) An advertisement may state that a viatical settlement licensee is licensed in the state where the advertisement appears provided that it does not exaggerate that fact or suggest or imply that competing viatical settlement licensees may not be so licensed. The advertisement may ask the audience to consult the licensee's website or contact the Department of Insurance to find out if the state requires licensing and, if so, whether the viatical settlement provider, viatical settlement broker, or viatical settlement investment agent is licensed.

(12) An advertisement may not create the impression that the viatical settlement provider, its financial condition or status, the payment of its claims, or the merits, desirability, or advisability of its viatical settlement contracts or viatical settlement purchase agreement forms are recommended or endorsed by any government entity.

(13) The name of the actual licensee must be stated in all of its advertisements. An advertisement may not use a trade name, any group designation, the name of any affiliate or controlling entity of the licensee, service mark, slogan, symbol, or other device in a manner that would have the capacity or tendency to mislead or deceive as to the true identity of the actual licensee or create the false impression that an affiliate or controlling entity would have any responsibility for the financial obligation of the licensee.

(14) An advertisement may not directly or indirectly create the impression that any division or agency of the state or of the United States Government endorses, approves, or favors:

(a) Any viatical settlement licensee or its business practices or methods of operation;

(b) The merits, desirability, or advisability of any viatical settlement contract or viatical settlement purchase agreement;

(c) Any viatical settlement contract or viatical settlement purchase agreement; or

(d) Any life insurance policy or life insurance company.

(15) If the advertiser emphasizes the speed with which the viatication will occur, the advertising must disclose the average time frame from completed application to the date of offer and from acceptance of the offer to receipt of the funds by the viator.

(16) If the advertising emphasizes the dollar amounts available to viators, the advertising must disclose the average purchase price as a percent of face value obtained by viators contracting with the licensee during the past 6 months.

Section 3. Subsection (2) of section 626.99235, Florida Statutes, is amended to read:

626.99235 Disclosures to viatical settlement purchasers; misrepresentations.—

(2) *A viatical settlement provider or its viatical settlement investment agent must provide the viatical settlement purchaser with at least the following disclosures before the date the viatical settlement purchase agreement is signed by all parties. The disclosures must be conspicuously displayed in any viatical purchase contract or in a separate document signed by the viatical settlement purchaser and viatical settlement provider or viatical settlement investment agent, and must make the following disclosure to the viatical settlement purchaser:*

(a) That the purchaser will receive no returns including dividends or interest until the insured dies.

(b) That the actual annual rate of return on a viatical settlement contract is dependent upon an accurate projection of the insured's life expectancy and the actual date of the insured's death and that an annual "guaranteed" rate of return is not determinable.

(c) That the viaticated life insurance contract should not be considered a liquid purchase since it is impossible to predict the exact timing of its maturity and the funds probably are not available until the death of the insured and that there is no established secondary market for resale of these products by the purchaser.

(d) That the purchaser may lose all benefits or may receive substantially reduced benefits if the insurer goes out of business during the term of the viatical investment.

(e) That the purchaser is responsible for payment of the insurance premium or other costs related to the policy, if required by the terms of the viatical purchase agreement; that the payments may reduce the purchaser's return; and, if a party other than the purchaser is responsible for the payment, the name and address of that party.

(f) That the purchaser is responsible for payment of the insurance premiums or other costs related to the policy if the insured returns to health and the amount of such premiums, if applicable.

(g) The name and address of any person providing escrow services and the relationship to the broker.

(h) The amount of any trust fees or other expenses to be charged to the viatical settlement purchaser.

(i) Whether the purchaser is entitled to a refund of all or part of his or her investment under the settlement contract if the policy is later determined to be null and void.

(j) That group policies may contain limitations or caps in the conversion rights; that additional premiums may have to be paid if the policy is converted; the party responsible for the payment of the additional premiums; and, if a group policy is terminated and replaced by another group policy, that there may be no right to convert the original coverage.

(k) The risks associated with policy contestability, including, but not limited to, the risk that the purchaser will have no claim or only a partial claim to death benefits if the insurer rescinds the policy within the contestability period.

(l) Whether the purchaser will be the owner of the policy in addition to being the beneficiary, and if the purchaser is the beneficiary only and not also the owner, the special risks associated with that status, including, but not limited to, the risk that the beneficiary may be changed or the premium may not be paid.

(m) The experience and qualifications of the person who determines the life expectancy of the insured, such as in-house staff, independent physicians, and specialty firms that weigh medical and actuarial data; the information this projection is based on; and the relationship of the projection maker to the viatical settlement provider, if any.

Disclosure to an investor must include distribution of a brochure describing the process of investment in viatical settlements. The NAIC's form for the brochure must be used unless one is developed by the commission. ~~The viatical settlement provider and the viatical settlement sales agent, themselves or through another person, shall provide in writing the following disclosures to any viatical settlement purchaser or purchaser prospect:~~

~~(a) That the return represented as being available under the viatical settlement purchase agreement is directly tied to the projected life span of one or more insureds.~~

~~(b) If a return is represented, the disclosure shall indicate the projected life span of the insured or insureds whose life or lives are tied to the return.~~

~~(c) If required by the terms of the viatical settlement purchase agreement, that the viatical settlement purchaser shall be responsible for the payment of insurance premiums on the life of the insured, late or surrender fees, or other costs related to the life insurance policy on the life of the insured or insureds which may reduce the return.~~

~~(d) The amount of any trust fees, commissions, deductions, or other expenses, if any, to be charged to the viatical settlement purchaser.~~

~~(e) The name and address of the person responsible for tracking the insured.~~

~~(f) That group policies may contain limitations or caps in the conversion rights, that additional premiums may have to be paid if the policy is converted, and that the party responsible for the payment of such additional premiums shall be identified.~~

~~(g) That the life expectancy and rate of return are only estimates and cannot be guaranteed.~~

~~(h) That the purchase of a viatical settlement contract should not be considered a liquid purchase, since it is impossible to predict the exact timing of its maturity and the funds may not be available until the death of the insured.~~

~~(i) The name and address of the person with the responsibility for paying the premium until the death of the insured.~~

~~The written disclosure required under this subsection shall be conspicuously displayed in any viatical settlement purchase agreement, and in any solicitation material furnished to the viatical settlement purchaser by such viatical settlement provider, related provider trust, or person, and shall be in contrasting color and in not less than 10-point type or no smaller than the largest type on the page if larger than 10-point type. The commission may adopt by rule the disclosure form to be used. The disclosures need not be furnished in an invitation to inquire, the objective of which is to create a desire to inquire further about entering into a viatical settlement purchase agreement. The invitation to inquire may not quote rates of return, may not include material attendant to the execution of any specific viatical settlement purchase agreement, and may not relate to any specific viator.~~

Section 4. Subsection (1) of section 626.99236, Florida Statutes, is amended to read:

626.99236 Further disclosures to viatical settlement purchasers.—

(1) *A viatical settlement provider or its viatical settlement investment agent must provide the viatical settlement purchaser with at least the following disclosures no later than at the time of the assignment, transfer, or sale of all or a portion of an insurance policy. The disclosures must be contained in a document signed by the viatical settlement purchaser and viatical settlement provider or viatical settlement investment agent, and the document must make the following disclosures to the viatical settlement purchaser:*

(a) All the life expectancy certifications obtained by the provider in the process of determining the price paid to the viator.

(b) Whether premium payments or other costs related to the policy have been escrowed and if escrowed, the date upon which the escrowed funds will be depleted and whether the purchaser will be responsible for payment of premiums thereafter and, if so, the amount of the premiums.

(c) Whether premium payments or other costs related to the policy have been waived and, if waived, whether the investor will be responsible for payment of the premiums if the insurer that wrote the policy terminates the waiver after purchase and the amount of those premiums.

(d) The type of policy offered or sold, i.e. whole life, term life, universal life, or a group policy certificate; any additional benefits contained in the policy; and the current status of the policy.

(e) If the policy is term insurance, the special risks associated with term insurance, including, but not limited to, the purchaser's responsibility for additional premiums if the viator continues the term policy at the end of the current term.

(f) Whether the policy is contestable.

(g) Whether the insurer that wrote the policy has any additional rights that could negatively affect or extinguish the purchaser's rights under the viatical settlement contract, what these rights are, and under what conditions these rights are activated.

(h) The name and address of the person responsible for monitoring the insured's condition and a description of how often the monitoring of the insured's condition is done, how the date of death is determined, and how and when this information will be transmitted to the purchaser. ~~No later than 5 days prior to the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of the insurance policy or certificate of insurance to the purchaser, the viatical settlement provider and the viatical settlement sales agent, themselves or through another person, shall provide in writing the following disclosures to any viatical settlement purchaser:~~

~~(a) All the life expectancy certifications obtained by the provider.~~

~~(b) The name and address of the insurance company, the policy number, and the date of original issue of the viaticated policy.~~

~~(c) The experience and qualifications of the person issuing the life expectancy certification, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.~~

~~(d) The name and address of any person providing escrow services, and that person's relationship to the viatical settlement provider, the viatical settlement broker, the viatical settlement sales agent, and the viator.~~

~~(e) The type of life insurance policy offered or sold, including a statement as to whether the policy is whole life, term life, universal life, or a group policy certificate; a statement as to whether the policy is in lapse status or has lapsed in the last 2 years; and a statement as to whether the purchaser is entitled to benefits contained in the policy other than the death benefit of the policy.~~

~~(f) The procedure to be used by the provider to provide the status of the health condition of the insured to a purchaser.~~

Section 5. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to viatical settlements; creating s. 626.99271, F.S.; requiring that a fraud warning be included in viatical settlement agreements; requiring certain persons to report viatical fraud; providing for immunity from civil liability for persons who report viatical fraud; providing that the act does not preempt limit enforcement by other agencies; requiring viatical settlement providers to initiate anti-fraud programs and to submit an anti-fraud plan to the Financial Services Commission; providing for the contents of the anti-fraud plan; creating s. 626.99279, F.S.; providing that advertisements of viatical settlement agreements must be truthful; prohibiting certain specified statements that are misleading; prohibiting advertising from containing or excluding certain information; amending s. 626.99235, F.S.; providing that certain disclosures be made before the agreement documents are signed; amending s. 626.99236, F.S.; requiring that the viatical settlement documents contain certain disclosures; providing an effective date.

The vote was:

Yeas—16

Aronberg	Geller	Saunders
Bennett	Klein	Siplin
Campbell	Lawson	Smith
Dawson	Miller	Wilson
Diaz de la Portilla	Posey	
Dockery	Rich	

Nays—24

Mr. President	Constantine	Lynn
Alexander	Crist	Margolis
Argenziano	Fasano	Peaden
Atwater	Garcia	Pruitt
Baker	Haridopolos	Sebesta
Bullard	Hill	Villalobos
Carlton	Jones	Webster
Clary	King	Wise

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendments to be considered:

Senator Garcia moved the following amendments which were adopted:

Amendment 2 (751566)—On page 6, delete line 12 and insert: *trust, a financing entity, or a special purpose entity, as those terms are defined in s.*

Amendment 3 (684410)—On page 16, line 24 through page 20, line 7, delete those lines and insert:

(4) "Life expectancy provider" means a person who determines, or holds himself or herself out as determining, life expectancies or mortality ratings used to determine life expectancies:

(a) On behalf of a viatical settlement provider, viatical settlement broker, life agent, or person engaged in the business of viatical settlements;

(b) In connection with a viatical settlement investment, pursuant to s. 517.021(22); or

(c) On residents of this state in connection with a viatical settlement contract or viatical settlement investment.

(5)~~(2)~~ "Person" has the meaning specified in s. 1.01.

(6)~~(12)~~ "Related form" means any form, created by or on behalf of a licensee, which a viator ~~or viatical settlement purchaser~~ is required to sign or initial. The forms include, but are not limited to, a power of attorney, a release of medical information form, a suitability questionnaire, a disclosure document, or any addendum, schedule, or amendment to a viatical settlement contract ~~or viatical settlement purchase agreement~~ considered necessary by a provider to effectuate a viatical settlement transaction.

(7) "Related provider trust" means a titling trust or other trust established by a licensed viatical settlement provider or financing entity for the sole purpose of holding the ownership or beneficial interest in purchased policies in connection with a financing transaction. The trust

must have a written agreement with a licensed viatical settlement provider or financing entity under which the licensed viatical settlement provider or financing entity is responsible for insuring compliance with all statutory and regulatory requirements and under which the trust agrees to make all records and files relating to viatical settlement transactions available to the office as if those records and files were maintained directly by the licensed viatical settlement provider. This term does not include an independent third-party trustee or escrow agent or a trust that does not enter into agreements with a viator. A related provider trust shall be subject to all provisions of this act that apply to the viatical settlement provider who established the related provider trust, except s. 626.9912, which shall not be applicable. A viatical settlement provider may establish no more than one related provider trust, and the sole trustee of such related provider trust shall be the viatical settlement provider licensed under s. 626.9912. The name of the licensed viatical settlement provider shall be included within the name of the related provider trust.

(8)~~(13)~~ "Special purpose entity" means an entity established by a licensed viatical settlement provider or by a financing entity, which may be a corporation, partnership, trust, limited liability company, or other similar entity formed solely to provide, either directly or indirectly, access to institutional capital markets to a viatical settlement provider or financing entity. A special purpose entity *may not obtain capital from any natural person or entity with less than $50 million in assets and may* ~~shall~~ not enter into a viatical settlement contract ~~or a viatical settlement purchase agreement~~.

(9)~~(3)~~ "Viatical settlement broker" means a person who, on behalf of a viator and for a fee, commission, or other valuable consideration, offers or attempts to negotiate viatical settlement contracts between a viator resident in this state and one or more viatical settlement providers. Notwithstanding the manner in which the viatical settlement broker is compensated, a viatical settlement broker is deemed to represent only the viator and owes a fiduciary duty to the viator to act according to the viator's instructions and in the best interest of the viator. The term does not include an attorney, licensed Certified Public Accountant, or investment adviser lawfully registered under chapter 517, who is retained to represent the viator and whose compensation is paid directly by or at the direction and on behalf of the viator.

(10)~~(4)~~ "Viatical settlement contract" means a written agreement entered into between a viatical settlement provider, or its related provider trust, and a viator. The viatical settlement contract includes an agreement to transfer ownership or change the beneficiary designation of a life insurance policy at a later date, regardless of the date that compensation is paid to the viator. The agreement must establish the terms under which the viatical settlement provider will pay compensation or anything of value, which compensation or value is less than the expected death benefit of the insurance policy or certificate, in return for the viator's assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of the insurance policy or certificate of insurance to the viatical settlement provider. A viatical settlement contract also includes a contract for a loan or other financial transaction secured primarily by an individual or group life insurance policy, other than a loan by a life insurance company pursuant to the terms of the life insurance contract, or a loan secured by the cash value of a policy.

(11) "Viatical settlement investment" has the same meaning as specified in s. 517.021.

(12)~~(5)~~ "Viatical settlement provider" means a person who, in this state, from this state, or with a resident of this state, effectuates a viatical settlement contract. The term does not include:

(a) Any bank, savings bank, savings and loan association, credit union, or other licensed lending institution that takes an assignment of a life insurance policy as collateral for a loan.

(b) A life and health insurer that has lawfully issued a life insurance policy that provides accelerated benefits to terminally ill policyholders or certificateholders.

(c) Any natural person who enters into no more than one viatical settlement contract with a viator in 1 calendar year, unless such natural person has previously been licensed under this act or is currently licensed under this act.

(d) A trust that meets the definition of a "related provider trust."

(e) A viator in this state.

~~(f) A viatical settlement purchaser.~~

(f)~~(g)~~ A financing entity.

(13)~~(11)~~ "Viaticated policy" means a life insurance policy, or a certificate under a group policy, which is the subject of a viatical settlement contract.

(14)~~(6)~~ "Viator" means the owner of a life insurance policy or a certificateholder under a group policy*, which policy is not a previously viaticated policy,* who enters or seeks to

Amendment 4 (380218)(with title amendment)—On page 21, line 19 through page 27, line 25, delete those lines and insert:

Section 15. Paragraph (f) of subsection (3) of section 626.9912, Florida Statutes, is amended, present paragraph (g) of that subsection is redesignated as paragraph (h) and a new paragraph (g) is added to that subsection, and subsection (4) of that section is amended to read:

626.9912 Viatical settlement provider license required; application for license.—

(3) In the application, the applicant must provide all of the following:

(f) All applications, viatical settlement contract forms, ~~viatical settlement purchase agreement forms,~~ escrow forms, and other related forms proposed to be used by the applicant.

(g) A general description of the method the viatical settlement provider will use in determing life expectancies, including a description of the applicant's intended receipt of life expectancies, the applicant's intended receipt of life expectancies, the applicant's intended use of life expectancy providers, and the written plan or plans of policies and procedures used to determine life expectancies.

(4) The office may not issue a license to an entity other than a natural person if it is not satisfied that all officers, directors, employees, stockholders, partners, and any other persons who exercise or have the ability to exercise effective control of the entity or who have the ability to influence the transaction of business by the entity meet the standards of this act and have not violated any provision of this act or rules of the commission related to the business of viatical settlement contracts ~~or viatical settlement purchase agreements~~.

Section 16. Section 626.9913, Florida Statutes, is amended to read:

626.9913 Viatical settlement provider license continuance; annual report; fees; deposit.—

(1) A viatical settlement provider license continues in force until suspended or revoked.

(2) Annually, on or before March 1, the viatical settlement provider licensee shall file a statement containing information the commission requires and shall pay to the office a license fee in the amount of $500. *The annual statement shall include audited financial statements prepared in accordance with generally accepted accounting principles by an independent certified public accountant as of the last day of the preceding calendar year. If the audited financial statement has not been completed, however, the licensee shall include in its annual statement an unaudited financial statement and an affidavit from an officer of the licensee stating that the audit has not been completed. In this event, the licensee shall submit the audited statement on or before June 1. The annual statement shall also provide the office with a report of all life expectancy providers who have provided life expectancies directly or indirectly to the viatical settlement provider for use in connection with a viatical settlement contract or a viatical settlement investment.* A viatical settlement provider shall include in all statements filed with the office all information requested by the office regarding a related provider trust established by the viatical settlement provider. The office may require more frequent reporting. Failure to timely file the annual statement or to timely pay the license fee is grounds for immediate suspension of the license.

(3) *To ensure the faithful performance of its obligations to its viators in the event of insolvency or the loss of its license,* a viatical settlement

provider licensee must deposit and maintain deposited in trust with the department securities eligible for deposit under s. 625.52, having at all times a value of not less than $100,000*; however, a viatical settlement provider licensed in this state prior to June 1, 2004, which has deposited and maintains continuously deposited in trust with the department securities in the amount of $25,000 and which posted and maintains continuously posted a security bond acceptable to the department in the amount of $75,000, has until June 1, 2005, to comply with the requirements of this subsection*. ~~As an alternative to meeting the $100,000 deposit requirement, the provider may deposit and maintain deposited in trust with the department such securities in the amount of $25,000 and post with the office a surety bond acceptable to the office in the amount of $75,000.~~

(4) There shall be no additional annual license fee or deposit requirements under this act for a related provider trust established by a viatical settlement provider.

(5) A judgment creditor or other claimant of a viatical settlement provider does not have the right to levy upon any of the assets or securities held in this state pursuant to this section.

And the title is amended as follows:

On page 2, lines 20 and 21, delete those lines and insert: amending s. 626.9914, F.S.;

Amendment 5 (242896)—On page 28, lines 24-26, delete those lines and insert: this act; ~~or~~

(j) No longer meets the requirements for initial licensure*; or*.

(k) Obtains or utilizes life expectancies from life expectancy providers who are not registered with the office pursuant to this act.

Amendment 6 (473486)—On page 29, lines 1 and 20, and on page 30, line 29, delete "*2005*" and insert: *2006*

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following amendment:

Amendment 7 (150506)(with title amendment)—On page 33, line 17 through page 40, line 31, delete those lines and insert:

Section 19. Section 626.99175, Florida Statutes, is created to read:

626.99175 Life expectancy providers; registration required; denial, suspension, revocation.—

(1) After July 1, 2006, a person may not perform the functions of a life expectancy provider without first having registered as a life expectancy provider, except as provided in subsection (6).

(2) Application for registration as a life expectancy provider must be made to the office by the applicant on a form prescribed by the office, under oath and signed by the applicant. The application must be accompanied by a fee of $500.

(3) A completed application shall be evidenced on a form and in a manner prescribed by the office and shall require the registered life expectancy provider to update such information and renew such registration as required by the office.

(4) In the application, the applicant must provide all of the following:

(a) The full name, age, residence address, and business address, and all occupations engaged in by the applicant during the 5 years preceding the date of the application.

(b) A copy of the applicant's basic organizational documents, if any, including the articles of incorporation, articles of association, partnership agreement, trust agreement, or other similar documents, together with all amendments to such documents.

(c) Copies of all bylaws, rules, regulations, or similar documents regulating the conduct of the applicant's internal affairs.

(d) A list showing the name, business and residence addresses, and official position of each individual who is responsible for conduct of the applicant's affairs, including, but not limited to, any member of the board of directors, board of trustees, executive committee, or other governing board or committee and any other person or entity owning or having the right to acquire 10 percent or more of the voting securities of the applicant, and any person performing life expectancies by the applicant.

(e) A sworn biographical statement on forms supplied by the office with respect to each individual identified under paragraph (d), including whether such individual has been associated with any other life expectancy provider or has performed any services for a person in the business of viatical settlements.

(f) A sworn statement of any criminal and civil actions pending or final against the registrant or any individual identified under paragraph (d):

(g) A general description of the following policies and procedures covering all life expectancy determination criteria and protocols:

1. The plan or plans of policies and procedures used to determine life expectancies.

2. A description of the training, including continuing training, of the individuals who determine life expectancies.

3. A description of how the life expectancy provider updates its manuals, underwriting guides, mortality tables, and other reference works and ensures that the provider bases its determination of life expectancies on current data.

(h) A plan for assuring confidentiality of personal, medical, and financial information in accordance with federal and state laws.

(i) An anti-fraud plan as required pursuant to s. 626.99278.

(j) A list of any agreements, contracts, or any other arrangement to provide life expectancies to a viatical settlement provider, viatical settlement broker, or any other person in the business of viatical settlements in connection with any viatical settlement contract or viatical settlement investment.

(5) As part of the application, and on or before March 1 of every 3 years thereafter, a registered life expectancy provider shall file with the office an audit of all life expectancies by the life expectancy provider for the 5 calendar years immediately preceding such audit, which audit shall be conducted and certified by a nationally recognized actuarial firm and shall include only the following:

(a) A mortality table.

(b) The number, percentage, and an actual-to-expected ratio of life expectancies in the following categories: life expectancies of less than 24 months, life expectancies of 25 months to 48 months, life expectancies of 49 months to 72 months, life expectancies of 73 months to 108 months, life expectancies of 109 months to 144 months, life expectancies of 145 months to 180 months, and life expectancies of more than 180 months.

(6) The life expectancy provider who is a subsidiary or affiliate of an insurance company licensed in this state shall be deemed to meet the registration requirements of this section and may provide life expectancies or operate as a life expectancy provider pursuant to this act.

(7) No viatical settlement broker, viatical settlement provider, or insurance agent in the business of viatical settlements in this state shall directly or indirectly own or be an officer, director, or employee of a life expectancy provider.

(8) Each registered life expectancy provider shall provide the office, as applicable, at least 30 days' advance notice of any change in the registrant's name, residence address, principal business address, or mailing address.

(9) A person required to be registered by this section shall for 5 years retain copies of all life expectancies and supporting documents and medical records unless those personal medical records are subject to different retention or destruction requirements of a federal or state personal health information law.

(10) An application for life expectancy provider registration shall be approved or denied by the commissioner within 60 calendar days following receipt of a completed application by the commissioner. The office shall notify the applicant that the application is complete. A completed application that is not approved or denied in 60 calendar days following its receipt shall be deemed approved.

(11) The office may, in its discretion, deny the application for a life expectancy provider registration or suspend, revoke, or refuse to renew or continue the registration of a life expectancy provider if the office finds:

(a) Any cause for which registration could have been refused had it then existed and been known to the office;

(b) A violation of any provision of this code or of any other law applicable to the applicant or registrant;

(c) A violation of any lawful order or rule of the department, commission, or office; or

(d) That the applicant or registrant:

1. Has been found guilty of or pled guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country;

2. Has knowingly and willfully aided, assisted, procured, advised, or abetted any person in the violation of a provision of the insurance code or any order or rule of the department, commission, or office;

3. Has knowingly and with intent to defraud, provided a life expectancy that does not conform to an applicant's or registrant's general practice;

4. Does not have a good business reputation or does not have experience, training, or education that qualifies the applicant or registrant to conduct the business of a life expectancy provider; or

5. Has demonstrated a lack of fitness or trustworthiness to engage in the business of issuing life expectancies.

(12) The office may, in lieu of or in addition to any suspension or revocation, assess an administrative fine not to exceed $2,500 for each nonwillful violation or $10,000 for each willful violation by a registered life expectancy provider. The office may also place a registered life expectancy provider on probation for a period not to exceed 2 years.

(13) It is a violation of this section for a person to represent, orally or in writing, that a life expectancy provider's registration pursuant to this act is in any way a recommendation or approval of the entity or means that the qualifications or abilities have in any way been approved of.

Section 20. Section 626.9919, Florida Statutes, is amended to read:

626.9919 Notice of change of licensee *or registrant's* address or name.—Each viatical settlement provider licensee *and registered life expectance provider*~~, viatical settlement broker licensee, and viatical settlement sales agent licensee~~ must provide the office ~~or department, as applicable,~~ at least 30 days' advance notice of any change in the licensee's *or registrant's* name, residence address, principal business address, or mailing address.

Section 21. Section 626.992, Florida Statutes, is amended to read:

626.992 Use of *licensed viatical settlement providers,* viatical settlement ~~licensed~~ brokers, *and registered life expectancy* providers~~, and sales agents~~ required.—

(1) A licensed viatical settlement provider may not use any person to perform the functions of a viatical settlement broker as defined in this act unless such person holds a current, valid *life agent* license *and has appointed himself or herself in conformance with this chapter* ~~as a viatical settlement broker~~. ~~Salaried individuals employed by viatical settlement providers shall engage in viatical settlement broker activities only when accompanied by a viatical settlement broker who holds a current valid license issued under this act. A viatical settlement provider may not use any person to perform the functions of a viatical settlement sales agent unless the person holds a current, valid license as provided in subsection (4).~~

(2) A ~~licensed~~ viatical settlement broker may not use any person to perform the functions of a viatical settlement provider as defined in this act unless such person holds a current, valid license as a viatical settlement provider.

(3) *After July 1, 2006, a person may not operate as a life expectancy provider unless such person is registered as a life expectancy provider pursuant to this act.* ~~A viatical settlement sales agent may not use any person to perform the functions of a viatical settlement broker unless such person holds a current, valid license as a viatical settlement broker.~~

(4) *After July 1, 2006, a viatical settlement provider, viatical settlement broker, or any other person in the business of viatical settlements may not obtain life expectancies from a person who is not registered as a life expectancy provider pursuant to this act.* ~~A person may not perform the functions of a viatical settlement sales agent unless licensed as a life agent as defined in s. 626.015 and as provided in this chapter.~~

Section 22. Subsections (1) and (2) of section 626.9921, Florida Statutes, are amended to read:

626.9921 Filing of forms; required procedures; approval.—

(1) A viatical settlement contract form, ~~viatical settlement purchase agreement form,~~ escrow form, or related form may be used in this state only after the form has been filed with the office and only after the form has been approved by the office.

(2) The viatical settlement contract form, ~~viatical settlement purchase agreement form,~~ escrow form, or related form must be filed with the office at least 60 days before its use. The form is considered approved on the 60th day after its date of filing unless it has been previously disapproved by the office. The office must disapprove a viatical settlement contract form, ~~viatical settlement purchase agreement form,~~ escrow form, or related form that is unreasonable, contrary to the public interest, discriminatory, ~~or~~ misleading, or unfair to the viator ~~or the purchaser~~.

Section 23. Subsection (2) of section 626.9922, Florida Statutes, is amended, and subsections (5), (6), and (7) are added to said section, to read:

626.9922 Examination.—

(2) All accounts, books and records, documents, files, contracts, and other information relating to all transactions of viatical settlement contracts*, life expectancies,* or viatical settlement purchase agreements *made before July 1, 2005,* must be maintained by the licensee for a period of at least 3 years after the death of the insured and must be available to the office or department for inspection during reasonable business hours.

(5) The office has jurisdiction over all viatical settlement purchase agreements made before July 1, 2005, including, but not limited to, the authority to examine persons in possession of records relating to viatical settlement purchase agreements made before July 1, 2005, and that authority set forth in s. 624.319.

(6) If the office makes the determination that a viatical settlement provider does not have the financial ability to perform its present or future obligations under the viatical settlement purchase agreements made before July 1, 2005, the office shall make a referral to the United States Securities and Exchange Commission or the Office of Financial Regulation for further administrative action pursuant to s. 517.191, including, but not limited to, the appointment of a receiver by the court.

(7) Subsections (1), (2), (3), and (4) apply to life expectancy providers providing life expectancies in the state and providing life expectancies to viatical settlement providers in the state, as if life expectancy providers were licensees.

Section 24. Section 626.99245, Florida Statutes, is amended to read:

626.99245 Conflict of regulation of viaticals.—

~~(1) A viatical settlement provider who from this state enters into a viatical settlement purchase agreement with a purchaser who is a resident of another state that has enacted statutes or adopted regulations governing viatical settlement purchase agreements, shall be governed in~~

~~the effectuation of that viatical settlement purchase agreement by the statutes and regulations of the purchaser's state of residence. If the state in which the purchaser is a resident has not enacted statutes or regulations governing viatical settlement purchase agreements, the provider shall give the purchaser notice that neither Florida nor his or her state regulates the transaction upon which he or she is entering. For transactions in these states, however, the viatical settlement provider is to maintain all records required as if the transactions were executed in Florida. However, the forms used in those states need not be approved by the office.~~

(1)~~(2)~~ A viatical settlement provider who from this state enters into a viatical settlement contract with a viator who is a resident of another state that has enacted statutes or adopted regulations governing viatical settlement contracts shall be governed in the effectuation of that viatical settlement contract by the statutes and regulations of the viator's state of residence. If the state in which the viator is a resident has not enacted statutes or regulations governing viatical settlement agreements, the provider shall give the viator notice that neither Florida nor his or her state regulates the transaction upon which he or she is entering. For transactions in those states, however, the viatical settlement provider is to maintain all records required as if the transactions were executed in Florida. The forms used in those states need not be approved by the office.

(2)~~(3)~~ This section does not affect the requirement of ss. 626.9911*(12)*~~(5)~~ and 626.9912(1) that a viatical settlement provider doing business from this state must obtain a viatical settlement license from the office. As used in this subsection, the term "doing business from this state" includes effectuating viatical settlement contracts ~~and effectuating viatical settlement purchase agreements~~ from offices in this state, regardless of the state of residence of the viator ~~or the viatical settlement purchaser~~.

~~(4) The offer, sale, and purchase of viatical settlement contracts, and the regulation of viatical settlement providers shall be within the exclusive jurisdiction of the Office of Insurance Regulation under the provisions of this part.~~

Section 25. Section 626.9925, Florida Statutes, is amended to read:

626.9925 Rules.—The commission may adopt rules to administer this act, including rules establishing standards for evaluating advertising by licensees; rules providing for the collection of data, for disclosures to viators ~~or purchasers~~, ~~and~~ for the reporting of life expectancies *and for the registration of life expectancy providers*; and rules defining terms used in this act and prescribing recordkeeping requirements relating to executed viatical settlement contracts ~~and viatical settlement purchase agreements~~.

Section 26. Section 626.9926, Florida Statutes, is amended to read:

626.9926 Rate regulation not authorized.—Nothing in this act shall be construed to authorize the office or department to directly or indirectly regulate the amount paid as consideration for entry into a viatical settlement contract ~~or viatical settlement purchase agreement~~.

Section 27. Subsection (1) of section 626.9927, Florida Statutes, is amended to read:

626.9927 Unfair trade practices; cease and desist; injunctions; civil remedy.—

(1) A violation of this act is an unfair trade practice under ss. 626.9521 and 626.9541 and is subject to the penalties provided in the insurance code. Part *IX* ~~X~~ of this chapter*, entitled Unfair Insurance Trade Practices,* applies to a licensee under this act or a transaction subject to this act as if a viatical settlement contract ~~and a viatical settlement purchase agreement~~ were an insurance policy.

Section 28. Paragraph (b) of subsection (1) of section 626.99275, Florida Statutes, is amended, paragraph (d) is added to that subsection, and subsection (2) of that section is reenacted, to read:

626.99275 Prohibited practices; penalties.—

(1) It is unlawful for any person:

(b) *To knowingly or with the intent to defraud, for the purpose of depriving another of property or for pecuniary gain, issue or use a pattern of false, misleading, or deceptive life expectancies.* ~~In the solicitation or sale of a viatical settlement purchase agreement:~~

~~1. To employ any device, scheme, or artifice to defraud;~~

~~2. To obtain money or property by means of an untrue statement of a material fact or by any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or~~

~~3. To engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a person.~~

(d) To knowingly or intentionally facilitate the change of state of residency of a viator to avoid the provisions of this chapter.

(2) A person who violates any provision of this section commits:

(a) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the insurance policy involved is valued at any amount less than $20,000.

(b) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the insurance policy involved is valued at $20,000 or more, but less than $100,000.

(c) A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the insurance policy involved is valued at $100,000 or more.

Section 29. Section 626.99278, Florida Statutes, is amended to read:

626.99278 Viatical provider anti-fraud plan.—Every licensed viatical settlement provider and *registered life expectancy provider* ~~viatical settlement broker~~ must adopt an anti-fraud plan and file it with the Division of Insurance Fraud of the department ~~on or before December 1, 2000~~. Each anti-fraud plan shall include:

(1) A description of the procedures for detecting and investigating possible fraudulent acts and procedures for resolving material inconsistencies between medical records and insurance applications.~~;~~

(2) A description of the procedures for the mandatory reporting of possible fraudulent insurance acts *and prohibited practices set forth in s. 626.99275* to the Division of Insurance Fraud of the department.~~;~~

(3) A description of the plan for anti-fraud education and training of its underwriters or other personnel.~~; and~~

(4) A written description or chart outlining the organizational arrangement of the anti-fraud personnel who are responsible for the investigation and reporting of possible fraudulent insurance acts~~,~~ and *for the investigation of* ~~investigating~~ unresolved material inconsistencies between medical records and insurance applications.

(5) For viatical settlement providers, a description of the procedures used to perform initial and continuing review of the accuracy of life expectancies used in connection with a viatical settlement contract or viatical settlement investment.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, lines 3-20, delete those lines and insert: creating s. 626.99175, F.S.; requiring registration to operate as a life expectancy provider; providing registration for requirements; requiring certain application information; requiring registered life expectancy providers to periodically file audits with the office; providing audit requirements; authorizing certain subsidiaries of life expectancy providers to operate as a provider under certain circumstances; prohibiting certain providers, brokers, and agents from owning or being an officer, director, or employee of a life expectancy provider; requiring providers to provide the office with advance notice of certain changes; requiring providers to retain copies of certain information and documents; providing an exception; providing procedures for approval or denial of applications; specifying grounds for denial of an application; authorizing the office to assess administrative fines under certain circumstances; authorizing the office to place a provider on probation for a certain period; specifying certain activities violations; amending ss. 626.9919, 626.992, and 626.9921,

F.S., to conform; amending s. 626.9922, F.S.; specifying office jurisdiction over certain viatical settlement purchase agreements; authorizing the office to refer certain cases to the United States Securities and Exchange Commission for administrative action under certain circumstances; providing application to life expectancy providers; amending ss. 626.99245, 626.9925, 626.9926, and 626.9927, F.S., to conform; amending s. 626.99275, F.S.; revising prohibited practices to apply to issuing life expectancies and change a viator's residency for certain purposes; providing a criminal penalty; amending s. 626.99278, F.S.; providing for application to registered life expectancy providers; requiring an antifraud plan to include a description of procedures used to perform life expectancy accuracy reviews;

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment to **Amendment 7** which was adopted:

Amendment 7A (820450)—On page 4, lines 13-17, delete those lines and redesignate subsequent subsections.

Amendment 7 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 2412** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, the Senate resumed consideration of—

HB 205—A bill to be entitled An act relating to contraband and counterfeit cigarettes; providing additional regulatory and enforcement measures; amending s. 210.01, F.S.; revising and providing definitions; amending s. 210.021, F.S.; directing the Secretary of Business and Professional Regulation to require certain dealers and agents to remit the tax on cigarettes by certified check or electronic funds transfer; requiring the Division of Alcoholic Beverages and Tobacco of the department to adopt rules governing the payment of taxes by electronic funds transfer; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; amending s. 210.08, F.S.; revising the amount of the surety bond, certificate of deposit, or irrevocable letter of credit required by the division as surety for the payment of cigarette taxes; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain persons shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; providing for application to and records requirements of manufacturers and importers; amending s. 210.12, F.S.; authorizing the state to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for permit application; prohibiting issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for permit application denial; amending s. 210.16, F.S.; revising the authority of the Division of Alcoholic Beverages and Tobacco to revoke or suspend the permits of certain persons under certain circumstances; revising a penalty period for revoked permits; increasing a civil penalty; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; expanding the list of persons required to report seizures of unstamped cigarettes; requiring the division to keep certain records; providing for seizure of counterfeit cigarettes and related machinery; making unlawful the selling or possessing with intent to sell counterfeit cigarettes; providing criminal penalties; providing for destruction of counterfeit cigarettes; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting a "criminal activity" and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **HB 205** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hill, the Senate resumed consideration of—

CS for SB 216—A bill to be entitled An act relating to motor vehicle safety belt usage; providing a short title; amending s. 316.614, F.S.; revising provisions relating to safety belt usage; requiring the Department of Highway Safety and Motor Vehicles to develop a policy to prohibit the practice of racial profiling; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (590580)** by Senator Klein was withdrawn.

MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendment to be considered:

Senator Siplin moved the following amendment which failed:

Amendment 2 (273638)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Office of Program Policy Analysis and Government Accountability shall conduct a study to determine whether practices of law enforcement agencies in this state with respect to enforcing laws and rules requiring the use of seat belts in motor vehicles demonstrate a pattern of racial profiling. If the office finds that racial profiling exists, it shall recommend methods to eliminate the practice. The office shall present its report and, if necessary, its recommendations to the President of the Senate and the Speaker of the House of Representatives by February 1, 2006.*

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to motor vehicle safety belt usage; directing the Office of Program Policy Analysis and Government Accountability to study whether racial profiling occurs in the enforcement of statutes and rules relating to seat belt usage; providing for recommendations; providing for a report to the Legislature; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 216** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Garcia, by two-thirds vote **SB 790**, **SB 1192**, **SB 1992**, **SB 2038**, **SB 2052** and **SB 2414** were withdrawn from the committees of reference and further consideration.

On motion by Senator Saunders, by two-thirds vote **SB 480**, **SB 674**, **SJR 682**, **SJR 684**, **SB 1116** and **SB 2218** were withdrawn from the committees of reference and further consideration.

On motion by Senator Pruitt, by two-thirds vote **CS for CS for SB 1110**, **CS for SB 638**, **CS for SB 1082**, **CS for SB 1098** and **CS for CS for SB 1272** were withdrawn from the Committee on Rules and Calendar; **CS for SB 2070** and **SB 2288** were withdrawn from the Committee on Ways and Means; **CS for SB 1906** was withdrawn from the Committee on Community Affairs; **SB 598**, **SB 1250**, **CS for SB 1294** and **CS for CS for SB 1716** were withdrawn from the Committee on Education Appropriations; **CS for SB 108**, **CS for SB 332**, **CS for CS for SB 444** and **CS for CS for SB 632** were withdrawn from the Committee on General Government Appropriations; **CS for CS for SB 1316** and **CS for CS for SB 1996** were withdrawn from the Committee on Government Efficiency Appropriations; **SB 112**, **CS for SB 352**, **SB 1032** and **CS for SB 1696** were withdrawn from the Committee on Health and Human Services Appropriations; and **CS for SB 1096** and **CS for SB 1428** were withdrawn from the Committee on Justice Appropriations.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet this day beginning fifteen minutes after announcement until completion.

MOTIONS

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Thursday, April 28.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, April 27, 2005: CS for CS for SB 202, SB 550, CS for SB 1262, CS for SB 1884, CS for CS for SB 1784, CS for CS for CS for SB 1026, CS for SB 274, CS for CS for SB 620, SB 1360, CS for CS for SB 874, CS for CS for SB's 1872 and 2378, SB 726, SB 2460, CS for CS for SB 926, CS for CS for SB 1650, CS for SB 514, CS for CS for SB 1910, CS for CS for SB 1308, CS for SB 2220, CS for CS for CS for SB 1366, CS for SB 484, CS for SB 2364, SB 288, CS for SB 1808, CS for SB 896, CS for SB 1154, CS for SB 1748, CS for SB 2216, CS for SB 124, CS for SB 680, CS for SB 2278, CS for SB's 1268 and 1956, SB 1502, CS for CS for SB 518, CS for SB 2412, CS for CS for SB 662, CS for SB 1602, SB 102, CS for SB 822, SB 468, CS for CS for SB 816, SB 1448, CS for SB 898, CS for SB 658, CS for CS for SB 1526, CS for CS for SB 192, CS for SB 976, CS for SB 720, CS for SB 2006, CS for SB 530, SB 752, CS for SB 1300, CS for CS for SB 1914, SB 498, CS for SB 510, CS for SB 1920, CS for SB 890, CS for SB 216, CS for SB 768, CS for SB 276, CS for CS for SB 758, SB 2268, CS for SB 1576, HB 1889, HB 1899

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Health Care recommends the following pass: SB 764

The bill was referred to the Committee on Communications and Public Utilities under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 982

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1744

The Committee on Transportation recommends the following pass: SB 2524 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Health Care recommends the following pass: SB 860

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Judiciary recommends the following pass: SJR 78

The bill was referred to the Committee on Domestic Security under the original reference.

The Committee on Education recommends the following pass: SB 1970, SB 2604 with 1 amendment

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1444

The bills contained in the foregoing reports were referred to the Committee on Education Appropriations under the original reference.

The Committee on Health Care recommends the following pass: CS for SB 560

The bill was referred to the Committee on General Government Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1624

The Committee on Judiciary recommends the following pass: CS for SB 2638

The bills contained in the foregoing reports were referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Education recommends the following pass: SB 788 with 1 amendment, CS for SB 1188

The Committee on Transportation recommends the following pass: SB 2442

The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 2516, CS for SB 2612

The Committee on Health Care recommends the following pass: SB 2572 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1052, CS for SJR 1190, SB 2504

The Committee on Health Care recommends the following pass: CS for SB 2262

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Criminal Justice recommends the following pass: CS for SB 608, CS for SB 1466

The Committee on Judiciary recommends the following pass: CS for SB 2056

The bills contained in the foregoing reports were referred to the Committee on Justice Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1628, CS for SB 1922

The bills were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 2476 with 2 amendments

The bill was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Education Appropriations recommends the following pass: CS for SB 1458

The Committee on Government Efficiency Appropriations recommends the following pass: CS for SB 1306 with 2 amendments, CS for SB 1732

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Criminal Justice recommends the following pass: CS for SB 214, CS for SB 1768

The Committee on General Government Appropriations recommends the following pass: CS for SB 1232, SB 2148

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 308, CS for SB 2286

The Committee on Health and Human Services Appropriations recommends the following pass: CS for SB 1208, CS for SB 1926, CS for SB 2630

The Committee on Health Care recommends the following pass: SB 1042, SB 1800, CS for SB 2214, SB 2452

The Committee on Judiciary recommends the following pass: CS for SB 1124, CS for SB 1420, CS for SB 1492 with 1 amendment, CS for SB 2036, SB 2118 with 1 amendment

The Committee on Justice Appropriations recommends the following pass: CS for SB 282, CS for CS for SB 1978

The Committee on Transportation and Economic Development Appropriations recommends the following pass: CS for SB 2152, CS for SB 2222

The Committee on Ways and Means recommends the following pass: SB 1620

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Health Care recommends the following not pass: SB 2556

The bill was laid on the table.

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 2348

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2332

The bill with committee substitute attached was referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2062

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: CS for SB 978

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 2120, SB 2190

The bills with committee substitutes attached were referred to the Committee on Education Appropriations under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: CS for CS for SB 750, CS for SB 2330

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 1866

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1830

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 2546

The bill with committee substitute attached was referred to the Committee on Government Efficiency Appropriations under the original reference.

The Committee on Criminal Justice recommends committee substitutes for the following: SB 812, SB 1626

The Committee on Transportation recommends a committee substitute for the following: SB 2488

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 2636

The bill with committee substitute attached was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1480

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1736

The Committee on Ethics and Elections recommends a committee substitute for the following: SCR 2024

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1196

The Committee on Regulated Industries recommends committee substitutes for the following: SB 948, SB 2360

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: CS for SB 794

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 798

The Committee on Transportation recommends committee substitutes for the following: SB 1100, SB 2620

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Justice Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 676, CS for SB 1142, CS for SB 1810

The bills with committee substitutes attached were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: CS for CS for SB 1598

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1120

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 1296 and CS for SB 2066

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: SB 696

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: SB 992, SB 2256

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce and Consumer Services recommends committee substitutes for the following: CS for SB 1348, CS for SB 2550

The Committee on Criminal Justice recommends committee substitutes for the following: CS for SB 1964, CS for CS for SB 2346

The Committee on Education Appropriations recommends a committee substitute for the following: CS for SJR 2090

The Committee on Environmental Preservation recommends a committee substitute for the following: CS for SB 716

The Committee on General Government Appropriations recommends a committee substitute for the following: CS for SB 2072 and SB 1714

The Committee on Government Efficiency Appropriations recommends committee substitutes for the following: SB 1024, CS for CS for SB 2068

The Committee on Governmental Oversight and Productivity recommends committee substitutes for the following: CS for SB 1478, SB 2344, SB 2398

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: CS for SB 428, SB 546, CS for SB 1264, CS for CS for SB 1314, SB 1498, CS for SB 2570

The Committee on Health Care recommends committee substitutes for the following: CS for SB 594, SB 1180, CS for SB 1654, CS for SB 1766, SB 2230

The Committee on Judiciary recommends committee substitutes for the following: SB 2564, SB 2568

The Committee on Justice Appropriations recommends a committee substitute for the following: CS for SB 782

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1470

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: SB 72, SB 74, CS for CS for SB 460, CS for CS for SB 1062, SB 1756

The Committee on Ways and Means recommends committee substitutes for the following: SB 60, CS for CS for SB 1174

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Ways and Means; and Senators Campbell and Fasano—

CS for SB 60—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; providing membership in the Special Risk Class for certain employees of a law enforcement agency or medical examiner's office whose duties include collecting, examining, preserving, documenting, preparing, or analyzing physical evidence; providing a declaration of important state interest; making an appropriation to the Department of Law Enforcement; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senators Geller and Klein—

CS for SB 72—A bill to be entitled An act relating to military personnel on duty; creating the Citizen Soldier Matching Grant Program within the Agency for Workforce Innovation; providing for matching grants to be awarded to private sector employers that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty; providing eligibility requirements for grant recipients; directing the Agency for Workforce Innovation to develop a plan to administer the application and payment procedures for the matching grants; providing for the grant program to be funded by legislative appropriations; providing an effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senators Geller and Klein—

CS for SB 74—A bill to be entitled An act relating to trust funds; creating the Citizen Soldier Matching Grant Trust Fund within the Agency for Workforce Innovation; requiring that moneys in the trust fund be used to award matching grants to private sector employers who provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while such employees are on federal active duty; providing for future review and termination or recreation of the trust fund; providing a contingent effective date.

By the Committees on Health and Human Services Appropriations; Health Care; and Senator Rich—

CS for CS for SB 428—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to develop a model waiver program to serve children with specified disorders; requiring the agency to seek federal waiver approval and implement the approved waiver subject to availability of funds and certain limitations; authorizing rules; providing an appropriation; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Governmental Oversight and Productivity; Transportation; and Senator Sebesta—

CS for CS for CS for SB 460—A bill to be entitled An act relating to transportation; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing criteria for the rules; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 332.007, F.S.; authorizing the Department of Transportation to fund certain eligible aviation planning projects to be performed by not-for-profit organizations representing a majority of public airports; amending s. 322.14, F.S.; reducing the number of members of the Secure Airports for Florida's Economy (SAFE) Council; providing for the funding of the council through annual grants made by the Department of Transportation; authorizing the council to contract for administrative support; requiring the council to establish an advisory board; authorizing the council to advise the department on aviation issues; removing the Department of Community Affairs from the review of council products; eliminating the requirement that airports fund the council; abolishing the council by a specified date; amending s. 337.11, F.S.; adding written work orders to the type of documents covered by the department's contracting laws; specifying changes to surety bondholder's liability under certain circumstances; creating s. 337.195, F.S.; providing presumptions relating to liability in certain actions against the department; limiting liability, in certain circumstances, of contractors and engineers doing work for the department; amending 338.155, F.S.; providing that persons participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty are exempt from paying tolls; amending 339.175, F.S.; requiring metropolitan planning organizations to have recorded roll-votes and super-majority votes on certain plans; amending s. 339.64, F.S.; requiring the Florida Transportation Commission to include as part of its annual work program review an assessment of the department's progress on the Strategic Intermodal System; requiring an annual report to the Governor and the Legislature by a certain time period; directing the department to coordinate with federal, regional, and local entities for transportation planning that impacts military installations; requiring the Strategic Intermodal System Plan to include an assessment of the impacts of proposed projects on military installations; adding a military representative to the Governor's appointees to the Strategic Intermodal Transportation Advisory Council; deleting obsolete provisions; creating part IV of chapter 343, F.S., entitled "Northwest Florida Transportation Corridor Authority"; providing a short title; providing definitions; creating the Northwest Florida Transportation Corridor Authority encompassing Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties; providing for a governing body of the authority; providing for membership, organization, purposes, and powers of the authority; requiring a master plan; providing for the U.S. 98 Corridor System; prohibiting tolls on certain existing highways and other transportation facilities within the corridor; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing that the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for the rights and remedies of bondholders; providing for a lease-purchase agreement with the department; authorizing the authority to appoint the department as its agent for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing for public-private partnerships; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing that pledges are enforceable by bondholders; providing for complete and additional statutory authority for the department and other state agencies; amending s. 380.06, F.S., relating to developments of regional impact; deleting a provision stating criteria for determining when a change to certain airports necessitates a review; directing the Department of Transportation to select and fund a consultant to perform a study of bicycle facilities on or connected to the State Highway System; requiring the results of the study to be presented to the Governor and the Legislature; providing for management of the study by the State Pedestrian and Bicycle Coordinator; providing for inclusion of certain elements in the study; requiring the study to include an implementation plan; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Smith—

CS for SB 546—A bill to be entitled An act relating to reimbursement for lung transplant services for Medicaid recipients; amending s. 409.9062, F.S.; requiring the Agency for Health Care Administration to reimburse lung transplant facilities a global fee for services provided to Medicaid recipients; providing an appropriation; providing an effective date.

By the Committees on Health Care; Banking and Insurance; and Senator Fasano—

CS for CS for SB 594—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; providing for payments to a physician assistant under contracts providing for paying for surgical first assisting benefits or services; including certified surgical first assistants, as defined, within certain benefits or services payment provisions; limiting application; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Saunders—

CS for SB 676—A bill to be entitled An act relating to public records and public meetings exemptions; creating s. 383.412, F.S.; providing an exemption from public records requirements for any information that reveals the identity of surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by, and which information is held by, the State Child Abuse Death Review Committee or local committee, or a panel or committee assembled by the state committee or a local committee; providing that confidential or exempt information obtained by such committees or panels will retain its confidential or exempt status; providing an exemption from public meetings requirements for portions of meetings of such committees or panels wherein confidential and exempt information is discussed; authorizing the State Child Abuse Death Review Committee and local child abuse death review committees to share with each other relevant confidential and exempt information regarding case reviews involving child death; providing a penalty for the unauthorized disclosure of confidential information concerning child fatalities; providing for future review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senators Smith, Haridopolos, Fasano, Argenziano and Bullard—

CS for SB 696—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for farm equipment; amending s. 212.02, F.S.; revising definitions; amending s. 212.08, F.S.;

making total a partial exemption for certain farm equipment; amending s. 212.12, F.S.; correcting a cross-reference to conform; providing an effective date.

By the Committees on Environmental Preservation; Community Affairs; and Senators Argenziano and Haridopolos—

CS for CS for SB 716—A bill to be entitled An act relating to agricultural economic development; amending s. 70.001, F.S.; reducing the period within which an owner of agricultural land must provide notice of a claim prior to filing an action against a governmental entity regarding private property rights; amending s. 163.3162, F.S.; providing for application for an amendment to the local comprehensive plan by the owner of land that meets certain provisions of the definition of an agricultural enclave; providing requirements relating to such applications; exempting certain amendments from specified rules of the Department of Community Affairs under certain circumstances; amending s. 163.3164, F.S.; defining the term "agricultural enclave" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; creating s. 259.047, F.S.; providing requirements relating to the purchase of land on which an agricultural lease exists; amending s. 373.0361, F.S.; providing for recognition that alternative water-source options for agricultural self-suppliers are limited; amending s. 373.2234, F.S.; conforming a cross-reference; amending s. 373.236, F.S.; requiring water management districts to inform landowners of the option to obtain certain consumptive use permits; creating s. 373.407, F.S.; providing for memoranda of agreement regarding qualification for agricultural-related exemptions; providing an effective date.

By the Committees on Criminal Justice; Judiciary; Regulated Industries; and Senator Baker—

CS for CS for CS for SB 750—A bill to be entitled An act relating to talent agencies and advance-fee talent services; repealing part VII of ch. 468, F.S., relating to the regulation of talent agencies; prescribing authority of local governments with respect to regulation of talent agencies; providing definitions; requiring each talent agency and advance-fee talent service to obtain a surety bond for a specified amount; requiring each talent agency and advance-fee talent service to give each artist a copy of the bond; providing criminal penalties for failing to comply with the bonding requirements; requiring each talent agency and advance-fee talent service to maintain a permanent office during certain specified hours; directing that certain records, with specified information in them, be kept for each artist; requiring that records be maintained for a specified period; directing that all records of a talent agency and advance-fee talent service be open to the inspection of a state attorney; requiring that the talent agency or advance-fee talent service give the state attorney a copy of the records when so requested; providing criminal penalties if the talent agency or advance-fee talent service fails or refuses to disclose information to a state attorney; providing criminal penalties for failing to properly maintain an office or failing to comply with the requirements pertaining to records; directing a talent agency or advance-fee talent service to post an itemized schedule of maximum fees, charges, or commissions that it intends to charge and collect for its services; providing for the location for posting of the schedule; providing criminal penalties for failing to include or post the fee schedule; requiring that an artist and a talent agency or advance-fee talent service enter into a written contract when such entity agrees to perform services for the artist; providing an exception under specified circumstances; providing for the content of the written contract; requiring that a talent agency or advance-fee talent service provide each artist with a copy of the contract; directing that all money collected by a talent agency from an employer or buyer be paid to the artist within a specified period; providing that a contract is voidable under certain circumstances; permitting an artist to cancel a contract by giving written notice of the cancellation to the talent agency or advance-fee talent service within a specified period; prohibiting an artist from waiving the right to cancel a contract; providing the way in which a talent agency or advance-fee talent service must refund money to an artist; providing criminal penalties for violating provisions relating to contracting; requiring any person who holds himself or herself out as an employee or agent of a talent agency or advance-fee talent service to submit fingerprints for background screening requirements; directing that a talent agency or advance-fee talent service provide each artist with a copy of the screening results; providing criminal penalties for not complying with fingerprint screening procedures; specifying certain prohibited acts by a talent agency or advance-fee talent service; providing criminal penalties for failure to comply; providing for certain specified civil remedies for violations of the act; removing the authority of the Department of Business and Professional Regulation to regulate talent agencies; providing for the use of certain funds after the effective date of the act; requiring the department to rebate talent agency license fees; authorizing the department to continue to prosecute any legal proceedings and related administrative cases that are pending on the effective date of the act; providing an effective date.

By the Committees on Justice Appropriations; Criminal Justice; and Senators Campbell and Bullard—

CS for CS for SB 782—A bill to be entitled An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; creating a rule of construction; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; creating a rule of construction; amending s. 1001.64, F.S., to conform a cross-reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

By the Committees on Criminal Justice; Regulated Industries; and Senators Haridopolos and Lynn—

CS for CS for SB 794—A bill to be entitled An act relating to alcoholic beverages; creating s. 562.61, F.S.; providing a definition of the term "alcohol-vaporizing devices"; prohibiting the sale, purchase, or use of machines or devices which vaporize alcohol; providing penalties; providing a fine; providing an exception; creating s. 563.09, F.S.; permitting certain licensees to conduct malt beverage tastings; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Webster and Fasano—

CS for SB 798—A bill to be entitled An act relating to public records; amending s. 390.01116, F.S.; providing a public-records exemption for information that could identify a minor which is contained in a record held by the court relating to a minor's petition to waive notice requirements when terminating a pregnancy; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

By the Committee on Criminal Justice; and Senators Argenziano and Fasano—

CS for SB 812—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; authorizing certain employees to purchase additional retirement credit to upgrade prior service as a community-based correctional probation officer to Special Risk Class service; providing for the calculation of contributions for such service upgrade; providing that purchased credit shall be used to satisfy the member's normal retirement date; authorizing the employer to purchase such additional credit for the employee; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.071, F.S.; providing an effective date.

By the Committee on Regulated Industries; and Senator Jones—

CS for SB 948—A bill to be entitled An act relating to community associations; directing the Advisory Council on Condominiums to hold public hearings and prepare and present a report to the Legislature regarding certain issues relating to the powers of condominium associations during catastrophic windstorm events and the recovery and rebuilding following such events; amending s. 720.305, F.S.; providing that a fine levied by a homeowners' association against a homeowner shall not become a lien against a parcel unless it is imposed for violations of use restrictions on the land; amending s. 720.311, F.S.; providing that the failure of a party to make payment of fees and costs or appear for a mediation session or arbitration proceeding acts as an impasse in the proceeding and entitles the other party to proceed in court and to receive and enforce an award of costs and fees associated with the mediation or arbitration; deleting the training hours required for certification of mediators and arbitrators; providing that qualifications for certification as a mediator or arbitrator will be established by the Florida Supreme Court; deleting a provision requiring the initial costs of educating homeowners and other parties about homeowners' associations and the use of alternative dispute resolution techniques to be paid from moneys and filing fees generated by the arbitration of recall and election disputes and by the mediation of those disputes; creating s. 712.11, F.S.; providing for the revival of certain declarations that have been extinguished; providing an effective date.

By the Committees on Commerce and Consumer Services; Judiciary; and Senators Campbell and Aronberg—

CS for CS for SB 978—A bill to be entitled An act relating to unlawful use of personal identification information; amending s. 817.568, F.S.; including other information within the definition of the term "personal identification information"; defining the term "counterfeit or fictitious personal identification information"; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to provide notice of breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; requiring notification of consumer reporting agencies of breaches of security under certain circumstances; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Smith, Lynn and Lawson—

CS for SB 992—A bill to be entitled An act relating to retirement; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; providing for contribution rate increases to fund benefits provided in s. 121.091, F.S., as amended; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.71, F.S.; amending s. 112.363, F.S.; defining the term "the member begins drawing retirement benefits" for purposes of determining eligibility for the subsidy; revising the method of calculating the subsidy amount for certain retirees and beneficiaries; providing an effective date.

By the Committees on Government Efficiency Appropriations; and Commerce and Consumer Services—

CS for SB 1024—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 288.99, F.S., the "Certified Capital Company Act"; removing the October 2, 2005, repeal of information relating to an active investigation or office review of a certified capital company scheduled under the Open Government Sunset Review Act; narrowing the exemption; eliminating the exemption from public-records requirements for social security numbers of any customers of a certified capital company, complainants, or persons associated with a certified capital company or qualified business; eliminating references to specified premium tax credits under the act designated as "Program One" and "Program Two"; providing editorial and conforming changes; providing for the future repeal of the Certified Capital Company Act; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Criminal Justice; and Domestic Security—

CS for CS for CS for SB 1062—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; requiring that the Department of Law Enforcement establish a waiver process for allowing an individual, who is otherwise unqualified, to be allowed unescorted access to a seaport or restricted access area; requiring that the administrative staff of the Parole Commission review the facts of the waiver application and transmit the findings to the Department of Law Enforcement; requiring the department to make a final disposition of the application and notify the applicant and the port authority that denied employment to the applicant; exempting the review from ch. 120, F.S.; creating s. 311.121, F.S.; authorizing the seaport authority or governing board of certain seaports to require that seaport security officers receive additional training and certification; providing legislative intent relating to mitigation of operational security costs at seaports; requiring the department to apply such intent; providing eligibility requirements for such certification; creating the Seaport Security Officer Qualifications, Training, and Standards Steering Committee to develop the curriculum for the training program; providing for the membership of the steering committee; requiring the Department of Education to implement the training curriculum; authorizing the substitution of training equivalencies; requiring an examination; providing requirements for certification renewal; providing requirements for schools that offer training for seaport security officers; providing for issuance of a license indicating that the licensee is certified as a seaport security officer; creating s. 311.122, F.S.; authorizing a seaport security officer to take into custody any person whom the officer has cause to believe is trespassing in a restricted access area; providing that such officer is not criminally or

civilly liable for taking such action; defining the term "restricted access area"; providing for designation of part or all of a seaport as a restricted access area under certain emergency conditions; creating s. 311.123, F.S.; requiring that the Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law Enforcement and the Governor's Office of Drug Control, create a maritime domain awareness training program; providing purposes of the program; providing requirements for the curriculum; providing an effective date.

By the Committee on Transportation; and Senator Lynn—

CS for SB 1100—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; providing that the theft of property that has been deployed by a law enforcement officer is grand theft in the first degree; providing criminal penalties; creating s. 812.0147, F.S.; providing that it is a second-degree felony to possess or use a fifth wheel to commit or attempt to commit theft; providing criminal penalties; amending s. 812.155, F.S.; deleting a provision specifying that the prohibition against obtaining personal property or equipment with intent to defraud does not apply to a rental-purchase agreement unless the rental store retains title to the property or equipment throughout the period of the rental-purchase agreement; amending s. 921.0022, F.S.; classifying the offense of stealing property deployed by a law enforcement officer under the offense severity ranking chart of the Criminal Punishment Code; reenacting s. 985.227(1)(a), F.S., relating to prosecution of juveniles as adults, in order to incorporate the amendment to s. 812.014, F.S., in a reference thereto; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Banking and Insurance; and Senator Haridopolos—

CS for CS for SB 1120—A bill to be entitled An act relating to the Financial Literacy Council; creating the council; providing purposes; providing for membership; providing for meetings, procedures, records, and reimbursement for travel and per diem expenses; prohibiting compensation for council members; providing powers and duties of the council; providing for resources of the council; requiring any funds received by the council to be deposited in the Administrative Trust Fund; requiring annual reports to the Governor and Legislature; providing authorization for the expenditure of grant funds; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Commerce and Consumer Services; and Senator Argenziano—

CS for CS for SB 1142—A bill to be entitled An act relating to public records and public meetings; creating an exemption from public-records requirements for trade secrets held by an agency; requiring that a written declaration be submitted to the agency verifying that the information is a trade secret; specifying requirements for such declaration; providing for retroactive application of the public-records exemption; creating an exemption from public-meetings requirements for any portion of a meeting at which a trade secret is discussed; providing for future review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; repealing s. 815.045, F.S., relating to trade secret information; providing an effective date.

By the Committees on Ways and Means; Judiciary; Regulated Industries; and Senator Jones—

CS for CS for CS for SB 1174—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.2415, F.S.; requiring the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation to maintain certain records regarding injuries and the disposition of greyhounds that race in this state; providing guidelines and requirements for injury and disposition report forms; providing for the adoption of rules; providing penalties; creating ch. 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by a local referendum; providing definitions; providing powers and duties of the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; clarifying the authority of local law enforcement agencies; providing for licensure to conduct slot machine gaming; providing for slot machine licensure renewal; providing for a license fee, machine fee, and tax rate; providing for a local supplemental tax; requiring occupational licenses and application fees; prohibiting certain business relationships; prohibiting certain acts and providing penalties; providing an exception to prohibitions relating to slot machines; providing for the exclusion of certain persons from facilities; prohibiting minors under 21 years of age from playing slot machines; designating slot machine gaming areas; prohibiting automated teller machines on the property of a slot machine licensee; providing for days and hours of operation; providing penalties; providing a compulsive gambling treatment program; providing for a fee; providing for a caterer's license; providing for rulemaking; providing for the conduct of a referendum election for slot machines; providing for elections for ratification of slot machine licensing; authorizing additional positions and providing appropriations; providing effective dates.

By the Committee on Health Care; and Senator Campbell—

CS for SB 1180—A bill to be entitled An act relating to the Board of Medicine; amending s. 458.307, F.S.; revising membership requirements; providing for expiration of terms of current members, appointment of new members to staggered terms, and appointment and terms of successors; amending s. 458.311, F.S.; providing for an externship; amending ss. 458.331 and 459.015, F.S.; providing for membership on certain probable cause panels; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Posey—

CS for SB 1196—A bill to be entitled An act relating to administrative procedures; amending s. 11.60, F.S.; providing an additional duty of the Administrative Procedures Committee; revising the contents of a report by the committee to the Legislature; amending s. 120.542, F.S.; revising procedure with respect to the provision of copies of a petition requesting a variance or waiver from an agency rule and an order granting or denying the petition; including the committee as a recipient of a specified report; amending s. 120.545, F.S.; revising provisions with respect to committee recommendations upon objection by the committee to a proposed or existing rule, or portion thereof, and failure by the subject agency to initiate administrative action or to proceed to complete such action; revising provisions with respect to preparation of bills by the committee for introduction in the Legislature; requiring the committee to undertake a study of its authority and legislative oversight function; requiring a report; providing an effective date.

By the Committees on Health and Human Services Appropriations; Transportation; and Senators Saunders, Fasano and Constantine—

CS for CS for SB 1264—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring the printed traffic citation form to have a box for failing to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal showing a steady red indication; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring a driver improvement course for a second moving violation of a traffic control signal showing a steady red indication within a specified time period; providing a penalty for failure to complete such course within a specified time period; amending s. 322.27, F.S.; assigning a point value for conviction of a moving violation of a traffic control signal showing a steady red

indication; correcting a cross-reference relating to assessment of points for litter violations; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; authorizing trauma centers to request that such funds be used as intergovernmental transfer funds in the Medicaid program; providing for audits and attestations; providing an appropriation; providing an effective date.

By the Committees on Community Affairs; Communications and Public Utilities; Government Efficiency Appropriations; and Senators Haridopolos, Constantine and Dockery—

CS for CS for SB 1296 and CS for SB 2066—A bill to be entitled An act relating to the communications services tax; amending s. 202.16, F.S.; requiring dealers to document exempt sales for resale; providing requirements; providing a definition; providing construction; providing for dealer provision of evidence of the exempt status of certain sales through an informal protest process; requiring the Department of Revenue to accept certain evidence during the protest period; providing limitations; providing for retroactive application; requiring the Department of Revenue to establish a toll-free telephone number for the purpose of verifying registration numbers and resale certificates; requiring the department to establish a system for receiving information from dealers regarding certificate numbers; amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; authorizing taxes distributed to a local government under s. 202.18, F.S., to be used for public purposes; amending s. 202.20, F.S.; limiting local governmental authority to make certain rate adjustments in the tax under certain circumstances; deleting obsolete provisions relating to making certain adjustments in the tax for certain periods; amending s. 202.21, F.S.; deleting provisions relating to local government adjustments of the tax by emergency ordinance or resolution to conform; specifying that certain amendments are remedial in nature and clarify certain provisions of law but do not grant rights to a refund of certain fees or charges under certain circumstances; providing a savings clause for emergency rules adopted before the effective dates of the act; providing effective dates.

By the Committees on Health and Human Services Appropriations; Judiciary; Children and Families; and Senators Rich, Lynn, Dawson, Smith, Wilson, Campbell and Bullard—

CS for CS for CS for SB 1314—A bill to be entitled An act relating to independent living; amending s. 39.013, F.S.; authorizing a child in foster care to petition the court to retain jurisdiction of his or her case; limiting the court's continued jurisdiction to 1 year after the child's 18th birthday; identifying the issues to be considered by the court during its continued jurisdiction; providing that a judicial review hearing is not required; providing an exception; amending s. 39.701, F.S.; requiring the Department of Children and Family Services to include in its judicial review study report verification that the child has been provided with certain information about the Road-to-Independence Scholarship Program and with notice of the child's right to petition the court for continuing jurisdiction; amending s. 409.1451, F.S.; authorizing a child who is eligible for the Road-to-Independence Scholarship Program to continue to reside with a licensed foster family or a group care provider; requiring that the department enroll certain young adults who were formerly in foster care in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid; requiring that the Independent Living Services Advisory Council study the most effective way of providing health insurance for young adults in the program for independent living who are not eligible for the Florida KidCare program; requiring the council to report its recommendations to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study to determine the effect the appointment of a guardian ad litem has on the ability of young adults who were formerly in the foster care system; providing for issues to be studied; requiring that a report be prepared and presented to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

By the Committees on Commerce and Consumer Services; Regulated Industries; and Senator Geller—

CS for CS for SB 1348—A bill to be entitled An act relating to indoor smoking places; amending s. 386.203, F.S.; conforming a cross-reference; defining the term "person" for purposes of the act; redefining the term "stand-alone bar" to include a licensed premises that derives no more than a specified amount of gross revenue from the sale of food consumed on the licensed premises and that is located in a building individually listed in the National Register of Historic Places; requiring that an application for historic designation be submitted within a specified period of time; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending s. 386.2045, F.S.; conforming cross-references; permitting smoking upon a stage as part of a theatrical production; amending s. 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; providing a penalty for a licensee who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

By the Committee on Regulated Industries; and Senator Constantine—

CS for SB 1470—A bill to be entitled An act relating to alternative plans review and inspection; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; providing a definition; authorizing performance audits by local building code enforcement agencies of private providers; specifying conditions for proceeding with building work; amending s. 468.621, F.S.; revising a ground for taking certain disciplinary actions; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Banking and Insurance; and Senator Garcia—

CS for CS for SB 1478—A bill to be entitled An act relating to public records and public meetings; creating s. 627.06292, F.S.; creating an exemption from public-records requirements for reports of hurricane loss data and associated exposure data that are specific to a particular insurance company; providing a definition; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; amending s. 627.0628, F.S.; creating an

exemption from public-records requirements for trade secrets used in designing and constructing hurricane loss models; creating an exemption from public-meetings requirements for that portion of a meeting of the Florida Commission on Hurricane Loss Projection Methodology or of a rate proceeding wherein confidential and exempt trade secrets are discussed; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Banking and Insurance; and Senator Garcia—

CS for SB 1480—A bill to be entitled An act relating to insurance; amending s. 626.916, F.S.; providing that the Office of Insurance Regulation may by order declare classes of insurance eligible for export; providing that such an order continues in effect until vacated or modified; amending s. 626.938, F.S.; providing that an insured's representative may file independently procured coverage with the service office and remit taxes and fees; amending s. 628.511, F.S.; revising the definitions of the terms "clearing corporation" and "custodian"; deleting definitions of the terms "book entry system" and "member bank" and making conforming changes; amending s. 943.135, F.S.; revising the presumption of disability for purposes of workers compensation and establishing tobacco-use standards; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Miller—

CS for SB 1498—A bill to be entitled An act relating to the Lead Poisoning Prevention Screening and Education Act; providing a popular name; providing legislative findings; providing definitions; providing for the establishment of a statewide comprehensive educational program on lead poisoning prevention; providing for a public information initiative; providing for distribution of literature about childhood lead poisoning; requiring the establishment of a screening program for early identification of persons at risk of elevated levels of lead in the blood; providing for screening of children; providing for prioritization of screening; providing for the maintenance of records of screenings; providing for reporting of cases of lead poisoning; providing an appropriation; providing contingencies for appropriation; providing effective dates.

By the Committees on Government Efficiency Appropriations; Community Affairs; Commerce and Consumer Services; and Senators Dockery, Baker and Haridopolos—

CS for CS for CS for SB 1598—A bill to be entitled An act relating to enterprise zones; creating s. 290.00710, F.S.; authorizing the City of Lakeland to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; creating s. 290.0073, F.S.; authorizing Indian River County, the City of Vero Beach, and the City of Sebastian to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone in Indian River County; providing requirements with respect thereto; requiring the office to establish the initial effective date of the enterprise zone; creating s. 290.0074, F.S.; authorizing Sumter County to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; creating s. 290.00755, F.S.; authorizing Columbia County or Columbia County and the municipality of Lake City to apply jointly to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone; providing requirements; requiring the office to establish an effective date of the designated enterprise zone; creating s. 290.0076, F.S.; authorizing Suwannee County or Suwannee County and the municipality of Live Oak to apply jointly to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone; providing requirements; requiring the office to establish an effective date of the designated enterprise zone; creating s. 290.0077, F.S.; authorizing Orange County and the municipality of Apopka to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements with respect thereto; requiring the office to establish the initial effective date of the enterprise zone; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of rural enterprise zone issues and to submit a report to the Legislature; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 1626—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; authorizing designation of positions within the offices of the capital collateral regional counsels as Senior Management Service Class; providing an effective date.

By the Committees on Health Care; Regulated Industries; and Senator Fasano—

CS for CS for SB 1654—A bill to be entitled An act relating to veterinary drug distribution; amending s. 499.006, F.S.; providing that a drug is adulterated if it is a certain prescription drug that has been returned by a veterinarian to a limited prescription drug veterinary wholesaler; amending s. 499.01, F.S.; requiring a limited prescription drug veterinary wholesaler to obtain a permit for operation from the Department of Health; providing that a permit for a limited prescription drug veterinary wholesaler may not be issued to the address of certain health care entities; amending s. 499.012, F.S.; revising permit requirements for a veterinary prescription drug wholesaler who distributes prescription drugs; establishing a permit for a limited prescription drug veterinary wholesaler; providing requirements; providing an exception; amending s. 499.0122, F.S.; redefining the term "veterinary legend drug retail establishment"; amending s. 499.041, F.S.; requiring the department to assess an annual fee within a certain monetary range for a limited prescription drug veterinary wholesaler permit; amending s. 499.065, F.S.; requiring the department to inspect each limited prescription drug veterinary wholesaler establishment; authorizing the department to determine that a limited prescription drug veterinary wholesaler establishment is an imminent danger to the public; providing an effective date.

By the Committee on Criminal Justice; and Senator Crist—

CS for SB 1736—A bill to be entitled An act relating to vehicular accidents involving death or personal injuries; providing a short title; amending s. 316.027, F.S.; requiring the court to sentence a driver of a vehicle to a minimum term of imprisonment if the person is driving under the influence and leaves the scene of an accident that results in death; requiring the court to order the driver of a vehicle to make restitution to the victim for any damage or loss if a driver leaves the scene of an accident that results in injury or death; requiring the court to make the payment of restitution a condition of probation; providing that an order requiring the defendant to make restitution to a victim does not remove or diminish the requirement that the court order payment to the Crimes Compensation Trust Fund; amending s. 316.193, F.S.; requiring that a person convicted of DUI manslaughter be sentenced to a mandatory minimum term of imprisonment; amending s. 921.0021, F.S.; providing that victim-injury points may be assessed under certain circumstances; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; and Commerce and Consumer Services—

CS for SB 1756—A bill to be entitled An act relating to early learning; amending s. 411.01, F.S.; requiring early learning coalitions to provide parents with profiles of school readiness providers; deleting authorization for coalitions to receive subsidized child care funds for all children

eligible for certain federal programs; requiring early learning coalitions to competively solicit nondirect services; authorizing the Agency for Workforce Innovation to allow coalitions to pay a rate differential to providers under certain circumstances; revising eligibility criteria and priorities for participation in school readiness programs; conforming provisions; creating s. 411.0101, F.S.; authorizing early learning coalitions to establish school-age readiness services under certain circumstances; providing requirements for these services; establishing eligibility criteria and priorities for participation in school-age readiness services; limiting the use of school readiness funds for school-age readiness services; transferring, renumbering, and amending s. 402.3145, F.S.; revising requirements for transportation services in school readiness programs; conforming provisions; authorizing contracts; deleting obsolete references to a repealed program; transferring, renumbering, and amending s. 402.3017, F.S.; providing requirements for school readiness quality initiatives; revising requirements for the Teacher Education and Compensation Helps scholarship program; establishing requirements for the Home Instruction for Parents of Preschool Youngsters Program; transferring, renumbering, and amending s. 409.178, F.S.; revising requirements for the Child Care Executive Partnership Program; deleting a short title and legislative intent; revising requirements for family income; deleting obsolete references to a repealed program; requiring the Agency for Workforce Innovation to provide for staff; revising provisions for the administration of purchasing pools; providing for the adoption of rules; amending s. 411.0105, F.S.; revising federal lead agency responsibilities; requiring a contract; transferring, renumbering, and amending s. 402.27, F.S.; revising provisions for the statewide resource and referral network; conforming provisions; transferring, renumbering, and amending s. 402.3051, F.S.; revising definitions for purposes of child care market rate reimbursement; revising requirements for calculating the market rate and prevailing market rate; requiring the adoption of a prevailing market-rate schedule; transferring, renumbering, and amending s. 402.3018, F.S.; providing for technical assistance to child care and early learning providers; conforming provisions; transferring, renumbering, and amending s. 402.25, F.S.; revising requirements for activities to foster brain development in infants and toddlers in certain state-funded programs; conforming provisions; amending s. 411.011, F.S., conforming a cross-reference; transferring, renumbering, and amending s. 402.3016, F.S.; revising provisions for Early Head Start collaboration grants; providing an effective date.

By the Committees on Health Care; Education; and Senator Crist—

CS for CS for SB 1766—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a public school from denying a student access to programs or services under certain conditions; authorizing public school teachers and school district personnel to share certain information with a student's parent; prohibiting public school teachers and school district personnel from compelling certain actions by a parent; authorizing the refusal of psychological screening; providing for medical decisionmaking authority; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Judiciary; and Senator Campbell—

CS for CS for SB 1810—A bill to be entitled An act relating to public records exemptions; creating s. 744.1076, F.S.; creating exemptions from public records requirements for certain court records relating to appointment of certain court monitors, reports of such monitors, and determinations and orders of a court relating to findings of no probable cause; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

By the Committee on Regulated Industries; and Senator Argenziano—

CS for SB 1830—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting from duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senator Smith—

CS for SB 1866—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 327.803, F.S.; revising the membership of the Boating Advisory Council; increasing the terms of office of members appointed by the Governor and limiting the number of consecutive terms they may serve; adding issues upon which the council makes recommendations to the commission and the Department of Community Affairs; authorizing reimbursement of expenses for members of the council; providing for the filling of vacancies; providing for members of the council to be removed for cause; amending s. 370.06, F.S.; providing for receipt of a saltwater products license issued by the commission to a firm or corporation; revising a provision barring transfer of a saltwater products license; revising a provision regarding the annual fee that an individual, firm, or corporation must pay for a license; providing for an increase in annual saltwater products license fees; providing definitions; amending s. 370.13, F.S.; reducing stone crab trap certificate transfer fees; reducing surcharge fees; repealing s. 372.674, F.S., relating to environmental education and the Advisory Council on Environmental Education; amending s. 372.672, F.S., relating to the Florida Panther Research and Management Trust Fund, to conform; providing an effective date.

By the Committees on Criminal Justice; Judiciary; and Senators Webster, Haridopolos and Lynn—

CS for CS for SB 1964—A bill to be entitled An act relating to compensation for wrongfully incarcerated persons; creating s. 961.01, F.S.; providing a short title; creating s. 961.02, F.S.; defining the term "wrongfully incarcerated person"; requiring courts to determine whether certain persons are wrongfully incarcerated persons; authorizing petitions to the court for a determination of wrongful conviction; creating s. 961.03, F.S.; authorizing compensation for certain wrongfully incarcerated persons; providing exceptions and limitations; creating s. 961.04, F.S.; providing procedures to apply to the Attorney General for compensation; providing for presuit negotiation of compensation; authorizing lawsuits against the state for determination of compensation; providing for recovery of certain fees and costs; providing for determination of such fees and costs; limiting total compensation; providing for the manner of payment of compensation; providing restrictions on use of compensation; providing timeframes for applying for compensation; creating s. 961.05, F.S.; providing rulemaking authority; providing an effective date.

By the Committee on Ethics and Elections; and Senator Posey—

CS for SCR 2024—A concurrent resolution providing that Joint Rule 1 of the Joint Rules of the Legislature, relating to legislative lobbying, is superseded by the provisions of Committee Substitute for Senate Bill 2646 to the extent that such Joint Rule conflicts with or is inconsistent with the provisions of Committee Substitute for Senate Bill 2646, as enacted by the Legislature; authorizing technical and stylistic changes to conform the Joint Rules of the Legislature; providing for publication in the journals of the respective houses of the Legislature.

By the Committee on Regulated Industries; and Senator Campbell—

CS for SB 2062—A bill to be entitled An act relating to community associations; creating s. 718.1265, F.S.; authorizing a condominium as-

sociation board to exercise specified emergency powers during an emergency; providing limitations; amending s. 718.112, F.S.; providing for a condominium association to establish casualty reserve accounts; extending a period in which condominium common areas do not have to be retrofitted with sprinkler systems; creating s. 712.11, F.S.; providing for the revival of certain declarations that have been extinguished; providing an effective date.

By the Committees on Government Efficiency Appropriations; Commerce and Consumer Services; Communications and Public Utilities; and Senators Constantine and Clary—

CS for CS for CS for SB 2068—A bill to be entitled An act relating to telecommunications; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; redefining the term "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to $500 from $250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up to $1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; providing clarification of rights of local governments and duties of cable service providers to comply with certain laws and regulations; amending s. 364.051, F.S.; providing that damage to the equipment and facilities of a local exchange telecommunications as a result of a named tropical system constitutes a compelling showing of changed circumstances to justify a rate increase; allowing such companies to petition for recovery of such costs and expenses; requiring the Public Service Commission to verify the intrastate costs and expenses for repairing, restoring, or replacing damaged lines, plants, or facilities; requiring the commission to determine whether the intrastate costs and expenses are reasonable; requiring a company to exhaust any storm-reserve funds prior to recovery from customers; providing that the commission may authorize adding an equal line-item charge per access line for certain customers; providing for a rate cap and providing the maximum number of months the rate may be imposed; providing a 12-month limit for the application; allowing recovery for more than one storm within the limit; providing an effective date.

By the Committees on General Government Appropriations; Communications and Public Utilities; and Senators Constantine, Bennett, Campbell, Baker, King, Alexander, Crist, Wise, Posey, Rich, Villalobos, Hill, Haridopolos, Dawson and Bullard—

CS for CS for SB's 2072 and 1714—A bill to be entitled An act relating to local governments; providing definitions; providing for notice of public hearings to consider whether the local government will provide a communications service; requiring a governmental entity to consider certain factors before a communications service is provided; providing certain restrictions on revenue bonds to finance provisioning of communications services; requiring a local government to make available a written business plan; providing criteria for the business plan; setting pricing standards; providing for accounting and books and records; requiring the governmental entity to establish an enterprise fund; requiring the governmental entity to maintain separate operating and capital budgets; limiting the use of eminent-domain powers; requiring a governmental entity to hold a public hearing to consider certain factors if the business plan goals are not met; requiring compliance with certain federal and state laws; requiring local government to treat itself the same as it treats other providers of similar communications services; exempting certain governmental entities from specified provisions of the act; requiring a local government provider of communications services to follow the same prohibitions as other providers of the same services; providing an exemption for airports under certain conditions; recognizing preemption of a charter, code, or other governmental authority; providing for severability; providing an effective date.

By the Committees on Education Appropriations; Education; and Senators Lynn, Sebesta, Baker, Haridopolos, Peaden and Bennett—

CS for CS for SJR 2090—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution, relating to public education, to amend the class-size requirements for students in grades prekindergarten through 12 and to prescribe minimum salary standards for public school teachers, and the creation of Section 26 of Article XII of the State Constitution to prescribe a schedule for such amendment.

By the Committee on Education; and Senator Atwater—

CS for SB 2120—A bill to be entitled An act relating to the Opportunity Scholarship Program; amending s. 1002.38, F.S.; changing the deadline by which a parent must notify the Department of Education of the student's acceptance into an eligible private school from July 1 to August 1 of the first year in which the student intends to use the Opportunity Scholarship Program; providing an effective date.

By the Committee on Education; and Senators Wise, Dawson, Posey and Dockery—

CS for SB 2190—A bill to be entitled An act relating to education; amending ss. 11.45, 1000.04, 1001.42, 1002.20, 1002.23, 1002.37, 1003.02, 1003.03, 1003.52, 1007.27, and 1011.61, F.S.; providing for application of provisions relating to the Florida Virtual School to approved school district franchises of the school; requiring district school boards to adopt procedures for notifying parents and students when the student has met certain graduation requirements; providing an effective date.

By the Committee on Health Care; and Senator Atwater—

CS for SB 2230—A bill to be entitled An act relating to dentistry; amending s. 466.002, F.S.; exempting certain dental instructors from the requirements of ch. 466, F.S., relating to dentistry, dental hygiene, and dental laboratories; amending s. 466.004, F.S.; limiting the time a member may serve on the Board of Dentistry; revising requirements for appointment to the Council on Dental Hygiene; revising meeting times for the council; revising requirements for the council's rule and policy recommendations; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Wise—

CS for SB 2256—A bill to be entitled An act relating to the Florida Faith-based and Community-based Advisory Board; creating s. 14.31, F.S.; providing legislative findings and intent; creating the Florida Faith-based and Community-based Advisory Board within the Executive Office of the Governor for certain purposes; providing for board

membership; providing for terms of members; providing for successor appointments; providing for meetings and organization of the board; specifying serving without compensation; providing for per diem and travel expenses; specifying required activities of the board; specifying restricted activities; requiring a report to the Governor and Legislature; providing for future repeal and abolition of the board; providing an effective date.

By the Committees on Criminal Justice; Banking and Insurance; and Senator Alexander—

CS for CS for SB 2330—A bill to be entitled An act relating to offenses involving insurance; amending s. 400.9935, F.S.; prohibiting a medical or clinic director from referring patients to the clinic under specified circumstances; providing for health care clinics to post signs with information about a reward program for information leading to conviction of certain offenses; providing for inspections of such clinics by employees of the Division of Insurance Fraud; amending s. 440.105, F.S.; deleting the provision that a violation of a stop-work order is a misdemeanor of the first degree; increasing penalties for employers unlawfully failing to secure workers' compensation insurance when an employee is injured by or dies from a work-related injury; deleting provisions relating to a prohibition against employers participating in creation of employment relationships based on false, fraudulent, or misleading information; deleting provisions relating to presentation of false, fraudulent, or misleading information to obtain employment or workers' compensation benefits; amending s. 448.09, F.S.; prohibiting presentation of certain false, fraudulent, or misleading information for the purpose of obtaining employment; providing penalties; revising penalties for unauthorized employment of aliens; amending s. 624.15, F.S.; providing criminal penalties for violations of emergency rules or orders of the Department of Financial Services, Office of Insurance Regulation, or the Financial Services Commission; amending s. 624.155, F.S.; revising provisions that authorize a civil cause of action for violations of the requirement for a certificate of authority to act as an insurer; amending s. 626.112, F.S.; providing criminal penalties for transacting insurance or engaging in insurance activities without a license; amending s. 626.901, F.S.; stating that independently procured coverage constitutes an exception to the prohibition on representing an unauthorized entity only when transacted outside the state; amending s. 626.918, F.S.; providing that certain letters of credit issued or confirmed by a qualified United States financial institution may be used to fund a trust established and maintained by an alien insurer for the protection of policyholders in the United States; defining the term "qualified United States financial institution"; amending s. 626.938, F.S.; providing that independently procured coverage must be accomplished outside the state, must be procured through an unauthorized insurer licensed in some other state or country, and is not available for life, health, or workers' compensation insurance; amending s. 626.989, F.S.; allowing insurers, agents, and other licensees, their employees, and self-insured entities contracting or associated with the National Insurance Crime Bureau to report fraudulent insurance acts; authorizing adoption of rules for reporting suspected fraudulent activity; amending s. 817.234, F.S.; providing that it is insurance fraud for a service provider to agree or intend to waive deductibles; providing criminal penalties for scheming to create documentation of a nonexistent motor vehicle accident; amending s. 817.2361, F.S.; providing criminal penalties for creating, marketing, or presenting any false or fraudulent proof of motor vehicle insurance; amending s. 817.50, F.S.; providing that giving false or fictitious information to a health care provider is not prima facie evidence of intent to defraud when done by a law enforcement officer during an investigation; amending s. 817.505, F.S.; providing criminal penalties for soliciting or receiving compensation or receiving a split-fee arrangement for acceptance or acknowledgement of treatment from a health care provider or health care facility; redefining the term "health care provider or health care facility"; amending s. 843.08, F.S.; providing criminal penalties for falsely personating an officer of the Department of Financial Services; creating s. 626.9893, F.S.; authorizing the Division of Insurance Fraud of the Department of Financial Services to deposit proceeds from dispositions of liens and forfeited property seized by the division into the Insurance Regulatory Trust Fund; providing that balances of moneys deposited by the division into the Insurance Regulatory Trust Fund remain in the fund for use by the division; amending s. 932.7055, F.S.; providing that the unappropriated balance of moneys deposited by the division shall not be transferred to the General Revenue Fund; providing severability; providing an effective date.

By the Committee on Criminal Justice; and Senator Bennett—

CS for SB 2332—A bill to be entitled An act relating to fraud; amending s. 775.0844, F.S.; redefining "white collar crime" to include Medicaid provider fraud; providing a minimum mandatory term of imprisonment for committing an aggravated white collar crime involving Medicaid provider fraud; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Haridopolos—

CS for SB 2344—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 497.172, F.S.; creating a public-meetings exemption for Board of Funeral, Cemetery, and Consumer Services for those portions of meetings conducted for the exclusive purpose of developing or reviewing licensure examination questions and answers; creating a public-meetings exemption for probable cause panel meetings of the board; creating a public-records exemption for records of exempt probable cause panel meetings for a time certain; creating a public-records exemption for records relating to investigations, inspections, or examinations in process for a time certain; maintaining the public records exemptions under certain circumstances; creating a public records exemption for trade secrets; providing for future review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing an effective date.

By the Committees on Criminal Justice; Banking and Insurance; Regulated Industries; and Senator Haridopolos—

CS for CS for CS for SB 2346—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; providing for lighting equipment on certain non-law enforcement vehicles in a funeral procession; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; providing for eligibility for membership on the Board of Funeral, Cemetery, and Consumer Services; providing rulemaking authority regarding application for board membership; amending s. 497.103, F.S.; revising authority of the Department of Financial Services to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; providing for a late-renewal fee; amending s. 497.141, F.S.; revising licensure application procedures to provide for persons other than natural persons; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of license; amending s. 497.142, F.S.; revising fingerprinting requirements; eliminating obsolete references; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.147, F.S.; removing provision granting rulemaking authority to the Board of Funeral and Cemetery Services relating to certain written agreements being a prerequisite for qualification of a provider of training or continuing education regarding funeral and cemetery service licensure; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is deemed to be a complaint; amending s. 497.152, F.S.;

revising disciplinary provisions; revising applicability in other jurisdictions; revising certain grounds for disciplinary action; specifying what is deemed to be a complaint; providing exceptions to remittance deficiency disciplinary infractions; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising criminal provisions relating to prelicensure examinations, willful obstruction, trust funds, and specified violations; providing penalties; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.165, F.S.; revising a standard for determining liability for a trust fund deficiency; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising a provision for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.365, F.S.; requiring that certain fees be paid before an inactive license is renewed; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizes the licensing authority to establish certain rules; amending s. 497.378, F.S.; revising a license renewal fee; amending s. 497.380, F.S.; revising certain requirements for funeral establishments; providing requirements for reporting a change in location of the establishment; revising a license renewal fee; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; increasing the renewal fee for a branch license which is set by the Board of Funeral, Cemetery, and Consumer Services; revising grounds for issuance of a preneed branch license; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S., relating to preneed sales agents; substantially revising provisions relating to licensure requirements; revising application procedures, fees, the issuance of a temporary preneed sales agent license, the conversion of such a license to a permanent preneed sales agent license, restrictions upon an applicant who has a criminal or disciplinary record, termination of a permanent license due to lack of appointments, procedures for appointing preneed sales agents and for renewing such an appointment, termination of appointments, fees, and administrative matters; providing responsibilities of preneed licensees for preneed sales agents; creating s. 497.468, F.S.; providing for disclosure of information to the public; amending s. 497.550, F.S.; revising application requirements and procedures for licensure as a monument establishment; requiring that a monument establishment be licensed as a monument builder or as a monument dealer; exempting a monument dealer from a requirement to maintain certain facilities and from certain inspection requirements; requiring that a monument establishment obtain licensure as a monument builder in order to be eligible for a preneed sales license; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; providing requirements for change of ownership and location of monument establishments; providing for an annual inspection fee; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; revising requirements for rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.603, F.S.; revising the license renewal fee for a direct disposer; amending s. 497.604, F.S.; revising provisions concerning direct disposal establishment licensure and application for licensure and regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions concerning cinerator facility licensure and application for licensure and regulation of cinerator facilities; amending s. 497.607, F.S.; providing for publication of rules regarding cremation by chemical means; authorizing the anatomical board of this state to provide for the final disposition of human remains delivered to the board as the board determines to be adequate and proper; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; repealing s. 497.275, F.S., relating to identification of human remains in licensed cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

By the Committee on Government Efficiency Appropriations; and Senators Haridopolos, Wise, Peaden, Argenziano, Lynn, Fasano, Dockery, Sebesta, Baker, Bennett, Constantine, Atwater, Campbell, Saunders, Posey, Webster, Diaz de la Portilla, King, Alexander, Jones, Crist and Lawson—

CS for SB 2348—A bill to be entitled An act relating to the tax on intangible personal property; amending s. 199.032, F.S.; reducing the annual rate of the tax; providing an effective date.

By the Committee on Regulated Industries; and Senator Geller—

CS for SB 2360—A bill to be entitled An act relating to condominiums; amending s. 718.117, F.S.; substantially revising provisions relating to the termination of the condominium form of ownership of a property; providing grounds; providing powers and duties of the board of administration of the association; waiving certain notice requirements following natural disasters; providing requirements for a plan of termination; providing for the allocation of proceeds from the sale of condominium property; providing powers and duties of a termination trustee; providing notice requirements; providing a procedure for contesting a plan of termination; providing rules for the distribution of property and sale proceeds; providing for the association's status following termination; allowing the creation of another condominium by the trustee; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Sebesta—

CS for SB 2398—A bill to be entitled An act relating to building designations; designating the H. William Heller Hall at the University of South Florida St. Petersburg; designating the John S. Curran, M.D., Children's Health Center at the University of South Florida; directing the university to erect suitable markers; providing effective dates.

By the Committee on Transportation; and Senator Lynn—

CS for SB 2488—A bill to be entitled An act relating to contracts of the Department of Transportation; creating s. 337.183, F.S.; creating dispute review boards to hear claims arising out of department construction contracts and recommend resolutions prior to submitting claims to arbitration; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Haridopolos—

CS for SB 2546—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 14.25, F.S., relating to the Florida State Commission on Hispanic Affairs; amending s. 14.26, F.S.; revising reporting requirements of the Citizen's Assistance Office; repealing s. 14.27, F.S., relating to the Florida Commission of African-American Affairs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 17.32, F.S.; revising the recipients of the annual report of trust funds by the Chief Financial Officer; amending s. 17.325, F.S.; deleting a reporting requirement relating to the governmental efficiency hotline; amending s. 20.057, F.S.; deleting a reporting requirement of the Governor relating to interagency agreements to delete duplication of inspections; amending s. 20.19, F.S.; deleting provisions relating to planning by the Department of Children and Family Services; deleting provisions relating to planning in service districts of the department; repealing s. 20.316(4)(e), (f), and (g), F.S.; deleting provisions relating to information systems of the Department of Juvenile Justice; amending s. 20.43, F.S.; revising provisions relating to planning by the Department of Health; amending s. 39.001, F.S.; revising provisions relating to planning by the Department of Children and Family Services; repealing s. 39.4086, F.S.; deleting provisions relating to research and a report by the State Courts Administrator on a guardian ad litem pilot program for dependent children; amending s. 98.255, F.S.; deleting provisions relating to a report on the effectiveness of voter education programs; repealing s. 106.22(10), F.S.; deleting a provision relating to a report by the Division of Elections; amending s. 110.1227, F.S.; revising provisions relating to a report by the board of directors of the Florida Long-Term Care Plan; amending s. 120.60, F.S.; deleting a provision relating to filing of notice and certification of an agency's intent to grant or deny a license; amending s. 120.695, F.S.; deleting obsolete provisions relating to agency review of rules; amending s. 120.74, F.S.; deleting provisions relating to an agency report of review and revision of rules; amending s. 121.45, F.S.; deleting provisions relating to reports on interstate compacts relating to pension portability; repealing s. 153.952, F.S., relating to legislative findings and intent on privately owned wastewater systems and facilities; amending s. 161.053, F.S.; deleting a provision relating to a report on the coastal construction control line; amending s. 161.161, F.S.; deleting a provision requiring a report on funding for beach erosion control; repealing s. 163.2526, F.S., relating to a review and evaluation of urban infill; amending s. 163.3167, F.S.; deleting provisions relating to local government comprehensive plans; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; amending s. 163.3178, F.S.; deleting a duty of the Coastal Resources Interagency Management Committee to submit certain recommendations; repealing s. 163.519(12), F.S.; deleting a requirement of a report on neighborhood improvement districts by the Department of Legal Affairs; repealing s. 186.007(9), F.S.; deleting provisions relating to a committee to recommend to the Governor changes in the state comprehensive plan; amending s. 186.022, F.S.; deleting a reference to the Criminal and Juvenile Justice Information Systems Council; amending ss. 189.4035, 189.412, F.S.; revising requirements relating to dissemination of the official list of special districts; amending s. 206.606, F.S.; revising provisions relating to a report on the Florida Boating Improvement Program; amending s. 212.054, F.S.; deleting the requirement of a report on costs of administering the discretionary sales surtax; amending s. 212.08, F.S.; deleting a requirement for a report on the sales tax exemption for machinery and equipment used in semiconductor, defense, or space technology production and research and development; repealing s. 213.0452, F.S., relating to a report on the structure of the Department of Revenue; repealing s. 213.054, F.S., relating to monitoring and reporting on persons claiming tax exemptions; amending s. 216.011, F.S.; redefining the term "long-range program plan"; amending s. 216.013, F.S.; revising requirements with respect to long-range program plans; repealing s. 216.1825, F.S., relating to zero-based budgeting; amending s. 252.55, F.S.; revising certain reporting requirements relating to the Civil Air Patrol; amending s. 253.7825, F.S.; deleting provisions relating to the plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to Cross Florida Barge Canal structures; amending s. 259.037, F.S.; revising provisions relating to a report of the Land Management Uniform Accounting Council; repealing s. 265.56, F.S., relating to an annual report by the Department of State; repealing s. 267.074(4), F.S.; deleting provisions relating to a plan for the State Historical Marker Program; repealing s. 282.102(28), F.S.; deleting a requirement for a report by the State Technology Office; repealing s. 284.50(3), F.S.; deleting a requirement for a report by the Interagency Advisory Council on Loss Prevention and department heads; amending s. 287.059, F.S.; deleting a requirement for reporting proposed fee schedules for private attorney services for the Attorney General's office; repealing s. 288.108(7), F.S.; deleting a requirement for a report by the Office of Tourism, Trade, and Economic Development on high-impact businesses; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 288.1229, F.S.; revising duties of the direct-support organization to support sports-related industries and amateur athletics; repealing s. 288.7015(4), F.S.; deleting a requirement for a report by the rules ombudsman in the Executive Office of the Governor; repealing s. 288.8175(8), (10), and (11), F.S.; deleting certain responsibilities of the Department of Education with respect to linkage institutes between postsecondary institutions in this state and foreign countries; repealing s. 288.853(5), F.S.; deleting the requirement of a report on assistance to and commerce with Cuba; amending s. 288.95155, F.S.; revising requirements for a report by Enterprise Florida, Inc., on the Florida Small Business Technology Growth Program; amending s. 288.9604, F.S.; deleting a requirement of a report by the Florida Development Finance Corporation; amending s. 288.9610, F.S.; revising provisions relating to annual reporting by the corporation; amending s. 292.04, F.S.; deleting provisions relating to a survey by the Florida Commission on Veterans' Affairs; amending s. 292.05, F.S.; revising requirements relating to a report by the Department of Veterans' Affairs; repealing ss. 296.16, 296.29, F.S., relating to reports by the executive director of the Department of Veterans' Affairs; repealing s. 315.03(12)(c), F.S.; deleting provisions relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 319.324, F.S.; deleting provisions relating to funding a report on odometer fraud prevention and detection; amending s. 322.181, F.S.; revising provisions relating to a study by the Department of Highway Safety and Motor Vehicles on driving by the elderly; repealing s. 322.251(7)(c), F.S.; deleting provisions relating to a plan to indemnify persons wanted for passing worthless bank checks; repealing s. 365.172(6)(d), F.S.; deleting provisions relating to a study by the board of directors of the Wireless 911 Board; repealing s. 366.82(4), F.S.; deleting a provision relating to reports by utilities to the Public Service Commission; repealing s. 370.26(8), F.S.; deleting a duty of the Fish and Wildlife Conservation Commission relating to an aquaculture plan; amending s. 372.5712, F.S.; revising provisions relating to a report by the commission on waterfowl permit revenues; amending s. 372.5715, F.S.; revising provisions relating to a report by the commission on wild turkey permit revenues; repealing s. 372.673, F.S., relating to the Florida Panther Technical Advisory Council; repealing s. 372.674, F.S., relating to environmental education; amending s. 373.0391, F.S.; deleting provisions relating to provision of certain information by water management districts; amending s. 373.046, F.S.; deleting an obsolete provision requiring a report by the secretary of the Department of Environmental Protection; amending s. 373.1963, F.S.; deleting an obsolete provision relating to an agreement between the West Coast Regional Water Supply Authority and the Southwest Florida Water Management District; repealing s. 376.121(14), F.S.; deleting a provision relating to a report by the Department of Environmental Protection on damage to natural resources; repealing s. 376.17, F.S., relating to reports of the department to the Legislature; repealing s. 376.30713(5), F.S.; deleting provisions relating to a report on preapproved advanced cleanup; amending s. 377.703, F.S.; deleting a requirement for a report from the Public Service Commission on electricity, natural gas, and energy conservation; amending s. 380.06, F.S.; deleting provisions on transmission of revisions relating to statewide guidelines and standards for developments of regional impact; repealing s. 381.0011(3), F.S.; deleting provisions relating to an inclusion in the Department of Health's strategic plan; repealing s. 381.0066, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS; repealing s. 381.731, F.S., relating to strategic planning of the Department of Health; amending s. 381.795, F.S.; deleting provisions relating to studies by the Department of Health on long-

term, community-based supports; repealing s. 381.90(7)(a), F.S.; deleting provisions relating to the Health Information Systems Council's duty to develop a strategic plan; repealing s. 394.4573(4), F.S.; deleting the requirement for a report by the Department of Children and Family Services on state mental health facility staffing; amending s. 394.4985, F.S.; deleting provisions relating to plans by department districts; amending s. 394.75, F.S.; revising provisions relating to reports by the department on substance abuse and mental health plans; repealing s. 394.82, F.S., relating to funding of expanded community mental health services; amending s. 394.9082, F.S.; deleting obsolete provisions relating to an amendment to the master state plan on behavioral health services and to provision of status reports; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 397.321(1) and (20), F.S.; deleting a requirement that the Department of Children and Family Services develop a plan for substance abuse services; amending s. 397.333, F.S.; deleting the requirement for a report by the Statewide Drug Policy Advisory Council; repealing s. 397.94(1), F.S.; deleting provisions relating to children's substance abuse services plans by service districts of the Department of Children and Family Services; amending s. 400.0067, F.S.; revising requirements relating to a report by the State Long-Term Care Ombudsman Council; repealing s. 400.0075(3), F.S.; deleting a provision relating to such report; amending s. 400.0089, F.S.; revising requirements relating to a report by the Department of Elderly Affairs and transferring responsibility for the report to the council; repealing s. 400.148(2), F.S.; deleting a provision relating to a pilot program of the Agency for Health Care Administration on a quality-of-care contract management program; amending s. 400.407, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on extended congregate care facilities; amending s. 400.419, F.S.; requiring a specified report to be distributed to the Agency for Persons with Disabilities; amending s. 400.967, F.S.; deleting provisions relating to a report by the Agency for Health Care Administration on intermediate care facilities for developmentally disabled persons; revising agencies that may review the agency's plan; amending s. 402.73, F.S.; deleting provisions relating to a report by the Department of Children and Family Services on competitive procurement of client services; amending s. 403.4131, F.S.; deleting provisions relating to a report on the adopt-a-highway program; repealing s. 403.756, F.S., relating to a report on oil recycling; amending s. 403.7895, F.S.; deleting provisions relating to a hazardous waste needs and capacity study; repealing s. 406.02(4)(a), F.S.; deleting a requirement for a report by the Medical Examiners Commission; amending s. 408.033, F.S.; revising provisions relating to reports by local health councils; repealing s. 408.914(4), F.S.; deleting provisions requiring the Agency for Health Care Administration to submit a plan on comprehensive health and human services eligibility access to the Governor; amending s. 408.915(3)(i), F.S.; deleting provisions requiring periodic reports on the pilot program for such access; repealing s. 408.917, F.S., relating to evaluation of the pilot project; amending s. 409.1451, F.S.; revising requirements relating to reports on independent living transition services; repealing s. 409.146, F.S., relating to the children and families client and management information system; repealing s. 409.152, F.S., relating to service integration and family preservation; repealing s. 409.1679(1), F.S.; deleting provisions relating to reports concerning residential group care services; repealing s. 409.221(4)(k), F.S.; deleting provisions relating to reports on consumer-directed care; amending s. 409.25575, F.S.; deleting provisions relating to a report by the Department of Revenue regarding a quality assurance program for privatization of services; amending s. 409.2558, F.S.; deleting provisions relating to the Department of Revenue's solicitation of recommendations related to a rule on undistributable collections; amending s. 409.2567, F.S.; deleting provisions relating to a report by the Department of Revenue on collection of assistance from noncustodial parents; amending s. 409.906, F.S.; deleting a requirement for reports of child-welfare-targeted case management projects; amending s. 409.9065, F.S.; deleting a provision relating to a report by the Agency for Health Care Administration on the pharmaceutical expense assistance program; amending s. 409.91188, F.S.; deleting a requirement that the Agency for Health Care Administration monitor and report on a waiver program for specialty prepaid health plans; amending s. 409.912, F.S.; revising provisions relating to duties of the agency with respect to cost-effective purchasing of health care; repealing s. 410.0245, F.S., relating to a study of service needs of the disabled adult population; repealing s. 410.604(10), F.S.; deleting a requirement for the Department of Children and Family Services to evaluate the community care for disabled adults program; repealing s. 411.221, F.S., relating to prevention and early assistance; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later program; repealing s. 413.402(8), F.S.; deleting a provision relating to a plan by the Association of Centers for Independent Living on a personal care attendant program; repealing s. 414.1251(3), F.S.; deleting a provision relating to an electronic data transfer system for the learnfare program; amending s. 414.14, F.S.; deleting a provision relating to a report by the secretary of the Department of Children and Family Services on public assistance policy simplification; repealing s. 414.36(1), F.S.; deleting a provision relating to a plan for privatization of recovery of public assistance overpayment claims; repealing s. 414.391(3), F.S.; deleting provisions relating to a plan for automated fingerprint imaging; amending s. 415.1045, F.S.; deleting a requirement for a study by the Office of Program Policy Analysis and Government Accountability on documentation of exploitation, abuse, or neglect; amending s. 415.111, F.S.; deleting the requirement for a report by the Department of Children and Family Services on exploitation, abuse, or neglect; amending s. 420.622, F.S.; revising requirements relating to a report by the State Council on Homelessness; repealing s. 420.623(4), F.S.; deleting a requirement for a report by the Department of Community Affairs on homelessness; amending s. 427.704, F.S.; revising requirements relating to a report by the Public Service Commission on a telecommunications access system; amending s. 427.706, F.S.; revising requirements relating to a report by the advisory committee on telecommunications access; amending s. 430.04, F.S.; revising duties of the Department of Elderly Affairs with respect to certain reports and recommendations; amending s. 430.502, F.S.; revising requirements with respect to reports by the Alzheimer's Disease Advisory Committee; amending s. 430.707, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on contracts with managed care organizations; amending s. 445.003, F.S.; revising requirements relating to a report by Workforce Florida, Inc., on the Incumbent Worker Training Program; amending s. 445.004, F.S.; deleting provisions relating to appointment of members to Workforce Florida, Inc.; amending s. 445.006, F.S.; deleting provisions relating to a strategic plan for workforce development; repealing s. 446.27, F.S., relating to a report by the former Department of Labor and Employment Security; amending s. 446.50, F.S.; deleting provisions relating to a state plan for displaced homemakers; repealing s. 455.204, F.S., relating to long-range policy planning in the Department of Business and Professional Regulation; repealing s. 455.2226(8), F.S.; deleting a requirement for a report by the Board of Funeral Directors and Embalmers; repealing s. 455.2228(6), F.S.; deleting a requirement for reports by the Barbers' Board and the Board of Cosmetology; amending s. 456.025, F.S.; revising requirements relating to a report to professional boards by the Department of Health; repealing s. 456.031(5), F.S.; deleting provisions relating to reports by professional boards about instruction on domestic violence; repealing s. 456.033(8), F.S.; deleting provisions relating to reports by professional boards about HIV and AIDS; repealing s. 456.034(6), F.S.; deleting provisions relating to reports by professional boards about HIV and AIDS; amending s. 517.302, F.S.; deleting a requirement for a report by the Office of Financial Regulation on deposits into the Anti-Fraud Trust Fund; repealing s. 526.3135, F.S., relating to reports by the Division of Standards; repealing s. 531.415(3), F.S.; deleting the requirement of a report by the Department of Agriculture and Consumer Services on fees; repealing s. 553.975, F.S., relating to a report to the Governor and Legislature by the Public Service Commission; repealing s. 570.0705(3), F.S.; deleting the requirement of a report by the Commissioner of Agriculture about advisory committees; repealing s. 570.0725(5), F.S.; deleting provisions relating to a report by the Department of Agriculture and Consumer Services about supporting food recovery programs; repealing s. 570.235(3), F.S.; deleting a requirement for a report by the pest Exclusion Advisory Committee; repealing s. 570.543(3), F.S.; deleting provisions relating to legislative recommendations of the Florida Consumers' Council; repealing s. 570.952(5), F.S.; deleting provisions relating to a recommendation of the Commissioner of Agriculture concerning the Florida Agriculture Center and Horse Park Authority; amending s. 603.204, F.S.; revising requirements relating to the South Florida Tropical Fruit Plan; amending s. 644.7021, F.S.; revising provisions relating to reports by the executive

director of the Statewide Public Guardianship Office; amending s. 744.708, F.S.; revising provisions relating to audits of public guardian offices and to reports concerning those offices; repealing s. 765.5215(3), F.S.; deleting a requirement for a report by the Agency for Health Care Administration about organ donation; amending s. 768.295, F.S.; revising duties of the Attorney General relating to reports about "SLAPP" lawsuits; amending s. 775.084, F.S.; deleting provisions relating to sentencing of violent career criminals and to reports of judicial actions with respect thereto; amending s. 790.22, F.S.; deleting provisions relating to reports by the Department of Juvenile Justice about certain juvenile offenses that involve weapons; repealing s. 943.08(3), F.S.; deleting provisions relating to planning by the Criminal and Juvenile Justice Information Systems Council; repealing s. 943.125(2), F.S.; deleting provisions relating to reports by the Florida Sheriffs Association and the Florida Police Chiefs Association about law enforcement agency accreditation; amending s. 943.68, F.S.; revising requirements relating to reports by the Department of Law Enforcement about transportation and protective services; amending s. 944.801, F.S.; deleting a requirement to deliver to specified officials copies of certain reports about education of state prisoners; repealing s. 945.35(10), F.S.; deleting a requirement for a report by the Department of Corrections concerning HIV and AIDS education; repealing s. 948.10(8)(d), F.S.; deleting a requirement for a report by the Department of Corrections about placement of ineligible offenders on community control; repealing s. 948.045(9), F.S.; deleting provisions relating to a report by the department about youthful offenders; amending s. 960.045, F.S.; revising requirements relating to reports by the Department of Legal Affairs with respect to victims of crimes; repealing s. 985.02(8)(c), F.S.; deleting the requirement of a study by the Office of Program Policy Analysis and Government Accountability on programs for young females within the Department of Juvenile Justice; amending s. 985.08, F.S.; deleting provisions relating to a plan by a multiagency task force on information systems related to delinquency; amending s. 985.3045, F.S.; deleting provisions relating to a report by the prevention services program; repealing s. 985.3046, F.S., relating to agencies and entities providing prevention services; repealing s. 985.305(5), F.S.; deleting provisions relating to a report by the Department of Juvenile Justice on early delinquency intervention; amending s. 985.309, F.S.; deleting provisions relating to a report concerning a boot camp for children; amending s. 985.31, F.S.; deleting provisions relating to a report on serious or habitual juvenile offenders; amending s. 985.311, F.S.; deleting provisions relating to a report on intensive residential treatment for offenders under 13 years of age; amending s. 985.3155, F.S.; deleting provisions relating to submission of the multiagency plan for vocational education; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; repealing s. 985.412(7), F.S.; deleting provisions relating to a report by the Department of Juvenile Justice on quality assurance in contractual procurements; repealing s. 1003.492(4), F.S.; deleting provisions relating to a study about industry-certified career education programs; repealing s. 1006.0605, F.S., relating to students' summer nutrition; amending s. 1011.32, F.S.; requiring the Governor to be given a copy of a report related to the Community College Facility Enhancement Challenge Grant Program; repealing s. 1011.4105(5), F.S.; deleting provisions relating to a plan concerning transition to the university accounting system; repealing s. 1013.03(13), F.S.; deleting an obsolete provision relating to the Department of Education's duty to review school construction requirements; amending ss. 370.12, 372.672, 409.91196, 411.01, 411.232, 641.386, F.S., conforming cross-references to changes made by the act; amending ss. 20.165, 455.01, 455.017, and 455.217, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans and programs; providing an effective date.

By the Committees on Commerce and Consumer Services; Education; and Senator Wise—

CS for CS for SB 2550—A bill to be entitled An act relating to assistive technology devices and services; creating s. 1003.575, F.S.; requiring interagency agreements to ensure that assistive technology devices be retained for use by a person with disabilities as he or she makes certain transitions; providing an effective date.

By the Committee on Judiciary; and Senators Webster, King and Clary—

CS for SB 2564—A bill to be entitled An act relating to class action lawsuits; creating s. 774.01, F.S.; providing requirements for capacity to file a class action; limiting actions to Florida residents; providing exceptions; providing requirements for monetary relief; eliminating private class action recovery of statutory penalties and other forms of monetary relief other than actual damages; providing monetary relief; providing for availability of nonmonetary relief; providing an effective date.

By the Committee on Judiciary; and Senators Webster and Clary—

CS for SB 2568—A bill to be entitled An act relating to liability for products; creating s. 768.1259, F.S.; defining terms; providing that a seller of a product manufactured in the United States may be dismissed from an action for strict liability for harm caused by a product; providing exceptions; providing procedures related to dismissal; requiring an affidavit to accompany a motion to dismiss; prescribing the contents of the affidavit; providing for discovery and a hearing on the motion to dismiss; providing conditions under which a seller may be held liable as a manufacturer; providing an effective date.

By the Committees on Health and Human Services Appropriations; Health Care; and Senators Jones and Bennett—

CS for CS for SB 2570—A bill to be entitled An act relating to home medical equipment providers; amending s. 400.925, F.S.; revising and providing definitions; amending s. 400.93, F.S.; providing that physicians who sell, rent, or supply equipment or devices to their patients are exempt from licensure as a home medical equipment provider; amending s. 400.931, F.S.; including additional categories of equipment in a report required by applicants for licensure; increasing the amount of liability insurance required of home medical equipment providers; amending s. 400.933, F.S.; revising requirements for licensure and assessment of fees; amending s. 400.934, F.S.; revising minimum standards required for licensure; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to provide additional regulatory standards by rule; creating s. 400.936, F.S.; requiring proof of accreditation as a prerequisite for licensure or license renewal; providing for temporary licensure; providing for rules relating to designation of accrediting organizations; amending s. 400.95, F.S.; providing for notice of a toll-free telephone number to report fraud and abuse by providers; providing an effective date.

By the Committee on Transportation; and Senator Sebesta—

CS for SB 2620—A bill to be entitled An act relating to seaports; requiring the Department of Law Enforcement to develop a program to survey the underwater areas of certain deepwater seaports; designating certain deepwater seaports; providing an appropriation; providing an effective date.

By the Committee on Health Care; and Senator Posey—

CS for SB 2636—A bill to be entitled An act relating to Medicaid reimbursement to nursing homes; amending s. 409.908, F.S.; requiring the Agency for Health Care Administration to establish a Nursing Home Voluntary Competitive Bid Pilot Program for certain nursing homes in two counties for a specified period; permitting licensed nursing homes to bid on rates for Medicaid certified beds under certain circumstances; requiring the agency to provide a list of approved bidders to social service providers; requiring the agency to evaluate the pilot program by a specified time; requiring a report to the Governor and Legislature; providing an effective date.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Criminal Justice recommends that the Senate confirm the following appointment made by the Governor:

Office and Appointment		*For Term Ending*
Parole Commission		
Appointee:	Tena M. Pate	06/30/2010

The Committee on Education recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment		*For Term Ending*
State Board of Education		
Appointees:	Donna G. Callaway	12/31/2005
	Phoebe H. Raulerson	12/31/2008
	Roberto Martinez	12/31/2008
Board of Trustees, University of Central Florida		
Appointee:	Conrad Santiago	01/06/2010
Board of Trustees, New College of Florida		
Appointees:	Jane T. Smiley	01/06/2010
	Warren P. Hudson	01/06/2010
Board of Trustees, University of North Florida		
Appointee:	Edythe M. Abdullah	01/06/2010

[The appointments contained in the foregoing reports were referred to the Committee on Ethics and Elections under the original reference.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1141, HB 1283, HB 1525 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative M. Davis and others—

HB 1141—A bill to be entitled An act relating to greenways and trails; renaming ch. 260, F.S., as the "Florida Greenways and Trails Act"; amending s. 260.011, F.S.; providing a popular name; amending s. 260.012, F.S.; revising legislative intent with respect to the development and completion of the Florida National Scenic Trail; conforming cross references; amending s. 260.013, F.S.; revising and providing definitions; amending s. 260.0141, F.S.; removing provisions authorizing certain acquisitions; amending s. 260.0142, F.S.; revising the powers and duties of the Florida Greenways and Trails Council; extending the terms of certain appointees; providing for reappointment of appointees; revising eligibility requirements for appointees of the trail user community to include users of off-highway vehicles; amending s. 260.015, F.S.; removing provisions for the appraisal of certain property by the Department of Environmental Protection; conforming cross references; amending s. 260.016, F.S.; revising the general powers of the department; revising provisions relating to rules for public access to greenways and trails; conforming cross references; creating s. 260.019, F.S.; establishing the Florida Circumnavigation Saltwater Paddling Trail; providing for review, adjustment, and redesignation of the trail segments by the department; requiring the department to prepare and submit a report to the Governor and Legislature by a specified date pursuant to such review; creating s. 260.021, F.S.; providing for a partnership between various organizations and mining interests to develop recreational opportunities on mined lands; creating s. 335.067, F.S.; creating the Conserve by Bicycle Program within the Department of Transportation, providing purposes of the program, and requiring such department to conduct a Conserve by Bicycle study; amending s. 373.199, F.S.; requiring water management districts to include information about the Florida National Scenic Trail in the Florida Forever Water Management District Work Plan; amending s. 378.036, F.S.; removing provisions relating to recreational opportunities on mined lands; amending s. 380.507, F.S.; revising the powers of the Florida Communities Trust with respect to the Florida National Scenic Trail; amending s. 110.501, F.S.; conforming a cross reference; providing an effective date.

—was referred to the Committees on Environmental Preservation; Transportation; and General Government Appropriations.

By Representative Galvano and others—

HB 1283—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing a civil penalty and attorney's fees and costs for noncompliance with a requirement to enroll a child in health care coverage; providing for enforcement by the Department of Revenue; repealing a provision relating to a judicial circuit with a work experience and job training pilot project; amending s. 61.1301, F.S.; providing for the repayment of a support delinquency through income deduction; providing for application to support orders or income deduction orders entered before July 1, 2006; requiring an obligor contesting an income deduction order rendered by a Title IV-D agency to file the petition with the Title IV-D agency; requiring the department to provide payors with Internet access to income deduction and national medical support notices issued by the department on or after July 1, 2006; amending s. 61.13016, F.S.; providing for suspension of a driver's license to enforce compliance with an order to appear for genetic testing; amending s. 61.1354, F.S.; requiring a Title IV-D agency to provide information relating to the amount of current support owed by an obligor; amending s. 61.14, F.S.; authorizing the circuit court to enforce a support order by ordering the obligor to seek employment, file periodic reports with the court or the department, notify the court or department upon obtaining employment, income, or property, and participate in jobs programs; providing for contempt of court; repealing provisions related to a judicial circuit with a work experience and job training pilot project; correcting a cross reference; providing for recovery of support arrearages from workers' compensation lump-sum settlements; requiring the Office of the Judges of Compensation Claims to adopt procedural rules; requiring local depositories to electronically provide the department with certain data; amending s. 61.1814, F.S.; providing for fines for failure or refusal to submit to genetic testing to be deposited in the Child Support Enforcement Application and Program Revenue Trust Fund; correcting a cross reference; amending s. 61.1824, F.S.; requiring the State Disbursement Unit to provide for electronic disbursement of support payments to obligees, notify obligees of electronic disbursement options, and encourage use of such options; requiring electronic remittance of support payments by certain employers; providing for waivers; amending s. 61.30, F.S.; correcting a cross reference and reenacting s. 61.30(8), F.S., relating to child support guidelines for health insurance costs and other medical expenses of a child, to incorporate the amendment to s. 61.13, F.S., in a reference thereto; amending s. 120.80, F.S.; providing for entry of final orders by the Division of Administrative Hearings in proceedings to establish paternity or paternity and child support; providing for the right to immediate judicial review to contest an administrative order for genetic testing; providing for judicial enforcement of agency final orders; providing for venue of administrative hearings in paternity proceedings and determinations of noncovered medical expenses; amending s. 322.142, F.S.; authorizing the department to obtain digital photographs and signatures from the Department of Highway Safety and Motor Vehicles for use in establishing paternity and establishing, modifying, or enforcing support obligations; amending s. 382.013, F.S.; requiring the Department of Health to amend a child's birth certificate when paternity is established by the Department of Revenue; amending s. 382.015, F.S.; requiring the clerk of the court to ensure that all judicial determinations of paternity are reported to the Department of Health; requiring the Department of Health to monitor compliance and report data to the clerks of the court; amending s. 382.016, F.S.; providing for the Department of Health to leave birth certificates and related papers unsealed when a father is listed pursuant to an acknowledgment of paternity; providing for the Department of Health to amend the birth certificate of

a child born in the state whose paternity is established in another state; providing for the Department of Revenue to develop written educational materials concerning establishment of paternity for use and distribution by Department of Children and Family Services, Department of Corrections, Department of Education, Department of Health, and Department of Juvenile Justice; creating s. 382.357, F.S.; providing for the Department of Health, Department of Revenue, Florida Hospital Association, Florida Association of Court Clerks, and one or more local registrars to study the feasibility of and report on the filing of original and new or amended birth certificates with the Department of Health; requiring a report to the Legislature; amending s. 395.003, F.S.; requiring a hospital providing birthing services to comply with s. 382.013(2)(c), F.S., when applying for certain licenses; prohibiting fines and sanctions against hospitals for noncompliance with s. 382.013(2)(c), F.S.; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules relating to administrative proceedings to establish paternity, paternity and child support orders, and orders to appear for genetic testing; amending s. 409.2558, F.S.; providing for a determination by the Department of Revenue that a collection or refund is undistributable; requiring the Department of Revenue to make reasonable efforts to locate persons to whom collections or refunds are owed; providing for location efforts to include disclosure through a searchable database of the names of obligees, obligors, and depository account numbers on the Internet in compliance with certain requirements; creating s. 409.256, F.S.; providing definitions; authorizing the Department of Revenue to administratively establish paternity based on the results of genetic testing; providing for notice, opportunity for administrative hearing, and right to judicial review; authorizing the Department of Revenue to combine a paternity proceeding with an administrative proceeding under s. 409.2563, F.S.; providing for administrative orders to appear for genetic testing and right to contest; providing for scheduling of genetic testing and rescheduling for good cause; providing sanctions for failure or refusal to submit to genetic testing; providing for a presumption of paternity based on specified genetic testing results; providing for admissibility of genetic testing results at administrative hearings; providing for hearings to be conducted by the Division of Administrative Hearings in accordance with ch. 120, F.S.; providing that a final order issued by an administrative law judge constitutes final agency action by the Department of Revenue; providing that a final order establishing paternity has the same effect as a judgment entered by a court pursuant to ch. 742, F.S.; requiring a respondent to notify the Department of Revenue of changes of address and that subsequent notice by mail is deemed to have been received; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2561, F.S.; providing that no obligation of support shall be incurred by a recipient of supplemental security income or temporary cash assistance for the benefit of a dependent child; amending s. 409.2563, F.S.; authorizing the Department of Revenue to establish an administrative support order when paternity is determined pursuant to s. 409.256, F.S.; creating s. 409.25635, F.S.; authorizing the Department of Revenue to determine the amount owed by an obligor for noncovered medical expenses in Title IV-D cases; defining "noncovered medical expenses"; providing for notice, opportunity for administrative hearing, and right to judicial review; requiring a written declaration under penalty of perjury by the obligee and documentation of claims; providing that a determination by the Department of Revenue has the same effect as a judgment entered by a court; providing for filing an uncontested notice or final order with the local depository; authorizing the Department of Revenue to collect noncovered medical expenses by using the same remedies available for collection of support; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2564, F.S.; repealing provision relating to judicial circuits with a work experience and job training pilot project; providing for a reduction in the amount of retroactive support permanently assigned to the state when the obligor and the Department of Revenue agree to entry of a support order based on the child support guidelines; amending s. 409.25645, F.S.; providing for correctional facilities to assist putative fathers in complying with administrative orders for genetic testing; providing that an administrative order for genetic testing has the same force and effect as a court order; amending s. 409.2567, F.S.; authorizing the Department of Revenue to seek a federal waiver from the requirement that an individual must apply for Title IV-D services; providing for the Department of Revenue to adopt rules if a waiver is granted and provide Title IV-D services if support payments are not paid as ordered unless the individual refuses services after notice; providing an application fee for child support services provided by the Department of Revenue, waiver of the fee, and payment by the department; removing rulemaking authority of the Department of Children and Family Services relating to the application fee and deposit thereof; amending s. 409.2598, F.S.; revising provisions relating to license suspension to enforce support orders; authorizing the Department of Revenue to commence a proceeding to suspend an obligor's occupational, business, trade, professional, or recreational license for noncompliance with a support order; providing for notice by regular mail, opportunity to contest in circuit court, grounds for contesting, and stay of proceedings if a timely petition to contest is filed; providing for written agreement with the Department of Revenue to avoid suspension, reinstatement notice upon compliance, and suspension if the obligor does not comply after notice, does not contest, or does not comply with a written agreement unless the obligor notifies the department of inability to comply with the written agreement; providing for full disclosure by obligor of income, assets, and employment; providing for reinstatement upon court order; providing for license suspension to enforce subpoenas, orders to appear, or similar orders; providing for combining a proceeding to enforce a support order with a proceeding to suspend a driver's license, under certain circumstances; authorizing the Department of Revenue to adopt rules; amending s. 409.259, F.S.; requiring the clerks of the circuit court, chief judges through the Office of the State Courts Administrator, sheriffs, Office of the Attorney General, and Department of Revenue to work cooperatively to implement electronic filing of pleadings, returns of service, and other papers by October 1, 2009; amending s. 409.821, F.S.; requiring the Agency for Health Care Administration to disclose information identifying Florida KidCare applicants or enrollees to the Department of Revenue for purposes of administering the state's Title IV-D program; amending s. 414.065, F.S.; providing that a court may order a noncustodial parent who is delinquent pursuant to the terms of a support order to participate in work activities under ch. 414, F.S., or as provided in s. 61.14(5)(b), F.S.; amending s. 443.051, F.S.; revising provisions relating to interception of child support benefits; providing and revising definitions; requiring the Agency for Workforce Innovation to deduct and withhold a specified percentage of unemployment compensation otherwise payable to an individual who owes a support obligation, under certain circumstances; providing for the Department of Revenue to promptly refund any excess deduction to the obligor; amending s. 455.203, F.S.; repealing authority to screen license applicants for compliance with support obligations; requiring the Department of Business and Professional Regulation to cooperate with the Department of Revenue to implement an automated method for current license disclosure; requiring the Department of Revenue to suspend or deny licenses for noncompliance with a support order; providing for issuance or restatement upon proof of compliance; amending s. 742.10, F.S.; providing that when paternity is adjudicated by the Department of Revenue pursuant to s. 409.256, F.S., such adjudication constitutes the establishment of paternity for purposes of ch. 742, F.S.; amending s. 760.40, F.S.; providing for genetic testing in paternity cases and disclosure of test results as authorized by s. 409.256, F.S.; amending s. 827.06, F.S.; repealing provisions that require exhaustion of civil remedies before a criminal prosecution for nonsupport of dependents is commenced, a prior adjudication of contempt for failure to comply with a support order, notice by the state attorney prior to prosecution, and mandatory minimum fines and imprisonment; providing for the state attorneys, the Florida Prosecuting Attorneys Association, and the Department of Revenue to identify strategies for pursuing criminal prosecution in certain cases and to submit a report to the Governor and Legislature; providing effective dates.

—was referred to the Committees on Children and Families; Judiciary; and General Government Appropriations.

By Representative Lopez-Cantera and others—

HB 1525—A bill to be entitled An act relating to elderly affairs; amending s. 430.205, F.S.; deleting provisions relating to implementation plans to integrate certain functions of the Agency for Health Care Administration; providing for development of uniform case management standards within the Aged and Disabled Adult Medicaid waiver program; authorizing, rather than requiring, coordination of acute and chronic medical service between the agency and the Department of Elderly Affairs to be included in the capitated rate for case management services; requiring the agency to consult with the department before

adopting rules relating to reimbursement of providers and case management standards; revising provisions relating to certain reimbursement rates; deleting obsolete provisions; providing that evaluation of a specified pilot project relating to elder care is subject to an appropriation; amending s. 430.7031, F.S.; deleting provision that requires the department and agency to review the case files of a specified percentage of Medicaid nursing home residents annually for the purpose of determining whether the residents are able to move to community placements; amending s. 430.705, F.S.; revising eligibility requirements relating to financial solvency for entities that provide services under the long-term care community diversion pilot projects; providing definitions; authorizing the department to make rules; amending s. 430.707, F.S.; requiring project providers to report quarterly to the department regarding compliance with financial requirements; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 300, SB 450, CS for CS for SB 492, SB 868, CS for SB 938, CS for SB 940, CS for SB 1368, CS for SB 1662, SB 1796, SB 1798 and SB 1980.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed HB 1877, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 21 and 26 were corrected and approved.

CO-INTRODUCERS

Senators Atwater—CS for CS for SB 1996; Baker—CS for CS for SB 1996; Bennett—CS for CS for SB 1996; Bullard—SB 1724; Campbell—CS for CS for SB 1216; Clary—SB 1658; Crist—CS for CS for SB 1216, CS for CS for SB 1914; Fasano—SB 1800; Haridopolos—CS for CS for SB 1996; Jones—SB 1658; Lawson—CS for SB 2348; Lynn—CS for CS for SB 1996, CS for SB 2006, SB 2340; Miller—CS for CS for SB 1216, CS for SB 1922; Posey—CS for CS for SB 1996; Sebesta—CS for CS for SB 1996; Smith—CS for CS for SB 1216; Wilson—CS for SB 1568, SB 670; Wise—CS for CS for SB 1996

RECESS

On motion by Senator Pruitt, the Senate recessed at 5:46 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:30 a.m., Thursday, April 28 or upon call of the President.

Journal of the Senate

Number 21—Regular Session **Thursday, April 28, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 10:50 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by Father Terrance Morgan, Cathedral Basilica, St. Augustine:

O dearest Lord, grant that we may know you, and love you, and rejoice in you.

And if we cannot do these perfectly in this life, let them at least advance to a higher degree this hour, this day and tomorrow, and every day until we can come to do them in perfection in your heavenly kingdom.

May our knowledge of you, and of your holy will fill our minds and hearts this hour, so that our discourse and our decisions may be an instrument of your love, and so that our joy may be complete. Amen.

PLEDGE

Senate Pages Carlyn Harris of Tallahassee; Taylor Snively of Winter Haven; Marlon L. Perry of Jacksonville; and Lillian "Lilly" Caldwell, daughter of Diana Caldwell, Staff Director, Committee on Communications and Public Utilities, of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Temple O. Robinson of Tallahassee, sponsored by Senator Lawson, as doctor of the day. Dr. Robinson specializes in Internal Medicine.

INTRODUCTION OF FORMER SENATORS

Senator Webster introduced former Senators Buddy Dyer, Mayor of Orlando and Richard Crotty, Mayor of Orange County, who were present in the chamber.

ADOPTION OF RESOLUTIONS

At the request of Senator Lynn—

By Senator Lynn—

SR 1006—A resolution recognizing the life and accomplishments of Charles W. Cherry, Sr.

WHEREAS, the lifetime accomplishments of Charles W. Cherry, Sr., included significant contributions and leadership in the fields of business, education, public service, publishing, civil rights, and

WHEREAS, in 1967 Mr. Cherry became the first African-American businessman to be admitted to the Daytona Beach Board of Realtors and served on the Board for 37 years; founded and served as First Chairman of the Daytona Beach-Volusia County Chamber of Commerce in 1985; and was President and Chief Executive Officer of Mormen Realty and Development, Inc., of Daytona Beach, Tampa, and St. Petersburg, from 1966 until his death on November 16, 2004, and

WHEREAS, Mr. Cherry's contributions in the field of education included teaching at Campbell Street High School in the late 1950s and managing educational finances as Chief Accountant for Bethune-Cookman College in Daytona Beach from 1953-1956 and then as Business Manager of Clafin College in Orangeburg, South Carolina, from 1956 to 1958, and

WHEREAS, while at Bethune-Cookman, Mr. Cherry established and developed a highly successful Cooperative Education Program involving students in business, government, and the military, and he was Professor of Business and Director of Cooperative Education at the college from 1959 to 1961, and

WHEREAS, Mr. Cherry's knowledge, vision, and energy led to his appointment by Governor Rubin Askew to the Statewide Steering Committee on Health for 1977-1981; by Governor Bob Graham to the Small and Minority Business Study Commission for 1984-1986; and by Governor Bob Martinez to the Florida Advisory Board for Education of Blacks in Florida in 1989, a board on which he served until his death in 2004, and

WHEREAS, in the field of publishing, Mr. Cherry served form 1977 to 2004 as Managing Editor of the Daytona Times and the Ft. Pierce Florida Courier and as Senior Consultant to the CEO of Tama Broadcasting, Inc., and he was President of the Southeast Black Publisher's Association from 1986 to 1995, and

WHEREAS, Mr. Cherry was also a dedicated civil rights activist serving in a variety of state and national offices in the NAACP, including State President from 1974 to 1984 and as a member of the National Board of Directors from 1976 to 1989, and

WHEREAS, the local community also found a leader in Charles W. Cherry, Sr., who was elected Daytona Beach City Commissioner for Zone

6 in 1995 and reelected in 1997, 1999, 2001, and 2003, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That this legislative body does pause in its deliberations to honor the memory of Charles W. Cherry, Sr., and to recognize his public service and community leadership.

—**SR 1006** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 1540—A resolution recognizing April 28, 2005, as Workers' Memorial Day in Florida.

WHEREAS, 34 years ago Congress passed the Occupational Safety and Health Act, promising every American worker the right to a safe job, and

WHEREAS, unions and their allies have fought hard to make that promise a reality, winning protections that have saved hundreds of thousands of lives and prevented millions of workplace injuries, and

WHEREAS, the toll of workplace injuries, illnesses, and death nonetheless remains enormous, with 60,000 American workers dying from job-related injuries each year and another 6 million workers injured on the job, and

WHEREAS, the unions of the AFL-CIO are committed to the continuing struggle to make workers' safety a priority and to keep and create good jobs in America, for American workers, and

WHEREAS, America's economy and the health and vigor of American society depend on the availability of decent jobs for American workers and on the safety of those jobs, NOW, THEREFORE

Be It Resolved by the Senate of the State of Florida:

That April 28, 2005, is recognized as Workers' Memorial Day in the State of Florida in honor of the many American workers who have suffered injury and death on the job, and in recognition of the work of the unions of the AFL-CIO to protect the safety of American workers and to secure the availability of decent jobs for Americans.

—**SR 1540** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 2738—A resolution recognizing September 2005 as "Prostate Cancer Awareness Month."

WHEREAS, prostate cancer is the most common cancer diagnosed among men in Florida, and the American Cancer Society estimates that more than 19,650 new cases of prostate cancer will be diagnosed among Florida men during 2005, and

WHEREAS, the American Cancer Society also anticipates that there will be more than 2,570 deaths in Florida this year attributed to prostate cancer, and

WHEREAS, Florida has the second-highest number of prostate cancer cases and deaths in the United States, and

WHEREAS, African-American and black men have the highest prostate cancer death rate in the world, and a mortality rate that is twice that of white men, and

WHEREAS, the American Cancer Society recommends that annual prostate cancer testing begin at age 50, except for men at high-risk, such as African-Americans and men having a family history of the disease, who are advised to begin annual screening at age 45, and

WHEREAS, the 5-year survival rate for prostate cancer patients is 100 percent if the disease is diagnosed at the local and regional stages, otherwise known as the early stages, and

WHEREAS, the American Cancer Society supports African-American Men's Health Summits in at least 16 major metropolitan areas across the state in an attempt to increase prostate cancer awareness and prostate screening among African-American men in Florida, and

WHEREAS, the Man-to-Man Program of the American Cancer Society attempts to increase prostate cancer awareness, education, and support during the month of September and throughout the year, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That September 2005 is recognized as "Prostate Cancer Awareness Month" in Florida and all men are urged to understand the risks associated with prostate cancer, to take preventive steps to minimize those risks, and to talk to their doctor about annual prostate cancer screening and compliance with the prostate cancer screening guidelines recommended by the American Cancer Society.

—**SR 2738** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Committee on Ways and Means was granted permission to meet this day fifteen minutes after the end of session for one hour to consider **CS for CS for SB 444** and **CS for SB 332**. A deadline of 2:00 p.m. this day was set for filing amendments.

On motion by Senator Pruitt, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet this day beginning fifteen minutes after the end of the meeting of the Committee on Ways and Means.

BILLS ON THIRD READING

Consideration of **CS for SB 718** and **HB 1659** was deferred.

CS for CS for SB 202—A bill to be entitled An act relating to the community contribution tax credit program; amending s. 212.08, F.S.; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 220.03, F.S.; revising a definition to delete a provision authorizing the office to reserve certain portions of available annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; extending an expiration date; amending s. 220.183, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; amending s. 624.5105, F.S.; increasing the amount of available annual community contribution tax credits; limiting application of certain retaliatory tax provisions under certain circumstances; revising tax credit eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households; providing requirements, criteria, and limitations; extending an expiration date; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Jones, the rules were waived to allow the following amendment to be considered:

Senator Jones moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (911154)(with title amendment)—On page 18, between lines 29 and 30, insert:

Section 5. Paragraph (h) of subsection (1) of section 220.191, Florida Statutes, is amended to read:

220.191 Capital investment tax credit.—

(1) DEFINITIONS.—For purposes of this section:

(h) "Qualifying project" means:

1. A new or expanding facility in this state which creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the office pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries; or

2. *A new or expanded facility in this state which is engaged in a target industry designated pursuant to the procedure specified in s. 288.106(1)(o) and which is induced by this credit to create or retain at least 1,000 jobs in this state, provided that at least 100 of those jobs are new, pay an annual average wage of at least 130 percent of the average private sector wage in the area as defined in s. 288.106(1), and make a cumulative capital investment of at least $100 million after July 1, 2005. Jobs may be considered retained only if there is significant evidence that the loss of jobs is imminent. Notwithstanding subsection (2), annual credits against the tax imposed by this chapter shall not exceed 50 percent of the increased annual corporate income tax liability or the premium tax liability generated by or arising out of a project qualifying under this subparagraph. A facility that qualifies under this subparagraph for an annual credit against the tax imposed by this chapter may take the tax credit for a period not to exceed 5 years.* ~~A new financial services facility in this state, which creates at least 2,000 new jobs in this state, pays an average annual wage of at least $50,000, and makes a cumulative capital investment of at least $30 million. This subparagraph is repealed June 30, 2004.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 10, after the semicolon (;) insert: amending s. 220.191, F.S.; redefining the term "qualifying project"; providing a limitation on the duration of the capital investment tax credit for projects qualifying under this act;

On motion by Senator Saunders, **CS for CS for SB 202** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Rich
Atwater	Haridopolos	Saunders
Baker	Hill	Sebesta
Bullard	King	Siplin
Campbell	Klein	Smith
Clary	Lawson	Villalobos
Constantine	Lynn	Webster
Crist	Margolis	Wilson
Dawson	Miller	Wise

Nays—None

Vote after roll call:

Yea—Fasano, Jones

Votes Recorded:

April 29, 2005: Yea—Carlton

SB 550—A bill to be entitled An act relating to property tax exemptions; amending s. 196.012, F.S.; defining the term "ex-service member" for purposes of ch. 196, F.S.; amending s. 196.24, F.S.; revising the qualifications for the exemption; entitling the surviving spouse of a disabled ex-service member to an exemption from property taxation for the value of certain property under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **SB 550** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Atwater

HB 775—A bill to be entitled An act relating to child support enforcement; amending s. 61.13, F.S.; providing civil penalties for employers, unions, and plan administrators not in compliance with requirements of the national medical support notice; amending s. 61.1354, F.S.; providing for sharing of information between consumer reporting agencies and the Department of Revenue relating to amount of current support owed; requiring the department to continue reporting to consumer reporting agencies once overdue amount is paid if current support is still owed; amending s. 61.14, F.S.; providing conditions for collection of support from workers' compensation settlements; providing for amendment of the allocation of support recovery within the settlement agreement; providing for rulemaking by the Office of the Judges of Compensation Claims; amending s. 61.1812, F.S.; correcting a reference; amending s. 222.21, F.S.; correcting a reference; amending s. 382.016, F.S.; providing exceptions to the requirement that the department limit access to an acknowledgment of paternity that amends an original birth certificate; providing conditions under which an original birth certificate for a child born in this state whose paternity is established in another state may be amended; amending s. 409.2558, F.S.; providing a procedure for redirecting payments to the person with whom a child resides under certain circumstances; providing for notice and hearing; amending s. 409.2561, F.S.; providing limitation to exemption for support order establishment to recipients of supplemental security income and temporary cash assistance; amending s. 409.2567, F.S.; eliminating requirement for a monthly report by the department on funds identified for collection from noncustodial parents of children receiving temporary assistance; amending s. 409.821, F.S.; requiring the provision of information identifying KidCare program applicants to the department for Title IV-D purposes; providing effective dates.

—was read the third time by title.

On motion by Senator Campbell, **HB 775** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Baker	Clary
Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Dawson
Atwater	Carlton	Diaz de la Portilla

Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise
King	Rich	
Klein	Saunders	

Nays—None

On motion by Senator Campbell, by two-thirds vote **HB 1283** was withdrawn from the Committees on Children and Families; Judiciary; and General Government Appropriations.

On motion by Senator Campbell, by two-thirds vote—

HB 1283—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; providing a civil penalty and attorney's fees and costs for noncompliance with a requirement to enroll a child in health care coverage; providing for enforcement by the Department of Revenue; repealing a provision relating to a judicial circuit with a work experience and job training pilot project; amending s. 61.1301, F.S.; providing for the repayment of a support delinquency through income deduction; providing for application to support orders or income deduction orders entered before July 1, 2006; requiring an obligor contesting an income deduction order rendered by a Title IV-D agency to file the petition with the Title IV-D agency; requiring the department to provide payors with Internet access to income deduction and national medical support notices issued by the department on or after July 1, 2006; amending s. 61.13016, F.S.; providing for suspension of a driver's license to enforce compliance with an order to appear for genetic testing; amending s. 61.1354, F.S.; requiring a Title IV-D agency to provide information relating to the amount of current support owed by an obligor; amending s. 61.14, F.S.; authorizing the circuit court to enforce a support order by ordering the obligor to seek employment, file periodic reports with the court or the department, notify the court or department upon obtaining employment, income, or property, and participate in jobs programs; providing for contempt of court; repealing provisions related to a judicial circuit with a work experience and job training pilot project; correcting a cross reference; providing for recovery of support arrearages from workers' compensation lump-sum settlements; requiring the Office of the Judges of Compensation Claims to adopt procedural rules; requiring local depositories to electronically provide the department with certain data; amending s. 61.1814, F.S.; providing for fines for failure or refusal to submit to genetic testing to be deposited in the Child Support Enforcement Application and Program Revenue Trust Fund; correcting a cross reference; amending s. 61.1824, F.S.; requiring the State Disbursement Unit to provide for electronic disbursement of support payments to obligees, notify obligees of electronic disbursement options, and encourage use of such options; requiring electronic remittance of support payments by certain employers; providing for waivers; amending s. 61.30, F.S.; correcting a cross reference and reenacting s. 61.30(8), F.S., relating to child support guidelines for health insurance costs and other medical expenses of a child, to incorporate the amendment to s. 61.13, F.S., in a reference thereto; amending s. 120.80, F.S.; providing for entry of final orders by the Division of Administrative Hearings in proceedings to establish paternity or paternity and child support; providing for the right to immediate judicial review to contest an administrative order for genetic testing; providing for judicial enforcement of agency final orders; providing for venue of administrative hearings in paternity proceedings and determinations of noncovered medical expenses; amending s. 322.142, F.S.; authorizing the department to obtain digital photographs and signatures from the Department of Highway Safety and Motor Vehicles for use in establishing paternity and establishing, modifying, or enforcing support obligations; amending s. 382.013, F.S.; requiring the Department of Health to amend a child's birth certificate when paternity is established by the Department of Revenue; amending s. 382.015, F.S.; requiring the clerk of the court to ensure that all judicial determinations of paternity are reported to the Department of Health; requiring the Department of Health to monitor compliance and report data to the clerks of the court; amending s. 382.016, F.S.; providing for the Department of Health to leave birth certificates and related papers unsealed when a father is listed pursuant to an acknowledgment of paternity; providing for the Department of Health to amend the birth certificate of a child born in the state whose paternity is established in another state; providing for the Department of Revenue to develop written educational materials concerning establishment of paternity for use and distribution by Department of Children and Family Services, Department of Corrections, Department of Education, Department of Health, and Department of Juvenile Justice; creating s. 382.357, F.S.; providing for the Department of Health, Department of Revenue, Florida Hospital Association, Florida Association of Court Clerks, and one or more local registrars to study the feasibility of and report on the filing of original and new or amended birth certificates with the Department of Health; requiring a report to the Legislature; amending s. 395.003, F.S.; requiring a hospital providing birthing services to comply with s. 382.013(2)(c), F.S., when applying for certain licenses; prohibiting fines and sanctions against hospitals for noncompliance with s. 382.013(2)(c), F.S.; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules relating to administrative proceedings to establish paternity, paternity and child support orders, and orders to appear for genetic testing; amending s. 409.2558, F.S.; providing for a determination by the Department of Revenue that a collection or refund is undistributable; requiring the Department of Revenue to make reasonable efforts to locate persons to whom collections or refunds are owed; providing for location efforts to include disclosure through a searchable database of the names of obligees, obligors, and depository account numbers on the Internet in compliance with certain requirements; creating s. 409.256, F.S.; providing definitions; authorizing the Department of Revenue to administratively establish paternity based on the results of genetic testing; providing for notice, opportunity for administrative hearing, and right to judicial review; authorizing the Department of Revenue to combine a paternity proceeding with an administrative proceeding under s. 409.2563, F.S.; providing for administrative orders to appear for genetic testing and right to contest; providing for scheduling of genetic testing and rescheduling for good cause; providing sanctions for failure or refusal to submit to genetic testing; providing for a presumption of paternity based on specified genetic testing results; providing for admissibility of genetic testing results at administrative hearings; providing for hearings to be conducted by the Division of Administrative Hearings in accordance with ch. 120, F.S.; providing that a final order issued by an administrative law judge constitutes final agency action by the Department of Revenue; providing that a final order establishing paternity has the same effect as a judgment entered by a court pursuant to ch. 742, F.S.; requiring a respondent to notify the Department of Revenue of changes of address and that subsequent notice by mail is deemed to have been received; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2561, F.S.; providing that no obligation of support shall be incurred by a recipient of supplemental security income or temporary cash assistance for the benefit of a dependent child; amending s. 409.2563, F.S.; authorizing the Department of Revenue to establish an administrative support order when paternity is determined pursuant to s. 409.256, F.S.; creating s. 409.25635, F.S.; authorizing the Department of Revenue to determine the amount owed by an obligor for noncovered medical expenses in Title IV-D cases; defining "noncovered medical expenses"; providing for notice, opportunity for administrative hearing, and right to judicial review; requiring a written declaration under penalty of perjury by the obligee and documentation of claims; providing that a determination by the Department of Revenue has the same effect as a judgment entered by a court; providing for filing an uncontested notice or final order with the local depository; authorizing the Department of Revenue to collect noncovered medical expenses by using the same remedies available for collection of support; providing that the administrative procedure is a supplemental remedy; authorizing the Department of Revenue to adopt rules; amending s. 409.2564, F.S.; repealing provision relating to judicial circuits with a work experience and job training pilot project; providing for a reduction in the amount of retroactive support permanently assigned to the state when the obligor and the Department of Revenue agree to entry of a support order based on the child support guidelines; amending s. 409.25645, F.S.; providing for correctional facilities to assist putative fathers in complying with administrative orders for genetic testing; providing that an administrative order for genetic testing has the same force and effect as a court order; amending s. 409.2567, F.S.; authorizing the Department of Revenue to seek a federal waiver from the requirement that an individual must apply for Title IV-D services; providing for the Department of Revenue to adopt rules if a waiver is granted and provide Title IV-D services if support payments are not paid as ordered unless the individual refuses services after notice; providing an application fee for child support services provided by the Department of Revenue, waiver of the fee, and payment by the department; removing rulemaking authority of

the Department of Children and Family Services relating to the application fee and deposit thereof; amending s. 409.2598, F.S.; revising provisions relating to license suspension to enforce support orders; authorizing the Department of Revenue to commence a proceeding to suspend an obligor's occupational, business, trade, professional, or recreational license for noncompliance with a support order; providing for notice by regular mail, opportunity to contest in circuit court, grounds for contesting, and stay of proceedings if a timely petition to contest is filed; providing for written agreement with the Department of Revenue to avoid suspension, reinstatement notice upon compliance, and suspension if the obligor does not comply after notice, does not contest, or does not comply with a written agreement unless the obligor notifies the department of inability to comply with the written agreement; providing for full disclosure by obligor of income, assets, and employment; providing for reinstatement upon court order; providing for license suspension to enforce subpoenas, orders to appear, or similar orders; providing for combining a proceeding to enforce a support order with a proceeding to suspend a driver's license, under certain circumstances; authorizing the Department of Revenue to adopt rules; amending s. 409.259, F.S.; requiring the clerks of the circuit court, chief judges through the Office of the State Courts Administrator, sheriffs, Office of the Attorney General, and Department of Revenue to work cooperatively to implement electronic filing of pleadings, returns of service, and other papers by October 1, 2009; amending s. 409.821, F.S.; requiring the Agency for Health Care Administration to disclose information identifying Florida KidCare applicants or enrollees to the Department of Revenue for purposes of administering the state's Title IV-D program; amending s. 414.065, F.S.; providing that a court may order a noncustodial parent who is delinquent pursuant to the terms of a support order to participate in work activities under ch. 414, F.S., or as provided in s. 61.14(5)(b), F.S.; amending s. 443.051, F.S.; revising provisions relating to interception of child support benefits; providing and revising definitions; requiring the Agency for Workforce Innovation to deduct and withhold a specified percentage of unemployment compensation otherwise payable to an individual who owes a support obligation, under certain circumstances; providing for the Department of Revenue to promptly refund any excess deduction to the obligor; amending s. 455.203, F.S.; repealing authority to screen license applicants for compliance with support obligations; requiring the Department of Business and Professional Regulation to cooperate with the Department of Revenue to implement an automated method for current license disclosure; requiring the Department of Revenue to suspend or deny licenses for noncompliance with a support order; providing for issuance or restatement upon proof of compliance; amending s. 742.10, F.S.; providing that when paternity is adjudicated by the Department of Revenue pursuant to s. 409.256, F.S., such adjudication constitutes the establishment of paternity for purposes of ch. 742, F.S.; amending s. 760.40, F.S.; providing for genetic testing in paternity cases and disclosure of test results as authorized by s. 409.256, F.S.; amending s. 827.06, F.S.; repealing provisions that require exhaustion of civil remedies before a criminal prosecution for nonsupport of dependents is commenced, a prior adjudication of contempt for failure to comply with a support order, notice by the state attorney prior to prosecution, and mandatory minimum fines and imprisonment; providing for the state attorneys, the Florida Prosecuting Attorneys Association, and the Department of Revenue to identify strategies for pursuing criminal prosecution in certain cases and to submit a report to the Governor and Legislature; providing effective dates.

—a companion measure, was substituted for **CS for SB 1884** as amended and read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1283** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Villalobos	Wilson	Wise
Webster		

Nays—None

CS for CS for CS for SB 1784—A bill to be entitled An act relating to professional services acquisition; amending s. 287.055, F.S.; revising certain definitions; defining the term "negotiate"; providing additional criteria for processing bids to purchase professional services which exceed certain threshold amounts; amending s. 287.17, F.S.; revising the limitation on the use of state aircraft; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **CS for CS for CS for SB 1784** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for CS for SB 1026—A bill to be entitled An act relating to the aerospace industry; creating the Commission on the Future of Space in Florida; providing for membership and organization of the commission; providing procedures for action by the commission; authorizing the commission to appoint an executive director; providing for administrative and staff assistance from the Office of Tourism, Trade, and Economic Development; providing for compensation of consultants; providing duties of the commission; requiring the commission to identify, examine, and review certain information related to aerospace and the aerospace industry; authorizing the commission to appoint technical advisory committees; authorizing reimbursement of travel expenses; requiring a certain number of meetings in various regions of the state; directing certain agencies and requesting other agencies to render assistance and cooperation; requiring preliminary and final reports; requiring the Office of Tourism, Trade, and Economic Development to prepare legislative recommendations consistent with the report; abolishing the commission; providing an expiration date; providing appropriations; amending s. 331.405, F.S.; amending a definition; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator King, **CS for CS for CS for SB 1026** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Clary	Hill
Alexander	Constantine	Jones
Argenziano	Crist	King
Aronberg	Dawson	Klein
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Margolis
Bullard	Garcia	Miller
Campbell	Geller	Peaden
Carlton	Haridopolos	Posey

Pruitt	Siplin	Webster
Rich	Smith	Wilson
Saunders	Villalobos	Wise
Sebesta		

Nays—None

HB 577—A bill to be entitled An act relating to the Interstate Compact for Juveniles; amending s. 985.502, F.S.; revising provisions of the former Interstate Compact on Juveniles; providing purpose of the compact; providing definitions; providing for an Interstate Commission for Juveniles; providing for the appointment of commissioners; providing for an executive committee; providing for meetings; providing powers and duties of the Interstate Commission; providing for its organization and operation; providing for bylaws, officers, and staff; providing for qualified immunity from liability for the commissioners, the executive director, and employees; requiring the Interstate Commission to adopt rules; providing for oversight, enforcement, and dispute resolution by the Interstate Commission; providing for the activities of the Interstate Commission to be financed by an annual assessment from each compacting state; requiring member states to create a State Council for Interstate Juvenile Supervision; providing for the effective date of the compact and amendments thereto; providing for a state's withdrawal from and reinstatement to the compact; providing for assistance, certain penalties, suspension, or termination following default by a state; providing for judicial enforcement; providing for dissolution of the compact; providing for severability and construction of the compact; providing for the effect of the compact with respect to other laws and for its binding effect; creating s. 985.5025, F.S.; creating the State Council for Interstate Juvenile Offender Supervision to oversee state participation in the compact; providing membership; providing for records and open meetings; prescribing procedures if the council is abolished; repealing ss. 985.503, 985.504, 985.505, 985.506, and 985.507, F.S., relating to obsolete provisions governing the former compact superseded by the act; providing for the future legislative review and repeal of ss. 985.502 and 985.5025, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **HB 577** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Garcia

CS for CS for SB 620—A bill to be entitled An act relating to the wireless emergency telephone system; amending s. 11.45, F.S.; removing the annual audit of the Wireless Emergency Telephone System Fund from the duties of the Auditor General; amending s. 364.02, F.S.; revising fee schedules for providers of interexchange telecommunications services; amending s. 365.171, F.S.; revising provisions for certain nonemergency telephone number pilot projects; amending s. 365.172, F.S.; limiting application of definitions; adding definitions relating to wireless telephone communications; revising duties of the Wireless 911 Board; providing for grants and loans to certain counties for the purpose of upgrading E911 systems; authorizing the hiring of an executive director and an independent, private attorney; specifying that state and local governments are not customers under provisions for the wireless E911 monthly fee; revising timeframe to reduce the amount of the fee or for reallocation of moneys collected for the fee; providing legislative intent regarding the emergency wireless telephone system; providing standards for local governments to follow when regulating the placement, construction, or modification of a wireless communications facility; directing local governments to grant or deny properly completed applications within specified time periods; providing criteria and procedures for local approval of an application by a provider of wireless communications services; authorizing the local government to impose an application fee; directing local governments to notify a provider in writing of the deficiencies in an application; directing local governments to notify a provider in writing whether the resubmission of information properly completes the application; authorizing local governments to continue requesting information until the application deficiencies are cured; providing for a limited review by a local government of an accessory wireless communications facility; prohibiting local governments from imposing certain restrictions on wireless communications facilities; providing that an action brought by a person adversely affected by a decision of a local government relating to a wireless communications facility shall be considered on an expedited basis; removing certain complaint procedures; amending s. 365.173, F.S.; directing how a county may use funds derived from the E911 fee; requiring the board of county commissioners to appropriate the funds to the proper uses; removing the requirement that the Auditor General annually audit the E911 fund; amending s. 337.401, F.S.; revising provisions relating to use of right-of-way for utilities subject to regulation to remove certain application provisions; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Bennett, **CS for CS for SB 620** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 1360—A bill to be entitled An act relating to adult protective services; amending s. 415.102, F.S.; defining "neglect" to include actions of a vulnerable adult against himself or herself; amending s. 415.1051, F.S.; providing that the Department of Children and Family Services may petition the court for an order authorizing the provision of protective services for a vulnerable adult in need of services; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **SB 1360** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bullard	Diaz de la Portilla
Alexander	Campbell	Dockery
Argenziano	Carlton	Fasano
Aronberg	Clary	Garcia
Atwater	Constantine	Geller
Baker	Crist	Haridopolos
Bennett	Dawson	Hill

Jones	Peaden	Siplin
King	Posey	Smith
Klein	Pruitt	Villalobos
Lawson	Rich	Webster
Lynn	Saunders	Wilson
Miller	Sebesta	Wise

Nays—None

CS for CS for SB 874—A bill to be entitled An act relating to the sale and distribution of prescription drugs; amending s. 499.003, F.S.; redefining the term "pedigree paper"; amending s. 499.012, F.S.; providing an exemption from wholesale distribution for the transfer of prescription drugs due to a change in the ownership of a pharmacy; amending s. 499.0121, F.S.; abrogating the expiration of recordkeeping provisions for pedigree papers which relate to chain drug entities that are part of an affiliated group; prohibiting the Agency for Health Care Administration from reviewing or using certain violations relating to recordkeeping for prescription drugs to deny or withhold Medicaid payments to pharmacies or to audit the records of such pharmacies; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 874** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB's 1872 and 2378—A bill to be entitled An act relating to biomedical research; providing legislative intent; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 381.855, F.S.; revising the purpose of the Florida Center for Universal Research to Eradicate Disease; requiring the center to provide grants for cancer research and Alzheimer's disease research; revising membership of the center's advisory council; providing procedures for the awarding of grants for cancer research; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; providing appropriations; amending s. 215.5602, F.S.; requiring the Legislature to annually appropriate funds to the James and Esther King Biomedical Research Program; amending s. 1004.445, F.S.; requiring the Legislature to annually appropriate funds to support research to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; providing an effective date.

—as amended April 27 was read the third time by title.

Senator King moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (111840)—On page 7, lines 27 and 28, delete those lines and insert:

~~17. Scripps Florida or the entity formed in this state by The Scripps Research Institute.~~

(Renumber subsequent subparagraphs.)

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment:

Amendment 2 (700282)(with title amendment)—On page 12, between lines 8 and 9, insert:

Section 8. Subsection (1) of section 430.502, Florida Statutes, is amended to read:

430.502 Alzheimer's disease; memory disorder clinics and day care and respite care programs.—

(1) There is established:

(a) A memory disorder clinic at each of the three medical schools in this state;

(b) A memory disorder clinic at a major private nonprofit research-oriented teaching hospital, and may fund a memory disorder clinic at any of the other affiliated teaching hospitals;

(c) A memory disorder clinic at the Mayo Clinic in Jacksonville;

(d) A memory disorder clinic at the West Florida Regional Medical Center;

(e) The East Central Florida Memory Disorder Clinic at the Joint Center for Advanced Therapeutics and Biomedical Research of the Florida Institute of Technology and Holmes Regional Medical Center, Inc.;

(f) A memory disorder clinic at the Orlando Regional Healthcare System, Inc.;

(g) A memory disorder center located in a public hospital that is operated by an independent special hospital taxing district that governs multiple hospitals and is located in a county with a population greater than 800,000 persons;

(h) A memory disorder clinic at St. Mary's Medical Center in Palm Beach County;

(i) A memory disorder clinic at Tallahassee Memorial Healthcare;

(j) A memory disorder clinic at Lee Memorial Hospital created by chapter 63-1552, Laws of Florida, as amended;

(k) A memory disorder clinic at Sarasota Memorial Hospital in Sarasota County; ~~and~~

(l) A memory disorder clinic at Morton Plant Hospital, Clearwater, in Pinellas County*; and*~~,~~

(m) A memory disorder clinic at Florida Atlantic University, Boca Raton, in Palm Beach County,

for the purpose of conducting research and training in a diagnostic and therapeutic setting for persons suffering from Alzheimer's disease and related memory disorders. However, memory disorder clinics funded as of June 30, 1995, shall not receive decreased funding due solely to subsequent additions of memory disorder clinics in this subsection.

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: amending s. 430.502, F.S.; creating a memory disorder clinic at Florida Atlantic University, Boca Raton, in Palm Beach County;

On motion by Senator Saunders, further consideration of **CS for CS for SB's 1872 and 2378** with pending **Amendment 2 (700282)** was deferred.

HB 1699—A bill to be entitled An act relating to review under the Open Government Sunset Review Act; amending s. 787.03, F.S., which provides a public records exemption for information provided to a sheriff or state attorney in specified domestic violence cases in which a person

seeks shelter from an act or possible act of domestic violence and takes with him or her any child 17 years of age or younger; extending the repeal date scheduled under the Open Government Sunset Review Act; narrowing the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **HB 1699** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Alexander

HB 1389—A bill to be entitled An act relating to water control districts; amending s. 298.22, F.S.; revising powers of the board of supervisors to execute water control plans; amending s. 298.225, F.S.; revising provisions for water control plan development and amendment; clarifying the authority of certain districts as exclusive providers of certain services and facilities; amending s. 298.301, F.S.; revising water control plan adoption procedures; amending s. 298.341, F.S.; revising provisions for assessment liens; amending s. 298.77, F.S.; providing for revision of the engineer's report pursuant to an assessment readjustment; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Atwater, **HB 1389** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SENATOR ATWATER PRESIDING

CS for CS for SB 926—A bill to be entitled An act relating to growth management; creating part II of ch. 171, F.S.; providing a popular name; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or independent special districts; specifying the procedures for initiating an agreement and responding to a proposal for agreements; identifying issues the agreement may address; requiring local governments that are a party to the agreement to amend their comprehensive plans; providing limitations on the review of certain ordinances; providing exception to the limitation on plan amendments; specifying those persons who may challenge a plan amendment required by the agreement; requiring that an agreement be adopted by resolution; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary area agreement on the parties to the agreement; providing for a transfer of powers; authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect on interlocal agreements and county charters; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; amending s. 171.042, F.S.; revising the time period for filing of a report; providing for a cause of action to invalidate an annexation; requiring municipalities to provide notice of proposed annexation to certain persons; amending s. 171.044, F.S.; revising the time period for providing a copy of a notice; providing for a cause of action to invalidate an annexation; creating s. 171.094, F.S.; providing for the effect of interlocal service boundary agreements adopted under the act; amending s. 171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; amending s. 163.01, F.S.; providing for the place of filing an interlocal agreement in certain circumstances; amending s. 164.1058, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; requesting the Division of Statutory Revision to designate parts I and II of ch. 171, F.S.; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 926** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 1650—A bill to be entitled An act relating to workforce innovation; amending s. 20.50, F.S.; revising the organization, powers, and duties of the Agency for Workforce Innovation; deleting references to specific programs; amending s. 445.003, F.S.; revising certain provisions relating to funding under the federal Workforce Investment Act of 1998; deleting obsolete provisions; amending s. 445.004, F.S.; revising membership and appointment of the board of directors of Workforce Florida, Inc., and increasing terms of members; providing for use of telecommunications to facilitate meetings; revising duties of the board chair and of Workforce Florida, Inc.; providing for rules; providing additional qualifications for certain board members; authorizing activities, incentives, and awards; requiring a dispute-resolution process under certain circumstances; amending s. 445.006, F.S.; providing for an operational plan; amending s. 445.007, F.S.; revising organizational requirements for regional workforce boards; providing for the use of telecommunications to facilitate meetings of regional workforce boards; authorizing activities, incentives, and awards by regional workforce boards and their subordinate entities; deleting obsolete provisions; amending s. 445.009, F.S.; deleting provisions relating to performance evaluation;

deleting obsolete provisions; requiring development of a plan for leveraging resources; amending s. 445.019, F.S.; providing an additional purpose of the teen parent and pregnancy prevention diversion program; amending s. 445.020, F.S.; requiring the Temporary Assistance for Needy Families state plan to indicate financial criteria for determination of needy families or parents, when required by federal regulations; amending s. 427.012, F.S.; providing for the director of the agency to serve on the Commission for the Transportation Disadvantaged; repealing s. 445.005, F.S., relating to First Jobs/First Wages, Better Jobs/Better Wages, and High Skills/High Wages Councils of Workforce Florida, Inc., s. 445.012, F.S., relating to Careers for Florida's Future Incentive Grant Program, s. 445.0121, F.S., relating to student eligibility requirements for initial awards, s. 445.0122, F.S., relating to student eligibility requirements for renewal awards, s. 445.0123, F.S., relating to eligible postsecondary education institutions, s. 445.0124, F.S., relating to eligible programs, s. 445.0125, F.S., relating to repayment schedule, s. 445.013, F.S., relating to challenge grants in support of welfare-to-work initiatives, s. 446.21, F.S., providing a short title, s. 446.22, F.S., relating to definitions for the Florida Youth-at-Risk 2000 Pilot Program, s. 446.23, F.S., relating to obligations of a mentor, s. 446.24, F.S., relating to obligations of a youth participant, s. 446.25, F.S., relating to implementation of the program, s. 446.26, F.S., relating to funding the program, and s. 446.27, F.S., relating to an annual report; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator King, **SB 1650** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 514—A bill to be entitled An act relating to the restoration of civil rights; requiring that the administrator of a county detention facility provide an application form for the restoration of civil rights to a prisoner who has been convicted of a felony and is serving a sentence in that facility; authorizing the use of volunteers to assist the prisoner in completing the application; providing that this section does not apply to prisoners who are transferred to the Department of Corrections; providing an effective date.

—was read the third time by title.

On motion by Senator Wilson, **CS for SB 514** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Constantine	Jones
Argenziano	Crist	King
Aronberg	Dawson	Klein
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Margolis
Bullard	Garcia	Miller
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Rich
Saunders	Smith	Wilson
Sebesta	Villalobos	Wise
Siplin	Webster	

Nays—None

Vote after roll call:

Yea—Peaden

CS for CS for SB 1308—A bill to be entitled An act relating to the Florida Clean Indoor Air Act; amending s. 386.203, F.S.; defining the terms "person" and "proprietor or other person in charge of an enclosed indoor workplace" for purposes of the act; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending s. 386.2045, F.S.; conforming cross-references; creating a new exemption; amending s. 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; providing a penalty for a vendor who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for CS for SB 1308** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1695—A bill to be entitled An act relating to a public records exemption for the Voluntary Prekindergarten Education Program; creating s. 1002.72, F.S.; creating an exemption from public records requirements for individual records of children enrolled in the Voluntary Prekindergarten Education Program; providing for retroactive application; providing for exceptions to the exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator King, **HB 1695** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for CS for SB 1366—A bill to be entitled An act relating to storm infrastructure recovery; creating s. 366.8260, F.S.; providing definitions; authorizing electric utilities to petition the Florida Public Service Commission for certain financing orders for certain storm-recovery purposes; providing requirements; providing powers and duties of the commission in issuing such orders; specifying procedures and requirements for the commission in issuing financing orders; authorizing electric utilities to create storm-recovery property; providing for pledge of storm-recovery property to secure storm-recovery bonds; providing for retirement of storm-recovery bonds under certain circumstances; providing for judicial review of such orders; providing for effect of such orders; providing exceptions to commission jurisdiction to issue financing orders; providing limitations; prohibiting the commission from requiring use of storm-recovery bonds for certain purposes; specifying duties of electric utilities; specifying properties, requirements, permissible activities, and limitations relating to storm-recovery property under certain circumstances; providing for security interests in storm-recovery property; providing for perfecting security interests in storm-recovery property; providing for priority of and resolution of conflicting interests; providing requirements, procedures, and limitations for sale, assignment, or transfer of storm-recovery property; providing requirements for descriptions or indications of storm-recovery property transferred, granted, or pledged, or indicated in a financing statement; subjecting financing statements to certain provisions of law; specifying that storm-recovery bonds are not public debt; specifying storm-recovery bonds as legal investments for certain entities; specifying certain state pledges relating to bondholders; declaring certain entities as not electric utilities under certain circumstances; specifying effect of certain provisions in situations of conflict; providing for protecting validity of certain bonds under certain circumstances; providing penalties; amending s. 679.1091, F.S.; specifying nonapplication of secured transactions provisions of the Uniform Commercial Code to interests in storm-recovery property; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for CS for CS for SB 1366** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

CS for SB 484—A bill to be entitled An act relating to health care; amending s. 400.461, F.S.; revising the purpose of part IV of ch. 400, F.S., to include the licensure of nurse registries; amending s. 400.462, F.S.; revising definitions; defining the terms "admission," "advanced registered nurse practitioner," "direct employee," and "physician assistant" for purposes of part IV of ch. 400, F.S.; amending s. 400.464, F.S., relating to licensure of home health agencies; revising the licensure period; revising and providing additional administrative fines; increasing penalties; amending s. 400.471, F.S.; revising requirements for license application by a home health agency; authorizing the Agency for Health Care Administration to revoke a license under certain circumstances; authorizing administrative fines; amending s. 400.487, F.S.; revising requirements for home health agency service agreements and treatment orders; amending s. 400.491, F.S., relating to clinical records; revising the ownership of patient records generated by a home health agency; changing the timeframe for a home health agency to retain patient records; providing for the disposition of patient records when a home health agency ceases business; deleting a requirement for a service provision plan pertaining to nonskilled care; deleting requirements for maintaining such records; amending s. 400.494, F.S.; providing for the continued confidentiality of patient information in compliance with federal law; providing for disclosure in accordance with certain specified state laws; deleting a requirement for written consent of the patient or the patient's guardian for disclosure of confidential patient information; amending s. 400.506, F.S.; revising requirements governing nurse registries; increasing license fee; increasing the period of licensure; authorizing administrative penalties; providing criminal penalties and sanctions; revising certain requirements pertaining to health care professionals that provide services on behalf of a nurse registry; amending s. 400.512, F.S., relating to employment screening; revising the date in which an annual affidavit must be signed which verifies that certain personnel of a home health agency, a nurse registry, or homemaker service have been screened; amending s. 400.515, F.S.; providing additional circumstances under which the agency may petition for an injunction; providing an effective date.

—as amended April 27 was read the third time by title.

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (500870)(with title amendment)—On page 2, line 29, insert:

Section 1. Paragraph (a) of subsection (2) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location of the facility and housing conditions that will ensure the health, safety, and comfort of residents, including an adequate call system. In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. In performing any inspections of facilities authorized by this part, the agency may enforce the special-occupancy provisions of the Florida Building Code and the Florida Fire Prevention Code which apply to nursing homes. *A resident or his or her representative may request a change in the placement of the bed in the resident's room, provided that at admission he or*

she is presented with a room that meets requirements of the Florida Building Code. The location of a bed may be changed if the requested placement does not infringe on the resident's roommate or interfere with the resident's care or safety as determined by the care planning team in accordance with facility policies and procedures. In addition, the bed placement may not be used as a restraint. Each facility shall maintain a log of resident rooms with beds that are not in strict compliance with the Florida Building Code in order for such log to be used by surveyors and nurse monitors during inspections and visits. Any resident or resident representative who requests that a bed be moved shall sign a statement indicating that he or she understands the room will not be in compliance with the Florida Building Code, but would prefer to exercise the right to self-determination. The statement must be retained as part of the resident's care plan. Any facility that offers this option shall submit a letter signed by the nursing home administrator of record to the agency notifying it of this practice with a copy of the facility's policies and procedures. The agency is directed to provide assistance to the Florida Building Commission in updating the construction standards of the code relative to nursing homes.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, following the semicolon (;) insert: amending s. 400.23, F.S.; prescribing conditions applicable to requests by nursing home residents or their representatives for bed placement that is not in compliance with building codes;

On motion by Senator Peaden, **CS for SB 484** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

On motion by Senator Fasano, by two-thirds vote **HB 1525** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

On motion by Senator Fasano, by two-thirds vote—

HB 1525—A bill to be entitled An act relating to elderly affairs; amending s. 430.205, F.S.; deleting provisions relating to implementation plans to integrate certain functions of the Agency for Health Care Administration; providing for development of uniform case management standards within the Aged and Disabled Adult Medicaid waiver program; authorizing, rather than requiring, coordination of acute and chronic medical service between the agency and the Department of Elderly Affairs to be included in the capitated rate for case management services; requiring the agency to consult with the department before adopting rules relating to reimbursement of providers and case management standards; revising provisions relating to certain reimbursement rates; deleting obsolete provisions; providing that evaluation of a specified pilot project relating to elder care is subject to an appropriation; amending s. 430.7031, F.S.; deleting provision that requires the department and agency to review the case files of a specified percentage of Medicaid nursing home residents annually for the purpose of determining whether the residents are able to move to community placements; amending s. 430.705, F.S.; revising eligibility requirements relating to financial solvency for entities that provide services under the long-term care community diversion pilot projects; providing definitions; authorizing the department to make rules; amending s. 430.707, F.S.; requiring project providers to report quarterly to the department regarding compliance with financial requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 2364** as amended and read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 1525** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SB 288—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 311.13, F.S., relating to an exemption from public records requirements for seaport security plans; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for the repeal of the exemption; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Diaz de la Portilla, **SB 288** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 977—A bill to be entitled An act relating to the regulation of airports; amending s. 330.30, F.S.; prohibiting the Department of Transportation from renewing or reissuing licenses to certain general aviation airports that fail to develop a security plan; requiring that the plans be consistent with certain published guidelines; requiring certain information in the plans to be submitted to the Department of Law Enforcement; requiring periodic update of the plans; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Campbell, **HB 977** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine
Atwater	Campbell	Crist

Dawson	King	Rich
Diaz de la Portilla	Klein	Saunders
Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise

Nays—None

HB 1729—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 1009.981, F.S.; revising a public records exemption for the Florida College Savings Program; narrowing the exemption; deleting provisions that provide for repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **HB 1729** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **CS for SB 1154** was deferred.

CS for SB 1748—A bill to be entitled An act relating to agricultural water conservation; requiring each water management district to review rule criteria for environmental resource permits, existing permit exemptions, and alternatives to standard permitting programs and recommend regulatory alternatives that will encourage agricultural water conservation; requiring a report by the Department of Agriculture and Consumer Services and the Department of Environmental Protection to the appropriate legislative committees; amending s. 373.236, F.S.; authorizing the issuance of permits for agricultural production for a specified period for uses that replace a water supply source that has been impacted by water-use withdrawals; amending s. 373.406, F.S.; providing that an exemption provided for activities having minimal adverse impact does not apply to any activities that are conducted as mitigation for wetland or other surface water impacts; amending s. 373.2234, F.S.; conforming a cross-reference; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Smith, **CS for SB 1748** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Campbell	Diaz de la Portilla
Argenziano	Carlton	Dockery
Aronberg	Clary	Fasano
Atwater	Constantine	Garcia
Baker	Crist	Geller
Bennett	Dawson	Haridopolos
Hill	Miller	Siplin
Jones	Peaden	Smith
King	Posey	Villalobos
Klein	Pruitt	Webster
Lawson	Rich	Wise
Lynn	Saunders	
Margolis	Sebesta	

Nays—None

Vote after roll call:

Yea—Bullard

HB 1483—A bill to be entitled An act relating to tax refund programs for qualified defense contractors and target industry businesses; amending s. 288.095, F.S.; specifying an order of payment of claims for certain tax refunds; providing duties of the Office of Tourism, Trade, and Economic Development in paying certain tax refunds from appropriations; deleting a provision for the office to determine proportions of certain refunds under circumstances of insufficient appropriations; revising certain reporting requirements for Enterprise Florida, Inc.; amending s. 288.1045, F.S.; revising the definition of the term "jobs"; including state communications services taxes under qualified defense contractor tax refund program provisions; specifying nonapplication to certain taxes; providing for retroactive effect; authorizing the office to make supplemental tax refund payments for certain purposes; revising certification application requirements; permitting a qualified applicant to seek an economic-stimulus exemption due to the effects of the impact of a named hurricane or tropical storm; extending the period of the exemption; changing the exemption application deadline; clarifying the cap on tax refunds; providing for a waiver of the local financial support requirement in certain circumstances and for a limited time; revising the program expiration date; amending s. 288.106, F.S.; including state communications services taxes under qualified target industry business tax refund program provisions; specifying nonapplication to certain taxes; providing for retroactive effect; authorizing the office to make supplemental tax refund payments for certain purposes; revising application requirements; permitting a business to seek an economic-stimulus exemption due to the effects of the impact of a named hurricane or tropical storm; extending the period of the exemption; changing the exemption application deadline; providing for a waiver of the local financial support requirement in certain circumstances and for a limited time; revising the program expiration date; requiring the office to attempt to amend certain existing tax refund agreements; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 1483** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 124—A bill to be entitled An act relating to motor vehicle insurance for foster children; creating a pilot program for the purpose of reimbursing foster parents, residential facilities, or foster children who live independently for a portion of the increased costs of motor vehicle insurance for a foster child who has a driver's license; directing the Department of Children and Family Services to establish the pilot pro-

gram in Sarasota, DeSoto, Manatee, Pinellas, and Pasco Counties; requiring that the person who incurs the increased cost submit to the department documentation of that increase; requiring that foster children be encouraged to pay the remaining portion of the increase in costs; directing the department to develop procedures for operating the pilot program; requiring the department to submit a report with recommendations to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for SB 124** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1923—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 202.195, F.S.; revising a public records exemption for proprietary confidential business information obtained from a telecommunications company or franchised cable company for specified purposes under the Communications Services Tax Simplification Law; removing the October 2, 2005, repeal thereof scheduled under the Open Government Sunset Review Act; removing superfluous language; making editorial changes; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 1923** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

CS for SB 2278—A bill to be entitled An act relating to private security services; amending s. 493.6115, F.S.; revising the types of firearms that a security officer is authorized to carry; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for SB 2278** was passed and certified to the House. The vote on passage was:

Yeas—35

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Crist	Lynn	Wise
Diaz de la Portilla	Miller	

Nays—2

Margolis	Wilson

Vote after roll call:

Yea—Constantine

HB 1673—A bill to be entitled An act relating to the second primary election; repealing s. 100.091, F.S.; eliminating the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending s. 97.021, F.S., relating to the definition of "primary election," to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending ss. 99.061 and 99.095, F.S., relating to qualifying for nomination or election to office, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 101.62, 102.014, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, and 106.29, F.S., F.S.; revising references, to conform to the elimination of the second primary election; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **HB 1673** was passed and certified to the House. The vote on passage was:

Yeas—25

Alexander	Crist	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Saunders
Baker	Haridopolos	Sebesta
Bennett	Jones	Villalobos
Bullard	Klein	Wise
Carlton	Lynn	
Clary	Margolis	

Nays—14

Campbell	Hill	Siplin
Constantine	King	Smith
Dawson	Lawson	Webster
Diaz de la Portilla	Miller	Wilson
Geller	Rich	

On motion by Senator Wise, by unanimous consent—

HB 279—A bill to be entitled An act relating to student and parent rights; providing a popular name; amending s. 1002.20, F.S.; authorizing certain K-12 students to self-administer epinephrine by auto-injector under certain circumstances; requiring the adoption of rules; providing for indemnification; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Wise, **HB 279** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

RECESS

On motion by Senator Pruitt, the Senate recessed at 12:40 p.m. to reconvene at 1:45 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 2:04 p.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

BILLS ON THIRD READING, continued

SB 1502—A bill to be entitled An act relating to driver's license applications; amending s. 322.08, F.S.; allowing applicants to make a $1 contribution to the Children's Hearing Help Fund; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **SB 1502** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 518—A bill to be entitled An act relating to health professionals treating speech or hearing disorders; amending s. 468.1155, F.S.; revising requirements for the Department of Health in issuing a provisional license to practice speech-language pathology or audiology; revising licensing requirements for applicants who graduated, or who are currently enrolled, in a speech-language pathology or audiology program at a university located outside of the United States or Canada; authorizing the Board of Speech-Language Pathology and Audiology to waive certain requirements for applicants who received professional education in another country under certain circumstances; amending s. 468.1165, F.S.; revising requirements for applicants to obtain professional employment in order to be licensed by the department to practice speech-language pathology or audiology; amending s. 468.1185, F.S.; revising requirements for the department to issue a license to an applicant to practice speech-language pathology or audiology; amending s. 468.1215, F.S.; revising requirements for a person to be certified as an audiology assistant; requiring an audiologist or speech-language pathologist to give an assistant a board-approved plan for training and to maintain responsibility for services performed by the assistant; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 518** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Consideration of **CS for SB 2412** was deferred.

CS for CS for SB 662—A bill to be entitled An act relating to hospitals; creating a commission to study the effect of the 2004 hurricane season on certain hospitals and identify hospitals unable to comply with the Florida Building Code or located in flood-prone areas; providing for membership, reimbursement, and duties of the study commission; requiring the Department of Community Affairs to provide staff for the study commission; requiring the commission to submit a report and recommendations to the Governor and the Legislature; creating a high-deductible-health-insurance plan study group; specifying membership; requiring the study group to investigate certain issues relating to high-deductible health insurance plans; requiring the group to meet and submit recommendations to the Governor and Legislature; directing the Office of Program Policy Analysis and Government Accountability to conduct a study to evaluate whether the State of Florida should join the Nurse Licensure Compact; providing an effective date.

—as amended April 27 was read the third time by title.

Senator Clary moved the following amendment:

Amendment 1 (171524)—On page 4, line 17 through page 5, line 2, delete those lines and insert:

Section 2. *(1) A 13-member high-deductible-health-insurance plan study group is created, to be composed of:*

(a) Three representatives of employers offering high-deductible health plans to their employees, one of whom shall be a small employer as

defined in section 627.6699, Florida Statutes, who shall be appointed by the Florida Chamber of Commerce.

(b) Three representatives of commercial health plans, to be appointed by America's Health Insurance Plans.

(c) Three representatives of hospitals, to be appointed by the Florida Hospital Association.

(d) Two physician representatives, one to be appointed by the Florida Medical Association and one to be appointed by the Florida Osteopathic Medical Association.

(e) The Secretary of the Health Care Administration, who shall serve as co-chair.

(f) The Director of the Office of Insurance Regulation, who shall serve as co-chair.

On motion by Senator Clary, further consideration of **CS for CS for SB 662** with pending **Amendment 1 (171524)** was deferred.

CS for SB 1602—A bill to be entitled An act relating to state tax funds; amending s. 213.756, F.S.; establishing a burden of proof for certain refund claims; establishing a measure of damages for certain refund claims; specifying an affirmative defense to certain actions by a purchaser to recover taxes or for a refund of taxes; providing application; providing construction; providing severability; providing for retroactive application; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for SB 1602** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 401—A bill to be entitled An act relating to Southwest Florida transportation; creating pt. X of ch. 348, F.S., titled "Southwest Florida Expressway Authority"; providing a popular name; providing definitions; creating the Southwest Florida Expressway Authority encompassing Collier and Lee Counties; providing for a governing body of the authority; providing for membership; establishing a process for Charlotte County to participate in the authority; providing purposes and powers; providing for the Southwest Florida Transportation System; requiring the approval of specified county commissions before approval of a project within the geographical boundaries of those counties; prohibiting authority involvement with a certain road development; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for a lease-purchase agreement with the Department of Transportation; providing the department may be appointed agent of authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing pledges shall be enforceable by bondholders; providing for construction and application; providing legislative intent regarding changes; providing for future expiration of the act; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 401** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 822—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; revising the terms "state group insurance program" and "surviving spouse" and defining the term "TRICARE supplemental insurance plan"; including the TRICARE supplemental insurance plan within the state group insurance program; requiring the Department of Management Services to purchase health care for employees under the TRICARE supplemental insurance plan; authorizing a surviving spouse to elect to continue coverage under the TRICARE supplemental insurance plan; providing that an enrollee in the TRICARE supplemental insurance plan may change to any other state health plan during open enrollment; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **CS for SB 822** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Argenziano, Baker

HB 19—A bill to be entitled An act relating to motor vehicle driving privilege requirements; amending s. 320.055, F.S.; providing for a 6-month vehicle registration for persons reinstating a driver's license that has been suspended for driving under the influence; requiring the Department of Highway Safety and Motor Vehicles to issue 6-month vehicle registration certificates and validation stickers; specifying the amount of taxes and charges which must be paid; amending s. 324.131, F.S.; requiring persons whose license or registration has been suspended or revoked due to a violation of driving under the influence to maintain,

for 3 years, certain noncancelable liability coverage; authorizing the Department of Highway Safety and Motor Vehicles to adopt a form for proof of such coverage; amending s. 627.7275, F.S.; requiring insurers to make bodily injury, death, and property damage liability coverage that is noncancelable for a certain period available to certain applicants seeking coverage for reinstatement of driving privileges revoked or suspended for driving under the influence; authorizing insurers to cancel certain motor vehicle insurance policies under certain circumstances; providing that insurers are not required to offer insurance policies under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 19** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Baker

HB 205—A bill to be entitled An act relating to contraband and counterfeit cigarettes; providing additional regulatory and enforcement measures; amending s. 210.01, F.S.; revising and providing definitions; amending s. 210.021, F.S.; directing the Secretary of Business and Professional Regulation to require certain dealers and agents to remit the tax on cigarettes by certified check or electronic funds transfer; requiring the Division of Alcoholic Beverages and Tobacco of the department to adopt rules governing the payment of taxes by electronic funds transfer; amending s. 210.06, F.S.; revising requirements for and limitations on the affixation of stamps; providing requirements with respect to receipt, possession, storage, and transport of unstamped cigarette packages; amending s. 210.08, F.S.; revising the amount of the surety bond, certificate of deposit, or irrevocable letter of credit required by the division as surety for the payment of cigarette taxes; creating s. 210.085, F.S.; requiring manufacturers, importers, distributing agents, dealers, and retail dealers to hold a current, valid permit to sell, distribute, or receive cigarettes; amending s. 210.09, F.S.; providing notice and filing guidelines for certain persons shipping unstamped cigarette packages; authorizing certain law enforcement officials to inspect certain shipping vehicles; providing for application to and records requirements of manufacturers and importers; amending s. 210.12, F.S.; authorizing the state to claim certain property and materials from certain dealers and retailers who attempt to defraud the state; authorizing the destruction of certain cigarettes; amending s. 210.15, F.S.; providing criteria for permit application; prohibiting issuance, maintenance, or renewal of certain permits for certain applicants; providing guidelines for permit application denial; amending s. 210.16, F.S.; revising the authority of the Division of Alcoholic Beverages and Tobacco to revoke or suspend the permits of certain persons under certain circumstances; revising a penalty period for revoked permits; increasing a civil penalty; amending s. 210.18, F.S.; expanding the group of violators subject to criminal liability; expanding the list of persons required to report seizures of unstamped cigarettes; requiring the division to keep certain records; providing for seizure of counterfeit cigarettes and related machinery; making unlawful the selling or possessing with intent to sell counterfeit cigarettes; providing criminal penalties; providing for destruction of counterfeit cigarettes; creating s. 210.181, F.S.; providing civil penalties for failure to comply with certain duties or pay certain taxes; reenacting ss. 772.102(1)(a) and 895.02(1)(a), F.S., relating to crimes constituting a "criminal activity" and definitions as used in the Florida RICO Act, to incorporate the amendment to s. 210.18, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 205** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

Vote after roll call:

Yea—Villalobos

SB 1448—A bill to be entitled An act relating to the redevelopment of brownfields; amending ss. 199.1055, 220.1845, and 376.30781, F.S.; increasing the amount of credit which may be applied against the tax on intangible personal property and the corporate income tax for the voluntary cleanup costs of a contaminated site; increasing the amount that may be received by the taxpayer as an incentive to complete the cleanup in the final year; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to aggressively market brownfields; amending s. 376.86, F.S., relating to the Brownfield Areas Loan Guarantee Program; increasing the amount of the loan guarantee for redevelopment projects in brownfield areas; repealing ss. 376.87 and 376.875, F.S., relating to brownfield property ownership clearance assistance and the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **SB 1448** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 255—A bill to be entitled An act relating to rabies vaccination; amending s. 828.30, F.S.; revising requirements for the frequency of rabies vaccination for specified animals; revising rabies vaccination certificate requirements; deleting an obsolete provision; prohibiting local governments from mandating revaccination of currently vaccinated ani-

mals except in specified instances; providing legislative findings; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Rich, **HB 255** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 658—A bill to be entitled An act relating to the University of South Florida St. Petersburg; amending s. 1009.24, F.S.; authorizing the Campus Board of the university to submit a proposal to assess a student-center-support fee to the University of South Florida Board of Trustees for approval; providing a cap on the sum of the fees students are required to pay for courses; prohibiting the inclusion of the fee in calculating the amount a student receives under specified scholarship awards; providing procedures for fee recommendation and approval; providing authorized uses of revenues from such fee; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **CS for SB 658** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

On motion by Senator Baker, by two-thirds vote **HB 233** was withdrawn from the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

On motion by Senator Baker, by two-thirds vote—

HB 233—A bill to be entitled An act relating to unlawful killing of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; amending s. 782.09, F.S.; providing that the unlawful killing of an unborn quick child by injury to the mother that would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing that the unlawful killing of an unborn quick child by injury to the mother that would be manslaughter if it resulted in the death of the mother is manslaughter; providing an exception for acts by the mother; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; amending ss. 435.03 and 435.04, F.S., to conform language to changes made by this act to s. 782.09, F.S.; reenacting s. 921.0022(3)(h) and (i), F.S., to incorporate the amendment to s. 316.193, F.S., in references thereto; reenacting s. 316.656(1) and (2)(b), F.S., relating to mandatory adjudication, to incorporate the amendment to s. 316.193, F.S., in references thereto; reenacting s. 947.146(3)(j), F.S., relating to the Control Release Authority, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1526** and read the second time by title, and by two-thirds vote read the third time by title.

Senator Baker moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (305800)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(3) Any person:

(a) Who is in violation of subsection (1);

(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes or contributes to causing:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another, as defined in s. 316.1933, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being *or unborn quick child* commits DUI manslaughter, and commits:

a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(I) At the time of the crash, the person knew, or should have known, that the crash occurred; and

(II) The person failed to give information and render aid as required by s. 316.062.

For purposes of this subsection, the definition of the term "unborn quick child" shall be determined in accordance with the definition of viable fetus as set forth in s. 782.071.

Section 2. Section 782.09, Florida Statutes, is amended to read:

782.09 Killing of unborn *quick* child by injury to mother.—

(1) The *unlawful* ~~willful~~ killing of an unborn quick child, by any injury to the mother of such child which would be murder if it resulted in the death of such mother, shall be deemed *murder in the same degree as that which would have been committed against the mother. Any person, other than the mother, who unlawfully kills an unborn quick child by any injury to the mother:*

(a) Which would be murder in the first degree constituting a capital felony if it resulted in the mother's death commits murder in the first degree constituting a capital felony, punishable as provided in s. 775.082.

(b) Which would be murder in the second degree if it resulted in the mother's death commits murder in the second degree, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Which would be murder in the third degree if it resulted in the mother's death commits murder in the third degree ~~manslaughter~~, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The unlawful killing of an unborn quick child by any injury to the mother of such child which would be manslaughter if it resulted in the death of such mother shall be deemed manslaughter. A person who unlawfully kills an unborn quick child by any injury to the mother which would be manslaughter if it resulted in the mother's death commits manslaughter, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) The death of the mother resulting from the same act or criminal episode that caused the death of the unborn quick child does not bar prosecution under this section.

(4) This section does not authorize the prosecution of any person in connection with a termination of pregnancy pursuant to chapter 390.

(5) For purposes of this section, the definition of the term "unborn quick child" shall be determined in accordance with the definition of viable fetus as set forth in s. 782.071.

Section 3. Paragraph (g) of subsection (2) of section 435.03, Florida Statutes, is amended to read:

435.03 Level 1 screening standards.—

(2) Any person for whom employment screening is required by statute must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

(g) Section 782.09, relating to killing of an unborn *quick* child by injury to the mother.

Section 4. Paragraph (g) of subsection (2) of section 435.04, Florida Statutes, is amended to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

(g) Section 782.09, relating to killing of an unborn *quick* child by injury to the mother.

Section 5. For the purpose of incorporating the amendment to s. 316.193, Florida Statutes, in a reference thereto, paragraphs (h) and (i) of subsection (3) of section 921.0022, Florida Statutes, are reenacted to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(h) LEVEL 8
316.193 (3)(c) 3.a.	2nd	DUI manslaughter.
316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
499.0051(7)	1st	Forgery of prescription or legend drug labels.
499.0052	1st	Trafficking in contraband legend drugs.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding $20,000, but less than $100,000 by money transmitter.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding $20,000, but less than $100,000.
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding $20,000, but less than $100,000 by financial institutions.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
800.04(4)	2nd	Lewd or lascivious battery.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st, PBL	Burglary with assault or battery.
810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
812.014(2)(a)2.	1st	Property stolen; cargo valued at $50,000 or more, grand theft in 1st degree.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $100,000 or more.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.

Florida Statute	Felony Degree	Description
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
893.135 (1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
893.135 (1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding $20,000, but less than $100,000.
896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $20,000 but less than $100,000.

(i) LEVEL 9

Florida Statute	Felony Degree	Description
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
499.0053	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding $100,000 by money transmitter.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding $100,000.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding $100,000 by financial institution.
775.0844	1st	Aggravated white collar crime.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
782.04(3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
790.161	1st	Attempted capital destructive device offense.
790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
812.135(2)(b)	1st	Home-invasion robbery with weapon.

Florida Statute	Felony Degree	Description
817.568(7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
893.135 (1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
893.135 (1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding $100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $100,000.

Section 6. For the purpose of incorporating the amendment to section 316.193, Florida Statutes, in a reference thereto, subsection (1) of section 316.656, Florida Statutes, is reenacted to read:

316.656 Mandatory adjudication; prohibition against accepting plea to lesser included offense.—

(1) Notwithstanding the provisions of s. 948.01, no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any violation of s. 316.193, for manslaughter resulting from the operation of a motor vehicle, or for vehicular homicide.

Section 7. For the purpose of incorporating the amendment to section 316.193, Florida Statutes, in a reference thereto, paragraph (j) of subsection (3) of section 947.146, Florida Statutes, is reenacted to read:

947.146 Control Release Authority.—

(3) Within 120 days prior to the date the state correctional system is projected pursuant to s. 216.136 to exceed 99 percent of total capacity, the authority shall determine eligibility for and establish a control release date for an appropriate number of parole ineligible inmates committed to the department and incarcerated within the state who have been determined by the authority to be eligible for discretionary early release pursuant to this section. In establishing control release dates, it is the intent of the Legislature that the authority prioritize consideration of eligible inmates closest to their tentative release date. The authority shall rely upon commitment data on the offender information system maintained by the department to initially identify inmates who are to be reviewed for control release consideration. The authority may use a method of objective risk assessment in determining if an eligible inmate should be released. Such assessment shall be a part of the department's management information system. However, the authority shall have sole responsibility for determining control release eligibility, establishing a control release date, and effectuating the release of a sufficient number of inmates to maintain the inmate population between 99 percent and 100 percent of total capacity. Inmates who are ineligible for control release are inmates who are parole eligible or inmates who:

(j) Are convicted, or have been previously convicted, of DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or have been sentenced at any time, as a habitual offender for such offense, or have been sentenced at any time in another jurisdiction as a habitual offender for such offense;

In making control release eligibility determinations under this subsection, the authority may rely on any document leading to or generated during the course of the criminal proceedings, including, but not limited to, any presentence or postsentence investigation or any information contained in arrest reports relating to circumstances of the offense.

Section 8. For the purpose of incorporating the amendment to section 316.193, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 960.03, Florida Statutes, is reenacted to read:

960.03 Definitions; ss. 960.01-960.28.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) "Crime" means:

(b) A violation of s. 316.193, s. 316.027(1), s. 327.35(1), s. 782.071(1)(b), or s. 860.13(1)(a) which results in physical injury or death; however, no other act involving the operation of a motor vehicle, boat, or aircraft which results in injury or death shall constitute a crime for the purpose of this chapter unless the injury or death was intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this act applies.

Section 9. This act shall take effect October 1, 2005, and shall apply to offenses committed on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to homicide of an unborn quick child; amending s. 316.193, F.S.; including the death of an unborn quick child under DUI manslaughter; adopting the definition of viable fetus for purposes of this offense; amending s. 782.09, F.S.; providing that killing an unborn quick child by injury to the mother which would be murder in any degree if it resulted in the death of the mother is murder in the same degree; providing penalties; providing that the unlawful killing of an unborn quick child by injury to the mother which would be manslaughter if it resulted in the death of the mother is manslaughter; providing penalties; providing that the death of the mother does not bar prosecution under specified circumstances; providing that the section does not authorize prosecution of a person in connection with a termination of pregnancy; adopting the definition of viable fetus for purposes of this offense; amending ss. 435.03 and 435.04, F.S., to conform provisions to changes made by the amendments to s. 782.09, F.S.; reenacting s. 921.0022(3)(h) and (i), F.S., relating to the Criminal Punishment Code offense severity ranking chart, to incorporate the amendment to s. 316.193, F.S., in references thereto; reenacting s. 316.656(3), F.S., relating to mandatory adjudication, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 947.146(3)(j), F.S., relating to the Control Release Authority, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; reenacting s. 960.03(3)(b), F.S., relating to the definition of

"crime" under the Florida Crimes Compensation Act, to incorporate the amendment to s. 316.193, F.S., in a reference thereto; providing an effective date.

On motion by Senator Baker **HB 233** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 192—A bill to be entitled An act relating to advertising for legal services; creating s. 454.37, F.S., relating to advertising for legal services in print or electronic media; defining the terms "electronic media" and "lawyer referral service"; requiring advertisements and unsolicited written communications for legal services disseminated in Florida by certain entities to comply with the rules regulating The Florida Bar; requiring a specific statement to accompany advertisements for legal services and unsolicited written communications by lawyer-referral services; requiring an affidavit certifying certain information to accompany an advertisement for legal services submitted by an attorney licensed in this state, a business entity organized under the rules regulating The Florida Bar, a lawyer licensed out-of-state, a law firm owned by a lawyer licensed out-of-state, a lawyer-referral service, or a group or legal plan; requiring that such advertisement be filed with The Florida Bar; requiring that such advertisements be accompanied by a sworn statement certifying that the advertisement complies with the standards required for advertisements placed by lawyers licensed in this state; requiring The Florida Bar to retain certain copies of advertisements for a specified period; providing for civil penalties and for enforcement; providing that false, deceptive, or misleading advertising of legal services is an unfair and deceptive trade practice; specifying that the act is cumulative and does not repeal any other law, rule, or penalty; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Campbell, **CS for CS for SB 192** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 976—A bill to be entitled An act relating to hazard mitigation for coastal redevelopment; amending s. 163.3164, F.S.; defining the term "local mitigation strategy" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; providing an additional requirement for a local government's comprehensive plan concerning hazard mitigation; amending s. 163.3178, F.S.; revising provisions with respect to coastal management; authorizing a demonstration project in certain counties to allow for the redevelopment of coastal areas within the designated coastal high-hazard area; providing conditions; providing for application by a local government; providing for a written agreement between the state land planning agency and the local government; providing for a progress report to the Governor and the Legislature; amending ss. 186.515, 288.975, and 369.303, F.S.; correcting cross-references to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for SB 976** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise

Nays—None

CS for SB 720—A bill to be entitled An act relating to health care; amending s. 400.506, F.S.; deleting the requirement that a registered nurse referred by a nurse registry make monthly visits to a patient; amending ss. 413.402 and 413.4021, F.S.; making permanent the program for personal care attendants for spinal cord injury victims; providing powers and duties of the Department of Health with respect to the program; providing criteria for participation in the program; providing for an oversight workgroup; increasing the percentage of revenues collected from persons who fail to remit sales tax which shall be deposited into the Florida Endowment Foundation for Vocational Rehabilitation for the purpose of administering the program; deleting obsolete provisions to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 720** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Saunders

Consideration of **CS for SB 2006**, **CS for SB 530** and **SB 752** was deferred.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Committee on Education Appropriations was granted permission to meet from 8:00 a.m. until 9:30 a.m., Friday, April 29 to consider **CS for SB 2480**. A deadline of 5:00 p.m. this day was set for filing amendments.

BILLS ON THIRD READING, continued

CS for SB 1300—A bill to be entitled An act relating to limitations on claims for refund of corporate income tax; amending s. 220.727, F.S.; revising provisions for determining when a payment of estimated tax is deemed paid for purposes of time limitations for refund claims; providing for retroactive application; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **CS for SB 1300** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for SB 1914—A bill to be entitled An act relating to juvenile justice; amending s. 985.407, F.S.; revising employee-screening procedures of the Department of Juvenile Justice; requiring the department to provide fingerprint information to the Department of Law Enforcement and pay an annual fee; providing appropriations; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Argenziano, **CS for CS for SB 1914** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Lynn

CS for SB 2412—A bill to be entitled An act relating to viatical settlements; amending s. 517.021, F.S.; revising and providing definitions; creating s. 517.072, F.S.; specifying nonapplication of certain exemptions to viatical settlement investments; specifying the offering of a viatical settlement investment as not an exempt transaction under certain provisions of law; amending s. 517.081, F.S.; authorizing the Financial Services Commission to adopt additional rules relating to securities registration; authorizing the commission to adopt rules establishing requirements and standards for disclosures and records relating to viatical settlement investments; creating s. 517.1215, F.S.; requiring the commission to adopt rules specifying requirements for certain investment advisors; requiring the commission to establish by rule rules of conduct and prohibited business practices for investment advisers and associated persons; providing requirements; creating s. 517.1217, F.S.; authorizing the commission to establish by rule rules of conduct and prohibited business practices for dealers and associated persons; providing requirements; amending s. 624.501, F.S.; including agents making an appointment under certain life insurance agent fee provisions; amending ss. 626.015, 626.112, 626.207, and 626.331, F.S., to conform; amending s. 626.611, F.S.; providing an additional ground for compulsory refusal, suspension, or revocation of certain licenses or appointments for transactions relating to viatical settlement contracts; amending s. 626.777, F.S., to conform; amending s. 626.7845, F.S.; prohibiting certain activities by a person relating to viatical settlement contracts unless he or she is a licensed life agent; amending s. 626.9911, F.S.; revising definitions; amending s. 626.9912, F.S., to conform; amending s. 626.9913, F.S.; specifying additional requirements for annual statements by viatical settlement provider licensees; providing an alternative bond provision for certain viatical settlement providers for a certain time period; prohibiting certain persons from levying upon certain assets or securities under certain circumstances; amending s. 626.9914, F.S.; including the authority to deny a license among the adverse actions the Office of Insurance Regulation may take against a viatical settlement provider for certain actions; amending s. 626.9916, F.S.; revising licensure requirements for viatical settlement brokers; providing for self-appointment; providing for transfers of appointments; providing for termination of licenses; specifying a fiduciary duty of viatical settlement brokers; prohibiting dividing or sharing compensation received by a life agent for certain activities under certain circumstances; creating s. 626.99175, F.S.; requiring registration to operate as a life expectancy provider; providing registration for requirements; requiring certain application information; requiring registered life expectancy providers to periodically file audits with the office; providing audit requirements; authorizing certain subsidiaries of life expectancy providers to operate as a provider under certain circumstances; prohibiting certain providers, brokers, and agents from owning or being an officer, director, or employee of a life expectancy provider; requiring providers to provide the office with advance notice of certain changes; requiring providers to retain copies of certain information and documents; providing an exception; providing procedures for approval or denial of applications; specifying grounds for denial of an application; authorizing the office to assess administrative fines under certain circumstances; authorizing the office to place a provider on probation for a certain period; specifying certain activities violations; amending ss. 626.9919, 626.992, and 626.9921, F.S., to conform; amending s. 626.9922, F.S.; specifying office jurisdiction over certain viatical settlement purchase agreements; authorizing the office to refer certain cases to the United States Securities and Exchange Commission for administrative action under certain circumstances; providing application to life expectancy providers; amending ss. 626.99245, 626.9925, 626.9926, and 626.9927, F.S., to conform; amending s. 626.99275, F.S.; revising prohibited practices to apply to issuing life expectancies and change a viator's residency for certain purposes; providing a criminal penalty; amending s. 626.99278, F.S.; providing for application to registered life expectancy providers; requiring an anti-fraud plan to include a description of procedures used to perform life expectancy accuracy reviews; amending ss. 626.9928 and 626.99285, F.S., to conform; amending s. 626.99295, F.S.; revising application of a grace period for certain viatical settlement purchase agreements; repealing s. 626.9917, F.S., relating to denial, suspension, revocation, or nonrenewal of viatical settlement broker licenses; repealing s. 626.9918, F.S., relating to effect of suspension or revocation of viatical settlement broker licenses; repealing s. 626.99235, F.S., relating to disclosures to

viatical settlement purchasers; repealing s. 626.99236, F.S., relating to further disclosures to viatical settlement purchasers; repealing s. 626.99277, F.S., relating to false representations; providing an effective date.

—as amended April 27 was read the third time by title.

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (095000)—On page 7, line 20, after *"230.144A(a)"* insert: *, or to an accredited investor as defined by Rule 501 of Regulation D of the Securities Act Rules*

REMARKS

On motion by the Senator Posey, the following remarks were ordered spread upon the Journal:

Senator Fasano: Senator Garcia, the amendment that we have before us—doesn't this just clarify that small viatical companies could still sell viatical investments to wealthy individuals without even being required to meet the securities registration requirements? Or can they meet the securities requirements and sell to the general public? Meaning that as long as they are selling to wealthy individuals as defined under Rule 501 of the Securities Act, they would not be required to be licensed; and so, therefore, this actually does help small companies because if they have that, they are able then to go ahead. If they are then to go ahead, if they are selling to wealthy individuals as defined under Rule 501, they then don't have to be licensed and do not have to worry about it. This actually opens up the market and allows the smaller companies to participate.

Senator Garcia: Yes. That is correct.

On motion by Senator Garcia, **CS for SB 2412** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—25

Mr. President	Crist	Posey
Alexander	Fasano	Pruitt
Argenziano	Garcia	Saunders
Atwater	Haridopolos	Sebesta
Baker	King	Villalobos
Bullard	Lawson	Webster
Carlton	Lynn	Wise
Clary	Margolis	
Constantine	Peaden	

Nays—15

Aronberg	Dockery	Miller
Bennett	Geller	Rich
Campbell	Hill	Siplin
Dawson	Jones	Smith
Diaz de la Portilla	Klein	Wilson

Vote after roll call:

Yea to Nay—Posey

SB 498—A bill to be entitled An act relating to the residency status of dependent immigrant children; creating s. 39.5075, F.S.; providing definitions; directing the Department of Children and Family Services or a community-based care provider to determine whether a dependent child is a citizen of the United States and to report the information to the court; providing that services to children alleged to have been abused, neglected, or abandoned be provided without regard to the citizenship of the child except where alienage or immigration status is explicitly set as a statutory condition of coverage or eligibility; requiring the case plan to include specified information; directing the department or the community-based care provider to file a petition with the court to determine whether the child meets the criteria for special immigrant juvenile status; directing the department or the community-based care provider to file papers with federal authorities to adjust the child's residency status; authorizing the court to continue jurisdiction of a child whose residency status is being considered by federal authorities; requiring that certain information be given to the court; directing the department to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, **SB 498** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for SB 510—A bill to be entitled An act relating to temporary custody of a child by an extended family member or putative father; amending s. 751.011, F.S.; defining the term "extended family member"; amending s. 751.02, F.S.; authorizing an extended family member to bring a proceeding in court to determine the temporary custody of a child; amending s. 751.03, F.S.; specifying the information that must be included in a petition for temporary custody by an extended family member or putative father; providing that only an extended family member or putative father may file a petition for temporary custody under ch. 751, F.S.; amending s. 751.05, F.S.; providing that either or both of the child's parents may petition the court to modify the order granting temporary custody under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for SB 510** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1001—A bill to be entitled An act relating to governance of the State University System; providing definitions; specifying the constitutional duties of the Board of Governors of the State University System under s. 7, Art. IX of the State Constitution; specifying the constitutional

duties of the Legislature; providing legislative intent; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Lynn, **HB 1001** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Peaden
Alexander	Diaz de la Portilla	Posey
Argenziano	Dockery	Pruitt
Aronberg	Fasano	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Crist	Miller	

Nays—None

Vote after roll call:

Yea—Garcia

CS for SB 216—A bill to be entitled An act relating to motor vehicle safety belt usage; providing a short title; amending s. 316.614, F.S.; revising provisions relating to safety belt usage; requiring the Department of Highway Safety and Motor Vehicles to develop a policy to prohibit the practice of racial profiling; providing an effective date.

—was read the third time by title.

On motion by Senator Hill, **CS for SB 216** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Diaz de la Portilla	Miller
Argenziano	Fasano	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Pruitt
Baker	Haridopolos	Rich
Bennett	Hill	Saunders
Bullard	Jones	Sebesta
Campbell	King	Smith
Carlton	Klein	Villalobos
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—4

Clary	Siplin	Webster
Dockery		

Votes Recorded:

April 29, 2005: Yea—Alexander

SENATOR KING PRESIDING

CS for SB 768—A bill to be entitled An act relating to instruction for exceptional students; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; amending s. 1003.58, F.S.; correcting a cross-reference; creating s. 1003.575, F.S.; requiring the Department of Education to develop an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Lynn, **CS for SB 768** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

CS for SB 276—A bill to be entitled An act relating to wrecker services; amending s. 120.80, F.S.; exempting hearings of the Division of the Florida Highway Patrol concerning the wrecker allocation system from requirements of ch. 120, F.S.; creating s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing a license for a wrecker company that is not in compliance with the requirements of the act; amending s. 316.530, F.S., relating to traffic control; conforming provisions to changes made by the act; reenacting s. 316.550(4), F.S., relating to special wrecker permits, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; providing requirements for licensing wreckers and other vehicles; amending s. 320.01, F.S.; redefining the term "wrecker" for purposes of the Florida Statutes; amending ss. 320.03 and 320.0706, F.S., relating to motor vehicle registration and license plates; conforming provisions to changes made by the act; reenacting s. 320.08(5)(d) and (e), F.S., relating to license taxes, to incorporate the amendment to s. 320.01, F.S., in references thereto; amending s. 320.0821, F.S.; revising requirements for the issuance of wrecker license plates; amending s. 320.13, F.S., relating to dealer license plates; conforming provisions to changes made by the act; amending s. 321.051, F.S.; providing definitions; requiring the Division of the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to establish a wrecker allocation system; providing requirements for the system; authorizing the division to set maximum rates for towing and storage of vehicles; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; amending s. 323.001, F.S., relating to wrecker company storage facilities; providing definitions; providing procedures for a law enforcement agency to place a hold on a stored vehicle; providing for payment of towing and storage charges; amending s. 323.002, F.S.; providing definitions; providing requirements for a county or municipality that operates a wrecker allocation system; providing requirements for the system; prohibiting an unauthorized wrecker company from monitoring a police radio or engaging in other activities; providing penalties; providing requirements for dispatching wreckers; creating chapter 508, F.S.; providing definitions; creating the Wrecker Operator Advisory Council within the Department of Agriculture and Consumer Services; providing for membership and terms; providing for reimbursement for travel and per diem expenses; requiring the council to advise the department on matters relating to standards and practices in the wrecker industry; authorizing the department to adopt rules; requiring wrecker companies to register with the department; providing requirements for registration renewal; providing requirements for advertisements; requiring insurance coverage; requiring the department to notify the Department of Highway Safety and Motor Vehicles when a registration has been suspended or revoked; authorizing the department to deny registration under certain circumstances; specifying acceptable forms of payment;

establishing a certification program for wrecker operators; requiring the department to approve courses and organizations; providing requirements for examinations; providing for certification in specialized wrecker services; requiring the department to adopt rules; providing for certification cards to be issued to wrecker operators who complete the certification course and pass the examination; prohibiting the performance of wrecker services after a specified date unless the company is registered and obtains certification as required; authorizing the department to inspect employment records; providing requirements for continuing education; specifying prohibited acts; providing administrative, civil, and criminal penalties; providing for registration fees; providing for deposit of fees, penalties, and other funds; providing that the chapter does not apply to recovery agents; authorizing counties and municipalities to enact ordinances governing wrecker operators; requiring that a wrecker company maintain records of its services for a specified time; requiring a wrecker company to keep records of its operators continuing education courses for a specified time; directing organizations that conduct continuing education courses to keep records for a specified time; amending s. 713.78, F.S.; removing mobile homes from the application of a statutory lien for towing and storage; conforming provisions related to recovering, towing, or storing vessels; providing for attorney's fees; creating s. 713.785, F.S.; authorizing the imposition of lien by a mobile home transport company for recovering, towing, or storing a mobile home; providing definitions; requiring a mobile home transport company to provide notice of recovery, towing, or storage services; providing for the filing of a complaint; providing procedures for the sale of an unclaimed mobile home; specifying circumstances under which a mobile home transport company must obtain a certificate of destruction; providing for fees; authorizing the department to adopt rules; providing for fees; providing for issuing certificates of destruction and revalidation stickers; providing procedures for disputing a lien and for discharge of a lien; providing for the posting and repayment of surety; providing for criminal penalties; amending s. 715.07, F.S.; defining the term "vessel"; conforming provisions related to towing vessels parked on private property; imposing criminal penalties for failure to comply with certain laws governing the towing of vehicles and vessels; repealing s. 1.01(15), F.S., relating to the definition of the term "wrecker operator"; providing an appropriation and authorizing additional positions; providing effective dates.

—was read the third time by title.

On motion by Senator Crist, **CS for SB 276** was passed and certified to the House. The vote on passage was:

Yeas—34

Alexander	Fasano	Peaden
Argenziano	Garcia	Pruitt
Aronberg	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Siplin
Campbell	Jones	Smith
Clary	King	Villalobos
Constantine	Klein	Webster
Crist	Lawson	Wilson
Dawson	Lynn	Wise
Diaz de la Portilla	Margolis	
Dockery	Miller	

Nays—2

Baker	Posey

Vote after roll call:

Yea—Atwater, Sebesta

Votes Recorded:

April 29, 2005: Yea—Carlton

CS for CS for SB 758—A bill to be entitled An act relating to child protective investigations; amending s. 39.202, F.S.; providing staff of a children's advocacy center with access to records of child abuse and neglect; amending s. 39.301, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect for purposes that adversely affect the interests of persons who are not identified as responsible for such abuse, abandonment, or neglect; amending s. 39.302, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect in institutional investigations for purposes that adversely affect the interests of persons not identified as responsible; providing circumstances under which the Department of Children and Family Services may rely on such information in a decision to renew or revoke a license; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for CS for SB 758** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SB 2268—A bill to be entitled An act relating to athletic trainers; amending s. 468.707, F.S.; revising the requirements for licensure as an athletic trainer; amending s. 468.711, F.S.; revising the criteria for continuing education in athletic training; amending s. 468.717, F.S.; providing that a person who practices athletic training without holding an active license commits a first-degree misdemeanor regardless of whether the person receives compensation; amending s. 468.723, F.S.; providing that a person employed as an apprentice trainer or athletic trainer is not exempt from part XIII of ch. 468, F.S.; amending s. 1012.46, F.S.; deleting the classification of first responder in a school district's athletic injuries prevention and treatment program; requiring that an athletic trainer employed by a school district be licensed as an athletic trainer; deleting a requirement that such person possess certain certification as an educator; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **SB 2268** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Votes Recorded:

April 29, 2005: Yea—King

HB 1029—A bill to be entitled An act relating to funding for dredging projects; creating s. 311.115, F.S.; requiring the Florida Seaport Transportation and Economic Development Council to establish a matching

funds program for certain dredging projects; requiring the adoption of rules and criteria for project evaluation; requiring approved projects to be reviewed by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **HB 1029** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Senate resumed consideration of—

CS for CS for SB's 1872 and 2378—A bill to be entitled An act relating to biomedical research; providing legislative intent; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 381.855, F.S.; revising the purpose of the Florida Center for Universal Research to Eradicate Disease; requiring the center to provide grants for cancer research and Alzheimer's disease research; revising membership of the center's advisory council; providing procedures for the awarding of grants for cancer research; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; providing appropriations; amending s. 215.5602, F.S.; requiring the Legislature to annually appropriate funds to the James and Esther King Biomedical Research Program; amending s. 1004.445, F.S.; requiring the Legislature to annually appropriate funds to support research to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (700282)** by Senator Saunders was adopted by two-thirds vote.

On motion by Senator Saunders, **CS for CS for SB's 1872 and 2378** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1154—A bill to be entitled An act relating to Enterprise Florida, Inc.; amending s. 288.041, F.S.; deleting the requirement that Enterprise Florida, Inc., assist in the expansion of the solar energy industry and solar technology; amending s. 288.095, F.S.; deleting obsolete provisions; repealing s. 288.8155, F.S., relating to the International Trade Data Resource and Research Center; amending s. 288.901, F.S.; revising the membership, organization, and meetings of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; deleting obsolete provisions regarding the Workforce Development Board of Enterprise Florida, Inc.; amending s. 288.90151, F.S.; deleting obsolete provisions; specifying moneys and contributions that may be considered as private-sector support to Enterprise Florida, Inc.; requiring that the annual report include a study; clarifying the term "economic development organization"; requiring Enterprise Florida, Inc. to hire certain firms to develop certain survey reporting; deleting a requirement that the annual report be certified; amending s. 288.904, F.S.; revising the power of the board to make and enter into contracts; providing that certain limitations do not apply to contracts awarded by another entity; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **CS for SB 1154** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Senate resumed consideration of—

CS for CS for SB 662—A bill to be entitled An act relating to hospitals; creating a commission to study the effect of the 2004 hurricane season on certain hospitals and identify hospitals unable to comply with the Florida Building Code or located in flood-prone areas; providing for membership, reimbursement, and duties of the study commission; requiring the Department of Community Affairs to provide staff for the study commission; requiring the commission to submit a report and recommendations to the Governor and the Legislature; creating a high-deductible-health-insurance plan study group; specifying membership; requiring the study group to investigate certain issues relating to high-deductible health insurance plans; requiring the group to meet and submit recommendations to the Governor and Legislature; directing the Office of Program Policy Analysis and Government Accountability to conduct a study to evaluate whether the State of Florida should join the Nurse Licensure Compact; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (171524)** by Senator Clary was adopted by two-thirds vote.

Senator Clary moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (673762)—On page 5, lines 12-22, delete those lines and insert:

(c) The impact on hospitals' and physicians' inability to collect deductibles and copayments.

(d) The ability of hospitals, physicians, and insureds to determine, prior to service delivery, the level of deductible and copayment required of the insured.

(e) Methods to assist hospitals, physicians, and insureds in determining prior to service delivery the status of the insured in meeting annual deductible requirements and any subsequent copayments.

(f) Methods to assist hospitals and physicians in the collection of deductibles and copayments, including electronic payments.

MOTION

On motion by Senator Clary, the rules were waived to allow the following amendment to be considered:

Senator Clary moved the following amendment which was adopted by two-thirds vote:

Amendment 3 (601494)—On page 5, line 2, following "*Regulation,*" insert: *or his or her designee,*

On motion by Senator Clary, **CS for CS for SB 662** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 2006—A bill to be entitled An act relating to warranty associations; amending s. 634.401, F.S.; redefining the term "service warranty" for purposes of regulation of service warranty associations; amending s. 634.011, F.S.; including paintless dent-removal in the services that may be covered by a motor vehicle service agreement; amending s. 634.041, F.S.; revising requirements governing qualifications for a license to issue such agreements; providing for use of a 50-percent reserve or contractual liability coverage by certain service agreement companies; amending s. 634.136, F.S.; requiring a motor vehicle service contract company to maintain additional information relating to motor vehicle service agreements; providing an effective date.

—as amended April 27 was read the third time by title.

Senator Peaden moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (731216)—On page 4, line 26 through page 5, line 2, delete those lines and insert:

(b) A service agreement company that maintains net assets of at least $10 million and that annually files with the office a financial statement audited in accordance with generally accepted accounting principles may use either the 50-percent reserve or the contractual liability coverage for specific blocks of new service agreements. For purposes of this subsection, the term "specific blocks of new service agreements" means the service agreements sold by a single designated licensed salesperson. A service agreement company must be able to distinguish how each individual service agreement is covered. A service agreement company using the 50-percent premium reserve, as permitted under this subsection, must obtain contractual liability insurance coverage for any future deficits in the premium reserve account directly attributable to the specific blocks of new agreements written. Such a contractual liability insurance policy must be filed with the office. Such policies or endorsements to an existing policy must contain language evidencing that the contractual liability insurance policy shall pay claims arising out of such specific blocks of agreements if the service agreement company cannot or will not pay such claims. All contractual liability insurance policies issued to a service agreement company under this part must cover all agreements issued during the term of the policy and, for purposes of this section, the company must obtain and file with the office endorsements to that policy identifying the specific blocks of agreements not covered thereunder.

On motion by Senator Garcia, **CS for SB 2006** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

Vote after roll call:

Yea—Webster

SPECIAL ORDER CALENDAR

On motion by Senator Dockery, by two-thirds vote **HB 1141** was withdrawn from the Committees on Environmental Preservation; Transportation; and General Government Appropriations.

On motion by Senator Dockery—

HB 1141—A bill to be entitled An act relating to greenways and trails; renaming ch. 260, F.S., as the "Florida Greenways and Trails Act"; amending s. 260.011, F.S.; providing a popular name; amending s. 260.012, F.S.; revising legislative intent with respect to the development and completion of the Florida National Scenic Trail; conforming cross references; amending s. 260.013, F.S.; revising and providing definitions; amending s. 260.0141, F.S.; removing provisions authorizing certain acquisitions; amending s. 260.0142, F.S.; revising the powers and duties of the Florida Greenways and Trails Council; extending the terms of certain appointees; providing for reappointment of appointees; revising eligibility requirements for appointees of the trail user community to include users of off-highway vehicles; amending s. 260.015, F.S.; removing provisions for the appraisal of certain property by the Department of Environmental Protection; conforming cross references; amending s. 260.016, F.S.; revising the general powers of the department; revising provisions relating to rules for public access to greenways and trails; conforming cross references; creating s. 260.019, F.S.; establishing the Florida Circumnavigation Saltwater Paddling Trail; providing for review, adjustment, and redesignation of the trail segments by the department; requiring the department to prepare and submit a report to the Governor and Legislature by a specified date pursuant to such review; creating s. 260.021, F.S.; providing for a partnership between various organizations and mining interests to develop recreational opportunities on mined lands; creating s. 335.067, F.S.; creating the Conserve by Bicycle Program within the Department of Transportation, providing purposes of the program, and requiring such department to conduct a Conserve by Bicycle study; amending s. 373.199, F.S.; requiring water management districts to include information about the Florida National Scenic Trail in the Florida Forever Water Management District Work Plan; amending s. 378.036, F.S.; removing provisions relating to recreational opportunities on mined lands; amending s. 380.507, F.S.; revising the powers of the Florida Communities Trust with respect to the Florida National Scenic Trail; amending s. 110.501, F.S.; conforming a cross reference; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 774** and read the second time by title.

Pursuant to Rule 4.19, **HB 1141** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for SB 284—A bill to be entitled An act relating to consumer protection; creating s. 501.165, F.S.; prohibiting the use of deception to obtain certain personal information for commercial solicitation purposes; providing that such acts are deceptive trade practices or unfair methods of competition; providing penalties; creating s. 501.167, F.S.; prescribing duties of persons and businesses holding computerized personal information upon discovery of a breach of security of the system on which such data are maintained; defining terms; prescribing forms that notification of the breach must take; providing exceptions; providing remedies; amending s. 501.2075, F.S.; providing an exception to a civil penalty; creating s. 501.2076, F.S.; prohibiting falsely representing oneself as being affiliated with a law enforcement or firefighting agency or public utility; providing a penalty; amending s. 501.2077, F.S.; providing that it is an unfair or deceptive act to cause a handicapped person or certain senior citizens to waive certain benefits or rights; providing an exception; providing that a violation of s. 817.568, F.S., relating to the criminal use of personal identification information, is an unfair or deceptive act or practice or unfair method of competition in violation of part II of ch. 501, F.S.; providing penalties; amending ss. 501.203 and 501.204, F.S.; changing obsolete dates; reenacting and amending s. 501.207, F.S., relating to remedies of the enforcing authority under the Florida Deceptive and Unfair Trade Practices Act; providing that the court may order actions brought under that act on behalf of an enterprise; amending s. 817.568, F.S.; redefining the term "personal identification information" and defining the term "counterfeit or fictitious personal identification information"; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; providing for severability; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Aronberg, the rules were waived to allow the following amendment to be considered:

Senator Aronberg moved the following amendment which was adopted:

Amendment 1 (670940)(with title amendment)—On page 3, line 3 through page 11, line 20, delete those lines and insert:

Section 1. Section 817.5681, Florida Statutes, is created to read:

817.5681 Breach of security concerning confidential personal information in third-party possession; administrative penalties.—

(1)(a) Any person who conducts business in this state and maintains computerized data in a system that includes personal information shall provide notice of any breach of the security of the system, following a determination of the breach, to any resident of this state whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The notification shall be made without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subsection (3) and paragraph (10)(a), or subject to any measures necessary to determine the presence, nature, and scope of the breach and restore the reasonable integrity of the system. Notification must be made no later than 45 days following the determination of the breach unless otherwise provided in this section.

(b) Any person required to make notification under paragraph (a) who fails to do so within 45 days following the determination of a breach or receipt of notice from law enforcement as provided in subsection (3) is liable for an administrative fine not to exceed $500,000, as follows:

1. In the amount of $1,000 for each day the breach goes undisclosed for up to 30 days and, thereafter, $50,000 for each 30-day period or portion thereof for up to 180 days.

2. If notification is not made within 180 days, any person required to make notification under paragraph (a) who fails to do so is subject to an administrative fine of up to $500,000.

(c) The administrative sanctions for failure to notify in paragraph (b) apply per breach, and not per individual affected by the breach. Such sanctions do not apply in the case of personal information in the custody of any governmental agency or subdivision, unless that governmental agency or subdivision has entered into a contract with a contractor or third-party administrator to provide governmental services. In such case, the contractor or third-party administrator is the person to whom such sanctions apply and such contractor or third-party administrator found in violation of such notification requirements has no right to any contribution or set-off that may otherwise be available against the employing agency or subdivision.

(2)(a) Any person who maintains computerized data that includes personal information on behalf of another business entity shall disclose to the business entity for which the information is maintained any breach of the security of the system as soon as practicable, but no later than 10 days following the determination, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The person who maintains the data on behalf of another business entity and the business entity on whose behalf the data is maintained may agree who will provide the notice, if any is required, as provided in paragraph (1)(a); however, only a single notice for each breach of the security of the system is required. If agreement regarding notification cannot be reached, the person who has the direct business relationship with the resident of this state must provide the notice required under paragraph (1)(a).

(b) Any person required to disclose to a business entity under paragraph (a) who fails to do so within 10 days after the determination of a breach or receipt of notification from law enforcement as provided in subsection (3) is liable for an administrative fine not to exceed $500,000, as follows:

1. In the amount of $1,000 for each day the breach goes undisclosed for up to 30 days and, thereafter, $50,000 for each 30-day period or portion thereof for up to 180 days.

2. If disclosure is not made within 180 days, such person is subject to an administrative fine of up to $500,000.

(c) The administrative sanctions for nondisclosure provided in paragraph (b) apply per breach, and not per individual affected by the breach. Such sanctions do not apply in the case of personal information in the custody of any governmental agency or subdivision unless that governmental agency or subdivision has entered into a contract with a contractor or third-party administrator to provide governmental services. In such case, the contractor or third-party administrator is the person to whom such sanctions apply and such contractor or third-party administrator found in violation of such nondisclosure restrictions has no right to any contribution or set-off that may otherwise be available against the employing agency or subdivision.

(3) The notification required by this section may be delayed upon a request by law enforcement if a law enforcement agency determines that the notification will impede a criminal investigation. The notification time period required by this section shall commence after the person receives notice from the law enforcement agency that the notification will not compromise the investigation.

(4) For purposes of this section, the terms "breach" and "breach of the security of the system" mean unlawful and unauthorized acquisition of computerized data that materially compromises the security, confidentiality, or integrity of personal information maintained by the person. Good faith acquisition of personal information by an employee or agent of the person is not a breach or breach of the security of the system, provided the information is not used for a purpose unrelated to the business or subject to further unauthorized use.

(5) For purposes of this section, the term "personal information" means an individual's first name, first initial and last name, or any middle name and last name, in combination with any one or more of the following data elements when the data elements are not encrypted:

(a) Social security number.

(b) Driver's license number or Florida Identification Card number.

(c) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

The term does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or widely distributed media.

(6) For purposes of this section, notice may be provided by one of the following methods:

(a) Written notice;

(b) Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures in 15 U.S.C. s. 7001 or if the person or business providing the notice has a valid e-mail address for the subject person and the subject person has agreed to accept communications electronically; or

(c) Substitute notice, if the person demonstrates that the cost of providing notice would exceed $250,000, the affected class of subject persons to be notified exceeds 500,000, or the person does not have sufficient contact information. Substitute notice shall consist of all of the following:

1. Electronic mail or e-mail notice when the person has an electronic mail or e-mail address for the subject persons.

2. Conspicuous posting of the notice on the web page of the person, if the person maintains a web page.

3. Notification to major statewide media.

(7) For purposes of this section, the term "unauthorized person" means any person who does not have permission from, or a password issued by, the person who stores the computerized data to acquire such data, but does not include any individual to whom the personal information pertains.

(8) For purposes of this section, the term "person" means a person as defined in s. 1.01. For purposes of this section, the State of Florida, as well as any of its agencies or political subdivisions, and any of the agencies of its political subdivisions, is a person.

(9) Notwithstanding subsection (6), a person who maintains:

(a) The person's own notification procedures as part of an information security or privacy policy for the treatment of personal information, which procedures are otherwise consistent with the timing requirements of this part; or

(b) A notification procedure pursuant to the rules, regulations, procedures, or guidelines established by the person's primary or functional federal regulator,

shall be deemed to be in compliance with the notification requirements of this section if the person notifies subject persons in accordance with the person's policies or the rules, regulations, procedures, or guidelines established by the primary or functional federal regulator in the event of a breach of security of the system.

(10)(a) Notwithstanding subsection (2), disclosure is not required if, after an appropriate investigation or after consultation with relevant federal, state, and local agencies responsible for law enforcement, the person reasonably determines that the breach has not and will not likely result in harm to the individuals whose personal information has been acquired and accessed. Such a determination must be documented in writing and the documentation must be maintained for 5 years.

(b) Any person required to document a failure to notify affected persons who fails to document the failure as required in paragraph (a) or who, if documentation was created, fails to maintain the documentation as required in paragraph (a) is liable for an administrative fine of up to $50,000 for such failure.

(c) The administrative sanctions in paragraph (b) do not apply in the case of personal information in the custody of any governmental agency or subdivision, unless that governmental agency or subdivision has entered into a contract with a contractor or third-party administrator to provide governmental services. In such case the contractor or third-party administrator is the person to whom such sanctions apply and such contractor or third-party administrator found in violation of the documentation and maintenance of documentation requirements has no right to any contribution or set-off that may otherwise be available against the employing agency or subdivision.

(11) The Department of Legal Affairs may institute proceedings to assess and collect the fines authorized in this section.

(12) If a person discovers circumstances requiring notification pursuant to this section of more than 1,000 persons at a single time, the person shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in 15 U.S.C. s. 1681a(p), of the timing, distribution, and content of the notices.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3 through page 2, line 7, delete those lines and insert: creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to provide notice of breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; requiring notification of consumer reporting agencies of breaches of system security under certain circumstances; amending s.

Pursuant to Rule 4.19, **CS for SB 284** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, by two-thirds vote **HB 699** was withdrawn from the Committees on Regulated Industries; and Commerce and Consumer Services.

On motion by Senator Clary—

HB 699—A bill to be entitled An act relating to architecture, landscape architecture, and interior design; amending s. 481.219, F.S.; revising provisions on architectural and interior design services certifications to include applicability to limited liability companies; amending s. 481.221, F.S.; requiring the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seals for use by a registered architect or interior designer who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; amending s. 481.225, F.S.; revising grounds for disciplinary actions relating to the practice of architecture; amending s. 481.2251, F.S.; revising grounds for disciplinary proceedings relating to the practice of interior design; amending s. 481.229, F.S.; revising an exemption relating to interior design services and titles to include applicability to certain limited liability companies; amending s. 481.321, F.S.; requiring the Board of Landscape Architecture to prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; reenacting s. 481.325(1)(a) and (3), F.S., relating to disciplinary proceedings against registered landscape architects, to incorporate the amendment to s. 481.321, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 1608** and read the second time by title.

Pursuant to Rule 4.19, **HB 699** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for SB 2550—A bill to be entitled An act relating to assistive technology devices and services; creating s. 1003.575, F.S.; requiring interagency agreements to ensure that assistive technology devices be retained for use by a person with disabilities as he or she makes certain transitions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2550** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1356** was deferred.

On motion by Senator Geller—

CS for SB 48—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; revising legislative intent with respect to the use of an automated external defibrillator; defining an automated external defibrillator as a lifesaving defibrillation device; defining a related term; providing that it is a first-degree misdemeanor for a person to commit certain acts involving the misuse of an automated external defibrillator; authorizing a local government to adopt an ordinance to license, permit, or inspect automated external defibrillators; providing for enforcement of such local ordinances; requiring the Department of Health to implement an educational campaign to inform the public about the lack of immunity from liability regarding the use of automated external defibrillator devices under certain conditions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 48** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 1344—A bill to be entitled An act relating to motor vehicles; amending s. 261.03, F.S.; redefining the term "off-highway vehicle" to include a two-rider ATV; adding a definition; amending s. 316.003, F.S.; defining the term "traffic signal preemption system"; amending s. 316.0775, F.S.; providing that the unauthorized use of a traffic signal preemption device is a moving violation; amending s. 316.122, F.S.; providing for the right-of-way for certain passing vehicles; creating s. 316.1576, F.S.; providing clearance specifications for a railroad-highway grade crossing; providing a penalty; creating s. 316.1577, F.S.; providing that an employer is responsible under certain circumstances for violations pertaining to railroad-highway grade crossings; providing a penalty; amending s. 316.183, F.S.; increasing the minimum speed limit on interstate highways under certain circumstances; amending s. 316.1932, F.S.; revising the requirements for printing the notice of consent for sobriety testing on a driver's license; amending s. 316.1936, F.S., relating to possession of open containers of alcohol; removing an exemption provided for passengers of a vehicle operated by a driver holding a Class D driver's license; amending s. 316.194, F.S.; authorizing traffic accident investigation officers to remove vehicles under certain circumstances; amending s. 316.1967, F.S.; providing that an owner of a leased vehicle is not responsible for a parking ticket violation in certain circumstances; amending s. 316.2074, F.S.; redefining the term "all-terrain vehicle" to include a two-rider ATV; amending s. 316.302, F.S.; updating a reference to the Code of Federal Regulations relating to commercial motor vehicles; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; amending s. 316.613, F.S.; eliminating authorization for the Department of Highway Safety and Motor Vehicles to expend certain funds for promotional purposes; creating s. 316.6131, F.S.; authorizing the department to expend certain funds for public information and education campaigns; amending s. 316.650, F.S.; providing exceptions to a prohibition against using citations as evidence in a trial; amending s. 317.0003, F.S.; defining the term "off-highway vehicle" to include a two-rider ATV; providing a definition; amending ss. 317.0004, 317.0005, and 317.0006, F.S.; conforming references; amending s. 317.0007, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue a validation sticker as an additional proof of title for an off-highway vehicle; providing for the replacement of lost or destroyed off-highway vehicle validation stickers; providing for disposition of fees; repealing s. 317.0008(2), F.S., relating to the expedited issuance of duplicate certificates of title for off-highway vehicles; amending ss. 317.0010, 317.0012, and 317.0013, F.S.; conforming references; creating s. 317.0014, F.S.; establishing procedures for the issuance of a certificate of title for an off-highway vehicle; providing duties of the Department of Highway Safety and Motor Vehicles; providing for a notice of lien and lien satisfaction; creating s. 317.0015, F.S.; providing for the applicability of certain provisions of law to the titling of off-highway vehicles; creating s. 317.0016, F.S.; providing for the expedited issuance of titles for off-highway vehicles; creating s. 317.0017, F.S.; prohibiting specified actions relating to the issuance of titles for off-highway vehicles; providing a penalty; creating s. 317.0018, F.S.; prohibiting the transfer of an off-highway vehicle without delivery of a certificate of title; prescribing other violations; providing a penalty; amending s. 318.14, F.S.; authorizing the department to modify certain actions to suspend or revoke a driver's license following notice of final disposition; providing citation procedures and proceedings for persons who do not hold a commercial driver's license; amending s. 319.23, F.S.; requiring a licensed motor vehicle dealer to notify the Department of Highway Safety and Motor Vehicles of a motor vehicle or mobile home taken as a trade-in; requiring the department to update its title record; amending s. 319.27, F.S.; correcting an obsolete cross-reference; amending s. 320.06, F.S.; providing for a credit or refund when a registrant is required to replace a license plate under certain circumstances; amending s. 320.0601, F.S.; requiring that a registration or renewal of a long-term leased motor vehicle be in the name of the lessee; amending s. 320.0605, F.S.; exempting a vehicle registered as a fleet vehicle from the requirement that the certificate of registration be carried in the vehicle at all times; amending s. 320.0843, F.S.; requiring that an applicant's eligibility for a disabled parking plate be noted on the certificate; amending s. 320.131, F.S.; authorizing the department to provide for an electronic system for motor vehicle dealers to use in issuing temporary license plates; providing a penalty; amending s. 320.18, F.S.; authorizing the department to cancel the vehicle or vessel registration, driver's license, or identification card of a person who pays certain fees or penalties with a dishonored check; amending s. 320.27, F.S.; requiring dealer principals to provide certification of completing continuing education under certain circumstances; requiring motor vehicle dealers to maintain records for a specified period; providing certain penalties; amending s. 322.01, F.S.; redefining the terms "commercial motor vehicle" and "out-of-service order"; providing the definition of conviction applicable to offenses committed in a commercial motor vehicle; amending s. 322.05, F.S.; removing requirements for a Class D driver's license; amending s. 322.051, F.S.; revising provisions relating to the application for an identification card; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.07, F.S.; removing requirements for a Class D driver's license; amending s. 322.08, F.S.; providing that a United States passport is an acceptable proof of identity for purposes of obtaining a driver's license; providing that a naturalization certificate issued by the United States Department of Homeland Security is an acceptable proof of identity for such purpose; providing that specified documents issued by the United States Department of Homeland Security are acceptable as proof of nonimmigrant classification; amending s. 322.09, F.S.; requiring the signature of a secondary guardian on a driver's license application for a minor under certain circumstances; amending s. 322.11, F.S.; providing for notice to a minor before canceling the minor's license due to the death of the person who cosigned the initial application; amending s. 322.12, F.S.; removing requirements for a Class D driver's license; amending s. 322.135, F.S.; revising requirements for the tax collector in directing a licensee for examination or reexamination; requiring county officers to pay certain funds to the State Treasury by electronic funds transfer within a specified period; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver's license may not be waived under ch. 761, F.S.; amending s. 322.161, F.S.; removing requirements for a Class D driver's license; amending s. 322.17, F.S., relating to duplicate and replacement certificates; conforming a cross-reference; amending s. 322.18, F.S.; revising the expiration period for driver's licenses issued to specified per-

sons; conforming cross-references; amending s. 322.19, F.S., relating to change of address or name; conforming cross-references; amending s. 322.21, F.S.; removing requirements for a Class D driver's license; requiring the department to set a fee for a hazardous-materials endorsement; providing that the fee may not exceed $100; amending s. 322.212, F.S.; providing an additional penalty for giving false information when applying for a commercial driver's license; amending s. 322.22, F.S.; authorizing the department to cancel any identification card, vehicle or vessel registration, or fuel-use decal of a licensee who pays certain fees or penalties with a dishonored check; amending s. 322.251, F.S.; removing requirements for a Class D driver's license; amending s. 322.2615, F.S.; revising provisions related to administrative suspension of driver's licenses; amending s. 322.27, F.S.; providing 4 points to be assessed against a person's driver's license for a violation of s. 316.0775(2), F.S.; amending s. 322.30, F.S.; removing the requirements for a Class D driver's license; amending s. 322.53, F.S.; removing requirements for a Class D driver's license; removing a requirement that certain operators of a commercial motor vehicle obtain a specified license; amending s. 322.54, F.S.; revising the classification requirements for certain driver's licenses; deleting requirements for a Class D driver's license; amending s. 322.57, F.S.; providing testing requirements for school bus drivers; amending s. 322.58, F.S.; deleting requirements for a Class D driver's license and changing those requirements to a Class E driver's license; amending and reenacting s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; removing requirements for a Class D driver's license; amending s. 322.63, F.S.; clarifying provisions governing alcohol and drug testing for commercial motor vehicle operators; amending s. 322.64, F.S., and reenacting s. 322.64(14), F.S., relating to citation procedures and proceedings, to incorporate the amendment to s. 322.61, F.S., in a reference thereto; providing for a temporary permit issued following certain DUI offenses to apply only to the operation of noncommercial vehicles; amending s. 713.78, F.S.; revising provisions relating to the placement of a wrecker operator's lien against a motor vehicle; amending s. 843.16, F.S.; prohibiting the transportation of radio equipment that receives signals on frequencies used by this state's law enforcement officers or fire rescue personnel; redefining the term "emergency vehicle" to include any motor vehicle designated as such by the fire chief of a county or municipality; providing an enhanced penalty; providing an effective date.

—was read the second time by title.

Senator Sebesta moved the following amendment which was adopted:

Amendment 1 (203744)(with title amendment)—On page 59, lines 10-13, delete those lines and insert:

Section 50. Subsections (1) and (4) of section 322.135, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

322.135 Driver's license agents.—

(1) The department may, upon application, authorize any or all of the tax collectors in the several counties of the state, subject to the requirements of law, in accordance with rules of the department, to serve as its agent for the provision of specified driver's license services.

(a) These services shall be limited to the issuance of driver's licenses and identification cards as authorized by this chapter.

(b) Each tax collector who is authorized by the department to provide driver's license services shall bear all costs associated with providing those services.

(c) A fee of $5.25 is to be charged, in addition to the fees set forth in this chapter, for any driver's license issued or renewed by a tax collector. ~~One dollar of the $5.25 fee must be deposited into the Highway Safety Operating Trust Fund.~~

And the title is amended as follows:

On page 6, line 4, after the semicolon (;) insert: deleting a requirement that a portion of certain fees collected by a tax collector be deposited in the Highway Safety Operating Trust Fund;

Pursuant to Rule 4.19, **CS for SB 1344** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

CS for CS for SB 126—A bill to be entitled An act relating to education; amending s. 1003.455, F.S.; requiring each school district to submit a copy of its wellness policy to the Department of Education; requiring the department to post each policy on its website; encouraging each school district to review its level of participation and evaluate the success of its wellness programs; encouraging school districts to solicit public input regarding their policies on nutritional offerings and wellness plans; requiring the department to evaluate the extent to which certain standards in the arts are being taught in each school district; providing requirements for the evaluation; requiring results of such evaluation to be reported to the Governor and the Legislature; requiring certain public high schools to have a defibrillator on the school grounds; encouraging public and private partnerships to cover the costs associated with the defibrillator; encouraging school boards to review research with regard to how physical movement can enhance learning in academic subjects; requiring certain content to be included in staff development of physical education and arts instructors; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 126** to **HB 879**.

Pending further consideration of **CS for CS for SB 126** as amended, on motion by Senator Margolis, by two-thirds vote **HB 879** was withdrawn from the Committees on Education; and Education Appropriations.

On motion by Senator Margolis, the rules were waived and—

HB 879—A bill to be entitled An act relating to public school educational instruction; requiring the Department of Education to evaluate the extent to which the Sunshine State Standards in the arts are being taught; requiring a report to the Governor and the Legislature; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 126** as amended and read the second time by title.

Senators Constantine and Margolis offered the following amendment which was moved by Senator Constantine and adopted:

Amendment 1 (172566)(with title amendment)—Between lines 18 and 19, insert:

Section 2. Subsections (4), (5), and (6) are added to section 1003.455, Florida Statutes, to read:

1003.455 Physical education; assessment.—

(4) By September 1, 2006, each school district shall submit to the Department of Education a copy of the wellness policy required by the Child Nutrition and WIC Reauthorization Act of 2004. The department shall post the policies on the department website so that they may be reviewed and shared.

(5) By January 1, 2006, each school district is encouraged to review the level of participation and evaluate the success of the wellness programs throughout the district in each school setting.

(6) School districts are encouraged to regularly solicit public input regarding their policies on school nutritional offerings and wellness plans so that the policies meet the intent and spirit of the law, applicable rules, and Sunshine State Standards and reflect the local community's expectations and needs.

Section 3. *Each public high school that has athletic facilities or participates in interscholastic sports shall have an operational defibrillator on the high school grounds. Public and private partnerships are encouraged to cover the cost associated with purchase, placement, and training on the use of the defibrillator.*

Section 4. *Staff Development.—School boards are encouraged to review the research and best practices regarding how planned physical movement can foster enhanced learning in academic subjects. Staff development for physical education instructors and arts instructors must include content related to an integrated curriculum, particularly in the*

areas of reading, mathematics, arts, fitness-based instruction, and the connection between movement and learning.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 6, after the semicolon (;) insert: amending s. 1003.455, F.S.; requiring each school district to submit a copy of its wellness policy to the Department of Education; requiring the department to post each policy on its website; encouraging each school district to review its level of participation and evaluate the success of its wellness programs; encouraging school districts to solicit public input regarding their policies on nutritional offerings and wellness plans; requiring certain public high schools to have a defibrillator on the school grounds; encouraging public and private partnerships to cover the costs associated with the defibrillator; encouraging school boards to review research with regard to how physical movement can enhance learning in academic subjects; requiring certain content to be included in staff development of physical education and arts instructors;

Pursuant to Rule 4.19, **HB 879** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

SB 642—A bill to be entitled An act relating to traffic regulations; amending s. 316.1303, F.S.; requiring vehicle operators to stop and yield to mobility-impaired pedestrians who are assisted by guide dogs or other service animals; providing a penalty; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 642** to **HB 925**.

Pending further consideration of **SB 642** as amended, on motion by Senator Rich, by two-thirds vote **HB 925** was withdrawn from the Committees on Transportation; and Community Affairs.

On motion by Senator Rich—

HB 925—A bill to be entitled An act relating to traffic regulations; amending s. 316.1303, F.S.; requiring vehicle operators to stop and yield to mobility-impaired pedestrians who are assisted by guide dogs or other service animals; providing a penalty; providing an effective date.

—a companion measure, was substituted for **SB 642** as amended and read the second time by title.

MOTION

On motion by Senator Rich, the rules were waived to allow the following amendment to be considered:

Senator Rich moved the following amendment which was adopted:

Amendment 1 (854906)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 316.1303, Florida Statutes, is amended to read:

316.1303 Traffic regulations to assist mobility-impaired persons.—Whenever a pedestrian is in the process of crossing a public street or highway and the pedestrian is mobility-impaired (using a *guide dog or service animal designated as such with a visible means of identification, a* walker, a crutch, an orthopedic cane, or a wheelchair), the driver of every vehicle approaching the intersection, as defined in s. 316.003(17), shall bring his or her vehicle to a full stop before arriving at such intersection and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian. A person who is convicted of a violation of this section shall be punished as provided in s. 318.18(3).

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to traffic regulations; amending s. 316.1303, F.S.; requiring vehicle operators to stop and yield to mobility-impaired pedestrians who are assisted by guide dogs or other service animals; providing a penalty; providing an effective date.

Pursuant to Rule 4.19, **HB 925** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for CS for SB 652—A bill to be entitled An act relating to public construction bonds; amending s. 255.05, F.S.; revising requirements for the form used for public construction bonds; requiring payment provisions of public construction bonds to be construed as statutory bonds; requiring payment bond forms to reference notice and time limitation provisions; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Sebesta, the rules were waived to allow the following amendment to be considered:

Senator Bennett offered the following amendment which was moved by Senator Sebesta and adopted:

Amendment 1 (084420)(with title amendment)—On page 3, between lines 12 and 13, insert:

Section 2. Subsection (9) is added to section 624.155, Florida Statutes, to read:

624.155 Civil remedy.—

(9) A surety issuing a payment or performance bond on the construction or maintenance of a building or roadway project is not an insurer for purposes of subsection (1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: amending s. 624.155, F.S.; providing that a surety issuing a payment or performance bond on certain projects is not an insurer for the purpose of specified civil remedies;

Pursuant to Rule 4.19, **CS for CS for SB 652** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 634** was deferred.

On motion by Senator Geller—

CS for CS for SB 1348—A bill to be entitled An act relating to indoor smoking places; amending s. 386.203, F.S.; conforming a cross-reference; defining the term "person" for purposes of the act; redefining the term "stand-alone bar" to include a licensed premises that derives no more than a specified amount of gross revenue from the sale of food consumed on the licensed premises and that is located in a building individually listed in the National Register of Historic Places; requiring that an application for historic designation be submitted within a specified period of time; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending s. 386.2045, F.S.; conforming cross-references; permitting smoking upon a stage as part of a theatrical production; amending s. 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a

citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; providing a penalty for a licensee who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

Amendment 1 (350242)—On page 10, lines 10-13, delete those lines and insert: ~~386.203(11)~~. *However, an application to individually list the building in the National Register of Historic Places must have been submitted to the Department of State on or before October 1, 2005.*

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which was adopted:

Amendment 2 (854970)(with title amendment)—On page 5, line 15 through page 6, line 2, delete those lines and insert:

Section 3. Subsections (2) and (4) of section 386.2045, Florida Statutes, are amended to read:

386.2045 Enclosed indoor workplaces; specific exceptions.—Notwithstanding s. 386.204, tobacco smoking may be permitted in each of the following places:

(2) RETAIL TOBACCO SHOP.—An enclosed indoor workplace dedicated to or predominantly for the retail sale of tobacco, tobacco products, and accessories for such products, as defined in *s. 386.203(9)* ~~s. 386.203(8)~~.

(4) STAND-ALONE BAR.—A business that meets the definition of a stand-alone bar as defined in *s. 386.203(12)* ~~s. 386.203(11)~~ and that otherwise complies with all applicable provisions of the Beverage Law and this part.

And the title is amended as follows:

On page 1, lines 25-27, delete those lines and insert: conforming cross-references; amending s. 386.205, F.S.;

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which was adopted:

Amendment 3 (780230)—On page 4, line 5, after the semicolon (;) insert: *the licensed premises does not offer a children's menu or include in the menu items or food portion sizes that are identified as being specifically for children,*

Pursuant to Rule 4.19, **CS for CS for SB 1348** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for CS for SB 634—A bill to be entitled An act relating to alarm system contracting; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless the person who performs those acts has certain qualifications or is exempt under s. 489.503, F.S.; amending s. 489.537, F.S.; revising provisions authorizing a municipality or county to require that an electrical journeyman be present on certain nonresidential construction sites; providing for the reinstatement of certain licenses that have expired; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 634** to **HB 41**.

Pending further consideration of **CS for CS for SB 634** as amended, on motion by Senator Webster, by two-thirds vote **HB 41** was withdrawn from the Committees on Banking and Insurance; Criminal Justice; and Regulated Industries.

On motion by Senator Webster, the rules were waived and—

HB 41—A bill to be entitled An act relating to alarm system contracting; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless authorized by part II of ch. 489; providing exemptions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 634** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 41** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Argenziano, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, April 29.

On motion by Senator Argenziano, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, April 29.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Argenziano, by two-thirds vote **CS for SB 798** was withdrawn from the Committees on Justice Appropriations; Ways and Means; and Rules and Calendar; **CS for SB 2086** was withdrawn from the Committees on Transportation and Economic Development Appropriations; and Rules and Calendar; **SB 982** and **CS for SB 2538** were withdrawn from the Committee on Community Affairs; **CS for CS for SB 978** was withdrawn from the Committee on Criminal Justice; **SB 2640** was withdrawn from the Committee on Education; **CS for CS for SB 1002**, **CS for CS for SB 1316**, **CS for SB 1610**, **SB 1612**, **CS for SB 2322** and **CS for CS for SB 2426** were withdrawn from the Committee on General Government Appropriations; **CS for CS for SB 886** was withdrawn from the Committee on Government Efficiency Appropriations; **CS for SB 1516** and **CS for SB 1862** were withdrawn from the Committee on Health and Human Services Appropriations; **CS for SB 2156** and **CS for CS for SB 2502** were withdrawn from the Committee on Judiciary; **CS for SB 1414** was withdrawn from the Committee on Justice Appropriations; **SB 1252** was withdrawn from the Committee on Regulated Industries; **CS for SB 974**, **CS for SB 1628** and **CS for SB 1922** were withdrawn from the Committee on Rules and Calendar; and **SB 1998** was withdrawn from the Committee on Ways and Means.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 28, 2005: CS for CS for SB 774, CS for SB 284, CS for SB 1608, CS for CS for SB 2550, SB 1356, CS for SB 48, CS for SB 1344, CS for CS for SB 126, SB 642, CS for CS for SB 652, CS for CS for SB 634, CS for CS for SB 1348

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Education recommends committee substitutes for the following: SB 1260, SB 2138

The bills with committee substitutes attached were referred to the Committee on Commerce and Consumer Services under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 876

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 2372

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 184, SB 1044

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 1724, SB 2134

The bills with committee substitutes attached were referred to the Committee on Education Appropriations under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: CS for CS for SB 858, SB 1664, SB 1780

The bills with committee substitutes attached were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 1944 and SB 2008, SB 2624

The bills with committee substitutes attached were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 188

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 1850

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1726

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1802

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Justice Appropriations under the original reference.

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: CS for CS for SB 454

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Government Efficiency Appropriations recommends a committee substitute for the following: CS for SB 2434

The bill with committee substitute attached was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1568

The bill with committee substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Education Appropriations recommends committee substitutes for the following: CS for CS for SB 2, CS for SB 2236, CS for SB 2254, CS for SB 2264

The Committee on Ways and Means recommends a committee substitute for the following: CS for CS for SB 360

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on General Government Appropriations recommends a committee substitute for the following: CS for CS for SB 1520

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 1968

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 756, SB 988, SB 1030, SB 1688, SB 2002, SB 2050, CS for SB 2494, CS for SB 2498

The Committee on Justice Appropriations recommends committee substitutes for the following: SB 1702, CS for SB 2542

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: CS for SB 2176

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 778, CS for SB 1660

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 2766-2772—Not referenced.

By Senator Campbell—

SB 2774—A bill to be entitled An act relating to Broward County; creating the Broward County Council for Services for Seniors and Adults with Developmental Disabilities; creating an independent special district to provide funding for services for seniors and adults with developmental disabilities; requiring approval by a majority vote of electors to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the district; specifying criteria for membership to the governing board; providing terms of office; specifying the powers

and functions of the council; requiring the council to appoint a chair and vice chair and elect officers, to identify and assess the needs of seniors and adults with developmental disabilities, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual report to the Broward County Board of County Commissioners; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council by the Broward County Tax Collector and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report to the Broward County Board of County Commissioners; providing that the district may be amended or dissolved by a special act of the Legislature; authorizing the Broward County Board of County Commissioners to fund the budget of the council from its own funds after or during the council's first year of operation; requiring the district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by the council; prohibiting the council from requiring certain matching funds; requiring a referendum; providing a ballot statement; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Campbell—

SB 2776—A bill to be entitled An act relating to Broward County; providing for the extension of corporate limits of the City of Cooper City and the Town of Davie; providing for annexation of the unincorporated area known as "United Ranches"; providing for annexation of the area known as "Rio Ranches Neighborhood"; providing for an election; providing for an effective date of annexation; providing for interlocal agreement; providing for continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Fasano—

SB 2778—A bill to be entitled An act relating to Pasco County; providing that a resolution of the District School Board of Pasco County which provides for receipt of proceeds from the local government infrastructure surtax authorized under s. 212.055(2), F.S., may include a covenant to decrease capital local school property taxes or to discontinue the surtax in certain circumstances; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Education Appropriations; Government Efficiency Appropriations; Education; and Senators King and Bullard—

CS for CS for CS for SB 2—A bill to be entitled An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program; revising requirements for scholarship funding and payments; providing reporting requirements for school districts; holding a school district harmless from a specified student enrollment ceiling; prohibiting the transfer of funds to the Florida School for the Deaf and the Blind under certain circumstances; extending the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course or a private tutoring program under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; prohibiting discrimination on the basis of religion by a private school; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 943.0542, F.S.; requiring the Department of Education to verify the background screening information provided by the private school; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks to be borne by certain parties; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a private tutoring program or a correspondence or distance learning school; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; amending s. 220.187, F.S., relating to the Corporate Tax Credit Scholarship Program; providing a short title; providing definitions; eliminating the $5-million cap on contributions to any single eligible nonprofit scholarship-funding organization; prohibiting certain private schools and other entities from participating in the scholarship program; authorizing students whose family income level meets certain federal poverty level criteria to continue to participate in the scholarship program; prohibiting certain students from participating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations

on eligible contributions; requiring scholarship-funding organizations to obligate all of the contributions subject to certain conditions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of noncompliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring the Department of Education to verify the background screening information provided by the eligible nonprofit scholarship-funding organization; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; prohibiting certain eligible nonprofit scholarship-funding organizations the owners of which have filed for bankruptcy from participating in the program; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree or 3 years of teaching experience at a public or private school, and other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning the private school organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks be borne by certain parties; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; requiring a private school to administer or to make provision for administering certain tests to scholarship students; requiring reporting of scores to the student's parent and to the public university that was selected to analyze and report certain data; requiring a private school to cooperate with a scholarship student whose parent chooses to participate in certain assessments; requiring a private school to file an affidavit; requiring a private school to notify the Department of Education in writing within 7 days if a student is ineligible to participate in the scholarship program; requiring a private school to report to the Department of Education and distribute to scholarship applicants information concerning accreditation and years in existence; requiring the Department of Education to make certain information concerning private school accreditation available to the public; prohibiting a private school from participating in the scholarship program if the private school fails to meet its statutory obligations; prohibiting discrimination on the basis of religion by a private school; requiring the Department of Education to determine the eligibility of certain nonprofit scholarship-funding organizations within 90 days after application; requiring a written notice with specific reasons for approval or denial; requiring the Department of Education to annually determine the eligibility of nonprofit scholarship-funding organizations and private schools; requiring the Department of Education to make accessible to the public a list of eligible private schools; requiring the Department of Education to annually verify the eligibility of students; requiring the Department of Education to maintain a student database of program participants and to update the database at least quarterly; requiring the Department of Education to notify a nonprofit scholarship-funding organization of any ineligible student; requiring the Department of Education to annually account for and verify the eligibility of program expenditures; requiring the Department of Education to review audits; providing for selection by the Commissioner of Education of a public university to analyze and report on certain student data; requiring the public university to report student performance data; providing limitations on reporting; requiring the Department of Education to revoke the eligibility of program participants for failure to comply with statutory obligations; requiring the Department of Education to conduct investigations of certain complaints; requiring the Department of Education to annually report on accountability activities; requiring the department to verify information; requiring the State Board of Education to adopt rules regarding documentation to establish eligibility of nonprofit scholarship-funding organizations, requiring an affidavit, and requiring independent income verification for determining the eligibility of students; authorizing the State Board of Education to delegate its authority to the Commissioner of Education with the exception of rulemaking authority; providing that a secular private school may continue its participation in the scholarship program even if the act is found to violate the State Constitution; providing an effective date.

By the Committees on Judiciary; Children and Families; and Senators Lynn and Wilson—

CS for CS for SB 184—A bill to be entitled An act relating to drug court programs; amending s. 39.001, F.S.; providing additional legislative purposes and intent with respect to the treatment of substance abuse, including the use of the drug court program model; authorizing the court to require certain persons to undergo treatment following adjudication; providing that the court is not precluded from ordering drug testing; amending s. 39.407, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment upon a showing of good cause in connection with a shelter petition or petition for dependency; amending ss. 39.507 and 39.521, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment as part of an adjudicatory order or under a disposition hearing; requiring a showing of good cause; authorizing the court to require participation in a treatment-based drug court program; authorizing the court to impose sanctions for noncompliance; amending s. 39.701, F.S.; authorizing the court to extend the time for completing a case plan during judicial review, based upon participation in a treatment-based drug court program; amending s. 397.334, F.S.; revising legislative intent with respect to treatment-based drug court programs to reflect participation by community support agencies, the Department of Education, and other individuals; including postadjudicatory programs as part of treatment-based drug court programs; providing requirements and sanctions, including clinical placement or incarceration, for the coordinated strategy developed by the drug court team to encourage participant compliance; requiring each judicial circuit to establish a position for

a coordinator of the treatment-based drug court program, subject to annual appropriation by the Legislature; authorizing the chief judge of each judicial circuit to appoint an advisory committee for the treatment-based drug court program; providing for membership of the committee; revising provisions with respect to an annual report; amending s. 910.035, F.S.; revising provisions with respect to conditions for the transfer of a case in the drug court treatment program to a county other than that in which the charge arose; amending ss. 948.08, 948.16, and 985.306, F.S., relating to felony, misdemeanor, and delinquency pretrial substance abuse education and treatment intervention programs; providing requirements and sanctions, including clinical placement or incarceration, for the coordinated strategy developed by the drug court team to encourage participant compliance and removing provisions authorizing the appointment of an advisory committee, to conform to changes made by the act; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 188—A bill to be entitled An act relating to the offense of sexual battery on a minor; amending s. 95.11, F.S.; providing for the time period for commencing a civil action based upon an act that constitutes sexual battery upon a minor to be tolled under certain circumstances; limiting the application of the tolling; amending s. 775.15, F.S.; providing that the time period for commencing a prosecution for sexual battery upon a minor does not run during certain specified time periods; providing an effective date.

By the Committees on Ways and Means; Transportation; Community Affairs; and Senator Bennett—

CS for CS for CS for SB 360—A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing for sanctions; requiring incorporation of selected water supply projects in the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; encouraging local governments to include a community vision and an urban service boundary as a component of their comprehensive plans; prescribing taxing authority of local governments doing so; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that the Department of Transportation be consulted regarding certain level-of-service standards; revising criteria and providing guidelines for transportation concurrency exception areas; requiring a local government to consider the transportation level-of-service standards of adjacent jurisdictions for certain roads; providing a process to monitor de minimis impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established on less than a districtwide basis within 5 years; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing requirements for such proportionate fair-share mitigation; requiring the adoption of a transportation concurrency management system by ordinances; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for small scale plan amendment review under certain circumstances; providing an exemption; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 212.055, F.S.; revising permissible rates for charter county transit system surtax; revising methods for approving such a surtax; providing for a noncharter county to levy this surtax under certain circumstances; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising methods for approving a local government infrastructure surtax; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising a ceiling on rates of small county surtaxes; revising methods for approving a school capital outlay surtax; amending s. 206.41, F.S.; providing for annual adjustment of the ninth-cent fuel tax and local option fuel tax; amending s. 336.021, F.S.; revising methods for approving such a fuel tax; limiting authority of a county to impose the ninth-cent fuel tax without adopting a community vision; amending s. 336.025, F.S.; limiting authority of a county to impose the local option fuel tax without adopting a community vision; revising methods for approving such a fuel tax; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; creating s. 339.2819, F.S.; creating the Transportation Regional Incentive Program within the Department of Transportation; providing matching funds for projects meeting certain criteria; amending s. 337.107, F.S.; allowing the inclusion of right-of-way services in certain design-build contracts; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services as part of design-build contracts under certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; allowing design and construction phases to be combined for certain projects; deleting an exception; amending s. 380.06, F.S.; providing exceptions; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; amending s. 206.46, F.S.; increasing the threshold for maximum debt service for transfers in the State Transportation Trust Fund; amending s. 339.08, F.S.; providing for expenditure of moneys in the State Transportation Trust Fund; amending s. 339.155, F.S.; providing for the development of regional transportation plans in Regional Transportation Areas; amending s. 339.175, F.S.; making conforming changes to provisions of the act; amending s. 339.55, F.S.; providing for loans for certain projects from the state-funded infrastructure bank within the Department of Transportation; amending s. 1013.64, F.S.; providing for the expenditure of funds in the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.65, F.S.; providing funding for the Classrooms for Kids Program; amending s. 201.15, F.S.; providing for the expenditure of certain funds in the Land Acquisition Trust Fund; providing for appropriations for the 2005-2006 fiscal year on a nonrecurring basis for certain purposes; providing effective dates.

By the Committees on Transportation and Economic Development Appropriations; Governmental Oversight and Productivity; Transportation; and Senators Sebesta and Lynn—

CS for CS for CS for SB 454—A bill to be entitled An act relating to highway safety; amending s. 61.13016, F.S.; directing the department to issue a driver's license restricted for business purposes only under certain circumstances relating to failure to pay child support; amending s. 316.006, F.S.; providing for interlocal agreements between municipalities and counties transferring traffic regulatory authority; amending s. 316.083, F.S.; requiring an appropriate signal when overtaking and passing a vehicle; amending s. 316.155, F.S.; specifying that signals are required when moving right or left or overtaking or passing a vehicle;

amending s. 316.2095, F.S.; revising physical requirements for operating motorcycles under certain circumstances; amending s. 316.212, F.S.; granting local jurisdictions the authority to enact ordinances governing the use of golf carts which are more restrictive than state law; amending s. 316.2126, F.S.; requiring that the use of golf carts upon any state, county, or municipal road within a local jurisdiction be in compliance with local ordinances governing the use of golf carts; amending s. 316.302, F.S.; providing a penalty for operating a commercial motor vehicle bearing a false or other illegal identification number; amending s. 316.3045, F.S.; revising criteria related to the operation of radios or other sound-making devices in motor vehicles; amending s. 318.1215, F.S.; clarifying that funds from the Dori Slosberg Driver Education Safety Act be used for driver education programs in schools; requiring that funds be used for enhancement of a driver education program; providing a requirement for behind-the-wheel training; amending s. 318.14, F.S.; providing penalties for certain traffic infractions requiring a mandatory hearing; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties by county courts; amending s. 319.30, F.S.; revising provisions relating to the applicability of certificate of destruction requirements for certain damaged vehicles; amending s. 320.02, F.S.; authorizing the withholding of motor vehicle registrations or re-registrations in certain situations; requiring motor vehicle dealers to maintain certain information; allowing owners and co-owners to dispute a dealer's claims of money owed; amending s. 320.27, F.S.; providing for motor vehicle dealer license discipline for the failure to maintain evidence of notification to the owner or co-owner of a vehicle regarding registration and titling fees owed; revising authorized uses of revenues from the United We Stand specialty license plate; amending s. 320.08058, F.S.; redesignating the Florida Special Olympics license plate as the Special Olympics Florida license plate and revising design requirements for such specialty license plate; revising requirements for agencies that receive funds from the Choose Life license plate; revising authorized uses of revenues from the Animal Friend specialty license plate; amending s. 320.089, F.S.; allowing retired members of the U.S. Armed Forces Reserve to be issued U.S. Reserve license plates; amending s. 320.77, F.S.; providing that mobile home dealers may provide a cash bond or letter of credit in lieu of a required surety bond; amending s. 322.08, F.S.; revising the use of funds collected from a voluntary contribution associated with driver's license renewals to be used for the purposes designated by the Hearing Research Institute, Inc.; amending s. 322.2615, F.S.; providing that the disposition of a related criminal proceeding may not affect a suspension of a driver's license for refusal to submit to blood, breath, or urine testing; directing the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level if the suspended person is found not guilty at trial of the underlying violation of law; creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature; amending s. 322.27, F.S.; correcting a cross-reference relating to points assigned for littering violations; amending s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; providing an exception to the requirement that a commercial driver's license be in possession of the commercial driver; removing requirements for a Class D driver's license; amending s. 321.24, F.S.; providing that certain medical professionals who volunteer for Florida Highway Patrol service are considered employees of the state for sovereign immunity purposes; creating s. 549.102, F.S.; authorizing temporary overnight parking during a motorsports event at a motorsports entertainment complex; exempting such parking from regulations relating to recreational vehicle parks; providing for application of health agency requirements; providing effective dates.

By the Committees on Judiciary; Community Affairs; and Senator Margolis—

CS for CS for SB 756—A bill to be entitled An act relating to the exercise of eminent domain by municipalities; providing legislative intent; authorizing specified municipalities to exercise the power of eminent domain for public school purposes; providing for future expiration; providing an effective date.

By the Committees on Ways and Means; Governmental Oversight and Productivity; and Senators Lawson, Argenziano, Campbell and Rich—

CS for CS for SB 778—A bill to be entitled An act relating to per diem and travel expenses; amending s. 112.061, F.S.; establishing per diem, subsistence, and mileage rates for travel expenses of public employees; conforming provisions and deleting obsolete provisions; providing legislative intent; requiring state agencies to submit certain information; providing an appropriation; requiring the Governor to recommend a budget amendment to distribute the appropriation; providing an effective date.

By the Committees on Judiciary; Environmental Preservation; Agriculture; and Senator Smith—

CS for CS for CS for SB 858—A bill to be entitled An act relating to agriculture; amending s. 193.451, F.S.; clarifying the value for purpose of assessment for ad valorem taxes of certain property leased by the Department of Agriculture and Consumer Services; providing intent for retroactive application; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a part title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; redefining the term "material safety data sheet" for purposes of the Florida Agricultural Worker Safety Act; creating s. 487.2042, F.S.; providing for investigation of complaints; providing criteria for the commencement of an investigation; providing for exemption from civil liability under certain circumstances; providing penalties for making a false complaint; amending s. 502.014, F.S.; deleting a duty of the department relating to issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting a reference to a milk type no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of the term "frozen desserts"; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; amending s. 570.07, F.S.; clarifying the power of the Department of Agriculture and Consumer Services; providing an additional power of the Department of Agriculture and Consumer Services; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; amending s. 570.9135, F.S.; correcting a cross-reference; amending s. 570.952, F.S.; amending the membership of the Florida Agriculture Center and Horse Park Authority; providing criteria for expiration of terms; deleting a requirement to submit information to the Legislature; amending s. 581.011, F.S.; defining the term "invasive plant"; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agriculture in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring removal and destruction of plants under certain circumstances; specifying circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing a requirement for an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for department regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing severability; providing an effective date.

By the Committee on Education; and Senators Baker, Fasano, Diaz de la Portilla, Garcia, Posey, Sebesta, Villalobos, Peaden, Haridopolos, Clary, Wise, Webster, Dockery, Bennett, Alexander and Atwater—

CS for SB 876—A bill to be entitled An act relating to educational choice programs; creating s. 1002.395, F.S.; establishing the K-12 GI Bill Program to provide educational options for dependents of an active-duty member of the Florida National Guard who is serving in Operation Enduring Freedom or Operation Iraqi Freedom; providing that a student may attend a public school in the school district other than the one to which assigned; providing that a student may receive a K-12 GI Bill to attend a public school in an adjacent school district or to attend a private school; providing K-12 GI Bill eligibility requirements; providing school district obligations; providing private school eligibility requirements; providing obligations of families choosing the private school option; providing for the amount, funding, and payment of a K-12 GI Bill; exempting the state from liability; authorizing the State Board of Education to adopt rules; providing eligibility restrictions; providing obligations of the Department of Education; providing authority and obligations of the Commissioner of Education, including the denial, suspension, or revocation of a private school's participation in the program and procedures and timelines therefor; authorizing the waiver of deadlines; requiring background screening of individuals having direct student contact; amending s. 1002.20, F.S., relating to student and parent rights to educational choice, to conform; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 988—A bill to be entitled An act relating to evidence; repealing s. 90.602, F.S., relating to testimony of interested persons regarding oral communication with a deceased or mentally incompetent person; amending s. 90.804, F.S.; providing a hearsay exception in specified actions or proceedings for a statement made by a declarant who is unavailable due to death, illness, or infirmity regarding the same subject matter as a statement made by the declarant that was previously offered by an adverse party and admitted; providing an effective date.

By the Committee on Judiciary; and Senator Campbell—

CS for SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

By the Committee on Judiciary; and Senator Crist—

CS for SB 1044—A bill to be entitled An act relating to juvenile proceedings; amending s. 985.228, F.S.; providing the time period by which a juvenile shall be brought for an adjudicatory hearing; repealing Florida Rule of Juvenile Procedure 8.090 to the extent it is inconsistent with the act; providing an effective date; providing a contingent effective date.

By the Committee on Education; and Senators Wise and Dockery—

CS for SB 1260—A bill to be entitled An act relating to education; creating part VI of ch. 1011, F.S.; establishing the SUCCEED, Florida - Crucial Professionals Program; providing for the appropriation of funds to the Department of Education to be distributed on a competitive basis to postsecondary educational institutions to offer programs that meet critical workforce needs; providing for an annual request for proposals and requirements of such proposals; requiring the establishment annually by the Legislature of a priority list for funding and selection by the State Board of Education; providing requirements for grant recipients and renewal grants; amending s. 1007.2615, F.S.; establishing a deadline by which American Sign Language teachers must be certified; repealing s. 446.609, F.S., relating to the Jobs for Florida's Graduates Act; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; providing an effective date.

By the Committees on General Government Appropriations; Judiciary; Commerce and Consumer Services; and Senator Lynn—

CS for CS for CS for SB 1520—A bill to be entitled An act relating to consumer protection; amending s. 493.6303, F.S.; revising training requirements for obtaining a Class "D" license; requiring a minimum number of hours of training in terrorism awareness or other training prescribed by the Department of Agriculture and Consumer Services; providing a timeframe for submitting proof of having completed the training; revising the number of training hours required; amending s. 501.059, F.S.; prohibiting the transmission of facsimile documents under certain circumstances; amending s. 501.142, F.S.; providing that the regulation of refunds in retail sales establishments is preempted by the Department of Agriculture and Consumer Services; authorizing the department to adopt rules; authorizing the department to enter orders for certain violations; requiring that any moneys recovered by the department as a penalty be deposited in the General Inspection Trust Fund; authorizing a local government to impose penalties; amending s. 506.5131, F.S.; revising fees, fines, and costs assessed against the owner of a shopping cart; repealing s. 526.3135, F.S., relating to reports of the Division of Standards of the Department of Agriculture and Consumer Services; repealing ss. 546.001, 546.002, 546.003, 546.004, 546.006, and 546.008, F.S., relating to the "Amusement Ride and Attraction Insurance Act"; amending s. 559.801, F.S.; redefining the term "business opportunity" for purposes of the "Sale of Business Opportunities Act"; amending s. 559.920, F.S.; redefining actions by motor vehicle repair shops or employees which are unlawful; amending s. 559.927, F.S.; defining the term "travel club" for the purpose of part XI of ch. 559, F.S., relating to sellers of travel; amending s. 559.928, F.S.; revising information to be submitted for registration as a seller of travel and information submitted by independent agents; requiring the payment of an annual fee; amending s. 616.242, F.S.; exempting certain governmental entities from a requirement to maintain liability protection covering amusement rides; amending s. 849.094, F.S.; redefining the term "operator" for purposes of the regulation of game promotions; providing requirements relating to disclosure of the rules and regulations of a game promotion; directing the State Technology Office to integrate additional features into the state's official Internet website; directing the State Technology Office to integrate information concerning the Florida 211 Network into the state's official Internet website; amending s. 570.544, F.S.; designating the Division of Consumer Services within the Department of Agriculture and Consumer Services as the state clearinghouse for matters relating to consumer protection, consumer information, and consumer services; deleting reporting requirements; providing for implementation; providing effective dates.

By the Committee on Governmental Oversight and Productivity; and Senators Aronberg and Wilson—

CS for SB 1568—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S.; redefining the term "compensation" to include certain supplementary payments made to firefighters, paramedics, and emergency medical technicians and to certain employer-reported retirement contributions; providing legislative intent; providing an effective date.

By the Committees on Ways and Means; Banking and Insurance; and Senators Fasano, Lawson and Baker—

CS for CS for SB 1660—A bill to be entitled An act relating to health insurance; amending s. 408.05, F.S.; changing the due date for a report from the Agency for Health Care Administration regarding the State Center for Health Statistics; amending s. 408.909, F.S.; providing an additional criterion for the Office of Insurance Regulation to disapprove or withdraw approval of health flex plans; amending s. 627.413, F.S.; authorizing insurers and health maintenance organizations to offer policies or contracts providing for a high-deductible plan meeting federal

requirements and in conjunction with a health savings account; amending s. 627.6487, F.S.; revising the definition of the term "eligible individual" for purposes of obtaining coverage in the Florida Health Insurance Plan; amending s. 627.64872, F.S.; revising definitions; changing references to the Director of the Office of Insurance Regulation to the Commissioner of Insurance Regulation; deleting obsolete language; providing additional eligibility criteria; reducing premium rate limitations; revising requirements for sources of additional revenue; authorizing the board to cancel policies under inadequate funding conditions; providing a limitation; specifying a maximum provider reimbursement rate; requiring licensed providers to accept assignment of plan benefits and consider certain payments as payments in full; amending s. 627.65626, F.S.; providing insurance rebates for healthy lifestyles; amending s. 627.6692, F.S.; extending a time period within which eligible employees may apply for continuation of coverage; amending s. 627.6699, F.S.; revising standards for determining applicability of the Employee Health Care Access Act; prescribing acts that may be performed by an employer without being considered contributing to premiums or facilitating administration of a policy; authorizing certain carriers to offer coverage to certain employees without being subject to the act under certain circumstances; requiring a carrier who offers such coverage to provide notice to the primary insured prior to cancellation for nonpayment of premium; revising an availability of coverage provision of the Employee Health Care Access Act; including high-deductible plans meeting federal health savings account plan requirements; revising membership of the board of the small employer health reinsurance program; revising certain reporting dates relating to program losses and assessments; requiring the board to advise executive and legislative entities on health insurance issues; providing requirements; amending s. 641.27, F.S.; increasing the interval at which the office examines health maintenance organizations; deleting authorization for the office to accept an audit report from a certified public accountant in lieu of conducting its own examination; increasing an expense limitation; amending s. 641.31, F.S.; providing for an insurance rebate for members in a health wellness program; providing for the rebate to cease under certain conditions; creating a high-deductible health insurance plan study group; specifying membership; requiring the study group to investigate certain issues relating to high-deductible health insurance plans; requiring the group to meet and submit recommendations to the Governor and Legislature; repealing s. 627.6402, F.S., relating to authorized insurance rebates for healthy lifestyles; providing application; providing appropriations; providing an effective date.

By the Committee on Judiciary; and Senator Peaden—

CS for SB 1664—A bill to be entitled An act relating to contaminated drycleaning facilities; amending s. 376.3078, F.S.; providing that a drycleaning facility where an accident caused or exacerbated contamination is eligible for an exemption from liability; defining the term "accident"; providing an effective date.

By the Committee on Judiciary; and Senator Atwater—

CS for SB 1688—A bill to be entitled An act relating to trusts and other agency relationships; amending s. 711.501, F.S.; including additional investment instruments within the definition of the term "security account"; amending s. 737.402, F.S.; revising the powers conferred upon a trustee; amending s. 737.403, F.S.; specifying circumstances in which court authorization is not required for a trustee to exercise his or her power when a conflict of interest exists; amending s. 738.104, F.S.; revising the circumstances in which a trustee is prohibited from making an adjustment when such adjustment would benefit the trustee; clarifying the application of law pertaining to the trustee's power to adjust; amending s. 738.1041, F.S.; providing definitions governing certain trust conversions; revising method of determining fair market value; specifying consequences when a court determines that a fiduciary has not acted in good faith; providing for creating an express total return unitrust; amending s. 738.303, F.S.; defining the term "undistributed income" for purposes of a trust that is administered as a unitrust; amending s. 738.401, F.S.; providing guidelines for allocation of certain moneys received from targeted entities and investment entities; defining terms; creating s. 737.309, F.S.; providing procedures for the resignation of a trustee; providing that such resignation does not discharge or affect any liability of the resigning trustee; providing for notice of resignation; providing an effective date.

By the Committee on Justice Appropriations; and Senators Bennett and Bullard—

CS for SB 1702—A bill to be entitled An act relating to teen courts; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing for administration by the clerk of the circuit court; authorizing the clerk of the court to retain a specified percentage of the assessments collected as income to the clerk of the court; requiring the teen court to account for all funds deposited into the teen court account; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to operate and administer a teen court program; prohibiting teen courts in counties adopting an ordinance from recovering court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; providing an effective date.

By the Committee on Education; and Senators Wilson, Rich, Miller and Bullard—

CS for SB 1724—A bill to be entitled An act relating to discounted computers and Internet access for students; creating a program to offer discounted computers and Internet access to public school students in grades 5 through 12; authorizing the Department of Education to negotiate terms with computer manufacturers or nonprofit corporations; requiring the department to negotiate terms with broadband Internet access providers; requiring the department to adopt rules, including rules for provision of technical training to students; requiring the Digital Divide Council to implement a pilot project to assist low-income students with purchasing discounted computers and Internet access services; requiring the council to identify eligibility criteria for participation in the pilot project; providing for funding and authorizing the council to accept grants to implement the pilot project; providing an effective date.

By the Committee on Governmental Oversight and Productivity; and Senators Wilson, Siplin, Hill, Miller, Bullard, Lawson and Dawson—

CS for SB 1726—A bill to be entitled An act relating to the social status of black men and boys; creating the Council on the Social Status of Black Men and Boys; providing for the appointment and qualification of members; providing for the appointment of members to fill vacant positions; providing for terms of office; requiring the council to make a systematic study of conditions affecting black men and boys; requiring the Office of the Attorney General to provide administrative support; requiring the council to submit an annual report to the Governor and Legislature; providing for reimbursement for per diem and travel expenses; requiring the Attorney General to organize the initial meeting of the council; providing for the expiration of the council; providing an appropriation; providing an effective date.

By the Committee on Judiciary; and Senator Smith—

CS for SB 1780—A bill to be entitled An act relating to dealers in agricultural products; amending s. 604.15, F.S.; revising definitions; expanding the list of products covered by the law; defining the terms "negotiating broker" and "producer's agent"; amending s. 604.16, F.S.; revising exceptions to provisions regulating dealers; amending s. 604.18, F.S., relating to applications for dealer licensure; requiring dealers to provide mailing and location address information; requiring dealers to provide certain information relating to the dollar amount of business done or to be done; amending s. 604.19, F.S.; providing requirements relating to cancellation of a bond or certificate of deposit; increasing license fees and delinquent renewal penalties; amending s. 604.20, F.S.; providing a calculation for the amount of a bond or certificate of deposit;

adding requirements relating to bond or certificate of deposit assignment or agreement; authorizing the Department of Agriculture and Consumer Services to issue a conditional license under certain conditions; amending s. 604.21, F.S.; increasing the minimum claim amount and requiring a complaint filing fee; providing requirements for submission of a complaint and payment for multiple claims; authorizing a dealer in agricultural products to file a complaint against another dealer in agricultural products; limiting the time a complaint may be held in abeyance; authorizing review of a final order; clarifying distribution of bond or certificate of deposit proceeds; amending s. 604.22, F.S.; revising recordkeeping requirements of licensees; clarifying application of provisions; amending ss. 604.23 and 604.25, F.S.; clarifying application of provisions; amending s. 604.30, F.S.; clarifying that a violator of provisions regulating dealers in agricultural products may be a person, partnership, corporation, or other business entity; increasing the maximum administrative fine and the fine for continued violation of an administrative order; providing an appropriation and authorizing additional positions; providing an effective date.

By the Committees on Judiciary; Criminal Justice; and Senator Campbell—

CS for CS for SB 1802—A bill to be entitled An act relating to capital collateral representation; amending s. 27.709, F.S.; authorizing the Commission on Capital Cases to sponsor certain continuing legal education classes; amending s. 27.710, F.S.; revising provisions relating to continuing legal education requirements for attorneys on the registry of attorneys applying to represent persons in postconviction capital collateral proceedings; providing for minimum qualification of attorneys on the registry; providing for notification to the court when appointed attorneys fail to submit specified reports; requiring an appointed attorney who does not wish to continue representation at the federal level to make reasonable efforts to assist the client in finding replacement counsel; amending s. 27.711, F.S.; providing for payment of attorneys after a final hearing, rather than after a final order; providing for additional payments to attorneys; increasing the maximum number of inmates which may be represented by a capital collateral attorney under limited circumstances; providing an effective date.

By the Committees on Community Affairs; Transportation; and Senator Peaden—

CS for CS for SB 1850—A bill to be entitled An act relating to outdoor advertising; amending s. 479.106, F.S.; prohibiting the planting of trees or other vegetation that screens a sign from view; providing the criteria for a view zone; providing penalties for violation; amending s. 479.25, F.S.; authorizing the owner of a sign to increase the height of the sign under certain circumstances; deleting a requirement that certain signs be approved by the Federal Highway Administration; requiring that a reconstructed sign be in compliance with the Florida Building Code; requiring the department and local governmental entity to issue permits for reconstruction, notwithstanding rules or ordinances to the contrary; providing an effective date.

By the Committees on Judiciary; Ethics and Elections; and Senators Posey and Sebesta—

CS for CS for SB's 1944 and 2008—A bill to be entitled An act relating to ethics for public officers and employees; amending s. 104.31, F.S.; prohibiting employees of the state and its political subdivisions from participating in a political campaign during certain time periods; amending s. 112.313, F.S.; prohibiting certain disclosures by a former public officer, agency employee, or local government attorney; redefining the term "employee" to include certain other-personal-services employees for certain postemployment activities; providing an exemption from provisions prohibiting conflicts in employment to a person who, after serving on an advisory board, files a statement with the Commission on Ethics relating to a bid or submission; amending s. 112.3144, F.S.; specifying how assets valued in excess of $1,000 are to be reported by a reporting individual; amending s. 112.3145, F.S.; requiring that a delinquency notice be sent to certain officeholders by certified mail, return receipt requested; revising certain filing deadlines; amending s. 112.3147, F.S.; deleting certain provisions relating to reporting the value of assets; amending s. 112.3148, F.S.; providing requirements for persons who have left office or employment as to filing a report relating to gifts; amending s. 112.3149, F.S.; requiring that a report of honoraria by a person who left office or employment be filed by a specified date; amending s. 112.317, F.S.; authorizing the commission to recommend a restitution penalty be paid to the agency or the General Revenue Fund; authorizing the Attorney General to recover costs for filing suit to collect penalties and fines; deleting provisions imposing a penalty for the disclosure of information concerning a complaint or an investigation; amending 112.3185, F.S.; providing additional standards for state agency employees relating to procurement of goods and services by a state agency; authorizing an employee whose position was eliminated to engage in certain contractual activities; prohibiting former employees from certain specified activities; amending s. 112.3215, F.S.; requiring the commission to adopt a rule detailing the grounds for waiving a fine and the procedures when a lobbyist fails to timely file his or her report; requiring automatic suspension of a lobbyist's registration if the fine is not timely paid; amending s. 112.322, F.S.; authorizing travel and per diem expenses for certain witnesses; amending s. 112.324, F.S.; providing procedures for the commission to handle complaints of violations; amending s. 914.21, F.S.; redefining the terms "official investigation" and "official proceeding," for purposes of provisions relating to tampering with witnesses, to include an investigation by the Commission on Ethics; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Education; and Senator Lawson—

CS for CS for SB 1968—A bill to be entitled An act relating to building designations; designating the Kleist Health Education Center and the Herbert J. and Margaret S. Sugden Hall at the Florida Gulf Coast University; designating the James and Annie Ying Academic Center and the Anthony and Sonja Nicholson Field House at the University of Central Florida; designating the Sybil C. Mobley Business Building, the Margaret W. Lewis/Jacqueline B. Beck Allied Health Building, the Walter L. Smith Architecture Building, and the Carrie Meek/James N. Eaton, Sr. Southeast Regional Black Archives Research Center and Museum at the Florida Agricultural and Mechanical University; designating the Powell Family Structures and Materials Laboratory, the Farrior Hall, and the Steinbrenner Band Hall at the University of Florida; designating the James E. "Jim" and Linda King, Jr. Student Union Building at the University of North Florida; designating the John M. McKay Visitors Pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Center for Cultural Arts; designating Reubin O'D. Askew Student Life Center, the Sherrill Williams Ragans Hall, the John Thrasher Building, the Mike Martin Field at Dick Houser Stadium, and the JoAnne Graf Softball Field at Florida State University; designating the Herbert F. Morgan Building at the Florida Agricultural and Mechanical University-Florida State University College of Engineering; authorizing the universities to erect markers; designating the Norman C. Hayslip Biological Control Research and Containment Laboratory at the University of Florida/IFAS in Ft. Pierce; designating the H. William Heller Hall at the University of South Florida St. Petersburg; designating the John S. Curran, M.D., Children's Health Center at the University of South Florida; directing the university to erect suitable markers; designating the Patricia and Phillip Frost Art Museum at the Florida International University, University Park Campus Miami; directing the university to erect markers; providing effective dates.

By the Committee on Judiciary; and Senators Posey and Clary—

CS for SB 2002—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; providing that a law enforcement agency is not liable for injury, death, or property damage effected or caused by a person fleeing a law enforcement officer under certain circumstances; providing for severability; providing for application; providing an effective date.

By the Committee on Judiciary; and Senator Aronberg—

CS for SB 2050—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.005, F.S.; defining the term "photogrammetrist"; amending s. 472.007, F.S.; conforming provisions to the definition of photogrammetrist; amending s. 472.013, F.S.; revising requirements to be entitled to take the licensure examination to practice in this state as a surveyor and mapper; amending s. 472.015, F.S.; authorizing certain photogrammetrists to qualify for a license by endorsement; amending s. 472.021, F.S.; revising liability of partnerships and other business entities rendering professional surveying and mapping services; providing an effective date.

By the Committee on Education; and Senator Wise—

CS for SB 2134—A bill to be entitled An act relating to school bus safety; creating the Diana Kautz Student Safety Sponsors Act; creating s. 1006.273, F.S.; providing for district school boards to adopt policies for private sponsorship of described seat belt assemblies on school buses; providing for a sponsorship fee; providing for use of moneys collected; providing for signage on the exterior of the school bus acknowledging sponsorship; providing for design and size of the signage by local school board policy; limiting liability of sponsors; amending s. 1006.25, F.S.; requiring sponsor signs to be covered when school buses are transporting passengers who are not school students; revising requirement that students use crash protection system on school bus; amending s. 1006.261, F.S.; requiring sponsor signs to be covered when school buses are used for nonschool purposes; providing an effective date.

By the Committee on Education; and Senator Baker—

CS for SB 2138—A bill to be entitled An act relating to career education; creating s. 1003.416, F.S.; providing for the Department of Education to review the Sunshine State Standards for high school; providing purposes; requiring the Commissioner of Education to make recommendations to the State Board of Education; providing for rulemaking; providing duties of the department relating to teacher preparation for the purpose of ensuring instructional relevance; defining the term "career and professional academy"; describing the curriculum and providing criteria for implementation and student participation; amending ss. 1006.02 and 1006.025, F.S.; requiring each public school's guidance report to document that students have used certain career planning tools; requiring the department to conduct and complete an articulation audit for postsecondary vocational education by a specified deadline; providing requirements for the audit; requiring the Department of Education to determine if courses or programs in career education of the career and professional academies should be weighted; requiring recommendations to the Governor and the Legislature; requiring the Council for Education Policy Research and Improvement to study how career and professional academies are implemented; requiring that a report and recommendations be submitted to the Governor and the Legislature; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Governmental Oversight and Productivity; and Senators Posey and Baker—

CS for CS for SB 2176—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; correcting a cross-reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to furnish certain voter information to the Legislature; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules;

amending s. 101.62, F.S.; conforming a cross-reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change or residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.08, F.S.; providing for contribution limits to statewide candidates; amending s. 106.34, F.S.; revising the method of calculating a candidate's expenditures if such candidate is requesting contributions from the Election Campaign Financing Trust Fund; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; providing the method of qualifying for nomination or election to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; amending s. 106.33, F.S.; increasing certain campaign contribution limits; providing effective dates.

By the Committees on Education Appropriations; Education; and Senators Constantine and Campbell—

CS for CS for SB 2236—A bill to be entitled An act relating to tuition rates at state colleges and universities; amending s. 1009.24, F.S.; providing that the Legislature has the responsibility to establish tuition and fees; providing that tuition and fees for certain state university resident students are established within the General Appropriations Act or law; requiring each board of trustees to set university tuition and fees under certain circumstances; providing that such tuition and fees may not exceed tuition and fees for corresponding programs at certain public institutions; requiring each university to allocate a certain percentage amount raised by tuition increases to financial aid for students; providing that tuition and fees for certain students are not subject to a cap; creating s. 1009.286, F.S.; requiring students to pay 75 percent of the actual cost per credit hour for credit hours in excess of a specified number for community-college credits and for overall credits applied to a baccalaureate degree; excluding certain credit hours from calculation as hours required to earn a baccalaureate degree; providing for notification of students by a postsecondary institution; providing applicability; providing an effective date.

By the Committees on Education Appropriations; Education; and Senators King, Pruitt, Diaz de la Portilla and Bullard—

CS for CS for SB 2254—A bill to be entitled An act relating to community colleges; amending s. 1001.64, F.S.; providing that community colleges that grant baccalaureate degrees pursuant to s. 1007.33, F.S., remain under the authority of the State Board of Education with respect to specified responsibilities; providing that, subject to specified conditions, the board of trustees of such a community college is the governing board for purposes of granting baccalaureate degrees; providing powers of the boards of trustees, including the power to establish tuition and out-of-state fees; providing restrictions; requiring such boards to adopt a policy requiring teachers who teach certain upper-division courses to teach a specified minimum number of hours; amending s. 1004.65, F.S.; requiring community colleges that offer baccalaureate degrees to maintain their primary purpose and not terminate associate in arts programs because they offer baccalaureate degrees; amending s. 1007.33, F.S.; removing a requirement for review and comment by the Council for Education Policy Research and Improvement of a proposal to deliver baccalaureate degree programs; providing for the State Board of Education to adopt rules with respect to the articulation of specified associate degrees with specified bachelor's degrees; providing requirements for such rules; requiring that a formal agreement for the delivery of specified baccalaureate degree programs by a regionally accredited college or university at a community college site include certain provisions; requiring that the curriculum for the degree be developed and approved within a specified time; requiring that the degree program be implemented within a specified time; requiring that a proposal to deliver such a degree document that the community college has notified the accredited colleges and universities in the district of its intent to seek approval for delivery of the degree; allowing the colleges and universities to propose an alternative plan for providing the degree; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting tuition and out-of-state fees for upper-division courses; requiring the State Board of Education, annually by a specified date, to adopt a resident fee schedule for baccalaureate degree programs offered by community colleges; amending s. 1011.83, F.S.; providing requirements for funding nonrecurring and recurring costs associated with such programs; limiting per-student funding to a specified percentage of costs associated with baccalaureate degree programs offered in state universities; requiring community colleges to maintain a distinction in reporting and funding between baccalaureate degree programs approved under s. 1007.33, F.S., and those offered under concurrent-use partnerships; amending s. 1013.60, F.S.; allowing community college boards of trustees to request funding for all authorized programs; requiring that enrollment in baccalaureate degree programs be computed into the survey of need for facilities; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; providing an effective date.

By the Committees on Education Appropriations; Education; and Senator Atwater—

CS for CS for SB 2264—A bill to be entitled An act relating to the payment of instructional costs for students; amending s. 1009.21, F.S.; defining the term "initial enrollment" for purposes of determining a postsecondary student's residential status for tuition purposes; providing duties of institutions of higher education; providing conditions under which a nonresident may be reclassified as a resident of this state; requiring that specified evidence of the legal residence and dependent status of an individual be provided as a prerequisite to classification as a resident for tuition purposes; amending s. 1009.24, F.S.; providing that the Legislature has the responsibility to establish tuition and fees; providing that tuition and fees for certain state university resident students are established within the General Appropriations Act or law; requiring each board of trustees to set university tuition and fees under certain circumstances; providing that such tuition and fees may not exceed tuition and fees for corresponding programs at certain public institutions; requiring each university to allocate a certain percentage amount raised by tuition increases to financial aid for students; providing that tuition and fees for certain students are not subject to a cap; amending s. 1009.40, F.S.; providing that certain students are ineligible to receive more than one state-funded tuition assistance grant; providing an effective date.

By the Committee on Health Care; and Senator Peaden—

CS for SB 2372—A bill to be entitled An act relating to clinical perfusionists; creating ss. 458.3476 and 459.025, F.S.; providing definitions; requiring a supervising physician to be qualified in the medical area in which the clinical perfusionist performs; prescribing duties of a clinical perfusionist; requiring a clinical perfusionist to convey that he or she is a clinical perfusionist to a patient; authorizing a clinical perfusionist to perform medical tasks and services within a certain protocol; prohibiting a clinical perfusionist from prescribing, ordering, compounding, or dispensing certain drugs or a medical device; providing that a clinical perfusionist may administer certain drugs, fluids, and blood products under the supervision of a physician; exempting a trainee from

requirements of a clinical perfusionist; requiring board approval of training programs for clinical perfusionists; providing licensure requirements; providing provisional licensing requirements; providing for a temporary license as a clinical perfusionist; authorizing the Board of Medicine and the Board of Osteopathic Medicine to impose a penalty against a clinical perfusionist found guilty of or investigated for violating ch. 456, ch. 458, or ch. 459, F.S.; authorizing the chair of each board to appoint certain persons to advise the board regarding rules for the licensure of clinical perfusionists; providing duties of each board; providing a penalty for any person who falsely holds himself or herself out as a clinical perfusionist; providing for the denial, suspension, or revocation of a license; requiring each board to adopt rules; requiring the Department of Health to allocate fees collected to each board; providing exemptions from clinical perfusionist licensure requirements; excluding hospitals from payment of certain costs; amending s. 456.048, F.S.; specifying financial responsibility requirements for clinical perfusionists; providing an effective date.

By the Committees on Government Efficiency Appropriations; Transportation; and Senator Sebesta—

CS for CS for SB 2434—A bill to be entitled An act relating to driver responsibility; creating s. 322.75, F.S.; creating the "Florida Driver Responsibility Law"; creating s. 322.7513, F.S.; directing the department to assess specified annual surcharges against motor vehicle licensees who have a final conviction within the previous 36 months for driving without required insurance or security; creating s. 322.7515, F.S.; directing the department to assess specified annual surcharges against motor vehicle licensees who have a final conviction within the previous 36 months for a DUI offense; creating s. 322.7525, F.S.; requiring the department to notify licensees of the surcharges and the time period in which to pay the surcharges; providing for suspension of license for failure to pay; creating s. 322.753, F.S.; requiring the department to accept installment payments for the surcharges; providing sanctions for a licensee's failure to pay an installment; authorizing the department to permit licensees to pay assessed surcharges with credit cards; requiring the department to suspend a driver's license if the licensee does not pay the surcharge or arrange for installment payments within a specified time after the notice of surcharge is sent; creating s. 322.7535, F.S.; authorizing the department to contract with a public or private vendor to collect specified annual surcharges; creating s. 322.754, F.S.; providing for distribution of surcharges collected by the department; providing an effective date.

By the Committees on Judiciary; Banking and Insurance; and Senator Clary—

CS for CS for SB 2494—A bill to be entitled An act relating to the disposition of unclaimed property; amending s. 717.101, F.S.; providing definitions; amending s. 717.106, F.S., relating to funds in financial organizations; providing for documented telephone contact in certain cases; amending s. 717.1101, F.S.; revising the time in which stock, equity interest, and certain debt of a business association is presumed unclaimed; revising the time period in which such property ceases to be unclaimed; providing the time period in which certain other equity of a business association is presumed unclaimed; amending s. 717.117, F.S., relating to reports of unclaimed property; amending time and notice requirements; providing an additional exception to the reporting of unclaimed property; amending s. 717.118, F.S., relating to notification of apparent owners; providing threshold value for notifications; amending s. 717.119, F.S., relating to payment or delivery of unclaimed property; providing for disposition of funds; amending s. 717.122, F.S., relating to public sale of unclaimed property; providing for disposition; amending s. 717.124, F.S., relating to unclaimed property claims; providing for identification; amending s. 717.12404, F.S., relating to claims on behalf of a business entity or trust; providing for reference to corporate records on the Internet; creating s. 717.12405, F.S.; providing definitions; amending s. 717.1241, F.S., relating to conflicting claims; amending s. 717.1242, F.S., relating to jurisdiction of probate court and department; amending s. 717.1243, F.S., relating to small-estate accounts; providing for live testimony; creating s. 717.1245, F.S.; providing for costs and fees in cases seeking garnishment of certain unclaimed property; repealing s. 717.1311(3), F.S., which provides for reporting requirements and payments in cases where records are not maintained; amending s. 717.1315, F.S., relating to records retention; amending s. 717.132, F.S., relating to enforcement; amending s. 717.1322, F.S., relating to administrative and civil enforcement; providing for registration; providing times for revocation and suspension of registration; creating s. 717.1323, F.S.; prohibiting entry of false information; amending s. 717.1331, F.S., relating to actions against holders; providing for enforcement of subpoena; amending s. 717.1333, F.S., relating to evidence and reports; providing for estimation of amount due in certain cases; amending s. 717.135, F.S., relating to powers of attorney and agreements; specifying certain disclosure requirements and forms; amending s. 717.1351, F.S., relating to purchase agreements; specifying form; creating s. 717.1381, F.S.; declaring state policy to protect interests of owners of unclaimed property; providing that certain powers of attorney and purchase agreements are void; providing for retroactive application; amending s. 717.1400, F.S., relating to registration; providing for maintenance of licensing and other requirements as a condition of registration; providing an effective date.

By the Committees on Judiciary; Banking and Insurance; and Senator Campbell—

CS for CS for SB 2498—A bill to be entitled An act relating to warranty associations; amending s. 634.271, F.S.; providing an exemption from penalty provisions for certain service warranties; providing actual damages and costs for violations for which such statutory penalties do not apply; providing retroactive applicability; amending s. 634.401, F.S.; redefining the term "service warranty"; providing an effective date.

By the Committees on Justice Appropriations; Judiciary; and Senators Smith and Fasano—

CS for CS for SB 2542—A bill to be entitled An act relating to the state judicial system; amending s. 27.40, F.S., relating to circuit registries for court-appointed counsel; requiring that an attorney enter into a contract to be included on the registry; limiting the appointment of attorneys from the same law firm; prohibiting the sharing of duties among attorneys except under certain circumstances; requiring data on the race, sex, and ethnicity of attorneys; requiring the Justice Administrative Commission to approve uniform procedures and forms for use in billing for an attorney's fees, costs, and related expenses; requiring that a withdrawal order be filed with the commission; providing that withdrawal from a case creates a rebuttable presumption of nonentitlement to the entire flat fee; amending s. 27.42, F.S.; requiring that the circuit Article V indigent services committee establish the compensation rates for court-appointed counsel or in cases of indigency; providing a limitation on the rates; requiring each committee to establish a schedule of allowances for due-process expenses; authorizing alternate models for providing criminal and civil due-process representation; requiring that the expenses for representing indigent persons be appropriated in a separate category within the Justice Administrative Commission rather than paid from funds appropriated for use by the public defenders; requiring the commission to track and report data on the race, sex, and ethnicity of private court-appointed counsel; amending s. 27.52, F.S., relating to the determination of indigent status; providing for application to the clerk of court for such a determination and appointment of a public defender; prescribing duties of the clerk and the public defender relating to an application; prescribing application requirements and review criteria; providing for review by the court of a clerk's determination; authorizing the court to determine a person indigent for costs and eligible for payment of due-process expenses; requiring certain parents or legal guardians to furnish legal services and costs; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for the provision of false information; amending s. 27.5304, F.S.; providing that court-appointed counsel use uniform contract, procedures, and forms in certain circumstances; authorizing the Justice Administrative Commission to pay attorney's fees without court approval under certain conditions; requiring the attorney to provide the commission with advance notice of a court hearing on payment of fees and costs; authorizing the commission to participate in such hearings telephonically; eliminating a requirement for the Article V Indigent Services Advisory Board to make recommendations on compensation of private court-appointed counsel; providing that private court-appointed counsel is entitled to compensation upon final disposition of the case; providing exceptions;

specifying intervals other than final disposition of a case at which private court-appointed counsel may request payment; clarifying a prohibition against allowing an attorney who is not on the registry to appear; limiting the reimbursement allowed for the preparation of invoices; amending s. 27.54, F.S.; requiring that the county or municipality pay certain costs for due-process services; prescribing assessment of fees to recover such costs; amending s. 28.24, F.S.; requiring that the clerk of the court provide copies to public guardians, attorneys ad litem, and court-appointed counsel paid by the state; requiring clerks of the court to participate in the Comprehensive Case Information System by a certain date; designating the custodian of official records; providing that official records are county property; amending s. 28.2402, F.S.; prohibiting the circuit court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions from the filing fee; amending s. 28.241, F.S.; providing for the clerk of the court to collect a service fee for appeals from circuit court; amending s. 28.245, F.S.; requiring that the clerks of the court remit collections to the Department of Revenue within a specified period; amending s. 28.246, F.S.; conforming a reference; revising provisions authorizing an individual to enter into a payment plan for the payment of fees, costs, or fines; providing for the court to review the payment plan; amending s. 28.345, F.S.; exempting certain court staff, public guardians, attorneys ad litem, and court-appointed counsel from the payment of fees and charges assessed by the clerk of the circuit court; amending s. 28.35, F.S.; requiring the Florida Clerks of Court Operations Committee to report on additional budget funding authority provided to a clerk; amending s. 28.36, F.S.; revising the date for the county clerk to submit a proposed budget; conforming a reference to the Florida Clerks of Court Operations Corporation; conforming a reference to the Chief Financial Officer; conforming a cross-reference; providing for identification of ineligible expenditures by the clerks of court; requiring the clerks to reimburse ineligible expenditures to the Clerks of Court Trust Fund; authorizing the corporation to approve additional annual funding for a clerk under prescribed conditions; amending s. 28.37, F.S.; expanding the types of excess funds that clerks of the court must remit to the Department of Revenue over the amount needed to meet approved budgets; creating s. 28.44, F.S.; providing a method by which the clerk of court may discontinue or substantially modify court-related functions; providing a definition; amending s. 29.004, F.S.; providing for state appropriations to be used for expert witnesses who are appointed by the court rather than requested by any party; amending s. 29.007, F.S.; providing for state funds to be used in providing mental health professionals in certain civil cases; clarifying the use of state funds at the trial or appellate level to pay certain costs on behalf of a litigant who is indigent; amending s. 29.008, F.S.; requiring that the county where the appellate district is located fund the appellate division of the public defender's office; expanding the definition of the term "facility" to include items necessary for court-reporting services; narrowing a limitation on the application of certain requirements to specified facilities; including hearing rooms within those facilities funded by the county as a court-related function; including audio equipment within county-funded communications services; creating s. 29.0081, F.S.; authorizing counties and judicial circuits to agree to the funding of personnel positions for the circuit; providing requirements for such agreements; providing for the effect and limitation of such agreements; amending s. 29.015, F.S.; authorizing the Justice Administrative Commission to transfer funds to address budget deficits relating to due-process services; requiring notice of the transfer; amending s. 29.018, F.S.; eliminating the authority for court-appointed counsel to contract to share in court and due-process costs; providing that the Justice Administrative Commission may contract for such cost-sharing on behalf of court-appointed counsel; creating s. 29.0185, F.S.; specifying conditions under which state-funded due-process services are provided; amending s. 34.045, F.S.; prohibiting the county court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions of local code violations from the filing fee; expanding conditions under which the county or municipality is the prevailing party; requiring an assessment for a filing fee; amending s. 34.191, F.S.; providing that for certain purposes, a municipality does not include certain unincorporated areas; clarifying a requirement that certain fines and forfeitures committed within an unincorporated area of a municipality be paid to the clerk of the county court; amending s. 39.0132, F.S.; authorizing the Justice Administrative Commission to inspect certain court dockets; amending s. 39.821, F.S.; requiring that the Guardian Ad Litem Program rather than the chief judge request the federal criminal records check for purposes of certifying guardians ad litem; amending s. 39.822, F.S.; directing agencies, persons, and other organizations to provide a guardian ad litem access to certain records related to the best interests of a child; amending s. 40.29, F.S.; clarifying procedures for the payments made by the state to the clerk of the court for the costs of witnesses; creating s. 40.355, F.S.; requiring the clerk of the court to report on, and refund to the state attorneys and public defenders, certain moneys collected for payment of jurors and due-process costs; amending s. 43.16, F.S.; providing that the Justice Administrative Commission is not subject to the Administrative Procedure Act; amending s. 43.26, F.S.; prescribing responsibilities of the chief judge and the clerk of court relating to the administration of justice and provision of court-related functions; amending s. 44.102, F.S.; revising conditions under which nonvolunteer court mediators may be compensated by the county or parties; amending s. 44.108, F.S.; clarifying the fees charged for scheduled mediation services provided by a circuit court's mediation program; requiring the clerk of the court to report to the chief judge the amount of such fees collected; amending s. 57.081, F.S.; adding a cross-reference to conform; creating s. 57.082, F.S., relating to the determination of civil indigent status; providing for application to the clerk of court for such a determination; prescribing duties of the clerk relating to an application; prescribing application requirements and review criteria; providing for an interim determination by the court and appointment of counsel; providing for review by the court of the clerk's determination; providing for enrollment in a payment plan by a person determined indigent; providing for the waiver of fees and costs under certain conditions; providing for reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for providing false information; amending s. 92.142, F.S.; deleting a provision that provides for payment of per diem and travel expenses for a witness in a criminal case at the discretion of the court; amending s. 92.231, F.S.; removing references to the Article V Indigent Services Advisory Board and the provision of recommendations on expert witness fees; amending s. 110.205, F.S.; providing that officers and employees of the Justice Administrative Commission and specified related organizations are not career service positions; amending s. 116.01, F.S.; providing procedures for the clerk of the court to remit funds to the Department of Revenue; amending s. 116.21, F.S.; providing for the disposition of unclaimed moneys collected in the course of court-related activities by the clerk of the court; requiring the clerk to pay certain publication costs; amending s. 119.07, F.S.; extending the time period during which certain social security numbers and other data included in court or official county records may be available for public inspection unless redaction is requested; extending the deadline by which court clerks and county recorders must keep such data confidential; amending s. 142.01, F.S.; clarifying those moneys to be included within the fine and forfeiture fund of the clerk of the circuit court; amending s. 213.13, F.S.; requiring that the funds remitted by the clerk to the state be transmitted electronically within a specified period; amending s. 219.07, F.S.; clarifying the distributions that the clerk is required to make as part of his or her court-related functions; amending s. 219.075, F.S.; exempting funds collected by the clerk from the requirements for the investment of surplus funds of a county; amending s. 318.121, F.S.; clarifying that certain court costs and surcharges are added to civil traffic penalties; amending s. 318.18, F.S.; requiring that the clerk of the court report the amount of certain surcharges collected to the chief judge, the Governor, and the Legislature; authorizing local governments to assess a surcharge on noncriminal offenses; amending s. 318.21, F.S.; providing for the disposition of traffic-infraction penalties for violations occurring in unincorporated areas of certain municipalities having a consolidated government; amending s. 318.31, F.S.; deleting provisions concerning the appointment of a civil traffic infraction hearing officer; amending s. 318.325, F.S.; deleting provisions specifying the funding of such hearing officer; amending s. 322.29, F.S.; increasing the fees charged for reinstating a driver's license; amending s. 372.72, F.S.; requiring that the proceeds from unclaimed bonds be deposited into the clerk's fine and forfeiture fund; amending s. 903.26, F.S.; revising the procedure for determining the amount of the costs incurred in returning a defendant to the county of jurisdiction; amending s. 903.28, F.S.; revising certain notice requirements following the surrender or apprehension of a defendant for purposes of remission of a forfeiture; authorizing the clerk of the circuit court to enter into certain contracts for purposes of representation in an action for the remission of a forfeiture; providing that the clerk is the real party in interest for all appeals arising from such an action; amending s. 916.115, F.S.; providing requirements for the payment of experts; specifying those fees which are paid by the state, the office of the public defender, the office of the state attorney, or the Justice Administrative Commission; amending s. 916.12, F.S.; revising the procedures under which the court may take action following a finding that the defendant is incompetent to proceed; amending s. 916.301, F.S.; requiring the court

to pay for certain court-appointed retardation and autism experts; amending s. 939.185, F.S.; authorizing certain local governments to assess a surcharge on criminal offenses; amending s. 938.29, F.S.; providing for a judgment lien for the payment of certain attorney's fees to be filed without cost; amending s. 939.06, F.S.; clarifying that an acquitted defendant is not liable for certain fees; providing a procedure for such a defendant to request a refund from the Justice Administrative Commission of costs or fees paid; amending s. 985.05, F.S.; authorizing the Justice Administrative Commission to have access to certain court records; amending s. 985.201, F.S.; revising the manner in which a court may retain jurisdiction over a child and the child's parent when the court has ordered restitution for certain delinquent acts; requiring entry of a restitution order; creating s. 92.152, F.S.; requiring that the party calling a witness in traffic court bear the costs; requiring that the office of the state attorney pay such costs if the witness is required to testify on behalf of the prosecution; directing the trial court administrator to recover expenditures for state-funded services if those services were furnished to a user possessing the ability to pay; providing that the rate may not exceed the cost of the service and recovery; revising the maximum annual budget amount for the Clerk of Court for the Eleventh Judicial Circuit; providing legislative intent for revisions to ss. 34.191 and 318.21, F.S.; repealing s. 29.005(4), F.S., relating to prosecution expenses for appointing mental health professionals; repealing s. 29.014, F.S., relating to the Article V Indigent Services Advisory Board; repealing s. 318.37, F.S., relating to funding for a Civil Traffic Infraction Hearing Officer Program; providing appropriations; providing effective dates.

By the Committee on Judiciary; and Senator Fasano—

CS for SB 2624—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 790.065, F.S.; requiring the department to review other records in addition to criminal history records to evaluate a potential buyer or transferee of a firearm, including an adjudication of mental defectiveness or a commitment to a mental institution as criteria that prohibit a person from purchasing a firearm; providing definitions; requiring the department to maintain an automated database of persons who are prohibited from purchasing a firearm; requiring each clerk of court to submit certain court records to the department within a certain period; requiring the department to delete certain records from the automated database upon the request of an individual meeting specified conditions; authorizing the department to disclose collected data to other federal or state agencies with regard to the sale or transfer of a firearm; authorizing the department to disclose certain information to the Department of Agriculture and Consumer Services for determining the eligibility of an applicant for a concealed weapons or concealed firearms license; requiring the clerk of court or mental hospital to provide additional information upon request following an appeal of an unapproved sale or transfer of a firearm; amending s. 914.25, F.S.; providing for recertification for protective services for an additional period, with reimbursement for expenses from the Victim and Witness Protection Review Committee; providing for unlimited protective services for a victim or witness without reimbursement; amending s. 937.021, F.S.; providing immunity to the department, other law enforcement agencies, and media representatives from civil liability for complying in good faith with a request to record or report information of an Amber Alert or Missing Child Alert; providing that a technical or clerical error or incorrect or incomplete information does not overcome the presumption of good faith in reporting information about an Amber Alert or Missing Child Alert; providing that it is a discretionary decision of the law enforcement agency or its employees to report, record, or display Amber Alert or Missing Child Alert information; amending s. 938.07, F.S.; requiring that a portion of certain court costs imposed for a conviction of driving or boating under the influence be deposited into the department's Operating Trust Fund instead of the Criminal Justice Standards and Training Trust Fund; amending s. 938.27, F.S.; requiring that investigative costs recovered on behalf of the department be deposited into the Forfeiture and Investigative Trust Fund of the department; amending s. 943.05, F.S.; authorizing the department to retain fingerprints in certain circumstances and use retained fingerprints for certain purposes; amending s. 943.052, F.S.; requiring that disposition reports for dispositions relating to minor offenders are mandatory after a specified date; amending s. 68.07, F.S.; requiring a set of fingerprints as part of a name change petition; amending s. 943.053, F.S.; requiring the department to make certain information available to judges; limiting use of information; authorizing a criminal justice agency to obtain a criminal history background check of a noncertified agency employee by submitting fingerprints to the department; requiring the department to adopt rules setting a fee for conducting the criminal history background search and establishing procedures; requiring that criminal history check be provided by the department in certain circumstances; amending s. 943.0585, F.S.; prohibiting a court from expunging a criminal history record containing certain sexual offenses or certain offenses that require registration as a sexual offender; requiring a valid certificate of eligibility for expunction in a petition to expunge a criminal history record; specifying the time during which a certificate of eligibility for expunction is valid; requiring that a trial must not have occurred in order for a person to obtain a statement from the state attorney authorizing the expunction of a criminal record; authorizing a person who has secured a prior sealing or expunction of a criminal history record to seek a certificate of eligibility for expunction if the criminal history record was previously sealed for a specified time and is otherwise eligible for expunction; providing that a person who is seeking authorization for employment or access to a seaport may not deny or fail to acknowledge an arrest covered by an expunged record; providing that the department may acknowledge an expunged criminal history record under certain circumstances; amending s. 943.059, F.S.; enumerating certain sexual offenses and offenses that require registration as a sexual offender which may not be sealed; requiring a valid certificate of eligibility for sealing in a petition to seal a criminal history record; specifying the period during which a certificate of eligibility for sealing is valid; providing that the information contained in a sealed criminal record is available to a criminal justice agency for the purpose of conducting a criminal history background check for approval of a firearms purchase or transfer; prohibiting a person from denying arrests covered by his or her sealed criminal record when attempting to purchase a firearm; providing that a person who is seeking authorization for employment or access to a seaport may not deny or fail to acknowledge an arrest covered by sealed record; providing that the department may acknowledge a sealed criminal history record under certain circumstances; amending s. 943.13, F.S.; requiring the department to enter the fingerprints of law enforcement or correctional officers into a statewide automated fingerprint identification system; requiring the department to search each arrest fingerprint card received against fingerprints retained in the statewide automated fingerprint identification system; providing for refingerprinting by a certain date; amending ss. 943.1715 and 943.1716, F.S.; deleting the minimum number of hours required for basic skills training and continued employment training relating to diverse populations for law enforcement officers; repealing s. 943.2569, F.S., relating to an annual financial audit of criminal justice selection centers; amending s. 943.257, F.S.; authorizing the Criminal Justice Standards and Training Commission and the advisory board of a criminal justice selection center to inspect and copy any documents from a center in order to carry out oversight responsibilities, including documents pertaining to any internal or independent audits; amending s. 943.401, F.S.; requiring the department to investigate all public assistance that is provided by the state; requiring public assistance recipients to consent in writing to an investigation into their employment and financial histories by the Agency for Workforce Innovation; requiring the department to report the results of the investigations to the Agency for Workforce Innovation; authorizing the department to purchase goodwill and promotional materials; limiting the annual amount of such expenditures; prohibiting the unauthorized use of the department's emblems and names; providing a penalty; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 307, HB 959; has passed as amended HB 193, HB 285, HB 395, HB 529, HB 691, HB 869, HB 1069, HB 1081, HB 1189, HB 1257, HB 1459, HB 1471, HB 1567, HB 1693, HB 1725; has passed by the required constitutional two-thirds vote of the members voting HB 1469; has passed by the required constitutional two-thirds vote of the membership HB 1867; has passed by the required constitutional three-fifths vote of the membership HB 747; has passed as amended by the required constitutional three-fifths vote of the membership HJR 1723, HJR 1727, HJR 1741 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Brown and others—

HB 307—A bill to be entitled An act relating to physical examinations; amending s. 493.6108, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of Class "G" permit applicants; amending s. 633.34, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of any person applying for employment as a firefighter; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Health Care.

By Representative Proctor and others—

HB 959—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; requiring motor vehicle registration and renewal forms to provide for a voluntary contribution to the Florida National Guard Foundation; providing an effective date.

—was referred to the Committees on Transportation; and Community Affairs.

By Representative Hasner and others—

HB 193—A bill to be entitled An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; creating a rule of construction; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; creating a rule of construction; amending s. 1001.64, F.S., to conform a cross reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

—was referred to the Committees on Education; Criminal Justice; and Justice Appropriations.

By Representative Hukill and others—

HB 285—A bill to be entitled An act relating to the right to a speedy trial; creating time limits within which a person charged with a crime must be brought to trial; permitting state attorneys to file a demand for a speedy trial; providing conditions that must be met in order to do so; requiring that the trial judge schedule a calendar call upon the filing of a demand for a speedy trial in order to schedule a trial; prescribing conditions under which the trial court may postpone a trial date; providing an effective date.

—was referred to the Committees on Judiciary; and Criminal Justice.

By Representative Kendrick and others—

HB 395—A bill to be entitled An act relating to recreational licenses and permits; amending s. 372.57, F.S.; providing for a military gold sportsman's license; providing for an annual fee; providing authorizations allowed under license; providing eligibility requirements; amending ss. 372.5712, 372.5715, and 372.573, F.S.; providing for uses of specified pro rata portions of revenue generated from the military gold sportsman's license; amending s. 372.661, F.S.; exempting patrons of licensed hunting preserves from the license and permit requirements of the military gold sportsman's license while hunting on the licensed preserve property; providing an effective date.

—was referred to the Committees on Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

By Representative Kreegel and others—

HB 529—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; authorizing the use of purple lights on certain funeral escort vehicles and funeral lead vehicles; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; clarifying eligibility for Board of Funeral, Cemetery, and Consumer Services membership; requiring the Department of Financial Services to adopt rules regarding application for board membership; amending s. 497.103, F.S.; revising authority of the department to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; providing for delinquency fees to be charged and collected from certain licensees; providing a default delinquency fee; amending s. 497.141, F.S.; requiring licensure applications to include tax identification numbers of applicants that are not natural persons; authorizing the licensing authority to require certain applicants to provide a photograph; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of licenses; amending s. 497.142, F.S.; revising fingerprinting requirements; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; providing for the cost for fingerprinting processing; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.147, F.S.; revising provisions relating to the licensing authority's rules regulating prelicensure training and continuing education providers; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is not deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising certain grounds for disciplinary action; specifying what is not deemed to be a complaint; authorizing the board to adopt rules providing criteria for identifying minor and nonwillful remittance deficiencies; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising provisions relating to criminal penalties for violations involving prelicensure examinations, willful obstruction, and trust funds and other specified violations; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.165, F.S.; stipulating that intentional or gross negligence renders owners, directors, and officers jointly and severally liable for certain trust fund deficiencies; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising provisions for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.365, F.S.; requiring the board to adopt rules prescribing application and renewal fees for inactive status, a delinquency fee, and a fee for reactivation of a license; providing a cap on such fees; providing a limitation on the department's ability to reactivate a license; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising

grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizing the licensing authority to establish certain rules; amending s. 497.378, F.S.; raising the cap on funeral director and embalmer license renewal fees; amending s. 497.380, F.S.; specifying requirements for funeral establishment licensure applicants; raising the cap on funeral establishment license renewal fees; providing requirements for reporting a change in location of the establishment; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; deleting a provision exempting centralized embalming facilities from certain funeral establishment requirements; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept certain alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; revising grounds for issuance of a preneed branch license; raising the cap on branch license renewal fees; deleting a provision exempting sponsoring preneed licensees from responsibility for certain violations of branch licensees; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S.; revising general provisions applicable to preneed sales agents; revising requirements and application procedures for preneed sales agent licensure; providing requirements for the issuance of a temporary preneed sales agent license; providing requirements for the conversion of temporary preneed sales agent licenses to permanent preneed sales agent licenses; providing requirements for applicants with a criminal or disciplinary record; providing for termination of a permanent preneed sales agent license due to lack of appointments; providing requirements for the appointment of preneed sales agents; providing for administrative matters regarding preneed sales agent licensure; creating s. 497.468, F.S.; providing for disclosure of certain information to the public; requiring the licensing authority to establish rules relating to the manner in which certain written contracts are provided; amending s. 497.550, F.S.; creating two categories of monument establishment licensure and providing certain requirements for such categories; revising application procedures for licensure as a monument establishment; requiring inspection of proposed monument establishment facilities; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; requiring the board to set an annual inspection fee for monument establishment licensees; providing a cap for such fee; providing requirements for change of ownership and location of monument establishments; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; requiring monument establishments to comply with rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.603, F.S.; raising the cap on direct disposer license renewal fees; amending s. 497.604, F.S.; revising provisions relating to direct disposal establishment licensure and application for such licensure; revising provisions relating to the regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions relating to cinerator facility licensure and application for such licensure; revising provisions relating to the regulation of cinerator facilities; amending s. 497.607, F.S.; providing that the anatomical board at the University of Florida Health Science Center is not prohibited from causing the final disposition of unclaimed human remains under certain circumstances; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; repealing s. 497.275, F.S., relating to identification of human remains in licensed cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

—was referred to the Committees on Regulated Industries; Banking and Insurance; Criminal Justice; and Justice Appropriations.

By Representative Seiler and others—

HB 691—A bill to be entitled An act relating to military personnel on duty; creating the Citizen Soldier Matching Grant Program within the Agency for Workforce Innovation; providing for matching grants to be awarded to private sector employers that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty; providing eligibility requirements for grant recipients; directing the Agency for Workforce Innovation to develop a plan to administer the application and payment procedures for the matching grants; providing for the award of matching grants after approval of the plan; providing an appropriation; providing that professional licenses issued to any member of the Florida National Guard or the United States Armed Forces Reserves shall not expire while the member is serving on federal active duty; providing a 90-day extension period for such licenses after return from federal active duty; providing requirements with respect to such extension; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; and Transportation and Economic Development Appropriations.

By Representative Sobel and others—

HB 869—A bill to be entitled An act relating to Crohn's and Colitis disease research; creating the Crohn's and Colitis Disease Research Act; requiring the Department of Health to conduct an inflammatory bowel disease epidemiology study with the University of Florida College of Public Health and Health Professions; requiring the Agency for Health Care Administration to conduct a chronic disease study on the coverage standards provided by Medicaid for inflammatory bowel disease therapies; providing for membership in a study group; requiring reports to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Representative Negron and others—

HB 1069—A bill to be entitled An act relating to the Family Readiness Program; creating s. 250.5206, F.S.; creating the Family Readiness Program within the Department of Military Affairs; providing purpose of the program; providing for program funding and use of program funds; specifying eligible services and eligible program recipients; providing procedure with respect to requests for assistance and award of funds under the program; providing for monthly audit reviews of the program; providing for annual reports; providing rulemaking authority of the Department of Military Affairs; providing an appropriation; providing an effective date.

—was referred to the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

By Representative Berfield and others—

HB 1081—A bill to be entitled An act relating to discount medical plan organizations; amending s. 636.202, F.S.; revising a definition; amending s. 636.204, F.S.; revising provisions relating to licensure requirements to do business as a discount medical plan organization; creating s. 636.205, F.S.; providing requirements for issuance of a license; authorizing the Office of Insurance Regulation to deny a license; amending s. 636.206, F.S.; providing that discount medical plan organizations are not subject to the Florida Insurance Code for purposes of examination and investigation; creating s. 636.207, F.S.; providing for applicability of pt. II of ch. 636, F.S.; amending s. 636.208, F.S.; revising provisions relating to reimbursement of certain charges and fees upon cancellation of membership in the plan; amending s. 636.210, F.S.; revising prohibitions relating to advertising; amending s. 636.212, F.S.; revising provisions relating to disclosures to prospective members; amending s. 636.214, F.S.; revising provisions relating to provider agreements; amending s. 636.216, F.S.; providing conditions for approval of charges

and forms; deleting a provision relating to request for a hearing; amending s. 636.218, F.S.; revising requirements for information to be included in annual reports; creating s. 636.223, F.S.; providing for administrative penalties; amending s. 636.228, F.S.; specifying marketing requirements of discount medical plans; providing limitations; amending s. 636.230, F.S.; specifying fee disclosure requirements for bundling discount medical plans with other products; amending s. 636.236, F.S.; requiring discount medical plan organizations to maintain surety bonds; providing conditions for substituting deposited securities for surety bonds; amending s. 636.238, F.S.; revising penalties; repealing s. 636.242, F.S., relating to civil remedies; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health Care.

By Representative Jordan and others—

HB 1189—A bill to be entitled An act relating to the education of children of deceased or disabled veterans; amending s. 295.01, F.S.; extending the opportunity to receive postsecondary educational benefits at state expense to the dependent children of certain dead or disabled veterans who were Florida residents when the death or disability occurred; decreasing the minimum required length of the parent's residency; amending s. 295.0185, F.S.; providing educational opportunity at state expense for dependent children of military personnel who die or suffer a specified disability in Operation Iraqi Freedom; amending s. 295.02, F.S.; authorizing the use of funds for educational opportunities for the children of certain deceased and disabled veterans; providing an effective date.

—was referred to the Committees on Community Affairs; Education Appropriations; and Ways and Means.

By Representative Pickens and others—

HB 1257—A bill to be entitled An act relating to fiscally constrained counties; amending s. 212.20, F.S.; providing for a distribution of tax revenue to fiscally constrained counties; amending s. 218.65, F.S.; providing for a transitional emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund to certain fiscally constrained counties; revising criteria for receiving certain funds from the Local Government Half-cent Sales Tax Clearing Trust Fund; creating s. 218.67, F.S.; providing eligibility criteria to qualify as a fiscally constrained county; providing for the distribution of additional funds to certain fiscally constrained counties; providing for a phase-out period; providing for the use of funds; amending s. 288.0656, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to accept and administer moneys appropriated for rural economic development; authorizing the office to contract with Enterprise Florida, Inc.; amending s. 288.1169, F.S.; correcting a cross reference; amending s. 985.2155, F.S.; revising the definition of the term "fiscally constrained county"; providing an appropriation; providing an effective date.

—was referred to the Committees on Community Affairs; and Government Efficiency Appropriations.

By Representative Brown and others—

HB 1459—A bill to be entitled An act relating to liens on commercial real estate; creating part III of ch. 475, F.S., the "Commercial Real Estate Sales Commission Lien Act"; providing definitions; specifying conditions under which a broker is entitled to a lien upon the owner's net proceeds from the disposition of commercial real estate for any commission earned by the broker under a brokerage agreement; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the commission notice and delivery to certain parties; providing a form for the commission notice; providing that a lien may not be enforced if the notice is not delivered to certain parties; providing that the commission notice may be recorded; providing for expiration and extension under certain conditions; providing for release of the commission notice under certain conditions; providing the duties of the closing agent; requiring the closing agent to reserve an owner's proceeds under certain conditions; providing for the release of proceeds under certain conditions; requiring deduction of certain costs from the proceeds; providing for interpleader or other legal proceedings sought by a closing agent to adjudicate certain rights; providing for the deposit of reserved proceeds in a court registry; providing for the discharge of the closing agent from further liability; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; establishing the priority of a recorded commission notice; providing for the service of notice; providing that a buyer's broker is not entitled to a lien; providing certain conditions under which a buyer's broker may seek payment of a commission; creating part IV of ch. 475, F.S., the "Commercial Real Estate Leasing Commission Lien Act"; providing definitions; providing conditions under which a broker may place a lien upon an owner's interest in commercial real estate for any commission earned under a brokerage agreement with respect to a lease of commercial real estate; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the lien notice; providing a form for the lien notice; providing that the lien notice may be recorded; providing that a lien may not be enforced if the broker fails to record the notice; providing for effectiveness of a recorded lien notice; providing for release of the lien notice under certain conditions; providing for expiration and extension under certain conditions; providing for foreclosure of a recorded lien under certain conditions; providing a form; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; providing procedures to transfer a lien to a security; providing that the clerk of court may collect a service charge; providing for subordination of a broker's lien; amending s. 475.42, F.S.; providing that a broker may place a lien when allowed by law; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Representative Goodlette and others—

HB 1471—A bill to be entitled An act relating to the petition process; providing a popular name; amending s. 99.097, F.S.; providing for certain petitions to be verified by a certain method; requiring certain provisions to be satisfied before a signature on a petition may be counted; prohibiting compensation to any paid petition circulator in certain circumstances; providing the procedure to contest and resolve the alleged improper verification of certain signatures; amending s. 100.371, F.S.; revising requirements for placement of constitutional amendments proposed by initiative on the ballot for the general election; revising and providing rulemaking authority; providing limitations on the contents of a petition form; establishing compliance criteria for petition forms; providing an elector's right to mail or deliver the form to an address provided for that purpose; providing notices that must be contained in each petition form; revising the duties of supervisors of elections; revising requirements relating to the Financial Impact Estimating Conference and financial impact statements; creating s. 100.372, F.S.; providing for the regulation of initiative petition circulators; providing definitions; providing qualification requirements; providing requirements for the practice of paid petition circulation; amending ss. 101.161, and 101.62, F.S.; correcting cross references; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registration applications; amending s. 104.185, F.S.; revising and providing violations involving petitions and providing penalties therefor; amending s. 104.42, F.S.; revising provisions relating to unlawful registrations, petitions, and voting and the investigation of such matters; requiring documentation and reporting thereof to the Florida Elections Commission within a specified time period; providing for the validity of certain petition signatures gathered before the effective date of the act; requiring previously approved petition forms to be resubmitted for approval in accordance with the requirements of the act; providing severability; providing an effective date.

—was referred to the Committees on Ethics and Elections; Criminal Justice; Judiciary; and Government Efficiency Appropriations.

By Representative Reagan and others—

HB 1567—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising duties of the Secretary of State as chief election

officer; amending s. 97.021, F.S.; revising definitions; creating s. 97.029, F.S.; relating to the award of attorney's fees and costs in proceedings challenging election or voter registration law; amending s. 97.051, F.S.; revising the oath a person must take to register to vote; amending s. 97.052, F.S.; revising provisions relating to the uniform statewide voter registration application; removing the requirement that the uniform statewide voter registration application must contain certain homestead exemption information; providing for applicant notification upon his or her failure to answer required information on the voter registration application form; amending s. 97.053, F.S.; revising criteria for a voter registration application to be deemed complete; specifying where an initial voter registration application may be mailed; amending s. 97.055, F.S.; providing for permitted updates once registration books are closed; creating s. 97.0575, F.S.; regulating third-party voter registrations and registration organizations; requiring third-party voter registration organizations to name a registered agent and submit certain information to the Division of Elections; providing for a fiduciary duty of the third-party voter registration organization to the applicant; providing for joint and several liability for a breach of fiduciary duty; specifying fines; authorizing the division to investigate certain violations; providing for collected fines to be set aside by the division in a trust fund; authorizing the division to adopt certain rules; amending s. 98.045, F.S.; correcting a cross reference; amending s. 98.077, F.S.; providing for signature updates for use in verifying absentee and provisional ballots; providing a deadline for the supervisor of elections to receive voter signature updates; amending s. 99.061, F.S.; amending to conform; revising a financial disclosure requirement for candidate qualification; providing a submission deadline for qualifying papers; amending s. 99.063, F.S.; revising a financial disclosure requirement for certain designated candidates; amending s. 99.092, F.S., relating to qualifying fees of candidates, to conform; amending s. 99.095, F.S.; providing for a petition process in lieu of a qualifying fee and party assessment; providing requirements for signatures and petition format; providing submission deadlines; amending s. 99.0955, F.S.; revising provisions relating to candidates with no party affiliation; amending to conform; deleting obsolete provisions; amending s. 99.096, F.S.; revising filing requirements of minor political party candidates; amending to conform; deleting obsolete provisions; amending s. 99.09651, F.S., relating to signature requirements for ballot position in a year of apportionment, to conform; amending s. 100.011, F.S.; requiring electors in line at the official closing of the polls to be allowed to vote; amending s. 100.101, F.S.; deleting a provision requiring a special election to be held if a vacancy occurs in nomination; amending s. 100.111, F.S.; revising requirements relating to filling candidate vacancies; deleting provisions relating to a prohibition of qualified candidates to fill a vacancy in nomination; deleting obsolete provisions; amending s. 100.141, F.S.; conforming provisions relating to vacancies in nomination and qualifying by an alternative method; amending s. 101.031, F.S.; revising the voter's bill of rights to allow for an elector whose identity in question to cast a provisional ballot and to remove the right for an elector to prove identity by signing an affidavit; amending s. 101.043, F.S., relating to identification required at polls, to conform; amending s. 101.048, F.S.; providing a person casting a provisional ballot the right to present certain eligibility evidence by a certain date; providing for the county canvassing board to review provisional ballot voter's certificates and affirmations; providing a standard of review; revising the provisional ballot voter's certificate and affirmation form; revising provisions relating to casting provisional ballots by electronic means; amending s. 101.049, F.S.; providing for provisional ballots and persons with disabilities; amending s. 101.051, F.S.; prohibiting solicitation of assistance to electors with certain disabilities at certain locations; providing a penalty; requiring a person providing an elector assistance to vote to take a specified oath; amending s. 101.111, F.S.; revising the oath taken by persons challenging the right of a person to vote; deleting the oath required to be taken by a person whose right to vote was challenged and allowing that person to cast a provisional ballot; providing a prohibition against and penalty for frivolous challenges; amending s. 101.131, F.S.; allowing certain poll watchers in early voting areas and polling rooms; providing limitations and restrictions on behavior of poll watchers; providing deadlines regarding designation and approval of poll watchers; amending s. 101.151, F.S.; replacing paper ballots with marksense ballots and accompanying specifications; amending s. 101.171, F.S.; requiring a copy of constitutional amendments to be available at polling locations in poster or booklet form; amending s. 101.294, F.S.; prohibiting a vendor of voting equipment from providing an uncertified voting system or upgrade; providing for certification of voting systems and upgrades; amending s. 101.295, F.S.; providing a penalty; amending s. 101.49, F.S.; revising the procedure of election officers where signatures differ; amending s. 101.51, F.S., relating to electors' occupation of booths, to conform; amending s. 101.5606, F.S., relating to requirements for approval of voting systems, to conform; amending s. 101.5608, F.S., relating to voting by electronic or electromechanical methods, to conform; amending s. 101.5612, F.S.; providing for additional testing of voting systems under certain circumstances; amending s. 101.5614, F.S.; correcting a cross reference; amending s. 101.572, F.S.; revising a provision relating to the public inspection of ballots; amending s. 101.58, F.S.; authorizing certain employees of the Department of State full access to all premises, records, equipment, and staff of the supervisor of elections; amending s. 101.595, F.S.; providing for the reporting of overvotes and undervotes in races for President and Vice President and Governor and Lieutenant Governor or, alternatively, other races appearing first on the ballot; amending s. 101.6103, F.S.; correcting a cross reference; authorizing canvassing boards to begin canvassing mail ballots before the election; providing a time when the results may be released; providing a penalty; amending s. 101.62, F.S.; revising provisions relating to the deadline by which the supervisor of elections must receive a request for an absentee ballot to be mailed to a voter; requiring absentee ballots to be mailed by a certain time; requiring certain information to be available and updated in electronic format as provided by rule adopted by the division; requiring information relating to absentee receipt and delivery dates to be available to the voter requesting the ballot; providing for unavailable regular absentee ballots for overseas electors; providing a deadline by which an absentee ballot request may be fulfilled by personal delivery; amending s. 101.64, F.S.; providing for a certain oath to be provided to overseas electors in lieu of a voter's certificate; amending s. 101.657, F.S.; revising requirements relating to early voting locations; revising the deadline to end early voting and the times for opening and closing the early voting sites each day; providing for uniformity of county early voting sites; requiring any person in line at the closing of an early voting site to be allowed to vote; providing for early voting in municipal and special district elections; requiring supervisors to provide certain information in electronic format to the Division of Elections; amending s. 101.663, F.S.; revising provisions relating to certain electors who move to another state; amending s. 101.68, F.S.; providing that an absentee ballot is deemed to have been cast once it has been received by the supervisor; amending s. 101.69, F.S.; revising a provision relating to voting in person by electors who have requested absentee ballots; amending s. 101.6923, F.S.; revising a provision relating to special absentee ballot instructions for certain voters; amending s. 101.694, F.S.; requiring certain absentee envelopes to meet specifications as determined by a certain federal program; amending s. 101.697, F.S.; providing a condition on the department's ability to accept certain election materials by electronic transmission from overseas voters; amending s. 102.012, F.S.; revising provisions to require supervisors of election to appoint one election board for each precinct; requiring each supervisor to furnish inspectors of election in each precinct with the list of registered voters for the precinct; amending s. 102.014, F.S.; requiring the division to develop a uniform training curriculum for poll workers; revising grounds upon which a supervisor shall replace an inspector or clerk; revising requirements relating to the provisions and availability of a uniform polling place procedures manual; amending s. 102.031, F.S.; revising a provision relating to maintenance of good order at polls, authorities, persons allowed in polling rooms, and unlawful solicitation of voters to apply to early voting areas; providing for the designation of the no solicitation zone; prohibiting photography in a polling room or early voting area; amending s. 102.071, F.S.; decreasing the certificates of the results needed to one; amending s. 102.111, F.S.; providing for typographical errors in official county returns to be certified by the Elections Canvassing Commission; amending s. 102.112, F.S.; requiring the county returns to contain a certain certification; authorizing the department to correct typographical errors in county returns; amending s. 102.141, F.S.; revising provisions relating to county canvassing boards and their duties; requiring that the county canvassing board be responsible for ordering county and local recounts; revising deadlines relating to submission of unofficial returns; adding procedure and content requirements relating to county canvassing boards' reports on conduct of elections; requiring the supervisor of elections to file or export files to the department from election results and other statistical information as may be requested by the department, the Legislature, and the Election Assistance Commission; requiring the department to adopt rules establishing the required content and acceptable formats for certain filings; amending s. 102.166, F.S.; revising provisions relating to manual recounts; amending s. 102.168, F.S.; revising proper party defendants in actions contesting the election or nomination of a candidate; amending s. 103.021, F.S.; requiring the state executive committee of each political party to recommend candidates for presidential electors to the Governor using a specified procedure; providing definitions; amending ss. 103.051

and 103.061, F.S.; revising certain meeting and notice times of the presidential electors; amending s. 103.121, F.S.; revising the powers and duties of executive committees; amending s. 105.031, F.S.; exempting school board candidates from qualifying fee requirements; providing a time by which a qualifying officer may accept and hold certain qualifying papers; amending s. 105.035, F.S.; renaming the "alternative method" of qualifying for certain offices as the "petition process"; removing provisions requiring a person seeking to qualify by the petition process to file a certain oath; providing a limitation upon elector signatures needed by certain candidates; revising deadlines; transferring s. 98.122, F.S., relating to closed caption television broadcasting requirements, and renumbering the section as s. 106.165, F.S.; amending s. 106.22, F.S.; revising the duties of the Division of Elections to remove the duty to conduct certain investigations and make subsequent reports; amending s. 106.29, F.S., relating to the powers and duties of the Florida Elections Commission, to conform; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute the offenses of crimes involving voter registration, voting, or candidate or issue petition activities; amending s. 119.07, F.S.; placing a condition on when the supervisor of elections shall notify certain candidates of ballot inspection; amending s. 145.09, F.S.; requiring the Department of State to adopt rules establishing certification requirements of supervisors of elections; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0979, F.S.; relating to the statewide voter registration database's being open to inspection and copies; repealing s. 98.181, F.S., relating to supervisors of elections making up indexes or records; repealing s. 98.481, F.S., relating to challenge to electors; repealing s. 101.253, F.S.; relating to when names are not to be printed on ballots; repealing s. 101.635, F.S.; relating to distribution of blocks of printed ballots; repealing s. 102.061, F.S.; relating to duties of election board, counting, and closing polls; repealing s. 106.085, F.S., relating to independent expenditures, prohibited unfair surprise, notice requirements, and a penalty; repealing s. 106.144, F.S.; relating to endorsements or opposition by certain groups and organizations; providing for severability; providing an effective date.

—was referred to the Committees on Ethics and Elections; Judiciary; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

By the Committee on Economic Development, Trade and Banking; and Representative Bilirakis and others—

HB 1693—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; providing an exemption for special deputies from uniform rules of procedure; amending s. 443.071, F.S.; providing penalties for false employer schemes; providing the requirements for establishing prima facie evidence; authorizing certain access to records relating to investigations of unemployment compensation fraud; amending s. 443.091, F.S.; clarifying benefit eligibility; amending s. 443.1216, F.S.; clarifying the persons that employee leasing companies may lease to a client; clarifying the exemption of certain service from the definition of employment; amending s. 443.1217, F.S.; clarifying exempt wages for the purpose of determining employer contributions; amending s. 443.131, F.S.; revising the definition of "total excess payments"; prohibiting the transfer of unemployment experience by acquisition of a business in certain cases; providing for calculation of unemployment experience rating; providing penalties; amending s. 443.151, F.S.; providing for dismissal of untimely filed appeals; extending a deadline for recoupment of benefits; amending s. 895.02, F.S.; revising the definition of "racketeering activity"; reenacting ss. 16.56(1)(a), 655.50(3)(g), 896.101(2)(g), and 905.34(3), F.S., relating to the Office of Statewide Prosecution, the Florida Control of Money Laundering in Financial Institutions Act, the Florida Money Laundering Act, and the powers and duties of a statewide grand jury, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Criminal Justice; and Transportation and Economic Development Appropriations.

By the Committee on Economic Development, Trade and Banking; and Representative Bilirakis and others—

HB 1725—A bill to be entitled An act relating to the Florida Enterprise Zone Act; amending s. 290.001, F.S.; revising the name of the act; amending s. 290.004, F.S.; deleting obsolete definitions; amending s. 290.0055, F.S.; revising procedures for counties or municipalities to nominate an area for designation as a new enterprise zone; deleting obsolete provisions; removing the authority for certain counties to nominate more than one enterprise zone; revising criteria for eligibility of an area for nomination by certain local governments for designation as an enterprise zone; revising procedures and requirements for amending enterprise zone boundaries; amending s. 290.0056, F.S.; deleting a requirement that a governing body appoint the board of an enterprise zone development agency by ordinance; revising requirements for making such appointments; deleting a requirement that a certificate of appointment of a board member be filed with the clerk of the county or municipality; deleting the requirement that an annual report by a board be published and available for inspection in the office of the municipal or county clerk; revising the powers and responsibilities of an enterprise zone development agency; providing additional responsibilities; revising certain reporting requirements; amending s. 290.0057, F.S.; specifying application of enterprise zone development plan requirements only to designations of new enterprise zones; amending s. 290.0058, F.S.; updating obsolete references; revising requirements for determining pervasive poverty in an area nominated as a rural enterprise zone; providing an exception for areas nominated for designation as a rural enterprise zone; amending s. 290.0065, F.S.; establishing the maximum number of enterprise zones allowed, subject to any new zones authorized by the Legislature; revising the procedure for designating a new enterprise zone if an existing zone is not redesignated; deleting a requirement that an application for designation as an enterprise zone be categorized by population; deleting obsolete provisions; authorizing the office to redesignate enterprise zones having an effective date on or before January 1, 2005; providing requirements and procedures; authorizing a governing body to request enterprise zone boundary changes; requiring the office to determine, in consultation with Enterprise Florida, Inc., the merits of enterprise zone redesignations; providing criteria; providing for an enterprise zone redesignation approval procedure; prohibiting an entity having jurisdiction over an area denied redesignation as an enterprise zone from reapplying for redesignation for 1 year; providing a redesignation procedure for zones authorized in conjunction with certain federal acts; providing requirements for an application for redesignation; deleting obsolete provisions; amending s. 290.0066, F.S.; providing that failure to make progress or failure to comply with measurable goals may be considered as grounds for revocation of an enterprise zone designation; amending s. 290.012, F.S.; providing a transition date that provides for a zone having an effective date on or before January 1, 2005, to continue to exist until December 21, 2005, and to expire on that date; requiring any zone designated or redesignated after January 1, 2006, to be designated or redesignated in accordance with the Florida Enterprise Zone Act; amending s. 290.014, F.S., to conform; amending s. 290.016, F.S.; delaying the repeal of the Florida Enterprise Zone Act; amending s. 163.345, F.S., to conform; amending ss. 166.231, 193.077, 193.085, 195.073, 196.012, 205.022, 205.054, and 212.02, F.S.; extending expiration dates with respect to various tax exemptions to conform provisions to changes made by the act; amending s. 212.08, F.S.; revising the procedures for applying for a tax exemption on building materials used to rehabilitate property located in an enterprise zone; deleting a limitation on claiming exemptions through a refund of previously paid taxes; extending an expiration date for the exemption; extending an expiration date for an exemption for business property used in an enterprise zone; deleting obsolete provisions governing the community contribution tax credit for donations, to conform; extending the expiration date of the tax credit for electrical energy used in an enterprise zone, to conform; amending s. 212.096, F.S.; deleting obsolete provisions; extending the expiration date for the enterprise zone jobs tax credit, to conform; amending ss. 220.02 and 220.03, F.S.; extending the expiration date of the enterprise zone jobs tax credit against corporate income tax to conform to changes made by the act; revising definitions to extend the expiration date of the credit to conform; amending s. 220.181, F.S.; deleting obsolete provisions; extending the expiration date of the tax credit, to conform; amending s. 220.182, F.S.; extending the expiration date of the enterprise zone property tax credit, to conform; amending s. 288.1175, F.S., to conform,; amending s. 370.28, F.S.; providing that an enterprise zone having an effective date on or before January 1, 2005, shall continue to exist until December 21, 2005, and shall expire on that date; requiring that an enterprise zone in a community affected by net

limitations which is redesignated after January 1, 2006, do so in accordance with the Florida Enterprise Zone Act; repealing s. 290.00555, F.S., relating to the designation of a satellite enterprise zone; repealing s. 290.0067, F.S., relating to an enterprise zone in Lake Apopka; repealing s. 290.00675, F.S., relating to a boundary amendment for the City of Brooksville in Hernando County; repealing s. 290.00676, F.S., relating to an amendment of certain rural enterprise zone boundaries; repealing s. 290.00678, F.S., relating to a designation of rural champion communities as enterprise zones; repealing s. 290.00679, F.S., relating to amendments to certain rural enterprise zone boundaries; repealing s. 290.0068, F.S., relating to the designation of an enterprise zone encompassing a brownfield pilot project; repealing s. 290.00685, F.S., relating to an application to amend boundaries of an enterprise zone containing a brownfield pilot project; repealing s. 290.00686, F.S., relating to the designation of enterprise zones in Brevard County and the City of Cocoa; repealing s. 290.00687, F.S., relating to the designation of an enterprise zone in Pensacola; repealing s. 290.00688, F.S., relating to the designation of an enterprise zone in Leon County; repealing s. 290.00689, F.S., relating to the designation of a pilot project in an enterprise zone; repealing s. 290.0069, F.S., relating to the designation of an enterprise zone in Liberty County; repealing s. 290.00691, F.S., relating to the designation of an enterprise zone in Columbia County and Lake City; repealing s. 290.00692, F.S., relating to the designation of an enterprise zone in Suwannee County and Live Oak; repealing s. 290.00693, F.S., relating to the designation of an enterprise zone in Gadsden County; repealing s. 290.00694, F.S., relating to the designation of an enterprise zone in Sarasota County and Sarasota; repealing s. 290.00695, F.S., relating to the designation of enterprise zones in Hernando County and Brooksville; repealing s. 290.00696, F.S., relating to the designation of an enterprise zone in Holmes County; repealing s. 290.00697, F.S., relating to the designation of an enterprise zone in Calhoun County; repealing s. 290.00698, F.S., relating to the designation of an enterprise zone in Okaloosa County; repealing s. 290.00699, F.S., relating to the designation of an enterprise zone in Hillsborough County; repealing s. 290.00701, F.S., relating to the designation of an enterprise zone in Escambia County; repealing s. 290.00702, F.S., relating to the designation of enterprise zones in Osceola County and the City of Kissimmee; repealing s. 290.00703, F.S., relating to the designation of an enterprise zone in South Daytona; repealing s. 290.00704, F.S., relating to the designation of an enterprise zone in Lake Wales; repealing s. 290.00705, F.S., relating to the designation of an enterprise zone in Walton County; repealing s. 290.00706, F.S., relating to the designation of enterprise zones in Miami-Dade County and the City of West Miami; repealing s. 290.00707, F.S., relating to the designation of an enterprise zone in Hialeah; repealing s. 290.00708, F.S., relating to a boundary amendment in an enterprise zone within a consolidated government; repealing s. 290.00709, F.S., relating to a boundary amendment in an enterprise zone within an inland county; repealing s. 290.009, F.S., relating to the Enterprise Zone Interagency Coordinating Council; repealing s. 290.015, F.S., relating to an evaluation and review of the enterprise zone program; providing for carryover of eligibility for tax credits under s. 212.096, F.S.; providing for carryover of eligibility for tax credits under s. 220.181, F.S.; providing for carryover of eligibility for tax exemption under s. 196.1995, F.S., and the tax exemption under s. 220.182, F.S.; providing for carryover of eligibility for tax credits under s. 220.183, F.S.; providing for carryover of eligibility for tax credits under s. 212.08, F.S.; providing for carryover of eligibility for tax credits under s. 624.5105, F.S.; providing for carryover of eligibility for a tax exemption under s. 212.08, F.S.; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Ways and Means.

By Representative Kreegel and others—

HB 1469—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 497.172, F.S.; creating a public meetings exemption for the Board of Funeral, Cemetery, and Consumer Services for those portions of meetings conducted for the exclusive purpose of developing or reviewing licensure examination questions and answers; creating a public meetings exemption for probable cause panel meetings of the board; creating a public records exemption for records of exempt probable cause panel meetings for a time certain; creating a public records exemption for records relating to investigations, inspections, or examinations in process for a time certain; maintaining the public records exemptions under certain circumstances; creating a public records exemption for trade secrets; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Banking and Insurance; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Criminal Justice; and Representative Kravitz and others—

HB 1867—A bill to be entitled An act relating to the death penalty; repealing Rule 3.203, Florida Rules of Criminal Procedure, relating to imposition of the death penalty; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Representative Seiler and others—

HB 747—A bill to be entitled An act relating to the Citizen Soldier Matching Grant Trust Fund; creating the Citizen Soldier Matching Grant Trust Fund within the Agency for Workforce Innovation; requiring that moneys in the trust fund be used to award matching grants to private sector employers who provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while such employees are on federal active duty; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; and Transportation and Economic Development Appropriations.

By the Committee on Judiciary; and Representative Simmons and others—

HJR 1723—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution to require that any proposed amendment to or revision of the State Constitution be approved by at least 60 percent of the electors voting on the measure.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

By the Committee on Judiciary; and Representative Simmons and others—

HJR 1727—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution to provide the permissible subject matter of revisions or amendments to the State Constitution proposed by initiative.

—was referred to the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

By the Committee on Judiciary; and Representative Simmons and others—

HJR 1741—A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution to require approval by at least two-thirds of the voters of any proposed amendment or revision to the State Constitution imposing or authorizing imposition of any new tax or fee, increasing or authorizing an increase in any existing tax or fee, or imposing a significant fiscal impact on the state, counties, school districts, municipalities, or special districts, and to delete a provision limiting such voting requirement to only new state taxes or fees.

—was referred to the Committees on Ethics and Elections; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 27 was corrected and approved.

CO-INTRODUCERS

Senators Alexander—SB 1658; Bullard—CS for CS for SB 202, CS for CS for SB 1872; Klein—CS for SB 284, CS for CS for SB 774, CS for CS for SB 1872; Lynn—CS for SB 124, CS for SB 274, CS for SB 484, CS for SB 510, SB 550, CS for CS for SB 662, CS for SB 976, CS for CS for CS for SB 1026, CS for CS for SB 1308, CS for SB 1748, CS for SB 1884, CS for SB 2216, CS for SB 2364; Peaden—SB 1658; Wilson—SB 1634

RECESS

On motion by Senator Argenziano, the Senate recessed at 5:00 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, April 29 or upon call of the President.

Journal of the Senate

Number 22—Regular Session **Friday, April 29, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 10:24 a.m. A quorum present—39:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Excused: Senator Dawson

PRAYER

The following prayer was offered by Rabbi Kurt Stone, North Broward Havurah, Coral Springs:

Master of the Universe: We call you by a hundred different names, and call upon you in a thousand different ways. And yet, whether we address you as God, Jesus, Ha-Shem, Allah, Vishnu or Yaweh; whether we stand, kneel or fall prostrate on the ground; whether we recite prayers that are written from left to right, right to left or top to bottom, we are all, essentially, addressing the one who creates and sustains, who exalts and judges, who blesses and enables that which is best in each of us. Through the very act of invoking your name, we seek your guidance, your approval, and above all, your strength and blessing.

Unquestionably, you have already bestowed manifold blessings upon the members of this august legislative body—blessings that have permitted them to become leaders in this great state. We pray that they be ever mindful of the awesome responsibility that comes from being so engifted; that they constantly pause to reflect upon the very nature of communal responsibility. May they keep uppermost in their hearts and minds the most basic and purposive reasons why they are here: To feed the hungry and clothe the naked; to exercise stewardship over all the natural glories that you have created; to educate, to elevate, and to advocate.

May we, who have been given so many blessings, be ever cognizant of the fact that many paths can lead to the same destination. May these men and women—they who call each other "Honorable" and "Distinguished"—realize that you, dear God, have given us two ears with which to hear, and but one mouth with which to speak. May all of us understand that although there are undoubtedly many paths to the gates of glory, there is but one gatekeeper—you and you alone.

May you bless us and keep us.

May you cause your great countenance to shine upon us and be gracious unto us.

May you lift up the light of your countenance and grant us the most precious of all your abundant blessings—the blessing of peace. Amen.

PLEDGE

Senate Pages Kenny McCloud of Quincy; Eric James Perrott of Pembroke Pines; Blake Palmer Burford of Ft. Pierce; and Katherine Ward, daughter of House Chief of Staff Bob Ward, of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Ronald L. Knaus of Largo, sponsored by Senator Jones, as doctor of the day. Dr. Knaus specializes in Psychiatry.

ADOPTION OF RESOLUTIONS

At the request of Senator Dockery—

By Senator Dockery—

SR 2760—A resolution recognizing the Sumter County Board of County Commissioners for its work on the Florida Organic Recycling Center for Excellence.

WHEREAS, Sumter County, in partnership with the Department of Environmental Protection and with public and private researchers, created the Florida Organic Recycling Center for Excellence (F.O.R.C.E.), and

WHEREAS, the purpose of F.O.R.C.E. is to bring together academic researchers and industry leaders to develop practical and applicable solutions for Florida's organic waste, and

WHEREAS, the solid-waste stream accounts for about one-half of Florida's solid waste, and

WHEREAS, training and outreach activities provided by F.O.R.C.E. have been attended by a wide range of Florida government and industry leaders, and

WHEREAS, F.O.R.C.E. has been active in making presentations at local, state, and national meetings and conferences regarding solid-waste recycling and composting, and

WHEREAS, the efforts of F.O.R.C.E. have produced a searchable database providing information and links to over 200 organizations nationwide in the organics processing industry, and

WHEREAS, researchers from the public and private sectors in conjunction with F.O.R.C.E. are involved in over $200,000 worth of research and development projects, and

WHEREAS, organics recovery and production can provide physical, chemical, and environmental benefits in helping to protect Florida's soil and groundwater, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Sumter County Commission is commended for its outstanding efforts to reduce solid waste and improve the soil and groundwater in the State of Florida through the Florida Organic Recycling Center of Excellence.

—**SR 2760** was introduced, read and adopted by publication.

At the request of Senator Jones—

By Senator Jones—

SR 2770—A resolution commending Ronald L. Knaus, D.O., for his 25 consecutive years of service as Doctor of the Day for the Florida Legislature.

WHEREAS, Dr. Ronald L. Knaus, an osteopathic physician of Seminole, Florida, has served as Doctor of the Day in the Florida Legislature for 25 consecutive years, and

WHEREAS, Dr. Knaus is board-certified in Psychiatry and Sports Medicine, and

WHEREAS, Dr. Knaus has been treating patients for more than 27 years, and

WHEREAS, Dr. Knaus has spent his career as a psychiatrist and author helping those in need at mental health centers, hospitals, clinics, and in his private practice in Seminole, Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends and congratulates Ronald L. Knaus, D.O., on his 25 consecutive years of service as Doctor of the Day in the Florida Legislature.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Ronald L. Knaus, D.O., as a token of the appreciation of the Florida Senate.

—**SR 2770** was introduced, read and adopted by publication.

MOTION

On motion by Senator Crist, by two-thirds vote **CS for SB 276** which passed April 28 was ordered immediately certified to the House.

BILLS ON THIRD READING

Consideration of **CS for SB 718**, **HB 1659**, **CS for SB 530**, **SB 752**, **HB 1141** and **CS for SB 284** was deferred.

HB 699—A bill to be entitled An act relating to architecture, landscape architecture, and interior design; amending s. 481.219, F.S.; revising provisions on architectural and interior design services certifications to include applicability to limited liability companies; amending s. 481.221, F.S.; requiring the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seals for use by a registered architect or interior designer who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; amending s. 481.225, F.S.; revising grounds for disciplinary actions relating to the practice of architecture; amending s. 481.2251, F.S.; revising grounds for disciplinary proceedings relating to the practice of interior design; amending s. 481.229, F.S.; revising an exemption relating to interior design services and titles to include applicability to certain limited liability companies; amending s. 481.321, F.S.; requiring the Board of Landscape Architecture to prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; reenacting s. 481.325(1)(a) and (3), F.S., relating to disciplinary proceedings against registered landscape architects, to incorporate the amendment to s. 481.321, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **HB 699** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Wilson
Clary	Lawson	Wise
Constantine	Lynn	
Crist	Margolis	

Nays—None

Vote after roll call:

Yea—Villalobos, Webster

SENATOR MILLER PRESIDING

CS for CS for SB 2550—A bill to be entitled An act relating to assistive technology devices and services; creating s. 1003.575, F.S.; requiring interagency agreements to ensure that assistive technology devices be retained for use by a person with disabilities as he or she makes certain transitions; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for CS for SB 2550** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Diaz de la Portilla	Peaden	

Nays—None

Vote after roll call:

Yea—Miller

CS for SB 48—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; revising legislative intent with respect to the use of an automated external defibrillator; defining an automated external defibrillator as a lifesaving defibrillation device; defining a related term; providing that it is a first-degree

misdemeanor for a person to commit certain acts involving the misuse of an automated external defibrillator; authorizing a local government to adopt an ordinance to license, permit, or inspect automated external defibrillators; providing for enforcement of such local ordinances; requiring the Department of Health to implement an educational campaign to inform the public about the lack of immunity from liability regarding the use of automated external defibrillator devices under certain conditions; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, **CS for SB 48** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Consideration of **CS for SB 1344** was deferred.

HB 879—A bill to be entitled An act relating to public school educational instruction; requiring the Department of Education to evaluate the extent to which the Sunshine State Standards in the arts are being taught; requiring a report to the Governor and the Legislature; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Margolis, **HB 879** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

HB 925—A bill to be entitled An act relating to traffic regulations; amending s. 316.1303, F.S.; requiring vehicle operators to stop and yield to mobility-impaired pedestrians who are assisted by guide dogs or other service animals; providing a penalty; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Rich, **HB 925** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

CS for CS for SB 652—A bill to be entitled An act relating to public construction bonds; amending s. 255.05, F.S.; revising requirements for the form used for public construction bonds; requiring payment provisions of public construction bonds to be construed as statutory bonds; requiring payment bond forms to reference notice and time limitation provisions; amending s. 624.155, F.S.; providing that a surety issuing a payment or performance bond on certain projects is not an insurer for the purpose of specified civil remedies; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Sebesta, **CS for CS for SB 652** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

HB 41—A bill to be entitled An act relating to alarm system contracting; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless authorized by part II of ch. 489; providing exemptions; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 41** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Crist	Lawson
Argenziano	Diaz de la Portilla	Lynn
Aronberg	Dockery	Margolis
Atwater	Fasano	Miller
Baker	Garcia	Peaden
Bennett	Geller	Posey
Bullard	Haridopolos	Pruitt
Campbell	Hill	Rich
Carlton	Jones	Saunders
Clary	King	Sebesta
Constantine	Klein	Siplin

Smith	Webster	Wise
Villalobos	Wilson	

Nays—None

CS for CS for SB 1348—A bill to be entitled An act relating to indoor smoking places; amending s. 386.203, F.S.; conforming a cross-reference; defining the term "person" for purposes of the act; redefining the term "stand-alone bar" to include a licensed premises that derives no more than a specified amount of gross revenue from the sale of food consumed on the licensed premises and that is located in a building individually listed in the National Register of Historic Places; requiring that an application for historic designation be submitted within a specified period of time; amending s. 386.204, F.S.; eliminating certain exceptions to the prohibition against smoking in an enclosed indoor workplace; prohibiting a proprietor or person in charge of an enclosed indoor workplace from permitting smoking in that workplace; requiring that a proprietor or person in charge of an enclosed indoor workplace request a person who is smoking to stop smoking or leave the premises; providing penalties; amending s. 386.2045, F.S.; conforming cross-references; amending s. 386.205, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting certain provisions made obsolete by operation of law which require the posting of signs in an enclosed indoor workplace; amending s. 386.208, F.S.; authorizing a law enforcement officer to issue a citation to a person who violates the Florida Clean Indoor Air Act; providing requirements for the citation; providing that failure to comply with a citation is deemed a waiver of the right to contest the citation; authorizing a law enforcement officer to remove a person from the premises who is in violation of the Florida Clean Indoor Air Act; providing that penalties imposed under the act do not limit other actions by a law enforcement officer or state agency; amending s. 561.695, F.S.; conforming cross-references; providing a penalty for a licensee who knowingly makes a false statement on an annual compliance affidavit; eliminating provisions requiring a stand-alone bar to certify to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation compliance with certain provisions of the Florida Clean Indoor Air Act; providing additional penalties for a third or subsequent violation of requirements applicable to a stand-alone bar; providing an effective date.

—as amended April 28 was read the third time by title.

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (064738)—On page 10, lines 4 and 5, delete "*October 1, 2005*" and insert: *90 days after the effective date of this act*

On motion by Senator Geller, **CS for CS for SB 1348** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Alexander	Constantine	Lawson
Argenziano	Crist	Miller
Aronberg	Dockery	Peaden
Atwater	Garcia	Pruitt
Baker	Geller	Sebesta
Bennett	Haridopolos	Smith
Bullard	Hill	Villalobos
Campbell	Jones	Wilson
Clary	King	Wise

Nays—10

Carlton	Lynn	Rich
Diaz de la Portilla	Margolis	Saunders
Fasano	Posey	Webster
Klein		

Vote after roll call:

Nay—Siplin

Yea to Nay—Wise

HB 1141—A bill to be entitled An act relating to greenways and trails; renaming ch. 260, F.S., as the "Florida Greenways and Trails Act"; amending s. 260.011, F.S.; providing a popular name; amending s. 260.012, F.S.; revising legislative intent with respect to the development and completion of the Florida National Scenic Trail; conforming cross references; amending s. 260.013, F.S.; revising and providing definitions; amending s. 260.0141, F.S.; removing provisions authorizing certain acquisitions; amending s. 260.0142, F.S.; revising the powers and duties of the Florida Greenways and Trails Council; extending the terms of certain appointees; providing for reappointment of appointees; revising eligibility requirements for appointees of the trail user community to include users of off-highway vehicles; amending s. 260.015, F.S.; removing provisions for the appraisal of certain property by the Department of Environmental Protection; conforming cross references; amending s. 260.016, F.S.; revising the general powers of the department; revising provisions relating to rules for public access to greenways and trails; conforming cross references; creating s. 260.019, F.S.; establishing the Florida Circumnavigation Saltwater Paddling Trail; providing for review, adjustment, and redesignation of the trail segments by the department; requiring the department to prepare and submit a report to the Governor and Legislature by a specified date pursuant to such review; creating s. 260.021, F.S.; providing for a partnership between various organizations and mining interests to develop recreational opportunities on mined lands; creating s. 335.067, F.S.; creating the Conserve by Bicycle Program within the Department of Transportation, providing purposes of the program, and requiring such department to conduct a Conserve by Bicycle study; amending s. 373.199, F.S.; requiring water management districts to include information about the Florida National Scenic Trail in the Florida Forever Water Management District Work Plan; amending s. 378.036, F.S.; removing provisions relating to recreational opportunities on mined lands; amending s. 380.507, F.S.; revising the powers of the Florida Communities Trust with respect to the Florida National Scenic Trail; amending s. 110.501, F.S.; conforming a cross reference; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **HB 1141** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

SPECIAL ORDER CALENDAR

Consideration of **SB 1356** was deferred.

On motion by Senator Lynn, by two-thirds vote **HB 285** was withdrawn from the Committees on Judiciary; and Criminal Justice.

On motion by Senator Lynn—

HB 285—A bill to be entitled An act relating to the right to a speedy trial; creating time limits within which a person charged with a crime must be brought to trial; permitting state attorneys to file a demand for a speedy trial; providing conditions that must be met in order to do so;

requiring that the trial judge schedule a calendar call upon the filing of a demand for a speedy trial in order to schedule a trial; prescribing conditions under which the trial court may postpone a trial date; providing an effective date.

—a companion measure, was substituted for **CS for SB 214** and read the second time by title.

Pursuant to Rule 4.19, **HB 285** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1498** was deferred.

On motion by Senator King—

CS for CS for CS for SB 2—A bill to be entitled An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program; revising requirements for scholarship funding and payments; providing reporting requirements for school districts; holding a school district harmless from a specified student enrollment ceiling; prohibiting the transfer of funds to the Florida School for the Deaf and the Blind under certain circumstances; extending the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course or a private tutoring program under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; prohibiting discrimination on the basis of religion by a private school; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 943.0542, F.S.; requiring the Department of Education to verify the background screening information provided by the private school; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks to be borne by certain parties; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a private tutoring program or a correspondence or distance learning school; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; amending s. 220.187, F.S., relating to the Corporate Tax Credit Scholarship Program; providing a short title; providing definitions; eliminating the $5-million cap on contributions to any single eligible nonprofit scholarship-funding organization; prohibiting certain private schools and other entities from participating in the scholarship program; authorizing students whose family income level meets certain federal poverty level criteria to continue to participate in the scholarship program; prohibiting certain students from participating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations on eligible contributions; requiring scholarship-funding organizations to obligate all of the contributions subject to certain conditions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of noncompliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring the Department of Education to verify the background screening information provided by the eligible nonprofit scholarship-funding organization; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; prohibiting certain eligible nonprofit scholarship-funding organizations the owners of which have filed for bankruptcy from participating in the program; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting

a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree or 3 years of teaching experience at a public or private school, and other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning the private school organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks be borne by certain parties; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; requiring a private school to administer or to make provision for administering certain tests to scholarship students; requiring reporting of scores to the student's parent and to the public university that was selected to analyze and report certain data; requiring a private school to cooperate with a scholarship student whose parent chooses to participate in certain assessments; requiring a private school to file an affidavit; requiring a private school to notify the Department of Education in writing within 7 days if a student is ineligible to participate in the scholarship program; requiring a private school to report to the Department of Education and distribute to scholarship applicants information concerning accreditation and years in existence; requiring the Department of Education to make certain information concerning private school accreditation available to the public; prohibiting a private school from participating in the scholarship program if the private school fails to meet its statutory obligations; prohibiting discrimination on the basis of religion by a private school; requiring the Department of Education to determine the eligibility of certain nonprofit scholarship-funding organizations within 90 days after application; requiring a written notice with specific reasons for approval or denial; requiring the Department of Education to annually determine the eligibility of nonprofit scholarship-funding organizations and private schools; requiring the Department of Education to make accessible to the public a list of eligible private schools; requiring the Department of Education to annually verify the eligibility of students; requiring the Department of Education to maintain a student database of program participants and to update the database at least quarterly; requiring the Department of Education to notify a nonprofit scholarship-funding organization of any ineligible student; requiring the Department of Education to annually account for and verify the eligibility of program expenditures; requiring the Department of Education to review audits; providing for selection by the Commissioner of Education of a public university to analyze and report on certain student data; requiring the public university to report student performance data; providing limitations on reporting; requiring the Department of Education to revoke the eligibility of program participants for failure to comply with statutory obligations; requiring the Department of Education to conduct investigations of certain complaints; requiring the Department of Education to annually report on accountability activities; requiring the department to verify information; requiring the State Board of Education to adopt rules regarding documentation to establish eligibility of nonprofit scholarship-funding organizations, requiring an affidavit, and requiring independent income verification for determining the eligibility of students; authorizing the State Board of Education to delegate its authority to the Commissioner of Education with the exception of rulemaking authority; providing that a secular private school may continue its participation in the scholarship program even if the act is found to violate the State Constitution; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Wise, the rules were waived to allow the following amendment to be considered:

Senator Wise moved the following amendment which was adopted:

Amendment 1 (302708)(with title amendment)—On page 62, lines 8-12, delete section 4 and renumber subsequent section.

And the title is amended as follows:

On page 11, line 28 through page 12, line 1, delete those lines and insert: authority; providing an

Pursuant to Rule 4.19, **CS for CS for CS for SB 2** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for SB 282—A bill to be entitled An act relating to criminal acts committed during a state of emergency; amending s. 810.02, F.S.; providing enhanced penalties for specified burglaries that are committed during a state of emergency; providing that a person arrested for committing a burglary during a state of emergency may not be released until that person appears before a magistrate at a first-appearance hearing; directing that a felony burglary committed during a state of emergency be reclassified one level above the current ranking of the offense committed; amending s. 812.014, F.S.; providing enhanced penalties for the theft of certain property stolen during a state of emergency; directing that a felony theft committed during a state of emergency be reclassified one level above the current ranking of the offense committed; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 282** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2236—A bill to be entitled An act relating to tuition rates at state colleges and universities; amending s. 1009.24, F.S.; providing that the Legislature has the responsibility to establish tuition and fees; providing that tuition and fees for certain state university resident students are established within the General Appropriations Act or law; requiring each board of trustees to set university tuition and fees under certain circumstances; providing that such tuition and fees may not exceed tuition and fees for corresponding programs at certain public institutions; requiring each university to allocate a certain percentage amount raised by tuition increases to financial aid for students; providing that tuition and fees for certain students are not subject to a cap; creating s. 1009.286, F.S.; requiring students to pay 75 percent of the actual cost per credit hour for credit hours in excess of a specified number for community-college credits and for overall credits applied to a baccalaureate degree; excluding certain credit hours from calculation as hours required to earn a baccalaureate degree; providing for notification of students by a postsecondary institution; providing applicability; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (562590)—On page 5, lines 19-21, delete those lines and insert: *undertaken while pursuing a degree;*

(g) Remedial and English as a Second Language credit hours; and

(h) Credit hours earned in military science courses (R.O.T.C).

On motion by Senator Constantine, further consideration of **CS for CS for SB 2236** as amended was deferred.

On motion by Senator Atwater—

CS for CS for SB 2264—A bill to be entitled An act relating to the payment of instructional costs for students; amending s. 1009.21, F.S.; defining the term "initial enrollment" for purposes of determining a postsecondary student's residential status for tuition purposes; providing duties of institutions of higher education; providing conditions under which a nonresident may be reclassified as a resident of this state; requiring that specified evidence of the legal residence and dependent status of an individual be provided as a prerequisite to classification as a resident for tuition purposes; amending s. 1009.24, F.S.; providing that the Legislature has the responsibility to establish tuition and fees; providing that tuition and fees for certain state university resident students are established within the General Appropriations Act or law; requiring each board of trustees to set university tuition and fees under certain circumstances; providing that such tuition and fees may not exceed tuition and fees for corresponding programs at certain public institutions; requiring each university to allocate a certain percentage amount raised by tuition increases to financial aid for students; providing that tuition and fees for certain students are not subject to a cap; amending s. 1009.40, F.S.; providing that certain students are ineligible to receive more than one state-funded tuition assistance grant; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2264** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 786—A bill to be entitled An act relating to fees imposed on tire and battery sales; amending s. 403.718, F.S.; imposing a fee on the sale of new motor vehicle tires sold to governmental entities; amending s. 403.7185, F.S.; imposing a fee on the sale of new or remanufactured lead-acid batteries sold to governmental entities; specifying that certain amendments are remedial in nature and are intended for clarification; providing that certain dealers are not eligible for a refund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 786** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2542** was deferred.

CS for CS for SB 1264—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring the printed traffic citation form to have a box for failing to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal showing a steady red indication; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring a driver improvement course for a second moving violation of a traffic control signal showing a steady red indication within a specified time period; providing a penalty for failure to complete such course within a specified time period; amending s. 322.27, F.S.; assigning a point value for conviction of a moving violation of a traffic control signal showing a steady red indication; correcting a cross-reference relating to assessment of points for litter violations; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; authorizing trauma centers to request that such funds be used as intergovernmental transfer funds in the Medicaid program; providing for audits and attestations; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1264** to **HB 497**.

Pending further consideration of **CS for CS for SB 1264** as amended, on motion by Senator Saunders, by two-thirds vote **HB 497** was withdrawn from the Committees on Transportation; Health Care; Government Efficiency Appropriations; Health and Human Services Appropriations; and Ways and Means.

On motion by Senator Saunders, the rules were waived and—

HB 497—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring traffic citation forms to include a check box indicating a failure to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal steady red indication and of a traffic control device when a driver fails to stop at a traffic signal; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a second moving violation of a traffic control signal steady red indication or of a traffic control device within a specified time period and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete said course within a specified time period; amending s. 322.27, F.S.; assigning a point value for the conviction of a moving violation of a traffic control signal steady red indication or of a traffic control device; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; authorizing trauma centers to request that such funds be used as intergovernmental transfer funds in the Medicaid program; providing for audits and attestations; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1264** as amended and read the second time by title.

On motion by Senator Saunders, further consideration of **HB 497** was deferred.

CS for CS for SB 1110—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; revising monetary criteria for distributing portions of the tax to certain trust funds; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund; providing for increased distributions to certain trust funds under certain circumstances to provide for payments on bonds; revising monetary criteria for distributing portions of the tax to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; requiring distributions to the State Housing Trust Fund to be sufficient for certain purposes; providing direction on the recurring impact; making appropriations; providing a limitation; providing an effective date.

—was read the second time by title.

Senators Carlton and Pruitt offered the following amendment which was moved by Senator Carlton and adopted:

Amendment 1 (654258)(with title amendment)—On page 10, lines 11-20, delete those lines and insert:

Section 2. *Effective July 1, 2005, there is appropriated for the 2005-2006 fiscal year to the Florida Housing Finance Corporation $175,500,000 from the Local Government Housing Trust Fund and $74,500,000 from the State Housing Trust Fund for the purpose of providing funds to eligible entities for affordable housing recovery efforts as recommended by the Hurricane Housing Work Group.*

Section 3. *To administer section 2 of this act, the Florida Housing Finance Corporation may adopt emergency rules pursuant to section 120.54, Florida Statutes. The Legislature finds that emergency rules adopted pursuant to this section meet the health, safety, and welfare requirement of section 120.54(4), Florida Statutes. The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to assist those areas of the state which sustained housing damage due to hurricanes during 2004. Therefore, in adopting such emergency rules, the*

corporation need not make the findings required by section 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from section 120.54(4)(c), Florida Statutes, and shall remain in effect for 180 days.

And the title is amended as follows:

On page 1, lines 18-20, delete those lines and insert: for certain purposes; making appropriations; authorizing the Florida Housing Finance Corporation to adopt emergency rules; providing legislative findings; exempting such emergency rules from the requirements of the Administrative Procedure Act in s. 120.54, F.S., relating to the effective time period for emergency rules; providing an effective

MOTION

On motion by Senator Klein, the rules were waived to allow the following amendment to be considered:

Senator Klein moved the following amendment which failed:

Amendment 2 (115550)—On page 7, line 10 through page 10, line 7, delete those lines and insert:

(9) *The lesser of* seven and fifty-three hundredths percent of the remaining taxes collected under this chapter *or an amount equal to $8.38 multiplied by the state population, with the determination of such population to be made with respect to any fiscal year on the basis of the most recent census estimate of the resident population of the state released by the Bureau of Census before the January 15 which precedes the beginning of such fiscal year,* shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) *The lesser of* eight and sixty-six hundredths percent of the remaining taxes collected under this chapter *or an amount equal to $10.65 multiplied by the state population, with the determination of such population to be made with respect to any fiscal year on the basis of the most recent census estimate of the resident population of the state released by the Bureau of Census before the January 15 which precedes the beginning of such fiscal year,* shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(11) From the moneys specified in paragraphs (1)(d) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, $30 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212, and $2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

(12) The Department of Revenue may use the payments credited to trust funds pursuant to paragraphs (1)(c) and (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and (10) to pay the costs of the collection and enforcement of the tax levied by this chapter. The percentage of such costs which may be assessed against a trust fund is a ratio, the numerator of which is payments credited to that trust fund under this section and the denominator of which is the sum of payments made under paragraphs (1)(c) and (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and (10).

(13) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), shall not be used for land acquisition, but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59. Prior to the 2005 Regular Session of the Legislature, the Acquisition and Restoration Council shall review and make recommendations to the Legislature concerning the need to repeal this provision. Based on these recommendations, the Legislature shall review the need to repeal this provision during the 2005 Regular Session.

(14) Amounts distributed pursuant to subsections (5), (6), (7) and (8) are subject to the payment of debt service on outstanding Conservation and Recreation Lands revenue bonds.

(15) Beginning July 1, 2008, in each fiscal year that the remaining taxes collected under this chapter exceed such collections in the prior fiscal year, the stated maximum dollar amounts provided in subsections (2), (4), (6), and (7) shall each be increased by an amount equal to 10 percent of the increase in the remaining taxes collected under this chapter multiplied by the applicable percentage provided in those subsections.

(16) If the payment requirements in any year for bonds outstanding on July 1, 2007, or bonds issued to refund such bonds, exceed the limitations of this section, distributions to the trust fund from which the bond payments are made shall be increased to the lesser of the amount needed to pay bond obligations or the limit of the applicable percentage distribution provided in subsections (1)-(12).

(17) Distributions to the State Housing Trust Fund pursuant to subsections (9) and (10) shall be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to but not exceeding the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.

(18) In each fiscal year after fiscal year 2007-2008, the stated maximum dollar amounts provided in subsections (9) and (10) shall be increased by a cost adjustment equal to such dollar amount multiplied by the percentage by which the median sales price of a single-family existing home as of December of the calendar year preceding such fiscal year exceeds the sales price of such a home as of December 2006. For purposes of this subsection, the term "median price of a single-family existing home" means the price in the Florida Sales Report released each year by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

(19) The remaining taxes collected under this chapter,

On motion by Senator Atwater, further consideration of **CS for CS for SB 1110** as amended was deferred.

On motion by Senator Atwater—

HB 1889—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; revising monetary criteria for distributing portions of the tax to certain trust funds; revising authorization for the Department of Revenue to use certain amounts for certain purposes; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund; providing for increased distributions to certain trust funds under certain circumstances to provide for payments on bonds; revising monetary criteria for distributing portions of the tax to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; requiring distributions to the State Housing Trust Fund to be sufficient for certain purposes; providing a limitation; providing effective dates.

—was read the second time by title.

Senator Atwater moved the following amendment which was adopted:

Amendment 1 (874624)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund ~~for such purposes~~ shall not exceed $300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and $300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds shall not exceed $30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional $30 million in each subsequent fiscal year, but shall not exceed a total of $300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2030. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a), shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619.

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund and may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used. Payments made under this paragraph shall continue until the cumulative amount credited to the Land Acquisition Trust Fund for the fiscal year under this paragraph and paragraph (2)(b) equals 70 percent of the current official forecast for distributions of taxes collected under this chapter pursuant to subsection (2). As used in this paragraph, the term "current official forecast" means the most recent forecast as determined by the Revenue Estimating Conference. If the current official forecast for a fiscal year changes after payments under this paragraph have ended during that fiscal year, no further payments are required ~~under this paragraph~~ during the fiscal year.

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of the General Revenue Fund ~~of the state~~ to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11).

(2) *The lesser of* seven and fifty-six hundredths percent of the remaining taxes collected under this chapter *or $84.9 million in each fiscal year* shall be used for the following purposes:

(a) Beginning in the month following the final payment for a fiscal year under paragraph (1)(c), available moneys shall be paid into the State Treasury to the credit of the General Revenue Fund ~~of the state~~ to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11). Payments made under this paragraph shall continue until the cumulative amount credited to the General Revenue Fund for the fiscal year under this paragraph equals the cumulative payments made under paragraph (1)(c) for the same fiscal year.

(b) The remainder of the moneys distributed under this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.

(3) *The lesser of* one and ninety-four hundredths percent of the remaining taxes collected under this chapter *or $26 million in each fiscal year* shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Moneys deposited in the trust fund pursuant to this section shall be used ~~for the following purposes:~~

~~(a) Sixty percent of the moneys shall be used~~ to acquire coastal lands or to pay debt service on bonds issued to acquire coastal lands~~;~~ and

~~(b) Forty percent of the moneys shall be used~~ to develop and manage lands acquired with moneys from the Land Acquisition Trust Fund.

(4) *The lesser of* four and two-tenths percent of the remaining taxes collected under this chapter *or $60.5 million in each fiscal year* shall be paid into the State Treasury to the credit of the Water Management Lands Trust Fund. Sums deposited in that fund may be used for any purpose authorized in s. 373.59.

(5) Four and two-tenths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032. Nine and one-half percent of the amount credited to the Conservation and Recreation Lands Trust Fund pursuant to this subsection shall be transferred to the State Game Trust Fund and used for land management activities.

(6) *The lesser of* two and twenty-eight hundredths percent of the remaining taxes collected under this chapter *or $36.1 million in each fiscal year* shall be paid into the State Treasury to the credit of the Invasive Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252.

(7) *The lesser of* one-half of one percent of the remaining taxes collected under this chapter *or $9.3 million in each fiscal year* shall be paid into the State Treasury to the credit of the State Game Trust Fund to be used exclusively for the purpose of implementing the Lake Restoration 2020 Program.

(8) One-half of one percent of the remaining taxes collected under this chapter shall be paid into the State Treasury and divided equally to the credit of the Department of Environmental Protection Water Quality Assurance Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources and to the credit of the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources, respectively. These funds shall be used for research, development, demonstration, and implementation of suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of best management practices. The unobligated balance of funds received

from the distribution of taxes collected under this chapter to address water quality impacts associated with nonagricultural nonpoint sources will be excluded when calculating the unobligated balance of the Water Quality Assurance Trust Fund as it relates to the determination of the applicable excise tax rate.

(9) *The lesser of* seven and fifty-three hundredths percent of the remaining taxes collected under this chapter *or $107 million in each fiscal year* shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) *The lessor of* eight and sixty-six hundredths percent of the remaining taxes collected under this chapter *or $136 million in each fiscal year* shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(11) From the moneys specified in paragraphs (1)(d) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, $30 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212, and $2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

(12) The Department of Revenue may use the payments credited to trust funds pursuant to paragraphs (1)(c) and (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and (10) to pay the costs of the collection and enforcement of the tax levied by this chapter. The percentage of such costs which may be assessed against a trust fund is a ratio, the numerator of which is payments credited to that trust fund under this section and the denominator of which is the sum of payments made under paragraphs (1)(c) and (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and (10).

(13) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), shall not be used for land acquisition, but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59. Prior to the 2005 Regular Session of the Legislature, the Acquisition and Restoration Council shall review and make recommendations to the Legislature concerning the need to repeal this provision. Based on these recommendations, the Legislature shall review the need to repeal this provision during the 2005 Regular Session.

(14) Amounts distributed pursuant to subsections (5), (6), (7) and (8) are subject to the payment of debt service on outstanding Conservation and Recreation Lands revenue bonds.

(15) Beginning July 1, 2008, in each fiscal year that the remaining taxes collected under this chapter exceed such collections in the prior fiscal year, the stated maximum dollar amounts provided in subsections (2), (4), (6), (7), (9), and (10) shall each be increased by an amount equal to 10 percent of the increase in the remaining taxes collected under this chapter multiplied by the applicable percentage provided in those subsections.

(16) If the payment requirements in any year for bonds outstanding on July 1, 2007, or bonds issued to refund such bonds, exceed the limitations of this section, distributions to the trust fund from which the bond payments are made shall be increased to the lesser of the amount needed to pay bond obligations or the limit of the applicable percentage distribution provided in subsections (1)-(12).

(17) Distributions to the State Housing Trust Fund pursuant to subsections (9) and (10) shall be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to but not exceeding the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.

(18) The remaining taxes collected under this chapter, after the distributions provided in the preceding subsections, shall be paid into the State Treasury to the credit of the General Revenue Fund.

Section 2. *Effective July 1, 2005, there is appropriated for the 2005-2006 fiscal year to the Florida Housing Finance Corporation $175.5 million from the Local Government Housing Trust Fund and $74.5 million from the State Housing Trust Fund for the purpose of providing funds to eligible entities for affordable housing recovery efforts as recommended by the Hurricane Housing Work Group.*

Section 3. *To administer section 2 of this act, the Florida Housing Finance Corporation may adopt emergency rules pursuant to section 120.54, Florida Statutes. The Legislature finds that emergency rules adopted pursuant to this section meet the health, safety, and welfare requirement of section 120.54(4), Florida Statutes. The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to assist those areas of the state which sustained housing damage due to hurricanes during 2004. Therefore, in adopting such emergency rules, the corporation need not make the findings required by section 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from section 120.54(4)(c), Florida Statutes, and shall remain in effect for 180 days.*

Section 4. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2007.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; revising monetary criteria for distributing portions of the tax to certain trust funds; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund; providing for increased distributions to certain trust funds under certain circumstances to provide for payments on bonds; revising monetary criteria for distributing portions of the tax to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; requiring distributions to the State Housing Trust Fund to be sufficient for certain purposes; making appropriations; authorizing the Florida Housing Finance Corporation to adopt emergency rules; providing legislative findings; exempting such emergency rules from the requirements of s. 120.54, F.S., relating to the effective time period for emergency rules; providing an effective date.

Pursuant to Rule 4.19, **HB 1889** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for SB 1592—A bill to be entitled An act relating to the Department of Military Affairs; amending s. 250.01, F.S.; defining the term "servicemembers' group life insurance"; creating s. 250.342, F.S.; requiring the department to provide life insurance for members of the Florida National Guard, subject to appropriation; requiring a report; creating s. 250.5206, F.S.; requiring the Department of Military Affairs to establish the Family Readiness Program; stating that the purpose of the program is to provide need-based assistance to families of specified members of the Florida National Guard who are on active duty; providing that implementation of the program is subject to appropriations expressly pro-

vided for the program; specifying uses of the funds; specifying services for which the funds may be used; providing criteria for program eligibility; providing for a review of requests for assistance under the program; creating a Family Readiness Advisory Board; providing for membership of the board; providing that the Adjutant General or the Adjutant General's designee has the authority to disburse program funds; providing for periodic audits of the program; requiring the department to provide an annual report to the Governor and the Legislature; authorizing the department to adopt rules; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1592** to **HB 1069**.

Pending further consideration of **CS for SB 1592** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 1069** was withdrawn from the Committees on Community Affairs; and Transportation and Economic Development Appropriations.

On motion by Senator Haridopolos, the rules were waived and—

HB 1069—A bill to be entitled An act relating to the Family Readiness Program; creating s. 250.5206, F.S.; creating the Family Readiness Program within the Department of Military Affairs; providing purpose of the program; providing for program funding and use of program funds; specifying eligible services and eligible program recipients; providing procedure with respect to requests for assistance and award of funds under the program; providing for monthly audit reviews of the program; providing for annual reports; providing rulemaking authority of the Department of Military Affairs; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1592** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1069** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 308—A bill to be entitled An act relating to law enforcement officers; amending s. 112.532, F.S.; requiring that all identifiable witnesses be interviewed, whenever possible, before beginning the investigative interview of the accused law enforcement officer; requiring that the complaint and all witness statements be given to the law enforcement officer before beginning an investigative interview; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 308** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 1208—A bill to be entitled An act relating to long-term care coverage; amending s. 409.905, F.S.; providing conditions for eligibility; creating s. 409.9102, F.S.; directing the Agency for Health Care Administration to establish the Long-term Care Partnership Program; providing purpose and duties; directing the agency to submit a plan and proposed legislation to the Legislature; providing a contingent effective date.

—was read the second time by title.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (765870)—On page 3, line 28, delete "section 409.902," and insert: section 409.905,

Pursuant to Rule 4.19, **CS for SB 1208** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, by two-thirds vote **HB 1081** was withdrawn from the Committees on Banking and Insurance; and Health Care.

On motion by Senator Saunders—

HB 1081—A bill to be entitled An act relating to discount medical plan organizations; amending s. 636.202, F.S.; revising a definition; amending s. 636.204, F.S.; revising provisions relating to licensure requirements to do business as a discount medical plan organization; creating s. 636.205, F.S.; providing requirements for issuance of a license; authorizing the Office of Insurance Regulation to deny a license; amending s. 636.206, F.S.; providing that discount medical plan organizations are not subject to the Florida Insurance Code for purposes of examination and investigation; creating s. 636.207, F.S.; providing for applicability of pt. II of ch. 636, F.S.; amending s. 636.208, F.S.; revising provisions relating to reimbursement of certain charges and fees upon cancellation of membership in the plan; amending s. 636.210, F.S.; revising prohibitions relating to advertising; amending s. 636.212, F.S.; revising provisions relating to disclosures to prospective members; amending s. 636.214, F.S.; revising provisions relating to provider agreements; amending s. 636.216, F.S.; providing conditions for approval of charges and forms; deleting a provision relating to request for a hearing; amending s. 636.218, F.S.; revising requirements for information to be included in annual reports; creating s. 636.223, F.S.; providing for administrative penalties; amending s. 636.228, F.S.; specifying marketing requirements of discount medical plans; providing limitations; amending s. 636.230, F.S.; specifying fee disclosure requirements for bundling discount medical plans with other products; amending s. 636.236, F.S.; requiring discount medical plan organizations to maintain surety bonds; providing conditions for substituting deposited securities for surety bonds; amending s. 636.238, F.S.; revising penalties; repealing s. 636.242, F.S., relating to civil remedies; providing an effective date.

—a companion measure, was substituted for **CS for SB 2214** and read the second time by title.

Pursuant to Rule 4.19, **HB 1081** was placed on the calendar of Bills on Third Reading.

CS for SB 1232—A bill to be entitled An act relating to wind-protection provisions of the Florida Building Code; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; providing an appropriation; providing for incorporation in the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; requiring the Florida Building Commission to make recommendations to the Legislature; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendment which was moved by Senator Lynn and adopted:

Amendment 1 (125694)—On page 3, line 1, after *"appropriates"* insert: *, for fiscal year 2005-2006 only,*

Senator Lynn moved the following amendment:

Amendment 2 (091450)(with title amendment)—On page 1, line 19 through page 2, line 20, delete those lines and insert:

Section 1. *Notwithstanding subsection (3) of section 109 of chapter 2000-141, Laws of Florida, for areas of the state which are not within the high-velocity hurricane zone, the Florida Building Commission, upon updating the Florida Building Code, shall adopt, pursuant to section 553.73, Florida Statutes, the most current edition of the wind-protection requirements of the American Society of Civil Engineers, Standard 7, as implemented by the International Building Code. This section is intended to explicitly supersede only the first sentence of subsection (3) of section 109 of chapter 2000-141, Laws of Florida.*

And the title is amended as follows:

On page 1, lines 3-8, delete those lines and insert: of the Florida Building Code; providing for the adoption into the Florida Building Code of certain wind-protection standards applicable to areas outside the high-velocity hurricane zone; providing an appropriation;

On motion by Senator Lynn, further consideration of **CS for SB 1232** as amended with pending **Amendment 2 (091450)** was deferred.

On motion by Senator Bennett—

CS for SB 1702—A bill to be entitled An act relating to teen courts; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing for administration by the clerk of the circuit court; authorizing the clerk of the court to retain a specified percentage of the assessments collected as income to the clerk of the court; requiring the teen court to account for all funds deposited into the teen court account; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to operate and administer a teen court program; prohibiting teen courts in counties adopting an ordinance from recovering court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1702** was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Pruitt, the Senate recessed at 12:24 p.m. to reconvene at 1:30 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:52 p.m. A quorum present—39:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

SPECIAL ORDER CALENDAR, continued

On motion by Senator Alexander, by two-thirds vote **HB 853** was withdrawn from the Committee on Transportation.

On motion by Senator Alexander—

HB 853—A bill to be entitled An act relating to motor vehicle lease agreements; amending s. 521.004, F.S.; revising retail lessor disclosure requirements; revising requirement for copies of certain documents to be provided to the lessee; providing an effective date.

—a companion measure, was substituted for **SB 1356** and read the second time by title.

Pursuant to Rule 4.19, **HB 853** was placed on the calendar of Bills on Third Reading.

SENATOR CARLTON PRESIDING

On motion by Senator Miller—

CS for SB 1498—A bill to be entitled An act relating to the Lead Poisoning Prevention Screening and Education Act; providing a popular name; providing legislative findings; providing definitions; providing for the establishment of a statewide comprehensive educational program on lead poisoning prevention; providing for a public information initiative; providing for distribution of literature about childhood lead poisoning; requiring the establishment of a screening program for early identification of persons at risk of elevated levels of lead in the blood; providing for screening of children; providing for prioritization of screening; providing for the maintenance of records of screenings; providing for reporting of cases of lead poisoning; providing an appropriation; providing contingencies for appropriation; providing effective dates.

—was read the second time by title.

Senator Miller moved the following amendment which was adopted:

Amendment 1 (255792)—On page 8, lines 13 and 14, delete those lines and insert: *effect only upon the Department of Health receiving federal lead poisoning prevention funds of $1 million or greater.*

Pursuant to Rule 4.19, **CS for SB 1498** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, the Senate resumed consideration of—

CS for CS for SB 2236—A bill to be entitled An act relating to tuition rates at state colleges and universities; amending s. 1009.24, F.S.; providing that the Legislature has the responsibility to establish tuition and fees; providing that tuition and fees for certain state university resident students are established within the General Appropriations Act or law; requiring each board of trustees to set university tuition and fees under certain circumstances; providing that such tuition and fees may not exceed tuition and fees for corresponding programs at certain public institutions; requiring each university to allocate a certain percentage amount raised by tuition increases to financial aid for students; providing that tuition and fees for certain students are not subject to a cap; creating s. 1009.286, F.S.; requiring students to pay 75 percent of the actual cost per credit hour for credit hours in excess of a specified number for community-college credits and for overall credits applied to a baccalaureate degree; excluding certain credit hours from calculation as hours required to earn a baccalaureate degree; providing for notification of students by a postsecondary institution; providing applicability; providing an effective date.

—which was previously considered and amended this day.

Pursuant to Rule 4.19, **CS for CS for SB 2236** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for CS for SB 2542—A bill to be entitled An act relating to the state judicial system; amending s. 27.40, F.S., relating to circuit registries for court-appointed counsel; requiring that an attorney enter into a contract to be included on the registry; limiting the appointment of attorneys from the same law firm; prohibiting the sharing of duties among attorneys except under certain circumstances; requiring data on the race, sex, and ethnicity of attorneys; requiring the Justice Administrative Commission to approve uniform procedures and forms for use in billing for an attorney's fees, costs, and related expenses; requiring that a withdrawal order be filed with the commission; providing that withdrawal from a case creates a rebuttable presumption of nonentitlement to the entire flat fee; amending s. 27.42, F.S.; requiring that the circuit Article V indigent services committee establish the compensation rates for court-appointed counsel or in cases of indigency; providing a limitation on the rates; requiring each committee to establish a schedule of allowances for due-process expenses; authorizing alternate models for providing criminal and civil due-process representation; requiring that the expenses for representing indigent persons be appropriated in a

separate category within the Justice Administrative Commission rather than paid from funds appropriated for use by the public defenders; requiring the commission to track and report data on the race, sex, and ethnicity of private court-appointed counsel; amending s. 27.52, F.S., relating to the determination of indigent status; providing for application to the clerk of court for such a determination and appointment of a public defender; prescribing duties of the clerk and the public defender relating to an application; prescribing application requirements and review criteria; providing for review by the court of a clerk's determination; authorizing the court to determine a person indigent for costs and eligible for payment of due-process expenses; requiring certain parents or legal guardians to furnish legal services and costs; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for the provision of false information; amending s. 27.5304, F.S.; providing that court-appointed counsel use uniform contract, procedures, and forms in certain circumstances; authorizing the Justice Administrative Commission to pay attorney's fees without court approval under certain conditions; requiring the attorney to provide the commission with advance notice of a court hearing on payment of fees and costs; authorizing the commission to participate in such hearings telephonically; eliminating a requirement for the Article V Indigent Services Advisory Board to make recommendations on compensation of private court-appointed counsel; providing that private court-appointed counsel is entitled to compensation upon final disposition of the case; providing exceptions; specifying intervals other than final disposition of a case at which private court-appointed counsel may request payment; clarifying a prohibition against allowing an attorney who is not on the registry to appear; limiting the reimbursement allowed for the preparation of invoices; amending s. 27.54, F.S.; requiring that the county or municipality pay certain costs for due-process services; prescribing assessment of fees to recover such costs; amending s. 28.24, F.S.; requiring that the clerk of the court provide copies to public guardians, attorneys ad litem, and court-appointed counsel paid by the state; requiring clerks of the court to participate in the Comprehensive Case Information System by a certain date; designating the custodian of official records; providing that official records are county property; amending s. 28.2402, F.S.; prohibiting the circuit court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions from the filing fee; amending s. 28.241, F.S.; providing for the clerk of the court to collect a service fee for appeals from circuit court; amending s. 28.245, F.S.; requiring that the clerks of the court remit collections to the Department of Revenue within a specified period; amending s. 28.246, F.S.; conforming a reference; revising provisions authorizing an individual to enter into a payment plan for the payment of fees, costs, or fines; providing for the court to review the payment plan; amending s. 28.345, F.S.; exempting certain court staff, public guardians, attorneys ad litem, and court-appointed counsel from the payment of fees and charges assessed by the clerk of the circuit court; amending s. 28.35, F.S.; requiring the Florida Clerks of Court Operations Committee to report on additional budget funding authority provided to a clerk; amending s. 28.36, F.S.; revising the date for the county clerk to submit a proposed budget; conforming a reference to the Florida Clerks of Court Operations Corporation; conforming a reference to the Chief Financial Officer; conforming a cross-reference; providing for identification of ineligible expenditures by the clerks of court; requiring the clerks to reimburse ineligible expenditures to the Clerks of Court Trust Fund; authorizing the corporation to approve additional annual funding for a clerk under prescribed conditions; amending s. 28.37, F.S.; expanding the types of excess funds that clerks of the court must remit to the Department of Revenue over the amount needed to meet approved budgets; creating s. 28.44, F.S.; providing a method by which the clerk of court may discontinue or substantially modify court-related functions; providing a definition; amending s. 29.004, F.S.; providing for state appropriations to be used for expert witnesses who are appointed by the court rather than requested by any party; amending s. 29.007, F.S.; providing for state funds to be used in providing mental health professionals in certain civil cases; clarifying the use of state funds at the trial or appellate level to pay certain costs on behalf of a litigant who is indigent; amending s. 29.008, F.S.; requiring that the county where the appellate district is located fund the appellate division of the public defender's office; expanding the definition of the term "facility" to include items necessary for court-reporting services; narrowing a limitation on the application of certain requirements to specified facilities; including hearing rooms within those facilities funded by the county as a court-related function; including audio equipment within county-funded communications services; creating s. 29.0081, F.S.; authorizing counties and judicial circuits to agree to the funding of personnel positions for the circuit; providing requirements for such agreements; providing for the effect and limitation of such agreements; amending s. 29.015, F.S.; authorizing the Justice Administrative Commission to transfer funds to address budget deficits relating to due-process services; requiring notice of the transfer; amending s. 29.018, F.S.; eliminating the authority for court-appointed counsel to contract to share in court and due-process costs; providing that the Justice Administrative Commission may contract for such cost-sharing on behalf of court-appointed counsel; creating s. 29.0185, F.S.; specifying conditions under which state-funded due-process services are provided; amending s. 34.045, F.S.; prohibiting the county court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions of local code violations from the filing fee; expanding conditions under which the county or municipality is the prevailing party; requiring an assessment for a filing fee; amending s. 34.191, F.S.; providing that for certain purposes, a municipality does not include certain unincorporated areas; clarifying a requirement that certain fines and forfeitures committed within an unincorporated area of a municipality be paid to the clerk of the county court; amending s. 39.0132, F.S.; authorizing the Justice Administrative Commission to inspect certain court dockets; amending s. 39.821, F.S.; requiring that the Guardian Ad Litem Program rather than the chief judge request the federal criminal records check for purposes of certifying guardians ad litem; amending s. 39.822, F.S.; directing agencies, persons, and other organizations to provide a guardian ad litem access to certain records related to the best interests of a child; amending s. 40.29, F.S.; clarifying procedures for the payments made by the state to the clerk of the court for the costs of witnesses; creating s. 40.355, F.S.; requiring the clerk of the court to report on, and refund to the state attorneys and public defenders, certain moneys collected for payment of jurors and due-process costs; amending s. 43.16, F.S.; providing that the Justice Administrative Commission is not subject to the Administrative Procedure Act; amending s. 43.26, F.S.; prescribing responsibilities of the chief judge and the clerk of court relating to the administration of justice and provision of court-related functions; amending s. 44.102, F.S.; revising conditions under which nonvolunteer court mediators may be compensated by the county or parties; amending s. 44.108, F.S.; clarifying the fees charged for scheduled mediation services provided by a circuit court's mediation program; requiring the clerk of the court to report to the chief judge the amount of such fees collected; amending s. 57.081, F.S.; adding a cross-reference to conform; creating s. 57.082, F.S., relating to the determination of civil indigent status; providing for application to the clerk of court for such a determination; prescribing duties of the clerk relating to an application; prescribing application requirements and review criteria; providing for an interim determination by the court and appointment of counsel; providing for review by the court of the clerk's determination; providing for enrollment in a payment plan by a person determined indigent; providing for the waiver of fees and costs under certain conditions; providing for reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for providing false information; amending s. 92.142, F.S.; deleting a provision that provides for payment of per diem and travel expenses for a witness in a criminal case at the discretion of the court; amending s. 92.231, F.S.; removing references to the Article V Indigent Services Advisory Board and the provision of recommendations on expert witness fees; amending s. 110.205, F.S.; providing that officers and employees of the Justice Administrative Commission and specified related organizations are not career service positions; amending s. 116.01, F.S.; providing procedures for the clerk of the court to remit funds to the Department of Revenue; amending s. 116.21, F.S.; providing for the disposition of unclaimed moneys collected in the course of court-related activities by the clerk of the court; requiring the clerk to pay certain publication costs; amending s. 119.07, F.S.; extending the time period during which certain social security numbers and other data included in court or official county records may be available for public inspection unless redaction is requested; extending the deadline by which court clerks and county recorders must keep such data confidential; amending s. 142.01, F.S.; clarifying those moneys to be included within the fine and forfeiture fund of the clerk of the circuit court; amending s. 213.13, F.S.; requiring that the funds remitted by the clerk to the state be transmitted electronically within a specified period; amending s. 219.07, F.S.; clarifying the distributions that the clerk is required to make as part of his or her court-related functions; amending s. 219.075, F.S.; exempting funds collected by the clerk from the requirements for the investment of surplus funds of a county; amending s. 318.121, F.S.; clarifying that certain court costs and surcharges are added to civil traffic penalties; amending s. 318.18,

F.S.; requiring that the clerk of the court report the amount of certain surcharges collected to the chief judge, the Governor, and the Legislature; authorizing local governments to assess a surcharge on noncriminal offenses; amending s. 318.21, F.S.; providing for the disposition of traffic-infraction penalties for violations occurring in unincorporated areas of certain municipalities having a consolidated government; amending s. 318.31, F.S.; deleting provisions concerning the appointment of a civil traffic infraction hearing officer; amending s. 318.325, F.S.; deleting provisions specifying the funding of such hearing officer; amending s. 322.29, F.S.; increasing the fees charged for reinstating a driver's license; amending s. 372.72, F.S.; requiring that the proceeds from unclaimed bonds be deposited into the clerk's fine and forfeiture fund; amending s. 903.26, F.S.; revising the procedure for determining the amount of the costs incurred in returning a defendant to the county of jurisdiction; amending s. 903.28, F.S.; revising certain notice requirements following the surrender or apprehension of a defendant for purposes of remission of a forfeiture; authorizing the clerk of the circuit court to enter into certain contracts for purposes of representation in an action for the remission of a forfeiture; providing that the clerk is the real party in interest for all appeals arising from such an action; amending s. 916.115, F.S.; providing requirements for the payment of experts; specifying those fees which are paid by the state, the office of the public defender, the office of the state attorney, or the Justice Administrative Commission; amending s. 916.12, F.S.; revising the procedures under which the court may take action following a finding that the defendant is incompetent to proceed; amending s. 916.301, F.S.; requiring the court to pay for certain court-appointed retardation and autism experts; amending s. 939.185, F.S.; authorizing certain local governments to assess a surcharge on criminal offenses; amending s. 938.29, F.S.; providing for a judgment lien for the payment of certain attorney's fees to be filed without cost; amending s. 939.06, F.S.; clarifying that an acquitted defendant is not liable for certain fees; providing a procedure for such a defendant to request a refund from the Justice Administrative Commission of costs or fees paid; amending s. 985.05, F.S.; authorizing the Justice Administrative Commission to have access to certain court records; amending s. 985.201, F.S.; revising the manner in which a court may retain jurisdiction over a child and the child's parent when the court has ordered restitution for certain delinquent acts; requiring entry of a restitution order; creating s. 92.152, F.S.; requiring that the party calling a witness in traffic court bear the costs; requiring that the office of the state attorney pay such costs if the witness is required to testify on behalf of the prosecution; directing the trial court administrator to recover expenditures for state-funded services if those services were furnished to a user possessing the ability to pay; providing that the rate may not exceed the cost of the service and recovery; revising the maximum annual budget amount for the Clerk of Court for the Eleventh Judicial Circuit; providing legislative intent for revisions to ss. 34.191 and 318.21, F.S.; repealing s. 29.005(4), F.S., relating to prosecution expenses for appointing mental health professionals; repealing s. 29.014, F.S., relating to the Article V Indigent Services Advisory Board; repealing s. 318.37, F.S., relating to funding for a Civil Traffic Infraction Hearing Officer Program; providing appropriations; providing effective dates.

—was read the second time by title.

Senator Villalobos offered the following amendment which was moved by Senator Smith and adopted:

Amendment 1 (352146)(with title amendment)—On page 87, between lines 7 and 8, insert:

Section 50. Subsection (1) of section 318.32, Florida Statutes, is amended to read:

318.32 Jurisdiction; limitations.—

(1) Hearing officers shall be empowered to accept pleas from and decide the guilt or innocence of any person, adult or juvenile, charged with any civil traffic infraction and shall be empowered to adjudicate or withhold adjudication of guilt in the same manner as a county court judge under the statutes, rules, and procedures presently existing or as subsequently amended, except that hearing officers shall not:

(a) Have the power to hold a defendant in contempt of court, but shall be permitted to file a motion for order of contempt with the appropriate state trial court judge;

(b) Hear a case involving a crash resulting in injury or death; ~~or~~

(c) Hear a criminal traffic offense case or a case involving a civil traffic infraction issued in conjunction with a criminal traffic offense*; or*.

(d) Have the power to suspend a defendant's driver's license pursuant to s. 316.655(2).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 13, after the semicolon (;) insert: amending s. 318.32, F.S.; prohibiting a hearing officer from suspending a defendant's driver's license;

Senator Bennett moved the following amendment:

Amendment 2 (823556)(with title amendment)—On page 89, between lines 26 and 27, insert:

Section 52. Section 938.19, Florida Statutes, is amended to read:

938.19 Teen courts.—

(1) Notwithstanding s. 318.121, in each county in which a teen court has been created, the board of county commissioners may adopt a mandatory cost to be assessed in specific cases by incorporating by reference the provisions of this section in a county ordinance. Assessments collected by the clerk of the circuit court under this subsection shall be deposited into an account specifically for the operation and administration of the teen court.

(2) A sum of up to $3 shall be assessed as a court cost in the circuit and county court in the county against each person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a criminal law or a municipal ordinance or county ordinance or who pays a fine or civil penalty for any violation of chapter 316. Any person whose adjudication is withheld under s. 318.14(9) or (10) shall also be assessed the cost.

(3) The assessment for court costs shall be assessed in addition to any fine or civil penalty or other court cost and may not be deducted from the proceeds of that portion of any fine or civil penalty which is received by a municipality in the county or by the county in accordance with ss. 316.660 and 318.21. The assessment shall be specifically added to any civil penalty paid for a violation of chapter 316, regardless of whether the penalty is paid by mail, paid in person without request for a hearing, or paid after hearing and determination by the court. However, the assessment may not be made against a person for a violation of any state law, county ordinance, or municipal ordinance relating to the parking of vehicles, with the exception of a violation of the handicapped parking laws.

(4)(a) The clerk of the circuit court shall collect the assessments for court costs established in this section and shall remit the assessments to the teen court monthly.

(b) The clerk of the circuit court shall withhold 5 percent of the assessments collected, which shall be retained as fee income of the office of the clerk of the circuit court.

(5) A teen court that receives the cost assessments established by the adopted county ordinance must account for all funds that have been deposited into the designated account in a written report to the board of county commissioners. The report must be given to the commissioners by August 1 of each year or by a date required by the commissioners.

(6) A teen court may be administered by a nonprofit organization, a law enforcement agency, the court administrator, the clerk of the court, or another similar agency authorized by the board of county commissioners.

(7) A teen court administered in a county that adopts an ordinance to assess court costs under this section may not receive court costs collected under s. 939.185(1)(a)4. ~~Counties are hereby authorized to fund teen courts.~~

Section 53. Paragraph (a) of subsection (1) of section 939.185, Florida Statutes, is amended to read:

939.185 Assessment of additional court costs.—

(1)(a) The board of county commissioners may adopt by ordinance an additional court cost, not to exceed $65, to be imposed by the court when a person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of this state. Such additional assessment shall be accounted for separately by the county in which the offense occurred and be used only in the county imposing this cost, to be allocated as follows:

1. Twenty-five percent of the amount collected shall be allocated to fund innovations to supplement state funding for the elements of the state courts system identified in s. 29.004 and county funding for local requirements under s. 29.008(2)(a)2.

2. Twenty-five percent of the amount collected shall be allocated to assist counties in providing legal aid programs required under s. 29.008(3)(a).

3. Twenty-five percent of the amount collected shall be allocated to fund personnel and legal materials for the public as part of a law library.

4. Twenty-five percent of the amount collected shall be used as determined by the board of county commissioners to support teen court programs, *except as provided in s. 938.19(7),* juvenile assessment centers, and other juvenile alternative programs.

Each county receiving funds under this section shall report the amount of funds collected pursuant to this section and an itemized list of expenditures for all authorized programs and activities. The report shall be submitted in a format developed by the Supreme Court to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives on a quarterly basis beginning with the quarter ending September 30, 2004. Quarterly reports shall be submitted no later than 30 days after the end of the quarter. Any unspent funds at the close of the county fiscal year allocated under subparagraphs 2., 3., and 4., shall be transferred for use pursuant to subparagraph 1.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 10, line 1, after the first semicolon (;) insert: amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing for administration by the clerk of the circuit court; authorizing the clerk of the court to retain a specified percentage of the assessments collected as income to the clerk of the court; requiring the teen court to account for all funds deposited into the teen court account; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to operate and administer a teen court program; prohibiting teen courts in counties adopting an ordinance from recovering court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding;

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senator Bennett offered the following amendment to **Amendment 2** which was moved by Senator Smith and adopted:

Amendment 2A (054354)—On page 1, line 22, after "*commissioners*" insert: *or local governing body*

Amendment 2 as amended was adopted.

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendments to be considered:

Senator Smith moved the following amendments which were adopted:

Amendment 3 (955228)(with title amendment)—On page 13, line 6 through page 14, line 27, delete those lines and insert:

(3) In utilizing a registry:

(a) Each circuit Article V indigent services committee shall compile and maintain a list of attorneys in private practice, by county and by category of cases. *In the eleventh judicial circuit for the 2005-2006 and 2006-2007 fiscal years, the committee shall compile and maintain a list of attorneys by race, sex, and ethnicity of the assigned attorneys.* To be included on a registry, attorneys shall certify that they meet any minimum requirements established in general law for court appointment, are available to represent indigent defendants in cases requiring court appointment of private counsel, and are willing to abide by the terms of the contract for services. *To be included on a registry, an attorney also must enter into a contract for services with the Justice Administrative Commission. Failure to comply with the terms of the contract for services may result in termination of the contract and removal from the registry.* Each attorney on the registry shall be responsible for notifying the circuit Article V indigent services committee *and the Justice Administrative Commission* of any change in his or her status. Failure to comply with this requirement shall be cause for *termination of the contract for services and* removal from the registry until the requirement is fulfilled.

(b) The court shall appoint attorneys in rotating order in the order in which names appear on the applicable registry, unless the court makes a finding of good cause on the record for appointing an attorney out of order. An attorney not appointed in the order in which his or her name appears on the list shall remain next in order.

(c) If it finds the number of attorneys on the registry in a county or circuit for a particular category of cases is inadequate, the circuit Article V indigent services committee shall notify the chief judge of the particular circuit in writing. The chief judge shall submit the names of at least three private attorneys with relevant experience. The clerk of court shall send an application to each of these attorneys to register for appointment.

(d) Quarterly, ~~beginning no later than October 1, 2004,~~ each circuit Article V indigent services committee shall provide *a current copy of each registry to* the Chief Justice of the Supreme Court, the chief judge, the state attorney and public defender in each judicial circuit, ~~and~~ the clerk of court in each county*, the Justice Administrative Commission, and the Indigent Services Advisory Board* ~~with a current copy of each registry~~. *In the eleventh judicial circuit for the 2005-2006 and 2006-2007 fiscal years, the registry shall identify the race, sex, and ethnicity of each attorney listed in the registry.*

And the title is amended as follows:

On page 1, lines 7-11, delete those lines and insert: revising requirements for private court-appointed counsel; requiring that data be compiled on the race, sex, and ethnicity of attorneys within a specified circuit for a limited time; requiring the

Amendment 4 (022784)(with title amendment)—On page 15, line 27, before the period (.) insert: *, subject to the attorney-client privilege and work product privilege*

And the title is amended as follows:

On page 1, line 19, after the first semicolon (;) insert: authorizing the Justice Administrative Commission to review certain records;

Amendment 5 (091040)—On page 17, lines 20-28, delete those lines and insert:

(3) Notwithstanding any other provision of this section, a circuit Article V indigent services committee may approve, and the Justice Administrative Commission shall investigate and evaluate the use of funds for, alternate models for the provision of criminal and civil due-process services and representation other than a model based on a per-case fee if a more cost-effective and efficient system can be provided. An alternate model may include court-reporting services and the provision of court-appointed counsel.

Amendment 6 (420292)(with title amendment)—On page 19, lines 3-6, delete those lines and insert: guardianship.

And the title is amended as follows:

On page 2, lines 2-4, delete those lines and insert: defenders; amending s.

Amendment 7 (450822)—On page 20, lines 30 and 31, delete those lines and insert: *Commission, to be used as appropriated by the Legislature. The*

Amendment 8 (880240)—On page 27, line 13, delete "and (9)" and insert: (9), and (10)

Amendment 9 (953482)(with title amendment)—On page 31, lines 3-9, delete those lines and insert:

(9) Private court-appointed counsel may not bill for preparation of invoices whether or not the case is paid on the basis of an hourly rate or by flat fee.

(10) The Justice Administrative Commission shall develop a schedule to provide partial payment of attorney fees for cases that are not resolved within 6 months. The schedule must provide that the aggregate payments shall not exceed limits established by law. Any partial payment made pursuant to this subsection shall not exceed the actual value of services provided to date. Any partial payment shall be proportionate to the value of services provided based on payment rates included in the contract, not to exceed any limit provided by law.

And the title is amended as follows:

On page 3, lines 13 and 14, delete those lines and insert:

restricting the reimbursement allowed for the preparation of invoices; requiring the Justice Administrative Commission to develop a schedule to provide partial payment for attorney fees under certain circumstances; amending s. 27.54,

Amendment 10 (772220)(with title amendment)—On page 39, line 20 through page 40, line 9, delete those lines and insert:

Section 7. Paragraph (a) of subsection (1) and subsection (2) of section 28.2402, Florida Statutes, are amended to read:

28.2402 Cost recovery; use of the circuit court for ordinance or special law violations.—

(1)(a) In lieu of payment of a filing fee under s. 28.241, a filing fee of $10 shall be paid by a county or municipality when filing a county or municipal ordinance violation or violation of a special law in circuit court. This fee shall be paid to the clerk of the court for performing court-related functions. *A county or municipality is not required to pay more than one filing fee for a single filing against a single defendant which contains multiple alleged violations. A filing fee, other than that imposed under this section, may not be assessed for initiating an enforcement proceeding in circuit court for a violation of a county or municipal code or ordinance or a violation of a special law. The filing fee does not apply to instances in which a county or a municipality has contracted with the state, or has been delegated by the state, responsibility for enforcing state operations, policies, or requirements under s. 125.69, s. 166.0415, or chapter 162.*

(2) To offset costs incurred by the clerks of the court in performing court-related functions associated with the processing of violations of special laws and municipal ordinances, 10 percent of the total amount of fines paid to each municipality for special law or ordinance violations filed in circuit court shall be retained by the clerk of the court for deposit into the clerk's fine and forfeiture fund established pursuant to s. 142.01, except for fines a portion of which the clerk of the court retains pursuant to any other provision of state law. *A municipality does not include the unincorporated areas, if any, of a government created pursuant to s. 6(e), Art. VIII of the State Constitution.*

And the title is amended as follows:

On page 4, line 1, after the first semicolon (;) insert: excluding unincorporated areas of certain consolidated governments from the term "municipality" for purposes of sharing with the clerk certain fines from local ordinance violations;

Amendment 11 (555486)(with title amendment)—On page 40, line 10 through page 41, line 10, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, lines 1-3, delete those lines and insert: fee; amending s.

Amendment 12 (914046)(with title amendment)—On page 59, line 26 through page 60, line 9, delete those lines and insert:

filing against a single defendant which contains multiple alleged violations. A filing fee, other than that imposed under this section, may not be assessed for initiating an enforcement proceeding in county court for a violation of a county or municipal code or ordinance or a violation of a special law. The filing fee does not apply to instances in which a county or a municipality has contracted with the state, or has been delegated by the state, responsibility for enforcing state operations, policies, or requirements under s. 125.69, s. 166.0415, or chapter 162.

And the title is amended as follows:

On page 6, delete line 21 and insert: enforcement actions

Amendment 13 (632892)(with title amendment)—On page 61, lines 6-19, delete those lines and insert:

(2) All fines and forfeitures received from violations of municipal ordinances committed within a municipality within the territorial jurisdiction of the county court, other than the charge provided in s. 318.1215, shall be paid monthly to the municipality except as provided in s. 28.2402(2), s. 34.045(2), s. 318.21, or s. 943.25. *For purposes of this section, a municipality does not include the unincorporated areas, if any, of a government created pursuant to s. 6(e), Art. VIII of the State Constitution.*

And the title is amended as follows:

On page 6, lines 25-31, delete those lines and insert: filing fee; amending s. 34.191, F.S.; excluding certain consolidated governments from the term municipality for purposes of remitting certain fines and forfeitures; amending s. 39.0132, F.S.;

Amendment 14 (355204)(with title amendment)—On page 74, line 11 through page 75, line 5, delete those lines and insert:

(5) PROCESSING CHARGE; PAYMENT PLANS.—A person who the clerk or the court determines is indigent for civil proceedings under this section shall be enrolled in a payment plan under s. 28.246 and shall be charged a one-time administrative processing charge under s. 28.24(26)(c). A monthly payment amount, calculated based upon all fees and all anticipated costs, is presumed to correspond to the person's ability to pay if it does not exceed 2 percent of the person's annual net income, as defined in subsection (1), divided by 12. The person may seek review of the clerk's decisions regarding a payment plan established under s. 28.246 in the court having jurisdiction over the matter. A case may not be impeded in any way, delayed in filing, or delayed in its progress, including the final hearing and order, due to nonpayment of any fees by an indigent person.

And the title is amended as follows:

On page 8, lines 15 and 16, delete those lines and insert: determined indigent;

Amendment 15 (551018)(with title amendment)—On page 84, line 13, after the second period (.) insert: *Up to 25 percent of the revenue from such surcharge may be used to support local law libraries provided that the county or unit of local government provides a level of service equal to that provided prior to July 1, 2004, which shall include the continuation of library facilities located in or near the county courthouse or annexes.*

And the title is amended as follows:

On page 10, line 1, after the second semicolon (;) insert: authorizing a portion of certain surcharge revenues to be used for local law libraries;

Amendment 16 (154338)(with title amendment)—On page 86, line 2, after the period (.) insert: *Proceeds from the imposition of the surcharge authorized in this subsection shall not be used for the purpose of securing payment of the principal and interest on bonds. This subsection, and any surcharge imposed pursuant to this subsection, shall stand repealed on September 30, 2007.*

And the title is amended as follows:

On page 10, line 6, after the semicolon (;) insert: restricting the use of surcharge proceeds;

Amendment 17 (835118)(with title amendment)—On page 86, lines 19-27, delete those lines and insert:

3. If the violation occurred within the unincorporated area of a county*, including the unincorporated areas, if any, of a government created pursuant to s. 6(e), Art. VIII of the State Constitution,* that is not within a special improvement district of the Seminole Indian Tribe or Miccosukee Indian Tribe, 56.4 percent shall be deposited into the fine and forfeiture fund established pursuant to s. 142.01.

And the title is amended as follows:

On page 10, lines 10 and 11, delete those lines and insert: consolidated governments; amending s. 318.31, F.S.; deleting

Amendment 18 (105916)(with title amendment)—On page 93, between lines 25 and 26, insert:

(11) Upon remission of bond pursuant to this section, the clerk of the circuit court shall withhold any unpaid fines, fees, service charges, and court costs imposed as a matter of law or ordered by the court.

And the title is amended as follows:

On page 11, line 2, after the semicolon (;) insert: authorizing the clerk to withhold unpaid fines, fees, costs, and charges under certain circumstances;

Amendment 19 (235370)(with title amendment)—On page 100, line 20, after the period (.) insert: *Proceeds from the imposition of the surcharge authorized in this subsection shall not be used for the purpose of securing payment of the principal and interest on bonds. This subsection, and any surcharge imposed pursuant to this subsection, shall stand repealed on September 30, 2007.*

And the title is amended as follows:

On page 11, line 16, after the first semicolon (;) insert: restricting the use of surcharge proceeds;

Amendment 20 (270292)—On page 102, lines 4-14, delete those lines

Amendment 21 (215962)(with title amendment)—On page 102, line 15 through page 103, line 7, delete those lines and insert:

Section 61. Subsection (2) of section 985.05, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

985.05 Court records.—

(2) The clerk shall keep all official records required by this section separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. Except as provided in ss. 943.053 and 985.04(4), official records required by this part are not open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents, guardians, or legal custodians of the child and their attorneys, law enforcement agencies, the Department of Juvenile Justice and its designees, the Parole Commission, ~~and~~ the Department of Corrections*, and the Justice Administrative Commission* shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.

(5) This part does not prohibit a circuit court from providing a restitution order containing the information prescribed in s. 985.201(4)(c) to collection court or a private collection agency for the sole purpose of collecting unpaid restitution ordered in a case in which the circuit court has retained jurisdiction over the child and the child's parent or legal guardian. The collection court or private collection agency shall maintain the confidential status of the information to the extent such confidentiality is provided by law.

And the title is amended as follows:

On page 11, line 26, after the semicolon (;) insert: authorizing circuit courts to share certain juvenile delinquency restitution orders;

Amendment 22 (305464)(with title amendment)—On page 105, lines 11-21, delete those lines and insert:

Section 66. *It is the intent of the Legislature that the amendments made by this act to sections 28.2402(2), 34.191, and 318.21, Florida Statutes, are remedial. It is the further intent of the Legislature that fines and forfeitures or civil penalties arising from offenses or violations committed or occurring within an unincorporated area of a government created under section 6(e), Article VIII of the State Constitution be paid or deposited for Fiscal Year 2004-2005 as provided in sections 28.2402(2), 34.191, and 318.21, Florida Statutes, as those sections are amended by this act. The section shall take effect upon becoming a law.*

And the title is amended as follows:

On page 12, delete line 15 and insert: ss. 28.2402(2), 34.191, and 318.21, F.S.; repealing s.

Amendment 23 (230070)(with title amendment)—On page 46, lines 4-30, delete those lines and insert:

(6) The legislature budget commission may approve adjustments to the clerk's maximum annual budget for court-related duties if either of the following conditions exist:

(a) The additional funding is necessary to pay the cost of performing new or additional functions required by changes in law or court rule. Before the maximum annual budget of any clerk can be increased, the Clerk of the Court corporation shall provide the legislative budget commission a statement of the impact of the proposed budget changes on state revenues, and evidence that the respective clerk of the court is meeting or exceeding the established performance standards for measures on the fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs.

(b) The additional funding is necessary to pay the cost of supporting increases in the number of judges or magistrates authorized by the Legislature. Before the maximum annual budget of any clerk can be increased. The Clerk of the Court Corporation shall provide the legislative budget commission a statement of the impact of the proposed budget changes on state revenues, evidence that the respective clerk of the court is meeting or exceeding the established performance standards for measures on the fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs, and a proposed staffing model, including the cost and number of staff necessary to support each new judge or magistrate.

And the title is amended as follows:

On page 4, line 29 through page 5, line 1, delete those lines and insert: of Court Trust Fund; authorizing legislative budget commission to approve adjustments to the clerk's budget for court-related duties under certain conditions;

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted:

Amendment 24 (124740)(with title amendment)—On page 68, between lines 17 and 18, insert:

Section 33. Subsection (3) of section 44.103, Florida Statutes, is amended to read:

44.103 Court-ordered, nonbinding arbitration.—

(3) Arbitrators shall be selected and compensated in accordance with rules adopted by the Supreme Court. Arbitrators shall be compensated by the parties, or, upon a finding by the court that a party is indigent, an arbitrator may be partially or fully compensated from state funds according to the party's present ability to pay. *At no time may an arbitrator charge more than $1,500 per diem, unless the parties agree otherwise.*

Prior to approving the use of state funds to reimburse an arbitrator, the court must ensure that the party reimburses the portion of the total cost that the party is immediately able to pay and that the party has agreed to a payment plan established by the clerk of the court that will fully reimburse the state for the balance of all state costs for both the arbitrator and any costs of administering the payment plan and any collection efforts that may be necessary in the future. Whenever possible, qualified individuals who have volunteered their time to serve as arbitrators shall be appointed. If an arbitration program is funded pursuant to s. 44.108, volunteer arbitrators shall be entitled to be reimbursed pursuant to s. 112.061 for all actual expenses necessitated by service as an arbitrator.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 28, after the semicolon (;) insert: amending s. 44.103, F.S.; limiting the amount of per diem expenses that an arbitrator may charge;

Pursuant to Rule 4.19, **CS for CS for SB 2542** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, the Senate resumed consideration of—

HB 497—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring traffic citation forms to include a check box indicating a failure to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal steady red indication and of a traffic control device when a driver fails to stop at a traffic signal; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a second moving violation of a traffic control signal steady red indication or of a traffic control device within a specified time period and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete said course within a specified time period; amending s. 322.27, F.S.; assigning a point value for the conviction of a moving violation of a traffic control signal steady red indication or of a traffic control device; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; authorizing trauma centers to request that such funds be used as intergovernmental transfer funds in the Medicaid program; providing for audits and attestations; providing an appropriation; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **HB 497** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn, the Senate resumed consideration of—

CS for SB 1232—A bill to be entitled An act relating to wind-protection provisions of the Florida Building Code; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; providing an appropriation; providing for incorporation in the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; requiring the Florida Building Commission to make recommendations to the Legislature; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (091450)** by Senator Lynn was withdrawn.

Pending further consideration of **CS for SB 1232** as amended, on motion by Senator Lynn, by two-thirds vote **HB 835** was withdrawn from the Committees on Community Affairs; and Regulated Industries.

On motion by Senator Lynn—

HB 835—A bill to be entitled An act relating to wind-protection provisions of the Florida Building Code; requiring the commission to adopt certain wind protection requirements for areas of the state not within the high velocity hurricane zone; providing construction; providing for incorporation into the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; providing an appropriation for a joint program to educate contractors for certain purposes; requiring the commission to review damage from Hurricane Ivan and make recommendations to the Legislature for changes to the Florida Building Code, especially relating to certain areas; requiring a report; directing the commission to evaluate the definition of the term "exposure category C" and recommend a revision to accurately reflect certain conditions specific to the state; providing an effective date.

—a companion measure, was substituted for **CS for SB 1232** as amended and read the second time by title.

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendment to be considered:

Senator Lynn moved the following amendment which was adopted:

Amendment 1 (100090)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 109 of chapter 2000-141, Laws of Florida, is amended to read:

Section 109. The Legislature has reviewed the Florida Building Code that was adopted by action of the Florida Building Commission on February 15, 2000, and that was noticed for rule adoption by reference in Rule 9B-3.047, F.A.C., on February 18, 2000, in the Florida Administrative Weekly on page 731. The Florida Building Commission is directed to continue the process to adopt the code, pursuant to section 120.54(3), Florida Statutes, and to incorporate the following provisions or standards for the State of Florida:

(3) For areas of the state not within the high velocity hurricane zone, the commission shall adopt, pursuant to s. 553.73, Florida Statutes, the *most current edition of the* wind protection requirements of the American Society of Civil Engineers, Standard 7, ~~1998 edition~~ as implemented by the International Building Code~~, 2000 edition, and as modified by the commission in its February 15, 2000, adoption of the Florida Building Code for rule adoption by reference in Rule 9B-3.047, Florida Administrative Code~~. However, from the eastern border of Franklin County to the Florida-Alabama line, only land within 1 mile of the coast shall be subject to the windborne-debris requirements adopted by the commission. The exact location of wind speed lines shall be established by local ordinance, using recognized physical landmarks such as major roads, canals, rivers, and lake shores, wherever possible. Buildings constructed in the windborne debris region must be either designed for internal pressures that may result inside a building when a window or door is broken or a hole is created in its walls or roof by large debris, or be designed with protected openings. Except in the high velocity hurricane zone, local governments may not prohibit the option of designing buildings to resist internal pressures.

Section 2. *Notwithstanding any other provision of this act, the option for designing for internal pressure for buildings within the windborne debris region shall be repealed immediately upon adoption of standards and conditions within the International Building Code or International Residential Code prohibiting such design option. The Florida Building Commission shall initiate rulemaking to incorporate such standards and conditions prohibiting designing for internal pressure for buildings into the Florida Building Code when the base code is updated.*

Section 3. *The Legislature appropriates, for fiscal year 2005-2006 only, $200,000 from the Insurance Regulatory Trust Fund to the Department of Financial Services to be used to develop a joint program between the Florida Insurance Council and the Florida Home Builders Association to educate contractors on the benefits and options available for designing buildings for windborne debris protection and to develop a standardized affidavit to be used for verifying the insurance discounts for residential construction techniques demonstrated to reduce the amount of loss during a windstorm.*

Section 4. *The Florida Building Commission, in conjunction with local building officials, shall conduct a review of damage resulting from*

Hurricane Ivan and any other data to evaluate, and to make recommendations to the Legislature for any changes to, Florida's Building Code, specifically as it applies to the region from the eastern border of Franklin County to the Florida-Alabama line. The commission shall issue a report summarizing its findings and recommendations prior to the 2006 Regular Session.

Section 5. *The Florida Building Commission shall evaluate the definition of "exposure category C" as currently defined in section 553.71(10), Florida Statutes, and make recommendations for a new definition that more accurately depicts Florida-specific conditions prior to the 2006 Regular Session.*

Section 6. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to wind-protection provisions of the Florida Building Code; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; providing an appropriation; providing for incorporation in the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; requiring the Florida Building Commission to make recommendations to the Legislature; providing an effective date.

Pursuant to Rule 4.19, **HB 835** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

CS for CS for SB 428—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to develop a model waiver program to serve children with specified disorders; requiring the agency to seek federal waiver approval and implement the approved waiver subject to availability of funds and certain limitations; authorizing rules; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 428** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 1354—A bill to be entitled An act relating to sexual offenders; amending ss. 947.005 and 948.001, F.S.; defining terms; amending ss. 947.1405 and 948.30, F.S.; prohibiting a sex offender from having contact with a child younger than 18; providing an exception; providing that the Parole Commission or a court may approve a sex offender having supervised contact with a child younger than 18 under specified conditions; directing the Department of Health to prepare and maintain a list of "qualified practitioners"; requiring a court and the commission to use qualified practitioners on the department list to prepare risk assessments; specifying that qualified practitioners must meet the rule requirements specified by their respective licensing boards; prohibiting a sex offender from accessing or using the Internet or other computer services without an approved safety plan; reenacting s. 775.21(3)(b), F.S., relating to the threat to public safety by sexual offenders, to incorporate the amendments made to s. 947.1405, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (825886)—On page 13, lines 27-29, delete those lines and insert: working for pay or as a volunteer at any ~~school, day care center, park, playground, or other~~ place where children regularly congregate*, including, but not limited to, schools, day care centers, parks, playgrounds, pet stores, libraries, zoos, theme parks, and malls*.

Pursuant to Rule 4.19, **CS for SB 1354** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater, by two-thirds vote **HB 897** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Atwater—

HB 897—A bill to be entitled An act relating to trusts and other agency relationships; amending s. 711.501, F.S.; including additional investment instruments within the definition of the term "security account"; creating s. 737.309, F.S.; providing procedures for the resignation of a trustee; providing that such resignation does not discharge or affect any liability of the resigning trustee; providing for notice of resignation; amending s. 737.402, F.S.; revising the powers conferred upon a trustee; amending s. 737.403, F.S.; specifying circumstances in which court authorization is not required for a trustee to exercise his or her power when a conflict of interest exists; amending s. 738.104, F.S.; removing a prohibition on a trustee's power to make certain adjustments; specifying a circumstance under which an adjustment shall not be deemed to benefit the trustee; providing application of section to administration of certain trusts; conforming cross references; amending s. 738.1041, F.S.; providing and revising definitions; providing methods by which a trustee may make certain changes to trusts; removing requirements regarding certain minimum unitrust amounts; removing a spouse's right to compel reconversion of certain trusts; providing remedies for trustees or disinterested persons not acting in good faith; expanding scope of section to trusts administered either in this state or under Florida law; authorizing a grantor to create an express total return unitrust; requiring certain provisions to be included in an express total return unitrust; amending s. 738.303, F.S.; redefining the term "undistributed income"; amending s. 738.401, F.S., relating to character of receipts; providing certain statements that a trustee may rely upon; providing special rules to apply to receipts by private trustees from certain entities; providing definitions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1688** and read the second time by title.

Pursuant to Rule 4.19, **HB 897** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for SB 2232—A bill to be entitled An act relating to telecommunications; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; redefining the term "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to $500 from $250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up to $1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; requiring providers to comply with certain laws; amending s. 364.051, F.S.; providing that damage to the equipment and facilities of a local exchange telecommunications as a result of a named tropical system constitutes a compelling showing of changed circumstances to justify a rate increase; allowing such companies to petition for recovery of such costs and expenses; requiring the Public Service Commission to verify the intrastate costs and expenses for repairing, restoring, or replacing damaged lines, plants, or facilities; requiring the commission to determine whether the intrastate costs and

expenses are reasonable; requiring a company to exhaust any storm-reserve funds prior to recovery from customers; providing that the commission may authorize adding an equal line-item charge per access line for certain customers; providing for a rate cap and providing the maximum number of months the rate may be imposed; providing a 12-month limit for the application; allowing recovery for more than one storm within the limit; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (852680)—On page 11, line 31 through page 12, line 2, delete those lines and insert: provision of any *voice-over-Internet-protocol, regardless of the provider, platform, or protocol,* broadband or information service. This section does not relieve a provider from any

Amendment 2 (551150)—On page 22, lines 9 and 10, delete those lines and insert: *state, or local law, including, but not limited to, 47 U.S.C. 541, s. 166.046 and s. 337.401.*

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment which failed:

Amendment 3 (853282)(with title amendment)—On page 22, line 11 through page 24, line 20, delete section 19 and renumber subsequent section.

And the title is amended as follows:

On page 2, line 13 through page 3, line 5, delete those lines and insert: providers to comply with certain laws; providing an effective date.

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendments to be considered:

Senator Fasano moved the following amendments which were adopted:

Amendment 4 (725736)(with title amendment)—On page 24, lines 21 and 22, delete those lines and insert:

Section 20. *Committee on Public Service Commission Oversight; creation; membership; powers and duties.—*

(1) There is created a standing joint committee of the Legislature, designated the Committee on Public Service Commission Oversight, and composed of twelve members appointed as follows: six members of the Senate appointed by the President of the Senate, two of whom must be members of the minority party; and six members of the House of Representatives appointed by the Speaker of the House of Representatives, two of whom must be members of the minority party. The terms of members shall be for 2 years and shall run from the organization of one Legislature to the organization of the next Legislature. The President shall appoint the chair of the committee in even years and the vice chair in odd years, and the Speaker of the House of Representatives shall appoint the chair of the committee in odd years and the vice chair in even years, from among the committee membership. Vacancies shall be filled in the same manner as the original appointment. Members shall serve without additional compensation, but shall be reimbursed for expenses.

(2) The committee shall be governed by joint rules of the Senate and the House of Representatives which shall remain in effect until repealed or amended by concurrent resolution.

(3) The committee shall:

(a) Recommend to the Governor a nominee to fill a vacancy on the Public Service Commission, as provided by general law; and

(b) Appoint a Public Counsel as provided by general law.

(4) The committee is authorized to file a complaint with the Commission on Ethics alleging a violation of this chapter by a commissioner, former commissioner, former commission employee, or member of the Public Service Commission Nominating Council.

(5) The committee will not have a permanent staff, but the President of the Senate and the Speaker of the House of Representatives shall select staff members from among existing legislative staff, when and as needed.

Section 21. Section 350.001, Florida Statutes, is amended to read:

350.001 Legislative intent.—The Florida Public Service Commission has been and shall continue to be an arm of the legislative branch of government. *The Public Service Commission shall perform its duties independently. The Legislature declares and determines that the Public Service Commission is under the legislative branch of government within the intent expressed in chapter 216. The Executive Office of the Governor or its successor is not authorized to release or withhold funds appropriated to the Public Service Commission, but the Committee on Public Service Commission Oversight shall release or withhold funds appropriated to the Public Service Commission as provided by law and the rules or decisions of the Committee on Public Service Commission Oversight. The Executive Office of the Governor, the Department of Management Services, or any successor may not determine the number, or fix the compensation, of employees of the Public Service Commission and may not exercise any manner of control over the employees of the Public Service Commission.* It is the desire of the Legislature that the Governor participate in the appointment process of commissioners to the Public Service Commission. The Legislature accordingly delegates to the Governor a limited authority with respect to the Public Service Commission by authorizing him or her to participate in the selection of members only ~~from the list provided by the Florida Public Service Commission Nominating Council~~ in the manner prescribed by s. 350.031.

Section 22. Section 350.031, Florida Statutes, is amended to read:

350.031 Florida Public Service Commission Nominating Council.—

(1) There is created a Florida Public Service Commission Nominating Council consisting of nine members. At least one member of the council must be 60 years of age or older. Three members, including one member of the House of Representatives, shall be appointed by and serve at the pleasure of the Speaker of the House of Representatives; three members, including one member of the Senate, shall be appointed by and serve at the pleasure of the President of the Senate; and three members shall be selected and appointed by a majority vote of the other six members of the council. All terms shall be for 4 years except those members of the House and Senate, who shall serve 2-year terms concurrent with the 2-year elected terms of House members. Vacancies on the council shall be filled for the unexpired portion of the term in the same manner as original appointments to the council. A member may not be reappointed to the council, except for a member of the House of Representatives or the Senate who may be appointed to two 2-year terms or a person who is appointed to fill the remaining portion of an unexpired term.

(2)(a) No member or spouse shall be the holder of the stocks or bonds of any company, other than through ownership of shares in a mutual fund, regulated by the commission, or any affiliated company of any company regulated by the commission, or be an agent or employee of, or have any interest in, any company regulated by the commission or any affiliated company of any company regulated by the commission, or in any firm which represents in any capacity either companies which are regulated by the commission or affiliates of companies regulated by the commission. As a condition of appointment to the council, each appointee shall affirm to the Speaker and the President his or her qualification by the following certification: "I hereby certify that I am not a stockholder, other than through ownership of shares in a mutual fund, in any company regulated by the commission or in any affiliate of a company regulated by the commission, nor in any way, directly or indirectly, in the employment of, or engaged in the management of any company regulated by the commission or any affiliate of a company regulated by the commission, or in any firm which represents in any capacity either companies which are regulated by the commission or affiliates of companies regulated by the commission."

This certification is made as condition to appointment to the Florida Public Service Commission Nominating Council.

(b) A member of the council may be removed by the Speaker of the House of Representatives and the President of the Senate upon a finding by the Speaker and the President that the council member has violated any provision of this subsection or for other good cause.

(c) If a member of the council does not meet the requirements of this subsection, the President of the Senate or the Speaker of the House of Representatives, as appropriate, shall appoint a legislative replacement.

(3) A majority of the membership of the council may conduct any business before the council. All meetings and proceedings of the council shall be staffed by the Office of Legislative Services and shall be subject to the provisions of ss. 119.07 and 286.011. Members of the council are entitled to receive per diem and travel expenses as provided in s. 112.061, which shall be funded by the Florida Public Service Regulatory Trust Fund. Applicants invited for interviews before the council may, in the discretion of the council, receive per diem and travel expenses as provided in s. 112.061, which shall be funded by the Florida Public Service Regulatory Trust Fund. The council shall establish policies and procedures to govern the process by which applicants are nominated.

(4) The council may spend a nominal amount, not to exceed $10,000, to advertise a vacancy on the council, which shall be funded by the Florida Public Service Regulatory Trust Fund.

(5)~~(4)~~ A person may not be nominated to the *Committee on Public Service Commission Oversight* ~~Governor~~ until the council has determined that the person is competent and knowledgeable in one or more fields, which shall include, but not be limited to: public affairs, law, economics, accounting, engineering, finance, natural resource conservation, energy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the above-stated fields. Recommendations of the council shall be nonpartisan.

(6)~~(5)~~ It is the responsibility of the council to nominate to the *Committee on Public Service Commission Oversight* ~~Governor~~ not fewer than three persons for each vacancy occurring on the Public Service Commission. The council shall submit the recommendations to the *committee* ~~Governor~~ by *August 1* ~~October 1~~ of those years in which the terms are to begin the following January, or within 60 days after a vacancy occurs for any reason other than the expiration of the term.

(7)~~(6)~~ The *Committee on Public Service Commission Oversight* ~~Governor~~ shall *select from the list of nominees provided by the nominating council one nominee for recommendation to the Governor for appointment to the commission. The recommendation must be provided to the Governor within 45 days after receipt of the list of nominees. The committee shall make the recommendation* ~~fill a vacancy occurring on the Public Service Commission by appointment of one of the applicants nominated by the council~~ only after a background investigation of *the recommended nominee* ~~such applicant~~ has been conducted by the Florida Department of Law Enforcement. If the Governor *rejects the recommendation or* has not made an appointment *within 30 days after the receipt of the recommendation* ~~by December 1 to fill a vacancy for a term to begin the following January~~, then the council *shall immediately initiate the nominating process in accordance with this section. The council shall include in the process all new applicants and all previous applicants for this vacancy. The council must, within 30 days after the Governor's rejection of the previous recommendation or failure to timely make an appointment, submit to the committee a list of no fewer than three persons for each vacancy. The committee must, within 30 days after receipt, select one nominee for recommendation to the Governor for appointment to the commission. If the Governor rejects the recommendation or fails to make an appointment within 30 days after receipt of the recommendation, the council shall immediately initiate the nominating process again with the time periods applicable.*~~, by majority vote, shall appoint by December 31 one person from the applicants previously nominated to the Governor to fill the vacancy. If the Governor has not made the appointment to fill a vacancy occurring for any reason other than the expiration of the term by the 60th day following receipt of the nominations of the council, the council by majority vote shall appoint within 30 days thereafter one person from the applicants previously nominated to the Governor to fill the vacancy.~~

(8)~~(7)~~ Each appointment to the Public Service Commission shall be subject to confirmation by the Senate *during the next regular session after the vacancy occurs*. If the Senate refuses to confirm or rejects the Governor's appointment, the council shall initiate, in accordance with this section, the nominating process within 30 days.

Section 23. Subsection (2) of section 350.041, Florida Statutes, is amended to read:

350.041 Commissioners; standards of conduct.—

(2) STANDARDS OF CONDUCT.—

(a) A commissioner may not accept anything from any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, from any public utility regulated by the commission, or from any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission. *A commissioner may attend conferences and associated meals and events that are generally available to all conference participants without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any public utility regulated by the commission and that are limited to commissioners only, committee members, or speakers if the commissioner is a member of a committee of the association of regulatory agencies that organized the conference or is a speaker at the conference. It is not a violation of this paragraph for a commissioner to attend a conference for which conference participants who are employed by a utility regulated by the commission have paid a higher conference registration fee than the commissioner, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a utility regulated by the commission. If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person giving or providing the prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.*

(b) A commissioner may not accept any form of employment with or engage in any business activity with any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, any public utility regulated by the commission, or any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission.

(c) A commissioner may not have any financial interest, other than shares in a mutual fund, in any public utility regulated by the commission, in any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, or in any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission. If a commissioner acquires any financial interest prohibited by this section during his or her term of office as a result of events or actions beyond the commissioner's control, he or she shall immediately sell such financial interest or place such financial interest in a blind trust at a financial institution. A commissioner may not attempt to influence, or exercise any control over, decisions regarding the blind trust.

(d) A commissioner may not accept anything from a party in a proceeding currently pending before the commission. *If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person giving or providing the prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.*

(e) A commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

(f) A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

(g) A commissioner may not conduct himself or herself in an unprofessional manner at any time during the performance of his or her official duties.

(h) A commissioner must avoid impropriety in all of his or her activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

(i) A commissioner may not directly or indirectly, through staff or other means, solicit any thing of value from any public utility regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

Section 24. Subsection (7) of section 350.042, Florida Statutes, is amended to read:

350.042 Ex parte communications.—

(7)(a) It shall be the duty of the Commission on Ethics to receive and investigate sworn complaints of violations of this section pursuant to the procedures contained in ss. 112.322-112.3241.

(b) If the Commission on Ethics finds that there has been a violation of this section by a public service commissioner, it shall provide the Governor and the Florida Public Service Commission Nominating Council with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to part III of chapter 112.

(c) If a commissioner fails or refuses to pay the Commission on Ethics any civil penalties assessed pursuant to the provisions of this section, the Commission on Ethics may bring an action in any circuit court to enforce such penalty.

(d) If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person who participated in the ex parte communication, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person participated in the ex parte communication, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.

Section 25. Subsection (1) of section 350.061, Florida Statutes, is amended to read:

350.061 Public Counsel; appointment; oath; restrictions on Public Counsel and his or her employees.—

(1) The *Committee on Public Service Commission Oversight* ~~Joint Legislative Auditing Committee~~ shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission. The Public Counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the ~~Joint Legislative Auditing~~ Committee *on Public Service Commission Oversight*, subject to *biennial* ~~annual~~ reconfirmation by the committee. *The Public Counsel shall perform his or her duties independently.* Vacancies in the office shall be filled in the same manner as the original appointment.

Section 26. Subsection (2) of section 350.0614, Florida Statutes, is amended to read:

350.0614 Public Counsel; compensation and expenses.—

(2) The Legislature ~~hereby~~ declares and determines that the Public Counsel is under the legislative branch of government within the intention of the legislation as expressed in chapter 216, and no power shall be in the Executive Office of the Governor or its successor to release or withhold funds appropriated to it, but the same shall be available for expenditure as provided by law and the rules or decisions of the ~~Joint Auditing~~ Committee *on Public Service Commission Oversight*.

Section 27. Except for sections 20 through 26, which shall take effect October 1, 2005, the penalty provisions of which and the provisions of which that create new standards of conduct apply to violations occurring on or after that date, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to the Public Service Commission; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; specifying that the Governor has no planning or budgetary authority with respect to the commission; specifying that the Governor and the Department of Management Services have no authority over the commission's employees; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide a nominee for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; prohibiting a commissioner from soliciting any thing of value, either directly or indirectly, from any public utility, its affiliate, or any party; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; amending

Amendment 5 (883248)—In title, on page 3, line 5, delete "an effective date" and insert: effective dates

Pursuant to Rule 4.19, **CS for CS for SB 2232** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR PRUITT PRESIDING

On motion by Senator Crist, by two-thirds vote **HB 307** was withdrawn from the Committees on Commerce and Consumer Services; and Health Care.

On motion by Senator Crist—

HB 307—A bill to be entitled An act relating to physical examinations; amending s. 493.6108, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of Class "G" permit applicants; amending s. 633.34, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of any person applying for employment as a firefighter; providing an effective date.

—a companion measure, was substituted for **SB 1042** and read the second time by title.

Pursuant to Rule 4.19, **HB 307** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for CS for CS for SB 1520—A bill to be entitled An act relating to consumer protection; amending s. 493.6303, F.S.; revising training requirements for obtaining a Class "D" license; requiring a minimum number of hours of training in terrorism awareness or other training prescribed by the Department of Agriculture and Consumer Services; providing a timeframe for submitting proof of having completed the

training; revising the number of training hours required; amending s. 501.059, F.S.; prohibiting the transmission of facsimile documents under certain circumstances; amending s. 501.142, F.S.; providing that the regulation of refunds in retail sales establishments is preempted by the Department of Agriculture and Consumer Services; authorizing the department to adopt rules; authorizing the department to enter orders for certain violations; requiring that any moneys recovered by the department as a penalty be deposited in the General Inspection Trust Fund; authorizing a local government to impose penalties; amending s. 506.5131, F.S.; revising fees, fines, and costs assessed against the owner of a shopping cart; repealing s. 526.3135, F.S., relating to reports of the Division of Standards of the Department of Agriculture and Consumer Services; repealing ss. 546.001, 546.002, 546.003, 546.004, 546.006, and 546.008, F.S., relating to the "Amusement Ride and Attraction Insurance Act"; amending s. 559.801, F.S.; redefining the term "business opportunity" for purposes of the "Sale of Business Opportunities Act"; amending s. 559.920, F.S.; redefining actions by motor vehicle repair shops or employees which are unlawful; amending s. 559.927, F.S.; defining the term "travel club" for the purpose of part XI of ch. 559, F.S., relating to sellers of travel; amending s. 559.928, F.S.; revising information to be submitted for registration as a seller of travel and information submitted by independent agents; requiring the payment of an annual fee; amending s. 616.242, F.S.; exempting certain governmental entities from a requirement to maintain liability protection covering amusement rides; amending s. 849.094, F.S.; redefining the term "operator" for purposes of the regulation of game promotions; providing requirements relating to disclosure of the rules and regulations of a game promotion; directing the State Technology Office to integrate additional features into the state's official Internet website; directing the State Technology Office to integrate information concerning the Florida 211 Network into the state's official Internet website; amending s. 570.544, F.S.; designating the Division of Consumer Services within the Department of Agriculture and Consumer Services as the state clearinghouse for matters relating to consumer protection, consumer information, and consumer services; deleting reporting requirements; providing for implementation; providing effective dates.

—was read the second time by title.

Senator Villalobos offered the following amendment which was moved by Senator Lynn and adopted:

Amendment 1 (841694)(with title amendment)—On page 16, between lines 20 and 21, insert:

Section 13. Paragraph (a) of subsection (1) of section 849.161, Florida Statutes, is amended to read:

849.161 Amusement games or machines; when chapter inapplicable.—

(1)(a)1. Nothing contained in this chapter shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin *or other currency* and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played.

2. Nothing contained in this chapter shall be taken or construed as applicable to any retail dealer who operates as a truck stop, as defined in chapter 336 and which operates a minimum of 6 functional diesel fuel pumps, having amusement games or machines which operate by means of the insertion of a coin or other currency and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise limited to noncash prizes, toys, novelties, and Florida Lottery products, excluding alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played. This subparagraph applies only to games and machines which are operated for the entertainment of the general public and tourists as bona fide amusement games or machines. This subsection shall not apply, however, to any game or device defined as a gambling device in 24 U.S.C. s. 1171, which requires identification of each device by permanently affixing seriatim numbering and name, trade name, and date of manufacture under s. 1173, and registration with the United States Attorney General, unless excluded from applicability of the chapter under s. 1178. This subsection shall not be construed to authorize video poker games or any other game or machine that may be construed as a gambling device under Florida law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 21, after the semicolon (;) and insert: amending s. 849.161, F.S.; providing that the chapter does not apply to amusement games or machines which operate by the insertion of a coin or other currency;

Pursuant to Rule 4.19, **CS for CS for CS for SB 1520** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 1090—A bill to be entitled An act relating to mental health care services for minors and incapacitated persons; amending s. 39.402, F.S.; requiring a child's parent or legal guardian to provide certain information to the Department of Children and Family Services; amending s. 39.407, F.S.; specifying requirements for the department with respect to providing psychotropic medication to a child in the custody of the department; requiring that the prescribing physician attempt to obtain express and informed parental consent for providing such medication; authorizing the department to provide psychotropic medication without such consent under certain circumstances; requiring the department to provide medical information to a physician under certain circumstances; requiring that the child be evaluated by a physician; requiring that the department obtain court authorization for providing such medication within a specified period; providing requirements for a motion by the department seeking court authorization to provide psychotropic medication; specifying circumstances under which medication may be provided in advance of a court order; requiring that notice be provided to all parties if the department proposes to provide psychotropic medication to the child; requiring that a hearing be held if any party objects; providing requirements for the hearing; authorizing the court to order additional medical consultation; specifying the required burden of proof with respect to evidence presented at the hearing; requiring that the department provide a child's medical records to the court; providing requirements for court review; authorizing the court to order the department to obtain a medical opinion; requiring that the department adopt rules to ensure that children receive appropriate psychotropic medications; specifying the provisions to be included in the rules; conforming a cross-reference; amending s. 394.459, F.S., relating to the rights of patients under the Florida Mental Health Act; revising provisions requiring that a patient be asked to give express and informed consent before admission or treatment; requiring that additional information be provided with respect to the risks and benefits of treatment, the dosage range of medication, potential side effects, and the monitoring of treatment; clarifying provisions governing the manner in which consent may be revoked; requiring that facilities develop a system for investigating and responding to certain complaints; amending s. 743.0645, F.S.; redefining the term "medical care and treatment" for purposes of obtaining consent for the medical treatment of a minor; providing an exception with respect to the consent provided under s. 39.407, F.S.; directing the department to conduct an assessment; requiring a report; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (425318)(with title amendment)—On page 14, between lines 13 and 14, insert:

Section 6. Section 1006.0625, Florida Statutes, is created to read:

1006.0625 Administration of psychotropic medication; prohibition; conditions.—

(1) As used in this section, the term "psychotropic medication" means a prescription medication that is used for the treatment of mental disorders and includes, without limitation, antihypnotics, antipsychotics, antidepressants, anxiety agents, sedatives, psychomotor stimulants, and mood stabilizers.

(2) A public school may not deny any student access to programs or services because the parent of the student has refused to place the student on psychotropic medication.

(3) A public school teacher and school district personnel may share school-based observations of a student's academic, functional, and behavioral performance with the student's parent and offer program options and other assistance that is available to the parent and the student based on the observations. However, a public school teacher and school district personnel may not compel or attempt to compel any specific actions by the parent or require that a student take medication. A parent may refuse psychological screening of the student.

Any medical decision made to address a student's needs is a matter between the student, the student's parent, and a competent health care professional chosen by the parent.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 2, after the second semicolon (;) insert: creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a public school from denying a student access to programs or services under certain conditions; authorizing public school teachers and school district personnel to share certain information with a student's parent; prohibiting public school teachers and school district personnel from compelling certain actions by a parent; authorizing the refusal of psychological screening; providing for medical decisionmaking authority;

Pursuant to Rule 4.19, **CS for CS for SB 1090** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

SB 2148—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; revising provisions for the conduct of bingo sessions and games; revising definitions; defining "bingo session," "calendar week," "day," and "member"; restricting assistance in the conduct of bingo to members; revising provisions for prizes and jackpots; providing for an additional jackpot per session; providing for valuation of noncash prizes; prohibiting free games; providing an exception; limiting bingo sessions; revising provisions for assistance in the conduct of bingo; revising rules for the conduct of bingo games; providing for accommodations for persons with physical disabilities; preempting regulation of bingo to the state; prohibiting certain persons from conducting or assisting in the conduct of bingo; prohibiting certain persons from being a bingo lessor or employee of such lessor; prohibiting a bingo organization from allowing use of its identity for the purpose of conducting bingo; prohibiting certain persons from participating in certain bingo games; providing restriction on sale of bingo cards; providing penalties; amending s. 849.161, F.S.; providing that specified gambling regulations do not apply to specified bingo facilities; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendments which were moved by Senator Argenziano and adopted:

Amendment 1 (271146)—On page 3, line 10, delete *"12:01 a.m."* and insert: *midnight*

Amendment 2 (271914)—On page 3, lines 12 and 13, delete those lines and insert: *(e) "Day" means the standard calendar period of 24 consecutive hours ending at midnight.*

Amendment 3 (170456)—On page 13, lines 20 and 21, delete "24 U.S.C. s. 1171" and insert: *15 U.S.C. s. 1171* ~~24 U.S.C. s. 1171~~

Pursuant to Rule 4.19, **SB 2148** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lawson—

CS for CS for SB 1968—A bill to be entitled An act relating to building designations; designating the Kleist Health Education Center and the Herbert J. and Margaret S. Sugden Hall at the Florida Gulf Coast University; designating the James and Annie Ying Academic Center and the Anthony and Sonja Nicholson Field House at the University of Central Florida; designating the Sybil C. Mobley Business Building, the Margaret W. Lewis/Jacqueline B. Beck Allied Health Building, the Walter L. Smith Architecture Building, and the Carrie Meek/James N. Eaton, Sr. Southeast Regional Black Archives Research Center and Museum at the Florida Agricultural and Mechanical University; designating the Powell Family Structures and Materials Laboratory, the Farrior Hall, and the Steinbrenner Band Hall at the University of Florida; designating the James E. "Jim" and Linda King, Jr. Student Union Building at the University of North Florida; designating the John M. McKay Visitors Pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Center for Cultural Arts; designating Reubin O'D. Askew Student Life Center, the Sherrill Williams Ragans Hall, the John Thrasher Building, the Mike Martin Field at Dick Houser Stadium, and the JoAnne Graf Softball Field at Florida State University; designating the Herbert F. Morgan Building at the Florida Agricultural and Mechanical University-Florida State University College of Engineering; authorizing the universities to erect markers; designating the Norman C. Hayslip Biological Control Research and Containment Laboratory at the University of Florida/IFAS in Ft. Pierce; designating the H. William Heller Hall at the University of South Florida St. Petersburg; designating the John S. Curran, M.D., Children's Health Center at the University of South Florida; directing the university to erect suitable markers; designating the Patricia and Phillip Frost Art Museum at the Florida International University, University Park Campus Miami; directing the university to erect markers; providing effective dates.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (865060)(with title amendment)—On page 9, between lines 17 and 18, insert:

Section 23. Section 15.052, Florida Statutes, is created to read:

15.052 Official state maritime museum.—

(1) The State of Florida Maritime Museum and Research Center, to be built in the City of Pensacola, is designated as the official state maritime museum.

(2) This section shall stand repealed on July 1, 2015, unless reviewed and saved from repeal through reenactment by the Legislature.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 12, after the semicolon (;) insert: creating s. 15.052, F.S.; designating the State of Florida Maritime Museum and Research Center in the City of Pensacola as the official state maritime museum; providing for future legislative review and repeal;

Pursuant to Rule 4.19, **CS for CS for SB 1968** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SB 2222—A bill to be entitled An act relating to economic development; amending s. 288.095, F.S.; increasing the cap on refunds from the Economic Development Trust Fund; providing for separate accounting for refunds to certain industries; amending s. 288.106, F.S.; defining the term "aerospace industry" and redefining the term "target industry business" for purposes of the tax refund program for such businesses; amending ss. 288.107, 290.00677, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2222** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 1492—A bill to be entitled An act relating to condominiums; amending s. 718.301, F.S.; providing for the effect of actions taken by members of the board of administration of an association designated by the developer; requiring examination and certification of certain defects by certain licensed individuals or entities; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1492** to **HB 291**.

Pending further consideration of **CS for SB 1492** as amended, on motion by Senator Clary, by two-thirds vote **HB 291** was withdrawn from the Committees on Regulated Industries; and Judiciary.

On motion by Senator Clary—

HB 291—A bill to be entitled An act relating to condominiums; amending s. 718.301, F.S.; providing for the effect of actions taken by members of the board of administration of an association designated by the developer; requiring examination and certification of certain defects by certain licensed individuals or entities; providing an effective date.

—a companion measure, was substituted for **CS for SB 1492** as amended and read the second time by title.

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which was adopted:

Amendment 1 (072352)(with title amendment)—On page 1, between lines 10 and 11, insert:

Section 1. Section 718.117, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 718.117, F.S., for present text.)

718.117 Termination of condominium.—

(1) TERMINATION BECAUSE OF ECONOMIC WASTE OR IMPOSSIBILITY.—Notwithstanding any provision to the contrary in the declaration, the condominium form of ownership of a property may be terminated by a plan of termination approved by the lesser of a majority of the total voting interests or as otherwise provided in the declaration for approval of termination, in the following circumstances:

(a) When the total estimated cost of repairs necessary to restore the improvements to their former condition or bring them into compliance with applicable laws or regulations exceeds the combined fair market value of all units in the condominium after completion of the repairs; or

(b) When it becomes impossible to operate a condominium in its prior physical configuration because of land-use laws or regulations.

(2) OPTIONAL TERMINATION.—Except as provided in subsections (1) and (3) and unless otherwise provided in the declaration, the condominium form of ownership of the property may be terminated pursuant to a plan of termination approved by at least 80 percent of the total voting interests of the condominium.

(3) If 80 percent of the total voting interests fail to approve the plan of termination but less than 20 percent of the total voting interests disapprove of the plan, the circuit court shall have jurisdiction to entertain a petition by the association or by one or more unit owners and approve the plan of termination, and the action may be a class action.

(a) All unit owners and the association must be joined as parties to the action. Service of process on unit owners may be by publication, but the plaintiff must furnish every unit owner not personally served with process with a copy of the petition and plan of termination and the final decree of the court by mail at the unit owner's last known residential address.

(b) Upon determining that the rights and interests of the unit owners are equitably set forth in the plan of termination as required by this section, the plan of termination may be approved by the court. Consistent with the provisions of this section, the court may modify the plan of termination to provide for an equitable distribution of the interest of unit owners before approving the plan of termination.

(4) EXEMPTION.—A plan of termination is not an amendment subject to s. 718.110(4).

(5) MORTGAGE LIENHOLDERS.—Notwithstanding any provision to the contrary in the declaration or this chapter, approval of a plan of termination by the holder of a recorded mortgage lien affecting a condominium parcel is not required unless the plan of termination will result in less than the full satisfaction of the mortgage lien affecting the parcel.

(6) POWERS IN CONNECTION WITH TERMINATION.—The association shall continue in existence following approval of the plan of termination, with all powers it had before approval of the plan. Notwithstanding any contrary provision in the declaration or bylaws, after approval of the plan, the board has the power and duty:

(a) To employ directors, agents, attorneys, and other professionals to liquidate or conclude its affairs.

(b) To conduct the affairs of the association as necessary for the liquidation or termination.

(c) To carry out contracts and collect, pay, and settle debts and claims for and against the association.

(d) To defend suits brought against the association.

(e) To sue in the name of the association for all sums due or owed to the association or to recover any of its property.

(f) To perform any act necessary to maintain, repair, or demolish unsafe or uninhabitable improvements or other condominium property in compliance with applicable codes.

(g) To sell at public or private sale or to exchange, convey, or otherwise dispose of assets of the association for an amount deemed to be in the best interest of the association, and to execute bills of sale and deeds of conveyance in the name of the association.

(h) To collect and receive rents, profits, accounts receivable, income, maintenance fees, special assessments, or insurance proceeds for the association.

(i) To contract and do anything in the name of the association which is proper or convenient to terminate the affairs of the association.

(7) NATURAL DISASTERS.—

(a) If, after a natural disaster, the identity of the directors or their right to hold office is in doubt, if they are deceased or unable to act, if they fail or refuse to act, or if they cannot be located, any interested person may petition the circuit court to determine the identity of the directors or, if found to be in the best interest of the unit owners, to appoint a receiver to conclude the affairs of the association after a hearing following notice to such persons as the court directs.

(b) The receiver shall have all powers given to the board pursuant to the declaration, bylaws, or subsection (6), and any other powers that are necessary to conclude the affairs of the association and are set forth in the order of appointment. The appointment of the receiver is subject to the bonding requirements of such order. The order shall also provide for the payment of a reasonable fee to the receiver from the sources identified in the order, which may include rents, profits, incomes, maintenance fees, or special assessments collected from the condominium property.

(8) PLAN OF TERMINATION.—The plan of termination must be a written document executed in the same manner as a deed by unit owners having the requisite percentage of voting interests to approve the plan and by the termination trustee. A unit owner may document assent to the plan of termination by executing the plan or consent to or joinder in the plan in the manner of a deed. A plan of termination and the consents or joinders of unit owners and, if required, consents or joinders of mortgagees must be recorded in the public records of each county in which any

portion of the condominium is located. The plan of termination is effective only upon recordation or at a later date specified in the plan.

(9) PLAN OF TERMINATION; REQUIRED PROVISIONS.—The plan of termination must specify:

(a) The name, address, and powers of the termination trustee;

(b) A date after which the plan of termination is void if it has not been recorded;

(c) The interest of the respective unit owners in the association property, common surplus, and other assets of the association, which shall be the same as the respective interests of the unit owners in the common elements immediately before the termination;

(d) The interests of the respective unit owners in any proceeds from any sale of the condominium property. If, pursuant to the plan of termination, condominium property or real property owned by the association is to be sold following termination, the plan must provide for the sale and may establish any minimum sale terms; and

(e) Any interests of the respective unit owners in any insurance proceeds or condemnation proceeds that are not used for repair or reconstruction. Unless the declaration expressly addresses the distribution of insurance proceeds or condemnation proceeds, the plan of termination may apportion those proceeds pursuant to the methods prescribed in subsection (11).

(10) PLAN OF TERMINATION; OPTIONAL PROVISIONS.—The plan of termination may provide:

(a) That each unit owner retains the exclusive right of possession to the portion of the real estate that formerly constituted the unit, in which case the plan must specify the conditions of possession.

(b) In the case of a conditional termination, the plan must specify the conditions for termination. A conditional plan will not vest title in the termination trustee until the plan and a certificate executed by the association with the formalities of a deed, confirming that the conditions in the conditional plan have been satisfied or waived by the requisite percentage of the voting interests, has been recorded.

(11) ALLOCATION OF PROCEEDS OF SALE OF CONDOMINIUM PROPERTY.—

(a) Unless the declaration expressly provides for the allocation of the proceeds of sale of condominium property, the plan of termination must first apportion the proceeds between the aggregate value of all units and the value of the common elements, based on their respective fair-market values immediately before the termination, as determined by one or more independent appraisers selected by the association or termination trustee.

(b) The portion of proceeds allocated to the units shall be further apportioned among the individual units. The apportionment is deemed fair and reasonable if it is determined by any of the following methods:

1. The respective value of the units based on the fair-market values of the units immediately before the termination, as determined by one or more independent appraisers selected by the association or termination trustee;

2. The respective value of the units based on the most recent market value of the units before the termination, as provided in the county property appraiser's records; or

3. The respective interests of the units in the common elements specified in the declaration immediately before the termination.

(c) The methods of apportionment in paragraph (b) do not prohibit any other method of apportioning the proceeds of sale allocated to the units agreed upon in the plan of termination. The portion of the proceeds allocated to the common elements shall be apportioned among the units based upon their respective interests in the common elements as provided in the declaration.

(d) Liens that encumber a unit shall be transferred to the proceeds of sale of the condominium property attributable to such unit in their same priority. The proceeds of any sale of condominium property pursuant to a plan of termination may not be deemed to be common surplus or association property.

(12) TERMINATION TRUSTEE.—The association shall serve as termination trustee unless another person is appointed in the plan of termination. If the association is unable, unwilling, or fails to act as trustee, any unit owner may petition the court to appoint a trustee. Upon recording or at a later date specified in the plan, title to the condominium property vests in the trustee. Unless prohibited by the plan, the trustee shall be vested with the powers given to the board pursuant to the declaration, bylaws, and subsection (6). If the association is not the termination trustee, the trustee's powers shall be co-extensive with those of the association to the extent not prohibited in the plan of termination or the order of appointment. If the association is not the trustee, the association shall transfer any association property to the trustee. If the association is dissolved, the trustee shall also have such other powers necessary to conclude the affairs of the association.

(13) TITLE VESTED IN TERMINATION TRUSTEE.—If termination is pursuant to a plan of termination under subsection (1) or subsection (2), the unit owners' rights as tenants in common in undivided interests in the condominium property vest in the termination trustee when the plan is recorded or at a later date specified in the plan. The unit owners thereafter become the beneficiaries of proceeds realized from any plan of termination. The termination trustee may deal with the condominium property or any interest therein if the plan confers to the trustee the authority to protect, conserve, manage, sell, or dispose of the condominium property. The trustee, on behalf of the unit owners, may contract for the sale of real property, but the contract is not binding on the unit owners until the plan is approved pursuant to subsection (1) or subsection (2).

(14) NOTICE.—

(a) Within 30 days after a plan of termination has been recorded, the termination trustee shall deliver by certified mail, return receipt requested, notice to all unit owners, lienors of the condominium property, and lienors of all units at their last known addresses that a plan of termination has been recorded. The notice shall include the book and page number of the public records where the plan is recorded, notice that a copy of the plan shall be furnished upon written request, and notice that the unit owner or lienor has the right to contest the fairness of the plan.

(b) The trustee, within 30 days after the effective date of the plan, shall provide to the division a certified copy of the recorded plan, the date the plan was recorded, and the county, book, and page number of the public records where it was recorded.

(15) RIGHT TO CONTEST.—A unit owner or lienor may contest a plan of termination by initiating a summary procedure pursuant to s. 51.011 within 90 days after the date the plan is recorded. A unit owner or lienor who does not contest the plan is barred from asserting or prosecuting a claim against the association, the termination trustee, any unit owner, or any successor in interest to the condominium property. In an action contesting a plan of termination, the person contesting the plan has the burden of pleading and proving that the apportionment of the proceeds from the sale among the unit owners was not fair and reasonable. The apportionment of sale proceeds is presumed fair and reasonable if it was determined pursuant to the methods prescribed in subsection (11). The court shall adjudge the rights and interests of the parties and order the plan of termination to be implemented if it is fair and reasonable. The court shall void a plan that is determined not to be fair and reasonable. In such action the prevailing party may recover reasonable attorney's fees and costs.

(16) DISTRIBUTION.—Following termination of the condominium, the condominium property, association property, common surplus, and other assets of the association shall be held by the termination trustee, as trustee for unit owners and holders of liens on the units, in their order of priority.

(a) Not less than 30 days prior to the first distribution, the termination trustee shall deliver by certified mail, return receipt requested, a notice of the estimated distribution to all unit owners, lienors of the condominium property, and lienors of each unit at their last known address stating a good-faith estimate of the amount of the distributions to each class and the procedures and deadline for notifying the termination trustee of any objections to the amount. The deadline must be at least 15 days after the date the notice was mailed. The notice may be sent with

or after the notice required by subsection (14). If a unit owner or lienor files an objection with the termination trustee, the trustee does not have to distribute the funds and property allocated to the respective unit owner and lienor until the trustee has had a reasonable time to determine the validity of the adverse claims. In the alternative, the trustee may interplead the unit owner, lienor, and any other person claiming an interest in the unit and deposit the funds allocated to the unit in the court registry, at which time the condominium property, association property, common surplus, and other assets of the association are free of all claims and liens of the parties to the suit. In an interpleader action, the trustee and prevailing party may recover reasonable attorney's fees and costs and court costs.

(b) The proceeds of any sale of condominium or association property and any remaining condominium or association property, common surplus, and other assets shall be distributed in the following priority:

1. To pay the costs of implementing the plan of termination, including demolition, removal, and disposal fees, termination trustee's fees and costs, accounting fees and costs, and attorney's fees and costs.

2. To lienholders for liens recorded prior to the recording of the declaration.

3. To lienholders for liens of the association which have been consented to under s. 718.121.

4. To creditors of the association, as their interests appear.

5. To unit owners, the proceeds of any sale of condominium property subject to satisfaction of liens on each unit in their order of priority, in shares specified in the plan of termination, unless objected to by a unit owner or lienor.

6. To unit owners, the remaining condominium property, subject to satisfaction of liens on each unit in their order of priority, in shares specified in the plan of termination, unless objected to by a unit owner or a lienor.

7. To unit owners, the proceeds of any sale of association property, the remaining association property, common surplus, and other assets of the association, subject to satisfaction of liens on each unit in their order of priority, in shares specified in the plan of termination, unless objected to by a unit owner or a lienor.

(c) After determining that all known debts and liabilities of an association in the process of termination have been paid or adequately provided for, the termination trustee shall distribute the remaining assets pursuant to the plan of termination. If the termination is by court proceeding or subject to court supervision, the distribution may not be made until any period for the presentation of claims ordered by the court has passed.

(d) Assets held by an association upon a valid condition requiring return, transfer, or conveyance, which condition has occurred or will occur, shall be returned, transferred, or conveyed in accordance with the condition. The remaining association assets shall be distributed pursuant to paragraph (b).

(e) Distribution may be made in money, property, or securities and in installments or as a lump sum, if it can be done fairly and ratably and in conformity with the plan of termination. Distribution shall be made as soon as is reasonably consistent with the beneficial liquidation of the assets.

(17) ASSOCIATION STATUS.—The termination of a condominium does not change the corporate status of the association that operated the condominium property. The association continues to exist to conclude its affairs, prosecute and defend actions by or against it, collect and discharge obligations, dispose of and convey its property, and collect and divide its assets, but not to act except as necessary to conclude its affairs.

(18) CREATION OF ANOTHER CONDOMINIUM.—The termination of a condominium does not bar the creation, by the termination trustee, of another condominium affecting any portion of the same property.

(19) EXCLUSION.—This section does not apply to the termination of a condominium incident to a merger of that condominium with one or more other condominiums under s. 718.110(7).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 718.117, F.S.; substantially revising provisions relating to the termination of the condominium form of ownership of a property; providing grounds; providing powers and duties of the board of administration of the association; waiving certain notice requirements following natural disasters; providing requirements for a plan of termination; providing for the allocation of proceeds from the sale of condominium property; providing powers and duties of a termination trustee; providing notice requirements; providing a procedure for contesting a plan of termination; providing rules for the distribution of property and sale proceeds; providing for the association's status following termination; allowing the creation of another condominium by the trustee;

Pursuant to Rule 4.19, **HB 291** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SB 546—A bill to be entitled An act relating to reimbursement for lung transplant services for Medicaid recipients; amending s. 409.9062, F.S.; requiring the Agency for Health Care Administration to reimburse lung transplant facilities a global fee for services provided to Medicaid recipients; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 546** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 60—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; providing membership in the Special Risk Class for certain employees of a law enforcement agency or medical examiner's office whose duties include collecting, examining, preserving, documenting, preparing, or analyzing physical evidence; providing a declaration of important state interest; making an appropriation to the Department of Law Enforcement; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 60** was placed on the calendar of Bills on Third Reading.

On motion by Senator King, by two-thirds vote **HB 1725** was withdrawn from the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; and Ways and Means.

On motion by Senator King—

HB 1725—A bill to be entitled An act relating to the Florida Enterprise Zone Act; amending s. 290.001, F.S.; revising the name of the act; amending s. 290.004, F.S.; deleting obsolete definitions; amending s. 290.0055, F.S.; revising procedures for counties or municipalities to nominate an area for designation as a new enterprise zone; deleting obsolete provisions; removing the authority for certain counties to nominate more than one enterprise zone; revising criteria for eligibility of an area for nomination by certain local governments for designation as an enterprise zone; revising procedures and requirements for amending enterprise zone boundaries; amending s. 290.0056, F.S.; deleting a requirement that a governing body appoint the board of an enterprise zone development agency by ordinance; revising requirements for making such appointments; deleting a requirement that a certificate of appointment of a board member be filed with the clerk of the county or municipality; deleting the requirement that an annual report by a board be published and available for inspection in the office of the municipal or county clerk; revising the powers and responsibilities of an enterprise zone development agency; providing additional responsibilities; revising

certain reporting requirements; amending s. 290.0057, F.S.; specifying application of enterprise zone development plan requirements only to designations of new enterprise zones; amending s. 290.0058, F.S.; updating obsolete references; revising requirements for determining pervasive poverty in an area nominated as a rural enterprise zone; providing an exception for areas nominated for designation as a rural enterprise zone; amending s. 290.0065, F.S.; establishing the maximum number of enterprise zones allowed, subject to any new zones authorized by the Legislature; revising the procedure for designating a new enterprise zone if an existing zone is not redesignated; deleting a requirement that an application for designation as an enterprise zone be categorized by population; deleting obsolete provisions; authorizing the office to redesignate enterprise zones having an effective date on or before January 1, 2005; providing requirements and procedures; authorizing a governing body to request enterprise zone boundary changes; requiring the office to determine, in consultation with Enterprise Florida, Inc., the merits of enterprise zone redesignations; providing criteria; providing for an enterprise zone redesignation approval procedure; prohibiting an entity having jurisdiction over an area denied redesignation as an enterprise zone from reapplying for redesignation for 1 year; providing a redesignation procedure for zones authorized in conjunction with certain federal acts; providing requirements for an application for redesignation; deleting obsolete provisions; amending s. 290.0066, F.S.; providing that failure to make progress or failure to comply with measurable goals may be considered as grounds for revocation of an enterprise zone designation; amending s. 290.012, F.S.; providing a transition date that provides for a zone having an effective date on or before January 1, 2005, to continue to exist until December 21, 2005, and to expire on that date; requiring any zone designated or redesignated after January 1, 2006, to be designated or redesignated in accordance with the Florida Enterprise Zone Act; amending s. 290.014, F.S., to conform; amending s. 290.016, F.S.; delaying the repeal of the Florida Enterprise Zone Act; amending s. 163.345, F.S., to conform; amending ss. 166.231, 193.077, 193.085, 195.073, 196.012, 205.022, 205.054, and 212.02, F.S.; extending expiration dates with respect to various tax exemptions to conform provisions to changes made by the act; amending s. 212.08, F.S.; revising the procedures for applying for a tax exemption on building materials used to rehabilitate property located in an enterprise zone; deleting a limitation on claiming exemptions through a refund of previously paid taxes; extending an expiration date for the exemption; extending an expiration date for an exemption for business property used in an enterprise zone; deleting obsolete provisions governing the community contribution tax credit for donations, to conform; extending the expiration date of the tax credit for electrical energy used in an enterprise zone, to conform; amending s. 212.096, F.S.; deleting obsolete provisions; extending the expiration date for the enterprise zone jobs tax credit, to conform; amending ss. 220.02 and 220.03, F.S.; extending the expiration date of the enterprise zone jobs tax credit against corporate income tax to conform to changes made by the act; revising definitions to extend the expiration date of the credit to conform; amending s. 220.181, F.S.; deleting obsolete provisions; extending the expiration date of the tax credit, to conform; amending s. 220.182, F.S.; extending the expiration date of the enterprise zone property tax credit, to conform; amending s. 288.1175, F.S., to conform,; amending s. 370.28, F.S.; providing that an enterprise zone having an effective date on or before January 1, 2005, shall continue to exist until December 21, 2005, and shall expire on that date; requiring that an enterprise zone in a community affected by net limitations which is redesignated after January 1, 2006, do so in accordance with the Florida Enterprise Zone Act; repealing s. 290.00555, F.S., relating to the designation of a satellite enterprise zone; repealing s. 290.0067, F.S., relating to an enterprise zone in Lake Apopka; repealing s. 290.00675, F.S., relating to a boundary amendment for the City of Brooksville in Hernando County; repealing s. 290.00676, F.S., relating to an amendment of certain rural enterprise zone boundaries; repealing s. 290.00678, F.S., relating to a designation of rural champion communities as enterprise zones; repealing s. 290.00679, F.S., relating to amendments to certain rural enterprise zone boundaries; repealing s. 290.0068, F.S., relating to the designation of an enterprise zone encompassing a brownfield pilot project; repealing s. 290.00685, F.S., relating to an application to amend boundaries of an enterprise zone containing a brownfield pilot project; repealing s. 290.00686, F.S., relating to the designation of enterprise zones in Brevard County and the City of Cocoa; repealing s. 290.00687, F.S., relating to the designation of an enterprise zone in Pensacola; repealing s. 290.00688, F.S., relating to the designation of an enterprise zone in Leon County; repealing s. 290.00689, F.S., relating to the designation of a pilot project in an enterprise zone; repealing s. 290.0069, F.S., relating to the designation of an enterprise zone in Liberty County; repealing s. 290.00691, F.S., relating to the designation of an enterprise zone in Columbia County and Lake City; repealing s. 290.00692, F.S., relating to the designation of an enterprise zone in Suwannee County and Live Oak; repealing s. 290.00693, F.S., relating to the designation of an enterprise zone in Gadsden County; repealing s. 290.00694, F.S., relating to the designation of an enterprise zone in Sarasota County and Sarasota; repealing s. 290.00695, F.S., relating to the designation of enterprise zones in Hernando County and Brooksville; repealing s. 290.00696, F.S., relating to the designation of an enterprise zone in Holmes County; repealing s. 290.00697, F.S., relating to the designation of an enterprise zone in Calhoun County; repealing s. 290.00698, F.S., relating to the designation of an enterprise zone in Okaloosa County; repealing s. 290.00699, F.S., relating to the designation of an enterprise zone in Hillsborough County; repealing s. 290.00701, F.S., relating to the designation of an enterprise zone in Escambia County; repealing s. 290.00702, F.S., relating to the designation of enterprise zones in Osceola County and the City of Kissimmee; repealing s. 290.00703, F.S., relating to the designation of an enterprise zone in South Daytona; repealing s. 290.00704, F.S., relating to the designation of an enterprise zone in Lake Wales; repealing s. 290.00705, F.S., relating to the designation of an enterprise zone in Walton County; repealing s. 290.00706, F.S., relating to the designation of enterprise zones in Miami-Dade County and the City of West Miami; repealing s. 290.00707, F.S., relating to the designation of an enterprise zone in Hialeah; repealing s. 290.00708, F.S., relating to a boundary amendment in an enterprise zone within a consolidated government; repealing s. 290.00709, F.S., relating to a boundary amendment in an enterprise zone within an inland county; repealing s. 290.009, F.S., relating to the Enterprise Zone Interagency Coordinating Council; repealing s. 290.015, F.S., relating to an evaluation and review of the enterprise zone program; providing for carryover of eligibility for tax credits under s. 212.096, F.S.; providing for carryover of eligibility for tax credits under s. 220.181, F.S.; providing for carryover of eligibility for tax exemption under s. 196.1995, F.S., and the tax exemption under s. 220.182, F.S.; providing for carryover of eligibility for tax credits under s. 220.183, F.S.; providing for carryover of eligibility for tax credits under s. 212.08, F.S.; providing for carryover of eligibility for tax credits under s. 624.5105, F.S.; providing for carryover of eligibility for a tax exemption under s. 212.08, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1770** and read the second time by title.

Pursuant to Rule 4.19, **HB 1725** was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SB 1024—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 288.99, F.S., the "Certified Capital Company Act"; removing the October 2, 2005, repeal of information relating to an active investigation or office review of a certified capital company scheduled under the Open Government Sunset Review Act; narrowing the exemption; eliminating the exemption from public-records requirements for social security numbers of any customers of a certified capital company, complainants, or persons associated with a certified capital company or qualified business; eliminating references to specified premium tax credits under the act designated as "Program One" and "Program Two"; providing editorial and conforming changes; providing for the future repeal of the Certified Capital Company Act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1024** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for CS for SB 1766—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a public school from denying a student access to programs or services under certain conditions; authorizing public school teachers and school district personnel to share certain information with a student's parent; prohibiting public school teachers and school district personnel from

compelling certain actions by a parent; authorizing the refusal of psychological screening; providing for medical decisionmaking authority; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1766** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 738—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; amending s. 943.11, F.S.; requiring that the members of the commission who are sheriffs appointed by the Governor be chosen from a list of nominees submitted by the Florida Sheriffs Association; requiring that the members of the commission who are chiefs of police appointed by the Governor be chosen from a list of nominees submitted by the Florida Police Chiefs Association; requiring that the members of the commission who are law enforcement officers of the rank of sergeant or below and the member who is a correctional officer of the rank of sergeant or below who are appointed by the Governor be chosen from a list of nominees submitted by a committee composed of certain collective bargaining agents; providing selection criteria for the committee; requiring lists of nominees to be submitted by a time certain; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 738** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 782—A bill to be entitled An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; creating a rule of construction; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing-education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; creating a rule of construction; amending s. 1001.64, F.S., to conform a cross-reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 782** to **HB 193**.

Pending further consideration of **CS for CS for SB 782** as adopted, on motion by Senator Campbell, by two-thirds vote **HB 193** was withdrawn from the Committees on Education; Criminal Justice; and Justice Appropriations.

On motion by Senator Campbell—

HB 193—A bill to be entitled An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; creating a rule of construction; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; creating a rule of construction; amending s. 1001.64, F.S., to conform a cross reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 782** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 193** was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for CS for SB 1652—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; exempting proceedings conducted by special deputies under chapter 443, F.S., from uniform rules of procedure; amending s. 443.071, F.S.; prohibiting establishing a fictitious employing unit for the purpose of receiving unemployment benefits; describing those acts that constitute prima facie evidence of establishing a personal benefit account and of claiming and receiving unemployment benefits; providing penalties; providing for access to certain investigative records; amending s. 443.091, F.S.; revising certain conditions of benefit eligibility; amending s. 443.1216, F.S.; clarifying powers of employee leasing companies in leasing officers and other workers to clients; restating types of employment exempt from coverage under chapter 443, F.S.; amending s. 443.1217, F.S.; providing applicability of guidelines for determining those wages subject to chapter 443, F.S.; amending s. 443.131, F.S.; redefining the term "total excess payments"; prescribing guidelines for transferring unemployment experience upon transfer or acquisition of a business; providing penalties for unlawful acts related to such transfer; amending s. 443.1317, F.S.; providing for an official seal for the Agency for Workforce Innovation; amending s. 443.151, F.S.; prescribing procedures with respect to untimely appeals; amending s. 895.02, F.S.; redefining the term "racketeering activity," for purposes of the criminal statutes pertaining to that offense, to include creation of fictitious employer schemes to commit unemployment compensation fraud; reenacting ss. 16.56(1)(a) and 905.34, F.S., relating to the Office of Statewide Prosecution and to the powers and duties of a statewide grand jury, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; reenacting ss. 655.50(3)(g) and 896.101(2)(g), relating to the Florida Control of Money Laundering in the Financial Institutions Act and the Florida Money Laundering Act, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1652** to **HB 1693**.

Pending further consideration of **CS for CS for SB 1652** as amended, on motion by Senator King, by two-thirds vote **HB 1693** was withdrawn from the Committees on Commerce and Consumer Services; Criminal Justice; General Government Appropriations; and Transportation and Economic Development Appropriations.

On motion by Senator King—

HB 1693—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; providing an exemption for special deputies from uniform rules of procedure; amending s. 443.071, F.S.; providing penalties for false employer schemes; providing the requirements for establishing prima facie evidence; authorizing certain access to records relating to investigations of unemployment compensation fraud; amending s. 443.091, F.S.; clarifying benefit eligibility; amending s. 443.1216, F.S.; clarifying the persons that employee leasing companies may lease to a client; clarifying the exemption of certain service from the definition of employment; amending s. 443.1217, F.S.; clarifying exempt wages for the purpose of determining employer contributions; amending s. 443.131, F.S.; revising the definition of "total excess

payments"; prohibiting the transfer of unemployment experience by acquisition of a business in certain cases; providing for calculation of unemployment experience rating; providing penalties; amending s. 443.151, F.S.; providing for dismissal of untimely filed appeals; extending a deadline for recoupment of benefits; amending s. 895.02, F.S.; revising the definition of "racketeering activity"; reenacting ss. 16.56(1)(a), 655.50(3)(g), 896.101(2)(g), and 905.34(3), F.S., relating to the Office of Statewide Prosecution, the Florida Control of Money Laundering in Financial Institutions Act, the Florida Money Laundering Act, and the powers and duties of a statewide grand jury, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1652** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1693** was placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

CS for SB 1926—A bill to be entitled An act relating to inflammatory bowel disease; creating the Inflammatory Bowel Disease Research Act; requiring the Department of Health to conduct an inflammatory bowel disease epidemiology study with the University of Florida College of Public Health and Health Professions; requiring the Agency for Health Care Administration to conduct a chronic disease study on the coverage standards provided by Medicaid for inflammatory bowel disease therapies; providing for membership in a study group; requiring reports to the Governor and Legislature; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1926** to **HB 869**.

Pending further consideration of **CS for SB 1926** as amended, on motion by Senator Margolis, by two-thirds vote **HB 869** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

On motion by Senator Margolis—

HB 869—A bill to be entitled An act relating to Crohn's and Colitis disease research; creating the Crohn's and Colitis Disease Research Act; requiring the Department of Health to conduct an inflammatory bowel disease epidemiology study with the University of Florida College of Public Health and Health Professions; requiring the Agency for Health Care Administration to conduct a chronic disease study on the coverage standards provided by Medicaid for inflammatory bowel disease therapies; providing for membership in a study group; requiring reports to the Governor and Legislature; providing an effective date.

—a companion measure, was substituted for **CS for SB 1926** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 869** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **HB 1469** was withdrawn from the Committees on Regulated Industries; Banking and Insurance; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Haridopolos—

HB 1469—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 497.172, F.S.; creating a public meetings exemption for the Board of Funeral, Cemetery, and Consumer Services for those portions of meetings conducted for the exclusive purpose of developing or reviewing licensure examination questions and answers; creating a public meetings exemption for probable cause panel meetings of the board; creating a public records exemption for records of exempt probable cause panel meetings for a time certain; creating a public records exemption for records relating to investigations, inspections, or examinations in process for a time certain; maintaining the public records exemptions under certain circumstances; creating a public records exemption for trade secrets; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 2344** and read the second time by title.

Pursuant to Rule 4.19, **HB 1469** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for CS for CS for SB 2346—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; providing for lighting equipment on certain non-law enforcement vehicles in a funeral procession; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; providing for eligibility for membership on the Board of Funeral, Cemetery, and Consumer Services; providing rulemaking authority regarding application for board membership; amending s. 497.103, F.S.; revising authority of the Department of Financial Services to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; providing for a late-renewal fee; amending s. 497.141, F.S.; revising licensure application procedures to provide for persons other than natural persons; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of license; amending s. 497.142, F.S.; revising fingerprinting requirements; eliminating obsolete references; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.147, F.S.; removing provision granting rulemaking authority to the Board of Funeral and Cemetery Services relating to certain written agreements being a prerequisite for qualification of a provider of training or continuing education regarding funeral and cemetery service licensure; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising applicability in other jurisdictions; revising certain grounds for disciplinary action; specifying what is deemed to be a complaint; providing exceptions to remittance deficiency disciplinary infractions; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising criminal provisions relating to prelicensure examinations, willful obstruction, trust funds, and specified violations; providing penalties; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.165, F.S.; revising a standard for determining liability for a trust fund deficiency; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising a provision for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.365, F.S.; requiring that certain fees be paid before an inactive license is renewed; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizes the

licensing authority to establish certain rules; amending s. 497.378, F.S.; revising a license renewal fee; amending s. 497.380, F.S.; revising certain requirements for funeral establishments; providing requirements for reporting a change in location of the establishment; revising a license renewal fee; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; increasing the renewal fee for a branch license which is set by the Board of Funeral, Cemetery, and Consumer Services; revising grounds for issuance of a preneed branch license; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S., relating to preneed sales agents; substantially revising provisions relating to licensure requirements; revising application procedures, fees, the issuance of a temporary preneed sales agent license, the conversion of such a license to a permanent preneed sales agent license, restrictions upon an applicant who has a criminal or disciplinary record, termination of a permanent license due to lack of appointments, procedures for appointing preneed sales agents and for renewing such an appointment, termination of appointments, fees, and administrative matters; providing responsibilities of preneed licensees for preneed sales agents; creating s. 497.468, F.S.; providing for disclosure of information to the public; amending s. 497.550, F.S.; revising application requirements and procedures for licensure as a monument establishment; requiring that a monument establishment be licensed as a monument builder or as a monument dealer; exempting a monument dealer from a requirement to maintain certain facilities and from certain inspection requirements; requiring that a monument establishment obtain licensure as a monument builder in order to be eligible for a preneed sales license; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; providing requirements for change of ownership and location of monument establishments; providing for an annual inspection fee; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; revising requirements for rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.603, F.S.; revising the license renewal fee for a direct disposer; amending s. 497.604, F.S.; revising provisions concerning direct disposal establishment licensure and application for licensure and regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions concerning cinerator facility licensure and application for licensure and regulation of cinerator facilities; amending s. 497.607, F.S.; providing for publication of rules regarding cremation by chemical means; authorizing the anatomical board of this state to provide for the final disposition of human remains delivered to the board as the board determines to be adequate and proper; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; repealing s. 497.275, F.S., relating to identification of human remains in licensed cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 2346** to **HB 529**.

Pending further consideration of **CS for CS for CS for SB 2346** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 529** was withdrawn from the Committees on Regulated Industries; Banking and Insurance; Criminal Justice; and Justice Appropriations.

On motion by Senator Haridopolos—

HB 529—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; authorizing the use of purple lights on certain funeral escort vehicles and funeral lead vehicles; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; clarifying eligibility for Board of Funeral, Cemetery, and Consumer Services membership; requiring the Department of Financial Services to adopt rules regarding application for board membership; amending s. 497.103, F.S.; revising authority of the department to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; providing for delinquency fees to be charged and collected from certain licensees; providing a default delinquency fee; amending s. 497.141, F.S.; requiring licensure applications to include tax identification numbers of applicants that are not natural persons; authorizing the licensing authority to require certain applicants to provide a photograph; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of licenses; amending s. 497.142, F.S.; revising fingerprinting requirements; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; providing for the cost for fingerprinting processing; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.147, F.S.; revising provisions relating to the licensing authority's rules regulating prelicensure training and continuing education providers; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is not deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising certain grounds for disciplinary action; specifying what is not deemed to be a complaint; authorizing the board to adopt rules providing criteria for identifying minor and nonwillful remittance deficiencies; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising provisions relating to criminal penalties for violations involving prelicensure examinations, willful obstruction, and trust funds and other specified violations; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.165, F.S.; stipulating that intentional or gross negligence renders owners, directors, and officers jointly and severally liable for certain trust fund deficiencies; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising provisions for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.365, F.S.; requiring the board to adopt rules prescribing application and renewal fees for inactive status, a delinquency fee, and a fee for reactivation of a license; providing a cap on such fees; providing a limitation on the department's ability to reactivate a license; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizing the licensing authority to establish certain rules; amending s. 497.378, F.S.; raising the cap on funeral director and embalmer license renewal fees; amending s. 497.380, F.S.; specifying requirements for funeral establishment licensure applicants; raising the cap on funeral establishment license renewal fees; providing requirements for reporting a change in location of the establishment; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for

change in location of removal services and refrigeration services; deleting a provision exempting centralized embalming facilities from certain funeral establishment requirements; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept certain alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; revising grounds for issuance of a preneed branch license; raising the cap on branch license renewal fees; deleting a provision exempting sponsoring preneed licensees from responsibility for certain violations of branch licensees; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S.; revising general provisions applicable to preneed sales agents; revising requirements and application procedures for preneed sales agent licensure; providing requirements for the issuance of a temporary preneed sales agent license; providing requirements for the conversion of temporary preneed sales agent licenses to permanent preneed sales agent licenses; providing requirements for applicants with a criminal or disciplinary record; providing for termination of a permanent preneed sales agent license due to lack of appointments; providing requirements for the appointment of preneed sales agents; providing for administrative matters regarding preneed sales agent licensure; creating s. 497.468, F.S.; providing for disclosure of certain information to the public; requiring the licensing authority to establish rules relating to the manner in which certain written contracts are provided; amending s. 497.550, F.S.; creating two categories of monument establishment licensure and providing certain requirements for such categories; revising application procedures for licensure as a monument establishment; requiring inspection of proposed monument establishment facilities; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; requiring the board to set an annual inspection fee for monument establishment licensees; providing a cap for such fee; providing requirements for change of ownership and location of monument establishments; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; requiring monument establishments to comply with rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.603, F.S.; raising the cap on direct disposer license renewal fees; amending s. 497.604, F.S.; revising provisions relating to direct disposal establishment licensure and application for such licensure; revising provisions relating to the regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions relating to cinerator facility licensure and application for such licensure; revising provisions relating to the regulation of cinerator facilities; amending s. 497.607, F.S.; providing that the anatomical board at the University of Florida Health Science Center is not prohibited from causing the final disposition of unclaimed human remains under certain circumstances; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; repealing s. 497.275, F.S., relating to identification of human remains in licensed cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2346** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 529** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **HB 1459** was withdrawn from the Committees on Regulated Industries; and Judiciary.

On motion by Senator Posey—

HB 1459—A bill to be entitled An act relating to liens on commercial real estate; creating part III of ch. 475, F.S., the "Commercial Real Estate Sales Commission Lien Act"; providing definitions; specifying conditions under which a broker is entitled to a lien upon the owner's net proceeds from the disposition of commercial real estate for any commission earned by the broker under a brokerage agreement; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the commission notice and delivery to certain parties; providing a form for the commission notice; providing that a lien may not be enforced if the notice is not delivered to certain parties; providing that the commission notice may be recorded; providing for expiration and extension under certain conditions; providing for release of the commission notice under certain conditions; providing the duties of the closing agent; requiring the closing agent to reserve an owner's proceeds under certain conditions; providing for the release of proceeds under certain conditions; requiring deduction of certain costs from the proceeds; providing for interpleader or other legal proceedings sought by a closing agent to adjudicate certain rights; providing for the deposit of reserved proceeds in a court registry; providing for the discharge of the closing agent from further liability; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; establishing the priority of a recorded commission notice; providing for the service of notice; providing that a buyer's broker is not entitled to a lien; providing certain conditions under which a buyer's broker may seek payment of a commission; creating part IV of ch. 475, F.S., the "Commercial Real Estate Leasing Commission Lien Act"; providing definitions; providing conditions under which a broker may place a lien upon an owner's interest in commercial real estate for any commission earned under a brokerage agreement with respect to a lease of commercial real estate; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the lien notice; providing a form for the lien notice; providing that the lien notice may be recorded; providing that a lien may not be enforced if the broker fails to record the notice; providing for effectiveness of a recorded lien notice; providing for release of the lien notice under certain conditions; providing for expiration and extension under certain conditions; providing for foreclosure of a recorded lien under certain conditions; providing a form; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; providing procedures to transfer a lien to a security; providing that the clerk of court may collect a service charge; providing for subordination of a broker's lien; amending s. 475.42, F.S.; providing that a broker may place a lien when allowed by law; providing an effective date.

—a companion measure, was substituted for **CS for SB 2036** and read the second time by title.

Pursuant to Rule 4.19, **HB 1459** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

SB 2452—A bill to be entitled An act relating to pharmacy technicians; amending s. 465.014, F.S.; authorizing pharmacy technicians to initiate or receive requests for original prescriptions when dispensing for nonhuman use; prohibiting a licensed pharmacist from supervising more than a certain number of pharmacy technicians in dispensing prescriptions for nonhuman use; amending s. 465.035, F.S.; providing an exception to certain requirements for dispensing medicinal drugs for nonhuman use via facsimile; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Klein, the rules were waived to allow the following amendments to be considered:

Senator Klein moved the following amendments which were adopted:

Amendment 1 (825174)—On page 2, line 2, after "*the*" insert: *direct*

Amendment 2 (862690)—On page 2, line 10, delete "*seven*" and insert: *five*

Pursuant to Rule 4.19, **SB 2452** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **HB 565** was withdrawn from the Committees on Regulated Industries; Commerce and Consumer Services; and Judiciary.

On motion by Senator Haridopolos—

HB 565—A bill to be entitled An act relating to mobile homes; amending s. 723.037, F.S.; providing intent, requirements, and restrictions regarding information exchanged in meetings between park owners and homeowners' committees and at mediation; providing exceptions; amending s. 723.0611, F.S.; designating the Florida Mobile Home Relocation Corporation as an agency of the state and certain other persons as officers, employees, or agents of the state for application of sovereign immunity provisions; providing rulemaking authority to administer provisions involving the corporation; amending s. 723.0612, F.S.; providing that mobile home owners are not eligible for compensation in certain circumstances involving change in use of the land comprising the mobile home park; providing entitlement to attorney's fees and costs in certain enforcement actions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1124** and read the second time by title.

Pursuant to Rule 4.19, **HB 565** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, by two-thirds vote **HB 1289** was withdrawn from the Committees on Environmental Preservation; and Regulated Industries.

On motion by Senator Saunders—

HB 1289—A bill to be entitled An act relating to signing and sealing by professional geologists; creating s. 373.1175, F.S.; authorizing the Department of Environmental Protection and the governing boards of water management districts to require signing and sealing of certain documents and reports by professional geologists; requiring such cost to be borne by the permit applicant or permittee; providing construction with respect to professional engineers; providing an effective date.

—a companion measure, was substituted for **CS for SB 1988** and read the second time by title.

Pursuant to Rule 4.19, **HB 1289** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SB 2118—A bill to be entitled An act relating to worker's compensation; amending s. 440.02, F.S.; redefining the term "employee" under the Workers' Compensation Law to revise an exemption relating to owner-operators of motor vehicles; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **SB 2118** to **HB 423**.

Pending further consideration of **SB 2118**, on motion by Senator Atwater, by two-thirds vote **HB 423** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Atwater—

HB 423—A bill to be entitled An act relating to the definition of "employee" for the purposes of workers' compensation; amending s. 440.02, F.S.; redefining the term "employee" under the Workers' Compensation Law to revise an exemption relating to owner-operators of motor vehicles; providing an effective date.

—a companion measure, was substituted for **SB 2118** and read the second time by title.

Pursuant to Rule 4.19, **HB 423** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for CS for SB 2570—A bill to be entitled An act relating to home medical equipment providers; amending s. 400.925, F.S.; revising and providing definitions; amending s. 400.93, F.S.; providing that physicians who sell, rent, or supply equipment or devices to their patients are exempt from licensure as a home medical equipment provider; amending s. 400.931, F.S.; including additional categories of equipment in a report required by applicants for licensure; increasing the amount of liability insurance required of home medical equipment providers; amending s. 400.933, F.S.; revising requirements for licensure and assessment of fees; amending s. 400.934, F.S.; revising minimum standards required for licensure; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to provide additional regulatory standards by rule; creating s. 400.936, F.S.; requiring proof of accreditation as a prerequisite for licensure or license renewal; providing for temporary licensure; providing for rules relating to designation of accrediting organizations; amending s. 400.95, F.S.; providing for notice of a toll-free telephone number to report fraud and abuse by providers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2570** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

CS for CS for CS for SB 1314—A bill to be entitled An act relating to independent living; amending s. 39.013, F.S.; authorizing a child in foster care to petition the court to retain jurisdiction of his or her case; limiting the court's continued jurisdiction to 1 year after the child's 18th birthday; identifying the issues to be considered by the court during its continued jurisdiction; providing that a judicial review hearing is not required; providing an exception; amending s. 39.701, F.S.; requiring the Department of Children and Family Services to include in its judicial review study report verification that the child has been provided with certain information about the Road-to-Independence Scholarship Program and with notice of the child's right to petition the court for continuing jurisdiction; amending s. 409.1451, F.S.; authorizing a child who is eligible for the Road-to-Independence Scholarship Program to continue to reside with a licensed foster family or a group care provider; requiring that the department enroll certain young adults who were formerly in foster care in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid; requiring that the Independent Living Services Advisory Council study the most effective way of providing health insurance for young adults in the program for independent living who are not eligible for the Florida KidCare program; requiring the council to report its recommendations to the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study to determine the effect the appointment of a guardian ad litem has on the ability of young adults who were formerly in the foster care system; providing for issues to be studied; requiring that a report be prepared and presented to the Governor and the Legislature by a specified date; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Rich moved the following amendments which were adopted:

Amendment 1 (973888)—On page 2, delete line 18 and insert: Statutes, is amended, and a new subsection (12) is added to that section, to read:

Amendment 2 (281948)—On page 5, between lines 23 and 24, insert:

10. Has been encouraged to attend all judicial review hearings occurring after his or her 17th birthday.

Amendment 3 (302340)(with title amendment)—On page 11, line 28 through page 12, line 13, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, lines 3-12, delete those lines and insert: recommendations to the Legislature; providing an

Amendment 4 (490392)(with title amendment)—On page 12, between lines 17 and 18, insert:

Section 7. *The Department of Children and Family Services shall adopt rules to administer this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 13, after the semicolon (;) insert: requiring the department to adopt rules;

MOTION

On motion by Senator Rich, the rules were waived to allow the following amendment to be considered:

Senator Rich moved the following amendment which was adopted:

Amendment 5 (572764)(with title amendment)—On page 3, lines 19-25, delete those lines and insert: *his or her 18th birthday. If a petition for special immigrant juvenile status and an application for adjustment of status have been filed on behalf of a foster child and the petition and application have not been granted by the time the child reaches 18 years of age, the court may retain jurisdiction over the dependency case solely for the purpose of allowing the continued consideration of the petition and application by federal authorities. Review hearings for the child shall be set solely for the purpose of determining the status of the petition and application. The court's jurisdiction terminates upon the final decision of the federal authorities. Retention of jurisdiction in this instance does not affect the services available to a young adult under s. 409.1451. The court may not retain jurisdiction of the case after the immigrant child's 22nd birthday.*

(12) The court shall encourage the Statewide Guardian Ad Litem Office to provide greater representation to those children who are within 1 year of transferring out of foster care.

And the title is amended as follows:

On page 1, lines 9-11, delete those lines and insert: continued jurisdiction; providing that the jurisdiction of the court terminates under specified conditions; providing that the court encourage the Statewide Guardian Ad Litem Office to provide greater representation to certain children; amending s. 39.701,

Pursuant to Rule 4.19, **CS for CS for CS for SB 1314** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

SB 752—A bill to be entitled An act relating to children's summer nutrition programs; providing a popular name; requiring each district school board to develop a plan to sponsor a summer nutrition program; providing criteria for operating summer nutrition program sites; authorizing exemption from sponsoring a summer nutrition program and providing procedures therefor; requiring a district school board to annually reconsider its decision to be exempt; authorizing district school boards to encourage not-for-profit entities to sponsor a summer nutrition program under certain circumstances; authorizing a superintendent of schools to collaborate with specified agencies to implement a summer nutrition program; providing for reporting; directing the Department of Education to provide each district school board with a list of organizations intending to participate; providing an effective date.

—was read the third time by title.

An amendment was considered and adopted to conform **SB 752** to **HB 227**.

Pending further consideration of **SB 752** as amended, on motion by Senator Wise, by two-thirds vote **HB 227** was withdrawn from the Committees on Education; Children and Families; and Education Appropriations.

On motion by Senator Wise, by two-thirds vote—

HB 227—A bill to be entitled An act relating to children's summer nutrition programs; providing a popular name; requiring each district school board to develop a plan to sponsor a summer nutrition program; providing criteria for operating summer nutrition program sites; authorizing exemption from sponsoring a summer nutrition program and providing procedures therefor; requiring a district school board to annually reconsider its decision to be exempt; authorizing district school boards to encourage not-for-profit entities to sponsor a summer nutrition program under certain circumstances; authorizing a superintendent of schools to collaborate with specified agencies and private, not-for-profit leaders to implement a summer nutrition program; providing for reporting; directing the Department of Education to provide each district school board with a list of organizations intending to participate; providing an effective date.

—a companion measure, was substituted for **SB 752** as amended and by two-thirds vote read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 227** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Rich
Atwater	Haridopolos	Saunders
Baker	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	
Dockery	Peaden	

Nays—None

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Argenziano, the rules were waived and the Committee on Select Medicaid Reform was granted permission to meet Monday, May 2 for two hours, beginning 15 minutes after the meeting of the Special Order Subcommittee of the Committee on Rules and Calendar for discussion of Medicaid proposals.

MOTIONS

On motion by Senator Argenziano, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Monday, May 2.

On motion by Senator Argenziano, the Special Order Calendar for Monday, May 2 was corrected to reflect **CS for CS for SB 1996** in lieu of **CS for SB 1996**.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Margolis, by two-thirds vote **SB 270** and **SB 500** were withdrawn from the committees of reference and further consideration.

On motion by Senator Clary, by two-thirds vote **SB 796**, **SB 2518**, **SB 1782**, **SB 1776** and **SB 2492** were withdrawn from the committees of reference and further consideration.

On motion by Senator Argenziano, by two-thirds vote **CS for SB 2070**, **CS for SB 1624** and **CS for SB 2638** were withdrawn from the Committee on Government Efficiency Appropriations; **CS for SB 696**, **CS for**

SB 1458, **CS for SB 1732**, **CS for SB 2032** and **CS for CS for SB 2086** were withdrawn from the Committee on Ways and Means; **CS for SB 2348** was withdrawn from the Committees on Banking and Insurance; Community Affairs; and Ways and Means; **CS for SB 584** was withdrawn from the Committee on Education Appropriations; **CS for CS for SB 330**, **CS for SB 1542**, **CS for SB 1830** and **CS for SB 1866** were withdrawn from the Committee on General Government Appropriations; **CS for CS for SB's 1944 and 2008** was withdrawn from the Committee on Governmental Oversight and Productivity; **SB 2614** was withdrawn from the Committee on Judiciary; **CS for SB 2352** was withdrawn from the Committee on Justice Appropriations; **CS for SB 676**, **CS for CS for SB 1442**, **SB 1746** and **CS for CS for SB 1810** were withdrawn from the Committee on Rules and Calendar; and **CS for SB 1372** and **CS for CS for CS for SB 1598** were withdrawn from the Committee on Transportation and Economic Development Appropriations.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 29, 2005: CS for SB 214, CS for SB 1498, CS for CS for CS for SB 2, CS for SB 282, CS for CS for SB 2236, CS for CS for SB 2264, CS for SB 786, CS for SB 2542, CS for CS for SB 1264, CS for CS for SB 1110, HB 1889, CS for SB 1592, SB 308, CS for SB 1208, CS for SB 2214, CS for SB 1232, CS for SB 1702, CS for CS for SB 428, CS for SB 1354, SB 1688, CS for CS for SB 2232, SB 1042, CS for CS for CS for SB 1520, CS for CS for SB 1090, SB 2148, CS for CS for SB 1968, CS for SB 2222, CS for SB 1492, CS for SB 546, CS for SB 60, CS for CS for CS for SB 1770, CS for SB 1024, CS for CS for SB 1766, CS for SB 738, CS for CS for SB 782, CS for CS for SB 1652, CS for SB 1926, CS for SB 2344, CS for CS for CS for SB 2346, CS for SB 2036, SB 2452, CS for SB 1124, CS for SB 1988, SB 2118, CS for CS for SB 2570, CS for CS for CS for SB 1314

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 2616

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 2022

The bill with committee substitute attached was referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 1996, CS for SB 2086

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 332, CS for CS for SB 444

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Ways and Means; Environmental Preservation; and Senator Dockery—

CS for CS for SB 332—A bill to be entitled An act relating to trust funds; creating s. 403.891, F.S.; creating the Water Protection and Sustainability Trust Fund within the Department of Environmental Protection; providing for sources of funds and purposes; providing for an annual carryforward of funds; providing for future legislative review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committees on Ways and Means; Governmental Oversight and Productivity; Environmental Preservation; and Senators Dockery and Argenziano—

CS for CS for CS for SB 444—A bill to be entitled An act relating to the development of water supplies; amending s. 373.019, F.S.; defining the terms "alternative water supply," "capital costs," and "multijurisdictional water supply entities"; amending s. 373.196, F.S.; encouraging cooperation in the development of water supplies; providing for alternative water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management district in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; amending s. 373.1961, F.S.; providing general powers and duties of the water management districts in water production; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; creating a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the total capital costs of an approved project; establishing a selection process and criteria; providing for cost recovery from the Public Service Commission; amending s. 373.1962, F.S.; clarifying that counties, municipalities, and special districts may execute interlocal agreements to create regional water supply authorities; amending s. 373.223, F.S.; establishing criteria for certain water supply entities to be presumed to have a use consistent with the public interest for requirements for consumptive use permitting; amending s. 373.236, F.S.; providing permits of at least 20 years for development of alternative water supplies under certain conditions; amending s. 373.459, F.S.; requiring that entities receiving state funding for implementation of surface water improvement and management projects provide a 50-percent match of cash or in-kind services; amending s. 373.0361, F.S.; providing for the development of regional water supply plans; providing requirements for the content of each plan; providing for an approval process for the plans; providing for annual updates; providing for local government use of the plans; providing notification requirements for water management districts concerning findings within the plan; requiring identified entities to select alternative water supply projects and provide periodic status reports; changing the deadline for certain plan updates; amending s. 163.3177, F.S.; requiring a local government to incorporate alternative water supply projects into the comprehensive plan; requiring local governments to identify specific projects needed; providing for cooperative planning; amending s. 163.3180, F.S.; requiring adequate water supplies to serve new development; amending s. 163.3191, F.S.; requiring the evaluation and appraisal report to evaluate the degree to which the local government has implemented the work plan for regional water supply facilities, including development of alternative water supplies necessary to serve existing and new development; amending s. 403.067, F.S.; providing that initial allocation of allowable pollutant loads between point and nonpoint sources may be developed as part of a total maximum daily load; establishing criteria for establishing initial and detailed allocations to attain pollutant reductions; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads that establish incremental total maximum daily loads under certain conditions; requiring the development of basin management action plans; requiring that basin management action plans integrate the appropriate management strategies to achieve the total maximum daily loads; requiring that the plans establish a schedule for implementing management strategies; requiring that a basin management action plan equitably allocate pollutant reductions to individual basins or to each identified point source or category of nonpoint sources; authorizing that plans may provide pollutant load reduction credits to dischargers that have implemented strategies to reduce pollutant loads prior to the development of the basin management action plan; requiring that the plan identify mechanisms by which potential future sources of pollution will be addressed; requiring that the department assure key stakeholder participation in the basin management action planning process; requiring that the department hold at least one public meeting to discuss and receive comments during the planning process; providing notice requirements; requiring that the department

adopt all or part of a basin management action plan by secretarial order pursuant to ch. 120, F.S.; requiring that basin management action plans that alter that calculation or initial allocation of a total maximum daily load, the revised calculation, or initial allocation must be adopted by rule; requiring periodic evaluation of basin management action plans; requiring that revisions to plans be made by the department in cooperation with stakeholders; providing for basin plan revisions regarding nonpoint pollutant sources; requiring that adopted basin management action plans be included in subsequent NPDES permits or permit modifications; providing that implementation of a total maximum daily load or basin management action plan for holders of an NPDES municipal separate stormwater sewer system permit may be achieved through the use of best management practices; providing that basin management action plans do not relieve a discharger from the requirement to obtain, renew, or modify an NPDES permit or to abide by other requirements of the permit; requiring that plan management strategies be completed pursuant to the schedule set forth in the basin management action plan and providing that the implementation schedule may extend beyond the term of an NPDES permit; providing that management strategies and pollution reduction requirements in a basin management action plan for a specific pollutant of concern are not subject to a challenge under ch. 120, F.S., at the time they are incorporated, in identical form, into a subsequent NPDES permit or permit modification; requiring timely adoption and implementation of pollutant reduction actions for nonagricultural pollutant sources not subject to NPDES permitting but regulated pursuant to other state, regional, or local regulatory programs; requiring timely implementation of best management practices for nonpoint pollutant source dischargers not subject to permitting at the time a basin management action plan is adopted; providing for presumption of compliance under certain circumstances; providing for enforcement action by the department or a water management district; requiring that a landowner, discharger, or other responsible person that is implementing management strategies specified in an adopted basin management action plan will not be required by permit, enforcement action, or otherwise to implement additional management strategies to reduce pollutant loads; providing that the authority of the department to amend a basin management plan is not limited; requiring that the department verify at representative sites the effectiveness of interim measures, best management practices, and other measures adopted by rule; requiring that the department use its best professional judgment in making initial verifications that best management practices are not effective; requiring notice to the appropriate water management district and the Department of Agriculture and Consumer Services under certain conditions; establishing a presumption of compliance for implementation of practices initially verified to be effective or verified to be effective at representative sites; limiting the institution of proceedings by the department against the owner of a source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants; requiring the Department of Agriculture and Consumer Services to institute a reevaluation of best management practices or other measures where water quality problems are detected or predicted during the development or amendment of a basin management action plan; providing for rule revisions; providing the department with rulemaking authority; requiring that a report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing recommendations on rules for pollutant trading prior to the adoption of those rules; requiring that recommendations be developed in cooperation with a technical advisory committee containing experts in pollutant trading and representatives of potentially affected parties; deleting a requirement that no pollutant trading program shall become effective prior to review and ratification by the Legislature; amending ss. 373.4595 and 570.085, F.S.; correcting cross-references; amending s. 403.885, F.S.; revising requirements relating to the department's grant program for water quality improvement and water restoration project grants; eliminating grants for water quality improvement, water management, and drinking water projects; authorizing grants for wastewater management; creating additional criteria for funding storm water grants; requiring local matching funds; providing an exception from matching fund requirements for financially disadvantaged small local governments; creating s. 403.890, F.S.; establishing the Water Protection and Sustainability Program; establishing a funding formula for the distribution of revenues; providing for legislative review; providing an effective date.

By the Committees on Judiciary; Criminal Justice; and Senators Alexander, Lynn, Baker, Posey, Haridopolos, Atwater, Bennett, Sebesta, Wise and Argenziano—

CS for CS for SB 1996—A bill to be entitled An act relating to the petition process; providing a short title; amending s. 99.097, F.S.; revising requirements for verification of signatures on petitions; prescribing limits on use of paid petition circulators; providing procedures to contest alleged improper signature verification; amending s. 100.371, F.S.; revising procedures for placing an initiative on the ballot; providing requirements for information to be contained on petitions; providing procedure for revocation of a petition signature; requiring a statement on the ballot regarding the financial impact statement; creating s. 100.372, F.S.; providing regulation for initiative petition circulators and their activities; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.62, F.S.; conforming a cross-reference; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registration applications; amending s. 104.185, F.S.; proscribing specified actions involving petitions and providing or increasing criminal penalties therefor; amending s. 104.42, F.S.; prescribing duties of supervisors of elections with respect to unlawful registrations, petitions, and voting; providing for verifying and counting signatures submitted for verification before the effective date of the act; requiring resubmission and reapproval of petition forms; providing severability; providing an effective date.

By the Committees on Judiciary; Ethics and Elections; and Senator Posey—

CS for CS for SB 2022—A bill to be entitled An act relating to constitutional amendments; amending s. 16.061, F.S.; requiring the Attorney General to provide to the Secretary of State and sponsor a copy of the petition to the Supreme Court requesting an advisory opinion as to the validity of an initiative petition; requiring that the Supreme Court render certain advisory opinions by April 1 of a general election year; amending s. 100.371, F.S.; requiring that initiative petitions be filed by February 1 of a general election year in order to be placed on the ballot; requiring that financial impact statements include certain information; revising submission requirements of the Financial Impact Estimating Conference; permitting challenge of financial impact statements in circuit court; providing an effective date.

By the Committees on Judiciary; Ethics and Elections; and Senator Posey—

CS for CS for SB 2086—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; exempting certain voter-education activities from requirements for competitive solicitation; authorizing the Secretary of State to investigate voter fraud; authorizing the Department of State to adopt rules; amending s. 97.021, F.S.; defining the term "marksense ballots"; defining the terms "early voting area," "early voting site," and "third-party voter registration organization"; creating s. 97.029, F.S.; providing for attorney's fees and costs in any action for injunctive relief or an action challenging an election law or voter-registration law; requiring an itemized affidavit; providing for review of an award of attorney's fees and costs; providing a limitation on the amount awarded; amending s. 97.051, F.S.; revising the oath required upon registering to vote; amending s. 97.052, F.S.; revising the contents of the uniform statewide voter registration application; amending s. 97.053, F.S.; revising provisions governing the acceptance of voter registration applications by the supervisor of elections; requiring that an applicant complete a registration application before the date of book closing in order to be eligible to vote in that election; revising the information required on the registration application; amending s. 97.055, F.S.; limiting the updates that may be made to registration information following book closing; creating s. 97.0575, F.S.; providing requirements for third-party voter registration organizations that collect voter-registration applications; providing fines for failure to deliver applications as required; authorizing the Division of Elections to adopt rules to administer provisions governing third-party voter registration organizations; amending s. 97.071, F.S.; specifying the information to be included on the registration identification card; amending s. 98.045, F.S.; deleting a cross-reference; amending s. 98.077, F.S.; revising the procedures for updating a voter signature used to verify an absentee ballot or provi-

sional ballot; amending s. 99.061, F.S.; providing for qualifying for nomination or election by the petition process; requiring the filing of statements of financial interest; requiring that a qualifying officer accept certain qualifying papers filed before the qualifying period; amending s. 99.063, F.S.; providing filing requirements for public officers; amending s. 99.092, F.S., relating to qualifying fees; clarifying provisions governing qualifying for nomination or election by the petition process to conform to changes made by the act; amending s. 99.095, F.S.; revising the requirements for qualifying as a candidate by a petition process in lieu of paying a qualifying fee and party assessment; providing requirements for submitting petitions and certifications; requiring that the division or supervisor of elections, as applicable, determine whether the required number of signatures has been obtained; amending s. 99.0955, F.S.; providing procedures for a candidate having no party affiliation to qualify by the petition process; amending s. 99.096, F.S.; revising the procedures for a minor political party to submit nominated candidates to be on the general election ballot; providing for candidates to qualify by the petition process; amending s. 99.09651, F.S., relating to signature requirements for ballot position; conforming provisions to changes made by the act; amending s. 100.011, F.S.; requiring that an elector in line at the time the polls close be allowed to vote; amending s. 100.101, F.S.; revising the circumstances under which a special election or primary is held; amending s. 100.111, F.S.; revising requirements for filling a vacancy in a nomination; requiring that ballots cast for a former nominee be counted for the person designated to replace the nominee under certain circumstances; amending s. 100.141, F.S., relating to the notice of a special election; conforming provisions to changes made by the act; amending s. 101.031, F.S.; revising the Voter's Bill of Rights to authorize a provisional ballot if a person's identity is in question; amending s. 101.043, F.S.; revising the procedures for a voter to provide identification when voting; amending s. 101.048, F.S.; providing for certain additional voters to cast provisional ballots; providing requirements for presenting evidence in support of a person's right to vote; requiring that the county canvassing board count such a ballot unless it determines by a preponderance of the evidence that the person was not entitled to vote; requiring that a person casting a provisional ballot be informed of certain rights; amending s. 101.049, F.S.; providing requirements for ballots for persons with disabilities; amending s. 101.051, F.S.; prohibiting certain solicitations to provide assistance to an elector; providing a penalty; authorizing an elector to request that a person other than an election official provide him or her with assistance in voting; providing for the form of the oath to be signed; amending s. 101.111, F.S.; revising the requirements for challenging an elector's right to vote; providing a penalty for filing a frivolous challenge; amending s. 101.131, F.S.; revising requirements for poll watchers; authorizing certain political committees to have poll watchers; prohibiting a poll watcher from interacting with a voter; providing for poll watchers at early voting areas; amending s. 101.151, F.S.; providing requirements for marksense ballots; amending s. 101.171, F.S.; requiring that a copy of a proposed constitutional amendment be available at voting locations; amending s. 101.294, F.S.; prohibiting a vendor of voting equipment from providing systems, components, or system upgrades to a local governing body or supervisor of elections which have not been certified by the Division of Elections; requiring that the vendor provide sworn certification of such equipment; amending s. 101.295, F.S.; providing a penalty for providing voting equipment in violation of ch. 101, F.S.; amending s. 101.49, F.S.; revising the procedures for verifying an elector's signature; amending s. 101.51, F.S.; requiring that an elector occupy a voting booth alone; amending s. 101.5606, F.S., relating to requirements for approval of voting systems, to conform; amending s. 101.5608, F.S., relating to voting by electronic or electromechanical methods, to conform; amending s. 101.5612, F.S.; providing requirements for testing voting equipment; amending s. 101.5614, F.S.; correcting a cross-reference; amending s. 101.572, F.S.; requiring that the supervisor of elections notify the candidates if ballots are examined before the end of the contest; amending s. 101.58, F.S.; authorizing employees of the department to have access to the premises, records, equipment, and staff of the supervisors of elections; amending s. 101.595, F.S.; requiring that certain overvotes and undervotes be reported to the department; amending s. 101.6103, F.S.; authorizing the canvassing board to begin canvassing before the election; prohibiting the release of results before election day; providing a penalty for any early release of results; requiring that a mail ballot that otherwise satisfies the requirements of law for mail ballots be counted even if the elector dies after mailing the ballot but before election day if certain conditions are met; amending s. 101.62, F.S.; revising the requirements for mailing absentee ballots to voters; amending s. 101.64, F.S.; providing for an oath to be provided to persons voting absentee under the Uniformed and Overseas Citizens Absentee Voting Act; amending s. 101.657, F.S.; revising requirements relating to early voting locations; revising the deadline to end early voting and the times for opening and closing the early voting sites each day; providing for uniformity of county early voting sites; requiring any person in line at the closing of an early voting site to be allowed to vote; providing for early voting in municipal and special district elections; requiring supervisors to provide certain information in electronic format to the Division of Elections; requiring that an early voting ballot that otherwise satisfies the requirements of law for early voting ballots be counted even if the elector dies on or before election day; amending s. 101.663, F.S.; providing for certain persons to vote absentee after moving to another state; amending s. 101.68, F.S.; prohibiting changing a voter's certificate after the absentee ballot is received by the supervisor; providing that electors who die on or before election day and have cast an absentee ballot shall remain on the voter registration books until the election is certified; providing that the ballot of an elector who casts an absentee ballot shall be counted even if the elector dies on or before election day if certain conditions are met; amending s. 101.69, F.S.; prohibiting a voter from voting another ballot after casting an absentee ballot; providing for a provisional ballot under certain circumstances; amending s. 101.6923, F.S.; providing for the form of the printed instructions on an absentee ballot; amending s. 101.694, F.S.; providing requirements for absentee envelopes printed for voters voting under the Uniformed and Overseas Citizens Absentee Voting Act; amending s. 101.697, F.S.; requiring the Department of State to determine whether secure electronic ballots may be provided for overseas voters; requiring that the department adopt rules for accepting overseas ballots; amending s. 102.012, F.S.; requiring the supervisor of elections to appoint an election board before any election; providing duties of the board; amending s. 102.014, F.S.; requiring that the Division of Elections develop a uniform training curriculum for poll workers; amending s. 102.031, F.S.; providing requirements for maintaining order at early voting areas; requiring the designation of a no-solicitation zone; prohibiting photography in a polling room or early voting area; amending s. 102.071, F.S.; revising requirements for tabulating votes; amending s. 102.111, F.S.; providing for corrections to be made to the official election returns; amending s. 102.112, F.S.; requiring that a return contain a certification by the canvassing board; authorizing the Department of State to correct typographical errors; amending s. 102.141, F.S.; revising requirements for the canvassing boards in submitting returns to the department; providing requirements for the report filed by the canvassing board; requiring the department to adopt rules for filing results and statistical information; amending s. 102.166, F.S.; revising the circumstances under which a manual recount may be ordered; amending s. 102.168, F.S.; requiring that complaints be filed with the board responsible for certifying the election results; specifying the parties to an action who may contest an election or nomination; amending s. 103.021, F.S.; providing for nomination of presidential electors by the state executive committee of each political party; defining the term "national party" for purposes of nominating a candidate for President and Vice President of the United States; amending ss. 103.051 and 103.061, F.S.; specifying duties of the presidential electors; amending s. 103.121, F.S.; revising powers and duties of executive committees to conform to changes made by the act; amending s. 105.031, F.S.; providing for public officers to file a statement of financial interests at the time of qualifying; requiring that a filing officer accept certain qualifying papers filed before the qualifying period; amending s. 105.035, F.S.; revising procedures for qualifying for certain judicial offices and the office of school board member; prohibiting a candidate from obtaining signatures until appointing a campaign treasurer and designating a campaign depository; revising the requirements for the supervisor of elections with respect to certifying signatures; creating s. 106.022, F.S.; requiring that a political committee, committee of continuous existence, or electioneering communications entity maintain a registered office and registered agent; providing requirements for the statement of appointment; amending s. 106.24, F.S.; clarifying the duties of the Secretary of State; amending s. 106.141, F.S., relating to the disposition of surplus funds; conforming provisions to changes made by the act; transferring and renumbering s. 98.122, F.S., relating to the use of closed captioning and descriptive narrative in television broadcasts; amending s. 106.22, F.S.; eliminating certain duties of the Division of Elections with respect to reports to the Legislature and preliminary investigations; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute crimes involving voter registration, voting, or certain petition activities; amending s. 119.07, F.S.; clarifying requirements of the supervisor of elections with respect to notifying candidates of the inspection of ballots; amending s. 145.09, F.S.; requiring that the Department of State adopt rules

establishing certification requirements for supervisors of elections; creating s. 104.0615, F.S.; providing a short title; prohibiting a person from using or threatening to use force, violence, or intimidation to induce or compel an individual to vote or refrain from voting, to refrain from registering to vote, or to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly using false information to challenge an individual's right to vote, to induce an individual to refrain from registering to vote, or to induce or attempt to induce an individual to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly destroying, mutilating, or defacing a voter registration form or election ballot or obstructing or delaying the delivery of a voter registration form or election ballot; providing criminal penalties; repealing ss. 98.095, 98.0979, 98.181, 98.481, 101.253, 101.635, 102.061, 106.085, and 106.144, F.S., relating to inspections of county registers and the voter database, indexes and records, challenges to elections, the printing and distribution of ballots, duties of the election board, expenditures, and endorsements or opposition by certain groups; providing for severability; providing effective dates.

By the Committees on Community Affairs; Domestic Security; and Senator Clary—

CS for CS for SB 2616—A bill to be entitled An act relating to emergency management; amending s. 252.355, F.S.; specifying additional agencies that are required to provide registration information to special needs clients and persons with disabilities or special needs who receive services from such agencies for purposes of inclusion within the registry of persons with special needs maintained by local emergency management agencies; providing that the Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the general public, including special needs clients, regarding registration as a person with special needs, special needs shelters, and general information regarding shelter stays; requiring the department to disseminate educational and outreach information through local emergency management offices; requiring the department to coordinate community education and outreach related to special needs shelters with specified agencies and entities; providing that specified confidential and exempt information relating to registration of persons with special needs be provided to the Department of Health; amending s. 381.0303, F.S.; providing for the operation, maintenance, and closure of special needs shelters; removing a condition of specified funding as a prerequisite to the assumption of lead responsibility by the Department of Health for specified coordination with respect to the development of a plan for the staffing and medical management of special needs shelters; providing that the local Children's Medical Services offices shall assume lead responsibility for specified coordination with respect to the development of a plan for the staffing and medical management of pediatric special needs shelters; requiring such plans to conform to the local comprehensive emergency management plan; requiring county governments to assist in the process of coordinating the recruitment of health care practitioners to staff local special needs shelters; providing that the appropriate county health department, Children's Medical Services office, and local emergency management agency shall jointly determine the responsibility for medical supervision in a special needs shelter; requiring local emergency management agencies to be responsible for the closure of special needs shelters following an emergency; providing that state employees with a preestablished role in disaster response may be called upon to serve in times of disaster in specified capacities; requiring the Secretary of Elderly Affairs to convene a multiagency emergency special needs shelter response team or teams to assist local areas that are severely impacted by a natural or manmade disaster that required the use of special needs shelters; providing duties and responsibilities of multiagency response teams; authorizing local emergency management agencies to request the assistance of a multiagency response team; providing for the inclusion of specified state agency representatives on each multiagency response team; authorizing hospitals and nursing homes that are used to shelter special needs persons during or after an evacuation to submit invoices for reimbursement to the Department of Health; requiring the department to specify by rule expenses that are reimbursable and the rate of reimbursement for services; prescribing means of and procedures for reimbursement; providing eligibility for reimbursement of health care facilities to whom special needs shelter clients have been discharged by a multiagency response team upon closure of a special needs shelter; providing requirements with respect to such reimbursement; prescribing means of and procedures for reimbursement; disallowing specified reimbursements; revising the role of the special needs shelter interagency committee with respect to the planning and operation of special needs shelters; providing required functions of the committee; providing that the committee shall recommend guidelines to establish a statewide database to collect and disseminate special needs registration information; revising the composition of the special needs shelter interagency committee; requiring the inclusion of specified rules with respect to special needs shelters and specified minimum standards therefor; providing requirements with respect to emergency management plans submitted by a home health agency, nurse registry, or hospice to a county health department for review; removing a condition of specified funding as a prerequisite to the submission of such plans; amending s. 252.385, F.S.; requiring the Division of Emergency Management of the Department of Community Affairs to prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval; providing plan requirements; requiring the Department of Health to assist the division in determining the estimated need for special needs shelter space; requiring inspection of public hurricane evacuation shelter facilities by local emergency management agencies prior to activation of such facilities; amending s. 400.492, F.S.; providing that nurse registries, hospices, and durable medical equipment providers shall prepare and maintain a comprehensive emergency management plan; providing that home health, hospice, and durable medical equipment provider agencies shall not be required to continue to provide care to patients in emergency situations that are beyond their control and that make it impossible to provide services; authorizing home health agencies, nurse registries, hospices, and durable medical equipment providers to establish links to local emergency operations centers to determine a mechanism to approach areas within a disaster area in order for the agency to reach its clients; providing that the presentation of home care or hospice clients to the special needs shelter without the home health agency or hospice making a good faith effort to provide services in the shelter setting constitutes abandonment of the client; requiring regulatory review in such cases; amending s. 408.831, F.S.; providing that entities regulated or licensed by the Agency for Health Care Administration may exceed their licensed capacity to act as a receiving facility under specified circumstances; providing requirements while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; providing fees; creating s. 252.357, F.S., requiring the Florida Comprehensive Emergency Management Plan to permit the Agency for Health Care Administration to initially contact nursing homes in disaster areas for specified monitoring purposes; requiring the agency to publish an emergency telephone number for use by nursing homes; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 805; has passed as amended HB 69, HB 227, HB 499, HB 501, HB 551, HB 871, HB 989, HB 1019, HB 1089, HB 1395, HB 1417, HB 1527, HB 1589, HB 1817; has passed as amended by the required constitutional two-thirds vote of the members voting HB 449, HB 1091, HB 1591, HB 1939 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Williams and others—

HB 805—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for solar energy systems; amending s. 212.08, F.S.; deleting a scheduled repeal of such exemption; providing an effective date.

—was referred to the Committees on Environmental Preservation; General Government Appropriations; and Ways and Means.

By Representative Quinones and others—

HB 69—A bill to be entitled An act relating to fire prevention and control; providing a popular name; creating s. 633.115, F.S.; creating the Fire and Emergency Incident Information Reporting Program within the Division of State Fire Marshal; providing program requirements; providing duties of the division relating to the program; creating the Fire and Emergency Incident Information System Technical Advisory Panel within the division; providing for membership and duties of the panel; requiring the division to adopt certain rules; amending s. 633.171, F.S.; providing definitions; providing criminal penalties for initiating a pyrotechnic display in certain structures under certain circumstances; providing exceptions; providing construction; providing application; amending s. 633.821, F.S.; providing additional criteria for certain rules of the Division of State Fire Marshal; requiring the division to adopt rules relating to live fire training; providing requirements; providing for such rules to take effect; requiring state certification as an instructor for certain training after a certain date; providing an exception from application to certain wildland or prescribed live-fire training exercises; amending s. 932.7055, F.S.; providing that proceeds from the sale of certain forfeited property be deposited into the Insurance Regulatory Trust Fund and used for specified purposes; providing an effective date.

—was referred to the Committees on Banking and Insurance; Criminal Justice; and General Government Appropriations.

By Representative Greenstein and others—

HB 227—A bill to be entitled An act relating to children's summer nutrition programs; providing a popular name; requiring each district school board to develop a plan to sponsor a summer nutrition program; providing criteria for operating summer nutrition program sites; authorizing exemption from sponsoring a summer nutrition program and providing procedures therefor; requiring a district school board to annually reconsider its decision to be exempt; authorizing district school boards to encourage not-for-profit entities to sponsor a summer nutrition program under certain circumstances; authorizing a superintendent of schools to collaborate with specified agencies and private, not-for-profit leaders to implement a summer nutrition program; providing for reporting; directing the Department of Education to provide each district school board with a list of organizations intending to participate; providing an effective date.

—was referred to the Committees on Education; Children and Families; and Education Appropriations.

By Representative Antone and others—

HB 499—A bill to be entitled An act relating to property appraiser assessments; amending s. 193.023, F.S.; requiring property appraisers to physically inspect property every 5 years for certain purposes; amending s. 193.501, F.S.; revising a definition; providing an effective date.

—was referred to the Committees on Community Affairs; and Government Efficiency Appropriations.

By Representative Berfield—

HB 501—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 626.321, F.S.; including service warranty agreement sales covering communications equipment under certain limited licensing provisions; providing for additional appointment authority for certain licensed branch locations of a communications equipment retail vendor; revising certain application, appointment, and licensing requirements for certain entities; providing for payment of appointment fees; providing an exception; requiring renewals of appointments; providing for a renewal fee; amending s. 626.731, F.S.; revising a qualification for licensure as a general lines agent; amending s. 627.7295, F.S.; deleting a requirement for inclusion of an agent fee in a rate filing; providing an effective date.

—was referred to the Committees on Banking and Insurance; Commerce and Consumer Services; and General Government Appropriations.

By Representative Hays and others—

HB 551—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; revising the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain related rental or leasing companies and certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—was referred to the Committees on Transportation; Banking and Insurance; and Judiciary.

By Representative Bilirakis and others—

HB 871—A bill to be entitled An act relating to deposit of public funds; amending s. 17.57, F.S.; providing additional authorization for the Chief Financial Officer to deposit state funds; amending s. 218.415, F.S.; providing additional authorization for units of local government to deposit surplus local government funds; amending s. 280.03, F.S.; exempting certain public deposits from the security for public deposits requirements of chapter 280, F.S.; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Ways and Means.

By Representative Mayfield and others—

HB 989—A bill to be entitled An act relating to public marinas and boat ramps; amending s. 373.118, F.S.; directing the Department of Environmental Protection to adopt rules to authorize local governments to construct and maintain all facilities, including public marinas and boat ramps; exempting certain facilities from development-of-regional-impact review; providing for regulatory criteria; providing for the use of submerged lands; amending s. 403.813, F.S.; revising permit exemption requirements for floating vessel platforms or floating boat lifts; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; General Government Appropriations; and Ways and Means.

By Representative Pickens and others—

HB 1019—A bill to be entitled An act relating to asbestos and silica claims; providing a popular name; providing legislative findings; providing purposes; providing definitions; requiring physical impairment as an essential element of a claim; providing criteria for prima facie evidence of physical impairment for claims and certain actions; providing an exception; providing additional requirements for evidence relating to physical impairment; specifying absence of certain presumptions at trial; providing procedures for claims and certain actions; providing for consolidation; providing for venue; providing for preliminary proceedings; requiring new asbestos and silica claims to include certain information; specifying certain limitation periods for certain claims; specifying distinct causes of action for certain conditions; limiting damages under certain circumstances; prohibiting a general release from liability; prohibiting award of punitive damages; providing for collateral source payments; specifying liability rules applicable to certain persons; providing construction; providing legislative intent; providing severability; providing application to certain civil actions; providing an effective date.

—was referred to the Committees on Health Care; Commerce and Consumer Services; and Judiciary.

By Representative Greenstein—

HB 1089—A bill to be entitled An act relating to independent postsecondary education; amending s. 1005.31, F.S.; providing requirements of independent postsecondary educational institutions licensed by the Commission for Independent Education; providing requirements for an

investigative process for licensure of applicants; revising provisions relating to applicant status; providing for inspections; creating s. 1005.375, F.S.; specifying acts that constitute violations and providing penalties therefor; amending s. 1005.38, F.S.; providing requirements for investigation of a suspected violation of the chapter or rules; providing additional grounds for disciplinary actions; providing for a final order to dismiss a complaint or impose specified penalties; providing for imposition and collection of an assessment relating to investigation and prosecution of a case; providing for an emergency suspension or restriction order; creating s. 1005.385, F.S.; requiring the commission to adopt rules relating to issuance of a citation to an institution and violations for which a citation may be issued; specifying requirements for issuance; amending s. 1010.83, F.S.; providing for the inclusion in the Institutional Assessment Trust Fund of fees and fines imposed on institutions; specifying separate accounts; revising uses of funds in the trust fund; providing an effective date.

—was referred to the Committees on Education; Criminal Justice; and Education Appropriations.

By Representative Murzin and others—

HB 1395—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; revising the provisions for the placement of uniform warning and safety flags at public beaches; prohibiting the display of flags not specifically developed by the Department of Environmental Protection; revising liability provisions; authorizing the department to develop and distribute information and materials related to beach safety; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and General Government Appropriations.

By Representative Murzin and others—

HB 1417—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.013, F.S.; revising requirements to be entitled to take the licensure examination to practice in this state as a surveyor and mapper; amending s. 472.015, F.S.; authorizing certain photogrammetrists to qualify for a license by endorsement; amending s. 472.021, F.S.; revising liability of partnerships and other business entities rendering professional surveying and mapping services; amending s. 472.005, F.S.; providing a definition of "photogrammetrist"; amending s. 472.007, F.S.; conforming a provision to the definition of photogrammetrist; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Representative Lopez-Cantera and others—

HB 1527—A bill to be entitled An act relating to disposition of unclaimed property; amending s. 717.106, F.S.; specifying communication by documented telephone contact to avoid a presumption of certain property being unclaimed; amending s. 717.1101, F.S.; decreasing a time period for a presumption of stock, equity interest, and certain debt of a business association being unclaimed; specifying criteria for certain other property of a business association being presumed unclaimed; amending s. 717.117, F.S.; revising requirements for notifying owners of inactive accounts; amending s. 717.118, F.S.; increasing a threshold amount for a requirement for an active attempt to notify owners of unclaimed property; amending s. 717.119, F.S.; revising provisions for disposal of proceeds of sales of unclaimed firearms or ammunition; amending s. 717.122, F.S.; providing for sale of unclaimed stock or certain equity interest under certain circumstances; amending s. 717.124, F.S.; revising requirements for making unclaimed property claims; amending s. 717.12404, F.S.; revising requirements for making claims on behalf of a business entity or trust; creating s. 717.12406, F.S.; providing definitions; amending s. 717.1241, F.S.; revising requirements and procedures for resolving conflicting claims; amending s. 717.1242, F.S.; requiring the ordering of estate or heirs to pay the Department of Financial Services certain costs and fees; amending s. 717.1243, F.S.; revising requirements and procedures for claims by beneficiaries of deceased owners of unclaimed property; creating s. 717.1245, F.S.; requiring petitioners for writs of garnishment to pay the department certain costs and fees in certain actions; amending s. 717.1311, F.S.; deleting a provision requiring certain record holders to pay certain estimated amounts relating to insufficient records; amending s. 717.1315, F.S.; revising requirements and procedures for retention of records by an owner's representative; amending s. 717.132, F.S.; providing for imposition of fines by a court instead of the department; amending s. 717.1322, F.S.; providing for civil enforcement by the department of certain violations; revising the department's authority to issue certain registration revocation orders; creating s. 717.1323, F.S.; specifying a prohibited practice; amending s. 717.1331, F.S.; authorizing the department to enforce subpoenas; amending s. 717.1333, F.S.; authorizing the estimation of certain amounts due from insufficient records; amending s. 717.135, F.S.; revising requirements for powers of attorney to recover property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to a power of attorney; amending s. 717.1351, F.S.; revising requirements for contracts to acquire ownership of or entitlement to property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to an agreement; providing rulemaking authority to the department to specify what evidence may identify a seller; creating s. 717.1381, F.S.; specifying certain powers of attorney and agreements to be void as contrary to public policy; prohibiting entering into such agreements; providing application; amending s. 717.1400, F.S.; revising registration requirements; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Representative Brown—

HB 1589—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Florida Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; providing rulemaking authority to make forms available in alternative formats and via the Internet; removing a cross reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising requirements for the contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancella-

tion of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to establish and maintain a statewide voter registration database and provide such database to the Legislature; specifying the required contents of the database; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; correcting a cross reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; correcting a cross reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change of residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.0705, F.S.; providing for the timely filing of certain reports; amending s. 106.34, F.S.; revising provisions relating to certain candidate expenditure limits; providing a definition; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; revising provisions relating to the method of qualifying for nomination to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; providing effective dates.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

By the Committee on Governmental Operations; and Representative Kottkamp—

HB 1817—A bill to be entitled An act relating to review under the Open Government Sunset Review Act; amending s. 288.99, F.S., the "Certified Capital Company Act"; removing the October 2, 2005, repeal of information relating to an active investigation or office review of a certified capital company scheduled under the Open Government Sunset Review Act; narrowing the exemption; eliminating the exemption from public records requirements for social security numbers of any customers of a certified capital company, complainants, or persons associated with a certified capital company or qualified business; eliminating references to specified premium tax credits under the act designated as "Program One" and "Program Two"; providing editorial and conforming changes; providing for the future repeal of the Certified Capital Company Act; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Banking and Insurance; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Rules and Calendar.

By Representative Ambler and others—

HB 449—A bill to be entitled An act relating to a public records exemption; amending s. 1004.43, F.S.; expanding the public records exemption for proprietary confidential business information owned or controlled by the not-for-profit corporation operating the H. Lee Moffitt Cancer Center and Research Institute and its subsidiaries relating to trade secrets; expanding the exemption to include information received from an agency in this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Education; Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Greenstein—

HB 1091—A bill to be entitled An act relating to public records and public meetings exemptions for investigations by the Commission for Independent Education; amending s. 1005.38, F.S.; creating an exemption from public records requirements for investigatory records, including minutes and findings of an exempt probable cause panel meeting, relating to suspected violations of ch. 1005, F.S., or commission rules; creating an exemption from public meetings requirements for certain portions of meetings of a probable cause panel; providing for limited duration of the exemptions; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Education; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Brown—

HB 1591—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Insurance; and Representative Ross and others—

HB 1939—A bill to be entitled An act relating to public records and public meetings; creating s. 627.06292, F.S.; creating an exemption from public records requirements for reports of hurricane loss data and associated exposure data that are specific to a particular insurance company; providing a definition; providing for review and repeal; providing a statement of public necessity; amending s. 627.0628, F.S.; creating an exemption from public records requirements for trade secrets used in designing and constructing hurricane loss models; creating an exemption from public meetings requirements for that portion of a meeting of the Florida Commission on Hurricane Loss Projection Methodology or of a rate proceeding wherein confidential and exempt trade secrets are discussed; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 28 was corrected and approved.

CO-INTRODUCERS

Senators Fasano—CS for SB 2412; Lynn—SB 2460; Posey—CS for CS for CS for SB 454

RECESS

On motion by Senator Argenziano, the Senate recessed at 3:29 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Monday, May 2 or upon call of the President.

Journal of the Senate

Number 23—Regular Session **Monday, May 2, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 10:27 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Excused: Senator Argenziano at 12:15 p.m. until 2:33 p.m.; Senator Carlton periodically for the purpose of working on the appropriations bills

PRAYER

The following prayer was offered by the Rev. Graham Glover, Good Shepherd Lutheran Church, Chiefland:

Gracious Lord, as you made each of us in your image, continue to look with compassion on the whole human family. Take away the arrogance and hatred which infect our hearts. Break down the walls that separate us. Unite us in bonds of love, and through our struggle and confusion, work to accomplish your purposes on earth.

Almighty and most merciful God, bless those who hold office in this Senate, that in this last week of session, they may do their work in a spirit of wisdom and kindness. Help them use their authority to serve faithfully and to promote the general welfare.

O Lord, our ruler and redeemer, your glory shines throughout the world. We commend our state to your merciful care that its citizens may live securely in peace, and may be guided by your providence and grace. We especially call to mind before you this day all those whom it would be easy to forget: the homeless, the destitute, the sick, the aged, and all who have none to care for them.

Guide all those in this body as they seek to bring a spirit of life and justice to the governance of our laws and the ordering of our days. This and all other things, we ask in your most holy and precious name. Amen.

PLEDGE

Senate Pages Carson Lee Hancock of Ft. Lauderdale; Hannah Hodge of Plant City; Elizabeth A. Webster and John E. Webster, daughter and son of Senator Webster of Orlando, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Robert G. Brooks, sponsored by Senator Posey, as doctor of the day. Dr. Brooks specializes in Internal Medicine.

RECONSIDERATION OF BILLS

On motion by Senator Sebesta, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 2644—A bill to be entitled An act relating to public records and open meetings; amending s. 11.0431, F.S.; creating an exemption from public-records requirements for user identification and passwords held by the Division of Legislative Information Services pursuant to s. 11.0455, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic filing system pursuant to s. 11.0455, F.S.; creating s. 112.32156, F.S.; creating an exemption from public-records requirements for user identifications and passwords held by the Commission on Ethics pursuant to s. 112.32155, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic system pursuant to s. 112.32155, F.S.; providing for future legislative review and repeal under the Open Government Sunset Review Act; amending s. 112.3215, F.S.; creating a temporary exemption from public-records and open-meetings requirements for records relating to the compensation-reporting audit and investigation of possible lobbying compensation reporting violations and for meetings held pursuant to an investigation or at which a compensating-reporting audit is discussed; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

—passed April 7.

On motion by Senator Sebesta, further consideration of **CS for SB 2644** was deferred.

On motion by Senator Sebesta, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 2646—A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the term "compensation"; requiring each registrant who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each registrant designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a legislative lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure, and the name and title of the person for whom

the expenditure was made; requiring that expenditures made as open invitations be so designated; requiring that each legislative lobbyist report the areas of the principal's legislative interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Division of Legislative Information Services to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the Legislature; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; authorizing legislative committees to investigate persons engaged in legislative or executive lobbying; requiring that lobbying-activity reports be electronically filed; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to the data that is filed via the Internet; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the activity reports filed by legislative and executive lobbyists; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that the audit reports be forwarded to the Legislature; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report; defining the term "compensation"; requiring each lobbyist who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each lobbyist designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure and the name, title, and agency of the person for whom the expenditure was made; requiring that each lobbyist report the areas of the principal's lobbying interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Commission on Ethics to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the commission; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; requiring that lobbying-activity reports be electronically filed; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to the data that is filed via the Internet; specifying the initial reporting period that is subject to the requirements of the act; providing effective dates.

—passed April 7.

On motion by Senator Sebesta, further consideration of **CS for SB 2646** was deferred.

BILLS ON THIRD READING

Consideration of **CS for SB 718** and **HB 1659** was deferred.

CS for SB 530—A bill to be entitled An act relating to driving under the influence; amending s. 322.271, F.S.; correcting a cross-reference; creating s. 322.2715, F.S.; directing the Department of Highway Safety and Motor Vehicles to require the placement of a department-approved ignition interlock device on specified vehicles operated by any person convicted of committing certain driving-under-the-influence offenses; providing an exception; specifying the duration of each installation period based upon the number of DUI convictions; directing the department to require installation of the ignition interlock if the court fails to order the mandatory placement of the device or fails to order placement for the applicable period; providing an exception; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 530** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Consideration of **CS for SB 284** and **CS for SB 1344** was deferred.

HB 853—A bill to be entitled An act relating to motor vehicle lease agreements; amending s. 521.004, F.S.; revising retail lessor disclosure requirements; revising requirement for copies of certain documents to be provided to the lessee; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **HB 853** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Miller

HB 285—A bill to be entitled An act relating to the right to a speedy trial; creating time limits within which a person charged with a crime must be brought to trial; permitting state attorneys to file a demand for a speedy trial; providing conditions that must be met in order to do so; requiring that the trial judge schedule a calendar call upon the filing of a demand for a speedy trial in order to schedule a trial; prescribing conditions under which the trial court may postpone a trial date; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **HB 285** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Crist	Miller	

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 1498—A bill to be entitled An act relating to the Lead Poisoning Prevention Screening and Education Act; providing a popular name; providing legislative findings; providing definitions; providing for the establishment of a statewide comprehensive educational program on lead poisoning prevention; providing for a public information initiative; providing for distribution of literature about childhood lead poisoning; requiring the establishment of a screening program for early identification of persons at risk of elevated levels of lead in the blood; providing for screening of children; providing for prioritization of screening; providing for the maintenance of records of screenings; providing for reporting of cases of lead poisoning; providing an appropriation; providing contingencies for appropriation; providing effective dates.

—as amended April 29 was read the third time by title.

On motion by Senator Miller, **CS for SB 1498** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for CS for CS for SB 2—A bill to be entitled An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program; revising requirements for scholarship funding and payments; providing reporting requirements for school districts; holding a school district harmless from a specified student enrollment ceiling; prohibiting the transfer of funds to the Florida School for the Deaf and the Blind under certain circumstances; extending the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course or a private tutoring program under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; prohibiting discrimination on the basis of religion by a private school; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 943.0542, F.S.; requiring the Department of Education to verify the background screening information provided by the private school; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks to be borne by certain parties; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a private tutoring program or a correspondence or distance learning school; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; amending s. 220.187, F.S., relating to the Corporate Tax Credit Scholarship Program; providing a short title; providing definitions; eliminating the $5-million cap on contributions to any single eligible nonprofit scholarship-funding organization; prohibiting certain private schools and other entities from participating in the scholarship program; authorizing students whose family income level meets certain federal poverty level criteria to continue to participate in the scholarship program; prohibiting certain students from par-

ticipating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations on eligible contributions; requiring scholarship-funding organizations to obligate all of the contributions subject to certain conditions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of noncompliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring the Department of Education to verify the background screening information provided by the eligible nonprofit scholarship-funding organization; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; prohibiting certain eligible nonprofit scholarship-funding organizations the owners of which have filed for bankruptcy from participating in the program; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree or 3 years of teaching experience at a public or private school, and other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning the private school organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks be borne by certain parties; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; requiring a private school to administer or to make provision for administering certain tests to scholarship students; requiring reporting of scores to the student's parent and to the public university that was selected to analyze and report certain data; requiring a private school to cooperate with a scholarship student whose parent chooses to participate in certain assessments; requiring a private school to file an affidavit; requiring a private school to notify the Department of Education in writing within 7 days if a student is ineligible to participate in the scholarship program; requiring a private school to report to the Department of Education and distribute to scholarship applicants information concerning accreditation and years in existence; requiring the Department of Education to make certain information concerning private school accreditation available to the public; prohibiting a private school from participating in the scholarship program if the private school fails to meet its statutory obligations; prohibiting discrimination on the basis of religion by a private school; requiring the Department of Education to determine the eligibility of certain nonprofit scholarship-funding organizations within 90 days after application; requiring a written notice with specific reasons for approval or denial; requiring the Department of Education to annually determine the eligibility of nonprofit scholarship-funding organizations and private schools; requiring the Department of Education to make accessible to the public a list of eligible private schools; requiring the Department of Education to annually verify the eligibility of students; requiring the Department of Education to maintain a student database of program participants and to update the database at least quarterly; requiring the Department of Education to notify a nonprofit scholarship-funding organization of any ineligible student; requiring the Department of Education to annually account for and verify the eligibility of program expenditures; requiring the Department of Education to review audits; providing for selection by the Commissioner of Education of a public university to analyze and report on certain student data; requiring the public university to report student performance data; providing limitations on reporting; requiring the Department of Education to revoke the eligibility of program participants for failure to comply with statutory obligations; requiring the Department of Education to conduct investigations of certain complaints; requiring the Department of Education to annually report on accountability activities; requiring the department to verify information; requiring the State Board of Education to adopt rules regarding documentation to establish eligibility of nonprofit scholarship-funding organizations, requiring an affidavit, and requiring independent income verification for determining the eligibility of students; authorizing the State Board of Education to delegate its authority to the Commissioner of Education with the exception of rulemaking authority; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator King, **CS for CS for CS for SB 2** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Garcia	Pruitt
Aronberg	Geller	Rich
Bennett	Hill	Saunders
Bullard	Jones	Sebesta
Campbell	King	Siplin
Carlton	Klein	Smith
Clary	Lawson	Villalobos
Constantine	Lynn	
Crist	Margolis	

Nays—8

Atwater	Haridopolos	Wilson
Baker	Posey	Wise
Fasano	Webster	

Vote after roll call:

Yea—Dawson

Consideration of **CS for SB 282** was deferred.

CS for CS for SB 2236—A bill to be entitled An act relating to tuition rates at state colleges and universities; amending s. 1009.24, F.S.; providing that the Legislature has the responsibility to establish tuition and fees; providing that tuition and fees for certain state university resident students are established within the General Appropriations Act or law; requiring each board of trustees to set university tuition and fees under certain circumstances; providing that such tuition and fees may not exceed tuition and fees for corresponding programs at certain public institutions; requiring each university to allocate a certain percentage amount raised by tuition increases to financial aid for students; providing that tuition and fees for certain students are not subject to a cap; creating s. 1009.286, F.S.; requiring students to pay 75 percent of the actual cost per credit hour for credit hours in excess of a specified number for community-college credits and for overall credits applied to a baccalaureate degree; excluding certain credit hours from calculation as hours required to earn a baccalaureate degree; providing for notification of students by a postsecondary institution; providing applicability; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 2236** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for CS for SB 2264—A bill to be entitled An act relating to the payment of instructional costs for students; amending s. 1009.21, F.S.; defining the term "initial enrollment" for purposes of determining a postsecondary student's residential status for tuition purposes; providing duties of institutions of higher education; providing conditions under which a nonresident may be reclassified as a resident of this state; requiring that specified evidence of the legal residence and dependent status of an individual be provided as a prerequisite to classification as a resident for tuition purposes; amending s. 1009.24, F.S.; providing that the Legislature has the responsibility to establish tuition and fees; providing that tuition and fees for certain state university resident students are established within the General Appropriations Act or law; requiring each board of trustees to set university tuition and fees under certain circumstances; providing that such tuition and fees may not exceed tuition and fees for corresponding programs at certain public institutions; requiring each university to allocate a certain percentage amount raised by tuition increases to financial aid for students; providing that tuition and fees for certain students are not subject to a cap; amending s. 1009.40, F.S.; providing that certain students are ineligible to receive more than one state-funded tuition assistance grant; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **CS for CS for SB 2264** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker
Bennett	Geller	Posey
Bullard	Haridopolos	Pruitt
Campbell	Hill	Rich
Carlton	Jones	Saunders
Clary	King	Sebesta
Constantine	Klein	Siplin
Crist	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 786—A bill to be entitled An act relating to fees imposed on tire and battery sales; amending s. 403.718, F.S.; imposing a fee on the sale of new motor vehicle tires sold to governmental entities; amending s. 403.7185, F.S.; imposing a fee on the sale of new or remanufactured lead-acid batteries sold to governmental entities; specifying that certain amendments are remedial in nature and are intended for clarification; providing that certain dealers are not eligible for a refund; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **CS for SB 786** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson, Hill, Posey

Consideration of **CS for CS for SB 2542** was deferred.

HB 497—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring traffic citation forms to include a check box indicating a failure to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal steady red indication and of a traffic control device when a driver fails to stop at a traffic signal; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a second moving violation of a traffic control signal steady red indication or of a traffic control device within a specified time period and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete said course within a specified time period; amending s. 322.27, F.S.; assigning a point value for the conviction of a moving violation of a traffic control signal steady red indication or of a traffic control device; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; authorizing trauma centers to request that such funds be used as intergovernmental

transfer funds in the Medicaid program; providing for audits and attestations; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 497** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson

Consideration of **CS for CS for SB 1110** was deferred.

HB 1889—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; revising monetary criteria for distributing portions of the tax to certain trust funds; revising authorization for the Department of Revenue to use certain amounts for certain purposes; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund; providing for increased distributions to certain trust funds under certain circumstances to provide for payments on bonds; revising monetary criteria for distributing portions of the tax to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; requiring distributions to the State Housing Trust Fund to be sufficient for certain purposes; providing a limitation; providing effective dates.

—as amended April 29 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Atwater, the Senate reconsidered the vote by which **Amendment 1 (874624)** was adopted.

MOTION

On motion by Senator Pruitt, the rules were waived to allow the following amendment to be considered:

Senator Pruitt moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (773968)—On page 10, line 8, after the period (.) insert: *From these funds, $208,000,000 shall be for the Hurricane Housing Recovery Program and shall be allocated as described in Appendix 1, Table 3 of the Hurricane Housing Work Group Recommendations to Assist in Florida's Long Term Housing Recovery Efforts report dated February 16, 2005, as follows: $165,984,000 for Tier I counties, $31,122,000 for Tier II counties, $10,374,000 for Tier III counties, and $520,000 to the Florida Housing Finance Corporation for compliance monitoring. From these funds, an additional $42,000,000 shall be provided for the Rental Recovery Loan Program, as described in the Hurricane Housing Work Group Recommendations to Assist in Florida's Long Term Housing Recovery Efforts report dated February 16, 2005, to assist with building and rehabilitating affordable rental housing to help communities respond to hurricane-recovery needs.*

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Atwater, **HB 1889** as amended was passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Fasano	Peaden
Alexander	Garcia	Posey
Atwater	Haridopolos	Pruitt
Baker	Hill	Saunders
Bennett	Jones	Sebesta
Campbell	King	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Diaz de la Portilla	Margolis	Wise

Nays—11

Argenziano	Dawson	Miller
Aronberg	Dockery	Rich
Bullard	Geller	Siplin
Crist	Klein	

Vote after roll call:

Yea—Constantine

HB 1069—A bill to be entitled An act relating to the Family Readiness Program; creating s. 250.5206, F.S.; creating the Family Readiness Program within the Department of Military Affairs; providing purpose of the program; providing for program funding and use of program funds; specifying eligible services and eligible program recipients; providing procedure with respect to requests for assistance and award of funds under the program; providing for monthly audit reviews of the program; providing for annual reports; providing rulemaking authority of the Department of Military Affairs; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 1069** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 308—A bill to be entitled An act relating to law enforcement officers; amending s. 112.532, F.S.; requiring that all identifiable witnesses be interviewed, whenever possible, before beginning the investigative interview of the accused law enforcement officer; requiring that the complaint and all witness statements be given to the law enforcement officer before beginning an investigative interview; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **SB 308** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise

Nays—None

CS for SB 1208—A bill to be entitled An act relating to long-term care coverage; amending s. 409.905, F.S.; providing conditions for eligibility; creating s. 409.9102, F.S.; directing the Agency for Health Care Administration to establish the Long-term Care Partnership Program; providing purpose and duties; directing the agency to submit a plan and proposed legislation to the Legislature; providing a contingent effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Peaden, **CS for SB 1208** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1081—A bill to be entitled An act relating to discount medical plan organizations; amending s. 636.202, F.S.; revising a definition; amending s. 636.204, F.S.; revising provisions relating to licensure requirements to do business as a discount medical plan organization; creating s. 636.205, F.S.; providing requirements for issuance of a license; authorizing the Office of Insurance Regulation to deny a license; amending s. 636.206, F.S.; providing that discount medical plan organizations are not subject to the Florida Insurance Code for purposes of examination and investigation; creating s. 636.207, F.S.; providing for applicability of pt. II of ch. 636, F.S.; amending s. 636.208, F.S.; revising provisions relating to reimbursement of certain charges and fees upon cancellation of membership in the plan; amending s. 636.210, F.S.; revising prohibitions relating to advertising; amending s. 636.212, F.S.; revising provisions relating to disclosures to prospective members; amending s. 636.214, F.S.; revising provisions relating to provider agreements; amending s. 636.216, F.S.; providing conditions for approval of charges and forms; deleting a provision relating to request for a hearing; amending s. 636.218, F.S.; revising requirements for information to be included in annual reports; creating s. 636.223, F.S.; providing for administrative penalties; amending s. 636.228, F.S.; specifying marketing requirements of discount medical plans; providing limitations; amending s. 636.230, F.S.; specifying fee disclosure requirements for bundling discount medical plans with other products; amending s. 636.236, F.S.; requiring discount medical plan organizations to maintain surety bonds; providing conditions for substituting deposited securities for surety bonds; amending s. 636.238, F.S.; revising penalties; repealing s. 636.242, F.S., relating to civil remedies; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 1081** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Wilson

HB 835—A bill to be entitled An act relating to wind-protection provisions of the Florida Building Code; requiring the commission to adopt certain wind protection requirements for areas of the state not within the high velocity hurricane zone; providing construction; providing for incorporation into the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; providing an appropriation for a joint program to educate contractors for certain purposes; requiring the commission to review damage from Hurricane Ivan and make recommendations to the Legislature for changes to the Florida Building Code, especially relating to certain areas; requiring a report; directing the commission to evaluate the definition of the term "exposure category C" and recommend a revision to accurately reflect certain conditions specific to the state; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Lynn, **HB 835** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1702—A bill to be entitled An act relating to teen courts; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing for administration by the clerk of the

circuit court; authorizing the clerk of the court to retain a specified percentage of the assessments collected as income to the clerk of the court; requiring the teen court to account for all funds deposited into the teen court account; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to operate and administer a teen court program; prohibiting teen courts in counties adopting an ordinance from recovering court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for SB 1702** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Atwater

Consideration of **CS for CS for SB 428** was deferred.

CS for SB 1354—A bill to be entitled An act relating to sexual offenders; amending ss. 947.005 and 948.001, F.S.; defining terms; amending ss. 947.1405 and 948.30, F.S.; prohibiting a sex offender from having contact with a child younger than 18; providing an exception; providing that the Parole Commission or a court may approve a sex offender having supervised contact with a child younger than 18 under specified conditions; directing the Department of Health to prepare and maintain a list of "qualified practitioners"; requiring a court and the commission to use qualified practitioners on the department list to prepare risk assessments; specifying that qualified practitioners must meet the rule requirements specified by their respective licensing boards; prohibiting a sex offender from accessing or using the Internet or other computer services without an approved safety plan; reenacting s. 775.21(3)(b), F.S., relating to the threat to public safety by sexual offenders, to incorporate the amendments made to s. 947.1405, F.S., in a reference thereto; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Fasano, **CS for SB 1354** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Villalobos	Wilson	Wise
Webster		

Nays—None

HB 897—A bill to be entitled An act relating to trusts and other agency relationships; amending s. 711.501, F.S.; including additional investment instruments within the definition of the term "security account"; creating s. 737.309, F.S.; providing procedures for the resignation of a trustee; providing that such resignation does not discharge or affect any liability of the resigning trustee; providing for notice of resignation; amending s. 737.402, F.S.; revising the powers conferred upon a trustee; amending s. 737.403, F.S.; specifying circumstances in which court authorization is not required for a trustee to exercise his or her power when a conflict of interest exists; amending s. 738.104, F.S.; removing a prohibition on a trustee's power to make certain adjustments; specifying a circumstance under which an adjustment shall not be deemed to benefit the trustee; providing application of section to administration of certain trusts; conforming cross references; amending s. 738.1041, F.S.; providing and revising definitions; providing methods by which a trustee may make certain changes to trusts; removing requirements regarding certain minimum unitrust amounts; removing a spouse's right to compel reconversion of certain trusts; providing remedies for trustees or disinterested persons not acting in good faith; expanding scope of section to trusts administered either in this state or under Florida law; authorizing a grantor to create an express total return unitrust; requiring certain provisions to be included in an express total return unitrust; amending s. 738.303, F.S.; redefining the term "undistributed income"; amending s. 738.401, F.S., relating to character of receipts; providing certain statements that a trustee may rely upon; providing special rules to apply to receipts by private trustees from certain entities; providing definitions; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 897** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Consideration of **CS for CS for SB 2232** was deferred.

HB 307—A bill to be entitled An act relating to physical examinations; amending s. 493.6108, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of Class "G" permit applicants; amending s. 633.34, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of any person applying for employment as a firefighter; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **HB 307** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for CS for SB 1520—A bill to be entitled An act relating to consumer protection; amending s. 493.6303, F.S.; revising training requirements for obtaining a Class "D" license; requiring a minimum number of hours of training in terrorism awareness or other training prescribed by the Department of Agriculture and Consumer Services; providing a timeframe for submitting proof of having completed the training; revising the number of training hours required; amending s. 501.059, F.S.; prohibiting the transmission of facsimile documents under certain circumstances; amending s. 501.142, F.S.; providing that the regulation of refunds in retail sales establishments is preempted by the Department of Agriculture and Consumer Services; authorizing the department to adopt rules; authorizing the department to enter orders for certain violations; requiring that any moneys recovered by the department as a penalty be deposited in the General Inspection Trust Fund; authorizing a local government to impose penalties; amending s. 506.5131, F.S.; revising fees, fines, and costs assessed against the owner of a shopping cart; repealing s. 526.3135, F.S., relating to reports of the Division of Standards of the Department of Agriculture and Consumer Services; repealing ss. 546.001, 546.002, 546.003, 546.004, 546.006, and 546.008, F.S., relating to the "Amusement Ride and Attraction Insurance Act"; amending s. 559.801, F.S.; redefining the term "business opportunity" for purposes of the "Sale of Business Opportunities Act"; amending s. 559.920, F.S.; redefining actions by motor vehicle repair shops or employees which are unlawful; amending s. 559.927, F.S.; defining the term "travel club" for the purpose of part XI of ch. 559, F.S., relating to sellers of travel; amending s. 559.928, F.S.; revising information to be submitted for registration as a seller of travel and information submitted by independent agents; requiring the payment of an annual fee; amending s. 616.242, F.S.; exempting certain governmental entities from a requirement to maintain liability protection covering amusement rides; amending s. 849.094, F.S.; redefining the term "operator" for purposes of the regulation of game promotions; providing requirements relating to disclosure of the rules and regulations of a game promotion; amending s. 849.161, F.S.; providing that the chapter does not apply to amusement games or machines which operate by the insertion of a coin or other currency; directing the State Technology Office to integrate additional features into the state's official Internet website; directing the State Technology Office to integrate information concerning the Florida 211 Network into the state's official Internet website; amending s. 570.544, F.S.; designating the Division of Consumer Services within the Department of Agriculture and Consumer Services as the state clearinghouse for matters relating to consumer protection, consumer information, and consumer services; deleting reporting requirements; providing for implementation; providing effective dates.

—as amended April 29 was read the third time by title.

On motion by Senator Lynn, **CS for CS for CS for SB 1520** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Atwater	Campbell
Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine
Crist	King	Saunders
Dawson	Klein	Sebesta
Diaz de la Portilla	Lawson	Siplin
Dockery	Lynn	Smith
Fasano	Margolis	Villalobos
Garcia	Miller	Webster
Geller	Peaden	Wilson
Haridopolos	Posey	Wise
Hill	Pruitt	
Jones	Rich	

Nays—None

CS for CS for SB 1090—A bill to be entitled An act relating to mental health care services for minors and incapacitated persons; amending s. 39.402, F.S.; requiring a child's parent or legal guardian to provide certain information to the Department of Children and Family Services; amending s. 39.407, F.S.; specifying requirements for the department with respect to providing psychotropic medication to a child in the custody of the department; requiring that the prescribing physician attempt to obtain express and informed parental consent for providing such medication; authorizing the department to provide psychotropic medication without such consent under certain circumstances; requiring the department to provide medical information to a physician under certain circumstances; requiring that the child be evaluated by a physician; requiring that the department obtain court authorization for providing such medication within a specified period; providing requirements for a motion by the department seeking court authorization to provide psychotropic medication; specifying circumstances under which medication may be provided in advance of a court order; requiring that notice be provided to all parties if the department proposes to provide psychotropic medication to the child; requiring that a hearing be held if any party objects; providing requirements for the hearing; authorizing the court to order additional medical consultation; specifying the required burden of proof with respect to evidence presented at the hearing; requiring that the department provide a child's medical records to the court; providing requirements for court review; authorizing the court to order the department to obtain a medical opinion; requiring that the department adopt rules to ensure that children receive appropriate psychotropic medications; specifying the provisions to be included in the rules; conforming a cross-reference; amending s. 394.459, F.S., relating to the rights of patients under the Florida Mental Health Act; revising provisions requiring that a patient be asked to give express and informed consent before admission or treatment; requiring that additional information be provided with respect to the risks and benefits of treatment, the dosage range of medication, potential side effects, and the monitoring of treatment; clarifying provisions governing the manner in which consent may be revoked; requiring that facilities develop a system for investigating and responding to certain complaints; amending s. 743.0645, F.S.; redefining the term "medical care and treatment" for purposes of obtaining consent for the medical treatment of a minor; providing an exception with respect to the consent provided under s. 39.407, F.S.; directing the department to conduct an assessment; requiring a report; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a public school from denying a student access to programs or services under certain conditions; authorizing public school teachers and school district personnel to share certain information with a student's parent; prohibiting public school teachers and school district personnel from compelling certain actions by a parent; authorizing the refusal of psychological screening; providing for medical decisionmaking authority; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Campbell, **CS for CS for SB 1090** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bennett	Crist
Alexander	Bullard	Dawson
Argenziano	Campbell	Diaz de la Portilla
Aronberg	Carlton	Dockery
Atwater	Clary	Fasano
Baker	Constantine	Garcia

Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise
Lawson	Saunders	
Lynn	Sebesta	

Nays—None

SENATOR VILLALOBOS PRESIDING

SB 2148—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; revising provisions for the conduct of bingo sessions and games; revising definitions; defining "bingo session," "calendar week," "day," and "member"; restricting assistance in the conduct of bingo to members; revising provisions for prizes and jackpots; providing for an additional jackpot per session; providing for valuation of noncash prizes; prohibiting free games; providing an exception; limiting bingo sessions; revising provisions for assistance in the conduct of bingo; revising rules for the conduct of bingo games; providing for accommodations for persons with physical disabilities; preempting regulation of bingo to the state; prohibiting certain persons from conducting or assisting in the conduct of bingo; prohibiting certain persons from being a bingo lessor or employee of such lessor; prohibiting a bingo organization from allowing use of its identity for the purpose of conducting bingo; prohibiting certain persons from participating in certain bingo games; providing restriction on sale of bingo cards; providing penalties; amending s. 849.161, F.S.; providing that specified gambling regulations do not apply to specified bingo facilities; providing an effective date.

—as amended April 29 was read the third time by title.

Senator Bullard moved the following amendment:

Amendment 1 (100648)(with title amendment)—On page 2, before line 1, insert:

Section 1. Paragraphs (a), (c), and (e) of subsection (2), paragraph (a) of subsection (4), paragraph (a) of subsection (6), paragraph (c) of subsection (7), and paragraph (a) of subsection (8) of section 849.086, Florida Statutes, are amended, and present paragraphs (h), (i), (j), and (k) of subsection (2) of that section are redesignated as paragraphs (i), (j), (k), and (l), respectively, and a new paragraph (h) is added to that subsection, to read:

849.086 Cardrooms authorized.—

(2) DEFINITIONS.—As used in this section:

(a) "Authorized game" means a game or series of games of poker *or dominoes* which are played in a nonbanking manner.

(c) "Cardroom" means a facility where authorized ~~card~~ games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility. Authorized games and cardrooms do not constitute casino gaming operations.

(e) "Cardroom distributor" means any business that distributes cardroom paraphernalia such as card tables, betting chips, chip holders, *dominoes, dominoes tables,* drop boxes, banking supplies, playing cards, card shufflers, and other associated equipment to authorized cardrooms.

(h) "Dominoes" means a game of dominoes typically played with a set of 28 flat rectangular blocks, called bones, marked on one side, which is divided into two equal parts, with from zero to six dots, called pips, in each part. There are larger sets of blocks which contain a correspondingly higher number of pips. The term "dominoes" also refers to the set of blocks used to play the game.

(4) AUTHORITY OF DIVISION.—The Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation shall administer this section and regulate the operation of cardrooms under this section and the rules adopted pursuant thereto, and is hereby authorized to:

(a) Adopt rules, including, but not limited to: the issuance of cardroom and employee licenses for cardroom operations; the operation of a cardroom; *the review and approval of the play and wagering in a game or series of games of poker or a game of dominoes;* recordkeeping and reporting requirements; and the collection of all fees and taxes imposed by this section.

(6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED; APPLICATION; FEES.—

(a) A person employed or otherwise working in a cardroom as a cardroom manager, floor supervisor, pit boss, dealer, or any other activity related to cardroom operations while the facility is conducting card playing *or games of dominoes* must hold a valid cardroom employee occupational license issued by the division. Food service, maintenance, and security employees with a current pari-mutuel occupational license and a current background check will not be required to have a cardroom employee occupational license.

(7) CONDITIONS FOR OPERATING A CARDROOM.—

(c) A cardroom operator must at all times employ and provide a nonplaying dealer for each table on which authorized card games which traditionally utilize a dealer are conducted at the cardroom. *A cardroom operator must at all times employ and provide a nonplaying supervisor for each table on which an authorized dominoes game is conducted at the cardroom.* Such dealers *or dominoes game supervisors* may not have any participatory interest in any game other than the dealing of cards *or the supervision of dominoes games* and may not have an interest in the outcome of the game. The providing of such dealers *or dominoes games supervisors* by a licensee shall not be construed as constituting the conducting of a banking game by the cardroom operator.

(8) METHOD OF WAGERS; LIMITATION.—

(a) No wagering may be conducted using money or other negotiable currency. Games may only be played utilizing a wagering system whereby all players' money is first converted by the house to tokens or chips which shall be used for wagering only at that specific cardroom. *No wager of money or any other property or thing of value may be made on the outcome of an authorized game other than by the persons who are playing in such a game or in a series of such games. Any wager authorized by this paragraph must be in strict compliance with this subsection.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 849.086, F.S.; revising definitions to include dominoes as an authorized game and to allow games other than card games to be played in cardrooms; authorizing rulemaking relating to poker and dominoes by the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation; providing for supervision of dominoes games at a cardroom; limiting wagering related to authorized games;

On motion by Senator Argenziano, further consideration of **SB 2148** with pending **Amendment 1 (100648)** was deferred.

CS for CS for SB 1968—A bill to be entitled An act relating to building designations; designating the Kleist Health Education Center and the Herbert J. and Margaret S. Sugden Hall at the Florida Gulf Coast University; designating the James and Annie Ying Academic Center and the Anthony and Sonja Nicholson Field House at the University of Central Florida; designating the Sybil C. Mobley Business Building, the Margaret W. Lewis/Jacqueline B. Beck Allied Health Building, the Walter L. Smith Architecture Building, and the Carrie Meek/James N. Eaton, Sr. Southeast Regional Black Archives Research Center and Museum at the Florida Agricultural and Mechanical University; designating the Powell Family Structures and Materials Laboratory, the Farrior Hall, and the Steinbrenner Band Hall at the University of Florida; designating the James E. "Jim" and Linda King, Jr. Student Union Building at the University of North Florida; designating the John M. McKay Visitors Pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Center for Cultural Arts; designating Reubin O'D. Askew Student Life Center, the Sherrill Williams Ragans Hall, the John Thrasher Building, the Mike Martin Field at Dick Houser Stadium, and the JoAnne Graf Softball Field at Florida State Univer-

sity; designating the Herbert F. Morgan Building at the Florida Agricultural and Mechanical University-Florida State University College of Engineering; authorizing the universities to erect markers; designating the Norman C. Hayslip Biological Control Research and Containment Laboratory at the University of Florida/IFAS in Ft. Pierce; designating the H. William Heller Hall at the University of South Florida St. Petersburg; designating the John S. Curran, M.D., Children's Health Center at the University of South Florida; directing the university to erect suitable markers; creating s. 15.052, F.S.; designating the State of Florida Maritime Museum and Research Center in the City of Pensacola as the official state maritime museum; providing for future legislative review and repeal; designating the Patricia and Phillip Frost Art Museum at the Florida International University, University Park Campus Miami; directing the university to erect markers; providing effective dates.

—as amended April 29 was read the third time by title.

On motion by Senator Lawson, **CS for CS for SB 1968** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 2222—A bill to be entitled An act relating to economic development; amending s. 288.095, F.S.; increasing the cap on refunds from the Economic Development Trust Fund; providing for separate accounting for refunds to certain industries; amending s. 288.106, F.S.; defining the term "aerospace industry" and redefining the term "target industry business" for purposes of the tax refund program for such businesses; amending ss. 288.107, 290.00677, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator King, **CS for SB 2222** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 291—A bill to be entitled An act relating to condominiums; amending s. 718.301, F.S.; providing for the effect of actions taken by members of the board of administration of an association designated by the developer; requiring examination and certification of certain defects by certain licensed individuals or entities; providing an effective date.

—as amended April 29 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Geller, the Senate reconsidered the vote by which **Amendment 1 (072352)** was adopted.

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following substitute amendment which was adopted by two-thirds vote:

Amendment 2 (502692)(with title amendment)—On page 1, between lines 10 and 11, insert:

Section 1. Section 718.117, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 718.117, F.S., for present text.)

718.117 Termination of condominium.—

(1) TERMINATION BECAUSE OF ECONOMIC WASTE OR IMPOSSIBILITY.—Notwithstanding any provision to the contrary in the declaration, the condominium form of ownership of a property in which fewer than 75 percent of the units are timeshare units may be terminated by a plan of termination approved by the lesser of a majority of the total voting interests or as otherwise provided in the declaration for approval of termination, in the following circumstances:

(a) When the total estimated cost of repairs necessary to restore the improvements to their former condition or bring them into compliance with applicable laws or regulations exceeds the combined fair market value of all units in the condominium after completion of the repairs; or

(b) When it becomes impossible to operate a condominium in its prior physical configuration because of land-use laws or regulations.

(2) OPTIONAL TERMINATION.—Except as provided in subsections (1) and (3) and unless otherwise provided in the declaration, the condominium form of ownership of the property may be terminated pursuant to a plan of termination approved by at least 80 percent of the total voting interests of the condominium. Unless the declaration of a condominium containing timeshare units provides for lower percentages, a condominium in which 75 percent or more of the units are timeshare units may only be terminated pursuant to a plan of termination approved by 80 percent of the total voting interests of the association and the holders of 80 percent of the original principal amount of outstanding recorded mortgage liens on timeshare estates in the condominium.

(3) If 80 percent of the total voting interests fail to approve the plan of termination but less than 20 percent of the total voting interests disapprove of the plan, the circuit court shall have jurisdiction to entertain a petition by the association or by one or more unit owners and approve the plan of termination, and the action may be a class action.

(a) All unit owners and the association must be joined as parties to the action. Service of process on unit owners may be by publication, but the plaintiff must furnish every unit owner not personally served with process with a copy of the petition and plan of termination and the final decree of the court by mail at the unit owner's last known residential address.

(b) Upon determining that the rights and interests of the unit owners are equitably set forth in the plan of termination as required by this section, the plan of termination may be approved by the court. Consistent with the provisions of this section, the court may modify the plan of termination to provide for an equitable distribution of the interest of unit owners before approving the plan of termination.

(c) This subsection does not apply to condominiums in which 75 percent or more of the units are timeshare units.

(4) EXEMPTION.—A plan of termination is not an amendment subject to s. 718.110(4).

(5) MORTGAGE LIENHOLDERS.—Notwithstanding any provision to the contrary in the declaration or this chapter, approval of a plan of termination by the holder of a recorded mortgage lien affecting a condominium parcel in a condominium property in which fewer than 75 percent of the units are timeshare units is not required unless the plan of termination will result in less than the full satisfaction of the mortgage lien affecting the parcel.

(6) POWERS IN CONNECTION WITH TERMINATION.—The association shall continue in existence following approval of the plan of termination, with all powers it had before approval of the plan. Notwithstanding any contrary provision in the declaration or bylaws, after approval of the plan, the board has the power and duty:

(a) To employ directors, agents, attorneys, and other professionals to liquidate or conclude its affairs.

(b) To conduct the affairs of the association as necessary for the liquidation or termination.

(c) To carry out contracts and collect, pay, and settle debts and claims for and against the association.

(d) To defend suits brought against the association.

(e) To sue in the name of the association for all sums due or owed to the association or to recover any of its property.

(f) To perform any act necessary to maintain, repair, or demolish unsafe or uninhabitable improvements or other condominium property in compliance with applicable codes.

(g) To sell at public or private sale or to exchange, convey, or otherwise dispose of assets of the association for an amount deemed to be in the best interest of the association, and to execute bills of sale and deeds of conveyance in the name of the association.

(h) To collect and receive rents, profits, accounts receivable, income, maintenance fees, special assessments, or insurance proceeds for the association.

(i) To contract and do anything in the name of the association which is proper or convenient to terminate the affairs of the association.

(7) NATURAL DISASTERS.—

(a) If, after a natural disaster, the identity of the directors or their right to hold office is in doubt, if they are deceased or unable to act, if they fail or refuse to act, or if they cannot be located, any interested person may petition the circuit court to determine the identity of the directors or, if found to be in the best interest of the unit owners, to appoint a receiver to conclude the affairs of the association after a hearing following notice to such persons as the court directs.

(b) The receiver shall have all powers given to the board pursuant to the declaration, bylaws, or subsection (6), and any other powers that are necessary to conclude the affairs of the association and are set forth in the order of appointment. The appointment of the receiver is subject to the bonding requirements of such order. The order shall also provide for the payment of a reasonable fee to the receiver from the sources identified in the order, which may include rents, profits, incomes, maintenance fees, or special assessments collected from the condominium property.

(8) PLAN OF TERMINATION.—The plan of termination must be a written document executed in the same manner as a deed by unit owners having the requisite percentage of voting interests to approve the plan and by the termination trustee. A unit owner may document assent to the plan of termination by executing the plan or consent to or joinder in the plan in the manner of a deed. A plan of termination and the consents or joinders of unit owners and, if required, consents or joinders of mortgagees must be recorded in the public records of each county in which any portion of the condominium is located. The plan of termination is effective only upon recordation or at a later date specified in the plan.

(9) PLAN OF TERMINATION; REQUIRED PROVISIONS.—The plan of termination must specify:

(a) The name, address, and powers of the termination trustee;

(b) A date after which the plan of termination is void if it has not been recorded;

(c) The interest of the respective unit owners in the association property, common surplus, and other assets of the association, which shall be the same as the respective interests of the unit owners in the common elements immediately before the termination;

(d) The interests of the respective unit owners in any proceeds from any sale of the condominium property. If, pursuant to the plan of termination, condominium property or real property owned by the association is to be sold following termination, the plan must provide for the sale and may establish any minimum sale terms; and

(e) Any interests of the respective unit owners in any insurance proceeds or condemnation proceeds that are not used for repair or reconstruction. Unless the declaration expressly addresses the distribution of insurance proceeds or condemnation proceeds, the plan of termination may apportion those proceeds pursuant to the methods prescribed in subsection (11).

(10) PLAN OF TERMINATION; OPTIONAL PROVISIONS.—The plan of termination may provide:

(a) That each unit owner retains the exclusive right of possession to the portion of the real estate that formerly constituted the unit, in which case the plan must specify the conditions of possession.

(b) In the case of a conditional termination, the plan must specify the conditions for termination. A conditional plan will not vest title in the termination trustee until the plan and a certificate executed by the association with the formalities of a deed, confirming that the conditions in the conditional plan have been satisfied or waived by the requisite percentage of the voting interests, has been recorded.

(11) ALLOCATION OF PROCEEDS OF SALE OF CONDOMINIUM PROPERTY.—

(a) Unless the declaration expressly provides for the allocation of the proceeds of sale of condominium property, the plan of termination must first apportion the proceeds between the aggregate value of all units and the value of the common elements, based on their respective fair-market values immediately before the termination, as determined by one or more independent appraisers selected by the association or termination trustee.

(b) The portion of proceeds allocated to the units shall be further apportioned among the individual units. The apportionment is deemed fair and reasonable if it is determined by any of the following methods:

1. The respective value of the units based on the fair-market values of the units immediately before the termination, as determined by one or more independent appraisers selected by the association or termination trustee;

2. The respective value of the units based on the most recent market value of the units before the termination, as provided in the county property appraiser's records; or

3. The respective interests of the units in the common elements specified in the declaration immediately before the termination.

(c) The methods of apportionment in paragraph (b) do not prohibit any other method of apportioning the proceeds of sale allocated to the units agreed upon in the plan of termination. The portion of the proceeds allocated to the common elements shall be apportioned among the units based upon their respective interests in the common elements as provided in the declaration.

(d) Liens that encumber a unit shall be transferred to the proceeds of sale of the condominium property attributable to such unit in their same priority. The proceeds of any sale of condominium property pursuant to a plan of termination may not be deemed to be common surplus or association property.

(12) TERMINATION TRUSTEE.—The association shall serve as termination trustee unless another person is appointed in the plan of termination. If the association is unable, unwilling, or fails to act as trustee, any unit owner may petition the court to appoint a trustee. Upon recording or at a later date specified in the plan, title to the condominium

property vests in the trustee. Unless prohibited by the plan, the trustee shall be vested with the powers given to the board pursuant to the declaration, bylaws, and subsection (6). If the association is not the termination trustee, the trustee's powers shall be co-extensive with those of the association to the extent not prohibited in the plan of termination or the order of appointment. If the association is not the trustee, the association shall transfer any association property to the trustee. If the association is dissolved, the trustee shall also have such other powers necessary to conclude the affairs of the association.

(13) TITLE VESTED IN TERMINATION TRUSTEE.—If termination is pursuant to a plan of termination under subsection (1) or subsection (2), the unit owners' rights as tenants in common in undivided interests in the condominium property vest in the termination trustee when the plan is recorded or at a later date specified in the plan. The unit owners thereafter become the beneficiaries of proceeds realized from any plan of termination. The termination trustee may deal with the condominium property or any interest therein if the plan confers to the trustee the authority to protect, conserve, manage, sell, or dispose of the condominium property. The trustee, on behalf of the unit owners, may contract for the sale of real property, but the contract is not binding on the unit owners until the plan is approved pursuant to subsection (1) or subsection (2).

(14) NOTICE.—

(a) Within 30 days after a plan of termination has been recorded, the termination trustee shall deliver by certified mail, return receipt requested, notice to all unit owners, lienors of the condominium property, and lienors of all units at their last known addresses that a plan of termination has been recorded. The notice shall include the book and page number of the public records where the plan is recorded, notice that a copy of the plan shall be furnished upon written request, and notice that the unit owner or lienor has the right to contest the fairness of the plan.

(b) The trustee, within 30 days after the effective date of the plan, shall provide to the division a certified copy of the recorded plan, the date the plan was recorded, and the county, book, and page number of the public records where it was recorded.

(15) RIGHT TO CONTEST.—A unit owner or lienor may contest a plan of termination by initiating a summary procedure pursuant to s. 51.011 within 90 days after the date the plan is recorded. A unit owner or lienor who does not contest the plan is barred from asserting or prosecuting a claim against the association, the termination trustee, any unit owner, or any successor in interest to the condominium property. In an action contesting a plan of termination, the person contesting the plan has the burden of pleading and proving that the apportionment of the proceeds from the sale among the unit owners was not fair and reasonable. The apportionment of sale proceeds is presumed fair and reasonable if it was determined pursuant to the methods prescribed in subsection (11). The court shall adjudge the rights and interests of the parties and order the plan of termination to be implemented if it is fair and reasonable. The court shall void a plan that is determined not to be fair and reasonable. In such action the prevailing party may recover reasonable attorney's fees and costs.

(16) DISTRIBUTION.—Following termination of the condominium, the condominium property, association property, common surplus, and other assets of the association shall be held by the termination trustee, as trustee for unit owners and holders of liens on the units, in their order of priority.

(a) Not less than 30 days prior to the first distribution, the termination trustee shall deliver by certified mail, return receipt requested, a notice of the estimated distribution to all unit owners, lienors of the condominium property, and lienors of each unit at their last known address stating a good-faith estimate of the amount of the distributions to each class and the procedures and deadline for notifying the termination trustee of any objections to the amount. The deadline must be at least 15 days after the date the notice was mailed. The notice may be sent with or after the notice required by subsection (14). If a unit owner or lienor files an objection with the termination trustee, the trustee does not have to distribute the funds and property allocated to the respective unit owner and lienor until the trustee has had a reasonable time to determine the validity of the adverse claims. In the alternative, the trustee may interplead the unit owner, lienor, and any other person claiming an interest in the unit and deposit the funds allocated to the unit in the court registry, at which time the condominium property, association property, common surplus, and other assets of the association are free of all claims and liens of the parties to the suit. In an interpleader action, the trustee and prevailing party may recover reasonable attorney's fees and costs and court costs.

(b) The proceeds of any sale of condominium or association property and any remaining condominium or association property, common surplus, and other assets shall be distributed in the following priority:

1. To pay the costs of implementing the plan of termination, including demolition, removal, and disposal fees, termination trustee's fees and costs, accounting fees and costs, and attorney's fees and costs.

2. To lienholders for liens recorded prior to the recording of the declaration.

3. To lienholders for liens of the association which have been consented to under s. 718.121.

4. To creditors of the association, as their interests appear.

5. To unit owners, the proceeds of any sale of condominium property subject to satisfaction of liens on each unit in their order of priority, in shares specified in the plan of termination, unless objected to by a unit owner or lienor.

6. To unit owners, the remaining condominium property, subject to satisfaction of liens on each unit in their order of priority, in shares specified in the plan of termination, unless objected to by a unit owner or a lienor.

7. To unit owners, the proceeds of any sale of association property, the remaining association property, common surplus, and other assets of the association, subject to satisfaction of liens on each unit in their order of priority, in shares specified in the plan of termination, unless objected to by a unit owner or a lienor.

(c) After determining that all known debts and liabilities of an association in the process of termination have been paid or adequately provided for, the termination trustee shall distribute the remaining assets pursuant to the plan of termination. If the termination is by court proceeding or subject to court supervision, the distribution may not be made until any period for the presentation of claims ordered by the court has passed.

(d) Assets held by an association upon a valid condition requiring return, transfer, or conveyance, which condition has occurred or will occur, shall be returned, transferred, or conveyed in accordance with the condition. The remaining association assets shall be distributed pursuant to paragraph (b).

(e) Distribution may be made in money, property, or securities and in installments or as a lump sum, if it can be done fairly and ratably and in conformity with the plan of termination. Distribution shall be made as soon as is reasonably consistent with the beneficial liquidation of the assets.

(17) ASSOCIATION STATUS.—The termination of a condominium does not change the corporate status of the association that operated the condominium property. The association continues to exist to conclude its affairs, prosecute and defend actions by or against it, collect and discharge obligations, dispose of and convey its property, and collect and divide its assets, but not to act except as necessary to conclude its affairs.

(18) CREATION OF ANOTHER CONDOMINIUM.—The termination of a condominium does not bar the creation, by the termination trustee, of another condominium affecting any portion of the same property.

(19) EXCLUSION.—This section does not apply to the termination of a condominium incident to a merger of that condominium with one or more other condominiums under s. 718.110(7).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 718.117, F.S.; substantially revising provisions relating to the termination of the condominium form of ownership of a property; providing grounds; pro-

viding powers and duties of the board of administration of the association; waiving certain notice requirements following natural disasters; providing requirements for a plan of termination; providing for the allocation of proceeds from the sale of condominium property; providing powers and duties of a termination trustee; providing notice requirements; providing a procedure for contesting a plan of termination; providing rules for the distribution of property and sale proceeds; providing for the association's status following termination; allowing the creation of another condominium by the trustee; providing exceptions for certain condominiums containing a certain percentage of timeshare units;

On motion by Senator Clary, **HB 291** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

CS for SB 546—A bill to be entitled An act relating to reimbursement for lung transplant services for Medicaid recipients; amending s. 409.9062, F.S.; requiring the Agency for Health Care Administration to reimburse lung transplant facilities a global fee for services provided to Medicaid recipients; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for SB 546** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 60—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; providing membership in the Special Risk Class for certain employees of a law enforcement agency or medical examiner's office whose duties include collecting, examining, preserving, documenting, preparing, or analyzing physical evidence; providing a declaration of important state interest; making an appropriation to the Department of Law Enforcement; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **CS for SB 60** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1725—A bill to be entitled An act relating to the Florida Enterprise Zone Act; amending s. 290.001, F.S.; revising the name of the act; amending s. 290.004, F.S.; deleting obsolete definitions; amending s. 290.0055, F.S.; revising procedures for counties or municipalities to nominate an area for designation as a new enterprise zone; deleting obsolete provisions; removing the authority for certain counties to nominate more than one enterprise zone; revising criteria for eligibility of an area for nomination by certain local governments for designation as an enterprise zone; revising procedures and requirements for amending enterprise zone boundaries; amending s. 290.0056, F.S.; deleting a requirement that a governing body appoint the board of an enterprise zone development agency by ordinance; revising requirements for making such appointments; deleting a requirement that a certificate of appointment of a board member be filed with the clerk of the county or municipality; deleting the requirement that an annual report by a board be published and available for inspection in the office of the municipal or county clerk; revising the powers and responsibilities of an enterprise zone development agency; providing additional responsibilities; revising certain reporting requirements; amending s. 290.0057, F.S.; specifying application of enterprise zone development plan requirements only to designations of new enterprise zones; amending s. 290.0058, F.S.; updating obsolete references; revising requirements for determining pervasive poverty in an area nominated as a rural enterprise zone; providing an exception for areas nominated for designation as a rural enterprise zone; amending s. 290.0065, F.S.; establishing the maximum number of enterprise zones allowed, subject to any new zones authorized by the Legislature; revising the procedure for designating a new enterprise zone if an existing zone is not redesignated; deleting a requirement that an application for designation as an enterprise zone be categorized by population; deleting obsolete provisions; authorizing the office to redesignate enterprise zones having an effective date on or before January 1, 2005; providing requirements and procedures; authorizing a governing body to request enterprise zone boundary changes; requiring the office to determine, in consultation with Enterprise Florida, Inc., the merits of enterprise zone redesignations; providing criteria; providing for an enterprise zone redesignation approval procedure; prohibiting an entity having jurisdiction over an area denied redesignation as an enterprise zone from reapplying for redesignation for 1 year; providing a redesignation procedure for zones authorized in conjunction with certain federal acts; providing requirements for an application for redesignation; deleting obsolete provisions; amending s. 290.0066, F.S.; providing that failure to make progress or failure to comply with measurable goals may be considered as grounds for revocation of an enterprise zone designation; amending s. 290.012, F.S.; providing a transition date that provides for a zone having an effective date on or before January 1, 2005, to continue to exist until December 21, 2005, and to expire on that date; requiring any zone designated or redesignated after January 1, 2006, to be designated or redesignated in accordance with the Florida Enterprise Zone Act; amending s. 290.014, F.S., to conform; amending s. 290.016, F.S.; delaying the repeal of the Florida Enterprise Zone Act; amending s. 163.345, F.S., to conform; amending ss. 166.231, 193.077, 193.085, 195.073, 196.012, 205.022, 205.054, and 212.02, F.S.; extending expiration dates with respect to various tax exemptions to conform provisions to changes made by the act; amending s. 212.08, F.S.; revising the procedures for applying for a tax exemption on building materials used to rehabilitate property located in an enterprise zone; deleting a limitation on claiming exemptions through a refund of previously paid taxes; extending an expiration date for the exemption; extending an expiration

date for an exemption for business property used in an enterprise zone; deleting obsolete provisions governing the community contribution tax credit for donations, to conform; extending the expiration date of the tax credit for electrical energy used in an enterprise zone, to conform; amending s. 212.096, F.S.; deleting obsolete provisions; extending the expiration date for the enterprise zone jobs tax credit, to conform; amending ss. 220.02 and 220.03, F.S.; extending the expiration date of the enterprise zone jobs tax credit against corporate income tax to conform to changes made by the act; revising definitions to extend the expiration date of the credit to conform; amending s. 220.181, F.S.; deleting obsolete provisions; extending the expiration date of the tax credit, to conform; amending s. 220.182, F.S.; extending the expiration date of the enterprise zone property tax credit, to conform; amending s. 288.1175, F.S., to conform,; amending s. 370.28, F.S.; providing that an enterprise zone having an effective date on or before January 1, 2005, shall continue to exist until December 21, 2005, and shall expire on that date; requiring that an enterprise zone in a community affected by net limitations which is redesignated after January 1, 2006, do so in accordance with the Florida Enterprise Zone Act; repealing s. 290.00555, F.S., relating to the designation of a satellite enterprise zone; repealing s. 290.0067, F.S., relating to an enterprise zone in Lake Apopka; repealing s. 290.00675, F.S., relating to a boundary amendment for the City of Brooksville in Hernando County; repealing s. 290.00676, F.S., relating to an amendment of certain rural enterprise zone boundaries; repealing s. 290.00678, F.S., relating to a designation of rural champion communities as enterprise zones; repealing s. 290.00679, F.S., relating to amendments to certain rural enterprise zone boundaries; repealing s. 290.0068, F.S., relating to the designation of an enterprise zone encompassing a brownfield pilot project; repealing s. 290.00685, F.S., relating to an application to amend boundaries of an enterprise zone containing a brownfield pilot project; repealing s. 290.00686, F.S., relating to the designation of enterprise zones in Brevard County and the City of Cocoa; repealing s. 290.00687, F.S., relating to the designation of an enterprise zone in Pensacola; repealing s. 290.00688, F.S., relating to the designation of an enterprise zone in Leon County; repealing s. 290.00689, F.S., relating to the designation of a pilot project in an enterprise zone; repealing s. 290.0069, F.S., relating to the designation of an enterprise zone in Liberty County; repealing s. 290.00691, F.S., relating to the designation of an enterprise zone in Columbia County and Lake City; repealing s. 290.00692, F.S., relating to the designation of an enterprise zone in Suwannee County and Live Oak; repealing s. 290.00693, F.S., relating to the designation of an enterprise zone in Gadsden County; repealing s. 290.00694, F.S., relating to the designation of an enterprise zone in Sarasota County and Sarasota; repealing s. 290.00695, F.S., relating to the designation of enterprise zones in Hernando County and Brooksville; repealing s. 290.00696, F.S., relating to the designation of an enterprise zone in Holmes County; repealing s. 290.00697, F.S., relating to the designation of an enterprise zone in Calhoun County; repealing s. 290.00698, F.S., relating to the designation of an enterprise zone in Okaloosa County; repealing s. 290.00699, F.S., relating to the designation of an enterprise zone in Hillsborough County; repealing s. 290.00701, F.S., relating to the designation of an enterprise zone in Escambia County; repealing s. 290.00702, F.S., relating to the designation of enterprise zones in Osceola County and the City of Kissimmee; repealing s. 290.00703, F.S., relating to the designation of an enterprise zone in South Daytona; repealing s. 290.00704, F.S., relating to the designation of an enterprise zone in Lake Wales; repealing s. 290.00705, F.S., relating to the designation of an enterprise zone in Walton County; repealing s. 290.00706, F.S., relating to the designation of enterprise zones in Miami-Dade County and the City of West Miami; repealing s. 290.00707, F.S., relating to the designation of an enterprise zone in Hialeah; repealing s. 290.00708, F.S., relating to a boundary amendment in an enterprise zone within a consolidated government; repealing s. 290.00709, F.S., relating to a boundary amendment in an enterprise zone within an inland county; repealing s. 290.009, F.S., relating to the Enterprise Zone Interagency Coordinating Council; repealing s. 290.015, F.S., relating to an evaluation and review of the enterprise zone program; providing for carryover of eligibility for tax credits under s. 212.096, F.S.; providing for carryover of eligibility for tax credits under s. 220.181, F.S.; providing for carryover of eligibility for tax exemption under s. 196.1995, F.S., and the tax exemption under s. 220.182, F.S.; providing for carryover of eligibility for tax credits under s. 220.183, F.S.; providing for carryover of eligibility for tax credits under s. 212.08, F.S.; providing for carryover of eligibility for tax credits under s. 624.5105, F.S.; providing for carryover of eligibility for a tax exemption under s. 212.08, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator King, **HB 1725** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Senate resumed consideration of—

SB 2148—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; revising provisions for the conduct of bingo sessions and games; revising definitions; defining "bingo session," "calendar week," "day," and "member"; restricting assistance in the conduct of bingo to members; revising provisions for prizes and jackpots; providing for an additional jackpot per session; providing for valuation of noncash prizes; prohibiting free games; providing an exception; limiting bingo sessions; revising provisions for assistance in the conduct of bingo; revising rules for the conduct of bingo games; providing for accommodations for persons with physical disabilities; preempting regulation of bingo to the state; prohibiting certain persons from conducting or assisting in the conduct of bingo; prohibiting certain persons from being a bingo lessor or employee of such lessor; prohibiting a bingo organization from allowing use of its identity for the purpose of conducting bingo; prohibiting certain persons from participating in certain bingo games; providing restriction on sale of bingo cards; providing penalties; amending s. 849.161, F.S.; providing that specified gambling regulations do not apply to specified bingo facilities; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (100648)** by Senator Bullard was adopted by two-thirds vote.

MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendment to be considered:

Senator Siplin moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (340572)(with title amendment)—On page 13, between lines 28 and 29, insert:

Section 3. Subparagraph 1. of paragraph (a) of subsection (1) of section 849.161, Florida Statutes, is amended to read:

849.161 Amusement games or machines; when chapter inapplicable.—

(1)(a)1. Nothing contained in this chapter shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin *or other currency* and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: amending s. 849.161, F.S.; providing that the chapter does not apply to amusement games or machines which operate by the insertion of a coin or other currency;

On motion by Senator Argenziano, **SB 2148** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Alexander	Diaz de la Portilla	Margolis
Argenziano	Dockery	Miller
Aronberg	Fasano	Peaden
Atwater	Garcia	Posey
Baker	Geller	Pruitt
Bennett	Haridopolos	Rich
Bullard	Hill	Saunders
Campbell	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lynn	Wilson

Nays—3

Carlton	Webster	Wise

CS for SB 1024—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 288.99, F.S., the "Certified Capital Company Act"; removing the October 2, 2005, repeal of information relating to an active investigation or office review of a certified capital company scheduled under the Open Government Sunset Review Act; narrowing the exemption; eliminating the exemption from public-records requirements for social security numbers of any customers of a certified capital company, complainants, or persons associated with a certified capital company or qualified business; eliminating references to specified premium tax credits under the act designated as "Program One" and "Program Two"; providing editorial and conforming changes; providing for the future repeal of the Certified Capital Company Act; providing an effective date.

—was read the third time by title.

On motion by Senator King, further consideration of **CS for SB 1024** was deferred.

Consideration of **CS for CS for SB 1766** was deferred.

CS for SB 738—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; amending s. 943.11, F.S.; requiring that the members of the commission who are sheriffs appointed by the Governor be chosen from a list of nominees submitted by the Florida Sheriffs Association; requiring that the members of the commission who are chiefs of police appointed by the Governor be chosen from a list of nominees submitted by the Florida Police Chiefs Association; requiring that the members of the commission who are law enforcement officers of the rank of sergeant or below and the member who is a correctional officer of the rank of sergeant or below who are appointed by the Governor be chosen from a list of nominees submitted by a committee composed of certain collective bargaining agents; providing selection criteria for the committee; requiring lists of nominees to be submitted by a time certain; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for SB 738** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Atwater	Bullard
Argenziano	Baker	Campbell
Aronberg	Bennett	Carlton
Clary	Hill	Rich
Constantine	Jones	Saunders
Crist	King	Sebesta
Dawson	Klein	Siplin
Diaz de la Portilla	Lawson	Smith
Dockery	Lynn	Villalobos
Fasano	Miller	Webster
Garcia	Peaden	Wilson
Geller	Posey	Wise
Haridopolos	Pruitt	

Nays—1

Margolis

The Senate resumed consideration of—

CS for SB 1024—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 288.99, F.S., the "Certified Capital Company Act"; removing the October 2, 2005, repeal of information relating to an active investigation or office review of a certified capital company scheduled under the Open Government Sunset Review Act; narrowing the exemption; eliminating the exemption from public-records requirements for social security numbers of any customers of a certified capital company, complainants, or persons associated with a certified capital company or qualified business; eliminating references to specified premium tax credits under the act designated as "Program One" and "Program Two"; providing editorial and conforming changes; providing for the future repeal of the Certified Capital Company Act; providing an effective date.

—which was previously considered this day.

Pending further consideration of **CS for SB 1024**, on motion by Senator King, by two-thirds vote **HB 1817** was withdrawn from the Committees on Commerce and Consumer Services; Banking and Insurance; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Rules and Calendar.

On motion by Senator King, by two-thirds vote—

HB 1817—A bill to be entitled An act relating to review under the Open Government Sunset Review Act; amending s. 288.99, F.S., the "Certified Capital Company Act"; removing the October 2, 2005, repeal of information relating to an active investigation or office review of a certified capital company scheduled under the Open Government Sunset Review Act; narrowing the exemption; eliminating the exemption from public records requirements for social security numbers of any customers of a certified capital company, complainants, or persons associated with a certified capital company or qualified business; eliminating references to specified premium tax credits under the act designated as "Program One" and "Program Two"; providing editorial and conforming changes; providing for the future repeal of the Certified Capital Company Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1024** and read the second time by title.

On motion by Senator King, by two-thirds vote **HB 1817** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 193—A bill to be entitled An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; creating a rule of construction; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; creating a rule of construction; amending s. 1001.64, F.S., to conform a cross reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **HB 193** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1693—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; providing an exemption for special deputies from uniform rules of procedure; amending s. 443.071, F.S.; providing penalties for false employer schemes; providing the requirements for establishing prima facie evidence; authorizing certain access to records relating to investigations of unemployment compensation fraud; amending s. 443.091, F.S.; clarifying benefit eligibility; amending s. 443.1216, F.S.; clarifying the persons that employee leasing companies may lease to a client; clarifying the exemption of certain service from the definition of employment; amending s. 443.1217, F.S.; clarifying exempt wages for the purpose of determining employer contributions; amending s. 443.131, F.S.; revising the definition of "total excess payments"; prohibiting the transfer of unemployment experience by acquisition of a business in certain cases; providing for calculation of unemployment experience rating; providing penalties; amending s. 443.151, F.S.; providing for dismissal of untimely filed appeals; extending a deadline for recoupment of benefits; amending s. 895.02, F.S.; revising the definition of "racketeering activity"; reenacting ss. 16.56(1)(a), 655.50(3)(g), 896.101(2)(g), and 905.34(3), F.S., relating to the Office of Statewide Prosecution, the Florida Control of Money Laundering in Financial Institutions Act, the Florida Money Laundering Act, and the powers and duties of a statewide grand jury, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator King, **HB 1693** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 869—A bill to be entitled An act relating to Crohn's and Colitis disease research; creating the Crohn's and Colitis Disease Research Act; requiring the Department of Health to conduct an inflammatory bowel disease epidemiology study with the University of Florida College of Public Health and Health Professions; requiring the Agency for Health Care Administration to conduct a chronic disease study on the coverage standards provided by Medicaid for inflammatory bowel disease therapies; providing for membership in a study group; requiring reports to the Governor and Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, **HB 869** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1469—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 497.172, F.S.; creating a public meetings exemption for the Board of Funeral, Cemetery, and Consumer Services for those portions of meetings conducted for the exclusive purpose of developing or reviewing licensure examination questions and answers; creating a public meetings exemption for probable cause panel meetings of the board; creating a public records exemption for records of exempt probable cause panel meetings for a time certain; creating a public records exemption for records relating to investigations, inspections, or examinations in process for a time certain; maintaining the public records exemptions under certain circumstances; creating a public records exemption for trade secrets; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 1469** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 529—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; authorizing the use of purple lights on certain funeral escort vehicles and funeral lead vehicles; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; clarifying eligibility for Board of Funeral, Cemetery, and Consumer Services membership; requiring the Department of Financial Services to adopt rules regarding application for board membership; amending s. 497.103, F.S.; revising authority of the department to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; providing for delinquency fees to be charged and collected from certain licensees; providing a default delinquency fee; amending s. 497.141, F.S.; requiring licensure applications to include tax identification numbers of applicants that are not natural persons; authorizing the licensing authority to require certain applicants to provide a photograph; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of licenses; amending s. 497.142, F.S.; revising fingerprinting requirements; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; providing for the cost for fingerprinting processing; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.147, F.S.; revising provisions relating to the licensing authority's rules regulating prelicensure training and continuing education providers; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is not deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising certain grounds for disciplinary action; specifying what is not deemed to be a complaint; authorizing the board to adopt rules providing criteria for identifying minor and nonwillful remittance deficiencies; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising provisions relating to criminal penalties for violations involving prelicensure examinations, willful obstruction, and trust funds and other specified violations; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.165, F.S.; stipulating that intentional or gross negligence renders owners, directors, and officers jointly and severally liable for certain trust fund deficiencies; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising provisions for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.365, F.S.; requiring the board to adopt rules prescribing application and renewal fees for inactive status, a delinquency fee, and a fee for reactivation of a license; providing a cap on such fees; providing a limitation on the department's ability to reactivate a license; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizing the licensing authority to establish certain rules; amending s. 497.378, F.S.; raising the cap on funeral director and embalmer license renewal fees; amending s. 497.380, F.S.; specifying requirements for funeral establishment licensure applicants; raising the cap on funeral establishment license renewal fees; providing requirements for reporting a change in location of the establishment; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; deleting a provision exempting centralized embalming facilities from certain funeral establishment requirements; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept certain alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; revising grounds for issuance of a preneed branch license; raising the cap on branch license renewal fees; deleting a provision exempting sponsoring preneed licensees from responsibility for certain violations of branch licensees; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S.; revising general provisions applicable to preneed sales agents; revising requirements and application procedures for preneed sales agent licensure; providing requirements for the issuance of a temporary preneed sales agent license; providing requirements for the conversion of temporary preneed sales agent licenses to permanent preneed sales agent licenses; providing requirements for applicants with a criminal or disciplinary record; providing for termination of a permanent preneed sales agent license due to lack of appointments; providing requirements for the appointment of preneed sales agents; providing for administrative matters regarding preneed sales agent licensure; creating s. 497.468, F.S.; providing for disclosure of certain information to the public; requiring the licensing authority to establish rules relating to the manner in which certain written contracts are provided; amending s. 497.550, F.S.; creating two categories of monument establishment licensure and providing certain requirements for such categories; revising application procedures for licensure as a monument establishment; requiring inspection of proposed monument establishment facilities; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; requiring the board to set an annual inspection fee for monument establishment licensees; providing a cap for such fee; providing requirements for change of ownership and location of monument establishments; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; requiring monument establishments to comply with rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.603, F.S.; raising the cap on direct disposer license renewal fees; amending s. 497.604, F.S.; revising provisions relating to direct disposal establishment licensure and application for such licensure; revising provisions relating to the regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions relating to cinerator facility licensure and application for such licensure; revising provisions relating to the regulation of cinerator facilities; amending s. 497.607, F.S.; providing that the anatomical board at the University of Florida Health Science Center is not prohibited from causing the final disposition of unclaimed human remains under certain circumstances; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; repealing s. 497.275, F.S., relating to identification of human remains in licensed

cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 529** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

HB 1459—A bill to be entitled An act relating to liens on commercial real estate; creating part III of ch. 475, F.S., the "Commercial Real Estate Sales Commission Lien Act"; providing definitions; specifying conditions under which a broker is entitled to a lien upon the owner's net proceeds from the disposition of commercial real estate for any commission earned by the broker under a brokerage agreement; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the commission notice and delivery to certain parties; providing a form for the commission notice; providing that a lien may not be enforced if the notice is not delivered to certain parties; providing that the commission notice may be recorded; providing for expiration and extension under certain conditions; providing for release of the commission notice under certain conditions; providing the duties of the closing agent; requiring the closing agent to reserve an owner's proceeds under certain conditions; providing for the release of proceeds under certain conditions; requiring deduction of certain costs from the proceeds; providing for interpleader or other legal proceedings sought by a closing agent to adjudicate certain rights; providing for the deposit of reserved proceeds in a court registry; providing for the discharge of the closing agent from further liability; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; establishing the priority of a recorded commission notice; providing for the service of notice; providing that a buyer's broker is not entitled to a lien; providing certain conditions under which a buyer's broker may seek payment of a commission; creating part IV of ch. 475, F.S., the "Commercial Real Estate Leasing Commission Lien Act"; providing definitions; providing conditions under which a broker may place a lien upon an owner's interest in commercial real estate for any commission earned under a brokerage agreement with respect to a lease of commercial real estate; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the lien notice; providing a form for the lien notice; providing that the lien notice may be recorded; providing that a lien may not be enforced if the broker fails to record the notice; providing for effectiveness of a recorded lien notice; providing for release of the lien notice under certain conditions; providing for expiration and extension under certain conditions; providing for foreclosure of a recorded lien under certain conditions; providing a form; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; providing procedures to transfer a lien to a security; providing that the clerk of court may collect a service charge; providing for subordination of a broker's lien; amending s. 475.42, F.S.; providing that a broker may place a lien when allowed by law; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **HB 1459** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

SB 2452—A bill to be entitled An act relating to pharmacy technicians; amending s. 465.014, F.S.; authorizing pharmacy technicians to initiate or receive requests for original prescriptions when dispensing for nonhuman use; prohibiting a licensed pharmacist from supervising more than a certain number of pharmacy technicians in dispensing prescriptions for nonhuman use; amending s. 465.035, F.S.; providing an exception to certain requirements for dispensing medicinal drugs for nonhuman use via facsimile; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Aronberg, **SB 2452** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

HB 565—A bill to be entitled An act relating to mobile homes; amending s. 723.037, F.S.; providing intent, requirements, and restrictions regarding information exchanged in meetings between park owners and homeowners' committees and at mediation; providing exceptions; amending s. 723.0611, F.S.; designating the Florida Mobile Home Relocation Corporation as an agency of the state and certain other persons as officers, employees, or agents of the state for application of sovereign immunity provisions; providing rulemaking authority to administer provisions involving the corporation; amending s. 723.0612, F.S.; providing that mobile home owners are not eligible for compensation in certain circumstances involving change in use of the land comprising the mobile home park; providing entitlement to attorney's fees and costs in certain enforcement actions; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 565** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

HB 1289—A bill to be entitled An act relating to signing and sealing by professional geologists; creating s. 373.1175, F.S.; authorizing the Department of Environmental Protection and the governing boards of water management districts to require signing and sealing of certain documents and reports by professional geologists; requiring such cost to be borne by the permit applicant or permittee; providing construction with respect to professional engineers; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 1289** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

HB 423—A bill to be entitled An act relating to the definition of "employee" for the purposes of workers' compensation; amending s. 440.02, F.S.; redefining the term "employee" under the Workers' Compensation Law to revise an exemption relating to owner-operators of motor vehicles; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 423** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett
Bullard	Haridopolos	Pruitt
Campbell	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise
Geller	Posey	

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

CS for CS for SB 2570—A bill to be entitled An act relating to home medical equipment providers; amending s. 400.925, F.S.; revising and providing definitions; amending s. 400.93, F.S.; providing that physicians who sell, rent, or supply equipment or devices to their patients are exempt from licensure as a home medical equipment provider; amending s. 400.931, F.S.; including additional categories of equipment in a report required by applicants for licensure; increasing the amount of liability insurance required of home medical equipment providers; amending s. 400.933, F.S.; revising requirements for licensure and assessment of fees; amending s. 400.934, F.S.; revising minimum standards required for licensure; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to provide additional regulatory standards by rule; creating s. 400.936, F.S.; requiring proof of accreditation as a prerequisite for licensure or license renewal; providing for temporary licensure; providing for rules relating to designation of accrediting organizations; amending s. 400.95, F.S.; providing for notice of a toll-free telephone number to report fraud and abuse by providers; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for CS for SB 2570** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

CS for CS for CS for SB 1314—A bill to be entitled An act relating to independent living; amending s. 39.013, F.S.; authorizing a child in foster care to petition the court to retain jurisdiction of his or her case; limiting the court's continued jurisdiction to 1 year after the child's 18th birthday; identifying the issues to be considered by the court during its continued jurisdiction; providing that the jurisdiction of the court terminates under specified conditions; providing that the court encourage the Statewide Guardian Ad Litem Office to provide greater representation to certain children; amending s. 39.701, F.S.; requiring the Department of Children and Family Services to include in its judicial review study report verification that the child has been provided with certain information about the Road-to-Independence Scholarship Program and with

notice of the child's right to petition the court for continuing jurisdiction; amending s. 409.1451, F.S.; authorizing a child who is eligible for the Road-to-Independence Scholarship Program to continue to reside with a licensed foster family or a group care provider; requiring that the department enroll certain young adults who were formerly in foster care in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid; requiring that the Independent Living Services Advisory Council study the most effective way of providing health insurance for young adults in the program for independent living who are not eligible for the Florida KidCare program; requiring the council to report its recommendations to the Legislature; providing an appropriation; requiring the department to adopt rules; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Rich, **CS for CS for CS for SB 1314** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

THE PRESIDENT PRESIDING

On motion by Senator Aronberg, by two-thirds vote **HB 207** was withdrawn from the Committees on Criminal Justice; Domestic Security; and Justice Appropriations.

On motion by Senator Aronberg, by two-thirds vote—

HB 207—A bill to be entitled An act relating to criminal acts committed during a state of emergency; amending s. 810.02, F.S.; providing enhanced penalties for specified burglaries that are committed during a state of emergency; providing that a person arrested for committing a burglary during a state of emergency may not be released until that person appears before a magistrate at a first-appearance hearing; directing that a felony burglary committed during a state of emergency be reclassified one level above the current ranking of the offense committed; amending s. 812.014, F.S.; providing enhanced penalties for the theft of certain property stolen during a state of emergency; directing that a felony theft committed during a state of emergency be reclassified one level above the current ranking of the offense committed; providing an effective date.

—a companion measure, was substituted for **CS for SB 282** and by two-thirds vote read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 207** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Carlton	Geller
Alexander	Clary	Haridopolos
Argenziano	Constantine	Hill
Aronberg	Crist	Jones
Atwater	Dawson	King
Baker	Diaz de la Portilla	Klein
Bennett	Dockery	Lawson
Bullard	Fasano	Lynn
Campbell	Garcia	Margolis
Miller	Saunders	Villalobos
Peaden	Sebesta	Webster
Posey	Siplin	Wilson
Pruitt	Smith	Wise
Rich		

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator King—

CS for SJR 4—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution, relating to the type of amendment or revision which may be proposed by citizen initiative.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SJR 4** to **HJR 1727**.

Pending further consideration of **CS for SJR 4** as amended, on motion by Senator King, by two-thirds vote **HJR 1727** was withdrawn from the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

On motion by Senator King—

HJR 1727—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution to provide the permissible subject matter of revisions or amendments to the State Constitution proposed by initiative.

—a companion measure, was substituted for **CS for SJR 4** as amended and read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (875986)(with title amendment)—Delete everything after the resolving clause and insert:

That the following amendment to Section 3 of Article XI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE XI
AMENDMENTS

SECTION 3. Initiative.—

(a) The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that~~,~~ any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. *The amendment or revision must also:*

(1) amend an existing article of this constitution on the same subject and matter, except that any proposed amendment or revision of Article X must amend or repeal an existing section of that article on the same subject and matter;

(2) address a basic or fundamental right of a citizen of this state; or

(3) change the basic structure of state government as established in Article II, Article III, Article IV, or Article V of this constitution.

(b) The initiative power ~~It~~ may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE XI, SECTION 3

CONSTITUTIONAL AMENDMENTS AND REVISIONS PROPOSED BY INITIATIVE.—Proposing an amendment to the State Constitution to require that a constitutional amendment or revision proposed by initiative amend an existing article of this constitution on the same subject and matter, except that any proposed amendment or revision of Article X must amend or repeal an existing section of that article on the same subject and matter; address a basic or fundamental right of a citizen of this state; or change the basic structure of state government as established in Article II, Article III, Article IV, or Article V.

And the title is amended as follows:

Delete everything before the resolving clause and insert: House Joint Resolution A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution, relating to the type of amendment or revision which may be proposed by citizen initiative.

Pursuant to Rule 4.19, **HJR 1727** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SJR 6—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution; requiring that a proposed amendment to or revision of the State Constitution be approved by at least sixty percent of the electors of the state voting on the measure.

—was read the second time by title.

An amendment was considered and failed and an amendment was considered and adopted to conform **CS for SJR 6** to **HJR 1723**.

Pending further consideration of **CS for SJR 6** as amended, on motion by Senator King, by two-thirds vote **HJR 1723** was withdrawn from the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

On motion by Senator King—

HJR 1723—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution to require that any proposed amendment to or revision of the State Constitution be approved by at least 60 percent of the electors voting on the measure.

—a companion measure, was substituted for **CS for SJR 6** as amended and read the second time by title.

Pursuant to Rule 4.19, **HJR 1723** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

CS for SJR 2200—A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution; requiring that a proposed amendment to or revision of the State Constitution which authorizes the imposition of a new state tax or fee by state government must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; requiring that a proposed amendment to or revision of the State Constitution which increases, or authorizes the increase of, an existing state tax or fee by state government must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase "existing State tax or fee" means any tax or fee producing revenue subject to lump sum or other appropriation by the Legislature, either for the state general revenue fund or any trust fund, which tax or fee is in effect at the time of the election when the proposed amendment or revision is considered; requiring that a proposed amendment to or revision of the State Constitution which imposes a significant financial impact on state government be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase "significant financial impact" means an amount greater than one-tenth of 1 percent of the total state budget for the state fiscal year ending in the year prior to the general election in which such proposed amendment or revision is considered; deleting obsolete provisions.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SJR 2200** to **HJR 1741**.

Pending further consideration of **CS for SJR 2200** as amended, on motion by Senator Atwater, by two-thirds vote **HJR 1741** was withdrawn from the Committees on Ethics and Elections; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

On motion by Senator Atwater, the rules were waived and—

HJR 1741—A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution to require approval by at least two-thirds of the voters of any proposed amendment or revision to the State Constitution imposing or authorizing imposition of any new tax or fee, increasing or authorizing an increase in any existing tax or fee, or imposing a significant fiscal impact on the state, counties, school districts, municipalities, or special districts, and to delete a provision limiting such voting requirement to only new state taxes or fees.

—a companion measure, was substituted for **CS for SJR 2200** as amended and read the second time by title.

Senator Atwater moved the following amendment which was adopted:

Amendment 1 (270608)(with title amendment)—Delete everything after the enacting clause and insert:

That the following amendment to Section 7 of Article XI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE XI
AMENDMENTS

SECTION 7. Tax*,* ~~or~~ fee*, or significant financial impact* limitation.—Notwithstanding Article X, Section 12(d) of this constitution*:*~~,~~

(a) No *amendment or revision to this constitution which imposes a* new State tax or fee shall *become effective* ~~be imposed on or after November 8, 1994 by any amendment to this constitution~~ unless the proposed amendment *or revision* is approved by not fewer than two-thirds of the voters voting in the election in which such proposed amendment *or revision* is considered. For purposes of this section, the phrase "new State tax or fee" shall mean any tax or fee which would produce revenue subject to lump sum or other appropriation by the Legislature, either for the State general revenue fund or any trust fund, which tax or fee is not in effect on November 7, 1994*.* ~~including without limitation such taxes and fees as are the subject of proposed constitutional amendments appearing on the ballot on November 8, 1994. This section shall apply to proposed constitutional amendments relating to State taxes or fees which appear on the November 8, 1994 ballot, or later ballots, and~~ Any such proposed amendment *or revision that* ~~which~~ fails to gain the two-thirds vote required hereby shall be null, void*,* and without effect.

(b) No amendment or revision to this constitution which increases an existing State tax or fee shall become effective unless the proposed amendment or revision is approved by not fewer than two-thirds of the voters voting in the election in which such proposed amendment or revision is considered. For purposes of this section, the phrase "existing State tax or fee" shall mean any tax or fee that produces revenue subject to lump sum or other appropriation by the Legislature, either for the State general revenue fund or any trust fund, which tax or fee is in effect at the time of the election at which the proposed amendment or revision is considered. Any such proposed amendment or revision that fails to gain the two-thirds vote required by this subsection shall be null, void, and without effect.

(c) No amendment or revision to this constitution which imposes a significant financial impact on state government shall become effective unless the proposed amendment or revision is approved by not fewer than two-thirds of voters voting in the election in which such proposed amendment or revision is considered. For purposes of this section, the phrase "significant financial impact" shall mean a financial impact to the state, including requiring the Legislature to increase taxes in order to maintain the state budget at existing revenues and expenditures, in any state fiscal year prior to and including the first state fiscal year of full implementation in an amount greater than two-tenths of one percent of the portion of the state budget appropriated from the General Revenue Fund, as

established in the General Appropriations Act approved by the Governor, for the state fiscal year ending in the year prior to the election in which such proposed amendment or revision is considered. The determination that a proposed amendment or revision imposes a significant financial impact on state government shall be certified pursuant to the process established in general law. Any such proposed amendment or revision that fails to gain the two-thirds vote required by this subsection shall be null, void, and without effect.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE XI, SECTION 7

SIGNIFICANT FINANCIAL IMPACT LIMITATION AMENDMENT.—Proposing amendments to the State Constitution requiring that a proposed amendment to or revision of the State Constitution which increases an existing state tax or fee must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered. For the purposes of this amendment, "existing state tax or fee" means any tax or fee that produces revenue subject to lump-sum or other appropriation by the Legislature, either for the state general revenue fund or any trust fund, if that tax or fee is in effect at the time of the election when the proposed amendment or revision is considered. The amendment also requires that a proposed amendment to or revision of the State Constitution which imposes a significant financial impact on state government must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered. For the purposes of this amendment, a "significant financial impact" means a financial impact to the state, including requiring the Legislature to increase taxes in order to maintain the state budget at existing revenues and expenditures, in any state fiscal year prior to and including the first state fiscal year of full implementation in an amount greater than two-tenths of 1 percent of the portion of the state budget appropriated from the General Revenue Fund, as established in the General Appropriations Act approved by the Governor, for the state fiscal year ending in the year prior to the election in which such proposed amendment or revision is considered. Currently, such a proposal must be approved by only a simple majority of those voting on the proposal, unless it imposes a new state tax or fee. This amendment repeals obsolete provisions in this section of the State Constitution relating to items on the November 8, 1994, ballot.

And the title is amended as follows:

Delete everything before the enacting clause and insert: House Joint Resolution A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution; requiring that a proposed amendment to or revision of the State Constitution which increases an existing state tax or fee by state government must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase "existing State tax or fee" means any tax or fee producing revenue subject to lump sum or other appropriation by the Legislature, either for the state general revenue fund or any trust fund, which tax or fee is in effect at the time of the election when the proposed amendment or revision is considered; requiring that a proposed amendment to or revision of the State Constitution which imposes a significant financial impact on state government be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase "significant financial impact" means a financial impact to the state, including requiring the Legislature to increase taxes in order to maintain the state budget at existing revenues and expenditures, in any state fiscal year prior to and including the first state fiscal year of full implementation in an amount greater than two-tenths of 1 percent of the portion of the state budget appropriated from the General Revenue Fund, as established in the General Appropriations Act approved by the Governor, for the state fiscal year ending in the year prior to the election in which such proposed amendment or revision is considered; deleting obsolete provisions.

Pursuant to Rule 4.19, **HJR 1741** as amended was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Pruitt, the Senate recessed at 12:34 p.m. to reconvene at 1:04 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:22 p.m. A quorum present—39:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 1996—A bill to be entitled An act relating to the petition process; providing a short title; amending s. 99.097, F.S.; revising requirements for verification of signatures on petitions; prescribing limits on use of paid petition circulators; providing procedures to contest alleged improper signature verification; amending s. 100.371, F.S.; revising procedures for placing an initiative on the ballot; providing requirements for information to be contained on petitions; providing procedure for revocation of a petition signature; requiring a statement on the ballot regarding the financial impact statement; creating s. 100.372, F.S.; providing regulation for initiative petition circulators and their activities; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.62, F.S.; conforming a cross-reference; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registration applications; amending s. 104.185, F.S.; proscribing specified actions involving petitions and providing or increasing criminal penalties therefor; amending s. 104.42, F.S.; prescribing duties of supervisors of elections with respect to unlawful registrations, petitions, and voting; providing for verifying and counting signatures submitted for verification before the effective date of the act; requiring resubmission and reapproval of petition forms; providing severability; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and amendments were considered and adopted to conform **CS for CS for SB 1996** to **HB 1471**.

Pending further consideration of **CS for CS for SB 1996** as amended, on motion by Senator Alexander, by two-thirds vote **HB 1471** was withdrawn from the Committees on Ethics and Elections; Criminal Justice; Judiciary; and Government Efficiency Appropriations.

On motion by Senator Alexander—

HB 1471—A bill to be entitled An act relating to the petition process; providing a popular name; amending s. 99.097, F.S.; providing for certain petitions to be verified by a certain method; requiring certain provisions to be satisfied before a signature on a petition may be counted; prohibiting compensation to any paid petition circulator in certain circumstances; providing the procedure to contest and resolve the alleged improper verification of certain signatures; amending s. 100.371, F.S.; revising requirements for placement of constitutional amendments proposed by initiative on the ballot for the general election; revising and providing rulemaking authority; providing limitations on the contents of a petition form; establishing compliance criteria for petition forms; providing an elector's right to mail or deliver the form to an address provided for that purpose; providing notices that must be contained in each petition form; revising the duties of supervisors of elections; revising requirements relating to the Financial Impact Estimating Conference and financial impact statements; creating s. 100.372, F.S.; providing for the regulation of initiative petition circulators; providing definitions; providing qualification requirements; providing requirements for the practice of paid petition circulation; amending ss. 101.161, and 101.62, F.S.; correcting cross references; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registra-

tion applications; amending s. 104.185, F.S.; revising and providing violations involving petitions and providing penalties therefor; amending s. 104.42, F.S.; revising provisions relating to unlawful registrations, petitions, and voting and the investigation of such matters; requiring documentation and reporting thereof to the Florida Elections Commission within a specified time period; providing for the validity of certain petition signatures gathered before the effective date of the act; requiring previously approved petition forms to be resubmitted for approval in accordance with the requirements of the act; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1996** as amended and read the second time by title.

On motion by Senator Alexander, further consideration of **HB 1471** was deferred.

SENATOR WEBSTER PRESIDING

On motion by Senator Miller, by two-thirds vote **HB 449** was withdrawn from the Committees on Education; Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Miller—

HB 449—A bill to be entitled An act relating to a public records exemption; amending s. 1004.43, F.S.; expanding the public records exemption for proprietary confidential business information owned or controlled by the not-for-profit corporation operating the H. Lee Moffitt Cancer Center and Research Institute and its subsidiaries relating to trade secrets; expanding the exemption to include information received from an agency in this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1082** and read the second time by title.

Pursuant to Rule 4.19, **HB 449** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, by two-thirds vote **HB 1527** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Clary—

HB 1527—A bill to be entitled An act relating to disposition of unclaimed property; amending s. 717.106, F.S.; specifying communication by documented telephone contact to avoid a presumption of certain property being unclaimed; amending s. 717.1101, F.S.; decreasing a time period for a presumption of stock, equity interest, and certain debt of a business association being unclaimed; specifying criteria for certain other property of a business association being presumed unclaimed; amending s. 717.117, F.S.; revising requirements for notifying owners of inactive accounts; amending s. 717.118, F.S.; increasing a threshold amount for a requirement for an active attempt to notify owners of unclaimed property; amending s. 717.119, F.S.; revising provisions for disposal of proceeds of sales of unclaimed firearms or ammunition; amending s. 717.122, F.S.; providing for sale of unclaimed stock or certain equity interest under certain circumstances; amending s. 717.124, F.S.; revising requirements for making unclaimed property claims; amending s. 717.12404, F.S.; revising requirements for making claims on behalf of a business entity or trust; creating s. 717.12406, F.S.; providing definitions; amending s. 717.1241, F.S.; revising requirements and procedures for resolving conflicting claims; amending s. 717.1242, F.S.; requiring the ordering of estate or heirs to pay the Department of Financial Services certain costs and fees; amending s. 717.1243, F.S.; revising requirements and procedures for claims by beneficiaries of deceased owners of unclaimed property; creating s. 717.1245, F.S.; requiring petitioners for writs of garnishment to pay the department certain costs and fees in certain actions; amending s. 717.1311, F.S.; deleting a provision requiring certain record holders to pay certain estimated amounts relating to insufficient records; amending s. 717.1315, F.S.; revising requirements and procedures for retention of records by an owner's representative; amending s. 717.132, F.S.; providing for imposition of fines by a court instead of the department; amending s. 717.1322, F.S.; providing for civil enforcement by the department of certain violations; revising the department's authority to issue certain registration revocation orders; creating s. 717.1323, F.S.; specifying a prohibited practice; amending s. 717.1331, F.S.; authorizing the department to enforce subpoenas; amending s. 717.1333, F.S.; authorizing the estimation of certain amounts due from insufficient records; amending s. 717.135, F.S.; revising requirements for powers of attorney to recover property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to a power of attorney; amending s. 717.1351, F.S.; revising requirements for contracts to acquire ownership of or entitlement to property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to an agreement; providing rulemaking authority to the department to specify what evidence may identify a seller; creating s. 717.1381, F.S.; specifying certain powers of attorney and agreements to be void as contrary to public policy; prohibiting entering into such agreements; providing application; amending s. 717.1400, F.S.; revising registration requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2494** and read the second time by title.

MOTION

On motion by Senator Clary, the rules were waived to allow the following amendments to be considered:

Senator Clary moved the following amendments which were adopted:

Amendment 1 (312064)(with title amendment)—On line 65, insert:

Section 1. Subsections (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), and (21) of section 717.101, Florida Statutes, are amended to read:

717.101 Definitions.—As used in this chapter, unless the context otherwise requires:

(11) "Health care provider" means any state-licensed entity that provides and receives payment for health care services. These entities include, but are not limited to, hospitals, outpatient centers, physician practices, and skilled nursing facilities.

(12)~~(11)~~ "Holder" means a person, wherever organized or domiciled, who is:

(a) In possession of property belonging to another;

(b) A trustee in case of a trust; or

(c) Indebted to another on an obligation.

(13)~~(12)~~ "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, which is engaged in providing insurance coverage, including, by way of illustration and not limitation, accident, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life (including endowments and annuities), malpractice, marine, mortgage, surety, and wage protection insurance.

(14)~~(13)~~ "Intangible property" includes, by way of illustration and not limitation:

(a) Moneys, checks, drafts, deposits, interest, dividends, and income.

(b) Credit balances, customer overpayments, security deposits and other instruments as defined by chapter 679, refunds, unpaid wages, unused airline tickets, and unidentified remittances.

(c) Stocks, and other intangible ownership interests in business associations.

(d) Moneys deposited to redeem stocks, bonds, bearer bonds, original issue discount bonds, coupons, and other securities, or to make distributions.

(e) Amounts due and payable under the terms of insurance policies.

(f) Amounts distributable from a trust or custodial fund established under a plan to provide any health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefit.

(15)~~(14)~~ "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail. For the purposes of identifying, reporting, and remitting property to the department which is presumed to be unclaimed, "last known address" includes any partial description of the location of the apparent owner sufficient to establish the apparent owner was a resident of this state at the time of last contact with the apparent owner or at the time the property became due and payable.

(16)~~(15)~~ "Lawful charges" means charges against dormant accounts that are authorized by statute for the purpose of offsetting the costs of maintaining the dormant account.

(17) "Managed care payor" means a health care plan that has a defined system of selecting and limiting health care providers as evidenced by a managed care contract with the health care providers. These plans include, but are not limited to, managed care health insurance companies and health maintenance organizations.

(18)~~(16)~~ "Owner" means a depositor in the case of a deposit, a beneficiary in case of a trust or a deposit in trust, or a payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to this chapter or his or her legal representative.

(19)~~(17)~~ "Public corporation" means a corporation created by the state, founded and owned in the public interest, supported by public funds, and governed by those deriving their power from the state.

(20)~~(18)~~ "Reportable period" means the calendar year ending December 31 of each year.

(21)~~(19)~~ "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States.

(22)~~(20)~~ "Ultimate equitable owner" means a natural person who, directly or indirectly, owns or controls an ownership interest in a corporation, a foreign corporation, an alien business organization, or any other form of business organization, regardless of whether such natural person owns or controls such ownership interest through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

(23)~~(21)~~ "Utility" means a person who owns or operates, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 2, after the semicolon (;) insert: amending s. 717.101, F.S.; providing definitions;

Amendment 2 (132506)(with title amendment)—Lines 124-183, delete those lines and insert:

Section 3. Subsections (3) and (4) of subsection (7) of section 717.117, Florida Statutes, are amended, and paragraph (c) is added to subsection (7) of that section, to read:

717.117 Report of unclaimed property.—

(3) The report must be filed before May 1 of each year. *The* ~~Such~~ report shall apply to the preceding calendar year. The department may impose and collect a penalty of $10 per day up to a maximum of $500 for the failure to timely report or the failure to include in a report information required by this chapter. The penalty shall be remitted to the department within 30 days after the date of the notification to the holder that the penalty is due and owing. As necessary for proper administration of this chapter, the department may waive any penalty due with appropriate justification. On written request by any person required to file a report and upon a showing of good cause, the department may postpone the reporting date. The department must provide information contained in a report filed with the department to any person requesting a copy of the report or information contained in a report, to the extent the information requested is not confidential, within *45* ~~90~~ days after the report has been processed and added to the unclaimed property database subsequent to a determination that the report is accurate and that the reported property is the same as the remitted property.

(4) Holders of inactive accounts having a value of $50 or more shall use due diligence to locate apparent owners. *Not more than 120 days and not less than 60 days prior to filing the report required by this section, the holder in possession of property presumed unclaimed and subject to custody as unclaimed property under this chapter shall send written notice to the apparent owner at the apparent owner's last known address informing the apparent owner that the holder is in possession of property subject to this chapter, if the holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate.*

~~(a) When an owner's account becomes inactive, the holder shall conduct at least one search for the apparent owner using due diligence. For purposes of this section, an account is inactive if 2 years have transpired after the last owner-initiated account activity, if 2 years have transpired after the expiration date on the instrument or contract, or if 2 years have transpired since first-class mail has been returned as undeliverable.~~

~~(b) Within 180 days after an account becomes inactive, the holder shall conduct a search to locate the apparent owner of the property. The holder may satisfy such requirement by conducting one annual search for the owners of all accounts which have become inactive during the prior year.~~

~~(c) Within 30 days after receiving updated address information, the holder shall provide notice by telephone or first-class mail to the current address notifying the apparent owner that the holder is in possession of property which is presumed unclaimed and may be remitted to the department. The notice shall also provide the apparent owner with the address or the telephone number of an office where the apparent owner may claim the property or reestablish the inactive account.~~

~~(d) The account shall be presumed unclaimed if the holder is not able to contact the apparent owner by telephone, the first-class mail notice is returned to the holder as undeliverable, or the apparent owner does not contact the holder in response to the first-class mail notice.~~

(7)

(c) This section does not apply to credit balances, overpayments, refunds, or outstanding checks owed by a health care provider to a managed care payor with whom the health care provider has a managed care contract, provided that the credit balances, overpayments, refunds, or outstanding checks become due and owing pursuant to the managed care contract.

And the title is amended as follows:

On line 11, after the semicolon (;) insert: providing an additional exception to the reporting of unclaimed property;

Pursuant to Rule 4.19, **HB 1527** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **HB 1417** was withdrawn from the Committees on Regulated Industries; and Judiciary.

On motion by Senator Aronberg—

HB 1417—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.013, F.S.; revising requirements to be entitled to take the licensure examination to practice in this state as a surveyor and mapper; amending s. 472.015, F.S.; authorizing certain photogrammetrists to qualify for a license by endorsement; amending s. 472.021, F.S.; revising liability of partnerships and other business entities rendering professional surveying and mapping services; amending s. 472.005, F.S.; providing a definition of "photogrammetrist"; amending s. 472.007, F.S.; conforming a provision to the definition of photogrammetrist; providing an effective date.

—a companion measure, was substituted for **CS for SB 2050** and read the second time by title.

Pursuant to Rule 4.19, **HB 1417** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 1270—A bill to be entitled An act relating to property appraiser assessments; amending s. 193.023, F.S.; providing property appraisers with additional methods for inspecting real property for assessment purposes in addition to physical inspections; reducing the required frequency of physical inspections; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1270** to **HB 499**.

Pending further consideration of **CS for SB 1270** as amended, on motion by Senator Saunders, by two-thirds vote **HB 499** was withdrawn from the Committees on Community Affairs; and Government Efficiency Appropriations.

On motion by Senator Saunders, the rules were waived and—

HB 499—A bill to be entitled An act relating to property appraiser assessments; amending s. 193.023, F.S.; requiring property appraisers to physically inspect property every 5 years for certain purposes; amending s. 193.501, F.S.; revising a definition; providing an effective date.

—a companion measure, was substituted for **CS for SB 1270** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 499** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for CS for CS for SB 442—A bill to be entitled An act relating to building safety; amending s. 215.559, F.S.; requiring that a specified percentage of the funds appropriated under the Hurricane Loss Mitigation Program be used for education concerning the Florida Building Code and for the operation of the disaster contractors network; requiring the Department of Community Affairs to contract with a nonprofit tax-exempt entity for training, development, and coordination; amending s. 400.23, F.S.; providing that residents of nursing homes may move their beds under certain circumstances; requiring the nursing homes to notify the Agency for Heath Care Administration; amending s. 468.621, F.S.; providing additional grounds for which disciplinary actions may be taken against building code enforcement officials; amending ss. 471.033 and 481.225, F.S.; providing criminal penalties for performing building inspections under certain circumstances; amending s. 489.537, F.S.; providing that certain alarm system contractors and electrical contractors may not be required by a municipality or county to obtain additional certification or meet additional licensure requirements; amending s. 553.73, F.S.; specifying certain codes from the International Code Congress and the International Code Council as foundation codes for the updated Florida Building Code; providing requirements for amendments to the foundation codes; providing for the incorporation of certain statements, decisions, and amendments into the Florida Building Code; providing a timeframe for rule updates to the Florida Building Code to become effective; adding a requirement for technical amendments to the Florida Building Code; providing requirements for the Florida Building Commission in reviewing code amendments; providing an exception; incorporating by reference certain standards for unvented conditioned attic assemblies; amending s. 553.77, F.S.; revising duties of the Florida Building Commission; authorizing local building departments or other entities to approve changes to an approved building plan; providing that a member shall abstain from voting under certain circumstances; deleting requirements that the commission hear certain appeals and issue declaratory statements; creating s. 553.775, F.S.; providing legislative intent with respect to the interpretation of the Florida Building Code; providing for the commission to resolve disputes regarding interpretations of the code; requiring the commission to review decisions of local building officials and local enforcement agencies; providing for publication of an interpretation on the Building Code Information System and in the Florida Administrative Weekly; authorizing the commission to adopt a fee; amending s. 553.79, F.S.; exempting truss-placement plans from certain requirements; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; providing a definition; authorizing performance audits by local building code enforcement agencies of private providers; specifying conditions for proceeding with building work; amending s. 553.80, F.S.; providing that certain buildings are exempt from the building code; providing that universities and colleges may create a board of adjustment; authorizing local governments to impose certain fees for code enforcement; providing requirements and limitations; conforming a cross-reference; requiring the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; exempting certain buildings of the Department of Agriculture and Consumer Services from local permitting requirements, review, or fees; amending s. 120.80, F.S.; authorizing the Florida Building Commission to conduct proceedings to review decisions of local officials; amending s. 553.841, F.S.; revising provisions governing the Building Code Training Program; creating the Building Code Education and Outreach Council to coordinate, develop, and ensure enforcement of the Florida Building Code; providing for membership, terms of office, and meetings; providing duties of the council; providing for administrative support for the council; requiring the council to develop a core curriculum and equivalency test for specified licensees; providing for the use of funds by the council; repealing s. 553.8413, F.S., relating to the Education Technical Advisory Committee; amending s. 553.842, F.S.; providing for products to be approved for statewide use; deleting an obsolete date; deleting a provision requiring the commission to adopt certain criteria for local program verification and validation by rule; adding an evaluation entity to the list of entities specifically approved by the commission; deleting a requirement that the commission establish a schedule for adopting rules relating to product approvals under certain circumstances; authorizing the commission to adopt rules relating to material standards; amending s. 633.025, F.S.; providing that local governments may adopt fire sprinkler requirements under certain circumstances; creating s. 633.026, F.S.; requiring that the State Fire Marshal establish by rule a process for rendering nonbinding interpretations of the Florida Fire Prevention Code; authorizing the State Fire Marshal to enter into contracts and refer interpretations to a nonprofit organization; providing for the interpretations to be advisory; providing for establishing a fee by department rule; providing requirements for local product approval of products or systems of construction; specifying methods for demonstrating compliance with the structural windload requirements of the Florida Building Code; providing for certification to be issued by a professional engineer or registered architect; providing for audits under a quality assurance program and other types of certification; providing that changes to the Florida Building Code do not void the approval of previously installed products; providing for guidelines for the mitigation grant program; amending s. 633.021, F.S.; redefining terms used in ch. 633, F.S.; amending s. 633.0215, F.S.; revising provisions relating to the construction of townhouse stairs; amending s. 633.071, F.S.; requiring inspection tags to be attached to all fire protection systems; providing for the standardization of inspection tags and reports; amending s. 633.082, F.S.; requiring fire protection systems to be inspected in accordance with nationally accepted standards; amending s. 633.521, F.S.; establishing a permit classification for individuals who inspect fire protection systems; amending s. 633.524, F.S.; establishing fees for various classes of permits; amending s. 633.537, F.S.; establishing continuing education requirements; amending s. 633.539, F.S.; requiring fire protection systems to be inspected, serviced, or maintained by a permitholder; establishing the scope of work criteria; amending s. 633.547, F.S.; providing for disciplinary action; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless the person who performs those acts has certain qualifications or is exempt under s. 489.503, F.S.; amending s. 1013.372, F.S.; providing that counties pay costs of making new education facilities

ready for emergencies; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; providing an appropriation; providing that the Department of Environmental Protection retains exclusive authority to review and approve boat docking facility permits; providing for incorporation in the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; requiring the Florida Building Commission to make recommendations to the Legislature; providing an effective date for the Florida Building Code; repealing s. 553.851, F.S., relating to the protection of underground gas pipelines; providing that a local government must act upon certain permit applications within a specified time or the permits are automatically deemed approved; providing for an extension; providing procedures for disaster recovery mitigation companies; requiring the Florida Building Commission to amend certain provisions of the Florida Building Code relating to mezzanine size and use; requiring the Florida Building Commission to convene a workgroup to study the recommendation for a single validation entity; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (145694)(with title amendment)—On page 8, line 3 through page 10, line 5, delete those lines and insert:

Section 1. Paragraph (a) of subsection (2) and subsections (3) and (4) of section 215.559, Florida Statutes, are amended, present subsection (7) of that section is redesignated as subsection (8) and amended, present subsections (5) and (6) of that section are redesignated as subsections (6) and (7), respectively, and a new subsection (5) is added to that section, to read:

215.559 Hurricane Loss Mitigation Program.—

(2)(a) Seven million dollars in funds provided in subsection (1) shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; *educating persons concerning the Florida Building Code* cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(3) Forty percent of the total appropriation in paragraph (2)(a) shall be used to inspect and improve tie-downs for mobile homes. Within 30 days after the effective date of that appropriation, the department shall contract with a public higher educational institution in this state which has previous experience in administering the programs set forth in this subsection to serve as the administrative entity and fiscal agent pursuant to s. 216.346 for the purpose of administering the programs set forth in this subsection in accordance with established policy and procedures. The administrative entity working with the advisory council set up under subsection (5) shall develop a list of mobile home parks and counties that may be eligible to participate in the tie-down program.

(4) Of moneys provided to the Department of Community Affairs in paragraph (2)(a), 10 percent shall be allocated to a Type I Center within the State University System dedicated to hurricane research. The Type I Center shall develop a preliminary work plan approved by the advisory council set forth in subsection *(6)* ~~(5)~~ to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the Department of Community Affairs and assist the department with the report required under subsection *(8)* ~~(7)~~.

(5) An amount equal to fifteen percent of the total appropriation in paragraph (2)(a) shall be used for education awareness concerning the Florida Building Code and the operation of the disaster contractors network. Not more than 30 days after the effective date of each subsequent appropriation, the Department of Community Affairs shall contract with a nonprofit tax-exempt entity having prior contracting experience with building code training, development, and coordination and whose membership is representative of all of the statewide construction and design licensee associations. The entity shall allocate 20 percent of these resources to the disaster contractors network for the education of the construction industry and hurricane response if needed to coordinate the industry in the event of a natural disaster. The entity shall allocate 20 percent of these resources to the largest residential construction trade show in the state for the education of the residential construction industry on building code and mitigation issues. The remaining resources shall be used by the entity for outreach building code activities after consultation with the building code program under the Florida Building Commission as provided for in s. 553.841.

(8)~~(7)~~ On January 1st of each year, the Department of Community Affairs shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate. *Upon completion of the report, the Department of Community Affairs shall deliver the report to the Office of Insurance Regulation. The Office of Insurance Regulation shall review the report and shall make such recommendations available to the insurance industry as the Office of Insurance Regulation deems appropriate. These recommendations may be used by insurers for potential discounts or rebates pursuant to s. 627.0629. The Office of Insurance Regulation shall make the recommendations within 1 year after receiving the report.*

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: providing that the Office of Insurance Regulation make recommendations to the insurance industry based on a report regarding the Hurricane Loss Mitigation Program by the Department of Community Affairs;

Senator Bennett moved the following amendments which were adopted:

Amendment 2 (042462)(with title amendment)—On page 58, delete line 14 and insert: *assemblies must be inspected once every 3 years.*

Amendment 3 (841806)(with title amendment)—On page 77, lines 21-27, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 6, lines 29-31, delete those lines and insert: 489.503, F.S.;

Amendment 4 (045452)(with title amendment)—On page 78, lines 9-16, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 7, lines 6-9, delete those lines and insert: appropriation; providing for incorporation

Amendment 5 (793938)(with title amendment)—On page 79, line 17, after the period (.) insert: *After July 1, 2005, a design professional who has been preparing construction documents for a project in anticipation of the Florida Building Code, 2004 edition, as adopted pursuant to Rule 9B-3.047, Florida Administrative Code, and adoption proceedings before the commission may choose to have such project governed by the 2004 edition of the Florida Building Code.*

And the title is amended as follows:

On page 7, line 16, after the first semicolon (;) insert: granting certain design professionals the choice of having certain projects governed under the 2004 edition of the code;

Amendment 6 (194844)(with title amendment)—On page 80, between lines 28 and 29, insert:

Section 47. *The Florida Building Commission shall modify Table 1014.1 of the Florida Building Code, 2004 edition, to include R2 and R3 occupancies in the maximum occupancy load of 50, and convert R occupancy to R1 and R4 occupancies in the maximum occupancy load of 10. The commission shall also amend Section 1014.1.2 of the Florida Building Code, 2004 edition, to add Exception 3, to read: "In R1 and R2 occupancies, the distance between exits stipulated by Section 1004.1.4 is not applicable to common nonlooped exit access corridors in a building that has corridor doors from the guest room or guest suite or dwelling unit which are arranged so that the exits are located in opposite directions from such doors.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 29, after the semicolon (;) insert: requiring the Florida Building Commission to amend certain provisions of the Florida Building Code relating to fire safety in certain occupancies or exit doors of certain occupancies;

Senator Alexander offered the following amendment which was moved by Senator Bennett and adopted:

Amendment 7 (403624)(with title amendment)—On page 80, between lines 28 and 29, insert:

Section 47. *(1) There is created the Manufactured Housing Regulatory Study Commission. The study commission shall be composed of 11 members who shall be appointed as follows:*

(a) Four members appointed by the Florida Manufactured Housing Association, one member representing publicly owned manufacturers of manufactured housing, one member representing privately owned manufacturers of manufactured housing, and two members who are retail sellers of manufactured housing, one of whom must also sell residential manufactured buildings approved by the Department of Community Affairs.

(b) Two members from the Senate, appointed by the President of the Senate.

(c) Two members from the House of Representatives, appointed by the Speaker of the House of Representatives.

(d) The secretary of the Department of Community Affairs or the secretary's designee.

(e) The executive director of the Department of Highway Safety and Motor Vehicles or the director's designee.

(f) The commissioner of the Department of Agriculture and Consumer Services or the commissioner's designee.

The commission members representing the departments of Community Affairs, Highway Safety and Motor Vehicles, and Agriculture and Consumer Services shall serve as ex officio, nonvoting members of the study commission.

(2) The study commission shall review the programs regulating manufactured and mobile homes which are currently located at the Department of Highway Safety and Motor Vehicles and must include a review of the following programs and activities:

(a) The federal construction and inspection programs.

(b) The installation program, including the regulation and inspection functions.

(c) The Mobile Home and RV Protection Trust Fund.

(d) The licensing of manufacturers, retailers, and installers of manufactured and mobile homes.

(e) The titling of manufactured and mobile homes.

(f) Dispute resolution.

During the course of the study, the study commission must review the sources funding the programs to determine if the manufactured and mobile home programs are or can be self-sustaining. The study commission shall also consider the impact that changes in regulation may have on the industry and its consumers.

(3) The study commission shall be administratively supported by the staff of the transportation committees of the Senate and the House of Representatives.

(4)(a) The study commission must hold its initial meeting no later than August 15, 2005, in Tallahassee. Staff to the commission shall schedule and organize the initial meeting. Subsequent meetings of the study commission must be held in Tallahassee according to a schedule developed by the chair.

(b) At the initial meeting, the study commission shall elect a chair from one of the elected official members.

(5) The study commission must submit a final report setting forth its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1, 2006.

(6) Members of the study commission shall serve without compensation, but are entitled to be reimbursed for per diem and travel expenses under section 112.061, Florida Statutes.

(7) The study commission terminates after submitting its final report but not later than February 15, 2006.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 29, after the semicolon (;) insert: creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature;

Senator Bennett moved the following amendment:

Amendment 8 (504304)(with title amendment)—On page 80, between lines 28 and 29, insert:

Section 47. Section 791.012, Florida Statutes, is amended to read:

791.012 Minimum *building standards and* fireworks safety standards.—The outdoor display of fireworks in this state *is* ~~shall be~~ governed by the National Fire Protection Association (NFPA) 1123, Code for Fireworks Display, 1995 Edition, approved by the American National Standards Institute. Any state, county, or municipal law, rule, or ordinance may provide for more stringent regulations for the outdoor display of fireworks, but in no event may any such law, rule, or ordinance provide for less stringent regulations for the outdoor display of fireworks. *Each sales facility exclusively dedicated to the retail sale of consumer fireworks, consumer fireworks sales area in a bulk merchandising retail building, and temporary location for the sale of consumer fireworks must be in accordance with NFPA 1124, 2003 Edition, Chapter 7, and the Fire Prevention Code, 2004 Edition.* The division shall *adopt* ~~promulgate~~ rules to carry out ~~the provisions of~~ this section. The Code for Fireworks Display *does* ~~shall~~ not govern the display of any fireworks on private, residential property and *does* ~~shall~~ not govern the display of those items included under s. 791.01(4)(b) and (c) and authorized for sale thereunder. *In order to ensure uniform safety standards for consumer fireworks and sparklers, and excepting federal law, the legislature has the exclusive power to regulate the sale, use, safety standards, and possession of consumer fireworks and sparklers in this state and a county, municipality, or other unit of local government may not enact an ordinance, rule, regulation, or other law after March 8, 2005, which prohibits or interferes with the safety standards established by state law or the right to purchase, sell, use, or possess consumer fireworks and sparklers in this state; however, this preemption is repealed on July 1, 2006, if legislation to provide for the comprehensive regulation for the sale, possession, storage, display, and safe use of consumer fireworks and sparklers is enacted.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 29, after the semicolon (;) insert: amending s. 791.012, F.S.; establishing fire safety standards for certain sales of consumer fireworks; preempting a county, municipality, or other local government entity from regulating the sale, use, safety standards, or possession of consumer fireworks; repealing the preemption under certain conditions relating to enactment of comprehensive consumer fireworks legislation;

POINT OF ORDER

Senator Lawson raised a point of order that pursuant to Rule 7.1 **Amendment 8** was not germane to the bill.

The President referred the point of order and the amendment to Senator Pruitt, Chair of the Committee on Rules and Calendar.

Senator Bennett moved the following amendment which was adopted:

Amendment 9 (801060)(with title amendment)—On page 80, delete line 29 and insert:

Section 47. This act shall take effect July 1, 2005, except for section 1 of this act, which shall take effect July 1, 2006.

And the title is amended as follows:

On page 7, lines 29 and 30, delete those lines and insert: single validation entity; providing effective dates.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Haridopolos offered the following amendment which was moved by Senator Bennett and adopted:

Amendment 10 (464390)(with title amendment)—On page 80, between lines 28 and 29, insert:

Section 47. Section 514.075, Florida Statutes, is amended to read:

514.075 Public pool service technician; certification.—The department *shall* ~~may~~ require that a public pool, as defined in s. 514.011, be serviced by a person certified as a pool service technician. To be certified, an individual must demonstrate knowledge of public pools which includes, but is not limited to: pool cleaning; general pool maintenance; source of the water supply; bacteriological, chemical, and physical quality of water; and water purification, testing, treatment, and disinfection procedures. The department *shall* ~~may~~, by rule, establish the requirement for the certification course and course approval. The department shall deem certified any individual who is certified by a course of national recognition or any person licensed under s. 489.105(3)(j), (k), or (l). ~~This requirement does not apply to a person, or the direct employee of a person, permitted as a public pool operator under s. 514.031.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 29, after the semicolon (;) insert: amending s. 514.075, F.S.; deleting an exemption from service requirements for certain public pool operators; requiring the adoption of rules; requiring a public pool to be serviced by a certified pool service technician;

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 11 (440444)(with title amendment)—On page 80, between lines 28 and 29, insert:

Section 47. *Modification 569 to the Florida Building Code which was approved by the Florida Building Commission on October 14, 2003, is removed and the provisions from the International Building Code 2003, Section 2304.7(3), are restored to the base code until the base code is revised. Modification 570 to the Florida Building Code which was approved by the Florida Building Commission on October 14, 2003, is removed and the provisions from the International Building Code 2003, Section 2304.7(5), are restored to the base code until the base code is revised.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 29, after the semicolon (;) insert: removing specified provisions from the Florida Building Code; restoring specified provisions that had been removed from the base code; providing for continuation of the restored provisions until the base code is revised;

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment which was adopted:

Amendment 12 (113728)(with title amendment)—On page 76, between lines 14 and 15, insert:

Section 34. *The Florida Building Commission shall consider how to address the issue of water intrusion and root-covering-attachment weaknesses experienced in recent hurricanes. Section 553.73, Florida Statutes, notwithstanding, the commission may adopt amendments to the Florida Building Code, 2004 edition, to incorporate consensus-based provisions addressing water intrusion and roof-covering attachment, subject only to the rule-adoption procedures in chapter 120, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 29, after the first semicolon (;) insert: providing for the Florida Building Commission to adopt amendments to the Florida Building Code relating to water intrusion and roof-covering attachment;

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 13 (350392)(with title amendment)—On page 79, line 26 through page 80, line 6, delete those lines and insert:

Section 44. Present subsection (19) of section 489.103, Florida Statutes, is amended and redesignated as subsection (20), and new subsections (19) and (21) are added to that section, to read:

489.103 Exemptions.—This part does not apply to:

(19) A disaster recovery mitigation organization or a not-for-profit organization repairing or replacing a one-family, two-family, or three-family residence that has been impacted by a disaster when such organization:

(a) Is using volunteer labor to assist the owner of such residence in mitigating unsafe living conditions at the residence;

(b) Is not holding itself out to be a contractor;

(c) Obtains all required building permits;

(d) Obtains all required building code inspections; and

(e) Provides for the supervision of all work by an individual with construction experience.

(20)~~(19)~~ The sale, delivery, assembly, or tie-down of prefabricated portable sheds that are not more than 250 square feet in interior size and are not intended for use as a residence or as living quarters. This exemption may not be construed to interfere with the Florida Building Code or any applicable local technical amendment to the Florida Building Code, local licensure requirements, or other local ordinance provisions.

(21) The sale, delivery, assembly, or tie-down of lawn storage buildings and storage buildings not exceeding 400 square feet and bearing the insignia of approval from the Department of Community Affairs showing compliance with the Florida Building Code.

And the title is amended as follows:

On page 7, lines 18-23, delete those lines and insert: amending s. 489.103, F.S.; exempting a disaster recovery organization or a not-for-profit organization assisting with post-disaster repair or replacement of certain residential structures from part I of ch. 489, F.S., relating to regulation of contractors, under certain circumstances; providing that certain storage buildings whose sale, delivery, assembly, or tie-down are exempt from such part; requiring the

RULING ON POINT OF ORDER

On recommendation of Senator Pruitt, Chair of the Committee on Rules and Calendar, the President ruled the point well taken and the amendment out of order.

Pursuant to Rule 4.19, **CS for CS for CS for CS for SB 442** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

SB 1250—A bill to be entitled An act relating to independent postsecondary education; amending s. 1005.22, F.S.; revising a duty of the Commission for Independent Education relating to rulemaking; amending s. 1005.31, F.S.; providing requirements of independent postsecondary educational institutions licensed by the commission; providing requirements for an investigative process for licensure of applicants; revising provisions relating to applicant status; providing for inspections; creating s. 1005.375, F.S.; specifying acts that constitute violations and providing penalties therefor; amending s. 1005.38, F.S.; providing requirements for investigation of a suspected violation of the chapter or rules; providing for denial of licensure; providing additional grounds for disciplinary actions; providing for a final order to dismiss a complaint or impose specified penalties; providing for imposition of an assessment relating to investigation and prosecution of a case; providing for an emergency suspension or restriction order; creating s. 1005.385, F.S.; requiring the commission to adopt rules relating to issuance of a citation to an institution and violations for which a citation may be issued; specifying requirements for issuance; amending s. 1010.83, F.S.; providing for the inclusion in the Institutional Assessment Trust Fund of fees and fines imposed on institutions; specifying separate accounts; revising uses of funds in the trust fund; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1250** to **HB 1089**.

Pending further consideration of **SB 1250** as amended, on motion by Senator Wise, by two-thirds vote **HB 1089** was withdrawn from the Committees on Education; Criminal Justice; and Education Appropriations.

On motion by Senator Wise—

HB 1089—A bill to be entitled An act relating to independent postsecondary education; amending s. 1005.31, F.S.; providing requirements of independent postsecondary educational institutions licensed by the Commission for Independent Education; providing requirements for an investigative process for licensure of applicants; revising provisions relating to applicant status; providing for inspections; creating s. 1005.375, F.S.; specifying acts that constitute violations and providing penalties therefor; amending s. 1005.38, F.S.; providing requirements for investigation of a suspected violation of the chapter or rules; providing additional grounds for disciplinary actions; providing for a final order to dismiss a complaint or impose specified penalties; providing for imposition and collection of an assessment relating to investigation and prosecution of a case; providing for an emergency suspension or restriction order; creating s. 1005.385, F.S.; requiring the commission to adopt rules relating to issuance of a citation to an institution and violations for which a citation may be issued; specifying requirements for issuance; amending s. 1010.83, F.S.; providing for the inclusion in the Institutional Assessment Trust Fund of fees and fines imposed on institutions; specifying separate accounts; revising uses of funds in the trust fund; providing an effective date.

—a companion measure, was substituted for **SB 1250** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1089** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise, by two-thirds vote **HB 1091** was withdrawn from the Committees on Education; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Wise—

HB 1091—A bill to be entitled An act relating to public records and public meetings exemptions for investigations by the Commission for Independent Education; amending s. 1005.38, F.S.; creating an exemption from public records requirements for investigatory records, including minutes and findings of an exempt probable cause panel meeting, relating to suspected violations of ch. 1005, F.S., or commission rules; creating an exemption from public meetings requirements for certain portions of meetings of a probable cause panel; providing for limited duration of the exemptions; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 1272** and read the second time by title.

Pursuant to Rule 4.19, **HB 1091** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 108—A bill to be entitled An act relating to fire prevention and control; creating s. 633.115, F.S.; creating the Fire and Emergency Incident Information Program in the Division of State Fire Marshal of the Department of Financial Services; providing powers and duties of the program; providing for the adoption of rules; creating a Fire and Emergency Incident Information System Technical Advisory Panel in the division; providing for membership and duties; providing a definition; amending s. 633.171, F.S.; establishing penalties for the unauthorized use of fireworks or pyrotechnic devices in a structure; providing that the penalties do not apply to the manufacture, distribution, or sale of fireworks; amending s. 633.821, F.S.; authorizing the Division of State Fire Marshal to adopt additional national fire standards to ensure safe working conditions for firefighters; directing the division to adopt rules for live fire training and for a training and certification process for live-fire-training instructors; providing the contents of the training rules; requiring the live-fire-training rules to take effect by a specified date; requiring each live-fire-training instructor to be state-certified; directing that all live fire training commenced on and after a certain date, be conducted by a certified live-fire-training instructor; providing an exception; amending s. 932.7055, F.S.; providing that proceeds from the sale of forfeited property seized by the Division of State Fire Marshal in the Department of Financial Services under the Florida Contraband Forfeiture Act be deposited into the Insurance Regulatory Trust Fund and used for specified purposes; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and an amendment was considered and adopted to conform **CS for SB 108** to **HB 69**.

Pending further consideration of **CS for SB 108** as amended, on motion by Senator Constantine, by two-thirds vote **HB 69** was withdrawn from the Committees on Banking and Insurance; Criminal Justice; and General Government Appropriations.

On motion by Senator Constantine—

HB 69—A bill to be entitled An act relating to fire prevention and control; providing a popular name; creating s. 633.115, F.S.; creating the Fire and Emergency Incident Information Reporting Program within the Division of State Fire Marshal; providing program requirements; providing duties of the division relating to the program; creating the Fire and Emergency Incident Information System Technical Advisory Panel within the division; providing for membership and duties of the panel; requiring the division to adopt certain rules; amending s. 633.171, F.S.; providing definitions; providing criminal penalties for initiating a pyrotechnic display in certain structures under certain circumstances; providing exceptions; providing construction; providing application; amending s. 633.821, F.S.; providing additional criteria for certain rules of the Division of State Fire Marshal; requiring the division to adopt rules relating to live fire training; providing requirements; providing for such rules to take effect; requiring state certification as an instructor for certain training after a certain date; providing an exception from application to certain wildland or prescribed live-fire training exercises; amending s. 932.7055, F.S.; providing that proceeds from the sale of certain forfeited property be deposited into the Insurance Regulatory Trust Fund and used for specified purposes; providing an effective date.

—a companion measure, was substituted for **CS for SB 108** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 69** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bullard—

CS for SB 2432—A bill to be entitled An act relating to cardrooms; amending s. 849.086, F.S.; revising definitions to include dominoes as an authorized game and to allow games other than card games to be played in cardrooms; authorizing rulemaking relating to poker and dominoes by the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation; providing for supervision of dominoes games at a cardroom; limiting wagering related to authorized games; providing an effective date.

—was read the second time by title.

Senator Bullard moved the following amendment which was adopted:

Amendment 1 (154240)—On page 1, line 16 through page 2, line 10, delete those lines and insert:

Section 1. Paragraphs (a), (c), and (e) of subsection (2), paragraph (a) of subsection (4), paragraph (a) of subsection (6), paragraph (c) of subsection (7), and paragraph (a) of subsection (8) of section 849.086, Florida Statutes, are amended, and present paragraphs (h), (i), (j), and (k) of subsection (2) of that section are redesignated as paragraphs (i), (j), (k), and (l), respectively, and a new paragraph (h) is added to that subsection, to read:

849.086 Cardrooms authorized.—

(2) DEFINITIONS.—As used in this section:

(a) "Authorized game" means a game or series of games of poker *or dominoes* which are played in a nonbanking manner.

(c) "Cardroom" means a facility where authorized ~~card~~ games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility. Authorized games and cardrooms do not constitute casino gaming operations.

(e) "Cardroom distributor" means any business that distributes cardroom paraphernalia such as card tables, betting chips, chip holders, *dominoes, dominoes tables,* drop boxes, banking supplies, playing cards, card shufflers, and other associated equipment to authorized cardrooms.

(h) "Dominoes" means a game of dominoes typically played with a set of 28 flat rectangular blocks, called bones, marked on one side, which is divided into two equal parts, with from zero to six dots, called pips, in each part. There are larger sets of blocks which contain a correspondingly higher number of pips. The term "dominoes" also refers to the set of blocks used to play the game.

(4) AUTHORITY OF DIVISION.—The Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation shall administer this section and regulate the operation of cardrooms under this section and the rules adopted pursuant thereto, and is hereby authorized to:

(a) Adopt rules, including, but not limited to: the issuance of cardroom and employee licenses for cardroom operations; the operation of a cardroom; *the review and approval of the play and wagering in a game or series of games of poker or a game of dominoes;* recordkeeping and reporting requirements; and the collection of all fees and taxes imposed by this section.

(6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED; APPLICATION; FEES.—

(a) A person employed or otherwise working in a cardroom as a cardroom manager, floor supervisor, pit boss, dealer, or any other activity related to cardroom operations while the facility is conducting card playing *or games of dominoes* must hold a valid cardroom employee occupational license issued by the division. Food service, maintenance, and security employees with a current pari-mutuel occupational license and a current background check will not be required to have a cardroom employee occupational license.

Senator Siplin moved the following amendment which was adopted:

Amendment 2 (311392)(with title amendment)—On page 3, between lines 4 and 5, insert:

Section 2. Paragraph (a) of subsection (1) of section 849.161, Florida Statutes, is amended to read:

849.161 Amusement games or machines; when chapter inapplicable.—

(1)(a)1. Nothing contained in this chapter shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin *or other currency* and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: amending s. 849.161, F.S.; providing that the chapter does not apply to amusement games or machines which operate by the insertion of a coin or other currency;

Pursuant to Rule 4.19, **CS for SB 2432** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 360** was deferred.

On motion by Senator Dockery—

CS for CS for CS for SB 444—A bill to be entitled An act relating to the development of water supplies; amending s. 373.019, F.S.; defining the terms "alternative water supply," "capital costs," and "multijurisdictional water supply entities"; amending s. 373.196, F.S.; encouraging cooperation in the development of water supplies; providing for alternative water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management district in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; amending s. 373.1961, F.S.; providing general powers and duties of the water management districts in water production; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; creating a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the total capital costs of an approved project; establishing a selection process and criteria; providing for cost recovery from the Public Service Commission; amending s. 373.1962, F.S.; clarifying that counties, municipalities, and special districts may execute interlocal agreements to create regional water supply authorities; amending s. 373.223, F.S.; establishing criteria for certain water supply entities to be presumed to have a use consistent with the public interest for requirements for consumptive use permitting; amending s. 373.236, F.S.; providing permits of at least 20 years for development of alternative water supplies under certain conditions; amending s. 373.459, F.S.; requiring that entities receiving state funding for implementation of surface water improvement and management projects provide a 50-percent match of cash or in-kind services; amending s. 373.0361, F.S.; providing for the development of regional water supply plans; providing requirements for the content of each plan; providing for an approval process for the plans; providing for annual updates; provid-

ing for local government use of the plans; providing notification requirements for water management districts concerning findings within the plan; requiring identified entities to select alternative water supply projects and provide periodic status reports; changing the deadline for certain plan updates; amending s. 163.3177, F.S.; requiring a local government to incorporate alternative water supply projects into the comprehensive plan; requiring local governments to identify specific projects needed; providing for cooperative planning; amending s. 163.3180, F.S.; requiring adequate water supplies to serve new development; amending s. 163.3191, F.S.; requiring the evaluation and appraisal report to evaluate the degree to which the local government has implemented the work plan for regional water supply facilities, including development of alternative water supplies necessary to serve existing and new development; amending s. 403.067, F.S.; providing that initial allocation of allowable pollutant loads between point and nonpoint sources may be developed as part of a total maximum daily load; establishing criteria for establishing initial and detailed allocations to attain pollutant reductions; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads that establish incremental total maximum daily loads under certain conditions; requiring the development of basin management action plans; requiring that basin management action plans integrate the appropriate management strategies to achieve the total maximum daily loads; requiring that the plans establish a schedule for implementing management strategies; requiring that a basin management action plan equitably allocate pollutant reductions to individual basins or to each identified point source or category of nonpoint sources; authorizing that plans may provide pollutant load reduction credits to dischargers that have implemented strategies to reduce pollutant loads prior to the development of the basin management action plan; requiring that the plan identify mechanisms by which potential future sources of pollution will be addressed; requiring that the department assure key stakeholder participation in the basin management action planning process; requiring that the department hold at least one public meeting to discuss and receive comments during the planning process; providing notice requirements; requiring that the department adopt all or part of a basin management action plan by secretarial order pursuant to ch. 120, F.S.; requiring that basin management action plans that alter that calculation or initial allocation of a total maximum daily load, the revised calculation, or initial allocation must be adopted by rule; requiring periodic evaluation of basin management action plans; requiring that revisions to plans be made by the department in cooperation with stakeholders; providing for basin plan revisions regarding nonpoint pollutant sources; requiring that adopted basin management action plans be included in subsequent NPDES permits or permit modifications; providing that implementation of a total maximum daily load or basin management action plan for holders of an NPDES municipal separate stormwater sewer system permit may be achieved through the use of best management practices; providing that basin management action plans do not relieve a discharger from the requirement to obtain, renew, or modify an NPDES permit or to abide by other requirements of the permit; requiring that plan management strategies be completed pursuant to the schedule set forth in the basin management action plan and providing that the implementation schedule may extend beyond the term of an NPDES permit; providing that management strategies and pollution reduction requirements in a basin management action plan for a specific pollutant of concern are not subject to a challenge under ch. 120, F.S., at the time they are incorporated, in identical form, into a subsequent NPDES permit or permit modification; requiring timely adoption and implementation of pollutant reduction actions for nonagricultural pollutant sources not subject to NPDES permitting but regulated pursuant to other state, regional, or local regulatory programs; requiring timely implementation of best management practices for nonpoint pollutant source dischargers not subject to permitting at the time a basin management action plan is adopted; providing for presumption of compliance under certain circumstances; providing for enforcement action by the department or a water management district; requiring that a landowner, discharger, or other responsible person that is implementing management strategies specified in an adopted basin management action plan will not be required by permit, enforcement action, or otherwise to implement additional management strategies to reduce pollutant loads; providing that the authority of the department to amend a basin management plan is not limited; requiring that the department verify at representative sites the effectiveness of interim measures, best management practices, and other measures adopted by rule; requiring that the department use its best professional judgment in making initial verifications that best management practices are not effective; requiring notice to the appropriate water management district and the Department of Agriculture and Consumer Services under certain conditions; establishing a presumption of compliance for implementation of practices initially verified to be effective or verified to be effective at representative sites; limiting the institution of proceedings by the department against the owner of a source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants; requiring the Department of Agriculture and Consumer Services to institute a reevaluation of best management practices or other measures where water quality problems are detected or predicted during the development or amendment of a basin management action plan; providing for rule revisions; providing the department with rulemaking authority; requiring that a report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing recommendations on rules for pollutant trading prior to the adoption of those rules; requiring that recommendations be developed in cooperation with a technical advisory committee containing experts in pollutant trading and representatives of potentially affected parties; deleting a requirement that no pollutant trading program shall become effective prior to review and ratification by the Legislature; amending ss. 373.4595 and 570.085, F.S.; correcting cross-references; amending s. 403.885, F.S.; revising requirements relating to the department's grant program for water quality improvement and water restoration project grants; eliminating grants for water quality improvement, water management, and drinking water projects; authorizing grants for wastewater management; creating additional criteria for funding storm water grants; requiring local matching funds; providing an exception from matching fund requirements for financially disadvantaged small local governments; creating s. 403.890, F.S.; establishing the Water Protection and Sustainability Program; establishing a funding formula for the distribution of revenues; providing for legislative review; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendment which was adopted:

Amendment 1 (425336)—On page 15, line 23, delete "*resource*" and insert: *supply*

Senator Dockery moved the following amendment:

Amendment 2 (680240)—On page 17, line 30 through page 18 line 4, delete those lines and insert: *equivalent of 100 percent of the state funding provided to the water management district for alternative water supply development. If this goal is not achieved, the water management district shall provide in the budget submittal an explanation of the reasons or constraints that prevent this goal from being met. The Suwannee River Water Management District and the Northwest Florida Water Management District shall not be required to meet the match requirements of this paragraph; however, they shall try to achieve the match requirement to the greatest extent practicable.*

MOTION

On motion by Senator Dockery, the rules were waived to allow the following amendment to be considered:

Senator Dockery moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (145540)—On page 1, delete line 23 and insert: *goal from being met, an explanation of how the goal will be met in future years, and affirmation of match is required during the budget review process as established under s. 373.536(5). The Suwannee River Water Management*

Amendment 2 as amended was adopted.

Senator Dockery moved the following amendments which were adopted:

Amendment 3 (281748)—On page 24, line 14, after the period (.) insert: *The water management districts or basin boards, may at their discretion, use ad valorem or federal revenues to assist a project applicant in meeting the requirements of this paragraph.*

Amendment 4 (100508)—On page 45, line 6, after the period (.) insert: *If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan.*

MOTION

On motion by Senator Dockery, the rules were waived to allow the following amendments to be considered:

Senator Dockery moved the following amendments which were adopted:

Amendment 5 (122522)—On page 16, lines 24-26, delete those lines and insert: *maintenance of alternative water supply development projects;*

Amendment 6 (470816)—On page 45, delete line 4 and insert: *government under s. 373.0361(7)(b)* ~~consider the appropriate~~

Amendment 7 (561504)(with title amendment)—On page 32, between lines 5 and 6, insert:

Section 4. *Paragraph (c) of subsection (4) of section 373.0831, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, delete line 10 and insert: Service Commission; repealing paragraph (c) of subsection (4) of s. 373.0831, F.S.; relating to certain alternative water supply development projects; amending s. 373.1962, F.S.;

Amendment 8 (504188)—On page 23, delete line 10 and insert: *district for the purpose of alternative water supply development*

Amendment 9 (721838)—On page 27, delete line 14 and insert: *assistance from the state or a water management district for an*

Amendment 10 (975974)—On page 45, delete line 7 and insert: *such alternative water supply projects and traditional water*

Amendment 11 (784392)—On page 36, delete line 21 and insert: *reasonable-beneficial uses and related natural systems. During the*

Amendment 12 (650492)—On page 45, lines 11 and 12, delete those lines and insert: covering at least a 10 year planning period, for building *public, private, and*

Amendment 13 (064548)—On page 46, delete line 9 and insert: *consult with the applicable water supplier to determine whether adequate water*

Amendment 14 (550542)—On page 78, lines 1-11, delete those lines and insert: *the total maximum daily load program under s. 403.067, suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of capital projects, best management practices, and other measures.*

Pursuant to Rule 4.19, **CS for CS for CS for SB 444** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for CS for SB 332—A bill to be entitled An act relating to trust funds; creating s. 403.891, F.S.; creating the Water Protection and Sustainability Trust Fund within the Department of Environmental Protection; providing for sources of funds and purposes; providing for an annual carryforward of funds; providing for future legislative review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 332** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 2498—A bill to be entitled An act relating to warranty associations; amending s. 634.271, F.S.; providing an exemption from penalty provisions for certain service warranties; providing actual damages and costs for violations for which such statutory penalties do not apply; providing retroactive applicability; amending s. 634.401, F.S.; redefining the term "service warranty"; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2498** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith, by two-thirds vote **HB 319** was withdrawn from the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

On motion by Senator Smith—

HB 319—A bill to be entitled An act relating to the Freedom to Worship Safely Act; providing a popular name; creating s. 775.0861, F.S.; providing definitions; providing for the upgrading of the degree of an offense that involves the use or threat of physical force or violence if the offense is committed on the property of a religious institution while the victim is on the property for the purpose of participating in or attending a religious service; providing for severity ranking of offenses; amending s. 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1096** and read the second time by title.

Pursuant to Rule 4.19, **HB 319** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HCB 6001 (for HB's 337, 737)** was withdrawn from the Committees on Domestic Security; Government Efficiency Appropriations; and Ways and Means.

On motion by Senator Baker—

HCB 6001 (for HB's 337, 737)—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the sales and use tax for sales of certain tangible personal property for a certain period for certain purposes; authorizing the Department of Revenue to adopt certain rules; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB's 1462 and 648** and read the second time by title.

Pursuant to Rule 4.19, **HCB 6001 (for HB's 337, 737)** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, by two-thirds vote **HB 523** was withdrawn from the Committee on Judiciary.

On motion by Senator Campbell—

HB 523—A bill to be entitled An act relating to evidence; repealing s. 90.602, F.S., relating to testimony of interested persons regarding oral communication with a deceased or mentally incompetent person; amending s. 90.804, F.S.; providing a hearsay exception in specified actions or proceedings for a statement made by a declarant who is unavailable due to death, illness, or infirmity regarding the same subject matter as a statement made by the declarant that was previously offered by an adverse party and admitted; providing an effective date.

—a companion measure, was substituted for **CS for SB 988** and read the second time by title.

Pursuant to Rule 4.19, **HB 523** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 476** and **CS for CS for SB 1964** was deferred.

On motion by Senator Constantine—

SB 112—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities within the purview of the Florida Building Code; amending s. 400.605, F.S.; deleting provisions requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; amending s. 400.601, F.S.; limiting the definition of the term "hospice" to entities exempt from federal tax; creating s. 400.6055, F.S.; requiring that construction standards for hospice facilities be in compliance with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 112** to **HB 189**.

Pending further consideration of **SB 112** as amended, on motion by Senator Constantine, by two-thirds vote **HB 189** was withdrawn from the Committees on Health Care; Community Affairs; and Health and Human Services Appropriations.

On motion by Senator Constantine, by two-thirds vote—

HB 189—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities within the purview of the Florida Building Code; amending s. 400.605, F.S.; deleting provisions requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; creating s. 400.6051, F.S.; requiring that construction standards for hospice facilities be in compliance with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

—a companion measure, was substituted for **SB 112** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 189** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, by two-thirds vote **HB 567** was withdrawn from the Committees on Community Affairs; and Regulated Industries.

On motion by Senator Constantine—

HB 567—A bill to be entitled An act relating to alternative plans review and inspection; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; providing a definition; authorizing performance audits by local building code enforcement agencies of private providers; specifying conditions for proceeding with building work; amending s. 468.621, F.S.; revising a ground for taking certain disciplinary actions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1470** and read the second time by title.

Pursuant to Rule 4.19, **HB 567** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 2048** was deferred.

On motion by Senator Bennett, by two-thirds vote **HB 509** was withdrawn from the Committees on Governmental Oversight and Productivity; Community Affairs; Regulated Industries; and General Government Appropriations.

On motion by Senator Bennett, by two-thirds vote—

HB 509—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a popular name; amending s. 218.72, F.S.; redefining terms used in pt. VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing exceptions; creating s. 255.0705, F.S.; providing a popular name; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment due dates; authorizing the collection of interest under certain circumstances; providing for an award of court costs and attorney's fees; providing for project closeout and payment of retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; providing limitations on a claimant's institution of certain actions against a contractor or surety; amending s. 287.0585, F.S.; providing an exemption for contractors making late payment to subcontractors when the contract is subject to the "Prompt Payment Act"; amending s. 95.11, F.S., to conform a cross reference; providing that specified sections of the act do not apply to certain pending contracts and projects; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 632** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 509** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 638—A bill to be entitled An act relating to title insurance; amending s. 624.608, F.S.; redefining the term "title insurance" to include insurance for security interests in personal property; amending s. 627.7711, F.S.; redefining the term "related title services" to include the examination of searches of certain records; redefining the term "primary title services" to include search and examination of certain records; amending s. 627.7845, F.S.; prohibiting a title insurer from issuing a title insurance commitment, endorsement, or policy until there has been an examination of certain records; requiring the title insurer to preserve and retain evidence of certain records; providing that certain policy forms may continue to be sold by property and casualty insurers until the Office of Insurance Regulation approves a title insurance form; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 638** to **HB 75**.

Pending further consideration of **CS for SB 638** as amended, on motion by Senator Wise, by two-thirds vote **HB 75** was withdrawn from the Committees on Banking and Insurance; Judiciary; and Rules and Calendar.

On motion by Senator Wise, by two-thirds vote—

HB 75—A bill to be entitled An act relating to title insurance; amending ss. 624.608 and 627.7711, F.S.; revising the definitions of title insurance and related and primary title services; amending s. 627.7845, F.S.; revising requirements for title insurers to issue title insurance; revising requirements for title insurers to preserve and retain certain evidence of searches and examinations; requiring the Office of Insurance Regulation to approve title insurance forms and rates for certain title insurance; providing effective dates.

—a companion measure, was substituted for **CS for SB 638** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 75** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SB 1098—A bill to be entitled An act relating to public-records exemptions; amending s. 39.202, F.S.; creating an exception to the exemption from public-records requirements for all records held by the Department of Children and Family Services concerning reports of child abandonment, abuse, or neglect; amending s. 39.0132, F.S.; creating an exemption from public-records requirements for information obtained by a guardian ad litem in the discharge of his or her official duty; providing an exception to the exemption; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; amending s. 119.07, F.S.; creating an exemption from public-records requirements for certain identification and location information regarding a current or former guardian ad litem or the spouse and children of the guardian ad litem; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendments which were adopted:

Amendment 1 (610764)—On page 2, lines 8 and 9, delete those lines and insert:

(g) The executive director or equivalent, and his or her designee, of a children's advocacy center that is established and operated under s. 39.3035.

Amendment 2 (582314)—On page 4, lines 15-27, delete those lines and insert:

2. Any information related to the best interests of a child, as determined by a guardian ad litem, which is held by a guardian ad litem, including but not limited to medical, mental health, substance abuse, child care, education, law enforcement, court, social services, and financial records; and any other information maintained by a guardian ad litem which is identified as confidential information under this chapter; is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such confidential and exempt information may not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, correctional probation officers, law enforcement agents, guardians ad litem, and others entitled under this chapter to receive that information, except upon order of the court. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

Amendment 3 (551044)—On page 9, lines 15-19, delete those lines and insert: *s. 24(a), Art. I of the State Constitution, if the guardian ad litem provides a written statement that the guardian ad litem has made reasonable efforts to protect such information from being accessible through other means available to the public. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.*

Pursuant to Rule 4.19, **CS for SB 1098** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for SB 1428—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term "conviction"; specifying that the section applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for impoundment of vehicles used in violation of provisions governing motor vehicle speed competitions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1428** to **HB 71**.

Pending further consideration of **CS for SB 1428** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 71** was withdrawn from the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

On motion by Senator Haridopolos, by two-thirds vote—

HB 71—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term "conviction"; specifying that the section applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for impoundment of vehicles used in violation of motor vehicle speed competition provisions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1428** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 71** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (300530)—On page 2, line 10, after "*to*" insert: *or to facilitate*

Pursuant to Rule 4.19, **CS for SB 1030** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 151** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

On motion by Senator Bennett—

HB 151—A bill to be entitled An act relating to the Access to Health Care Act; amending s. 766.1115, F.S.; revising a definition of low-income person to expand a poverty level family income criterion; providing an effective date.

—a companion measure, was substituted for **SB 1032** and read the second time by title.

Pursuant to Rule 4.19, **HB 151** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2288** and **CS for SB 1180** was deferred.

On motion by Senator Fasano—

CS for CS for SB 594—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; providing for payments to a physician assistant under contracts providing for paying for surgical first assisting benefits or services; including certified surgical first assistants, as defined, within certain benefits or services payment provisions; limiting application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 594** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 101** was withdrawn from the Committees on Government Efficiency Appropriations; and Ways and Means.

On motion by Senator Fasano, the rules were waived and—

HB 101—A bill to be entitled An act relating to tax on sales, use, and other transactions; specifying a period during which the sale of books, clothing, and school supplies are exempt from such tax; providing definitions providing exceptions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 476** and read the second time by title.

Pursuant to Rule 4.19, **HB 101** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 989** was withdrawn from the Committees on Environmental Preservation; Community Affairs; General Government Appropriations; and Ways and Means.

On motion by Senator Bennett, the rules were waived and—

HB 989—A bill to be entitled An act relating to public marinas and boat ramps; amending s. 373.118, F.S.; directing the Department of Environmental Protection to adopt rules to authorize local governments to construct and maintain all facilities, including public marinas and boat ramps; exempting certain facilities from development-of-regional-impact review; providing for regulatory criteria; providing for the use of submerged lands; amending s. 403.813, F.S.; revising permit exemption requirements for floating vessel platforms or floating boat lifts; providing an effective date.

—a companion measure, was substituted for **SB 2288** and read the second time by title.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (842900)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (12) is added to section 403.814, Florida Statutes, to read:

403.814 General permits; delegation.—

(12) The department shall adopt rules authorizing a general permit providing regulatory and proprietary authorization to local governments for the construction and maintenance of public marina facilities and public boat ramps. Such facilities may preempt no more than 50,000 square feet of sovereign submerged lands and shall be reviewed pursuant to the regulatory criteria in s. 373.414. A public marina facility constructed pursuant to this subsection must obtain Clean Marina Program status within a reasonable time after completion and must maintain such status for the life of the facility. A facility approved pursuant to this subsection is exempt from review as a development of regional impact if the facility complies with the comprehensive plan of the applicable local government. As used in this subsection, the term "public" means the facility or ramp is open to the public on a first-come, first-serve basis with a rental term not to exceed 1 year. A facility or boat ramp constructed pursuant to this subsection may not be sold to a private entity. The state consents to the use of all state lands lying under water which are necessary to accomplish the purposes of this subsection. Fees charged to local governments for preemption of such state lands shall be as set forth in chapter 253 and shall be used to promote boating access in this state.

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public marina facilities and boat ramps; amending s. 403.814, F.S.; authorizing the Department of Environmental Protection to allow such facilities or ramps to be constructed and maintained by local governments; providing guidelines and limitations relating to such projects; providing for fees; providing an effective date.

Pursuant to Rule 4.19, **HB 989** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for CS for SB 360—A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing for sanctions; requiring incorporation of selected water supply projects in the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; encouraging local governments to include a community vision and an urban service boundary as a component of their comprehensive plans; prescribing taxing authority of local governments doing so; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that the Department of Transportation be consulted regarding certain level-of-service standards; revising criteria and providing guidelines for transportation concurrency exception areas; requiring a local government to consider the transportation level-of-service standards of adjacent jurisdictions for certain roads; providing a process to monitor de minimis impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established on less than a districtwide basis within 5 years; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing requirements for such proportionate fair-share mitigation; requiring the adoption of a transportation concurrency management system by ordinances; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for small scale plan amendment review under certain circumstances; providing an exemption; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of

the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 212.055, F.S.; revising permissible rates for charter county transit system surtax; revising methods for approving such a surtax; providing for a noncharter county to levy this surtax under certain circumstances; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising methods for approving a local government infrastructure surtax; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising a ceiling on rates of small county surtaxes; revising methods for approving a school capital outlay surtax; amending s. 206.41, F.S.; providing for annual adjustment of the ninth-cent fuel tax and local option fuel tax; amending s. 336.021, F.S.; revising methods for approving such a fuel tax; limiting authority of a county to impose the ninth-cent fuel tax without adopting a community vision; amending s. 336.025, F.S.; limiting authority of a county to impose the local option fuel tax without adopting a community vision; revising methods for approving such a fuel tax; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; creating s. 339.2819, F.S.; creating the Transportation Regional Incentive Program within the Department of Transportation; providing matching funds for projects meeting certain criteria; amending s. 337.107, F.S.; allowing the inclusion of right-of-way services in certain design-build contracts; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services as part of design-build contracts under certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; allowing design and construction phases to be combined for certain projects; deleting an exception; amending s. 380.06, F.S.; providing exceptions; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; amending s. 206.46, F.S.; increasing the threshold for maximum debt service for transfers in the State Transportation Trust Fund; amending s. 339.08, F.S.; providing for expenditure of moneys in the State Transportation Trust Fund; amending s. 339.155, F.S.; providing for the development of regional transportation plans in Regional Transportation Areas; amending s. 339.175, F.S.; making conforming changes to provisions of the act; amending s. 339.55, F.S.; providing for loans for certain projects from the state-funded infrastructure bank within the Department of Transportation; amending s. 1013.64, F.S.; providing for the expenditure of funds in the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.65, F.S.; providing funding for the Classrooms for Kids Program; amending s. 201.15, F.S.; providing for the expenditure of certain funds in the Land Acquisition Trust Fund; providing for appropriations for the 2005-2006 fiscal year on a nonrecurring basis for certain purposes; providing effective dates.

—was read the second time by title.

Senator Dockery moved the following amendment which was adopted:

Amendment 1 (413514)—On page 14, line 9, after the period (.) insert: *If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan.*

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendments to be considered:

Senator Bennett moved the following amendments which were adopted:

Amendment 2 (032676)—On page 43, lines 6 and 7, delete those lines and insert: *local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a* development *on the basis of school concurrency, and if* ~~order shall be~~ issued*, development impacts shall*

Amendment 3 (531842)(with title amendment)—On page 54, delete line 27 and insert: *subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals,*

And the title is amended as follows:

On page 3, delete line 5 and insert: providing exemptions; amending s. 163.3191,

Amendment 4 (815266)(with title amendment)—On page 95, lines 15-23, delete those lines

And the title is amended as follows:

On page 5, delete line 19 and insert: 380.06, F.S.; providing an exception; amending s.

Amendment 5 (872786)—On page 6, delete line 25 and insert: *committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing*

Amendment 6 (341292)—On page 35, line 3; on page 37, line 8; and on page 50, line 22, after "*s. 339.64*" insert: *, and roadway facilities funded in accordance with s. 339.2819*

Amendment 7 (160130)(with title amendment)—On page 134, between lines 11 and 12, insert:

Section 31. *Beginning in fiscal year 2005-2006, the Department of Transportation shall allocate sufficient funds to implement the provisions relating to transportation in this act. The department shall amend the tentative work program for 2005-2006. Before amending the tentative work program, the department shall submit a budget amendment pursuant to section 339.135(7), Florida Statutes. Notwithstanding the provisions of section 216.301(1), Florida Statutes, the funds appropriated from general revenue to the State Transportation Trust Fund in this act shall not revert at the end of fiscal year 2005-2006.*

Section 32. *The Legislature finds that planning for and adequately funding infrastructure is critically important for the safety and welfare of the residents of Florida. Therefore, the Legislature finds that the provisions of this act fulfill an important state interest.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 13, after the semicolon (;) insert: requiring the Department of Transportation to amend the tentative work program and budget for 2005-2006; prohibits reversion of certain funds; providing a declaration of important state interest;

MOTION

On motion by Senator Dockery, the rules were waived to allow the following amendments to be considered:

Senator Dockery moved the following amendments which were adopted:

Amendment 8 (335356)—On page 14, lines 14 and 15, delete those lines and insert: covering at least a 10 year planning period, for building *public, private, and*

Amendment 9 (125406)—On page 31, delete line 26 and insert: *consult with the applicable water supplier to determine whether adequate water*

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendments to be considered:

Senator Bennett moved the following amendments which were adopted:

Amendment 10 (115632)(with title amendment)—On page 93, line 3 through page 94, line 31, delete those lines and insert:

Section 17. Effective July 1, 2007, section 337.107, Florida Statutes, as amended by this act is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities~~, or the department may include right-of-way services as part of design-build contracts awarded under s. 337.11~~. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 18. Paragraph (a) of subsection (7) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the *right-of-way services and* design and construction phases of *any* ~~a building, a major bridge, a limited access facility, or a rail corridor~~ project into a single contract*, except for a resurfacing or minor bridge project, the right-of-way services and design and construction phases of which may be combined under s. 337.025*. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.

Section 19. Effective July 1, 2007, paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by this act, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the ~~right-of-way services and~~ design and construction phases of *a building, a major bridge, a limited access facility, or a rail corridor* ~~any~~ project into a single contract~~, except for a resurfacing or minor bridge project, the right-of-way services and design and construction phase of which may be combined under s. 337.025~~. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription.

And the title is amended as follows:

On page 5, lines 6-18, delete those lines and insert: 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services and as part of design-build contracts under certain circumstances; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; deleting language allowing right-of-way services and design and construction phases to be combined for certain projects; deleting an exception; amending s.

Amendment 11 (922812)(with title amendment)—On page 52, line 10 through page 54, line 9, delete those lines and insert:

(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation under this subsection must ensure that development is assessed in a manner and for the purpose of funding public facilities necessary to accommodate any impacts having a rational nexus to the proposed development when the need to construct new facilities or add to the present system of public facilities is reasonably attributable to the proposed development.

(a) By December 1, 2006, each local government shall adopt by ordinance a transportation concurrency management system that shall include a methodology for assessing proportionate fair-share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate fair-share mitigation options.

(b)1. In its concurrency management system, a local government shall, by December 1, 2006, include methodologies that will be applied to calculate proportionate fair-share mitigation to satisfy transportation concurrency requirements when the impacted road segments are specifically identified for funding in the 5-year schedule of capital improvements in the capital improvements element of the local plan or the long-term concurrency management system. If a proportionate fair-share agreement or development order condition reflects mitigation to a road segment or facility which is not on the 5-year schedule of capital improvements at the time of approval, the local government shall reflect such improvement in the 5-year schedule of capital improvements at the next update of the capital improvements element.

2. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance. The credit shall not apply to internal, onsite facilities required by local regulations or to any offsite facilities to the extent such facilities are necessary to provide safe and adequate services to the development. The proportionate fair-share methodology shall be applicable to all development contributing to the need for new or expanded public facilities.

(c) Proportionate fair-share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. The fair market value of the proportionate fair-share mitigation may not differ based on the form of mitigation.

(d) In order to assist a local government with meeting concurrency requirements, a local government may impose proportionate fair-share mitigation adopted under this subsection on a transportation facility regardless of whether it meets or fails to meet the established levels of service.

(e) Nothing in this subsection limits the home rule authority of a local government to enter into a public-private partnership or funding agreement to provide or govern the provision of essential infrastructure deemed necessary by the local government payable from available taxes, fees, special assessments or developer contributions.

(f) Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation.

And the title is amended as follows:

On page 2, lines 27-30, delete those lines and insert: providing for the adoption of a transportation concurrency management system by ordinance; providing requirements for proportionate fair-share mitigation; amending s. 163.3184,

Amendment 12 (054290)—On page 63, line 9; and on page 131, line 16, after "*Program*" insert: *, authorized by Title 49, U.S.C. 5309 and*

Amendment 13 (614720)—On page 8, line 29 through page 10, line 2, delete those lines and insert:

(b)*1.* The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 *in order to maintain a financially feasible 5-year schedule of capital improvements.* ~~, except that~~ Corrections~~, updates,~~ and modifications concerning costs; revenue sources; *or* acceptance of facilities pursuant to dedications which are consistent with the plan~~; or the date of construction of any facility enumerated in the capital improvements element~~ may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. *A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule.* All public facilities shall be consistent with the capital improvements element. *Amendments to implement this section must be adopted and transmitted no later than December 1, 2007. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2007, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.*

2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6).

Amendment 14 (753096)(with title amendment)—On page 17, line 19 through page 19, line 3, delete those lines and insert:

6. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which:

a. Identifies all existing or proposed interlocal service-delivery agreements regarding the following: education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

b. Identifies any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

7. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

8. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 6. The report may be used as supporting data and analysis for the intergovernmental coordination element.

~~9. By February 1, 2003, Representatives of municipalities, counties, and special districts shall provide to the Legislature recommended statutory changes for annexation, including any changes that address the delivery of local government services in areas planned for annexation.~~

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection. *Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.*

(a) The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5-year capital outlay full-time equivalent student growth rate is less than 10 percent. The state land planning agency may allow for a single school to exceed the 100-percent limitation if it can be demonstrated that the capacity rate for that single school is not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:

1. Whether the exceedance is due to temporary circumstances;

2. Whether the projected 5-year capital outlay full time equivalent student growth rate for the school district is approaching the 10-percent threshold;

3. Whether one or more additional schools within the school district are at or approaching the 100-percent threshold; and

4. The adequacy of the data and analysis submitted to support the waiver request.

(b) A municipality in a nonexempt

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: providing for a waiver under certain circumstances;

Amendment 15 (325828)—On page 132, line 7; and on page 133, line 28, after the period (.) insert:

If required, new facilities constructed under the Classroom for Kids Program must meet the requirements of s. 1013.372.

THE PRESIDENT PRESIDING

Pursuant to Rule 4.19, **CS for CS for CS for SB 360** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

MATTERS ON RECONSIDERATION

The Senate resumed consideration of—

CS for SB 2646—A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the term "compensation"; requiring each registrant who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each registrant designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a legislative lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure, and the name and title of the person for whom the expenditure was made; requiring that expenditures made as open invitations be so designated; requiring that each legislative lobbyist report the areas of the principal's legislative interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Division of Legislative Information Services to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the Legislature; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; authorizing legislative committees to investigate persons engaged in legislative or executive lobbying; requiring that lobbying-activity reports be electronically filed; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to the data that is filed via the Internet; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the activity reports

filed by legislative and executive lobbyists; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that the audit reports be forwarded to the Legislature; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report; defining the term "compensation"; requiring each lobbyist who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each lobbyist designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure and the name, title, and agency of the person for whom the expenditure was made; requiring that each lobbyist report the areas of the principal's lobbying interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Commission on Ethics to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the commission; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; requiring that lobbying-activity reports be electronically filed; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to the data that is filed via the Internet; specifying the initial reporting period that is subject to the requirements of the act; providing effective dates.

—which was previously considered this day.

Senator Sebesta moved the following amendment:

Amendment 1 (510622)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 11.045, Florida Statutes, is amended to read:

11.045 Lobbyists; registration and reporting; exemptions; penalties.—

(1) As used in this section, unless the context otherwise requires:

(a) "Committee" means the committee of each house charged by the presiding officer with responsibility for ethical conduct of lobbyists.

(b) "Compensation" means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal.

(c)~~(b)~~ "Division" means the Division of Legislative Information Services within the Office of Legislative Services.

(d)~~(c)~~ "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.

(e)~~(d)~~ "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(f)~~(e)~~ "Lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature. *Food and beverages paid for or provided, directly or indirectly, by a lobbyist or principal to, or for the benefit of, a member or employee of the Legislature is deemed an attempt to obtain the goodwill of the member or employee unless the lobbyist or principal is the member's or employee's parent, spouse, child, or sibling.*

(g) "Lobbying firm" means any business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(h)~~(f)~~ "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

(i)~~(g)~~ "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist*, including a lobbying firm that subcontracts work*.

(2) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, for the registration of lobbyists who lobby the Legislature. The rule may provide for the payment of a registration fee. The rule may provide for exemptions from registration or registration fees. The rule shall provide that:

(a) Registration is required for each principal represented.

(b) Registration shall include a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. *The principal shall also designate the most recent North American Industry Classification System numerical code and corresponding index entry that most accurately describes the principal's main business on the statement authorizing the principal's designated lobbyist.*

(c) A registrant shall promptly send a written statement to the division canceling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the division may remove the name of a registrant from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal.

(d) Every registrant shall be required to state the extent of any direct business association or partnership with any current member of the Legislature.

(e)*1.* Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the Legislature. The right of inspection may be enforced *in circuit court* ~~by appropriate writ issued by any court of competent jurisdiction~~.

2. Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation. Any documents and records retained pursuant to this section may be subpoenaed for audit by the Auditor General pursuant to s. 11.45 and such subpoena may be enforced in circuit court.

(f) All registrations shall be open to the public.

(g) Any person who is exempt from registration under the rule shall not be considered a lobbyist for any purpose.

(3) Each house of the Legislature shall provide by rule the following reporting requirements:

(a) Statements shall be filed by all registered lobbyists *four* ~~two~~ times per year, which must disclose all lobbying expenditures by the lobbyist and the principal and the source of funds for such expenditures. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be made on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported *in the aggregate in either the category "food and beverages"*

or "novelty items." ~~by the category of the expenditure, including, but not limited to, the categories of food and beverages, entertainment, research, communication, media advertising, publications, travel, and lodging.~~ *For each expenditure that comprises part of the aggregate total reported in the "food and beverages" category, the report must also include the full name and address of each person to whom the expenditure was made; the date of the expenditure; and, the name and title of the member or employee of the Legislature for whom the expenditure was made.* Lobbying expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The designated lobbyist's expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist. Each lobbyist shall file an expenditure report for each period during any portion of which he or she was registered, and each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(c)1. Each lobbyist, including a designated lobbyist, shall identify on the activity report all general areas of the principal's legislative interest that were lobbied during the reporting period.

2. For each general area of legislative interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.

(d)1. Each lobbying firm shall file a compensation statement with the division for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm;

b. Name of each of the firm's lobbyists; and,

c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: $0; less than $10,000; $10,000 to $49,999; $50,000 to $99,999; $100,000 to $249,999; $250,000 to $499,999; $500,000 to $999,999; $1 million or more.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall also include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: $0; less than $2,000; $2,000 to $4,999; $5,000 to $9,999; $10,000 to $24,999; $25,000 or more;

c. Cumulative year-to-date compensation provided or owed to the lobbying firm, reported in one of the following categories: $0; less than $5,000; $5,000 to $9,999; $10,000 to $24,999; $25,000 to $49,999; $50,000 to $99,999; $100,000 or more. If the category "$100,000 or more" is selected, the specific dollar amount of cumulative compensation must be reported, rounded up or down to the nearest $1,000; and,

d. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e)~~(c)~~ For each reporting period the division shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Further, the division shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. *For each principal represented by more than one lobbying firm, the division shall also aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.*

(f)~~(d)~~ The *compensation and expenditure* reporting statements shall be filed no later than 45 days after the end of *each* ~~the~~ reporting period. *The four reporting periods are* ~~The first report shall include the expenditures for the period~~ from January 1 through *March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively* ~~June 30. The second report shall disclose expenditures for the period from July 1 through December 31~~. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements may be filed by electronic means, when feasible.

(g)~~(e)~~ Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(h)~~(f)~~ Each house of the Legislature shall provide by rule, or both houses may provide by joint rule, a procedure by which a *lobbying firm or* lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the *lobbying firm or* lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day, not to exceed $5,000 per report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

4. A fine shall not be assessed against a *lobbying firm or* lobbyist the first time any reports for which the *lobbying firm or* lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the *lobbying firm or* lobbyist is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any *lobbying firm or* lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the *lobbying firm or* lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.

6. A lobbyist~~, a lobbyist's legal representative,~~ or the principal of a lobbyist may request that the filing of an expenditure report be waived upon good cause shown, based on unusual circumstances. *A lobbying firm may request that the filing of a compensation report be waived upon good cause shown, based on unusual circumstances.* The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request.

7. The registration of a lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid or waived. *All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived; the division shall promptly notify all affected principals of any suspension or reinstatement.*

8.~~7.~~ The person designated to review the timeliness of reports shall notify the director of the division of the failure of a *lobbying firm or* lobbyist to file a report after notice or of the failure of a *lobbying firm or* lobbyist to pay the fine imposed.

(4)(a) Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any lobbying expenditure, except for:

1. Food and beverages:

a. Consumed at a single sitting or meal;

b. Paid for solely by lobbyists or principals who are present for the duration of the sitting or meal;

c. Where the actual value attributable to members and employees of the Legislature is determinable;

d. Provided that the actual gross value attributable to a member or employee of the Legislature from all lobbyists and principals paying for the food and beverages, including any value attributable pursuant to paragraph (b), does not exceed $100.

2. Novelty items having an individual retail value of $25 or less provided to all members of the Senate or House of Representatives during any regular or special session, or provided during any week during which the Senate or House has scheduled committee meetings. Such novelty items may also be distributed to the staff of either or both houses, subject to the same timing constraints.

(b) The value of any food and beverages provided to a spouse or child of a member or employee of the Legislature shall be attributed to the member or employee, as appropriate.

(c) No principal shall provide compensation for lobbying to any individual or business entity that is not a lobbying firm.

(5)~~(4)~~ Each house of the Legislature shall provide by rule a procedure by which a person, when in doubt about the applicability and interpretation of this section in a particular context, may submit in writing the facts for an advisory opinion to the committee of either house and may appear in person before the committee. The rule shall provide a procedure by which:

(a) The committee shall render advisory opinions to any person who seeks advice as to whether the facts in a particular case would constitute a violation of this section.

(b) The committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions.

(c) All advisory opinions of the committee shall be numbered, dated, and open to public inspection.

(6)~~(5)~~ Each house of the Legislature shall *provide by rule for keeping* ~~keep~~ all advisory opinions of the committees relating to *lobbying firms,* lobbyists*,* and lobbying activities.~~, as well as~~ *The rule shall also provide that each house keep* a current list of registered lobbyists and their respective reports required under this section, *along with reports required of lobbying firms under this section,* all of which shall be open for public inspection.

(7)~~(6)~~ *Each house of the Legislature shall provide by rule that* the committee of either house ~~shall~~ investigate any *lobbying firm or lobbyist* ~~person engaged in legislative lobbying~~ upon receipt of a sworn complaint alleging a violation of this section, s. 112.3148, or s. 112.3149 by such person*; also, the rule shall provide that the committee of either house investigate any lobbying firm upon receipt of compensation-reporting audit information indicating a possible violation other than a late-filed report*. Such proceedings shall be conducted pursuant to the rules of the respective houses. If the committee finds that there has been a violation of this section, s. 112.3148, or s. 112.3149, it shall report its findings to the President of the Senate or the Speaker of the House of Representatives, as appropriate, together with a recommended penalty, to include a fine of not more than $5,000, reprimand, censure, probation, or prohibition from lobbying for a period of time not to exceed 24 months. Upon the receipt of such report, the President of the Senate or the Speaker of the House of Representatives shall cause the committee report and recommendations to be brought before the respective house and a final determination shall be made by a majority of said house.

(8)~~(7)~~ Any person required to be registered or to provide information pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to disclose any material fact required by this section or by rules established in conformity with this section, or who knowingly provides false information on any report required by this section or by rules established in conformity with this section, commits a noncriminal infraction, punishable by a fine not to exceed $5,000. Such penalty shall be in addition to any other penalty assessed by a house of the Legislature pursuant to subsection *(7)*~~(6)~~.

(9)~~(8)~~ There is hereby created the Legislative Lobbyist Registration Trust Fund, to be used for the purpose of funding any office established for the administration of the registration of lobbyist lobbying the Legislature, including the payment of salaries and other expenses, and for the purpose of paying the expenses incurred by the Legislature in providing services to lobbyists. The trust fund is not subject to the service charge to general revenue provisions of chapter 215. Fees collected pursuant to rules established in accordance with subsection (2) shall be deposited into the Legislative Lobbyist Registration Trust Fund.

Section 2. Effective April 1, 2006, subsection (3) of section 11.045, as amended by this act, is amended to read:

11.045 Lobbyists; registration and reporting; exemptions; penalties.—

(3) Each house of the Legislature shall provide by rule the following reporting requirements:

(a) Statements shall be filed by all registered lobbyists four times per year, which must disclose all lobbying expenditures by the lobbyist and the principal and the source of funds for such expenditures. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be made on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported in the aggregate in either the category of "food and beverages" or "novelty items." For each expenditure that comprises part of the aggregate total reported in the "food and beverages" category, the report must also include the full name and address of each person to whom the expenditure was made; the date of the expenditure; and, the name and title of the member or employee of the Legislature for whom the expenditure was made. Lobbying expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The designated lobbyist's expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required

by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist. Each lobbyist shall file an expenditure report for each period during any portion of which he or she was registered, and each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(c)1. Each lobbyist, including a designated lobbyist, shall identify on the activity report all general areas of the principal's legislative interest that were lobbied during the reporting period.

2. For each general area of legislative interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.

(d)1. Each lobbying firm shall file a compensation statement with the division for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm;

b. Name of each of the firm's lobbyists; and,

c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: $0; less than $10,000; $10,000 to $49,999; $50,000 to $99,999; $100,000 to $249,999; $250,000 to $499,999; $500,000 to $999,999; $1 million or more.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall also include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: $0; less than $2,000; $2,000 to $4,999; $5,000 to $9,999; $10,000 to $24,999; $25,000 or more;

c. Cumulative year-to-date compensation provided or owed to the lobbying firm, reported in one of the following categories: $0; less than $5,000; $5,000 to $9,999; $10,000 to $24,999; $25,000 to $49,999; $50,000 to $99,999; $100,000 or more. If the category "$100,000 or more" is selected, the specific dollar amount of cumulative compensation must be reported, rounded up or down to the nearest $1,000; and,

d. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e) For each reporting period the division shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Further, the division shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. For each principal represented by more than one lobbying firm, the division shall also aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.

(f) The compensation and expenditure reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements *must* ~~may~~ be filed by electronic means *as provided in s. 11.0455*~~, when feasible~~.

~~(g) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.~~

(g)~~(h)~~ Each house of the Legislature shall provide by rule, or both houses may provide by joint rule, a procedure by which a lobbying firm or lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm or lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day, not to exceed $5,000 per report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. *When the electronic receipt issued pursuant to s. 11.0455 is dated.* ~~When the report is postmarked.~~

~~c. When the certificate of mailing is dated.~~

~~d. When the receipt from an established courier company is dated.~~

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm or lobbyist the first time any reports for which the lobbying firm or lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm or lobbyist is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm or lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm or lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.

6. A lobbyist or the principal of a lobbyist may request that the filing of an expenditure report be waived upon good cause shown, based on unusual circumstances. A lobbying firm may request that the filing of a compensation report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request.

7. The registration of a lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid or waived. All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived.

8. The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbying firm or

lobbyist to file a report after notice or of the failure of a lobbying firm or lobbyist to pay the fine imposed.

Section 3. Effective April 1, 2006, section 11.0455, Florida Statutes, is created to read:

11.0455 Electronic filing of compensation and expenditure reports.—

(1) As used in this section, the term "electronic filing system" means an Internet system for recording and reporting lobbying compensation, expenditures, and other required information by reporting period.

(2) Each lobbying firm or lobbyist who is required to file reports with the Division of Legislative Information Services pursuant to s. 11.045 must file such reports with the division by means of the division's electronic filing system.

(3) A report filed pursuant to this section must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in s. 11.045. A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under s. 11.045(3).

(4) Each report filed pursuant to this section is considered to be certified as accurate and complete by the lobbyist, the lobbying firm, or the designated lobbyist and principal, whichever is applicable, and such persons are subject to the provisions of s. 11.045(7) and s. 11.045(8). Persons given a secure sign-on to the electronic filing system are responsible for protecting it from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.

(5) The electronic filing system developed by the division must:

(a) Be based on access by means of the Internet.

(b) Be accessible by anyone with Internet access using standard web-browsing software.

(c) Provide for direct entry of compensation-report and expenditure-report information as well as upload of such information from software authorized by the division.

(d) Provide a method that prevents unauthorized access to electronic filing system functions.

(6) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, procedures to implement and administer this section, including, but not limited to:

(a) Alternate filing procedures in case the division's electronic filing system is not operable.

(b) The issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.

(7) Each house of the Legislature shall provide by rule that the division make all the data filed available on the Internet in an easily understood and accessible format. The Internet website shall also include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, the affiliations between lobbyists and principals, and the North American Industry Classification System code and corresponding index entry identified by each principal pursuant to s. 11.045(2).

Section 4. Effective April 1, 2007, subsection (2) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(a) Conduct audits of records and perform related duties as prescribed by law, concurrent resolution of the Legislature, or as directed by the Legislative Auditing Committee.

(b) Annually conduct a financial audit of state government.

(c) Annually conduct financial audits of all universities and district boards of trustees of community colleges.

(d) Annually conduct financial audits of the accounts and records of all district school boards in counties with populations of fewer than 150,000, according to the most recent federal decennial statewide census.

(e) Annually conduct an audit of the Wireless Emergency Telephone System Fund as described in s. 365.173.

(f) Annually conduct audits of the accounts and records of the Florida School for the Deaf and the Blind.

(g) At least every 2 years, conduct operational audits of the accounts and records of state agencies and universities. In connection with these audits, the Auditor General shall give appropriate consideration to reports issued by state agencies' inspectors general or universities' inspectors general and the resolution of findings therein.

(h) At least every 2 years, conduct a performance audit of the local government financial reporting system, which, for the purpose of this chapter, means any statutory provisions related to local government financial reporting. The purpose of such an audit is to determine the accuracy, efficiency, and effectiveness of the reporting system in achieving its goals and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced. The Auditor General shall determine the scope of such audits. The local government financial reporting system should provide for the timely, accurate, uniform, and cost-effective accumulation of financial and other information that can be used by the members of the Legislature and other appropriate officials to accomplish the following goals:

1. Enhance citizen participation in local government;

2. Improve the financial condition of local governments;

3. Provide essential government services in an efficient and effective manner; and

4. Improve decisionmaking on the part of the Legislature, state agencies, and local government officials on matters relating to local government.

(i) Once every 3 years, conduct performance audits of the Department of Revenue's administration of the ad valorem tax laws as described in s. 195.096.

(j) Once every 3 years, conduct financial audits of the accounts and records of all district school boards in counties with populations of 125,000 or more, according to the most recent federal decennial statewide census.

(k) Once every 3 years, review a sample of each state agency's internal audit reports to determine compliance with current Standards for the Professional Practice of Internal Auditing or, if appropriate, government auditing standards.

(l) Conduct audits of local governmental entities when determined to be necessary by the Auditor General, when directed by the Legislative Auditing Committee, or when otherwise required by law. No later than 18 months after the release of the audit report, the Auditor General shall perform such appropriate followup procedures as he or she deems necessary to determine the audited entity's progress in addressing the findings and recommendations contained within the Auditor General's previous report. The Auditor General shall provide a copy of his or her determination to each member of the audited entity's governing body and to the Legislative Auditing Committee.

(m) Annually conduct audits of all quarterly compensation reports for the previous calendar year filed pursuant to s. 11.045 and s. 11.0455, or s. 112.3215 and s. 112.32155, respectively, for a random sample of 5 percent of all legislative lobbying firms and 5 percent of all executive branch lobbying firms.

1. The audit shall be limited to determining compliance with the lobbying compensation reporting requirements of s. 11.045 or s. 112.3215, whichever is applicable, except that the audit scope may not include the timeliness of the filing.

2. The random selection of lobbying firms to be audited shall be done in a manner pursuant to which the identity of any particular lobbying

firm selected for audit is unknown to the Auditor General or the Auditor General's staff prior to selection.

3. The Auditor General shall adopt guidelines which govern random audits and field investigations conducted pursuant to this paragraph. The guidelines shall ensure that similarly situated compensation reports are audited in a uniform manner. The guidelines shall also be formulated to accomplish the following purposes:

a. The audits should encourage compliance and detect violations of the legislative and executive lobbying compensation reporting requirements in s. 11.045 and s. 112.3215;

b. The audits should be conducted with maximum efficiency in a cost-effective manner; and

c. The audits should be as unobtrusive as possible consistent with the foregoing purposes.

In adopting the guidelines, the Auditor General shall consider relevant guidelines and standards of the American Institute of Certified Public Accountants to the extent such guidelines and standards are applicable and consistent with the purposes set forth in this subparagraph.

4. The Auditor General shall forward all legislative lobbying final audit reports to the legislative committees designated in s. 11.045, and shall forward all executive lobbying final audit reports to the Florida Commission on Ethics.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 5. Effective April 1, 2006, subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

(a) The accounts and records of any governmental entity created or established by law.

(b) The information technology programs, activities, functions, or systems of any governmental entity created or established by law.

(c) The accounts and records of any charter school created or established by law.

(d) The accounts and records of any direct-support organization or citizen support organization created or established by law. The Auditor General is authorized to require and receive any records from the direct-support organization or citizen support organization, or from its independent auditor.

(e) The public records associated with any appropriation made by the Legislature to a nongovernmental agency, corporation, or person. All records of a nongovernmental agency, corporation, or person with respect to the receipt and expenditure of such an appropriation shall be public records and shall be treated in the same manner as other public records are under general law.

(f) State financial assistance provided to any nonstate entity as defined by s. 215.97.

(g) The Tobacco Settlement Financing Corporation created pursuant to s. 215.56005.

(h) Any purchases of federal surplus lands for use as sites for correctional facilities as described in s. 253.037.

(i) Enterprise Florida, Inc., including any of its boards, advisory committees, or similar groups created by Enterprise Florida, Inc., and programs. The audit report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., pursuant to this paragraph. The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

(j) The Florida Development Finance Corporation or the capital development board or the programs or entities created by the board. The audit or report may not reveal the identity of any person who has anonymously made a donation to the board pursuant to this paragraph. The identity of a donor or prospective donor to the board who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

(k) The records pertaining to the use of funds from voluntary contributions on a motor vehicle registration application or on a driver's license application authorized pursuant to ss. 320.023 and 322.081.

(l) The records pertaining to the use of funds from the sale of specialty license plates described in chapter 320.

(m) The transportation corporations under contract with the Department of Transportation that are acting on behalf of the state to secure and obtain rights-of-way for urgently needed transportation systems and to assist in the planning and design of such systems pursuant to ss. 339.401-339.421.

(n) The acquisitions and divestitures related to the Florida Communities Trust Program created pursuant to chapter 380.

(o) The Florida Water Pollution Control Financing Corporation created pursuant to s. 403.1837.

(p) The Florida Partnership for School Readiness created pursuant to s. 411.01.

(q) The Florida Special Disability Trust Fund Financing Corporation created pursuant to s. 440.49.

(r) Workforce Florida, Inc., or the programs or entities created by Workforce Florida, Inc., created pursuant to s. 445.004.

(s) The corporation defined in s. 455.32 that is under contract with the Department of Business and Professional Regulation to provide administrative, investigative, examination, licensing, and prosecutorial support services in accordance with the provisions of s. 455.32 and the practice act of the relevant profession.

(t) The Florida Engineers Management Corporation created pursuant to chapter 471.

(u) The Investment Fraud Restoration Financing Corporation created pursuant to chapter 517.

(v) The books and records of any permitholder that conducts race meetings or jai alai exhibitions under chapter 550.

(w) The corporation defined in part II of chapter 946, known as the Prison Rehabilitative Industries and Diversified Enterprises, Inc., or PRIDE Enterprises.

(x) The Florida Virtual School pursuant to s. 1002.37.

(y) The accounts and records of any principal, lobbying firm, or lobbyist relating to compliance with the compensation-reporting provisions of s. 11.045 or s. 112.3215, whichever is applicable, except that the audit scope may not include the timeliness of the filing. Any audit conducted pursuant to this paragraph shall be done in accordance with the guidelines for random audits established pursuant to subparagraph (2)(m)4. The Auditor General shall forward all legislative lobbying final audit reports to the legislative committees designated in s. 11.045, and shall forward all executive and Constitution Revision Commission lobbying final audit reports to the Florida Commission on Ethics.

Section 6. Section 112.3215, Florida Statutes, is amended to read:

112.3215 *Lobbying* ~~Lobbyists~~ before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(1) For the purposes of this section:

(a) "Agency" means the Governor, Governor and Cabinet, or any department, division, bureau, board, commission, or authority of the executive branch. In addition, "agency" shall mean the Constitution Revision Commission as provided by s. 2, Art. XI of the State Constitution.

(b) "Compensation" means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal.

(c)~~(b)~~ "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.

(d)~~(c)~~ "Fund" means the Executive Branch Lobby Registration Trust Fund.

(e)1.~~(d)~~ "Lobbies" means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee. "Lobbies" also means influencing or attempting to influence, on behalf of another, the Constitution Revision Commission's action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Constitution Revision Commission.

2. Food and beverages paid for or provided, directly or indirectly, by a lobbyist or principal to, or for the benefit of, an agency official or employee or a member or employee of the Constitution Revision Commission is deemed an attempt to obtain such person's goodwill unless the lobbyist or principal is the person's parent, spouse, child, or sibling.

(f) "Lobbying firm" means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(g)~~(e)~~ "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. "Lobbyist" does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.

2. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.

3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.

4. A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017(1)(a).

(h)~~(f)~~ "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist*, including a lobbying firm that subcontracts work*.

(2) The Executive Branch Lobby Registration Trust Fund is hereby created within the commission to be used for the purpose of funding any office established to administer the registration of lobbyists lobbying an agency, including the payment of salaries and other expenses. The trust fund is not subject to the service charge to General Revenue provisions of chapter 215. All annual registration fees collected pursuant to this section shall be deposited into such fund.

(3) A person may not lobby an agency until such person has registered as a lobbyist with the commission. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar year basis thereafter. Upon registration the person shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. *The principal shall also designate the most recent North American Industry Classification System numerical code and corresponding index entry that most accurately describes the principal's main business on the statement authorizing the principal's designated lobbyist.* The registration shall require *each* ~~the~~ lobbyist to disclose, under oath, the following information:

(a) Name and business address;

(b) The name and business address of each principal represented;

(c) His or her area of interest;

(d) The agencies before which he or she will appear; and

(e) The existence of any direct or indirect business association, partnership, or financial relationship with any employee of an agency with which he or she lobbies, or intends to lobby, as disclosed in the registration.

(4) The annual lobbyist registration fee shall be set by the commission by rule, not to exceed $40 for each principal represented.

(5)(a) A registered lobbyist must also submit to the commission, *quarterly* ~~biannually~~, a signed expenditure report summarizing all lobbying expenditures by the lobbyist and the principal for each *3-month* ~~6-month~~ period during any portion of which the lobbyist is registered. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported *in the aggregate in either the category "food and beverages" or "novelty items."* ~~by the category of the expenditure, including, but not limited to, the categories of food and beverages, entertainment, research, communication, media advertising, publications, travel, and lodging.~~ *For each expenditure that comprises part of the aggregate total reported in the "food and beverages" category, the report must also include the full name and address of each person to whom the expenditure was made; the date of the expenditure; and, the name, title, and agency of the official, member, or employee for whom the expenditure was made.* Lobby expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) A principal who is represented by two or more lobbyists shall designate one lobbyist whose expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist.

(c)1. Each lobbyist, including a designated lobbyist, shall identify on the activity report all general areas of the principal's lobbying interest that were lobbied during the reporting period.

2. For each general area of lobbying interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.

(d)1. Each lobbying firm shall file a compensation statement with the commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm;

b. Name of each of the firm's lobbyists; and,

c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: $0; less than $10,000; $10,000 to $49,999; $50,000 to $99,999; $100,000 to $249,999; $250,000 to $499,999; $500,000 to $999,999; $1 million or more.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall also include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: $0; less than $2,000; $2,000 to $4,999; $5,000 to $9,999; $10,000 to $24,999; $25,000 or more;

c. Cumulative year-to-date compensation provided or owed to the lobbying firm, reported in one of the following categories: $0; less than $5,000; $5,000 to $9,999; $10,000 to $24,999; $25,000 to $49,999; $50,000 to $99,999; $100,000 or more. If the category "$100,000 or more" is selected, the specific dollar amount of cumulative compensation must be reported, rounded up or down to the nearest $1,000; and,

d. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e)~~(c)~~ For each reporting period the commission shall aggregate the expenditures of all lobbyists for a principal represented by more than one lobbyist. Further, the commission shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. *For each principal represented by more than one lobbying firm, the commission shall also aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.*

(f)~~(d)~~ The *compensation and expenditure* reporting statements shall be filed no later than 45 days after the end of each reporting period. ~~and shall include the expenditures for the period~~ *The four reporting periods are* from January 1 through *March 31* ~~June 30~~, *April 1 through June 30,* ~~and~~ July 1 through *September 30, and October 1 through* December 31, respectively.

(g)~~(e)~~ Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(h)~~(f)~~ The commission shall provide by rule a procedure by which a *lobbying firm or* lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the *lobbying firm or* lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day up to a maximum of $5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a *lobbying firm or* lobbyist the first time any reports for which the *lobbying firm or* lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the *lobbying firm or* lobbyist is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any *lobbying firm or* lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the *lobbying firm or* lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

6. The person designated to review the timeliness of reports shall notify the commission of the failure of a *lobbying firm or* lobbyist to file a report after notice or of the failure of a *lobbying firm or* lobbyist to pay the fine imposed.

7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the *lobbying firm's or* lobbyist's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

(i)~~(g)~~ The commission shall adopt a rule which allows reporting statements to be filed by electronic means, when feasible.

(j)1.~~(h)~~ Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the commission. The right of inspection may be enforced *in circuit court* ~~by appropriate writ issued by any court of competent jurisdiction~~.

2. Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation. Any documents and records retained pursuant to this section may be subpoenaed for audit by the Auditor General pursuant to s. 11.45 and such subpoena may be enforced in circuit court.

(6)(a) Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no agency official, member, or employee shall knowingly accept, directly or indirectly, any lobbying expenditure, except for:

1. Food and beverages:

a. Consumed at a single sitting or meal;

b. Paid for solely by lobbyists or principals who are present for the duration of the sitting or meal;

c. Where the actual value attributable to officials, members, and employees of the agency or commission is determinable;

d. Provided that the actual gross value attributable to an agency official, member, or employee from all lobbyists and principals paying for the food and beverages, including any value attributable pursuant to paragraph (b), does not exceed $100.

(b) The value of any food and beverages provided to a spouse or child of an agency official, member, or employee shall be attributed to such official, member, or employee.

(c) No principal shall provide compensation for lobbying to any individual or business entity that is not a lobbying firm.

(7)~~(6)~~ A lobbyist shall promptly send a written statement to the commission canceling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the commission may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal. Each lobbyist is responsible for filing an expenditure report for each period during any portion of which he or she was registered, and each principal is responsible for seeing that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(8)(a)~~(7)~~ The commission shall investigate every sworn complaint that is filed with it alleging that a person covered by this section has failed to register, has failed to submit *a compensation or* ~~an~~ expenditure report, or has knowingly submitted false information in any report or registration required in this section.

(b) All proceedings, the complaint, and other records relating to the investigation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any meetings held pursuant to an investigation are exempt from the provisions of s. 286.011(1) and s. 24(b), Art. I of the State Constitution either until the alleged violator requests in writing that such investigation and associated records and meetings be made public or until the commission determines, based on the investigation, whether probable cause exists to believe that a violation has occurred.

(c) The commission shall investigate any lobbying firm upon receipt of compensation-reporting audit information indicating a possible violation other than a late-filed report.

(9)~~(8)~~ If the commission finds no probable cause to believe that a violation of this section occurred, it shall dismiss the complaint, whereupon the complaint, together with a written statement of the findings of the investigation and a summary of the facts, shall become a matter of public record, and the commission shall send a copy of the complaint, findings, and summary to the complainant and the alleged violator. *If, after investigating compensation-reporting audit information, the commission finds no probable cause to believe that a violation of this section occurred, a written statement of the findings of the investigation and a summary of the facts shall become a matter of public record, and the commission shall send a copy of the findings and summary to the alleged violator.* If the commission finds probable cause to believe that a violation occurred, it shall report the results of its investigation to the Governor and Cabinet and send a copy of the report to the alleged violator by certified mail. Such notification and all documents made or received in the disposition of the complaint *or the compensation-reporting audit information* shall then become public records. Upon request submitted to the Governor and Cabinet in writing, any person whom the commission finds probable cause to believe has violated any provision of this section shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification. However, the Governor and Cabinet may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

(10)~~(9)~~ If the Governor and Cabinet finds that a violation occurred, it may reprimand the violator, censure the violator, or prohibit the violator from lobbying all agencies for a period not to exceed 2 years. *If the violator is a lobbying firm, the Governor and Cabinet may also assess a fine of not more than $5,000 to be deposited in the Executive Branch Lobby Registration Trust Fund.*

(11)~~(10)~~ Any person, when in doubt about the applicability and interpretation of this section to himself or herself in a particular context, may submit in writing the facts of the situation to the commission with a request for an advisory opinion to establish the standard of duty. An advisory opinion shall be rendered by the commission and, until amended or revoked, shall be binding on the conduct of the person who sought the opinion, unless material facts were omitted or misstated in the request.

(12)~~(11)~~ Agencies shall be diligent to ascertain whether persons required to register pursuant to this section have complied. An agency may not knowingly permit a person who is not registered pursuant to this section to lobby the agency.

(13)~~(12)~~ Upon discovery of violations of this section an agency or any person may file a sworn complaint with the commission.

(14)~~(13)~~ The commission shall adopt rules to administer this section, which shall prescribe forms for registration*, compensation,* and expenditure reports, procedures for registration, and procedures that will prevent disclosure of information that is confidential as provided in this section.

Section 7. Effective April 1, 2006, subsection (5) of section 112.3215, Florida Statutes, as amended by this act, is amended to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(5)(a) A registered lobbyist must also submit to the commission, quarterly, a signed expenditure report summarizing all lobbying expenditures by the lobbyist and the principal for each 3-month period during any portion of which the lobbyist is registered. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported in the aggregate in either the category "food and beverages" or "novelty items." For each expenditure that comprises part of the aggregate total reported in the "food and beverages" category, the report must also include the full name and address of each person to whom the expenditure was made; the date of the expenditure; and, the name, title, and agency of the official, member, or employee for whom the expenditure was made. Lobby expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) A principal who is represented by two or more lobbyists shall designate one lobbyist whose expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist.

(c)1. Each lobbyist, including a designated lobbyist, shall identify on the activity report all general areas of the principal's legislative interest that were lobbied during the reporting period.

2. For each general area of legislative interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.

(d)1. Each lobbying firm shall file a compensation statement with the commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm;

b. Name of each of the firm's lobbyists; and,

c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following cate-

gories: $0; less than $10,000; $10,000 to $49,999; $50,000 to $99,999; $100,000 to $249,999; $250,000 to $499,999; $500,000 to $999,999; $1 million or more.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall also include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: $0; less than $2,000; $2,000 to $4,999; $5,000 to $9,999; $10,000 to $24,999; $25,000 or more;

c. Cumulative year-to-date compensation provided or owed to the lobbying firm, reported in one of the following categories: $0; less than $5,000; $5,000 to $9,999; $10,000 to $24,999; $25,000 to $49,999; $50,000 to $99,999; $100,000 or more. If the category "$100,000 or more" is selected, the specific dollar amount of cumulative compensation must be reported, rounded up or down to the nearest $1,000; and,

d. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e) For each reporting period the commission shall aggregate the expenditures of all lobbyists for a principal represented by more than one lobbyist. Further, the commission shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. For each principal represented by more than one lobbying firm, the division shall also aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.

(f) The compensation and expenditure reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. *Reporting statements must be filed by electronic means as provided in s. 112.32155.*

~~(g) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.~~

(g)~~(h)~~ The commission shall provide by rule a procedure by which a lobbying firm or lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm or lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day up to a maximum of $5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. *When the electronic receipt issued pursuant to s. 112.32155 is dated.* ~~When the report is postmarked.~~

~~c. When the certificate of mailing is dated.~~

~~d. When the receipt from an established courier company is dated.~~

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm or lobbyist the first time any reports for which the lobbying firm or lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm or lobbyist is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm or lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm or lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

6. The person designated to review the timeliness of reports shall notify the commission of the failure of a lobbying firm or lobbyist to file a report after notice or of the failure of a lobbying firm or lobbyist to pay the fine imposed.

7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the lobbying firm's or lobbyist's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

~~(i) The commission shall adopt a rule which allows reporting statements to be filed by electronic means, when feasible.~~

*(h)*1.~~(j)~~ Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the commission. The right of inspection may be enforced in circuit court.

2. Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation. Any documents and records retained pursuant to this section may be subpoenaed for audit by the Auditor General pursuant to s. 11.45 and such subpoena may be enforced in circuit court.

Section 8. Effective April 1, 2006, section 112.32155, Florida Statutes, is created to read:

112.32155 Electronic filing of compensation and expenditure reports.—

(1) As used in this section, the term "electronic filing system" means an Internet system for recording and reporting lobbying compensation, expenditures, and other required information by reporting period.

(2) Each lobbying firm or lobbyist who is required to file reports with the Commission on Ethics pursuant to s. 112.3215 must file such reports with the commission by means of the electronic filing system.

(3) A report filed pursuant to this section must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in s. 112.3215. A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under s. 112.3215(5).

(4) Each report filed pursuant to this section is considered to be certified as accurate and complete by the lobbyist, the lobbying firm, or the designated lobbyist and principal, whichever is applicable. Persons given a secure sign-on to the electronic filing system are responsible for protecting it from disclosure and are responsible for all filings using such cre-

dentials, unless they have notified the division that their credentials have been compromised.

(5) The electronic filing system must:

(a) Be based on access by means of the Internet.

(b) Be accessible by anyone with Internet access using standard web-browsing software.

(c) Provide for direct entry of compensation-report and expenditure-report information as well as upload of such information from software authorized by the commission.

(d) Provide a method that prevents unauthorized access to electronic filing system functions.

(6) The commission shall provide by rule procedures to implement and administer this section, including, but not limited to:

(a) Alternate filing procedures in case the electronic filing system is not operable.

(b) The issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.

(7) The commission shall make all the data filed available on the Internet in an easily understood and accessible format. The Internet web site shall also include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, affiliations between lobbyists and principals, and the North American Industry Classification code and corresponding index entry identified by each principal pursuant to s. 112.3215(3).

Section 9. *The first compensation and expenditure reports subject to the amended reporting requirements in this act must be filed by May 15, 2006, and encompass the reporting period from January 1, 2006, through March 31, 2006.*

Section 10. Except as otherwise provided, this act shall take effect January 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the terms "compensation" and "lobbying firm"; amending definitions for the terms "lobbying" and "principal"; requiring each principal upon the registration of the principal's designated lobbyist to identify the principal's main business; requiring each lobbying firm and principal to maintain certain records and documents for a specified period; specifying judicial jurisdiction for enforcing the right to inspect certain documents and records; modifying the aggregate reporting categories on lobbying expenditure reporting forms; requiring lobbying expenditure reporting forms to include the name and address of each person to whom an expenditure for food and beverages was made, date of the expenditure, and the name and title of the legislator or employee for whom the expenditure was made; requiring each lobbyist to report the general areas of the principal's legislative interest and specific issues lobbied; requiring each lobbying firm to file quarterly compensation reports; requiring each lobbying firm to report certain compensation information in dollar categories and specific dollar amounts; requiring certain lobbying firms to report the name and address of the principal originating lobbying work; providing for certification of compensation reports; requiring the Division of Legislative Information Services to aggregate certain compensation information; revising the period for filing compensation and expenditure reporting statements; prescribing procedures for determining late-filing fines for compensation reports; prescribing fines and penalties for compensation-reporting violations; providing exceptions; prohibiting lobbying expenditures, except for certain food and beverages and novelty items; prohibiting principals from providing lobbying compensation to any individual or business entity other than a lobbying firm; providing for the Legislature to adopt rules to maintain and make publicly available all advisory opinions and reports relating to lobbying firms, to conform; providing for the Legislature to adopt rules authorizing legislative committees to investigate certain person and entities engaged in legislative lobbying; requiring compensation and expenditure reports to be filed electronically; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists and lobbying firms filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be certified as accurate and complete; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to certain data; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the compensation reports filed by legislative and executive lobbyists; prescribing conditions for the random selection; directing the Auditor General to adopt audit and field investigation guidelines; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that legislative lobbying audit reports be forwarded to the Legislature and executive lobbying audit reports be sent to the Florida Commission on Ethics; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report as required; defining the terms "compensation" and "lobbying firm"; amending definitions for the terms "lobbies" and "principal"; requiring each principal upon the registration of the principal's designated lobbyist to identify the principal's main business; modifying the aggregate reporting categories on lobbying expenditure reporting forms; requiring lobbying expenditure reporting forms to include the name and address of each person to whom an expenditure for food and beverages was made, date of the expenditure, and the name and title of the agency official, member, or employee for whom the expenditure was made; requiring each lobbyist to report the general areas of the principal's lobbying interest and specific issues lobbied; requiring each lobbying firm to file quarterly compensation reports; requiring each lobbying firm to report certain compensation information in dollar categories and specific dollar amounts; requiring certain lobbying firms to report the name and address of the principal originating lobbying work; providing for certification of compensation reports; requiring the Florida Commission on Ethics to aggregate certain compensation information; revising the period for filing compensation and expenditure reporting statements; authorizing the commission to adopt procedural rules for determining late-filing fines for compensation reports; prescribing fines and penalties for compensation-reporting violations; providing exceptions; requiring each lobbying firm and principal to maintain certain records and documents for a specified period; specifying judicial jurisdiction for enforcing the right of inspection; prohibiting lobbying expenditures, except for certain food and beverages and novelty items; prohibiting principals from providing lobbying compensation to any individual or business entity other than a lobbying firm; providing for the commission to investigate certain lobbying firms for compensation-reporting violations; providing procedures for disposing of compensation-reporting investigations and proceedings; providing penalties; providing for public access to certain records; authorizing the commission to adopt administration rules and forms relating to compensation reporting; requiring compensation and expenditure reports to be filed electronically; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists and lobbying firms filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be certified as accurate and complete; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to certain data; specifying the initial reporting period that is subject to the requirements of the act; providing an effective date.

WHEREAS, restoring the public's trust in government is a top priority of the Florida Legislature, and

WHEREAS, it is a fundamental right for people to redress their government for grievances, and,

WHEREAS, in many cases, lobbyists assist people in the exercise of this fundamental right, and,

WHEREAS, lobbyists can add value to the system by introducing informed perspectives and alternative points of view, and,

WHEREAS, despite the value added by such lobbyists, the public's confidence has been shaken by a perceived culture of improper influence

promulgated in Tallahassee and elsewhere in the State by lobbyists representing powerful special interests, and,

WHEREAS, that public perception is grounded in lobbyist advocacy that is cloaked in secrecy and conducted out of the sunshine, and,

WHEREAS, Floridians have a right to know what the Legislature and executive agencies are doing and with whom, so that they can gauge the influence and the role of special interests in the development and implementation of public policy, and,

WHEREAS, the Florida Legislature believes that fuller, fairer, and more open disclosure will help restore the public trust in government,

WHEREAS, the Florida Legislature has fashioned a narrowly-tailored system for furthering the State's compelling governmental interest in regulating lobbying before the Florida Legislature and administrative agencies, employing the least intrusive means available, NOW, THEREFORE,

Senators Fasano and Villalobos offered the following amendment to **Amendment 1** which was moved by Senator Fasano and adopted by two-thirds vote:

Amendment 1A (854180)(with title amendment)—On page 4, between lines 16 and 17, insert:

(h) No person convicted of a felony shall register as a lobbyist pursuant to this subsection, until the person:

1. Has been released from incarceration and any postconviction supervision, and has paid all court costs and court-ordered restitution;

2. Has had his or her civil rights restored; and,

3. Has been authorized by affirmative vote of each house of the Legislature to register as a lobbyist.

And the title is amended as follows:

On page 52, between lines 1 and 2, insert: conditionally prohibiting convicted felons from registering as a legislative lobbyist;

Senator Villalobos moved the following amendments to **Amendment 1** which were adopted by two-thirds vote:

Amendment 1B (591308)—On page 7, lines 3-13; and on page 35, lines 15-25, delete those lines and insert:

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: $0; less than $5,000; $5,000 to $9,999; $10,000 to $14,999; $15,000 to $19,999; $20,000 to $24,999; $25,000 to $29,999; $30,000 to $34,999; $35,000 to $39,999; $40,000 to $44,999; $45,000 or more. If the category "$45,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest $1,000;

c. Cumulative year-to-date compensation provided or owed to the lobbying firm, reported in one of the following categories: $0; less than $5,000; $5,000 to $9,999; $10,000 to $24,999; $25,000 to $49,999; $50,000 to $99,000; $100,000 or more; and,

Amendment 1C (094244)—On page 16, line 25 through page 17, line 4; and on page 45, lines 17-27, delete those lines and insert:

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: $0; less than $5,000; $5,000 to $9,999; $10,000 to $14,999; $15,000 to $19,999; $20,000 to $24,999; $25,000 to $29,999; $30,000 to $34,999; $35,000 to $39,999; $40,000 to $44,999; $45,000 or more. If the category "$45,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest $1,000;

c. Cumulative year-to-date compensation provided or owed to the lobbying firm, reported in one of the following categories: $0; less than $5,000; $5,000 to $9,999; $10,000 to $24,999; $25,000 to $49,999; $50,000 to $99,000; $100,000 or more; and

Amendment 1D (280404)—On page 24, line 31; and on page 25, line 1, delete "*5 percent*" and insert: *3 percent*

Senators Fasano and Villalobos offered the following amendment to **Amendment 1** which was moved by Senator Fasano and adopted by two-thirds vote:

Amendment 1E (564844)(with title amendment)—On page 32, line 13, after the period (.) insert:

No person convicted of a felony shall register as a lobbyist pursuant to this subsection, until the person: has been released from incarceration and any postconviction supervision, and has paid all court costs and court-ordered restitution; has had his or her civil rights restored; and, has been authorized by majority vote of the Governor and Cabinet to register as a lobbyist.

And the title is amended as follows:

On page 54, delete line 15 and insert: terms "lobbies" and "principal"; conditionally prohibiting convicted felons from registering as an executive branch lobbyist; requiring each

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Sebesta, further consideration of **CS for SB 2646** as amended was deferred.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Campbell—

CS for SB 1180—A bill to be entitled An act relating to the Board of Medicine; amending s. 458.307, F.S.; revising membership requirements; providing for expiration of terms of current members, appointment of new members to staggered terms, and appointment and terms of successors; amending s. 458.311, F.S.; providing for an externship; amending ss. 458.331 and 459.015, F.S.; providing for membership on certain probable cause panels; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendments which were adopted:

Amendment 1 (023852)(with title amendment)—On page 2, lines 12-22, delete those lines and insert: member of the board must be 60 years of age or older. *The requirements of this subsection shall be a continuing condition of membership on the board. Any member who ceases to meet the requirements of this subsection shall be removed from the board, and a qualified new member shall be appointed to fill the vacancy for the remainder of that member's term.*

(3) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed.

Section 2. *The requirements of section 458.307, Florida Statutes, as amended by this act, shall not be construed to end the term of any member of the Board of Medicine holding that appointment on the effective date of this act, but the requirements of section 458.307, Florida Statutes, as amended by this act, shall apply to any appointment made after the effective date of this act to a term that expires on or after November 1, 2005.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing for applicability;

Amendment 2 (374710)—On page 3, line 30; and on page 4, line 19, after "*Assistants*" insert: *unless a physician assistant is not available*

Amendment 3 (930206)—In title, on page 1, delete line 2 and insert: An act relating to medical regulatory boards;

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendments to be considered:

Senator Peaden moved the following amendments which were adopted:

Amendment 4 (180120)(with title amendment)—On page 3, line 18 through page 4, line 6, delete those lines and insert:

Section 3. Subsection (2) of section 458.331, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). *A probable cause panel considering disciplinary action against a physician assistant pursuant to s. 456.073 shall include a licensed physician assistant designated by the Council on Physician Assistants.* In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

(11) Notwithstanding any law to the contrary, a practitioner licensed under this chapter has as a defense to an alleged violation, by the preponderance of the evidence, that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer or its representatives and that the practitioner had no intent to violate the law.

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: providing that a practitioner licensed in ch. 458, F.S., may use as a defense that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer and that the practitioner had no intent to violate the law;

Amendment 5 (632916)(with title amendment)—On page 3, line 18 through page 4, line 6, delete those lines and insert:

Section 3. Subsection (2) of section 458.331, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). *A probable cause panel considering disciplinary action against a physician assistant pursuant to s. 456.073 shall include a licensed physician assistant designated by the Council on Physician Assistants.* In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

(11) If the department learns that a drug, as defined under s. 499.003(17), which has not been approved by the United States Food and Drug Administration for human use, has been sold to identified health care providers in this state and licensed under this chapter, the department shall immediately notify the providers by certified mail of the status of the drug as an unapproved product. The department shall also post the information on its website to advise other providers and consumers of the unapproved status of the drug.

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: requiring the Department of Health to notify health care providers if the department learns that a drug that has not been approved by the United States Food and Drug Administration for human use has been sold to identified health care providers in this state;

Pursuant to Rule 4.19, **CS for SB 1180** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

MATTERS ON RECONSIDERATION

The Senate resumed consideration of—

CS for SB 2646—A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the term "compensation"; requiring each registrant who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each registrant designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a legislative lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure, and the name and title of the person for whom the expenditure was made; requiring that expenditures made as open invitations be so designated; requiring that each legislative lobbyist report the areas of the principal's legislative interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Division of Legislative Information Services to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the Legislature; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; authorizing legislative committees to investigate persons engaged in legislative or executive lobbying; requiring that lobbying-activity reports be electronically filed; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to the data that is filed via the Internet; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the activity reports filed by legislative and executive lobbyists; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that the audit reports be forwarded to the Legislature; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report; defining the term "compensation"; requiring each lobbyist who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each lobbyist designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure and the name, title, and agency of the person for whom the expenditure was made; requiring that each lobbyist report the areas of the principal's lobbying interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Commission on Ethics to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the commission; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; requiring that lobbying-activity reports be electronically filed; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Florida Commission on Ethics by means of the electronic filing system;

providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to the data that is filed via the Internet; specifying the initial reporting period that is subject to the requirements of the act; providing effective dates.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Sebesta, the Senate reconsidered the vote by which **Amendment 1 (510622)**as amended was adopted.

MOTION

On motion by Senator Villalobos, the rules were waived to allow the following amendment to be considered:

Senator Villalobos moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1F (114152)—On page 51, line 10, following "2006" insert: , except that the provisions relating to the prohibition of legislative and executive lobbying by felons shall take effect March 15, 2006

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Sebesta, **CS for SB 2646** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Posey
Alexander	Garcia	Pruitt
Argenziano	Geller	Rich
Aronberg	Haridopolos	Saunders
Atwater	Hill	Sebesta
Baker	Jones	Siplin
Bennett	King	Smith
Campbell	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	
Dockery	Peaden	

Nays—1

Bullard

Votes Recorded:

May 5, 2005: Yea—Carlton

The Senate resumed consideration of—

CS for SB 2644—A bill to be entitled An act relating to public records and open meetings; amending s. 11.0431, F.S.; creating an exemption from public-records requirements for user identification and passwords held by the Division of Legislative Information Services pursuant to s. 11.0455, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic filing system pursuant to s. 11.0455, F.S.; creating s. 112.32156, F.S.; creating an exemption from public-records requirements for user identifications and passwords held by the Commission on Ethics pursuant to s. 112.32155, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic system pursuant to s. 112.32155, F.S.; providing for future legislative review and repeal under the Open Government Sunset Review Act; amending s. 112.3215, F.S.; creating a temporary exemption from public-records and open-meetings requirements for records relating to the compensation-reporting audit and investigation of possible lobbying compensation reporting violations and for meetings held pursuant to an investigation or at which a compensating-reporting audit is discussed; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

—which was previously considered this day.

Senator Sebesta moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (530158)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (j) and (k) are added to subsection (2) of section 11.0431, Florida Statutes, to read:

11.0431 Legislative records; intent of legislation; exemption from public disclosure.—

(2) The following public records are exempt from inspection and copying:

(j) All user identifications and passwords held by the Division of Legislative Information Services pursuant to s. 11.0455.

(k) All draft lobbying compensation and expenditure reports and files stored in the electronic filing system pursuant to s. 11.0455, until such time as the report has been submitted as filed.

Section 2. Section 112.32156, Florida Statutes, is created to read:

112.32156 Electronic filing of compensation and expenditure reports; confidentiality of information and draft reports.—All user identifications and passwords held by the commission pursuant to s. 112.32155 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. All draft reports and files stored in the electronic filing system pursuant to s. 112.32155 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the report has been submitted as a filed report. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. Paragraph (d) is added to subsection (7) of section 112.3215, Florida Statutes, to read:

112.3215 *Lobbying* ~~Lobbyists~~ before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(7)

(d) Records relating to the compensation-reporting audit or an investigation pursuant to this section or s. 112.32155 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any meetings held pursuant to an investigation or at which a compensation-reporting audit is discussed are exempt from s. 286.011(1) and s. 24(b), Art. I of the State Constitution either until the alleged violator requests in writing that such investigation and associated records and meetings be made public or until the commission determines, based on the investigation, whether probable cause exists to believe that a violation has occurred. This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. *(1) The Legislature finds that it is a public necessity to exempt from public-records requirements all user identifications and passwords held by the Division of Legislative Information Services pursuant to section 11.0455, Florida Statutes, and by the Commission on Ethics pursuant to section 112.32155, Florida Statutes, as created in Senate Bill 2646 or similar legislation. The public-records exemption is necessary to ensure accountability for the filing of false or inaccurate information. Under current law, the lobbyist, or the designated lobbyist and principal, must certify and bear responsibility for the correctness of each expenditure report filed with the Division of Legislative Information Services and the Commission on Ethics under pain of penalty or fine. The law uses the physical signatures of such individuals on the paper reports as evidence of attestation to the veracity of the report. Electronic reporting eliminates the evidentiary advantages of hard-copy signatures by persons submitting reports, so the provisions of law creating the electronic filing*

system provide for the issuance of secure "sign-on" information to the individuals designated, and provides that such individuals are responsible for all filing using such "sign-on" credentials unless they have notified the division or commission, whichever is applicable, that their credentials have been compromised. Without a public-records exemption for this information, there would be no accountability for lobbying compensation and expenditure reporting.

(2) In addition, the public-records exemption is necessary to protect against the unwarranted submission of false or erroneous lobbying compensation and expenditure data. Limiting access to the electronic filing system will prevent unauthorized users from changing or submitting false or inaccurate information that could be damaging to the reporting persons and result in fines and penalties being levied against the persons accountable by statute for the veracity of the information.

(3) The Legislature also finds that it is a public necessity to exempt from public-records requirements draft reports and files entered into the electronic filing system by persons subject to the electronic-reporting requirements until a final report is due pursuant to law. The public-records exemption for draft reports and files will allow all lobbying firms, principals, lobbyists, and lobbying firms to update reports and subject the reports to internal verifications to check for errors prior to submission. Also, the public-records exemption will provide each principal the opportunity to review and verify the expenditure report of his or her designated lobbyist, especially lobbying expenditures made directly by the principal for which the principal is responsible. Principals are deemed to certify to the accuracy of such expenditures submitted by operation of law pursuant to section 11.0455 or section 112.32155, Florida Statutes, whichever is applicable.

(4) The Legislature also finds that this public-records exemption will accelerate the public's access to expenditure information compared with current law, which allows for the filing of paper reports by mail on the designated due date and may result in both mailing and data-entry delays in processing the information to the Internet. Lobbying compensation information is not currently reported at all.

(5) Finally, the Legislature finds that it is a public necessity to exempt from public-records and open-meetings requirements records relating to the compensation-reporting audit and investigation of violations of the executive lobbying compensation reporting laws, and meetings held pursuant to an investigation or at which a compensation-reporting audit is discussed or at which such records are discussed, until the alleged violator requests in writing that such associated records and materials be made public or the Commission on Ethics has made a probable cause determination. The release to the public of records and investigative information in connection with possible violations before the Commission makes a probable cause determination may have an adverse effect upon the person who is the subject of the investigation. Also, making such records and information available to the public could hamper the Commission's ongoing investigation, and its ability to gather pertinent documents and information crucial to making a probable cause determination. Further, the exemption is of limited scope so that the alleged violator's rights are protected while, at the same time, preserving the public's right to ultimately obtain the information.

Section 5. This act shall take effect on the same date that Senate Bill 2646 or similar legislation takes effect, creating section 11.0455 and section 112.32155, Florida Statutes, to provide for electronic filing of lobbying compensation and expenditure reports, and amending section 112.3215, Florida Statutes, to provide for the investigation of possible lobbying compensation reporting violations, if such legislation is enacted in the same legislative session or an extension thereof and becomes law.

On motion by Senator Sebesta, **CS for SB 2644** as amended was passed by the required constitutional two-thirds vote of the members present, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bennett	Diaz de la Portilla
Alexander	Bullard	Dockery
Argenziano	Campbell	Fasano
Aronberg	Clary	Garcia
Atwater	Constantine	Geller
Baker	Crist	Haridopolos
Hill	Miller	Siplin
Jones	Peaden	Smith
King	Posey	Villalobos
Klein	Pruitt	Webster
Lawson	Rich	Wilson
Lynn	Saunders	Wise
Margolis	Sebesta	

Nays—None

Votes Recorded:

May 5, 2005: Yea—Carlton

SPECIAL ORDER CALENDAR, continued

On motion by Senator Webster—

CS for CS for SB 1964—A bill to be entitled An act relating to compensation for wrongfully incarcerated persons; creating s. 961.01, F.S.; providing a short title; creating s. 961.02, F.S.; defining the term "wrongfully incarcerated person"; requiring courts to determine whether certain persons are wrongfully incarcerated persons; authorizing petitions to the court for a determination of wrongful conviction; creating s. 961.03, F.S.; authorizing compensation for certain wrongfully incarcerated persons; providing exceptions and limitations; creating s. 961.04, F.S.; providing procedures to apply to the Attorney General for compensation; providing for presuit negotiation of compensation; authorizing lawsuits against the state for determination of compensation; providing for recovery of certain fees and costs; providing for determination of such fees and costs; limiting total compensation; providing for the manner of payment of compensation; providing restrictions on use of compensation; providing timeframes for applying for compensation; creating s. 961.05, F.S.; providing rulemaking authority; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which was adopted:

Amendment 1 (055420)—On page 4, delete line 11 and insert: *incarcerated person to the compensation and reimbursement of expenses authorized in subsection (1)*

SENATOR VILLALOBOS PRESIDING

THE PRESIDENT PRESIDING

MOTION

On motion by Senator Argenziano, the rules were waived and time of recess was extended until completion of **CS for CS for SB 1964, HB 1471, CS for CS for SB 428**, motions and announcements.

Pursuant to Rule 4.19, **CS for CS for SB 1964** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander, the Senate resumed consideration of—

HB 1471—A bill to be entitled An act relating to the petition process; providing a popular name; amending s. 99.097, F.S.; providing for certain petitions to be verified by a certain method; requiring certain provisions to be satisfied before a signature on a petition may be counted; prohibiting compensation to any paid petition circulator in certain circumstances; providing the procedure to contest and resolve the alleged improper verification of certain signatures; amending s. 100.371, F.S.; revising requirements for placement of constitutional amendments proposed by initiative on the ballot for the general election; revising and providing rulemaking authority; providing limitations on the contents of a petition form; establishing compliance criteria for petition forms; providing an elector's right to mail or deliver the form to an address

provided for that purpose; providing notices that must be contained in each petition form; revising the duties of supervisors of elections; revising requirements relating to the Financial Impact Estimating Conference and financial impact statements; creating s. 100.372, F.S.; providing for the regulation of initiative petition circulators; providing definitions; providing qualification requirements; providing requirements for the practice of paid petition circulation; amending ss. 101.161, and 101.62, F.S.; correcting cross references; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registration applications; amending s. 104.185, F.S.; revising and providing violations involving petitions and providing penalties therefor; amending s. 104.42, F.S.; revising provisions relating to unlawful registrations, petitions, and voting and the investigation of such matters; requiring documentation and reporting thereof to the Florida Elections Commission within a specified time period; providing for the validity of certain petition signatures gathered before the effective date of the act; requiring previously approved petition forms to be resubmitted for approval in accordance with the requirements of the act; providing severability; providing an effective date.

—which was previously considered this day.

Senator Alexander moved the following amendment:

Amendment 1 (030784)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Petition Fraud and Voter Protection Act."*

Section 2. Subsections (1), (3), and (4) of section 99.097, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

99.097 Verification of signatures on petitions.—

(1) As determined by each supervisor, based upon local conditions, the *verification of signatures* ~~checking of names~~ on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

(a) A name-by-name, signature-by-signature check of the number of *valid* ~~authorized~~ signatures on the petitions; or

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions. The sample must be such that a determination can be made as to whether or not the required number of *valid* signatures *has* ~~have~~ been obtained with a reliability of at least 99.5 percent. Rules and guidelines for this method of petition verification shall be promulgated by the Department of State, which may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such criteria, then the use of the verification method described in this paragraph shall not be available to supervisors.

Notwithstanding any other provision of law, petitions to secure ballot placement for an issue, and petition revocations directed pursuant to s. 100.371(7), must be verified by the method provided in paragraph (a).

(3)(a) A *signature* ~~name~~ on a petition, *in a name that* ~~which name~~ is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same. In any situation in which this code requires the form of the petition to be prescribed by the division, no signature shall be counted toward the number of signatures required unless it is on a petition form prescribed by the division. *A signature on a petition may not be counted toward the number of valid signatures required for ballot placement unless all relevant provisions of this code have been satisfied.*

(b) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(4)*(a)* The supervisor shall be paid in advance the sum of 10 cents for each signature checked or the actual cost of checking such signature, whichever is less, by the candidate or, in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition. However, if a candidate, person, or organization seeking to have an issue placed upon the ballot cannot pay such charges without imposing an undue burden on personal resources or upon the resources otherwise available to such candidate, person, or organization, such candidate, person, or organization shall, upon written certification of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge. In the event a candidate, person, or organization submitting a petition to have an issue placed upon the ballot is entitled to have the signatures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Chief Financial Officer no later than December 1 of the general election year, and the Chief Financial Officer shall cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each *signature* ~~name~~ checked or the actual cost of checking such signatures, whichever is less. In no event shall such reimbursement of costs be deemed or applied as extra compensation for the supervisor. Petitions shall be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

(b) A person or organization submitting a petition to secure ballot placement for an issue which has filed a certification of undue burden may not provide compensation to any paid petition circulator, as defined in s. 100.372, unless the person or organization first pays all supervisors for each signature checked or reimburses the General Revenue Fund for such costs. If a person or organization subject to this paragraph provides compensation to a paid petition circulator before the date the person or organization pays all supervisors for each signature checked or reimburses the General Revenue Fund for such costs, no signature on a petition circulated by the petition circulator before that date may be counted toward the number of valid signatures required for ballot placement until the person or organization pays all supervisors for each signature checked or reimburses the General Revenue Fund for such costs.

(6)(a) The alleged improper verification of a signature on a petition to secure ballot placement for an issue pursuant to this code may be contested in the circuit court by a political committee or by an elector. The contestant shall file a complaint setting forth the basis of the contest, together with the fees prescribed in chapter 28, with the clerk of the circuit court in the county in which the petition is certified or in Leon County if the complaint is directed to petitions certified in more than one county.

(b) If the contestant demonstrates by a preponderance of the evidence that one or more petitions were improperly verified, the signatures appearing on such petitions may not be counted toward the number of valid signatures required for ballot placement. If an action brought under this subsection is resolved after the Secretary of State has issued a certificate of ballot position for the issue, but the contestant demonstrates that the person or organization submitting the petition had obtained verification of an insufficient number of valid and verified signatures to qualify for ballot placement, the issue shall be removed from the ballot or, if such action is impractical, any votes cast for or against the issue may not be counted and shall be invalidated.

(c) An action under this subsection must be commenced no later than 90 days after the Secretary of State issues a certificate of ballot position for the issue.

Section 3. Section 100.371, Florida Statutes, as amended by section 9 of chapter 2002-281, Laws of Florida, is amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election *providing that an initiative petition is filed with the Secretary of State by February 1 of the year in which the general election is to be held* ~~occurring in excess of 90 days from the certification of ballot position by the Secretary of State~~.

(2) *Certification of ballot position* ~~Such certification~~ shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid *petitions bearing the* signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated *by the elector* when made. *Signatures are* ~~and shall be~~ valid for

a period of 4 years following such date, provided all other requirements of law are *satisfied* ~~complied with~~.

(3) The sponsor of an initiative amendment shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed amendment to the Secretary of State, with the form on which the signatures will be affixed, and shall obtain the approval of the Secretary of State of such form. The *division* ~~Secretary of State~~ shall adopt rules pursuant to s. 120.54 prescribing the style and requirements of such form. Upon filing with the Secretary of State, the text of the proposed amendment and all forms filed in connection with this section must, upon request, be made available in alternative formats.

The contents of a petition form shall be limited to those items required by statute or rule. A petition form shall be deemed a political advertisement as defined in s. 106.011 and, as such, must comply with all relevant requirements of chapter 106.

(4) The supervisor of elections shall record the date each petition form was received by the supervisor and the date the signature on the form was verified as valid. The supervisor shall verify that the signature on a petition form is valid only if the form complies with all of the following:

(a) The form must contain the original signature of the purported elector;

(b) The purported elector must accurately record on the form the date on which he or she signed the form;

(c) The form must accurately set forth the purported elector's name, street address, county, voter registration number or date of birth;

(d) The purported elector must be, at the time he or she signs the form, a duly qualified and registered elector authorized to vote in the county in which his or her signature is submitted;

(e) The date the elector signed the form, as recorded by the elector, must be no more than 30 days from the date the form was received by the supervisor of elections;

(f) The elector must accurately record on the form whether the elector signed the form in the presence of a petition circulator, as defined in s. 100.372(1); and

(g) If the elector signed the petition form in the presence of a petition circulator, the petition form must comply with the requirements of s. 100.372.

(5) An elector has the right to submit his or her signed form to the sponsor of the initiative amendment, by mail or otherwise, at an address listed on the form for this purpose.

(6) Each form must contain the following notices at the top of the form in bold type and in a 16-point or larger font, immediately following the title "Constitutional Amendment Petition Form":

RIGHT TO MAIL IN.—You have the right to take this petition home and study the issue before signing. If you choose to sign the petition, you may return it to the sponsors of the amendment at the following address:_____.

NATURE OF AMENDMENT.—The merits of the proposed change to the Florida Constitution appearing below have not been officially reviewed by any court or agency of state government.

(7) An elector's signature on a petition form may be revoked by submitting to the supervisor a signed petition revocation form adopted by rule for this purpose by the division. The sponsor of an initiative amendment shall provide to any elector submitting his or her signature on a petition form a revocation form for that initiative. The revocation form must contain the address of the Secretary of State to permit the elector to submit the revocation form via United States mail. The petition revocation form shall be filed with the Secretary of State no later than January 1 preceding the next general election or, if the initiative amendment is not certified for ballot position in that election, no later than the January 1 preceding the next successive general election. The division shall promptly process the revocation form under procedures adopted by rule for this purpose by the division.

(8)~~(4)~~ The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures appear thereon. The supervisor shall promptly verify the signatures upon payment of the fee required by s. 99.097. Upon completion of verification, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, *the number of signatures validly revoked pursuant to subsection (7),* and the distribution *of such signatures* by congressional district. This certificate shall be immediately transmitted to the Secretary of State. The supervisor shall retain the *signed* ~~signature~~ forms *and revocation forms* for at least 1 year following the election in which the issue appeared on the ballot or until the Division of Elections notifies the supervisors of elections that the committee which circulated the petition is no longer seeking to obtain ballot position.

(9)~~(5)~~ The Secretary of State shall determine from the verification certificates received from supervisors of elections the total number of verified valid signatures and the distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the secretary of a certificate or certificates from supervisors of elections indicating the petition has been signed by the constitutionally required number of electors.

(10)~~(6)~~(a) Within 45 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State ~~or, within 30 days after such receipt if receipt occurs 120 days or less before the election at which the question of ratifying the amendment will be presented~~, the Financial Impact Estimating Conference shall complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative. *The ballot must include a statement, as prescribed by rule of the Department of State, to the effect that the financial impact statement is required under the State Constitution and the Florida Statutes and should not be construed as an endorsement by the state of the proposed revision or amendment to the State Constitution.* The Financial Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State.

(b)1. The Financial Impact Estimating Conference shall provide an opportunity for any proponents or opponents of the initiative to submit information and may solicit information or analysis from any other entities or agencies, including the Office of Economic and Demographic Research. All meetings of the Financial Impact Estimating Conference shall be open to the public as provided in chapter 286.

2. The Financial Impact Estimating Conference is established to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. The Financial Impact Estimating Conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the initiative. A Financial Impact Estimating Conference may be appointed for each initiative.

3. Principals of the Financial Impact Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous financial impact statement, no more than 75 words in length, and immediately submit the statement to the Attorney General. Nothing in this subsection prohibits the Financial Impact Estimating Conference from setting forth a range of potential impacts in the financial impact statement. Any financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting. The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days.

4. If the members of the Financial Impact Estimating Conference are unable to agree on the statement required by this subsection, or if the Supreme Court has rejected the initial submission by the Financial

Impact Estimating Conference and no redraft has been approved by the Supreme Court by *April 1 of the year in which the general election is to be held* ~~5 p.m. on the 75th day before the election~~, the following statement shall appear on the ballot pursuant to s. 101.161(1): "The financial impact of this measure, if any, cannot be reasonably determined at this time."

(c) The financial impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1).

(d)1. Any financial impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Financial Impact Estimating Conference for redrafting, provided the court's advisory opinion is rendered *by April 1 of the year in which the general election is to be held* ~~at least 75 days before the election at which the question of ratifying the amendment will be presented~~. The Financial Impact Estimating Conference shall prepare and adopt a revised financial impact statement no later than 5 p.m. on the 15th day after the date of the court's opinion.

2. If, by 5 p.m. on *April 1 of the year in which the general election is to be held* ~~the 75th day before the election~~, the Supreme Court has not issued an advisory opinion on the initial financial impact statement prepared by the Financial Impact Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement, the financial impact statement shall be deemed approved for placement on the ballot.

3. In addition to the financial impact statement required by this subsection, the Financial Impact Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience if the ballot measure were approved. If appropriate, the initiative financial information statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statement must include both a summary of not more than 500 words and additional detailed information that includes the assumptions that were made to develop the financial impacts, workpapers, and any other information deemed relevant by the Financial Impact Estimating Conference.

4. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial information statements available at each polling place and at the main office of the supervisor of elections upon request.

5. The Secretary of State and the Office of Economic and Demographic Research shall make available on the Internet each initiative financial information statement in its entirety. In addition, each supervisor of elections whose office has a website shall post the summary from each initiative financial information statement on the website. Each supervisor shall include the Internet addresses for the information statements on the Secretary of State's and the Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

(11)~~(7)~~ The Department of State may adopt rules in accordance with s. 120.54 to carry out *this section* ~~the provisions of subsections (1)-(6)~~.

Section 4. Section 100.372, Florida Statutes, is created to read:

100.372 Regulation of initiative petition circulators.—

(1) For purposes of this section, a:

(a) "Petition circulator" is any person who, in the context of a direct face-to-face conversation, presents to another person for his or her possible signature a petition form or petition revocation form regarding ballot placement for an initiative.

(b) "Paid petition circulator" is a petition circulator who receives any compensation as either a direct or indirect consequence of the activities described in paragraph (a).

(2) At the time a petition circulator presents to any person for his or her possible signature a petition form or petition revocation form regarding ballot placement for an initiative, the petition circulator must:

(a) Be at least 18 years of age;

(b) Be eligible to register to vote in this or any other state or territory of the United States; and

(c) Not be a convicted felon ineligible to register or vote under s. 97.041(2)(b).

(3) A paid petition circulator shall, when engaged in the activities described in paragraph (1)(a), wear a prominent badge, in a form and manner prescribed by rule by the division, identifying him or her as a "PAID PETITION CIRCULATOR."

(4) In addition to any other practice or action permissible under law, an owner, lessee, or other person lawfully exercising control over private property may:

(a) Uniformly prohibit petition circulators from operating on the property and prohibit persons from engaging in other activities supporting or opposing an initiative; or

(b) Permit such conduct on the property subject to time, place, and manner restrictions that are reasonable and uniformly applied.

(5) Prior to being presented to a possible elector for signature, a petition form or petition revocation form regarding ballot placement for an initiative must set forth the following information in a format and manner prescribed by rule by the division:

(a) The name of any organization or entity with which the petition circulator is affiliated and on behalf of which the petition circulator is presenting forms to electors for possible signature.

(b) The name of the sponsor of the initiative if different from the entity with which the petition circulator is affiliated.

(c) A statement directing those seeking information about initiative sponsors and their contributors to the internet address of the appropriate division website; and

(d) A statement disclosing whether the petition circulator is a paid petition circulator, and, if so, the amount or rate of compensation and the name and address of the person or entity paying the compensation to the paid petition circulator.

(6)(a) A paid petition circulator shall attach to each signed petition form, petition revocation form, or group of such forms obtained by the paid petition circulator a signed and dated declaration under penalty of perjury executed by the paid petition circulator, in a form prescribed by rule by the division. If the declaration pertains to a group of forms, the forms shall be consecutively numbered on their face by the paid petition circulator and the declaration shall refer to the forms by number.

(b) The declaration shall include the paid petition circulator's printed name; the street address at which he or she resides, including county; the petition circulator's date of birth; the petition circulator's Florida voter registration number and county of registration, if applicable, or an identification number from a valid government-issued photo identification card along with information identifying the issuer; and the date he or she signed the declaration.

(c) The declaration shall attest that the paid petition circulator has read and understands the laws governing the circulation of petition and petition revocation forms regarding ballot placement for an initiative; that he or she satisfied the requirements of s. 100.372(2) at the time the attached form or forms were circulated and signed by the listed electors; that he or she circulated the attached form or forms; that each signature thereon was affixed in the circulator's presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of the circulator's knowledge and belief each of the persons signing the form or forms was, at the time of signing, a registered elector; that the circulator has not provided or received, and will not in the future provide or receive, compensation that is based, directly or indirectly, upon the number of signatures obtained on petitions or petition revocation forms; and that he or she has not paid or will not in the future pay, and that he or she believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the form.

(d) A signature on a petition form or petition revocation form regarding ballot placement for an initiative to which a declaration required by this subsection is not attached is invalid, may not be verified by the supervisor of elections, and may not be counted toward the number of valid signatures required for ballot placement.

(7) Each paid petition circulator shall provide to the sponsor of the initiative amendment for which he or she is circulating petitions a copy of a valid and current government-issued photo identification card that accurately indicates the address at which the paid petition circulator resides. The sponsor of the initiative shall maintain the copies of these identification cards in its files and shall make them available for inspection by the division, a supervisor of elections, or any law enforcement agency. If a sponsor fails to maintain such a copy with respect to a particular paid petition circulator, all petitions obtained by that paid petition circulator prior to the date the sponsor produces the required copy of the identification card are invalid, may not be verified by the supervisor of elections, and may not be counted toward the number of valid signatures required for ballot placement.

(8) A signature on a petition form or petition revocation form regarding ballot placement for an initiative which does not fully comply with the applicable provisions of this chapter, or which was obtained in violation of the applicable provisions of this code, is invalid and may not be verified by a supervisor of elections and may not be counted toward the number of valid signatures required for ballot placement.

Section 5. Section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with *s. 100.371(10)* ~~s. 100.371(6)~~. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

(2) The substance and ballot title of a constitutional amendment proposed by initiative shall be prepared by the sponsor and approved by the Secretary of State in accordance with rules adopted pursuant to s. 120.54. The Department of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the ballot. Designating numbers shall be assigned in the order of filing or certification and in accordance with rules adopted by the Department of State. The Department of State shall furnish the designating number, the ballot title, and the substance of each amendment to the supervisor of elections of each county in which such amendment is to be voted on.

(3)(a) The ballot for the general election in the year 2000 must contain a statement allowing voters to determine whether circuit or county court judges will be selected by merit selection and retention as provided in s. 10, Art. V of the State Constitution. The ballot in each circuit must contain the statement in paragraph (c). The ballot in each county must contain the statement in paragraph (e).

(b) For any general election in which the Secretary of State, for any circuit, or the supervisor of elections, for any county, has certified the ballot position for an initiative to change the method of selection of judges, the ballot for any circuit must contain the statement in paragraph (c) or paragraph (d) and the ballot for any county must contain the statement in paragraph (e) or paragraph (f).

(c) In any circuit where the initiative is to change the selection of circuit court judges to selection by merit selection and retention, the ballot shall state: "Shall the method of selecting circuit court judges in the __(number of the circuit)__ judicial circuit be changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(d) In any circuit where the initiative is to change the selection of circuit court judges to election by the voters, the ballot shall state: "Shall the method of selecting circuit court judges in the __(number of the circuit)__ judicial circuit be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(e) In any county where the initiative is to change the selection of county court judges to merit selection and retention, the ballot shall state: "Shall the method of selecting county court judges in __(name of county)__ be changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(f) In any county where the initiative is to change the selection of county court judges to election by the voters, the ballot shall state: "Shall the method of selecting county court judges in __(name of the county)__ be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

Section 6. Paragraph (a) of subsection (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in ss. 99.063(4) and *100.371(10)* ~~100.371(6)~~, the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted. The Department of State may prescribe by rule the requirements for preparing and mailing absentee ballots to absent qualified electors overseas.

Section 7. Section 104.012, Florida Statutes, is amended to read:

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation; alteration of registration application*; failing to submit registration application*.—

(1) Any person who gives anything of value that is redeemable in cash to any person in consideration for his or her becoming a registered voter commits a felony of the third degree, punishable as provided in s.

775.082, s. 775.083, or s. 775.084. This section shall not be interpreted, however, to exclude such services as transportation to the place of registration or baby-sitting in connection with the absence of an elector from home for registering.

(2) A person who by bribery, menace, threat, or other corruption, directly or indirectly, influences, deceives, or deters or attempts to influence, deceive, or deter any person in the free exercise of that person's right to register to vote at any time, upon the first conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and, upon any subsequent conviction, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person may not solicit or pay another person to solicit voter registrations for compensation that is based upon the number of registrations obtained. A person who violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who obtains an executed voter registration application from another person and who willfully fails to submit this application to the appropriate supervisor of elections within 10 days commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 8. Section 104.185, Florida Statutes, is amended to read:

104.185 *Violations involving* petitions~~; knowingly signing more than once; signing another person's name or a fictitious name~~.—

(1) A person who knowingly signs a petition or petitions *to secure ballot position* for a candidate, a minor political party, or an issue more than one time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 *and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084*.

(2) A person who signs another person's name or a fictitious name to any petition to secure ballot position for a candidate, a minor political party, or an issue*, or to a petition revocation form,* commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 *and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084*.

(3) A person who willfully swears or affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of the petitioning process commits a misdemeanor of the first degree, punishable as provided in s. 775.082, or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who willfully submits any false information on a petition or petition revocation form commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person who directly or indirectly gives or promises anything of value to any other person to induce that other person to sign a petition or petition revocation form commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.085.

(6) A person who, by bribery, menace, threat, or other corruption, directly or indirectly influences, deceives, or deters, or attempts to influence, deceive, or deter, any person in the free exercise of that person's right to sign a petition or petition revocation form, upon the first conviction commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) A person may not provide or receive compensation that is based, directly or indirectly, upon the number of signatures obtained on petitions or petition revocation forms. A person who violates this subsection commits a misdemeanor of the first degree punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) A person who alters the petition or petition revocation form signed by any other person without the other person's knowledge and consent commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) A person perpetrating, or attempting to perpetrate or aid in the perpetration of, any fraud in connection with obtaining the signature of electors on petition or petition revocation forms commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(10) In addition to any other penalty provided for by law, if a paid petition circulator, as defined in s. 100.372(1), violates any provision of this section, the commission may, pursuant to s. 106.265, impose a civil penalty in the form of a fine not to exceed $1,000 per violation on such paid petition circulator.

Section 9. Section 104.42, Florida Statutes, is amended to read:

104.42 *Unlawful registrations, petitions,* ~~Fraudulent registration~~ and ~~illegal~~ voting; investigation.—

(1) The supervisor of elections is authorized to investigate *unlawful* ~~fraudulent~~ registrations*, petitions,* and ~~illegal~~ voting and to report his or her findings to the local state attorney*, the Florida Department of Law Enforcement,* and the Florida Elections Commission.

(2) The board of county commissioners in any county may appropriate funds to the supervisor of elections for the purpose of investigating *unlawful* ~~fraudulent~~ registrations*, petitions,* and ~~illegal~~ voting.

(3) The supervisor of elections shall document and report suspected unlawful registrations, petitions, and voting to the Florida Elections Commission within 10 days after acquiring reasonable suspicion concerning the lawfulness of the registrations, petitions, and voting.

Section 10. *Any signature gathered on an authorized form for an initiative petition which has been submitted for verification prior to the effective date of this act may be verified and counted, if otherwise valid. However, any petition form that is submitted for verification on or after the effective date of this act shall be verified and counted only if it complies with this act. Any initiative petition form approved by the Secretary of State prior to the effective date of this act is invalidated, and a new petition form must be resubmitted to the Secretary of State for approval in accordance with the requirements of this act prior to obtaining elector signatures.*

Section 11. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 12. This act shall take effect August 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the petition process; providing a short title; amending s. 99.097, F.S.; revising requirements for verification of signatures on petitions; prescribing limits on use of paid petition circulators; providing procedures to contest alleged improper signature verification; amending s. 100.371, F.S.; revising procedures for placing an initiative on the ballot; providing requirements for information to be contained on petitions; providing procedure for revocation of a petition signature; requiring a statement on the ballot regarding the financial impact statement; creating s. 100.372, F.S.; providing regulation for initiative petition circulators and their activities; amending s. 101.161, F.S.; conform-

ing a cross-reference; amending s. 101.62, F.S.; conforming a cross-reference; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registration applications; amending s. 104.185, F.S.; proscribing specified actions involving petitions and providing or increasing criminal penalties therefor; amending s. 104.42, F.S.; prescribing duties of supervisors of elections with respect to unlawful registrations, petitions, and voting; providing for verifying and counting signatures submitted for verification before the effective date of the act; requiring resubmission and reapproval of petition forms; providing severability; providing an effective date.

Senator Miller moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (503502)—On page 16, lines 22-24, delete those lines and insert: *attached is invalid. The signature on a petition form or petition revocation form may not be verified by the supervisor of elections, and may not be counted toward the number of valid signatures required for ballot placement, until the declaration required by this subsection is attached. The supervisor of elections shall notify the organization described in paragraph (5)(a) and shall hold the forms for 30 days after the notification to provide the organization with an opportunity to attach the required declaration; but in no event shall the supervisor hold the forms beyond the filing deadlines established in the code.*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1471** as amended was placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

On motion by Senator Rich, by two-thirds vote **HB 17** was withdrawn from the Committees on Children and Families; Health Care; and Health and Human Services Appropriations.

On motion by Senator Rich, by two-thirds vote—

HB 17—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration, in coordination with the Agency for Persons with Disabilities, to develop a model waiver program to serve children with specified disorders; requiring the Agency for Health Care Administration to seek federal waiver approval and implement the approved waiver subject to availability of funds and certain limitations; authorizing rules; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 428** and by two-thirds vote read the second time by title. On motion by Senator Rich, by two-thirds vote **HB 17** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Rich
Atwater	Haridopolos	Saunders
Baker	Hill	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Votes Recorded:

May 5, 2005: Yea—Carlton

MOTIONS

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, May 3.

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Tuesday, May 3.

On motion by Senator Pruitt, the rules were waived to allow the Chair of the Committee on Rules and Calendar each day to reorder bills on Third Reading and Special Order Calendar.

On motion by Senator Pruitt, the rules were waived and the Secretary was directed to certify bills to the House at the direction of the President for the remainder of the session.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Select Committee on Medicaid Reform was granted permission to meet this day 15 minutes after recess for up to two hours.

On motion by Senator Pruitt, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet 15 minutes after announcement.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **CS for SB 664**, **SB 1252**, **CS for SB 1704**, **CS for SB 1724** and **SB 2614** were withdrawn from the Committee on Education Appropriations; **CS for CS for CS for SB 304**, **CS for CS for CS for SB 858**, **CS for SB 1780**, **CS for CS for SB 1912** and **CS for CS for SB 2502** were withdrawn from the Committee on General Government Appropriations; **SB 1450**, **CS for CS for SB 1456** and **SB 2572** were withdrawn from the Committee on Health and Human Services Appropriations; **CS for SB 1726** was withdrawn from the Committee on Justice Appropriations; **SB 342**, **CS for CS for CS for SB 454**, **CS for CS for SB 698** and **CS for CS for SB's 1944 and 2008** were withdrawn from the Committee on Rules and Calendar; **CS for CS for SB 330** was withdrawn from the Committee on Ways and Means; and **CS for SCR 2024** was withdrawn from the Committees on Judiciary; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, May 2, 2005: CS for SJR 4, CS for SJR 6, CS for SJR 2200, CS for CS for SB 1996, CS for SB 1082, CS for CS for SB 2494, CS for SB 2050, CS for SB 1270, SB 1250, CS for CS for SB 1272, CS for SB 108, CS for SB 2432, CS for CS for CS for SB 360, CS for CS for CS for SB 444, CS for CS for SB 332, CS for CS for SB 2498, CS for SB 1096, CS for CS for SB's 1462 and 648, CS for CS for CS for CS for SB 442, CS for SB 988, CS for SB 476, CS for CS for SB 1964, SB 112, CS for SB 1470, CS for CS for CS for SB 2048, CS for CS for SB 632, CS for SB 638, CS for SB 1098, CS for SB 1428, CS for SB 1030, SB 1032, SB 2288, CS for SB 1180, CS for CS for SB 594

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Education Appropriations recommends a committee substitute for the following: CS for SB 2480

The bill with committee substitute attached was placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Education Appropriations; Education; and Senators Lynn, Haridopolos, Baker, Sebesta, Peaden and Bennett—

CS for CS for SB 2480—A bill to be entitled An act relating to education; amending s. 1001.03, F.S., relating to the powers of the State Board of Education; requiring the State Board of Education to periodically review the Sunshine State Standards; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office within the Department of Education; providing duties of the office; amending s. 1001.42, F.S., relating to powers and duties of a district school board; revising the requirements for school improvement plans; creating s. 1002.385, F.S.; creating the Reading Compact Scholarships Program; providing scholarships to attend a public or private school to students who have scored at Level 1 on the reading portion of the Florida Comprehensive Assessment Test for 3 consecutive years; providing an opportunity for screening to identify reading disabilities; providing scholarship eligibility requirements; specifying scholarship obligations for participating public and private schools and parents and students; providing for scholarship funding and payment; directing the Department of Education and the Commissioner of Education to administer the scholarship program; limiting the liability of the state; providing rulemaking authority; creating s. 1002.421, F.S.; prescribing requirements of private schools participating in state school choice scholarship programs; requiring compliance with requirements relating to notice, student enrollment and attendance verification, fiscal soundness, academic assessment, and criminal-background checks and to applicable state and local health, safety, and welfare laws, codes, and rules; providing grounds for ineligibility to participate in certain scholarship programs; providing rulemaking authority to the State Board of Education; creating s. 1002.423, F.S.; prescribing obligations of the Department of Education for education scholarship programs; requiring the department to identify certain assessments; requiring the department to select a private research organization to which private schools report student scores; providing reporting requirements; amending s. 1003.03, F.S.; revising dates for implementation of class size maximums; creating s. 1003.035, F.S.; providing for the contingent application of the section upon the adoption of an amendment to the State Constitution; prescribing district average class size limitations for grades prekindergarten through 3, grades 4 through 8, and grades 9 through 12; requiring the Department of Education to annually calculate class size measures based on a specified student-membership survey; providing implementation options; providing for accountability and for transfer of funds in certain circumstances; providing for the department redrawing attendance zones in certain circumstances; amending s. 1003.05, F.S.; relating to military families; limiting certain enrollment opportunities; creating s. 1003.413, F.S.; requiring school districts to adopt certain reading policies in high schools; requiring that certain high schools offer specific support services for students scoring at Level 1 on the FCAT reading test; creating a high school task force; providing membership; providing reporting requirements; amending s. 1003.415, F.S., relating to the Middle School Grades Reform Act; revising legislative intent; deleting obsolete references; creating s. 1003.4155, F.S.; establishing a grading system for middle schools; creating s. 1003.4156, F.S.; establishing general requirements for promotion from middle school; requiring the successful completion of 12 academic credits in certain courses; requiring an intensive reading course under certain circumstances; defining a middle school academic credit for purposes of the section; requiring district school boards to adopt policies for alternatives to obtain credits; amending s. 1003.42, F.S., relating to required instruction; revising and increasing the requirements for studying U.S. history and free enterprise; providing rulemaking authority to the State Board of Education; amending s. 1003.52, F.S.; requiring the Department of Education to develop procedures for reporting performance and participation data of students in juvenile justice education programs; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; creating s. 1003.575, F.S.; requiring the Department of Education to devise an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; amending s. 1003.58, F.S.; conforming a cross-reference; amending s. 1004.04, F.S.; requiring the Council for Education Policy Research and Improvement to review and report on the effectiveness of the graduates of state-approved teacher preparation programs and alternative certification programs; creating s. 1004.64, F.S.; establishing the Florida Center for Reading Research; specifying duties of the center; amending s. 1008.22, F.S., relating to student assessment; expressing legislative intent; identifying grade levels for state assessment administration; eliminating obsolete references; requiring certain reports; amending s. 1008.25, F.S., relating to public school student progression; eliminating obsolete references; directing the Department of Education to establish a uniform format for reporting student progression information; requiring certain reports; amending s. 1008.31, F.S., relating to education accountability; expressing legislative intent relating to performance measures established by the Board of Governors with respect to the state universities; eliminating certain performance-based funding requirements; providing guiding principles for the accountability system; revising the goals of the accountability system; requiring certain reports; providing rulemaking authority to the State Board of Education; amending s. 1008.33, F.S., relating to the authority to enforce public school improvement; authorizing transfer of certain teachers to low-performing schools; amending s. 1008.34, F.S., relating to the school grading system; requiring all schools to receive a school grade except certain alternative schools; requiring that achievement scores and learning gains be calculated in alternative schools that provide certain services; requiring that student test scores be calculated in the alternative school in which the student is enrolled and in the school previously attended by the student; providing exceptions; requiring the Department of Education to develop a school report card; creating s. 1008.341, F.S.; requiring school improvement ratings for alternative schools; providing definitions; requiring that the Commissioner of Education prepare an annual report; specifying the data to be used in determining school improvement ratings; requiring the department to identify student learning gains annually; requiring that a school report card be delivered to parents; requiring the State Board of Education to adopt rules; amending s. 1008.36, F.S., relating to the Florida School Recognition Program; providing that certain feeder schools are eligible to participate in the program; providing a definition; requiring certain feeder schools to be subject to the Opportunity Scholarship Program, as defined in s. 1002.38, F.S.; providing for the disposition of school recognition funds; defining eligibility for the receipt of school recognition funds; amending s. 1011.62, F.S., relating to funds for the operation of schools; providing for additional funding for students enrolled in education programs for juveniles; providing a methodology to calculate full-time equivalent student membership of the Florida Virtual School; creating a research-based reading-instruction allocation for students in kindergarten through grade 12; providing for the use of the funds; providing for fund disbursement; amending ss. 1011.685, and 1011.71, F.S., to conform; creating s. 1011.6855, F.S.; providing for the contingent application of the section upon the adoption of an amendment to the State Constitution; establishing an operating categorical fund; providing a minimum instructional personnel salary; requiring the use of certain funds for class size reduction; amending s. 1012.21, F.S., relating to the duties of the Department of Education; requiring the department to annually post school district collective bargaining agreements on-line; amending s. 1012.22, F.S., relating to public school personnel; requiring school boards to adopt differentiated-pay policies for school administrators and instructional personnel; specifying factors to be included in differentiated-pay policies; providing for the withholding of funds for failure to comply; creating s. 1012.2305, F.S.; expressing legislative intent regarding minimum instructional personnel pay; providing for contingent application of the section upon the adoption of an amendment to the State Constitution; establishing minimum pay for certain instructional personnel; creating s. 1012.2315, F.S.; establishing legislative findings; expressing legislative intent; providing criteria for the assignment of teachers to certain schools; authorizing certain salary incentives; limiting certain collective bargaining provisions relating to assignment of teachers at certain schools; amending s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; requiring that the Department of Education administer the Dale Hickam Excellent Teaching Program Trust Fund; requiring the Council for Education Policy Research and Improvement to evaluate the benefits and effectiveness of the program; creating s. 1012.986, F.S.; establishing a statewide system for the professional development of school leaders; providing a short title; providing program purposes and legislative intent; requiring the Department of Education to annually determine criteria for school leadership designations based on certain factors; requiring certain program components; providing for a program delivery system; providing rulemaking authority to the State Board of Education; amending s.

1013.512, F.S.; requiring the release of funds remaining in reserve relating to school district land acquisition and facilities operations; specifying when a Land Acquisition and Facilities Advisory Board shall be disbanded; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; repealing s. 1012.987, F.S., relating to education leadership development; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching Salary career ladder program; providing for severability; providing contingent effective dates.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 189; has passed as amended HB 17, HB 71, HB 75, HB 135, HB 207, HB 209, HB 263, HB 481, HB 509, HB 955, HB 1267, HB 1325, HB 1377, HB 1513, HB 1649, HB 1715, HB 1743, HB 1745, HB 1839, HB 1925, HB 1931, HB 1937; has passed by the required constitutional two-thirds vote of the members voting HB 1801 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative McInvale and others—

HB 189—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities within the purview of the Florida Building Code; amending s. 400.605, F.S.; deleting provisions requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; creating s. 400.6051, F.S.; requiring that construction standards for hospice facilities be in compliance with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

—was referred to the Committees on Health Care; Community Affairs; and Health and Human Services Appropriations.

By Representative Kravitz and others—

HB 17—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration, in coordination with the Agency for Persons with Disabilities, to develop a model waiver program to serve children with specified disorders; requiring the Agency for Health Care Administration to seek federal waiver approval and implement the approved waiver subject to availability of funds and certain limitations; authorizing rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; and Health and Human Services Appropriations.

By Representative Quinones and others—

HB 71—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term "conviction"; specifying that the section applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for impoundment of vehicles used in violation of motor vehicle speed competition provisions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Representative Mahon and others—

HB 75—A bill to be entitled An act relating to title insurance; amending ss. 624.608 and 627.7711, F.S.; revising the definitions of title insurance and related and primary title services; amending s. 627.7845, F.S.; revising requirements for title insurers to issue title insurance; revising requirements for title insurers to preserve and retain certain evidence of searches and examinations; requiring the Office of Insurance Regulation to approve title insurance forms and rates for certain title insurance; providing effective dates.

—was referred to the Committees on Banking and Insurance; Judiciary; and Rules and Calendar.

By Representative Stansel and others—

HB 135—A bill to be entitled An act relating to liability of providers of streetlights; creating s. 768.1382, F.S.; providing definitions; including certain security or area lights within the definition of the term "streetlight"; limiting liability of a streetlight provider for injury or death or property damage affected or caused by a malfunctioning streetlight; providing procedures for notice and repair of malfunctioning streetlights as a condition for limited liability; providing that noncompliance with such procedures does not create a presumption of negligence; limiting liability of a public utility or electric utility that discontinues service to a streetlight under certain circumstances; limiting liability of a public utility or electric utility for the design, layout, quantity, or placement of streetlights or level of illumination resulting from the proper operation of a streetlight or series of streetlights; prohibiting certain findings of fault of an entity not a party to litigation; providing for conflict, effect, and application; providing an effective date.

—was referred to the Committees on Judiciary; Communications and Public Utilities; and Rules and Calendar.

By Representative Benson and others—

HB 207—A bill to be entitled An act relating to criminal acts committed during a state of emergency; amending s. 810.02, F.S.; providing enhanced penalties for specified burglaries that are committed during a state of emergency; providing that a person arrested for committing a burglary during a state of emergency may not be released until that person appears before a magistrate at a first-appearance hearing; directing that a felony burglary committed during a state of emergency be reclassified one level above the current ranking of the offense committed; amending s. 812.014, F.S.; providing enhanced penalties for the theft of certain property stolen during a state of emergency; directing that a felony theft committed during a state of emergency be reclassified one level above the current ranking of the offense committed; providing an effective date.

—was referred to the Committees on Criminal Justice; Domestic Security; and Justice Appropriations.

By Representative Barreiro and others—

HB 209—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a recipient of state funds from requiring a student to be prescribed or administered psychotropic medication as a condition of receipt of educational services financed by state funds; providing requirements for administration; requiring notification to parents prior to evaluation of certain students for classification or placement as an exceptional student; providing an effective date.

—was referred to the Committees on Education; and Health Care.

By Representative Kyle and others—

HB 263—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial

circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing that the act does not preclude the Governor from simultaneously notifying any judicial nominating commission of any vacancies created in this act, whether or not the vacancies may be filled on the same date; providing effective dates.

—was referred to the Committees on Judiciary; Justice Appropriations; and Ways and Means.

By Representative Waters and others—

HB 481—A bill to be entitled An act relating to unlawful use of personal identification information; amending s. 817.568, F.S.; including other information within the definition of the term "personal identification information"; defining the term "counterfeit or fictitious personal identification information"; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to provide notice of breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; requiring notification of consumer reporting agencies of breaches of system security under certain circumstances; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By Representative Reagan and others—

HB 509—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a popular name; amending s. 218.72, F.S.; redefining terms used in pt. VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing exceptions; creating s. 255.0705, F.S.; providing a popular name; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment due dates; authorizing the collection of interest under certain circumstances; providing for an award of court costs and attorney's fees; providing for project closeout and payment of retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; providing limitations on a claimant's institution of certain actions against a contractor or surety; amending s. 287.0585, F.S.; providing an exemption for contractors making late payment to subcontractors when the contract is subject to the "Prompt Payment Act"; amending s. 95.11, F.S., to conform a cross reference; providing that specified sections of the act do not apply to certain pending contracts and projects; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Community Affairs; Regulated Industries; and General Government Appropriations.

By Representative Berfield and others—

HB 955—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 163.3187, F.S.; including areas designated as rural areas of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; requiring certification of the amendment to the Office of Tourism, Trade, and Economic Development; requiring public review of certain property; amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews; amending s. 253.002, F.S.; removing an obsolete reference; revising the responsibilities of the Department of Agriculture and Consumer Services for aquaculture activities; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; amending s. 253.67, F.S.; clarifying the definition of "aquaculture"; amending s. 253.68, F.S.; providing authority to the board for certain aquaculture activities; providing a definition; requiring the board to establish certain guidelines by rule; amending s. 253.74, F.S.; providing penalties for certain unauthorized aquaculture activities; amending s. 253.75, F.S.; revising the responsibilities of the board with regard to certain aquaculture activities; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; authorizing the Department of Community Affairs to provide financial assistance to certain local governments; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 328.72, F.S.; revising the distribution of vessel registration fees; providing for a portion of the fees to be designated for certain trust funds; providing for a grant program for public launching facilities; providing priority consideration for certain counties; requiring certain counties to provide an annual report to the Fish and Wildlife Conservation Commission; requiring the commission to provide exemptions for certain counties; creating s. 342.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax deferral ordinances for recreational and commercial working waterfront properties; requiring bonding periods effective prior the deferral to remain in effect for certain properties; providing requirements for deferral notification and application for certain properties; providing a tax deferral for ad valorem taxes and non-ad valorem assessments authorized to be deferred by ordinance and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing re-

quirements for deferred payment tax certificates; providing for the deferral to cease under certain circumstances; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—was referred to the Committees on Community Affairs; Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

By Representative Stargel and others—

HB 1267—A bill to be entitled An act relating to nursing homes; amending s. 400.23, F.S.; providing for alternative bed locations in nursing home rooms and providing criteria for bed placement; requiring a signed statement from the resident or representative if the alternative bed placement is not in compliance with the Florida Building Code; requiring the facility to maintain a log of alternative bed placements and to retain the signed statements; requiring the nursing home to notify the Agency for Health Care Administration with respect to such practice; amending s. 633.022, F.S.; requiring nursing homes to be protected by certain automatic sprinkler systems; providing a schedule; authorizing the Division of State Fire Marshal to grant certain time extensions; authorizing the division to adopt certain rules; providing for administrative sanctions under certain circumstances; requiring adjustments to certain provider Medicaid rates for reimbursement for Medicaid's portion of costs to meet certain requirements; requiring funding for such adjustments to come from existing nursing home appropriations; creating s. 633.024, F.S.; providing legislative findings and intent; creating s. 633.0245, F.S.; authorizing the State Fire Marshal to enter into an investment agreement with public depositories to establish the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program as a limited loan guarantee program to retrofit nursing homes with fire protection systems; providing investment and agreement limitations; requiring the State Fire Marshal to solicit requests for proposals; providing for application requirements and procedures; providing for review and approval by the State Fire Marshal; providing application requirements and procedures for program loans by public depositories; providing deadlines and limitations; limiting certain claims for loss under certain circumstances; providing a definition; authorizing the State Fire Marshal to adopt rules; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; Banking and Insurance; and Government Efficiency Appropriations.

By Representative Attkisson—

HB 1325—A bill to be entitled An act relating to local government economic development; amending s. 288.1162, F.S.; specifying criteria for certification for remaining available certification slot for professional sports franchises; providing definitions; providing for notice of public hearings to consider whether the local government will provide a communications service; requiring a governmental entity to consider certain factors before a communications service is provided; providing certain restrictions on revenue bonds to finance provisioning of communications services; requiring a local government to make available a written business plan; providing criteria for the business plan; setting pricing standards; providing for accounting and books and records; requiring the governmental entity to establish an enterprise fund; requiring the governmental entity to maintain separate operating and capital budgets; limiting the use of eminent-domain powers; requiring a governmental entity to hold a public hearing to consider certain factors if the business plan goals are not met; requiring compliance with certain federal and state laws; requiring a local government to treat itself the same as it treats other providers of similar communications services; exempting certain governmental entities from specified provisions of the act; requiring a local governmental provider of communications services to follow the same prohibitions as other providers of the same services; providing an exemption for airports under certain conditions; recognizing preemption of a charter, code, or other governmental authority; providing for severability; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; and General Government Appropriations.

By Representative Ryan—

HB 1377—A bill to be entitled An act relating to ethics; amending s. 104.31, F.S.; prohibiting state or political subdivision employees from participating in political campaigns during on-duty hours or certain other hours; amending s. 112.313, F.S.; applying the prohibition on disclosure or use of certain information to former public officers, public employees, and local government attorneys; providing an exception to such prohibition; revising postemployment restrictions to apply to other-personal-services temporary employees; exempting certain agency employees from postemployment restrictions; providing for certain disclosure statements to be filed with the Commission on Ethics instead of the Department of State; revising a prohibition on lobbying by former local officers to preclude representation before the government body or agency an officer has served; providing applicability; amending s. 112.3144, F.S.; providing for reporting of assets held by joint tenancy, joint tenancy with right of survivorship, and partnership and reporting of certain liabilities; amending s. 112.3145, F.S.; requiring the commission to send delinquency notices with return receipt requested; amending s. 112.3147, F.S.; requiring an attestation with respect to information provided on required forms; deleting a redundant provision; amending s. 112.3148, F.S.; requiring gift disclosure forms of individuals who left office or employment during the calendar year to be filed by a date certain; allowing quarterly gift disclosure forms to be considered timely filed if postmarked on or before the due date; amending s. 112.3149, F.S.; requiring gift disclosure statements of individuals who left office or employment during the calendar year to be filed by a date certain; amending s. 112.317, F.S.; authorizing the commission to recommend restitution be paid to the agency damaged by the violation or to the General Revenue Fund; authorizing the Attorney General to collect certain costs and fees incurred in bringing certain actions; deleting a provision rendering a breach of confidentiality of an ethics proceeding a misdemeanor; amending s. 112.3185, F.S.; providing for certain former agency employees to be employed by or have a contractual relationship with certain business entities; prohibiting a former agency employee from representing a client before the employee's former agency in certain matters; amending s. 112.3215, F.S.; revising the commission's rulemaking authority regarding appeals of certain fines; providing for automatic suspended registration for lobbyists who fail to timely pay a certain fine; providing an exception; requiring the commission to provide written notice to any lobbyist whose registration is automatically suspended; amending s. 112.322, F.S.; revising provisions relating to payment of witnesses; amending s. 914.21, F.S.; revising definitions; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Brown and others—

HB 1513—A bill to be entitled An act relating to civil justice reform; amending s. 47.051, F.S.; revising procedures for bringing actions against corporations; providing a definition; creating s. 768.1259, F.S.; defining the term "seller"; prohibiting commencing or maintaining a civil claim or action against a seller under certain circumstances; specifying criteria for actions for product liability of a seller; amending s. 768.81, F.S.; deleting exceptions to a requirement for liability based on percentage of fault instead of joint and several liability; providing applicability; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By Representative Littlefield and others—

HB 1649—A bill to be entitled An act relating to telecommunications regulation; amending s. 364.01, F.S.; providing that state laws govern-

ing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; directing the commission to maintain liaison with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service and voice-over-Internet protocol be free of state regulation, except as specifically provided; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; revising the definition of "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating the provision of voice-over-Internet protocol; amending s. 364.051, F.S.; providing that evidence of damage caused by a tropical storm system constitutes a compelling showing of changed circumstances to justify a change in rates; revising procedures to recover certain costs and expenses; providing conditions to qualify for filing a petition for recovery; providing for the commission to order a line-item charge for a certain period to recover costs and expenses of such damage; limiting amount of such charge; providing for verification of amounts collected; limiting the number of petitions for recovery of costs and expenses; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; amending s. 364.335, F.S.; increasing the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; providing minimum regulatory assessment fees to be assessed by rule of the commission; repealing s. 364.502, F.S., relating to video programming services; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross references; providing for construction of the act; providing effective dates.

—was referred to Committees on Communications and Public Utilities; Commerce and Consumer Services; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By the Committee on Domestic Security; and Representative Adams and others—

HB 1715—A bill to be entitled An act relating to domestic security; amending s. 943.03101, F.S.; providing that counter-terrorism coordination must be conducted in accordance with the state comprehensive emergency management plan; amending ss. 943.03 and 943.0311, F.S.; changing the title of the position "Chief of Domestic Security Initiatives" to "Chief of Domestic Security"; revising references to conform; clarifying duties of the Chief of Domestic Security; revising provisions relating to required security assessments of buildings, facilities, and structures owned or leased by state agencies, state universities, and community colleges; requiring certain assessments to be provided to the Chief of Domestic Security within a specified timeframe; revising requirements with respect to a report by the Chief of Domestic Security regarding suggestions for security enhancements; revising provisions with respect to the recommendation, development, and implementation of best practices for the safety and security of specified buildings, facilities, and structures; amending s. 943.0312, F.S.; revising provisions with respect to regional domestic security task forces; conforming language; providing an additional duty of the task forces; revising the organization and membership of the task forces; providing editorial changes; requiring the task forces to make specified recommendations to the Domestic Security Oversight Council; creating s. 943.0313, F.S.; creating the Domestic Security Oversight Council; providing purpose of the council; providing for membership of the council; providing for organization, meetings, staffing, and duties of the council; providing for the establishment of an executive committee and membership thereof; providing duties of the executive committee; requiring annual reports to the Governor and Legislature; providing that the council is a criminal justice agency for the purposes of ch. 119, F.S.; amending s. 381.00315, F.S., to conform; providing an effective date.

—was referred to the Committees on Domestic Security; Governmental Oversight and Productivity; Criminal Justice; Education; Justice Appropriations; and Rules and Calendar.

By the Committee on Ethics and Elections; and Representative Reagan—

HB 1743—A bill to be entitled An act relating to constitutional amendments; amending s. 16.061, F.S.; requiring the Attorney General to provide to the Secretary of State and sponsor a copy of the petition to the Supreme Court requesting an advisory opinion as to the validity of an initiative petition; requiring the Supreme Court to render certain advisory opinions by April 1 of a general election year; amending s. 100.371, F.S.; requiring initiative petitions to be filed by February 1 of a general election year in order to be placed on the ballot; requiring financial impact statements to include certain information; revising submission requirements of the Financial Impact Estimating Conference; permitting challenge of financial impact statements in circuit court; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Insurance; and Representative Ross and others—

HB 1745—A bill to be entitled An act relating to residential property insurance; amending s. 215.555, F.S.; revising provisions relating to calculation of an insurer's retention for purposes of reimbursement from the Florida Hurricane Catastrophe Fund; amending s. 627.4133, F.S.; prohibiting insurers from canceling or nonrenewing residential property insurance policies under certain emergency circumstances; providing exceptions; providing notice requirements; providing application to personal residential and commercial residential policies covering certain damaged property; extending the effective date of certain policies under certain hurricane circumstances; authorizing the insurer to collect premium for the extended period; providing nonapplication; amending s. 627.4143, F.S.; requiring private passenger motor vehicle insurance policies to contain an outline of coverage; prohibiting delivery or issuance of basic homeowner's, mobile home owner's, condominium unit owner's, and dwelling policies without a comprehensive checklist and outline of coverage; specifying checklist and outline of coverage contents; requiring the checklist and outline of coverage to be sent with each renewal of personal lines residential insurance policies; specifying application of the checklist and outline of coverage to basic homeowner's, mobile home owner's, condominium unit owner's, and dwelling policies; amending s. 627.701, F.S.; revising a limitation on a deductible amount attributable to hurricane or wind losses; providing for computation and display of the dollar value of hurricane deductibles; requiring insurers to compute and display actual dollar values of certain riders for certain policies; providing additional notice requirements for certain deductible amounts; requiring insurers to notify applicants or policyholders of the availability and amounts of certain discounts, credits, rate differentials, or reductions in deductibles for properties on which certain fixtures have been installed or construction techniques have been implemented; requiring insurers to provide qualifying information; authorizing the Financial Services Commission to adopt rules; providing for application of hurricane deductibles for certain personal lines residential property insurance policies; requiring insurers to offer commercial residential property insurance policyholders certain alternative hurricane deductibles; providing effective dates.

—was referred to the Committees on Banking and Insurance; Judiciary; General Government Appropriations; Ways and Means; and Rules and Calendar.

By the Committee on Water and Natural Resources; and Representative Clarke—

HB 1839—A bill to be entitled An act relating to total maximum daily loads; amending s. 403.067, F.S.; providing for the attainment of pollutant reductions for the restoration of impaired waters; revising provisions for the allocation of allowable pollutant loads; deleting an obsolete reporting requirement; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads for specific purposes; providing for the development of basin management action plans; revising provisions for the implementation of total maximum daily loads; revising provisions relating to best management practices; autho-

rizing the department to adopt rules for the permitting of basin management action plans; requiring the department to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to adopting rules for pollutant trading; amending ss. 373.4595 and 570.085, F.S.; correcting cross references; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Judiciary; and Representative Simmons and others—

HB 1925—A bill to be entitled An act relating to class action lawsuits; creating s. 774.01, F.S.; providing legislative findings; providing requirements for capacity to file a class action; limiting actions to Florida residents; providing exceptions; providing requirements for monetary relief; eliminating private class action recovery of statutory penalties and other forms of monetary relief other than actual damages; providing monetary relief; providing for availability of nonmonetary relief; creating s. 774.02, F.S.; requiring a specified demand to cure notice prior to filing a class action; providing for a cure period; providing for inspection of goods or evidence relevant to a claim; requiring that a plaintiff plead and prove specified elements relating to the cure period; providing specified defenses to a cause of action; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By the Committee on Judiciary; and Representative Simmons and others—

HB 1931—A bill to be entitled An act relating to negligence; creating s. 768.0755, F.S.; providing that a person seeking damages for a slip and fall on a transitory foreign substance in a commercial establishment must prove that the commercial establishment had actual knowledge of the condition or constructive knowledge of the condition; defining "constructive knowledge"; providing that constructive knowledge may be proven by circumstantial evidence; amending s. 768.81, F.S.; redefining the term "negligence cases" as it relates to comparative fault to include claims for negligent security in which the defendant is sued for failing to prevent the commission of an intentional tort; providing that the apportionment of damages does not apply to any action in which an intentional tortfeasor is sued and seeks to apportion fault to a negligent tortfeasor; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; reenacting s. 25.077, F.S., relating to the duty of the clerk of court to report certain information concerning negligence cases, to incorporate the amendment made to s. 768.81, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By the Committee on Insurance; and Representative Ross and others—

HB 1937—A bill to be entitled An act relating to property insurance; creating s. 489.1285, F.S.; specifying certain consumer protection measures relating to roofing construction to be in effect following certain executive orders; specifying certain requirements to be complied with relating to roof repair or reroofing; amending s. 627.062, F.S.; limiting an insurer's recoupment of reimbursement premium; providing limitations; amending s. 627.0628, F.S.; limiting use of certain methodologies in determining hurricane loss factors for reimbursement premium rates in certain rate filings; creating s. 627.06281, F.S.; requiring certain insurers and organizations to develop, maintain, and update a public hurricane loss projection model; providing reporting requirements for insurers; protecting trade secret information; amending s. 627.0629, F.S.; tightening a limitation on rate filings based on computer models under certain circumstances; amending s. 627.351, F.S.; providing additional legislative intent relating to the Citizens Property Insurance Corporation; specifying a limitation on dwelling limits for personal lines policies; requiring the corporation to offer wind-only policies in certain areas for new personal residential risks; providing requirements and limitations; authorizes the corporation to issue bonds and incur indebtedness for certain purposes; requiring creation of a Market Accountability Advisory Committee to assist the corporation for certain purposes; providing for appointment of committee members; providing for terms; requiring reports to the corporation; revising requirements for the plan of operation of the corporation; requiring a plan for removing personal lines policies from coverage by the corporation which includes the development and implementation of a take-out bonus strategy; deleting limitations on certain personal lines residential wind-only policies; deleting an obsolete reporting requirement; specifying nonapplication of certain policy requirements in counties lacking reasonable degrees of competition for certain policies under certain circumstances; requiring the commission to adopt rules; deleting an obsolete rate methodology panel reporting requirement provision; requiring the corporation to require the securing of flood insurance as a condition of coverage under certain circumstances; providing requirements and limitations; amending s. 627.411, F.S.; revising grounds for office disapproval of certain forms; amending s. 627.7011, F.S.; specifying payment requirements for insurers for covered losses to a dwelling; limiting payment to actual cost to repair or replace the dwelling; amending s. 627.7011, F.S.; requiring insurers to offer coverage for additional costs of repair due to laws and ordinances; requiring certain homeowner's insurance policies to contain a specified statement; providing intent; amending s. 627.7015, F.S.; revising purpose and scope provisions relating to an alternative procedure for resolution of disputed property insurance claims; providing an additional criterion for excusing an insured from being required to submit to certain loss appraisal processes; amending s. 627.702, F.S.; specifying intent; providing nonapplication of certain insurer liability requirements under certain circumstances; limiting an insurer's liability to certain loss covered by a covered peril; providing legislative intent relating to application; amending s. 627.706, F.S.; revising definitions relating to sinkholes; providing additional definitions; creating s. 627.7065, F.S.; providing legislative findings; requiring the Department of Financial Services and the Office of the Insurance Consumer Advocate to consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity; providing requirements for the form and content of the database; authorizing the Department of Financial Services to require insurers to provide certain information; providing for management of the database; requiring the department to investigate sinkhole activity reports and include findings and investigations in the database; requiring the Department of Environmental Protection to report on the database to the Governor, Legislature, and Chief Financial Officer; authorizing the Department of Financial Services to adopt implementing rules; amending s. 627.707, F.S.; revising standards for investigations of sinkhole claims by insurers; requiring an insurer to engage an engineer and professional geologist for certain purposes; requiring a report under certain circumstances; requiring an insurer to provide written notice to a policyholder disclosing certain information; authorizing an insurer to deny a claim under certain circumstances; authorizing a policyholder to demand certain testing; providing requirements; specifying required activities for insurers if a sinkhole loss is verified; specifying payment requirements for insurers; providing limitations; requiring the insurer to pay fees of the engineer and geologist; authorizing an insurer to engage a structural engineer for certain purposes; creating s. 627.7072, F.S.; specifying requirements for sinkhole testing by engineers and geologists; creating s. 627.7073, F.S.; providing reporting requirements for engineers and geologists after testing for sinkholes; specifying a presumption of correctness of certain findings; requiring an insurer paying a sinkhole loss claim to file a report and certification with the county property appraiser; requiring the property appraiser to record the report and certification; requiring the insurer to bear the cost of filing and recording; requiring a seller of certain property to make certain disclosures to property buyers under certain circumstances; requiring the Auditor General to perform an operational audit of the Citizens Property Insurance Corporation; specifying audit requirements; requiring a report; requiring the board of governors of the Citizens Property Insurance Corporation to submit a report to the Legislature relating to property and casualty insurance; specifying report requirements; requiring insurers to review and acknowledge receipt of certain communications relating to claims; providing an exception; providing a definition; providing for nonapplication to certain claimants; providing procedures and requirements relating to such acknowledgements; requiring an insurer to conduct certain investigations under certain circumstances; providing for contingent effect; requiring the Office of Insurance Regula-

tion to submit a report to the Legislature relating to residential property insurance; providing report requirements; providing effective dates.

—was referred to the Committees on Banking and Insurance; Judiciary; Governmental Oversight and Productivity; General Government Appropriations; Ways and Means; and Rules and Calendar.

By the Committee on Domestic Security; and Representative Adams—

HB 1801—A bill to be entitled An act relating to public meetings and public records; creating s. 943.0314, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings of the Domestic Security Oversight Council at which the council hears or discusses active criminal investigative information or active criminal intelligence information; providing conditions precedent to the closing of such meeting or portion thereof; providing an exemption from public records requirements for an audio or video recording of a closed meeting of the council and any minutes and notes generated during the closed meeting until the criminal investigative information or criminal intelligence information heard or discussed therein ceases to be active; specifying those persons who are authorized to attend a closed meeting of the council; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Domestic Security; Governmental Oversight and Productivity; Criminal Justice; Justice Appropriations; and Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 186, CS for SB 276, CS for CS for SB 626, CS for SB 1154, CS for SB 2412 and CS for SB 2228.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 29 was corrected and approved.

CO-INTRODUCERS

Senators Crist—CS for SB 2624; Dawson—SB 1032; Klein—CS for CS for CS for SB 2, CS for CS for SB 428, CS for SB 1208, CS for CS for SB 1264, CS for CS for CS for SB 1314, CS for SB 2036; Lynn—CS for CS for SB 774, SB 1356; Posey—CS for CS for SB 1964; Rich—SB 1032; Wilson—SB 1032

RECESS

On motion by Senator Pruitt, the Senate recessed at 7:15 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Tuesday, May 3 or upon call of the President.

SENATE PAGES

May 2-6, 2005

Abigail Carbonell, Orlando; Annabelle Carbonell, Orlando; Ryan Drawdy, Clermont; Samuel “Sam” Green, Orlando; Sharon R. Green, Orlando; Carson Lee Hancock, Ft. Lauderdale; Chase Reed Harris, Jacksonville; Tremain Bernardo Harris, Tallahassee; Karl-Michael Heinle, Miami; Hannah Hodge, Plant City; Michael Jack, Ft. Lauderdale; Joia Jefferson, Tallahassee; Jessica Lee Jones, Windermere; Ryan Spencer Powers, Tallahassee; Michaelia N. Robinson, Tallahassee; Juan T. Santiago, Winter Garden; William S. Santiago, Winter Garden; Danielle Sewell, Groveland; Elizabeth A. Webster, Orlando; John E. Webster, Orlando

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(To Obtain the Number of a Bill, see Subject Index)

Abbreviations:

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Introducers
CR — Committee Report
CS — Committee Substitute
FR — First Reading
MO — Motion
Boldfaced Page Numbers — Passage of Bill

Types of Bills:

SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
SJR/HJR — Senate/House Joint Resolution
SM/HM — Senate/House Memorial
SR — Senate Resolution

Final Disposition:

Adopted
CSP — Companion or Similar Bill Passed
DCC — Died in Conference Committee
DCH — Died on House Calendar
DCS — Died on Senate Calendar
DHC — Died in House Committee
DM — Died in Messages
DNI — Died, Not Introduced
DS — Died in Senate
DSC — Died in Senate Committee
FPH — Failed to Pass House
FPS — Failed to Pass Senate
LTH — Laid on Table in House
LTS — Laid on Table in Senate
Passed
UHC — Unfavorable Report, House Committee
USC — Unfavorable Report, Senate Committee
Vetoed
WNI — Withdrawn, Not Introduced
WS — Withdrawn from the Senate

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2 Scholarship Programs (Education Appropriations and others) (FR)7, (CR)(CS)228, (CR)349, (CS/CS)350, (CR)690, (CS/CS/CS)691, (BA)714, (BA)715, (CR)744, (BA)754, **755**, (CO)818, (CO)1075, (CO)1662 DM

SJR
4 Citizen Initiative/Amendments (Judiciary and others) (FR)8, (CO)186, (CR)227, (MO)246, (CR)325, (CS)326, (BA)772, (CR)811, (CO)1662 LTS
6 Initiatives/60 Percent of Electors (Judiciary and others) (FR)8, (CO)186, (CR)227, (MO)246, (CR)325, (CS)326, (BA)773, (CR)811, (CO)1662 LTS/CSP-HJR 1723

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8 Relief/Minouche, Jean & Flora Noel (Campbell) (FR)8 DSC
10 Relief/Stephen Hall/DOT (Campbell) (FR)8 DSC
12 Relief/Laura Laporte (Clary) (FR)8 DSC
14 Relief/Doretta Spurway/HSMV (Lawson) (FR)8 DSC
16 Relief/D. Darling & W. Smith/FSU (Lawson) (FR)9 DSC
18 Relief/Sharon & Megan Jurgrau (Fasano) (FR)9, (CR)103 DSC
20 Relief/Adam Susser/Broward Co. (Jones) (FR)9, (CR)103 DSC
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24 Relief/Betty Obenza/Duval Co. (Hill) (FR)9, (CR)101 DSC
26 Relief/Sheryl & George Allen (Lynn) (FR)9, (CR)103 DSC
28 Relief/Dr. Sherrill Lynn Aversa/DOT (Margolis) (FR)9 DSC
30 Relief/Donna Sofka/Polk Co. (Siplin) (FR)9, (CR)103 DSC
32 Relief/A. John & A. Jacob Angelillo (Campbell) (FR)9, (CR)103 DSC
34 Relief/Tuncs/Miami Beach (Margolis) (FR)9, (CR)102 DSC
36 Not Used
38 Not Used
40 Relief/Verlin Weaver/Fernandina Bch. (Aronberg) (FR)10, (CR)103 DSC
42 Relief/Alvarez & Patnode/Martin Co. (Campbell) (FR)10 DSC
44 Relief/Kamel & Dimitri/Palm Bch. Co. (Dawson) (FR)10, (CR)102 DSC
46 Noninstructional Personnel/Schools (Geller) (FR)10 DSC
48 Automated External Defibrillators (Health Care and others) (FR)10, (CR)567, (CS)569, (BA)686, (CR)689, (BA)711, **712**, (CO)1662 DM
50 Motor Vehicles/Changing Lanes (Geller) (FR)10 DSC

SB
52 Commercial Motor Vehicles (Geller) (FR)10, (CR)101, (CR)102, (CR)187, (BA)245, (CR)246, (BA)263, **264**, 461 Vetoed
54 Cardrooms/Poker/Dominoes (Geller) (FR)10 DSC
56 Streamlined Sales & Use Tax (Government Efficiency Appropriations and others) (FR)10, (CS)93, (CR)103, (CR)227, (CO)234 DSC/CSP-HB 643
58 Crime Laboratory Personnel/Pub. Rec. (Campbell and others) (FR)11, (CR)102 DSC
60 FRS/Special Risk/Law Enforcement (Ways and Means and others) (FR)11, (CR)419, (CR)(CS)640, (BA)736, (CR)744, (BA)**765**, 1075 Ch. 2005-167
62 Seniors & Disabled Adults/Services (Community Affairs and others) (FR)11, (CS)93, (CR)103, (CR)104, (BA)225, (BA)226, (CR)227, (BA)237, **238**, (MO)299, (BA)340, (BA)**341**, (CO)1075 DHC
64 Guardianship (Judiciary) (FR)11, (CS)94, (CR)103, (BA)225, (BA)226, (CR)227, (BA)238, **239** DM
66 Economic-Development Incentives (Constantine) (FR)11 DSC

SJR
68 Convening of Legislature (Posey) (FR)11 DSC

SB
70 State Financial Matters (Posey) (FR)12 DSC
72 Citizen Soldier Grant Program (Transportation and Economic Development Appropriations and others) (FR)12, (CR)101, (CR)103, (CR)(CS)640, (BA)834, (CR)886, (CO)1075, (CO)1662 LTS/CSP-HB 691
74 Citizen Soldier Matching Grant TF (Transportation and Economic Development Appropriations and others) (FR)12, (CR)101, (CR)103, (CR)(CS)640, (BA)834, (CR)886, (CO)1075, (CO)1662 LTS/CSP-HB 691
76 Practice of Law Restrictions (Geller) (FR)12 DSC

SJR
78 Basic Rights (Geller) (FR)12, (CR)638 DSC

SB
80 Parent-child Privilege (Geller and others) (FR)12, (CR)377, (CR)462, (CO)1662 DCS
82 Medical Malpractice Fund (Geller) (FR)12 DSC
84 Video Lotteries (Geller) (FR)12 DSC
86 Video Lottery Administrative TF (Geller) (FR)12 DSC
88 Video Lottery Purse Trust Fund (Geller) (FR)13 DSC
90 Herbert F. Morgan Building (Lawson and others) (FR)13, (CR)102, (CR)103 DCS

SB
92 Educator/Hate Crime Training Program (Margolis) (FR)13 DSC
SCR
94 Equal Rights for Men & Women (Margolis and others) (FR)13, (CO)219, (CO)292, (CO)337 DSC
SB
96 Protection & Care for Elders (Margolis and others) (FR)13, (CR)101, (CR)227, (MO)299, (BA)343, (CR)348, (BA)**358**, (CO)388, (CO)1230 DHC
98 2020 Water Study Commission (Saunders and others) (FR)13, (CO)175, (CR)349 USC/LTS
100 Health Care Practitioners/Education (Saunders and others) (FR)13, (CR)102, (MO)553 DCS
102 Southwest Fla. Expressway Authority (Saunders and others) (FR)13, (CO)219, (CR)246, (CR)319, (CO)461, (CR)462, (CR)554, (BA)618, (CR)638 LTS/CSP-HB 401
104 Accelerated HS Graduation/Options (Constantine) (FR)13 DSC
106 State Retirement Program (Constantine) (MO)3, (FR)14, (CR)103, (BA)130, (BA)131, (BA)221, **222**, 909 Ch. 2005-134
108 Fire Prevention & Control (Criminal Justice) (FR)14, (CR)102, (CR)188, (CS)218, (MO)637, (BA)781, (CR)811 LTS/CSP-HB 69
110 Construction/Building Inspections (Constantine) (FR)14, (CR)101 DSC
112 Hospice Facilities (Constantine) (FR)14, (CR)377, (CR)524, (MO)637, (BA)785, (CR)811 LTS/CSP-HB 189
114 Entertainment Industry Financial TF (Saunders and others) (FR)14, (CR)103, (CR)135, (BA)222, (CR)227, (BA)**236**, (CO)240, 1075 Vetoed
116 Culpable Negligence/Vehicles/DUI (Saunders and others) (FR)14, (CR)103, (CO)1662 DCS
118 Massage Therapy Regulation (Health Care) (FR)14, (CR)176, (CS)185, (CR)265 DCS
120 Certified Nursing Assistants (Saunders) 14 WNI
122 Homestead Exemption/Fraudulent Act (Criminal Justice and others) (FR)14, (CS)94, (CR)104 DCS
124 Foster Children/Vehicle Insurance (Health and Human Services Appropriations and others) (FR)14, (CR)102, (CO)337, (CR)567, (CS)569, (BA)616, (CR)638, (BA)668, **669**, (CO)709, (CO)1075 DHC
126 Education (Education Appropriations and others) (FR)14, (CS)94, (CR)104, (CO)175, (CO)354, (CR)567, (CS/CS)569, (BA)687, (CR)689, (CO)1075 LTS
128 Disposition of Dead Bodies (Posey) (FR)15 DSC
SJR
130 Felons' Vote/Congress/Term Limits (Dawson and others) (FR)15, (CO)388, (CO)478 DSC/CSP-HJR 1177
SB
132 Elections/Former Felons' Vote (Dawson and others) (FR)15, (CO)313, (CO)388, (CO)478 DSC
134 Tribal-State Compacts/Gaming (Regulated Industries) (FR)15, (CS)94, (CR)104 DSC
SJR
136 Fiscal Responsibility Act of 2006 (Geller) (FR)15 DSC
SB
138 Health Ins./Autism Spectrum Disorder (Geller and others) (FR)15 DSC
140 Energy Efficiency Standards (Geller) (FR)15 DSC
SR
142 Tampa Police Department (Miller) (FR)**356** Adopted
144 Olesky, Ann (Saunders) (FR)**537** Adopted
SB
146 Exoneration of Felony Convictions (Lynn) (FR)15 DSC
SJR
148 Felons' Vote/Congress/Term Limits (Lynn) (FR)15 DSC/CSP-HJR 1177
SB
150 Health Care for Children (Siplin) (FR)16 DSC
152 Alimony (Judiciary) (FR)16, (CS)94, (CR)105, (BA)298, (CR)299, (BA)318, **319**, (BA)1587, **1588** Ch. 2005-168
154 Law Enforcement Officers/Salaries (Siplin) (FR)16 DSC
156 Sales Tax/Convention Centers (Siplin) (FR)16 DSC
158 Lifeline Telecommunications Service (Siplin) (FR)16 DSC/CSP-CS/CS/SB 1322
160 Student Assessment Instruments (Siplin) 16 WNI
162 Voyeurism (Aronberg and others) (FR)16, (CR)103, (CR)135, (BA)223, (CR)227, (CO)234, (BA)**236**, (CO)1075 DHC
164 Parks & Recreational Facilities (Miller) (FR)16 DSC
166 Child Support (Aronberg and others) (MO)3, (FR)16, (CR)102, (CR)103, (BA)130, (BA)**221**, (CO)1075, (BA)**1105** Vetoed/CSP-HB 1283
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168 County Correctional Facility/Youth (Lynn) (FR)16, (CR)102 DSC
170 Sentencing/Youthful Offenders (Lynn) (FR)16 DSC
172 Probation & Community Control (Criminal Justice) (FR)17, (CR)325, (CS)326 DSC/CSP-HB 1877
174 Probation & Community Control (Lynn) (FR)17 DSC
176 Fla. School Recognition Program (Lynn) (FR)17 DSC
178 Sales of Fireworks (Lynn and others) (FR)17 DSC
180 Self-storage Facility (Lynn) (FR)17 DSC
182 Community Behavioral Health Agencies (Children and Families) (FR)17, (CR)463, (CS)464 DSC
184 Substance Abuse Treatment (Judiciary and others) (FR)17, (CS)94, (CR)104, (CR)690, (CS/CS)692 DSC
186 Sexually Transmissible Disease (Judiciary and others) (FR)18, (CS)95, (CR)104, (CR)325, (CS/CS)327, (CR)419, (BA)506, (CR)523, (BA)**545**, 818, (CO)1230 Ch. 2005-169
188 Sexual Battery on Minor (Judiciary) (FR)18, (CR)524, (CR)690, (CS)693 DSC
190 Student Loans/Attorneys (Judiciary and others) (FR)18, (CS)95, (CR)103, (CR)104, (CO)596 DSC
192 Advertising for Legal Services (Commerce and Consumer Services and others) (FR)18, (CR)176, (CS)185, (CR)525, (CS/CS)526, (CO)596, (BA)620, (BA)621, (CR)638, (BA)**677** DHC
194 Juvenile Services (Hill) (FR)18 DSC
196 Patient's Rights (Siplin) (FR)18 DSC
198 Job Opportunities for Youths (Siplin and others) (FR)18, (CO)292 DSC
200 Hazardous Material Right-to-Know Act (Community Affairs) (MO)3, (FR)19, (CS)95, (CR)101, (CR)104, (BA)129, (BA)220, **221**, 322, 437, 460 Ch. 2005-5
202 Community Contribution Tax Credit (Government Efficiency Appropriations and others) (FR)19, (CS)95, (CR)101, (CR)104, (MO)553, (CR)567, (CS/CS)569, (BA)606, (CR)638, (BA)658, **659**, (CO)709, 1075 Ch. 2005-282
204 Not Used
206 Tax Exemptions/Widow/Disabled Person (Lawson and others) (FR)19 DSC
208 Child Care Facilities (Lynn) (FR)19, (CR)101, (CR)134, (MO)418 DCS
210 Suicide Prevention Statewide Office (Health and Human Services Appropriations and others) (FR)19, (CS)(CS/CS)95, (CR)104, (CO)219, (CO)354, (CR)567, (CS/CS/CS)569, (CO)1075 DCS
212 Residential Tenancies/Utilities (Lynn) (FR)19 DSC
214 Right to Speedy Trial (Judiciary) (FR)19, (CR)(MO)454, (CS)455, (CR)639, (BA)714, (CR)744 LTS/CSP-HB 285
216 Dori Slosberg Act of 2005 (Transportation and others) (FR)20, (CR)420, (CS)423, (CR)524, (BA)624, (BA)625, (BA)637, (CR)638, (BA)**680** DM/CSP-HB 1697
218 Teachers/Cost-of-Living Increase (Wilson) (FR)20 DSC
220 Independent Living (Children and Families and others) (FR)20, (CO)354, (CR)567, (CS)569 DSC
222 Schools/Student Assessment Program (Wilson) (FR)20, (CR)102 DSC
224 School Grading System (Wilson) (FR)20 DSC
226 Tuition/Resident Status (Wilson and others) (FR)20, (CR)102, (CO)175, (CO)219 DSC
SJR
228 Ad Valorem Tax/Valuing Property (Community Affairs and others) (FR)20, (CR)228, (CS)230 DSC
SB
230 HIV/AIDS Prevention (Wilson and others) (FR)20, (CR)102, (CR)187, (CO)313 DSC
232 Emergency Management (Domestic Security) (FR)20, (CS)95, (CR)103, (CR)104 DCS
234 Arcade Amusement Centers (Regulated Industries) (FR)20, (CR)300, (CS)310 DSC
236 New Smyrna Beach/Pension Plans (Lynn) 20 WNI
238 Personal Injury Protection Insurance (Campbell) (FR)20, (CR)103, (BA)223, (CR)227, (BA)**236** DHC
240 Nursing Homes/Electrical Service (Health Care) (FR)21, (CS)96, (CR)104 DSC
242 Rural Land Protection (Dockery) (FR)21, (CR)102 DSC
244 Rural Lands Program Trust Fund (Dockery) (FR)21, (CR)102 DSC
246 Child Safety (Children and Families) (MO)3, (FR)21, (CS)96, (CR)103, (CR)104, (BA)129, (BA)**221** DHC
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248 Legal Aid Day (Hill) (FR)**340** Adopted
250 Omega Psi Phi Fraternity (Hill) (FR)121, **122** Adopted

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252 FRS/Municipal Personnel/Annuities (Fasano) (FR)21, (CR)102, (CR)103, (CR)462, (BA)507, (BA)510, (CR)523, (BA)**547**, 909 Ch. 2005-135
SR
254 Oak Gators Flag Football Team (Saunders) (FR)**479** Adopted
SB
256 Childhood Obesity Prevention Act (Margolis) 21 WNI
258 Trauma Care & Rape Crisis Centers (Lynn) (FR)21 DSC/CSP-HB 1697
SR
260 Johnson, Janiqua (Saunders) (FR)479, **480** Adopted
262 Raven, Josh (Saunders) (FR)**480** Adopted
264 Preston, Darrius (Saunders) (FR)**480** Adopted
SB
266 Nursing Home Facilities (Saunders and others) (FR)22, (CR)101, (CR)135, (BA)223, (CR)227, (BA)**237**, (CO)240, 461 Ch. 2005-136
268 Elections/Early Voting (Posey) (FR)22, (CR)103 DCS
270 Weapons & Firearms (Margolis) (FR)22, (MO)743 WS
272 Consumer Call Center Services (Campbell) 22 WNI
274 Interstate Compact for Juveniles (Governmental Oversight and Productivity and others) (FR)22, (CR)135, (CR)187, (CR)(CS)455, (MO)553, (BA)609, (CR)638, (CO)709 LTS/CSP-HB 577
276 Wrecker Services (General Government Appropriations and others) (FR)22, (CR)101, (CR)102, (CR)135, (CR)187, (CR)299, (CR)567, (CS)569, (BA)625, (BA)626, (CR)638, (BA)680, **681**, (MO)711, 818, (CO)1230 Vetoed/CSP-HB 1697, CS/CS/SB 492
278 Study Commission/Outsourcing (Campbell) 23 WNI
280 Voting Systems (Klein and others) (FR)23 DSC
282 Criminal Acts/State of Emergency (Domestic Security and others) (FR)23, (CR)377, (CR)463, (CS)464, (CR)639, (BA)715, (CR)744, (BA)755, (BA)772 LTS
284 Consumer Protection (Judiciary and others) (FR)23, (CR)103, (CO)175, (CR)(CS)464, (CO)596, (BA)684, (BA)685, (CR)689, (CO)709, (BA)711, (BA)753, (BA)845, (CO)1075 LTS/CSP-HB 481
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286 Primary Elections/Party Affiliation (Aronberg and others) (FR)23, (CR)300 DSC
SB
288 Seaport Security Plan/Pub. Rec. (Domestic Security and others) (FR)23, (CR)102, (CR)103, (MO)523, (BA)615, (CR)638, (BA)**667**, 1075, (CO)1230 Ch. 2005-53
290 Not Used
292 Citrus Canker Eradication (Agriculture and others) (MO)3, (FR)23, (CR)103, (BA)130, (CO)175, (BA)**221**, 337, 437, 460 Ch. 2005-26
294 Not Used
SR
296 STOP Day (Wilson) (FR)**480** Adopted
SB
298 Notaries Public (Governmental Oversight and Productivity) (FR)23, (CR)102, (CR)325, (CS)327 DCS
300 Taxation (Government Efficiency Appropriations) (FR)24, (CR)102, (CR)103, (BA)223, (CR)227, (BA)**236**, 656 Ch. 2005-96 CSP-HB 1813, SB 470
302 FRS/Purchase of Retirement Credit (Atwater) (FR)24 DSC
304 Financial Entities & Transactions (Criminal Justice) (FR)24, (CS)96, (CR)104, (CR)266, (CS/CS)284, (CR)454, (CS/CS/CS)455, (MO)811 DCS
306 Law Enforcement Officer/Pub. Rec. (Fasano) 25 WNI
308 Law Officer/Investigative Interview (Fasano and others) (FR)25, (CR)102, (CR)639, (BA)720, (CR)744, (BA)**757**, 909, (CO)1075, (CO)1230 Vetoed
310 Bingo Games (Fasano) (FR)25, (CR)103, (BA)245, (CR)246, (BA)**264** DHC
312 Prisoners/Sale of Literary Accounts (Fasano and others) (FR)25, (CR)102, (CR)135, (CO)478 DCS
314 The Seniors' Safety Act (Fasano and others) (FR)25 DSC
316 Criminal Punishment Code (Justice Appropriations and others) (FR)25, (CR)187, (CO)234, (CR)421, (CS)423, (BA)486, (BA)509, (BA)510, (CR)523, (CO)596 LTS/CSP-HB 411
318 Cystic Fibrosis Treatment/Insurance (Health Care and others) (FR)26, (CO)186, (CO)219, (CR)227, (CR)(CS)378 DSC
320 Nonemergency Telecommunications/911 (Margolis) 26 WNI
322 Outsourcing Contracts/Reporting (Campbell) (FR)26 DSC
324 Not Used
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326 FRS/Nurses/Co. Correctional Facility (Fasano) (FR)26 DSC
328 Automated External Defibrillators (Justice Appropriations and others) (FR)26, (CR)101, (CR)228, (CS)230, (CR)421, (CS/CS)424, (BA)507, (BA)510, (CR)523, (BA)**547**, (CO)909, 1075 Vetoed
330 Contamination Notice (Governmental Oversight and Productivity) (FR)26, (CR)300, (CS)310, (MO)348, (CR)420, (CS/CS)424, (MO)744, (MO)811, (BA)939, (CR)1074 LTS/CSP-HB 937
332 Water Protection & Sustainability TF (Ways and Means and others) (FR)26, (CR)420, (CS)424, (MO)523, (CR)524, (MO)637, (MO)658, (CR)(CS/CS)744, (BA)784, (CR)811, (BA)**1071**, 1661, (CO)1662 Ch. 2005-289 CSP-CS/CS/CS/SB 444, CS/CS/CS/SB 360
334 Public Housing (Governmental Oversight and Productivity and others) (FR)26, (CS)97, (CR)101, (CR)104, (CO)175, (CR)421, (CS/CS)424, (BA)504, (CR)523, (BA)542, (BA)599, **600**, 909 Ch. 2005-54
336 Family Day Care Homes (Wilson) (FR)26 DSC
338 Environmental Protection Dept. (Dockery) (FR)26 DSC
340 State Lands/Submerged Lands (Dockery) (FR)26 DSC
342 Jai Alai/Live Performances (Argenziano) (FR)27, (CR)102, (CR)103, (MO)811, (BA)911, (CR)1074, (BA)1077, (BA)1078, (BA)1326, (BA)1327, (BA)1328, (BA)1570 LTS/CSP-HB 181
344 Health Insurance/Infertility (Campbell) (FR)27 DSC
346 Death Sentence (Crist) (FR)27 DSC
348 Family Court Efficiency (Health and Human Services Appropriations and others) (FR)27, (CR)101, (CR)134, (CR)421, (CS)424, (BA)504, (CR)523, (BA)553, (CO)596, (BA)605, **606**, (BA)**1232** Ch. 2005-239
350 Jason A. Gucwa Act (Lynn) (FR)27 DSC
352 Zaniyah Hinson Act (Commerce and Consumer Services and others) (FR)27, (CS)97, (CR)101, (CR)104, (CO)175, (MO)637 DCS
354 Family Child Care Homes (Lynn) (FR)27, (CR)101, (CR)134 DSC
356 Substance Abuse Treatment (Lynn) (FR)28, (CR)102, (MO)246, (BA)295, (BA)296, (CR)299, (BA)**315**, 534 Ch. 2005-55
358 Florida Sales Tax Relief Act (Baker and others) 28 WNI/CSP-HB 101
360 Infrastructure Planning & Funding (Ways and Means) (FR)28, (MO)418, (CR)463, (CS)464, (CR)525, (CS/CS)526, (CR)690, (CS/CS/CS)693, (BA)782, (BA)787, (BA)790, (CR)811, (BA)1065, **1069**, (MO)1070, (MO)1179, (BA)1228, (BA)1229, (BA)1589, **1645**, 1662 Ch. 2005-290 CSP-CS/CS/SB 332, CS/CS/CS/SB 444
SJR
362 State Revenue Limitation (Haridopolos and others) (FR)28, (CO)1230 DSC
364 Legislative Power Limitation/Taxes (Haridopolos and others) (FR)28, (CO)1230 DSC
SB
366 Health Care Practitioners (Health Care and others) (FR)28, (CR)176, (CS)185, (BA)223, (BA)226, (CR)227, (BA)**237**, (CO)259, 461 Ch. 2005-240
368 Sales tax/Skybox/Luxury Box/Box Seat (Posey and others) (FR)28 DSC
370 Satisfaction of Debts (Justice Appropriations) (FR)28, (CS)97, (CR)104, (CR)349, (CS/CS)351, (BA)414, (BA)415, (CR)418, (BA)**451**, (BA)1303, (BA)1304, 1661 Ch. 2005-241
372 Justice Systems (Crist) (FR)28 DSC
374 Juvenile Justice (Crist) (FR)28 DSC
376 Education (Alexander) (FR)29 DSC
378 Higher Education/Florida State Univ. (Education Appropriations) (FR)29, (CR)266, (CS)285, (CR)325 DCS
380 Class Size (Alexander) (FR)29 DSC
382 Public School Funding (Alexander) (FR)29 DSC
384 School Readiness (Alexander) (FR)29 DSC
386 K-20 Performance (Alexander) (FR)29 DSC
388 Education Funding (Education Appropriations) (FR)29, (CR)266, (CS)285, (CR)325, (BA)371, **372**, (CR)377, (BA)391, 534, (BA)562, 1260, **1264**, 1662 Ch. 2005-56
390 Agriculture & Consumer Services (Clary) (FR)29 DSC
392 Water Quality Assurance Trust Fund (General Government Appropriations) (FR)29, (CR)266, (CS)285, (CR)325, (BA)**372**, (CR)377, (BA)395, 534, (BA)562, 1259, **1260**, 1662 Ch. 2005-57

SB
394 Enforcement of Farm Labor Laws (General Government Appropriations) (FR)29, (CR)266, (CS)285, (CR)325, (BA)**372**, (CR)377, (BA)395, 534, (BA)562, 1264, **1265**, 1662 Ch. 2005-58
396 State Revenues (Clary) (FR)29 DSC
398 Governmental Operations (Clary) (FR)29 DSC
400 Procurement/Commodities/Contracts (General Government Appropriations) (FR)29, (CR)266, (CS)285, (CR)325, (BA)**372**, (CR)377, (BA)395, 534, (BA)562, 1265, **1266**, 1662 Ch. 2005-59
402 Citrus (Clary) (FR)29 DSC
404 Health Care (Ways and Means) (FR)30, (CR)301, (CS)310, (CR)325, (CS/CS)327, (BA)**372**, (CR)377, (BA)396, 534, (BA)563, 1266, **1282**, 1662 Ch. 2005-60 CSP-CS/CS/SB 838, SB 2602
406 Medicaid Reform (Saunders) (FR)30 DSC
408 Economic Eligibility Services (Health and Human Services Appropriations) (FR)30, (CR)301, (CS)310, (CR)325, (BA)373, (BA)**376**, (CR)377, (BA)401, 534, (BA)563, 1282, **1284**, 1662 Ch. 2005-61
410 Health Department (Health and Human Services Appropriations) (FR)30, (CR)301, (CS)310, (CR)325, (BA)**373**, (CR)377, (BA)404, 534, (BA)563, 1285, **1287**, 1662 Ch. 2005-62
412 Elderly Affairs Department (Saunders) (FR)30 DSC
414 Agency for Persons With Disabilities (Saunders) (FR)30 DSC
416 Economic Development (Fasano) (FR)30 DSC
418 Governmental Organization (Fasano) (FR)30 DSC
420 Governmental Operations (Fasano) (FR)30 DSC
422 State Financial Matters (Carlton) (FR)30 DSC
424 Employee Benefits (Ways and Means) (FR)30, (CR)325, (CS)327, (BA)**373**, (CR)377, (BA)406, 534, 563, (BA)564, 1287, **1289**, 1662 Ch. 2005-97
426 Governmental Operations (Carlton) (FR)30 DSC
428 Developmental Disabilities (Health and Human Services Appropriations and others) (FR)30, (CS)97, (CR)102, (CR)104, (CR)640, (CS/CS)641, (BA)728, (CR)744, (BA)759, (BA)811, (CO)818, (CO)1230 LTS/CSP-HB 17
430 Nursing (King and others) (FR)30 DSC/CSP-CS/SB 410
432 Consumption of Alcohol (Lynn) (FR)31 DSC
434 Disabilities/Service Animals (Commerce and Consumer Services and others) (FR)31, (CS)98, (CR)102, (CR)104, (CR)135, (CS/CS)147, (CO)175, (BA)223, (BA)225, (CR)227, (BA)**237**, (BA)1106, **1108** Ch. 2005-63
436 Protection of Persons/Use of Force (Judiciary and others) (FR)31, (CS)(CS/CS)98, (CR)104, (CR)105, (BA)244, (CR)246, (BA)262, **263**, 388, 535 Ch. 2005-27
438 DUI Test Refusal (Lynn and others) (FR)31 DSC
440 Water Supply, Planning, & Production (Environmental Preservation) (FR)32, (CR)266, (CS)285, (CR)419, (MO)454 DCS/CSP-CS/CS/CS/SB 444
442 Building Safety (Government Efficiency Appropriations and others) (FR)32, (CS)98, (CR)104, (CR)(CS/CS)239, (CO)313, (CO)337, (CR)463, (CS/CS/CS)465, (CR)567, (CS/CS/CS/CS)570, (BA)777, (BA)781, (CR)811, (BA)1059, **1060**, 1661 Ch. 2005-147 CSP-HB 41, HB 567, HB 1267, HB 1697
444 Water Supplies (Ways and Means and others) (FR)32, (MO)348, (CR)378, (CS)379, (CO)478, (CR)567, (CS/CS)571, (MO)637, (MO)658, (CR)(CS/CS/CS)744, (BA)782, (BA)784, (CR)811, (BA)1070, **1071**, 1661, (CO)1662 Ch. 2005-291 CSP-CS/CS/SB 332, HB 1855, CS/CS/CS/SB 360, CS/CS/SB 2502
446 Parole for Juveniles (Geller and others) (FR)32, (CO)219 DSC
448 Sales Tax Exemption/Ostrich Feed (Posey and others) (FR)32, (CR)102 DSC
450 Motor Vehicle Ins. Increase/Military (Geller and others) (FR)32, (CR)101, (CR)187, (BA)346, (CR)348, (BA)**363**, (CO)478, 656 Ch. 2005-41
452 Highway Safety & Motor Vehicles (Sebesta) (FR)32 DSC
454 Highway Safety (Transportation and Economic Development Appropriations and others) (FR)32, (CR)239, (CS)240, (CR)320, (CO)337, (CR)567, (CS/CS)572, (CR)690, (CS/CS/CS)693, (CO)751, (MO)811, (BA)921, (BA)964, (BA)966, (CR)1074 LTS/CSP-HB 1697, CS/CS/CS/CS/SB 442
456 Highway Safety (Sebesta) (FR)32 DSC
458 Transportation Dept. (Sebesta) (FR)33 DSC
460 Transportation (Transportation and Economic Development Appropriations) (FR)33, (CR)325, (CS)327, (MO)418, (CR)567, (CS/CS)572, (CR)640, (CS/CS/CS)641, (BA)942, (BA)943, (CR)1074 LTS/CSP-HB 1029, HB 1681, SB 2602
462 Transportation (Sebesta) (FR)33 DSC
464 State Pharmaceutical Programs (Campbell) (FR)33 DSC
466 Supervised Visitation Programs (Lynn) (FR)33, (CR)103 DSC
468 Motor Vehicle Driving Privilege/DUI (Wise and others) (FR)33, (CR)101, (CR)134, (CR)462, (CR)554, (BA)619, (CR)638 LTS/CSP-HB 19
470 Indigent Care Surtax (Argenziano and others) (FR)33, (CR)102, (MO)246, (BA)297, (BA)(CR)299, (BA)**317**, 909 Ch. 2005-242
472 Alfredo Bahena Act (Alexander and others) (FR)33, (CR)103, (CO)219, (MO)299 DCS/CSP-HB 1717
474 Registered Nurses/Home Visits (Health Care) (FR)34, (CS)99, (CR)105, (BA)225, (CR)227, (BA)**238**, 1075 Ch. 2005-170 CSP-CS/SB 484, CS/SB 720
476 Florida Sales Tax Relief Act (Government Efficiency Appropriations and others) (FR)34, (CO)388, (MO)553, (CR)567, (CS)573, (BA)785, (BA)787, (CR)811, (CO)1075, (CO)1230, (CO)1662 LTS/CSP-HB 101
478 Podiatric Medicine (Health Care) (MO)3, (FR)34, (CS)99, (CR)105, (BA)129, (BA)220, (BA)**235**, 909 Ch. 2005-98
480 Direct Shipments of Wine (Saunders and others) (FR)34, (CO)175, (MO)637 WS
482 State Lottery/Public Education (Government Efficiency Appropriations and others) (FR)34, (CR)265, (CR)349, (CS)351, (CR)462, (BA)486, (CR)523, (CO)535, (CO)1075 LTS/CSP-HB 841
484 Health Care/Nursing (Health Care and others) (FR)34, (CR)300, (CS)310, (CR)419, (MO)553, (BA)614, (BA)615, (CR)638, (BA)666, **667**, (CO)709, (BA)1304, **1309**, 1662 Ch. 2005-243 CSP-CS/SB 474, CS/SB 720
486 Enterprise Zones (General Government Appropriations and others) (FR)34, (CR)378, (CS)380, (CR)421, (CS/CS)424, (BA)911, (BA)957, (CR)1074, (BA)1105, (BA)1327, **1328**, (BA)1588, **1589**, (CO)1662 Ch. 2005-244
488 Taser Use on Minors (Hill and others) (FR)34 DSC
490 State Lottery/Unclaimed Prize Money (Lynn and others) (FR)34 DSC
492 Vehicles/Recovery/Towing/Storage (Criminal Justice and others) (FR)35, (CR)103, (CR)176, (CS)185, (CR)325, (CS/CS)327, (MO)348, (BA)411, (BA)414, (CR)418, (BA)450, **451**, 656 Ch. 2005-137
494 Renewable Energy (Community Affairs and others) (FR)35, (CR)187, (CR)246, (CR)378, (CS)380, (BA)409, (CR)418, (CO)1075 LTS/CSP-HB 77
496 Voter Intimidation (Ethics and Elections) (FR)35, (CR)525, (CS)526 DSC/CSP-HB 1567
498 Immigrant Children/Residency Status (Margolis and others) (FR)35, (CR)103, (CR)134, (CR)554, (BA)622, (CR)638, (BA)**679**, 909 Ch. 2005-245
500 Assault Weapons/Detachable Magazine (Margolis) (FR)35, (MO)743 WS
502 Lake Okeechobee Protection Program (Environmental Preservation) (FR)35, (CS)99, (CR)103, (CR)134, (CR)324, (BA)407, (CR)418 LTS/CSP-HB 155
504 Electronic Voting Systems (Hill) (FR)35 DSC
506 Voting (Judiciary) (FR)35, (CR)103, (CR)301, (CS)311 DCS/CSP-HB 1567
508 African-American History Month (Hill) (FR)35 DSC
510 Temporary Custody of Child (Judiciary and others) (FR)36, (CS)99, (CR)103, (CR)247, (BA)622, (CR)638, (BA)**679**, (CO)709 DHC
512 Protective Injunctions (Children and Families and others) (FR)36, (CR)101, (CR)228, (CS)230, (BA)244, (CR)246, (BA)**262**, (BA)1232, **1233** Ch. 2005-246
514 Civil Rights Restoration/Prisoners (Criminal Justice and others) (FR)36, (CR)420, (CS)424, (MO)454, (MO)553, (BA)613, (CR)638, (BA)**665** DHC
516 Citrus Department/Districts (Alexander and others) (MO)3, (FR)36, (CR)102, (CR)103, (BA)129, (BA)**221**, 337, 437, 460 Ch. 2005-6
518 Health Professionals/Speech (Education) (FR)36, (CR)228, (CS)230, (CR)301, (CS/CS)311, (BA)617, (CR)638, (BA)**670** DHC
520 Pawnbroking (Hill) (FR)36 DSC
522 Moving Services (Lynn) (FR)36 DSC
524 Assisted Lvg./Nursing Home Resident (Peaden and others) (FR)36, (CO)175, (CO)1230 DSC

SB
526 Electric Utility Transmission (Governmental Oversight and Productivity and others) (FR)36, (CS)99, (CR)104, (CO)175, (CR)264, (CR)454, (CR)(CS/CS)555, (BA)940, (BA)941, (CR)1074, (BA)**1098** DM
528 Education Funding (Education Appropriations and others) (FR)37, (CR)135, (CS)147, (CO)175, (CR)567, (CS/CS)573 DSC
530 DUI/Ignition Interlock Device (Transportation and Economic Development Appropriations and others) (FR)37, (CR)134, (CR)187, (CR)325, (CS)327, (CO)337, (BA)621, (CR)638, (BA)678, (BA)711, (BA)**753**, 909 Ch. 2005-138
532 Court Orders/Payment Awards (Campbell) (FR)37, (CR)188, (BA)244, (CR)246, (BA)**263** DHC
534 Health Care Services (Campbell) (FR)37 DSC
536 Juvenile Proceedings/Restraints (Siplin) (FR)37 DSC
538 Sentencing/Victim Impact Evidence (Smith and others) (FR)37, (CR)187, (CO)259, (CR)265, (BA)296, (CR)299, (BA)**315**, 534, (CO)1075 Ch. 2005-64
540 Parole Commission (Criminal Justice) (FR)37, (CS)99, (CR)104, (CR)324 DCS
542 Community College/Transportation Fee (Education and others) (FR)37, (CS)100, (CR)104, (CR)419 DCS
544 Psychotherapist-patient Privilege (Smith) (FR)37, (CR)103, (CR)135, (BA)225, (CR)227, (BA)**238** DHC
546 Lung Transplant Services/Medicaid (Health and Human Services Appropriations and others) (FR)37, (CR)102, (CR)640, (CS)641, (BA)736, (CR)744, (BA)**765**, (CO)1075 DHC/CSP-CS/CS/SB 838
548 Karen Ardaman Act (Smith) (FR)37 DSC
550 Property Tax Exemption/Disabled Vets (Clary and others) (FR)38, (CR)102, (CR)176, (CO)186, (MO)553, (BA)606, (CR)638, (BA)**659**, (CO)709, 909 Ch. 2005-42
552 Game Promotion/Consumer Products (Commerce and Consumer Services and others) (FR)38, (CS)100, (CR)104, (CR)265, (BA)297, (BA)298, (CR)299, (BA)**318**, 565, (CO)1075 Ch. 2005-99
554 Property Taxes (Haridopolos and others) (FR)38, (CR)102, (CR)176 DCS
556 Documentary Stamp Tax (Peaden) (FR)38, (CR)102 DSC
558 Cruelty to Animals (Rich and others) (FR)38, (CR)134, (CO)259, (CR)265, (BA)297, (CR)299, (CO)313, (BA)**317**, (CO)437 DHC
560 Congenital Craniofacial Anomalies (Banking and Insurance) (FR)38, (CR)463, (CS)465, (CR)638 DSC
562 Prescribed Drugs Covered by Medicaid (Saunders) (FR)38 DSC
564 Medicaid Eligibility (Saunders) (FR)38 DSC
566 Medicaid Provided Institutional Care (Saunders) (FR)38 DSC
568 High School Graduation/FCAT (Wilson) (FR)38, (CR)103 USC/LTS
570 Burglary During State of Emergency (Garcia and others) 38 WNI
572 Consumer Protection/Emergencies (Criminal Justice and others) (FR)39, (CR)135, (CS)147, (CO)219, (CR)319, (CR)455, (CS/CS)457, (BA)505, (CR)523, (BA)**543**, 909, (CO)1075 Ch. 2005-283
574 Official Fruit of Florida (Haridopolos and others) (FR)39, (CR)102, (CR)103, (BA)509, (BA)(CR)523, (BA)548, (BA)600, (BA)**626**, 1075 Ch. 2005-38
576 Criminal Prosecutions (Crist) (FR)39 DSC
578 Performance Contracting Mgmt. Act (Wise) (FR)39 DSC
580 Mitigating Factors/Certain Offenses (Fasano) (FR)39, (CR)265 DSC
582 Sales Tax on Research or Development (Fasano) (FR)39 DSC
584 McKay Scholarships/Disabilities (Education) (FR)39, (CR)554, (CS)555, (MO)744 DSC
586 Acupuncture (Jones) 39 WNI
588 Voter Education (Fasano) (FR)39 DSC
590 Mold Assessment & Remediation (General Government Appropriations) (FR)39, (CR)135, (CS)147, (CR)266, (CS/CS)286, (CR)377, (CR)567, (CS/CS/CS)573 DCS
592 Alternative Energy (Governmental Oversight and Productivity) (FR)39, (CR)246, (CR)300, (CR)378, (CS)380 DSC
594 Health Ins./Surgical First Assistant (Health Care) (FR)40, (CR)525, (CS)526, (CR)640, (CS/CS)641, (BA)787, (CR)811, (BA)845, **846** DM
596 Electrical/Alarm System Contractors (Klein) (FR)40 DSC
598 Local Govt. Infrastructure Surtax (Fasano) (FR)40, (CR)324, (CR)462, (MO)637 DCS

SB
600 Judicial Circuits (Crist and others) 40 WNI/CSP-CS/CS/CS/SB 2048
602 Telecommunication Rates (Fasano and others) (FR)40 DSC
604 Motor Vehicle Dealers/Used Vehicles (Margolis) 40 WNI
606 Ad Valorem Tax/School Districts (Jones) (FR)40, (CR)102, (CR)227, (CR)554 DCS
608 Anti-Murder Act (Judiciary and others) (FR)40, (CO)219, (CO)313, (CO)354, (CR)420, (CS)424, (CR)638 DSC
610 Vehicle/National Guard/Contribution (Hill and others) (FR)40 DSC
612 Veterans' Day/Schools (Community Affairs and others) (FR)40, (CO)175, (CO)234, (CR)246, (CO)313, (CO)323, (CR)349, (CS)351, (BA)408, (BA)409, (CR)418, (BA)**448**, (CO)461 DM
614 Consumer Call Center Services (Hill) (FR)40 DSC
616 Tax Exemption/Machinery & Equipment (Bullard) (FR)41 DSC
618 Community Residential Homes (Children and Families and others) (FR)41, (CR)300, (CS)311, (CO)354, (CR)419, (MO)553 DCS
620 Wireless Emergency Telephone System (Governmental Oversight and Productivity and others) (FR)41, (CR)228, (CS)230, (CR)246, (CR)378, (CS/CS)380, (CO)437, (CR)462, (CR)553, (BA)609, (CR)638, (BA)**662**, (CO)1075 Ch. 2005-171
622 Community Mental Health Services (Lynn) (FR)41 DSC

SR
624 St. Johns County Day/March 15, 2005 (King) (FR)**122** Adopted

SB
626 Portable Restroom Contracting (Health and Human Services Appropriations and others) (FR)41, (CS)100, (CR)104, (CR)176, (CR)421, (CS/CS)425, (BA)509, (CR)523, (BA)**548**, 818 Vetoed

SR
628 Judson, Dr. Robert W. (Bob) (Fasano) (FR)**597** Adopted

SB
630 Corporate Income Tax (Margolis and others) (FR)41, (CR)102, (CO)1075 DSC
632 Construction Services/Prompt Payment (Regulated Industries and others) (FR)42, (CO)175, (CR)265, (CR)378, (CS)380, (CR)525, (CS/CS)526, (MO)637, (BA)785, (CR)811, (CO)1075 LTS/CSP-HB 509
634 Alarm System Contracting (Regulated Industries) (FR)42, (CR)265, (CR)421, (CS)425, (CR)525, (CS/CS)527, (BA)688, (BA)(CR)689 LTS/CSP-HB 41, CS/CS/CS/CS/SB 442
636 Career Service System (Argenziano) (FR)42 DSC
638 Title Insurance (Banking and Insurance and others) (FR)42, (CR)(CS)320, (CR)419, (MO)637, (BA)785, (BA)786, (CR)811 LTS/CSP-HB 75
640 Educational Facilities/Indoor Air (Rich) (FR)42 DSC
642 Mobility-impaired Pedestrians/Dogs (Rich and others) (FR)42, (CR)101, (CR)300, (CO)313, (BA)688, (CR)689, (CO)1230 LTS/CSP-HB 925
644 Parental Notification System/HSMV (Wise) (FR)42 DSC
646 Juvenile Offenders (Criminal Justice) (FR)42, (CR)266, (CS)286, (CR)324, (BA)408, (CR)418, (BA)**448** DHC
648 Hurricane Preparedness/Sales Tax (Campbell) (FR)42, (CR)320, (CS)321, (MO)553, (CR)567, (CS/CS)577, (BA)784, (CR)811 LTS/CSP-HCB 6001
650 Fishing Working Waterfronts (Bennett) (FR)42 DSC
652 Public Construction Bonds (Judiciary) (FR)43, (CR)378, (CS)381, (CR)567, (CS/CS)573, (BA)688, (CR)689, (BA)**712**, 1075 Ch. 2005-218
654 Expunction of Arrest Records (Haridopolos) (FR)43, (CR)135, (CR)187 DSC
656 Deputy James M. Weaver Act (Ways and Means and others) (FR)43, (CR)134, (CR)187, (CO)219, (CR)464, (CS)466, (BA)506, (BA)507, (CR)523, (BA)545, **546**, 909, (CO)1075 Ch. 2005-100
658 Univ. of South Fla. St. Petersburg (Education Appropriations and others) (FR)43, (CR)324, (CR)421, (CS)425, (MO)553, (BA)620, (CR)638, (BA)**673**, 909, (CO)1075 Vetoed
660 Assets Held in Benefit Plans (Banking and Insurance and others) (FR)43, (CR)101, (CR)266, (CS)286, (BA)406, (BA)407, (CR)418, (BA)445, **446**, (CO)1075 Ch. 2005-101
662 Hospitals/Hurricane Damage/Studies (Governmental Oversight and Productivity and others) (FR)43, (CR)265, (CR)378, (CS)381, (CR)(CS/CS)555, (BA)618, (CR)638,

SB
(BA)670, (BA)671, (BA)682, **683**, (CO)709, (BA)1157, **1158**, 1662 Vetoed
664 Acceleration Mechanisms (Education and others) (FR)43, (CR)135, (CS)147, (MO)811, (BA)912, (CR)1074, (CO)1075 LTS/CSP-HB 579
666 Alcoholic Beverages/Surcharges & Tax (Posey) (FR)44, (CR)134 DSC
668 Defibrillators in State Parks (Jones and others) (FR)44, (CR)102, (CR)554, (CO)1230 DSC
670 Community Colleges (Jones and others) (FR)44, (CR)102, (CR)419, (BA)509, (CR)523, (BA)**548**, (CO)656, 1661 Ch. 2005-247
672 Child's Welfare/Persons Responsible (Wilson) 44 WNI
674 Big Cypress Area/Critical Concern (Saunders) (FR)44, (CR)102, (MO)637 WS
676 Public Records & Meetings Exemptions (Governmental Oversight and Productivity) (FR)44, (CR)419, (CR)640, (CS)641, (MO)744, (BA)920, (CR)1074 LTS/CSP-HB 185
678 Registration & Protection/Trademarks (Campbell) (FR)44 DSC
680 OGSR Telecommunications/Cable/Info. (Governmental Oversight and Productivity) (FR)45, (CR)102, (CR)378, (CS)381, (MO)523, (BA)617, (CR)638 LTS/CSP-HB 1923
SJR
682 Adverse Medical Incidents (Saunders) (FR)45, (MO)637 WS
684 Medical Malpractice/Medical License (Saunders) (FR)45, (MO)637 WS
SB
686 Traffic Infractions/Disposition (Transportation) (FR)45, (CR)420, (CS)425 DSC
688 FRS/Local Government Employees (Governmental Oversight and Productivity) (FR)45, (CR)102, (CR)135, (CS)148, (CR)462 DCS/CSP-HB 1159
690 Immunizations/Mercury Contents (Health Care) (FR)45, (CR)176, (CS)185, (BA)343, (CR)348, (BA)**358** DHC
SCR
692 Sales & Use Tax Exemption Committee (Geller) (FR)45 DSC
SB
694 Sales & Use Tax Exemption Committee (Geller) (FR)45 DSC
696 Sales Tax Exemption/Farm Equipment (Government Efficiency Appropriations and others) (FR)45, (CR)102, (CR)640, (CS)641, (MO)743, (BA)911, (CR)1074 LTS/CSP-HB 643
698 Fla. Consumer Finance/Pub. Rec. (Governmental Oversight and Productivity) (FR)45, (CR)135, (CR)300, (CS)311, (CR)(CS/CS)555, (MO)811, (BA)941, (CR)1074 LTS
700 Sales Tax/Gas & Electricity/Farms (Smith and others) (FR)45, (CR)102 DSC
702 Area Health Education Center Network (Health and Human Services Appropriations) (FR)46, (CR)176, (MO)418, (CR)567, (CS)573 DCS
704 Revenue-generating Contract/DOC (Bennett) (FR)46, (MO)418 WS
706 Motor Vehicle Warranties (Bennett) (FR)46, (MO)418 WS
708 Workers' Compensation (Bennett) (FR)46, (MO)418 WS
710 Community Contribution Tax Credit (Fasano and others) (FR)46 DSC/CSP-CS/CS/SB 202
712 Florida Clean Elections Act (Wilson) (FR)46 DSC
714 Clean Money Trust Fund (Wilson) (FR)47 DSC
716 Agricultural Economic Development (Environmental Preservation and others) (FR)47, (CR)134, (CO)175, (CR)266, (CS)286, (CR)640, (CS/CS)642 DCS
718 Transportation Department (Transportation and Economic Development Appropriations) (FR)47, (CR)102, (CR)419, (CR)421, (CS)425, (BA)503, (CR)523, (BA)542, (BA)599, (BA)658, (BA)711, (BA)753, (BA)846, (BA)1038, (BA)1105 DCS/CSP-HB 1681, SB 2602
720 Health Care (Health and Human Services Appropriations) (FR)47, (CR)102, (CR)187, (CR)320, (CR)567, (CS)574, (BA)621, (CR)638, (BA)**677**, 909 Ch. 2005-172 CSP-CS/SB 474, CS/SB 484
722 Internet Screening in Public Library (Wise) (FR)47 DSC
724 Affordable Housing/Elderly (Margolis and others) (FR)47, (CR)103, (CR)135, (BA)244, (CR)246, (CO)259, (BA)**262**, 534 Ch. 2005-102
726 Interference with Custody/OGSR (Judiciary) (FR)47, (CR)102, (CR)103, (MO)523, (BA)612, (CR)638 LTS/CSP-HB 1699
SB
728 Sentencing Juveniles (Wilson and others) (FR)47 DSC
730 Prohibition on Prostitution (Fasano) (FR)48, (CR)135, (BA)244, (BA)245, (CR)246, (BA)**263**, 1075 Ch. 2005-219
732 Road Rage Reduction Act (Criminal Justice and others) (FR)48, (CO)219, (CR)227, (CR)325, (CS)328, (BA)347, (BA)(CR)348, (BA)364 LTS
734 School Buses/Safety Belts (Dockery and others) (FR)48, (CO)219, (CO)313 DSC
736 Private Security Services (Lynn) 48 WNI
738 Criminal Justice Standard Commission (Governmental Oversight and Productivity and others) (FR)48, (CR)265, (CR)421, (CS)425, (BA)738, (CR)744, (BA)**767**, 1661 Ch. 2005-103
740 Three Kings Day (Siplin) (FR)48, (CR)102 DSC
742 Lifeline Service (Siplin) (FR)48 DSC
744 Lifeline Assistance Services (Siplin) (FR)48 DSC
746 Fireworks (Lawson) (FR)48, (CR)566 DSC
748 Fire Hydrants (Community Affairs and others) (FR)48, (CR)227, (CO)292, (CR)320, (CS)321, (BA)344, (CR)348, (BA)**361**, (CO)535, (CO)1075 DHC
750 Talent Agencies (Criminal Justice and others) (FR)49, (CR)266, (CS)286, (CR)463, (CS/CS)466, (CR)639, (CS/CS/CS)642, (CO)1075 DSC
752 Ms. Willie Ann Glenn Act (Wise and others) (FR)49, (CR)101, (CR)246, (CO)388, (CR)554, (BA)622, (CR)638, (BA)678, (BA)711, (BA)743, (CO)909, (CO)1075 LTS/CSP-HB 227
SR
754 Jewish Federation/S. Palm Beach Co. (Klein) (FR)910, **911** Adopted
SB
756 Municipalities/Eminent Domain (Judiciary) (FR)49, (CS)100, (CR)104, (CR)187, (CR)690, (CS/CS)694 DCS
758 Child Protective Investigations (Judiciary) (FR)49, (CR)135, (CS)148, (CR)463, (CS/CS)466, (MO)553, (BA)626, (CR)638, (BA)**681**, (BA)1158, 1661 Ch. 2005-173 CSP-CS/SB 1098
760 District School Tax (Aronberg) (FR)49 DSC
762 Multitenant Access/Protocol Services (Haridopolos) (FR)49 DSC
764 Postdisaster Planning/Electric Power (Aronberg) (FR)50, (CR)524, (CR)638 DSC
766 Corporate Scholarship Program (King) (FR)50 DSC
768 Instruction for Exceptional Students (Children and Families and others) (FR)50, (CR)101, (CO)175, (CR)349, (CS)351, (CR)554, (BA)625, (CR)638, (BA)**680**, (CO)1230 DM
770 State Facility Designations (Transportation and others) (FR)50, (CR)421, (CS)425, (BA)508, (CR)523, (CO)535 LTS/CSP-HB 385
772 Inland Lakes & Canals (Dockery) (FR)50, (CR)134, (CR)247, (BA)298, (CR)299, (BA)319, (BA)342 LTS/CSP-HB 331
774 Greenways & Trails (General Government Appropriations and others) (FR)50, (CS)100, (CR)104, (CO)354, (CR)418, (CR)567, (CS/CS)574, (BA)683, (CR)689, (CO)709, (CO)818, (CO)1075 LTS/CSP-HB 1141
776 Leave Payout/Law Enforcement Officer (Peaden and others) (FR)51 DSC
778 Per Diem & Travel Expenses (Ways and Means and others) (FR)51, (CO)175, (CR)266, (CS)287, (CR)690, (CS/CS)694, (BA)825, (CR)886, (BA)**1037**, (CO)1075, (CO)1230 DHC
780 Used Motor Vehicle Warranty Act (Campbell) (FR)51 DSC
782 Chad Meredith Act (Justice Appropriations and others) (FR)51, (CR)324, (CO)354, (CR)420, (CS)426, (CR)640, (CS/CS)642, (BA)738, (CR)744 LTS/CSP-HB 193
784 School Districts/Paperwork Reduction (Haridopolos and others) (FR)51, (CR)102, (CR)187, (CR)265, (BA)298, (CR)299, (BA)411, (CR)418, (CO)1075 LTS/CSP-HB 281
786 Tires & Batteries/Govt. Entities/Fee (General Government Appropriations) (FR)51, (CR)102, (CR)134, (CR)421, (CS)426, (BA)716, (CR)744, (BA)**756**, 1075 Ch. 2005-174
788 School Personnel/Reemployment/DROP (Clary and others) (FR)51, (CO)219, (CO)337, (CR)638 DSC
790 Classrooms for Kids Program (Garcia) (FR)51, (MO)637 WS
792 Construction Contracting/Seals (Haridopolos and others) (FR)51, (CR)134, (CR)265, (MO)348, (BA)415, (CR)418, (CO)535 LTS/CSP-HB 213, HB 699
794 Alcoholic Beverages (Criminal Justice and others) (FR)52, (CR)266, (CS)287, (CR)553, (CR)640, (CS/CS)642 DSC
796 Dune Stabilization/Restoration (Clary and others) (FR)52, (CR)418, (MO)743 WS

SB
798 Minor/Termination/Pregnancy/Pub. Rec (Governmental Oversight and Productivity and others) (FR)52, (CR)566, (CR)640, (CS)642, (MO)689, (BA)833, (CR)886, (BA)**1038**, (CO)1230, 1661 Ch. 2005-104 CSP-HB 1659
800 State Courts System (Webster and others) (FR)52 DSC
802 Litigation (Webster) (FR)52 DSC
804 Artificially Provided Sustenance (Judiciary) (FR)52, (MO)124, (CR)188, (CS)218, (BA)222, (BA)226, (CR)227, (BA)235, (BA)261, **262** FPS
806 Constitutional Amendments (Webster and others) (FR)52 DSC
808 Constitutional Amendments (Webster and others) (FR)52 DSC
810 State Constitution (Webster and others) (FR)52 DSC
812 Correctional Probation Officer/FRS (Criminal Justice and others) (FR)52, (CR)639, (CS)643 DSC
814 Retired Law Enforcement/Reemployment (Posey and others) (FR)53, (CR)320, (CO)354 DSC
816 Contraband & Counterfeit Cigarettes (General Government Appropriations and others) (FR)53, (CR)135, (CS)148, (CR)187, (CO)240, (CR)265, (CR)567, (CS/CS)574, (BA)619, (CR)638, (CO)1230 LTS/CSP-HB 205
818 Tax/Substitute Communications System (Haridopolos and others) (FR)53, (CO)175, (CO)219, (CO)234, (CO)259, (CO)337, (CO)388, (CO)437, (CO)478, (CO)535 DSC/CSP-CS/SB 2070
820 Eric Ulysses Ramirez Hwy./Lake Co. (Baker) (FR)53 DSC/CSP-HB 385
822 State Group Insurance Program (Ways and Means) (FR)53, (CR)101, (CR)227, (CR)568, (CS)574, (BA)618, (BA)619, (CR)638, (BA)**671**, 1075 Ch. 2005-175
824 Waste-to-energy Facilities (Crist) (FR)53, (CR)134 DSC/CSP-HB 77
826 Florida Orchestra (Crist) (FR)53 DSC
828 Cosmetology (Crist) (FR)53 DSC
830 Misuse of Laser Lighting Devices (Justice Appropriations and others) (FR)54, (CR)102, (CR)187, (CO)234, (CR)567, (CS)574, (BA)911, (CR)1074 LTS/CSP-HB 1025
832 Obsolete Agricultural Equipment (Agriculture and others) (FR)54, (CS)100, (CR)104, (CR)228 DCS
834 Taxes/Governmental Entity Property (Bennett) (FR)54, (MO)418 WS
836 Community Affairs Department (Bennett) (FR)54 DSC
838 Medicaid (Ways and Means and others) (FR)54, (MO)348, (CR)421, (CS)426, (CO)478, (CR)568, (CS/CS)574, (BA)825, (BA)832, (CR)886, (BA)1062, (BA)1100, (BA)1241, (BA)1242, (BA)1534, **1550**, 1661, (CO)1662 Ch. 2005-133 CSP-CS/CS/SB 404
840 Medicaid Program (Peaden) (FR)54 DSC
842 Medicaid Program (Peaden) (FR)54 DSC
844 Medicaid Program (Peaden) (FR)54 DSC
846 Medicaid Program (Peaden) (FR)55 DSC
848 Medicaid Program (Peaden) (FR)55 DSC
850 Medicaid Program (Peaden) (FR)55 DSC
852 Medicaid Program (Peaden) (FR)55 DSC
854 Agriculture (Smith) (FR)55 DSC
856 Citrus (Smith) (FR)55 DSC
858 Agriculture (Judiciary) (FR)55, (CR)228, (CS)230, (CR)378, (CS/CS)381, (CR)690, (CS/CS/CS)694, (MO)811, (BA)915, (BA)916, (CR)1074 LTS/CSP-HB 1717
860 Controlled Substances (Fasano) (FR)55, (CR)638 DSC
862 Educational Loan Marketing Corp. (Education) (FR)55, (CR)554, (CS)555 DSC
864 Motor Vehicle Repair Shops (Banking and Insurance and others) (FR)55, (CR)101, (CR)463, (CS)466, (BA)552, (BA)(CR)553, (BA)**605**, (CO)1075 DHC
866 Student Financial Assistance (Education and others) (FR)55, (CR)554, (CS)555 DSC
868 E. R. Pipping, Jr., Memorial Act (Dockery) (FR)56, (CR)227, (CR)300, (BA)346, (CR)348, (BA)**363**, 656 Ch. 2005-43
870 Disabled Parking Permits (Crist) (FR)56, (CR)377, (CR)524, (BA)936, (BA)1037, (CR)1074 LTS/CSP-HB 63
872 Motor Vehicles/Mobile Homes (Peaden) (FR)56, (CR)377, (CR)462 DSC
874 Prescription Drugs (Health and Human Services Appropriations) (FR)56, (CR)455, (CS)457, (CR)567, (CS/CS)575, (BA)609, (CR)638, (BA)**663**, 1075 Ch. 2005-248
876 K-12 GI Bill Program/Educ. Choice (Education and others) (FR)56, (CO)175, (CR)690, (CS)695 DSC
878 Personal Property/Delinquent Tax/Ads (Baker and others) (FR)56, (CR)102, (CR)228, (BA)298, (CR)299, (BA)318, (BA)**342**, (CO)1075 Ch. 2005-220
SB
880 Intangible Personal Property Tax (Baker and others) 56 WNI
882 Sovereign Immunity in Tort Actions (Wise) (FR)56 DSC
884 Florida Caregiver Institute, Inc. (Children and Families) (FR)56, (CS)100, (CR)104, (CR)324 DSC
886 Prison Industries Task Force (Governmental Oversight and Productivity and others) (FR)56, (CS)100, (CR)104, (CO)175, (CR)554, (CS/CS)555, (MO)689 DCS
888 State Employees' Charitable Campaign (Wise) (FR)57 DSC
890 Students/Administering Epinephrine (Education and others) (FR)57, (CR)320, (CS)321, (CR)419, (MO)553, (BA)624, (CR)638, (CO)1075 LTS/CSP-HB 279
892 Faith-based Counseling Regulation (Wise) (FR)57 DSC
SJR
894 Homestead Property Assessments (Haridopolos) (FR)57, (CR)187, (CR)324 DSC
SB
896 Fla. Prepaid College Prog./Pub. Rec. (Governmental Oversight and Productivity and others) (FR)57, (CR)102, (MO)454, (CR)555, (CS)556, (BA)616, (CR)638, (CO)1230 LTS/CSP-HB 1729
898 Rabies Vaccination (Health Care and others) (FR)57, (CR)265, (CR)377, (CS)381, (CR)524, (BA)619, (CR)638, (CO)1230 LTS/CSP-HB 255
900 Health Care Services (Campbell) (FR)57 DSC
902 Nonjudicial Sale of Vessels (Transportation) (FR)58, (CR)525, (CS)527 DSC
904 Privatization of Foster Care (Dockery) (FR)58, (CR)134, (CR)188, (BA)297, (CR)299, (BA)**317**, 534 Ch. 2005-105
906 Beverage Law/Direct Shippers/Wine (Dockery and others) (FR)58 DSC
908 Wekiva Parkway & Protection Act (Constantine) (FR)58, (CR)101, (CR)187, (BA)243, (BA)244, (CR)246, (BA)**262**, (BA)**1108** Ch. 2005-106
910 Medicaid Program (Saunders) (FR)58 DSC
912 Medicaid Program (Saunders) (FR)58 DSC
914 Medicaid Program (Saunders) (FR)58 DSC
916 Medicaid Program (Saunders) (FR)58 DSC
918 Medicaid Program (Saunders) (FR)58 DSC
920 Medicaid Program (Saunders) (FR)58 DSC
922 Medicaid Program (Saunders) (FR)58 DSC
924 Medicaid Program (Saunders) (FR)59 DSC
926 Interlocal Svc. Boundary Agreement (Government Efficiency Appropriations) (FR)59, (CR)265, (CR)420, (CS)426, (CR)463, (CS/CS)466, (CR)553, (BA)612, (BA)613, (CR)638, (BA)**664**, (BA)1239, **1240** DM
928 Medicaid Program (Peaden) (FR)59 DSC
930 Medicaid Program (Peaden) (FR)59 DSC
932 Patient Safety (Peaden) (FR)59 DSC
934 Trauma Care (Peaden) (FR)59 DSC
936 Long-term Care (Peaden) (FR)59 DSC
938 Adverse Medical Incidents (Health Care and others) (FR)59, (MO)124, (CR)325, (CS)328, (MO)348, (CR)377, (BA)407, (BA)408, (CR)418, (BA)**447**, (CO)461, 656 Ch. 2005-265
940 Repeated Medical Malpractice (Health Care and others) (FR)59, (MO)124, (CR)325, (CS)328, (MO)348, (CR)377, (BA)408, (CR)418, (BA)**448**, (CO)461, 656 Ch. 2005-266
942 Public Records Exemption (Peaden) (FR)59 DSC
944 Regulation of Professions (Jones) (FR)59 DSC
946 Alcoholic Beverages (Jones) (FR)60 DSC
948 Community Associations (Regulated Industries) (FR)60, (CR)639, (CS)643 DSC
950 Day Cruise Industry (Jones) (FR)60 DSC
952 Lotteries (Jones) (FR)60 DSC
954 Mobile Homes (Jones) (FR)60 DSC
956 Pari-mutuel Industry (Jones) (FR)60 DSC
958 Animal Health Care Services (Agriculture and others) (FR)60, (CO)175, (CO)186, (CR)378, (CS)381 DSC
960 Community Supervision of Offenders (Smith and others) (FR)60 DSC
962 Florida Elections Commission (Smith) (FR)61 DSC
964 Coastal Property Sales/Disclosures (Regulated Industries and others) (FR)61, (CR)300, (CS)311, (CR)464, (CS/CS)467 DCS
966 Public Libraries/Construction Grants (Smith and others) (FR)61, (CR)101, (CR)187, (CO)461, (CO)909 DSC
968 Alcoholic Beverage Licenses/Lodges (Smith) (FR)61, (CR)462, (CR)566 DSC
970 Household Moving Services (Transportation and others) (FR)61, (CR)525, (CS)527, (CR)566, (CO)596, (CO)1075 DSC

SB
972 Physicians/Osteopathic Physicians (Jones) (FR)61 DSC
974 Domestic Violence Fatality Review (Governmental Oversight and Productivity) (FR)62, (CR)103, (CR)134, (CR)455, (CS)457, (MO)689, (BA)835, (BA)840, (CR)886 LTS/CSP-HB 1921
976 Coastal Redevelopment/Mitigation (Environmental Preservation and others) (FR)62, (CR)102, (CR)227, (CR)525, (CS)527, (CR)553, (BA)621, (CR)638, (BA)**677**, (CO)709 DHC
978 Unlawful Use of Personal ID Info. (Commerce and Consumer Services and others) (FR)62, (CO)437, (CR)462, (CS)467, (CR)639, (CS/CS)643, (MO)689 DSC/CSP-HB 481
980 Workers' Compensation Fraud (Smith and others) (FR)62, (CO)437, (CO)1230 DSC
982 Electrical/Alarm System Contracting (Bennett) (FR)62, (CR)299, (CR)638, (MO)689 DCS/CSP-CS/CS/CS/CS/SB 442
984 Retirement/Special Risk Class (Smith and others) (FR)62, (CO)909 DSC
986 Adoption (Dawson) (FR)62 DSC
988 Evidence/Deceased/Incompetent Person (Judiciary) (FR)63, (CR)690, (CS)695, (BA)785, (CR)811 LTS/CSP-HB 523
990 Sexual Offenses (Smith) (FR)63 DSC
992 Retirement (Governmental Oversight and Productivity and others) (FR)63, (CO)186, (CR)640, (CS)643 DSC

SR
994 Massage Therapy Awareness Days (Jones) (FR)**220** Adopted

SB
996 Child/Unattended in Motor Vehicle (Dawson and others) (FR)63, (CR)227, (CO)337, (CO)565 DSC
998 Victim's Rights (Posey) (FR)63, (MO)348 DSC
1000 Income Requirements/State Programs (Posey) (FR)63 DSC
1002 Insurance Field Representatives (Commerce and Consumer Services) (FR)63, (CR)300, (CS)311, (CR)525, (CS/CS)527, (MO)689, (BA)836, (CR)886 LTS/CSP-HB 501
1004 Wrongful Criminal Convictions (Siplin) (FR)63 DSC

SR
1006 Cherry, Charles W., Sr. (Lynn) (FR)657, **658** Adopted

SB
1008 HIV Infection/Testing of Inmates (Wilson) (FR)63 DSC
1010 Administrative Procedures (Ways and Means and others) (FR)64, (CR)188, (CS)218, (CR)325, (CS/CS)328, (CR)464, (CS/CS/CS)467, (BA)507, (BA)(CR)523, (BA)**546**, 1075 Vetoed
1012 Professions Regulated by DBPR (Regulated Industries) (FR)64, (CR)228, (CS)231, (BA)244, (CR)246, (BA)**263**, 461 Ch. 2005-249
1014 State Rights-of-Way Use (Argenziano) (FR)64 DSC
1016 Construction Contracting (Governmental Oversight and Productivity) (FR)64, (CR)266, (CS)287, (CR)377, (CR)421, (CS/CS)427, (BA)940, (CR)1074 LTS/CSP-HB 113

SR
1018 Alpha Kappa Alpha Sorority, Inc. (Wilson and others) (FR)122, **123** Adopted

SB
1020 Police, Fire, SAR Dogs/Police Horses (Haridopolos and others) (FR)64, (CR)135, (BA)296, (BA)297, (CR)299, (BA)**316**, 1075 Ch. 2005-139
1022 Local Occupational License Taxes (Community Affairs) (FR)64, (CR)455, (CS)457, (CR)566 DSC
1024 Certified Capital Company Act/OGSR (Government Efficiency Appropriations) (FR)64, (CR)134, (CR)265, (MO)454, (CR)524, (CR)640, (CS)643, (BA)737, (CR)744, (BA)767 LTS/CSP-HB 1817
1026 Future of Space in Florida (Transportation and Economic Development Appropriations and others) (FR)65, (CR)228, (CS)231, (CR)325, (CS/CS)328, (MO)454, (CR)567, (CS/CS/CS)575, (BA)608, (CR)638, (BA)**661**, (CO)709, (CO)1075, (BA)1233, (BA)1237 DM
1028 School Readiness Records/OGSR (Governmental Oversight and Productivity and others) (FR)65, (CR)134, (CR)246, (MO)454, (CR)455, (CS)457, (BA)550, (CR)553, (CO)1075 LTS/CSP-HB 1861
1030 Vehicles/Financial Responsibility (Judiciary) (FR)65, (CR)227, (CR)320, (CR)690, (CS)695, (BA)786, (CR)811, (BA)846, (BA)852, (BA)871 LTS/CSP-HB 551
1032 Health Care Act/Access/Poverty Level (Bennett and others) (FR)65, (CR)419, (MO)637, (BA)786, (CR)811, (CO)818 LTS/CSP-HB 151

SB
1034 Extracurricular Activities/Eligible (Education) (FR)65, (CR)378, (CS)382, (BA)409, (BA)415, (BA)416, (CR)418 LTS
1036 Driver's Licenses (Lynn) (FR)65 DSC
1038 Highway Designations (Hill) (FR)65 DSC/CSP-HB 385
1040 Bicycle Lanes/Pedestrian Ways (Dawson) (FR)65 DSC
1042 Physical Exams/Class "G" Applicants (Crist and others) (FR)65, (CR)134, (CR)639, (BA)731, (CR)744, (CO)1662 LTS/CSP-HB 307
1044 Juvenile/Adjudicatory Hearing (Judiciary) (FR)65, (CR)690, (CS)695 DSC

SR
1046 Lowry Park Zoo Day (Crist and others) (FR)**438** Adopted

SJR
1048 Courts (Crist) 66 WNI

SB
1050 Unlawful Taking of Personal Property (Crist and others) (FR)66, (CR)187 DSC
1052 Residence of Sexual Offenders (Crist and others) (FR)66, (CR)638 DSC

SR
1054 Relief Workers/Hurricanes of 2004 (Crist) (FR)819, **820** Adopted

SB
1056 Business Entities (Judiciary and others) (FR)66, (CR)227, (CO)234, (CO)323, (CR)325, (CS)328, (CR)462, (BA)550, (BA)552, (CR)553, (CO)596, (BA)603, (BA)605, (BA)626, **628**, 909 Ch. 2005-267
1058 Joseph Striska Fla. Welcome Center (King) (FR)67 DSC/CSP-HB 385
1060 Nursing Shortage (Education and others) (FR)67, (CO)175, (CR)176, (CR)300, (CS)311 DSC
1062 Seaport Security (Transportation and Economic Development Appropriations) (FR)67, (CR)135, (CS)148, (CR)319, (CR)555, (CS/CS)556, (CR)640, (CS/CS/CS)643, (BA)917, (CR)1074, (BA)**1094** DM
1064 Restitution & Court-Ordered Payments (King and others) (FR)67, (MO)124 WS

SR
1066 Ronald Reagan Day (Haridopolos and others) (FR)241, **242** Adopted

SB
1068 Theft of Property (Rich and others) (FR)68, (CO)234, (CR)265, (CO)292 DSC
1070 Economic Development Incentives (Constantine and others) (FR)68, (CO)175, (CO)219, (CR)319, (CO)337, (CR)524 DSC
1072 Auditor Selection Procedures (Governmental Oversight and Productivity) (FR)68, (CR)103, (CR)227, (CR)325, (CS)330, (MO)348, (BA)407, (CR)418 LTS/CSP-HB 349
1074 Retirement/Emergency Dispatchers (Alexander) (FR)68 DSC
1076 High School Graduation Requirements (Miller) (FR)68 DSC

SR
1078 PONY Baseball/Palma Ceia/Bayshore (Miller) (FR)**481** Adopted
1080 Hubbard, Coach Harry (Miller) (FR)**481** Adopted

SB
1082 H. Lee Moffitt Center/Pub. Rec. (Governmental Oversight and Productivity and others) (FR)68, (CR)102, (CR)187, (CO)219, (CR)455, (CS)457, (MO)637, (BA)775, (CR)811, (CO)1075 LTS/CSP-HB 449
1084 Pardo-Arambul Act/Notice/Next of Kin (Siplin) (FR)68 DSC
1086 Infant Eye Care (Wilson and others) (FR)68 DSC
1088 Early Learning (Wilson) (FR)69 DSC
1090 Minors/Psychotropic Medication (Judiciary and others) (FR)69, (CR)135, (CS)148, (CO)186, (CR)187, (CR)325, (CS/CS)330, (CR)554, (BA)732, (BA)733, (CR)744, (BA)**760**, (CO)1075 Ch. 2005-65
1092 Unemployment Compensation Records (Wise) 69 WNI
1094 Blood Donor Protection Act (Governmental Oversight and Productivity) (FR)69, (CR)324, (CR)421, (CS)427, (BA)506, (CR)523, (BA)**545**, 909 Ch. 2005-176
1096 Freedom to Worship Safely Act (Judiciary and others) (FR)69, (CR)265, (CO)337, (CO)437, (CR)455, (CS)457, (CO)461, (MO)637, (BA)784, (CR)811, (CO)1075 LTS/CSP-HB 319
1098 Child Abuse Cases/Guardian Ad Litem (Governmental Oversight and Productivity and others) (FR)69, (CR)227,

SB
(CO)234, (CR)455, (CS)457, (MO)637, (BA)786, (CR)811, (BA)846, (BA)**848**, (CO)1075 Ch. 2005-213 CSP-CS/CS/SB 758
1100 Theft (Transportation) (FR)69, (CR)419, (CR)640, (CS)644 DSC
1102 Relief of Persons/Tropical System (Atwater) (FR)69 DSC
1104 Communications Services Tax (Atwater) (FR)69 DSC
1106 Taxation (Atwater) (FR)70 DSC
1108 Interest & Trust Funds (Atwater) (FR)70 DSC
1110 Documentary Stamp Tax Revenue (Ways and Means) (FR)70, (CR)463, (CS)467, (CR)567, (CS/CS)575, (MO)637, (BA)716, (BA)717, (CR)744, (BA)757, (BA)1073, (BA)1105 DCS/CSP-HB 1889
1112 General Revenue Service Charges (Atwater) (FR)70 DSC
1114 Restaurants/Resealed Wine Containers (Transportation) (FR)70, (CR)228, (CS)231, (CR)301, (CS/CS)311, (BA)346, (BA)347, (CR)348, (BA)**364**, 1075 Ch. 2005-250
1116 Specialty Nursing (Saunders and others) (FR)70, (CO)234, (CO)259, (MO)637 WS
1118 Motor Vehicle Crash Reports (Transportation and others) (FR)70, (CO)313, (CR)377, (CS)382, (CR)419, (BA)507, (CR)523, (BA)**547**, 1075 Ch. 2005-177
1120 Financial Literacy Council (Governmental Oversight and Productivity) (FR)70, (CR)463, (CS)467, (CR)640, (CS/CS)644 DSC
1122 Third-party Liability (Saunders) (FR)70, (CR)134, (CR)319, (MO)418, (BA)507, (CR)523, (BA)**546**, 1075 Ch. 2005-140
1124 Mobile Homes (Regulated Industries and others) (FR)70, (CR)228, (CS)231, (CR)320, (CO)337, (CR)639, (BA)742, (CR)744, (CO)1230 LTS/CSP-HB 565

SR
1126 Armwood High School "Hawks" (Miller) (FR)293, **294** Adopted

SB
1128 Inmates/Parents of Minor Children (Wilson) (FR)71 DSC
1130 Abandonment of Roads (Transportation) (FR)71, (CR)135, (CS)149, (CR)247, (BA)298, (CR)299, (BA)318, (BA)341 LTS/CSP-HB 625
1132 Official State Flagship (Crist) (FR)71 DSC
1134 Governmental Effectiveness (Argenziano) (FR)71 DSC
1136 Governmental Effectiveness (Argenziano) (FR)71 DSC
1138 Governmental Effectiveness (Argenziano) (FR)71 DSC
1140 Executive Branch Collegial Bodies (Argenziano and others) (FR)71, (CO)337 DSC
1142 Trade Secrets/State Agency/Pub. Rec. (Governmental Oversight and Productivity) (FR)71, (CR)525, (CS)527, (CR)640, (CS/CS)644 DSC
1144 Public Records & Meetings (Governmental Oversight and Productivity) (FR)71, (CR)266, (CS)287, (MO)348, (MO)376, (BA)408, (CR)418, (BA)447, **448**, (BA)1108, **1109** Ch. 2005-251
1146 Procurement of Contractual Services (General Government Appropriations and others) (FR)72, (MO)246, (CR)266, (CS)287, (CR)325, (CS/CS)330, (CO)337, (BA)344, (CR)348, (BA)361, (BA)**365**, (CO)478, (BA)1109, **1115** Vetoed
1148 Adult Video Games (Miller) (FR)72 DSC
1150 Vehicle & Vessel Registration (Saunders) (FR)72 DSC
1152 FRS/Payroll Contribution Rates (Governmental Oversight and Productivity) (FR)72, (CR)325, (CS)330 DSC/CSP-HB 1907
1154 Enterprise Florida, Inc. (Commerce and Consumer Services) (FR)72, (CR)320, (CS)321, (CR)324, (CR)554, (BA)616, (CR)638, (BA)668, (BA)**682**, 818 Ch. 2005-66

SR
1156 Minority Cancer Awareness Week (Wilson and others) (FR)**481** Adopted

SB
1158 Property & Casualty Insurance (Klein) (FR)72, (CR)523 DSC/CSP-CS/SB 1486
1160 Comprehensive Planning & Land Dev. (Community Affairs) (FR)73, (CR)421, (CS)427 DCS
1162 Fla. Prepaid College Program (Governmental Oversight and Productivity) (FR)73, (CR)102, (CR)420, (CS)427 DSC
1164 Sexually Oriented Material/Minors (Posey) (FR)73 DSC
1166 Peace Creek Drainage Dist./Polk Co. (Alexander) (FR)73 DSC
1168 Transportation Disadvantaged (Criminal Justice and others) (FR)73, (CO)323, (CR)377, (CS)382, (CR)455, (CS/CS)457, (BA)549, (BA)550, (CR)553, (BA)600, **601**, (BA)1115, **1117** Vetoed
1170 Ramon Puig Way/Miami-Dade County (Garcia) (FR)73 DSC/CSP-HB 385

SB
1172 Birth-Related Neurological Injury (Jones) (FR)73, (CR)265, (BA)408, (CR)418, (CR)419, (BA)**448** DHC
1174 Pari-mutuel Wagering (Ways and Means) (FR)73, (MO)124, (MO)246, (CR)378, (CS)382, (MO)418, (MO)553, (CR)567, (CS/CS)575, (CR)640, (CS/CS/CS)644, (BA)957, (CR)1074, (BA)1078, (BA)1559, (BA)1560 LTS
1176 Safe Staffing for Quality Care Act (Campbell and others) (FR)73, (CO)234 DSC
1178 Gill or Entangling Nets/Mullet (Lawson) (FR)73 DSC
1180 Practice of Medicine (Health Care) (FR)74, (CR)640, (CS)644, (BA)787, (BA)802, (BA)803, (CR)811, (BA)846, **848**, (BA)**852**, (BA)1117, **1120** Vetoed
1182 Fla. Incentive-based Permitting Act (Environmental Preservation) (FR)74, (CR)420, (CS)427 DSC
1184 Transportation Access (Community Affairs) (FR)74, (CR)134, (CR)378, (CS)382, (BA)932, (BA)933, (CR)1074, (BA)**1093**, 1661 Ch. 2005-214
1186 Designations/State Universities (Education) (FR)74, (CR)554, (CS)556 DSC
1188 Prosperity Campaigns/Workforce Fla. (Commerce and Consumer Services) (FR)74, (CR)463, (CS)467, (CR)638 DSC

SJR
1190 Felons' Vote/Congress/Term Limits (Ethics and Elections and others) (FR)74, (CR)525, (CS)528, (CR)638 DSC/CSP-HJR 1177

SB
1192 Communications Services Sales Tax (Garcia) (FR)74, (MO)637 WS
1194 Homestead Assessments (Community Affairs and others) (FR)74, (CR)320, (CS)321, (CR)324, (BA)407, (CR)418, (BA)**447**, (CO)461, 1075 Ch. 2005-268
1196 Administrative Procedures (Governmental Oversight and Productivity) (FR)74, (CR)639, (CS)644 DSC
1198 Elections/Schools/Polling Places (Posey) (FR)74 DSC
1200 Sales Tax/Machinery & Equipment (Fasano) (FR)74 DSC
1202 Provision of Electric Power (Bennett) (FR)75, (MO)418 WS
1204 Enterprise Zones (Smith) (FR)75 DSC/CSP-HB 1725

SM
1206 Social Security Act (Peaden and others) (FR)75, (CO)437 DSC

SB
1208 Long-term Care Partnership Program (Health Care and others) (FR)75, (CR)228, (CS)231, (CO)437, (CR)462, (CR)639, (BA)720, (CR)744, (BA)**758**, (CO)818, 909, (CO)1662 Ch. 2005-252

SJR
1210 Term Limits for Legislative Office (Ethics and Elections) (FR)75, (MO)246, (CR)266, (CS)288, (CR)320, (BA)411, (BA)416, (CR)418 LTS/CSP-HJR 1177

SB
1212 Construction Contracting (Bennett) (FR)75, (MO)418 WS
1214 Public School Student Progression (Wilson) (FR)75 DSC
1216 High-Risk Offenders (Justice Appropriations and others) (FR)75, (CO)313, (MO)348, (CO)388, (MO)418, (CR)420, (CR)421, (CS)427, (CS/CS)428, (CO)478, (BA)487, (BA)503, (BA)510, (BA)511, (CR)523, (CO)535, (CO)656, (CO)1662 LTS/CSP-HB 1877
1218 Juvenile Defendants (Criminal Justice) (FR)75, (CR)420, (CS)428 DSC
1220 Electronic Monitoring (Judiciary and others) (FR)76, (CO)313, (CO)388, (CR)420, (CS)428, (CR)567, (CS/CS)576, (CO)1662 DSC/CSP-HB 1877
1222 Law Enforcement (Wise and others) (FR)76, (CO)313 DSC
1224 Parole (Wise and others) (FR)76, (CO)313 DSC
1226 Domestic Security (Diaz de la Portilla) (FR)76 DSC
1228 Emergency Preparedness (Domestic Security) (FR)76, (CR)135, (CS)149, (MO)418 DSC
1230 Voluntary Prekindergarten Education (Carlton) (FR)76 DSC
1232 Wind-protection/Fla. Building Code (Community Affairs and others) (FR)76, (CR)266, (CS)288, (CR)349, (MO)376, (CR)639, (BA)720, (BA)721, (BA)727, (CR)744, (CO)1662 LTS/CSP-CS/CS/CS/CS/SB 442

SR
1234 RESPECT of Florida (Lynn and others) (CO)388, (CO)535, (FR)**820** Adopted
1236 Osteopathic Medicine Day (Peaden and others) (FR)**340** Adopted

SB
1238 Drug Paraphernalia Abatement (Wise and others) (FR)76, (CR)134, (CR)320, (CO)337 DSC

SB
1240 Former Military Vehicles (Baker and others) (FR)76, (CR)462, (BA)552, (CR)553, (BA)605, (CO)1075 LTS/CSP-HB 623
1242 FRS/Prior Military Wartime Service (Aronberg and others) (FR)76, (CR)524, (CO)1075 DSC
1244 Tax/Gross Receipts for Utility Svcs. (Government Efficiency Appropriations) (FR)76, (CR)176, (CS)185, (CR)246, (CR)349, (CR)462, (BA)506, (CR)523, (BA)**544**, 1075 Ch. 2005-148
1246 Older Adults/Criminal Justice System (Health and Human Services Appropriations) (FR)77, (CR)135, (CS)149, (CR)265, (MO)418, (CR)567, (CS/CS)576 DCS
1248 School Health Services Program (Wilson) (FR)77, (CR)324 DSC
1250 Independent Postsecondary Education (Wise) (FR)77, (CR)102, (CR)187, (MO)637, (BA)781, (CR)811 LTS/CSP-HB 1089, HB 1091
1252 Fla. Gulf Coast University (Saunders and others) (FR)77, (CO)388, (CR)419, (MO)689, (MO)811, (MO)886 DCS/CSP-HB 517
1254 Deferred Compensation Programs (Ways and Means) (FR)77, (CR)134, (MO)418, (CR)568, (CS)576 DCS
1256 Student Financial Assistance (Education and others) (FR)77, (CO)259, (CR)454, (CS)457 DSC
1258 Mortgages/Certificates of Release (Judiciary) (FR)77, (CR)320, (CS)321, (CR)455, (CS/CS)458, (BA)505, (CR)523 LTS/CSP-HB 531
1260 Education (Education and others) (FR)77, (CR)690, (CS)695 DSC
1262 Child Support Enforcement (Judiciary and others) (FR)78, (CR)246, (CR)463, (CS)467, (MO)553, (BA)606, (CR)638, (CO)1075, (CO)1662 LTS/CSP-HB 775, HB 1283
1264 Velez Memorial Traffic Safety Act (Health and Human Services Appropriations and others) (FR)78, (CO)219, (CO)354, (CR)378, (CS)382, (CR)524, (CR)554, (CR)640, (CS/CS)644, (BA)716, (CR)744, (CO)818, (CO)1662 LTS/CSP-HB 497
1266 FRS/Public School Members (Jones and others) (FR)78, (CO)313 DSC
1268 Second Primary Election (Ethics and Elections) (FR)78, (CR)300, (CS)311, (CR)566, (BA)617, (CR)638 LTS/CSP-HB 1673
1270 Property Appraiser Assessments (Government Efficiency Appropriations and others) (FR)78, (CR)187, (CO)313, (CR)349, (CS)351, (BA)777, (CR)811 LTS
1272 Independent Education/Pub. Rec. (Governmental Oversight and Productivity) (FR)78, (CR)377, (CS)382, (CR)419, (CR)555, (CS/CS)556, (MO)637, (BA)781, (CR)811 LTS/CSP-HB 1091, HB 1089

SR
1274 DNI
1276 Aunts & Uncles Day (Hill) (FR)**598** Adopted
1278 Cesar Chavez Day (Hill) (BA)**294** Adopted

SB
1280 School Instruction/History of Labor (Hill) (FR)78 DSC
1282 Youth Athletics Programs (Hill) (FR)78 DSC
1284 Government Contracting (Hill) (FR)79 DSC
1286 Sparsity Supplement Funds/Schools (Bennett and others) (FR)79, (CO)259 DSC/CSP-CS/SB 388
1288 Labor Pools (Commerce and Consumer Services and others) (FR)79, (CR)228, (CS)231, (CO)437, (CR)524 DSC

SJR
1290 Citizen Initiative/Amendments (Posey) (FR)79 DSC
1292 Use of Public Funds/Sports Teams (Bennett) (FR)79, (CR)524 USC/LTS

SB
1294 School District Millage (Government Efficiency Appropriations and others) (FR)79, (CR)299, (CR)349, (CS)352, (MO)637, (CO)1075 DCS
1296 Tax on Communication Services (Community Affairs and others) (FR)79, (CR)227, (CR)525, (CS)528, (CR)640, (CS/CS)645 DSC/CSP-CS/CS/SB 1322
1298 C. Disman Melanoma Prevention Act (Posey) (FR)79 DSC
1300 Corporate Income Tax/Refund Claims (Government Efficiency Appropriations) (FR)79, (CR)349, (CS)352, (BA)622, (CR)638, (BA)**678**, 1075 Ch. 2005-178

SJR
1302 Practice & Procedure Rules/Courts (Posey) (FR)79 DSC

SB
1304 School Crossing Guard Protection Law (Margolis) (FR)79 DSC

SB
1306 Professional Sports Franchises (Commerce and Consumer Services) (FR)80, (MO)299, (CO)313, (CO)323, (CR)463, (CS)468, (CR)639 DSC
1308 Florida Clean Indoor Air Act (Criminal Justice and others) (FR)80, (CR)135, (CS)149, (CR)265, (MO)523, (CR)555, (CS/CS)556, (BA)614, (CR)638, (BA)**665**, (CO)709, (CO)1662 DM
1310 Cigarette Taxes (Regulated Industries) (FR)80, (CR)135, (CS)149, (CR)227 DSC/CSP-HB 205
1312 Recreational Vehicles (Commerce and Consumer Services) (FR)80, (CR)228, (CS)231, (CR)265, (MO)299, (BA)346, (CR)348, (BA)**363**, 1075 Ch. 2005-141
1314 Independent Living (Health and Human Services Appropriations and others) (FR)80, (CR)228, (CS)232, (CO)313, (CO)337, (CO)437, (CR)455, (CS/CS)458, (CR)640, (CS/CS/CS)645, (BA)742, (BA)743, (CR)744, (BA)771, **772**, (CO)818, 909, (CO)1075 Ch. 2005-179
1316 Waterfront Property (Environmental Preservation and others) (FR)80, (CR)378, (CS)382, (CR)525, (CS/CS)528, (MO)637, (MO)689, (BA)834, (BA)835, (CR)886, (CO)1075 LTS/CSP-HB 955
1318 Underground Petroleum Storage Tanks (General Government Appropriations) (FR)81, (CR)134, (CR)265, (CR)349, (CS)352, (CR)462, (BA)505, (CR)523, (BA)**544**, 1075 Ch. 2005-180 CSP-SB 2602
1320 Lifeline/Link-Up Assistance Program (Commerce and Consumer Services) (FR)81, (CR)299, (MO)348, (CR)463, (CS)468, (BA)486, (CR)523, (BA)538, **539** DM/CSP-CS/CS/SB 1322
1322 Regulation of Communication (Governmental Oversight and Productivity) (FR)81, (CR)300, (CS)312, (CR)378, (CS/CS)383, (BA)407, (CR)418, (BA)**446**, 1311, (BA)1312, **1322**, 1662 Ch. 2005-132
1324 Florida KidCare Program (Health Care and others) (FR)81, (CO)175, (CO)219, (CR)228, (CS)232, (CO)259, (CO)292, (CR)419, (CO)535, (BA)549, (CR)553, (CO)596, (BA)600 LTS/CSP-HB 569

SR
1326 Immokalee High School Football Team (Saunders) (FR)**537** Adopted

SB
1328 Civil Penalties/Guardianship Program (Posey) (FR)81 DSC
1330 Financial Institutions/Credit Unions (Judiciary) (FR)81, (CR)227, (BA)297, (CR)299, (CR)301, (CS)312, (BA)317, **318**, 1075 Ch. 2005-181
1332 Public Records (Jones) (FR)82, (MO)246 DSC
1334 Official Florida Statutes (Pruitt) (MO)3, (FR)82, (CR)103, (BA)**124**, 234, 323, 460 Ch. 2005-1
1336 Florida Statutes (Rules and Calendar) (MO)3, (FR)82, (CS)100, (CR)105, (BA)**124**, 234, 323, 460 Ch. 2005-2
1338 Florida Statutes (Pruitt) (MO)3, (FR)82, (CR)103, (BA)**124**, 234, 323, 460 Ch. 2005-3
1340 Florida Statutes (Pruitt) (MO)3, (FR)82, (CR)103, (BA)**125**, 234, 323, 460 Ch. 2005-4
1342 Slot Machines/Revenue Taxes (Geller) (FR)82 DSC
1344 Motor Vehicles (Transportation and Economic Development Appropriations and others) (FR)83, (CR)134, (CR)320, (CO)337, (MO)418, (CR)567, (CS)576, (BA)686, (BA)687, (CR)689, (BA)712, (BA)753, (BA)849, (BA)1038, (BA)1105 DCS/CSP-HB 1697
1346 Health Care Risk Management (Saunders) (FR)84 DSC
1348 Indoor Smoking Places (Commerce and Consumer Services) (FR)84, (CR)377, (CS)383, (CR)640, (CS/CS)645, (BA)688, (BA)(CR)689, (BA)**713**, 1075 Vetoed
1350 Trust Funds (Jones) (FR)84 DSC
1352 Fla. Inland Navigation District (Aronberg) (FR)84, (CR)227, (CR)300, (BA)346, (BA)347, (CR)348, (BA)364 LTS/CSP-HB 655
1354 Sexual Offenders (Children and Families and others) (FR)84, (CR)264, (CO)313, (CR)421, (CS)429, (CO)478, (BA)728, (CR)744, (BA)**759**, 1075 Ch. 2005-67
1356 Retail Leases (Alexander and others) (FR)84, (CR)462, (BA)686, (CR)689, (BA)713, (BA)721, (CO)818 LTS/CSP-HB 853
1358 Workforce Education (Fasano) (FR)84 DSC
1360 Adult Protective Services (Rich and others) (FR)84, (CR)227, (CO)234, (MO)454, (CR)553, (BA)609, (CR)638, (BA)**662** DM

SJR
1362 Term Limits/Constitutional Officers (Clary) (FR)84, (MO)246, (CR)266, (CS)288, (CR)320, (BA)411, (BA)416, (CR)418 LTS/CSP-HJR 1177

SB
1364 Water Policy (Alexander) (FR)85 DSC
1366 Storm Infrastructure Recovery (Transportation and Economic Development Appropriations and others) (FR)85, (CR)188, (CS)218, (CR)265, (CR)349, (CS/CS)352, (CR)567, (CS/CS/CS)577, (BA)614, (CR)638, (BA)**666**, 1075 Ch. 2005-107
1368 Disclaimer of Property Interests Act (Judiciary) (FR)85, (CR)188, (CS)218, (BA)245, (BA)(CR)246, (BA)**264**, 656 Ch. 2005-108

SR
1370 Ovarian Cancer Awareness Month (Saunders) (FR)537, **538** Adopted

SB
1372 Economic Development/Entertainment (Commerce and Consumer Services and others) (FR)85, (CR)266, (CS)288, (MO)553, (MO)744, (BA)918, (CR)1074, (CO)1662 LTS/CSP-HB 1129
1374 School Capital Outlay Funding (Dockery and others) (FR)85, (CO)175, (CO)186, (CO)219, (CO)240, (CO)313, (CR)524 DSC/CSP-CS/CS/CS/SB 360
1376 Dedicated License Trust Fund/FWC (Clary) (MO)3, (FR)85, (CR)103, (BA)**125**, 337, 437, 460 Ch. 2005-7
1378 Fla. Panther Research & Mgmt. TF (Clary) (MO)3, (FR)86, (CR)103, (BA)**125**, 337, 437, 460 Ch. 2005-8
1380 Fla. Forever Program Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)**125**, 337, 437, 460 Ch. 2005-9
1382 Land Acquisition Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)**125**, 337, 437, 460 Ch. 2005-10
1384 Lifetime Fish & Wildlife Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)**126**, 337, 437, 460 Ch. 2005-11
1386 Marine Resources Conservation TF (Clary) (MO)3, (FR)86, (CR)103, (BA)**126**, 337, 437, 460 Ch. 2005-12
1388 Nongame Wildlife Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)**126**, 337, 437, 460 Ch. 2005-13
1390 Save the Manatee Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)**126**, 337, 437, 460 Ch. 2005-14
1392 State Game Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)126, **127**, 337, 437, 460 Ch. 2005-15
1394 Conservation & Recreation Lands TF (Clary) (MO)3, (FR)86, (CR)103, (BA)**127**, 337, 437, 460 Ch. 2005-16
1396 Trust Funds/Termination/F&WCC (General Government Appropriations) (MO)3, (FR)86, (CS)101, (CR)105, (BA)**127**, 337, 437, 460 Ch. 2005-17
1398 Administrative TF/Fish & Wildlife (Clary) (MO)3, (FR)86, (CR)103, (BA)**127**, 337, 437, 460 Ch. 2005-18
1400 Federal Grants Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)**127**, 337, 437, 460 Ch. 2005-19
1402 Grants & Donations Trust Fund (Clary) (MO)3, (FR)87, (CR)103, (BA)127, **128**, 337, 437, 460 Ch. 2005-20
1404 Administrative Trust Fund (Saunders) (MO)3, (FR)87, (CR)103, (BA)**128**, 337, 437, 460 Ch. 2005-21
1406 Federal Grants Trust Fund (Health and Human Services Appropriations) (MO)3, (FR)87, (CS)101, (CR)105, (BA)**128**, 337, 437, 460 Ch. 2005-22
1408 Operations & Maintenance Trust Fund (Health and Human Services Appropriations) (MO)3, (FR)87, (CS)101, (CR)105, (BA)**128**, 337, 437, 460 Ch. 2005-23
1410 Social Services Block Grant TF (Health and Human Services Appropriations) (MO)3, (FR)87, (CS)101, (CR)105, (BA)**128**, 337, 437, 460 Ch. 2005-24
1412 Tobacco Settlement Trust Fund (Health and Human Services Appropriations) (MO)3, (FR)87, (CS)101, (CR)105, (BA)**129**, (BA)**1120** Ch. 2005-142
1414 Domestic Security (Governmental Oversight and Productivity) (FR)87, (CR)265, (CR)554, (CS)556, (MO)689, (BA)832, (BA)833, (CR)886 LTS/CSP-HB 1715, HB 1801
1416 Domestic Security Oversight/Pub. Rec (Domestic Security) (FR)87, (CR)266, (CS)288, (CR)419, (MO)523, (CR)524, (BA)833, (CR)886 LTS/CSP-HB 1801, HB 1715
1418 Health Issues Concerning Women (Peaden) (FR)87 DSC
1420 School Events/Inspirational Message (Education and others) (FR)87, (CR)378, (CS)383, (CR)639, (CO)1662 DCS
1422 FRS/Special Risk Class (Lawson) (FR)88 DSC
1424 FRS/Normal Retirement Date & Age (Lawson) (FR)88 DSC
1426 Motor Vehicle Service Agreement Co. (Wise) (FR)88 DSC/CSP-CS/SB 2006

SB
1428 Motor Vehicle Speed Competitions (Judiciary) (FR)88, (CR)265, (CR)455, (CS)458, (MO)637, (BA)786, (CR)811 LTS/CSP-HB 71

SJR
1430 Homestead/Assessed Value/Elderly (Haridopolos) (FR)88, (CR)299 DSC

SB
1432 Insurance Administrators (Banking and Insurance) (FR)88, (CR)266, (CS)288, (BA)297, (CR)299, (BA)**318**, 1075 Ch. 2005-182
1434 Control of Students (Lawson and others) (FR)88, (CO)175 DSC
1436 Automated External Defibrillators (Community Affairs and others) (FR)88, (CR)187, (CO)234, (CR)320, (CS)321, (BA)(CR)348, (BA)**365**, 1075 Ch. 2005-109
1438 Repossession Services (Criminal Justice) (FR)88, (CR)227, (CR)349, (CR)421, (CS)429, (BA)506, (CR)523, (BA)**545**, 1075 Ch. 2005-143
1440 Time Limitations/Criminal Offenses (Criminal Justice) (FR)88, (CR)187, (CR)265, (BA)296, (CR)299, (BA)**316**, 534 Ch. 2005-110
1442 Self-Insurers Guaranty/Pub. Rec. (Governmental Oversight and Productivity) (FR)89, (CR)320, (CS)321, (CR)555, (CS/CS)557, (MO)744, (BA)919, (CR)1074 LTS/CSP-HB 729
1444 Centers of Excellence/Technology (Klein and others) (FR)89, (CR)324, (CO)437, (CR)524, (CR)638 DSC
1446 Public Employee Optional Retirement (Ways and Means) (FR)89, (CR)228, (CS)232, (CR)464, (CS/CS)468, (BA)503, (CR)523, (BA)**542**, 1075 Ch. 2005-253
1448 Redevelopment of Brownfields (Constantine and others) (FR)89, (CR)134, (CR)227, (CO)234, (CR)324, (CR)566, (BA)619, (CR)638, (BA)**672**, (CO)1075 DM
1450 Arthritis Prevention & Education Act (Klein) (FR)89, (CR)324, (CR)419, (MO)811, (BA)912, (CR)1074, (BA)**1100**, 1661 Ch. 2005-221
1452 Health Care Practitioners (Argenziano) (FR)89 DSC
1454 Tourist Safety Act of 2005 (Judiciary) (FR)89, (CR)135, (BA)296, (CR)299, (CR)301, (CS)312, (BA)**316**, 1075 Ch. 2005-183
1456 Paternity (Children and Families and others) (FR)89, (CR)420, (CS)429, (CR)567, (CS/CS)577, (MO)811, (CO)909, (BA)941, (CR)1074, (CO)1075, (BA)**1104** DM
1458 Child's Education/Deceased Veteran (Community Affairs and others) (FR)89, (CR)228, (CS)232, (CO)596, (CR)639, (MO)743, (BA)913, (BA)916, (CR)1074, (CO)1075 LTS/CSP-HB 1189
1460 Vehicle Registration/Contribution (Bennett and others) (FR)90, (CO)186, (CR)227, (CR)300, (CR)324, (BA)411, (CR)418, (BA)**450**, (CO)1075 Ch. 2005-254
1462 Sales Tax/Hurricane Preparedness (Government Efficiency Appropriations) (FR)90, (CR)320, (CS)321, (MO)553, (CR)567, (CS/CS)577, (BA)784, (CR)811 LTS/CSP-HCB 6001
1464 Renewable Energy (Environmental Preservation) (FR)90, (CR)187, (CR)247, (CS)259 DCS
1466 Justice For Justin Act (Transportation and others) (FR)90, (CO)175, (CR)525, (CS)528, (CR)638, (CO)909, (CO)1075 DSC

SCR
1468 OPPAGA Director/Gary VanLandingham (Wise) (FR)90, (CR)320, (BA)(CR)348 LTS/CSP-HCR 1127

SB
1470 Alternative Plan Review & Inspection (Regulated Industries) (FR)90, (CR)349, (CR)640, (CS)645, (BA)785, (CR)811 LTS/CSP-HB 567, CS/CS/CS/CS/SB 442
1472 Critical Access Hospitals (Health and Human Services Appropriations) (FR)90, (CR)176, (CS)186, (CR)421, (CS/CS)429, (BA)505, (CR)523 LTS/CSP-HB 763, CS/SB 1868
1474 Correctional Facilities/Contraband (Crist) (FR)90 DSC
1476 CFS Dept./Contracts/Service Provider (Health and Human Services Appropriations and others) (FR)90, (CR)228, (CS)232, (CR)266, (CS/CS)288, (MO)299, (CR)325, (CS/CS/CS)330, (BA)344, (BA)345, (CR)348, (BA)361, **362**, (CO)478, (BA)1120, **1127** Ch. 2005-222
1478 Public Records & Meetings (Governmental Oversight and Productivity) (FR)91, (MO)376, (CR)378, (CS)383, (CR)640, (CS/CS)645, (CR)886, (BA)957, (BA)1078, (BA)1226 LTS/CSP-HB 1939, CS/SB 1486

SB
1480 Insurance (Banking and Insurance) (FR)91, (CR)639, (CS)646 DSC
1482 Insurance (Garcia) (FR)91 DSC
1484 Insurance (Garcia) (FR)91 DSC
1486 Property Insurance (Banking and Insurance and others) (FR)91, (MO)124, (CR)135, (CS)149, (BA)222, (CR)227, (BA)**235**, (CO)354, (BA)1645, **1659** Ch. 2005-111 CSP-HB 1939, HB 9-A
1488 Property Insurance (General Government Appropriations and others) (FR)91, (MO)246, (MO)348, (CR)378, (CS)383, (CR)567, (CS/CS)577, (CR)886, (BA)957, (BA)1078, (BA)1210, (BA)1226 DCS/CSP-CS/SB 1486, HB 1939
1490 Property Insurance (Garcia) (FR)91, (MO)246 DSC
1492 Condominiums/Administration Board (Regulated Industries) (FR)91, (CR)420, (CS)429, (CR)639, (BA)734, (CR)744 LTS/CSP-HB 291
1494 Information Technology Management (General Government Appropriations and others) (FR)91, (CR)266, (CS)289, (MO)299, (CR)325, (CS/CS)331, (BA)345, (CR)348, (BA)**362**, (CO)478, (BA)1290, **1301** Vetoed
1496 Fla. Public Service Regulatory TF (Fasano) (FR)92, (CR)299, (CR)324, (CR)419 DSC
1498 Lead Poisoning Prevention (Health and Human Services Appropriations and others) (FR)92, (CR)265, (CR)419, (CR)640, (CS)646, (BA)714, (BA)721, (CR)744, (BA)**754**, (CO)1075 DM
1500 Medicaid Eligibility/Pregnancy (Wilson) (FR)92 DSC
1502 Driver's License Applications (Fasano and others) (FR)92, (CR)300, (CR)419, (CR)554, (BA)617, (CR)638, (BA)**670**, (CO)1075 Ch. 2005-68

SR
1504 Chronic Kidney Disease Awareness Day (Wilson) (FR)**123** Adopted

SB
1506 Mandatory School Attendance/Age (Wilson) (FR)92 DSC
1508 Life Insurance & Annuity Contracts (Banking and Insurance and others) (FR)92, (CR)135, (CS)149, (CR)324, (BA)409, (BA)415, (CR)418, (BA)449, (BA)483 LTS/CSP-HB 105

SR
1510 Columbia Restaurant (Miller and others) (FR)**389** Adopted

SB
1512 Drug Abuse Prevention/Libraries (Aronberg and others) (FR)92, (CO)186, (CR)377, (CR)419, (CO)461, (BA)487, (CR)523, (BA)**540**, (CO)1075 DHC
1514 DROP/Special Risk Class of FRS (Posey) (FR)92 DSC
1516 Intergenerational Respite Care (Health Care) (FR)135, (CR)567, (CS)578, (MO)689, (BA)835, (CR)886 LTS/CSP-HB 1559

SR
1518 Jefferson HS Varsity Football Team (Miller) (FR)**356** Adopted

SB
1520 Consumer Protection (General Government Appropriations) (FR)135, (CR)266, (CS)289, (CR)463, (CS/CS)468, (CR)690, (CS/CS/CS)695, (BA)731, (BA)732, (CR)744, (BA)**760**, (BA)**1240** Vetoed
1522 Medicaid Eligibility/Asset Transfers (Baker) (FR)136 DSC
1524 Mental Health Care Services (Rich and others) (FR)136 DSC
1526 Homicide of Unborn Quick Child (Justice Appropriations and others) (FR)136, (CR)325, (CS)331, (CR)419, (CR)567, (CS/CS)578, (BA)620, (CR)638, (BA)673, (CO)1075 LTS/CSP-HB 233
1528 Keys Aqueduct Authority/Monroe Co. (Bullard) (FR)136 DSC
1530 Canaveral Port District/Brevard Co. (Haridopolos) (FR)136 DSC/CSP-HB 1077
1532 Medicaid/Influenza Virus & Drugs (Wilson) (FR)136 DSC
1534 Adoption (Rich and others) (FR)136 DSC
1536 Health Care Disclosure (Hill) (FR)137 DSC
1538 Wage Discrimination (Hill) (FR)137 DSC

SR
1540 Workers' Memorial Day/April 28, 2005 (Hill) (FR)**658** Adopted

SB
1542 Reuse & Recycling of Campaign Signs (Environmental Preservation and others) (FR)137, (CR)247, (CS)259, (CR)566, (MO)744, (BA)918, (CR)1074, (CO)1662 LTS/CSP-HB 1031

SM
1544 FEMA Reorganization (Rich) (FR)137 DSC

SR
1546 Aviation Day/April 12, 2005 (Sebesta) (FR)**357** Adopted

SB
1548 Racial Profiling (Wilson) (FR)137 DSC
1550 Bicycle Regulation/Helmets/Safety (King) (FR)137, (CR)247 DSC
1552 Phosphate Mining (Dockery) (FR)137 DSC
1554 Contracting for Efficiency/State (Governmental Oversight and Productivity) (FR)137, (CR)555, (CS)557 DSC
1556 Workforce Education (Lynn) (FR)137 DSC
1558 Enterprise Zones (Lynn) (FR)137 DSC/CSP-HB 1725
1560 FCAT/Students/Limited English (Constantine) (FR)138 DSC

SR
1562 Marshall, Phyllis (Miller) (FR)481, **482** Adopted
1564 Cancer Society's Relay For Life (Rich and others) (FR)314, **315** Adopted

SB
1566 Student Progression/Social Studies (Baker and others) (FR)138, (CO)292, (CO)337 DSC
1568 Florida Retirement System (Governmental Oversight and Productivity and others) (FR)138, (CR)524, (CO)656, (CR)690, (CS)695 DSC

SR
1570 National Nutrition Month in Florida (Peaden) (FR)**122** Adopted

SB
1572 Scripps Funding Corporation (Commerce and Consumer Services and others) (FR)138, (CO)186, (CR)377, (CS)384, (CR)419, (CR)554 DSC
1574 Use of Tasers/Minors (Siplin) (FR)138 DSC
1576 Funding of Dredging Projects (Transportation and Economic Development Appropriations) (FR)138, (CR)377, (CR)524, (CR)567, (CS)578, (BA)626, (CR)638 LTS/CSP-HB 1029, HB 1681, SB 2602
1578 Court Costs/Drug Court Program (Lynn) (FR)138 DSC
1580 Miccosukee Tribe of Indians of Fla. (Wilson) (FR)138 DSC
1582 Corporate Income Tax Credit (Bullard) (FR)138, (CR)187 DSC
1584 Firefighter Training Certification (Campbell) (FR)138 DSC
1586 Procurement (Campbell) (FR)139 DSC

SR
1588 Endometriosis Awareness Month (Margolis) (FR)**242** Adopted

SB
1590 Joint Underwriters & Reinsurers (General Government Appropriations) (FR)139, (CR)265, (CR)324, (CR)421, (CS)429 DCS
1592 Military Affairs Dept./Insurance (Community Affairs and others) (FR)139, (CR)266, (CS)289, (CR)324, (CO)596, (BA)719, (BA)720, (CR)744, (CO)1662 LTS/CSP-HB 1069
1594 Public Records & Meetings (Argenziano) (FR)139 DSC
1596 Public Records & Meetings (Argenziano) (FR)139 DSC
1598 Enterprise Zones (Government Efficiency Appropriations and others) (FR)139, (CR)265, (CS)290, (CO)354, (CR)378, (CS/CS)384, (CO)437, (CR)640, (CS/CS/CS)646, (MO)744 DCS/CSP-CS/CS/SB 486
1600 Child Care (Children and Families and others) (FR)139, (CR)300, (CS)312, (MO)418, (BA)486, (BA)487, (CR)523, (BA)539, **540**, (CO)596 DM
1602 State Tax Funds (Commerce and Consumer Services) (FR)139, (CR)454, (CS)458, (CR)554, (BA)618, (CR)638, (BA)**671**, 1075 Ch. 2005-184
1604 Florida 211 Network (Community Affairs and others) (FR)139, (CR)265, (CR)320, (CS)321, (CO)437, (CO)1075 DSC
1606 Dr. John M. Haile Memorial Boulevard (Lynn) (FR)140 DSC/CSP-HB 385
1608 Architecture & Interior Design Svcs. (Regulated Industries and others) (FR)140, (CO)337, (CR)525, (CS)528, (CR)566, (BA)686, (CR)689 LTS/CSP-HB 699, HB 213
1610 Recreational Licenses & Permits (Government Efficiency Appropriations and others) (FR)140, (CR)462, (CR)567, (CS)578, (MO)689, (BA)835, (CR)886 LTS/CSP-HB 395
1612 Water Management District Security (Atwater and others) (FR)140, (CR)246, (CR)462, (CR)524, (MO)689, (BA)833, (CR)886, (CO)1662 LTS/CSP-HB 473
1614 National Guard Member/Life Insurance (Aronberg) (FR)140 DSC
1616 Insurable Interests (Banking and Insurance) (FR)140, (CR)525, (CS)529 DSC

SB
1618 Autism Spectrum Disorder/Medicaid (Atwater and others) (FR)140, (CR)246, (CO)292, (CR)419 DSC
1620 Sales Tax Exemption (Atwater and others) (FR)140, (CO)219, (CO)234, (CR)246, (CO)437, (CR)462, (CO)535, (CR)639, (BA)836, (CR)886 LTS/CSP-HB 805
1622 Hospices (Health and Human Services Appropriations) (FR)140, (CR)300, (CS)313, (CR)567, (CS/CS)579 DCS
1624 Firefighters' Pensions (Community Affairs) (FR)141, (CR)349, (CS)352, (CR)524, (CR)638, (MO)743, (BA)917, (CR)1074 LTS/CSP-HB 1159
1626 Capital Collateral Regional Counsels (Criminal Justice) (FR)141, (CR)639, (CS)646 DSC
1628 Public Records (Criminal Justice) (FR)141, (CR)325, (CS)331, (CR)638, (MO)689 DCS
1630 Construction/Demolition Materials (Smith) (FR)141 DSC
1632 DUI Programs (Smith and others) (FR)141, (CR)246 DSC
1634 Fla. Retirement System/Special Risk (Webster and others) (FR)141, (CO)709 DSC
1636 Liability/In-home Services Companies (Smith) (FR)141 DSC
1638 Youth Custody Officers (Smith) (FR)141 DSC
1640 Attorney's Fee/Eminent Domain Action (Smith) (FR)141 DSC
1642 Driving or Boating Under Influence (Smith and others) (FR)141, (CO)259, (CR)320, (CR)566 DSC
1644 Economic-development Incentives (Campbell) (FR)142, (CR)319, (CR)524 DSC
1646 One School, One Nurse Act (Wilson) (FR)142 DSC
1648 Highway Signs/College & University (Fasano) (FR)142 DSC
1650 Workforce Innovation (Governmental Oversight and Productivity and others) (FR)142, (CR)228, (CS)233, (CO)259, (CR)455, (CS/CS)458, (CR)554, (BA)613, (CR)638, (BA)664, **665**, 1075 Ch. 2005-255
1652 Unemployment Compensation (Criminal Justice and others) (FR)142, (CR)228, (CS)233, (CO)259, (CR)325, (CS/CS)331, (CR)419, (BA)738, (BA)739, (CR)744 LTS/CSP-HB 1693, HB 1813
1654 Limited Veterinary Drug Wholesaler (Health Care) (FR)142, (CR)420, (CS)429, (CR)640, (CS/CS)646 DCS
1656 Water or Wastewater Utilities/Rates (Fasano) (FR)143, (CR)299 DSC
1658 Alcoholic Beverages/Taxation (Fasano and others) (FR)143, (CR)300, (CO)535, (CO)596, (CO)656, (CO)709 DSC
1660 Health Insurance (Ways and Means and others) (FR)143, (MO)454, (CR)463, (CS)468, (CR)690, (CS/CS)695, (BA)936, (BA)1029, (BA)1030, (CR)1074 LTS/CSP-HB 811
1662 Insurance (Judiciary and others) (FR)143, (CR)227, (CO)292, (CR)325, (CS)332, (BA)409, (CR)418, (BA)**449**, 656 Ch. 2005-144
1664 Contaminated Drycleaning Facilities (Judiciary) (FR)143, (CR)349, (CR)690, (CS)696 DSC

SR
1666 Rotary Day in Florida (Jones) (FR)**123** Adopted
1668 Craniosacral Therapy Awareness Month (Jones) (FR)**294** Adopted

SB
1670 Oceans & Coastal Resource Management (General Government Appropriations and others) (FR)143, (CR)300, (CS)313, (CR)377, (CR)567, (CS/CS)579 DCS/CSP-HB 1855
1672 Termination Of Parental Rights (Lynn and others) (FR)143, (CO)1662 DSC
1674 Certified Capital Companies (Miller) (FR)144 DSC
1676 Substance Abuse Services (Wise) (FR)144 DSC
1678 Public School Class Size (Alexander and others) (FR)144, (CR)324, (CR)419, (BA)505, (CR)523, (CO)535, (BA)543, (BA)**548**, (CO)1075 Vetoed
1680 Firefighters/Cancer Coverage (Klein) (FR)144 DSC
1682 Elections (Klein) (FR)144 DSC/CSP-HB 1567
1684 Consumer Services (Commerce and Consumer Services) (FR)144, (CR)266, (CS)290 DSC
1686 Fla. Self-Insurance Guaranty Assn. (Alexander) (FR)144 DSC
1688 Trusts & Other Agency Relationships (Judiciary) (FR)145, (CR)454, (CR)690, (CS)696, (BA)728, (CR)744 LTS/CSP-HB 897

SR
1690 Greyhound Adoption Month (Fasano) (FR)**598** Adopted

SB
1692 Medical Tort Reform (Baker and others) (FR)145, (CO)388 DSC
1694 Swimming Pool Service Technicians (Regulated Industries) (FR)145, (CR)420, (CS)429 DSC
1696 Immunizations (Education) (FR)145, (CR)418, (CR)554, (CS)557, (MO)637 DCS
1698 Driver License Restrictions/Age (Bullard) (FR)145 DSC
1700 R. H. Christophe & C. Summer Blvds. (Bullard) (FR)145 DSC/CSP-HB 385
1702 Teen Courts (Justice Appropriations and others) (FR)145, (CO)219, (CR)377, (CR)419, (CR)690, (CS)696, (BA)721, (CR)744, (BA)758, **759**, (CO)1075 DHC/CSP-HB 1935
1704 Assistive Technology Council (Education and others) (FR)146, (CR)377, (CS)384, (CR)524, (CO)565, (MO)811, (BA)921, (BA)964, (CR)1074 LTS/CSP-HB 1099
1706 Scholarships for Military Personnel (Klein) (FR)146 DSC
1708 Juvenile Detention/Maximum-risk (Villalobos) (FR)146 DSC
1710 Charter Schools (Education) (FR)146, (CR)266, (CS)290, (CR)418 DSC
1712 Appropriations/Scripps Fla. Funding (Bennett) (FR)146, (MO)418 WS
1714 Communication Services (Bennett and others) (FR)146, (CO)186, (CO)219, (CO)240, (CO)259, (CO)313, (CO)323, (CR)420, (CS)433, (CO)437, (CR)524, (CR)640, (CS/CS)648, (BA)835, (CR)886, (BA)954 LTS/CSP-CS/CS/SB 1322
1716 Regional Autism Centers (Children and Families and others) (FR)146, (CR)377, (CS)384, (CR)463, (CS/CS)469, (MO)637, (BA)957, (CR)1074, (CO)1075 LTS/CSP-HB 885
1718 Crisis Intervention Team Program (Bullard) (FR)176 DSC
1720 Sales Tax/Textbooks (Education) (FR)176, (CR)463, (CS)469 DSC
1722 Multiservice Senior Centers (Health Care and others) (FR)176, (CR)300, (CO)313, (CR)455, (CS)458, (BA)507, (BA)510, (CR)523, (BA)**546**, (CO)1075 Ch. 2005-223
1724 Discounted Computers/Students (Education and others) (FR)177, (CO)313, (CO)656, (CR)690, (CS)696, (MO)811 DSC
1726 Social Status of Black Men & Boys (Governmental Oversight and Productivity and others) (FR)177, (CR)349, (CO)354, (CR)690, (CS)696, (MO)811, (MO)886 DCS
1728 Sexual & Career Offenders (Criminal Justice) (FR)177, (CR)554, (CS)557 DSC
1730 Environmental Permitting Programs (General Government Appropriations) (FR)177, (CR)246, (CR)421, (CS)430, (BA)911, (BA)957, (CR)1074 LTS/CSP-HB 759, SB 2602
1732 Ad Valorem Taxes/Space Laboratories (Commerce and Consumer Services) (FR)177, (CR)463, (CS)469, (CR)524, (CR)639, (MO)744 DCS/CSP-HB 1813
1734 Children's Health Programs (Rich and others) (FR)177, (CO)259 DSC
1736 Adam Arnold Act/Vehicular Accident (Criminal Justice) (FR)177, (CR)639, (CS)646 DSC
1738 Juvenile Home Detention (Criminal Justice) (FR)177, (CR)554, (CS)557 DSC

SR
1740 Fathers (Bullard) (FR)**1077** Adopted
1742 Mothers (Bullard) (FR)**820** Adopted

SB
1744 Workers' Comp. for First Responders (Banking and Insurance and others) (FR)177, (CO)219, (CR)463, (CS)469, (CR)638 DSC
1746 Capitol Police (Wise) (FR)178, (CR)320, (CR)524, (MO)744, (BA)936, (CR)1074 LTS/CSP-HB 345
1748 Agricultural Water Conservation (Agriculture and others) (FR)178, (CR)228, (CS)233, (CR)418, (MO)553, (BA)616, (BA)617, (CR)638, (BA)**668**, (CO)709 DM/CSP-CS/CS/CS/SB 444

SR
1750 Merit Shop Construction Week (Wise) (FR)294, **295** Adopted

SB
1752 East Co. Water Control District (Bennett) (FR)178 DSC/CSP-HB 859

SR
1754 Stetson University Day (Haridopolos) (FR)242, **243** Adopted

SB
1756 Early Learning (Transportation and Economic Development Appropriations) (FR)178, (CR)264, (CR)349, (CR)566, (CR)640, (CS)646 DCS
1758 Indian River Co./Enterprise Zones (Haridopolos) (FR)178 DSC/CSP-CS/CS/SB 486

SB
1760 Automated External Defibrillators (Geller) (FR)179, (CR)553 DSC
1762 Drawbridges (Geller and others) (FR)179, (CO)388 DSC
1764 Veterans Definition (Geller) (FR)179 DSC
1766 School Students/Psychotropic Med (Health Care and others) (FR)179, (CO)354, (CO)478, (CR)554, (CS)557, (CR)640, (CS/CS)647, (BA)737, (BA)738, (CR)744, (BA)767, (BA)849, (BA)871, (BA)872, (BA)1038, (CO)1662 LTS/CSP-CS/CS/SB 1090
1768 Online Dating Services (Commerce and Consumer Services) (FR)179, (CR)463, (CS)469, (CR)639 DCS
1770 Fla. Enterprise Zone Act (Government Efficiency Appropriations and others) (FR)179, (CR)265, (CS)290, (CR)420, (CS/CS)430, (MO)553, (CR)567, (CS/CS/CS)579, (BA)737, (CR)744, (CO)1075 LTS/CSP-HB 1725
1772 Sunshine Security Act (Baker) (FR)180 DSC
1774 Florida Litter Law/Increased Fines (Government Efficiency Appropriations) (FR)180, (CR)246, (CR)349, (CS)352, (BA)504, (CR)523, (BA)542 LTS/CSP-HB 913
1776 State Homeland Security TF/DCA (Clary) (FR)180, (MO)743 WS
1778 DOT/Strategic Planning Regions (Transportation) (FR)180, (CR)377 DSC
1780 Agricultural Products Dealers (Judiciary) (FR)180, (CR)264, (CR)349, (CR)690, (CS)696, (MO)811, (BA)921, (BA)1000, (CR)1074 LTS/CSP-HB 1231
1782 Fla. Bright Futures Scholarship (Clary) (FR)180, (MO)743 WS
1784 Professional Services Acquisition (General Government Appropriations and others) (FR)180, (CR)266, (CS)291, (CO)337, (CR)378, (CS/CS)385, (CR)421, (CS/CS/CS)430, (BA)608, (CR)638, (BA)**661**, (BA)**1233** Ch. 2005-224
1786 Charter Schools (Geller) (FR)181 DSC
1788 Terrorist Nations/Travel/Commerce (Clary) (FR)181, (CR)567 USC/LTS
1790 Street Lighting (Judiciary) (FR)181, (MO)376, (CR)418, (CR)524, (BA)843, (CR)886 LTS/CSP-HB 135
1792 Minimum Wage (Hill and others) (FR)181, (CO)313 DSC
1794 Law Enforcement Officers/Firearms (Klein) (FR)181 DSC
1796 Property Tax Administration (Atwater) (FR)181, (CR)265, (CR)324, (BA)411, (CR)418, (BA)**449**, 656 Ch. 2005-185
1798 Corporate Income Tax/2005 IRS Code (Atwater) (FR)181, (CR)265, (BA)(CR)299, (BA)**319**, 656 Ch. 2005-112
1800 Health Maintenance Organizations (Banking and Insurance and others) (FR)181, (CR)524, (CR)639, (CO)656 DCS
1802 Capital Collateral Representation (Judiciary) (FR)182, (CR)455, (CS)458, (CR)690, (CS/CS)697 DSC
1804 Solvency of Insurers (Banking and Insurance) (FR)182 DSC
1806 Employee Leasing Companies (Banking and Insurance) (FR)182 DSC
1808 Airport Regulation/Security Plans (Transportation and others) (FR)182, (CR)377, (CS)385, (CR)524, (BA)615, (CR)638, (CO)1662 LTS/CSP-HB 977
1810 Court Monitors/Pub. Rec. (Governmental Oversight and Productivity) (FR)182, (CR)455, (CS)459, (CR)640, (CS/CS)647, (MO)744 DCS
1812 Pediatric Skilled Nursing Facilities (Campbell) (FR)182 DSC
1814 Franchised Motor Vehicle Dealers (Transportation) (FR)182, (CR)420, (CS)431 DSC
1816 Motor Vehicle Repairs (Campbell) (FR)182, (CR)320 DSC
SR
1818 APPRENTICESHIP Day (Haridopolos) (FR)**243** Adopted
SB
1820 Golf Cart Regulations (Klein) (FR)183, (CR)299, (CR)524, (BA)936, (CR)1074, (BA)1098, (BA)**1178** DHC/CSP-HB 1697
1822 Paintball Guns & Markers (Siplin) (FR)183 DSC
1824 State Reserves (Smith) (FR)183 DSC
1826 Property Appraiser Assessments (Constantine) (FR)183 DSC
1828 Legislators/Confidential Info./DCFS (Wilson) (FR)183 DSC
1830 Home Inspection Services (Regulated Industries and others) (FR)183, (CR)639, (CS)647, (MO)744, (BA)936, (CR)1074, (CO)1075 LTS
1832 DOC/Federal Govt. Prisoners (Argenziano) (FR)183, (CR)187 DSC
1834 Tourist Development Tax (Siplin) (FR)183 DSC
1836 Assisted Care Communities (Children and Families) (FR)183, (CR)420, (CS)431 DSC
SB
1838 Construction Contracting/Pools/Spas (Constantine) (FR)183 DSC
1840 Transportation Disadvantaged (Constantine) (FR)184 DSC
1842 Pharmaceutical Purchasing Practices (Aronberg) (FR)184 DSC
1844 School-entry Health & Vision Exams (Wilson) (FR)184 DSC
1846 Public Schools/Required Instruction (Wilson) (FR)184 DSC
1848 Student Safety & Campus Violence (Bennett and others) (FR)184, (CO)292, (CO)313, (CO)323, (MO)418 WS
1850 Outdoor Advertising (Community Affairs and others) (FR)184, (CR)525, (CS)529, (CR)690, (CS/CS)697, (CO)1075 DSC
1852 Mental Health Services Providers (Health Care) (FR)184, (CR)246, (CR)567, (CS)580 DSC
1854 Building Permit/Electronic Submittal (Regulated Industries and others) (FR)184, (CR)419, (CR)567, (CS)580, (CO)1075 DSC
1856 Commission on Ethics (Villalobos) (FR)185, (MO)246, (CR)265, (BA)296, (CR)299, (BA)**316** DHC
1858 Public Officers/Standards of Conduct (Villalobos) (FR)185, (MO)246, (CR)265, (CR)300, (BA)345, (CR)348, (BA)362, **363** DHC/CSP-HB 1001
1860 Initiative Petitions/Violations (Dockery) (FR)185, (CR)419 DSC
1862 Women's Health & Safety Act (Judiciary and others) (CO)175, (FR)188, (CO)313, (CO)388, (CR)419, (CO)437, (CR)567, (CS)580, (CO)596, (MO)689, (BA)842, (CR)886, (CO)1075 LTS/CSP-HB 1041
1864 Secondhand Dealers (Banking and Insurance and others) (FR)188, (CR)462, (CS)469, (CR)566, (CO)1662 DSC
1866 Fish & Wildlife Conservation Comm. (Government Efficiency Appropriations) (FR)188, (CR)300, (MO)553, (CR)639, (CS)647, (MO)744 DCS/CSP-HB 989
1868 Health Care/Poison Control Centers (Health Care and others) (FR)188, (CR)325, (CS)332, (BA)503, (CR)523, (BA)**541**, (CO)1075 Ch. 2005-256 CSP-HB 763
SJR
1870 Fla. Hurricane Catastrophe Fund (General Government Appropriations) (FR)189, (CR)319, (CR)421, (CS)431 DSC
SB
1872 Biomedical Research (Health and Human Services Appropriations and others) (FR)189, (CO)240, (CO)292, (CR)325, (CS)332, (MO)418, (CR)421, (CS/CS)431, (BA)609, (BA)612, (CR)638, (BA)663, (BA)**682**, (CO)709, (CO)1075 DHC/CSP-CS/CS/SB 404
1874 Farm Labor Vehicles (Commerce and Consumer Services and others) (FR)189, (CR)420, (CS)431, (CR)525, (CS/CS)529, (CO)535 DSC
1876 Fla. Commercial Anti-Pornography Act (Siplin) (FR)189 DSC
1878 Daytona Beach/Volusia Co. (Lynn) (FR)189 DSC/CSP-HB 969
1880 Save Our Everglades Trust Fund/DEP (Saunders and others) (CO)186, (FR)189 DSC
1882 Motor Vehicle Weights (Campbell) (FR)189 DSC
1884 Child Support (Judiciary and others) (FR)189, (CR)349, (CR)463, (CS)469, (MO)553, (BA)606, (BA)608, (CR)638, (BA)661, (CO)709, (CO)1075, (CO)1662 LTS/CSP-HB 1283, HB 775
1886 Local Government (Community Affairs) (FR)190 DSC
1888 Postsecondary Education (Lynn) (FR)191 DSC
1890 Exceptional Student Education (Lynn) (FR)191 DSC
1892 Fla. Comprehensive Assessment Test (Lynn) (FR)191 DSC
1894 Trust Funds (Lynn) (FR)191 DSC
1896 Public Records (Lynn) (FR)191 DSC
1898 Public Records (Lynn) (FR)191 DSC
1900 Postsecondary Education (Lynn) (FR)191 DSC
1902 Teacher Education (Lynn) (FR)191 DSC
1904 Immokalee Water & Sewer District (Saunders) (FR)191 DSC/CSP-HB 733
1906 Construction & Demolition Debris (Environmental Preservation and others) (FR)191, (CO)354, (CR)420, (CS)431, (MO)637 DCS/CSP-HB 1031
1908 Parental Notice of Abortion Act (Judiciary and others) (FR)192, (CR)324, (CR)421, (CS)431, (BA)550, (CR)553, (BA)601, (BA)602, (CO)1075 LTS/CSP-CS/SB 798, HB 1659
1910 Workforce Innovation (Transportation and Economic Development Appropriations and others) (FR)192, (CR)264, (CR)421, (CS)(CS/CS)432, (CO)535, (BA)613, (MO)**614**,

SB
(CR)638, (CO)1075, (BA)1237, (BA)1239, 1661
Ch. 2005-149 CSP-SB 2602
1912 Insurance Agents & Agencies (Judiciary) (FR)192, (CR)320, (CS)321, (CR)463, (CS/CS)471, (MO)811, (BA)916, (BA)957, (BA)958, (CR)1074, (BA)**1095**, 1661 Ch. 2005-257
1914 Juvenile Justice/Personnel (Justice Appropriations and others) (FR)192, (CR)420, (CS)432, (CR)567, (CS/CS)580, (BA)622, (CR)638, (CO)656, (BA)**678** DHC/CSP-HB 1917
1916 Medical Malpractice Insurance (Health Care) (FR)192, (MO)553, (CR)567, (CS)580 DSC
1918 Highway Designations (Sebesta) (FR)193, (CR)419
DCS/CSP-HB 385
1920 State Universities/Bd. of Governors (Education) (FR)193, (MO)348, (CR)463, (CS)471, (CR)554, (BA)622, (CR)638
LTS/CSP-HB 1001
1922 Public Records/Meetings Exemptions (Community Affairs and others) (FR)193, (CR)525, (CS)529, (CR)638, (CO)656, (MO)689, (BA)836, (CR)886, (BA)**1039**, 1229 Ch. 2005-186
1924 Child Support Guidelines (Sebesta and others) (FR)193, (CR)419, (CO)596 DSC
1926 Inflammatory Bowel Disease Research (Health Care and others) (FR)193, (CR)567, (CS)581, (CR)639, (BA)739, (CR)744, (CO)1075 LTS/CSP-HB 869
1928 Riding on Exterior/Vehicles (Sebesta) (FR)194, (CR)418, (CR)523 DSC
1930 Law & Correctional Officers/FRS (Governmental Oversight and Productivity) (FR)194, (CR)419, (CR)567, (CS)581
DSC
1932 Juveniles/Electronic Monitoring (Crist and others) (FR)194, (CO)1662 DSC
SJR
1934 Primary Elections/Party Affiliation (Sebesta) (FR)194, (CR)300 DSC
SB
1936 Emergency Services & Care Access (Sebesta) (FR)194 DSC
1938 Aerospace (Commerce and Consumer Services and others) (FR)194, (CO)337, (CR)463, (CS)471 DSC/CSP-HB 1813
1940 County Roads/Local Option Fuel Tax (Sebesta) (FR)194, (CR)299 DSC
SJR
1942 Judicial System/Practice/Procedure (Crist) (FR)194 DSC
SB
1944 Ethics/Public Officers & Employees (Judiciary) (FR)194, (CR)420, (CS)432, (CR)690, (CS/CS)697, (MO)744, (MO)811, (BA)917, (BA)918, (BA)958, (BA)959, (CR)1074 LTS
1946 Ethics Violations/Pub. Rec. (Posey) (FR)195 DSC
1948 Code of Ethics/Legislators (Posey) (FR)195 DSC
1950 Legislative Lobbying (Posey) (FR)195 DSC
1952 Insurance Field Representatives (Posey) (FR)195 DSC
1954 Line of Ordinary High Water (Posey) (FR)195 DSC
1956 Second Primary Election (Posey) (FR)195, (CR)300, (CS)311, (CR)566, (BA)617, (CR)638 LTS/CSP-HB 1673
1958 Guardianship (Children and Families and others) (FR)195, (CO)240, (CR)454, (CS)459, (CR)567, (CS/CS)581
DSC/CSP-HB 1935
SR
1960 Tampa Bay Lightning/Stanley Cup (Crist and others) (FR)**439**, (CO)478 Adopted
SB
1962 Appointed State Officers (Posey) (FR)196 DSC
1964 Wrongful Incarceration Act (Criminal Justice and others) (FR)196, (MO)348, (CO)437, (CR)(MO)454, (CS)459, (CO)478, (CR)640, (CS/CS)647, (BA)785, (BA)(MO)805, (CR)811, (CO)818, (BA)1038, **1039**, (BA)1570, (BA)1572
DM
1966 College Savings Program (King) (FR)196 DSC
1968 Building Designations (Governmental Oversight and Productivity and others) (FR)196, (CR)525, (CS)529, (CR)690, (CS/CS)697, (BA)733, (CR)744, (BA)761, **762**, (CO)1075
DHC
1970 Fla. Space Research Institute (Posey) (FR)197, (CR)454, (CR)638 DSC
1972 Death Penalty Reform Act (Crist) (FR)197, (CR)524 DSC
1974 Prenatal Death Caused by Negligence (Judiciary) (FR)197, (CR)567, (CS)582 DSC
1976 Foster Care/Permanency Planning (Posey) (FR)197 DSC
1978 Juvenile Justice (Children and Families) (FR)197, (CR)325, (CS)332, (CR)420, (CS/CS)432, (CR)639, (BA)921, (BA)922, (CR)1074 LTS/CSP-HB 1917
1980 Florida Commission on Tourism (Sebesta) (FR)198, (CR)265, (CR)349, (BA)411, (CR)418, (BA)**449**, 656 Ch. 2005-113
SB
1982 Financial Investigations/Pub. Rec. (Banking and Insurance) (FR)198, (CR)525, (CS)529 DSC
1984 Commercial & Consumer Collection (Banking and Insurance) (FR)198, (CR)525, (CS)529 DSC
1986 Pretrial Release (Dockery) (FR)198 DSC
1988 Water Management Activities (Regulated Industries) (FR)199, (CR)349, (CR)567, (CS)582, (BA)742, (CR)744
LTS/CSP-HB 1289
1990 Attorney's Fees/Vehicle No-Fault Law (Alexander) (FR)199 DSC
1992 Inspection of Perishable Items (Garcia) (FR)199, (MO)637
WS
1994 Medicaid (Health Care) (FR)199, (CR)420, (CS)432 DSC
1996 Petition Fraud/Voter Protection Act (Judiciary and others) (FR)199, (CR)299, (CR)455, (CS)459, (MO)637, (CO)656, (MO)743, (CR)744, (CS/CS)745, (BA)774, (BA)775, (CR)811 LTS/CSP-HB 1589
1998 Investment of Public Funds (Alexander) (FR)199, (CR)349, (CR)524, (MO)689, (BA)835, (CR)886 LTS/CSP-HB 871
2000 Domestic Security (Diaz de la Portilla) (FR)199, (CR)265, (CR)377, (CR)524, (BA)833, (CR)886, (BA)957, (BA)1078
DCS/CSP-HB 1715
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2012 Transportation & Sale of Cigarettes (Dockery) (FR)200, (CR)454 DSC/CSP-HB 205
2014 Property Insurance (Alexander) (FR)200 DSC
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2022 Constitutional Amendments (Judiciary) (FR)201, (CR)378, (CS)385, (CR)744, (CS/CS)745 DSC/CSP-HB 1589
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2030 Ethics in Government (Posey) (FR)201 DSC
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2036 Commercial Real Estate Liens (Regulated Industries and others) (FR)202, (CR)525, (CS)530, (CR)639, (BA)741, (CR)744, (CO)818 LTS/CSP-HB 1459
2038 Hospital County Reimbursement (Garcia) (FR)202, (MO)637 WS
2040 Driver Licenses/Foreign Nationals (Transportation) (FR)202, (CR)525, (CS)530, (CR)566 DSC
2042 Welfare Transition TF/Military (Fasano) (FR)202, (CR)265, (BA)(CR)299, (BA)**319**, 337, 437, 460 Ch. 2005-25
2044 Motor Vehicle & Motorcycle Insurance (Crist) (FR)202, (CR)454 DSC
2046 Violation of Probation (Crist and others) (FR)202, (CO)1662 DSC
2048 Judges (Ways and Means) (FR)202, (CR)300, (CS)313, (CR)349, (CS/CS)352, (CR)568, (CS/CS/CS)582, (BA)785, (CR)811, (BA)833, (BA)954, (BA)1034, **1037**, 1661
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2052 Motorcycles & Motor-driven Cycles (Garcia) (FR)202, (MO)637 WS/CSP-HB 1697
2054 Paralegal Profession Act (Argenziano and others) (FR)202
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2056 Offender & Murderer Registration (Criminal Justice and others) (FR)203, (CR)420, (CS)433, (CO)461, (CR)638, (CO)1075 DSC
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2060 Community Redevelopment Agencies (Baker) (FR)203 DSC
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2068 Telecommunications (Government Efficiency Appropriations and others) (FR)203, (CR)349, (CS)352, (CO)388, (MO)418, (CR)525, (CS/CS)530, (CR)640, (CS/CS/CS)648, (BA)836, (CR)886, (BA)912, (BA)1078 DCS/CSP-CS/CS/SB 1322
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2076 Commercial Parasailing (Sebesta) (FR)204, (CR)299, (CR)524 DSC
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2080 Community Redevelopment Agency/Fire (Margolis) (FR)204 DSC
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2094 Elections (Posey) (FR)205 DSC
2096 High School Graduation/Accelerated (Lynn) (FR)205 DSC
2098 Career Education (Lynn) (FR)205 DSC
2100 Juvenile Justice Education Programs (Lynn) (FR)205 DSC
2102 Apprenticeship Programs (Lynn) (FR)205 DSC
2104 Line of Ordinary High Water (Campbell) (FR)205, (MO)418 WS
2106 Court Interpreters (Campbell) (FR)206 DSC
2108 Economic Development (Argenziano) (FR)206 DSC
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2114 Grades K-12/Pupil Progression (Baker) (FR)206 DSC
2116 Enterprise Zones/Taylor County (Argenziano) (FR)206 DSC
2118 Worker's Compensation (Atwater and others) (FR)206, (CR)454, (CR)639, (BA)742, (CR)744, (CO)1662 LTS/CSP-HB 423
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2126 Student & Faculty Academic Freedom (Wise and others) (FR)207, (CO)388, (CO)596 DSC
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2130 Cigarette Tax Proceed/H. Lee Moffitt (Miller and others) (FR)207, (CO)313, (CO)354, (CR)419, (CR)524 DSC
2132 Fiscally Constrained Counties (Baker and others) (FR)207, (CO)337, (CR)349, (CO)388, (CO)461, (CR)462, (CO)1075 DSC

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2134 Diana Kautz Student Safety Sponsors (Education) (FR)207, (CR)299, (CR)690, (CS)698 DSC
2136 Administration of Medication (Children and Families) (FR)207, (CR)264, (CR)349, (CS)353 DCS
2138 Career Educ./Sunshine State Standard (Education) (FR)207, (CR)690, (CS)698 DSC
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2142 Public Records Exemptions (Governmental Oversight and Productivity) (FR)207, (CR)554, (CS)557, (CR)566 DSC/CSP-HB 1305

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2144 State Budget Planning & Spending (Ways and Means) (FR)92, (CR)227, (CR)325, (CS)332, (BA)343, (CR)348, (BA)359, **360**, (BA)1128, **1130** Passed

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2156 Vessels (Transportation and others) (FR)209, (CR)378, (CS)385, (CR)462, (MO)689, (CO)1075 DSC
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2160 Broward Days Day (Campbell and others) (FR)339, **340**, (CO)437 Adopted

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2162 Internet Computer Fraud (Posey) (FR)210, (CR)299 DSC

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2164 Florida Goodwill Association (King) (FR)**339** Adopted

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2168 Local Govt. Infrastructure Surtax (Posey) (FR)210 DSC
2170 Prostate Cancer/Insurance Coverage (Miller) (FR)210 DSC
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2174 Seaport Security (Wilson) (FR)210 DSC
2176 Electors & Elections (Transportation and Economic Development Appropriations and others) (FR)210, (CR)300, (CO)535, (CR)555, (CS)557, (CR)690, (CS/CS)698, (BA)837, (BA)840, (BA)853, (BA)854, (CR)886, (CO)1662 LTS/CSP-HB 1589, HB 1567, HB 1591
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2182 Clinical Laboratories (Margolis) (FR)211 DSC
2184 Insurer Insolvency (Banking and Insurance and others) (FR)211, (CR)463, (CS)473, (CR)566, (CO)1075 DSC
2186 Clean Energy Technology Center (Fasano) (FR)212, (CR)246, (CR)348 DSC
2188 Daylight Saving Time (Posey) (FR)212 DSC
2190 Education (Education and others) (FR)212, (CO)259, (CO)461, (CO)535, (CR)639, (CS)648, (CO)1075 DSC
2192 Enterprise Zones (Crist) (FR)212 DSC
2194 Federal Grants Trust Fund (Crist) (FR)212, (CR)324, (BA)415, (CR)418 LTS/CSP-HB 1765
2196 Trust Funds/Juvenile Justice Dept. (Justice Appropriations) (FR)212, (CR)349, (CS)353, (MO)418, (BA)503, (CR)523, (BA)**541**, 1075 Ch. 2005-114
2198 Constitutional Amendments (Atwater) (FR)212 DSC

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2204 Constitutional Amendments (Atwater) (FR)212 DSC
2206 Fla. Aerospace Infrastructure TF (Saunders) (FR)212 DSC
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2214 Discount Medical Plan Organizations (Banking and Insurance and others) (FR)213, (CR)463, (CS)473, (CR)639, (BA)720, (CR)744, (CO)1662 LTS/CSP-HB 1081
2216 Tax Refund/Defense Contractors (Transportation and Economic Development Appropriations and others) (FR)213, (CO)313, (CR)319, (CO)323, (CO)337, (CR)418, (MO)454, (CR)567, (CS)583, (BA)616, (CR)638, (CO)709 LTS/CSP-HB 1483, CS/SB 1154
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2224 Genetic Counseling Practice Act (Klein) (FR)214, (CR)554 DSC
2226 Enterprise Zones/Orange/Osceola (Siplin) (FR)214 DSC
2228 Asbestos-related Claims (Judiciary) (FR)214, (CR)319, (MO)348, (CR)455, (CS)460, (BA)503, (CR)523, (BA)**541**, 818 Ch. 2005-269
2230 Dentistry (Health Care) (FR)214, (CR)640, (CS)648 DCS/CSP-SB 2574
2232 Public Service Commission (Commerce and Consumer Services) (FR)214, (CR)349, (CS)353, (CR)525, (CS/CS)531, (BA)728, (BA)731, (CR)744, (BA)759, (BA)1039, (BA)1040 LTS/CSP-CS/CS/SB 1322
2234 Mobile Home Parks/Sale (Fasano) (FR)215 DSC
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2244 Cardrooms (Fasano) (FR)215, (CR)418, (CR)554 DCS
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2254 Community Colleges (Education Appropriations and others) (FR)216, (CO)354, (CR)377, (CS)385, (CR)690, (CS/CS)699, (BA)939, (BA)940, (CR)1074, (BA)1102, **1103** DM
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2264 Students/Instructional Costs (Education Appropriations) (FR)216, (MO)299, (CR)300, (CS)313, (MO)418, (CR)690, (CS/CS)699, (BA)716, (CR)744, (BA)**756**, 1661 Vetoed
2266 Retiree Health Insurance Subsidy (Governmental Oversight and Productivity and others) (FR)217, (CO)313, (CR)325, (CS)333, (CO)909 DSC
2268 Athletic Trainers (Fasano) (FR)217, (CR)418, (CR)524, (BA)626, (CR)638, (BA)**681**, 1075 Vetoed
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2272 Emergency Medical Services (Posey) (FR)217 DSC
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2278 Private Security Officer/Firearms (Criminal Justice and others) (FR)217, (CR)319, (CR)455, (CS)460, (CO)478, (CR)553, (BA)617, (CR)638, (BA)**669**, 1075 Ch. 2005-69
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2284 Small Cities Community Development (Community Affairs) (FR)247, (CR)378, (CS)386, (CR)419, (BA)503, (BA)504, (CR)523, (BA)542 LTS/CSP-HB 951
2286 Building Permit Applications (Community Affairs) (FR)247, (CR)378, (CS)386, (CR)462, (CR)639 DCS/CSP-CS/CS/CS/CS/SB 442
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2330 Offenses Involving Insurance (Criminal Justice) (FR)251, (CR)378, (CS)386, (CR)553, (CR)639, (CS/CS)649 DSC/CSP-CS/SB 1662
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2362 Research & Development Costs (Education and others) (FR)256, (CO)313, (CR)320, (CS)322, (CR)554, (CS/CS)559 DSC
2364 Elderly Affairs (Health Care and others) (FR)256, (CR)455, (CS)460, (CR)554, (BA)615, (CR)638, (BA)667, (CO)709, (CO)1075 LTS/CSP-HB 1525
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2378 Cancer Research & Treatment Act (Fasano and others) (FR)257, (CO)292, (CR)325, (CS)332, (MO)418, (CR)421, (CS/CS)431, (BA)609, (BA)612, (CR)638, (BA)663, (BA)**682**, (CO)1075 LTS-refer to combined CS/CS/SB 1872
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2386 Persons with Disabilities Agency (Peaden) (FR)257 DSC
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1843 School Class Size/Teacher's Pay (Choice & Innovation and others) 887, (FR)909, (BA)1037, (BA)1090, **1091** FPS

HB
1855 Natural Resources (Environmental Regulation and others) 887, (FR)901, (BA)992, (BA)1000, (BA)1091, (BA)**1100**, 1662 Ch. 2005-166 CSP-CS/CS/CS/SB 444
1859 Obsolete/Outdated Agency Reports (Governmental Operations and others) 887, (FR)902 DSC/CSP-HB 345, HB 775, HB 989, HB 1305, HB 1717, HB 1917, CS/CS/SB 186, CS/CS/CS/SB 360, CS/SB 720, CS/CS/SB 838, CS/CS/CS/SB 1476, CS/SB 1486, CS/CS/SB 1650, CS/SB 2610
1861 School Readiness Records/OGSR (Governmental Operations) (BA)550, (FR)561, (BA)**601** Ch. 2005-131
1867 Death Penalty (Criminal Justice and others) 702, (FR)708 DSC
1877 Jessica Lunsford Act (Criminal Justice and others) (BA)511, (BA)523, 533, (FR)534, (BA)540, **541**, 656 Ch. 2005-28
1885 Appropriations (Fiscal Council and others) 476, (FR)477 DSC/CSP-SB 2600, SB 2602, CS/SB 2610
1887 Appropriations Implementing Bill (Fiscal Council) 476, (FR)477 DSC/CSP-CS/CS/SB 1910, SB 2600, SB 2602, CS/SB 2610
1889 Documentary Stamp Tax Revenue (Fiscal Council and others) (MO)418, 435, (FR)436, (BA)503, (CR)523, (BA)626, (CR)638, (BA)717, (BA)719, (CR)744, (BA)**757**, 1662 Ch. 2005-92
1899 Corrections (Fiscal Council) (MO)418, 435, (FR)436, (BA)503, (CR)523, (BA)626, (CR)638 DCS
1901 Keep the Promise Act of 2005 (Business Regulation and others) 887, (FR)903, (BA)1559, **1569** DS
1903 Slot Machine Licensee/Pub. Rec. (Business Regulation) 887, (FR)909 DSC
1907 FRS/Payroll Contribution Rates (Fiscal Council) 435, (FR)436, (CR)566, (BA)912, (BA)913, (CR)1074, (BA)**1089**, 1662 Ch. 2005-93
1917 Juvenile Justice (Justice Appropriations and others) 887, (FR)904, (BA)922, (BA)932, (BA)**1102**, 1572, **1585**, 1662 Ch. 2005-263
1921 Domestic Violence Fatality Review (Governmental Operations) 585, (FR)586, (BA)840, (BA)**1073** Ch. 2005-212
1923 OGSR Telecommunications/Cable/Info. (Governmental Operations) 585, (FR)587, (BA)616, (BA)617, (BA)**669** Ch. 2005-37
1925 Class Action Lawsuits (Judiciary and others) 813, (FR)816 DSC
1931 Negligence (Judiciary and others) 813, (FR)817, (BA)1209, (BA)**1533** DM
1935 State Judicial System (Judiciary and others) (BA)1205, **1207**, (FR)1226 Ch. 2005-236
1937 Property Insurance (Insurance and others) 813, (FR)817 DSC/CSP-HB 1939, CS/SB 1486
1939 Public Records & Meetings (Insurance and others) 747, (FR)751, (BA)1226, (BA)**1585** Ch. 2005-264 CSP-CS/SB 1486

HCB
6001 (for HB's 337, 737) Sales Tax/Hurricane Preparedness (Finance & Tax and others) 585, (FR)595, (BA)784, (BA)**1039** Ch. 2005-40
6003 (for HB's 1869, 1871, 1873, 1875) Medicaid Reform (Health & Families Council and others) 887, (FR)905, (BA)1241, **1258**, (BA)1533, (BA)1534 DCS/CSP-CS/CS/SB 838
6005 (for HB's 119, 167, 935, 1613, 1655, 1837, 1853) Enhanced Student Opportunities (Education Council and others) 887, (FR)906 DSC/CSP-HB 579, SB 670
6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847) Education (Education Council and others) 887, (FR)907, (BA)1185, (BA)1203, (BA)1258, **1259** DM/CSP-CS/SB 388

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CALL TO ORDER

The Senate was called to order by President Lee at 10:40 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by the Rev. Doug Sanders, Student Pastor, First Baptist Church, Crawfordville:

O Lord, our Father who art in heaven, I would like to lift up these members of the Senate today, that you would give them wisdom and discernment, so that they will have the ability to make decisions for this great state in which you have allowed us to live.

Lord, keep fresh in our minds that every day we are examples and role models for the youth of this state; that not only the words that we speak, but also the actions we take will help guide and direct their paths. And Lord, we pray for the youth of this state, that you will bring up future leaders; strong, honest, and with a respect for you, to one day lead this state in our place. Give them strong homes, safe schools, and solid churches so they can grow and mature.

Knowing that you are still on your throne and still reign sovereignly over this nation, we thank you for the opportunities you have laid before us. In your precious name, we pray. Amen.

PLEDGE

Senate Pages Chase Reed Harris of Jacksonville; Tremain Bernardo Harris of Tallahassee; Samuel "Sam" Green of Orlando; and Ryan Drawdy of Clermont, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Dennis F. Saver of Vero Beach, sponsored by Senator Haridopolos, as doctor of the day. Dr. Saver specializes in Family Practice.

ADOPTION OF RESOLUTIONS

On motion by Senator Crist—

By Senator Crist—

SR 1054—A resolution recognizing and expressing heartfelt gratitude to the 38 U.S. states and 2 Canadian provinces that provided relief workers and equipment to help restore electrical power to Florida in the long aftermath of Hurricanes Charley, Frances, Ivan, and Jeanne.

WHEREAS, the four major hurricanes that struck Florida in August and September of 2004 damaged or destroyed vital infrastructure in nearly all 63 of the state's counties, leaving millions of residents and visitors without power for many weeks at a time between August 13 and October 1, and

WHEREAS, Hurricane Charley left 1.7 million people without power, Hurricane Frances left 2.9 million people without power, Hurricane Ivan left 443,000 people without power, and Hurricane Jeanne left 2.9 million people without power, and in Hardee County the entire power-delivery structure was completely destroyed, and

WHEREAS, the severity of the recurrent battering of Florida in August and September greatly overtaxed the capability of state and local government and Florida's electric utility companies to restore power, compromising the safety, security, and health of residents and businesses, and

WHEREAS, 38 U.S. states and 2 Canadian provinces responded to Florida's crisis by sending thousands of power-restoration workers, along with the necessary equipment, to rebuild the state's electric power infrastructure, and

WHEREAS, these states and provinces are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Ontario, and Quebec, and

WHEREAS, Floridians in thousands of our communities have had personal opportunities to express their gratitude directly to the relief workers who came to Florida and worked tirelessly to repair the hurricane damage, and

WHEREAS, the members of the Florida Senate also wish to express enthusiastic gratitude for the vital support provided by these states and provinces and for the generous personal efforts extended by the individuals who came to Florida's rescue, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate pauses in its deliberations to honor those workers who came to the aid of this state following the hurricanes of

2004 and to express its gratitude for the generous support of the states and provinces that sent workers and equipment.

—was introduced out of order and read by title. On motion by Senator Crist, **SR 1054** was read the second time in full and adopted.

At the request of Senator Lynn—

By Senator Lynn—

SR 1234—A resolution recognizing RESPECT of Florida for promoting quality jobs for Floridians with disabilities.

WHEREAS, it is the policy of the State of Florida to encourage and assist individuals with disabilities, including severe disabilities, to achieve maximum personal independence through useful and productive employment, enhancing their dignity and minimizing their dependence on public support, and

WHEREAS, more than 70 percent of individuals with disabilities, including individuals with severe disabilities, in the state are unemployed, and

WHEREAS, RESPECT of Florida has provided thousands of jobs for individuals with disabilities, including severe disabilities for more than 30 years, and

WHEREAS, RESPECT of Florida creates industries that contribute to the economies of local communities in the state, and

WHEREAS, RESPECT of Florida provides a valuable service to the state and is a nationally recognized model program for providing employment for persons with severe disabilities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That RESPECT of Florida is recognized as a necessary, viable, and valuable means of carrying out the state's policy of promoting gainful employment for Floridians with disabilities, including those with severe disabilities.

—**SR 1234** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 1742—A resolution expressing gratitude and affection to all mothers.

WHEREAS, Sunday, May 8, 2005, has been designated as Mother's Day, and

WHEREAS, the highest ideals and noblest principles of humanity find their most exemplary expression in the sacrifice and devotion of mothers, and

WHEREAS, mothers embody enduring courage and conviction, charity without condescension, and emotion with sanity, and

WHEREAS, mothers are characterized by unconditional love for their offspring, are slow to lose patience, and serve as the anchors that bond the family, and

WHEREAS, a mother's love is like a flame that is always burning and intensifies each time a child is born, and

WHEREAS, a mother is a gift bestowed on man, never more dear than when bringing forth life in the form of a child, and

WHEREAS, it is proper that the members and staff of the Florida Senate recognize the immeasurable debt of gratitude owed to all mothers for their strength, guidance, understanding, and love, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the members of the Senate do hereby express to their own mothers and to all mothers, on behalf of the people of the State of Florida, personal affection and heartfelt gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the Senate as a tangible token of love and respect that the members hold for all mothers.

—**SR 1742** was introduced, read and adopted by publication.

At the request of Senator King—

By Senator King—

SR 2702—A resolution recognizing the week of June 20-25, 2005, as "Humane Society Appreciation Week" in Florida.

WHEREAS, there are currently 48 humane societies in the State of Florida, serving 40 counties in the struggle with domestic animal overpopulation, and

WHEREAS, humane societies work to promote animal adoption and education, eliminate animal overpopulation, prevent animal cruelty, and relieve animal suffering, and

WHEREAS, humane societies have diligently served many Florida communities for as many as 45 years, and

WHEREAS, the estimated population of more than 800,000 unwanted and stray animals euthanized in Florida each year constitutes a potential health risk for rabies and other contagious diseases in this state, and

WHEREAS, in 2004, humane societies served to locate permanent homes for many thousands of unwanted animals and promoted regional spay/neuter campaigns as a preventive and responsible measure for controlling animal overpopulation in this state, and

WHEREAS, Florida's humane societies are staffed by an estimated 10,000 residents who unselfishly volunteer their time, energy, and expertise to fulfill the goals of the humane society, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the humane societies across this state are commended for protecting the health, safety, and welfare of the people and animals of Florida.

BE IT FURTHER RESOLVED, that the week of June 20-25, 2005, is recognized as "Humane Society Appreciation Week."

—**SR 2702** was introduced, read and adopted by publication.

At the request of Senator Lynn—

By Senator Lynn—

SR 2780—A resolution recognizing Officer Robert Francis Grim, Sr., who died in the line of duty on November 13, 2004, after a lifetime of dedicated service as a police officer and police chief in Volusia County.

WHEREAS, Robert Francis Grim, Sr., was born on December 7, 1943, in Allentown, Pennsylvania, and moved to Florida following his service in the U.S. Army, and

WHEREAS, after graduating from the Daytona Police Academy, he went on to earn his Bachelor's Degree in Criminal Justice from the University of Central Florida and began a lifetime career of dedicated service as a police officer in Volusia County, and

WHEREAS, Officer Grim was deeply passionate about the safety of his community and was selected to serve as the state's first school resource officer, creating and establishing the program that continues to be modeled throughout the state today, and

WHEREAS, he also organized 28 new neighborhood watch units, leading to the creation of a Residential Security Check System; developed a "Stranger Danger" and Bicycle Safety Program for the schools; and taught D.A.R.E. to many elementary school children, and

WHEREAS, as a Volusia County Sheriff's Deputy, Officer Grim developed and organized Crime Stoppers in Volusia County into a successful, nonprofit citizen-based organization, and produced, wrote, and directed crime scene reenactments as public service announcements on television and radio, and

WHEREAS, in 1997, Officer Grim was selected as Chief of Police of the Daytona Beach International Airport Police Department, leading a full-service police department, and, in July 2003, joined the Ormond Beach Police Department, continuing his community involvement and dedication to public safety, and

WHEREAS, Officer Grim's courage, dedication, and innovative leadership led to his recognition in a Commendation for Bravery and to his being named Jaycee Law Enforcement Officer of the Year and Elks Law Enforcement Officer of the Year, and

WHEREAS, Officer Robert Grim was killed in the line of duty on November 13, 2004, ending an exemplary career in public service, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes and commends the achievements, contributions, and sacrifices of Officer Robert Francis Grim, Sr., and extends its heartfelt sympathy to his wife, Linda, their children, and other family members.

—**SR 2780** was introduced, read and adopted by publication.

At the request of Senator Lynn—

By Senator Lynn—

SR 2782—A resolution recognizing Lance Corporal Tony Stevens on his completion of his second tour of duty in Iraq.

WHEREAS, Lance Corporal Tony Stevens of the U.S. Marine Corps' 1st Battalion, 2nd Marine Regiment has served two tours of duty in Iraq and, remarkably, survived 10 separate bomb attacks in the "triangle of death" south of Baghdad, and

WHEREAS, Lance Corporal Stevens's deployment placed him in an area known for insurgents' use of what the U.S. military calls "improvised explosive devices," which include car bombs and bombs placed on and adjacent to roadways, and

WHEREAS, these bombs contribute to an injury rate of one in five Marines during their 6-month tours of duty in this area, and Lance Corporal Stevens's survival of 10 such explosions is considered a record, and

WHEREAS, Lance Corporal Stevens is a graduate of Keystone Heights High School where he was an outstanding athlete, and he was named Florida Class 3A High School Basketball Player of the Year in 1997, and

WHEREAS, after being drafted by the Minnesota Twins, he was playing for the Twins' Double-A New Britain, Connecticut, Rock Cats when the 9/11 attack led to his enlistment in the U.S. Marine Corps, and

WHEREAS, those who personally know Lance Corporal Tony Stevens comment frequently on his courage, leadership qualities, sense of perspective, and concern for others, qualities that have served him and his fellow soldiers well as they serve our country in Iraq, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes and commends Lance Corporal Tony Stevens on his enlistment in the Marine Corps and his courageous service to our country.

—**SR 2782** was introduced, read and adopted by publication.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Honorable Tom Lee May 3, 2005
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointees:	Durkin, William H.	10/31/2005
	Puissegur, Frank D.	10/31/2008
Board of Acupuncture		
Appointee:	Teisinger-Nicholson, Mary Katherine	10/31/2008
Board of Athletic Training		
Appointee:	Sehgal, Angela K.	10/31/2006
Greater Orlando Aviation Authority		
Appointees:	Rey, Jose A.	04/16/2008
	Theisen, Robert W., Jr.	04/16/2008
	Van Meter, Jeanne L.	04/16/2008
Barbers' Board		
Appointee:	White, Herman	10/31/2008
Florida Black Business Investment Board, Inc.		
Appointees:	Jackson, Dorothea U.	06/30/2008
	Keys, Brady, Jr.	06/30/2005
	Villain, Jean-Marc	06/30/2008
Florida State Boxing Commission		
Appointees:	Entin, Alvin E.	09/30/2008
	Lacasa, Eduardo R.	09/30/2007
Florida Building Commission		
Appointees:	Hamrick, Jonathon D.	11/21/2007
	McCombs, Michael C.	01/30/2007
Board of Chiropractic Medicine		
Appointees:	Benear, Linda	10/31/2005
	Dougherty, Kenneth J.	10/31/2008
	LaRusso, Salvatore D.	10/31/2008
Florida Citrus Commission		
Appointees:	Carrere, Michael L.	05/31/2007
	Ferrari, William J.	05/31/2007
	Pantuso, George T.	05/31/2007
	Ryan, Stephen W.	05/31/2007
Board of Clinical Laboratory Personnel		
Appointees:	Gereg, Andrea	10/31/2008
	Seay, Pamella A.	10/31/2006
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointees:	Bridgman, Mary W.	10/31/2008
	Lubowicz, Hebe	10/31/2008
	White, Sue	10/31/2008
Regulatory Council of Community Association Managers		
Appointees:	Czonstka, Steven J.	10/31/2006
	Glass, Debra B.	10/31/2007
	Yates, Edith L.	10/31/2006
Florida Commission on Community Service		
Appointees:	Adams, Jane	09/14/2006
	Armstrong, Jack David, Jr.	09/14/2006
	Greene, Marcia	09/14/2006
	Henderson, Ann L.	09/14/2006
	Payne, Willard, Jr.	09/14/2006
	Ramsay, David B.	09/14/2006
	Ruano, Robert	09/14/2006
	Wilkie, Pauline "Polly" O.	09/14/2006

Office and Appointment		*For Term Ending*
Board of Trustees of Brevard Community College		
Appointee:	Theriac, James S.	05/31/2006
Board of Trustees of Edison College		
Appointees:	Downing, Kenneth	05/31/2008
	Perry, Julia G.	05/31/2008
Board of Trustees of Gulf Coast Community College		
Appointee:	Butler, Denise D.	05/31/2008
Board of Trustees of Lake-Sumter Community College		
Appointee:	Childers, Richard D.	05/31/2006
Board of Trustees of Manatee Community College		
Appointees:	Fogarty, Julia B.	05/31/2008
	Lumpkin, Kelvin	05/31/2008
Board of Trustees of Okaloosa-Walton College		
Appointee:	Vance, Vercell	05/31/2005
Board of Trustees of Tallahassee Community College		
Appointee:	Ghazvini, Alisa	05/31/2006
Board of Trustees of Valencia Community College		
Appointees:	Cabrera-Morris, M. Bertica	05/31/2007
	Slocum, Lawrence D.	05/31/2008
Construction Industry Licensing Board		
Appointees:	Bailey, Doris O.	10/31/2005
	Stewart, Robert W.	10/31/2007
	Thornton, Thomas	10/31/2007
Board of Cosmetology		
Appointees:	Ritenbaugh, Laurel	10/31/2006
	Smith, Monica Schuloff	10/31/2007
Board of Trustees for the Florida School for the Deaf and the Blind		
Appointee:	Juba, Pamela L.	02/07/2007
Board of Dentistry		
Appointees:	Embree, Thomas E.	10/31/2008
	Fisher, Lourdes	10/31/2008
	Harrison, W. G.	10/31/2008
Education Practices Commission		
Appointees:	Demetriades, Lynn F.	09/30/2007
	Griffin, Dennis J.	09/30/2007
	Rasco, Ana M.	09/30/2007
Florida Elections Commission		
Appointees:	Mason, Otis A.	12/31/2007
	Merritt-Bell, Demetria L.	12/31/2007
	Spencer, David J.	12/31/2007
	Thomas, Claudia Medina	12/31/2007
Electrical Contractors' Licensing Board		
Appointees:	Kiner, Jeffrey M.	10/31/2007
	Langer, Roger E.	10/31/2006
	Mugford, Norman R.	10/31/2007
	Penner, Donald C.	10/31/2006
	Tibbs, Clarence Kelley	10/31/2007
Commission on Ethics		
Appointee:	Jones, Kurt D., Sr.	06/30/2006
Tampa-Hillsborough County Expressway Authority		
Appointee:	Clark, Robert J., Jr.	07/01/2008
Fish and Wildlife Conservation Commission		
Appointee:	Lane, Kathy Barco	08/01/2007
Board of Funeral and Cemetery Services		
Appointee:	Huggins, Tracy	09/08/2007
Board of Funeral Directors and Embalmers		
Appointees:	Brandenburg, Joseph A.	10/31/2007
	Deakins, John P.	10/31/2008
Board of Professional Geologists		
Appointee:	Blackledge, K. Dawn	10/31/2006
Board of Hearing Aid Specialists		
Appointees:	Polhill, Leanne E.	10/31/2008
	Skelly, Janet M.	10/31/2008
	Smith, Wayne Lee	10/31/2008
Higher Educational Facilities Financing Authority		
Appointee:	Jones, Milton L., Jr.	01/17/2009
Citrus County Hospital Board		
Appointee:	Fredrick, Debra S.	07/07/2008
Board of Trustees of South Lake County Hospital District		
Appointee:	Zahn, Paula J.	07/05/2008
Florida Housing Finance Corporation		
Appointees:	Calvet, Cesar E.	11/13/2008
	Oellerich, David E.	11/13/2006
	Ruiz, Zully	11/13/2008
	Stultz, Lynn M.	11/13/2008
	Terry, Sandra	11/13/2008
Florida Commission on Human Relations		
Appointees:	Cannon, Gayle B.	09/30/2008
	Elam, Donna	09/30/2008
	Stall, Billy Whitefox	09/30/2008
Commission for Independent Education		
Appointees:	Crocitto, Peter F., Jr.	06/30/2007
	Lauff, Samuel, Jr.	06/30/2007
	Martin, Ilia Y.	06/30/2006
	Rodgers, Judith K.	06/30/2005
Juvenile Welfare Board of Pinellas County		
Appointees:	Burke, Cecilia M.	08/11/2008
	Milford, John A.	08/07/2008
	Wilson, Beth S.	07/18/2008
Board of Landscape Architecture		
Appointee:	Walter, Collene W.	10/31/2008
Governor's Mansion Commission		
Appointee:	de Quesada, Emilia M.	09/30/2008
Gulf States Marine Fisheries Commission		
Appointee:	Dempsey, Hayden R.	01/05/2007
Board of Massage Therapy		
Appointees:	Andriole, Irene D.	10/31/2008
	Quiring, David C.	10/31/2008
Board of Medicine		
Appointees:	Barrau, Carmel J.	10/31/2008
	Davies, Laurie K.	10/31/2008
	Dyches, Ronald W.	10/31/2008
	Farmer, Harry Frank, Jr.	10/31/2008
	Long, Monique W.	10/31/2008
Assistant Adjutant General for Army		
Appointee:	Fleming, Michael P.	Pleasure of the Adjutant General
Assistant Adjutant General for Air		
Appointee:	Titshaw, Emmett R., Jr.	Pleasure of the Adjutant General
Board of Nursing		
Appointees:	Herrera, Mary Jane	10/31/2005
	Lewis, Andrea S.	10/31/2007
	Munoz, Rita J.	10/31/2007
Board of Nursing Home Administrators		
Appointees:	Barnett, Brett	10/31/2008
	Francoeur, Jeri H.	10/31/2006
	Reynolds, Suyrea	10/31/2008

Office and Appointment		*For Term Ending*
Board of Occupational Therapy Practice		
Appointees:	Diezel, Zoraida	10/31/2008
	Garcia, Laura A.	10/31/2008
Board of Opticianry		
Appointee:	Calvo, David	10/31/2008
Board of Optometry		
Appointee:	Walker, Edward K.	10/31/2008
Board of Orthotists and Prosthetists		
Appointees:	Calcagno, Marco T.	10/31/2006
	Fredrick, Jeffrey Ryan	10/31/2008
	Morris, George R.	10/31/2008
Board of Osteopathic Medicine		
Appointee:	Fedor, Robert P.	10/31/2008
Board of Pharmacy		
Appointees:	Garcia, Albert L.	10/31/2005
	Parrado, Robert Mario	10/31/2008
	Poston, Rebecca R.	10/31/2008
Board of Physical Therapy Practice		
Appointees:	Birckhead, Judith T. M.	10/31/2005
	Bumgarner, David	10/31/2008
	Watson, Nancy L.	10/31/2008
Board of Pilot Commissioners		
Appointee:	Robas, Victoria Bowen	10/31/2005
Board of Podiatric Medicine		
Appointees:	Inge, Saundra R.	10/31/2007
	Price, Melvin B.	10/31/2008
Florida Prepaid College Board		
Appointee:	Sjostrom, Erin B.	06/30/2006
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointees:	Butchko, Beatrice A.	09/30/2008
	Fletcher, Gloria W.	09/30/2008
	Mehta, Ravindra "Rave" V.	09/30/2007
	Reeves, James J.	09/30/2007
	Smith, Rebecca J.	09/30/2008
Board of Psychology		
Appointees:	Hoffman, Richard A.	10/31/2008
	Swan, Amy C.	10/31/2008
Florida Real Estate Commission		
Appointee:	Varnado, James D.	10/31/2008
Apalachee Regional Planning Council, Region 2		
Appointees:	Collins, Fred H.	10/01/2006
	Dykes, Dwight E.	10/01/2007
	Radford, Dawn E.	10/01/2006
	Ranie, Benjamin F.	10/01/2007
	Stanfield, Kevin L.	10/01/2007
	Stephens, Donald R.	10/01/2006
North Central Florida Regional Planning Council, Region 3		
Appointees:	Butler, Martha W.	10/01/2006
	Dodge, David L.	10/01/2006
	Haas, Sandra K.	10/01/2007
	Mattingly, Rosalyn H.	10/01/2005
	Maultsby, Charles T.	10/01/2006
	Neill, Heather	10/01/2007
	O'Neil, Gerald T.	10/01/2006
	Painter, James "Jim" F.	10/01/2007
	Reeves, Fred T.	10/01/2006
	Smith, Andrew P.	10/01/2006
	Thomas, Lorene J.	10/01/2006
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Berry, Clare G.	10/01/2007
	Dungey, Mary Louise	10/01/2007
	Fleckenstein, Rea T.	10/01/2007
	Franklin, Deidra O.	10/01/2007
	Laibl, George W. "Chip", Jr.	10/01/2006
	Maxwell, Harry L.	10/01/2007
	Prachar, Charles J.	10/01/2006
	Sgroi, Robert E.	10/01/2006
	Spaeth, Robert W.	10/01/2006
	Vallencourt, Carol	10/01/2007
Withlacoochee Regional Planning Council, Region 5		
Appointees:	Bertoch, Carl A.	10/01/2006
	Fortis, Jose	10/01/2006
	Moore, Mark	10/01/2006
	Powers, Linda B.	10/01/2006
	Sawyer, J. Wayne	10/01/2006
	Winchester, Linda J.	10/01/2006
East Central Florida Regional Planning Council, Region 6		
Appointees:	Acevedo, Nancy C.	10/01/2006
	Ghyabi, Maryam H.	10/01/2005
	Grulich, Maria C.	10/01/2006
	Kershaw, Janice L.	10/01/2006
	McLouth, Malcolm E.	10/01/2005
	O'Keefe, Daniel T.	10/01/2006
	Rawlson, Jon B.	10/01/2005
	Smith, Evelyn H.	10/01/2007
Central Florida Regional Planning Council, Region 7		
Appointees:	Fields, Kay	10/01/2007
	Lewis, Clifton P.	10/01/2006
	Macias, Tomas	10/01/2007
	Ratliff, Michael R.	10/01/2007
	Rimer, James M.	10/01/2006
	Tucker, Jacqueline W.	10/01/2007
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Albrecht, Richard T.	10/01/2006
	Collins, Jill M.	10/01/2006
	Ghovaee, Housh	10/01/2006
	Guju, Michael John	10/01/2006
	Hoyt, Kenneth S.	10/01/2006
	Wolf, Kathleen	10/01/2006
Southwest Florida Regional Planning Council, Region 9		
Appointees:	Carroll, Patricia	10/01/2005
	Elkowitz, Edward B.	10/01/2006
	Emblidge, Margaret	10/01/2007
	Green, James E.	10/01/2007
	Groves, Janice E.	10/01/2006
	Maio, Alan	10/01/2006
	Messina, Andrea	10/01/2007
	Paulmann, James A.	10/01/2005
	Volpe, Michael J.	10/01/2005
	Weikel, Frank C.	10/01/2006
Treasure Coast Regional Planning Council, Region 10		
Appointees:	Baine, Herman	10/01/2007
	Foley, Kevin J.	10/01/2006
	Gibbins, Eugene R.	10/01/2006
	Haynie, Susan	10/01/2006
	Hurley, Richard E.	10/01/2007
	Miteff, Daniel N.	10/01/2007
South Florida Regional Planning Council, Region 11		
Appointees:	Asseff, Patricia T.	10/01/2007
	Nixon-Calamari, Christine P.	10/01/2006
	Perez, Marta	10/01/2007
	Riesco, Jose A.	10/01/2007
	Wallace, Paul R.	10/01/2006
	Walters, Sandra	10/01/2006
State Retirement Commission		
Appointee:	Seay, Millie J.	12/31/2005
Board of Speech-Language Pathology and Audiology		
Appointees:	Boyev, K. Paul	10/31/2005
	Mincow, Robert	10/31/2008

Office and Appointment		*For Term Ending*
	Pooser, Polly B.	10/31/2008
Board of Professional Surveyors and Mappers		
Appointee:	Nobles, Pamela W.	10/31/2007
Florida Commission on Tourism		
Appointees:	Atchison, James "Jim"	06/30/2008
	Banks, Walter L.	06/30/2008
	Fouche, Julian E.	06/30/2008
	Goldman, Richard	06/30/2008
	Lapi, Antonino R.	06/30/2008
	Wheeler, Harold D.	06/30/2008
Florida Transportation Commission		
Appointee:	Marchena, Marcos R.	09/30/2006
Unemployment Appeals Commission		
Appointees:	Adams, John L.	06/30/2007
	Epsky, Thomas D.	06/30/2008
Florida Commission on Veterans' Affairs		
Appointee:	Raymond, Frederic J.	11/16/2006
Board of Veterinary Medicine		
Appointees:	Horky-Burns, Katherine G.	10/31/2007
	Jones, Kandra L.	10/31/2007
Big Cypress Basin Board of the South Florida Water Management District		
Appointees:	Priddy, Aliese P.	03/01/2007
	Sorey, John F. III	03/01/2006
Alafia River Basin Board of the Southwest Florida Water Management District		
Appointees:	Bissonnette, Stephen J.	03/01/2007
	Hinton, Carol M.	03/01/2007
	Johnson, Cheryl	03/01/2006
Coastal Rivers Basin Board of the Southwest Florida Water Management District		
Appointee:	Maggard, Randy	03/01/2007
Hillsborough River Basin Board of the Southwest Florida Water Management District		
Appointee:	Mai, Hung T.	03/01/2007
Manasota Basin Board of the Southwest Florida Water Management District		
Appointees:	Benac, Elizabeth O.	03/01/2007
	Carraway, Mac	03/01/2007
	Meyers, Richard H.	03/01/2007
	Thomas, Dora Maria C.	03/01/2007
Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District		
Appointees:	Adams, Frank Lester III	03/01/2007
	Paloumpis, Andreas A.	03/01/2007
Peace River Basin Board of the Southwest Florida Water Management District		
Appointees:	Dunlap, Ann W.	03/01/2007
	Edgemon, Kathleen H.	03/01/2006
	Harrison, James Kenneth "Ken"	03/01/2007
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District		
Appointee:	Harris, Tina C.	03/01/2007
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointees:	Baldwin, Martha Jane "Janey"	03/01/2007
	Dennis, John V.	03/01/2007
	Rooks, Albert L., Jr.	03/01/2007

The following executive appointment was referred to the Senate Committee on Children and Families and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Secretary of Children and Family Services		
Appointee:	Hadi, Lucy D.	Pleasure of Governor

The following executive appointments were referred to the Senate Committee on Commerce and Consumer Services and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Directors, Enterprise Florida, Inc.		
Appointees:	Hilton, Julie K.	07/01/2007
	Leonhardt, Frederick W.	07/01/2008
	Story, Susan N.	07/01/2007

The following executive appointment was referred to the Senate Committee on Communications and Public Utilities and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Florida Public Service Commission		
Appointee:	Edgar, Lisa B.	01/05/2009

The following executive appointment was referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Secretary of Juvenile Justice		
Appointee:	Schembri, Anthony J.	Pleasure of Governor

The following executive appointments were referred to the Senate Committee on Environmental Preservation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Environmental Regulation Commission		
Appointees:	Chapman, Tracy Duda	07/01/2007
	Ross, Donald H.	07/01/2007
	Wright, Kenneth W.	07/01/2007
Governing Board of the Southwest Florida Water Management District		
Appointees:	Dabney, Thomas G. II	03/01/2008
	McCree, Heidi B.	03/01/2008
	Symons, Patsy C.	03/01/2008
Governing Board of the Suwannee River Water Management District		
Appointee:	Andrews, Kelby E.	03/01/2008

The following executive appointment was referred to the Senate Committee on Government Oversight and Productivity and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Secretary of Management Services		
Appointee:	Lewis, Tom, Jr.	Pleasure of Governor

The following executive appointment was referred to the Senate Committee on Health Care and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
Secretary of Elderly Affairs	
Appointee: Green, Carole A.	Pleasure of Governor

As required by Rule 12.7(1), the above committees held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2003 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully Submitted,
Bill Posey, Chair

On motion by Senator Posey, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee. The vote was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—King

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Lawson—

CS for CS for SB 778—A bill to be entitled An act relating to per diem and travel expenses; amending s. 112.061, F.S.; establishing per diem, subsistence, and mileage rates for travel expenses of public employees; conforming provisions and deleting obsolete provisions; providing legislative intent; requiring state agencies to submit certain information; providing an appropriation; requiring the Governor to recommend a budget amendment to distribute the appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 778** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for CS for SB 838—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation for the

purpose of contracting to monitor and evaluate clinical practice patterns; providing an appropriation for the purpose of contracting for the database to review real-time utilization of Medicaid services; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (283956)(with title amendment)—On page 17, delete line 28 and insert:

(d) Within 24 months after implementation, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, shall comprehensively evaluate the pilot project for the integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The evaluation must include assessments of cost savings; consumer education, choice, and access to services; coordination of care; and quality of care. The evaluation must describe administrative or legal barriers to the implementation and operation of the pilot program and include recommendations regarding statewide expansion of the pilot program. The office shall submit an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than June 30, 2008.

(e) The agency may seek federal waivers and adopt

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation;

Amendment 2 (110104)(with title amendment)—On page 22, lines 7-21, delete those lines and insert:

(b) The agency shall develop a procedure for determining whether health care providers and service vendors can provide the Medicaid program using a business case that demonstrates whether a particular good or service can offset the cost of providing the good or service in an alternative setting or through other means and therefore should receive a higher reimbursement. The business case must include, but need not be limited to:

1. A detailed description of the good or service to be provided, a description and analysis of the agency's current performance of the service, and a rationale documenting how providing the service in an alternative setting would be in the best interest of the state, the agency, and its clients.

2. A cost-benefit analysis documenting the estimated specific direct and indirect costs, savings, performance improvements, risks, and qualitative and quantitative benefits involved in or resulting from providing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions that must be implemented to realize expected benefits. The Secretary of Health Care Administration shall verify that all costs, savings, and benefits are valid and achievable.

(c) If

And the title is amended as follows:

On page 1, delete line 26 and insert: health care vendors may provide a business case

Amendment 3 (435432)—On page 24, line 5, after the period (.) insert: *The use of CARES teams to review Medicare denials for coverage under this section is authorized only if it is determined that such reviews qualify for federal matching funds through Medicaid. The agency shall seek or amend federal waivers as necessary to implement this section.*

Amendment 4 (914782)—On page 27, delete line 29 and insert:

5. By April 1, 2006, the agency shall contract

Amendment 5 (664622)(with title amendment)—On page 28, line 9 through page 29, line 7, delete those lines and insert:

6.~~5.~~ The agency may apply for any federal waivers

And the title is amended as follows:

On page 2, lines 8-10, delete those lines and insert: Medicaid providers; requiring the agency to coordinate

Amendment 6 (181208)(with title amendment)—On page 42, line 4 through page 52, line 16, delete those lines and insert:

1. Medicaid prescribed-drug coverage for brand-name drugs for adult Medicaid recipients is limited to the dispensing of four brand-name drugs per month per recipient. Children are exempt from this restriction. Antiretroviral agents are excluded from this limitation. No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, severe depression, or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available without restriction for persons with mental illnesses include atypical antipsychotic medications, conventional antipsychotic medications, selective serotonin reuptake inhibitors, and other medications used for the treatment of serious mental illnesses. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply. The agency shall continue to provide unlimited generic drugs, contraceptive drugs and items, and diabetic supplies. Although a drug may be included on the preferred drug formulary, it would not be exempt from the four-brand limit. The agency may authorize exceptions to the brand-name-drug restriction based upon the treatment needs of the patients, only when such exceptions are based on prior consultation provided by the agency or an agency contractor, but the agency must establish procedures to ensure that:

a. There will be a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation;

b. A 72-hour supply of the drug prescribed will be provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.; and

c. Except for the exception for nursing home residents and other institutionalized adults and except for drugs on the restricted formulary for which prior authorization may be sought by an institutional or community pharmacy, prior authorization for an exception to the brand-name-drug restriction is sought by the prescriber and not by the pharmacy. When prior authorization is granted for a patient in an institutional setting beyond the brand-name-drug restriction, such approval is authorized for 12 months and monthly prior authorization is not required for that patient.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus 15.4 percent, the wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in

determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease-management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers. *The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.*

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug formulary in accordance with 42 U.S.C. s. 1396r-8, and, pursuant to the establishment of such formulary, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug formulary. However, a pharmaceutical manufacturer is not guaranteed placement on the formulary by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

8. The agency shall establish an advisory committee for the purposes of studying the feasibility of using a restricted drug formulary for nursing home residents and other institutionalized adults. The committee shall be comprised of seven members appointed by the Secretary of Health Care Administration. The committee members shall include two physicians licensed under chapter 458 or chapter 459; three pharmacists licensed under chapter 465 and appointed from a list of recommendations provided by the Florida Long-Term Care Pharmacy Alliance; and two pharmacists licensed under chapter 465.

9. The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

10. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

11.a. The agency shall implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program shall include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

c. If the agency is unable to negotiate a contract with one or more manufacturers to finance and guarantee savings associated with a behavioral drug management program by September 1, 2004, the four-brand drug limit and preferred drug list prior-authorization requirements shall apply to mental health-related drugs, notwithstanding any provision in subparagraph 1. The agency is authorized to seek federal waivers to implement this policy.

12.a. The agency shall implement a Medicaid prescription-drug-management system. The agency may contract with a vendor that has experience in operating prescription-drug-management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug-management system must be designed to improve the quality of care and prescribing practices based on best-practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the development and adoption of best-practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best-practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on

national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best-practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best-practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

(V) Track spending trends for prescription drugs and deviation from best-practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement disease-management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.

13.~~12.~~ The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

14.~~13.~~ The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

15.~~14.~~ The agency may require prior authorization for the off-label use of Medicaid-covered prescribed drugs as specified in the General Appropriations Act. The agency may, but is not required to, preauthorize the use of a product for an indication not in the approved labeling. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the off-label use of a drug.

16.~~15.~~ The agency shall implement a return and reuse

And the title is amended as follows:

On page 2, lines 13-19, delete those lines and insert: allowing dispensing practitioners to participate in Medicaid; requiring that the agency implement a Medicaid prescription-drug-management system;

Senator Peaden moved the following amendment:

Amendment 7 (260650)(with title amendment)—On page 57, line 18 through page 59, line 13, delete those lines and insert:

(50) To the extent permitted by federal law and as allowed under s. 409.906, the agency shall provide reimbursement for emergency mental health care services for Medicaid recipients in crisis-stabilization facilities licensed under s. 394.875 as long as those services are less expensive than the same services provided in a hospital setting.

Section 2. Section 409.91211, Florida Statutes, is created to read:

409.91211 Medicaid managed care pilot program.—

(1) The agency is authorized to seek experimental, pilot, or demonstration project waivers, pursuant to s. 1115 of the Social Security Act, to create a more efficient and effective service delivery system that enhances quality of care and client outcomes in the Florida Medicaid program pursuant to this section in two geographic areas. One demonstration site shall include only Broward County. A second demonstration site shall initially include Duval County and shall be expanded to include Baker, Clay, and Nassau Counties within 1 year after the Duval County program becomes operational. This waiver authority is contingent upon federal approval to preserve the upper-payment-limit funding mechanism for hospitals, including a guarantee of a reasonable growth factor, a methodology to allow the use of a portion of these funds to serve as a risk pool for demonstration sites, provisions to preserve the state's ability to use intergovernmental transfers, and provisions to protect the disproportionate share program authorized pursuant to this chapter.

And the title is amended as follows:

On page 2, line 23 through page 3, line 6, delete those lines and insert: program could be expanded; authorizing the agency to pay for emergency mental health services provided through licensed crisis-stabilization facilities; creating s. 409.91211, F.S.; specifying waiver authority for the Agency for Health Care Administration to establish a Medicaid reform program contingent on federal approval to preserve the upper-payment-limit finding mechanism for hospitals and contingent on protection of the disproportionate share program authorized pursuant to ch. 409, F.S.; providing

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment to **Amendment 7** which failed:

Amendment 7A (311266)—On page 2, lines 2 and 3, delete those lines and insert: *pursuant to this section in a geographic area. The*

The question recurred on **Amendment 7** which was adopted.

Senator Peaden moved the following amendment was which was adopted:

Amendment 8 (370856)—On page 60, line 3 through page 63, line 10, delete those lines and insert:

(3) The agency shall have the following powers, duties, and responsibilities with respect to the development of a pilot program:

(a) To develop and recommend a system to deliver all health care services specified in ss. 409.905 and 409.906, which shall not vary in amount, duration, or scope beyond what is allowed in current managed care contracts in the form of capitated managed care networks under the Medicaid program.

(b) To recommend Medicaid-eligibility categories, from those specified in ss. 409.903 and 409.904, which shall be included in the pilot program.

(c) To determine and recommend how to design the managed care pilot program in order to take maximum advantage of all available state and federal funds, including those obtained through intergovernmental transfers, the upper-payment-level funding systems, and the disproportionate share program.

(d) To determine and recommend actuarially sound, risk-adjusted capitation rates for Medicaid recipients in the pilot program which can be separated to cover comprehensive care, enhanced services, and catastrophic care.

(e) To determine and recommend policies and guidelines for phasing in financial risk for approved provider service networks over a 3-year period. These shall include an option to pay fee-for-service rates that may include a savings-settlement option for at least 2 years. This model may be converted to a risk-adjusted capitated rate in the third year of operation.

(f) To determine and recommend provisions related to stop-loss requirements and the transfer of excess cost to catastrophic coverage that accommodates the risks associated with the development of the pilot program.

(g) To determine and recommend a process to be used by the Social Services Estimating Conference to determine and validate the rate of growth of the per-member costs of providing Medicaid services under the managed care pilot program.

(h) To determine and recommend program standards and credentialing requirements for capitated managed care networks to participate in the pilot program, including those related to fiscal solvency, quality of care, and adequacy of access to health care providers. It is the intent of the Legislature that, to the extent possible, any pilot program authorized by the state under this section include any federally qualified health center, federally qualified rural health clinic, county health department, or other federally, state, or locally funded entity that serves the geographic areas within the boundaries of the pilot program that requests to participate. This paragraph does not relieve an entity that qualifies as a capitated managed care network under this section from any other licensure or regulatory requirements contained in state or federal law which would otherwise apply to the entity. The standards and credentialing requirements shall be based upon, but are not limited to:

1. Compliance with the accreditation requirements as provided in s. 641.512.

2. Compliance with early and periodic screening, diagnosis, and treatment screening requirements under federal law.

3. The percentage of voluntary disenrollments.

4. Immunization rates.

5. Standards of the National Committee for Quality Assurance and other approved accrediting bodies.

6. Recommendations of other authoritative bodies.

7. Specific requirements of the Medicaid program, or standards designed to specifically meet the unique needs of Medicaid recipients.

8. Compliance with the health quality improvement system as established by the agency, which incorporates standards and guidelines developed by the Centers for Medicare and Medicaid Services as part of the quality assurance reform initiative.

9. The network's infrastructure capacity to manage financial transactions, recordkeeping, data collection, and other administrative functions.

10. The network's ability to submit any financial, programmatic, or patient-encounter data or other information required by the agency to determine the actual services provided and the cost of administering the plan.

(i) To develop and recommend a mechanism for providing information to Medicaid recipients for the purpose of selecting a capitated managed care plan. For each plan available to a recipient, the agency, at a minimum shall ensure that the recipient is provided with:

1. A list and description of the benefits provided.

2. Information about cost sharing.

3. Plan performance data, if available.

4. An explanation of benefit limitations.

5. Contact information, including identification of providers participating in the network, geographic locations, and transportation limitations.

6. Any other information the agency determines would facilitate a recipient's understanding of the plan or insurance that would best meet his or her needs.

(j) To develop and recommend a system to ensure that there is a record of recipient acknowledgment that choice counseling has been provided.

(k) To develop and recommend a choice counseling system to ensure that the choice counseling process and related material are designed to provide counseling through face-to-face interaction, by telephone, and in writing and through other forms of relevant media. Materials shall be written at the fourth-grade reading level and available in a language other than English when 5 percent of the county speaks a language other than English. Choice counseling shall also use language lines and other services for impaired recipients, such as TTD/TTY.

(l) To develop and recommend a system that prohibits capitated managed care plans, their representatives, and providers employed by or contracted with the capitated managed care plans from recruiting persons eligible for or enrolled in Medicaid, from providing inducements to Medicaid recipients to select a particular capitated managed care plan, and from prejudicing Medicaid recipients against other capitated managed care plans. The system shall require the entity performing choice counseling to determine if the recipient has made a choice of a plan or has opted out because of duress, threats, payment to the recipient, or incentives promised to the recipient by a third party. If the choice counseling entity determines that the decision to choose a plan was unlawfully influenced or a plan violated any of the provisions of s. 409.912(21), the choice counseling entity shall immediately report the violation to the agency's program integrity section for investigation. Verification of choice counseling by the recipient shall include a stipulation that the recipient acknowledges the provisions of this subsection.

(m) To develop and recommend a choice counseling system that promotes health literacy and provides information aimed to reduce minority health disparities through outreach activities for Medicaid recipients.

(n) To develop and recommend a system for the agency to contract with entities to perform choice counseling. The agency may establish standards and performance contracts, including standards requiring the contractor to hire choice counselors who are representative of the state's diverse population and to train choice counselors in working with culturally diverse populations.

(o) To determine and recommend descriptions of the eligibility assignment processes which will be used to facilitate client choice while ensuring pilot programs of adequate enrollment levels. These processes shall ensure that pilot sites have sufficient levels of enrollment to conduct a valid test of the managed care pilot program within a 2-year timeframe.

(Renumber subsequent paragraphs.)

Senator Campbell moved the following amendment which was adopted:

Amendment 9 (322390)—On page 65, line 16, after "*409.9128.*" insert: *The pilot program must include a provision for continuation of fee-for-service payments for individuals who access emergency departments and subsequently are determined eligible for Medicaid services.*

Senator Rich moved the following amendment which was adopted:

Amendment 10 (060154)—On page 67, between lines 11 and 12, insert:

(y) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to persons with developmental disabilities sufficient to meet the medical, developmental, and emotional needs of these persons.

(z) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to Medicaid-eligible children in foster care. These services must be coordinated with community-based care providers as specified in s. 409.1675, where available, and be sufficient to meet the medical, developmental, and emotional needs of these children.

Senator Peaden moved the following amendments which were adopted:

Amendment 11 (482962)(with title amendment)—On page 69, line 24 through page 71, line 7, delete those lines and insert:

(f) The agency shall apply for federal waivers from the Centers for Medicare and Medicaid Services to allow recipients to purchase health care coverage through an employer-sponsored health insurance plan instead of through a Medicaid-certified plan. This provision shall be known as the opt-out option.

1. A recipient who chooses the Medicaid opt-out option shall have an opportunity for a specified period of time, as authorized under a waiver granted by the Centers for Medicare and Medicaid Services, to select and enroll in a Medicaid-certified plan. If the recipient remains in the employer-sponsored plan after the specified period, the recipient shall remain in the opt-out program for at least 1 year or until the recipient no longer has

access to employer-sponsored coverage, until the employer's open enrollment period for a person who opts out in order to participate in employer-sponsored coverage, or until the person is no longer eligible for Medicaid, whichever time period is shorter.

2. Notwithstanding any other provision of this section, coverage, cost sharing, and any other component of employer-sponsored health insurance shall be governed by applicable state and federal laws.

(5) This section does not authorize the agency to implement any provision of s. 1115 of the Social Security Act experimental, pilot, or demonstration project waiver to reform the state Medicaid program in any part of the state other than the two geographic areas specified in this section unless approved by the Legislature.

(6) The agency shall develop and submit for approval applications for waivers of applicable federal laws and regulations as necessary to implement the managed care pilot project as defined in this section. The agency shall post all waiver applications under this section on its Internet website 30 days before submitting the applications to the United States Centers for Medicare and Medicaid Services. All waiver applications shall be provided for review and comment to the appropriate committees of the Senate and House of Representatives for at least 10 working days prior to submission. All waivers submitted to and approved by the United States Centers for Medicare and Medicaid Services under this section must be submitted to the appropriate committees of the Senate and the House of Representatives in order to obtain authority for implementation as required by s. 409.912(11), before program implementation. The appropriate committees shall recommend whether to approve the implementation of the waivers to the Legislature or to the Legislative Budget Commission if the Legislature is not in session. The agency shall submit a plan containing a detailed timeline for implementation and budgetary projections of the effect of the pilot program on the total Medicaid budget for the 2006-2007 through 2009-2010 fiscal years.

(7) Upon review and approval of the applications for waivers of applicable federal laws and regulations to implement the managed care pilot program by the Legislature, the agency may initiate adoption of rules pursuant to ss. 120.536(1) and 120.54 to implement and administer the managed care pilot program as provided in this section.

And the title is amended as follows:

On page 3, lines 9-11, delete those lines and insert: pilot program; requiring that the agency submit any waivers to the Legislature for approval before implementation; allowing the agency to develop rules; requiring that

Amendment 12 (243474)(with title amendment)—On page 77, line 5 through page 78, line 17, delete those lines and insert:

Section 9. *By January 15, 2006, the Office of Program Policy Analysis and Government Accountability shall submit to the Legislature a study of the long-term care community diversion pilot project authorized under sections 430.701-430.709, Florida Statutes. The study may be conducted by staff of the Office of Program Policy Analysis and Government Accountability or by a consultant obtained through a competitive bid pursuant to the provisions of chapter 287, Florida Statutes. The study must use a statistically-valid methodology to assess the percent of persons served in the project over a 2-year period who would have required Medicaid nursing home services without the diversion services, which services are most frequently used, and which services are least frequently used. The study must determine whether the project is cost-effective or is an expansion of the Medicaid program because a preponderance of the project enrollees would not have required Medicaid nursing home services within a 2-year period regardless of the availability of the project or that the enrollees could have been safely served through another Medicaid program at a lower cost to the state.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 28 through page 4, line 4, delete those lines and insert: resort; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs;

Senators Miller, Campbell, Rich and Dawson offered the following amendment which was moved by Senator Miller and adopted:

Amendment 13 (242194)(with title amendment)—On page 79, between lines 11 and 12, insert:

Section 14. *The Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General, Medicaid Fraud Control Unit and the Auditor General, shall conduct a study to examine issues related to the amount of state and federal dollars lost due to fraud and abuse in the Medicaid prescription drug program. The study shall focus on examining whether pharmaceutical manufacturers and their affiliates and wholesale pharmaceutical manufacturers and their affiliates that participate in the Medicaid program in this state, with respect to rebates for prescription drugs, are inflating the average wholesale price that is used in determining how much the state pays for prescription drugs for Medicaid recipients. The study shall also focus on examining whether the manufacturers and their affiliates are committing other deceptive pricing practices with regard to federal and state rebates for prescription drugs in the Medicaid program in this state. The study, including findings and recommendations, shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives by January 1, 2006.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 19, after the semicolon (;) insert: requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General and the Auditor General, to conduct a study to examine whether state and federal dollars are lost due to fraud and abuse in the Medicaid prescription drug program; providing duties; requiring that a report with findings and recommendations be submitted to the Governor and the Legislature by a specified date;

SENATOR CARLTON PRESIDING

Senator Fasano moved the following amendment which failed:

Amendment 14 (384180)(with title amendment)—On page 79, between lines 11 and 12, insert:

Section 14. *In addition to other quality assurance standards required by law or rule or in an approved federal waiver, and in consultation with the Department of Elderly Affairs and area agencies on aging, the Agency for Health Care Administration must develop quality assurance standards that are specific to the care needs of elderly individuals. The quality assurance standards must measure enrollee outcomes and satisfaction with care management and home and community-based services that are provided by managed care plans to recipients who are 60 years of age or older. The agency shall contract with area agencies on aging to perform initial and ongoing measurement of the appropriateness, effectiveness, and quality of care management and home and community-based services that are provided to the recipients and to collect and report the resolution of enrollee grievances and complaints. The agency and the department must coordinate the quality measurement activities performed by area agencies on aging with other quality assurance activities required by this section in a manner that promotes efficiency and avoids duplication.*

Section 15. *In demonstration areas, the area agency on aging shall serve as the aging resource center. Except as otherwise provided in this section, the aging resource center, if available, must be the entry point for eligibility determination for persons who are 60 years of age or older, and must provide choice counseling to assist recipients in choosing a plan. If an aging resource center is not operating in an area, the Agency for Health Care Administration may, in consultation with the Department of Elderly Affairs, designate other entities to perform these functions until an aging resource center is established and has the capacity to perform these functions.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 16, after the semicolon (;) insert: requiring that the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, develop quality assurance standards that are specific to the care needs of elderly individuals; requiring the agency to contract with area agencies on aging to perform initial and ongoing

measurement of the appropriateness, effectiveness, and quality of services and to collect and report the resolution of enrollee grievances and complaints; requiring the agency and the department to coordinate the quality measurement activities; requiring the area agency on aging to serve as the aging resource center in demonstration areas, if available; requiring the aging resource center to be the entry point for eligibility determination for persons 60 years of age or older; providing duties; authorizing the agency, in consultation with the Department of Elderly Affairs, to designate other entities to perform as the aging resource center under certain circumstances;

Senators Miller, Campbell, Rich and Dawson offered the following amendment which was moved by Senator Miller and adopted:

Amendment 15 (773244)(with title amendment)—On page 79, between lines 11 and 12, insert:

Section 14. *Health care payroll assessment.—*

(1) As used in this section, the term:

(a) "Agency" means the Agency for Health Care Administration.

(b) "Employee" means any person who receives remuneration from an employer for the performance of any work or service while engaged in any employment under any appointment or contract for hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes, but is not limited to, aliens and minors.

(c) "Employer" means every person or entity carrying on any employment with 10,000 or more employees in this state. The term "employer" does not include the state or the political subdivisions in the state.

(d) "Entity" includes corporation and foreign corporation; unincorporated association; business trust, estate, partnership, trust, and two or more persons having a joint or common economic interest.

(e) "Health insurance costs" means the amount paid by an employer to provide health care or health insurance to employees in this state to the extent the costs may be deductible by an employer under federal tax law. Health insurance costs include payments for medical care, prescription drugs, vision care, dental care, and any other costs to provide health care to an employee.

(f) "Secretary" means the secretary for Health Care Administration.

(g) "Wages" means the money rate at which the service rendered is recompensed under a contract of hiring and includes only the wages earned and reported for federal income tax purposes.

(2) Beginning January 1, 2007, and annually thereafter, an employer must submit to the secretary on a form or in a manner approved by the secretary:

(a) The number of employees of the employer in this state as of 1 day in the year immediately preceding the previous calendar year as determined by the employer on an annual basis.

(b) The amount of money spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in this state.

(c) The percentage of the payroll that was spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in this state.

The information required shall be designated in a report signed by the principal executive officer and include an affidavit under penalty of perjury that the information required in this section was reviewed by the principal executive officer and is true to the best of the officer's knowledge, information and belief.

(3) When calculating the percentage of payroll under this section, an employer may exempt:

(a) Wages paid to any employee in excess of the median household income in this state as published by the United States Census Bureau; and

(b) Wages paid to an employee who is enrolled in or eligible for Medicare.

(4) An employer who is organized as a not for profit organization that does not spend up to 6 percent of the total wages paid to employees in this state on health insurance costs shall pay to the secretary an amount equal to the difference between what the employer spends for health insurance costs and an amount equal to 6 percent of the total wages paid to employees in this state.

(5) An employer who is not organized as a not for profit organization and does not spend up to 8 percent of the total wages paid to employees in this state on health insurance costs shall pay to the secretary an amount equal to the difference between what the employer spends for health insurance costs and an amount equal to 8 percent of the total wages paid to employees in this state.

(6) An employer may not deduct any payment made under subsection (4) or subsection (5) from the wages of an employee.

(7) An employer must make payments required under this section to the secretary on a periodic basis as adopted in a rule by the agency.

(8) On or before March 15 of each year, the secretary shall report to the Governor and to the Legislature:

(a) The name of each nonprofit and for profit employer with 10,000 or more employees in this state;

(b) The employer's definition of a full-time employee;

(c) The number of full-time employees;

(d) The number of full-time employees eligible to receive health insurance benefits;

(e) The number of full-time employees receiving health insurance benefits from the employer;

(f) The source of health insurance benefits for those full-time employees not receiving health benefits through an employer subject to reporting under this section;

(g) The number of part-time employees;

(h) The number of part-time employees eligible to receive health insurance benefits;

(i) The number of part-time employees receiving health insurance benefits from the employer; and

(j) The source of health insurance benefits for those eligible part-time employees not receiving health benefits through an employer subject to reporting under this section.

(9) On an annual basis, the secretary shall:

(a) Verify which nonprofit and for profit employer has 10,000 or more employees in this state; and

(b) Ensure that each nonprofit and for profit employer with 10,000 or more employees in this state has reported as required by this section.

(10)(a) If an employer fails to report to the secretary the information that is required by subsection (2), the secretary shall impose on the employer a civil fine of $250 for each day that the report is not filed with the secretary.

(b) If an employer fails to make a required payment to the secretary which is required by subsection (7), the secretary shall impose on the employer a civil fine of $250,000.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 19, after the semicolon (;) insert: creating the health care payroll assessment; providing definitions; requiring employers with more than 10,000 employees in this state to provide specified information to the secretary of the Health Care Administration; requiring employers who do not spend a specified amount on health insurance costs

to pay the secretary an amount equal to the difference between what the employer pays and a percentage of the total payroll; requiring the secretary to submit certain reports to the Governor and the Legislature by a specified date; providing for penalties

The vote was:

Yeas—18

Alexander	Fasano	Lynn
Aronberg	Garcia	Margolis
Bennett	Geller	Miller
Bullard	Hill	Rich
Campbell	Jones	Siplin
Dawson	Klein	Wilson

Nays—16

Argenziano	Diaz de la Portilla	Saunders
Atwater	Haridopolos	Sebesta
Baker	King	Webster
Carlton	Peaden	Wise
Clary	Posey	
Constantine	Pruitt	

Senator Peaden moved the following amendment which was adopted:

Amendment 16 (972270)(with title amendment)—On page 79, line 12 through page 80, line 14, delete those lines and insert:

Section 14. *The sums of $7,129,241 in recurring General Revenue Funds, $9,076,875 in nonrecurring General Revenue Funds, $8,608,242 in recurring funds from the Administrative Trust Fund, and $9,076,874 in nonrecurring funds from the Administrative Trust Fund are appropriated and 11 full time equivalent positions are authorized for the purpose of implementing this act.*

And the title is amended as follows:

On page 4, lines 17-28, delete those lines and insert: providing an appropriation and authorizing positions to implement this act; providing an effective date.

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment which was adopted:

Amendment 17 (962140)—On page 61, line 13, after the period (.) insert: *Federally qualified health centers may be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid primary care services.*

RECONSIDERATION OF AMENDMENT

On motion by Senator Bennett, the Senate reconsidered the vote by which **Amendment 15 (773244)** was adopted. **Amendment 15** failed. The vote was:

Yeas—14

Argenziano	Geller	Margolis
Aronberg	Hill	Miller
Campbell	Jones	Rich
Dawson	Klein	Siplin
Fasano	Lynn	

Nays—20

Alexander	Diaz de la Portilla	Pruitt
Atwater	Garcia	Saunders
Baker	Haridopolos	Sebesta
Bennett	King	Villalobos
Clary	Lawson	Webster
Constantine	Peaden	Wise
Crist	Posey	

Vote after roll call:

Yea—Wilson

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted:

Amendment 18 (314588)—On page 65, line 16, after the period (.) insert: *The pilot program must include a provision for continuing fee-for-service payments for emergency services, including but not limited to, individuals who access ambulance services or emergency departments and who are subsequently determined to be eligible for Medicaid services.*

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment which was adopted:

Amendment 19 (743378)—On page 57, between lines 17 and 18, insert:

(50) The agency may contract with established federally qualified health centers that provide services to historically underserved and uninsured patients. The networks must provide cost-effective Medicaid services, comply with the requirements of a MediPass provider, and provide their primary care physicians with access to data and other management tools necessary to assist them in ensuring the appropriate use of services, including inpatient hospital services and pharmaceuticals.

(a) The agency may provide for the development and expansion of federally qualified health center based provider service networks in each service area to provide services to Medicaid recipients who are eligible to participate under federal law and rules.

(b) The agency may reimburse each federally qualified health center based network as a fee-for-service provider, including the case management fee for primary care or as a capitated rate provider for Medicaid services. Any savings shall be shared with the federally qualified health center networks under the contract.

(c) For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees must be no greater than the state's costs associated with contracts for Medicaid services, which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31.

(d) The agency may apply for any federal waivers needed to administer this subsection.

Redesignate subsequent subsections

Pursuant to Rule 4.19, **CS for CS for SB 838** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

CS for SB 1414—A bill to be entitled An act relating to domestic security; amending s. 943.03101, F.S.; providing legislative findings with respect to the need to coordinate counter-terrorism efforts and responses in accordance with the state comprehensive emergency management plan; amending s. 943.0311, F.S.; clarifying duties of the Chief of Domestic Security Initiatives; amending s. 943.0312, F.S., relating to the regional domestic security task forces; revising the statewide strategy with respect to domestic security to include prevention, protection,

and recovery efforts; requiring that the regional task forces support the domestic security functions of the Department of Law Enforcement; revising the membership of the task forces; authorizing the co-chair of each task force to appoint subcommittees to address specified issues; revising the duties of the Chief of Domestic Security Initiatives; creating s. 943.0313, F.S.; creating the Domestic Security Oversight Council to act as an advisory council to guide the regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and Legislature; providing the membership of the council; authorizing the council to invite ex officio, nonvoting members to attend and participate in council meetings; providing for a chair and vice chair of the council; providing for an absent member to be represented by a designee; requiring the council to establish bylaws; providing for terms of membership; providing that members or designees are entitled to reimbursement for per diem and travel expenses; requiring the Department of Law Enforcement to provide staff for the council; providing meeting requirements; requiring the council to establish an executive committee and specifying members; providing the duties of the council; requiring the council to make annual funding recommendations; requiring an annual report to the Governor and Legislature; providing that the council is a criminal justice agency for purposes of the public-records law; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1414** to **HB 1715**.

Pending further consideration of **CS for SB 1414** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1715** was withdrawn from the Committees on Domestic Security; Governmental Oversight and Productivity; Criminal Justice; Education; Justice Appropriations; and Rules and Calendar.

On motion by Senator Diaz de la Portilla, the rules were waived and—

HB 1715—A bill to be entitled An act relating to domestic security; amending s. 943.03101, F.S.; providing that counter-terrorism coordination must be conducted in accordance with the state comprehensive emergency management plan; amending ss. 943.03 and 943.0311, F.S.; changing the title of the position "Chief of Domestic Security Initiatives" to "Chief of Domestic Security"; revising references to conform; clarifying duties of the Chief of Domestic Security; revising provisions relating to required security assessments of buildings, facilities, and structures owned or leased by state agencies, state universities, and community colleges; requiring certain assessments to be provided to the Chief of Domestic Security within a specified timeframe; revising requirements with respect to a report by the Chief of Domestic Security regarding suggestions for security enhancements; revising provisions with respect to the recommendation, development, and implementation of best practices for the safety and security of specified buildings, facilities, and structures; amending s. 943.0312, F.S.; revising provisions with respect to regional domestic security task forces; conforming language; providing an additional duty of the task forces; revising the organization and membership of the task forces; providing editorial changes; requiring the task forces to make specified recommendations to the Domestic Security Oversight Council; creating s. 943.0313, F.S.; creating the Domestic Security Oversight Council; providing purpose of the council; providing for membership of the council; providing for organization, meetings, staffing, and duties of the council; providing for the establishment of an executive committee and membership thereof; providing duties of the executive committee; requiring annual reports to the Governor and Legislature; providing that the council is a criminal justice agency for the purposes of ch. 119, F.S.; amending s. 381.00315, F.S., to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1414** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1715** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 798—A bill to be entitled An act relating to public records; amending s. 390.01116, F.S.; providing a public-records exemption for information that could identify a minor which is contained in a record held by the court relating to a minor's petition to waive notice requirements when terminating a pregnancy; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 798** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1801** was withdrawn from the Committees on Domestic Security; Governmental Oversight and Productivity; Criminal Justice; Justice Appropriations; and Rules and Calendar.

On motion by Senator Diaz de la Portilla—

HB 1801—A bill to be entitled An act relating to public meetings and public records; creating s. 943.0314, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings of the Domestic Security Oversight Council at which the council hears or discusses active criminal investigative information or active criminal intelligence information; providing conditions precedent to the closing of such meeting or portion thereof; providing an exemption from public records requirements for an audio or video recording of a closed meeting of the council and any minutes and notes generated during the closed meeting until the criminal investigative information or criminal intelligence information heard or discussed therein ceases to be active; specifying those persons who are authorized to attend a closed meeting of the council; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1416** and read the second time by title.

Pursuant to Rule 4.19, **HB 1801** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2000** and **CS for CS for SB 2048** was deferred.

On motion by Senator Atwater, by two-thirds vote **HB 473** was withdrawn from the Committees on Environmental Preservation; Domestic Security; Criminal Justice; and General Government Appropriations.

On motion by Senator Atwater—

HB 473—A bill to be entitled An act relating to water management district security; creating s. 373.6055, F.S.; requiring water management districts with structures or facilities identified as critical infrastructure to conduct criminal history checks of certain persons; authorizing water management districts with structures or facilities that are not identified as critical infrastructure to conduct criminal history checks of certain persons; providing requirements for criminal history checks; requiring submission of fingerprints to the Department of Law Enforcement and the Federal Bureau of Investigation; providing for payment of criminal history check costs; requiring the water management district security's plan to identify criminal history convictions or factors that disqualify applicants for employment and restricted area access; authorizing the use of such factors to disqualify certain employees and other persons; authorizing water management districts to establish appeal procedures; authorizing water management districts to grant temporary waivers; providing offenses that disqualify a person from employment or access to a restricted access area; providing an exception to disqualification; providing an effective date.

—a companion measure, was substituted for **SB 1612** and read the second time by title.

Pursuant to Rule 4.19, **HB 473** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 72—A bill to be entitled An act relating to military personnel on duty; creating the Citizen Soldier Matching Grant Program within the Agency for Workforce Innovation; providing for matching grants to be awarded to private sector employers that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty; providing eligibility requirements for grant recipients; directing the Agency for Workforce Innovation to develop a plan to administer the application and payment procedures for the matching grants; providing for the grant program to be funded by legislative appropriations; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 72** to **HB 691**.

Pending further consideration of **CS for SB 72** as amended, on motion by Senator Geller, by two-thirds vote **HB 691** was withdrawn from the Committees on Commerce and Consumer Services; Community Affairs; and Transportation and Economic Development Appropriations.

On motion by Senator Geller, the rules were waived and—

HB 691—A bill to be entitled An act relating to military personnel on duty; creating the Citizen Soldier Matching Grant Program within the Agency for Workforce Innovation; providing for matching grants to be awarded to private sector employers that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty; providing eligibility requirements for grant recipients; directing the Agency for Workforce Innovation to develop a plan to administer the application and payment procedures for the matching grants; providing for the award of matching grants after approval of the plan; providing an appropriation; providing that professional licenses issued to any member of the Florida National Guard or the United States Armed Forces Reserves shall not expire while the member is serving on federal active duty; providing a 90-day extension period for such licenses after return from federal active duty; providing requirements with respect to such extension; providing an effective date.

—a companion measure, was substituted for **CS for SB 72** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 691** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller, by two-thirds vote **HB 747** was withdrawn from the Committees on Commerce and Consumer Services; Community Affairs; and Transportation and Economic Development Appropriations.

On motion by Senator Geller—

HB 747—A bill to be entitled An act relating to the Citizen Soldier Matching Grant Trust Fund; creating the Citizen Soldier Matching Grant Trust Fund within the Agency for Workforce Innovation; requiring that moneys in the trust fund be used to award matching grants to private sector employers who provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while such employees are on federal active duty; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 74** and read the second time by title.

Pursuant to Rule 4.19, **HB 747** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2426** was deferred.

CS for CS for SB 1316—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 193.501, F.S.; defining the term "open to the general public" for the purpose of determining outdoor recreational or park purposes; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; requiring the Department of Environmental Protection and appropriate water management districts to expedite permitting of certain marina projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 327.47, F.S.; providing for funding certain boating grant programs administered by the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; increasing vessel registration fees; providing for a portion of the fees to be designated for boating grant programs; amending s. 328.76, F.S.; clarifying the use of funds designated for boating grant programs; creating s. 324.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax-deferral ordinances for recreational and commercial working waterfronts; providing a tax deferral for ad valorem taxes and non-ad valorem assessments covered by a tax certificate and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease if there is a change in the use of the property; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; amending s. 253.002, F.S.; clarifying provisions; amending s. 253.67, F.S.; providing definitions; amending s. 253.68, F.S.; conforming provisions; amending s. 253.74, F.S.; conforming provisions; providing a penalty; amending s. 253.75, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1316** to **HB 955**.

Pending further consideration of **CS for CS for SB 1316** as amended, on motion by Senator Bennett, by two-thirds vote **HB 955** was withdrawn from the Committees on Community Affairs; Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

On motion by Senator Bennett—

HB 955—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 163.3187, F.S.; including areas designated as rural areas of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of

amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; requiring certification of the amendment to the Office of Tourism, Trade, and Economic Development; requiring public review of certain property; amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews; amending s. 253.002, F.S.; removing an obsolete reference; revising the responsibilities of the Department of Agriculture and Consumer Services for aquaculture activities; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; amending s. 253.67, F.S.; clarifying the definition of "aquaculture"; amending s. 253.68, F.S.; providing authority to the board for certain aquaculture activities; providing a definition; requiring the board to establish certain guidelines by rule; amending s. 253.74, F.S.; providing penalties for certain unauthorized aquaculture activities; amending s. 253.75, F.S.; revising the responsibilities of the board with regard to certain aquaculture activities; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; authorizing the Department of Community Affairs to provide financial assistance to certain local governments; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 328.72, F.S.; revising the distribution of vessel registration fees; providing for a portion of the fees to be designated for certain trust funds; providing for a grant program for public launching facilities; providing priority consideration for certain counties; requiring certain counties to provide an annual report to the Fish and Wildlife Conservation Commission; requiring the commission to provide exemptions for certain counties; creating s. 342.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax deferral ordinances for recreational and commercial working waterfront properties; requiring bonding periods effective prior the deferral to remain in effect for certain properties; providing requirements for deferral notification and application for certain properties; providing a tax deferral for ad valorem taxes and non-ad valorem assessments authorized to be deferred by ordinance and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease under certain circumstances; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1316** as amended and read the second time by title.

On motion by Senator Bennett, further consideration of **HB 955** was deferred.

On motion by Senator Alexander—

SB 1998—A bill to be entitled An act relating to investment of public funds; amending ss. 17.57, 218.415, F.S.; authorizing the state and units of local government, respectively, to invest public funds in certificates of deposit of federally insured banks or savings and loan associations, which certificates are procured through qualified public depositories; prescribing conditions for such investments and depositories; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1998** to **HB 871**.

Pending further consideration of **SB 1998** as amended, on motion by Senator Alexander, by two-thirds vote **HB 871** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Ways and Means.

On motion by Senator Alexander—

HB 871—A bill to be entitled An act relating to deposit of public funds; amending s. 17.57, F.S.; providing additional authorization for the Chief Financial Officer to deposit state funds; amending s. 218.415, F.S.; providing additional authorization for units of local government to deposit surplus local government funds; amending s. 280.03, F.S.; exempting certain public deposits from the security for public deposits requirements of chapter 280, F.S.; providing an effective date.

—a companion measure, was substituted for **SB 1998** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 871** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 974** and **CS for CS for SB's 2072 and SB 1714** was deferred.

On motion by Senator Atwater, by two-thirds vote **HB 395** was withdrawn from the Committees on Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

On motion by Senator Atwater—

HB 395—A bill to be entitled An act relating to recreational licenses and permits; amending s. 372.57, F.S.; providing for a military gold sportsman's license; providing for an annual fee; providing authorizations allowed under license; providing eligibility requirements; amending ss. 372.5712, 372.5715, and 372.573, F.S.; providing for uses of specified pro rata portions of revenue generated from the military gold sportsman's license; amending s. 372.661, F.S.; exempting patrons of licensed hunting preserves from the license and permit requirements of the military gold sportsman's license while hunting on the licensed preserve property; providing an effective date.

—a companion measure, was substituted for **CS for SB 1610** and read the second time by title.

Pursuant to Rule 4.19, **HB 395** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wilson, by two-thirds vote **HB 1559** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

On motion by Senator Wilson, by two-thirds vote—

HB 1559—A bill to be entitled An act relating to respite care; creating s. 400.4071, F.S.; creating an intergenerational respite care assisted living facility pilot program; providing legislative intent; providing duties of the Agency for Health Care Administration with respect to the program; providing requirements and standards for the program; providing for rules; requiring a report to the Legislature; providing an effective date.

—a companion measure, was substituted for **CS for SB 1516** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1559** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 1922—A bill to be entitled An act relating to public-records and public-meetings exemptions; amending s. 112.324, F.S.; providing an exemption from public-records requirements for a complaint of an alleged violation of part III of chapter 112, F.S., the Code of Ethics for Public Officers and Employees, or any other alleged breach of the public trust within the jurisdiction of a Commission on Ethics and Public Trust established by a municipality and records relating to such complaint or to any preliminary investigation held by the commission; providing an exemption from public- meetings requirements for any proceeding conducted by the commission pursuant to such complaint or preliminary investigation; providing conditions for termination of the exemptions; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1922** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **HB 501** was withdrawn from the Committees on Banking and Insurance; Commerce and Consumer Services; and General Government Appropriations.

On motion by Senator Posey—

HB 501—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 626.321, F.S.; including service warranty agreement sales covering communications equipment under certain limited licensing provisions; providing for additional appointment authority for certain licensed branch locations of a communications equipment retail vendor; revising certain application, appointment, and licensing requirements for certain entities; providing for payment of appointment fees; providing an exception; requiring renewals of appointments; providing for a renewal fee; amending s. 626.731, F.S.; revising a qualification for licensure as a general lines agent; amending s. 627.7295, F.S.; deleting a requirement for inclusion of an agent fee in a rate filing; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1002** and read the second time by title.

Pursuant to Rule 4.19, **HB 501** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 2068** was deferred.

On motion by Senator Atwater, by two-thirds vote **HB 805** was withdrawn from the Committees on Environmental Preservation; General Government Appropriations; and Ways and Means.

On motion by Senator Atwater—

HB 805—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for solar energy systems; amending s. 212.08, F.S.; deleting a scheduled repeal of such exemption; providing an effective date.

—a companion measure, was substituted for **SB 1620** and read the second time by title.

Pursuant to Rule 4.19, **HB 805** was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Pruitt, the Senate recessed at 12:34 p.m. to reconvene at 1:04 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:28 p.m. by Senator Carlton who was presiding. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

SPECIAL ORDER CALENDAR, continued

On motion by Senator Clary, by two-thirds vote **HB 1395** was withdrawn from the Committees on Environmental Preservation; Governmental Oversight and Productivity; and General Government Appropriations.

On motion by Senator Clary—

HB 1395—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; revising the provisions for the placement of uniform warning and safety flags at public beaches; prohibiting the display of flags not specifically developed by the Department of Environmental Protection; revising liability provisions; authorizing the department to develop and distribute information and materials related to beach safety; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2426** and read the second time by title.

Pursuant to Rule 4.19, **HB 1395** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

HB 955—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 163.3187, F.S.; including areas designated as rural areas of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; requiring certification of the amendment to the Office of Tourism, Trade, and Economic Development; requiring public review of certain property; amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews; amending s. 253.002, F.S.; removing an obsolete reference; revising the responsibilities of the Department of Agriculture and Consumer Services for aquaculture activities; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; amending s. 253.67, F.S.; clarifying the definition of "aquaculture"; amending s. 253.68, F.S.; providing authority to the board for certain aquaculture activities; providing a definition; requiring the board to establish certain guidelines by rule; amending s. 253.74,

F.S.; providing penalties for certain unauthorized aquaculture activities; amending s. 253.75, F.S.; revising the responsibilities of the board with regard to certain aquaculture activities; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; authorizing the Department of Community Affairs to provide financial assistance to certain local governments; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 328.72, F.S.; revising the distribution of vessel registration fees; providing for a portion of the fees to be designated for certain trust funds; providing for a grant program for public launching facilities; providing priority consideration for certain counties; requiring certain counties to provide an annual report to the Fish and Wildlife Conservation Commission; requiring the commission to provide exemptions for certain counties; creating s. 342.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax deferral ordinances for recreational and commercial working waterfront properties; requiring bonding periods effective prior the deferral to remain in effect for certain properties; providing requirements for deferral notification and application for certain properties; providing a tax deferral for ad valorem taxes and non-ad valorem assessments authorized to be deferred by ordinance and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease under certain circumstances; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—which was previously considered this day.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (254830)(with title amendment)—Between lines 926 and 927, insert:

Section 17. Paragraph (l) is added to subsection (24) of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.—

(24) STATUTORY EXEMPTIONS.—

(l) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 96, after the semicolon (;) insert: providing an exemption;

On motion by Senator Bennett, further consideration of **HB 955** as amended was deferred.

On motion by Senator Geller—

SB 2640—A bill to be entitled An act relating to chiropractic education; amending s. 400.9905, F.S.; exempting clinical facilities affiliated with certain chiropractic colleges from certain regulations; creating s. 460.4063, F.S.; authorizing chiropractic college-based internship programs; providing registration requirements and program requirements; prescribing fees; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2640** to **HB 1651**.

Pending further consideration of **SB 2640** as amended, on motion by Senator Geller, by two-thirds vote **HB 1651** was withdrawn from the Committees on Health Care; and Education.

On motion by Senator Geller, the rules were waived and by two-thirds vote—

HB 1651—A bill to be entitled An act relating to chiropractic education; amending s. 400.9905, F.S.; providing that pt. XIII of ch. 400, F.S., the Health Care Clinic Act, does not apply to clinical facilities affiliated with certain chiropractic colleges; amending s. 460.402, F.S.; providing an exception to regulation for chiropractic students participating in chiropractic college clinical internships; amending s. 460.403, F.S.; defining "chiropractic college clinical internship"; providing an effective date.

—a companion measure, was substituted for **SB 2640** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1651** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2176—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; correcting a cross-reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.;

revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to furnish certain voter information to the Legislature; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; conforming a cross-reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change or residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.08, F.S.; providing for contribution limits to statewide candidates; amending s. 106.34, F.S.; revising the method of calculating a candidate's expenditures if such candidate is requesting contributions from the Election Campaign Financing Trust Fund; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; providing the method of qualifying for nomination or election to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; amending s. 106.33, F.S.; increasing certain campaign contribution limits; providing effective dates.

—was read the second time by title.

Senator Posey moved the following amendments which were adopted:

Amendment 1 (923664)—On page 65, lines 20 and 21, delete those lines and insert:

(k) Public assistance identification ~~as provided in s.~~

Amendment 2 (075234)—On page 69, delete line 21 and insert:

Section 33. Effective January 1, 2007, subsection (1) of section 101.161, Florida

Senator Campbell moved the following amendment which failed:

Amendment 3 (391298)(with title amendment)—On page 81, line 12 through page 82, line 27, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 6, lines 24-28, delete those lines and insert: appraisers, to conform;

Senator Posey moved the following amendment which was adopted:

Amendment 4 (605590)(with title amendment)—On page 82, lines 11-15, delete those lines and insert: *chapters 97 through 102 and 105 of the Election Code*.

And the title is amended as follows:

On page 6, delete line 28 and insert: safety, or welfare;

Senator Smith moved the following amendment which was adopted:

Amendment 5 (904060)(with title amendment)—On page 84, between lines 14 and 15, insert:

Section 52. *Section 104.047(1), Florida Statutes, is repealed.*

Section 53. *Absentee ballots and voting; violations.—Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, with intent to alter, change, modify, or erase any vote on the absentee ballot, except as provided in sections 101.6105-101.695, Florida Statutes, commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 24, after the semicolon (;) insert: repealing s. 104.047(1), F.S., relating to criminal penalties for participation in certain exchanges associated with voting by absentee ballot; making it a third-degree felony to participate in certain exchanges associated with voting by absentee ballot;

Senator Posey moved the following amendment which was adopted:

Amendment 6 (961736)—On page 84, lines 15 and 16, delete those lines and insert:

Section 52. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2006.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendments to be considered:

Senator Posey moved the following amendments which were adopted:

Amendment 7 (290898)—On page 58, line 24 through page 59, line 2, delete those lines and insert:

1. Census block boundaries from the most recent United States census;

2. Governmental unit boundaries reported in the most recent Boundary and Annexation Survey published by the United States Census Bureau;

3. Visible features that are readily distinguishable upon the ground, such as streets, railroads, tracks, streams, and lakes, and that are indicated upon current census maps, official Department of Transportation maps, official municipal maps, official county maps, or a combination of such maps;

4. Boundaries of public parks, public school grounds, or churches; or

5. Boundaries of counties, incorporated municipalities, or other political subdivisions that meet criteria established by the United States Census Bureau for block boundaries.

Amendment 8 (102256)—On page 21, lines 12 and 13, delete those lines and insert:

~~11. Entertainment identification.~~

9.~~12.~~ Public assistance identification.

Amendment 9 (683354)—On page 31, line 5 through page 32, line 9, delete those lines and insert:

97.1031 Notice of change of residence ~~within the same county,~~ change of name, or change of party *affiliation*.—

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must provide notification of such move to the supervisor of elections of that county. The elector may provide the supervisor a signed, written notice or may notify the supervisor by telephone or electronic means. However, notification of such move other than by signed, written notice must include the elector's date of birth. *An elector may also provide notification to other voter registration officials as provided in subsection (2).* A *voter information* ~~registration identification~~ card reflecting the new *information* ~~address of legal residence~~ shall be issued to the elector as provided in subsection *(3)*~~(4)~~.

(2) When *an elector moves from the address named on that person's voter registration record to another address in a different county but within the state, the elector seeks to change party affiliation, or* the name of an elector is changed by marriage or other legal process, the elector *shall* ~~must~~ provide *notice* ~~a signed, written notification~~ of such change to *a voter registration official using a voter registration application signed by the elector. A voter information* ~~the supervisor and obtain a registration identification~~ card reflecting the new *information shall be issued to the elector as provided in subsection (3)* ~~name~~.

~~(3) When an elector seeks to change party affiliation, the elector must provide a signed, written notification of such intent to the supervisor and obtain a registration identification card reflecting the new party affiliation, subject to the issuance restriction in s. 97.071(3).~~

(3)~~(4)~~ The *voter registration official* ~~supervisor~~ shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation. *The supervisor of elections* ~~and~~ shall issue the new *voter information* ~~registration identification~~ card ~~as required by s. 97.071(3)~~.

Amendment 10 (073254)—On page 71, line 26, insert:

Section 37. Effective January 1, 2007, paragraph (a) of subsection (4) of section

Amendment 11 (960062)(with title amendment)—On page 16, between lines 10 and 11, insert:

(6) If a voter registration applicant fails to provide any of the required information on the voter registration application form, the supervisor shall notify the applicant of the failure by mail within 5 business days after the supervisor has the information available in the voter registration system. The applicant shall have an opportunity to complete the application form to vote in the next election up until the book closing for that next election.

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053

Amendment 12 (120396)(with title amendment)—On page 80, between lines 23 and 24, insert:

Section 45. Effective upon becoming a law, subsection (7) is added to section 106.0705, Florida Statutes, to read:

106.0705 Electronic filing of campaign treasurer's reports.—

(7) Notwithstanding anything in law to the contrary, any report required to have been filed under this section for the period ended March 31, 2005, shall be deemed to have been timely filed if the report is filed under this section on or before June 1, 2005.

And the title is amended as follows:

On page 6, line 21, after the semicolon (;) insert: amending s. 106.0705, F.S.; providing for the timely filing of certain reports;

Amendment 13 (802986)(with title amendment)—On page 84, between lines 14 and 15, insert:

Section 52. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; *to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075;* to the Department of Revenue pursuant to an interagency agreement to facilitate service of process in Title IV-D cases; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims, and are exempt from the provisions of s. 119.07(1).

And the title is amended as follows:

On page 7, line 24, after the semicolon (;) insert: amending s. 322.142, F.S.; providing for disclosure of certain confidential driver's license information to the department under certain circumstances;

Amendment 14 (761002)—On page 76, delete line 18 and insert: association identification; ~~entertainment identification;~~ or

Amendment 15 (620672)(with title amendment)—On page 50, line 16 through page 51, line 23, delete those lines and insert:

Section 23. Section 98.081, Florida Statutes, is amended to read:

98.081 Names removed from *the statewide voter* registration *system* ~~books~~; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.—

(1) Any person who requested that his or her name be removed from the *statewide voter* registration *system* ~~books~~ between the book-closing date of the ~~first~~ primary and the date of the ~~second~~ primary may not register in a different political party until after the date of the ~~second~~ primary election.

(2) When the name of any elector is removed from the *statewide voter* registration *system* ~~books~~ pursuant to s. 98.065 *or* ~~,~~ s. 98.075 ~~, or s.~~

~~98.093~~, the elector's original registration *application* ~~form~~ shall be *retained by the supervisor of elections having custody of the application* ~~filed alphabetically in the office of the supervisor~~. As alternatives, registrations removed from the *statewide voter* registration *system* ~~books~~ may be microfilmed and such microfilms substituted for the original registration *applications* ~~forms~~; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration *application* ~~form~~. Such microfilms or stored information shall be retained *by the supervisor of elections having* ~~in the~~ custody ~~of the supervisor~~. In the event the original registration *applications* ~~forms~~ are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the department.

(3) When the name of any elector has been erroneously or illegally removed from the *statewide voter* registration *system* ~~books~~, the name of the elector shall be restored by *a voter registration official* ~~the supervisor~~ upon satisfactory proof, even though the registration period for that election is closed.

And the title is amended as follows:

On page 4, line 26, after the semicolon (;) insert: deleting provisions relating to the second primary;

Amendment 16 (910870)(with title amendment)—On page 30, lines 5-10, delete those lines and insert: *voter information* ~~registration identification~~ card. However, a *voter information* ~~registration identification~~ card indicating a party affiliation change made between the book-closing date for the ~~first~~ primary election and the date of the ~~second~~ primary election may not be issued until after the ~~second~~ primary election.

And the title is amended as follows:

On page 2, line 30, after the semicolon (;) insert: deleting provisions relating to second primary;

Senator Margolis moved the following amendment:

Amendment 17 (563162)—On page 79, lines 26-28, delete those lines and insert:

(a) Governor and Lieutenant Governor: *$1 for each Florida-registered voter* ~~$5 million~~.

(b) Cabinet officer: *50 cents for each Florida-registered*

MOTION

On motion by Senator Klein, the rules were waived to allow the following amendment to be considered:

Senator Klein moved the following substitute amendment:

Amendment 18 (825468)(with title amendment)—On page 79, line 19 through page 80, line 23, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 6, lines 18-21, delete those lines.

On motion by Senator Posey, further consideration of **CS for CS for SB 2176** as amended with pending **Amendment 17 (563162)** and pending substitute **Amendment 18 (825468)** was deferred.

On motion by Senator Campbell, by two-thirds vote **HB 1921** was withdrawn from the Committees on Children and Families; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Campbell—

HB 1921—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 741.3165, F.S.; expanding the exemption from public records requirements for confidential or exempt information obtained by a domestic violence fatality review team to include information that identifies a victim of domestic violence or the children of a victim; expanding the exemption from public meetings requirements to exempt those portions of meetings at which confidential or exempt information is discussed; providing for review and repeal; providing a statement of public necessity; removing unnecessary language; making clarifying changes; providing an effective date.

—a companion measure, was substituted for **CS for SB 974** and read the second time by title.

Pursuant to Rule 4.19, **HB 1921** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, the Senate resumed consideration of—

HB 955—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 163.3187, F.S.; including areas designated as rural areas of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; requiring certification of the amendment to the Office of Tourism, Trade, and Economic Development; requiring public review of certain property; amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews; amending s. 253.002, F.S.; removing an obsolete reference; revising the responsibilities of the Department of Agriculture and Consumer Services for aquaculture activities; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; amending s. 253.67, F.S.; clarifying the definition of "aquaculture"; amending s. 253.68, F.S.; providing authority to the board for certain aquaculture activities; providing a definition; requiring the board to establish certain guidelines by rule; amending s. 253.74, F.S.; providing penalties for certain unauthorized aquaculture activities; amending s. 253.75, F.S.; revising the responsibilities of the board with regard to certain aquaculture activities; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; authorizing the Department of Community Affairs to provide financial assistance to certain local governments; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 328.72, F.S.; revising the distribution of vessel registration fees; providing for a portion of the fees to be designated for certain trust funds; providing for a grant program for public launching facilities; providing priority consideration for certain counties; requiring certain counties to provide an annual report to the Fish and Wildlife Conservation Commission; requiring the commission to provide exemptions for certain counties; creating s. 342.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax deferral ordinances for recreational and commercial working waterfront properties; requiring bonding periods effective prior the deferral to remain in effect for certain properties; providing requirements for deferral notification and application for certain properties; providing a tax deferral for ad valorem taxes and non-ad valorem assessments authorized to be deferred by ordinance and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes,

assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease under certain circumstances; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—which was previously considered and amended this day.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 2 (432534)(with title amendment)—Lines 214-370, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

Lines 11-29, delete those lines and insert: recreational and commercial working waterfronts;

Pursuant to Rule 4.19, **HB 955** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

CS for CS for SB 2178—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2178** to **HB 1591**.

Pending further consideration of **CS for CS for SB 2178** as amended, on motion by Senator Posey, by two-thirds vote **HB 1591** was withdrawn from the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Posey—

HB 1591—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 2178** as amended and read the second time by title.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which was adopted:

Amendment 1 (225150)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 97.0585, Florida Statutes, is amended to read:

97.0585 *Public-records exemption; information regarding voters and voter registration* ~~Declinations to register; place of registration and registration information~~; confidentiality.—

(1) *The following information concerning voters and voter registration held by an agency as defined in s. 119.011 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for purposes of voter registration:*

(a) All declinations to register to vote made pursuant to ss. 97.057 and 97.058 ~~are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for voter registration purposes~~.

(b)~~(2)~~ Information relating to the place where a person registered to vote or where a person updated a voter registration.

(c) The social security number, driver's license number, and Florida identification number of a voter registration applicant or voter.

(2) The signature of a voter registration applicant or a voter ~~is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution; and a voter's signature, social security number, and telephone number~~ may not be copied and *is* ~~are~~ exempt for that purpose from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) This section applies to information held by an agency before, on, or after the effective date of this exemption.

Section 2. Subsection (2) of section 741.465, Florida Statutes, is amended to read:

741.465 Public records exemption for the Address Confidentiality Program for Victims of Domestic Violence.—

(2) The names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence contained in voter registration *and voting* records held by the supervisor of elections *and the Department of State* are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except the information may be disclosed under the following circumstances: to a law enforcement agency for purposes of assisting in the execution of an arrest warrant or, if directed by a court order, to a person identified in the order. This exemption applies to information made exempt by this subsection before, on, or after the effective date of the exemption.

Section 3. *Sections 97.0585 and 741.465, Florida Statutes, as amended by this act, are subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 4. *(1) The Legislature recognizes that the Help America Vote Act of 2002 requires the implementation of a new single, uniform, centralized, interactive, and computerized statewide voter registration system by January 1, 2006. The Florida Voter Registration System (FVRS) will replace the existing state's voter registration system. The FVRS will interface with and integrate voter registration information and records from the offices of the 67 county supervisors of elections. The FVRS will contain the name and other registration information of every legally registered voter in the state. The FVRS will be the official list of registered voters in the state and will be used as the registration system for federal and state elections. Any such system must keep information concerning a person's decision not to register or information concerning the place where a person registers to vote confidential in accordance with the National Voter Registration Act. Therefore, the Legislature finds it necessary*

to continue the existing public-records exemption to keep such information confidential and exempt in order to conform with the requirements of the National Voter Registration Act. Additionally, because persons may register to vote or update voter registration information at designated voter registration agencies that may include any office that provides public assistance, this exemption is also necessary to protect from disclosure personal information concerning those persons who apply for or receive public assistance at these offices.

(2) The Legislature also finds it necessary to broaden the existing exemption from public-records access to social security numbers of voters and voter registration applicants to include driver's license numbers and Florida identification numbers. The Legislature finds that access to such information can lead to fraud, personal identity theft, and invasion of privacy. The Florida Voter Statewide Voter Registration System, once implemented and maintained, will constitute one of the most comprehensive and up-to-date databases of persons in this state. The Legislature finds it not only necessary to exempt from copying social security numbers, driver's license numbers, and Florida identification numbers of those persons in the Florida Voter Registration System but also to exempt those numbers from inspection. Even the memorization of a single person's social security number, driver's license number, or Florida identification number could result in economic and personal harm to that individual whose numbers may be used to perpetrate fraud or may be coupled with other readily available public information to commit personal identity theft or to gain access to records, such as financial, educational, or medical records. The Legislature also finds it necessary to keep the social security numbers, driver's license numbers, and Florida identification numbers in the Florida Voter Registration System confidential and exempt in order to encourage voter registration and remove disincentives to registering to vote.

(3) The Legislature also finds it necessary to continue and to expand the existing exemption that precludes the copying of a voter's signature. Currently, a voter's signature is exempt from copying but only if contained on a voter registration application or precinct register. Two advisory opinions from the Attorney General issued in 2001 stated that a voter's signature on an absentee ballot certificate is not part of the voter registration record and therefore not exempt from copying. Because express exemption from copying did not exist for absentee ballot certificates, any person or entity may request and obtain copies of all signatures of voters who voted absentee in any particular election. Consequently, any person or entity may also request and obtain copies of all signatures of voters who signed provisional ballot envelopes, early voting certificates, or any other voting-related documents other than a voter registration application or a precinct register. The Legislature intends that a voter's signature be protected in order to prevent fraud, identity theft, or invasion of privacy in all instances. Nonetheless, the Legislature finds that any exemption for such signatures must be balanced against the continuing administrative need to allow for public inspection of the signatures of voters or voter registration applicants for purposes of voter verification, matching, or authenticity as may occur in a voter's challenge or canvassing of an absentee ballot. Therefore, the Legislature finds that it is a public necessity to continue the existing exemption solely from copying of voters' signatures and to expand that exemption to apply to voters' signatures as may also appear on absentee ballot certificate envelopes, provisional ballot envelopes, early-voting certificates, or any other voting-related document that must be executed for purposes of voting or voter registration.

(4) The Legislature also finds that it is a public necessity that the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence which are contained in voter registration and voting records held by the supervisor of elections and the Department of State be made exempt from public-records requirements. Participants in the program have demonstrated to the Office of the Attorney General that there exists a risk to their physical safety and security. Nonetheless, program participants must be afforded the ability to participate in society and cast a vote in elections. However, the supervisor of elections and the Department of State must have a verifiable address for a program participant in order to place that participant in the proper voting district and to maintain accurate records for compliance with state and federal requirements. The public-records exemption for the participant's name is a public necessity because access to such name narrows the location of that participant to his or her voting area. In addition, access to the participant's address and telephone number provides specific location and contact information for the participant. Therefore, access to the participant's name, address, and telephone number defeats the sole purpose of the Address Confidentiality Program for Victims of Domestic Violence, which is to provide safety and security for each participant.

Section 5. This act shall take effect on the same date that Senate Bill 2176 or similar legislation takes effect, if such legislation is enacted in the same legislative session or an extension thereof and becomes law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for retroactive application of the exemption; amending s. 741.465, F.S.; expanding a public-records exemption for the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence contained in certain voter records held by the supervisor of elections and the Department of State; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

Pursuant to Rule 4.19, **HB 1591** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for SB 1862—A bill to be entitled An act relating to women's health care; providing a short title; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortion clinics performing abortions after the first trimester of pregnancy; requiring rules that prescribe standards for physical facilities, supplies and equipment, personnel, screening and evaluation, the abortion procedure, recovery, followup care, and incident reporting; providing that rules regulating abortion clinics may not impose an unconstitutional burden rather than a legally significant burden on a woman's right to choose to terminate her pregnancy; providing for severability; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **CS for SB 1862** to **HB 1041**.

Pending further consideration of **CS for SB 1862**, on motion by Senator Dockery, by two-thirds vote **HB 1041** was withdrawn from the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

On motion by Senator Dockery—

HB 1041—A bill to be entitled An act relating to women's health care; providing a popular name; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortion clinics performing abortions after the first trimester of pregnancy; requiring rules that prescribe standards for physical facilities, supplies and equipment, personnel, screening and evaluation, the abortion procedure, recovery, follow-up care, and incident reporting; providing that rules regulating abortion clinics may not impose an unconstitutional burden rather than a legally significant burden on a woman's right to choose to terminate her pregnancy; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1862** and read the second time by title.

Pursuant to Rule 4.19, **HB 1041** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 1790—A bill to be entitled An act relating to street lighting; creating s. 768.1382, F.S.; limiting liability for certain public and private entities providing street lights, security lights, or other similar illumination; providing that certain entities do not owe duty to the public to provide, operate, or maintain illumination; providing for exceptions; prohibiting certain findings of fault or responsibility of an entity not a party to litigation; providing for severability; providing for application; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1790** to **HB 135**.

Pending further consideration of **SB 1790** as amended, on motion by Senator Webster, by two-thirds vote **HB 135** was withdrawn from the Committees on Judiciary; Communications and Public Utilities; and Rules and Calendar.

On motion by Senator Webster, the rules were waived and—

HB 135—A bill to be entitled An act relating to liability of providers of streetlights; creating s. 768.1382, F.S.; providing definitions; including certain security or area lights within the definition of the term "streetlight"; limiting liability of a streetlight provider for injury or death or property damage affected or caused by a malfunctioning streetlight; providing procedures for notice and repair of malfunctioning streetlights as a condition for limited liability; providing that noncompliance with such procedures does not create a presumption of negligence; limiting liability of a public utility or electric utility that discontinues service to a streetlight under certain circumstances; limiting liability of a public utility or electric utility for the design, layout, quantity, or placement of streetlights or level of illumination resulting from the proper operation of a streetlight or series of streetlights; prohibiting certain findings of fault of an entity not a party to litigation; providing for conflict, effect, and application; providing an effective date.

—a companion measure, was substituted for **SB 1790** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 135** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 2562—A bill to be entitled An act relating to asbestos and silica claims; providing a short title; providing purposes; providing definitions; requiring physical impairment as an essential element of a claim; providing criteria for prima facie evidence of physical impairment for claims and certain actions; providing exceptions; providing additional requirements for evidence relating to physical impairment; specifying absence of certain presumptions at trial; providing procedures for claims and certain actions; providing for consolidation; providing for venue; providing for preliminary proceedings; requiring asbestos and silica claims to include certain information; specifying certain limitation periods for certain claims; specifying distinct causes of action for certain conditions; limiting damages under certain circumstances; prohibiting a general release from liability; prohibiting award of punitive damages; providing for collateral source payments; specifying liability rules applicable to certain persons; providing for construction; providing severability; providing application to certain civil actions; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendment which was adopted:

Amendment 1 (121578)—On page 9, line 26 through page 10, line 16, delete those lines and insert:

(a) Is currently a board-certified oncologist, pathologist, pulmonary specialist, or specialist in occupational and environmental medicine;

(b) Has conducted a physical examination of the exposed person, or if the person is deceased, has reviewed all available records relating to the exposed person's medical condition;

(c) Is actually treating or treated the exposed person, and has or had a doctor-patient relationship with the person; and

(d) Is currently licensed to practice and actively practices in this country.

Senator Campbell moved the following amendment which failed:

Amendment 2 (241432)—On page 10, lines 18-23, delete those lines and insert: *quality 1 or 2 chest x-ray under the ILO System of classification showing small, irregular opacities of s, t, or u, which are graded by a certified B-reader as at least 1/0 on the ILO scale, or a finding of interstitial fibrosis interpreted by a qualified physician based upon computerized tomography.*

Senator Campbell moved the following amendment which was adopted:

Amendment 3 (854990)—On page 11, lines 20-29, delete those lines and redesignate subsequent subsections.

Senator Webster moved the following amendment which was adopted:

Amendment 4 (603058)—On page 14, lines 19-31, delete those lines and insert:

1. Total lung capacity, by plethysmography or timed gas dilution, below the predicted lower limit of normal;

2. Forced vital capacity below the lower limit of normal and a ratio of FEV1 to FVC that is equal to or greater than the predicted lower limit of normal; or

3. A chest x-ray showing small, irregular opacities (s, t, u) graded by a certified B-reader at least 2/1 on the ILO scale.

(g) If the exposed person meets the requirements of paragraphs (a), (b), and (c), and if a qualified physician determines that the exposed person has a physical impairment, as demonstrated by meeting the criteria set forth in paragraphs (d) and (f)1. or 2., but the exposed person's chest x-ray

Senator Campbell moved the following amendment which failed:

Amendment 5 (215290)—On page 14, line 27 through page 15, line 8, delete those lines and insert:

(g) If the exposed person meets the requirements of paragraphs (a), (b), and (c) and if a qualified physician determines that the exposed person has a physical impairment, as demonstrated by meeting the criteria set forth in paragraph (d), subparagraph (f)1., or subparagraph (f)2., but the exposed person's chest x-ray does not demonstrate radiological evidence of asbestosis, the exposed person may meet the criteria of paragraph (e) if a qualified physician, relying on high-resolution computed tomography, determines to a reasonable degree of medical certainty that the exposed person has asbestosis and forms the conclusion set forth in paragraph (h).

Senator Webster moved the following amendments which were adopted:

Amendment 6 (612588)—On page 15, line 27, delete "*and (g)*" and insert: *(g), and (h)*

Amendment 7 (115610)(with title amendment)—On page 22, lines 17-21, delete those lines

(Redesignate subsequent subsections.)

And the title is amended as follows:

On page 1, delete line 13 and insert: providing for

Senator Campbell moved the following amendment which failed:

Amendment 8 (405410)(with title amendment)—On page 27, between lines 24 and 25, insert:

(6) This act is not intended to limit any qualified physician from relying upon any form of diagnostic testing, including, but not limited to, nuclear bone scans, PET scans, or MRI's, if in the professional judgment

of the qualified physician such testing or procedures is or has become recognized for the diagnosis of any asbestos-related disease.

And the title is amended as follows:

On page 1, line 25, after the second semicolon (;) insert: providing no limitation on the use of other diagnostic testing;

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which failed:

Amendment 9 (374246)—On page 27, line 25, delete "July 1, 2005" and insert: the later of July 1, 2005, or such date as legislation substantially similar to this act takes effect in states representing at least one-half of the population of the United States, according to the U.S. Census Bureau's Census 2000.

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendments to be considered:

Senator Campbell moved the following amendment which was adopted:

Amendment 10 (952678)—On page 24, line 13, after "*asbestos-related*" insert: *or silica-related*

Senator Campbell moved the following amendments which failed:

Amendment 11 (815616)—On page 19, line 3, delete "*1/1*" and insert: *1/0*

Amendment 12 (091434)—On page 11, line 15, delete "*nodular*"

Senator Campbell moved the following amendment which was adopted:

Amendment 13 (092070)—On page 9, line 9, after "*asbestos*" insert: *or silica*

Senator Campbell moved the following amendment which failed:

Amendment 14 (051804)—On page 22, line 24, after "*plaintiff*" insert: *or defendant*

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendments to be considered:

Senator Webster moved the following amendments which were adopted:

Amendment 15 (273270)—On page 15, line 28 through page 17, line 24, delete those lines and insert:

(3) A person who is a smoker may not file or maintain a civil action alleging an asbestos claim which is based upon cancer of the lung, larynx, pharynx, or esophagus in the absence of a prima facie showing that includes all of the following requirements:

(a) A diagnosis by a qualified physician who is board-certified in pathology, pulmonary medicine, or oncology, as appropriate for the type of cancer claimed, of a primary cancer of the lung, larynx, pharynx, or esophagus, and that exposure to asbestos was a substantial contributing factor to the condition.

(b) Evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to asbestos and the date of diagnosis of the cancer.

(c) Radiological or pathological evidence of asbestosis or diffuse pleural thickening or a qualified physician's diagnosis of asbestosis based on a chest x-ray graded by a certified B-reader as at least 1/0 on the ILO scale and high-resolution computed tomography supporting the diagnosis of asbestosis to a reasonable degree of medical certainty.

(d) Evidence of the exposed person's substantial occupational exposure to asbestos. If a plaintiff files a civil action alleging an asbestos-related claim based on cancer of the lung, larynx, pharynx, or esophagus, and that plaintiff alleges that his or her exposure to asbestos was the result of extended contact with another exposed person who, if the civil action had been filed by the other exposed person, would have met the substantial occupational exposure requirement of this subsection, and the plaintiff alleges that he or she had extended contact with the exposed person during the time period in which that exposed person met the substantial occupational exposure requirement of this subsection, the plaintiff has satisfied the requirements of this paragraph. The plaintiff in such a civil action must individually satisfy the requirements of this subsection.

(e) If the exposed person is deceased, the qualified physician, or someone working under the direct supervision and control of a qualified physician, may obtain the evidence required in paragraph (b) and paragraph (d) from the person most knowledgeable about the alleged exposures that form the basis of the asbestos claim.

(f) A conclusion by a qualified physician that the exposed person's medical findings and impairment were not more probably the result of causes other than the asbestos exposure revealed by the exposed person's employment and medical history. A conclusion that the medical findings and impairment are "consistent with" or "compatible with" exposure to asbestos does not meet the requirements of this subsection.

(4) In a civil action alleging an asbestos claim by a nonsmoker based on cancer of the lung, larynx, pharynx, or esophagus, a prima facie showing of an impairment due to asbestos exposure is not required.

(5) A person may not file or maintain a civil action alleging an asbestos claim which is based on cancer of the colon, rectum, or stomach in the absence of a prima facie showing that includes all of the following requirements:

(a) A diagnosis by a qualified physician who is board-certified in pathology, pulmonary medicine, or oncology, as appropriate for the type of cancer claimed, of cancer of the colon, rectum, or stomach, and that exposure to asbestos was a substantial contributing factor to the condition.

(b) Evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to asbestos and the date of diagnosis of the cancer.

(c)1.a. Radiological or pathological evidence of asbestosis or diffuse pleural thickening or a qualified physician's diagnosis of asbestosis based on a chest x-ray graded by a certified B-reader as at least 1/0 on the ILO scale and high-resolution computed tomography supporting the diagnosis of asbestosis to a reasonable degree of medical certainty; or

b. Evidence of the exposed person's substantial occupational exposure to asbestos. If a plaintiff files a civil action alleging an asbestos-related claim based on cancer of the colon, rectum, or stomach, and that plaintiff alleges that his or her exposure to asbestos was the result of extended contact with another exposed person who, if the civil action had been filed by the other exposed person, would have met the substantial occupational exposure requirement of this subsection, and the plaintiff alleges that he or she had extended contact with the exposed person during the time period in which that exposed person met the substantial occupational exposure requirement of this subsection, the plaintiff has satisfied the requirements of this sub-subparagraph. The plaintiff in such a civil action must individually satisfy the requirements of this subsection.

2. In the case of an exposed person who is a smoker, the criteria in sub-subparagraphs 1.a. and b. must be met.

3. If the exposed person is deceased, the qualified physician, or someone working under the direct supervision and control of a qualified physician, may obtain the evidence required in sub-subparagraph 1.b. and paragraph (b) from the person most knowledgeable about the alleged exposures that form the basis of the asbestos claim.

(d) A conclusion by a qualified physician that the exposed person's medical findings and impairment were not more probably the result of causes other than the asbestos exposure revealed by the exposed person's employment and medical history. A conclusion that the medical findings

and impairment are "consistent with" or "compatible with" exposure to asbestos does not meet the requirements of this subsection.

(6) In a civil action alleging an asbestos claim based upon mesothelioma a prima facie showing of an impairment due to asbestos exposure is not required.

(Redesignate subsequent subsections.)

Amendment 16 (102760)—In title, on page 2, delete line 21 and insert: 2295, 2302 (1999), has characterized as an "elephantine mass"

Pursuant to Rule 4.19, **CS for SB 2562** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

COMMUNICATION

The Honorable Tom Lee, President May 3, 2005
The Florida Senate

Dear Mr. President:

In compliance with Article III, Section 19(d), State Constitution, and Joint Rule 2, copies of the Appropriations Conference Committee Report on **SB 2600** have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed May 3, 2005 at 3:07 p.m., EDT.

Respectfully submitted,
Faye W. Blanton, Secretary

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

On motion by Senator Aronberg, by unanimous consent—

CS for SB 284—A bill to be entitled An act relating to consumer protection; creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to provide notice of breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; requiring notification of consumer reporting agencies of breaches of system security under certain circumstances; amending s. 817.568, F.S.; redefining the term "personal identification information" and defining the term "counterfeit or fictitious personal identification information"; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; providing for severability; providing an effective date.

—as amended April 28 was taken up out of order and read the third time by title.

On motion by Senator Aronberg, by two-thirds vote **HB 481** was withdrawn from the Committees on Commerce and Consumer Services; and Judiciary.

On motion by Senator Aronberg, by two-thirds vote—

HB 481—A bill to be entitled An act relating to unlawful use of personal identification information; amending s. 817.568, F.S.; including other information within the definition of the term "personal identification information"; defining the term "counterfeit or fictitious personal identification information"; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to provide notice of breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; requiring notification of consumer reporting agencies of breaches of system security under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 284** as amended and read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 481** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

On motion by Senator Fasano, by unanimous consent—

CS for CS for SB 594—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; providing for payments to a physician assistant under contracts providing for paying for surgical first assisting benefits or services; including certified surgical first assistants, as defined, within certain benefits or services payment provisions; limiting application; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Fasano, **CS for CS for SB 594** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **CS for SB 718** was deferred.

HB 1527—A bill to be entitled An act relating to disposition of unclaimed property; amending s. 717.106, F.S.; specifying communication by documented telephone contact to avoid a presumption of certain property being unclaimed; amending s. 717.1101, F.S.; decreasing a time period for a presumption of stock, equity interest, and certain debt of a business association being unclaimed; specifying criteria for certain other property of a business association being presumed unclaimed; amending s. 717.117, F.S.; revising requirements for notifying owners of inactive accounts; amending s. 717.118, F.S.; increasing a threshold amount for a requirement for an active attempt to notify owners of unclaimed property; amending s. 717.119, F.S.; revising provisions for disposal of proceeds of sales of unclaimed firearms or ammunition; amending s. 717.122, F.S.; providing for sale of unclaimed stock or certain equity interest under certain circumstances; amending s. 717.124, F.S.; revising requirements for making unclaimed property claims; amending s. 717.12404, F.S.; revising requirements for making claims on behalf of a business entity or trust; creating s. 717.12406, F.S.; providing definitions; amending s. 717.1241, F.S.; revising requirements and procedures for resolving conflicting claims; amending s. 717.1242, F.S.; requiring the ordering of estate or heirs to pay the Department of Financial Services certain costs and fees; amending s. 717.1243, F.S.; revising requirements and procedures for claims by beneficiaries of deceased owners of unclaimed property; creating s. 717.1245, F.S.; requiring petitioners for writs of garnishment to pay the department certain costs and fees in certain actions; amending s. 717.1311, F.S.; deleting a provision requiring certain record holders to pay certain estimated amounts relating to insufficient records; amending s. 717.1315, F.S.; revising requirements and procedures for retention of records by an owner's representative; amending s. 717.132, F.S.; providing for imposition of fines by a court instead of the department; amending s. 717.1322, F.S.; providing for civil enforcement by the department of certain violations; revising the department's authority to issue certain registration revocation orders; creating s. 717.1323, F.S.; specifying a prohibited practice; amending s. 717.1331, F.S.; authorizing the department to enforce subpoenas; amending s. 717.1333, F.S.; authorizing the estimation of certain amounts due from insufficient records; amending s. 717.135, F.S.; revising requirements for powers of attorney to recover property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to a power of attorney; amending s. 717.1351, F.S.; revising requirements for contracts to acquire ownership of or entitlement to property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to an agreement; providing rulemaking authority to the department to specify what evidence may identify a seller; creating s. 717.1381, F.S.; specifying certain powers of attorney and agreements to be void as contrary to public policy; prohibiting entering into such agreements; providing application; amending s. 717.1400, F.S.; revising registration requirements; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Clary, **HB 1527** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Dawson	Margolis	
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist, Smith

CS for SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Campbell, further consideration of **CS for SB 1030** as amended was deferred.

Consideration of **CS for SB 1098** was deferred.

CS for SB 1180—A bill to be entitled An act relating to medical regulatory boards; amending s. 458.307, F.S.; revising membership requirements; providing for expiration of terms of current members, appointment of new members to staggered terms, and appointment and terms of successors; providing for applicability; amending s. 458.311, F.S.; providing for an externship; amending ss. 458.331 and 459.015, F.S.; providing for membership on certain probable cause panels; providing that a practitioner licensed in ch. 458, F.S., may use as a defense that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer and that the practitioner had no intent to violate the law; requiring the Department of Health to notify health care providers if the department learns that a drug that has not been approved by the United States Food and Drug Administration for human use has been sold to identified health care providers in this state; providing an effective date.

—as amended May 2 was read the third time by title.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (181832)(with title amendment)—On page 6, between lines 3 and 4, insert:

Section 6. Subsection (13) of section 465.003, Florida Statutes, is amended to read:

465.003 Definitions.—As used in this chapter, the term:

(13) "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and other pharmaceutical services. For purposes of this subsection, "other pharmaceutical services" means the monitoring of the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes review of the patient's drug therapy and communication with the patient's prescribing health care provider as licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or similar statutory provision in another jurisdiction, or such provider's agent or such other persons as specifically authorized by the patient, regarding the drug therapy. However, nothing in this subsection may be interpreted to permit an alteration of a prescriber's directions, the diagnosis or treatment of any disease, the initiation of any drug therapy, the practice of medicine, or the practice of osteopathic medicine, unless otherwise permitted by law. "Practice of the profession of pharmacy" also includes any other act, service, operation, research, or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, and shall expressly permit a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients. *"Practice of the profession of pharmacy" also includes the administering to adults of influenza virus immunizations by a pharmacist within the framework of an established protocol under a supervisory practitioner who is a physician licensed under chapter 458 or chapter 459 or by written agreement with a county health department. Each protocol must contain specific procedures to address any unforeseen allergic reaction to an immunization. A pharmacist may not enter into a protocol unless he or she maintains at least $200,000 of professional liability insurance and not until the pharmacist has completed training in immunizations as provided in this subsection. A pharmacist administering an influenza vaccine shall maintain and make available patient records using the same standards for confidentiality and maintenance of such records as those that are imposed on health care practitioners by s. 456.057. These records must be maintained for a minimum of 5 years. The decision by a supervisory practitioner to enter into such a protocol is a professional decision of the practitioner, and a person may not interfere with a supervisory practitioner's decision as to whether to enter into such a protocol. A pharmacist may not enter into a protocol that is to be performed while acting as an employee without the written approval of the owner of the pharmacy. Any pharmacist seeking to immunize patients under this subsection must be certified to administer immunizations pursuant to a certification program approved by the Board of Pharmacy upon consultation with the Board of Medicine. The certification program must, at a minimum, require that a pharmacist attend at least 20 hours of continuing education classes approved by the Board of Pharmacy. The program must have a curriculum of instruction concerning the safe and effective administration of immunizations, including, but not limited to, potential allergic reactions to immunizations. The certification to perform inactivated influenza vaccinations shall include, but need not be limited to, the following compliance criteria:*

(a) Compliance with all provisions of s. 381.003 relating to communicable disease and AIDS prevention and control;

(b) Compliance with all provisions of s. 381.0031 relating to reporting of diseases of public health significance to the department;

(c) Compliance with all provisions of s. 381.0098 relating to biomedical waste;

(d) Compliance with all Occupational Safety and Health Administration standards for management, handling, and disposal of sharps; and

(e) Completion of and compliance with the Centers for Disease Control Influenza Update for the year in which influenza vaccinations will be offered.

The pharmacist's certification must be obtained prior to advertising to the public and administering inactivated influenza vaccinations. The pharmacist shall submit to the Board of Pharmacy a copy of the protocol or written agreement to administer inactivated influenza vaccine.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: amending s. 465.003, F.S.; redefining the term "practice of the profession of pharmacy" to include the administering of influenza virus immunizations to adults by a pharmacist within an established protocol and under a supervisory practitioner who is a licensed physician or by written agreement with a county health department; providing requirements for the protocol; requiring professional liability insurance, training and certification in immunization, and employer approval before entering into a protocol; requiring a pharmacist to maintain and make available patient records for a certain time period; providing requirements for the certification program;

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (582362)—On page 1, delete line 30 and insert:

(2) Twelve members of the board must be licensed

MOTION

On motion by Senator Jones, the rules were waived to allow the following amendments to be considered:

Senator Jones moved the following amendments which were adopted by two-thirds vote:

Amendment 3 (430694)—On page 6, between lines 3 and 4, insert:

Section 6. Subsection (4) of section 456.041, Florida Statutes, is amended to read:

456.041 Practitioner profile; creation.—

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, a statement of how the practitioner has elected to comply with the financial responsibility requirements of s. 458.320 or s. 459.0085. The department shall include, with respect to practitioners subject to s. 456.048, a statement of how the practitioner has elected to comply with the financial responsibility requirements of that section. The department shall include, with respect to practitioners licensed under chapter 461, information relating to liability actions which has been reported under s. 456.049 or s. 627.912 within the previous 10 years for any paid claim that exceeds $5,000. The department shall include, with respect to practitioners licensed under chapter 458 or chapter 459, information relating to liability actions which has been reported under ss. 456.049 and 627.912 ~~within the previous 10 years~~ for any paid claim ~~that exceeds $100,000~~. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other practitioners within the same specialty, or profession if the practitioner is not a specialist. The department must provide a hyperlink in such practitioner's profile to all such comparison reports. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the practitioner. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(Redesignate subsequent sections.)

Amendment 4 (302640)—On page 6, between lines 3 and 4, insert:

Section 6. Paragraph (f) of subsection (5) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) do not apply to:

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $25,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, constitutes action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with this paragraph.

7. The licensee must submit biennially to the department certification stating compliance with the provisions of this paragraph. The licensee must, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph must post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *and on each visit* ~~or~~ provide a written statement to any person to whom medical services are being provided. The sign or statement must read as follows: "Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law."

Section 7. Paragraph (f) of subsection (5) of section 459.0085, Florida Statutes, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) do not apply to:

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $25,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, constitutes action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with this paragraph.

7. The licensee must submit biennially to the department a certification stating compliance with this paragraph. The licensee must, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph must post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *and on each visit* ~~or~~ provide a written statement to any person to whom medical services are being provided. The sign or statement must read as follows: "Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law."

(Redesignate subsequent sections.)

On motion by Senator Campbell, **CS for SB 1180** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1098—A bill to be entitled An act relating to public-records exemptions; amending s. 39.202, F.S.; creating an exception to the exemption from public-records requirements for all records held by the Department of Children and Family Services concerning reports of child abandonment, abuse, or neglect; amending s. 39.0132, F.S.; creating an exemption from public-records requirements for information obtained by a guardian ad litem in the discharge of his or her official duty; providing an exception to the exemption; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; amending s. 119.07, F.S.; creating an exemption from public-records requirements for certain identification and location information regarding a current or former guardian ad litem or the spouse and children of the guardian ad litem; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Smith, **CS for SB 1098** as amended was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Atwater	Bullard
Argenziano	Baker	Campbell
Aronberg	Bennett	Carlton

Clary	Hill	Pruitt
Constantine	Jones	Rich
Crist	King	Saunders
Dawson	Klein	Sebesta
Diaz de la Portilla	Lawson	Siplin
Dockery	Lynn	Smith
Fasano	Margolis	Villalobos
Garcia	Miller	Webster
Geller	Peaden	Wilson
Haridopolos	Posey	Wise

Nays—None

Consideration of **CS for CS for SB 1766**, **CS for SB 1344** and **CS for SB 2432** was deferred.

On motion by Senator Campbell, by unanimous consent—

CS for CS for SB 2498—A bill to be entitled An act relating to warranty associations; amending s. 634.271, F.S.; providing an exemption from penalty provisions for certain service warranties; providing actual damages and costs for violations for which such statutory penalties do not apply; providing retroactive applicability; amending s. 634.401, F.S.; redefining the term "service warranty"; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Campbell, **CS for CS for SB 2498** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 69—A bill to be entitled An act relating to fire prevention and control; providing a popular name; creating s. 633.115, F.S.; creating the Fire and Emergency Incident Information Reporting Program within the Division of State Fire Marshal; providing program requirements; providing duties of the division relating to the program; creating the Fire and Emergency Incident Information System Technical Advisory Panel within the division; providing for membership and duties of the panel; requiring the division to adopt certain rules; amending s. 633.171, F.S.; providing definitions; providing criminal penalties for initiating a pyrotechnic display in certain structures under certain circumstances; providing exceptions; providing construction; providing application; amending s. 633.821, F.S.; providing additional criteria for certain rules of the Division of State Fire Marshal; requiring the division to adopt rules relating to live fire training; providing requirements; providing for such rules to take effect; requiring state certification as an instructor for certain training after a certain date; providing an exception from application to certain wildland or prescribed live-fire training exercises; amending s. 932.7055, F.S.; providing that proceeds from the sale of certain forfeited property be deposited into the Insurance Regulatory Trust Fund and used for specified purposes; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 69** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 75—A bill to be entitled An act relating to title insurance; amending ss. 624.608 and 627.7711, F.S.; revising the definitions of title insurance and related and primary title services; amending s. 627.7845, F.S.; revising requirements for title insurers to issue title insurance; revising requirements for title insurers to preserve and retain certain evidence of searches and examinations; requiring the Office of Insurance Regulation to approve title insurance forms and rates for certain title insurance; providing effective dates.

—was read the third time by title.

On motion by Senator Wise, **HB 75** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 151—A bill to be entitled An act relating to the Access to Health Care Act; amending s. 766.1115, F.S.; revising a definition of low-income person to expand a poverty level family income criterion; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 151** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett

Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

HB 189—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities within the purview of the Florida Building Code; amending s. 400.605, F.S.; deleting provisions requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; creating s. 400.6051, F.S.; requiring that construction standards for hospice facilities be in compliance with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 189** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 319—A bill to be entitled An act relating to the Freedom to Worship Safely Act; providing a popular name; creating s. 775.0861, F.S.; providing definitions; providing for the upgrading of the degree of an offense that involves the use or threat of physical force or violence if the offense is committed on the property of a religious institution while the victim is on the property for the purpose of participating in or attending a religious service; providing for severity ranking of offenses; amending s. 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **HB 319** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Bennett	Constantine
Argenziano	Bullard	Dawson
Aronberg	Campbell	Diaz de la Portilla
Atwater	Carlton	Dockery
Baker	Clary	Fasano
Garcia	Lynn	Sebesta
Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise
Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Crist

HB 71—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term "conviction"; specifying that the section applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for impoundment of vehicles used in violation of motor vehicle speed competition provisions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 71** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 509—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a popular name; amending s. 218.72, F.S.; redefining terms used in pt. VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing exceptions; creating s. 255.0705, F.S.; providing a popular name; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment due dates; authorizing the collection of interest under certain circumstances; providing for an award of court costs and attorney's fees; providing for project closeout and payment of retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; providing limitations on a claimant's institution of certain actions against a contractor or surety; amending s. 287.0585, F.S.; providing an exemption for contractors making late payment to subcontractors when the contract is subject to the "Prompt Payment Act"; amending s. 95.11, F.S., to conform a cross reference; providing that specified sections of the act do not apply to certain pending contracts and projects; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 509** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

Consideration of **HB 523** was deferred.

HB 1417—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.013, F.S.; revising requirements to be entitled to take the licensure examination to practice in this state as a surveyor and mapper; amending s. 472.015, F.S.; authorizing certain photogrammetrists to qualify for a license by endorsement; amending s. 472.021, F.S.; revising liability of partnerships and other business entities rendering professional surveying and mapping services; amending s. 472.005, F.S.; providing a definition of "photogrammetrist"; amending s. 472.007, F.S.; conforming a provision to the definition of photogrammetrist; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **HB 1417** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 567—A bill to be entitled An act relating to alternative plans review and inspection; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; providing a definition; authorizing performance audits by local building code enforcement agencies of private providers; specifying conditions for proceeding with building work; amending s. 468.621, F.S.; revising a ground for taking certain disciplinary actions; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 567** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Consideration of **HB 989** was deferred.

HB 499—A bill to be entitled An act relating to property appraiser assessments; amending s. 193.023, F.S.; requiring property appraisers to physically inspect property every 5 years for certain purposes; amending s. 193.501, F.S.; revising a definition; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 499** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

Vote after roll call:

Yea—Crist

On motion by Senator Miller, by unanimous consent—

HB 449—A bill to be entitled An act relating to a public records exemption; amending s. 1004.43, F.S.; expanding the public records exemption for proprietary confidential business information owned or controlled by the not-for-profit corporation operating the H. Lee Moffitt

Cancer Center and Research Institute and its subsidiaries relating to trade secrets; expanding the exemption to include information received from an agency in this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Miller, **HB 449** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

RECONSIDERATION OF BILL

On motion by Senator Saunders, the Senate reconsidered the vote by which—

CS for SB 1180—A bill to be entitled An act relating to medical regulatory boards; amending s. 458.307, F.S.; revising membership requirements; providing for expiration of terms of current members, appointment of new members to staggered terms, and appointment and terms of successors; providing for applicability; amending s. 458.311, F.S.; providing for an externship; amending ss. 458.331 and 459.015, F.S.; providing for membership on certain probable cause panels; providing that a practitioner licensed in ch. 458, F.S., may use as a defense that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer and that the practitioner had no intent to violate the law; requiring the Department of Health to notify health care providers if the department learns that a drug that has not been approved by the United States Food and Drug Administration for human use has been sold to identified health care providers in this state; providing an effective date.

—as amended passed this day.

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment which was adopted by two-thirds vote:

Amendment 5 (570714)(with title amendment)—On page 6, between lines 3 and 4, insert:

Section 6. Subsection (3) of section 458.348, Florida Statutes, is amended to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(3) PROTOCOLS REQUIRING DIRECT SUPERVISION.—All protocols relating to electrolysis or electrology using laser or light-based hair removal or reduction by persons other than physicians licensed under this chapter or chapter 459 shall require the person performing such service to be appropriately trained and work only under the direct supervision and responsibility of a physician licensed under this chapter or chapter 459. *A licensed advanced registered nurse practitioner or physician assistant practicing under a protocol with a physician licensed under chapter 458 or chapter 459 shall not be required to obtain licensure as an electrologist in order to perform laser or light-based hair removal procedures.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to the regulation of health professionals; amending s. 458.348, F.S.; providing that a licensed advanced registered nurse practitioner, or physician assistant, practicing under a protocol with a physician licensed under ch. 458, F.S., or ch. 459, F.S., need not be a licensed electrologist to perform certain hair removal procedures;

On motion by Senator Saunders, **CS for SB 1180** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Hill	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

The Senate resumed consideration of—

CS for SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Campbell, further consideration of **CS for SB 1030** as amended was deferred.

HB 523—A bill to be entitled An act relating to evidence; repealing s. 90.602, F.S., relating to testimony of interested persons regarding oral communication with a deceased or mentally incompetent person; amending s. 90.804, F.S.; providing a hearsay exception in specified actions or proceedings for a statement made by a declarant who is unavailable due to death, illness, or infirmity regarding the same subject matter as a statement made by the declarant that was previously offered by an adverse party and admitted; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **HB 523** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett

Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for CS for SB 2176—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; correcting a cross-reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to furnish certain voter information to the Legislature; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; conforming a cross-reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change or residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.08, F.S.; providing for contribution limits to statewide candidates; amending s. 106.34, F.S.; revising the method of calculating a candidate's expenditures if such candidate is requesting contributions from the Election Campaign Financing Trust Fund; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; providing the method of qualifying for nomination or election to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; amending s. 106.33, F.S.; increasing certain campaign contribution limits; providing effective dates.

—which was previously considered and amended this day. Pending **Amendment 17 (563162)** by Senator Margolis and pending substitute **Amendment 18 (825468)** by Senator Klein failed.

Amendments were considered and failed and amendments were considered and adopted to conform **CS for CS for SB 2176** to **HB 1589**.

Pending further consideration of **CS for CS for SB 2176** as amended, on motion by Senator Posey, by two-thirds vote **HB 1589** was withdrawn

from the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

On motion by Senator Posey—

HB 1589—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Florida Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; providing rulemaking authority to make forms available in alternative formats and via the Internet; removing a cross reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising requirements for the contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to establish and maintain a statewide voter registration database and provide such database to the Legislature; specifying the required contents of the database; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; correcting a cross reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; correcting a cross reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change of residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.0705, F.S.; providing for the timely filing of certain reports; amending s. 106.34, F.S.; revising provisions relating to certain candidate expenditure limits; providing a definition; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; revising provisions relating to the method of qualifying for nomination to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2176** as amended and read the second time by title.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which was adopted:

Amendment 1 (403032)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (2), and (11) of section 97.012, Florida Statutes, are amended, and subsection (14) is added to that section, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(1) Obtain and maintain uniformity in the ~~application, operation, and~~ interpretation *and implementation* of the election laws. *In order to obtain and maintain uniformity in the interpretation and implementation of the elections laws, the Department of State may, pursuant to ss. 120.536(1) and 120.54, adopt by rule uniform standards for the proper and equitable interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Election Code.*

(2) Provide uniform standards for the proper and equitable implementation of the registration laws *by administrative rule of the Department of State adopted pursuant to ss. 120.536(1) and 120.54.*

(11) Create and *administer* ~~maintain~~ a statewide voter registration *system as required by the Help America Vote Act of 2002* ~~database~~. *The secretary may delegate voter registration duties and records maintenance activities to voter registration officials. Any responsibilities delegated by the secretary shall be performed in accordance with state and federal law.*

(14) Bring and maintain such actions at law or in equity by mandamus or injunction to enforce the performance of any duties of a county supervisor of elections or any official performing duties with respect to chapters 97 through 102 and 105 or to enforce compliance with a rule of the Department of State adopted to interpret or implement any of those chapters.

(a) Venue for such actions shall be in the Circuit Court of Leon County.

(b) When the secretary files an action under this section and not more than 60 days remain before an election as defined in s. 97.021, or during the time period after the election and before certification of the election pursuant to s. 102.112 or s. 102.121, the court, including an appellate court, shall set an immediate hearing, giving the case priority over other pending cases.

(c) Prior to filing an action to enforce performance of the duties of the supervisor of elections or any official described in this subsection, the secretary or his or her designee first must confer, or must make a good-faith attempt to confer, with the supervisor of elections or the official to ensure compliance with chapters 97 through 102 and 105 or the rules of the Department of State adopted under any of those chapters.

Section 2. Subsection (13) of section 97.021, Florida Statutes, is amended, present subsections (38) and (39) are renumbered as subsections (39) and (40), respectively, and a new subsection (38) is added to that section, to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(13) "Lists of registered electors" means *names and associated information* ~~copies of printed lists~~ of registered electors *maintained by the department in the statewide voter registration system or generated or derived from the statewide voter registration system. Lists may be produced in printed or electronic format*~~, computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records~~.

(38) "Voter registration official" means any supervisor of elections or individual authorized by the Secretary of State to accept voter registration applications and execute updates to the statewide voter registration system.

Section 3. Section 97.026, Florida Statutes, is amended to read:

97.026 Forms to be available in alternative formats and via the Internet.—It is the intent of the Legislature that all forms required to be used in chapters 97-106 shall be made available upon request, in alternative formats. Such forms shall include absentee ballots as alternative formats for such ballots become available and the Division of Elections is able to certify systems that provide them. *The department may, pursuant to ss. 120.536(1) and 120.54, adopt rules to administer this section.* Whenever possible, such forms, with the exception of absentee ballots, shall be made available by the Department of State via the Internet. Sections that contain such forms include, but are not limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583, 97.071, 97.073, 97.1031, ~~98.055,~~ 98.075, 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and 106.087.

Section 4. Section 97.051, Florida Statutes, is amended to read:

97.051 Oath upon registering.—A person registering to vote must subscribe to the following oath: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that *all information provided in this application is true* ~~I am a citizen of the United States and a legal resident of Florida~~."

Section 5. Section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(1) The department shall prescribe *by rule* a uniform statewide voter registration application for use in this state.

(a) The uniform statewide voter registration application must be accepted for any one or more of the following purposes:

1. Initial registration.

2. Change of address.

3. Change of party affiliation.

4. Change of name.

5. Replacement of *a* voter *information* ~~registration identification~~ card.

6. Signature update.

(b) The department is responsible for printing the uniform statewide voter registration application and the voter registration application form prescribed by the ~~Federal~~ Election *Assistance* Commission pursuant to *federal law* ~~the National Voter Registration Act of 1993~~. The applications and forms must be distributed, upon request, to the following:

1. Individuals seeking to register to vote *or update a voter registration record*.

2. Individuals or groups conducting voter registration programs. A charge of 1 cent per application shall be assessed on requests for 10,000 or more applications.

3. The Department of Highway Safety and Motor Vehicles.

4. Voter registration agencies.

5. Armed forces recruitment offices.

6. Qualifying educational institutions.

7. Supervisors, who must make the applications and forms available in the following manner:

a. By distributing the applications and forms in their offices to any individual or group.

b. By distributing the applications and forms at other locations designated by each supervisor.

c. By mailing the applications and forms to applicants upon the request of the applicant.

(c) The uniform statewide voter registration application may be reproduced by any private individual or group, provided the reproduced application is in the same format as the application prescribed *by rule* under this section.

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(a) *Last, first, and middle* ~~Full~~ name*, including any suffix*.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

(e) County of legal residence.

~~(f) Address of property for which the applicant has been granted a homestead exemption, if any.~~

(f)~~(g)~~ Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.

2. Asian or Pacific Islander.

3. Black, not Hispanic.

4. White, not Hispanic.

5. Hispanic.

(g)~~(h)~~ State or country of birth.

(h)~~(i)~~ Sex.

(i)~~(j)~~ Party affiliation.

(j)~~(k)~~ Whether the applicant needs assistance in voting.

(k)~~(l)~~ Name and address where last registered.

(l)~~(m)~~ Last four digits of the applicant's social security number.

(m)~~(n)~~ Florida driver's license number or the identification number from a Florida identification card issued under s. 322.051.

(n) An indication, if applicable, that the applicant has not been issued a Florida driver's license, a Florida identification card, or a social security number.

(o) Telephone number (optional).

(p) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(q) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement *voter information* ~~registration identification~~ card.

(r) Whether the applicant is a citizen of the United States *by asking the question "Are you a citizen of the United States of America?" and providing boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States*.

(s) *Whether* ~~That~~ the applicant has ~~not~~ been convicted of a felony, *and* ~~or~~, if convicted, has had his or her civil rights restored *by including the statement "I affirm I am not a convicted felon or, if I am, my rights relating to voting have been restored." and providing a box for the applicant to check to affirm the statement*.

(t) *Whether* ~~That~~ the applicant has ~~not~~ been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored *by including the statement "I affirm I have not been adjudicated mentally incapacitated with respect to voting or, if I have, my competency has been restored." and providing a box for the applicant to check to affirm the statement*.

The registration *application* ~~form~~ must be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

(3) The uniform statewide voter registration application must also contain:

(a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) A statement specifying each eligibility requirement under s. 97.041.

(c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.

(d) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.

(e) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

~~(f) A statement that informs the applicant that any person who has been granted a homestead exemption in this state, and who registers to vote in any precinct other than the one in which the property for which the homestead exemption has been granted, shall have that information forwarded to the property appraiser where such property is located, which may result in the person's homestead exemption being terminated and the person being subject to assessment of back taxes under s. 193.092, unless the homestead granted the exemption is being maintained as the permanent residence of a legal or natural dependent of the owner and the owner resides elsewhere.~~

(f)~~(g)~~ A statement informing *an* ~~the~~ applicant *who has not been issued a Florida driver's license, a Florida identification card, or a social security number* that if the *application* ~~form~~ is submitted by mail and the applicant is registering for the first time *in this state*, the applicant will be required to provide identification prior to voting the first time.

(4) A supervisor may produce a voter registration application that has the supervisor's direct mailing address if the department has reviewed the application and determined that it is substantially the same as the uniform statewide voter registration application.

(5) The voter registration application form prescribed by the ~~Federal~~ Election *Assistance* Commission pursuant to *federal law* ~~the National Voter Registration Act of 1993~~ or the federal postcard application must be accepted as an application for registration in this state if the completed application or postcard application contains the information required by the constitution and laws of this state.

(6) If a voter registration applicant fails to provide any of the required information on the voter registration application form, the supervisor shall notify the applicant of the failure by mail within 5 business days after the supervisor has the information available in the voter registration system. The applicant shall have an opportunity to complete the application form to vote in the next election up until the book closing for that next election.

Section 6. Section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(1) Voter registration applications, changes in registration, and requests for a replacement *voter information* ~~registration identification~~ card must be accepted in the office of any supervisor, the division, a driver license office, a voter registration agency, or an armed forces recruitment office when hand delivered by the applicant or a third party during the hours that office is open or when mailed.

(2) A ~~completed~~ voter registration application *is complete and* ~~that contains the information necessary to establish an applicant's eligibility pursuant to s. 97.041~~ becomes the official voter registration record of that applicant when *all information necessary to establish the applicant's eligibility pursuant to s. 97.041 is* received by *a voter registration official and verified pursuant to subsection (6)* ~~the appropriate supervisor~~. *If the applicant fails to complete his or her voter registration application prior to the date of book closing for an election, then such applicant shall not be eligible to vote in that election.*

(3) The registration date for a valid initial voter registration application that has been hand delivered is the date *that the application is* ~~when~~ received by a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor in the state.

(4) The registration date for a valid initial voter registration application that has been mailed *to a driver license office, a voter registration*

agency, an armed forces recruitment office, the division, or the office of any supervisor in the state and bears a clear postmark is the date of *that* ~~the~~ postmark. If an initial voter registration application that has been mailed does not bear a postmark or if the postmark is unclear, the registration date is the date the *application* ~~registration~~ is received by any supervisor or the division, unless it is received within 5 days after the closing of the books for an election, excluding Saturdays, Sundays, and legal holidays, in which case the registration date is the book-closing date.

(5)(a) A voter registration application is complete if it contains *the following information necessary to establish the applicant's eligibility pursuant to s. 97.041, including*:

1. The applicant's name.

2. The applicant's legal residence address.

3. The applicant's date of birth.

4. *A mark in the checkbox affirming* ~~An indication~~ that the applicant is a citizen of the United States.

5.*a.* The applicant's *current and valid* Florida driver's license number *or*~~,~~ the identification number from a Florida identification card issued under s. 322.051, or

b. If the applicant has not been issued a current and valid Florida driver's license or a Florida identification card, the last four digits of the applicant's social security number.

In case an applicant has not been issued a current and valid Florida driver's license, Florida identification card, or social security number, the applicant shall affirm this fact in the manner prescribed in the uniform statewide voter registration application.

6. *A mark in the checkbox affirming* ~~An indication~~ that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

7. *A mark in the checkbox affirming* ~~An indication~~ that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. *The original* signature *or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles* of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation and that the voter may change party affiliation as provided in s. 97.1031.

(6) A voter registration application may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant. If a completed voter registration application has been received by the book-closing deadline but the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant cannot be verified prior to the applicant presenting himself or herself to vote, the applicant shall be provided a provisional ballot. The provisional ballot shall be counted only if the application is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor of elections sufficient to verify the authenticity of the driver's license number, Florida identification card number, or last four digits of the social security number provided on the application no later than 5 p.m. of the third day following the election.

(7) All voter registration applications received by a voter registration official shall be entered into the statewide voter registration system within 15 days after receipt. Once entered, the application shall be immediately forwarded to the appropriate supervisor of elections.

Section 7. Subsections (1), (2), and (3) of section 97.0535, Florida Statutes, are amended to read:

97.0535 Special requirements for certain applicants.—

(1) Each applicant who registers by mail and who has never previously voted in the *state and who the department has verified has not been issued a current and valid Florida driver's license, Florida identification card, or social security number* ~~county~~ shall be required to provide a copy of a current and valid identification, as provided in subsection (3), or indicate that he or she is exempt from the requirements prior to voting. *Such* ~~The applicant may provide the~~ identification or indication *may be provided* at the time of registering, or at any time prior to voting for the first time in the *state* ~~county~~. If the voter registration application clearly provides information from which *a voter registration official* ~~the supervisor~~ can determine that the applicant meets at least one of the exemptions in subsection (4), the *voter registration official* ~~supervisor~~ shall make the notation on the registration records *of the statewide voter registration system* and the applicant shall not be required to provide *the identification required by this section* ~~further information that is required of first-time voters who register by mail~~.

(2) The *voter registration official* ~~supervisor of elections~~ shall, upon accepting the voter registration *application submitted pursuant to subsection (1)* ~~for an applicant who registered by mail and who has not previously voted in the county~~, determine if the applicant provided the required identification at the time of registering. If the required identification was not provided, the supervisor shall notify the applicant that he or she must provide the identification prior to voting the first time in the *state* ~~county~~.

(3)(a) The following forms of identification shall be considered current and valid if they contain the name and photograph of the applicant and have not expired:

~~1. Florida driver's license.~~

~~2. Florida identification card issued by the Department of Highway Safety and Motor Vehicles.~~

1.~~3.~~ United States passport.

2.~~4.~~ Employee badge or identification.

3.~~5.~~ Buyer's club identification.

4.~~6.~~ Debit or credit card.

5.~~7.~~ Military identification.

6.~~8.~~ Student identification.

7.~~9.~~ Retirement center identification.

8.~~10.~~ Neighborhood association identification.

~~11. Entertainment identification.~~

9.~~12.~~ Public assistance identification.

(b) The following forms of identification shall be considered current and valid if they contain the name and current residence address of the applicant:

1. Utility bill.

2. Bank statement.

3. Government check.

4. Paycheck.

5. Other government document (excluding voter identification card).

Section 8. Subsection (1) of section 97.055, Florida Statutes, is amended to read:

97.055 Registration books; when closed for an election.—

(1) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. When the registration

books are closed for an election, *only updates to a voter's name, address, and signature pursuant to ss. 98.077 and 101.045 will be permitted for purposes of the upcoming election.* Voter registration *applications* and party changes must be accepted but only for the purpose of subsequent elections. However, party changes received between the book-closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.

Section 9. Section 97.057, Florida Statutes, is amended to read:

97.057 Voter registration by the Department of Highway Safety and Motor Vehicles.—

(1) The Department of Highway Safety and Motor Vehicles shall provide the opportunity to register to vote or to update a voter registration record to each individual who comes to an office of that department to:

(a) Apply for or renew a driver's license;

(b) Apply for or renew an identification card pursuant to chapter 322; or

(c) Change an address on an existing driver's license or identification card.

(2) The Department of Highway Safety and Motor Vehicles shall:

(a) Notify each individual, orally or in writing, that:

1. Information gathered for the completion of a driver's license or identification card application, renewal, or change of address can be automatically transferred to a voter registration application;

2. If additional information and a signature are provided, the voter registration application will be completed and sent to the proper election authority;

3. Information provided can also be used to update a voter registration record;

4. All declinations will remain confidential and may be used only for voter registration purposes; and

5. The particular driver license office in which the person applies to register to vote or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(b) Require a driver's license examiner to inquire orally~~,~~ or*, if the applicant is hearing impaired,* inquire in writing ~~if the applicant is hearing impaired, and~~ whether the applicant wishes to register to vote or update a voter registration record during the completion of a driver's license or identification card application, renewal, or change of address.

1. If the applicant chooses to register to vote or to update a voter registration record:

a. All applicable information received by the Department of Highway Safety and Motor Vehicles in the course of filling out the forms necessary under subsection (1) must be transferred to a voter registration application.~~;~~

b. The additional necessary information must be obtained by the driver's license examiner and must not duplicate any information already obtained while completing the forms required under subsection (1).~~; and~~

c. A voter registration application with all of the applicant's voter registration information *required to establish the applicant's eligibility pursuant to s. 97.041* must be presented to the applicant to *review and verify the voter registration information received and provide an electronic signature affirming the accuracy of the information provided* ~~sign~~.

2. If the applicant declines to register to vote, update the applicant's voter registration record, or change the applicant's address by either orally declining or by failing to sign the voter registration application, the Department of Highway Safety and Motor Vehicles must *note such declination on its records and shall forward the declination to the statewide voter registration system* ~~keep the declination for 2 years but must forward a copy of the unsigned voter registration application within 5 days after receipt to the appropriate supervisor of elections~~.

(3) For the purpose of this section, the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, shall prescribe:

(a) A voter registration application that is the same in content, format, and size as the uniform statewide voter registration application prescribed under s. 97.052; and

(b) A form that will inform applicants under subsection (1) of the information contained in paragraph (2)(a).

(4) The Department of Highway Safety and Motor Vehicles must *electronically transmit* ~~forward~~ completed voter registration applications within *24 hours after receipt to the statewide voter registration system. Completed paper voter registration applications received by the Department of Highway Safety and Motor Vehicles shall be forwarded within* 5 days after receipt to the supervisor of the county where the office that processed or received that application is located.

(5) The Department of Highway Safety and Motor Vehicles must send, with each driver's license renewal extension application authorized pursuant to s. 322.18(8), a uniform statewide voter registration application, the voter registration application prescribed under paragraph (3)(a), or a voter registration application developed especially for the purposes of this subsection by the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, which must meet the requirements of s. 97.052.

(6) A person providing voter registration services for a driver license office may not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display any political preference or party allegiance;

(c) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(d) Disclose any applicant's voter registration information except as needed for the administration of voter registration.

~~(7) The Department of Highway Safety and Motor Vehicles shall compile lists, by county, of those individuals whose names have been purged from its driver's license database because they have been licensed in another state and shall provide those lists annually to the appropriate supervisors.~~

(7)~~(8)~~ The Department of Highway Safety and Motor Vehicles shall collect data determined necessary by the Department of State for program evaluation and reporting to the ~~Federal~~ Election *Assistance* Commission pursuant to *federal law* ~~the National Voter Registration Act of 1993~~.

(8)~~(9)~~ The Department of Highway Safety and Motor Vehicles must ensure that all voter registration services provided by driver license offices are in compliance with the Voting Rights Act of 1965.

(9) The Department of Highway Safety and Motor Vehicles shall retain complete records of voter registration information received, processed, and submitted to the statewide voter registration system by the Department of Highway Safety and Motor Vehicles. These records shall be for the explicit purpose of supporting audit and accounting controls established to ensure accurate and complete electronic transmission of records between the statewide voter registration system and the Department of Highway Safety and Motor Vehicles.

(10) The department shall provide the Department of Highway Safety and Motor Vehicles with an electronic database of street addresses valid for use as the legal residence address as required in s. 97.053(5). The Department of Highway Safety and Motor Vehicles shall compare the address provided by the applicant against the database of valid street addresses. If the address provided by the applicant does not match a valid street address in the database, the applicant will be asked to verify the address provided. The Department of Highway Safety and Motor

Vehicles shall not reject any application for voter registration for which a valid match cannot be made.

(11) The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the department to match information in the statewide voter registration system with information in the database of the Department of Highway Safety and Motor Vehicles to the extent required to verify the accuracy of the driver's license number, Florida identification number, or last four digits of the social security number provided on applications for voter registration as required in s. 97.053.

(12) The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the Commissioner of Social Security as required by the Help America Vote Act of 2002 to verify the last four digits of the social security number provided in applications for voter registration as required in s. 97.053.

Section 10. Subsections (6), (7), and (9) of section 97.058, Florida Statutes, are amended to read:

97.058 Voter registration agencies.—

(6) A voter registration agency must forward *all* completed *and incomplete* voter registration applications within 5 days after receipt to the supervisor of the county where the agency that processed or received that application is located.

(7) A voter registration agency must retain declinations for a period of 2 years, during which time the declinations are not considered a record of the client pursuant to the laws governing the agency's records. ~~However, a voter registration agency must forward a copy of each incompleted voter registration application within 5 days after receipt to the appropriate supervisor of elections.~~

(9) A voter registration agency must collect data determined necessary by the department*, as provided by rule,* for program evaluation and reporting to the ~~Federal~~ Election *Assistance* Commission pursuant to *federal law* ~~the National Voter Registration Act of 1993~~.

Section 11. Section 97.061, Florida Statutes, is amended to read:

97.061 Special registration for electors requiring assistance.—

(1) Any person who is eligible to register and who is unable to read or write or who, because of some disability, needs assistance in voting shall upon that person's request be registered ~~by the supervisor~~ under the procedure prescribed by this section and shall be entitled to receive assistance at the polls under the conditions prescribed by this section. *The department may adopt rules to administer this section.*

(2) If a person is qualified to register pursuant to this section, the *voter registration official* ~~supervisor~~ shall note in that person's registration record that the person needs assistance in voting.

(3) *The precinct register generated by the supervisor shall contain* ~~Upon registering any person pursuant to this section, the supervisor must make~~ a notation ~~on the registration books or records which are delivered to the polls on election day~~ that such person is eligible for assistance in voting, and the supervisor may ~~issue such person a special registration identification card or~~ make *a* ~~some~~ notation on the *voter information* ~~regular registration identification~~ card that such person is eligible for assistance in voting. Such person shall be entitled to receive the assistance of two election officials or some other person of his or her own choice, other than the person's employer, the agent of the person's employer, or an officer or agent of the person's union, without the necessity of executing the "Declaration to Secure Assistance" prescribed in s. 101.051. Such person shall notify the supervisor of any change in his or her condition which makes it unnecessary for him or her to receive assistance in voting.

Section 12. Section 97.071, Florida Statutes, is amended to read:

97.071 *Voter information* ~~Registration identification~~card.—

(1) A *voter information* ~~registration identification~~ card *shall* ~~must~~ be furnished *by the supervisor* to all *registered* voters *residing in the supervisor's county. The card* ~~registering under the permanent single registration system and~~ must contain:

(a) Voter's registration number.

(b) Date of registration.

(c) Full name.

(d) Party affiliation.

(e) Date of birth.

~~(f) Race or ethnicity, if provided by the applicant.~~

~~(g) Sex, if provided by the applicant.~~

(f)~~(h)~~ Address of legal residence.

(g)~~(i)~~ Precinct number.

(h)~~(j)~~ Name of supervisor *and contact information of supervisor*.

~~(k) Place for voter's signature.~~

(i)~~(l)~~ Other information deemed necessary by the *supervisor* ~~department~~.

(2) A voter may receive a replacement *voter information* ~~of a registration identification~~ card by providing a signed, written request for a replacement card to *a voter registration official* ~~the supervisor~~. Upon verification of registration, the supervisor shall issue the voter a duplicate card without charge.

(3) In the case of a change of name, address, or party affiliation, the supervisor *shall* ~~must~~ issue the voter a new *voter information* ~~registration identification~~ card. However, a *voter information* ~~registration identification~~ card indicating a party affiliation change made between the book-closing date for the ~~first~~ primary election and the date of the ~~second~~ primary election may not be issued until after the ~~second~~ primary election.

Section 13. Section 97.073, Florida Statutes, is amended to read:

97.073 Disposition of voter registration applications; cancellation notice.—

(1) The supervisor must notify each applicant of the disposition of the applicant's voter registration application. The notice must inform the applicant that the application has been approved, is incomplete, has been denied, or is a duplicate of a current registration. A *voter information* ~~registration identification~~ card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the supervisor must request that the applicant supply the missing information *using a voter registration application signed by the applicant* ~~in writing and sign a statement that the additional information is true and correct~~. A notice of denial must inform the applicant of the reason the application was denied.

(2) Within 2 weeks after approval of a voter registration application that indicates that the applicant was previously registered in another *state* ~~jurisdiction~~, the *department* ~~supervisor~~ must notify the registration official in the prior *state* ~~jurisdiction~~ that the applicant is now registered in *this state* ~~the supervisor's county~~.

Section 14. Section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence ~~within the same county~~, change of name, or change of party *affiliation*.—

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must provide notification of such move to the supervisor of elections of that county. The elector may provide the supervisor a signed, written notice or may notify the supervisor by telephone or electronic means. However, notification of such move other than by signed, written notice must include the elector's date of birth. *An elector may also provide notification to other voter registration officials as provided in subsection (2).* A *voter information* ~~registration identification~~ card reflecting the new *information* ~~address of legal residence~~ shall be issued to the elector as provided in subsection *(3)*~~(4)~~.

(2) When *an elector moves from the address named on that person's voter registration record to another address in a different county but*

within the state, the elector seeks to change party affiliation, or the name of an elector is changed by marriage or other legal process, the elector *shall* ~~must~~ provide *notice* ~~a signed, written notification~~ of such change to *a voter registration official using a voter registration application signed by the elector. A voter information* ~~the supervisor and obtain a registration identification~~ card reflecting the new *information shall be issued to the elector as provided in subsection (3)* ~~name~~.

~~(3) When an elector seeks to change party affiliation, the elector must provide a signed, written notification of such intent to the supervisor and obtain a registration identification card reflecting the new party affiliation, subject to the issuance restriction in s. 97.071(3).~~

(3)~~(4)~~ The *voter registration official* ~~supervisor~~ shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation*. The supervisor of elections* ~~and~~ shall issue the new *voter information* ~~registration identification~~ card ~~as required by s. 97.071(3)~~.

Section 15. Section 97.105, Florida Statutes, is amended to read:

97.105 Permanent single registration system established.—A permanent single registration system for the registration of electors to qualify them to vote in all elections is provided for the several counties and municipalities. This system shall be put into use by all municipalities and shall be in lieu of any other system of municipal registration. Electors shall be registered *pursuant to* ~~in pursuance of~~ this system by *a voter registration official* ~~the supervisor or by a deputy supervisor~~, and electors registered shall not thereafter be required to register or reregister except as provided by law.

Section 16. Subsections (3), (10), and (11) of section 98.015, Florida Statutes, are amended, and subsection (12) is added to that section, to read:

98.015 Supervisor of elections; election, tenure of office, compensation, custody of books, office hours, successor, seal; appointment of deputy supervisors; duties.—

(3) The supervisor *shall update voter registration information, enter new voter registrations into the statewide voter registration system, and act as* ~~is~~ the official custodian of *documents received by the supervisor related to the registration of electors and changes in voter registration status of electors of the supervisor's county* ~~the registration books and has the exclusive control of matters pertaining to registration of electors~~.

(10) Each supervisor *shall* ~~must~~ ensure that all voter registration and list maintenance procedures conducted by such supervisor are in compliance with any applicable requirements *prescribed by rule of the department through the statewide voter registration system or prescribed by* ~~for that county under~~ the Voting Rights Act of 1965*, the National Voter Registration Act of 1993, or the Help America Vote Act of 2002*.

(11) *Each supervisor shall ensure that any voter registration system used by the supervisor for administering his or her duties as a voter registration official complies with the specifications and procedures established by rule of the department and the statewide voter registration system* ~~Each supervisor of elections shall forward to the property appraiser for the county in which the homestead is claimed the name of the person and the address of the homestead of each person who registers to vote at an address other than that at which the person claims a homestead exemption, as disclosed on the uniform statewide voter registration application pursuant to s. 97.052~~.

(12) Each supervisor shall maintain a list of valid residential street addresses for purposes of verifying the legal addresses of voters residing in the supervisor's county. The supervisor shall make all reasonable efforts to coordinate with county 911 service providers, property appraisers, the United States Postal Service, or other agencies as necessary to ensure the continued accuracy of such list. The supervisor shall provide the list of valid residential addresses to the statewide voter registration system in the manner and frequency specified by rule of the department.

Section 17. Section 98.035, Florida Statutes, is created to read:

98.035 Statewide voter registration system; implementation, operation, and maintenance.—

(1) The Secretary of State, as chief election officer of the state, shall be responsible for implementing, operating, and maintaining, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration system as required by the Help America Vote Act of 2002. The department may adopt rules to administer this section.

(2) The statewide voter registration system must contain the name and registration information of every legally registered voter in the state. All voters shall be assigned a unique identifier. The system shall be the official list of registered voters in the state and shall provide secured access by authorized voter registration officials. The system shall enable voter registration officials to provide, access, and update voter registration information.

(3) The department may not contract with any other entity for the operation of the statewide voter registration system.

(4) The implementation of the statewide voter registration system shall not prevent any supervisor of elections from acquiring, maintaining, or using any hardware or software necessary or desirable to carry out the supervisor's responsibilities related to the use of voter registration information or the conduct of elections, provided that such hardware or software does not conflict with the operation of the statewide voter registration system.

(5) The department may adopt rules governing the access, use, and operation of the statewide voter registration system to ensure security, uniformity, and integrity of the system.

Section 18. Section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(1) *ELIGIBILITY OF APPLICANT.—The* ~~Each~~ supervisor must ensure that any eligible applicant for voter registration is registered to vote *and that each application for voter registration is processed in accordance with law. The supervisor shall determine whether a voter registration applicant is ineligible based on any of the following:*

(a) The failure to complete a voter registration application as specified in s. 97.053.

(b) The applicant is deceased.

(c) The applicant has been convicted of a felony for which his or her civil rights have not been restored.

(d) The applicant has been adjudicated mentally incapacitated with respect to the right to vote and such right has not been restored.

(e) The applicant does not meet the age requirement pursuant to s. 97.041.

(f) The applicant is not a United States citizen.

(g) The applicant is a fictitious person.

(h) The applicant has provided an address of legal residence that is not his or her legal residence.

(i) The applicant has provided a driver's license number, Florida identification card number, or the last four digits of a social security number that is not verifiable by the department.

(2) REMOVAL OF REGISTERED VOTERS.—

(a) Once a voter is registered, the name of that voter may not be removed from the *statewide voter* registration *system* ~~books~~ except at the written request of the voter, by reason of the voter's conviction of a felony or adjudication as mentally incapacitated with respect to voting, by death of the voter, or pursuant to a registration list maintenance ~~program or other registration list maintenance~~ activity conducted pursuant to s. 98.065 *or*~~,~~ s. 98.075 ~~, or s. 98.0977~~.

(b)~~(2)~~ Information received by a *voter registration official* ~~supervisor~~ from an election official in another *state* ~~jurisdiction~~ indicating that a *registered* voter in *this state* ~~the supervisor's county~~ has registered to vote in that other *state* ~~jurisdiction~~ shall be considered as a written request from the voter to have the voter's name removed from the *statewide voter* registration *system* ~~books of the supervisor's county~~.

(3) *PUBLIC RECORDS ACCESS AND RETENTION.*—~~Notwithstanding the provisions of ss. 98.095 and 98.0977,~~ Each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065 *and*~~,~~ 98.075~~, and 98.0977~~. The records must include lists of the name and address of each person to whom *a* ~~an address confirmation final~~ notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public records requirements under this code.

(4) STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL STREET ADDRESSES.—

(a) The department shall compile and maintain a statewide electronic database of valid residential street addresses from the information provided by the supervisors of elections pursuant to s. 98.015. The department shall evaluate the information provided by the supervisors of elections to identify any duplicate addresses and any address that may overlap county boundaries.

(b) The department shall make the statewide database of valid street addresses available to the Department of Highway Safety and Motor Vehicles as provided in s. 97.057(10). The Department of Highway Safety and Motor Vehicles shall use the database for purposes of validating the legal residential addresses provided in voter registration applications received by the Department of Highway Safety and Motor Vehicles.

(5) FORMS.—The department may prescribe by rule forms necessary to conduct maintenance of records in the statewide voter registration system.

Section 19. Section 98.065, Florida Statutes, as amended by chapter 2002-281, Laws of Florida, is amended to read:

98.065 Registration list maintenance programs.—

(1) The supervisor must conduct a general registration list maintenance program to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records *in the statewide voter registration system*. The program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965*, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002*. As used in this subsection, the term "nondiscriminatory" applies to and includes persons with disabilities.

(2) A supervisor must incorporate one or more of the following procedures in the supervisor's biennial registration list maintenance program under which:

(a) Change-of-address information supplied by the United States Postal Service through its licensees is used to identify registered voters whose addresses might have changed;

(b) Change-of-address information is identified from returned nonforwardable return-if-undeliverable mail sent to all registered voters in the county; or

(c) Change-of-address information is identified from returned nonforwardable return-if-undeliverable address confirmation requests mailed to all registered voters who have not voted in the last 2 years and who did not make a written request that their registration records be updated during that time.

(3) A registration list maintenance program must be conducted by each supervisor, at a minimum, in each odd-numbered year and must be completed not later than 90 days prior to the date of any federal election. *All list maintenance actions associated with each voter must be entered, tracked, and maintained in the statewide voter registration system.*

(4)(a) If the supervisor receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices signed by the voter and returned to the courts, from the Department of Highway Safety and Motor Vehicles, or from other sources, which information indicates that the legal address of a registered voter might have changed, the supervisor shall send by forwardable return-if-undeliverable mail an address confirmation notice to the address at which the voter was last registered. A supervisor may also send an address confirmation notice to any voter who the supervisor has reason to believe has moved from his or her legal residence.

(b) The address confirmation notice shall contain a postage prepaid preaddressed return form on which:

1. If the voter has changed his or her address of legal residence to a location outside the state, the voter shall mark that the voter's legal residence has changed to a location outside the state. The form shall also include information on how to register in the new state in order to be eligible to vote. The form must be returned within 30 days after the date of the notice. The completed form shall constitute a request to be removed from the statewide voter registration system.

2. If the voter has changed his or her address of legal residence to a location inside the state, the voter shall set forth the updated or corrected address and submit the return form within 30 days after the date of the notice. The completed form shall constitute a request to update the statewide voter registration system with the updated or corrected address information.

3. If the voter has not changed his or her address of legal residence as printed on the address confirmation notice, the voter shall confirm that his or her address of legal residence has not changed and submit the form within 30 days after the date of the notice.

(c) The supervisor must designate as inactive all voters who have been sent an address confirmation notice and who have not returned the postage prepaid preaddressed return form within 30 days or for which an address confirmation notice has been returned as undeliverable. Names on the inactive list may not be used to calculate the number of signatures needed on any petition. A voter on the inactive list may be restored to the active list of voters upon the voter updating his or her registration, requesting an absentee ballot, or appearing to vote. However, if the voter does not update his or her voter registration information, request an absentee ballot, or vote by the second general election after being placed on the inactive list, the voter's name shall be removed from the statewide voter registration system and the voter shall be required to reregister to have his or her name restored to the statewide voter registration system.

(5) A notice may not be issued pursuant to this section and a voter's name may not be removed from the statewide voter registration system later than 90 days prior to the date of a federal election. However, this section does not preclude the removal of the name of a voter from the statewide voter registration system at any time upon the voter's written request, by reason of the voter's death, or upon a determination of the voter's ineligibility as provided in s. 98.075(7).

(6)(a) No later than July 31 and January 31 of each year, the supervisor must certify to the department the list maintenance activities conducted during the first 6 months and the second 6 months of the year, respectively, including the number of address confirmation requests sent, the number of voters designated as inactive, and the number of voters removed from the statewide voter registration system.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not conducted the list maintenance activities required by this section, the department shall conduct the appropriate list maintenance activities for that county. Failure to conduct list maintenance activities as required in this section constitutes a violation of s. 104.051. ~~A voter's name may not be removed from the registration books later than 90 days prior to the date of a federal election. However, nothing in this section shall preclude the removal of the name of a voter from the voter registration books, at any time and without prior notification, upon the written request of the voter, by reason of conviction of the voter of a felony, by reason of adjudication of the voter as mentally incapacitated with respect to voting, by reason of the death of the voter, or upon a determination of incligibility as provided in s. 98.075(3).~~

~~(4) If the supervisor receives change-of-address information from the United States Postal Service or its licensees or from jury notices signed by the voter and returned to the courts, which indicates that:~~

~~(a) The voter has moved within the supervisor's county, the supervisor must change the registration records to show the new address and must send the voter a notice of the change by forwardable mail, including a postage prepaid preaddressed return form with which the voter may verify or correct the address information.~~

~~(b) The voter has moved outside the supervisor's county, or contains no forwarding address, the supervisor shall send an address confirma-~~

~~tion final notice and remove the name of the voter from the registration record if that voter did not:~~

~~1. Return the postage prepaid preaddressed return form;~~

~~2. Appear to vote;~~

~~3. Change the voter's registration; or~~

~~4. Request an absentee ballot~~

~~during the period beginning on the date when the address confirmation final notice was sent and ending on the day after the date of the second general election thereafter.~~

~~(5) The supervisor must designate as inactive all voters who have been sent an address confirmation final notice and who have not returned the postage prepaid preaddressed return form within 30 days. A voter on the inactive list must be allowed to vote and to change the voter's name or address of legal residence at the polls pursuant to s. 101.045. Names on the inactive list may not be used to calculate the number of signatures needed on any petition or the quantity of voting equipment needed.~~

Section 20. Section 98.075, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 98.075, F.S., for present text.)

98.075 Registration records maintenance activities; ineligibility determinations.—

(1) MAINTENANCE OF RECORDS.—The department shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. List maintenance activities must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. The department may adopt by rule uniform standards and procedures to interpret and administer this section.

(2) DUPLICATE REGISTRATION.—The department shall identify those voters who are registered more than once or those applicants whose registration applications would result in duplicate registrations. The most recent application shall be deemed an update to the voter registration record.

(3) DECEASED PERSONS.—The department shall identify those registered voters who are deceased by comparing information on the lists of deceased persons received from the Department of Health as provided in s. 98.093. Upon receipt of such information through the statewide voter registration system, the supervisor shall remove the name of the registered voter.

(4) ADJUDICATION OF MENTAL INCAPACITY.—The department shall identify those registered voters who have been adjudicated mentally incapacitated with respect to voting and who have not had their voting rights restored by comparing information received from the clerk of the circuit court as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter from the statewide voter registration system.

(5) FELONY CONVICTION.—The department shall identify those registered voters who have been convicted of a felony and whose rights have not been restored by comparing information received from, but not limited to, a clerk of the circuit court, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney's Office, as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(6) OTHER BASES FOR INELIGIBILITY.—If the department or supervisor receives information other than from the sources identified in subsections (2)-(5) that a registered voter does not meet the age requirement pursuant to s. 97.041, is not a United States citizen, is a fictitious person, or has listed a residence that is not his or her legal residence, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(7) PROCEDURES FOR REMOVAL.—

(a) If the supervisor receives notice or information pursuant to subsections (4)-(6), the supervisor of the county in which the voter is registered shall:

1. Notify the registered voter of his or her potential ineligibility by mail within 7 days after receipt of notice or information. The notice shall include:

a. A statement of the basis for the registered voter's potential ineligibility and a copy of any documentation upon which the potential ineligibility is based.

b. A statement that failure to respond within 30 days after receipt of the notice may result in a determination of ineligibility and in removal of the registered voter's name from the statewide voter registration system.

c. A return form that requires the registered voter to admit or deny the accuracy of the information underlying the potential ineligibility for purposes of a final determination by the supervisor.

d. A statement that, if the voter is denying the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of determining eligibility.

e. Instructions for the registered voter to contact the supervisor of elections of the county in which the voter is registered if assistance is needed in resolving the matter.

f. Instructions for seeking restoration of civil rights following a felony conviction, if applicable.

2. If the mailed notice is returned as undeliverable, the supervisor shall publish notice once in a newspaper of general circulation in the county in which the voter was last registered. The notice shall contain the following:

a. The voter's name and address.

b. A statement that the voter is potentially ineligible to be registered to vote.

c. A statement that failure to respond within 30 days after the notice is published may result in a determination of ineligibility by the supervisor and removal of the registered voter's name from the statewide voter registration system.

d. An instruction for the voter to contact the supervisor no later than 30 days after the date of the published notice to receive information regarding the basis for the potential ineligibility and the procedure to resolve the matter.

e. An instruction to the voter that, if further assistance is needed, the voter should contact the supervisor of elections of the county in which the voter is registered.

3. If a registered voter fails to respond to a notice pursuant to subparagraph 1. or subparagraph 2., the supervisor shall make a final determination of the voter's eligibility. If the supervisor determines that the voter is ineligible, the supervisor shall remove the name of the registered voter from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

4. If a registered voter responds to the notice pursuant to subparagraph 1. or subparagraph 2. and admits the accuracy of the information

underlying the potential ineligibility, the supervisor shall make a final determination of ineligibility and shall remove the voter's name from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

5. If a registered voter responds to the notice issued pursuant to subparagraph 1. or subparagraph 2. and denies the accuracy of the information underlying the potential ineligibility but does not request a hearing, the supervisor shall review the evidence and make a final determination of eligibility. If such registered voter requests a hearing, the supervisor shall send notice to the registered voter to attend a hearing at a time and place specified in the notice. Upon hearing all evidence presented at the hearing, the supervisor shall make a determination of eligibility. If the supervisor determines that the registered voter is ineligible, the supervisor shall remove the voter's name from the statewide voter registration system and notify the registered voter of the supervisor's determination and action.

(b) The following shall apply to this subsection:

1. All determinations of eligibility shall be based on a preponderance of the evidence.

2. All proceedings are exempt from the provisions of chapter 120.

3. Any notice shall be sent to the registered voter by certified mail, return receipt requested, or other means that provides a verification of receipt or shall be published in a newspaper of general circulation where the voter was last registered, whichever is applicable.

4. The supervisor shall remove the name of any registered voter from the statewide voter registration system only after the supervisor makes a final determination that the voter is ineligible to vote.

5. Any voter whose name has been removed from the statewide voter registration system pursuant to a determination of ineligibility may appeal that determination under the provisions of s. 98.0755.

6. Any voter whose name was removed from the statewide voter registration system on the basis of a determination of ineligibility who subsequently becomes eligible to vote must reregister in order to have his or her name restored to the statewide voter registration system.

(8) CERTIFICATION.—

(a) No later than July 31 and January 31 of each year, the supervisor shall certify to the department the activities conducted pursuant to this section during the first 6 months and the second 6 months of the year, respectively. The certification shall include the number of persons to whom notices were sent pursuant to subsection (7), the number of persons who responded to the notices, the number of notices returned as undeliverable, the number of notices published in the newspaper, the number of hearings conducted, and the number of persons removed from the statewide voter registration systems and the reasons for such removals.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not satisfied the requirements of this section, the department shall satisfy the appropriate requirements for that county. Failure to satisfy the requirements of this section shall constitute a violation of s. 104.051.

Section 21. Section 98.0755, Florida Statutes, is created to read:

98.0755 Appeal of determination of ineligibility.—Appeal of the supervisor's determination of ineligibility pursuant to s. 98.075(7) may be taken to the circuit court in and for the county where the person was registered. Notice of appeal must be filed within the time and in the manner provided by the Florida Rules of Appellate Procedure and acts as supersedeas. Trial in the circuit court is de novo and governed by the rules of that court. Unless the person can show that his or her name was erroneously or illegally removed from the statewide voter registration system, or that he or she is indigent, the person must bear the costs of the trial in the circuit court. Otherwise, the cost of the appeal must be paid by the supervisor of elections.

Section 22. Section 98.077, Florida Statutes, is amended to read:

98.077 Update of voter signature.—

(1) A registered voter may update his or her signature on file in the statewide voter registration system at any time using a voter registration application submitted to a voter registration official.

(2) The *department and supervisors* ~~supervisor~~ of elections shall *include in any correspondence, other than postcard notifications and notices relating to eligibility, sent to a* ~~provide to each~~ registered voter *information regarding* ~~of the county the opportunity to update his or her signature on file at the supervisor's office by providing notification of the ability to do so in any correspondence, other than postcard notifications, sent to the voter. The notice shall advise~~ when, where, and how to update the *voter's* signature and shall provide the voter information on how to obtain a *voter registration application* ~~form~~ from *a voter registration official which* ~~the supervisor that~~ can be returned to update the signature.

(3) ~~In addition,~~ At least once during each general election year, the supervisor shall publish in a newspaper of general circulation or other newspaper in the county deemed appropriate by the supervisor a notice specifying when, where, or how a voter can update his or her signature that is on file *and* ~~or~~ how a voter can obtain a *voter registration application* ~~form~~ from *a voter registration official* ~~the supervisor~~ to do so.

(4) All signature updates for use in verifying absentee and provisional ballots must be received by the appropriate supervisor of elections no later than the start of the canvassing of absentee ballots by the canvassing board. The signature on file at the start of the canvass of the absentees is the signature that shall be used in verifying the signature on the absentee and provisional ballot certificates.

Section 23. Section 98.081, Florida Statutes, is amended to read:

98.081 Names removed from *the statewide voter* registration *system* ~~books~~; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.—

(1) Any person who requested that his or her name be removed from the *statewide voter* registration *system* ~~books~~ between the book-closing date of the ~~first~~ primary and the date of the ~~second~~ primary may not register in a different political party until after the date of the ~~second~~ primary election.

(2) When the name of any elector is removed from the *statewide voter* registration *system* ~~books~~ pursuant to s. 98.065 *or*~~,~~ s. 98.075~~, or s. 98.093~~, the elector's original registration *application* ~~form~~ shall be *retained by the supervisor of elections having custody of the application* ~~filed alphabetically in the office of the supervisor~~. As alternatives, registrations removed from the *statewide voter* registration *system* ~~books~~ may be microfilmed and such microfilms substituted for the original registration *applications* ~~forms~~; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration *application* ~~form~~. Such microfilms or stored information shall be retained *by the supervisor of elections having* ~~in the~~ custody ~~of the supervisor~~. In the event the original registration *applications* ~~forms~~ are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the department.

(3) When the name of any elector has been erroneously or illegally removed from the *statewide voter* registration *system* ~~books~~, the name of the elector shall be restored by *a voter registration official* ~~the supervisor~~ upon satisfactory proof, even though the registration period for that election is closed.

Section 24. Section 98.093, Florida Statutes, is amended to read:

98.093 Duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony.—

(1) *In order to ensure the maintenance of accurate and current voter registration records, it is necessary for the department to receive certain information from state and federal officials and entities. The department and supervisors of elections shall use the information provided from the sources in subsection (2) to maintain the voter registration records.*

(2) To the maximum extent feasible, state and local government agencies shall facilitate provision of information and access to data to the

department, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local government agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

(a) The Department of Health shall furnish monthly to *the department* ~~each supervisor of elections~~ a list containing the name, address, date of birth, *date of death, social security number,* race, and sex of each deceased person 17 years of age or older ~~who was a resident of such supervisor's county~~.

(b)~~(2)~~ Each clerk of the circuit court shall *furnish monthly to the department*~~, at least once each month, deliver to each supervisor of elections~~ a list *of those persons who have been adjudicated mentally incapacitated with respect to voting during the preceding calendar month, a list of those persons whose mental capacity with respect to voting has been restored during the preceding calendar month, and a list of those persons who have returned signed jury notices during the preceding months to the clerk of the circuit court indicating a change of address. Each list shall include* ~~stating~~ the name, address, date of birth, race, ~~and~~ sex*, and, whichever is available, the Florida driver's license number, Florida identification card number, or social security number* of each *such* person ~~convicted of a felony during the preceding calendar month who was a resident of that supervisor's county, a list stating the name, address, date of birth, race, and sex of each person adjudicated mentally incapacitated with respect to voting during the preceding calendar month who was a resident of that supervisor's county, and a list stating the name, address, date of birth, race, and sex of each person whose mental capacity with respect to voting has been restored who was a resident of that supervisor's county~~.

(c)~~(3)~~ Upon receipt of information from the United States Attorney, listing persons convicted of a felony in federal court, the department shall *use such information to identify registered voters or applicants for voter registration who may be potentially ineligible based on information provided in accordance with s. 98.075* ~~immediately forward such information to the supervisor of elections for the county where the offender resides~~.

(d) The Department of Law Enforcement shall identify those persons who have been convicted of a felony who appear in the voter registration records supplied by the statewide voter registration system, in a time and manner that enables the department to meet its obligations under state and federal law.

(e) The Board of Executive Clemency shall furnish monthly to the department a list of those persons granted clemency in the preceding month or any updates to prior records which have occurred in the preceding month. The list shall contain the Board of Executive Clemency case number, name, address, date of birth, race, sex, social security number, if available, and references to record identifiers assigned by the Department of Corrections, a unique identifier of each clemency case, and the effective date of clemency of each person.

(f) The Department of Corrections shall furnish monthly to the department a list of those persons transferred to the Department of Corrections in the preceding month or any updates to prior records which have occurred in the preceding month. The list shall contain the name, address, date of birth, race, sex, social security number, Department of Corrections record identification number, and associated Department of Law Enforcement felony conviction record number of each person.

(g) The Department of Highway Safety and Motor Vehicles shall furnish monthly to the department a list of those persons whose names have been removed from the driver's license database because they have been licensed in another state. The list shall contain the name, address, date of birth, sex, social security number, and driver's license number of each such person.

~~(4) Upon receipt of any such list, the supervisor shall remove from the registration books the name of any person listed who is deceased, convicted of a felony, or adjudicated mentally incapacitated with respect to voting. A person who has had his or her mental capacity with respect to voting restored or who has had his or her right to vote restored after conviction of a felony shall be required to reregister to have his or her name restored to the registration books.~~

(3)~~(5)~~ Nothing in this section shall limit or restrict the supervisor in his or her duty to remove the names of ~~such~~ persons from the *statewide voter* registration *system pursuant to s. 98.075(7) based upon* ~~books after verification of~~ information received from other sources.

Section 25. Effective August 1, 2006, section 98.0981, Florida Statutes, is created to read:

98.0981 Statewide voter registration database.—Within 75 days after a general election or within 15 days after all supervisors of elections have updated voter history information, whichever occurs later, the department shall send to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a report in electronic format of all voters qualified to vote in the election or primary. The report shall include for each voter the code used by the department to uniquely identify the voter; all information provided in the uniform statewide voter registration application pursuant to s. 97.052(2), except what is specifically identified as confidential or exempt from public-records requirements; the date of registration; the representative district, senatorial district, congressional district, and precinct in which the voter resides; and whether the voter voted at the precinct location, voted by early vote, voted by absentee ballot, attempted to vote by absentee ballot that was not counted, attempted to vote by provisional ballot that was not counted, or did not vote.

Section 26. Section 98.212, Florida Statutes, is amended to read:

98.212 *Department and* supervisors to furnish statistical and other information.—

(1)(a) Upon written request, *the department and any supervisor of the respective counties* ~~supervisors~~ shall, as promptly as possible, furnish to recognized public or private universities and senior colleges within the state, to state or county governmental agencies, and to recognized political party committees statistical information for the purpose of analyzing election returns and results.

(b) *The department and any supervisor* ~~Supervisors~~ may require reimbursement for any part or all of the actual expenses of supplying any information requested under paragraph (a). For the purposes of this subsection, *the department and* supervisors may use the services of any research and statistical personnel that may be supplied.

(c) Lists of names submitted to *the department and any supervisor of the respective counties* ~~supervisors~~ for indication of registration or nonregistration or of party affiliation shall be processed at any time at cost, except that in no case shall the charge exceed 10 cents for each name on which the information is furnished.

(2) The supervisors shall provide information as requested by the department for program evaluation and reporting to the ~~Federal~~ Election *Assistance* Commission pursuant to *federal law* ~~the National Voter Registration Act of 1993~~.

Section 27. Section 98.461, Florida Statutes, is amended to read:

98.461 Registration *application* ~~form~~, precinct register; contents.—

(1) A registration *application* ~~form~~, approved by the Department of State, containing the information required in s. 97.052 shall be *retained by the supervisor of elections of the county of the applicant's registration* ~~filed alphabetically in the office of the supervisor as the master list of electors of the county~~. However, the registration *application* ~~forms~~ may be microfilmed and such *microfilm* ~~microfilms~~ substituted for the original registration *application* ~~forms~~; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration *application* ~~form~~. Such microfilms or stored information shall be retained in the custody of the supervisor of elections *of the county of the applicant's registration*. In the event the original registration *applications* ~~forms~~ are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. ~~As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451.~~

(2) A computer printout *or electronic database* shall be used at the polls as a precinct register ~~in lieu of the registration books~~. The precinct register shall contain the date of the election, the precinct number, and

the following information concerning each registered elector: last name, first name, ~~and~~ middle name or initial*, and suffix*; party affiliation; residence address; registration number; date of birth; sex, if provided; race, if provided; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register shall also contain a space for the elector's signature and a space for the initials of the witnessing clerk or inspector *or an electronic device may be provided for this purpose*.

Section 28. Effective January 1, 2007, section 100.371, Florida Statutes, as amended by section 9 of chapter 2002-281, Laws of Florida, is amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election *provided the initiative has been filed with* ~~occurring in excess of 90 days from the certification of ballot position by~~ the Secretary of State *no later than February 1 of the year the general election is held. A petition shall be deemed to be filed with the Secretary of State upon the date the secretary determines that the petition has been signed by the constitutionally required number of electors*.

~~(2) Such certification shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are complied with.~~

(2)~~(3)~~ The sponsor of an initiative amendment shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed amendment to the Secretary of State, with the form on which the signatures will be affixed, and shall obtain the approval of the Secretary of State of such form. The Secretary of State shall adopt rules pursuant to s. 120.54 prescribing the style and requirements of such form. Upon filing with the Secretary of State, the text of the proposed amendment and all forms filed in connection with this section must, upon request, be made available in alternative formats.

(3)~~(4)~~ *Each signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are met.* The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures appear thereon. The supervisor shall promptly verify the signatures upon payment of the fee required by s. 99.097. *The supervisor shall promptly record each valid signature in the statewide voter registration system in the manner prescribed by the Secretary of State.* ~~Upon completion of verification, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, and the distribution by congressional district. This certificate shall be immediately transmitted to the Secretary of State.~~ The supervisor shall retain the signature forms for at least 1 year following the election in which the issue appeared on the ballot or until the Division of Elections notifies the supervisors of elections that the committee which circulated the petition is no longer seeking to obtain ballot position.

(4)~~(5)~~ The Secretary of State shall determine from the *signatures verified by the* ~~verification certificates received from~~ supervisors of elections *and recorded in the statewide voter registration system* the total number of verified valid signatures and the distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161. ~~A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the secretary of a certificate or certificates from supervisors of elections indicating the petition has been signed by the constitutionally required number of electors.~~

(5)~~(6)~~(a) Within 45 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State ~~or, within 30 days after such receipt if receipt occurs 120 days or less before the election at which the question of ratifying the amendment will be presented~~, the Financial Impact Estimating Conference shall complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative. The Financial Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State.

(b)1. The Financial Impact Estimating Conference shall provide an opportunity for any proponents or opponents of the initiative to submit information and may solicit information or analysis from any other entities or agencies, including the Office of Economic and Demographic Research. All meetings of the Financial Impact Estimating Conference shall be open to the public as provided in chapter 286.

2. The Financial Impact Estimating Conference is established to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. The Financial Impact Estimating Conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the initiative. A Financial Impact Estimating Conference may be appointed for each initiative.

3. Principals of the Financial Impact Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous financial impact statement, no more than 75 words in length, and immediately submit the statement to the Attorney General. Nothing in this subsection prohibits the Financial Impact Estimating Conference from setting forth a range of potential impacts in the financial impact statement. Any financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting. The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days.

4. If the members of the Financial Impact Estimating Conference are unable to agree on the statement required by this subsection, or if the Supreme Court has rejected the initial submission by the Financial Impact Estimating Conference and no redraft has been approved by the Supreme Court by 5 p.m. on the 75th day before the election, the following statement shall appear on the ballot pursuant to s. 101.161(1): "The financial impact of this measure, if any, cannot be reasonably determined at this time."

(c) The financial impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1).

(d)1. Any financial impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Financial Impact Estimating Conference for redrafting, provided the court's advisory opinion is rendered at least 75 days before the election at which the question of ratifying the amendment will be presented. The Financial Impact Estimating Conference shall prepare and adopt a revised financial impact statement no later than 5 p.m. on the 15th day after the date of the court's opinion.

2. If, by 5 p.m. on the 75th day before the election, the Supreme Court has not issued an advisory opinion on the initial financial impact statement prepared by the Financial Impact Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement, the financial impact statement shall be deemed approved for placement on the ballot.

3. In addition to the financial impact statement required by this subsection, the Financial Impact Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience if the ballot measure were approved. If appropriate, the initiative financial information statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statement must include both a summary of not more than 500 words and additional detailed information that includes the assumptions that were made to develop the financial impacts,

workpapers, and any other information deemed relevant by the Financial Impact Estimating Conference.

4. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial information statements available at each polling place and at the main office of the supervisor of elections upon request.

5. The Secretary of State and the Office of Economic and Demographic Research shall make available on the Internet each initiative financial information statement in its entirety. In addition, each supervisor of elections whose office has a website shall post the summary from each initiative financial information statement on the website. Each supervisor shall include the Internet addresses for the information statements on the Secretary of State's and the Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

(6)~~(7)~~ The Department of State may adopt rules in accordance with s. 120.54 to carry out the provisions of subsections *(1)-(5)* ~~(1)-(6)~~.

Section 29. Subsection (3) of section 101.001, Florida Statutes, is amended to read:

101.001 Precincts and polling places; boundaries.—

(3)*(a)* Each supervisor of elections shall maintain a suitable map drawn to a scale no smaller than 3 miles to the inch and clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, representative district, and senatorial district, and other type of district in the county subject to the elections process in this code.

(b) The supervisor of elections shall notify the Secretary of State in writing within 30 days *after* ~~of~~ any reorganization of precincts and shall furnish a copy of the map showing the current geographical boundaries and designation of each new precinct. *However, if precincts are composed of whole census blocks, the supervisor may furnish, in lieu of a copy of the map, a list, in an electronic format prescribed by the Department of State, associating each census block in the county with its precinct.*

(c) Any precinct established or altered under the provisions of this section shall consist of areas bounded on all sides only by:

1. Census block boundaries from the most recent United States Census;

2. Governmental unit boundaries reported in the most recent Boundary and Annexation Survey published by the United States Census Bureau;

3. Visible features that are readily distinguishable upon the ground, such as streets, railroads, tracks, streams, and lakes, and that are indicated upon current census maps, official Department of Transportation maps, official municipal maps, official county maps, or a combination of such maps;

4. Boundaries of public parks, public school grounds, or churches; or

5. Boundaries of counties, incorporated municipalities, or other political subdivisions that meet criteria established by the United States Census Bureau for block boundaries.

(d) Until July 1, 2012, a supervisor may apply for and obtain from the Secretary of State a waiver of the requirement in paragraph (c).

Section 30. Subsections (1) and (3) of section 101.043, Florida Statutes, are amended to read:

101.043 Identification required at polls.—

(1) The precinct register, as prescribed in s. 98.461, shall be used at the polls ~~in lieu of the registration books~~ for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present *one of the following* ~~a~~ current and valid picture *identifications:*

(a) Florida driver's license.

(b) Florida identification card issued by the Department of Highway Safety and Motor Vehicles.

(c) United States passport.

(d) Employee badge or identification.

(e) Buyer's club identification.

(f) Debit or credit card.

(g) Military identification.

(h) Student identification.

(i) Retirement center identification.

(j) Neighborhood association identification.

(k) Public assistance identification ~~as provided in s. 97.0535(3)(a)~~.

If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required. The elector shall sign his or her name in the space provided *on the precinct register or on an electronic device provided for recording the voter's signature.*~~, and~~ The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided *on the precinct register or on an electronic device provided for that purpose* and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

(3) If the elector who fails to furnish the required identification is *an elector subject to s. 97.0535* ~~a first-time voter who registered by mail~~ and has not provided the required identification to *a voter registration official* ~~the supervisor of elections~~ prior to election day, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot pursuant to s. 101.048(2).

Section 31. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

101.045 Electors must be registered in precinct; provisions for residence or name change.—

(2)(a) An elector who moves from the precinct ~~within the county~~ in which the elector is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided such elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered Voter

Under penalties for false swearing, I, (Name of voter) , swear (or affirm) that the former address of my legal residence was (Address of legal residence) in the municipality of _____, in _____ County, Florida, and I was registered to vote in the _____ precinct of _____ County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at (Address of legal residence) in the Municipality of _____, in _____ County, Florida, and am therefore eligible to vote in the _____ precinct of _____ County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose address of legal residence has changed)

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered Voter

Under penalties for false swearing, I, (New name of voter) , swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration *records* ~~books~~ of precinct _____ as follows:

Name

Address

Municipality

County

Florida, Zip

My present name and address of legal residence are as follows:

Name

Address

Municipality

County

Florida, Zip

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose name has changed)

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot, subject to the requirements and procedures in s. 101.048. Upon receipt of an affirmation certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the *statewide voter* registration *system* ~~records of the county~~ to indicate the change in address of legal residence or name of such elector.

(d) Instead of the affirmation contained in paragraph (a) or paragraph (b), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

~~(e) A request for an absentee ballot pursuant to s. 101.62 which indicates that the elector has had a change of address of legal residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his or her address of legal residence, the supervisor shall provide the elector with the proper ballot for the precinct in which the elector then has his or her legal residence.~~

~~(3) When an elector's name does not appear on the registration books of the election precinct in which the elector is registered, the elector may have his or her name restored if the supervisor is otherwise satisfied that the elector is validly registered, that the elector's name has been erroneously omitted from the books, and that the elector is entitled to have his or her name restored. The supervisor, if he or she is satisfied as to the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card.~~

Section 32. Subsection (1) of section 101.048, Florida Statutes, is amended to read:

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in the *state* ~~county~~ and eligible to vote at the precinct in the election, but whose eligibility cannot be determined, and other persons specified in the code shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections. The department shall prescribe the form of the provisional ballot envelope.

Section 33. Effective January 1, 2007, subsection (1) of section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371*(5)*~~(6)~~. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

Section 34. Subsection (2) of section 101.56062, Florida Statutes, as created by chapter 2002-281, Laws of Florida, is amended to read:

101.56062 Standards for accessible voting systems.—

(2) Such voting system must include at least one accessible voter interface device installed in each *polling place* ~~precinct~~ which meets the requirements of this section, except for paragraph (1)(d).

Section 35. Subsection (1) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(1) Each elector desiring to vote shall be identified to the clerk or inspector of the election as a duly qualified elector of such election and shall sign his or her name *on the* ~~in ink or indelible pencil to an identification blank, signature slip,~~ precinct register~~,~~ or *other form or device provided by the supervisor* ~~ballot stub on which the ballot serial number may be recorded~~. The inspector shall compare the signature with the signature on the identification provided by the elector. If the inspector is reasonably sure that the person is entitled to vote, the inspector shall provide the person with a ballot.

Section 36. Effective August 1, 2006, section 101.573, Florida Statutes, is created to read:

101.573 Record of votes by precinct.—

(1) Within 75 days after the date of a municipal election or runoff, whichever occurs later, a presidential preference primary, or a general election, the supervisor of elections shall file with the Department of State precinct-level election results for that election cycle, including any primary elections. Precinct-level election results shall record for each precinct the returns of ballots cast at the precinct location to which have been added the returns of absentee and early ballots cast by voters registered in the precinct.

(2) The Department of State shall adopt rules pursuant to ss. 120.536(1) and 120.54 prescribing the form by which supervisors of elections shall submit election results for each precinct.

Section 37. Effective January 1, 2007, paragraph (a) of subsection (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in ss. 99.063(4) and 100.371*(5)*~~(6)~~, the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second

primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted. The Department of State may prescribe by rule the requirements for preparing and mailing absentee ballots to absent qualified electors overseas.

Section 38. Subsection (3) is added to section 101.64, Florida Statutes, to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(3) The supervisor shall mark, code, indicate on, or otherwise track the precinct of the absent elector for each absentee ballot.

Section 39. Paragraph (a) of subsection (1) of section 101.657, Florida Statutes, is amended to read:

101.657 Early voting.—

(1)(a) The supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor by depositing the voted ballot in a voting device used by the supervisor to collect or tabulate ballots. *The supervisor shall mark, code, indicate on, or otherwise track the voter's precinct for each early voted ballot.* In order for a branch office to be used for early voting, it shall be a full-service facility of the supervisor and shall have been designated as such at least 1 year prior to the election. The supervisor may designate any city hall or public library as early voting sites; however, if so designated, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable. The results or tabulation may not be made before the close of the polls on election day.

Section 40. Section 101.663, Florida Statutes, is amended to read:

101.663 Electors; change of residence *to another state*.—

~~(1) An elector who changes his or her residence to another county in Florida from the county in Florida in which he or she is registered as an elector after the books in the county to which the elector has changed his or her residence are closed for any general, primary, or special election shall be permitted to vote absentee in the county of his or her former residence in that election for President and Vice President, United States Senator, statewide offices, and statewide issues. Such person shall not be permitted to vote in the county of the person's former residence after the general election.~~

~~(2)~~ An elector registered in this state who moves his or her permanent residence to another state and who is prohibited by the laws of that state from voting for the offices of President and Vice President of the United States shall be permitted to vote absentee in the county of his or her former residence for those offices.

Section 41. Subsection (1) of section 101.6921, Florida Statutes, is amended to read:

101.6921 Delivery of special absentee ballot to certain first-time voters.—

(1) The provisions of this section apply to voters who *are subject to the provisions of s. 97.0535* ~~registered to vote by mail, who have not previously voted in the county,~~ and who have not provided the identification or certification required by s. 97.0535 by the time the absentee ballot is mailed.

Section 42. Section 101.6923, Florida Statutes, is amended to read:

101.6923 Special absentee ballot instructions for certain first-time voters.—

(1) The provisions of this section apply to voters who *are subject to the provisions of s. 97.0535* ~~registered to vote by mail, who have not previously voted in the county,~~ and who have not provided the identification or information required by s. 97.0535 by the time the absentee ballot is mailed.

(2) A voter covered by this section shall be provided with ~~the following~~ printed instructions with his or her absentee ballot *in substantially the following form*:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the date of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one, your vote in that race will not be counted.

4. Place your marked ballot in the enclosed secrecy envelope and seal the envelope.

5. Insert the secrecy envelope into the enclosed envelope bearing the Voter's Certificate. Seal the envelope and completely fill out the Voter's Certificate on the back of the envelope.

a. You must sign your name on the line above (Voter's Signature).

b. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.

6. Unless you meet one of the exemptions in Item 7., you must make a copy of one of the following forms of identification:

a. Identification which must include your name and photograph: ~~current and valid Florida driver's license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles;~~ United States passport; employee badge or identification; buyer's club identification card; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; ~~entertainment identification;~~ or public assistance identification; or

b. Identification which shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter identification card).

7. The identification requirements of Item 6. do not apply if you meet one of the following requirements:

a. You are 65 years of age or older.

b. You have a temporary or permanent physical disability.

c. You are a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.

d. You are a member of the Merchant Marine who, by reason of service in the Merchant Marine, will be absent from the county on election day.

e. You are the spouse or dependent of a member referred to in paragraph c. or paragraph d. who, by reason of the active duty or service of the member, will be absent from the county on election day.

f. You are currently residing outside the United States.

8. Place the envelope bearing the Voter's Certificate into the mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. DO NOT PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

9. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

10. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 43. Subsection (3) of section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(3) The supervisor shall furnish inspectors of election for each precinct with the *list of registered electors for that precinct* ~~registration books divided alphabetically as will best facilitate the holding of an election~~. The supervisor shall also furnish to the inspectors of election at the polling place at each precinct in the supervisor's county a sufficient number of forms and blanks for use on election day.

Section 44. Subsections (1), (2), and (3) of section 104.013, Florida Statutes, are amended to read:

104.013 Unauthorized use, possession, or destruction of voter *information* ~~registration identification~~ card.—

(1) It is unlawful for any person knowingly to have in his or her possession any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued voter *information* ~~registration identification~~ card unless possession by such person has been duly authorized by the supervisor.

(2) It is unlawful for any person to barter, trade, sell, or give away a voter *information* ~~registration identification~~ card unless said person has been duly authorized to issue a *voter information* ~~registration identification~~ card.

(3) It is unlawful for any person willfully to destroy or deface the *information* ~~registration identification~~ card of a duly registered voter.

Section 45. Effective upon becoming a law, subsection (7) is added to section 106.0705, Florida Statutes, to read:

106.0705 Electronic filing of campaign treasurer's reports.—

(7) Notwithstanding anything in law to the contrary, any report required to have been filed under this section for the period ended March 31, 2005, shall be deemed to have been timely filed if the report is filed under this section on or before June 1, 2005.

Section 46. Subsection (2) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(2)(a) A candidate may not accept contributions from national, state, including any subordinate committee of a national, state, or county committee of a political party, and county executive committees of a political party, which contributions in the aggregate exceed $50,000, no more than $25,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.

(b) *A candidate for statewide office may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of a national, state, or county committee of a political party, which contributions in the aggregate exceed $250,000, no more than $125,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.* Polling services, research services, costs for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits of paragraph (a) *or paragraph (b)*. Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the ~~$50,000~~ contribution limits of paragraph (a) *or paragraph (b)*. Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party under s. 106.29.

Section 47. Subsection (3) of section 106.33, Florida Statutes, is amended to read:

106.33 Election campaign financing; eligibility.—Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the Election Campaign Financing Trust Fund shall, upon qualifying for office, file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, candidates for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate may not be an unopposed candidate as defined in s. 106.011(15) and must:

(3) Limit loans or contributions from the candidate's personal funds to $25,000 and contributions from national, state, and county executive committees of a political party to *$250,000* ~~$25,000~~ in the aggregate, which loans or contributions shall not qualify for meeting the threshold amounts in subsection (2).

Section 48. Section 106.34, Florida Statutes, is amended to read:

106.34 Expenditure limits.—

(1) Any candidate for Governor and Lieutenant Governor or Cabinet officer who requests contributions from the Election Campaign Financing Trust Fund shall limit his or her total expenditures as follows:

(a) Governor and Lieutenant Governor: *$2.00 for each Florida-registered voter* ~~$5 million~~.

(b) Cabinet officer: *$1.00 for each Florida-registered voter* ~~$2 million~~.

(2) The expenditure limit for any candidate with primary election opposition only shall be 60 percent of the limit provided in subsection (1).

(3) *For purposes of this section, "Florida-registered voter" means a voter who is registered to vote in Florida as of June 30 of each odd-numbered year. The Division of Elections shall certify the total number of Florida-registered voters no later than July 31 of each odd-numbered year. Such total number shall be calculated by adding the number of registered voters in each county as of June 30 in the year of the certification date. For the 2006 general election, the Division of Elections shall certify the total number of Florida-registered voters by July 31, 2005.* ~~The expenditure limit shall be adjusted by the Secretary of State quadrennially to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, 1967=100, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics.~~

(4) For the purposes of this section, the term "expenditure" does not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.

Section 49. Section 196.141, Florida Statutes, is amended to read:

196.141 Homestead exemptions; duty of property appraiser.—

~~(1)~~ The property appraiser shall examine each claim for exemption filed with or referred to him or her and shall allow the same, if found to be in accordance with law, by marking the same approved and by making the proper deductions on the tax books.

~~(2) The property appraiser shall examine each referral, of a person registering to vote at an address different from the one where the person has filed for a homestead exemption, which has been provided by a supervisor of elections pursuant to s. 98.015. The property appraiser shall initiate procedures to terminate a person's homestead exemption and assess back taxes, if appropriate, if the person claiming such exemption is not entitled to the exemption under law.~~

Section 50. Subsection (4) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(4) EMERGENCY RULES.—

(a) If an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, the agency may adopt any rule necessitated by the immediate danger. The agency may adopt a rule by any procedure which is fair under the circumstances if:

1. The procedure provides at least the procedural protection given by other statutes, the State Constitution, or the United States Constitution.

2. The agency takes only that action necessary to protect the public interest under the emergency procedure.

3. The agency publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances. In any event, notice of emergency rules, other than those of educational units or units of government with jurisdiction in only one or a part of one county, including the full text of the rules, shall be published in the first available issue of the Florida Administrative Weekly and provided to the committee. The agency's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable.

(b) Rules pertaining to the public health, safety, or welfare shall include rules pertaining to perishable agricultural commodities *or rules pertaining to the interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Election Code*.

(c) An emergency rule adopted under this subsection shall not be effective for a period longer than 90 days and shall not be renewable, except during the pendency of a challenge to proposed rules addressing the subject of the emergency rule. However, the agency may take identical action by the rulemaking procedures specified in this chapter.

(d) Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or on a date less than 20 days thereafter if specified in the rule, if the adopting agency finds that such effective date is necessary because of immediate danger to the public health, safety, or welfare.

Section 51. Subsection (1) of section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the first primary, but not later than noon of the 116th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to federal office *or the office of the state attorney or public defender*; and noon of the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to a state or multicounty district office*, other than the office of state attorney or public defender*.

Section 52. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; *to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075;* to the Department of Revenue pursuant to an interagency agreement to facilitate service of process in Title IV-D cases; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims, and are exempt from the provisions of s. 119.07(1).

Section 53. *Absentee ballots and voting; violations.—Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, with intent to alter, change, modify, or erase any vote on the absentee ballot, except as provided in sections 101.6105-101.695, Florida Statutes, commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.*

Section 54. *Subsection (1) of section 104.047, Florida Statutes, is repealed.*

Section 55. *Sections 98.055, 98.095, 98.0977, 98.0979, 98.101, 98.181, 98.231, 98.451, 98.481, and 101.635, Florida Statutes, are repealed.*

Section 56. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Florida Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; providing rulemaking authority to make forms available in alternative formats and via the Internet; correcting a cross-reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; deleting provisions relating to the second primary; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elec-

tions; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; deleting provisions relating to the second primary; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating 98.0981, F.S.; requiring the department to furnish certain voter information to the Legislature; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; conforming a cross-reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change of residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.0705, F.S.; providing for the timely filing of certain reports; amending s. 106.08; providing for contribution limits to statewide candidates; amending s. 106.33, F.S.; increasing certain contribution limits; amending s. 106.34, F.S.; revising provisions relating to certain candidate expenditure limits; providing a definition; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare; amending s. 99.061, F.S.; providing the method of qualifying for nomination to the office of the state attorney or public defender; amending s. 322.142, F.S.; providing for disclosure of certain confidential driver's license information to the department under certain circumstances; making it a third-degree felony to participate in certain exchanges associated with voting by absentee ballot; repealing s. 104.047(1), F.S., relating to criminal penalties for participation in certain exchanges associated with voting by absentee ballot; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; providing effective dates.

Pursuant to Rule 4.19, **HB 1589** as amended was placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—which was previously considered this day.

Pending further consideration of **CS for SB 1030** as amended, on motion by Senator Campbell, by two-thirds vote **HB 551** was withdrawn from the Committees on Transportation; Banking and Insurance; and Judiciary.

On motion by Senator Campbell by two-thirds vote—

HB 551—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; revising the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain related rental or leasing companies and certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1030** as amended and read the second time by title.

On motion by Senator Campbell, by two-thirds vote **HB 551** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Bennett

THE PRESIDENT PRESIDING

CS for CS for SB 1766—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a public school from denying a student access to programs or services under certain conditions; authorizing public school teachers and school

district personnel to share certain information with a student's parent; prohibiting public school teachers and school district personnel from compelling certain actions by a parent; authorizing the refusal of psychological screening; providing for medical decisionmaking authority; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senator Crist moved the following amendment:

Amendment 1 (774898)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 1006.0625, Florida Statutes, is created to read:

1006.0625 Administration of psychotropic medication; prohibition.—

(1) As used in this section, the term "psychotropic medication" means a prescription medication that is used for the treatment of mental disorders and includes, without limitation, antihypnotics, antipsychotics, antidepressants, anxiety agents, sedatives, psychomotor stimulants, and mood stabilizers.

(2) A recipient of state funds shall not require a student to be prescribed or administered any psychotropic medication as a condition of such student receiving educational or school-based services, including, but not limited to, school enrollment, class attendance, extracurricular activity participation, or school-related event attendance, that are financed in whole or part by state funds. A psychotropic medication shall be administered pursuant to s. 1006.062.

(3) Before a student is evaluated for the purposes of classification or placement under s. 1003.57(5) for any disorder listed in the Diagnostic and Statistical Manual of Mental Disorders, the parent shall be notified that:

(a) The behaviors prompting the evaluation could be the result of underlying physical conditions.

(b) The parent should consider consulting a medical doctor to rule out physical causes.

(c) The parent has the right to decline the evaluation.

(d) The evaluation and subsequent classification or placement may be documented on the student's cumulative record and have future consequences.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a recipient of state funds from requiring a student to be prescribed or administered psychotropic medication as a condition of receipt of educational services financed by state funds; providing requirements for administration; requiring notification to parents prior to evaluation of certain students for classification or placement as an exceptional student; providing an effective date.

On motion by Senator Crist, further consideration of **CS for CS for SB 1766** with pending **Amendment 1 (774898)** was deferred.

By direction of the President, the rules were waived and the Senate reverted to—

REPORTS OF COMMITTEES

EXECUTIVE BUSINESS—Executive Order of Suspension

Special Master, D. Stephen Kahn, to whom was referred the Executive Order of Suspension of Miriam Oliphant, which was published on page 170 of the March 2, 2004 Regular Session Journal, submitted the following report:

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: SUSPENSION OF
MIRIAM OLIPHANT,
SUPERVISOR OF ELECTIONS
OF BROWARD COUNTY
Executive Order 03-219

REPORT AND RECOMMENDATIONS OF SPECIAL MASTER

Miriam McKinzie Oliphant was elected Supervisor of Elections of Broward County Florida on November 7, 2000. She began her 4-year term of office on January 3, 2001. Governor Bush suspended her on November 20, 2003. In Executive Order 03-219, the Governor alleged and incorporated myriad acts and omissions by Supervisor Oliphant, characterized as grave and frequent neglect, gross ignorance of official duties, and gross carelessness in and improper discharge of official duties. The Governor alleged that Supervisor Oliphant's acts and omissions constituted neglect of duty, incompetence, and misfeasance, three of the grounds specified in Article IV, s.7(a), Florida Constitution.

I was appointed Senate Special Master on February 4, 2004. Under Senate Rule 12.8, I held four pre-hearing conferences. Subject to the Senate's approval, I ruled on Supervisor Oliphant's Motion to Dismiss, on her Motion for Fees and Costs, and on several discovery motions and requests made by both parties. In July, I presided over an 8-day evidentiary hearing, part in Fort Lauderdale and part in Tallahassee. I heard sworn testimony from 30 witnesses who were examined and cross examined by counsel for both parties. I admitted into evidence and considered 95 exhibits.

The Governor was ably represented by Attorney Peter Antonacci from Gray Robinson, P.A., Deputy General Counsel Robert Fernandez, and General Counsel Raquel Rodriguez. Supervisor Oliphant was ably represented by Attorney Henry Hunter. The 2,365 page stenographic transcript and the 95 exhibits in evidence are available for the Senate's review. References to the page numbers in that transcript are indicated by [T:#]. References to exhibits are identified by "G" for Governor's, "R" for Respondent's, and "M" for Special Master's, followed by an exhibit number and a page reference, where applicable.

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THE CHARGES

Neither the Florida Constitution nor the Florida Statutes prescribes a particular format for an Executive Suspension Order except that it must state one or more of the seven specified constitutional grounds for the suspension and it must specify not just conclusions but facts that

bear some "reasonable relation" to the stated constitutional grounds. *Crowder v. State ex rel. Baker*, 285 So.2d 33, 35 (Fla. 4th DCA 1973). The allegations of fact must be specific enough to apprise fairly the suspended officer of the alleged acts.

State ex rel. Meyerson v. Askew, 269 So.2d 671, 676 (Fla. 1972).

A Suspension Order's format and degree of detail are up to the governor. Some governors attach nothing. Others attach and incorporate grand jury indictments, investigative reports, and miscellaneous supporting documents. Supervisor Oliphant's Suspension Order is of the latter type.

For clarity in analysis, my findings of fact are organized into three sections that together address ten charges culled from the wide-ranging array of allegations in the Whereas clauses of the Suspension Order and the 76 pages of exhibits that the Suspension Order incorporates by reference:

Section 1. Charges One through Five—the allegations associated with the September 10, 2002 primary election.

Section 2. Charges Six through Nine—the allegations of financial mismanagement, failure to do biennial list maintenance, failure to maintain adequate staffing levels, and refusal to accept personal responsibility.

Section 3. Charge Ten—the allegations relating to Supervisor Oliphant's failure to attain or demonstrate timely compliance with the obligatory "recommendations" given to her by Secretary of State Hood's October 2003 Assessment Team.

Governor Bush has charged Supervisor Oliphant with three constitutional offenses: neglect of duty, incompetence, and misfeasance. The Florida Supreme Court has provided, and the Florida Senate repeatedly applied, the following definitions in suspension cases:

"*Neglect of duty* has reference to the neglect or failure on the part of a public officer to do and perform some duty or duties laid on by virtue of the office or which is required by law. It is not material whether the neglect be willful, through malice, ignorance, or oversight."

"*Incompetency* has reference to any physical, moral, or intellectual quality, the lack of which incapacitates one to perform the duties of office. Incompetency may arise from gross ignorance of official duties or gross carelessness in the discharge of them...."

"*Misfeasance* is the performance by an officer in the officer's official capacity, of a legal act in an improper or illegal manner."

State ex rel Hardie v. Coleman, 155 So.129 at 132-33 (1934); In re: Suspension of Judge E. Summers Sheffey, *S.Jour., May 13, 1970 @ 398*.

COUNSELS' OPENING STATEMENTS

Governor's Counsel conceded in his opening statement at the Senate hearing that the case against Supervisor Oliphant had no smoking gun and it did not rest on one single, major, scale-tipping incident [T: 21]. He said that the evidence would tell a complex story that would prove more than Supervisor Oliphant's mere ineptness, ineffectiveness, and inefficiency [T: 14, 32]. He said that the suspension was not based on the Respondent's botching of a single election [T: 19] or her firing of a few disgruntled whistle-blowing employees [T: 164]. He said that he would prove that, taken as a whole, the Respondent's gross mismanagement and repeated failures would rise to the level of, and support all three charged constitutional offenses.

Supervisor Oliphant's counsel said in his opening statement that he would prove that from the day Supervisor Oliphant showed up in her new office, there was animosity against her at all levels [T: 45] and that there had even been efforts at the local level to take away her office by putting it directly under the Board of County Commissioners [T: 46]. He said he would prove that she was set up for failure by having the "ugly animal" of 5,000+ iVotronic touch screen voting machines that were too labor-intensive, too unreliable, and not yet certified at the point of purchase, handed to her by the Board, against her will, and contrary to her better judgment and her advice [T: 47]. He said that he would prove that the Broward County Commissioners repeatedly under-funded her operations and rejected her requests for increased funding. He said that he would prove a case of selective prosecution of his client because what happened in Miami-Dade County on September 10, 2002 was as bad or worse, but his client was the only supervisor to be suspended [T: 59, 61]. He said he would prove that a conspiracy existed against his client [T: 70]. He said he would prove that she was the target of intentional sabotage by at least two of her management-level employees [T: 46, 51, 54, 59, 67], and that the motive of these saboteurs was animosity against his client because she "commenced to bring in some blacks into management" [T: 51].

JURISDICTION

Jurisdiction in the context of this case means the Senate's power to address the suspension of Supervisor Oliphant. The Florida Senate gets this power directly from Article IV, Sec. 7(b), Fla. Const. That subsection says "The senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official . . . ."

The term of office to which Supervisor Oliphant was elected ended on January 4, 2005. Her successor's own term of office was determined in the November 2004 general election and commenced on January 4, 2005. Although a textually-based interpretational argument can be made to the contrary, it is my view that the Senate's power to act on Supervisor Oliphant's suspension was not extinguished by the expiration of her term. The Senate's jurisdiction to remove or reinstate is invoked when the Governor properly exercises the jurisdiction to suspend an officer. Though there is no court case exactly on point, the better interpretation is that once such jurisdiction is thus invoked in the Senate, it is not extinguished merely because the suspended official's term expires.

However, because the Senate's decision to remove or reinstate Supervisor Oliphant from office after her term has expired will no longer have any practical effect on who will sit in the Broward County Supervisor's chair, there is no compelling reason to make it except that if the Senate's vote were to reinstate and "exonerate" her, she would be able to request back pay, reasonable attorney's fees, and costs [§112.44, Fla. Stat.].

In one of the first cases presented to it under the 1968 Constitution, the Florida Senate exercised its continuing jurisdiction over a suspended officer after that officer's term had expired and after he was defeated at a subsequent election [in re: Livingston, S.Jour., Feb 17, 1969 @ 28]. The Senate has more recently exercised its continuing jurisdiction and voted to remove a sheriff from office about 4 months after his term was over [in re: Harrison, S.Jour., May 2, 1997 @ 1300].

There have been, and will undoubtedly continue to be, other suspended officers whose terms will have expired, who will have resigned, or whose offices will have otherwise become vacant, that the Senate determines not to take up for any number of reasons. That is and will be a future Senate's choice, but it ought not be because of a precedent or finding based on the Senate's lack of continuing jurisdiction to do so.

In short, the Florida Senate's *power* to remove or to reinstate a suspended officer who has vacated office is separate from its decision whether or not to proceed to do so.

Finally, there is a related statutory reason to proceed to finality in this case. Section 112.44, F.S., says, in part, that "In the event any officer suspended by the Governor shall not be removed by the Senate, the officer shall be reinstated. . . ." As long as it remains on the books, this language could be the basis of a suspended officer's argument that it is self- executing and that if the Senate, for whatever reason, fails to remove the suspended officer, then at some unspecified point in the future, the Senate's non-action somehow constitutes a reinstatement. Following through with Senate final action in Supervisor Oliphant's case would eliminate the possibility of her subsequently raising this argument in a judicial forum.

SECTION ONE
SPECIFIC CHARGE ONE
[Whereas clause 4 of EO 03-219]

In reference to the September 2002 primary election, after the manager of poll worker recruitment advised Supervisor Oliphant on numerous occasions to hire the necessary personnel, the Supervisor never allowed her manager to do so.

FINDINGS

In the run up to the September 2002 primary, Poll Worker Manager Pat Nesbit was responsible for acquiring polling locations, recruiting

and training 5,000 or so poll workers from the community, and assigning them in certain precincts under a formula supplied to her by a co-employee. Her department had seven employees [T: 1027].

Ms. Nesbit's May 8, 2002 list of 17 "critical issues" addressed to her immediate supervisor, Deputy Supervisor Walter Foeman, [G: 1], did not specifically address the need to hire additional personnel and she was never asked directly, nor did she offer testimony at the Senate hearing, that she had ever advised Supervisor Oliphant (or anyone else) to hire the necessary (additional) personnel for the poll worker recruitment training and placement function.

A memorandum written by Pat Nesbit to Supervisor Oliphant does inform the Supervisor of Ms. Nesbit's "concerns" over lack of staff to do the tasks associated with the November 2003 municipal elections [G: 44(a)]; however, that memo was dated July 16, 2003 and was not related to the September 2002 primary.

As an aside to Specific Charge One, Supervisor Oliphant offered a September 14, 2002 report from her then Executive Administrative Assistant, Lisa Strachan [R: 13]. Although Ms. Strachan was listed on Supervisor Oliphant's list of potential witnesses, she was not called to explain her temporary duty assignment to the poll worker section beginning about 3 weeks before the September 10, 2002 primary. Apparently, Ms. Strachan was assigned to "assist" Pat Nesbit in response to Ms. Nesbit's "numerous statements that her department was overwhelmed and needed additional staff" [R: 13 @ 1]. Ms. Strachan's report was critical of what she called Nesbit's lack of management skills, lack of planning, extreme disorganization, and high stress level. Ms. Strachan recommended that Supervisor Oliphant retain Pat Nesbit for the time being, but appoint a skilled assistant to get Nesbit's operation straightened out [R: 13 @ 8].

Although the Strachan report provides an additional opinion and perspective of Ms. Nesbit's abilities, it is untested hearsay since Ms. Strachan did not testify and was not subject to cross-examination at the hearing. Her report does not alter my finding that the specific facts alleged in Specific Charge One were NOT PROVED.

SECTION ONE
SPECIFIC CHARGE TWO
[Whereas clause 5 of EO 03-219]

In reference to the September 2002 primary election, 24 precincts opened late: 13 due to lack of election supplies and 11 due to a lack of personnel.

FINDINGS

In the primary election of September 10, 2002, Broward County had 809 voting precincts [T: 479] at approximately 500 polling locations [T: 984]. Some locations hosted more than one precinct's voting apparatus. Each precinct was assigned a clerk, a deputy clerk, one or more inspectors, a technician proficient in the operation of the new iVotronic touch screen voting machines, a law-enforcement deputy, the requisite number of voting machines with the paraphernalia that accompanied them, and the other documents, forms, equipment and records required by law or rule [T: 93-94, 985, 987].

Conducting a successful county-wide election in a county with more registered voters than any other county in Florida required careful preparation, clockwork precision, properly trained personnel, clearly assigned missions, efficient logistical organization, strong executive leadership, a good communications system, and equipment in tip-top shape, in the right place at the right time. The new computerized voting machines, 200 new precincts, a reapportioned and redistricted county, and about 5,000 paid election-day workers raised from the community, was a challenge to manage under the best of conditions. Degraded conditions increased the likelihood of an election disaster.

The Governor alleged that 24 precincts opened late. That charge has four possible interpretations. The first is that the doors were physically opened after 7 a.m., the hour set by §100.111, F.S. The next is that the doors were opened at 7 a.m., but a sufficient number of poll workers were not yet present to assist the voters who were lined up to vote. A third possibility is that the doors were open at 7 a.m., and the polling place was sufficiently staffed, but that there was no operating iVotronic touch screen machine ready to accommodate the first ready voter. Getting iVotronic units to work on election morning meant assembling them, getting power to them, and booting them up properly and timely [R: 29 @ 20]. A fourth possibility is that the doors were open, there was sufficient staff present, at least one of the machines at each precinct's polling location was booted up, but that it malfunctioned when the first voter attempted to use it.

Furthermore, the Governor charged that 13 of the 24 "late openings" were due to lack of supplies, presumably referring to the "blue bags" that contained the precinct registers, the poll worker payroll, the sealed clear plastic container containing the personal electronic ballots (PEBs), the provisional ballots, the Ballot Report form, and other necessary items.

I find that at least 13, and perhaps as many as 30, "blue bags" had not been picked up by the precinct clerks or otherwise delivered to their pre-assigned polling locations by 7 a.m. on election day [R: 51(b)].

The foregoing finding is supported by the testimony of Poll Worker Manager Pat Nesbit. She first became aware of the situation at around 9 p.m. on Monday, September 9, 2002, when co-worker Damion Robinson, an outreach department worker, told her that more than 30 "blue bags" that were assigned to precincts all over the county still had not been picked up by the assigned poll workers [T: 1021-1022]. Within an hour or so after Ms. Nesbit got that information, Deputy Supervisor Foeman and Finance Director Barbara Adams came to Ms. Nesbit's desk at the main office and asked her what should be done [T: 1024]. Ms. Nesbit suggested that Mrs. Adams obtain a list of the employees of the supervisor's office and start calling them and instructing them to report to duty at 5 a.m. the next morning, election day. Ms. Nesbit's ad hoc plan that she proposed called for some of the undelivered "blue bags" to be given to each early-arriving employee, along with a map and directions to the applicable polling places [T: 1024]. Mrs. Adams' response was that she was not going to call people at that time of night [T: 1026]. Mrs. Adams then said "we'll take care of this" and she and Deputy Supervisor Foeman walked away [T: 1026]. Ms. Nesbit and her staff left the office at about 10 p.m. [T: 1027] and returned to work at 5:30 a.m. on election day. They began to phone the polling place locations of any precinct that had apparently not yet retrieved the required "blue bag." She tried precinct phone numbers, home phone numbers, cell phone numbers, and the phone numbers of the polling place locations [T: 1028]. Early on election morning, Ms. Nesbit received a call from Deputy Supervisor Foeman instructing her to direct any employee arriving at the main office to report to the Voting Equipment Center (warehouse) to assist in making the deliveries [T: 1029].

Deputy Supervisor Foeman also testified at the Senate hearing. He said that he had no recollection of the specifics of his September 9th three-way, in-person, 10 p.m. conversation with Nesbit and Adams [T: 400]. However, he described the general situation of the undelivered "blue bags" as a "big problem . . . an emergency" [T: 395]. He testified that he first got wind of the undelivered "blue bags" at around 4 p.m. on September 9th [T: 394] and that when he left the warehouse to go home at about 10:30 p.m., he personally took and "tried to deliver the 'blue bags' that were in my area . . ." [T: 393]. Deputy Supervisor Foeman testified that he had no knowledge of when Supervisor Oliphant first learned about the "blue bag" problem, but he acknowledged that she had attempted to reach him by phone at his home that night, probably after 10:30 p.m., based on a voice mail message that Mrs. Foeman told him about as she left their house on election day morning [T: 401].

Nothing that Deputy Supervisor Foeman or Finance Director Barbara Adams had to say directly controverted the core of Pat Nesbit's testimony on the "blue bag" issue. Supervisor Oliphant chose not to testify about it.

The Governor charged that the remaining 11 "late openings" were due to "a lack of personnel." The record is not clear whether he meant lack of Supervisor of Election's office staff or lack of election day poll workers. However, the evidence shows that between 13 and 30 poll clerks didn't show up to pick up their "blue bags" at the appointed time and place—a phenomenon that was and remains clearly foreseeable and for which every supervisor must have contingency plans to cover. According to Deputy Supervisor Foeman, Supervisor Oliphant's operations plan "just failed to include that as part of the contingency" [T: 443]. Although Supervisor Oliphant did not take the witness stand to offer a specific defense to Specific Charge Two, from the documentary evidence submitted on her behalf, from her attorney's arguments, and from his examination of the witnesses he called on her behalf or his cross examination of the Governor's witnesses, it appears that Supervisor Oliphant was asserting three defenses:

a) Sabotage—the active, intentional acts of sabotage, primarily by Poll Worker Manager Pat Nesbit,
b) Reasonable Reliance on Others—that she was entitled to rely on her high-level management staff to do their respective assigned tasks correctly, with a full measure of energy, loyalty, and dedication to the Supervisor, her goals, and her programs, and
c) Insufficient funding—by the Broward County Board of County Commissioners to run her office for the fiscal year ending September 30, 2002.

The Governor proved that 24 of the 809 precincts "opened late"; that the level of funding had little to do with the failure of several dozen or so precinct clerks to show up to pick up their "blue bags" on the day before the election; and that Supervisor Oliphant had no effective contingency plan in place prior to election day to cover that foreseeable state of events.

I find that the facts alleged in Specific Charge Two were PROVED.

SECTION ONE
SPECIFIC CHARGE THREE
[Whereas clause 7 of EO 03-219]

In reference to the September 2002 primary election, Supervisor Oliphant failed to authorize her staff to notify the precincts until approximately 6 p.m. of an Executive Order received at 3:41 p.m. to extend the polling hours until 9 p.m., resulting in many precincts closing at 7 p.m., in direct violation of Executive Order 02-248.

FINDINGS

William C. McCormick, Jr., President of the Ft. Lauderdale branch of the NAACP, had organized a system to receive information from volunteer monitors reporting voting day problems. At about 7:10 a.m. on September 10, 2002, primary election day, he became aware that some of the polls were not yet ready for business at 7 a.m., the time set by law [T: 1355]. He called Supervisor Oliphant on her cell phone and told her that "someone needed to get out and rectify the situation." Mr. McCormick suggested that the poll closing time ought to be extended and he offered to call Governor Bush, personally, to ask that the times be extended to compensate for the times that the Broward County polls were required to be open but were not. She agreed [T: 1356]. Mr. McCormick got through to Governor Bush on the Governor's cell phone about noon [T: 1365] and asked him to extend the poll closing times in Broward County. Governor Bush said he would look into it [T: 1366].

Mr. McCormick's plea apparently moved Governor Bush to immediate action. In less than 4 hours, input was received from Secretary of State Smith, Attorney General Butterworth, the President of the Florida Association of Supervisors of Elections, the Chairman of the Republican Party of Florida, and the Chairman of the Florida Democratic Party [G: 5(b)]. The Order extending the poll closing times statewide to 9 p.m. was researched, drafted, signed, attested, filed, and clocked in at Supervisor Oliphant's office fax machine by 3:41 p.m., less than 4 hours after McCormick's call.

There were three diverging versions of what happened between about 4 p.m. and 6 p.m. that afternoon.

Defense witness Rick Riley had been providing Supervisor Oliphant's office with marketing, public relations, and advertising services since spring of 2002 [T: 1169 & 1179]. Sometime after 3:45 p.m. he phoned Pat Nesbit to tell her to mobilize her department to start calling the poll clerks to get the word out about the extension. Mr. Riley categorically denied telling Pat Nesbit to wait until receipt of a written statement that was being prepared by Supervisor Oliphant to be read to the clerks and the press [T: 1174 & 1175].

Pat Nesbit, a witness for the Governor, had a different recollection of the events of that afternoon. She and about 40 office personnel were in the central office at the receiving end of 42 phone lines [T: 1126]. Their job was to answer incoming calls from precinct workers seeking to verify voter status [T: 1117]. Some of the precinct workers who called said they had heard that the polling time was extended [T: 1118]. When asked, Nesbit would tell each inquiring clerk that the polling location would have to remain open until 9 p.m. [T: 1118]. Nesbit also testified that both Deputy Supervisor Walter Foeman [T: 1154] and about a half hour later, Rick Riley [T: 1130] called her from the voting machine warehouse. Nesbit testified that Mr. Riley told her that he was calling on behalf of Supervisor Oliphant [T: 1136] and to delay contacting the precincts to alert them of the Executive Order until he had a written statement to be read [G: 5a]. She said that he also told her not to make any statements to poll workers about extending the 7 p.m. closing until she received the written statement that he was preparing [T: 1120] and that Supervisor Oliphant wanted a uniform statement to be read to each precinct clerk [T: 1119]. Nesbit said that she and the employees under her direction waited until 6:04 p.m. when the written statement was received [G: 5a] [T: 1121]. Nesbit and her staff then started making outgoing calls to precinct personnel.

Deputy Supervisor Walter Foeman, a witness for the Governor, had yet a different description of events. He said that after the Executive Order arrived at 3:41 p.m., Supervisor Oliphant directed him to prepare a fax sheet or release [T: 404]. Rick Riley actually prepared the draft for him [T: 404] and Deputy Supervisor Foeman reviewed it [T: 404]. The draft apparently went back and forth three or four times between Riley and Foeman. An hour or more was thus expended in preparing the two paragraph document [T: 408] entitled Extended Hours & Closing Procedure [G: 5(d)]. Supervisor Oliphant gave it her final approval by phone [T: 407].

I find that what probably occurred in the pandemonium between 4 p.m. and 6 p.m. on September 10, 2002 was that Pat Nesbit was told that an information sheet was being prepared so that the message to the precinct clerks would be uniform, and would contain revised closing instructions to be implemented uniformly throughout the 809 precincts. In the chaos, she probably read more into this message than was intended. In any case, even if she did, the one hour or so of extra delay occasioned by preparation of Governor's Exhibit G: 5(b) was not untoward, given the circumstances, and there was no credible proof adduced that Supervisor Oliphant failed to authorize her office staff to notify the precincts of the extension until approximately 6 p.m. In fact, 777 precincts did get the word and stayed open in obedience to the Executive Order. Thirty two precincts out of 809 closed at 7 p.m. [T: 460]. Of these 32 precincts, some never received the message to extend. Others received it but closed down anyway, for a variety of reasons, including having workers with prior commitments elsewhere or having overriding personal necessities to attend to [R: 1 @ 463].

My conclusions regarding this Specific Charge assume the legality and validity of Executive Order 02-248. The Legislature's attention to elections emergencies first came into focus in a 1988 House Ethics and Elections Committee interim study entitled "Does Florida Need an Elections Emergency Law?" The committee's answer was "yes" but it wasn't until 1992 that an elections emergency law was enacted. Sections 101.731 through 101.741, F.S., authorize the Governor to "suspend or delay" an election by issuing an executive order declaring that an election emergency exists. That law requires the Governor to "reschedule" the suspended or delayed election after formal public notice is given, prior to the date of the rescheduled election. Neither the statute nor the implementing rule of the Department of State appears to me to include or contemplate a governor simply extending the polling hours by an Executive Order issued on the day of the election after the polls have opened. However, Governor Bush is entitled to the benefit of the doubt on the point because the issue of the Governor's power to change the law by Executive Order, in this case to extend the statutorily-set 7 p.m. poll closing time, was not raised by Supervisor Oliphant in the Senate proceedings.

In the September 2002 primary election, Florida had 6,717 voting precincts statewide. Whether 24 late openers in Broward County plus some unspecified but probably similar number of them in Miami-Dade County, (which together totaled perhaps about one half of one percent of Florida's precincts) constituted an "election emergency" warranting the extension of voting hours statewide was a determination made by Governor Bush. The Senate is not called upon here to evaluate that decision.

But, do 32 out of Broward's 809 precincts constitute "many" as charged by the Suspension Order? Some would say that if just one precinct's polling location out of Broward's 809 had closed before 9 p.m., that one was one too many. Others could say that 32 out of 809 (which is 4%) does not constitute "many." Given the vague and unquantified allegation, I find simply that 32 out of 809 constitutes 4% of the voting precincts in Broward County and that it was PROVED that 32 precincts' polling places closed before 9 p.m. It was NOT PROVED that Supervisor Oliphant "failed to authorize her staff to notify the precincts until 6 p.m."

SECTION ONE
SPECIFIC CHARGE FOUR
[Whereas clause 8 of EO 03-219]

In reference to the September 2002 primary election, there were insufficient technical support personnel at the call center which delayed the relay of vital information to the precinct clerks and regional sites.

FINDINGS

In the 2000 election cycle, the Broward County call facility had inadequate telecommunications equipment to handle the election day call volume [T: 643]. Furthermore, the number of people needed to staff a proper facility would not have fit in the central office to staff it [T: 644]. Early in her term, Supervisor Oliphant apparently decided to build an off-site call enter. Supervisor Oliphant was fully committed to making this improvement and in 2001 told Paul Craft from the state elections division that she had arranged a community partnership to set it up [T: 1781]. Supervisor Oliphant set two of her employees, Harley and Eldridge, to the task of establishing the new call center at Nova University [T: 660]. When Ken Leb, an information technology specialist, came aboard, he assumed the responsibility to complete the call center [T: 547].

The new call center would have 144 incoming phone lines [T: 1135] but no capacity to make outgoing calls [T: 1135] [T: 435] [T: 441]. Telephone banks would handle public, technical support, and voter verification calls from the polling places [G: 56 @ 4]. The plan was for Nova personnel to run the call center [G: 56 @ 4] with oversight by the Supervisor of Elections [T: 546]. Cities were to provide staff to help out [T: 570]. The county would help fund the call center by reimbursing the supervisor for costs of the phones, the staff pay, and additional computer connections to the central office [T: 643-644]. Mr. Leb was to provide the training program for the call center staff [T: 550].

The Governor's allegation in Specific Charge Four was taken verbatim from a conclusion in Secretary Hood's November 19, 2003 Final Report [G: 61 @ 3].

It may very well be that for the September 2002 primary election, the Nova Call Center had insufficient technical support staff, but there was no significant evidence presented by the Governor to support that charge. Testimony by the Governor's witness, Assistant Secretary of State Candice Crawford, on cross-examination, that her November 19th report to the Governor "didn't deal with the Nova Call Center" and that she "didn't know if there was sufficient or insufficient personnel at the call center" on September 10, 2002 [T: 2010] further defeats this charge.

The facts alleged in Specific Charge Four were NOT PROVED.

SECTION ONE
SPECIFIC CHARGE FIVE
[Whereas clause 9 of EO 03-219]

In reference to the September 2002 primary election, 268 absentee ballots postmarked between September 4th and September 9th were never clocked in, canvassed, or counted and, in fact, were discovered approximately a year later in a file cabinet in the Broward County Elections Office.

FINDINGS

The two major players in the October 2002-January 2003 saga of the 268 missing, uncounted, then found absentee ballots from the September 10, 2002 primary were Carol Hill, then the supervisor in the absentee ballot department, and Mary Hall who had worked in the supervisor's office for 16 years in the voter registration and absentee ballot areas [T: 933].

The four minor players were JoAnne Sterner, the network administrator; Glen Davis, the mailroom supervisor; Joe Cotter, the Deputy Supervisor who succeeded Walter Foeman on September 23, 2002; and Broward County State Attorney Investigator John F. Hanlon, Jr.

In September 2002, the Broward County Election Supervisor's mailroom and adjoining mail processing area were full of boxes of returned registration cards piled on desks and chairs "willy-nilly" [T: 1454]. The place was in complete disarray [T: 1454]. The mailroom employee at the time came to work sporadically and, occasionally, in an intoxicated condition [T: 1456]. It is probable that he failed to pick up the 268 absentee ballots from the post office on election day and that they were not received in time to be counted [T: 938]. Clearly they were not canvassed by the canvassing board [T: 1453] even though they had postmarks ranging from September 3rd to September 9th 2002 [T: 1456]. In any event, they were not stamped in, properly processed [T: 1457], or counted [T: 938]. The ballots apparently just got buried under a lot of other incoming mail.

Absentee Ballot Supervisor Carol Hill, who was not called to testify at the Senate hearing, had acknowledged to State Attorney's Office Investigator Hanlon when he interviewed her sometime in January 2003, that she had found 268 absentee ballots from the September 10, 2002 primary election buried under a pile of returned voter registration cards in the mailroom [T: 1454]. Carol Hill had told Mary Hall about the discovery sometime in October 2002 [T: 938]. Carol Hill acknowledged before all in attendance at an October 2002 staff meeting, including Deputy Supervisor Joe Cotter, that she had put the found absentee ballots away in a file cabinet drawer [T: 939]. Joe Cotter's response was not to demand their immediate production, but to announce his determination that such an occurrence would not happen again in the upcoming November general election [T: 939].

Although it probably was Carol Hill [T: 665] [T: 1458] [T: 938], there is no absolute proof as to who put the tray(s) containing the postmarked, stacked, and bundled but still sealed ballot envelopes that had not been canvassed [T: 1453] or time-stamped [T: 1455], in a file cabinet drawer.

Joe Cotter and Mary Hall both confirmed to Investigator Hanlon that the discovery of the 268 uncounted ballots was not brought to Supervisor Oliphant's personal attention at the time of their discovery. Supervisor Oliphant also confirmed, in a June 15, 2003 interview with Investigator Hanlon, that she had not been told at the time of Carol Hill's September discovery of the ballots in the mailroom.

Then, about 4 months later on January 20, 2003, Mary Hall was looking for some folders in a drawer of a file cabinet located near her desk area in the main office of the Broward County Supervisor [T: 940]. When she opened the unlocked drawer, she saw a bin with some white paper covering it. She moved the paper and uncovered the 268 absentee ballots [T: 941]. She had not known that the subject absentee ballots were in that drawer in that filing cabinet [T: 943]. She immediately notified Ken Leb, by then the Acting/ Interim/Deputy Supervisor of Elections. The next day the State Attorney's Office came in, subpoena in hand, and confiscated the ballots [T: 943].

Defense witness JoAnne Sterner testified that from her office near the mailroom, "several days [T: 814] after the September election" [T: 816], she overheard Mary Hall laughing and saying "I don't believe it, there's some ballots back here that haven't been taken over to the . . . voting equipment center" [T: 799].

I find that Ms. Sterner's testimony was believable as to what she heard, but it was probably misplaced in time and as such, does not overcome the direct sworn testimony of Mary Hall on the issue of the timing of the discovery of the 268 ballots.

I also find that the file cabinet in which the 268 ballots in question were placed was a cabinet assigned to Carol Hill for her outreach duties and, in a subsequent furniture move between mid-September 2002 and January 20, 2003, the cabinet was relocated to Mary Hall's work area [T: 961].

The facts alleged in Specific Charge Five were PROVED.

SECTION TWO
SPECIFIC CHARGE SIX
[Derived from Attachment "W" to EO 03-219]

Supervisor Oliphant unlawfully overspent her budget in FY 2001-2002, resulting in a significant $936,328 deficit at the end of that fiscal year. This serious overspending resulted from her failure to stick to her budget and control or monitor her office's authorized expenditures.

FINDINGS

In Florida, Supervisors of Elections receive substantially all of their funding by their Board of County Commissioners [M: 4]. Other minor funding sources are grants and fees for services provided to the public.

All supervisors must certify an annual proposed budget to their Board [§129.201(1), F.S.]. The Board may amend, modify, increase, or reduce any or all items of expenditures in the supervisor's proposed budget [§129.201(4), F.S.]. The supervisor's budget is then included in the general county budget [§129.201(7), F.S.], specifically subject to the same provisions of law as the county annual budget [§129.201(8), F.S.] namely, it must balance at the end of each fiscal year [§129.01(2)(b) and §129.07, F.S.]. All fees received for services rendered and unexpended balances at the end of each fiscal year are "refunded to the Board of County Commissioners . . . ." [§129.202(1)(f), F.S.]. But for the fees and grants received from non-county sources, a supervisor is virtually totally dependent on and at the will of his or her Board for funding.

At the same time, the law preserves the "independence of the Supervisor of Elections" from the Board of County Commissioners concerning the purchase of supplies and equipment and the hiring, firing, and setting of salaries of personnel [§129.202(2), F.S.].

As a result of this delicate balance, it becomes apparent to even the most casual observer of county governmental operations that a supervisor's professional and public relationship with his or her Board forms a crucial part of how the supervisor's budget will be funded. Because of chilly relationships carried forward from prior political alliances, Supervisor Oliphant's relationship with her Board got off to a bumpy start. It went down hill from there.

FISCAL YEAR 2000-2001

Supervisor Oliphant took office in January 2001, 3 months into FY 2000-2001 [M: 1]. She continued operations for her initial 9 months in office under her predecessor's FY 2000-2001 budget.

For FY 2000-2001, the Board of County Commissioners had provided the supervisor $5,036,580 [M: 4 @ 4]. The two supervisors together expended $3,646,301 of that for personnel, $1,302,188 for operating expenditures, and $88,091 for Capital Outlay. In FY 2000-2001 the Board charged the two supervisors a total of approximately $54,000 for communications, motor pool, warehouse, and maintenance services provided by the county. The supervisors had provided various services and documents such as precinct maps and voter lists to the public for a fee, the result of which the supervisor remitted approximately $194,000 to the Board during the fiscal year ending September 30, 2001. The statutorily-required independent audit tests for FY 2000-2001 disclosed the supervisors' full compliance with *Government Audit Standards*, no material weaknesses in the office's internal financial controls, no violations of law, rules, or regulations, no illegal or improper expenditures, no improper or inadequate accounting procedures, and no instances of fraud or fraud related risk factors [M: 4]. Supervisor Oliphant actually remitted $672 to the Board on September 30, 2001. Her first (partial) 9-month fiscal year audit, done by a local independent CPA firm under a 5-year auditing services contract, earned Supervisor Oliphant a good grade [M: 4].

FISCAL YEAR 2001-2002

By May 2001, Supervisor Oliphant had 4 months to have observed and become familiar with the daily operations of her new office. By April she had hired a finance director with responsibility for budget and audit matters and with additional duties as executive liaison and project assistant [T: 881- 883]. However, Supervisor Oliphant's 2001-2002 budget request was developed primarily by her deputy, Joe Cotter. The proposed budget was submitted to the Board around May 1st [T: 188]. Supervisor Oliphant requested approximately $7 million. After negotiations with Board staff, the Board allotted her $5,342,300. Then in June 2002, the Board granted Supervisor Oliphant's request for an additional $165,000 for equipment and warehouse costs. The Board also granted the supervisor's request in late August 2002 for an additional $329,895 for a phone bank and one-time operational expenses for the September 2002 election. The County Budget Office also provided $54,000 to cover employees' group health insurance premium costs of the Supervisor of Elections office. Thus Supervisor Oliphant received a total of $5,891,195, plus the proceeds of a $603,429 state grant for voter education and poll worker recruitment and training for the fiscal year [M: 5 @ 10].

On August 16, 2001, at a budget meeting of the Board of County Commissioners, Supervisor Oliphant expressed her appreciation to the County Administrator for his cooperation in finalizing her FY 2001-2002 budget. She publicly acknowledged that "no office receives everything they request." She also stated that what they gave her, plus the $603,429 in state funds the grant provided, represented "a fair and reasonable budget compromise, and should adequately fund the services and operations for the Office of Supervisor of Elections in the next fiscal year" [R: 28(b) @ 2].

Her total budget was $6,494,624, but by the end of FY 2001-2002, Supervisor Oliphant's office had expended $7,430,952 ($4,048,681 for personnel, $2,662,953 for operating expenditures, and $719,318 for capital outlay). On September 30, 2002, Supervisor Oliphant's account was $936,328 in the red [G: 16] [M: 5 @ 4, 10, 12].

About a week before the end of the deficit fiscal year, the Board directed its Commission Auditor, N.W. Thabit, CPA, to conduct an "Expenditure Review" of Supervisor Oliphant's financial situation as of September 30, 2002. His 50-page report [G: 16] was thorough, detailed, and critical.

Some of the highlights of his 34 findings were:

a) Supervisor Oliphant's office ended the year 15.64% in the red [G: 16 @ 3];
b) The official number of budgeted employees was 62 [G: 16 @ 7];
c) The number of employees at the beginning of the year was 68 [G: 16 @ 7];
d) The number of employees at the end of the fiscal year was 72 [G: 16 @ 7];
e) Staff salaries were $514,254 over the budget [G: 16 @ 9];
f) Supervisor Oliphant routinely made advance payments to vendors and that was against the law [G: 16 @ 39];
g) Supervisor Oliphant failed to insist on the deliverables after some contracts had been paid [G: 16 @ 41-43];
h) Supervisor Oliphant's staff purchased a $146,609 file server without competitive bids—not illegal but not smart [G: 16 @ 45];
i) Supervisor Oliphant failed to implement a budget and expenditure accounting by task, activity, and project [G: 16 @ 47];
j) Supervisor Oliphant condoned the issuance of purchase orders in excess of available budget [G: 16 @ 47]; and
k) Supervisor Oliphant had a faulty receiving system for goods and services [G: 16 @ 48].

In Supervisor Oliphant's answer to Mr. Thabit's evaluation [G: 17] apparently prepared for her by her Finance Director, Barbara Adams [T: 914] and approved by Supervisor Oliphant [T: 915], she formally agreed with each and every one of the critical findings and she gave her written assurance that she would promptly develop and implement policies and procedures regarding accounting controls, bidding, procurement, contracts, operations, and management of the office [G: 17 @ 7].

To further validate Mr. Thabit's conclusions, Supervisor Oliphant's independent auditor concluded in a formal audit report covering the same period that "the budget deficit of $936,328, at September 30, 2002, is a result of overspending due to a lack of effective monitoring of budget to actual" [M: 5 @ 10, 13]. The independent auditor found "improper or illegal expenditures . . ." [M: 5 @ 14] and "significant deficiencies in the design or operation of the internal control over financial reporting . . ." [M: 5@ 14]. The audit reported that checks were all signed by one authorized officer but the management-level supervisors routinely did not sign off on the invoices supporting them, or even the payroll register. Proper signatures would have indicated that those documents had been approved by the appropriate line managers before payment. Absence of those signatures raises the opposite inference.

In her formal response to the independent auditor's comments in the management letter, Supervisor Oliphant said that she would "enhance the position of finance director by seeking to hire a qualified accountant with requisite governmental experience. The new director will be responsible for budgeting, accounting and finance processes of the Supervisor of Elections office. The finance director will be directly accountable to the Supervisor of Elections" [M: 5 @ 18]. It is reasonable to infer from Supervisor Oliphant's response to the independent auditor's highly critical audit comments, and from Mrs. Adams contemporaneous demotion from Finance Director to Executive Assistant (with its accompanying pay reduction) [T: 907], that the supervisor would seek a new Finance Director with the governmental accounting experience and accounting certification that Mrs. Adams lacked.

FISCAL YEAR 2002-2003

For FY 2002-2003, her last full fiscal year as supervisor, the Board of County Commissioners provided Supervisor Oliphant with $6,864,359. Her total expenditures for the same period were $6,312,842. The FY 2002-2003 surplus of $551,517, which was applied to reduce the deficit from the prior year from $936,328 to $384,811 [G: 6 @ 4], resulted mostly from $920,252 in emergency supplemental funds the Board provided at the supervisor's request on April 30, 2002.

Supervisor Oliphant did not testify as to her defense of Specific Charge Six; however, based on the testimony of her witnesses, and on the spirited cross examination by her attorney of several of the Governor's witnesses, Supervisor Oliphant essentially blamed the actions and omissions of others for the overspending and subsequent general financial problems in her office. For example:

- The Board of County Commissioners

  Unlike her witness, Ion Sancho, the Leon County Supervisor of Elections who nurtured a positive and accommodating relationship with the Board of County Commissioners in Leon County, a relationship that permitted him to come to it with reasonable and documented funding requests and then get much of the funding he requested, the Broward County Board of County Commissioners essentially starved Supervisor Oliphant out of office [T: 48].

  Furthermore, the Board forced on her the "ugly beast" of iVotronic touch screen voting machines that were too labor intensive and unreliable [T: 47] and then making matters worse, they gave her insufficient funds to train for and staff their use in the September 2002 primary [T: 58]. Supervisor Oliphant's attorney suggested that the Broward Commission purchase of the $17.3 million ES&S iVotronic system over its competitors was influenced by aggressive lobbying by ES&S and an overly cozy relationship between the negotiating parties; however, the evidence presented was not clear as to the reasons for the Commission's choice of vendor. In any case, 5,100 ES&S voting machines and the associated tabulating equipment were purchased with all their promises and problems. Almost immediately after the Board decided on the purchase, Supervisor Oliphant started and apparently maintained a steady campaign of public information as to why the Board had made the wrong choice.

  The iVotronic system was used for the first time in a county-wide Florida election in the September 2002 primary. The next county-wide use was the November 2002 general election. From most of the reports, it seems that the machines themselves worked well, so well in fact that the November general election earned the label of "successful." So after the actual November experience had shown that when properly supported, the iVotronic machines could do the job in a Broward county- wide election, instead of getting behind the new equipment and focusing on finding a permanent way to make the new voting system work, Supervisor Oliphant continued to criticize the Board. She persisted in her quest to show the public and the Board the error of the Board's decision. Thus, it is no surprise that the Board was not in a generous mood toward Supervisor Oliphant.

- Richard Wallsmith

  He was Supervisor Oliphant's CFO from February 2003 [T: 484] until she fired him in the early part of October 2003 [T: 512]. He was hired to dig the office out of the $936,328 deficit, to "cut the bleeding" [T: 488], to honor the promises that Supervisor Oliphant had made to the Board that she would institute her written response to the Thabit report [T: 485], to freeze hires and raises [T: 488], and to ramp up for the oncoming March-May budget discussion with County Commission's staff.

  In April 2003, Mr. Wallsmith began the normal budget negotiations for FY 2003-2004 with the Commission's staff. He advised Supervisor Oliphant to ask for $14.7 million [T: 506]. Supervisor Oliphant apparently believed that he then sabotaged her by cutting a deal behind her back, telling county budget staff that she would settle for $9.7 million, including the value of certain county-provided services [T: 507].

  Curiously, Supervisor Oliphant appeared to have placed no blame for the illegal deficit condition in FY 2001-2002, or the irregular financial practices during that same year, on the obvious responsible target—Barbara Adams, her Finance Director who presided over budget, spending, and finance matters between April 2001 [T: 881] and some time around November or December 2002 when she became Supervisor Oliphant's personal executive assistant [T: 590]. Mrs. Adams had been responsible to the supervisor for budget and finance matters during the entire fiscal year in which the illegal deficit was incurred.

- Decennial redistricting/reapportionment—the creation of 200 additional precincts (and election boards) further aggravated Supervisor Oliphant's financial predicament.

The Governor, through his counsel, asserted several points in response. He argued that Supervisor Oliphant "frittered away public funds" for things such as $132,000 in unnecessary renovations to enlarge her personal office suite [T: 32] [T: 195] [T: 1407]. He emphasized that it was illegal for a county officer to end the year in the red, no matter what, and that it was Supervisor Oliphant's legal duty to reduce her expenditures so that the totals would balance at year's end, or to cajole, beg, or entreat the Board to provide supplemental funds. The Governor also argued that because Supervisor Oliphant apparently made expanded outreach her primary goal (she had requested 18 slots for outreach of which the Board approved only two [T: 185]), she brought on her own financial problems by shifting funds from other necessary purposes to expand the office's outreach efforts and even hire a new outreach coordinator.

To summarize the relevant statutory requirements applicable to a supervisor's fiscal responsibility, all expenses incurred in a supervisor's fiscal year must be vouchered and charged to the budget for that year [§129.202(1), F.S.]. This same law gives every supervisor the option to draw his or her own checks to pay authorized budgeted expenditures for operating the office. If a supervisor does not exercise that option, then the Clerk of Court (acting as the Clerk of the Board of County Commissioners) or the county financial officer writes the checks upon receipt of "bills approved by the supervisor" for "all expenses requisitioned by the supervisor." Clearly, the latter method provides an additional layer of financial control that is absent if the supervisor personally, or the supervisor's CFO personally, or worse yet, an employee of the supervisor's office with authority to use a facsimile signature, handles the check writing task in-house. It must be said in fairness to Supervisor Oliphant that her in-house check writing practice was an inherited one which continued the practice of her predecessor supervisor. Nevertheless, the bottom line remains that the legal responsibility during her term of office to keep overall expenditures within income was Supervisor Oliphant's non- delegable duty. A supervisor may have a finance director or a CFO that takes care of all the day-to-day transactions, but the legal responsibility to stay within the budget and to keep proper and balanced accounts must rest somewhere. In my view, that somewhere is on the supervisor's desk. The law requires nothing less [§129.202(1)(d), F.S.].

Unlike a county commissioner's exposure to criminal liability for voting for excess indebtedness or payment made without authority of law [§129.07, F.S.]; or the specific exposure to criminal penalties and risk of suspension for malfeasance for knowingly and wrongfully doing so [§129.08, F.S.], no similar specific penalties or consequences apply to similar conduct by a supervisor of elections.

Unlike a municipal officer's exposure for expending or contracting to expend funds except pursuant to budgeted appropriations [§166.241, F.S.], no similar specific provision applies to similar conduct by a supervisor of elections.

Unlike a state agency officer's exposure to criminal liability for spending money in excess of the amount appropriated, and the additional risk that any contract doing so is null and void [§216.311, F.S.], no similar specific penalties or consequences apply to similar conduct by a supervisor of elections.

Thus, the primary effective tool remaining in a governor's hands to control an overspending supervisor of elections is the one that Governor Bush used in this case: suspension based on misfeasance in office.

On November 15, 2002, Supervisor Oliphant formally admitted that she had seriously overspent or overencumbered her FY 2001-2002 budget [G: 17]. At the Senate hearing in July 2004, she chose not to testify on the point. Thus her office's budget deficit condition, as of September 30, 2002, stands uncontroverted. The several defenses alluded to by her counsel's argument or during his examination of witnesses, such as the Board's intentionally parsimonious budgeting of

funds for Supervisor Oliphant's office, are insufficient to overcome the evidence that was offered against her on Specific Charge Six.

The facts alleged in Specific Charge Six were PROVED.

SECTION TWO
SPECIFIC CHARGE SEVEN
[Whereas clause 22 of EO 03-219]

In reference to the municipal mail-in election held in Broward County on November 4, 2002, at least 17,000 mail-in ballots out of 100,000 were returned as undeliverable, and an uncertain number of mail-in ballots were deliverable but thrown away because the addressees had moved.

FINDINGS

Abundant, clear and convincing evidence was produced that approximately 17,000 out of about 100,000 mail-in ballots that were mailed by the supervisor's office for the November 4, 2002 municipal elections were returned as undeliverable.

However, proof that 17,000 out of 100,000 ballots were returned as undeliverable, by itself, establishes no violation.

The Leon County Supervisor of Elections was called as a witness by Supervisor Oliphant. Mr. Sancho, after qualifying as an expert witness, opined that 17 percent for returned ballots in a mail-in election was "in line" [T: 2126]. He testified also that returns state-wide due to address errors averaged between 17-24 percent [T: 2124].

On the other hand, current Broward Deputy Supervisor Gisela Salas, who for 15 years was senior staff and then second in command in the Miami-Dade County Supervisor of Elections office, expressed her view that the 17,000 returned undeliverable ballots out of 100,000 mailed in Broward County were the direct result of insufficient or inadequate list maintenance activity, namely failure by the suspended supervisor to carry out her mandatory duty to ensure "the maintenance of accurate and current voter registration records" [§98.065(1), F.S.] [T: 149].

Whether 17,000 out of 100,000 is too many, too few, or just about right is a matter of opinion. What is more important than the differing opinions of two experienced elections officials on this charge is the underlying issue of list maintenance.

Proper list maintenance has two components: 1) daily, ongoing transactional maintenance, and 2) the biennial registration list program as specified by law.

Ongoing maintenance recognizes that information on voter status is dynamic and comes in to the supervisor's office every day [T: 1321]. New registrants are entered, registrants move within the county, and events occur that remove yet others. Ongoing maintenance depends on weekly updates received from the Clerk of Court of felony convictions, on monthly vital statistics reports from the state, on mailings received from other jurisdictions showing voter registration elsewhere, and on walk-in and mail-in changes of address.

The second type, biennial maintenance, is required in odd-numbered years [§98.065(2), F.S.]. Bruce Eldridge was called as a defense witness. He had been in charge of information technology in the Broward County Supervisor's office since 1993. He testified that daily ongoing maintenance was carried out routinely and without interruption throughout his employment, and that Supervisor Oliphant's predecessor, Supervisor Jane Carroll, did the required biennial maintenance in 1995, 1997, and 1999. He testified that there was no biennial maintenance during Supervisor Oliphant's term of office, either in 2001 or in 2003.

It is not necessary to go into the mechanics of the three statutory options for biennial maintenance except to note that it was and is up to each of the 67 supervisors to select the method he or she determines is the most effective for his or her county. Each procedure has its relative advantages in length of time required to accomplish, or cost, or simplicity, or labor intensity necessary. Broward County had historically used §98.065(2)(a), F.S., the so-called NCOA vendor method.

Mr. Eldridge attributed the failure to do biennial list maintenance in 2001 to prohibitions associated with the federal court case of *National Association for the Advancement of Colored People, Inc. (NAACP) et al. vs. Harris, Roberts, et al.*, Case #01-0120-CIV. Although the case was not settled by Supervisor Oliphant until May 2002, and although the list maintenance aspects of the case dealt with felons wrongfully removed from the Central Voter File or from a county registration list under a law that was repealed by the Legislature in 2001, the list management section of the NAACP suit settlement covered more than just the felon issue. Section E.2. of the settlement refers to "voters dropped from the official list of registered voters as a result of their failure to vote in the 2000 election" [G: 66]. Mr. Eldridge testified that paragraph E.2. "was not applicable at this time. The drop for failure to vote in 2000 does not occur until we had that drop, so that did not apply" [T: 1346]. Thus, the dropped voters issue was not foreclosed by the NAACP law suit.

In short, I find that the then-pending NAACP law suit did not legally preclude Supervisor Oliphant from doing all forms of the statutorily required biennial list maintenance in 2001.

As for 2003, Supervisor Oliphant's defense for not doing biennial list maintenance was based solely on lack of funds.

During FY 2002-2003, Supervisor Oliphant's funding level was $6,864,359. NCOA list maintenance would have cost about $70,000 [T: 1329]. I reject her counsel's claim of financial impossibility as an excuse for non-performance of a statutorily mandated duty, especially where Supervisor Oliphant had some authority to move money from one part of her operations budget to another. Her earlier moving of money for the outreach area demonstrates that she knew how to make such transfers.

I find that Supervisor Oliphant failed, without justification, to accomplish biennial statutory list maintenance in 2001 and 2003 as required by §98.065(2), F.S.

The facts alleged in Specific Charge Seven relating to 17,000 mail-in ballots being returned were PROVED.

The facts alleged in Specific Charge Seven relating to "an uncertain number of mail-in ballots were deliverable but thrown away because the addressees had moved" were NOT PROVED. There was no evidence offered by the Governor to support this allegation.

SECTION TWO
SPECIFIC CHARGE EIGHT
[Whereas clause 15 of EO 03-219]

Problems and deficiencies continue to exist (to November 20, 2003) most recently with Supervisor Oliphant's firing of her senior elections staff including, but not limited to: a) the Deputy Supervisor; b) the Chief Financial Officer; c) the Absentee Ballot Supervisor; and d) the Poll Worker Division Supervisor.

FINDINGS

Specific Charge Eight accuses Supervisor Oliphant of recently "firing" her senior experienced staff. All four of these affected employees testified at the Senate hearing concerning the circumstances of their departures.

a) Deputy Supervisor Kenneth Leb—He met Supervisor Oliphant in May or June 2002 [T: 543]. He had substantial training and about 6 years of experience in the computer field. He first offered Supervisor Oliphant free advice on her office telecommunication systems and came to the office and started looking over the computer system [T: 544]. Within a month or so, Supervisor Oliphant had contracted with Mr. Leb to build a new call center at Nova University. By the end of July 2002, Mr. Leb was on the payroll as a regular employee assigned to the IT area [T: 547].

Mr. Leb was given more diverse management and executive tasks until by January 17, 2003, he eventually assumed the role of *defacto* acting Deputy Supervisor [T: 553].

By March 2003, Mr. Leb was assigned to work on a new organization chart and to assist in the preparation of the budget recommendation for the ensuing fiscal year. Mr. Leb started "arguing" with Supervisor Oliphant over office administrative issues in March or April [T: 576] and their professional relationship and "synergy" [T: 574] continued to deteriorate into the summer months [T: 594]. In August, Leb was interviewed by a State Attorney investigator and gave a critical evaluation of Supervisor Oliphant's administrative skills [T: 595]. His comments became public. Several days later Supervisor Oliphant asked for his resignation [T: 596]. At first he

said "No" [T: 596]. Then he changed his mind and submitted his resignation on August 28, 2003 [G: 50], and walked away that afternoon with one month's severance pay. Kenneth Leb was not "fired" as alleged in the Executive Order but it would be quibbling to try to draw a fine distinction between Leb being "fired" or resigning. What is significant here is that after Mr. Leb's final day in the office, August 28, 2003, Supervisor Oliphant had no deputy supervisor from then until she was suspended on November 20, 2003.

Florida law specifically authorizes, but does not require, a Supervisor of Elections to have one, or more than one, official Deputy Supervisor [§98.015(8), F.S.]. Of the three other supervisors who testified at the Senate hearing, two have a Deputy Supervisor and one does not. The latter relies instead on her own administrative ability to manage her department heads directly.

It is true that Gisela Salas, the Deputy Supervisor hired in December 2003 by Supervisor Oliphant's successor in office, had been contacted indirectly by Supervisor Oliphant several days before Supervisor Oliphant herself was suspended [T: 87], but Mrs. Salas was never actually hired by Supervisor Oliphant.

b) Chief Financial Officer Richard Wallsmith—a retired CPA, had worked for state or local government agencies for 32 years, including posts at the Auditor General, the 5th District Court of Appeal, and the Broward Clerk of Courts [T: 483].

In January 2003, Mr. Wallsmith was contacted by the Broward County Auditor and asked if he would be willing to help Supervisor Oliphant's office resolve its current financial problems [T: 484]. He began employment and received three assignments: institute some financial controls; respond to the County Auditor's recent critical report on the supervisor's office finances; and then begin work on the ensuing budget cycle recommendations to be proposed to the Board [T: 485]. He replaced Barbara Adams, the former Finance Director under whose hand the office had descended into a serious deficit status.

In early October 2003, Barbara Adams told Wallsmith that Supervisor Oliphant wanted his resignation [T: 512]. Wallsmith said "No" [T: 513]. Adams told him that he had done nothing wrong—it was just that Supervisor Oliphant was dissatisfied with his services. Later that day, while Wallsmith was in Connecticut at a meeting of the International Association of Clerks, Recorders, Election Officials and Treasurers, the message was relayed to him by St. Lucie County Supervisor of Elections Gertrude Walker that he had been fired.

Supervisor Oliphant elected not to testify on this issue at the Senate hearing.

Supervisor Oliphant replaced Wallsmith with another CPA on October 9, 2003. Thus, there was a gap of only a few days with no CFO on staff.

c) Absentee Ballot Supervisor Mary Hall had been employed in the Broward Supervisor of Elections office since 1986. She was fired by Supervisor Oliphant on October 6, 2003 [G:53]. About 5 weeks after Ms. Hall was fired, her duties were formally reassigned to another long-time employee whose existing duties were expanded to cover absentee ballot issues as well.

d) Poll Worker Division Supervisor Pat Nesbit had been employed in the Broward Supervisor's office since about 1990, first as a clerk in the poll worker department. She worked her way up, eventually rising to be in charge of that department. In May 2002, Pat Nesbit put in writing a long list of perceived deficiencies in office operations that she thought deserved immediate attention [G: 1]. Pat Nesbit was fired by Supervisor Oliphant on October 6, 2003 [G:54]. At some unspecified time after Pat Nesbit was fired, an existing employee in the office, with little experience in poll worker matters, was put in charge of that department.

There is evidence that after Mr. Leb left employment on August 28, 2003, Supervisor Oliphant decided to try to run her entire operation without a deputy. She was just beginning a new fiscal year with infusions of new money and was on the way to finish digging her office out of its carry-over deficit situation. By November 7, 2003, her staff had mailed out the poll worker cards for the March '04 presidential preference primary. However, it is uncontroverted that Supervisor Oliphant had, at the same time, fired two of her critical lead workers and added their duties to the existing responsibilities of two other employees.

It is not uncommon for a Supervisor of Elections who has no prior experience in running an election to get elected in Florida. Sheriffs have gotten elected without being certified law enforcement officers. The same principle applies to a new Property Appraiser or Tax Collector. But it appears that for an "outsider" to be successful at any one of these county constitutional offices, the neophyte victor must have a dependable and experienced management staff to continue day-to-day operations, uninterrupted, while the new boss learns the ropes and grows into the position.

The facts in Specific Charge Eight(a) were PROVED.

The facts in Specific Charge Eight(b) were NOT PROVED.

The facts in Specific Charge Eight(c) were PROVED.

The facts in Specific Charge Eight(d) were PROVED.

SECTION TWO
SPECIFIC CHARGE NINE
[Whereas clause 23 of EO 03-219]

Supervisor Oliphant was continuously unwilling to take personal responsibility for her office's repeated failures.

FINDINGS

There are about 100 places in the Florida Elections Code that begin with "The supervisor shall . . . ." or "The supervisor is required to . . . ." These range from duties that might be considered personal to the supervisor, for example, §101.34, F.S., "she must appoint deputies"; to duties that obviously cannot be done personally by the supervisor herself, for example, §101.34, F.S.,—"The Supervisor of Elections shall verify the signature of each elector on the return mailing envelope . . . ." Carrying out of most of her specific statutory tasks would generally be expected to be delegated to staff.

Whereas Clause 23 of the Suspension Order raises the issue of *legal* responsibility. It is beyond peradventure that the ultimate legal responsibility for compliance by her employees with the election laws in Broward County between January 2001 and November 19, 2003 rested with Supervisor Oliphant herself. She was the elected constitutional officer who accepted that responsibility when she took her oath of office. However, one of Supervisor Oliphant's primary defenses to the Governor's charges is that virtually all of the problems, deficiencies, errors, and failures that relentlessly dogged her time in office were caused by someone or something else.

A telling illustration is the presentation Supervisor Oliphant made to the Broward County Board of County Commissioners on January 21, 2003. The occasion was a budget workshop at which she presented, explained, and defended her office's budget request for the forthcoming FY 2003-2004.

Supervisor Oliphant opened the workshop by cataloging her successes, namely adding 103,051 new registered voters to the rolls since November 2000, opening a new branch office, upgrading her predecessor's computer system, and so on [R: 1 @ 6]. She even put in perspective the admitted fact that 24 precincts' polling places did not open on time in the September 2002 primary, by saying that 745 did open on time and that they were sufficiently staffed to accommodate the first voter at 7 a.m. Supervisor Oliphant specifically and personally took "total responsibility for what has happened here" [G: 36 @ 73], reversing her public statement of just ten days before when she issued a press release blaming (former) Deputy Supervisor Cotter for creating the FY 2001-2002 budget deficit [G: 31]. At the workshop she took "total responsibility for what has happened with the deficit" [G: 36 @ 34]. She also took "total responsibility for errors and omissions" of her office [G: 36 @ 41]. In her written submission to the Board on that same date, she wrote "I accept full responsibility for having (my two deputies who failed me) as employees" [R: 1 @ 2]. In summary, she wrote that "I have committed errors for which I am fully responsible" [R: 1 @ 2].

Supervisor Oliphant's 509-page written submission to the Board was meaty and impressive. It included copies of her required periodic reports to Governor Bush and Division of Elections Director Roberts, and her responses to the county budget officer's questions about her budget request. In short, Supervisor Oliphant provided reasonable justification for her $7,653,915 budget request [R: 1 @ 58].

Then, Supervisor Oliphant launched into a confrontational stance in which she again publicly blamed the County Commission for selecting the wrong voting equipment and reminded the Board that its choice was contrary to the analysis and recommendations of her independent technical consultant whose report she had provided to the Board before the selection and purchase [R: 22]. Supervisor Oliphant's public confrontation of the Board was based on the report from Christopher Hood, a computer technology consultant with whom she had contracted to research the voting systems that were available to Broward County [T: 822]. Mr. Hood spent 4 months [R: 22 @ 14] going to the four certified manufacturers' management, customers, and factories [T: 823]. His report [R: 22] listed and outlined the problems and shortcomings he saw with the proposed machines and the vendor, ES&S: using an older model to meet the experience requirement in the Broward bid; a spotty support and service history; low-ball bidding tactics; serious technical problems with the equipment; the uncertified status of the machines (and thus the illegality of the purchase under §101.294, F.S.); the need for 800 additional workers to operate the machines at each county-wide election; a bait and switch scheme [T: 839]; the "fix being in" with the County Commission before the vote [T: 831]; and a $1.3 million "feeding frenzy" for the ES&S local lobbyist [T: 833]. In her "Message from the Supervisor" [R: 1 @ 1-2] Supervisor Oliphant again publicly chastised the Board for cutting her budget and refusing to provide necessary services to her office. She cynically "complimented" the machines' vendor, ES&S, for its "impressive job" in shifting their own blame and responsibility for equipment failures to anyone except themselves. She "complimented" the vendor's lobbyists for what she termed the only success associated with the selection, namely their $1.3 million fee. She also criticized the sheriff and school board for withholding important planning information from her. She blamed a non-existent state entity (which she referred to as the "State Board of Elections") for certifying voting equipment and modifications up to 2 days before the September 10, 2002 primary.

Finally, according to the credible, uncontroverted testimony of multiple eyewitnesses, Supervisor Oliphant did not take responsibility for errors that occurred during the September 10, 2002 election [T: 469]. She basically blamed everyone in sight but herself.

With the workshop exceptions explained above, plus one place in her November 15, 2002 letter to the Broward County Auditor where she stated that "the problems and deficiencies (with the budget) are my responsibility to rectify, correct, and avoid in the future," I find that Supervisor Oliphant generally declined to take personal responsibility for her office's failures and ordinarily sought to shift the blame to others.

The allegation in Specific Charge Nine was PROVED.

SECTION THREE
SPECIFIC CHARGE TEN
[Whereas clause 21 of EO 03-219]

Supervisor Oliphant failed to comply, by the November 10, 2003 specific deadline, with the 24 specific and concisely stated written "recommendations" as set by the Department of State's October 14-15 Assessment Team.

FINDINGS

In addition to setting out the core charges in the Whereas clauses, Executive Order 03-219 the Executive Order incorporates by reference 23 separate letters, memoranda, documents, and reports that it relies on to support Supervisor Oliphant's suspension. My analysis of Specific Charge Ten focuses on the ten failures specifically alleged in Whereas Clause 21.

On October 23, 2003, Secretary of State Hood drew a line in the sand. Supervisor Oliphant was given 15 calendar days to demonstrate attainment of 24 specific "recommendations". Twenty of them had specific completion dates ranging from "immediately" to November 1, 2003. Two had a vague or unspecified due date.

Had she exerted a Herculean effort; had she focused and redirected the bulk of her employees to this sole and exclusive task; and had she postponed their ongoing, routine daily tasks, Supervisor Oliphant might have been able to produce a result acceptable to the Governor. It appears she did make an effort, perhaps sensing the significance of this "last chance" the chief executive was offering her. In any event, her effort apparently was not sufficient to suit Secretary of State Hood or Governor Bush.

Part of the Senate's role now in analyzing the ten areas specified by the Governor is to separate opinion from fact, and arguments by lawyers from proof by evidence.

Charge 10(a) Still no "continuum of duties and responsibilities apparent".

In management parlance, this ordinarily means, at an absolute minimum, an up-to-date organization chart, coupled with accompanying detailed job descriptions that correspond to the actual duties and responsibilities of each employee on the staff.

As detailed in my discussion under Specific Charge Six, the November 2002 Thabit Report [G: 16] highlights 34 specific deficiencies in Supervisor Oliphant's office operations and was highly critical of her general failure to adhere to the most basic budgetary controls in the day-to-day operations of her office. Four days later, the Governor's General Counsel wrote to Supervisor Oliphant and on behalf of Governor Bush, characterized the Thabit Report as "deeply troubling" and he warned her to "overhaul" her business practices [G: 19].

Several weeks later, Supervisor Oliphant sent Governor Bush her "Administration and Operations Implementation Plan" [G: 24]. To Supervisor Oliphant's great credit, this plan was well-organized, comprehensive, and realistic. It appears to be primarily the work of an experienced articulate hand, most likely Joe Cotter [G: 23]. Twelve days later, citing Supervisor Oliphant's interference in his contractual responsibility to operate the office (except in two clearly specified areas), Cotter exercised his option to terminate his contract and quit [G: 26].

Without Joe Cotter there to manage day-to-day operations, and without a deputy supervisor who would carry on the recently promulgated "Administration and Operations Implementation Plan" after Mr. Cotter's departure, Supervisor Oliphant would continue to be buffeted by daily administrative and operational problems from multiple sources.

Yes, Kenneth Leb took over some of Mr. Cotter's work, but Ken Leb was no Joe Cotter. And, Mr. Leb soon started to "butt heads" with Supervisor Oliphant over issues of organization [T: 572-573]. His job title and duties were never really clear. When Supervisor Oliphant advised him that he would never become her "real" Deputy Supervisor because: a) he had no college degree; b) he had not been there long enough to learn the election business; and c) the staff didn't like him, he quit [G: 50].

This important position remained vacant until the day the Governor suspended Supervisor Oliphant. Without a deputy to oversee the details of daily operations, it was functionally impossible to have a "continuum of duties and responsibilities apparent."

I find that the facts in Specific Charge 10(a) were PROVED.

Charge 10(b) Management personnel still did not demonstrate the necessary level of competence.

Before addressing the narrow Charge 10(b), I will note for the record that Supervisor Oliphant had in her employ, off and on, some highly competent, long-experienced, goal-oriented, and hard working management level public servants.

Of special note was Joe Cotter. Cotter's attitude was that the supervisor's office must, regardless of any of his personal reservations, make whatever voting system the Board provided work [T: 200]. Similarly, Cotter had "strong reservations" about Supervisor Oliphant's hiring of a particular employee but testified that "Miriam hired her and that was that" [T: 190]. It was Cotter who more or less organized and directed the gargantuan logistical effort to pull off the November 2002 general election. He faced problems in every major area of office operations, including, for example, finding 100,000 or so voter registration cards unprocessed and stacked in boxes. Cotter was the director of a 7-day-a-week operation for 45 days—beginning the day he came back to work on September 23, 2002.

And there was Richard Wallsmith who, having assumed the CFO responsibilities in February 2003, performed those duties with apparent diligence until Supervisor Oliphant fired him 8 months later.

By the time the November 2003 Assessment Team came to Ft. Lauderdale for its verification visit, the top management situation was:

1. No Deputy Supervisor is on board and no immediate prospects of one are apparent.
2. The Absentee Department is run by Andrea Perri, a 16-year experienced employee whose duties were doubled on October 14, 2003, also to oversee the Absentee Department in place of the former director who Supervisor Oliphant had fired a week earlier.
3. The Poll Worker Department is run by a smart, capable, but relatively inexperienced employee who was likewise given this department as an extra duty to cover the loss of the director who Supervisor Oliphant had fired a week earlier.

Charge 10(b) was PROVED.

Charge 10(c) Still no Deputy Supervisor on the job.

Charge 10(c) was PROVED.

Charge 10(d) Lines of responsibility for tasks still blurred.

Supervisor Oliphant apparently did not produce, for the Secretary of State's November Assessment Team, an up-to-date written job description for each of her employees. The evidence showed that there was some blurring of the lines of responsibility for tasks—but also that the related cross training was a mandatory "recommendation" to Supervisor Oliphant by the October Assessment Team [G: 56 @ 5]. The blurring was, in my view, an expected result of still having no Deputy Supervisor on board when the November Assessment Team arrived. This fact, coupled with the multi-tasking that Supervisor Oliphant had been imposing to cover the loss of staff she had fired, resulted in responsibility for specific tasks still remaining blurred as of November 10, 2003. Supervisor Oliphant's erratic, last-minute re-assignment of the absentee ballot and poll worker duties to two already over-laden management employees did not help her case. I find to be true and accept the findings of the November 2003 Assessment Team that Supervisor Oliphant's action in this area served merely to create a false appearance that key vacancies had been filled.

Charge 10(d) was PROVED.

Charge 10(e) Some management personnel still overextended to cover dual positions.

Based on the job assignments of Andrea Perri and Gino Herring as of November 10, 2003, Charge 10(e) was PROVED.

Charge 10(f) Documentation request by the October Assessment Team still not provided to November Assessment Team; namely, poll worker training manuals, poll worker agreements, and precinct polling location contracts. This was a simple matter of proof. Either Supervisor Oliphant provided the documents to the November Assessment Team or she did not. The evidence [G: 62 @ 4], and the testimony taken at the Senate hearing indicates that she did not provide the documents, at least not all of them. Supervisor Oliphant offered no personal testimony or other evidence to the contrary.

Supervisor Oliphant did offer her "Precinct Procedures Manual" into evidence [R: 55]. To the casual reader, it seems complete, comprehensive, and well prepared with a professional appearance. Although undated, it was probably the manual used for the September primary or the November 2002 general election. Why it wasn't provided to the Assessment Team, or if it was, then why the team didn't acknowledge it, is not in evidence. In any event, it was only one of the documents requested by the Team.

Charge 10(f) was PROVED.

Charge 10(g) Poll worker training infrastructure still not in place.

The November Assessment Team concluded that "while (Oliphant) has been in office for 3 years, none of the requisite infrastructure is in place to **assure** a trained poll worker workforce of the magnitude necessary to support a countywide election." [G: 62 @ 4]. This conclusion discounts the training infrastructure used in prior elections as well as the use of outside trainers, borrowed trainers, and temporary trainers.

Providing timely, sufficient training for 5,000+ poll workers is a struggle under the best of conditions. Supervisor Oliphant, with the help of outside agencies and sources, was able to provide poll worker training for prior countywide elections. However, I find that as of November 10, 2003, she had no demonstrable, dependable, permanent infrastructure in place to assure continuity in future poll worker training. Although Supervisor Oliphant produced a list of names and addresses of many (5,000 or even 14,000) poll workers from a prior election, that does not constitute proof of a training infrastructure for future elections.

Charge 10(g) was PROVED.

Charge 10(h) Violations of §98.095, F.S., regarding physical security of voter information still occurring.

The unrefuted testimony was that on November 10, 2003, one member of the November Assessment Team observed a person making handwritten notes from the voter information lists on the screen of a public-access computer monitor located at the public counter in Supervisor Oliphant's main office [T: 1520, 1601]. Section 98.095, F.S., prohibits copying or extracting information from the lists *unless* the person making the extract or copying the information voted in the most recent election [§98.095(2), F.S.,], is an incumbent officeholder or a candidate, or is acting on behalf of a political party entity or a governmental agency [§98.095(2), F.S.]. The testimony was that a small sign was posted on or near the computer advising the public of this prohibition, but no enforcement of the law by the office staff was apparent. Because the person seen by the November Assessment Team member copying from the computer screen might have been in one of the allowable classes and thus exempt from the prohibition against copying information, Supervisor Oliphant is entitled to the benefit of the doubt on Charge 10(h).

Charge 10(h) was NOT PROVED.

Charge 10(i) Voting systems security standards are not met due to the Broward Supervisor's misplaced reliance on an untailored Pasco County plan that does not meet §101.015, F.S. requirements. Supervisor Oliphant offered into evidence two versions of a 58-page document entitled "Election Security and Procedures Manual" [R: 26]. The first version says "Revised: November 4, 2003" and is stamped "DRAFT—Not for Publication" across each page in one inch high letters [R: 26]. The second version is likewise stamped "DRAFT—Not for Publication" across each page and says "Revised: November 7, 2003" [R: 56 @ 85-145]. Both versions appear to the casual reader to be a work-in-progress revision of what might have had its genesis in and been copied from Supervisor Kurt Browning's Pasco County Election Security Plan [T: 127] [T: 919] [T: 1785]. In any event, while each draft purports to be a plan in compliance with §101.015, F. S., according to the unrefuted testimony, no plan was ever finalized or fully implemented. There is nothing intrinsically wrong about copying a successful plan used by a sister county if it is properly tailored for use by the borrower county. The problem here is that there was no *evidence* that a plan was ever finalized for use in the Broward County Supervisor of Elections Office.

Charge 10(i) was PROVED.

Charge 10(j) Alarming and unacceptable number of key management personnel, including Supervisor Oliphant herself, still exhibit lack of fundamental knowledge of state and federal election law.

I did not give key management personnel, including Supervisor Oliphant herself, a pop quiz on their fundamental knowledge of state and federal election law. Therefore, the determination of Charge 10(j) necessarily depends on the opinions of others. These opinions were expressed in the report of the November Assessment Team. They were also expressed freely at the Senate hearing from sources of varying degrees of reliability, knowledge, and experience.

As such, they are necessarily subjective and judgmental. I can only add my own to the stack.

The Governor's proof of Charge 10(j) was spotty and anecdotal. The evidence was primarily of incidents when Supervisor Oliphant referred questions about the election law to her staff or when some of the answers offered by Supervisor Oliphant and by her staff were erroneous. The Governor's counsel also attempted to paint a picture of Supervisor Oliphant not taking advantage of or skipping class during the formal training sessions available to all Florida's supervisors; however, the evidence on this point was mixed. It takes time to learn a body of law, especially one, like Florida election law, that is often revised. Supervisor Oliphant is entitled to the benefit of the doubt on this charge.

I find that Charge 10(j) was NOT PROVED.

AFFIRMATIVE AND EQUITABLE DEFENSES

The burden of proving the charges alleged in an Executive Order of Suspension is on the Governor. When a Respondent asserts affirmative

and equitable defenses, as is the case here, the burden to prove them is on the suspended officer.

The nine affirmative and equitable defenses raised by Supervisor Oliphant's defense witnesses' testimony, her exhibits offered into evidence, her counsel's cross examination of the Governor's witnesses, and her counsel's arguments, reorganized and restated are:

- Conspiracy One: by various members of the Broward County Board of County Commissioners (particularly her old political nemesis from her school board days, Commissioner Lori Parrish) who sought to starve Supervisor Oliphant out of office with insufficient funding;
- Conspiracy Two: by Assessment Teams I and II, who collectively aimed not to provide assistance, but instead intended, and were appointed to lay the predicate for, her suspension;
- Conspiracy Three: by "a group of (her own) employees (who) said that they were going to sabotage Supervisor Oliphant to get her out of office, and that they were going to use the county commissioners to get it" [T: 72];
- Estoppel: from basing a gubernatorial suspension charge on the events of September 10, 2002 due to a subsequent statement in the Governor's January 17, 2003 letter to the Board of County Commissioners that "based on the information available to me at this time, her actions do not meet the constitutional threshold for suspension" [G: 32] [R: 9].
- Impossibility: the selection and purchase by the Board of County Commissioners of an expensive-to-run touch screen system, coupled with insufficient funds to train and maintain the personnel necessary to operate that system made the September 10, 2002 primary election outcome inevitable;
- Mitigation: the charges fail to consider her successes—
  - o the successful November 2002 general election, and
  - o her outreach efforts resulting in 290,000 new registrants.
- Prerogative (to Select Her Own Staff): the unfettered right of every public official to hire, fire, promote, or demote staff, and to choose to employ only supervisory-level employees that the official has personally selected;
- Reasonable Reliance: especially on her management-level staff, to do their respective assigned tasks correctly, reliably, and with a full measure of energy, loyalty, and dedication to the supervisor and her goals and programs; and
- Selective Prosecution: that things were just as bad in Miami-Dade County on September 10, 2002, but the Miami-Dade Supervisor of Elections was not suspended.

On the eighth day of the Senate hearing, a Governor's witness admitted that Supervisor Oliphant had never been told specifically that the list of "recommendations" that had been given to her by the Secretary of State's October Assessment Team were mandatory requirements that Supervisor Oliphant was obliged to accomplish by the specified date, upon pain of suspension from office [T: 2342-2343].

Supervisor Oliphant, relying in part on that admission, and on Governor Bush's January 17, 2003 "estoppel" letter to the Board [G: 32] [R: 9], and on testimony from several of her witnesses, decided on the advice of counsel, not to take the stand to testify on her affirmative and equitable defenses. That was a turn of events that, frankly, I had not expected. She chose to rely instead on the documents admitted into evidence, the testimony from her supporting witnesses or from cross examination of the Governor's witnesses, and her counsel's argument that the Governor had failed to prove his case.

In common usage, a "recommendation" is usually advisory in nature having no binding or mandatory effect. To illustrate:

Waiter to customer:	Good evening folks. I recommend the grouper Florentine on a bed of jasmine rice served with steamed zucchini and roasted almonds, and our homemade key lime pie for dessert.
Oncologist to patient:	I have some bad news for you. The MRI shows that you have an aggressive Stage IV malignant cancer that has spread from your right kidney to your left lung. I recommend immediate surgery just as soon as we can assemble a surgical team.

Both statements are recommendations. The one made in the restaurant can be ignored; the patron can choose, at no peril, to have chicken or beef. The second one is also a recommendation—but the context in which it is made and received makes all the difference.

In October 2003, Supervisor Oliphant was sent a copy of the October 24, 2003 letter from the Secretary of State, the chief state elections officer who by law [§97.012, F.S.] must "obtain and maintain uniformity in the application, operation, and interpretation of the election laws" [G: 58 @ 3]. The letter set out 24 "recommendations" most with specific deadlines for completion, and stated specifically that "Supervisor Oliphant's conduct comes dangerously close to meeting the constitutional threshold for removal from office" [G: 58].

In my view, any ordinarily reasonable supervisor of elections who had received such a list of "recommendations" combined with such an ominous warning would have accepted them as required performance standards with obligatory completion dates and serious repercussions for failure to comply. The possibility of suspension had been hovering over Supervisor Oliphant's head intermittently since Governor Bush wrote to her and mentioned it over a year before [G: 6 @ 1]. Although the timing and abruptness of the execution of the November 20th Suspension Order might have caught Supervisor Oliphant off guard, she can hardly claim surprise. She admitted as much in her November 4, 2003 response to Governor Bush [G: 60 @ 9].

Instead of appearing contrite and flexible, Supervisor Oliphant's response to Secretary Hood's list of "recommendations" was mildly confrontational and challenging [G: 60]. Despite statements that she would do her best to comply, Supervisor Oliphant's response was laced with excuses and justifications. For example, she reminded the Secretary that some of the office staff was away at training when the October Assessment Team showed up, that she was being starved for money by the Board, and so on. One thing that her response lacked—the thing that might have made a difference or at least bought her additional time for compliance—was a straight-out acceptance of personal responsibility, an acknowledgement that her statutory duties had not yet been completed, and a plea for more time for 100% compliance with the October Assessment Team's recommendations.

Further aggravating the situation, on October 16, 2003, the day after the October Assessment Team left her office, Supervisor Oliphant sent a letter to Attorney General Crist [G: 59(a)] asking him to "step up to the plate" and to open a "full investigation" of what she termed the "air of conspiracy" that "swirls around" the Broward County Board of County Commissioners, whose funding policy toward her she termed as "pregnant with mischief." After mis-stating the applicable law concerning the Board's funding responsibility under §129.201(4), F.S., Supervisor Oliphant picked the scab off a year-old wound by again accusing the Board of several violations of law and of its own policy, and mischief concerning the $1.3 million paid to lobbyists to influence the Board's choice of ES&S touch screen voting equipment.

And, by choosing not to testify herself in support of her affirmative and equitable defenses, Supervisor Oliphant voluntarily deprived herself of a formal opportunity, at least at the Special Master's level, to:

- Admit, deny, or at least respond to Deputy Supervisor Cotter's testimony that at their Steak & Ale meeting on September 18, 2002 Supervisor Oliphant admitted to him that she had made some mistakes in some of her personnel choices [T: 218], that some of her decisions were not very good [T: 351], and that she had hired too many friends and didn't hold them accountable [T: 351], particularly his predecessor, Deputy Supervisor Foeman.
- Confirm or deny that a week before the September 2002 primary election, she had asked Governor Bush to extend the polling hours past 7 p.m. [T: 272], and if so, to explain why.
- Admit, deny, or at least respond to Deputy Supervisor Foeman's admission that the office had no contingency plan in place for what happened with the "blue bags" on September 9, 2002.
- Admit, deny, or at least respond to Deputy/Acting/Intern Kenneth Leb's testimony that the office had no operations manual [T: 583, 585, 587, 608].
- Explain in detail her official actions in light of Deputy Supervisor Cotter's testimony that she failed to disband the outreach department [T: 185], after the Board, in FY 2001-2002, funded only 2 of her requested 18 outreach positions (or as Commissioner Rodstrom described it: when "the County Commission budgeted two people for

outreach and the supervisor went out and hired ten people for outreach" [T: 1069 @ 24]).

- Explain the basis for that part of her counsel's opening statement concerning proof of sabotage [T: 73] and identify those employees who allegedly told her that they intended to sabotage her office.
- Recount and explain in chronological detail precisely what actions she personally took beginning with the evening of September 9, 2002 through September 10, 2002, from discovery of the "blue bag" problem through to the time her last polling place closed.
- Explain the conflict between the statement in her response [G: 60] [T: 1697] that she was actually looking for a deputy supervisor, and her reported statement to a member of the November Assessment Team that she was going to run the forthcoming election alone [T: 1756].
- Explain, in response to the October Assessment Team "recommendations," why and how she decided to double up on the existing duties of Andrea Perri and Gino Herring.
- Explain her statement to the Board during the January 21, 2003 workshop [R: 1 @ 7] that she knew she was spending money that she didn't have, and offer her justification, if any, for violating the "if you don't have it, you can't spend it" principle that is so infused throughout all state and local government in Florida that her own defense witness, three term Broward County Commissioner John E. Rodstrom, Jr., called her budget overspending actions "intentional [T: 1069], illegal [T; 1068], unprecedented [T: 1061], in defiance of the county commission [T: 1070], and wrong" [T: 1068].
- Explain why, after apparently soliciting a consultant's proposal to conduct a comprehensive 4-day (re)training program for her entire office staff and 150 training sessions for up to 7,000 poll workers and voting machine technicians, to be held between September 20, 2003 and January 23, 2004 [R: 30], that training never came to fruition.
- Explain why, despite a claim by her counsel in his opening statement [T: 72] that a defense witness would testify to the race-based efforts of a group of her own employees to oust her from office, no such testimony was offered.

Finally, in fairness to Supervisor Oliphant, it was generally conceded by those directly concerned with the general election held in Broward County on November 5, 2002, that it went smoothly and could even be called a success, especially when compared to the September 10th primary. Even Governor Bush acknowledged that to be the case. [Whereas Clause 13 @ page 2 of Executive Order 03-219; R: 14 @ 2; G: 32]. The Suspension Order itself lists the major reasons why: the loan of 800 properly trained Broward County employees to act as Voting System Technicians who would, under a September 20, 2002 contract with the Board, "assist" Supervisor Oliphant by setting up all the voting equipment, opening each machine, trouble-shooting each machine, closing each machine, and transporting each PEB to the regional site after the election; use of the county's Emergency Operations Center; the Broward County School Board conducting the entire poll worker training; the Broward County Sheriff delivering voting machines and supplies to the precincts; the Division of Elections providing technical assistance; and Deputy Supervisor Joe Cotter running virtually all of the office's day-to-day operations.

There was a huge and complicated outside support system that Governor Bush alleged was the only thing standing between Supervisor Oliphant and yet another election failure. But, Broward Mayor Wasserman-Rubin had clearly and formally stated to Supervisor Oliphant on January 9, 2003, that the election support given by the county to Supervisor Oliphant in the November 2002 general election was an extraordinary, one-time event, that would not be repeated for upcoming elections [G: 30 @ 3].

SUMMARY OF FINDINGS OF FACT

Specific Charge One	NOT PROVED.
Specific Charge Two	PROVED.
Specific Charge Three	PROVED that 32 polling places closed early; but NOT PROVED that Supervisor Oliphant "failed to authorize her staff to notify the precincts until approximately 6 p.m."
Specific Charge Four	NOT PROVED.
Specific Charge Five	PROVED.
Specific Charge Six	PROVED. In my view, this one charge and the evidence that was presented to support it, are a sufficient technical basis to warrant removal, even absent any proof of the remaining charges. Specific Charge Six is far from being a technical or minor matter, nor can it be fairly characterized as merely an aspect of Supervisor Oliphant's management style or vision for her office.
Specific Charge Seven	PROVED that 17,000 ballots were returned, but NOT PROVED that "an uncertain number of mail-in ballots were thrown away."
Specific Charge Eight	(a) PROVED. (b) NOT PROVED. (c) PROVED. (d) PROVED.
Specific Charge Nine	PROVED, with minor exceptions.
Specific Charge Ten	(a) PROVED. (b) PROVED. (c) PROVED. (d) PROVED. (e) PROVED. (f) PROVED. (g) PROVED. (h) NOT PROVED. (i) PROVED. (j) NOT PROVED.

The charges that are listed above as PROVED by the Governor were proved with substantial and competent evidence of facts that constitute one or more of the constitutional grounds alleged.

The Affirmative and Equitable Defenses presented by Supervisor Oliphant through her counsel and suggested by the testimony and opinions of her supporting witnesses or exhibits, were NOT PROVED by substantial and competent evidence. Counsel's statements and arguments are not evidence and they do not constitute proof.

To illustrate this point as applied to Supervisor Oliphant's equitable defense of conspiracy, Broward County Commissioner Rodstrom testified that the Board subsequently forgave or waived from her successor's books about $500,000 of Supervisor Oliphant's carry-forward debt [T: 1071]. That debt forgiveness given to Supervisor Oliphant's successor, in addition to $3.25 million in the Board's capital budget for her successor to purchase additional voting equipment, as well as the $4.5 million her successor received for a new voting equipment warehouse [M: 7 @ 2-41], apparently are the prime bases for Supervisor Oliphant's affirmative equitable defense that there was a Board conspiracy against her. However, accommodations to her successor supervisor do not prove existence of a conspiracy against Supervisor Oliphant. They may well show that Supervisor Snipes' relationship with the Broward County Board of County Commissioners is more like Supervisor Sancho's relationship with his board than Supervisor Oliphant's was with hers. Supervisor Oliphant did not meet her burden of proof to establish this defense.

SCALE TIPPER

No later than 7 days after every election, each Supervisor of Elections, sitting as a member of the local canvassing board, is obliged by law to sign and file form DS-DE 81 "Report on Conduct of Election" with the Division of Elections. Section 102.141(8), F.S., requires the supervisor to disclose any problems that occurred due to equipment malfunctions either at the precinct level or at a counting location, any difficulties or unusual circumstances encountered in the election process, and any other problems which the canvassing board feels should be made a part of the official election review.

After the chaos and frantic activity in Broward County surrounding the September 2002 primary election, the official Conduct of Election Report signed by Supervisor Oliphant says only three things: that five Master personal electronic ballots (PEBs) and two regional sites had difficulty in transmitting results, that 21 precincts required a change in vote counts resulting from the reconciliation process, and that the

county judge had requested that precinct registers be compared to the number of votes cast to determine if the iVotronic units operated properly.

Astonishingly, Supervisor Oliphant's official, permanent, required statutory report failed to disclose pertinent facts that would appear to have been of critical importance. Importantly for the Senate, this particular Conduct of Election Report highlights the uselessness and ineffectiveness of a report that was designed as an oversight tool for the Division of Elections and the Legislature.

Most importantly, the report's misleading and incomplete nature makes me doubt the reliability and veracity of some of the other written status reports that Supervisor Oliphant provided to the Secretary of State, the Division of Elections, and the Governor.

It may be that Supervisor Oliphant has an explanation for this report's shortcomings, but, as noted earlier, she did not offer her testimony on the issue.

PRECEDENT

This is the fourth case involving a suspended supervisor of elections that the Florida Senate will have acted on under Florida's modern constitution adopted in 1968.

1. Governor Claude R. Kirk, Jr. suspended Hillsborough County Supervisor Jim Fair on April 14, 1970 following receipt of a report and recommendation of a grand jury. The Governor charged Supervisor Fair with a vast array of violations of the elections laws and bizarre and improper personnel and office management practices. The Senate, in a special session called for that purpose, followed its committee recommendation and removed Supervisor Fair from office, in part because of the "vital importance of absolute fairness, impartiality, and competence in the field of elections."

   In short, Supervisor Fair's violation of the election laws, and his odd office antics were just too much for the Senate to tolerate.

2. Governor Claude R. Kirk, Jr. suspended Brevard County Supervisor James H. Boyd on November 23, 1970 following receipt of report and recommendations of a grand jury. The Governor charged Supervisor Boyd with an array of election law violations including failure to train his employees, voter registration irregularities, voting machine maintenance and security violations, general office inefficiencies, low employee moral, and little apparent personal knowledge of the election laws even after 20 months in office.

   The Senate, in regular session, followed its Select Committee recommendation that Supervisor Boyd be reinstated, in part because several of his violations were merely continuations of long-followed practices and the machine malfunctions were not a major problem for any candidate. The Senate decided that Supervisor Boyd had conducted his office below the proper standard, but that his underperformance, inefficiency and ineffectiveness were a matter for the electorate, not the Senate, as his conduct fell short of proving misfeasance, incompetence, or neglect of duty.

   As a historical note, at Supervisor Boyd's next appointment with the voters of Brevard County, he failed to win re-election.

3. Governor Bob Graham suspended Leon County Supervisor Jan Pietrzyk on December 5, 1986 following receipt of a presentation or recommendation from the State Attorney.

   The Governor charged Supervisor Pietrzyk with the now familiar litany: misfeasance, incompetence, and neglect of duty—particularly that he sent out machines on election day that he knew were not in working order, failed to train properly and sufficiently the machine operators, failed to instruct poll workers, failed to print and use correct ballots, failed to test voting machines adequately, failed to have operative replacement machines ready, to have adequate repair personnel, and to have adequate personnel to deliver substitute ballots.

   The Senate, in regular session, rejected its Special Master (retired circuit judge) B. J. Driver's recommendation of removal of Supervisor Pietrzyk and reinstated Supervisor Pietrzyk to office saying:

   a) Pietrzyk's conduct fell below the standard that the Senate would have desired;
   b) Pietrzyk's conduct may have been grave, but it was not frequent (namely, he can get a pass if he has botched only one election and everything else in his office operation was satisfactory);
   c) Pietrzyk's conduct was not so severe as to demonstrate his incapacity to perform the duties of his office;
   d) Pietrzyk had learned his lesson and besides, there were no more elections scheduled before his term was up and he himself would have to face the voters again.
   e) Carelessness, simple negligence, and stupid mistakes by a supervisor on a one-time basis do not warrant removal;
   f) The Special Master's job is to find the facts. The Senate's job is to make a determination of whether the facts found by the Special Master warrant removal under one or more of the constitutional grounds charged in the Suspension Order.

   The Florida Senate, by a vote three short of unanimous, determined that those findings did not justify removal.

   As a further historical note, at Supervisor Pietrzyk's next appointment with the voters of Leon County, he failed to win re-election.

The Senate's action in these three supervisors' cases reflects awareness that a balance must be struck when determining whether misfeasance, incompetence, or neglect of duty by a supervisor of elections merits his or her removal. The Senate has recognized on the one hand that voters have a strong, even sacrosanct role in deciding whether an elected official should continue in office and, on the other, that a supervisor of elections should not be permitted to continue in office when continuation would endanger the electorate's voting rights. This is a delicate balance.

DUE PROCESS

Fundamental due process for a suspended public officer whose case is pending before the Florida Senate requires a prompt and effective review of the Governor's action. Barr & Karl, *Executive Suspension and Removal of Public Officers Under the Florida Constitution*, 23 U.Fla.L.Rev. 635 at 636, fn.7 and at 637 (1971).

Unlike accused criminal defendants whose Florida constitutional and statutory rights to a speedy trial have been implemented by Fla. R. Crim. P. 3.191(b) with its specific and mandatory time lines, there are only three general timing considerations in the Senate suspension process: a) "The Senate may act on the recommendations of the . . . Special Master at any time it is in session but shall do so no later than the end of the next regular session of the legislature" [Sen. Rule 12.7(g)]; b) "The Senate need not hear or determine the question of the suspension of the officer during any regular session" [§112.48, F. S.]; and c) "for such purpose the senate may be convened in special session by its president or by a majority of its membership." [Art. IV, Sec. 7(b), Fla. Const.].

Nevertheless, I am obliged to account for the passage of time between the date of my appointment and the date of my report.

I was appointed as Special Master on February 4, 2004. Scheduling the final hearing was first discussed at the initial pre-hearing conference on March 24, 2004. Counsel for both parties generally agreed that they were not ready to set the final hearing. At the second pre-hearing conference on April 5, 2004, the Senate was in the 5th week of its 60-day regular 2004 session. Counsel for both parties expressed doubt that the discovery, final hearing, preparation of the Special Master's Report, and final disposition by Senate vote could be accomplished in the 3 weeks remaining before adjournment sine die. Mr. Hunter then stated that "if they leave without voting before April 30th, I don't have a whole lot of confidence that they will come back for a special session just for Ms. Oliphant." He then asked for expedited processing. However, by April 12th, the parties hadn't even made a dent in their deposition list. Although Mr. Hunter preserved his asserted desire to proceed at lightning speed, I determined that presentation of a completed case to the full Senate in the last few days of the session was virtually impossible. Then both parties requested to have their discovery windows reopened until May 21, 2004, which was 3 weeks after sine die adjournment. Twice, counsel for both sides joined in requests for various further extensions. Written closing arguments were submitted on October 15, 2004, a date likewise agreed upon by both counsel. I used the 94 days between October 16, 2004 and January 18, 2005 to study the 2,365 page transcript and the exhibits, and to write this Report.

In short, this was not a case where the Governor or his counsel delayed in order to take unfair advantage of the passage of time or the occurrence of subsequent unfavorable events, to the detriment of the Respondent.

ROLE OF THE SPECIAL MASTER

The role of the Special Master in executive suspension matters was clearly defined and limited by the Senate in 1986. A future Senate Special Master's role would be to act as the eyes and ears of the members, to take the sworn testimony from the witnesses for both sides, to review all the documentary evidence admitted in evidence, and to determine the facts leading up to the suspension. On the most recent occasion that the issue was presented to it, the Senate resolved that it was the role of the Senate itself, not of the Special Master, to decide whether or not the facts found by the Special Master constituted misfeasance, incompetence, and/or neglect of duty by the suspended supervisor and whether the suspended supervisor's conduct warranted removal or reinstatement.

Consistent with that division of labor, I have summarized my findings of fact on page 54 of this Report.

However, my February 4, 2004 appointment letter from Senate President King specifically charged me with the additional duty of making a recommendation on the ultimate question of Supervisor Oliphant's removal or reinstatement.

While my recommendation is advisory only and only the Florida Senate can determine whether Supervisor Oliphant's conduct warrants her removal from office, it is my view that the facts proved on the ten restated charges, when viewed as a whole, and in the absence of substantial competent proof to support her affirmative or equitable defenses, are sufficient to warrant her removal from office.

RECOMMENDATIONS

Accordingly, I recommend:

1. That the Florida Senate confirm the President's appointment of the undersigned Special Master in this case;
2. That Supervisor Oliphant's Motion to Dismiss dated March 23, 2004 stand denied; and her Motion for Issuance of a Subpoena for Deposition dated May 26, 2004 stand denied insofar as it relates to Governor Bush and Secretary Smith, and stand granted with a limitation as to subject matter as it relates to Secretary Hood;
3. That Secretary Hood's Motion dated July 20, 2004, relating to her trial subpoena, be affirmed as determined in the Special Master's Determination entered July 2, 2004;
4. That the Florida Senate adopt my finding that Executive Order 03-219 meets the jurisdictional requirements of the Florida Constitution, statutes, and applicable case law, and that fundamental due process has been afforded the suspended official;
5. That the President order this report to be presented to the Florida Senate in open session and be published in full in the Journal; and
6. That the Florida Senate, pursuant to Article IV, Sec. 7(b), Fla. Const., §112.45, F.S., and Senate Rule 12, REMOVE Miriam McKinzie Oliphant from her 4-year term of office that began on January 3, 2001, as Supervisor of Elections of Broward County Florida, effective November 20, 2003.

Respectfully,
D. Stephen Kahn, Special Master

January 18, 2005

MOTION

Senator Pruitt moved that the January 18, 2005 report and recommendations of the Special Master be adopted in full and that the Governor's action be upheld and that Supervisor Miriam Oliphant be removed from the Office of Supervisor of Elections of Broward County, Florida, effective the date of her suspension which was November 22, 2003.

SUBSTITUTE MOTION

Senator Dawson moved that the report of the Special Master be rejected and that Miriam Oliphant be exonerated and reinstated as Supervisor of Elections of Broward County, Florida, for her term ending January 4, 2005.

Senator Dawson further moved that, under Section 112.44, Florida Statutes, that the Broward County Board of County Commissioners be directed to pay Supervisor Oliphant back pay and benefits for the time Supervisor Oliphant was suspended from office: namely November 20, 2003 through January 4, 2005, and that Supervisor Oliphant be awarded reasonable attorney's fees incurred in the defense of her case before the Senate.

SENATOR CLARY PRESIDING

THE PRESIDENT PRESIDING

ADOPTION OF REPORT

The substitute motion by Senator Dawson was subsequently withdrawn. The question recurred on the motion by Senator Pruitt which was adopted.

The vote was:

Yeas—33

Mr. President	Crist	Margolis
Alexander	Diaz de la Portilla	Peaden
Aronberg	Dockery	Posey
Atwater	Fasano	Pruitt
Baker	Garcia	Rich
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lynn	Wise

Nays—6

Dawson	Lawson	Siplin
Hill	Miller	Wilson

Vote after roll call:

Yea—Argenziano

Yea to Nay—Bullard

MOTIONS

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Wednesday, May 4.

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Wednesday, May 4.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 1252** was withdrawn from the Committee on Rules and Calendar; and **CS for SB 1726** was withdrawn from the Committee on Ways and Means.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 3, 2005: CS for SB 1414, CS for SB 1416, SB 2000, SB 1612, CS for SB 72, CS for SB 74, CS for CS for SB 2426, CS for CS for SB 1316, SB 1998, CS for SB 974, CS for CS for SB's 2072 and 1714, CS for SB 1610, CS for CS for SB 778, CS for SB 798, CS for SB 1516, CS for SB 1922, CS for CS for SB 1002, CS for CS for CS for SB 2068, SB 1620, SB 2640, CS for CS for SB 2176, CS for CS for SB 2178, CS for SB 1862, CS for CS for SB 838, SB 1790, CS for SB 2562, CS for SB 2564, CS for SB 2566, CS for SB 2568, CS for CS for SB 1478, CS for CS for SB 1488

Respectfully submitted,
Ken Pruitt, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 317, HB 803, HB 919, HB 957, HB 1045, HB 1077, HB 1153, HB 1167, HB 1243, HB 1335, HB 1355, HB 1359, HB 1419, HB 1555, HB 1685, HB 1707; has passed as amended HB 111, HB 113, HB 173, HB 181, HB 257, HB 315, HB 345, HB 381, HB 435, HB 467, HB 505, HB 517, HB 527, HB 619, HB 629, HB 645, HB 753, HB 765, HB 777, HB 783, HB 801, HB 811, HB 885, HB 899, HB 937, HB 987, HB 999, HB 1031, HB 1043, HB 1047, HB 1053, HB 1063, HB 1079, HB 1099, HB 1129, HB 1159, HB 1183, HB 1203, HB 1231, HB 1245, HB 1291, HB 1309, HB 1321, HB 1329, HB 1347, HB 1361, HB 1373, HB 1381, HB 1421, HB 1423, HB 1425, HB 1429, HB 1433, HB 1451, HB 1477, HB 1479, HB 1487, HB 1515, HB 1537, HB 1559, HB 1597, HB 1651, HB 1657, HB 1677, HB 1705, HB 1709, HB 1717, HB 1793, HB 1829, HB 1855, HB 1859, HB 1901, HB 1917, HCB 6003 (for HB's 1869, 1871, 1873, 1875), HCB 6005 (for HB's 119, 167, 935, 1613, 1655, 1837, 1853), HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847); has passed as amended by the required constitutional two-thirds vote of the members voting HB 185, HB 1903; has passed as amended by the required constitutional three-fifths vote of the membership HJR 1843 and request the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Mahon and others—

HB 317—A bill to be entitled An act relating to trespass; amending s. 810.011, F.S.; providing that property that is owned or leased by a railroad or railway company does not have to satisfy the definition of "posted land" in order to obtain the benefits of ss. 810.09 and 810.12, F.S., in certain circumstances; reenacting s. 810.09(1)(a), F.S., relating to trespass on property other than structure or conveyance, for the purpose of incorporating the amendment to s. 810.011, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Judiciary.

By Representative Simmons and others—

HB 803—A bill to be entitled An act relating to the Sanford Airport Authority, Seminole County; amending chapter 71-924, Laws of Florida; authorizing the authority to enter into contracts, leases, franchises, or other arrangements with any person or persons granting the privilege of using or improving any project of the authority, or any portion thereof of space therein, for commercial purposes; providing requirements and limitations with respect thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rice—

HB 919—A bill to be entitled An act relating to the child support guidelines; amending s. 61.30, F.S.; creating a rebuttable presumption that a parent is able to earn minimum wage, as set by the United States Department of Labor; providing for the parent to present his or her rebuttal before a trier of fact; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

By Representative Brandenburg and others—

HB 957—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending ch. 24981 (1947), Laws of Florida, as amended; revising provisions applicable to the West Palm Beach Police Pension Fund; amending the definitions of "final average salary," "salary," and "service"; revising the provisions for membership; revising the member's contributions; allowing the purchase of permissive service; clarifying provisions related to credit for intervening military service; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel and others—

HB 1045—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Town of Davie; providing for annexation of the unincorporated area known as Pine Island Ridge; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Allen—

HB 1077—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida; amending the powers and duties of the Canaveral Port District, an independent special district in Brevard County, to authorize the district to sell or otherwise dispose of certain real property; providing the procedure for such sale or other disposition; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Legg—

HB 1153—A bill to be entitled An act relating to Pasco County Mosquito Control District, Pasco County; ratifying and confirming the creation of Pasco County Mosquito Control District pursuant to chapter 390, Florida Statutes (1951), as an independent mosquito control district; providing for a special act charter for the district pursuant to section 189.429, Florida Statutes; providing legislative intent; providing for applicability of chapters 388 and 189, Florida Statutes, and other general laws; providing for district boundaries; providing for officers, powers, rules, and a district budget; providing for liability and group insurance; providing construction; providing for severability; repealing chapter 71-839, Laws of Florida, relating to salary of board members; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative A. Gibson and others—

HB 1167—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending ch. 92-341, Laws of Florida, as amended; authorizing the waiver of payment and performance bonds for the construction of a public building, for the prosecution and completion of a public work, or for repair upon a public building or public work when the cost of the project is $500,000 or less and the contract for the construction, completion, or repair is awarded pursuant to an economic development program established to encourage local small businesses to participate in City of Jacksonville procurement programs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Joyner and others—

HB 1243—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising the definition of "salaries or wages" to provide for an employer pickup so that the employees in Division A may make pension contributions on a pre-tax basis; revising longevity retirement provisions to provide for a multiplier of 1.15 percent for employees in Division B; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Needelman—

HB 1335—A bill to be entitled An act relating to the City of Melbourne, Brevard County; providing for extending the corporate limits of the City of Melbourne; providing for annexation of two unincorporated areas known and described as Aurora Road Area A and Aurora Road Area B; providing for elections; providing for effective dates of annexation; providing for the effects of annexation; providing for transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel—

HB 1355—A bill to be entitled An act relating to Broward County; amending chapter 94-429, Laws of Florida, as amended; authorizing expenditures for the purposes enumerated therein, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering goodwill toward its seaport, Port Everglades; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel—

HB 1359—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Coral Springs and the City of Parkland; providing for the annexation of specified unincorporated areas; providing for annexation of the unincorporated area known as Country Acres; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1419—A bill to be entitled An act relating to Indian River Mosquito Control District, Indian River County; codifying, amending, reenacting, and repealing special acts relating to the district; fixing and prescribing the boundaries of said district; providing for the government and administration of the district; naming the commissioners thereof and providing for election of their successors; providing and defining the powers and purposes of such district and of the board of commissioners thereof; authorizing and empowering said board to construct and maintain canals, ditches, drains, and dikes and to fill depressions, lakes, ponds, or marshes in order to eliminate breeding places of mosquitoes and sandflies and to control and eradicate mosquitoes and sandflies; providing for spraying or otherwise disbursing substances and materials over the area of such district for the purpose of controlling and eradicating mosquitoes and sandflies and diseases transmitted by the same; authorizing said board to do any and all acts or things necessary for the control and complete elimination of mosquitoes and sandflies in said district; authorizing and providing for the levy and collection of taxes upon all the real and personal taxable property in said district for carrying out the purposes of this act; authorizing the borrowing by the board of commissioners of said district in any one tax year of a sum not to exceed 80 percent of the estimated taxes to be collected on behalf of said district within such year and to evidence the indebtedness represented by any money so borrowed by written obligation of the district and providing for the payment of interest thereon and for the repayment thereof prior to the borrowing of any further sums in any subsequent year; limiting the amount of taxes that may be so levied by said board upon the taxable property within such district; prohibiting injury to any works controlled under or in pursuance of this act, to be punishable as provided by general law; legalizing and validating the acts of the Indian River Mosquito Control District herewith abolished and making all contracts of said Indian River Mosquito Control District so abolished binding upon the new Indian River Mosquito Control District; authorizing and prescribing generally the powers and duties of the Board of Commissioners of said new Indian River Mosquito Control District; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Proctor—

HB 1555—A bill to be entitled An act relating to the Hastings Drainage District, Putnam and St. Johns Counties; codifying, amending, reenacting, and repealing chapters 7969 (1919), 8880 (1921), 10671 (1925), 13654 (1929), 15616 (1931), 17978 (1937), 27310 (1951), 28382 (1953), 81-481, 88-511, and 89-514, Laws of Florida, relating to the district; providing for the continuation without interruption of the district and its boundaries as previously created and established; providing for membership of the Hastings Drainage District Board; providing for the powers, functions, and duties of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown and others—

HB 1685—A bill to be entitled An act relating to the Bay County Law Library; codifying, amending, reenacting, and repealing chapters 69-835, 75-328, 96-464, and 96-530, Laws of Florida, relating to the Bay County Law Library; providing legislative intent; providing a governing body; providing that the district is a dependent district; providing a district charter; eliminating obsolete provisions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Peterman and others—

HB 1707—A bill to be entitled An act relating to Trailer Estates Fire Control District, Manatee County; amending, codifying, reenacting, and repealing chapters 63-1587, 65-1894, 65-1895, 72-613, 80-534, 82-323, 84-473, 94-373, and 95-503, Laws of Florida, relating to the district; providing boundaries of the district; providing for a board of commissioners; providing for election and organization of the board; providing powers and duties of the board; providing for a special assessment; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the

board; providing for filling vacancies; providing for bonds; providing for severability; amending chapter 93-352, Laws of Florida, to remove a reference; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Dean and others—

HB 111—A bill to be entitled An act relating to administrative expunction of nonjudicial arrest records; amending s. 943.0581, F.S.; requiring the arresting law enforcement agency to apply to the Department of Law Enforcement for the administrative expunction of certain nonjudicial records of arrest; authorizing certain persons to apply directly to the department for administrative expunction in certain circumstances; requiring such persons to support such application with an endorsement; requiring an affidavit; providing that an application, endorsement, or affidavit may not be admitted into evidence or construed as an admission of liability; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Rules and Calendar.

By Representative Dean and others—

HB 113—A bill to be entitled An act relating to construction contracting; amending s. 255.05, F.S.; making certain restrictions in bonds issued for public works projects unenforceable; amending s. 489.118, F.S.; postponing a date for submitting an application for a certificate as a registered contractor; amending ss. 489.129 and 489.533, F.S.; increasing an administrative fine under certain disciplinary proceeding provisions; amending s. 713.015, F.S.; revising form criteria for a direct contract provision; preserving lien and bond rights of certain persons; specifying nonapplication to certain contractors or construction professionals; amending s. 713.02, F.S.; protecting the rights of certain persons to enforce certain contract, lien, or bond remedies or contractual obligations under certain circumstances; precluding certain defenses; amending s. 713.04, F.S.; revising certain final payment requirements; amending s. 713.08, F.S.; requiring a claim of lien to be served on an owner; amending s. 713.13, F.S.; revising provisions authorizing use of certain payment bonds to transfer certain recorded liens; specifying application of certain notice requirements to certain claims; revising time limits for serving certain required notices; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; prohibiting private providers performing inspection services from performing or approving certain inspections under certain circumstances; increasing a threshold amount for certain nonapplication; prohibiting issuing authorities or building officials from requiring recordation of a notice of commencement for certain purposes; authorizing authorities issuing building permits to accept permit applications electronically; requiring an electronic submission statement on the application; requiring provision of Internet access; amending s. 713.23, F.S.; clarifying provisions relating to payment bonds; amending s. 713.24, F.S.; providing construction to preserve county court jurisdiction over certain transfer bond claims for nonpayment; preserving certain lien rights when filing a transfer bond after commencing certain lien enforcement proceedings; amending s. 713.345, F.S.; revising criteria for certain criminal penalties for misapplication of construction funds; amending s. 713.3471, F.S.; revising a provision requiring a lender to provide notice to a property owner when making a disbursement on a construction loan secured by residential property; specifying nonapplication; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Governmental Oversight and Productivity.

By Representative McInvale and others—

HB 173—A bill to be entitled An act relating to economic development incentives; amending s. 212.20, F.S.; revising a limitation on monthly aggregate distributions to certified facilities for a retained spring training franchise; deleting provisions with respect to the entitlement of certified applicants to receive distributions for additional renovations and improvements to a facility without additional certification; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to a NASCAR Hall of Fame facility; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; providing limitations; requiring the Department of Revenue to prescribe certain forms; specifying uses of certain distributions; providing for future repeal; amending s. 288.1162, F.S.; requiring a verified copy of a binding agreement for payment of cost overruns as prerequisite for certification under certain circumstances; providing procedures for certification of additional facilities for a retained spring training franchise; providing for application and selection; establishing a maximum number of certifications and funding; providing evaluation criteria; clarifying the number of certifications of facilities for retained spring training franchises; specifying criteria certification for the remaining available certification slot; providing for future repeal; increasing the number of facilities certified by the Office of Tourism, Trade, and Economic Development as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise; providing an additional exception to disqualification for certification of an applicant when the franchise formed the basis of a previous certification; providing that payments to a certified applicant may not extend beyond the period for which the original certification was issued; specifying the date on which an applicant certified after the effective date of the act may receive disbursements; creating s. 288.1170, F.S.; specifying the Office of Tourism, Trade, and Economic Development as the state entity for screening NASCAR Hall of Fame facility applicants; providing for certification of such facility by the office; providing requirements for certification and operation of the facility; providing for distribution of funds; authorizing certain uses of funds distributed to the facility; providing procedural requirements for the office; limiting distribution of funds by the Department of Revenue; providing for audits by the department; providing for periodic recertification by the office; providing requirements; creating s. 288.1171, F.S.; providing for certification of units of local government owning eligible convention centers by the Office of Tourism, Trade, and Economic Development; requiring the office to adopt specified rules; providing a definition; providing requirements for certification; providing for use of proceeds distributed to units of local government under the act; providing for audits by the Auditor General; authorizing the Auditor General to pursue recovery of certain proceeds; barring certain local governments from receiving future distributions under certain circumstances; providing for revocation of certification; providing for future repeal; amending s. 320.08056, F.S.; providing for a NASCAR license plate fee; amending s. 320.08058, F.S.; providing for a NASCAR license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a NASCAR license plate; providing for the distribution and use of fees; providing contingent authorization to develop the tag; providing for an alternative deposit of certain license plate funds until certification of a NASCAR Hall of Fame; providing for alternative uses of such funds without certification; providing effective dates.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Representative Cretul—

HB 181—A bill to be entitled An act relating to pari-mutuel permitholders; amending s. 550.002, F.S.; revising the definition of "full schedule of live racing or games" for certain jai alai permitholders; amending s. 550.09511, F.S.; providing for license fees and taxes for certain jai alai permitholders; amending s. 550.334, F.S.; revising permitting and operational requirements for quarter horse permitholders; deleting a provision to allow quarter horse racing by vote of the county commission in lieu of referendum approval of such racing within a county; providing that specified provisions relating to elections to ratify permits and elections to revoke permits shall apply to quarter horse racing; revising requirements for substitution of thoroughbred horse racing for quarter horse racing; removing certain restrictions on such substitutions and requiring written consent from other permitholders within a certain area; revising restrictions on intertrack wagering for quarter horse permitholders and requiring written consent from other permitholders within a certain area; amending s. 849.086, F.S.; removing a prohibition

on transfer of cardroom licenses; providing for transfer of the cardroom license when a permit is relocated within a county under certain conditions; providing an effective date.

—was referred to the Committees on Regulated Industries; and Government Efficiency Appropriations.

By Representative Llorente and others—

HB 257—A bill to be entitled An act relating to student athletics; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to adopt bylaws relating to steroid use and the adherence to a coaches code of ethics; requiring development of such code; requiring the Florida High School Athletic Association to make recommendations for a pilot drug testing program to test for performance-enhancing drugs; providing an effective date.

—was referred to the Committees on Education; Health Care; Judiciary; and Education Appropriations.

By Representative Allen and others—

HB 315—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting from duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Representative Gardiner and others—

HB 345—A bill to be entitled An act relating to the Florida Department of Law Enforcement; amending s. 943.61, F.S.; revising the powers and duties of the Capitol Police; amending s. 943.611, F.S.; revising duties of the director of the Capitol Police; amending s. 943.62, F.S.; revising provisions relating to investigations by the Capitol Police; amending s. 943.64, F.S.; revising provisions relating to designation of other law enforcement officers as ex officio agents of the Capitol Police; amending s. 943.68, F.S.; revising provisions relating to transportation and protective services of the Capitol Police; amending s. 316.640, F.S.; revising provisions relating to enforcement of traffic laws; amending s. 943.681, F.S.; revising provisions relating to the safety and security needs of the Historic Capitol and the R.A. Gray Building; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Oversight and Productivity.

By Representative Detert and others—

HB 381—A bill to be entitled An act relating to financial entities and transactions; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to adopt rules relating to obtaining such an accommodation; providing a requirement for granting or denying a license; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 494.0029, F.S.; specifying criteria for receipt of certain applications; specifying that certain permits are not transferable or assignable; amending s. 494.00295, F.S.; revising provisions to specify continuing education for certain professions; amending s. 494.003, F.S.; clarifying application of an exemption from application of specified mortgage broker licensure requirements to certain entities; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; specifying criteria for receipt of applications; authorizing the commission or the Office of Financial Regulation to require specified information from certain applicants; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for fingerprinting services; specifying that certain licenses are not transferable or assignable; amending s. 494.0033, F.S.; clarifying requirements for mortgage broker licensure; authorizing the commission to waive certain examination requirements under specified circumstances; authorizing the commission to prescribe additional testing fees; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; specifying criteria for receipt of applications; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0034, F.S.; clarifying the commission's authorization to prescribe license renewal forms; amending s. 494.0036, F.S.; clarifying provisions relating to issuance of licenses to mortgage brokerage business branch offices; specifying criteria for receipt of certain applications; amending s. 494.004, F.S.; conforming cross references; amending s. 494.0041, F.S.; specifying an additional ground for disciplinary action; amending s. 494.006, F.S.; clarifying the application of an exemption from mortgage lender licensure requirements to certain entities; amending s. 494.0061, F.S.; requiring licensure of mortgage lenders; specifying criteria for receipt of applications; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; specifying criteria for receipt of applications; authorizing the office to require applicants to provide certain information; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; requiring notice of a change in principal representatives; providing educational requirements for principal representatives; amending s. 494.0064, F.S.; clarifying a reference to professional continuing education for certain licensees; amending s. 494.0065, F.S.; specifying criteria for receipt of applications; specifying education and testing requirements for certain principal representatives and for certain applications or transfer applications; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; increasing a license transfer fee; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring mortgage lenders to designate a principal representative; providing criteria and requirements; requiring notice of a change in principal representatives; amending s. 494.0066, F.S.; clarifying licensure requirements for branch offices; amending s. 494.0067, F.S.; clarifying reference to professional continuing education requirements; amending s. 494.0072, F.S.; providing an additional ground for disciplinary action; amending s. 494.00721, F.S.; correcting cross-references; amending s. 501.137, F.S.; imposing attorney's fees and costs on lenders under certain circumstances; amending s. 516.03, F.S.; specifying criteria for receipt of certain applications; providing that specified fees are nonrefundable; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to make rules relating to obtaining such an accommodation; amending s. 516.031, F.S.; increasing a reimbursement charge for certain investigation costs; amending s. 516.05, F.S.; deleting provisions relating to fees for licenses that have been denied; amending s. 516.07, F.S.; providing an additional ground for disciplinary action; amending s. 516.12, F.S.; authorizing the commission to prescribe minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 517.061, F.S.; revising provisions related to exempt transactions; amending ss. 517.051 and 517.081, F.S.; revising standards for accounting principles to be used in preparing certain financial statements; amending s. 517.12, F.S.; revising provisions for taking and submitting fingerprints of dealers, associated persons, and similarly situated persons; revising provisions relating to expiration and

renewal of registration of such persons; providing an exemption from registration requirements for a Canadian dealer and an associated person who represents a Canadian dealer, under certain conditions; providing for notice filing by a Canadian dealer under certain conditions; authorizing the Office of Financial Regulation of the Financial Services Commission to issue a permit to evidence the effectiveness of a notice filing for a Canadian dealer; providing for the renewal of a notice filing by a Canadian dealer; providing for reinstatement of a notice filing; providing obligations for a Canadian dealer who has given notice of filing; providing obligations for an associated person representing a Canadian dealer who has given notice of filing; providing for the termination of a notice of filing; providing for the collection of fees; amending s. 517.131, F.S.; revising conditions under which recovery can be made from the Securities Guaranty Fund; amending s. 517.141, F.S.; prescribing circumstances under which a claimant must reimburse the fund; providing for rulemaking; amending s. 517.161, F.S.; providing an additional ground for revocation, restriction, or suspension of a registration; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; specifying criteria for receipt of certain applications; providing that certain fees are nonrefundable; amending s. 520.994, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; providing for rulemaking; amending s. 520.995, F.S.; providing an additional ground for disciplinary action; amending ss. 520.997 and 537.009, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending ss. 560.105 and 560.118, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for disciplinary action; amending s. 560.121, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; decreasing the required time period for the office to retain certain reports, records, applications, and related information; amending s. 560.126, F.S.; requiring notice of changes in information contained in a registration application; amending s. 560.205, F.S.; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; authorizing the commission to establish procedures for depositing fees and filing documents electronically; deleting a requirement that an applicant provide a list of certain vendors; requiring the reporting of certain changes of registration by written amendment; amending s. 560.207, F.S.; authorizing the commission to establish procedures for depositing fees and filing documents electronically; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; amending s. 560.210, F.S.; revising permissible investment requirements for certain registrants; specifying in general that accounting principles are those generally accepted in the United States; amending ss. 560.211 and 560.310, F.S.; requiring notice to the office of the location of certain amended records; amending ss. 560.305 and 560.308, F.S.; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; authorizing the commission to establish procedures for depositing fees and filing documents electronically; amending s. 560.306, F.S.; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring the reporting of certain changes of registration by written amendment; specifying commission authority by rules; amending s. 560.403, F.S.; revising requirements for giving notice of intent in connection with the renewal of registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a notice of intent; amending s. 655.935, F.S.; authorizing the search of a safe-deposit box co-leased by a decedent; providing limitations; amending s. 655.936, F.S.; providing for the delivery of a safe-deposit box to a court-appointed personal representative; amending s. 655.937, F.S.; revising provisions for access to safe-deposit boxes; amending s. 733.6065, F.S.; revising provisions related to the initial opening of a safe-deposit box leased or co-leased by a decedent; amending s. 817.801, F.S.; providing a definition; amending s. 817.802, F.S.; revising the amount of fees that a debt manager or credit counselor may charge to certain debtors; amending s. 817.804, F.S.; revising an audit requirement; amending s. 817.805, F.S.; providing that creditor contributions are exempt from disbursement requirements; providing appropriations; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Governmental Oversight and Productivity.

By Representative M. Davis and others—

HB 435—A bill to be entitled An act relating to motor vehicle, mobile home, and vessel registration; amending ss. 316.605, 318.14, and 318.18, F.S., relating to vehicle licensing, noncriminal traffic infractions, and civil penalties; conforming cross-references; amending s. 320.01, F.S.; redefining the term "registration period"; defining the term "extended registration period"; amending s. 320.055, F.S.; establishing an extended registration period and renewal period for certain motor vehicles and mobile homes; amending s. 320.06, F.S.; extending the time period and increasing the fee for replacement of registration license plates; extending period of validity of license plates and validation stickers to provide for extended registration period; amending s. 320.07, F.S.; authorizing the biennial renewal of certain motor vehicle registration upon payment of cumulative sum of license taxes, service charges, surcharges, and other fees; amending s. 320.071, F.S.; clarifying that the registration period for a motor vehicle or mobile home may not exceed a specified number of months; amending s. 322.121, F.S., relating to reexamination of drivers; conforming a cross-reference; amending s. 328.72, F.S.; providing for an extended registration period for certain vessel owners; providing an effective date.

—was referred to the Committees on Transportation; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Representative Clarke and others—

HB 467—A bill to be entitled An act relating to assisted care communities; creating ch. 429, F.S., entitled "Assisted Care Communities," and transferring pt. III of ch. 400, F.S., relating to assisted living facilities, to pt. I of ch. 429, F.S., pt. VII of ch. 400, F.S., relating to adult family-care homes, to pt. II of ch. 429, F.S., and pt. V of ch. 400, F.S., relating to adult day care centers, to pt. III of ch. 429, F.S.; amending ss. 101.655, 189.428, 196.1975, 202.125, 205.1965, 212.031, 212.08, 296.02, 381.0035, 394.455, 394.4574, 394.463, 400.0063, 400.0069, 400.0073, 400.0077, 400.0239, 400.119, 400.141, 400.142, 400.191, 400.215, 400.23, 400.232, 400.401, 400.402, 400.404, 400.407, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4177, 400.4178, 400.418, 400.419, 400.4195, 400.42, 400.421, 400.422, 400.423, 400.424, 400.4255, 400.4256, 400.426, 400.427, 400.4275, 400.428, 400.429, 400.4293, 400.4294, 400.4295, 400.4296, 400.4297, 400.431, 400.434, 400.441, 400.442, 400.444, 400.4445, 400.447, 400.451, 400.452, 400.453, 400.462, 400.464, 400.497, 400.552, 400.555, 400.556, 400.557, 400.5572, 400.601, 400.618, 400.6194, 400.621, 400.628, 400.93, 400.962, 400.980, 400.9905, 400.9935, 401.23, 402.164, 408.033, 408.831, 409.212, 409.221, 409.907, 410.031, 410.034, 415.1111, 419.001, 430.601, 430.703, 435.03, 435.04, 440.13, 456.0375, 465.0235, 468.505, 477.025, 509.032, 509.241, 627.732, 651.011, 651.022, 651.023, 651.055, 651.095, 651.118, 765.1103, 765.205, 768.735, and 943.0585, F.S.; conforming references to changes made by the act; providing a directive to the Division of Statutory Revision to make necessary conforming changes to the Florida Statutes; providing an effective date.

—was referred to the Committees on Children and Families; and Health Care.

By Representative Murzin—

HB 505—A bill to be entitled An act relating to the communications services tax; amending s. 202.16, F.S.; requiring dealers to document exempt sales for resale; providing requirements; providing a definition; providing construction; providing for dealer provision of evidence of the

exempt status of certain sales through an informal protest process; requiring the Department of Revenue to accept certain evidence during the protest period; providing limitations; providing for retroactive application; requiring the department to establish a toll-free number for certain registration and resale certificate verification purposes; providing requirements; requiring the department to establish a system for receiving certain information relating to certificate numbers of dealers making purchases for resale; providing requirements; amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; authorizing municipalities or counties to use certain revenues distributed to a local government for certain purposes; amending s. 202.20, F.S.; limiting local government authority to make certain rate adjustments in the tax under certain circumstances; deleting obsolete provisions relating to making certain adjustments in the tax for certain periods; amending s. 202.21, F.S.; deleting provisions relating to local government adjustments of the tax by emergency ordinance or resolution to conform; specifying that certain amendments are remedial in nature and clarify certain provisions of law but do not grant rights to refund of certain fees or charges under certain circumstances; providing for nonapplication to certain emergency rates; providing effective dates.

—was referred to the Committees on Government Efficiency Appropriations; Communications and Public Utilities; Community Affairs; and Ways and Means.

By Representative Cannon and others—

HB 517—A bill to be entitled An act relating to university campus planning; amending s. 1013.30, F.S.; defining terms; requiring each university board of trustees to maintain a copy of the campus master plan on the university's website and provide for electronic copies of its draft master plan; providing duties of the Board of Governors; requiring that the university hold an informal public information session before the required public hearings are held on the draft master plan; requiring that the public hearings be held at specified times; limiting the issues that an individual may raise challenging a campus master plan; authorizing the university to execute a campus development agreement during the pendency of a challenge; providing for an evidentiary hearing to be held by the Division of Administrative Hearings if a challenge to the master plan is not resolved; specifying the evidentiary procedures to be used in such hearing; providing for attorney's fees in any dispute submitted to the state land planning agency or the Administration Commission in which the pleading or motion was made for an improper purpose or for economic advantage; revising procedures to resolve disputes between the university board of trustees and the host local government; requiring that Board of Governors rather than the State Board of Education adopt rules to administer the procedures for preparing and adopting the campus master plan; providing an effective date.

—was referred to the Committees on Community Affairs; and Education.

By Representative Fields and others—

HB 527—A bill to be entitled An act relating to road designations; designating Taye Brown Avenue, Charles B. Dailey Parkway, and Johnnie Mae Chappell Parkway in Duval County; designating Trooper Darryl Haywood Highway, Charles W. Cherry, Sr., Parkway, David Hinson Parkway, and Officer Robert F. Grim, Sr., Parkway in Volusia County; designating Dr. John M. Haile Memorial Boulevard in Marion County; designating Osun's Village and African Caribbean Cultural Arts Corridor in Miami-Dade County; designating Ralph C. Carter Parkway in Washington County; designating Henry Koerber Parkway in Walton County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Bean—

HB 619—A bill to be entitled An act relating to the Ocean Highway and Port Authority, Nassau County; codifying, reenacting, amending, and repealing special acts of the Ocean Highway and Port Authority; providing for its membership, terms of office, officers, quorum, and meetings; defining the powers and duties of the authority; providing for compensation of authority members; authorizing the issuance of bonds and other instruments of indebtedness; providing for road and other projects; repealing chapters 21418 (1941), 24733 (1947), 26048 (1949), 27763 (1951), 30290 (1955), 67-1737, 67-1739, 67-1748, 69-1328, 83-471, 83-474, 84-486, 86-371, 87-439, and 91-347, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Negron and others—

HB 629—A bill to be entitled An act relating to health care practitioners; amending 458.303, F.S.; removing a provision on grounds for disciplinary action and certain action from a list of exemptions for certain nursing services; providing prohibitions for physicians; amending s. 459.002, F.S.; providing prohibitions for osteopathic physicians; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Health and Human Services Appropriations.

By Representative Adams and others—

HB 645—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 790.065, F.S.; requiring the department to review other records in addition to criminal history records to evaluate a potential buyer or transferee of a firearm, including an adjudication of mental defectiveness or a commitment to a mental institution as criteria that prohibit a person from purchasing a firearm; providing definitions; requiring the department to maintain an automated database of persons who are prohibited from purchasing a firearm; requiring each clerk of court to submit certain court records to the department within a certain period; requiring the department to delete certain records from the automated database upon the request of an individual meeting specified conditions; authorizing the department to disclose collected data to other federal or state agencies with regard to the sale or transfer of a firearm; authorizing the department to disclose certain information to the Department of Agriculture and Consumer Services for determining the eligibility of an applicant for a concealed weapons or concealed firearms license; requiring the clerk of court or mental hospital to provide additional information upon request following an appeal of an unapproved sale or transfer of a firearm; amending s. 914.25, F.S.; providing for recertification for protective services for an additional period, with reimbursement for expenses from the Victim and Witness Protection Review Committee; providing for unlimited protective services for a victim or witness without reimbursement; amending s. 937.021, F.S.; providing immunity to the department, other law enforcement agencies, and media representatives from civil liability for complying in good faith with a request to record or report information of an Amber Alert or Missing Child Alert; providing that a technical or clerical error or incorrect or incomplete information does not overcome the presumption of good faith in reporting information about an Amber Alert or Missing Child Alert; providing that it is a discretionary decision of the law enforcement agency or its employees to report, record, or display Amber Alert or Missing Child Alert information; amending s. 938.07, F.S.; requiring that a portion of certain court costs imposed for a conviction of driving or boating under the influence be deposited into the department's Operating Trust Fund instead of the Criminal Justice Standards and Training Trust Fund; amending s. 938.27, F.S.; requiring that investigative costs recovered on behalf of the department be deposited into the Forfeiture and Investigative Trust Fund of the department; amending s. 943.052, F.S.; requiring that disposition reports for dispositions relating to minor offenders are mandatory after a specified date; amending s. 68.07, F.S.; requiring a set of fingerprints as part of a name change petition; amending s. 943.05, F.S.; authorizing the department to retain fingerprints in certain circumstances and use retained fingerprints for certain purposes; providing for an annual fee; amending s. 943.053, F.S.; requiring the department to make certain information available to judges; limiting use of information; authorizing a criminal

justice agency to obtain a criminal history background check of a noncertified agency employee by submitting fingerprints to the department; requiring the department to adopt rules setting a fee for conducting the criminal history background search and establishing procedures; requiring that the criminal history check be provided by the department in certain circumstances; amending s. 943.0585, F.S.; prohibiting a court from expunging a criminal history record containing certain sexual offenses or certain offenses that require registration as a sexual offender; requiring a valid certificate of eligibility for expunction in a petition to expunge a criminal history record; specifying the time during which a certificate of eligibility for expunction is valid; requiring that a trial may not have occurred in order for a person to obtain a statement from the state attorney authorizing the expunction of a criminal record; authorizing a person who has secured a prior sealing or expunction of a criminal history record to seek a certificate of eligibility for expunction if the criminal history record was previously sealed for a certain number of years and is otherwise eligible for expunction; providing that a person who is seeking authorization for employment within or access to a seaport may not deny or fail to acknowledge arrests covered by expunged records; providing that the department may acknowledge expunged criminal history records under certain circumstances; amending s. 943.059, F.S.; enumerating certain sexual offenses and offenses that require registration as a sexual offender which may not be sealed; requiring a valid certificate of eligibility for sealing in a petition to seal a criminal history record; specifying the period during which a certificate of eligibility for sealing is valid; providing that the information contained in a sealed criminal record is available to a criminal justice agency for the purpose of conducting a criminal history background check for approval of a firearms purchase or transfer; prohibiting a person from denying arrests covered by his or her sealed criminal record when attempting to purchase a firearm; providing that a person who is seeking authorization for employment within or access to a seaport may not deny or fail to acknowledge arrests covered by sealed records; providing that the department may acknowledge sealed criminal history records under certain circumstances; amending s. 943.13, F.S.; requiring the department to enter fingerprints into a statewide automated fingerprint identification system; requiring the department to search each arrest fingerprint card received against fingerprints retained in the statewide automated fingerprint identification system; providing for refingerprinting by a certain date; amending ss. 943.1715 and 943.1716, F.S.; deleting the minimum number of hours required for basic skills training and continued employment training relating to diverse populations for law enforcement officers; repealing s. 943.2569, F.S., relating to an annual financial audit of criminal justice selection centers; amending s. 943.257, F.S.; authorizing the Criminal Justice Standards and Training Commission and the advisory board of a criminal justice selection center to inspect and copy any documents from a center in order to carry out oversight responsibilities, including documents pertaining to any internal or independent audits; amending s. 943.401, F.S.; requiring the department to investigate all public assistance that is provided by the state; requiring public assistance recipients to consent in writing to an investigation into their employment and financial histories by the Agency for Workforce Innovation; requiring the department to report the results of the investigations to the Agency for Workforce Innovation; authorizing the department to purchase goodwill and promotional materials; limiting the annual amount of such expenditures; prohibiting the unauthorized use of the department's emblems and names; providing a penalty; providing effective dates.

—was referred to the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

By Representative Grimsley—

HB 753—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; codifying, amending, reenacting, and repealing special acts relating to the authority; defining the powers and duties of said authority; granting to the authority power to acquire, lease, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate airport and other facilities; providing for the issuance of bonds of the authority, payable solely from funds provided therefor under the act, to pay the cost of acquiring, constructing, or reconstructing any facilities and the cost of improvements, extensions, enlargements, and equipment; granting to the authority power to acquire necessary real and personal property and to exercise the power of eminent domain; providing for the imposition and collection of charges for the use of and for the services furnished by any such facilities; authorizing the City of Sebring to make grants and conveyances to the authority; prescribing the powers and duties of the authority in connection with the foregoing and the rights and remedies of the holders of any bonds or revenue certificates issued under the provisions of this act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bowen—

HB 765—A bill to be entitled An act relating to Polk County; abolishing the Peace Creek Drainage District; amending the charter of the Lake Region Lakes Management District, as reenacted and amended by chapter 2004-393, Laws of Florida; redefining the territorial boundaries of the district; clarifying eligibility to vote for members of the board of commissioners of the district; revising the authority of the district to perform certain works on its property; limiting tax assessments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Domino and others—

HB 777—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; revising provisions relating to the West Palm Beach Firefighters Pension Fund; revising definition of the term "final average salary"; revising provisions relating to permissible investments; revising provisions relating to the BackDROP; providing for loans from the BackDROP; clarifying provisions relating to benefits of the surviving spouse of a member who dies in line of duty; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Reagan—

HB 783—A bill to be entitled An act relating to the Sarasota County Public Hospital District; amending chapter 2003-359, Laws of Florida; authorizing the Sarasota County Public Hospital Board to establish, operate, and maintain facilities and services outside the boundaries of the district; restricting the use of ad valorem tax funds to facilities and services within the district; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative D. Davis—

HB 801—A bill to be entitled An act relating to the Ponte Vedra Zoning District, St. Johns County; codifying, amending, reenacting, and repealing special acts relating to the district; providing boundaries; providing for continued merger of the Ponte Vedra Zoning Board and the Ponte Vedra Board of Adjustment into the Ponte Vedra Zoning and Adjustment Board appointed by the St. Johns County Board of County Commissioners from residents and electors of the district; providing for membership of the Ponte Vedra Zoning and Adjustment Board; providing for the powers, functions, and duties of the board; providing that the board in place of the local planning agency established pursuant to chapter 163, F.S., shall have the authority to make recommendations to the board of county commissioners in certain circumstances within the district; providing a location for hearings of the board; providing for funding; providing for frequency and calling of meetings by the board; providing severability; repealing chapters 65-2171 and 95-527, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Kreegel and others—

HB 811—A bill to be entitled An act relating to health insurance; amending s. 627.6699, F.S.; revising application of the act; providing construction; authorizing carriers to offer coverage to certain employees without being subject to the act under certain circumstances; providing requirements; amending s. 408.05, F.S.; changing the due date for a report from the Agency for Health Care Administration regarding the State Center for Health Statistics; changing the release dates for certain data collected by the State Center for Health Statistics; amending s. 408.909, F.S.; providing an additional criterion for the Office of Insurance Regulation to disapprove or withdraw approval of health flex plans; amending s. 627.413, F.S.; authorizing insurers and health maintenance organizations to offer policies or contracts providing for a high deductible plan meeting federal requirements and in conjunction with a health savings account; amending s. 627.638, F.S.; providing certain contract and claim form requirements for direct payment to certain providers of emergency services and care; amending s. 627.6402, F.S.; revising provisions for healthy lifestyle rebates for an individual health insurance policy; providing exceptions; providing application; amending s. 627.6487, F.S.; revising the definition of the term "eligible individual" for purposes of obtaining coverage in the Florida Health Insurance Plan; amending s. 627.64872, F.S.; revising definitions; changing references to the Director of the Office of Insurance Regulation to the Commissioner of Insurance Regulation; deleting obsolete language; providing additional eligibility criteria; reducing premium rate limitations; revising requirements for sources of additional revenue; authorizing the board to cancel policies under inadequate funding conditions; providing a limitation; defining the term "health insurance" for purposes of certain assessments; providing an exclusion; specifying a maximum provider reimbursement rate; requiring licensed providers to accept assignment of plan benefits and consider certain payments as payments in full; authorizing the board to update a required actuarial study; providing study criteria; amending s. 627.65626, F.S.; revising criteria for healthy lifestyle rebates for group and similar health insurance policies provided by health insurers; authorizing group or health insurers to contract with an independent third-party administrator for certain purposes; providing exceptions; providing application; amending s. 627.6692, F.S.; extending a time period within which eligible employees may apply for continuation of coverage; amending s. 627.6699, F.S.; revising availability of coverage provision of the Employee Health Care Access Act; including high deductible plans meeting federal health savings account plan requirements; revising membership of the board of the small employer health reinsurance program; revising certain reporting dates relating to program losses and assessments; requiring the board to advise executive and legislative entities on health insurance issues; providing requirements; amending s. 641.27, F.S.; increasing the interval at which the office examines health maintenance organizations; deleting authorization for the office to accept an audit report from a certified public accountant in lieu of conducting its own examination; increasing an expense limitation; amending s. 641.31, F.S.; revising criteria for healthy lifestyle rebates for health maintenance organizations; providing exceptions; providing application; providing an appropriation; providing application; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Representative Goldstein and others—

HB 885—A bill to be entitled An act relating to regional autism centers; amending s. 1004.55, F.S.; creating an additional regional autism center in the state; reducing the number of counties within the service areas of two existing regional autism centers; providing for consistency in service delivery; encouraging each constituency board to raise funds; providing a prohibition; providing an effective date.

—was referred to the Committees on Education; and Children and Families.

By Representative Allen—

HB 899—A bill to be entitled An act relating to the Ranger Drainage District, Orange County; amending chapter 99-453, Laws of Florida; providing additional authority for limited fire control and prevention; providing for maintenance of passive recreation areas and facilities, environmental mitigation, security services, signage, and maintenance of common areas; increasing the membership of the governing board; providing for staggered terms of members; providing for a referendum; providing a ballot statement; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Galvano and others—

HB 937—A bill to be entitled An act relating to contamination notification; amending s. 376.301, F.S.; defining specified terms; creating s. 376.30702, F.S.; requiring notice when contamination is discovered as a result of site rehabilitation activities; providing requirements for notice; requiring notice when laboratory analytical results demonstrate that contamination exists in any medium beyond the boundaries of the property of the site rehabilitation; providing requirements for notice; providing rulemaking authority; amending ss. 287.0595 and 316.302, F.S.; conforming cross references; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Governmental Oversight and Productivity.

By Representative H. Gibson—

HB 987—A bill to be entitled An act relating to the Lake County Water Authority district; amending, codifying, reenacting, and repealing special acts relating to the district in conformity to s. 189.429, F.S.; providing district boundaries; providing purposes; providing for a governing body and prescribing its powers, duties, functions, membership, and organization; providing for partisan election of board members; providing duties of constitutional officers in Lake County with respect to the authority; providing a limit on the amount the authority may spend to educate the public regarding water issues; providing maximum millage limit; repealing chapters 29222 (1953), 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of Florida, relating to the district; providing for a referendum on whether elections to the authority shall be partisan; providing a ballot statement; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Stansel—

HB 999—A bill to be entitled An act relating to the Lake Shore Hospital Authority, Columbia County; amending, codifying, reenacting, and repealing chapters 24443 (1947), 25736 (1949), 30264 (1955), 61-2048, 63-1247, 65-1414, 72-509, 90-409, and 92-229, Laws of Florida, relating to the authority; providing definitions; providing for a governing body; providing for the governing body's purposes, powers, duties, and responsibilities; authorizing the issuance of revenue bonds, incidental powers, and refunding bonds; providing remedies for any holder of bonds or trustee; providing exemption of property from taxation; providing that bonds shall constitute legal investments; providing that act is complete and additional authority; providing taxing authority, including authority to levy ad valorem taxes; providing construction of act; providing severability; repealing special acts relating to the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Russell and others—

HB 1031—A bill to be entitled An act relating to the reuse and recycling of campaign signs; requiring the Department of Environmental Protection to design a pilot project to encourage the reuse or recycling of campaign signs; requiring the department to submit details of the program and a budget request for use of funds from the Solid Waste Management Trust Fund to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Representative Sobel—

HB 1043—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending, reenacting, repealing, and codifying chapters 63-661, 82-273, 85-385, 94-428, and 97-370, Laws of Florida, relating to the North Lauderdale Water Control District; revising district boundaries; revising the powers of the district to provide that the district may borrow money at a rate not exceeding that which is provided by law; providing that the members of the board of supervisors shall be the "city commission," rather than the "city council," of the City of North Lauderdale and that a board chair and vice chair shall be elected at each annual meeting and as necessary to fill vacancies; providing meeting notice requirements and requiring that meetings be held at a public place; providing that the City Clerk of the City of North Lauderdale shall serve as the district secretary; providing for reimbursement of supervisors for travel expenses pursuant to s. 112.061, F.S.; providing that the interest rate on bonds issued by the board not exceed the maximum rate allowed by law; providing that the interest rates on tax anticipation notes issued by the board shall not exceed the maximum rate allowed by law; deleting provision relating to payment of taxes not authorized in advance; providing for the use of non-ad valorem assessments; updating references to ch. 298, F.S.; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel—

HB 1047—A bill to be entitled An act relating to Broward County; amending chapter 75-350, Laws of Florida, as amended; revising timeframe for municipal elections; providing dates for candidates to file paperwork; providing dates of municipal primary and general elections; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harrell—

HB 1053—A bill to be entitled An act relating to St. Lucie County; creating the St. Lucie County Research and Education Authority, an independent special district in St. Lucie County; providing definitions; providing for a governing board and powers; providing for a research and educational facilities benefit assessment; providing minimum charter requirements; providing for a referendum; providing for construction and severability; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Carroll and others—

HB 1063—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing in effect an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility for a specified period; providing for future repeal; postponing the repeal of and reviving and readopting s. 212.031(10), F.S., relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; providing for future repeal; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sale price or actual value of an admission; continuing in effect an exemption from the tax which is provided for admission charges to an event sponsored by a governmental entity, sports authority, or sports commission; providing for future repeal; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing effective dates.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Representative Allen—

HB 1079—A bill to be entitled An act relating to the Merritt Island Public Library District, Brevard County; codifying, amending, reenacting, and repealing chapters 65-1289, 72-477, 76-330, 82-263, and 94-449, Laws of Florida, relating to the district; providing boundaries; providing for appointment of a library board; prescribing its duties, powers, and authority; providing for raising funds by taxation; providing a method of levying, collecting, and disbursing such funds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Justice—

HB 1099—A bill to be entitled An act relating to the Assistive Technology Advisory Council; amending s. 413.407, F.S.; revising composition, terms of service, and duties of the council; requiring the Commissioner of Education to appoint members of the council; deleting provision requiring the council to fund Florida's Alliance for Assistive Services and Technology; providing an effective date.

—was referred to the Committees on Education; and Commerce and Consumer Services.

By Representative D. Davis—

HB 1129—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; changing the term "television series" to "television programming" for purposes of the definition of the term "entertainment industry" in provisions establishing the Office of Film and Entertainment within the Office of Tourism, Trade, and Economic Development; amending s. 288.1254, F.S.; revising a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; revising definitions; revising application procedures and requirements; revising application approval provisions; revising reimbursement eligibility criteria and requirements; revising limits on reimbursement; revising the due date for the annual report to be submitted to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Representative Bogdanoff and others—

HB 1159—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; during a specified period of

time, permitting local government employees who are members of the Senior Management Service Class, who have withdrawn from the Florida Retirement System, to elect membership in the defined benefit program or the public employee optional retirement program of the system; prescribing requirements in making such election; providing for payment of the costs of such membership; amending s. 175.041, F.S.; providing that any municipality that provides fire protection services to another municipality under an interlocal agreement is eligible to receive premium taxes; authorizing the municipality that receives the fire protection services to enact an ordinance levying the tax; authorizing the Division of Retirement within the Department of Management Services to distribute the premium taxes; amending s. 175.101, F.S.; authorizing any municipality that has entered into an interlocal agreement for fire protection services with another municipality to impose an excise tax on entities that are engaged in the business of property insurance; providing an effective date.

—was referred to the Committees on Community Affairs; Banking and Insurance; and Governmental Oversight and Productivity.

By Representative Quinones—

HB 1183—A bill to be entitled An act relating to the Orange County Civic Facilities Authority; codifying, reenacting, amending, and repealing chapters 71-803, 72-625, 73-569, 77-611, and 78-575, Laws of Florida, relating to the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Vana—

HB 1203—A bill to be entitled An act relating to the Acme Improvement District, Palm Beach County; providing for annexation of specified area; transferring land from the Lake Worth Drainage District to the Acme Improvement District; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Agriculture; and Representative Stansel and others—

HB 1231—A bill to be entitled An act relating to dealers in agricultural products; amending s. 604.15, F.S.; revising definitions; expanding the list of products covered by the law; defining the terms "negotiating broker" and "producer's agent"; amending s. 604.16, F.S.; revising exceptions to provisions regulating dealers; amending s. 604.18, F.S., relating to applications for dealer licensure; requiring dealers to provide mailing and location address information; requiring dealers to provide certain information relating to the dollar amount of business done or to be done; amending s. 604.19, F.S.; providing requirements relating to cancellation of a bond or certificate of deposit; increasing license fees and delinquent renewal penalties; amending s. 604.20, F.S.; increasing the minimum amount of a bond or certificate of deposit for licensure; providing a calculation for the amount of a bond or certificate of deposit; adding requirements relating to bond or certificate of deposit assignment or agreement; authorizing the Department of Agriculture and Consumer Services to issue a conditional license under certain conditions; amending s. 604.21, F.S.; increasing the minimum claim amount and requiring a complaint filing fee; providing requirements for submission of a complaint and payment for multiple claims; authorizing a dealer in agricultural products to file a complaint against another dealer in agricultural products; limiting the time a complaint may be held in abeyance; authorizing review of a final order; clarifying distribution of bond or certificate of deposit proceeds; amending s. 604.22, F.S.; revising recordkeeping requirements of licensees; clarifying application of provisions; amending ss. 604.23 and 604.25, F.S.; clarifying application of provisions; amending s. 604.30, F.S.; clarifying that a violator of provisions regulating dealers in agricultural products may be a person, partnership, corporation, or other business entity; increasing the maximum administrative fine and the fine for continued violation of an administrative order; providing an appropriation and authorizing full-time equivalent positions; providing an effective date.

—was referred to the Committees on Agriculture; Banking and Insurance; and Judiciary.

By Representative Joyner and others—

HB 1245—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation to issue an alcoholic beverage license to the Arts Council of Hillsborough County for use within the Tampa Theatre; providing that the license may be used for special events only; providing for payment of the license fee by the council; providing for sale of beverages for consumption within the theatre; prohibiting sales for consumption off the premises; providing that purchasers may remove partially consumed, open containers from the premises; providing for temporary transfer of the license; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sorensen—

HB 1291—A bill to be entitled An act relating to the Key Largo Fire Rescue and Emergency Medical Services District, Monroe County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of district personnel; providing for election of board officers; providing for compensation, oath, and bonds of commissioners; providing for powers, duties, and responsibilities of the board; providing for ad valorem taxes; providing a cap on the rate of taxation; providing for user charges; providing for impact fees; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances; authorizing the district to appoint a fire marshal; authorizing the district to conduct inspections, establish and operate fire, rescue, and emergency medical services; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; providing for an exclusive charter; requiring a referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Kravitz and others—

HB 1309—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended; revising provisions of Article 22 of the charter of the City of Jacksonville, relating to the Jacksonville Police and Fire Pension Board of Trustees; revising trustees' terms of office; providing authority of the board with regard to assets of the plan; revising provisions relating to the investment and reinvestment of assets in the pension fund; providing for applicability of state law; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown—

HB 1321—A bill to be entitled An act relating to the Dorcas Fire District, Okaloosa County; codifying the district's ordinances; providing intent; re-creating and providing a charter for the district; providing

district boundaries; providing purposes; providing definitions; providing for the election of a district board of commissioners; providing for terms of office; providing for officers and meetings of the board; providing for commissioners' compensation and expenses; requiring a bond; providing for records; providing general and special powers of the district; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for enforcement; providing for requirements and procedures for issuance of bonds; providing for expansion and merger of the district boundaries; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Homan and others—

HB 1329—A bill to be entitled An act relating to the Tampa Port Authority, Hillsborough County; amending chapter 95-488, Laws of Florida; providing definitions; revising provisions relating to membership of and appointment to the port authority; revising provisions relating to appointment of the port director and employment of other persons; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Evers and others—

HB 1347—A bill to be entitled An act relating to controlled substances; amending s. 893.033, F.S.; revising the definition of "listed precursor chemical" to include benzaldehyde, hydriodic acid, and nitroethane, and to remove anhydrous ammonia and benzyl chloride; revising the definition of "listed essential chemical" to include anhydrous ammonia, benzyl chloride, hydrochloric gas, and iodine; amending s. 893.13, F.S.; prohibiting a person from manufacturing methamphetamine or phencyclidine or from possessing listed chemicals with the intent to manufacture methamphetamine or phencyclidine; providing criminal penalties; providing for minimum terms of imprisonment in circumstances where a person commits or attempts to commit such crime in a structure or conveyance where a child is present and in circumstances where a child suffers great bodily harm; providing criminal penalties in circumstances where a person fails to store anhydrous ammonia as required; providing criminal penalties in circumstances involving a violation of ch. 893, F.S., which results in serious injury to a state, local, or federal law enforcement officer; increasing the criminal penalties if such violation results in death or great bodily harm to such officer; prohibiting a person from selling, manufacturing, delivering, or attempting to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of an assisted living facility; providing criminal penalties for such offense; specifying minimum terms of imprisonment for such offense; amending s. 893.135, F.S.; including offenses involving pseudoephedrine within the offense of trafficking in amphetamine; providing criminal penalties; providing that it is a capital offense to manufacture or import pseudoephedrine knowing that the probable result will be death; amending s. 893.149, F.S., relating to the prohibition against possessing listed chemicals; providing an exception to such prohibition for a person authorized to clean up or dispose of hazardous waste or toxic substances pursuant to ch. 893, F.S.; providing that damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical is the sole responsibility of the person unlawfully possessing, storing, or tampering with the chemical; providing that the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller is immune from liability in the absence of negligent misconduct or failure to abide by laws governing possession or storage; creating s. 893.1495, F.S.; limiting retail sales of products containing more than a specified amount of ephedrine or related compounds in a single transaction; providing restrictions on the retail display of products containing ephedrine or related compounds; requiring specified training for employees of retail outlets who engage in the retail sale of such products; providing that local regulations passed after a specified date that are more restrictive than this act are superseded; providing criminal penalties; reenacting s. 893.02(12), F.S., relating to the definition of the term "listed chemical," for the purpose of incorporating the amendment to s. 893.033, F.S., in a reference thereto; reenacting ss. 435.07(2), 921.187(1), 938.25, and 948.034(1) and (2), F.S., relating to exemptions from disqualification for certain employment, disposition and sentencing alternatives, the assessment of fees for purposes of funding the Operating Trust Fund of the Department of Law Enforcement, and the terms and conditions of probation, respectively, for the purpose of incorporating the amendment to s. 893.13, F.S., in references thereto; reenacting ss. 311.12(3)(c), 414.095(1), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3)(a), and (4)(a), 893.13(8)(d), 907.041(4)(c), 921.0022(3)(g), (h), and (i), 921.0024(1), 921.142(2), 943.0585, and 943.059, F.S., relating to seaport security standards, eligibility for temporary cash assistance, mandatory sentencing in circumstances involving the possession of use of a weapon, specified offenses that may be charged as murder if death results, prohibited acts by prescribing practitioners, circumstances in which the court may order pretrial detention, the offense severity ranking chart of the Criminal Punishment Code, worksheet computations and scoresheets under the Criminal Punishment Code, sentencing in capital drug trafficking cases, limitations on circumstances in which a criminal history record may be expunged, and limitations on circumstances in which a criminal history record may be sealed, respectively, for the purpose of incorporating the amendment to s. 895.135, F.S., in references thereto; reenacting ss. 397.451(4)(b) and (6), 772.12(2)(a), 893.1351(1), and 903.133, F.S., relating to background checks of service provider personnel, the Drug Dealer Liability Act, the prohibition against leasing or renting for the purpose of trafficking in a controlled substance, and the limitation of admission to bail, respectively, for the purpose of incorporating the amendments to ss. 893.13 and 893.135, F.S., in references thereto; providing applicability; providing an effective date.

—was referred to the Committees on Health Care; and Criminal Justice.

By Representative Sobel—

HB 1361—A bill to be entitled An act relating to the Performing Arts Center Authority, Broward County; codifying, reenacting, amending, and repealing special acts relating to the authority; providing that the authority is a public body, corporate and politic; providing purposes; providing membership and organization; providing definitions; providing for the method and manner of the appointment of the authority and terms of the authority's membership; providing for reimbursement of members' expenses; providing for removal of members; providing for the organization, powers, functions, financing, privileges, duties, and responsibilities of the authority; providing for competitive bidding in certain instances; authorizing the acquisition of certain property acquired by eminent domain; providing for budget approval by the Broward County Commission and the Fort Lauderdale City Commission; providing for the issuance of revenue bonds by the authority to carry out the purposes of this act; providing for sources of revenues for paying for the construction of facilities, the administrative expenses of the authority, and said revenue bonds; authorizing appropriations by the county, the city, and other governmental units in Broward County for operation and maintenance of said facilities; providing for public or private subscriptions; providing for the issuance of a license to sell alcoholic beverages for on-premise consumption; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Cannon and others—

HB 1373—A bill to be entitled An act relating to the Florida Faith-based and Community-based Advisory Board; creating s. 14.31, F.S.; providing legislative findings and intent; creating the Florida Faith-based and Community-based Advisory Board within the Executive Office of the Governor for certain purposes; providing for board membership; providing for terms of members; providing for successor appointments; providing for meetings and organization of the board; specifying serving without compensation; providing for per diem and travel expenses; specifying required activities of the board; specifying restricted

activities; requiring a report to the Governor and Legislature; providing for future repeal and abolition of the board; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Ways and Means.

By Representative Kottkamp—

HB 1381—A bill to be entitled An act relating to Lee County; creating the Sanibel Public Library District, an independent special district for public library purposes in the county; providing legislative intent; providing a charter for the district; fixing boundaries of the district; providing powers; providing for a governing body, officers, budget and taxing authority, and indebtedness; providing for planning; providing for construction and severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1421—A bill to be entitled An act relating to Indian River Farms Water Control District, Indian River County; codifying, amending, reenacting, and repealing special acts relating to the district; providing territorial boundaries of the district; making the provisions of ch. 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; providing that the approval of the board of drainage commissioners is not required to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that water is a common enemy; providing for compensation of the board of supervisors; providing for fines for introducing pollutants into the waters of the district; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1423—A bill to be entitled An act relating to the St. Johns Water Control District, Indian River County; codifying, amending, and reenacting special acts relating to the district; fixing and prescribing boundaries of said district; making the provisions of chapter 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the county and tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; providing that the approval of the board of drainage commissioners is not required to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that the board may enter into certain covenants and agreements with holders of bonds; providing that water is a common enemy; providing for compensation of the board of supervisors; providing for the levy of fines for the introduction of pollutants into the waters of the district; providing additional powers of the board; providing for severability of the provisions of the act; repealing chapters 65-812 and 69-1162, Laws of Florida, relating to the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1425—A bill to be entitled An act relating to the Technological Research and Development Authority, Brevard County; codifying, amending, reenacting, and repealing special acts relating to the district; providing purposes of the authority; setting a commission to govern the authority; prescribing the duties and responsibilities of the commission and terms of office; providing a procedure for the appointment of the commission; providing for liberal construction; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Reagan—

HB 1429—A bill to be entitled An act relating to Manatee and Sarasota Counties; creating within portions of such counties the "Lakewood Ranch Stewardship District Act"; providing a popular name; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing that the exercise of the special powers by the district within Manatee and Sarasota Counties is limited until such time as the district enters into an interlocal agreement with the respective county; providing for required notices to purchasers of residential units within the district; providing severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Machek—

HB 1433—A bill to be entitled An act relating to the Hobe-St. Lucie Conservancy District, Martin County; codifying, amending, reenacting, and repealing chapter 88-514, Laws of Florida, relating to the district; providing legislative intent; providing boundaries; providing powers; providing for a referendum to expand territorial boundaries; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Traviesa—

HB 1451—A bill to be entitled An act relating to insurance; creating s. 624.1275, F.S.; proscribing state agencies and political subdivisions from prohibiting or excluding licensed insurance agents from competing or negotiating for certain insurance products or plans; providing a definition; amending s. 636.044, F.S.; authorizing certain persons to engage in the solicitation and sale of certain insurance relating to air ambulance transportation costs; providing requirements and limitations; amending

s. 943.135, F.S.; authorizing certain employing agencies to require law enforcement officers and correctional officers to pass certain physical examinations for certain purposes; providing criteria, requirements, and limitations; authorizing certain employing agencies to set tobacco use standards for law enforcement officers and correctional officers employed by local governments; amending s. 631.181, F.S.; providing an exception to certain requirements for a signed statement for certain claims; providing requirements; creating s. 631.1915, F.S.; providing requirements for policyholder collateral, deductible reimbursements, and other policyholder obligations; specifying that certain collateral held by an insurer or a receiver to secure policyholder obligations under a deductible agreement are not an estate asset; requiring use of such collateral to secure policyholder obligations under such agreement; requiring a receiver to use such collateral to pay noncovered claims under certain circumstances; providing for certain claims to be claims against an insurer's estate under certain circumstances; requiring a receiver to allocate collateral among certain obligations and administer such collateral; authorizing a receiver to continue and enforce certain alternative policyholder claim funding contractual agreements; specifying certain actions as a bar to certain claims and an extinguishment of certain obligations; requiring a guaranty association to bill a policyholder for certain reimbursement amounts for certain claims; specifying policyholder obligation for certain amounts; prohibiting certain defenses; requiring a receiver to use certain collateral for certain purposes; requiring a receiver to prorate certain funds of an estate under certain circumstances; authorizing a guaranty association to deduct certain expenses; requiring a guaranty association to provide a complete accounting of certain billing and collection activities; authorizing a guaranty association to contract for certain collections; providing for claims against an insolvent insurer's estate for certain unreimbursed claims payments; requiring a receiver to periodically adjust collateral held pursuant to a deductible agreement; specifying jurisdiction of a state court to resolve disputes; preserving rights of a guaranty association to reimbursement for certain claims; providing application to certain orders of liquidation; providing definitions; providing for nonapplication to certain claims; amending s. 631.54, F.S.; revising a definition; amending s. 631.56, F.S.; revising the membership of the board of directors of the Florida Insurance Guaranty Association, Inc.; amending s. 631.57, F.S.; revising requirements and limitations for obligations of the association for covered claims; authorizing the association to contract with counties and municipalities to issue revenue bonds for certain purposes; creating s. 631.695, F.S.; providing legislative findings and purposes; providing for issuance of revenue bonds through counties and municipalities to fund assistance programs for paying covered claims for hurricane damage; providing procedures, requirements, and limitations for counties, municipalities, and the Florida Insurance Guaranty Association, Inc., relating to issuance and validation of such bonds; providing for payments on and retirement of such bonds from certain assessments; prohibiting pledging the funds, credit, property, and taxing power of the state, counties, and municipalities for payment of bonds; specifying authorized uses of bond proceeds; limiting the term of bonds; specifying a state covenant to protect bondholders from adverse actions relating to such bonds; specifying exemptions for bonds, notes, and other obligations of counties and municipalities from certain taxes or assessments on property and revenues; authorizing counties and municipalities to create a legal entity to exercise certain powers; requiring the association to issue an annual report on the status of certain uses of bond proceeds; providing report requirements; requiring the association to provide a copy of the report to the Legislature and Chief Financial Officer; prohibiting repeal of certain provisions relating to certain bonds under certain circumstances; providing severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Representative Sobel—

HB 1477—A bill to be entitled An act relating to Broward County; providing for the extension of corporate limits of the City of Cooper City and the Town of Davie; providing for annexation of the unincorporated area known as "United Ranches"; providing for annexation of the area known as "Rio Ranches Neighborhood"; providing for an election; providing for an effective date of annexation; providing for interlocal agreement; providing for continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel—

HB 1479—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; codifying, amending, reenacting, and repealing chapters 71-580, 84-398, 85-387, 87-505, 89-440, 91-353, 92-245, 94-445, and 96-537, Laws of Florida, relating to the district; providing legislative intent; deleting gender-specific references; providing a district charter; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Grimsley—

HB 1487—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; providing for codification of special laws relating to the Spring Lake Improvement District, a special tax district; providing legislative intent; codifying, reenacting, amending, and repealing chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida,; providing for minimum charter requirements; providing for provision of other laws made applicable; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown and others—

HB 1515—A bill to be entitled An act relating to the Board of Trustees of Bay Medical Center, Bay County; codifying, amending, reenacting, and repealing chapters 23183 (1945), 27396 (1951), 30578 (1955), 57-1140, 59-1073, 61-1871, 61-1876, 93-375, and 95-510, Laws of Florida, relating to the Board of Trustees of Bay Medical Center, an independent special district of the State of Florida; providing legislative intent for the ratification and confirmation of the establishment of the district; ratifying the appointments and terms of existing members of the board; deleting obsolete language; providing alternative methods for disbursing and receiving funds of the board; confirming inapplicability of the Administrative Procedure Act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown—

HB 1537—A bill to be entitled An act relating to Walton County; creating the Glendale Fire District, an independent special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing powers, duties, and responsibilities of the board; preserving the authority to levy non-ad valorem special assessments; providing for impact fees; authorizing the board to levy special assessments; providing legislative intent; providing duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution;

providing immunity from tort liability for officers, agents, and employees; providing for construction and effect; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Joyner and others—

HB 1559—A bill to be entitled An act relating to respite care; creating s. 400.4071, F.S.; creating an intergenerational respite care assisted living facility pilot program; providing legislative intent; providing duties of the Agency for Health Care Administration with respect to the program; providing requirements and standards for the program; providing for rules; requiring a report to the Legislature; providing an effective date.

—was referred to Committees on Health Care; and Health and Human Services Appropriations.

By Representative Hasner and others—

HB 1597—A bill to be entitled An act relating to hydrogen energy technology; creating s. 377.801, F.S.; creating the Hydrogen Energy Technologies Act; providing a popular name; creating s. 377.802, F.S.; providing legislative findings and intent; creating s. 377.803, F.S.; providing legislative purpose; creating s. 377.804, F.S.; providing definitions; creating s. 377.805, F.S.; creating the Hydrogen Energy Technologies Grants Program in the Department of Environmental Protection to provide grants for demonstration, commercialization, research, and development projects relating to hydrogen energy technologies; providing requirements and procedures therefor; providing rulemaking authority; amending s. 212.08, F.S.; creating a sales tax exemption for certain hydrogen energy technology projects; providing requirements and procedures therefor; requiring the Department of Environmental Protection to make determinations relating to certain projects; authorizing the Department of Revenue to adopt rules for tax exempt purchases; providing for future repeal of the exemption; amending s. 213.053, F.S.; providing for information sharing between the Department of Revenue and the Department of Environmental Protection; amending s. 220.02, F.S.; providing for the addition of tax credits relating to hydrogen energy technologies in the priority order of tax credits; creating s. 220.192, F.S.; creating a hydrogen energy technologies investment tax credit; providing definitions; providing requirements and procedures therefor; authorizing the Department of Revenue to perform certain audits and investigations; requiring the Department of Environmental Protection to provide technical assistance in certain audits and investigations; providing for revocation or modification of credits; providing for payment of tax and interest under certain circumstances; providing rulemaking authority; providing for future repeal of the credit; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" to include the amount taken as a credit for expenses related to hydrogen energy technologies; amending s. 366.075, F.S.; authorizing the Florida Public Service Commission to approve experimental or transitional rates to encourage the use of renewable energy; amending s. 366.8255, F.S.; revising the definition of the term "environmental compliance costs" to include costs related to the deployment of hydrogen energy technologies; providing for cost recovery of utility investment in hydrogen energy technologies; amending s. 633.022, F.S.; authorizing the State Fire Marshal to adopt uniform standards for hydrogen fueling, storage, and production facilities; providing rulemaking authority; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Environmental Preservation; Commerce and Consumer Services; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

By Representative Patterson and others—

HB 1651—A bill to be entitled An act relating to chiropractic education; amending s. 400.9905, F.S.; providing that pt. XIII of ch. 400, F.S., the Health Care Clinic Act, does not apply to clinical facilities affiliated with certain chiropractic colleges; amending s. 460.402, F.S.; providing an exception to regulation for chiropractic students participating in chiropractic college clinical internships; amending s. 460.403, F.S.; defining "chiropractic college clinical internship"; providing an effective date.

—was referred to Committees on Health Care; and Education.

By Representative Sobel—

HB 1657—A bill to be entitled An act relating to the Downtown Development Authority of the City of Fort Lauderdale, Broward County; codifying, amending, reenacting, and repealing chapters 65-1541, 67-1385, 69-1056, 75-371, 80-501, 85-393, 87-507, 89-431, 92-247, 93-392, and 95-531, Laws of Florida; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Evers—

HB 1677—A bill to be entitled An act relating to the Avalon Beach-Mulat Fire Protection District, Santa Rosa County; codifying, amending, reenacting, and repealing the special acts pertaining to the Avalon Beach-Mulat Fire Protection District; providing definitions; requiring the board to make annual reports; repealing chapters 80-608, 82-378, 82-379, and 91-392, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative H. Gibson—

HB 1705—A bill to be entitled An act relating to Lake County; amending chapter 93-358, Laws of Florida; revising provisions governing career service with the Lake County Sheriff's Office; revising definitions; deleting provisions relating to the establishment of divisions within the office; providing effect of voluntary and involuntary termination of employment on career service status; authorizing demotion of certain employees without cause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Judiciary; and Representative Simmons and others—

HB 1709—A bill to be entitled An act relating to the state minimum wage; amending s. 95.11, F.S.; providing periods of limitations on actions for violations of the Florida Minimum Wage Act; creating s. 448.110, F.S., the Florida Minimum Wage Act; providing legislative intent to implement s. 24, Art. X of the State Constitution in accordance with authority granted to the Legislature therein; requiring employers to pay certain employees a minimum wage for all hours worked in Florida; incorporating provisions of the federal Fair Labor Standards Act; requiring the minimum wage to be adjusted annually; providing a formula for calculating such adjustment; requiring the Agency for Workforce Innovation and the Department of Revenue to annually publish the amount of the initial and adjusted minimum wage; providing criteria for posting; requiring the agency to provide written notice to certain employers; providing a deadline for the notice to be mailed; providing that employers are responsible for maintaining their current addresses with the

agency; requiring the agency to provide the department with certain information; prohibiting discrimination or adverse action against persons exercising constitutional rights under s. 24, Art. X of the State Constitution; providing for civil action by aggrieved persons; requiring aggrieved persons bringing civil actions to provide written notice to their employers alleged to have violated the act; providing information that must be included in the notice; providing a deadline by which an employer alleged to have violated the act must pay the unpaid wages in question or resolve the claim to the aggrieved person's satisfaction; providing a statute of limitations period; providing that aggrieved persons who prevail in their actions may be entitled to liquidated damages and reasonable attorney's fees and costs; authorizing additional legal or equitable relief for aggrieved persons who prevail in such actions; providing that punitive damages may not be awarded; providing that actions brought under the act are subject to s. 768.79, F.S.; authorizing the Attorney General to bring a civil action and seek injunctive relief; providing a fine; providing statutes of limitations; authorizing class actions; declaring the act the exclusive remedy under state law for violations of s. 24, Art. X of the State Constitution; providing for implementation measures; designating ss. 448.01-448.110, F.S., as part I of ch. 448, F.S.; providing a part title; providing for severability; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Judiciary; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By the Committee on Agriculture; and Representative Stansel—

HB 1717—A bill to be entitled An act relating to agriculture; amending s. 193.451, F.S.; clarifying the value for purpose of assessment for ad valorem taxes of certain property leased by the Department of Agriculture and Consumer Services; providing intent for retroactive application; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a part title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; revising definition of the term "material safety data sheet" for purposes of the Florida Agricultural Worker Safety Act; creating s. 487.2042, F.S.; providing for investigation of complaints; providing criteria for the commencement of an investigation; providing for exemption from civil liability under certain circumstances; providing penalties for making a false complaint; amending s. 502.014, F.S.; deleting a duty of the department relating to issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting reference to a milk type no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of "frozen desserts"; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; amending s. 570.07, F.S.; clarifying the power of the department relating to standards and fines; providing an additional power of the department; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; authorizing agreements with third-party providers to administer or implement the program; amending s. 570.9135, F.S.; correcting a reference; amending s. 570.952, F.S.; revising the membership of the Florida Agriculture Center and Horse Park Authority; providing criteria for expiration of terms; deleting requirement of submission of information to the Legislature; amending s. 581.011, F.S.; defining the term "invasive plant"; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agriculture in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring removal and destruction of plants under certain circumstances; specifying circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing requirement for an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for department regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing severability; providing an effective date.

—was referred to the Committees on Agriculture; Environmental Preservation; and Judiciary.

By Representative Kendrick—

HB 1793—A bill to be entitled An act relating to Alligator Point Water Resources District, Franklin County; codifying, amending, reenacting, and repealing chapters 63-1350 and 85-414, Laws of Florida; providing legislative intent; providing definitions; providing that the district may provide sewer and wastewater collection and disposal services; providing severability; providing construction; providing for annexation; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown—

HB 1829—A bill to be entitled An act relating to Holmes County; amending chapter 30843, Laws of Florida (1955), as amended, relating to the Holmes County Hospital Corporation; revising provisions relating to the corporation's issuance of bonds to construct and erect a new hospital facility in Holmes County; repealing various provisions of said chapter; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Environmental Regulation; and Representative Needelman and others—

HB 1855—A bill to be entitled An act relating to natural resources; amending s. 376.121, F.S.; providing an alternative to the compensation schedule for calculating natural resources damages; revising procedures relating to damage assessment; removing a restriction on amount of compensation; amending s. 380.06, F.S.; revising factors for determining a substantial deviation in developments of regional impact; amending s. 380.23, F.S.; revising the federally licensed or permitted activities subject to consistency review under the coastal management program; requiring certain environmental impact reports to be data and information for the state's consistency reviews; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Communications and Public Utilities.

By the Committee on Governmental Operations; and Representative Kottkamp and others—

HB 1859—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 20.19, F.S.; revising provisions relating to plans, projections, and the mission of the Department of Children and Family Services; amending s. 20.315, F.S.; revising provisions relating to an evaluation of the Department of Corrections by the Florida Corrections Commission; amending s. 20.316, F.S.; revising provisions relating to reports of the Department of Juvenile Justice; amending ss. 20.43, 39.001, and 39.3065, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 39.4086, F.S., relating to a pilot program for attorneys ad litem for dependent children; amending ss. 39.523 and 98.255, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending s. 120.695, F.S., relating to a review of administrative rules; repealing s. 153.952, F.S., relating to legislative findings and intent concerning the condition or operation of privately owned water or wastewater utility systems and facilities; amending s. 161.053, F.S.; deleting obsolete provisions relating to the establishment of coastal construction control lines; amending s. 370.12, F.S.; conforming a cross reference; amending s. 161.161, F.S.; revising provisions relating to reporting requirements for beach erosion control projects; repealing s. 163.2526, F.S., relating to review and evaluation of specified provisions relating to urban infill and redevelopment; amending ss. 163.3167, 163.3177, 163.3178, 163.519, 186.007, 189.4035, 189.412, 194.034, 206.606, 212.054, and 212.08, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 213.0452, F.S., relating to certain required reporting by the Department of Revenue; repealing s. 213.054, F.S., relating to an annual report concerning persons claiming certain tax exemptions or deductions; amending ss. 215.5601 and 215.70, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending s. 253.7825, F.S.; deleting provisions relating to a conceptual recreational plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to certain canal structures; repealing s. 253.7829, F.S., relating to management plan for retention or disposition of former Cross Florida Barge Canal lands; repealing s. 265.56, F.S., relating to an annual report by the Department of State concerning certain indemnity claims; amending s. 267.074, F.S.; deleting requirements for a specified plan relating to historical markers; amending ss. 282.102, 284.50, 287.045, 287.16, and 288.108, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 288.1226, 288.1229, 288.7015, 288.853, 288.95155, 288.9604, 288.9610, 292.04, and 292.05, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 296.16, F.S., relating to reports concerning the Veterans' Domiciliary Home of Florida; repealing s. 296.39, F.S., relating to reports concerning veterans nursing homes; amending ss. 315.03, 319.324, 322.181, 322.251, 365.171, 365.172, 365.173, 366.82, 369.22, 370.26, 372.5712, and 372.5715, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 372.673, F.S., relating to the Florida Panther Technical Advisory Council; repealing s. 372.674, F.S., relating to the Advisory Council on Environmental Education; amending s. 372.672, F.S.; conforming to the repeal of s. 372.674, F.S.; amending ss. 373.0391, 373.046, 373.1963, and 376.121, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 376.17, F.S., relating to reports concerning operation of a specified pollution control program; amending ss. 376.30713, 377.703, and 380.0677, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 259.041 and 259.101, F.S.; correcting cross references; amending s. 381.0011, F.S.; deleting specified requirements for a Department of Health strategic plan; repealing s. 381.0036, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS for specified professional licensure applicants; amending ss. 381.732 and 381.733, F.S.; conforming cross references; amending ss. 381.795, 381.90, 381.931, and 383.19, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 383.21, F.S., relating to review of certain perinatal intensive care programs; amending ss. 383.2161, 384.25, 394.4573, 394.4985, and 394.75, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 394.82, F.S., relating to expanded funding of certain services; amending s. 394.655, F.S.; conforming provisions to the repeal of s. 394.82, F.S.; amending s. 394.9082, F.S.; revising provisions relating to behavioral health service strategies; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; amending ss. 395.807, 397.321, 397.333, 397.94, 400.0067, 400.0075, 400.0089, 400.407, 400.419, 400.441, 400.967, 402.3016, 402.40, 402.73, 403.067, and 403.4131, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 403.756, F.S., relating to a report concerning oil recycling; amending ss. 403.7226 and 403.7265, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending s. 403.7264, F.S.; conforming a cross reference; amending ss. 403.7895, 406.02, 408.033, 408.914, and 408.915, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 408.917, F.S., relating to evaluation of a health care eligibility pilot project; amending s. 409.1451, F.S.; revising reporting requirements relating to independent living transition services; repealing s. 409.146, F.S., relating to a children and families client and management information system; repealing s. 409.152, F.S., relating to service integration and family preservation goals; amending ss. 409.1679, 409.1685, 409.178, 409.221, 409.25575, 409.2558, 409.2567, 409.441, 409.906, 409.9065, 409.91188, and 409.912, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 394.9082, 409.9065, 409.91196, and 641.386, F.S.; conforming cross references; repealing s. 410.0245, F.S., relating to a study of service needs; amending s. 410.604, F.S.; deleting a requirement for an evaluation and report concerning a specified community care for disabled adults program; repealing s. 411.221, F.S., relating to a prevention and early assistance strategic plan; amending ss. 411.01 and 411.232, F.S.; conforming provisions to the repeal of s. 411.221, F.S.; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later (ENABL) program; amending ss. 413.402, 414.1251, 414.14, 414.36, 414.391, 415.1045, 420.622, 420.623, 427.704, 427.706, 430.04, 430.502, 445.003, 445.004, and 445.006, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; conforming provisions to the repeal of s. 411.242, F.S.; amending ss. 445.022 and 445.049, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 446.27, F.S., relating to a youth-at-risk pilot program annual report; amending s. 446.50, F.S.; deleting provisions relating to initial submittal of the displaced homemaker program plan; repealing s. 455.204, F.S., relating to long-range policy planning concerning professional regulation; amending ss. 455.2226, 455.2228, 456.005, 456.025, 456.031, 456.033, 456.034, and 517.302, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 526.3135, F.S., relating to reports by the Division of Standards of the Department of Agriculture and Consumer Services; amending s. 531.415, F.S., relating to a required notice to the Legislature concerning certain weights and measures regulation fees; repealing s. 553.975, F.S., relating to a report concerning energy conservation standards; amending ss. 570.0705, 570.0725, 570.235, 570.543, 570.952, 603.204, 627.351, 627.64872, 744.7021, 744.708, 765.5215, 768.295, 775.084, 790.22, 932.7055, 943.125, 943.68, 944.023, 944.801, 945.35, 958.045, 960.045, 985.02, 985.08, and 985.3045, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 985.3046, F.S., relating to certain reports concerning agencies and entities providing prevention services; amending ss. 985.305 and 985.3155, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 985.403, F.S., relating to a task force on juvenile sexual offenders and their victims; amending s. 985.412, F.S.; deleting a provision relating to submittal of a proposal concerning incentives for certain Department of

Juvenile Justice providers; amending ss. 1003.492, 1003.61, and 1004.50, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 1006.0605, F.S., relating to reports concerning student summer nutrition programs; amending ss. 1007.27, 1009.70, 1011.32, 1011.62, 1012.42, and 1013.03, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 20.165, 309.01, 310.011, 455.01, and 455.217, F.S.; revising terminology relating to the organization of the Department of Business and Professional Regulation; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; and Government Efficiency Appropriations.

By the Committee on Business Regulation; and Representative Attkisson and others—

HB 1901—A bill to be entitled An act relating to pari-mutuel wagering; creating the Keep the Promise Act of 2005 to implement s. 23, Art. X of the State Constitution; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; amending s. 20.165, F.S.; establishing a Division of Slot Machines in the Department of Business and Professional Regulation; amending s. 550.5251, F.S.; revising licensing and permit requirements relating to required operating days for certain thoroughbred racing permitholders; revising timeframe for application of certain requirements; deleting requirement that certain thoroughbred permitholders operate the full number of days; providing for validity of certain permits; creating chapter 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by local referendum; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; providing definitions; providing legislative intent; providing powers and duties of the division; providing for construction of such provisions; directing the division to adopt rules necessary to implement, administer, and regulate slot machine gaming; requiring such rules to include application procedures, certain technical requirements, procedures relating to revenue, certain regulation and management and auditing procedures, certain bond requirements, and requirements for record maintenance, and payouts; providing for investigations by the division, the Department of Law Enforcement, and local law enforcement; providing for the investigation of violations in conjunction with other agencies; providing specified law enforcement powers to the division; providing for access to slot machine licensee facilities by the division, the Department of Law Enforcement, or local law enforcement; authorizing the division, the Department of Law Enforcement, or local law enforcement to make certain inspections and examinations; authorizing the division to collect certain monies and deny, revoke, suspend, or place conditions on the license under certain circumstances; providing for suspension or revocation of the license of an unqualified applicant or licensee; authorizing the division to adopt emergency rules for the regulation of slot machine gaming; providing for licensure to conduct slot machine gaming; prohibiting the division from accepting applications or issuing slot machine licenses prior to adoption of rules; providing for application for licensure; providing conditions for conducting slot machine gaming; providing requirements for receiving and maintaining a license which include compliance with slot machine regulations and regulations relating to pari-mutuel wagering, maintaining the pari-mutuel permit and license, conducting a certain number of live races or games, allowing access by the division, and submission of security plans; requiring prior approval by the division of certain changes in ownership of slot machine licenses; requiring notice to the division of certain changes in ownership; requiring permitholders to submit certain information and certification relating to games to the division and the Department of Law Enforcement; requiring review and approval of games by division; requiring a slot machine licensee to submit internal control procedures to the division for review and approval; authorizing the amendment of a pari-mutuel license within a specified time; providing for a reduction in the required number of live races or games under certain circumstances; prohibiting transfer of a license; providing a limit on the number of slot machines at a facility; requiring slot machine licensees to maintain certain reports for submission to the division; providing for an audit by an independent certified public accountant of the receipt and distribution of slot machine revenues; providing for annual renewal of the license; providing for a renewal application and procedures for approval; requiring corporate slot machine licensees to apply for and be issued a certificate of status; specifying the payment of state and local taxes as a condition for a slot machine license; requiring certification by the Department of Revenue of the payment of certain state and local taxes by a slot machine licensee; directing the division to revoke, suspend, or refuse to renew the license for failure to pay such taxes; requiring the slot machine licensee pay to the division an initial and annual license fee; providing for deposit of the fee into the Slot Machine Administrative Trust Fund for certain purposes; requiring the division to evaluate the license fee and make recommendations to the Legislature; providing for a tax on slot machine revenues to be deposited into the Educational Enhancement Trust Fund; requiring that slot machine taxes shall be used to supplement and not supplant public education dollars; requiring tax proceeds be first used to fund a grant program for laptop computers for certain students; directing the State Board of Education to adopt rules to implement such program; providing payment procedures; providing penalties for failure to make payments; providing for submission of funds by electronic funds transfer; providing for general, professional, and business occupational licenses; prohibiting transfer of such licenses; prohibiting a slot machine licensee from employing or doing business with persons or businesses unless such person or business is properly licensed; requiring occupational licensees to display identification cards under certain circumstances; providing for application forms, fees, and procedures; authorizing the division to adopt rules relating to applications, licensure, and renewal of licensure and fees therefor; requiring slot machine licensee to pay licensure fees of general occupational licensees; providing for reciprocal disciplinary actions with other jurisdictions; providing for disciplinary actions against a licensee for certain violations of regulations or laws; requiring fingerprints and criminal records checks of applicants or licensees; requiring certain costs of the records check be borne by the applicant or licensee; requiring licensees to provide equipment for electronic submission of fingerprints; authorizing the retention of fingerprints for the purposes of entering fingerprints into the statewide automated fingerprint identification system by a certain date; requiring licensees to inform the division of conviction of disqualifying criminal offenses; requiring certain racetracks and frontons to pay an annual fee; authorizing the Department of Law Enforcement to adopt rules relating to fingerprinting costs and procedures; requiring periodic additional criminal history checks for purposes of screening following issuance of a license; providing for distribution of funds into the Slot Machine Administrative Trust Fund; prohibiting certain relationships between employees of the division or board and licensees of the division; prohibiting division employees and occupational licensees and certain of their relatives from wagering on slot machines at certain facilities; prohibiting contracts that provide for revenue sharing between a manufacturer or distributor and slot machine licensees; prohibiting ownership or financial interests in slot machine licensees by certain manufacturers or distributors; prohibiting licensees or any entity conducting business on or within a licensed slot operation from employing employees of certain law enforcement or regulatory agencies; prohibiting certain false statements, exclusion of revenue for certain purposes, cheating, and theft of proceeds; providing penalties; providing for arrest and recovery; limiting liability for arrest and detention; providing penalties for resisting recovery efforts; authorizing manufacture, sale, distribution, possession, and operation of slot machines under certain circumstances; authorizing the division to exclude any person from licensed facilities under certain circumstances; directing the division to require certain signage in designated gaming areas and require certain equipment or facilities relating to races or games within the gaming area; requiring permitholder to provide office space; prohibiting a licensee and employees and agents of the licensee from allowing a person under a certain age to operate slot machines or to have access to the gaming area; prohibiting complimen-

tary alcoholic beverages, loans or credit, acceptance or cashing of third-party checks, and automatic teller machines; authorizing the suspension of play of slot machines by the division or the Department of Law Enforcement for suspicion of tampering or manipulation; limiting linkage of operating systems; prohibiting certain player enticements; providing for the hours of operation of slot machines; providing that the slot machine licensee is eligible for a caterer license under specified provisions; requiring the slot machine licensee maintain certain purchasing and hiring policies, use a certain job listing service provided by the Agency for Workforce Innovation, and implement certain equal employment opportunities; providing penalties for certain violations by a licensee; providing for deposit of fines collected; creating the State Slot Machine Gaming Board within the division; providing that the board is not a state entity; providing for public meetings and records of the board; providing for offices and personnel of the board; requiring the board comply with specified ethics provisions; providing for expenditures of state funds derived from regulatory fees; requiring the division provide administrative support for the board; providing purpose of the board; providing for membership of the board; providing for appointment and confirmation and terms of members; requiring financial disclosure; prohibiting interests in any slot machine licensee or the gambling industry; providing that members are state officers for specified purposes; authorizing per diem and travel expenses; providing for removal of members; providing for organization and meetings of the board; providing powers and duties of the board; authorizing the board to receive certain information and testimony; providing for evaluations, recommendations, and reports; directing the division to provide the board with certain proposed rules for review and response; requiring the board to prepare an annual report to be submitted to the Governor and Legislature; providing for content of the report; directing the Office of Program Policy Analysis and Government Accountability to conduct an annual performance audit of the board, the division, and slot machine licensees; providing for content of the audit; directing that office to submit the audit's findings and recommendations to the Governor and the Legislature; requiring the chief law enforcement officer of certain counties and municipalities to annually execute and transmit to the board an affidavit relating to certain funding; requiring the governing body of certain counties and municipalities and tourist development councils to annually adopt and transmit to the board a resolution relating to the operations of slot machine gaming; authorizing other governing bodies to transmit such a resolution to the board; authorizing the division to contract for a compulsive gambling treatment and prevention program; amending s. 849.15, F.S.; providing for transportation of certain gaming devices in accordance with federal law; amending s. 895.02, F.S.; providing that specified violations related to slot machine gaming constitute racketeering activity; providing that certain debt incurred in violation of specified provisions relating to slot machine gaming constitutes unlawful debt; preempting slot machine regulation to the state; providing for referenda deauthorizing slot machine operations as an undue burden; authorizing referenda declaring slot machine operations an undue burden; requiring a petition for a referendum; providing for ratification of tribal-state compacts by the Legislature; directing the Department of Transportation to conduct a study on the access roads to pari-mutuel facilities and Indian reservation lands where gaming activities occur; providing for content of the study; requiring a report to the Governor and the Legislature; providing appropriations for the Department of Business and Professional Regulation, the Department of Law Enforcement, and the Office of the State Attorney to carry out the provisions of the act; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Ways and Means.

By the Committee on Justice Appropriations; and Representative Barreiro and others—

HB 1917—A bill to be entitled An act relating to juvenile justice; amending s. 943.0515, F.S.; deleting the term "juvenile prison"; amending s. 985.03, F.S.; revising definitions relating to juvenile justice; creating a definition for the term "day treatment"; creating the minimum-risk nonresidential restrictiveness level; providing that temporary release may be granted under specified conditions to youth committed to the high-risk residential restrictiveness level; providing that high-risk residential facilities may be environmentally secure; removing juvenile prisons from the maximum-risk residential level; amending s. 985.201, F.S.; conforming to definition changes; amending s. 985.207, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; providing for a child to be taken into custody for specified court findings; amending s. 985.208, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; amending s. 985.213, F.S.; providing that permissible detention findings include specified criteria for taking a child into custody; amending s. 985.215, F.S.; providing for release from detention for a child who has absconded; providing exceptions that permit a child to be placed in detention postadjudication for more than 15 days; providing procedures for exceptions; conforming a cross reference; providing for detention for committed children awaiting placement; providing secure detention for children awaiting minimum-risk placement who violate home or nonsecure detention or electronic monitoring; providing for limited secure detention for children being transported to residential commitment programs; amending s. 985.2155, F.S.; revising the definition of a fiscally constrained county; amending s. 985.228, F.S.; requiring the court to include specified conditions in an order of adjudication of delinquency that are applicable to a youth for the postadjudication and predisposition period; amending s. 985.231, F.S.; revising provisions relating to powers of disposition; permitting a court to specify the program or facility a youth shall be placed in when committed; providing procedures for a court's specific placement; providing for commitment of a child to a specific high-risk residential or maximum-risk residential program or facility; providing the maximum length for a minimum-risk nonresidential commitment for a second degree misdemeanor; providing that the department or a provider report quarterly to the court the child's treatment plan progress; making conforming changes; amending s. 985.2311, F.S.; providing that parents shall pay fees for costs of supervision related to minimum-risk nonresidential commitment; amending s. 985.313, F.S.; conforming to definitions changes; amending s. 985.316, F.S.; providing for assessment of residentially committed youth for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; creating a new task force on juvenile sexual offenders and their victims; providing powers and duties; providing membership; requiring a report; providing for administrative support; providing for dissolution of the task force; creating a task force to study the certification of professional staff working for a provider of juvenile justice services; providing membership; requiring the task force to consider the feasibility of implementing and operating a certification system for professional staff; requiring the task force to consider specified issues; directing the task force to recommend a process for testing and validating the effectiveness of the recommended staff development system; requiring the task force to prepare and submit a report of its deliberations and recommendations by a specified date; providing for administrative support; providing for dissolution of the task force; amending s. 985.404, F.S.; requiring the court to issue written orders granting or denying specified department-requested transfers for committed youth; permitting the court to conduct a hearing; prohibiting specified department-requested transfers prior to department receipt of a written court order granting the transfer; amending s. 985.4135, F.S.; requiring juvenile justice county councils to develop criteria for law enforcement referrals to juvenile assessment centers; providing for permissible representation on juvenile justice county councils or circuit boards; amending ss. 784.075, 984.05, 985.31, and 985.3141, F.S.; conforming cross references; reenacting ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(k), and 985.311(3)(e), F.S., relating to jurisdiction, sentencing alternatives, commitment of serious or habitual juvenile offenders, and eligibility for an intensive residential treatment program for offenders less than 13 years of age, respectively, to incorporate the amendment to s. 985.231, F.S., in reference thereto; amending s. 985.407, F.S.; changing the level of background screening required for certain department and provider employees from level 1 to level 2; requiring federal criminal records checks every 5 years for certain department and provider employees; providing for electronic submission of specified fingerprint information; providing for retention of specified fingerprint information;

providing for searches; requiring the adoption of rules; providing for an annual fee; providing for notice of changes in the employment status of persons whose fingerprint information is retained; requiring the removal of fingerprint information upon the occurrence of specified events; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; and Justice Appropriations.

By the Health and Families Council; and Representative Benson and others—

HCB 6003 (for HB's 1869, 1871, 1873, 1875)—A bill to be entitled An act relating to Medicaid reform; providing a popular name; providing legislative findings and intent; providing waiver authority to the Agency for Health Care Administration; providing for implementation of demonstration projects; providing definitions; identifying categorical groups for eligibility under the waiver; establishing the choice counseling process; providing for disenrollment in a plan during a specified period of time; providing conditions for changes; requiring managed care plans to include mandatory Medicaid services; requiring managed care plans to provide a wellness and disease management program, pharmacy benefits, behavioral health care benefits, and a grievance resolution process; authorizing the agency to establish enhanced benefit coverage and providing procedures therefor; establishing flexible spending accounts; providing for cost sharing by recipients, and requirements; requiring the agency to submit a report to the Legislature relating to enforcement of Medicaid copayment requirements and other measures; providing for the agency to establish a catastrophic coverage fund or purchase stop-loss coverage to cover certain services; requiring a managed care plan to have a certificate of operation from the agency before operating under the waiver; providing certification requirements; providing for reimbursement of provider service networks; providing an exemption from competitive bid requirements for provider service networks under certain circumstances; providing for continuance of contracts previously awarded for a specified period of time; requiring the agency to have accountability and quality assurance standards; requiring the agency to establish a medical care database; providing data collection requirements; requiring certain entities certified to operate a managed care plan to comply with ss. 641.3155 and 641.513, F.S.; providing for the agency to develop a rate setting and risk adjustment system; authorizing the agency to allow recipients to opt out of Medicaid and purchase health care coverage through an employer-sponsored insurer; requiring the agency to apply and enforce certain provisions of law relating to Medicaid fraud and abuse; providing penalties; requiring the agency to develop a reimbursement system for school districts participating in the certified school match program; providing for integrated fixed payment delivery system for Medicaid recipients who are a certain age; authorizing the agency to implement the system in certain counties; providing exceptions; requiring the agency to provide a choice of managed care plans to recipients; providing requirements for managed care plans; requiring the agency to withhold certain funding contingent upon the performance of a plan; requiring the plan to rebate certain profits to the agency; authorizing the agency to limit the number of enrollees in a plan under certain circumstances; providing for eligibility determination and choice counseling for persons who are a certain age; requiring the agency to evaluate the medical loss ratios of certain managed care plans; authorizing the agency to adopt rules for minimum loss ratios; providing for imposition of liquidated damages; authorizing the agency to grant a modification of certificate-of-need conditions to nursing homes under certain circumstances; requiring integration of Medicare and Medicaid services; providing legislative intent; providing for awarding of funds for managed care delivery system development, contingent upon an appropriation; requiring the Office of Program Policy Analysis and Government Accountability conduct a study of the feasibility of establishing a Medicaid buy-in program for certain non-Medicaid eligible persons; requiring the office to submit a report to the Legislature; providing applicability; granting rulemaking authority to the agency; requiring legislative authority to implement the waiver; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the Medicaid reform waiver and issue reports; requiring the agency to submit status reports; requiring the agency to contract for certain evaluation comparisons; providing for future review and repeal of the act; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program;

providing an appropriation for the purpose of contracting to monitor and evaluate clinical practice patterns; providing an appropriation for the purpose of contracting for the database to review real-time utilization of Medicaid services; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing appropriations; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By the Education Council; and Representative Mayfield and others—

HCB 6005 (for HB's 119, 167, 935, 1613, 1655, 1837, 1853)—A bill to be entitled An act relating to enhanced student opportunities; providing a popular name; amending s. 20.15, F.S.; providing for appointment of a Deputy Commissioner of Career Education in the Department of Education; amending s. 446.032, F.S.; providing duties of the department relating to apprenticeship programs and services; repealing s. 446.609, F.S., relating to the Jobs for Florida's Graduates program; amending s. 464.019, F.S.; authorizing the Board of Nursing to change faculty-to-student ratios only under certain circumstances; requiring a study to evaluate rules regarding clinical instruction; providing for assistance to approved nursing programs to expand capacity; amending s. 464.0195, F.S.; requiring the Florida Center for Nursing to develop and maintain an information system; requiring an implementation plan; amending s. 1001.02, F.S.; revising State Board of Education duties with respect to developing a postsecondary enrollment plan; requiring State Board of Education rules that address baccalaureate degree programs at community colleges; amending s. 1001.20, F.S.; creating the Office of Career Education in the Department of Education and providing responsibilities of the office; amending s. 1001.64, F.S.; providing that community colleges that grant baccalaureate degrees remain under the authority of the State Board of Education with respect to specified responsibilities; providing that the board of trustees is the governing board for purposes of granting baccalaureate degrees; providing powers of the boards of trustees, including the power to establish tuition and out-of-state fees; providing restrictions; requiring such boards to adopt a policy requiring teachers who teach certain upper-division courses to teach a specified minimum number of hours; amending s. 1002.23, F.S.; requiring guidelines for parents relating to the availability of the online student advising and guidance system and additional educational opportunities; amending s. 1003.492, F.S., relating to industry-certified career education programs; deleting obsolete provisions relating to studies; amending and renumbering s. 1004.85, F.S.; providing additional purposes for creation of educator preparation institutes; creating s. 1004.226, F.S.; defining the term "center of excellence"; providing purposes and objectives of centers of excellence; providing for proposals for establishing or expanding centers of excellence; requiring the State Board of Education to develop a plan recommending the establishment or expansion of centers of excellence; requiring reporting; amending s. 1004.65, F.S.; including community colleges approved to offer baccalaureate degree programs under authority to operate; requiring such community colleges to maintain their primary mission and prohibiting them from terminating associate degree programs; prohibiting a community college from offering graduate programs; amending s. 1004.68, F.S.; authorizing the continued awarding of degrees, diplomas, and certificates by community colleges approved to offer baccalaureate degree programs; creating s. 1006.01, F.S.; requiring the department to provide a secondary and postsecondary academic and career education online student advising and guidance system; providing requirements for such system; amending s. 1006.02, F.S.; requiring documentation that students have utilized the online student advising and guidance system; amending s. 1006.025, F.S.; requiring such documentation in guidance reports; amending s. 1007.2615, F.S.; revising provisions relating to certification of American Sign Language teachers; amending s. 1007.271, F.S.; specifying that dual enrollment courses are creditable toward high school graduation; providing for FTE calculation; conforming to law minimum academic credits required for graduation; clarifying requirements for participation of independent postsecondary institutions in a dual enrollment program; providing for fee exemption; amending s. 1007.33, F.S.; revising requirements for a proposal by a community college to deliver a baccalaureate degree program; requiring the State Board of Education to make proposals available for review and comment by other postsecondary educational institutions and authorizing alternative proposals; eliminating requirement for review and comment by the Council for Education Policy Research and Improvement; authorizing the State Board of Education to approve, deny, or require revisions to proposals; requiring periodic evaluation of approved programs; authorizing termination of funding for certain approved programs; requiring rulemaking; amending s. 1009.21, F.S.; revising provisions relating to determination of resident status for tuition purposes; providing for such determination for purpose of assessing tuition for instruction in workforce education programs offered by school districts; revising definitions and updating terminology; revising requirements for qualification as a resident; providing duties of institutions of higher education and school districts; providing for reclassification under certain circumstances; classifying as residents certain employees of international organizations; providing eligibility criteria for certain students who are not permanent residents of the United States for exemption from payment of nonresident tuition; limiting enrollment and requiring the department to administer the exemption program; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting community college tuition and out-of-state fees for upper-division courses; requiring the State Board of Education to adopt a resident fee schedule for baccalaureate degree programs offered by community colleges; revising provisions relating to the fee for capital improvements, technology enhancements, or equipping student buildings and the use thereof; providing requirements for the issuance and validation of bonds; revising provisions relating to the allocation for child care centers; amending s. 1009.24, F.S.; providing responsibilities of the Legislature and state university boards of trustees to establish tuition and fees; providing restrictions; creating s. 1009.286, F.S.; requiring students to pay 75 percent over the in-state tuition rate for certain excess credit hours; restricting certain credit hours for purpose of calculation; providing for notice of requirements; amending s. 1009.40, F.S.; providing general requirements for student eligibility for tuition assistance grants; providing that certain students are ineligible to receive more than one state-funded tuition assistance grant; amending s. 1009.66, F.S.; renaming the Nursing Student Loan Forgiveness Program and transferring administration of the program to the Department of Education; revising criteria for receiving funds under the program and for repayment of loans; requiring that certain nurses employed as faculty in an approved nursing program be given priority in receiving funds under the program; renaming the Nursing Student Loan Forgiveness Trust Fund and transferring administration of the trust fund to the Department of Education; authorizing the adoption of rules; amending s. 1009.67, F.S.; renaming the Nursing Scholarship Program and transferring administration of the program to the Department of Education; revising criteria for receiving funds under the program; revising repayment provisions; requiring the adoption of rules; creating s. 1009.895, F.S.; creating the Florida Independent Collegiate Assistance Grant Program; providing for program administration; authorizing tuition assistance grants to certain postsecondary education students enrolling in undergraduate degree programs for specified occupations; providing institution eligibility requirements; amending s. 1009.971, F.S.; providing that the Florida Prepaid College Board shall have the power to provide for the transfer of ownership of an advance payment contract under the Florida Prepaid College Program or a participation agreement under the Florida College Savings Program upon inheritance, devise, or bequest; providing procedures and requirements with respect to such transfer of ownership; providing for specification of application contents by rule; providing applicability; amending ss. 1009.972, 1009.98, and 1009.981, F.S.; authorizing the transfer of funds retained from terminated advance payment contracts, canceled contracts, and terminated participation agreements to the direct-support organization established under pt. IV of ch. 1009, F.S., for use by the Florida Prepaid Tuition Scholarship Program and for children of specified members of the armed

forces of the United States who die while participating in the combat theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom; deleting the requirement that an independent college or university be a not-for-profit institution to be eligible for transfer of benefits; providing a restriction on transfer of benefits; amending s. 1011.62, F.S.; providing for FTE calculation for dual enrollment instruction; amending s. 1011.83, F.S.; providing for funding of approved baccalaureate programs at community colleges; providing for use of funds and reporting requirements; creating pt. VI of ch. 1011, F.S.; establishing the SUCCEED, FLORIDA! Crucial Professionals Program; providing for the appropriation of funds to the Department of Education to be distributed on a competitive basis to postsecondary educational institutions to offer programs that meet critical workforce needs; providing for a request for proposals and requirements of such proposals; requiring establishment annually by the Legislature of a priority list; providing for funding of proposals; providing requirements for grant recipients and renewal grants; establishing the SUCCEED, FLORIDA! Crucial Professionals Nursing Education Grant Program, a contract grant program for increasing the capacity of approved nursing programs; requiring the Department of Education to establish guidelines and procedures; specifying requirements for grant proposals; establishing priorities for receipt of grants; providing for review, approval, and funding of proposals; requiring the State Board of Education to submit a report on implementation status; establishing the SUCCEED, FLORIDA! Career Paths Program to provide career and professional academy startup grants; providing qualification criteria; establishing the SUCCEED, FLORIDA! Great Jobs Program; providing for the appropriation of funds to the Department of Education to be distributed on a competitive basis to postsecondary educational institutions to produce graduates to enter certain occupations in the state; providing for a request for proposals and requirements of such proposals; requiring establishment annually by the Legislature of a priority list; providing for funding of proposals; providing requirements for grant recipients; amending s. 1012.82, F.S.; revising provisions relating to minimum contact hours for community college faculty who teach upper-division courses; amending s. 1013.60, F.S.; allowing community college boards of trustees to request funding for all authorized programs and specifying requirements; requiring that enrollment in baccalaureate degree programs be computed into the survey of need for facilities; creating ch. 1014, F.S., relating to career education; defining the term "career education"; providing elements of the rigorous career education system; providing guiding principles for career education; establishing the position of Deputy Commissioner of Career Education to direct the Office of Career Education in the Department of Education and specifying qualifications for the deputy commissioner; specifying responsibilities and duties; providing legislative expectations and funding criteria for the career education system; defining the term "career and professional academy"; providing elements and duties of a career and professional academy and for certification thereof; requiring adoption of rules; amending s. 215.20, F.S.; conforming provisions relating to a trust fund; creating a program to offer discounted computers and Internet access to public school students in grades 5 through 12; requiring the department to negotiate terms with computer manufacturers, nonprofit corporations that obtain reconditioned computer hardware, and broadband Internet access providers; requiring the adoption of rules; requiring the Digital Divide Council to implement a pilot project to assist low-income students with purchasing discounted computers and Internet access services; providing for funding and authorizing the council to accept grants to implement the pilot project; requiring the Office of Program Policy Analysis and Government Accountability to study implementation of career and professional academies and make recommendations; requiring a study and report by the Office of Program Policy Analysis and Government Accountability relating to student progression in state universities; requiring the department to identify specified examinations for earning postsecondary credit for mastery of nursing course material; requiring a status report; authorizing the position of Deputy Commissioner of Career Education and providing an appropriation; requiring the transfer of positions and funds for the creation of the Office of Career Education; providing for a type two transfer with respect to nursing loan programs; requiring the convening of a workgroup to make recommendations regarding bachelor of applied science degree programs; requiring a report; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from a trust agreement and statutory requirements; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By the Education Council; and Representative Quinones and others—

HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)—A bill to be entitled An act relating to education; amending s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education; amending s. 1000.01, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1001.03, F.S.; requiring the State Board of Education to review the Sunshine State Standards and provide a report evaluating the extent to which the standards are being taught; amending s. 1001.11, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; providing duties of the department relating to education goals; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties; amending s. 1001.41, F.S.; requiring district school boards to adopt policies to provide each student a complete education program; amending s. 1001.42, F.S.; providing requirements for each district school board's system of school improvement and student progression; providing components to increase student achievement; conforming provisions relating to deletion of a rigorous reading requirement and the designation of school grades; amending s. 1002.20, F.S.; conforming a cross reference and provisions relating to educational choice; amending s. 1002.38, F.S.; conforming provisions relating to the designation of school grades and revising the date for request of an Opportunity Scholarship; creating s. 1002.385, F.S.; establishing the Reading Compact Scholarship Program to provide students with reading deficiencies the option to attend a public or private school of choice; providing eligibility requirements for receipt of a Reading Compact Scholarship to attend a private school and restricting use of such scholarship; providing for the term of a scholarship; providing school district obligation to notify parents of available options; providing Department of Education obligations, including establishment of a process for notification of violations, subsequent investigation, and certification of compliance by private schools and selection of a research organization to analyze student performance data; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school's participation in the scholarship program and procedures and timelines therefor; providing private school eligibility requirements and obligations, including compliance with specified laws and academic accountability to the parent; providing parent and student responsibilities for scholarship program participation, including compliance with the private school's published policies, participation in student academic assessment, and restrictive endorsement of scholarship warrants; prohibiting power of attorney for endorsing a scholarship warrant; providing funding and payment requirements, including calculation of scholarship amount, payment process, and Department of Financial Services review; providing for immunity; providing scope of authority; requiring adoption of rules; creating s. s. 1002.395, F.S.; establishing the K-12 GI Bill Program to provide educational options for dependents of an active-duty member of the Florida National Guard who is serving in Operation Enduring Freedom or Operation Iraqi Freedom; providing that a student may attend a public school in the school district other than the one to which assigned; providing that a student may receive a K-12 GI Bill to attend a public school in an adjacent school district or to attend a private school; amending s. 1002.20, F.S., relating to student and parent rights to educational choice, to conform; creating s. 1002.421, F.S., relating to rights and obligations of private schools participating in state school choice scholarship programs; providing requirements for participation in a scholarship program, including compliance with specified state, local, and federal laws and demonstration of fiscal soundness; requiring restrictive endorsement of checks and prohibiting a school from acting as attorney in fact; requiring employment of qualified teachers and background screening of individuals with direct student contact; requiring adoption of rules; amending s. 1003.01, F.S.; revising definition of the term "special education services"; amending s. 1003.03, F.S.; modifying implementation provisions relating to constitutional class size requirements; creat-

ing s. 1003.035, F.S.; providing class size requirements based on district average contingent upon constitutional amendment; providing implementation and calculation requirements; specifying options to meet class size requirements; authorizing transfer of funds for class size reduction; requiring certain actions by school districts not in compliance; requiring constitutional compliance plans in certain instances; amending s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs even if maximum enrollment has been reached; removing charter schools from the definition of special academic programs; creating s. 1003.413, F.S.; requiring each school district to establish policies to assist high school students to remain in school, graduate on time, and be prepared for postsecondary education and the workplace; directing the Commissioner of Education to create and implement the Challenge High School Recognition Program; creating the High School Reform Task Force and providing for appointment of members; requiring recommendation of a long-term plan relating to high school reform and specifying items to be addressed; providing for termination of the task force; amending s. 1003.415, F.S.; providing the mission of middle grades; deleting the rigorous reading requirement for middle grade students; deleting obsolete language relating to a department study; creating s. 1003.4155, F.S.; specifying the grading scale for grades 6 through 8; creating s. 1003.4156, F.S.; specifying general requirements for middle school promotion; requiring an intensive reading course under certain circumstances; defining an academic credit; requiring school district policies and authorizing alternative methods for progression; requiring adoption of rules for alternative promotion standards; amending s. 1003.42, F.S.; revising provisions relating to required instruction and courses of study in the public schools; including study of the history of the United States and free enterprise; amending s. 1003.43, F.S., relating to general requirements for high school graduation; including study of the Declaration of Independence in the credit requirement for American government; amending s. 1003.57, F.S.; providing guidelines for determining the residency of an exceptional student with a disability who resides in a residential facility and receives special instruction or services; requiring the placing authority in a parent's state of residence to pay the cost of such instruction, facilities, and services for a nonresident exceptional student with a disability; providing requirements of the department and school districts with respect to financial obligations; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; defining the term "parent" for purposes of the section; authorizing adoption of rules; creating s. 1003.575, F.S.; requiring the department to coordinate the development of an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring the form to be available to school districts to facilitate the use of an individual education plan when a student transfers; amending s. 1003.58, F.S.; correcting a cross reference; amending s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated-pay policies; amending ss. 1005.22 and 1007.33, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1008.22, F.S.; specifying grade level and subject area testing requirements; requiring the State Board of Education to conduct concordance studies to determine FCAT equivalencies for high school graduation; deleting a limitation on and specifying requirements for the use of alternative assessments to the grade 10 FCAT; requiring an annual report on student performance; amending s. 1008.25, F.S.; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours; requiring the department to establish a uniform format for reporting information relating to student progression; requiring an annual report; repealing s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation; amending s. 1008.31, F.S.; deleting provisions relating to performance-based funding; revising goals and measures of the K-20 performance accountability system and requiring data quality improvement; providing for development of reporting and data collection requirements; requiring adoption of rules; amending s. 1008.33, F.S.; conforming provisions relating to the designation of school grades and a cross reference; authorizing district school boards to transfer teachers, faculty, and staff as needed; amending s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; specifying use of assessment data with respect to alternative schools; defining the term "home school"; requiring an annual school report card to be published by the department and distributed by school districts; creating s. 1008.341, F.S.; requiring improvement ratings for certain alternative schools; providing the basis for such ratings and requiring annual performance reports; providing for determination of school improvement ratings, identification of learning gains, and eligibility for school recognition awards; requiring an annual report card to be developed by the department and distributed by school districts; requiring adoption of rules; amending s. 1008.345, F.S.; conforming provisions relating to the designation of school grades and a cross reference; amending s. 1008.36, F.S.; providing for assignment of school grades to certain feeder pattern schools that do not receive such a grade for purposes of participation in the Florida School Recognition Program; defining feeder school pattern; providing that a feeder pattern school shall be subject to the Opportunity Scholarship Program; modifying procedures for determination and use of school recognition awards; amending s. 1008.45, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; repealing s. 1008.51, F.S., relating to the Council for Education Policy Research and Improvement; amending s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in a specified education program; providing funding for supplemental educational services for certain students; conforming cross references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation; amending s. 1011.64, F.S.; conforming terminology and cross references; amending s. 1011.685, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; creating s. 1011.6855, F.S.; creating an operating categorical fund to fund minimum pay requirements for certain instructional personnel contingent upon constitutional amendment; amending s. 1011.71, F.S.; correcting a cross reference; amending s. 1012.21, F.S.; requiring the department to annually post online school district collective bargaining contracts; amending s. 1012.22, F.S.; deleting a requirement that each district school board adopt a performance-pay policy; requiring each district school board to annually provide its negotiated collective bargaining contract to the department; creating s. 1012.2305, F.S.; establishing minimum pay for certain instructional personnel contingent upon constitutional amendment; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching salary career ladder program; creating s. 1012.2312, F.S.; requiring each district school board to adopt a differentiated-pay policy for instructional personnel; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2313, F.S.; requiring each district school board to have a differentiated-pay policy for school administrators; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and authorizing incentives; providing procedures for noncompliance; providing requirements relating to collective bargaining; amending s. 1012.27, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; amending s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement; creating s. 1012.986, F.S.; establishing the A+ Professional Development Program for School Leaders; defining the term "school leader"; establishing school leadership designations; providing program requirements and delivery systems; requiring adoption of rules; repealing s. 1012.987, F.S., relating to rules for a leadership designation; creating s. 1013.381, F.S.; requiring each district school board to adopt and implement an indoor environmental quality policy which provides for periodic surveys; providing that the policy may include certain requirements; providing for indemnification under certain circumstances; requiring display of indoor environmental quality training completion; requiring adoption of rules; amending s. 1013.512, F.S.; requiring the release of funds remaining in reserve relating to school district land acquisition and facilities operations; specifying when a Land Acquisition and Facilities Advisory Board shall be disbanded; establishing the Charter School Task Force and specifying composition and duties; requiring the department to provide staff support to the task force; providing severability; providing effective dates.

—was referred to the Committees on Education; and Education Appropriations.

By Representative Harrell and others—

HB 185—A bill to be entitled An act relating to public records and public meetings exemptions; creating s. 383.412, F.S.; providing an exemption from public records requirements for any information that reveals the identity of surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by, and which information is held by, the State Child Abuse Death Review Committee or local committee, or a panel or committee assembled by the state committee or a local committee; providing that confidential or exempt information obtained by such committees or panels will retain its confidential or exempt status; providing an exemption from public meetings requirements for portions of meetings of such committees or panels wherein confidential and exempt information is discussed; authorizing the State Child Abuse Death Review Committee and local child abuse death review committees to share relevant confidential and exempt information regarding case reviews involving child death; providing a penalty for the unauthorized disclosure of confidential information concerning child fatalities; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Health Care; and Governmental Oversight and Productivity.

By the Committee on Choice and Innovation; and Representative Stargel and others—

HJR 1843—A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 26 of Article XII of the State Constitution relating to public education.

—was referred to the Committees on Education; and Education Appropriations.

By the Committee on Business Regulation; and Representative Attkisson—

HB 1903—A bill to be entitled An act relating to public records; creating s. 551.1078, F.S.; creating an exemption from public records requirements for trade secrets held by the Division of Slot Machines in the Department of Business and Professional Regulation; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Ways and Means.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 106, SB 252, SB 308, CS for CS for SB 334, SB 470, CS for SB 478, SB 498, CS for SB 530, SB 550, CS for CS for SB 572, CS for SB 656, CS for SB 658, CS for SB 720, CS for SB 1056, CS for SB 1094, CS for SB 1208 and CS for CS for CS for SB 1314.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—CS for CS for SB 2178; Bennett—SB 966; Constantine—SB 2312; Klein—CS for CS for SB 328, SB 752, CS for SB 1466, CS for SB 2266; Siplin—CS for CS for SB 1456; Wilson—SB 984

RECESS

On motion by Senator Pruitt, the Senate recessed at 6:58 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, May 4 or upon call of the President.

Journal

of the

S E N A T E

State of Florida

CONTINUATION OF

THIRTY-SEVENTH REGULAR SESSION

UNDER THE CONSTITUTION AS REVISED IN 1968

MARCH 8 THROUGH MAY 6, 2005

Journal of the Senate

Number 24—Regular Session **Tuesday, May 3, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 10:40 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by the Rev. Doug Sanders, Student Pastor, First Baptist Church, Crawfordville:

O Lord, our Father who art in heaven, I would like to lift up these members of the Senate today, that you would give them wisdom and discernment, so that they will have the ability to make decisions for this great state in which you have allowed us to live.

Lord, keep fresh in our minds that every day we are examples and role models for the youth of this state; that not only the words that we speak, but also the actions we take will help guide and direct their paths. And Lord, we pray for the youth of this state, that you will bring up future leaders; strong, honest, and with a respect for you, to one day lead this state in our place. Give them strong homes, safe schools, and solid churches so they can grow and mature.

Knowing that you are still on your throne and still reign sovereignly over this nation, we thank you for the opportunities you have laid before us. In your precious name, we pray. Amen.

PLEDGE

Senate Pages Chase Reed Harris of Jacksonville; Tremain Bernardo Harris of Tallahassee; Samuel "Sam" Green of Orlando; and Ryan Drawdy of Clermont, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Dennis F. Saver of Vero Beach, sponsored by Senator Haridopolos, as doctor of the day. Dr. Saver specializes in Family Practice.

ADOPTION OF RESOLUTIONS

On motion by Senator Crist—

By Senator Crist—

SR 1054—A resolution recognizing and expressing heartfelt gratitude to the 38 U.S. states and 2 Canadian provinces that provided relief workers and equipment to help restore electrical power to Florida in the long aftermath of Hurricanes Charley, Frances, Ivan, and Jeanne.

WHEREAS, the four major hurricanes that struck Florida in August and September of 2004 damaged or destroyed vital infrastructure in nearly all 63 of the state's counties, leaving millions of residents and visitors without power for many weeks at a time between August 13 and October 1, and

WHEREAS, Hurricane Charley left 1.7 million people without power, Hurricane Frances left 2.9 million people without power, Hurricane Ivan left 443,000 people without power, and Hurricane Jeanne left 2.9 million people without power, and in Hardee County the entire power-delivery structure was completely destroyed, and

WHEREAS, the severity of the recurrent battering of Florida in August and September greatly overtaxed the capability of state and local government and Florida's electric utility companies to restore power, compromising the safety, security, and health of residents and businesses, and

WHEREAS, 38 U.S. states and 2 Canadian provinces responded to Florida's crisis by sending thousands of power-restoration workers, along with the necessary equipment, to rebuild the state's electric power infrastructure, and

WHEREAS, these states and provinces are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Ontario, and Quebec, and

WHEREAS, Floridians in thousands of our communities have had personal opportunities to express their gratitude directly to the relief workers who came to Florida and worked tirelessly to repair the hurricane damage, and

WHEREAS, the members of the Florida Senate also wish to express enthusiastic gratitude for the vital support provided by these states and provinces and for the generous personal efforts extended by the individuals who came to Florida's rescue, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate pauses in its deliberations to honor those workers who came to the aid of this state following the hurricanes of

2004 and to express its gratitude for the generous support of the states and provinces that sent workers and equipment.

—was introduced out of order and read by title. On motion by Senator Crist, **SR 1054** was read the second time in full and adopted.

At the request of Senator Lynn—

By Senator Lynn—

SR 1234—A resolution recognizing RESPECT of Florida for promoting quality jobs for Floridians with disabilities.

WHEREAS, it is the policy of the State of Florida to encourage and assist individuals with disabilities, including severe disabilities, to achieve maximum personal independence through useful and productive employment, enhancing their dignity and minimizing their dependence on public support, and

WHEREAS, more than 70 percent of individuals with disabilities, including individuals with severe disabilities, in the state are unemployed, and

WHEREAS, RESPECT of Florida has provided thousands of jobs for individuals with disabilities, including severe disabilities for more than 30 years, and

WHEREAS, RESPECT of Florida creates industries that contribute to the economies of local communities in the state, and

WHEREAS, RESPECT of Florida provides a valuable service to the state and is a nationally recognized model program for providing employment for persons with severe disabilities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That RESPECT of Florida is recognized as a necessary, viable, and valuable means of carrying out the state's policy of promoting gainful employment for Floridians with disabilities, including those with severe disabilities.

—**SR 1234** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

SR 1742—A resolution expressing gratitude and affection to all mothers.

WHEREAS, Sunday, May 8, 2005, has been designated as Mother's Day, and

WHEREAS, the highest ideals and noblest principles of humanity find their most exemplary expression in the sacrifice and devotion of mothers, and

WHEREAS, mothers embody enduring courage and conviction, charity without condescension, and emotion with sanity, and

WHEREAS, mothers are characterized by unconditional love for their offspring, are slow to lose patience, and serve as the anchors that bond the family, and

WHEREAS, a mother's love is like a flame that is always burning and intensifies each time a child is born, and

WHEREAS, a mother is a gift bestowed on man, never more dear than when bringing forth life in the form of a child, and

WHEREAS, it is proper that the members and staff of the Florida Senate recognize the immeasurable debt of gratitude owed to all mothers for their strength, guidance, understanding, and love, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the members of the Senate do hereby express to their own mothers and to all mothers, on behalf of the people of the State of Florida, personal affection and heartfelt gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the Senate as a tangible token of love and respect that the members hold for all mothers.

—**SR 1742** was introduced, read and adopted by publication.

At the request of Senator King—

By Senator King—

SR 2702—A resolution recognizing the week of June 20-25, 2005, as "Humane Society Appreciation Week" in Florida.

WHEREAS, there are currently 48 humane societies in the State of Florida, serving 40 counties in the struggle with domestic animal overpopulation, and

WHEREAS, humane societies work to promote animal adoption and education, eliminate animal overpopulation, prevent animal cruelty, and relieve animal suffering, and

WHEREAS, humane societies have diligently served many Florida communities for as many as 45 years, and

WHEREAS, the estimated population of more than 800,000 unwanted and stray animals euthanized in Florida each year constitutes a potential health risk for rabies and other contagious diseases in this state, and

WHEREAS, in 2004, humane societies served to locate permanent homes for many thousands of unwanted animals and promoted regional spay/neuter campaigns as a preventive and responsible measure for controlling animal overpopulation in this state, and

WHEREAS, Florida's humane societies are staffed by an estimated 10,000 residents who unselfishly volunteer their time, energy, and expertise to fulfill the goals of the humane society, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the humane societies across this state are commended for protecting the health, safety, and welfare of the people and animals of Florida.

BE IT FURTHER RESOLVED, that the week of June 20-25, 2005, is recognized as "Humane Society Appreciation Week."

—**SR 2702** was introduced, read and adopted by publication.

At the request of Senator Lynn—

By Senator Lynn—

SR 2780—A resolution recognizing Officer Robert Francis Grim, Sr., who died in the line of duty on November 13, 2004, after a lifetime of dedicated service as a police officer and police chief in Volusia County.

WHEREAS, Robert Francis Grim, Sr., was born on December 7, 1943, in Allentown, Pennsylvania, and moved to Florida following his service in the U.S. Army, and

WHEREAS, after graduating from the Daytona Police Academy, he went on to earn his Bachelor's Degree in Criminal Justice from the University of Central Florida and began a lifetime career of dedicated service as a police officer in Volusia County, and

WHEREAS, Officer Grim was deeply passionate about the safety of his community and was selected to serve as the state's first school resource officer, creating and establishing the program that continues to be modeled throughout the state today, and

WHEREAS, he also organized 28 new neighborhood watch units, leading to the creation of a Residential Security Check System; developed a "Stranger Danger" and Bicycle Safety Program for the schools; and taught D.A.R.E. to many elementary school children, and

WHEREAS, as a Volusia County Sheriff's Deputy, Officer Grim developed and organized Crime Stoppers in Volusia County into a successful, nonprofit citizen-based organization, and produced, wrote, and directed crime scene reenactments as public service announcements on television and radio, and

WHEREAS, in 1997, Officer Grim was selected as Chief of Police of the Daytona Beach International Airport Police Department, leading a full-service police department, and, in July 2003, joined the Ormond Beach Police Department, continuing his community involvement and dedication to public safety, and

WHEREAS, Officer Grim's courage, dedication, and innovative leadership led to his recognition in a Commendation for Bravery and to his being named Jaycee Law Enforcement Officer of the Year and Elks Law Enforcement Officer of the Year, and

WHEREAS, Officer Robert Grim was killed in the line of duty on November 13, 2004, ending an exemplary career in public service, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes and commends the achievements, contributions, and sacrifices of Officer Robert Francis Grim, Sr., and extends its heartfelt sympathy to his wife, Linda, their children, and other family members.

—**SR 2780** was introduced, read and adopted by publication.

At the request of Senator Lynn—

By Senator Lynn—

SR 2782—A resolution recognizing Lance Corporal Tony Stevens on his completion of his second tour of duty in Iraq.

WHEREAS, Lance Corporal Tony Stevens of the U.S. Marine Corps' 1st Battalion, 2nd Marine Regiment has served two tours of duty in Iraq and, remarkably, survived 10 separate bomb attacks in the "triangle of death" south of Baghdad, and

WHEREAS, Lance Corporal Stevens's deployment placed him in an area known for insurgents' use of what the U.S. military calls "improvised explosive devices," which include car bombs and bombs placed on and adjacent to roadways, and

WHEREAS, these bombs contribute to an injury rate of one in five Marines during their 6-month tours of duty in this area, and Lance Corporal Stevens's survival of 10 such explosions is considered a record, and

WHEREAS, Lance Corporal Stevens is a graduate of Keystone Heights High School where he was an outstanding athlete, and he was named Florida Class 3A High School Basketball Player of the Year in 1997, and

WHEREAS, after being drafted by the Minnesota Twins, he was playing for the Twins' Double-A New Britain, Connecticut, Rock Cats when the 9/11 attack led to his enlistment in the U.S. Marine Corps, and

WHEREAS, those who personally know Lance Corporal Tony Stevens comment frequently on his courage, leadership qualities, sense of perspective, and concern for others, qualities that have served him and his fellow soldiers well as they serve our country in Iraq, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes and commends Lance Corporal Tony Stevens on his enlistment in the Marine Corps and his courageous service to our country.

—**SR 2782** was introduced, read and adopted by publication.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Honorable Tom Lee May 3, 2005
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointees:	Durkin, William H.	10/31/2005
	Puissegur, Frank D.	10/31/2008
Board of Acupuncture		
Appointee:	Teisinger-Nicholson, Mary Katherine	10/31/2008
Board of Athletic Training		
Appointee:	Sehgal, Angela K.	10/31/2006
Greater Orlando Aviation Authority		
Appointees:	Rey, Jose A.	04/16/2008
	Theisen, Robert W., Jr.	04/16/2008
	Van Meter, Jeanne L.	04/16/2008
Barbers' Board		
Appointee:	White, Herman	10/31/2008
Florida Black Business Investment Board, Inc.		
Appointees:	Jackson, Dorothea U.	06/30/2008
	Keys, Brady, Jr.	06/30/2005
	Villain, Jean-Marc	06/30/2008
Florida State Boxing Commission		
Appointees:	Entin, Alvin E.	09/30/2008
	Lacasa, Eduardo R.	09/30/2007
Florida Building Commission		
Appointees:	Hamrick, Jonathon D.	11/21/2007
	McCombs, Michael C.	01/30/2007
Board of Chiropractic Medicine		
Appointees:	Benear, Linda	10/31/2005
	Dougherty, Kenneth J.	10/31/2008
	LaRusso, Salvatore D.	10/31/2008
Florida Citrus Commission		
Appointees:	Carrere, Michael L.	05/31/2007
	Ferrari, William J.	05/31/2007
	Pantuso, George T.	05/31/2007
	Ryan, Stephen W.	05/31/2007
Board of Clinical Laboratory Personnel		
Appointees:	Gereg, Andrea	10/31/2008
	Seay, Pamella A.	10/31/2006
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointees:	Bridgman, Mary W.	10/31/2008
	Lubowicz, Hebe	10/31/2008
	White, Sue	10/31/2008
Regulatory Council of Community Association Managers		
Appointees:	Czonstka, Steven J.	10/31/2006
	Glass, Debra B.	10/31/2007
	Yates, Edith L.	10/31/2006
Florida Commission on Community Service		
Appointees:	Adams, Jane	09/14/2006
	Armstrong, Jack David, Jr.	09/14/2006
	Greene, Marcia	09/14/2006
	Henderson, Ann L.	09/14/2006
	Payne, Willard, Jr.	09/14/2006
	Ramsay, David B.	09/14/2006
	Ruano, Robert	09/14/2006
	Wilkie, Pauline "Polly" O.	09/14/2006

Office and Appointment		*For Term Ending*
Board of Trustees of Brevard Community College		
Appointee:	Theriac, James S.	05/31/2006
Board of Trustees of Edison College		
Appointees:	Downing, Kenneth	05/31/2008
	Perry, Julia G.	05/31/2008
Board of Trustees of Gulf Coast Community College		
Appointee:	Butler, Denise D.	05/31/2008
Board of Trustees of Lake-Sumter Community College		
Appointee:	Childers, Richard D.	05/31/2006
Board of Trustees of Manatee Community College		
Appointees:	Fogarty, Julia B.	05/31/2008
	Lumpkin, Kelvin	05/31/2008
Board of Trustees of Okaloosa-Walton College		
Appointee:	Vance, Vercell	05/31/2005
Board of Trustees of Tallahassee Community College		
Appointee:	Ghazvini, Alisa	05/31/2006
Board of Trustees of Valencia Community College		
Appointees:	Cabrera-Morris, M. Bertica	05/31/2007
	Slocum, Lawrence D.	05/31/2008
Construction Industry Licensing Board		
Appointees:	Bailey, Doris O.	10/31/2005
	Stewart, Robert W.	10/31/2007
	Thornton, Thomas	10/31/2007
Board of Cosmetology		
Appointees:	Ritenbaugh, Laurel	10/31/2006
	Smith, Monica Schuloff	10/31/2007
Board of Trustees for the Florida School for the Deaf and the Blind		
Appointee:	Juba, Pamela L.	02/07/2007
Board of Dentistry		
Appointees:	Embree, Thomas E.	10/31/2008
	Fisher, Lourdes	10/31/2008
	Harrison, W. G.	10/31/2008
Education Practices Commission		
Appointees:	Demetriades, Lynn F.	09/30/2007
	Griffin, Dennis J.	09/30/2007
	Rasco, Ana M.	09/30/2007
Florida Elections Commission		
Appointees:	Mason, Otis A.	12/31/2007
	Merritt-Bell, Demetria L.	12/31/2007
	Spencer, David J.	12/31/2007
	Thomas, Claudia Medina	12/31/2007
Electrical Contractors' Licensing Board		
Appointees:	Kiner, Jeffrey M.	10/31/2007
	Langer, Roger E.	10/31/2006
	Mugford, Norman R.	10/31/2007
	Penner, Donald C.	10/31/2006
	Tibbs, Clarence Kelley	10/31/2007
Commission on Ethics		
Appointee:	Jones, Kurt D., Sr.	06/30/2006
Tampa-Hillsborough County Expressway Authority		
Appointee:	Clark, Robert J., Jr.	07/01/2008
Fish and Wildlife Conservation Commission		
Appointee:	Lane, Kathy Barco	08/01/2007
Board of Funeral and Cemetery Services		
Appointee:	Huggins, Tracy	09/08/2007
Board of Funeral Directors and Embalmers		
Appointees:	Brandenburg, Joseph A.	10/31/2007
	Deakins, John P.	10/31/2008
Board of Professional Geologists		
Appointee:	Blackledge, K. Dawn	10/31/2006
Board of Hearing Aid Specialists		
Appointees:	Polhill, Leanne E.	10/31/2008
	Skelly, Janet M.	10/31/2008
	Smith, Wayne Lee	10/31/2008
Higher Educational Facilities Financing Authority		
Appointee:	Jones, Milton L., Jr.	01/17/2009
Citrus County Hospital Board		
Appointee:	Fredrick, Debra S.	07/07/2008
Board of Trustees of South Lake County Hospital District		
Appointee:	Zahn, Paula J.	07/05/2008
Florida Housing Finance Corporation		
Appointees:	Calvet, Cesar E.	11/13/2008
	Oellerich, David E.	11/13/2006
	Ruiz, Zully	11/13/2008
	Stultz, Lynn M.	11/13/2008
	Terry, Sandra	11/13/2008
Florida Commission on Human Relations		
Appointees:	Cannon, Gayle B.	09/30/2008
	Elam, Donna	09/30/2008
	Stall, Billy Whitefox	09/30/2008
Commission for Independent Education		
Appointees:	Crocitto, Peter F., Jr.	06/30/2007
	Lauff, Samuel, Jr.	06/30/2007
	Martin, Ilia Y.	06/30/2006
	Rodgers, Judith K.	06/30/2005
Juvenile Welfare Board of Pinellas County		
Appointees:	Burke, Cecilia M.	08/11/2008
	Milford, John A.	08/07/2008
	Wilson, Beth S.	07/18/2008
Board of Landscape Architecture		
Appointee:	Walter, Collene W.	10/31/2008
Governor's Mansion Commission		
Appointee:	de Quesada, Emilia M.	09/30/2008
Gulf States Marine Fisheries Commission		
Appointee:	Dempsey, Hayden R.	01/05/2007
Board of Massage Therapy		
Appointees:	Andriole, Irene D.	10/31/2008
	Quiring, David C.	10/31/2008
Board of Medicine		
Appointees:	Barrau, Carmel J.	10/31/2008
	Davies, Laurie K.	10/31/2008
	Dyches, Ronald W.	10/31/2008
	Farmer, Harry Frank, Jr.	10/31/2008
	Long, Monique W.	10/31/2008
Assistant Adjutant General for Army		
Appointee:	Fleming, Michael P.	Pleasure of the Adjutant General
Assistant Adjutant General for Air		
Appointee:	Titshaw, Emmett R., Jr.	Pleasure of the Adjutant General
Board of Nursing		
Appointees:	Herrera, Mary Jane	10/31/2005
	Lewis, Andrea S.	10/31/2007
	Munoz, Rita J.	10/31/2007
Board of Nursing Home Administrators		
Appointees:	Barnett, Brett	10/31/2008
	Francoeur, Jeri H.	10/31/2006
	Reynolds, Suyrea	10/31/2008

Office and Appointment		*For Term Ending*
Board of Occupational Therapy Practice		
Appointees:	Diezel, Zoraida	10/31/2008
	Garcia, Laura A.	10/31/2008
Board of Opticianry		
Appointee:	Calvo, David	10/31/2008
Board of Optometry		
Appointee:	Walker, Edward K.	10/31/2008
Board of Orthotists and Prosthetists		
Appointees:	Calcagno, Marco T.	10/31/2006
	Fredrick, Jeffrey Ryan	10/31/2008
	Morris, George R.	10/31/2008
Board of Osteopathic Medicine		
Appointee:	Fedor, Robert P.	10/31/2008
Board of Pharmacy		
Appointees:	Garcia, Albert L.	10/31/2005
	Parrado, Robert Mario	10/31/2008
	Poston, Rebecca R.	10/31/2008
Board of Physical Therapy Practice		
Appointees:	Birckhead, Judith T. M.	10/31/2005
	Bumgarner, David	10/31/2008
	Watson, Nancy L.	10/31/2008
Board of Pilot Commissioners		
Appointee:	Robas, Victoria Bowen	10/31/2005
Board of Podiatric Medicine		
Appointees:	Inge, Saundra R.	10/31/2007
	Price, Melvin B.	10/31/2008
Florida Prepaid College Board		
Appointee:	Sjostrom, Erin B.	06/30/2006
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.		
Appointees:	Butchko, Beatrice A.	09/30/2008
	Fletcher, Gloria W.	09/30/2008
	Mehta, Ravindra "Rave" V.	09/30/2007
	Reeves, James J.	09/30/2007
	Smith, Rebecca J.	09/30/2008
Board of Psychology		
Appointees:	Hoffman, Richard A.	10/31/2008
	Swan, Amy C.	10/31/2008
Florida Real Estate Commission		
Appointee:	Varnado, James D.	10/31/2008
Apalachee Regional Planning Council, Region 2		
Appointees:	Collins, Fred H.	10/01/2006
	Dykes, Dwight E.	10/01/2007
	Radford, Dawn E.	10/01/2006
	Ranie, Benjamin F.	10/01/2007
	Stanfield, Kevin L.	10/01/2007
	Stephens, Donald R.	10/01/2006
North Central Florida Regional Planning Council, Region 3		
Appointees:	Butler, Martha W.	10/01/2006
	Dodge, David L.	10/01/2006
	Haas, Sandra K.	10/01/2007
	Mattingly, Rosalyn H.	10/01/2005
	Maultsby, Charles T.	10/01/2006
	Neill, Heather	10/01/2007
	O'Neil, Gerald T.	10/01/2006
	Painter, James "Jim" F.	10/01/2007
	Reeves, Fred T.	10/01/2006
	Smith, Andrew P.	10/01/2006
	Thomas, Lorene J.	10/01/2006
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Berry, Clare G.	10/01/2007
	Dungey, Mary Louise	10/01/2007
	Fleckenstein, Rea T.	10/01/2007
	Franklin, Deidra O.	10/01/2007
	Laibl, George W. "Chip", Jr.	10/01/2006
	Maxwell, Harry L.	10/01/2007
	Prachar, Charles J.	10/01/2006
	Sgroi, Robert E.	10/01/2006
	Spaeth, Robert W.	10/01/2006
	Vallencourt, Carol	10/01/2007
Withlacoochee Regional Planning Council, Region 5		
Appointees:	Bertoch, Carl A.	10/01/2006
	Fortis, Jose	10/01/2006
	Moore, Mark	10/01/2006
	Powers, Linda B.	10/01/2006
	Sawyer, J. Wayne	10/01/2006
	Winchester, Linda J.	10/01/2006
East Central Florida Regional Planning Council, Region 6		
Appointees:	Acevedo, Nancy C.	10/01/2006
	Ghyabi, Maryam H.	10/01/2005
	Grulich, Maria C.	10/01/2006
	Kershaw, Janice L.	10/01/2006
	McLouth, Malcolm E.	10/01/2005
	O'Keefe, Daniel T.	10/01/2006
	Rawlson, Jon B.	10/01/2005
	Smith, Evelyn H.	10/01/2007
Central Florida Regional Planning Council, Region 7		
Appointees:	Fields, Kay	10/01/2007
	Lewis, Clifton P.	10/01/2006
	Macias, Tomas	10/01/2007
	Ratliff, Michael R.	10/01/2007
	Rimer, James M.	10/01/2006
	Tucker, Jacqueline W.	10/01/2007
Tampa Bay Regional Planning Council, Region 8		
Appointees:	Albrecht, Richard T.	10/01/2006
	Collins, Jill M.	10/01/2006
	Ghovaee, Housh	10/01/2006
	Guju, Michael John	10/01/2006
	Hoyt, Kenneth S.	10/01/2006
	Wolf, Kathleen	10/01/2006
Southwest Florida Regional Planning Council, Region 9		
Appointees:	Carroll, Patricia	10/01/2005
	Elkowitz, Edward B.	10/01/2006
	Emblidge, Margaret	10/01/2007
	Green, James E.	10/01/2007
	Groves, Janice E.	10/01/2006
	Maio, Alan	10/01/2006
	Messina, Andrea	10/01/2007
	Paulmann, James A.	10/01/2005
	Volpe, Michael J.	10/01/2005
	Weikel, Frank C.	10/01/2006
Treasure Coast Regional Planning Council, Region 10		
Appointees:	Baine, Herman	10/01/2007
	Foley, Kevin J.	10/01/2006
	Gibbins, Eugene R.	10/01/2006
	Haynie, Susan	10/01/2006
	Hurley, Richard E.	10/01/2007
	Miteff, Daniel N.	10/01/2007
South Florida Regional Planning Council, Region 11		
Appointees:	Asseff, Patricia T.	10/01/2007
	Nixon-Calamari, Christine P.	10/01/2006
	Perez, Marta	10/01/2007
	Riesco, Jose A.	10/01/2007
	Wallace, Paul R.	10/01/2006
	Walters, Sandra	10/01/2006
State Retirement Commission		
Appointee:	Seay, Millie J.	12/31/2005
Board of Speech-Language Pathology and Audiology		
Appointees:	Boyev, K. Paul	10/31/2005
	Mincow, Robert	10/31/2008

Office and Appointment		*For Term Ending*
	Pooser, Polly B.	10/31/2008
Board of Professional Surveyors and Mappers		
Appointee:	Nobles, Pamela W.	10/31/2007
Florida Commission on Tourism		
Appointees:	Atchison, James "Jim"	06/30/2008
	Banks, Walter L.	06/30/2008
	Fouche, Julian E.	06/30/2008
	Goldman, Richard	06/30/2008
	Lapi, Antonino R.	06/30/2008
	Wheeler, Harold D.	06/30/2008
Florida Transportation Commission		
Appointee:	Marchena, Marcos R.	09/30/2006
Unemployment Appeals Commission		
Appointees:	Adams, John L.	06/30/2007
	Epsky, Thomas D.	06/30/2008
Florida Commission on Veterans' Affairs		
Appointee:	Raymond, Frederic J.	11/16/2006
Board of Veterinary Medicine		
Appointees:	Horky-Burns, Katherine G.	10/31/2007
	Jones, Kandra L.	10/31/2007
Big Cypress Basin Board of the South Florida Water Management District		
Appointees:	Priddy, Aliese P.	03/01/2007
	Sorey, John F. III	03/01/2006
Alafia River Basin Board of the Southwest Florida Water Management District		
Appointees:	Bissonnette, Stephen J.	03/01/2007
	Hinton, Carol M.	03/01/2007
	Johnson, Cheryl	03/01/2006
Coastal Rivers Basin Board of the Southwest Florida Water Management District		
Appointee:	Maggard, Randy	03/01/2007
Hillsborough River Basin Board of the Southwest Florida Water Management District		
Appointee:	Mai, Hung T.	03/01/2007
Manasota Basin Board of the Southwest Florida Water Management District		
Appointees:	Benac, Elizabeth O.	03/01/2007
	Carraway, Mac	03/01/2007
	Meyers, Richard H.	03/01/2007
	Thomas, Dora Maria C.	03/01/2007
Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District		
Appointees:	Adams, Frank Lester III	03/01/2007
	Paloumpis, Andreas A.	03/01/2007
Peace River Basin Board of the Southwest Florida Water Management District		
Appointees:	Dunlap, Ann W.	03/01/2007
	Edgemon, Kathleen H.	03/01/2006
	Harrison, James Kenneth "Ken"	03/01/2007
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District		
Appointee:	Harris, Tina C.	03/01/2007
Withlacoochee River Basin Board of the Southwest Florida Water Management District		
Appointees:	Baldwin, Martha Jane "Janey"	03/01/2007
	Dennis, John V.	03/01/2007
	Rooks, Albert L., Jr.	03/01/2007

The following executive appointment was referred to the Senate Committee on Children and Families and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Secretary of Children and Family Services		
Appointee:	Hadi, Lucy D.	Pleasure of Governor

The following executive appointments were referred to the Senate Committee on Commerce and Consumer Services and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Directors, Enterprise Florida, Inc.		
Appointees:	Hilton, Julie K.	07/01/2007
	Leonhardt, Frederick W.	07/01/2008
	Story, Susan N.	07/01/2007

The following executive appointment was referred to the Senate Committee on Communications and Public Utilities and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Florida Public Service Commission		
Appointee:	Edgar, Lisa B.	01/05/2009

The following executive appointment was referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Secretary of Juvenile Justice		
Appointee:	Schembri, Anthony J.	Pleasure of Governor

The following executive appointments were referred to the Senate Committee on Environmental Preservation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Environmental Regulation Commission		
Appointees:	Chapman, Tracy Duda	07/01/2007
	Ross, Donald H.	07/01/2007
	Wright, Kenneth W.	07/01/2007
Governing Board of the Southwest Florida Water Management District		
Appointees:	Dabney, Thomas G. II	03/01/2008
	McCree, Heidi B.	03/01/2008
	Symons, Patsy C.	03/01/2008
Governing Board of the Suwannee River Water Management District		
Appointee:	Andrews, Kelby E.	03/01/2008

The following executive appointment was referred to the Senate Committee on Government Oversight and Productivity and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Secretary of Management Services		
Appointee:	Lewis, Tom, Jr.	Pleasure of Governor

The following executive appointment was referred to the Senate Committee on Health Care and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 (1) of the Rules of the Florida Senate:

Office and Appointment	*For Term Ending*
Secretary of Elderly Affairs	
Appointee: Green, Carole A.	Pleasure of Governor

As required by Rule 12.7(1), the above committees held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2003 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully Submitted,
Bill Posey, Chair

On motion by Senator Posey, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee. The vote was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—King

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Lawson—

CS for CS for SB 778—A bill to be entitled An act relating to per diem and travel expenses; amending s. 112.061, F.S.; establishing per diem, subsistence, and mileage rates for travel expenses of public employees; conforming provisions and deleting obsolete provisions; providing legislative intent; requiring state agencies to submit certain information; providing an appropriation; requiring the Governor to recommend a budget amendment to distribute the appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 778** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for CS for SB 838—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation for the

purpose of contracting to monitor and evaluate clinical practice patterns; providing an appropriation for the purpose of contracting for the database to review real-time utilization of Medicaid services; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendments which were adopted:

Amendment 1 (283956)(with title amendment)—On page 17, delete line 28 and insert:

(d) Within 24 months after implementation, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, shall comprehensively evaluate the pilot project for the integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The evaluation must include assessments of cost savings; consumer education, choice, and access to services; coordination of care; and quality of care. The evaluation must describe administrative or legal barriers to the implementation and operation of the pilot program and include recommendations regarding statewide expansion of the pilot program. The office shall submit an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than June 30, 2008.

(e) The agency may seek federal waivers and adopt

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation;

Amendment 2 (110104)(with title amendment)—On page 22, lines 7-21, delete those lines and insert:

(b) The agency shall develop a procedure for determining whether health care providers and service vendors can provide the Medicaid program using a business case that demonstrates whether a particular good or service can offset the cost of providing the good or service in an alternative setting or through other means and therefore should receive a higher reimbursement. The business case must include, but need not be limited to:

1. A detailed description of the good or service to be provided, a description and analysis of the agency's current performance of the service, and a rationale documenting how providing the service in an alternative setting would be in the best interest of the state, the agency, and its clients.

2. A cost-benefit analysis documenting the estimated specific direct and indirect costs, savings, performance improvements, risks, and qualitative and quantitative benefits involved in or resulting from providing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions that must be implemented to realize expected benefits. The Secretary of Health Care Administration shall verify that all costs, savings, and benefits are valid and achievable.

(c) If

And the title is amended as follows:

On page 1, delete line 26 and insert: health care vendors may provide a business case

Amendment 3 (435432)—On page 24, line 5, after the period (.) insert: *The use of CARES teams to review Medicare denials for coverage under this section is authorized only if it is determined that such reviews qualify for federal matching funds through Medicaid. The agency shall seek or amend federal waivers as necessary to implement this section.*

Amendment 4 (914782)—On page 27, delete line 29 and insert:

5. By April 1, 2006, the agency shall contract

Amendment 5 (664622)(with title amendment)—On page 28, line 9 through page 29, line 7, delete those lines and insert:

6.~~5.~~ The agency may apply for any federal waivers

And the title is amended as follows:

On page 2, lines 8-10, delete those lines and insert: Medicaid providers; requiring the agency to coordinate

Amendment 6 (181208)(with title amendment)—On page 42, line 4 through page 52, line 16, delete those lines and insert:

1. Medicaid prescribed-drug coverage for brand-name drugs for adult Medicaid recipients is limited to the dispensing of four brand-name drugs per month per recipient. Children are exempt from this restriction. Antiretroviral agents are excluded from this limitation. No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, severe depression, or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available without restriction for persons with mental illnesses include atypical antipsychotic medications, conventional antipsychotic medications, selective serotonin reuptake inhibitors, and other medications used for the treatment of serious mental illnesses. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply. The agency shall continue to provide unlimited generic drugs, contraceptive drugs and items, and diabetic supplies. Although a drug may be included on the preferred drug formulary, it would not be exempt from the four-brand limit. The agency may authorize exceptions to the brand-name-drug restriction based upon the treatment needs of the patients, only when such exceptions are based on prior consultation provided by the agency or an agency contractor, but the agency must establish procedures to ensure that:

a. There will be a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation;

b. A 72-hour supply of the drug prescribed will be provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.; and

c. Except for the exception for nursing home residents and other institutionalized adults and except for drugs on the restricted formulary for which prior authorization may be sought by an institutional or community pharmacy, prior authorization for an exception to the brand-name-drug restriction is sought by the prescriber and not by the pharmacy. When prior authorization is granted for a patient in an institutional setting beyond the brand-name-drug restriction, such approval is authorized for 12 months and monthly prior authorization is not required for that patient.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus 15.4 percent, the wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in

determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease-management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers. *The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.*

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug formulary in accordance with 42 U.S.C. s. 1396r-8, and, pursuant to the establishment of such formulary, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug formulary. However, a pharmaceutical manufacturer is not guaranteed placement on the formulary by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

8. The agency shall establish an advisory committee for the purposes of studying the feasibility of using a restricted drug formulary for nursing home residents and other institutionalized adults. The committee shall be comprised of seven members appointed by the Secretary of Health Care Administration. The committee members shall include two physicians licensed under chapter 458 or chapter 459; three pharmacists licensed under chapter 465 and appointed from a list of recommendations provided by the Florida Long-Term Care Pharmacy Alliance; and two pharmacists licensed under chapter 465.

9. The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

10. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

11.a. The agency shall implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program shall include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

c. If the agency is unable to negotiate a contract with one or more manufacturers to finance and guarantee savings associated with a behavioral drug management program by September 1, 2004, the four-brand drug limit and preferred drug list prior-authorization requirements shall apply to mental health-related drugs, notwithstanding any provision in subparagraph 1. The agency is authorized to seek federal waivers to implement this policy.

12.a. The agency shall implement a Medicaid prescription-drug-management system. The agency may contract with a vendor that has experience in operating prescription-drug-management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug-management system must be designed to improve the quality of care and prescribing practices based on best-practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the development and adoption of best-practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best-practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on

national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best-practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best-practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

(V) Track spending trends for prescription drugs and deviation from best-practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement disease-management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.

13.~~12.~~ The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

14.~~13.~~ The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

15.~~14.~~ The agency may require prior authorization for the off-label use of Medicaid-covered prescribed drugs as specified in the General Appropriations Act. The agency may, but is not required to, preauthorize the use of a product for an indication not in the approved labeling. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the off-label use of a drug.

16.~~15.~~ The agency shall implement a return and reuse

And the title is amended as follows:

On page 2, lines 13-19, delete those lines and insert: allowing dispensing practitioners to participate in Medicaid; requiring that the agency implement a Medicaid prescription-drug-management system;

Senator Peaden moved the following amendment:

Amendment 7 (260650)(with title amendment)—On page 57, line 18 through page 59, line 13, delete those lines and insert:

(50) To the extent permitted by federal law and as allowed under s. 409.906, the agency shall provide reimbursement for emergency mental health care services for Medicaid recipients in crisis-stabilization facilities licensed under s. 394.875 as long as those services are less expensive than the same services provided in a hospital setting.

Section 2. Section 409.91211, Florida Statutes, is created to read:

409.91211 Medicaid managed care pilot program.—

(1) The agency is authorized to seek experimental, pilot, or demonstration project waivers, pursuant to s. 1115 of the Social Security Act, to create a more efficient and effective service delivery system that enhances quality of care and client outcomes in the Florida Medicaid program pursuant to this section in two geographic areas. One demonstration site shall include only Broward County. A second demonstration site shall initially include Duval County and shall be expanded to include Baker, Clay, and Nassau Counties within 1 year after the Duval County program becomes operational. This waiver authority is contingent upon federal approval to preserve the upper-payment-limit funding mechanism for hospitals, including a guarantee of a reasonable growth factor, a methodology to allow the use of a portion of these funds to serve as a risk pool for demonstration sites, provisions to preserve the state's ability to use intergovernmental transfers, and provisions to protect the disproportionate share program authorized pursuant to this chapter.

And the title is amended as follows:

On page 2, line 23 through page 3, line 6, delete those lines and insert: program could be expanded; authorizing the agency to pay for emergency mental health services provided through licensed crisis-stabilization facilities; creating s. 409.91211, F.S.; specifying waiver authority for the Agency for Health Care Administration to establish a Medicaid reform program contingent on federal approval to preserve the upper-payment-limit finding mechanism for hospitals and contingent on protection of the disproportionate share program authorized pursuant to ch. 409, F.S.; providing

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment to **Amendment 7** which failed:

Amendment 7A (311266)—On page 2, lines 2 and 3, delete those lines and insert: *pursuant to this section in a geographic area. The*

The question recurred on **Amendment 7** which was adopted.

Senator Peaden moved the following amendment was which was adopted:

Amendment 8 (370856)—On page 60, line 3 through page 63, line 10, delete those lines and insert:

(3) The agency shall have the following powers, duties, and responsibilities with respect to the development of a pilot program:

(a) To develop and recommend a system to deliver all health care services specified in ss. 409.905 and 409.906, which shall not vary in amount, duration, or scope beyond what is allowed in current managed care contracts in the form of capitated managed care networks under the Medicaid program.

(b) To recommend Medicaid-eligibility categories, from those specified in ss. 409.903 and 409.904, which shall be included in the pilot program.

(c) To determine and recommend how to design the managed care pilot program in order to take maximum advantage of all available state and federal funds, including those obtained through intergovernmental transfers, the upper-payment-level funding systems, and the disproportionate share program.

(d) To determine and recommend actuarially sound, risk-adjusted capitation rates for Medicaid recipients in the pilot program which can be separated to cover comprehensive care, enhanced services, and catastrophic care.

(e) To determine and recommend policies and guidelines for phasing in financial risk for approved provider service networks over a 3-year period. These shall include an option to pay fee-for-service rates that may include a savings-settlement option for at least 2 years. This model may be converted to a risk-adjusted capitated rate in the third year of operation.

(f) To determine and recommend provisions related to stop-loss requirements and the transfer of excess cost to catastrophic coverage that accommodates the risks associated with the development of the pilot program.

(g) To determine and recommend a process to be used by the Social Services Estimating Conference to determine and validate the rate of growth of the per-member costs of providing Medicaid services under the managed care pilot program.

(h) To determine and recommend program standards and credentialing requirements for capitated managed care networks to participate in the pilot program, including those related to fiscal solvency, quality of care, and adequacy of access to health care providers. It is the intent of the Legislature that, to the extent possible, any pilot program authorized by the state under this section include any federally qualified health center, federally qualified rural health clinic, county health department, or other federally, state, or locally funded entity that serves the geographic areas within the boundaries of the pilot program that requests to participate. This paragraph does not relieve an entity that qualifies as a capitated managed care network under this section from any other licensure or regulatory requirements contained in state or federal law which would otherwise apply to the entity. The standards and credentialing requirements shall be based upon, but are not limited to:

1. Compliance with the accreditation requirements as provided in s. 641.512.

2. Compliance with early and periodic screening, diagnosis, and treatment screening requirements under federal law.

3. The percentage of voluntary disenrollments.

4. Immunization rates.

5. Standards of the National Committee for Quality Assurance and other approved accrediting bodies.

6. Recommendations of other authoritative bodies.

7. Specific requirements of the Medicaid program, or standards designed to specifically meet the unique needs of Medicaid recipients.

8. Compliance with the health quality improvement system as established by the agency, which incorporates standards and guidelines developed by the Centers for Medicare and Medicaid Services as part of the quality assurance reform initiative.

9. The network's infrastructure capacity to manage financial transactions, recordkeeping, data collection, and other administrative functions.

10. The network's ability to submit any financial, programmatic, or patient-encounter data or other information required by the agency to determine the actual services provided and the cost of administering the plan.

(i) To develop and recommend a mechanism for providing information to Medicaid recipients for the purpose of selecting a capitated managed care plan. For each plan available to a recipient, the agency, at a minimum shall ensure that the recipient is provided with:

1. A list and description of the benefits provided.

2. Information about cost sharing.

3. Plan performance data, if available.

4. An explanation of benefit limitations.

5. Contact information, including identification of providers participating in the network, geographic locations, and transportation limitations.

6. Any other information the agency determines would facilitate a recipient's understanding of the plan or insurance that would best meet his or her needs.

(j) To develop and recommend a system to ensure that there is a record of recipient acknowledgment that choice counseling has been provided.

(k) To develop and recommend a choice counseling system to ensure that the choice counseling process and related material are designed to provide counseling through face-to-face interaction, by telephone, and in writing and through other forms of relevant media. Materials shall be written at the fourth-grade reading level and available in a language other than English when 5 percent of the county speaks a language other than English. Choice counseling shall also use language lines and other services for impaired recipients, such as TTD/TTY.

(l) To develop and recommend a system that prohibits capitated managed care plans, their representatives, and providers employed by or contracted with the capitated managed care plans from recruiting persons eligible for or enrolled in Medicaid, from providing inducements to Medicaid recipients to select a particular capitated managed care plan, and from prejudicing Medicaid recipients against other capitated managed care plans. The system shall require the entity performing choice counseling to determine if the recipient has made a choice of a plan or has opted out because of duress, threats, payment to the recipient, or incentives promised to the recipient by a third party. If the choice counseling entity determines that the decision to choose a plan was unlawfully influenced or a plan violated any of the provisions of s. 409.912(21), the choice counseling entity shall immediately report the violation to the agency's program integrity section for investigation. Verification of choice counseling by the recipient shall include a stipulation that the recipient acknowledges the provisions of this subsection.

(m) To develop and recommend a choice counseling system that promotes health literacy and provides information aimed to reduce minority health disparities through outreach activities for Medicaid recipients.

(n) To develop and recommend a system for the agency to contract with entities to perform choice counseling. The agency may establish standards and performance contracts, including standards requiring the contractor to hire choice counselors who are representative of the state's diverse population and to train choice counselors in working with culturally diverse populations.

(o) To determine and recommend descriptions of the eligibility assignment processes which will be used to facilitate client choice while ensuring pilot programs of adequate enrollment levels. These processes shall ensure that pilot sites have sufficient levels of enrollment to conduct a valid test of the managed care pilot program within a 2-year timeframe.

(Renumber subsequent paragraphs.)

Senator Campbell moved the following amendment which was adopted:

Amendment 9 (322390)—On page 65, line 16, after "*409.9128.*" insert: *The pilot program must include a provision for continuation of fee-for-service payments for individuals who access emergency departments and subsequently are determined eligible for Medicaid services.*

Senator Rich moved the following amendment which was adopted:

Amendment 10 (060154)—On page 67, between lines 11 and 12, insert:

(y) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to persons with developmental disabilities sufficient to meet the medical, developmental, and emotional needs of these persons.

(z) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to Medicaid-eligible children in foster care. These services must be coordinated with community-based care providers as specified in s. 409.1675, where available, and be sufficient to meet the medical, developmental, and emotional needs of these children.

Senator Peaden moved the following amendments which were adopted:

Amendment 11 (482962)(with title amendment)—On page 69, line 24 through page 71, line 7, delete those lines and insert:

(f) The agency shall apply for federal waivers from the Centers for Medicare and Medicaid Services to allow recipients to purchase health care coverage through an employer-sponsored health insurance plan instead of through a Medicaid-certified plan. This provision shall be known as the opt-out option.

1. A recipient who chooses the Medicaid opt-out option shall have an opportunity for a specified period of time, as authorized under a waiver granted by the Centers for Medicare and Medicaid Services, to select and enroll in a Medicaid-certified plan. If the recipient remains in the employer-sponsored plan after the specified period, the recipient shall remain in the opt-out program for at least 1 year or until the recipient no longer has

access to employer-sponsored coverage, until the employer's open enrollment period for a person who opts out in order to participate in employer-sponsored coverage, or until the person is no longer eligible for Medicaid, whichever time period is shorter.

2. Notwithstanding any other provision of this section, coverage, cost sharing, and any other component of employer-sponsored health insurance shall be governed by applicable state and federal laws.

(5) This section does not authorize the agency to implement any provision of s. 1115 of the Social Security Act experimental, pilot, or demonstration project waiver to reform the state Medicaid program in any part of the state other than the two geographic areas specified in this section unless approved by the Legislature.

(6) The agency shall develop and submit for approval applications for waivers of applicable federal laws and regulations as necessary to implement the managed care pilot project as defined in this section. The agency shall post all waiver applications under this section on its Internet website 30 days before submitting the applications to the United States Centers for Medicare and Medicaid Services. All waiver applications shall be provided for review and comment to the appropriate committees of the Senate and House of Representatives for at least 10 working days prior to submission. All waivers submitted to and approved by the United States Centers for Medicare and Medicaid Services under this section must be submitted to the appropriate committees of the Senate and the House of Representatives in order to obtain authority for implementation as required by s. 409.912(11), before program implementation. The appropriate committees shall recommend whether to approve the implementation of the waivers to the Legislature or to the Legislative Budget Commission if the Legislature is not in session. The agency shall submit a plan containing a detailed timeline for implementation and budgetary projections of the effect of the pilot program on the total Medicaid budget for the 2006-2007 through 2009-2010 fiscal years.

(7) Upon review and approval of the applications for waivers of applicable federal laws and regulations to implement the managed care pilot program by the Legislature, the agency may initiate adoption of rules pursuant to ss. 120.536(1) and 120.54 to implement and administer the managed care pilot program as provided in this section.

And the title is amended as follows:

On page 3, lines 9-11, delete those lines and insert: pilot program; requiring that the agency submit any waivers to the Legislature for approval before implementation; allowing the agency to develop rules; requiring that

Amendment 12 (243474)(with title amendment)—On page 77, line 5 through page 78, line 17, delete those lines and insert:

Section 9. *By January 15, 2006, the Office of Program Policy Analysis and Government Accountability shall submit to the Legislature a study of the long-term care community diversion pilot project authorized under sections 430.701-430.709, Florida Statutes. The study may be conducted by staff of the Office of Program Policy Analysis and Government Accountability or by a consultant obtained through a competitive bid pursuant to the provisions of chapter 287, Florida Statutes. The study must use a statistically-valid methodology to assess the percent of persons served in the project over a 2-year period who would have required Medicaid nursing home services without the diversion services, which services are most frequently used, and which services are least frequently used. The study must determine whether the project is cost-effective or is an expansion of the Medicaid program because a preponderance of the project enrollees would not have required Medicaid nursing home services within a 2-year period regardless of the availability of the project or that the enrollees could have been safely served through another Medicaid program at a lower cost to the state.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 28 through page 4, line 4, delete those lines and insert: resort; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs;

Senators Miller, Campbell, Rich and Dawson offered the following amendment which was moved by Senator Miller and adopted:

Amendment 13 (242194)(with title amendment)—On page 79, between lines 11 and 12, insert:

Section 14. *The Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General, Medicaid Fraud Control Unit and the Auditor General, shall conduct a study to examine issues related to the amount of state and federal dollars lost due to fraud and abuse in the Medicaid prescription drug program. The study shall focus on examining whether pharmaceutical manufacturers and their affiliates and wholesale pharmaceutical manufacturers and their affiliates that participate in the Medicaid program in this state, with respect to rebates for prescription drugs, are inflating the average wholesale price that is used in determining how much the state pays for prescription drugs for Medicaid recipients. The study shall also focus on examining whether the manufacturers and their affiliates are committing other deceptive pricing practices with regard to federal and state rebates for prescription drugs in the Medicaid program in this state. The study, including findings and recommendations, shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives by January 1, 2006.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 19, after the semicolon (;) insert: requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General and the Auditor General, to conduct a study to examine whether state and federal dollars are lost due to fraud and abuse in the Medicaid prescription drug program; providing duties; requiring that a report with findings and recommendations be submitted to the Governor and the Legislature by a specified date;

SENATOR CARLTON PRESIDING

Senator Fasano moved the following amendment which failed:

Amendment 14 (384180)(with title amendment)—On page 79, between lines 11 and 12, insert:

Section 14. *In addition to other quality assurance standards required by law or rule or in an approved federal waiver, and in consultation with the Department of Elderly Affairs and area agencies on aging, the Agency for Health Care Administration must develop quality assurance standards that are specific to the care needs of elderly individuals. The quality assurance standards must measure enrollee outcomes and satisfaction with care management and home and community-based services that are provided by managed care plans to recipients who are 60 years of age or older. The agency shall contract with area agencies on aging to perform initial and ongoing measurement of the appropriateness, effectiveness, and quality of care management and home and community-based services that are provided to the recipients and to collect and report the resolution of enrollee grievances and complaints. The agency and the department must coordinate the quality measurement activities performed by area agencies on aging with other quality assurance activities required by this section in a manner that promotes efficiency and avoids duplication.*

Section 15. *In demonstration areas, the area agency on aging shall serve as the aging resource center. Except as otherwise provided in this section, the aging resource center, if available, must be the entry point for eligibility determination for persons who are 60 years of age or older, and must provide choice counseling to assist recipients in choosing a plan. If an aging resource center is not operating in an area, the Agency for Health Care Administration may, in consultation with the Department of Elderly Affairs, designate other entities to perform these functions until an aging resource center is established and has the capacity to perform these functions.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 16, after the semicolon (;) insert: requiring that the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, develop quality assurance standards that are specific to the care needs of elderly individuals; requiring the agency to contract with area agencies on aging to perform initial and ongoing

measurement of the appropriateness, effectiveness, and quality of services and to collect and report the resolution of enrollee grievances and complaints; requiring the agency and the department to coordinate the quality measurement activities; requiring the area agency on aging to serve as the aging resource center in demonstration areas, if available; requiring the aging resource center to be the entry point for eligibility determination for persons 60 years of age or older; providing duties; authorizing the agency, in consultation with the Department of Elderly Affairs, to designate other entities to perform as the aging resource center under certain circumstances;

Senators Miller, Campbell, Rich and Dawson offered the following amendment which was moved by Senator Miller and adopted:

Amendment 15 (773244)(with title amendment)—On page 79, between lines 11 and 12, insert:

Section 14. *Health care payroll assessment.—*

(1) As used in this section, the term:

(a) "Agency" means the Agency for Health Care Administration.

(b) "Employee" means any person who receives remuneration from an employer for the performance of any work or service while engaged in any employment under any appointment or contract for hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and includes, but is not limited to, aliens and minors.

(c) "Employer" means every person or entity carrying on any employment with 10,000 or more employees in this state. The term "employer" does not include the state or the political subdivisions in the state.

(d) "Entity" includes corporation and foreign corporation; unincorporated association; business trust, estate, partnership, trust, and two or more persons having a joint or common economic interest.

(e) "Health insurance costs" means the amount paid by an employer to provide health care or health insurance to employees in this state to the extent the costs may be deductible by an employer under federal tax law. Health insurance costs include payments for medical care, prescription drugs, vision care, dental care, and any other costs to provide health care to an employee.

(f) "Secretary" means the secretary for Health Care Administration.

(g) "Wages" means the money rate at which the service rendered is recompensed under a contract of hiring and includes only the wages earned and reported for federal income tax purposes.

(2) Beginning January 1, 2007, and annually thereafter, an employer must submit to the secretary on a form or in a manner approved by the secretary:

(a) The number of employees of the employer in this state as of 1 day in the year immediately preceding the previous calendar year as determined by the employer on an annual basis.

(b) The amount of money spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in this state.

(c) The percentage of the payroll that was spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in this state.

The information required shall be designated in a report signed by the principal executive officer and include an affidavit under penalty of perjury that the information required in this section was reviewed by the principal executive officer and is true to the best of the officer's knowledge, information and belief.

(3) When calculating the percentage of payroll under this section, an employer may exempt:

(a) Wages paid to any employee in excess of the median household income in this state as published by the United States Census Bureau; and

(b) Wages paid to an employee who is enrolled in or eligible for Medicare.

(4) An employer who is organized as a not for profit organization that does not spend up to 6 percent of the total wages paid to employees in this state on health insurance costs shall pay to the secretary an amount equal to the difference between what the employer spends for health insurance costs and an amount equal to 6 percent of the total wages paid to employees in this state.

(5) An employer who is not organized as a not for profit organization and does not spend up to 8 percent of the total wages paid to employees in this state on health insurance costs shall pay to the secretary an amount equal to the difference between what the employer spends for health insurance costs and an amount equal to 8 percent of the total wages paid to employees in this state.

(6) An employer may not deduct any payment made under subsection (4) or subsection (5) from the wages of an employee.

(7) An employer must make payments required under this section to the secretary on a periodic basis as adopted in a rule by the agency.

(8) On or before March 15 of each year, the secretary shall report to the Governor and to the Legislature:

(a) The name of each nonprofit and for profit employer with 10,000 or more employees in this state;

(b) The employer's definition of a full-time employee;

(c) The number of full-time employees;

(d) The number of full-time employees eligible to receive health insurance benefits;

(e) The number of full-time employees receiving health insurance benefits from the employer;

(f) The source of health insurance benefits for those full-time employees not receiving health benefits through an employer subject to reporting under this section;

(g) The number of part-time employees;

(h) The number of part-time employees eligible to receive health insurance benefits;

(i) The number of part-time employees receiving health insurance benefits from the employer; and

(j) The source of health insurance benefits for those eligible part-time employees not receiving health benefits through an employer subject to reporting under this section.

(9) On an annual basis, the secretary shall:

(a) Verify which nonprofit and for profit employer has 10,000 or more employees in this state; and

(b) Ensure that each nonprofit and for profit employer with 10,000 or more employees in this state has reported as required by this section.

(10)(a) If an employer fails to report to the secretary the information that is required by subsection (2), the secretary shall impose on the employer a civil fine of $250 for each day that the report is not filed with the secretary.

(b) If an employer fails to make a required payment to the secretary which is required by subsection (7), the secretary shall impose on the employer a civil fine of $250,000.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 19, after the semicolon (;) insert: creating the health care payroll assessment; providing definitions; requiring employers with more than 10,000 employees in this state to provide specified information to the secretary of the Health Care Administration; requiring employers who do not spend a specified amount on health insurance costs

to pay the secretary an amount equal to the difference between what the employer pays and a percentage of the total payroll; requiring the secretary to submit certain reports to the Governor and the Legislature by a specified date; providing for penalties

The vote was:

Yeas—18

Alexander	Fasano	Lynn
Aronberg	Garcia	Margolis
Bennett	Geller	Miller
Bullard	Hill	Rich
Campbell	Jones	Siplin
Dawson	Klein	Wilson

Nays—16

Argenziano	Diaz de la Portilla	Saunders
Atwater	Haridopolos	Sebesta
Baker	King	Webster
Carlton	Peaden	Wise
Clary	Posey	
Constantine	Pruitt	

Senator Peaden moved the following amendment which was adopted:

Amendment 16 (972270)(with title amendment)—On page 79, line 12 through page 80, line 14, delete those lines and insert:

Section 14. *The sums of $7,129,241 in recurring General Revenue Funds, $9,076,875 in nonrecurring General Revenue Funds, $8,608,242 in recurring funds from the Administrative Trust Fund, and $9,076,874 in nonrecurring funds from the Administrative Trust Fund are appropriated and 11 full time equivalent positions are authorized for the purpose of implementing this act.*

And the title is amended as follows:

On page 4, lines 17-28, delete those lines and insert: providing an appropriation and authorizing positions to implement this act; providing an effective date.

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment which was adopted:

Amendment 17 (962140)—On page 61, line 13, after the period (.) insert: *Federally qualified health centers may be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid primary care services.*

RECONSIDERATION OF AMENDMENT

On motion by Senator Bennett, the Senate reconsidered the vote by which **Amendment 15 (773244)** was adopted. **Amendment 15** failed. The vote was:

Yeas—14

Argenziano	Geller	Margolis
Aronberg	Hill	Miller
Campbell	Jones	Rich
Dawson	Klein	Siplin
Fasano	Lynn	

Nays—20

Alexander	Diaz de la Portilla	Pruitt
Atwater	Garcia	Saunders
Baker	Haridopolos	Sebesta
Bennett	King	Villalobos
Clary	Lawson	Webster
Constantine	Peaden	Wise
Crist	Posey	

Vote after roll call:

Yea—Wilson

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted:

Amendment 18 (314588)—On page 65, line 16, after the period (.) insert: *The pilot program must include a provision for continuing fee-for-service payments for emergency services, including but not limited to, individuals who access ambulance services or emergency departments and who are subsequently determined to be eligible for Medicaid services.*

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment which was adopted:

Amendment 19 (743378)—On page 57, between lines 17 and 18, insert:

(50) The agency may contract with established federally qualified health centers that provide services to historically underserved and uninsured patients. The networks must provide cost-effective Medicaid services, comply with the requirements of a MediPass provider, and provide their primary care physicians with access to data and other management tools necessary to assist them in ensuring the appropriate use of services, including inpatient hospital services and pharmaceuticals.

(a) The agency may provide for the development and expansion of federally qualified health center based provider service networks in each service area to provide services to Medicaid recipients who are eligible to participate under federal law and rules.

(b) The agency may reimburse each federally qualified health center based network as a fee-for-service provider, including the case management fee for primary care or as a capitated rate provider for Medicaid services. Any savings shall be shared with the federally qualified health center networks under the contract.

(c) For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees must be no greater than the state's costs associated with contracts for Medicaid services, which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31.

(d) The agency may apply for any federal waivers needed to administer this subsection.

Redesignate subsequent subsections

Pursuant to Rule 4.19, **CS for CS for SB 838** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

CS for SB 1414—A bill to be entitled An act relating to domestic security; amending s. 943.03101, F.S.; providing legislative findings with respect to the need to coordinate counter-terrorism efforts and responses in accordance with the state comprehensive emergency management plan; amending s. 943.0311, F.S.; clarifying duties of the Chief of Domestic Security Initiatives; amending s. 943.0312, F.S., relating to the regional domestic security task forces; revising the statewide strategy with respect to domestic security to include prevention, protection,

and recovery efforts; requiring that the regional task forces support the domestic security functions of the Department of Law Enforcement; revising the membership of the task forces; authorizing the co-chair of each task force to appoint subcommittees to address specified issues; revising the duties of the Chief of Domestic Security Initiatives; creating s. 943.0313, F.S.; creating the Domestic Security Oversight Council to act as an advisory council to guide the regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and Legislature; providing the membership of the council; authorizing the council to invite ex officio, nonvoting members to attend and participate in council meetings; providing for a chair and vice chair of the council; providing for an absent member to be represented by a designee; requiring the council to establish bylaws; providing for terms of membership; providing that members or designees are entitled to reimbursement for per diem and travel expenses; requiring the Department of Law Enforcement to provide staff for the council; providing meeting requirements; requiring the council to establish an executive committee and specifying members; providing the duties of the council; requiring the council to make annual funding recommendations; requiring an annual report to the Governor and Legislature; providing that the council is a criminal justice agency for purposes of the public-records law; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1414** to **HB 1715**.

Pending further consideration of **CS for SB 1414** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1715** was withdrawn from the Committees on Domestic Security; Governmental Oversight and Productivity; Criminal Justice; Education; Justice Appropriations; and Rules and Calendar.

On motion by Senator Diaz de la Portilla, the rules were waived and—

HB 1715—A bill to be entitled An act relating to domestic security; amending s. 943.03101, F.S.; providing that counter-terrorism coordination must be conducted in accordance with the state comprehensive emergency management plan; amending ss. 943.03 and 943.0311, F.S.; changing the title of the position "Chief of Domestic Security Initiatives" to "Chief of Domestic Security"; revising references to conform; clarifying duties of the Chief of Domestic Security; revising provisions relating to required security assessments of buildings, facilities, and structures owned or leased by state agencies, state universities, and community colleges; requiring certain assessments to be provided to the Chief of Domestic Security within a specified timeframe; revising requirements with respect to a report by the Chief of Domestic Security regarding suggestions for security enhancements; revising provisions with respect to the recommendation, development, and implementation of best practices for the safety and security of specified buildings, facilities, and structures; amending s. 943.0312, F.S.; revising provisions with respect to regional domestic security task forces; conforming language; providing an additional duty of the task forces; revising the organization and membership of the task forces; providing editorial changes; requiring the task forces to make specified recommendations to the Domestic Security Oversight Council; creating s. 943.0313, F.S.; creating the Domestic Security Oversight Council; providing purpose of the council; providing for membership of the council; providing for organization, meetings, staffing, and duties of the council; providing for the establishment of an executive committee and membership thereof; providing duties of the executive committee; requiring annual reports to the Governor and Legislature; providing that the council is a criminal justice agency for the purposes of ch. 119, F.S.; amending s. 381.00315, F.S., to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1414** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1715** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 798—A bill to be entitled An act relating to public records; amending s. 390.01116, F.S.; providing a public-records exemption for information that could identify a minor which is contained in a record held by the court relating to a minor's petition to waive notice requirements when terminating a pregnancy; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 798** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1801** was withdrawn from the Committees on Domestic Security; Governmental Oversight and Productivity; Criminal Justice; Justice Appropriations; and Rules and Calendar.

On motion by Senator Diaz de la Portilla—

HB 1801—A bill to be entitled An act relating to public meetings and public records; creating s. 943.0314, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings of the Domestic Security Oversight Council at which the council hears or discusses active criminal investigative information or active criminal intelligence information; providing conditions precedent to the closing of such meeting or portion thereof; providing an exemption from public records requirements for an audio or video recording of a closed meeting of the council and any minutes and notes generated during the closed meeting until the criminal investigative information or criminal intelligence information heard or discussed therein ceases to be active; specifying those persons who are authorized to attend a closed meeting of the council; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1416** and read the second time by title.

Pursuant to Rule 4.19, **HB 1801** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2000** and **CS for CS for SB 2048** was deferred.

On motion by Senator Atwater, by two-thirds vote **HB 473** was withdrawn from the Committees on Environmental Preservation; Domestic Security; Criminal Justice; and General Government Appropriations.

On motion by Senator Atwater—

HB 473—A bill to be entitled An act relating to water management district security; creating s. 373.6055, F.S.; requiring water management districts with structures or facilities identified as critical infrastructure to conduct criminal history checks of certain persons; authorizing water management districts with structures or facilities that are not identified as critical infrastructure to conduct criminal history checks of certain persons; providing requirements for criminal history checks; requiring submission of fingerprints to the Department of Law Enforcement and the Federal Bureau of Investigation; providing for payment of criminal history check costs; requiring the water management district security's plan to identify criminal history convictions or factors that disqualify applicants for employment and restricted area access; authorizing the use of such factors to disqualify certain employees and other persons; authorizing water management districts to establish appeal procedures; authorizing water management districts to grant temporary waivers; providing offenses that disqualify a person from employment or access to a restricted access area; providing an exception to disqualification; providing an effective date.

—a companion measure, was substituted for **SB 1612** and read the second time by title.

Pursuant to Rule 4.19, **HB 473** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 72—A bill to be entitled An act relating to military personnel on duty; creating the Citizen Soldier Matching Grant Program within the Agency for Workforce Innovation; providing for matching grants to be awarded to private sector employers that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty; providing eligibility requirements for grant recipients; directing the Agency for Workforce Innovation to develop a plan to administer the application and payment procedures for the matching grants; providing for the grant program to be funded by legislative appropriations; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 72** to **HB 691**.

Pending further consideration of **CS for SB 72** as amended, on motion by Senator Geller, by two-thirds vote **HB 691** was withdrawn from the Committees on Commerce and Consumer Services; Community Affairs; and Transportation and Economic Development Appropriations.

On motion by Senator Geller, the rules were waived and—

HB 691—A bill to be entitled An act relating to military personnel on duty; creating the Citizen Soldier Matching Grant Program within the Agency for Workforce Innovation; providing for matching grants to be awarded to private sector employers that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty; providing eligibility requirements for grant recipients; directing the Agency for Workforce Innovation to develop a plan to administer the application and payment procedures for the matching grants; providing for the award of matching grants after approval of the plan; providing an appropriation; providing that professional licenses issued to any member of the Florida National Guard or the United States Armed Forces Reserves shall not expire while the member is serving on federal active duty; providing a 90-day extension period for such licenses after return from federal active duty; providing requirements with respect to such extension; providing an effective date.

—a companion measure, was substituted for **CS for SB 72** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 691** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller, by two-thirds vote **HB 747** was withdrawn from the Committees on Commerce and Consumer Services; Community Affairs; and Transportation and Economic Development Appropriations.

On motion by Senator Geller—

HB 747—A bill to be entitled An act relating to the Citizen Soldier Matching Grant Trust Fund; creating the Citizen Soldier Matching Grant Trust Fund within the Agency for Workforce Innovation; requiring that moneys in the trust fund be used to award matching grants to private sector employers who provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while such employees are on federal active duty; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 74** and read the second time by title.

Pursuant to Rule 4.19, **HB 747** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2426** was deferred.

CS for CS for SB 1316—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 193.501, F.S.; defining the term "open to the general public" for the purpose of determining outdoor recreational or park purposes; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; requiring the Department of Environmental Protection and appropriate water management districts to expedite permitting of certain marina projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 327.47, F.S.; providing for funding certain boating grant programs administered by the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; increasing vessel registration fees; providing for a portion of the fees to be designated for boating grant programs; amending s. 328.76, F.S.; clarifying the use of funds designated for boating grant programs; creating s. 324.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax-deferral ordinances for recreational and commercial working waterfronts; providing a tax deferral for ad valorem taxes and non-ad valorem assessments covered by a tax certificate and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease if there is a change in the use of the property; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; amending s. 253.002, F.S.; clarifying provisions; amending s. 253.67, F.S.; providing definitions; amending s. 253.68, F.S.; conforming provisions; amending s. 253.74, F.S.; conforming provisions; providing a penalty; amending s. 253.75, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1316** to **HB 955**.

Pending further consideration of **CS for CS for SB 1316** as amended, on motion by Senator Bennett, by two-thirds vote **HB 955** was withdrawn from the Committees on Community Affairs; Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

On motion by Senator Bennett—

HB 955—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 163.3187, F.S.; including areas designated as rural areas of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of

amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; requiring certification of the amendment to the Office of Tourism, Trade, and Economic Development; requiring public review of certain property; amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews; amending s. 253.002, F.S.; removing an obsolete reference; revising the responsibilities of the Department of Agriculture and Consumer Services for aquaculture activities; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; amending s. 253.67, F.S.; clarifying the definition of "aquaculture"; amending s. 253.68, F.S.; providing authority to the board for certain aquaculture activities; providing a definition; requiring the board to establish certain guidelines by rule; amending s. 253.74, F.S.; providing penalties for certain unauthorized aquaculture activities; amending s. 253.75, F.S.; revising the responsibilities of the board with regard to certain aquaculture activities; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; authorizing the Department of Community Affairs to provide financial assistance to certain local governments; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 328.72, F.S.; revising the distribution of vessel registration fees; providing for a portion of the fees to be designated for certain trust funds; providing for a grant program for public launching facilities; providing priority consideration for certain counties; requiring certain counties to provide an annual report to the Fish and Wildlife Conservation Commission; requiring the commission to provide exemptions for certain counties; creating s. 342.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax deferral ordinances for recreational and commercial working waterfront properties; requiring bonding periods effective prior the deferral to remain in effect for certain properties; providing requirements for deferral notification and application for certain properties; providing a tax deferral for ad valorem taxes and non-ad valorem assessments authorized to be deferred by ordinance and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease under certain circumstances; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1316** as amended and read the second time by title.

On motion by Senator Bennett, further consideration of **HB 955** was deferred.

On motion by Senator Alexander—

SB 1998—A bill to be entitled An act relating to investment of public funds; amending ss. 17.57, 218.415, F.S.; authorizing the state and units of local government, respectively, to invest public funds in certificates of deposit of federally insured banks or savings and loan associations, which certificates are procured through qualified public depositories; prescribing conditions for such investments and depositories; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1998** to **HB 871**.

Pending further consideration of **SB 1998** as amended, on motion by Senator Alexander, by two-thirds vote **HB 871** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Ways and Means.

On motion by Senator Alexander—

HB 871—A bill to be entitled An act relating to deposit of public funds; amending s. 17.57, F.S.; providing additional authorization for the Chief Financial Officer to deposit state funds; amending s. 218.415, F.S.; providing additional authorization for units of local government to deposit surplus local government funds; amending s. 280.03, F.S.; exempting certain public deposits from the security for public deposits requirements of chapter 280, F.S.; providing an effective date.

—a companion measure, was substituted for **SB 1998** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 871** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 974** and **CS for CS for SB's 2072 and SB 1714** was deferred.

On motion by Senator Atwater, by two-thirds vote **HB 395** was withdrawn from the Committees on Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

On motion by Senator Atwater—

HB 395—A bill to be entitled An act relating to recreational licenses and permits; amending s. 372.57, F.S.; providing for a military gold sportsman's license; providing for an annual fee; providing authorizations allowed under license; providing eligibility requirements; amending ss. 372.5712, 372.5715, and 372.573, F.S.; providing for uses of specified pro rata portions of revenue generated from the military gold sportsman's license; amending s. 372.661, F.S.; exempting patrons of licensed hunting preserves from the license and permit requirements of the military gold sportsman's license while hunting on the licensed preserve property; providing an effective date.

—a companion measure, was substituted for **CS for SB 1610** and read the second time by title.

Pursuant to Rule 4.19, **HB 395** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wilson, by two-thirds vote **HB 1559** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

On motion by Senator Wilson, by two-thirds vote—

HB 1559—A bill to be entitled An act relating to respite care; creating s. 400.4071, F.S.; creating an intergenerational respite care assisted living facility pilot program; providing legislative intent; providing duties of the Agency for Health Care Administration with respect to the program; providing requirements and standards for the program; providing for rules; requiring a report to the Legislature; providing an effective date.

—a companion measure, was substituted for **CS for SB 1516** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1559** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for SB 1922—A bill to be entitled An act relating to public-records and public-meetings exemptions; amending s. 112.324, F.S.; providing an exemption from public-records requirements for a complaint of an alleged violation of part III of chapter 112, F.S., the Code of Ethics for Public Officers and Employees, or any other alleged breach of the public trust within the jurisdiction of a Commission on Ethics and Public Trust established by a municipality and records relating to such complaint or to any preliminary investigation held by the commission; providing an exemption from public- meetings requirements for any proceeding conducted by the commission pursuant to such complaint or preliminary investigation; providing conditions for termination of the exemptions; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1922** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **HB 501** was withdrawn from the Committees on Banking and Insurance; Commerce and Consumer Services; and General Government Appropriations.

On motion by Senator Posey—

HB 501—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 626.321, F.S.; including service warranty agreement sales covering communications equipment under certain limited licensing provisions; providing for additional appointment authority for certain licensed branch locations of a communications equipment retail vendor; revising certain application, appointment, and licensing requirements for certain entities; providing for payment of appointment fees; providing an exception; requiring renewals of appointments; providing for a renewal fee; amending s. 626.731, F.S.; revising a qualification for licensure as a general lines agent; amending s. 627.7295, F.S.; deleting a requirement for inclusion of an agent fee in a rate filing; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1002** and read the second time by title.

Pursuant to Rule 4.19, **HB 501** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 2068** was deferred.

On motion by Senator Atwater, by two-thirds vote **HB 805** was withdrawn from the Committees on Environmental Preservation; General Government Appropriations; and Ways and Means.

On motion by Senator Atwater—

HB 805—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for solar energy systems; amending s. 212.08, F.S.; deleting a scheduled repeal of such exemption; providing an effective date.

—a companion measure, was substituted for **SB 1620** and read the second time by title.

Pursuant to Rule 4.19, **HB 805** was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Pruitt, the Senate recessed at 12:34 p.m. to reconvene at 1:04 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:28 p.m. by Senator Carlton who was presiding. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

SPECIAL ORDER CALENDAR, continued

On motion by Senator Clary, by two-thirds vote **HB 1395** was withdrawn from the Committees on Environmental Preservation; Governmental Oversight and Productivity; and General Government Appropriations.

On motion by Senator Clary—

HB 1395—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; revising the provisions for the placement of uniform warning and safety flags at public beaches; prohibiting the display of flags not specifically developed by the Department of Environmental Protection; revising liability provisions; authorizing the department to develop and distribute information and materials related to beach safety; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2426** and read the second time by title.

Pursuant to Rule 4.19, **HB 1395** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

HB 955—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 163.3187, F.S.; including areas designated as rural areas of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; requiring certification of the amendment to the Office of Tourism, Trade, and Economic Development; requiring public review of certain property; amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews; amending s. 253.002, F.S.; removing an obsolete reference; revising the responsibilities of the Department of Agriculture and Consumer Services for aquaculture activities; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; amending s. 253.67, F.S.; clarifying the definition of "aquaculture"; amending s. 253.68, F.S.; providing authority to the board for certain aquaculture activities; providing a definition; requiring the board to establish certain guidelines by rule; amending s. 253.74,

F.S.; providing penalties for certain unauthorized aquaculture activities; amending s. 253.75, F.S.; revising the responsibilities of the board with regard to certain aquaculture activities; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; authorizing the Department of Community Affairs to provide financial assistance to certain local governments; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 328.72, F.S.; revising the distribution of vessel registration fees; providing for a portion of the fees to be designated for certain trust funds; providing for a grant program for public launching facilities; providing priority consideration for certain counties; requiring certain counties to provide an annual report to the Fish and Wildlife Conservation Commission; requiring the commission to provide exemptions for certain counties; creating s. 342.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax deferral ordinances for recreational and commercial working waterfront properties; requiring bonding periods effective prior the deferral to remain in effect for certain properties; providing requirements for deferral notification and application for certain properties; providing a tax deferral for ad valorem taxes and non-ad valorem assessments authorized to be deferred by ordinance and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease under certain circumstances; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—which was previously considered this day.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (254830)(with title amendment)—Between lines 926 and 927, insert:

Section 17. Paragraph (l) is added to subsection (24) of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.—

(24) STATUTORY EXEMPTIONS.—

(l) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 96, after the semicolon (;) insert: providing an exemption;

On motion by Senator Bennett, further consideration of **HB 955** as amended was deferred.

On motion by Senator Geller—

SB 2640—A bill to be entitled An act relating to chiropractic education; amending s. 400.9905, F.S.; exempting clinical facilities affiliated with certain chiropractic colleges from certain regulations; creating s. 460.4063, F.S.; authorizing chiropractic college-based internship programs; providing registration requirements and program requirements; prescribing fees; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2640** to **HB 1651**.

Pending further consideration of **SB 2640** as amended, on motion by Senator Geller, by two-thirds vote **HB 1651** was withdrawn from the Committees on Health Care; and Education.

On motion by Senator Geller, the rules were waived and by two-thirds vote—

HB 1651—A bill to be entitled An act relating to chiropractic education; amending s. 400.9905, F.S.; providing that pt. XIII of ch. 400, F.S., the Health Care Clinic Act, does not apply to clinical facilities affiliated with certain chiropractic colleges; amending s. 460.402, F.S.; providing an exception to regulation for chiropractic students participating in chiropractic college clinical internships; amending s. 460.403, F.S.; defining "chiropractic college clinical internship"; providing an effective date.

—a companion measure, was substituted for **SB 2640** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1651** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2176—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; correcting a cross-reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.;

revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to furnish certain voter information to the Legislature; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; conforming a cross-reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change or residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.08, F.S.; providing for contribution limits to statewide candidates; amending s. 106.34, F.S.; revising the method of calculating a candidate's expenditures if such candidate is requesting contributions from the Election Campaign Financing Trust Fund; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; providing the method of qualifying for nomination or election to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; amending s. 106.33, F.S.; increasing certain campaign contribution limits; providing effective dates.

—was read the second time by title.

Senator Posey moved the following amendments which were adopted:

Amendment 1 (923664)—On page 65, lines 20 and 21, delete those lines and insert:

(k) Public assistance identification ~~as provided in s.~~

Amendment 2 (075234)—On page 69, delete line 21 and insert:

Section 33. Effective January 1, 2007, subsection (1) of section 101.161, Florida

Senator Campbell moved the following amendment which failed:

Amendment 3 (391298)(with title amendment)—On page 81, line 12 through page 82, line 27, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 6, lines 24-28, delete those lines and insert: appraisers, to conform;

Senator Posey moved the following amendment which was adopted:

Amendment 4 (605590)(with title amendment)—On page 82, lines 11-15, delete those lines and insert: *chapters 97 through 102 and 105 of the Election Code*.

And the title is amended as follows:

On page 6, delete line 28 and insert: safety, or welfare;

Senator Smith moved the following amendment which was adopted:

Amendment 5 (904060)(with title amendment)—On page 84, between lines 14 and 15, insert:

Section 52. *Section 104.047(1), Florida Statutes, is repealed.*

Section 53. *Absentee ballots and voting; violations.—Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, with intent to alter, change, modify, or erase any vote on the absentee ballot, except as provided in sections 101.6105-101.695, Florida Statutes, commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 24, after the semicolon (;) insert: repealing s. 104.047(1), F.S., relating to criminal penalties for participation in certain exchanges associated with voting by absentee ballot; making it a third-degree felony to participate in certain exchanges associated with voting by absentee ballot;

Senator Posey moved the following amendment which was adopted:

Amendment 6 (961736)—On page 84, lines 15 and 16, delete those lines and insert:

Section 52. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2006.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendments to be considered:

Senator Posey moved the following amendments which were adopted:

Amendment 7 (290898)—On page 58, line 24 through page 59, line 2, delete those lines and insert:

1. Census block boundaries from the most recent United States census;

2. Governmental unit boundaries reported in the most recent Boundary and Annexation Survey published by the United States Census Bureau;

3. Visible features that are readily distinguishable upon the ground, such as streets, railroads, tracks, streams, and lakes, and that are indicated upon current census maps, official Department of Transportation maps, official municipal maps, official county maps, or a combination of such maps;

4. Boundaries of public parks, public school grounds, or churches; or

5. Boundaries of counties, incorporated municipalities, or other political subdivisions that meet criteria established by the United States Census Bureau for block boundaries.

Amendment 8 (102256)—On page 21, lines 12 and 13, delete those lines and insert:

~~11. Entertainment identification.~~

9.~~12.~~ Public assistance identification.

Amendment 9 (683354)—On page 31, line 5 through page 32, line 9, delete those lines and insert:

97.1031 Notice of change of residence ~~within the same county,~~ change of name, or change of party *affiliation*.—

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must provide notification of such move to the supervisor of elections of that county. The elector may provide the supervisor a signed, written notice or may notify the supervisor by telephone or electronic means. However, notification of such move other than by signed, written notice must include the elector's date of birth. *An elector may also provide notification to other voter registration officials as provided in subsection (2).* A *voter information* ~~registration identification~~ card reflecting the new *information* ~~address of legal residence~~ shall be issued to the elector as provided in subsection *(3)*~~(4)~~.

(2) When *an elector moves from the address named on that person's voter registration record to another address in a different county but within the state, the elector seeks to change party affiliation, or* the name of an elector is changed by marriage or other legal process, the elector *shall* ~~must~~ provide *notice* ~~a signed, written notification~~ of such change to *a voter registration official using a voter registration application signed by the elector. A voter information* ~~the supervisor and obtain a registration identification~~ card reflecting the new *information shall be issued to the elector as provided in subsection (3)* ~~name~~.

~~(3) When an elector seeks to change party affiliation, the elector must provide a signed, written notification of such intent to the supervisor and obtain a registration identification card reflecting the new party affiliation, subject to the issuance restriction in s. 97.071(3).~~

(3)~~(4)~~ The *voter registration official* ~~supervisor~~ shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation. *The supervisor of elections* ~~and~~ shall issue the new *voter information* ~~registration identification~~ card ~~as required by s. 97.071(3)~~.

Amendment 10 (073254)—On page 71, line 26, insert:

Section 37. Effective January 1, 2007, paragraph (a) of subsection (4) of section

Amendment 11 (960062)(with title amendment)—On page 16, between lines 10 and 11, insert:

(6) If a voter registration applicant fails to provide any of the required information on the voter registration application form, the supervisor shall notify the applicant of the failure by mail within 5 business days after the supervisor has the information available in the voter registration system. The applicant shall have an opportunity to complete the application form to vote in the next election up until the book closing for that next election.

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053

Amendment 12 (120396)(with title amendment)—On page 80, between lines 23 and 24, insert:

Section 45. Effective upon becoming a law, subsection (7) is added to section 106.0705, Florida Statutes, to read:

106.0705 Electronic filing of campaign treasurer's reports.—

(7) Notwithstanding anything in law to the contrary, any report required to have been filed under this section for the period ended March 31, 2005, shall be deemed to have been timely filed if the report is filed under this section on or before June 1, 2005.

And the title is amended as follows:

On page 6, line 21, after the semicolon (;) insert: amending s. 106.0705, F.S.; providing for the timely filing of certain reports;

Amendment 13 (802986)(with title amendment)—On page 84, between lines 14 and 15, insert:

Section 52. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; *to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075;* to the Department of Revenue pursuant to an interagency agreement to facilitate service of process in Title IV-D cases; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims, and are exempt from the provisions of s. 119.07(1).

And the title is amended as follows:

On page 7, line 24, after the semicolon (;) insert: amending s. 322.142, F.S.; providing for disclosure of certain confidential driver's license information to the department under certain circumstances;

Amendment 14 (761002)—On page 76, delete line 18 and insert: association identification; ~~entertainment identification;~~ or

Amendment 15 (620672)(with title amendment)—On page 50, line 16 through page 51, line 23, delete those lines and insert:

Section 23. Section 98.081, Florida Statutes, is amended to read:

98.081 Names removed from *the statewide voter* registration *system* ~~books~~; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.—

(1) Any person who requested that his or her name be removed from the *statewide voter* registration *system* ~~books~~ between the book-closing date of the ~~first~~ primary and the date of the ~~second~~ primary may not register in a different political party until after the date of the ~~second~~ primary election.

(2) When the name of any elector is removed from the *statewide voter* registration *system* ~~books~~ pursuant to s. 98.065 *or* ~~,~~ s. 98.075 ~~, or s.~~

~~98.093~~, the elector's original registration *application* ~~form~~ shall be *retained by the supervisor of elections having custody of the application* ~~filed alphabetically in the office of the supervisor~~. As alternatives, registrations removed from the *statewide voter* registration *system* ~~books~~ may be microfilmed and such microfilms substituted for the original registration *applications* ~~forms~~; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration *application* ~~form~~. Such microfilms or stored information shall be retained *by the supervisor of elections having* ~~in the~~ custody ~~of the supervisor~~. In the event the original registration *applications* ~~forms~~ are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the department.

(3) When the name of any elector has been erroneously or illegally removed from the *statewide voter* registration *system* ~~books~~, the name of the elector shall be restored by *a voter registration official* ~~the supervisor~~ upon satisfactory proof, even though the registration period for that election is closed.

And the title is amended as follows:

On page 4, line 26, after the semicolon (;) insert: deleting provisions relating to the second primary;

Amendment 16 (910870)(with title amendment)—On page 30, lines 5-10, delete those lines and insert: *voter information* ~~registration identification~~ card. However, a *voter information* ~~registration identification~~ card indicating a party affiliation change made between the book-closing date for the ~~first~~ primary election and the date of the ~~second~~ primary election may not be issued until after the ~~second~~ primary election.

And the title is amended as follows:

On page 2, line 30, after the semicolon (;) insert: deleting provisions relating to second primary;

Senator Margolis moved the following amendment:

Amendment 17 (563162)—On page 79, lines 26-28, delete those lines and insert:

(a) Governor and Lieutenant Governor: *$1 for each Florida-registered voter* ~~$5 million~~.

(b) Cabinet officer: *50 cents for each Florida-registered*

MOTION

On motion by Senator Klein, the rules were waived to allow the following amendment to be considered:

Senator Klein moved the following substitute amendment:

Amendment 18 (825468)(with title amendment)—On page 79, line 19 through page 80, line 23, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 6, lines 18-21, delete those lines.

On motion by Senator Posey, further consideration of **CS for CS for SB 2176** as amended with pending **Amendment 17 (563162)** and pending substitute **Amendment 18 (825468)** was deferred.

On motion by Senator Campbell, by two-thirds vote **HB 1921** was withdrawn from the Committees on Children and Families; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Campbell—

HB 1921—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 741.3165, F.S.; expanding the exemption from public records requirements for confidential or exempt information obtained by a domestic violence fatality review team to include information that identifies a victim of domestic violence or the children of a victim; expanding the exemption from public meetings requirements to exempt those portions of meetings at which confidential or exempt information is discussed; providing for review and repeal; providing a statement of public necessity; removing unnecessary language; making clarifying changes; providing an effective date.

—a companion measure, was substituted for **CS for SB 974** and read the second time by title.

Pursuant to Rule 4.19, **HB 1921** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, the Senate resumed consideration of—

HB 955—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 163.3187, F.S.; including areas designated as rural areas of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; requiring certification of the amendment to the Office of Tourism, Trade, and Economic Development; requiring public review of certain property; amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews; amending s. 253.002, F.S.; removing an obsolete reference; revising the responsibilities of the Department of Agriculture and Consumer Services for aquaculture activities; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; amending s. 253.67, F.S.; clarifying the definition of "aquaculture"; amending s. 253.68, F.S.; providing authority to the board for certain aquaculture activities; providing a definition; requiring the board to establish certain guidelines by rule; amending s. 253.74, F.S.; providing penalties for certain unauthorized aquaculture activities; amending s. 253.75, F.S.; revising the responsibilities of the board with regard to certain aquaculture activities; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; authorizing the Department of Community Affairs to provide financial assistance to certain local governments; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 328.72, F.S.; revising the distribution of vessel registration fees; providing for a portion of the fees to be designated for certain trust funds; providing for a grant program for public launching facilities; providing priority consideration for certain counties; requiring certain counties to provide an annual report to the Fish and Wildlife Conservation Commission; requiring the commission to provide exemptions for certain counties; creating s. 342.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax deferral ordinances for recreational and commercial working waterfront properties; requiring bonding periods effective prior the deferral to remain in effect for certain properties; providing requirements for deferral notification and application for certain properties; providing a tax deferral for ad valorem taxes and non-ad valorem assessments authorized to be deferred by ordinance and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes,

assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease under certain circumstances; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—which was previously considered and amended this day.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 2 (432534)(with title amendment)—Lines 214-370, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

Lines 11-29, delete those lines and insert: recreational and commercial working waterfronts;

Pursuant to Rule 4.19, **HB 955** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

CS for CS for SB 2178—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2178** to **HB 1591**.

Pending further consideration of **CS for CS for SB 2178** as amended, on motion by Senator Posey, by two-thirds vote **HB 1591** was withdrawn from the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Posey—

HB 1591—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 2178** as amended and read the second time by title.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which was adopted:

Amendment 1 (225150)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 97.0585, Florida Statutes, is amended to read:

97.0585 *Public-records exemption; information regarding voters and voter registration* ~~Declinations to register; place of registration and registration information~~; confidentiality.—

(1) *The following information concerning voters and voter registration held by an agency as defined in s. 119.011 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for purposes of voter registration:*

(a) All declinations to register to vote made pursuant to ss. 97.057 and 97.058 ~~are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for voter registration purposes~~.

(b)~~(2)~~ Information relating to the place where a person registered to vote or where a person updated a voter registration.

(c) The social security number, driver's license number, and Florida identification number of a voter registration applicant or voter.

(2) The signature of a voter registration applicant or a voter ~~is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution; and a voter's signature, social security number, and telephone number~~ may not be copied and *is* ~~are~~ exempt for that purpose from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) This section applies to information held by an agency before, on, or after the effective date of this exemption.

Section 2. Subsection (2) of section 741.465, Florida Statutes, is amended to read:

741.465 Public records exemption for the Address Confidentiality Program for Victims of Domestic Violence.—

(2) The names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence contained in voter registration *and voting* records held by the supervisor of elections *and the Department of State* are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except the information may be disclosed under the following circumstances: to a law enforcement agency for purposes of assisting in the execution of an arrest warrant or, if directed by a court order, to a person identified in the order. This exemption applies to information made exempt by this subsection before, on, or after the effective date of the exemption.

Section 3. *Sections 97.0585 and 741.465, Florida Statutes, as amended by this act, are subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 4. *(1) The Legislature recognizes that the Help America Vote Act of 2002 requires the implementation of a new single, uniform, centralized, interactive, and computerized statewide voter registration system by January 1, 2006. The Florida Voter Registration System (FVRS) will replace the existing state's voter registration system. The FVRS will interface with and integrate voter registration information and records from the offices of the 67 county supervisors of elections. The FVRS will contain the name and other registration information of every legally registered voter in the state. The FVRS will be the official list of registered voters in the state and will be used as the registration system for federal and state elections. Any such system must keep information concerning a person's decision not to register or information concerning the place where a person registers to vote confidential in accordance with the National Voter Registration Act. Therefore, the Legislature finds it necessary*

to continue the existing public-records exemption to keep such information confidential and exempt in order to conform with the requirements of the National Voter Registration Act. Additionally, because persons may register to vote or update voter registration information at designated voter registration agencies that may include any office that provides public assistance, this exemption is also necessary to protect from disclosure personal information concerning those persons who apply for or receive public assistance at these offices.

(2) The Legislature also finds it necessary to broaden the existing exemption from public-records access to social security numbers of voters and voter registration applicants to include driver's license numbers and Florida identification numbers. The Legislature finds that access to such information can lead to fraud, personal identity theft, and invasion of privacy. The Florida Voter Statewide Voter Registration System, once implemented and maintained, will constitute one of the most comprehensive and up-to-date databases of persons in this state. The Legislature finds it not only necessary to exempt from copying social security numbers, driver's license numbers, and Florida identification numbers of those persons in the Florida Voter Registration System but also to exempt those numbers from inspection. Even the memorization of a single person's social security number, driver's license number, or Florida identification number could result in economic and personal harm to that individual whose numbers may be used to perpetrate fraud or may be coupled with other readily available public information to commit personal identity theft or to gain access to records, such as financial, educational, or medical records. The Legislature also finds it necessary to keep the social security numbers, driver's license numbers, and Florida identification numbers in the Florida Voter Registration System confidential and exempt in order to encourage voter registration and remove disincentives to registering to vote.

(3) The Legislature also finds it necessary to continue and to expand the existing exemption that precludes the copying of a voter's signature. Currently, a voter's signature is exempt from copying but only if contained on a voter registration application or precinct register. Two advisory opinions from the Attorney General issued in 2001 stated that a voter's signature on an absentee ballot certificate is not part of the voter registration record and therefore not exempt from copying. Because express exemption from copying did not exist for absentee ballot certificates, any person or entity may request and obtain copies of all signatures of voters who voted absentee in any particular election. Consequently, any person or entity may also request and obtain copies of all signatures of voters who signed provisional ballot envelopes, early voting certificates, or any other voting-related documents other than a voter registration application or a precinct register. The Legislature intends that a voter's signature be protected in order to prevent fraud, identity theft, or invasion of privacy in all instances. Nonetheless, the Legislature finds that any exemption for such signatures must be balanced against the continuing administrative need to allow for public inspection of the signatures of voters or voter registration applicants for purposes of voter verification, matching, or authenticity as may occur in a voter's challenge or canvassing of an absentee ballot. Therefore, the Legislature finds that it is a public necessity to continue the existing exemption solely from copying of voters' signatures and to expand that exemption to apply to voters' signatures as may also appear on absentee ballot certificate envelopes, provisional ballot envelopes, early-voting certificates, or any other voting-related document that must be executed for purposes of voting or voter registration.

(4) The Legislature also finds that it is a public necessity that the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence which are contained in voter registration and voting records held by the supervisor of elections and the Department of State be made exempt from public-records requirements. Participants in the program have demonstrated to the Office of the Attorney General that there exists a risk to their physical safety and security. Nonetheless, program participants must be afforded the ability to participate in society and cast a vote in elections. However, the supervisor of elections and the Department of State must have a verifiable address for a program participant in order to place that participant in the proper voting district and to maintain accurate records for compliance with state and federal requirements. The public-records exemption for the participant's name is a public necessity because access to such name narrows the location of that participant to his or her voting area. In addition, access to the participant's address and telephone number provides specific location and contact information for the participant. Therefore, access to the participant's name, address, and telephone number defeats the sole purpose of the Address Confidentiality Program for Victims of Domestic Violence, which is to provide safety and security for each participant.

Section 5. This act shall take effect on the same date that Senate Bill 2176 or similar legislation takes effect, if such legislation is enacted in the same legislative session or an extension thereof and becomes law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for retroactive application of the exemption; amending s. 741.465, F.S.; expanding a public-records exemption for the names, addresses, and telephone numbers of participants in the Address Confidentiality Program for Victims of Domestic Violence contained in certain voter records held by the supervisor of elections and the Department of State; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

Pursuant to Rule 4.19, **HB 1591** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for SB 1862—A bill to be entitled An act relating to women's health care; providing a short title; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortion clinics performing abortions after the first trimester of pregnancy; requiring rules that prescribe standards for physical facilities, supplies and equipment, personnel, screening and evaluation, the abortion procedure, recovery, followup care, and incident reporting; providing that rules regulating abortion clinics may not impose an unconstitutional burden rather than a legally significant burden on a woman's right to choose to terminate her pregnancy; providing for severability; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **CS for SB 1862** to **HB 1041**.

Pending further consideration of **CS for SB 1862**, on motion by Senator Dockery, by two-thirds vote **HB 1041** was withdrawn from the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

On motion by Senator Dockery—

HB 1041—A bill to be entitled An act relating to women's health care; providing a popular name; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortion clinics performing abortions after the first trimester of pregnancy; requiring rules that prescribe standards for physical facilities, supplies and equipment, personnel, screening and evaluation, the abortion procedure, recovery, follow-up care, and incident reporting; providing that rules regulating abortion clinics may not impose an unconstitutional burden rather than a legally significant burden on a woman's right to choose to terminate her pregnancy; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1862** and read the second time by title.

Pursuant to Rule 4.19, **HB 1041** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 1790—A bill to be entitled An act relating to street lighting; creating s. 768.1382, F.S.; limiting liability for certain public and private entities providing street lights, security lights, or other similar illumination; providing that certain entities do not owe duty to the public to provide, operate, or maintain illumination; providing for exceptions; prohibiting certain findings of fault or responsibility of an entity not a party to litigation; providing for severability; providing for application; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1790** to **HB 135**.

Pending further consideration of **SB 1790** as amended, on motion by Senator Webster, by two-thirds vote **HB 135** was withdrawn from the Committees on Judiciary; Communications and Public Utilities; and Rules and Calendar.

On motion by Senator Webster, the rules were waived and—

HB 135—A bill to be entitled An act relating to liability of providers of streetlights; creating s. 768.1382, F.S.; providing definitions; including certain security or area lights within the definition of the term "streetlight"; limiting liability of a streetlight provider for injury or death or property damage affected or caused by a malfunctioning streetlight; providing procedures for notice and repair of malfunctioning streetlights as a condition for limited liability; providing that noncompliance with such procedures does not create a presumption of negligence; limiting liability of a public utility or electric utility that discontinues service to a streetlight under certain circumstances; limiting liability of a public utility or electric utility for the design, layout, quantity, or placement of streetlights or level of illumination resulting from the proper operation of a streetlight or series of streetlights; prohibiting certain findings of fault of an entity not a party to litigation; providing for conflict, effect, and application; providing an effective date.

—a companion measure, was substituted for **SB 1790** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 135** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 2562—A bill to be entitled An act relating to asbestos and silica claims; providing a short title; providing purposes; providing definitions; requiring physical impairment as an essential element of a claim; providing criteria for prima facie evidence of physical impairment for claims and certain actions; providing exceptions; providing additional requirements for evidence relating to physical impairment; specifying absence of certain presumptions at trial; providing procedures for claims and certain actions; providing for consolidation; providing for venue; providing for preliminary proceedings; requiring asbestos and silica claims to include certain information; specifying certain limitation periods for certain claims; specifying distinct causes of action for certain conditions; limiting damages under certain circumstances; prohibiting a general release from liability; prohibiting award of punitive damages; providing for collateral source payments; specifying liability rules applicable to certain persons; providing for construction; providing severability; providing application to certain civil actions; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendment which was adopted:

Amendment 1 (121578)—On page 9, line 26 through page 10, line 16, delete those lines and insert:

(a) Is currently a board-certified oncologist, pathologist, pulmonary specialist, or specialist in occupational and environmental medicine;

(b) Has conducted a physical examination of the exposed person, or if the person is deceased, has reviewed all available records relating to the exposed person's medical condition;

(c) Is actually treating or treated the exposed person, and has or had a doctor-patient relationship with the person; and

(d) Is currently licensed to practice and actively practices in this country.

Senator Campbell moved the following amendment which failed:

Amendment 2 (241432)—On page 10, lines 18-23, delete those lines and insert: *quality 1 or 2 chest x-ray under the ILO System of classification showing small, irregular opacities of s, t, or u, which are graded by a certified B-reader as at least 1/0 on the ILO scale, or a finding of interstitial fibrosis interpreted by a qualified physician based upon computerized tomography.*

Senator Campbell moved the following amendment which was adopted:

Amendment 3 (854990)—On page 11, lines 20-29, delete those lines and redesignate subsequent subsections.

Senator Webster moved the following amendment which was adopted:

Amendment 4 (603058)—On page 14, lines 19-31, delete those lines and insert:

1. Total lung capacity, by plethysmography or timed gas dilution, below the predicted lower limit of normal;

2. Forced vital capacity below the lower limit of normal and a ratio of FEV1 to FVC that is equal to or greater than the predicted lower limit of normal; or

3. A chest x-ray showing small, irregular opacities (s, t, u) graded by a certified B-reader at least 2/1 on the ILO scale.

(g) If the exposed person meets the requirements of paragraphs (a), (b), and (c), and if a qualified physician determines that the exposed person has a physical impairment, as demonstrated by meeting the criteria set forth in paragraphs (d) and (f)1. or 2., but the exposed person's chest x-ray

Senator Campbell moved the following amendment which failed:

Amendment 5 (215290)—On page 14, line 27 through page 15, line 8, delete those lines and insert:

(g) If the exposed person meets the requirements of paragraphs (a), (b), and (c) and if a qualified physician determines that the exposed person has a physical impairment, as demonstrated by meeting the criteria set forth in paragraph (d), subparagraph (f)1., or subparagraph (f)2., but the exposed person's chest x-ray does not demonstrate radiological evidence of asbestosis, the exposed person may meet the criteria of paragraph (e) if a qualified physician, relying on high-resolution computed tomography, determines to a reasonable degree of medical certainty that the exposed person has asbestosis and forms the conclusion set forth in paragraph (h).

Senator Webster moved the following amendments which were adopted:

Amendment 6 (612588)—On page 15, line 27, delete "*and (g)*" and insert: *(g), and (h)*

Amendment 7 (115610)(with title amendment)—On page 22, lines 17-21, delete those lines

(Redesignate subsequent subsections.)

And the title is amended as follows:

On page 1, delete line 13 and insert: providing for

Senator Campbell moved the following amendment which failed:

Amendment 8 (405410)(with title amendment)—On page 27, between lines 24 and 25, insert:

(6) This act is not intended to limit any qualified physician from relying upon any form of diagnostic testing, including, but not limited to, nuclear bone scans, PET scans, or MRI's, if in the professional judgment

of the qualified physician such testing or procedures is or has become recognized for the diagnosis of any asbestos-related disease.

And the title is amended as follows:

On page 1, line 25, after the second semicolon (;) insert: providing no limitation on the use of other diagnostic testing;

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which failed:

Amendment 9 (374246)—On page 27, line 25, delete "July 1, 2005" and insert: the later of July 1, 2005, or such date as legislation substantially similar to this act takes effect in states representing at least one-half of the population of the United States, according to the U.S. Census Bureau's Census 2000.

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendments to be considered:

Senator Campbell moved the following amendment which was adopted:

Amendment 10 (952678)—On page 24, line 13, after "*asbestos-related*" insert: *or silica-related*

Senator Campbell moved the following amendments which failed:

Amendment 11 (815616)—On page 19, line 3, delete "*1/1*" and insert: *1/0*

Amendment 12 (091434)—On page 11, line 15, delete "*nodular*"

Senator Campbell moved the following amendment which was adopted:

Amendment 13 (092070)—On page 9, line 9, after "*asbestos*" insert: *or silica*

Senator Campbell moved the following amendment which failed:

Amendment 14 (051804)—On page 22, line 24, after "*plaintiff*" insert: *or defendant*

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendments to be considered:

Senator Webster moved the following amendments which were adopted:

Amendment 15 (273270)—On page 15, line 28 through page 17, line 24, delete those lines and insert:

(3) A person who is a smoker may not file or maintain a civil action alleging an asbestos claim which is based upon cancer of the lung, larynx, pharynx, or esophagus in the absence of a prima facie showing that includes all of the following requirements:

(a) A diagnosis by a qualified physician who is board-certified in pathology, pulmonary medicine, or oncology, as appropriate for the type of cancer claimed, of a primary cancer of the lung, larynx, pharynx, or esophagus, and that exposure to asbestos was a substantial contributing factor to the condition.

(b) Evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to asbestos and the date of diagnosis of the cancer.

(c) Radiological or pathological evidence of asbestosis or diffuse pleural thickening or a qualified physician's diagnosis of asbestosis based on a chest x-ray graded by a certified B-reader as at least 1/0 on the ILO scale and high-resolution computed tomography supporting the diagnosis of asbestosis to a reasonable degree of medical certainty.

(d) Evidence of the exposed person's substantial occupational exposure to asbestos. If a plaintiff files a civil action alleging an asbestos-related claim based on cancer of the lung, larynx, pharynx, or esophagus, and that plaintiff alleges that his or her exposure to asbestos was the result of extended contact with another exposed person who, if the civil action had been filed by the other exposed person, would have met the substantial occupational exposure requirement of this subsection, and the plaintiff alleges that he or she had extended contact with the exposed person during the time period in which that exposed person met the substantial occupational exposure requirement of this subsection, the plaintiff has satisfied the requirements of this paragraph. The plaintiff in such a civil action must individually satisfy the requirements of this subsection.

(e) If the exposed person is deceased, the qualified physician, or someone working under the direct supervision and control of a qualified physician, may obtain the evidence required in paragraph (b) and paragraph (d) from the person most knowledgeable about the alleged exposures that form the basis of the asbestos claim.

(f) A conclusion by a qualified physician that the exposed person's medical findings and impairment were not more probably the result of causes other than the asbestos exposure revealed by the exposed person's employment and medical history. A conclusion that the medical findings and impairment are "consistent with" or "compatible with" exposure to asbestos does not meet the requirements of this subsection.

(4) In a civil action alleging an asbestos claim by a nonsmoker based on cancer of the lung, larynx, pharynx, or esophagus, a prima facie showing of an impairment due to asbestos exposure is not required.

(5) A person may not file or maintain a civil action alleging an asbestos claim which is based on cancer of the colon, rectum, or stomach in the absence of a prima facie showing that includes all of the following requirements:

(a) A diagnosis by a qualified physician who is board-certified in pathology, pulmonary medicine, or oncology, as appropriate for the type of cancer claimed, of cancer of the colon, rectum, or stomach, and that exposure to asbestos was a substantial contributing factor to the condition.

(b) Evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to asbestos and the date of diagnosis of the cancer.

(c)1.a. Radiological or pathological evidence of asbestosis or diffuse pleural thickening or a qualified physician's diagnosis of asbestosis based on a chest x-ray graded by a certified B-reader as at least 1/0 on the ILO scale and high-resolution computed tomography supporting the diagnosis of asbestosis to a reasonable degree of medical certainty; or

b. Evidence of the exposed person's substantial occupational exposure to asbestos. If a plaintiff files a civil action alleging an asbestos-related claim based on cancer of the colon, rectum, or stomach, and that plaintiff alleges that his or her exposure to asbestos was the result of extended contact with another exposed person who, if the civil action had been filed by the other exposed person, would have met the substantial occupational exposure requirement of this subsection, and the plaintiff alleges that he or she had extended contact with the exposed person during the time period in which that exposed person met the substantial occupational exposure requirement of this subsection, the plaintiff has satisfied the requirements of this sub-subparagraph. The plaintiff in such a civil action must individually satisfy the requirements of this subsection.

2. In the case of an exposed person who is a smoker, the criteria in sub-subparagraphs 1.a. and b. must be met.

3. If the exposed person is deceased, the qualified physician, or someone working under the direct supervision and control of a qualified physician, may obtain the evidence required in sub-subparagraph 1.b. and paragraph (b) from the person most knowledgeable about the alleged exposures that form the basis of the asbestos claim.

(d) A conclusion by a qualified physician that the exposed person's medical findings and impairment were not more probably the result of causes other than the asbestos exposure revealed by the exposed person's employment and medical history. A conclusion that the medical findings

and impairment are "consistent with" or "compatible with" exposure to asbestos does not meet the requirements of this subsection.

(6) In a civil action alleging an asbestos claim based upon mesothelioma a prima facie showing of an impairment due to asbestos exposure is not required.

(Redesignate subsequent subsections.)

Amendment 16 (102760)—In title, on page 2, delete line 21 and insert: 2295, 2302 (1999), has characterized as an "elephantine mass"

Pursuant to Rule 4.19, **CS for SB 2562** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

COMMUNICATION

The Honorable Tom Lee, President May 3, 2005
The Florida Senate

Dear Mr. President:

In compliance with Article III, Section 19(d), State Constitution, and Joint Rule 2, copies of the Appropriations Conference Committee Report on **SB 2600** have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed May 3, 2005 at 3:07 p.m., EDT.

Respectfully submitted,
Faye W. Blanton, Secretary

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

On motion by Senator Aronberg, by unanimous consent—

CS for SB 284—A bill to be entitled An act relating to consumer protection; creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to provide notice of breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; requiring notification of consumer reporting agencies of breaches of system security under certain circumstances; amending s. 817.568, F.S.; redefining the term "personal identification information" and defining the term "counterfeit or fictitious personal identification information"; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; providing for severability; providing an effective date.

—as amended April 28 was taken up out of order and read the third time by title.

On motion by Senator Aronberg, by two-thirds vote **HB 481** was withdrawn from the Committees on Commerce and Consumer Services; and Judiciary.

On motion by Senator Aronberg, by two-thirds vote—

HB 481—A bill to be entitled An act relating to unlawful use of personal identification information; amending s. 817.568, F.S.; including other information within the definition of the term "personal identification information"; defining the term "counterfeit or fictitious personal identification information"; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to provide notice of breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; requiring notification of consumer reporting agencies of breaches of system security under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 284** as amended and read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 481** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

On motion by Senator Fasano, by unanimous consent—

CS for CS for SB 594—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; providing for payments to a physician assistant under contracts providing for paying for surgical first assisting benefits or services; including certified surgical first assistants, as defined, within certain benefits or services payment provisions; limiting application; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Fasano, **CS for CS for SB 594** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **CS for SB 718** was deferred.

HB 1527—A bill to be entitled An act relating to disposition of unclaimed property; amending s. 717.106, F.S.; specifying communication by documented telephone contact to avoid a presumption of certain property being unclaimed; amending s. 717.1101, F.S.; decreasing a time period for a presumption of stock, equity interest, and certain debt of a business association being unclaimed; specifying criteria for certain other property of a business association being presumed unclaimed; amending s. 717.117, F.S.; revising requirements for notifying owners of inactive accounts; amending s. 717.118, F.S.; increasing a threshold amount for a requirement for an active attempt to notify owners of unclaimed property; amending s. 717.119, F.S.; revising provisions for disposal of proceeds of sales of unclaimed firearms or ammunition; amending s. 717.122, F.S.; providing for sale of unclaimed stock or certain equity interest under certain circumstances; amending s. 717.124, F.S.; revising requirements for making unclaimed property claims; amending s. 717.12404, F.S.; revising requirements for making claims on behalf of a business entity or trust; creating s. 717.12406, F.S.; providing definitions; amending s. 717.1241, F.S.; revising requirements and procedures for resolving conflicting claims; amending s. 717.1242, F.S.; requiring the ordering of estate or heirs to pay the Department of Financial Services certain costs and fees; amending s. 717.1243, F.S.; revising requirements and procedures for claims by beneficiaries of deceased owners of unclaimed property; creating s. 717.1245, F.S.; requiring petitioners for writs of garnishment to pay the department certain costs and fees in certain actions; amending s. 717.1311, F.S.; deleting a provision requiring certain record holders to pay certain estimated amounts relating to insufficient records; amending s. 717.1315, F.S.; revising requirements and procedures for retention of records by an owner's representative; amending s. 717.132, F.S.; providing for imposition of fines by a court instead of the department; amending s. 717.1322, F.S.; providing for civil enforcement by the department of certain violations; revising the department's authority to issue certain registration revocation orders; creating s. 717.1323, F.S.; specifying a prohibited practice; amending s. 717.1331, F.S.; authorizing the department to enforce subpoenas; amending s. 717.1333, F.S.; authorizing the estimation of certain amounts due from insufficient records; amending s. 717.135, F.S.; revising requirements for powers of attorney to recover property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to a power of attorney; amending s. 717.1351, F.S.; revising requirements for contracts to acquire ownership of or entitlement to property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to an agreement; providing rulemaking authority to the department to specify what evidence may identify a seller; creating s. 717.1381, F.S.; specifying certain powers of attorney and agreements to be void as contrary to public policy; prohibiting entering into such agreements; providing application; amending s. 717.1400, F.S.; revising registration requirements; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Clary, **HB 1527** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Dawson	Margolis	
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist, Smith

CS for SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Campbell, further consideration of **CS for SB 1030** as amended was deferred.

Consideration of **CS for SB 1098** was deferred.

CS for SB 1180—A bill to be entitled An act relating to medical regulatory boards; amending s. 458.307, F.S.; revising membership requirements; providing for expiration of terms of current members, appointment of new members to staggered terms, and appointment and terms of successors; providing for applicability; amending s. 458.311, F.S.; providing for an externship; amending ss. 458.331 and 459.015, F.S.; providing for membership on certain probable cause panels; providing that a practitioner licensed in ch. 458, F.S., may use as a defense that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer and that the practitioner had no intent to violate the law; requiring the Department of Health to notify health care providers if the department learns that a drug that has not been approved by the United States Food and Drug Administration for human use has been sold to identified health care providers in this state; providing an effective date.

—as amended May 2 was read the third time by title.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (181832)(with title amendment)—On page 6, between lines 3 and 4, insert:

Section 6. Subsection (13) of section 465.003, Florida Statutes, is amended to read:

465.003 Definitions.—As used in this chapter, the term:

(13) "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and other pharmaceutical services. For purposes of this subsection, "other pharmaceutical services" means the monitoring of the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes review of the patient's drug therapy and communication with the patient's prescribing health care provider as licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or similar statutory provision in another jurisdiction, or such provider's agent or such other persons as specifically authorized by the patient, regarding the drug therapy. However, nothing in this subsection may be interpreted to permit an alteration of a prescriber's directions, the diagnosis or treatment of any disease, the initiation of any drug therapy, the practice of medicine, or the practice of osteopathic medicine, unless otherwise permitted by law. "Practice of the profession of pharmacy" also includes any other act, service, operation, research, or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, and shall expressly permit a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients. *"Practice of the profession of pharmacy" also includes the administering to adults of influenza virus immunizations by a pharmacist within the framework of an established protocol under a supervisory practitioner who is a physician licensed under chapter 458 or chapter 459 or by written agreement with a county health department. Each protocol must contain specific procedures to address any unforeseen allergic reaction to an immunization. A pharmacist may not enter into a protocol unless he or she maintains at least $200,000 of professional liability insurance and not until the pharmacist has completed training in immunizations as provided in this subsection. A pharmacist administering an influenza vaccine shall maintain and make available patient records using the same standards for confidentiality and maintenance of such records as those that are imposed on health care practitioners by s. 456.057. These records must be maintained for a minimum of 5 years. The decision by a supervisory practitioner to enter into such a protocol is a professional decision of the practitioner, and a person may not interfere with a supervisory practitioner's decision as to whether to enter into such a protocol. A pharmacist may not enter into a protocol that is to be performed while acting as an employee without the written approval of the owner of the pharmacy. Any pharmacist seeking to immunize patients under this subsection must be certified to administer immunizations pursuant to a certification program approved by the Board of Pharmacy upon consultation with the Board of Medicine. The certification program must, at a minimum, require that a pharmacist attend at least 20 hours of continuing education classes approved by the Board of Pharmacy. The program must have a curriculum of instruction concerning the safe and effective administration of immunizations, including, but not limited to, potential allergic reactions to immunizations. The certification to perform inactivated influenza vaccinations shall include, but need not be limited to, the following compliance criteria:*

(a) Compliance with all provisions of s. 381.003 relating to communicable disease and AIDS prevention and control;

(b) Compliance with all provisions of s. 381.0031 relating to reporting of diseases of public health significance to the department;

(c) Compliance with all provisions of s. 381.0098 relating to biomedical waste;

(d) Compliance with all Occupational Safety and Health Administration standards for management, handling, and disposal of sharps; and

(e) Completion of and compliance with the Centers for Disease Control Influenza Update for the year in which influenza vaccinations will be offered.

The pharmacist's certification must be obtained prior to advertising to the public and administering inactivated influenza vaccinations. The pharmacist shall submit to the Board of Pharmacy a copy of the protocol or written agreement to administer inactivated influenza vaccine.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: amending s. 465.003, F.S.; redefining the term "practice of the profession of pharmacy" to include the administering of influenza virus immunizations to adults by a pharmacist within an established protocol and under a supervisory practitioner who is a licensed physician or by written agreement with a county health department; providing requirements for the protocol; requiring professional liability insurance, training and certification in immunization, and employer approval before entering into a protocol; requiring a pharmacist to maintain and make available patient records for a certain time period; providing requirements for the certification program;

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (582362)—On page 1, delete line 30 and insert:

(2) Twelve members of the board must be licensed

MOTION

On motion by Senator Jones, the rules were waived to allow the following amendments to be considered:

Senator Jones moved the following amendments which were adopted by two-thirds vote:

Amendment 3 (430694)—On page 6, between lines 3 and 4, insert:

Section 6. Subsection (4) of section 456.041, Florida Statutes, is amended to read:

456.041 Practitioner profile; creation.—

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, a statement of how the practitioner has elected to comply with the financial responsibility requirements of s. 458.320 or s. 459.0085. The department shall include, with respect to practitioners subject to s. 456.048, a statement of how the practitioner has elected to comply with the financial responsibility requirements of that section. The department shall include, with respect to practitioners licensed under chapter 461, information relating to liability actions which has been reported under s. 456.049 or s. 627.912 within the previous 10 years for any paid claim that exceeds $5,000. The department shall include, with respect to practitioners licensed under chapter 458 or chapter 459, information relating to liability actions which has been reported under ss. 456.049 and 627.912 ~~within the previous 10 years~~ for any paid claim ~~that exceeds $100,000~~. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other practitioners within the same specialty, or profession if the practitioner is not a specialist. The department must provide a hyperlink in such practitioner's profile to all such comparison reports. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the practitioner. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(Redesignate subsequent sections.)

Amendment 4 (302640)—On page 6, between lines 3 and 4, insert:

Section 6. Paragraph (f) of subsection (5) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) do not apply to:

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $25,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, constitutes action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with this paragraph.

7. The licensee must submit biennially to the department certification stating compliance with the provisions of this paragraph. The licensee must, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph must post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *and on each visit* ~~or~~ provide a written statement to any person to whom medical services are being provided. The sign or statement must read as follows: "Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law."

Section 7. Paragraph (f) of subsection (5) of section 459.0085, Florida Statutes, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) do not apply to:

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding $25,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of $500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, constitutes action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with this paragraph.

7. The licensee must submit biennially to the department a certification stating compliance with this paragraph. The licensee must, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph must post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients *and on each visit* ~~or~~ provide a written statement to any person to whom medical services are being provided. The sign or statement must read as follows: "Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law."

(Redesignate subsequent sections.)

On motion by Senator Campbell, **CS for SB 1180** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 1098—A bill to be entitled An act relating to public-records exemptions; amending s. 39.202, F.S.; creating an exception to the exemption from public-records requirements for all records held by the Department of Children and Family Services concerning reports of child abandonment, abuse, or neglect; amending s. 39.0132, F.S.; creating an exemption from public-records requirements for information obtained by a guardian ad litem in the discharge of his or her official duty; providing an exception to the exemption; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; amending s. 119.07, F.S.; creating an exemption from public-records requirements for certain identification and location information regarding a current or former guardian ad litem or the spouse and children of the guardian ad litem; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Smith, **CS for SB 1098** as amended was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Atwater	Bullard
Argenziano	Baker	Campbell
Aronberg	Bennett	Carlton

Clary	Hill	Pruitt
Constantine	Jones	Rich
Crist	King	Saunders
Dawson	Klein	Sebesta
Diaz de la Portilla	Lawson	Siplin
Dockery	Lynn	Smith
Fasano	Margolis	Villalobos
Garcia	Miller	Webster
Geller	Peaden	Wilson
Haridopolos	Posey	Wise

Nays—None

Consideration of **CS for CS for SB 1766**, **CS for SB 1344** and **CS for SB 2432** was deferred.

On motion by Senator Campbell, by unanimous consent—

CS for CS for SB 2498—A bill to be entitled An act relating to warranty associations; amending s. 634.271, F.S.; providing an exemption from penalty provisions for certain service warranties; providing actual damages and costs for violations for which such statutory penalties do not apply; providing retroactive applicability; amending s. 634.401, F.S.; redefining the term "service warranty"; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Campbell, **CS for CS for SB 2498** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 69—A bill to be entitled An act relating to fire prevention and control; providing a popular name; creating s. 633.115, F.S.; creating the Fire and Emergency Incident Information Reporting Program within the Division of State Fire Marshal; providing program requirements; providing duties of the division relating to the program; creating the Fire and Emergency Incident Information System Technical Advisory Panel within the division; providing for membership and duties of the panel; requiring the division to adopt certain rules; amending s. 633.171, F.S.; providing definitions; providing criminal penalties for initiating a pyrotechnic display in certain structures under certain circumstances; providing exceptions; providing construction; providing application; amending s. 633.821, F.S.; providing additional criteria for certain rules of the Division of State Fire Marshal; requiring the division to adopt rules relating to live fire training; providing requirements; providing for such rules to take effect; requiring state certification as an instructor for certain training after a certain date; providing an exception from application to certain wildland or prescribed live-fire training exercises; amending s. 932.7055, F.S.; providing that proceeds from the sale of certain forfeited property be deposited into the Insurance Regulatory Trust Fund and used for specified purposes; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 69** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 75—A bill to be entitled An act relating to title insurance; amending ss. 624.608 and 627.7711, F.S.; revising the definitions of title insurance and related and primary title services; amending s. 627.7845, F.S.; revising requirements for title insurers to issue title insurance; revising requirements for title insurers to preserve and retain certain evidence of searches and examinations; requiring the Office of Insurance Regulation to approve title insurance forms and rates for certain title insurance; providing effective dates.

—was read the third time by title.

On motion by Senator Wise, **HB 75** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 151—A bill to be entitled An act relating to the Access to Health Care Act; amending s. 766.1115, F.S.; revising a definition of low-income person to expand a poverty level family income criterion; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 151** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett

Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

HB 189—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities within the purview of the Florida Building Code; amending s. 400.605, F.S.; deleting provisions requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; creating s. 400.6051, F.S.; requiring that construction standards for hospice facilities be in compliance with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 189** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 319—A bill to be entitled An act relating to the Freedom to Worship Safely Act; providing a popular name; creating s. 775.0861, F.S.; providing definitions; providing for the upgrading of the degree of an offense that involves the use or threat of physical force or violence if the offense is committed on the property of a religious institution while the victim is on the property for the purpose of participating in or attending a religious service; providing for severity ranking of offenses; amending s. 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **HB 319** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Bennett	Constantine
Argenziano	Bullard	Dawson
Aronberg	Campbell	Diaz de la Portilla
Atwater	Carlton	Dockery
Baker	Clary	Fasano
Garcia	Lynn	Sebesta
Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise
Lawson	Saunders	

Nays—None

Vote after roll call:

Yea—Crist

HB 71—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term "conviction"; specifying that the section applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for impoundment of vehicles used in violation of motor vehicle speed competition provisions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 71** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 509—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a popular name; amending s. 218.72, F.S.; redefining terms used in pt. VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing exceptions; creating s. 255.0705, F.S.; providing a popular name; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment due dates; authorizing the collection of interest under certain circumstances; providing for an award of court costs and attorney's fees; providing for project closeout and payment of retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; providing limitations on a claimant's institution of certain actions against a contractor or surety; amending s. 287.0585, F.S.; providing an exemption for contractors making late payment to subcontractors when the contract is subject to the "Prompt Payment Act"; amending s. 95.11, F.S., to conform a cross reference; providing that specified sections of the act do not apply to certain pending contracts and projects; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 509** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

Consideration of **HB 523** was deferred.

HB 1417—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.013, F.S.; revising requirements to be entitled to take the licensure examination to practice in this state as a surveyor and mapper; amending s. 472.015, F.S.; authorizing certain photogrammetrists to qualify for a license by endorsement; amending s. 472.021, F.S.; revising liability of partnerships and other business entities rendering professional surveying and mapping services; amending s. 472.005, F.S.; providing a definition of "photogrammetrist"; amending s. 472.007, F.S.; conforming a provision to the definition of photogrammetrist; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **HB 1417** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

HB 567—A bill to be entitled An act relating to alternative plans review and inspection; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; providing a definition; authorizing performance audits by local building code enforcement agencies of private providers; specifying conditions for proceeding with building work; amending s. 468.621, F.S.; revising a ground for taking certain disciplinary actions; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 567** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Consideration of **HB 989** was deferred.

HB 499—A bill to be entitled An act relating to property appraiser assessments; amending s. 193.023, F.S.; requiring property appraisers to physically inspect property every 5 years for certain purposes; amending s. 193.501, F.S.; revising a definition; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 499** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

Vote after roll call:

Yea—Crist

On motion by Senator Miller, by unanimous consent—

HB 449—A bill to be entitled An act relating to a public records exemption; amending s. 1004.43, F.S.; expanding the public records exemption for proprietary confidential business information owned or controlled by the not-for-profit corporation operating the H. Lee Moffitt

Cancer Center and Research Institute and its subsidiaries relating to trade secrets; expanding the exemption to include information received from an agency in this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Miller, **HB 449** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Crist

RECONSIDERATION OF BILL

On motion by Senator Saunders, the Senate reconsidered the vote by which—

CS for SB 1180—A bill to be entitled An act relating to medical regulatory boards; amending s. 458.307, F.S.; revising membership requirements; providing for expiration of terms of current members, appointment of new members to staggered terms, and appointment and terms of successors; providing for applicability; amending s. 458.311, F.S.; providing for an externship; amending ss. 458.331 and 459.015, F.S.; providing for membership on certain probable cause panels; providing that a practitioner licensed in ch. 458, F.S., may use as a defense that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer and that the practitioner had no intent to violate the law; requiring the Department of Health to notify health care providers if the department learns that a drug that has not been approved by the United States Food and Drug Administration for human use has been sold to identified health care providers in this state; providing an effective date.

—as amended passed this day.

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment which was adopted by two-thirds vote:

Amendment 5 (570714)(with title amendment)—On page 6, between lines 3 and 4, insert:

Section 6. Subsection (3) of section 458.348, Florida Statutes, is amended to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; notice; standards.—

(3) PROTOCOLS REQUIRING DIRECT SUPERVISION.—All protocols relating to electrolysis or electrology using laser or light-based hair removal or reduction by persons other than physicians licensed under this chapter or chapter 459 shall require the person performing such service to be appropriately trained and work only under the direct supervision and responsibility of a physician licensed under this chapter or chapter 459. *A licensed advanced registered nurse practitioner or physician assistant practicing under a protocol with a physician licensed under chapter 458 or chapter 459 shall not be required to obtain licensure as an electrologist in order to perform laser or light-based hair removal procedures.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to the regulation of health professionals; amending s. 458.348, F.S.; providing that a licensed advanced registered nurse practitioner, or physician assistant, practicing under a protocol with a physician licensed under ch. 458, F.S., or ch. 459, F.S., need not be a licensed electrologist to perform certain hair removal procedures;

On motion by Senator Saunders, **CS for SB 1180** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Hill	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

The Senate resumed consideration of—

CS for SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Campbell, further consideration of **CS for SB 1030** as amended was deferred.

HB 523—A bill to be entitled An act relating to evidence; repealing s. 90.602, F.S., relating to testimony of interested persons regarding oral communication with a deceased or mentally incompetent person; amending s. 90.804, F.S.; providing a hearsay exception in specified actions or proceedings for a statement made by a declarant who is unavailable due to death, illness, or infirmity regarding the same subject matter as a statement made by the declarant that was previously offered by an adverse party and admitted; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **HB 523** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett

Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for CS for SB 2176—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; correcting a cross-reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to furnish certain voter information to the Legislature; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; conforming a cross-reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change or residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.08, F.S.; providing for contribution limits to statewide candidates; amending s. 106.34, F.S.; revising the method of calculating a candidate's expenditures if such candidate is requesting contributions from the Election Campaign Financing Trust Fund; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; providing the method of qualifying for nomination or election to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; amending s. 106.33, F.S.; increasing certain campaign contribution limits; providing effective dates.

—which was previously considered and amended this day. Pending **Amendment 17 (563162)** by Senator Margolis and pending substitute **Amendment 18 (825468)** by Senator Klein failed.

Amendments were considered and failed and amendments were considered and adopted to conform **CS for CS for SB 2176** to **HB 1589**.

Pending further consideration of **CS for CS for SB 2176** as amended, on motion by Senator Posey, by two-thirds vote **HB 1589** was withdrawn

from the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

On motion by Senator Posey—

HB 1589—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Florida Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; providing rulemaking authority to make forms available in alternative formats and via the Internet; removing a cross reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising requirements for the contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to establish and maintain a statewide voter registration database and provide such database to the Legislature; specifying the required contents of the database; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; correcting a cross reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; correcting a cross reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change of residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.0705, F.S.; providing for the timely filing of certain reports; amending s. 106.34, F.S.; revising provisions relating to certain candidate expenditure limits; providing a definition; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; revising provisions relating to the method of qualifying for nomination to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2176** as amended and read the second time by title.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which was adopted:

Amendment 1 (403032)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (2), and (11) of section 97.012, Florida Statutes, are amended, and subsection (14) is added to that section, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(1) Obtain and maintain uniformity in the ~~application, operation, and~~ interpretation *and implementation* of the election laws. *In order to obtain and maintain uniformity in the interpretation and implementation of the elections laws, the Department of State may, pursuant to ss. 120.536(1) and 120.54, adopt by rule uniform standards for the proper and equitable interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Election Code.*

(2) Provide uniform standards for the proper and equitable implementation of the registration laws *by administrative rule of the Department of State adopted pursuant to ss. 120.536(1) and 120.54.*

(11) Create and *administer* ~~maintain~~ a statewide voter registration *system as required by the Help America Vote Act of 2002* ~~database~~. *The secretary may delegate voter registration duties and records maintenance activities to voter registration officials. Any responsibilities delegated by the secretary shall be performed in accordance with state and federal law.*

(14) Bring and maintain such actions at law or in equity by mandamus or injunction to enforce the performance of any duties of a county supervisor of elections or any official performing duties with respect to chapters 97 through 102 and 105 or to enforce compliance with a rule of the Department of State adopted to interpret or implement any of those chapters.

(a) Venue for such actions shall be in the Circuit Court of Leon County.

(b) When the secretary files an action under this section and not more than 60 days remain before an election as defined in s. 97.021, or during the time period after the election and before certification of the election pursuant to s. 102.112 or s. 102.121, the court, including an appellate court, shall set an immediate hearing, giving the case priority over other pending cases.

(c) Prior to filing an action to enforce performance of the duties of the supervisor of elections or any official described in this subsection, the secretary or his or her designee first must confer, or must make a good-faith attempt to confer, with the supervisor of elections or the official to ensure compliance with chapters 97 through 102 and 105 or the rules of the Department of State adopted under any of those chapters.

Section 2. Subsection (13) of section 97.021, Florida Statutes, is amended, present subsections (38) and (39) are renumbered as subsections (39) and (40), respectively, and a new subsection (38) is added to that section, to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(13) "Lists of registered electors" means *names and associated information* ~~copies of printed lists~~ of registered electors *maintained by the department in the statewide voter registration system or generated or derived from the statewide voter registration system. Lists may be produced in printed or electronic format*~~, computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records~~.

(38) "Voter registration official" means any supervisor of elections or individual authorized by the Secretary of State to accept voter registration applications and execute updates to the statewide voter registration system.

Section 3. Section 97.026, Florida Statutes, is amended to read:

97.026 Forms to be available in alternative formats and via the Internet.—It is the intent of the Legislature that all forms required to be used in chapters 97-106 shall be made available upon request, in alternative formats. Such forms shall include absentee ballots as alternative formats for such ballots become available and the Division of Elections is able to certify systems that provide them. *The department may, pursuant to ss. 120.536(1) and 120.54, adopt rules to administer this section.* Whenever possible, such forms, with the exception of absentee ballots, shall be made available by the Department of State via the Internet. Sections that contain such forms include, but are not limited to, ss. 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583, 97.071, 97.073, 97.1031, ~~98.055,~~ 98.075, 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and 106.087.

Section 4. Section 97.051, Florida Statutes, is amended to read:

97.051 Oath upon registering.—A person registering to vote must subscribe to the following oath: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that *all information provided in this application is true* ~~I am a citizen of the United States and a legal resident of Florida~~."

Section 5. Section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(1) The department shall prescribe *by rule* a uniform statewide voter registration application for use in this state.

(a) The uniform statewide voter registration application must be accepted for any one or more of the following purposes:

1. Initial registration.

2. Change of address.

3. Change of party affiliation.

4. Change of name.

5. Replacement of *a* voter *information* ~~registration identification~~ card.

6. Signature update.

(b) The department is responsible for printing the uniform statewide voter registration application and the voter registration application form prescribed by the ~~Federal~~ Election *Assistance* Commission pursuant to *federal law* ~~the National Voter Registration Act of 1993~~. The applications and forms must be distributed, upon request, to the following:

1. Individuals seeking to register to vote *or update a voter registration record*.

2. Individuals or groups conducting voter registration programs. A charge of 1 cent per application shall be assessed on requests for 10,000 or more applications.

3. The Department of Highway Safety and Motor Vehicles.

4. Voter registration agencies.

5. Armed forces recruitment offices.

6. Qualifying educational institutions.

7. Supervisors, who must make the applications and forms available in the following manner:

a. By distributing the applications and forms in their offices to any individual or group.

b. By distributing the applications and forms at other locations designated by each supervisor.

c. By mailing the applications and forms to applicants upon the request of the applicant.

(c) The uniform statewide voter registration application may be reproduced by any private individual or group, provided the reproduced application is in the same format as the application prescribed *by rule* under this section.

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(a) *Last, first, and middle* ~~Full~~ name*, including any suffix*.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

(e) County of legal residence.

~~(f) Address of property for which the applicant has been granted a homestead exemption, if any.~~

(f)~~(g)~~ Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.

2. Asian or Pacific Islander.

3. Black, not Hispanic.

4. White, not Hispanic.

5. Hispanic.

(g)~~(h)~~ State or country of birth.

(h)~~(i)~~ Sex.

(i)~~(j)~~ Party affiliation.

(j)~~(k)~~ Whether the applicant needs assistance in voting.

(k)~~(l)~~ Name and address where last registered.

(l)~~(m)~~ Last four digits of the applicant's social security number.

(m)~~(n)~~ Florida driver's license number or the identification number from a Florida identification card issued under s. 322.051.

(n) An indication, if applicable, that the applicant has not been issued a Florida driver's license, a Florida identification card, or a social security number.

(o) Telephone number (optional).

(p) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(q) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement *voter information* ~~registration identification~~ card.

(r) Whether the applicant is a citizen of the United States *by asking the question "Are you a citizen of the United States of America?" and providing boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States*.

(s) *Whether* ~~That~~ the applicant has ~~not~~ been convicted of a felony, *and* ~~or~~, if convicted, has had his or her civil rights restored *by including the statement "I affirm I am not a convicted felon or, if I am, my rights relating to voting have been restored." and providing a box for the applicant to check to affirm the statement*.

(t) *Whether* ~~That~~ the applicant has ~~not~~ been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored *by including the statement "I affirm I have not been adjudicated mentally incapacitated with respect to voting or, if I have, my competency has been restored." and providing a box for the applicant to check to affirm the statement*.

The registration *application* ~~form~~ must be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

(3) The uniform statewide voter registration application must also contain:

(a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) A statement specifying each eligibility requirement under s. 97.041.

(c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.

(d) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.

(e) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

~~(f) A statement that informs the applicant that any person who has been granted a homestead exemption in this state, and who registers to vote in any precinct other than the one in which the property for which the homestead exemption has been granted, shall have that information forwarded to the property appraiser where such property is located, which may result in the person's homestead exemption being terminated and the person being subject to assessment of back taxes under s. 193.092, unless the homestead granted the exemption is being maintained as the permanent residence of a legal or natural dependent of the owner and the owner resides elsewhere.~~

(f)~~(g)~~ A statement informing *an* ~~the~~ applicant *who has not been issued a Florida driver's license, a Florida identification card, or a social security number* that if the *application* ~~form~~ is submitted by mail and the applicant is registering for the first time *in this state*, the applicant will be required to provide identification prior to voting the first time.

(4) A supervisor may produce a voter registration application that has the supervisor's direct mailing address if the department has reviewed the application and determined that it is substantially the same as the uniform statewide voter registration application.

(5) The voter registration application form prescribed by the ~~Federal~~ Election *Assistance* Commission pursuant to *federal law* ~~the National Voter Registration Act of 1993~~ or the federal postcard application must be accepted as an application for registration in this state if the completed application or postcard application contains the information required by the constitution and laws of this state.

(6) If a voter registration applicant fails to provide any of the required information on the voter registration application form, the supervisor shall notify the applicant of the failure by mail within 5 business days after the supervisor has the information available in the voter registration system. The applicant shall have an opportunity to complete the application form to vote in the next election up until the book closing for that next election.

Section 6. Section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(1) Voter registration applications, changes in registration, and requests for a replacement *voter information* ~~registration identification~~ card must be accepted in the office of any supervisor, the division, a driver license office, a voter registration agency, or an armed forces recruitment office when hand delivered by the applicant or a third party during the hours that office is open or when mailed.

(2) A ~~completed~~ voter registration application *is complete and* ~~that contains the information necessary to establish an applicant's eligibility pursuant to s. 97.041~~ becomes the official voter registration record of that applicant when *all information necessary to establish the applicant's eligibility pursuant to s. 97.041 is* received by *a voter registration official and verified pursuant to subsection (6)* ~~the appropriate supervisor~~. *If the applicant fails to complete his or her voter registration application prior to the date of book closing for an election, then such applicant shall not be eligible to vote in that election.*

(3) The registration date for a valid initial voter registration application that has been hand delivered is the date *that the application is* ~~when~~ received by a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor in the state.

(4) The registration date for a valid initial voter registration application that has been mailed *to a driver license office, a voter registration*

agency, an armed forces recruitment office, the division, or the office of any supervisor in the state and bears a clear postmark is the date of *that* ~~the~~ postmark. If an initial voter registration application that has been mailed does not bear a postmark or if the postmark is unclear, the registration date is the date the *application* ~~registration~~ is received by any supervisor or the division, unless it is received within 5 days after the closing of the books for an election, excluding Saturdays, Sundays, and legal holidays, in which case the registration date is the book-closing date.

(5)(a) A voter registration application is complete if it contains *the following information necessary to establish the applicant's eligibility pursuant to s. 97.041, including*:

1. The applicant's name.

2. The applicant's legal residence address.

3. The applicant's date of birth.

4. *A mark in the checkbox affirming* ~~An indication~~ that the applicant is a citizen of the United States.

5.*a.* The applicant's *current and valid* Florida driver's license number *or*~~,~~ the identification number from a Florida identification card issued under s. 322.051, or

b. If the applicant has not been issued a current and valid Florida driver's license or a Florida identification card, the last four digits of the applicant's social security number.

In case an applicant has not been issued a current and valid Florida driver's license, Florida identification card, or social security number, the applicant shall affirm this fact in the manner prescribed in the uniform statewide voter registration application.

6. *A mark in the checkbox affirming* ~~An indication~~ that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

7. *A mark in the checkbox affirming* ~~An indication~~ that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. *The original* signature *or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles* of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation and that the voter may change party affiliation as provided in s. 97.1031.

(6) A voter registration application may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant. If a completed voter registration application has been received by the book-closing deadline but the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant cannot be verified prior to the applicant presenting himself or herself to vote, the applicant shall be provided a provisional ballot. The provisional ballot shall be counted only if the application is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor of elections sufficient to verify the authenticity of the driver's license number, Florida identification card number, or last four digits of the social security number provided on the application no later than 5 p.m. of the third day following the election.

(7) All voter registration applications received by a voter registration official shall be entered into the statewide voter registration system within 15 days after receipt. Once entered, the application shall be immediately forwarded to the appropriate supervisor of elections.

Section 7. Subsections (1), (2), and (3) of section 97.0535, Florida Statutes, are amended to read:

97.0535 Special requirements for certain applicants.—

(1) Each applicant who registers by mail and who has never previously voted in the *state and who the department has verified has not been issued a current and valid Florida driver's license, Florida identification card, or social security number* ~~county~~ shall be required to provide a copy of a current and valid identification, as provided in subsection (3), or indicate that he or she is exempt from the requirements prior to voting. *Such* ~~The applicant may provide the~~ identification or indication *may be provided* at the time of registering, or at any time prior to voting for the first time in the *state* ~~county~~. If the voter registration application clearly provides information from which *a voter registration official* ~~the supervisor~~ can determine that the applicant meets at least one of the exemptions in subsection (4), the *voter registration official* ~~supervisor~~ shall make the notation on the registration records *of the statewide voter registration system* and the applicant shall not be required to provide *the identification required by this section* ~~further information that is required of first-time voters who register by mail~~.

(2) The *voter registration official* ~~supervisor of elections~~ shall, upon accepting the voter registration *application submitted pursuant to subsection (1)* ~~for an applicant who registered by mail and who has not previously voted in the county~~, determine if the applicant provided the required identification at the time of registering. If the required identification was not provided, the supervisor shall notify the applicant that he or she must provide the identification prior to voting the first time in the *state* ~~county~~.

(3)(a) The following forms of identification shall be considered current and valid if they contain the name and photograph of the applicant and have not expired:

~~1. Florida driver's license.~~

~~2. Florida identification card issued by the Department of Highway Safety and Motor Vehicles.~~

1.~~3.~~ United States passport.

2.~~4.~~ Employee badge or identification.

3.~~5.~~ Buyer's club identification.

4.~~6.~~ Debit or credit card.

5.~~7.~~ Military identification.

6.~~8.~~ Student identification.

7.~~9.~~ Retirement center identification.

8.~~10.~~ Neighborhood association identification.

~~11. Entertainment identification.~~

9.~~12.~~ Public assistance identification.

(b) The following forms of identification shall be considered current and valid if they contain the name and current residence address of the applicant:

1. Utility bill.

2. Bank statement.

3. Government check.

4. Paycheck.

5. Other government document (excluding voter identification card).

Section 8. Subsection (1) of section 97.055, Florida Statutes, is amended to read:

97.055 Registration books; when closed for an election.—

(1) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. When the registration

books are closed for an election, *only updates to a voter's name, address, and signature pursuant to ss. 98.077 and 101.045 will be permitted for purposes of the upcoming election.* Voter registration *applications* and party changes must be accepted but only for the purpose of subsequent elections. However, party changes received between the book-closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.

Section 9. Section 97.057, Florida Statutes, is amended to read:

97.057 Voter registration by the Department of Highway Safety and Motor Vehicles.—

(1) The Department of Highway Safety and Motor Vehicles shall provide the opportunity to register to vote or to update a voter registration record to each individual who comes to an office of that department to:

(a) Apply for or renew a driver's license;

(b) Apply for or renew an identification card pursuant to chapter 322; or

(c) Change an address on an existing driver's license or identification card.

(2) The Department of Highway Safety and Motor Vehicles shall:

(a) Notify each individual, orally or in writing, that:

1. Information gathered for the completion of a driver's license or identification card application, renewal, or change of address can be automatically transferred to a voter registration application;

2. If additional information and a signature are provided, the voter registration application will be completed and sent to the proper election authority;

3. Information provided can also be used to update a voter registration record;

4. All declinations will remain confidential and may be used only for voter registration purposes; and

5. The particular driver license office in which the person applies to register to vote or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(b) Require a driver's license examiner to inquire orally~~,~~ or*, if the applicant is hearing impaired,* inquire in writing ~~if the applicant is hearing impaired, and~~ whether the applicant wishes to register to vote or update a voter registration record during the completion of a driver's license or identification card application, renewal, or change of address.

1. If the applicant chooses to register to vote or to update a voter registration record:

a. All applicable information received by the Department of Highway Safety and Motor Vehicles in the course of filling out the forms necessary under subsection (1) must be transferred to a voter registration application.~~;~~

b. The additional necessary information must be obtained by the driver's license examiner and must not duplicate any information already obtained while completing the forms required under subsection (1).~~; and~~

c. A voter registration application with all of the applicant's voter registration information *required to establish the applicant's eligibility pursuant to s. 97.041* must be presented to the applicant to *review and verify the voter registration information received and provide an electronic signature affirming the accuracy of the information provided* ~~sign~~.

2. If the applicant declines to register to vote, update the applicant's voter registration record, or change the applicant's address by either orally declining or by failing to sign the voter registration application, the Department of Highway Safety and Motor Vehicles must *note such declination on its records and shall forward the declination to the statewide voter registration system* ~~keep the declination for 2 years but must forward a copy of the unsigned voter registration application within 5 days after receipt to the appropriate supervisor of elections~~.

(3) For the purpose of this section, the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, shall prescribe:

(a) A voter registration application that is the same in content, format, and size as the uniform statewide voter registration application prescribed under s. 97.052; and

(b) A form that will inform applicants under subsection (1) of the information contained in paragraph (2)(a).

(4) The Department of Highway Safety and Motor Vehicles must *electronically transmit* ~~forward~~ completed voter registration applications within *24 hours after receipt to the statewide voter registration system. Completed paper voter registration applications received by the Department of Highway Safety and Motor Vehicles shall be forwarded within* 5 days after receipt to the supervisor of the county where the office that processed or received that application is located.

(5) The Department of Highway Safety and Motor Vehicles must send, with each driver's license renewal extension application authorized pursuant to s. 322.18(8), a uniform statewide voter registration application, the voter registration application prescribed under paragraph (3)(a), or a voter registration application developed especially for the purposes of this subsection by the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, which must meet the requirements of s. 97.052.

(6) A person providing voter registration services for a driver license office may not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display any political preference or party allegiance;

(c) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(d) Disclose any applicant's voter registration information except as needed for the administration of voter registration.

~~(7) The Department of Highway Safety and Motor Vehicles shall compile lists, by county, of those individuals whose names have been purged from its driver's license database because they have been licensed in another state and shall provide those lists annually to the appropriate supervisors.~~

(7)~~(8)~~ The Department of Highway Safety and Motor Vehicles shall collect data determined necessary by the Department of State for program evaluation and reporting to the ~~Federal~~ Election *Assistance* Commission pursuant to *federal law* ~~the National Voter Registration Act of 1993~~.

(8)~~(9)~~ The Department of Highway Safety and Motor Vehicles must ensure that all voter registration services provided by driver license offices are in compliance with the Voting Rights Act of 1965.

(9) The Department of Highway Safety and Motor Vehicles shall retain complete records of voter registration information received, processed, and submitted to the statewide voter registration system by the Department of Highway Safety and Motor Vehicles. These records shall be for the explicit purpose of supporting audit and accounting controls established to ensure accurate and complete electronic transmission of records between the statewide voter registration system and the Department of Highway Safety and Motor Vehicles.

(10) The department shall provide the Department of Highway Safety and Motor Vehicles with an electronic database of street addresses valid for use as the legal residence address as required in s. 97.053(5). The Department of Highway Safety and Motor Vehicles shall compare the address provided by the applicant against the database of valid street addresses. If the address provided by the applicant does not match a valid street address in the database, the applicant will be asked to verify the address provided. The Department of Highway Safety and Motor

Vehicles shall not reject any application for voter registration for which a valid match cannot be made.

(11) The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the department to match information in the statewide voter registration system with information in the database of the Department of Highway Safety and Motor Vehicles to the extent required to verify the accuracy of the driver's license number, Florida identification number, or last four digits of the social security number provided on applications for voter registration as required in s. 97.053.

(12) The Department of Highway Safety and Motor Vehicles shall enter into an agreement with the Commissioner of Social Security as required by the Help America Vote Act of 2002 to verify the last four digits of the social security number provided in applications for voter registration as required in s. 97.053.

Section 10. Subsections (6), (7), and (9) of section 97.058, Florida Statutes, are amended to read:

97.058 Voter registration agencies.—

(6) A voter registration agency must forward *all* completed *and incomplete* voter registration applications within 5 days after receipt to the supervisor of the county where the agency that processed or received that application is located.

(7) A voter registration agency must retain declinations for a period of 2 years, during which time the declinations are not considered a record of the client pursuant to the laws governing the agency's records. ~~However, a voter registration agency must forward a copy of each incompleted voter registration application within 5 days after receipt to the appropriate supervisor of elections.~~

(9) A voter registration agency must collect data determined necessary by the department*, as provided by rule,* for program evaluation and reporting to the ~~Federal~~ Election *Assistance* Commission pursuant to *federal law* ~~the National Voter Registration Act of 1993~~.

Section 11. Section 97.061, Florida Statutes, is amended to read:

97.061 Special registration for electors requiring assistance.—

(1) Any person who is eligible to register and who is unable to read or write or who, because of some disability, needs assistance in voting shall upon that person's request be registered ~~by the supervisor~~ under the procedure prescribed by this section and shall be entitled to receive assistance at the polls under the conditions prescribed by this section. *The department may adopt rules to administer this section.*

(2) If a person is qualified to register pursuant to this section, the *voter registration official* ~~supervisor~~ shall note in that person's registration record that the person needs assistance in voting.

(3) *The precinct register generated by the supervisor shall contain* ~~Upon registering any person pursuant to this section, the supervisor must make~~ a notation ~~on the registration books or records which are delivered to the polls on election day~~ that such person is eligible for assistance in voting, and the supervisor may ~~issue such person a special registration identification card or~~ make *a* ~~some~~ notation on the *voter information* ~~regular registration identification~~ card that such person is eligible for assistance in voting. Such person shall be entitled to receive the assistance of two election officials or some other person of his or her own choice, other than the person's employer, the agent of the person's employer, or an officer or agent of the person's union, without the necessity of executing the "Declaration to Secure Assistance" prescribed in s. 101.051. Such person shall notify the supervisor of any change in his or her condition which makes it unnecessary for him or her to receive assistance in voting.

Section 12. Section 97.071, Florida Statutes, is amended to read:

97.071 *Voter information* ~~Registration identification~~card.—

(1) A *voter information* ~~registration identification~~ card *shall* ~~must~~ be furnished *by the supervisor* to all *registered* voters *residing in the supervisor's county. The card* ~~registering under the permanent single registration system and~~ must contain:

(a) Voter's registration number.

(b) Date of registration.

(c) Full name.

(d) Party affiliation.

(e) Date of birth.

~~(f) Race or ethnicity, if provided by the applicant.~~

~~(g) Sex, if provided by the applicant.~~

(f)~~(h)~~ Address of legal residence.

(g)~~(i)~~ Precinct number.

(h)~~(j)~~ Name of supervisor *and contact information of supervisor*.

~~(k) Place for voter's signature.~~

(i)~~(l)~~ Other information deemed necessary by the *supervisor* ~~department~~.

(2) A voter may receive a replacement *voter information* ~~of a registration identification~~ card by providing a signed, written request for a replacement card to *a voter registration official* ~~the supervisor~~. Upon verification of registration, the supervisor shall issue the voter a duplicate card without charge.

(3) In the case of a change of name, address, or party affiliation, the supervisor *shall* ~~must~~ issue the voter a new *voter information* ~~registration identification~~ card. However, a *voter information* ~~registration identification~~ card indicating a party affiliation change made between the book-closing date for the ~~first~~ primary election and the date of the ~~second~~ primary election may not be issued until after the ~~second~~ primary election.

Section 13. Section 97.073, Florida Statutes, is amended to read:

97.073 Disposition of voter registration applications; cancellation notice.—

(1) The supervisor must notify each applicant of the disposition of the applicant's voter registration application. The notice must inform the applicant that the application has been approved, is incomplete, has been denied, or is a duplicate of a current registration. A *voter information* ~~registration identification~~ card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the supervisor must request that the applicant supply the missing information *using a voter registration application signed by the applicant* ~~in writing and sign a statement that the additional information is true and correct~~. A notice of denial must inform the applicant of the reason the application was denied.

(2) Within 2 weeks after approval of a voter registration application that indicates that the applicant was previously registered in another *state* ~~jurisdiction~~, the *department* ~~supervisor~~ must notify the registration official in the prior *state* ~~jurisdiction~~ that the applicant is now registered in *this state* ~~the supervisor's county~~.

Section 14. Section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence ~~within the same county~~, change of name, or change of party *affiliation*.—

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector must provide notification of such move to the supervisor of elections of that county. The elector may provide the supervisor a signed, written notice or may notify the supervisor by telephone or electronic means. However, notification of such move other than by signed, written notice must include the elector's date of birth. *An elector may also provide notification to other voter registration officials as provided in subsection (2).* A *voter information* ~~registration identification~~ card reflecting the new *information* ~~address of legal residence~~ shall be issued to the elector as provided in subsection *(3)*~~(4)~~.

(2) When *an elector moves from the address named on that person's voter registration record to another address in a different county but*

within the state, the elector seeks to change party affiliation, or the name of an elector is changed by marriage or other legal process, the elector *shall* ~~must~~ provide *notice* ~~a signed, written notification~~ of such change to *a voter registration official using a voter registration application signed by the elector. A voter information* ~~the supervisor and obtain a registration identification~~ card reflecting the new *information shall be issued to the elector as provided in subsection (3)* ~~name~~.

~~(3) When an elector seeks to change party affiliation, the elector must provide a signed, written notification of such intent to the supervisor and obtain a registration identification card reflecting the new party affiliation, subject to the issuance restriction in s. 97.071(3).~~

(3)~~(4)~~ The *voter registration official* ~~supervisor~~ shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation*. The supervisor of elections* ~~and~~ shall issue the new *voter information* ~~registration identification~~ card ~~as required by s. 97.071(3)~~.

Section 15. Section 97.105, Florida Statutes, is amended to read:

97.105 Permanent single registration system established.—A permanent single registration system for the registration of electors to qualify them to vote in all elections is provided for the several counties and municipalities. This system shall be put into use by all municipalities and shall be in lieu of any other system of municipal registration. Electors shall be registered *pursuant to* ~~in pursuance of~~ this system by *a voter registration official* ~~the supervisor or by a deputy supervisor~~, and electors registered shall not thereafter be required to register or reregister except as provided by law.

Section 16. Subsections (3), (10), and (11) of section 98.015, Florida Statutes, are amended, and subsection (12) is added to that section, to read:

98.015 Supervisor of elections; election, tenure of office, compensation, custody of books, office hours, successor, seal; appointment of deputy supervisors; duties.—

(3) The supervisor *shall update voter registration information, enter new voter registrations into the statewide voter registration system, and act as* ~~is~~ the official custodian of *documents received by the supervisor related to the registration of electors and changes in voter registration status of electors of the supervisor's county* ~~the registration books and has the exclusive control of matters pertaining to registration of electors~~.

(10) Each supervisor *shall* ~~must~~ ensure that all voter registration and list maintenance procedures conducted by such supervisor are in compliance with any applicable requirements *prescribed by rule of the department through the statewide voter registration system or prescribed by* ~~for that county under~~ the Voting Rights Act of 1965*, the National Voter Registration Act of 1993, or the Help America Vote Act of 2002*.

(11) *Each supervisor shall ensure that any voter registration system used by the supervisor for administering his or her duties as a voter registration official complies with the specifications and procedures established by rule of the department and the statewide voter registration system* ~~Each supervisor of elections shall forward to the property appraiser for the county in which the homestead is claimed the name of the person and the address of the homestead of each person who registers to vote at an address other than that at which the person claims a homestead exemption, as disclosed on the uniform statewide voter registration application pursuant to s. 97.052~~.

(12) Each supervisor shall maintain a list of valid residential street addresses for purposes of verifying the legal addresses of voters residing in the supervisor's county. The supervisor shall make all reasonable efforts to coordinate with county 911 service providers, property appraisers, the United States Postal Service, or other agencies as necessary to ensure the continued accuracy of such list. The supervisor shall provide the list of valid residential addresses to the statewide voter registration system in the manner and frequency specified by rule of the department.

Section 17. Section 98.035, Florida Statutes, is created to read:

98.035 Statewide voter registration system; implementation, operation, and maintenance.—

(1) The Secretary of State, as chief election officer of the state, shall be responsible for implementing, operating, and maintaining, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive, computerized statewide voter registration system as required by the Help America Vote Act of 2002. The department may adopt rules to administer this section.

(2) The statewide voter registration system must contain the name and registration information of every legally registered voter in the state. All voters shall be assigned a unique identifier. The system shall be the official list of registered voters in the state and shall provide secured access by authorized voter registration officials. The system shall enable voter registration officials to provide, access, and update voter registration information.

(3) The department may not contract with any other entity for the operation of the statewide voter registration system.

(4) The implementation of the statewide voter registration system shall not prevent any supervisor of elections from acquiring, maintaining, or using any hardware or software necessary or desirable to carry out the supervisor's responsibilities related to the use of voter registration information or the conduct of elections, provided that such hardware or software does not conflict with the operation of the statewide voter registration system.

(5) The department may adopt rules governing the access, use, and operation of the statewide voter registration system to ensure security, uniformity, and integrity of the system.

Section 18. Section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(1) *ELIGIBILITY OF APPLICANT.—The* ~~Each~~ supervisor must ensure that any eligible applicant for voter registration is registered to vote *and that each application for voter registration is processed in accordance with law. The supervisor shall determine whether a voter registration applicant is ineligible based on any of the following:*

(a) The failure to complete a voter registration application as specified in s. 97.053.

(b) The applicant is deceased.

(c) The applicant has been convicted of a felony for which his or her civil rights have not been restored.

(d) The applicant has been adjudicated mentally incapacitated with respect to the right to vote and such right has not been restored.

(e) The applicant does not meet the age requirement pursuant to s. 97.041.

(f) The applicant is not a United States citizen.

(g) The applicant is a fictitious person.

(h) The applicant has provided an address of legal residence that is not his or her legal residence.

(i) The applicant has provided a driver's license number, Florida identification card number, or the last four digits of a social security number that is not verifiable by the department.

(2) REMOVAL OF REGISTERED VOTERS.—

(a) Once a voter is registered, the name of that voter may not be removed from the *statewide voter* registration *system* ~~books~~ except at the written request of the voter, by reason of the voter's conviction of a felony or adjudication as mentally incapacitated with respect to voting, by death of the voter, or pursuant to a registration list maintenance ~~program or other registration list maintenance~~ activity conducted pursuant to s. 98.065 *or*~~,~~ s. 98.075 ~~, or s. 98.0977~~.

(b)~~(2)~~ Information received by a *voter registration official* ~~supervisor~~ from an election official in another *state* ~~jurisdiction~~ indicating that a *registered* voter in *this state* ~~the supervisor's county~~ has registered to vote in that other *state* ~~jurisdiction~~ shall be considered as a written request from the voter to have the voter's name removed from the *statewide voter* registration *system* ~~books of the supervisor's county~~.

(3) *PUBLIC RECORDS ACCESS AND RETENTION.*—~~Notwithstanding the provisions of ss. 98.095 and 98.0977,~~ Each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065 *and*~~,~~ 98.075~~, and 98.0977~~. The records must include lists of the name and address of each person to whom *a* ~~an address confirmation final~~ notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public records requirements under this code.

(4) STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL STREET ADDRESSES.—

(a) The department shall compile and maintain a statewide electronic database of valid residential street addresses from the information provided by the supervisors of elections pursuant to s. 98.015. The department shall evaluate the information provided by the supervisors of elections to identify any duplicate addresses and any address that may overlap county boundaries.

(b) The department shall make the statewide database of valid street addresses available to the Department of Highway Safety and Motor Vehicles as provided in s. 97.057(10). The Department of Highway Safety and Motor Vehicles shall use the database for purposes of validating the legal residential addresses provided in voter registration applications received by the Department of Highway Safety and Motor Vehicles.

(5) FORMS.—The department may prescribe by rule forms necessary to conduct maintenance of records in the statewide voter registration system.

Section 19. Section 98.065, Florida Statutes, as amended by chapter 2002-281, Laws of Florida, is amended to read:

98.065 Registration list maintenance programs.—

(1) The supervisor must conduct a general registration list maintenance program to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records *in the statewide voter registration system*. The program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965*, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002*. As used in this subsection, the term "nondiscriminatory" applies to and includes persons with disabilities.

(2) A supervisor must incorporate one or more of the following procedures in the supervisor's biennial registration list maintenance program under which:

(a) Change-of-address information supplied by the United States Postal Service through its licensees is used to identify registered voters whose addresses might have changed;

(b) Change-of-address information is identified from returned nonforwardable return-if-undeliverable mail sent to all registered voters in the county; or

(c) Change-of-address information is identified from returned nonforwardable return-if-undeliverable address confirmation requests mailed to all registered voters who have not voted in the last 2 years and who did not make a written request that their registration records be updated during that time.

(3) A registration list maintenance program must be conducted by each supervisor, at a minimum, in each odd-numbered year and must be completed not later than 90 days prior to the date of any federal election. *All list maintenance actions associated with each voter must be entered, tracked, and maintained in the statewide voter registration system.*

(4)(a) If the supervisor receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices signed by the voter and returned to the courts, from the Department of Highway Safety and Motor Vehicles, or from other sources, which information indicates that the legal address of a registered voter might have changed, the supervisor shall send by forwardable return-if-undeliverable mail an address confirmation notice to the address at which the voter was last registered. A supervisor may also send an address confirmation notice to any voter who the supervisor has reason to believe has moved from his or her legal residence.

(b) The address confirmation notice shall contain a postage prepaid preaddressed return form on which:

1. If the voter has changed his or her address of legal residence to a location outside the state, the voter shall mark that the voter's legal residence has changed to a location outside the state. The form shall also include information on how to register in the new state in order to be eligible to vote. The form must be returned within 30 days after the date of the notice. The completed form shall constitute a request to be removed from the statewide voter registration system.

2. If the voter has changed his or her address of legal residence to a location inside the state, the voter shall set forth the updated or corrected address and submit the return form within 30 days after the date of the notice. The completed form shall constitute a request to update the statewide voter registration system with the updated or corrected address information.

3. If the voter has not changed his or her address of legal residence as printed on the address confirmation notice, the voter shall confirm that his or her address of legal residence has not changed and submit the form within 30 days after the date of the notice.

(c) The supervisor must designate as inactive all voters who have been sent an address confirmation notice and who have not returned the postage prepaid preaddressed return form within 30 days or for which an address confirmation notice has been returned as undeliverable. Names on the inactive list may not be used to calculate the number of signatures needed on any petition. A voter on the inactive list may be restored to the active list of voters upon the voter updating his or her registration, requesting an absentee ballot, or appearing to vote. However, if the voter does not update his or her voter registration information, request an absentee ballot, or vote by the second general election after being placed on the inactive list, the voter's name shall be removed from the statewide voter registration system and the voter shall be required to reregister to have his or her name restored to the statewide voter registration system.

(5) A notice may not be issued pursuant to this section and a voter's name may not be removed from the statewide voter registration system later than 90 days prior to the date of a federal election. However, this section does not preclude the removal of the name of a voter from the statewide voter registration system at any time upon the voter's written request, by reason of the voter's death, or upon a determination of the voter's ineligibility as provided in s. 98.075(7).

(6)(a) No later than July 31 and January 31 of each year, the supervisor must certify to the department the list maintenance activities conducted during the first 6 months and the second 6 months of the year, respectively, including the number of address confirmation requests sent, the number of voters designated as inactive, and the number of voters removed from the statewide voter registration system.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not conducted the list maintenance activities required by this section, the department shall conduct the appropriate list maintenance activities for that county. Failure to conduct list maintenance activities as required in this section constitutes a violation of s. 104.051. ~~A voter's name may not be removed from the registration books later than 90 days prior to the date of a federal election. However, nothing in this section shall preclude the removal of the name of a voter from the voter registration books, at any time and without prior notification, upon the written request of the voter, by reason of conviction of the voter of a felony, by reason of adjudication of the voter as mentally incapacitated with respect to voting, by reason of the death of the voter, or upon a determination of incligibility as provided in s. 98.075(3).~~

~~(4) If the supervisor receives change-of-address information from the United States Postal Service or its licensees or from jury notices signed by the voter and returned to the courts, which indicates that:~~

~~(a) The voter has moved within the supervisor's county, the supervisor must change the registration records to show the new address and must send the voter a notice of the change by forwardable mail, including a postage prepaid preaddressed return form with which the voter may verify or correct the address information.~~

~~(b) The voter has moved outside the supervisor's county, or contains no forwarding address, the supervisor shall send an address confirma-~~

~~tion final notice and remove the name of the voter from the registration record if that voter did not:~~

~~1. Return the postage prepaid preaddressed return form;~~

~~2. Appear to vote;~~

~~3. Change the voter's registration; or~~

~~4. Request an absentee ballot~~

~~during the period beginning on the date when the address confirmation final notice was sent and ending on the day after the date of the second general election thereafter.~~

~~(5) The supervisor must designate as inactive all voters who have been sent an address confirmation final notice and who have not returned the postage prepaid preaddressed return form within 30 days. A voter on the inactive list must be allowed to vote and to change the voter's name or address of legal residence at the polls pursuant to s. 101.045. Names on the inactive list may not be used to calculate the number of signatures needed on any petition or the quantity of voting equipment needed.~~

Section 20. Section 98.075, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 98.075, F.S., for present text.)

98.075 Registration records maintenance activities; ineligibility determinations.—

(1) MAINTENANCE OF RECORDS.—The department shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. List maintenance activities must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. The department may adopt by rule uniform standards and procedures to interpret and administer this section.

(2) DUPLICATE REGISTRATION.—The department shall identify those voters who are registered more than once or those applicants whose registration applications would result in duplicate registrations. The most recent application shall be deemed an update to the voter registration record.

(3) DECEASED PERSONS.—The department shall identify those registered voters who are deceased by comparing information on the lists of deceased persons received from the Department of Health as provided in s. 98.093. Upon receipt of such information through the statewide voter registration system, the supervisor shall remove the name of the registered voter.

(4) ADJUDICATION OF MENTAL INCAPACITY.—The department shall identify those registered voters who have been adjudicated mentally incapacitated with respect to voting and who have not had their voting rights restored by comparing information received from the clerk of the circuit court as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter from the statewide voter registration system.

(5) FELONY CONVICTION.—The department shall identify those registered voters who have been convicted of a felony and whose rights have not been restored by comparing information received from, but not limited to, a clerk of the circuit court, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney's Office, as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(6) OTHER BASES FOR INELIGIBILITY.—If the department or supervisor receives information other than from the sources identified in subsections (2)-(5) that a registered voter does not meet the age requirement pursuant to s. 97.041, is not a United States citizen, is a fictitious person, or has listed a residence that is not his or her legal residence, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(7) PROCEDURES FOR REMOVAL.—

(a) If the supervisor receives notice or information pursuant to subsections (4)-(6), the supervisor of the county in which the voter is registered shall:

1. Notify the registered voter of his or her potential ineligibility by mail within 7 days after receipt of notice or information. The notice shall include:

a. A statement of the basis for the registered voter's potential ineligibility and a copy of any documentation upon which the potential ineligibility is based.

b. A statement that failure to respond within 30 days after receipt of the notice may result in a determination of ineligibility and in removal of the registered voter's name from the statewide voter registration system.

c. A return form that requires the registered voter to admit or deny the accuracy of the information underlying the potential ineligibility for purposes of a final determination by the supervisor.

d. A statement that, if the voter is denying the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of determining eligibility.

e. Instructions for the registered voter to contact the supervisor of elections of the county in which the voter is registered if assistance is needed in resolving the matter.

f. Instructions for seeking restoration of civil rights following a felony conviction, if applicable.

2. If the mailed notice is returned as undeliverable, the supervisor shall publish notice once in a newspaper of general circulation in the county in which the voter was last registered. The notice shall contain the following:

a. The voter's name and address.

b. A statement that the voter is potentially ineligible to be registered to vote.

c. A statement that failure to respond within 30 days after the notice is published may result in a determination of ineligibility by the supervisor and removal of the registered voter's name from the statewide voter registration system.

d. An instruction for the voter to contact the supervisor no later than 30 days after the date of the published notice to receive information regarding the basis for the potential ineligibility and the procedure to resolve the matter.

e. An instruction to the voter that, if further assistance is needed, the voter should contact the supervisor of elections of the county in which the voter is registered.

3. If a registered voter fails to respond to a notice pursuant to subparagraph 1. or subparagraph 2., the supervisor shall make a final determination of the voter's eligibility. If the supervisor determines that the voter is ineligible, the supervisor shall remove the name of the registered voter from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

4. If a registered voter responds to the notice pursuant to subparagraph 1. or subparagraph 2. and admits the accuracy of the information

underlying the potential ineligibility, the supervisor shall make a final determination of ineligibility and shall remove the voter's name from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

5. If a registered voter responds to the notice issued pursuant to subparagraph 1. or subparagraph 2. and denies the accuracy of the information underlying the potential ineligibility but does not request a hearing, the supervisor shall review the evidence and make a final determination of eligibility. If such registered voter requests a hearing, the supervisor shall send notice to the registered voter to attend a hearing at a time and place specified in the notice. Upon hearing all evidence presented at the hearing, the supervisor shall make a determination of eligibility. If the supervisor determines that the registered voter is ineligible, the supervisor shall remove the voter's name from the statewide voter registration system and notify the registered voter of the supervisor's determination and action.

(b) The following shall apply to this subsection:

1. All determinations of eligibility shall be based on a preponderance of the evidence.

2. All proceedings are exempt from the provisions of chapter 120.

3. Any notice shall be sent to the registered voter by certified mail, return receipt requested, or other means that provides a verification of receipt or shall be published in a newspaper of general circulation where the voter was last registered, whichever is applicable.

4. The supervisor shall remove the name of any registered voter from the statewide voter registration system only after the supervisor makes a final determination that the voter is ineligible to vote.

5. Any voter whose name has been removed from the statewide voter registration system pursuant to a determination of ineligibility may appeal that determination under the provisions of s. 98.0755.

6. Any voter whose name was removed from the statewide voter registration system on the basis of a determination of ineligibility who subsequently becomes eligible to vote must reregister in order to have his or her name restored to the statewide voter registration system.

(8) CERTIFICATION.—

(a) No later than July 31 and January 31 of each year, the supervisor shall certify to the department the activities conducted pursuant to this section during the first 6 months and the second 6 months of the year, respectively. The certification shall include the number of persons to whom notices were sent pursuant to subsection (7), the number of persons who responded to the notices, the number of notices returned as undeliverable, the number of notices published in the newspaper, the number of hearings conducted, and the number of persons removed from the statewide voter registration systems and the reasons for such removals.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not satisfied the requirements of this section, the department shall satisfy the appropriate requirements for that county. Failure to satisfy the requirements of this section shall constitute a violation of s. 104.051.

Section 21. Section 98.0755, Florida Statutes, is created to read:

98.0755 Appeal of determination of ineligibility.—Appeal of the supervisor's determination of ineligibility pursuant to s. 98.075(7) may be taken to the circuit court in and for the county where the person was registered. Notice of appeal must be filed within the time and in the manner provided by the Florida Rules of Appellate Procedure and acts as supersedeas. Trial in the circuit court is de novo and governed by the rules of that court. Unless the person can show that his or her name was erroneously or illegally removed from the statewide voter registration system, or that he or she is indigent, the person must bear the costs of the trial in the circuit court. Otherwise, the cost of the appeal must be paid by the supervisor of elections.

Section 22. Section 98.077, Florida Statutes, is amended to read:

98.077 Update of voter signature.—

(1) A registered voter may update his or her signature on file in the statewide voter registration system at any time using a voter registration application submitted to a voter registration official.

(2) The *department and supervisors* ~~supervisor~~ of elections shall *include in any correspondence, other than postcard notifications and notices relating to eligibility, sent to a* ~~provide to each~~ registered voter *information regarding* ~~of the county the opportunity to update his or her signature on file at the supervisor's office by providing notification of the ability to do so in any correspondence, other than postcard notifications, sent to the voter. The notice shall advise~~ when, where, and how to update the *voter's* signature and shall provide the voter information on how to obtain a *voter registration application* ~~form~~ from *a voter registration official which* ~~the supervisor that~~ can be returned to update the signature.

(3) ~~In addition,~~ At least once during each general election year, the supervisor shall publish in a newspaper of general circulation or other newspaper in the county deemed appropriate by the supervisor a notice specifying when, where, or how a voter can update his or her signature that is on file *and* ~~or~~ how a voter can obtain a *voter registration application* ~~form~~ from *a voter registration official* ~~the supervisor~~ to do so.

(4) All signature updates for use in verifying absentee and provisional ballots must be received by the appropriate supervisor of elections no later than the start of the canvassing of absentee ballots by the canvassing board. The signature on file at the start of the canvass of the absentees is the signature that shall be used in verifying the signature on the absentee and provisional ballot certificates.

Section 23. Section 98.081, Florida Statutes, is amended to read:

98.081 Names removed from *the statewide voter* registration *system* ~~books~~; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.—

(1) Any person who requested that his or her name be removed from the *statewide voter* registration *system* ~~books~~ between the book-closing date of the ~~first~~ primary and the date of the ~~second~~ primary may not register in a different political party until after the date of the ~~second~~ primary election.

(2) When the name of any elector is removed from the *statewide voter* registration *system* ~~books~~ pursuant to s. 98.065 *or*~~,~~ s. 98.075~~, or s. 98.093~~, the elector's original registration *application* ~~form~~ shall be *retained by the supervisor of elections having custody of the application* ~~filed alphabetically in the office of the supervisor~~. As alternatives, registrations removed from the *statewide voter* registration *system* ~~books~~ may be microfilmed and such microfilms substituted for the original registration *applications* ~~forms~~; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration *application* ~~form~~. Such microfilms or stored information shall be retained *by the supervisor of elections having* ~~in the~~ custody ~~of the supervisor~~. In the event the original registration *applications* ~~forms~~ are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the department.

(3) When the name of any elector has been erroneously or illegally removed from the *statewide voter* registration *system* ~~books~~, the name of the elector shall be restored by *a voter registration official* ~~the supervisor~~ upon satisfactory proof, even though the registration period for that election is closed.

Section 24. Section 98.093, Florida Statutes, is amended to read:

98.093 Duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony.—

(1) *In order to ensure the maintenance of accurate and current voter registration records, it is necessary for the department to receive certain information from state and federal officials and entities. The department and supervisors of elections shall use the information provided from the sources in subsection (2) to maintain the voter registration records.*

(2) To the maximum extent feasible, state and local government agencies shall facilitate provision of information and access to data to the

department, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local government agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

(a) The Department of Health shall furnish monthly to *the department* ~~each supervisor of elections~~ a list containing the name, address, date of birth, *date of death, social security number,* race, and sex of each deceased person 17 years of age or older ~~who was a resident of such supervisor's county~~.

(b)~~(2)~~ Each clerk of the circuit court shall *furnish monthly to the department*~~, at least once each month, deliver to each supervisor of elections~~ a list *of those persons who have been adjudicated mentally incapacitated with respect to voting during the preceding calendar month, a list of those persons whose mental capacity with respect to voting has been restored during the preceding calendar month, and a list of those persons who have returned signed jury notices during the preceding months to the clerk of the circuit court indicating a change of address. Each list shall include* ~~stating~~ the name, address, date of birth, race, ~~and~~ sex*, and, whichever is available, the Florida driver's license number, Florida identification card number, or social security number* of each *such* person ~~convicted of a felony during the preceding calendar month who was a resident of that supervisor's county, a list stating the name, address, date of birth, race, and sex of each person adjudicated mentally incapacitated with respect to voting during the preceding calendar month who was a resident of that supervisor's county, and a list stating the name, address, date of birth, race, and sex of each person whose mental capacity with respect to voting has been restored who was a resident of that supervisor's county~~.

(c)~~(3)~~ Upon receipt of information from the United States Attorney, listing persons convicted of a felony in federal court, the department shall *use such information to identify registered voters or applicants for voter registration who may be potentially ineligible based on information provided in accordance with s. 98.075* ~~immediately forward such information to the supervisor of elections for the county where the offender resides~~.

(d) The Department of Law Enforcement shall identify those persons who have been convicted of a felony who appear in the voter registration records supplied by the statewide voter registration system, in a time and manner that enables the department to meet its obligations under state and federal law.

(e) The Board of Executive Clemency shall furnish monthly to the department a list of those persons granted clemency in the preceding month or any updates to prior records which have occurred in the preceding month. The list shall contain the Board of Executive Clemency case number, name, address, date of birth, race, sex, social security number, if available, and references to record identifiers assigned by the Department of Corrections, a unique identifier of each clemency case, and the effective date of clemency of each person.

(f) The Department of Corrections shall furnish monthly to the department a list of those persons transferred to the Department of Corrections in the preceding month or any updates to prior records which have occurred in the preceding month. The list shall contain the name, address, date of birth, race, sex, social security number, Department of Corrections record identification number, and associated Department of Law Enforcement felony conviction record number of each person.

(g) The Department of Highway Safety and Motor Vehicles shall furnish monthly to the department a list of those persons whose names have been removed from the driver's license database because they have been licensed in another state. The list shall contain the name, address, date of birth, sex, social security number, and driver's license number of each such person.

~~(4) Upon receipt of any such list, the supervisor shall remove from the registration books the name of any person listed who is deceased, convicted of a felony, or adjudicated mentally incapacitated with respect to voting. A person who has had his or her mental capacity with respect to voting restored or who has had his or her right to vote restored after conviction of a felony shall be required to reregister to have his or her name restored to the registration books.~~

(3)~~(5)~~ Nothing in this section shall limit or restrict the supervisor in his or her duty to remove the names of ~~such~~ persons from the *statewide voter* registration *system pursuant to s. 98.075(7) based upon* ~~books after verification of~~ information received from other sources.

Section 25. Effective August 1, 2006, section 98.0981, Florida Statutes, is created to read:

98.0981 Statewide voter registration database.—Within 75 days after a general election or within 15 days after all supervisors of elections have updated voter history information, whichever occurs later, the department shall send to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a report in electronic format of all voters qualified to vote in the election or primary. The report shall include for each voter the code used by the department to uniquely identify the voter; all information provided in the uniform statewide voter registration application pursuant to s. 97.052(2), except what is specifically identified as confidential or exempt from public-records requirements; the date of registration; the representative district, senatorial district, congressional district, and precinct in which the voter resides; and whether the voter voted at the precinct location, voted by early vote, voted by absentee ballot, attempted to vote by absentee ballot that was not counted, attempted to vote by provisional ballot that was not counted, or did not vote.

Section 26. Section 98.212, Florida Statutes, is amended to read:

98.212 *Department and* supervisors to furnish statistical and other information.—

(1)(a) Upon written request, *the department and any supervisor of the respective counties* ~~supervisors~~ shall, as promptly as possible, furnish to recognized public or private universities and senior colleges within the state, to state or county governmental agencies, and to recognized political party committees statistical information for the purpose of analyzing election returns and results.

(b) *The department and any supervisor* ~~Supervisors~~ may require reimbursement for any part or all of the actual expenses of supplying any information requested under paragraph (a). For the purposes of this subsection, *the department and* supervisors may use the services of any research and statistical personnel that may be supplied.

(c) Lists of names submitted to *the department and any supervisor of the respective counties* ~~supervisors~~ for indication of registration or nonregistration or of party affiliation shall be processed at any time at cost, except that in no case shall the charge exceed 10 cents for each name on which the information is furnished.

(2) The supervisors shall provide information as requested by the department for program evaluation and reporting to the ~~Federal~~ Election *Assistance* Commission pursuant to *federal law* ~~the National Voter Registration Act of 1993~~.

Section 27. Section 98.461, Florida Statutes, is amended to read:

98.461 Registration *application* ~~form~~, precinct register; contents.—

(1) A registration *application* ~~form~~, approved by the Department of State, containing the information required in s. 97.052 shall be *retained by the supervisor of elections of the county of the applicant's registration* ~~filed alphabetically in the office of the supervisor as the master list of electors of the county~~. However, the registration *application* ~~forms~~ may be microfilmed and such *microfilm* ~~microfilms~~ substituted for the original registration *application* ~~forms~~; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration *application* ~~form~~. Such microfilms or stored information shall be retained in the custody of the supervisor of elections *of the county of the applicant's registration*. In the event the original registration *applications* ~~forms~~ are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. ~~As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451.~~

(2) A computer printout *or electronic database* shall be used at the polls as a precinct register ~~in lieu of the registration books~~. The precinct register shall contain the date of the election, the precinct number, and

the following information concerning each registered elector: last name, first name, ~~and~~ middle name or initial*, and suffix*; party affiliation; residence address; registration number; date of birth; sex, if provided; race, if provided; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register shall also contain a space for the elector's signature and a space for the initials of the witnessing clerk or inspector *or an electronic device may be provided for this purpose*.

Section 28. Effective January 1, 2007, section 100.371, Florida Statutes, as amended by section 9 of chapter 2002-281, Laws of Florida, is amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election *provided the initiative has been filed with* ~~occurring in excess of 90 days from the certification of ballot position by~~ the Secretary of State *no later than February 1 of the year the general election is held. A petition shall be deemed to be filed with the Secretary of State upon the date the secretary determines that the petition has been signed by the constitutionally required number of electors*.

~~(2) Such certification shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are complied with.~~

(2)~~(3)~~ The sponsor of an initiative amendment shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed amendment to the Secretary of State, with the form on which the signatures will be affixed, and shall obtain the approval of the Secretary of State of such form. The Secretary of State shall adopt rules pursuant to s. 120.54 prescribing the style and requirements of such form. Upon filing with the Secretary of State, the text of the proposed amendment and all forms filed in connection with this section must, upon request, be made available in alternative formats.

(3)~~(4)~~ *Each signature shall be dated when made and shall be valid for a period of 4 years following such date, provided all other requirements of law are met.* The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures appear thereon. The supervisor shall promptly verify the signatures upon payment of the fee required by s. 99.097. *The supervisor shall promptly record each valid signature in the statewide voter registration system in the manner prescribed by the Secretary of State.* ~~Upon completion of verification, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, and the distribution by congressional district. This certificate shall be immediately transmitted to the Secretary of State.~~ The supervisor shall retain the signature forms for at least 1 year following the election in which the issue appeared on the ballot or until the Division of Elections notifies the supervisors of elections that the committee which circulated the petition is no longer seeking to obtain ballot position.

(4)~~(5)~~ The Secretary of State shall determine from the *signatures verified by the* ~~verification certificates received from~~ supervisors of elections *and recorded in the statewide voter registration system* the total number of verified valid signatures and the distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161. ~~A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the secretary of a certificate or certificates from supervisors of elections indicating the petition has been signed by the constitutionally required number of electors.~~

(5)~~(6)~~(a) Within 45 days after receipt of a proposed revision or amendment to the State Constitution by initiative petition from the Secretary of State ~~or, within 30 days after such receipt if receipt occurs 120 days or less before the election at which the question of ratifying the amendment will be presented~~, the Financial Impact Estimating Conference shall complete an analysis and financial impact statement to be placed on the ballot of the estimated increase or decrease in any revenues or costs to state or local governments resulting from the proposed initiative. The Financial Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State.

(b)1. The Financial Impact Estimating Conference shall provide an opportunity for any proponents or opponents of the initiative to submit information and may solicit information or analysis from any other entities or agencies, including the Office of Economic and Demographic Research. All meetings of the Financial Impact Estimating Conference shall be open to the public as provided in chapter 286.

2. The Financial Impact Estimating Conference is established to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. The Financial Impact Estimating Conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the initiative. A Financial Impact Estimating Conference may be appointed for each initiative.

3. Principals of the Financial Impact Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous financial impact statement, no more than 75 words in length, and immediately submit the statement to the Attorney General. Nothing in this subsection prohibits the Financial Impact Estimating Conference from setting forth a range of potential impacts in the financial impact statement. Any financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting. The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days.

4. If the members of the Financial Impact Estimating Conference are unable to agree on the statement required by this subsection, or if the Supreme Court has rejected the initial submission by the Financial Impact Estimating Conference and no redraft has been approved by the Supreme Court by 5 p.m. on the 75th day before the election, the following statement shall appear on the ballot pursuant to s. 101.161(1): "The financial impact of this measure, if any, cannot be reasonably determined at this time."

(c) The financial impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1).

(d)1. Any financial impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Financial Impact Estimating Conference for redrafting, provided the court's advisory opinion is rendered at least 75 days before the election at which the question of ratifying the amendment will be presented. The Financial Impact Estimating Conference shall prepare and adopt a revised financial impact statement no later than 5 p.m. on the 15th day after the date of the court's opinion.

2. If, by 5 p.m. on the 75th day before the election, the Supreme Court has not issued an advisory opinion on the initial financial impact statement prepared by the Financial Impact Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement, the financial impact statement shall be deemed approved for placement on the ballot.

3. In addition to the financial impact statement required by this subsection, the Financial Impact Estimating Conference shall draft an initiative financial information statement. The initiative financial information statement should describe in greater detail than the financial impact statement any projected increase or decrease in revenues or costs that the state or local governments would likely experience if the ballot measure were approved. If appropriate, the initiative financial information statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. The initiative financial information statement must include both a summary of not more than 500 words and additional detailed information that includes the assumptions that were made to develop the financial impacts,

workpapers, and any other information deemed relevant by the Financial Impact Estimating Conference.

4. The Department of State shall have printed, and shall furnish to each supervisor of elections, a copy of the summary from the initiative financial information statements. The supervisors shall have the summary from the initiative financial information statements available at each polling place and at the main office of the supervisor of elections upon request.

5. The Secretary of State and the Office of Economic and Demographic Research shall make available on the Internet each initiative financial information statement in its entirety. In addition, each supervisor of elections whose office has a website shall post the summary from each initiative financial information statement on the website. Each supervisor shall include the Internet addresses for the information statements on the Secretary of State's and the Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

(6)~~(7)~~ The Department of State may adopt rules in accordance with s. 120.54 to carry out the provisions of subsections *(1)-(5)* ~~(1)-(6)~~.

Section 29. Subsection (3) of section 101.001, Florida Statutes, is amended to read:

101.001 Precincts and polling places; boundaries.—

(3)*(a)* Each supervisor of elections shall maintain a suitable map drawn to a scale no smaller than 3 miles to the inch and clearly delineating all major observable features such as roads, streams, and railway lines and showing the current geographical boundaries of each precinct, representative district, and senatorial district, and other type of district in the county subject to the elections process in this code.

(b) The supervisor of elections shall notify the Secretary of State in writing within 30 days *after* ~~of~~ any reorganization of precincts and shall furnish a copy of the map showing the current geographical boundaries and designation of each new precinct. *However, if precincts are composed of whole census blocks, the supervisor may furnish, in lieu of a copy of the map, a list, in an electronic format prescribed by the Department of State, associating each census block in the county with its precinct.*

(c) Any precinct established or altered under the provisions of this section shall consist of areas bounded on all sides only by:

1. Census block boundaries from the most recent United States Census;

2. Governmental unit boundaries reported in the most recent Boundary and Annexation Survey published by the United States Census Bureau;

3. Visible features that are readily distinguishable upon the ground, such as streets, railroads, tracks, streams, and lakes, and that are indicated upon current census maps, official Department of Transportation maps, official municipal maps, official county maps, or a combination of such maps;

4. Boundaries of public parks, public school grounds, or churches; or

5. Boundaries of counties, incorporated municipalities, or other political subdivisions that meet criteria established by the United States Census Bureau for block boundaries.

(d) Until July 1, 2012, a supervisor may apply for and obtain from the Secretary of State a waiver of the requirement in paragraph (c).

Section 30. Subsections (1) and (3) of section 101.043, Florida Statutes, are amended to read:

101.043 Identification required at polls.—

(1) The precinct register, as prescribed in s. 98.461, shall be used at the polls ~~in lieu of the registration books~~ for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present *one of the following* ~~a~~ current and valid picture *identifications:*

(a) Florida driver's license.

(b) Florida identification card issued by the Department of Highway Safety and Motor Vehicles.

(c) United States passport.

(d) Employee badge or identification.

(e) Buyer's club identification.

(f) Debit or credit card.

(g) Military identification.

(h) Student identification.

(i) Retirement center identification.

(j) Neighborhood association identification.

(k) Public assistance identification ~~as provided in s. 97.0535(3)(a)~~.

If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required. The elector shall sign his or her name in the space provided *on the precinct register or on an electronic device provided for recording the voter's signature.*~~, and~~ The clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided *on the precinct register or on an electronic device provided for that purpose* and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

(3) If the elector who fails to furnish the required identification is *an elector subject to s. 97.0535* ~~a first-time voter who registered by mail~~ and has not provided the required identification to *a voter registration official* ~~the supervisor of elections~~ prior to election day, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot pursuant to s. 101.048(2).

Section 31. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

101.045 Electors must be registered in precinct; provisions for residence or name change.—

(2)(a) An elector who moves from the precinct ~~within the county~~ in which the elector is registered may be permitted to vote in the precinct to which he or she has moved his or her legal residence, provided such elector completes an affirmation in substantially the following form:

Change of Legal Residence of Registered Voter

Under penalties for false swearing, I, (Name of voter) , swear (or affirm) that the former address of my legal residence was (Address of legal residence) in the municipality of _____, in _____ County, Florida, and I was registered to vote in the _____ precinct of _____ County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at (Address of legal residence) in the Municipality of _____, in _____ County, Florida, and am therefore eligible to vote in the _____ precinct of _____ County, Florida; and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose address of legal residence has changed)

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector completes an affirmation in substantially the following form:

Change of Name of Registered Voter

Under penalties for false swearing, I, (New name of voter) , swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration *records* ~~books~~ of precinct _____ as follows:

Name

Address

Municipality

County

Florida, Zip

My present name and address of legal residence are as follows:

Name

Address

Municipality

County

Florida, Zip

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

(Signature of voter whose name has changed)

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot, subject to the requirements and procedures in s. 101.048. Upon receipt of an affirmation certifying a change in address of legal residence or name, the supervisor shall as soon as practicable make the necessary changes in the *statewide voter* registration *system* ~~records of the county~~ to indicate the change in address of legal residence or name of such elector.

(d) Instead of the affirmation contained in paragraph (a) or paragraph (b), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.

~~(e) A request for an absentee ballot pursuant to s. 101.62 which indicates that the elector has had a change of address of legal residence from that in the supervisor's records shall be sufficient as the notice to the supervisor of change of address of legal residence required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his or her address of legal residence, the supervisor shall provide the elector with the proper ballot for the precinct in which the elector then has his or her legal residence.~~

~~(3) When an elector's name does not appear on the registration books of the election precinct in which the elector is registered, the elector may have his or her name restored if the supervisor is otherwise satisfied that the elector is validly registered, that the elector's name has been erroneously omitted from the books, and that the elector is entitled to have his or her name restored. The supervisor, if he or she is satisfied as to the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card.~~

Section 32. Subsection (1) of section 101.048, Florida Statutes, is amended to read:

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in the *state* ~~county~~ and eligible to vote at the precinct in the election, but whose eligibility cannot be determined, and other persons specified in the code shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections. The department shall prescribe the form of the provisional ballot envelope.

Section 33. Effective January 1, 2007, subsection (1) of section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. Except for amendments and ballot language proposed by joint resolution, the substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371*(5)*~~(6)~~. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

Section 34. Subsection (2) of section 101.56062, Florida Statutes, as created by chapter 2002-281, Laws of Florida, is amended to read:

101.56062 Standards for accessible voting systems.—

(2) Such voting system must include at least one accessible voter interface device installed in each *polling place* ~~precinct~~ which meets the requirements of this section, except for paragraph (1)(d).

Section 35. Subsection (1) of section 101.5608, Florida Statutes, is amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(1) Each elector desiring to vote shall be identified to the clerk or inspector of the election as a duly qualified elector of such election and shall sign his or her name *on the* ~~in ink or indelible pencil to an identification blank, signature slip,~~ precinct register~~,~~ or *other form or device provided by the supervisor* ~~ballot stub on which the ballot serial number may be recorded~~. The inspector shall compare the signature with the signature on the identification provided by the elector. If the inspector is reasonably sure that the person is entitled to vote, the inspector shall provide the person with a ballot.

Section 36. Effective August 1, 2006, section 101.573, Florida Statutes, is created to read:

101.573 Record of votes by precinct.—

(1) Within 75 days after the date of a municipal election or runoff, whichever occurs later, a presidential preference primary, or a general election, the supervisor of elections shall file with the Department of State precinct-level election results for that election cycle, including any primary elections. Precinct-level election results shall record for each precinct the returns of ballots cast at the precinct location to which have been added the returns of absentee and early ballots cast by voters registered in the precinct.

(2) The Department of State shall adopt rules pursuant to ss. 120.536(1) and 120.54 prescribing the form by which supervisors of elections shall submit election results for each precinct.

Section 37. Effective January 1, 2007, paragraph (a) of subsection (4) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in ss. 99.063(4) and 100.371*(5)*~~(6)~~, the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second

primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted. The Department of State may prescribe by rule the requirements for preparing and mailing absentee ballots to absent qualified electors overseas.

Section 38. Subsection (3) is added to section 101.64, Florida Statutes, to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(3) The supervisor shall mark, code, indicate on, or otherwise track the precinct of the absent elector for each absentee ballot.

Section 39. Paragraph (a) of subsection (1) of section 101.657, Florida Statutes, is amended to read:

101.657 Early voting.—

(1)(a) The supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor by depositing the voted ballot in a voting device used by the supervisor to collect or tabulate ballots. *The supervisor shall mark, code, indicate on, or otherwise track the voter's precinct for each early voted ballot.* In order for a branch office to be used for early voting, it shall be a full-service facility of the supervisor and shall have been designated as such at least 1 year prior to the election. The supervisor may designate any city hall or public library as early voting sites; however, if so designated, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable. The results or tabulation may not be made before the close of the polls on election day.

Section 40. Section 101.663, Florida Statutes, is amended to read:

101.663 Electors; change of residence *to another state*.—

~~(1) An elector who changes his or her residence to another county in Florida from the county in Florida in which he or she is registered as an elector after the books in the county to which the elector has changed his or her residence are closed for any general, primary, or special election shall be permitted to vote absentee in the county of his or her former residence in that election for President and Vice President, United States Senator, statewide offices, and statewide issues. Such person shall not be permitted to vote in the county of the person's former residence after the general election.~~

~~(2)~~ An elector registered in this state who moves his or her permanent residence to another state and who is prohibited by the laws of that state from voting for the offices of President and Vice President of the United States shall be permitted to vote absentee in the county of his or her former residence for those offices.

Section 41. Subsection (1) of section 101.6921, Florida Statutes, is amended to read:

101.6921 Delivery of special absentee ballot to certain first-time voters.—

(1) The provisions of this section apply to voters who *are subject to the provisions of s. 97.0535* ~~registered to vote by mail, who have not previously voted in the county,~~ and who have not provided the identification or certification required by s. 97.0535 by the time the absentee ballot is mailed.

Section 42. Section 101.6923, Florida Statutes, is amended to read:

101.6923 Special absentee ballot instructions for certain first-time voters.—

(1) The provisions of this section apply to voters who *are subject to the provisions of s. 97.0535* ~~registered to vote by mail, who have not previously voted in the county,~~ and who have not provided the identification or information required by s. 97.0535 by the time the absentee ballot is mailed.

(2) A voter covered by this section shall be provided with ~~the following~~ printed instructions with his or her absentee ballot *in substantially the following form*:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the date of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one, your vote in that race will not be counted.

4. Place your marked ballot in the enclosed secrecy envelope and seal the envelope.

5. Insert the secrecy envelope into the enclosed envelope bearing the Voter's Certificate. Seal the envelope and completely fill out the Voter's Certificate on the back of the envelope.

a. You must sign your name on the line above (Voter's Signature).

b. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.

6. Unless you meet one of the exemptions in Item 7., you must make a copy of one of the following forms of identification:

a. Identification which must include your name and photograph: ~~current and valid Florida driver's license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles;~~ United States passport; employee badge or identification; buyer's club identification card; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; ~~entertainment identification;~~ or public assistance identification; or

b. Identification which shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter identification card).

7. The identification requirements of Item 6. do not apply if you meet one of the following requirements:

a. You are 65 years of age or older.

b. You have a temporary or permanent physical disability.

c. You are a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.

d. You are a member of the Merchant Marine who, by reason of service in the Merchant Marine, will be absent from the county on election day.

e. You are the spouse or dependent of a member referred to in paragraph c. or paragraph d. who, by reason of the active duty or service of the member, will be absent from the county on election day.

f. You are currently residing outside the United States.

8. Place the envelope bearing the Voter's Certificate into the mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. DO NOT PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

9. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

10. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 43. Subsection (3) of section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(3) The supervisor shall furnish inspectors of election for each precinct with the *list of registered electors for that precinct* ~~registration books divided alphabetically as will best facilitate the holding of an election~~. The supervisor shall also furnish to the inspectors of election at the polling place at each precinct in the supervisor's county a sufficient number of forms and blanks for use on election day.

Section 44. Subsections (1), (2), and (3) of section 104.013, Florida Statutes, are amended to read:

104.013 Unauthorized use, possession, or destruction of voter *information* ~~registration identification~~ card.—

(1) It is unlawful for any person knowingly to have in his or her possession any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued voter *information* ~~registration identification~~ card unless possession by such person has been duly authorized by the supervisor.

(2) It is unlawful for any person to barter, trade, sell, or give away a voter *information* ~~registration identification~~ card unless said person has been duly authorized to issue a *voter information* ~~registration identification~~ card.

(3) It is unlawful for any person willfully to destroy or deface the *information* ~~registration identification~~ card of a duly registered voter.

Section 45. Effective upon becoming a law, subsection (7) is added to section 106.0705, Florida Statutes, to read:

106.0705 Electronic filing of campaign treasurer's reports.—

(7) Notwithstanding anything in law to the contrary, any report required to have been filed under this section for the period ended March 31, 2005, shall be deemed to have been timely filed if the report is filed under this section on or before June 1, 2005.

Section 46. Subsection (2) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(2)(a) A candidate may not accept contributions from national, state, including any subordinate committee of a national, state, or county committee of a political party, and county executive committees of a political party, which contributions in the aggregate exceed $50,000, no more than $25,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.

(b) *A candidate for statewide office may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of a national, state, or county committee of a political party, which contributions in the aggregate exceed $250,000, no more than $125,000 of which may be accepted prior to the 28-day period immediately preceding the date of the general election.* Polling services, research services, costs for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits of paragraph (a) *or paragraph (b)*. Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the ~~$50,000~~ contribution limits of paragraph (a) *or paragraph (b)*. Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party under s. 106.29.

Section 47. Subsection (3) of section 106.33, Florida Statutes, is amended to read:

106.33 Election campaign financing; eligibility.—Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the Election Campaign Financing Trust Fund shall, upon qualifying for office, file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, candidates for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate may not be an unopposed candidate as defined in s. 106.011(15) and must:

(3) Limit loans or contributions from the candidate's personal funds to $25,000 and contributions from national, state, and county executive committees of a political party to *$250,000* ~~$25,000~~ in the aggregate, which loans or contributions shall not qualify for meeting the threshold amounts in subsection (2).

Section 48. Section 106.34, Florida Statutes, is amended to read:

106.34 Expenditure limits.—

(1) Any candidate for Governor and Lieutenant Governor or Cabinet officer who requests contributions from the Election Campaign Financing Trust Fund shall limit his or her total expenditures as follows:

(a) Governor and Lieutenant Governor: *$2.00 for each Florida-registered voter* ~~$5 million~~.

(b) Cabinet officer: *$1.00 for each Florida-registered voter* ~~$2 million~~.

(2) The expenditure limit for any candidate with primary election opposition only shall be 60 percent of the limit provided in subsection (1).

(3) *For purposes of this section, "Florida-registered voter" means a voter who is registered to vote in Florida as of June 30 of each odd-numbered year. The Division of Elections shall certify the total number of Florida-registered voters no later than July 31 of each odd-numbered year. Such total number shall be calculated by adding the number of registered voters in each county as of June 30 in the year of the certification date. For the 2006 general election, the Division of Elections shall certify the total number of Florida-registered voters by July 31, 2005.* ~~The expenditure limit shall be adjusted by the Secretary of State quadrennially to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, 1967=100, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics.~~

(4) For the purposes of this section, the term "expenditure" does not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.

Section 49. Section 196.141, Florida Statutes, is amended to read:

196.141 Homestead exemptions; duty of property appraiser.—

~~(1)~~ The property appraiser shall examine each claim for exemption filed with or referred to him or her and shall allow the same, if found to be in accordance with law, by marking the same approved and by making the proper deductions on the tax books.

~~(2) The property appraiser shall examine each referral, of a person registering to vote at an address different from the one where the person has filed for a homestead exemption, which has been provided by a supervisor of elections pursuant to s. 98.015. The property appraiser shall initiate procedures to terminate a person's homestead exemption and assess back taxes, if appropriate, if the person claiming such exemption is not entitled to the exemption under law.~~

Section 50. Subsection (4) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(4) EMERGENCY RULES.—

(a) If an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, the agency may adopt any rule necessitated by the immediate danger. The agency may adopt a rule by any procedure which is fair under the circumstances if:

1. The procedure provides at least the procedural protection given by other statutes, the State Constitution, or the United States Constitution.

2. The agency takes only that action necessary to protect the public interest under the emergency procedure.

3. The agency publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances. In any event, notice of emergency rules, other than those of educational units or units of government with jurisdiction in only one or a part of one county, including the full text of the rules, shall be published in the first available issue of the Florida Administrative Weekly and provided to the committee. The agency's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable.

(b) Rules pertaining to the public health, safety, or welfare shall include rules pertaining to perishable agricultural commodities *or rules pertaining to the interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Election Code*.

(c) An emergency rule adopted under this subsection shall not be effective for a period longer than 90 days and shall not be renewable, except during the pendency of a challenge to proposed rules addressing the subject of the emergency rule. However, the agency may take identical action by the rulemaking procedures specified in this chapter.

(d) Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or on a date less than 20 days thereafter if specified in the rule, if the adopting agency finds that such effective date is necessary because of immediate danger to the public health, safety, or welfare.

Section 51. Subsection (1) of section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the first primary, but not later than noon of the 116th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to federal office *or the office of the state attorney or public defender*; and noon of the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to a state or multicounty district office*, other than the office of state attorney or public defender*.

Section 52. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; *to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075;* to the Department of Revenue pursuant to an interagency agreement to facilitate service of process in Title IV-D cases; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims, and are exempt from the provisions of s. 119.07(1).

Section 53. *Absentee ballots and voting; violations.—Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots, with intent to alter, change, modify, or erase any vote on the absentee ballot, except as provided in sections 101.6105-101.695, Florida Statutes, commits a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.*

Section 54. *Subsection (1) of section 104.047, Florida Statutes, is repealed.*

Section 55. *Sections 98.055, 98.095, 98.0977, 98.0979, 98.101, 98.181, 98.231, 98.451, 98.481, and 101.635, Florida Statutes, are repealed.*

Section 56. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect January 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Florida Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; providing rulemaking authority to make forms available in alternative formats and via the Internet; correcting a cross-reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising the required contents of the card; deleting provisions relating to the second primary; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elec-

tions; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; deleting provisions relating to the second primary; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating 98.0981, F.S.; requiring the department to furnish certain voter information to the Legislature; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; conforming a cross-reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change of residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.0705, F.S.; providing for the timely filing of certain reports; amending s. 106.08; providing for contribution limits to statewide candidates; amending s. 106.33, F.S.; increasing certain contribution limits; amending s. 106.34, F.S.; revising provisions relating to certain candidate expenditure limits; providing a definition; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare; amending s. 99.061, F.S.; providing the method of qualifying for nomination to the office of the state attorney or public defender; amending s. 322.142, F.S.; providing for disclosure of certain confidential driver's license information to the department under certain circumstances; making it a third-degree felony to participate in certain exchanges associated with voting by absentee ballot; repealing s. 104.047(1), F.S., relating to criminal penalties for participation in certain exchanges associated with voting by absentee ballot; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; providing effective dates.

Pursuant to Rule 4.19, **HB 1589** as amended was placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—which was previously considered this day.

Pending further consideration of **CS for SB 1030** as amended, on motion by Senator Campbell, by two-thirds vote **HB 551** was withdrawn from the Committees on Transportation; Banking and Insurance; and Judiciary.

On motion by Senator Campbell by two-thirds vote—

HB 551—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; revising the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain related rental or leasing companies and certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1030** as amended and read the second time by title.

On motion by Senator Campbell, by two-thirds vote **HB 551** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Bennett

THE PRESIDENT PRESIDING

CS for CS for SB 1766—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a public school from denying a student access to programs or services under certain conditions; authorizing public school teachers and school

district personnel to share certain information with a student's parent; prohibiting public school teachers and school district personnel from compelling certain actions by a parent; authorizing the refusal of psychological screening; providing for medical decisionmaking authority; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senator Crist moved the following amendment:

Amendment 1 (774898)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 1006.0625, Florida Statutes, is created to read:

1006.0625 Administration of psychotropic medication; prohibition.—

(1) As used in this section, the term "psychotropic medication" means a prescription medication that is used for the treatment of mental disorders and includes, without limitation, antihypnotics, antipsychotics, antidepressants, anxiety agents, sedatives, psychomotor stimulants, and mood stabilizers.

(2) A recipient of state funds shall not require a student to be prescribed or administered any psychotropic medication as a condition of such student receiving educational or school-based services, including, but not limited to, school enrollment, class attendance, extracurricular activity participation, or school-related event attendance, that are financed in whole or part by state funds. A psychotropic medication shall be administered pursuant to s. 1006.062.

(3) Before a student is evaluated for the purposes of classification or placement under s. 1003.57(5) for any disorder listed in the Diagnostic and Statistical Manual of Mental Disorders, the parent shall be notified that:

(a) The behaviors prompting the evaluation could be the result of underlying physical conditions.

(b) The parent should consider consulting a medical doctor to rule out physical causes.

(c) The parent has the right to decline the evaluation.

(d) The evaluation and subsequent classification or placement may be documented on the student's cumulative record and have future consequences.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a recipient of state funds from requiring a student to be prescribed or administered psychotropic medication as a condition of receipt of educational services financed by state funds; providing requirements for administration; requiring notification to parents prior to evaluation of certain students for classification or placement as an exceptional student; providing an effective date.

On motion by Senator Crist, further consideration of **CS for CS for SB 1766** with pending **Amendment 1 (774898)** was deferred.

By direction of the President, the rules were waived and the Senate reverted to—

REPORTS OF COMMITTEES

EXECUTIVE BUSINESS—Executive Order of Suspension

Special Master, D. Stephen Kahn, to whom was referred the Executive Order of Suspension of Miriam Oliphant, which was published on page 170 of the March 2, 2004 Regular Session Journal, submitted the following report:

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: SUSPENSION OF
MIRIAM OLIPHANT,
SUPERVISOR OF ELECTIONS
OF BROWARD COUNTY
Executive Order 03-219

REPORT AND RECOMMENDATIONS OF SPECIAL MASTER

Miriam McKinzie Oliphant was elected Supervisor of Elections of Broward County Florida on November 7, 2000. She began her 4-year term of office on January 3, 2001. Governor Bush suspended her on November 20, 2003. In Executive Order 03-219, the Governor alleged and incorporated myriad acts and omissions by Supervisor Oliphant, characterized as grave and frequent neglect, gross ignorance of official duties, and gross carelessness in and improper discharge of official duties. The Governor alleged that Supervisor Oliphant's acts and omissions constituted neglect of duty, incompetence, and misfeasance, three of the grounds specified in Article IV, s.7(a), Florida Constitution.

I was appointed Senate Special Master on February 4, 2004. Under Senate Rule 12.8, I held four pre-hearing conferences. Subject to the Senate's approval, I ruled on Supervisor Oliphant's Motion to Dismiss, on her Motion for Fees and Costs, and on several discovery motions and requests made by both parties. In July, I presided over an 8-day evidentiary hearing, part in Fort Lauderdale and part in Tallahassee. I heard sworn testimony from 30 witnesses who were examined and cross examined by counsel for both parties. I admitted into evidence and considered 95 exhibits.

The Governor was ably represented by Attorney Peter Antonacci from Gray Robinson, P.A., Deputy General Counsel Robert Fernandez, and General Counsel Raquel Rodriguez. Supervisor Oliphant was ably represented by Attorney Henry Hunter. The 2,365 page stenographic transcript and the 95 exhibits in evidence are available for the Senate's review. References to the page numbers in that transcript are indicated by [T:#]. References to exhibits are identified by "G" for Governor's, "R" for Respondent's, and "M" for Special Master's, followed by an exhibit number and a page reference, where applicable.

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THE CHARGES

Neither the Florida Constitution nor the Florida Statutes prescribes a particular format for an Executive Suspension Order except that it must state one or more of the seven specified constitutional grounds for the suspension and it must specify not just conclusions but facts that

bear some "reasonable relation" to the stated constitutional grounds. *Crowder v. State ex rel. Baker*, 285 So.2d 33, 35 (Fla. 4th DCA 1973). The allegations of fact must be specific enough to apprise fairly the suspended officer of the alleged acts.

State ex rel. Meyerson v. Askew, 269 So.2d 671, 676 (Fla. 1972).

A Suspension Order's format and degree of detail are up to the governor. Some governors attach nothing. Others attach and incorporate grand jury indictments, investigative reports, and miscellaneous supporting documents. Supervisor Oliphant's Suspension Order is of the latter type.

For clarity in analysis, my findings of fact are organized into three sections that together address ten charges culled from the wide-ranging array of allegations in the Whereas clauses of the Suspension Order and the 76 pages of exhibits that the Suspension Order incorporates by reference:

Section 1. Charges One through Five—the allegations associated with the September 10, 2002 primary election.

Section 2. Charges Six through Nine—the allegations of financial mismanagement, failure to do biennial list maintenance, failure to maintain adequate staffing levels, and refusal to accept personal responsibility.

Section 3. Charge Ten—the allegations relating to Supervisor Oliphant's failure to attain or demonstrate timely compliance with the obligatory "recommendations" given to her by Secretary of State Hood's October 2003 Assessment Team.

Governor Bush has charged Supervisor Oliphant with three constitutional offenses: neglect of duty, incompetence, and misfeasance. The Florida Supreme Court has provided, and the Florida Senate repeatedly applied, the following definitions in suspension cases:

"*Neglect of duty* has reference to the neglect or failure on the part of a public officer to do and perform some duty or duties laid on by virtue of the office or which is required by law. It is not material whether the neglect be willful, through malice, ignorance, or oversight."

"*Incompetency* has reference to any physical, moral, or intellectual quality, the lack of which incapacitates one to perform the duties of office. Incompetency may arise from gross ignorance of official duties or gross carelessness in the discharge of them...."

"*Misfeasance* is the performance by an officer in the officer's official capacity, of a legal act in an improper or illegal manner."

State ex rel Hardie v. Coleman, 155 So.129 at 132-33 (1934); In re: Suspension of Judge E. Summers Sheffey, *S.Jour., May 13, 1970 @ 398*.

COUNSELS' OPENING STATEMENTS

Governor's Counsel conceded in his opening statement at the Senate hearing that the case against Supervisor Oliphant had no smoking gun and it did not rest on one single, major, scale-tipping incident [T: 21]. He said that the evidence would tell a complex story that would prove more than Supervisor Oliphant's mere ineptness, ineffectiveness, and inefficiency [T: 14, 32]. He said that the suspension was not based on the Respondent's botching of a single election [T: 19] or her firing of a few disgruntled whistle-blowing employees [T: 164]. He said that he would prove that, taken as a whole, the Respondent's gross mismanagement and repeated failures would rise to the level of, and support all three charged constitutional offenses.

Supervisor Oliphant's counsel said in his opening statement that he would prove that from the day Supervisor Oliphant showed up in her new office, there was animosity against her at all levels [T: 45] and that there had even been efforts at the local level to take away her office by putting it directly under the Board of County Commissioners [T: 46]. He said he would prove that she was set up for failure by having the "ugly animal" of 5,000+ iVotronic touch screen voting machines that were too labor-intensive, too unreliable, and not yet certified at the point of purchase, handed to her by the Board, against her will, and contrary to her better judgment and her advice [T: 47]. He said that he would prove that the Broward County Commissioners repeatedly under-funded her operations and rejected her requests for increased funding. He said that he would prove a case of selective prosecution of his client because what happened in Miami-Dade County on September 10, 2002 was as bad or worse, but his client was the only supervisor to be suspended [T: 59, 61]. He said he would prove that a conspiracy existed against his client [T: 70]. He said he would prove that she was the target of intentional sabotage by at least two of her management-level employees [T: 46, 51, 54, 59, 67], and that the motive of these saboteurs was animosity against his client because she "commenced to bring in some blacks into management" [T: 51].

JURISDICTION

Jurisdiction in the context of this case means the Senate's power to address the suspension of Supervisor Oliphant. The Florida Senate gets this power directly from Article IV, Sec. 7(b), Fla. Const. That subsection says "The senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official . . . ."

The term of office to which Supervisor Oliphant was elected ended on January 4, 2005. Her successor's own term of office was determined in the November 2004 general election and commenced on January 4, 2005. Although a textually-based interpretational argument can be made to the contrary, it is my view that the Senate's power to act on Supervisor Oliphant's suspension was not extinguished by the expiration of her term. The Senate's jurisdiction to remove or reinstate is invoked when the Governor properly exercises the jurisdiction to suspend an officer. Though there is no court case exactly on point, the better interpretation is that once such jurisdiction is thus invoked in the Senate, it is not extinguished merely because the suspended official's term expires.

However, because the Senate's decision to remove or reinstate Supervisor Oliphant from office after her term has expired will no longer have any practical effect on who will sit in the Broward County Supervisor's chair, there is no compelling reason to make it except that if the Senate's vote were to reinstate and "exonerate" her, she would be able to request back pay, reasonable attorney's fees, and costs [§112.44, Fla. Stat.].

In one of the first cases presented to it under the 1968 Constitution, the Florida Senate exercised its continuing jurisdiction over a suspended officer after that officer's term had expired and after he was defeated at a subsequent election [in re: Livingston, S.Jour., Feb 17, 1969 @ 28]. The Senate has more recently exercised its continuing jurisdiction and voted to remove a sheriff from office about 4 months after his term was over [in re: Harrison, S.Jour., May 2, 1997 @ 1300].

There have been, and will undoubtedly continue to be, other suspended officers whose terms will have expired, who will have resigned, or whose offices will have otherwise become vacant, that the Senate determines not to take up for any number of reasons. That is and will be a future Senate's choice, but it ought not be because of a precedent or finding based on the Senate's lack of continuing jurisdiction to do so.

In short, the Florida Senate's *power* to remove or to reinstate a suspended officer who has vacated office is separate from its decision whether or not to proceed to do so.

Finally, there is a related statutory reason to proceed to finality in this case. Section 112.44, F.S., says, in part, that "In the event any officer suspended by the Governor shall not be removed by the Senate, the officer shall be reinstated. . . ." As long as it remains on the books, this language could be the basis of a suspended officer's argument that it is self- executing and that if the Senate, for whatever reason, fails to remove the suspended officer, then at some unspecified point in the future, the Senate's non-action somehow constitutes a reinstatement. Following through with Senate final action in Supervisor Oliphant's case would eliminate the possibility of her subsequently raising this argument in a judicial forum.

SECTION ONE
SPECIFIC CHARGE ONE
[Whereas clause 4 of EO 03-219]

In reference to the September 2002 primary election, after the manager of poll worker recruitment advised Supervisor Oliphant on numerous occasions to hire the necessary personnel, the Supervisor never allowed her manager to do so.

FINDINGS

In the run up to the September 2002 primary, Poll Worker Manager Pat Nesbit was responsible for acquiring polling locations, recruiting

and training 5,000 or so poll workers from the community, and assigning them in certain precincts under a formula supplied to her by a co-employee. Her department had seven employees [T: 1027].

Ms. Nesbit's May 8, 2002 list of 17 "critical issues" addressed to her immediate supervisor, Deputy Supervisor Walter Foeman, [G: 1], did not specifically address the need to hire additional personnel and she was never asked directly, nor did she offer testimony at the Senate hearing, that she had ever advised Supervisor Oliphant (or anyone else) to hire the necessary (additional) personnel for the poll worker recruitment training and placement function.

A memorandum written by Pat Nesbit to Supervisor Oliphant does inform the Supervisor of Ms. Nesbit's "concerns" over lack of staff to do the tasks associated with the November 2003 municipal elections [G: 44(a)]; however, that memo was dated July 16, 2003 and was not related to the September 2002 primary.

As an aside to Specific Charge One, Supervisor Oliphant offered a September 14, 2002 report from her then Executive Administrative Assistant, Lisa Strachan [R: 13]. Although Ms. Strachan was listed on Supervisor Oliphant's list of potential witnesses, she was not called to explain her temporary duty assignment to the poll worker section beginning about 3 weeks before the September 10, 2002 primary. Apparently, Ms. Strachan was assigned to "assist" Pat Nesbit in response to Ms. Nesbit's "numerous statements that her department was overwhelmed and needed additional staff" [R: 13 @ 1]. Ms. Strachan's report was critical of what she called Nesbit's lack of management skills, lack of planning, extreme disorganization, and high stress level. Ms. Strachan recommended that Supervisor Oliphant retain Pat Nesbit for the time being, but appoint a skilled assistant to get Nesbit's operation straightened out [R: 13 @ 8].

Although the Strachan report provides an additional opinion and perspective of Ms. Nesbit's abilities, it is untested hearsay since Ms. Strachan did not testify and was not subject to cross-examination at the hearing. Her report does not alter my finding that the specific facts alleged in Specific Charge One were NOT PROVED.

SECTION ONE
SPECIFIC CHARGE TWO
[Whereas clause 5 of EO 03-219]

In reference to the September 2002 primary election, 24 precincts opened late: 13 due to lack of election supplies and 11 due to a lack of personnel.

FINDINGS

In the primary election of September 10, 2002, Broward County had 809 voting precincts [T: 479] at approximately 500 polling locations [T: 984]. Some locations hosted more than one precinct's voting apparatus. Each precinct was assigned a clerk, a deputy clerk, one or more inspectors, a technician proficient in the operation of the new iVotronic touch screen voting machines, a law-enforcement deputy, the requisite number of voting machines with the paraphernalia that accompanied them, and the other documents, forms, equipment and records required by law or rule [T: 93-94, 985, 987].

Conducting a successful county-wide election in a county with more registered voters than any other county in Florida required careful preparation, clockwork precision, properly trained personnel, clearly assigned missions, efficient logistical organization, strong executive leadership, a good communications system, and equipment in tip-top shape, in the right place at the right time. The new computerized voting machines, 200 new precincts, a reapportioned and redistricted county, and about 5,000 paid election-day workers raised from the community, was a challenge to manage under the best of conditions. Degraded conditions increased the likelihood of an election disaster.

The Governor alleged that 24 precincts opened late. That charge has four possible interpretations. The first is that the doors were physically opened after 7 a.m., the hour set by §100.111, F.S. The next is that the doors were opened at 7 a.m., but a sufficient number of poll workers were not yet present to assist the voters who were lined up to vote. A third possibility is that the doors were open at 7 a.m., and the polling place was sufficiently staffed, but that there was no operating iVotronic touch screen machine ready to accommodate the first ready voter. Getting iVotronic units to work on election morning meant assembling them, getting power to them, and booting them up properly and timely [R: 29 @ 20]. A fourth possibility is that the doors were open, there was sufficient staff present, at least one of the machines at each precinct's polling location was booted up, but that it malfunctioned when the first voter attempted to use it.

Furthermore, the Governor charged that 13 of the 24 "late openings" were due to lack of supplies, presumably referring to the "blue bags" that contained the precinct registers, the poll worker payroll, the sealed clear plastic container containing the personal electronic ballots (PEBs), the provisional ballots, the Ballot Report form, and other necessary items.

I find that at least 13, and perhaps as many as 30, "blue bags" had not been picked up by the precinct clerks or otherwise delivered to their pre-assigned polling locations by 7 a.m. on election day [R: 51(b)].

The foregoing finding is supported by the testimony of Poll Worker Manager Pat Nesbit. She first became aware of the situation at around 9 p.m. on Monday, September 9, 2002, when co-worker Damion Robinson, an outreach department worker, told her that more than 30 "blue bags" that were assigned to precincts all over the county still had not been picked up by the assigned poll workers [T: 1021-1022]. Within an hour or so after Ms. Nesbit got that information, Deputy Supervisor Foeman and Finance Director Barbara Adams came to Ms. Nesbit's desk at the main office and asked her what should be done [T: 1024]. Ms. Nesbit suggested that Mrs. Adams obtain a list of the employees of the supervisor's office and start calling them and instructing them to report to duty at 5 a.m. the next morning, election day. Ms. Nesbit's ad hoc plan that she proposed called for some of the undelivered "blue bags" to be given to each early-arriving employee, along with a map and directions to the applicable polling places [T: 1024]. Mrs. Adams' response was that she was not going to call people at that time of night [T: 1026]. Mrs. Adams then said "we'll take care of this" and she and Deputy Supervisor Foeman walked away [T: 1026]. Ms. Nesbit and her staff left the office at about 10 p.m. [T: 1027] and returned to work at 5:30 a.m. on election day. They began to phone the polling place locations of any precinct that had apparently not yet retrieved the required "blue bag." She tried precinct phone numbers, home phone numbers, cell phone numbers, and the phone numbers of the polling place locations [T: 1028]. Early on election morning, Ms. Nesbit received a call from Deputy Supervisor Foeman instructing her to direct any employee arriving at the main office to report to the Voting Equipment Center (warehouse) to assist in making the deliveries [T: 1029].

Deputy Supervisor Foeman also testified at the Senate hearing. He said that he had no recollection of the specifics of his September 9th three-way, in-person, 10 p.m. conversation with Nesbit and Adams [T: 400]. However, he described the general situation of the undelivered "blue bags" as a "big problem . . . an emergency" [T: 395]. He testified that he first got wind of the undelivered "blue bags" at around 4 p.m. on September 9th [T: 394] and that when he left the warehouse to go home at about 10:30 p.m., he personally took and "tried to deliver the 'blue bags' that were in my area . . ." [T: 393]. Deputy Supervisor Foeman testified that he had no knowledge of when Supervisor Oliphant first learned about the "blue bag" problem, but he acknowledged that she had attempted to reach him by phone at his home that night, probably after 10:30 p.m., based on a voice mail message that Mrs. Foeman told him about as she left their house on election day morning [T: 401].

Nothing that Deputy Supervisor Foeman or Finance Director Barbara Adams had to say directly controverted the core of Pat Nesbit's testimony on the "blue bag" issue. Supervisor Oliphant chose not to testify about it.

The Governor charged that the remaining 11 "late openings" were due to "a lack of personnel." The record is not clear whether he meant lack of Supervisor of Election's office staff or lack of election day poll workers. However, the evidence shows that between 13 and 30 poll clerks didn't show up to pick up their "blue bags" at the appointed time and place—a phenomenon that was and remains clearly foreseeable and for which every supervisor must have contingency plans to cover. According to Deputy Supervisor Foeman, Supervisor Oliphant's operations plan "just failed to include that as part of the contingency" [T: 443]. Although Supervisor Oliphant did not take the witness stand to offer a specific defense to Specific Charge Two, from the documentary evidence submitted on her behalf, from her attorney's arguments, and from his examination of the witnesses he called on her behalf or his cross examination of the Governor's witnesses, it appears that Supervisor Oliphant was asserting three defenses:

a) Sabotage—the active, intentional acts of sabotage, primarily by Poll Worker Manager Pat Nesbit,
b) Reasonable Reliance on Others—that she was entitled to rely on her high-level management staff to do their respective assigned tasks correctly, with a full measure of energy, loyalty, and dedication to the Supervisor, her goals, and her programs, and
c) Insufficient funding—by the Broward County Board of County Commissioners to run her office for the fiscal year ending September 30, 2002.

The Governor proved that 24 of the 809 precincts "opened late"; that the level of funding had little to do with the failure of several dozen or so precinct clerks to show up to pick up their "blue bags" on the day before the election; and that Supervisor Oliphant had no effective contingency plan in place prior to election day to cover that foreseeable state of events.

I find that the facts alleged in Specific Charge Two were PROVED.

SECTION ONE
SPECIFIC CHARGE THREE
[Whereas clause 7 of EO 03-219]

In reference to the September 2002 primary election, Supervisor Oliphant failed to authorize her staff to notify the precincts until approximately 6 p.m. of an Executive Order received at 3:41 p.m. to extend the polling hours until 9 p.m., resulting in many precincts closing at 7 p.m., in direct violation of Executive Order 02-248.

FINDINGS

William C. McCormick, Jr., President of the Ft. Lauderdale branch of the NAACP, had organized a system to receive information from volunteer monitors reporting voting day problems. At about 7:10 a.m. on September 10, 2002, primary election day, he became aware that some of the polls were not yet ready for business at 7 a.m., the time set by law [T: 1355]. He called Supervisor Oliphant on her cell phone and told her that "someone needed to get out and rectify the situation." Mr. McCormick suggested that the poll closing time ought to be extended and he offered to call Governor Bush, personally, to ask that the times be extended to compensate for the times that the Broward County polls were required to be open but were not. She agreed [T: 1356]. Mr. McCormick got through to Governor Bush on the Governor's cell phone about noon [T: 1365] and asked him to extend the poll closing times in Broward County. Governor Bush said he would look into it [T: 1366].

Mr. McCormick's plea apparently moved Governor Bush to immediate action. In less than 4 hours, input was received from Secretary of State Smith, Attorney General Butterworth, the President of the Florida Association of Supervisors of Elections, the Chairman of the Republican Party of Florida, and the Chairman of the Florida Democratic Party [G: 5(b)]. The Order extending the poll closing times statewide to 9 p.m. was researched, drafted, signed, attested, filed, and clocked in at Supervisor Oliphant's office fax machine by 3:41 p.m., less than 4 hours after McCormick's call.

There were three diverging versions of what happened between about 4 p.m. and 6 p.m. that afternoon.

Defense witness Rick Riley had been providing Supervisor Oliphant's office with marketing, public relations, and advertising services since spring of 2002 [T: 1169 & 1179]. Sometime after 3:45 p.m. he phoned Pat Nesbit to tell her to mobilize her department to start calling the poll clerks to get the word out about the extension. Mr. Riley categorically denied telling Pat Nesbit to wait until receipt of a written statement that was being prepared by Supervisor Oliphant to be read to the clerks and the press [T: 1174 & 1175].

Pat Nesbit, a witness for the Governor, had a different recollection of the events of that afternoon. She and about 40 office personnel were in the central office at the receiving end of 42 phone lines [T: 1126]. Their job was to answer incoming calls from precinct workers seeking to verify voter status [T: 1117]. Some of the precinct workers who called said they had heard that the polling time was extended [T: 1118]. When asked, Nesbit would tell each inquiring clerk that the polling location would have to remain open until 9 p.m. [T: 1118]. Nesbit also testified that both Deputy Supervisor Walter Foeman [T: 1154] and about a half hour later, Rick Riley [T: 1130] called her from the voting machine warehouse. Nesbit testified that Mr. Riley told her that he was calling on behalf of Supervisor Oliphant [T: 1136] and to delay contacting the precincts to alert them of the Executive Order until he had a written statement to be read [G: 5a]. She said that he also told her not to make any statements to poll workers about extending the 7 p.m. closing until she received the written statement that he was preparing [T: 1120] and that Supervisor Oliphant wanted a uniform statement to be read to each precinct clerk [T: 1119]. Nesbit said that she and the employees under her direction waited until 6:04 p.m. when the written statement was received [G: 5a] [T: 1121]. Nesbit and her staff then started making outgoing calls to precinct personnel.

Deputy Supervisor Walter Foeman, a witness for the Governor, had yet a different description of events. He said that after the Executive Order arrived at 3:41 p.m., Supervisor Oliphant directed him to prepare a fax sheet or release [T: 404]. Rick Riley actually prepared the draft for him [T: 404] and Deputy Supervisor Foeman reviewed it [T: 404]. The draft apparently went back and forth three or four times between Riley and Foeman. An hour or more was thus expended in preparing the two paragraph document [T: 408] entitled Extended Hours & Closing Procedure [G: 5(d)]. Supervisor Oliphant gave it her final approval by phone [T: 407].

I find that what probably occurred in the pandemonium between 4 p.m. and 6 p.m. on September 10, 2002 was that Pat Nesbit was told that an information sheet was being prepared so that the message to the precinct clerks would be uniform, and would contain revised closing instructions to be implemented uniformly throughout the 809 precincts. In the chaos, she probably read more into this message than was intended. In any case, even if she did, the one hour or so of extra delay occasioned by preparation of Governor's Exhibit G: 5(b) was not untoward, given the circumstances, and there was no credible proof adduced that Supervisor Oliphant failed to authorize her office staff to notify the precincts of the extension until approximately 6 p.m. In fact, 777 precincts did get the word and stayed open in obedience to the Executive Order. Thirty two precincts out of 809 closed at 7 p.m. [T: 460]. Of these 32 precincts, some never received the message to extend. Others received it but closed down anyway, for a variety of reasons, including having workers with prior commitments elsewhere or having overriding personal necessities to attend to [R: 1 @ 463].

My conclusions regarding this Specific Charge assume the legality and validity of Executive Order 02-248. The Legislature's attention to elections emergencies first came into focus in a 1988 House Ethics and Elections Committee interim study entitled "Does Florida Need an Elections Emergency Law?" The committee's answer was "yes" but it wasn't until 1992 that an elections emergency law was enacted. Sections 101.731 through 101.741, F.S., authorize the Governor to "suspend or delay" an election by issuing an executive order declaring that an election emergency exists. That law requires the Governor to "reschedule" the suspended or delayed election after formal public notice is given, prior to the date of the rescheduled election. Neither the statute nor the implementing rule of the Department of State appears to me to include or contemplate a governor simply extending the polling hours by an Executive Order issued on the day of the election after the polls have opened. However, Governor Bush is entitled to the benefit of the doubt on the point because the issue of the Governor's power to change the law by Executive Order, in this case to extend the statutorily-set 7 p.m. poll closing time, was not raised by Supervisor Oliphant in the Senate proceedings.

In the September 2002 primary election, Florida had 6,717 voting precincts statewide. Whether 24 late openers in Broward County plus some unspecified but probably similar number of them in Miami-Dade County, (which together totaled perhaps about one half of one percent of Florida's precincts) constituted an "election emergency" warranting the extension of voting hours statewide was a determination made by Governor Bush. The Senate is not called upon here to evaluate that decision.

But, do 32 out of Broward's 809 precincts constitute "many" as charged by the Suspension Order? Some would say that if just one precinct's polling location out of Broward's 809 had closed before 9 p.m., that one was one too many. Others could say that 32 out of 809 (which is 4%) does not constitute "many." Given the vague and unquantified allegation, I find simply that 32 out of 809 constitutes 4% of the voting precincts in Broward County and that it was PROVED that 32 precincts' polling places closed before 9 p.m. It was NOT PROVED that Supervisor Oliphant "failed to authorize her staff to notify the precincts until 6 p.m."

SECTION ONE
SPECIFIC CHARGE FOUR
[Whereas clause 8 of EO 03-219]

In reference to the September 2002 primary election, there were insufficient technical support personnel at the call center which delayed the relay of vital information to the precinct clerks and regional sites.

FINDINGS

In the 2000 election cycle, the Broward County call facility had inadequate telecommunications equipment to handle the election day call volume [T: 643]. Furthermore, the number of people needed to staff a proper facility would not have fit in the central office to staff it [T: 644]. Early in her term, Supervisor Oliphant apparently decided to build an off-site call enter. Supervisor Oliphant was fully committed to making this improvement and in 2001 told Paul Craft from the state elections division that she had arranged a community partnership to set it up [T: 1781]. Supervisor Oliphant set two of her employees, Harley and Eldridge, to the task of establishing the new call center at Nova University [T: 660]. When Ken Leb, an information technology specialist, came aboard, he assumed the responsibility to complete the call center [T: 547].

The new call center would have 144 incoming phone lines [T: 1135] but no capacity to make outgoing calls [T: 1135] [T: 435] [T: 441]. Telephone banks would handle public, technical support, and voter verification calls from the polling places [G: 56 @ 4]. The plan was for Nova personnel to run the call center [G: 56 @ 4] with oversight by the Supervisor of Elections [T: 546]. Cities were to provide staff to help out [T: 570]. The county would help fund the call center by reimbursing the supervisor for costs of the phones, the staff pay, and additional computer connections to the central office [T: 643-644]. Mr. Leb was to provide the training program for the call center staff [T: 550].

The Governor's allegation in Specific Charge Four was taken verbatim from a conclusion in Secretary Hood's November 19, 2003 Final Report [G: 61 @ 3].

It may very well be that for the September 2002 primary election, the Nova Call Center had insufficient technical support staff, but there was no significant evidence presented by the Governor to support that charge. Testimony by the Governor's witness, Assistant Secretary of State Candice Crawford, on cross-examination, that her November 19th report to the Governor "didn't deal with the Nova Call Center" and that she "didn't know if there was sufficient or insufficient personnel at the call center" on September 10, 2002 [T: 2010] further defeats this charge.

The facts alleged in Specific Charge Four were NOT PROVED.

SECTION ONE
SPECIFIC CHARGE FIVE
[Whereas clause 9 of EO 03-219]

In reference to the September 2002 primary election, 268 absentee ballots postmarked between September 4th and September 9th were never clocked in, canvassed, or counted and, in fact, were discovered approximately a year later in a file cabinet in the Broward County Elections Office.

FINDINGS

The two major players in the October 2002-January 2003 saga of the 268 missing, uncounted, then found absentee ballots from the September 10, 2002 primary were Carol Hill, then the supervisor in the absentee ballot department, and Mary Hall who had worked in the supervisor's office for 16 years in the voter registration and absentee ballot areas [T: 933].

The four minor players were JoAnne Sterner, the network administrator; Glen Davis, the mailroom supervisor; Joe Cotter, the Deputy Supervisor who succeeded Walter Foeman on September 23, 2002; and Broward County State Attorney Investigator John F. Hanlon, Jr.

In September 2002, the Broward County Election Supervisor's mailroom and adjoining mail processing area were full of boxes of returned registration cards piled on desks and chairs "willy-nilly" [T: 1454]. The place was in complete disarray [T: 1454]. The mailroom employee at the time came to work sporadically and, occasionally, in an intoxicated condition [T: 1456]. It is probable that he failed to pick up the 268 absentee ballots from the post office on election day and that they were not received in time to be counted [T: 938]. Clearly they were not canvassed by the canvassing board [T: 1453] even though they had postmarks ranging from September 3rd to September 9th 2002 [T: 1456]. In any event, they were not stamped in, properly processed [T: 1457], or counted [T: 938]. The ballots apparently just got buried under a lot of other incoming mail.

Absentee Ballot Supervisor Carol Hill, who was not called to testify at the Senate hearing, had acknowledged to State Attorney's Office Investigator Hanlon when he interviewed her sometime in January 2003, that she had found 268 absentee ballots from the September 10, 2002 primary election buried under a pile of returned voter registration cards in the mailroom [T: 1454]. Carol Hill had told Mary Hall about the discovery sometime in October 2002 [T: 938]. Carol Hill acknowledged before all in attendance at an October 2002 staff meeting, including Deputy Supervisor Joe Cotter, that she had put the found absentee ballots away in a file cabinet drawer [T: 939]. Joe Cotter's response was not to demand their immediate production, but to announce his determination that such an occurrence would not happen again in the upcoming November general election [T: 939].

Although it probably was Carol Hill [T: 665] [T: 1458] [T: 938], there is no absolute proof as to who put the tray(s) containing the postmarked, stacked, and bundled but still sealed ballot envelopes that had not been canvassed [T: 1453] or time-stamped [T: 1455], in a file cabinet drawer.

Joe Cotter and Mary Hall both confirmed to Investigator Hanlon that the discovery of the 268 uncounted ballots was not brought to Supervisor Oliphant's personal attention at the time of their discovery. Supervisor Oliphant also confirmed, in a June 15, 2003 interview with Investigator Hanlon, that she had not been told at the time of Carol Hill's September discovery of the ballots in the mailroom.

Then, about 4 months later on January 20, 2003, Mary Hall was looking for some folders in a drawer of a file cabinet located near her desk area in the main office of the Broward County Supervisor [T: 940]. When she opened the unlocked drawer, she saw a bin with some white paper covering it. She moved the paper and uncovered the 268 absentee ballots [T: 941]. She had not known that the subject absentee ballots were in that drawer in that filing cabinet [T: 943]. She immediately notified Ken Leb, by then the Acting/ Interim/Deputy Supervisor of Elections. The next day the State Attorney's Office came in, subpoena in hand, and confiscated the ballots [T: 943].

Defense witness JoAnne Sterner testified that from her office near the mailroom, "several days [T: 814] after the September election" [T: 816], she overheard Mary Hall laughing and saying "I don't believe it, there's some ballots back here that haven't been taken over to the . . . voting equipment center" [T: 799].

I find that Ms. Sterner's testimony was believable as to what she heard, but it was probably misplaced in time and as such, does not overcome the direct sworn testimony of Mary Hall on the issue of the timing of the discovery of the 268 ballots.

I also find that the file cabinet in which the 268 ballots in question were placed was a cabinet assigned to Carol Hill for her outreach duties and, in a subsequent furniture move between mid-September 2002 and January 20, 2003, the cabinet was relocated to Mary Hall's work area [T: 961].

The facts alleged in Specific Charge Five were PROVED.

SECTION TWO
SPECIFIC CHARGE SIX
[Derived from Attachment "W" to EO 03-219]

Supervisor Oliphant unlawfully overspent her budget in FY 2001-2002, resulting in a significant $936,328 deficit at the end of that fiscal year. This serious overspending resulted from her failure to stick to her budget and control or monitor her office's authorized expenditures.

FINDINGS

In Florida, Supervisors of Elections receive substantially all of their funding by their Board of County Commissioners [M: 4]. Other minor funding sources are grants and fees for services provided to the public.

All supervisors must certify an annual proposed budget to their Board [§129.201(1), F.S.]. The Board may amend, modify, increase, or reduce any or all items of expenditures in the supervisor's proposed budget [§129.201(4), F.S.]. The supervisor's budget is then included in the general county budget [§129.201(7), F.S.], specifically subject to the same provisions of law as the county annual budget [§129.201(8), F.S.] namely, it must balance at the end of each fiscal year [§129.01(2)(b) and §129.07, F.S.]. All fees received for services rendered and unexpended balances at the end of each fiscal year are "refunded to the Board of County Commissioners . . . ." [§129.202(1)(f), F.S.]. But for the fees and grants received from non-county sources, a supervisor is virtually totally dependent on and at the will of his or her Board for funding.

At the same time, the law preserves the "independence of the Supervisor of Elections" from the Board of County Commissioners concerning the purchase of supplies and equipment and the hiring, firing, and setting of salaries of personnel [§129.202(2), F.S.].

As a result of this delicate balance, it becomes apparent to even the most casual observer of county governmental operations that a supervisor's professional and public relationship with his or her Board forms a crucial part of how the supervisor's budget will be funded. Because of chilly relationships carried forward from prior political alliances, Supervisor Oliphant's relationship with her Board got off to a bumpy start. It went down hill from there.

FISCAL YEAR 2000-2001

Supervisor Oliphant took office in January 2001, 3 months into FY 2000-2001 [M: 1]. She continued operations for her initial 9 months in office under her predecessor's FY 2000-2001 budget.

For FY 2000-2001, the Board of County Commissioners had provided the supervisor $5,036,580 [M: 4 @ 4]. The two supervisors together expended $3,646,301 of that for personnel, $1,302,188 for operating expenditures, and $88,091 for Capital Outlay. In FY 2000-2001 the Board charged the two supervisors a total of approximately $54,000 for communications, motor pool, warehouse, and maintenance services provided by the county. The supervisors had provided various services and documents such as precinct maps and voter lists to the public for a fee, the result of which the supervisor remitted approximately $194,000 to the Board during the fiscal year ending September 30, 2001. The statutorily-required independent audit tests for FY 2000-2001 disclosed the supervisors' full compliance with *Government Audit Standards*, no material weaknesses in the office's internal financial controls, no violations of law, rules, or regulations, no illegal or improper expenditures, no improper or inadequate accounting procedures, and no instances of fraud or fraud related risk factors [M: 4]. Supervisor Oliphant actually remitted $672 to the Board on September 30, 2001. Her first (partial) 9-month fiscal year audit, done by a local independent CPA firm under a 5-year auditing services contract, earned Supervisor Oliphant a good grade [M: 4].

FISCAL YEAR 2001-2002

By May 2001, Supervisor Oliphant had 4 months to have observed and become familiar with the daily operations of her new office. By April she had hired a finance director with responsibility for budget and audit matters and with additional duties as executive liaison and project assistant [T: 881- 883]. However, Supervisor Oliphant's 2001-2002 budget request was developed primarily by her deputy, Joe Cotter. The proposed budget was submitted to the Board around May 1st [T: 188]. Supervisor Oliphant requested approximately $7 million. After negotiations with Board staff, the Board allotted her $5,342,300. Then in June 2002, the Board granted Supervisor Oliphant's request for an additional $165,000 for equipment and warehouse costs. The Board also granted the supervisor's request in late August 2002 for an additional $329,895 for a phone bank and one-time operational expenses for the September 2002 election. The County Budget Office also provided $54,000 to cover employees' group health insurance premium costs of the Supervisor of Elections office. Thus Supervisor Oliphant received a total of $5,891,195, plus the proceeds of a $603,429 state grant for voter education and poll worker recruitment and training for the fiscal year [M: 5 @ 10].

On August 16, 2001, at a budget meeting of the Board of County Commissioners, Supervisor Oliphant expressed her appreciation to the County Administrator for his cooperation in finalizing her FY 2001-2002 budget. She publicly acknowledged that "no office receives everything they request." She also stated that what they gave her, plus the $603,429 in state funds the grant provided, represented "a fair and reasonable budget compromise, and should adequately fund the services and operations for the Office of Supervisor of Elections in the next fiscal year" [R: 28(b) @ 2].

Her total budget was $6,494,624, but by the end of FY 2001-2002, Supervisor Oliphant's office had expended $7,430,952 ($4,048,681 for personnel, $2,662,953 for operating expenditures, and $719,318 for capital outlay). On September 30, 2002, Supervisor Oliphant's account was $936,328 in the red [G: 16] [M: 5 @ 4, 10, 12].

About a week before the end of the deficit fiscal year, the Board directed its Commission Auditor, N.W. Thabit, CPA, to conduct an "Expenditure Review" of Supervisor Oliphant's financial situation as of September 30, 2002. His 50-page report [G: 16] was thorough, detailed, and critical.

Some of the highlights of his 34 findings were:

a) Supervisor Oliphant's office ended the year 15.64% in the red [G: 16 @ 3];
b) The official number of budgeted employees was 62 [G: 16 @ 7];
c) The number of employees at the beginning of the year was 68 [G: 16 @ 7];
d) The number of employees at the end of the fiscal year was 72 [G: 16 @ 7];
e) Staff salaries were $514,254 over the budget [G: 16 @ 9];
f) Supervisor Oliphant routinely made advance payments to vendors and that was against the law [G: 16 @ 39];
g) Supervisor Oliphant failed to insist on the deliverables after some contracts had been paid [G: 16 @ 41-43];
h) Supervisor Oliphant's staff purchased a $146,609 file server without competitive bids—not illegal but not smart [G: 16 @ 45];
i) Supervisor Oliphant failed to implement a budget and expenditure accounting by task, activity, and project [G: 16 @ 47];
j) Supervisor Oliphant condoned the issuance of purchase orders in excess of available budget [G: 16 @ 47]; and
k) Supervisor Oliphant had a faulty receiving system for goods and services [G: 16 @ 48].

In Supervisor Oliphant's answer to Mr. Thabit's evaluation [G: 17] apparently prepared for her by her Finance Director, Barbara Adams [T: 914] and approved by Supervisor Oliphant [T: 915], she formally agreed with each and every one of the critical findings and she gave her written assurance that she would promptly develop and implement policies and procedures regarding accounting controls, bidding, procurement, contracts, operations, and management of the office [G: 17 @ 7].

To further validate Mr. Thabit's conclusions, Supervisor Oliphant's independent auditor concluded in a formal audit report covering the same period that "the budget deficit of $936,328, at September 30, 2002, is a result of overspending due to a lack of effective monitoring of budget to actual" [M: 5 @ 10, 13]. The independent auditor found "improper or illegal expenditures . . ." [M: 5 @ 14] and "significant deficiencies in the design or operation of the internal control over financial reporting . . ." [M: 5@ 14]. The audit reported that checks were all signed by one authorized officer but the management-level supervisors routinely did not sign off on the invoices supporting them, or even the payroll register. Proper signatures would have indicated that those documents had been approved by the appropriate line managers before payment. Absence of those signatures raises the opposite inference.

In her formal response to the independent auditor's comments in the management letter, Supervisor Oliphant said that she would "enhance the position of finance director by seeking to hire a qualified accountant with requisite governmental experience. The new director will be responsible for budgeting, accounting and finance processes of the Supervisor of Elections office. The finance director will be directly accountable to the Supervisor of Elections" [M: 5 @ 18]. It is reasonable to infer from Supervisor Oliphant's response to the independent auditor's highly critical audit comments, and from Mrs. Adams contemporaneous demotion from Finance Director to Executive Assistant (with its accompanying pay reduction) [T: 907], that the supervisor would seek a new Finance Director with the governmental accounting experience and accounting certification that Mrs. Adams lacked.

FISCAL YEAR 2002-2003

For FY 2002-2003, her last full fiscal year as supervisor, the Board of County Commissioners provided Supervisor Oliphant with $6,864,359. Her total expenditures for the same period were $6,312,842. The FY 2002-2003 surplus of $551,517, which was applied to reduce the deficit from the prior year from $936,328 to $384,811 [G: 6 @ 4], resulted mostly from $920,252 in emergency supplemental funds the Board provided at the supervisor's request on April 30, 2002.

Supervisor Oliphant did not testify as to her defense of Specific Charge Six; however, based on the testimony of her witnesses, and on the spirited cross examination by her attorney of several of the Governor's witnesses, Supervisor Oliphant essentially blamed the actions and omissions of others for the overspending and subsequent general financial problems in her office. For example:

- The Board of County Commissioners

  Unlike her witness, Ion Sancho, the Leon County Supervisor of Elections who nurtured a positive and accommodating relationship with the Board of County Commissioners in Leon County, a relationship that permitted him to come to it with reasonable and documented funding requests and then get much of the funding he requested, the Broward County Board of County Commissioners essentially starved Supervisor Oliphant out of office [T: 48].

  Furthermore, the Board forced on her the "ugly beast" of iVotronic touch screen voting machines that were too labor intensive and unreliable [T: 47] and then making matters worse, they gave her insufficient funds to train for and staff their use in the September 2002 primary [T: 58]. Supervisor Oliphant's attorney suggested that the Broward Commission purchase of the $17.3 million ES&S iVotronic system over its competitors was influenced by aggressive lobbying by ES&S and an overly cozy relationship between the negotiating parties; however, the evidence presented was not clear as to the reasons for the Commission's choice of vendor. In any case, 5,100 ES&S voting machines and the associated tabulating equipment were purchased with all their promises and problems. Almost immediately after the Board decided on the purchase, Supervisor Oliphant started and apparently maintained a steady campaign of public information as to why the Board had made the wrong choice.

  The iVotronic system was used for the first time in a county-wide Florida election in the September 2002 primary. The next county-wide use was the November 2002 general election. From most of the reports, it seems that the machines themselves worked well, so well in fact that the November general election earned the label of "successful." So after the actual November experience had shown that when properly supported, the iVotronic machines could do the job in a Broward county- wide election, instead of getting behind the new equipment and focusing on finding a permanent way to make the new voting system work, Supervisor Oliphant continued to criticize the Board. She persisted in her quest to show the public and the Board the error of the Board's decision. Thus, it is no surprise that the Board was not in a generous mood toward Supervisor Oliphant.

- Richard Wallsmith

  He was Supervisor Oliphant's CFO from February 2003 [T: 484] until she fired him in the early part of October 2003 [T: 512]. He was hired to dig the office out of the $936,328 deficit, to "cut the bleeding" [T: 488], to honor the promises that Supervisor Oliphant had made to the Board that she would institute her written response to the Thabit report [T: 485], to freeze hires and raises [T: 488], and to ramp up for the oncoming March-May budget discussion with County Commission's staff.

  In April 2003, Mr. Wallsmith began the normal budget negotiations for FY 2003-2004 with the Commission's staff. He advised Supervisor Oliphant to ask for $14.7 million [T: 506]. Supervisor Oliphant apparently believed that he then sabotaged her by cutting a deal behind her back, telling county budget staff that she would settle for $9.7 million, including the value of certain county-provided services [T: 507].

  Curiously, Supervisor Oliphant appeared to have placed no blame for the illegal deficit condition in FY 2001-2002, or the irregular financial practices during that same year, on the obvious responsible target—Barbara Adams, her Finance Director who presided over budget, spending, and finance matters between April 2001 [T: 881] and some time around November or December 2002 when she became Supervisor Oliphant's personal executive assistant [T: 590]. Mrs. Adams had been responsible to the supervisor for budget and finance matters during the entire fiscal year in which the illegal deficit was incurred.

- Decennial redistricting/reapportionment—the creation of 200 additional precincts (and election boards) further aggravated Supervisor Oliphant's financial predicament.

The Governor, through his counsel, asserted several points in response. He argued that Supervisor Oliphant "frittered away public funds" for things such as $132,000 in unnecessary renovations to enlarge her personal office suite [T: 32] [T: 195] [T: 1407]. He emphasized that it was illegal for a county officer to end the year in the red, no matter what, and that it was Supervisor Oliphant's legal duty to reduce her expenditures so that the totals would balance at year's end, or to cajole, beg, or entreat the Board to provide supplemental funds. The Governor also argued that because Supervisor Oliphant apparently made expanded outreach her primary goal (she had requested 18 slots for outreach of which the Board approved only two [T: 185]), she brought on her own financial problems by shifting funds from other necessary purposes to expand the office's outreach efforts and even hire a new outreach coordinator.

To summarize the relevant statutory requirements applicable to a supervisor's fiscal responsibility, all expenses incurred in a supervisor's fiscal year must be vouchered and charged to the budget for that year [§129.202(1), F.S.]. This same law gives every supervisor the option to draw his or her own checks to pay authorized budgeted expenditures for operating the office. If a supervisor does not exercise that option, then the Clerk of Court (acting as the Clerk of the Board of County Commissioners) or the county financial officer writes the checks upon receipt of "bills approved by the supervisor" for "all expenses requisitioned by the supervisor." Clearly, the latter method provides an additional layer of financial control that is absent if the supervisor personally, or the supervisor's CFO personally, or worse yet, an employee of the supervisor's office with authority to use a facsimile signature, handles the check writing task in-house. It must be said in fairness to Supervisor Oliphant that her in-house check writing practice was an inherited one which continued the practice of her predecessor supervisor. Nevertheless, the bottom line remains that the legal responsibility during her term of office to keep overall expenditures within income was Supervisor Oliphant's non- delegable duty. A supervisor may have a finance director or a CFO that takes care of all the day-to-day transactions, but the legal responsibility to stay within the budget and to keep proper and balanced accounts must rest somewhere. In my view, that somewhere is on the supervisor's desk. The law requires nothing less [§129.202(1)(d), F.S.].

Unlike a county commissioner's exposure to criminal liability for voting for excess indebtedness or payment made without authority of law [§129.07, F.S.]; or the specific exposure to criminal penalties and risk of suspension for malfeasance for knowingly and wrongfully doing so [§129.08, F.S.], no similar specific penalties or consequences apply to similar conduct by a supervisor of elections.

Unlike a municipal officer's exposure for expending or contracting to expend funds except pursuant to budgeted appropriations [§166.241, F.S.], no similar specific provision applies to similar conduct by a supervisor of elections.

Unlike a state agency officer's exposure to criminal liability for spending money in excess of the amount appropriated, and the additional risk that any contract doing so is null and void [§216.311, F.S.], no similar specific penalties or consequences apply to similar conduct by a supervisor of elections.

Thus, the primary effective tool remaining in a governor's hands to control an overspending supervisor of elections is the one that Governor Bush used in this case: suspension based on misfeasance in office.

On November 15, 2002, Supervisor Oliphant formally admitted that she had seriously overspent or overencumbered her FY 2001-2002 budget [G: 17]. At the Senate hearing in July 2004, she chose not to testify on the point. Thus her office's budget deficit condition, as of September 30, 2002, stands uncontroverted. The several defenses alluded to by her counsel's argument or during his examination of witnesses, such as the Board's intentionally parsimonious budgeting of

funds for Supervisor Oliphant's office, are insufficient to overcome the evidence that was offered against her on Specific Charge Six.

The facts alleged in Specific Charge Six were PROVED.

SECTION TWO
SPECIFIC CHARGE SEVEN
[Whereas clause 22 of EO 03-219]

In reference to the municipal mail-in election held in Broward County on November 4, 2002, at least 17,000 mail-in ballots out of 100,000 were returned as undeliverable, and an uncertain number of mail-in ballots were deliverable but thrown away because the addressees had moved.

FINDINGS

Abundant, clear and convincing evidence was produced that approximately 17,000 out of about 100,000 mail-in ballots that were mailed by the supervisor's office for the November 4, 2002 municipal elections were returned as undeliverable.

However, proof that 17,000 out of 100,000 ballots were returned as undeliverable, by itself, establishes no violation.

The Leon County Supervisor of Elections was called as a witness by Supervisor Oliphant. Mr. Sancho, after qualifying as an expert witness, opined that 17 percent for returned ballots in a mail-in election was "in line" [T: 2126]. He testified also that returns state-wide due to address errors averaged between 17-24 percent [T: 2124].

On the other hand, current Broward Deputy Supervisor Gisela Salas, who for 15 years was senior staff and then second in command in the Miami-Dade County Supervisor of Elections office, expressed her view that the 17,000 returned undeliverable ballots out of 100,000 mailed in Broward County were the direct result of insufficient or inadequate list maintenance activity, namely failure by the suspended supervisor to carry out her mandatory duty to ensure "the maintenance of accurate and current voter registration records" [§98.065(1), F.S.] [T: 149].

Whether 17,000 out of 100,000 is too many, too few, or just about right is a matter of opinion. What is more important than the differing opinions of two experienced elections officials on this charge is the underlying issue of list maintenance.

Proper list maintenance has two components: 1) daily, ongoing transactional maintenance, and 2) the biennial registration list program as specified by law.

Ongoing maintenance recognizes that information on voter status is dynamic and comes in to the supervisor's office every day [T: 1321]. New registrants are entered, registrants move within the county, and events occur that remove yet others. Ongoing maintenance depends on weekly updates received from the Clerk of Court of felony convictions, on monthly vital statistics reports from the state, on mailings received from other jurisdictions showing voter registration elsewhere, and on walk-in and mail-in changes of address.

The second type, biennial maintenance, is required in odd-numbered years [§98.065(2), F.S.]. Bruce Eldridge was called as a defense witness. He had been in charge of information technology in the Broward County Supervisor's office since 1993. He testified that daily ongoing maintenance was carried out routinely and without interruption throughout his employment, and that Supervisor Oliphant's predecessor, Supervisor Jane Carroll, did the required biennial maintenance in 1995, 1997, and 1999. He testified that there was no biennial maintenance during Supervisor Oliphant's term of office, either in 2001 or in 2003.

It is not necessary to go into the mechanics of the three statutory options for biennial maintenance except to note that it was and is up to each of the 67 supervisors to select the method he or she determines is the most effective for his or her county. Each procedure has its relative advantages in length of time required to accomplish, or cost, or simplicity, or labor intensity necessary. Broward County had historically used §98.065(2)(a), F.S., the so-called NCOA vendor method.

Mr. Eldridge attributed the failure to do biennial list maintenance in 2001 to prohibitions associated with the federal court case of *National Association for the Advancement of Colored People, Inc. (NAACP) et al. vs. Harris, Roberts, et al.*, Case #01-0120-CIV. Although the case was not settled by Supervisor Oliphant until May 2002, and although the list maintenance aspects of the case dealt with felons wrongfully removed from the Central Voter File or from a county registration list under a law that was repealed by the Legislature in 2001, the list management section of the NAACP suit settlement covered more than just the felon issue. Section E.2. of the settlement refers to "voters dropped from the official list of registered voters as a result of their failure to vote in the 2000 election" [G: 66]. Mr. Eldridge testified that paragraph E.2. "was not applicable at this time. The drop for failure to vote in 2000 does not occur until we had that drop, so that did not apply" [T: 1346]. Thus, the dropped voters issue was not foreclosed by the NAACP law suit.

In short, I find that the then-pending NAACP law suit did not legally preclude Supervisor Oliphant from doing all forms of the statutorily required biennial list maintenance in 2001.

As for 2003, Supervisor Oliphant's defense for not doing biennial list maintenance was based solely on lack of funds.

During FY 2002-2003, Supervisor Oliphant's funding level was $6,864,359. NCOA list maintenance would have cost about $70,000 [T: 1329]. I reject her counsel's claim of financial impossibility as an excuse for non-performance of a statutorily mandated duty, especially where Supervisor Oliphant had some authority to move money from one part of her operations budget to another. Her earlier moving of money for the outreach area demonstrates that she knew how to make such transfers.

I find that Supervisor Oliphant failed, without justification, to accomplish biennial statutory list maintenance in 2001 and 2003 as required by §98.065(2), F.S.

The facts alleged in Specific Charge Seven relating to 17,000 mail-in ballots being returned were PROVED.

The facts alleged in Specific Charge Seven relating to "an uncertain number of mail-in ballots were deliverable but thrown away because the addressees had moved" were NOT PROVED. There was no evidence offered by the Governor to support this allegation.

SECTION TWO
SPECIFIC CHARGE EIGHT
[Whereas clause 15 of EO 03-219]

Problems and deficiencies continue to exist (to November 20, 2003) most recently with Supervisor Oliphant's firing of her senior elections staff including, but not limited to: a) the Deputy Supervisor; b) the Chief Financial Officer; c) the Absentee Ballot Supervisor; and d) the Poll Worker Division Supervisor.

FINDINGS

Specific Charge Eight accuses Supervisor Oliphant of recently "firing" her senior experienced staff. All four of these affected employees testified at the Senate hearing concerning the circumstances of their departures.

a) Deputy Supervisor Kenneth Leb—He met Supervisor Oliphant in May or June 2002 [T: 543]. He had substantial training and about 6 years of experience in the computer field. He first offered Supervisor Oliphant free advice on her office telecommunication systems and came to the office and started looking over the computer system [T: 544]. Within a month or so, Supervisor Oliphant had contracted with Mr. Leb to build a new call center at Nova University. By the end of July 2002, Mr. Leb was on the payroll as a regular employee assigned to the IT area [T: 547].

Mr. Leb was given more diverse management and executive tasks until by January 17, 2003, he eventually assumed the role of *defacto* acting Deputy Supervisor [T: 553].

By March 2003, Mr. Leb was assigned to work on a new organization chart and to assist in the preparation of the budget recommendation for the ensuing fiscal year. Mr. Leb started "arguing" with Supervisor Oliphant over office administrative issues in March or April [T: 576] and their professional relationship and "synergy" [T: 574] continued to deteriorate into the summer months [T: 594]. In August, Leb was interviewed by a State Attorney investigator and gave a critical evaluation of Supervisor Oliphant's administrative skills [T: 595]. His comments became public. Several days later Supervisor Oliphant asked for his resignation [T: 596]. At first he

said "No" [T: 596]. Then he changed his mind and submitted his resignation on August 28, 2003 [G: 50], and walked away that afternoon with one month's severance pay. Kenneth Leb was not "fired" as alleged in the Executive Order but it would be quibbling to try to draw a fine distinction between Leb being "fired" or resigning. What is significant here is that after Mr. Leb's final day in the office, August 28, 2003, Supervisor Oliphant had no deputy supervisor from then until she was suspended on November 20, 2003.

Florida law specifically authorizes, but does not require, a Supervisor of Elections to have one, or more than one, official Deputy Supervisor [§98.015(8), F.S.]. Of the three other supervisors who testified at the Senate hearing, two have a Deputy Supervisor and one does not. The latter relies instead on her own administrative ability to manage her department heads directly.

It is true that Gisela Salas, the Deputy Supervisor hired in December 2003 by Supervisor Oliphant's successor in office, had been contacted indirectly by Supervisor Oliphant several days before Supervisor Oliphant herself was suspended [T: 87], but Mrs. Salas was never actually hired by Supervisor Oliphant.

b) Chief Financial Officer Richard Wallsmith—a retired CPA, had worked for state or local government agencies for 32 years, including posts at the Auditor General, the 5th District Court of Appeal, and the Broward Clerk of Courts [T: 483].

In January 2003, Mr. Wallsmith was contacted by the Broward County Auditor and asked if he would be willing to help Supervisor Oliphant's office resolve its current financial problems [T: 484]. He began employment and received three assignments: institute some financial controls; respond to the County Auditor's recent critical report on the supervisor's office finances; and then begin work on the ensuing budget cycle recommendations to be proposed to the Board [T: 485]. He replaced Barbara Adams, the former Finance Director under whose hand the office had descended into a serious deficit status.

In early October 2003, Barbara Adams told Wallsmith that Supervisor Oliphant wanted his resignation [T: 512]. Wallsmith said "No" [T: 513]. Adams told him that he had done nothing wrong—it was just that Supervisor Oliphant was dissatisfied with his services. Later that day, while Wallsmith was in Connecticut at a meeting of the International Association of Clerks, Recorders, Election Officials and Treasurers, the message was relayed to him by St. Lucie County Supervisor of Elections Gertrude Walker that he had been fired.

Supervisor Oliphant elected not to testify on this issue at the Senate hearing.

Supervisor Oliphant replaced Wallsmith with another CPA on October 9, 2003. Thus, there was a gap of only a few days with no CFO on staff.

c) Absentee Ballot Supervisor Mary Hall had been employed in the Broward Supervisor of Elections office since 1986. She was fired by Supervisor Oliphant on October 6, 2003 [G:53]. About 5 weeks after Ms. Hall was fired, her duties were formally reassigned to another long-time employee whose existing duties were expanded to cover absentee ballot issues as well.

d) Poll Worker Division Supervisor Pat Nesbit had been employed in the Broward Supervisor's office since about 1990, first as a clerk in the poll worker department. She worked her way up, eventually rising to be in charge of that department. In May 2002, Pat Nesbit put in writing a long list of perceived deficiencies in office operations that she thought deserved immediate attention [G: 1]. Pat Nesbit was fired by Supervisor Oliphant on October 6, 2003 [G:54]. At some unspecified time after Pat Nesbit was fired, an existing employee in the office, with little experience in poll worker matters, was put in charge of that department.

There is evidence that after Mr. Leb left employment on August 28, 2003, Supervisor Oliphant decided to try to run her entire operation without a deputy. She was just beginning a new fiscal year with infusions of new money and was on the way to finish digging her office out of its carry-over deficit situation. By November 7, 2003, her staff had mailed out the poll worker cards for the March '04 presidential preference primary. However, it is uncontroverted that Supervisor Oliphant had, at the same time, fired two of her critical lead workers and added their duties to the existing responsibilities of two other employees.

It is not uncommon for a Supervisor of Elections who has no prior experience in running an election to get elected in Florida. Sheriffs have gotten elected without being certified law enforcement officers. The same principle applies to a new Property Appraiser or Tax Collector. But it appears that for an "outsider" to be successful at any one of these county constitutional offices, the neophyte victor must have a dependable and experienced management staff to continue day-to-day operations, uninterrupted, while the new boss learns the ropes and grows into the position.

The facts in Specific Charge Eight(a) were PROVED.

The facts in Specific Charge Eight(b) were NOT PROVED.

The facts in Specific Charge Eight(c) were PROVED.

The facts in Specific Charge Eight(d) were PROVED.

SECTION TWO
SPECIFIC CHARGE NINE
[Whereas clause 23 of EO 03-219]

Supervisor Oliphant was continuously unwilling to take personal responsibility for her office's repeated failures.

FINDINGS

There are about 100 places in the Florida Elections Code that begin with "The supervisor shall . . . ." or "The supervisor is required to . . . ." These range from duties that might be considered personal to the supervisor, for example, §101.34, F.S., "she must appoint deputies"; to duties that obviously cannot be done personally by the supervisor herself, for example, §101.34, F.S.,—"The Supervisor of Elections shall verify the signature of each elector on the return mailing envelope . . . ." Carrying out of most of her specific statutory tasks would generally be expected to be delegated to staff.

Whereas Clause 23 of the Suspension Order raises the issue of *legal* responsibility. It is beyond peradventure that the ultimate legal responsibility for compliance by her employees with the election laws in Broward County between January 2001 and November 19, 2003 rested with Supervisor Oliphant herself. She was the elected constitutional officer who accepted that responsibility when she took her oath of office. However, one of Supervisor Oliphant's primary defenses to the Governor's charges is that virtually all of the problems, deficiencies, errors, and failures that relentlessly dogged her time in office were caused by someone or something else.

A telling illustration is the presentation Supervisor Oliphant made to the Broward County Board of County Commissioners on January 21, 2003. The occasion was a budget workshop at which she presented, explained, and defended her office's budget request for the forthcoming FY 2003-2004.

Supervisor Oliphant opened the workshop by cataloging her successes, namely adding 103,051 new registered voters to the rolls since November 2000, opening a new branch office, upgrading her predecessor's computer system, and so on [R: 1 @ 6]. She even put in perspective the admitted fact that 24 precincts' polling places did not open on time in the September 2002 primary, by saying that 745 did open on time and that they were sufficiently staffed to accommodate the first voter at 7 a.m. Supervisor Oliphant specifically and personally took "total responsibility for what has happened here" [G: 36 @ 73], reversing her public statement of just ten days before when she issued a press release blaming (former) Deputy Supervisor Cotter for creating the FY 2001-2002 budget deficit [G: 31]. At the workshop she took "total responsibility for what has happened with the deficit" [G: 36 @ 34]. She also took "total responsibility for errors and omissions" of her office [G: 36 @ 41]. In her written submission to the Board on that same date, she wrote "I accept full responsibility for having (my two deputies who failed me) as employees" [R: 1 @ 2]. In summary, she wrote that "I have committed errors for which I am fully responsible" [R: 1 @ 2].

Supervisor Oliphant's 509-page written submission to the Board was meaty and impressive. It included copies of her required periodic reports to Governor Bush and Division of Elections Director Roberts, and her responses to the county budget officer's questions about her budget request. In short, Supervisor Oliphant provided reasonable justification for her $7,653,915 budget request [R: 1 @ 58].

Then, Supervisor Oliphant launched into a confrontational stance in which she again publicly blamed the County Commission for selecting the wrong voting equipment and reminded the Board that its choice was contrary to the analysis and recommendations of her independent technical consultant whose report she had provided to the Board before the selection and purchase [R: 22]. Supervisor Oliphant's public confrontation of the Board was based on the report from Christopher Hood, a computer technology consultant with whom she had contracted to research the voting systems that were available to Broward County [T: 822]. Mr. Hood spent 4 months [R: 22 @ 14] going to the four certified manufacturers' management, customers, and factories [T: 823]. His report [R: 22] listed and outlined the problems and shortcomings he saw with the proposed machines and the vendor, ES&S: using an older model to meet the experience requirement in the Broward bid; a spotty support and service history; low-ball bidding tactics; serious technical problems with the equipment; the uncertified status of the machines (and thus the illegality of the purchase under §101.294, F.S.); the need for 800 additional workers to operate the machines at each county-wide election; a bait and switch scheme [T: 839]; the "fix being in" with the County Commission before the vote [T: 831]; and a $1.3 million "feeding frenzy" for the ES&S local lobbyist [T: 833]. In her "Message from the Supervisor" [R: 1 @ 1-2] Supervisor Oliphant again publicly chastised the Board for cutting her budget and refusing to provide necessary services to her office. She cynically "complimented" the machines' vendor, ES&S, for its "impressive job" in shifting their own blame and responsibility for equipment failures to anyone except themselves. She "complimented" the vendor's lobbyists for what she termed the only success associated with the selection, namely their $1.3 million fee. She also criticized the sheriff and school board for withholding important planning information from her. She blamed a non-existent state entity (which she referred to as the "State Board of Elections") for certifying voting equipment and modifications up to 2 days before the September 10, 2002 primary.

Finally, according to the credible, uncontroverted testimony of multiple eyewitnesses, Supervisor Oliphant did not take responsibility for errors that occurred during the September 10, 2002 election [T: 469]. She basically blamed everyone in sight but herself.

With the workshop exceptions explained above, plus one place in her November 15, 2002 letter to the Broward County Auditor where she stated that "the problems and deficiencies (with the budget) are my responsibility to rectify, correct, and avoid in the future," I find that Supervisor Oliphant generally declined to take personal responsibility for her office's failures and ordinarily sought to shift the blame to others.

The allegation in Specific Charge Nine was PROVED.

SECTION THREE
SPECIFIC CHARGE TEN
[Whereas clause 21 of EO 03-219]

Supervisor Oliphant failed to comply, by the November 10, 2003 specific deadline, with the 24 specific and concisely stated written "recommendations" as set by the Department of State's October 14-15 Assessment Team.

FINDINGS

In addition to setting out the core charges in the Whereas clauses, Executive Order 03-219 the Executive Order incorporates by reference 23 separate letters, memoranda, documents, and reports that it relies on to support Supervisor Oliphant's suspension. My analysis of Specific Charge Ten focuses on the ten failures specifically alleged in Whereas Clause 21.

On October 23, 2003, Secretary of State Hood drew a line in the sand. Supervisor Oliphant was given 15 calendar days to demonstrate attainment of 24 specific "recommendations". Twenty of them had specific completion dates ranging from "immediately" to November 1, 2003. Two had a vague or unspecified due date.

Had she exerted a Herculean effort; had she focused and redirected the bulk of her employees to this sole and exclusive task; and had she postponed their ongoing, routine daily tasks, Supervisor Oliphant might have been able to produce a result acceptable to the Governor. It appears she did make an effort, perhaps sensing the significance of this "last chance" the chief executive was offering her. In any event, her effort apparently was not sufficient to suit Secretary of State Hood or Governor Bush.

Part of the Senate's role now in analyzing the ten areas specified by the Governor is to separate opinion from fact, and arguments by lawyers from proof by evidence.

Charge 10(a) Still no "continuum of duties and responsibilities apparent".

In management parlance, this ordinarily means, at an absolute minimum, an up-to-date organization chart, coupled with accompanying detailed job descriptions that correspond to the actual duties and responsibilities of each employee on the staff.

As detailed in my discussion under Specific Charge Six, the November 2002 Thabit Report [G: 16] highlights 34 specific deficiencies in Supervisor Oliphant's office operations and was highly critical of her general failure to adhere to the most basic budgetary controls in the day-to-day operations of her office. Four days later, the Governor's General Counsel wrote to Supervisor Oliphant and on behalf of Governor Bush, characterized the Thabit Report as "deeply troubling" and he warned her to "overhaul" her business practices [G: 19].

Several weeks later, Supervisor Oliphant sent Governor Bush her "Administration and Operations Implementation Plan" [G: 24]. To Supervisor Oliphant's great credit, this plan was well-organized, comprehensive, and realistic. It appears to be primarily the work of an experienced articulate hand, most likely Joe Cotter [G: 23]. Twelve days later, citing Supervisor Oliphant's interference in his contractual responsibility to operate the office (except in two clearly specified areas), Cotter exercised his option to terminate his contract and quit [G: 26].

Without Joe Cotter there to manage day-to-day operations, and without a deputy supervisor who would carry on the recently promulgated "Administration and Operations Implementation Plan" after Mr. Cotter's departure, Supervisor Oliphant would continue to be buffeted by daily administrative and operational problems from multiple sources.

Yes, Kenneth Leb took over some of Mr. Cotter's work, but Ken Leb was no Joe Cotter. And, Mr. Leb soon started to "butt heads" with Supervisor Oliphant over issues of organization [T: 572-573]. His job title and duties were never really clear. When Supervisor Oliphant advised him that he would never become her "real" Deputy Supervisor because: a) he had no college degree; b) he had not been there long enough to learn the election business; and c) the staff didn't like him, he quit [G: 50].

This important position remained vacant until the day the Governor suspended Supervisor Oliphant. Without a deputy to oversee the details of daily operations, it was functionally impossible to have a "continuum of duties and responsibilities apparent."

I find that the facts in Specific Charge 10(a) were PROVED.

Charge 10(b) Management personnel still did not demonstrate the necessary level of competence.

Before addressing the narrow Charge 10(b), I will note for the record that Supervisor Oliphant had in her employ, off and on, some highly competent, long-experienced, goal-oriented, and hard working management level public servants.

Of special note was Joe Cotter. Cotter's attitude was that the supervisor's office must, regardless of any of his personal reservations, make whatever voting system the Board provided work [T: 200]. Similarly, Cotter had "strong reservations" about Supervisor Oliphant's hiring of a particular employee but testified that "Miriam hired her and that was that" [T: 190]. It was Cotter who more or less organized and directed the gargantuan logistical effort to pull off the November 2002 general election. He faced problems in every major area of office operations, including, for example, finding 100,000 or so voter registration cards unprocessed and stacked in boxes. Cotter was the director of a 7-day-a-week operation for 45 days—beginning the day he came back to work on September 23, 2002.

And there was Richard Wallsmith who, having assumed the CFO responsibilities in February 2003, performed those duties with apparent diligence until Supervisor Oliphant fired him 8 months later.

By the time the November 2003 Assessment Team came to Ft. Lauderdale for its verification visit, the top management situation was:

1. No Deputy Supervisor is on board and no immediate prospects of one are apparent.
2. The Absentee Department is run by Andrea Perri, a 16-year experienced employee whose duties were doubled on October 14, 2003, also to oversee the Absentee Department in place of the former director who Supervisor Oliphant had fired a week earlier.
3. The Poll Worker Department is run by a smart, capable, but relatively inexperienced employee who was likewise given this department as an extra duty to cover the loss of the director who Supervisor Oliphant had fired a week earlier.

Charge 10(b) was PROVED.

Charge 10(c) Still no Deputy Supervisor on the job.

Charge 10(c) was PROVED.

Charge 10(d) Lines of responsibility for tasks still blurred.

Supervisor Oliphant apparently did not produce, for the Secretary of State's November Assessment Team, an up-to-date written job description for each of her employees. The evidence showed that there was some blurring of the lines of responsibility for tasks—but also that the related cross training was a mandatory "recommendation" to Supervisor Oliphant by the October Assessment Team [G: 56 @ 5]. The blurring was, in my view, an expected result of still having no Deputy Supervisor on board when the November Assessment Team arrived. This fact, coupled with the multi-tasking that Supervisor Oliphant had been imposing to cover the loss of staff she had fired, resulted in responsibility for specific tasks still remaining blurred as of November 10, 2003. Supervisor Oliphant's erratic, last-minute re-assignment of the absentee ballot and poll worker duties to two already over-laden management employees did not help her case. I find to be true and accept the findings of the November 2003 Assessment Team that Supervisor Oliphant's action in this area served merely to create a false appearance that key vacancies had been filled.

Charge 10(d) was PROVED.

Charge 10(e) Some management personnel still overextended to cover dual positions.

Based on the job assignments of Andrea Perri and Gino Herring as of November 10, 2003, Charge 10(e) was PROVED.

Charge 10(f) Documentation request by the October Assessment Team still not provided to November Assessment Team; namely, poll worker training manuals, poll worker agreements, and precinct polling location contracts. This was a simple matter of proof. Either Supervisor Oliphant provided the documents to the November Assessment Team or she did not. The evidence [G: 62 @ 4], and the testimony taken at the Senate hearing indicates that she did not provide the documents, at least not all of them. Supervisor Oliphant offered no personal testimony or other evidence to the contrary.

Supervisor Oliphant did offer her "Precinct Procedures Manual" into evidence [R: 55]. To the casual reader, it seems complete, comprehensive, and well prepared with a professional appearance. Although undated, it was probably the manual used for the September primary or the November 2002 general election. Why it wasn't provided to the Assessment Team, or if it was, then why the team didn't acknowledge it, is not in evidence. In any event, it was only one of the documents requested by the Team.

Charge 10(f) was PROVED.

Charge 10(g) Poll worker training infrastructure still not in place.

The November Assessment Team concluded that "while (Oliphant) has been in office for 3 years, none of the requisite infrastructure is in place to **assure** a trained poll worker workforce of the magnitude necessary to support a countywide election." [G: 62 @ 4]. This conclusion discounts the training infrastructure used in prior elections as well as the use of outside trainers, borrowed trainers, and temporary trainers.

Providing timely, sufficient training for 5,000+ poll workers is a struggle under the best of conditions. Supervisor Oliphant, with the help of outside agencies and sources, was able to provide poll worker training for prior countywide elections. However, I find that as of November 10, 2003, she had no demonstrable, dependable, permanent infrastructure in place to assure continuity in future poll worker training. Although Supervisor Oliphant produced a list of names and addresses of many (5,000 or even 14,000) poll workers from a prior election, that does not constitute proof of a training infrastructure for future elections.

Charge 10(g) was PROVED.

Charge 10(h) Violations of §98.095, F.S., regarding physical security of voter information still occurring.

The unrefuted testimony was that on November 10, 2003, one member of the November Assessment Team observed a person making handwritten notes from the voter information lists on the screen of a public-access computer monitor located at the public counter in Supervisor Oliphant's main office [T: 1520, 1601]. Section 98.095, F.S., prohibits copying or extracting information from the lists *unless* the person making the extract or copying the information voted in the most recent election [§98.095(2), F.S.,], is an incumbent officeholder or a candidate, or is acting on behalf of a political party entity or a governmental agency [§98.095(2), F.S.]. The testimony was that a small sign was posted on or near the computer advising the public of this prohibition, but no enforcement of the law by the office staff was apparent. Because the person seen by the November Assessment Team member copying from the computer screen might have been in one of the allowable classes and thus exempt from the prohibition against copying information, Supervisor Oliphant is entitled to the benefit of the doubt on Charge 10(h).

Charge 10(h) was NOT PROVED.

Charge 10(i) Voting systems security standards are not met due to the Broward Supervisor's misplaced reliance on an untailored Pasco County plan that does not meet §101.015, F.S. requirements. Supervisor Oliphant offered into evidence two versions of a 58-page document entitled "Election Security and Procedures Manual" [R: 26]. The first version says "Revised: November 4, 2003" and is stamped "DRAFT—Not for Publication" across each page in one inch high letters [R: 26]. The second version is likewise stamped "DRAFT—Not for Publication" across each page and says "Revised: November 7, 2003" [R: 56 @ 85-145]. Both versions appear to the casual reader to be a work-in-progress revision of what might have had its genesis in and been copied from Supervisor Kurt Browning's Pasco County Election Security Plan [T: 127] [T: 919] [T: 1785]. In any event, while each draft purports to be a plan in compliance with §101.015, F. S., according to the unrefuted testimony, no plan was ever finalized or fully implemented. There is nothing intrinsically wrong about copying a successful plan used by a sister county if it is properly tailored for use by the borrower county. The problem here is that there was no *evidence* that a plan was ever finalized for use in the Broward County Supervisor of Elections Office.

Charge 10(i) was PROVED.

Charge 10(j) Alarming and unacceptable number of key management personnel, including Supervisor Oliphant herself, still exhibit lack of fundamental knowledge of state and federal election law.

I did not give key management personnel, including Supervisor Oliphant herself, a pop quiz on their fundamental knowledge of state and federal election law. Therefore, the determination of Charge 10(j) necessarily depends on the opinions of others. These opinions were expressed in the report of the November Assessment Team. They were also expressed freely at the Senate hearing from sources of varying degrees of reliability, knowledge, and experience.

As such, they are necessarily subjective and judgmental. I can only add my own to the stack.

The Governor's proof of Charge 10(j) was spotty and anecdotal. The evidence was primarily of incidents when Supervisor Oliphant referred questions about the election law to her staff or when some of the answers offered by Supervisor Oliphant and by her staff were erroneous. The Governor's counsel also attempted to paint a picture of Supervisor Oliphant not taking advantage of or skipping class during the formal training sessions available to all Florida's supervisors; however, the evidence on this point was mixed. It takes time to learn a body of law, especially one, like Florida election law, that is often revised. Supervisor Oliphant is entitled to the benefit of the doubt on this charge.

I find that Charge 10(j) was NOT PROVED.

AFFIRMATIVE AND EQUITABLE DEFENSES

The burden of proving the charges alleged in an Executive Order of Suspension is on the Governor. When a Respondent asserts affirmative

and equitable defenses, as is the case here, the burden to prove them is on the suspended officer.

The nine affirmative and equitable defenses raised by Supervisor Oliphant's defense witnesses' testimony, her exhibits offered into evidence, her counsel's cross examination of the Governor's witnesses, and her counsel's arguments, reorganized and restated are:

- Conspiracy One: by various members of the Broward County Board of County Commissioners (particularly her old political nemesis from her school board days, Commissioner Lori Parrish) who sought to starve Supervisor Oliphant out of office with insufficient funding;
- Conspiracy Two: by Assessment Teams I and II, who collectively aimed not to provide assistance, but instead intended, and were appointed to lay the predicate for, her suspension;
- Conspiracy Three: by "a group of (her own) employees (who) said that they were going to sabotage Supervisor Oliphant to get her out of office, and that they were going to use the county commissioners to get it" [T: 72];
- Estoppel: from basing a gubernatorial suspension charge on the events of September 10, 2002 due to a subsequent statement in the Governor's January 17, 2003 letter to the Board of County Commissioners that "based on the information available to me at this time, her actions do not meet the constitutional threshold for suspension" [G: 32] [R: 9].
- Impossibility: the selection and purchase by the Board of County Commissioners of an expensive-to-run touch screen system, coupled with insufficient funds to train and maintain the personnel necessary to operate that system made the September 10, 2002 primary election outcome inevitable;
- Mitigation: the charges fail to consider her successes—
  - o the successful November 2002 general election, and
  - o her outreach efforts resulting in 290,000 new registrants.
- Prerogative (to Select Her Own Staff): the unfettered right of every public official to hire, fire, promote, or demote staff, and to choose to employ only supervisory-level employees that the official has personally selected;
- Reasonable Reliance: especially on her management-level staff, to do their respective assigned tasks correctly, reliably, and with a full measure of energy, loyalty, and dedication to the supervisor and her goals and programs; and
- Selective Prosecution: that things were just as bad in Miami-Dade County on September 10, 2002, but the Miami-Dade Supervisor of Elections was not suspended.

On the eighth day of the Senate hearing, a Governor's witness admitted that Supervisor Oliphant had never been told specifically that the list of "recommendations" that had been given to her by the Secretary of State's October Assessment Team were mandatory requirements that Supervisor Oliphant was obliged to accomplish by the specified date, upon pain of suspension from office [T: 2342-2343].

Supervisor Oliphant, relying in part on that admission, and on Governor Bush's January 17, 2003 "estoppel" letter to the Board [G: 32] [R: 9], and on testimony from several of her witnesses, decided on the advice of counsel, not to take the stand to testify on her affirmative and equitable defenses. That was a turn of events that, frankly, I had not expected. She chose to rely instead on the documents admitted into evidence, the testimony from her supporting witnesses or from cross examination of the Governor's witnesses, and her counsel's argument that the Governor had failed to prove his case.

In common usage, a "recommendation" is usually advisory in nature having no binding or mandatory effect. To illustrate:

Waiter to customer:	Good evening folks. I recommend the grouper Florentine on a bed of jasmine rice served with steamed zucchini and roasted almonds, and our homemade key lime pie for dessert.
Oncologist to patient:	I have some bad news for you. The MRI shows that you have an aggressive Stage IV malignant cancer that has spread from your right kidney to your left lung. I recommend immediate surgery just as soon as we can assemble a surgical team.

Both statements are recommendations. The one made in the restaurant can be ignored; the patron can choose, at no peril, to have chicken or beef. The second one is also a recommendation—but the context in which it is made and received makes all the difference.

In October 2003, Supervisor Oliphant was sent a copy of the October 24, 2003 letter from the Secretary of State, the chief state elections officer who by law [§97.012, F.S.] must "obtain and maintain uniformity in the application, operation, and interpretation of the election laws" [G: 58 @ 3]. The letter set out 24 "recommendations" most with specific deadlines for completion, and stated specifically that "Supervisor Oliphant's conduct comes dangerously close to meeting the constitutional threshold for removal from office" [G: 58].

In my view, any ordinarily reasonable supervisor of elections who had received such a list of "recommendations" combined with such an ominous warning would have accepted them as required performance standards with obligatory completion dates and serious repercussions for failure to comply. The possibility of suspension had been hovering over Supervisor Oliphant's head intermittently since Governor Bush wrote to her and mentioned it over a year before [G: 6 @ 1]. Although the timing and abruptness of the execution of the November 20th Suspension Order might have caught Supervisor Oliphant off guard, she can hardly claim surprise. She admitted as much in her November 4, 2003 response to Governor Bush [G: 60 @ 9].

Instead of appearing contrite and flexible, Supervisor Oliphant's response to Secretary Hood's list of "recommendations" was mildly confrontational and challenging [G: 60]. Despite statements that she would do her best to comply, Supervisor Oliphant's response was laced with excuses and justifications. For example, she reminded the Secretary that some of the office staff was away at training when the October Assessment Team showed up, that she was being starved for money by the Board, and so on. One thing that her response lacked—the thing that might have made a difference or at least bought her additional time for compliance—was a straight-out acceptance of personal responsibility, an acknowledgement that her statutory duties had not yet been completed, and a plea for more time for 100% compliance with the October Assessment Team's recommendations.

Further aggravating the situation, on October 16, 2003, the day after the October Assessment Team left her office, Supervisor Oliphant sent a letter to Attorney General Crist [G: 59(a)] asking him to "step up to the plate" and to open a "full investigation" of what she termed the "air of conspiracy" that "swirls around" the Broward County Board of County Commissioners, whose funding policy toward her she termed as "pregnant with mischief." After mis-stating the applicable law concerning the Board's funding responsibility under §129.201(4), F.S., Supervisor Oliphant picked the scab off a year-old wound by again accusing the Board of several violations of law and of its own policy, and mischief concerning the $1.3 million paid to lobbyists to influence the Board's choice of ES&S touch screen voting equipment.

And, by choosing not to testify herself in support of her affirmative and equitable defenses, Supervisor Oliphant voluntarily deprived herself of a formal opportunity, at least at the Special Master's level, to:

- Admit, deny, or at least respond to Deputy Supervisor Cotter's testimony that at their Steak & Ale meeting on September 18, 2002 Supervisor Oliphant admitted to him that she had made some mistakes in some of her personnel choices [T: 218], that some of her decisions were not very good [T: 351], and that she had hired too many friends and didn't hold them accountable [T: 351], particularly his predecessor, Deputy Supervisor Foeman.
- Confirm or deny that a week before the September 2002 primary election, she had asked Governor Bush to extend the polling hours past 7 p.m. [T: 272], and if so, to explain why.
- Admit, deny, or at least respond to Deputy Supervisor Foeman's admission that the office had no contingency plan in place for what happened with the "blue bags" on September 9, 2002.
- Admit, deny, or at least respond to Deputy/Acting/Intern Kenneth Leb's testimony that the office had no operations manual [T: 583, 585, 587, 608].
- Explain in detail her official actions in light of Deputy Supervisor Cotter's testimony that she failed to disband the outreach department [T: 185], after the Board, in FY 2001-2002, funded only 2 of her requested 18 outreach positions (or as Commissioner Rodstrom described it: when "the County Commission budgeted two people for

outreach and the supervisor went out and hired ten people for outreach" [T: 1069 @ 24]).

- Explain the basis for that part of her counsel's opening statement concerning proof of sabotage [T: 73] and identify those employees who allegedly told her that they intended to sabotage her office.
- Recount and explain in chronological detail precisely what actions she personally took beginning with the evening of September 9, 2002 through September 10, 2002, from discovery of the "blue bag" problem through to the time her last polling place closed.
- Explain the conflict between the statement in her response [G: 60] [T: 1697] that she was actually looking for a deputy supervisor, and her reported statement to a member of the November Assessment Team that she was going to run the forthcoming election alone [T: 1756].
- Explain, in response to the October Assessment Team "recommendations," why and how she decided to double up on the existing duties of Andrea Perri and Gino Herring.
- Explain her statement to the Board during the January 21, 2003 workshop [R: 1 @ 7] that she knew she was spending money that she didn't have, and offer her justification, if any, for violating the "if you don't have it, you can't spend it" principle that is so infused throughout all state and local government in Florida that her own defense witness, three term Broward County Commissioner John E. Rodstrom, Jr., called her budget overspending actions "intentional [T: 1069], illegal [T; 1068], unprecedented [T: 1061], in defiance of the county commission [T: 1070], and wrong" [T: 1068].
- Explain why, after apparently soliciting a consultant's proposal to conduct a comprehensive 4-day (re)training program for her entire office staff and 150 training sessions for up to 7,000 poll workers and voting machine technicians, to be held between September 20, 2003 and January 23, 2004 [R: 30], that training never came to fruition.
- Explain why, despite a claim by her counsel in his opening statement [T: 72] that a defense witness would testify to the race-based efforts of a group of her own employees to oust her from office, no such testimony was offered.

Finally, in fairness to Supervisor Oliphant, it was generally conceded by those directly concerned with the general election held in Broward County on November 5, 2002, that it went smoothly and could even be called a success, especially when compared to the September 10th primary. Even Governor Bush acknowledged that to be the case. [Whereas Clause 13 @ page 2 of Executive Order 03-219; R: 14 @ 2; G: 32]. The Suspension Order itself lists the major reasons why: the loan of 800 properly trained Broward County employees to act as Voting System Technicians who would, under a September 20, 2002 contract with the Board, "assist" Supervisor Oliphant by setting up all the voting equipment, opening each machine, trouble-shooting each machine, closing each machine, and transporting each PEB to the regional site after the election; use of the county's Emergency Operations Center; the Broward County School Board conducting the entire poll worker training; the Broward County Sheriff delivering voting machines and supplies to the precincts; the Division of Elections providing technical assistance; and Deputy Supervisor Joe Cotter running virtually all of the office's day-to-day operations.

There was a huge and complicated outside support system that Governor Bush alleged was the only thing standing between Supervisor Oliphant and yet another election failure. But, Broward Mayor Wasserman-Rubin had clearly and formally stated to Supervisor Oliphant on January 9, 2003, that the election support given by the county to Supervisor Oliphant in the November 2002 general election was an extraordinary, one-time event, that would not be repeated for upcoming elections [G: 30 @ 3].

SUMMARY OF FINDINGS OF FACT

Specific Charge One	NOT PROVED.
Specific Charge Two	PROVED.
Specific Charge Three	PROVED that 32 polling places closed early; but NOT PROVED that Supervisor Oliphant "failed to authorize her staff to notify the precincts until approximately 6 p.m."
Specific Charge Four	NOT PROVED.
Specific Charge Five	PROVED.
Specific Charge Six	PROVED. In my view, this one charge and the evidence that was presented to support it, are a sufficient technical basis to warrant removal, even absent any proof of the remaining charges. Specific Charge Six is far from being a technical or minor matter, nor can it be fairly characterized as merely an aspect of Supervisor Oliphant's management style or vision for her office.
Specific Charge Seven	PROVED that 17,000 ballots were returned, but NOT PROVED that "an uncertain number of mail-in ballots were thrown away."
Specific Charge Eight	(a) PROVED. (b) NOT PROVED. (c) PROVED. (d) PROVED.
Specific Charge Nine	PROVED, with minor exceptions.
Specific Charge Ten	(a) PROVED. (b) PROVED. (c) PROVED. (d) PROVED. (e) PROVED. (f) PROVED. (g) PROVED. (h) NOT PROVED. (i) PROVED. (j) NOT PROVED.

The charges that are listed above as PROVED by the Governor were proved with substantial and competent evidence of facts that constitute one or more of the constitutional grounds alleged.

The Affirmative and Equitable Defenses presented by Supervisor Oliphant through her counsel and suggested by the testimony and opinions of her supporting witnesses or exhibits, were NOT PROVED by substantial and competent evidence. Counsel's statements and arguments are not evidence and they do not constitute proof.

To illustrate this point as applied to Supervisor Oliphant's equitable defense of conspiracy, Broward County Commissioner Rodstrom testified that the Board subsequently forgave or waived from her successor's books about $500,000 of Supervisor Oliphant's carry-forward debt [T: 1071]. That debt forgiveness given to Supervisor Oliphant's successor, in addition to $3.25 million in the Board's capital budget for her successor to purchase additional voting equipment, as well as the $4.5 million her successor received for a new voting equipment warehouse [M: 7 @ 2-41], apparently are the prime bases for Supervisor Oliphant's affirmative equitable defense that there was a Board conspiracy against her. However, accommodations to her successor supervisor do not prove existence of a conspiracy against Supervisor Oliphant. They may well show that Supervisor Snipes' relationship with the Broward County Board of County Commissioners is more like Supervisor Sancho's relationship with his board than Supervisor Oliphant's was with hers. Supervisor Oliphant did not meet her burden of proof to establish this defense.

SCALE TIPPER

No later than 7 days after every election, each Supervisor of Elections, sitting as a member of the local canvassing board, is obliged by law to sign and file form DS-DE 81 "Report on Conduct of Election" with the Division of Elections. Section 102.141(8), F.S., requires the supervisor to disclose any problems that occurred due to equipment malfunctions either at the precinct level or at a counting location, any difficulties or unusual circumstances encountered in the election process, and any other problems which the canvassing board feels should be made a part of the official election review.

After the chaos and frantic activity in Broward County surrounding the September 2002 primary election, the official Conduct of Election Report signed by Supervisor Oliphant says only three things: that five Master personal electronic ballots (PEBs) and two regional sites had difficulty in transmitting results, that 21 precincts required a change in vote counts resulting from the reconciliation process, and that the

county judge had requested that precinct registers be compared to the number of votes cast to determine if the iVotronic units operated properly.

Astonishingly, Supervisor Oliphant's official, permanent, required statutory report failed to disclose pertinent facts that would appear to have been of critical importance. Importantly for the Senate, this particular Conduct of Election Report highlights the uselessness and ineffectiveness of a report that was designed as an oversight tool for the Division of Elections and the Legislature.

Most importantly, the report's misleading and incomplete nature makes me doubt the reliability and veracity of some of the other written status reports that Supervisor Oliphant provided to the Secretary of State, the Division of Elections, and the Governor.

It may be that Supervisor Oliphant has an explanation for this report's shortcomings, but, as noted earlier, she did not offer her testimony on the issue.

PRECEDENT

This is the fourth case involving a suspended supervisor of elections that the Florida Senate will have acted on under Florida's modern constitution adopted in 1968.

1. Governor Claude R. Kirk, Jr. suspended Hillsborough County Supervisor Jim Fair on April 14, 1970 following receipt of a report and recommendation of a grand jury. The Governor charged Supervisor Fair with a vast array of violations of the elections laws and bizarre and improper personnel and office management practices. The Senate, in a special session called for that purpose, followed its committee recommendation and removed Supervisor Fair from office, in part because of the "vital importance of absolute fairness, impartiality, and competence in the field of elections."

   In short, Supervisor Fair's violation of the election laws, and his odd office antics were just too much for the Senate to tolerate.

2. Governor Claude R. Kirk, Jr. suspended Brevard County Supervisor James H. Boyd on November 23, 1970 following receipt of report and recommendations of a grand jury. The Governor charged Supervisor Boyd with an array of election law violations including failure to train his employees, voter registration irregularities, voting machine maintenance and security violations, general office inefficiencies, low employee moral, and little apparent personal knowledge of the election laws even after 20 months in office.

   The Senate, in regular session, followed its Select Committee recommendation that Supervisor Boyd be reinstated, in part because several of his violations were merely continuations of long-followed practices and the machine malfunctions were not a major problem for any candidate. The Senate decided that Supervisor Boyd had conducted his office below the proper standard, but that his underperformance, inefficiency and ineffectiveness were a matter for the electorate, not the Senate, as his conduct fell short of proving misfeasance, incompetence, or neglect of duty.

   As a historical note, at Supervisor Boyd's next appointment with the voters of Brevard County, he failed to win re-election.

3. Governor Bob Graham suspended Leon County Supervisor Jan Pietrzyk on December 5, 1986 following receipt of a presentation or recommendation from the State Attorney.

   The Governor charged Supervisor Pietrzyk with the now familiar litany: misfeasance, incompetence, and neglect of duty—particularly that he sent out machines on election day that he knew were not in working order, failed to train properly and sufficiently the machine operators, failed to instruct poll workers, failed to print and use correct ballots, failed to test voting machines adequately, failed to have operative replacement machines ready, to have adequate repair personnel, and to have adequate personnel to deliver substitute ballots.

   The Senate, in regular session, rejected its Special Master (retired circuit judge) B. J. Driver's recommendation of removal of Supervisor Pietrzyk and reinstated Supervisor Pietrzyk to office saying:

   a) Pietrzyk's conduct fell below the standard that the Senate would have desired;
   b) Pietrzyk's conduct may have been grave, but it was not frequent (namely, he can get a pass if he has botched only one election and everything else in his office operation was satisfactory);
   c) Pietrzyk's conduct was not so severe as to demonstrate his incapacity to perform the duties of his office;
   d) Pietrzyk had learned his lesson and besides, there were no more elections scheduled before his term was up and he himself would have to face the voters again.
   e) Carelessness, simple negligence, and stupid mistakes by a supervisor on a one-time basis do not warrant removal;
   f) The Special Master's job is to find the facts. The Senate's job is to make a determination of whether the facts found by the Special Master warrant removal under one or more of the constitutional grounds charged in the Suspension Order.

   The Florida Senate, by a vote three short of unanimous, determined that those findings did not justify removal.

   As a further historical note, at Supervisor Pietrzyk's next appointment with the voters of Leon County, he failed to win re-election.

The Senate's action in these three supervisors' cases reflects awareness that a balance must be struck when determining whether misfeasance, incompetence, or neglect of duty by a supervisor of elections merits his or her removal. The Senate has recognized on the one hand that voters have a strong, even sacrosanct role in deciding whether an elected official should continue in office and, on the other, that a supervisor of elections should not be permitted to continue in office when continuation would endanger the electorate's voting rights. This is a delicate balance.

DUE PROCESS

Fundamental due process for a suspended public officer whose case is pending before the Florida Senate requires a prompt and effective review of the Governor's action. Barr & Karl, *Executive Suspension and Removal of Public Officers Under the Florida Constitution*, 23 U.Fla.L.Rev. 635 at 636, fn.7 and at 637 (1971).

Unlike accused criminal defendants whose Florida constitutional and statutory rights to a speedy trial have been implemented by Fla. R. Crim. P. 3.191(b) with its specific and mandatory time lines, there are only three general timing considerations in the Senate suspension process: a) "The Senate may act on the recommendations of the . . . Special Master at any time it is in session but shall do so no later than the end of the next regular session of the legislature" [Sen. Rule 12.7(g)]; b) "The Senate need not hear or determine the question of the suspension of the officer during any regular session" [§112.48, F. S.]; and c) "for such purpose the senate may be convened in special session by its president or by a majority of its membership." [Art. IV, Sec. 7(b), Fla. Const.].

Nevertheless, I am obliged to account for the passage of time between the date of my appointment and the date of my report.

I was appointed as Special Master on February 4, 2004. Scheduling the final hearing was first discussed at the initial pre-hearing conference on March 24, 2004. Counsel for both parties generally agreed that they were not ready to set the final hearing. At the second pre-hearing conference on April 5, 2004, the Senate was in the 5th week of its 60-day regular 2004 session. Counsel for both parties expressed doubt that the discovery, final hearing, preparation of the Special Master's Report, and final disposition by Senate vote could be accomplished in the 3 weeks remaining before adjournment sine die. Mr. Hunter then stated that "if they leave without voting before April 30th, I don't have a whole lot of confidence that they will come back for a special session just for Ms. Oliphant." He then asked for expedited processing. However, by April 12th, the parties hadn't even made a dent in their deposition list. Although Mr. Hunter preserved his asserted desire to proceed at lightning speed, I determined that presentation of a completed case to the full Senate in the last few days of the session was virtually impossible. Then both parties requested to have their discovery windows reopened until May 21, 2004, which was 3 weeks after sine die adjournment. Twice, counsel for both sides joined in requests for various further extensions. Written closing arguments were submitted on October 15, 2004, a date likewise agreed upon by both counsel. I used the 94 days between October 16, 2004 and January 18, 2005 to study the 2,365 page transcript and the exhibits, and to write this Report.

In short, this was not a case where the Governor or his counsel delayed in order to take unfair advantage of the passage of time or the occurrence of subsequent unfavorable events, to the detriment of the Respondent.

ROLE OF THE SPECIAL MASTER

The role of the Special Master in executive suspension matters was clearly defined and limited by the Senate in 1986. A future Senate Special Master's role would be to act as the eyes and ears of the members, to take the sworn testimony from the witnesses for both sides, to review all the documentary evidence admitted in evidence, and to determine the facts leading up to the suspension. On the most recent occasion that the issue was presented to it, the Senate resolved that it was the role of the Senate itself, not of the Special Master, to decide whether or not the facts found by the Special Master constituted misfeasance, incompetence, and/or neglect of duty by the suspended supervisor and whether the suspended supervisor's conduct warranted removal or reinstatement.

Consistent with that division of labor, I have summarized my findings of fact on page 54 of this Report.

However, my February 4, 2004 appointment letter from Senate President King specifically charged me with the additional duty of making a recommendation on the ultimate question of Supervisor Oliphant's removal or reinstatement.

While my recommendation is advisory only and only the Florida Senate can determine whether Supervisor Oliphant's conduct warrants her removal from office, it is my view that the facts proved on the ten restated charges, when viewed as a whole, and in the absence of substantial competent proof to support her affirmative or equitable defenses, are sufficient to warrant her removal from office.

RECOMMENDATIONS

Accordingly, I recommend:

1. That the Florida Senate confirm the President's appointment of the undersigned Special Master in this case;
2. That Supervisor Oliphant's Motion to Dismiss dated March 23, 2004 stand denied; and her Motion for Issuance of a Subpoena for Deposition dated May 26, 2004 stand denied insofar as it relates to Governor Bush and Secretary Smith, and stand granted with a limitation as to subject matter as it relates to Secretary Hood;
3. That Secretary Hood's Motion dated July 20, 2004, relating to her trial subpoena, be affirmed as determined in the Special Master's Determination entered July 2, 2004;
4. That the Florida Senate adopt my finding that Executive Order 03-219 meets the jurisdictional requirements of the Florida Constitution, statutes, and applicable case law, and that fundamental due process has been afforded the suspended official;
5. That the President order this report to be presented to the Florida Senate in open session and be published in full in the Journal; and
6. That the Florida Senate, pursuant to Article IV, Sec. 7(b), Fla. Const., §112.45, F.S., and Senate Rule 12, REMOVE Miriam McKinzie Oliphant from her 4-year term of office that began on January 3, 2001, as Supervisor of Elections of Broward County Florida, effective November 20, 2003.

Respectfully,
D. Stephen Kahn, Special Master

January 18, 2005

MOTION

Senator Pruitt moved that the January 18, 2005 report and recommendations of the Special Master be adopted in full and that the Governor's action be upheld and that Supervisor Miriam Oliphant be removed from the Office of Supervisor of Elections of Broward County, Florida, effective the date of her suspension which was November 22, 2003.

SUBSTITUTE MOTION

Senator Dawson moved that the report of the Special Master be rejected and that Miriam Oliphant be exonerated and reinstated as Supervisor of Elections of Broward County, Florida, for her term ending January 4, 2005.

Senator Dawson further moved that, under Section 112.44, Florida Statutes, that the Broward County Board of County Commissioners be directed to pay Supervisor Oliphant back pay and benefits for the time Supervisor Oliphant was suspended from office: namely November 20, 2003 through January 4, 2005, and that Supervisor Oliphant be awarded reasonable attorney's fees incurred in the defense of her case before the Senate.

SENATOR CLARY PRESIDING

THE PRESIDENT PRESIDING

ADOPTION OF REPORT

The substitute motion by Senator Dawson was subsequently withdrawn. The question recurred on the motion by Senator Pruitt which was adopted.

The vote was:

Yeas—33

Mr. President	Crist	Margolis
Alexander	Diaz de la Portilla	Peaden
Aronberg	Dockery	Posey
Atwater	Fasano	Pruitt
Baker	Garcia	Rich
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lynn	Wise

Nays—6

Dawson	Lawson	Siplin
Hill	Miller	Wilson

Vote after roll call:

Yea—Argenziano

Yea to Nay—Bullard

MOTIONS

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Wednesday, May 4.

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Wednesday, May 4.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 1252** was withdrawn from the Committee on Rules and Calendar; and **CS for SB 1726** was withdrawn from the Committee on Ways and Means.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 3, 2005: CS for SB 1414, CS for SB 1416, SB 2000, SB 1612, CS for SB 72, CS for SB 74, CS for CS for SB 2426, CS for CS for SB 1316, SB 1998, CS for SB 974, CS for CS for SB's 2072 and 1714, CS for SB 1610, CS for CS for SB 778, CS for SB 798, CS for SB 1516, CS for SB 1922, CS for CS for SB 1002, CS for CS for CS for SB 2068, SB 1620, SB 2640, CS for CS for SB 2176, CS for CS for SB 2178, CS for SB 1862, CS for CS for SB 838, SB 1790, CS for SB 2562, CS for SB 2564, CS for SB 2566, CS for SB 2568, CS for CS for SB 1478, CS for CS for SB 1488

Respectfully submitted,
Ken Pruitt, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 317, HB 803, HB 919, HB 957, HB 1045, HB 1077, HB 1153, HB 1167, HB 1243, HB 1335, HB 1355, HB 1359, HB 1419, HB 1555, HB 1685, HB 1707; has passed as amended HB 111, HB 113, HB 173, HB 181, HB 257, HB 315, HB 345, HB 381, HB 435, HB 467, HB 505, HB 517, HB 527, HB 619, HB 629, HB 645, HB 753, HB 765, HB 777, HB 783, HB 801, HB 811, HB 885, HB 899, HB 937, HB 987, HB 999, HB 1031, HB 1043, HB 1047, HB 1053, HB 1063, HB 1079, HB 1099, HB 1129, HB 1159, HB 1183, HB 1203, HB 1231, HB 1245, HB 1291, HB 1309, HB 1321, HB 1329, HB 1347, HB 1361, HB 1373, HB 1381, HB 1421, HB 1423, HB 1425, HB 1429, HB 1433, HB 1451, HB 1477, HB 1479, HB 1487, HB 1515, HB 1537, HB 1559, HB 1597, HB 1651, HB 1657, HB 1677, HB 1705, HB 1709, HB 1717, HB 1793, HB 1829, HB 1855, HB 1859, HB 1901, HB 1917, HCB 6003 (for HB's 1869, 1871, 1873, 1875), HCB 6005 (for HB's 119, 167, 935, 1613, 1655, 1837, 1853), HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847); has passed as amended by the required constitutional two-thirds vote of the members voting HB 185, HB 1903; has passed as amended by the required constitutional three-fifths vote of the membership HJR 1843 and request the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Mahon and others—

HB 317—A bill to be entitled An act relating to trespass; amending s. 810.011, F.S.; providing that property that is owned or leased by a railroad or railway company does not have to satisfy the definition of "posted land" in order to obtain the benefits of ss. 810.09 and 810.12, F.S., in certain circumstances; reenacting s. 810.09(1)(a), F.S., relating to trespass on property other than structure or conveyance, for the purpose of incorporating the amendment to s. 810.011, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Judiciary.

By Representative Simmons and others—

HB 803—A bill to be entitled An act relating to the Sanford Airport Authority, Seminole County; amending chapter 71-924, Laws of Florida; authorizing the authority to enter into contracts, leases, franchises, or other arrangements with any person or persons granting the privilege of using or improving any project of the authority, or any portion thereof of space therein, for commercial purposes; providing requirements and limitations with respect thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rice—

HB 919—A bill to be entitled An act relating to the child support guidelines; amending s. 61.30, F.S.; creating a rebuttable presumption that a parent is able to earn minimum wage, as set by the United States Department of Labor; providing for the parent to present his or her rebuttal before a trier of fact; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

By Representative Brandenburg and others—

HB 957—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending ch. 24981 (1947), Laws of Florida, as amended; revising provisions applicable to the West Palm Beach Police Pension Fund; amending the definitions of "final average salary," "salary," and "service"; revising the provisions for membership; revising the member's contributions; allowing the purchase of permissive service; clarifying provisions related to credit for intervening military service; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel and others—

HB 1045—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Town of Davie; providing for annexation of the unincorporated area known as Pine Island Ridge; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Allen—

HB 1077—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida; amending the powers and duties of the Canaveral Port District, an independent special district in Brevard County, to authorize the district to sell or otherwise dispose of certain real property; providing the procedure for such sale or other disposition; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Legg—

HB 1153—A bill to be entitled An act relating to Pasco County Mosquito Control District, Pasco County; ratifying and confirming the creation of Pasco County Mosquito Control District pursuant to chapter 390, Florida Statutes (1951), as an independent mosquito control district; providing for a special act charter for the district pursuant to section 189.429, Florida Statutes; providing legislative intent; providing for applicability of chapters 388 and 189, Florida Statutes, and other general laws; providing for district boundaries; providing for officers, powers, rules, and a district budget; providing for liability and group insurance; providing construction; providing for severability; repealing chapter 71-839, Laws of Florida, relating to salary of board members; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative A. Gibson and others—

HB 1167—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending ch. 92-341, Laws of Florida, as amended; authorizing the waiver of payment and performance bonds for the construction of a public building, for the prosecution and completion of a public work, or for repair upon a public building or public work when the cost of the project is $500,000 or less and the contract for the construction, completion, or repair is awarded pursuant to an economic development program established to encourage local small businesses to participate in City of Jacksonville procurement programs; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Joyner and others—

HB 1243—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising the definition of "salaries or wages" to provide for an employer pickup so that the employees in Division A may make pension contributions on a pre-tax basis; revising longevity retirement provisions to provide for a multiplier of 1.15 percent for employees in Division B; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Needelman—

HB 1335—A bill to be entitled An act relating to the City of Melbourne, Brevard County; providing for extending the corporate limits of the City of Melbourne; providing for annexation of two unincorporated areas known and described as Aurora Road Area A and Aurora Road Area B; providing for elections; providing for effective dates of annexation; providing for the effects of annexation; providing for transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel—

HB 1355—A bill to be entitled An act relating to Broward County; amending chapter 94-429, Laws of Florida, as amended; authorizing expenditures for the purposes enumerated therein, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering goodwill toward its seaport, Port Everglades; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel—

HB 1359—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Coral Springs and the City of Parkland; providing for the annexation of specified unincorporated areas; providing for annexation of the unincorporated area known as Country Acres; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1419—A bill to be entitled An act relating to Indian River Mosquito Control District, Indian River County; codifying, amending, reenacting, and repealing special acts relating to the district; fixing and prescribing the boundaries of said district; providing for the government and administration of the district; naming the commissioners thereof and providing for election of their successors; providing and defining the powers and purposes of such district and of the board of commissioners thereof; authorizing and empowering said board to construct and maintain canals, ditches, drains, and dikes and to fill depressions, lakes, ponds, or marshes in order to eliminate breeding places of mosquitoes and sandflies and to control and eradicate mosquitoes and sandflies; providing for spraying or otherwise disbursing substances and materials over the area of such district for the purpose of controlling and eradicating mosquitoes and sandflies and diseases transmitted by the same; authorizing said board to do any and all acts or things necessary for the control and complete elimination of mosquitoes and sandflies in said district; authorizing and providing for the levy and collection of taxes upon all the real and personal taxable property in said district for carrying out the purposes of this act; authorizing the borrowing by the board of commissioners of said district in any one tax year of a sum not to exceed 80 percent of the estimated taxes to be collected on behalf of said district within such year and to evidence the indebtedness represented by any money so borrowed by written obligation of the district and providing for the payment of interest thereon and for the repayment thereof prior to the borrowing of any further sums in any subsequent year; limiting the amount of taxes that may be so levied by said board upon the taxable property within such district; prohibiting injury to any works controlled under or in pursuance of this act, to be punishable as provided by general law; legalizing and validating the acts of the Indian River Mosquito Control District herewith abolished and making all contracts of said Indian River Mosquito Control District so abolished binding upon the new Indian River Mosquito Control District; authorizing and prescribing generally the powers and duties of the Board of Commissioners of said new Indian River Mosquito Control District; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Proctor—

HB 1555—A bill to be entitled An act relating to the Hastings Drainage District, Putnam and St. Johns Counties; codifying, amending, reenacting, and repealing chapters 7969 (1919), 8880 (1921), 10671 (1925), 13654 (1929), 15616 (1931), 17978 (1937), 27310 (1951), 28382 (1953), 81-481, 88-511, and 89-514, Laws of Florida, relating to the district; providing for the continuation without interruption of the district and its boundaries as previously created and established; providing for membership of the Hastings Drainage District Board; providing for the powers, functions, and duties of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown and others—

HB 1685—A bill to be entitled An act relating to the Bay County Law Library; codifying, amending, reenacting, and repealing chapters 69-835, 75-328, 96-464, and 96-530, Laws of Florida, relating to the Bay County Law Library; providing legislative intent; providing a governing body; providing that the district is a dependent district; providing a district charter; eliminating obsolete provisions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Peterman and others—

HB 1707—A bill to be entitled An act relating to Trailer Estates Fire Control District, Manatee County; amending, codifying, reenacting, and repealing chapters 63-1587, 65-1894, 65-1895, 72-613, 80-534, 82-323, 84-473, 94-373, and 95-503, Laws of Florida, relating to the district; providing boundaries of the district; providing for a board of commissioners; providing for election and organization of the board; providing powers and duties of the board; providing for a special assessment; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the

board; providing for filling vacancies; providing for bonds; providing for severability; amending chapter 93-352, Laws of Florida, to remove a reference; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Dean and others—

HB 111—A bill to be entitled An act relating to administrative expunction of nonjudicial arrest records; amending s. 943.0581, F.S.; requiring the arresting law enforcement agency to apply to the Department of Law Enforcement for the administrative expunction of certain nonjudicial records of arrest; authorizing certain persons to apply directly to the department for administrative expunction in certain circumstances; requiring such persons to support such application with an endorsement; requiring an affidavit; providing that an application, endorsement, or affidavit may not be admitted into evidence or construed as an admission of liability; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Rules and Calendar.

By Representative Dean and others—

HB 113—A bill to be entitled An act relating to construction contracting; amending s. 255.05, F.S.; making certain restrictions in bonds issued for public works projects unenforceable; amending s. 489.118, F.S.; postponing a date for submitting an application for a certificate as a registered contractor; amending ss. 489.129 and 489.533, F.S.; increasing an administrative fine under certain disciplinary proceeding provisions; amending s. 713.015, F.S.; revising form criteria for a direct contract provision; preserving lien and bond rights of certain persons; specifying nonapplication to certain contractors or construction professionals; amending s. 713.02, F.S.; protecting the rights of certain persons to enforce certain contract, lien, or bond remedies or contractual obligations under certain circumstances; precluding certain defenses; amending s. 713.04, F.S.; revising certain final payment requirements; amending s. 713.08, F.S.; requiring a claim of lien to be served on an owner; amending s. 713.13, F.S.; revising provisions authorizing use of certain payment bonds to transfer certain recorded liens; specifying application of certain notice requirements to certain claims; revising time limits for serving certain required notices; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; prohibiting private providers performing inspection services from performing or approving certain inspections under certain circumstances; increasing a threshold amount for certain nonapplication; prohibiting issuing authorities or building officials from requiring recordation of a notice of commencement for certain purposes; authorizing authorities issuing building permits to accept permit applications electronically; requiring an electronic submission statement on the application; requiring provision of Internet access; amending s. 713.23, F.S.; clarifying provisions relating to payment bonds; amending s. 713.24, F.S.; providing construction to preserve county court jurisdiction over certain transfer bond claims for nonpayment; preserving certain lien rights when filing a transfer bond after commencing certain lien enforcement proceedings; amending s. 713.345, F.S.; revising criteria for certain criminal penalties for misapplication of construction funds; amending s. 713.3471, F.S.; revising a provision requiring a lender to provide notice to a property owner when making a disbursement on a construction loan secured by residential property; specifying nonapplication; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Governmental Oversight and Productivity.

By Representative McInvale and others—

HB 173—A bill to be entitled An act relating to economic development incentives; amending s. 212.20, F.S.; revising a limitation on monthly aggregate distributions to certified facilities for a retained spring training franchise; deleting provisions with respect to the entitlement of certified applicants to receive distributions for additional renovations and improvements to a facility without additional certification; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to a NASCAR Hall of Fame facility; providing for distribution of a portion of revenues from the tax on sales, use, and other transactions to specified units of local government owning eligible convention centers; providing limitations; requiring the Department of Revenue to prescribe certain forms; specifying uses of certain distributions; providing for future repeal; amending s. 288.1162, F.S.; requiring a verified copy of a binding agreement for payment of cost overruns as prerequisite for certification under certain circumstances; providing procedures for certification of additional facilities for a retained spring training franchise; providing for application and selection; establishing a maximum number of certifications and funding; providing evaluation criteria; clarifying the number of certifications of facilities for retained spring training franchises; specifying criteria certification for the remaining available certification slot; providing for future repeal; increasing the number of facilities certified by the Office of Tourism, Trade, and Economic Development as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise; providing an additional exception to disqualification for certification of an applicant when the franchise formed the basis of a previous certification; providing that payments to a certified applicant may not extend beyond the period for which the original certification was issued; specifying the date on which an applicant certified after the effective date of the act may receive disbursements; creating s. 288.1170, F.S.; specifying the Office of Tourism, Trade, and Economic Development as the state entity for screening NASCAR Hall of Fame facility applicants; providing for certification of such facility by the office; providing requirements for certification and operation of the facility; providing for distribution of funds; authorizing certain uses of funds distributed to the facility; providing procedural requirements for the office; limiting distribution of funds by the Department of Revenue; providing for audits by the department; providing for periodic recertification by the office; providing requirements; creating s. 288.1171, F.S.; providing for certification of units of local government owning eligible convention centers by the Office of Tourism, Trade, and Economic Development; requiring the office to adopt specified rules; providing a definition; providing requirements for certification; providing for use of proceeds distributed to units of local government under the act; providing for audits by the Auditor General; authorizing the Auditor General to pursue recovery of certain proceeds; barring certain local governments from receiving future distributions under certain circumstances; providing for revocation of certification; providing for future repeal; amending s. 320.08056, F.S.; providing for a NASCAR license plate fee; amending s. 320.08058, F.S.; providing for a NASCAR license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a NASCAR license plate; providing for the distribution and use of fees; providing contingent authorization to develop the tag; providing for an alternative deposit of certain license plate funds until certification of a NASCAR Hall of Fame; providing for alternative uses of such funds without certification; providing effective dates.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Representative Cretul—

HB 181—A bill to be entitled An act relating to pari-mutuel permitholders; amending s. 550.002, F.S.; revising the definition of "full schedule of live racing or games" for certain jai alai permitholders; amending s. 550.09511, F.S.; providing for license fees and taxes for certain jai alai permitholders; amending s. 550.334, F.S.; revising permitting and operational requirements for quarter horse permitholders; deleting a provision to allow quarter horse racing by vote of the county commission in lieu of referendum approval of such racing within a county; providing that specified provisions relating to elections to ratify permits and elections to revoke permits shall apply to quarter horse racing; revising requirements for substitution of thoroughbred horse racing for quarter horse racing; removing certain restrictions on such substitutions and requiring written consent from other permitholders within a certain area; revising restrictions on intertrack wagering for quarter horse permitholders and requiring written consent from other permitholders within a certain area; amending s. 849.086, F.S.; removing a prohibition

on transfer of cardroom licenses; providing for transfer of the cardroom license when a permit is relocated within a county under certain conditions; providing an effective date.

—was referred to the Committees on Regulated Industries; and Government Efficiency Appropriations.

By Representative Llorente and others—

HB 257—A bill to be entitled An act relating to student athletics; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to adopt bylaws relating to steroid use and the adherence to a coaches code of ethics; requiring development of such code; requiring the Florida High School Athletic Association to make recommendations for a pilot drug testing program to test for performance-enhancing drugs; providing an effective date.

—was referred to the Committees on Education; Health Care; Judiciary; and Education Appropriations.

By Representative Allen and others—

HB 315—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting from duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; providing an effective date.

—was referred to the Committee on Regulated Industries.

By Representative Gardiner and others—

HB 345—A bill to be entitled An act relating to the Florida Department of Law Enforcement; amending s. 943.61, F.S.; revising the powers and duties of the Capitol Police; amending s. 943.611, F.S.; revising duties of the director of the Capitol Police; amending s. 943.62, F.S.; revising provisions relating to investigations by the Capitol Police; amending s. 943.64, F.S.; revising provisions relating to designation of other law enforcement officers as ex officio agents of the Capitol Police; amending s. 943.68, F.S.; revising provisions relating to transportation and protective services of the Capitol Police; amending s. 316.640, F.S.; revising provisions relating to enforcement of traffic laws; amending s. 943.681, F.S.; revising provisions relating to the safety and security needs of the Historic Capitol and the R.A. Gray Building; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Oversight and Productivity.

By Representative Detert and others—

HB 381—A bill to be entitled An act relating to financial entities and transactions; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to adopt rules relating to obtaining such an accommodation; providing a requirement for granting or denying a license; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 494.0029, F.S.; specifying criteria for receipt of certain applications; specifying that certain permits are not transferable or assignable; amending s. 494.00295, F.S.; revising provisions to specify continuing education for certain professions; amending s. 494.003, F.S.; clarifying application of an exemption from application of specified mortgage broker licensure requirements to certain entities; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; specifying criteria for receipt of applications; authorizing the commission or the Office of Financial Regulation to require specified information from certain applicants; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for fingerprinting services; specifying that certain licenses are not transferable or assignable; amending s. 494.0033, F.S.; clarifying requirements for mortgage broker licensure; authorizing the commission to waive certain examination requirements under specified circumstances; authorizing the commission to prescribe additional testing fees; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; specifying criteria for receipt of applications; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0034, F.S.; clarifying the commission's authorization to prescribe license renewal forms; amending s. 494.0036, F.S.; clarifying provisions relating to issuance of licenses to mortgage brokerage business branch offices; specifying criteria for receipt of certain applications; amending s. 494.004, F.S.; conforming cross references; amending s. 494.0041, F.S.; specifying an additional ground for disciplinary action; amending s. 494.006, F.S.; clarifying the application of an exemption from mortgage lender licensure requirements to certain entities; amending s. 494.0061, F.S.; requiring licensure of mortgage lenders; specifying criteria for receipt of applications; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; specifying criteria for receipt of applications; authorizing the office to require applicants to provide certain information; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; requiring notice of a change in principal representatives; providing educational requirements for principal representatives; amending s. 494.0064, F.S.; clarifying a reference to professional continuing education for certain licensees; amending s. 494.0065, F.S.; specifying criteria for receipt of applications; specifying education and testing requirements for certain principal representatives and for certain applications or transfer applications; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; increasing a license transfer fee; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring mortgage lenders to designate a principal representative; providing criteria and requirements; requiring notice of a change in principal representatives; amending s. 494.0066, F.S.; clarifying licensure requirements for branch offices; amending s. 494.0067, F.S.; clarifying reference to professional continuing education requirements; amending s. 494.0072, F.S.; providing an additional ground for disciplinary action; amending s. 494.00721, F.S.; correcting cross-references; amending s. 501.137, F.S.; imposing attorney's fees and costs on lenders under certain circumstances; amending s. 516.03, F.S.; specifying criteria for receipt of certain applications; providing that specified fees are nonrefundable; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to make rules relating to obtaining such an accommodation; amending s. 516.031, F.S.; increasing a reimbursement charge for certain investigation costs; amending s. 516.05, F.S.; deleting provisions relating to fees for licenses that have been denied; amending s. 516.07, F.S.; providing an additional ground for disciplinary action; amending s. 516.12, F.S.; authorizing the commission to prescribe minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 517.061, F.S.; revising provisions related to exempt transactions; amending ss. 517.051 and 517.081, F.S.; revising standards for accounting principles to be used in preparing certain financial statements; amending s. 517.12, F.S.; revising provisions for taking and submitting fingerprints of dealers, associated persons, and similarly situated persons; revising provisions relating to expiration and

renewal of registration of such persons; providing an exemption from registration requirements for a Canadian dealer and an associated person who represents a Canadian dealer, under certain conditions; providing for notice filing by a Canadian dealer under certain conditions; authorizing the Office of Financial Regulation of the Financial Services Commission to issue a permit to evidence the effectiveness of a notice filing for a Canadian dealer; providing for the renewal of a notice filing by a Canadian dealer; providing for reinstatement of a notice filing; providing obligations for a Canadian dealer who has given notice of filing; providing obligations for an associated person representing a Canadian dealer who has given notice of filing; providing for the termination of a notice of filing; providing for the collection of fees; amending s. 517.131, F.S.; revising conditions under which recovery can be made from the Securities Guaranty Fund; amending s. 517.141, F.S.; prescribing circumstances under which a claimant must reimburse the fund; providing for rulemaking; amending s. 517.161, F.S.; providing an additional ground for revocation, restriction, or suspension of a registration; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; specifying criteria for receipt of certain applications; providing that certain fees are nonrefundable; amending s. 520.994, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; providing for rulemaking; amending s. 520.995, F.S.; providing an additional ground for disciplinary action; amending ss. 520.997 and 537.009, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending ss. 560.105 and 560.118, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for disciplinary action; amending s. 560.121, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; decreasing the required time period for the office to retain certain reports, records, applications, and related information; amending s. 560.126, F.S.; requiring notice of changes in information contained in a registration application; amending s. 560.205, F.S.; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; authorizing the commission to establish procedures for depositing fees and filing documents electronically; deleting a requirement that an applicant provide a list of certain vendors; requiring the reporting of certain changes of registration by written amendment; amending s. 560.207, F.S.; authorizing the commission to establish procedures for depositing fees and filing documents electronically; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; amending s. 560.210, F.S.; revising permissible investment requirements for certain registrants; specifying in general that accounting principles are those generally accepted in the United States; amending ss. 560.211 and 560.310, F.S.; requiring notice to the office of the location of certain amended records; amending ss. 560.305 and 560.308, F.S.; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; authorizing the commission to establish procedures for depositing fees and filing documents electronically; amending s. 560.306, F.S.; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring the reporting of certain changes of registration by written amendment; specifying commission authority by rules; amending s. 560.403, F.S.; revising requirements for giving notice of intent in connection with the renewal of registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a notice of intent; amending s. 655.935, F.S.; authorizing the search of a safe-deposit box co-leased by a decedent; providing limitations; amending s. 655.936, F.S.; providing for the delivery of a safe-deposit box to a court-appointed personal representative; amending s. 655.937, F.S.; revising provisions for access to safe-deposit boxes; amending s. 733.6065, F.S.; revising provisions related to the initial opening of a safe-deposit box leased or co-leased by a decedent; amending s. 817.801, F.S.; providing a definition; amending s. 817.802, F.S.; revising the amount of fees that a debt manager or credit counselor may charge to certain debtors; amending s. 817.804, F.S.; revising an audit requirement; amending s. 817.805, F.S.; providing that creditor contributions are exempt from disbursement requirements; providing appropriations; providing an effective date.

—was referred to the Committees on Banking and Insurance; Judiciary; and Governmental Oversight and Productivity.

By Representative M. Davis and others—

HB 435—A bill to be entitled An act relating to motor vehicle, mobile home, and vessel registration; amending ss. 316.605, 318.14, and 318.18, F.S., relating to vehicle licensing, noncriminal traffic infractions, and civil penalties; conforming cross-references; amending s. 320.01, F.S.; redefining the term "registration period"; defining the term "extended registration period"; amending s. 320.055, F.S.; establishing an extended registration period and renewal period for certain motor vehicles and mobile homes; amending s. 320.06, F.S.; extending the time period and increasing the fee for replacement of registration license plates; extending period of validity of license plates and validation stickers to provide for extended registration period; amending s. 320.07, F.S.; authorizing the biennial renewal of certain motor vehicle registration upon payment of cumulative sum of license taxes, service charges, surcharges, and other fees; amending s. 320.071, F.S.; clarifying that the registration period for a motor vehicle or mobile home may not exceed a specified number of months; amending s. 322.121, F.S., relating to reexamination of drivers; conforming a cross-reference; amending s. 328.72, F.S.; providing for an extended registration period for certain vessel owners; providing an effective date.

—was referred to the Committees on Transportation; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Representative Clarke and others—

HB 467—A bill to be entitled An act relating to assisted care communities; creating ch. 429, F.S., entitled "Assisted Care Communities," and transferring pt. III of ch. 400, F.S., relating to assisted living facilities, to pt. I of ch. 429, F.S., pt. VII of ch. 400, F.S., relating to adult family-care homes, to pt. II of ch. 429, F.S., and pt. V of ch. 400, F.S., relating to adult day care centers, to pt. III of ch. 429, F.S.; amending ss. 101.655, 189.428, 196.1975, 202.125, 205.1965, 212.031, 212.08, 296.02, 381.0035, 394.455, 394.4574, 394.463, 400.0063, 400.0069, 400.0073, 400.0077, 400.0239, 400.119, 400.141, 400.142, 400.191, 400.215, 400.23, 400.232, 400.401, 400.402, 400.404, 400.407, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4177, 400.4178, 400.418, 400.419, 400.4195, 400.42, 400.421, 400.422, 400.423, 400.424, 400.4255, 400.4256, 400.426, 400.427, 400.4275, 400.428, 400.429, 400.4293, 400.4294, 400.4295, 400.4296, 400.4297, 400.431, 400.434, 400.441, 400.442, 400.444, 400.4445, 400.447, 400.451, 400.452, 400.453, 400.462, 400.464, 400.497, 400.552, 400.555, 400.556, 400.557, 400.5572, 400.601, 400.618, 400.6194, 400.621, 400.628, 400.93, 400.962, 400.980, 400.9905, 400.9935, 401.23, 402.164, 408.033, 408.831, 409.212, 409.221, 409.907, 410.031, 410.034, 415.1111, 419.001, 430.601, 430.703, 435.03, 435.04, 440.13, 456.0375, 465.0235, 468.505, 477.025, 509.032, 509.241, 627.732, 651.011, 651.022, 651.023, 651.055, 651.095, 651.118, 765.1103, 765.205, 768.735, and 943.0585, F.S.; conforming references to changes made by the act; providing a directive to the Division of Statutory Revision to make necessary conforming changes to the Florida Statutes; providing an effective date.

—was referred to the Committees on Children and Families; and Health Care.

By Representative Murzin—

HB 505—A bill to be entitled An act relating to the communications services tax; amending s. 202.16, F.S.; requiring dealers to document exempt sales for resale; providing requirements; providing a definition; providing construction; providing for dealer provision of evidence of the

exempt status of certain sales through an informal protest process; requiring the Department of Revenue to accept certain evidence during the protest period; providing limitations; providing for retroactive application; requiring the department to establish a toll-free number for certain registration and resale certificate verification purposes; providing requirements; requiring the department to establish a system for receiving certain information relating to certificate numbers of dealers making purchases for resale; providing requirements; amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; authorizing municipalities or counties to use certain revenues distributed to a local government for certain purposes; amending s. 202.20, F.S.; limiting local government authority to make certain rate adjustments in the tax under certain circumstances; deleting obsolete provisions relating to making certain adjustments in the tax for certain periods; amending s. 202.21, F.S.; deleting provisions relating to local government adjustments of the tax by emergency ordinance or resolution to conform; specifying that certain amendments are remedial in nature and clarify certain provisions of law but do not grant rights to refund of certain fees or charges under certain circumstances; providing for nonapplication to certain emergency rates; providing effective dates.

—was referred to the Committees on Government Efficiency Appropriations; Communications and Public Utilities; Community Affairs; and Ways and Means.

By Representative Cannon and others—

HB 517—A bill to be entitled An act relating to university campus planning; amending s. 1013.30, F.S.; defining terms; requiring each university board of trustees to maintain a copy of the campus master plan on the university's website and provide for electronic copies of its draft master plan; providing duties of the Board of Governors; requiring that the university hold an informal public information session before the required public hearings are held on the draft master plan; requiring that the public hearings be held at specified times; limiting the issues that an individual may raise challenging a campus master plan; authorizing the university to execute a campus development agreement during the pendency of a challenge; providing for an evidentiary hearing to be held by the Division of Administrative Hearings if a challenge to the master plan is not resolved; specifying the evidentiary procedures to be used in such hearing; providing for attorney's fees in any dispute submitted to the state land planning agency or the Administration Commission in which the pleading or motion was made for an improper purpose or for economic advantage; revising procedures to resolve disputes between the university board of trustees and the host local government; requiring that Board of Governors rather than the State Board of Education adopt rules to administer the procedures for preparing and adopting the campus master plan; providing an effective date.

—was referred to the Committees on Community Affairs; and Education.

By Representative Fields and others—

HB 527—A bill to be entitled An act relating to road designations; designating Taye Brown Avenue, Charles B. Dailey Parkway, and Johnnie Mae Chappell Parkway in Duval County; designating Trooper Darryl Haywood Highway, Charles W. Cherry, Sr., Parkway, David Hinson Parkway, and Officer Robert F. Grim, Sr., Parkway in Volusia County; designating Dr. John M. Haile Memorial Boulevard in Marion County; designating Osun's Village and African Caribbean Cultural Arts Corridor in Miami-Dade County; designating Ralph C. Carter Parkway in Washington County; designating Henry Koerber Parkway in Walton County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was referred to the Committee on Transportation.

By Representative Bean—

HB 619—A bill to be entitled An act relating to the Ocean Highway and Port Authority, Nassau County; codifying, reenacting, amending, and repealing special acts of the Ocean Highway and Port Authority; providing for its membership, terms of office, officers, quorum, and meetings; defining the powers and duties of the authority; providing for compensation of authority members; authorizing the issuance of bonds and other instruments of indebtedness; providing for road and other projects; repealing chapters 21418 (1941), 24733 (1947), 26048 (1949), 27763 (1951), 30290 (1955), 67-1737, 67-1739, 67-1748, 69-1328, 83-471, 83-474, 84-486, 86-371, 87-439, and 91-347, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Negron and others—

HB 629—A bill to be entitled An act relating to health care practitioners; amending 458.303, F.S.; removing a provision on grounds for disciplinary action and certain action from a list of exemptions for certain nursing services; providing prohibitions for physicians; amending s. 459.002, F.S.; providing prohibitions for osteopathic physicians; providing an effective date.

—was referred to the Committees on Health Care; Banking and Insurance; and Health and Human Services Appropriations.

By Representative Adams and others—

HB 645—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 790.065, F.S.; requiring the department to review other records in addition to criminal history records to evaluate a potential buyer or transferee of a firearm, including an adjudication of mental defectiveness or a commitment to a mental institution as criteria that prohibit a person from purchasing a firearm; providing definitions; requiring the department to maintain an automated database of persons who are prohibited from purchasing a firearm; requiring each clerk of court to submit certain court records to the department within a certain period; requiring the department to delete certain records from the automated database upon the request of an individual meeting specified conditions; authorizing the department to disclose collected data to other federal or state agencies with regard to the sale or transfer of a firearm; authorizing the department to disclose certain information to the Department of Agriculture and Consumer Services for determining the eligibility of an applicant for a concealed weapons or concealed firearms license; requiring the clerk of court or mental hospital to provide additional information upon request following an appeal of an unapproved sale or transfer of a firearm; amending s. 914.25, F.S.; providing for recertification for protective services for an additional period, with reimbursement for expenses from the Victim and Witness Protection Review Committee; providing for unlimited protective services for a victim or witness without reimbursement; amending s. 937.021, F.S.; providing immunity to the department, other law enforcement agencies, and media representatives from civil liability for complying in good faith with a request to record or report information of an Amber Alert or Missing Child Alert; providing that a technical or clerical error or incorrect or incomplete information does not overcome the presumption of good faith in reporting information about an Amber Alert or Missing Child Alert; providing that it is a discretionary decision of the law enforcement agency or its employees to report, record, or display Amber Alert or Missing Child Alert information; amending s. 938.07, F.S.; requiring that a portion of certain court costs imposed for a conviction of driving or boating under the influence be deposited into the department's Operating Trust Fund instead of the Criminal Justice Standards and Training Trust Fund; amending s. 938.27, F.S.; requiring that investigative costs recovered on behalf of the department be deposited into the Forfeiture and Investigative Trust Fund of the department; amending s. 943.052, F.S.; requiring that disposition reports for dispositions relating to minor offenders are mandatory after a specified date; amending s. 68.07, F.S.; requiring a set of fingerprints as part of a name change petition; amending s. 943.05, F.S.; authorizing the department to retain fingerprints in certain circumstances and use retained fingerprints for certain purposes; providing for an annual fee; amending s. 943.053, F.S.; requiring the department to make certain information available to judges; limiting use of information; authorizing a criminal

justice agency to obtain a criminal history background check of a noncertified agency employee by submitting fingerprints to the department; requiring the department to adopt rules setting a fee for conducting the criminal history background search and establishing procedures; requiring that the criminal history check be provided by the department in certain circumstances; amending s. 943.0585, F.S.; prohibiting a court from expunging a criminal history record containing certain sexual offenses or certain offenses that require registration as a sexual offender; requiring a valid certificate of eligibility for expunction in a petition to expunge a criminal history record; specifying the time during which a certificate of eligibility for expunction is valid; requiring that a trial may not have occurred in order for a person to obtain a statement from the state attorney authorizing the expunction of a criminal record; authorizing a person who has secured a prior sealing or expunction of a criminal history record to seek a certificate of eligibility for expunction if the criminal history record was previously sealed for a certain number of years and is otherwise eligible for expunction; providing that a person who is seeking authorization for employment within or access to a seaport may not deny or fail to acknowledge arrests covered by expunged records; providing that the department may acknowledge expunged criminal history records under certain circumstances; amending s. 943.059, F.S.; enumerating certain sexual offenses and offenses that require registration as a sexual offender which may not be sealed; requiring a valid certificate of eligibility for sealing in a petition to seal a criminal history record; specifying the period during which a certificate of eligibility for sealing is valid; providing that the information contained in a sealed criminal record is available to a criminal justice agency for the purpose of conducting a criminal history background check for approval of a firearms purchase or transfer; prohibiting a person from denying arrests covered by his or her sealed criminal record when attempting to purchase a firearm; providing that a person who is seeking authorization for employment within or access to a seaport may not deny or fail to acknowledge arrests covered by sealed records; providing that the department may acknowledge sealed criminal history records under certain circumstances; amending s. 943.13, F.S.; requiring the department to enter fingerprints into a statewide automated fingerprint identification system; requiring the department to search each arrest fingerprint card received against fingerprints retained in the statewide automated fingerprint identification system; providing for refingerprinting by a certain date; amending ss. 943.1715 and 943.1716, F.S.; deleting the minimum number of hours required for basic skills training and continued employment training relating to diverse populations for law enforcement officers; repealing s. 943.2569, F.S., relating to an annual financial audit of criminal justice selection centers; amending s. 943.257, F.S.; authorizing the Criminal Justice Standards and Training Commission and the advisory board of a criminal justice selection center to inspect and copy any documents from a center in order to carry out oversight responsibilities, including documents pertaining to any internal or independent audits; amending s. 943.401, F.S.; requiring the department to investigate all public assistance that is provided by the state; requiring public assistance recipients to consent in writing to an investigation into their employment and financial histories by the Agency for Workforce Innovation; requiring the department to report the results of the investigations to the Agency for Workforce Innovation; authorizing the department to purchase goodwill and promotional materials; limiting the annual amount of such expenditures; prohibiting the unauthorized use of the department's emblems and names; providing a penalty; providing effective dates.

—was referred to the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

By Representative Grimsley—

HB 753—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; codifying, amending, reenacting, and repealing special acts relating to the authority; defining the powers and duties of said authority; granting to the authority power to acquire, lease, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate airport and other facilities; providing for the issuance of bonds of the authority, payable solely from funds provided therefor under the act, to pay the cost of acquiring, constructing, or reconstructing any facilities and the cost of improvements, extensions, enlargements, and equipment; granting to the authority power to acquire necessary real and personal property and to exercise the power of eminent domain; providing for the imposition and collection of charges for the use of and for the services furnished by any such facilities; authorizing the City of Sebring to make grants and conveyances to the authority; prescribing the powers and duties of the authority in connection with the foregoing and the rights and remedies of the holders of any bonds or revenue certificates issued under the provisions of this act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bowen—

HB 765—A bill to be entitled An act relating to Polk County; abolishing the Peace Creek Drainage District; amending the charter of the Lake Region Lakes Management District, as reenacted and amended by chapter 2004-393, Laws of Florida; redefining the territorial boundaries of the district; clarifying eligibility to vote for members of the board of commissioners of the district; revising the authority of the district to perform certain works on its property; limiting tax assessments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Domino and others—

HB 777—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; revising provisions relating to the West Palm Beach Firefighters Pension Fund; revising definition of the term "final average salary"; revising provisions relating to permissible investments; revising provisions relating to the BackDROP; providing for loans from the BackDROP; clarifying provisions relating to benefits of the surviving spouse of a member who dies in line of duty; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Reagan—

HB 783—A bill to be entitled An act relating to the Sarasota County Public Hospital District; amending chapter 2003-359, Laws of Florida; authorizing the Sarasota County Public Hospital Board to establish, operate, and maintain facilities and services outside the boundaries of the district; restricting the use of ad valorem tax funds to facilities and services within the district; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative D. Davis—

HB 801—A bill to be entitled An act relating to the Ponte Vedra Zoning District, St. Johns County; codifying, amending, reenacting, and repealing special acts relating to the district; providing boundaries; providing for continued merger of the Ponte Vedra Zoning Board and the Ponte Vedra Board of Adjustment into the Ponte Vedra Zoning and Adjustment Board appointed by the St. Johns County Board of County Commissioners from residents and electors of the district; providing for membership of the Ponte Vedra Zoning and Adjustment Board; providing for the powers, functions, and duties of the board; providing that the board in place of the local planning agency established pursuant to chapter 163, F.S., shall have the authority to make recommendations to the board of county commissioners in certain circumstances within the district; providing a location for hearings of the board; providing for funding; providing for frequency and calling of meetings by the board; providing severability; repealing chapters 65-2171 and 95-527, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Kreegel and others—

HB 811—A bill to be entitled An act relating to health insurance; amending s. 627.6699, F.S.; revising application of the act; providing construction; authorizing carriers to offer coverage to certain employees without being subject to the act under certain circumstances; providing requirements; amending s. 408.05, F.S.; changing the due date for a report from the Agency for Health Care Administration regarding the State Center for Health Statistics; changing the release dates for certain data collected by the State Center for Health Statistics; amending s. 408.909, F.S.; providing an additional criterion for the Office of Insurance Regulation to disapprove or withdraw approval of health flex plans; amending s. 627.413, F.S.; authorizing insurers and health maintenance organizations to offer policies or contracts providing for a high deductible plan meeting federal requirements and in conjunction with a health savings account; amending s. 627.638, F.S.; providing certain contract and claim form requirements for direct payment to certain providers of emergency services and care; amending s. 627.6402, F.S.; revising provisions for healthy lifestyle rebates for an individual health insurance policy; providing exceptions; providing application; amending s. 627.6487, F.S.; revising the definition of the term "eligible individual" for purposes of obtaining coverage in the Florida Health Insurance Plan; amending s. 627.64872, F.S.; revising definitions; changing references to the Director of the Office of Insurance Regulation to the Commissioner of Insurance Regulation; deleting obsolete language; providing additional eligibility criteria; reducing premium rate limitations; revising requirements for sources of additional revenue; authorizing the board to cancel policies under inadequate funding conditions; providing a limitation; defining the term "health insurance" for purposes of certain assessments; providing an exclusion; specifying a maximum provider reimbursement rate; requiring licensed providers to accept assignment of plan benefits and consider certain payments as payments in full; authorizing the board to update a required actuarial study; providing study criteria; amending s. 627.65626, F.S.; revising criteria for healthy lifestyle rebates for group and similar health insurance policies provided by health insurers; authorizing group or health insurers to contract with an independent third-party administrator for certain purposes; providing exceptions; providing application; amending s. 627.6692, F.S.; extending a time period within which eligible employees may apply for continuation of coverage; amending s. 627.6699, F.S.; revising availability of coverage provision of the Employee Health Care Access Act; including high deductible plans meeting federal health savings account plan requirements; revising membership of the board of the small employer health reinsurance program; revising certain reporting dates relating to program losses and assessments; requiring the board to advise executive and legislative entities on health insurance issues; providing requirements; amending s. 641.27, F.S.; increasing the interval at which the office examines health maintenance organizations; deleting authorization for the office to accept an audit report from a certified public accountant in lieu of conducting its own examination; increasing an expense limitation; amending s. 641.31, F.S.; revising criteria for healthy lifestyle rebates for health maintenance organizations; providing exceptions; providing application; providing an appropriation; providing application; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Ways and Means.

By Representative Goldstein and others—

HB 885—A bill to be entitled An act relating to regional autism centers; amending s. 1004.55, F.S.; creating an additional regional autism center in the state; reducing the number of counties within the service areas of two existing regional autism centers; providing for consistency in service delivery; encouraging each constituency board to raise funds; providing a prohibition; providing an effective date.

—was referred to the Committees on Education; and Children and Families.

By Representative Allen—

HB 899—A bill to be entitled An act relating to the Ranger Drainage District, Orange County; amending chapter 99-453, Laws of Florida; providing additional authority for limited fire control and prevention; providing for maintenance of passive recreation areas and facilities, environmental mitigation, security services, signage, and maintenance of common areas; increasing the membership of the governing board; providing for staggered terms of members; providing for a referendum; providing a ballot statement; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Galvano and others—

HB 937—A bill to be entitled An act relating to contamination notification; amending s. 376.301, F.S.; defining specified terms; creating s. 376.30702, F.S.; requiring notice when contamination is discovered as a result of site rehabilitation activities; providing requirements for notice; requiring notice when laboratory analytical results demonstrate that contamination exists in any medium beyond the boundaries of the property of the site rehabilitation; providing requirements for notice; providing rulemaking authority; amending ss. 287.0595 and 316.302, F.S.; conforming cross references; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Governmental Oversight and Productivity.

By Representative H. Gibson—

HB 987—A bill to be entitled An act relating to the Lake County Water Authority district; amending, codifying, reenacting, and repealing special acts relating to the district in conformity to s. 189.429, F.S.; providing district boundaries; providing purposes; providing for a governing body and prescribing its powers, duties, functions, membership, and organization; providing for partisan election of board members; providing duties of constitutional officers in Lake County with respect to the authority; providing a limit on the amount the authority may spend to educate the public regarding water issues; providing maximum millage limit; repealing chapters 29222 (1953), 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of Florida, relating to the district; providing for a referendum on whether elections to the authority shall be partisan; providing a ballot statement; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Stansel—

HB 999—A bill to be entitled An act relating to the Lake Shore Hospital Authority, Columbia County; amending, codifying, reenacting, and repealing chapters 24443 (1947), 25736 (1949), 30264 (1955), 61-2048, 63-1247, 65-1414, 72-509, 90-409, and 92-229, Laws of Florida, relating to the authority; providing definitions; providing for a governing body; providing for the governing body's purposes, powers, duties, and responsibilities; authorizing the issuance of revenue bonds, incidental powers, and refunding bonds; providing remedies for any holder of bonds or trustee; providing exemption of property from taxation; providing that bonds shall constitute legal investments; providing that act is complete and additional authority; providing taxing authority, including authority to levy ad valorem taxes; providing construction of act; providing severability; repealing special acts relating to the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Russell and others—

HB 1031—A bill to be entitled An act relating to the reuse and recycling of campaign signs; requiring the Department of Environmental Protection to design a pilot project to encourage the reuse or recycling of campaign signs; requiring the department to submit details of the program and a budget request for use of funds from the Solid Waste Management Trust Fund to the Governor and Legislature; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Community Affairs.

By Representative Sobel—

HB 1043—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending, reenacting, repealing, and codifying chapters 63-661, 82-273, 85-385, 94-428, and 97-370, Laws of Florida, relating to the North Lauderdale Water Control District; revising district boundaries; revising the powers of the district to provide that the district may borrow money at a rate not exceeding that which is provided by law; providing that the members of the board of supervisors shall be the "city commission," rather than the "city council," of the City of North Lauderdale and that a board chair and vice chair shall be elected at each annual meeting and as necessary to fill vacancies; providing meeting notice requirements and requiring that meetings be held at a public place; providing that the City Clerk of the City of North Lauderdale shall serve as the district secretary; providing for reimbursement of supervisors for travel expenses pursuant to s. 112.061, F.S.; providing that the interest rate on bonds issued by the board not exceed the maximum rate allowed by law; providing that the interest rates on tax anticipation notes issued by the board shall not exceed the maximum rate allowed by law; deleting provision relating to payment of taxes not authorized in advance; providing for the use of non-ad valorem assessments; updating references to ch. 298, F.S.; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel—

HB 1047—A bill to be entitled An act relating to Broward County; amending chapter 75-350, Laws of Florida, as amended; revising timeframe for municipal elections; providing dates for candidates to file paperwork; providing dates of municipal primary and general elections; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harrell—

HB 1053—A bill to be entitled An act relating to St. Lucie County; creating the St. Lucie County Research and Education Authority, an independent special district in St. Lucie County; providing definitions; providing for a governing board and powers; providing for a research and educational facilities benefit assessment; providing minimum charter requirements; providing for a referendum; providing for construction and severability; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Carroll and others—

HB 1063—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing in effect an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility for a specified period; providing for future repeal; postponing the repeal of and reviving and readopting s. 212.031(10), F.S., relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; providing for future repeal; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sale price or actual value of an admission; continuing in effect an exemption from the tax which is provided for admission charges to an event sponsored by a governmental entity, sports authority, or sports commission; providing for future repeal; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing effective dates.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Representative Allen—

HB 1079—A bill to be entitled An act relating to the Merritt Island Public Library District, Brevard County; codifying, amending, reenacting, and repealing chapters 65-1289, 72-477, 76-330, 82-263, and 94-449, Laws of Florida, relating to the district; providing boundaries; providing for appointment of a library board; prescribing its duties, powers, and authority; providing for raising funds by taxation; providing a method of levying, collecting, and disbursing such funds; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Justice—

HB 1099—A bill to be entitled An act relating to the Assistive Technology Advisory Council; amending s. 413.407, F.S.; revising composition, terms of service, and duties of the council; requiring the Commissioner of Education to appoint members of the council; deleting provision requiring the council to fund Florida's Alliance for Assistive Services and Technology; providing an effective date.

—was referred to the Committees on Education; and Commerce and Consumer Services.

By Representative D. Davis—

HB 1129—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; changing the term "television series" to "television programming" for purposes of the definition of the term "entertainment industry" in provisions establishing the Office of Film and Entertainment within the Office of Tourism, Trade, and Economic Development; amending s. 288.1254, F.S.; revising a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; revising definitions; revising application procedures and requirements; revising application approval provisions; revising reimbursement eligibility criteria and requirements; revising limits on reimbursement; revising the due date for the annual report to be submitted to the Governor and the Legislature; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Representative Bogdanoff and others—

HB 1159—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; during a specified period of

time, permitting local government employees who are members of the Senior Management Service Class, who have withdrawn from the Florida Retirement System, to elect membership in the defined benefit program or the public employee optional retirement program of the system; prescribing requirements in making such election; providing for payment of the costs of such membership; amending s. 175.041, F.S.; providing that any municipality that provides fire protection services to another municipality under an interlocal agreement is eligible to receive premium taxes; authorizing the municipality that receives the fire protection services to enact an ordinance levying the tax; authorizing the Division of Retirement within the Department of Management Services to distribute the premium taxes; amending s. 175.101, F.S.; authorizing any municipality that has entered into an interlocal agreement for fire protection services with another municipality to impose an excise tax on entities that are engaged in the business of property insurance; providing an effective date.

—was referred to the Committees on Community Affairs; Banking and Insurance; and Governmental Oversight and Productivity.

By Representative Quinones—

HB 1183—A bill to be entitled An act relating to the Orange County Civic Facilities Authority; codifying, reenacting, amending, and repealing chapters 71-803, 72-625, 73-569, 77-611, and 78-575, Laws of Florida, relating to the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Vana—

HB 1203—A bill to be entitled An act relating to the Acme Improvement District, Palm Beach County; providing for annexation of specified area; transferring land from the Lake Worth Drainage District to the Acme Improvement District; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Agriculture; and Representative Stansel and others—

HB 1231—A bill to be entitled An act relating to dealers in agricultural products; amending s. 604.15, F.S.; revising definitions; expanding the list of products covered by the law; defining the terms "negotiating broker" and "producer's agent"; amending s. 604.16, F.S.; revising exceptions to provisions regulating dealers; amending s. 604.18, F.S., relating to applications for dealer licensure; requiring dealers to provide mailing and location address information; requiring dealers to provide certain information relating to the dollar amount of business done or to be done; amending s. 604.19, F.S.; providing requirements relating to cancellation of a bond or certificate of deposit; increasing license fees and delinquent renewal penalties; amending s. 604.20, F.S.; increasing the minimum amount of a bond or certificate of deposit for licensure; providing a calculation for the amount of a bond or certificate of deposit; adding requirements relating to bond or certificate of deposit assignment or agreement; authorizing the Department of Agriculture and Consumer Services to issue a conditional license under certain conditions; amending s. 604.21, F.S.; increasing the minimum claim amount and requiring a complaint filing fee; providing requirements for submission of a complaint and payment for multiple claims; authorizing a dealer in agricultural products to file a complaint against another dealer in agricultural products; limiting the time a complaint may be held in abeyance; authorizing review of a final order; clarifying distribution of bond or certificate of deposit proceeds; amending s. 604.22, F.S.; revising recordkeeping requirements of licensees; clarifying application of provisions; amending ss. 604.23 and 604.25, F.S.; clarifying application of provisions; amending s. 604.30, F.S.; clarifying that a violator of provisions regulating dealers in agricultural products may be a person, partnership, corporation, or other business entity; increasing the maximum administrative fine and the fine for continued violation of an administrative order; providing an appropriation and authorizing full-time equivalent positions; providing an effective date.

—was referred to the Committees on Agriculture; Banking and Insurance; and Judiciary.

By Representative Joyner and others—

HB 1245—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation to issue an alcoholic beverage license to the Arts Council of Hillsborough County for use within the Tampa Theatre; providing that the license may be used for special events only; providing for payment of the license fee by the council; providing for sale of beverages for consumption within the theatre; prohibiting sales for consumption off the premises; providing that purchasers may remove partially consumed, open containers from the premises; providing for temporary transfer of the license; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sorensen—

HB 1291—A bill to be entitled An act relating to the Key Largo Fire Rescue and Emergency Medical Services District, Monroe County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of district personnel; providing for election of board officers; providing for compensation, oath, and bonds of commissioners; providing for powers, duties, and responsibilities of the board; providing for ad valorem taxes; providing a cap on the rate of taxation; providing for user charges; providing for impact fees; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances; authorizing the district to appoint a fire marshal; authorizing the district to conduct inspections, establish and operate fire, rescue, and emergency medical services; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; providing for an exclusive charter; requiring a referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Kravitz and others—

HB 1309—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended; revising provisions of Article 22 of the charter of the City of Jacksonville, relating to the Jacksonville Police and Fire Pension Board of Trustees; revising trustees' terms of office; providing authority of the board with regard to assets of the plan; revising provisions relating to the investment and reinvestment of assets in the pension fund; providing for applicability of state law; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown—

HB 1321—A bill to be entitled An act relating to the Dorcas Fire District, Okaloosa County; codifying the district's ordinances; providing intent; re-creating and providing a charter for the district; providing

district boundaries; providing purposes; providing definitions; providing for the election of a district board of commissioners; providing for terms of office; providing for officers and meetings of the board; providing for commissioners' compensation and expenses; requiring a bond; providing for records; providing general and special powers of the district; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for enforcement; providing for requirements and procedures for issuance of bonds; providing for expansion and merger of the district boundaries; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Homan and others—

HB 1329—A bill to be entitled An act relating to the Tampa Port Authority, Hillsborough County; amending chapter 95-488, Laws of Florida; providing definitions; revising provisions relating to membership of and appointment to the port authority; revising provisions relating to appointment of the port director and employment of other persons; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Evers and others—

HB 1347—A bill to be entitled An act relating to controlled substances; amending s. 893.033, F.S.; revising the definition of "listed precursor chemical" to include benzaldehyde, hydriodic acid, and nitroethane, and to remove anhydrous ammonia and benzyl chloride; revising the definition of "listed essential chemical" to include anhydrous ammonia, benzyl chloride, hydrochloric gas, and iodine; amending s. 893.13, F.S.; prohibiting a person from manufacturing methamphetamine or phencyclidine or from possessing listed chemicals with the intent to manufacture methamphetamine or phencyclidine; providing criminal penalties; providing for minimum terms of imprisonment in circumstances where a person commits or attempts to commit such crime in a structure or conveyance where a child is present and in circumstances where a child suffers great bodily harm; providing criminal penalties in circumstances where a person fails to store anhydrous ammonia as required; providing criminal penalties in circumstances involving a violation of ch. 893, F.S., which results in serious injury to a state, local, or federal law enforcement officer; increasing the criminal penalties if such violation results in death or great bodily harm to such officer; prohibiting a person from selling, manufacturing, delivering, or attempting to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of an assisted living facility; providing criminal penalties for such offense; specifying minimum terms of imprisonment for such offense; amending s. 893.135, F.S.; including offenses involving pseudoephedrine within the offense of trafficking in amphetamine; providing criminal penalties; providing that it is a capital offense to manufacture or import pseudoephedrine knowing that the probable result will be death; amending s. 893.149, F.S., relating to the prohibition against possessing listed chemicals; providing an exception to such prohibition for a person authorized to clean up or dispose of hazardous waste or toxic substances pursuant to ch. 893, F.S.; providing that damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical is the sole responsibility of the person unlawfully possessing, storing, or tampering with the chemical; providing that the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller is immune from liability in the absence of negligent misconduct or failure to abide by laws governing possession or storage; creating s. 893.1495, F.S.; limiting retail sales of products containing more than a specified amount of ephedrine or related compounds in a single transaction; providing restrictions on the retail display of products containing ephedrine or related compounds; requiring specified training for employees of retail outlets who engage in the retail sale of such products; providing that local regulations passed after a specified date that are more restrictive than this act are superseded; providing criminal penalties; reenacting s. 893.02(12), F.S., relating to the definition of the term "listed chemical," for the purpose of incorporating the amendment to s. 893.033, F.S., in a reference thereto; reenacting ss. 435.07(2), 921.187(1), 938.25, and 948.034(1) and (2), F.S., relating to exemptions from disqualification for certain employment, disposition and sentencing alternatives, the assessment of fees for purposes of funding the Operating Trust Fund of the Department of Law Enforcement, and the terms and conditions of probation, respectively, for the purpose of incorporating the amendment to s. 893.13, F.S., in references thereto; reenacting ss. 311.12(3)(c), 414.095(1), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3)(a), and (4)(a), 893.13(8)(d), 907.041(4)(c), 921.0022(3)(g), (h), and (i), 921.0024(1), 921.142(2), 943.0585, and 943.059, F.S., relating to seaport security standards, eligibility for temporary cash assistance, mandatory sentencing in circumstances involving the possession of use of a weapon, specified offenses that may be charged as murder if death results, prohibited acts by prescribing practitioners, circumstances in which the court may order pretrial detention, the offense severity ranking chart of the Criminal Punishment Code, worksheet computations and scoresheets under the Criminal Punishment Code, sentencing in capital drug trafficking cases, limitations on circumstances in which a criminal history record may be expunged, and limitations on circumstances in which a criminal history record may be sealed, respectively, for the purpose of incorporating the amendment to s. 895.135, F.S., in references thereto; reenacting ss. 397.451(4)(b) and (6), 772.12(2)(a), 893.1351(1), and 903.133, F.S., relating to background checks of service provider personnel, the Drug Dealer Liability Act, the prohibition against leasing or renting for the purpose of trafficking in a controlled substance, and the limitation of admission to bail, respectively, for the purpose of incorporating the amendments to ss. 893.13 and 893.135, F.S., in references thereto; providing applicability; providing an effective date.

—was referred to the Committees on Health Care; and Criminal Justice.

By Representative Sobel—

HB 1361—A bill to be entitled An act relating to the Performing Arts Center Authority, Broward County; codifying, reenacting, amending, and repealing special acts relating to the authority; providing that the authority is a public body, corporate and politic; providing purposes; providing membership and organization; providing definitions; providing for the method and manner of the appointment of the authority and terms of the authority's membership; providing for reimbursement of members' expenses; providing for removal of members; providing for the organization, powers, functions, financing, privileges, duties, and responsibilities of the authority; providing for competitive bidding in certain instances; authorizing the acquisition of certain property acquired by eminent domain; providing for budget approval by the Broward County Commission and the Fort Lauderdale City Commission; providing for the issuance of revenue bonds by the authority to carry out the purposes of this act; providing for sources of revenues for paying for the construction of facilities, the administrative expenses of the authority, and said revenue bonds; authorizing appropriations by the county, the city, and other governmental units in Broward County for operation and maintenance of said facilities; providing for public or private subscriptions; providing for the issuance of a license to sell alcoholic beverages for on-premise consumption; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Cannon and others—

HB 1373—A bill to be entitled An act relating to the Florida Faith-based and Community-based Advisory Board; creating s. 14.31, F.S.; providing legislative findings and intent; creating the Florida Faith-based and Community-based Advisory Board within the Executive Office of the Governor for certain purposes; providing for board membership; providing for terms of members; providing for successor appointments; providing for meetings and organization of the board; specifying serving without compensation; providing for per diem and travel expenses; specifying required activities of the board; specifying restricted

activities; requiring a report to the Governor and Legislature; providing for future repeal and abolition of the board; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Ways and Means.

By Representative Kottkamp—

HB 1381—A bill to be entitled An act relating to Lee County; creating the Sanibel Public Library District, an independent special district for public library purposes in the county; providing legislative intent; providing a charter for the district; fixing boundaries of the district; providing powers; providing for a governing body, officers, budget and taxing authority, and indebtedness; providing for planning; providing for construction and severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1421—A bill to be entitled An act relating to Indian River Farms Water Control District, Indian River County; codifying, amending, reenacting, and repealing special acts relating to the district; providing territorial boundaries of the district; making the provisions of ch. 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; providing that the approval of the board of drainage commissioners is not required to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that water is a common enemy; providing for compensation of the board of supervisors; providing for fines for introducing pollutants into the waters of the district; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1423—A bill to be entitled An act relating to the St. Johns Water Control District, Indian River County; codifying, amending, and reenacting special acts relating to the district; fixing and prescribing boundaries of said district; making the provisions of chapter 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the county and tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; providing that the approval of the board of drainage commissioners is not required to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that the board may enter into certain covenants and agreements with holders of bonds; providing that water is a common enemy; providing for compensation of the board of supervisors; providing for the levy of fines for the introduction of pollutants into the waters of the district; providing additional powers of the board; providing for severability of the provisions of the act; repealing chapters 65-812 and 69-1162, Laws of Florida, relating to the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1425—A bill to be entitled An act relating to the Technological Research and Development Authority, Brevard County; codifying, amending, reenacting, and repealing special acts relating to the district; providing purposes of the authority; setting a commission to govern the authority; prescribing the duties and responsibilities of the commission and terms of office; providing a procedure for the appointment of the commission; providing for liberal construction; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Reagan—

HB 1429—A bill to be entitled An act relating to Manatee and Sarasota Counties; creating within portions of such counties the "Lakewood Ranch Stewardship District Act"; providing a popular name; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing that the exercise of the special powers by the district within Manatee and Sarasota Counties is limited until such time as the district enters into an interlocal agreement with the respective county; providing for required notices to purchasers of residential units within the district; providing severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Machek—

HB 1433—A bill to be entitled An act relating to the Hobe-St. Lucie Conservancy District, Martin County; codifying, amending, reenacting, and repealing chapter 88-514, Laws of Florida, relating to the district; providing legislative intent; providing boundaries; providing powers; providing for a referendum to expand territorial boundaries; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Traviesa—

HB 1451—A bill to be entitled An act relating to insurance; creating s. 624.1275, F.S.; proscribing state agencies and political subdivisions from prohibiting or excluding licensed insurance agents from competing or negotiating for certain insurance products or plans; providing a definition; amending s. 636.044, F.S.; authorizing certain persons to engage in the solicitation and sale of certain insurance relating to air ambulance transportation costs; providing requirements and limitations; amending

s. 943.135, F.S.; authorizing certain employing agencies to require law enforcement officers and correctional officers to pass certain physical examinations for certain purposes; providing criteria, requirements, and limitations; authorizing certain employing agencies to set tobacco use standards for law enforcement officers and correctional officers employed by local governments; amending s. 631.181, F.S.; providing an exception to certain requirements for a signed statement for certain claims; providing requirements; creating s. 631.1915, F.S.; providing requirements for policyholder collateral, deductible reimbursements, and other policyholder obligations; specifying that certain collateral held by an insurer or a receiver to secure policyholder obligations under a deductible agreement are not an estate asset; requiring use of such collateral to secure policyholder obligations under such agreement; requiring a receiver to use such collateral to pay noncovered claims under certain circumstances; providing for certain claims to be claims against an insurer's estate under certain circumstances; requiring a receiver to allocate collateral among certain obligations and administer such collateral; authorizing a receiver to continue and enforce certain alternative policyholder claim funding contractual agreements; specifying certain actions as a bar to certain claims and an extinguishment of certain obligations; requiring a guaranty association to bill a policyholder for certain reimbursement amounts for certain claims; specifying policyholder obligation for certain amounts; prohibiting certain defenses; requiring a receiver to use certain collateral for certain purposes; requiring a receiver to prorate certain funds of an estate under certain circumstances; authorizing a guaranty association to deduct certain expenses; requiring a guaranty association to provide a complete accounting of certain billing and collection activities; authorizing a guaranty association to contract for certain collections; providing for claims against an insolvent insurer's estate for certain unreimbursed claims payments; requiring a receiver to periodically adjust collateral held pursuant to a deductible agreement; specifying jurisdiction of a state court to resolve disputes; preserving rights of a guaranty association to reimbursement for certain claims; providing application to certain orders of liquidation; providing definitions; providing for nonapplication to certain claims; amending s. 631.54, F.S.; revising a definition; amending s. 631.56, F.S.; revising the membership of the board of directors of the Florida Insurance Guaranty Association, Inc.; amending s. 631.57, F.S.; revising requirements and limitations for obligations of the association for covered claims; authorizing the association to contract with counties and municipalities to issue revenue bonds for certain purposes; creating s. 631.695, F.S.; providing legislative findings and purposes; providing for issuance of revenue bonds through counties and municipalities to fund assistance programs for paying covered claims for hurricane damage; providing procedures, requirements, and limitations for counties, municipalities, and the Florida Insurance Guaranty Association, Inc., relating to issuance and validation of such bonds; providing for payments on and retirement of such bonds from certain assessments; prohibiting pledging the funds, credit, property, and taxing power of the state, counties, and municipalities for payment of bonds; specifying authorized uses of bond proceeds; limiting the term of bonds; specifying a state covenant to protect bondholders from adverse actions relating to such bonds; specifying exemptions for bonds, notes, and other obligations of counties and municipalities from certain taxes or assessments on property and revenues; authorizing counties and municipalities to create a legal entity to exercise certain powers; requiring the association to issue an annual report on the status of certain uses of bond proceeds; providing report requirements; requiring the association to provide a copy of the report to the Legislature and Chief Financial Officer; prohibiting repeal of certain provisions relating to certain bonds under certain circumstances; providing severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

By Representative Sobel—

HB 1477—A bill to be entitled An act relating to Broward County; providing for the extension of corporate limits of the City of Cooper City and the Town of Davie; providing for annexation of the unincorporated area known as "United Ranches"; providing for annexation of the area known as "Rio Ranches Neighborhood"; providing for an election; providing for an effective date of annexation; providing for interlocal agreement; providing for continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel—

HB 1479—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; codifying, amending, reenacting, and repealing chapters 71-580, 84-398, 85-387, 87-505, 89-440, 91-353, 92-245, 94-445, and 96-537, Laws of Florida, relating to the district; providing legislative intent; deleting gender-specific references; providing a district charter; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Grimsley—

HB 1487—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; providing for codification of special laws relating to the Spring Lake Improvement District, a special tax district; providing legislative intent; codifying, reenacting, amending, and repealing chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida,; providing for minimum charter requirements; providing for provision of other laws made applicable; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown and others—

HB 1515—A bill to be entitled An act relating to the Board of Trustees of Bay Medical Center, Bay County; codifying, amending, reenacting, and repealing chapters 23183 (1945), 27396 (1951), 30578 (1955), 57-1140, 59-1073, 61-1871, 61-1876, 93-375, and 95-510, Laws of Florida, relating to the Board of Trustees of Bay Medical Center, an independent special district of the State of Florida; providing legislative intent for the ratification and confirmation of the establishment of the district; ratifying the appointments and terms of existing members of the board; deleting obsolete language; providing alternative methods for disbursing and receiving funds of the board; confirming inapplicability of the Administrative Procedure Act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown—

HB 1537—A bill to be entitled An act relating to Walton County; creating the Glendale Fire District, an independent special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing powers, duties, and responsibilities of the board; preserving the authority to levy non-ad valorem special assessments; providing for impact fees; authorizing the board to levy special assessments; providing legislative intent; providing duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution;

providing immunity from tort liability for officers, agents, and employees; providing for construction and effect; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Joyner and others—

HB 1559—A bill to be entitled An act relating to respite care; creating s. 400.4071, F.S.; creating an intergenerational respite care assisted living facility pilot program; providing legislative intent; providing duties of the Agency for Health Care Administration with respect to the program; providing requirements and standards for the program; providing for rules; requiring a report to the Legislature; providing an effective date.

—was referred to Committees on Health Care; and Health and Human Services Appropriations.

By Representative Hasner and others—

HB 1597—A bill to be entitled An act relating to hydrogen energy technology; creating s. 377.801, F.S.; creating the Hydrogen Energy Technologies Act; providing a popular name; creating s. 377.802, F.S.; providing legislative findings and intent; creating s. 377.803, F.S.; providing legislative purpose; creating s. 377.804, F.S.; providing definitions; creating s. 377.805, F.S.; creating the Hydrogen Energy Technologies Grants Program in the Department of Environmental Protection to provide grants for demonstration, commercialization, research, and development projects relating to hydrogen energy technologies; providing requirements and procedures therefor; providing rulemaking authority; amending s. 212.08, F.S.; creating a sales tax exemption for certain hydrogen energy technology projects; providing requirements and procedures therefor; requiring the Department of Environmental Protection to make determinations relating to certain projects; authorizing the Department of Revenue to adopt rules for tax exempt purchases; providing for future repeal of the exemption; amending s. 213.053, F.S.; providing for information sharing between the Department of Revenue and the Department of Environmental Protection; amending s. 220.02, F.S.; providing for the addition of tax credits relating to hydrogen energy technologies in the priority order of tax credits; creating s. 220.192, F.S.; creating a hydrogen energy technologies investment tax credit; providing definitions; providing requirements and procedures therefor; authorizing the Department of Revenue to perform certain audits and investigations; requiring the Department of Environmental Protection to provide technical assistance in certain audits and investigations; providing for revocation or modification of credits; providing for payment of tax and interest under certain circumstances; providing rulemaking authority; providing for future repeal of the credit; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" to include the amount taken as a credit for expenses related to hydrogen energy technologies; amending s. 366.075, F.S.; authorizing the Florida Public Service Commission to approve experimental or transitional rates to encourage the use of renewable energy; amending s. 366.8255, F.S.; revising the definition of the term "environmental compliance costs" to include costs related to the deployment of hydrogen energy technologies; providing for cost recovery of utility investment in hydrogen energy technologies; amending s. 633.022, F.S.; authorizing the State Fire Marshal to adopt uniform standards for hydrogen fueling, storage, and production facilities; providing rulemaking authority; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Environmental Preservation; Commerce and Consumer Services; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

By Representative Patterson and others—

HB 1651—A bill to be entitled An act relating to chiropractic education; amending s. 400.9905, F.S.; providing that pt. XIII of ch. 400, F.S., the Health Care Clinic Act, does not apply to clinical facilities affiliated with certain chiropractic colleges; amending s. 460.402, F.S.; providing an exception to regulation for chiropractic students participating in chiropractic college clinical internships; amending s. 460.403, F.S.; defining "chiropractic college clinical internship"; providing an effective date.

—was referred to Committees on Health Care; and Education.

By Representative Sobel—

HB 1657—A bill to be entitled An act relating to the Downtown Development Authority of the City of Fort Lauderdale, Broward County; codifying, amending, reenacting, and repealing chapters 65-1541, 67-1385, 69-1056, 75-371, 80-501, 85-393, 87-507, 89-431, 92-247, 93-392, and 95-531, Laws of Florida; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Evers—

HB 1677—A bill to be entitled An act relating to the Avalon Beach-Mulat Fire Protection District, Santa Rosa County; codifying, amending, reenacting, and repealing the special acts pertaining to the Avalon Beach-Mulat Fire Protection District; providing definitions; requiring the board to make annual reports; repealing chapters 80-608, 82-378, 82-379, and 91-392, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative H. Gibson—

HB 1705—A bill to be entitled An act relating to Lake County; amending chapter 93-358, Laws of Florida; revising provisions governing career service with the Lake County Sheriff's Office; revising definitions; deleting provisions relating to the establishment of divisions within the office; providing effect of voluntary and involuntary termination of employment on career service status; authorizing demotion of certain employees without cause; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Judiciary; and Representative Simmons and others—

HB 1709—A bill to be entitled An act relating to the state minimum wage; amending s. 95.11, F.S.; providing periods of limitations on actions for violations of the Florida Minimum Wage Act; creating s. 448.110, F.S., the Florida Minimum Wage Act; providing legislative intent to implement s. 24, Art. X of the State Constitution in accordance with authority granted to the Legislature therein; requiring employers to pay certain employees a minimum wage for all hours worked in Florida; incorporating provisions of the federal Fair Labor Standards Act; requiring the minimum wage to be adjusted annually; providing a formula for calculating such adjustment; requiring the Agency for Workforce Innovation and the Department of Revenue to annually publish the amount of the initial and adjusted minimum wage; providing criteria for posting; requiring the agency to provide written notice to certain employers; providing a deadline for the notice to be mailed; providing that employers are responsible for maintaining their current addresses with the

agency; requiring the agency to provide the department with certain information; prohibiting discrimination or adverse action against persons exercising constitutional rights under s. 24, Art. X of the State Constitution; providing for civil action by aggrieved persons; requiring aggrieved persons bringing civil actions to provide written notice to their employers alleged to have violated the act; providing information that must be included in the notice; providing a deadline by which an employer alleged to have violated the act must pay the unpaid wages in question or resolve the claim to the aggrieved person's satisfaction; providing a statute of limitations period; providing that aggrieved persons who prevail in their actions may be entitled to liquidated damages and reasonable attorney's fees and costs; authorizing additional legal or equitable relief for aggrieved persons who prevail in such actions; providing that punitive damages may not be awarded; providing that actions brought under the act are subject to s. 768.79, F.S.; authorizing the Attorney General to bring a civil action and seek injunctive relief; providing a fine; providing statutes of limitations; authorizing class actions; declaring the act the exclusive remedy under state law for violations of s. 24, Art. X of the State Constitution; providing for implementation measures; designating ss. 448.01-448.110, F.S., as part I of ch. 448, F.S.; providing a part title; providing for severability; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Judiciary; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By the Committee on Agriculture; and Representative Stansel—

HB 1717—A bill to be entitled An act relating to agriculture; amending s. 193.451, F.S.; clarifying the value for purpose of assessment for ad valorem taxes of certain property leased by the Department of Agriculture and Consumer Services; providing intent for retroactive application; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a part title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; revising definition of the term "material safety data sheet" for purposes of the Florida Agricultural Worker Safety Act; creating s. 487.2042, F.S.; providing for investigation of complaints; providing criteria for the commencement of an investigation; providing for exemption from civil liability under certain circumstances; providing penalties for making a false complaint; amending s. 502.014, F.S.; deleting a duty of the department relating to issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting reference to a milk type no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of "frozen desserts"; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; amending s. 570.07, F.S.; clarifying the power of the department relating to standards and fines; providing an additional power of the department; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; authorizing agreements with third-party providers to administer or implement the program; amending s. 570.9135, F.S.; correcting a reference; amending s. 570.952, F.S.; revising the membership of the Florida Agriculture Center and Horse Park Authority; providing criteria for expiration of terms; deleting requirement of submission of information to the Legislature; amending s. 581.011, F.S.; defining the term "invasive plant"; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agriculture in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring removal and destruction of plants under certain circumstances; specifying circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing requirement for an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for department regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing severability; providing an effective date.

—was referred to the Committees on Agriculture; Environmental Preservation; and Judiciary.

By Representative Kendrick—

HB 1793—A bill to be entitled An act relating to Alligator Point Water Resources District, Franklin County; codifying, amending, reenacting, and repealing chapters 63-1350 and 85-414, Laws of Florida; providing legislative intent; providing definitions; providing that the district may provide sewer and wastewater collection and disposal services; providing severability; providing construction; providing for annexation; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Brown—

HB 1829—A bill to be entitled An act relating to Holmes County; amending chapter 30843, Laws of Florida (1955), as amended, relating to the Holmes County Hospital Corporation; revising provisions relating to the corporation's issuance of bonds to construct and erect a new hospital facility in Holmes County; repealing various provisions of said chapter; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Environmental Regulation; and Representative Needelman and others—

HB 1855—A bill to be entitled An act relating to natural resources; amending s. 376.121, F.S.; providing an alternative to the compensation schedule for calculating natural resources damages; revising procedures relating to damage assessment; removing a restriction on amount of compensation; amending s. 380.06, F.S.; revising factors for determining a substantial deviation in developments of regional impact; amending s. 380.23, F.S.; revising the federally licensed or permitted activities subject to consistency review under the coastal management program; requiring certain environmental impact reports to be data and information for the state's consistency reviews; providing an effective date.

—was referred to the Committees on Environmental Preservation; and Communications and Public Utilities.

By the Committee on Governmental Operations; and Representative Kottkamp and others—

HB 1859—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 20.19, F.S.; revising provisions relating to plans, projections, and the mission of the Department of Children and Family Services; amending s. 20.315, F.S.; revising provisions relating to an evaluation of the Department of Corrections by the Florida Corrections Commission; amending s. 20.316, F.S.; revising provisions relating to reports of the Department of Juvenile Justice; amending ss. 20.43, 39.001, and 39.3065, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 39.4086, F.S., relating to a pilot program for attorneys ad litem for dependent children; amending ss. 39.523 and 98.255, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending s. 120.695, F.S., relating to a review of administrative rules; repealing s. 153.952, F.S., relating to legislative findings and intent concerning the condition or operation of privately owned water or wastewater utility systems and facilities; amending s. 161.053, F.S.; deleting obsolete provisions relating to the establishment of coastal construction control lines; amending s. 370.12, F.S.; conforming a cross reference; amending s. 161.161, F.S.; revising provisions relating to reporting requirements for beach erosion control projects; repealing s. 163.2526, F.S., relating to review and evaluation of specified provisions relating to urban infill and redevelopment; amending ss. 163.3167, 163.3177, 163.3178, 163.519, 186.007, 189.4035, 189.412, 194.034, 206.606, 212.054, and 212.08, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 213.0452, F.S., relating to certain required reporting by the Department of Revenue; repealing s. 213.054, F.S., relating to an annual report concerning persons claiming certain tax exemptions or deductions; amending ss. 215.5601 and 215.70, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending s. 253.7825, F.S.; deleting provisions relating to a conceptual recreational plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to certain canal structures; repealing s. 253.7829, F.S., relating to management plan for retention or disposition of former Cross Florida Barge Canal lands; repealing s. 265.56, F.S., relating to an annual report by the Department of State concerning certain indemnity claims; amending s. 267.074, F.S.; deleting requirements for a specified plan relating to historical markers; amending ss. 282.102, 284.50, 287.045, 287.16, and 288.108, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 288.1226, 288.1229, 288.7015, 288.853, 288.95155, 288.9604, 288.9610, 292.04, and 292.05, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 296.16, F.S., relating to reports concerning the Veterans' Domiciliary Home of Florida; repealing s. 296.39, F.S., relating to reports concerning veterans nursing homes; amending ss. 315.03, 319.324, 322.181, 322.251, 365.171, 365.172, 365.173, 366.82, 369.22, 370.26, 372.5712, and 372.5715, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 372.673, F.S., relating to the Florida Panther Technical Advisory Council; repealing s. 372.674, F.S., relating to the Advisory Council on Environmental Education; amending s. 372.672, F.S.; conforming to the repeal of s. 372.674, F.S.; amending ss. 373.0391, 373.046, 373.1963, and 376.121, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 376.17, F.S., relating to reports concerning operation of a specified pollution control program; amending ss. 376.30713, 377.703, and 380.0677, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 259.041 and 259.101, F.S.; correcting cross references; amending s. 381.0011, F.S.; deleting specified requirements for a Department of Health strategic plan; repealing s. 381.0036, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS for specified professional licensure applicants; amending ss. 381.732 and 381.733, F.S.; conforming cross references; amending ss. 381.795, 381.90, 381.931, and 383.19, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 383.21, F.S., relating to review of certain perinatal intensive care programs; amending ss. 383.2161, 384.25, 394.4573, 394.4985, and 394.75, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 394.82, F.S., relating to expanded funding of certain services; amending s. 394.655, F.S.; conforming provisions to the repeal of s. 394.82, F.S.; amending s. 394.9082, F.S.; revising provisions relating to behavioral health service strategies; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; amending ss. 395.807, 397.321, 397.333, 397.94, 400.0067, 400.0075, 400.0089, 400.407, 400.419, 400.441, 400.967, 402.3016, 402.40, 402.73, 403.067, and 403.4131, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 403.756, F.S., relating to a report concerning oil recycling; amending ss. 403.7226 and 403.7265, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending s. 403.7264, F.S.; conforming a cross reference; amending ss. 403.7895, 406.02, 408.033, 408.914, and 408.915, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 408.917, F.S., relating to evaluation of a health care eligibility pilot project; amending s. 409.1451, F.S.; revising reporting requirements relating to independent living transition services; repealing s. 409.146, F.S., relating to a children and families client and management information system; repealing s. 409.152, F.S., relating to service integration and family preservation goals; amending ss. 409.1679, 409.1685, 409.178, 409.221, 409.25575, 409.2558, 409.2567, 409.441, 409.906, 409.9065, 409.91188, and 409.912, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 394.9082, 409.9065, 409.91196, and 641.386, F.S.; conforming cross references; repealing s. 410.0245, F.S., relating to a study of service needs; amending s. 410.604, F.S.; deleting a requirement for an evaluation and report concerning a specified community care for disabled adults program; repealing s. 411.221, F.S., relating to a prevention and early assistance strategic plan; amending ss. 411.01 and 411.232, F.S.; conforming provisions to the repeal of s. 411.221, F.S.; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later (ENABL) program; amending ss. 413.402, 414.1251, 414.14, 414.36, 414.391, 415.1045, 420.622, 420.623, 427.704, 427.706, 430.04, 430.502, 445.003, 445.004, and 445.006, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; conforming provisions to the repeal of s. 411.242, F.S.; amending ss. 445.022 and 445.049, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 446.27, F.S., relating to a youth-at-risk pilot program annual report; amending s. 446.50, F.S.; deleting provisions relating to initial submittal of the displaced homemaker program plan; repealing s. 455.204, F.S., relating to long-range policy planning concerning professional regulation; amending ss. 455.2226, 455.2228, 456.005, 456.025, 456.031, 456.033, 456.034, and 517.302, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 526.3135, F.S., relating to reports by the Division of Standards of the Department of Agriculture and Consumer Services; amending s. 531.415, F.S., relating to a required notice to the Legislature concerning certain weights and measures regulation fees; repealing s. 553.975, F.S., relating to a report concerning energy conservation standards; amending ss. 570.0705, 570.0725, 570.235, 570.543, 570.952, 603.204, 627.351, 627.64872, 744.7021, 744.708, 765.5215, 768.295, 775.084, 790.22, 932.7055, 943.125, 943.68, 944.023, 944.801, 945.35, 958.045, 960.045, 985.02, 985.08, and 985.3045, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 985.3046, F.S., relating to certain reports concerning agencies and entities providing prevention services; amending ss. 985.305 and 985.3155, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 985.403, F.S., relating to a task force on juvenile sexual offenders and their victims; amending s. 985.412, F.S.; deleting a provision relating to submittal of a proposal concerning incentives for certain Department of

Juvenile Justice providers; amending ss. 1003.492, 1003.61, and 1004.50, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; repealing s. 1006.0605, F.S., relating to reports concerning student summer nutrition programs; amending ss. 1007.27, 1009.70, 1011.32, 1011.62, 1012.42, and 1013.03, F.S.; revising and deleting provisions relating to specified obsolete and outdated plans, reports, and programs; amending ss. 20.165, 309.01, 310.011, 455.01, and 455.217, F.S.; revising terminology relating to the organization of the Department of Business and Professional Regulation; providing effective dates.

—was referred to the Committees on Governmental Oversight and Productivity; and Government Efficiency Appropriations.

By the Committee on Business Regulation; and Representative Attkisson and others—

HB 1901—A bill to be entitled An act relating to pari-mutuel wagering; creating the Keep the Promise Act of 2005 to implement s. 23, Art. X of the State Constitution; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; amending s. 20.165, F.S.; establishing a Division of Slot Machines in the Department of Business and Professional Regulation; amending s. 550.5251, F.S.; revising licensing and permit requirements relating to required operating days for certain thoroughbred racing permitholders; revising timeframe for application of certain requirements; deleting requirement that certain thoroughbred permitholders operate the full number of days; providing for validity of certain permits; creating chapter 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by local referendum; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; providing definitions; providing legislative intent; providing powers and duties of the division; providing for construction of such provisions; directing the division to adopt rules necessary to implement, administer, and regulate slot machine gaming; requiring such rules to include application procedures, certain technical requirements, procedures relating to revenue, certain regulation and management and auditing procedures, certain bond requirements, and requirements for record maintenance, and payouts; providing for investigations by the division, the Department of Law Enforcement, and local law enforcement; providing for the investigation of violations in conjunction with other agencies; providing specified law enforcement powers to the division; providing for access to slot machine licensee facilities by the division, the Department of Law Enforcement, or local law enforcement; authorizing the division, the Department of Law Enforcement, or local law enforcement to make certain inspections and examinations; authorizing the division to collect certain monies and deny, revoke, suspend, or place conditions on the license under certain circumstances; providing for suspension or revocation of the license of an unqualified applicant or licensee; authorizing the division to adopt emergency rules for the regulation of slot machine gaming; providing for licensure to conduct slot machine gaming; prohibiting the division from accepting applications or issuing slot machine licenses prior to adoption of rules; providing for application for licensure; providing conditions for conducting slot machine gaming; providing requirements for receiving and maintaining a license which include compliance with slot machine regulations and regulations relating to pari-mutuel wagering, maintaining the pari-mutuel permit and license, conducting a certain number of live races or games, allowing access by the division, and submission of security plans; requiring prior approval by the division of certain changes in ownership of slot machine licenses; requiring notice to the division of certain changes in ownership; requiring permitholders to submit certain information and certification relating to games to the division and the Department of Law Enforcement; requiring review and approval of games by division; requiring a slot machine licensee to submit internal control procedures to the division for review and approval; authorizing the amendment of a pari-mutuel license within a specified time; providing for a reduction in the required number of live races or games under certain circumstances; prohibiting transfer of a license; providing a limit on the number of slot machines at a facility; requiring slot machine licensees to maintain certain reports for submission to the division; providing for an audit by an independent certified public accountant of the receipt and distribution of slot machine revenues; providing for annual renewal of the license; providing for a renewal application and procedures for approval; requiring corporate slot machine licensees to apply for and be issued a certificate of status; specifying the payment of state and local taxes as a condition for a slot machine license; requiring certification by the Department of Revenue of the payment of certain state and local taxes by a slot machine licensee; directing the division to revoke, suspend, or refuse to renew the license for failure to pay such taxes; requiring the slot machine licensee pay to the division an initial and annual license fee; providing for deposit of the fee into the Slot Machine Administrative Trust Fund for certain purposes; requiring the division to evaluate the license fee and make recommendations to the Legislature; providing for a tax on slot machine revenues to be deposited into the Educational Enhancement Trust Fund; requiring that slot machine taxes shall be used to supplement and not supplant public education dollars; requiring tax proceeds be first used to fund a grant program for laptop computers for certain students; directing the State Board of Education to adopt rules to implement such program; providing payment procedures; providing penalties for failure to make payments; providing for submission of funds by electronic funds transfer; providing for general, professional, and business occupational licenses; prohibiting transfer of such licenses; prohibiting a slot machine licensee from employing or doing business with persons or businesses unless such person or business is properly licensed; requiring occupational licensees to display identification cards under certain circumstances; providing for application forms, fees, and procedures; authorizing the division to adopt rules relating to applications, licensure, and renewal of licensure and fees therefor; requiring slot machine licensee to pay licensure fees of general occupational licensees; providing for reciprocal disciplinary actions with other jurisdictions; providing for disciplinary actions against a licensee for certain violations of regulations or laws; requiring fingerprints and criminal records checks of applicants or licensees; requiring certain costs of the records check be borne by the applicant or licensee; requiring licensees to provide equipment for electronic submission of fingerprints; authorizing the retention of fingerprints for the purposes of entering fingerprints into the statewide automated fingerprint identification system by a certain date; requiring licensees to inform the division of conviction of disqualifying criminal offenses; requiring certain racetracks and frontons to pay an annual fee; authorizing the Department of Law Enforcement to adopt rules relating to fingerprinting costs and procedures; requiring periodic additional criminal history checks for purposes of screening following issuance of a license; providing for distribution of funds into the Slot Machine Administrative Trust Fund; prohibiting certain relationships between employees of the division or board and licensees of the division; prohibiting division employees and occupational licensees and certain of their relatives from wagering on slot machines at certain facilities; prohibiting contracts that provide for revenue sharing between a manufacturer or distributor and slot machine licensees; prohibiting ownership or financial interests in slot machine licensees by certain manufacturers or distributors; prohibiting licensees or any entity conducting business on or within a licensed slot operation from employing employees of certain law enforcement or regulatory agencies; prohibiting certain false statements, exclusion of revenue for certain purposes, cheating, and theft of proceeds; providing penalties; providing for arrest and recovery; limiting liability for arrest and detention; providing penalties for resisting recovery efforts; authorizing manufacture, sale, distribution, possession, and operation of slot machines under certain circumstances; authorizing the division to exclude any person from licensed facilities under certain circumstances; directing the division to require certain signage in designated gaming areas and require certain equipment or facilities relating to races or games within the gaming area; requiring permitholder to provide office space; prohibiting a licensee and employees and agents of the licensee from allowing a person under a certain age to operate slot machines or to have access to the gaming area; prohibiting complimen-

tary alcoholic beverages, loans or credit, acceptance or cashing of third-party checks, and automatic teller machines; authorizing the suspension of play of slot machines by the division or the Department of Law Enforcement for suspicion of tampering or manipulation; limiting linkage of operating systems; prohibiting certain player enticements; providing for the hours of operation of slot machines; providing that the slot machine licensee is eligible for a caterer license under specified provisions; requiring the slot machine licensee maintain certain purchasing and hiring policies, use a certain job listing service provided by the Agency for Workforce Innovation, and implement certain equal employment opportunities; providing penalties for certain violations by a licensee; providing for deposit of fines collected; creating the State Slot Machine Gaming Board within the division; providing that the board is not a state entity; providing for public meetings and records of the board; providing for offices and personnel of the board; requiring the board comply with specified ethics provisions; providing for expenditures of state funds derived from regulatory fees; requiring the division provide administrative support for the board; providing purpose of the board; providing for membership of the board; providing for appointment and confirmation and terms of members; requiring financial disclosure; prohibiting interests in any slot machine licensee or the gambling industry; providing that members are state officers for specified purposes; authorizing per diem and travel expenses; providing for removal of members; providing for organization and meetings of the board; providing powers and duties of the board; authorizing the board to receive certain information and testimony; providing for evaluations, recommendations, and reports; directing the division to provide the board with certain proposed rules for review and response; requiring the board to prepare an annual report to be submitted to the Governor and Legislature; providing for content of the report; directing the Office of Program Policy Analysis and Government Accountability to conduct an annual performance audit of the board, the division, and slot machine licensees; providing for content of the audit; directing that office to submit the audit's findings and recommendations to the Governor and the Legislature; requiring the chief law enforcement officer of certain counties and municipalities to annually execute and transmit to the board an affidavit relating to certain funding; requiring the governing body of certain counties and municipalities and tourist development councils to annually adopt and transmit to the board a resolution relating to the operations of slot machine gaming; authorizing other governing bodies to transmit such a resolution to the board; authorizing the division to contract for a compulsive gambling treatment and prevention program; amending s. 849.15, F.S.; providing for transportation of certain gaming devices in accordance with federal law; amending s. 895.02, F.S.; providing that specified violations related to slot machine gaming constitute racketeering activity; providing that certain debt incurred in violation of specified provisions relating to slot machine gaming constitutes unlawful debt; preempting slot machine regulation to the state; providing for referenda deauthorizing slot machine operations as an undue burden; authorizing referenda declaring slot machine operations an undue burden; requiring a petition for a referendum; providing for ratification of tribal-state compacts by the Legislature; directing the Department of Transportation to conduct a study on the access roads to pari-mutuel facilities and Indian reservation lands where gaming activities occur; providing for content of the study; requiring a report to the Governor and the Legislature; providing appropriations for the Department of Business and Professional Regulation, the Department of Law Enforcement, and the Office of the State Attorney to carry out the provisions of the act; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Ways and Means.

By the Committee on Justice Appropriations; and Representative Barreiro and others—

HB 1917—A bill to be entitled An act relating to juvenile justice; amending s. 943.0515, F.S.; deleting the term "juvenile prison"; amending s. 985.03, F.S.; revising definitions relating to juvenile justice; creating a definition for the term "day treatment"; creating the minimum-risk nonresidential restrictiveness level; providing that temporary release may be granted under specified conditions to youth committed to the high-risk residential restrictiveness level; providing that high-risk residential facilities may be environmentally secure; removing juvenile prisons from the maximum-risk residential level; amending s. 985.201, F.S.; conforming to definition changes; amending s. 985.207, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; providing for a child to be taken into custody for specified court findings; amending s. 985.208, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; amending s. 985.213, F.S.; providing that permissible detention findings include specified criteria for taking a child into custody; amending s. 985.215, F.S.; providing for release from detention for a child who has absconded; providing exceptions that permit a child to be placed in detention postadjudication for more than 15 days; providing procedures for exceptions; conforming a cross reference; providing for detention for committed children awaiting placement; providing secure detention for children awaiting minimum-risk placement who violate home or nonsecure detention or electronic monitoring; providing for limited secure detention for children being transported to residential commitment programs; amending s. 985.2155, F.S.; revising the definition of a fiscally constrained county; amending s. 985.228, F.S.; requiring the court to include specified conditions in an order of adjudication of delinquency that are applicable to a youth for the postadjudication and predisposition period; amending s. 985.231, F.S.; revising provisions relating to powers of disposition; permitting a court to specify the program or facility a youth shall be placed in when committed; providing procedures for a court's specific placement; providing for commitment of a child to a specific high-risk residential or maximum-risk residential program or facility; providing the maximum length for a minimum-risk nonresidential commitment for a second degree misdemeanor; providing that the department or a provider report quarterly to the court the child's treatment plan progress; making conforming changes; amending s. 985.2311, F.S.; providing that parents shall pay fees for costs of supervision related to minimum-risk nonresidential commitment; amending s. 985.313, F.S.; conforming to definitions changes; amending s. 985.316, F.S.; providing for assessment of residentially committed youth for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; creating a new task force on juvenile sexual offenders and their victims; providing powers and duties; providing membership; requiring a report; providing for administrative support; providing for dissolution of the task force; creating a task force to study the certification of professional staff working for a provider of juvenile justice services; providing membership; requiring the task force to consider the feasibility of implementing and operating a certification system for professional staff; requiring the task force to consider specified issues; directing the task force to recommend a process for testing and validating the effectiveness of the recommended staff development system; requiring the task force to prepare and submit a report of its deliberations and recommendations by a specified date; providing for administrative support; providing for dissolution of the task force; amending s. 985.404, F.S.; requiring the court to issue written orders granting or denying specified department-requested transfers for committed youth; permitting the court to conduct a hearing; prohibiting specified department-requested transfers prior to department receipt of a written court order granting the transfer; amending s. 985.4135, F.S.; requiring juvenile justice county councils to develop criteria for law enforcement referrals to juvenile assessment centers; providing for permissible representation on juvenile justice county councils or circuit boards; amending ss. 784.075, 984.05, 985.31, and 985.3141, F.S.; conforming cross references; reenacting ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(k), and 985.311(3)(e), F.S., relating to jurisdiction, sentencing alternatives, commitment of serious or habitual juvenile offenders, and eligibility for an intensive residential treatment program for offenders less than 13 years of age, respectively, to incorporate the amendment to s. 985.231, F.S., in reference thereto; amending s. 985.407, F.S.; changing the level of background screening required for certain department and provider employees from level 1 to level 2; requiring federal criminal records checks every 5 years for certain department and provider employees; providing for electronic submission of specified fingerprint information; providing for retention of specified fingerprint information;

providing for searches; requiring the adoption of rules; providing for an annual fee; providing for notice of changes in the employment status of persons whose fingerprint information is retained; requiring the removal of fingerprint information upon the occurrence of specified events; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; and Justice Appropriations.

By the Health and Families Council; and Representative Benson and others—

HCB 6003 (for HB's 1869, 1871, 1873, 1875)—A bill to be entitled An act relating to Medicaid reform; providing a popular name; providing legislative findings and intent; providing waiver authority to the Agency for Health Care Administration; providing for implementation of demonstration projects; providing definitions; identifying categorical groups for eligibility under the waiver; establishing the choice counseling process; providing for disenrollment in a plan during a specified period of time; providing conditions for changes; requiring managed care plans to include mandatory Medicaid services; requiring managed care plans to provide a wellness and disease management program, pharmacy benefits, behavioral health care benefits, and a grievance resolution process; authorizing the agency to establish enhanced benefit coverage and providing procedures therefor; establishing flexible spending accounts; providing for cost sharing by recipients, and requirements; requiring the agency to submit a report to the Legislature relating to enforcement of Medicaid copayment requirements and other measures; providing for the agency to establish a catastrophic coverage fund or purchase stop-loss coverage to cover certain services; requiring a managed care plan to have a certificate of operation from the agency before operating under the waiver; providing certification requirements; providing for reimbursement of provider service networks; providing an exemption from competitive bid requirements for provider service networks under certain circumstances; providing for continuance of contracts previously awarded for a specified period of time; requiring the agency to have accountability and quality assurance standards; requiring the agency to establish a medical care database; providing data collection requirements; requiring certain entities certified to operate a managed care plan to comply with ss. 641.3155 and 641.513, F.S.; providing for the agency to develop a rate setting and risk adjustment system; authorizing the agency to allow recipients to opt out of Medicaid and purchase health care coverage through an employer-sponsored insurer; requiring the agency to apply and enforce certain provisions of law relating to Medicaid fraud and abuse; providing penalties; requiring the agency to develop a reimbursement system for school districts participating in the certified school match program; providing for integrated fixed payment delivery system for Medicaid recipients who are a certain age; authorizing the agency to implement the system in certain counties; providing exceptions; requiring the agency to provide a choice of managed care plans to recipients; providing requirements for managed care plans; requiring the agency to withhold certain funding contingent upon the performance of a plan; requiring the plan to rebate certain profits to the agency; authorizing the agency to limit the number of enrollees in a plan under certain circumstances; providing for eligibility determination and choice counseling for persons who are a certain age; requiring the agency to evaluate the medical loss ratios of certain managed care plans; authorizing the agency to adopt rules for minimum loss ratios; providing for imposition of liquidated damages; authorizing the agency to grant a modification of certificate-of-need conditions to nursing homes under certain circumstances; requiring integration of Medicare and Medicaid services; providing legislative intent; providing for awarding of funds for managed care delivery system development, contingent upon an appropriation; requiring the Office of Program Policy Analysis and Government Accountability conduct a study of the feasibility of establishing a Medicaid buy-in program for certain non-Medicaid eligible persons; requiring the office to submit a report to the Legislature; providing applicability; granting rulemaking authority to the agency; requiring legislative authority to implement the waiver; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the Medicaid reform waiver and issue reports; requiring the agency to submit status reports; requiring the agency to contract for certain evaluation comparisons; providing for future review and repeal of the act; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program;

providing an appropriation for the purpose of contracting to monitor and evaluate clinical practice patterns; providing an appropriation for the purpose of contracting for the database to review real-time utilization of Medicaid services; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing appropriations; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

By the Education Council; and Representative Mayfield and others—

HCB 6005 (for HB's 119, 167, 935, 1613, 1655, 1837, 1853)—A bill to be entitled An act relating to enhanced student opportunities; providing a popular name; amending s. 20.15, F.S.; providing for appointment of a Deputy Commissioner of Career Education in the Department of Education; amending s. 446.032, F.S.; providing duties of the department relating to apprenticeship programs and services; repealing s. 446.609, F.S., relating to the Jobs for Florida's Graduates program; amending s. 464.019, F.S.; authorizing the Board of Nursing to change faculty-to-student ratios only under certain circumstances; requiring a study to evaluate rules regarding clinical instruction; providing for assistance to approved nursing programs to expand capacity; amending s. 464.0195, F.S.; requiring the Florida Center for Nursing to develop and maintain an information system; requiring an implementation plan; amending s. 1001.02, F.S.; revising State Board of Education duties with respect to developing a postsecondary enrollment plan; requiring State Board of Education rules that address baccalaureate degree programs at community colleges; amending s. 1001.20, F.S.; creating the Office of Career Education in the Department of Education and providing responsibilities of the office; amending s. 1001.64, F.S.; providing that community colleges that grant baccalaureate degrees remain under the authority of the State Board of Education with respect to specified responsibilities; providing that the board of trustees is the governing board for purposes of granting baccalaureate degrees; providing powers of the boards of trustees, including the power to establish tuition and out-of-state fees; providing restrictions; requiring such boards to adopt a policy requiring teachers who teach certain upper-division courses to teach a specified minimum number of hours; amending s. 1002.23, F.S.; requiring guidelines for parents relating to the availability of the online student advising and guidance system and additional educational opportunities; amending s. 1003.492, F.S., relating to industry-certified career education programs; deleting obsolete provisions relating to studies; amending and renumbering s. 1004.85, F.S.; providing additional purposes for creation of educator preparation institutes; creating s. 1004.226, F.S.; defining the term "center of excellence"; providing purposes and objectives of centers of excellence; providing for proposals for establishing or expanding centers of excellence; requiring the State Board of Education to develop a plan recommending the establishment or expansion of centers of excellence; requiring reporting; amending s. 1004.65, F.S.; including community colleges approved to offer baccalaureate degree programs under authority to operate; requiring such community colleges to maintain their primary mission and prohibiting them from terminating associate degree programs; prohibiting a community college from offering graduate programs; amending s. 1004.68, F.S.; authorizing the continued awarding of degrees, diplomas, and certificates by community colleges approved to offer baccalaureate degree programs; creating s. 1006.01, F.S.; requiring the department to provide a secondary and postsecondary academic and career education online student advising and guidance system; providing requirements for such system; amending s. 1006.02, F.S.; requiring documentation that students have utilized the online student advising and guidance system; amending s. 1006.025, F.S.; requiring such documentation in guidance reports; amending s. 1007.2615, F.S.; revising provisions relating to certification of American Sign Language teachers; amending s. 1007.271, F.S.; specifying that dual enrollment courses are creditable toward high school graduation; providing for FTE calculation; conforming to law minimum academic credits required for graduation; clarifying requirements for participation of independent postsecondary institutions in a dual enrollment program; providing for fee exemption; amending s. 1007.33, F.S.; revising requirements for a proposal by a community college to deliver a baccalaureate degree program; requiring the State Board of Education to make proposals available for review and comment by other postsecondary educational institutions and authorizing alternative proposals; eliminating requirement for review and comment by the Council for Education Policy Research and Improvement; authorizing the State Board of Education to approve, deny, or require revisions to proposals; requiring periodic evaluation of approved programs; authorizing termination of funding for certain approved programs; requiring rulemaking; amending s. 1009.21, F.S.; revising provisions relating to determination of resident status for tuition purposes; providing for such determination for purpose of assessing tuition for instruction in workforce education programs offered by school districts; revising definitions and updating terminology; revising requirements for qualification as a resident; providing duties of institutions of higher education and school districts; providing for reclassification under certain circumstances; classifying as residents certain employees of international organizations; providing eligibility criteria for certain students who are not permanent residents of the United States for exemption from payment of nonresident tuition; limiting enrollment and requiring the department to administer the exemption program; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting community college tuition and out-of-state fees for upper-division courses; requiring the State Board of Education to adopt a resident fee schedule for baccalaureate degree programs offered by community colleges; revising provisions relating to the fee for capital improvements, technology enhancements, or equipping student buildings and the use thereof; providing requirements for the issuance and validation of bonds; revising provisions relating to the allocation for child care centers; amending s. 1009.24, F.S.; providing responsibilities of the Legislature and state university boards of trustees to establish tuition and fees; providing restrictions; creating s. 1009.286, F.S.; requiring students to pay 75 percent over the in-state tuition rate for certain excess credit hours; restricting certain credit hours for purpose of calculation; providing for notice of requirements; amending s. 1009.40, F.S.; providing general requirements for student eligibility for tuition assistance grants; providing that certain students are ineligible to receive more than one state-funded tuition assistance grant; amending s. 1009.66, F.S.; renaming the Nursing Student Loan Forgiveness Program and transferring administration of the program to the Department of Education; revising criteria for receiving funds under the program and for repayment of loans; requiring that certain nurses employed as faculty in an approved nursing program be given priority in receiving funds under the program; renaming the Nursing Student Loan Forgiveness Trust Fund and transferring administration of the trust fund to the Department of Education; authorizing the adoption of rules; amending s. 1009.67, F.S.; renaming the Nursing Scholarship Program and transferring administration of the program to the Department of Education; revising criteria for receiving funds under the program; revising repayment provisions; requiring the adoption of rules; creating s. 1009.895, F.S.; creating the Florida Independent Collegiate Assistance Grant Program; providing for program administration; authorizing tuition assistance grants to certain postsecondary education students enrolling in undergraduate degree programs for specified occupations; providing institution eligibility requirements; amending s. 1009.971, F.S.; providing that the Florida Prepaid College Board shall have the power to provide for the transfer of ownership of an advance payment contract under the Florida Prepaid College Program or a participation agreement under the Florida College Savings Program upon inheritance, devise, or bequest; providing procedures and requirements with respect to such transfer of ownership; providing for specification of application contents by rule; providing applicability; amending ss. 1009.972, 1009.98, and 1009.981, F.S.; authorizing the transfer of funds retained from terminated advance payment contracts, canceled contracts, and terminated participation agreements to the direct-support organization established under pt. IV of ch. 1009, F.S., for use by the Florida Prepaid Tuition Scholarship Program and for children of specified members of the armed

forces of the United States who die while participating in the combat theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom; deleting the requirement that an independent college or university be a not-for-profit institution to be eligible for transfer of benefits; providing a restriction on transfer of benefits; amending s. 1011.62, F.S.; providing for FTE calculation for dual enrollment instruction; amending s. 1011.83, F.S.; providing for funding of approved baccalaureate programs at community colleges; providing for use of funds and reporting requirements; creating pt. VI of ch. 1011, F.S.; establishing the SUCCEED, FLORIDA! Crucial Professionals Program; providing for the appropriation of funds to the Department of Education to be distributed on a competitive basis to postsecondary educational institutions to offer programs that meet critical workforce needs; providing for a request for proposals and requirements of such proposals; requiring establishment annually by the Legislature of a priority list; providing for funding of proposals; providing requirements for grant recipients and renewal grants; establishing the SUCCEED, FLORIDA! Crucial Professionals Nursing Education Grant Program, a contract grant program for increasing the capacity of approved nursing programs; requiring the Department of Education to establish guidelines and procedures; specifying requirements for grant proposals; establishing priorities for receipt of grants; providing for review, approval, and funding of proposals; requiring the State Board of Education to submit a report on implementation status; establishing the SUCCEED, FLORIDA! Career Paths Program to provide career and professional academy startup grants; providing qualification criteria; establishing the SUCCEED, FLORIDA! Great Jobs Program; providing for the appropriation of funds to the Department of Education to be distributed on a competitive basis to postsecondary educational institutions to produce graduates to enter certain occupations in the state; providing for a request for proposals and requirements of such proposals; requiring establishment annually by the Legislature of a priority list; providing for funding of proposals; providing requirements for grant recipients; amending s. 1012.82, F.S.; revising provisions relating to minimum contact hours for community college faculty who teach upper-division courses; amending s. 1013.60, F.S.; allowing community college boards of trustees to request funding for all authorized programs and specifying requirements; requiring that enrollment in baccalaureate degree programs be computed into the survey of need for facilities; creating ch. 1014, F.S., relating to career education; defining the term "career education"; providing elements of the rigorous career education system; providing guiding principles for career education; establishing the position of Deputy Commissioner of Career Education to direct the Office of Career Education in the Department of Education and specifying qualifications for the deputy commissioner; specifying responsibilities and duties; providing legislative expectations and funding criteria for the career education system; defining the term "career and professional academy"; providing elements and duties of a career and professional academy and for certification thereof; requiring adoption of rules; amending s. 215.20, F.S.; conforming provisions relating to a trust fund; creating a program to offer discounted computers and Internet access to public school students in grades 5 through 12; requiring the department to negotiate terms with computer manufacturers, nonprofit corporations that obtain reconditioned computer hardware, and broadband Internet access providers; requiring the adoption of rules; requiring the Digital Divide Council to implement a pilot project to assist low-income students with purchasing discounted computers and Internet access services; providing for funding and authorizing the council to accept grants to implement the pilot project; requiring the Office of Program Policy Analysis and Government Accountability to study implementation of career and professional academies and make recommendations; requiring a study and report by the Office of Program Policy Analysis and Government Accountability relating to student progression in state universities; requiring the department to identify specified examinations for earning postsecondary credit for mastery of nursing course material; requiring a status report; authorizing the position of Deputy Commissioner of Career Education and providing an appropriation; requiring the transfer of positions and funds for the creation of the Office of Career Education; providing for a type two transfer with respect to nursing loan programs; requiring the convening of a workgroup to make recommendations regarding bachelor of applied science degree programs; requiring a report; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from a trust agreement and statutory requirements; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By the Education Council; and Representative Quinones and others—

HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)—A bill to be entitled An act relating to education; amending s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education; amending s. 1000.01, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1001.03, F.S.; requiring the State Board of Education to review the Sunshine State Standards and provide a report evaluating the extent to which the standards are being taught; amending s. 1001.11, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; providing duties of the department relating to education goals; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties; amending s. 1001.41, F.S.; requiring district school boards to adopt policies to provide each student a complete education program; amending s. 1001.42, F.S.; providing requirements for each district school board's system of school improvement and student progression; providing components to increase student achievement; conforming provisions relating to deletion of a rigorous reading requirement and the designation of school grades; amending s. 1002.20, F.S.; conforming a cross reference and provisions relating to educational choice; amending s. 1002.38, F.S.; conforming provisions relating to the designation of school grades and revising the date for request of an Opportunity Scholarship; creating s. 1002.385, F.S.; establishing the Reading Compact Scholarship Program to provide students with reading deficiencies the option to attend a public or private school of choice; providing eligibility requirements for receipt of a Reading Compact Scholarship to attend a private school and restricting use of such scholarship; providing for the term of a scholarship; providing school district obligation to notify parents of available options; providing Department of Education obligations, including establishment of a process for notification of violations, subsequent investigation, and certification of compliance by private schools and selection of a research organization to analyze student performance data; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school's participation in the scholarship program and procedures and timelines therefor; providing private school eligibility requirements and obligations, including compliance with specified laws and academic accountability to the parent; providing parent and student responsibilities for scholarship program participation, including compliance with the private school's published policies, participation in student academic assessment, and restrictive endorsement of scholarship warrants; prohibiting power of attorney for endorsing a scholarship warrant; providing funding and payment requirements, including calculation of scholarship amount, payment process, and Department of Financial Services review; providing for immunity; providing scope of authority; requiring adoption of rules; creating s. s. 1002.395, F.S.; establishing the K-12 GI Bill Program to provide educational options for dependents of an active-duty member of the Florida National Guard who is serving in Operation Enduring Freedom or Operation Iraqi Freedom; providing that a student may attend a public school in the school district other than the one to which assigned; providing that a student may receive a K-12 GI Bill to attend a public school in an adjacent school district or to attend a private school; amending s. 1002.20, F.S., relating to student and parent rights to educational choice, to conform; creating s. 1002.421, F.S., relating to rights and obligations of private schools participating in state school choice scholarship programs; providing requirements for participation in a scholarship program, including compliance with specified state, local, and federal laws and demonstration of fiscal soundness; requiring restrictive endorsement of checks and prohibiting a school from acting as attorney in fact; requiring employment of qualified teachers and background screening of individuals with direct student contact; requiring adoption of rules; amending s. 1003.01, F.S.; revising definition of the term "special education services"; amending s. 1003.03, F.S.; modifying implementation provisions relating to constitutional class size requirements; creat-

ing s. 1003.035, F.S.; providing class size requirements based on district average contingent upon constitutional amendment; providing implementation and calculation requirements; specifying options to meet class size requirements; authorizing transfer of funds for class size reduction; requiring certain actions by school districts not in compliance; requiring constitutional compliance plans in certain instances; amending s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs even if maximum enrollment has been reached; removing charter schools from the definition of special academic programs; creating s. 1003.413, F.S.; requiring each school district to establish policies to assist high school students to remain in school, graduate on time, and be prepared for postsecondary education and the workplace; directing the Commissioner of Education to create and implement the Challenge High School Recognition Program; creating the High School Reform Task Force and providing for appointment of members; requiring recommendation of a long-term plan relating to high school reform and specifying items to be addressed; providing for termination of the task force; amending s. 1003.415, F.S.; providing the mission of middle grades; deleting the rigorous reading requirement for middle grade students; deleting obsolete language relating to a department study; creating s. 1003.4155, F.S.; specifying the grading scale for grades 6 through 8; creating s. 1003.4156, F.S.; specifying general requirements for middle school promotion; requiring an intensive reading course under certain circumstances; defining an academic credit; requiring school district policies and authorizing alternative methods for progression; requiring adoption of rules for alternative promotion standards; amending s. 1003.42, F.S.; revising provisions relating to required instruction and courses of study in the public schools; including study of the history of the United States and free enterprise; amending s. 1003.43, F.S., relating to general requirements for high school graduation; including study of the Declaration of Independence in the credit requirement for American government; amending s. 1003.57, F.S.; providing guidelines for determining the residency of an exceptional student with a disability who resides in a residential facility and receives special instruction or services; requiring the placing authority in a parent's state of residence to pay the cost of such instruction, facilities, and services for a nonresident exceptional student with a disability; providing requirements of the department and school districts with respect to financial obligations; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; defining the term "parent" for purposes of the section; authorizing adoption of rules; creating s. 1003.575, F.S.; requiring the department to coordinate the development of an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring the form to be available to school districts to facilitate the use of an individual education plan when a student transfers; amending s. 1003.58, F.S.; correcting a cross reference; amending s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated-pay policies; amending ss. 1005.22 and 1007.33, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1008.22, F.S.; specifying grade level and subject area testing requirements; requiring the State Board of Education to conduct concordance studies to determine FCAT equivalencies for high school graduation; deleting a limitation on and specifying requirements for the use of alternative assessments to the grade 10 FCAT; requiring an annual report on student performance; amending s. 1008.25, F.S.; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours; requiring the department to establish a uniform format for reporting information relating to student progression; requiring an annual report; repealing s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation; amending s. 1008.31, F.S.; deleting provisions relating to performance-based funding; revising goals and measures of the K-20 performance accountability system and requiring data quality improvement; providing for development of reporting and data collection requirements; requiring adoption of rules; amending s. 1008.33, F.S.; conforming provisions relating to the designation of school grades and a cross reference; authorizing district school boards to transfer teachers, faculty, and staff as needed; amending s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; specifying use of assessment data with respect to alternative schools; defining the term "home school"; requiring an annual school report card to be published by the department and distributed by school districts; creating s. 1008.341, F.S.; requiring improvement ratings for certain alternative schools; providing the basis for such ratings and requiring annual performance reports; providing for determination of school improvement ratings, identification of learning gains, and eligibility for school recognition awards; requiring an annual report card to be developed by the department and distributed by school districts; requiring adoption of rules; amending s. 1008.345, F.S.; conforming provisions relating to the designation of school grades and a cross reference; amending s. 1008.36, F.S.; providing for assignment of school grades to certain feeder pattern schools that do not receive such a grade for purposes of participation in the Florida School Recognition Program; defining feeder school pattern; providing that a feeder pattern school shall be subject to the Opportunity Scholarship Program; modifying procedures for determination and use of school recognition awards; amending s. 1008.45, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; repealing s. 1008.51, F.S., relating to the Council for Education Policy Research and Improvement; amending s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in a specified education program; providing funding for supplemental educational services for certain students; conforming cross references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation; amending s. 1011.64, F.S.; conforming terminology and cross references; amending s. 1011.685, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; creating s. 1011.6855, F.S.; creating an operating categorical fund to fund minimum pay requirements for certain instructional personnel contingent upon constitutional amendment; amending s. 1011.71, F.S.; correcting a cross reference; amending s. 1012.21, F.S.; requiring the department to annually post online school district collective bargaining contracts; amending s. 1012.22, F.S.; deleting a requirement that each district school board adopt a performance-pay policy; requiring each district school board to annually provide its negotiated collective bargaining contract to the department; creating s. 1012.2305, F.S.; establishing minimum pay for certain instructional personnel contingent upon constitutional amendment; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching salary career ladder program; creating s. 1012.2312, F.S.; requiring each district school board to adopt a differentiated-pay policy for instructional personnel; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2313, F.S.; requiring each district school board to have a differentiated-pay policy for school administrators; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and authorizing incentives; providing procedures for noncompliance; providing requirements relating to collective bargaining; amending s. 1012.27, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; amending s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement; creating s. 1012.986, F.S.; establishing the A+ Professional Development Program for School Leaders; defining the term "school leader"; establishing school leadership designations; providing program requirements and delivery systems; requiring adoption of rules; repealing s. 1012.987, F.S., relating to rules for a leadership designation; creating s. 1013.381, F.S.; requiring each district school board to adopt and implement an indoor environmental quality policy which provides for periodic surveys; providing that the policy may include certain requirements; providing for indemnification under certain circumstances; requiring display of indoor environmental quality training completion; requiring adoption of rules; amending s. 1013.512, F.S.; requiring the release of funds remaining in reserve relating to school district land acquisition and facilities operations; specifying when a Land Acquisition and Facilities Advisory Board shall be disbanded; establishing the Charter School Task Force and specifying composition and duties; requiring the department to provide staff support to the task force; providing severability; providing effective dates.

—was referred to the Committees on Education; and Education Appropriations.

By Representative Harrell and others—

HB 185—A bill to be entitled An act relating to public records and public meetings exemptions; creating s. 383.412, F.S.; providing an exemption from public records requirements for any information that reveals the identity of surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by, and which information is held by, the State Child Abuse Death Review Committee or local committee, or a panel or committee assembled by the state committee or a local committee; providing that confidential or exempt information obtained by such committees or panels will retain its confidential or exempt status; providing an exemption from public meetings requirements for portions of meetings of such committees or panels wherein confidential and exempt information is discussed; authorizing the State Child Abuse Death Review Committee and local child abuse death review committees to share relevant confidential and exempt information regarding case reviews involving child death; providing a penalty for the unauthorized disclosure of confidential information concerning child fatalities; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Health Care; and Governmental Oversight and Productivity.

By the Committee on Choice and Innovation; and Representative Stargel and others—

HJR 1843—A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 26 of Article XII of the State Constitution relating to public education.

—was referred to the Committees on Education; and Education Appropriations.

By the Committee on Business Regulation; and Representative Attkisson—

HB 1903—A bill to be entitled An act relating to public records; creating s. 551.1078, F.S.; creating an exemption from public records requirements for trade secrets held by the Division of Slot Machines in the Department of Business and Professional Regulation; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Ways and Means.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 106, SB 252, SB 308, CS for CS for SB 334, SB 470, CS for SB 478, SB 498, CS for SB 530, SB 550, CS for CS for SB 572, CS for SB 656, CS for SB 658, CS for SB 720, CS for SB 1056, CS for SB 1094, CS for SB 1208 and CS for CS for CS for SB 1314.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—CS for CS for SB 2178; Bennett—SB 966; Constantine—SB 2312; Klein—CS for CS for SB 328, SB 752, CS for SB 1466, CS for SB 2266; Siplin—CS for CS for SB 1456; Wilson—SB 984

RECESS

On motion by Senator Pruitt, the Senate recessed at 6:58 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, May 4 or upon call of the President.

Journal of the Senate

Number 25—Regular Session **Wednesday, May 4, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 10:25 a.m. A quorum present—39:

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Excused: Senator Lawson until 2 p.m.

PRAYER

The following prayer was offered by the Rev. Doctor Betsy Steier, Senior Minister, First Christian Church, Tampa:

Almighty and loving God, we give you thanks for the precious gift of this day, a new day of life. We seek your presence in this session, and give you thanks for these individuals who have been chosen and who answered the call to serve the people of this beautiful state.

You have given them strength, as they have spent days, weeks and months apart from their homes and families, to make decisions that affect all of our homes and families. You have given them wisdom, to discern with your guidance and direction. You have given them compassion, to serve in the spirit of care and love for the people whom you have entrusted to them. You have given them perseverance, to continue forward in the midst of difficulties.

May you continue to bless them in these final days of session with that same strength, wisdom, compassion, and perseverance. Guide them in all problems and possibilities, all obstacles and opportunities, so that when all is done, they may be at peace and joy in knowing that what they have done and sacrificed has been in the spirit of your love.

To the glory of God, we pray and serve. Amen.

PLEDGE

Senate Pages Karl-Michael Heinle of Miami; Michael Jack of Ft. Lauderdale; Annabelle Carbonell of Orlando; and Jessica Lee Jones of Windermere, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

On motion by Senator Klein—

By Senator Klein—

SR 754—A resolution recognizing the 25th Anniversary of the Jewish Federation of South Palm Beach County, the 20th Anniversary of their Jewish Community Foundation, and the bar mitzvah year of the Richard and Carole Siemens Campus.

WHEREAS, the Jewish Federation of South Palm Beach County and the Jewish Community Foundation this year celebrate their 25th and 20th Anniversaries, respectively, and

WHEREAS, beginning humbly in Boca Raton as a small satellite office of the West Palm Beach-based Jewish Federation of Palm Beach County, the Jewish Federation has become one of the most active and prominent in the country and grown from a membership of 37,000 people in 1980 to more than 130,000 today, and

WHEREAS, this vigorous development was spearheaded by James Baer, who recognized the need for a separate federation in Palm Beach County, and by Roy Flack, Stanley Katz, and Richard Siemens, who donated land for a federation site west of Boca Raton, and

WHEREAS, the Federation's vibrant Richard and Carole Siemens Campus, built on that land, is celebrating its bar mitzvah year with improvements to its facilities and its security, and the Jewish Federation has also expanded to both the North Campus and the Weinberg Center in Delray Beach, and

WHEREAS, through the vigorous work of its lay leadership and its dedicated professionals, and with the generous support of its membership, the Jewish Federation of South Palm Beach County has accomplished great things over the past quarter century in working toward its primary goal -- to make life better for Jews no matter where they live, and

WHEREAS, the Jewish Federation has raised hundreds of millions of dollars to rescue, educate, and comfort needy Jews in our state and region and in dozens of countries around the world, and has joined its efforts with, and continues to support, the Ruth Rales Jewish Family Center, the Donna Klein Jewish Academy, the Adolph and Rose Levis Jewish Community Center, the Jewish Association for Residential Care, and other local, national, and international social service agencies and educational institutions, and

WHEREAS, the Jewish Federation and its Foundation have fulfilled the promises of their motto -- "Honoring our roots. Living our values. Strengthening our future." -- and continue to provide a shining example of community spirit and humane and enlightened social action, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes and commends the community-building and human welfare accomplishments of the Jewish Federation of South Palm Beach County and the Jewish Community Foundation on their 25th and 20th Anniversaries, respectively, and also recognizes the bar

mitzvah year of the Richard and Carole Siemens Campus and its expansion and development as landmarks of the vision and commitment of these exemplary organizations.

—was introduced out of order and read by title. On motion by Senator Klein, **SR 754** was read the second time in full and adopted.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

Consideration of **SB 342** and **CS for SB 1730** was deferred.

CS for SCR 2024—A concurrent resolution providing that Joint Rule 1 of the Joint Rules of the Legislature, relating to legislative lobbying, is superseded by the provisions of Committee Substitute for Senate Bill 2646 to the extent that such Joint Rule conflicts with or is inconsistent with the provisions of Committee Substitute for Senate Bill 2646, as enacted by the Legislature; authorizing technical and stylistic changes to conform the Joint Rules of the Legislature; providing for publication in the journals of the respective houses of the Legislature.

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That, effective January 1, 2006, Joint Rule 1 of the Joint Rules of the Legislature, relating to legislative lobbyist registration and reporting, is superseded by and amended to conform to the provisions of Committee Substitute for Senate Bill 2646 to the extent that such Joint Rule conflicts with or is inconsistent with Committee Substitute for Senate Bill 2646, as enacted by the Legislature. Joint Rule 1, as created herein, shall remain in effect until amended by the Legislature.

BE IT FURTHER RESOLVED that the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to make technical and stylistic changes to conform the Joint Rules of the Legislature to the provisions of this Concurrent Resolution and to publish the same in the Journal of the Senate and the Journal of the House of Representatives no later than January 1, 2006.

—was read the second time in full. On motion by Senator Posey, **CS for SCR 2024** was adopted and certified to the House.

Consideration of **CS for CS for SB 486** was deferred.

On motion by Senator Sebesta, by two-thirds vote **HB 1025** was withdrawn from the Committees on Transportation; Criminal Justice; and Justice Appropriations.

On motion by Senator Sebesta—

HB 1025—A bill to be entitled An act relating to the misuse of laser lighting devices; amending s. 784.062, F.S.; revising the definition of "laser lighting device"; providing that any person who knowingly and willfully aims a laser lighting device at a person operating a motor vehicle, vessel, or aircraft commits a felony of the third degree; providing that any person who causes bodily harm while improperly pointing the laser lighting device at the operator of a motor vehicle, vessel, or aircraft commits a felony of the second degree; providing penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 830** and read the second time by title.

Pursuant to Rule 4.19, **HB 1025** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for SB 2348—A bill to be entitled An act relating to the tax on intangible personal property; amending s. 199.032, F.S.; reducing the annual rate of the tax; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2348** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith, by two-thirds vote **HB 643** was withdrawn from the Committees on Agriculture; Commerce and Consumer Services; Government Efficiency Appropriations; and Ways and Means.

On motion by Senator Smith—

HB 643—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for farm equipment; amending s. 212.02, F.S.; revising definitions; amending s. 212.08, F.S.; making total a partial exemption for certain farm equipment; amending s. 212.12, F.S.; correcting a cross reference to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 696** and read the second time by title.

Pursuant to Rule 4.19, **HB 643** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

SB 2572—A bill to be entitled An act relating to nursing home firesafety; amending s. 633.022, F.S.; requiring nursing homes to be protected by certain automatic sprinkler systems; providing a schedule; authorizing the Division of State Fire Marshal to grant certain time extensions; authorizing the division to adopt certain rules; providing for administrative sanctions under certain circumstances; requiring adjustments to certain provider Medicaid rates for reimbursement for Medicaid s portion of costs to meet certain requirements; requiring funding for such adjustments to come from existing nursing home appropriations; creating s. 633.024, F.S.; providing legislative findings and intent; creating s. 633.0245, F.S.; authorizing the State Fire Marshal to enter into an investment agreement with public depositories to establish the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program as a limited loan guarantee program to retrofit nursing homes with fire protection systems; providing investment and agreement limitations; requiring the State Fire Marshal to solicit requests for proposals; providing for application requirements and procedures; providing for review and approval by the State Fire Marshal; providing application requirements and procedures for program loans by public depositories; providing deadlines and limitations; limiting certain claims for loss under certain circumstances; providing a definition; authorizing the State Fire Marshal to adopt rules; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2572** to **HB 1267**.

Pending further consideration of **SB 2572** as amended, on motion by Senator Webster, by two-thirds vote **HB 1267** was withdrawn from the Committees on Community Affairs; Regulated Industries; Banking and Insurance; and Government Efficiency Appropriations.

On motion by Senator Webster—

HB 1267—A bill to be entitled An act relating to nursing homes; amending s. 400.23, F.S.; providing for alternative bed locations in nursing home rooms and providing criteria for bed placement; requiring a signed statement from the resident or representative if the alternative bed placement is not in compliance with the Florida Building Code; requiring the facility to maintain a log of alternative bed placements and to retain the signed statements; requiring the nursing home to notify the Agency for Health Care Administration with respect to such practice; amending s. 633.022, F.S.; requiring nursing homes to be protected by certain automatic sprinkler systems; providing a schedule; authorizing the Division of State Fire Marshal to grant certain time extensions; authorizing the division to adopt certain rules; providing for administrative sanctions under certain circumstances; requiring adjustments to certain provider Medicaid rates for reimbursement for Medicaid's portion of costs to meet certain requirements; requiring funding for such

adjustments to come from existing nursing home appropriations; creating s. 633.024, F.S.; providing legislative findings and intent; creating s. 633.0245, F.S.; authorizing the State Fire Marshal to enter into an investment agreement with public depositories to establish the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program as a limited loan guarantee program to retrofit nursing homes with fire protection systems; providing investment and agreement limitations; requiring the State Fire Marshal to solicit requests for proposals; providing for application requirements and procedures; providing for review and approval by the State Fire Marshal; providing application requirements and procedures for program loans by public depositories; providing deadlines and limitations; limiting certain claims for loss under certain circumstances; providing a definition; authorizing the State Fire Marshal to adopt rules; providing an effective date.

—a companion measure, was substituted for **SB 2572** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1267** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 664—A bill to be entitled An act relating to acceleration mechanisms; amending s. 1002.20, F.S.; adding programs to list of public school choice options; amending s. 1002.23, F.S.; adding programs to list of rigorous academic programs included in parent guide; amending s. 1007.22, F.S.; adding Advanced International Certificate of Education programs to acceleration mechanisms requiring postsecondary institution collaboration; amending s. 1007.261, F.S.; revising list of courses of courses designated as advanced level fine arts courses; amending s. 1007.27, F.S.; providing an exemption from examination fees for students enrolled in the International General Certificate of Secondary Education Program; amending s. 1007.271, F.S.; specifying that dual enrollment courses are creditable toward high school graduation; revising instructional time requirements and providing for FTE calculation; conforming to law minimum academic credits required for graduation; clarifying requirements for participation of independent postsecondary institutions in a dual enrollment program; providing for fee exemption; amending s. 1009.531, F.S.; providing additional course weights for Florida Bright Futures Scholarship Program eligibility determination; amending s. 1009.534, F.S.; revising Florida Academic Scholars award eligibility requirements to include students completing or receiving an Advanced International Certificate of Education curriculum or diploma; amending s. 1009.535, F.S.; revising Florida Medallion Scholars award eligibility requirements to include students completing an Advanced International Certificate of Education curriculum; amending s. 1011.62, F.S.; providing for FTE calculation for dual enrollment instruction; revising Advanced International Certificate of Education test score requirements necessary to generate funding to match current test scoring scale; providing formula for calculating additional full-time equivalent membership based on International General Certificate of Secondary Education examination scores and program completion; reenacting s. 1011.69(2), F.S., relating to equity in school-level funding, to incorporate the amendment to s. 1011.62, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 664** to **HB 579**.

Pending further consideration of **CS for SB 664** as amended, on motion by Senator Clary, by two-thirds vote **HB 579** was withdrawn from the Committees on Education; and Education Appropriations.

On motion by Senator Clary—

HB 579—A bill to be entitled An act relating to acceleration mechanisms; amending s. 1002.20, F.S.; adding programs to list of public school choice options; amending s. 1002.23, F.S.; adding programs to list of rigorous academic programs included in parent guide; amending s. 1007.22, F.S.; adding Advanced International Certificate of Education programs to acceleration mechanisms requiring postsecondary institution collaboration; amending s. 1007.261, F.S.; revising list of courses designated as advanced level fine arts courses; amending s. 1007.27, F.S.; providing an exemption from examination fees for students enrolled in the International General Certificate of Secondary Education Program; amending s. 1007.271, F.S.; specifying that dual enrollment courses are creditable toward high school completion; revising instructional time requirements and providing for FTE calculation; conforming to law minimum academic credits required for graduation; clarifying requirements for participation of independent postsecondary institutions in a dual enrollment program; providing for fee exemption; amending s. 1009.531, F.S.; providing additional course weights for Florida Bright Futures Scholarship Program eligibility determination; amending s. 1009.534, F.S.; revising Florida Academic Scholars award eligibility requirements to include students completing or receiving an Advanced International Certificate of Education curriculum or diploma; amending s. 1009.535, F.S.; revising Florida Medallion Scholars award eligibility requirements to include students completing an Advanced International Certificate of Education curriculum; amending s. 1011.62, F.S.; providing for FTE calculation for dual enrollment instruction; revising Advanced International Certificate of Education test score requirements necessary to generate funding to match current test scoring scale; providing an effective date.

—a companion measure, was substituted for **CS for SB 664** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 579** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 2068** was deferred.

On motion by Senator Klein—

SB 1450—A bill to be entitled An act relating to arthritis prevention and education; creating s. 385.210, F.S.; providing a short title; providing legislative findings; providing purposes; directing the Department of Health to establish an arthritis prevention and education program; requiring the department to conduct a needs assessment; providing for establishment of an advisory panel on arthritis; providing for implementation of a public awareness effort; providing for funding through contributions; directing the Secretary of Health to seek federal waivers as necessary to maximize federal funding; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1450** was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

HB 1907—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2005, and July 1, 2006; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Carlton:

Amendment 1 (725822)(with title amendment)—Delete everything after the enacting clause, and insert:

Section 1. Section 121.71, Florida Statutes, is amended to read:

121.71 Uniform rates; process; calculations; levy.—

(1) In conducting the system actuarial study required under s. 121.031, the actuary shall follow all requirements specified thereunder to determine, by Florida Retirement System employee membership class, the dollar contribution amounts necessary for the forthcoming fiscal year for the defined benefit program. In addition, the actuary shall determine, by Florida Retirement System membership class, based on an estimate for the forthcoming fiscal year of the gross compensation of employees participating in the optional retirement program, the dollar contribution amounts necessary to make the allocations required under ss. 121.72 and 121.73. For each employee membership class and subclass, the actuarial study shall establish a uniform rate necessary to

fund the benefit obligations under both Florida Retirement System retirement plans, by dividing the sum of total dollars required by the estimated gross compensation of members in both plans.

(2) Based on the uniform rates set forth in subsection (3), employers shall make monthly contributions to the Division of Retirement, which shall initially deposit the funds into the Florida Retirement System Contributions Clearing Trust Fund. A change in a contribution rate is effective the first day of the month for which a full month's employer contribution may be made on or after the beginning date of the change.

(3) Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, *2005* ~~2004~~	Percentage of Gross Compensation, Effective July 1, *2006* ~~2005~~
Regular Class	6.20%	*9.53%* ~~9.98%~~
Special Risk Class	17.34%	*21.91%* ~~22.16%~~
Special Risk Administrative Support Class	8.73%	*12.39%* ~~12.55%~~
Elected Officers' Class – Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	11.30%	*14.86%* ~~15.82%~~
Elected Officers' Class – Justices, Judges	17.46%	*20.43%* ~~20.78%~~
Elected Officers' Class – County Elected Officers	14.04%	*17.00%* ~~17.73%~~
Senior Management Class	8.18%	*13.27%* ~~11.64%~~
DROP	8.00%	*11.74%* ~~11.56%~~

(4) The state actuary shall recognize and use an appropriate level of available excess assets of the Florida Retirement System Trust Fund to offset the difference between the normal costs of the Florida Retirement System and the statutorily prescribed contribution rates.

Section 2. Subsection (12) of section 121.40, Florida Statutes, is amended to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(12) CONTRIBUTIONS.—

(a) For the purposes of funding the supplemental benefits provided by this section, the institute is authorized and required to pay, commencing July 1, 1985, the necessary monthly contributions from its appropriated budget. These amounts shall be paid into the Institute of Food and Agricultural Sciences Supplemental Retirement Trust Fund, which is hereby created.

(b) The monthly contributions required to be paid pursuant to paragraph (a) on the gross monthly salaries, from all sources with respect to such employment, paid to those employees of the institute who hold both state and federal appointments and who participate in the federal Civil Service Retirement System shall be as follows:

Dates of Contribution Rate Changes	Percentage Due
July 1, 1985, through December 31, 1988	6.68%
January 1, 1989, through December 31, 1993	6.35%
January 1, 1994, through December 31, 1994	6.69%
January 1, 1995, through June 30, 1996	6.82%
July 1, 1996, through June 30, 1998	5.64%
July 1, 1998, through June 30, 2001	7.17%
July 1, 2001, through June 30, 2003	6.96%
~~Effective~~ July 1, 2003*, through June 30, 2005*	13.83%
Effective July 1, 2005, through June 30, 2007	*20.23%*

Section 3. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner, as required by Section 14, Article X of the State Constitution, and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 4. Section 121.74, Florida Statutes, is amended to read:

121.74 Administrative and educational expenses.— ~~Effective July 1, 2004,~~ In addition to contributions required under s. 121.71, employers participating in the Florida Retirement System shall contribute an amount equal to *0.05* ~~0.08~~ percent of the payroll reported for each class or subclass of Florida Retirement System membership, which amount shall be transferred by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the State Board of Administration's Administrative Trust Fund to offset the costs of administering the optional retirement program and the costs of providing educational services to participants in the defined benefit program and the optional retirement program. Approval of the Trustees of the State Board of Administration is required prior to the expenditure of these funds. Payments for third-party administrative or educational expenses shall be made only pursuant to the terms of the approved contracts for such services.

Section 5. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause, and insert: A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2005, and July 1, 2006; amending s. 121.40, F.S.; revising the payroll contribution rate for the Institute of Food and Agricultural Sciences, effective July 1, 2005; providing a declaration of important state interest; amending s. 121.74, F.S.; reducing the administrative and educational assessments paid to the State Board of Administration; providing an effective date.

Senators Carlton and Pruitt offered the following amendment to **Amendment 1** which was moved by Senator Carlton and adopted:

Amendment 1A (035516)—On page 2, line 18 through page 3, line 10, delete those lines and insert:

Membership Class	Percentage of Gross Compensation, Effective July 1, *2005* ~~2004~~	Percentage of Gross Compensation, Effective July 1, *2006* ~~2005~~
Regular Class	*6.67%* ~~6.20%~~	*9.53%* ~~9.98%~~
Special Risk Class	*17.37%* ~~17.34%~~	*21.91%* ~~22.16%~~
Special Risk Administrative Support Class	*8.76%* ~~8.73%~~	*12.39%* ~~12.55%~~
Elected Officers' Class – Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	*11.33%* ~~11.30%~~	*14.86%* ~~15.82%~~
Elected Officers' Class – Justices, Judges	*17.49%* ~~17.46%~~	*20.43%* ~~20.78%~~
Elected Officers' Class – County Elected Officers	*14.07%* ~~14.04%~~	*17.00%* ~~17.73%~~
Senior Management Class	*9.29%* ~~8.18%~~	*13.27%* ~~11.64%~~
DROP	*8.22%* ~~8.00%~~	*11.74%* ~~11.56%~~

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1907** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1458** was deferred.

On motion by Senator Atwater—

CS for SB 2032—A bill to be entitled An act relating to tax administration; amending s. 95.091, F.S.; adding a cross-reference; amending s. 198.32, F.S.; allowing an estate that is not required to file a federal tax return to file with the clerk of the court an affidavit attesting that no Florida estate tax is due, regardless of the decedent's date of death; amending s. 199.135, F.S.; providing special provisions for the imposition of the nonrecurring intangibles tax imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.02, F.S.; providing special provisions for the imposition of the tax on deeds or other instruments relating to real property or interests in real property imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.08, F.S.; providing special provisions for the imposition of the tax on promissory or nonnegotiable notes or written obligations to pay money imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 202.11, F.S.; providing an additional definition of the term "service address" for the purposes of the tax on communications services; amending ss. 206.09, 206.095, 206.14, and 206.485, F.S., relating to fuel taxes; providing for the distribution of penalties; amending s. 206.27, F.S.; allowing the Department of Revenue the option of posting the list of active and canceled fuel licenses on the departmental web site or mailing it to licensees; amending s. 212.0305, F.S.; permitting golf courses to be built with the proceeds of a charter county convention development tax; amending s. 212.05, F.S.; clarifying the tax treatment of nonresident purchasers of aircraft; amending s. 212.06, F.S.; clarifying that sales tax is not due on any vessel imported into this state for the sole purpose of being offered for retail sale by a registered Florida yacht broker or dealer under certain conditions; amending s. 212.12, F.S.; including in the definition of tax fraud willful attempts to evade a tax, surcharge, or fee imposed by chapter 212, F.S.; amending s. 213.053, F.S.; authorizing expanded sharing of confidential information between the Department of Revenue and the Department of Agriculture and Consumer Services for the Bill of Lading Program; amending s. 213.21, F.S.; specifying which taxes qualify for the automatic penalty compromise or settlement of liability; providing for retroactivity; amending s. 213.27, F.S.; clarifying that the notification by the Department of Revenue to the taxpayer that the taxpayer's account is being referred to a debt collection agency must be at least 30 days before the referral; amending s. 215.26, F.S.; adding a cross-reference; amending s. 252.372, F.S.; authorizing the Florida Surplus Lines Service Office to collect the Emergency Management, Preparedness, and Assistance Trust Fund surcharge and deposit the proceeds into the trust fund; amending s. 443.131, F.S.; requiring employers who transfer their business to a related entity to retain their unemployment experience history under certain circumstances; providing penalties; amending s. 443.141, F.S.; authorizing the Department of Revenue to send to employers by regular mail notices of unemployment tax assessments and notices of the filing of liens; creating s. 624.50921, F.S.; creating a statute of limitations for assessments of the insurance premium tax if the amount of corporate income tax or a workers' compensation administrative assessment paid by the insurer is adjusted through an amended return or refund; amending s. 624.509, F.S.; providing for an alternative method of calculating a tax credit against the insurance premium tax for certain groups of affiliated corporations; clarifying the definition of the term "employees" for purposes of calculating such a credit; authorizing the department to adopt rules to administer such a credit; providing legislative intent regarding the meaning of the term "employees" for purposes of determining the salary credit against the insurance premium tax; reviving and readopting s. 213.21, F.S., relating to informal conference procedures within the Department of Revenue; exempting from the documentary stamp tax certain security agreements recorded in error or by mistake; providing effective dates.

—was read the second time by title.

Senator Atwater moved the following amendments which were adopted:

Amendment 1 (415908)(with title amendment)—On page 44, lines 25 and 26, delete those lines and insert:

5. A service company that is a subsidiary of a mutual insurance holding company, which mutual insurance holding company was in existence on or before January 1, 2000, shall allocate the salary of each service company employee covered by contracts with members of the mutual insurance holding company system to the companies for which the employees perform services. The salary allocation is based on the ratio of the amount of time during the tax year which the individual employee spends performing services or otherwise working for each company to the total amount of time the employee spends performing services or otherwise working for all companies. The total amount of salary allocated to an insurance company within the mutual insurance holding company system shall be included as that insurer's employee salaries for purposes of this section. However, this subparagraph does not apply for any tax year unless funds sufficient to offset the anticipated salary credits have been appropriated to the General Revenue Fund prior to the due date of the final return for that year.

a. The term "mutual insurance holding company system" means two or more corporations that are subsidiaries of a mutual insurance holding company and in compliance with part IV of chapter 628.

b. The term "service company" means a separate corporation within the mutual insurance holding company system whose employees provide services to other members of the mutual insurance holding company system and are treated as service company employees for unemployment compensation and common-law purposes. The mutual insurance holding company may not qualify as a service company.

c. If an insurance company fails to substantiate, whether by means of adequate records or otherwise, its eligibility to claim the service company exception under this section, or its salary allocation under this section, no credit shall be allowed.

(c) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this subsection.

Section 26. *The sum of $2.6 million is appropriated from the Workers' Compensation Administration Trust Fund to the General Revenue Fund for the 2005-2006 fiscal year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, lines 25-27, delete those lines and insert: of calculating such a credit; allowing a salary credit for employees of a service company subsidiary of a mutual insurance holding company; providing an exception; authorizing the department to adopt rules to administer such a credit; providing an appropriation; providing legislative intent regarding

Amendment 2 (213498)(with title amendment)—On page 45, between lines 20 and 21, insert:

Section 29. Subsection (4) of section 201.23, Florida Statutes, is amended to read:

201.23 Foreign notes and other written obligations exempt.—

(4)*(a)* The excise taxes imposed by this chapter shall not apply to the documents, notes, evidences of indebtedness, financing statements, drafts, bills of exchange, or other taxable items dealt with, made, issued, drawn upon, accepted, delivered, shipped, received, signed, executed, assigned, transferred, or sold by or to a banking organization~~, as defined in s. 199.023(9),~~ in the conduct of an international banking transaction~~, as defined in s. 199.023(11)~~. Nothing in this subsection shall be construed to change the application of paragraph (2)(a).

(b) For purposes of this subsection, the term:

1. "Banking organization" means:

a. A bank organized and existing under the laws of any state;

b. A national bank organized and existing pursuant to the provisions of the National Bank Act, 12 U.S.C. ss. 21 et seq.;

c. An Edge Act corporation organized pursuant to the provisions of s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq.;

d. An international bank agency licensed pursuant to the laws of any state;

e. A federal agency licensed pursuant to ss. 4 and 5 of the International Banking Act of 1978;

f. A savings association organized and existing under the laws of any state;

g. A federal association organized and existing pursuant to the provisions of the Home Owners' Loan Act of 1933, 12 U.S.C. ss. 1461 et seq.; or

h. A Florida export finance corporation organized and existing pursuant to the provisions of part V of chapter 288.

2. "International banking transaction" means:

a. The financing of the exportation from, or the importation into, the United States or between jurisdictions abroad of tangible personal property or services;

b. The financing of the production, preparation, storage, or transportation of tangible personal property or services which are identifiable as being directly and solely for export from, or import into, the United States or between jurisdictions abroad;

c. The financing of contracts, projects, or activities to be performed substantially abroad, except those transactions secured by a mortgage, deed of trust, or other lien upon real property located in the state;

d. The receipt of deposits or borrowings or the extensions of credit by an international banking facility, except the loan or deposit of funds secured by mortgage, deed of trust, or other lien upon real property located in the state; or

e. Entering into foreign exchange trading or hedging transactions in connection with the activities described in sub-subparagraph d.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 4, after the semicolon (;) insert: amending s. 201.23, F.S.; defining the terms "banking organization" and "international banking transaction," relating to exemption from certain excise taxes;

Senator Saunders moved the following amendment which was adopted:

Amendment 3 (512070)(with title amendment)—On page 45, between lines 20 and 21, insert:

Section 29. Retroactive to January 1, 2005, section 196.1999, Florida Statutes, is created to read:

196.1999 Space laboratories and carriers; exemption.—Notwithstanding other provisions of this chapter, a module, pallet, rack, locker, and any necessary associated hardware and subsystem owned by any person and intended to be used to transport or store cargo used for a space laboratory for the primary purpose of conducting scientific research in space is deemed to carry out a scientific purpose and is exempt from ad valorem taxation.

Section 30. *Section 196.1994, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 4, after the semicolon (;) insert: creating s. 196.1999, F.S.; providing retroactivity; providing an exemption from ad valorem taxes for certain space laboratories; repealing s. 196.1994, F.S., which expired effective July 1, 2004, and which provided an exemption from ad valorem taxes for certain space laboratories;

Pursuant to Rule 4.19, **CS for SB 2032** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for CS for CS for SB 858—A bill to be entitled An act relating to agriculture; amending s. 193.451, F.S.; clarifying the value for purpose of assessment for ad valorem taxes of certain property leased by the Department of Agriculture and Consumer Services; providing intent for retroactive application; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a part title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; redefining the term "material safety data sheet" for purposes of the Florida Agricultural Worker Safety Act; creating s. 487.2042, F.S.; providing for investigation of complaints; providing criteria for the commencement of an investigation; providing for exemption from civil liability under certain circumstances; providing penalties for making a false complaint; amending s. 502.014, F.S.; deleting a duty of the department relating to issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting a reference to a milk type no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of the term "frozen desserts"; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; amending s. 570.07, F.S.; clarifying the power of the Department of Agriculture and Consumer Services; providing an additional power of the Department of Agriculture and Consumer Services; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; amending s. 570.9135, F.S.; correcting a cross-reference; amending s. 570.952, F.S.; amending the membership of the Florida Agriculture Center and Horse Park Authority; providing criteria for expiration of terms; deleting a requirement to submit information to the Legislature; amending s. 581.011, F.S.; defining the term "invasive plant"; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agriculture in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring removal and destruction of plants under certain circumstances; specifying circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing a requirement for an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for department regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing severability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for CS for SB 858** to **HB 1717**.

Pending further consideration of **CS for CS for CS for SB 858** as amended, on motion by Senator Smith, by two-thirds vote **HB 1717** was withdrawn from the Committees on Agriculture; Environmental Preservation; and Judiciary.

On motion by Senator Smith—

HB 1717—A bill to be entitled An act relating to agriculture; amending s. 193.451, F.S.; clarifying the value for purpose of assessment for ad valorem taxes of certain property leased by the Department of Agriculture and Consumer Services; providing intent for retroactive application; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a part title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.;

revising definition of the term "material safety data sheet" for purposes of the Florida Agricultural Worker Safety Act; creating s. 487.2042, F.S.; providing for investigation of complaints; providing criteria for the commencement of an investigation; providing for exemption from civil liability under certain circumstances; providing penalties for making a false complaint; amending s. 502.014, F.S.; deleting a duty of the department relating to issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting reference to a milk type no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of "frozen desserts"; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; amending s. 570.07, F.S.; clarifying the power of the department relating to standards and fines; providing an additional power of the department; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; authorizing agreements with third-party providers to administer or implement the program; amending s. 570.9135, F.S.; correcting a reference; amending s. 570.952, F.S.; revising the membership of the Florida Agriculture Center and Horse Park Authority; providing criteria for expiration of terms; deleting requirement of submission of information to the Legislature; amending s. 581.011, F.S.; defining the term "invasive plant"; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agriculture in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring removal and destruction of plants under certain circumstances; specifying circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing requirement for an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for department regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 858** as amended and read the second time by title.

MOTION

On motion by Senator Argenziano, the rules were waived to allow the following amendment to be considered:

Senator Argenziano moved the following amendment which was adopted:

Amendment 1 (093832)(with title amendment)—Lines 338-378, delete those lines and insert:

Section 14. Subsection (16) of section 570.07, Florida Statutes, is amended to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(16) To enforce the state laws and rules relating to:

(a) Fruit and vegetable inspection and grading;

(b) Pesticide spray, residue inspection, and removal;

(c) Registration, labeling, inspection, and analysis of commercial stock feeds and commercial fertilizers;

(d) Classification, inspection, and sale of poultry and eggs;

(e) Registration, inspection, and analysis of gasolines and oils;

(f) Registration, labeling, inspection, and analysis of pesticides;

(g) Registration, labeling, inspection, germination testing, and sale of seeds, both common and certified;

(h) Weights, measures, and standards;

(i) Foods, as set forth in the Florida Food Safety Act;

(j) Inspection and certification of honey;

(k) Sale of liquid fuels;

(l) Licensing of dealers in agricultural products;

(m) Administration and enforcement of all regulatory legislation applying to milk and milk products, ice cream, and frozen desserts;

(n) Recordation and inspection of marks and brands of livestock; and

(o) All other regulatory laws relating to agriculture.

In order to ensure uniform health and safety standards, the adoption of standards and fines in the subject areas of paragraphs (a)-(n) is expressly preempted to the state and the Department of Agriculture and Consumer Services. Any local government enforcing the subject areas of paragraphs (a)-(n) must use the standards and fines set forth in the pertinent statutes or any rules adopted by the department pursuant to those statutes.

And the title is amended as follows:

Lines 32 and 33, delete those lines and insert: relating to standards and fines; creating s. 570.076, F.S.;

Pursuant to Rule 4.19, **HB 1717** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1912** and **CS for SB 2070** was deferred.

On motion by Senator Constantine, by two-thirds vote **HB 1189** was withdrawn from the Committees on Community Affairs; Education Appropriations; and Ways and Means.

On motion by Senator Constantine—

HB 1189—A bill to be entitled An act relating to the education of children of deceased or disabled veterans; amending s. 295.01, F.S.; extending the opportunity to receive postsecondary educational benefits at state expense to the dependent children of certain dead or disabled veterans who were Florida residents when the death or disability occurred; decreasing the minimum required length of the parent's residency; amending s. 295.0185, F.S.; providing educational opportunity at state expense for dependent children of military personnel who die or suffer a specified disability in Operation Iraqi Freedom; amending s. 295.02, F.S.; authorizing the use of funds for educational opportunities for the children of certain deceased and disabled veterans; providing an effective date.

—a companion measure, was substituted for **CS for SB 1458** and read the second time by title.

Pursuant to Rule 4.19, **HB 1189** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for CS for SB 1062—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; requiring that the Department of Law Enforcement establish a waiver process for allowing an individual, who is otherwise unqualified, to be allowed unescorted access to a seaport or restricted access area; requiring that the administrative staff of the Parole Commission review the facts of the waiver application and transmit the findings to the Department of Law Enforcement; requiring the department to make a final disposition of the application and notify the applicant and the port authority that denied employment to the applicant; exempting the review from ch. 120, F.S.; creating s. 311.121, F.S.; authorizing the seaport authority or governing board of certain seaports to require that seaport security officers receive additional training and certification; providing legislative intent relating to mitigation of operational security costs at seaports; requiring the department to apply such intent; providing eligibility requirements for such certification; creating the Seaport Security Officer Qualifications, Training, and Standards Steering Committee to develop the curriculum for the training program; providing for the membership of the steering committee; requiring the Department of Education to implement the training curriculum; authorizing the substitution of training equivalencies; requiring an examination; providing requirements for certification renewal; providing requirements for schools that offer training for seaport security officers; providing for issuance of a license indicating that the licensee is certified as a seaport security officer; creating s. 311.122, F.S.; authorizing a seaport security officer to take into custody any person whom the officer has cause to believe is trespassing in a restricted access area; providing that such officer is not criminally or civilly liable for taking such action; defining the term "restricted access area"; providing for designation of part or all of a seaport as a restricted access area under certain emergency conditions; creating s. 311.123, F.S.; requiring that the Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law Enforcement and the Governor's Office of Drug Control, create a maritime domain awareness training program; providing purposes of the program; providing requirements for the curriculum; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendments which were adopted:

Amendment 1 (114168)—On page 5, lines 6 and 7, delete those lines and insert: *Committee. The curriculum must require no less than 8 hours of initial certification training and must conform to or exceed the model courses for facility personnel with specific security duties which*

Amendment 2 (294410)(with title amendment)—On page 6, between lines 28 and 29, insert:

(7) The steering committee shall recommend a continuing education curriculum to be implemented by the Department of Education. The curriculum must be offered by any licensed school or seaport that offers certificate training for seaport security officers and must require no less than 4 hours of additional training per annual licensing period. A seaport security officer certificate is void if the certificateholder licensee fails to complete the annual continuing education requirement prior to expiration of his or her Class D license.

(Renumber subsequent subsections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: providing continuing education requirements for certification;

Pursuant to Rule 4.19, **CS for CS for CS for SB 1062** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 1624—A bill to be entitled An act relating to firefighters' pensions; amending s. 175.041, F.S.; providing that any municipality that provides fire protection services to another municipality under an interlocal agreement is eligible to receive premium taxes; authorizing the municipality that receives the fire protection services to enact an ordinance levying the tax; authorizing the Division of Retirement within the Department of Management Services to distribute the premium taxes; amending s. 175.101, F.S.; authorizing any municipality that has entered into an interlocal agreement for fire protection services with another municipality to impose an excise tax on entities that are engaged in the business of property insurance; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1624** to **HB 1159**.

Pending further consideration of **CS for SB 1624** as amended, on motion by Senator Campbell, by two-thirds vote **HB 1159** was withdrawn from the Committees on Community Affairs; Banking and Insurance; and Governmental Oversight and Productivity.

On motion by Senator Campbell, the rules were waived and—

HB 1159—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; during a specified period of time, permitting local government employees who are members of the Senior Management Service Class, who have withdrawn from the Florida Retirement System, to elect membership in the defined benefit program or the public employee optional retirement program of the system; prescribing requirements in making such election; providing for payment of the costs of such membership; amending s. 175.041, F.S.; providing that any municipality that provides fire protection services to another municipality under an interlocal agreement is eligible to receive premium taxes; authorizing the municipality that receives the fire protection services to enact an ordinance levying the tax; authorizing the Division of Retirement within the Department of Management Services to distribute the premium taxes; amending s. 175.101, F.S.; authorizing any municipality that has entered into an interlocal agreement for fire protection services with another municipality to impose an excise tax on entities that are engaged in the business of property insurance; providing an effective date.

—a companion measure, was substituted for **CS for SB 1624** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1159** was placed on the calendar of Bills on Third Reading.

CS for CS for SB's 1944 and 2008—A bill to be entitled An act relating to ethics for public officers and employees; amending s. 104.31, F.S.; prohibiting employees of the state and its political subdivisions from participating in a political campaign during certain time periods; amending s. 112.313, F.S.; prohibiting certain disclosures by a former public officer, agency employee, or local government attorney; redefining the term "employee" to include certain other-personal-services employees for certain postemployment activities; providing an exemption from provisions prohibiting conflicts in employment to a person who, after serving on an advisory board, files a statement with the Commission on Ethics relating to a bid or submission; amending s. 112.3144, F.S.; specifying how assets valued in excess of $1,000 are to be reported by a reporting individual; amending s. 112.3145, F.S.; requiring that a delinquency notice be sent to certain officeholders by certified mail, return receipt requested; revising certain filing deadlines; amending s. 112.3147, F.S.; deleting certain provisions relating to reporting the value of assets; amending s. 112.3148, F.S.; providing requirements for persons who have left office or employment as to filing a report relating to gifts; amending s. 112.3149, F.S.; requiring that a report of honoraria by a person who left office or employment be filed by a specified date; amending s. 112.317, F.S.; authorizing the commission to recommend a restitution penalty be paid to the agency or the General Revenue Fund; authorizing the Attorney General to recover costs for filing suit to collect penalties and fines; deleting provisions imposing a penalty for the disclosure of information concerning a complaint or an investigation; amending 112.3185, F.S.; providing additional standards for state agency employees relating to procurement of goods and services by a state agency; authorizing an employee whose position was eliminated to engage in certain contractual activities; prohibiting former employees from certain specified activities; amending s. 112.3215, F.S.; requiring the commission to adopt a rule detailing the grounds for waiving a fine and the procedures when a lobbyist fails to timely file his or her report; requiring automatic suspension of a lobbyist's registration if the fine is not timely

paid; amending s. 112.322, F.S.; authorizing travel and per diem expenses for certain witnesses; amending s. 112.324, F.S.; providing procedures for the commission to handle complaints of violations; amending s. 914.21, F.S.; redefining the terms "official investigation" and "official proceeding," for purposes of provisions relating to tampering with witnesses, to include an investigation by the Commission on Ethics; providing an effective date.

—was read the second time by title.

Senator Villalobos moved the following amendment which was adopted:

Amendment 1 (485352)(with title amendment)—On page 20, between lines 27 and 28, insert:

Section 10. Subsection (1) of section 112.321, Florida Statutes, is amended to read:

112.321 Membership, terms; travel expenses; staff.—

(1) The commission shall be composed of nine members. Five of these members shall be appointed by the Governor, no more than three of whom shall be from the same political party, subject to confirmation by the Senate. One member appointed by the Governor shall be a former city or county official and may be a former member of a local planning or zoning board which has only advisory duties. Two members shall be appointed by the Speaker of the House of Representatives, and two members shall be appointed by the President of the Senate. Neither the Speaker of the House of Representatives nor the President of the Senate shall appoint more than one member from the same political party. Of the nine members of the Commission, no more than five members shall be from the same political party at any one time. No member may hold any public employment. *An individual who qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215 or pursuant to any local government charter or ordinance may not serve as a member of the commission, except that this prohibition does not apply to an individual who is a member of the commission on July 1, 2005, until the expiration of his or her current term. A member of the commission may not lobby any state or local governmental entity as provided in s. 11.045 or s. 112.3215 or as provided by any local government charter or ordinance, except that this prohibition does not apply to an individual who is a member of the commission on July 1, 2005, until the expiration of his or her current term.* All members shall serve 2-year terms. No member shall serve more than two full terms in succession. Any member of the commission may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, delete line 16 and insert: certain specified activities; amending s. 112.321, F.S.; prohibiting an individual who qualifies as a lobbyist from serving on the commission; prohibiting a member of the commission from lobbying any state or local governmental entity; providing exceptions for individuals who are members of the commission on the effective date of the act until the expiration of their current terms; amending s.

Senator Posey moved the following amendment which was adopted:

Amendment 2 (130246)(with title amendment)—On page 22, line 24, after "*commission.*" insert: *The commission shall provide a written suspension notice to each lobbyist whose registration has been automatically suspended.*

And the title is amended as follows:

On page 2, line 22, after the semicolon (;) insert: requiring the commission to provide written notice to any lobbyist whose registration is automatically suspended;

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which was adopted:

Amendment 3 (882058)(with title amendment)—On page 23, line 30 through page 31, line 9, delete those lines.

And the title is amended as follows:

On page 2, lines 25-27, delete those lines and insert: amending s. 914.21, F.S.;

On motion by Senator Posey, further consideration of **CS for CS for SB's 1944 and 2008** as amended was deferred.

On motion by Senator Saunders—

CS for SB 1372—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; changing the term "television series" to "television programming" for purposes of the definition of the term "entertainment industry" in provisions establishing the Office of Film and Entertainment within the Office of Tourism, Trade, and Economic Development; amending s. 288.1254, F.S.; revising a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; revising definitions; revising application procedures and requirements; revising application approval provisions; revising reimbursement eligibility criteria and requirements; revising limits on reimbursement; revising the due date for the annual report to be submitted to the Governor and the Legislature; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1372** to **HB 1129**.

Pending further consideration of **CS for SB 1372** as amended, on motion by Senator Saunders, by two-thirds vote **HB 1129** was withdrawn from the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

HB 1129—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; changing the term "television series" to "television programming" for purposes of the definition of the term "entertainment industry" in provisions establishing the Office of Film and Entertainment within the Office of Tourism, Trade, and Economic Development; amending s. 288.1254, F.S.; revising a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; revising definitions; revising application procedures and requirements; revising application approval provisions; revising reimbursement eligibility criteria and requirements; revising limits on reimbursement; revising the due date for the annual report to be submitted to the Governor and the Legislature; providing an effective date.

—a companion measure, was substituted for **CS for SB 1372** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1129** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery, by two-thirds vote **HB 1031** was withdrawn from the Committees on Environmental Preservation; and Community Affairs.

On motion by Senator Dockery—

HB 1031—A bill to be entitled An act relating to the reuse and recycling of campaign signs; requiring the Department of Environmental Protection to design a pilot project to encourage the reuse or recycling of campaign signs; requiring the department to submit details of the program and a budget request for use of funds from the Solid Waste Management Trust Fund to the Governor and Legislature; providing an effective date.

—a companion measure, was substituted for **CS for SB 1542** and read the second time by title.

Pursuant to Rule 4.19, **HB 1031** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater, by two-thirds vote **HB 729** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Atwater—

HB 729—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 440.3851, F.S.; exempting from public records and public meetings requirements certain records of the Florida Self-Insurers Guaranty Association, Incorporated, and certain meetings of the board of directors of the association or any subcommittee of the board; providing for release of such records under certain circumstances; providing requirements; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1442** and read the second time by title.

Pursuant to Rule 4.19, **HB 729** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2086—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; exempting certain voter-education activities from requirements for competitive solicitation; authorizing the Secretary of State to investigate voter fraud; authorizing the Department of State to adopt rules; amending s. 97.021, F.S.; defining the term "marksense ballots"; defining the terms "early voting area," "early voting site," and "third-party voter registration organization"; creating s. 97.029, F.S.; providing for attorney's fees and costs in any action for injunctive relief or an action challenging an election law or voter-registration law; requiring an itemized affidavit; providing for review of an award of attorney's fees and costs; providing a limitation on the amount awarded; amending s. 97.051, F.S.; revising the oath required upon registering to vote; amending s. 97.052, F.S.; revising the contents of the uniform statewide voter registration application; amending s. 97.053, F.S.; revising provisions governing the acceptance of voter registration applications by the supervisor of elections; requiring that an applicant complete a registration application before the date of book closing in order to be eligible to vote in that election; revising the information required on the registration application; amending s. 97.055, F.S.; limiting the updates that may be made to registration information following book closing; creating s. 97.0575, F.S.; providing requirements for third-party voter registration organizations that collect voter-registration applications; providing fines for failure to deliver applications as required; authorizing the Division of Elections to adopt rules to administer provisions governing third-party voter registration organizations; amending s. 97.071, F.S.; specifying the information to be included on the registration identification card; amending s. 98.045, F.S.; deleting a cross-reference; amending s. 98.077, F.S.; revising the procedures for updating a voter signature used to verify an absentee ballot or provisional ballot; amending s. 99.061, F.S.; providing for qualifying for nomination or election by the petition process; requiring the filing of statements of financial interest; requiring that a qualifying officer accept certain qualifying papers filed before the qualifying period; amending s. 99.063, F.S.; providing filing requirements for public officers; amending s. 99.092, F.S., relating to qualifying fees; clarifying provisions governing qualifying for nomination or election by the petition process to conform to changes made by the act; amending s. 99.095, F.S.; revising the requirements for qualifying as a candidate by a petition process in lieu of paying a qualifying fee and party assessment; providing requirements for submitting petitions and certifications; requiring that the division or supervisor of elections, as applicable, determine whether the required number of signatures has been obtained; amending s. 99.0955, F.S.; providing procedures for a candidate having no party affiliation to qualify by the petition process; amending s. 99.096, F.S.; revising the procedures for a minor political party to submit nominated candidates to be on the general election ballot; providing for candidates to qualify by the petition process; amending s. 99.09651, F.S., relating to signature requirements for ballot position; conforming provisions to changes made by the act; amending s. 100.011, F.S.; requiring that an elector in line at the time the polls close be allowed to vote; amending s. 100.101, F.S.; revising the circumstances under which a special election or primary is held; amending s. 100.111, F.S.; revising requirements for filling a vacancy in a nomination; requiring that ballots cast for a former nominee be counted for the person designated to replace the nominee under certain circumstances; amending s. 100.141, F.S., relating to the notice of a special election; conforming provisions to changes made by the act; amending s. 101.031, F.S.; revising the Voter's Bill of Rights to authorize a provisional ballot if a person's identity is in question; amending s. 101.043, F.S.; revising the procedures for a voter to provide identification when voting; amending s. 101.048, F.S.; providing for certain additional voters to cast provisional ballots; providing requirements for presenting evidence in support of a person's right to vote; requiring that the county canvassing board count such a ballot unless it determines by a preponderance of the evidence that the person was not entitled to vote; requiring that a person casting a provisional ballot be informed of certain rights; amending s. 101.049, F.S.; providing requirements for ballots for persons with disabilities; amending s. 101.051, F.S.; prohibiting certain solicitations to provide assistance to an elector; providing a penalty; authorizing an elector to request that a person other than an election official provide him or her with assistance in voting; providing for the form of the oath to be signed; amending s. 101.111, F.S.; revising the requirements for challenging an elector's right to vote; providing a penalty for filing a frivolous challenge; amending s. 101.131, F.S.; revising requirements for poll watchers; authorizing certain political committees to have poll watchers; prohibiting a poll watcher from interacting with a voter; providing for poll watchers at early voting areas; amending s. 101.151, F.S.; providing requirements for marksense ballots; amending s. 101.171, F.S.; requiring that a copy of a proposed constitutional amendment be available at voting locations; amending s. 101.294, F.S.; prohibiting a vendor of voting equipment from providing systems, components, or system upgrades to a local governing body or supervisor of elections which have not been certified by the Division of Elections; requiring that the vendor provide sworn certification of such equipment; amending s. 101.295, F.S.; providing a penalty for providing voting equipment in violation of ch. 101, F.S.; amending s. 101.49, F.S.; revising the procedures for verifying an elector's signature; amending s. 101.51, F.S.; requiring that an elector occupy a voting booth alone; amending s. 101.5606, F.S., relating to requirements for approval of voting systems, to conform; amending s. 101.5608, F.S., relating to voting by electronic or electromechanical methods, to conform; amending s. 101.5612, F.S.; providing requirements for testing voting equipment; amending s. 101.5614, F.S.; correcting a cross-reference; amending s. 101.572, F.S.; requiring that the supervisor of elections notify the candidates if ballots are examined before the end of the contest; amending s. 101.58, F.S.; authorizing employees of the department to have access to the premises, records, equipment, and staff of the supervisors of elections; amending s. 101.595, F.S.; requiring that certain overvotes and undervotes be reported to the department; amending s. 101.6103, F.S.; authorizing the canvassing board to begin canvassing before the election; prohibiting the release of results before election day; providing a penalty for any early release of results; requiring that a mail ballot that otherwise satisfies the requirements of law for mail ballots be counted even if the elector dies after mailing the ballot but before election day if certain conditions are met; amending s. 101.62, F.S.; revising the requirements for mailing absentee ballots to voters; amending s. 101.64, F.S.; providing for an oath to be provided to persons voting absentee under the Uniformed and Overseas Citizens Absentee Voting Act; amending s. 101.657, F.S.; revising requirements relating to early voting locations; revising the deadline to end early voting and the times for opening and closing the early voting sites each day; providing for uniformity of county early voting sites; requiring any person in line at the closing of an early voting site to be allowed to vote; providing for early voting in municipal and special district elections; requiring supervisors to provide certain information in electronic format to the Division of Elections; requiring that an early voting ballot that otherwise satisfies the requirements of law for early voting ballots be counted even if the elector dies on or before election day; amending s. 101.663, F.S.; providing for certain persons to vote absentee after moving to another state; amending s. 101.68, F.S.; prohibiting changing a voter's certificate after the absentee ballot is received by the supervisor; providing that electors who die on or before election day and have cast an absentee ballot shall remain on the voter registration books until the election is certified; providing that the ballot of an elector who casts an absentee ballot shall be counted even if the elector dies on or before election day if certain conditions are met; amending s. 101.69, F.S.; prohibiting a voter from voting another ballot after casting an absentee ballot; providing for a provisional ballot under certain circumstances; amending s. 101.6923, F.S.; providing for the form of the printed instructions on an absentee ballot; amending s. 101.694, F.S.; providing requirements for absentee envelopes printed for voters voting under the

Uniformed and Overseas Citizens Absentee Voting Act; amending s. 101.697, F.S.; requiring the Department of State to determine whether secure electronic ballots may be provided for overseas voters; requiring that the department adopt rules for accepting overseas ballots; amending s. 102.012, F.S.; requiring the supervisor of elections to appoint an election board before any election; providing duties of the board; amending s. 102.014, F.S.; requiring that the Division of Elections develop a uniform training curriculum for poll workers; amending s. 102.031, F.S.; providing requirements for maintaining order at early voting areas; requiring the designation of a no-solicitation zone; prohibiting photography in a polling room or early voting area; amending s. 102.071, F.S.; revising requirements for tabulating votes; amending s. 102.111, F.S.; providing for corrections to be made to the official election returns; amending s. 102.112, F.S.; requiring that a return contain a certification by the canvassing board; authorizing the Department of State to correct typographical errors; amending s. 102.141, F.S.; revising requirements for the canvassing boards in submitting returns to the department; providing requirements for the report filed by the canvassing board; requiring the department to adopt rules for filing results and statistical information; amending s. 102.166, F.S.; revising the circumstances under which a manual recount may be ordered; amending s. 102.168, F.S.; requiring that complaints be filed with the board responsible for certifying the election results; specifying the parties to an action who may contest an election or nomination; amending s. 103.021, F.S.; providing for nomination of presidential electors by the state executive committee of each political party; defining the term "national party" for purposes of nominating a candidate for President and Vice President of the United States; amending ss. 103.051 and 103.061, F.S.; specifying duties of the presidential electors; amending s. 103.121, F.S.; revising powers and duties of executive committees to conform to changes made by the act; amending s. 105.031, F.S.; providing for public officers to file a statement of financial interests at the time of qualifying; requiring that a filing officer accept certain qualifying papers filed before the qualifying period; amending s. 105.035, F.S.; revising procedures for qualifying for certain judicial offices and the office of school board member; prohibiting a candidate from obtaining signatures until appointing a campaign treasurer and designating a campaign depository; revising the requirements for the supervisor of elections with respect to certifying signatures; creating s. 106.022, F.S.; requiring that a political committee, committee of continuous existence, or electioneering communications entity maintain a registered office and registered agent; providing requirements for the statement of appointment; amending s. 106.24, F.S.; clarifying the duties of the Secretary of State; amending s. 106.141, F.S., relating to the disposition of surplus funds; conforming provisions to changes made by the act; transferring and renumbering s. 98.122, F.S., relating to the use of closed captioning and descriptive narrative in television broadcasts; amending s. 106.22, F.S.; eliminating certain duties of the Division of Elections with respect to reports to the Legislature and preliminary investigations; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute crimes involving voter registration, voting, or certain petition activities; amending s. 119.07, F.S.; clarifying requirements of the supervisor of elections with respect to notifying candidates of the inspection of ballots; amending s. 145.09, F.S.; requiring that the Department of State adopt rules establishing certification requirements for supervisors of elections; creating s. 104.0615, F.S.; providing a short title; prohibiting a person from using or threatening to use force, violence, or intimidation to induce or compel an individual to vote or refrain from voting, to refrain from registering to vote, or to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly using false information to challenge an individual's right to vote, to induce an individual to refrain from registering to vote, or to induce or attempt to induce an individual to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly destroying, mutilating, or defacing a voter registration form or election ballot or obstructing or delaying the delivery of a voter registration form or election ballot; providing criminal penalties; repealing ss. 98.095, 98.0979, 98.181, 98.481, 101.253, 101.635, 102.061, 106.085, and 106.144, F.S., relating to inspections of county registers and the voter database, indexes and records, challenges to elections, the printing and distribution of ballots, duties of the election board, expenditures, and endorsements or opposition by certain groups; providing for severability; providing effective dates.

—was read the second time by title.

Senator Miller moved the following amendment which was adopted:

Amendment 1 (860156)(with title amendment)—On page 12, lines 10-14, delete those lines.

And the title is amended as follows:

On page 1, lines 3-5, delete those lines and insert: 97.012, F.S.; authorizing the Secretary of

Senator Aronberg moved the following amendment:

Amendment 2 (252384)(with title amendment)—On page 15, line 13 through page 16, line 22, delete those lines and insert:

97.029 Attorney's fees and costs.—If it appears to the presiding officer that the action brought by the plaintiff is frivolous or brought for purposes of harassment, the court shall assess costs and attorney's fees in accordance with chapter 57.

And the title is amended as follows:

On page 1, lines 13-19, delete those lines and insert: attorney's fees and costs in an action that appears to the presiding officer to be frivolous or brought to harass; amending s. 97.051, F.S.; revising the

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following substitute amendment which was adopted:

Amendment 3 (394962)(with title amendment)—On page 15, line 11 through page 16, line 22, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 12-19, delete those lines and insert: amending s. 97.051, F.S.; revising the

Senator Hill moved the following amendment:

Amendment 4 (463178)—On page 86, lines 13-17, delete those lines and insert: *at each early voting site.*

On motion by Senator Posey, further consideration of **CS for CS for SB 2086** as amended with pending **Amendment 4 (463178)** was deferred.

Consideration of **CS for SB 2510** was deferred.

On motion by Senator Saunders, by two-thirds vote **HB 185** was withdrawn from the Committees on Health Care; and Governmental Oversight and Productivity.

On motion by Senator Saunders—

HB 185—A bill to be entitled An act relating to public records and public meetings exemptions; creating s. 383.412, F.S.; providing an exemption from public records requirements for any information that reveals the identity of surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by, and which information is held by, the State Child Abuse Death Review Committee or local committee, or a panel or committee assembled by the state committee or a local committee; providing that confidential or exempt information obtained by such committees or panels will retain its confidential or exempt status; providing an exemption from public meetings requirements for portions of meetings of such committees or panels wherein confidential and exempt information is discussed; authorizing the State Child Abuse Death Review Committee and local child abuse death review committees to share relevant confidential and exempt information regarding case reviews involving child death; providing a penalty for the unauthorized disclosure of confidential information concerning child fatalities; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 676** and read the second time by title.

Pursuant to Rule 4.19, **HB 185** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1704** was deferred.

SENATOR CLARY PRESIDING

On motion by Senator Peaden, by two-thirds vote **HB 1347** was withdrawn from the Committees on Health Care; and Criminal Justice.

On motion by Senator Peaden—

HB 1347—A bill to be entitled An act relating to controlled substances; amending s. 893.033, F.S.; revising the definition of "listed precursor chemical" to include benzaldehyde, hydriodic acid, and nitroethane, and to remove anhydrous ammonia and benzyl chloride; revising the definition of "listed essential chemical" to include anhydrous ammonia, benzyl chloride, hydrochloric gas, and iodine; amending s. 893.13, F.S.; prohibiting a person from manufacturing methamphetamine or phencyclidine or from possessing listed chemicals with the intent to manufacture methamphetamine or phencyclidine; providing criminal penalties; providing for minimum terms of imprisonment in circumstances where a person commits or attempts to commit such crime in a structure or conveyance where a child is present and in circumstances where a child suffers great bodily harm; providing criminal penalties in circumstances where a person fails to store anhydrous ammonia as required; providing criminal penalties in circumstances involving a violation of ch. 893, F.S., which results in serious injury to a state, local, or federal law enforcement officer; increasing the criminal penalties if such violation results in death or great bodily harm to such officer; prohibiting a person from selling, manufacturing, delivering, or attempting to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of an assisted living facility; providing criminal penalties for such offense; specifying minimum terms of imprisonment for such offense; amending s. 893.135, F.S.; including offenses involving pseudoephedrine within the offense of trafficking in amphetamine; providing criminal penalties; providing that it is a capital offense to manufacture or import pseudoephedrine knowing that the probable result will be death; amending s. 893.149, F.S., relating to the prohibition against possessing listed chemicals; providing an exception to such prohibition for a person authorized to clean up or dispose of hazardous waste or toxic substances pursuant to ch. 893, F.S.; providing that damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical is the sole responsibility of the person unlawfully possessing, storing, or tampering with the chemical; providing that the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller is immune from liability in the absence of negligent misconduct or failure to abide by laws governing possession or storage; creating s. 893.1495, F.S.; limiting retail sales of products containing more than a specified amount of ephedrine or related compounds in a single transaction; providing restrictions on the retail display of products containing ephedrine or related compounds; requiring specified training for employees of retail outlets who engage in the retail sale of such products; providing that local regulations passed after a specified date that are more restrictive than this act are superseded; providing criminal penalties; reenacting s. 893.02(12), F.S., relating to the definition of the term "listed chemical," for the purpose of incorporating the amendment to s. 893.033, F.S., in a reference thereto; reenacting ss. 435.07(2), 921.187(1), 938.25, and 948.034(1) and (2), F.S., relating to exemptions from disqualification for certain employment, disposition and sentencing alternatives, the assessment of fees for purposes of funding the Operating Trust Fund of the Department of Law Enforcement, and the terms and conditions of probation, respectively, for the purpose of incorporating the amendment to s. 893.13, F.S., in references thereto; reenacting ss. 311.12(3)(c), 414.095(1), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3)(a), and (4)(a), 893.13(8)(d), 907.041(4)(c), 921.0022(3)(g), (h), and (i), 921.0024(1), 921.142(2), 943.0585, and 943.059, F.S., relating to seaport security standards, eligibility for temporary cash assistance, mandatory sentencing in circumstances involving the possession of use of a weapon, specified offenses that may be charged as murder if death results, prohibited acts by prescribing practitioners, circumstances in which the court may order pretrial detention, the offense severity ranking chart of the Criminal Punishment Code, worksheet computations and scoresheets under the Criminal Punishment Code, sentencing in capital drug trafficking cases, limitations on circumstances in which a criminal history record may be expunged, and limitations on circumstances in which a criminal history record may be sealed, respectively, for the purpose of incorporating the amendment to s. 895.135, F.S., in references thereto; reenacting ss. 397.451(4)(b) and (6), 772.12(2)(a), 893.1351(1), and 903.133, F.S., relating to background checks of service provider personnel, the Drug Dealer Liability Act, the prohibition against leasing or renting for the purpose of trafficking in a controlled substance, and the limitation of admission to bail, respectively, for the purpose of incorporating the amendments to ss. 893.13 and 893.135, F.S., in references thereto; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for SB 2352** and read the second time by title.

Pursuant to Rule 4.19, **HB 1347** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for CS for SB 2502—A bill to be entitled An act relating to water management districts; creating s. 373.1135, F.S.; authorizing each water management district to establish a small business program to encourage small businesses, including those owned by women and minorities, to participate in district procurement and contract activities; amending s. 373.073, F.S.; allowing a water management district government board member to serve until a replacement has been appointed; amending s. 373.414, F.S.; allowing a petition for a jurisdictional declaratory statement to be submitted to the Department of Environmental Protection or a water management district on or before June 1, 1994; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendments which were adopted:

Amendment 1 (721396)—On page 2, line 17, after "*appointed*" insert: *, but not more than 180 days*

Amendment 2 (040146)(with title amendment)—On page 4, between lines 21 and 22, insert:

Section 4. Subsection (3) of section 373.0361, Florida Statutes, is amended to read:

373.0361 Regional water supply planning.—

(3) Regional water supply plans initiated or completed by July 1, 1997, shall be revised, if necessary, to include a water supply development component and a water resource development component as described in paragraphs (2)(a) and (b). *For any regional water supply plan that is scheduled to be updated before December 31, 2005, the deadline for such update shall be extended by 1 year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 373.0361, F.S.; extending a deadline for water management districts to update certain regional water supply plans;

Pursuant to Rule 4.19, **CS for CS for SB 2502** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 454** and **CS for SB 1780** was deferred.

On motion by Senator Crist—

CS for CS for SB 1978—A bill to be entitled An act relating to juvenile justice; amending s. 985.03, F.S.; redefining terms relating to juvenile justice; redefining the terms "day treatment" and "restrictiveness level"; amending s. 985.207, F.S.; clarifying when a child who escapes from commitment may be taken into custody by a law enforcement officer; amending s. 985.208, F.S.; clarifying when the Department of

Corrections may take a child who is believed to have escaped from a facility of the department into custody; amending s. 985.231, F.S.; incorporating newly defined terms to clarify the terms of a child's commitment; providing for the maximum length of a minimum-risk, nonresidential commitment for a child who commits a second-degree misdemeanor; providing that the department or a provider report quarterly to the court the child's progress with his or her treatment plan; conforming a cross-reference; amending s. 985.2311, F.S.; requiring parents to pay the costs of supervision related to minimum-risk, nonresidential commitment to the department; amending s. 985.316, F.S.; providing for assessment by the department of the need of juveniles in residential commitment for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; requiring the department to create a task force on juvenile sexual offenders and their victims; providing for membership, powers, duties, and dissolution of the task force; requiring a written report; directing the Department of Juvenile Justice to provide administrative support; prohibiting certain compensation or reimbursement of task force members; requiring the Department of Juvenile Justice to create a task force to study certification for juvenile justice provider staff; providing for membership, powers, duties and dissolution of the task force; requiring a written report; directing the department to provide administrative support; prohibiting certain compensation or reimbursement of task force members; amending s. 985.4135, F.S.; providing that membership of juvenile justice county councils or circuit boards may, rather than must, include certain entities; amending ss. 784.075, 985.231, 985.31, and 985.3141, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1978** to **HB 1917**.

Pending further consideration of **CS for CS for SB 1978** as amended, on motion by Senator Crist, by two-thirds vote **HB 1917** was withdrawn from the Committees on Criminal Justice; Children and Families; and Justice Appropriations.

On motion by Senator Crist, the rules were waived and—

HB 1917—A bill to be entitled An act relating to juvenile justice; amending s. 943.0515, F.S.; deleting the term "juvenile prison"; amending s. 985.03, F.S.; revising definitions relating to juvenile justice; creating a definition for the term "day treatment"; creating the minimum-risk nonresidential restrictiveness level; providing that temporary release may be granted under specified conditions to youth committed to the high-risk residential restrictiveness level; providing that high-risk residential facilities may be environmentally secure; removing juvenile prisons from the maximum-risk residential level; amending s. 985.201, F.S.; conforming to definition changes; amending s. 985.207, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; providing for a child to be taken into custody for specified court findings; amending s. 985.208, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; amending s. 985.213, F.S.; providing that permissible detention findings include specified criteria for taking a child into custody; amending s. 985.215, F.S.; providing for release from detention for a child who has absconded; providing exceptions that permit a child to be placed in detention postadjudication for more than 15 days; providing procedures for exceptions; conforming a cross reference; providing for detention for committed children awaiting placement; providing secure detention for children awaiting minimum-risk placement who violate home or nonsecure detention or electronic monitoring; providing for limited secure detention for children being transported to residential commitment programs; amending s. 985.2155, F.S.; revising the definition of a fiscally constrained county; amending s. 985.228, F.S.; requiring the court to include specified conditions in an order of adjudication of delinquency that are applicable to a youth for the postadjudication and predisposition period; amending s. 985.231, F.S.; revising provisions relating to powers of disposition; permitting a court to specify the program or facility a youth shall be placed in when committed; providing procedures for a court's specific placement; providing for commitment of a child to a specific high-risk residential or maximum-risk residential program or facility; providing the maximum length for a minimum-risk nonresidential commitment for a second degree misdemeanor; providing that the department or a provider report quarterly to the court the child's treatment plan progress; making conforming changes; amending s. 985.2311, F.S.; providing that parents shall pay fees for costs of supervision related to minimum-risk nonresidential commitment; amending s. 985.313, F.S.; conforming to definitions changes; amending s. 985.316, F.S.; providing for assessment of residentially committed youth for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; creating a new task force on juvenile sexual offenders and their victims; providing powers and duties; providing membership; requiring a report; providing for administrative support; providing for dissolution of the task force; creating a task force to study the certification of professional staff working for a provider of juvenile justice services; providing membership; requiring the task force to consider the feasibility of implementing and operating a certification system for professional staff; requiring the task force to consider specified issues; directing the task force to recommend a process for testing and validating the effectiveness of the recommended staff development system; requiring the task force to prepare and submit a report of its deliberations and recommendations by a specified date; providing for administrative support; providing for dissolution of the task force; amending s. 985.404, F.S.; requiring the court to issue written orders granting or denying specified department requested transfers for committed youth; permitting the court to conduct a hearing; prohibiting specified department-requested transfers prior to department receipt of a written court order granting the transfer; amending s. 985.4135, F.S.; requiring juvenile justice county councils to develop criteria for law enforcement referrals to juvenile assessment centers; providing for permissible representation on juvenile justice county councils or circuit boards; amending ss. 784.075, 984.05, 985.31, and 985.3141, F.S.; conforming cross references; reenacting ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(k), and 985.311(3)(e), F.S., relating to jurisdiction, sentencing alternatives, commitment of serious or habitual juvenile offenders, and eligibility for an intensive residential treatment program for offenders less than 13 years of age, respectively, to incorporate the amendment to s. 985.231, F.S., in reference thereto; amending s. 985.407, F.S.; changing the level of background screening required for certain department and provider employees from level 1 to level 2; requiring federal criminal records checks every 5 years for certain department and provider employees; providing for electronic submission of specified fingerprint information; providing for retention of specified fingerprint information; providing for searches; requiring the adoption of rules; providing for an annual fee; providing for notice of changes in the employment status of persons whose fingerprint information is retained; requiring the removal of fingerprint information upon the occurrence of specified events; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1978** as amended and read the second time by title.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senator Crist moved the following amendment:

Amendment 1 (741866)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 985.03, Florida Statutes, is amended to read:

985.03 Definitions.—*As* ~~When~~ used in this chapter, the term:

(1) "Addictions receiving facility" means a substance abuse service provider as defined in chapter 397.

(2) "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition, as is provided for under s. 985.228 in delinquency cases.

(3) "Adult" means any natural person other than a child.

(4) "Arbitration" means a process whereby a neutral third person or panel, called an arbitrator or an arbitration panel, considers the facts and arguments presented by the parties and renders a decision which may be binding or nonbinding.

(5) "Authorized agent" or "designee" of the department means a person or agency assigned or designated by the department ~~of Juvenile Justice~~ or the Department of Children and Family Services, as appropriate, to perform duties or exercise powers *under* ~~pursuant to~~ this chapter and includes contract providers and their employees for purposes of

providing services to and managing cases of children in need of services and families in need of services.

(6) "Child" or "juvenile" or "youth" means any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.

(7) "Child eligible for an intensive residential treatment program for offenders less than 13 years of age" means a child who has been found to have committed a delinquent act or a violation of law in the case currently before the court and who meets at least one of the following criteria:

(a) The child is less than 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;

2. Sexual battery;

3. Robbery;

4. Kidnapping;

5. Aggravated child abuse;

6. Aggravated assault;

7. Aggravated stalking;

8. Murder;

9. Manslaughter;

10. Unlawful throwing, placing, or discharging of a destructive device or bomb;

11. Armed burglary;

12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The child is less than 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least once to a delinquency commitment program.

(c) The child is less than 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(8) "Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the department ~~of Juvenile Justice~~ or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also, *under* ~~pursuant to~~ this chapter, be found by the court:

(a) To have persistently run away from the child's parents or legal custodians despite reasonable efforts of the child, the parents or legal custodians, and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts shall include voluntary participation by the child's parents or legal custodians and the child in family mediation, services, and treatment offered by the department ~~of Juvenile Justice~~ or the Department of Children and Family Services;

(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation *under* ~~pursuant to~~ ss. 1003.26 and 1003.27 and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Children and Family Services; or

(c) To have persistently disobeyed the reasonable and lawful demands of the child's parents or legal custodians, and to be beyond their control despite efforts by the child's parents or legal custodians and appropriate agencies to remedy the conditions contributing to the behavior. Reasonable efforts may include such things as good faith participation in family or individual counseling.

(9) "Child who has been found to have committed a delinquent act" means a child who, *under* ~~pursuant to the provisions of~~ this chapter, is found by a court to have committed a violation of law or to be in direct or indirect contempt of court, except that this definition *does* ~~shall~~ not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding *under* ~~pursuant to~~ part III of this chapter.

(10) "Child support" means a court-ordered obligation, enforced under chapter 61 and ss. 409.2551-409.2597, for monetary support for the care, maintenance, training, and education of a child.

(11) "Circuit" means any of the 20 judicial circuits as set forth in s. 26.021.

(12) "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of a juvenile offender's or a child's physical, psychological, educational, vocational, and social condition and family environment as they relate to the child's need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.

(13) "Conditional release" means the care, treatment, help, and supervision provided to a juvenile released from a residential commitment program which is intended to promote rehabilitation and prevent recidivism. The purpose of conditional release is to protect the public, reduce recidivism, increase responsible productive behavior, and provide for a successful transition of the youth from the department to the family. Conditional release includes, but is not limited to, nonresidential community-based programs.

(14) "Court," unless otherwise expressly stated, means the circuit court assigned to exercise jurisdiction under this chapter.

(15) "Day treatment" means a nonresidential, community-based program designed to provide therapeutic intervention to youth who are placed on probation or conditional release or are committed to the minimum-risk nonresidential level. A day treatment program may provide educational and vocational services and shall provide case-management services; individual, group, and family counseling; training designed to address delinquency risk factors; and monitoring of a youth's compliance with, and facilitation of a youth's completion of, sanctions if ordered by the court. Program types may include, but are not limited to, career programs, marine programs, juvenile justice alternative schools, training and rehabilitation programs, and gender-specific programs.

(16)(a)~~(15)(a)~~ "Delinquency program" means any intake, probation, or similar program; regional detention center or facility; or community-based program, whether owned and operated by or contracted by the department ~~of Juvenile Justice~~, or institution owned and operated by or contracted by the department ~~of Juvenile Justice~~, which provides intake, supervision, or custody and care of children who are alleged to be or who have been found to be delinquent *under* ~~pursuant to~~ part II.

(b) "Delinquency program staff" means supervisory and direct care staff of a delinquency program as well as support staff who have direct contact with children in a delinquency program.

(c) "Delinquency prevention programs" means programs designed for the purpose of reducing the occurrence of delinquency, including youth and street gang activity, and juvenile arrests. The term excludes arbitration, diversionary or mediation programs, and community service work or other treatment available subsequent to a child committing a delinquent act.

(17)~~(16)~~ "Department" means the Department of Juvenile Justice.

(18)~~(17)~~ "Designated facility" or "designated treatment facility" means any facility designated by the department ~~of Juvenile Justice~~ to provide treatment to juvenile offenders.

(19)~~(18)~~ "Detention care" means the temporary care of a child in secure, nonsecure, or home detention, pending a court adjudication or disposition or execution of a court order. There are three types of detention care, as follows:

(a) "Secure detention" means temporary custody of the child while the child is under the physical restriction of a detention center or facility pending adjudication, disposition, or placement.

(b) "Nonsecure detention" means temporary custody of the child while the child is in a residential home in the community in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice pending adjudication, disposition, or placement.

(c) "Home detention" means temporary custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the department ~~of Juvenile Justice~~ staff pending adjudication, disposition, or placement.

(20)~~(19)~~ "Detention center or facility" means a facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law. A detention center or facility may provide secure or nonsecure custody. A facility used for the commitment of adjudicated delinquents shall not be considered a detention center or facility.

(21)~~(20)~~ "Detention hearing" means a hearing for the court to determine if a child should be placed in temporary custody, as provided for under ss. 985.213 and 985.215 in delinquency cases.

(22)~~(21)~~ "Disposition hearing" means a hearing in which the court determines the most appropriate dispositional services in the least restrictive available setting provided for under s. 985.231, in delinquency cases.

(23)~~(22)~~ "Family" means a collective of persons, consisting of a child and a parent, guardian, adult custodian, or adult relative, in which:

(a) The persons reside in the same house or living unit; or

(b) The parent, guardian, adult custodian, or adult relative has a legal responsibility by blood, marriage, or court order to support or care for the child.

(24)~~(23)~~ "Family in need of services" means a family that has a child for whom there is no pending investigation into an allegation of abuse, neglect, or abandonment or no current supervision by the department ~~of Juvenile Justice~~ or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also have been referred to a law enforcement agency or the department ~~of Juvenile Justice~~ for:

(a) Running away from parents or legal custodians;

(b) Persistently disobeying reasonable and lawful demands of parents or legal custodians, and being beyond their control; or

(c) Habitual truancy from school.

(25)~~(24)~~ "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.

(26)~~(25)~~ "Habitually truant" means that:

(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to compulsory school attendance under s. 1003.21(1) and (2)(a), and is not exempt under s. 1003.21(3), s. 1003.24, or any other exemptions specified by law or the rules of the State Board of Education.

(b) Escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior under ss. 1003.26 and 1003.27 have been completed.

If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 1003.26 and 1003.27 and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the state attorney may file a child-in-need-of-services petition. *Before* ~~Prior to~~ filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the state attorney may elect to file a child-in-need-of-services petition.

(c) A school representative, designated according to school board policy, and a juvenile probation officer of the department ~~of Juvenile Justice~~ have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions that could be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the department ~~of Juvenile Justice~~ have worked with the child as described in s. 1003.27(3) shall be handled as prescribed in s. 1003.27.

(27)~~(26)~~ "Halfway house" means a community-based residential program for 10 or more committed delinquents at the moderate-risk commitment level which is operated or contracted by the department ~~of Juvenile Justice~~.

(28)~~(27)~~ "Intake" means the initial acceptance and screening by the department ~~of Juvenile Justice~~ of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

(a) The disposition of the complaint, report, or probable cause affidavit without court or public agency action or judicial handling when appropriate.

(b) The referral of the child to another public or private agency when appropriate.

(c) The recommendation by the juvenile probation officer of judicial handling when appropriate and warranted.

(29)~~(28)~~ "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

(30)~~(29)~~ "Juvenile justice continuum" includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs, and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; conditional release; substance abuse and mental health programs; educational and career programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.

(31)~~(30)~~ "Juvenile probation officer" means the authorized agent of the department ~~of Juvenile Justice~~ who performs the intake, case management, or supervision functions.

(32)~~(31)~~ "Juvenile sexual offender" means:

(a) A juvenile who has been found by the court *under* ~~pursuant to~~ s. 985.228 to have committed a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133;

(b) A juvenile found to have committed any felony violation of law or delinquent act involving juvenile sexual abuse. "Juvenile sexual abuse" means any sexual behavior which occurs without consent, without equality, or as a result of coercion. For purposes of this subsection, the following definitions apply:

1. "Coercion" means the exploitation of authority, use of bribes, threats of force, or intimidation to gain cooperation or compliance.

2. "Equality" means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.

3. "Consent" means an agreement including all of the following:

a. Understanding what is proposed based on age, maturity, developmental level, functioning, and experience.

b. Knowledge of societal standards for what is being proposed.

c. Awareness of potential consequences and alternatives.

d. Assumption that agreement or disagreement will be accepted equally.

e. Voluntary decision.

f. Mental competence.

Juvenile sexual offender behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.

(33)~~(32)~~ "Legal custody or guardian" means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

(34)~~(33)~~ "Licensed child-caring agency" means a person, society, association, or agency licensed by the Department of Children and Family Services to care for, receive, and board children.

(35)~~(34)~~ "Licensed health care professional" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under part I of chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

(36)~~(35)~~ "Likely to injure oneself" means that, as evidenced by violent or other actively self-destructive behavior, it is more likely than not that within a 24-hour period the child will attempt to commit suicide or inflict serious bodily harm on himself or herself.

(37)~~(36)~~ "Likely to injure others" means that it is more likely than not that within a 24-hour period the child will inflict serious and unjustified bodily harm on another person.

(38)~~(37)~~ "Mediation" means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decision-making authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

(39)~~(38)~~ "Necessary medical treatment" means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(40)~~(39)~~ "Next of kin" means an adult relative of a child who is the child's brother, sister, grandparent, aunt, uncle, or first cousin.

(41)~~(40)~~ "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1). If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless the parental status falls within the terms of either s. 39.503(1) or s. 63.062(1).

(42)~~(41)~~ "Preliminary screening" means the gathering of preliminary information to be used in determining a child's need for further evaluation or assessment or for referral for other substance abuse services through means such as psychosocial interviews; urine and breathalyzer screenings; and reviews of available educational, delinquency, and dependency records of the child.

(43)~~(42)~~ "Preventive services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in the placement of a child in foster care. Social services and other supportive and rehabilitative services shall promote the child's need for a safe, continuous, stable living environment and shall promote family autonomy and shall strengthen family life as the first priority whenever possible.

(44)~~(43)~~ "Probation" means the legal status of probation created by law and court order in cases involving a child who has been found to have committed a delinquent act. Probation is an individualized program in which the freedom of the child is limited and the child is restricted to noninstitutional quarters or restricted to the child's home in lieu of commitment to the custody of the department ~~of Juvenile Justice~~. Youth on probation may be assessed and classified for placement in day-treatment probation programs designed for youth who represent a minimum risk to themselves and public safety and do not require placement and services in a residential setting. ~~Program types in this more intensive and structured day-treatment probation option include career programs, marine programs, juvenile justice alternative schools, training and rehabilitation programs, and gender-specific programs.~~

(45)~~(44)~~ "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(46)~~(45)~~ "*Restrictiveness* ~~Residential Commitment~~ level" means the level of *programming and* security provided by programs that service the supervision, custody, care, and treatment needs of committed children. Sections 985.3141 and 985.404(11) apply to children placed in programs at any residential commitment level. The *restrictiveness* levels of ~~residential~~ commitment are as follows:

(a) Minimum-risk nonresidential.—Programs or program models at this commitment level work with youth who remain in the community and participate at least 5 days per week in a day treatment program. Youth assessed and classified for programs at this commitment level represent a minimum risk to themselves and public safety and do not require placement and services in residential settings. Youth in this level have full access to, and reside in, the community. Youth who have been found to have committed delinquent acts that involve firearms, that are sexual offenses, or that would be life felonies or first-degree felonies if committed by an adult may not be committed to a program at this level.

(b)~~(a)~~ Low-risk residential.—Programs or program models at this commitment level are residential but may allow youth to have unsupervised access to the community. Youth assessed and classified for placement in programs at this commitment level represent a low risk to themselves and public safety but do require placement and services in residential settings. Children who have been found to have committed delinquent acts that involve firearms, delinquent acts that are sexual offenses, or delinquent acts that would be life felonies or first degree felonies if committed by an adult shall not be committed to a program at this level.

(c)~~(b)~~ Moderate-risk residential.—Programs or program models at this commitment level are residential but may allow youth to have

supervised access to the community. Facilities are either environmentally secure, staff secure, or are hardware-secure with walls, fencing, or locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for placement in programs at this commitment level represent a moderate risk to public safety and require close supervision. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary.

(d)~~(c)~~ High-risk residential.—Programs or program models at this commitment level are residential and *do* ~~shall~~ not allow youth to have access to the community *except that, temporary release providing community access for up to 72 continuous hours may be approved by a court for a youth who has made successful progress in his or her program in order for the youth to attend a family emergency or, during the final 60 days of his or her placement, to visit his or her home, enroll in school or a vocational program, complete a job interview, or participate in a community service project. High-risk residential* facilities are hardware-secure with perimeter fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for this level of placement require close supervision in a structured residential setting. Placement in programs at this level is prompted by a concern for public safety that outweighs placement in programs at lower commitment levels. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility may provide for single cell occupancy.

(e)~~(d)~~ Maximum-risk residential.—Programs or program models at this commitment level include juvenile correctional facilities and juvenile prisons. The programs are long-term residential and *do* ~~shall~~ not allow youth to have access to the community. Facilities are maximum-custody hardware-secure with perimeter security fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility shall provide for single cell occupancy, except that youth may be housed together during prerelease transition. Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting. Placement in a program at this level is prompted by a demonstrated need to protect the public.

(47)~~(46)~~ "Respite" means a placement that is available for the care, custody, and placement of a youth charged with domestic violence as an alternative to secure detention or for placement of a youth when a shelter bed for a child in need of services or a family in need of services is unavailable.

(48)~~(47)~~ "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

(49)~~(48)~~ "Serious or habitual juvenile offender," for purposes of commitment to a residential facility and for purposes of records retention, means a child who has been found to have committed a delinquent act or a violation of law, in the case currently before the court, and who meets at least one of the following criteria:

(a) The youth is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;

2. Sexual battery;

3. Robbery;

4. Kidnapping;

5. Aggravated child abuse;

6. Aggravated assault;

7. Aggravated stalking;

8. Murder;

9. Manslaughter;

10. Unlawful throwing, placing, or discharging of a destructive device or bomb;

11. Armed burglary;

12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The youth is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least two times to a delinquency commitment program.

(c) The youth is at least 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(50)~~(49)~~ "Serious or habitual juvenile offender program" means the program established in s. 985.31.

(51)~~(50)~~ "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be delinquent.

(52)~~(51)~~ "Shelter hearing" means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.

(53)~~(52)~~ "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.

(54)~~(53)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(55)~~(54)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, detention, placement, or other disposition as authorized by law.

(56)~~(55)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(57)~~(56)~~ "Temporary release" means the terms and conditions under which a child is temporarily released from a *residential* commitment facility or allowed home visits. If the temporary release is from a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a conditional release program or a period during which the child is supervised by a juvenile probation officer or other nonresidential staff of the department or staff employed by an entity under contract with the department.

(58)~~(57)~~ "Training school" means one of the following facilities: the Arthur G. Dozier School or the Eckerd Youth Development Center.

(59)~~(58)~~ "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a

misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(60)~~(59)~~ "Waiver hearing" means a hearing provided for under s. 985.226(3).

Section 2. Paragraph (d) of subsection (1) of section 985.207, Florida Statutes, is amended to read:

985.207 Taking a child into custody.—

(1) A child may be taken into custody under the following circumstances:

(d) By a law enforcement officer who has probable cause to believe that the child is in violation of the conditions of the child's probation, home detention, postcommitment probation, or conditional release supervision*, has absconded from nonresidential commitment,* or has escaped from *residential* commitment.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 985.215.

Section 3. Section 985.208, Florida Statutes, is amended to read:

985.208 Detention of escapee *or absconder* on authority of the department.—

(1) If an authorized agent of the department has reasonable grounds to believe that any delinquent child committed to the department has escaped from a *residential commitment* facility ~~of the department~~ or from being lawfully transported thereto or therefrom, *or has absconded from a nonresidential commitment facility,* the agent may take the child into active custody and may deliver the child to the facility or, if it is closer, to a detention center for return to the facility. However, a child may not be held in detention longer than 24 hours, excluding Saturdays, Sundays, and legal holidays, unless a special order so directing is made by the judge after a detention hearing resulting in a finding that detention is required based on the criteria in s. 985.215(2). The order shall state the reasons for such finding. The reasons shall be reviewable by appeal or in habeas corpus proceedings in the district court of appeal.

(2) Any sheriff or other law enforcement officer, upon the request of the secretary of the department or duly authorized agent, shall take a child who has escaped ~~or absconded~~ from a *residential commitment* ~~department~~ facility ~~for committed delinquent children,~~ or from being lawfully transported thereto or therefrom, *or has absconded from a nonresidential commitment facility,* into custody and deliver the child to the appropriate juvenile probation officer ~~of the department~~.

Section 4. Subsections (2) and (10) of section 985.215, Florida Statutes, are amended to read:

985.215 Detention.—

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee *from a residential commitment program* or an absconder from a *nonresidential* commitment program, a probation program, or conditional release supervision, or is alleged to have escaped while being lawfully transported to or from *a residential commitment* ~~such~~ program ~~or supervision~~.

(b) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony.

(c) The child is charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his or her personal safety.

(d) The child is charged with committing an offense of domestic violence as defined in s. 741.28 and is detained as provided in s. 985.213(2)(b)3.

(e) The child is charged with possession or discharging a firearm on school property in violation of s. 790.115.

(f) The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve a violation of chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm.

(g) The child is charged with any second degree or third degree felony involving a violation of chapter 893 or any third degree felony that is not also a crime of violence, and the child:

1. Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;

2. Has a record of law violations prior to court hearings;

3. Has already been detained or has been released and is awaiting final disposition of the case;

4. Has a record of violent conduct resulting in physical injury to others; or

5. Is found to have been in possession of a firearm.

(h) The child is alleged to have violated the conditions of the child's probation or conditional release supervision. However, a child detained under this paragraph may be held only in a consequence unit as provided in s. 985.231(1)(a)1.c. If a consequence unit is not available, the child shall be placed on home detention with electronic monitoring.

(i) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, for an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(j) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, at two or more court hearings of any nature on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

A child who meets any of these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he or she is charged and the need for continued detention*, except when the child is alleged to have absconded from a nonresidential commitment program, in which case the court, at the detention hearing, shall order that the child be released from detention and returned to his or her nonresidential commitment program*. Unless a child is detained under paragraph (d) or paragraph (e), the court shall *use* ~~utilize~~ the results of the risk assessment performed by the juvenile probation officer and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement. Except as provided in s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted pursuant to paragraph (5)(f).

(10)(a)1. When a child is committed to the department ~~of Juvenile Justice~~ awaiting dispositional placement, removal of the child from detention care shall occur within 5 days, excluding Saturdays, Sundays, and legal holidays. Any child held in secure detention during the 5 days must meet detention admission criteria pursuant to this section. If the child is committed to a moderate-risk residential program, the department may seek an order from the court authorizing continued detention for a specific period of time necessary for the appropriate residential placement of the child. However, such continued detention in secure detention care may not exceed 15 days after commitment, excluding Saturdays, Sundays, and legal holidays, and except as otherwise provided in this subsection.

2. The court must place all children who are adjudicated and awaiting placement in a ~~residential~~ commitment program in detention care. Children who are in home detention care or nonsecure detention care may be placed on electronic monitoring.

(b) A child who is placed in home detention care, nonsecure detention care, or home or nonsecure detention care with electronic monitoring, while awaiting placement in a *minimum-risk,* low-risk*,* or moderate-risk program, may be held in secure detention care for 5 days, if the child violates the conditions of the home detention care, the nonsecure detention care, or the electronic monitoring agreement. For any subsequent violation, the court may impose an additional 5 days in secure detention care.

(c) If the child is committed to a high-risk residential program, the child must be held in detention care until placement or commitment is accomplished.

(d) If the child is committed to a maximum-risk residential program, the child must be held in detention care until placement or commitment is accomplished.

(e) Upon specific appropriation, the department may obtain comprehensive evaluations, including, but not limited to, medical, academic, psychological, behavioral, sociological, and vocational needs of a youth with multiple arrests for all level criminal acts or a youth committed to a minimum-risk or low-risk commitment program.

(f) Regardless of detention status, a child being transported by the department to a *residential* commitment facility of the department may be placed in secure detention overnight, not to exceed a 24-hour period, for the specific purpose of ensuring the safe delivery of the child to his or her *residential* commitment program, court, appointment, transfer, or release.

Section 5. Paragraph (b) of subsection (2) of section 985.2155, Florida Statutes, is amended to read:

985.2155 Shared county and state responsibility for juvenile detention.—

(2) As used in this section, the term:

(b) "Fiscally constrained county" means a county ~~designated as a rural area of critical economic concern under s. 288.0656~~ for which the value of a mill in the county is no more than *$4* ~~$3~~ million, based on the property valuations and tax data annually published by the Department of Revenue under s. 195.052.

Section 6. Paragraphs (a) and (d) of subsection (1) and subsection (2) of section 985.231, Florida Statutes, are amended to read:

985.231 Powers of disposition in delinquency cases.—

(1)(a) The court that has jurisdiction of an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

1. Place the child in a probation program or a postcommitment probation program under the supervision of an authorized agent of the Department of Juvenile Justice or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct. A probation program for an adjudicated delinquent child must include a penalty component such as restitution in money or in kind, community service, a curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or other educational program. If the child is attending or is eligible to attend public school and the court finds that the victim or a sibling of the victim in the case is attending or may attend the same school as the child, the court placement order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d). Upon the recommendation of the department at the time of disposition, or subsequent to disposition pursuant to the filing of a petition alleging a violation of the child's conditions of postcommitment probation, the court may order the child to submit to random testing for the purpose of detecting and monitoring the use of alcohol or controlled substances.

a. A ~~restrictiveness level~~ classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to probation supervision requirements to reasonably ensure the public safety. Probation programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs must include, but are not limited to, structured or restricted activities as described in this subparagraph, and shall be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense, except that the duration of such supervision or program for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months. When restitution is ordered by the court, the amount of restitution may not exceed an amount the child and the parent or guardian could reasonably be expected to pay or make. A child who participates in any work program under this part is considered an employee of the state for purposes of liability, unless otherwise provided by law.

b. The court may conduct judicial review hearings for a child placed on probation for the purpose of fostering accountability to the judge and compliance with other requirements, such as restitution and community service. The court may allow early termination of probation for a child who has substantially complied with the terms and conditions of probation.

c. If the conditions of the probation program or the postcommitment probation program are violated, the department or the state attorney may bring the child before the court on a petition alleging a violation of the program. Any child who violates the conditions of probation or postcommitment probation must be brought before the court if sanctions are sought. A child taken into custody under s. 985.207 for violating the conditions of probation or postcommitment probation shall be held in a consequence unit if such a unit is available. The child shall be afforded a hearing within 24 hours after being taken into custody to determine the existence of probable cause that the child violated the conditions of probation or postcommitment probation. A consequence unit is a secure facility specifically designated by the department for children who are taken into custody under s. 985.207 for violating probation or postcommitment probation, or who have been found by the court to have violated the conditions of probation or postcommitment probation. If the violation involves a new charge of delinquency, the child may be detained under s. 985.215 in a facility other than a consequence unit. If the child is not eligible for detention for the new charge of delinquency, the child may be held in the consequence unit pending a hearing and is subject to the time limitations specified in s. 985.215. If the child denies violating the conditions of probation or postcommitment probation, the court shall appoint counsel to represent the child at the child's request. Upon the child's admission, or if the court finds after a hearing that the child has violated the conditions of probation or postcommitment probation, the court shall enter an order revoking, modifying, or continuing probation or postcommitment probation. In each such case, the court shall enter a new disposition order and, in addition to the sanctions set forth in this paragraph, may impose any sanction the court could have imposed at the original disposition hearing. If the child is found to have violated the conditions of probation or postcommitment probation, the court may:

(I) Place the child in a consequence unit in that judicial circuit, if available, for up to 5 days for a first violation, and up to 15 days for a second or subsequent violation.

(II) Place the child on home detention with electronic monitoring. However, this sanction may be used only if a residential consequence unit is not available.

(III) Modify or continue the child's probation program or postcommitment probation program.

(IV) Revoke probation or postcommitment probation and commit the child to the department.

d. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of any order placing a child in a probation program must be until the child's 19th birthday unless he or she is released by the court, on the motion of an interested party or on its own motion.

2. Commit the child to a licensed child-caring agency willing to receive the child, but the court may not commit the child to a jail or to a facility used primarily as a detention center or facility or shelter.

3. Commit the child to the department ~~of Juvenile Justice~~ at a *restrictiveness* ~~residential commitment~~ level defined in s. 985.03. Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, urine monitoring, and treatment of the child and release of the child *from residential commitment* into the community in a postcommitment nonresidential conditional release program. If the child is eligible to attend public school following ~~residential~~ commitment and the court finds that the victim or a sibling of the victim in the case is or may be attending the same school as the child, the commitment order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d). If the child is not successful in the conditional release program, the department may use the transfer procedure under s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of the commitment must be until the child is discharged by the department or until he or she reaches the age of 21.

4. Revoke or suspend the driver's license of the child.

5. Require the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to render community service in a public service program.

6. As part of the probation program to be implemented by the Department of Juvenile Justice, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment, order the child to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order the child or the child's parent or guardian to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. The clerk shall notify the court if restitution is not made, and the court shall take any further action that is necessary against the child or the child's parent or guardian. A finding by the court, after a hearing, that the parent or guardian has made diligent and good faith efforts to prevent the child from engaging in delinquent acts absolves the parent or guardian of liability for restitution under this subparagraph.

7. Order the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to participate in a community work project, either as an alternative to monetary restitution or as part of the rehabilitative or probation program.

8. Commit the child to the Department of Juvenile Justice for placement in a program or facility for serious or habitual juvenile offenders in accordance with s. 985.31. Any commitment of a child to a program or facility for serious or habitual juvenile offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over such child until the child reaches the age of 21, specifically for the purpose of the child completing the program.

9. In addition to the sanctions imposed on the child, order the parent or guardian of the child to perform community service if the court finds that the parent or guardian did not make a diligent and good faith effort to prevent the child from engaging in delinquent acts. The court may also order the parent or guardian to make restitution in money or in kind for any damage or loss caused by the child's offense. The court shall determine a reasonable amount or manner of restitution, and payment shall be made to the clerk of the circuit court as provided in subparagraph 6.

10. Subject to specific appropriation, commit the juvenile sexual offender to the Department of Juvenile Justice for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.308. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over a juvenile sexual offender until the juvenile sexual offender reaches the age of 21, specifically for the purpose of completing the program.

(d) Any commitment of a delinquent child to the Department of Juvenile Justice must be for an indeterminate period of time, which may include periods of temporary release*; however*, ~~but~~ the *period of* time may not exceed the maximum term of imprisonment that an adult may serve for the same offense*, except that the duration of a minimum-risk, nonresidential commitment for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months*. The duration of the child's placement in a ~~residential~~ commitment program of any *restrictiveness* level shall be based on objective performance-based treatment planning. The child's treatment plan progress and adjustment-related issues shall be reported to the court *quarterly, unless the court requests monthly reports* ~~each month~~. The child's length of stay in a ~~residential~~ commitment program may be extended if the child fails to comply with or participate in treatment activities. The child's length of stay in such program shall not be extended for purposes of sanction or punishment. Any temporary release from such program must be approved by the court. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. The child's treatment plan progress and adjustment-related issues must be communicated to the court at the time the department requests the court to consider releasing the child from the ~~residential~~ commitment program. Notwithstanding s. 743.07 and this subsection, and except as provided in ss. 985.201 and 985.31, a child may not be held under a commitment from a court *under* ~~pursuant to~~ this section after becoming 21 years of age. The department shall give the court that committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment facility. The court that committed the child may thereafter accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted. This section does not limit the department's authority to revoke a child's temporary release status and return the child to a commitment facility for any violation of the terms and conditions of the temporary release.

(2) Following a delinquency adjudicatory hearing pursuant to s. 985.228 and a delinquency disposition hearing pursuant to s. 985.23 which results in a commitment determination, the court shall, on its own or upon request by the state or the department, determine whether the protection of the public requires that the child be placed in a program for serious or habitual juvenile offenders and whether the particular needs of the child would be best served by a program for serious or habitual juvenile offenders as provided in s. 985.31. The determination shall be made pursuant to *ss. 985.03(49)* ~~ss. 985.03(48)~~ and 985.23(3).

Section 7. Paragraph (a) of subsection (1) of section 985.2311, Florida Statutes, is amended to read:

985.2311 Cost of supervision; cost of care.—

(1) Except as provided in subsection (3) or subsection (4):

(a) When any child is placed into home detention, probation, or other supervision status with the Department of Juvenile Justice*, or is committed to the minimum-risk, nonresidential restrictiveness level*, the court shall order the parent of such child to pay to the department a fee for the cost of the supervision of such child in the amount of $1 per day for each day that the child is in *such* ~~supervision~~ status.

Section 8. Subsection (4) of section 985.407, Florida Statutes, is amended to read:

985.407 Departmental contracting powers; personnel standards and screening.—

(4)*(a) For any person employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs,* the department shall require*:*

1. A level 2 employment screening pursuant to chapter 435 *prior to employment; and*~~, using the level 1 standards for screening set forth in that chapter, for personnel in delinquency facilities, services, or programs.~~

2. A federal criminal records check by the Federal Bureau of Investigation every 5 years following the date of the person's employment.

(b) Except for law enforcement, correctional, and correctional probation officers, to whom s. 943.13(5) applies, the department shall electronically submit to the Department of Law Enforcement:

1. Fingerprint information obtained during the employment screening required by subparagraph (a)1.; and

2. Beginning December 15, 2005, fingerprint information for all persons employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs if such fingerprint information has not previously been electronically submitted to the Department of Law Enforcement under this paragraph.

(c) All fingerprint information electronically submitted to the Department of Law Enforcement under paragraph (b) shall be retained by the Department of Law Enforcement and entered into the statewide automated fingerprint identification system authorized by s. 943.05(2)(b) and shall thereafter be available for all purposes and uses authorized for arrest fingerprint information entered into the statewide automated fingerprint identification system pursuant to s. 943.051 until the fingerprint information is removed pursuant to paragraph (e). The Department of Law Enforcement shall search all arrest fingerprint information received pursuant to s. 943.051 against the fingerprint information entered into the statewide automated fingerprint system pursuant to this subsection. Any arrest records identified as a result of the search shall be reported to the department in the manner and timeframe established by rule of the Department of Law Enforcement.

(d) The department shall pay an annual fee to the Department of Law Enforcement for its costs resulting from the fingerprint-information-retention services required by this subsection. The amount of the annual fee and procedures for the submission and retention of fingerprint information and for the dissemination of search results shall be established by rule of the Department of Law Enforcement which is applicable to the department individually pursuant to this subsection or is applicable to the department and other employing agencies pursuant to rulemaking authority otherwise provided by law.

(e) The department shall notify the Department of Law Enforcement when a person whose fingerprint information is retained by the Department of Law Enforcement under this subsection is no longer employed by the department, or by a provider under contract with the department, in a delinquency facility, service, or program. This notice shall be provided by the department to the Department of Law Enforcement no later than 6 months after the date of the change in the person's employment status. Fingerprint information for persons identified by the department in the notice shall be removed from the statewide automated fingerprint system.

Section 9. *The sums of $36,834 in recurring funds and $86,407 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Juvenile Justice for expenses for the 2005-2006 fiscal year. The sum of $133,335 in recurring funds is appropriated from the Administrative Trust Fund to the Department of Juvenile Justice for expenses for the 2005-2006 fiscal year.*

Section 10. Subsection (3) of section 985.316, Florida Statutes, is amended to read:

985.316 Conditional release.—

(3) For juveniles referred or committed to the department, the function of the department may include, but shall not be limited to, assessing each ~~committed~~ juvenile *placed in a residential commitment program* to determine the need for conditional release services upon release from *the* ~~a commitment~~ program, supervising the juvenile when released into the community from a residential commitment facility of the department, providing such counseling and other services as may be necessary for the families and assisting their preparations for the return of the child. Subject to specific appropriation, the department shall provide for outpatient sexual offender counseling for any juvenile sexual offender released from a commitment program as a component of conditional release.

Section 11. *Section 985.403, Florida Statutes, is repealed.*

Section 12. *Task force on juvenile sexual offenders and their victims.—*

(1) On or before August 1, 2005, the Department of Juvenile Justice shall create a task force to review and evaluate the state's laws that address juvenile sex offenders and the department's practices and procedures for serving these offenders and their victims. The task force shall make findings that include, but are not limited to, a profile of this state's juvenile sex offenders and of dispositions received by those offenders, identification of statutes that address these offenders, identification of community-based and commitment programming available for these offenders and of such programming's effectiveness, the appropriateness and rehabilitative efficacy of placing these offenders in residential commitment programs, and identification of qualifications required for staff who serve these offenders. Based on its findings, the task force shall make recommendations for how the state's laws, policies, programs, and funding for juvenile sexual offenders may be improved.

(2) The Secretary of Juvenile Justice, or his or her designee, shall appoint up to 12 members to the task force. The task force shall be composed of representatives who shall include, but are not limited to, the following: a circuit court judge with at least 1 year's experience in the juvenile division, a state attorney with at least 1 year's experience in the juvenile division, a public defender with at least 1 year's experience in the juvenile division, one representative of the Department of Juvenile Justice, two representatives of providers of juvenile sexual offender services, one member of the Florida Juvenile Justice Association, one member of the Florida Association for the Treatment of Sexual Abusers, and one victim of a juvenile sexual offense.

(3) The task force shall submit a written report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2005.

(4) Administrative support for the task force shall be provided by the Department of Juvenile Justice. Members of the task force shall receive no salary from the state beyond the salary already received from their sponsoring agency, if any, and are not entitled to reimbursement for travel and per diem expenses.

(5) The task force shall be dissolved upon the submission of its report.

Section 13. *Task Force to study certification for juvenile justice provider staff.—*

(1) On or before August 1, 2005, the Department of Juvenile Justice shall create a task force to study the feasibility of establishing a certification process for staff employed by a provider under contract with the Department of Juvenile Justice to provide juvenile justice services to youth.

(2) The Secretary of Juvenile Justice, or his or her designee, shall appoint up to 12 members to the task force. The task force shall be composed of representatives who shall include, but are not limited to, the following: two representatives of the Department of Juvenile Justice, two representatives of providers of juvenile justice services, two members of the Florida Juvenile Justice Association, two provider employees who provide direct care services, and two representatives of the Florida Certification Board.

(3) The task force shall consider the feasibility of implementing and operating a certification system for staff who work in juvenile justice facilities, services, or programs. At a minimum, the task force shall consider, and make recommendations concerning, the occupational levels of staff subject to certification, the criteria that may be used to certify staff, the levels of certification, and a process for testing and validating the

effectiveness of any recommended staff certification system. In making its recommendations, the task force shall make findings regarding the benefits of a staff certification system for this state's juvenile justice programming and the cost to implement such a system.

(4) The task force shall submit a written report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2006.

(5) Administrative support for the task force shall be provided by the Department of Juvenile Justice. Members of the task force shall receive no salary from the state beyond the salary already received from their sponsoring agency, if any, and are not entitled to reimbursement for travel and per diem expenses.

(6) The task force shall be dissolved upon the submission of its report.

Section 14. Subsection (10) of section 985.4135, Florida Statutes, is amended to read:

985.4135 Juvenile justice circuit boards and juvenile justice county councils.—

(10) Membership of the juvenile justice county councils, or juvenile justice circuit boards established under subsection (9), *may* ~~must~~ include representatives from the following entities:

(a) Representatives from the school district, which may include elected school board officials, the school superintendent, school or district administrators, teachers, and counselors.

(b) Representatives of the board of county commissioners.

(c) Representatives of the governing bodies of local municipalities within the county.

(d) A representative of the corresponding circuit or regional entity of the Department of Children and Family Services.

(e) Representatives of local law enforcement agencies, including the sheriff or the sheriff's designee.

(f) Representatives of the judicial system.

(g) Representatives of the business community.

(h) Representatives of other interested officials, groups, or entities, including, but not limited to, a children's services council, public or private providers of juvenile justice programs and services, students, parents, and advocates. Private providers of juvenile justice programs may not exceed one-third of the voting membership.

(i) Representatives of the faith community.

(j) Representatives of victim-service programs and victims of crimes.

(k) Representatives of the Department of Corrections.

Section 15. Section 784.075, Florida Statutes, is amended to read:

784.075 Battery on detention or commitment facility staff or a juvenile probation officer.—A person who commits a battery on a juvenile probation officer, as defined in s. 984.03 or s. 985.03, on other staff of a detention center or facility as defined in s. 984.03(19) or *s. 985.03(20)* ~~s. 985.03(19)~~, or on a staff member of a commitment facility as defined in *s. 985.03(46)* ~~s. 985.03(45)~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes persons employed by the Department of Juvenile Justice, persons employed at facilities licensed by the Department of Juvenile Justice, and persons employed at facilities operated under a contract with the Department of Juvenile Justice.

Section 16. Subsection (2) of section 985.231, Florida Statutes, is amended to read:

985.231 Powers of disposition in delinquency cases.—

(2) Following a delinquency adjudicatory hearing pursuant to s. 985.228 and a delinquency disposition hearing pursuant to s. 985.23 which results in a commitment determination, the court shall, on its own or upon request by the state or the department, determine whether the protection of the public requires that the child be placed in a program for serious or habitual juvenile offenders and whether the particular needs of the child would be best served by a program for serious or habitual juvenile offenders as provided in s. 985.31. The determination shall be made pursuant to *ss. 985.03(49)* ~~ss. 985.03(48)~~ and 985.23(3).

Section 17. Paragraph (e) of subsection (3) and paragraph (a) of subsection (4) of section 985.31, Florida Statutes, are amended to read:

985.31 Serious or habitual juvenile offender.—

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(e) After a child has been adjudicated delinquent pursuant to s. 985.228, the court shall determine whether the child meets the criteria for a serious or habitual juvenile offender pursuant to *s. 985.03(49)* ~~s. 985.03(48)~~. If the court determines that the child does not meet such criteria, the provisions of s. 985.231(1) shall apply.

(4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(a) Pursuant to the provisions of this section, the department shall implement the comprehensive assessment instrument for the treatment needs of serious or habitual juvenile offenders and for the assessment, which assessment shall include the criteria under *s. 985.03(49)* ~~s. 985.03(48)~~ and shall also include, but not be limited to, evaluation of the child's:

1. Amenability to treatment.

2. Proclivity toward violence.

3. Tendency toward gang involvement.

4. Substance abuse or addiction and the level thereof.

5. History of being a victim of child abuse or sexual abuse, or indication of sexual behavior dysfunction.

6. Number and type of previous adjudications, findings of guilt, and convictions.

7. Potential for rehabilitation.

Section 18. Section 985.3141, Florida Statutes, is amended to read:

985.3141 Escapes from secure detention or residential commitment facility.—An escape from:

(1) Any secure detention facility maintained for the temporary detention of children, pending adjudication, disposition, or placement;

(2) Any residential commitment facility described in *s. 985.03(46)* ~~s. 985.03(45)~~, maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or

(3) Lawful transportation to or from any such secure detention facility or residential commitment facility,

constitutes escape within the intent and meaning of s. 944.40 and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 19. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to juvenile justice; amending s. 985.03, F.S.; redefining terms relating to juvenile justice; redefining the terms "day treatment" and "restrictiveness level"; amending s. 985.207, F.S.; clarifying when a child who escapes from a residential commitment or absconds from a nonresidential commitment may be taken into custody; amending s. 985.208, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; amending s. 985.215, F.S.; providing for release from detention for a

child who has absconded; providing for detention for committed children awaiting placement; providing secure detention for children awaiting minimum-risk placement who violate home or nonsecure detention or electronic monitoring; providing for secure detention for children being transported to residential commitment programs; amending s. 985.2155, F.S.; defining the term "fiscally constrained county"; amending s. 985.231, F.S.; incorporating newly defined terms to clarify the terms of a child's commitment; providing for the maximum length of a minimum-risk, nonresidential commitment for a child who commits a second-degree misdemeanor; providing that the department or a provider report quarterly to the court the child's progress with his or her treatment plan; conforming a cross-reference; amending s. 985.2311, F.S.; requiring parents to pay the costs of supervision related to minimum-risk, nonresidential commitment to the department; amending s. 985.316, F.S.; providing for assessment by the department of the need of juveniles in residential commitment for conditional release services; amending s. 985.407, F.S.; revising employee-screening procedures of the Department of Juvenile Justice; requiring the department to provide fingerprint information to the Department of Law Enforcement and pay an annual fee; providing appropriations; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; requiring the department to create a task force on juvenile sexual offenders and their victims; providing for membership, powers, duties, and dissolution of the task force; requiring a written report; directing the Department of Juvenile Justice to provide 1dministrative support; prohibiting certain compensation or reimbursement of task force members; requiring the Department of Juvenile Justice to create a task force to study certification for juvenile justice provider staff; providing for membership, powers, duties and dissolution of the task force; requiring a written report; directing the department to provide administrative support; prohibiting certain compensation or reimbursement of task force members; amending s. 985.4135, F.S.; providing that membership of juvenile justice county councils or circuit boards may, rather than must, include certain entities; amending ss. 784.075, 985.231, 985.31, and 985.3141, F.S.; conforming cross-references; providing an effective date.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendments to be considered:

Senator Crist moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (115350)—On page 28, lines 16-26, delete those lines and redesignate subsequent sections.

Amendment 1B (913930)(with title amendment)—On page 37, line 18 through page 39, line 21, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 48, lines 9-15, delete those lines and insert: conditional release services; repealing s. 985.403,

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1917** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 1184—A bill to be entitled An act relating to statutory ways of necessity; amending s. 704.01, F.S.; revising criteria for establishing a statutory way of necessity exclusive of common-law right; amending s. 704.04, F.S.; removing a limitation on the existence of certain easements; providing for reenactment of certain provisions under certain circumstances; providing for effectiveness; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendments which were adopted:

Amendment 1 (034092)—On page 1, lines 21-28, delete those lines and insert: exists when any land*, including land formed by accretion, reliction, or other naturally occurring processes,* or portion thereof*,* ~~outside any municipality~~ which is being used or *is* desired to be used for a dwelling or dwellings or for agricultural or for timber raising or cutting or stockraising purposes *is* ~~shall be~~ shut off or hemmed in by lands, fencing, or other improvements *by* ~~of~~ other persons so that no practicable route of egress or ingress *is* ~~shall be~~ available therefrom to the nearest practicable public or private road *in which the landlocked owner has vested easement rights*. The owner or tenant thereof, or anyone in

Amendment 2 (761708)—On page 5, line 7, delete "July 1, 2005" and insert: upon becoming a law.

Senator Haridopolos moved the following amendment which was adopted:

Amendment 3 (773762)(with title amendment)—On page 5, between lines 6 and 7, insert:

Section 5. Section 166.0498, Florida Statutes, is created to read:

166.0498 Closing of a road by a municipality.—A municipality may not permanently close a road that crosses into or through an adjoining municipality until the following conditions have been met:

(1) The municipality closing the road must adopt an ordinance and provide notice to the adjoining municipality of the public hearing for the adoption of the ordinance;

(2) The closure may not leave an area within the adjoining municipality with only one means of egress or ingress into the area;

(3) The closure must be reviewed by each municipality's emergency services providers, including, but not limited to, police and fire rescue, who must make a determination that the road closure will not adversely impact the delivery of such emergency services by an entity or adversely impact local or regional emergency preparedness, including, but not limited to, eliminating potential evacuation routes; and

(4) The municipality that is closing the road must provide signage, lighting, other necessary and appropriate safety signals for traffic, and paved roundabouts or other turn-around capability for all emergency vehicles on both sides of the barrier.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 9, after the second semicolon (;) insert: creating s. 166.0498, F.S.; prohibiting a municipality from permanently closing a road unless certain conditions are met;

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment which was adopted:

Amendment 4 (483068)(with title amendment)—On page 1, line 13, insert:

Section 1. Subsection (2) of section 316.006, Florida Statutes, is amended to read:

316.006 Jurisdiction.—Jurisdiction to control traffic is vested as follows:

(2) MUNICIPALITIES.—

(a) Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) A municipality may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located within its boundaries if the municipality and party or parties owning or controlling such road or roads provide, by

written agreement approved by the governing body of the municipality, for municipal traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by municipalities under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority. Such jurisdiction includes regulation of access to such road or roads by security devices or personnel.

3. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation; however, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.

(c) Notwithstanding any other provision of law to the contrary, a municipality may, by interlocal agreement with a county, agree to transfer traffic regulatory authority over areas within the municipality to the county.

This subsection shall not limit those counties which have the charter powers to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers by the placement and maintenance of traffic control devices which conform to the manual and specifications of the Department of Transportation on streets and highways located within municipal boundaries.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to transportation access; amending s. 316.006, F.S.; providing that a municipality may, by interlocal agreement with a county, agree to transfer traffic regulatory authority over areas within the municipality to the county;

Pursuant to Rule 4.19, **CS for SB 1184** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

SB 2614—A bill to be entitled An act relating to university campus planning; amending s. 1013.30, F.S.; requiring each university board of trustees to maintain a copy of the campus master plan on the university's website and provide for electronic copies of its draft master plan; requiring that the university hold an informal public information session before the required public hearings are held on the draft master plan; requiring that the public hearings be held at specified times; limiting the issues that an individual may raise challenging a campus master plan; authorizing the university to execute a campus development agreement during the pendency of a challenge; providing for an evidentiary hearing to be held by the state land planning agency if a challenge to the master plan is not resolved; specifying the evidentiary procedures to be used in such hearing; providing for attorney's fees in any dispute submitted to the state land planning agency or the Administration Commission in which the pleading or motion was made for an improper purpose or for economic advantage; requiring that each university board of trustees rather than the State Board of Education adopt rules to administer the procedures for preparing and adopting the campus master plan; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and amendments were considered and adopted to conform **SB 2614** to **HB 517**.

Pending further consideration of **SB 2614** as amended, on motion by Senator Constantine, by two-thirds vote **HB 517** was withdrawn from the Committees on Community Affairs; and Education.

On motion by Senator Constantine—

HB 517—A bill to be entitled An act relating to university campus planning; amending s. 1013.30, F.S.; defining terms; requiring each university board of trustees to maintain a copy of the campus master plan on the university's website and provide for electronic copies of its draft master plan; providing duties of the Board of Governors; requiring that the university hold an informal public information session before the required public hearings are held on the draft master plan; requiring that the public hearings be held at specified times; limiting the issues that an individual may raise challenging a campus master plan; authorizing the university to execute a campus development agreement during the pendency of a challenge; providing for an evidentiary hearing to be held by the Division of Administrative Hearings if a challenge to the master plan is not resolved; specifying the evidentiary procedures to be used in such hearing; providing for attorney's fees in any dispute submitted to the state land planning agency or the Administration Commission in which the pleading or motion was made for an improper purpose or for economic advantage; revising procedures to resolve disputes between the university board of trustees and the host local government; requiring that Board of Governors rather than the State Board of Education adopt rules to administer the procedures for preparing and adopting the campus master plan; providing an effective date.

—a companion measure, was substituted for **SB 2614** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 517** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB 2086—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; exempting certain voter-education activities from requirements for competitive solicitation; authorizing the Secretary of State to investigate voter fraud; authorizing the Department of State to adopt rules; amending s. 97.021, F.S.; defining the term "marksense ballots"; defining the terms "early voting area," "early voting site," and "third-party voter registration organization"; creating s. 97.029, F.S.; providing for attorney's fees and costs in any action for injunctive relief or an action challenging an election law or voter-registration law; requiring an itemized affidavit; providing for review of an award of attorney's fees and costs; providing a limitation on the amount awarded; amending s. 97.051, F.S.; revising the oath required upon registering to vote; amending s. 97.052, F.S.; revising the contents of the uniform statewide voter registration application; amending s. 97.053, F.S.; revising provisions governing the acceptance of voter registration applications by the supervisor of elections; requiring that an applicant complete a registration application before the date of book closing in order to be eligible to vote in that election; revising the information required on the registration application; amending s. 97.055, F.S.; limiting the updates that may be made to registration information following book closing; creating s. 97.0575, F.S.; providing requirements for third-party voter registration organizations that collect voter-registration applications; providing fines for failure to deliver applications as required; authorizing the Division of Elections to adopt rules to administer provisions governing third-party voter registration organizations; amending s. 97.071, F.S.; specifying the information to be included on the registration identification card; amending s. 98.045, F.S.; deleting a cross-reference; amending s. 98.077, F.S.; revising the procedures for updating a voter signature used to verify an absentee ballot or provisional ballot; amending s. 99.061, F.S.; providing for qualifying for nomination or election by the petition process; requiring the filing of statements of financial interest; requiring that a qualifying officer accept certain qualifying papers filed before the qualifying period; amending s. 99.063, F.S.; providing filing requirements for public officers; amending s. 99.092, F.S., relating to qualifying fees; clarifying provisions governing qualifying for nomination or election by the petition process to conform to changes made by the act; amending s. 99.095, F.S.; revising the requirements for qualifying as a candidate by a petition process in lieu of paying a qualifying fee and party assessment; providing requirements for submitting petitions and certifications; requiring that the division or supervisor of elections, as applicable, determine whether the required number of signatures has been obtained; amending s. 99.0955, F.S.; providing procedures for a candidate having no party affiliation to qualify by the petition process; amending s. 99.096, F.S.; revising the procedures for a minor political party to submit nominated candidates to be

on the general election ballot; providing for candidates to qualify by the petition process; amending s. 99.09651, F.S., relating to signature requirements for ballot position; conforming provisions to changes made by the act; amending s. 100.011, F.S.; requiring that an elector in line at the time the polls close be allowed to vote; amending s. 100.101, F.S.; revising the circumstances under which a special election or primary is held; amending s. 100.111, F.S.; revising requirements for filling a vacancy in a nomination; requiring that ballots cast for a former nominee be counted for the person designated to replace the nominee under certain circumstances; amending s. 100.141, F.S., relating to the notice of a special election; conforming provisions to changes made by the act; amending s. 101.031, F.S.; revising the Voter's Bill of Rights to authorize a provisional ballot if a person's identity is in question; amending s. 101.043, F.S.; revising the procedures for a voter to provide identification when voting; amending s. 101.048, F.S.; providing for certain additional voters to cast provisional ballots; providing requirements for presenting evidence in support of a person's right to vote; requiring that the county canvassing board count such a ballot unless it determines by a preponderance of the evidence that the person was not entitled to vote; requiring that a person casting a provisional ballot be informed of certain rights; amending s. 101.049, F.S.; providing requirements for ballots for persons with disabilities; amending s. 101.051, F.S.; prohibiting certain solicitations to provide assistance to an elector; providing a penalty; authorizing an elector to request that a person other than an election official provide him or her with assistance in voting; providing for the form of the oath to be signed; amending s. 101.111, F.S.; revising the requirements for challenging an elector's right to vote; providing a penalty for filing a frivolous challenge; amending s. 101.131, F.S.; revising requirements for poll watchers; authorizing certain political committees to have poll watchers; prohibiting a poll watcher from interacting with a voter; providing for poll watchers at early voting areas; amending s. 101.151, F.S.; providing requirements for marksense ballots; amending s. 101.171, F.S.; requiring that a copy of a proposed constitutional amendment be available at voting locations; amending s. 101.294, F.S.; prohibiting a vendor of voting equipment from providing systems, components, or system upgrades to a local governing body or supervisor of elections which have not been certified by the Division of Elections; requiring that the vendor provide sworn certification of such equipment; amending s. 101.295, F.S.; providing a penalty for providing voting equipment in violation of ch. 101, F.S.; amending s. 101.49, F.S.; revising the procedures for verifying an elector's signature; amending s. 101.51, F.S.; requiring that an elector occupy a voting booth alone; amending s. 101.5606, F.S., relating to requirements for approval of voting systems, to conform; amending s. 101.5608, F.S., relating to voting by electronic or electromechanical methods, to conform; amending s. 101.5612, F.S.; providing requirements for testing voting equipment; amending s. 101.5614, F.S.; correcting a cross-reference; amending s. 101.572, F.S.; requiring that the supervisor of elections notify the candidates if ballots are examined before the end of the contest; amending s. 101.58, F.S.; authorizing employees of the department to have access to the premises, records, equipment, and staff of the supervisors of elections; amending s. 101.595, F.S.; requiring that certain overvotes and undervotes be reported to the department; amending s. 101.6103, F.S.; authorizing the canvassing board to begin canvassing before the election; prohibiting the release of results before election day; providing a penalty for any early release of results; requiring that a mail ballot that otherwise satisfies the requirements of law for mail ballots be counted even if the elector dies after mailing the ballot but before election day if certain conditions are met; amending s. 101.62, F.S.; revising the requirements for mailing absentee ballots to voters; amending s. 101.64, F.S.; providing for an oath to be provided to persons voting absentee under the Uniformed and Overseas Citizens Absentee Voting Act; amending s. 101.657, F.S.; revising requirements relating to early voting locations; revising the deadline to end early voting and the times for opening and closing the early voting sites each day; providing for uniformity of county early voting sites; requiring any person in line at the closing of an early voting site to be allowed to vote; providing for early voting in municipal and special district elections; requiring supervisors to provide certain information in electronic format to the Division of Elections; requiring that an early voting ballot that otherwise satisfies the requirements of law for early voting ballots be counted even if the elector dies on or before election day; amending s. 101.663, F.S.; providing for certain persons to vote absentee after moving to another state; amending s. 101.68, F.S.; prohibiting changing a voter's certificate after the absentee ballot is received by the supervisor; providing that electors who die on or before election day and have cast an absentee ballot shall remain on the voter registration books until the election is certified; providing that the ballot of an elector who casts an absentee ballot shall be counted even if the elector dies on or before election day if certain conditions are met; amending s. 101.69, F.S.; prohibiting a voter from voting another ballot after casting an absentee ballot; providing for a provisional ballot under certain circumstances; amending s. 101.6923, F.S.; providing for the form of the printed instructions on an absentee ballot; amending s. 101.694, F.S.; providing requirements for absentee envelopes printed for voters voting under the Uniformed and Overseas Citizens Absentee Voting Act; amending s. 101.697, F.S.; requiring the Department of State to determine whether secure electronic ballots may be provided for overseas voters; requiring that the department adopt rules for accepting overseas ballots; amending s. 102.012, F.S.; requiring the supervisor of elections to appoint an election board before any election; providing duties of the board; amending s. 102.014, F.S.; requiring that the Division of Elections develop a uniform training curriculum for poll workers; amending s. 102.031, F.S.; providing requirements for maintaining order at early voting areas; requiring the designation of a no-solicitation zone; prohibiting photography in a polling room or early voting area; amending s. 102.071, F.S.; revising requirements for tabulating votes; amending s. 102.111, F.S.; providing for corrections to be made to the official election returns; amending s. 102.112, F.S.; requiring that a return contain a certification by the canvassing board; authorizing the Department of State to correct typographical errors; amending s. 102.141, F.S.; revising requirements for the canvassing boards in submitting returns to the department; providing requirements for the report filed by the canvassing board; requiring the department to adopt rules for filing results and statistical information; amending s. 102.166, F.S.; revising the circumstances under which a manual recount may be ordered; amending s. 102.168, F.S.; requiring that complaints be filed with the board responsible for certifying the election results; specifying the parties to an action who may contest an election or nomination; amending s. 103.021, F.S.; providing for nomination of presidential electors by the state executive committee of each political party; defining the term "national party" for purposes of nominating a candidate for President and Vice President of the United States; amending ss. 103.051 and 103.061, F.S.; specifying duties of the presidential electors; amending s. 103.121, F.S.; revising powers and duties of executive committees to conform to changes made by the act; amending s. 105.031, F.S.; providing for public officers to file a statement of financial interests at the time of qualifying; requiring that a filing officer accept certain qualifying papers filed before the qualifying period; amending s. 105.035, F.S.; revising procedures for qualifying for certain judicial offices and the office of school board member; prohibiting a candidate from obtaining signatures until appointing a campaign treasurer and designating a campaign depository; revising the requirements for the supervisor of elections with respect to certifying signatures; creating s. 106.022, F.S.; requiring that a political committee, committee of continuous existence, or electioneering communications entity maintain a registered office and registered agent; providing requirements for the statement of appointment; amending s. 106.24, F.S.; clarifying the duties of the Secretary of State; amending s. 106.141, F.S., relating to the disposition of surplus funds; conforming provisions to changes made by the act; transferring and renumbering s. 98.122, F.S., relating to the use of closed captioning and descriptive narrative in television broadcasts; amending s. 106.22, F.S.; eliminating certain duties of the Division of Elections with respect to reports to the Legislature and preliminary investigations; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute crimes involving voter registration, voting, or certain petition activities; amending s. 119.07, F.S.; clarifying requirements of the supervisor of elections with respect to notifying candidates of the inspection of ballots; amending s. 145.09, F.S.; requiring that the Department of State adopt rules establishing certification requirements for supervisors of elections; creating s. 104.0615, F.S.; providing a short title; prohibiting a person from using or threatening to use force, violence, or intimidation to induce or compel an individual to vote or refrain from voting, to refrain from registering to vote, or to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly using false information to challenge an individual's right to vote, to induce an individual to refrain from registering to vote, or to induce or attempt to induce an individual to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly destroying, mutilating, or defacing a voter registration form or election ballot or obstructing or delaying the delivery of a voter registration form or election ballot; providing criminal penalties; repealing ss. 98.095, 98.0979, 98.181, 98.481, 101.253, 101.635, 102.061, 106.085, and 106.144, F.S., relating to inspections of county registers and the voter database, indexes and records, challenges to elections, the printing and distribution of ballots, duties of the election board, expenditures, and endorsements or opposition by certain groups; providing for severability; providing effective dates.

—which was previously considered and amended this day. Pending **Amendment 4 (463178)** by Senator Hill was adopted.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendments to be considered:

Senator Posey moved the following amendments which were adopted:

Amendment 5 (245580)—On page 29, lines 18-21, delete those lines and insert: *later than the start of the canvassing of absentee ballots by the canvassing board. The signature on file at the start of the canvas of the absentee ballots is the signature that shall be used in verifying the signature on the absentee and provisional ballot certificates.*

Amendment 6 (954236)(with title amendment)—On page 133, between lines 2 and 3, insert:

Section 69. Subsection (6) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(6) A political party may not accept any contribution which has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate. *Also, a political party may not accept any in-kind contribution that fails to provide a direct benefit to the political party. A "direct benefit" includes, but is not limited to, fundraising or furthering the objectives of the political party.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 9, line 30, after "appointment;" insert: prohibiting political parties from accepting certain in-kind contributions;

Amendment 7 (445298)—On page 49, line 14 through page 51, line 22, delete those lines and insert: a party to have a vacancy in nomination which leaves no candidate for an office from such party, ~~the Governor shall, after conferring with the Secretary of State, call a special primary election and, if necessary, a second special primary election to select for such office a nominee of such political party. The dates on which candidates may qualify for such special primary election shall be fixed by the Department of State, and the candidates shall qualify no later than noon of the last day so fixed. The filing of campaign expense statements by candidates in special primaries shall not be later than such dates as shall be fixed by the Department of State. In fixing such dates, the Department of State shall take into consideration and be governed by the practical time limitations. The qualifying fees and party assessment of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. Each county canvassing board shall make as speedy a return of the results of such primaries as time will permit, and the Elections Canvassing Commission shall likewise make as speedy a canvass and declaration of the nominees as time will permit.~~

~~(b) If the vacancy in nomination occurs later than September 15, or if the vacancy in nomination occurs with respect to a candidate of a minor political party which has obtained a position on the ballot, no special primary election shall be held and~~ the Department of State shall notify the chair of the appropriate state, district, or county political party executive committee of such party; and, within *5* ~~7~~ days, the chair shall call a meeting of his or her executive committee to consider designation of a nominee to fill the vacancy. The name of any person so designated shall be submitted to the Department of State within *7* ~~14~~ days *after* ~~of~~ notice to the chair in order that the person designated may have his or her name ~~printed or otherwise placed~~ on the ballot of the ensuing general election~~, but in no event shall the supervisor of elections be required to place on a ballot a name submitted less than 21 days prior to the election~~. If the *name of the new nominee is submitted after the certification of results of the preceding primary election, however, the ballots shall not be changed and* ~~vacancy occurs less than 21 days prior to the election, the person designated by the political party will replace the former party nominee even though~~ the former party nominee's name will *appear* ~~be~~ on the ballot. Any ballots cast for the former party nominee will be counted for the person designated by the political party to replace the former party nominee. If there is no opposition to the party nominee, the person designated by the political party to replace the former party nominee will be elected to office at the general election. For purposes of this paragraph, the term "district political party executive committee" means the members of the state executive committee of a political party from those counties comprising the area involving a district office.

(b)~~(c)~~ When, under the circumstances set forth in the preceding paragraph, vacancies in nomination are required to be filled by committee nominations, such vacancies shall be filled by party rule. In any instance in which a nominee is selected by a committee to fill a vacancy in nomination, such nominee shall pay the same filing fee and take the same oath as the nominee would have taken had he or she regularly qualified for election to such office.

(c)~~(d)~~ Any person who, at the close of qualifying as prescribed in ss. 99.061 and 105.031, was qualified for nomination or election to or retention in a public office to be filled at the ensuing general election is prohibited from qualifying as a candidate to fill a vacancy in nomination for any other office to be filled at that general election, even if such person has withdrawn or been eliminated as a candidate for the original office sought. However, this paragraph does not apply to a candidate for the office of Lieutenant Governor who applies to fill a vacancy in nomination for the office of Governor on the same ticket or to a person who has withdrawn or been eliminated as a candidate and who is subsequently designated as a candidate for Lieutenant Governor under s. 99.063.

Amendment 8 (324706)(with title amendment)—On page 86, lines 22-30, delete those lines and insert:

(d)~~(b)~~ Early voting shall begin on the 15th day before an election and end on the *2nd* day before an election. For purposes of a special election held pursuant to s. 100.101, early voting shall begin on the 8th day before an election and end on the *2nd* day before an election. Early voting shall be provided for ~~at least~~ 8 hours per weekday *and 8 hours in the aggregate each weekend at each site during the applicable periods. Early voting sites shall open no sooner than 7 a.m. and close no later than 7 p.m. on each applicable day* ~~during the applicable periods. Early voting shall also be provided for 8 hours in the aggregate for each weekend during the applicable periods~~.

And the title is amended as follows:

On page 6, delete line 22 and insert: the times to begin and end early voting and the times

Amendment 9 (283558)—On page 81, lines 25 and 26, delete those lines and insert: omitted. Except as provided in ss. 99.063(4) and 100.371(6), the advance absentee ballot for the general

On motion by Senator Posey, further consideration of **CS for CS for SB 2086** as amended was deferred.

RECESS

On motion by Senator Pruitt, the Senate recessed at 12:49 p.m. to reconvene at 1:34 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 2:03 p.m. A quorum present—40:

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith

Villalobos Wilson Wise
Webster

SPECIAL ORDER CALENDAR, continued

On motion by Senator Klein—

SB 1820—A bill to be entitled An act relating to golf cart regulations; amending s. 316.212, F.S.; granting local jurisdictions the authority to enact ordinances governing the use of golf carts which are more restrictive than state law; amending s. 316.2126, F.S.; requiring that the use of golf carts upon any state, county, or municipal road located within a local jurisdiction be in compliance with local ordinances governing the use of golf carts; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1820** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 870**, **CS for CS for SB 2480** and **CS for CS for SB 1660** was deferred.

On motion by Senator Wise—

SB 1746—A bill to be entitled An act relating to the Florida Department of Law Enforcement; amending s. 943.61, F.S.; revising the powers and duties of the Capitol Police; amending s. 943.611, F.S.; revising duties of the director of the Capitol Police; amending s. 943.62, F.S.; revising provisions relating to investigations by the Capitol Police; amending s. 943.64, F.S.; revising provisions relating to designation of other law enforcement officers as ex officio agents of the Capitol Police; amending s. 943.68, F.S.; revising provisions relating to transportation and protective services of the Capitol Police; amending s. 316.640, F.S.; revising provisions relating to enforcement of traffic laws; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1746** to **HB 345**.

Pending further consideration of **SB 1746** as amended, on motion by Senator Wise, by two-thirds vote **HB 345** was withdrawn from the Committees on Criminal Justice; and Governmental Oversight and Productivity.

On motion by Senator Wise—

HB 345—A bill to be entitled An act relating to the Florida Department of Law Enforcement; amending s. 943.61, F.S.; revising the powers and duties of the Capitol Police; amending s. 943.611, F.S.; revising duties of the director of the Capitol Police; amending s. 943.62, F.S.; revising provisions relating to investigations by the Capitol Police; amending s. 943.64, F.S.; revising provisions relating to designation of other law enforcement officers as ex officio agents of the Capitol Police; amending s. 943.68, F.S.; revising provisions relating to transportation and protective services of the Capitol Police; amending s. 316.640, F.S.; revising provisions relating to enforcement of traffic laws; amending s. 943.681, F.S.; revising provisions relating to the safety and security needs of the Historic Capitol and the R.A. Gray Building; providing an effective date.

—a companion measure, was substituted for **SB 1746** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 345** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for SB 1830—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting from duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1830** to **HB 315**.

Pending further consideration of **CS for SB 1830** as amended, on motion by Senator Argenziano, by two-thirds vote **HB 315** was withdrawn from the Committee on Regulated Industries.

On motion by Senator Argenziano—

HB 315—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting from duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; providing an effective date.

—a companion measure, was substituted for **CS for SB 1830** as amended and read the second time by title.

Senator Argenziano moved the following amendments which were adopted:

Amendment 1 (183334)—On line 38, delete "*80*" and insert: *60*

Amendment 2 (113548)(with title amendment)—Between lines 144 and 145, insert:

(9) GRANDFATHERING.—Until January 1, 2007, notwithstanding any other provision of this section, a person who meets the following criteria may work as a home inspector:

(a) Has successfully completed high school or its equivalent or has been in the business of home inspection services for at least 5 years;

(b) Has been engaged in the practice of home inspection for compensation for at least 3 years prior to January 1, 2006; and

(c) Has performed not fewer than 250 home inspections for compensation.

And the title is amended as follows:

On line 8, after the semicolon (;) insert: authorizing a person who meets certain conditions to work as a home inspector for a limited time, notwithstanding the act's other provisions;

Senator Argenziano moved the following amendment:

Amendment 3 (331680)(with title amendment)—Delete line 145 and insert:

Section 2. Effective October 1, 2005, section 489.1134, Florida Statutes, is created to read:

489.1134 Mold remediation certification.—

(1)(a) In addition to the certification or registration required to engage in business as a contractor under this part, any contractor who wishes to engage in business as a contractor with a focus or emphasis on mold or mold remediation that is not incidental to the scope of his or her license shall take the courses or the number of course hours determined by the board. Such courses or course hours may count as part of the contractor's continuing education requirement and shall be given by an instructional facility or teaching entity that has been approved by the board. Upon successful completion of the course, courses, or course hours, the instructional facility or teaching entity that has been approved by the board shall report such completion to the department and issue to the taker of the course a certificate of completion, which shall be available for inspection by any entity or person seeking to have the contractor engage in business as a contractor with a focus or emphasis on mold or mold remediation that is not incidental to the license of the contractor.

(b) Any other natural person who is employed by a licensed contractor to provide work on mold or mold remediation shall, as a prerequisite to

his or her authorization to provide such service, take a course approved by the board.

(c) It is the responsibility of the contractor licensed under this part to ensure that members of his or her workforce who are engaging in business as a contractor with a focus or emphasis on mold or mold remediation that is not incidental to the scope of the contractor's license are in compliance with this section, and such contractor is subject to discipline under s. 489.129 for violation of this section.

(d) Training programs in mold remediation shall be reviewed annually by the board to ensure that programs have been provided equitably across the state.

(e) Periodically, the board shall review training programs in mold remediation for quality in content and instruction. The board shall also respond to complaints regarding approved programs.

(2)(a) A person qualified under paragraph (1)(a) must be present on any job site at which a person is engaging in business as a contractor with a focus or emphasis on mold or mold remediation that is not incidental to the scope of his or her license.

(b) It is the responsibility of the licensed contractor to ensure compliance with paragraph (a), and such contractor is subject to discipline under s. 489.129 for violation of this subsection.

(3) No contractor shall hold himself or herself out as emphasizing in mold or mold remediation unless the contractor is in compliance with this section.

(4) The term "mold" means an organism of the class fungi that causes disintegration of organic matter and produces spores and includes any spores, hyphae, and mycotoxins produced by mold. The term "mold remediation" means the business as a contractor related to mold or mold-contaminated matter.

Section 3. Effective October 1, 2005, section 501.933, Florida Statutes, is created to read:

501.933 Mold assessors; requirements; exemptions; prohibited acts and penalties; bond and insurance; limitations and enforcement.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Mold" means an organism of the class fungi that causes disintegration of organic matter and produces spores, and includes any spores, hyphae, and mycotoxins produced by mold.

(b) "Mold assessment" means:

1. An inspection, investigation, or survey of a dwelling or other structure to provide the owner or occupant with information regarding the presence, identification, or evaluation of mold;

2. The development of a mold-management plan or remediation protocol; or

3. The collection or analysis of a mold sample.

(c) "Mold assessor" means any person that performs or directly supervises a mold assessment.

(2) REQUIREMENTS FOR PRACTICE.—

(a) A person shall not work as a mold assessor unless he or she has evidence of, or works under the direct supervision of a person who has evidence of, a certification from either:

1. A nonprofit organization with a focus on indoor air quality or industrial hygiene that meets each of the following criteria:

a. Requires that a person may not obtain certification unless the person has at least a 2-year degree in a scientific or building science field and 3 years of documented experience from a qualified mold assessor, or requires a 4-year degree in a scientific or building science field.

b. Requires the person to pass an examination testing knowledge related to mold and mold assessment; or

2. A community college or university that offers mold assessment training or education.

(b) A business entity may not provide or offer to provide mold assessment services unless the business entity satisfies all of the requirements of this section.

(3) EXEMPTIONS.—The following persons are not required to comply with this section with regard to any mold assessment:

(a) A residential property owner who performs mold assessment on his or her own property.

(b) An owner or tenant, or a managing agent or employee of an owner or tenant, who performs mold assessment on property owned or leased by the owner or tenant. This exemption does not apply if the managing agent or employee engages in the business of performing mold assessment for the public.

(c) An employee of a licensee who performs mold assessment while directly supervised by the mold assessor.

(d) Individuals or business organizations licensed under chapter 471, part I of chapter 481, chapter 482, or chapter 489, or acting on behalf of an insurer under part VI of chapter 626, or individuals in the manufactured housing industry who are licensed under chapter 320, that are not specifically engaged in mold assessment, but that are acting within the scope of their respective licenses.

(e) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision, or public or private school, who meets the requirements of subsection (2) and who is conducting mold assessment within the scope of that employment, as long as the employee does not hold out for hire or otherwise engage in mold assessment.

(4) PROHIBITED ACTS; PENALTIES.—

(a) A mold assessor, a company that employs a mold assessor, or a company that is controlled by a company that also has a financial interest in a company employing a mold assessor may not:

1. Perform or offer to perform any mold assessment without complying with the requirements of this section.

2. Perform or offer to perform any mold remediation to a structure on which the mold assessor or the mold assessor's company provided a mold assessment within the last 12 months.

3. Inspect for a fee any property in which the assessor or the assessor's company has any financial or transfer interest.

4. Accept any compensation, inducement, or reward from a mold remediator or mold remediator's company for the referral of any business to the mold remediator or the mold remediator's company.

5. Offer any compensation, inducement, or reward to a mold remediator or mold remediator's company for the referral of any business from the mold remediator or the mold remediator's company.

6. Accept an engagement to make an omission of the assessment or conduct an assessment in which the assessment itself, or the fee payable for the assessment, is contingent upon the conclusions of the assessment.

(b) Any person who violates any provision of this subsection commits:

1. A misdemeanor of the second degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

2. A misdemeanor of the first degree for a second violation, punishable as provided in s. 775.082 or s. 775.083.

3. A felony of the third degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) INSURANCE.—A mold assessor must maintain a mold-specific insurance policy in an amount of not less than $1 million.

(6) REPAIR COST ESTIMATES.—Mold assessors are not required to provide estimates related to the cost of repair of an assessed property.

(7) STATUTE OF LIMITATIONS.—Chapter 95 governs the time at which an action to enforce an obligation, duty, or right arising under this section must be commenced.

(8) ENFORCEMENT OF VIOLATIONS.—Any violation of this section constitutes a deceptive and unfair trade practice, punishable as provided in part II of this chapter.

Section 4. Effective October 1, 2005, section 501.934, Florida Statutes, is created to read:

501.934 Noncontracting mold remediators; requirements; exemptions; prohibited acts and penalties; bond and insurance; limitations and enforcement.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Mold" means an organism of the class fungi that causes disintegration of organic matter and produces spores, and includes any spores, hyphae, and mycotoxins produced by mold.

(b) "Noncontracting mold remediation" means the removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, of mold or mold-contaminated matter that was not purposely grown at that location; however, such removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, may not be work that requires a license under chapter 489 unless performed by a person who is licensed under that chapter or the work complies with that chapter.

(c) "Noncontracting mold remediator" means any person that performs mold remediation. A noncontracting mold remediator may not perform any work that requires a license under chapter 489 unless the noncontracting mold remediator is also licensed under that chapter or complies with that chapter.

(2) REQUIREMENTS FOR PRACTICE.—

(a) A person shall not work as a noncontracting mold remediator unless he or she has evidence of, or works under the direct supervision of a person who has evidence of, a certification from either:

1. A nonprofit organization with a focus on mold remediation that meets each of the following criteria:

a. Requires that a person has at least a high school diploma and at least 2 years' experience in a field related to mold remediation;

b. Requires that a person has completed training related to mold and mold remediation; and

c. Requires the person to pass an examination testing knowledge related to mold and mold remediation; or

2. A community college or university that offers mold remediation training or education.

(b) A business entity may not provide or offer to provide mold remediation services unless the business entity satisfies all of the requirements of this section.

(3) EXEMPTIONS.—The following persons are not required to comply with this section with regard to any noncontracting mold remediation:

(a) A residential property owner who performs noncontracting mold remediation on his or her own property.

(b) An owner or tenant, or a managing agent or employee of an owner or tenant, who performs noncontracting mold remediation on property owned or leased by the owner or tenant so long as such remediation is within the routine maintenance of a building structure. This exemption does not apply if the managing agent or employee engages in the business of performing noncontracting mold remediation for the public.

(c) An employee of a licensee who performs noncontracting mold remediation while directly supervised by the noncontracting mold remediator.

(d) Individuals or business organizations licensed under chapter 471, part I of chapter 481, chapter 482, or chapter 489, or acting on behalf of an insurer under part VI of chapter 626, or individuals in the manufactured housing industry who are licensed under chapter 320, that are not specifically engaged in mold remediation, but that are acting within the scope of their respective licenses.

(e) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision, or public or private school, who meets the requirements of subsection (2) and who is conducting mold remediation within the scope of that employment, as long as the employee does not hold out for hire or otherwise engage in mold remediation.

(4) PROHIBITED ACTS; PENALTIES.—

(a) A noncontracting mold remediator, a company that employs a noncontracting mold remediator, or a company that is controlled by a company that also has a financial interest in a company employing a noncontracting mold remediator may not:

1. Perform or offer to perform any mold remediation without complying with the requirements of this section.

2. Perform or offer to perform any mold assessment as defined in s. 501.933.

3. Remediate for a fee any property in which the noncontracting mold remediator or the noncontracting mold remediator's company has any financial or transfer interest.

4. Accept any compensation, inducement, or reward from a mold assessor or mold assessor's company for the referral of any business from the mold assessor or the mold assessor's company.

5. Offer any compensation, inducement, or reward to a mold assessor or mold assessor's company for the referral of any business from the mold assessor or the mold assessor's company.

(b) Any person who violates any provision of this subsection commits:

1. A misdemeanor of the second degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

2. A misdemeanor of the first degree for a second violation, punishable as provided in s. 775.082 or s. 775.083.

3. A felony of the third degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) INSURANCE.—A noncontracting mold remediator shall maintain a general liability insurance policy with a mold insurance pollution rider in an amount of not less than $1 million.

(6) STATUTE OF LIMITATIONS.—Chapter 95 governs the time at which an action to enforce an obligation, duty, or right arising under this section must be commenced.

(7) ENFORCEMENT OF VIOLATIONS.—Any violation of this section constitutes a deceptive and unfair trade practice, punishable as provided in part II of this chapter.

Section 5. Except as otherwise expressly provided in this act and except for this section, which shall take effect July 1, 2005, this act shall take effect January 1, 2006.

And the title is amended as follows:

Lines 2-8, delete those lines and insert: An act relating to building assessment and remediation; creating s. 501.935, F.S., relating to home inspection services; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting from duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; creating s. 489.1134, F.S.; providing educational requirements and procedural requirements for mold remediation certification; providing for discipline; requiring review of mold remediation training programs; requiring a person certified under this section to be present on certain job sites; assigning responsibility for workforce compliance; requiring compliance; providing definitions; creating s. 501.933, F.S.; providing definitions; providing requirements for practice as a mold assessor; providing exemptions; providing prohibited acts and penalties; requiring that

mold assessors maintain liability insurance; providing that mold assessors do not have a duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; creating s. 501.934, F.S.; providing definitions; providing requirements for practice as a noncontracting mold remediator; providing exemptions; providing prohibited acts and penalties; requiring that noncontracting mold remediators maintain liability insurance; providing limitations; providing for enforcement of violations; providing effective dates.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment to **Amendment 3** which was adopted:

Amendment 3A (881676)(with title amendment)—On page 10, lines 20-22, delete those lines.

And the title is amended as follows:

On page 12, lines 4 and 5, delete "providing for enforcement of violations;"

Amendment 3 as amended was adopted.

MOTION

On motion by Senator Argenziano, the rules were waived to allow the following amendment to be considered:

Senator Argenziano moved the following amendment which was adopted:

Amendment 4 (192204)—On line 91, after "*chapter 626*" insert: *or any person performing insurance underwriting duties*

Pursuant to Rule 4.19, **HB 315** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for CS for SB 330—A bill to be entitled An act relating to notification of contamination; amending s. 376.301, F.S.; defining specified terms; creating s. 376.30702, F.S.; requiring that a person provide notice to the Division of Waste Management of the Department of Environmental Protection, the department's district office, and the Department of Health when contamination is discovered as a result of site rehabilitation activities; providing requirements for notice; requiring notice when laboratory analytical results demonstrate that contamination exists in any medium beyond the boundaries of the property of the site rehabilitation; providing requirements for notice; requiring that the department notify the record owners of real property at which contamination has been discovered; authorizing the department to collaborate with the Department of Health to establish procedures for responding to public inquiries; providing rulemaking authority; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 330** to **HB 937**.

Pending further consideration of **CS for CS for SB 330** as amended, on motion by Senator Dockery, by two-thirds vote **HB 937** was withdrawn from the Committees on Environmental Preservation; and Governmental Oversight and Productivity.

On motion by Senator Dockery—

HB 937—A bill to be entitled An act relating to contamination notification; amending s. 376.301, F.S.; defining specified terms; creating s. 376.30702, F.S.; requiring notice when contamination is discovered as a result of site rehabilitation activities; providing requirements for notice; requiring notice when laboratory analytical results demonstrate that contamination exists in any medium beyond the boundaries of the property of the site rehabilitation; providing requirements for notice; providing rulemaking authority; amending ss. 287.0595 and 316.302, F.S.; conforming cross references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 330** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 937** was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for CS for SB 2254—A bill to be entitled An act relating to community colleges; amending s. 1001.64, F.S.; providing that community colleges that grant baccalaureate degrees pursuant to s. 1007.33, F.S., remain under the authority of the State Board of Education with respect to specified responsibilities; providing that, subject to specified conditions, the board of trustees of such a community college is the governing board for purposes of granting baccalaureate degrees; providing powers of the boards of trustees, including the power to establish tuition and out-of-state fees; providing restrictions; requiring such boards to adopt a policy requiring teachers who teach certain upper-division courses to teach a specified minimum number of hours; amending s. 1004.65, F.S.; requiring community colleges that offer baccalaureate degrees to maintain their primary purpose and not terminate associate in arts programs because they offer baccalaureate degrees; amending s. 1007.33, F.S.; removing a requirement for review and comment by the Council for Education Policy Research and Improvement of a proposal to deliver baccalaureate degree programs; providing for the State Board of Education to adopt rules with respect to the articulation of specified associate degrees with specified bachelor's degrees; providing requirements for such rules; requiring that a formal agreement for the delivery of specified baccalaureate degree programs by a regionally accredited college or university at a community college site include certain provisions; requiring that the curriculum for the degree be developed and approved within a specified time; requiring that the degree program be implemented within a specified time; requiring that a proposal to deliver such a degree document that the community college has notified the accredited colleges and universities in the district of its intent to seek approval for delivery of the degree; allowing the colleges and universities to propose an alternative plan for providing the degree; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting tuition and out-of-state fees for upper-division courses; requiring the State Board of Education, annually by a specified date, to adopt a resident fee schedule for baccalaureate degree programs offered by community colleges; amending s. 1011.83, F.S.; providing requirements for funding nonrecurring and recurring costs associated with such programs; limiting per-student funding to a specified percentage of costs associated with baccalaureate degree programs offered in state universities; requiring community colleges to maintain a distinction in reporting and funding between baccalaureate degree programs approved under s. 1007.33, F.S., and those offered under concurrent-use partnerships; amending s. 1013.60, F.S.; allowing community college boards of trustees to request funding for all authorized programs; requiring that enrollment in baccalaureate degree programs be computed into the survey of need for facilities; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senator Smith moved the following amendment which was adopted:

Amendment 1 (475426)(with title amendment)—On page 12, between lines 28 and 29, insert:

Section 8. Subsection (12) of section 1009.23, Florida Statutes, is amended to read:

1009.23 Community college student fees.—

(12) In addition to tuition, out-of-state, financial aid, capital improvement, student activity and service, and technology fees authorized in this section, each community college board of trustees is authorized

to establish fee schedules for the following user fees and fines: laboratory fees; parking fees and fines; *transportation fees;* library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees ~~and fines~~ shall not exceed the cost of the services provided and shall only be charged to persons receiving the service. A community college may not charge any fee except as authorized by law or rules of the State Board of Education. Parking fee revenues may be pledged by a community college board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements and revenue bonds with terms not exceeding 20 years and not exceeding the useful life of the asset being financed. Community colleges shall use the services of the Division of Bond Finance of the State Board of Administration to issue any revenue bonds authorized by the provisions of this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner established in chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 14, after the semicolon (;) insert: amending s. 1009.23, F.S.; authorizing each community college board of trustees to establish a transportation user fee; limiting such fee to the cost of the service provided; allowing fines to exceed the cost of services provided and to apply to persons other than those receiving specified services;

Pursuant to Rule 4.19, **CS for CS for SB 2254** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR CAMPBELL PRESIDING

On motion by Senator Argenziano—

CS for CS for SB 1016—A bill to be entitled An act relating to construction contracting; amending s. 255.05, F.S.; making certain restrictions in bonds issued for public works projects unenforceable; amending ss. 489.129 and 489.533, F.S.; increasing an administrative fine under certain disciplinary proceeding provisions; amending s. 713.015, F.S.; revising a direct contract provision requirement; providing that failure to include such provision in such contracts limits certain lien rights under the contract; providing construction relating to validity and enforceability; preserving lien rights of certain persons; amending s. 713.02, F.S.; protecting the rights of certain persons to enforce certain contract, lien, or bond remedies or contractual obligations under certain circumstances; precluding certain defenses; amending s. 713.04, F.S.; revising certain final payment requirements; amending s. 713.08, F.S.; requiring a claim of lien to be served on an owner; amending s. 713.13, F.S.; revising provisions authorizing use of certain payment bonds to transfer certain recorded liens; specifying application of certain notice requirements to certain claims; revising time limits for serving certain required notices; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; providing construction; amending s. 713.23, F.S.; providing that a contractor may commence an action to enforce a claim any time after a notice of nonpayment has been served; amending s. 713.24, F.S.; preserving jurisdiction in the county court over certain transfer bond claims for nonpayment; preserving certain lien rights when filing a transfer bond after commencing certain lien enforcement proceedings; amending s. 713.345, F.S.; increasing certain criminal penalties for misapplication of construction funds; amending s. 713.3471, F.S.; revising a provision requiring a lender to provide notice to a borrower when making a disbursement on a construction loan secured by residential property; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1016** to **HB 113**.

Pending further consideration of **CS for CS for SB 1016** as amended, on motion by Senator Argenziano, by two-thirds vote **HB 113** was withdrawn from the Committees on Regulated Industries; Judiciary; and Governmental Oversight and Productivity.

On motion by Senator Argenziano, the rules were waived and—

HB 113—A bill to be entitled An act relating to construction contracting; amending s. 255.05, F.S.; making certain restrictions in bonds issued for public works projects unenforceable; amending s. 489.118, F.S.; postponing a date for submitting an application for a certificate as a registered contractor; amending ss. 489.129 and 489.533, F.S.; increasing an administrative fine under certain disciplinary proceeding provisions; amending s. 713.015, F.S.; revising form criteria for a direct contract provision; preserving lien and bond rights of certain persons; specifying nonapplication to certain contractors or construction professionals; amending s. 713.02, F.S.; protecting the rights of certain persons to enforce certain contract, lien, or bond remedies or contractual obligations under certain circumstances; precluding certain defenses; amending s. 713.04, F.S.; revising certain final payment requirements; amending s. 713.08, F.S.; requiring a claim of lien to be served on an owner; amending s. 713.13, F.S.; revising provisions authorizing use of certain payment bonds to transfer certain recorded liens; specifying application of certain notice requirements to certain claims; revising time limits for serving certain required notices; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; prohibiting private providers performing inspection services from performing or approving certain inspections under certain circumstances; increasing a threshold amount for certain nonapplication; prohibiting issuing authorities or building officials from requiring recordation of a notice of commencement for certain purposes; authorizing authorities issuing building permits to accept permit applications electronically; requiring an electronic submission statement on the application; requiring provision of Internet access; amending s. 713.23, F.S.; clarifying provisions relating to payment bonds; amending s. 713.24, F.S.; providing construction to preserve county court jurisdiction over certain transfer bond claims for nonpayment; preserving certain lien rights when filing a transfer bond after commencing certain lien enforcement proceedings; amending s. 713.345, F.S.; revising criteria for certain criminal penalties for misapplication of construction funds; amending s. 713.3471, F.S.; revising a provision requiring a lender to provide notice to a property owner when making a disbursement on a construction loan secured by residential property; specifying nonapplication; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1016** as amended and read the second time by title.

MOTION

On motion by Senator Argenziano, the rules were waived to allow the following amendment to be considered:

Senator Argenziano moved the following amendment which was adopted:

Amendment 1 (602608)(with title amendment)—On lines 375-573, delete section 10 and renumber subsequent sections.

And the title is amended as follows:

On lines 24-36, delete those lines and insert: required notices; amending s.

Pursuant to Rule 4.19, **HB 113** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for CS for SB 526—A bill to be entitled An act relating to electric utility transmission; creating the Electric Utility Task Force; providing duties and membership of the task force; creating the Electric Utility Task Force Advisory Panel to advise the task force; providing for membership and duties of the panel; requiring that the task force submit a report to the Governor and the Legislature; providing that the task force

be dissolved on a specified date; providing an appropriation; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Klein, the rules were waived to allow the following amendment to be considered:

Senator Klein moved the following amendment which was adopted:

Amendment 1 (254144)(with title amendment)—On page 1, lines 16 and 17; and on page 2, line 23, delete "*Electric*" and insert: *Post Hurricane*

And the title is amended as follows:

On page 1, lines 3 and 5, delete "Electric" and insert: Post Hurricane

Pursuant to Rule 4.19, **CS for CS for SB 526** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 698** was deferred.

On motion by Senator Lawson—

CS for CS for SB 1456—A bill to be entitled An act relating to paternity; permitting a petition to set aside a determination of paternity; providing a time limit for filing the petition; providing for notice of such petition; specifying contents of the petition; providing standards upon which relief shall be granted; providing remedies; providing that child support obligations shall not be suspended while a petition is pending; providing for genetic testing; providing for assessment of costs and attorney's fees; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1456** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta, by two-thirds vote **HB 627** was withdrawn from the Committees on Banking and Insurance; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Sebesta—

HB 627—A bill to be entitled An act relating to public records; creating s. 516.115, F.S.; creating an exemption from public records requirements for information obtained by the Office of Financial Regulation of the Financial Services Commission in connection with active investigations and examinations under the Florida Consumer Finance Act; providing an exception; providing a definition; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 698** and read the second time by title.

Pursuant to Rule 4.19, **HB 627** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano, by two-thirds vote **HB 1305** was withdrawn from the Committees on Governmental Oversight and Productivity; Community Affairs; Banking and Insurance; and Transportation and Economic Development Appropriations.

On motion by Senator Argenziano—

HB 1305—A bill to be entitled An act relating to the Department of State; creating s. 257.015, F.S.; providing definitions; amending s. 257.02, F.S.; increasing membership on the State Library Council; revising criteria for membership; revising provisions with respect to the selection process for members; providing for officers of the council; amending s. 257.031, F.S.; deleting references to the State Library Council and provisions for officers of the council; providing additional responsibilities of the State Librarian; amending s. 257.12, F.S.; designating the Division of Library and Information Services as the state library administrative agency; amending s. 257.192, F.S.; correcting terminology; creating s. 257.43, F.S.; providing for the establishment of a citizen support organization to provide assistance, funding, and promotional support for the library, archives, and records management programs of the Division of Library and Information Services; providing for use of administrative services and property; requiring an annual audit; amending s. 265.284, F.S.; designating the Division of Cultural Affairs as the state arts administrative agency; deleting obsolete language; amending s. 265.2865, F.S.; deleting obsolete language; amending s. 265.606, F.S.; requiring local sponsoring organizations to submit an annual postaudit to the division under certain circumstances; amending s. 265.701, F.S.; providing contract requirements to ensure continued use as a cultural facility for a specified period following a grant award; providing for repayment of grant funds to the department under specified circumstances; amending s. 265.702, F.S.; providing contract requirements to ensure continued use as a regional cultural facility for a specified period following a grant award; providing for repayment of grant funds to the department under specified circumstances; creating s. 265.703, F.S.; providing for the establishment of a citizen support organization to provide assistance, funding, and promotional support for the cultural and arts programs of the Division of Cultural Affairs; providing for use of administrative services and property; requiring an annual audit; amending s. 267.031, F.S.; authorizing the Division of Historical Resources to establish an endowment under the Florida Historical Resources Act; removing a requirement for the establishment of historic preservation regional offices in specific locations; requiring the establishment of at least three historic preservation regional offices; creating citizen advisory boards for regional offices in lieu of citizen support organizations; providing purpose and for appointment of members of the advisory boards; amending s. 267.0612, F.S.; revising provisions with respect to service as a member of the Florida Historical Commission; amending s. 267.0617, F.S.; providing for appointment of a grant review panel chair under the Historic Preservation Grant Program; amending s. 267.0619, F.S.; providing for appointment of a grant review panel chair under the Historical Museum Grants program; amending s. 267.0731, F.S.; revising provisions with respect to nominations under the Great Floridians Program; amending s. 267.13, F.S.; providing for the adoption of rules by the Division of Historical Resources to implement provisions governing prohibited practices and penalties therefor; amending s. 267.16, F.S.; removing a duty of the Division of Historical Resources with respect to Florida Folklife Programs; amending s. 267.173, F.S.; conforming a reference; amending s. 267.174, F.S.; revising dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, completion of the initial draft of the master plan, and submission of the completed master plan; repealing s. 15.0913, F.S., which requires the Department of State to file all Uniform Commercial Code documents within a specified time after receipt of such documents by the Bureau of Uniform Commercial Code of the Division of Corporations; repealing s. 265.51, F.S., relating to the authority of the Department of State to make agreements to indemnify specified items against loss or damage; repealing s. 265.52, F.S., relating to items eligible for indemnity agreements of the Department of State; repealing s. 265.53, F.S., relating to application for indemnity agreement by a nonprofit agency, institution, or government in the state attempting to obtain indemnification for eligible items it proposes to borrow from a person, organization, institution, or government not in the state; repealing s. 265.54, F.S., relating to review by the Department of State of applications for indemnity agreements and limits of indemnity; repealing s. 265.55, F.S., relating to the processing by the Division of Risk Management of the Department of Financial Services of claims for losses covered by an indemnity agreement; repealing s. 265.56, F.S., relating to an annual report to the Legislature by the Department of State with respect to current and pending claims under indemnity agreements and the value of contracts entered into by the department which are outstanding at the close of the fiscal year; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 2152** and read the second time by title.

Pursuant to Rule 4.19, **HB 1305** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for CS for CS for SB 460—A bill to be entitled An act relating to transportation; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing criteria for the rules; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 332.007, F.S.; authorizing the Department of Transportation to fund certain eligible aviation planning projects to be performed by not-for-profit organizations representing a majority of public airports; amending s. 322.14, F.S.; reducing the number of members of the Secure Airports for Florida's Economy (SAFE) Council; providing for the funding of the council through annual grants made by the Department of Transportation; authorizing the council to contract for administrative support; requiring the council to establish an advisory board; authorizing the council to advise the department on aviation issues; removing the Department of Community Affairs from the review of council products; eliminating the requirement that airports fund the council; abolishing the council by a specified date; amending s. 337.11, F.S.; adding written work orders to the type of documents covered by the department's contracting laws; specifying changes to surety bondholder's liability under certain circumstances; creating s. 337.195, F.S.; providing presumptions relating to liability in certain actions against the department; limiting liability, in certain circumstances, of contractors and engineers doing work for the department; amending 338.155, F.S.; providing that persons participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty are exempt from paying tolls; amending 339.175, F.S.; requiring metropolitan planning organizations to have recorded roll-votes and super-majority votes on certain plans; amending s. 339.64, F.S.; requiring the Florida Transportation Commission to include as part of its annual work program review an assessment of the department's progress on the Strategic Intermodal System; requiring an annual report to the Governor and the Legislature by a certain time period; directing the department to coordinate with federal, regional, and local entities for transportation planning that impacts military installations; requiring the Strategic Intermodal System Plan to include an assessment of the impacts of proposed projects on military installations; adding a military representative to the Governor's appointees to the Strategic Intermodal Transportation Advisory Council; deleting obsolete provisions; creating part IV of chapter 343, F.S., entitled "Northwest Florida Transportation Corridor Authority"; providing a short title; providing definitions; creating the Northwest Florida Transportation Corridor Authority encompassing Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties; providing for a governing body of the authority; providing for membership, organization, purposes, and powers of the authority; requiring a master plan; providing for the U.S. 98 Corridor System; prohibiting tolls on certain existing highways and other transportation facilities within the corridor; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing that the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for the rights and remedies of bondholders; providing for a lease-purchase agreement with the department; authorizing the authority to appoint the department as its agent for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing for public-private partnerships; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing that pledges are enforceable by bondholders; providing for complete and additional statutory authority for the department and other state agencies; amending s. 380.06, F.S., relating to developments of regional impact; deleting a provision stating criteria for determining when a change to certain airports necessitates a review; directing the Department of Transportation to select and fund a consultant to perform a study of bicycle facilities on or connected to the State Highway System; requiring the results of the study to be presented to the Governor and the Legislature; providing for management of the study by the State Pedestrian and Bicycle Coordinator; providing for inclusion of certain elements in the study; requiring the study to include an implementation plan; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 460** to **HB 1681**.

Pending further consideration of **CS for CS for CS for SB 460** as amended, on motion by Senator Sebesta, by two-thirds vote **HB 1681** was withdrawn from the Committees on Transportation; Environmental Preservation; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

On motion by Senator Sebesta, the rules were waived and—

HB 1681—A bill to be entitled An act relating to transportation; creating s. 311.115, F.S.; requiring the Florida Seaport Transportation and Economic Development Council to establish a matching funds program for certain dredging projects; requiring the adoption of rules and criteria for project evaluation; requiring approved projects to be reviewed by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 332.007, F.S.; authorizing the department to fund certain eligible aviation planning projects to be performed by not-for-profit organizations representing a majority of public airports; amending s. 337.11, F.S.; providing for department contracts to use written work orders pursuant to certain contingency items or supplemental agreements; removing requirement for surety approval of supplemental agreements; limiting liability of the surety when unapproved contract changes exceed a certain amount; providing purposes for the use of written work orders; revising criteria for use of supplemental agreements in department contracts; creating s. 337.195, F.S.; specifying presumptions of proximate cause for determination of liability in certain civil actions against the department or its agents or its consultants or contractors on certain transportation facilities when death, personal injury, or property damage resulted from a motor vehicle crash within a construction zone; limiting liability under certain circumstances of a contractor who constructed or repaired a highway, road, street, or bridge for the department; limiting liability under certain circumstances of a person or entity who contracts with the department to prepare or provide engineering plans for certain transportation facility projects; amending s. 337.251, F.S.; authorizing the department to adopt rules governing the leasing of property for joint public-private development; amending s. 337.406, F.S.; providing that exceptions to prohibited uses of transportation facilities shall not apply to limited access highways; amending s. 338.155, F.S.; providing that persons participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty are exempt from paying tolls; amending s. 339.175, F.S.; requiring a metropolitan planning organization to approve certain plans and programs on a recorded roll call vote; providing that modifications of certain plans and programs require a recorded roll call vote for approval by a specified super majority; amending s. 339.55, F.S.; establishing a limit on state-funded infrastructure bank loans to the State Transportation Trust Fund; amending s. 339.61, F.S.; revising legislative intent for transportation facilities comprising the Strategic Intermodal System; adding economic development and job growth as criteria for projects; amending s. 339.62, F.S.; adding planned facilities meeting certain criteria and thresholds to components of the Strategic Intermodal System; amending s. 339.64, F.S.; directing the Florida Transportation Commission to include as part of its annual work program review an assessment of the department's progress on the Strategic Intermodal System; requiring an annual report; directing the department to coordinate with federal, regional, and local entities for transportation planning impacting military installations; requiring the Strategic Intermodal System Plan to include an assessment of the impacts of proposed projects on military installations; adding a military representative to the Governor's appointees to the Statewide Intermodal Transportation Advisory Council; creating part IV of chapter 343, F.S., titled the "Northwest Florida Transportation Corridor Authority"; providing a popular name; providing definitions; creating the Northwest Florida Transportation Corridor Authority encompassing Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties; providing for a governing body of the authority; providing for membership, organization, purposes, and powers of the authority; requiring a master plan; providing for the U.S. 98 Corridor System; prohibiting tolls on certain existing highways and other transportation facilities within the corridor; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing that the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for the rights and remedies of bondholders; providing for a lease-purchase agreement with the Department of Transportation; providing the department may be appointed agent of the authority for construction;

providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing for public-private partnerships; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing that pledges shall be enforceable by bondholders; providing for complete and additional statutory authority for the department and other state agencies; amending s. 348.0003, F.S.; changing the membership of expressway authority governing boards in certain counties; amending s. 348.0004, F.S.; requiring notification to certain local governmental entities and metropolitan planning organizations by certain expressway authorities proposing a toll increase or a new point of toll collection; providing procedures for public notice and hearing prior to implementation; creating part X of chapter 348, F.S., titled the "Osceola County Expressway Authority"; providing a popular name; providing definitions; creating the authority as an agency of the state; providing for membership, terms, organization, personnel, and administration; providing purposes and powers for construction, expansion, maintenance, improvement, and operation of the Osceola County Expressway System; providing for use of certain funds to pay obligations; requiring consent of local jurisdiction for agreements that would restrict construction of roads; providing for bond financing of improvements to certain facilities; providing for issuance of bonds; providing for rights and remedies granted to bondholders; providing for appointment of trustee to represent the bondholders; providing for appointment of receiver to take possession of and operate and maintain the system; providing for lease of the system to the Department of Transportation under a lease-purchase agreement; authorizing the department to act in place of the authority under terms of the lease-purchase agreement; requiring approval by the county for certain provisions of the lease-purchase agreement; providing that the system is part of the state road system; authorizing the department to expend a limited amount of funds; providing for the authority to appoint the department as its agent for certain construction purposes; authorizing the authority to acquire property; limiting liability of the authority for contamination existing on an acquired property; providing for remedial acts necessary due to such contamination; authorizing agreements between the authority and other entities; providing pledge of the state to bondholders; exempting the authority from taxation; providing for application and construction of the part; amending s. 373.4137, F.S.; revising requirements for projects intended to mitigate the adverse effects of transportation projects; removing the Department of Environmental Protection from the mitigation process; revising requirements for the Department of Transportation and transportation authorities with respect to submitting plans and inventories; authorizing the use of current-year funds for future projects; revising the requirements for reconciling escrow accounts used to fund mitigation projects; authorizing payments to a water management district to fund the costs of future maintenance and monitoring; requiring specified lump-sum payments to be used for the mitigation costs of certain projects; authorizing a governing board of a water management district to approve the use of mitigation funds for certain future projects; requiring that mitigation plans be approved by the water management district rather than the Department of Environmental Protection; directing the Department of Transportation to select and fund a consultant to perform a study of bicycle facilities on or connected to the State Highway System; requiring the results of the study to be presented to the Governor and the Legislature; providing for management of the study by the state Pedestrian and Bicycle Coordinator; providing for inclusion of certain elements in the study; requiring the study to include an implementation plan; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 460** as amended and read the second time by title.

MOTION

On motion by Senator Sebesta, the rules were waived to allow the following amendment to be considered:

Senator Sebesta moved the following amendment which was adopted:

Amendment 1 (221648)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 311.22, Florida Statutes, is created to read:

311.22 Additional authorization for funding certain dredging projects.—

(1) The Florida Seaport Transportation and Economic Development Council shall establish a program to fund dredging projects in counties having a population of fewer than 300,000 according to the last official census. Funds made available under this program may be used to fund approved projects for the dredging or deepening of channels, turning basins, or harbors on a 50-50 matching basis with any port authority, as such term is defined in s. 315.02(2), which complies with the permitting requirements in part IV of chapter 373 and the local financial management and reporting provisions of part III of chapter 218.

(2) The council shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an administrative review process by the council which is similar to the process described in s. 311.09(5)-(12), and provide for a review by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development of all projects submitted for funding under this section.

Section 2. Subsection (8) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(8)(a) The department shall permit the use of written supplemental agreements*, written work orders pursuant to a contingency pay item or contingency supplemental agreement,* and written change orders to any contract entered into by the department. Any supplemental agreement shall be reduced to written contract form~~, approved by the contractor's surety,~~ and executed by the contractor and the department. Any supplemental agreement modifying any item in the original contract must be approved by the head of the department, or his or her designee, and executed by the appropriate person designated by him or her. *Any surety issuing a bond under s. 337.18 shall be fully liable under such surety bond to the full extent of any modified contract amount up to and including 25 percent over the original contract amount and without regard to the fact that the surety was not aware of or did not approve such modifications. However, if modifications of the original contract amount cumulatively result in modifications of the contract amount in excess of 25 percent of the original contract amount, the surety's approval shall be required to bind the surety under the bond on that portion in excess of 25 percent of the original contract amount.*

(b) Supplemental agreements *and written work orders pursuant to a contingency pay item or contingency supplemental agreement* shall be used to clarify the plans and specifications of a contract; ~~to provide for major quantity differences which result in the contractor's work effort exceeding the original contract amount by more than 5 percent;~~ to provide for unforeseen work, grade changes, or alterations in plans which could not reasonably have been contemplated or foreseen in the original plans and specifications; to change the limits of construction to meet field conditions; to provide a safe and functional connection to an existing pavement; to settle contract claims; and to make the project functionally operational in accordance with the intent of the original contract. Supplemental agreements may be used to expand the physical limits of a project only to the extent necessary to make the project functionally operational in accordance with the intent of the original contract. The cost of any such agreement extending the physical limits of a project shall not exceed $100,000 or 10 percent of the original contract price, whichever is greater.

(c) Written change orders may be issued by the department and accepted by the contractor covering minor changes in the plans, specifications, or quantities of work within the scope of a contract, when prices for the items of work affected are previously established in the contract, but in no event may such change orders extend the physical limits of the work.

(d) For the purpose of this section, the term "physical limits" means the length or width of any project and specifically includes drainage facilities not running parallel to the project. The length and width of temporary connections affected by such supplemental agreements shall be established in accordance with current engineering practice.

(e) Upon completion and final inspection of the contract work, the department may accept the improvement if it is in substantial compli-

ance with the plans, specifications, special provisions, proposals, and contract and if a proper adjustment in the contract price is made.

(f) Any supplemental agreement or change order in violation of this section is null and void and unenforceable for payment.

Section 3. Section 337.195, Florida Statutes, is created to read:

337.195 Limits on liability.—

(1) In a civil action for the death of or injury to a person, or for damage to property, against the Department of Transportation or its agents, consultants, or contractors for work performed on a highway, road, street, bridge, or other transportation facility when the death, injury, or damage resulted from a motor vehicle crash within a construction zone in which the driver of one of the vehicles was under the influence of alcoholic beverages as set forth in s. 316.193, under the influence of any chemical substance as set forth in s. 877.111, or illegally under the influence of any substance controlled under chapter 893 to the extent that her or his normal faculties were impaired or that she or he operated a vehicle recklessly as defined in s. 316.192, it is presumed that the driver's operation of the vehicle was the sole proximate cause of his or her own death, injury, or damage. This presumption can be overcome if the gross negligence or intentional misconduct of the Department of Transportation, or of its agents, consultants, or contractors, was a proximate cause of the driver's death, injury, or damage.

(2) A contractor who constructs, maintains, or repairs a highway, road, street, bridge, or other transportation facility for the Department of Transportation is not liable to a claimant for personal injury, property damage, or death arising from the performance of the construction, maintenance, or repair if, at the time of the personal injury, property damage, or death, the contractor was in compliance with contract documents material to the condition that was the proximate cause of the personal injury, property damage, or death.

(a) The limitation on liability contained in this subsection does not apply when the proximate cause of the personal injury, property damage, or death is a latent condition, defect, error, or omission that was created by the contractor and not a defect, error, or omission in the contract documents; or when the proximate cause of the personal injury, property damage or death was the contractor's failure to perform, update or comply with the maintenance of traffic safety plan as required by the contract documents.

(b) Nothing in this subsection shall be interpreted or construed as relieving the contractor of any obligation to provide the Department of Transportation with written notice of any apparent error or omission in the contract documents.

(c) Nothing in this subsection shall be interpreted or construed to alter or affect any claim of the Department of Transportation against such contractor.

(d) This subsection does not affect any claim of any entity against such contractor, which claim is associated with such entity's facilities on or in Department of Transportation roads or other transportation facilities.

(3) In all cases involving personal injury, property damage, or death, a person or entity who contracts to prepare or provide engineering plans for the construction or repair of a highway, road, street, bridge, or other transportation facility for the Department of Transportation shall be presumed to have prepared such engineering plans using the degree of care and skill ordinarily exercised by other engineers in the field under similar conditions and in similar localities and with due regard for acceptable engineering standards and principles if the engineering plans conformed to the Department of Transportation's design standards material to the condition or defect that was the proximate cause of the person injury, property damage, or death. This presumption can be overcome only upon a showing of the person's or entity's gross negligence in the preparation of the engineering plans and shall not be interpreted or construed to alter or affect any claim of the Department of Transportation against such person or entity. The limitation on liability contained in this subsection shall not apply to any hidden or undiscoverable condition created by the engineer. This subsection does not affect any claim of any entity against such engineer or engineering firm, which claim is associated with such entity's facilities on or in Department of Transportation roads or other transportation facilities.

(4) In any civil action for death, injury, or damages against the Department of Transportation or its agents, consultants, engineers or contractors for work performed on a highway, road, street, bridge, or other transportation facility, if the department, its agents, consultants, engineers, or contractors are immune from liability pursuant to this section or are not parties to the litigation, they may not be named on the jury verdict form or be found to be at fault or responsible for the injury, death, or damage that gave rise to the damages.

Section 4. Subsection (1) of section 338.155, Florida Statutes, is amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—

(1) No persons are permitted to use any toll facility without payment of tolls, except employees of the agency operating the toll project when using the toll facility on official state business, state military personnel while on official military business, handicapped persons as provided in this section, persons exempt from toll payment by the authorizing resolution for bonds issued to finance the facility, and persons exempt on a temporary basis where use of such toll facility is required as a detour route. Any law enforcement officer operating a marked official vehicle is exempt from toll payment when on official law enforcement business. Any person operating a fire vehicle when on official business or a rescue vehicle when on official business is exempt from toll payment. *Any person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty is exempt from toll payment.* The secretary, or the secretary's designee, may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation. The failure to pay a prescribed toll constitutes a noncriminal traffic infraction, punishable as a moving violation pursuant to s. 318.18. The department is authorized to adopt rules relating to guaranteed toll accounts.

Section 5. Subsection (12) is added to section 339.175, Florida Statutes, to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic Intermodal System designated under s. 339.63.

(12) VOTING REQUIREMENTS.—Each long-range transportation plan required pursuant to subsection (6); each annually updated Transportation Improvement Program required under subsection (7), and each amendment that affects projects in the first 3 years of such plans and programs, must be approved by each M.P.O. on a recorded roll call vote of the membership present.

Section 6. Section 339.64, Florida Statutes, is amended to read:

339.64 Strategic Intermodal System Plan.—

(1) The department shall develop, in cooperation with metropolitan planning organizations, regional planning councils, local governments, the Statewide Intermodal Transportation Advisory Council and other transportation providers, a Strategic Intermodal System Plan. The plan shall be consistent with the Florida Transportation Plan developed pur-

suant to s. 339.155 and shall be updated at least once every 5 years, subsequent to updates of the Florida Transportation Plan.

(2) In association with the *continued* development of the ~~initial~~ Strategic Intermodal System Plan ~~and other transportation plans~~, the Florida Transportation Commission*, as part of its work program review process,* shall conduct an *annual* assessment of the *progress that the department and its transportation partners have made in realizing the goals of economic development, improved mobility, and increased intermodal connectivity* ~~need for an improved philosophical approach to regional and intermodal input in the planning for and governing~~ of the Strategic Intermodal System ~~and other transportation systems~~. The Florida Transportation Commission shall coordinate with the department, the Statewide Intermodal Transportation Advisory Council, and other appropriate entities when developing this assessment. The Florida Transportation Commission shall deliver a report to the Governor and Legislature *no later than 14 days after the regular session begins* ~~by December 15, 2003~~, with recommendations as necessary to fully implement the Strategic Intermodal System.

(3)*(a)* During the development of *updates to* the Strategic Intermodal System Plan ~~and the development of all subsequent updates~~, the department shall provide metropolitan planning organizations, regional planning councils, local governments, transportation providers, affected public agencies, and citizens with an opportunity to participate in and comment on the development of the ~~proposed plan or~~ update.

(b) The department also shall coordinate with federal, regional, and local partners the planning for the Strategic Highway Network and the Strategic Rail Corridor Network transportation facilities that either are included in the Strategic Intermodal System or that provide a direct connection between military installations and the Strategic Intermodal System. In addition, the department shall coordinate with regional and local partners to determine whether the road and other transportation infrastructure that connects military installations to the Strategic Intermodal System, the Strategic Highway Network, or the Strategic Rail Corridor is regionally significant and should be included in the Strategic Intermodal System Plan.

(4) The Strategic Intermodal System Plan shall include the following:

(a) A needs assessment.

(b) A project prioritization process.

(c) A map of facilities designated as Strategic Intermodal System facilities*;* ~~and~~ facilities that are emerging in importance that are likely to become part of the system in the future*; and planned facilities that will meet the established criteria*.

(d) A finance plan based on reasonable projections of anticipated revenues, including both 10-year and 20-year cost-feasible components.

(e) An assessment of the impacts of proposed improvements to Strategic Intermodal System corridors on military installations that are either located directly on the Strategic Intermodal System or located on the Strategic Highway Network or Strategic Rail Corridor Network.

(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.—

(a) The Statewide Intermodal Transportation Advisory Council is created to advise and make recommendations to the Legislature and the department on policies, planning, and funding of intermodal transportation projects. The council's responsibilities shall include:

1. Advising the department on the policies, planning, and implementation of strategies related to intermodal transportation.

2. Providing advice and recommendations to the Legislature on funding for projects to move goods and people in the most efficient and effective manner for the State of Florida.

(b) MEMBERSHIP.—Members of the Statewide Intermodal Transportation Advisory Council shall consist of the following:

1. *Six* ~~Five~~ intermodal industry representatives selected by the Governor as follows:

a. One representative from an airport involved in the movement of freight and people from their airport facility to another transportation mode.

b. One individual representing a fixed-route, local-government transit system.

c. One representative from an intercity bus company providing regularly scheduled bus travel as determined by federal regulations.

d. One representative from a spaceport.

e. One representative from intermodal trucking companies.

f. One representative having command responsibilities of a major military installation.

2. Three intermodal industry representatives selected by the President of the Senate as follows:

a. One representative from major-line railroads.

b. One representative from seaports listed in s. 311.09(1) from the Atlantic Coast.

c. One representative from an airport involved in the movement of freight and people from their airport facility to another transportation mode.

3. Three intermodal industry representatives selected by the Speaker of the House of Representatives as follows:

a. One representative from short-line railroads.

b. One representative from seaports listed in s. 311.09(1) from the Gulf Coast.

c. One representative from intermodal trucking companies. In no event may this representative be employed by the same company that employs the intermodal trucking company representative selected by the Governor.

(c) Initial appointments to the council must be made no later than 30 days after the effective date of this section.

1. The initial appointments made by the President of the Senate and the Speaker of the House of Representatives shall serve terms concurrent with those of the respective appointing officer. Beginning January 15, 2005, and for all subsequent appointments, council members appointed by the President of the Senate and the Speaker of the House of Representatives shall serve 2-year terms, concurrent with the term of the respective appointing officer.

2. The initial appointees, and all subsequent appointees, made by the Governor shall serve 2-year terms.

3. Vacancies on the council shall be filled in the same manner as the initial appointments.

(d) Each member of the council shall be allowed one vote. The council shall select a chair from among its membership. Meetings shall be held at the call of the chair, but not less frequently than quarterly. The members of the council shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(e) The department shall provide administrative staff support and shall ensure that council meetings are electronically recorded. Such recordings and all documents received, prepared for, or used by the council in conducting its business shall be preserved pursuant to chapters 119 and 257.

Section 7. Part IV of chapter 343, Florida Statutes, consisting of sections 343.80, 343.805, 343.81, 343.82, 343.83, 343.835, 343.836, 343.837, 343.84, 343.85, 343.87, 343.875, 343.88, 343.881, 343.884, 343.885, and 343.89, is created to read:

PART IV
NORTHWEST FLORIDA TRANSPORTATION CORRIDOR AUTHORITY

343.80 Short title.—This part may be cited as the "Northwest Florida Transportation Corridor Authority Law."

343.805 Definitions.—As used in this part, the term:

(1) "Agency of the state" means the state and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the state.

(2) "Authority" means the body politic and corporate and agency of the state created by this part.

(3) "Bonds" means the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which the authority is authorized to issue pursuant to this part.

(4) "Department" means the Department of Transportation existing under chapters 334-339.

(5) "Federal agency" means the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the United States.

(6) "Lease-purchase agreement" means the lease-purchase agreements that the authority is authorized pursuant to this part to enter into with the Department of Transportation.

(7) "Limited access expressway" or "expressway" means a street or highway especially designed for through traffic and over, from, or to which a person does not have the right of easement, use, or access except in accordance with the rules adopted and established by the authority for the use of such facility. Such highway or street may be a parkway, from which trucks, buses, and other commercial vehicles are excluded, or it may be a freeway open to use by all customary forms of street and highway traffic.

(8) "Members" means the governing body of the authority, and the term "member" means one of the individuals constituting such governing body.

(9) "State Board of Administration" means the body corporate existing under the provisions of s. 9, Art. XII of the State Constitution, or any successor thereto.

(10) "U.S. 98 corridor" means U.S. Highway 98 and any feeder roads, reliever roads, connector roads, bridges, and other transportation appurtenances, existing or constructed in the future, that support U.S. Highway 98 in Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties.

(11) "U.S. 98 corridor system" means any and all expressways and appurtenant facilities, including, but not limited to, all approaches, roads, bridges, and avenues of access for the expressways that are either built by the authority or whose ownership is transferred to the authority by other governmental or private entities.

Terms importing singular number include the plural number in each case and vice versa, and terms importing persons include firms and corporations.

343.81 Northwest Florida Transportation Corridor Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the Northwest Florida Transportation Corridor Authority, hereinafter referred to as "the authority."

(2)(a) The governing body of the authority shall consist of eight voting members, one each from Escambia, Santa Rosa, Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla Counties, appointed by the Governor to a 4-year term. The appointees shall be residents of their respective counties. Upon the effective date of his or her appointment, or as soon thereafter as practicable, each appointed member of the authority shall enter upon his or her duties. Each appointed member shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term shall be filled only for the balance of the unexpired term. Any member of the authority shall be eligible for reappointment. Members of the authority may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

(b) The district secretary of the Department of Transportation serving Northwest Florida shall serve as an ex officio, nonvoting member.

(3)(a) The authority shall elect one of its members as chair and shall also elect a secretary and a treasurer who may or may not be members of the authority. The chair, secretary, and treasurer shall hold such offices at the will of the authority.

(b) Five members of the authority shall constitute a quorum, and the vote of at least five members shall be necessary for any action taken by the authority. A vacancy in the authority does not impair the right of a quorum of the authority to exercise all of the rights and perform all of the duties of the authority.

(c) The authority shall meet at least quarterly but may meet more frequently upon the call of the chair. The authority should alternate the locations of its meetings among the seven counties.

(4) Members of the authority shall serve without compensation but shall be entitled to receive from the authority their travel expenses and per diem incurred in connection with the business of the authority, as provided in s. 112.061.

(5) The authority may employ an executive director, an executive secretary, its own counsel and legal staff, technical experts, engineers, and such employees, permanent or temporary, as it may require. The authority shall determine the qualifications and fix the compensation of such persons, firms, or corporations and may employ a fiscal agent or agents; however, the authority shall solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The authority may delegate to one or more of its agents or employees its power as it shall deem necessary to carry out the purposes of this part, subject always to the supervision and control of the authority.

(6) The authority may establish technical advisory committees to provide guidance and advice on corridor-related issues. The authority shall establish the size, composition, and focus of any technical advisory committee created. A member appointed to a technical advisory committee shall serve without compensation but shall be entitled to per diem or travel expenses, as provided in s. 112.061.

343.82 Purposes and powers.—

(1) The primary purpose of the authority is to improve mobility on the U.S. 98 corridor in Northwest Florida to enhance traveler safety, identify and develop hurricane evacuation routes, promote economic development along the corridor, and implement transportation projects to alleviate current or anticipated traffic congestion.

(2) The authority is authorized to construct any feeder roads, reliever roads, connector roads, bypasses, or appurtenant facilities that are intended to improve mobility along the U.S. 98 corridor. The transportation improvement projects may also include all necessary approaches, roads, bridges, and avenues of access that are desirable and proper with the concurrence, where applicable, of the department if the project is to be part of the State Highway System or the respective county or municipal governing boards. Any transportation facilities constructed by the authority may be tolled.

(3)(a) The authority shall develop and adopt a corridor master plan no later than July 1, 2007. The goals and objectives of the master plan are to identify areas of the corridor where mobility, traffic safety, and efficient hurricane evacuation needs to be improved; evaluate the economic development potential of the corridor and consider strategies to develop that potential; develop methods of building partnerships with local governments, other state and federal entities, the private-sector business community, and the public in support of corridor improvements; and to identify projects that will accomplish these goals and objectives.

(b) After its adoption, the master plan shall be updated annually before July 1 of each year.

(c) The authority shall present the original master plan and updates to the governing bodies of the counties within the corridor and to the legislative delegation members representing those counties within 90 days after adoption.

(d) The authority may undertake projects or other improvements in the master plan in phases as particular projects or segments thereof

become feasible, as determined by the authority. In carrying out its purposes and powers, the authority may request funding and technical assistance from the department and appropriate federal and local agencies, including, but not limited to, state infrastructure bank loans, advances from the Toll Facilities Revolving Trust Fund, and from any other sources.

(4) The authority is granted and shall have and may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(a) To acquire, hold, construct, improve, maintain, operate, own, and lease in the capacity of lessor transportation facilities within the U.S. 98 corridor.

(b) To borrow money and to make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, hereinafter in this chapter sometimes called "revenue bonds" of the authority, for the purpose of financing all or part of the mobility improvements within the U.S. 98 corridor, as well as the appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access authorized by this part, the bonds to mature not exceeding 40 years after the date of the issuance thereof, and to secure the payment of such bonds or any part thereof by a pledge of any or all of its revenues, rates, fees, rentals, or other charges.

(c) To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities of the Northwest Florida Transportation Corridor System, which rates, fees, rentals, and other charges shall always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to this part; however, such right and power may be assigned or delegated by the authority to the department. The authority may not impose tolls or other charges on existing highways and other transportation facilities within the corridor.

(d) To acquire by donation or otherwise, purchase, hold, lease as lessee, and use any franchise, property, real, personal, or mixed, tangible or intangible, or any options thereof in its own name or in conjunction with others, or interest therein, necessary or desirable for carrying out the purposes of the authority and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

(e) To sue and be sued, implead and be impleaded, complain, and defend in all courts.

(f) To adopt, use, and alter at will a corporate seal.

(g) To enter into and make leases.

(h) To enter into and make lease-purchase agreements with the department for terms not exceeding 40 years or until any bonds secured by a pledge of rentals thereunder, and any refundings thereof, are fully paid as to both principal and interest, whichever is longer.

(i) To make contracts of every name and nature, including, but not limited to, partnerships providing for participation in ownership and revenues, and to execute all instruments necessary or convenient for the carrying on of its business.

(j) Without limitation of the foregoing, to borrow money and accept grants from and to enter into contracts, leases, or other transactions with any federal agency, the state, any agency of the state, or any other public body of the state.

(k) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74.

(l) To pledge, hypothecate, or otherwise encumber all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority.

(m) To enter into partnership and other agreements respecting ownership and revenue participation in order to facilitate financing and constructing any project or portions thereof.

(n) To participate in agreements with private entities and to receive private contributions.

(o) To contract with the department or with a private entity for the operation of traditional and electronic toll collection facilities along the U.S. 98 corridor.

(p) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by this part or any other law.

(q) To construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards and to construct, repair, replace, operate, install, and maintain electronic toll payment systems thereon, with all necessary and incidental powers to accomplish the foregoing.

(5) The authority does not have power at any time or in any manner to pledge the credit or taxing power of the state or any political subdivision or agency thereof, nor shall any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency thereof, nor shall the state or any political subdivision or agency thereof, except the authority, be liable for the payment of the principal of or interest on such obligations.

343.83 Improvements, bond financing authority.—Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature approves bond financing by the Northwest Florida Transportation Corridor Authority for improvements to toll collection facilities, interchanges to the legislatively approved system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such costs may be financed in whole or in part by revenue bonds issued pursuant to s. 343.835(1)(a) or (b) whether currently issued or issued in the future or by a combination of such bonds.

343.835 Bonds of the authority.—

(1)(a) Bonds may be issued on behalf of the authority pursuant to the State Bond Act.

(b) Alternatively, the authority may issue its own bonds pursuant to this part at such times and in such principal amount as, in the opinion of the authority, is necessary to provide sufficient moneys for achieving its purposes; however, such bonds may not pledge the full faith and credit of the state. Bonds issued by the authority pursuant to this paragraph or paragraph (a), whether on original issuance or on refunding, shall be authorized by resolution of the members thereof, may be either term or serial bonds, and shall bear such date or dates, mature at such time or times, not exceeding 40 years after their respective dates, bear interest at such rate or rates, be payable semiannually, be in such denominations, be in such form, either coupon or fully registered, carry such registration, exchangeability, and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption, and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority, including revenues from lease-purchase agreements. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, however, such bonds shall bear at least one signature that is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority and have the seal of the authority affixed, imprinted, reproduced, or lithographed thereon, all as may be prescribed in such resolution or resolutions.

(c) Bonds issued pursuant to paragraph (a) or paragraph (b) shall be sold at public sale in the manner provided by the State Bond Act. However, if the authority, by official action at a public meeting, determines that a negotiated sale of such bonds is in the best interest of the authority, the authority may negotiate the sale of such bonds with the underwriter designated by the authority and the Division of Bond Finance within the State Board of Administration with respect to bonds issued pursuant to paragraph (a) or solely the authority with respect to bonds issued pursuant to paragraph (b). The authority's determination to negotiate the sale of such bonds may be based, in part, upon the written advice of the authority's financial adviser. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

(d) The authority may issue bonds pursuant to paragraph (b) to refund any bonds previously issued regardless of whether the bonds being

refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act.

(2) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions that are part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority, derived by the authority for the U.S. 98 corridor improvements.

(b) The completion, improvement, operation, extension, maintenance, repair, lease, or lease-purchase agreement of the system, and the duties of the authority and others, including the department, with reference thereto.

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the United States or the state may be applied.

(d) The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities constructed by the authority.

(e) The setting aside of reserves or sinking funds or repair and replacement funds and the regulation and disposition thereof.

(f) Limitations on the issuance of additional bonds.

(g) The terms and provisions of any lease-purchase agreement, deed of trust, or indenture securing the bonds or under which the same may be issued.

(h) Any other or additional agreements with the holders of the bonds which the authority may deem desirable and proper.

(3) The authority may employ fiscal agents as provided by this part or the State Board of Administration may, upon request of the authority, act as fiscal agent for the authority in the issuance of any bonds that are issued pursuant to this part, and the State Board of Administration may, upon request of the authority, take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any bonds issued pursuant to this part. The authority may enter into any deeds of trust, indentures, or other agreements with its fiscal agent, or with any bank or trust company within or without the state, as security for such bonds and may, under such agreements, sign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments or, as the authority authorizes, including, but without limitation, provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair, and lease of or lease-purchase agreement relating to U.S. 98 corridor improvements and the duties of the authority and others, including the department, with reference thereto.

(b) The application of funds and the safeguarding of funds on hand or on deposit.

(c) The rights and remedies of the trustee and the holders of the bonds.

(d) The terms and provisions of the bonds or the resolutions authorizing the issuance of the bonds.

(4) Any of the bonds issued pursuant to this part are, and are hereby declared to be, negotiable instruments and have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

(5) Notwithstanding any of the provisions of this part, each project, building, or facility that has been financed by the issuance of bonds or other evidence of indebtedness under this part and any refinancing thereof are hereby approved as provided for in s. 11(f), Art. VII of the State Constitution.

343.836 Remedies of the bondholders.—

(1) The rights and the remedies in this section conferred upon or granted to the bondholders are in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by a lease-purchase agreement, deed of trust, indenture, or other agreement under which the bonds may be issued or secured. If the authority defaults in the payment of the principal of or interest on any of the bonds issued pursuant to the provisions of this part after such principal of or interest on the bonds becomes due, whether at maturity or upon call for redemption, or the department defaults in any payments under, or covenants made in, any lease-purchase agreement between the authority and the department, and such default continues for a period of 30 days, or if the authority or the department fails or refuses to comply with the provisions of this part or any agreement made with, or for the benefit of, the holders of the bonds, the holders of 25 percent in aggregate principal amount of the bonds then outstanding may appoint a trustee to represent such bondholders for the purposes hereof, if such holders of 25 percent in aggregate principal amount of the bonds then outstanding shall first give notice of their intention to appoint a trustee to the authority and to the department. Such notice shall be deemed to have been given if given in writing, deposited in a securely sealed postpaid wrapper, mailed at a regularly maintained United States post office box or station, and addressed, respectively, to the chair of the authority and to the secretary of the department at the principal office of the department.

(2) Such trustee and any trustee under any deed of trust, indenture, or other agreement may, and upon written request of the holders of 25 percent or such other percentages as are specified in any deed of trust, indenture, or other agreement aforesaid in principal amount of the bonds then outstanding shall, in any court of competent jurisdiction, in his, her, or its own name:

(a) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the authority to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this part.

(b) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders under or pursuant to any lease-purchase agreement between the authority and the department, including the right to require the department to make all rental payments required to be made by it under the provisions of any such lease-purchase agreement, to require the department to carry out any other covenants and agreements with or for the benefit of the bondholders and to perform its and their duties under this part.

(c) Bring suit upon the bonds.

(d) By action or suit in equity, require the authority or the department to account as if it were the trustee of an express trust for the bondholders.

(e) By action or suit in equity, enjoin any acts or things that may be unlawful or in violation of the rights of the bondholders.

(3) Any trustee, when appointed as aforesaid or acting under a deed of trust, indenture, or other agreement, and whether or not all bonds have been declared due and payable, may appoint a receiver who may enter upon and take possession of the system or the facilities or any part or parts thereof, the rates, fees, rentals, or other revenues, charges, or receipts from which are or may be applicable to the payment of the bonds so in default, and, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department, operate and maintain the same for and on behalf of and in the name of the authority, the department, and the bondholders, and collect and receive all rates, fees, rentals, and other charges or receipts or revenues arising therefrom in the same manner as the authority or the department might do, and shall deposit all such moneys in a separate account and apply such moneys in such manner as the court shall direct. In any suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee and the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any rates, fees, rentals, or other charges, revenues, or receipts derived from the system or the facilities or services or any part or parts thereof, including payments under any such lease-purchase agreement as aforesaid, which rates, fees, rentals, or other charges, revenues, or receipts may be applicable to the payment of

the bonds so in default. Such trustee, in addition to the foregoing, possesses all of the powers necessary for the exercise of any functions specifically set forth herein or incident to the representation of the bondholders in the enforcement and protection of their rights.

(4) This section or any other section of this part does not authorize any receiver appointed pursuant hereto for the purpose, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department, of operating and maintaining the system or any facilities or part or parts thereof, to sell, assign, mortgage, or otherwise dispose of any of the assets of whatever kind and character belonging to the authority. It is the intention of this part to limit the powers of such receiver, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department, to the operation and maintenance of the system or any facility or part or parts thereof, as the court may direct, in the name and for and on behalf of the authority, the department, and the bondholders. In any suit, action, or proceeding at law or in equity, a holder of bonds on the authority, a trustee, or any court may not compel or direct a receiver to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority. A receiver also may not be authorized to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority in any suit, action, or proceeding at law or in equity.

343.837 Lease-purchase agreement.—

(1) In order to effectuate the purposes of this part and as authorized by this part, the authority may enter into a lease-purchase agreement with the department relating to and covering the U.S. 98 Corridor System.

(2) Such lease-purchase agreement shall provide for the leasing of the system by the authority, as lessor, to the department, as lessee, shall prescribe the term of such lease and the rentals to be paid thereunder, and shall provide that, upon the completion of the faithful performance thereunder and the termination of such lease-purchase agreement, title in fee simple absolute to the system as then constituted shall be transferred in accordance with law by the authority to the state and the authority shall deliver to the department such deeds and conveyances as shall be necessary or convenient to vest title in fee simple absolute in the state.

(3) Such lease-purchase agreement may include such other provisions, agreements, and covenants as the authority and the department deem advisable or required, including, but not limited to, provisions as to the bonds to be issued for the purposes of this part, the completion, extension, improvement, operation, and maintenance of the system and the expenses and the cost of operation of the authority, the charging and collection of tolls, rates, fees, and other charges for the use of the services and facilities thereof, and the application of federal or state grants or aid which may be made or given to assist the authority in the completion, extension, improvement, operation, and maintenance of the system.

(4) The department as lessee under such lease-purchase agreement may pay as rentals thereunder any rates, fees, charges, funds, moneys, receipts, or income accruing to the department from the operation of the system and may also pay as rentals any appropriations received by the department pursuant to any act of the Legislature heretofore or hereafter enacted; however, nothing in this section or in such lease-purchase agreement is intended to require, nor shall this part or such lease-purchase agreement require, the making or continuance of such appropriations, nor shall any holder of bonds issued pursuant to this part ever have any right to compel the making or continuance of such appropriations.

(5) The department shall have power to covenant in any lease-purchase agreement that it will pay all or any part of the cost of the operation, maintenance, repair, renewal, and replacement of the corridor system, and any part of the cost of completing the corridor system to the extent that the proceeds of bonds issued are insufficient, from sources other than the revenues derived from the operation of the system.

(6) The U.S. 98 Corridor System shall be a part of the State Highway System as defined in s. 334.03, and the department may, upon the request of the authority, expend out of any funds available for that purpose, and use such of its engineering and other forces, as may be necessary and desirable in the judgment of the department, for the operation of the authority and for traffic surveys, borings, surveys, preparation of plans and specifications, estimates of cost, and other preliminary engineering and other studies.

343.84 Department may be appointed agent of authority for construction.—The department may be appointed by the authority as its agent for the purpose of constructing improvements and extensions to the system and for the completion thereof. In such event, the authority shall provide the department with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto, shall request the department to do such construction work, including the planning, surveying, and actual construction of the completion, extensions, and improvements to the system, and shall transfer to the credit of an account of the department in the treasury of the state the necessary funds therefor. The department shall proceed with such construction and use the funds for such purpose in the same manner that it is now authorized to use the funds otherwise provided by law for its use in construction of roads and bridges.

343.85 Acquisition of lands and property.—

(1) For the purposes of this part, the Northwest Florida Transportation Corridor Authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any purpose of this part, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of a facility, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities within the U.S. 98 transportation corridor designated by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority may condemn any material and property necessary for such purposes.

(2) The right of eminent domain herein conferred shall be exercised by the authority in the manner provided by law.

(3) When the authority acquires property for a transportation facility or in a transportation corridor, the authority is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

343.87 Cooperation with other units, boards, agencies, and individuals.—Express authority and power is hereby given and granted to any county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, commission, or individual in or of the state to make and enter into contracts, leases, conveyances, partnerships, or other agreements with the authority within the provisions and purposes of this part. The authority may make and enter into contracts, leases, conveyances, partnerships, and other agreements with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, corporations, and individuals for the purpose of carrying out the provisions of this part.

343.875 Public-private partnerships.—

(1) The authority may receive or solicit proposals and enter into agreements with private entities or consortia thereof, for the building, operation, ownership, or financing of transportation facilities within the jurisdiction of the authority. Before approval, the authority must determine that a proposed project:

(a) Is in the public's best interest.

(b) Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.

(c) Would have adequate safeguards to ensure that additional costs or service disruptions would not be realized by the traveling public and citizens of the state in the event of default or the cancellation of the agreement by the authority.

(2) The authority shall ensure that all reasonable costs to the state related to transportation facilities that are not part of the State Highway System are borne by the private entity. The authority also shall ensure that all reasonable costs to the state and substantially affected local governments and utilities related to the private transportation facility are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation.

(3) The authority may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Weekly and a newspaper of general circulation in the county in which it is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the authority shall rank the proposals in order of preference. In ranking the proposals, the authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the authority is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the authority may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the authority may negotiate in good faith and, if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. Notwithstanding this subsection, the authority may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

(4) Agreements entered into pursuant to this section may authorize the public-private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues shall be regulated by the authority to avoid unreasonable costs to users of the facility.

(5) Each public-private transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; the authority's rules, policies, procedures, and standards for transportation facilities; and any other conditions that the authority determines to be in the public's best interest.

(6) The authority may exercise any of its powers, including eminent domain, to facilitate the development and construction of transportation projects pursuant to this section. The authority may pay all or part of the cost of operating and maintaining the facility or may provide services to the private entity for which it receives full or partial reimbursement for services rendered.

(7) Except as herein provided, this section is not intended to amend existing law by granting additional powers to or imposing further restrictions on the governmental entities with regard to regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

(8) The authority may adopt rules to implement this section and shall, by rule, establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals.

343.88 Covenant of the state.—The state does hereby pledge to, and agrees with, any person, firm or corporation, or federal or state agency subscribing to or acquiring the bonds to be issued by the authority for the purposes of this part that the state will not limit or alter the rights hereby vested in the authority and the department until all bonds at any time issued, together with the interest thereon, are fully paid and discharged insofar as the same affects the rights of the holders of bonds issued hereunder. The state does further pledge to, and agree with, the United States that, if any federal agency constructs or contributes any funds for the completion, extension, or improvement of the system or any part or portion thereof, the state will not alter or limit the rights and powers of the authority and the department in any manner which would be inconsistent with the continued maintenance and operation of the system or the completion, extension, or improvement thereof or which would be inconsistent with the due performance of any agreements between the authority and any such federal agency. The authority and the department shall continue to have and may exercise all powers herein granted so long as necessary or desirable for the carrying out of the purposes of this part and the purposes of the United States in the completion, extension, or improvement of the system or any part or portion thereof.

343.881 Exemption from taxation.—The effectuation of the authorized purposes of the authority created under this part is for the benefit of the people of this state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions and, because the authority performs essential governmental functions in effectuating such purposes, the authority is not required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired or used by it for such purposes, or upon any rates, fees, rentals, receipts, income, or charges at any time received by it. The bonds issued by the authority, their transfer, and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation of any kind by the state or by any political subdivision, taxing agency, or instrumentality thereof. The exemption granted by this section does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

343.884 Eligibility for investments and security.—Any bonds or other obligations issued pursuant to this part shall be and constitute legal investments for banks, savings banks, trustees, executors, administrators, and all other fiduciaries and for all state, municipal, and other public funds and shall also be and constitute securities eligible for deposit as security for all state, municipal, or other public funds, notwithstanding the provisions of any other law to the contrary.

343.885 Pledges enforceable by bondholders.—It is the express intention of this part that any pledge to the authority by the department of rates, fees, revenues, or other funds as rentals, or any covenants or agreements relative thereto, is enforceable in any court of competent jurisdiction against the authority or directly against the department by any holder of bonds issued by the authority.

343.89 Complete and additional statutory authority.—

(1) The powers conferred by this part are supplemental to the existing powers of the board and the department. This part does not repeal any of the provisions of any other law, general, special, or local, but supersedes such other laws in the exercise of the powers provided in this part and provides a complete method for the exercise of the powers granted in this part. The extension and improvement of the system, and the issuance of bonds hereunder to finance all or part of the cost thereof, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or local law, including, but not limited to, s. 215.821. An approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in any other political subdivision of the state is not required for the issuance of such bonds pursuant to this part.

(2) This part does not repeal, rescind, or modify any other law relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance within the State Board of Administration; however, this part supersedes such other laws as are inconsistent with its provisions, including, but not limited to, s. 215.821.

(3) This part does not preclude the department from acquiring, holding, constructing, improving, maintaining, operating, or owning tolled or nontolled facilities funded and constructed from nonauthority sources that are part of the State Highway System within the geographical boundaries of the Northwest Florida Transportation Corridor Authority.

Section 8. Subsection (10) is added to section 337.251, Florida Statutes, to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(10) The department may adopt rules to administer the provisions of this section.

Section 9. Subsection (1) of section 337.406, Florida Statutes, is amended to read:

337.406 Unlawful use of state transportation facility right-of-way; penalties.—

(1) Except when leased as provided in s. 337.25(5) or otherwise authorized by the rules of the department, it is unlawful to make any use of the right-of-way of any state transportation facility, including appendages thereto, outside of an incorporated municipality in any manner that interferes with the safe and efficient movement of people and property from place to place on the transportation facility. Failure to prohibit the use of right-of-way in this manner will endanger the health, safety, and general welfare of the public by causing distractions to motorists, unsafe pedestrian movement within travel lanes, sudden stoppage or slowdown of traffic, rapid lane changing and other dangerous traffic movement, increased vehicular accidents, and motorist injuries and fatalities. Such prohibited uses include, but are not limited to, the free distribution or sale, or display or solicitation for free distribution or sale, of any merchandise, goods, property or services; the solicitation for charitable purposes; the servicing or repairing of any vehicle, except the rendering of emergency service; the storage of vehicles being serviced or repaired on abutting property or elsewhere; and the display of advertising of any sort, except that any portion of a state transportation facility may be used for an art festival, parade, fair, or other special event if permitted by the appropriate local governmental entity. *Local government entities* ~~Within incorporated municipalities, the local governmental entity~~ may issue permits of limited duration for the temporary use of the right-of-way of a state transportation facility for any of these prohibited uses if it is determined that the use will not interfere with the safe and efficient movement of traffic and the use will cause no danger to the public. *The permitting authority granted in this subsection shall be exercised by the municipality within incorporated municipalities and by the county outside an incorporated municipality.* Before a road on the State Highway System may be temporarily closed for a special event, the local governmental entity which permits the special event to take place must determine that the temporary closure of the road is necessary and must obtain the prior written approval for the temporary road closure from the department. Nothing in this subsection shall be construed to authorize such activities on *any limited access highway* ~~the Interstate Highway System~~. Local governmental entities may, within their respective jurisdictions, initiate enforcement action by the appropriate code enforcement authority or law enforcement authority for a violation of this section.

Section 10. Subsection (2) of section 339.55, Florida Statutes, is amended to read:

339.55 State-funded infrastructure bank.—

(2) The bank may lend capital costs or provide credit enhancements for a transportation facility project that is on the State Highway System or that provides for increased mobility on the state's transportation system or provides intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals, pursuant to s. 341.053, for the movement of people and goods. Loans from the bank may be subordinated to senior project debt that has an investment grade rating of "BBB" or higher. *Notwithstanding any other provision of law, the total outstanding state-funded infrastructure bank loan repayments over the average term of the loan repayment period, as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be issued under s. 215.617 to be paid from the State Transportation Trust Fund, may not exceed 0.75 percent of the revenues deposited into the State Transportation Trust Fund.*

Section 11. Section 373.4137, Florida Statutes, is amended to read:

373.4137 Mitigation requirements *for specified transportation projects*.—

(1) The Legislature finds that environmental mitigation for the impact of transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. It is the intent of the Legislature that mitigation to offset the adverse effects of these transportation projects be funded by the Department of Transportation and be carried out by ~~the Department of Environmental Protection and~~ the water management districts, including the use of mitigation banks established pursuant to this part.

(2) Environmental impact inventories for transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 shall be developed as follows:

(a) By *July* ~~May~~ 1 of each year, the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 shall submit to ~~the Department of Environmental Protection and~~ the water management districts a copy of its adopted work program and an *environmental impact* inventory of habitats addressed in the rules *adopted* ~~tentatively,~~ pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, which may be impacted by its plan of construction for transportation projects in the next 3 years of the tentative work program. The Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 may also include in its *environmental impact* inventory the habitat impacts of any future transportation project ~~identified in the tentative work program~~. *The Department of Transportation and each transportation authority established pursuant to chapter 348 or chapter 349 may fund any mitigation activities for future projects using current year funds.*

(b) The environmental impact inventory shall include a description of these habitat impacts, including their location, acreage, and type; state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a survey of threatened species, endangered species, and species of special concern affected by the proposed project.

(3)(a) To fund *development and implementation of* the mitigation plan for the projected impacts identified in the *environmental impact* inventory described in subsection (2), the Department of Transportation shall identify funds quarterly in an escrow account within the State Transportation Trust Fund for the environmental mitigation phase of projects budgeted by the Department of Transportation for the current fiscal year. The escrow account shall be maintained by the Department of Transportation for the benefit of ~~the Department of Environmental Protection and~~ the water management districts. Any interest earnings from the escrow account shall remain with the Department of Transportation.

(b) Each transportation authority established pursuant to chapter 348 or chapter 349 that chooses to participate in this program shall create an escrow account within its financial structure and deposit funds in the account to pay for the environmental mitigation phase of projects budgeted for the current fiscal year. The escrow account shall be maintained by the authority for the benefit of ~~the Department of Environmental Protection and~~ the water management districts. Any interest earnings from the escrow account shall remain with the authority.

(c) *Except for current mitigation projects in the monitoring and maintenance phase and except as allowed by paragraph (d),* the ~~Department of Environmental Protection or~~ water management districts may request a transfer of funds from an escrow account no sooner than 30 days prior to the date the funds are needed to pay for activities associated with development or implementation of the approved mitigation plan described in subsection (4) for the current fiscal year, including, but not limited to, design, engineering, production, and staff support. Actual conceptual plan preparation costs incurred before plan approval may be submitted to the Department of Transportation or the appropriate transportation authority ~~and the Department of Environmental Protection by November 1 of~~ each year with the plan. The conceptual plan preparation costs of each water management district will be paid *from mitigation funds associated with the environmental impact inventory for the current year* ~~based on the amount approved on the mitigation plan and allocated to the current fiscal year projects identified by the water management district~~. The amount transferred to the escrow accounts each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 shall correspond to a cost per acre of $75,000 multiplied by the projected acres of impact identified in the *environmental impact* inventory described in subsection (2). However, the $75,000 cost per acre does not constitute an admission against interest by the state or its subdivisions nor is the cost admissible as evidence of full compensation for any property acquired by eminent domain or through inverse condemnation. Each July 1, the cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. *Each quarter* ~~At the end of each year~~, the projected acreage of impact shall be reconciled with the acreage of impact of projects as permitted, including permit modifications, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's transfer of funds shall be adjusted

accordingly to reflect the *acreage of impacts as permitted* ~~overtransfer or undertransfer of funds from the preceding year~~. The Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 are authorized to transfer such funds from the escrow accounts to ~~the Department of Environmental Protection and~~ the water management districts to carry out the mitigation programs. *For a mitigation project that is in the maintenance and monitoring phase, the water management district may request and receive a one-time payment based on the project's expected future maintenance and monitoring costs. Upon disbursement of the final maintenance and monitoring payment, the escrow account for the project established by the Department of Transportation or the participating transportation authority may be closed. Any interest earned on these disbursed funds shall remain with the water management district and must be used as authorized under paragraph (4)(c).*

(d) Beginning in the 2005-2006 fiscal year, each water management district shall be paid a lump-sum amount of $75,000 per acre, adjusted as provided under paragraph (c), for federally funded transportation projects that are included on the environmental impact inventory and that have an approved mitigation plan. Beginning in the 2009-2010 fiscal year, each water management district shall be paid a lump-sum amount of $75,000 per acre, adjusted as provided under paragraph (c), for federally funded and nonfederally funded transportation projects that have an approved mitigation plan. All mitigation costs, including, but not limited to, the costs of preparing conceptual plans and the costs of design, construction, staff support, future maintenance, and monitoring the mitigated acres shall be funded through these lump-sum amounts.

(4) Prior to *March* ~~December~~ 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. ~~This plan shall also address significant invasive plant problems within wetlands and other surface waters.~~ In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs and shall focus on activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) *projects* ~~waterbodies~~ and lands identified for potential acquisition for preservation, restoration *or*~~, and~~ enhancement, *and the control of invasive and exotic plants in wetlands and other surface waters,* to the extent that such activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344. In determining the activities to be included in such plans, the districts shall also consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include such purchase as a part of the mitigation plan when such purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be *submitted to* ~~preliminarily approved by~~ the water management district governing board*, or its designee,* ~~and shall be submitted to the secretary of the Department of Environmental Protection~~ for review and ~~final~~ approval. ~~The preliminary approval by the water management district governing board does not constitute a decision that affects substantial interests as provided by s. 120.569.~~ At least *14* ~~30~~ days prior to ~~preliminary~~ approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy.

(a) For each transportation project with a funding request for the next fiscal year, the mitigation plan must include a brief explanation of why a mitigation bank was or was not chosen as a mitigation option, including an estimation of identifiable costs of the mitigation bank and nonbank options to the extent practicable.

(b) Specific projects may be excluded from the mitigation plan*, in whole or in part,* and shall not be subject to this section upon the agreement of the Department of Transportation, *or* a transportation authority if applicable, ~~the Department of Environmental Protection,~~ and the appropriate water management district that the inclusion of such projects would hamper the efficiency or timeliness of the mitigation planning and permitting process.~~, or the Department of Environmental Protection and~~ The water management district *may choose to exclude a project in whole or in part if the district is* ~~are~~ unable to identify mitigation that would offset ~~the~~ impacts of the project.

(c) Surface water improvement and management or invasive plant control projects undertaken using the $12 million advance transferred from the Department of Transportation to the Department of Environmental Protection in fiscal year 1996-1997 which meet the requirements for mitigation under this part and 33 U.S.C. s. 1344 shall remain available for mitigation until the $12 million is fully credited ~~up to and including fiscal year 2005-2006~~. When these projects are used as mitigation, the $12 million advance shall be reduced by $75,000 per acre of impact mitigated. ~~For any fiscal year through and including fiscal year 2005-2006,~~ To the extent the cost of developing and implementing the mitigation plans is less than the *funds placed in the escrow account* ~~amount transferred~~ pursuant to subsection (3), the difference shall be *retained by the Department of Transportation and* credited towards the $12 million advance *until the Department of Transportation is fully refunded for this advance funding. After the $12 million advance funding is fully credited* ~~Except as provided in this paragraph~~, any funds not directed to implement the mitigation plan should, to the greatest extent possible, be directed to fund invasive plant control within wetlands and other surface waters*, SWIM projects, or other water-resource projects approved by the governing board of the water management district which may be appropriate to offset environmental impacts of future transportation projects. The water management districts may request these funds upon submittal of the final invoice for each road project.*

(5) The water management district shall be responsible for ensuring that mitigation requirements pursuant to 33 U.S.C. s. 1344 are met for the impacts identified in the *environmental impact* inventory described in subsection (2), by implementation of the approved plan described in subsection (4) to the extent funding is provided by the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349, if applicable. During the federal permitting process, the water management district may deviate from the approved mitigation plan in order to comply with federal permitting requirements.

(6) The mitigation plans shall be updated annually to reflect the most current Department of Transportation work program and project list of a transportation authority established pursuant to chapter 348 or chapter 349, if applicable, and may be amended throughout the year to anticipate schedule changes or additional projects which may arise. Each update and amendment of the mitigation plan shall be submitted to the *governing board of the water management district or its designee* ~~secretary of the Department of Environmental Protection~~ for approval. However, such approval shall not be applicable to a deviation as described in subsection (5).

(7) Upon approval by the *governing board of the water management district or its designee* ~~secretary of the Department of Environmental Protection~~, the mitigation plan shall be deemed to satisfy the mitigation requirements under this part *for impacts specifically identified in the environmental impact inventory described in subsection (2)* and any other mitigation requirements imposed by local, regional, and state agencies for *these same* impacts ~~identified in the inventory described in subsection (2)~~. The approval of the *governing board of the water management district or its designee* ~~secretary~~ shall authorize the activities proposed in the mitigation plan, and no other state, regional, or local permit or approval shall be necessary.

(8) This section shall not be construed to eliminate the need for the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 to comply with the requirement to implement practicable design modifications, including realignment of transportation projects, to reduce or eliminate the impacts of its transportation projects on wetlands and other surface waters as required by rules adopted pursuant to this part, or to diminish the authority under this part to regulate other impacts, including water quantity or water quality impacts, or impacts regulated under this part that are not identified in the *environmental impact* inventory described in subsection (2).

(9) The process for environmental mitigation for the impact of transportation projects under this section shall be available to an expressway, bridge, or transportation authority established under chapter 348 or chapter 349. Use of this process may be initiated by an authority depositing the requisite funds into an escrow account set up by the authority

and filing an environmental impact inventory with the appropriate water management district. An authority that initiates the environmental mitigation process established by this section shall comply with subsection (6) by timely providing the appropriate water management district ~~and the Department of Environmental Protection~~ with the requisite work program information. A water management district may draw down funds from the escrow account as provided in this section.

Section 12. Paragraph (b) of subsection (19) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates. ~~However, if an airport is located in two counties, a 10-percent lengthening of an existing runway or a 20-percent increase in the number of gates of an existing terminal is the applicable criteria.~~

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less.

6. An increase in land area for office development by 5 percent or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.

8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.

9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

10. An increase in commercial development by 50,000 square feet of gross floor area or of parking spaces provided for customers for 300 cars or a 5-percent increase of either of these, whichever is greater.

11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

14. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

15. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

16. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under subsubparagraph (e)5.b.

The substantial deviation numerical standards in subparagraphs 4., 6., 10., 14., excluding residential uses, and 15., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 4., 6., 9., 10., 11., and 14. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

Section 13. *Bicycle system study.—Prior to October 1, 2005, the Department of Transportation shall perform a bicycle system study of bicycle facilities that are on or connected to the State Highway System. The results of the bicycle system study shall be presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2005. The bicycle system study shall include paved bicycle lanes, bicycle trails, bicycle paths, and any route or facility designated specifically for bicycle traffic. The study shall be performed by a consultant selected and funded by the department and shall be managed by the department's State Pedestrian and Bicycle Coordinator. The study shall include:*

(1) Review of department standards for bicycle lanes to determine if they meet the needs of the state's bicyclists.

(2) Identification of state highways with existing designated bicycle lanes.

(3) Identification of state highways with no designated bicycle lanes and any constraints to incorporating these facilities.

(4) Providing electronic mapping of those facilities identified in subsections (2) and (3).

(5) Identification of all bicycle facility needs on the State Highway System.

(6) Review and identification of possible funding sources for new or improved facilities.

(7) A proposed implementation plan that will identify the incorporation of bicycle facilities on those state highways programmed for rehabilitation or new construction in the department's 5-year work program. The proposed plan must include the costs associated within the work program to add these facilities.

Section 14. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to transportation; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing criteria for the rules; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 337.11, F.S.; adding written work orders to the type of documents covered by the department's contracting laws;

specifying changes to surety bondholder's liability under certain circumstances; creating s. 337.195, F.S.; providing presumptions relating to liability in certain actions against the department; limiting liability, in certain circumstances, of contractors and engineers doing work for the department; amending 338.155, F.S.; providing that persons participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty are exempt from paying tolls; amending 339.175, F.S.; requiring metropolitan planning organizations to have recorded roll-votes and super-majority votes on certain plans; amending s. 339.64, F.S.; requiring the Florida Transportation Commission to include as part of its annual work program review an assessment of the department's progress on the Strategic Intermodal System; requiring an annual report to the Governor and the Legislature by a certain time period; directing the department to coordinate with federal, regional, and local entities for transportation planning that impacts military installations; requiring the Strategic Intermodal System Plan to include an assessment of the impacts of proposed projects on military installations; adding a military representative to the Governor's appointees to the Strategic Intermodal Transportation Advisory Council; deleting obsolete provisions; creating part IV of chapter 343, F.S., entitled "Northwest Florida Transportation Corridor Authority"; providing a short title; providing definitions; creating the Northwest Florida Transportation Corridor Authority encompassing Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties; providing for a governing body of the authority; providing for membership, organization, purposes, and powers of the authority; requiring a master plan; providing for the U.S. 98 Corridor System; prohibiting tolls on certain existing highways and other transportation facilities within the corridor; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing that the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for the rights and remedies of bondholders; providing for a lease-purchase agreement with the department; authorizing the authority to appoint the department as its agent for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing for public-private partnerships; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing that pledges are enforceable by bondholders; providing for complete and additional statutory authority for the department and other state agencies; amending s. 337.251, F.S.; authorizing the department to adopt rules governing the leasing of property for joint public-private development; amending s. 337.406, F.S.; granting local governments authority to issue permits allowing limited temporary use of state transportation right-of-way; clarifying limited access facilities are not included in such authority; amending s. 339.55, F.S.; establishing a maximum limit on state-funded infrastructure bank loans to the State Transportation Trust Fund; amending s. 373.4137, F.S.; revising the requirements for projects intended to mitigate the adverse effects of transportation projects; removing the Department of Environmental Protection from the mitigation process; revising requirements for the Department of Transportation and the transportation authorities with respect to submitting plans and inventories; authorizing the use of current-year funds for future projects; revising the requirements for reconciling escrow accounts used to fund mitigation projects; authorizing payments to a water management district to fund the costs of future maintenance and monitoring; requiring specified lump-sum payments to be used for the mitigation costs of certain projects; authorizing a governing board of a water management district to approve the use of mitigation funds for certain future projects; requiring that mitigation plans be approved by the water management district rather than the Department of Environmental Protection; amending s. 380.06, F.S., relating to developments of regional impact; deleting a provision stating criteria for determining when a change to certain airports necessitates a review; directing the Department of Transportation to select and fund a consultant to perform a study of bicycle facilities on or connected to the State Highway System; requiring the results of the study to be presented to the Governor and the Legislature; providing for management of the study by the State Pedestrian and Bicycle Coordinator; providing for inclusion of certain elements in the study; requiring the study to include an implementation plan; providing an effective date.

Pursuant to Rule 4.19, **HB 1681** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 2048** was deferred.

On motion by Senator Constantine—

CS for CS for SB's 2072 and 1714—A bill to be entitled An act relating to local governments; providing definitions; providing for notice of public hearings to consider whether the local government will provide a communications service; requiring a governmental entity to consider certain factors before a communications service is provided; providing certain restrictions on revenue bonds to finance provisioning of communications services; requiring a local government to make available a written business plan; providing criteria for the business plan; setting pricing standards; providing for accounting and books and records; requiring the governmental entity to establish an enterprise fund; requiring the governmental entity to maintain separate operating and capital budgets; limiting the use of eminent-domain powers; requiring a governmental entity to hold a public hearing to consider certain factors if the business plan goals are not met; requiring compliance with certain federal and state laws; requiring local government to treat itself the same as it treats other providers of similar communications services; exempting certain governmental entities from specified provisions of the act; requiring a local government provider of communications services to follow the same prohibitions as other providers of the same services; providing an exemption for airports under certain conditions; recognizing preemption of a charter, code, or other governmental authority; providing for severability; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB's 2072 and 1714** to **HB 1325**.

Pending further consideration of **CS for CS for SB's 2072 and 1714** as amended, on motion by Senator Constantine, by two-thirds vote **HB 1325** was withdrawn from the Committees on Communications and Public Utilities; Community Affairs; and General Government Appropriations.

On motion by Senator Constantine—

HB 1325—A bill to be entitled An act relating to local government economic development; amending s. 288.1162, F.S.; specifying criteria for certification for remaining available certification slot for professional sports franchises; providing definitions; providing for notice of public hearings to consider whether the local government will provide a communications service; requiring a governmental entity to consider certain factors before a communications service is provided; providing certain restrictions on revenue bonds to finance provisioning of communications services; requiring a local government to make available a written business plan; providing criteria for the business plan; setting pricing standards; providing for accounting and books and records; requiring the governmental entity to establish an enterprise fund; requiring the governmental entity to maintain separate operating and capital budgets; limiting the use of eminent-domain powers; requiring a governmental entity to hold a public hearing to consider certain factors if the business plan goals are not met; requiring compliance with certain federal and state laws; requiring a local government to treat itself the same as it treats other providers of similar communications services; exempting certain governmental entities from specified provisions of the act; requiring a local governmental provider of communications services to follow the same prohibitions as other providers of the same services; providing an exemption for airports under certain conditions; recognizing preemption of a charter, code, or other governmental authority; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB's 2072 and 1714** as amended and read the second time by title.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (834670)(with title amendment)—On page 2, line 12, delete everything after the enacting clause and insert:

Section 1. *Communications services offered by governmental entities.—*

(1) As used in this section, the term:

(a) "Advanced service" means high-speed-Internet-access-service capability in excess of 200 kilobits per second in the upstream or the downstream direction, including any service application provided over the high-speed-access service or any information service as defined in 47 U.S.C. s. 153(20).

(b) "Cable service" has the same meaning as in 47 U.S.C. s. 522(6).

(c) "Communications services" includes any "advanced service," "cable service," or "telecommunications service" and shall be construed in the broadest sense.

(d) "Enterprise fund" means a separate fund to account for the operation of communications services by a local government, established and maintained in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board.

(e) "Governmental entity" means any political subdivision as defined in section 1.01, Florida Statutes, including any county, municipality, special district, school district, utility authority or other authority or any instrumentality, agency, unit or department thereof. The term does not include an independent special district created before 1970 which has been granted express legislative authority to provide a communications service and which does not sell a communications service outside its district boundaries.

(f) "Provide," "providing," "provision," or "provisioning" means offering or supplying a communications service for a fee or other consideration to a person, including any portion of the public or private provider, but does not include service by an entity to itself or to any other governmental entity.

(g) "Subscriber" means a person who receives a communications service.

(h) "Telecommunications services" means the transmission of signs, signals, writing, images, sounds, messages, data, or other information of the user's choosing, by wire, radio, light waves, or other electromagnetic means, without change in the form or content of the information as sent and received by the user and regardless of the facilities used, including, without limitation, wireless facilities.

(2)(a) A governmental entity that proposes to provide a communications service shall hold no less than two public hearings, which shall be held not less than 30 days apart. At least 30 days before the first of the two public hearings, the governmental entity must give notice of the hearing in the predominant newspaper of general circulation in the area considered for service. At least 40 days before the first public hearing, the governmental entity must electronically provide notice to the Department of Revenue and the Public Service Commission, which shall post the notice on the department's and the commission's website to be available to the public. The Department of Revenue shall also send the notice by United States Postal Service to the known addresses for all dealers of communications services registered with the department under chapter 202, Florida Statutes, or provide an electronic notification, if the means are available, within 10 days after receiving the notice. The notice must include the time and place of the hearings and must state that the purpose of the hearings is to consider whether the governmental entity will provide communications services. The notice must include, at a minimum, the geographic areas proposed to be served by the governmental entity and the services, if any, which the governmental entity believes are not currently being adequately provided. The notice must also state that any dealer who wishes to do so may appear and be heard at the public hearings.

(b) At a public hearing required by this subsection, a governmental entity must, at a minimum, consider:

1. Whether the service that is proposed to be provided is currently being offered in the community and, if so, whether the service is generally available throughout the community.

2. Whether a similar service is currently being offered in the community and, if so, whether the service is generally available throughout the community.

3. If the same or similar service is not currently offered, whether any other service provider proposes to offer the same or a similar service and, if so, what assurances that service provider is willing or able to offer regarding the same or similar service.

4. The capital investment required by the government entity to provide the communications service, the estimated realistic cost of operation and maintenance and, using a full cost-accounting method, the estimated realistic revenues and expenses of providing the service and the proposed method of financing.

5. The private and public costs and benefits of providing the service by a private entity or a governmental entity, including the affect on existing and future jobs, actual economic development prospects, tax-base growth, education, and public health.

(c) At one or more of the public hearings under this subsection, the governmental entity must make available to the public a written business plan for the proposed communications service venture containing, at a minimum:

1. The projected number of subscribers to be served by the venture.

2. The geographic area to be served by the venture.

3. The types of communications services to be provided.

4. A plan to ensure that revenues exceed operating expenses and payment of principal and interest on debt within 4 years.

5. Estimated capital and operational costs and revenues for the first 4 years.

6. Projected network modernization and technological upgrade plans, including estimated costs.

(d) After making specific findings regarding the factors in paragraphs (b) and (c), the governmental entity may authorize providing a communications service by a majority recorded vote and by resolution, ordinance, or other formal means of adoption.

(e) The governing body of a governmental entity may issue one or more bonds to finance the capital costs for facilities to provide a communications service. However:

1. A governmental entity may only pledge revenues in support of the issuance of any bond to finance providing a communications service:

a. Within the county in which the governmental entity is located;

b. Within an area in which the governmental entity provides electric service outside its home county under an electric service territorial agreement approved by the Public Service Commission before the effective date of this act; or

c. If the governmental entity is a municipality or special district, within its corporate limits or in an area in which the municipality or special district provides water, wastewater, electric, or natural gas service, or within an urban service area designated in a comprehensive plan, whichever is larger, unless the municipality or special district obtains the consent of the governmental entity within the boundaries of which the municipality or special district proposes to provide service. Any governmental entity from which consent is sought shall be the county or shall be located within the county in which the governmental entity is located for consent to be effective.

2. Revenue bonds issued in order to finance providing a communications service are not subject to the approval of the electors if the revenue bonds mature within 15 years. Revenue bonds issued to finance providing a communications service that does not mature within 15 years must be approved by the electors. The election must be conducted as specified in chapter 100, Florida Statutes.

(f) A governmental entity providing a communications service may not price any service below the cost of providing the service by subsidizing the communications service with moneys from rates paid by subscribers of a noncommunications services utility or from any other revenues. The cost standard for determining cross-subsidization is whether the total revenue from the service is less than the total long-run incremental cost

of the service. Total long-run incremental cost means service-specific volume and nonvolume-sensitive costs.

(g) A governmental entity providing a communications service must comply with the requirements of section 218.32, Florida Statutes, and shall keep separate and accurate books and records, maintained in accordance with generally accepted accounting principles, of a governmental entity's communication service, and they shall be made available for any audits of the books and records conducted under applicable law. To facilitate equitable distribution of indirect costs, a local government shall develop and follow a cost-allocation plan, which is a procedure for allocating direct and indirect costs and which is generally developed in accordance with OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Government, published by the United States Office of Management and Budget.

(h) The governmental entity shall establish an enterprise fund to account for its operation of communications services.

(i) The governmental entity shall adopt separate operating and capital budgets for its communications services.

(j) A governmental entity may not use its powers of eminent domain under chapter 73, Florida Statutes, solely or primarily for the purpose of providing a communications service.

(k) The governmental entity shall conduct an annual review at a formal public meeting to consider the progress the governmental entity is making toward reaching its business plan goals and objectives for providing communication services. At the public meeting the governmental entity shall review the related revenues, operating expenses, and payment of interest on debt.

(l) If, after 4 years following the initiation of the provision of communications services by a governmental entity or 4 years after the effective date of this act, whichever is later, revenues do not exceed operating expenses and payment of principal and interest on the debt for a governmental entity's provision of communications services, no later than 60 days following the end of the 4-year period a governmental entity shall hold a public hearing at which the governmental entity shall do at least one of the following:

1. Approve a plan to cease providing communications services;

2. Approve a plan to dispose of the system the governmental entity is using to provide communications services and, accordingly, to cease providing communications services;

3. Approve a plan to create a partnership with a private entity in order to achieve operations in which revenues exceed operating expenses and payment of principal and interest on debt; or

4. Approve the continuing provision of communications services.

(3)(a) A governmental entity that provides a cable service shall comply with the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq., the regulations issued by the Federal Communications Commission under the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq., and all applicable state and federal rules and regulations, including, but not limited to, section 166.046, Florida Statutes, and those provisions of chapters 202, 212, and 337, Florida Statutes, which apply to a provider of the services.

(b) A governmental entity that provides a telecommunications service or advanced service must comply, if applicable, with chapter 364, Florida Statutes, and rules adopted by the Public Service Commission; chapter 166, Florida Statutes; and all applicable state and federal rules and regulations, including, but not limited to, those provisions of chapters 202, 212, and 337, Florida Statutes, which apply to a provider of the services.

(c) A governmental entity may not exercise its power or authority in any area, including zoning or land use regulation, to require any person, including residents of a particular development, to use or subscribe to any communication service of a governmental entity.

(d) A governmental entity shall apply its ordinances, rules, and policies, and exercise any authority under state or federal laws, including, but not limited to, those relating to the following subjects and without discrimination as to itself when providing a communications service or to any private provider of communications services:

1. Access to public rights-of-way; and

2. Permitting, access to, use of, and payment for use of governmental entity-owned poles. The governmental entity is subject to the same terms, conditions, and fees, if any, for access to government-owned poles which the governmental entity applies to a private provider for access.

(4)(a) If a governmental entity was providing, as of April 1, 2005, advanced services, cable services, or telecommunications services, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), paragraph (2)(k), or paragraph (2)(l), in order to continue to provide advanced services, cable services, or telecommunications services, respectively, but it must comply with and be subject to all other provisions of this section.

(b) If a governmental entity, as of April 1, 2005, had issued debt pledging revenues from an advanced service, cable service, or telecommunications service, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), paragraph (2)(k), or paragraph (2)(l), in order to provide advanced services, cable services, or telecommunications services, respectively, but it must comply with and be subject to all other provisions of this section.

(c) If a governmental entity, as of April 1, 2005, has purchased equipment specifically for the provisioning of advanced service, cable service, or telecommunication service, and, as of May 6, 2005, has authorized the providing of an advanced service, cable service, or telecommunication service, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), paragraph (2)(k), or paragraph (2)(l) in order to provide advanced service, cable service, or telecommunication service, respectively, but it must comply with and be subject to all other provisions of this section.

This subsection does not relieve a governmental entity from complying with subsection (5).

(5) Notwithstanding section 542.235, Florida Statutes, or any other law, a governmental entity that provides a communications service is subject to the same prohibitions applicable to private providers under sections 542.18 and 542.19, Florida Statutes, as it relates to providing a communications service. In addition, the exemption from complying with paragraph (2)(f), does not confer state action immunity, or any other antitrust immunity or exemption, on any governmental entity providing communications services.

(6) To ensure the safe and secure transportation of passengers and freight through an airport facility, as defined in section 159.27(17), Florida Statutes, an airport authority or other governmental entity that provides or is proposing to provide communications services only within the boundaries of its airport layout plan, as defined in section 333.01(6), Florida Statutes, to subscribers which are integral and essential to the safe and secure transportation of passengers and freight through the airport facility, is exempt from this section. An airport authority or other governmental entity that provides or is proposing to provide shared-tenant service under section 364.339, Florida Statutes, but not dial tone enabling subscribers to complete calls outside the airport layout plan, to one or more subscribers within its airport layout plan which are not integral and essential to the safe and secure transportation of passengers and freight through the airport facility is exempt from this section. An airport authority or other governmental entity that provides or is proposing to provide communications services to one or more subscribers within its airport layout plan which are not integral and essential to the safe and secure transportation of passengers and freight through the airport facility, or to one or more subscribers outside its airport layout plan, is not exempt from this section. By way of example and not limitation, the integral, essential subscribers may include airlines and emergency service entities, and the nonintegral, nonessential subscribers may include retail shops, restaurants, hotels, or rental car companies.

(7) This section does not alter or affect any provision in the charter, code, or other governing authority of a governmental entity that impose additional or different requirements on provision of communications service by a governmental entity. Any such provisions shall apply in addition to the applicable provisions in this section.

Section 2. *If any provision of section 1 of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

And the title is amended as follows:

On page 1, line 1, delete everything before the enacting clause and insert: A bill to be entitled An act relating to local governments; providing definitions; providing for notice of public hearings to consider whether the local government will provide a communications service; requiring a governmental entity to take certain action before a communications service is provided; providing certain restrictions on revenue bonds to finance provisioning of communications services; requiring a local government to make available a written business plan; providing criteria for the business plan; setting pricing standards; providing for accounting and books and records; requiring the governmental entity to establish an enterprise fund; requiring the governmental entity to maintain separate operating and capital budgets; limiting the use of eminent-domain powers; requiring a governmental entity to hold a public hearing to consider certain factors if the business plan goals are not met; requiring compliance with certain federal and state laws; requiring local government to treat itself the same as it treats other providers of similar communications services; exempting certain governmental entities from specified provisions of the act; requiring a local government provider of communications services to follow the same prohibitions as other providers of the same services; providing an exemption for airports under certain conditions; recognizing preemption of a charter, code, or other governmental authority; providing for severability; providing for repeal; providing an effective date.

Pursuant to Rule 4.19, **HB 1325** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 1174**, **CS for SB 2564**, **CS for SB 2566**, **CS for SB 2568**, **CS for CS for SB 1488** and **CS for CS for SB 1478** was deferred.

On motion by Senator Klein, by two-thirds vote **HB 885** was withdrawn from the Committees on Education; and Children and Families.

On motion by Senator Klein—

HB 885—A bill to be entitled An act relating to regional autism centers; amending s. 1004.55, F.S.; creating an additional regional autism center in the state; reducing the number of counties within the service areas of two existing regional autism centers; providing for consistency in service delivery; encouraging each constituency board to raise funds; providing a prohibition; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1716** and read the second time by title.

Pursuant to Rule 4.19, **HB 885** was placed on the calendar of Bills on Third Reading.

CS for CS for SJR 2090—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution, relating to public education, to amend the class-size requirements for students in grades prekindergarten through 12 and to prescribe minimum salary standards for public school teachers, and the creation of Section 26 of Article XII of the State Constitution to prescribe a schedule for such amendment.

—was read the second time by title.

On motion by Senator Lynn, further consideration of **CS for CS for SJR 2090** was deferred.

Consideration of **SB 2000** was deferred.

On motion by Senator Dockery—

CS for SB 1730—A bill to be entitled An act relating to environmental permitting programs; creating s. 373.4143, F.S.; providing legislative intent; creating s. 373.4144, F.S.; providing for the consolidation of federal and state wetland permitting programs; providing duties of the Department of Environmental Protection; requiring a report to the Legislature and coordination with the Florida Congressional Delegation; amending s. 373.4145, F.S., and reenacting subsections (1)-(4) of that section, to continue the interim part IV permitting program for the Northwest Florida Water Management District; providing for the future repeal of the interim program; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1730** to **HB 759**.

Pending further consideration of **CS for SB 1730** as amended, on motion by Senator Dockery, by two-thirds vote **HB 759** was withdrawn from the Committees on Environmental Preservation; and General Government Appropriations.

On motion by Senator Dockery, the rules were waived and—

HB 759—A bill to be entitled An act relating to environmental permitting programs; amending s. 373.414, F.S., relating to additional criteria for activities in surface waters and wetlands; revising a date relating to an exemption from specified requirements; providing for submission of financial responsibility prior to the commencement of phosphate mining operations; providing for review of financial responsibility; providing mechanisms for providing financial responsibility; providing exclusions; clarifying intent; creating s. 373.4143, F.S.; providing legislative intent; creating s. 373.4144, F.S.; providing for the consolidation of federal and state wetland permitting programs; providing duties of the Department of Environmental Protection; requiring a report to the Legislature and coordination with the Florida Congressional Delegation; amending s. 373.4145, F.S., and reenacting subsections (1)-(4), to continue the interim part IV permitting program for the Northwest Florida Water Management District; providing for future repeal of such interim program; amending s. 10, ch. 2003-423, Laws of Florida; revising the date by which the Peace River Basin resource management plan must be submitted; providing an effective date.

—a companion measure, was substituted for **CS for SB 1730** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 759** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for CS for SB 486—A bill to be entitled An act relating to phosphate mine reclamation; amending s. 378.034, F.S.; deleting an obsolete provision relating to the use of reclamation funds; amending s. 378.035, F.S.; deleting an obsolete provision authorizing the Department of Environmental Protection to expend certain funds; amending s. 373.414, F.S.; requiring financial responsibility for wetlands mitigation; specifying the financial responsibility demonstration for permitted activities occurring over a period of 3 years or more of mining activities; extending the due date of the Peace River Basin study; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 486** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for CS for SB 1912—A bill to be entitled An act relating to insurance agents and agencies; amending s. 624.317, F.S.; including insurance agencies among entities the Department of Financial Services is authorized to investigate; amending s. 624.318, F.S.; providing for electronic scanning in the course of investigations and examinations; amending s. 624.501, F.S.; clarifying a license fee; amending s. 626.015, F.S.; redefining the term "home state"; defining the term "resident";

amending s. 626.016, F.S.; including insurance agencies among entities subject to regulation by the Chief Financial Officer; amending s. 626.025, F.S.; correcting cross-references; amending s. 626.112, F.S.; delaying the effective date by which agencies must obtain a license; providing that an agency may file for registration in lieu of licensure, under specified conditions; imposing a fine on any agency that fails to timely apply for licensure or registration; deleting certain agency licensure requirement provisions; amending s. 626.171, F.S.; specifying licensure and registration application requirements for insurance entities other than insurance agencies; deleting a provision applying to insurance agency license application requirements; amending s. 626.172, F.S.; revising insurance agency licensure application requirements; providing procedures and limitations; providing duties of the department; amending s. 626.221, F.S.; revising examination requirements; amending s. 626.2815, F.S.; revising continuing education requirements; amending ss. 626.292 and 626.321, F.S.; correcting cross-references, to conform; amending s. 626.342, F.S.; including insurance agencies under provisions prohibiting furnishing supplies to certain unlicensed agents and imposing civil liability under certain circumstances; amending s. 626.382, F.S.; providing for renewal of licenses; amending s. 626.451, F.S.; revising requirements for appointment; amending s. 626.536, F.S.; including insurance agencies under an action reporting requirement; amending s. 626.561, F.S.; including insurance agencies under provisions providing funds reporting and accounting requirements and imposing criminal penalties; amending s. 626.572, F.S.; including insurance agencies under provision prohibiting rebating under certain circumstances; amending s. 626.601, F.S.; including insurance agencies under provisions authorizing the department to inquire into improper conduct; creating s. 626.602, F.S.; authorizing the department to disapprove the use of certain names under certain circumstances; amending s. 626.6115, F.S.; providing an additional ground for the department to take compulsory adverse insurance agency license actions; providing that the existence of grounds for adverse action against a licensed agency does not constitute grounds for adverse action against another licensed agency; amending s. 626.6215, F.S.; providing an additional ground for the department to take discretionary adverse insurance agency license actions; providing that the existence of grounds for adverse action against a licensed agency does not constitute grounds for adverse action against another licensed agency; amending s. 626.747, F.S.; revising agent requirements for branch agencies to include life or health agents; amending s. 626.621, F.S.; revising criteria for the department's refusal, suspension or revocation of a license or appointment; amending s. 626.641, F.S.; providing requirements for reinstatement of a previously suspended license or appointment; revising criteria for reapplication and requalification for a previously revoked license or appointment; amending s. 626.7351, F.S.; revising the qualifications for a customer representative's license; amending ss. 626.7355 and 626.8411, F.S.; deleting cross-references, to conform; creating s. 626.84201, F.S.; providing for the issuance of a nonresident title insurance agent license; amending s. 648.50, F.S.; revising the persons whose license or appointment may be revoked or suspended when a bail bond's license or appointment is revoked or suspended; repealing s. 626.592, F.S., relating to primary agents; creating s. 624.1275, F.S.; providing a restriction for state agencies or political subdivisions from preventing a licensed agent from responding to a bid or negotiation for an insurance product; providing an effective date.

—was read the second time by title.

Senator Argenziano moved the following amendment which was adopted:

Amendment 1 (500578)—On page 14, line 13, after the period (.) insert: *Fingerprints shall be processed in accordance with s. 624.34.*

Pursuant to Rule 4.19, **CS for CS for SB 1912** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB's 1944 and 2008—A bill to be entitled An act relating to ethics for public officers and employees; amending s. 104.31, F.S.; prohibiting employees of the state and its political subdivisions from participating in a political campaign during certain time periods; amending s. 112.313, F.S.; prohibiting certain disclosures by a former public officer, agency employee, or local government attorney; redefining the term "employee" to include certain other-personal-services employees for certain postemployment activities; providing an exemption from provisions prohibiting conflicts in employment to a person who, after serving on an advisory board, files a statement with the Commission on Ethics relating to a bid or submission; amending s. 112.3144, F.S.; specifying how assets valued in excess of $1,000 are to be reported by a reporting individual; amending s. 112.3145, F.S.; requiring that a delinquency notice be sent to certain officeholders by certified mail, return receipt requested; revising certain filing deadlines; amending s. 112.3147, F.S.; deleting certain provisions relating to reporting the value of assets; amending s. 112.3148, F.S.; providing requirements for persons who have left office or employment as to filing a report relating to gifts; amending s. 112.3149, F.S.; requiring that a report of honoraria by a person who left office or employment be filed by a specified date; amending s. 112.317, F.S.; authorizing the commission to recommend a restitution penalty be paid to the agency or the General Revenue Fund; authorizing the Attorney General to recover costs for filing suit to collect penalties and fines; deleting provisions imposing a penalty for the disclosure of information concerning a complaint or an investigation; amending 112.3185, F.S.; providing additional standards for state agency employees relating to procurement of goods and services by a state agency; authorizing an employee whose position was eliminated to engage in certain contractual activities; prohibiting former employees from certain specified activities; amending s. 112.3215, F.S.; requiring the commission to adopt a rule detailing the grounds for waiving a fine and the procedures when a lobbyist fails to timely file his or her report; requiring automatic suspension of a lobbyist's registration if the fine is not timely paid; amending s. 112.322, F.S.; authorizing travel and per diem expenses for certain witnesses; amending s. 112.324, F.S.; providing procedures for the commission to handle complaints of violations; amending s. 914.21, F.S.; redefining the terms "official investigation" and "official proceeding," for purposes of provisions relating to tampering with witnesses, to include an investigation by the Commission on Ethics; providing an effective date.

—which was previously considered and amended this day.

Pending further consideration of **CS for CS for SB's 1944 and 2008** as amended, on motion by Senator Posey, by two-thirds vote **HB 1377** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Posey—

HB 1377—A bill to be entitled An act relating to ethics; amending s. 104.31, F.S.; prohibiting state or political subdivision employees from participating in political campaigns during on-duty hours or certain other hours; amending s. 112.313, F.S.; applying the prohibition on disclosure or use of certain information to former public officers, public employees, and local government attorneys; providing an exception to such prohibition; revising postemployment restrictions to apply to other-personal-services temporary employees; exempting certain agency employees from postemployment restrictions; providing for certain disclosure statements to be filed with the Commission on Ethics instead of the Department of State; revising a prohibition on lobbying by former local officers to preclude representation before the government body or agency an officer has served; providing applicability; amending s. 112.3144, F.S.; providing for reporting of assets held by joint tenancy, joint tenancy with right of survivorship, and partnership and reporting of certain liabilities; amending s. 112.3145, F.S.; requiring the commission to send delinquency notices with return receipt requested; amending s. 112.3147, F.S.; requiring an attestation with respect to information provided on required forms; deleting a redundant provision; amending s. 112.3148, F.S.; requiring gift disclosure forms of individuals who left office or employment during the calendar year to be filed by a date certain; allowing quarterly gift disclosure forms to be considered timely filed if postmarked on or before the due date; amending s. 112.3149, F.S.; requiring gift disclosure statements of individuals who left office or employment during the calendar year to be filed by a date certain; amending s. 112.317, F.S.; authorizing the commission to recommend restitution be paid to the agency damaged by the violation or to the General Revenue Fund; authorizing the Attorney General to collect certain costs and fees incurred in bringing certain actions; deleting a provision rendering a breach of confidentiality of an ethics proceeding a misdemeanor; amending s. 112.3185, F.S.; providing for certain former agency employees to be employed by or have a contractual relationship with certain business entities; prohibiting a former agency employee from representing a client before the employee's former agency in certain matters; amending s. 112.3215, F.S.; revising the commission's

rulemaking authority regarding appeals of certain fines; providing for automatic suspended registration for lobbyists who fail to timely pay a certain fine; providing an exception; requiring the commission to provide written notice to any lobbyist whose registration is automatically suspended; amending s. 112.322, F.S.; revising provisions relating to payment of witnesses; amending s. 914.21, F.S.; revising definitions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB's 1944 and 2008** as amended and read the second time by title.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment which was adopted:

Amendment 1 (305140)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsections (2) and (3) of section 104.31, Florida Statutes, are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section, to read:

104.31 Political activities of state, county, and municipal officers and employees.—

(2) An employee of the state or any political subdivision may not participate in any political campaign for an elective office while on duty or within any period of time during which the employee is expected to perform services for which he or she receives compensation from the state or a political subdivision.

Section 2. Subsection (8), paragraph (a) of subsection (9), paragraph (b) of subsection (12), and subsection (14) of section 112.313, Florida Statutes, are amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(8) DISCLOSURE OR USE OF CERTAIN INFORMATION.—No *current or former* public officer, employee of an agency, or local government attorney shall disclose or use information not available to members of the general public and gained by reason of his or her official position*, except for information relating exclusively to governmental practices,* for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. "Employee" means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director of the Legislative Committee on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Regents; and the president, vice presidents, and deans of each state university.

(VI) Any person*, including an other-personal-services employee,* having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

4. No agency employee shall personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

a. A person employed by the Legislature or other agency prior to July 1, 1989;

b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;

c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;

d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; ~~or~~

e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995*; or*~~.~~

f. An agency employee whose position was transferred from the Career Service System to the Selected Exempt Service System under chapter 2001-43, Laws of Florida.

(12) EXEMPTION.—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;

2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The official, prior to or at the time of the submission of the bid, has filed a statement with the *Commission on Ethics* ~~Department of State~~, if the official is a state officer or employee, or with the supervisor of elections of the county in which the agency has its principal office, if the official is an officer or employee of a political subdivision, disclosing the official's interest, or the interest of the official's spouse or child, and the nature of the intended business.

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A person who has been elected to any county, municipal, special district, or school district office may not personally represent another person or entity for compensation before the *government* ~~governing~~ body *or agency* of which the person was an officer for a period of 2 years after vacating that office.

Section 3. Present subsections (4), (5), and (6) of section 112.3144, Florida Statutes, are redesignated as subsections (5), (6), and (7), respectively, and a new subsection (4) is added to that section, to read:

112.3144 Full and public disclosure of financial interests.—

(4)(a) With respect to reporting assets valued in excess of $1,000 on forms prescribed under this section which the reporting individual holds jointly with another person, the amount reported shall be based on the reporting individual's legal percentage of ownership in the property. However, assets that are held jointly, with right of survivorship, must be reported at 100 percent of the value of the asset. For purposes of this subsection, a reporting individual is deemed to own a percentage of a partnership which is equal to the reporting individual's interest in the capital or equity of the partnership.

(b)1. With respect to reporting liabilities valued in excess of $1,000 on forms prescribed under this section for which the reporting individual is jointly and severally liable, the amount reported shall be based on the reporting individual's percentage of liability rather than the total amount of the liability. However, liability for a debt that is secured by property owned by the reporting individual but that is held jointly, with right of survivorship, must be reported at 100 percent of the total amount owed.

2. A separate section of the form shall be created to provide for the reporting of the amounts of joint and several liability of the reporting individual not otherwise reported in subparagraph 1.

Section 4. Paragraph (c) of subsection (6) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(6) Forms for compliance with the disclosure requirements of this section and a current list of persons subject to disclosure shall be created by the commission and provided to each supervisor of elections. The commission and each supervisor of elections shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(c) Not later than 30 days after July 1 of each year, the commission and each supervisor of elections shall determine which persons required to file a statement of financial interests in their respective offices have failed to do so and shall send delinquency notices by certified mail, *return receipt requested,* to *these* ~~such~~ persons. Each notice shall state that a grace period is in effect until September 1 of the current year; that no investigative or disciplinary action based upon the delinquency will be taken by the agency head or commission if the statement is filed by September 1 of the current year; that, if the statement is not filed by September 1 of the current year, a fine of $25 for each day late will be imposed, up to a maximum penalty of $1,500; for notices sent by a supervisor of elections, that he or she is required by law to notify the commission of the delinquency; and that, if upon the filing of a sworn complaint the commission finds that the person has failed to timely file the statement within 60 days after September 1 of the current year, such person will also be subject to the penalties provided in s. 112.317.

Section 5. Section 112.3147, Florida Statutes, is amended to read:

112.3147 Forms.—

~~(1)~~ All information required to be furnished by ss. 112.313, 112.3143, 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II of the State Constitution shall be on forms prescribed by the Commission on Ethics.

~~(2)(a) With respect to reporting assets valued in excess of $1,000 on forms prescribed pursuant to s. 112.3144 which the reporting individual holds jointly with another person, the amount reported shall be based on the reporting individual's legal percentage of ownership in the property, except that assets held jointly with the reporting individual's spouse shall be reported at 100 percent of the value of the asset. For purposes of this subsection, a reporting individual is deemed to own an interest in a partnership which corresponds to the reporting individual's interest in the capital or equity of the partnership.~~

~~(b)1. With respect to reporting liabilities valued in excess of $1,000 on forms prescribed pursuant to s. 112.3144 for which the reporting individual is jointly and severally liable, the amount reported shall be based upon the reporting individual's percentage of liability rather than the total amount of the liability, except, a joint and several liability with the reporting individual's spouse for a debt which relates to property owned by both as tenants by the entirety shall be reported at 100 percent of the total amount owed.~~

~~2. A separate section of the form shall be created to provide for the reporting of the amounts of joint and several liability of the reporting individual not otherwise reported in paragraph (a).~~

Section 6. Paragraph (d) of subsection (6) and subsection (8) of section 112.3148, Florida Statutes, are amended to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(6)

(d) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of $100 received by the reporting individual or procurement employee, either directly or indirectly, from a governmental entity or a direct-support organization specifically authorized by law to support a governmental entity. The statement shall list the name of the person providing the gift, a description of the gift, the date or dates on which the gift was given, and the value of the total gifts given during the calendar year for which the report is made. The reporting individual or procurement employee shall attach to *the* ~~such~~ statement any report received by him or her in accordance with paragraph (c), which report shall become a public record when filed with the statement of the reporting individual or procurement employee. The reporting individual or procurement employee may explain any differences between the report of the reporting individual or procurement employee and the attached reports. The annual report filed by a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual report filed by a procurement employee shall be filed with the Commission on Ethics. *The report filed by a reporting individual or procurement employee who left office or employment during the calendar year covered by the report shall be filed by July 1 of the year after leaving office or employment at the same location as his or her final financial disclosure statement or, in the case of a former procurement employee, with the Commission on Ethics.*

(8)(a) Each reporting individual or procurement employee shall file a statement with the Commission on Ethics *not later than* ~~on~~ the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he or she believes to be in excess of $100 in value, if any, accepted by him or her, for which compensation was not provided

by the donee to the donor within 90 days of receipt of the gift to reduce the value to $100 or less, except the following:

1. Gifts from relatives.

2. Gifts prohibited by subsection (4) or s. 112.313(4).

3. Gifts otherwise required to be disclosed by this section.

(b) The statement shall include:

1. A description of the gift, the monetary value of the gift, the name and address of the person making the gift, and the dates thereof. If any of these facts, other than the gift description, are unknown or not applicable, the report shall so state.

2. A copy of any receipt for such gift provided to the reporting individual or procurement employee by the donor.

(c) The statement may include an explanation of any differences between the reporting individual's or procurement employee's statement and the receipt provided by the donor.

(d) The reporting individual's or procurement employee's statement shall be sworn to by such person as being a true, accurate, and total listing of all such gifts.

(e) Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a timely manner.

(f)~~(e)~~ If a reporting individual or procurement employee has not received any gifts described in paragraph (a) during a calendar quarter, he or she is not required to file a statement under this subsection for that calendar quarter.

Section 7. Subsection (6) of section 112.3149, Florida Statutes, is amended to read:

112.3149 Solicitation and disclosure of honoraria.—

(6) A reporting individual or procurement employee who receives payment or provision of expenses related to any honorarium event from a person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee shall publicly disclose on an annual statement the name, address, and affiliation of the person paying or providing the expenses; the amount of the honorarium expenses; the date of the honorarium event; a description of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the reporting individual or procurement employee in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1 of each year for *those* ~~such~~ expenses received during the previous calendar year. The reporting individual or procurement employee shall attach to the annual statement a copy of each statement received by him or her in accordance with subsection (5) regarding honorarium expenses paid or provided during the calendar year for which the annual statement is filed. *The* ~~Such~~ attached statement shall become a public record upon the filing of the annual report. The annual statement of a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual statement of a procurement employee shall be filed with the Commission on Ethics. *The statement filed by a reporting individual or procurement employee who left office or employment during the calendar year covered by the statement shall be filed by July 1 of the year after leaving office or employment at the same location as his or her final financial disclosure statement or, in the case of a former procurement employee, with the Commission on Ethics.*

Section 8. Subsections (1), (2), (6), (7), and (8) of section 112.317, Florida Statutes, is amended to read:

112.317 Penalties.—

(1) Violation of any provision of this part, including, but not limited to, any failure to file any disclosures required by this part or violation of any standard of conduct imposed by this part, or violation of any provision of s. 8, Art. II of the State Constitution, in addition to any criminal penalty or other civil penalty involved, shall, *under* ~~pursuant to~~ applicable constitutional and statutory procedures, constitute grounds for, and may be punished by, one or more of the following:

(a) In the case of a public officer:

1. Impeachment.

2. Removal from office.

3. Suspension from office.

4. Public censure and reprimand.

5. Forfeiture of no more than one-third salary per month for no more than 12 months.

6. A civil penalty not to exceed $10,000.

7. Restitution of any pecuniary benefits received because of the violation committed. *The commission may recommend that the restitution penalty be paid to the agency of which the public officer was a member or to the General Revenue Fund.*

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.

2. Suspension from employment for not more than 90 days without pay.

3. Demotion.

4. Reduction in salary level.

5. Forfeiture of no more than one-third salary per month for no more than 12 months.

6. A civil penalty not to exceed $10,000.

7. Restitution of any pecuniary benefits received because of the violation committed. *The commission may recommend that the restitution penalty be paid to the agency by which the public employee was employed, or of which the officer was deemed to be an employee, or to the General Revenue Fund.*

8. Public censure and reprimand.

(c) In the case of a candidate who violates the provisions of this part or s. 8(a) and (i), Art. II of the State Constitution:

1. Disqualification from being on the ballot.

2. Public censure.

3. Reprimand.

4. A civil penalty not to exceed $10,000.

(d) In the case of a former public officer or employee who has violated a provision applicable to former officers or employees or whose violation occurred *before the* ~~prior to such~~ officer's or employee's leaving public office or employment:

1. Public censure and reprimand.

2. A civil penalty not to exceed $10,000.

3. Restitution of any pecuniary benefits received because of the violation committed. *The commission may recommend that the restitution penalty be paid to the agency of the public officer or employee or to the General Revenue Fund.*

(2) In any case in which the commission finds a violation of this part or of s. 8, Art. II of the State Constitution and *the proper disciplinary official or body under s. 112.324 imposes* ~~recommends~~ a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to

enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the district court of appeal. *The Attorney General shall collect any costs, attorney's fees, expert witness fees, or other costs of collection incurred in bringing the action.*

~~(6) Any person who willfully discloses, or permits to be disclosed, his or her intention to file a complaint, the existence or contents of a complaint which has been filed with the commission, or any document, action, or proceeding in connection with a confidential preliminary investigation of the commission, before such complaint, document, action, or proceeding becomes a public record as provided herein commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(6)~~(7)~~ In any case in which the commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with, or any testimony given before, the commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution and taxation of costs.

(7)~~(8)~~ In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this part, the complainant shall be liable for costs plus reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

Section 9. Section 112.3185, Florida Statutes, is amended to read:

112.3185 *Additional standards for state agency employees* ~~Contractual services~~.—

(1) For the purposes of this section:

(a) "Contractual services" shall be defined as set forth in chapter 287.

(b) "Agency" means any state officer, department, board, commission, or council of the executive or judicial branch of state government and includes the Public Service Commission.

(2) No agency employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services shall become or be, while an agency employee, the employee of a person contracting with the agency by whom the employee is employed.

(3) No agency employee shall, after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract in which the agency employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation while an officer or employee. *When the agency employee's position is eliminated and his or her duties are performed by the business entity, this subsection does not prohibit him or her from employment or contractual relationship with the business entity if the employee's participation in the contract was limited to recommendation, rendering of advice, or investigation and if the agency head determines that the best interests of the state will be served thereby and provides prior written approval for the particular employee.*

(4) No agency employee shall, within 2 years after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract for contractual services which was within his or her responsibility while an employee. *If the agency employee's position is eliminated and his or her duties are performed by the business entity, the provisions of this subsection may be waived by the agency head through prior written approval for a particular employee if the agency head determines that the best interests of the state will be served thereby.*

(5) The sum of money paid to a former agency employee during the first year after the cessation of his or her responsibilities, by the agency with whom he or she was employed, for contractual services provided to the agency, shall not exceed the annual salary received on the date of cessation of his or her responsibilities. ~~The provisions of~~ This subsection may be waived by the agency head for a particular contract if the agency head determines that such waiver will result in significant time or cost savings for the state.

(6) No agency employee shall, after retirement or termination, represent or advise another person or entity, except the state, in any matter in which the employee participated personally in his or her official capacity through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while an employee. The term "matter" includes any judicial or other proceeding, application, request for a ruling, or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular action involving a specific party or parties.

(7)~~(6)~~ No agency employee acting in an official capacity shall directly or indirectly procure contractual services for his or her own agency from any business entity of which a relative is an officer, partner, director, or proprietor or in which *the* ~~such~~ officer or employee or his or her spouse or child, or any combination of them, has a material interest.

(8)~~(7)~~ A violation of any provision of this section is punishable in accordance with s. 112.317.

(9)~~(8)~~ This section is not applicable to any employee of the Public Service Commission who was so employed on or before December 31, 1994.

Section 10. Subsection (1) of section 112.321, Florida Statutes, is amended to read:

112.321 Membership, terms; travel expenses; staff.—

(1) The commission shall be composed of nine members. Five of these members shall be appointed by the Governor, no more than three of whom shall be from the same political party, subject to confirmation by the Senate. One member appointed by the Governor shall be a former city or county official and may be a former member of a local planning or zoning board which has only advisory duties. Two members shall be appointed by the Speaker of the House of Representatives, and two members shall be appointed by the President of the Senate. Neither the Speaker of the House of Representatives nor the President of the Senate shall appoint more than one member from the same political party. Of the nine members of the Commission, no more than five members shall be from the same political party at any one time. No member may hold any public employment. *An individual who qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215 or pursuant to any local government charter or ordinance may not serve as a member of the commission, except that this prohibition does not apply to an individual who is a member of the commission on July 1, 2005, until the expiration of his or her current term. A member of the commission may not lobby any state or local governmental entity as provided in s. 11.045 or s. 112.3215 or as provided by any local government charter or ordinance, except that this prohibition does not apply to an individual who is a member of the commission on July 1, 2005, until the expiration of his or her current term.* All members shall serve 2-year terms. No member shall serve more than two full terms in succession. Any member of the commission may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

Section 11. Paragraph (f) of subsection (5) of section 112.3215, Florida Statutes, is amended to read:

112.3215 Lobbyists before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(5)

(f) The commission shall provide by rule *the grounds for waiving a fine and the procedures* ~~a procedure~~ by which a lobbyist who fails to

timely file a report shall be notified and assessed fines *and the procedure for appealing the fines*. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day up to a maximum of $5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbyist is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any ~~such~~ request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

6. The person designated to review the timeliness of reports shall notify the commission of the failure of a lobbyist to file a report after notice or of the failure of a lobbyist to pay the fine imposed. *The registration of a lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid, unless an appeal of the fine is pending before the commission. The commission shall provide a written suspension notice to each lobbyist whose registration has been automatically suspended.*

7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the lobbyist's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

Section 12. Subsection (4) of section 112.322, Florida Statutes, is amended to read:

112.322 Duties and powers of commission.—

(4) The commission has the power to subpoena, audit, and investigate. The commission may subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the duties of the commission or to the exercise of its powers. The commission may delegate to its investigators the authority to administer oaths and affirmations. The commission may delegate the authority to issue subpoenas to its chair, and may authorize its employees to serve any subpoena issued under this section. In the case of a refusal to obey a subpoena issued to any person, the commission may make application to any circuit court of this state which shall have jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony touching on the matter in question. Failure to obey the order may be punished by the court as contempt. Witnesses shall be paid mileage and witnesses fees as authorized for witnesses in civil cases*, except that a witness who is required to travel outside the county of his or her residence to testify is entitled to per diem and travel expenses at the same rate provided for state employees under s. 112.061, to be paid after the witness appears*.

Section 13. Subsections (3) and (4) of section 914.21, Florida Statutes, are amended to read:

914.21 Definitions.—As used in ss. 914.22-914.24, the term:

(3) "Official investigation" means any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state *or the Commission on Ethics*.

(4) "Official proceeding" means:

(a) A proceeding before a judge or court or a grand jury;

(b) A proceeding before the Legislature; or

(c) A proceeding before a federal agency which is authorized by law.

(d) A proceeding before the Commission on Ethics.

Section 14. This act shall take effect October 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to ethics for public officers and employees; amending s. 104.31, F.S.; prohibiting employees of the state and its political subdivisions from participating in a political campaign during certain time periods; amending s. 112.313, F.S.; prohibiting certain disclosures by a former public officer, agency employee, or local government attorney; redefining the term "employee" to include certain other-personal-services employees for certain postemployment activities; providing an exemption from provisions prohibiting conflicts in employment to a person who, after serving on an advisory board, files a statement with the Commission on Ethics relating to a bid or submission; amending s. 112.3144, F.S.; specifying how assets valued in excess of $1,000 are to be reported by a reporting individual; amending s. 112.3145, F.S.; requiring that a delinquency notice be sent to certain officeholders by certified mail, return receipt requested; revising certain filing deadlines; amending s. 112.3147, F.S.; deleting certain provisions relating to reporting the value of assets; amending s. 112.3148, F.S.; providing requirements for persons who have left office or employment as to filing a report relating to gifts; amending s. 112.3149, F.S.; requiring that a report of honoraria by a person who left office or employment be filed by a specified date; amending s. 112.317, F.S.; authorizing the commission to recommend a restitution penalty be paid to the agency or the General Revenue Fund; authorizing the Attorney General to recover costs for filing suit to collect penalties and fines; deleting provisions imposing a penalty for the disclosure of information concerning a complaint or an investigation; amending 112.3185, F.S.; providing additional standards for state agency employees relating to procurement of goods and services by a state agency; authorizing an employee whose position was eliminated to engage in certain contractual activities; prohibiting former employees from certain specified activities; amending s. 112.321, F.S.; prohibiting an individual who qualifies as a lobbyist from serving on the commission; prohibiting a member of the commission from lobbying any state or local governmental entity; providing exceptions for individuals who are members of the commission on the effective date of the act until the expiration of their current terms; amending s. 112.3215, F.S.; requiring the commission to adopt a rule detailing the grounds for waiving a fine and the procedures when a lobbyist fails to timely file his or her report; requiring automatic suspension of a lobbyist's registration if the fine is not timely paid; requiring the commission to provide written notice to any lobbyist whose registration is automatically suspended; amending s. 112.322, F.S.; authorizing travel and per diem expenses for certain witnesses; amending s. 914.21, F.S.; redefining the terms "official investigation" and "official proceeding," for purposes of provisions relating to tampering with witnesses, to include an investigation by the Commission on Ethics; providing an effective date.

Pursuant to Rule 4.19, **HB 1377** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Klein, by two-thirds vote **HB 1099** was withdrawn from the Committees on Education; and Commerce and Consumer Services.

On motion by Senator Klein—

HB 1099—A bill to be entitled An act relating to the Assistive Technology Advisory Council; amending s. 413.407, F.S.; revising composition, terms of service, and duties of the council; requiring the Commissioner of Education to appoint members of the council; deleting provision requiring the council to fund Florida's Alliance for Assistive Services and Technology; providing an effective date.

—a companion measure, was substituted for **CS for SB 1704** and read the second time by title.

Pursuant to Rule 4.19, **HB 1099** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for CS for CS for SB 454—A bill to be entitled An act relating to highway safety; amending s. 61.13016, F.S.; directing the department to issue a driver's license restricted for business purposes only under certain circumstances relating to failure to pay child support; amending s. 316.006, F.S.; providing for interlocal agreements between municipalities and counties transferring traffic regulatory authority; amending s. 316.083, F.S.; requiring an appropriate signal when overtaking and passing a vehicle; amending s. 316.155, F.S.; specifying that signals are required when moving right or left or overtaking or passing a vehicle; amending s. 316.2095, F.S.; revising physical requirements for operating motorcycles under certain circumstances; amending s. 316.212, F.S.; granting local jurisdictions the authority to enact ordinances governing the use of golf carts which are more restrictive than state law; amending s. 316.2126, F.S.; requiring that the use of golf carts upon any state, county, or municipal road within a local jurisdiction be in compliance with local ordinances governing the use of golf carts; amending s. 316.302, F.S.; providing a penalty for operating a commercial motor vehicle bearing a false or other illegal identification number; amending s. 316.3045, F.S.; revising criteria related to the operation of radios or other sound-making devices in motor vehicles; amending s. 318.1215, F.S.; clarifying that funds from the Dori Slosberg Driver Education Safety Act be used for driver education programs in schools; requiring that funds be used for enhancement of a driver education program; providing a requirement for behind-the-wheel training; amending s. 318.14, F.S.; providing penalties for certain traffic infractions requiring a mandatory hearing; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties by county courts; amending s. 319.30, F.S.; revising provisions relating to the applicability of certificate of destruction requirements for certain damaged vehicles; amending s. 320.02, F.S.; authorizing the withholding of motor vehicle registrations or re-registrations in certain situations; requiring motor vehicle dealers to maintain certain information; allowing owners and co-owners to dispute a dealer's claims of money owed; amending s. 320.27, F.S.; providing for motor vehicle dealer license discipline for the failure to maintain evidence of notification to the owner or co-owner of a vehicle regarding registration and titling fees owed; revising authorized uses of revenues from the United We Stand specialty license plate; amending s. 320.08058, F.S.; redesignating the Florida Special Olympics license plate as the Special Olympics Florida license plate and revising design requirements for such specialty license plate; revising requirements for agencies that receive funds from the Choose Life license plate; revising authorized uses of revenues from the Animal Friend specialty license plate; amending s. 320.089, F.S.; allowing retired members of the U.S. Armed Forces Reserve to be issued U.S. Reserve license plates; amending s. 320.77, F.S.; providing that mobile home dealers may provide a cash bond or letter of credit in lieu of a required surety bond; amending s. 322.08, F.S.; revising the use of funds collected from a voluntary contribution associated with driver's license renewals to be used for the purposes designated by the Hearing Research Institute, Inc.; amending s. 322.2615, F.S.; providing that the disposition of a related criminal proceeding may not affect a suspension of a driver's license for refusal to submit to blood, breath, or urine testing; directing the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level if the suspended person is found not guilty at trial of the underlying violation of law; creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature; amending s. 322.27, F.S.; correcting a cross-reference relating to points assigned for littering violations; amending s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; providing an exception to the requirement that a commercial driver's license be in possession of the commercial driver; removing requirements for a Class D driver's license; amending s. 321.24, F.S.; providing that certain medical professionals who volunteer for Florida Highway Patrol service are considered employees of the state for sovereign immunity purposes; creating s. 549.102, F.S.; authorizing temporary overnight parking during a motorsports event at a motorsports entertainment complex; exempting such parking from regulations relating to recreational vehicle parks; providing for application of health agency requirements; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 454** to **HB 1697**.

Pending further consideration of **CS for CS for CS for SB 454** as amended, on motion by Senator Sebesta, by two-thirds vote **HB 1697** was withdrawn from the Committees on Transportation; Criminal Justice; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

On motion by Senator Sebesta, the rules were waived and—

HB 1697—A bill to be entitled An act relating to motor vehicles; amending s. 61.13016, F.S.; revising provisions for suspension of the driver's license of certain support obligors who are delinquent in payment; providing for set-aside of the suspension upon a showing of good cause; defining "good cause"; amending s. 261.03, F.S.; redefining the term "off-highway vehicle" to include a two-rider ATV; defining the term "two-rider ATV"; amending s. 316.003, F.S.; defining the term "traffic signal preemption system"; amending s. 316.006, F.S.; providing for interlocal agreements between municipalities and counties transferring traffic regulatory authority; amending s. 316.074, F.S.; requiring hearing for violations of traffic control devices resulting in a crash; amending s. 316.075, F.S.; requiring hearing for specified violations of traffic control signal devices resulting in a crash; amending s. 316.0775, F.S.; providing that the unauthorized use of a traffic signal preemption device is a moving violation; amending s. 316.122, F.S.; providing for the right-of-way for certain passing vehicles; creating s. 316.1576, F.S.; prohibiting driving through a railroad-highway grade crossing that does not have sufficient space or clearance; providing a penalty; creating s. 316.1577, F.S.; prohibiting employer from allowing, requiring, permitting, or authorizing certain violations pertaining to railroad-highway grade crossings; providing a penalty; amending s. 316.183, F.S.; increasing the minimum speed limit on interstate highways under certain circumstances; amending s. 316.1932, F.S.; revising the requirements for printing the notice of consent for sobriety testing on a driver's license; amending s. 316.1936, F.S., relating to possession of open containers of alcohol; removing an exemption provided for passengers of a vehicle operated by a driver holding a Class D driver's license; amending s. 316.194, F.S.; authorizing traffic accident investigation officers to remove vehicles under certain circumstances; amending s. 316.1967, F.S.; providing that an owner of a leased vehicle is not responsible for a parking ticket violation in certain circumstances; amending s. 316.2074, F.S.; redefining the term "all-terrain vehicle" to include a two-rider ATV; amending s. 316.2095, F.S.; revising equipment requirements for operating motorcycles; providing penalties; amending s. 316.212, F.S.; authorizing local governments to enact more restrictive golf cart equipment and operation regulations; requiring public notification; providing for enforcement jurisdiction; providing penalties; amending s. 316.2126, F.S.; providing for application of local golf cart equipment and operation regulations to golf cart and utility vehicle use by municipalities; amending s. 316.302, F.S.; updating a reference to the Code of Federal Regulations relating to commercial motor vehicles; amending s. 316.3045, F.S.; revising restrictions on the operation of radios or other soundmaking devices in motor vehicles; providing penalties; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; amending s. 316.613, F.S.; eliminating authorization for the Department of Highway Safety and Motor Vehicles to expend certain funds for promotional purposes; creating s. 316.6131, F.S.; authorizing the department to expend certain funds for public information and education campaigns; amending s. 316.650, F.S.; providing exceptions to a

prohibition against using citations as evidence in a trial; amending s. 317.0003, F.S.; defining the term "off-highway vehicle" to include a two-rider ATV; providing a definition; amending ss. 317.0004, 317.0005, and 317.0006, F.S.; conforming references; amending s. 317.0007, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue a validation sticker as an additional proof of title for an off-highway vehicle; providing for the replacement of lost or destroyed off-highway vehicle validation stickers; providing for disposition of fees; repealing s. 317.0008(2), F.S., relating to the expedited issuance of duplicate certificates of title for off-highway vehicles; amending ss. 317.0010, 317.0012, and 317.0013, F.S.; conforming references; creating s. 317.0014, F.S.; establishing procedures for the issuance of a certificate of title for an off-highway vehicle; providing duties of the Department of Highway Safety and Motor Vehicles; providing for a notice of lien and lien satisfaction; creating s. 317.0015, F.S.; providing for the applicability of certain provisions of law to the titling of off-highway vehicles; creating s. 317.0016, F.S.; providing for the expedited issuance of titles for off-highway vehicles; creating s. 317.0017, F.S.; prohibiting specified actions relating to the issuance of titles for off-highway vehicles; providing a penalty; creating s. 317.0018, F.S.; prohibiting the transfer of an off-highway vehicle without delivery of a certificate of title; prescribing other violations; providing a penalty; amending s. 318.1215, F.S.; clarifying that funds from the Dori Slosberg Driver Education Safety Act be used for driver education programs in schools; requiring that funds be used for enhancement of driver education program funds; providing program requirements; amending s. 318.14, F.S.; authorizing the department to modify certain actions to suspend or revoke a driver's license following notice of final disposition; providing that certain citation procedures and proceedings apply to persons who do not hold a commercial driver's license; providing penalties for certain traffic infractions requiring a mandatory hearing; providing for distribution of moneys collected; requiring audit of certain funds; amending s. 318.21, F.S.; providing for distribution of specified civil penalties by county courts; amending s. 319.23, F.S.; requiring a licensed motor vehicle dealer to notify the Department of Highway Safety and Motor Vehicles of a motor vehicle or mobile home taken as a trade-in; requiring the department to update its title record; amending s. 319.27, F.S.; correcting an obsolete cross-reference; amending s. 320.02, F.S.; authorizing the department to withhold motor vehicle registration or renewal of registration when notified by a dealer of unpaid registration and titling fees; requiring the motor vehicle dealer to maintain certain signed evidence and information; providing for dispute of dealer's claim of unpaid fees; amending s. 320.06, F.S.; providing for a credit or refund when a registrant is required to replace a license plate under certain circumstances; amending s. 320.0601, F.S.; requiring that a registration or renewal of a long-term leased motor vehicle be in the name of the lessee; amending s. 320.0605, F.S.; exempting a vehicle registered as a fleet vehicle from the requirement that the certificate of registration be carried in the vehicle at all times; amending s. 320.08058, F.S.; revising distribution and authorized uses of revenues from the United We Stand and Animal Friend specialty license plates; amending s. 320.0843, F.S.; requiring that an applicant's eligibility for a disabled parking plate be noted on the certificate; amending s. 320.089, F.S.; allowing retired members of the United States Armed Forces Reserve to be issued U.S. Reserve license plates; amending s. 320.131, F.S.; authorizing the department to provide for an electronic system for motor vehicle dealers to use in issuing temporary license plates; providing a penalty; authorizing the department to adopt rules; amending s. 320.18, F.S.; authorizing the department to cancel the vehicle or vessel registration, driver's license, or identification card of a person who pays certain fees or penalties with a dishonored check; amending s. 320.27, F.S.; requiring dealer principals to provide certification of completing continuing education under certain circumstances; requiring motor vehicle dealers to maintain records for a specified period; providing for denial, suspension, or revocation of a motor vehicle dealer's license for failure to maintain evidence of notification to the owner or coowner of a vehicle regarding unpaid registration and titling fees; providing certain penalties; amending s. 320.77, F.S.; providing that mobile home dealers may provide a cash bond or letter of credit in lieu of a required surety bond; creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature; amending s. 322.01, F.S.; redefining the terms "commercial motor vehicle" and "out-of-service order"; providing the definition of conviction applicable to offenses committed in a commercial motor vehicle; amending s. 322.05, F.S.; removing requirements for a Class D driver's license; amending s. 322.051, F.S.; revising provisions relating to the application for an identification card; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.07, F.S.; removing requirements for a Class D driver's license; amending s. 322.08, F.S.; providing that a United States passport is an acceptable proof of identity for purposes of obtaining a driver's license; providing that a naturalization certificate issued by the United States Department of Homeland Security is an acceptable proof of identity for such purpose; providing that specified documents are acceptable as proof of nonimmigrant classification; removing prescribed purpose of funds collected from a voluntary contribution option on driver's license applications associated with hearing research; amending s. 322.09, F.S.; requiring the signature of a secondary guardian on a driver's license application for a minor under certain circumstances; amending s. 322.11, F.S.; providing for notice to a minor before canceling the minor's license due to the death of the person who cosigned the initial application; amending s. 322.12, F.S.; removing requirements for a Class D driver's license; amending s. 322.135, F.S.; revising requirements for the deposit of certain fees for a driver's license; revising requirements for the tax collector in directing a licensee for examination or reexamination; requiring county officers to pay certain funds to the State Treasury by electronic funds transfer within a specified period; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver's license may not be waived under ch. 761, F.S.; amending s. 322.161, F.S.; removing requirements for a Class D driver's license; amending s. 322.17, F.S., relating to duplicate and replacement certificates; conforming a cross-reference; amending s. 322.18, F.S.; revising the expiration period for driver's licenses issued to specified persons; conforming cross-references; amending s. 322.19, F.S., relating to change of address or name; conforming cross-references; amending s. 322.21, F.S.; removing requirements for a Class D driver's license; requiring the department to set a fee for a hazardous-materials endorsement; providing maximum fee amount; authorizing the department to adopt rules; amending s. 322.212, F.S.; providing an additional penalty for giving false information when applying for a commercial driver's license; amending s. 322.22, F.S.; authorizing the department to cancel any identification card, vehicle or vessel registration, or fuel-use decal of a licensee who pays certain fees or penalties with a dishonored check; amending s. 322.251, F.S.; removing requirements for a Class D driver's license; amending s. 322.2615, F.S.; revising provisions related to notice and review procedures for administrative suspension of driver's licenses; revising notice information; clarifying review procedures; amending s. 322.27, F.S.; correcting a cross-reference relating to points assigned for littering violations; assigning point value for a conviction of specified violations of a traffic control device or traffic control signal device resulting in a crash; amending s. 322.30, F.S.; removing the requirements for a Class D driver's license; amending s. 322.53, F.S.; removing requirements for a Class D driver's license; removing a requirement that certain operators of a commercial motor vehicle obtain a specified license; amending s. 322.54, F.S.; revising the classification requirements for certain driver's licenses; deleting requirements for a Class D driver's license; amending s. 322.57, F.S.; providing testing requirements for school bus drivers; removing certain license restriction requirements; amending s. 322.58, F.S.; deleting requirements for a Class D driver's license and changing those requirements to a Class E driver's license; amending and reenacting s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; providing an exception; removing requirements for a Class D driver's license; amending s. 322.63, F.S.; clarifying provisions governing alcohol and drug testing for commercial motor vehicle operators; amending s. 322.64, F.S., and reenacting s. 322.64(14), F.S., relating to citation procedures and proceedings, to incorporate the amendment to s. 322.61, F.S., in a reference thereto; providing for a temporary permit issued following certain DUI offenses to apply only to the operation of noncommercial vehicles; amending s. 338.155, F.S.; exempting from payment of toll any person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty; creating s. 549.102, F.S.; authorizing temporary overnight parking during a motorsports event at a motorsports entertainment complex; exempting such parking from regulations relating to recreational vehicle parks; providing for application of health agency requirements; amending s. 713.78, F.S.; revising provisions relating to the placement of a wrecker operator's lien against a motor vehicle; amending s. 768.28, F.S.; providing that certain medical professionals volunteering for Florida Highway Patrol service are considered employees of the state for sovereign immunity purposes; amending s. 843.16, F.S.; prohibiting the transportation of radio equipment that receives signals on frequencies used by this state's law enforcement officers or fire rescue personnel; redefining the term "emergency vehicle" to include any motor vehicle designated as such by the fire chief of a county or municipality; revising penalties; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for SB 454** as amended and read the second time by title.

Senator Sebesta moved the following amendment:

Amendment 1 (950742)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 61.13016, Florida Statutes, is amended to read:

61.13016 Suspension of driver's licenses and motor vehicle registrations.—

(1) The driver's license and motor vehicle registration of a support obligor who is delinquent in payment or who has failed to comply with subpoenas or a similar order to appear or show cause relating to paternity or support proceedings may be suspended. When an obligor is 15 days delinquent making a payment in support or failure to comply with a subpoena, order to appear, order to show cause, or similar order in IV-D cases, the Title IV-D agency may provide notice to the obligor of the delinquency or failure to comply with a subpoena, order to appear, order to show cause, or similar order and the intent to suspend by regular United States mail that is posted to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles. When an obligor is 15 days delinquent in making a payment in support in non-IV-D cases, and upon the request of the obligee, the depository or the clerk of the court must provide notice to the obligor of the delinquency and the intent to suspend by regular United States mail that is posted to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles. In either case, the notice must state:

(a) The terms of the order creating the support obligation;

(b) The period of the delinquency and the total amount of the delinquency as of the date of the notice or describe the subpoena, order to appear, order to show cause, or other similar order which has not been complied with;

(c) That notification will be given to the Department of Highway Safety and Motor Vehicles to suspend the obligor's driver's license and motor vehicle registration unless, within 20 days after the date the notice is mailed, the obligor:

1.a. Pays the delinquency in full and any other costs and fees accrued between the date of the notice and the date the delinquency is paid;

b. Enters into a written agreement for payment with the obligee in non-IV-D cases or with the Title IV-D agency in IV-D cases; or in IV-D cases, complies with a subpoena or order to appear, order to show cause, or a similar order; or

c. Files a petition with the circuit court to contest the delinquency action; and

2. Pays any applicable delinquency fees.

If the obligor in non-IV-D cases enters into a written agreement for payment before the expiration of the 20-day period, the obligor must provide a copy of the signed written agreement to the depository or the clerk of the court.

(2)(a) Upon petition filed by the obligor in the circuit court within 20 days after the mailing date of the notice, the court may, in its discretion, direct the department to issue a license for driving privileges restricted to business purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. As a condition for the court to exercise its discretion under this subsection, the obligor must agree to a schedule of payment on any child support arrearages and to maintain current child support obligations. If the obligor fails to comply with the schedule of payment, the court shall direct the Department of Highway Safety and Motor Vehicles to suspend the obligor's driver's license.

(b) The obligor must serve a copy of the petition on the Title IV-D agency in IV-D cases or on the depository or the clerk of the court in non-IV-D cases. When an obligor timely files a petition to set aside a suspension, the court must hear the matter within 15 days after the petition is filed. The court must enter an order resolving the matter within 10 days after the hearing, and a copy of the order must be served on the parties. The timely filing of a petition under this subsection stays the intent to suspend until the entry of a court order resolving the matter.

(3)~~(2)~~ If the obligor does not, within 20 days after the mailing date on the notice, pay the delinquency, enter into a payment agreement, comply with the subpoena, order to appear, order to show cause, or other similar order, or file a motion to contest, the Title IV-D agency in IV-D cases, or the depository or clerk of the court in non-IV-D cases, shall file the notice with the Department of Highway Safety and Motor Vehicles and request the suspension of the obligor's driver's license and motor vehicle registration in accordance with s. 322.058.

(4)~~(3)~~ The obligor may, within 20 days after the mailing date on the notice of delinquency or noncompliance and intent to suspend, file in the circuit court a petition to contest the notice of delinquency or noncompliance and intent to suspend on the ground of mistake of fact regarding the existence of a delinquency or the identity of the obligor. The obligor must serve a copy of the petition on the Title IV-D agency in IV-D cases or depository or clerk of the court in non-IV-D cases. When an obligor timely files a petition to contest, the court must hear the matter within 15 days after the petition is filed. The court must enter an order resolving the matter within 10 days after the hearing, and a copy of the order must be served on the parties. The timely filing of a petition to contest stays the notice of delinquency and intent to suspend until the entry of a court order resolving the matter.

Section 2. Subsection (2) of section 316.006, Florida Statutes, is amended to read:

316.006 Jurisdiction.—Jurisdiction to control traffic is vested as follows:

(2) MUNICIPALITIES.—

(a) Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) A municipality may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located within its boundaries if the municipality and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the municipality, for municipal traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by municipalities under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority. Such jurisdiction includes regulation of access to such road or roads by security devices or personnel.

3. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation; however, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.

(c) Notwithstanding any other provisions of law to the contrary, a municipality may, by interlocal agreement with a county, agree to transfer traffic regulatory authority over areas within the municipality to the county.

This subsection shall not limit those counties which have the charter powers to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers by the placement and maintenance of traffic control devices which conform to the manual and specifications of the Department of Transportation on streets and highways located within municipal boundaries.

Section 3. Section 316.083, Florida Statutes, is amended to read:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction *shall give an appropriate signal as provided for in s. 316.156,* shall pass to the left thereof at a safe distance*,* and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle, on audible signal or upon the visible blinking of the headlamps of the overtaking vehicle if such overtaking is being attempted at nighttime, and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(3) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 4. Section 316.155, Florida Statutes, is amended to read:

316.155 When signal required.—

(1) No person may turn a vehicle from a direct course *or move right or left* upon a highway unless and until such movement can be made with reasonable safety, and then only after giving an appropriate signal in the manner hereinafter provided, in the event any other vehicle may be affected by the movement.

(2) A signal of intention to turn right or left must be given continuously during not less than the last 100 feet traveled by the vehicle before turning, except that such a signal by hand or arm need not be given continuously by a bicyclist if the hand is needed in the control or operation of the bicycle.

(3) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear, when there is opportunity to give such signal.

(4) The signals provided for in s. 316.156 shall be used to indicate an intention to turn*, to overtake, or to pass a vehicle* and may not, except as provided in s. 316.2397, be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

(5) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 5. Section 316.2095, Florida Statutes, is amended to read:

316.2095 Footrests*, handholds,* and handlebars.—

(1) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests *and handholds* for such passenger.

(2) No person shall operate any motorcycle with handlebars *or with handgrips that are higher than the top of the shoulders of the person operating the motorcycle while properly seated upon the motorcycle* ~~more than 15 inches in height above that portion of the seat occupied by the operator~~.

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 6. Section 316.212, Florida Statutes, is amended to read:

316.212 Operation of golf carts on certain roadways.—The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

(1) A golf cart may be operated only upon a county road that has been designated by a county, or a *municipal* ~~city~~ street that has been designated by a *municipality* ~~city~~, for use by golf carts. Prior to making such a designation, the responsible local governmental entity must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on a designated road or street, the responsible governmental entity shall post appropriate signs to indicate that such operation is allowed.

(2) A golf cart may be operated on a part of the State Highway System only under the following conditions:

(a) To cross a portion of the State Highway System which intersects a county road or *municipal* ~~city~~ street that has been designated for use by golf carts if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(b) To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(c) A golf cart may be operated on a state road that has been designated for transfer to a local government unit pursuant to s. 335.0415 if the Department of Transportation determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic. The department may authorize the operation of golf carts on such a road if:

1. The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and

2. The speed, volume, and character of motor vehicular traffic using the road is considered in making such a determination.

Upon its determination that golf carts may be operated on a given road, the department shall post appropriate signs on the road to indicate that such operation is allowed.

(3) Any other provision of this section to the contrary notwithstanding, a golf cart may be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway shall review and approve the location of the crossing and require implementation of any traffic controls needed for safety purposes. This subsection shall apply only to residents or guests of the mobile home park. Any other provision of law to the contrary notwithstanding, if notice is posted at the entrance and exit to any mobile home park that residents of the park utilize golf carts or electric vehicles within the confines of the park it shall not be necessary that the park have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.

(4) A golf cart may be operated only during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(5) A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

(6) A golf cart may not be operated on public roads or streets by any person under the age of 14.

(7) A local governmental entity may enact an ordinance regarding golf cart operation and equipment which is more restrictive than those enumerated in this section. Upon enactment of any such ordinance, the local governmental entity shall post appropriate signs or otherwise inform the residents that such an ordinance exists and that it shall be enforced within the local government's jurisdictional territory.

(8)~~(7)~~ A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as ~~either~~ a moving violation for infractions of subsection (1), subsection (2), subsection (3), ~~or~~ subsection (4), *or a local ordinance corresponding thereto and enacted pursuant to subsection (7),* or *punishable pursuant to chapter 318* as a nonmoving violation for infractions of *subsection* ~~subsections~~ (5)*, subsection* ~~and~~ (6)*,*

or a local ordinance corresponding thereto and enacted pursuant to subsection (7).

Section 7. Section 316.2126, Florida Statutes, is amended to read:

316.2126 Use of golf carts and utility vehicles by municipalities.—In addition to the powers granted by ss. 316.212 and 316.2125, municipalities are hereby authorized to utilize golf carts and utility vehicles, as defined in s. 320.01, upon any state, county, or municipal roads located within the corporate limits of such municipalities, subject to the following conditions:

(1) Golf carts and utility vehicles must comply with the operational and safety requirements in ss. 316.212 and 316.2125*, and with any more restrictive ordinances enacted by the local governmental entity pursuant to s. 316.212(7),* and shall only be operated by municipal employees for municipal purposes, including, but not limited to, police patrol, traffic enforcement, and inspection of public facilities.

(2) In addition to the safety equipment required in s. 316.212(5) *and any more restrictive safety equipment required by the local governmental entity pursuant to s. 316.212(7)*, such golf carts and utility vehicles must be equipped with sufficient lighting and turn signal equipment.

(3) Golf carts and utility vehicles may only be operated on state roads that have a posted speed limit of 30 miles per hour or less.

(4) A municipal employee operating a golf cart or utility vehicle pursuant to this section must possess a valid driver's license as required by s. 322.03.

Section 8. Subsection (11) is added to section 316.302, Florida Statutes, to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(11) In addition to any other penalty provided in this section, a person who operates a commercial motor vehicle that bears an identification number required by this section which is false, fraudulent, or displayed without the consent of the person to whom it is assigned commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 9. Section 316.3045, Florida Statutes, is amended to read:

316.3045 Operation of radios or other mechanical soundmaking devices or instruments in vehicles; exemptions.—

(1) It is unlawful for any person operating or occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, tape player, or other mechanical soundmaking device or instrument from within the motor vehicle so that the sound is:

(a) Plainly audible at a distance of *25* ~~100~~ feet or more from the motor vehicle; or

(b) Louder than necessary for the convenient hearing by persons inside the vehicle in areas adjoining churches, schools, or hospitals.

(2) The provisions of this section shall not apply to any law enforcement motor vehicle equipped with any communication device necessary in the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedures.

(3) The provisions of this section do not apply to motor vehicles used for business or political purposes, which in the normal course of conducting such business use soundmaking devices. The provisions of this subsection shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from regulating the time and manner in which such business may be operated.

(4) The provisions of this section do not apply to the noise made by a horn or other warning device required or permitted by s. 316.271. The Department of Highway Safety and Motor Vehicles shall promulgate rules defining "plainly audible" and establish standards regarding how sound should be measured by law enforcement personnel who enforce the provisions of this section.

(5) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 10. Section 318.1215, Florida Statutes, is amended to read:

318.1215 Dori Slosberg Driver Education Safety Act.—Effective October 1, 2002, notwithstanding the provisions of s. 318.121, a board of county commissioners may require, by ordinance, that the clerk of the court collect an additional $3 with each civil traffic penalty, which shall be used to fund *driver* ~~traffic~~ education programs in public and nonpublic schools. The ordinance shall provide for the board of county commissioners to administer the funds*, which shall be used for enhancement, and not replacement, of driver education program funds*. The funds shall be used for direct educational expenses and shall not be used for administration. *Each driver education program receiving funds pursuant to this section shall require that a minimum of 30 percent of a student's time in the program be behind-the-wheel training.* This section may be cited as the "Dori Slosberg Driver Education Safety Act."

Section 11. Effective October 1, 2005, subsection (5) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(5) Any person electing to appear before the designated official or who is required so to appear shall be deemed to have waived his or her right to the civil penalty provisions of s. 318.18. The official, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the official may impose a civil penalty not to exceed $500, except that in cases involving unlawful speed in a school zone *or*~~,~~ involving unlawful speed in a construction zone, ~~or involving a death,~~ the civil penalty may not exceed $1,000; or require attendance at a driver improvement school, or both. *If the person is required to appear before the designated official pursuant to s. 318.19(1) and is found to have committed the infraction, the designated official shall impose a civil penalty of $1,000 in addition to any other penalties and the person's driver's license shall be suspended for 6 months. If the person is required to appear before the designated official pursuant to s. 318.19(2) and is found to have committed the infraction, the designated official shall impose a civil penalty of $500 in addition to any other penalties and the person's driver's license shall be suspended for 3 months.* If the official determines that no infraction has been committed, no costs or penalties shall be imposed and any costs or penalties that have been paid shall be returned. *Moneys received from the mandatory civil penalties imposed pursuant to this subsection upon persons required to appear before a designated official pursuant to s. 318.19(1) or (2) shall be remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. Funds deposited into the Administrative Trust Fund under this section shall be allocated as follows:*

(a) Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.

(b) Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health Trauma Registry.

Section 12. Effective October 1, 2005, subsection (13) is added to section 318.21, Florida Statutes, to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(13) Notwithstanding subsections (1) and (2), the proceeds from the mandatory civil penalties imposed pursuant to s. 318.14(5) shall be distributed as provided in that section.

Section 13. Paragraph (b) of subsection (3) of section 319.30, Florida Statutes, is amended to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

(3)

(b) The owner, including persons who are self-insured, of any motor vehicle or mobile home which is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company which pays money as compensation for total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home and, within 72 hours after receiving such certificate of title, shall forward such title to the department for processing. The owner or insurance company, as the case may be, may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title or certificate of destruction from the department. When applying for a salvage certificate of title or certificate of destruction, the owner or insurance company must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title or certificate of destruction is sought. If the estimated costs of repairing the physical and mechanical damage to the vehicle are equal to 80 percent or more of the current retail cost of the vehicle, as established in any official used car or used mobile home guide, the department shall declare the vehicle unrebuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the motor vehicle or mobile home described therein. *However, if the damaged motor vehicle is equipped with custom-lowered floors for wheelchair access or a wheelchair lift, the insurance company may, upon determing that the vehicle is repairable to a condition that is safe for operation on public roads, submit the certificate of title to the department for reissuance as a salvage rebuildable title and the addition of a title brand of "insurance-declared total loss."* This certificate of destruction shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the motor vehicle or mobile home for which it is issued, when such motor vehicle or mobile home is sold for such purposes, in lieu of a certificate of title, and, thereafter, the department shall refuse issuance of any certificate of title for that vehicle. Nothing in this subsection shall be applicable when a vehicle is worth less than $1,500 retail in undamaged condition in any official used motor vehicle guide or used mobile home guide or when a stolen motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repairs to or replacement of the frame or engine. Any person who willfully and deliberately violates this paragraph or falsifies any document to avoid the requirements of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 14. Subsection (19) is added to section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(19) The department is authorized to withhold registration or reregistration of a motor vehicle if the name of the owner or of a co-owner appears on a list submitted to the department by a licensed motor vehicle dealer for a previous registration of that vehicle. The motor vehicle dealer must maintain signed evidence that the owner or co-owner acknowledged the dealer's authority to submit the list to the department if he or she failed to pay and must note the amount for which the owner or co-owner would be responsible for the vehicle registration. The dealer must maintain the necessary documentation required in this subsection or face penalties as provided in s. 320.27. This subsection does not affect the issuance of a title to a motor vehicle.

(a) The motor vehicle owner or co-owner may dispute the claim that money is owed to a dealer for registration fees by submitting a form to the department if the motor vehicle owner or co-owner has documentary proof that the registration fees have been paid to the dealer for the disputed amount. Without clear evidence of the amounts owed for the vehicle registration and repayment, the department will assume initial payments are applied to government-assessed fees first.

(b) If the registered owner's dispute complies with paragraph (a), the department shall immediately remove the motor vehicle owner or co-owner's name from the list, thereby allowing the issuance of a license plate or revalidation sticker.

Section 15. Paragraph (b) of subsection (9) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(9) DENIAL, SUSPENSION, OR REVOCATION.—

(b) The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771 upon proof that a licensee has committed, with sufficient frequency so as to establish a pattern of wrongdoing on the part of a licensee, violations of one or more of the following activities:

1. Representation that a demonstrator is a new motor vehicle, or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a demonstrator. For the purposes of this section, a "demonstrator," a "new motor vehicle," and a "used motor vehicle" shall be defined as under s. 320.60.

2. Unjustifiable refusal to comply with a licensee's responsibility under the terms of the new motor vehicle warranty issued by its respective manufacturer, distributor, or importer. However, if such refusal is at the direction of the manufacturer, distributor, or importer, such refusal shall not be a ground under this section.

3. Misrepresentation or false, deceptive, or misleading statements with regard to the sale or financing of motor vehicles which any motor vehicle dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised, or made in any manner with regard to the sale or financing of motor vehicles.

4. Failure by any motor vehicle dealer to provide a customer or purchaser with an odometer disclosure statement and a copy of any bona fide written, executed sales contract or agreement of purchase connected with the purchase of the motor vehicle purchased by the customer or purchaser.

5. Failure of any motor vehicle dealer to comply with the terms of any bona fide written, executed agreement, pursuant to the sale of a motor vehicle.

6. Failure to apply for transfer of a title as prescribed in s. 319.23(6).

7. Use of the dealer license identification number by any person other than the licensed dealer or his or her designee.

8. Failure to continually meet the requirements of the licensure law.

9. Representation to a customer or any advertisement to the public representing or suggesting that a motor vehicle is a new motor vehicle if such vehicle lawfully cannot be titled in the name of the customer or other member of the public by the seller using a manufacturer's statement of origin as permitted in s. 319.23(1).

10. Requirement by any motor vehicle dealer that a customer or purchaser accept equipment on his or her motor vehicle which was not ordered by the customer or purchaser.

11. Requirement by any motor vehicle dealer that any customer or purchaser finance a motor vehicle with a specific financial institution or company.

12. Requirement by any motor vehicle dealer that the purchaser of a motor vehicle contract with the dealer for physical damage insurance.

13. Perpetration of a fraud upon any person as a result of dealing in motor vehicles, including, without limitation, the misrepresentation to any person by the licensee of the licensee's relationship to any manufacturer, importer, or distributor.

14. Violation of any of the provisions of s. 319.35 by any motor vehicle dealer.

15. Sale by a motor vehicle dealer of a vehicle offered in trade by a customer prior to consummation of the sale, exchange, or transfer of a newly acquired vehicle to the customer, unless the customer provides written authorization for the sale of the trade-in vehicle prior to delivery of the newly acquired vehicle.

16. Willful failure to comply with any administrative rule adopted by the department.

17. Violation of chapter 319, this chapter, or ss. 559.901-559.9221, which has to do with dealing in or repairing motor vehicles or mobile

homes. Additionally, in the case of used motor vehicles, the willful violation of the federal law and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the consumer sales window form.

18. Failure to maintain evidence of notification to the owner or co-owner of a vehicle regarding registration or titling fees owned as required in s. 320.02(19).

Section 16. Subsections (7), (30), (33), and (56) of section 320.08058, Florida Statutes, are amended to read:

320.08058 Specialty license plates.—

(7) ~~FLORIDA~~ SPECIAL OLYMPICS *FLORIDA* LICENSE PLATES.—

(a) ~~Florida~~ Special Olympics *Florida* license plates must contain the official ~~Florida~~ Special Olympics *Florida* logo and must bear a design and colors that are approved by the department. The word "Florida" must be centered at the *bottom* ~~top~~ of the plate, and the words "*Everyone Wins*" ~~"Support Florida Special Olympics"~~ must be centered at the *top* ~~bottom~~ of the plate.

(b) The license plate annual use fees are to be annually distributed as follows:

1. The first $5 million collected annually must be forwarded to the private nonprofit corporation as described in s. 393.002 and must be used solely for Special Olympics purposes as approved by the private nonprofit corporation.

2. Any additional fees must be deposited into the General Revenue Fund.

(30) CHOOSE LIFE LICENSE PLATES.—

(a) The department shall develop a Choose Life license plate as provided in this section. The word "Florida" must appear at the bottom of the plate, and the words "Choose Life" must appear at the top of the plate.

(b) The annual use fees shall be distributed annually to each county in the ratio that the annual use fees collected by each county bears to the total fees collected for the plates within the state. Each county shall distribute the funds to nongovernmental, not-for-profit agencies within the county, which agencies' services are limited to counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption. Funds may not be distributed to any agency that is involved or associated with abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or proabortion advertising, and funds may not be distributed to any agency that charges women for services received.

1. Agencies that receive the funds must use at least 70 percent of the funds to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents.

2. The remaining funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures.

3. Each agency that receives such funds must submit an annual *attestation* ~~audit, prepared by a certified public accountant,~~ to the county. ~~The county may conduct a consolidated audit in lieu of the annual audit.~~ Any unused funds that exceed 10 percent of the funds received by an agency during its fiscal year must be returned to the county, which shall distribute them to other qualified agencies.

(33) UNITED WE STAND LICENSE PLATES.—

(a) Notwithstanding the provisions of s. 320.08053, the department shall develop a United We Stand license plate as provided in this section. The American Flag must appear on the license plate in addition to the words "United We Stand." The colors of the license plate must be red, white, and blue.

(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, *100* ~~50~~ percent of the annual use fee shall be distributed to the Department of Transportation *SAFE Council* to fund a grant program to enhance security at airports throughout the state*, pursuant to s. 332.14* ~~and 50 percent of such fees shall be distributed to the Rewards for Justice Fund, to be contributed to the United States State Department's Rewards for Justice program and used solely to apprehend terrorists and bring them to justice~~.

(56) ANIMAL FRIEND LICENSE PLATES.—

(a) Notwithstanding the provisions of s. 320.08053, the department shall develop an Animal Friend license plate as provided in this section. Animal Friend license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Animal Friend" must appear at the bottom of the plate.

(b) The department shall retain all annual use fee revenues from the sale of such plates until all startup costs for developing and issuing the plates are recovered, not to exceed $60,000.

(c) After the department has recovered all startup costs for developing and issuing the plates, the annual use fees shall be distributed to the *Florida Animal Friend, Inc., for* ~~Humane Society of the United States for animal welfare programs and~~ spay and neuter programs in the state.

(d) No more than 10 percent of the fees collected may be used for administrative costs directly associated with marketing and promotion of the Animal Friend license plate and distribution of funds as described in paragraph (c).

(e) Funds received from the purchase of the Animal Friend license plate shall not be used for litigation.

Section 17. Paragraph (a) of subsection (1) of section 320.089, Florida Statutes, is amended to read:

320.089 Members of National Guard and active United States Armed Forces reservists; former prisoners of war; survivors of Pearl Harbor; Purple Heart medal recipients; special license plates; fee.—

(1)(a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, or an active *or retired* member of any branch of the United States Armed Forces Reserve shall, upon application to the department, accompanied by proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, or proof of active *or retired* membership in any branch of the Armed Forces Reserve, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06, upon which, in lieu of the serial numbers prescribed by s. 320.06, shall be stamped the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve," as appropriate, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

Section 18. Subsection (15) of section 320.77, Florida Statutes, is amended to read:

320.77 License required of mobile home dealers.—

(15) *SURETY* BOND*,CASH BOND, OR IRREVOCABLE LETTER OF CREDIT REQUIRED*.—

(a) Before any license shall be issued or renewed, the applicant *or licensee* shall deliver to the department a good and sufficient surety bond, *cash bond, or irrevocable letter of credit,* executed by the applicant *or licensee* as principal ~~and by a surety company qualified to do business in the state as surety~~. The bond *or irrevocable letter of credit* shall be in a form to be approved by the department and shall be conditioned upon the dealer's complying with the conditions of any written contract made

by the dealer in connection with the sale, exchange, or improvement of any mobile home and his or her not violating any of the provisions of chapter 319 or this chapter in the conduct of the business for which the dealer is licensed. The bond *or irrevocable letter of credit* shall be to the department and in favor of any retail customer who shall suffer any loss as a result of any violation of the conditions ~~hereinabove~~ contained *in this section*. The bond *or irrevocable letter of credit* shall be for the license period, and a new bond *or irrevocable letter of credit* or a proper continuation certificate shall be delivered to the department at the beginning of each license period. However, the aggregate liability of the surety in any one license year shall in no event exceed the sum of such bond*, or, in the case of a letter of credit, the aggregate liability of the issuing bank shall not exceed the sum of the credit*. The amount of the bond required shall be as follows:

1. A single dealer who buys, sells, or deals in mobile homes and who has four or fewer supplemental licenses shall provide a surety bond*, cash bond, or irrevocable letter of credit executed by the dealer applicant or licensee* in the amount of $25,000.

2. A single dealer who buys, sells, or deals in mobile homes and who has more than four supplemental licenses shall provide a surety bond*, cash bond, or irrevocable letter of credit executed by the dealer applicant or licensee* in the amount of $50,000.

For the purposes of this paragraph, any person who buys, sells, or deals in both mobile homes and recreational vehicles shall provide the same surety bond required of dealers who buy, sell, or deal in mobile homes only.

(b) Surety bonds shall be executed by a surety company authorized to do business in the state as surety, and irrevocable letters of credit shall be issued by a bank authorized to do business in the state as a bank.

(c) Irrevocable letters of credit shall be engaged by a bank as an agreement to honor demands for payment as specified in this section.

(d)~~(b)~~ The department shall, upon denial, suspension, or revocation of any license, notify the surety company of the licensee *or bank issuing an irrevocable letter of credit for the licensee*, in writing, that the license has been denied, suspended, or revoked and shall state the reason for such denial, suspension, or revocation.

(e)~~(c)~~ Any surety company *that* ~~which~~ pays any claim against the bond of any licensee *or any bank that honors a demand for payment as a condition specified in a letter of credit of a licensee* shall notify the department, in writing, that ~~it has paid~~ such *action has been taken* ~~a claim~~ and shall state the amount of the claim *or payment*.

(f)~~(d)~~ Any surety company *that* ~~which~~ cancels the bond of any licensee *or any bank that cancels an irrevocable letter of credit* shall notify the department, in writing, of such cancellation, giving reason for the cancellation.

Section 19. Subsection (6) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license.—

(6) The application form for a driver's license or duplicate thereof shall include language permitting the following:

(a) A voluntary contribution of $5 per applicant, which contribution shall be transferred into the Election Campaign Financing Trust Fund.

(b) A voluntary contribution of $1 per applicant, which contribution shall be deposited into the Florida Organ and Tissue Donor Education and Procurement Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry.

(c) A voluntary contribution of $1 per applicant, which contribution shall be distributed to the Florida Council of the Blind.

(d) A voluntary contribution of $2 per applicant, which shall be distributed to the Hearing Research Institute, Incorporated~~, for the purpose of infant hearing screening in Florida~~.

(e) A voluntary contribution of $1 per applicant, which shall be distributed to the Juvenile Diabetes Foundation International.

A statement providing an explanation of the purpose of the trust funds shall also be included. For the purpose of applying the service charge provided in s. 215.20, contributions received under paragraphs (c), (d), and (e) and under s. 322.18(9)(a) are not income of a revenue nature.

Section 20. Subsection (14) of section 322.2615, Florida Statutes, is amended, and subsection (16) is added to that section, to read:

322.2615 Suspension of license; right to review.—

(14)*(a)* The decision of the department under this section *may* ~~shall~~ not be considered in any trial for a violation of s. 316.193, *and a* ~~nor shall any~~ written statement submitted by a person in his or her request for departmental review under this section *may not* be *admitted* ~~admissible~~ into evidence against him or her in any such trial.

(b) The disposition of any related criminal proceedings *does* ~~shall~~ not affect a suspension *for refusal to submit to a blood, breath, or urine test, authorized by s. 316.1932 or s. 316.1933,* imposed *under* ~~pursuant to~~ this section.

(16) The department shall invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level imposed under this section if the suspended person is found not guilty at trial of an underlying violation of s. 316.193.

Section 21. *(1) There is created the Manufactured Housing Regulatory Study Commission. The study commission shall be composed of 11 members who shall be appointed as follows:*

(a) Four members appointed by the Florida Manufactured Housing Association, one member representing publicly owned manufacturers of manufactured housing, one member representing privately owned manufacturers of manufactured housing, and two members who are retail sellers of manufactured housing, one of whom must also sell residential manufactured buildings approved by the Department of Community Affairs.

(b) Two members from the Senate, appointed by the President of the Senate.

(c) Two members from the House of Representatives, appointed by the Speaker of the House of Representatives.

(d) The secretary of the Department of Community Affairs or the secretary's designee.

(e) The executive director of the Department of Highway Safety and Motor Vehicles or the director's designee.

(f) The commissioner of the Department of Agriculture and Consumer Services or the commissioner's designee.

The commission members representing the departments of Community Affairs, Highway Safety and Motor Vehicles, and Agriculture and Consumer Services shall serve as ex officio, nonvoting members of the study commission.

(2) The study commission shall review the programs regulating manufactured and mobile homes which are currently located at the Department of Highway Safety and Motor Vehicles and must include a review of the following programs and activities:

(a) The federal construction and inspection programs.

(b) The installation program, including the regulation and inspection functions.

(c) The Mobile Home and RV Protection Trust Fund.

(d) The licensing of manufacturers, retailers, and installers of manufactured and mobile homes.

(e) The titling of manufactured and mobile homes.

(f) Dispute resolution.

During the course of the study, the study commission must review the sources funding the programs to determine if the manufactured and mobile home programs are or can be self-sustaining. The study commis-

sion shall also consider the impact that changes in regulation may have on the industry and its consumers.

(3) The study commission shall be administratively supported by the staff of the transportation committees of the Senate and the House of Representatives.

(4)(a) The study commission must hold its initial meeting no later than August 15, 2005, in Tallahassee. Staff to the commission shall schedule and organize the initial meeting. Subsequent meetings of the study commission must be held in Tallahassee according to a schedule developed by the chair.

(b) At the initial meeting, the study commission shall elect a chair from one of the elected official members.

(5) The study commission must submit a final report setting forth its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1, 2006.

(6) Members of the study commission shall serve without compensation, but are entitled to be reimbursed for per diem and travel expenses under section 112.061, Florida Statutes.

(7) The study commission terminates after submitting its final report but not later than February 15, 2006.

Section 22. Subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(a) When a licensee accumulates 12 points within a 12-month period, the period of suspension shall be for not more than 30 days.

(b) When a licensee accumulates 18 points, including points upon which suspension action is taken under paragraph (a), within an 18-month period, the suspension shall be for a period of not more than 3 months.

(c) When a licensee accumulates 24 points, including points upon which suspension action is taken under paragraphs (a) and (b), within a 36-month period, the suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.

2. Leaving the scene of a crash resulting in property damage of more than $50—6 points.

3. Unlawful speed resulting in a crash—6 points.

4. Passing a stopped school bus—4 points.

5. Unlawful speed:

a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.

b. In excess of 15 miles per hour of lawful or posted speed—4 points.

6. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).

7. Any moving violation covered above, excluding unlawful speed, resulting in a crash—4 points.

8. Any conviction under *s. 403.413(6)(b)* ~~s. 403.413(5)(b)~~ —3 points.

(e) A conviction in another state of a violation therein which, if committed in this state, would be a violation of the traffic laws of this state, or a conviction of an offense under any federal law substantially conforming to the traffic laws of this state, except a violation of s. 322.26, may be recorded against a driver on the basis of the same number of points received had the conviction been made in a court of this state.

(f) In computing the total number of points, when the licensee reaches the danger zone, the department is authorized to send the licensee a warning letter advising that any further convictions may result in suspension of his or her driving privilege.

(g) The department shall administer and enforce the provisions of this law and may make rules and regulations necessary for its administration.

(h) Three points shall be deducted from the driver history record of any person whose driving privilege has been suspended only once pursuant to this subsection and has been reinstated, if such person has complied with all other requirements of this chapter.

(i) This subsection shall not apply to persons operating a nonmotorized vehicle for which a driver's license is not required.

Section 23. Subsections (1), (2), (3), (7), (8), and (10) of section 322.61, Florida Statutes, are amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(1) A person who, *for offenses occurring* within a 3-year period, is convicted of two of the following serious traffic violations or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days. *A person who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations, or any combination thereof, arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege*:

(a) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, a weight violation, or a vehicle equipment violation, arising in connection with a crash resulting in death or personal injury to any person;

(b) Reckless driving, as defined in s. 316.192;

(c) Careless driving, as defined in s. 316.1925;

(d) Fleeing or attempting to elude a law enforcement officer, as defined in s. 316.1935;

(e) Unlawful speed of 15 miles per hour or more above the posted speed limit;

(f) Driving a commercial motor vehicle, owned by such person, which is not properly insured;

(g) Improper lane change, as defined in s. 316.085; ~~or~~

(h) Following too closely, as defined in s. 316.0895*;*~~.~~

(i) Driving a commercial vehicle without obtaining a commercial driver's license;

(j) Driving a commercial vehicle without the proper class of commercial driver's license or without the proper endorsement; or

(k) Driving a commercial vehicle without a commercial driver's license in possession, as required by s. 322.03. Any individual who provides proof to the clerk of the court or designated official in the jurisdiction where the citation was issued, by the date the individual must ap-

pear in court or pay any fine for such a violation, that the individual held a valid commercial driver's license on the date the citation was issued is not guilty of this offense.

(2)*(a)* Any person who, *for offenses occurring* within a 3-year period, is convicted of three serious traffic violations specified in subsection (1) or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, including but not limited to the penalty provided in subsection (1), be disqualified from operating a commercial motor vehicle for a period of 120 days.

(b) A person who, for offenses occurring within a 3-year period, is convicted of three serious traffic violations specified in subsection (1) or any combination thereof arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, including, but not limited to, the penalty provided in subsection (1), be disqualified from operating a commercial motor vehicle for a period of 120 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege.

(3) Except as provided in subsection (4), any person who is convicted of one of the following offenses shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 1 year:

(a) Driving a commercial motor vehicle while he or she is under the influence of alcohol or a controlled substance;

(b) Driving a commercial motor vehicle while the alcohol concentration of his or her blood, breath, or urine is .04 percent or higher;

(c) Leaving the scene of a crash involving a commercial motor vehicle driven by such person;

(d) Using a commercial motor vehicle in the commission of a felony;

(e) Driving a commercial motor vehicle while in possession of a controlled substance; ~~or~~

(f) Refusing to submit to a test to determine his or her alcohol concentration while driving a commercial motor vehicle;~~.~~

(g) Driving a commercial vehicle while the licenseholder's commercial driver's license is suspended, revoked, or canceled or while the licenseholder is disqualified from driving a commercial vehicle; or

(h) Causing a fatality through the negligent operation of a commercial motor vehicle.

(7) A person whose privilege to operate a commercial motor vehicle is disqualified under this section may, if otherwise qualified, be issued a ~~Class D or~~ Class E driver's license, pursuant to s. 322.251.

(8) A driver who is convicted of or otherwise found to have committed a violation of an out-of-service order while driving a commercial motor vehicle is disqualified as follows:

(a) Not less than 90 days nor more than 1 year if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order.

(b) Not less than 1 year nor more than 5 years if, *for offenses occurring* during any 10-year period, the driver is convicted of or otherwise found to have committed two violations of out-of-service orders in separate incidents.

(c) Not less than 3 years nor more than 5 years if, *for offenses occurring* during any 10-year period, the driver is convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.

(d) Not less than 180 days nor more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than 3 years nor more than 5 years if, *for offenses occurring* during any 10-year period, the driver is convicted of or otherwise found to have committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act 49 U.S.C. ss. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

(10)(a) A driver must be disqualified for not less than 60 days if the driver is convicted of or otherwise found to have committed a first violation of a railroad-highway grade crossing violation.

(b) A driver must be disqualified for not less than 120 days if, *for offenses occurring* during any 3-year period, the driver is convicted of or otherwise found to have committed a second railroad-highway grade crossing violation in separate incidents.

(c) A driver must be disqualified for not less than 1 year if, *for offenses occurring* during any 3-year period, the driver is convicted of or otherwise found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents.

Section 24. Subsection (5) is added to section 321.24, to read:

321.24 Members of an auxiliary to Florida Highway Patrol.—

(5) Notwithstanding any other law to the contrary, any volunteer highway patrol troop surgeon appointed by the director of the Florida Highway Patrol, and any volunteer licensed health professional appointed by the director of the Florida Highway Patrol to work under the medical direction of a highway patrol troop surgeon is considered an employee for purposes of s. 768.28(9).

Section 25. Section 549.102, Florida Statutes, is created to read:

549.102 Motorsports entertainment complex; overnight parking.—Notwithstanding any other law to the contrary, the owner of a motorsports entertainment complex may allow temporary overnight parking during a motorsports event and the 2 days immediately preceding and following such motorsports event without any other license or permit as long as the area where such temporary overnight parking is allowed meets applicable health department requirements other than site requirements. The Department of Health, or any other health agency in the state, shall not regard such temporary overnight parking as a "recreational vehicle park" as described in chapter 513 and the administrative code adopted under that chapter.

Section 26. Subsection (6) of section 261.03, Florida Statutes, is amended and subsection (11) is added to that section, to read:

261.03 Definitions.—As used in this chapter, the term:

(6) "Off-highway vehicle" means any ATV*, two-rider ATV,* or OHM that is used off the roads or highways of this state ~~for recreational purposes~~ and that is not registered and licensed for highway use under chapter 320.

(11) "Two-rider ATV" means any ATV that is specifically designed by the manufacturer for a single operator and one passenger.

Section 27. Subsection (84) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(84) TRAFFIC SIGNAL PREEMPTION SYSTEM.—Any system or device with the capability of activating a control mechanism mounted on or near traffic signals which alters a traffic signal's timing cycle.

Section 28. Section 316.0775, Florida Statutes, is amended to read:

316.0775 Interference with official traffic control devices or railroad signs or signals.—

(1) A ~~No~~ person *may not* ~~shall~~, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. A violation of this *subsection*

~~section~~ is a criminal violation pursuant to s. 318.17 and shall be punishable as set forth in s. 806.13 related to criminal mischief and graffiti, beginning on or after July 1, 2000.

(2) A person may not, without lawful authority, possess or use any traffic signal preemption device as defined under s. 316.003. A person who violates this subsection commits a moving violation, punishable as provided in chapter 318 and shall have 4 points assessed against his or her driver's license as set forth in s. 322.27.

Section 29. Section 316.122, Florida Statutes, is amended to read:

316.122 Vehicle turning left.—The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction*, or vehicles lawfully passing on the left of the turning vehicle,* which is within the intersection or so close thereto as to constitute an immediate hazard. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 30. Section 316.1576, Florida Statutes, is created to read:

316.1576 Insufficient clearance at a railroad-highway grade crossing.—

(1) A person may not drive any vehicle through a railroad-highway grade crossing that does not have sufficient space to drive completely through the crossing without stopping.

(2) A person may not drive any vehicle through a railroad-highway grade crossing that does not have sufficient undercarriage clearance to drive completely through the crossing without stopping.

(3) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 31. Section 316.1577, Florida Statutes, is created to read:

316.1577 Employer responsibility for violations pertaining to railroad-highway grade crossings.—

(1) An employer may not knowingly allow, require, permit, or authorize a driver to operate a commercial motor vehicle in violation of a federal, state, or local law or rule pertaining to railroad-highway grade crossings.

(2) A person who violates subsection (1) is subject to a civil penalty of not more than $10,000.

Section 32. Subsection (2) of section 316.183, Florida Statutes, is amended to read:

316.183 Unlawful speed.—

(2) On all streets or highways, the maximum speed limits for all vehicles must be 30 miles per hour in business or residence districts, and 55 miles per hour at any time at all other locations. However, with respect to a residence district, a county or municipality may set a maximum speed limit of 20 or 25 miles per hour on local streets and highways after an investigation determines that such a limit is reasonable. It is not necessary to conduct a separate investigation for each residence district. The minimum speed limit on all highways that comprise a part of the National System of Interstate and Defense Highways and have not fewer than four lanes is 40 miles per hour*, except that when the posted speed limit is 70 miles per hour, the minimum speed limit is 50 miles per hour*.

Section 33. Paragraph (e) of subsection (1) of section 316.1932, Florida Statutes, is amended to read:

316.1932 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.—

(1)

(e)1. By applying for a driver's license and by accepting and using a driver's license, the person holding the driver's license is deemed to have expressed his or her consent to the provisions of this section.

2. A nonresident or any other person driving in a status exempt from the requirements of the driver's license law, by his or her act of driving in such exempt status, is deemed to have expressed his or her consent to the provisions of this section.

3. A warning of the consent provision of this section shall be printed ~~above the signature line~~ on each new or renewed driver's license.

Section 34. Subsection (5) of section 316.1936, Florida Statutes, is amended to read:

316.1936 Possession of open containers of alcoholic beverages in vehicles prohibited; penalties.—

(5) This section shall not apply to:

(a) A passenger of a vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid commercial driver's license with a passenger endorsement ~~or a Class D driver's license~~ issued in accordance with the requirements of chapter 322;

(b) A passenger of a bus in which the driver holds a valid commercial driver's license with a passenger endorsement ~~or a Class D driver's license~~ issued in accordance with the requirements of chapter 322; or

(c) A passenger of a self-contained motor home which is in excess of 21 feet in length.

Section 35. Paragraphs (a) and (b) of subsection (3) of section 316.194, Florida Statutes, are amended to read:

316.194 Stopping, standing or parking outside of municipalities.—

(3)(a) Whenever any police officer *or traffic accident investigation officer* finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this section, the officer is authorized to move the vehicle, or require the driver or other persons in charge of the vehicle to move the *vehicle* ~~same~~, to a position off the paved or main-traveled part of the highway.

(b) Officers *and traffic accident investigation officers may* ~~are hereby authorized to~~ provide for the removal of any abandoned vehicle to the nearest garage or other place of safety, cost of such removal to be a lien against motor vehicle, when *an* ~~said~~ abandoned vehicle is found unattended upon a bridge or causeway or in any tunnel, or on any public highway in the following instances:

1. Where such vehicle constitutes an obstruction of traffic;

2. Where such vehicle has been parked or stored on the public right-of-way for a period exceeding 48 hours, in other than designated parking areas, and is within 30 feet of the pavement edge; and

3. Where an operative vehicle has been parked or stored on the public right-of-way for a period exceeding 10 days, in other than designated parking areas, and is more than 30 feet from the pavement edge. However, the agency removing such vehicle shall be required to report same to the Department of Highway Safety and Motor Vehicles within 24 hours of such removal.

Section 36. Section 316.1967, Florida Statutes, is amended to read:

316.1967 Liability for payment of parking ticket violations and other parking violations.—

(1) The owner of a vehicle is responsible and liable for payment of any parking ticket violation unless the owner can furnish evidence*, when required by this subsection,* that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the appropriate law enforcement authorities an affidavit setting forth the name, address, and driver's license number of the person who leased, rented, or otherwise had the care, custody, or control of the vehicle. The affidavit submitted under this subsection is admissible in a proceeding charging a parking ticket violation and raises the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation. The owner of a vehicle is not responsible for a parking ticket violation if the vehicle involved was, at the time, stolen

or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle. *The owner of a leased vehicle is not responsible for a parking ticket violation and is not required to submit an affidavit or the other evidence specified in this section, if the vehicle is registered in the name of the person who leased the vehicle.*

(2) Any person who is issued a county or municipal parking ticket by a parking enforcement specialist or officer is deemed to be charged with a noncriminal violation and shall comply with the directions on the ticket. If payment is not received or a response to the ticket is not made within the time period specified thereon, the county court or its traffic violations bureau shall notify the registered owner of the vehicle that was cited, *or the registered lessee when the cited vehicle is registered in the name of the person who leased the vehicle,* by mail to the address given on the motor vehicle registration, of the ticket. Mailing the notice to this address constitutes notification. Upon notification, the registered owner *or registered lessee* shall comply with the court's directive.

(3) Any person who fails to satisfy the court's directive waives his or her right to pay the applicable civil penalty.

(4) Any person who elects to appear before a designated official to present evidence waives his or her right to pay the civil penalty provisions of the ticket. The official, after a hearing, shall make a determination as to whether a parking violation has been committed and may impose a civil penalty not to exceed $100 or the fine amount designated by county ordinance, plus court costs. Any person who fails to pay the civil penalty within the time allowed by the court is deemed to have been convicted of a parking ticket violation, and the court shall take appropriate measures to enforce collection of the fine.

(5) Any provision of subsections (2), (3), and (4) to the contrary notwithstanding, chapter 318 does not apply to violations of county parking ordinances and municipal parking ordinances.

(6) Any county or municipality may provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the department with a magnetically encoded computer tape reel or cartridge or send by other electronic means data which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations, including violations of s. 316.1955. Each county shall provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the department with a magnetically encoded computer tape reel or cartridge or send by other electronic means data that is machine readable by the installed computer system at the department, listing persons who have any outstanding violations of s. 316.1955 or any similar local ordinance that regulates parking in spaces designated for use by persons who have disabilities. The department shall mark the appropriate registration records of persons who are so reported. Section 320.03(8) applies to each person whose name appears on the list.

Section 37. Subsection (2) of section 316.2074, Florida Statutes, is amended to read:

316.2074 All-terrain vehicles.—

(2) As used in this section, the term "all-terrain vehicle" means any motorized off-highway vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator with no passenger. *For the purposes of this section, "all-terrain vehicle" also includes any "two-rider ATV" as defined in s. 317.0003.*

Section 38. Paragraph (b) of subsection (1) of section 316.302, Florida Statutes, is amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on October 1, *2004* ~~2002~~.

Section 39. Subsection (1) of section 316.605, Florida Statutes, is amended to read:

316.605 Licensing of vehicles.—

(1) Every vehicle, at all times while driven, stopped, or parked upon any highways, roads, or streets of this state, shall be licensed in the name of the owner thereof in accordance with the laws of this state unless such vehicle is not required by the laws of this state to be licensed in this state and shall, except as otherwise provided in s. 320.0706 for front-end registration license plates on truck tractors, display the license plate or both of the license plates assigned to it by the state, one on the rear and, if two, the other on the front of the vehicle, each to be securely fastened to the vehicle outside the main body of the vehicle in such manner as to prevent the plates from swinging, *and* ~~with~~ all letters, numerals, printing, writing, and other identification marks upon the plates *regarding the word "Florida," the registration decal, and the alphanumeric designation shall be* clear and distinct and free from defacement, mutilation, grease, and other obscuring matter, so that they will be plainly visible and legible at all times 100 feet from the rear or front. Nothing shall be placed upon the face of a Florida plate except as permitted by law or by rule or regulation of a governmental agency. No license plates other than those furnished by the state shall be used. However, if the vehicle is not required to be licensed in this state, the license plates on such vehicle issued by another state, by a territory, possession, or district of the United States, or by a foreign country, substantially complying with the provisions hereof, shall be considered as complying with this chapter. A violation of this subsection is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 40. Subsection (4) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(4)~~(a)~~ It is the legislative intent that all state, county, and local law enforcement agencies, and safety councils, in recognition of the problems with child death and injury from unrestrained occupancy in motor vehicles, conduct a continuing safety and public awareness campaign as to the magnitude of the problem.

~~(b) The department may authorize the expenditure of funds for the purchase of promotional items as part of the public information and education campaigns provided for in this subsection and ss. 316.614, 322.025, and 403.7145.~~

Section 41. Section 316.6131, Florida Statutes, is created to read:

316.6131 Educational expenditures.—The department may authorize the expenditure of funds for the purchase of educational items as part of the public information and education campaigns promoting highway safety and awareness, as well as departmental community-based initiatives. Funds may be expended for, but are not limited to, educational campaigns provided in this chapter, chapters 320 and 322, and s. 403.7145.

Section 42. Subsection (9) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(9) Such citations shall not be admissible evidence in any trial, *except when used as evidence of falsification, forgery, uttering, fraud, or perjury, or when used as physical evidence resulting from a forensic examination of the citation*.

Section 43. Section 317.0003, Florida Statutes, is amended, to read:

317.0003 Definitions.—As used in *this chapter* ~~ss. 317.0001-317.0013~~, the term:

(1) "ATV" means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and with no passenger.

(2) "Dealer" means any person authorized by the Department of Revenue to buy, sell, resell, or otherwise distribute off-highway vehicles.

Such person must have a valid sales tax certificate of registration issued by the Department of Revenue and a valid commercial or occupational license required by any county, municipality, or political subdivision of the state in which the person operates.

(3) "Department" means the Department of Highway Safety and Motor Vehicles.

(4) "Florida resident" means a person who has had a principal place of domicile in this state for a period of more than 6 consecutive months, who has registered to vote in this state, who has made a statement of domicile pursuant to s. 222.17, or who has filed for homestead tax exemption on property in this state.

(5) "OHM" or "off-highway motorcycle" means any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.

(6) "Off-highway vehicle" means any ATV*, two-rider ATV,* or OHM that is used off the roads or highways of this state ~~for recreational purposes~~ and that is not registered and licensed for highway use pursuant to chapter 320.

(7) "Owner" means a person, other than a lienholder, having the property in or title to an off-highway vehicle, including a person entitled to the use or possession of an off-highway vehicle subject to an interest held by another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(8) "Public lands" means lands within the state that are available for public use and that are owned, operated, or managed by a federal, state, county, or municipal governmental entity.

(9) "Two-rider ATV" means any ATV that is specifically designed by the manufacturer for a single operator and one passenger.

Section 44. Subsection (1) of section 317.0004, Florida Statutes, is amended to read:

317.0004 Administration of off-highway vehicle titling laws; records.—

(1) The administration of off-highway vehicle titling laws in *this chapter* ~~ss. 317.0001-317.0013~~ is under the Department of Highway Safety and Motor Vehicles, which shall provide for the issuing, handling, and recording of all off-highway vehicle titling applications and certificates, including the receipt and accounting of off-highway vehicle titling fees. *The provisions of chapter 319 are applicable to this chapter, unless otherwise explicitly stated.*

Section 45. Section 317.0005, Florida Statutes, is amended to read:

317.0005 Rules, forms, and notices.—

(1) The department may adopt rules pursuant to ss. 120.536(1) and 120.54, which pertain to off-highway vehicle titling, in order to implement the provisions of *this chapter* ~~ss. 317.0001-317.0013~~ conferring duties upon it.

(2) The department shall prescribe and provide suitable forms for applications and other notices and forms necessary to administer the provisions of *this chapter* ~~ss. 317.0001-317.0013~~.

Section 46. Subsection (1) of section 317.0006, Florida Statutes, is amended to read:

317.0006 Certificate of title required.—

(1) Any off-highway vehicle that is purchased by a resident of this state after the effective date of this act or that is owned by a resident and is operated on the public lands of this state must be titled pursuant to *this chapter* ~~ss. 317.0001-317.0013~~.

Section 47. Subsection (6) is added to section 317.0007, Florida Statutes, to read:

317.0007 Application for and issuance of certificate of title.—

(6) In addition to a certificate of title, the department may issue a validation sticker to be placed on the off-highway vehicle as proof of the issuance of title required pursuant to s. 317.0006(1). A validation sticker that is lost or destroyed may, upon application, be replaced by the department or county tax collector. The department and county tax collector may charge and deposit the fees established in ss. 320.03(5), 320.031, and 320.04 for all original and replacement decals.

Section 48. *Subsection (2) of section 317.0008, Florida Statutes, is repealed.*

Section 49. Section 317.0010, Florida Statutes, is amended to read:

317.0010 Disposition of fees.—The department shall deposit all funds received under *this chapter* ~~ss. 317.0001-317.0013~~, less administrative costs of $2 per title transaction, into the Incidental Trust Fund of the Division of Forestry of the Department of Agriculture and Consumer Services.

Section 50. Subsection (3) of section 317.0012, Florida Statutes, is amended to read:

317.0012 Crimes relating to certificates of title; penalties.—

(3) It is unlawful to:

(a) Alter or forge any certificate of title to an off-highway vehicle or any assignment thereof or any cancellation of any lien on an off-highway vehicle.

(b) Retain or use such certificate, assignment, or cancellation knowing that it has been altered or forged.

(c) Use a false or fictitious name, give a false or fictitious address, or make any false statement in any application or affidavit required by *this chapter* ~~ss. 317.0001-317.0013~~ or in a bill of sale or sworn statement of ownership or otherwise commit a fraud in any application.

(d) Knowingly obtain goods, services, credit, or money by means of an invalid, duplicate, fictitious, forged, counterfeit, stolen, or unlawfully obtained certificate of title, bill of sale, or other indicia of ownership of an off-highway vehicle.

(e) Knowingly obtain goods, services, credit, or money by means of a certificate of title to an off-highway vehicle which certificate is required by law to be surrendered to the department.

Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A violation of this subsection with respect to any off-highway vehicle makes such off-highway vehicle contraband which may be seized by a law enforcement agency and forfeited under ss. 932.701-932.704.

Section 51. Section 317.0013, Florida Statutes, is amended to read:

317.0013 Nonmoving traffic violations.—Any person who fails to comply with any provision of *this chapter* ~~ss. 317.0001-317.0012~~ for which a penalty is not otherwise provided commits a nonmoving traffic violation, punishable as provided in s. 318.18.

Section 52. Section 317.0014, Florida Statutes, is created to read:

317.0014 Certificate of title; issuance in duplicate; delivery; liens and encumbrances.—

(1) The department shall assign a number to each certificate of title and shall issue each certificate of title and each corrected certificate in duplicate. The database record shall serve as the duplicate title certificate required in this section. One printed copy may be retained on file by the department.

(2) A duly authorized person shall sign the original certificate of title and each corrected certificate and, if there are no liens or encumbrances on the off-highway vehicle, as shown in the records of the department or as shown in the application, shall deliver the certificate to the applicant or to another person as directed by the applicant or person, agent, or attorney submitting the application. If there are one or more liens or encumbrances on the off-highway vehicle, the certificate shall be delivered by the department to the first lienholder as shown by department records or to the owner as indicated in the notice of lien filed by the first

lienholder. If the notice of lien filed by the first lienholder indicates that the certificate should be delivered to the first lienholder, the department shall deliver to the first lienholder, along with the certificate, a form to be subsequently used by the lienholder as a satisfaction. If the notice of lien filed by the first lienholder directs the certificate of title to be delivered to the owner, then, upon delivery of the certificate of title by the department to the owner, the department shall deliver to the first lienholder confirmation of the receipt of the notice of lien and the date the certificate of title was issued to the owner at the owner's address shown on the notice of lien and a form to be subsequently used by the lienholder as a satisfaction. If the application for certificate shows the name of a first lienholder different from the name of the first lienholder as shown by the records of the department, the certificate may not be issued to any person until after all parties who appear to hold a lien and the applicant for the certificate have been notified of the conflict in writing by the department by certified mail. If the parties do not amicably resolve the conflict within 10 days after the date the notice was mailed, the department shall serve notice in writing by certified mail on all persons appearing to hold liens on that particular vehicle, including the applicant for the certificate, to show cause within 15 days following the date the notice is mailed as to why it should not issue and deliver the certificate to the person indicated in the notice of lien filed by the lienholder whose name appears in the application as the first lienholder without showing any lien or liens as outstanding other than those appearing in the application or those that have been filed subsequent to the filing of the application for the certificate. If, within the 15-day period, any person other than the lienholder shown in the application or a party filing a subsequent lien, in answer to the notice to show cause, appears in person or by a representative, or responds in writing, and files a written statement under oath that his or her lien on that particular vehicle is still outstanding, the department may not issue the certificate to anyone until after the conflict has been settled by the lien claimants involved or by a court of competent jurisdiction. If the conflict is not settled amicably within 10 days after the final date for filing an answer to the notice to show cause, the complaining party shall have 10 days in which to obtain a ruling, or a stay order, from a court of competent jurisdiction. If a ruling or stay order is not issued and served on the department within the 10-day period, it shall issue the certificate showing no liens except those shown in the application or thereafter filed to the original applicant if there are no liens shown in the application and none are thereafter filed, or to the person indicated in the notice of lien filed by the lienholder whose name appears in the application as the first lienholder if there are liens shown in the application or thereafter filed. A duplicate certificate or corrected certificate shall show only the lien or liens as shown in the application and any subsequently filed liens that may be outstanding.

(3) Except as provided in subsection (4), the certificate of title shall be retained by the first lienholder or the owner as indicated in the notice of lien filed by the first lienholder. If the first lienholder is in possession of the certificate, the first lienholder is entitled to retain the certificate until the first lien is satisfied.

(4) If the owner of the vehicle, as shown on the title certificate, desires to place a second or subsequent lien or encumbrance against the vehicle when the title certificate is in the possession of the first lienholder, the owner shall send a written request to the first lienholder by certified mail, and the first lienholder shall forward the certificate to the department for endorsement. If the title certificate is in the possession of the owner, the owner shall forward the certificate to the department for endorsement. The department shall return the certificate to either the first lienholder or to the owner, as indicated in the notice of lien filed by the first lienholder, after endorsing the second or subsequent lien on the certificate and on the duplicate. If the first lienholder or owner fails, neglects, or refuses to forward the certificate of title to the department within 10 days after the date of the owner's request, the department, on the written request of the subsequent lienholder or an assignee of the lien, shall demand of the first lienholder the return of the certificate for the notation of the second or subsequent lien or encumbrance.

(5)(a) Upon satisfaction of any first lien or encumbrance recorded by the department, the owner of the vehicle, as shown on the title certificate, or the person satisfying the lien is entitled to demand and receive from the lienholder a satisfaction of the lien. If the lienholder, upon satisfaction of the lien and upon demand, fails or refuses to furnish a satisfaction of the lien within 30 days after demand, he or she is liable for all costs, damages, and expenses, including reasonable attorney's fees, lawfully incurred by the titled owner or person satisfying the lien in any suit brought in this state for cancellation of the lien. The lienholder receiving final payment as defined in s. 674.215 shall mail or otherwise deliver a lien satisfaction and the certificate of title indicating the satisfaction within 10 working days after receipt of final payment or notify the person satisfying the lien that the title is not available within 10 working days after receipt of final payment. If the lienholder is unable to provide the certificate of title and notifies the person of such, the lienholder shall provide a lien satisfaction and is responsible for the cost of a duplicate title, including expedited title charges as provided in s. 317.0016. This paragraph does not apply to electronic transactions under subsection (8).

(b) Following satisfaction of a lien, the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If the certificate of title was retained by the owner, the owner shall, within 5 days after satisfaction of the lien, deliver the certificate of title to the lienholder and the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If no subsequent liens are shown on the certificate of title, the certificate shall be delivered by the lienholder to the person satisfying the lien or encumbrance and an executed satisfaction on a form provided by the department shall be forwarded to the department by the lienholder within 10 days after satisfaction of the lien.

(c) If the certificate of title shows a subsequent lien not then being discharged, an executed satisfaction of the first lien shall be delivered by the lienholder to the person satisfying the lien and the certificate of title showing satisfaction of the first lien shall be forwarded by the lienholder to the department within 10 days after satisfaction of the lien.

(d) If, upon receipt of a title certificate showing satisfaction of the first lien, the department determines from its records that there are no subsequent liens or encumbrances upon the vehicle, the department shall forward to the owner, as shown on the face of the title, a corrected certificate showing no liens or encumbrances. If there is a subsequent lien not being discharged, the certificate of title shall be reissued showing the second or subsequent lienholder as the first lienholder and shall be delivered to either the new first lienholder or to the owner as indicated in the notice of lien filed by the new first lienholder. If the certificate of title is to be retained by the first lienholder on the reissued certificate, the first lienholder is entitled to retain the certificate of title except as provided in subsection (4) until his or her lien is satisfied. Upon satisfaction of the lien, the lienholder is subject to the procedures required of a first lienholder by subsection (4) and this subsection.

(6) When the original certificate of title cannot be returned to the department by the lienholder and evidence satisfactory to the department is produced that all liens or encumbrances have been satisfied, upon application by the owner for a duplicate copy of the certificate upon the form prescribed by the department, accompanied by the fee prescribed in this chapter, a duplicate copy of the certificate of title, without statement of liens or encumbrances, shall be issued by the department and delivered to the owner.

(7) Any person who fails, within 10 days after receipt of a demand by the department by certified mail, to return a certificate of title to the department as required by subsection (4) or who, upon satisfaction of a lien, fails within 10 days after receipt of such demand to forward the appropriate document to the department as required by paragraph (5)(b) or paragraph (5)(c) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Notwithstanding any requirements in this section or in s. 319.27 indicating that a lien on a vehicle shall be noted on the face of the Florida certificate of title, if there are one or more liens or encumbrances on the off-highway vehicle, the department may electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions may be electronically transmitted to the department and must include the name and address of the person or entity satisfying the lien. When electronic transmission of liens and lien satisfactions are used, the issuance of a certificate of title may be waived until the last lien is satisfied and a clear certificate of title is issued to the owner of the vehicle.

(9) In sending any notice, the department is required to use only the last known address, as shown by its records.

Section 53. Section 317.0015, Florida Statutes, is created to read:

317.0015 Application of law.—Sections 319.235, 319.241, 319.25, 319.27, 319.28, and 319.40 apply to all off-highway vehicles that are required to be titled under this chapter.

Section 54. Section 317.0016, Florida Statutes, is created to read:

317.0016 Expedited service; applications; fees.—The department shall provide, through its agents and for use by the public, expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession. A fee of $7 shall be charged for this service, which is in addition to the fees imposed by ss. 317.0007 and 317.0008, and $3.50 of this fee shall be retained by the processing agency. All remaining fees shall be deposited in the Incidental Trust Fund of the Division of Forestry of the Department of Agriculture and Consumer Services. Application for expedited service may be made by mail or in person. The department shall issue each title applied for pursuant to this section within 5 working days after receipt of the application except for an application for a duplicate title certificate covered by s. 317.0008(3), in which case the title must be issued within 5 working days after compliance with the department's verification requirements.

Section 55. Section 317.0017, Florida Statutes, is created to read:

317.0017 Offenses involving vehicle identification numbers, applications, certificates, papers; penalty.—

(1) A person may not:

(a) Alter or forge any certificate of title to an off-highway vehicle or any assignment thereof or any cancellation of any lien on an off-highway vehicle.

(b) Retain or use such certificate, assignment, or cancellation knowing that it has been altered or forged.

(c) Procure or attempt to procure a certificate of title to an off-highway vehicle, or pass or attempt to pass a certificate of title or any assignment thereof to an off-highway vehicle, knowing or having reason to believe that the off-highway vehicle has been stolen.

(d) Possess, sell or offer for sale, conceal, or dispose of in this state an off-highway vehicle, or major component part thereof, on which any motor number or vehicle identification number affixed by the manufacturer or by a state agency has been destroyed, removed, covered, altered, or defaced, with knowledge of such destruction, removal, covering, alteration, or defacement, except as provided in s. 319.30(4).

(e) Use a false or fictitious name, give a false or fictitious address, or make any false statement in any application or affidavit required under this chapter or in a bill of sale or sworn statement of ownership or otherwise commit a fraud in any application.

(2) A person may not knowingly obtain goods, services, credit, or money by means of an invalid, duplicate, fictitious, forged, counterfeit, stolen, or unlawfully obtained certificate of title, registration, bill of sale, or other indicia of ownership of an off-highway vehicle.

(3) A person may not knowingly obtain goods, services, credit, or money by means of a certificate of title to an off-highway vehicle, which certificate is required by law to be surrendered to the department.

(4) A person may not knowingly and with intent to defraud have in his or her possession, sell, offer to sell, counterfeit, or supply a blank, forged, fictitious, counterfeit, stolen, or fraudulently or unlawfully obtained certificate of title, bill of sale, or other indicia of ownership of an off-highway vehicle or conspire to do any of the foregoing.

(5) A person, firm, or corporation may not knowingly possess, manufacture, sell or exchange, offer to sell or exchange, supply in blank, or give away any counterfeit manufacturer's or state-assigned identification number plates or serial plates or any decal used for the purpose of identifying an off-highway vehicle. An officer, agent, or employee of any person, firm, or corporation, or any person may not authorize, direct, aid in exchange, or give away, or conspire to authorize, direct, aid in exchange, or give away, such counterfeit manufacturer's or state-assigned identification number plates or serial plates or any decal. However, this subsection does not apply to any approved replacement manufacturer's or state-assigned identification number plates or serial plates or any decal issued by the department or any state.

(6) A person who violates any provision of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any off-highway vehicle used in violation of this section constitutes contraband that may be seized by a law enforcement agency and that is subject to forfeiture proceedings pursuant to ss. 932.701-932.704. This section is not exclusive of any other penalties prescribed by any existing or future laws for the larceny or unauthorized taking of off-highway vehicles, but is supplementary thereto.

Section 56. Section 317.0018, Florida Statutes, is created to read:

317.0018 Transfer without delivery of certificate; operation or use without certificate; failure to surrender; other violations.—Except as otherwise provided in this chapter, any person who:

(1) Purports to sell or transfer an off-highway vehicle without delivering to the purchaser or transferee of the vehicle a certificate of title to the vehicle duly assigned to the purchaser as provided in this chapter;

(2) Operates or uses in this state an off-highway vehicle for which a certificate of title is required without the certificate having been obtained in accordance with this chapter, or upon which the certificate of title has been canceled;

(3) Fails to surrender a certificate of title upon cancellation of the certificate by the department and notice thereof as prescribed in this chapter;

(4) Fails to surrender the certificate of title to the department as provided in this chapter in the case of the destruction, dismantling, or change of an off-highway vehicle in such respect that it is not the off-highway vehicle described in the certificate of title; or

(5) Violates any other provision of this chapter or a lawful rule adopted pursuant to this chapter;

shall be fined not more than $500 or imprisoned for not more than 6 months, or both, for each offense, unless otherwise specified.

Section 57. Subsections (7), (9), and (10) of section 318.14, Florida Statutes, are amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(7)*(a)* The official having jurisdiction over the infraction shall certify to the department within 10 days after payment of the civil penalty that the defendant has admitted to the infraction. If the charge results in a hearing, the official having jurisdiction shall certify to the department the final disposition within 10 days *after* ~~of~~ the hearing. *All dispositions returned to the county requiring a correction shall be resubmitted to the department within 10 days after the notification of the error.*

(b) If the official having jurisdiction over the traffic infraction submits the final disposition to the department more than 180 days after the final hearing or after payment of the civil penalty, the department may modify any resulting suspension or revocation action to begin as if the citation were reported in a timely manner.

(9) Any person who *does not hold a commercial driver's license and who* is cited for an infraction under this section other than a violation of s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld; points, as provided by s. 322.27, may not be assessed; and the civil penalty that is imposed by s. 318.18(3) must be reduced by 18 percent; however, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may make no more than five elections under this subsection. The requirement for community service under s. 318.18(8) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court.

(10)(a) Any person *who does not hold a commercial driver's license and who is* cited for an offense listed under this subsection may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, no election shall be made under this subsection if such person has made an election under this subsection in the 12 months preceding election hereunder. No person may make more

than three elections under this subsection. This subsection applies to the following offenses:

1. Operating a motor vehicle without a valid driver's license in violation of the provisions of s. 322.03, s. 322.065, or s. 322.15(1), or operating a motor vehicle with a license which has been suspended for failure to appear, failure to pay civil penalty, or failure to attend a driver improvement course pursuant to s. 322.291.

2. Operating a motor vehicle without a valid registration in violation of s. 320.0605, s. 320.07, or s. 320.131.

3. Operating a motor vehicle in violation of s. 316.646.

(b) Any person cited for an offense listed in this subsection shall present proof of compliance prior to the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver's license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of $22, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of $7. One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Twelve dollars of such costs shall be distributed to the municipality and $8 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund. This subsection shall not be construed to authorize the operation of a vehicle without a valid driver's license, without a valid vehicle tag and registration, or without the maintenance of required security.

Section 58. Subsection (6) of section 319.23, Florida Statutes, is amended to read:

319.23 Application for, and issuance of, certificate of title.—

(6) In the case of the sale of a motor vehicle or mobile home by a licensed dealer to a general purchaser, the certificate of title shall be obtained in the name of the purchaser by the dealer upon application signed by the purchaser, and in each other case such certificate shall be obtained by the purchaser. In each case of transfer of a motor vehicle or mobile home, the application for certificate of title, or corrected certificate, or assignment or reassignment, shall be filed within 30 days from the delivery of such motor vehicle or mobile home to the purchaser. An applicant shall be required to pay a fee of $10, in addition to all other fees and penalties required by law, for failing to file such application within the specified time. *When a licensed dealer acquires a motor vehicle or mobile home as a trade-in, the dealer must file with the department, within 30 days, a notice of sale signed by the seller. The department shall update its database for that title record to indicate "sold."* A licensed dealer need not apply for a certificate of title for any motor vehicle or mobile home in stock acquired for stock purposes except as provided in s. 319.225.

Section 59. Subsections (2) and (3) of section 319.27, Florida Statutes, are amended to read:

319.27 Notice of lien on motor vehicles or mobile homes; notation on certificate; recording of lien.—

(2) No lien for purchase money or as security for a debt in the form of a security agreement, retain title contract, conditional bill of sale, chattel mortgage, or other similar instrument or any other nonpossessory lien, including a lien for child support, upon a motor vehicle or mobile home upon which a Florida certificate of title has been issued shall be enforceable in any of the courts of this state against creditors or subsequent purchasers for a valuable consideration and without notice, unless a sworn notice of such lien has been filed in the department and such lien has been noted upon the certificate of title of the motor vehicle or mobile home. Such notice shall be effective as constructive notice when filed. No interest of a statutory nonpossessory lienor; the interest of a nonpossessory execution, attachment, or equitable lienor; or the interest of a lien creditor as defined in *s. 679.1021(1)(zz)* ~~s. 679.301(3)~~, if nonpossessory, shall be enforceable against creditors or subsequent purchasers for a valuable consideration unless such interest becomes a possessory lien or is noted upon the certificate of title for the subject motor vehicle or mobile home prior to the occurrence of the subsequent transaction. Provided the provisions of this subsection relating to a nonpossessory statutory lienor; a nonpossessory execution, attachment, or equitable lienor; or the interest of a lien creditor as defined in *s. 679.1021(1)(zz)* ~~s. 679.301(3)~~ shall not apply to liens validly perfected prior to October 1, 1988. The notice of lien shall provide the following information:

(a) The date of the lien if a security agreement, retain title contract, conditional bill of sale, chattel mortgage, or other similar instrument was executed prior to the filing of the notice of lien;

(b) The name and address of the registered owner;

(c) A description of the motor vehicle or mobile home, showing the make, type, and vehicle identification number; and

(d) The name and address of the lienholder.

(3)(a) A person may file a notice of lien with regard to a motor vehicle or mobile home before a security agreement, retain title contract, conditional bill of sale, chattel mortgage, or other similar instrument is executed granting a lien, mortgage, or encumbrance on, or a security interest in, such motor vehicle or mobile home.

(b) As applied to a determination of the respective rights of a secured party under this chapter and a lien creditor as defined by *s. 679.1021(1)(zz)* ~~s. 679.301(3)~~, or a nonpossessory statutory lienor, a security interest under this chapter shall be perfected upon the filing of the notice of lien with the department, the county tax collector, or their agents. Provided, however, the date of perfection of a security interest of such secured party shall be the same date as the execution of the security agreement or other similar instrument if the notice of lien is filed in accordance with this subsection within 15 days after the debtor receives possession of the motor vehicle or mobile home and executes such security agreement or other similar instrument. The date of filing of the notice of lien shall be the date of its receipt by the department central office in Tallahassee, if first filed there, or otherwise by the office of the county tax collector, or their agents.

Section 60. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b) Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 5-year period. At the end of said 5-year period, upon renewal, the plate shall be replaced. The fee for such replacement shall be $10, $2 of which shall be paid each year before the plate is replaced, to be credited towards the next $10 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund shall not be given for any prior years' payments of such prorated replacement fee when the plate is replaced or surrendered before the end of the 5-year period*, except that a credit may be given when a registrant is required by the department to replace a license plate under s. 320.08056(8)(a)*. With each license plate, there shall be issued a validation sticker showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker is to be placed on the upper right corner of the license plate. Such license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period shall be a period of 12 months, and all expirations shall occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

Section 61. Section 320.0601, Florida Statutes, is amended to read:

320.0601 *Lease and* rental car companies; identification of vehicles as for-hire.—

(1) A rental car company may not rent in this state any for-hire vehicle, other than vehicles designed to transport cargo, that has affixed to its exterior any bumper stickers, insignias, or advertising that identifies the vehicle as a rental vehicle.

(2) As used in this section, the term:

(a) "Bumper stickers, insignias, or advertising" does not include:

1. Any emblem of no more than two colors which is less than 2 inches by 4 inches, which is placed on the rental car for inventory purposes only, and which does not display the name or logo of the rental car company; or

2. Any license required by the law of the state in which the vehicle is registered.

(b) "Rent in this state" means to sign a rental contract in this state or to deliver a car to a renter in this state.

(3) A rental car company that leases a motor vehicle that is found to be in violation of this section shall be punished by a fine of $500 per occurrence.

(4) Any registration or renewal as required under s. 320.02 for an original or transfer of a long-term leased motor vehicle must be in the name and address of the lessee.

Section 62. Section 320.0605, Florida Statutes, is amended to read:

320.0605 Certificate of registration; possession required; exception.—The registration certificate or an official copy thereof, a true copy of a rental or lease agreement issued for a motor vehicle or issued for a replacement vehicle in the same registration period, a temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet, or a cab card issued for a vehicle registered under the International Registration Plan shall, at all times while the vehicle is being used or operated on the roads of this state, be in the possession of the operator thereof or be carried in the vehicle for which issued and shall be exhibited upon demand of any authorized law enforcement officer or any agent of the department*, except for a vehicle registered under s. 320.0657*. The provisions of this section do not apply during the first 30 days after purchase of a replacement vehicle. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 63. Section 320.0843, Florida Statutes, is amended to read:

320.0843 License plates for persons with disabilities eligible for permanent disabled parking permits.—

(1) Any owner or lessee of a motor vehicle who resides in this state and qualifies for a disabled parking permit under s. 320.0848(2), upon application to the department and payment of the license tax for a motor vehicle registered under s. 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or (9)(c) or (d), shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial number prescribed by s. 320.06, shall be stamped with the international wheelchair user symbol after the serial number of the license plate. The license plate entitles the person to all privileges afforded by a parking permit issued under s. 320.0848. *When more that one registrant is listed on the registration issued under this section, the eligible applicant shall be noted on the registration certificate.*

(2) All applications for such license plates must be made to the department.

Section 64. Subsection (8) is added to section 320.131, Florida Statutes, to read:

320.131 Temporary tags.—

(8) The department may administer an electronic system for licensed motor vehicle dealers to use in issuing temporary license plates. Upon issuing a temporary license plate, the dealer shall access the electronic system and enter the appropriate vehicle and owner information within the timeframe specified by department rule. If a dealer fails to comply with the department's requirements for issuing temporary license plates using the electronic system, the department may deny, suspend, or revoke a license under s. 320.27(9)(b)16. upon proof that the licensee has failed to comply with the department's requirements. The department may adopt rules to administer this section.

Section 65. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state, until the tax for such period or periods is paid. The department may cancel any *vehicle or vessel registration, driver's license, identification card,* ~~license plate~~ or fuel-use tax decal if the owner pays for the *vehicle or vessel registration, driver's license, identification card, or* ~~license plate,~~ fuel-use tax decal*; pays any administrative, delinquency, or reinstatement fee;* ~~,~~ or *pays* any tax liability, penalty, or interest specified in chapter 207 by a dishonored check, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation Motor Carrier Compliance Office. The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Section 66. Paragraph (a) of subsection (4), subsection (6), and paragraph (b) of subsection (9) of section 320.27, Florida Statutes, are amended to read:

320.27 Motor vehicle dealers.—

(4) LICENSE CERTIFICATE.—

(a) A license certificate shall be issued by the department in accordance with such application when the application is regular in form and in compliance with the provisions of this section. The license certificate may be in the form of a document or a computerized card as determined by the department. The actual cost of each original, additional, or replacement computerized card shall be borne by the licensee and is in addition to the fee for licensure. Such license, when so issued, entitles the licensee to carry on and conduct the business of a motor vehicle dealer. Each license issued to a franchise motor vehicle dealer expires annually on December 31 unless revoked or suspended prior to that date. Each license issued to an independent or wholesale dealer or auction expires annually on April 30 unless revoked or suspended prior to that date. Not less than 60 days prior to the license expiration date, the department shall deliver or mail to each licensee the necessary renewal forms. *Each independent dealer shall certify that the dealer principal (owner, partner, officer of the corporation, or director) has completed 8 hours of continuing education prior to filing the renewal forms with the department. Such certification shall be filed once every 2 years commencing with the 2006 renewal period. The continuing education shall include at least 2 hours of legal or legislative issues, 1 hour of department issues, and 5 hours of relevant motor vehicle industry topics. Continuing education shall be provided by dealer schools licensed under paragraph (b) either in a classroom setting or by correspondence. Such schools shall provide certificates of completion to the department and the customer which shall be filed with the license renewal form, and such schools may charge a fee for providing continuing education.* Any licensee who does not file his or her application and fees and any other requisite documents, as required by law, with the department at least 30 days prior to the license expiration date shall cease to engage in business as a motor vehicle dealer on the license expiration date. A renewal filed with the department within 45 days after the expiration date shall be accompanied by a delinquent fee of $100. Thereafter, a new application is required, accompanied by the initial license fee. A license certificate duly issued by the department may be modified by endorsement to show a change in the name of the licensee, provided, as shown by affidavit of the licensee, the majority ownership interest of the licensee has not changed or the name of the person appearing as franchisee on the sales and service agreement has not changed. Modification of a license certificate to show any name change as herein provided shall not require initial licensure or reissuance of dealer tags; however, any dealer obtaining a

name change shall transact all business in and be properly identified by that name. All documents relative to licensure shall reflect the new name. In the case of a franchise dealer, the name change shall be approved by the manufacturer, distributor, or importer. A licensee applying for a name change endorsement shall pay a fee of $25 which fee shall apply to the change in the name of a main location and all additional locations licensed under the provisions of subsection (5). Each initial license application received by the department shall be accompanied by verification that, within the preceding 6 months, the applicant, or one or more of his or her designated employees, has attended a training and information seminar conducted by *a licensed motor vehicle dealer training school* ~~the department~~. Such seminar shall include, but is not limited to, statutory dealer requirements, which requirements include required bookkeeping and recordkeeping procedures, requirements for the collection of sales and use taxes, and such other information that in the opinion of the department will promote good business practices. No seminar may exceed 8 hours in length.

(6) RECORDS TO BE KEPT BY LICENSEE.—Every licensee shall keep a book or record in such form as shall be prescribed or approved by the department *for a period of 5 years*, in which the licensee shall keep a record of the purchase, sale, or exchange, or receipt for the purpose of sale, of any motor vehicle, the date upon which any temporary tag was issued, the date of title transfer, and a description of such motor vehicle together with the name and address of the seller, the purchaser, and the alleged owner or other person from whom such motor vehicle was purchased or received or to whom it was sold or delivered, as the case may be. Such description shall include the identification or engine number, maker's number, if any, chassis number, if any, and such other numbers or identification marks as may be thereon and shall also include a statement that a number has been obliterated, defaced, or changed, if such is the fact.

(9) DENIAL, SUSPENSION, OR REVOCATION.—

(b) The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771 upon proof that a licensee has committed, with sufficient frequency so as to establish a pattern of wrongdoing on the part of a licensee, violations of one or more of the following activities:

1. Representation that a demonstrator is a new motor vehicle, or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a demonstrator. For the purposes of this section, a "demonstrator," a "new motor vehicle," and a "used motor vehicle" shall be defined as under s. 320.60.

2. Unjustifiable refusal to comply with a licensee's responsibility under the terms of the new motor vehicle warranty issued by its respective manufacturer, distributor, or importer. However, if such refusal is at the direction of the manufacturer, distributor, or importer, such refusal shall not be a ground under this section.

3. Misrepresentation or false, deceptive, or misleading statements with regard to the sale or financing of motor vehicles which any motor vehicle dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised, or made in any manner with regard to the sale or financing of motor vehicles.

4. Failure by any motor vehicle dealer to provide a customer or purchaser with an odometer disclosure statement and a copy of any bona fide written, executed sales contract or agreement of purchase connected with the purchase of the motor vehicle purchased by the customer or purchaser.

5. Failure of any motor vehicle dealer to comply with the terms of any bona fide written, executed agreement, pursuant to the sale of a motor vehicle.

6. Failure to apply for transfer of a title as prescribed in s. 319.23(6).

7. Use of the dealer license identification number by any person other than the licensed dealer or his or her designee.

8. Failure to continually meet the requirements of the licensure law.

9. Representation to a customer or any advertisement to the public representing or suggesting that a motor vehicle is a new motor vehicle if such vehicle lawfully cannot be titled in the name of the customer or other member of the public by the seller using a manufacturer's statement of origin as permitted in s. 319.23(1).

10. Requirement by any motor vehicle dealer that a customer or purchaser accept equipment on his or her motor vehicle which was not ordered by the customer or purchaser.

11. Requirement by any motor vehicle dealer that any customer or purchaser finance a motor vehicle with a specific financial institution or company.

12. Requirement by any motor vehicle dealer that the purchaser of a motor vehicle contract with the dealer for physical damage insurance.

13. Perpetration of a fraud upon any person as a result of dealing in motor vehicles, including, without limitation, the misrepresentation to any person by the licensee of the licensee's relationship to any manufacturer, importer, or distributor.

14. Violation of any of the provisions of s. 319.35 by any motor vehicle dealer.

15. Sale by a motor vehicle dealer of a vehicle offered in trade by a customer prior to consummation of the sale, exchange, or transfer of a newly acquired vehicle to the customer, unless the customer provides written authorization for the sale of the trade-in vehicle prior to delivery of the newly acquired vehicle.

16. Willful failure to comply with any administrative rule adopted by the department *or the provisions of s. 320.131(8)*.

17. Violation of chapter 319, this chapter, or ss. 559.901-559.9221, which has to do with dealing in or repairing motor vehicles or mobile homes. Additionally, in the case of used motor vehicles, the willful violation of the federal law and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the consumer sales window form.

Section 67. Subsections (8), (10), and (29) of section 322.01, Florida Statutes, are amended to read:

322.01 Definitions.—As used in this chapter:

(8) "Commercial motor vehicle" means any motor vehicle or motor vehicle combination used on the streets or highways, which:

(a) Has a gross vehicle weight rating of 26,001 pounds or more;

~~(b) Has a declared weight of 26,001 pounds or more;~~

~~(c) Has an actual weight of 26,001 pounds or more;~~

(b)~~(d)~~ Is designed to transport more than 15 persons, including the driver; or

(c)~~(e)~~ Is transporting hazardous materials and is required to be placarded in accordance with Title 49 C.F.R. part 172, subpart F.

(10)*(a)* "Conviction" means a conviction of an offense relating to the operation of motor vehicles on highways which is a violation of this chapter or any other such law of this state or any other state, including an admission or determination of a noncriminal traffic infraction pursuant to s. 318.14, or a judicial disposition of an offense committed under any federal law substantially conforming to the aforesaid state statutory provisions.

(b) Notwithstanding any other provisions of this chapter, the definition of "conviction" provided in 49 C.F.R. part 383.5 applies to offenses committed in a commercial motor vehicle.

(29) "Out-of-service order" means a prohibition *issued by an authorized local, state, or Federal Government official which* ~~that~~ precludes a person from driving a commercial motor vehicle for a period of 72 hours or less.

Section 68. Subsections (4) and (10) of section 322.05, Florida Statutes, are amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(4) Except as provided by this subsection, to any person, as a Class A licensee, Class B licensee, *or* Class C licensee, ~~or Class D licensee,~~ who is under the age of 18 years. ~~A person age 16 or 17 years who applies for a Class D driver's license is subject to all the requirements and provisions of paragraphs (2)(a) and (b) and ss. 322.09 and 322.16(2) and (3). The department may require of any such applicant for a Class D driver's license such examination of the qualifications of the applicant as the department considers proper, and the department may limit the use of any license granted as it considers proper.~~

(10) To any person, when the department has good cause to believe that the operation of a motor vehicle on the highways by such person would be detrimental to public safety or welfare. Deafness alone shall not prevent the person afflicted from being issued a ~~Class D or~~ Class E driver's license.

Section 69. Paragraph (a) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 322.051, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

322.051 Identification cards.—

(1) Any person who is 12 years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit under s. 320.0848, may be issued an identification card by the department upon completion of an application and payment of an application fee.

(a) Each such application shall include the following information regarding the applicant:

1. Full name (first, middle or maiden, and last), gender, social security card number, county of residence and mailing address, country of birth, and a brief description.

2. Proof of birth date satisfactory to the department.

3. Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

a. A driver's license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under sub-subparagraph b., sub-subparagraph c., sub-subparagraph d., sub-subparagraph e., ~~or~~ sub-subparagraph f.*, or sub-subparagraph g.*;

b. A certified copy of a United States birth certificate;

c. A ~~valid~~ United States passport;

d. A naturalization certificate issued by the United States Department of Homeland Security;

e.~~d.~~ An alien registration receipt card (green card);

f.~~e.~~ An employment authorization card issued by the United States Department of Homeland Security; or

g.~~f.~~ Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original identification card. In order to prove such nonimmigrant classification, applicants may produce but are not limited to the following documents:

(I) A notice of hearing from an immigration court scheduling a hearing on any proceeding.

(II) A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.

(III) Notice of the approval of an application for adjustment of status issued by the United States Bureau of Citizenship and Immigration Services.

(IV) Any official documentation confirming the filing of a petition for asylum status or any other relief issued by the United States Bureau of Citizenship and Immigration Services.

(V) Notice of action transferring any pending matter from another jurisdiction to Florida, issued by the United States Bureau of Citizenship and Immigration Services.

(VI) Order of an immigration judge or immigration officer granting any relief that authorizes the alien to live and work in the United States including, but not limited to asylum.

Presentation of any of the ~~foregoing~~ documents *described in sub-subparagraph f. or sub-subparagraph g. entitles* ~~shall entitle~~ the applicant to *an identification card* ~~a driver's license or temporary permit~~ for a period not to exceed the expiration date of the document presented or 2 years, whichever first occurs.

(2)

(b) Notwithstanding any other provision of this chapter, if an applicant establishes his or her identity for an identification card using a document authorized under sub-subparagraph *(1)(a)3.e.* ~~(1)(a)3.d.~~, the identification card shall expire on the fourth birthday of the applicant following the date of original issue or upon first renewal or duplicate issued after implementation of this section. After an initial showing of such documentation, he or she is exempted from having to renew or obtain a duplicate in person.

(c) Notwithstanding any other provisions of this chapter, if an applicant establishes his or her identity for an identification card using an identification document authorized under *sub-subparagraph (1)(a)3.f. or sub-subparagraph (1)(a)3.g.* ~~sub-subparagraphs (1)(a)3.e.-f.~~, the identification card shall expire 2 years after the date of issuance or upon the expiration date cited on the United States Department of Homeland Security documents, whichever date first occurs, and may not be renewed or obtain a duplicate except in person.

(8) The department shall, upon receipt of the required fee, issue to each qualified applicant for an identification card a color photographic or digital image identification card bearing a fullface photograph or digital image of the identification cardholder. Notwithstanding chapter 761 or s. 761.05, the requirement for a fullface photograph or digital image of the identification cardholder may not be waived. A space shall be provided upon which the identification cardholder shall affix his or her usual signature, as required in s. 322.14, in the presence of an authorized agent of the department so as to ensure that such signature becomes a part of the identification card.

Section 70. Subsections (2) and (3) of section 322.07, Florida Statutes, are amended to read:

322.07 Instruction permits and temporary licenses.—

(2) The department may, in its discretion, issue a temporary permit to an applicant for a ~~Class D or~~ Class E driver's license permitting him or her to operate a motor vehicle of the type for which a ~~Class D or~~ Class E driver's license is required while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in his or her immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

(3) Any person who, except for his or her lack of instruction in operating a ~~Class D or~~ commercial motor vehicle, would otherwise be qualified to obtain a ~~Class D or~~ commercial driver's license under this chapter, may apply for a ~~temporary Class D or~~ temporary commercial instruction permit. The department shall issue such a permit entitling the applicant, while having the permit in his or her immediate possession, to drive a ~~Class D or~~ commercial motor vehicle on the highways, provided that:

(a) The applicant possesses a valid driver's license issued in any state; and

(b) The applicant, while operating a ~~Class D or~~ commercial motor vehicle, is accompanied by a licensed driver who is 21 years of age or older, who is licensed to operate the class of vehicle being operated, and who is actually occupying the closest seat to the right of the driver.

Section 71. Subsection (2) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license.—

(2) Each such application shall include the following information regarding the applicant:

(a) Full name (first, middle or maiden, and last), gender, social security card number, county of residence and mailing address, country of birth, and a brief description.

(b) Proof of birth date satisfactory to the department.

(c) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

1. A driver's license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6.*, or subparagraph 7.*;

2. A certified copy of a United States birth certificate;

3. A ~~valid~~ United States passport;

4. A naturalization certificate issued by the United States Department of Homeland Security;

5.~~4.~~ An alien registration receipt card (green card);

6.~~5.~~ An employment authorization card issued by the United States Department of Homeland Security; or

7.~~6.~~ Proof of nonimmigrant classification provided by the United States Department of Homeland Security*, for an original driver's license. In order to prove nonimmigrant classification, an applicant may produce the following documents, including, but not limited to:*

a. A notice of hearing from an immigration court scheduling a hearing on any proceeding.

b. A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.

c. A notice of the approval of an application for adjustment of status issued by the United States Immigration and Naturalization Service.

d. Any official documentation confirming the filing of a petition for asylum status or any other relief issued by the United States Immigration and Naturalization Service.

e. A notice of action transferring any pending matter from another jurisdiction to this state issued by the United States Immigration and Naturalization Service.

f. An order of an immigration judge or immigration officer granting any relief that authorizes the alien to live and work in the United States, including, but not limited to, asylum.

Presentation of any of the documents in subparagraph 6. or subparagraph 7. entitles the applicant to a driver's license or temporary permit for a period not to exceed the expiration date of the document presented or 2 years, whichever occurs first.

(d) Whether the applicant has previously been licensed to drive, and, if so, when and by what state, and whether any such license or driving privilege has ever been disqualified, revoked, or suspended, or whether an application has ever been refused, and, if so, the date of and reason for such disqualification, suspension, revocation, or refusal.

(e) Each such application may include fingerprints and other unique biometric means of identity.

Section 72. Paragraph (a) of subsection (1) of section 322.09, Florida Statutes, is amended to read:

322.09 Application of minors; responsibility for negligence or misconduct of minor.—

(1)(a) The application of any person under the age of 18 years for a driver's license must be signed and verified before a person authorized to administer oaths by the father, mother, or guardian*; by a secondary guardian if the primary guardian dies before the minor reaches 18 years of age;*~~,~~ or, if there is no parent or guardian, by another responsible adult who is willing to assume the obligation imposed under this chapter upon a person signing the application of a minor. This section does not apply to a person under the age of 18 years who is emancipated by marriage.

Section 73. Section 322.11, Florida Statutes, is amended to read:

322.11 Revocation of license upon death of person signing minor's application.—The department, upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license, shall*, 90 days after giving written notice to the minor,* cancel such license and *may* ~~shall~~ not issue a new license until ~~such time as~~ the new application, ~~duly~~ signed and verified, is made as required by this chapter. This provision *does* ~~shall~~ not apply *if* ~~in the event~~ the minor has attained the age of 18 years.

Section 74. Subsection (3) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.—

(3) For an applicant for a ~~Class D or a~~ Class E driver's license, such examination shall include a test of the applicant's eyesight given by the driver's license examiner designated by the department or by a licensed ophthalmologist, optometrist, or physician and a test of the applicant's hearing given by a driver's license examiner or a licensed physician. The examination shall also include a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; and his or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

Section 75. Subsections (1) and (4) of section 322.135, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

322.135 Driver's license agents.—

(1) The department may, upon application, authorize any or all of the tax collectors in the several counties of the state, subject to the requirements of law, in accordance with rules of the department, to serve as its agent for the provision of specified driver's license services.

(a) These services shall be limited to the issuance of driver's licenses and identification cards as authorized by this chapter.

(b) Each tax collector who is authorized by the department to provide driver's license services shall bear all costs associated with providing those services.

(c) A fee of $5.25 is to be charged, in addition to the fees set forth in this chapter, for any driver's license issued or renewed by a tax collector. ~~One dollar of the $5.25 fee must be deposited into the Highway Safety Operating Trust Fund.~~

(4) A tax collector may not issue or renew a driver's license if he or she has any reason to believe that the licensee or prospective licensee is physically or mentally unqualified to operate a motor vehicle. The tax collector *may* ~~shall~~ direct any such licensee to the department for examination or reexamination under s. 322.221.

(9) Notwithstanding chapter 116, each county officer within this state who is authorized to collect funds provided for in this chapter shall pay all sums officially received by the officer into the State Treasury no later than 5 working days after the close of the business day in which the officer received the funds. Payment by county officers to the state shall be made by means of electronic funds transfers.

Section 76. Subsection (1) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(1) The department shall, upon receipt of the required fee, issue to each qualified applicant for *a* ~~an original~~ driver's license a color photographic or digital imaged driver's license bearing a fullface photograph or digital image of the licensee. *Notwithstanding chapter 761 or s. 761.05, the requirement for a fullface photograph or digital image of the licensee may not be waived.* A space shall be provided upon which the licensee shall affix his or her usual signature, as required in s. 322.14,

in the presence of an authorized agent of the department so as to ensure that such signature becomes a part of the license.

Section 77. Paragraph (a) of subsection (1) and subsection (2) of section 322.161, Florida Statutes, are amended to read:

322.161 High-risk drivers; restricted licenses.—

(1)(a) Notwithstanding any provision of law to the contrary, the department shall restrict the driving privilege of any ~~Class D or~~ Class E licensee who is age 15 through 17 and who has accumulated six or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period.

~~(2)(a) Any Class E licensee who is age 15 through 17 and who has accumulated six or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period shall not be eligible to obtain a Class D license for a period of no less than 1 year. The period of ineligibility shall begin on the date of conviction for the violation that results in the licensee's accumulation of six or more points.~~

~~(b) The period of ineligibility shall automatically expire after 1 year if the licensee does not accumulate any additional points. If the licensee accumulates any additional points, then the period of ineligibility shall be extended 90 days for each point. The period of ineligibility shall also automatically expire upon the licensee's 18th birthday if no other grounds for ineligibility exist.~~

Section 78. Subsection (3) of section 322.17, Florida Statutes, is amended to read:

322.17 Duplicate and replacement certificates.—

(3) Notwithstanding any other provisions of this chapter, if a licensee establishes his or her identity for a driver's license using an identification document authorized under *s. 322.08(2)(c)6. or 7.* ~~s. 322.08(2)(e)5. 6.~~, the licensee may not obtain a duplicate or replacement instruction permit or driver's license except in person and upon submission of an identification document authorized under *s. 322.08(2)(c)6. or 7* ~~s. 322.08(2)(e)5. 6~~.

Section 79. Subsections (2) and (4) of section 322.18, Florida Statutes, are amended to read:

322.18 Original applications, licenses, and renewals; expiration of licenses; delinquent licenses.—

(2) Each applicant who is entitled to the issuance of a driver's license, as provided in this section, shall be issued a driver's license, as follows:

(a) An applicant applying for an original issuance shall be issued a driver's license which expires at midnight on the licensee's birthday which next occurs on or after the sixth anniversary of the date of issue.

(b) An applicant applying for a renewal issuance or renewal extension shall be issued a driver's license or renewal extension sticker which expires at midnight on the licensee's birthday which next occurs 4 years after the month of expiration of the license being renewed, except that a driver whose driving record reflects no convictions for the preceding 3 years shall be issued a driver's license or renewal extension sticker which expires at midnight on the licensee's birthday which next occurs 6 years after the month of expiration of the license being renewed.

(c) Notwithstanding any other provision of this chapter, if an applicant establishes his or her identity for a driver's license using a document authorized under *s. 322.08(2)(c)5.* ~~s. 322.08(2)(e)4.~~, the driver's license shall expire in accordance with paragraph (b). After an initial showing of such documentation, he or she is exempted from having to renew or obtain a duplicate in person.

(d) Notwithstanding any other provision of this chapter, if applicant establishes his or her identity for a driver's license using a document authorized in *s. 322.08(2)(c)6. or 7.* ~~s. 322.08(2)(e)5. or 6.~~, the driver's license shall expire *2* 4 years after the date of issuance or upon the expiration date cited on the United States Department of Homeland Security documents, whichever date first occurs.

(e) Notwithstanding any other provision of this chapter, an applicant applying for an original or renewal issuance of a commercial driver's license as defined in s. 322.01(7), with a hazardous-materials endorsement, pursuant to s. 322.57(1)(e), shall be issued a driver's license that expires at midnight on the licensee's birthday that next occurs 4 years after the month of expiration of the license being issued or renewed.

(4)(a) Except as otherwise provided in this chapter, all licenses shall be renewable every 4 years or 6 years, depending upon the terms of issuance and shall be issued or extended upon application, payment of the fees required by s. 322.21, and successful passage of any required examination, unless the department has reason to believe that the licensee is no longer qualified to receive a license.

(b) Notwithstanding any other provision of this chapter, if an applicant establishes his or her identity for a driver's license using a document authorized under *s. 322.08(2)(c)5.* ~~s. 322.08(2)(e)4.~~, the license, upon an initial showing of such documentation, is exempted from having to renew or obtain a duplicate in person, unless the renewal or duplication coincides with the periodic reexamination of a driver as required pursuant to s. 322.121.

(c) Notwithstanding any other provision of this chapter, if a licensee establishes his or her identity for a driver's license using an identification document authorized under *s. 322.08(2)(c)6. or 7.* ~~s. 322.08(2)(e)5. or 6.~~, the licensee may not renew the driver's license except in person and upon submission of an identification document authorized under *s. 322.08(2)(c)6. or 7* ~~s. 322.08(2)(e)4. 6~~. A driver's license renewed under this paragraph expires 4 years after the date of issuance or upon the expiration date cited on the United States Department of Homeland Security documents, whichever date first occurs.

Section 80. Subsection (4) of section 322.19, Florida Statutes, is amended to read:

322.19 Change of address or name.—

(4) Notwithstanding any other provision of this chapter, if a licensee established his or her identity for a driver's license using an identification document authorized under *s. 322.08(2)(c)6. or 7.* ~~s. 322.08(2)(e)5. 6.~~, the licensee may not change his or her name or address except in person and upon submission of an identification document authorized under *s. 322.08(2)(c)6. or 7* ~~s. 322.08(2)(e)4. 6~~.

Section 81. Subsection (1) of section 322.21, Florida Statutes, is amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(1) Except as otherwise provided herein, the fee for:

(a) An original or renewal commercial driver's license is $50, which shall include the fee for driver education provided by s. 1003.48; however, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires the commercial license, the fee shall be the same as for a Class E driver's license. A delinquent fee of $1 shall be added for a renewal made not more than 12 months after the license expiration date.

(b) An original ~~Class D or~~ Class E driver's license is $20, which shall include the fee for driver's education provided by s. 1003.48; however, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires a commercial driver license, the fee shall be the same as for a Class E license.

(c) The renewal or extension of a ~~Class D or~~ Class E driver's license or of a license restricted to motorcycle use only is $15, except that a delinquent fee of $1 shall be added for a renewal or extension made not more than 12 months after the license expiration date. The fee provided in this paragraph shall include the fee for driver's education provided by s. 1003.48.

(d) An original driver's license restricted to motorcycle use only is $20, which shall include the fee for driver's education provided by s. 1003.48.

(e) Each endorsement required by s. 322.57 is $5.

(f) A hazardous-materials endorsement, as required by s. 322.57(1)(d), shall be set by the department by rule and shall reflect the

cost of the required criminal history check, including the cost of the state and federal fingerprint check, and the cost to the department of providing and issuing the license. The fee shall not exceed $100. This fee shall be deposited in the Highway Safety Operating Trust Fund. The department may adopt rules to administer this section.

Section 82. Present subsection (7) of section 322.212, Florida Statutes, is redesignated as subsection (8), and a new subsection (7) is added to that section, to read:

322.212 Unauthorized possession of, and other unlawful acts in relation to, driver's license or identification card.—

(7) In addition to any other penalties provided by this section, any person who provides false information when applying for a commercial driver's license shall be disqualified from operating a commercial motor vehicle for a period of 60 days.

Section 83. Subsection (1) of section 322.22, Florida Statutes, is amended to read:

322.22 Authority of department to cancel license.—

(1) The department is authorized to cancel any driver's license, upon determining that the licensee was not entitled to the issuance thereof, or that the licensee failed to give the required or correct information in his or her application or committed any fraud in making such application, or that the licensee has two or more licenses on file with the department, each in a different name but bearing the photograph of the licensee, unless the licensee has complied with the requirements of this chapter in obtaining the licenses. The department may cancel any driver's license*, identification card, vehicle or vessel registration, or fuel-use decal* if the licensee fails to pay the correct fee or pays for the *driver's* license*, identification card, vehicle or vessel registration, or fuel-use decal; pays any tax liability, penalty, or interest specified in chapter 207;* or pays any administrative, delinquency, or reinstatement fee by a dishonored check.

Section 84. Subsections (4) and (5) of section 322.251, Florida Statutes, are amended to read:

322.251 Notice of cancellation, suspension, revocation, or disqualification of license.—

(4) A person whose privilege to operate a commercial motor vehicle is temporarily disqualified may, upon surrendering his or her commercial driver's license, be issued a ~~Class D or~~ Class E driver's license, valid for the length of his or her unexpired commercial driver's license, at no cost. Such person may, upon the completion of his or her disqualification, be issued a commercial driver's license, of the type disqualified, for the remainder of his or her unexpired license period. Any such person shall pay the reinstatement fee provided in s. 322.21 before being issued a commercial driver's license.

(5) A person whose privilege to operate a commercial motor vehicle is permanently disqualified may, upon surrendering his or her commercial driver's license, be issued a ~~Class D or~~ Class E driver's license, if he or she is otherwise qualified to receive such license. Any such person shall be issued a ~~Class D or~~ Class E license, valid for the remainder of his or her unexpired license period, at no cost.

Section 85. Subsections (1), (7), (10), and (11) of section 322.2615, Florida Statutes, are amended to read:

322.2615 Suspension of license; right to review.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who has been arrested by a law enforcement officer for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or of a person who has refused to submit to a breath, urine, or blood test authorized by s. 316.1932. The officer shall take the person's driver's license and issue the person a 10-day temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension. If a blood test has been administered, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall suspend the person's driver's license pursuant to subsection (3).

(b) The suspension under paragraph (a) shall be pursuant to, and the notice of suspension shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and his or her driving privilege is suspended for a period of 1 year for a first refusal or for a period of 18 months if his or her driving privilege has been previously suspended as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level *or breath-alcohol level* as provided in that section and his or her driving privilege is suspended for a period of 6 months for a first offense or for a period of 1 year if his or her driving privilege has been previously suspended for a violation of s. 316.193.

2. The suspension period shall commence on the date of arrest or issuance of the notice of suspension, whichever is later.

3. The driver may request a formal or informal review of the suspension by the department within 10 days after the date of arrest or issuance of the notice of suspension, whichever is later.

4. The temporary permit issued at the time of arrest will expire at midnight of the 10th day following the date of arrest or issuance of the notice of suspension, whichever is later.

5. The driver may submit to the department any materials relevant to the arrest.

(7) In a formal review hearing under subsection (6) or an informal review hearing under subsection (4), the hearing officer shall determine by a preponderance of the evidence whether sufficient cause exists to sustain, amend, or invalidate the suspension. The scope of the review shall be limited to the following issues:

(a) If the license was suspended for driving with an unlawful blood-alcohol level *or breath-alcohol level* in violation of s. 316.193:

1. Whether the arresting law enforcement officer had probable cause to believe that the person was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages or controlled substances.

2. Whether the person was placed under lawful arrest for a violation of s. 316.193.

3. Whether the person had an unlawful blood-alcohol level *or breath-alcohol level* as provided in s. 316.193.

(b) If the license was suspended for refusal to submit to a breath, blood, or urine test:

1. Whether the arresting law enforcement officer had probable cause to believe that the person was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages or controlled substances.

2. Whether the person was placed under lawful arrest for a violation of s. 316.193.

3. Whether the person refused to submit to any such test after being requested to do so by a law enforcement officer or correctional officer.

4. Whether the person was told that if he or she refused to submit to such test his or her privilege to operate a motor vehicle would be suspended for a period of 1 year or, in the case of a second or subsequent refusal, for a period of 18 months.

(10) A person whose driver's license is suspended under subsection (1) or subsection (3) may apply for issuance of a license for business or employment purposes only if the person is otherwise eligible for the driving privilege pursuant to s. 322.271.

(a) If the suspension of the driver's license of the person for failure to submit to a breath, urine, or blood test is sustained, the person is not eligible to receive a license for business or employment purposes only,

pursuant to s. 322.271, until 90 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a 10-day permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for failure to submit to a breath, urine, or blood test is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 90 days have elapsed from the date of the suspension.

(b) If the suspension of the driver's license of the person arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level, *or breath-alcohol level* is sustained, the person is not eligible to receive a license for business or employment purposes only pursuant to s. 322.271 until 30 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a 10-day permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for a violation of s. 316.193, relating to unlawful blood-alcohol level, is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 30 days have elapsed from the date of the arrest.

(11) The formal review hearing may be conducted upon a review of the reports of a law enforcement officer or a correctional officer, including documents relating to the administration of a breath test or blood test or the refusal to take either test *or the refusal to take a urine test*. However, as provided in subsection (6), the driver may subpoena the officer or any person who administered or analyzed a breath or blood test.

Section 86. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.

2. Leaving the scene of a crash resulting in property damage of more than $50—6 points.

3. Unlawful speed resulting in a crash—6 points.

4. Passing a stopped school bus—4 points.

5. Unlawful speed:

a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.

b. In excess of 15 miles per hour of lawful or posted speed—4 points.

6. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).

7. Any moving violation covered above, excluding unlawful speed, resulting in a crash—4 points.

8. Any conviction under *s. 403.413(6)(b)* ~~s. 403.413(5)(b)~~ —3 points.

9. Any conviction under s. 316.0775(2)—4 points.

Section 87. Section 322.30, Florida Statutes, is amended to read:

322.30 No operation under foreign license during suspension, revocation, or disqualification in this state.—

(1) Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended, revoked, or disqualified as provided in this chapter, shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension, revocation, or disqualification until a new license is obtained.

(2) Notwithstanding subsection (1), any commercial motor vehicle operator whose privilege to operate such vehicle is disqualified may operate a motor vehicle in this state as a ~~Class D or~~ Class E licensee, if authorized by this chapter.

Section 88. Paragraph (b) of subsection (2) and subsections (4), (5), and (6) of section 322.53, Florida Statutes, are amended to read:

322.53 License required; exemptions.—

(2) The following persons are exempt from the requirement to obtain a commercial driver's license:

(b) Military personnel driving ~~military~~ vehicles *operated for military purposes*.

~~(4) A resident who is exempt from obtaining a commercial driver's license pursuant to paragraph (2)(a) or paragraph (2)(e) and who drives a commercial motor vehicle must obtain a Class D driver's license endorsed to authorize the operation of the particular type of vehicle for which his or her exemption is granted.~~

(4)~~(5)~~ A resident who is exempt from obtaining a commercial driver's license pursuant to paragraph (2)(b), paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) may drive a commercial motor vehicle pursuant to the exemption granted in paragraph (2)(b), paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) if he or she possesses a valid ~~Class D or~~ Class E driver's license or a military license.

(5)~~(6)~~ The department shall adopt rules and enter into necessary agreements with other jurisdictions to provide for the operation of commercial vehicles by nonresidents pursuant to the exemption granted in subsection (2).

Section 89. Subsection (2) of section 322.54, Florida Statutes, is amended to read:

322.54 Classification.—

(2) The department shall issue, pursuant to the requirements of this chapter, drivers' licenses in accordance with the following classifications:

(a) Any person who drives a motor vehicle combination having a gross vehicle weight rating~~, a declared weight, or an actual weight, whichever is greatest,~~ of 26,001 pounds or more must possess a valid Class A driver's license, provided the gross vehicle weight rating~~, declared weight, or actual weight, whichever is greatest,~~ of the vehicle being towed is more than 10,000 pounds. Any person who possesses a valid Class A driver's license may, subject to the appropriate restrictions and endorsements, drive any class of motor vehicle within this state.

(b) Any person, except a person who possesses a valid Class A driver's license, who drives a motor vehicle having a gross vehicle weight rating~~, a declared weight, or an actual weight, whichever is greatest,~~ of 26,001 pounds or more must possess a valid Class B driver's license. Any person, except a person who possesses a valid Class A driver's license, who drives such vehicle towing a vehicle having a gross vehicle weight rating~~, a declared weight, or an actual weight, whichever is greatest,~~ of 10,000 pounds or less must possess a valid Class B driver's license. Any person who possesses a valid Class B driver's license may, subject to the appropriate restrictions and endorsements, drive any class of motor vehicle, other than the type of motor vehicle for which a Class A driver's license is required, within this state.

(c) ~~Any person, except a person who possesses a valid Class A or a valid Class B driver's license, who drives a motor vehicle combination having a gross vehicle weight rating, a declared weight, or an actual weight, whichever is greatest, of 26,001 pounds or more must possess a valid Class C driver's license.~~ Any person*, except a person who possesses a valid Class A or a valid Class B driver's license,* who drives a motor vehicle ~~combination~~ having a gross vehicle weight rating~~, a declared~~

~~weight, or an actual weight, whichever is greatest,~~ of less than 26,001 pounds and who is required to obtain an endorsement pursuant to ~~paragraph (1)(a),~~ paragraph (1)(b), paragraph (1)(c), ~~paragraph (1)(d),~~ or paragraph (1)(e) of s. 322.57, must possess a valid Class C driver's license ~~that is clearly restricted to the operation of a motor vehicle or motor vehicle combination of less than 26,001 pounds~~. Any person who possesses a valid Class C driver's license may, subject to the appropriate restrictions and endorsements, drive any class of motor vehicle, other than the type of motor vehicle for which a Class A or a Class B driver's license is required, within this state.

~~(d) Any person, except a person who possesses a valid Class A, valid Class B, or valid Class C driver's license, who drives a truck or a truck tractor having a gross vehicle weight rating, a declared weight, or an actual weight, whichever is greatest, of 8,000 pounds or more but less than 26,001 pounds, or which has a width of more than 80 inches must possess a valid Class D driver's license. Any person who possesses a valid Class D driver's license may, subject to the appropriate restrictions and endorsements, drive any type of motor vehicle, other than the type of motor vehicle for which a Class A, Class B, or Class C driver's license is required, within this state.~~

(d)~~(e)~~ Any person, except a person who possesses a valid Class A, valid Class B, *or* valid Class C~~, or valid Class D~~ driver's license, who drives a motor vehicle must possess a valid Class E driver's license. Any person who possesses a valid Class E driver's license may, subject to the appropriate restrictions and endorsements, drive any type of motor vehicle, other than the type of motor vehicle for which a Class A, Class B, *or* Class C~~, or Class D~~ driver's license is required, within this state.

Section 90. Subsections (1) and (2) of section 322.57, Florida Statutes, are amended to read:

322.57 Tests of knowledge concerning specified vehicles; endorsement; nonresidents; violations.—

(1) In addition to fulfilling any other driver's licensing requirements of this chapter, a person who:

(a) Drives a double or triple trailer must successfully complete a test of his or her knowledge concerning the safe operation of such vehicles.

(b) Drives a passenger vehicle must successfully complete a test of his or her knowledge concerning the safe operation of such vehicles and a test of his or her driving skill in such a vehicle.

(c) Drives a school bus must successfully complete a test of his or her knowledge concerning the safe operation of such vehicles and a test of his or her driving skill in such a vehicle. This subsection shall be implemented in accordance with 49 C.F.R. part 383.123.

(d)~~(c)~~ Drives a tank vehicle must successfully complete a test of his or her knowledge concerning the safe operation of such vehicles.

(e)~~(d)~~ Drives a vehicle that transports hazardous materials and that is required to be placarded in accordance with Title 49 C.F.R. part 172, subpart F, must successfully complete a test of his or her knowledge concerning the safe operation of such vehicles. Knowledge tests for hazardous-materials endorsements may not be administered orally for individuals applying for an initial hazardous-materials endorsement after June 30, 1994.

(f)~~(e)~~ Operates a tank vehicle transporting hazardous materials must successfully complete the tests required in paragraphs *(d)* ~~(c)~~ and *(e)* ~~(d)~~ so that the department may issue a single endorsement permitting him or her to operate such tank vehicle.

(g)~~(f)~~ Drives a motorcycle must successfully complete a test of his or her knowledge concerning the safe operation of such vehicles and a test of his or her driving skills on such vehicle. A person who successfully completes such tests shall be issued an endorsement if he or she is licensed to drive another type of motor vehicle. A person who successfully completes such tests and who is not licensed to drive another type of motor vehicle shall be issued a Class E driver's license that is clearly restricted to motorcycle use only.

(2) Before driving or operating any vehicle listed in subsection (1), a person must obtain an endorsement on his or her driver's license. An endorsement under paragraph (a), paragraph (b), paragraph (c), paragraph (d), ~~or~~ paragraph (e)*, or paragraph (f)* of subsection (1) shall be issued only to persons who possess a valid Class A, valid Class B, or valid Class C driver's license. ~~A person who drives a motor vehicle or motor vehicle combination that requires an endorsement under this subsection and who drives a motor vehicle or motor vehicle combination having a gross vehicle weight rating, a declared weight, or an actual weight, whichever is greatest, of less than 26,000 pounds shall be issued a Class C driver's license that is clearly restricted to the operation of a motor vehicle or motor vehicle combination of less than 26,000 pounds.~~

Section 91. Paragraph (a) of subsection (1) of section 322.58, Florida Statutes, is amended to read:

322.58 Holders of chauffeur's licenses; effect of classified licensure.—

(1) In order to provide for the classified licensure of commercial motor vehicle drivers, the department shall require persons who have valid chauffeur's licenses to report on or after April 1, 1991, to the department for classified licensure, according to a schedule developed by the department.

(a) Any person who holds a valid chauffeur's license may continue to operate vehicles for which a Class *E* ~~D~~ driver's license is required until his or her chauffeur's license expires.

Section 92. Subsections (1), (2), (3), (7), (8), and (10) of section 322.61, Florida Statutes, are amended, and subsections (4) and (5) of that section are reenacted, to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(1) A person who, *for offenses occurring* within a 3-year period, is convicted of two of the following serious traffic violations or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days*. A person who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations or any combination thereof, arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege*:

(a) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, a weight violation, or a vehicle equipment violation, arising in connection with a crash resulting in death or personal injury to any person;

(b) Reckless driving, as defined in s. 316.192;

(c) Careless driving, as defined in s. 316.1925;

(d) Fleeing or attempting to elude a law enforcement officer, as defined in s. 316.1935;

(e) Unlawful speed of 15 miles per hour or more above the posted speed limit;

(f) Driving a commercial motor vehicle, owned by such person, which is not properly insured;

(g) Improper lane change, as defined in s. 316.085; ~~or~~

(h) Following too closely, as defined in s. 316.0895*;*~~.~~

(i) Driving a commercial vehicle without obtaining a commercial driver's license;

(j) Driving a commercial vehicle without a commercial driver's license in possession; or

(k) Driving a commercial vehicle without the proper class of commercial driver's license or without the proper endorsement.

(2) Any person who, *for offenses occurring* within a 3-year period, is convicted of three serious traffic violations specified in subsection (1) or any combination thereof, arising in separate incidents committed in a

commercial motor vehicle shall, in addition to any other applicable penalties, including, but not limited to, the penalty provided in subsection (1), be disqualified from operating a commercial motor vehicle for a period of 120 days. *A person who, for offenses occurring within a 3-year period, is convicted of three serious traffic violations specified in subsection (1) or any combination thereof, arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, including, but not limited to, the penalty provided in subsection (1), be disqualified from operating a commercial motor vehicle for a period of 120 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege.*

(3) Except as provided in subsection (4), any person who is convicted of one of the following offenses shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 1 year:

(a) Driving a commercial motor vehicle while he or she is under the influence of alcohol or a controlled substance;

(b) Driving a commercial motor vehicle while the alcohol concentration of his or her blood, breath, or urine is .04 percent or higher;

(c) Leaving the scene of a crash involving a commercial motor vehicle driven by such person;

(d) Using a commercial motor vehicle in the commission of a felony;

(e) Driving a commercial motor vehicle while in possession of a controlled substance; ~~or~~

(f) Refusing to submit to a test to determine his or her alcohol concentration while driving a commercial motor vehicle;~~.~~

(g) Driving a commercial vehicle while the licenseholder's commercial driver's license is suspended, revoked, or canceled or while the licenseholder is disqualified from driving a commercial vehicle; or

(h) Causing a fatality through the negligent operation of a commercial motor vehicle.

(4) Any person who is transporting hazardous materials in a vehicle that is required to be placarded in accordance with Title 49 C.F.R. part 172, subpart F shall, upon conviction of an offense specified in subsection (3), be disqualified from operating a commercial motor vehicle for a period of 3 years. The penalty provided in this subsection shall be in addition to any other applicable penalty.

(5) Any person who is convicted of two violations specified in subsection (3), or any combination thereof, arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle. The penalty provided in this subsection shall be in addition to any other applicable penalty.

(7) A person whose privilege to operate a commercial motor vehicle is disqualified under this section may, if otherwise qualified, be issued a ~~Class D or~~ Class E driver's license, pursuant to s. 322.251.

(8) A driver who is convicted of or otherwise found to have committed a violation of an out-of-service order while driving a commercial motor vehicle is disqualified as follows:

(a) Not less than 90 days nor more than 1 year if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order.

(b) Not less than 1 year nor more than 5 years if, *for offenses occurring* during any 10-year period, the driver is convicted of or otherwise found to have committed two violations of out-of-service orders in separate incidents.

(c) Not less than 3 years nor more than 5 years if, *for offenses occurring* during any 10-year period, the driver is convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.

(d) Not less than 180 days nor more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than 3 years nor more than 5 years if, *for offenses occurring* during any 10-year period, the driver is convicted of or otherwise found to have committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act 49 U.S.C. ss. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

(10)(a) A driver must be disqualified for not less than 60 days if the driver is convicted of or otherwise found to have committed a first violation of a railroad-highway grade crossing violation.

(b) A driver must be disqualified for not less than 120 days if, *for offenses occurring* during any 3-year period, the driver is convicted of or otherwise found to have committed a second railroad-highway grade crossing violation in separate incidents.

(c) A driver must be disqualified for not less than 1 year if, *for offenses occurring* during any 3-year period, the driver is convicted of or otherwise found to have committed a third or subsequent railroad-highway grade crossing violation in separate incidents.

Section 93. Subsection (1) and paragraph (a) of subsection (3) of section 322.63, Florida Statutes, are amended to read:

322.63 Alcohol or drug testing; commercial motor vehicle operators.—

(1) A person who accepts the privilege extended by the laws of this state of operating a commercial motor vehicle within this state shall, by so operating such commercial motor vehicle, be deemed to have given his or her consent to submit to an approved chemical or physical test of his or her blood *or*~~,~~ breath~~, or urine~~ for the purpose of determining his or her alcohol concentration*, and to a urine test* ~~or~~ for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or of controlled substances.

(a) By applying for a commercial driver's license and by accepting and using a commercial driver's license, the person holding the commercial driver's license is deemed to have expressed his or her consent to the provisions of this section.

(b) Any person who drives a commercial motor vehicle within this state and who is not required to obtain a commercial driver's license in this state is, by his or her act of driving a commercial motor vehicle within this state, deemed to have expressed his or her consent to the provisions of this section.

(c) A notification of the consent provision of this section shall be printed ~~above the signature line~~ on each new or renewed *commercial* driver's license issued ~~after March 31, 1991~~.

(3)(a) The *breath and blood* ~~physical and chemical~~ tests authorized in this section shall be administered substantially in accordance with rules adopted by the Department of Law Enforcement.

Section 94. Subsection (1) of section 322.64, Florida Statutes, is amended, and, for the purpose of incorporating the amendment to section 322.61, Florida Statutes, in a reference thereto, subsection (14) of that section is reenacted, to read:

322.64 Holder of commercial driver's license; driving with unlawful blood-alcohol level; refusal to submit to breath, urine, or blood test.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, disqualify from operating any commercial motor vehicle a person who while operating or in actual physical control of a commercial motor vehicle is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or a person who has refused to submit to a breath, urine, or blood test authorized by s. 322.63 arising out of the operation or actual physical control of a commercial motor vehicle. Upon disqualification of the person, the officer shall take the person's driver's license and issue the person a 10-day temporary permit *for the operation of noncommercial vehicles only* if the person is otherwise eligible for the driving privilege and shall issue the person a notice of disqualification. If the person has been given a blood,

breath, or urine test, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall disqualify the person from operating a commercial motor vehicle pursuant to subsection (3).

(b) The disqualification under paragraph (a) shall be pursuant to, and the notice of disqualification shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and he or she is disqualified from operating a commercial motor vehicle for a period of 1 year, for a first refusal, or permanently, if he or she has previously been disqualified as a result of a refusal to submit to such a test; or

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level and he or she is disqualified from operating a commercial motor vehicle for a period of 6 months for a first offense or for a period of 1 year if he or she has previously been disqualified, or his or her driving privilege has been previously suspended, for a violation of s. 316.193.

2. The disqualification period *for operating commercial vehicles* shall commence on the date of arrest or issuance of notice of disqualification, whichever is later.

3. The driver may request a formal or informal review of the disqualification by the department within 10 days after the date of arrest or issuance of notice of disqualification, whichever is later.

4. The temporary permit issued at the time of arrest or disqualification will expire at midnight of the 10th day following the date of disqualification.

5. The driver may submit to the department any materials relevant to the arrest.

(14) The decision of the department under this section shall not be considered in any trial for a violation of s. 316.193, s. 322.61, or s. 322.62, nor shall any written statement submitted by a person in his or her request for departmental review under this section be admissible into evidence against him or her in any such trial. The disposition of any related criminal proceedings shall not affect a disqualification imposed pursuant to this section.

Section 95. Paragraphs (c) and (f) of subsection (13) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(13)

(c)1. The registered owner of a vehicle, vessel, or mobile home may dispute a wrecker operator's lien, by notifying the department of the dispute in writing on forms provided by the department, if at least one of the following applies:

a. The registered owner presents a notarized bill of sale proving that the vehicle, vessel, or mobile home was sold in a private or casual sale before the vehicle, vessel, or mobile home was recovered, towed, or stored.

b. The registered owner presents proof that the Florida certificate of title of the vehicle, vessel, or mobile home was sold to a licensed dealer as defined in s. 319.001 before the vehicle, vessel, or mobile home was recovered, towed, or stored.

c. The records of the department were marked "sold" prior to the date of the tow.

If the registered owner's dispute of a wrecker operator's lien complies with one of these criteria, the department shall immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. If the vehicle, vessel, or mobile home is owned jointly by more than one person, each registered owner must dispute the wrecker operator's lien in order to be removed from the list. However, the department shall deny any dispute and maintain the registered owner's name on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8) if the wrecker operator has provided the department with a certified copy of the judgment of a court which orders the registered owner to pay the wrecker operator's lien claimed under this section. In such a case, the amount of the wrecker operator's lien allowed by paragraph (b) may be increased to include no more than $500 of the reasonable costs and attorney's fees incurred in obtaining the judgment. The department's action under this subparagraph is ministerial in nature, shall not be considered final agency action, and is appealable only to the county court for the county in which the vehicle, vessel, or mobile home was ordered removed.

2. A person against whom a wrecker operator's lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint, challenging the validity of the lien or the amount thereof, in the county court of the county in which the vehicle, vessel, or mobile home was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator's lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle, vessel, or mobile home was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator's lien. Upon the posting of the bond and the payment of the application fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

4. A wrecker operator's lien expires 5 years after filing.

(f) This subsection applies only to the annual renewal in the registered owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under chapter 320, except for the transfer of registrations which is inclusive of the annual renewals. *This subsection does not apply to any vehicle registered in the name of the lessor.* This subsection does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 96. Section 843.16, Florida Statutes, is amended to read:

843.16 Unlawful to install *or transport* radio equipment using assigned frequency of state or law enforcement officers; definitions; exceptions; penalties.—

(1) *A* ~~No~~ person, firm, or corporation *may not* ~~shall~~ install *or transport* in any motor vehicle or business establishment, except an emergency vehicle or crime watch vehicle as herein defined or a place established by municipal, county, state, or federal authority for governmental purposes, any frequency modulation radio receiving equipment so adjusted or tuned as to receive messages or signals on frequencies assigned by the Federal Communications Commission to police or law enforcement officers *or fire rescue personnel* of any city or county of the state or

to the state or any of its agencies. Provided, nothing herein shall be construed to affect any radio station licensed by the Federal Communications System or to affect any recognized newspaper or news publication engaged in covering the news on a full-time basis or any alarm system contractor certified pursuant to part II of chapter 489, operating a central monitoring system.

(2) As used in this section, the term:

(a) "Emergency vehicle" shall specifically mean:

1. Any motor vehicle used by any law enforcement officer or employee of any city, any county, the state, the Federal Bureau of Investigation, or the Armed Forces of the United States while on official business;

2. Any fire department vehicle of any city or county of the state or any state fire department vehicle;

3. Any motor vehicle designated as an emergency vehicle by the Department of Highway Safety and Motor Vehicles when said vehicle is to be assigned the use of frequencies assigned to the state;

4. Any motor vehicle designated as an emergency vehicle by the sheriff *or fire chief* of any county in the state when said vehicle is to be assigned the use of frequencies assigned to the said county;

5. Any motor vehicle designated as an emergency vehicle by the chief of police *or fire chief* of any city in the state when said vehicle is to be assigned the use of frequencies assigned to the said city.

(b) "Crime watch vehicle" means any motor vehicle used by any person participating in a citizen crime watch or neighborhood watch program when such program and use are approved in writing by the appropriate sheriff or chief of police where the vehicle will be used and the vehicle is assigned the use of frequencies assigned to the county or city. Such approval shall be renewed annually.

(3) This section shall not apply to any holder of a valid amateur radio operator or station license issued by the Federal Communications Commission or to any recognized newspaper or news publication engaged in covering the news on a full-time basis or any alarm system contractor certified pursuant to part II of chapter 489, operating a central monitoring system.

(4) Any person, firm, or corporation violating any of the provisions of this section *commits* ~~shall be deemed guilty of~~ a misdemeanor of the *first* ~~second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

Section 97. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to highway safety; amending s. 61.13016, F.S.; directing the department to issue a driver's license restricted for business purposes only under certain circumstances relating to failure to pay child support; amending s. 316.006, F.S.; providing for interlocal agreements between municipalities and counties transferring traffic regulatory authority; amending s. 316.083, F.S.; requiring an appropriate signal when overtaking and passing a vehicle; amending s. 316.155, F.S.; specifying that signals are required when moving right or left or overtaking or passing a vehicle; amending s. 316.2095, F.S.; revising physical requirements for operating motorcycles under certain circumstances; amending s. 316.212, F.S.; granting local jurisdictions the authority to enact ordinances governing the use of golf carts which are more restrictive than state law; amending s. 316.2126, F.S.; requiring that the use of golf carts upon any state, county, or municipal road within a local jurisdiction be in compliance with local ordinances governing the use of golf carts; amending s. 316.302, F.S.; providing a penalty for operating a commercial motor vehicle bearing a false or other illegal identification number; amending s. 316.3045, F.S.; revising criteria related to the operation of radios or other sound-making devices in motor vehicles; amending s. 318.1215, F.S.; clarifying that funds from the Dori Slosberg Driver Education Safety Act be used for driver education programs in schools; requiring that funds be used for enhancement of a driver education program; providing a requirement for behind-the-wheel training; amending s. 318.14, F.S.; providing penalties for certain traffic infractions requiring a mandatory hearing; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties by county courts; amending s. 319.30, F.S.; revising provisions relating to the applicability of certificate of destruction requirements for certain damaged vehicles; amending s. 320.02, F.S.; authorizing the withholding of motor vehicle registrations or reregistrations in certain situations; requiring motor vehicle dealers to maintain certain information; allowing owners and co-owners to dispute a dealer's claims of money owed; amending s. 320.27, F.S.; providing for motor vehicle dealer license discipline for the failure to maintain evidence of notification to the owner or co-owner of a vehicle regarding registration and titling fees owed; revising authorized uses of revenues from the United We Stand specialty license plate; amending s. 320.08058, F.S.; redesignating the Florida Special Olympics license plate as the Special Olympics Florida license plate and revising design requirements for such specialty license plate; revising requirements for agencies that receive funds from the Choose Life license plate; revising authorized uses of revenues from the Animal Friend specialty license plate; amending s. 320.089, F.S.; allowing retired members of the U.S. Armed Forces Reserve to be issued U.S. Reserve license plates; amending s. 320.77, F.S.; providing that mobile home dealers may provide a cash bond or letter of credit in lieu of a required surety bond; amending s. 322.08, F.S.; revising the use of funds collected from a voluntary contribution associated with driver's license renewals to be used for the purposes designated by the Hearing Research Institute, Inc.; amending s. 322.2615, F.S.; providing that the disposition of a related criminal proceeding may not affect a suspension of a driver's license for refusal to submit to blood, breath, or urine testing; directing the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level if the suspended person is found not guilty at trial of the underlying violation of law; creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature; amending s. 322.27, F.S.; correcting a cross-reference relating to points assigned for littering violations; amending s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; providing an exception to the requirement that a commercial driver's license be in possession of the commercial driver; removing requirements for a Class D driver's license; amending s. 321.24, F.S.; providing that certain medical professionals who volunteer for Florida Highway Patrol service are considered employees of the state for sovereign immunity purposes; creating s. 549.102, F.S.; authorizing temporary overnight parking during a motorsports event at a motorsports entertainment complex; exempting such parking from regulations relating to recreational vehicle parks; providing for application of health agency requirements; amending s. 261.03, F.S.; redefining the term "off-highway vehicle" to include a two-rider ATV; adding a definition; amending s. 316.003, F.S.; defining the term "traffic signal preemption system"; amending s. 316.0775, F.S.; providing that the unauthorized use of a traffic signal preemption device is a moving violation; amending s. 316.122, F.S.; providing for the right-of-way for certain passing vehicles; creating s. 316.1576, F.S.; providing clearance specifications for a railroad-highway grade crossing; providing a penalty; creating s. 316.1577, F.S.; providing that an employer is responsible under certain circumstances for violations pertaining to railroad-highway grade crossings; providing a penalty; amending s. 316.183, F.S.; increasing the minimum speed limit on interstate highways under certain circumstances; amending s. 316.1932, F.S.; revising the requirements for printing the notice of consent for sobriety testing on a driver's license; amending s. 316.1936, F.S., relating to possession of open containers of alcohol; removing an exemption provided for passengers of a vehicle operated by a driver holding a Class D driver's license; amending s. 316.194, F.S.; authorizing traffic accident investigation officers to remove vehicles under certain circumstances; amending s. 316.1967, F.S.; providing that an owner of a leased vehicle is not responsible for a parking ticket violation in certain circumstances; amending s. 316.2074, F.S.; redefining the term "all-terrain vehicle" to include a two-rider ATV; amending s. 316.302, F.S.; updating a reference to the Code of Federal Regulations relating to commercial motor vehicles; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; amending s. 316.613, F.S.; eliminating authorization for the Department of Highway Safety and Motor Vehicles to expend certain funds for promotional purposes; creating s. 316.6131, F.S.; authorizing the department to expend certain funds for public information and education campaigns; amending s. 316.650, F.S.; providing exceptions to a prohibition against using citations as evidence in a trial; amending s. 317.0003, F.S.; defining the term "off-highway vehicle" to include a two-rider ATV; providing a definition; amending ss. 317.0004, 317.0005, and

317.0006, F.S.; conforming references; amending s. 317.0007, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue a validation sticker as an additional proof of title for an off-highway vehicle; providing for the replacement of lost or destroyed off-highway vehicle validation stickers; providing for disposition of fees; repealing s. 317.0008(2), F.S., relating to the expedited issuance of duplicate certificates of title for off-highway vehicles; amending ss. 317.0010, 317.0012, and 317.0013, F.S.; conforming references; creating s. 317.0014, F.S.; establishing procedures for the issuance of a certificate of title for an off-highway vehicle; providing duties of the Department of Highway Safety and Motor Vehicles; providing for a notice of lien and lien satisfaction; creating s. 317.0015, F.S.; providing for the applicability of certain provisions of law to the titling of off-highway vehicles; creating s. 317.0016, F.S.; providing for the expedited issuance of titles for off-highway vehicles; creating s. 317.0017, F.S.; prohibiting specified actions relating to the issuance of titles for off-highway vehicles; providing a penalty; creating s. 317.0018, F.S.; prohibiting the transfer of an off-highway vehicle without delivery of a certificate of title; prescribing other violations; providing a penalty; amending s. 318.14, F.S.; authorizing the department to modify certain actions to suspend or revoke a driver's license following notice of final disposition; providing citation procedures and proceedings for persons who do not hold a commercial driver's license; amending s. 319.23, F.S.; requiring a licensed motor vehicle dealer to notify the Department of Highway Safety and Motor Vehicles of a motor vehicle or mobile home taken as a trade-in; requiring the department to update its title record; amending s. 319.27, F.S.; correcting an obsolete cross-reference; amending s. 320.06, F.S.; providing for a credit or refund when a registrant is required to replace a license plate under certain circumstances; amending s. 320.0601, F.S.; requiring that a registration or renewal of a long-term leased motor vehicle be in the name of the lessee; amending s. 320.0605, F.S.; exempting a vehicle registered as a fleet vehicle from the requirement that the certificate of registration be carried in the vehicle at all times; amending s. 320.0843, F.S.; requiring that an applicant's eligibility for a disabled parking plate be noted on the certificate; amending s. 320.131, F.S.; authorizing the department to provide for an electronic system for motor vehicle dealers to use in issuing temporary license plates; providing a penalty; amending s. 320.18, F.S.; authorizing the department to cancel the vehicle or vessel registration, driver's license, or identification card of a person who pays certain fees or penalties with a dishonored check; amending s. 320.27, F.S.; requiring dealer principals to provide certification of completing continuing education under certain circumstances; requiring motor vehicle dealers to maintain records for a specified period; providing certain penalties; amending s. 322.01, F.S.; redefining the terms "commercial motor vehicle" and "out-of-service order"; providing the definition of conviction applicable to offenses committed in a commercial motor vehicle; amending s. 322.05, F.S.; removing requirements for a Class D driver's license; amending s. 322.051, F.S.; revising provisions relating to the application for an identification card; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.07, F.S.; removing requirements for a Class D driver's license; amending s. 322.08, F.S.; providing that a United States passport is an acceptable proof of identity for purposes of obtaining a driver's license; providing that a naturalization certificate issued by the United States Department of Homeland Security is an acceptable proof of identity for such purpose; providing that specified documents issued by the United States Department of Homeland Security are acceptable as proof of nonimmigrant classification; amending s. 322.09, F.S.; requiring the signature of a secondary guardian on a driver's license application for a minor under certain circumstances; amending s. 322.11, F.S.; providing for notice to a minor before canceling the minor's license due to the death of the person who cosigned the initial application; amending s. 322.12, F.S.; removing requirements for a Class D driver's license; amending s. 322.135, F.S.; deleting a requirement that a portion of certain fees collected by a tax collector be deposited in the Highway Safety Operating Trust Fund; revising requirements for the tax collector in directing a licensee for examination or reexamination; requiring county officers to pay certain funds to the State Treasury by electronic funds transfer within a specified period; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver's license may not be waived under ch. 761, F.S.; amending s. 322.161, F.S.; removing requirements for a Class D driver's license; amending s. 322.17, F.S., relating to duplicate and replacement certificates; conforming a cross-reference; amending s. 322.18, F.S.; revising the expiration period for driver's licenses issued to specified persons; conforming cross-references; amending s. 322.19, F.S., relating to change of address or name; conforming cross-references; amending s. 322.21, F.S.; removing requirements for a Class D driver's license; requiring the department to set a fee for a hazardous-materials endorsement; providing that the fee may not exceed $100; amending s. 322.212, F.S.; providing an additional penalty for giving false information when applying for a commercial driver's license; amending s. 322.22, F.S.; authorizing the department to cancel any identification card, vehicle or vessel registration, or fuel-use decal of a licensee who pays certain fees or penalties with a dishonored check; amending s. 322.251, F.S.; removing requirements for a Class D driver's license; amending s. 322.2615, F.S.; revising provisions related to administrative suspension of driver's licenses; amending s. 322.27, F.S.; providing 4 points to be assessed against a person's driver's license for a violation of s. 316.0775(2), F.S.; amending s. 322.30, F.S.; removing the requirements for a Class D driver's license; amending s. 322.53, F.S.; removing requirements for a Class D driver's license; removing a requirement that certain operators of a commercial motor vehicle obtain a specified license; amending s. 322.54, F.S.; revising the classification requirements for certain driver's licenses; deleting requirements for a Class D driver's license; amending s. 322.57, F.S.; providing testing requirements for school bus drivers; amending s. 322.58, F.S.; deleting requirements for a Class D driver's license and changing those requirements to a Class E driver's license; amending and reenacting s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; removing requirements for a Class D driver's license; amending s. 322.63, F.S.; clarifying provisions governing alcohol and drug testing for commercial motor vehicle operators; amending s. 322.64, F.S., and reenacting s. 322.64(14), F.S., relating to citation procedures and proceedings, to incorporate the amendment to s. 322.61, F.S., in a reference thereto; providing for a temporary permit issued following certain DUI offenses to apply only to the operation of noncommercial vehicles; amending s. 713.78, F.S.; revising provisions relating to the placement of a wrecker operator's lien against a motor vehicle; amending s. 843.16, F.S.; prohibiting the transportation of radio equipment that receives signals on frequencies used by this state's law enforcement officers or fire rescue personnel; redefining the term "emergency vehicle" to include any motor vehicle designated as such by the fire chief of a county or municipality; providing an enhanced penalty; providing effective dates.

MOTION

On motion by Senator Hill, the rules were waived to allow the following amendment to be considered:

Senator Hill moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (482548)(with title amendment)—On page 122, between lines 13 and 14, insert:

Section 97. *Short title.—This section may be cited as the "Dori Slosberg Act of 2005."*

Section 98. Subsections (4) and (8) of section 316.614, Florida Statutes, are amended, present subsection (9) of that section is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

316.614 Safety belt usage.—

(4) It is unlawful for any person:

(a) To operate a motor vehicle in this state unless each passenger *and the operator* of the vehicle under the age of 18 years is restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or

(b) To operate a motor vehicle in this state unless the person is restrained by a safety belt.

(8) Any person who violates the provisions of this section commits a nonmoving violation, punishable as provided in chapter 318. However, except for violations of s. 316.613 *and paragraph (4)(a)*, enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this chapter, chapter 320, or chapter 322.

(9) By January 1, 2006, each law enforcement agency in this state shall adopt departmental policies to prohibit the practice of racial profil-

ing. When a law enforcement officer issues a citation for a violation of this section, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and forward the information to the department in a form and manner determined by the department. The department shall collect this information by jurisdiction and annually report the data to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must show separate statewide totals for the state's county sheriffs and municipal law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 134, line 2, after the semicolon (;) insert: providing a short title; amending s. 316.614, F.S.; revising provisions relating to safety belt usage; requiring the Department of Highway Safety and Motor Vehicles to develop a policy to prohibit the practice of racial profiling;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1697** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Lawson—

CS for SB 2510—A bill to be entitled An act relating to natural resources; amending s. 380.23, F.S.; clarifying the list of federally licensed and permitted activities reviewed for consistency under the Florida Coastal Management Program; revising provisions relating to the licensing and relicensing of hydroelectric power plants; requiring the inclusion of National Environmental Policy Act documents in consistency reviews for certain activities; amending s. 380.06, F.S.; providing that heavy mineral mining at greater than 500 acres per year or consuming more than 3 million gallons of water per day requires review; amending s. 376.121, F.S.; providing an alternative to the compensation schedule for calculating natural resources damages; revising procedures relating to damage assessment; removing a restriction on the amount of compensation; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2510** to **HB 1855**.

Pending further consideration of **CS for SB 2510** as amended, on motion by Senator Lawson, by two-thirds vote **HB 1855** was withdrawn from the Committees on Environmental Preservation; and Communications and Public Utilities.

On motion by Senator Lawson—

HB 1855—A bill to be entitled An act relating to natural resources; amending s. 376.121, F.S.; providing an alternative to the compensation schedule for calculating natural resources damages; revising procedures relating to damage assessment; removing a restriction on amount of compensation; amending s. 380.06, F.S.; revising factors for determining a substantial deviation in developments of regional impact; amending s. 380.23, F.S.; revising the federally licensed or permitted activities subject to consistency review under the coastal management program; requiring certain environmental impact reports to be data and information for the state's consistency reviews; providing an effective date.

—a companion measure, was substituted for **CS for SB 2510** as amended and read the second time by title.

Senators Dockery and Lawson offered the following amendment which was moved by Senator Dockery and adopted:

Amendment 1 (390668)(with title amendment)—On page 1, line 20, insert:

Section 1. Part IV of chapter 161, Florida Statutes, consisting of sections 161.70, 161.71, 161.72, 161.73, 161.74, 161.75, and 161.76, is created to read:

PART IV
OCEANS AND COASTAL RESOURCES MANAGEMENT ACT

161.70 Short title.—This part may be cited as the "Oceans and Coastal Resources Act."

161.71 Definitions.—As used in this part, the term:

(1) "Commission" means the Fish and Wildlife Conservation Commission created in s. 9, Art. IV of the State Constitution.

(2) "Council" means the Florida Oceans and Coastal Council created by this act.

(3) "Department" means the Department of Environmental Protection.

(4) "Executive director" means the Executive Director of the Fish and Wildlife Conservation Commission.

(5) "Oceans" means those waters from the mean high-water line outward to the state's jurisdictional boundary and those United States waters in which this state has an interest.

(6) "Secretary" means the Secretary of the Department of Environmental Protection.

161.72 Findings and intent.—

(1) The Legislature finds that:

(a) The oceans and coastal resources of the United States are of national importance;

(b) The U.S. Commission on Ocean Policy has made 212 recommendations and the President has responded with an Ocean Action Plan to better protect and preserve our oceans;

(c) Florida's ocean and coastal resources contribute significantly to the state economy by supporting multiple beneficial uses and a wide range of economic value that requires balancing of competing considerations;

(d) Florida's oceans and coastal resources comprise habitats that support endangered and threatened species and extraordinary marine biodiversity;

(e) The coral reefs of southeast Florida and the barrier reef of the Florida Keys, the only barrier reef in the United States, are a national treasure and must continue to be protected;

(f) It is Florida's responsibility to be a national leader on oceans and coastal protection;

(g) It is in the state's best interest to ensure the productivity and health of our oceans and coastal resources;

(h) Florida's marine biodiversity at the species, natural community, seascape, and regional levels must be protected by restoring, rehabilitating, and maintaining the quality and natural function of oceans and coastal resources through an ecosystem-based management approach, as recommended by the U.S. Commission on Ocean Policy;

(i) The quality of our beaches and fisheries resources must be protected to ensure the public health;

(j) Protection must be provided to highly migratory marine species, such as sea turtles and sea birds;

(k) Opportunities must be increased to provide natural resource-based recreation and encourage responsibility and stewardship through educational opportunities;

(l) Oceans and coastal research must be prioritized to ensure coordination among researchers and managers and long-term programs to observe, monitor, and assess oceans, and coastal resources must be developed and implemented;

(m) Development of coastal areas should be both economically and environmentally sustainable, and inappropriate growth in ecologically fragile or hazard-prone areas should be discouraged; and

(n) Conservation and restoration of coastal habitat could be enhanced through the development of regional and local goals, the institu-

tion of a program dedicated to coastal and estuarine conservation, better coordination of the state's activities relating to habitat, and improved research, monitoring, and assessment.

(2) It is the intent of the Legislature to create the Oceans and Coastal Resources Council to assist the state in identifying new management strategies to achieve the goal of maximizing the protection and conservation of ocean and coastal resources while recognizing their economic benefits.

(3) It is further the intent of the Legislature that the council shall encourage and support the development of creative public-private partnerships, pursue opportunities to leverage funds, and work in coordination with federal agencies and programs to maximize opportunities for the state's receipt of federal funds.

161.73 Composition.—The Florida Oceans and Coastal Council is created within the Department of Environmental Protection and shall consist of 18 members. The secretary, the executive director, and the commissioner of the Department of Agriculture and Consumer Services, or their designees, shall serve as ex-officio members of the council. The council shall be jointly chaired by the secretary and the executive director. The 15 voting members of the council shall be appointed, within 60 days after this act becomes law, in the following manner:

(1) Five members shall be appointed by the Secretary of the Department of Environmental Protection which will be comprised of one scientist specializing in each of the following fields: wetlands and watersheds; nearshore waters or estuaries; offshore waters or open oceans; hydrology and aquatic systems; and coastal geology or coastal erosion and shorelines.

(2) Five members shall be appointed by the Executive Director of the Fish and Wildlife Conservation Commission which will be comprised of one scientist specializing in each of the following fields: resource management; wildlife habitat management; fishery habitat management; coastal and pelagic birdlife; and marine biotechnology.

(3) Five members shall be appointed by the Commissioner of the Department of Agriculture and Consumer Services. These appointments shall be selected from a list of at least eight individuals submitted to the commissioner by the Florida Ocean Alliance. The individuals selected by the Florida Ocean Alliance shall be chosen from the following disciplines or groups: sportsfishing; ports; cruise industry; energy industry; ecotourism; private marine research institutes; universities; aquaculture; maritime law; commercial fisheries; socioeconomics; marine science education; and environmental groups.

(4) Appointments made by the secretary and executive director shall be to terms of 4 years each. Appointments made by the Commissioner of the Department of Agriculture and Consumer Services shall be to terms of 2 years. Members shall serve until their successors are appointed. Vacancies shall be filled in the manner of the original appointment for the remainder of the term that is vacated.

(5) Members shall serve without compensation, but are entitled to reimbursement of travel and per diem expenses pursuant to s. 112.061, relating to completing their duties and responsibilities.

161.74 Responsibilities.—

(1) RESEARCH REVIEW.—Prior to the development of the research plan the council shall review and compile the existing, ongoing, and planned ocean and coastal research and monitoring activities relevant to this state. Included in this review shall be the "Florida's Ocean Strategies Final Report to the Governor" by the Florida Governor's Oceans Committee dated June 1999. To aid the council in fulfilling this requirement, all public agencies must submit the information requested by the council, and private research institutes are encouraged to submit relevant information to the maximum extent practicable. Upon receiving the information required by this subsection, the council shall develop a library to serve as a repository of information for use by those involved in ocean and coastal research. The council shall develop an index of this information to assist researchers in accessing the information.

(2) RESEARCH PLAN.—The council must complete a Florida Oceans and Coastal Scientific Research Plan which shall be used by the Legislature in making funding decisions. The plan must recommend priorities for scientific research projects. The plan must be submitted to the President of the Senate and the Speaker of the House of Representatives by January 15, 2006. Thereafter, annual updates to the plan must be submitted to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year. The research projects contained in the plan must meet at least one of the following objectives:

(a) Exploring opportunities to improve coastal ecosystem functioning and health through watershed approaches to managing freshwater and improving water quality.

(b) Evaluating current habitat conservation, restoring and maintaining programs, and recommending improvements in the areas of research, monitoring and assessment.

(c) Promoting marine biomedical or biotechnology research and product discovery and development to enhance Florida's opportunity to maximize the beneficial uses of marine-derived bioproducts and reduce negative health impacts of marine organisms.

(d) Creating consensus and strategies on how Florida can contribute to sustainable management of ocean wildlife and habitat.

(e) Documenting through examination of existing and new research the impact of marine and coastal debris and current best practices to reduce debris.

(f) Providing methods to achieve sustainable fisheries through better science, governance, stock enhancements and consideration of habitat and secondary impacts such as bycatch.

(g) Documenting gaps in current protection strategies for marine mammals.

(h) Promoting research and new methods to preserve and restore coral reefs and other coral communities.

(i) Achieving sustainable marine aquaculture.

(j) Reviewing existing and ongoing studies on preventing and responding to the spread of invasive and nonnative marine and estuarine species.

(k) Exploring ocean-based renewable energy technologies and climate change-related impacts to Florida's coastal area.

(l) Enhancing science education opportunities such as virtual marine technology centers.

(m) Sustaining abundant birdlife and encouraging the recreational and economic benefits associated with ocean and coastal wildlife observation and photography.

(n) Developing a statewide analysis of the economic value associated with ocean and coastal resources, developing economic baseline data, methodologies, and consistent measures of oceans and coastal resource economic activity and value, and developing reports that educate Floridians, the National Ocean Policy Commission, local, state, and federal agencies and others on the importance of ocean and coastal resources.

(3) RESOURCE ASSESSMENT.—By December 1, 2006, the council shall prepare a comprehensive oceans and coastal resource assessment that shall serve as a baseline of information to be used in assisting in its research plan. The resource assessment must include:

(a) Patterns of use of oceans and coastal resources;

(b) Natural resource features, including, but not limited to, habitat, bathymetry, surficial geology, circulation, and tidal currents;

(c) The location of current and proposed oceans and coastal research and monitoring infrastructure;

(d) Industrial, commercial, coastal observing system, ships, subs, and recreational transit patterns; and

(e) Socioeconomic trends of the state's oceans and coastal resources and oceans and coastal economy.

161.75 Rulemaking authority.—The department and the commission may adopt rules, pursuant to ss. 120.536(1) and 120.54, to administer this part.

161.76 Preservation of authority.—This part does not restrict or limit the authority otherwise granted to the commission, or other state agencies by law.

Section 2. *In order to protect, conserve, and restore declining recreational fisheries, stimulate economic growth, and help meet the state's seafood needs, the council created in section 161.73, Florida Statutes, shall, as a pilot project to demonstrate the feasibility of collaborative research efforts, direct research by two or more marine science research entities to evaluate the potential for inland, recirculating, and aquaculture technology to produce marine species and to implement new marine stock enhancement initiatives. This project shall be designed to expand new aquaculture and marine stock enhancement technology to include additional species and evaluate the potential to successfully enhance those marine stocks. The council shall present to the Governor, the President of the Senate, and the Speaker of the House of Representatives the results of this research project by February 1, 2007.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 through 17, delete those lines and insert: An act relating to natural resources; creating part IV of ch. 161, F.S., consisting of ss. 161.70, 161.71, 161.72, 161.73, 161.74, 161.75, and 161.76, F.S.; providing definitions; providing findings and intent; requiring that the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and the Department of Agriculture and Consumer Services to establish the Florida Oceans and Coastal Council; providing for membership of the council; providing for the Secretary of Environmental Protection and the executive director of the Fish and Wildlife Conservation Commission to jointly chair the council; providing responsibilities of the council; requiring that the council undertake a research review; providing for content and access to the review; requiring the council to prepare a research plan that recommends research priorities; providing for annual updates of the plan; providing for distribution of the plan to the Legislature; prepare an oceans and coastal resource assessment; providing for contents of the assessment; requiring the council to establish objectives for research projects; providing for a pilot project; authorizing rulemaking by the Department of Environmental Protection and the Fish and Wildlife Conservation Commission; preserving authority otherwise granted to the commission and state agencies; amending s. 376.121, F.S.; providing an alternative to the compensation schedule for calculating natural resources damages; revising procedures relating to damage assessment; removing a restriction on amount of compensation; amending s. 380.06, F.S.; revising factors for determining a substantial deviation in developments of regional impact; amending s. 380.23, F.S.; revising the federally licensed or permitted activities subject to consistency review under the coastal management program; requiring certain environmental impact reports to be data and information for the state's consistency reviews; providing an effective date.

WHEREAS, Florida's coastline is the second longest coastline of the fifty states, and

WHEREAS, the oceans and coastal resources of the state are held in trust for the people of the state and should be protected and managed for the benefit of current and future generations, and

WHEREAS, it is imperative for the state, regional, and local governments, academic and environmental communities, and agricultural and fishery interests to commit to working together to manage, rehabilitate, and protect Florida's oceans and coastal resources, NOW, THEREFORE,

MOTION

On motion by Senator Alexander, the rules were waived to allow the following amendment to be considered:

Senator Alexander moved the following amendment which was adopted:

Amendment 2 (324880)(with title amendment)—On page 19, between lines 3 and 4, insert:

Section 4. Paragraph (d) of subsection (2) and subsections (6), (7), (8), and (11) of section 403.067, Florida Statutes, are amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(2) LIST OF SURFACE WATERS OR SEGMENTS.—In accordance with s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq., the department must submit periodically to the United States Environmental Protection Agency a list of surface waters or segments for which total maximum daily load assessments will be conducted. The assessments shall evaluate the water quality conditions of the listed waters and, if such waters are determined not to meet water quality standards, total maximum daily loads shall be established, subject to the provisions of subsection (4). The department shall establish a priority ranking and schedule for analyzing such waters.

(d) If the department proposes to implement total maximum daily load calculations or allocations established prior to the effective date of this act, the department shall adopt those calculations and allocations by rule by the secretary pursuant to ss. 120.536(1) and 120.54 and paragraph *(6)(c)* ~~(6)(d)~~.

(6) CALCULATION AND ALLOCATION.—

(a) Calculation of total maximum daily load.

1. Prior to developing a total maximum daily load calculation for each water body or water body segment on the list specified in subsection (4), the department shall coordinate with applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources to determine the information required, accepted methods of data collection and analysis, and quality control/quality assurance requirements. The analysis may include mathematical water quality modeling using approved procedures and methods.

2. The department shall develop total maximum daily load calculations for each water body or water body segment on the list described in subsection (4) according to the priority ranking and schedule unless the impairment of such waters is due solely to activities other than point and nonpoint sources of pollution. For waters determined to be impaired due solely to factors other than point and nonpoint sources of pollution, no total maximum daily load will be required. A total maximum daily load may be required for those waters that are impaired predominantly due to activities other than point and nonpoint sources. The total maximum daily load calculation shall establish the amount of a pollutant that a water body or water body segment may receive from all sources without exceeding water quality standards, and shall account for seasonal variations and include a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. The total maximum daily load may be based on a pollutant load reduction goal developed by a water management district, provided that such pollutant load reduction goal is promulgated by the department in accordance with the procedural and substantive requirements of this subsection.

(b) Allocation of total maximum daily loads. The total maximum daily loads shall include establishment of reasonable and equitable allocations of the total maximum daily load *between or* among point and nonpoint sources that will alone, or in conjunction with other management and restoration activities, provide for the attainment of *the pollutant reductions established pursuant to paragraph (a) to achieve water quality standards for the pollutant causing impairment* ~~water quality standards and the restoration of impaired waters~~. The allocations may establish the maximum amount of the water pollutant ~~from a given source or category of sources~~ that may be discharged or released into the water body or water body segment in combination with other discharges or releases. Allocations may also be made to individual basins and sources or as a whole to all basins and sources or categories of sources of inflow to the water body or water body segments. *An initial allocation of allowable pollutant loads among point and nonpoint sources may be developed as part of the total maximum daily load. However, in such cases, the detailed allocation to specific point sources and specific categories of nonpoint sources shall be established in the basin management action plan pursuant to subsection (7). The initial and detailed* allocations shall be designed to attain *the pollutant reductions established pursuant to paragraph (a)* ~~water quality standards~~ and shall be based on consideration of the following:

1. Existing treatment levels and management practices;

2. Best management practices established and implemented pursuant to paragraph (7)(c);

3. Enforceable treatment levels established pursuant to state or local law or permit;

4.~~2.~~ Differing impacts pollutant sources *and forms of pollutant* may have on water quality;

5.~~3.~~ The availability of treatment technologies, management practices, or other pollutant reduction measures;

6.~~4.~~ Environmental, economic, and technological feasibility of achieving the allocation;

7.~~5.~~ The cost benefit associated with achieving the allocation;

8.~~6.~~ Reasonable timeframes for implementation;

9.~~7.~~ Potential applicability of any moderating provisions such as variances, exemptions, and mixing zones; and

*10.*8. The extent to which nonattainment of water quality standards is caused by pollution sources outside of Florida, discharges that have ceased, or alterations to water bodies prior to the date of this act.

~~(c) Not later than February 1, 2001, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing recommendations, including draft legislation, for any modifications to the process for allocating total maximum daily loads, including the relationship between allocations and the watershed or basin management planning process. Such recommendations shall be developed by the department in cooperation with a technical advisory committee which includes representatives of affected parties, environmental organizations, water management districts, and other appropriate local, state, and federal government agencies. The technical advisory committee shall also include such members as may be designated by the President of the Senate and the Speaker of the House of Representatives.~~

(c)~~(d)~~ *Adoption of rules.* The total maximum daily load calculations and allocations *established under this subsection* for each water body or water body segment shall be adopted by rule by the secretary pursuant to ss. 120.536(1), 120.54, and 403.805. *Where additional data collection and analysis are needed to increase the scientific precision and accuracy of the total maximum daily load, the department is authorized to adopt phased total maximum daily loads that are subject to change as additional data becomes available. Where phased total maximum daily loads are proposed, the department shall, in the detailed statement of facts and circumstances justifying the rule, explain why the data are inadequate so as to justify a phased total maximum daily load.* The rules adopted pursuant to this paragraph shall not be subject to approval by the Environmental Regulation Commission. As part of the rule development process, the department shall hold at least one public workshop in the vicinity of the water body or water body segment for which the total maximum daily load is being developed. Notice of the public workshop shall be published not less than 5 days nor more than 15 days before the public workshop in a newspaper of general circulation in the county or counties containing the water bodies or water body segments for which the total maximum daily load calculation and allocation are being developed.

(7) *DEVELOPMENT OF BASIN MANAGEMENT PLANS AND* IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(a) Basin management action plans.—

1. In developing and implementing the total maximum daily load for a water body, the department, or the department in conjunction with a water management district, may develop a basin management action plan that addresses some or all of the watersheds and basins tributary to the water body. Such a plan shall integrate the appropriate management strategies available to the state through existing water quality protection programs to achieve the total maximum daily loads and may provide for phased implementation of these management strategies to promote timely, cost-effective actions as provided for in s. 403.151. The plan shall establish a schedule for implementing the management strategies, establish a basis for evaluating the plan's effectiveness, and identify feasible funding strategies for implementing the plan's management strategies. The management strategies may include regional treatment systems or other public works, where appropriate, to achieve the needed pollutant load reductions.

2. A basin management action plan shall equitably allocate, pursuant to paragraph (6)(b), pollutant reductions to individual basins, as a whole to all basins, or to each identified point source or category of nonpoint sources, as appropriate. For nonpoint sources for which best management practices have been adopted, the initial requirement specified by the plan shall be those practices developed pursuant to paragraph (c). Where appropriate, the plan may provide pollutant-load-reduction credits to dischargers that have implemented management strategies to reduce pollutant loads, including best management practices, prior to the development of the basin management action plan. The plan shall also identify the mechanisms by which potential future increases in pollutant loading will be addressed.

3. The basin management action planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. In developing a basin management action plan, the department shall assure that key stakeholders, including, but not limited to, applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources, are invited to participate in the process. The department shall hold at least one public meeting in the vicinity of the watershed or basin to discuss and receive comments during the planning process and shall otherwise encourage public participation to the greatest practicable extent. Notice of the public meeting shall be published in a newspaper of general circulation in each county in which the watershed or basin lies not less than 5 days nor more than 15 days before the public meeting. A basin management action plan shall not supplant or otherwise alter any assessment made under subsection (3) or subsection (4) or any calculation or initial allocation.

4. The department shall adopt all or any part of a basin management action plan by secretarial order pursuant to chapter 120 to implement the provisions of this section.

5. The basin management action plan shall include milestones for implementation and water quality improvement, and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones shall be conducted every 5 years, and revisions to the plan shall be made as appropriate. Revisions to the basin management action plan shall be made by the department in cooperation with basin stakeholders. Revisions to the management strategies required for nonpoint sources shall follow the procedures set forth in subparagraph (c)4. Revised basin management action plans shall be adopted pursuant to subparagraph 4.

(b)~~(a)~~ *Total maximum daily load implementation.—*

1. The department shall be the lead agency in coordinating the implementation of the total maximum daily loads through *existing* water quality protection programs. Application of a total maximum daily load by a water management district shall be consistent with this section and shall not require the issuance of an order or a separate action pursuant to s. 120.536(1) or s. 120.54 for adoption of the calculation and allocation previously established by the department. Such programs may include, but are not limited to:

a.~~1.~~ Permitting and other existing regulatory programs*, including water-quality-based effluent limitations*;

b.~~2.~~ Nonregulatory and incentive-based programs, including best management practices, cost sharing, waste minimization, pollution prevention, *agreements established pursuant to s. 403.061(21),* and public education;

c.~~3.~~ Other water quality management and restoration activities, for example surface water improvement and management plans approved by water management districts ~~or watershed~~ or basin management *action* plans developed pursuant to this subsection;

d.~~4.~~ Pollutant trading or other equitable economically based agreements;

e.~~5.~~ Public works including capital facilities; or

f.~~6.~~ Land acquisition.

2. For a basin management action plan adopted pursuant to subparagraph (a)4., any management strategies and pollutant reduction requirements associated with a pollutant of concern for which a total maximum daily load has been developed, including effluent limits set forth for a discharger subject to NPDES permitting, if any, shall be included in a timely manner in subsequent NPDES permits or permit modifications for that discharger. The department shall not impose limits or conditions implementing an adopted total maximum daily load in an NPDES permit until the permit expires, the discharge is modified, or the permit is reopened pursuant to an adopted basin management action plan.

a. Absent a detailed allocation, total maximum daily loads shall be implemented through NPDES permit conditions that afford a compliance schedule. In such instances, a facility's NPDES permit shall allow time for the issuance of an order adopting the basin management action plan. The time allowed for the issuance of an order adopting the plan shall not exceed five years. Upon issuance of an order adopting the plan, the permit shall be reopened, as necessary, and permit conditions consistent with the plan shall be established. Notwithstanding the other provisions of this subparagraph, upon request by a NPDES permittee, the department as part of a permit issuance, renewal or modification may establish individual allocations prior to the adoption of a basin management action plan.

b. For holders of NPDES municipal separate storm sewer system permits and other stormwater sources, implementation of a total maximum daily load or basin management action plan shall be achieved, to the maximum extent practicable, through the use of best management practices or other management measures.

c. The basin management action plan does not relieve the discharger from any requirement to obtain, renew, or modify an NPDES permit or to abide by other requirements of the permit.

d. Management strategies set forth in a basin management action plan to be implemented by a discharger subject to permitting by the department shall be completed pursuant to the schedule set forth in the basin management action plan. This implementation schedule may extend beyond the 5-year term of an NPDES permit.

e. Management strategies and pollution reduction requirements set forth in a basin management action plan for a specific pollutant of concern shall not be subject to challenge under chapter 120 at the time they are incorporated, in an identical form, into a subsequent NPDES permit or permit modification.

f. For nonagricultural pollutant sources not subject to NPDES permitting but permitted pursuant to other state, regional, or local water quality programs, the pollutant reduction actions adopted in a basin management action plan shall be implemented to the maximum extent practicable as part of those permitting programs.

g. A nonpoint source discharger included in a basin management action plan shall demonstrate compliance with the pollutant reductions established pursuant to subsection (6) by either implementing the appropriate best management practices established pursuant to paragraph (c) or conducting water quality monitoring prescribed by the department or a water management district.

h. A nonpoint source discharger included in a basin management action plan may be subject to enforcement action by the department or a water management district based upon a failure to implement the responsibilities set forth in sub-subparagraph g.

i. A landowner, discharger, or other responsible person who is implementing applicable management strategies specified in an adopted basin management action plan shall not be required by permit, enforcement action, or otherwise to implement additional management strategies to reduce pollutant loads to attain the pollutant reductions established pursuant to subsection (6) and shall be deemed to be in compliance with this section. This subparagraph does not limit the authority of the department to amend a basin management action plan as specified in subparagraph (a)5.

~~(b) In developing and implementing the total maximum daily load for a water body, the department, or the department in conjunction with a water management district, may develop a watershed or basin management plan that addresses some or all of the watersheds and basins tributary to the water body. These plans will serve to fully integrate the management strategies available to the state for the purpose of implementing the total maximum daily loads and achieving water quality restoration. The watershed or basin management planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. The department or water management district shall hold at least one public meeting in the vicinity of the watershed or basin to discuss and receive comments during the planning process and shall otherwise encourage public participation to the greatest practical extent. Notice of the public meeting shall be published in a newspaper of general circulation in each county in which the watershed or basin lies not less than 5 days nor more than 15 days before the public meeting. A watershed or basin management plan shall not supplant or otherwise alter any assessment made under s. 403.086(3) and (4), or any calculation or allocation made under s. 403.086(6).~~

(c) *Best management practices.—*

1. The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to *subsection (6) and this subsection* ~~paragraph (6)(b)~~. These practices and measures may be adopted by rule by the department and the water management districts pursuant to ss. 120.536(1) and 120.54, and*, where adopted by rule, shall* ~~may~~ be implemented by those parties responsible for nonagricultural nonpoint *source pollution* ~~pollutant sources and the department and the water management districts shall assist with implementation~~. ~~Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to paragraph (6)(b) shall be verified by the department. Implementation, in accordance with applicable rules, of practices that have been verified by the department to be effective at representative sites shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface or ground water caused by those pollutants. Such rules shall also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including recordkeeping requirements. Where water quality problems are detected despite the appropriate implementation, operation, and maintenance of best management practices and other measures according to rules adopted under this paragraph, the department or the water management districts shall institute a reevaluation of the best management practice or other measures.~~

2.~~(d)1.~~ The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to *subsection (6) and this subsection* ~~paragraph (6)(b)~~. These practices and measures may be implemented by those parties responsible for agricultural pollutant sources and the department, the water management districts, and the Department of Agriculture and Consumer Services shall assist with implementation. ~~Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to paragraph (6)(b) shall be verified by the department. Implementation, in accordance with applicable rules, of practices that have been verified by the department to be effective at representative sites shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface or ground water caused by those pollutants.~~ In the process of developing and adopting

rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the water management districts, representatives from affected farming groups, and environmental group representatives. Such rules shall also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including recordkeeping requirements. ~~Where water quality problems are detected despite the appropriate implementation, operation, and maintenance of best management practices and other measures according to rules adopted under this paragraph, the Department of Agriculture and Consumer Services shall institute a reevaluation of the best management practice or other measure.~~

3. Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection shall be verified at representative sites by the department. The department shall use best professional judgment in making the initial verification that the best management practices are effective and, where applicable, shall notify the appropriate water management district and the Department of Agriculture and Consumer Services of its initial verification prior to the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants.

4. Where water quality problems are demonstrated, despite the appropriate implementation, operation, and maintenance of best management practices and other measures according to rules adopted under this paragraph, the department, a water management district, or the Department of Agriculture and Consumer Services, in consultation with the department, shall institute a reevaluation of the best management practice or other measure. Should the reevaluation determine that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the rule.

5.~~2.~~ Individual agricultural records relating to processes or methods of production, or relating to costs of production, profits, or other financial information which are otherwise not public records, which are reported to the Department of Agriculture and Consumer Services pursuant to *subparagraphs 3. and 4.* ~~this paragraph~~ or pursuant to any rule adopted pursuant to *subparagraph 2.* ~~this paragraph~~ shall be confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon request of the department or any water management district, the Department of Agriculture and Consumer Services shall make such individual agricultural records available to that agency, provided that the confidentiality specified by this subparagraph for such records is maintained. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

6.~~(c)~~ The provisions of *subparagraphs 1. and 2.* ~~paragraphs (c) and (d)~~ shall not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, *subparagraphs 1. and 2.* ~~paragraphs (c) and (d)~~ are applicable only to the extent that they do not conflict with any rules *adopted* ~~promulgated~~ by the department that are necessary to maintain a federally delegated or approved program.

(8) RULES.—The department is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 for:

(a) Delisting water bodies or water body segments from the list developed under subsection (4) pursuant to the guidance under subsection (5);

(b) Administration of funds to implement the total maximum daily load *and basin management action planning programs* ~~program~~;

(c) Procedures for pollutant trading among the pollutant sources to a water body or water body segment, including a mechanism for the issuance and tracking of pollutant credits. Such procedures may be implemented through permits or other authorizations and must be legally binding. *Prior to adopting rules for pollutant trading under this paragraph, and no later than November 30, 2006, the Department of Environmental Protection shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing recommendations on such rules, including the proposed basis for equitable economically based agreements and the tracking and accounting of pollution credits or other similar mechanisms. Such recommendations shall be developed in cooperation with a technical advisory committee that includes experts in pollutant trading and representatives of potentially affected parties;* ~~No rule implementing a pollutant trading program shall become effective prior to review and ratification by the Legislature; and~~

(d) The total maximum daily load calculation in accordance with paragraph (6)(a) immediately upon the effective date of this act, for those eight water segments within Lake Okeechobee proper as submitted to the United States Environmental Protection Agency pursuant to subsection (2)*; and*~~.~~

(e) Implementation of other specific provisions.

(11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.—

(a) The department shall not implement, without prior legislative approval, any additional regulatory authority pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part 130, if such implementation would result in water quality discharge regulation of activities not currently subject to regulation.

(b) Interim measures, best management practices, or other measures may be developed and voluntarily implemented pursuant to *subparagraphs* ~~paragraph~~ (7)(c) *1. and 2.* ~~or paragraph (7)(d)~~ for any water body or segment for which a total maximum daily load or allocation has not been established. The implementation of such pollution control programs may be considered by the department in the determination made pursuant to subsection (4).

Section 5. Paragraph (c) of subsection (3) of section 373.4595, Florida Statutes, is amended to read:

373.4595 Lake Okeechobee Protection Program.—

(3) LAKE OKEECHOBEE PROTECTION PROGRAM.—A protection program for Lake Okeechobee that achieves phosphorus load reductions for Lake Okeechobee shall be immediately implemented as specified in this subsection. The program shall address the reduction of phosphorus loading to the lake from both internal and external sources. Phosphorus load reductions shall be achieved through a phased program of implementation. Initial implementation actions shall be technology-based, based upon a consideration of both the availability of appropriate technology and the cost of such technology, and shall include phosphorus reduction measures at both the source and the regional level. The initial phase of phosphorus load reductions shall be based upon the district's Technical Publication 81-2 and the district's WOD program, with subsequent phases of phosphorus load reductions based upon the total maximum daily loads established in accordance with s. 403.067. In the development and administration of the Lake Okeechobee Protection Program, the coordinating agencies shall maximize opportunities provided by federal cost-sharing programs and opportunities for partnerships with the private sector.

(c) Lake Okeechobee Watershed Phosphorus Control Program.—The Lake Okeechobee Watershed Phosphorus Control Program is designed to be a multifaceted approach to reducing phosphorus loads by improving the management of phosphorus sources within the Lake Okeechobee watershed through continued implementation of existing regulations and best management practices, development and implementation of improved best management practices, improvement and restoration of the hydrologic function of natural and managed systems, and utilization of alternative technologies for nutrient reduction. The coordinating agencies shall facilitate the application of federal programs that offer

opportunities for water quality treatment, including preservation, restoration, or creation of wetlands on agricultural lands.

1. Agricultural nonpoint source best management practices, developed in accordance with s. 403.067 and designed to achieve the objectives of the Lake Okeechobee Protection Program, shall be implemented on an expedited basis. By March 1, 2001, the coordinating agencies shall develop an interagency agreement pursuant to ss. 373.046 and 373.406(5) that assures the development of best management practices that complement existing regulatory programs and specifies how those best management practices are implemented and verified. The interagency agreement shall address measures to be taken by the coordinating agencies during any best management practice reevaluation performed pursuant to sub-subparagraph d. The department shall use best professional judgment in making the initial determination of best management practice effectiveness.

a. As provided in *s. 403.067(7)(c)* ~~s. 403.067(7)(d)~~, by October 1, 2000, the Department of Agriculture and Consumer Services, in consultation with the department, the district, and affected parties, shall initiate rule development for interim measures, best management practices, conservation plans, nutrient management plans, or other measures necessary for Lake Okeechobee phosphorus load reduction. The rule shall include thresholds for requiring conservation and nutrient management plans and criteria for the contents of such plans. Development of agricultural nonpoint source best management practices shall initially focus on those priority basins listed in subparagraph (b)1. The Department of Agriculture and Consumer Services, in consultation with the department, the district, and affected parties, shall conduct an ongoing program for improvement of existing and development of new interim measures or best management practices for the purpose of adoption of such practices by rule.

b. Where agricultural nonpoint source best management practices or interim measures have been adopted by rule of the Department of Agriculture and Consumer Services, the owner or operator of an agricultural nonpoint source addressed by such rule shall either implement interim measures or best management practices or demonstrate compliance with the district's WOD program by conducting monitoring prescribed by the department or the district. Owners or operators of agricultural nonpoint sources who implement interim measures or best management practices adopted by rule of the Department of Agriculture and Consumer Services shall be subject to the provisions of s. 403.067(7). The Department of Agriculture and Consumer Services, in cooperation with the department and the district, shall provide technical and financial assistance for implementation of agricultural best management practices, subject to the availability of funds.

c. The district or department shall conduct monitoring at representative sites to verify the effectiveness of agricultural nonpoint source best management practices.

d. Where water quality problems are detected for agricultural nonpoint sources despite the appropriate implementation of adopted best management practices, the Department of Agriculture and Consumer Services, in consultation with the other coordinating agencies and affected parties, shall institute a reevaluation of the best management practices and make appropriate changes to the rule adopting best management practices.

2. Nonagricultural nonpoint source best management practices, developed in accordance with s. 403.067 and designed to achieve the objectives of the Lake Okeechobee Protection Program, shall be implemented on an expedited basis. By March 1, 2001, the department and the district shall develop an interagency agreement pursuant to ss. 373.046 and 373.406(5) that assures the development of best management practices that complement existing regulatory programs and specifies how those best management practices are implemented and verified. The interagency agreement shall address measures to be taken by the department and the district during any best management practice reevaluation performed pursuant to sub-subparagraph d.

a. The department and the district are directed to work with the University of Florida's Institute of Food and Agricultural Sciences to develop appropriate nutrient application rates for all nonagricultural soil amendments in the watershed. As provided in s. 403.067(7)(c), by January 1, 2001, the department, in consultation with the district and affected parties, shall develop interim measures, best management practices, or other measures necessary for Lake Okeechobee phosphorus load reduction. Development of nonagricultural nonpoint source best management practices shall initially focus on those priority basins listed in subparagraph (b)1. The department, the district, and affected parties shall conduct an ongoing program for improvement of existing and development of new interim measures or best management practices. The district shall adopt technology-based standards under the district's WOD program for nonagricultural nonpoint sources of phosphorus.

b. Where nonagricultural nonpoint source best management practices or interim measures have been developed by the department and adopted by the district, the owner or operator of a nonagricultural nonpoint source shall implement interim measures or best management practices and be subject to the provisions of s. 403.067(7). The department and district shall provide technical and financial assistance for implementation of nonagricultural nonpoint source best management practices, subject to the availability of funds.

c. The district or the department shall conduct monitoring at representative sites to verify the effectiveness of nonagricultural nonpoint source best management practices.

d. Where water quality problems are detected for nonagricultural nonpoint sources despite the appropriate implementation of adopted best management practices, the department and the district shall institute a reevaluation of the best management practices.

3. The provisions of subparagraphs 1. and 2. shall not preclude the department or the district from requiring compliance with water quality standards or with current best management practices requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules promulgated by the department that are necessary to maintain a federally delegated or approved program.

4. Projects which reduce the phosphorus load originating from domestic wastewater systems within the Lake Okeechobee watershed shall be given funding priority in the department's revolving loan program under s. 403.1835. The department shall coordinate and provide assistance to those local governments seeking financial assistance for such priority projects.

5. Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce nutrient loadings or concentrations within a basin by one or more of the following methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, increasing aquifer recharge, or protecting range and timberland from conversion to development, are eligible for grants available under this section from the coordinating agencies. For projects of otherwise equal priority, special funding priority will be given to those projects that make best use of the methods outlined above that involve public-private partnerships or that obtain federal match money. Preference ranking above the special funding priority will be given to projects located in a rural area of critical economic concern designated by the Governor. Grant applications may be submitted by any person or tribal entity, and eligible projects may include, but are not limited to, the purchase of conservation and flowage easements, hydrologic restoration of wetlands, creating treatment wetlands, development of a management plan for natural resources, and financial support to implement a management plan.

6.a. The department shall require all entities disposing of domestic wastewater residuals within the Lake Okeechobee watershed and the remaining areas of Okeechobee, Glades, and Hendry Counties to develop and submit to the department an agricultural use plan that limits applications based upon phosphorus loading. By July 1, 2005, phosphorus concentrations originating from these application sites shall not exceed the limits established in the district's WOD program.

b. Private and government-owned utilities within Monroe, Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Okeechobee, Highlands, Hendry, and Glades Counties that dispose of wastewater residual sludge from utility operations and septic removal by land spreading in the Lake Okeechobee watershed may use a line item on local sewer rates to cover wastewater residual treatment and disposal if such disposal and treatment is done by approved alternative treatment methodology at a facility located within the areas designated by the Governor as rural areas of critical economic concern pursuant to s.

288.0656. This additional line item is an environmental protection disposal fee above the present sewer rate and shall not be considered a part of the present sewer rate to customers, notwithstanding provisions to the contrary in chapter 367. The fee shall be established by the county commission or its designated assignee in the county in which the alternative method treatment facility is located. The fee shall be calculated to be no higher than that necessary to recover the facility's prudent cost of providing the service. Upon request by an affected county commission, the Florida Public Service Commission will provide assistance in establishing the fee. Further, for utilities and utility authorities that use the additional line item environmental protection disposal fee, such fee shall not be considered a rate increase under the rules of the Public Service Commission and shall be exempt from such rules. Utilities using the provisions of this section may immediately include in their sewer invoicing the new environmental protection disposal fee. Proceeds from this environmental protection disposal fee shall be used for treatment and disposal of wastewater residuals, including any treatment technology that helps reduce the volume of residuals that require final disposal, but such proceeds shall not be used for transportation or shipment costs for disposal or any costs relating to the land application of residuals in the Lake Okeechobee watershed.

c. No less frequently than once every 3 years, the Florida Public Service Commission or the county commission through the services of an independent auditor shall perform a financial audit of all facilities receiving compensation from an environmental protection disposal fee. The Florida Public Service Commission or the county commission through the services of an independent auditor shall also perform an audit of the methodology used in establishing the environmental protection disposal fee. The Florida Public Service Commission or the county commission shall, within 120 days after completion of an audit, file the audit report with the President of the Senate and the Speaker of the House of Representatives and shall provide copies to the county commissions of the counties set forth in sub-subparagraph b. The books and records of any facilities receiving compensation from an environmental protection disposal fee shall be open to the Florida Public Service Commission and the Auditor General for review upon request.

7. The Department of Health shall require all entities disposing of septage within the Lake Okeechobee watershed and the remaining areas of Okeechobee, Glades, and Hendry Counties to develop and submit to that agency, by July 1, 2003, an agricultural use plan that limits applications based upon phosphorus loading. By July 1, 2005, phosphorus concentrations originating from these application sites shall not exceed the limits established in the district's WOD program.

8. The Department of Agriculture and Consumer Services shall initiate rulemaking requiring entities within the Lake Okeechobee watershed and the remaining areas of Okeechobee, Glades, and Hendry Counties which land-apply animal manure to develop conservation or nutrient management plans that limit application, based upon phosphorus loading. Such rules may include criteria and thresholds for the requirement to develop a conservation or nutrient management plan, requirements for plan approval, and recordkeeping requirements.

9. Prior to authorizing a discharge into works of the district, the district shall require responsible parties to demonstrate that proposed changes in land use will not result in increased phosphorus loading over that of existing land uses.

10. The district, the department, or the Department of Agriculture and Consumer Services, as appropriate, shall implement those alternative nutrient reduction technologies determined to be feasible pursuant to subparagraph (d)6.

Section 6. Subsection (1) of section 570.085, Florida Statutes, is amended to read:

570.085 Department of Agriculture and Consumer Services; agricultural water conservation.—The department shall establish an agricultural water conservation program that includes the following:

(1) A cost-share program, coordinated where appropriate with the United States Department of Agriculture and other federal, state, regional, and local agencies, for irrigation system retrofit and application of mobile irrigation laboratory evaluations for water conservation as provided in this section and, where applicable, for water quality improvement pursuant to *s. 403.067(7)(c)* ~~s. 403.067(7)(d)~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 403.067, F.S.; providing that initial allocation of allowable pollutant loads between point and nonpoint sources may be developed as part of a total maximum daily load; establishing criteria for establishing initial and detailed allocations to attain pollutant reductions; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads that establish incremental total maximum daily loads under certain conditions; requiring the development of basin management action plans; requiring that basin management action plans integrate the appropriate management strategies to achieve the total maximum daily loads; requiring that the plans establish a schedule for implementing management strategies; requiring that a basin management action plan equitably allocate pollutant reductions to individual basins or to each identified point source or category of nonpoint sources; authorizing that plans may provide pollutant load reduction credits to dischargers that have implemented strategies to reduce pollutant loads prior to the development of the basin management action plan; requiring that the plan identify mechanisms by which potential future sources of pollution will be addressed; requiring that the department assure key stakeholder participation in the basin management action planning process; requiring that the department hold at least one public meeting to discuss and receive comments during the planning process; providing notice requirements; requiring that the department adopt all or part of a basin management action plan by secretarial order pursuant to ch. 120, F.S.; requiring that basin management action plans that alter that calculation or initial allocation of a total maximum daily load, the revised calculation, or initial allocation must be adopted by rule; requiring periodic evaluation of basin management action plans; requiring that revisions to plans be made by the department in cooperation with stakeholders; providing for basin plan revisions regarding nonpoint pollutant sources; requiring that adopted basin management action plans be included in subsequent NPDES permits or permit modifications; providing that implementation of a total maximum daily load or basin management action plan for holders of an NPDES municipal separate stormwater sewer system permit may be achieved through the use of best management practices; providing that basin management action plans do not relieve a discharger from the requirement to obtain, renew, or modify an NPDES permit or to abide by other requirements of the permit; requiring that plan management strategies be completed pursuant to the schedule set forth in the basin management action plan and providing that the implementation schedule may extend beyond the term of an NPDES permit; providing that management strategies and pollution reduction requirements in a basin management action plan for a specific pollutant of concern are not subject to a challenge under ch. 120, F.S., at the time they are incorporated, in identical form, into a subsequent NPDES permit or permit modification; requiring timely adoption and implementation of pollutant reduction actions for nonagricultural pollutant sources not subject to NPDES permitting but regulated pursuant to other state, regional, or local regulatory programs; requiring timely implementation of best management practices for nonpoint pollutant source dischargers not subject to permitting at the time a basin management action plan is adopted; providing for presumption of compliance under certain circumstances; providing for enforcement action by the department or a water management district; requiring that a landowner, discharger, or other responsible person that is implementing management strategies specified in an adopted basin management action plan will not be required by permit, enforcement action, or otherwise to implement additional management strategies to reduce pollutant loads; providing that the authority of the department to amend a basin management plan is not limited; requiring that the department verify at representative sites the effectiveness of interim measures, best management practices, and other measures adopted by rule; requiring that the department use its best professional judgment in making initial verifications that best management practices are not effective; requiring notice to the appropriate water management district and the Department of Agriculture and Consumer Services under certain conditions; establishing a presumption of compliance for implementation of practices initially verified to be effective or verified to be effective at representative sites; limiting the institution of proceedings by the department against the owner of a source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants; requiring the Department of Agriculture and Consumer Services to institute a reevaluation of best management practices or other measures where water quality problems are detected or

predicted during the development or amendment of a basin management action plan; providing for rule revisions; providing the department with rulemaking authority; requiring that a report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing recommendations on rules for pollutant trading prior to the adoption of those rules; requiring that recommendations be developed in cooperation with a technical advisory committee containing experts in pollutant trading and representatives of potentially affected parties; deleting a requirement that no pollutant trading program shall become effective prior to review and ratification by the Legislature; amending ss. 373.4595 and 570.085, F.S.; correcting cross-references;

Pursuant to Rule 4.19, **HB 1855** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith, by two-thirds vote **HB 1231** was withdrawn from the Committees on Agriculture; Banking and Insurance; and Judiciary.

On motion by Senator Smith—

HB 1231—A bill to be entitled An act relating to dealers in agricultural products; amending s. 604.15, F.S.; revising definitions; expanding the list of products covered by the law; defining the terms "negotiating broker" and "producer's agent"; amending s. 604.16, F.S.; revising exceptions to provisions regulating dealers; amending s. 604.18, F.S., relating to applications for dealer licensure; requiring dealers to provide mailing and location address information; requiring dealers to provide certain information relating to the dollar amount of business done or to be done; amending s. 604.19, F.S.; providing requirements relating to cancellation of a bond or certificate of deposit; increasing license fees and delinquent renewal penalties; amending s. 604.20, F.S.; increasing the minimum amount of a bond or certificate of deposit for licensure; providing a calculation for the amount of a bond or certificate of deposit; adding requirements relating to bond or certificate of deposit assignment or agreement; authorizing the Department of Agriculture and Consumer Services to issue a conditional license under certain conditions; amending s. 604.21, F.S.; increasing the minimum claim amount and requiring a complaint filing fee; providing requirements for submission of a complaint and payment for multiple claims; authorizing a dealer in agricultural products to file a complaint against another dealer in agricultural products; limiting the time a complaint may be held in abeyance; authorizing review of a final order; clarifying distribution of bond or certificate of deposit proceeds; amending s. 604.22, F.S.; revising recordkeeping requirements of licensees; clarifying application of provisions; amending ss. 604.23 and 604.25, F.S.; clarifying application of provisions; amending s. 604.30, F.S.; clarifying that a violator of provisions regulating dealers in agricultural products may be a person, partnership, corporation, or other business entity; increasing the maximum administrative fine and the fine for continued violation of an administrative order; providing an appropriation and authorizing full-time equivalent positions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1780** and read the second time by title.

Pursuant to Rule 4.19, **HB 1231** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB 2086—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; exempting certain voter-education activities from requirements for competitive solicitation; authorizing the Secretary of State to investigate voter fraud; authorizing the Department of State to adopt rules; amending s. 97.021, F.S.; defining the term "marksense ballots"; defining the terms "early voting area," "early voting site," and "third-party voter registration organization"; creating s. 97.029, F.S.; providing for attorney's fees and costs in any action for injunctive relief or an action challenging an election law or voter-registration law; requiring an itemized affidavit; providing for review of an award of attorney's fees and costs; providing a limitation on the amount awarded; amending s. 97.051, F.S.; revising the oath required upon registering to vote; amending s. 97.052, F.S.; revising the contents of the uniform statewide voter registration application; amending s. 97.053, F.S.; revising provisions governing the acceptance of voter registration applications by the supervisor of elections; requiring that an applicant complete a registration application before the date of book closing in order to be eligible to vote in that election; revising the information required on the registration application; amending s. 97.055, F.S.; limiting the updates that may be made to registration information following book closing; creating s. 97.0575, F.S.; providing requirements for third-party voter registration organizations that collect voter-registration applications; providing fines for failure to deliver applications as required; authorizing the Division of Elections to adopt rules to administer provisions governing third-party voter registration organizations; amending s. 97.071, F.S.; specifying the information to be included on the registration identification card; amending s. 98.045, F.S.; deleting a cross-reference; amending s. 98.077, F.S.; revising the procedures for updating a voter signature used to verify an absentee ballot or provisional ballot; amending s. 99.061, F.S.; providing for qualifying for nomination or election by the petition process; requiring the filing of statements of financial interest; requiring that a qualifying officer accept certain qualifying papers filed before the qualifying period; amending s. 99.063, F.S.; providing filing requirements for public officers; amending s. 99.092, F.S., relating to qualifying fees; clarifying provisions governing qualifying for nomination or election by the petition process to conform to changes made by the act; amending s. 99.095, F.S.; revising the requirements for qualifying as a candidate by a petition process in lieu of paying a qualifying fee and party assessment; providing requirements for submitting petitions and certifications; requiring that the division or supervisor of elections, as applicable, determine whether the required number of signatures has been obtained; amending s. 99.0955, F.S.; providing procedures for a candidate having no party affiliation to qualify by the petition process; amending s. 99.096, F.S.; revising the procedures for a minor political party to submit nominated candidates to be on the general election ballot; providing for candidates to qualify by the petition process; amending s. 99.09651, F.S., relating to signature requirements for ballot position; conforming provisions to changes made by the act; amending s. 100.011, F.S.; requiring that an elector in line at the time the polls close be allowed to vote; amending s. 100.101, F.S.; revising the circumstances under which a special election or primary is held; amending s. 100.111, F.S.; revising requirements for filling a vacancy in a nomination; requiring that ballots cast for a former nominee be counted for the person designated to replace the nominee under certain circumstances; amending s. 100.141, F.S., relating to the notice of a special election; conforming provisions to changes made by the act; amending s. 101.031, F.S.; revising the Voter's Bill of Rights to authorize a provisional ballot if a person's identity is in question; amending s. 101.043, F.S.; revising the procedures for a voter to provide identification when voting; amending s. 101.048, F.S.; providing for certain additional voters to cast provisional ballots; providing requirements for presenting evidence in support of a person's right to vote; requiring that the county canvassing board count such a ballot unless it determines by a preponderance of the evidence that the person was not entitled to vote; requiring that a person casting a provisional ballot be informed of certain rights; amending s. 101.049, F.S.; providing requirements for ballots for persons with disabilities; amending s. 101.051, F.S.; prohibiting certain solicitations to provide assistance to an elector; providing a penalty; authorizing an elector to request that a person other than an election official provide him or her with assistance in voting; providing for the form of the oath to be signed; amending s. 101.111, F.S.; revising the requirements for challenging an elector's right to vote; providing a penalty for filing a frivolous challenge; amending s. 101.131, F.S.; revising requirements for poll watchers; authorizing certain political committees to have poll watchers; prohibiting a poll watcher from interacting with a voter; providing for poll watchers at early voting areas; amending s. 101.151, F.S.; providing requirements for marksense ballots; amending s. 101.171, F.S.; requiring that a copy of a proposed constitutional amendment be available at voting locations; amending s. 101.294, F.S.; prohibiting a vendor of voting equipment from providing systems, components, or system upgrades to a local governing body or supervisor of elections which have not been certified by the Division of Elections; requiring that the vendor provide sworn certification of such equipment; amending s. 101.295, F.S.; providing a penalty for providing voting equipment in violation of ch. 101, F.S.; amending s. 101.49, F.S.; revising the procedures for verifying an elector's signature; amending s. 101.51, F.S.; requiring that an elector occupy a voting booth alone; amending s. 101.5606, F.S., relating to requirements for approval of voting systems, to conform; amending s. 101.5608, F.S., relating to voting by electronic or electromechanical methods, to conform; amending s. 101.5612, F.S.; providing requirements for testing voting equipment; amending s.

101.5614, F.S.; correcting a cross-reference; amending s. 101.572, F.S.; requiring that the supervisor of elections notify the candidates if ballots are examined before the end of the contest; amending s. 101.58, F.S.; authorizing employees of the department to have access to the premises, records, equipment, and staff of the supervisors of elections; amending s. 101.595, F.S.; requiring that certain overvotes and undervotes be reported to the department; amending s. 101.6103, F.S.; authorizing the canvassing board to begin canvassing before the election; prohibiting the release of results before election day; providing a penalty for any early release of results; requiring that a mail ballot that otherwise satisfies the requirements of law for mail ballots be counted even if the elector dies after mailing the ballot but before election day if certain conditions are met; amending s. 101.62, F.S.; revising the requirements for mailing absentee ballots to voters; amending s. 101.64, F.S.; providing for an oath to be provided to persons voting absentee under the Uniformed and Overseas Citizens Absentee Voting Act; amending s. 101.657, F.S.; revising requirements relating to early voting locations; revising the deadline to end early voting and the times for opening and closing the early voting sites each day; providing for uniformity of county early voting sites; requiring any person in line at the closing of an early voting site to be allowed to vote; providing for early voting in municipal and special district elections; requiring supervisors to provide certain information in electronic format to the Division of Elections; requiring that an early voting ballot that otherwise satisfies the requirements of law for early voting ballots be counted even if the elector dies on or before election day; amending s. 101.663, F.S.; providing for certain persons to vote absentee after moving to another state; amending s. 101.68, F.S.; prohibiting changing a voter's certificate after the absentee ballot is received by the supervisor; providing that electors who die on or before election day and have cast an absentee ballot shall remain on the voter registration books until the election is certified; providing that the ballot of an elector who casts an absentee ballot shall be counted even if the elector dies on or before election day if certain conditions are met; amending s. 101.69, F.S.; prohibiting a voter from voting another ballot after casting an absentee ballot; providing for a provisional ballot under certain circumstances; amending s. 101.6923, F.S.; providing for the form of the printed instructions on an absentee ballot; amending s. 101.694, F.S.; providing requirements for absentee envelopes printed for voters voting under the Uniformed and Overseas Citizens Absentee Voting Act; amending s. 101.697, F.S.; requiring the Department of State to determine whether secure electronic ballots may be provided for overseas voters; requiring that the department adopt rules for accepting overseas ballots; amending s. 102.012, F.S.; requiring the supervisor of elections to appoint an election board before any election; providing duties of the board; amending s. 102.014, F.S.; requiring that the Division of Elections develop a uniform training curriculum for poll workers; amending s. 102.031, F.S.; providing requirements for maintaining order at early voting areas; requiring the designation of a no-solicitation zone; prohibiting photography in a polling room or early voting area; amending s. 102.071, F.S.; revising requirements for tabulating votes; amending s. 102.111, F.S.; providing for corrections to be made to the official election returns; amending s. 102.112, F.S.; requiring that a return contain a certification by the canvassing board; authorizing the Department of State to correct typographical errors; amending s. 102.141, F.S.; revising requirements for the canvassing boards in submitting returns to the department; providing requirements for the report filed by the canvassing board; requiring the department to adopt rules for filing results and statistical information; amending s. 102.166, F.S.; revising the circumstances under which a manual recount may be ordered; amending s. 102.168, F.S.; requiring that complaints be filed with the board responsible for certifying the election results; specifying the parties to an action who may contest an election or nomination; amending s. 103.021, F.S.; providing for nomination of presidential electors by the state executive committee of each political party; defining the term "national party" for purposes of nominating a candidate for President and Vice President of the United States; amending ss. 103.051 and 103.061, F.S.; specifying duties of the presidential electors; amending s. 103.121, F.S.; revising powers and duties of executive committees to conform to changes made by the act; amending s. 105.031, F.S.; providing for public officers to file a statement of financial interests at the time of qualifying; requiring that a filing officer accept certain qualifying papers filed before the qualifying period; amending s. 105.035, F.S.; revising procedures for qualifying for certain judicial offices and the office of school board member; prohibiting a candidate from obtaining signatures until appointing a campaign treasurer and designating a campaign depository; revising the requirements for the supervisor of elections with respect to certifying signatures; creating s. 106.022, F.S.; requiring that a political committee, committee of continuous existence, or electioneering communications entity maintain a registered office and registered agent; providing requirements for the statement of appointment; amending s. 106.24, F.S.; clarifying the duties of the Secretary of State; amending s. 106.141, F.S., relating to the disposition of surplus funds; conforming provisions to changes made by the act; transferring and renumbering s. 98.122, F.S., relating to the use of closed captioning and descriptive narrative in television broadcasts; amending s. 106.22, F.S.; eliminating certain duties of the Division of Elections with respect to reports to the Legislature and preliminary investigations; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute crimes involving voter registration, voting, or certain petition activities; amending s. 119.07, F.S.; clarifying requirements of the supervisor of elections with respect to notifying candidates of the inspection of ballots; amending s. 145.09, F.S.; requiring that the Department of State adopt rules establishing certification requirements for supervisors of elections; creating s. 104.0615, F.S.; providing a short title; prohibiting a person from using or threatening to use force, violence, or intimidation to induce or compel an individual to vote or refrain from voting, to refrain from registering to vote, or to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly using false information to challenge an individual's right to vote, to induce an individual to refrain from registering to vote, or to induce or attempt to induce an individual to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly destroying, mutilating, or defacing a voter registration form or election ballot or obstructing or delaying the delivery of a voter registration form or election ballot; providing criminal penalties; repealing ss. 98.095, 98.0979, 98.181, 98.481, 101.253, 101.635, 102.061, 106.085, and 106.144, F.S., relating to inspections of county registers and the voter database, indexes and records, challenges to elections, the printing and distribution of ballots, duties of the election board, expenditures, and endorsements or opposition by certain groups; providing for severability; providing effective dates.

—which was previously considered and amended this day.

On motion by Senator Posey, by two-thirds vote **HB 1567** was withdrawn from the Committees on Ethics and Elections; Judiciary; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

On motion by Senator Posey—

HB 1567—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising duties of the Secretary of State as chief election officer; amending s. 97.021, F.S.; revising definitions; creating s. 97.029, F.S.; relating to the award of attorney's fees and costs in proceedings challenging election or voter registration law; amending s. 97.051, F.S.; revising the oath a person must take to register to vote; amending s. 97.052, F.S.; revising provisions relating to the uniform statewide voter registration application; removing the requirement that the uniform statewide voter registration application must contain certain homestead exemption information; providing for applicant notification upon his or her failure to answer required information on the voter registration application form; amending s. 97.053, F.S.; revising criteria for a voter registration application to be deemed complete; specifying where an initial voter registration application may be mailed; amending s. 97.055, F.S.; providing for permitted updates once registration books are closed; creating s. 97.0575, F.S.; regulating third-party voter registrations and registration organizations; requiring third-party voter registration organizations to name a registered agent and submit certain information to the Division of Elections; providing for a fiduciary duty of the third-party voter registration organization to the applicant; providing for joint and several liability for a breach of fiduciary duty; specifying fines; authorizing the division to investigate certain violations; providing for collected fines to be set aside by the division in a trust fund; authorizing the division to adopt certain rules; amending s. 98.045, F.S.; correcting a cross reference; amending s. 98.077, F.S.; providing for signature updates for use in verifying absentee and provisional ballots; providing a deadline for the supervisor of elections to receive voter signature updates; amending s. 99.061, F.S.; amending to conform; revising a financial disclosure requirement for candidate qualification; providing a submission deadline for qualifying papers; amending s. 99.063, F.S.; revising a financial disclosure requirement for certain designated candidates; amending s. 99.092, F.S., relating to qualifying fees of candidates, to conform; amending s. 99.095, F.S.; providing for a petition process in lieu of a qualifying fee and party assessment; providing requirements for signatures and petition format; providing submission deadlines; amending s. 99.0955, F.S.; revising provisions relating to candidates with no

party affiliation; amending to conform; deleting obsolete provisions; amending s. 99.096, F.S.; revising filing requirements of minor political party candidates; amending to conform; deleting obsolete provisions; amending s. 99.09651, F.S., relating to signature requirements for ballot position in a year of apportionment, to conform; amending s. 100.011, F.S.; requiring electors in line at the official closing of the polls to be allowed to vote; amending s. 100.101, F.S.; deleting a provision requiring a special election to be held if a vacancy occurs in nomination; amending s. 100.111, F.S.; revising requirements relating to filling candidate vacancies; deleting provisions relating to a prohibition of qualified candidates to fill a vacancy in nomination; deleting obsolete provisions; amending s. 100.141, F.S.; conforming provisions relating to vacancies in nomination and qualifying by an alternative method; amending s. 101.031, F.S.; revising the voter's bill of rights to allow for an elector whose identity in question to cast a provisional ballot and to remove the right for an elector to prove identity by signing an affidavit; amending s. 101.043, F.S., relating to identification required at polls, to conform; amending s. 101.048, F.S.; providing a person casting a provisional ballot the right to present certain eligibility evidence by a certain date; providing for the county canvassing board to review provisional ballot voter's certificates and affirmations; providing a standard of review; revising the provisional ballot voter's certificate and affirmation form; revising provisions relating to casting provisional ballots by electronic means; amending s. 101.049, F.S.; providing for provisional ballots and persons with disabilities; amending s. 101.051, F.S.; prohibiting solicitation of assistance to electors with certain disabilities at certain locations; providing a penalty; requiring a person providing an elector assistance to vote to take a specified oath; amending s. 101.111, F.S.; revising the oath taken by persons challenging the right of a person to vote; deleting the oath required to be taken by a person whose right to vote was challenged and allowing that person to cast a provisional ballot; providing a prohibition against and penalty for frivolous challenges; amending s. 101.131, F.S.; allowing certain poll watchers in early voting areas and polling rooms; providing limitations and restrictions on behavior of poll watchers; providing deadlines regarding designation and approval of poll watchers; amending s. 101.151, F.S.; replacing paper ballots with marksense ballots and accompanying specifications; amending s. 101.171, F.S.; requiring a copy of constitutional amendments to be available at polling locations in poster or booklet form; amending s. 101.294, F.S.; prohibiting a vendor of voting equipment from providing an uncertified voting system or upgrade; providing for certification of voting systems and upgrades; amending s. 101.295, F.S.; providing a penalty; amending s. 101.49, F.S.; revising the procedure of election officers where signatures differ; amending s. 101.51, F.S., relating to electors' occupation of booths, to conform; amending s. 101.5606, F.S., relating to requirements for approval of voting systems, to conform; amending s. 101.5608, F.S., relating to voting by electronic or electromechanical methods, to conform; amending s. 101.5612, F.S.; providing for additional testing of voting systems under certain circumstances; amending s. 101.5614, F.S.; correcting a cross reference; amending s. 101.572, F.S.; revising a provision relating to the public inspection of ballots; amending s. 101.58, F.S.; authorizing certain employees of the Department of State full access to all premises, records, equipment, and staff of the supervisor of elections; amending s. 101.595, F.S.; providing for the reporting of overvotes and undervotes in races for President and Vice President and Governor and Lieutenant Governor or, alternatively, other races appearing first on the ballot; amending s. 101.6103, F.S.; correcting a cross reference; authorizing canvassing boards to begin canvassing mail ballots before the election; providing a time when the results may be released; providing a penalty; amending s. 101.62, F.S.; revising provisions relating to the deadline by which the supervisor of elections must receive a request for an absentee ballot to be mailed to a voter; requiring absentee ballots to be mailed by a certain time; requiring certain information to be available and updated in electronic format as provided by rule adopted by the division; requiring information relating to absentee receipt and delivery dates to be available to the voter requesting the ballot; providing for unavailable regular absentee ballots for overseas electors; providing a deadline by which an absentee ballot request may be fulfilled by personal delivery; amending s. 101.64, F.S.; providing for a certain oath to be provided to overseas electors in lieu of a voter's certificate; amending s. 101.657, F.S.; revising requirements relating to early voting locations; revising the deadline to end early voting and the times for opening and closing the early voting sites each day; providing for uniformity of county early voting sites; requiring any person in line at the closing of an early voting site to be allowed to vote; providing for early voting in municipal and special district elections; requiring supervisors to provide certain information in electronic format to the Division of Elections; amending s. 101.663, F.S.; revising provisions relating to certain electors who move to another state; amending s. 101.68, F.S.; providing that an absentee ballot is deemed to have been cast once it has been received by the supervisor; amending s. 101.69, F.S.; revising a provision relating to voting in person by electors who have requested absentee ballots; amending s. 101.6923, F.S.; revising a provision relating to special absentee ballot instructions for certain voters; amending s. 101.694, F.S.; requiring certain absentee envelopes to meet specifications as determined by a certain federal program; amending s. 101.697, F.S.; providing a condition on the department's ability to accept certain election materials by electronic transmission from overseas voters; amending s. 102.012, F.S.; revising provisions to require supervisors of election to appoint one election board for each precinct; requiring each supervisor to furnish inspectors of election in each precinct with the list of registered voters for the precinct; amending s. 102.014, F.S.; requiring the division to develop a uniform training curriculum for poll workers; revising grounds upon which a supervisor shall replace an inspector or clerk; revising requirements relating to the provisions and availability of a uniform polling place procedures manual; amending s. 102.031, F.S.; revising a provision relating to maintenance of good order at polls, authorities, persons allowed in polling rooms, and unlawful solicitation of voters to apply to early voting areas; providing for the designation of the no solicitation zone; prohibiting photography in a polling room or early voting area; amending s. 102.071, F.S.; decreasing the certificates of the results needed to one; amending s. 102.111, F.S.; providing for typographical errors in official county returns to be certified by the Elections Canvassing Commission; amending s. 102.112, F.S.; requiring the county returns to contain a certain certification; authorizing the department to correct typographical errors in county returns; amending s. 102.141, F.S.; revising provisions relating to county canvassing boards and their duties; requiring that the county canvassing board be responsible for ordering county and local recounts; revising deadlines relating to submission of unofficial returns; adding procedure and content requirements relating to county canvassing boards' reports on conduct of elections; requiring the supervisor of elections to file or export files to the department from election results and other statistical information as may be requested by the department, the Legislature, and the Election Assistance Commission; requiring the department to adopt rules establishing the required content and acceptable formats for certain filings; amending s. 102.166, F.S.; revising provisions relating to manual recounts; amending s. 102.168, F.S.; revising proper party defendants in actions contesting the election or nomination of a candidate; amending s. 103.021, F.S.; requiring the state executive committee of each political party to recommend candidates for presidential electors to the Governor using a specified procedure; providing definitions; amending ss. 103.051 and 103.061, F.S.; revising certain meeting and notice times of the presidential electors; amending s. 103.121, F.S.; revising the powers and duties of executive committees; amending s. 105.031, F.S.; exempting school board candidates from qualifying fee requirements; providing a time by which a qualifying officer may accept and hold certain qualifying papers; amending s. 105.035, F.S.; renaming the "alternative method" of qualifying for certain offices as the "petition process"; removing provisions requiring a person seeking to qualify by the petition process to file a certain oath; providing a limitation upon elector signatures needed by certain candidates; revising deadlines; transferring s. 98.122, F.S., relating to closed caption television broadcasting requirements, and renumbering the section as s. 106.165, F.S.; amending s. 106.22, F.S.; revising the duties of the Division of Elections to remove the duty to conduct certain investigations and make subsequent reports; amending s. 106.29, F.S., relating to the powers and duties of the Florida Elections Commission, to conform; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute the offenses of crimes involving voter registration, voting, or candidate or issue petition activities; amending s. 119.07, F.S.; placing a condition on when the supervisor of elections shall notify certain candidates of ballot inspection; amending s. 145.09, F.S.; requiring the Department of State to adopt rules establishing certification requirements of supervisors of elections; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0979, F.S.; relating to the statewide voter registration database's being open to inspection and copies; repealing s. 98.181, F.S., relating to supervisors of elections making up indexes or records; repealing s. 98.481, F.S., relating to challenge to electors; repealing s. 101.253, F.S.; relating to when names are not to be printed on ballots; repealing s. 101.635, F.S.; relating to distribution of blocks of printed ballots; repealing s. 102.061, F.S.; relating to duties of election board, counting, and closing polls; repealing s. 106.085, F.S., relating to independent expenditures, prohibited unfair surprise, notice requirements, and a penalty; repealing s. 106.144, F.S.; relating to en-

dorsements or opposition by certain groups and organizations; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2086** as amended and read the second time by title.

Senator Posey moved the following amendment:

Amendment 1 (391872)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 97.012, Florida Statutes, is amended to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(1) Obtain and maintain uniformity in the application, operation, and interpretation of the election laws.

(2) Provide uniform standards for the proper and equitable implementation of the registration laws.

(3) Actively seek out and collect the data and statistics necessary to knowledgeably scrutinize the effectiveness of election laws.

(4) Provide technical assistance to the supervisors of elections on voter education and election personnel training services.

(5) Provide technical assistance to the supervisors of elections on voting systems.

(6) Provide voter education assistance to the public.

(7) Coordinate the state's responsibilities under the National Voter Registration Act of 1993.

(8) Provide training to all affected state agencies on the necessary procedures for proper implementation of this chapter.

(9) Ensure that all registration applications and forms prescribed or approved by the department are in compliance with the Voting Rights Act of 1965 *and the National Voter Registration Act of 1993*.

(10) Coordinate with the United States Department of Defense so that armed forces recruitment offices administer voter registration in a manner consistent with the procedures set forth in this code for voter registration agencies.

(11) Create and *administer* ~~maintain~~ a statewide voter registration *system as required by the Help America Vote Act of 2002* ~~database~~.

(12) Maintain a voter fraud hotline and provide election fraud education to the public.

(13) Designate an office within the department to be responsible for providing information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.

(14) Conduct preliminary investigations into any irregularities or fraud involving voter registration, voting, or candidate or issue petition activities and report his or her findings to the statewide prosecutor or the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, if warranted. The Department of State may prescribe by rule requirements for filing an elections-fraud complaint and for investigating any such complaint.

Section 2. Subsection (3) and present subsections (24) and (39) of section 97.021, Florida Statutes, are amended, present subsections (8) through (33) of that section are redesignated as subsections (10) through (35), respectively, present subsections (34) through (39) of that section are redesignated as subsections (37) through (42), respectively, and new subsections (8), (9), and (36) are added to that section, to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(3) "Ballot" or "official ballot" when used in reference to:

(a) "*Marksense* ~~Paper~~ ballots" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

(b) "Electronic or electromechanical devices" means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(8) "Early voting area" means the area designated by the supervisor of elections at an early voting site at which early voting activities occur, including, but not limited to, lines of voters waiting to be processed, the area where voters check in and are processed, and the area where voters cast their ballots.

(9) "Early voting site" means those locations specified in s. 101.657 and the building in which early voting occurs.

(26)~~(24)~~ "Polling room" means the actual room in which ballots are cast *on election day and during early voting*.

(36) "Third-party registration organization" means any person, entity, or organization soliciting or collecting voter registration applications. A third-party voter registration organization does not include:

(a) A political party;

(b) A person who seeks only to register to vote or collect voter registration applications from that person's spouse, child, or parent; or

(c) A person engaged in registering to vote or collecting voter registration applications as an employee or agent of the division, supervisor of elections, Department of Highway Safety and Motor Vehicles, or a voter registration agency.

(42)~~(39)~~ "Voting system" means a method of casting and processing votes that functions wholly or partly by use of electromechanical or electronic apparatus or by use of *marksense* ~~paper~~ ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, *supplies* ~~tabulating cards~~, printouts, and other software necessary for the system's operation.

Section 3. Section 97.051, Florida Statutes, is amended to read:

97.051 Oath upon registering.—A person registering to vote must subscribe to the following oath: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that *all information provided in this application is true* ~~I am a citizen of the United States and a legal resident of Florida~~."

Section 4. Section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(1) The department shall prescribe a uniform statewide voter registration application for use in this state.

(a) The uniform statewide voter registration application must be accepted for any one or more of the following purposes:

1. Initial registration.

2. Change of address.

3. Change of party affiliation.

4. Change of name.

5. Replacement of *a* voter registration identification card.

6. Signature update.

(b) The department is responsible for printing the uniform statewide voter registration application and the voter registration application form prescribed by the ~~Federal~~ Election *Assistance* Commission pursuant to

federal law ~~the National Voter Registration Act of 1993~~. The applications and forms must be distributed, upon request, to the following:

1. Individuals seeking to register to vote.

2. Individuals or groups conducting voter registration programs. A charge of 1 cent per application shall be assessed on requests for 10,000 or more applications.

3. The Department of Highway Safety and Motor Vehicles.

4. Voter registration agencies.

5. Armed forces recruitment offices.

6. Qualifying educational institutions.

7. Supervisors, who must make the applications and forms available in the following manner:

a. By distributing the applications and forms in their offices to any individual or group.

b. By distributing the applications and forms at other locations designated by each supervisor.

c. By mailing the applications and forms to applicants upon the request of the applicant.

(c) The uniform statewide voter registration application may be reproduced by any private individual or group, provided the reproduced application is in the same format as the application prescribed under this section.

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(a) Full name.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

(e) County of legal residence.

~~(f) Address of property for which the applicant has been granted a homestead exemption, if any.~~

(f)~~(g)~~ Race or ethnicity that best describes the applicant:

1. American Indian or Alaskan Native.

2. Asian or Pacific Islander.

3. Black, not Hispanic.

4. White, not Hispanic.

5. Hispanic.

(g)~~(h)~~ State or country of birth.

(h)~~(i)~~ Sex.

(i)~~(j)~~ Party affiliation.

(j)~~(k)~~ Whether the applicant needs assistance in voting.

(k)~~(l)~~ Name and address where last registered.

(l)~~(m)~~ Last four digits of the applicant's social security number.

(m)~~(n)~~ Florida driver's license number or the identification number from a Florida identification card issued under s. 322.051.

(n)~~(o)~~ Telephone number (optional).

(o)~~(p)~~ Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.

(p)~~(q)~~ Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement registration identification card.

(q)~~(r)~~ Whether the applicant is a citizen of the United States *by asking the question "Are you a citizen of the United States of America?" and providing boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States*.

(r)~~(s)~~ *Whether* ~~That~~ the applicant has ~~not~~ been convicted of a felony*, and* ~~or~~, if convicted, has had his or her civil rights restored *by including the statement "I affirm I am not a convicted felon, or if I am, my rights relating to voting have been restored" and providing a box for the applicant to affirm the statement*.

(s)~~(t)~~ *Whether* ~~That~~ the applicant has ~~not~~ been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored *by including the statement "I affirm I have not been adjudicated mentally incapacitated with respect to voting or, if I have, my competency has been restored" and providing a box for the applicant to check to affirm the statement*.

The registration form must be in plain language and designed so that convicted felons whose civil rights have been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication.

(3) The uniform statewide voter registration application must also contain:

(a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) A statement specifying each eligibility requirement under s. 97.041.

(c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.

(d) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.

(e) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

~~(f) A statement that informs the applicant that any person who has been granted a homestead exemption in this state, and who registers to vote in any precinct other than the one in which the property for which the homestead exemption has been granted, shall have that information forwarded to the property appraiser where such property is located, which may result in the person's homestead exemption being terminated and the person being subject to assessment of back taxes under s. 193.092, unless the homestead granted the exemption is being maintained as the permanent residence of a legal or natural dependent of the owner and the owner resides elsewhere.~~

(f)~~(g)~~ A statement informing *an* ~~the~~ applicant *who has not been issued a Florida driver's license, a Florida identification card, or a social security number* that if the *application* ~~form~~ is submitted by mail and the applicant is registering for the first time *in Florida*, the applicant will be required to provide identification prior to voting the first time.

(4) A supervisor may produce a voter registration application that has the supervisor's direct mailing address if the department has reviewed the application and determined that it is substantially the same as the uniform statewide voter registration application.

(5) The voter registration application form prescribed by the ~~Federal~~ Election *Assistance* Commission pursuant to *federal law* ~~the National Voter Registration Act of 1993~~ or the federal postcard application must

be accepted as an application for registration in this state if the completed application or postcard application contains the information required by the constitution and laws of this state.

Section 5. Section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.—

(1) Voter registration applications, changes in registration, and requests for a replacement registration identification card must be accepted in the office of any supervisor, the division, a driver license office, a voter registration agency, or an armed forces recruitment office when hand delivered by the applicant or a third party during the hours that office is open or when mailed.

(2) A ~~completed~~ voter registration application *is complete and* ~~that contains the information necessary to establish an applicant's eligibility pursuant to s. 97.041~~ becomes the official voter registration record of that applicant when *all information necessary to establish the applicant's eligibility pursuant to s. 97.041 is* received by the appropriate supervisor. *If the applicant fails to complete his or her voter registration application before the date of book closing for an election, such applicant is not eligible to vote in that election.*

(3) The registration date for a valid initial voter registration application that has been hand delivered is the date when received by a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor in the state.

(4) The registration date for a valid initial voter registration application that has been mailed *to a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor in the state* and bears a clear postmark is the date of *that* ~~the~~ postmark. If an initial voter registration application that has been mailed does not bear a postmark or if the postmark is unclear, the registration date is the date the registration is received by any supervisor or the division, unless it is received within 5 days after the closing of the books for an election, excluding Saturdays, Sundays, and legal holidays, in which case the registration date is the book-closing date.

(5)(a) A voter registration application is complete if it contains *the following information necessary to establish eligibility pursuant to s. 97.041*:

1. The applicant's name.

2. The applicant's legal residence address.

3. The applicant's date of birth.

4. *A mark in the checkbox affirming* ~~An indication~~ that the applicant is a citizen of the United States.

5. The applicant's Florida driver's license number, the identification number from a Florida identification card issued under s. 322.051, or the last four digits of the applicant's social security number.

6. *A mark in the checkbox affirming* ~~An indication~~ that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

7. *A mark in the checkbox affirming* ~~An indication~~ that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. *The original* signature of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation and that the voter may change party affiliation as provided in s. 97.1031.

Section 6. Subsection (1) of section 97.055, Florida Statutes, is amended to read:

97.055 Registration books; when closed for an election.—

(1) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. When the registration books are closed for an election, *updates to a voter's name, address, and signature pursuant to ss. 98.077 and 101.045 shall be the only changes permitted for purposes of the upcoming election.* Voter registration *applications* and party changes must be accepted but only for the purpose of subsequent elections. However, party changes received between the book-closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.

Section 7. Section 97.0575, Florida Statutes, is created to read:

97.0575 Third-party voter registrations.—

(1) Prior to engaging in any voter-registration activities, a third-party voter registration organization shall name a registered agent in the state and submit to the division, in a form adopted by the division, the name of the registered agent and the name of those individuals responsible for the day-to-day operation of the third-party voter registration organization, including, if applicable, the names of the entity's board of directors, president, vice president, managing partner, or such other individuals engaged in similar duties or functions. On or before the 15th day after the end of each calendar quarter, each third-party voter registration organization shall submit to the division a report providing the date and location of any organized voter-registration drives conducted by the organization in the prior calendar quarter.

(2) The failure to submit the information required by subsection (1) does not subject the third-party voter registration organization to any civil or criminal penalties for such failure and the failure to submit such information is not a basis for denying such third-party voter registration organization with copies of voter-registration application forms.

(3) A third-party voter registration organization that collects voter-registration applications serves as a fiduciary to the applicant, ensuring that any voter-registration application entrusted to the third-party voter registration organization, irrespective of party affiliation, race, ethnicity, or gender shall be promptly delivered to the division or the supervisor of elections. If a voter-registration application collected by any third-party voter registration organization is not delivered to the division or supervisor of elections, the individual collecting the voter-registration application, the registered agent, and those individuals responsible for the day-to-day operation of the third-party voter registration organization, including, if applicable, the entity's board of directors, president, vice president, managing partner, or such other individuals engaged in similar duties or functions, shall be personally and jointly and severally liable for the following fines:

(a) A fine in the amount of $250 for each application received by the division or the supervisor of elections more than 10 days after the applicant delivered the completed voter-registration application to the third-party voter registration organization or any person, entity, or agent acting on its behalf.

(b) A fine in the amount of $500 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, prior to book closing for any given election for federal or state office and received by the division or the supervisor of elections after the book closing deadline for such election.

(c) A fine in the amount of $5,000 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, which is not submitted to the division or supervisor of elections.

The fines provided in this subsection shall be reduced by three-fourths in cases in which the third-party voter registration organization has complied with subsection (1).

(4)(a) The division shall adopt by rule a form to elicit specific information concerning the facts and circumstances from a person who claims to have been registered by a third-party voter registration organization but who does not appear as an active voter on the voter-registration rolls.

(b) The division may investigate any violation of this section. Civil fines shall be assessed by the division and enforced through any appropriate legal proceedings.

(5) The date on which an applicant signs a voter-registration application is presumed to be the date on which the third-party voter registration organization received or collected the voter-registration application.

(6) The civil fines provided in this section are in addition to any applicable criminal penalties.

(7) Fines collected pursuant to this section shall be annually appropriated by the Legislature to the department for enforcement of this section and for voter education.

(8) The division may adopt rules to administer this section.

Section 8. Section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

(1) *The supervisor must furnish* a registration identification card ~~must be furnished~~ to all voters registering under the permanent single registration system and must contain:

(a) Voter's registration number.

(b) Date of registration.

(c) Full name.

(d) Party affiliation.

(e) Date of birth.

(f) Race or ethnicity, if provided by the applicant.

(g) Sex, if provided by the applicant.

(h) Address of legal residence.

(i) Precinct number.

(j) Name of supervisor.

(k) Place for voter's signature.

(l) Other information deemed necessary by the department.

(2) A voter may receive a replacement of a registration identification card by providing a signed, written request for a replacement card to the supervisor. Upon verification of registration, the supervisor shall issue the voter a duplicate card without charge.

(3) In the case of a change of name, address, or party affiliation, the supervisor must issue the voter a new registration identification card. However, a registration identification card indicating a party affiliation change made between the book-closing date for the first primary election and the date of the second primary election may not be issued until after the second primary election.

Section 9. Subsection (3) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(3) Notwithstanding the provisions of *s.* ~~ss. 98.095 and~~ 98.0977, each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065, 98.075, and 98.0977. The records must include lists of the name and address of each person to whom an address confirmation final notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public records requirements under this code.

Section 10. Section 98.077, Florida Statutes, is amended to read:

98.077 Update of voter signature.—The supervisor of elections shall provide to each registered voter of the county the opportunity to update his or her signature on file at the supervisor's office by providing notification of the ability to do so in any correspondence, other than postcard notifications, sent to the voter. The notice shall advise when, where, and how to update the signature and shall provide the voter information on how to obtain a form from the supervisor that can be returned to update the signature. In addition, at least once during each general election year, the supervisor shall publish in a newspaper of general circulation or other newspaper in the county deemed appropriate by the supervisor a notice specifying when, where, or how a voter can update his or her signature that is on file or how a voter can obtain a form from the supervisor to do so. *All signature updates for use in verifying absentee and provisional ballots must be received by the appropriate supervisor of elections no later than the start of the canvassing of absentee ballots by the canvassing board. The signature on file at the start of the canvas of the absentee ballots is the signature that shall be used in verifying the signature on the absentee and provisional ballot certificates.*

Section 11. Section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the *petition process pursuant to s. 99.095* ~~alternative method~~ with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the first primary, but not later than noon of the 116th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to federal office; and noon of the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to a state or multicounty district office.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district or special district office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the *petition process pursuant to s. 99.095* ~~alternative method~~ with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 50th day prior to the first primary or special district election, but not later than noon of the 46th day prior to the date of the first primary or special district election. However, if a special district election is held at the same time as the second primary or general election, qualifying shall be the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(3)(a) Each person seeking to qualify for election to office as a write-in candidate shall file his or her qualification papers with the respective qualifying officer at any time after noon of the 1st day for qualifying, but not later than noon of the last day of the qualifying period for the office sought.

(b) Any person who is seeking election as a write-in candidate shall not be required to pay a filing fee, election assessment, or party assessment. A write-in candidate shall not be entitled to have his or her name printed on any ballot; however, space for the write-in candidate's name to be written in shall be provided on the general election ballot. No person may qualify as a write-in candidate if the person has also otherwise qualified for nomination or election to such office.

(4) At the time of qualifying for office, each candidate for a constitutional office shall file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution, and a candidate for any other office, including local elective office, shall file a statement of financial interests pursuant to s. 112.3145.

(5) The Department of State shall certify to the supervisor of elections, within 7 days after the closing date for qualifying, the names of

all duly qualified candidates for nomination or election who have qualified with the Department of State.

(6) Notwithstanding the qualifying period prescribed in this section, if a candidate has submitted the necessary petitions by the required deadline in order to qualify by the *petition process pursuant to s. 99.095* ~~alternative method~~ as a candidate for nomination or election and the candidate is notified after the 5th day prior to the last day for qualifying that the required number of signatures has been obtained, the candidate is entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date the candidate is notified that the necessary number of signatures has been obtained. Any candidate who qualifies within the time prescribed in this subsection is entitled to have his or her name printed on the ballot.

(7)(a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A properly executed check drawn upon the candidate's campaign account in an amount not less than the fee required by s. 99.092 or, in lieu thereof, as applicable, the copy of the notice of obtaining ballot position pursuant to s. 99.095 ~~or the undue burden oath authorized pursuant to s. 99.0955 or s. 99.096~~. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, duly acknowledged.

3. The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

4. If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

5. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

6. The full and public disclosure or statement of financial interests required by subsection (4). *A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.*

(b) If the filing officer receives qualifying papers that do not include all items as required by paragraph (a) prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(8) Notwithstanding the qualifying period prescribed in this section, a qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

(9)~~(8)~~ Notwithstanding the qualifying period prescribed by this section, in each year in which the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office shall be between noon of the 57th day prior to the first primary, but not later than noon of the 53rd day prior to the first primary.

(10)~~(9)~~ The Department of State may prescribe by rule requirements for filing papers to qualify as a candidate under this section.

Section 12. Section 99.063, Florida Statutes, is amended to read:

99.063 Candidates for Governor and Lieutenant Governor.—

(1) No later than 5 p.m. of the 9th day following the second primary election, each candidate for Governor shall designate a Lieutenant Governor as a running mate. Such designation must be made in writing to the Department of State.

(2) No later than 5 p.m. of the 9th day following the second primary election, each designated candidate for Lieutenant Governor shall file with the Department of State:

(a) The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought; and the signature of the candidate, duly acknowledged.

(b) The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

(c) If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

(d) The full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution. *A public officer who has filed the full and public disclosure with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.*

(3) A designated candidate for Lieutenant Governor is not required to pay a separate qualifying fee or obtain signatures on petitions. Ballot position obtained by the candidate for Governor entitles the designated candidate for Lieutenant Governor, upon receipt by the Department of State of the qualifying papers required by subsection (2), to have his or her name placed on the ballot for the joint candidacy.

(4) In order to have the name of the candidate for Lieutenant Governor printed on the first or second primary election ballot, a candidate for Governor participating in the primary must designate the candidate for Lieutenant Governor, and the designated candidate must qualify no later than the end of the qualifying period specified in s. 99.061. If the candidate for Lieutenant Governor has not been designated and has not qualified by the end of the qualifying period specified in s. 99.061, the phrase "Not Yet Designated" must be included in lieu of the candidate's name on primary election ballots and on advance absentee ballots for the general election.

(5) Failure of the Lieutenant Governor candidate to be designated and qualified by the time specified in subsection (2) shall result in forfeiture of ballot position for the candidate for Governor for the general election.

Section 13. Section 99.092, Florida Statutes, is amended to read:

99.092 Qualifying fee of candidate; notification of Department of State.—

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify by the *petition process* ~~alternative method~~ pursuant to s. 99.095~~, s. 99.0955, or s. 99.096~~ and except a person seeking to qualify as a write-in candidate, shall pay a qualifying fee, which shall consist of a filing fee and election assessment, to the officer with whom the person qualifies, and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his or her party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his or her other qualifying papers. The amount of the filing fee is 3 percent of the annual salary of the office. The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be deposited into the Elections Commission Trust Fund. The amount of the party assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, election assessment, and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his or her candidacy before the last date to qualify, the candidate's qualifying fee shall be returned to his or her designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the designated beneficiary of the candidate.

(2) The supervisor of elections shall, immediately after the last day for qualifying, submit to the Department of State a list containing the

names, party affiliations, and addresses of all candidates and the offices for which they qualified.

Section 14. Section 99.095, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 99.095, F.S., for present text.)

99.095 Petition process in lieu of a qualifying fee and party assessment.—

(1) A person who seeks to qualify as a candidate for any office and who meets the petition requirements of this section is not required to pay the qualifying fee or party assessment required by this chapter.

(2)(a) A candidate shall obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the department for the last preceding general election. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to s. 106.021.

(b) The format of the petition shall be prescribed by the division and shall be used by candidates to reproduce petitions for circulation. If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation and if it does not, the signatures are not valid. A separate petition is required for each candidate.

(3) Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county in which such petition was circulated. Each supervisor shall check the signatures on the petitions to verify their status as voters in the county, district, or other geographical area represented by the office sought. No later than the 7th day before the first day of the qualifying period, the supervisor shall certify the number of valid signatures.

(4)(a) Certifications for candidates for federal, state, or multicounty district office shall be submitted to the division. The division shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(b) For candidates for county or district office not covered by paragraph (a), the supervisor shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(5) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to s. 99.061.

Section 15. Section 99.0955, Florida Statutes, is amended to read:

99.0955 Candidates with no party affiliation; name on general election ballot.—

(1) Each person seeking to qualify for election as a candidate with no party affiliation shall file his or her *qualifying* ~~qualification~~ papers and pay the qualifying fee or qualify by the *petition process pursuant to s. 99.095* ~~alternative method prescribed in subsection (3)~~ with the officer and during the times and under the circumstances prescribed in s. 99.061. Upon qualifying, the candidate is entitled to have his or her name placed on the general election ballot.

(2) The qualifying fee for candidates with no party affiliation shall consist of a filing fee and an election assessment *as prescribed in s. 99.092*. ~~The amount of the filing fee is 3 percent of the annual salary of the office sought. The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be deposited into the Elections Commission Trust Fund.~~ Filing fees paid to the Department of State shall be deposited into the General Revenue Fund of the state. Filing fees paid to the supervisor of elections shall be deposited into the general revenue fund of the county.

~~(3)(a) A candidate with no party affiliation may, in lieu of paying the qualifying fee, qualify for office by the alternative method prescribed in this subsection. A candidate using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method. If the person is running for an office that requires a group or district designation, the candidate must indicate the designation in his or her oath. The oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the election is held, but before the 21st day preceding the first day of the qualifying period for the office sought. The Department of State shall prescribe the form to be used in administering and filing the oath. Signatures may not be obtained by a candidate on any petition until the candidate has filed the oath required in this subsection. Upon receipt of the written oath from a candidate, the qualifying officer shall provide the candidate with petition forms in sufficient numbers to facilitate the gathering of signatures. If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation or the signatures obtained on the petition will not be counted.~~

~~(b) A candidate shall obtain the signatures of a number of qualified electors in the geographical entity represented by the office sought equal to 1 percent of the registered electors of the geographical entity represented by the office sought, as shown by the compilation by the Department of State for the preceding general election.~~

~~(c) Each petition must be submitted before noon of the 21st day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. Each supervisor to whom a petition is submitted shall check the signatures on the petition to verify their status as electors in the county, district, or other geographical entity represented by the office sought. Before the first day for qualifying, the supervisor shall certify the number shown as registered electors.~~

~~(d)1. Certifications for candidates for federal, state, or multicounty district office shall be submitted to the Department of State. The Department of State shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate.~~

~~2. For candidates for county or district office not covered by subparagraph 1., the supervisor of elections shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate.~~

~~(e) If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of the notice received under paragraph (d) and file his or her qualifying papers and the oath prescribed by s. 99.021 with the qualifying officer.~~

Section 16. Section 99.096, Florida Statutes, is amended to read:

99.096 Minor *political* party candidates; names on ballot.—

(1) ~~The executive committee of a minor political party shall,~~ No later than noon of the third day prior to the first day of the qualifying period prescribed for federal candidates*, the executive committee of a minor political party shall submit to the Department of State a list of federal candidates nominated by the party to be on the general election ballot.* ~~and~~ No later than noon of the third day prior to the first day of the qualifying period for state candidates, *the executive committee of a minor political party shall submit to the filing officer for each of the candidates* ~~submit to the Department of State~~ the official list of the *state, multicounty, and county* ~~respective~~ candidates nominated by that party to be on the ballot in the general election. ~~The Department of State shall notify the appropriate supervisors of elections of the name of each minor party candidate eligible to qualify before such supervisor.~~ The official list of nominated candidates may not be changed by the party after having been filed with the *filing officers* ~~Department of State~~, except that ~~candidates who have qualified may withdraw from the ballot pursuant to the provisions of this code, and~~ vacancies in nominations may be filled pursuant to s. 100.111.

(2) Each person seeking to qualify for election as a candidate of a minor *political* party shall file his or her *qualifying* ~~qualification~~ papers with, and pay the qualifying fee and, if one has been levied, the party assessment, or qualify by the *petition process pursuant to s. 99.095* ~~alternative method prescribed in subsection (3)~~, with the officer and at the times and under the circumstances provided in s. 99.061.

~~(3)(a) A minor party candidate may, in lieu of paying the qualifying fee and party assessment, qualify for office by the alternative method prescribed in this subsection. A candidate using this petitioning process~~

~~shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method. If the person is running for an office that requires a group or district designation, the candidate must indicate the designation in his or her oath. The oath must be filed at any time after the first Tuesday after the first Monday in January of the year in which the election is held, but before the 21st day preceding the first day of the qualifying period for the office sought. The Department of State shall prescribe the form to be used in administering and filing the oath. Signatures may not be obtained by a candidate on any petition until the candidate has filed the oath required in this section. Upon receipt of the written oath from a candidate, the qualifying officer shall provide the candidate with petition forms in sufficient numbers to facilitate the gathering of signatures. If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation or the signatures on such petition will not be counted.~~

~~(b) A candidate shall obtain the signatures of a number of qualified electors in the geographical entity represented by the office sought equal to 1 percent of the registered electors in the geographical entity represented by the office sought, as shown by the compilation by the Department of State for the last preceding general election.~~

~~(c) Each petition shall be submitted prior to noon of the 21st day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county for which the petition was circulated. Each supervisor to whom a petition is submitted shall check the signatures on the petition to verify their status as electors in the county, district, or other geographical entity represented by the office sought. Before the first day for qualifying, the supervisor shall certify the number shown as registered electors.~~

~~(d)1. Certifications for candidates for federal, state, or multicounty district office shall be submitted to the Department of State. The Department of State shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate.~~

~~2. For candidates for county or district office not covered by subparagraph 1., the supervisor of elections shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate.~~

~~(e) If the required number of signatures has been obtained, the candidate shall, during the prescribed time for qualifying for office, submit a copy of the notice received under paragraph (d) and file his or her qualifying papers and the oath prescribed by s. 99.021 with the qualifying officer.~~

~~(4) A minor party candidate whose name has been submitted pursuant to subsection (1) and who has qualified for office is entitled to have his or her name placed on the general election ballot.~~

Section 17. Subsection (1) of section 99.09651, Florida Statutes, is amended to read:

99.09651 Signature requirements for ballot position in year of apportionment.—

(1) In a year of apportionment, any candidate for representative to Congress, state Senate, or state House of Representatives seeking ballot position by the *petition process* ~~alternative method~~ prescribed in s. 99.095~~, s. 99.0955, or s. 99.096~~ shall obtain at least the number of signatures equal to one-third of 1 percent of the ideal population for the district of the office being sought.

Section 18. Subsection (1) of section 100.011, Florida Statutes, is amended to read:

100.011 Opening and closing of polls, all elections; expenses.—

(1) The polls shall be open at the voting places at 7:00 a.m., on the day of the election, and shall be kept open until 7:00 p.m., of the same day, and the time shall be regulated by the customary time in standard use in the county seat of the locality. The inspectors shall make public proclamation of the opening and closing of the polls. During the election and canvass of the votes, the ballot box shall not be concealed. *Any elector who is in line at the time of the official closing of the polls shall be allowed to cast a vote in the election.*

Section 19. Section 100.101, Florida Statutes, is amended to read:

100.101 Special elections and special primary elections.—Except as provided in s. 100.111(2), a special election or special primary election shall be held in the following cases:

(1) If no person has been elected at a general election to fill an office which was required to be filled by election at such general election.

(2) If a vacancy occurs in the office of state senator or member of the state house of representatives.

(3) If it is necessary to elect presidential electors, by reason of the offices of President and Vice President both having become vacant.

(4) If a vacancy occurs in the office of member from Florida of the House of Representatives of Congress.

~~(5) If a vacancy occurs in nomination.~~

Section 20. Section 100.111, Florida Statutes, is amended to read:

100.111 Filling vacancy.—

(1)(a) If any vacancy occurs in any office which is required to be filled pursuant to s. 1(f), Art. IV of the State Constitution and the remainder of the term of such office is 28 months or longer, then at the next general election a person shall be elected to fill the unexpired portion of such term, commencing on the first Tuesday after the first Monday following such general election.

(b) If such a vacancy occurs prior to the first day set by law for qualifying for election to office at such general election, any person seeking nomination or election to the unexpired portion of the term shall qualify within the time prescribed by law for qualifying for other offices to be filled by election at such general election.

(c) If such a vacancy occurs prior to the first primary but on or after the first day set by law for qualifying, the Secretary of State shall set dates for qualifying for the unexpired portion of the term of such office. Any person seeking nomination or election to the unexpired portion of the term shall qualify within the time set by the Secretary of State. If time does not permit party nominations to be made in conjunction with the first and second primary elections, the Governor may call a special primary election, and, if necessary, a second special primary election, to select party nominees for the unexpired portion of such term.

(2)(a) If, in any state or county office required to be filled by election, a vacancy occurs during an election year by reason of the incumbent having qualified as a candidate for federal office pursuant to s. 99.061, no special election is required. Any person seeking nomination or election to the office so vacated shall qualify within the time prescribed by s. 99.061 for qualifying for state or county offices to be filled by election.

(b) If such a vacancy occurs in an election year other than the one immediately preceding expiration of the present term, the Secretary of State shall notify the supervisor of elections in each county served by the office that a vacancy has been created. Such notice shall be provided to the supervisor of elections not later than the close of the first day set for qualifying for state or county office. The supervisor shall provide public notice of the vacancy in any manner the Secretary of State deems appropriate.

(3) Whenever there is a vacancy for which a special election is required pursuant to *s. 100.101* ~~s. 100.101(1)-(4)~~, the Governor, after consultation with the Secretary of State, shall fix the date of a special first primary election, a special second primary election, and a special election. Nominees of political parties other than minor political parties shall be chosen under the primary laws of this state in the special primary elections to become candidates in the special election. Prior to setting the special election dates, the Governor shall consider any upcoming elections in the jurisdiction where the special election will be held. The dates fixed by the Governor shall be specific days certain and shall not be established by the happening of a condition or stated in the alternative. The dates fixed shall provide a minimum of 2 weeks between each election. In the event a vacancy occurs in the office of state senator or member of the House of Representatives when the Legislature is in regular legislative session, the minimum times prescribed by this subsection may be waived upon concurrence of the Governor, the Speaker

of the House of Representatives, and the President of the Senate. If a vacancy occurs in the office of state senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for any special primary and for the special election to coincide with the dates of the first and second primary and general election. If a vacancy in office occurs in any district in the state Senate or House of Representatives or in any congressional district, and no session of the Legislature, or session of Congress if the vacancy is in a congressional district, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.

(a) The dates for candidates to qualify in such special election or special primary election shall be fixed by the Department of State, and candidates shall qualify not later than noon of the last day so fixed. The dates fixed for qualifying shall allow a minimum of 14 days between the last day of qualifying and the special first primary election.

(b) The filing of campaign expense statements by candidates in such special elections or special primaries and by committees making contributions or expenditures to influence the results of such special primaries or special elections shall be not later than such dates as shall be fixed by the Department of State, and in fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations.

(c) The dates for a candidate to qualify by the *petition process pursuant to s. 99.095* ~~alternative method~~ in such special primary or special election shall be fixed by the Department of State. In fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations. Any candidate seeking to qualify by the *petition process* ~~alternative method~~ in a special primary election shall obtain 25 percent of the signatures required by s. 99.095~~, s. 99.0955, or s. 99.096, as applicable~~.

(d) The qualifying fees and party assessments of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. The party assessment shall be paid to the appropriate executive committee of the political party to which the candidate belongs.

(e) Each county canvassing board shall make as speedy a return of the result of such special elections and primaries as time will permit, and the Elections Canvassing Commission likewise shall make as speedy a canvass and declaration of the nominees as time will permit.

(4)(a) In the event that death, resignation, withdrawal, removal, or any other cause or event should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, ~~the Governor shall, after conferring with the Secretary of State, call a special primary election and, if necessary, a second special primary election to select for such office a nominee of such political party. The dates on which candidates may qualify for such special primary election shall be fixed by the Department of State, and the candidates shall qualify no later than noon of the last day so fixed. The filing of campaign expense statements by candidates in special primaries shall not be later than such dates as shall be fixed by the Department of State. In fixing such dates, the Department of State shall take into consideration and be governed by the practical time limitations. The qualifying fees and party assessment of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. Each county canvassing board shall make as speedy a return of the results of such primaries as time will permit, and the Elections Canvassing Commission shall likewise make as speedy a canvass and declaration of the nominees as time will permit.~~

~~(b) If the vacancy in nomination occurs later than September 15, or if the vacancy in nomination occurs with respect to a candidate of a minor political party which has obtained a position on the ballot, no special primary election shall be held and~~ the Department of State shall notify the chair of the appropriate state, district, or county political party executive committee of such party; and, within *5* ~~7~~ days, the chair shall call a meeting of his or her executive committee to consider designation of a nominee to fill the vacancy. The name of any person so designated shall be submitted to the Department of State within *7* ~~14~~ days *after* ~~of~~ notice to the chair in order that the person designated may have his or her name ~~printed or otherwise placed~~ on the ballot of the ensuing general election~~, but in no event shall the supervisor of elections be required to place on a ballot a name submitted less than 21 days prior to the election~~. If the *name of the new nominee is submitted after the certification of results of the preceding primary election, however, the ballots shall not be changed and* ~~vacancy occurs less than 21 days prior to the election, the person designated by the political party will replace the former party nominee even though~~ the former party nominee's name will *appear* ~~be~~ on the ballot. Any ballots cast for the former party nominee will be counted for the person designated by the political party to replace the former party nominee. If there is no opposition to the party nominee, the person designated by the political party to replace the former party nominee will be elected to office at the general election. For purposes of this paragraph, the term "district political party executive committee" means the members of the state executive committee of a political party from those counties comprising the area involving a district office.

(b)~~(c)~~ When, under the circumstances set forth in the preceding paragraph, vacancies in nomination are required to be filled by committee nominations, such vacancies shall be filled by party rule. In any instance in which a nominee is selected by a committee to fill a vacancy in nomination, such nominee shall pay the same filing fee and take the same oath as the nominee would have taken had he or she regularly qualified for election to such office.

(c)~~(d)~~ Any person who, at the close of qualifying as prescribed in ss. 99.061 and 105.031, was qualified for nomination or election to or retention in a public office to be filled at the ensuing general election is prohibited from qualifying as a candidate to fill a vacancy in nomination for any other office to be filled at that general election, even if such person has withdrawn or been eliminated as a candidate for the original office sought. However, this paragraph does not apply to a candidate for the office of Lieutenant Governor who applies to fill a vacancy in nomination for the office of Governor on the same ticket or to a person who has withdrawn or been eliminated as a candidate and who is subsequently designated as a candidate for Lieutenant Governor under s. 99.063.

(5) In the event of unforeseeable circumstances not contemplated in these general election laws concerning the calling and holding of special primary elections and special elections resulting from court order or other unpredictable circumstances, the Department of State shall have the authority to provide for the conduct of orderly elections.

~~(6) In the event that a vacancy occurs which leaves less than 4 weeks for a candidate seeking to qualify by the alternative method to gather signatures for ballot position, the number of signatures required for ballot placement shall be 25 percent of the number of signatures required by s. 99.095, s. 99.0955, or s. 99.096, whichever is applicable.~~

Section 21. Section 100.141, Florida Statutes, is amended to read:

100.141 Notice of special election to fill any vacancy in office ~~or nomination~~.—

(1) Whenever a special election is required to fill any vacancy in office ~~or nomination~~, the Governor, after consultation with the Secretary of State, shall issue an order declaring on what day the election shall be held and deliver the order to the Department of State.

(2) The Department of State shall prepare a notice stating what offices ~~and vacancies~~ are to be filled in the special election, the date set for each special primary election and the special election, the dates fixed for qualifying for office, the dates fixed for qualifying by the *petition process pursuant to s. 99.095* ~~alternative method~~, and the dates fixed for filing campaign expense statements.

(3) The department shall deliver a copy of such notice to the supervisor of elections of each county in which the special election is to be held. The supervisor shall have the notice published two times in a newspaper of general circulation in the county at least 10 days prior to the first day set for qualifying for office. If such a newspaper is not published within the period set forth, the supervisor shall post at least five copies of the notice in conspicuous places in the county not less than 10 days prior to the first date set for qualifying.

Section 22. Subsection (2) of section 101.031, Florida Statutes, is amended to read:

101.031 Instructions for electors.—

(2) The supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities in the following form:

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. Vote and have his or her vote accurately counted.

2. Cast a vote if he or she is in line at the official closing of the polls in that county.

3. Ask for and receive assistance in voting.

4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.

5. An explanation if his or her registration *or identity* is in question.

6. If his or her registration *or identity* is in question, cast a provisional ballot.

~~7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.~~

7.~~8.~~ Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.

8.~~9.~~ Vote free from coercion or intimidation by elections officers or any other person.

9.~~10.~~ Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

VOTER RESPONSIBILITIES

Each registered voter in this state should:

1. Familiarize himself or herself with the candidates and issues.

2. Maintain with the office of the supervisor of elections a current address.

3. Know the location of his or her polling place and its hours of operation.

4. Bring proper identification to the polling station.

5. Familiarize himself or herself with the operation of the voting equipment in his or her precinct.

6. Treat precinct workers with courtesy.

7. Respect the privacy of other voters.

8. Report any problems or violations of election laws to the supervisor of elections.

9. Ask questions, if needed.

10. Make sure that his or her completed ballot is correct before leaving the polling station.

NOTE TO VOTER: Failure to perform any of these responsibilities does not prohibit a voter from voting.

Section 23. Section 101.043, Florida Statutes, is amended to read:

101.043 Identification required at polls.—

(1) The precinct register, as prescribed in s. 98.461, shall be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present a current and valid picture identification as provided in s. 97.0535(3)(a). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

~~(2) Except as provided in subsection (3), if the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49.~~

(2)~~(3)~~ If the elector ~~who~~ fails to furnish the required identification ~~is a first-time voter who registered by mail and has not provided the required identification to the supervisor of elections prior to election day~~, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot pursuant to s. 101.048(2).

Section 24. Section 101.048, Florida Statutes, is amended to read:

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in the county and eligible to vote at the precinct in the election~~,~~ but whose eligibility cannot be determined, *a person whom an election official asserts is not eligible,* and other persons specified in the code shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections. The department shall prescribe the form of the provisional ballot envelope. *A person casting a provisional ballot shall have the right to present written evidence supporting his or her eligibility to vote to the supervisor of elections by not later that 5 p.m. on the third day following the election.*

(2)(a) The county canvassing board shall examine each Provisional Ballot *Voter's Certificate and Affirmation* ~~envelope~~ to determine if the person voting that ballot was entitled to vote at the precinct where the person cast a vote in the election and that the person had not already cast a ballot in the election. *In determining whether a person casting a provisional ballot is entitled to vote, the county canvassing board shall review the information provided in the Voter's Certificate and Affirmation, written evidence provided by the person pursuant to subsection (1), any other evidence presented by the supervisor of elections, and, in the case of a challenge, any evidence presented by the challenger. A ballot of a person casting a provisional ballot shall be counted unless the canvassing board determines by a preponderance of the evidence that the person was not entitled to vote.*

(b)1. If it is determined that the person was registered and entitled to vote at the precinct where the person cast a vote in the election, the canvassing board shall compare the signature on the Provisional Ballot *Voter's Certificate and Affirmation* ~~envelope~~ with the signature on the voter's registration and, if it matches, shall count the ballot.

2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote at the precinct where the person cast a vote in the election, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and Affirmation and the envelope shall be marked "Rejected as Illegal."

(3) The Provisional Ballot Voter's Certificate and Affirmation shall be in substantially the following form:

STATE OF FLORIDA
COUNTY OF . . . .

I do solemnly swear (or affirm) that my name is . . . . ; that my date of birth is . . . . ; that I am registered *and qualified* to vote ~~and at the time I registered I resided at . . . . , in the municipality of . . . . ,~~ in . . . . County, Florida; that I am registered in the . . . . Party; that I am a qualified voter of the county; and that I have not voted in this election. I understand that if I commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years.

(Signature of Voter)
(Current Residence Address)
(Current Mailing Address)
(City, State, Zip Code)
(Driver's License Number or Last Four Digits of Social Security Number)

Sworn to and subscribed before me this . . . . day of . . . . . , (year) .
(Election Official)

Precinct # . . . . Ballot Style/Party Issued: . . . .

(4) *Notwithstanding the requirements of subsections (1), (2), and (3)* ~~In counties where the voting system does not utilize a paper ballot~~, the

supervisor of elections may*, and for persons with disabilities shall,* provide the appropriate provisional ballot to the voter by electronic means *that meet the requirements of s. 101.56062,* as provided for by the certified voting system. Each person casting a provisional ballot by electronic means shall, prior to casting his or her ballot, complete the Provisional Ballot Voter's Certificate and Affirmation as provided in subsection (3).

(5) Each person casting a provisional ballot shall be given written instructions regarding *the person's right to provide the supervisor of elections with written evidence of his or her eligibility to vote and regarding* the free access system established pursuant to subsection (6). The instructions shall contain information on how to access the system and the information the voter will need to provide to obtain information on his or her particular ballot. The instructions shall also include the following statement: "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(6) Each supervisor of elections shall establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why. Information regarding provisional ballots shall be available no later than 30 days following the election. The system established must restrict information regarding an individual ballot to the person who cast the ballot.

Section 25. Section 101.049, Florida Statutes, is amended to read:

101.049 Provisional ballots; special circumstances.—

(1) Any person who votes in an election after the regular poll-closing time pursuant to a court or other order extending the statutory polling hours must vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The election official witnessing the voter's subscription and affirmation on the Provisional Ballot Voter's Certificate shall indicate whether or not the voter met all requirements to vote a regular ballot at the polls. All such provisional ballots shall remain sealed in their envelopes and be transmitted to the supervisor of elections.

(2) Separate and apart from all other ballots, the county canvassing board shall count all late-voted provisional ballots that the canvassing board determines to be valid.

(3) The supervisor shall ensure that late-voted provisional ballots are not commingled with other ballots during the canvassing process or at any other time they are statutorily required to be in the supervisor's possession.

(4) This section shall not apply to voters in line at the poll-closing time provided in s. 100.011 who cast their ballots subsequent to that time.

(5) As an alternative, provisional ballots cast pursuant to this section may*, and for persons with disabilities shall,* be cast in accordance with the provisions of s. 101.048(4).

Section 26. Effective July 1, 2005, section 101.051, Florida Statutes, as amended by section 10 of chapter 2002-281, Laws of Florida, is amended to read:

101.051 Electors seeking assistance in casting ballots; oath to be executed; forms to be furnished.—

(1) Any elector applying to vote in any election who requires assistance to vote by reason of blindness, disability, or inability to read or write may request the assistance of two election officials or some other person of the elector's own choice, other than the elector's employer, an agent of the employer, or an officer or agent of his or her union, to assist the elector in casting his or her vote. Any such elector, before retiring to the voting booth, may have one of such persons read over to him or her, without suggestion or interference, the titles of the offices to be filled and the candidates therefor and the issues on the ballot. After the elector requests the aid of the two election officials or the person of the elector's choice, they shall retire to the voting booth for the purpose of casting the elector's vote according to the elector's choice.

(2) It is unlawful for any person to be in the voting booth with any elector except as provided in subsection (1). *A person at a polling place or early voting site, or within 100 feet of the entrance of a polling place or early voting site, may not solicit any elector in an effort to provide assistance to vote pursuant to subsection (1). Any person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(3) Any elector applying to cast an absentee ballot in the office of the supervisor, in any election, who requires assistance to vote by reason of blindness, disability, or inability to read or write may request the assistance of some person of his or her own choice, other than the elector's employer, an agent of the employer, or an officer or agent of his or her union, in casting his or her absentee ballot.

(4) If an elector needs assistance in voting pursuant to the provisions of this section, the clerk or one of the inspectors shall require the elector requesting assistance in voting to take the following oath:

DECLARATION TO SECURE ASSISTANCE

State of Florida
County of . . . .
Date . . . .
Precinct . . . .

I, (Print name), swear or affirm that I am a registered elector and request assistance from (Print names) in voting at the (name of election) held on (date of election). (Signature of assistor).
Sworn and subscribed to before me this . . . . day of . . . . , (year).
(Signature of Official Administering Oath)

(5) If an elector needing assistance requests that a person other than an election official provide him or her with assistance in voting, the clerk or one of the inspectors shall require the person providing assistance to take the following oath:

DECLARATION TO PROVIDE ASSISTANCE

State of Florida
County of . . . .
Date . . . .
Precinct . . . .

I, (Print name) *, have been requested by* (print name of elector needing assistance) *to provide him or her with assistance to vote. I swear or affirm that I am not the employer, an agent of the employer, or an officer or agent of the union of the voter and that I have not solicited this voter at the polling place or early voting site or within 100 feet of such locations in an effort to provide assistance.* (Signature of assistor)
Sworn and subscribed to before me this . . . . day of . . . . , (year).
(Signature of Official Administering Oath)

(6)~~(5)~~ The supervisor of elections shall deliver a sufficient number of these forms to each precinct, along with other election paraphernalia.

Section 27. Section 101.111, Florida Statutes, is amended to read:

101.111 Person desiring to vote may be challenged; challenger to execute oath; oath of person challenged; determination of challenge.—

(1) When the right to vote of any person who desires to vote is challenged by any elector or poll watcher, the challenge shall be reduced to writing with an oath as provided in this section, giving reasons for the challenge, which shall be delivered to the clerk or inspector. Any elector or poll watcher challenging the right of a person to vote shall execute the oath set forth below:

OATH OF PERSON ENTERING CHALLENGE

State of Florida
County of . . . .

I do solemnly swear that my name is . . . . ; that I am a member of the . . . . party; that I am *a registered voter or pollwatcher* ~~. . . . years old~~; that my residence address is . . . . , in the municipality of . . . . ; and that I have reason to believe that . . . . is attempting to vote illegally and the reasons for my belief are set forth herein to wit: . . . . . .
. . . . . .
. . . . . .
(Signature of person challenging voter)

Sworn and subscribed to before me this . . . . day of . . . . , (year).
(Clerk of election)

(2) ~~Before a person who is challenged is permitted to vote, the challenged person's right to vote shall be determined in accordance with the provisions of subsection (3).~~ The clerk or inspector shall immediately deliver to the challenged person a copy of the oath of the person entering the challenge and *the challenged voter shall be allowed to cast a provisional ballot.* ~~shall request the challenged person to execute the following oath:~~

~~OATH OF PERSON CHALLENGED~~

~~State of Florida~~
~~County of . . . .~~

~~I do solemnly swear that my name is . . . .; that I am a member of the . . . . party; that my date of birth is . . . .; that my residence address is . . . . , in the municipality of . . . . , in this the . . . . precinct of . . . . county; that I personally made application for registration and signed my name and that I am a qualified voter in this election.~~
~~...(Signature of person)...~~

~~Sworn and subscribed to before me this . . . . day of . . . . , (year) .~~
~~...(Clerk of election or Inspector)...~~

~~Any inspector or clerk of election may administer the oath.~~

(3) *Any elector or poll watcher may challenge the right of any voter to vote not sooner than 30 days before an election by filing a completed copy of the oath contained in subsection (1) to the supervisor of election's office. The challenged voter shall be permitted to cast a provisional ballot.*

(4) Any elector or poll watcher filing a frivolous challenge of any person's right to vote commits a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; however, electors or poll watchers shall not be subject to liability for any action taken in good faith and in furtherance of any activity or duty permitted of such electors or poll watchers by law. Each instance where any elector or poll watcher files a frivolous challenge of any person's right to vote constitutes a separate offense.

~~(a) The clerk and inspectors shall compare the information in the challenged person's oath with that entered on the precinct register and shall take any other evidence that may be offered. The clerk and inspectors shall then decide by a majority vote whether the challenged person may vote a regular ballot.~~

~~(b) If the challenged person refuses to complete the oath or if a majority of the clerk and inspectors doubt the eligibility of the person to vote, the challenged person shall be allowed to vote a provisional ballot. The oath of the person entering the challenge and the oath of the person challenged shall be attached to the provisional ballot for transmittal to the canvassing board.~~

Section 28. Section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(1) Each political party and each candidate may have one watcher in each polling room *or early voting area* at any one time during the election. *A political committee formed for the specific purpose of expressly advocating the passage or defeat of an issue on the ballot may have one watcher for each polling room or early voting area at any one time during the election.* No watcher shall be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room *or early voting area* to watch and observe the conduct of electors and officials. The *poll* watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of any election. *The poll watchers shall pose any questions regarding polling place procedures directly to the clerk for resolution. They may not interact with voters.* Each *poll* watcher shall be a qualified and registered elector of the county in which he or she serves.

(2) Each party*, each political committee,* and each candidate requesting to have poll watchers shall designate, in writing, ~~poll watchers for each precinct~~ prior to noon of the second Tuesday preceding the election *poll watchers for each polling room on election day. Designations of poll watchers for early voting areas shall be submitted in writing to the supervisor of elections at least 14 days before early voting begins.* The poll watchers for each *polling room* ~~precinct~~ shall be approved by the supervisor of elections on or before the Tuesday before the election. *Poll watchers for early voting areas shall be approved by the supervisor of elections no later than 7 days before early voting begins.* The supervisor shall furnish to each *election board* ~~precinct~~ a list of the poll watchers designated and approved for such *polling room or early voting area* ~~precinct~~.

(3) No candidate or sheriff, deputy sheriff, police officer, or other law enforcement officer may be designated as a poll watcher.

Section 29. Subsection (1) of section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for ballots.—

(1) *Marksense* ~~Paper~~ ballots shall be printed on paper of such thickness that the printing cannot be distinguished from the back *and shall meet the specifications of the voting system that will be used to tabulate the ballots*.

Section 30. Section 101.171, Florida Statutes, is amended to read:

101.171 Copy of constitutional amendment to be *available at voting locations* ~~posted~~.—Whenever any amendment to the State Constitution is to be voted upon at any election, the Department of State shall have printed~~,~~ and shall furnish to each supervisor of elections~~,~~ a sufficient number of copies of the amendment *either in poster or booklet form*, and the supervisor shall have a copy thereof conspicuously posted *or available* at each *polling room or early voting area* ~~precinct~~ upon the day of election.

Section 31. Section 101.294, Florida Statutes, is amended to read:

101.294 Purchase and sale of voting equipment.—

(1) The Division of Elections of the Department of State shall adopt uniform rules for the purchase, use, and sale of voting equipment in the state. No governing body shall purchase or cause to be purchased any voting equipment unless such equipment has been certified for use in this state by the Department of State.

(2) Any governing body contemplating the purchase or sale of voting equipment shall notify the Division of Elections of such considerations. The division shall attempt to coordinate the sale of excess or outmoded equipment by one county with purchases of necessary equipment by other counties.

(3) The division shall inform the governing bodies of the various counties of the state of the availability of new or used voting equipment and of sources available for obtaining such equipment.

(4) A vendor of voting equipment may not provide an uncertified voting system, voting system component, or voting system upgrade to a local governing body or supervisor of elections in this state.

(5) Before or in conjunction with providing a voting system, voting system component, or voting system upgrade, the vendor shall provide the local governing body or supervisor of elections with a sworn certification that the voting system, voting system component, or voting system upgrade being provided has been certified by the Division of Elections.

Section 32. Section 101.295, Florida Statutes, is amended to read:

101.295 Penalties for violation.—

(1) Any member of a governing body which purchases or sells voting equipment in violation of the provisions of ss. 101.292-101.295, which member knowingly votes to purchase or sell voting equipment in violation of the provisions of ss. 101.292-101.295, is guilty of a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083, and shall be subject to suspension from office on the grounds of malfeasance.

(2) Any vendor, chief executive officer, or vendor representative of voting equipment who provides a voting system, voting system component, or voting system upgrade in violation of this chapter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 33. Section 101.49, Florida Statutes, is amended to read:

101.49 Procedure of election officers where signatures differ.—

(1) Whenever any clerk or inspector, upon a just comparison of the signatures, doubts that the signature *on the identification presented by the* ~~of any~~ elector ~~who presents himself or herself at the polls to vote~~ is the same as the signature ~~of~~ the elector affixed *on the precinct register or early voting certificate* ~~in the registration book~~, the clerk or inspector shall deliver to the person an affidavit which shall be in substantially the following form:

STATE OF FLORIDA,
COUNTY OF . . . . .

I do solemnly swear (or affirm) that my name is . . . . ; that I am . . . . years old; that I was born in the State of . . . . ; that I am registered to vote~~, and at the time I registered I resided on . . . . Street, in the municipality of . . . . , County of . . . . , State of Florida~~; that I am a qualified voter of the county and state aforesaid and have not voted in this election.

(Signature of voter)

Sworn to and subscribed before me this . . . . day of . . . . , A. D. (year) .

(Clerk or inspector of election)

Precinct No. . . . . .
County of . . . . .

(2) The person shall fill out, in his or her own handwriting or with assistance from a member of the election board, the form and make an affidavit to the facts stated in the filled-in form; such affidavit shall then be sworn to and subscribed before one of the inspectors or clerks of the election who is authorized to administer the oath. Whenever the affidavit is made and filed with the clerk or inspector, the person shall then be admitted to cast his or her vote, but if the person fails or refuses to make out or file such affidavit *and asserts his or her eligibility*, then he or she shall *be entitled to vote a provisional ballot* ~~not be permitted to vote~~.

Section 34. Effective July 1, 2005, subsection (1) of section 101.51, Florida Statutes, as amended by section 11 of chapter 2002-281, Laws of Florida, is amended to read:

101.51 Electors to occupy booth alone.—

(1) When the elector presents himself or herself to vote, the election official shall ascertain whether the elector's name is upon the register of electors, and, if the elector's name appears and no challenge interposes, or, if interposed, be not sustained, one of the election officials stationed at the entrance shall announce the name of the elector and permit him or her to enter the booth or compartment to cast his or her vote, allowing only one elector at a time to pass through to vote. An elector, while casting his or her ballot, may not occupy a booth or compartment already occupied or speak with anyone, except as provided by s. 101.051~~, while in the polling place~~.

Section 35. Subsection (4) of section 101.5606, Florida Statutes, is amended to read:

101.5606 Requirements for approval of systems.—No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(4) For systems using *marksense* ~~paper~~ ballots, it accepts a rejected ballot pursuant to subsection (3) if a voter chooses to cast the ballot, but records no vote for any office that has been overvoted or undervoted.

Section 36. Subsections (2) and (3) of section 101.5608, Florida Statutes, are amended to read:

101.5608 Voting by electronic or electromechanical method; procedures.—

(2) When an electronic or electromechanical voting system utilizes a ballot card or *marksense* ~~paper~~ ballot, the following procedures shall be followed:

(a) After receiving a ballot from an inspector, the elector shall, without leaving the polling place, retire to a booth or compartment and mark the ballot. After preparing his or her ballot, the elector shall place the ballot in a secrecy envelope with the stub exposed or shall fold over that portion on which write-in votes may be cast, as instructed, so that the ballot will be deposited in the ballot box without exposing the voter's choices. Before the ballot is deposited in the ballot box, the inspector shall detach the exposed stub and place it in a separate envelope for audit purposes; when a fold-over ballot is used, the entire ballot shall be placed in the ballot box.

(b) Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected a ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope.

(c) The supervisor of elections shall prepare for each polling place at least one ballot box to contain the ballots of a particular precinct, and each ballot box shall be plainly marked with the name of the precinct for which it is intended.

(3) The Department of State shall promulgate rules regarding voting procedures to be used when an electronic or electromechanical voting system is of a type which does not utilize a ballot card or *marksense* ~~paper~~ ballot.

Section 37. Subsection (2) of section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(2) On any day not more than 10 days prior to the commencement of early voting as provided in s. 101.657, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. *If the ballots to be used at the polling place on election day are not available at the time of the testing, the supervisor may conduct an additional test not more than 10 days before election day.* Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting the notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of the public preelection test to each candidate qualifying with that office and obtain a signed receipt that the notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each candidate to contact the county supervisor of elections as to the time and location of the public preelection test. The supervisor or the municipal elections official shall, at least 15 days prior to the commencement of early voting as provided in s. 101.657, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee shall not interfere with the normal operation of the canvassing board.

Section 38. Subsection (5) of section 101.5614, Florida Statutes, is amended to read:

101.5614 Canvass of returns.—

(5) If any absentee ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of an absentee ballot containing an overvoted race or a marked absentee ballot in which every race is undervoted which

shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166*(4)*~~(5)~~. All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

Section 39. Section 101.572, Florida Statutes, is amended to read:

101.572 Public inspection of ballots.—The official ballots and ballot cards received from election boards and removed from absentee ballot mailing envelopes shall be open for public inspection or examination while in the custody of the supervisor of elections or the county canvassing board at any reasonable time, under reasonable conditions; however, no persons other than the supervisor of elections or his or her employees or the county canvassing board shall handle any official ballot or ballot card. *If the ballots are being examined prior to the end of the contest period in s. 102.168,* the supervisor of elections shall make a reasonable effort to notify all candidates whose names appear on such ballots or ballot cards by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.

Section 40. Section 101.58, Florida Statutes, is amended to read:

101.58 Supervising and observing registration and election processes.—

(1) The Department of State may, at any time it deems fit; upon the petition of 5 percent of the registered electors; or upon the petition of any candidate, county executive committee chair, state committeeman or committeewoman, or state executive committee chair, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of voting systems and equipment in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy may supervise preparation of the voting equipment and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his or her duty. The deputy shall file with the Department of State a report of his or her findings and observations of the registration and election processes in the county or municipality, and a copy of the report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

(2) Upon the written direction of the Secretary of State, any employee of the Department of State having expertise in the matter of concern to the Secretary of State shall have full access to all premises, records, equipment, and staff of the supervisor of elections.

Section 41. Subsection (1) of section 101.595, Florida Statutes, is amended to read:

101.595 Analysis and reports of voting problems.—

(1) No later than December 15 of each general election year, the supervisor of elections in each county shall report to the Department of State the total number of overvotes and undervotes in the *"President and Vice President" or "Governor and Lieutenant Governor" race that appears first on the ballot or, if neither appears, the* first race appearing on the ballot pursuant to s. 101.151(2), along with the likely reasons for such overvotes and undervotes and other information as may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion.

Section 42. Section 101.6103, Florida Statutes, is amended to read:

101.6103 Mail ballot election procedure.—

(1) Except as otherwise provided in subsection *(7)* ~~(6)~~, the supervisor of elections shall mail all official ballots with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each elector entitled to vote in the election not sooner than the 20th day before the election and not later than the 10th day before the date of the election. All such ballots shall be mailed by first-class mail. Ballots shall be addressed to each elector at the address appearing in the registration records and placed in an envelope which is prominently marked "Do Not Forward."

(2) Upon receipt of the ballot the elector shall mark the ballot, place it in the secrecy envelope, sign the return mailing envelope supplied with the ballot, and comply with the instructions provided with the ballot. The elector shall mail, deliver, or have delivered the marked ballot so that it reaches the supervisor of elections no later than 7 p.m. on the day of the election. The ballot must be returned in the return mailing envelope.

(3) The return mailing envelope shall contain a statement in substantially the following form:

VOTER'S CERTIFICATE

I, (Print Name), do solemnly swear (or affirm) that I am a qualified voter in this election and that I have not and will not vote more than one ballot in this election.

I understand that failure to sign this certificate and give my residence address will invalidate my ballot.

(Signature)

(Residence Address)

(4) If the ballot is destroyed, spoiled, lost, or not received by the elector, the elector may obtain a replacement ballot from the supervisor of elections as provided in this subsection. An elector seeking a replacement ballot shall sign a sworn statement that the ballot was destroyed, spoiled, lost, or not received and present such statement to the supervisor of elections prior to 7 p.m. on the day of the election. The supervisor of elections shall keep a record of each replacement ballot provided under this subsection.

(5) A ballot shall be counted only if:

(a) It is returned in the return mailing envelope;

(b) The elector's signature has been verified as provided in this subsection; and

(c) It is received by the supervisor of elections not later than 7 p.m. on the day of the election.

The supervisor of elections shall verify the signature of each elector on the return mailing envelope with the signature on the elector's registration records. Such verification may commence at any time prior to the canvass of votes. The supervisor of elections shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote. If the supervisor of elections determines that an elector to whom a replacement ballot has been issued under subsection (4) has voted more than once, the canvassing board shall determine which ballot, if any, is to be counted.

(6) The canvassing board may begin the canvassing of mail ballots at 7 a.m. on the fourth day before the election, including processing the ballots through the tabulating equipment. However, results may not be released until after 7 p.m. on election day. Any canvassing board member or election employee who releases any result before 7 p.m. on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7)~~(6)~~ With respect to absent electors overseas entitled to vote in the election, the supervisor of elections shall mail an official ballot with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each such elector on a date sufficient to allow such elector time to vote in the election and to have his or her marked ballot reach the supervisor by 7 p.m. on the day of the election.

(8) Effective July 1, 2005, a ballot that otherwise satisfies the requirements of subsection (5) shall be counted even if the elector dies after mailing the ballot but before election day, as long as, prior to the death of the voter, the ballot was:

(a) Postmarked by the United States Postal Service;

(b) Date-stamped with a verifiable tracking number by common carrier; or

(c) Already in the possession of the supervisor of elections.

Section 43. Section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.—

(1)(a) The supervisor may accept a request for an absentee ballot from an elector in person or in writing. Except as provided in s. 101.694, one request shall be deemed sufficient to receive an absentee ballot for all elections which are held within a calendar year, unless the elector or the elector's designee indicates at the time the request is made the elections for which the elector desires to receive an absentee ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

(b) The supervisor may accept a written or telephonic request for an absentee ballot from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(b). The person making the request must disclose:

1. The name of the elector for whom the ballot is requested;

2. The elector's address;

3. The elector's date of birth;

4. The requester's name;

5. The requester's address;

6. The requester's driver's license number, if available;

7. The requester's relationship to the elector; and

8. The requester's signature (written requests only).

(2) ~~If~~ A request for an absentee ballot *to be mailed to a voter must be* ~~is~~ received *no later than 5 p.m. on the sixth day* ~~after the Friday~~ before the election by the supervisor of elections ~~from an absent elector overseas, the supervisor shall send a notice to the elector acknowledging receipt of his or her request and notifying the elector that the ballot will not be forwarded due to insufficient time for return of the ballot by the required deadline~~. *The supervisor of elections shall mail absentee ballots to voters requesting ballots by such deadline no later than 4 days before the election.*

(3) For each request for an absentee ballot received, the supervisor shall record the date the request was made, the date the absentee ballot was delivered *to the voter or the voter's designee or the date the absentee ballot was delivered to the post office or other carrier* ~~or mailed~~, the date the ballot was received by the supervisor, and such other information he or she may deem necessary. *This information shall be provided in electronic format as provided by rule adopted by the division. The information shall be updated and made available no later than noon of each day and shall be contemporaneously provided to the division.* This information shall be confidential and exempt from the provisions of s. 119.07(1) and shall be made available to or reproduced only for *the voter requesting the ballot,* a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees or registered committees of continuous existence, for political purposes only.

(4)(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail *an absentee ballot. If the regular absentee ballots are not available, the supervisor shall mail* an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. Except as provided in ss. 99.063(4) and 100.371(6), the advance absentee ballot for the general election shall be as specified in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted. The Department of State may prescribe by rule the requirements for preparing and mailing absentee ballots to absent qualified electors overseas.

(b) As soon as the remainder of the absentee ballots are printed, the supervisor shall provide an absentee ballot to each elector by whom a request for that ballot has been made by one of the following means:

1. By nonforwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor, unless the elector specifies in the request that:

a. The elector is absent from the county and does not plan to return before the day of the election;

b. The elector is temporarily unable to occupy the residence because of hurricane, tornado, flood, fire, or other emergency or natural disaster; or

c. The elector is in a hospital, assisted-living facility, nursing home, short-term medical or rehabilitation facility, or correctional facility,

in which case the supervisor shall mail the ballot by nonforwardable, return-if-undeliverable mail to any other address the elector specifies in the request.

2. By forwardable mail to voters who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens *Absentee* Voting Act.

3. By personal delivery *before 7 p.m. on election day* to the elector, upon presentation of the identification required in s. 101.657.

4. By delivery to a designee on election day or up to 4 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

(5) In the event that the Elections Canvassing Commission is unable to certify the results of an election for a state office in time to comply with subsection (4), the Department of State is authorized to prescribe rules for a ballot to be sent to absent electors overseas.

(6) Nothing other than the materials necessary to vote absentee shall be mailed or delivered with any absentee ballot.

Section 44. Section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.—

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed

to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, ... , do solemnly swear or affirm that I am a qualified and registered voter of . . . . County, Florida, and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate will invalidate my ballot.

(Date) (Voter's Signature)

(2) The certificate shall be arranged on the back of the mailing envelope so that the line for the signature of the absent elector is across the seal of the envelope; however, no statement shall appear on the envelope which indicates that a signature of the voter must cross the seal of the envelope. The absent elector shall execute the certificate on the envelope.

(3) In lieu of the voter's certificate provided in this section, the supervisor of elections shall provide each person voting absentee under the Uniformed and Overseas Citizens Absentee Voting Act with the standard oath prescribed by the presidential designee.

Section 45. Subsection (1) of section 101.657, Florida Statutes, is amended, present subsection (2) of that section is renumbered as subsection (4), and new subsections (2) and (3) are added to that section, to read:

101.657 Early voting.—

(1)(a) *As a convenience to the voter,* the supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor ~~by depositing the voted ballot in a voting device used by the supervisor to collect or tabulate ballots~~. In order for a branch office to be used for early voting, it shall be a *permanent* ~~full-service~~ facility of the supervisor and shall have been designated *and used* as such *for* at least 1 year prior to the election. The supervisor may *also* designate any city hall or *permanent* public library *facility* as early voting sites; however, if so designated, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable. The results or tabulation *of votes cast during early voting* may not be made before the close of the polls on election day. *Results shall be reported by precinct.*

(b) The supervisor shall designate each early voting site by no later than the 30th day prior to an election and shall designate an early voting area, as defined in s. 97.021, at each early voting site.

(c) All early voting sites in a county shall be open on the same days for the same amount of time and shall allow any person in line at the closing of an early voting site to vote.

(d)~~(b)~~ Early voting shall begin on the 15th day before an election and end on the *2nd* day before an election. For purposes of a special election held pursuant to s. 100.101, early voting shall begin on the 8th day before an election and end on the *2nd* day before an election. Early voting shall be provided for ~~at least~~ 8 hours per weekday *and 8 hours in the aggregate each weekend at each site during the applicable periods. Early voting sites shall open no sooner than 7 a.m. and close no later than 7 p.m. on each applicable day* ~~during the applicable periods. Early voting shall also be provided for 8 hours in the aggregate for each weekend during the applicable periods~~.

(e) Notwithstanding the requirements of s. 100.3605, municipalities may provide early voting in municipal elections that are not held in conjunction with county or state elections. If a municipality provides early voting, it may designate as many sites as necessary and shall conduct its activities in accordance with the provisions of paragraphs (a)-(c). The supervisor is not required to conduct early voting if it is provided pursuant to this subsection.

(f) Notwithstanding the requirements of s. 189.405, special districts may provide early voting in any district election not held in conjunction with county or state elections. If a special district provides early voting, it may designate as many sites as necessary and shall conduct its activities in accordance with the provisions of paragraphs (a)-(c). The supervisor is not required to conduct early voting if it is provided pursuant to this subsection.

(2) During any early voting period, each supervisor of elections shall make available the total number of voters casting a ballot at each early voting location during the previous day. Each supervisor shall prepare an electronic data file listing the individual voters who cast a ballot during the early voting period. This information shall be provided in electronic format as provided by rule adopted by the division. The information shall be updated and made available no later than noon of each day and shall be contemporaneously provided to the division.

(3) The ballot of each elector voting early shall be counted even if the elector dies on or before election day.

Section 46. Subsection (2) of section 101.663, Florida Statutes, is amended to read:

101.663 Electors; change of residence.—

(2) An elector registered in this state who moves his or her permanent residence to another state *after the registration books in that state have closed* ~~and who is prohibited by the laws of that state from voting for the offices of President and Vice President of the United States~~ shall be permitted to vote absentee in the county of his or her former residence for *the offices of President and Vice President of the United States* ~~those offices~~.

Section 47. Subsection (1) and paragraph (c) of subsection (2) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of absentee ballot.—

(1) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor shall compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to determine whether the elector is duly registered in the county and may record on the elector's registration certificate that the elector has voted. *However, effective July 1, 2005, an elector who dies after casting an absentee ballot but on or before election day shall remain listed in the registration books until the results have been certified for the election in which the ballot was cast.* The supervisor shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote. *After an absentee ballot is received by the supervisor, the ballot is deemed to have been cast, and changes or additions may not be made to the voter's certificate.*

(2)

(c)1. The canvassing board shall, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books to see that the elector is duly registered in the county and to determine the legality of that absentee ballot. *Effective July 1, 2005, the ballot of an elector who casts an absentee ballot shall be counted even if the elector dies on or before election day, as long as, prior to the death of the voter, the ballot was postmarked by the United States Postal Service, date-stamped with a verifiable tracking number by common carrier, or already in the possession of the supervisor of elections.* An absentee ballot shall be considered illegal if it does not include the signature of the elector, as shown by the registration records. However, an absentee ballot shall not be considered illegal if the signature of the elector does not cross the seal of the mailing envelope. If the canvassing board determines that any ballot is illegal, a member of the board shall, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The envelope and the ballot contained therein shall be preserved in the manner that official ballots voted are preserved.

2. If any elector or candidate present believes that an absentee ballot is illegal due to a defect apparent on the voter's certificate, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the ballot, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate may not be accepted after the ballot has been removed from the mailing envelope.

Section 48. Section 101.69, Florida Statutes, is amended to read:

101.69 Voting in person; return of absentee ballot.—The provisions of this code shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of an election *or at an early voting site,* notwithstanding that the elector has requested an absentee ballot for that election. *An elector who has returned a voted absentee ballot to the supervisor, however, is deemed to have cast his or her ballot and is not entitled to vote another ballot or to have a provisional ballot counted by the county canvassing board.* An elector who has received an absentee ballot *and has not returned the voted ballot to the supervisor*, but desires to vote in person, shall return the ballot, whether voted or not, to the election board in the elector's precinct *or to an early voting site*. The returned ballot shall be marked "canceled" by the board and placed with other canceled ballots. However, if the elector does not return the ballot and the election official:

(1) Confirms that the supervisor has received the elector's absentee ballot, the elector shall not be allowed to vote in person. *If the elector maintains that he or she has not returned the absentee ballot or remains eligible to vote, the elector shall be provided a provisional ballot as provided in s. 101.048.*

(2) Confirms that the supervisor has not received the elector's absentee ballot, the elector shall be allowed to vote in person as provided in this code. The elector's absentee ballot, if subsequently received, shall not be counted and shall remain in the mailing envelope, and the envelope shall be marked "Rejected as Illegal."

(3) Cannot determine whether the supervisor has received the elector's absentee ballot, the elector may vote a provisional ballot as provided in s. 101.048.

Section 49. Section 101.6923, Florida Statutes, is amended to read:

101.6923 Special absentee ballot instructions for certain first-time voters.—

(1) The provisions of this section apply to voters who registered to vote by mail, who have not previously voted in the county, and who have not provided the identification or information required by s. 97.0535 by the time the absentee ballot is mailed.

(2) A voter covered by this section shall be provided with the following printed instructions with his or her absentee ballot *in substantially the following form*:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the date of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one, your vote in that race will not be counted.

4. Place your marked ballot in the enclosed secrecy envelope and seal the envelope.

5. Insert the secrecy envelope into the enclosed envelope bearing the Voter's Certificate. Seal the envelope and completely fill out the Voter's Certificate on the back of the envelope.

a. You must sign your name on the line above (Voter's Signature).

b. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.

6. Unless you meet one of the exemptions in Item 7., you must make a copy of one of the following forms of identification:

a. Identification which must include your name and photograph: current and valid Florida driver's license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles; United States passport; employee badge or identification; buyer's club identification card; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; entertainment identification; or public assistance identification; or

b. Identification which shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter identification card).

7. The identification requirements of Item 6. do not apply if you meet one of the following requirements:

a. You are 65 years of age or older.

b. You have a temporary or permanent physical disability.

c. You are a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.

d. You are a member of the Merchant Marine who, by reason of service in the Merchant Marine, will be absent from the county on election day.

e. You are the spouse or dependent of a member referred to in paragraph c. or paragraph d. who, by reason of the active duty or service of the member, will be absent from the county on election day.

f. You are currently residing outside the United States.

8. Place the envelope bearing the Voter's Certificate into the mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. DO NOT PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

9. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

10. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 50. Subsection (3) of section 101.694, Florida Statutes, is amended to read:

101.694 Mailing of ballots upon receipt of federal postcard application.—

(3) *Absentee envelopes printed for voters entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act shall meet the specifications as determined by the Federal Voting Assistance Program of the United States Department of Defense and the United States Postal Service.* ~~There shall be printed across the face of each envelope in which a ballot is sent to a federal postcard applicant, or is returned by such applicant to the supervisor, two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be 1¼ inches from the top of the envelope, and with the words "Official Election Balloting Material via Air Mail," or similar language, between the bars. There shall be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, including Air Mail." All printing on the face of each envelope shall be in red, and there shall be printed in red in the upper left corner of each ballot envelope an appropriate inscription or blanks for return address of sender. Additional specifications may be prescribed by rule of the Division of Elections upon recommendation of the presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act. Otherwise, the envelopes shall be the same as those used in sending ballots to, or receiving them from, other absentee voters.~~

Section 51. Section 101.697, Florida Statutes, is amended to read:

101.697 Electronic transmission of election materials.—The Department of State *shall determine whether secure electronic means can be established for receiving ballots from overseas voters. If such security can be established, the department* shall adopt rules to authorize a supervisor of elections to accept *from an overseas voter* a request for an absentee ballot *or* ~~and~~ a voted absentee ballot by *secure* facsimile machine *transmission* or other *secure* electronic means ~~from overseas voters~~. The rules must provide that in order to accept a voted ballot, the verification of the voter must be established, the security of the transmission must be established, and each ballot received must be recorded.

Section 52. Section 102.012, Florida Statutes, is amended to read:

102.012 Inspectors and clerks to conduct elections.—

(1) The supervisor of elections of each county, at least 20 days prior to the holding of any election, shall appoint *an election board comprised of poll workers who serve as clerks or inspectors* ~~two election boards~~ for each precinct in the county~~; however, the supervisor of elections may, in any election, appoint one election board if the supervisor has reason to believe that only one is necessary~~. The clerk shall be in charge of, and responsible for, seeing that the election board carries out its duties and responsibilities. Each inspector and each clerk shall take and subscribe to an oath or affirmation, which shall be written or printed, to the effect that he or she will perform the duties of inspector or clerk of election, respectively, according to law and will endeavor to prevent all fraud, deceit, or abuse in conducting the election. The oath may be taken before an officer authorized to administer oaths or before any of the persons who are to act as inspectors, one of them to swear the others, and one of the others sworn thus, in turn, to administer the oath to the one who has not been sworn. The oaths shall be returned with the poll list and the returns of the election to the supervisor. In all questions that may arise before the members of an election board, the decision of a majority of them shall decide the question. The supervisor of elections of each county shall be responsible for the attendance and diligent performance of his or her duties by each clerk and inspector.

(2) Each member of the election board shall be able to read and write the English language and shall be a registered qualified elector of the county in which the member is appointed or a person who has preregistered to vote, pursuant to s. 97.041(1)(b), in the county in which the member is appointed. No election board shall be composed solely of members of one political party; however, in any primary in which only one party has candidates appearing on the ballot, all clerks and inspectors may be of that party. Any person whose name appears as an opposed candidate for any office shall not be eligible to serve on an election board.

(3) The supervisor shall furnish inspectors of election for each precinct with the *list of registered voters for the precinct* ~~registration books divided alphabetically as will best facilitate the holding of an election~~. The supervisor shall also furnish to the inspectors of election at the polling place at each precinct in the supervisor's county a sufficient number of forms and blanks for use on election day.

(4)~~(a)~~ The election board of each precinct shall attend the polling place by 6 a.m. of the day of the election and shall arrange the furniture, stationery, and voting equipment.

~~(b)~~ *The* ~~An~~ election board shall conduct the voting, beginning and closing at the time set forth in s. 100.011. ~~If more than one board has been appointed, the second board shall, upon the closing of the polls, come on duty and count the votes cast. In such case, the first board shall turn over to the second board all closed ballot boxes, registration books, and other records of the election at the time the boards change. The second board shall continue counting until the count is complete or until 7 a.m. the next morning, and, if the count is not completed at that time, the first board that conducted the election shall again report for duty and complete the count. The second board shall turn over to the first board all ballots counted, all ballots not counted, and all registration books and other records and shall advise the first board as to what has transpired in tabulating the results of the election.~~

~~(5) In precincts in which there are more than 1,000 registered electors, the supervisor of elections shall appoint additional election boards necessary for the election.~~

~~(6) In any precinct in which there are fewer than 300 registered electors, it is not necessary to appoint two election boards, but one such board will suffice. Such board shall be composed of at least one inspector and one clerk.~~

Section 53. Subsections (1), (2), (3), and (5) of section 102.014, Florida Statutes, is amended to read:

102.014 Poll worker recruitment and training.—

(1) The supervisor of elections shall conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election for the purpose of instructing such persons in their duties and responsibilities as election officials. *The Division of Elections shall develop a statewide uniform training curriculum for poll workers, and each supervisor shall use such curriculum in training poll workers.* A certificate may be issued by the supervisor of elections to each person completing such training. No person shall serve as an inspector, clerk, or deputy sheriff for an election unless such person has completed the training as required. A clerk may not work at the polls unless he or she demonstrates a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.

(2) A person who has attended previous training conducted within 2 years before the election may be appointed by the supervisor to fill a vacancy on *an* election *board* ~~day~~. If no person with prior training is available to fill such vacancy, the supervisor of elections may fill such vacancy in accordance with the provisions of subsection (3) from among persons who have not received the training required by this section.

(3) In the case of absence or refusal to act on the part of any inspector or clerk ~~at any precinct on the day of an election~~, the supervisor shall appoint a replacement who meets the qualifications prescribed in s. 102.012(2). The inspector or clerk so appointed shall be a member of the same political party as the clerk or inspector whom he or she replaces.

(5) The Department of State shall create a uniform polling place procedures manual and adopt the manual by rule. Each supervisor of elections shall ensure that the manual is available in hard copy or electronic form in every *polling place* ~~precinct in the supervisor's jurisdiction on election day~~. The manual shall guide inspectors, clerks, and deputy sheriffs in the proper implementation of election procedures and laws. The manual shall be indexed by subject, and written in plain, clear, unambiguous language. The manual shall provide specific examples of common problems encountered at the polls ~~on election day,~~ and detail specific procedures for resolving those problems. The manual shall include, without limitation:

(a) Regulations governing solicitation by individuals and groups at the polling place;

(b) Procedures to be followed with respect to voters whose names are not on the precinct register;

(c) Proper operation of the voting system;

(d) Ballot handling procedures;

(e) Procedures governing spoiled ballots;

(f) Procedures to be followed after the polls close;

(g) Rights of voters at the polls;

(h) Procedures for handling emergency situations;

(i) Procedures for dealing with irate voters;

(j) The handling and processing of provisional ballots; and

(k) Security procedures.

The Department of State shall revise the manual as necessary to address new procedures in law or problems encountered by voters and poll workers at the precincts.

Section 54. Section 102.031, Florida Statutes, is amended to read:

102.031 Maintenance of good order at polls; authorities; persons allowed in polling rooms *and early voting areas*; unlawful solicitation of voters.—

(1) Each election board shall possess full authority to maintain order at the polls and enforce obedience to its lawful commands during an election and the canvass of the votes.

(2) The sheriff shall deputize a deputy sheriff for each polling place *and each early voting site* who shall be present during the time the polls *or early voting sites* are open and until the election is completed, who shall be subject to all lawful commands of the clerk or inspectors, and who shall maintain good order. The deputy may summon assistance from among bystanders to aid him or her when necessary to maintain peace and order at the polls *or early voting sites*.

(3)(a) No person may enter any polling room or polling place where the polling place is also a polling room, *or any early voting area* during voting hours except the following:

1. Official poll watchers;

2. Inspectors;

3. Election clerks;

4. The supervisor of elections or his or her deputy;

5. Persons there to vote, persons in the care of a voter, or persons caring for such voter;

6. Law enforcement officers or emergency service personnel there with permission of the clerk or a majority of the inspectors; or

7. A person, whether or not a registered voter, who is assisting with or participating in a simulated election for minors, as approved by the supervisor of elections.

(b) The restriction in this subsection does not apply where the polling room is in an area commonly traversed by the public in order to gain access to businesses or homes or in an area traditionally utilized as a public area for discussion.

(4)(a)~~(c)~~ No person, political committee, committee of continuous existence, or other group or organization may solicit voters *inside the polling place or* within *100* ~~50~~ feet of the entrance to any polling place, or polling room where the polling place is also a polling room, *or early voting site. Before the opening of the polling place or early voting site, the clerk or supervisor shall designate the no-solicitation zone and mark the boundaries.* ~~on the day of any election.~~

~~1. Solicitation shall not be restricted if:~~

~~a. Conducted from a separately marked area within the 50-foot zone so as not to disturb, hinder, impede, obstruct, or interfere with voter access to the polling place or polling room entrance; and~~

~~b. The solicitation activities and subject matter are clearly and easily identifiable by the voters as an activity in which they may voluntarily participate; or~~

~~c. Conducted on property within the 50-foot zone which is a residence, established business, private property, sidewalk, park, or property traditionally utilized as a public area for discussion.~~

~~2. Solicitation shall not be permitted within the 50-foot zone on a public sidewalk or other similar means of access to the polling room if it is clearly identifiable to the poll workers that the solicitation is impeding, obstructing, or interfering with voter access to the polling room or polling place.~~

(b)~~(d)~~ For the purpose of this subsection, the term "solicit" shall include, but not be limited to, seeking or attempting to seek any vote, fact, opinion, or contribution; distributing or attempting to distribute any political or campaign material, leaflet, or handout; conducting a poll; seeking or attempting to seek a signature on any petition; and selling or attempting to sell any item.

(c)~~(e)~~ Each supervisor of elections shall inform the clerk ~~of each precinct~~ of the area within which soliciting is unlawful, based on the particular characteristics of that polling place. The supervisor or the clerk may take any reasonable action necessary to ensure order at the polling places*, including, but not limited to,* ~~which shall include:~~

~~1. Designating a specific area for soliciting pursuant to paragraph (c) of this subsection, or~~

~~2.~~ having disruptive and unruly persons removed by law enforcement officers from the polling room or place or from the *100-foot* ~~50-foot~~ zone surrounding the polling place.

(5) No photography is permitted in the polling room or early voting area.

Section 55. Section 102.071, Florida Statutes, is amended to read:

102.071 Tabulation of votes and proclamation of results ~~where ballots are used~~.—The election board shall post at the polls, for the benefit of the public, the results of the voting for each office or other item on the ballot as the count is completed. Upon completion of all counts in all races, *a certificate* ~~triplicate certificates~~ of the results shall be drawn up by the inspectors and clerk at each precinct upon a form provided by the supervisor of elections which shall contain the name of each person voted for, for each office, and the number of votes cast for each person for such office; and, if any question is submitted, the certificate shall also contain the number of votes cast for and against the question. The certificate shall be signed by the inspectors and clerk~~,~~ and ~~one of the certificates~~ shall be delivered without delay by one of the inspectors, securely sealed, to the supervisor for immediate publication~~; the duplicate copy of the certificate shall be delivered to the county court judge; and the remaining copy shall be enclosed in the ballot box together with the oaths of inspectors and clerks~~. All the ballot boxes, ballots, ballot stubs, memoranda, and papers of all kinds used in the election shall also be transmitted, *after being* sealed by the inspectors, *to* ~~with the certificates of result of the election to be filed in~~ the supervisor's office. Registration books and the poll lists shall not be placed in the ballot boxes but shall be returned to the supervisor.

Section 56. Section 102.111, Florida Statutes, is amended to read:

102.111 Elections Canvassing Commission.—

(1) The Elections Canvassing Commission shall consist of the Governor and two members of the Cabinet selected by the Governor. If a member of the Elections Canvassing Commission is unable to serve for any reason, the Governor shall appoint a remaining member of the Cabinet. If there is a further vacancy, the remaining members of the commission shall agree on another elected official to fill the vacancy. The Elections Canvassing Commission shall, as soon as the official results are compiled from all counties, certify the returns of the election and determine and declare who has been elected for each federal, state, and multicounty office. *If a member of a county canvassing board that was constituted pursuant to s. 102.141 determines, within 5 days after the certification by the Elections Canvassing Commission, that a typographical error occurred in the official returns of the county, the correction of which could result in a change in the outcome of an election, the county canvassing board must certify corrected returns to the Department of State within 24 hours, and the Elections Canvassing Commission must correct and recertify the election returns as soon as practicable.*

(2) The Division of Elections shall provide the staff services required by the Elections Canvassing Commission.

Section 57. Section 102.112, Florida Statutes, is amended to read:

102.112 Deadline for submission of county returns to the Department of State.—

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results. *The returns must contain a certification by the canvassing board that the board has reconciled the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.*

(2) Returns must be filed by 5 p.m. on the 7th day following a primary election and by 5 p.m. on the 11th day following the general election. *However, the Department of State may correct typographical errors, including the transposition of numbers, in any returns submitted to the Department of State pursuant to s. 102.111(1).*

(3) If the returns are not received by the department by the time specified, such returns shall be ignored and the results on file at that time shall be certified by the department.

(4) If the returns are not received by the department due to an emergency, as defined in s. 101.732, the Elections Canvassing Commission shall determine the deadline by which the returns must be received.

Section 58. Section 102.141, Florida Statutes, is amended to read:

102.141 County canvassing board; duties.—

(1) The county canvassing board shall be composed of the supervisor of elections; a county court judge, who shall act as chair; and the chair of the board of county commissioners. In the event any member of the county canvassing board is unable to serve, is a candidate who has opposition in the election being canvassed, or is an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed, such member shall be replaced as follows:

(a) If no county court judge is able to serve or if all are disqualified, the chief judge of the judicial circuit in which the county is located shall appoint as a substitute member a qualified elector of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. In such event, the members of the county canvassing board shall meet and elect a chair.

(b) If the supervisor of elections is unable to serve or is disqualified, the chair of the board of county commissioners shall appoint as a substitute member a member of the board of county commissioners who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. The supervisor, however, shall act in an advisory capacity to the canvassing board.

(c) If the chair of the board of county commissioners is unable to serve or is disqualified, the board of county commissioners shall appoint as a substitute member one of its members who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.

(d) If a substitute member cannot be appointed as provided elsewhere in this subsection, the chief judge of the judicial circuit in which the county is located shall appoint as a substitute member a qualified elector of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.

(2) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor of elections to publicly canvass the absentee electors' ballots as provided for in s. 101.68 and provisional ballots as provided by ss. 101.048, 101.049, and 101.6925. Provisional ballots cast pursuant to s. 101.049 shall be canvassed in a manner that votes for candidates and issues on those ballots can be segregated from other votes. Public notice of the time and place at which the county canvassing board shall meet to canvass the absentee electors' ballots and provisional ballots shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. As soon as the absentee electors' ballots and the provisional ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor of elections and the office of the county court judge.

(3) The canvass, except the canvass of absentee electors' returns and the canvass of provisional ballots, shall be made from the returns and certificates of the inspectors as signed and filed by them with the ~~county court judge and~~ supervisor, ~~respectively,~~ and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before 2 a.m. of the day following any primary, general~~, special,~~ or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board shall order a *retabulation* ~~recount~~ of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the tabulation of the ballots cast, the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

(4) The canvassing board shall submit *on forms or in formats provided by the division* unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure no later than noon on the *third* ~~second~~ day after any primary *election and no later than noon on the fifth day after any*~~,~~ general~~, special,~~ or other election. Such returns shall include the canvass of all ballots as required by subsection (2)*, except for provisional ballots, which returns shall be reported at the time required for official returns pursuant to s. 102.112(2)*.

(5) If the county canvassing board determines that the unofficial returns may contain a counting error in which the vote tabulation system failed to count votes that were properly marked in accordance with the instructions on the ballot, the county canvassing board shall:

(a) Correct the error and *retabulate* ~~recount~~ the affected ballots with the vote tabulation system; or

(b) Request that the Department of State verify the tabulation software. When the Department of State verifies such software, the department shall compare the software used to tabulate the votes with the software filed with the department pursuant to s. 101.5607 and check the election parameters.

(6) If the unofficial returns reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. *The Elections Canvassing Commission is the board responsible for ordering federal, state, and multi county recounts.* A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) ~~In counties with voting systems that use paper ballots,~~ Each canvassing board responsible for conducting a recount shall put each *marksense* ballot through automatic tabulating equipment and determine whether the returns correctly reflect the votes cast. If any *marksense* ~~paper~~ ballot is physically damaged so that it cannot be properly counted by the automatic tabulating equipment during the recount, a true duplicate shall be made of the damaged ballot pursuant to the procedures in s. 101.5614(5). Immediately before the start of the recount ~~and after completion of the count~~, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

(b) ~~In counties with voting systems that do not use paper ballots,~~ Each canvassing board responsible for conducting a recount *where touchscreen ballots were used* shall examine the counters on the precinct tabulators to ensure that the total of the returns on the precinct tabulators equals the overall election return. If there is a discrepancy between the overall election return and the counters of the precinct tabulators, the counters of the precinct tabulators shall be presumed correct and such votes shall be canvassed accordingly.

(c) The canvassing board shall submit *on forms or in formats provided by the division* a second set of unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot

measure no later than *3 p.m.* ~~noon~~ on the *fifth* ~~third~~ day after any *primary* election *and no later than 3 p.m. on the eighth day after any general election* in which a recount was conducted pursuant to this subsection. If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.

(d) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system, which shall be uniform to the extent practicable.

(7) The canvassing board may employ such clerical help to assist with the work of the board as it deems necessary, with at least one member of the board present at all times, until the canvass of the returns is completed. The clerical help shall be paid from the same fund as inspectors and other necessary election officials.

(8)*(a)* At the same time that the *official* results of an election are certified to the Department of State, the county canvassing board shall file a report with the Division of Elections on the conduct of the election. The report *must describe:*

1. All equipment or software malfunctions at the precinct level, at a counting location, or within computer and telecommunications networks supporting a county location, and the steps that were taken to address the malfunctions;

2. All election definition errors that were discovered after the logic and accuracy test, and the steps that were taken to address the errors;

3. All ballot printing errors or ballot supply problems, and the steps that were taken to address the errors or problems;

4. All staffing shortages or procedural violations by employees or precinct workers which were addressed by the supervisor of elections or the county canvassing board during the conduct of the election, and the steps that were taken to correct such issues;

5. All instances where needs for staffing or equipment were insufficient to meet the needs of the voters; and

6. Any additional information regarding material issues or problems associated with the conduct of the election.

(b) If a supervisor discovers new or additional information on any of the items required to be included in the report pursuant to paragraph (a) after the report is filed, the supervisor shall notify the division that new information has been discovered no later than the next business day after the discovery and the supervisor shall file an amended report signed by the supervisor of elections on the conduct of the election within 10 days after the discovery. ~~shall contain information relating to any problems incurred as a result of equipment malfunctions either at the precinct level or at a counting location, any difficulties or unusual circumstances encountered by an election board or the canvassing board, and any other additional information which the canvassing board feels should be made a part of the official election record.~~

(c) Such reports shall be maintained on file in the Division of Elections and shall be available for public inspection. The division shall utilize the reports submitted by the canvassing boards to determine what problems may be likely to occur in other elections and disseminate such information, along with possible solutions, to the supervisors of elections.

(9) The supervisor shall file with the department a copy of or an export file from the results database of the county's voting system and other statistical information as may be required by the department, the Legislature, or the Election Assistance Commission. The department shall adopt rules establishing the required content and acceptable formats for the filings and time for filings.

Section 59. Section 102.166, Florida Statutes, is amended to read:

102.166 Manual recounts.—

(1) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure. *A manual recount may not be ordered, however, if the number of overvotes, undervotes, and provisional ballots is fewer than the number of votes needed to change the outcome of the election.*

~~(2)(a) If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by between one-quarter and one-half of a percent of the votes cast for such office, that a candidate for retention to judicial office was retained or not retained by between one-quarter and one-half of a percent of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by between one-quarter and one-half of a percent of the votes cast on such measure, any such candidate, the political party of such candidate, or any political committee that supports or opposes such ballot measure is entitled to a manual recount of the overvotes and undervotes cast in the entire geographic jurisdiction of such office or ballot measure, provided that a request for a manual recount is made by 5 p.m. on the third day after the election.~~

~~(b) For federal, statewide, state, and multicounty races and ballot issues, requests for a manual recount shall be made in writing to the state Elections Canvassing Commission. For all other races and ballot issues, requests for a manual recount shall be made in writing to the county canvassing board.~~

~~(c) Upon receipt of a proper and timely request, the Elections Canvassing Commission or county canvassing board shall immediately order a manual recount of overvotes and undervotes in all affected jurisdictions.~~

(2)~~(3)~~(a) Any hardware or software used to identify and sort overvotes and undervotes for a given race or ballot measure must be certified by the Department of State as part of the voting system pursuant to s. 101.015. Any such hardware or software must be capable of simultaneously counting votes. ~~For certified voting systems, the department shall certify such hardware or software by July 1, 2002. If the department is unable to certify such hardware or software for a certified voting system by July 1, 2002, the department shall adopt rules prescribing procedures for identifying and sorting such overvotes and undervotes. The department's rules may provide for the temporary use of hardware or software whose sole function is identifying and sorting overvotes and undervotes.~~

~~(b) This subsection does not preclude the department from certifying hardware or software after July 1, 2002.~~

(b)~~(c)~~ Overvotes and undervotes shall be identified and sorted while recounting ballots pursuant to s. 102.141, if the hardware or software for this purpose has been certified or the department's rules so provide.

(3)~~(4)~~ Any manual recount shall be open to the public.

(4)~~(5)~~(a) A vote for a candidate or ballot measure shall be counted if there is a clear indication on the ballot that the voter has made a definite choice.

(b) The Department of State shall adopt specific rules for each certified voting system prescribing what constitutes a "clear indication on the ballot that the voter has made a definite choice." The rules may not:

1. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or

2. Contain a catch-all provision that fails to identify specific standards, such as "any other mark or indication clearly indicating that the voter has made a definite choice."

(5)~~(6)~~ Procedures for a manual recount are as follows:

(a) The county canvassing board shall appoint as many counting teams of at least two electors as is necessary to manually recount the ballots. A counting team must have, when possible, members of at least two political parties. A candidate involved in the race shall not be a member of the counting team.

(b) Each duplicate ballot prepared pursuant to s. 101.5614(5) or s. 102.141(6) shall be compared with the original ballot to ensure the correctness of the duplicate.

(c) If a counting team is unable to determine whether the ballot contains a clear indication that the voter has made a definite choice, the ballot shall be presented to the county canvassing board for a determination.

(d) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

1. Security of ballots during the recount process;

2. Time and place of recounts;

3. Public observance of recounts;

4. Objections to ballot determinations;

5. Record of recount proceedings; and

6. Procedures relating to candidate and petitioner representatives.

Section 60. Subsections (2) and (4) of section 102.168, Florida Statutes, are amended to read:

102.168 Contest of election.—

(2) Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last *board responsible for certifying the results officially* ~~county canvassing board empowered to canvass the returns~~ certifies the results of the election being contested.

(4) The *county* canvassing board *is an indispensable and* ~~or Elections Canvassing Commission shall be the~~ proper party defendant *in county and local elections; the Elections Canvassing Commission is an indispensable and proper party defendant in federal, state, and multicounty races;* ~~,~~ and the successful candidate *is* ~~shall be~~ an indispensable party to any action brought to contest the election or nomination of a candidate.

Section 61. Subsections (1) and (4) of section 103.021, Florida Statutes, are amended to read:

103.021 Nomination for presidential electors.—Candidates for presidential electors shall be nominated in the following manner:

(1) The Governor shall nominate the presidential electors of each political party. *The state executive committee of each political party shall by resolution recommend candidates for presidential electors and deliver a certified copy thereof to the Governor before September 1 of each presidential election year. The Governor* ~~He or she~~ shall nominate only the electors recommended by the state executive committee of the respective political party. Each such elector shall be a qualified elector of the party he or she represents who has taken an oath that he or she will vote for the candidates of the party that he or she is nominated to represent. The Governor shall certify to the Department of State on or before September 1, in each presidential election year, the names of a number of electors for each political party equal to the number of senators and representatives which this state has in Congress.

(4)(a) A minor *political* party that is affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States may have the names of its candidates for President and Vice President of the United States printed on the general election ballot by filing with the Department of State a certificate naming the candidates for President and Vice President and listing the required number of persons to serve as electors. Notification to the Department of State under this subsection shall be made by September 1 of the year in which the election is held. When the Department of State has been so notified, it shall order the names of the candidates nominated by the minor *political* party to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates. *As used in this section, the term "national party" means a political party established and admitted to the ballot in at least one state other than Florida.*

(b) A minor *political* party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States may have the names of its candidates for President and Vice President printed on the general election ballot if a petition is signed by 1 percent of the registered electors of this state, as shown by the compilation by the Department of State for the preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisors of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the first primary, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in s. 99.097. The supervisor shall then forward the certificate to the Department of State, which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates.

Section 62. Section 103.051, Florida Statutes, is amended to read:

103.051 Congress sets meeting dates of electors.—The presidential electors shall, ~~at noon~~ on the day *that* ~~which~~ is directed by Congress *and at the time fixed by the Governor*, meet at Tallahassee and perform the duties required of them by the Constitution and laws of the United States.

Section 63. Section 103.061, Florida Statutes, is amended to read:

103.061 Meeting of electors and filling of vacancies.—Each presidential elector shall, ~~before 10 a.m.~~ on the day fixed by Congress to elect a President and Vice President *and at the time fixed by the Governor*, give notice to the Governor that the elector is in Tallahassee and ready to perform the duties of presidential elector. The Governor shall forthwith deliver to the presidential electors present a certificate of the names of all the electors; and if, on examination thereof, it should be found that one or more electors are absent, the electors present shall elect by ballot, in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the nonattendance of one or more of the electors.

Section 64. Section 103.121, Florida Statutes, is amended to read:

103.121 Powers and duties of executive committees.—

(1)(a) Each state and county executive committee of a political party shall have the power and duty:

1. To adopt a constitution by two-thirds vote of the full committee.

2. To adopt such bylaws as it may deem necessary by majority vote of the full committee.

3. To conduct its meetings according to generally accepted parliamentary practice.

4. To make party nomination when required by law.

5. To conduct campaigns for party nominees.

6. To raise and expend party funds. Such funds may not be expended or committed to be expended except after written authorization by the chair of the state or county executive committee.

(b) ~~Except as otherwise provided in subsection (5),~~ The county executive committee shall receive payment of assessments upon candidates to be voted for in a single county except state senators and members of the House of Representatives and representatives to the Congress of the

United States; and the state executive committees shall receive all other assessments authorized. All party assessments shall be 2 percent of the annual salary of the office sought by the respective candidate. All such committee assessments shall be remitted to the state executive committee of the appropriate party and distributed in accordance with subsection *(5)* ~~(6)~~.

~~(2) The state executive committee shall by resolution recommend candidates for presidential electors and deliver a certified copy thereof to the Governor prior to September 1 of each presidential election year.~~

(2)~~(3)~~ The chair and treasurer of an executive committee of any political party shall be accountable for the funds of such committee and jointly liable for their proper expenditure for authorized purposes only. ~~The chair and treasurer of the state executive committee of any political party shall furnish adequate bond, but not less than $10,000, conditioned upon the faithful performance by such party officers of their duties and for the faithful accounting for party funds which shall come into their hands; and the chair and treasurer of a county executive committee of a political party shall furnish adequate bond, but not less than $5,000, conditioned as aforesaid. A bond for the chair and treasurer of the state executive committee of a political party shall be filed with the Department of State. A bond for the chair and treasurer of a county executive committee shall be filed with the supervisor of elections.~~ The funds of each such state executive committee shall be publicly audited at the end of each calendar year and a copy of such audit furnished to the Department of State for its examination prior to April 1 of the ensuing year. When filed with the Department of State, copies of such audit shall be public documents. The treasurer of each county executive committee shall maintain adequate records evidencing receipt and disbursement of all party funds received by him or her, and such records shall be publicly audited at the end of each calendar year and a copy of such audit filed with the supervisor of elections and the state executive committee prior to April 1 of the ensuing year.

(3)~~(4)~~ Any chair or treasurer of a state or county executive committee of any political party who knowingly misappropriates, or makes an unlawful expenditure of, or a false or improper accounting for, the funds of such committee is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)~~(5)(a)~~ The central committee or other equivalent governing body of each state executive committee shall adopt a rule which governs the time and manner in which the respective county executive committees of such party may endorse, certify, screen, or otherwise recommend one or more candidates for such party's nomination for election. Upon adoption, such rule shall provide the exclusive method by which a county committee may so endorse, certify, screen, or otherwise recommend. No later than the date on which qualifying for public office begins pursuant to s. 99.061, the chair of each county executive committee shall notify in writing the supervisor of elections of his or her county whether the county executive committee has endorsed or intends to endorse, certify, screen, or otherwise recommend candidates for nomination pursuant to party rule. A copy of such notification shall be provided to the Secretary of State and to the chair of the appropriate state executive committee. ~~Any county executive committee that endorses or intends to endorse, certify, screen, or otherwise recommend one or more candidates for nomination shall forfeit all party assessments which would otherwise be returned to the county executive committee; and such assessments shall be remitted instead to the state executive committee of such party, the provisions of paragraph (1)(b) to the contrary notwithstanding. No such funds so remitted to the state executive committee shall be paid, returned, or otherwise disbursed to the county executive committee under any circumstances. Any county executive committee that is in violation of any party rule after receiving the party assessment shall remit such party assessment to the state executive committee.~~

~~(b) Any state executive committee that endorses or intends to endorse, certify, screen, or otherwise recommend one or more candidates for nomination shall forfeit all party assessments which would otherwise be returned to the state executive committee; and such assessments shall be remitted instead to the General Revenue Fund of the state. Any state executive committee that is in violation of this section after receiving the party assessment shall remit such party assessment to the General Revenue Fund of the state.~~

(5)~~(6)~~ The state chair of each state executive committee shall return the 2-percent committee assessment for county candidates to the appropriate county executive committees only upon receipt of a written statement that such county executive committee chooses not to endorse, certify, screen, or otherwise recommend one or more candidates for such party's nomination for election and upon the state chair's determination that the county executive committee is in compliance with all Florida statutes and all state party rules, bylaws, constitutions, and requirements.

Section 65. Section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(1) TIME OF QUALIFYING.—Except for candidates for judicial office, nonpartisan candidates for multicounty office shall qualify with the Division of Elections of the Department of State and nonpartisan candidates for countywide or less than countywide office shall qualify with the supervisor of elections. Candidates for judicial office other than the office of county court judge shall qualify with the Division of Elections of the Department of State, and candidates for the office of county court judge shall qualify with the supervisor of elections of the county. Candidates for judicial office shall qualify no earlier than noon of the 120th day, and no later than noon of the 116th day, before the first primary election. Candidates for the office of school board member shall qualify no earlier than noon of the 50th day, and no later than noon of the 46th day, before the first primary election. Filing shall be on forms provided for that purpose by the Division of Elections and furnished by the appropriate qualifying officer. Any person seeking to qualify by the *petition process* ~~alternative method~~, as set forth in s. 105.035, *who* ~~if the person~~ has submitted the necessary petitions by the required deadline and is notified after the fifth day prior to the last day for qualifying that the required number of signatures has been obtained, shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date he or she is notified that the necessary number of signatures has been obtained. Any person other than a write-in candidate who qualifies within the time prescribed in this subsection shall be entitled to have his or her name printed on the ballot.

(2) FILING IN GROUPS OR DISTRICTS.—Candidates shall qualify in groups or districts where multiple offices are to be filled.

(3) QUALIFYING FEE.—Each candidate qualifying for election to a judicial office or the office of school board member, except write-in judicial *or school board* candidates, shall, during the time for qualifying, pay to the officer with whom he or she qualifies a qualifying fee, which shall consist of a filing fee and an election assessment, or qualify by the *petition process* ~~alternative method~~. The amount of the filing fee is 3 percent of the annual salary of the office sought. The amount of the election assessment is 1 percent of the annual salary of the office sought. The Department of State shall forward all filing fees to the Department of Revenue for deposit in the Elections Commission Trust Fund. The supervisor of elections shall forward all filing fees to the Elections Commission Trust Fund. The election assessment shall be deposited into the Elections Commission Trust Fund. The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection shall not apply to candidates qualifying for retention to judicial office.

(4) CANDIDATE'S OATH.—

(a) All candidates for the office of school board member shall subscribe to the oath as prescribed in s. 99.021.

(b) All candidates for judicial office shall subscribe to an oath or affirmation in writing to be filed with the appropriate qualifying officer upon qualifying. A printed copy of the oath or affirmation shall be furnished to the candidate by the qualifying officer and shall be in substantially the following form:

State of Florida
County of . . . .

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says he or she: is a candidate for the judicial office of . . . .; that his or her legal residence is . . . . County, Florida; that he or she is a qualified elector of the state and of the territorial jurisdiction of the court to which he or she seeks election; that he or she is qualified under the constitution and laws of Florida to hold the judicial

office to which he or she desires to be elected or in which he or she desires to be retained; that he or she has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent to the office he or she seeks; and that he or she has resigned from any office which he or she is required to resign pursuant to s. 99.012, Florida Statutes.

(Signature of candidate)

(Address)

Sworn to and subscribed before me this . . . . day of . . . . , (year) , at . . . . County, Florida.

(Signature and title of officer administering oath)

(5) ITEMS REQUIRED TO BE FILED.—

(a) In order for a candidate for judicial office or the office of school board member to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. Except for candidates for retention to judicial office, a properly executed check drawn upon the candidate's campaign account in an amount not less than the fee required by subsection (3) or, in lieu thereof, the copy of the notice of obtaining ballot position pursuant to s. 105.035. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by subsection (4), which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, duly acknowledged.

3. The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021. In addition, each candidate for judicial office, including an incumbent judge, shall file a statement with the qualifying officer, within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of the Florida Code of Judicial Conduct. Such statement shall be in substantially the following form:

Statement of Candidate for Judicial Office

I, (name of candidate) , a judicial candidate, have received, read, and understand the requirements of the Florida Code of Judicial Conduct.

(Signature of candidate)

(Date)

5. The full and public disclosure of financial interests required by s. 8, Art. II of the State Constitution or the statement of financial interests required by s. 112.3145, whichever is applicable. *A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.*

(b) If the filing officer receives qualifying papers that do not include all items as required by paragraph (a) prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(6) Notwithstanding the qualifying period prescribed in this section, a filing officer may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

Section 66. Section 105.035, Florida Statutes, is amended to read:

105.035 *Petition process* ~~Alternative method~~ of qualifying for certain judicial offices and the office of school board member.—

(1) A person seeking to qualify for election to the office of circuit judge or county court judge or the office of school board member may qualify for election to such office by means of the petitioning process prescribed in this section. A person qualifying by this *petition process is* ~~alternative method shall~~ not ~~be~~ required to pay the qualifying fee required by this chapter. ~~A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method for the office sought. Such oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the election is held, but prior to the 21st day preceding the first day of the qualifying period for the office sought. The form of such oath shall be prescribed by the Division of Elections. No signatures shall be obtained until the person has filed the oath prescribed in this subsection.~~

(2) *The* ~~Upon receipt of a written oath from a candidate, the qualifying officer shall provide the candidate with a~~ petition format *shall be* prescribed by the Division of Elections *and shall* ~~to~~ be used by the candidate to reproduce petitions for circulation. If the candidate is running for an office *that* ~~which~~ will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate's petition must indicate, prior to the obtaining of registered electors' signatures, for which group or district office the candidate is running.

(3) Each candidate for election to a judicial office or the office of school board member shall obtain the signature of a number of qualified electors equal to at least 1 percent of the total number of registered electors of the district, circuit, county, or other geographic entity represented by the office sought as shown by the compilation by the Department of State for the last preceding general election. A separate petition shall be circulated for each candidate availing himself or herself of the provisions of this section. *Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to s. 106.021.*

(4)(a) Each candidate seeking to qualify for election to the office of circuit judge or the office of school board member from a multicounty school district pursuant to this section shall file a separate petition from each county from which signatures are sought. Each petition shall be submitted, prior to noon of the *28th* ~~21st~~ day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. Each supervisor of elections to whom a petition is submitted shall check the signatures on the petition to verify their status as electors of that county and of the geographic area represented by the office sought. *No later than the seventh day before* ~~Prior to~~ the first date for qualifying, the supervisor shall certify the number shown as registered electors and submit such certification to the Division of Elections. The division shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers and oath prescribed in s. 105.031 with the Division of Elections. Upon receipt of the copy of such notice and qualifying papers, the division shall certify the name of the candidate to the appropriate supervisor or supervisors of elections as having qualified for the office sought.

(b) Each candidate seeking to qualify for election to the office of county court judge or the office of school board member from a single county school district pursuant to this section shall submit his or her petition, prior to noon of the *28th* ~~21st~~ day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition was circulated. The supervisor shall check the signatures on the petition to verify their status as electors of the county and of the geographic area represented by the office sought. *No later than the seventh day before* ~~Prior to~~ the first date for qualifying, the supervisor shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his or her qualifying papers and oath prescribed in s. 105.031 with the qualifying officer. Upon receipt of the copy of such notice and qualifying papers, such candidate shall be entitled to have his or her name printed on the ballot.

Section 67. Section 106.022, Florida Statutes, is created to read:

106.022 Appointment of a registered agent; duties.—

(1) Each political committee, committee of continuous existence, or electioneering communications entity shall have and continuously maintain in this state a registered office and a registered agent and must file with the division a statement of appointment for the registered office and registered agent. The statement of appointment must:

(a) Provide the name of the registered agent and the street address and phone number for the registered office;

(b) Identify the entity for whom the registered agent serves;

(c) Designate the address the registered agent wishes to use to receive mail;

(d) Include the entity's undertaking to inform the division of any change in such designated address;

(e) Provide for the registered agent's acceptance of the appointment, which must confirm that the registered agent is familiar with and accepts the obligations of the position as set forth in this section; and

(f) Contain the signature of the registered agent and the entity engaging the registered agent.

(2) An entity may change its appointment of registered agent and registered office under this section by executing a written statement of change that identifies the former registered agent and registered address and also satisfies all of the requirements of subsection (1).

(3) A registered agent may resign his or her appointment as registered agent by executing a written statement of resignation and filing it with the division. An entity without a registered agent may not make expenditures or accept contributions until it files a written statement of change as required in subsection (2).

Section 68. Subsection (6) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(6) A political party may not accept any contribution which has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate. *Also, a political party may not accept any in-kind contribution that fails to provide a direct benefit to the political party. A "direct benefit" includes, but is not limited to, fundraising or furthering the objectives of the political party.*

Section 69. Subsection (6) of section 106.24, Florida Statutes, is amended to read:

106.24 Florida Elections Commission; membership; powers; duties.—

(6) There is hereby established in the State Treasury an Elections Commission Trust Fund to be utilized by the Division of Elections and the Florida Elections Commission in order to carry out their duties pursuant to ss. 106.24-106.28. The trust fund may also be used by the *Secretary of State* ~~division~~, pursuant to *his or her* ~~its~~ authority under *s. 97.012(14)* ~~s. 106.22(11)~~, to provide rewards for information leading to criminal convictions related to voter registration fraud, voter fraud, and vote scams.

Section 70. Subsection (6) of section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(6) Prior to disposing of funds pursuant to subsection (4) or transferring funds into an office account pursuant to subsection (5), any candidate who filed an oath stating that he or she was unable to pay the election assessment or fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her, or who filed both such oaths, or who qualified by the *petition process* ~~alternative method~~ and was not required to pay an election assessment, shall reimburse the state or local governmental entity, whichever is applicable, for such waived assessment or fee or both. Such reimbursement shall be made first for the cost of petition verification and then, if funds are remaining, for the amount of the election assessment. If there are insufficient funds in the account to pay the full amount of either the assessment or the fee or both, the remaining funds shall be disbursed in the above manner until no funds remain. All funds disbursed pursuant to this subsection shall be remitted to the qualifying officer. Any reimbursement for petition verification costs which are reimbursable by the state shall be forwarded by the qualifying officer to the state for deposit in the General Revenue Fund. All reimbursements for the amount of the election assessment shall be forwarded by the qualifying officer to the Department of State for deposit in the General Revenue Fund.

Section 71. *Section 98.122, Florida Statutes, is transferred and renumbered as section 106.165, Florida Statutes.*

Section 72. Section 106.22, Florida Statutes, is amended to read:

106.22 Duties of the Division of Elections.—It is the duty of the Division of Elections to:

(1) Prescribe forms for statements and other information required to be filed by this chapter. Such forms shall be furnished by the Department of State or office of the supervisor of elections to persons required to file such statements and information with such agency.

(2) Prepare and publish manuals or brochures setting forth recommended uniform methods of bookkeeping and reporting, and including appropriate portions of the election code, for use by persons required by this chapter to file statements.

(3) Develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter.

(4) Preserve statements and other information required to be filed with the division pursuant to this chapter for a period of 10 years from date of receipt.

(5) Prepare and publish such reports as it may deem appropriate.

(6) Make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of this chapter and with respect to alleged failures to file any report or statement required under the provisions of this chapter. The division shall conduct a postelection audit of the campaign accounts of all candidates receiving contributions from the Election Campaign Financing Trust Fund.

(7) Report to the Florida Elections Commission any failure to file a report or information required by this chapter or any apparent violation of this chapter.

(8) Employ such personnel or contract for such services as are necessary to adequately carry out the intent of this chapter.

(9) Prescribe rules and regulations to carry out the provisions of this chapter. Such rules shall be prescribed pursuant to chapter 120.

~~(10) Make an annual report to the President of the Senate and the Speaker of the House of Representatives concerning activities of the division and recommending improvements in the election code.~~

~~(11) Conduct preliminary investigations into any irregularities or fraud involving voter registration or voting and report its findings to the state attorney for the judicial circuit in which the alleged violation occurred for prosecution, where warranted. The Department of State may prescribe by rule requirements for filing a complaint of voter fraud and for investigating any such complaint.~~

(10)~~(12)~~ Conduct random audits with respect to reports and statements filed under this chapter and with respect to alleged failure to file any reports and statements required under this chapter.

Section 73. Subsection (1) of section 16.56, Florida Statutes, is amended to read:

16.56 Office of Statewide Prosecution.—

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate "budget entity" as that term is defined in chapter 216. The office may:

(a) Investigate and prosecute the offenses of:

1. Bribery, burglary, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, robbery, carjacking, and home-invasion robbery;

2. Any crime involving narcotic or other dangerous drugs;

3. Any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(1)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

4. Any violation of the provisions of the Florida Anti-Fencing Act;

5. Any violation of the provisions of the Florida Antitrust Act of 1980, as amended;

6. Any crime involving, or resulting in, fraud or deceit upon any person;

7. Any violation of s. 847.0135, relating to computer pornography and child exploitation prevention, or any offense related to a violation of s. 847.0135;

8. Any violation of the provisions of chapter 815;

9. Any criminal violation of part I of chapter 499;

10. Any violation of the provisions of the Florida Motor Fuel Tax Relief Act of 2004; ~~or~~

11. Any criminal violation of s. 409.920 or s. 409.9201; *or*

12. Any crime involving voter registration, voting, or candidate or issue petition activities;

or any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits.

(b) Upon request, cooperate with and assist state attorneys and state and local law enforcement officials in their efforts against organized crimes.

(c) Request and receive from any department, division, board, bureau, commission, or other agency of the state, or of any political subdivision thereof, cooperation and assistance in the performance of its duties.

Section 74. Subsection (5) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection and copying of records; photographing public records; fees; exemptions.—

(5) When ballots are produced under this section for inspection or examination, no persons other than the supervisor of elections or the supervisor's employees shall touch the ballots. *If the ballots are being examined before the end of the contest period in s. 102.168,* the supervisor of elections shall make a reasonable effort to notify all candidates by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.

Section 75. Subsection (3) of section 145.09, Florida Statutes, is amended to read:

145.09 Supervisor of elections.—

(3)(a) There shall be an additional $2,000 per year special qualification salary for each supervisor of elections who has met the certification requirements established by the Division of Elections of the Department of State. *The Department of State shall adopt rules to establish the certification requirements.* Any supervisor who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year.

(b) In order to qualify for the special qualification salary described in paragraph (a), the supervisor must complete the requirements established by the Division of Elections within 6 years after first taking office.

(c) After a supervisor meets the requirements of paragraph (a), in order to remain certified the supervisor shall thereafter be required to complete each year a course of continuing education as prescribed by the division.

Section 76. Effective July 1, 2005, section 104.0615, Florida Statutes, is created to read:

104.0615 Voter intimidation or suppression prohibited; criminal penalties.—

(1) This section may be cited as the "Voter Protection Act."

(2) A person may not directly or indirectly use or threaten to use force, violence, or intimidation or any tactic of coercion or intimidation to induce or compel an individual to:

(a) Vote or refrain from voting;

(b) Vote or refrain from voting for any particular individual or ballot measure;

(c) Refrain from registering to vote; or

(d) Refrain from acting as a legally authorized election official or poll watcher.

(3) A person may not knowingly use false information to:

(a) Challenge an individual's right to vote;

(b) Induce or attempt to induce an individual to refrain from voting or registering to vote; or

(c) Induce or attempt to induce an individual to refrain from acting as a legally authorized election official or poll watcher.

(4) A person may not knowingly destroy, mutilate, or deface a voter registration form or election ballot or obstruct or delay the delivery of a voter registration form or election ballot.

(5) A person who violates subsection (2), subsection (3), or subsection (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 77. *Sections 98.095, 98.0979, 98.181, 98.481, 101.253, 101.635, 102.061, 106.085, and 106.144, Florida Statutes, are repealed.*

Section 78. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 79. Except as otherwise expressly provided in this act and except for this section, which shall take effect July 1, 2005, this act shall take effect January 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; authorizing the Secretary of State to investigate voter fraud; authorizing the Department of State to adopt rules; amending s. 97.021, F.S.; defining the term "marksense ballots"; defining the terms "early voting area," "early voting site," and "third-party voter registration organization"; amending s. 97.051, F.S.; revising the oath required upon registering to vote; amending s. 97.052, F.S.; revising the contents of the uniform

statewide voter registration application; amending s. 97.053, F.S.; revising provisions governing the acceptance of voter registration applications by the supervisor of elections; requiring that an applicant complete a registration application before the date of book closing in order to be eligible to vote in that election; revising the information required on the registration application; amending s. 97.055, F.S.; limiting the updates that may be made to registration information following book closing; creating s. 97.0575, F.S.; providing requirements for third-party voter registration organizations that collect voter-registration applications; providing fines for failure to deliver applications as required; authorizing the Division of Elections to adopt rules to administer provisions governing third-party voter registration organizations; amending s. 97.071, F.S.; specifying the information to be included on the registration identification card; amending s. 98.045, F.S.; deleting a cross-reference; amending s. 98.077, F.S.; revising the procedures for updating a voter signature used to verify an absentee ballot or provisional ballot; amending s. 99.061, F.S.; providing for qualifying for nomination or election by the petition process; requiring the filing of statements of financial interest; requiring that a qualifying officer accept certain qualifying papers filed before the qualifying period; amending s. 99.063, F.S.; providing filing requirements for public officers; amending s. 99.092, F.S., relating to qualifying fees; clarifying provisions governing qualifying for nomination or election by the petition process to conform to changes made by the act; amending s. 99.095, F.S.; revising the requirements for qualifying as a candidate by a petition process in lieu of paying a qualifying fee and party assessment; providing requirements for submitting petitions and certifications; requiring that the division or supervisor of elections, as applicable, determine whether the required number of signatures has been obtained; amending s. 99.0955, F.S.; providing procedures for a candidate having no party affiliation to qualify by the petition process; amending s. 99.096, F.S.; revising the procedures for a minor political party to submit nominated candidates to be on the general election ballot; providing for candidates to qualify by the petition process; amending s. 99.09651, F.S., relating to signature requirements for ballot position; conforming provisions to changes made by the act; amending s. 100.011, F.S.; requiring that an elector in line at the time the polls close be allowed to vote; amending s. 100.101, F.S.; revising the circumstances under which a special election or primary is held; amending s. 100.111, F.S.; revising requirements for filling a vacancy in a nomination; requiring that ballots cast for a former nominee be counted for the person designated to replace the nominee under certain circumstances; amending s. 100.141, F.S., relating to the notice of a special election; conforming provisions to changes made by the act; amending s. 101.031, F.S.; revising the Voter's Bill of Rights to authorize a provisional ballot if a person's identity is in question; amending s. 101.043, F.S.; revising the procedures for a voter to provide identification when voting; amending s. 101.048, F.S.; providing for certain additional voters to cast provisional ballots; providing requirements for presenting evidence in support of a person's right to vote; requiring that the county canvassing board count such a ballot unless it determines by a preponderance of the evidence that the person was not entitled to vote; requiring that a person casting a provisional ballot be informed of certain rights; amending s. 101.049, F.S.; providing requirements for ballots for persons with disabilities; amending s. 101.051, F.S.; prohibiting certain solicitations to provide assistance to an elector; providing a penalty; authorizing an elector to request that a person other than an election official provide him or her with assistance in voting; providing for the form of the oath to be signed; amending s. 101.111, F.S.; revising the requirements for challenging an elector's right to vote; providing a penalty for filing a frivolous challenge; amending s. 101.131, F.S.; revising requirements for poll watchers; authorizing certain political committees to have poll watchers; prohibiting a poll watcher from interacting with a voter; providing for poll watchers at early voting areas; amending s. 101.151, F.S.; providing requirements for marksense ballots; amending s. 101.171, F.S.; requiring that a copy of a proposed constitutional amendment be available at voting locations; amending s. 101.294, F.S.; prohibiting a vendor of voting equipment from providing systems, components, or system upgrades to a local governing body or supervisor of elections which have not been certified by the Division of Elections; requiring that the vendor provide sworn certification of such equipment; amending s. 101.295, F.S.; providing a penalty for providing voting equipment in violation of ch. 101, F.S.; amending s. 101.49, F.S.; revising the procedures for verifying an elector's signature; amending s. 101.51, F.S.; requiring that an elector occupy a voting booth alone; amending s. 101.5606, F.S., relating to requirements for approval of voting systems, to conform; amending s. 101.5608, F.S., relating to voting by electronic or electromechanical methods, to conform; amending s. 101.5612, F.S.; providing requirements for testing voting equipment; amending s. 101.5614, F.S.; correcting a cross-reference; amending s. 101.572, F.S.; requiring that the supervisor of elections notify the candidates if ballots are examined before the end of the contest; amending s. 101.58, F.S.; authorizing employees of the department to have access to the premises, records, equipment, and staff of the supervisors of elections; amending s. 101.595, F.S.; requiring that certain overvotes and undervotes be reported to the department; amending s. 101.6103, F.S.; authorizing the canvassing board to begin canvassing before the election; prohibiting the release of results before election day; providing a penalty for any early release of results; requiring that a mail ballot that otherwise satisfies the requirements of law for mail ballots be counted even if the elector dies after mailing the ballot but before election day if certain conditions are met; amending s. 101.62, F.S.; revising the requirements for mailing absentee ballots to voters; amending s. 101.64, F.S.; providing for an oath to be provided to persons voting absentee under the Uniformed and Overseas Citizens Absentee Voting Act; amending s. 101.657, F.S.; revising requirements relating to early voting locations; revising the times to begin and end early voting and the times for opening and closing the early voting sites each day; providing for uniformity of county early voting sites; requiring any person in line at the closing of an early voting site to be allowed to vote; providing for early voting in municipal and special district elections; requiring supervisors to provide certain information in electronic format to the Division of Elections; requiring that an early voting ballot that otherwise satisfies the requirements of law for early voting ballots be counted even if the elector dies on or before election day; amending s. 101.663, F.S.; providing for certain persons to vote absentee after moving to another state; amending s. 101.68, F.S.; prohibiting changing a voter's certificate after the absentee ballot is received by the supervisor; providing that electors who die on or before election day and have cast an absentee ballot shall remain on the voter registration books until the election is certified; providing that the ballot of an elector who casts an absentee ballot shall be counted even if the elector dies on or before election day if certain conditions are met; amending s. 101.69, F.S.; prohibiting a voter from voting another ballot after casting an absentee ballot; providing for a provisional ballot under certain circumstances; amending s. 101.6923, F.S.; providing for the form of the printed instructions on an absentee ballot; amending s. 101.694, F.S.; providing requirements for absentee envelopes printed for voters voting under the Uniformed and Overseas Citizens Absentee Voting Act; amending s. 101.697, F.S.; requiring the Department of State to determine whether secure electronic ballots may be provided for overseas voters; requiring that the department adopt rules for accepting overseas ballots; amending s. 102.012, F.S.; requiring the supervisor of elections to appoint an election board before any election; providing duties of the board; amending s. 102.014, F.S.; requiring that the Division of Elections develop a uniform training curriculum for poll workers; amending s. 102.031, F.S.; providing requirements for maintaining order at early voting areas; requiring the designation of a no-solicitation zone; prohibiting photography in a polling room or early voting area; amending s. 102.071, F.S.; revising requirements for tabulating votes; amending s. 102.111, F.S.; providing for corrections to be made to the official election returns; amending s. 102.112, F.S.; requiring that a return contain a certification by the canvassing board; authorizing the Department of State to correct typographical errors; amending s. 102.141, F.S.; revising requirements for the canvassing boards in submitting returns to the department; providing requirements for the report filed by the canvassing board; requiring the department to adopt rules for filing results and statistical information; amending s. 102.166, F.S.; revising the circumstances under which a manual recount may be ordered; amending s. 102.168, F.S.; requiring that complaints be filed with the board responsible for certifying the election results; specifying the parties to an action who may contest an election or nomination; amending s. 103.021, F.S.; providing for nomination of presidential electors by the state executive committee of each political party; defining the term "national party" for purposes of nominating a candidate for President and Vice President of the United States; amending ss. 103.051 and 103.061, F.S.; specifying duties of the presidential electors; amending s. 103.121, F.S.; revising powers and duties of executive committees to conform to changes made by the act; amending s. 105.031, F.S.; providing for public officers to file a statement of financial interests at the time of qualifying; requiring that a filing officer accept certain qualifying papers filed before the qualifying period; amending s. 105.035, F.S.; revising procedures for qualifying for certain judicial offices and the office of school board member; prohibiting a candidate from obtaining signatures until appointing a campaign treasurer and designating a campaign depository; revising the requirements for the supervisor of elections with respect to certifying signatures; creating s. 106.022, F.S.; requiring that a political committee, committee of continuous existence,

or electioneering communications entity maintain a registered office and registered agent; providing requirements for the statement of appointment; prohibiting political parties from accepting certain in-kind contributions; amending s. 106.24, F.S.; clarifying the duties of the Secretary of State; amending s. 106.141, F.S., relating to the disposition of surplus funds; conforming provisions to changes made by the act; transferring and renumbering s. 98.122, F.S., relating to the use of closed captioning and descriptive narrative in television broadcasts; amending s. 106.22, F.S.; eliminating certain duties of the Division of Elections with respect to reports to the Legislature and preliminary investigations; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute crimes involving voter registration, voting, or certain petition activities; amending s. 119.07, F.S.; clarifying requirements of the supervisor of elections with respect to notifying candidates of the inspection of ballots; amending s. 145.09, F.S.; requiring that the Department of State adopt rules establishing certification requirements for supervisors of elections; creating s. 104.0615, F.S.; providing a short title; prohibiting a person from using or threatening to use force, violence, or intimidation to induce or compel an individual to vote or refrain from voting, to refrain from registering to vote, or to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly using false information to challenge an individual's right to vote, to induce an individual to refrain from registering to vote, or to induce or attempt to induce an individual to refrain from acting as an election official or poll watcher; prohibiting a person from knowingly destroying, mutilating, or defacing a voter registration form or election ballot or obstructing or delaying the delivery of a voter registration form or election ballot; providing criminal penalties; repealing ss. 98.095, 98.0979, 98.181, 98.481, 101.253, 101.635, 102.061, 106.085, and 106.144, F.S., relating to inspections of county registers and the voter database, indexes and records, challenges to elections, the printing and distribution of ballots, duties of the election board, expenditures, and endorsements or opposition by certain groups; providing for severability; providing effective dates.

Senator Jones moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (174070)—On page 18, lines 16-20, delete those lines and insert: qualify for nomination or election to federal office *or to the office of the state attorney or the public defender*; and noon of the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to a state or multicounty district office*, other than the office of the state attorney or the public defender*.

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1567** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for CS for SB 1660—A bill to be entitled An act relating to health insurance; amending s. 408.05, F.S.; changing the due date for a report from the Agency for Health Care Administration regarding the State Center for Health Statistics; amending s. 408.909, F.S.; providing an additional criterion for the Office of Insurance Regulation to disapprove or withdraw approval of health flex plans; amending s. 627.413, F.S.; authorizing insurers and health maintenance organizations to offer policies or contracts providing for a high-deductible plan meeting federal requirements and in conjunction with a health savings account; amending s. 627.6487, F.S.; revising the definition of the term "eligible individual" for purposes of obtaining coverage in the Florida Health Insurance Plan; amending s. 627.64872, F.S.; revising definitions; changing references to the Director of the Office of Insurance Regulation to the Commissioner of Insurance Regulation; deleting obsolete language; providing additional eligibility criteria; reducing premium rate limitations; revising requirements for sources of additional revenue; authorizing the board to cancel policies under inadequate funding conditions; providing a limitation; specifying a maximum provider reimbursement rate; requiring licensed providers to accept assignment of plan benefits and consider certain payments as payments in full; amending s. 627.65626, F.S.; providing insurance rebates for healthy lifestyles; amending s. 627.6692, F.S.; extending a time period within which eligible employees may apply for continuation of coverage; amending s. 627.6699, F.S.; revising standards for determining applicability of the Employee Health Care Access Act; prescribing acts that may be performed by an employer without being considered contributing to premiums or facilitating administration of a policy; authorizing certain carriers to offer coverage to certain employees without being subject to the act under certain circumstances; requiring a carrier who offers such coverage to provide notice to the primary insured prior to cancellation for nonpayment of premium; revising an availability of coverage provision of the Employee Health Care Access Act; including high-deductible plans meeting federal health savings account plan requirements; revising membership of the board of the small employer health reinsurance program; revising certain reporting dates relating to program losses and assessments; requiring the board to advise executive and legislative entities on health insurance issues; providing requirements; amending s. 641.27, F.S.; increasing the interval at which the office examines health maintenance organizations; deleting authorization for the office to accept an audit report from a certified public accountant in lieu of conducting its own examination; increasing an expense limitation; amending s. 641.31, F.S.; providing for an insurance rebate for members in a health wellness program; providing for the rebate to cease under certain conditions; creating a high-deductible health insurance plan study group; specifying membership; requiring the study group to investigate certain issues relating to high-deductible health insurance plans; requiring the group to meet and submit recommendations to the Governor and Legislature; repealing s. 627.6402, F.S., relating to authorized insurance rebates for healthy lifestyles; providing application; providing appropriations; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1660** to **HB 811**.

Pending further consideration of **CS for CS for SB 1660** as amended, on motion by Senator Fasano, by two-thirds vote **HB 811** was withdrawn from the Committees on Banking and Insurance; and Ways and Means.

On motion by Senator Fasano, the rules were waived and—

HB 811—A bill to be entitled An act relating to health insurance; amending s. 627.6699, F.S.; revising application of the act; providing construction; authorizing carriers to offer coverage to certain employees without being subject to the act under certain circumstances; providing requirements; amending s. 408.05, F.S.; changing the due date for a report from the Agency for Health Care Administration regarding the State Center for Health Statistics; changing the release dates for certain data collected by the State Center for Health Statistics; amending s. 408.909, F.S.; providing an additional criterion for the Office of Insurance Regulation to disapprove or withdraw approval of health flex plans; amending s. 627.413, F.S.; authorizing insurers and health maintenance organizations to offer policies or contracts providing for a high deductible plan meeting federal requirements and in conjunction with a health savings account; amending s. 627.638, F.S.; providing certain contract and claim form requirements for direct payment to certain providers of emergency services and care; amending s. 627.6402, F.S.; revising provisions for healthy lifestyle rebates for an individual health insurance policy; providing exceptions; providing application; amending s. 627.6487, F.S.; revising the definition of the term "eligible individual" for purposes of obtaining coverage in the Florida Health Insurance Plan; amending s. 627.64872, F.S.; revising definitions; changing references to the Director of the Office of Insurance Regulation to the Commissioner of Insurance Regulation; deleting obsolete language; providing additional eligibility criteria; reducing premium rate limitations; revising requirements for sources of additional revenue; authorizing the board to cancel policies under inadequate funding conditions; providing a limitation; defining the term "health insurance" for purposes of certain assessments; providing an exclusion; specifying a maximum provider reimbursement rate; requiring licensed providers to accept assignment of plan benefits and consider certain payments as payments in full; authorizing the board to update a required actuarial study; providing study criteria; amending s. 627.65626, F.S.; revising criteria for healthy lifestyle rebates for group and similar health insurance policies provided by health insurers; authorizing group or health insurers to contract with an independent third-party administrator for certain purposes; providing exceptions; providing application; amending s. 627.6692, F.S.; extending a time period within which eligible employees may apply for continuation of coverage; amending s. 627.6699, F.S.; revising availability of coverage provision of the Employee Health Care Access Act; including high deductible plans meeting federal health savings account plan requirements; revising membership of the board of the small employer

health reinsurance program; revising certain reporting dates relating to program losses and assessments; requiring the board to advise executive and legislative entities on health insurance issues; providing requirements; amending s. 641.27, F.S.; increasing the interval at which the office examines health maintenance organizations; deleting authorization for the office to accept an audit report from a certified public accountant in lieu of conducting its own examination; increasing an expense limitation; amending s. 641.31, F.S.; revising criteria for healthy lifestyle rebates for health maintenance organizations; providing exceptions; providing application; providing an appropriation; providing application; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1660** as amended and read the second time by title.

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (670746)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (l) of subsection (3) of section 408.05, Florida Statutes, is amended to read:

408.05 State Center for Health Statistics.—

(3) COMPREHENSIVE HEALTH INFORMATION SYSTEM.—In order to produce comparable and uniform health information and statistics, the agency shall perform the following functions:

(l) Develop, in conjunction with the State Comprehensive Health Information System Advisory Council, and implement a long-range plan for making available performance outcome and financial data that will allow consumers to compare health care services. The performance outcomes and financial data the agency must make available shall include, but is not limited to, pharmaceuticals, physicians, health care facilities, and health plans and managed care entities. The agency shall submit the initial plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by *January* ~~March~~ 1, *2006* ~~2005~~, and shall update the plan and report on the status of its implementation annually thereafter. The agency shall also make the plan and status report available to the public on its Internet website. As part of the plan, the agency shall identify the process and timeframes for implementation, any barriers to implementation, and recommendations of changes in the law that may be enacted by the Legislature to eliminate the barriers. As preliminary elements of the plan, the agency shall:

1. Make available performance outcome and patient charge data collected from health care facilities pursuant to s. 408.061(1)(a) and (2). The agency shall determine which conditions and procedures, performance outcomes, and patient charge data to disclose based upon input from the council. When determining which conditions and procedures are to be disclosed, the council and the agency shall consider variation in costs, variation in outcomes, and magnitude of variations and other relevant information. When determining which performance outcomes to disclose, the agency:

a. Shall consider such factors as volume of cases; average patient charges; average length of stay; complication rates; mortality rates; and infection rates, among others, which shall be adjusted for case mix and severity, if applicable.

b. May consider such additional measures that are adopted by the Centers for Medicare and Medicaid Studies, National Quality Forum, the Joint Commission on Accreditation of Healthcare Organizations, the Agency for Healthcare Research and Quality, or a similar national entity that establishes standards to measure the performance of health care providers, or by other states.

When determining which patient charge data to disclose, the agency shall consider such measures as average charge, average net revenue per adjusted patient day, average cost per adjusted patient day, and average cost per admission, among others.

2. Make available performance measures, benefit design, and premium cost data from health plans licensed pursuant to chapter 627 or chapter 641. The agency shall determine which performance outcome and member and subscriber cost data to disclose, based upon input from the council. When determining which data to disclose, the agency shall consider information that may be required by either individual or group purchasers to assess the value of the product, which may include membership satisfaction, quality of care, current enrollment or membership, coverage areas, accreditation status, premium costs, plan costs, premium increases, range of benefits, copayments and deductibles, accuracy and speed of claims payment, credentials of physicians, number of providers, names of network providers, and hospitals in the network. Health plans shall make available to the agency any such data or information that is not currently reported to the agency or the office.

3. Determine the method and format for public disclosure of data reported pursuant to this paragraph. The agency shall make its determination based upon input from the Comprehensive Health Information System Advisory Council. At a minimum, the data shall be made available on the agency's Internet website in a manner that allows consumers to conduct an interactive search that allows them to view and compare the information for specific providers. The website must include such additional information as is determined necessary to ensure that the website enhances informed decisionmaking among consumers and health care purchasers, which shall include, at a minimum, appropriate guidance on how to use the data and an explanation of why the data may vary from provider to provider. The data specified in subparagraph 1. shall be released no later than *January 1, 2006, for the reporting of infection rates, and no later than October 1, 2005, for mortality rates and complication rates* ~~March 1, 2005~~. The data specified in subparagraph 2. shall be released no later than *October* ~~March~~ 1, 2006.

Section 2. Paragraph (b) of subsection (3) of section 408.909, Florida Statutes, is amended to read:

408.909 Health flex plans.—

(3) PROGRAM.—The agency and the office shall each approve or disapprove health flex plans that provide health care coverage for eligible participants. A health flex plan may limit or exclude benefits otherwise required by law for insurers offering coverage in this state, may cap the total amount of claims paid per year per enrollee, may limit the number of enrollees, or may take any combination of those actions. A health flex plan offering may include the option of a catastrophic plan supplementing the health flex plan.

(b) The office shall develop guidelines for the review of health flex plan applications and provide regulatory oversight of health flex plan advertisement and marketing procedures. The office shall disapprove or shall withdraw approval of plans that:

1. Contain any ambiguous, inconsistent, or misleading provisions or any exceptions or conditions that deceptively affect or limit the benefits purported to be assumed in the general coverage provided by the health flex plan;

2. Provide benefits that are unreasonable in relation to the premium charged or contain provisions that are unfair or inequitable or contrary to the public policy of this state, that encourage misrepresentation, or that result in unfair discrimination in sales practices; ~~or~~

3. Cannot demonstrate that the health flex plan is financially sound and that the applicant is able to underwrite or finance the health care coverage provided*; or*

4. Cannot demonstrate that the applicant and its management are in compliance with the standards required under s. 624.404(3).

Section 3. Subsection (6) is added to section 627.413, Florida Statutes, to read:

627.413 Contents of policies, in general; identification.—

(6) Notwithstanding any other provision of the Florida Insurance Code that is in conflict with federal requirements for a health savings account qualified high-deductible health plan, an insurer, or a health maintenance organization subject to part I of chapter 641, which is authorized to issue health insurance in this state may offer for sale an individual or group policy or contract that provides for a high-deductible plan that meets the federal requirements of a health savings account plan and which is offered in conjunction with a health savings account.

Section 4. Subsection (2) of section 627.638, Florida Statutes, is amended to read:

627.638 Direct payment for hospital, medical services.—

(2) Whenever, in any health insurance claim form, an insured specifically authorizes payment of benefits directly to any recognized hospital, ~~or~~ physician, *or dentist,* the insurer shall make such payment to the designated provider of such services, unless otherwise provided in the insurance contract. *The insurance contract may not prohibit, and claims forms must provide an option for, the payment of benefits directly to a licensed hospital, physician, or dentist for care provided pursuant to s. 395.1041. The insurer may require written attestation of assignment of benefits. Payment to the provider from the insurer may not be more than the amount that the insurer would otherwise have paid without the assignment.*

Section 5. Section 627.6402, Florida Statutes, is amended to read:

627.6402 Insurance rebates for healthy lifestyles.—

(1) Any rate, rating schedule, or rating manual for an individual health insurance policy filed with the office *may* ~~shall~~ provide for an appropriate rebate of premiums paid in the last ~~calendar~~ year when the individual covered by such plan is enrolled in and maintains participation in any health wellness, maintenance, or improvement program approved by the health plan. *The rebate may be based on premiums paid in the last calendar year or the last policy year.* The individual must provide evidence of demonstrative maintenance or improvement of the individual's health status as determined by assessments of agreed-upon health status indicators between the individual and the health insurer, including, but not limited to, reduction in weight, body mass index, and smoking cessation. Any rebate provided by the health insurer is presumed to be appropriate unless credible data demonstrates otherwise, *or unless such rebate program requires the insured to incur costs to qualify for the rebate which equal or exceed the value of the rebate,* but *in no event* shall *the rebate* ~~not~~ exceed 10 percent of paid premiums.

(2) The premium rebate authorized by this section shall be effective for an insured on an annual basis, unless the individual fails to maintain or improve his or her health status while participating in an approved wellness program, or credible evidence demonstrates that the individual is not participating in the approved wellness program.

Section 6. Section 627.65626, Florida Statutes, is amended to read:

627.65626 Insurance rebates for healthy lifestyles.—

(1) Any rate, rating schedule, or rating manual for a health insurance policy *that provides creditable coverage as defined in s. 627.6561(5)* filed with the office shall provide for an appropriate rebate of premiums paid in the last *policy year, contract year, or* calendar year when the majority of members of a health plan have enrolled and maintained participation in any health wellness, maintenance, or improvement program offered by the *group policyholder and health plan* ~~employer~~. *The rebate may be based upon premiums paid in the last calendar year or policy year.* The *group* ~~employer~~ must provide evidence of demonstrative maintenance or improvement of the enrollees' health status as determined by assessments of agreed-upon health status indicators between the *policyholder* ~~employer~~ and the health insurer, including, but not limited to, reduction in weight, body mass index, and smoking cessation. *The group or health insurer may contract with a third-party administrator to assemble and report the health status required in this subsection between the policyholder and the health insurer.* Any rebate provided by the health insurer is presumed to be appropriate unless credible data demonstrates otherwise, *or unless the rebate program requires the insured to incur costs to qualify for the rebate which equal or exceeds the value of the rebate,* but *the rebate may* ~~shall~~ not exceed 10 percent of paid premiums.

(2) The premium rebate authorized by this section shall be effective for an insured on an annual basis unless the number of participating *members on the policy renewal anniversary* ~~employees~~ becomes less than the majority of the *members* ~~employees~~ eligible for participation in the wellness program.

Section 7. Paragraphs (d) and (j) of subsection (5) of section 627.6692, Florida Statutes, are amended to read:

627.6692 Florida Health Insurance Coverage Continuation Act.—

(5) CONTINUATION OF COVERAGE UNDER GROUP HEALTH PLANS.—

(d)1. A qualified beneficiary must give written notice to the insurance carrier within *63* ~~30~~ days after the occurrence of a qualifying event. Unless otherwise specified in the notice, a notice by any qualified beneficiary constitutes notice on behalf of all qualified beneficiaries. The written notice must inform the insurance carrier of the occurrence and type of the qualifying event giving rise to the potential election by a qualified beneficiary of continuation of coverage under the group health plan issued by that insurance carrier, except that in cases where the covered employee has been involuntarily discharged, the nature of such discharge need not be disclosed. The written notice must, at a minimum, identify the employer, the group health plan number, the name and address of all qualified beneficiaries, and such other information required by the insurance carrier under the terms of the group health plan or the commission by rule, to the extent that such information is known by the qualified beneficiary.

2. Within 14 days after the receipt of written notice under subparagraph 1., the insurance carrier shall send each qualified beneficiary by certified mail an election and premium notice form, approved by the office, which form must provide for the qualified beneficiary's election or nonelection of continuation of coverage under the group health plan and the applicable premium amount due after the election to continue coverage. This subparagraph does not require separate mailing of notices to qualified beneficiaries residing in the same household, but requires a separate mailing for each separate household.

(j) Notwithstanding paragraph (b), if a qualified beneficiary in the military reserve or National Guard has elected to continue coverage and is thereafter called to active duty and the coverage under the group plan is terminated by the beneficiary or the carrier due to the qualified beneficiary becoming eligible for TRICARE (the health care program provided by the United States Defense Department), the 18-month period or such other applicable maximum time period for which the qualified beneficiary would otherwise be entitled to continue coverage is tolled during the time that he or she is covered under the TRICARE program. Within *63* ~~30~~ days after the federal TRICARE coverage terminates, the qualified beneficiary may elect to continue coverage under the group health plan, retroactively to the date coverage terminated under TRICARE, for the remainder of the 18-month period or such other applicable time period, subject to termination of coverage at the earliest of the conditions specified in paragraph (b).

Section 8. Paragraph (a) of subsection (4), paragraph (c) of subsection (5), and paragraphs (b) and (j) of subsection (11) of section 627.6699, Florida Statutes, are amended, and paragraph (o) is added to subsection (11) of that section, to read:

627.6699 Employee Health Care Access Act.—

(4) APPLICABILITY AND SCOPE.—

(a)*1.* This section applies to a health benefit plan that provides coverage to *employees of* a small employer in this state, unless the *coverage* ~~policy~~ is marketed directly to the individual employee, and the employer does not *contribute directly or indirectly to* ~~participate in~~ the ~~collection or distribution of~~ premiums or facilitate the administration of the *coverage* ~~policy~~ in any manner. *For the purposes of this subparagraph, an employer is not deemed to be contributing to the premiums or facilitating the administration of coverage if the employer does not contribute to the premium and merely collects the premiums for coverage from an employee's wages or salary through payroll deduction and submits payment for the premiums of one or more employees in a lump sum to a carrier.*

2. A carrier authorized to issue group or individual health benefit plans under this chapter or chapter 641 may offer coverage as described in this subparagraph to individual employees without being subject to this section if the employer has not had a group health benefit plan in place in the prior 6 months. A carrier authorized to issue group or individual health benefit plans under this chapter or chapter 641 may offer coverage as described in this subparagraph to employees that are not eligible employees as defined in this section, whether or not the small employer has a group health benefit plan in place. A carrier that offers coverage as described in this subparagraph must provide a cancellation

notice to the primary insured at least 10 days prior to canceling the coverage for nonpayment of premium.

(5) AVAILABILITY OF COVERAGE.—

(c) Every small employer carrier must, as a condition of transacting business in this state:

1. Offer and issue all small employer health benefit plans on a guaranteed-issue basis to every eligible small employer, with 2 to 50 eligible employees, that elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. A rider for additional or increased benefits may be medically underwritten and may only be added to the standard health benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section.

2. In the absence of enrollment availability in the Florida Health Insurance Plan, offer and issue basic and standard small employer health benefit plans *and a high-deductible plan that meets the requirements of a health savings account plan or health reimbursement account as defined by federal law,* on a guaranteed-issue basis, during a 31-day open enrollment period of August 1 through August 31 of each year, to every eligible small employer, with fewer than two eligible employees, which small employer is not formed primarily for the purpose of buying health insurance and which elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. Coverage provided under this subparagraph shall begin on October 1 of the same year as the date of enrollment, unless the small employer carrier and the small employer agree to a different date. A rider for additional or increased benefits may be medically underwritten and may only be added to the standard health benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section. For purposes of this subparagraph, a person, his or her spouse, and his or her dependent children constitute a single eligible employee if that person and spouse are employed by the same small employer and either that person or his or her spouse has a normal work week of less than 25 hours. Any right to an open enrollment of health benefit coverage for groups of fewer than two employees, pursuant to this section, shall remain in full force and effect in the absence of the availability of new enrollment into the Florida Health Insurance Plan.

3. This paragraph does not limit a carrier's ability to offer other health benefit plans to small employers if the standard and basic health benefit plans are offered and rejected.

(11) SMALL EMPLOYER HEALTH REINSURANCE PROGRAM.—

(b)1. The program shall operate subject to the supervision and control of the board.

2. Effective upon this act becoming a law, the board shall consist of the director of the office or his or her designee, who shall serve as the chairperson, and 13 additional members who are representatives of carriers and insurance agents and are appointed by the director of the office and serve as follows:

a. *Five members shall be representatives of health insurers licensed under chapter 624 or chapter 641. Two members shall be agents who are actively engaged in the sale of health insurance. Four members shall be employers or representatives of employers. One member shall be a person covered under an individual health insurance policy issued by a licensed insurer in this state. One member shall represent the Agency for Health Care Administration and shall be recommended by the Secretary of Health Care Administration.* ~~The director of the office shall include representatives of small employer carriers subject to assessment under this subsection. If two or more carriers elect to be risk-assuming carriers, the membership must include at least two representatives of risk-assuming carriers; if one carrier is risk-assuming, one member must be a representative of such carrier. At least one member must be a carrier who is subject to the assessments, but is not a small employer carrier. Subject to such restrictions, at least five members shall be selected from individuals recommended by small employer carriers pursuant to procedures provided by rule of the commission. Three members shall be selected from a list of health insurance carriers that issue individual health insurance policies. At least two of the three members selected must be reinsuring carriers. Two members shall be selected from a list of insurance agents who are actively engaged in the sale of health insurance.~~

b. A member appointed under this subparagraph shall serve a term of 4 years and shall continue in office until the member's successor takes office, except that, in order to provide for staggered terms, the director of the office shall designate two of the initial appointees under this subparagraph to serve terms of 2 years and shall designate three of the initial appointees under this subparagraph to serve terms of 3 years.

3. The director of the office may remove a member for cause.

4. Vacancies on the board shall be filled in the same manner as the original appointment for the unexpired portion of the term.

~~5. The director of the office may require an entity that recommends persons for appointment to submit additional lists of recommended appointees.~~

(j)1. Before *July* ~~March~~ 1 of each calendar year, the board shall determine and report to the office the program net loss for the previous year, including administrative expenses for that year, and the incurred losses for the year, taking into account investment income and other appropriate gains and losses.

2. Any net loss for the year shall be recouped by assessment of the carriers, as follows:

a. The operating losses of the program shall be assessed in the following order subject to the specified limitations. The first tier of assessments shall be made against reinsuring carriers in an amount which shall not exceed 5 percent of each reinsuring carrier's premiums from health benefit plans covering small employers. If such assessments have been collected and additional moneys are needed, the board shall make a second tier of assessments in an amount which shall not exceed 0.5 percent of each carrier's health benefit plan premiums. Except as provided in paragraph (n), risk-assuming carriers are exempt from all assessments authorized pursuant to this section. The amount paid by a reinsuring carrier for the first tier of assessments shall be credited against any additional assessments made.

b. The board shall equitably assess carriers for operating losses of the plan based on market share. The board shall annually assess each carrier a portion of the operating losses of the plan. The first tier of assessments shall be determined by multiplying the operating losses by a fraction, the numerator of which equals the reinsuring carrier's earned premium pertaining to direct writings of small employer health benefit plans in the state during the calendar year for which the assessment is levied, and the denominator of which equals the total of all such premiums earned by reinsuring carriers in the state during that calendar year. The second tier of assessments shall be based on the premiums that all carriers, except risk-assuming carriers, earned on all health benefit plans written in this state. The board may levy interim assessments against carriers to ensure the financial ability of the plan to cover claims expenses and administrative expenses paid or estimated to be paid in the operation of the plan for the calendar year prior to the association's anticipated receipt of annual assessments for that calendar year. Any interim assessment is due and payable within 30 days after receipt by a carrier of the interim assessment notice. Interim assessment payments shall be credited against the carrier's annual assessment. Health benefit plan premiums and benefits paid by a carrier that are less than an amount determined by the board to justify the cost of collection may not be considered for purposes of determining assessments.

c. Subject to the approval of the office, the board shall make an adjustment to the assessment formula for reinsuring carriers that are approved as federally qualified health maintenance organizations by the Secretary of Health and Human Services pursuant to 42 U.S.C. s. 300e(c)(2)(A) to the extent, if any, that restrictions are placed on them that are not imposed on other small employer carriers.

3. Before *July* ~~March~~ 1 of each year, the board shall determine and file with the office an estimate of the assessments needed to fund the losses incurred by the program in the previous calendar year.

4. If the board determines that the assessments needed to fund the losses incurred by the program in the previous calendar year will exceed the amount specified in subparagraph 2., the board shall evaluate the

operation of the program and report its findings, including any recommendations for changes to the plan of operation, to the office within *180* ~~90~~ days following the end of the calendar year in which the losses were incurred. The evaluation shall include an estimate of future assessments, the administrative costs of the program, the appropriateness of the premiums charged and the level of carrier retention under the program, and the costs of coverage for small employers. If the board fails to file a report with the office within *180* ~~90~~ days following the end of the applicable calendar year, the office may evaluate the operations of the program and implement such amendments to the plan of operation the office deems necessary to reduce future losses and assessments.

5. If assessments exceed the amount of the actual losses and administrative expenses of the program, the excess shall be held as interest and used by the board to offset future losses or to reduce program premiums. As used in this paragraph, the term "future losses" includes reserves for incurred but not reported claims.

6. Each carrier's proportion of the assessment shall be determined annually by the board, based on annual statements and other reports considered necessary by the board and filed by the carriers with the board.

7. Provision shall be made in the plan of operation for the imposition of an interest penalty for late payment of an assessment.

8. A carrier may seek, from the office, a deferment, in whole or in part, from any assessment made by the board. The office may defer, in whole or in part, the assessment of a carrier if, in the opinion of the office, the payment of the assessment would place the carrier in a financially impaired condition. If an assessment against a carrier is deferred, in whole or in part, the amount by which the assessment is deferred may be assessed against the other carriers in a manner consistent with the basis for assessment set forth in this section. The carrier receiving such deferment remains liable to the program for the amount deferred and is prohibited from reinsuring any individuals or groups in the program if it fails to pay assessments.

(o) The board shall advise the office, the Agency for Health Care Administration, the department, other executive departments, and the Legislature on health insurance issues. Specifically, the board shall:

1. Provide a forum for stakeholders, consisting of insurers, employers, agents, consumers, and regulators, in the private health insurance market in this state.

2. Review and recommend strategies to improve the functioning of the health insurance markets in this state with a specific focus on market stability, access, and pricing.

3. Make recommendations to the office for legislation addressing health insurance market issues and provide comments on health insurance legislation proposed by the office.

4. Meet at least three times each year. One meeting shall be held to hear reports and to secure public comment on the health insurance market, to develop any legislation needed to address health insurance market issues, and to provide comments on health insurance legislation proposed by the office.

5. Issue a report to the office on the state of the health insurance market by September 1 each year. The report shall include recommendations for changes in the health insurance market, results from implementation of previous recommendations, and information on health insurance markets.

Section 9. Subsection (1) of section 641.27, Florida Statutes, is amended to read:

641.27 Examination by the department.—

(1) The office shall examine the affairs, transactions, accounts, business records, and assets of any health maintenance organization as often as it deems it expedient for the protection of the people of this state, but not less frequently than once every *5* ~~3~~ years. ~~In lieu of making its own financial examination, the office may accept an independent certified public accountant's audit report prepared on a statutory accounting basis consistent with this part.~~ However, except when the medical records are requested and copies furnished pursuant to s. 456.057, medical records of individuals and records of physicians providing service under contract to the health maintenance organization shall not be subject to audit, although they may be subject to subpoena by court order upon a showing of good cause. For the purpose of examinations, the office may administer oaths to and examine the officers and agents of a health maintenance organization concerning its business and affairs. The examination of each health maintenance organization by the office shall be subject to the same terms and conditions as apply to insurers under chapter 624. In no event shall expenses of all examinations exceed a maximum of *$50,000* ~~$20,000~~ for any 1-year period. Any rehabilitation, liquidation, conservation, or dissolution of a health maintenance organization shall be conducted under the supervision of the department, which shall have all power with respect thereto granted to it under the laws governing the rehabilitation, liquidation, reorganization, conservation, or dissolution of life insurance companies.

Section 10. Subsection (40) of section 641.31, Florida Statutes, is amended to read:

641.31 Health maintenance contracts.—

(40)(a) Any *group* rate, rating schedule, or rating manual for a health maintenance organization policy*, which provides creditable coverage as defined in s. 627.6561(5),* filed with the office shall provide for an appropriate rebate of premiums paid in the last *policy year, contract year, or* calendar year when the *majority of members of a health* ~~individual covered by such~~ plan *are* ~~is~~ enrolled in and *maintained* ~~maintains~~ participation in any health wellness, maintenance, or improvement program *offered by the group contract holder* ~~approved by the health plan~~. The *group* ~~individual~~ must provide evidence of demonstrative maintenance or improvement of his or her health status as determined by assessments of agreed-upon health status indicators between the *group* ~~individual~~ and the health insurer, including, but not limited to, reduction in weight, body mass index, and smoking cessation. Any rebate provided by the health *maintenance organization* ~~insurer~~ is presumed to be appropriate unless credible data demonstrates otherwise*, or unless the rebate program requires the insured to incur costs to qualify for the rebate which equals or exceeds the value of the rebate* but *the rebate may* ~~shall~~ not exceed 10 percent of paid premiums.

(b) The premium rebate authorized by this section shall be effective for *a subscriber* ~~an insured~~ on an annual basis, unless the *number of participating members on the contract renewal anniversary becomes fewer than the majority of the members eligible for participation in the wellness program* ~~individual fails to maintain or improve his or her health status while participating in an approved wellness program, or credible evidence demonstrates that the individual is not participating in the approved wellness program~~.

(c) A health maintenance organization that issues individual contracts may offer a premium rebate, as provided under this section, for a healthy lifestyle program.

Section 11. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2005, and shall apply to all policies or contracts issued or renewed on or after July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health insurance; amending s. 408.05, F.S.; changing the due date for a report from the Agency for Health Care Administration regarding the State Center for Health Statistics; amending s. 408.909, F.S.; providing an additional criterion for the Office of Insurance Regulation to disapprove or withdraw approval of health flex plans; amending s. 627.413, F.S.; authorizing insurers and health maintenance organizations to offer policies or contracts providing for a high-deductible plan meeting federal requirements and in conjunction with a health savings account; amending s. 627.638, F.S.; revising direct payment provisions for insurers; amending s. 627.6402, F.S.; revising the requirements for the healthy lifestyle premium rebate; amending s. 627.65626, F.S.; providing insurance rebates for healthy lifestyles; amending s. 627.6692, F.S.; extending a time period within which eligible employees may apply for continuation of coverage; amending s. 627.6699, F.S.; revising standards for determining applicability of the Employee Health Care Access Act; prescribing acts that may be performed by an employer without being considered contributing to premiums or facilitating administration of a policy; authorizing certain carri-

ers to offer coverage to certain employees without being subject to the act under certain circumstances; requiring a carrier who offers such coverage to provide notice to the primary insured prior to cancellation for nonpayment of premium; revising an availability of coverage provision of the Employee Health Care Access Act; including high-deductible plans meeting federal health savings account plan requirements; revising membership of the board of the small employer health reinsurance program; revising certain reporting dates relating to program losses and assessments; requiring the board to advise executive and legislative entities on health insurance issues; providing requirements; amending s. 641.27, F.S.; increasing the interval at which the office examines health maintenance organizations; deleting authorization for the office to accept an audit report from a certified public accountant in lieu of conducting its own examination; increasing an expense limitation; amending s. 641.31, F.S.; providing for an insurance rebate for members in a health wellness program; providing for the rebate to cease under certain conditions; providing effective dates.

Pursuant to Rule 4.19, **HB 811** as amended was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Argenziano, the Senate recalled—

HB 315—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting from duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; providing an effective date.

—for further consideration.

RECONSIDERATION OF AMENDMENT

On motion by Senator Argenziano, the Senate reconsidered the vote by which **Amendment 4 (192204)** was adopted. **Amendment 4** was withdrawn.

MOTION

On motion by Senator Argenziano, the rules were waived to allow the following amendment to be considered:

Senator Argenziano moved the following amendment which was adopted:

Amendment 5 (022446)(with title amendment)—Between lines 144 and 145 insert:

Section 2. *It is the intent of the Legislature pursuant to section 11.62, Florida Statutes, that the professions and occupations covered by the act be regulated in a manner that does not unnecessarily restrict entry into the profession or occupation pursuant to this act. The Legislature finds that this act provides a measure of protection for homeowners by providing education and experience requirements and testing necessary to protect homeowners' investment in their homes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 8, following the semicolon (;) insert: providing legislative findings and intent with respect to the objectives of the act and protection of homeowners;

Pursuant to Rule 4.19, **HB 315** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

CS for CS for CS for SB 2048—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; amending s. 35.06, F.S.; revising the number of district court judges in certain district courts of appeal; providing for appointment or election of new judges created by the act; providing legislative findings; requiring the Secretary of State to qualify candidates for the 2006 election; providing effective dates.

—was read the second time by title.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senators Crist and Carlton offered the following amendment which was moved by Senator Crist:

Amendment 1 (962968)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective November 2, 2005, section 26.031, Florida Statutes, is amended to read:

26.031 Judicial circuits; number of judges.—The number of circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(1) First	*22* ~~21~~
(2) Second	*16* ~~15~~
(3) Third	6
(4) Fourth	31
(5) Fifth	*27* ~~25~~
(6) Sixth	*42* ~~41~~
(7) Seventh	*25* ~~24~~
(8) Eighth	*13* ~~12~~
(9) Ninth	*39* ~~38~~
(10) Tenth	*24* ~~22~~
(11) Eleventh	*76* ~~74~~
(12) Twelfth	19
(13) Thirteenth	*39* ~~37~~
(14) Fourteenth	9
(15) Fifteenth	*35* ~~34~~
(16) Sixteenth	4
(17) Seventeenth	*54* ~~53~~
(18) Eighteenth	24
(19) Nineteenth	*17* ~~15~~
(20) Twentieth	23

Section 2. Effective January 2, 2006, section 26.031, Florida Statutes, as amended by this act, is amended to read:

26.031 Judicial circuits; number of judges.—The number of circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(1) First	22
(2) Second	16
(3) Third	*7* ~~6~~
(4) Fourth	*32* ~~31~~
(5) Fifth	*28* ~~27~~

(6) Sixth . . . . . *44* ~~42~~

(7) Seventh . . . . . *26* ~~25~~

(8) Eighth 13

(9) Ninth . . . . . *40* ~~39~~

(10) Tenth . . . . . *26* ~~24~~

(11) Eleventh . . . . . *77* ~~76~~

(12) Twelfth 19

(13) Thirteenth . . . . . *41* ~~39~~

(14) Fourteenth . . . . . *10* ~~9~~

(15) Fifteenth 35

(16) Sixteenth 4

(17) Seventeenth . . . . . *56* ~~54~~

(18) Eighteenth . . . . . *25* ~~24~~

(19) Nineteenth . . . . . *18* ~~17~~

(20) Twentieth 23

Section 3. Effective November 1, 2005, section 34.022, Florida Statutes, is amended to read:

34.022 Number of county court judges for each county.—The number of county court judges in each county shall be as follows:

COUNTY	TOTAL
(1) Alachua	5
(2) Baker	1
(3) Bay	*4* ~~3~~
(4) Bradford	1
(5) Brevard	8
(6) Broward	*27* ~~26~~
(7) Calhoun	1
(8) Charlotte	2
(9) Citrus	1
(10) Clay	2
(11) Collier	3
(12) Columbia	1
(13) DeSoto	1
(14) Dixie	1
(15) Duval	*16* ~~15~~
(16) Escambia	5
(17) Flagler	1
(18) Franklin	1
(19) Gadsden	1
(20) Gilchrist	1
(21) Glades	1
(22) Gulf	1
(23) Hamilton	1
(24) Hardee	1
(25) Hendry	1
(26) Hernando	*2* ~~1~~
(27) Highlands	1
(28) Hillsborough	*16* ~~15~~
(29) Holmes	1
(30) Indian River	2
(31) Jackson	1
(32) Jefferson	1
(33) Lafayette	1
(34) Lake	2
(35) Lee	7
(36) Leon	5
(37) Levy	1
(38) Liberty	1
(39) Madison	1
(40) Manatee	*4* ~~3~~
(41) Marion	*4* ~~3~~
(42) Martin	2
(43) Miami-Dade	41
(44) Monroe	4
(45) Nassau	1
(46) Okaloosa	3
(47) Okeechobee	1
(48) Orange	*16* ~~15~~
(49) Osceola	3
(50) Palm Beach	17
(51) Pasco	4
(52) Pinellas	*15* ~~14~~
(53) Polk	9
(54) Putnam	2
(55) St. Johns	2
(56) St. Lucie	*4* ~~3~~
(57) Santa Rosa	2
(58) Sarasota	5
(59) Seminole	5
(60) Sumter	1
(61) Suwannee	1
(62) Taylor	1
(63) Union	1

(64) Volusia 9

(65) Wakulla 1

(66) Walton 1

(67) Washington 1

Section 4. Effective January 2, 2006, section 34.022, Florida Statutes, as amended by this act, is amended to read:

34.022 Number of county court judges for each county.—The number of county court judges in each county shall be as follows:

COUNTY	TOTAL
(1) Alachua	5
(2) Baker	1
(3) Bay	4
(4) Bradford	1
(5) Brevard	*9* ~~8~~
(6) Broward	*28* ~~27~~
(7) Calhoun	1
(8) Charlotte	2
(9) Citrus	1
(10) Clay	2
(11) Collier	3
(12) Columbia	1
(13) DeSoto	1
(14) Dixie	1
(15) Duval	16
(16) Escambia	5
(17) Flagler	1
(18) Franklin	1
(19) Gadsden	1
(20) Gilchrist	1
(21) Glades	1
(22) Gulf	1
(23) Hamilton	1
(24) Hardee	1
(25) Hendry	1
(26) Hernando	2
(27) Highlands	1
(28) Hillsborough	*17* ~~16~~
(29) Holmes	1
(30) Indian River	2
(31) Jackson	1
(32) Jefferson	1
(33) Lafayette	1
(34) Lake	*3* ~~2~~
(35) Lee	7
(36) Leon	5
(37) Levy	1
(38) Liberty	1
(39) Madison	1
(40) Manatee	4
(41) Marion	4
(42) Martin	*3* ~~2~~
(43) Miami-Dade	*42* ~~41~~
(44) Monroe	4
(45) Nassau	1
(46) Okaloosa	3
(47) Okeechobee	1
(48) Orange	16
(49) Osceola	3
(50) Palm Beach	*18* ~~17~~
(51) Pasco	*5* ~~4~~
(52) Pinellas	15
(53) Polk	9
(54) Putnam	2
(55) St. Johns	2
(56) St. Lucie	4
(57) Santa Rosa	2
(58) Sarasota	5
(59) Seminole	*6* ~~5~~
(60) Sumter	1
(61) Suwannee	1
(62) Taylor	1
(63) Union	1
(64) Volusia	*10* ~~9~~
(65) Wakulla	1
(66) Walton	1
(67) Washington	1

Section 5. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; providing effective dates.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senators Crist and Carlton offered the following amendment to **Amendment 1** which was moved by Senator Crist and adopted:

Amendment 1A (382616)(with title amendment)—On page 7, between lines 30 and 31, insert:

Section 5. *The sums of $8,203,458 in recurring funds and $306,659 in nonrecurring funds are appropriated from the General Revenue Fund to the circuit and county courts for fiscal year 2005-2006, and 120 full-time positions are authorized.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 8, line 14, following the semicolon (;) insert: providing appropriations and authorizing positions;

Amendment 1 as amended was adopted.

On motion by Senator Miller, by two-thirds vote **CS for CS for CS for SB 2048** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

On motion by Senator Crist—

SB 870—A bill to be entitled An act relating to disabled parking permits; amending s. 320.0848, F.S.; revising requirements for certification of disability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 870** to **HB 63**.

Pending further consideration of **SB 870** as amended, on motion by Senator Crist, by two-thirds vote **HB 63** was withdrawn from the Committees on Transportation; and Community Affairs.

On motion by Senator Crist—

HB 63—A bill to be entitled An act relating to disabled parking permits; amending s. 320.0848, F.S.; revising requirements for certification of disability; removing certain restrictions on certification of disability by an advanced registered nurse practitioner or a physician assistant; providing for disciplinary action for violation by certain certifying practitioners; providing an effective date.

—a companion measure, was substituted for **SB 870** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 63** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

The Senate resumed consideration of—

CS for CS for SJR 2090—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution, relating to public education, to amend the class-size requirements for students in grades prekindergarten through 12 and to prescribe minimum salary standards for public school teachers, and the creation of Section 26 of Article XII of the State Constitution to prescribe a schedule for such amendment.

—which was previously considered this day.

Pending further consideration of **CS for CS for SJR 2090**, on motion by Senator Lynn, by two-thirds vote **HJR 1843** was withdrawn from the Committees on Education; and Education Appropriations.

On motion by Senator Lynn—

HJR 1843—A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 26 of Article XII of the State Constitution relating to public education.

—a companion measure, was substituted for **CS for CS for SJR 2090** and read the second time by title.

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendments to be considered:

Senator Lynn moved the following amendments which were adopted:

Amendment 1 (875634)—On page 4, line 100, delete "pay" and insert: salary

Amendment 2 (653360)—On line 55, delete "*pay*" and insert: *salary*

Pursuant to Rule 4.19, **HJR 1843** as amended was placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

CS for CS for SB 778—A bill to be entitled An act relating to per diem and travel expenses; amending s. 112.061, F.S.; establishing per diem, subsistence, and mileage rates for travel expenses of public employees; conforming provisions and deleting obsolete provisions; providing legislative intent; requiring state agencies to submit certain information; providing an appropriation; requiring the Governor to recommend a budget amendment to distribute the appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Lawson, **CS for CS for SB 778** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Consideration of **HJR 1723**, **HJR 1727**, **HJR 1741**, **HB 1471**, **CS for SB 718** and **HB 1659** was deferred.

CS for SB 798—A bill to be entitled An act relating to public records; amending s. 390.01116, F.S.; providing a public-records exemption for information that could identify a minor which is contained in a record held by the court relating to a minor's petition to waive notice requirements when terminating a pregnancy; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Webster, **CS for SB 798** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Consideration of **CS for SB 1344** was deferred.

The Senate resumed consideration of—

CS for CS for SB 1766—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a public school from denying a student access to programs or services under certain conditions; authorizing public school teachers and school district personnel to share certain information with a student's parent; prohibiting public school teachers and school district personnel from compelling certain actions by a parent; authorizing the refusal of psychological screening; providing for medical decisionmaking authority; providing an effective date.

—which was previously considered and amended May 3 with pending **Amendment 1 (774898)** by Senator Crist.

Senators Rich, Crist and Smith offered the following amendment to **Amendment 1** which was moved by Senator Crist and adopted by two-thirds vote:

Amendment 1A (055632)—On page 2, line 17, delete "*and have future consequences*"

Amendment 1 as amended was adopted by two-thirds vote.

Pending further consideration of **CS for CS for SB 1766** as amended, on motion by Senator Crist, by two-thirds vote **HB 209** was withdrawn from the Committees on Education; and Health Care.

On motion by Senator Crist, the rules were waived and by two-thirds vote—

HB 209—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a recipient of state funds from requiring a student to be prescribed or administered psychotropic medication as a condition of receipt of educational services financed by state funds; providing requirements for administration; requiring notification to parents prior to evaluation of certain students for classification or placement as an exceptional student; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1766** as amended and read the second time by title.

Senators Rich, Crist, Smith and Bullard offered the following amendment which was moved by Senator Crist and adopted:

Amendment 1 (162680)—On line 43, delete "*and have future consequences*"

On motion by Senator Crist, by two-thirds vote **HB 209** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Carlton

CS for CS for SB 1964—A bill to be entitled An act relating to compensation for wrongfully incarcerated persons; creating s. 961.01, F.S.; providing a short title; creating s. 961.02, F.S.; defining the term "wrongfully incarcerated person"; requiring courts to determine whether certain persons are wrongfully incarcerated persons; authorizing petitions to the court for a determination of wrongful conviction; creating s. 961.03, F.S.; authorizing compensation for certain wrongfully incarcerated persons; providing exceptions and limitations; creating s. 961.04, F.S.; providing procedures to apply to the Attorney General for compensation; providing for presuit negotiation of compensation; authorizing lawsuits against the state for determination of compensation; providing for recovery of certain fees and costs; providing for determination of such fees and costs; limiting total compensation; providing for the manner of payment of compensation; providing restrictions on use of compensation; providing timeframes for applying for compensation; creating s. 961.05, F.S.; providing rulemaking authority; providing an effective date.

—as amended May 2 was read the third time by title.

Senators Campbell and Smith offered the following amendment which was moved by Senator Smith and adopted by two-thirds vote:

Amendment 1 (212068)(with title amendment)—On page 6, lines 13-17, delete those lines and insert:

(a) Both the state and the applicant shall file an offer of settlement within 30 days after the close of the pleadings. If a judgment exceeds the offer of settlement by the applicant by at least 25 percent, the state shall pay reasonable attorney's fees, reasonable accounting fees, and reasonable actuarial fees.

And the title is amended as follows:

On page 1, line 18, following the semicolon (;) insert: requiring a settlement offer and

On motion by Senator Webster, **CS for CS for SB 1964** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Carlton

CS for SB 1922—A bill to be entitled An act relating to public-records and public-meetings exemptions; amending s. 112.324, F.S.; providing an exemption from public-records requirements for a complaint of an alleged violation of part III of chapter 112, F.S., the Code of Ethics for Public Officers and Employees, or any other alleged breach of the public trust within the jurisdiction of a Commission on Ethics and Public Trust established by a municipality and records relating to such complaint or to any preliminary investigation held by the commission; providing an exemption from public- meetings requirements for any proceeding conducted by the commission pursuant to such complaint or preliminary investigation; providing conditions for termination of the exemptions; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **CS for SB 1922** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Carlton

HB 101—A bill to be entitled An act relating to tax on sales, use, and other transactions; specifying a period during which the sale of books, clothing, and school supplies are exempt from such tax; providing definitions providing exceptions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **HB 101** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Argenziano	Garcia	Pruitt
Aronberg	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise
Diaz de la Portilla	Miller	

Nays—None

Vote after roll call:

Yea—Atwater, Carlton

HCB 6001 (for HB's 337, 737)—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the sales and use tax for sales of certain tangible personal property for a certain period for certain purposes; authorizing the Department of Revenue to adopt certain rules; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HCB 6001 (for HB's 337, 737)** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Carlton

CS for CS for SB 2232—A bill to be entitled An act relating to the Public Service Commission; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; specifying that the Governor has no planning or budgetary authority with respect to the commission; specifying that the Governor and the Department of Management Services have no authority over the commission's employees; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide a nominee for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a pen-

alty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; prohibiting a commissioner from soliciting any thing of value, either directly or indirectly, from any public utility, its affiliate, or any party; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; redefining the term "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to $500 from $250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up to $1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; requiring providers to comply with certain laws; amending s. 364.051, F.S.; providing that damage to the equipment and facilities of a local exchange telecommunications as a result of a named tropical system constitutes a compelling showing of changed circumstances to justify a rate increase; allowing such companies to petition for recovery of such costs and expenses; requiring the Public Service Commission to verify the intrastate costs and expenses for repairing, restoring, or replacing damaged lines, plants, or facilities; requiring the commission to determine whether the intrastate costs and expenses are reasonable; requiring a company to exhaust any storm-reserve funds prior to recovery from customers; providing that the commission may authorize adding an equal line-item charge per access line for certain customers; providing for a rate cap and providing the maximum number of months the rate may be imposed; providing a 12-month limit for the application; allowing recovery for more than one storm within the limit; providing effective dates.

—as amended April 29 was read the third time by title.

Amendments were considered and failed and amendments were considered and adopted to conform **CS for CS for SB 2232** to **HB 1649**.

Pending further consideration of **CS for CS for SB 2232** as amended, on motion by Senator Constantine, by two-thirds vote **HB 1649** was withdrawn from the Committees on Communications and Public Utilities; Commerce and Consumer Services; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

On motion by Senator Constantine, the rules were waived and by two-thirds vote—

HB 1649—A bill to be entitled An act relating to telecommunications regulation; amending s. 364.01, F.S.; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; directing the commission to maintain liaison with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service and voice-over-Internet protocol be free of state regulation, except as specifically provided; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; revising the definition of "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating the provision of voice-over-Internet protocol; amending s. 364.051, F.S.; providing that evidence of damage caused by a tropical storm system constitutes a compelling showing of changed circumstances to justify a change in rates; revising procedures to recover certain costs and expenses; providing conditions to qualify for filing a petition for recovery; providing for the commission to order a line-item charge for a certain period to recover costs and expenses of such damage; limiting amount of such charge; providing for verification of amounts collected; limiting the number of petitions for recovery of costs and expenses; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; amending s. 364.335, F.S.; increasing the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; providing minimum regulatory assessment fees to be assessed by rule of the commission; repealing s. 364.502, F.S., relating to video programming services; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross references; providing for construction of the act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2232** as amended and read the second time by title.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment:

Amendment 1 (385652)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Committee on Public Service Commission Oversight; creation; membership; powers and duties.—*

(1) There is created a standing joint committee of the Legislature, designated the Committee on Public Service Commission Oversight, and composed of twelve members appointed as follows: six members of the Senate appointed by the President of the Senate, two of whom must be members of the minority party; and six members of the House of Representatives appointed by the Speaker of the House of Representatives, two of whom must be members of the minority party. The terms of members shall be for 2 years and shall run from the organization of one Legislature to the organization of the next Legislature. The President shall appoint the chair of the committee in even-numbered years and the vice chair in odd-numbered years, and the Speaker of the House of Representatives shall appoint the chair of the committee in odd-numbered years and the vice chair in even-numbered years, from among the committee membership. Vacancies shall be filled in the same manner as the original appointment. Members shall serve without additional compensation, but shall be reimbursed for expenses.

(2) The committee shall be governed by joint rules of the Senate and the House of Representatives which shall remain in effect until repealed or amended by concurrent resolution.

(3) The committee shall:

(a) Recommend to the Governor nominees to fill a vacancy on the Public Service Commission, as provided by general law; and

(b) Appoint a Public Counsel as provided by general law.

(4) The committee is authorized to file a complaint with the Commission on Ethics alleging a violation of chapter 350, Florida Statutes, by a commissioner, former commissioner, former commission employee, or member of the Public Service Commission Nominating Council.

(5) The committee will not have a permanent staff, but the President of the Senate and the Speaker of the House of Representatives shall select staff members from among existing legislative staff, when and as needed.

Section 2. Section 350.001, Florida Statutes, is amended to read:

350.001 Legislative intent.—The Florida Public Service Commission has been and shall continue to be an arm of the legislative branch of government. *The Public Service Commission shall perform its duties independently.* It is the desire of the Legislature that the Governor participate in the appointment process of commissioners to the Public Service Commission. The Legislature accordingly delegates to the Governor a limited authority with respect to the Public Service Commission by authorizing him or her to participate in the selection of members only ~~from the list provided by the Florida Public Service Commission Nominating Council~~ in the manner prescribed by s. 350.031.

Section 3. Section 350.031, Florida Statutes, is amended to read:

350.031 Florida Public Service Commission Nominating Council.—

(1) There is created a Florida Public Service Commission Nominating Council consisting of nine members. At least one member of the council must be 60 years of age or older. Three members, including one member of the House of Representatives, shall be appointed by and serve at the pleasure of the Speaker of the House of Representatives; three members, including one member of the Senate, shall be appointed by and serve at the pleasure of the President of the Senate; and three members shall be selected and appointed by a majority vote of the other six members of the council. All terms shall be for 4 years except those members of the House and Senate, who shall serve 2-year terms concurrent with the 2-year elected terms of House members. Vacancies on the council shall be filled for the unexpired portion of the term in the same manner as original appointments to the council. A member may not be reappointed to the council, except for a member of the House of Representatives or the Senate who may be appointed to two 2-year terms or a person who is appointed to fill the remaining portion of an unexpired term.

(2)(a) No member or spouse shall be the holder of the stocks or bonds of any company, other than through ownership of shares in a mutual fund, regulated by the commission, or any affiliated company of any company regulated by the commission, or be an agent or employee of, or have any interest in, any company regulated by the commission or any affiliated company of any company regulated by the commission, or in any firm which represents in any capacity either companies which are regulated by the commission or affiliates of companies regulated by the commission. As a condition of appointment to the council, each appointee shall affirm to the Speaker and the President his or her qualification by the following certification: "I hereby certify that I am not a stockholder, other than through ownership of shares in a mutual fund, in any company regulated by the commission or in any affiliate of a company regulated by the commission, nor in any way, directly or indirectly, in the employment of, or engaged in the management of any company regulated by the commission or any affiliate of a company regulated by the commission, or in any firm which represents in any capacity either companies which are regulated by the commission or affiliates of companies regulated by the commission."

This certification is made as condition to appointment to the Florida Public Service Commission Nominating Council.

(b) A member of the council may be removed by the Speaker of the House of Representatives and the President of the Senate upon a finding by the Speaker and the President that the council member has violated any provision of this subsection or for other good cause.

(c) If a member of the council does not meet the requirements of this subsection, the President of the Senate or the Speaker of the House of Representatives, as appropriate, shall appoint a legislative replacement.

(3) A majority of the membership of the council may conduct any business before the council. All meetings and proceedings of the council shall be staffed by the Office of Legislative Services and shall be subject to the provisions of ss. 119.07 and 286.011. Members of the council are entitled to receive per diem and travel expenses as provided in s. 112.061, which shall be funded by the Florida Public Service Regulatory Trust Fund. Applicants invited for interviews before the council may, in the discretion of the council, receive per diem and travel expenses as provided in s. 112.061, which shall be funded by the Florida Public Service Regulatory Trust Fund. The council shall establish policies and procedures to govern the process by which applicants are nominated.

(4) The council may spend a nominal amount, not to exceed $10,000, to advertise a vacancy on the council, which shall be funded by the Florida Public Service Regulatory Trust Fund.

(5)~~(4)~~ A person may not be nominated to the *Committee on Public Service Commission Oversight* ~~Governor~~ until the council has determined that the person is competent and knowledgeable in one or more fields, which shall include, but not be limited to: public affairs, law, economics, accounting, engineering, finance, natural resource conservation, energy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the above-stated fields. Recommendations of the council shall be nonpartisan.

(6)~~(5)~~ It is the responsibility of the council to nominate to the *Committee on Public Service Commission Oversight* ~~Governor not fewer than~~ *six* ~~three~~ persons for each vacancy occurring on the Public Service Commission. The council shall submit the recommendations to the *committee* ~~Governor~~ by *August 1* ~~October 1~~ of those years in which the terms are to begin the following January, or within 60 days after a vacancy occurs for any reason other than the expiration of the term.

(7)~~(6)~~ The *Committee on Public Service Commission Oversight* ~~Governor~~ shall *select from the list of nominees provided by the nominating council three nominees for recommendation to the Governor for appointment to the commission. The recommendations must be provided to the Governor within 45 days after receipt of the list of nominees. The Governor shall* fill a vacancy occurring on the Public Service Commission by appointment of one of the applicants nominated by the *committee* ~~council~~ only after a background investigation of such applicant has been conducted by the Florida Department of Law Enforcement. If the Governor has not made an appointment *within 30 days after the receipt of the recommendation* ~~by December 1 to fill a vacancy for a term to begin the following January~~, ~~then~~ the *committee* ~~council~~, by majority vote, shall appoint*, within 30 days after the expiration of the Governor's time to make an appointment,* ~~by December 31~~ one person from the applicants previously nominated to the Governor to fill the vacancy. ~~If the Governor has not made the appointment to fill a vacancy occurring for any reason other than the expiration of the term by the 60th day following receipt of the nominations of the council, the council by majority vote shall appoint within 30 days thereafter one person from the applicants previously nominated to the Governor to fill the vacancy.~~

(8)~~(7)~~ Each appointment to the Public Service Commission shall be subject to confirmation by the Senate *during the next regular session after the vacancy occurs*. If the Senate refuses to confirm or rejects the Governor's appointment, the council shall initiate, in accordance with this section, the nominating process within 30 days.

Section 4. Subsection (2) of section 350.041, Florida Statutes, is amended to read:

350.041 Commissioners; standards of conduct.—

(2) STANDARDS OF CONDUCT.—

(a) A commissioner may not accept anything from any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, from any public utility regulated by the commission, or from any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission. *A commissioner may attend conferences and associated meals and events that are generally available to all conference participants without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any public utility regulated by the commission and that are limited to commissioners only, committee members, or speakers if the commissioner is a member of a committee of the association of regulatory agencies that organized the conference or is a speaker at the conference. It is not a violation of this paragraph for a commissioner to attend a conference for which conference participants who are employed by a utility regulated by the commission have paid a higher conference registration fee than the commissioner, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a utility regulated by the commission. If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person giving or providing the prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines*

that the person gave or provided a prohibited gift, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.

(b) A commissioner may not accept any form of employment with or engage in any business activity with any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, any public utility regulated by the commission, or any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission.

(c) A commissioner may not have any financial interest, other than shares in a mutual fund, in any public utility regulated by the commission, in any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, or in any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission. If a commissioner acquires any financial interest prohibited by this section during his or her term of office as a result of events or actions beyond the commissioner's control, he or she shall immediately sell such financial interest or place such financial interest in a blind trust at a financial institution. A commissioner may not attempt to influence, or exercise any control over, decisions regarding the blind trust.

(d) A commissioner may not accept anything from a party in a proceeding currently pending before the commission. *If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person giving or providing the prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.*

(e) A commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

(f) A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

(g) A commissioner may not conduct himself or herself in an unprofessional manner at any time during the performance of his or her official duties.

(h) A commissioner must avoid impropriety in all of his or her activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

(i) A commissioner may not directly or indirectly, through staff or other means, solicit any thing of value from any public utility regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

Section 5. Subsection (7) of section 350.042, Florida Statutes, is amended to read:

350.042 Ex parte communications.—

(7)(a) It shall be the duty of the Commission on Ethics to receive and investigate sworn complaints of violations of this section pursuant to the procedures contained in ss. 112.322-112.3241.

(b) If the Commission on Ethics finds that there has been a violation of this section by a public service commissioner, it shall provide the Governor and the Florida Public Service Commission Nominating Council with a report of its findings and recommendations. The Governor is authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to part III of chapter 112.

(c) If a commissioner fails or refuses to pay the Commission on Ethics any civil penalties assessed pursuant to the provisions of this section, the Commission on Ethics may bring an action in any circuit court to enforce such penalty.

(d) If, during the course of an investigation by the Commission on Ethics into an alleged violation of this section, allegations are made as to the identity of the person who participated in the ex parte communication, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person participated in the ex parte communication, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.

Section 6. Subsection (1) of section 350.061, Florida Statutes, is amended to read:

350.061 Public Counsel; appointment; oath; restrictions on Public Counsel and his or her employees.—

(1) The *Committee on Public Service Commission Oversight* ~~Joint Legislative Auditing Committee~~ shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission. The Public Counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the ~~Joint Legislative Auditing~~ Committee *on Public Service Commission Oversight*, subject to *biennial* ~~annual~~ reconfirmation by the committee. *The Public Counsel shall perform his or her duties independently.* Vacancies in the office shall be filled in the same manner as the original appointment.

Section 7. Subsection (2) of section 350.0614, Florida Statutes, is amended to read:

350.0614 Public Counsel; compensation and expenses.—

(2) The Legislature ~~hereby~~ declares and determines that the Public Counsel is under the legislative branch of government within the intention of the legislation as expressed in chapter 216, and no power shall be in the Executive Office of the Governor or its successor to release or withhold funds appropriated to it, but the same shall be available for expenditure as provided by law and the rules or decisions of the ~~Joint Auditing~~ Committee *on Public Service Commission Oversight*.

Section 8. *Communications services offered by governmental entities.—*

(1) As used in this section, the term:

(a) "Advanced service" means high-speed-Internet-access-service capability in excess of 200 kilobits per second in the upstream or the downstream direction, including any service application provided over the high-speed-access service or any information service as defined in 47 U.S.C. s. 153(20).

(b) "Cable service" has the same meaning as in 47 U.S.C. s. 522(6).

(c) "Communications services" includes any "advanced service," "cable service," or "telecommunications service" and shall be construed in the broadest sense.

(d) "Enterprise fund" means a separate fund to account for the operation of communications services by a local government, established and maintained in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board.

(e) "Governmental entity" means any political subdivision as defined in section 1.01, Florida Statutes, including any county, municipality, special district, school district, utility authority or other authority or any instrumentality, agency, unit or department thereof. The term does not include an independent special district created before 1970 which has been granted express legislative authority to provide a communications service and which does not sell a communications service outside its district boundaries.

(f) "Provide," "providing," "provision," or "provisioning" means offering or supplying a communications service for a fee or other consideration

to a person, including any portion of the public or private provider, but does not include service by an entity to itself or to any other governmental entity.

(g) "Subscriber" means a person who receives a communications service.

(h) "Telecommunications services" means the transmission of signs, signals, writing, images, sounds, messages, data, or other information of the user's choosing, by wire, radio, light waves, or other electromagnetic means, without change in the form or content of the information as sent and received by the user and regardless of the facilities used, including, without limitation, wireless facilities.

(2)(a) A governmental entity that proposes to provide a communications service shall hold no less than two public hearings, which shall be held not less than 30 days apart. At least 30 days before the first of the two public hearings, the governmental entity must give notice of the hearing in the predominant newspaper of general circulation in the area considered for service. At least 40 days before the first public hearing, the governmental entity must electronically provide notice to the Department of Revenue and the Public Service Commission, which shall post the notice on the department's and the commission's website to be available to the public. The Department of Revenue shall also send the notice by United States Postal Service to the known addresses for all dealers of communications services registered with the department under chapter 202, Florida Statutes, or provide an electronic notification, if the means are available, within 10 days after receiving the notice. The notice must include the time and place of the hearings and must state that the purpose of the hearings is to consider whether the governmental entity will provide communications services. The notice must include, at a minimum, the geographic areas proposed to be served by the governmental entity and the services, if any, which the governmental entity believes are not currently being adequately provided. The notice must also state that any dealer who wishes to do so may appear and be heard at the public hearings.

(b) At a public hearing required by this subsection, a governmental entity must, at a minimum, consider:

1. Whether the service that is proposed to be provided is currently being offered in the community and, if so, whether the service is generally available throughout the community.

2. Whether a similar service is currently being offered in the community and, if so, whether the service is generally available throughout the community.

3. If the same or similar service is not currently offered, whether any other service provider proposes to offer the same or a similar service and, if so, what assurances that service provider is willing or able to offer regarding the same or similar service.

4. The capital investment required by the government entity to provide the communications service, the estimated realistic cost of operation and maintenance and, using a full cost-accounting method, the estimated realistic revenues and expenses of providing the service and the proposed method of financing.

5. The private and public costs and benefits of providing the service by a private entity or a governmental entity, including the affect on existing and future jobs, actual economic development prospects, tax-base growth, education, and public health.

(c) At one or more of the public hearings under this subsection, the governmental entity must make available to the public a written business plan for the proposed communications service venture containing, at a minimum:

1. The projected number of subscribers to be served by the venture.

2. The geographic area to be served by the venture.

3. The types of communications services to be provided.

4. A plan to ensure that revenues exceed operating expenses and payment of principal and interest on debt within 4 years.

5. Estimated capital and operational costs and revenues for the first 4 years.

6. Projected network modernization and technological upgrade plans, including estimated costs.

(d) After making specific findings regarding the factors in paragraphs (b) and (c), the governmental entity may authorize providing a communications service by a majority recorded vote and by resolution, ordinance, or other formal means of adoption.

(e) The governing body of a governmental entity may issue one or more bonds to finance the capital costs for facilities to provide a communications service. However:

1. A governmental entity may only pledge revenues in support of the issuance of any bond to finance providing a communications service:

a. Within the county in which the governmental entity is located;

b. Within an area in which the governmental entity provides electric service outside its home county under an electric service territorial agreement approved by the Public Service Commission before the effective date of this act; or

c. If the governmental entity is a municipality or special district, within its corporate limits or in an area in which the municipality or special district provides water, wastewater, electric, or natural gas service, or within an urban service area designated in a comprehensive plan, whichever is larger, unless the municipality or special district obtains the consent of the governmental entity within the boundaries of which the municipality or special district proposes to provide service. Any governmental entity from which consent is sought shall be the county or shall be located within the county in which the governmental entity is located for consent to be effective.

2. Revenue bonds issued in order to finance providing a communications service are not subject to the approval of the electors if the revenue bonds mature within 15 years. Revenue bonds issued to finance providing a communications service that does not mature within 15 years must be approved by the electors. The election must be conducted as specified in chapter 100, Florida Statutes.

(f) A governmental entity providing a communications service may not price any service below the cost of providing the service by subsidizing the communications service with moneys from rates paid by subscribers of a noncommunications services utility or from any other revenues. The cost standard for determining cross-subsidization is whether the total revenue from the service is less than the total long-run incremental cost of the service. Total long-run incremental cost means service-specific volume and nonvolume-sensitive costs.

(g) A governmental entity providing a communications service must comply with the requirements of section 218.32, Florida Statutes, and shall keep separate and accurate books and records, maintained in accordance with generally accepted accounting principles, of a governmental entity's communication service, and they shall be made available for any audits of the books and records conducted under applicable law. To facilitate equitable distribution of indirect costs, a local government shall develop and follow a cost-allocation plan, which is a procedure for allocating direct and indirect costs and which is generally developed in accordance with OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Government, published by the United States Office of Management and Budget.

(h) The governmental entity shall establish an enterprise fund to account for its operation of communications services.

(i) The governmental entity shall adopt separate operating and capital budgets for its communications services.

(j) A governmental entity may not use its powers of eminent domain under chapter 73, Florida Statutes, solely or primarily for the purpose of providing a communications service.

(k) The governmental entity shall conduct an annual review at a formal public meeting to consider the progress the governmental entity is making toward reaching its business plan goals and objectives for providing communication services. At the public meeting the governmental entity shall review the related revenues, operating expenses, and payment of interest on debt.

(l) If, after 4 years following the initiation of the provision of communications services by a governmental entity or 4 years after the effective date of this act, whichever is later, revenues do not exceed operating expenses and payment of principal and interest on the debt for a governmental entity's provision of communications services, no later than 60 days following the end of the 4-year period a governmental entity shall hold a public hearing at which the governmental entity shall do at least one of the following:

1. Approve a plan to cease providing communications services;

2. Approve a plan to dispose of the system the governmental entity is using to provide communications services and, accordingly, to cease providing communications services;

3. Approve a plan to create a partnership with a private entity in order to achieve operations in which revenues exceed operating expenses and payment of principal and interest on debt; or

4. Approve the continuing provision of communications services.

(3)(a) A governmental entity that provides a cable service shall comply with the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq., the regulations issued by the Federal Communications Commission under the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq., and all applicable state and federal rules and regulations, including, but not limited to, section 166.046, Florida Statutes, and those provisions of chapters 202, 212, and 337, Florida Statutes, which apply to a provider of the services.

(b) A governmental entity that provides a telecommunications service or advanced service must comply, if applicable, with chapter 364, Florida Statutes, and rules adopted by the Public Service Commission; chapter 166, Florida Statutes; and all applicable state and federal rules and regulations, including, but not limited to, those provisions of chapters 202, 212, and 337, Florida Statutes, which apply to a provider of the services.

(c) A governmental entity may not exercise its power or authority in any area, including zoning or land use regulation, to require any person, including residents of a particular development, to use or subscribe to any communication service of a governmental entity.

(d) A governmental entity shall apply its ordinances, rules, and policies, and exercise any authority under state or federal laws, including, but not limited to, those relating to the following subjects and without discrimination as to itself when providing a communications service or to any private provider of communications services:

1. Access to public rights-of-way; and

2. Permitting, access to, use of, and payment for use of governmental entity-owned poles. The governmental entity is subject to the same terms, conditions, and fees, if any, for access to government-owned poles which the governmental entity applies to a private provider for access.

(4)(a) If a governmental entity was providing, as of April 1, 2005, advanced services, cable services, or telecommunications services, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), paragraph (2)(k), or paragraph (2)(l), in order to continue to provide advanced services, cable services, or telecommunications services, respectively, but it must comply with and be subject to all other provisions of this section.

(b) If a governmental entity, as of April 1, 2005, had issued debt pledging revenues from an advanced service, cable service, or telecommunications service, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), paragraph (2)(k), or paragraph (2)(l), in order to provide advanced services, cable services, or telecommunications services, respectively, but it must comply with and be subject to all other provisions of this section.

(c) If a governmental entity, as of April 1, 2005, has purchased equipment specifically for the provisioning of advanced service, cable service, or telecommunication service, and, as of May 6, 2005, has authorized the providing of an advanced service, cable service, or telecommunication service, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), paragraph (2)(k), or paragraph (2)(l) in order to provide advanced service, cable service, or telecommunication service, respectively, but it must comply with and be subject to all other provisions of this section.

This subsection does not relieve a governmental entity from complying with subsection (5).

(5) Notwithstanding section 542.235, Florida Statutes, or any other law, a governmental entity that provides a communications service is subject to the same prohibitions applicable to private providers under sections 542.18 and 542.19, Florida Statutes, as it relates to providing a communications service. In addition, the exemption from complying with paragraph (2)(f), does not confer state action immunity, or any other antitrust immunity or exemption, on any governmental entity providing communications services.

(6) To ensure the safe and secure transportation of passengers and freight through an airport facility, as defined in section 159.27(17), Florida Statutes, an airport authority or other governmental entity that provides or is proposing to provide communications services only within the boundaries of its airport layout plan, as defined in section 333.01(6), Florida Statutes, to subscribers which are integral and essential to the safe and secure transportation of passengers and freight through the airport facility, is exempt from this section. An airport authority or other governmental entity that provides or is proposing to provide shared-tenant service under section 364.339, Florida Statutes, but not dial tone enabling subscribers to complete calls outside the airport layout plan, to one or more subscribers within its airport layout plan which are not integral and essential to the safe and secure transportation of passengers and freight through the airport facility is exempt from this section. An airport authority or other governmental entity that provides or is proposing to provide communications services to one or more subscribers within its airport layout plan which are not integral and essential to the safe and secure transportation of passengers and freight through the airport facility, or to one or more subscribers outside its airport layout plan, is not exempt from this section. By way of example and not limitation, the integral, essential subscribers may include airlines and emergency service entities, and the nonintegral, nonessential subscribers may include retail shops, restaurants, hotels, or rental car companies.

(7) This section does not alter or affect any provision in the charter, code, or other governing authority of a governmental entity that impose additional or different requirements on provision of communications service by a governmental entity. Any such provisions shall apply in addition to the applicable provisions in this section.

Section 9. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 10. Section 364.01, Florida Statutes, is amended to read:

364.01 Powers of commission, legislative intent.—

(1) The Florida Public Service Commission shall exercise over and in relation to telecommunications companies the powers conferred by this chapter.

(2) It is the legislative intent to give exclusive jurisdiction in all matters set forth in this chapter to the Florida Public Service Commission in regulating telecommunications companies, and such preemption shall supersede any local or special act or municipal charter where any conflict of authority may exist. However, the provisions of this chapter shall not affect the authority and powers granted in s. 166.231(9) or s. 337.401.

(3) *Communications activities that are not regulated by the Florida Public Service Commission, including, but not limited to, VoIP, wireless, and broadband, are subject to this state's generally applicable business regulation and deceptive trade practices and consumer protection laws, as enforced by the appropriate state authority or through actions in the judicial system. This chapter does not limit the availability to any party of any remedy or defense under state or federal antitrust laws.* The Legislature finds that the competitive provision of telecommunications services, including local exchange telecommunications service, is in the public interest and will provide customers with freedom of choice, encourage the introduction of new telecommunications service, encourage

technological innovation, and encourage investment in telecommunications infrastructure. The Legislature further finds that the transition from the monopoly provision of local exchange service to the competitive provision thereof will require appropriate regulatory oversight to protect consumers and provide for the development of fair and effective competition, but nothing in this chapter shall limit the availability to any party of any remedy under state or federal antitrust laws. The Legislature further finds that changes in regulations allowing increased competition in telecommunications services could provide the occasion for increases in the telecommunications workforce; therefore, it is in the public interest that competition in telecommunications services lead to a situation that enhances the high-technological skills and the economic status of the telecommunications workforce. The Legislature further finds that the provision of voice-over-Internet protocol (VOIP) free of unnecessary regulation, regardless of the provider, is in the public interest.

(4) The commission shall exercise its exclusive jurisdiction in order to:

(a) Protect the public health, safety, and welfare by ensuring that basic local telecommunications services are available to all consumers in the state at reasonable and affordable prices.

(b) Encourage competition through flexible regulatory treatment among providers of telecommunications services in order to ensure the availability of the widest possible range of consumer choice in the provision of all telecommunications services.

(c) Protect the public health, safety, and welfare by ensuring that monopoly services provided by telecommunications companies continue to be subject to effective price, rate, and service regulation.

(d) Promote competition by encouraging *innovation and investment in* ~~new entrants into~~ telecommunications markets and by allowing a transitional period in which new *and emerging technologies* ~~entrants~~ are subject to a *reduced* ~~lesser~~ level of regulatory oversight ~~than local exchange telecommunications companies~~.

(e) Encourage all providers of telecommunications services to introduce new or experimental telecommunications services free of unnecessary regulatory restraints.

(f) Eliminate any rules *or* ~~and/or~~ regulations which will delay or impair the transition to competition.

(g) Ensure that all providers of telecommunications services are treated fairly, by preventing anticompetitive behavior and eliminating unnecessary regulatory restraint.

(h) Recognize the continuing emergence of a competitive telecommunications environment through the flexible regulatory treatment of competitive telecommunications services, where appropriate, if doing so does not reduce the availability of adequate basic local telecommunications service to all citizens of the state at reasonable and affordable prices, if competitive telecommunications services are not subsidized by monopoly telecommunications services, and if all monopoly services are available to all competitors on a nondiscriminatory basis.

(i) Continue its historical role as a surrogate for competition for monopoly services provided by local exchange telecommunications companies.

Section 11. Section 364.011, Florida Statutes, is created to read:

364.011 Exemptions from commission jurisdiction.—The following services are exempt from oversight by the commission, except to the extent delineated in this chapter or specifically authorized by federal law:

(1) Intrastate interexchange telecommunications services.

(2) Broadband services, regardless of the provider, platform, or protocol.

(3) VoIP.

(4) Wireless telecommunications, including commercial mobile radio service providers.

Section 12. Section 364.012, Florida Statutes, is created to read:

364.012 Consistency with federal law.—

(1) In order to promote commission coordination with federal policymakers and regulatory agencies, the commission shall maintain continuous liaisons with appropriate federal agencies whose policy decisions and rulemaking authority affect those telecommunications companies over which the commission has jurisdiction. The commission is encouraged to participate in the proceedings of federal agencies in cases in which the state's consumers may be affected and to convey the commission's policy positions and information requirements in order to achieve greater efficiency in regulation.

(2) This chapter does not limit or modify the duties of a local exchange carrier to provide unbundled access to network elements or the commission's authority to arbitrate and enforce interconnection agreements to the extent that those elements are required under 47 U.S.C. ss. 251 and 252, and under any regulations issued by the Federal Communications Commission at rates determined in accordance with the standards established by the Federal Communications Commission pursuant to 47 C.F.R. ss. 51.503-51.513, inclusive of any successor regulation or successor forbearance of regulation.

Section 13. Section 364.013, Florida Statutes, is created to read:

364.013 Emerging and advanced services.—Broadband service and the provision of voice-over-Internet-protocol (VoIP) shall be free of state regulation, except as delineated in this chapter or as specifically authorized by federal law, regardless of the provider, platform, or protocol.

Section 14. Section 364.02, Florida Statutes, is amended to read:

364.02 Definitions.—As used in this chapter:

(1) "Basic local telecommunications service" means voice-grade, flat-rate residential, and flat-rate single-line business local exchange services which provide dial tone, local usage necessary to place unlimited calls within a local exchange area, dual tone multifrequency dialing, and access to the following: emergency services such as "911," all locally available interexchange companies, directory assistance, operator services, relay services, and an alphabetical directory listing. For a local exchange telecommunications company, *the* ~~such~~ term shall include any extended area service routes, and extended calling service in existence or ordered by the commission on or before July 1, 1995.

(2) "Broadband service" means any service that consists of or includes the offering of the capability to transmit or receive information at a rate that is not less than 200 kilobits per second and either:

(a) Is used to provide access to the Internet; or

(b) Provides computer processing, information storage, information content, or protocol conversion in combination with the service.

The definition of broadband service does not include any intrastate telecommunications services that have been tariffed with the commission on or before January 1, 2005.

(3)~~(2)~~ "Commercial mobile radio service provider" means a commercial mobile radio service provider as defined by and pursuant to 47 U.S.C. ss. 153(n) and 332(d).

(4)~~(3)~~ "Commission" means the Florida Public Service Commission.

(5)~~(4)~~ "Competitive local exchange telecommunications company" means any company certificated by the commission to provide local exchange telecommunications services in this state on or after July 1, 1995.

(6)~~(5)~~ "Corporation" includes a corporation, company, association, or joint stock association.

(7)~~(6)~~ "Intrastate interexchange telecommunications company" means any entity that provides intrastate interexchange telecommunications services.

(8)~~(7)~~ "Local exchange telecommunications company" means any company certificated by the commission to provide local exchange telecommunications service in this state on or before June 30, 1995.

(9)~~(8)~~ "Monopoly service" means a telecommunications service for which there is no effective competition, either in fact or by operation of law.

(10)~~(9)~~ "Nonbasic service" means any telecommunications service provided by a local exchange telecommunications company other than a basic local telecommunications service, a local interconnection arrangement described in s. 364.16, or a network access service described in s. 364.163.

(11)~~(10)~~ "Operator service" includes, but is not limited to, billing or completion of third-party, person-to-person, collect, or calling card or credit card calls through the use of a live operator or automated equipment.

(12)~~(11)~~ "Operator service provider" means a person who furnishes operator service through a call aggregator.

(13)~~(12)~~ "Service" is to be construed in its broadest and most inclusive sense. The term "service" does not include *broadband service or* voice-over-Internet protocol service for purposes of regulation by the commission. Nothing herein shall affect the rights and obligations of any entity related to the payment of switched network access rates or other intercarrier compensation, if any, related to voice-over-Internet protocol service. *Notwithstanding s. 364.013, and the exemption of services pursuant to this subsection, the commission may arbitrate, enforce, or approve interconnection agreements, and resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or any other applicable federal law or regulation. With respect to the services exempted in this subsection, regardless of the technology, the duties of a local exchange telecommunications company are only those that the company is obligated to extend or provide under applicable federal law and regulations.*

(14)~~(13)~~ "Telecommunications company" includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political subdivision in the state, offering two-way telecommunications service to the public for hire within this state by the use of a telecommunications facility. The term "telecommunications company" does not include:

(a) An entity which provides a telecommunications facility exclusively to a certificated telecommunications company;

(b) An entity which provides a telecommunications facility exclusively to a company which is excluded from the definition of a telecommunications company under this subsection;

(c) A commercial mobile radio service provider;

(d) A facsimile transmission service;

(e) A private computer data network company not offering service to the public for hire;

(f) A cable television company providing cable service as defined in 47 U.S.C. s. 522; or

(g) An intrastate interexchange telecommunications company.

However, each commercial mobile radio service provider and each intrastate interexchange telecommunications company shall continue to be liable for any taxes imposed *under* ~~pursuant to~~ chapters 202, 203*,* and 212 and any fees assessed *under* ~~pursuant to~~ ss. 364.025 and 364.336. Each intrastate interexchange telecommunications company shall continue to be subject to ss. 364.04, 364.10(3)(a) and (d), 364.163, 364.285, 364.501, 364.603, and 364.604, shall provide the commission with such current information as the commission deems necessary to contact and communicate with the company, shall continue to pay intrastate switched network access rates or other intercarrier compensation to the local exchange telecommunications company or the competitive local exchange telecommunications company for the origination and termination of interexchange telecommunications service, and shall reduce its intrastate long distance toll rates in accordance with s. 364.163(2).

(15)~~(14)~~ "Telecommunications facility" includes real estate, easements, apparatus, property, and routes used and operated to provide two-way telecommunications service to the public for hire within this state.

(16) "VoIP" means the voice-over-Internet protocol as that term is defined in federal law.

Section 15. Section 364.0361, Florida Statutes, is amended to read:

364.0361 Local government authority; nondiscriminatory exercise.—A local government shall treat each telecommunications company in a nondiscriminatory manner when exercising its authority to grant franchises to a telecommunications company or to otherwise establish conditions or compensation for the use of rights-of-way or other public property by a telecommunications company. A local government may not directly or indirectly regulate the terms and conditions, including, but not limited to, the operating systems, qualifications, services, service quality, service territory, and prices, applicable to or in connection with the provision of any *voice-over-Internet protocol, regardless of the platform, provider, or protocol,* broadband or information service. This section does not relieve a provider from any obligations under s. 166.046 or s. 337.401.

Section 16. Section 364.10, Florida Statutes, is amended to read:

364.10 Undue advantage to person or locality prohibited; Lifeline service.—

(1) A telecommunications company may not make or give any undue or unreasonable preference or advantage to any person or locality or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(2)*(a)* The prohibitions of subsection (1) notwithstanding, *an eligible telecommunications carrier* ~~a telecommunications company serving as carrier of last resort~~ shall provide a Lifeline Assistance Plan to qualified residential subscribers, as defined in a commission-approved tariff *or price list,* and a preferential rate to eligible facilities as provided for in part II. *For the purposes of this section, the term "eligible telecommunications carrier" means a telecommunications company, as defined by s. 364.02, which is designated as an eligible telecommunications carrier by the commission pursuant to 47 C.F.R. s. 54.201.*

(b) An eligible telecommunications carrier shall offer a consumer who applies for or receives Lifeline service the option of blocking all toll calls or, if technically capable, placing a limit on the number of toll calls a consumer can make. The eligible telecommunications carrier may not charge the consumer an administrative charge or other additional fee for blocking the service.

(c) An eligible telecommunications carrier may not collect a service deposit in order to initiate Lifeline service if the qualifying low-income consumer voluntarily elects toll blocking or toll limitation. If the qualifying low-income consumer elects not to place toll blocking on the line, an eligible telecommunications carrier may charge a service deposit.

(d) An eligible telecommunications carrier may not charge Lifeline subscribers a monthly number-portability charge.

(e)1. An eligible telecommunications carrier must notify a Lifeline subscriber of impending termination of Lifeline service if the company has a reasonable basis for believing that the subscriber no longer qualifies. Notification of pending termination must be in the form of a letter that is separate from the subscriber's bill.

2. An eligible telecommunications carrier shall allow a subscriber 60 days following the date of the pending termination letter to demonstrate continued eligibility. The subscriber must present proof of continued eligibility. An eligible telecommunications carrier may transfer a subscriber off of Lifeline service, pursuant to its tariff, if the subscriber fails to demonstrate continued eligibility.

3. The commission shall establish procedures for such notification and termination.

(f) An eligible telecommunications carrier shall timely credit a consumer's bill with the Lifeline Assistance credit as soon as practicable, but no later than 60 days following receipt of notice of eligibility from the Office of Public Counsel or proof of eligibility from the consumer.

(3)(a) Effective September 1, 2003, any local exchange telecommunications company authorized by the commission to reduce its switched network access rate pursuant to s. 364.164 shall have tariffed and shall

provide Lifeline service to any otherwise eligible customer or potential customer who meets an income eligibility test at *135* ~~125~~ percent or less of the federal poverty income guidelines for Lifeline customers. Such a test for eligibility must augment, rather than replace, the eligibility standards established by federal law and based on participation in certain low-income assistance programs. Each intrastate interexchange telecommunications company shall, effective September 1, 2003, file a tariff providing at a minimum the intrastate interexchange telecommunications carrier's current Lifeline benefits and exemptions to Lifeline customers who meet the income eligibility test set forth in this subsection. The Office of Public Counsel shall certify and maintain claims submitted by a customer for eligibility under the income test authorized by this subsection.

(b) Each *eligible telecommunications carrier* ~~local exchange telecommunications company~~ subject to this subsection shall provide to each state and federal agency providing benefits to persons eligible for Lifeline service applications, brochures, pamphlets, or other materials that inform *the* ~~such~~ persons of their eligibility for Lifeline, and each state agency providing *the* ~~such~~ benefits shall furnish the materials to affected persons at the time they apply for benefits.

(c) Any local exchange telecommunications company customer receiving Lifeline benefits shall not be subject to any residential basic local telecommunications service rate increases authorized by s. 364.164 until the local exchange telecommunications company reaches parity as defined in s. 364.164(5) or until the customer no longer qualifies for the Lifeline benefits established by this section or s. 364.105, or unless otherwise determined by the commission upon petition by a local exchange telecommunications company.

(d) An eligible telecommunications carrier may not discontinue basic local exchange telephone service to a subscriber who receives Lifeline service because of nonpayment by the subscriber of charges for nonbasic services billed by the telecommunications company, including long-distance service. A subscriber who receives Lifeline service shall be required to pay all applicable basic local exchange service fees, including the subscriber line charge, E-911, telephone relay system charges, and applicable state and federal taxes.

(e) An eligible telecommunications carrier may not refuse to connect, reconnect, or provide Lifeline service because of unpaid toll charges or nonbasic charges other than basic local exchange service.

(f) An eligible telecommunications carrier may require that payment arrangements be made for outstanding debt associated with basic local exchange service, subscriber line charges, E-911, telephone relay system charges, and applicable state and federal taxes.

(g) An eligible telecommunications carrier may block a Lifeline service subscriber's access to all long-distance service, except for toll-free numbers, and may block the ability to accept collect calls when the subscriber owes an outstanding amount for long-distance service or amounts resulting from collect calls. However, the eligible telecommunications carrier may not impose a charge for blocking long-distance service. The eligible telecommunications carrier shall remove the block at the request of the subscriber without additional cost to the subscriber upon payment of the outstanding amount. An eligible telecommunications carrier may charge a service deposit before removing the block.

(h)~~(d)~~ By December 31, 2003, each state agency that provides benefits to persons eligible for Lifeline service shall undertake, in cooperation with the Department of Children and Family Services, *the Department of Education,* the commission, *the Office of Public Counsel,* and telecommunications companies providing Lifeline services, the development of procedures to promote Lifeline participation.

(i)~~(e)~~ The commission shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 each year on the number of customers who are subscribing to Lifeline service and the effectiveness of any procedures to promote participation.

(j) The commission shall adopt rules to administer this section.

Section 17. *Section 364.502, Florida Statutes, is repealed.*

Section 18. Subsection (1) of section 364.335, Florida Statutes, is amended to read:

364.335 Application for certificate.—

(1) Each applicant for a certificate shall:

(a) Provide all information required by rule or order of the commission, which may include a detailed inquiry into the ability of the applicant to provide service, a detailed inquiry into the territory and facilities involved, and a detailed inquiry into the existence of service from other sources within geographical proximity to the territory applied for.

(b) File with the commission schedules showing all rates for service of every kind furnished by it and all rules and contracts relating to such service.

(c) File the application fee required by the commission in an amount not to exceed *$500* ~~$250~~. Such fees shall be deposited in accordance with s. 350.113.

(d) Submit an affidavit that the applicant has caused notice of its application to be given to such persons and in such manner as may be prescribed by commission rule.

Section 19. Section 364.336, Florida Statutes, is amended to read:

364.336 Regulatory assessment fees.—Notwithstanding any provisions of law to the contrary, each telecommunications company licensed or operating under this chapter, for any part of the preceding 6-month period, shall pay to the commission, within 30 days following the end of each 6-month period, a fee that may not exceed 0.25 percent annually of its gross operating revenues derived from intrastate business, except, for purposes of this section and the fee specified in s. 350.113(3), any amount paid to another telecommunications company for the use of any telecommunications network shall be deducted from the gross operating revenue for purposes of computing the fee due. *The commission shall by rule assess a minimum fee in an amount up to $1,000. The minimum amount may vary depending on the type of service provided by the telecommunications company, and shall, to the extent practicable, be related to the cost of regulating such type of company.* Differences, if any, between the amount paid in any 6-month period and the amount actually determined by the commission to be due shall, upon motion by the commission, be immediately paid or refunded. Fees under this section may not be less than $50 annually. Such fees shall be deposited in accordance with s. 350.113. The commission may by rule establish criteria for payment of the regulatory assessment fee on an annual basis rather than on a semiannual basis.

Section 20. Subsection (6) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(6) Governmental, municipal, or public purpose or function shall be deemed to be served or performed when the lessee under any leasehold interest created in property of the United States, the state or any of its political subdivisions, or any municipality, agency, special district, authority, or other public body corporate of the state is demonstrated to perform a function or serve a governmental purpose which could properly be performed or served by an appropriate governmental unit or which is demonstrated to perform a function or serve a purpose which would otherwise be a valid subject for the allocation of public funds. For purposes of the preceding sentence, an activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as an aviation area on an airport layout plan which has been approved by the Federal Aviation Administration and which real property is used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed base operation which provides goods and services to the general aviation public in the promotion of air commerce shall be deemed an activity which serves a governmental, municipal, or public purpose or function. Any activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as a public airport as defined in s. 332.004(14) by municipalities, agencies, special districts, authorities, or other public bodies corporate and public bodies politic of the state, a spaceport as defined in s. 331.303(19), or which is located in a deepwater port identified in s. 403.021(9)(b) and owned by one of the foregoing governmental units, subject to a leasehold or other possessory interest of a nongovernmental lessee that is deemed

to perform an aviation, airport, aerospace, maritime, or port purpose or operation shall be deemed an activity that serves a governmental, municipal, or public purpose. The use by a lessee, licensee, or management company of real property or a portion thereof as a convention center, visitor center, sports facility with permanent seating, concert hall, arena, stadium, park, or beach is deemed a use that serves a governmental, municipal, or public purpose or function when access to the property is open to the general public with or without a charge for admission. If property deeded to a municipality by the United States is subject to a requirement that the Federal Government, through a schedule established by the Secretary of the Interior, determine that the property is being maintained for public historic preservation, park, or recreational purposes and if those conditions are not met the property will revert back to the Federal Government, then such property shall be deemed to serve a municipal or public purpose. The term "governmental purpose" also includes a direct use of property on federal lands in connection with the Federal Government's Space Exploration Program or spaceport activities as defined in s. 212.02(22). Real property and tangible personal property owned by the Federal Government or the Florida Space Authority and used for defense and space exploration purposes or which is put to a use in support thereof shall be deemed to perform an essential national governmental purpose and shall be exempt. "Owned by the lessee" as used in this chapter does not include personal property, buildings, or other real property improvements used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed based operation which provides goods and services to the general aviation public in the promotion of air commerce provided that the real property is designated as an aviation area on an airport layout plan approved by the Federal Aviation Administration. For purposes of determination of "ownership," buildings and other real property improvements which will revert to the airport authority or other governmental unit upon expiration of the term of the lease shall be deemed "owned" by the governmental unit and not the lessee. Providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in *s. 364.02(15)* ~~s.364.02(14)~~, and for which a certificate is required under chapter 364 does not constitute an exempt use for purposes of s. 196.199, unless the telecommunications services are provided by the operator of a public-use airport, as defined in s. 332.004, for the operator's provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, or unless the telecommunications services are provided by a public hospital. However, property that is being used to provide such telecommunications services on or before October 1, 1997, shall remain exempt, but such exemption expires October 1, 2004.

Section 21. Paragraph (b) of subsection (1) of section 199.183, Florida Statutes, is amended to read:

199.183 Taxpayers exempt from annual and nonrecurring taxes.—

(1) Intangible personal property owned by this state or any of its political subdivisions or municipalities shall be exempt from taxation under this chapter. This exemption does not apply to:

(b) Property related to the provision of two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in *s. 364.02(15)* ~~s. 364.02(14)~~, and for which a certificate is required under chapter 364, when *the* ~~such~~ service is provided by any county, municipality, or other political subdivision of the state. Any immunity of any political subdivision of the state or other entity of local government from taxation of the property used to provide telecommunication services that is taxed as a result of this paragraph is hereby waived. However, intangible personal property related to the provision of ~~such~~ telecommunications services provided by the operator of a public-use airport, as defined in s. 332.004, for the operator's provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, and intangible personal property related to the provision of ~~such~~ telecommunications services provided by a public hospital, are exempt from taxation under this chapter.

Section 22. Subsection (6) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also exempt from the tax imposed by this chapter sales made to the United States Government, a state, or any county, municipality, or political subdivision of a state when payment is made directly to the dealer by the governmental entity. This exemption shall not inure to any transaction otherwise taxable under this chapter when payment is made by a government employee by any means, including, but not limited to, cash, check, or credit card when that employee is subsequently reimbursed by the governmental entity. This exemption does not include sales of tangible personal property made to contractors employed either directly or as agents of any such government or political subdivision thereof when such tangible personal property goes into or becomes a part of public works owned by such government or political subdivision. A determination whether a particular transaction is properly characterized as an exempt sale to a government entity or a taxable sale to a contractor shall be based on the substance of the transaction rather than the form in which the transaction is cast. The department shall adopt rules that give special consideration to factors that govern the status of the tangible personal property before its affixation to real property. In developing these rules, assumption of the risk of damage or loss is of paramount consideration in the determination. This exemption does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in the generation, transmission, or distribution of electrical energy by systems owned and operated by a political subdivision in this state for transmission or distribution expansion. Likewise exempt are charges for services rendered by radio and television stations, including line charges, talent fees, or license fees and charges for films, videotapes, and transcriptions used in producing radio or television broadcasts. The exemption provided in this subsection does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in *s. 364.02(15)* ~~s. 364.02(14)~~, and for which a certificate is required under chapter 364, which facility is owned and operated by any county, municipality, or other political subdivision of the state. Any immunity of any political subdivision of the state or other entity of local government from taxation of the property used to provide telecommunication services that is taxed as a result of this section is hereby waived. However, the exemption provided in this subsection includes transactions taxable under this chapter which are for use by the operator of a public-use airport, as defined in s. 332.004, in providing such telecommunications services for the airport or its tenants, concessionaires, or licensees, or which are for use by a public hospital for the provision of such telecommunications services.

Section 23. Subsection (8) of section 290.007, Florida Statutes, is amended to read:

290.007 State incentives available in enterprise zones.—The following incentives are provided by the state to encourage the revitalization of enterprise zones:

(8) Notwithstanding any law to the contrary, the Public Service Commission may allow public utilities and telecommunications companies to grant discounts of up to 50 percent on tariffed rates for services to small businesses located in an enterprise zone designated pursuant to s. 290.0065. Such discounts may be granted for a period not to exceed 5 years. For purposes of this subsection, the term "public utility" has the same meaning as in s. 366.02(1) and the term "telecommunications company" has the same meaning as in *s. 364.02(14)* ~~s. 364.02(13)~~.

Section 24. Subsection (3) of section 350.0605, Florida Statutes, is amended to read:

350.0605 Former commissioners and employees; representation of clients before commission.—

(3) For a period of 2 years following termination of service on the commission, a former member may not accept employment by or compensation from a business entity which, directly or indirectly, owns or controls a public utility regulated by the commission, from a public utility regulated by the commission, from a business entity which, directly or indirectly, is an affiliate or subsidiary of a public utility regulated by the commission or is an actual business competitor of a local exchange company or public utility regulated by the commission and is otherwise exempt from regulation by the commission under ss.

364.02(14) ~~364.02(13)~~ and 366.02(1), or from a business entity or trade association that has been a party to a commission proceeding within the 2 years preceding the member's termination of service on the commission. This subsection applies only to members of the Florida Public Service Commission who are appointed or reappointed after May 10, 1993.

Section 25. Subsection (4) of section 364.602, Florida Statutes, is amended to read:

364.602 Definitions.—For purposes of this part:

(4) "Originating party" means any person, firm, corporation, or other entity, including a telecommunications company or a billing clearinghouse, that provides any telecommunications service or information service to a customer or bills a customer through a billing party, except the term "originating party" does not include any entity specifically exempted from the definition of "telecommunications company" as provided in *s. 364.02(14)* ~~s. 364.02(13)~~.

Section 26. Subsection (5) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(5) Public utilities, including special gas districts as defined in chapter 189, telecommunications companies as defined in *s. 364.02(14)* ~~s. 364.02(13)~~ and natural gas transmission companies as defined in s. 368.103(4), on construction, maintenance, and development work performed by their employees, which work, including, but not limited to, work on bridges, roads, streets, highways, or railroads, is incidental to their business. The board shall define, by rule, the term "incidental to their business" for purposes of this subsection.

Section 27. *This act may not be construed to limit the rights of local government or the duties of providers of cable service to comply with any and all requirements of federal, state, or local law, including, but not limited to, 47 U.S.C. s.541, s. 166.046, and s. 337.401.*

Section 28. Subsection (4) of section 364.051, Florida Statutes, is amended to read:

364.051 Price regulation.—

(4)*(a)* Notwithstanding ~~the provisions of~~ subsection (2), any local exchange telecommunications company that believes circumstances have changed substantially to justify any increase in the rates for basic local telecommunications services may petition the commission for a rate increase, but the commission shall grant *the* ~~such~~ petition only after an opportunity for a hearing and a compelling showing of changed circumstances. The costs and expenses of any government program or project required in part II *may* ~~shall~~ not be recovered under this subsection unless *the* ~~such~~ costs and expenses are incurred in the absence of a bid and subject to carrier-of-last-resort obligations as provided for in part II. The commission shall act upon *the* ~~any such~~ petition within 120 days *after* ~~of~~ its filing.

(b) For purposes of this section, evidence of damage occurring to the lines, plants, or facilities of a local exchange telecommunications company that is subject to the carrier-of-last-resort obligations, which damage is the result of a tropical system occurring after June 1, 2005, and named by the National Hurricane Center, constitutes a compelling showing of changed circumstances.

1. A company may file a petition to recover its intrastate costs and expenses relating to repairing, restoring, or replacing the lines, plants, or facilities damaged by a named tropical system.

2. The commission shall verify the intrastate costs and expenses submitted by the company in support of its petition.

3. The company must show and the commission shall determine whether the intrastate costs and expenses are reasonable under the circumstances for the named tropical system.

4. A company having a storm-reserve fund may recover tropical-system-related costs and expenses from its customers only in excess of any amount available in the storm-reserve fund.

5. The commission may determine the amount of any increase that the company may charge its customers, but the charge per line item may not exceed 50 cents per month per customer line for a period of not more than 12 months.

6. The commission may order the company to add an equal line-item charge per access line to the billing statement of the company's retail basic local telecommunications service customers, its retail nonbasic telecommunications service customers, and, to the extent the commission determines appropriate, its wholesale loop unbundled network element customers. At the end of the collection period, the commission shall verify that the collected amount does not exceed the amount authorized by the order. If collections exceed the ordered amount, the commission shall order the company to refund the excess.

7. In order to qualify for filing a petition under this paragraph, a company with one million or more access lines, but fewer than three million access lines, must have tropical-system-related costs and expenses exceeding $1.5 million, and a company with three million or more access lines must have tropical-system-related costs and expenses of $5 million or more. A company with fewer than one million access lines is not required to meet a minimum damage threshold in order to qualify to file a petition under this paragraph.

8. A company may file only one petition for storm recovery in any 12-month period for the previous storm season, but the application may cover damages from more than one named tropical system.

This paragraph is not intended to adversely affect the commission's consideration of any petition for an increase in basic rates to recover costs related to storm damage which was filed before the effective date of this act.

Section 29. This act shall take effect upon becoming a law except that the provisions that create new standards of conduct for Public Service Commission members and that create new penalties for violations involving such members shall apply only to actions occurring after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to regulation of communications; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide nominees for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; prohibiting a commissioner from soliciting any thing of value, either directly or indirectly, from any public utility, its affiliate, or any party; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; providing definitions; providing for notice of public hearings to consider whether the local government will provide a communications service; requiring a governmental entity to take certain action before a communications service is provided; providing certain restrictions on revenue bonds to finance provisioning of communications services; requiring a local government to make available a written business plan; providing criteria for the business plan; setting pricing standards; providing for accounting and books and records; requiring the governmental entity to establish an enterprise fund; requiring the governmental entity to maintain separate operating and capital budgets; limiting the use of eminent-domain powers; requiring a governmental entity to hold a public hearing

to consider certain factors if the business plan goals are not met; requiring compliance with certain federal and state laws; requiring local government to treat itself the same as it treats other providers of similar communications services; exempting certain governmental entities from specified provisions of the act; requiring a local government provider of communications services to follow the same prohibitions as other providers of the same services; providing an exemption for airports under certain conditions; recognizing preemption of a charter, code, or other governmental authority; providing for severability; repealing s. 364.502, F.S., which provides for regulation of video programming; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; redefining the term "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; transferring applicability from telecommunications companies serving as carriers of last resort to eligible telecommunications carriers; defining the term "eligible telecommunications carrier"; providing requirements for eligible telecommunications carriers; requiring the Public Service Commission to establish procedures for notification and termination of the Lifeline Assistance credit; providing criteria for connection, reconnection, and discontinuation of basic local telecommunications service for Lifeline Assistance subscribers; providing criteria for blocking access to long-distance service; adding the Department of Education and the Office of Public Counsel to those agencies that are directed to cooperate in developing procedures for promoting Lifeline participation; requiring the commission to adopt rules; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to $500 from $250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up to $1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; providing clarification of rights of local governments and duties of cable service providers to comply with certain laws and regulations; amending s. 364.051, F.S.; providing that damage to the equipment and facilities of a local exchange telecommunications as a result of a named tropical system constitutes a compelling showing of changed circumstances to justify a rate increase; allowing such companies to petition for recovery of such costs and expenses; requiring the Public Service Commission to verify the intrastate costs and expenses for repairing, restoring, or replacing damaged lines, plants, or facilities; requiring the commission to determine whether the intrastate costs and expenses are reasonable; requiring a company to exhaust any storm-reserve funds prior to recovery from customers; providing that the commission may authorize adding an equal line-item charge per access line for certain customers; providing for a rate cap and providing the maximum number of months the rate may be imposed; providing a 12-month limit for the application; allowing recovery for more than one storm within the limit; providing an effective date.

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment to **Amendment 1** which failed:

Amendment 1A (524956)(with title amendment)—On page 45, line 16 through page 47, line 25, delete section 28 and renumber subsequent sections.

And the title is amended as follows:

On page 52, lines 20-28, delete those lines and insert: with certain laws and regulations; requiring the Public Service

The question recurred on **Amendment 1** which was adopted.

On motion by Senator Constantine, by two-thirds vote **HB 1649** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Garcia	Posey
Alexander	Geller	Pruitt
Aronberg	Haridopolos	Rich
Atwater	Hill	Saunders
Baker	Jones	Sebesta
Bennett	King	Smith
Bullard	Klein	Villalobos
Campbell	Lawson	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Diaz de la Portilla	Miller	
Dockery	Peaden	

Nays—6

Argenziano	Crist	Fasano
Carlton	Dawson	Siplin

Consideration of **CS for SB 2432** was deferred.

HB 135—A bill to be entitled An act relating to liability of providers of streetlights; creating s. 768.1382, F.S.; providing definitions; including certain security or area lights within the definition of the term "streetlight"; limiting liability of a streetlight provider for injury or death or property damage affected or caused by a malfunctioning streetlight; providing procedures for notice and repair of malfunctioning streetlights as a condition for limited liability; providing that noncompliance with such procedures does not create a presumption of negligence; limiting liability of a public utility or electric utility that discontinues service to a streetlight under certain circumstances; limiting liability of a public utility or electric utility for the design, layout, quantity, or placement of streetlights or level of illumination resulting from the proper operation of a streetlight or series of streetlights; prohibiting certain findings of fault of an entity not a party to litigation; providing for conflict, effect, and application; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **HB 135** was passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Diaz de la Portilla	Posey
Argenziano	Dockery	Pruitt
Aronberg	Fasano	Rich
Atwater	Garcia	Saunders
Baker	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Campbell	Jones	Villalobos
Carlton	King	Webster
Clary	Klein	Wilson
Constantine	Lawson	Wise
Crist	Lynn	
Dawson	Peaden	

Nays—1

Miller

On motion by Senator Webster, by two-thirds vote **HB 1019** was withdrawn from the Committees on Health Care; Commerce and Consumer Services; and Judiciary.

On motion by Senator Webster, by two-thirds vote—

HB 1019—A bill to be entitled An act relating to asbestos and silica claims; providing a popular name; providing legislative findings; providing purposes; providing definitions; requiring physical impairment as an essential element of a claim; providing criteria for prima facie evidence of physical impairment for claims and certain actions; providing an exception; providing additional requirements for evidence relating to physical impairment; specifying absence of certain presumptions at trial; providing procedures for claims and certain actions; providing for consolidation; providing for venue; providing for preliminary proceedings; requiring new asbestos and silica claims to include certain information; specifying certain limitation periods for certain claims; specifying distinct causes of action for certain conditions; limiting damages under certain circumstances; prohibiting a general release from liability; prohibiting award of punitive damages; providing for collateral source payments; specifying liability rules applicable to certain persons; providing construction; providing legislative intent; providing severability; providing application to certain civil actions; providing an effective date.

—a companion measure, was substituted for **CS for SB 2562** as amended and read the second time by title.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment:

Amendment 1 (524102)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Short title.—This act may be cited as the "Asbestos and Silica Compensation Fairness Act".*

Section 2. *Purpose.—It is the purpose of this act to:*

(1) Give priority to true victims of asbestos and silica, claimants who can demonstrate actual physical impairment caused by exposure to asbestos or silica;

(2) Fully preserve the rights of claimants who were exposed to asbestos or silica to pursue compensation if they become impaired in the future as a result of the exposure;

(3) Enhance the ability of the judicial system to supervise and control asbestos and silica litigation; and

(4) Conserve the scarce resources of the defendants to allow compensation to cancer victims and others who are physically impaired by exposure to asbestos or silica while securing the right to similar compensation for those who may suffer physical impairment in the future.

Section 3. *Definitions.—As used in this act, the term:*

(1) "AMA Guides to the Evaluation of Permanent Impairment" means the American Medical Association's Guides to the Evaluation of Permanent Impairment.

(2) "Asbestos" includes all minerals defined as 'asbestos' in 29 C.F.R. section 1910, as amended.

(3) "Asbestos claim" means a claim for damages or other civil or equitable relief presented in a civil action, arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium, wrongful death, and any other derivative claim made by or on behalf of an exposed person or a representative, spouse, parent, child, or other relative of an exposed person. The term does not include claims for benefits under a workers' compensation law or veterans' benefits program, or claims brought by a person as a subrogee by virtue of the payment of benefits under a workers' compensation law.

(4) "Asbestosis" means bilateral diffuse interstitial fibrosis of the lungs caused by inhalation of asbestos fibers.

(5) "Board-certified in internal medicine" means a physician who is certified by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine.

(6) "Board-certified in occupational medicine" means a physician who is certified in the subspecialty of occupational medicine by the American Board of Preventive Medicine or the American Osteopathic Board of Preventive Medicine.

(7) "Board-certified in oncology" means a physician who is certified in the subspecialty of medical oncology by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine.

(8) "Board-certified in pathology" means a physician who holds primary certification in anatomic pathology or clinical pathology from the American Board of Pathology or the American Osteopathic Board of Internal Medicine and whose professional practice:

(a) Is principally in the field of pathology; and

(b) Involves regular evaluation of pathology materials obtained from surgical or postmortem specimens.

(9) "Board-certified in pulmonary medicine" means a physician who is certified in the subspecialty of pulmonary medicine by the American Board of Internal Medicine or the American Osteopathic Board of Internal Medicine.

(10) "Bankruptcy proceeding" means a case brought under Title 11, United State Code, or any related proceeding as provided in section 157 of Title 28, United States Code.

(11) "Certified B-reader" means an individual qualified as a "final" or "B-reader" under 42 C.F.R. section 37.51(b), as amended.

(12) "Civil action" means all suits or claims of a civil nature in court, whether cognizable as cases at law or in equity or in admiralty. The term does not include an action relating to a workers' compensation law, or a proceeding for benefits under a veterans' benefits program.

(13) "Exposed person" means a person whose exposure to asbestos or to asbestos-containing products is the basis for an asbestos claim.

(14) "FEV1" means forced expiratory volume in the first second, which is the maximal volume of air expelled in one second during performance of simple spirometric tests.

(15) "FVC" means forced vital capacity, which is the maximal volume of air expired with maximum effort from a position of full inspiration.

(16) "ILO Scale" means the system for the classification of chest x-rays set forth in the International Labour Office's Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses.

(17) "Lung cancer" means a malignant tumor in which the primary site of origin of the cancer is inside of the lungs, but the term does not include an asbestos claim based upon mesothelioma.

(18) "Mesothelioma" means a malignant tumor with a primary site in the pleura or the peritoneum, which has been diagnosed by a board-certified pathologist, using standardized and accepted criteria of microscopic morphology or appropriate staining techniques.

(19) "Nonmalignant condition" means any condition that can be caused by asbestos or silica other than a diagnosed cancer.

(20) "Nonsmoker" means the exposed person has not smoked cigarettes or used other tobacco products on a consistent and frequent basis within the last 15 years.

(21) "Pathological evidence of asbestosis" means a statement by a board-certified pathologist that more than one representative section of lung tissue uninvolved with any other disease process demonstrates a pattern of peribronchiolar or parenchymal scarring in the presence of characteristic asbestos bodies and that there is no other more likely explanation for the presence of the fibrosis.

(22) "Predicted lower limit of normal" for any test means the fifth percentile of healthy populations based on age, height, and gender, as referenced in the AMA Guides to the Evaluation of Permanent Impairment.

(23) "Qualified physician" means a medical doctor, who:

(a) Is currently a board-certified oncologist, pathologist, pulmonary specialist, or specialist in occupational and environmental medicine;

(b) Has conducted a physical examination of the exposed person, or if the person is deceased, has reviewed all available records relating to the exposed person's medical condition;

(c) Is actually treating or treated the exposed person, and has or had a doctor-patient relationship with the person; and

(d) Is currently licensed to practice and actively practices in this country.

(24) "Radiological evidence of asbestosis" means a quality 1 chest x-ray under the ILO System of classification (in a death case where no pathology is available, the necessary radiologic findings may be made with a quality 2 film if a quality 1 film is not available) showing small, irregular opacities (s, t, u) graded by a certified B-reader as at least 1/1 on the ILO scale.

(25) "Radiological evidence of diffuse pleural thickening" means a quality 1 chest x-ray under the ILO System of classification (in a death case where no pathology is available, the necessary radiologic findings may be made with a quality 2 film if a quality 1 film is not available) showing bilateral pleural thickening of at least B2 on the ILO scale and blunting of at least one costophrenic angle.

(26) "Silica" means a respirable crystalline form of silicon dioxide, including, but not limited to, alpha, quartz, cristobalite, and trydmite.

(27) "Silica claim" means a claim for damages or other civil or equitable relief presented in a civil action, arising out of, based on, or related to the health effects of exposure to silica, including loss of consortium, wrongful death, and any other derivative claim made by or on behalf of an exposed person or a representative, spouse, parent, child, or other relative of an exposed person. The term does not include claims for benefits under a workers' compensation law or veterans' benefits program, or claims brought by a person as a subrogee by virtue of the payment of benefits under a workers' compensation law.

(28) "Silicosis" means nodular interstitial fibrosis of the lungs caused by inhalation of silica.

(29) "Smoker" means a person who has smoked cigarettes or used other tobacco products on a consistent and frequent basis within the last 15 years.

(30) "Substantial occupational exposure" means employment for an extended period of time in industries and occupations in which, for a substantial portion of a normal work year for that occupation, the exposed person did any of the following:

(a) Handled raw asbestos fibers;

(b) Fabricated asbestos-containing products so that the person was exposed to raw asbestos fibers in the fabrication process;

(c) Altered, repaired, or otherwise worked with an asbestos-containing product in a manner that exposed the person on a regular basis to asbestos fibers; or

(d) Worked in close proximity to other persons engaged in any of the activities described in paragraphs (a)-(c) in a manner that exposed the person on a regular basis to asbestos fibers.

(31) "Veterans benefits program" means a program for benefits in connection with military service administered by the Veterans' Administration under Title 38, United States Code.

(32) "Workers' compensation law" means a law respecting a program administered by this state or the United States to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries. The term includes the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. sections 901-944, 948-950, and the Federal Employees Compensation Act, chapter 81 of Title 5, United States Code, but does not include the Act of April 22, 1908, the Federal Employers Liability Act, 45 U.S.C. 51 et seq.

Section 4. *Physical impairment.—*

(1) Physical impairment of the exposed person, to which asbestos or silica exposure was a substantial contributing factor, is an essential element of an asbestos or silica claim.

(2) A person may not file or maintain a civil action alleging a nonmalignant asbestos claim in the absence of a prima facie showing of physical impairment as a result of a medical condition to which exposure to asbestos was a substantial contributing factor. The prima facie showing must include all of the following requirements:

(a) Evidence verifying that a qualified physician, or someone working under the direct supervision and control of a qualified physician, has taken a detailed occupational and exposure history of the exposed person or, if the person is deceased, from a person who is knowledgeable about the exposures that form the basis of the nonmalignant asbestos claim, including:

1. Identification of all of the exposed person's principal places of employment and exposures to airborne contaminants; and

2. Whether each place of employment involved exposures to airborne contaminants, including but not limited to asbestos fibers or other disease causing dusts, that can cause pulmonary impairment and the nature, duration and level of any such exposure.

(b) Evidence verifying that a qualified physician, or someone working under the direct supervision and control of a qualified physician, has taken detailed medical and smoking history, including a thorough review of the exposed person's past and present medical problems and their most probable cause.

(c) Evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to asbestos and the date the diagnosis is made.

(d) A determination by a qualified physician, on the basis of a medical examination and pulmonary function testing, that the exposed person has a permanent respiratory impairment rating of at least Class 2 as defined by and evaluated pursuant to the AMA Guides to the Evaluation of Permanent Impairment.

(e) A diagnosis by a qualified physician of asbestosis or diffuse pleural thickening, based at a minimum on radiological or pathological evidence of asbestosis or radiological evidence of diffuse pleural thickening.

(f) A determination by a qualified physician that asbestosis or diffuse pleural thickening, rather than chronic obstructive pulmonary disease, is a substantial contributing factor to the exposed person's physical impairment, based at a minimum on a determination that the exposed person has:

1. Total lung capacity, by plethysmography or timed gas dilution, below the predicted lower limit of normal;

2. Forced vital capacity below the lower limit of normal and a ratio of FEV1 to FVC that is equal to or greater than the predicted lower limit of normal; or

3. A chest x-ray showing small, irregular opacities (s, t, u) graded by a certified B-reader at least 2/1 on the ILO scale.

(g) If the exposed person meets the requirements of paragraphs (a), (b), and (c), and if a qualified physician determines that the exposed person has a physical impairment, as demonstrated by meeting the criteria set forth in paragraphs (d) and (f)1. or 2., but the exposed person's chest x-ray does not demonstrate radiological evidence of asbestosis, the exposed person may meet the criteria of paragraph (e) if his or her chest x-ray is graded by a certified B-reader as at least 1/0 and a qualified physician, relying on high-resolution computed tomography, determines to a reasonable degree of medical certainty that the exposed person has asbestosis and forms the conclusion set forth in paragraph (h).

(h) A conclusion by a qualified physician that the exposed person's medical findings and impairment were not more probably the result of causes other than the asbestos exposure revealed by the exposed person's employment and medical history. A diagnosis that states that the medical findings and impairment are "consistent with" or "compatible with" exposure to asbestos does not meet the requirements of this subsection.

(i) If a plaintiff files a civil action alleging a nonmalignant asbestos claim, and that plaintiff alleges that his or her exposure to asbestos was the result of extended contact with another exposed person who, if the civil action had been filed by the other exposed person, would have met the requirements of paragraph (a) and the plaintiff alleges that he or she had extended contact with the exposed person during the time period in which that exposed person met the requirements of paragraph (a), the plaintiff has satisfied the requirements of paragraph (a). The plaintiff in such a civil action must individually satisfy the requirements of paragraphs (b), (c), (d), (e), (f), (g), and (h).

(3) A person who is a smoker may not file or maintain a civil action alleging an asbestos claim which is based upon cancer of the lung, larynx, pharynx, or esophagus in the absence of a prima facie showing that includes all of the following requirements:

(a) A diagnosis by a qualified physician who is board-certified in pathology, pulmonary medicine, or oncology, as appropriate for the type of cancer claimed, of a primary cancer of the lung, larynx, pharynx, or esophagus, and that exposure to asbestos was a substantial contributing factor to the condition.

(b) Evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to asbestos and the date of diagnosis of the cancer.

(c) Radiological or pathological evidence of asbestosis or diffuse pleural thickening or a qualified physician's diagnosis of asbestosis based on a chest x-ray graded by a certified B-reader as at least 1/0 on the ILO scale and high-resolution computed tomography supporting the diagnosis of asbestosis to a reasonable degree of medical certainty.

(d) Evidence of the exposed person's substantial occupational exposure to asbestos. If a plaintiff files a civil action alleging an asbestos-related claim based on cancer of the lung, larynx, pharynx, or esophagus, and that plaintiff alleges that his or her exposure to asbestos was the result of extended contact with another exposed person who, if the civil action had been filed by the other exposed person, would have met the substantial occupational exposure requirement of this subsection, and the plaintiff alleges that he or she had extended contact with the exposed person during the time period in which that exposed person met the substantial occupational exposure requirement of this subsection, the plaintiff has satisfied the requirements of this paragraph. The plaintiff in such a civil action must individually satisfy the requirements of this subsection.

(e) If the exposed person is deceased, the qualified physician, or someone working under the direct supervision and control of a qualified physician, may obtain the evidence required in paragraph (b) and paragraph (d) from the person most knowledgeable about the alleged exposures that form the basis of the asbestos claim.

(f) A conclusion by a qualified physician that the exposed person's medical findings and impairment were not more probably the result of causes other than the asbestos exposure revealed by the exposed person's employment and medical history. A conclusion that the medical findings and impairment are "consistent with" or "compatible with" exposure to asbestos does not meet the requirements of this subsection.

(4) In a civil action alleging an asbestos claim by a nonsmoker based on cancer of the lung, larynx, pharynx, or esophagus, a prima facie showing of an impairment due to asbestos exposure is not required.

(5) A person may not file or maintain a civil action alleging an asbestos claim which is based on cancer of the colon, rectum, or stomach in the absence of a prima facie showing that includes all of the following requirements:

(a) A diagnosis by a qualified physician who is board-certified in pathology, pulmonary medicine, or oncology, as appropriate for the type of cancer claimed, of cancer of the colon, rectum, or stomach, and that exposure to asbestos was a substantial contributing factor to the condition.

(b) Evidence sufficient to demonstrate that at least 10 years have elapsed between the date of first exposure to asbestos and the date of diagnosis of the cancer.

(c)1.a. Radiological or pathological evidence of asbestosis or diffuse pleural thickening or a qualified physician's diagnosis of asbestosis based on a chest x-ray graded by a certified B-reader as at least 1/0 on the ILO scale and high-resolution computed tomography supporting the diagnosis of asbestosis to a reasonable degree of medical certainty; or

b. Evidence of the exposed person's substantial occupational exposure to asbestos. If a plaintiff files a civil action alleging an asbestos-related claim based on cancer of the colon, rectum, or stomach, and that plaintiff alleges that his or her exposure to asbestos was the result of extended contact with another exposed person who, if the civil action had been filed by the other exposed person, would have met the substantial occupational exposure requirement of this subsection, and the plaintiff alleges that he or she had extended contact with the exposed person during the time period in which that exposed person met the substantial occupational exposure requirement of this subsection, the plaintiff has satisfied the requirements of this sub-subparagraph. The plaintiff in such a civil action must individually satisfy the requirements of this subsection.

2. In the case of an exposed person who is a smoker, the criteria in sub-subparagraphs 1.a. and b. must be met.

3. If the exposed person is deceased, the qualified physician, or someone working under the direct supervision and control of a qualified physician, may obtain the evidence required in sub-subparagraph 1.b. and paragraph (b) from the person most knowledgeable about the alleged exposures that form the basis of the asbestos claim.

(d) A conclusion by a qualified physician that the exposed person's medical findings and impairment were not more probably the result of causes other than the asbestos exposure revealed by the exposed person's employment and medical history. A conclusion that the medical findings and impairment are "consistent with" or "compatible with" exposure to asbestos does not meet the requirements of this subsection.

(6) In a civil action alleging an asbestos claim based upon mesothelioma a prima facie showing of an impairment due to asbestos exposure is not required.

(7) A person may not file or maintain a civil action alleging a silicosis claim in the absence of a prima facie showing of physical impairment as a result of a medical condition to which exposure to silica was a substantial contributing factor. The prima facie showing must include all of the following requirements:

(a) Evidence verifying that a qualified physician, or someone working under the direct supervision and control of a qualified physician, has taken a detailed occupational and exposure history of the exposed person or, if the person is deceased, from a person who is knowledgeable about the exposures that form the basis of the nonmalignant silica claim, including:

1. All of the exposed person's principal places of employment and exposures to airborne contaminants; and

2. Whether each place of employment involved exposures to airborne contaminants, including but not limited to silica particles or other disease causing dusts, that can cause pulmonary impairment and the nature, duration, and level of any such exposure.

(b) Evidence verifying that a qualified physician, or someone working under the direct supervision and control of a qualified physician, has taken detailed medical and smoking history, including a thorough review of the exposed person's past and present medical problems and their most probable cause, and verifying a sufficient latency period for the applicable stage of silicosis.

(c) A determination by a qualified physician, on the basis of a medical examination and pulmonary function testing, that the exposed person has a permanent respiratory impairment rating of at least Class 2 as defined by and evaluated pursuant to the AMA Guides to the Evaluation of Permanent Impairment.

(d) A determination by a qualified physician that the exposed person has:

1. A quality 1 chest x-ray under the ILO System of classification and that the x-ray has been read by a certified B-reader as showing, according to the ILO System of classification, bilateral nodular opacities (p, q, or r) occurring primarily in the upper lung fields, graded 1/1 or higher; or

2. Pathological demonstration of classic silicotic nodules exceeding one centimeter in diameter as published in 112 Archive of Pathology and Laboratory Medicine 7 (July 1988).

In a death case where no pathology is available, the necessary radiologic findings may be made with a quality 2 film if a quality 1 film is not available.

(e) A conclusion by a qualified physician that the exposed person's medical findings and impairment were not more probably the result of causes other than silica exposure revealed by the exposed person's employment and medical history. A conclusion that the medical findings and impairment are "consistent with" or "compatible with" exposure to silica does not meet the requirements of this subsection.

(8) A person may not file or maintain a civil action alleging a silica claim other than as provided in subsection (5), in the absence of a prima facie showing that includes all of the following requirements:

(a) A report by a qualified physician who is:

1. Board-certified in pulmonary medicine, internal medicine, oncology, or pathology stating a diagnosis of the exposed person of silica-related lung cancer and stating that, to a reasonable degree of medical probability, exposure to silica was a substantial contributing factor to the diagnosed lung cancer; or

2. Board-certified in pulmonary medicine, internal medicine, or pathology stating a diagnosis of the exposed person of silica-related progressive massive fibrosis or acute silicoproteinosis, or silicosis complicated by documented tuberculosis.

(b) Evidence verifying that a qualified physician, or someone working under the direct supervision and control of a qualified physician, has taken a detailed occupational and exposure history of the exposed person or, if the person is deceased, from a person who is knowledgeable about the exposures that form the basis of the nonmalignant silica claim, including:

1. All of the exposed person's principal places of employment and exposures to airborne contaminants; and

2. Whether each place of employment involved exposures to airborne contaminants, including but not limited to, silica particles or other disease causing dusts, that can cause pulmonary impairment and the nature, duration and level of any such exposure.

(c) Evidence verifying that a qualified physician, or someone working under the direct supervision and control of a qualified physician, has taken detailed medical and smoking history, including a thorough review of the exposed person's past and present medical problems and their most probable cause;

(d) A determination by a qualified physician that the exposed person has:

1. A quality 1 chest x-ray under the ILO System of classification and that the x-ray has been read by a certified B-reader as showing, according to the ILO System of classification, bilateral nodular opacities (p, q, or r) occurring primarily in the upper lung fields, graded 1/1 or higher; or

2. Pathological demonstration of classic silicotic nodules exceeding one centimeter in diameter as published in 112 Archive of Pathology and Laboratory Medicine 7 (July 1988).

In a death case where no pathology is available, the necessary radiologic findings may be made with a quality 2 film if a quality 1 film is not available.

(e) A conclusion by a qualified physician that the exposed person's medical findings and impairment were not more probably the result of causes other than silica exposure revealed by the exposed person's employment and medical history. A conclusion that the medical findings and impairment are "consistent with" or "compatible with" exposure to silica does not meet the requirements of this subsection.

(9) Evidence relating to physical impairment under this section, including pulmonary function testing and diffusing studies, must:

(a) Comply with the technical recommendations for examinations, testing procedures, quality assurance, quality control, and equipment of the AMA Guides to the Evaluation of Permanent Impairment, as set forth in 2d C.F.R. Part 404, subpart. P. Appl., part A, section 3.00 E. and F., and the interpretive standards, set forth in the official statement of the American Thoracic Society entitled "lung function testing: selection of reference values and interpretive strategies" as published in American Review of Respiratory Disease. 1991: 144:1202-1218;

(b) Not be obtained through testing or examinations that violate any applicable law, regulation, licensing requirement, or medical code of practice; and

(c) Not be obtained under the condition that the exposed person retain legal services in exchange for the examination, test, or screening.

(10) Presentation of prima facie evidence meeting the requirements of subsection (2), (3), (5), or (6) of this section may not:

(a) Result in any presumption at trial that the exposed person is impaired by an asbestos-related or silica-related condition;

(b) Be conclusive as to the liability of any defendant; and

(c) Be admissible at trial.

Section 5. *Claimant proceedings.—*

(1) A civil action alleging an asbestos or silica claim may be brought in the courts of this state if the plaintiff is domiciled in this state or the exposure to asbestos or silica that is a substantial contributing factor to the physical impairment of the plaintiff on which the claim is based occurred in this state.

(2) A plaintiff in a civil action alleging an asbestos or silica claim must include with the complaint or other initial pleading a written report and supporting test results constituting prima facie evidence of the exposed person's asbestos-related or silica-related physical impairment meeting the requirements of subsection (2), subsection (3), subsection (5), or subsection (6) of section 4. For any asbestos or silica claim pending on the effective date of this act, the plaintiff must file the report and supporting test results at least 30 days before setting a date for trial. The defendant must be afforded a reasonable opportunity to challenge the adequacy of the proffered prima facie evidence of asbestos-related impairment. The claim of the plaintiff shall be dismissed without prejudice upon a finding of failure to make the required prima facie showing.

(3) All asbestos claims and silica claims filed in this state on or after the effective date of this act must include, in addition to the written report described in subsection (3) of section 5 and the information required by subsection (2) of section 7, a sworn information form containing the following information:

(a) The claimant's name, address, date of birth, social security number, and marital status;

(b) If the claimant alleges exposure to asbestos or silica through the testimony of another person or alleges other than direct or bystander exposure to a product, the name, address, date of birth, social security number, marital status, for each person by which the claimant alleges exposure, hereinafter the "index person," and the claimant's relationship to each such person;

(c) The specific location of each alleged exposure;

(d) The beginning and ending dates of each alleged exposure as to each asbestos product or silica product for each location at which exposure allegedly took place for the plaintiff and each index person;

(e) The occupation and name of the employer of the exposed person at the time of each alleged exposure;

(f) The specific condition related to asbestos or silica claimed to exist; and

(g) Any supporting documentation of the condition claimed to exist.

Section 6. *Statute of limitations; two-disease rule.—*

(1) Notwithstanding any other law, with respect to any asbestos or silica claim not barred as of the effective date of this act, the limitations period does not begin to run until the exposed person discovers, or

through the exercise of reasonable diligence should have discovered, that he or she is physically impaired by an asbestos-related or silica-related condition.

(2) An asbestos or silica claim arising out of a nonmalignant condition shall be a distinct cause of action from an asbestos or silica claim relating to the same exposed person arising out of asbestos-related or silica-related cancer. Damages may not be awarded for fear or risk of cancer in a civil action asserting an asbestos or silica claim.

(3) A settlement of a nonmalignant asbestos or silica claim concluded after the effective date of this act may not require, as a condition of settlement, the release of any future claim for asbestos-related or silica-related cancer.

Section 7. *Scope of liability; damages.—*

(1) Punitive damages may not be awarded in any civil action alleging an asbestos or silica claim.

(2) At the time a complaint is filed in a civil action alleging an asbestos or silica claim, the plaintiff must file a verified written report with the court which discloses the total amount of any collateral source payments received, including payments that the plaintiff will receive in the future, as a result of settlements or judgments based upon the same claim. For any asbestos or silica claim pending on the effective date of this act, the plaintiff shall file a verified written report within 60 days after the effective date of this act, or at least 30 days before trial. Further, the plaintiff must update the reports on a regular basis during the course of the proceeding until a final judgment is entered in the case. The court shall permit setoff, based on the collateral source payment information provided, in accordance with the laws of this state as of the effective date of this act.

Section 8. *Liability rules applicable to protect sellers, renters, and lessors.—*

(1)(a) In a civil action alleging an asbestos or silica claim, a product seller other than a manufacturer is liable to a plaintiff only if the plaintiff establishes that:

1.a. The product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

b. The product seller failed to exercise reasonable care with respect to the product; and

c. The failure to exercise reasonable care was a proximate cause of the harm to the exposed person;

2.a. The product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by the manufacturer as to the same product;

b. The product failed to conform to the warranty; and

c. The failure of the product to conform to the warranty caused the harm to the exposed person; or

3.a. The product seller engaged in intentional wrongdoing, as determined under the law of this state; and

b. The intentional wrongdoing caused the harm that is the subject of the complaint.

(b) For the purpose of sub-subparagraph 1.b., a product seller may not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect the product, if:

1. The failure occurred because there was no reasonable opportunity to inspect the product; or

2. The inspection, in the exercise of reasonable care, would not have revealed the aspect of the product which allegedly caused the exposed person's impairment.

(2) In a civil action alleging an asbestos or silica claim, a person engaged in the business of renting or leasing a product is not liable for the tortious act of another solely by reason of ownership of that product.

Section 9. *Miscellaneous provisions.—*

(1) This act does not affect the scope or operation of any workers' compensation law or veterans' benefit program, affect the exclusive remedy or subrogation provisions of the law, or authorize any lawsuit which is barred by law.

(2) Nothing in this act is intended to, and nothing in this act shall be interpreted to:

(a) Affect the rights of any party in bankruptcy proceedings; or

(b) Affect the ability of any person who is able to make a showing that the person satisfies the claim criteria for compensable claims or demands under a trust established under a plan of reorganization under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. Chapter 11, to make a claim or demand against that trust.

(3) It is the intent of the Legislature that this law render the utmost comity and respect to the constitutional prerogatives of the judiciary of this state, and nothing in this act should be construed as any effort to impinge upon those prerogatives. To that end, if the Florida Supreme Court enters a final judgment concluding or declaring that any provision of this act improperly encroaches on the authority of the court to adopt the rules of practice and procedure in the courts of this state, the Legislature intends that any such provision be construed as a request for a rule change under Section 2, Article V, of the State Constitution and not as a mandatory legislative directive.

(4) This act may not be interpreted to prevent any person from bringing or maintaining an asbestos claim based on nonoccupational exposure where such person would be otherwise able to bring or maintain a claim under this act.

(5) If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 10. This act shall take effect July 1, 2005. Because the act expressly preserves the right of all injured persons to recover full compensatory damages for their loss, it does not impair vested rights. In addition, because it enhances the ability of the most seriously ill to receive a prompt recovery, it is remedial in nature. Therefore, the act shall apply to any civil action asserting an asbestos claim in which trial has not commenced as of the effective date of this act.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to asbestos and silica claims; providing a short title; providing purposes; providing definitions; requiring physical impairment as an essential element of a claim; providing criteria for prima facie evidence of physical impairment for claims and certain actions; providing exceptions; providing additional requirements for evidence relating to physical impairment; specifying absence of certain presumptions at trial; providing procedures for claims and certain actions; providing for venue; providing for preliminary proceedings; requiring asbestos and silica claims to include certain information; specifying certain limitation periods for certain claims; specifying distinct causes of action for certain conditions; limiting damages under certain circumstances; prohibiting a general release from liability; prohibiting award of punitive damages; providing for collateral source payments; specifying liability rules applicable to certain persons; providing for construction; providing severability; providing application to certain civil actions; providing an effective date.

WHEREAS, asbestos is a mineral that was widely used before the mid 1970's for insulation, fireproofing, and other purposes, and

WHEREAS, millions of American workers and others were exposed to asbestos, especially during and after World War II and before the advent of regulation by the Occupational Safety and Health Administration in the early 1970's, and

WHEREAS, long-term exposure to asbestos has been associated with various types of cancer, including mesothelioma and lung cancer, as well as such nonmalignant conditions as asbestosis, pleural plaques, and diffuse pleural thickening, and

WHEREAS, the diseases caused by asbestos often have long latency periods, and

WHEREAS, although the use of asbestos has dramatically declined since the 1970's and workplace exposures have been regulated since 1971 by the Occupational Safety and Health Administration, past exposures will continue to result in significant claims of death and disability as a result of such exposure, and

WHEREAS, exposure to asbestos has created a flood of litigation in state and federal courts that the United States Supreme Court in *Ortiz v. Fibreboard Corporation*, 119 S. Ct. 2295, 2302 (1999), has characterized as an "elephantine mass" of cases that "defies customary judicial administration," and

WHEREAS, asbestos personal injury litigation can be unfair and inefficient, imposing a severe burden on litigants and taxpayers alike, and

WHEREAS, the inefficiencies and societal costs of asbestos litigation have been well documented in reports such as the RAND Institutes study on Asbestos Litigation Costs and Compensation, the study of Joseph E. Stiglitz on The Impact of Asbestos Liabilities on Workers in Bankrupt Firms, Dr. Joseph Gitlin's report from Johns Hopkins Medical School on Comparison of B Readers' Interpretations of Chest Radiographs for Asbestos Related Changes, and the Report to the House of Delegates from the American Bar Association Commission on Asbestos Litigation, and

WHEREAS, the extraordinary volume of nonmalignant asbestos cases continues to strain state courts, and

WHEREAS, the vast majority of asbestos claims are filed by individuals who allege they have been exposed to asbestos and who may have some physical sign of exposure but who suffer no present asbestos-related impairment, and

WHEREAS, the cost of compensating exposed individuals who are not sick jeopardizes the ability of defendants to compensate people with cancer and other serious asbestos-related diseases, now and in the future, and

WHEREAS, the cost of compensating exposed individuals who are not sick threatens the savings, retirement benefits, and jobs of defendants' current and retired employees and adversely affects the communities in which these defendants operate, and

WHEREAS, the crush of asbestos litigation has been costly to employers, employees, litigants, and the court system, and

WHEREAS, in 1982, the Johns-Manville Corporation, the nation's largest single supplier of insulation products containing asbestos, declared bankruptcy due to the burden of the asbestos litigation, and

WHEREAS, since 1982, more than 70 other companies have declared bankruptcy due to the burden of asbestos litigation, and

WHEREAS, estimates show that between 60,000 and 128,000 American workers already have lost their jobs as a result of asbestos-related bankruptcies and that the total number of jobs that will be lost due to asbestos-related bankruptcies will eventually reach 432,000, and

WHEREAS, each worker who loses his or her job due to an asbestos-related bankruptcy loses between $25,000 and $50,000 in wages over his or her career and loses 25 percent or more of the value of his or her retirement plan, and

WHEREAS, asbestos litigation is estimated to have cost over $54 billion, with well over half of this expense going to attorney's fees and other litigation costs, and

WHEREAS, the seriously ill too often find that the value of their recovery is substantially reduced due to defendant bankruptcies and the inefficiency of the litigation process, and

WHEREAS, silica is a naturally occurring mineral, and

WHEREAS, the Earth's crust is over 90 percent silica, and crystalline silica dust is the primary component of sand, quartz, and granite, and

WHEREAS, silica-related illness, including silicosis, can occur when tiny silica particles are inhaled, and

WHEREAS, silicosis was recognized as an occupational disease many years ago, and

WHEREAS, the American Foundrymen's Society has distributed literature for more than 100 years to its members warning of the dangers of silica exposure, and

WHEREAS, the number of new lawsuits alleging silica-related disease being filed each year began to rise precipitously in recent years, and

WHEREAS, silica claims, like asbestos claims, often arise when an individual is identified as having markings on his or her lungs that are possibly consistent with silica exposure but the individual has no functional or physical impairment from any silica-related disease, and

WHEREAS, the Legislature finds that an overpowering public necessity requires it to act to prevent a silica-based litigation crisis, and

WHEREAS, concerns about statutes of limitations may prompt claimants who have been exposed to asbestos or silica but who do not have any current injury to bring premature lawsuits in order to protect against losing their rights to future compensation should they become impaired, and

WHEREAS, consolidations, joinders, and similar procedures to which some courts have resorted in order to deal with the mass of asbestos and silica cases can undermine the appropriate functioning of the judicial process and further encourage the filing of thousands of cases by exposed individuals who are not sick and who may never become sick, and

WHEREAS, punitive damage awards unfairly divert the resources of defendants from compensating genuinely impaired claimants and, given the lengthy history of asbestos and silica litigation and the regulatory and other restrictions on the use of asbestos and silica-containing products in the workplace, the legal justification for such awards, punishment, and deterrence is either inapplicable or inappropriate, and

WHEREAS, the Legislature finds that there is an overpowering public necessity to defer the claims of exposed individuals who are not sick in order to preserve, now and for the future, defendants' ability to compensate people who develop cancer and other serious asbestos-related and silica-related injuries and to safeguard the jobs, benefits, and savings of workers in this state and the well-being of the economy of this state, NOW, THEREFORE,

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment to **Amendment 1** which failed:

Amendment 1A (311122)—On page 16, between lines 6 and 7, insert:

3. Board-certified in rheumatology stating a diagnosis of the exposed person with silica-related autoimmune disorders, including, but not limited to, scleroderma and rheumatoid arthritis.

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (233648)—On page 19, lines 14 and 18, delete "*social security number,*"

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendments to be considered:

Senator Webster moved the following amendments to **Amendment 1** which were adopted:

Amendment 1C (040188)—On page 5, lines 5-16, delete those lines and insert:

(a) Is a board-certified pathologist licensed to practice and actively practices in this country who performed services requested or authorized by a physician who:

1. Has conducted a physical examination of the exposed person or, if the person is deceased, has reviewed all available records relating to the exposed person's medical condition;

2. Is actually treating or treated the exposed person, and has or had a doctor-patient relationship with the person; and

3. Is licensed to practice and actively practices in this country; or

(b) Is a board-certified oncologist, pulmonary specialist, or specialist in occupational and environmental medicine who:

1. Has conducted a physical examination of the exposed person or, if the person is deceased, has reviewed all available records relating to the exposed person's medical condition;

2. Is actually treating or treated the exposed person, and has or had a doctor-patient relationship with the person; and

3. Is licensed to practice and actively practices in this country.

Amendment 1D (570456)—On page 15, line 24, delete "*(5)*" and insert: *(7)*

Amendment 1 as amended was adopted.

MOTION

On motion by Senator Pruitt, the rules were waived and time of recess was extended until completion of Bills on Third Reading, the Special Order Calendar, motions and announcements.

On motion by Senator Webster, by two-thirds vote **HB 1019** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Diaz de la Portilla	Posey
Alexander	Dockery	Pruitt
Aronberg	Fasano	Rich
Atwater	Garcia	Saunders
Baker	Haridopolos	Sebesta
Bennett	Jones	Siplin
Bullard	King	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Crist	Peaden	

Nays—8

Argenziano	Geller	Miller
Campbell	Hill	Smith
Dawson	Klein	

SENATOR CARLTON PRESIDING

HB 395—A bill to be entitled An act relating to recreational licenses and permits; amending s. 372.57, F.S.; providing for a military gold sportsman's license; providing for an annual fee; providing authorizations allowed under license; providing eligibility requirements; amending ss. 372.5712, 372.5715, and 372.573, F.S.; providing for uses of specified pro rata portions of revenue generated from the military gold sportsman's license; amending s. 372.661, F.S.; exempting patrons of licensed hunting preserves from the license and permit requirements of the military gold sportsman's license while hunting on the licensed preserve property; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senator Smith moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (144848)(with title amendment)—Between lines 116 and 117, insert:

Section 6. Section 327.803, Florida Statutes, is amended to read:

327.803 Boating Advisory Council.—

(1) The Boating Advisory Council is created within the Fish and Wildlife Conservation Commission and shall be composed of *18* ~~17~~ members. The members include:

(a) One representative from the Fish and Wildlife Conservation Commission, who shall serve as the chair of the council.

(b) One representative each from the Department of Environmental Protection, the United States Coast Guard Auxiliary, the United States Power Squadron, and the inland navigation districts.

(c) One representative of manatee protection interests, one representative of the marine industries, *one representative* ~~two representatives~~ of water-related environmental groups, *one representative of canoe or kayak enthusiasts,* one representative of marine manufacturers, one representative of commercial vessel owners or operators, one representative of *marine special events* ~~sport boat racing~~, one representative actively involved and working full-time in the scuba diving industry who has experience in recreational boating, *one representative of either the commercial fishing industry or the commercial shellfishing industry,* and two representatives of the boating public, each of whom shall be nominated by the executive director of the Fish and Wildlife Conservation Commission and appointed by the Governor to serve staggered *3-year* ~~2-year~~ terms. *Members appointed by the Governor may serve no more than two full consecutive terms.*

(d) One member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives.

(e) One member of the Senate, who shall be appointed by the President of the Senate.

(2) The council shall meet at the call of the chair, at the request of a majority of its membership, or at such times as may be prescribed by rule.

(3) The purpose of the council is to make recommendations to the Fish and Wildlife Conservation Commission and the Department of Community Affairs regarding issues affecting the boating community, including, but not limited to, issues related to:

(a) Boating and diving safety education.

(b) Boating-related facilities, including marinas and boat testing facilities.

(c) Boat usage.

(d) Boat access.

(e) Working waterfronts.

(4) Members of the council shall serve without compensation *but are entitled to reimbursement of expenses as provided in s. 112.061.*

(5) A vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Members whose terms have expired may continue to serve until replaced or reappointed.

(6) Members of the council may be removed for cause.

Section 7. Paragraphs (d) and (e) of subsection (2) of section 370.06, Florida Statutes, are amended to read:

370.06 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

(d) A saltwater products license may be issued in the name of an individual or a valid *commercial vessel* ~~boat~~ registration number. *However, a firm or corporation may only receive a license issued to a valid commercial vessel registration number. A saltwater products license may not be transferred by the licenseholder to another individual, firm, or corporation.* ~~Such license is not transferable.~~ A decal shall be issued with each saltwater products license issued to a valid *commercial vessel* ~~boat~~ registration number. The saltwater products license decal shall be the same color as the vessel registration decal issued each year pursuant to s. 328.48(5) and shall indicate the period of time such license is valid. The saltwater products license decal shall be placed beside the vessel registration decal and, in the case of an undocumented vessel, shall be placed so that the vessel registration decal lies between the *commercial* vessel registration number and the saltwater products license decal. Any saltwater products license decal for a previous year shall be removed from a vessel operating on the waters of the state.

(e) *The annual fee for a saltwater products license is:*

1. For a license issued in the name of an individual which authorizes only that individual to engage in commercial fishing activities from the shore or a vessel: a resident must pay $50; a nonresident must pay $200; or an alien must pay $300.

2. For a license issued in the name of an individual which authorizes that named individual to engage in commercial fishing activities from the shore or a vessel and also authorizes each person who is fishing with the named individual aboard a vessel to engage in such activities: a resident must pay $150; a nonresident must pay $600; or an alien must pay $900.

3. For a license issued to a valid commercial vessel registration number which authorizes each person aboard such registered vessel to engage in commercial fishing activities: a resident, or a resident firm or corporation, must pay $100; a nonresident, or a nonresident firm or corporation, must pay $400; or an alien, or an alien firm or corporation, must pay $600. For purposes of this subparagraph, a resident firm or corporation means a firm or corporation formed under the laws of this state; a nonresident firm or corporation means a firm or corporation formed under the laws of any state other than Florida; and an alien firm or corporation means a firm or corporation organized under any laws other than laws of the United States, any United States territory or possession, or any state of the United States. ~~A resident shall pay an annual license fee of $50 for a saltwater products license issued in the name of an individual or $100 for a saltwater products license issued to a valid boat registration number. A nonresident shall pay an annual license fee of $200 for a saltwater products license issued in the name of an individual or $400 for a saltwater products license issued to a valid boat registration number. An alien shall pay an annual license fee of $300 for a saltwater products license issued in the name of an individual or $600 for a saltwater products license issued to a valid boat registration number.~~

Section 8. Paragraph (b) of subsection (1) of section 370.13, Florida Statutes, is amended to read:

370.13 Stone crab; regulation.—

(1) FEES AND EQUITABLE RENT.—

(b) Certificate fees.—

1. For each trap certificate issued by the commission under the requirements of the stone crab trap limitation program established by commission rule, there is an annual fee of $.50 per certificate. Replacement tags for lost or damaged tags cost $.50 each, except that tags lost in the event of a major natural disaster declared as an emergency disaster by the Governor shall be replaced for the cost of the tag as incurred by the commission.

2. *The fee for transferring trap certificates is $1 per certificate transferred, except that the fee for eligible crew members is 50 cents per certificate transferred.* ~~Except for transfers to~~ Eligible crew members *shall be* ~~as~~ determined according to criteria established by rule of the commission~~, the fee for transferring certificates is $2 per certificate transferred to be paid by the purchaser of the certificate or certificates. The transfer fee for eligible crew members is $1 per certificate~~. Payment must be made by money order or cashier's check, submitted with the certificate transfer form developed by the commission.

3. In addition to the transfer fee, a surcharge of *$1* ~~$2~~ per certificate transferred, or 25 percent of the actual value of the transferred certificate, whichever is greater, will be assessed the first time a certificate is transferred outside the original holder's immediate family.

4. Transfer fees and surcharges only apply to the actual number of certificates received by the purchaser. A transfer of a certificate is not effective until the commission receives a notarized copy of the bill of sale as proof of the actual value of the transferred certificate or certificates, which must also be submitted with the transfer form and payment.

5. A transfer fee will not be assessed or required when the transfer is within a family as a result of the death or disability of the certificate owner. A surcharge will not be assessed for any transfer within an individual's immediate family.

6. The fees and surcharge amounts in this paragraph apply in the 2005-2006 license year and subsequent years.

Section 9. *Section 372.674, Florida Statutes, is repealed.*

Section 10. Paragraph (d) of subsection (2) of section 372.672, Florida Statutes, is amended to read:

372.672 Florida Panther Research and Management Trust Fund.—

(2) Money from the fund shall be spent only for the following purposes:

~~(d) To fund and administer education programs authorized in s. 372.674.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 13, after the semicolon (;) insert: amending s. 327.803, F.S.; revising the membership of the Boating Advisory Council; increasing the terms of office of members appointed by the Governor and limiting the number of consecutive terms they may serve; adding issues upon which the council makes recommendations to the commission and the Department of Community Affairs; authorizing reimbursement of expenses for members of the council; providing for the filling of vacancies; providing for members of the council to be removed for cause; amending s. 370.06, F.S.; providing for receipt of a saltwater products license issued by the commission to a firm or corporation; revising a provision barring transfer of a saltwater products license; revising a provision regarding the annual fee that an individual, firm, or corporation must pay for a license; providing for an increase in annual saltwater products license fees; providing definitions; amending s. 370.13, F.S.; reducing stone crab trap certificate transfer fees; reducing surcharge fees; repealing s. 372.674, F.S., relating to environmental education and the Advisory Council on Environmental Education; amending s. 372.672, F.S., relating to the Florida Panther Research and Management Trust Fund, to conform;

On motion by Senator Atwater, **HB 395** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

CS for CS for CS for CS for SB 442—A bill to be entitled An act relating to building safety; amending s. 215.559, F.S.; requiring that a specified percentage of the funds appropriated under the Hurricane Loss Mitigation Program be used for education concerning the Florida Building Code and for the operation of the disaster contractors network; requiring the Department of Community Affairs to contract with a nonprofit tax-exempt entity for training, development, and coordination; providing that the Office of Insurance Regulation make recommendations to the insurance industry based on a report regarding the Hurricane Loss Mitigation Program by the Department of Community Affairs; amending s. 400.23, F.S.; providing that residents of nursing homes may move their beds under certain circumstances; requiring the nursing homes to notify the Agency for Heath Care Administration; amending s. 468.621, F.S.; providing additional grounds for which disciplinary actions may be taken against building code enforcement officials; amending ss. 471.033 and 481.225, F.S.; providing criminal penalties for performing building inspections under certain circumstances; amending s. 489.537, F.S.; providing that certain alarm system contractors and electrical contractors may not be required by a municipality or county to obtain additional certification or meet additional licensure requirements; amending s. 553.73, F.S.; specifying certain codes from the International Code Congress and the International Code Council as foundation codes for the updated Florida Building Code; providing requirements for amendments to the foundation codes; providing for the incorporation of certain statements, decisions, and amendments into the Florida Building Code; providing a timeframe for rule updates to the Florida Building Code to become effective; adding a requirement for technical amendments to the Florida Building Code; providing requirements for the Florida Building Commission in reviewing code amendments; providing an exception; incorporating by reference certain standards for unvented conditioned attic assemblies; amending s. 553.77, F.S.; revising duties of the Florida Building Commission; authorizing local building departments or other entities to approve changes to an approved building plan; providing that a member shall abstain from voting under certain circumstances; deleting requirements that the commission hear certain appeals and issue declaratory statements; creating s. 553.775, F.S.; providing legislative intent with respect to the interpretation of the Florida Building Code; providing for the commission to resolve disputes regarding interpretations of the code; requiring the commission to review decisions of local building officials and local enforcement agencies; providing for publication of an interpretation on the Building Code Information System and in the Florida Administrative Weekly; authorizing the commission to adopt a fee; amending s. 553.79, F.S.; exempting truss-placement plans from certain requirements; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; providing a definition; authorizing performance audits by local building code enforcement agencies of private providers; specifying conditions for proceeding with building work; amending s. 553.80, F.S.; providing that certain buildings are exempt from the building code; providing that universities and colleges may create a board of adjustment; authorizing local governments to impose certain fees for code enforcement; providing requirements and limitations; conforming a cross-reference; requiring the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; exempting certain buildings of the Department of Agriculture and Consumer Services from local permitting requirements, review, or fees; amending s. 120.80, F.S.; authorizing the Florida Building Commission to conduct proceedings to review decisions of local officials; amending s. 553.841, F.S.; revising provisions governing the Building Code Training Program; creating the Building Code Education and Outreach Council to coordinate, develop, and ensure enforcement of the Florida Building Code; providing for membership, terms of office, and meetings; providing duties of the council; providing for administrative support for the council; requiring the council to develop a core curriculum and equivalency test for specified licensees; providing for the use of funds by the council; repealing s. 553.8413, F.S., relating to the Education Technical Advisory Committee; amending s. 553.842, F.S.; providing for products to be approved for statewide use; deleting an obsolete date; deleting a provision requiring the commission to adopt certain criteria for local program verification and validation by rule; adding an evaluation entity to the list of entities specifically approved by the commission; deleting a requirement that the commission establish a schedule for adopting rules relating to product approvals under certain circumstances; authorizing the commission to adopt rules relating to material standards; amending s. 633.025, F.S.; providing that local governments may adopt fire sprinkler requirements under certain circumstances; creating s. 633.026, F.S.; requiring that the State Fire Marshal establish by rule a process for rendering nonbinding interpretations of the Florida Fire Prevention Code; authorizing the State Fire Marshal to enter into contracts and refer interpretations to a nonprofit organization; providing for the interpretations to be advisory; providing for establishing a fee by department rule; providing requirements for local product approval of products or systems of construction; specifying methods for demonstrating compliance with the structural windload requirements of the Florida Building Code; providing for certification to be issued by a professional engineer or registered architect; providing for audits under a quality assurance program and other types of certification; providing that changes to the Florida Building Code do not void the approval of previously installed products; providing for guidelines for the mitigation grant program; amending s. 633.021, F.S.; redefining terms used in ch. 633, F.S.; amending s. 633.0215, F.S.; revising provisions relating to the construction of townhouse stairs; amending s. 633.071, F.S.; requiring inspection tags to be attached to all fire protection systems; providing for the standardization of inspection tags and reports; amending s. 633.082, F.S.; requiring fire protection systems to be inspected in accordance with nationally accepted standards; amending s. 633.521, F.S.; establishing a permit classification for individuals who inspect fire protection systems; amending s. 633.524, F.S.; establishing fees for various classes of permits; amending s. 633.537, F.S.; establishing continuing education requirements; amending s. 633.539, F.S.; requiring fire protection systems to be inspected, serviced, or maintained by a permitholder; establishing the scope of work criteria; amending s. 633.547, F.S.; providing for disciplinary action; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless the person who performs those acts has certain qualifications or is exempt under s. 489.503, F.S.; providing for the Florida Building Commission to adopt amendments to the Florida Building Code relating to water intrusion and roof-covering attachment; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; providing an appropriation; providing for incorporation in the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; requiring the Florida Building Commission to make recommendations to the Legislature; providing an effective date for the Florida Building Code; granting certain design professionals the choice of having certain projects governed under the 2004 edition of the code; repealing s. 553.851, F.S., relating to the protection of underground gas pipelines; amending s. 489.103, F.S.; exempting a disaster recovery organization or a not-for-profit organization assisting with post-disaster repair or replacement of certain residential structures from part I of ch. 489, F.S., relating to regulation of contractors, under certain circumstances; providing that certain storage buildings whose sale, delivery, assembly, or tie-down are exempt from such part; requiring the Florida Building Commission to amend certain provisions of the Florida Building Code relating to mezzanine size and use; requiring the Florida Building Commission to convene a workgroup to study the recommendation for a single validation entity; requiring the Florida Building Commission to amend certain provisions of the Florida Building Code relating to fire safety in certain occupancies or exit doors of certain occupancies; creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature; amending s. 514.075, F.S.; deleting an exemption from service requirements for certain public pool operators; requiring the adoption of rules; requiring a public pool to be serviced by a certified pool service technician; removing specified provisions from the Florida Building Code; restoring specified provisions that had been removed from the

base code; providing for continuation of the restored provisions until the base code is revised; providing effective dates.

—as amended May 2 was read the third time by title.

Senator Bennett moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (801874)—On page 77, line 20, delete "*root*" and insert: *roof*

Senator Jones moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (553656)(with title amendment)—On page 85, lines 11-28, delete those lines.

And the title is amended as follows:

On page 8, lines 16-18, delete those lines and insert: and the Legislature; requiring

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendments to be considered:

Senator Bennett moved the following amendments which were adopted by two-thirds vote:

Amendment 3 (285714)—On page 64, lines 27-29, delete those lines and insert: *The maintenance of fire protection systems as well as corrective actions on deficient systems is the responsibility of the owner of the system or hydrant. This section does not prohibit*

Amendment 4 (052102)(with title amendment)—On page 85, line 29 through page 86, line 7, delete those lines and insert:

Section 49. *The Florida Building Commission shall review Modifications 569 and 570 adopted by the commission on October 14, 2003, and take public comment regarding those provisions. The commission shall receive public comment regarding the cost related to compliance with amendments, the capability of industry to supply products necessary for compliance and the benefit of the modifications to the health, safety, and welfare of the citizens of this state. Notwithstanding section 553.73, Florida Statutes, the commission may repeal or modify the modifications in response to the public comments subject only to the rule adoption procedures of chapter 120, Florida Statutes. Modifications 569 and 570 may not take effect until the commission has completed the review required or rulemaking initiated in response to such review, whichever is later, and sections 2304.7(3) and (5) of the International Building Code (2003), shall govern construction in this state until that time.*

And the title is amended as follows:

On page 8, lines 21-26, delete those lines and insert: technician; requiring the Florida Building Commission to review certain provisions of the Florida Building Code; providing for public comments; providing for rulemaking authority; providing effective dates.

On motion by Senator Bennett, **CS for CS for CS for CS for SB 442** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 1589—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Florida Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; providing rulemaking authority to make forms available in alternative formats and via the Internet; removing a cross reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date; requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising requirements for the contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibil-

ity; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to establish and maintain a statewide voter registration database and provide such database to the Legislature; specifying the required contents of the database; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; correcting a cross reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; correcting a cross reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change of residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.0705, F.S.; providing for the timely filing of certain reports; amending s. 106.34, F.S.; revising provisions relating to certain candidate expenditure limits; providing a definition; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; amending s. 99.061, F.S.; revising provisions relating to the method of qualifying for nomination to the office of the state attorney or public defender; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; providing effective dates.

—as amended May 3 was read the third time by title.

On motion by Senator Posey, **HB 1589** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Alexander	Crist	Jones
Argenziano	Dawson	King
Atwater	Diaz de la Portilla	Lawson
Baker	Dockery	Lynn
Bennett	Fasano	Miller
Bullard	Garcia	Peaden
Carlton	Geller	Posey
Clary	Haridopolos	Pruitt
Constantine	Hill	Saunders
Sebesta	Villalobos	Wilson
Siplin	Webster	Wise

Nays—5

Aronberg	Klein	Rich
Campbell	Margolis	

Vote after roll call:

Nay—Smith

Yea to Nay—Dawson, Miller

DISCLOSURE

This is to advise you that I have just voted on HB 1589, a bill related to elections and to public financing of political campaigns.

I am a candidate for Attorney General of this state. I will be one of a small group of candidates who will benefit from the increases provided in the above bill.

By Senate Rule, I am obliged to vote on this bill, and in an abundance of caution, I am disclosing the above circumstances in the Senate Journal, as required by Senate Rule 1.39.

Burt Saunders, 37th District

DISCLOSURE

This is to advise you that I have just voted on HB 1589, a bill related to elections and to public financing of political campaigns.

I am a candidate for Governor of this state. I will be one of a small group of candidates who will benefit from the increases provided in the above bill.

By Senate Rule, I am obliged to vote on this bill, and in an abundance of caution, I am disclosing the above circumstances in the Senate Journal, as required by Senate Rule 1.39.

Rod Smith, 14th District

HB 1591—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—as amended May 3 was read the third time by title.

On motion by Senator Posey, **HB 1591** as amended was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 473—A bill to be entitled An act relating to water management district security; creating s. 373.6055, F.S.; requiring water management districts with structures or facilities identified as critical infrastructure to conduct criminal history checks of certain persons; authorizing water management districts with structures or facilities that are not identified as critical infrastructure to conduct criminal history checks of certain persons; providing requirements for criminal history checks; requiring submission of fingerprints to the Department of Law Enforcement and the Federal Bureau of Investigation; providing for payment of criminal history check costs; requiring the water management district security's plan to identify criminal history convictions or factors that disqualify applicants for employment and restricted area access; authorizing the use of such factors to disqualify certain employees and other persons; authorizing water management districts to establish appeal procedures; authorizing water management districts to grant temporary waivers; providing offenses that disqualify a person from employment or access to a restricted access area; providing an exception to disqualification; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 473** was passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Jones	Sebesta
Campbell	King	Siplin
Carlton	Klein	Smith
Clary	Lawson	Villalobos
Constantine	Lynn	Webster
Crist	Margolis	Wise

Nays—3

Dawson	Hill	Wilson

HB 501—A bill to be entitled An act relating to insurance field representatives and operations; amending s. 626.321, F.S.; including service warranty agreement sales covering communications equipment under certain limited licensing provisions; providing for additional appointment authority for certain licensed branch locations of a communications equipment retail vendor; revising certain application, appointment, and licensing requirements for certain entities; providing for payment of appointment fees; providing an exception; requiring renewals of appointments; providing for a renewal fee; amending s. 626.731, F.S.; revising a qualification for licensure as a general lines agent; amending s. 627.7295, F.S.; deleting a requirement for inclusion of an agent fee in a rate filing; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **HB 501** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Campbell	Dockery
Argenziano	Carlton	Fasano
Aronberg	Clary	Garcia
Atwater	Constantine	Geller
Baker	Crist	Haridopolos
Bennett	Dawson	Hill
Bullard	Diaz de la Portilla	Jones
King	Peaden	Siplin
Klein	Posey	Smith
Lawson	Pruitt	Villalobos
Lynn	Rich	Webster
Margolis	Saunders	Wise
Miller	Sebesta	

Nays—None

Consideration of **CS for CS for SB 838** was deferred.

HB 1041—A bill to be entitled An act relating to women's health care; providing a popular name; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortion clinics performing abortions after the first trimester of pregnancy; requiring rules that prescribe standards for physical facilities, supplies and equipment, personnel, screening and evaluation, the abortion procedure, recovery, follow-up care, and incident reporting; providing that rules regulating abortion clinics may not impose an unconstitutional burden rather than a legally significant burden on a woman's right to choose to terminate her pregnancy; providing for severability; providing an effective date.

—was read the third time by title.

Senators Dockery, Smith, Lynn and King offered the following amendment which was moved by Senator Dockery and adopted by two-thirds vote:

Amendment 1 (751098)—Lines 119-121, delete those lines and insert: *licensed to practice medicine in this state and who has admitting privileges at a licensed hospital in this state or has a transfer agreement with a licensed hospital within reasonable proximity of the clinic.*

On motion by Senator Dockery, **HB 1041** as amended was passed and certified to the House. The vote on passage was:

Yeas—30

Alexander	Crist	Peaden
Argenziano	Diaz de la Portilla	Posey
Atwater	Dockery	Pruitt
Baker	Fasano	Saunders
Bennett	Garcia	Sebesta
Bullard	Haridopolos	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wise

Nays—9

Aronberg	Hill	Miller
Dawson	Klein	Rich
Geller	Margolis	Wilson

HB 691—A bill to be entitled An act relating to military personnel on duty; creating the Citizen Soldier Matching Grant Program within the Agency for Workforce Innovation; providing for matching grants to be awarded to private sector employers that provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty; providing eligibility requirements for grant recipients; directing the Agency for Workforce Innovation to develop a plan to administer the application and payment procedures for the matching grants; providing for the award of matching grants after approval of the plan; providing an appropriation; providing that professional licenses issued to any member of the Florida National Guard or the United States Armed Forces Reserves shall not expire while the member is serving on federal active duty; providing a 90-day extension period for such licenses after return from federal active duty; providing requirements with respect to such extension; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, **HB 691** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 747—A bill to be entitled An act relating to the Citizen Soldier Matching Grant Trust Fund; creating the Citizen Soldier Matching Grant Trust Fund within the Agency for Workforce Innovation; requiring that moneys in the trust fund be used to award matching grants to private sector employers who provide wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while such employees are on federal active duty; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Geller, **HB 747** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 805—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for solar energy systems; amending s. 212.08, F.S.; deleting a scheduled repeal of such exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 805** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Campbell	Dockery
Argenziano	Carlton	Fasano
Aronberg	Clary	Garcia
Atwater	Constantine	Geller
Baker	Crist	Haridopolos
Bennett	Dawson	Hill
Bullard	Diaz de la Portilla	Jones
King	Peaden	Siplin
Klein	Posey	Smith
Lawson	Pruitt	Villalobos
Lynn	Rich	Webster
Margolis	Saunders	Wilson
Miller	Sebesta	Wise

Nays—None

Consideration of **HB 871** was deferred.

HB 955—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 163.3187, F.S.; including areas designated as rural areas of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; requiring certification of the amendment to the Office of Tourism, Trade, and Economic Development; requiring public review of certain property; amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews; amending s. 253.002, F.S.; removing an obsolete reference; revising the responsibilities of the Department of Agriculture and Consumer Services for aquaculture activities; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; amending s. 253.67, F.S.; clarifying the definition of "aquaculture"; amending s. 253.68, F.S.; providing authority to the board for certain aquaculture activities; providing a definition; requiring the board to establish certain guidelines by rule; amending s. 253.74, F.S.; providing penalties for certain unauthorized aquaculture activities; amending s. 253.75, F.S.; revising the responsibilities of the board with regard to certain aquaculture activities; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; authorizing the Department of Community Affairs to provide financial assistance to certain local governments; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 328.72, F.S.; revising the distribution of vessel registration fees; providing for a portion of the fees to be designated for certain trust funds; providing for a grant program for public launching facilities; providing priority consideration for certain counties; requiring certain counties to provide an annual report to the Fish and Wildlife Conservation Commission; requiring the commission to provide exemptions for certain counties; creating s. 342.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax deferral ordinances for recreational and commercial working waterfront properties; requiring bonding periods effective prior the deferral to remain in effect for certain properties; providing requirements for deferral notification and application for certain properties; providing a tax deferral for ad valorem taxes and non-ad valorem assessments authorized to be deferred by ordinance and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes,

assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease under certain circumstances; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—as amended May 3 was read the third time by title.

MOTION

On motion by Senator Clary, the rules were waived to allow the following amendment to be considered:

Senator Clary moved the following amendment which was adopted by two-thirds vote:

Amendment 3 (514354)(with title amendment)—Between lines 926 and 927, insert:

Section 17. Subsections (10), (11), and (12) of section 163.3246, Florida Statutes, are renumbered as subsections (12), (13), and (14), respectively, and new subsections (10) and (11) are added to said section to read:

163.3246 Local government comprehensive planning certification program.—

(10) Notwithstanding subsections (2), (4), (5), (6), and (7), any municipality designated as a rural area of critical economic concern pursuant to s. 288.0656 which is located within a county eligible to levy the Small County Surtax under s. 212.055(3) shall be considered certified during the effectiveness of the designation of rural area of critical economic concern. The state land planning agency shall provide a written notice of certification to the local government of the certified area, which shall be considered final agency action subject to challenge under s. 120.569. The notice of certification shall include the following components:

(a) The boundary of the certification area.

(b) A requirement that the local government submit either an annual or biennial monitoring report to the state land planning agency according to the schedule provided in the written notice. The monitoring report shall, at a minimum, include the number of amendments to the comprehensive plan adopted by the local government, the number of plan amendments challenged by an affected person, and the disposition of those challenges.

(11) If the local government of an area described in subsection (10) does not request that the state land planning agency review the developments of regional impact that are proposed within the certified area, an application for approval of a development order within the certified area shall be exempt from review under s. 380.06, subject to the following:

(a) Concurrent with filing an application for development approval with the local government, a developer proposing a project that would have been subject to review pursuant to s. 380.06 shall notify in writing the regional planning council with jurisdiction.

(b) The regional planning council shall coordinate with the developer and the local government to ensure that all concurrency requirements as well as federal, state, and local environmental permit requirements are met.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 96, after the semicolon (;) insert: amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews;

On motion by Senator Bennett, **HB 955** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 871—A bill to be entitled An act relating to deposit of public funds; amending s. 17.57, F.S.; providing additional authorization for the Chief Financial Officer to deposit state funds; amending s. 218.415, F.S.; providing additional authorization for units of local government to deposit surplus local government funds; amending s. 280.03, F.S.; exempting certain public deposits from the security for public deposits requirements of chapter 280, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **HB 871** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 989—A bill to be entitled An act relating to public marinas and boat ramps; amending s. 373.118, F.S.; directing the Department of Environmental Protection to adopt rules to authorize local governments to construct and maintain all facilities, including public marinas and boat ramps; exempting certain facilities from development-of-regional-impact review; providing for regulatory criteria; providing for the use of submerged lands; amending s. 403.813, F.S.; revising permit exemption requirements for floating vessel platforms or floating boat lifts; providing an effective date.

—as amended May 2 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Bennett, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (842900)** was adopted on May 2.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senators Bennett and Dockery offered the following amendment to **Amendment 1** which was moved by Senator Bennett and adopted by two-thirds vote:

Amendment 1A (161670)—On page 1, line 20 through page 2 line 11, delete those lines and insert:

(12) The department shall adopt by rule one or more general permits for local governments to construct, operate, and maintain public marina facilities, public mooring fields, public boat ramps, including associated courtesy docks, and associated parking facilities located in uplands. Such general permits adopted by rule shall include provisions to ensure compliance with part IV of this chapter, section 373.118(1), and the criteria necessary to include the general permits in a state programmatic general permit issued by the United States Army Corps of Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq. A facility authorized under such general permits is exempt from review as a development of regional impact if the facility complies with the comprehensive plan of the applicable local government. Such facilities shall be consistent with the local government manatee protection plan required pursuant to ch. 370, F.S., and shall obtain Clean Marina Program status prior to opening for operation and maintain that status for the life of the facility. Marinas and mooring fields authorized under any such general permit shall not exceed an area of 50,000 square feet over wetlands and other surface waters. All facilities permitted under this section shall be constructed, maintained, and operated in perpetuity for the exclusive use of the general public. The department shall initiate the rulemaking process within 60 days after the effective date of this act.

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Bennett, **HB 989** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for CS for SB 360—A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing for sanctions; requiring incorporation of selected water supply projects in the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; providing for a waiver under certain circumstances; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; encouraging local governments to include a community vision and an urban service boundary as a component of their comprehensive plans; prescribing taxing authority of local governments doing so; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that the Department of Transportation be consulted regarding certain level-of-service standards; revising criteria and providing guidelines for transportation concurrency exception areas; requiring a local government to consider the transportation level-of-service standards of adjacent jurisdictions for certain roads; providing a process to monitor de minimis impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established on less than a districtwide basis within 5 years; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing for the adoption of a transportation concurrency management system by ordinance; providing requirements for proportionate fair-share mitigation; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for small scale plan amendment review under certain circumstances; providing exemptions; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 212.055, F.S.; revising permissible rates for charter county transit system surtax; revising methods for approving such a surtax; providing for a noncharter county to levy this surtax under certain circumstances; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising methods for approving a local government infrastructure surtax; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising a ceiling on rates of small county surtaxes; revising methods for approving a school capital outlay surtax; amending s. 206.41, F.S.; providing for annual adjustment of the ninth-cent fuel tax and local option fuel tax; amending s. 336.021, F.S.; revising methods for approving such a fuel tax; limiting authority of a county to impose the ninth-cent fuel tax without adopting a community vision; amending s. 336.025, F.S.; limiting authority of a county to impose the local option fuel tax without adopting a community vision; revising methods for approving such a fuel tax; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; creating s. 339.2819, F.S.; creating the Transportation Regional Incentive Program within the Department of Transportation; providing matching funds for projects meeting certain criteria; amending s. 337.107, F.S.; allowing the inclusion of right-of-way services in certain design-build contracts; amending s. 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services and as part of design-build contracts under certain circumstances; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; deleting language allowing right-of-way services and design and construction phases to be combined for certain projects; deleting an exception; amending s. 380.06, F.S.; providing an exception; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; amending s. 206.46, F.S.; increasing the threshold for maximum debt service for transfers in the State Transportation Trust Fund; amending s. 339.08, F.S.; providing for expenditure of moneys in the State Transportation Trust Fund; amending s. 339.155, F.S.; providing for the development of regional transportation plans in Regional Transportation Areas; amending s. 339.175, F.S.; making conforming

changes to provisions of the act; amending s. 339.55, F.S.; providing for loans for certain projects from the state-funded infrastructure bank within the Department of Transportation; amending s. 1013.64, F.S.; providing for the expenditure of funds in the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.65, F.S.; providing funding for the Classrooms for Kids Program; amending s. 201.15, F.S.; providing for the expenditure of certain funds in the Land Acquisition Trust Fund; providing for appropriations for the 2005-2006 fiscal year on a nonrecurring basis for certain purposes; requiring the Department of Transportation to amend the tentative work program and budget for 2005-2006; prohibits reversion of certain funds; providing a declaration of important state interest; providing effective dates.

—as amended May 2 was read the third time by title.

Senators Webster and Haridopolos offered the following amendment which was moved by Senator Webster and adopted by two-thirds vote:

Amendment 1 (075900)(with title amendment)—On page 80, line 30 through page 83, line 28, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 27-29, delete those lines and insert: amending s. 336.021, F.S.;

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendments to be considered:

Senator Bennett moved the following amendments which were adopted by two-thirds vote:

Amendment 2 (134890)(with title amendment)—On page 96, lines 11-24, delete those lines and insert:

Section 20. Paragraphs (l) and (m) are added to subsection (24) of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.—

(24) STATUTORY EXEMPTIONS.—

(l) Any proposed development within an urban service boundary established under s. 163.3177(14) is exempt from the provisions of this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary and has entered into a binding agreement with adjacent jurisdictions and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(m) Any proposed development within a rural land stewardship area created under s. 163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

And the title is amended as follows:

On page 5, delete line 21 insert: 380.06, F.S.; providing exceptions; amending

Amendment 3 (371432)(with title amendment)—On page 55, between lines 7 and 8, insert:

(g) The provisions of this subsection do not apply to a multiuse development of regional impact satisfying the requirements of subsection (12).

And the title is amended as follows:

On page 2, delete line 31 and insert: fair-share mitigation; providing an exception; amending s. 163.3184,

Amendment 4 (051328)(with title amendment)—On page 129, between lines 23 and 24, insert:

Section 29. Paragraph (b) of subsection (1) of section 163.3174, Florida Statutes, is amended to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the governing body of the local government from granting voting status to the school board member. The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative. The governing body shall notify the state land planning agency of the establishment of its local planning agency. All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however: (b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter. *A municipality, located in a county that adopts a charter form of government on or after July 1, 2005, shall have the option to exercise exclusive land use planning authority. The exercise of this option shall require the municipality to adopt a resolution approving the exercise of exclusive land use planning authority. Exclusive land use planning authority includes platting, zoning, the adoption of comprehensive plan amendments in accordance with this chapter, and the issuance of development orders for the area under municipal jurisdiction.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 10, after the semicolon (;) insert: amending s. 163.3174, F.S.; allowing municipalities in charter counties the option to exercise exclusive land use planning authority under certain circumstances;

Amendment 5 (860608)(with title amendment)—On page 56, between lines 2 and 3, insert:

(18) The concurrency provisions of this act shall not apply to development within:

(a) A development-of-regional-impact which was approved before July 1, 2005, or

(b) A proposed development-of-regional-impact which has an application for development approval determined to be sufficient pursuant to s. 380.06(10) before July 1, 2005.

And the title is amended as follows:

On page 3, line 6, after the semicolon (;) insert: providing concurrency exemption for certain DRI projects;

Amendment 6 (433086)(with title amendment)—On page 133, between lines 22 and 23, insert:

Section 30. *In any challenge filed regarding the validity of an impact fee, the local government imposing the fee has the burden of proving, by a preponderance of the evidence, that the fee is directly proportional to the need created by the development for which the fee is assessed, that the fee is based upon the actual cost of any capital improvements for which the fee will be expended less all credits to which the fee payer is entitled, and that the capital expenditures paid for by the impact fee provide a direct benefit to the property upon which the fee is imposed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 13, after the semicolon (;) insert: specifying the evidentiary standard a local government must meet when defending a challenge to an ordinance establishing an impact fee;

Amendment 7 (862538)(with title amendment)—On page 18, between lines 24 and 25, insert:

(11)

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:

a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;

b. Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and

c. Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship areas in smaller rural counties that do not have the staff or planning budgets to create a rural land stewardship area.

2. The department shall encourage participation by local governments of different sizes and rural characteristics in establishing and implementing rural land stewardship areas. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.

4. A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and rule 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses*, including adequate available work force housing, including low, very-low and moderate income housing for the development anticipated in the receiving area* and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rule 9J-5.006(5)(l), Florida Administrative Code.

5. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government. *At the time of designation of a stewardship receiving area, a listed species survey will be performed. If listed species occur on the receiving area site, the developer shall coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the impacts to areas to be developed as receiving areas shall be considered together with the environmental benefits of areas protected as sending areas in fulfilling this criteria.*

6. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, *establish the methodology for the creation, conveyance, and use of transferrable rural land use credits, otherwise referred to as stewardship credits, the application of* ~~assign to the area a certain number of credits, to be known as "transferable rural land use credits,"~~ which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits *within*

~~assigned to~~ the rural land stewardship area must *enable the realization of the long-term vision and goals for* ~~correspond to~~ the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land *or, in locations where the retention of* ~~and a lesser number of credits to be assigned to~~ open space and agricultural land *is a priority, to such lands*.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

7. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.

8. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph.

(e) The Legislature finds that mixed-use, high-density development is appropriate for urban infill and redevelopment areas. Mixed-use projects accommodate a variety of uses, including residential and commercial, and usually at higher densities that promote pedestrian-friendly, sustainable communities. The Legislature recognizes that mixed-use, high-density development improves the quality of life for residents and businesses in urban areas. The Legislature finds that mixed-use, high-density redevelopment and infill benefits residents by creating a livable community with alternative modes of transportation. Furthermore, the Legislature finds that local zoning ordinances often discourage mixed-use, high-density development in areas that are appropriate for urban infill and redevelopment. The Legislature intends to discourage single-use zoning in urban areas which often leads to lower-density, land-intensive development outside an urban service area. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to encourage mixed-use, high-density urban infill and redevelopment projects.

(f) The Legislature finds that a program for the transfer of development rights is a useful tool to preserve historic buildings and create public open spaces in urban areas. A program for the transfer of development rights allows the transfer of density credits from historic properties and public open spaces to areas designated for high-density development. The Legislature recognizes that high-density development is integral to the success of many urban infill and redevelopment projects. The Legislature intends to encourage high-density urban infill and redevelopment while preserving historic structures and open spaces. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to promote the transfer of development rights within urban areas for high-density infill and redevelopment projects.

(g) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(h) The department may adopt rules necessary to implement the provisions of this subsection.

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: revising the requirements and criteria for establishing a rural land stewardship area; revising the requirements for designating a stewardship receiving area to address listed species; revising requirements for an ordinance adopting a plan amendment to create a rural land stewardship area;

Amendment 8 (894460)—On page 7, delete line 12 and insert: (c), and (h) of subsection (6), paragraph (d) of subsection (11), and subsection (12) of section

Amendment 9 (201164)—In title, on page 6, lines 12 and 13, delete those lines and insert: certain excise taxes on documents; providing for appropriations for the

Amendment 10 (421772)(with title amendment)—On page 28, between lines 10 and 11, insert:

(g) A local government that has adopted an urban service boundary after July 1, 2000 and before July 1, 2005, which substantially accomplishes the goals set forth in this subsection is not required to comply with paragraph (a) or subparagraph 1. of paragraph (b) in order to be eligible for small scale amendment review and the exemption from development-of-regional-impact review under s. 163.3184.

And the title is amended as follows:

On page 1, line 27, following the semicolon (;) insert: providing an exception;

Amendment 11 (731474)(with title amendment)—On page 129, between lines 23 and 24, insert:

Section 29. Section 166.31, Florida Statutes is created to read:

166.31 Municipal surtax on documents; adoption; application of revenue.—

(1) The governing authority of a municipality may levy a surtax on documents as defined in s. 201.02, at a rate not exceeding 50 cents on each $100, or fractional part thereof, of the consideration for the real estate or interest therein. The levy of the surtax must be pursuant to an ordinance enacted by a majority of the governing authority and approved by a majority of the electors of the municipality in a referendum on the surtax.

(2) The proceeds from the surtax and any interest accrued thereto must be expended for infrastructure improvements included in the capital improvements element of the comprehensive plan of the municipality. The proceeds from the surtax and any interest accrued thereto may be pledged for bond indebtedness. Surtax proceeds must be used to supplement, and may not supplant, existing infrastructure funding. In order to impose the surtax the municipality must use the following process:

(a)1. An advisory board must be created which shall make recommendations to the municipal governing authority regarding infrastructure projects to address the needs of the community. The municipal governing authority shall appoint members to the advisory board who represent the diversity of the community and must include individuals who have an interest in business, finance and accounting, economic development, the environment, transportation, education, public safety, and growth management.

2. A quorum shall consist of a majority of the advisory board members and is necessary to take any action regarding recommendations to the municipal governing authority. The municipal governing authority shall provide staff support to the advisory board. All meetings of the advisory board shall be open to the public.

3. Based on the estimated amount of the surtax collections, the advisory board must conduct at least two public workshops to develop a project list. Priority shall be given to projects that address existing infrastructure deficits that are identified in a long-term concurrency management system adopted by a municipality in accordance with s. 163.3177(3) or (9) or identified in the capital improvements element.

(b) After the advisory board submits the project list to the municipal governing authority, the list may be amended by the municipal governing authority. Public notice must be given of the intent to add additional projects or remove projects recommended by the advisory board. Action to amend the project list may be taken at the noticed public hearing. Once amended, the list may not be approved at the same meeting at which it was amended. Notice of the intent to adopt the amended project list must be given and the amended list must be approved at a subsequent public meeting that may not be held less than 14 days after the meeting at which the project list was amended.

(c) If the municipal governing authority does not amend the recommended project list, it may adopt the proposed project list at a public meeting following public notice of the intent to adopt the recommendations of the advisory board.

(d) The capital improvements schedule of the municipal comprehensive plan shall be updated to include the project list under s. 163.3177(3).

(e) Once the project list has been adopted, the municipal governing authority may give notice of the intent to adopt the surtax by ordinance and set a date for the referendum. The municipal governing authority shall conduct a public hearing to allow for public input on the proposed surtax. The ordinance enacting the surtax may not be adopted at the same meeting as that at which the project list is adopted.

(f) Once the surtax is enacted, the project list may be amended only in the following manner. The municipal governing authority must give notice of the intent to hold a public hearing to discuss adding or removing projects from the list. The municipal governing authority must take public testimony on the proposal. Action may not be taken at that meeting with regard to the proposal to amend the project list. Such action may be taken at a subsequent noticed public meeting that must be held not less than 14 days after the meeting at which the proposed changes to the project list were discussed.

(g) If the surtax is implemented, the advisory board shall monitor the expenditure of the surtax proceeds and shall hold semiannual meetings. The advisory board shall also monitor whether the municipality has maintained or increased the level of infrastructure expenditures over the previous 5 years.

(h) A municipality may not levy the surtax unless it has adopted a community vision and an urban service boundary under s. 163.3177(13) and (14).

(3) A surtax or increase or decrease in the rate of any surtax adopted under this section may not take effect on a date other than January 1. A surtax may not terminate on a date other than December 31.

(4) The governing authority of a municipality must notify the Department of Revenue within 10 days after final adoption by ordinance and referendum of an imposition, termination, or rate change of the surtax, but no later than November 16 before the effective date. The notice must specify the period during which the surtax will be in effect and the rate of the surtax and must include a copy of the ordinance and any other information that the department requires by rule. Failure to timely provide the information to the department shall result in the delay of the effective date for 1 year.

(5) The department shall pay to the governing authority of the municipality that levies the surtax all proceeds, penalties, and interest collected under this section less any costs of administration. Any administrative deductions by the department may not exceed 2 percent of the total annual collections.

(6) A municipality that levies the surtax shall include in the financial report required under s. 218.32 information showing the revenues and the expenses of the surtax proceeds for the fiscal year.

And the title is amended as follows:

On page 6, line 10, after the semicolon (;) insert: creating s. 166.31, F.S.; authorizing the governing authority of a municipality to levy a surtax on documents pursuant to an ordinance approved by the electors of the municipality; requiring that the proceeds from the surtax be expended for infrastructure improvements; requiring that an advisory board be created to recommend infrastructure projects; providing requirements for developing, amending, and adopting a list of infrastructure projects; requiring notice and public hearings; requiring that the advisory board monitor the expenditure of the surtax proceeds; requiring the governing authority to notify the Department of Revenue of the imposition of the surtax; authorizing the department to retain a portion of the proceeds for administrative costs; requiring that a municipality levying the surtax file certain financial reports;

On motion by Senator Bennett, **CS for CS for CS for SB 360** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dawson	Pruitt
Alexander	Dockery	Rich
Aronberg	Garcia	Saunders
Atwater	Geller	Sebesta
Baker	Hill	Siplin
Bennett	King	Smith
Bullard	Klein	Villalobos
Campbell	Lawson	Webster
Carlton	Lynn	Wilson
Clary	Margolis	Wise
Constantine	Miller	
Crist	Peaden	

Nays—5

Argenziano	Haridopolos	Posey
Diaz de la Portilla	Jones	

Vote after roll call:

Yea—Fasano

MOTION

On motion by Senator Bennett, the Senate requested the House pass **CS for CS for CS for SB 360** as passed by the Senate and in the event the House refused, a conference committee was requested.

CS for CS for CS for SB 444—A bill to be entitled An act relating to the development of water supplies; amending s. 373.019, F.S.; defining the terms "alternative water supply," "capital costs," and "multijurisdictional water supply entities"; amending s. 373.196, F.S.; encouraging cooperation in the development of water supplies; providing for alternative water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management district in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; amending s. 373.1961, F.S.; providing general powers and duties of the water management districts in water production; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; creating a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the total capital costs of an approved project; establishing a selection process and criteria; providing for cost recovery from the Public Service Commission; repealing paragraph (c) of subsection (4) of s. 373.0831, F.S.; relating to certain alternative water supply development projects; amending s. 373.1962, F.S.; clarifying that counties, municipalities, and special districts may execute interlocal agreements to create regional water supply authorities; amending s. 373.223, F.S.; establishing criteria for certain water supply entities to be presumed to have a use consistent with the public interest for requirements for consumptive use permitting; amending s. 373.236, F.S.; providing permits of at least 20 years for development of alternative water supplies under certain conditions; amending s. 373.459, F.S.; requiring that entities receiving state funding for implementation of surface water improvement and management projects provide a 50-percent match of cash or in-kind services; amending s. 373.0361, F.S.; providing for the development of regional water supply plans; providing requirements for the content of each plan; providing for an approval process for the plans; providing for annual updates; providing for local government use of the plans; providing notification requirements for water management districts concerning findings within the plan; requiring identified entities to select alternative water supply projects and provide periodic status reports; changing the deadline for certain plan updates; amending s. 163.3177, F.S.; requiring a local government to incorporate alternative water supply projects into the comprehensive plan; requiring local governments to identify specific projects needed; providing for cooperative planning; amending s. 163.3180, F.S.; requiring adequate water supplies to serve new development; amending s. 163.3191, F.S.; requiring the evaluation and appraisal report to evaluate the degree to which the local government has implemented the work plan for regional water supply facilities, including development of alternative water supplies necessary to serve existing and new development; amending s. 403.067, F.S.; providing that initial allocation of allowable pollutant loads between point and nonpoint sources may be developed as part of a total maximum daily load; establishing criteria for establishing initial and detailed allocations to attain pollutant reductions; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads that establish incremental total maximum daily loads under certain conditions; requiring the development of basin management action plans; requiring that basin management action plans integrate the appropriate management strategies to achieve the total maximum daily loads; requiring that the plans establish a schedule for implementing management strategies; requiring that a basin management action plan equitably allocate pollutant reductions to individual basins or to each identified point source or category of nonpoint sources; authorizing that plans may provide pollutant load reduction credits to dischargers that have implemented strategies to reduce pollutant loads prior to the development of the basin management action plan; requiring that the plan identify mechanisms by which potential future sources of pollution will be addressed; requiring that the department assure key stakeholder participation in the basin management action planning process; requiring that the department hold at least one public meeting to discuss and receive comments during the planning process; providing notice requirements; requiring that the department adopt all or part of a basin management action plan by secretarial order pursuant to ch. 120, F.S.; requiring that basin management action plans that alter that calculation or initial allocation of a total maximum daily load, the revised calculation, or initial allocation must be adopted by rule; requiring periodic evaluation of basin management action plans; requiring that revisions to plans be made by the department in cooperation with stakeholders; providing for basin plan revisions regarding nonpoint pollutant sources; requiring that adopted basin management action plans be included in subsequent NPDES permits or permit modifications; providing that implementation of a total maximum daily load or basin management action plan for holders of an NPDES municipal separate stormwater sewer system permit may be achieved through the use of best management practices; providing that basin management action plans do not relieve a discharger from the requirement to obtain, renew, or modify an NPDES permit or to abide by other requirements of the permit; requiring that plan management strategies be completed pursuant to the schedule set forth in the basin management action plan and providing that the implementation schedule may extend beyond the term of an NPDES permit; providing that management strategies and pollution reduction requirements in a basin management action plan for a specific pollutant of concern are not subject to a challenge under ch. 120, F.S., at the time they are incorporated, in identical form, into a subsequent NPDES permit or permit modification; requiring timely adoption and implementation of pollutant reduction actions for nonagricultural pollutant sources not subject to NPDES permitting but regulated pursuant to other state, regional, or local regulatory programs; requiring timely implementation of best management practices for nonpoint pollutant source dischargers not subject to permitting at the time a basin management action plan is adopted; providing for presumption of compliance under certain circumstances; providing for enforcement action by the department or a water management district; requiring that a landowner, discharger, or other responsible person that is implementing management strategies specified in an adopted basin management action plan will not be required by permit, enforcement action, or otherwise to implement additional management strategies to reduce pollutant loads; providing that the authority of the department to amend a

basin management plan is not limited; requiring that the department verify at representative sites the effectiveness of interim measures, best management practices, and other measures adopted by rule; requiring that the department use its best professional judgment in making initial verifications that best management practices are not effective; requiring notice to the appropriate water management district and the Department of Agriculture and Consumer Services under certain conditions; establishing a presumption of compliance for implementation of practices initially verified to be effective or verified to be effective at representative sites; limiting the institution of proceedings by the department against the owner of a source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants; requiring the Department of Agriculture and Consumer Services to institute a reevaluation of best management practices or other measures where water quality problems are detected or predicted during the development or amendment of a basin management action plan; providing for rule revisions; providing the department with rulemaking authority; requiring that a report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing recommendations on rules for pollutant trading prior to the adoption of those rules; requiring that recommendations be developed in cooperation with a technical advisory committee containing experts in pollutant trading and representatives of potentially affected parties; deleting a requirement that no pollutant trading program shall become effective prior to review and ratification by the Legislature; amending ss. 373.4595 and 570.085, F.S.; correcting cross-references; amending s. 403.885, F.S.; revising requirements relating to the department's grant program for water quality improvement and water restoration project grants; eliminating grants for water quality improvement, water management, and drinking water projects; authorizing grants for wastewater management; creating additional criteria for funding storm water grants; requiring local matching funds; providing an exception from matching fund requirements for financially disadvantaged small local governments; creating s. 403.890, F.S.; establishing the Water Protection and Sustainability Program; establishing a funding formula for the distribution of revenues; providing for legislative review; providing an effective date.

—as amended May 2 was read the third time by title.

On motion by Senator Dockery, **CS for CS for CS for SB 444** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—1

Saunders

Vote after roll call:

Nay to Yea—Saunders

CS for CS for SB 332—A bill to be entitled An act relating to trust funds; creating s. 403.891, F.S.; creating the Water Protection and Sustainability Trust Fund within the Department of Environmental Protection; providing for sources of funds and purposes; providing for an annual carryforward of funds; providing for future legislative review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Dockery, **CS for CS for SB 332** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1089—A bill to be entitled An act relating to independent postsecondary education; amending s. 1005.31, F.S.; providing requirements of independent postsecondary educational institutions licensed by the Commission for Independent Education; providing requirements for an investigative process for licensure of applicants; revising provisions relating to applicant status; providing for inspections; creating s. 1005.375, F.S.; specifying acts that constitute violations and providing penalties therefor; amending s. 1005.38, F.S.; providing requirements for investigation of a suspected violation of the chapter or rules; providing additional grounds for disciplinary actions; providing for a final order to dismiss a complaint or impose specified penalties; providing for imposition and collection of an assessment relating to investigation and prosecution of a case; providing for an emergency suspension or restriction order; creating s. 1005.385, F.S.; requiring the commission to adopt rules relating to issuance of a citation to an institution and violations for which a citation may be issued; specifying requirements for issuance; amending s. 1010.83, F.S.; providing for the inclusion in the Institutional Assessment Trust Fund of fees and fines imposed on institutions; specifying separate accounts; revising uses of funds in the trust fund; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 1089** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1091—A bill to be entitled An act relating to public records and public meetings exemptions for investigations by the Commission for

Independent Education; amending s. 1005.38, F.S.; creating an exemption from public records requirements for investigatory records, including minutes and findings of an exempt probable cause panel meeting, relating to suspected violations of ch. 1005, F.S., or commission rules; creating an exemption from public meetings requirements for certain portions of meetings of a probable cause panel; providing for limited duration of the exemptions; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 1091** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1395—A bill to be entitled An act relating to beach safety; amending s. 380.276, F.S.; revising the provisions for the placement of uniform warning and safety flags at public beaches; prohibiting the display of flags not specifically developed by the Department of Environmental Protection; revising liability provisions; authorizing the department to develop and distribute information and materials related to beach safety; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **HB 1395** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Lynn

HB 1559—A bill to be entitled An act relating to respite care; creating s. 400.4071, F.S.; creating an intergenerational respite care assisted living facility pilot program; providing legislative intent; providing duties of the Agency for Health Care Administration with respect to the program; providing requirements and standards for the program; providing for rules; requiring a report to the Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Wilson, **HB 1559** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **CS for CS for SB 2542** was deferred.

HB 1651—A bill to be entitled An act relating to chiropractic education; amending s. 400.9905, F.S.; providing that pt. XIII of ch. 400, F.S., the Health Care Clinic Act, does not apply to clinical facilities affiliated with certain chiropractic colleges; amending s. 460.402, F.S.; providing an exception to regulation for chiropractic students participating in chiropractic college clinical internships; amending s. 460.403, F.S.; defining "chiropractic college clinical internship"; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, **HB 1651** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1715—A bill to be entitled An act relating to domestic security; amending s. 943.03101, F.S.; providing that counter-terrorism coordination must be conducted in accordance with the state comprehensive emergency management plan; amending ss. 943.03 and 943.0311, F.S.; changing the title of the position "Chief of Domestic Security Initiatives" to "Chief of Domestic Security"; revising references to conform; clarifying duties of the Chief of Domestic Security; revising provisions relating to required security assessments of buildings, facilities, and structures owned or leased by state agencies, state universities, and community colleges; requiring certain assessments to be provided to the Chief of Domestic Security within a specified timeframe; revising requirements

with respect to a report by the Chief of Domestic Security regarding suggestions for security enhancements; revising provisions with respect to the recommendation, development, and implementation of best practices for the safety and security of specified buildings, facilities, and structures; amending s. 943.0312, F.S.; revising provisions with respect to regional domestic security task forces; conforming language; providing an additional duty of the task forces; revising the organization and membership of the task forces; providing editorial changes; requiring the task forces to make specified recommendations to the Domestic Security Oversight Council; creating s. 943.0313, F.S.; creating the Domestic Security Oversight Council; providing purpose of the council; providing for membership of the council; providing for organization, meetings, staffing, and duties of the council; providing for the establishment of an executive committee and membership thereof; providing duties of the executive committee; requiring annual reports to the Governor and Legislature; providing that the council is a criminal justice agency for the purposes of ch. 119, F.S.; amending s. 381.00315, F.S., to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **HB 1715** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1801—A bill to be entitled An act relating to public meetings and public records; creating s. 943.0314, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings of the Domestic Security Oversight Council at which the council hears or discusses active criminal investigative information or active criminal intelligence information; providing conditions precedent to the closing of such meeting or portion thereof; providing an exemption from public records requirements for an audio or video recording of a closed meeting of the council and any minutes and notes generated during the closed meeting until the criminal investigative information or criminal intelligence information heard or discussed therein ceases to be active; specifying those persons who are authorized to attend a closed meeting of the council; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **HB 1801** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Campbell	Dockery
Argenziano	Carlton	Fasano
Aronberg	Clary	Garcia
Atwater	Constantine	Geller
Baker	Crist	Haridopolos
Bennett	Dawson	Hill
Bullard	Diaz de la Portilla	Jones
King	Peaden	Siplin
Klein	Posey	Smith
Lawson	Pruitt	Villalobos
Lynn	Rich	Webster
Margolis	Saunders	Wilson
Miller	Sebesta	Wise

Nays—None

HB 1921—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 741.3165, F.S.; expanding the exemption from public records requirements for confidential or exempt information obtained by a domestic violence fatality review team to include information that identifies a victim of domestic violence or the children of a victim; expanding the exemption from public meetings requirements to exempt those portions of meetings at which confidential or exempt information is discussed; providing for review and repeal; providing a statement of public necessity; removing unnecessary language; making clarifying changes; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **HB 1921** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **CS for CS for SB 1110** was deferred.

The Senate resumed consideration of—

HB 1659—A bill to be entitled A bill to be entitled An act relating to parental notification of termination of a minor's pregnancy; amending s. 390.01115, F.S.; providing a popular name; providing definitions; providing that actual notice shall be given by the physician who will perform the termination of pregnancy procedure; providing for written notice in certain circumstances; specifying information required to be included in notices; providing circumstances in which prior notice is not required; providing that violation of the notice requirements by physicians shall be considered medical malpractice; providing procedures for judicial waiver of notice; providing circumstances under which certain circuit courts may grant a petition for a judicial waiver of notice; providing for the appointment of a guardian ad litem and counsel; providing time requirements for court proceedings; requiring written transcripts of certain proceedings; providing for confidentiality; providing for the availability of an appeal under certain circumstances; waiving filing fees and court costs for certain minors; relieving counties of certain counsel costs; requiring the Supreme Court to ensure certain proceedings are conducted expeditiously and lawfully; providing an effective date.

—which was previously considered and amended April 27.

RECONSIDERATION OF AMENDMENT

On motion by Senator Dockery, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (245870)** was adopted on April 27.

MOTION

On motion by Senator Dockery, the rules were waived to allow the following amendment to be considered:

Senator Dockery moved the following amendment to **Amendment 1**:

Amendment 1A (480528)—On page 1, line 25 through page 2, line 1, delete those lines and insert:

(a) "Actual notice" means notice that is given directly, in person or by telephone, to a parent or legal guardian of a minor, by a physician, at least 48 hours before the inducement or performance of a termination of pregnancy, and documented in the minor's files.

(b) "Child abuse" has the same meaning as s. 39.0015(3).

(c) "Constructive notice" means notice that is given in writing, signed by the physician, and mailed at least 72 hours before the inducement or performance of the termination of pregnancy, to the last known address of the parent or legal guardian of the minor, with overnight delivery guaranteed, return receipt requested, delivery restricted to the parent or legal guardian, and signature confirmation of receipt.

On motion by Senator Dockery, further consideration of **HB 1659** with pending **Amendment 1 (245870)** and pending **Amendment 1A (480528)** was deferred.

MOTION

On motion by Senator Posey, the Senate recalled—

HB 1377—A bill to be entitled An act relating to ethics; amending s. 104.31, F.S.; prohibiting state or political subdivision employees from participating in political campaigns during on-duty hours or certain other hours; amending s. 112.313, F.S.; applying the prohibition on disclosure or use of certain information to former public officers, public employees, and local government attorneys; providing an exception to such prohibition; revising postemployment restrictions to apply to other-personal-services temporary employees; exempting certain agency employees from postemployment restrictions; providing for certain disclosure statements to be filed with the Commission on Ethics instead of the Department of State; revising a prohibition on lobbying by former local officers to preclude representation before the government body or agency an officer has served; providing applicability; amending s. 112.3144, F.S.; providing for reporting of assets held by joint tenancy, joint tenancy with right of survivorship, and partnership and reporting of certain liabilities; amending s. 112.3145, F.S.; requiring the commission to send delinquency notices with return receipt requested; amending s. 112.3147, F.S.; requiring an attestation with respect to information provided on required forms; deleting a redundant provision; amending s. 112.3148, F.S.; requiring gift disclosure forms of individuals who left office or employment during the calendar year to be filed by a date certain; allowing quarterly gift disclosure forms to be considered timely filed if postmarked on or before the due date; amending s. 112.3149, F.S.; requiring gift disclosure statements of individuals who left office or employment during the calendar year to be filed by a date certain; amending s. 112.317, F.S.; authorizing the commission to recommend restitution be paid to the agency damaged by the violation or to the General Revenue Fund; authorizing the Attorney General to collect certain costs and fees incurred in bringing certain actions; deleting a provision rendering a breach of confidentiality of an ethics proceeding a misdemeanor; amending s. 112.3185, F.S.; providing for certain former agency employees to be employed by or have a contractual relationship with certain business entities; prohibiting a former agency employee from representing a client before the employee's former agency in certain matters; amending s. 112.3215, F.S.; revising the commission's rulemaking authority regarding appeals of certain fines; providing for automatic suspended registration for lobbyists who fail to timely pay a certain fine; providing an exception; requiring the commission to provide written notice to any lobbyist whose registration is automatically suspended; amending s. 112.322, F.S.; revising provisions relating to payment of witnesses; amending s. 914.21, F.S.; revising definitions; providing an effective date.

—for further consideration.

RECONSIDERATION OF AMENDMENT

On motion by Senator Posey, the Senate reconsidered the vote by which **Amendment 1 (305140)** was adopted this day.

MOTION

On motion by Senator Posey, the rules were waived to allow the following amendment to be considered:

Senator Posey moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (025810)(with title amendment)—On page 1, lines 23-28, delete those lines and insert:

(2) An employee of the state or any political subdivision may not participate in any political campaign for an elective office while on duty.

And the title is amended as follows:

On page 24, delete line 7 and insert: political campaign;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1377** as amended was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, May 5.

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Thursday, May 5.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 4, 2005: SB 342, CS for SB 1730, CS for CS for SB 486, CS for SB 830, SB 2572, CS for SB 664, SB 1450, CS for SCR 2024, CS for SB 2348, CS for SB 696, CS for SB 1458, CS for SB 2032, CS for CS for CS for SB 858, HB 1907, CS for CS for SB 1912, CS for SB 2070, CS for CS for CS for SB 1062, CS for SB 1624, CS for CS for SB's 1944 and 2008, CS for SB 1372, CS for SB 1542, CS for CS for SB 1442, CS for SB 2152, CS for CS for SB 2086, CS for SB 2510, CS for SB 676, CS for SB 1704, CS for SB 2352, CS for CS for SB 2502, CS for CS for CS for SB 454, CS for SB 1780, CS for CS for SB 1978, CS for SB 1184, SB 2614, SB 1820, SB 870, CS for CS for SB 1660, SB 1746, CS for SB 1830, CS for CS for SB 330, CS for CS for SB 2254, CS for CS for SB 1016, CS for CS for SB 526, CS for CS for SB 698, CS for CS for SB 1456, CS for CS for SB 1716, CS for CS for CS for SB 460, CS for CS for SB 2480, CS for CS for CS for SB 1174, CS for CS for SJR 2090

Respectfully submitted,
Ken Pruitt, Chair

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Resolutions 2780-2786—Not referenced.

By Senator Campbell—

SB 2788—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending, reenacting, repealing, and codifying chapters 63-661, 82-273, 85-385, 94-428, and 97-370, Laws of Florida, relating to the North Lauderdale Water Control District; revising district boundaries; revising the powers of the district to provide that the district may borrow money at a rate not exceeding that which is provided by law; providing that the members of the board of supervisors shall be the "city commission," rather than the "city council," of the City of North Lauderdale and that a board chair and vice chair shall be elected at each annual meeting and as necessary to fill vacancies; providing meeting notice requirements and requiring that meetings be held at a public place; providing that the City Clerk of the City of North Lauderdale shall serve as the district secretary; providing for reimbursement of supervisors for travel expenses pursuant to s. 112.061, F.S.; providing that the interest rate on bonds issued by the board not exceed the maximum rate allowed by law; providing that the interest rates on tax anticipation notes issued by the board shall not exceed the maximum rate allowed by law; deleting a provision relating to payment of taxes not authorized in advance; providing for the use of non-ad valorem assessments; updating references to ch. 298, F.S.; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 60, SB 114, CS for CS for SB 202, SB 288, CS for CS for SB 328, CS for SB 474, SB 574, CS for CS for SB 620, CS for CS for SB 652, CS for SB 660, SB 730, CS for SB 786, CS for SB 822, CS for CS for SB 874, SB 878, CS for CS for CS for SB 1010, SB 1020, CS for CS for SB 1090, CS for CS for SB 1114, CS for SB 1118, SB 1122, CS for SB 1194, CS for SB 1244, CS for SB 1300, CS for SB 1312, CS for SB 1318, CS for SB 1330, CS for CS for SB 1348, CS for SB 1354, CS for CS for CS for SB 1366, CS for SB 1432, CS for SB 1436, CS for SB 1438, CS for CS for SB 1446, CS for SB 1454, SB 1460, SB 1502, CS for SB 1602, CS for CS for SB 1650, SB 1678, CS for SB 1722, CS for SB 1868, CS for SB 2006, CS for SB 2146, SB 2268, CS for SB 2278, SB 2452, CS for CS for SB 2498 and CS for CS for SB 2550; has passed CS for SB 1098 by the required constitutional two-thirds vote of the members voting; has passed CS for SB 2196 by the required constitutional three-fifths vote of the membership of the House.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 3 was corrected and approved.

CO-INTRODUCERS

Senators Argenziano—SB 2132; Crist—CS for CS for CS for SB 2, CS for SB 62, CS for SB 72, CS for SB 74, CS for CS for SB 126, CS for SB 476, CS for SB 482, CS for SB 494, SB 538, CS for SB 552, CS for CS for SB 572, SB 630, CS for CS for SB 632, CS for SB 656, CS for SB 664, CS for SB 748, SB 752, CS for CS for SB 774, CS for CS for SB 778, SB 784, CS for SB 890, CS for SB 970, CS for CS for CS for SB 1026, CS for SB 1028, CS for SB 1082, CS for CS for SB 1090, CS for SB 1096, CS for SB 1262, CS for SB 1294, CS for CS for CS for SB 1314, SB 1448, CS for SB 1458, CS for SB 1466, SB 1678, CS for SB 1722, CS for CS for CS for SB 1770, CS for SB 1830, CS for CS for SB 1850, CS for CS for SB 1872, CS for SB 1884, CS for CS for SB 1910, CS for SB 2190, CS for SB 2220, CS for SB 2378, CS for SB 2638; Klein—CS for CS for CS for SB 210, SB 308, CS for SB 1604; Posey—SB 162, SB 166, CS for SB 494, CS for SB 660, CS for CS for CS for SB 750, CS for SB 864, SB 878, SB 1240, SB 1242, CS for CS for SB 1316, CS for CS for SB 1456, SB 1460, SB 1512, CS for CS for SB 1526, CS for SB 1702, CS for SB 1854, CS for SB 1908, CS for SB 2056, CS for SB 2074, CS for SB 2156, CS for SB 2184, SB 2288, CS for SB 2332, CS for SB 2364, CS for SB 2516; Rich—CS for CS for SB 1716; Siplin—CS for SB 1862; Smith—SB 2132; Wilson—CS for SB 124, CS for CS for SB 126, CS for SB 284, CS for SB 546, CS for CS for SB 620, CS for SB 658, CS for SB 1082, CS for SB 1096, CS for SB 1098, CS for SB 1498, SB 1502, CS for SB 1702, CS for SB 1868, CS for SB 1926, CS for CS for SB 1968, CS for SB 2050, CS for SB 2432

RECESS

On motion by Senator Pruitt, the Senate recessed at 8:27 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, May 5 or upon call of the President.

Journal of the Senate

Number 26—Regular Session **Thursday, May 5, 2005**

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CALL TO ORDER

The Senate was called to order by President Lee at 10:52 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by Pastor Lionel Leonard, House of Comfort and Refuge Ministries, Tallahassee:

O Lord, our God: We come humbly before your presence, submitting our will unto you that you will provide unto us this day your divine guidance. We pray that you will direct every thought and every action of these distinguished senators of the State of Florida.

We thank you for this day that thou have made, and for blessing us with reasonable health and strength. Lord, we thank you for touching the hearts of these senators who thought it not robbery to take unto themselves the awesome responsibility to establish laws and regulations by which the citizens of the great State of Florida may enjoy a better quality of life. Legislation that will enhance our communities, where we may feel safe and secure as we enjoy all the blessings and benefits that are afforded us as citizens of the State of Florida, and this great nation. Because of their love and concern for the people, Lord, you have blessed them to willingly make great sacrifices of their time, their energies, and even their families. For this, we say thank you.

Dear God, bless them with the wisdom of Solomon, the integrity of Joseph, and the strength of Samson, that they may be guided by you during these last few hours of deciding the critical issues that must be done for the well-being of all citizens of the State of Florida. Allow them to be steadfast, unmovable, and always abounding in the charge and responsibilities that have been entrusted upon them.

Hear our prayer, O Lord, incline thine ear unto us. This we pray in thy name. Amen.

PLEDGE

Senate Pages Danielle Sewell of Groveland; Joia Jefferson of Tallahassee; William S. Santiago of Winter Garden; and Abigail Carbonell of Orlando, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Leon "Skip" Beeler of Kennedy Space Center, sponsored by Senator Haridopolos, as doctor of the day. Dr. Beeler specializes in Emergency Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator King—

By Senator King—

SR 2790—A resolution recognizing Lucy Morgan, Capital Bureau Chief and Associate Editor of the St. Petersburg Times, upon the occasion of her retirement following a distinguished career.

WHEREAS, Lucy Morgan joined the St. Petersburg Times staff in 1968, beginning an eventful career during which she risked an 8-month jail term in 1973 in order to protect the identity of confidential sources and won the Pulitzer Prize in 1985 for investigative reporting, and

WHEREAS, Lucy became the Tallahassee Bureau Chief for the Times in 1986 and has covered the Senate a decade longer than any current incumbent Senator has been in the Senate, and

WHEREAS, Lucy always favored covering the Senate over the House - particularly since she shattered her ankle in the House press gallery in 2000, and

WHEREAS, reporters who have learned about Florida politics and government working under Bureau Chief Lucy Morgan have gone on to The New York Times, Los Angeles Times, Washington Post, Wall Street Journal, Chicago Tribune, and Boston Globe, and

WHEREAS, in the era before cell phones and e-mails, Lucy Morgan researched her stories the old-fashioned way: tracking lobbyists and legislators through the Capitol hallways, into hideaway offices, over to Clyde's, and on to the Silver Slipper, and

WHEREAS, Lucy is particularly adept at conning Senators into giving her budget documents and proposed bills they haven't read, and then turning the documents and bills over to her reporters so she won't have to read them either, and

WHEREAS, many a legislator has felt a mixture of anticipation and dread upon seeing a message that "Lucy Morgan from the St. Pete Times called," and

WHEREAS, for many legislators, nothing has been more frustrating than to arrive at a secret meeting only to look up and see Lucy sitting in the room, holding a yellow legal pad, and taking copious notes, and

WHEREAS, Lucy has been a powerful force for public records and open meetings in this state, and has helped set a standard for reporting that keeps Floridians informed and holds public officials accountable, and

WHEREAS, this is Lucy's last Regular Session of the Legislature before she retires in November, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Lucy Morgan, Capital Bureau Chief of the St. Petersburg Times, is commended for her service to the State of Florida and for her commitment to a free and independent press.

BE IT FURTHER RESOLVED that, in honor of her retirement from the Capitol Press Corps, the Senate Press Gallery is hereby designated as the "Lucy Morgan Senate Press Gallery."

—was introduced out of order and read by title. On motion by Senator King, **SR 2790** was read the second time in full and adopted. The vote on adoption was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

At the request of Senator Bullard—

By Senator Bullard—

SR 1740—A resolution expressing affection for and gratitude to all fathers.

WHEREAS, Sunday, June 19, 2005, has been designated as Father's Day in the United States, and

WHEREAS, the greatest education in honesty, decency, integrity, industry, and fidelity is to see these qualities embodied in the life and works of a parent, and

WHEREAS, the American tradition of a productive society and a secure home has depended in great part on the hard work and sacrifice of fathers who tirelessly seek for their children a better life and greater opportunity than they knew, and

WHEREAS, fulfilling the demanding roles of fatherhood, as provider, teacher, role model, comforter, and protector, is an act of true heroism in today's world, and

WHEREAS, each new generation looks to its fathers for courage, strength, and understanding, and

WHEREAS, the enduring affection between a father and his family is recognized and appreciated as one of the most positive elements upon which our future as a nation depends, and

WHEREAS, it is fitting and appropriate that the members and staff of the Florida Senate recognize the immeasurable debt of gratitude owed to fathers for their strength, guidance, understanding, and love, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the members of the Florida Senate do hereby express to their own fathers and to all fathers, on behalf of the people of the State of Florida, deep personal affection and abiding gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the Senate as a tangible token of the love and respect that the members hold for all fathers.

—**SR 1740** was introduced, read and adopted by publication.

At the request of Senator Argenziano—

By Senator Argenziano—

SR 2784—A resolution recognizing October 2005 as "Breast Cancer Awareness Month" in Florida.

WHEREAS, breast cancer is the most common cancer diagnosed in women in the nation, and

WHEREAS, Florida ranks third in the nation for total number of new breast cancer cases and deaths from breast cancer, and

WHEREAS, all women are at risk for breast cancer and the single most important risk factor is age, such that breast cancers predominantly occur in women age 50 and older, and the risk increases with age until age 80, and

WHEREAS, the American Cancer Society estimates that more than 13,430 new cases of invasive breast cancer in Florida will be diagnosed, and approximately 2,570 women will die of the disease during the year 2005, and

WHEREAS, a woman living in Florida has a one in seven chance of developing breast cancer, and

WHEREAS, breast cancer is the second most common cause of cancer death in white women and the number one cause of cancer death among African-American women, and

WHEREAS, early detection, through routine clinical examinations and mammography screening beginning at age 40 in compliance with the American Cancer Society's recommended guidelines, is the key to detecting breast cancer at the earliest stages, and

WHEREAS, the 5-year survival rate for breast cancer, if the disease is found in its earliest stages, is 98 percent, but drops to 26 percent if the cancer is detected late, in a stage of metastases, and

WHEREAS, in conjunction with the promotion of October as Breast Cancer Awareness Month, breast cancer awareness programs, such as the American Cancer Society's Reach to Recovery Program, promotes early breast cancer detection through regular screening, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the month of October 2005 is recognized as "Breast Cancer Awareness Month" in Florida and all women are urged to understand the risks associated with breast cancer, to take preventive steps to minimize those risks, and to undergo early detection procedures, such as mammography, in compliance with the American Cancer Society's recommended guidelines for breast cancer screening.

—**SR 2784** was introduced, read and adopted by publication.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Argenziano—

SB 342—A bill to be entitled An act relating to jai alai; amending s. 550.002, F.S.; redefining the term "full schedule of live racing or games" for purposes of ch. 550, F.S., to include a jai alai permitholder who conducted a certain number of live performances in a specified time

period; amending s. 550.09511, F.S.; providing the amount of license fees and taxes for a jai alai permitholder that conducts fewer than a certain number of live performances in any calendar year; providing an effective date.

—was read the second time by title.

The Committee on Regulated Industries recommended the following amendment which was moved by Senator Argenziano and failed:

Amendment 1 (432388)(with title amendment)—On page 1, delete line 28 and insert: *alai permitholder who does not operate slot machines within the permitholder's licensed pari-mutuel facility and under whose permit a minimum of 100 live*

And the title is amended as follows:

On page 1, line 6, after "permitholder" insert: who does not operate slot machines in a licensed pari-mutuel facility and

Senator Argenziano moved the following amendment which was adopted:

Amendment 2 (612518)(with title amendment)—On page 1, line 27 through page 2, line 1, delete those lines and insert: performances during either of the 2 preceding years; *for a jai alai permitholder that does not operate slot machines in its pari-mutuel facility, that has conducted at least 100 live performances per year for at least 10 years after December 31, 1992, and whose handle on live jai alai games conducted at its pari-mutuel facility has been less than $4 million per state fiscal year for at least 2 consecutive years after June 30, 1992, the conduct of a combination of at least 40 live evening or matinee performances during the preceding year; for a jai alai permitholder that operates slot machines in its pari-mutuel facility, the conduct of a combination of at least 150 performances during the preceding year;* for a harness permitholder, the conduct of at

And the title is amended as follows:

On page 1, lines 4-7, delete those lines and insert: schedule of live racing or games" for certain jai alai permitholders;

Pursuant to Rule 4.19, **SB 342** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2070**, **CS for SB 2564**, **CS for SB 2566**, **CS for SB 2568**, **CS for CS for SB 1488**, **CS for CS for SB 1478**, **CS for CS for CS for SB 1174**, **CS for CS for CS for SB 2068**, **CS for CS for SB 2480** and **SB 2000** was deferred.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

Consideration of **HJR 1723**, **HJR 1727**, **HJR 1741** and **HB 1471** was deferred.

HB 1267—A bill to be entitled An act relating to nursing homes; amending s. 400.23, F.S.; providing for alternative bed locations in nursing home rooms and providing criteria for bed placement; requiring a signed statement from the resident or representative if the alternative bed placement is not in compliance with the Florida Building Code; requiring the facility to maintain a log of alternative bed placements and to retain the signed statements; requiring the nursing home to notify the Agency for Health Care Administration with respect to such practice; amending s. 633.022, F.S.; requiring nursing homes to be protected by certain automatic sprinkler systems; providing a schedule; authorizing the Division of State Fire Marshal to grant certain time extensions; authorizing the division to adopt certain rules; providing for administrative sanctions under certain circumstances; requiring adjustments to certain provider Medicaid rates for reimbursement for Medicaid's portion of costs to meet certain requirements; requiring funding for such adjustments to come from existing nursing home appropriations; creating s. 633.024, F.S.; providing legislative findings and intent; creating s. 633.0245, F.S.; authorizing the State Fire Marshal to enter into an investment agreement with public depositories to establish the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program as a limited loan guarantee program to retrofit nursing homes with fire protection systems; providing investment and agreement limitations; requiring the State Fire Marshal to solicit requests for proposals; providing for application requirements and procedures; providing for review and approval by the State Fire Marshal; providing application requirements and procedures for program loans by public depositories; providing deadlines and limitations; limiting certain claims for loss under certain circumstances; providing a definition; authorizing the State Fire Marshal to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **HB 1267** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

On motion by Senator Atwater, by two-thirds vote **HB 1813** was withdrawn from the Committees on Government Efficiency Appropriations; Commerce and Consumer Services; Criminal Justice; General Government Appropriations; and Ways and Means.

On motion by Senator Atwater, the rules were waived and by two-thirds vote—

HB 1813—A bill to be entitled An act relating to tax administration; amending s. 95.091, F.S.; adding a cross-reference; amending s. 198.32, F.S.; allowing an estate that is not required to file a federal tax return to file with the clerk of the court an affidavit attesting that no Florida estate tax is due, regardless of the decedent's date of death; amending s. 199.135, F.S.; providing special provisions for the imposition of the nonrecurring intangibles tax imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.02, F.S.; providing special provisions for the imposition of the tax on deeds or other instruments relating to real property or interests in real property imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.08, F.S.; providing special provisions for the imposition of the tax on promissory or nonnegotiable notes or written obligations to pay money imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 202.11, F.S.; providing an additional definition of the term "service address" for the purposes of the tax on communications services; amending ss. 206.09, 206.095, 206.14, and 206.485, F.S., relating to fuel taxes; providing for the distribution of penalties; amending s. 206.27, F.S.; allowing the Department of Revenue the option of posting the list of active and canceled fuel licenses on the departmental web site or mailing it to licensees; amending s. 212.05, F.S.; clarifying the tax treatment of nonresident purchasers of airplanes; amending s. 212.06, F.S.; clarifying that sales tax is not due on any vessel imported into this state for the sole purpose of being offered for retail sale by a registered yacht broker or dealer in this state under certain conditions; amending s. 212.11, F.S.; correcting a cross-reference; amending s. 212.12, F.S.; including in the definition of tax fraud willful attempts to evade a tax, surcharge, or fee imposed by chapter 212, F.S.; providing penalties; amending s. 213.053, F.S.; authorizing expanded sharing of confidential information between the Department of Revenue and the Department of Agriculture and Consumer

Services for the Bill of Lading Program; amending s. 213.21, F.S.; specifying which taxes qualify for the automatic penalty compromise or settlement of liability; providing for retroactivity; amending s. 213.27, F.S.; clarifying that the notification by the Department of Revenue to the taxpayer that the taxpayer's account is being referred to a debt collection agency must be at least 30 days before the referral; amending s. 215.26, F.S.; adding a cross-reference; amending s. 252.372, F.S.; authorizing the Florida Surplus Lines Service Office to collect the Emergency Management, Preparedness, and Assistance Trust Fund surcharge and deposit the proceeds into the trust fund; providing applicability; amending s. 443.131, F.S.; requiring employers who transfer their business to a related entity to retain their unemployment experience history under certain circumstances; providing penalties; amending s. 443.141, F.S.; authorizing the Department of Revenue to send to employers by regular mail notices of unemployment tax assessments and notices of the filing of liens; amending s. 624.509, F.S.; revising a definition to clarify that adjusters, managing general agents, and service representatives are employees; creating s. 624.50921, F.S.; creating a statute of limitations for assessments of the insurance premium tax if the amount of corporate income tax or a workers' compensation administrative assessment paid by the insurer is adjusted through an amended return or refund; reviving and readopting s. 213.21, F.S., relating to informal conference procedures within the Department of Revenue; providing effective dates.

—a companion measure, was substituted for **CS for SB 2032** as amended and read the second time by title and by two-thirds vote was read the third time by title.

Senator Atwater moved the following amendment:

Amendment 1 (635506)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 95.091, Florida Statutes, is amended to read:

95.091 Limitation on actions to collect taxes.—

(3)(a) With the exception of taxes levied under chapter 198 and tax adjustments made pursuant to *ss.* ~~s.~~ 220.23 *and 624.50921*, the Department of Revenue may determine and assess the amount of any tax, penalty, or interest due under any tax enumerated in s. 72.011 which it has authority to administer and the Department of Business and Professional Regulation may determine and assess the amount of any tax, penalty, or interest due under any tax enumerated in s. 72.011 which it has authority to administer:

1.a. For taxes due before July 1, 1999, within 5 years after the date the tax is due, any return with respect to the tax is due, or such return is filed, whichever occurs later; and for taxes due on or after July 1, 1999, within 3 years after the date the tax is due, any return with respect to the tax is due, or such return is filed, whichever occurs later;

b. Effective July 1, 2002, notwithstanding sub-subparagraph a., within 3 years after the date the tax is due, any return with respect to the tax is due, or such return is filed, whichever occurs later;

2. For taxes due before July 1, 1999, within 6 years after the date the taxpayer either makes a substantial underpayment of tax, or files a substantially incorrect return;

3. At any time while the right to a refund or credit of the tax is available to the taxpayer;

4. For taxes due before July 1, 1999, at any time after the taxpayer has filed a grossly false return;

5. At any time after the taxpayer has failed to make any required payment of the tax, has failed to file a required return, or has filed a fraudulent return, except that for taxes due on or after July 1, 1999, the limitation prescribed in subparagraph 1. applies if the taxpayer has disclosed in writing the tax liability to the department before the department has contacted the taxpayer; or

6. In any case in which there has been a refund of tax erroneously made for any reason:

a. For refunds made before July 1, 1999, within 5 years after making such refund; and

b. For refunds made on or after July 1, 1999, within 3 years after making such refund,

or at any time after making such refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact.

Section 2. Subsection (2) of section 198.32, Florida Statutes, is amended to read:

198.32 Prima facie liability for tax.—

(2) Whenever an estate is not subject to tax under this chapter and is not required to file a return, the personal representative may execute an affidavit attesting that the estate is not taxable. The form of the affidavit shall be prescribed by the department, and shall include, but not be limited to, statements regarding the decedent's domicile and whether a federal estate tax return will be filed, and acknowledgment of the personal representative's personal liability under s. 198.23. This affidavit shall be subject to record and admissible in evidence to show nonliability for tax. *This subsection applies to all estates, regardless of the date of death of the decedent.*

Section 3. Subsection (5) is added to section 199.135, Florida Statutes, to read:

199.135 Due date and payment of nonrecurring tax.—The nonrecurring tax imposed on notes, bonds, and other obligations for payment of money secured by a mortgage, deed of trust, or other lien evidenced by a written instrument presented for recordation shall be due and payable when the instrument is presented for recordation. If there is no written instrument or if it is not so presented within 30 days following creation of the obligation, then the tax shall be due and payable within 30 days following creation of the obligation.

(5)(a) In recognition of the special escrow requirements that apply to sales of timeshare interests in timeshare plans pursuant to s. 721.08, tax on notes or other obligations secured by a mortgage, deed of trust, or other lien upon real property situated in this state executed in conjunction with the sale by a developer of a timeshare interest in a timeshare plan is due and payable on the earlier of the date on which:

1. The mortgage, deed of trust, or other lien is recorded; or

2. All of the conditions precedent to the release of the purchaser's escrowed funds or other property pursuant to s. 721.08(2)(c) have been met, regardless of whether the developer has posted an alternative assurance. Tax due under this subparagraph is due and payable on or before the 20th day of the month following the month in which these conditions were met.

(b)1. If tax has been paid to the department under subparagraph (a)2., and the note, other written obligation, mortgage, deed of trust, or other lien with respect to which the tax was paid is subsequently recorded, a notation reflecting the prior payment of the tax must be made upon the mortgage or other lien.

2. Notwithstanding paragraph (a), if funds are designated on a closing statement as tax collected from the purchaser, but the mortgage, deed of trust, or other lien with respect to which the tax was collected has not been recorded or filed in this state, the tax must be paid to the department on or before the 20th day of the month following the month in which the funds are available for release from escrow, unless the funds have been refunded to the purchaser.

(c) The department may adopt rules to administer the method for reporting tax due under this subsection.

Section 4. Subsection (10) is added to section 201.02, Florida Statutes, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(10)(a) In recognition of the special escrow requirements that apply to sales of timeshare interests in timeshare plans pursuant to s. 721.08, tax on deeds or other instruments conveying any interest in Florida real property which are executed in conjunction with the sale by a developer of a timeshare interest in a timeshare plan is due and payable on the earlier of the date on which:

1. The deed or other instrument conveying the interest in Florida real property is recorded; or

2. All of the conditions precedent to the release of the purchaser's escrowed funds or other property pursuant to s. 721.08(2)(c) have been met, regardless of whether the developer has posted an alternative assurance. Tax due pursuant to this subparagraph is due and payable on or before the 20th day of the month following the month in which these conditions were met.

(b)1. If tax has been paid to the department pursuant to subparagraph (a)2., and the deed or other instrument conveying the interest in Florida real property with respect to which the tax was paid is subsequently recorded, a notation reflecting the prior payment of the tax must be made upon the deed or other instrument conveying the interest in Florida real property.

2. Notwithstanding paragraph (a), if funds are designated on a closing statement as tax collected from the purchaser, but a default or cancellation occurs pursuant to s. 721.08(2)(a) or s. 721.08(2)(b) and no deed or other instrument conveying interest in Florida real property has been recorded or delivered to the purchaser, the tax must be paid to the department on or before the 20th day of the month following the month in which the funds are available for release from escrow unless the funds have been refunded to the purchaser.

(c) The department may adopt rules to administer the method for reporting tax due under this subsection.

Section 5. Subsection (8) is added to section 201.08, Florida Statutes, to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception.—

(8)(a) In recognition of the special escrow requirements that apply to sales of timeshare interests in timeshare plans pursuant to s. 721.08, tax on notes or other written obligations and mortgages or other evidences of indebtedness executed in conjunction with the sale by a developer of a timeshare interest in a timeshare plan is due and payable on the earlier of the date on which:

1. The note, other written obligation, mortgage or other evidence of indebtedness is recorded or filed in this state; or

2. All of the conditions precedent to the release of the purchaser's escrowed funds or other property pursuant to s. 721.08(2)(c) have been met, regardless of whether the developer has posted an alternative assurance. Tax due under this subparagraph is due and payable on or before the 20th day of the month following the month in which these conditions were met.

(b)1. If tax has been paid to the department pursuant to subparagraph (a)2., and the note, other written obligation, mortgage, or other evidence of indebtedness with respect to which the tax was paid is subsequently recorded or filed in this state, a notation reflecting the prior payment of the tax must be made upon the note, other written obligation, mortgage, or other evidence of indebtedness recorded or filed in this state.

2. Notwithstanding paragraph (a), if funds are designated on a closing statement as tax collected from the purchaser, but the note, other written obligation, mortgage, or other evidence of indebtedness with respect to which the tax was collected has not been recorded or filed in this state, the tax shall be paid to the department on or before the 20th day of the month following the month in which the funds are available for release from escrow, unless the funds have been refunded to the purchaser.

(c) The department may adopt rules to administer the method for reporting tax due under this subsection.

Section 6. Paragraph (a) of subsection (15) of section 202.11, Florida Statutes, is amended to read:

202.11 Definitions.—As used in this chapter:

(15) "Service address" means:

(a) Except as otherwise provided in this section:~~,~~

1. The location of the communications equipment from which communications services originate or at which communications services are received by the customer;~~.~~

2. In the case of a communications service paid through a credit or payment mechanism that does not relate to a service address, such as a bank, travel, debit, or credit card, and in the case of third-number and calling-card calls, the *term* "service address" *means* ~~is~~ the address of the central office, as determined by the area code and the first three digits of the seven-digit originating telephone number*; or*~~.~~

3. If the location of the equipment described in subparagraph 1. is not known and subparagraph 2. is inapplicable, the term "service address" means the location of the customer's primary use of the communications service. For the purposes of this subparagraph, the location of the customer's primary use of a communications service is the residential street address or the business street address of the customer.

Section 7. Subsection (6) is added to section 206.09, Florida Statutes, to read:

206.09 Reports from carriers transporting motor fuel or similar products.—

(6) All moneys derived from the penalties imposed by this section shall be deposited into the Fuel Tax Collection Trust Fund, and allocated in the same manner as provided by s. 206.875.

Section 8. Subsection (4) is added to section 206.095, Florida Statutes, to read:

206.095 Reports from terminal operators.—

(4) All moneys derived from the penalties imposed by this section shall be deposited into the Fuel Tax Collection Trust Fund, and allocated in the same manner as provided by s. 206.875.

Section 9. Subsection (6) is added to section 206.14, Florida Statutes, to read:

206.14 Inspection of records; audits; hearings; forms; rules and regulations.—

(6) All moneys derived from the penalties imposed by this section shall be deposited into the Fuel Tax Collection Trust Fund, and allocated in the same manner as provided by s. 206.875.

Section 10. Subsection (1) of section 206.27, Florida Statutes, is amended to read:

206.27 Records and files as public records.—

(1) The records and files in the office of the department appertaining to parts I and II of this chapter shall be available in Tallahassee to the public at any time during business hours. The department shall prepare *and make available* a list each month of all current licensed terminal suppliers, importers, exporters, and wholesalers which also shall include all new licenses issued and all licenses canceled during the past 12 months~~, and mail a copy thereof to each licensee~~. Such list shall be used to verify license numbers of purchasers issuing exemption certificates or affidavits.

Section 11. Subsection (3) is added to section 206.485, Florida Statutes, to read:

206.485 Tracking system reporting requirements.—

(3) All moneys derived from the penalties imposed by this section shall be deposited into the Fuel Tax Collection Trust Fund, and allocated in the same manner as provided by s. 206.875.

Section 12. Paragraph (b) of subsection (4) of section 212.0305, Florida Statutes, is amended to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(4) AUTHORIZATION TO LEVY; USE OF PROCEEDS; OTHER REQUIREMENTS.—

(b) Charter county levy for convention development.—

1. Each county, as defined in s. 125.011(1), may impose, *under* ~~pursuant to~~ an ordinance enacted by the governing body of the county, a levy on the exercise within its boundaries of the taxable privilege of leasing or letting transient rental accommodations described in subsection (3) at the rate of 3 percent of the total consideration charged therefor. The proceeds of this levy shall be known as the charter county convention development tax.

2. All charter county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

a. Two-thirds of the proceeds shall be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county.

b. One-third of the proceeds shall be used to construct a new multipurpose convention/coliseum/exhibition center/stadium or the maximum components thereof as funds permit in the most populous municipality in the county.

c. After the completion of any project under sub-subparagraph a., the tax revenues and interest accrued under sub-subparagraph a. may be used to acquire, construct, extend, enlarge, remodel, repair, improve, plan for, operate, manage, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, ~~or~~ auditoriums, *or golf courses,* and may be used to acquire and construct an intercity light rail transportation system as described in the Light Rail Transit System Status Report to the Legislature dated April 1988, which shall provide a means to transport persons to and from the largest existing publicly owned convention center in the county and the hotels north of the convention center and to and from the downtown area of the most populous municipality in the county as determined by the county.

d. After completion of any project under sub-subparagraph b., the tax revenues and interest accrued under sub-subparagraph b. may be used, as determined by the county, to operate an authority created pursuant to subparagraph 4. or to acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, auditoriums, golf courses, or related buildings and parking facilities in the most populous municipality in the county.

e. For the purposes of completion of any project pursuant to this paragraph, tax revenues and interest accrued may be used:

(I) As collateral, pledged, or hypothecated for projects authorized by this paragraph, including bonds issued in connection therewith; or

(II) As a pledge or capital contribution in conjunction with a partnership, joint venture, or other business arrangement between a municipality and one or more business entities for projects authorized by this paragraph.

3. The governing body of each municipality in which a municipal tourist tax is levied may adopt a resolution prohibiting imposition of the charter county convention development levy within such municipality. If the governing body adopts such a resolution, the convention development levy shall be imposed by the county in all other areas of the county except such municipality. No funds collected pursuant to this paragraph may be expended in a municipality which has adopted such a resolution.

4.a. Before the county enacts an ordinance imposing the levy, the county shall notify the governing body of each municipality in which projects are to be developed pursuant to sub-subparagraph 2.a., sub-subparagraph 2.b., sub-subparagraph 2.c., or sub-subparagraph 2.d. As a condition precedent to receiving funding, the governing bodies of such municipalities shall designate or appoint an authority that shall have the sole power to:

(I) Approve the concept, location, program, and design of the facilities or improvements to be built in accordance with this paragraph and to administer and disburse such proceeds and any other related source of revenue.

(II) Appoint and dismiss the authority's executive director, general counsel, and any other consultants retained by the authority. The governing body shall have the right to approve or disapprove the initial appointment of the authority's executive director and general counsel.

b. The members of each such authority shall serve for a term of not less than 1 year and shall be appointed by the governing body of such municipality. The annual budget of such authority shall be subject to approval of the governing body of the municipality. If the governing body does not approve the budget, the authority shall use as the authority's budget the previous fiscal year budget.

c. The authority, by resolution to be adopted from time to time, may invest and reinvest the proceeds from the convention development tax and any other revenues generated by the authority in the same manner that the municipality in which the authority is located may invest surplus funds.

5. The charter county convention development levy shall be in addition to any other levy imposed pursuant to this section.

6. A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of imposition of the levy shall be the first day of any month at least 60 days after enactment of the ordinance.

7. Revenues collected pursuant to this paragraph shall be deposited in a convention development trust fund, which shall be established by the county as a condition precedent to receipt of such funds.

Section 13. Paragraph (a) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.

a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or *aircraft* ~~airplane~~ by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is

not engaged in carrying on in this state any employment, trade, business, or profession in which the boat *or aircraft* will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state, or is a noncorporate entity that has no individual vested with authority to participate in the management, direction, or control of the entity's affairs who is a resident of, or makes his or her permanent abode in, this state. For purposes of this exemption, either a registered dealer acting on his or her own behalf as seller, a registered dealer acting as broker on behalf of a seller, or a registered dealer acting as broker on behalf of the purchaser may be deemed to be the selling dealer. This exemption shall not be allowed unless:

a. The purchaser removes a qualifying boat, as described in sub-subparagraph f., from the state within 90 days after the date of purchase or the purchaser removes a nonqualifying boat or an *aircraft* ~~airplane~~ from this state within 10 days after the date of purchase or, when the boat or *aircraft* ~~airplane~~ is repaired or altered, within 20 days after completion of the repairs or alterations;

b. The purchaser, within 30 days from the date of departure, shall provide the department with written proof that the purchaser licensed, registered, titled, or documented the boat or *aircraft* ~~airplane~~ outside the state. If such written proof is unavailable, within 30 days the purchaser shall provide proof that the purchaser applied for such license, title, registration, or documentation. The purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt.

c. The purchaser, within 10 days of removing the boat or *aircraft* ~~airplane~~ from Florida, shall furnish the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hangaring from outside of Florida. The information so provided must clearly and specifically identify the boat or aircraft;

d. The selling dealer, within 5 days of the date of sale, shall provide to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the purchaser attesting that he or she has read the provisions of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser shall apply to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, prior to delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued.

(II) The proceeds from the sale of decals will be deposited into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all necessary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a decal prior to permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date prior to its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VII) The department is authorized to adopt rules necessary to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce the provisions of this subparagraph.

If the purchaser fails to remove the qualifying boat from this state within 90 days after purchase or a nonqualifying boat or an *aircraft* ~~airplane~~ from this state within 10 days after purchase or, when the boat or *aircraft* ~~airplane~~ is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or *aircraft* ~~airplane~~ to return to this state within 6 months from the date of departure, or if the purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the purchaser shall be liable for use tax on the cost price of the boat or *aircraft* ~~airplane~~ and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2) and is mandatory and shall not be waived by the department. The 90-day period following the sale of a qualifying boat tax exempt to a nonresident may not be tolled for any reason. Notwithstanding other provisions of this paragraph to the contrary, an aircraft purchased in this state under the provisions of this paragraph may be returned to this state for repairs within 6 months after the date of its departure without being in violation of the law and without incurring liability for the payment of tax or penalty on the purchase price of the aircraft if the aircraft is removed from this state within 20 days after the completion of the repairs and if such removal can be demonstrated by invoices for fuel, tie-down, hangar charges issued by out-of-state vendors or suppliers, or similar documentation.

Section 14. Paragraph (e) of subsection (1) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(1)

(e)1. Notwithstanding any other provision of this chapter, tax shall not be imposed on any vessel registered *under* ~~pursuant to~~ s. 328.52 by a vessel dealer or vessel manufacturer with respect to a vessel used solely for demonstration, sales promotional, or testing purposes. The term "promotional purposes" shall include, but not be limited to, participation in fishing tournaments. For the purposes of this paragraph, "promotional purposes" means the entry of the vessel in a marine-related event where prospective purchasers would be in attendance, where the vessel is entered in the name of the dealer or manufacturer, and where the vessel is clearly marked as for sale, on which vessel the name of the dealer or manufacturer is clearly displayed, and which vessel has never been transferred into the dealer's or manufacturer's accounting books from an inventory item to a capital asset for depreciation purposes.

2. The provisions of this paragraph do not apply to any vessel when used for transporting persons or goods for compensation; when offered, let, or rented to another for consideration; when offered for rent or hire as a means of transportation for compensation; or when offered or used to provide transportation for persons solicited through personal contact or through advertisement on a "share expense" basis.

3. Notwithstanding any other provision of this chapter, tax may not be imposed on any vessel imported into this state for the sole purpose of being offered for sale at retail by a yacht broker or yacht dealer registered in this state if the vessel remains under the care, custody, and control of the registered broker or dealer and the owner of the vessel does not make personal use of the vessel during that time. The provisions of this chapter

govern the taxability of any sale or use of the vessel subsequent to its importation under this provision.

Section 15. Paragraph (e) of subsection (4) of section 212.11, Florida Statutes, is amended to read:

212.11 Tax returns and regulations.—

(4)

(e) The penalty provisions of this chapter, except *s. 212.12(2)(f)* ~~s. 212.12(2)(e)~~, apply to the provisions of this subsection.

Section 16. Present paragraph (e) of subsection (2) of section 212.12, Florida Statutes, is redesignated as paragraph (f), present paragraph (f) of that subsection is redesignated as paragraph (g) and amended, and a new paragraph (e) is added to that subsection, to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(2)

(e) A person who willfully attempts in any manner to evade any tax, surcharge, or fee imposed under this chapter or the payment thereof is, in addition to any other penalties provided by law, liable for a specific penalty in the amount of 100 percent of the tax, surcharge, or fee, and commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(g)~~(f)~~ *A dealer who files* ~~Dealers filing~~ a consolidated return pursuant to s. 212.11(1)(e) *is* ~~shall be~~ subject to the penalty established in paragraph (e) unless the dealer has paid the required estimated tax for his or her consolidated return as a whole without regard to each location. If the dealer fails to pay the required estimated tax for his or her consolidated return as a whole, each filing location shall stand on its own with respect to calculating penalties pursuant to paragraph *(f)* ~~(e)~~.

Section 17. Paragraph (l) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(l) Information relative to chapter 212 *and the Bill of Lading Program* to the Office of Agriculture Law Enforcement of the Department of Agriculture and Consumer Services in the conduct of *its official duties* ~~the Bill of Lading Program~~. ~~This information is limited to the business name and whether the business is in compliance with chapter 212.~~

Section 18. Subsection (10) of section 213.21, Florida Statutes, is amended to read:

213.21 Informal conferences; compromises.—

(10)(a) ~~Effective July 1, 2003,~~ Notwithstanding any other provision of law and solely for the purpose of administering the *taxes* ~~tax~~ imposed by *ss. 125.0104 and 125.0108, and* chapter 212, *except s. 212.0606,* under the circumstances set forth in this subsection, the department shall settle or compromise a taxpayer's liability for penalty without requiring the taxpayer to submit a written request for compromise or settlement.

(b) For taxpayers who file returns and remit tax on a monthly basis:

1. Any penalty related to a noncompliant filing event shall be settled or compromised if the taxpayer has:

a. No noncompliant filing event in the immediately preceding 12-month period and no unresolved ~~chapter 212~~ liability *under s. 125.0104, s. 125.0108, or chapter 212* resulting from a noncompliant filing event; or

b. One noncompliant filing event in the immediately preceding 12-month period, resolution of the current noncompliant filing event through payment of tax and interest and the filing of a return within 30 days after notification by the department, and no unresolved ~~chapter 212~~ liability *under s. 125.0104, s. 125.0108, or chapter 212* resulting from a noncompliant filing event.

2. If a taxpayer has two or more noncompliant filing events in the immediately preceding 12-month period, the taxpayer shall be liable, absent a showing by the taxpayer that the noncompliant filing event was due to extraordinary circumstances, for the penalties provided in *s. 125.0104 or s. 125.0108 and* s. 212.12, including loss of collection allowance, and shall be reported to a credit bureau.

(c) For taxpayers who file returns and remit tax on a quarterly basis, any penalty related to a noncompliant filing event shall be settled or compromised if the taxpayer has no noncompliant filing event in the immediately preceding 12-month period and no unresolved ~~chapter 212~~ liability *under s. 125.0104, s. 125.0108, or chapter 212* resulting from a noncompliant filing event.

(d) For purposes of this subsection:

1. "Noncompliant filing event" means a failure to timely file a complete and accurate return required under *s. 125.0104, s. 125.0108, or* chapter 212 or a failure to timely pay the amount of tax reported on a return required by *s. 125.0104, s. 125.0108, or* chapter 212.

2. "Extraordinary circumstances" means the occurrence of events beyond the control of the taxpayer, such as, but not limited to, the death of the taxpayer, acts of war or terrorism, natural disasters, fire, or other casualty, or the nonfeasance or misfeasance of the taxpayer's employees or representatives responsible for compliance with *s. 125.0104, s. 125.0108, or* ~~the provisions of~~ chapter 212. With respect to the acts of an employee or representative, the taxpayer must show that the principals of the business lacked actual knowledge of the noncompliance and that the noncompliance was resolved within 30 days after actual knowledge.

Section 19. *The amendment to section 213.21(10), Florida Statutes, as made by this act, shall operate retroactively to July 1, 2003.*

Section 20. Subsections (1) and (2) of section 213.27, Florida Statutes, are amended to read:

213.27 Contracts with debt collection agencies and certain vendors.—

(1) The Department of Revenue may, for the purpose of collecting any delinquent taxes due from a taxpayer, including taxes for which a bill or notice has been generated, contract with any debt collection agency or attorney doing business within or without this state for the collection of such delinquent taxes including penalties and interest thereon. The department may also share confidential information pursuant to the contract necessary for the collection of delinquent taxes and taxes for which a billing or notice has been generated. Contracts will be made pursuant to chapter 287. The taxpayer must be notified by mail by the department, its employees, or its authorized representative *at least* 30 days prior to commencing any litigation to recover any delinquent taxes. The taxpayer must be notified by mail by the department *at least* 30 days prior to the *initial assignment by the* department *of the taxpayer's account for* ~~assigning~~ the collection of any taxes *by* ~~to~~ the debt collection agency.

(2) The department may enter into contracts with any individual or business for the purpose of identifying intangible personal property tax liability. Contracts may provide for the identification of assets subject to the tax on intangible personal property, the determination of value of such property, the requirement for filing a tax return and the collection of taxes due, including applicable penalties and interest thereon. The department may share confidential information pursuant to the contract necessary for the identification of taxable intangible personal property. Contracts shall be made pursuant to chapter 287. The taxpayer must be notified by mail by the department *at least* 30 days prior to the department assigning identification of intangible personal property to an individual or business.

Section 21. Subsection (2) of section 215.26, Florida Statutes, is amended to read:

215.26 Repayment of funds paid into State Treasury through error.—

(2) Application for refunds as provided by this section must be filed with the Chief Financial Officer, except as otherwise provided in this

subsection, within 3 years after the right to the refund has accrued or else the right is barred. Except as provided in chapter 198, ~~and~~ s. 220.23, *and s. 624.50921*, an application for a refund of a tax enumerated in s. 72.011, which tax was paid after September 30, 1994, and before July 1, 1999, must be filed with the Chief Financial Officer within 5 years after the date the tax is paid, and within 3 years after the date the tax was paid for taxes paid on or after July 1, 1999. The Chief Financial Officer may delegate the authority to accept an application for refund to any state agency, or the judicial branch, vested by law with the responsibility for the collection of any tax, license, or account due. The application for refund must be on a form approved by the Chief Financial Officer and must be supplemented with additional proof the Chief Financial Officer deems necessary to establish the claim; provided, the claim is not otherwise barred under the laws of this state. Upon receipt of an application for refund, the judicial branch or the state agency to which the funds were paid shall make a determination of the amount due. If an application for refund is denied, in whole or in part, the judicial branch or such state agency shall notify the applicant stating the reasons therefor. Upon approval of an application for refund, the judicial branch or such state agency shall furnish the Chief Financial Officer with a properly executed voucher authorizing payment.

Section 22. Effective for policies issued or renewed on or after January 1, 2006, section 252.372, Florida Statutes, is amended to read:

252.372 Imposition and collection of surcharge.—In order to provide funds for emergency management, preparedness, and assistance, an annual surcharge of $2 per policy shall be imposed on every homeowner's, mobile home owner's, tenant homeowner's, and condominium unit owner's policy, and an annual $4 surcharge shall be imposed on every commercial fire, commercial multiple peril, and business owner's property insurance policy, issued or renewed on or after May 1, 1993. The surcharge shall be paid by the policyholder to the insurer. The insurer shall collect the surcharge and remit it to the Department of Revenue, which shall collect, administer, audit, and enforce the surcharge pursuant to s. 624.5092. The surcharge is not to be considered premiums of the insurer; however, nonpayment of the surcharge by the insured may be a valid reason for cancellation of the policy. *For those policies in which the surplus lines tax and the service fee are collected and remitted to the Surplus Lines Service Office, as created under s. 626.921, the surcharge must be remitted to the service office at the same time as the surplus lines tax is remitted. All penalties for failure to remit the surplus lines tax and service fee are applicable for those surcharges required to be remitted to the service office. The service office shall deposit all surcharges that it collects into the Emergency Management, Preparedness, and Assistance Trust Fund at least monthly.* All proceeds of the surcharge shall be deposited in the Emergency Management, Preparedness, and Assistance Trust Fund and may not be used to supplant existing funding.

Section 23. Effective January 1, 2006, paragraph (e) of subsection (3) of section 443.131, Florida Statutes, is amended, present paragraphs (g), (h), (i), and (j) of that subsection are redesignated as paragraphs (h), (i), (j), and (k), respectively, and a new paragraph (g) is added to that subsection to read:

443.131 Contributions.—

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(e) Assignment of variations from the standard rate.—

1. The tax collection service provider shall assign a variation from the standard rate of contributions for each calendar year to each eligible employer. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors computed under sub-subparagraphs a.-c. shall be added to the benefit ratio. This addition shall be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor. The sum of these adjustment factors computed under sub-subparagraphs a.-c. shall first be algebraically summed. The sum of these adjustment factors shall next be divided by a gross benefit ratio determined as follows: Total benefit payments for the 3-year period described in subparagraph (b)2. shall be charged to employers eligible for a variation from the standard rate, minus excess payments for the same period, divided by taxable payroll entering into the computation of individual benefit ratios for the calendar year for which the contribution rate is being computed. The ratio of the sum of the adjustment factors computed under sub-subparagraphs a.-c. to the gross benefit ratio shall be multiplied by each individual benefit ratio that is less than the maximum contribution rate to obtain variable adjustment factors; except that in any instance in which the sum of an employer's individual benefit ratio and variable adjustment factor exceeds the maximum contribution rate, the variable adjustment factor shall be reduced in order that the sum equals the maximum contribution rate. The variable adjustment factor for each of these employers is multiplied by his or her taxable payroll entering into the computation of his or her benefit ratio. The sum of these products shall be divided by the taxable payroll of the employers who entered into the computation of their benefit ratios. The resulting ratio shall be subtracted from the sum of the adjustment factors computed under sub-subparagraphs a.-c. to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor shall be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor shall be added to the variable adjustment factor and benefit ratio of each employer to obtain each employer's contribution rate. An employer's contribution rate may not, however, be rounded to less than 0.1 percent.

a. An adjustment factor for noncharge benefits shall be computed to the fifth decimal place and rounded to the fourth decimal place by dividing the amount of noncharge benefits during the 3-year period described in subparagraph (b)2. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the taxable payrolls for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-subparagraph, the term "noncharge benefits" means benefits paid to an individual from the Unemployment Compensation Trust Fund, but which were not charged to the employment record of any employer.

b. An adjustment factor for excess payments shall be computed to the fifth decimal place, and rounded to the fourth decimal place by dividing the total excess payments during the 3-year period described in subparagraph (b)2. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the same figure used to compute the adjustment factor for noncharge benefits under sub-subparagraph a. As used in this sub-subparagraph, the term "excess payments" means the amount of benefits charged to the employment record of an employer during the 3-year period described in subparagraph (b)2., less the product of the maximum contribution rate and the employer's taxable payroll for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-subparagraph, the term "total excess payments" means the sum of the individual employer excess payments for those employers *that were* eligible *to be considered* for *assignment of a contribution rate different* ~~a variation~~ from the standard rate.

c. If the balance of the Unemployment Compensation Trust Fund on June 30 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 3.7 percent of the taxable payrolls for the year ending June 30 as reported to the tax collection service provider by September 30 of that calendar year, a positive adjustment factor shall be computed. The positive adjustment factor shall be computed annually to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of June 30 of that calendar year and the sum of 4.7 percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds 3.7 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year. If the balance of the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 4.7 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year, a negative adjustment factor shall be computed. The negative adjustment factor shall be computed annually to the fifth decimal place and

rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of June 30 of the current calendar year and 4.7 percent of the total taxable payrolls of that year. The negative adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of June 30 of the year immediately preceding the effective date of the contribution rate is less than 4.7 percent, but more than 3.7 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year.

d. The maximum contribution rate that may be assigned to an employer is 5.4 percent, except employers participating in an approved short-time compensation plan may be assigned a maximum contribution rate that is 1 percent greater than the maximum contribution rate for other employers in any calendar year in which short-time compensation benefits are charged to the employer's employment record.

2. If the transfer of an employer's employment record to an employing unit under paragraph (f) which, before the transfer, was an employer, the tax collection service provider shall recompute a benefit ratio for the successor employer based on the combined employment records and reassign an appropriate contribution rate to the successor employer effective on the first day of the calendar quarter immediately after the effective date of the transfer.

(g) Notwithstanding any other provision of law, upon transfer or acquisition of a business, the following conditions apply to the assignment of rates and to transfers of unemployment experience:

1.a. If an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is any common ownership, management, or control of the two employers, the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom the business is so transferred. The rates of both employers shall be recalculated and made effective as of the beginning of the calendar quarter immediately following the date of the transfer of the trade or business unless the transfer occurred on the first day of a calendar quarter, in which case the rate shall be recalculated as of that date.

b. If, following a transfer of experience under sub-subparagraph a., the Agency for Workforce Innovation or the tax collection service provider determines that a substantial purpose of the transfer of trade or business was to obtain a reduced liability for contributions, the experience rating account of the employers involved shall be combined into a single account and a single rate assigned to the account.

2. Whenever a person who is not at the time an employer under this chapter acquires the trade or business of an employer, the unemployment experience of the acquired business shall not be transferred to the person if the Agency for Workforce Innovation or the tax collection service provider finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions. Instead, such person shall be assigned the new employer rate under paragraph (2)(a). In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of contributions, the tax collection service provider shall consider:

a. Whether the person continued the business enterprise of the acquired business;

b. How long such business enterprise was continued; or

c. Whether a substantial number of new employees was hired for performance of duties unrelated to the business activity conducted before the acquisition.

3. If a person knowingly violates or attempts to violate subparagraph 1. or subparagraph 2. or any other provision of this chapter relating to determining the assignment of a contribution rate, or if a person knowingly advises another person to violate the law, the person shall be subject to the following penalties:

a. If the person is an employer, the employer shall be assigned the highest rate assignable under this chapter for the rate year during which such violation or attempted violation occurred and for the 3 rate years immediately following this rate year. However, if the person's business is already at the highest rate for any year, or if the amount of increase in the person's rate would be less than 2 percent for such year, then a penalty rate of contribution of 2 percent of taxable wages shall be imposed for such year.

b. If the person is not an employer, the person shall be subject to a civil penalty of not more than $5,000. The procedures for the assessment of a penalty shall be in accordance with the procedures set forth in s. 443.141(2), and the provisions of s. 443.141(3) shall apply to the collection of the penalty. Any such penalty shall be deposited in the penalty and interest account established under s. 443.211(2).

4. For the purposes of this paragraph, the term:

a. "Knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

b. "Violates or attempts to violate" includes, but is not limited to, intent to evade, misrepresent, or willfully nondisclose.

c. "Person" has the meaning given to the term by s. 7701(a)(1) of the Internal Revenue Code of 1986.

d. "Trade or business" includes the employer's workforce.

5. In addition to the penalty imposed by subparagraph 3., any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

6. The Agency for Workforce Innovation and the tax collection service provider shall establish procedures to identify the transfer or acquisition of a business for the purposes of this paragraph and shall adopt any rules necessary to administer this paragraph.

7. This paragraph shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor.

Section 24. Paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 443.141, Florida Statutes, are amended to read:

443.141 Collection of contributions and reimbursements.—

(2) REPORTS, CONTRIBUTIONS, APPEALS.—

(a) Failure to make reports and pay contributions.—If an employing unit determined by the tax collection service provider to be an employer subject to this chapter fails to make and file any report as and when required by this chapter or by any rule of the Agency for Workforce Innovation or the state agency providing tax collection services, for the purpose of determining the amount of contributions due by the employer under this chapter, or if any filed report is found by the service provider to be incorrect or insufficient, and the employer, after being notified in writing by the service provider to file the report, or a corrected or sufficient report, as applicable, fails to file the report within 15 days after the date of the mailing of the notice, the tax collection service provider may:

1. Determine the amount of contributions due from the employer based on the information readily available to it, which determination is deemed to be prima facie correct;

2. Assess the employer the amount of contributions determined to be due; and

3. Immediately notify the employer by ~~registered or certified~~ mail of the determination and assessment including penalties as provided in this chapter, if any, added and assessed, and demand payment together with interest on the amount of contributions from the date that amount was due and payable.

(3) COLLECTION PROCEEDINGS.—

(a) Lien for payment of contributions or reimbursements.—

1. There is created a lien in favor of the tax collection service provider upon all the property, both real and personal, of any employer liable for payment of any contribution or reimbursement levied and imposed under this chapter for the amount of the contributions or reimbursements due, together with interest, costs, and penalties. If any

contribution or reimbursement imposed under this chapter or any portion of that contribution, reimbursement, interest, or penalty is not paid within 60 days after becoming delinquent, the tax collection service provider may subsequently issue a notice of lien that may be filed in the office of the clerk of the circuit court of any county in which the delinquent employer owns property or has conducted business. The notice of lien must include the periods for which the contributions, reimbursements, interest, or penalties are demanded and the amounts due. A copy of the notice of lien must be mailed to the employer at her or his last known address ~~by registered mail~~. The notice of lien may not be issued and recorded until 15 days after the date the assessment becomes final under subsection (2). Upon presentation of the notice of lien, the clerk of the circuit court shall record it in a book maintained for that purpose, and the amount of the notice of lien, together with the cost of recording and interest accruing upon the amount of the contribution or reimbursement, becomes a lien upon the title to and interest, whether legal or equitable, in any real property, chattels real, or personal property of the employer against whom the notice of lien is issued, in the same manner as a judgment of the circuit court docketed in the office of the circuit court clerk, with execution issued to the sheriff for levy. This lien is prior, preferred, and superior to all mortgages or other liens filed, recorded, or acquired after the notice of lien is filed. Upon the payment of the amounts due, or upon determination by the tax collection service provider that the notice of lien was erroneously issued, the lien is satisfied when the service provider acknowledges in writing that the lien is fully satisfied. A lien's satisfaction does not need to be acknowledged before any notary or other public officer, and the signature of the director of the tax collection service provider or his or her designee is conclusive evidence of the satisfaction of the lien, which satisfaction shall be recorded by the clerk of the circuit court who receives the fees for those services.

2. The tax collection service provider may subsequently issue a warrant directed to any sheriff in this state, commanding him or her to levy upon and sell any real or personal property of the employer liable for any amount under this chapter within his or her jurisdiction, for payment, with the added penalties and interest and the costs of executing the warrant, together with the costs of the clerk of the circuit court in recording and docketing the notice of lien, and to return the warrant to the service provider with payment. The warrant may only be issued and enforced for all amounts due to the tax collection service provider on the date the warrant is issued, together with interest accruing on the contribution or reimbursement due from the employer to the date of payment at the rate provided in this section. In the event of sale of any assets of the employer, however, priorities under the warrant shall be determined in accordance with the priority established by any notices of lien filed by the tax collection service provider and recorded by the clerk of the circuit court. The sheriff shall execute the warrant in the same manner prescribed by law for executions issued by the clerk of the circuit court for judgments of the circuit court. The sheriff is entitled to the same fees for executing the warrant as for a writ of execution out of the circuit court, and these fees must be collected in the same manner.

Section 25. Section 624.50921, Florida Statutes, is created to read:

624.50921 Adjustments.—

(1) If a taxpayer is required to amend its corporate income tax liability under chapter 220, or the taxpayer receives a refund of its workers' compensation administrative assessment paid under chapter 440, the taxpayer shall file an amended insurance premium tax return not later than 60 days after such an occurrence.

(2) If an amended insurance premium tax return is required under subsection (1), notwithstanding any other provision of s. 95.091(3):

(a) A notice of deficiency may be issued at any time within 3 years after the date the amended insurance premium tax return is given; or

(b) If a taxpayer fails to file an amended insurance premium tax return, a notice of deficiency may be issued at any time.

The amount of any proposed assessment set forth in such a notice of deficiency shall be limited to the amount of any deficiency resulting under this code from recomputation of the taxpayer's insurance premium tax and retaliatory tax for the taxable year after giving effect only to the change in corporate income tax paid and the change in the amount of the workers' compensation administrative assessment paid. Interest in accordance with s. 624.5092 is due on the amount of any deficiency from the date fixed for filing the original insurance premium tax return for the taxable year until the date of payment of the deficiency.

(3) If an amended insurance premium tax return is required by subsection (1), a claim for refund may be filed within 2 years after the date on which the amended insurance premium tax return was due, regardless of whether such notice was given, notwithstanding any other provision of s. 215.26. However, the amount recoverable pursuant to such a claim shall be limited to the amount of any overpayment resulting under this code from recomputation of the taxpayer's insurance premium tax and retaliatory tax for the taxable year after giving effect only to the change in corporate income tax paid and the change in the amount of the workers' compensation administrative assessment paid.

Section 26. Subsection (5) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(5)

(a)1. There shall be allowed a credit against the net tax imposed by this section equal to 15 percent of the amount paid by *an* ~~the~~ insurer in salaries to employees located or based within this state and who are covered by the provisions of chapter 443.

2. As an alternative to the credit allowed in subparagraph 1., an affiliated group of corporations which includes at least one insurance company writing premiums in Florida may elect to take a credit against the net tax imposed by this section in an amount that may not exceed 15 percent of the salary of the employees of the affiliated group of corporations who perform insurance-related activities, are located or based within this state, and are covered by chapter 443. For purposes of this subparagraph, the term "affiliated group of corporations" means two or more corporations that are entirely owned directly or indirectly by a single corporation and that constitute an affiliated group as defined in s. 1504(a) of the Internal Revenue Code. The amount of credit allowed under this subparagraph is limited to the combined Florida salary tax credits allowed for all insurance companies that were members of the affiliated group of corporations for the tax year ending December 31, 2002, divided by the combined Florida taxable premiums written by all insurance companies that were members of the affiliated group of corporations for the tax year ending December 31, 2002, multiplied by the combined Florida taxable premiums of the affiliated group of corporations for the current year. An affiliated group of corporations electing this alternative calculation method must make such election on or before August 1, 2005. The election of this alternative calculation method is irrevocable and binding upon successors and assigns of the affiliated group of corporations electing this alternative. However, if a member of an affiliated group of corporations acquires or merges with another insurance company after the date of the irrevocable election, the acquired or merged company is not entitled to the affiliated group election and shall only be entitled to calculate the tax credit under subparagraph 1.

In no event shall the salary paid to an employee by an affiliated group of corporations be claimed as a credit by more than one insurer or be counted more than once in an insurer's calculation of the credit as described in subparagraph 1. or subparagraph 2. Only the portion of an employee's salary paid for the performance of insurance-related activities may be included in the calculation of the premium tax credit in this subsection.

(b) For purposes of this subsection:

1.~~(a)~~ The term "salaries" does not include amounts paid as commissions.

2.~~(b)~~ The term "employees" does not include independent contractors or any person whose duties require that the person hold a valid license under the Florida Insurance Code, except *adjusters, managing general agents, and service representatives, as* ~~persons~~ defined in *s. 626.015* ~~s. 626.015(1), (14), and (16)~~.

3.~~(c)~~ The term "net tax" means the tax imposed by this section after applying the calculations and credits set forth in subsection (4).

4.~~(d)~~ An affiliated group of corporations that created a service company within its affiliated group on July 30, 2002, shall allocate the salary of each service company employee covered by contracts with affiliated

group members to the companies for which the employees perform services. The salary allocation is based on the amount of time during the tax year that the individual employee spends performing services or otherwise working for each company over the total amount of time the employee spends performing services or otherwise working for all companies. The total amount of salary allocated to an insurance company within the affiliated group shall be included as that insurer's employee salaries for purposes of this section.

a.~~1.~~ *Except as provided in subparagraph 2.,* the term "affiliated group of corporations" means two or more corporations that are entirely owned by a single corporation and that constitute an affiliated group of corporations as defined in s. 1504(a) of the Internal Revenue Code.

b.~~2.~~ The term "service company" means a separate corporation within the affiliated group of corporations whose employees provide services to affiliated group members and which are treated as service company employees for unemployment compensation and common law purposes. The holding company of an affiliated group may not qualify as a service company. An insurance company may not qualify as a service company.

c.~~3.~~ If an insurance company fails to substantiate, whether by means of adequate records or otherwise, its eligibility to claim the service company exception under this section, or its salary allocation under this section, no credit shall be allowed.

5. A service company that is a subsidiary of a mutual insurance holding company, which mutual insurance holding company was in existence on or before January 1, 2000, shall allocate the salary of each service company employee covered by contracts with members of the mutual insurance holding company system to the companies for which the employees perform services. The salary allocation is based on the ratio of the amount of time during the tax year which the individual employee spends performing services or otherwise working for each company to the total amount of time the employee spends performing services or otherwise working for all companies. The total amount of salary allocated to an insurance company within the mutual insurance holding company system shall be included as that insurer's employee salaries for purposes of this section. However, this subparagraph does not apply for any tax year unless funds sufficient to offset the anticipated salary credits have been appropriated to the General Revenue Fund prior to the due date of the final return for that year.

a. The term "mutual insurance holding company system" means two or more corporations that are subsidiaries of a mutual insurance holding company and in compliance with part IV of chapter 628.

b. The term "service company" means a separate corporation within the mutual insurance holding company system whose employees provide services to other members of the mutual insurance holding company system and are treated as service company employees for unemployment compensation and common-law purposes. The mutual insurance holding company may not qualify as a service company.

c. If an insurance company fails to substantiate, whether by means of adequate records or otherwise, its eligibility to claim the service company exception under this section, or its salary allocation under this section, no credit shall be allowed.

(c) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this subsection.

Section 27. *The sum of $2.6 million is appropriated from the Workers' Compensation Administration Trust Fund to the General Revenue Fund for the 2005-2006 fiscal year.*

Section 28. *The intent of the revision to section 624.509(5)(b), Florida Statutes, in section 25 is to clarify that adjusters, managing general agents, and service representatives, as defined in section 626.015, Florida Statutes, are considered employees for purposes of the salary credit provided in section 626.509, Florida Statutes. The reference in section 624.509, Florida Statutes, to section 626.015, Florida Statutes, was never intended to reference the definition of a "resident."*

Section 29. *Notwithstanding section 11 of chapter 2000-312, Laws of Florida, section 213.21, Florida Statutes, shall not stand repealed on October 1, 2005, as scheduled by that law, but that section is revived and readopted.*

Section 30. *If a security agreement pledging condominium or homeowner association assessments or fees or club membership dues, fees, or assessments was recorded after April 15, 2000, and before April 10, 2005, with a clerk of the court, and if a Uniform Commercial Code financing statement was filed with the Secretary of State or the Florida Secured Transaction Registry with respect to such security agreement, the excise tax on documents under chapter 201, Florida Statutes, is not due solely as a result of the recording of the security agreement if an affidavit attesting that the security agreement was recorded in error or by mistake is filed or recorded with the clerk of the court.*

Section 31. Retroactive to January 1, 2005, section 196.1999, Florida Statutes, is created to read:

196.1999 Space laboratories and carriers; exemption.—Notwithstanding other provisions of this chapter, a module, pallet, rack, locker, and any necessary associated hardware and subsystem owned by any person and intended to be used to transport or store cargo used for a space laboratory for the primary purpose of conducting scientific research in space is deemed to carry out a scientific purpose and is exempt from ad valorem taxation.

Section 32. *Section 196.1994, Florida Statutes, is repealed.*

Section 33. Subsection (4) of section 201.23, Florida Statutes, is amended to read:

201.23 Foreign notes and other written obligations exempt.—

(4)*(a)* The excise taxes imposed by this chapter shall not apply to the documents, notes, evidences of indebtedness, financing statements, drafts, bills of exchange, or other taxable items dealt with, made, issued, drawn upon, accepted, delivered, shipped, received, signed, executed, assigned, transferred, or sold by or to a banking organization~~, as defined in s. 199.023(9),~~ in the conduct of an international banking transaction~~, as defined in s. 199.023(11)~~. Nothing in this subsection shall be construed to change the application of paragraph (2)(a).

(b) For purposes of this subsection, the term:

1. "Banking organization" means:

a. A bank organized and existing under the laws of any state;

b. A national bank organized and existing pursuant to the provisions of the National Bank Act, 12 U.S.C. ss. 21 et seq.;

c. An Edge Act corporation organized pursuant to the provisions of s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq.;

d. An international bank agency licensed pursuant to the laws of any state;

e. A federal agency licensed pursuant to ss. 4 and 5 of the International Banking Act of 1978;

f. A savings association organized and existing under the laws of any state;

g. A federal association organized and existing pursuant to the provisions of the Home Owners' Loan Act of 1933, 12 U.S.C. ss. 1461 et seq.; or

h. A Florida export finance corporation organized and existing pursuant to the provisions of part V of chapter 288.

2. "International banking transaction" means:

a. The financing of the exportation from, or the importation into, the United States or between jurisdictions abroad of tangible personal property or services;

b. The financing of the production, preparation, storage, or transportation of tangible personal property or services which are identifiable as being directly and solely for export from, or import into, the United States or between jurisdictions abroad;

c. The financing of contracts, projects, or activities to be performed substantially abroad, except those transactions secured by a mortgage, deed of trust, or other lien upon real property located in the state;

d. The receipt of deposits or borrowings or the extensions of credit by an international banking facility, except the loan or deposit of funds secured by mortgage, deed of trust, or other lien upon real property located in the state; or

e. Entering into foreign exchange trading or hedging transactions in connection with the activities described in sub-subparagraph d.

Section 34. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to tax administration; amending s. 95.091, F.S.; adding a cross-reference; amending s. 198.32, F.S.; allowing an estate that is not required to file a federal tax return to file with the clerk of the court an affidavit attesting that no Florida estate tax is due, regardless of the decedent's date of death; amending s. 199.135, F.S.; providing special provisions for the imposition of the nonrecurring intangibles tax imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.02, F.S.; providing special provisions for the imposition of the tax on deeds or other instruments relating to real property or interests in real property imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 201.08, F.S.; providing special provisions for the imposition of the tax on promissory or nonnegotiable notes or written obligations to pay money imposed by this section on the sale of a timeshare interest in a timeshare plan; amending s. 202.11, F.S.; providing an additional definition of the term "service address" for the purposes of the tax on communications services; amending ss. 206.09, 206.095, 206.14, and 206.485, F.S., relating to fuel taxes; providing for the distribution of penalties; amending s. 206.27, F.S.; allowing the Department of Revenue the option of posting the list of active and canceled fuel licenses on the departmental web site or mailing it to licensees; amending s. 212.0305, F.S.; permitting golf courses to be built with the proceeds of a charter county convention development tax; amending s. 212.05, F.S.; clarifying the tax treatment of nonresident purchasers of aircraft; amending s. 212.06, F.S.; clarifying that sales tax is not due on any vessel imported into this state for the sole purpose of being offered for retail sale by a registered Florida yacht broker or dealer under certain conditions; amending s. 212.11, F.S.; correcting a cross-reference; amending s. 212.12, F.S.; including in the definition of tax fraud willful attempts to evade a tax, surcharge, or fee imposed by chapter 212, F.S.; amending s. 213.053, F.S.; authorizing expanded sharing of confidential information between the Department of Revenue and the Department of Agriculture and Consumer Services for the Bill of Lading Program; amending s. 213.21, F.S.; specifying which taxes qualify for the automatic penalty compromise or settlement of liability; providing for retroactivity; amending s. 213.27, F.S.; clarifying that the notification by the Department of Revenue to the taxpayer that the taxpayer's account is being referred to a debt collection agency must be at least 30 days before the referral; amending s. 215.26, F.S.; adding a cross-reference; amending s. 252.372, F.S.; authorizing the Florida Surplus Lines Service Office to collect the Emergency Management, Preparedness, and Assistance Trust Fund surcharge and deposit the proceeds into the trust fund; amending s. 443.131, F.S.; requiring employers who transfer their business to a related entity to retain their unemployment experience history under certain circumstances; providing penalties; amending s. 443.141, F.S.; authorizing the Department of Revenue to send to employers by regular mail notices of unemployment tax assessments and notices of the filing of liens; creating s. 624.50921, F.S.; creating a statute of limitations for assessments of the insurance premium tax if the amount of corporate income tax or a workers' compensation administrative assessment paid by the insurer is adjusted through an amended return or refund; amending s. 624.509, F.S.; providing for an alternative method of calculating a tax credit against the insurance premium tax for certain groups of affiliated corporations; clarifying the definition of the term "employees" for purposes of calculating such a credit; allowing a salary credit for employees of a service company subsidiary of a mutual insurance holding company; providing an exception; authorizing the department to adopt rules to administer such a credit; providing an appropriation; providing legislative intent regarding the meaning of the term "employees" for purposes of determining the salary credit against the insurance premium tax; reviving and readopting s. 213.21, F.S., relating to informal conference procedures within the Department of Revenue; exempting from the documentary stamp tax certain security agreements recorded in error or by mistake; creating s. 196.1999, F.S.; providing retroactivity; providing an exemption from ad valorem taxes for certain space laboratories; repealing s. 196.1994, F.S., which expired effective July 1, 2004, and which provided an exemption from ad valorem taxes for certain space laboratories; amending s. 201.23, F.S.; defining the terms "banking organization" and "international banking transaction," relating to exemption from certain excise taxes; providing effective dates.

MOTION

On motion by Senator Atwater, the rules were waived to allow the following amendment to be considered:

Senators Atwater and Webster offered the following amendment to **Amendment 1** which was moved by Senator Atwater and adopted by two-thirds vote:

Amendment 1A (105576)(with title amendment)—On page 43, between line 6 and 7, insert:

Section 27. Subsection (1) of section 624.5091, Florida Statutes, is amended to read:

624.5091 Retaliatory provision, insurers.—

(1)*(a)* When by or pursuant to the laws of any other state or foreign country any taxes, licenses, and other fees, in the aggregate, and any fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions are or would be imposed upon Florida insurers or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses, and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements, or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this state, so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses, and other fees, in the aggregate, or fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions of whatever kind shall be imposed by the Department of Revenue upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in this state. In determining the taxes to be imposed under this section, 80 percent *and a portion of the remaining 20 percent as provided in paragraph (b)* of the credit provided by s. 624.509(5), as limited by s. 624.509(6) and further determined by s. 624.509(7), shall not be taken into consideration.

(b) As used in this subsection, the term "portion of the remaining 20 percent" shall be calculated by multiplying the remaining 20 percent by a fraction, the numerator of which is the sum of the salaries qualifying for the credit allowed by s. 624.509(5) of employees whose place of employment is located in an enterprise zone created pursuant to chapter 290 and the denominator of which is the sum of the salaries qualifying for the credit allowed by s. 624.509(5).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 49, line 18, after the first semicolon (;) and insert: amending s. 624.5091, F.S., increasing the amount of tax credits excluded from calculation of insurance retaliatory taxes;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Atwater, **HB 1813** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Clary	Jones
Alexander	Constantine	King
Argenziano	Crist	Klein
Aronberg	Dawson	Lawson
Atwater	Diaz de la Portilla	Lynn
Baker	Fasano	Margolis
Bennett	Garcia	Miller
Bullard	Geller	Peaden
Campbell	Haridopolos	Posey
Carlton	Hill	Pruitt

Rich	Siplin	Webster
Saunders	Smith	Wilson
Sebesta	Villalobos	Wise

Nays—1

Dockery

HB 1907—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2005, and July 1, 2006; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Carlton, **HB 1907** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 643—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for farm equipment; amending s. 212.02, F.S.; revising definitions; amending s. 212.08, F.S.; making total a partial exemption for certain farm equipment; amending s. 212.12, F.S.; correcting a cross-reference to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **HB 643** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Consideration of **CS for CS for SB 2542** was deferred.

HB 1159—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; during a specified period of time, permitting local government employees who are members of the Senior Management Service Class, who have withdrawn from the Florida Retirement System, to elect membership in the defined benefit program or the public employee optional retirement program of the system; prescribing requirements in making such election; providing for payment of the costs of such membership; amending s. 175.041, F.S.; providing that any municipality that provides fire protection services to another municipality under an interlocal agreement is eligible to receive premium taxes; authorizing the municipality that receives the fire protection services to enact an ordinance levying the tax; authorizing the Division of Retirement within the Department of Management Services to distribute the premium taxes; amending s. 175.101, F.S.; authorizing any municipality that has entered into an interlocal agreement for fire protection services with another municipality to impose an excise tax on entities that are engaged in the business of property insurance; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **HB 1159** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

HB 1717—A bill to be entitled An act relating to agriculture; amending s. 193.451, F.S.; clarifying the value for purpose of assessment for ad valorem taxes of certain property leased by the Department of Agriculture and Consumer Services; providing intent for retroactive application; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a part title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; revising definition of the term "material safety data sheet" for purposes of the Florida Agricultural Worker Safety Act; creating s. 487.2042, F.S.; providing for investigation of complaints; providing criteria for the commencement of an investigation; providing for exemption from civil liability under certain circumstances; providing penalties for making a false complaint; amending s. 502.014, F.S.; deleting a duty of the department relating to issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting reference to a milk type no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of "frozen desserts"; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; amending s. 570.07, F.S.; clarifying the power of the department relating to standards and fines; providing an additional power of the department; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; authorizing agreements with third-party providers to administer or implement the program; amending s. 570.9135, F.S.; correcting a reference; amending s. 570.952, F.S.; revising the membership of the Florida Agriculture Center and Horse Park Authority; providing criteria for expiration of terms; deleting requirement of submission of information to the Legislature; amending s.

581.011, F.S.; defining the term "invasive plant"; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agriculture in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring removal and destruction of plants under certain circumstances; specifying circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing requirement for an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for department regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing severability; providing an effective date.

—as amended May 4 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Argenziano, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (093832)** was adopted May 4. **Amendment 1** was withdrawn.

Senator Argenziano moved the following amendment:

Amendment 2 (702180)—Lines 376-378, delete those lines and insert:

(41) Notwithstanding the provisions of s. 287.057(23)(a), that require all agencies to use the on-line procurement system developed by the Department of Management Services, the department may continue to use its own on-line system. However, vendors utilizing such system shall be prequalified as meeting mandatory requirements and qualifications and shall remit fees pursuant to s.287.057(23), and any rules implementing s. 287.057.

On motion by Senator Smith, further consideration of **HB 1717** with pending **Amendment 2 (702180)** was deferred.

CS for CS for SB 2502—A bill to be entitled An act relating to water management districts; creating s. 373.1135, F.S.; authorizing each water management district to establish a small business program to encourage small businesses, including those owned by women and minorities, to participate in district procurement and contract activities; amending s. 373.073, F.S.; allowing a water management district government board member to serve until a replacement has been appointed; amending s. 373.414, F.S.; allowing a petition for a jurisdictional declaratory statement to be submitted to the Department of Environmental Protection or a water management district on or before June 1, 1994; amending s. 373.0361, F.S.; extending a deadline for water management districts to update certain regional water supply plans; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Dockery, **CS for CS for SB 2502** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Carlton	Garcia
Argenziano	Clary	Geller
Aronberg	Constantine	Haridopolos
Atwater	Crist	Hill
Baker	Dawson	Jones
Bennett	Diaz de la Portilla	King
Bullard	Dockery	Klein
Campbell	Fasano	Lawson
Lynn	Pruitt	Smith
Margolis	Rich	Villalobos
Miller	Saunders	Webster
Peaden	Sebesta	Wilson
Posey	Siplin	Wise

Nays—None

HJR 1843—A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 26 of Article XII of the State Constitution relating to public education.

—as amended May 4 was read the third time by title.

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendments to be considered:

Senators Lynn and King offered the following amendments which were moved by Senator Lynn and adopted by two-thirds vote:

Amendment 3 (810102)—Line 96, after the semicolon (;) insert: to prohibit the assignment of more than five students to a teacher over the allowable district average;

Amendment 4 (405652)—Between lines 42 and 43, insert flush left:

However, in no event shall any such classroom exceed five students over the district average allowable maximum.

On motion by Senator Lynn, **HJR 1843** as amended was shown in full as follows:

HJR 1843—A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 26 of Article XII of the State Constitution relating to public education.

Be It Resolved by the Legislature of the State of Florida: That the amendment to Section 1 of Article IX and the creation of Section 26 of Article XII of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IX

EDUCATION

Section 1. Public education.—

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require. To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the *2007* ~~2010~~ school year, there are a sufficient number of classrooms so that:

(1) The *district average* ~~maximum~~ number of students who are assigned to each teacher who is teaching in public school classrooms for prekindergarten through grade 3 does not exceed 18 students;

(2) The *district average* ~~maximum~~ number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and

(3) The *district average* ~~maximum~~ number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students.

The class size requirements of this subsection do not apply to extracurricular classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local *school* ~~schools~~ districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the *district* average *class size* ~~number of students in each classroom~~ by at least two students per year until the *district average class size* ~~maximum number of students per classroom~~ does not exceed the requirements of this subsection.

(b) The minimum salary for each public school teacher shall be no less than $35,000 and shall be higher than the national average beginning pay for public school teachers as provided by law.

(c)~~(b)~~ Every four-year old child in Florida shall be provided by the State a high quality *prekindergarten* ~~pre-kindergarten~~ learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

(d)~~(c)~~ The early childhood education and development programs provided by reason of *subsection (c)* ~~subparagraph (b)~~ shall be implemented no later than the beginning of the 2005 school year through funds generated in addition to those used for existing education, health, and development programs. Existing education, health, and development programs are those funded by the State as of January 1, 2002*,* that provided for child or adult education, health care, or development.

ARTICLE XII

SCHEDULE

Section 2. *Maximum class size and minimum teacher salary.—The amendment to Section 1 of Article IX relating to public education, which provides that maximum class size requirements shall be based on the district average number of students who are assigned to a teacher in specified grades and which establishes a minimum teacher salary, shall take effect July 1 following approval by the electors.*

BE IT FURTHER RESOLVED that the title and substance of the amendments proposed herein shall appear on the ballot as follows:

REVISING MAXIMUM CLASS SIZE REQUIREMENTS

AND ESTABLISHING A MINIMUM TEACHER SALARY

Proposes an amendment to Section 1 of Article IX and the creation of Section 26 of Article XII of the State Constitution to provide that maximum class size requirements shall be based on the district average number of students who are assigned to a teacher in specified grades; to move forward the date for implementation of the class size requirements; to require that the minimum salary for each public school teacher shall be no less than $35,000 and shall be higher than the national average beginning pay for public school teachers as provided by law; and to provide for taking effect July 1 following approval by the electors.

SENATOR CARLTON PRESIDING

—and **HJR 1843** as amended failed to receive the required constitutional three-fifths vote of the membership. The action of the Senate was certified to the House. The vote was:

Yeas—19

Mr. President	Crist	Pruitt
Alexander	Fasano	Saunders
Atwater	Haridopolos	Sebesta
Baker	King	Webster
Carlton	Lynn	Wise
Clary	Peaden	
Constantine	Posey	

Nays—21

Argenziano	Dockery	Margolis
Aronberg	Garcia	Miller
Bennett	Geller	Rich
Bullard	Hill	Siplin
Campbell	Jones	Smith
Dawson	Klein	Villalobos
Diaz de la Portilla	Lawson	Wilson

Consideration of **HB 1855** was deferred.

HB 1377—A bill to be entitled An act relating to ethics; amending s. 104.31, F.S.; prohibiting state or political subdivision employees from participating in political campaigns during on-duty hours or certain other hours; amending s. 112.313, F.S.; applying the prohibition on disclosure or use of certain information to former public officers, public employees, and local government attorneys; providing an exception to such prohibition; revising postemployment restrictions to apply to other-personal-services temporary employees; exempting certain agency employees from postemployment restrictions; providing for certain disclosure statements to be filed with the Commission on Ethics instead of the Department of State; revising a prohibition on lobbying by former local officers to preclude representation before the government body or agency an officer has served; providing applicability; amending s. 112.3144, F.S.; providing for reporting of assets held by joint tenancy, joint tenancy with right of survivorship, and partnership and reporting of certain liabilities; amending s. 112.3145, F.S.; requiring the commission to send delinquency notices with return receipt requested; amending s. 112.3147, F.S.; requiring an attestation with respect to information provided on required forms; deleting a redundant provision; amending s. 112.3148, F.S.; requiring gift disclosure forms of individuals who left office or employment during the calendar year to be filed by a date certain; allowing quarterly gift disclosure forms to be considered timely filed if postmarked on or before the due date; amending s. 112.3149, F.S.; requiring gift disclosure statements of individuals who left office or employment during the calendar year to be filed by a date certain; amending s. 112.317, F.S.; authorizing the commission to recommend restitution be paid to the agency damaged by the violation or to the General Revenue Fund; authorizing the Attorney General to collect certain costs and fees incurred in bringing certain actions; deleting a provision rendering a breach of confidentiality of an ethics proceeding a misdemeanor; amending s. 112.3185, F.S.; providing for certain former agency employees to be employed by or have a contractual relationship with certain business entities; prohibiting a former agency employee from representing a client before the employee's former agency in certain matters; amending s. 112.3215, F.S.; revising the commission's rulemaking authority regarding appeals of certain fines; providing for automatic suspended registration for lobbyists who fail to timely pay a certain fine; providing an exception; requiring the commission to provide written notice to any lobbyist whose registration is automatically suspended; amending s. 112.322, F.S.; revising provisions relating to payment of witnesses; amending s. 914.21, F.S.; revising definitions; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Posey, **HB 1377** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 1025—A bill to be entitled An act relating to the misuse of laser lighting devices; amending s. 784.062, F.S.; revising the definition of "laser lighting device"; providing that any person who knowingly and willfully aims a laser lighting device at a person operating a motor vehicle, vessel, or aircraft commits a felony of the third degree; providing that any person who causes bodily harm while improperly pointing the laser lighting device at the operator of a motor vehicle, vessel, or aircraft commits a felony of the second degree; providing penalties; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 1025** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1681—A bill to be entitled An act relating to transportation; creating s. 311.115, F.S.; requiring the Florida Seaport Transportation and Economic Development Council to establish a matching funds program for certain dredging projects; requiring the adoption of rules and criteria for project evaluation; requiring approved projects to be reviewed by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 332.007, F.S.; authorizing the department to fund certain eligible aviation planning projects to be performed by not-for-profit organizations representing a majority of public airports; amending s. 337.11, F.S.; providing for department contracts to use written work orders pursuant to certain contingency items or supplemental agreements; removing requirement for surety approval of supplemental agreements; limiting liability of the surety when unapproved contract changes exceed a certain amount; providing purposes for the use of written work orders; revising criteria for use of supplemental agreements in department contracts; creating s. 337.195, F.S.; specifying presumptions of proximate cause for determination of liability in certain civil actions against the department or its agents or its consultants or contractors on certain transportation facilities when death, personal injury, or property damage resulted from a motor vehicle crash within a construction zone; limiting liability under certain circumstances of a contractor who constructed or repaired a highway, road, street, or bridge for the department; limiting liability under certain circumstances of a person or entity who contracts with the department to prepare or provide engineering plans for certain transportation facility projects; amending s. 337.251, F.S.; authorizing the department to adopt rules governing the leasing of property for joint public-private development; amending s. 337.406, F.S.; providing that exceptions to prohibited uses of transportation facilities shall not apply to limited access highways; amending s. 338.155, F.S.; providing that persons participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty are exempt from paying tolls; amending s. 339.175, F.S.; requiring a metropolitan planning organization to approve certain plans and programs on a recorded roll call vote; providing that modifications of certain plans and programs require a recorded roll call vote for approval by a specified super majority; amending s. 339.55, F.S.; establishing a limit on state-funded infrastructure bank loans to the State Transportation Trust Fund; amending s. 339.61, F.S.; revising legislative intent for transportation facilities comprising the Strategic Intermodal System; adding economic development and job growth as criteria for projects; amending s. 339.62, F.S.; adding planned facilities meeting certain criteria and thresholds to components of the Strategic Intermodal System; amending s. 339.64, F.S.; directing the Florida Transportation Commission to include as part of its annual work program review an assessment of the department's progress on the Strategic Intermodal System; requiring an annual report; directing the department to coordinate with federal, regional, and local entities for transportation planning impacting military installations; requiring the Strategic Intermodal System Plan to include an assessment of the impacts of proposed projects on military installations; adding a military representative to the Governor's appointees to the Statewide Intermodal Transportation Advisory Council; creating part IV of chapter 343, F.S., titled the "Northwest Florida Transportation Corridor Authority"; providing a popular name; providing definitions; creating the Northwest Florida Transportation Corridor Authority encompassing Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties; providing for a governing body of the authority; providing for membership, organization, purposes, and powers of the authority; requiring a master plan; providing for the U.S. 98 Corridor System; prohibiting tolls on certain existing highways and other transportation facilities within the corridor; providing for procurement; providing bond financing authority for improvements; providing for bonds of the authority; providing for fiscal agents; providing that the State Board of Administration may act as fiscal agent; providing for certain financial agreements; providing for the rights and remedies of bondholders; providing for a lease-purchase agreement with the Department of Transportation; providing the department may be appointed agent of the authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing for public-private partnerships; providing covenant of the state; providing for exemption from taxation; providing for eligibility for investments and security; providing that pledges shall be enforceable by bondholders; providing for complete and additional statutory authority for the department and other state agencies; amending s. 348.0003, F.S.; changing the membership of expressway authority governing boards in certain counties; amending s. 348.0004, F.S.; requiring notification to certain local governmental entities and metropolitan planning organizations by certain expressway authorities proposing a toll increase or a new point of toll collection; providing procedures for public notice and hearing prior to implementation; creating part X of chapter 348, F.S., titled the "Osceola County Expressway Authority"; providing a popular name; providing definitions; creating the authority as an agency of the state; providing for membership, terms, organization, personnel, and administration; providing purposes and powers for construction, expansion, maintenance, improvement, and operation of the Osceola County Expressway System; providing for use of certain funds to pay obligations; requiring consent of local jurisdiction for agreements that would restrict construction of roads; providing for bond financing of improvements to certain facilities; providing for issuance of bonds; providing for rights and remedies granted to bondholders; providing for appointment of trustee to represent the bondholders; providing for appointment of receiver to take possession of and operate and maintain the system; providing for lease of the system to the Department of Transportation under a lease-purchase agreement; authorizing the department to act in place of the authority under terms of the lease-purchase agreement; requiring approval by the county for certain provisions of the lease-purchase agreement; providing that the system is part of the state road system; authorizing the department to expend a limited amount of funds; providing for the authority to appoint the department as its agent for certain construction purposes; authorizing the authority to acquire property; limiting liability of the authority for contamination existing on an acquired property; providing for remedial acts necessary due to such contamination; authorizing agreements between the authority and other entities; providing pledge of the state to bondholders; exempting the authority from taxation; providing for application and construction of the part; amending s. 373.4137, F.S.; revising requirements for projects intended to mitigate the adverse effects of transportation projects; removing the Department of Environmental Protection from the mitigation process; revising requirements for the Department of Transportation and transportation authorities with respect to submitting plans and inventories; authorizing the use of current-year funds for future projects; revising the requirements for reconciling escrow accounts used to fund mitigation projects; authorizing payments to a water management district to fund the costs of future maintenance and monitoring; requiring specified

lump-sum payments to be used for the mitigation costs of certain projects; authorizing a governing board of a water management district to approve the use of mitigation funds for certain future projects; requiring that mitigation plans be approved by the water management district rather than the Department of Environmental Protection; directing the Department of Transportation to select and fund a consultant to perform a study of bicycle facilities on or connected to the State Highway System; requiring the results of the study to be presented to the Governor and the Legislature; providing for management of the study by the state Pedestrian and Bicycle Coordinator; providing for inclusion of certain elements in the study; requiring the study to include an implementation plan; providing an effective date.

—as amended May 4 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Sebesta, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (221648)** was adopted May 4.

Senator Sebesta moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (845596)(with title amendment)—On page 2, between lines 10 and 11, insert:

Section 2. Subsection (10) is added to section 332.007, Florida Statutes, to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(10) The department may also fund eligible projects performed by not-for-profit organizations that represent a majority of public airports in this state. Eligible projects may include activities associated with aviation master planning, professional education, safety and security planning, enhancing economic development and efficiency at airports in this state, or other planning efforts to improve the viability of airports in this state.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 56, line 19, after the semicolon (;) insert: amending s. 332.007, F.S.; authorizing the Department of Transportation to fund certain eligible aviation planning projects to be performed by not-for-profit organizations representing a majority of public airports;

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Sebesta, **HB 1681** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **HB 1325** was deferred.

CS for SB 1184—A bill to be entitled An act relating to transportation access; amending s. 316.006, F.S.; providing that a municipality may, by interlocal agreement with a county, agree to transfer traffic regulatory authority over areas within the municipality to the county; amending s. 704.01, F.S.; revising criteria for establishing a statutory way of necessity exclusive of common-law right; amending s. 704.04, F.S.; removing a limitation on the existence of certain easements; providing for reenactment of certain provisions under certain circumstances; providing for effectiveness; creating s. 166.0498, F.S.; prohibiting a municipality from permanently closing a road unless certain conditions are met; providing an effective date.

—as amended May 4 was read the third time by title.

Senator Fasano moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (453398)(with title amendment)—On page 1, line 21 through page 3, line 14, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 3-7, delete those lines and insert: amending s. 704.01, F.S.; revising

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (981860)(with title amendment)—On page 7, line 11 through page 8, line 5, delete Section 6 and redesignate subsequent section.

And the title is amended as follows:

On page 1, lines 14-17, delete those lines and insert: effectiveness; providing an effective date.

On motion by Senator Fasano, **CS for SB 1184** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 113—A bill to be entitled An act relating to construction contracting; amending s. 255.05, F.S.; making certain restrictions in bonds issued for public works projects unenforceable; amending s. 489.118, F.S.; postponing a date for submitting an application for a certificate as a registered contractor; amending ss. 489.129 and 489.533, F.S.; increasing an administrative fine under certain disciplinary proceeding provisions; amending s. 713.015, F.S.; revising form criteria for a direct contract provision; preserving lien and bond rights of certain persons; specifying nonapplication to certain contractors or construction professionals; amending s. 713.02, F.S.; protecting the rights of certain persons to enforce certain contract, lien, or bond remedies or contractual obligations under certain circumstances; precluding certain defenses; amending s. 713.04, F.S.; revising certain final payment requirements; amending s. 713.08, F.S.; requiring a claim of lien to be served on an owner; amending s. 713.13, F.S.; revising provisions authorizing use of certain

payment bonds to transfer certain recorded liens; specifying application of certain notice requirements to certain claims; revising time limits for serving certain required notices; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; prohibiting private providers performing inspection services from performing or approving certain inspections under certain circumstances; increasing a threshold amount for certain nonapplication; prohibiting issuing authorities or building officials from requiring recordation of a notice of commencement for certain purposes; authorizing authorities issuing building permits to accept permit applications electronically; requiring an electronic submission statement on the application; requiring provision of Internet access; amending s. 713.23, F.S.; clarifying provisions relating to payment bonds; amending s. 713.24, F.S.; providing construction to preserve county court jurisdiction over certain transfer bond claims for nonpayment; preserving certain lien rights when filing a transfer bond after commencing certain lien enforcement proceedings; amending s. 713.345, F.S.; revising criteria for certain criminal penalties for misapplication of construction funds; amending s. 713.3471, F.S.; revising a provision requiring a lender to provide notice to a property owner when making a disbursement on a construction loan secured by residential property; specifying nonapplication; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Argenziano, **HB 113** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **HB 185** was deferred.

CS for CS for SB 1062—A bill to be entitled An act relating to seaport security; amending s. 311.12, F.S.; requiring that the Department of Law Enforcement establish a waiver process for allowing an individual, who is otherwise unqualified, to be allowed unescorted access to a seaport or restricted access area; requiring that the administrative staff of the Parole Commission review the facts of the waiver application and transmit the findings to the Department of Law Enforcement; requiring the department to make a final disposition of the application and notify the applicant and the port authority that denied employment to the applicant; exempting the review from ch. 120, F.S.; creating s. 311.121, F.S.; authorizing the seaport authority or governing board of certain seaports to require that seaport security officers receive additional training and certification; providing legislative intent relating to mitigation of operational security costs at seaports; requiring the department to apply such intent; providing eligibility requirements for such certification; creating the Seaport Security Officer Qualifications, Training, and Standards Steering Committee to develop the curriculum for the training program; providing for the membership of the steering committee; requiring the Department of Education to implement the training curriculum; authorizing the substitution of training equivalencies; requiring an examination; providing requirements for certification renewal; providing continuing education requirements for certification; providing requirements for schools that offer training for seaport security officers; providing for issuance of a license indicating that the licensee is certified as a seaport security officer; creating s. 311.122, F.S.; authorizing a seaport security officer to take into custody any person whom the officer has cause to believe is trespassing in a restricted access area; providing that such officer is not criminally or civilly liable for taking such action; defining the term "restricted access area"; providing for designation of part or all of a seaport as a restricted access area under certain emergency conditions; creating s. 311.123, F.S.; requiring that the Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law Enforcement and the Governor's Office of Drug Control, create a maritime domain awareness training program; providing purposes of the program; providing requirements for the curriculum; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Wise, **CS for CS for CS for SB 1062** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **HB 1659** was deferred.

HB 185—A bill to be entitled An act relating to public records and public meetings exemptions; creating s. 383.412, F.S.; providing an exemption from public records requirements for any information that reveals the identity of surviving siblings, family members, or others living in the home of a deceased child who is the subject of review by, and which information is held by, the State Child Abuse Death Review Committee or local committee, or a panel or committee assembled by the state committee or a local committee; providing that confidential or exempt information obtained by such committees or panels will retain its confidential or exempt status; providing an exemption from public meetings requirements for portions of meetings of such committees or panels wherein confidential and exempt information is discussed; authorizing the State Child Abuse Death Review Committee and local child abuse death review committees to share relevant confidential and exempt information regarding case reviews involving child death; providing a penalty for the unauthorized disclosure of confidential information concerning child fatalities; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 185** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

CS for CS for SB 1912—A bill to be entitled An act relating to insurance agents and agencies; amending s. 624.317, F.S.; including insurance agencies among entities the Department of Financial Services is authorized to investigate; amending s. 624.318, F.S.; providing for electronic scanning in the course of investigations and examinations; amending s. 624.501, F.S.; clarifying a license fee; amending s. 626.015, F.S.; redefining the term "home state"; defining the term "resident"; amending s. 626.016, F.S.; including insurance agencies among entities subject to regulation by the Chief Financial Officer; amending s. 626.025, F.S.; correcting cross-references; amending s. 626.112, F.S.; delaying the effective date by which agencies must obtain a license; providing that an agency may file for registration in lieu of licensure, under specified conditions; imposing a fine on any agency that fails to timely apply for licensure or registration; deleting certain agency licensure requirement provisions; amending s. 626.171, F.S.; specifying licensure and registration application requirements for insurance entities other than insurance agencies; deleting a provision applying to insurance agency license application requirements; amending s. 626.172, F.S.; revising insurance agency licensure application requirements; providing procedures and limitations; providing duties of the department; amending s. 626.221, F.S.; revising examination requirements; amending s. 626.2815, F.S.; revising continuing education requirements; amending ss. 626.292 and 626.321, F.S.; correcting cross-references, to conform; amending s. 626.342, F.S.; including insurance agencies under provisions prohibiting furnishing supplies to certain unlicensed agents and imposing civil liability under certain circumstances; amending s. 626.382, F.S.; providing for renewal of licenses; amending s. 626.451, F.S.; revising requirements for appointment; amending s. 626.536, F.S.; including insurance agencies under an action reporting requirement; amending s. 626.561, F.S.; including insurance agencies under provisions providing funds reporting and accounting requirements and imposing criminal penalties; amending s. 626.572, F.S.; including insurance agencies under provision prohibiting rebating under certain circumstances; amending s. 626.601, F.S.; including insurance agencies under provisions authorizing the department to inquire into improper conduct; creating s. 626.602, F.S.; authorizing the department to disapprove the use of certain names under certain circumstances; amending s. 626.6115, F.S.; providing an additional ground for the department to take compulsory adverse insurance agency license actions; providing that the existence of grounds for adverse action against a licensed agency does not constitute grounds for adverse action against another licensed agency; amending s. 626.6215, F.S.; providing an additional ground for the department to take discretionary adverse insurance agency license actions; providing that the existence of grounds for adverse action against a licensed agency does not constitute grounds for adverse action against another licensed agency; amending s. 626.747, F.S.; revising agent requirements for branch agencies to include life or health agents; amending s. 626.621, F.S.; revising criteria for the department's refusal, suspension or revocation of a license or appointment; amending s. 626.641, F.S.; providing requirements for reinstatement of a previously suspended license or appointment; revising criteria for reapplication and requalification for a previously revoked license or appointment; amending s. 626.7351, F.S.; revising the qualifications for a customer representative's license; amending ss. 626.7355 and 626.8411, F.S.; deleting cross-references, to conform; creating s. 626.84201, F.S.; providing for the issuance of a nonresident title insurance agent license; amending s. 648.50, F.S.; revising the persons whose license or appointment may be revoked or suspended when a bail bond's license or appointment is revoked or suspended; repealing s. 626.592, F.S., relating to primary agents; creating s. 624.1275, F.S.; providing a restriction for state agencies or political subdivisions from preventing a licensed agent from responding to a bid or negotiation for an insurance product; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Argenziano, **CS for CS for SB 1912** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 2348—A bill to be entitled An act relating to the tax on intangible personal property; amending s. 199.032, F.S.; reducing the annual rate of the tax; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for SB 2348** was passed and certified to the House. The vote on passage was:

Yeas—28

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Atwater	Fasano	Pruitt
Baker	Garcia	Saunders
Bennett	Haridopolos	Sebesta
Campbell	Jones	Villalobos
Carlton	King	Webster
Clary	Lawson	Wise
Constantine	Lynn	
Crist	Margolis	

Nays—11

Aronberg	Hill	Siplin
Bullard	Klein	Smith
Dawson	Miller	Wilson
Geller	Rich	

HB 579—A bill to be entitled An act relating to acceleration mechanisms; amending s. 1002.20, F.S.; adding programs to list of public school choice options; amending s. 1002.23, F.S.; adding programs to list of rigorous academic programs included in parent guide; amending s. 1007.22, F.S.; adding Advanced International Certificate of Education programs to acceleration mechanisms requiring postsecondary institution collaboration; amending s. 1007.261, F.S.; revising list of courses designated as advanced level fine arts courses; amending s. 1007.27, F.S.; providing an exemption from examination fees for students enrolled in the International General Certificate of Secondary Education Program; amending s. 1007.271, F.S.; specifying that dual enrollment courses are creditable toward high school completion; revising instructional time requirements and providing for FTE calculation; conforming to law minimum academic credits required for graduation; clarifying requirements for participation of independent postsecondary institutions in a dual enrollment program; providing for fee exemption; amending s. 1009.531, F.S.; providing additional course weights for Florida Bright Futures Scholarship Program eligibility determination; amending s. 1009.534, F.S.; revising Florida Academic Scholars award eligibility requirements to include students completing or receiving an Advanced International Certificate of Education curriculum or diploma; amending s. 1009.535, F.S.; revising Florida Medallion Scholars award eligibility requirements to include students completing an Advanced International Certificate of Education curriculum; amending s. 1011.62, F.S.; providing for FTE calculation for dual enrollment instruction; revising Advanced International Certificate of Education test score requirements necessary to generate funding to match current test scoring scale; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **HB 579** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **HB 1129** was deferred.

HB 1567—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising duties of the Secretary of State as chief election officer; amending s. 97.021, F.S.; revising definitions; creating s. 97.029, F.S.; relating to the award of attorney's fees and costs in proceedings challenging election or voter registration law; amending s. 97.051, F.S.; revising the oath a person must take to register to vote; amending s. 97.052, F.S.; revising provisions relating to the uniform statewide voter registration application; removing the requirement that the uniform statewide voter registration application must contain certain homestead exemption information; providing for applicant notification upon his or her failure to answer required information on the voter registration application form; amending s. 97.053, F.S.; revising criteria for a voter registration application to be deemed complete; specifying where an initial voter registration application may be mailed; amending s. 97.055, F.S.; providing for permitted updates once registration books are closed; creating s. 97.0575, F.S.; regulating third-party voter registrations and registration organizations; requiring third-party voter registration organizations to name a registered agent and submit certain information to the Division of Elections; providing for a fiduciary duty of the third-party voter registration organization to the applicant; providing for joint and several liability for a breach of fiduciary duty; specifying fines; authorizing the division to investigate certain violations; providing for collected fines to be set aside by the division in a trust fund; authorizing the division to adopt certain rules; amending s. 98.045, F.S.; correcting a cross-reference; amending s. 98.077, F.S.; providing for signature updates for use in verifying absentee and provisional ballots; providing a deadline for the supervisor of elections to receive voter signature updates; amending s. 99.061, F.S.; amending to conform; revising a financial disclosure requirement for candidate qualification; providing a submission deadline for qualifying papers; amending s. 99.063, F.S.; revising a financial disclosure requirement for certain designated candidates; amending s. 99.092, F.S., relating to qualifying fees of candidates, to conform; amending s. 99.095, F.S.; providing for a petition process in lieu of a qualifying fee and party assessment; providing requirements for signatures and petition format; providing submission deadlines; amending s. 99.0955, F.S.; revising provisions relating to candidates with no party affiliation; amending to conform; deleting obsolete provisions; amending s. 99.096, F.S.; revising filing requirements of minor political party candidates; amending to conform; deleting obsolete provisions; amending s. 99.09651, F.S., relating to signature requirements for ballot position in a year of apportionment, to conform; amending s. 100.011, F.S.; requiring electors in line at the official closing of the polls to be allowed to vote; amending s. 100.101, F.S.; deleting a provision requiring a special election to be held if a vacancy occurs in nomination; amending s. 100.111, F.S.; revising requirements relating to filling candidate vacancies; deleting provisions relating to a prohibition of qualified candidates to fill a vacancy in nomination; deleting obsolete provisions; amending s. 100.141, F.S.; conforming provisions relating to vacancies in nomination and qualifying by an alternative method; amending s. 101.031, F.S.; revising the voter's bill of rights to allow for an elector whose identity in question to cast a provisional ballot and to remove the right for an elector to prove identity by signing an affidavit; amending s. 101.043, F.S., relating to identification required at polls, to conform; amending s. 101.048, F.S.; providing a person casting a provisional ballot the right to present certain eligibility evidence by a certain date; providing for the county canvassing board to review provisional ballot voter's certificates and affirmations; providing a standard of review; revising the provisional ballot voter's certificate and affirmation form; revising provisions relating to casting provisional ballots by electronic means; amending s. 101.049, F.S.; providing for provisional ballots and persons with disabilities; amending s. 101.051, F.S.; prohibiting solicitation of assistance to electors with certain disabilities at certain locations; providing a penalty; requiring a person providing an elector assistance to vote to take a specified oath; amending s. 101.111, F.S.; revising the oath taken by persons challenging the right of a person to vote; deleting the oath required to be taken by a person whose right to vote was challenged and allowing that person to cast a provisional ballot; providing a prohibition against and penalty for frivolous challenges; amending s. 101.131, F.S.; allowing certain poll watchers in early voting areas and polling rooms; providing limitations and restrictions on behavior of poll watchers; providing deadlines regarding designation and approval of poll watchers; amending s. 101.151, F.S.; replacing paper ballots with marksense ballots and accompanying specifications; amending s. 101.171, F.S.; requiring a copy of constitutional amendments to be available at polling locations in poster or booklet form; amending s. 101.294, F.S.; prohibiting a vendor of voting equipment from providing an uncertified voting system or upgrade; providing for certification of voting systems and upgrades; amending s. 101.295, F.S.; providing a penalty; amending s. 101.49, F.S.; revising the procedure of election officers where signatures differ; amending s. 101.51, F.S., relating to electors' occupation of booths, to conform; amending s. 101.5606, F.S., relating to requirements for approval of voting systems, to conform; amending s. 101.5608, F.S., relating to voting by electronic or electromechanical methods, to conform; amending s. 101.5612, F.S.; providing for additional testing of voting systems under certain circumstances; amending s. 101.5614, F.S.; correcting a cross-reference; amending s. 101.572, F.S.; revising a provision relating to the public inspection of ballots; amending s. 101.58, F.S.; authorizing certain employees of the Department of State full access to all premises, records, equipment, and staff of the supervisor of elections; amending s. 101.595, F.S.; providing for the reporting of overvotes and undervotes in races for President and Vice President and Governor and Lieutenant Governor or, alternatively, other races appearing first on the ballot; amending s. 101.6103, F.S.; correcting a cross-reference; authorizing canvassing boards to begin canvassing mail ballots before the election; providing a time when the results may be released; providing a penalty; amending s. 101.62, F.S.; revising provisions relating to the deadline by which the supervisor of elections must receive a request for an absentee ballot to be mailed to a voter; requiring absentee ballots to be mailed by a certain time; requiring certain information to be available and updated in electronic format as provided by rule adopted by the division; requiring information relating to absentee receipt and delivery dates to be available to the voter requesting the ballot; providing for unavailable regular absentee ballots for overseas electors; providing a deadline by which an absentee ballot request may be fulfilled by personal delivery; amending s. 101.64, F.S.; providing for a certain oath to be provided to overseas electors in lieu of a voter's certificate; amending s. 101.657, F.S.; revising requirements relating to early voting locations; revising the deadline to end early voting and the times for opening and closing the early voting sites each day; providing for uniformity of county early voting sites; requiring any person in line at the closing of an early voting site to be allowed to vote; providing for early voting in municipal and special district elections; requiring supervisors to provide certain information in electronic format to the Division of Elections; amending s. 101.663, F.S.; revising provisions relating to certain electors who move to another state; amending s. 101.68, F.S.; providing that an absentee ballot is deemed to have been cast once it has been received by the supervisor; amending s. 101.69, F.S.; revising a provision relating to voting in person by electors who have requested absentee ballots; amending s. 101.6923, F.S.; revising a provision relating to special absentee ballot instructions for certain voters; amending s. 101.694, F.S.; requiring certain absentee envelopes to meet specifications as determined by a certain federal program; amending s. 101.697, F.S.; providing a condition on the department's ability to accept certain election materials by electronic transmission from overseas voters; amending s. 102.012, F.S.; revising provisions to require supervisors of election to appoint one election board for each precinct; requiring each supervisor to furnish inspectors of election in each precinct with the list of registered voters for the precinct; amending s. 102.014, F.S.; requiring

the division to develop a uniform training curriculum for poll workers; revising grounds upon which a supervisor shall replace an inspector or clerk; revising requirements relating to the provisions and availability of a uniform polling place procedures manual; amending s. 102.031, F.S.; revising a provision relating to maintenance of good order at polls, authorities, persons allowed in polling rooms, and unlawful solicitation of voters to apply to early voting areas; providing for the designation of the no solicitation zone; prohibiting photography in a polling room or early voting area; amending s. 102.071, F.S.; decreasing the certificates of the results needed to one; amending s. 102.111, F.S.; providing for typographical errors in official county returns to be certified by the Elections Canvassing Commission; amending s. 102.112, F.S.; requiring the county returns to contain a certain certification; authorizing the department to correct typographical errors in county returns; amending s. 102.141, F.S.; revising provisions relating to county canvassing boards and their duties; requiring that the county canvassing board be responsible for ordering county and local recounts; revising deadlines relating to submission of unofficial returns; adding procedure and content requirements relating to county canvassing boards' reports on conduct of elections; requiring the supervisor of elections to file or export files to the department from election results and other statistical information as may be requested by the department, the Legislature, and the Election Assistance Commission; requiring the department to adopt rules establishing the required content and acceptable formats for certain filings; amending s. 102.166, F.S.; revising provisions relating to manual recounts; amending s. 102.168, F.S.; revising proper party defendants in actions contesting the election or nomination of a candidate; amending s. 103.021, F.S.; requiring the state executive committee of each political party to recommend candidates for presidential electors to the Governor using a specified procedure; providing definitions; amending ss. 103.051 and 103.061, F.S.; revising certain meeting and notice times of the presidential electors; amending s. 103.121, F.S.; revising the powers and duties of executive committees; amending s. 105.031, F.S.; exempting school board candidates from qualifying fee requirements; providing a time by which a qualifying officer may accept and hold certain qualifying papers; amending s. 105.035, F.S.; renaming the "alternative method" of qualifying for certain offices as the "petition process"; removing provisions requiring a person seeking to qualify by the petition process to file a certain oath; providing a limitation upon elector signatures needed by certain candidates; revising deadlines; transferring s. 98.122, F.S., relating to closed caption television broadcasting requirements, and renumbering the section as s. 106.165, F.S.; amending s. 106.22, F.S.; revising the duties of the Division of Elections to remove the duty to conduct certain investigations and make subsequent reports; amending s. 106.29, F.S., relating to the powers and duties of the Florida Elections Commission, to conform; amending s. 16.56, F.S.; authorizing the Office of Statewide Prosecution to investigate and prosecute the offenses of crimes involving voter registration, voting, or candidate or issue petition activities; amending s. 119.07, F.S.; placing a condition on when the supervisor of elections shall notify certain candidates of ballot inspection; amending s. 145.09, F.S.; requiring the Department of State to adopt rules establishing certification requirements of supervisors of elections; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0979, F.S.; relating to the statewide voter registration database's being open to inspection and copies; repealing s. 98.181, F.S., relating to supervisors of elections making up indexes or records; repealing s. 98.481, F.S., relating to challenge to electors; repealing s. 101.253, F.S.; relating to when names are not to be printed on ballots; repealing s. 101.635, F.S.; relating to distribution of blocks of printed ballots; repealing s. 102.061, F.S.; relating to duties of election board, counting, and closing polls; repealing s. 106.085, F.S., relating to independent expenditures, prohibited unfair surprise, notice requirements, and a penalty; repealing s. 106.144, F.S.; relating to endorsements or opposition by certain groups and organizations; providing for severability; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Posey, **HB 1567** as amended was passed and certified to the House. The vote on passage was:

Yeas—29

Alexander	Bullard	Crist
Argenziano	Campbell	Dockery
Atwater	Carlton	Fasano
Baker	Clary	Garcia
Bennett	Constantine	Haridopolos
Hill	Peaden	Sebesta
Jones	Posey	Villalobos
King	Pruitt	Webster
Lawson	Rich	Wise
Lynn	Saunders	

Nays—9

Aronberg	Klein	Siplin
Dawson	Margolis	Smith
Geller	Miller	Wilson

Vote after roll call:

Yea—Diaz de la Portilla

Yea to Nay—Campbell

HB 1129—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; changing the term "television series" to "television programming" for purposes of the definition of the term "entertainment industry" in provisions establishing the Office of Film and Entertainment within the Office of Tourism, Trade, and Economic Development; amending s. 288.1254, F.S.; revising a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; revising definitions; revising application procedures and requirements; revising application approval provisions; revising reimbursement eligibility criteria and requirements; revising limits on reimbursement; revising the due date for the annual report to be submitted to the Governor and the Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 1129** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 315—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting from duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Argenziano, **HB 315** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Dawson
Atwater	Carlton	Diaz de la Portilla
Baker	Clary	Dockery

Fasano	Lawson	Sebesta
Garcia	Lynn	Siplin
Geller	Margolis	Smith
Haridopolos	Miller	Villalobos
Hill	Peaden	Webster
Jones	Posey	Wilson
King	Pruitt	Wise
Klein	Rich	

Nays—None

Vote after roll call:

Yea—Saunders

CS for CS for SB 526—A bill to be entitled An act relating to electric utility transmission; creating the Post Hurricane Utility Task Force; providing duties and membership of the task force; creating the Post Hurricane Utility Task Force Advisory Panel to advise the task force; providing for membership and duties of the panel; requiring that the task force submit a report to the Governor and the Legislature; providing that the task force be dissolved on a specified date; providing an appropriation; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Klein, **CS for CS for SB 526** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **HB 1697** was deferred.

HB 345—A bill to be entitled An act relating to the Florida Department of Law Enforcement; amending s. 943.61, F.S.; revising the powers and duties of the Capitol Police; amending s. 943.611, F.S.; revising duties of the director of the Capitol Police; amending s. 943.62, F.S.; revising provisions relating to investigations by the Capitol Police; amending s. 943.64, F.S.; revising provisions relating to designation of other law enforcement officers as ex officio agents of the Capitol Police; amending s. 943.68, F.S.; revising provisions relating to transportation and protective services of the Capitol Police; amending s. 316.640, F.S.; revising provisions relating to enforcement of traffic laws; amending s. 943.681, F.S.; revising provisions relating to the safety and security needs of the Historic Capitol and the R.A. Gray Building; providing an effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 345** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine
Atwater	Campbell	Crist
Dawson	King	Rich
Diaz de la Portilla	Klein	Saunders
Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise

Nays—None

Consideration of **HB 1347** and **SB 1820** was deferred.

HB 937—A bill to be entitled An act relating to contamination notification; amending s. 376.301, F.S.; defining specified terms; creating s. 376.30702, F.S.; requiring notice when contamination is discovered as a result of site rehabilitation activities; providing requirements for notice; requiring notice when laboratory analytical results demonstrate that contamination exists in any medium beyond the boundaries of the property of the site rehabilitation; providing requirements for notice; providing rulemaking authority; amending ss. 287.0595 and 316.302, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **HB 937** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 627—A bill to be entitled An act relating to public records; creating s. 516.115, F.S.; creating an exemption from public records requirements for information obtained by the Office of Financial Regulation of the Financial Services Commission in connection with active investigations and examinations under the Florida Consumer Finance Act; providing an exception; providing a definition; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Sebesta, **HB 627** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Carlton	Garcia
Argenziano	Clary	Geller
Aronberg	Constantine	Haridopolos
Atwater	Crist	Hill
Baker	Dawson	Jones
Bennett	Diaz de la Portilla	King
Bullard	Dockery	Klein
Campbell	Fasano	Lawson

Lynn	Pruitt	Smith
Margolis	Rich	Villalobos
Miller	Saunders	Webster
Peaden	Sebesta	Wilson
Posey	Siplin	Wise

Nays—None

HB 1347—A bill to be entitled An act relating to controlled substances; amending s. 893.033, F.S.; revising the definition of "listed precursor chemical" to include benzaldehyde, hydriodic acid, and nitroethane, and to remove anhydrous ammonia and benzyl chloride; revising the definition of "listed essential chemical" to include anhydrous ammonia, benzyl chloride, hydrochloric gas, and iodine; amending s. 893.13, F.S.; prohibiting a person from manufacturing methamphetamine or phencyclidine or from possessing listed chemicals with the intent to manufacture methamphetamine or phencyclidine; providing criminal penalties; providing for minimum terms of imprisonment in circumstances where a person commits or attempts to commit such crime in a structure or conveyance where a child is present and in circumstances where a child suffers great bodily harm; providing criminal penalties in circumstances where a person fails to store anhydrous ammonia as required; providing criminal penalties in circumstances involving a violation of ch. 893, F.S., which results in serious injury to a state, local, or federal law enforcement officer; increasing the criminal penalties if such violation results in death or great bodily harm to such officer; prohibiting a person from selling, manufacturing, delivering, or attempting to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of an assisted living facility; providing criminal penalties for such offense; specifying minimum terms of imprisonment for such offense; amending s. 893.135, F.S.; including offenses involving pseudoephedrine within the offense of trafficking in amphetamine; providing criminal penalties; providing that it is a capital offense to manufacture or import pseudoephedrine knowing that the probable result will be death; amending s. 893.149, F.S., relating to the prohibition against possessing listed chemicals; providing an exception to such prohibition for a person authorized to clean up or dispose of hazardous waste or toxic substances pursuant to ch. 893, F.S.; providing that damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical is the sole responsibility of the person unlawfully possessing, storing, or tampering with the chemical; providing that the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller is immune from liability in the absence of negligent misconduct or failure to abide by laws governing possession or storage; creating s. 893.1495, F.S.; limiting retail sales of products containing more than a specified amount of ephedrine or related compounds in a single transaction; providing restrictions on the retail display of products containing ephedrine or related compounds; requiring specified training for employees of retail outlets who engage in the retail sale of such products; providing that local regulations passed after a specified date that are more restrictive than this act are superseded; providing criminal penalties; reenacting s. 893.02(12), F.S., relating to the definition of the term "listed chemical," for the purpose of incorporating the amendment to s. 893.033, F.S., in a reference thereto; reenacting ss. 435.07(2), 921.187(1), 938.25, and 948.034(1) and (2), F.S., relating to exemptions from disqualification for certain employment, disposition and sentencing alternatives, the assessment of fees for purposes of funding the Operating Trust Fund of the Department of Law Enforcement, and the terms and conditions of probation, respectively, for the purpose of incorporating the amendment to s. 893.13, F.S., in references thereto; reenacting ss. 311.12(3)(c), 414.095(1), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3)(a), and (4)(a), 893.13(8)(d), 907.041(4)(c), 921.0022(3)(g), (h), and (i), 921.0024(1), 921.142(2), 943.0585, and 943.059, F.S., relating to seaport security standards, eligibility for temporary cash assistance, mandatory sentencing in circumstances involving the possession of use of a weapon, specified offenses that may be charged as murder if death results, prohibited acts by prescribing practitioners, circumstances in which the court may order pretrial detention, the offense severity ranking chart of the Criminal Punishment Code, worksheet computations and scoresheets under the Criminal Punishment Code, sentencing in capital drug trafficking cases, limitations on circumstances in which a criminal history record may be expunged, and limitations on circumstances in which a criminal history record may be sealed, respectively, for the purpose of incorporating the amendment to s. 895.135, F.S., in references thereto; reenacting ss. 397.451(4)(b) and (6), 772.12(2)(a), 893.1351(1), and 903.133, F.S., relating to background checks of service provider personnel, the Drug Dealer Liability Act, the prohibition against leasing or renting for the purpose of trafficking in a controlled substance, and the limitation of admission to bail, respectively, for the purpose of incorporating the amendments to ss. 893.13 and 893.135, F.S., in references thereto; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **HB 1347** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 811—A bill to be entitled An act relating to health insurance; amending s. 627.6699, F.S.; revising application of the act; providing construction; authorizing carriers to offer coverage to certain employees without being subject to the act under certain circumstances; providing requirements; amending s. 408.05, F.S.; changing the due date for a report from the Agency for Health Care Administration regarding the State Center for Health Statistics; changing the release dates for certain data collected by the State Center for Health Statistics; amending s. 408.909, F.S.; providing an additional criterion for the Office of Insurance Regulation to disapprove or withdraw approval of health flex plans; amending s. 627.413, F.S.; authorizing insurers and health maintenance organizations to offer policies or contracts providing for a high deductible plan meeting federal requirements and in conjunction with a health savings account; amending s. 627.638, F.S.; providing certain contract and claim form requirements for direct payment to certain providers of emergency services and care; amending s. 627.6402, F.S.; revising provisions for healthy lifestyle rebates for an individual health insurance policy; providing exceptions; providing application; amending s. 627.6487, F.S.; revising the definition of the term "eligible individual" for purposes of obtaining coverage in the Florida Health Insurance Plan; amending s. 627.64872, F.S.; revising definitions; changing references to the Director of the Office of Insurance Regulation to the Commissioner of Insurance Regulation; deleting obsolete language; providing additional eligibility criteria; reducing premium rate limitations; revising requirements for sources of additional revenue; authorizing the board to cancel policies under inadequate funding conditions; providing a limitation; defining the term "health insurance" for purposes of certain assessments; providing an exclusion; specifying a maximum provider reimbursement rate; requiring licensed providers to accept assignment of plan benefits and consider certain payments as payments in full; authorizing the board to update a required actuarial study; providing study criteria; amending s. 627.65626, F.S.; revising criteria for healthy lifestyle rebates for group and similar health insurance policies provided by health insurers; authorizing group or health insurers to contract with an independent third-party administrator for certain purposes; providing exceptions; providing application; amending s. 627.6692, F.S.; extending a time period within which eligible employees may apply for continuation of coverage; amending s. 627.6699, F.S.; revising availability of coverage provision of the Employee Health Care Access Act; including high deductible plans meeting federal health savings account plan requirements; revising membership of the board of the small employer health reinsurance program; revising certain reporting dates relating to program losses and assessments; requiring the board to advise executive and legislative entities on health insurance issues; providing requirements; amending s. 641.27, F.S.; increasing the interval at which the office examines health maintenance organizations; deleting authorization for the office to accept an audit report from a certified public accountant in lieu of conducting its own examination; increasing an

expense limitation; amending s. 641.31, F.S.; revising criteria for healthy lifestyle rebates for health maintenance organizations; providing exceptions; providing application; providing an appropriation; providing application; providing an effective date.

—as amended May 4 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Fasano, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (670746)** was adopted May 4.

Senator Fasano moved the following amendment to **Amendment 1** which failed to receive the required two-thirds vote:

Amendment 1A (122126)(with title amendment)—On page 5, line 28 through page 6, line 12, delete section 4 and renumber subsequent sections.

And the title is amended as follows:

On page 21, lines 13-15, delete those lines and insert: savings account; amending s. 627.6402, F.S.; revising

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1B (240116)—On page 10, line 25, delete "*subparagraph*" and insert: *paragraph*

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Fasano, **HB 811** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1855—A bill to be entitled An act relating to natural resources; amending s. 376.121, F.S.; providing an alternative to the compensation schedule for calculating natural resources damages; revising procedures relating to damage assessment; removing a restriction on amount of compensation; amending s. 380.06, F.S.; revising factors for determining a substantial deviation in developments of regional impact; amending s. 380.23, F.S.; revising the federally licensed or permitted activities subject to consistency review under the coastal management program; requiring certain environmental impact reports to be data and information for the state's consistency reviews; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Lawson, **HB 1855** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

Consideration of **HB 1231** and **CS for CS for SB 838** was deferred.

SB 1450—A bill to be entitled An act relating to arthritis prevention and education; creating s. 385.210, F.S.; providing a short title; providing legislative findings; providing purposes; directing the Department of Health to establish an arthritis prevention and education program; requiring the department to conduct a needs assessment; providing for establishment of an advisory panel on arthritis; providing for implementation of a public awareness effort; providing for funding through contributions; directing the Secretary of Health to seek federal waivers as necessary to maximize federal funding; providing an effective date.

—was read the third time by title.

Senator Klein moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (600466)(with title amendment)—On page 4, lines 27-30, delete those lines and insert:

(c) Statewide partnership on arthritis.—The department shall establish and coordinate a statewide partnership on arthritis to collaborate on and address arthritis issues within the state. Membership shall include,

And the title is amended as follows:

On page 1, line 9, delete "an advisory panel" and insert: a statewide partnership

Amendment 2 (655212)—On page 5, line 10, following "*pain*" insert: *through evidence-based self-management interventions*

On motion by Senator Klein, **SB 1450** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 63—A bill to be entitled An act relating to disabled parking permits; amending s. 320.0848, F.S.; revising requirements for certification of disability; removing certain restrictions on certification of disability by an advanced registered nurse practitioner or a physician assistant; providing for disciplinary action for violation by certain certifying practitioners; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **HB 63** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 517—A bill to be entitled An act relating to university campus planning; amending s. 1013.30, F.S.; defining terms; requiring each university board of trustees to maintain a copy of the campus master plan on the university's website and provide for electronic copies of its draft master plan; providing duties of the Board of Governors; requiring that the university hold an informal public information session before the required public hearings are held on the draft master plan; requiring that the public hearings be held at specified times; limiting the issues that an individual may raise challenging a campus master plan; authorizing the university to execute a campus development agreement during the pendency of a challenge; providing for an evidentiary hearing to be held by the Division of Administrative Hearings if a challenge to the master plan is not resolved; specifying the evidentiary procedures to be used in such hearing; providing for attorney's fees in any dispute submitted to the state land planning agency or the Administration Commission in which the pleading or motion was made for an improper purpose or for economic advantage; revising procedures to resolve disputes between the university board of trustees and the host local government; requiring that Board of Governors rather than the State Board of Education adopt rules to administer the procedures for preparing and adopting the campus master plan; providing an effective date.

—was read the third time by title.

Senator Saunders moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (235218)(with title amendment)—Between lines 457 and 458, insert:

Section 2. *Florida Gulf Coast University School of Engineering authorized; bachelor's degrees authorized.—*

(1) The Florida Gulf Coast University may establish a School of Engineering, subject to approval by the Board of Governors.

(2) The School of Engineering at the Florida Gulf Coast University may award bachelor of science degrees in bioengineering, environmental and civil engineering, and engineering management.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page Line 27, after the semicolon (;) insert: authorizing Florida Gulf Coast University to establish a school of engineering, subject to approval by the Board of Governors; authorizing the university to grant bachelor's degrees in specified fields;

On motion by Senator Constantine, **HB 517** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

HB 729—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 440.3851, F.S.; exempting from public records and public meetings requirements certain records of the Florida Self-Insurers Guaranty Association, Incorporated, and certain meetings of the board of directors of the association or any subcommittee of the board; providing for release of such records under certain circumstances; providing requirements; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 729** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1099—A bill to be entitled An act relating to the Assistive Technology Advisory Council; amending s. 413.407, F.S.; revising composition, terms of service, and duties of the council; requiring the Commissioner of Education to appoint members of the council; deleting provision requiring the council to fund Florida's Alliance for Assistive Services and Technology; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **HB 1099** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 1917—A bill to be entitled An act relating to juvenile justice; amending s. 943.0515, F.S.; deleting the term "juvenile prison"; amending s. 985.03, F.S.; revising definitions relating to juvenile justice; creating a definition for the term "day treatment"; creating the minimum-risk nonresidential restrictiveness level; providing that temporary release may be granted under specified conditions to youth committed to the high-risk residential restrictiveness level; providing that high-risk residential facilities may be environmentally secure; removing juvenile prisons from the maximum-risk residential level; amending s. 985.201, F.S.; conforming to definition changes; amending s. 985.207, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; providing for a child to be taken into custody for specified court findings; amending s. 985.208, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; amending s. 985.213, F.S.; providing that permissible detention findings include specified criteria for taking a child into custody; amending s. 985.215, F.S.; providing for release from detention for a child who has absconded; providing exceptions that permit a child to be placed in detention postadjudication for more than 15 days; providing procedures for exceptions; conforming a cross-reference; providing for detention for committed children awaiting placement; providing secure detention for children awaiting minimum-risk placement who violate home or nonsecure detention or electronic monitoring; providing for limited secure detention for children being transported to residential commitment programs; amending s. 985.2155, F.S.; revising the definition of a fiscally constrained county; amending s. 985.228, F.S.; requiring the court to include specified conditions in an order of adjudication of delinquency that are applicable to a youth for the postadjudication and predisposition period; amending s. 985.231, F.S.; revising provisions relating to powers of disposition; permitting a court to specify the program or facility a youth shall be placed in when committed; providing procedures for a court's specific placement; providing for commitment of a child to a specific high-risk residential or maximum-risk residential program or facility; providing the maximum length for a minimum-risk nonresidential commitment for a second degree misdemeanor; providing that the department or a provider report quarterly to the court the child's treatment plan progress; making conforming changes; amending s. 985.2311, F.S.; providing that parents shall pay fees for costs of supervision related to minimum-risk nonresidential commitment; amending s. 985.313, F.S.; conforming to definitions changes; amending s. 985.316, F.S.; providing for assessment of residentially committed youth for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; creating a new task force on juvenile sexual offenders and their victims; providing powers and duties; providing membership; requiring a report; providing for administrative support; providing for dissolution of the task force; creating a task force to study the certification of professional staff working for a provider of juvenile justice services; providing membership; requiring the task force to consider the feasibility of implementing and operating a certification system for professional staff; requiring the task force to consider specified issues; directing the task force to recommend a process for testing and validating the effectiveness of the recommended staff development system; requiring the task force to prepare and submit a report of its deliberations and recommendations by a specified date; providing for administrative support; providing for dissolution of the task force; amending s. 985.404, F.S.; requiring the court to issue written orders granting or denying specified department requested transfers for committed youth; permitting the court to conduct a hearing; prohibiting specified department-requested transfers prior to department receipt of a written court order granting the transfer; amending s. 985.4135, F.S.; requiring juvenile justice county councils to develop criteria for law enforcement referrals to juvenile assessment centers; providing for permissible representation on juvenile justice county councils or circuit boards; amending ss. 784.075, 984.05, 985.31, and 985.3141, F.S.; conforming cross-references; reenacting ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(k), and 985.311(3)(e), F.S., relating to jurisdiction, sentencing alternatives, commitment of serious or habitual juvenile offenders, and eligibility for an intensive residential treatment program for offenders less than 13 years of age, respectively, to incorporate the amendment to s. 985.231, F.S., in reference thereto; amending s. 985.407, F.S.; changing the level of background screening required for certain department and provider employees from level 1 to level 2; requiring federal criminal records checks every 5 years for certain department and provider employees; providing for electronic submission of specified fingerprint information; providing for retention of specified fingerprint information; providing for searches; requiring the adoption of rules; providing for an annual fee; providing for notice of changes in the employment status of persons whose fingerprint information is retained; requiring the removal of fingerprint information upon the occurrence of specified events; providing an effective date.

—as amended May 4 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Crist, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (741866)** was adopted May 4.

Senator Crist moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1C (563846)—On page 39, lines 22-28, delete those lines and redesignate subsequent sections.

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Crist, **HB 1917** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for CS for SB 2254—A bill to be entitled An act relating to community colleges; amending s. 1001.64, F.S.; providing that community colleges that grant baccalaureate degrees pursuant to s. 1007.33, F.S., remain under the authority of the State Board of Education with respect to specified responsibilities; providing that, subject to specified conditions, the board of trustees of such a community college is the governing board for purposes of granting baccalaureate degrees; providing powers of the boards of trustees, including the power to establish tuition and out-of-state fees; providing restrictions; requiring such boards to adopt a policy requiring teachers who teach certain upper-division courses to teach a specified minimum number of hours; amending s. 1004.65, F.S.; requiring community colleges that offer baccalaureate degrees to maintain their primary purpose and not terminate associate in arts programs because they offer baccalaureate degrees; amending s. 1007.33, F.S.; removing a requirement for review and comment by the Council for Education Policy Research and Improvement of a proposal to deliver baccalaureate degree programs; providing for the State Board of Education to adopt rules with respect to the articulation of specified associate degrees with specified bachelor's degrees; providing requirements for such rules; requiring that a formal agreement for the delivery of specified baccalaureate degree programs by a regionally accredited college or university at a community college site include certain provisions; requiring that the curriculum for the degree be developed and approved within a specified time; requiring that the degree program be implemented within a specified time; requiring that a proposal to deliver such a degree document that the community college has notified the accredited colleges and universities in the district of its intent to seek approval for delivery of the degree; allowing the colleges and universities to propose an alternative plan for providing the degree; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting tuition and out-of-state fees for upper-division courses; requiring the State

Board of Education, annually by a specified date, to adopt a resident fee schedule for baccalaureate degree programs offered by community colleges; amending s. 1011.83, F.S.; providing requirements for funding nonrecurring and recurring costs associated with such programs; limiting per-student funding to a specified percentage of costs associated with baccalaureate degree programs offered in state universities; requiring community colleges to maintain a distinction in reporting and funding between baccalaureate degree programs approved under s. 1007.33, F.S., and those offered under concurrent-use partnerships; amending s. 1013.60, F.S.; allowing community college boards of trustees to request funding for all authorized programs; requiring that enrollment in baccalaureate degree programs be computed into the survey of need for facilities; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; amending s. 1009.23, F.S.; authorizing each community college board of trustees to establish a transportation user fee; limiting such fee to the cost of the service provided; allowing fines to exceed the cost of services provided and to apply to persons other than those receiving specified services; providing an effective date.

—as amended May 4 was read the third time by title.

MOTION

On motion by Senator Wise, the rules were waived to allow the following amendment to be considered:

Senator Wise moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (252486)(with title amendment)—On page 14, between lines 9 and 10, insert:

Section 9. Subsection (8) is added to section 1011.68, Florida Statutes, to read:

1011.68 Funds for student transportation.—The annual allocation to each district for transportation to public school programs, including charter schools as provided in s. 1002.33(17)(b), of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

(8) Notwithstanding s. 1006.22(1) and (2), if an isolated student attends a charter school governed by a community college, the community college shall generate school transportation funding according to ss. 1002.33(17)(b), 1011.62, and this section. A community college board of trustees may include in its charter school contract a provision for parent transportation of students which is consistent with s. 1002.33(20)(c), if the cost of the transportation service does not exceed the transportation funds generated by this chapter.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 21, after the semicolon (;) insert: amending s. 1011.68, F.S.; providing that an isolated student who attends a charter school governed by a community college generates school transportation funding according to a specified formula; authorizing a community college board of trustees to pay for transportation of students in private passenger cars under certain circumstances;

On motion by Senator King, **CS for CS for SB 2254** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Alexander	Clary	Haridopolos
Argenziano	Constantine	Hill
Aronberg	Crist	Jones
Atwater	Dawson	King
Baker	Diaz de la Portilla	Klein
Bennett	Dockery	Lawson
Bullard	Fasano	Lynn
Campbell	Garcia	Margolis
Carlton	Geller	Miller
Peaden	Saunders	Villalobos
Posey	Sebesta	Wilson
Pruitt	Siplin	Wise
Rich	Smith	

Nays—1

Webster

HB 1031—A bill to be entitled An act relating to the reuse and recycling of campaign signs; requiring the Department of Environmental Protection to design a pilot project to encourage the reuse or recycling of campaign signs; requiring the department to submit details of the program and a budget request for use of funds from the Solid Waste Management Trust Fund to the Governor and Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **HB 1031** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1189—A bill to be entitled An act relating to the education of children of deceased or disabled veterans; amending s. 295.01, F.S.; extending the opportunity to receive postsecondary educational benefits at state expense to the dependent children of certain dead or disabled veterans who were Florida residents when the death or disability occurred; decreasing the minimum required length of the parent's residency; amending s. 295.0185, F.S.; providing educational opportunity at state expense for dependent children of military personnel who die or suffer a specified disability in Operation Iraqi Freedom; amending s. 295.02, F.S.; authorizing the use of funds for educational opportunities for the children of certain deceased and disabled veterans; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **HB 1189** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

CS for CS for SB 1456—A bill to be entitled An act relating to paternity; permitting a petition to set aside a determination of paternity; providing a time limit for filing the petition; providing for notice of such petition; specifying contents of the petition; providing standards upon which relief shall be granted; providing remedies; providing that child support obligations shall not be suspended while a petition is pending; providing for genetic testing; providing for assessment of costs and attorney's fees; providing an effective date.

—was read the third time by title.

On motion by Senator Lawson, **CS for CS for SB 1456** was passed and certified to the House. The vote on passage was:

Yeas—31

Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wise
Crist	Lynn	
Diaz de la Portilla	Miller	

Nays—8

Aronberg	Geller	Siplin
Bennett	Margolis	Wilson
Dawson	Rich	

Vote after roll call:

Nay to Yea—Aronberg, Siplin

CS for SB 2432—A bill to be entitled An act relating to cardrooms; amending s. 849.086, F.S.; revising definitions to include dominoes as an authorized game and to allow games other than card games to be played in cardrooms; authorizing rulemaking relating to poker and dominoes by the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation; providing for supervision of dominoes games at a cardroom; limiting wagering related to authorized games; amending s. 849.161, F.S.; providing that the chapter does not apply to amusement games or machines which operate by the insertion of a coin or other currency; providing an effective date.

—as amended May 4 was read the third time by title.

On motion by Senator Bullard, **CS for SB 2432** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Argenziano	Dockery	Miller
Aronberg	Fasano	Peaden
Atwater	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Hill	Rich
Campbell	Jones	Saunders
Clary	King	Sebesta
Constantine	Klein	Siplin
Crist	Lawson	Smith
Dawson	Lynn	Villalobos
Diaz de la Portilla	Margolis	Wilson

Nays—6

Alexander	Carlton	Webster
Baker	Haridopolos	Wise

HB 1305—A bill to be entitled An act relating to the Department of State; creating s. 257.015, F.S.; providing definitions; amending s. 257.02, F.S.; increasing membership on the State Library Council; revising criteria for membership; revising provisions with respect to the selection process for members; providing for officers of the council; amending s. 257.031, F.S.; deleting references to the State Library Council and provisions for officers of the council; providing additional responsibilities of the State Librarian; amending s. 257.12, F.S.; designating the Division of Library and Information Services as the state library administrative agency; amending s. 257.192, F.S.; correcting terminology; creating s. 257.43, F.S.; providing for the establishment of a citizen support organization to provide assistance, funding, and promotional support for the library, archives, and records management programs of the Division of Library and Information Services; providing for use of administrative services and property; requiring an annual audit; amending s. 265.284, F.S.; designating the Division of Cultural Affairs as the state arts administrative agency; deleting obsolete language; amending s. 265.2865, F.S.; deleting obsolete language; amending s. 265.606, F.S.; requiring local sponsoring organizations to submit an annual postaudit to the division under certain circumstances; amending s. 265.701, F.S.; providing contract requirements to ensure continued use as a cultural facility for a specified period following a grant award; providing for repayment of grant funds to the department under specified circumstances; amending s. 265.702, F.S.; providing contract requirements to ensure continued use as a regional cultural facility for a specified period following a grant award; providing for repayment of grant funds to the department under specified circumstances; creating s. 265.703, F.S.; providing for the establishment of a citizen support organization to provide assistance, funding, and promotional support for the cultural and arts programs of the Division of Cultural Affairs; providing for use of administrative services and property; requiring an annual audit; amending s. 267.031, F.S.; authorizing the Division of Historical Resources to establish an endowment under the Florida Historical Resources Act; removing a requirement for the establishment of historic preservation regional offices in specific locations; requiring the establishment of at least three historic preservation regional offices; creating citizen advisory boards for regional offices in lieu of citizen support organizations; providing purpose and for appointment of members of the advisory boards; amending s. 267.0612, F.S.; revising provisions with respect to service as a member of the Florida Historical Commission; amending s. 267.0617, F.S.; providing for appointment of a grant review panel chair under the Historic Preservation Grant Program; amending s. 267.0619, F.S.; providing for appointment of a grant review panel chair under the Historical Museum Grants program; amending s. 267.0731, F.S.; revising provisions with respect to nominations under the Great Floridians Program; amending s. 267.13, F.S.; providing for the adoption of rules by the Division of Historical Resources to implement provisions governing prohibited practices and penalties therefor; amending s. 267.16, F.S.; removing a duty of the Division of Historical Resources with respect to Florida Folklife Programs; amending s. 267.173, F.S.; conforming a reference; amending s. 267.174, F.S.; revising dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, completion of the initial draft of the master plan, and submission of the completed master plan; repealing s. 15.0913, F.S., which requires the Department of State to file all Uniform Commercial Code documents within a specified time after receipt of such documents by the Bureau of Uniform Commercial Code of the Division of Corporations; repealing s. 265.51, F.S., relating to the authority of the Department of State to make agreements to indemnify specified items against loss or damage; repealing s. 265.52, F.S., relating to items eligible for indemnity agreements of the Department of State; repealing s. 265.53, F.S., relating to application for indemnity agreement by a nonprofit agency, institution, or government in the state attempting to obtain indemnification for eligible items it proposes to borrow from a person, organization, institution, or government not in the state; repealing s. 265.54, F.S., relating to review by the Department of State of applications for indemnity agreements and limits of indemnity; repealing s. 265.55, F.S., relating to the processing by the Division of Risk Management of the Department of Financial Services of claims for losses covered by an indemnity agreement; repealing s. 265.56, F.S., relating to an annual report to the Legislature by the Department of State with respect to current and pending claims under indemnity agreements and the value of contracts entered into by the department which are outstanding at the close of the fiscal year; providing severability; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **HB 1305** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 885—A bill to be entitled An act relating to regional autism centers; amending s. 1004.55, F.S.; creating an additional regional autism center in the state; reducing the number of counties within the service areas of two existing regional autism centers; providing for consistency in service delivery; encouraging each constituency board to raise funds; providing a prohibition; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **HB 885** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—King

HB 759—A bill to be entitled An act relating to environmental permitting programs; amending s. 373.414, F.S., relating to additional criteria for activities in surface waters and wetlands; revising a date relating to an exemption from specified requirements; providing for submission of financial responsibility prior to the commencement of phosphate mining operations; providing for review of financial responsibility; providing mechanisms for providing financial responsibility; providing exclusions; clarifying intent; creating s. 373.4143, F.S.; providing legislative intent; creating s. 373.4144, F.S.; providing for the consolidation of federal and state wetland permitting programs; providing duties of the Department of Environmental Protection; requiring a report to the Legislature and coordination with the Florida Congressional Delegation; amending s. 373.4145, F.S., and reenacting subsections (1)-(4), to continue the interim part IV permitting program for the Northwest Florida Water Management District; providing for future repeal of such interim program; amending s. 10, ch. 2003-423, Laws of Florida; revising the date by which the Peace River Basin resource management plan must be submitted; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **HB 759** was passed and certified to the House. The vote on passage was:

Yeas—35

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Baker	Garcia	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Atwater, Sebesta

Consideration of **CS for CS for SB 486**, **CS for CS for SB 1110**, **CS for SB 718** and **CS for SB 1344** was deferred.

By direction of the President, the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 166, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 166—A bill to be entitled An act relating to child support; amending s. 409.2558, F.S.; requiring the Department of Revenue, prior to determining a collection or refund to be undistributable to make reasonable efforts to locate persons to whom collections or refunds are owed, including disclosure on the Internet of information with appropriate safeguards to protect the privacy of the persons named in the database; providing an effective date.

House Amendment 1 (220497)—Remove line(s) 28 and 29 and insert:

Internet in compliance with the requirements of s. 119.01(2)(a).

On motion by Senator Aronberg, the Senate concurred in the House amendment.

SB 166 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 434, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 434—A bill to be entitled An act relating to individuals with disabilities; amending s. 413.08, F.S.; providing definitions; providing that an individual with a disability has full and equal access to and enjoyment of public accommodations and state and local facilities, programs, services, and activities; providing that an individual with a disability may be accompanied by a service animal in places of public accommodation and in state and local facilities; directing that documentation that a service animal is trained may not be a precondition for providing service to an individual accompanied by a service animal; requiring that a service animal be given access to all areas of a government facility or public accommodation that the public or customers are normally permitted to occupy; prohibiting segregating an individual with a service animal from other customers or the public; prohibiting a public accommodation from imposing a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual; providing that an individual with a disability may be liable for damage caused by a service animal; providing that the animal's owner is responsible for the care and supervision of a service animal; providing that the public accommodation or government entity is not required to provide care or food or a special location for a service animal; providing that a public accommodation or government entity may exclude or remove any animal from the premises if the animal's behavior poses a direct threat to the health and safety of others; increasing certain penalties for violations of the act; providing that the trainer of a service animal has the same rights and privileges as a person with a disability while training the service animal; providing that a housing accommodation may request proof of compliance with vaccination requirements; amending s. 413.081, F.S.; conforming provisions to changes made by the act; providing an effective date.

House Amendment 1 (311311)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 413.08, Florida Statutes, is amended to read:

413.08 Rights of *an individual with a disability;* ~~physically disabled persons;~~ use of *a* ~~dog guides or~~ service *animal* ~~dogs or nonhuman primates of the genus Cebus~~; discrimination in public employment or housing accommodations; penalties.—

(1) As used in ss. 413.08 and 413.081, the term:

(a) "Housing accommodation" means any real property or portion thereof which is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more persons, but does not include any single-family residence, the occupants of which rent, lease, or furnish for compensation not more than one room therein.

(b) "Individual with a disability" means a person who is deaf, hard of hearing, blind, visually impaired, or otherwise physically disabled. As used in this paragraph, the term:

1. "Hard of hearing" means an individual who has suffered a permanent hearing impairment that is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication.

2. "Physically disabled" means any person who has a physical impairment that substantially limits one or more major life activities.

(c) "Public accommodation" means a common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation; hotel; lodging place; place of public accommodation, amusement, or resort; and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

(d) "Service animal" means an animal that is trained to perform tasks for an individual with a disability. The tasks may include, but are not limited to, guiding a person who is visually impaired or blind, alerting a person who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting a person who is having a seizure, retrieving objects, or performing other special tasks. A service animal is not a pet.

(2)~~(1)(a)~~ *An individual with a disability is* ~~The deaf, hard of hearing, blind, visually handicapped, and otherwise physically disabled are~~ entitled to full and equal accommodations, advantages, facilities, and privileges *in* ~~on~~ all *public accommodations* ~~common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, and other public conveyances or modes of transportation and at hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons~~. This section does not require any person, firm, *business,* or corporation, or any agent thereof, to modify or provide any vehicle, premises, facility, or service to a higher degree of accommodation than is required for a person not so disabled.

(3)~~(b)~~ *An individual with a disability* ~~Every deaf or hard of hearing person, totally or partially blind person, person who is subject to epilepsy or other such seizure disorders, or physically disabled person~~ has the right to be accompanied by a ~~dog guide or~~ service *animal* ~~dog, specially trained for the purpose,~~ in *all areas of a public accommodation that the public or customers are normally permitted to occupy* ~~any of the places listed in paragraph (a) without being required to pay an extra charge for the dog guide or service dog; however, such a person is liable for any damage done to the premises or facilities by such a dog. The dog guide or service dog must be capable of being properly identified as being from a recognized school for seeing eye dogs, hearing ear dogs, service dogs, including, but not limited to, seizure alert and seizure response dogs, or guide dogs~~.

(a) Documentation that the service animal is trained is not a precondition for providing service to an individual accompanied by a service animal. A public accommodation may ask if an animal is a service animal or what tasks the animal has been trained to perform in order to determine the difference between a service animal and a pet.

(b) A public accommodation may not impose a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual with a disability, even if a deposit is routinely required for pets.

(c) An individual with a disability is liable for damage caused by a service animal if it is the regular policy and practice of the public accommodation to charge nondisabled persons for damages caused by their pets.

(d) The care or supervision of a service animal is the responsibility of the individual owner. A public accommodation is not required to provide care or food or a special location for the service animal or assistance with removing animal excrement.

(e) A public accommodation may exclude or remove any animal from the premises, including a service animal, if the animal's behavior poses a direct threat to the health and safety of others. Allergies and fear of animals are not valid reasons for denying access or refusing service to an individual with a service animal. If a service animal is excluded or removed for being a direct threat to others, the public accommodation must provide the individual with a disability the option of continuing access to the public accommodation without having the service animal on the premises.

~~(c) Every person with paraplegia or quadriplegia has the right to be accompanied by a nonhuman primate of the genus Cebus, specially trained for the purpose of providing personal care services, in any of the places listed in paragraph (a) without being required to pay an extra charge for the nonhuman primate; however, such a person is liable for any damage done to the premises or facilities by such nonhuman primate.~~

(4)~~(2)~~ Any person, firm, or corporation, or the agent of any person, firm, or corporation, who denies or interferes with admittance to, or enjoyment of, *a* ~~the~~ public *accommodation* ~~facilities enumerated in subsection (1)~~ or otherwise interferes with the rights of *an individual with a disability* ~~a deaf person, a hard of hearing person, a totally or partially blind person, a person who is subject to epilepsy or other such seizure disorders, or an otherwise physically disabled person under this section,~~ or the trainer of a ~~dog guide or~~ service *animal* ~~dog~~ while engaged in the training of *such an animal* ~~such a dog~~ pursuant to subsection *(8)* ~~(7)~~, *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5)~~(3)~~ It is the policy of this state that *an individual with a disability* ~~the deaf, hard of hearing, blind, visually handicapped, and otherwise physically disabled shall~~ be employed in the service of the state or political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds, and an employer may not refuse employment to *such a person* ~~the deaf, the hard of hearing, the blind, the visually handicapped, or the otherwise physically disabled~~ on the basis of the disability alone, unless it is shown that the particular disability prevents the satisfactory performance of the work involved.

(6)~~(4)~~ *An individual with a disability is* ~~Deaf persons, hard of hearing persons, blind persons, visually handicapped persons, and otherwise physically disabled persons are~~ entitled to rent, lease, or purchase, as other members of the general public, any housing accommodations offered for rent, lease, or other compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

~~(a) As used in this subsection, the term "housing accommodations" means any real property or portion thereof which is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but does not include any single-family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.~~

(a)~~(b)~~ This section does not require any person renting, leasing, or otherwise providing real property for compensation to modify her or his property in any way or provide a higher degree of care for *an individual with a disability* ~~a deaf person, hard of hearing person, blind person, visually handicapped person, or otherwise physically disabled person~~ than for a person who is not *disabled* ~~so handicapped~~.

(b)~~(c)~~ *An individual with a disability* ~~Each deaf person, hard of hearing person, totally or partially blind person, or otherwise physically disabled person~~ who has a *service animal* ~~dog guide,~~ or who obtains a *service animal* ~~dog guide,~~ is entitled to full and equal access to all housing accommodations provided for in this section, and such a person *may* ~~shall~~ not be required to pay extra compensation for the *service animal* ~~dog guide~~. However, such a person is liable for any damage done to the premises *or to another person on the premises* by such *an animal* ~~a dog guide~~. *A housing accommodation may request proof of compliance with vaccination requirements.*

~~(d) Each person with paraplegia or quadriplegia who has or obtains a nonhuman primate of the genus Cebus, specially trained for the purpose of providing personal care services, is entitled to full and equal access to all housing accommodations provided for in this section, and she or he shall not be required to pay extra compensation for such a nonhuman primate. However, the person is liable for any damage done to the premises by such a nonhuman primate.~~

(7)~~(5)~~ *An* ~~Any~~ employer covered under subsection *(5)* ~~(3)~~ who discriminates against *an individual with a disability* ~~the deaf, hard of hearing, blind, visually handicapped, or otherwise physically disabled~~ in employment, unless it is shown that the particular disability prevents the satisfactory performance of the work involved, or any person, firm, or corporation, or the agent of any person, firm, or corporation, providing housing accommodations as provided in subsection *(6)*~~(4)~~ who discriminates against *an individual with a disability commits* ~~the deaf, hard of hearing, blind, visually handicapped, or otherwise physically disabled is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

~~(6)(a) As used in this section, the term "physically disabled person" means any person who has a physical impairment that substantially limits one or more major life activities.~~

~~(b) As used in this section, the term "hard of hearing person" means an individual who has suffered a permanent hearing impairment that is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication.~~

(8)~~(7)~~ Any trainer of a ~~dog guide or~~ service *animal* ~~dog~~, while engaged in the training of such *an animal* ~~a dog~~ , has the same rights and privileges with respect to access to public facilities and the same liability for damage as is provided for those persons described in *subsection (3)* ~~paragraph (1)(b)~~ accompanied by *service animals* ~~dog guides or service dogs~~.

~~(8) Any trainer of a nonhuman primate of the genus Cebus, while engaged in training such a nonhuman primate to provide personal care services to a person with paraplegia or quadriplegia, has the same rights and privileges with respect to access to public facilities and the same liability for damage as is provided for a person with paraplegia or quadriplegia who is accompanied by nonhuman primates of the genus Cebus. As used in this subsection, the term "trainer of a nonhuman primate of the genus Cebus" means a paid employee of a training organization, and does not include volunteers chosen to raise the animals.~~

Section 2. Section 413.081, Florida Statutes, is amended to read:

413.081 Interference with or injury to *a* ~~guide dog or~~ service animal; penalties; restitution.—

(1) *A* ~~Any~~ person who, with reckless disregard, interferes *with*, or permits a dog that he or she owns or is in the immediate control of to interfere~~,~~ with*,* the use of a ~~guide dog or~~ service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the *service* animal or its user *commits* ~~is guilty of~~ a misdemeanor of the second degree for the first offense and a misdemeanor of the first degree for each subsequent offense, punishable as provided in s. 775.082 or s. 775.083.

(2) *A* ~~Any~~ person who, with reckless disregard, injures or kills, or permits a dog that he or she owns or is in the immediate control of to injure or kill, a ~~guide dog or~~ service animal *commits* ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) *A* ~~Any~~ person who intentionally injures or kills, or permits a dog that he or she owns or is in the immediate control of to injure or kill, a ~~guide dog or~~ service animal *commits* ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082*,* ~~or~~ s. 775.083*, or s. 775.084*.

(4)(a) A person who is convicted of a violation of this section, in addition to any other penalty, must make full restitution for all damages that arise out of or are related to the offense, including incidental and consequential damages incurred by the ~~guide dog or~~ service animal's user.

(b) Restitution includes the value of the *service* animal; replacement and training or retraining expenses for the *service* animal and the user; veterinary and other medical and boarding expenses for the *service* animal; medical expenses for the user; and lost wages or income incurred by the user during any period that the user is without the services of *the service* ~~such an~~ animal.

~~(5) As used in this section, the term:~~

~~(a) "Guide dog" means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons.~~

~~(b) "Service animal" means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.~~

Section 3. *The Florida Americans with Disabilities Act Working Group and the Commission on Human Relations, jointly, are directed to provide to the Executive Office of the Governor recommendations that identify specific policies that the state can implement to ensure the effectiveness of this act and improve access for individuals with disabilities who are accompanied by service animals.*

Section 4. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to individuals with disabilities; amending s. 413.08, F.S.; providing definitions; providing that an individual with a disability has full and equal access to and enjoyment of public accommodations; providing that an individual with a disability may be accompanied by a service animal in places of public accommodation; requiring that a service animal be given access to all areas of a public accommodation that the public or customers are normally permitted to occupy; directing that documentation that a service animal is trained may not be a precondition for providing service to an individual accompanied by a service animal; prohibiting a public accommodation from imposing a deposit or surcharge on an individual with a disability as a precondition to permitting a service animal to accompany the individual; providing that an individual with a disability may be liable for damage caused by a service animal; providing that the animal's owner is responsible for the care and supervision of a service animal; providing that the public accommodation is not required to provide care or food or a special location for a service animal; providing that a public accommodation may exclude or remove any animal from the premises if the animal's behavior poses a direct threat to the health and safety of others; providing that the trainer of a service animal has the same rights and privileges as a person with a disability while training the service animal; providing that a housing accommodation may request proof of compliance with vaccination requirements; amending s. 413.081, F.S.; conforming provisions to changes made by the act; directing the Florida Americans with Disabilities Act Working Group and the Commission on Human Relations to provide recommendations to the Executive Office of the Governor; providing an effective date.

On motion by Senator Wise, the Senate concurred in the House amendment.

CS for CS for SB 434 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 908, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 908—A bill to be entitled An act relating to the Wekiva Parkway and Protection Act; amending s. 369.318, F.S.; clarifying the Department of Environmental Protection's rulemaking authority to implement certain recommendations; amending ss. 369.319 and 369.320, F.S.; clarifying that requirements for a local government to develop a master stormwater management plan and a wastewater facility plan apply only to that portion of the local government located within the Wekiva Study Area; amending s. 369.321, F.S.; requiring local governments hosting an interchange on the Wekiva Parkway to adopt an interchange land use plan within 1 year after the interchange location is established; exempting interchanges located on Interstate 4 from the requirement for an interchange land use plan; revising the date local governments are required to adopt a 10-year water supply facility work plan; clarifying that the Department of Community Affairs reviews comprehensive plan amendments for the Wekiva Study Area under ch. 163, F.S.; amending s. 369.324, F.S.; correcting a reference to the East Central Florida Regional Planning Council; providing an effective date.

House Amendment 1 (839247)(with title amendment)—On page 2, line 19, remove said line and insert: *2004. The rules shall provide an opportunity for relief from such specific recommendations upon affirmative demonstration by the permittee or permit applicant, based on water quality data, physical circumstances, or other credible information, that the discharge of treated wastewater is protective of surface water and groundwater quality with respect to nitrate-nitrogen as set forth in section C.1. of the referenced December 2004 report* ~~shall, if appropriate, by March 1, 2005, initiate~~

And the title is amended as follows:

On page 1, line 6, remove said line and insert:

certain recommendations; requiring provisions for relief from specific recommendations under certain circumstances; amending ss. 369.319

House Amendment 2 (954045)(with title amendment)—On page 4, lines 5 and 6, remove said lines and insert:

comprehensive plan to include the Wekiva Parkway. *Interchanges located on Interstate 4 are exempt from this subsection.*

And the title is amended as follows:

On page 1, lines 17 through 19, remove said lines and insert:

exempting interchanges located on Interstate 4 from the requirements for an interchange land use plan; revising the date local governments

On motion by Senator Constantine, the Senate concurred in the House amendments.

SB 908 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1144, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1144—A bill to be entitled An act relating to public records and public meetings; amending s. 119.01, F.S.; clarifying general state policy on public records; amending s. 119.07, F.S.; conforming cross-references; making editorial and conforming changes; transferring exemptions from public-records requirements under that section to indicated sections of Florida Statutes; amending s. 119.071, F.S.; transferring exemptions from public-records requirements under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classifications of "Agency Administration," "Agency Investigations," "Security," "Agency Personnel Information," and "Other Personal Information"; making editorial and conforming changes; transferring and amending s.

119.0721, F.S.; transferring exemptions provided for social security numbers to s. 119.071, F.S.; making editorial and conforming changes; deleting obsolete provisions; creating s. 119.0711, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Executive Branch Agency Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; creating s. 119.0712, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Executive Branch Agency-Specific Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; creating s. 119.0713, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Local Government Branch Agency Exemptions from Inspection and Copying of Public Records"; making editorial and conforming changes; amending s. 119.15, F.S.; revising standards and guidelines for the review and repeal of exemptions from public-records and public-meetings requirements pursuant to the Open Government Sunset Review Act; making editorial and conforming changes; creating s. 112.31891, F.S.; transferring exemptions under s. 119.07(6), F.S., to that section and reorganizing the exemptions under the classification of "Investigatory Records"; making editorial and conforming changes; creating s. 27.7081, F.S.; transferring provisions relating to capital postconviction public records production under s. 119.19, F.S., to that section; amending ss. 27.708, 101.5607, 112.533, 119.011, 286.0113, 287.0943, 320.05, 322.20, 338.223, 401.27, 409.2577, 633.527, 794.024, and 1007.35, F.S.; conforming cross-references; providing an effective date.

House Amendment 1 (800131)(with title amendment)—On page 55, lines 15 and 16,

remove: all of said lines and insert:

section 112.3190, Florida Statutes, and amended to read:

112.3190 Investigatory records.—

And the title is amended as follows:

On page 2, line 17, remove: all of said line and insert:

creating s. 112.3190, F.S.; transferring

On motion by Senator Argenziano, the Senate concurred in the House amendment.

CS for SB 1144 passed as amended by the required constitutional two-thirds vote of the members present, and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1146, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1146—A bill to be entitled An act relating to purchasing and procurement; providing definitions; authorizing the Department of Management Services to establish the Center for Efficient Government; providing for the powers and duties of the center; prescribing duties of a state agency before a service may be outsourced; requiring agencies to do a business case analysis; specifying the requirements for the analysis; requiring that an agency submit the proposed business case with the agency's legislative budget request; prescribing the process for approval if the outsourcing is not included in the agency's approved operating budget; prohibiting an agency from privatizing a service without specific legislative authorization; prescribing contract requirements for a contract that meets or exceeds a specified threshold amount; authorizing a contract to include certain incentives; providing requirements for a contract that exceeds $1 million in value; providing a process for a state agency to submit to the Executive Office of the Governor certain contract amendments for approval; requiring approval of the Administration Commission under certain circumstances; creating s. 215.4211, F.S.; authorizing the Chief Financial Officer to review contracts for state agencies; repealing s. 14.203, F.S., relating to the State Council on Competitive Government; providing appropriations and authorizing positions; providing restrictions on contractor supervision of state employees; providing restrictions on contractor involvement in state procurement; providing an effective date.

House Amendment 1 (637389)(with title amendment)—Remove everything after the enacting clause, and insert:

Section 1. Paragraph (i) is added to subsection (2) of section 20.22, Florida Statutes, to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions and programs within the Department of Management Services are established:

(i) Center for Efficient Government.

Section 2. Section 287.0571, Florida Statutes, is created to read:

287.0571 Applicability of ss. 287.0571-287.0578.—

(1) Sections 287.0571-287.0578 shall be known as the "Center for Efficient Government Act".

(2) It is the intent of the Legislature that state agencies focus on their core missions and deliver services effectively and efficiently by leveraging resources and contracting with the private sector for services that can be more effectively provided by the private sector and that reduce the cost of government for all citizens of the state.

(3) The provisions of this act shall not be required to apply to procurements of commodities and contractual services listed in s. 287.057(5)(e), (f), and (g) and (22).

(4) The provisions of this act shall not apply to:

(a) Procurements of commodities and contractual services subject to s. 287.055.

(b) Contracts in support of the planning, development, implementation, operation, or maintenance of the road, bridge, and public transportation construction program of the Department of Transportation.

Section 3. Section 287.0573, Florida Statutes, is created to read:

287.0573 Definitions.—For the purposes of this act:

(1) "Center" means the Center for Efficient Government.

(2) "Centralized gate process" means the system of review phases for a proposed procurement of contractual services, the conclusion of each phase being a "gate" or decision point at which the commission determines whether the procurement under consideration may proceed to the next phase.

(3) "Commission" means the Commission on Efficient Government.

Section 4. Section 287.0574, Florida Statutes, is created to read:

287.0574 Criteria for procurement of contractual services.—

(1) The agency must include with its final legislative budget request the business cases for procurements for contractual services that the agency proposes in the fiscal year for which the final legislative budget request is submitted, in the manner and form prescribed in the legislative budget request instructions pursuant to s. 216.023.

(2) When compared to the cost and quality of service performed by state employees, an agency may procure a contractual service currently or previously provided by state employees only if, upon full implementation of a procurement, it:

(a) Results in reasonable cost savings while maintaining at least the same quality of service;

(b) Reasonably increases the quality of service while not exceeding the same level of cost; or

(c) Significantly increases measurable outputs and quality while minimally increasing costs, at levels and percentages proposed by the procuring agency and approved in writing in advance of the procurement by the commission. Only projects with an annual cost below $10 million in each fiscal year may meet this criterion.

Section 5. Section 287.0575, Florida Statutes, is created to read:

287.0575 Commission on Efficient Government; membership; duties; Center for Efficient Government; duties.—

(1) The Commission on Efficient Government is created within the Department of Management Services to oversee the Center for Efficient Government and carry out the responsibilities specified in this section.

(a) The commission shall consist of seven members appointed by the Governor:

1. Four members shall be heads of executive branch agencies.

2. Three members shall be from the private sector and, collectively, shall have experience with procurement, successfully increasing operational efficiency, and implementing complex projects in the private sector business environment. No private sector member of the commission may at any time during his or her appointment to the commission be registered to lobby the executive or legislative branch.

(b) By August 1, 2005, the Governor shall appoint two private sector members and two agency heads for terms of 3 years and one private sector member and two agency heads for terms of 4 years. Thereafter, each member shall serve for a term of 4 years. The private sector members shall serve without compensation but shall be entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(c) No member of the commission shall participate in commission review of a procurement when his or her agency is conducting the procurement or, in the case of a private sector member, he or she has a business relationship with an entity that is involved or could potentially be involved in the procurement.

(d) The members of the commission may not delegate their membership to a designee.

(e) A quorum shall consist of at least four members, including at least two private-sector members. At least one private-sector member must vote on the prevailing side for commission action to take effect.

(f) Any vacancy on the commission shall be filled in the same manner as the original appointment, and any member appointed to fill a vacancy occurring for a reason other than the expiration of a term shall serve only for the unexpired term of the member's predecessor.

(g) At the first meeting of the commission after August 1, 2005, the members of the commission shall elect, by majority vote of those in attendance, a member to serve as chair of the commission. No later than September 1 of each succeeding year, the commission shall elect a new chair.

(h) The commission shall:

1. Oversee the Center for Efficient Government.

2. Adopt the centralized gate process.

3. Review, evaluate, and grant approval of, withhold approval of, or deny approval of a proposed procurement at each gate established within the centralized gate process. The commission shall adopt rules regarding the procurements that must pass through the centralized gate process. Such procurements shall include, at a minimum, those subject to the requirements of s. 287.0576(1).

4. Approve templates and guidelines and adopt rules prescribing standards and procedures for use by agencies during the procurement process which shall, at a minimum, include the requirements under ss. 287.0576-287.0577 for procurements of contractual services.

5. Implement a plan for providing information and documentation to the Legislature and the Governor on behalf of agencies and in compliance with the provisions of this chapter. The plan shall include, at a minimum, providing copies of documents to be reviewed by the commission to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the chairs of the relevant appropriations and substantive legislative committees at least 14 days prior to the meeting of the commission at which the proposed procurement will be discussed.

6. Review the performance of procurements which have advanced through the full centralized gate process.

(2) The Center for Efficient Government is created in the department to establish and promote best business practices so that the delivery of services to citizens of the state are provided in the most effective and cost-efficient manner possible. The secretary of the department shall appoint a director of the center. The duties and responsibilities of the center are:

(a) Recommending and implementing a centralized gate process for reviewing and evaluating, and granting, withholding, or denying approval of, agency procurements which, at a minimum, shall include the requirements contained in s. 287.0576(1) and (2) for contractual services procurements.

(b) Providing support and assistance to the commission, including, but not limited to, reviewing and validating agency business cases, recommending standards, processes, templates, and guidelines for use by agencies during the procurement process and providing information and documentation as requested or required by law.

(c) Assisting agencies directly in the procurement process as needed to ensure a high-quality procurement, including, but not limited to, developing and updating business cases, drafting solicitation and contract documents, participating in contract negotiations, identifying performance measures, and advising agencies on performance measurement, contract management, and change management. The center shall also provide information, training, and technical assistance to agencies on the use of the standards, processes, templates, and guidelines developed for use by agencies during the procurement process.

(d) Collecting data and information from agencies on an ongoing basis with regard to the status and results of procurements that have advanced completely through the centralized gate process, recommending incorporation of any lessons learned from such projects into commission standards, procedures, templates, and guidelines, as appropriate, and identifying and disseminating to agencies information regarding best practices in procurement, particularly contractual services procurements.

(e) Developing and implementing, in consultation with the Agency for Workforce Innovation, guidelines for assisting employees whose jobs are eliminated as a result of procurements.

(3) The department shall employ an adequate number of highly skilled, credentialed staff who collectively possess significant expertise and experience as required to carry out the responsibilities of this act.

(4) Agencies shall submit to the center all information, documents, or other materials required by commission rule or this chapter.

Section 6. Section 287.0576, Florida Statutes, is created to read:

287.0576 Review and analysis of proposed procurement of contractual services; centralized gate process.—

(1) At a minimum, procurements required to undergo review and analysis through the centralized gate process adopted by the commission are:

(a) Contractual services procurements that have an estimated total cost of $10 million or more in any fiscal year.

(b) New contractual services procurements that will require adjustments to the agency's budget, in accordance with chapter 216, totaling $1 million or more. Amendments to existing contracts are excluded.

(c) Contractual services procurements that do not involve an outlay of state funds estimated to total $10 million or more in any fiscal year because of the provision of services by the contractor at a rate significantly below market rate, the significant investment of other resources by the agency, or other reason, but in which the total value of the services performed by the agency and contractor under the contract is estimated to total $10 million or more in any fiscal year. Examples of such procurements include, but are not limited to, free, no-cost, or codevelopment contracts.

(d) Contractual services procurements for which the sum of gross revenues or shared savings to be generated for the state and contractor over the term of the contract plus the sum of any payments to the contractor by the agency over the term of the contract, if any, is estimated to total $10 million or more in any fiscal year.

(e) Contractual services procurements that do not meet the criteria in paragraphs (a)-(d) that the Legislature has directed to be subject to the centralized gate process.

(2) Extensions and renewals of contracts resulting from procurements in subsection (1) and extensions and renewals of contracts meeting the criteria identified in paragraphs (1)(a), (c), and (d) which did not pass through the center shall undergo review and analysis through the centralized gate process implemented by the center, though, notwithstanding any law to the contrary, such contracts shall pass only through such gates as the commission determines are appropriate based on the legislative intent of this act.

For purposes of determining whether a procurement meets the requirements of this section, multiple contractual services procurements for substantially similar or related functions or responsibilities occurring in a coordinated fashion or in close time proximity to one another are considered a single contractual services procurement for purposes of meeting the thresholds set forth in this section.

(3) The centralized gate process shall require, at a minimum, review of the procurement by the commission at each gate. At each gate, the commission shall determine by majority vote to:

(a) Approve the procurement, if the agency has sufficiently met the requirements of the current gate, and advance the procurement to the next phase;

(b) Withhold approval of the procurement, if additional work must be completed in order to satisfy the requirements of the current gate, and retain the procurement in that phase; or

(c) Deny the procurement, if the procurement is not a good business decision, and remove the procurement from consideration.

Notwithstanding the provisions of this section, the commission may not deny procurements which are required by law. If the commission determines that a procurement required by law is not a good business decision, the commission shall withhold approval and transmit to the President of the Senate, the Speaker of the House of Representatives, and the Governor the reasons why the procurement should not be completed and any recommendation for legislative action. If the President of the Senate or the Speaker of the House of Representatives has not responded within 14 business days of receipt of the communication, the commission shall proceed at its discretion consistent with the Legislative intent of this act.

Notwithstanding any law to the contrary, agencies under the individual control of the Attorney General, the Chief Financial Officer, or the Commissioner of Agriculture are subject to the provisions of this act, except that the commission shall not grant, withhold, or deny approval of a procurement by such agency but instead may only provide recommendations to the agency. The respective agency head shall have sole authority to grant, withhold, or deny approval of such procurement.

(4) The gates and required documentation comprising the centralized gate process shall, at a minimum, consist of:

(a) The proposal identification gate, which shall include the business case.

(b) The procurement preparation gate, which shall include the updated business case and the solicitation documents prior to the issuance of such documents. An agency may not release solicitation documents without the commission's approval at this gate. The commission must review and approve the written determination of the agency required pursuant to s. 287.057(3)(a) before granting approval for the use of an invitation to negotiate, or withhold approval pending submission by the agency of an acceptable alternative solicitation method.

(c) The contract development gate, which shall include the final business case and the proposed unexecuted contract. An agency may not execute the contract without the commission's approval at this gate.

(d) The transition management gate, which shall include updates to the final business case and, for a procurement of contractual services, an analysis of the agency's and contractor's readiness for the contractor to perform the proposed responsibility or function. An agency may not transition to contractor performance without the commission's approval at this gate.

(e) The post-implementation gate, which shall include updates to the final business case and a report on the adequacy of contractor performance.

(5)(a) Any executed contract for a procurement passing through the centralized gate process pursuant to this section shall be null and void if an agency fails to comply with the commission decision at the proposal identification, procurement preparation, or contract development gate.

(b) Failure to comply with any other requirements of this act or implementing rules shall not affect the validity of the competitive solicitation and award process or any contract.

(6) The commission shall take action at each gate within 60 days of the submission of a procurement by an agency. If the commission does not take action within this timeframe, the agency head shall determine whether to grant, withhold, or deny approval of the procurement at that gate based on the rules and guidelines of the commission for that gate and shall notify the Governor, the President of the Senate, the Speaker of the House of Representatives, and the commission of such action and the circumstances thereof.

(7) During the terms of the contracts, the agency shall annually submit with its legislative budget request a status report for each procurement that has passed through at least the first three gates of the centralized gate process describing the progress made to date, actual completion dates in comparison to planned completion dates, actual costs incurred in comparison to projected costs incurred, current issues requiring resolution, planned project milestones, deliverables, and expenditures for the next reporting period, and any other information relating to the contractual services that may be requested.

Section 7. Section 287.0577, Florida Statutes, is created to read:

287.0577 Requirements for procurement of certain contractual services.—In addition to the other applicable requirements of this chapter, an agency shall comply with the following requirements for, at a minimum, procurements of contractual services estimated to total $1 million or more in any fiscal year and those subject to review under s. 287.0576(1)(b), (c), (d), and (e) and (2):

(1) BUSINESS CASE.—The agency shall develop a business case which describes and analyzes the procurement. The business case is not subject to challenge or protest pursuant to chapter 120. The business case shall include, but not be limited to, the information in paragraphs (a)-(l). For procurements not subject to commission review, the agency shall provide a copy of the business case to the President of the Senate and the Speaker of the House at least 14 days prior to releasing a solicitation. For procurements subject to commission review, the business case shall be in such detail as is appropriate given the current phase of the procurement but shall contain sufficient information to enable the commission to determine at that gate whether the procurement may proceed to the next procurement phase:

(a)1. A detailed description of the function or responsibility for which the procurement is proposed;

2. If the agency is currently performing the function or responsibility, a description and analysis of the agency's current performance, including, but not limited to, baseline costs and performance metrics;

3. The goals desired to be achieved through the procurement and the rationale for such goals; and

4. A citation of the existing or proposed legal authority for contracting for the function or responsibility.

(b)1. A description of available options for achieving the goals. If state employees are currently performing the function or responsibility, at least one option involving maintaining state provision of the function or responsibility shall be included.

2. A description of the current market for the contractual services which are under consideration for procurement.

3. An analysis of the advantages and disadvantages of each option, including, at a minimum, potential performance improvements and risks.

(c) A cost-benefit analysis documenting the direct and indirect specific baseline costs, savings, and qualitative and quantitative benefits involved in or resulting from the implementation of the recommended option or options. Such analysis shall specify the schedule that, at a minimum, must be adhered to in order to achieve the estimated savings. All elements of cost shall be clearly identified in the cost-benefit analysis, described in the business case, and supported by applicable records and reports. The agency head shall attest that, based on the data and information underlying the business case, to the best of his or her knowledge, all projected costs, savings, and benefits are valid and achievable. "Cost" means the reasonable, relevant, and verifiable cost which may include, but not be limited to, elements such as personnel costs, materials and supplies, services, equipment, capital depreciation costs, rent, maintenance and repairs, utilities, insurance, personnel travel, overhead, and interim and final payments. The appropriate elements shall depend on the nature of the specific initiative. "Savings" means the difference between the direct and indirect actual annual baseline costs compared to the projected annual cost for the contracted functions or responsibilities in any succeeding state fiscal year during the term of the contract.

(d) A description of variance among agency policies and processes and, as appropriate, a discussion of options for or a plan to standardize, consolidate, or revise current policies and processes, if any, to reduce the customization of any proposed solution that would otherwise be required.

(e) A description of the specific performance standards that must, at a minimum, be met to ensure adequate performance.

(f) A statement of the potential impact on federal, state, and local revenues and expenditures. The statement shall specifically describe the effect on general revenue, trust funds, general revenue service charges, and interest on trust funds together with the potential direct or indirect effect on federal funding and cost allocations.

(g) The projected timeframe for key events, from the beginning of the procurement process through the expiration of a contract.

(h) A plan to ensure compliance with public records law which must include components that:

1. Provide public access to public records at a cost that does not exceed that provided in chapter 119.

2. Ensure the confidentiality of records that are exempt or confidential under law.

3. Meet all legal requirements for record retention provided by law.

4. Require transfer to the state, at no cost, of all public records in possession of the contractor upon termination of the contract.

(i) A specific and feasible contingency plan addressing contractor nonperformance and a description of the tasks involved in and costs required for its implementation.

(j) An agency transition plan for addressing changes in the number of agency personnel, affected business processes, employee transition issues, and communication with affected stakeholders, such as agency clients and the public. The transition plan shall contain a reemployment and retraining assistance plan for employees who are not retained by the agency or employed by the contractor.

(k) A listing of any assets proposed for surplus or use by a contractor. For those assets proposed to be used by a contractor, the business case shall include a description of the proposed requirements for maintaining those assets by the contractor or the agency in accordance with chapter 273, a plan for the transitioning of the assets upon termination of the contract, and a description of how the planned use by a contractor is in the best interest of the agency and state.

(l) A plan for ensuring access by persons with disabilities in compliance with applicable state and federal law.

If a contractual services procurement meets the criteria for submission of feasibility study documentation as required by the legislative budget request instructions established pursuant to s. 216.023, the agency shall submit such documentation.

(2) SOLICITATION REQUIREMENTS.—The solicitation for a contractual services procurement shall include, at a minimum:

(a) A detailed description of the function or responsibility under consideration for contracting and, if the function or responsibility is currently being performed by an agency, a description and analysis of the agency's current performance.

(b) Requirements that are achievable, unambiguous, measurable, meaningful, and complete.

(c) The criteria that after contract execution will be used to assess contractor performance and the minimum acceptable contractor performance levels.

(3) CONTRACT.—Each contract must include, but need not be limited to:

(a) A detailed scope of work that clearly specifies each service or deliverable to be provided, including a description of each deliverable or activity that is quantifiable, measurable, and verifiable.

(b) All service-level agreements describing all services to be provided under the terms of the agreement, the agency's service requirements and performance objectives, and specific responsibilities of the agency and the contractor.

(c) Associated costs and savings, specific payment terms and payment schedule, including incentive and disincentive provisions, criteria governing payment, and a clear and specific implementation schedule that will be implemented in order to complete all required activities needed to transfer the service from the agency to the contractor and operate the service successfully.

(d) Clear and specific identification of all required performance standards, which must include, at a minimum:

1. Detailed measurable acceptance criteria for each deliverable and service to be provided to the agency under the terms of the contract which document the required performance level.

2. A method for monitoring and reporting progress in achieving specified performance standards and levels.

3. The sanctions or disincentives that shall be assessed for nonperformance by the contractor or agency.

(e) A requirement that the contractor maintain adequate accounting records that comply with all applicable federal and state laws and generally accepted accounting principles.

(f) A requirement authorizing state access to and audit of all records related to the contract or any responsibilities or functions under the contract for state audit and legislative oversight purposes and a requirement for service organization audits in accordance with professional auditing standards, if appropriate.

(g) A requirement describing the timing and substance of all plans and status or progress reports that are to be provided. All plans and status or progress reports must comply with any relevant state and federal standards.

(h) A requirement that the contractor comply with public records laws. The contractor must:

1. Keep and maintain the public records that ordinarily and necessarily would be required by the state agency in order to perform the function or service.

2. Provide the public with access to such public records on the same terms and conditions that the state agency would and at a cost that does not exceed that provided in chapter 119.

3. Ensure the confidentiality of records that are exempt from public disclosure or made confidential under law.

4. Meet all requirements for retaining records and transfer to the state, at no cost, all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records which are exempt and confidential. All records stored electronically must be provided to the state in a format that is compatible with information technology systems of the state.

(i) A requirement that any state funds provided for the purchase of or improvements to real property be made contingent upon the contractor granting to the state a security interest in the property which is at least equal to the amount of the state funds provided for the most recent years following the date of purchase or the completion of improvements, or as otherwise required by law. The contract must include a provision that, if the contractor disposes of the property before the agency's interest is vacated, the contractor will refund the proportionate share of the state's initial investment, as adjusted by depreciation.

(j) If a contract involves the development or creation of intellectual property, the contract must specify the ownership of such intellectual property and any rights of the state to use, modify, reproduce, or disseminate the intellectual property.

(k) A provision that the contractor annually submit and verify, pursuant to s. 92.525, all required financial statements.

(l) A requirement that the contractor shall interview and consider for employment with the contractor each displaced state employee who is interested in such employment.

(m) Provisions requiring that venue for any action regarding the contract shall be in Leon County and that the contract shall be interpreted according to the laws of this state.

(4) AMENDMENTS.—An agency may not amend a contract without first submitting the proposed contract amendment to the Executive Office of the Governor for approval and notifying the chairs of the legislative appropriations committees of such submission if the effect of the amendment would be to:

(a) Increase the value of the contract by $1 million or more for those contracts with a total value of at least $1 million but less than $10 million; or

(b) Increase the value of the contract by 10 percent or more for those contracts with a total value of $10 million or more.

An agency shall not divide a contract amendment so as to avoid the requirements of this section.

(5) In addition to the requirements of subsections 287.057(13) and (14), prior to the renewal or extension of a contract, an agency shall document whether all specific direct and indirect costs, savings, performance standards, and qualitative and quantitative benefits identified in the contract have been met by the contractor and the agency. If the actual performance of the contractor does not meet the required performance as identified in the contract, the agency shall explain the reasons why and provide justification for the extensions or renewal of the contract. This documentation shall be included in the official contract file.

Section 8. Section 287.0578, Florida Statutes, is created to read:

287.0578 Subsequent inconsistent laws.—Subsequent inconsistent laws shall supersede this act only to the extent they do so by express reference to this section.

Section 9. Paragraph (b) of subsection (17) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(17) For a contract in excess of the threshold amount provided in s. 287.017 for CATEGORY FOUR, the agency head shall appoint:

(b) At least three persons to conduct negotiations during a competitive sealed reply procurement who collectively have experience and knowledge in negotiating contracts, contract procurement, and the program areas and service requirements for which commodities or contractual services are sought. *When the annual value of a contract is in excess of $1 million, at least one of the persons conducting negotiations must be certified as a contract negotiator based upon rules adopted by the Department of Management Services.*

Section 10. Section 215.4211, Florida Statutes, is created to read:

215.4211 Review of contracts for state agencies.—The Chief Financial Officer may request, as he or she deems necessary, the option to review and provide comments prior to the execution of any contract that is required to be in compliance with the provisions of s. 287.0577(3).

Section 11. Section 216.1817, Florida Statutes, is created to read:

216.1817 Placement of positions in reserve; reestablishment of positions.—If a procurement of contractual services involves the performance of functions or responsibilities that are being shifted from state employees to a contractor, the agency shall identify within the business case prepared pursuant to s. 287.0577 all resources which are affected, including full-time equivalent positions. All full-time equivalent positions identified in the business case shall be placed in reserve by the Executive Office of the Governor until the end of the second year of the contract. However, in the business case, the agency may account for any savings from the full-time equivalent positions identified and held in reserve. Notwithstanding the provisions of s. 216.262, the Executive Office of the Governor shall request authority from the Legislative Budget Commission to reestablish full-time equivalent positions above the number fixed by the Legislature if a contract is terminated and the performance of the functions or responsibilities must be returned to the agency.

Section 12. *This act shall not apply to administrative, examination, licensing, investigative, and prosecutorial services for any board, commission, or council created within the Department of Business and Professional Regulation pursuant to chapter 20, Florida Statutes, as the privatization of such services is governed by sections 455.32 and 471.038, Florida Statutes.*

Section 13. Section 287.074, Florida Statutes, is created to read:

287.074 Actions reserved to public officers or employees.—

(1) Only a public officer or a public employee upon whom the public officer has delegated authority shall, consistent with law, take actions including, but not limited to:

(a) Selecting state employees;

(b) Approving position descriptions, performance standards, or salary adjustments for state employees; and

(c) Hiring, promoting, disciplining, demoting, and dismissing a state employee.

(2) Only a public officer shall, consistent with law, commission and appoint state officers.

Section 14. *A contractor, as defined in chapter 287, Florida Statutes, or its employees, agents, or subcontractors, may not knowingly participate, through decision, approval, disapproval, preparation of any part of a purchase request, investigation, or auditing, in the procurement of contractual services by an agency from an entity in which the contractor, or its employees, agents, or subcontractors has a material interest.*

Section 15. *The Center for Efficient Government and the Commission on Efficient Government shall terminate on July 1, 2010, unless reenacted by the Legislature prior to that date. It is the intent of the Legislature that, beginning July 1, 2010, the various state agencies shall perform*

the review functions required under this act for procurements of contractual services under their jurisdiction. It is also the intent of the Legislature that beginning July 1, 2010, the positions authorized by this act shall remain with the Department of Management Services, which shall continue providing technical assistance as required in this act.

Section 16. Section 287.0572, Florida Statutes, is renumbered as section 287.0579, Florida Statutes:

287.0579 ~~287.0572~~ Present-value methodology.—

(1) The cost of bids, proposals, or replies for state contracts that include provisions for unequal payment streams or unequal time payment periods shall be evaluated using present-value methodology. Each agency, as defined in s. 287.012(1), shall perform the evaluation using the present-value discount rate supplied by the department. The present-value discount rate shall be the rate for United States Treasury notes and bonds published in the Interest Rates: Money and Capital Markets section of the most recent copy of the Federal Reserve Bulletin published at the time of issuance of the request for proposals, the invitation to negotiate, or the invitation to bid.

(2) The department may adopt rules to administer subsection (1).

Section 17. Subsection (3) of section 119.0721, Florida Statutes, is amended to read:

119.0721 Social security number exemption.—

(3) An agency shall not deny a commercial entity engaged in the performance of a commercial activity*, which, for purposes of this subsection, means an activity that provides a product or service that is available from a private source* ~~as defined in s. 14.203~~ or its agents, employees, or contractors access to social security numbers, provided the social security numbers will be used only in the normal course of business for legitimate business purposes, and provided the commercial entity makes a written request for social security numbers, verified as provided in s. 92.525, legibly signed by an authorized officer, employee, or agent of the commercial entity. The verified written request must contain the commercial entity's name, business mailing and location addresses, business telephone number, and a statement of the specific purposes for which it needs the social security numbers and how the social security numbers will be used in the normal course of business for legitimate business purposes. The aggregate of these requests shall serve as the basis for the agency report required in subsection (7). An agency may request any other information as may be reasonably necessary to verify the identity of the entity requesting the social security numbers and the specific purposes for which such numbers will be used; however, an agency has no duty to inquire beyond the information contained in the verified written request. A legitimate business purpose includes verification of the accuracy of personal information received by a commercial entity in the normal course of its business; use in a civil, criminal, or administrative proceeding; use for insurance purposes; use in law enforcement and investigation of crimes; use in identifying and preventing fraud; use in matching, verifying, or retrieving information; and use in research activities. A legitimate business purpose does not include the display or bulk sale of social security numbers to the general public or the distribution of such numbers to any customer that is not identifiable by the distributor.

Section 18. *Section 14.203, Florida Statutes, is repealed.*

Section 19. *There is hereby appropriated $1,023,554 recurring budget authority to the Department of Management Services from the General Revenue Fund, and nine full-time equivalent positions are authorized, to carry out the activities of the Center for Efficient Government and the Commission on Efficient Government as provided in this act.*

Section 20. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title, and insert:

A bill to be entitled An act relating to procurement of contractual services by an agency; amending s. 20.22, F.S.; placing the Center for Efficient Government in the Department of Management Services; creating s. 287.0571, F.S.; providing a popular name; providing legislative intent; providing that procurements of specified commodities and services are not subject to the act; providing specified applicability; creating s. 287.0573, F.S.; providing definitions; creating s. 287.0574, F.S.; providing criteria for the procurement of contractual services by an agency; requiring an agency to include with its final legislative budget request the business cases for specified procurements; creating s. 287.0575, F.S.; creating the Commission on Efficient Government within the Department of Management Services; providing for purpose, membership, and organization of the commission; providing duties and responsibilities of the commission; creating the Center for Efficient Government; providing purpose and organization of the center; providing duties and responsibilities of the center; requiring the center to recommend and implement a centralized gate process for reviewing, evaluating, and approving agency procurements; requiring state agencies to submit specified information, documents, and other materials required under commission rules; creating s. 287.0576, F.S.; specifying procurements which must be reviewed and evaluated under the centralized gate process; providing minimum requirements for the centralized gate process; providing for specified determinations by the commission at each gate; providing procedure with respect to an unfavorable finding by the commission with respect to a procurement required by law; providing that agencies under the individual control of the Attorney General, Chief Financial Officer, or Commissioner of Agriculture are subject to the act, with specified exceptions; providing authority of the agency head with respect to procurements by such agencies; establishing the gates within the centralized gate process; requiring agencies to submit specified documents for commission review at each gate; providing for nullification of executed contracts for procurement under specified circumstances; requiring the commission to take action at each gate within a specified time period; providing procedure if the commission does not take action within such time period; requiring the submission of annual status reports; creating s. 287.0577, F.S.; providing requirements for procurement of certain contractual services; requiring an agency to develop a business case which describes and analyzes a contractual services procurement under consideration; providing that the business case is not subject to challenge or protest under the Administrative Procedure Act; providing required components of a business case; defining "cost" and "savings"; providing requirements with respect to the solicitation for a contractual services procurement; providing contract requirements for a contractual services procurement; providing requirements with respect to contract amendments; providing that specified contract amendments must be submitted to the Executive Office of the Governor for approval; requiring notification of such submission to the chairs of the legislative appropriations committees; prohibiting the division of a contract amendment to avoid specified requirements; requiring documentation of contractor performance prior to renewal or extension of a contract; creating s. 287.0578, F.S.; providing for conditional supersession of the act; amending s. 287.057, F.S.; providing a requirement with respect to the composition of persons chosen to conduct negotiations during a specified competitive sealed reply procurement; creating s. 215.4211, F.S.; authorizing the Chief Financial Officer to review contracts for state agencies; creating s. 216.1817, F.S.; requiring the placement of full-time equivalent positions in reserve under certain conditions; providing for the reestablishment of full-time equivalent positions upon termination of a contract and reversion of functions and responsibilities to the agency; providing nonapplicability of the act with respect to the privatization of boards, commissions, or councils created within the Department of Business and Professional Regulation; creating s. 287.074, F.S.; providing that only public officers or employees must perform certain functions; providing restrictions on contractor involvement in the procurement of contractual services; providing for future termination of the Center for Efficient Government and the Commission on Efficient Government; providing legislative intent with respect to the performance of review functions and assistance to agencies for procurements of contractual services by state agencies after a specified date; providing that positions authorized under the act shall remain with the Department of Management Services after a specified date; repealing s. 14.203, F.S., which creates the State Council on Competitive Government and provides duties and authority of the council; providing an appropriation; providing full-time equivalent positions; amending s. 119.0721, F.S.; removing a cross-reference; clarifying the meaning of "commercial activity" to conform to the removal of the reference; providing an effective date.

WHEREAS, the private sector can often perform services with greater efficiency and effectiveness at a lower cost than the state, and

WHEREAS, the state has long been a leader in innovative practices, in part because of its partnerships with the private sector, and

WHEREAS, the state desires to reap the benefits of lower costs, high quality, and innovation by working closely with the private sector, and

WHEREAS, the state still maintains responsibility for ensuring that the services performed by the private sector on behalf of the state are of high quality, cost-effective, and appropriate functions for the private sector, and

WHEREAS, leading businesses have developed best practices to determine what to obtain from the market and how to ensure that such services are provided at the desired quality and at the appropriate cost, and

WHEREAS, the executive branch has made great progress in promoting the use of such best practices, and the citizens of the state could benefit by the increased adoption across state government of such best practices, NOW, THEREFORE,

On motion by Senator Argenziano, the Senate concurred in the House amendment.

CS for CS for SB 1146 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1168, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1168—A bill to be entitled An act relating to the Commission for the Transportation Disadvantaged; amending s. 427.012, F.S.; revising the membership of the commission; establishing term limits; directing each member of the commission to serve without regional bias; providing qualifications for appointment to membership on the commission; requiring candidates for appointment to the commission to meet certain standards for background screening; requiring the Department of Transportation to inform the commission if a candidate fails to meet the screening standards; providing that costs of screening be borne by the department or the candidate for appointment; authorizing the commission to appoint technical advisory committees; requiring the commission to present a proposed funding distribution formula to the Legislative Budget Commission for allocating transportation disadvantaged funds the commission anticipates receiving from the General Appropriations Act; authorizing the Legislative Budget Commission to approve, reject, or modify the proposed allocation formula; requiring the commission to detail the expected allocation of funding to each county; prohibiting the commission from altering the distribution schedule without the approval of the Legislative Budget Commission except in the case of a disaster; amending s. 427.013, F.S.; requiring the commission to develop an allocation methodology to equitably distribute transportation funds under the control of the commission to counties, community transportation coordinators, or other entities providing transportation disadvantaged services; requiring the commission to present a formula to the Legislative Budget Commission for allocating the Medicaid nonemergency transportation funds the commission anticipates receiving from the Agency for Health Care Administration; requiring the commission to document the amount of the funding expected to be allocated to each county; prohibiting any reduction in allocation to a county unless the General Appropriations Act reduces the amount allocated to the commission; amending s. 427.013, F.S.; requiring the commission to develop a Medicaid allocation methodology to equitably distribute transportation funds under the control of the commission to counties, community transportation coordinators, or other entities providing transportation disadvantaged services; providing for the methodology to develop the formula; providing an effective date.

House Amendment 1 (207639)(with title amendment)—On page 2, line 28, remove: everything after the enacting clause and insert:

Section 1. Section 427.012, Florida Statutes, is amended to read:

427.012 The Commission for the Transportation Disadvantaged.—There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

(1) The commission shall consist of *seven members, all of whom shall be appointed by the Governor.*

(a) Five of the appointed members must have significant experience in the operation of a business and, when making an appointment, it is the intent of the Legislature that the Governor select persons who reflect the broad diversity of the business community in this state, as well as the racial, ethnic, geographical, and gender diversity of the population of this state.

(b) Two of the members appointed must be persons with a disability who use the transportation disadvantaged system.

(c) Each member of the commission shall represent the needs of the transportation disadvantaged throughout the state. A member may not subordinate the needs of the transportation disadvantaged in general in order to favor the needs of others residing in a specific location in the state.

(d) Each person appointed to the board of the commission shall serve a term of 4 years. A member may be reappointed for one additional 4-year term.

(e) A member must be a citizen of the state and a registered voter.

(f) The Secretary of Transportation, the Secretary of Children and Family Services, the director of Workforce Innovation, the executive director of the Department of Veterans' Affairs, the Secretary of Elderly Affairs, the Secretary of Health Care Administration, the director of the Agency for Persons with Disabilities, and an elected official of local government who is appointed by the Governor, or a designee of each, respectively, shall serve as ex officio, nonvoting advisors to the commission.

(g) A person appointed to the board of the commission may not, within the 5 years immediately before the appointment, or during his or her term on the board, have or have had a financial relationship with, or represent or have represented as a lobbyist as defined in s. 11.045 the following:

1. A transportation operator;

2. A community transportation coordinator;

3. A metropolitan planning organization;

4. A designated official planning agency;

5. A purchaser agency;

6. A local coordinating board;

7. A broker of transportation; or

8. A provider of transportation services. ~~the following members:~~

~~(a) The secretary of the Department of Transportation or the secretary's designee.~~

~~(b) The secretary of the Department of Children and Family Services or the secretary's designee.~~

~~(c) The Commissioner of Education or the commissioner's designee.~~

~~(d) The secretary of the Department of Labor and Employment Security or the secretary's designee.~~

~~(e) The executive director of the Department of Veterans' Affairs or the executive director's designee.~~

~~(f) The secretary of the Department of Elderly Affairs or the secretary's designee.~~

~~(g) The director of the Agency for Health Care Administration or the director's designee.~~

~~(h) A representative of the Florida Association for Community Action, who shall serve at the pleasure of that association.~~

~~(i) A representative of the Florida Transit Association, who shall serve at the pleasure of that association.~~

~~(j) A person over the age of 60 who is a member of a recognized statewide organization representing elderly Floridians. Such person shall be appointed by the Governor to represent elderly Floridians and shall be appointed to serve a term of 4 years.~~

~~(k) A handicapped person who is a member of a recognized statewide organization representing handicapped Floridians. Such person shall be appointed by the Governor to represent handicapped Floridians and shall be appointed to serve a term of 4 years.~~

~~(l) Two citizen advocate representatives who shall be appointed by the Governor for a term of 4 years, one representing rural citizens and one representing urban citizens.~~

~~(m) A representative of the community transportation coordinators. Such person shall be appointed by the Governor to represent all community transportation coordinators and shall be appointed to serve a term of 4 years.~~

~~(n) One member of the Early Childhood Council. Such person shall be appointed by the Governor to represent maternal and child health care providers and shall be appointed to serve a term of 4 years.~~

~~(o) Two representatives of current private for-profit or private not-for-profit transportation operators each of which have a minimum of 5 years of continuous experience operating a broad-based system of ambulatory and wheelchair/stretcher type transportation, utilizing not less than 50 vehicles and including dispatch and scheduling responsibilities. Such persons shall be appointed by the Commissioner of Agriculture to serve a term of 4 years.~~

~~(p) Four representatives of current private for-profit or private not-for-profit transportation operators, each of which having a minimum of 5 years of continuous experience operating a broad-based system of ambulatory and wheelchair or stretcher-type transportation, utilizing not less than 50 vehicles, and including dispatch and scheduling responsibilities. Such persons shall be appointed by the Commissioner of Agriculture to serve a term of 4 years.~~

~~(q) Six citizens representing the nontransportation business community of the state, three members appointed by the President of the Senate and three members appointed by the Speaker of the House of Representatives.~~

(2) The chairperson *shall be appointed by the Governor* and vice chairperson of the commission shall be elected annually from the membership of the commission.

(3) Members of the commission shall serve without compensation but shall be allowed per diem and travel expenses, as provided in s. 112.061.

(4) The commission shall meet at least quarterly, or more frequently at the call of the chairperson. *Five* ~~Nine~~ members of the commission constitute a quorum, and a majority vote of the members present is necessary for any action taken by the commission.

(5) The Governor may remove any member of the commission for cause.

(6) Each candidate for appointment to the commission must, before accepting the appointment, undergo background screening under s. 435.04, by filing with the Department of Transportation a complete set of fingerprints taken by an authorized law enforcement agency. The fingerprints must be submitted to the Department of Law Enforcement for state processing, and that department shall submit the fingerprints to the Federal Bureau of Investigation for federal processing. The Department of Transportation shall screen the background results and inform the commission if any candidate failed to meet level 2 screening standards. A candidate found to have failed to meet level 2 screening standards may not be appointed to the commission. The cost of the background screening may be borne by the Department of Transportation or the candidate for appointment to the commission.

(7)~~(6)~~ The commission shall appoint an executive director who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such personnel as may be necessary to perform adequately the functions of the commission within budgetary limitations. All employees of the commission are exempt from the Career Service System.

(8) The commission shall appoint at least four technical advisory committees to advise the commission on issues of importance to the state and to regions of the state.

(a) One technical advisory committee shall provide information, advice, and direction to the commission on the coordination of services for the transportation disadvantaged. Its membership shall include, but need not be limited to, representatives of community transportation coordinators and private paratransit providers.

(b) One technical advisory committee shall provide information, advice, and direction to the commission on the transportation planning issues affecting the transportation disadvantaged program. Its membership may include, but need not be limited to, representatives of metropolitan planning organizations and regional planning councils.

(c) One technical advisory committee shall provide information, advice, and direction to the commission on business-related issues affecting the transportation disadvantaged program. Its membership may include, but need not be limited to, persons with expertise in insurance, marketing, economic development, or financial planning.

(d) One technical advisory committee shall be a forum for users of the transportation disadvantaged system. Its membership may include, but need not be limited to, direct users of the system and representatives of the users, such as parents and other relatives, guardians, and service professionals who tend to the needs of persons who are transportationally disadvantaged.

(e) The commission may establish the size, composition, and focus of any technical advisory committee it creates. A member appointed to a technical advisory committee shall serve without compensation and without per diem.

(9)~~(7)~~ The commission is assigned to the office of the secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control, supervision, and direction of the department.

(10)~~(8)~~ The commission shall develop a budget *under* ~~pursuant to~~ chapter 216. The budget is not subject to change by the department staff after it has been approved by the commission, but it shall be transmitted to the Governor, as head of the department, along with the budget of the department.

(11)(a) No later than 30 days after the Governor issues his executive budget recommendations, the commission shall present to the Legislative Budget Commission a proposed formula for allocating the transportation funds that the commission anticipates receiving from the General Appropriations Act for the next fiscal year. The document must specifically detail the amount of funding expected to be allocated to each county for transportation disadvantaged services. The Legislative Budget Commission shall approve, reject, or request modifications to the formula no later than 60 days after receiving the proposed funding allocation formula.

(b) Upon the General Appropriations Act becoming law, the commission shall present to the Legislative Budget Commission the county distri-

bution schedule, which is the approved allocation formula applied to the funds allocated to the commission.

(c) The commission may not change the transportation disadvantaged distribution schedule without the permission of the Legislative Budget Commission, except in the case of a disaster as defined in chapter 252.

Section 2. Subsection (12) of section 427.013, Florida Statutes, is amended to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination shall be to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(12)*(a)* Have the authority to apply for and accept funds, grants, gifts, and services from the Federal Government, state government, local governments, or private funding sources. Applications by the commission for local government funds shall be coordinated through the appropriate coordinating board. Funds acquired or accepted under this subsection shall be administered by the commission and shall be used to carry out the commission's responsibilities.

(b) Develop an allocation methodology or formula that equitably distributes all funds, to include Medicaid nonemergency transportation funds, under the control of the commission to compensate counties, community transportation coordinators, or other entities providing transportation disadvantaged services. The formula shall take into account not only the actual costs of each transportation disadvantaged trip but also those efficiencies that a provider might adopt to reduce costs, including cost efficiencies of trips when compared to the local cost of transporting the general public.

Section 3. This act shall take effect July 1, 2005.

And the title is amended as follows:

On page 1, line 2 through page 2, line 25, remove: all of said lines and insert:

An act relating to the Commission for the Transportation Disadvantaged; amending s. 427.012, F.S.; revising the membership of the commission; establishing term limits; directing each member of the commission to serve without regional bias; providing qualifications for appointment to membership on the commission; providing for nonvoting advisory members; requiring candidates for appointment to the commission to meet certain standards for background screening; requiring the Department of Transportation to inform the commission if a candidate fails to meet the screening standards; providing that costs of screening be borne by the department or the candidate for appointment; authorizing the commission to appoint technical advisory committees; requiring the commission to present a proposed funding distribution formula to the Legislative Budget Commission for allocating transportation disadvantaged funds the commission anticipates receiving from the General Appropriations Act; authorizing the Legislative Budget Commission to approve, reject, or modify the proposed allocation formula; requiring the commission to detail the expected allocation of funding to each county; prohibiting the commission from altering the distribution schedule without the approval of the Legislative Budget Commission except in the case of a disaster; amending s. 427.013, F.S.; requiring the commission to develop an allocation methodology to equitably distribute transportation funds under the control of the commission to counties, community transportation coordinators, or other entities providing transportation disadvantaged services; providing an effective date.

On motion by Senator Constantine, the Senate concurred in the House amendment.

CS for CS for SB 1168 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1180, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1180—A bill to be entitled An act relating to the regulation of health professionals; amending s. 458.348, F.S.; providing that a licensed advanced registered nurse practitioner, or physician assistant, practicing under a protocol with a physician licensed under ch. 458, F.S., or ch. 459, F.S., need not be a licensed electrologist to perform certain hair removal procedures; amending s. 458.307, F.S.; revising membership requirements; providing for expiration of terms of current members, appointment of new members to staggered terms, and appointment and terms of successors; providing for applicability; amending s. 458.311, F.S.; providing for an externship; amending ss. 458.331 and 459.015, F.S.; providing for membership on certain probable cause panels; providing that a practitioner licensed in ch. 458, F.S., may use as a defense that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer and that the practitioner had no intent to violate the law; requiring the Department of Health to notify health care providers if the department learns that a drug that has not been approved by the United States Food and Drug Administration for human use has been sold to identified health care providers in this state; amending s. 465.003, F.S.; redefining the term "practice of the profession of pharmacy" to include the administering of influenza virus immunizations to adults by a pharmacist within an established protocol and under a supervisory practitioner who is a licensed physician or by written agreement with a county health department; providing requirements for the protocol; requiring professional liability insurance, training and certification in immunization, and employer approval before entering into a protocol; requiring a pharmacist to maintain and make available patient records for a certain time period; providing requirements for the certification program; providing an effective date.

House Amendment 1 (493107)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) of section 458.307, Florida Statutes, are amended to read:

458.307 Board of Medicine.—

(1) There is created within the department the Board of Medicine, composed of *17* ~~15~~ members appointed by the Governor and confirmed by the Senate.

(2) Twelve members of the board must be licensed physicians in good standing in this state who are residents of the state and who have been engaged in the active practice or teaching of medicine *in this state with a full and unrestricted medical license* for at least *5* ~~4~~ years immediately preceding their appointment. One of the physicians must be on the full-time faculty of a medical school in this state, and one of the physicians must be in private practice and on the full-time staff of a statutory teaching hospital in this state as defined in s. 408.07. At least one of the

physicians must be a graduate of a foreign medical school. The remaining *five* ~~three~~ members must be residents of the state who *have lived in the state for at least 5 years immediately preceding their appointments, have never been licensed as a health care practitioner under chapter 456 or the applicable practice act, and do not have a substantial personal, business, professional, or pecuniary connection with a licensed health care practitioner or with a medical education or health care facility, except as patients or potential patients* ~~are not, and never have been, licensed health care practitioners~~. One member must be a health care risk manager licensed under s. 395.10974. At least one member of the board must be 60 years of age or older. *The requirements of this subsection shall be a continuing condition of membership on the board. Any member who ceases to meet the requirements of this subsection shall be removed from the board, and a new qualified member shall be appointed to fill the vacancy for the remainder of that member's term.*

Section 2. *The requirements of section 458.307, Florida Statutes, as amended by this act, shall apply to appointments made on or after the effective date of this act and shall not be construed to end the term of any member of the Board of Medicine holding that appointment on the effective date of this act. The term of the additional members required to be appointed under section 458.307, Florida Statutes, as amended by this act, shall begin November 1, 2005.*

Section 3. Subsections (2) through (8) of section 458.311, Florida Statutes, are renumbered as subsections (3) through (9), respectively, present subsections (5) and (7) are amended, and a new subsection (2) is added to said section, to read:

458.311 Licensure by examination; requirements; fees.—

(2) Notwithstanding sub-subparagraphs (1)(f)1.c., (1)(f)2.c., and (1)(f)3.c. and paragraph (3)(d), except for passing part II of the National Board of Medical Examiners examination or the Educational Commission for Foreign Medical Graduates examination equivalent as referred to in paragraph (3)(d), the department may develop procedures for an applicant for licensure as a physician pursuant to this chapter to meet postgraduate training requirements by completion of a 2-year externship at a nonstatutory teaching hospital licensed in this state. The training provided in the externship shall be substantially similar, as defined by board rule, to the training provided in an approved residency as provided in sub-subparagraph (1)(f)1.c., sub-subparagraph (1)(f)2.c., or sub-subparagraph (1)(f)3.c. In order for the externship to meet the requirements of this subsection, it must be approved by the board prior to the applicant entering into the externship. The applicant shall not be licensed pursuant to this subsection unless the board finds that the applicant has successfully completed the externship. The board may adopt rules to implement this subsection, including the implementation of fees to cover costs.

(6)~~(5)~~ The board may not certify to the department for licensure any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this chapter until such investigation is completed. Upon completion of the investigation, the provisions of s. 458.331 shall apply. Furthermore, the department may not issue an unrestricted license to any individual who has committed any act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331. When the board finds that an individual has committed an act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331, then the board may enter an order imposing one or more of the terms set forth in subsection *(9)*~~(8)~~.

(8)~~(7)~~ Upon certification by the board, the department shall impose conditions, limitations, or restrictions on a license if the applicant is on probation in another jurisdiction for an act which would constitute a violation of this chapter *or if the externship requirement provided in subsection (2) was complied with at a nonstatutory teaching hospital*.

Section 4. Paragraph (a) of subsection (1) of section 458.313, Florida Statutes, is amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department on forms furnished by the department and remitting a fee set by the board not to exceed $500, the board certifies:

(a) Has met the qualifications for licensure in s. 458.311(1)(b)-(g) or in s. 458.311(1)(b)-(e) and (g) and *(4)*~~(3)~~;

Section 5. Subsection (1) of section 458.316, Florida Statutes, is amended to read:

458.316 Public health certificate.—

(1) Any person desiring to obtain a public health certificate shall submit an application fee not to exceed $300 and shall demonstrate to the board that he or she is a graduate of an accredited medical school and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, or is licensed to practice medicine without restriction in another jurisdiction in the United States and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, and shall meet the requirements in s. 458.311(1)(a)-(g) and *(6)*~~(5)~~.

Section 6. Section 458.3165, Florida Statutes, is amended to read:

458.3165 Public psychiatry certificate.—The board shall issue a public psychiatry certificate to an individual who remits an application fee not to exceed $300, as set by the board, who is a board-certified psychiatrist, who is licensed to practice medicine without restriction in another state, and who meets the requirements in s. 458.311(1)(a)-(g) and *(6)*~~(5)~~. A recipient of a public psychiatry certificate may use the certificate to work at any public mental health facility or program funded in part or entirely by state funds.

(1) Such certificate shall:

(a) Authorize the holder to practice only in a public mental health facility or program funded in part or entirely by state funds.

(b) Be issued and renewable biennially if the secretary of the Department of Health and the chair of the department of psychiatry at one of the public medical schools or the chair of the department of psychiatry at the accredited medical school at the University of Miami recommend in writing that the certificate be issued or renewed.

(c) Automatically expire if the holder's relationship with a public mental health facility or program expires.

(d) Not be issued to a person who has been adjudged unqualified or guilty of any of the prohibited acts in this chapter.

(2) The board may take disciplinary action against a certificateholder for noncompliance with any part of this section or for any reason for which a regular licensee may be subject to discipline.

Section 7. Paragraph (a) of subsection (1) of section 458.317, Florida Statutes, is amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed $300, an affidavit stating that he or she has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. However, a physician who is not fully retired in all jurisdictions may use a limited license only for noncompensated practice. If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he or she will not receive compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived. However, any person who receives a waiver of fees for a limited license shall pay such fees if the person receives compensation for the practice of medicine.

2. Meet the requirements in s. 458.311(1)(b)-(g) and *(6)*~~(5)~~. If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in s. 458.311(1)(f).

Nothing herein limits in any way any policy by the board, otherwise authorized by law, to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this

section. Notwithstanding the other provisions of this section, the board may refuse to authorize a physician otherwise qualified to practice in the employ of any agency or institution otherwise qualified if the agency or institution has caused or permitted violations of the provisions of this chapter which it knew or should have known were occurring.

Section 8. Subsection (2) of section 458.331, Florida Statutes, is amended, and subsection (11) is added to said section, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). *A probable cause panel considering disciplinary action against a physician assistant pursuant to s. 456.073 shall include a licensed physician assistant designated by the Council on Physician Assistants, unless a physician assistant is not available.* In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

(11) Notwithstanding any law to the contrary, a practitioner licensed under this chapter has a defense to an alleged violation, by the preponderance of the evidence, that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer or its representatives and that the practitioner had no intent to violate the law.

Section 9. Paragraph (b) of subsection (7) of section 458.347, Florida Statutes, is amended to read:

458.347 Physician assistants.—

(7) PHYSICIAN ASSISTANT LICENSURE.—

(b)1. Notwithstanding subparagraph (a)2. and sub-subparagraph (a)3.a., the department shall examine each applicant who the Board of Medicine certifies:

a. Has completed the application form and remitted a nonrefundable application fee not to exceed $500 and an examination fee not to exceed $300, plus the actual cost to the department to provide the examination. The examination fee is refundable if the applicant is found to be ineligible to take the examination. The department shall not require the applicant to pass a separate practical component of the examination. For examinations given after July 1, 1998, competencies measured through practical examinations shall be incorporated into the written examination through a multiple-choice format. The department shall translate the examination into the native language of any applicant who requests and agrees to pay all costs of such translation, provided that the translation request is filed with the board office no later than 9 months before the scheduled examination and the applicant remits translation fees as specified by the department no later than 6 months before the scheduled examination, and provided that the applicant demonstrates to the department the ability to communicate orally in basic English. If the applicant is unable to pay translation costs, the applicant may take the next available examination in English if the applicant submits a request in writing by the application deadline and if the applicant is otherwise eligible under this section. To demonstrate the ability to communicate orally in basic English, a passing score or grade is required, as determined by the department or organization that developed it, on the test for spoken English (TSE) by the Educational Testing Service (ETS), the test of English as a foreign language (TOEFL) by ETS, a high school or college level English course, or the English examination for citizenship, Bureau of Citizenship and Immigration Services. A notarized copy of an Educational Commission for Foreign Medical Graduates (ECFMG) certificate may also be used to demonstrate the ability to communicate in basic English; and

b.(I) Is an unlicensed physician who graduated from a foreign medical school listed with the World Health Organization who has not previously taken and failed the examination of the National Commission on Certification of Physician Assistants and who has been certified by the Board of Medicine as having met the requirements for licensure as a medical doctor by examination as set forth in s. 458.311(1), *(4)*~~(3)~~, *(5)*~~(4)~~, and *(6)*~~(5)~~ , with the exception that the applicant is not required to have completed an approved residency of at least 1 year and the applicant is not required to have passed the licensing examination specified under s. 458.311 or hold a valid, active certificate issued by the Educational Commission for Foreign Medical Graduates; was eligible and made initial application for certification as a physician assistant in this state between July 1, 1990, and June 30, 1991; and was a resident of this state on July 1, 1990, or was licensed or certified in any state in the United States as a physician assistant on July 1, 1990; or

(II) Completed all coursework requirements of the Master of Medical Science Physician Assistant Program offered through the Florida College of Physician's Assistants prior to its closure in August of 1996. Prior to taking the examination, such applicant must successfully complete any clinical rotations that were not completed under such program prior to its termination and any additional clinical rotations with an appropriate physician assistant preceptor, not to exceed 6 months, that are determined necessary by the council. The boards shall determine, based on recommendations from the council, the facilities under which such incomplete or additional clinical rotations may be completed and shall also determine what constitutes successful completion thereof, provided such requirements are comparable to those established by accredited physician assistant programs. This sub-sub-subparagraph is repealed July 1, 2001.

2. The department may grant temporary licensure to an applicant who meets the requirements of subparagraph 1. Between meetings of the council, the department may grant temporary licensure to practice based on the completion of all temporary licensure requirements. All such administratively issued licenses shall be reviewed and acted on at the next regular meeting of the council. A temporary license expires 30 days after receipt and notice of scores to the licenseholder from the first available examination specified in subparagraph 1. following licensure by the department. An applicant who fails the proficiency examination is no longer temporarily licensed, but may apply for a one-time extension of temporary licensure after reapplying for the next available examination. Extended licensure shall expire upon failure of the licenseholder to sit for the next available examination or upon receipt and notice of scores to the licenseholder from such examination.

3. Notwithstanding any other provision of law, the examination specified pursuant to subparagraph 1. shall be administered by the department only five times. Applicants certified by the board for examination shall receive at least 6 months' notice of eligibility prior to the administration of the initial examination. Subsequent examinations shall be administered at 1-year intervals following the reporting of the scores of the first and subsequent examinations. For the purposes of this paragraph, the department may develop, contract for the development of, purchase, or approve an examination that adequately measures an applicant's ability to practice with reasonable skill and safety. The minimum passing score on the examination shall be established by the department, with the advice of the board. Those applicants failing to pass that examination or any subsequent examination shall receive notice of the administration of the next examination with the notice of scores following such examination. Any applicant who passes the examination and meets the requirements of this section shall be licensed as a physician assistant with all rights defined thereby.

Section 10. Subsection (2) of section 459.015, Florida Statutes, is amended to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). *A probable cause panel considering disciplinary action against a physician assistant pursuant to s. 456.073 shall include a licensed physician assistant designated by the Council on Physician Assistants, unless a physician assistant is not available.* In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

Section 11. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the practice of medicine; amending s. 458.307, F.S.; revising membership requirements of the Board of Medicine; providing for the appointment of additional members; providing applicability to current members; providing the beginning date for the term of additional members; membership and replacement of unqualified members; amending s. 458.311, F.S.; providing an option for applicants for physician licensure to complete an externship; authorizing the Department of Health to develop procedures relating to completion of the externship; requiring board approval of externships; authorizing the board to adopt rules to implement externship requirements, including fees to cover costs; revising the requirement of the department to impose conditions, limitations, or restrictions on a license; amending ss. 458.313, 458.316, 458.3165, 458.317, and 458.347, F.S.; correcting cross-references; amending s. 458.331, F.S.; providing a requirement for a probable cause panel considering disciplinary action against a physician assistant; providing an exception; providing practitioners a defense to alleged violations; amending s. 459.015, F.S.; providing a requirement for a probable cause panel considering disciplinary action against a physician assistant; providing an exception; providing an effective date.

On motion by Senator Campbell, the Senate concurred in the House amendment.

CS for SB 1180 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1412, with amendment(s), by the required constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1412—A bill to be entitled An act relating to trust funds; creating s. 20.1971, F.S.; creating the Tobacco Settlement Trust Fund within the Agency for Persons with Disabilities; providing sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

House Amendment 1 (105847)(with title amendment)—On page 1, remove line(s) 24-28, and insert:

(b) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any unencumbered balance in the trust fund at the end of any fiscal year and any encumbered balance remaining undisbursed on December 31 of the same calendar year shall revert to the Department of Financial Services Tobacco Settlement Clearing Trust Fund.

And the title is amended as follows:

On page 1, remove line(s) 6-7, and insert: purposes; providing for the disposition of any unencumbered balance and any undisbursed encumbered balance at the end of any fiscal year; providing for future review and

On motion by Senator Saunders, the Senate concurred in the House amendment.

CS for SB 1412 passed as amended by the required constitutional three-fifths vote of the membership, and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 1476, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 1476—A bill to be entitled An act relating to the Department of Children and Family Services; providing legislative intent with respect to establishing a structure by which the department shall monitor and manage contracts with external service providers; providing definitions; requiring the department to competitively procure certain commodities and contractual services; requiring the department to allow all public postsecondary institutions to bid on contracts intended for any public postsecondary institution; authorizing the department to competitively procure and contract for systems of treatment or service that involve multiple providers; providing requirements if other governmental entities contribute matching funds; requiring that an entity providing matching funds must comply with certain procurement procedures; authorizing the department to independently procure and contract for treatment services; requiring that the department develop a validated business case before outsourcing any service or function; providing requirements for the business case; requiring that the validated business case be submitted to the Legislature for approval; requiring that a contractual service that has previously been outsourced be subject to the requirements for a validated business case; requiring that a procurement of contractual services equal to or in excess of the threshold amount for CATEGORY FIVE comply with specified requirements, including a scope of work and performance standards; authorizing the department to adopt incremental penalties by rule; authorizing the department to include cost-neutral, performance-based incentives in a contract; requiring multiyear contracts unless justification is provided; requiring that a contract in excess of $1 million be negotiated by a contract negotiator who is certified according to standards established by the Department of Management Services; limiting circumstances under which the department may amend a contract; requiring that a proposed contract amendment be submitted to the Executive Office of the Governor for approval; requiring approval of a contract amendment by the Administration Commission under certain circumstances; requiring the department to verify that contractual terms have been satisfied before renewing a contract; requiring certain documentation; requiring the department to develop, in consultation with the Department of Management Services, contract templates and guidelines; requiring that the department establish a contract-management process; specifying the requirements for and components of the contract-management process;

providing requirements for resolving performance deficiencies and terminating a contract; requiring a corrective-action plan under certain circumstances; requiring the department to develop standards of conduct and disciplinary actions; requiring that the department establish contract-monitoring units and a contract-monitoring process; requiring written reports; requiring on-site visits for contracts involving the provision of direct client services; requiring the department to make certain documents available to the Legislature; requiring the department to create an electronic database to store the documents; prohibiting contractors from performing certain functions; amending s. 402.73, F.S.; requiring the Agency for Persons with Disabilities to implement systems to ensure quality and fiscal integrity of programs in the developmental services Medicaid waiver system; providing an exemption for health services from competitive bidding requirements; amending s. 409.1671, F.S.; conforming provisions to changes made by the act; requiring that the Office of Program Policy Analysis and Government Accountability conduct two reviews of the contract-management and accountability structures of the department and report to the Legislature and the Auditor General; repealing s. 402.72, F.S., relating to contract-management requirements for the Department of Children and Family Services; providing an appropriation; providing an effective date.

House Amendment 1 (190073)(with title amendment)—On page 2, line 2, remove: everything after the enacting clause and insert:

Section 1. *Department of Children and Family Services; procurement of contractual services; contract management.—*

(1) DEFINITIONS.—As used in this section, the term:

(a) "Contract manager" means the department employee who is responsible for enforcing the compliance with administrative and programmatic terms and conditions of a contract. The contract manager is the primary point of contact through which all contracting information flows between the department and the contractor. The contract manager is responsible for day-to-day contract oversight, including approval of contract deliverables and invoices. All actions related to the contract shall be initiated by or coordinated with the contract manager. The contract manager maintains the official contract files.

(b) "Contract monitor" means the department employee who is responsible for observing, recording, and reporting to the contract manager and other designated entities the information necessary to assist the contract manager and program management in determining whether the contractor is in compliance with the administrative and programmatic terms and conditions of the contract.

(c) "Department" means the Department of Children and Family Services.

(d) "Outsourcing" means the process of contracting with an external service provider to provide a service, in whole or in part, while the department retains the responsibility and accountability for the service.

(2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

(a) Notwithstanding section 287.057(5)(f)13., Florida Statutes, whenever the department intends to contract with a public postsecondary institution to provide a service, the department must allow all public postsecondary institutions in this state that are accredited by the Southern Association of Colleges and Schools to bid on the contract. Thereafter, notwithstanding any other provision to the contrary, if a public postsecondary institution intends to subcontract for any service awarded in the contract, the subcontracted service must be procured by competitive procedures.

(b) When it is in the best interest of a defined segment of its consumer population, the department may competitively procure and contract for systems of treatment or service that involve multiple providers, rather than procuring and contracting for treatment or services separately from each participating provider. The department must ensure that all providers that participate in the treatment or service system meet all applicable statutory, regulatory, service-quality, and cost-control requirements. If other governmental entities or units of special purpose government contribute matching funds to the support of a given system of treatment or service, the department shall formally request information from those funding entities in the procurement process and may take the information received into account in the selection process. If a local government contributes matching funds to support the system of treatment or contracted service and if the match constitutes at least 25 percent of the value of the contract, the department shall afford the governmental match contributor an opportunity to name an employee as one of the persons required by section 287.057(17), Florida Statutes, to evaluate or negotiate certain contracts, unless the department sets forth in writing the reason why the inclusion would be contrary to the best interest of the state. Any employee so named by the governmental match contributor shall qualify as one of the persons required by section 287.057(17), Florida Statutes. A governmental entity or unit of special purpose government may not name an employee as one of the persons required by section 287.057(17), Florida Statutes, if it, or any of its political subdivisions, executive agencies, or special districts, intends to compete for the contract to be awarded. The governmental funding entity or contributor of matching funds must comply with all procurement procedures set forth in section 287.057, Florida Statutes, when appropriate and required.

(c) The department may procure and contract for or provide assessment and case-management services independently from treatment services.

(3) CONTRACT-MANAGEMENT REQUIREMENTS AND PROCESS.—The Department of Children and Family Services shall review the time period for which the department executes contracts and shall execute multiyear contracts to make the most efficient use of the resources devoted to contract processing and execution. Whenever the department chooses not to use a multiyear contract, a justification for that decision must be contained in the contract. Notwithstanding section 287.057(15), Florida Statutes, the department is responsible for establishing a contract-management process that requires a member of the department's Senior Management or Select Exempt Service to assign in writing the responsibility of a contract to a contract manager. The department shall maintain a set of procedures describing its contract-management process which must minimally include the following requirements:

(a) The contract manager shall maintain the official contract file throughout the duration of the contract and for a period not less than 6 years after the termination of the contract.

(b) The contract manager shall review all invoices for compliance with the criteria and payment schedule provided for in the contract and shall approve payment of all invoices before their transmission to the Department of Financial Services for payment.

(c) The contract manager shall maintain a schedule of payments and total amounts disbursed and shall periodically reconcile the records with the state's official accounting records.

(d) For contracts involving the provision of direct client services, the contract manager shall periodically visit the physical location where the services are delivered and speak directly to clients receiving the services and the staff responsible for delivering the services.

(e) The contract manager shall meet at least once a month directly with the contractor's representative and maintain records of such meetings.

(f) The contract manager shall periodically document any differences between the required performance measures and the actual performance measures. If a contractor fails to meet and comply with the performance measures established in the contract, the department may allow a reasonable period for the contractor to correct performance deficiencies. If performance deficiencies are not resolved to the satisfaction of the department within the prescribed time, and if no extenuating circumstances can be documented by the contractor to the department's satisfaction, the department must terminate the contract. The department may not enter into a new contract with that same contractor for the services for which the contract was previously terminated for a period of at least 24 months after the date of termination. The contract manager shall obtain and enforce corrective-action plans, if appropriate, and maintain records regarding the completion or failure to complete corrective-action items.

(g) The contract manager shall document any contract modifications, which shall include recording any contract amendments as provided for in this section.

(h) The contract manager shall be properly trained before being assigned responsibility for any contract.

(4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The department shall establish contract monitoring units staffed by career service employees who report to a member of the Select Exempt Service or Senior Management Service and who have been properly trained to perform contract monitoring, with at least one member of the contract monitoring unit possessing specific knowledge and experience in the contract's program area. The department shall establish a contract-monitoring process that must include, but need not be limited to, the following requirements:

(a) Performing a risk assessment at the start of each fiscal year and preparing an annual contract monitoring schedule that includes consideration for the level of risk assigned. The department may monitor any contract at any time regardless of whether such monitoring was originally included in the annual contract-monitoring schedule.

(b) Preparing a contract monitoring plan, including sampling procedures, before performing on site monitoring at external locations of a service provider. The plan must include a description of the programmatic, fiscal, and administrative components that will be monitored on site. If appropriate, clinical and therapeutic components may be included.

(c) Conducting analyses of the performance and compliance of an external service provider by means of desk reviews if the external service provider will not be monitored on site during a fiscal year.

(d) Unless the department sets forth in writing the need for an extension, providing a written report presenting the results of the monitoring within 30 days after the completion of the on-site monitoring or desk review.

(e) Developing and maintaining a set of procedures describing the contract-monitoring process.

Section 2. Section 402.73, Florida Statutes, is amended to read:

402.73 Contracting and performance standards.—

~~(1) The Department of Children and Family Services shall establish performance standards for all contracted client services. Notwithstanding s. 287.057(5)(f), the department must competitively procure any contract for client services when any of the following occurs:~~

~~(a) The provider fails to meet appropriate performance standards established by the department after the provider has been given a reasonable opportunity to achieve the established standards.~~

~~(b) A new program or service has been authorized and funded by the Legislature and the annual value of the contract for such program or service is $300,000 or more.~~

~~(c) The department has concluded, after reviewing market prices and available treatment options, that there is evidence that the department can improve the performance outcomes produced by its contract resources. At a minimum, the department shall review market prices and available treatment options biennially. The department shall compile the results of the biennial review and include the results in its annual performance report to the Legislature pursuant to chapter 94-249, Laws of Florida. The department shall provide notice and an opportunity for public comment on its review of market prices and available treatment options.~~

~~(2) The competitive requirements of subsection (1) must be initiated for each contract that meets the criteria of this subsection, unless the secretary makes a written determination that particular facts and circumstances require deferral of the competitive process. Facts and circumstances must be specifically described for each individual contract proposed for deferral and must include one or more of the following:~~

~~(a) An immediate threat to the health, safety, or welfare of the department's clients.~~

~~(b) A threat to appropriate use or disposition of facilities that have been financed in whole, or in substantial part, through contracts or agreements with a state agency.~~

~~(c) A threat to the service infrastructure of a community which could endanger the well-being of the department's clients.~~

~~Competitive procurement of client services contracts that meet the criteria in subsection (1) may not be deferred for longer than 1 year.~~

~~(3) The Legislature intends that the department obtain services in the manner that is most cost-effective for the state, that provides the greatest long-term benefits to the clients receiving services, and that minimizes the disruption of client services. In order to meet these legislative goals, the department may adopt rules providing procedures for the competitive procurement of contracted client services which represent an alternative to the request-for-proposal or invitation-to-bid process. The alternative competitive procedures shall permit the department to solicit professional qualifications from prospective providers and to evaluate such statements of qualification before requesting service proposals. The department may limit the firms invited to submit service proposals to only those firms that have demonstrated the highest level of professional capability to provide the services under consideration, but may not invite fewer than three firms to submit service proposals, unless fewer than three firms submitted satisfactory statements of qualification. The alternative procedures must, at a minimum, allow the department to evaluate competing proposals and select the proposal that provides the greatest benefit to the state while considering the quality of the services, dependability, and integrity of the provider, the dependability of the provider's services, the experience of the provider in serving target populations or client groups substantially identical to members of the target population for the contract in question, and the ability of the provider to secure local funds to support the delivery of services, including, but not limited to, funds derived from local governments. These alternative procedures need not conform to the requirements of s. 287.042 or s. 287.057(1) or (2).~~

~~(4) The department shall review the period for which it executes contracts and, to the greatest extent practicable, shall execute multiyear contracts to make the most efficient use of the resources devoted to contract processing and execution.~~

~~(5) When it is in the best interest of a defined segment of its consumer population, the department may competitively procure and contract for systems of treatment or service that involve multiple providers, rather than procuring and contracting for treatment or services separately from each participating provider. The department must ensure that all providers that participate in the treatment or service system meet all applicable statutory, regulatory, service-quality, and cost-control requirements. If other governmental entities or units of special purpose government contribute matching funds to the support of a given system of treatment or service, the department shall formally request information from those funding entities in the procurement process and may take the information received into account in the selection process. If a local government contributes match to support the system of treatment or contracted service and if the match constitutes at least 25 percent of the value of the contract, the department shall afford the governmental match contributor an opportunity to name an employee as one of the persons required by s. 287.057(17) to evaluate or negotiate certain contracts, unless the department sets forth in writing the reason why such inclusion would be contrary to the best interest of the state. Any employee so named by the governmental match contributor shall qualify as one of the persons required by s. 287.057(17). No governmental entity or unit of special purpose government may name an employee as one of the persons required by s. 287.057(17) if it, or any of its political subdivisions, executive agencies, or special districts, intends to compete for the contract to be awarded. The governmental funding entity or match contributor shall comply with any deadlines and procurement procedures established by the department. The department may also involve nongovernmental funding entities in the procurement process when appropriate.~~

~~(6) The department may contract for or provide assessment and case management services independently from treatment services.~~

(1)~~(7)~~ The Department *of Children and Family Services* shall adopt, by rule, provisions for including in its contracts incremental penalties to be imposed by its contract managers on a service provider due to the provider's failure to comply with a requirement for corrective action. Any financial penalty that is imposed upon a provider may not be paid from funds being used to provide services to clients, and the provider may not reduce the amount of services being delivered to clients as a method for offsetting the impact of the penalty. If a financial penalty is imposed upon a provider that is a corporation, the department shall notify, at a minimum, the board of directors of the corporation. The department may

notify, at its discretion, any additional parties that the department believes may be helpful in obtaining the corrective action that is being sought. Further, the rules adopted by the department must include provisions that permit the department to deduct the financial penalties from funds that would otherwise be due to the provider, not to exceed 10 percent of the amount that otherwise would be due to the provider for the period of noncompliance. If the department imposes a financial penalty, it shall advise the provider in writing of the cause for the penalty. A failure to include such deductions in a request for payment constitutes a ground for the department to reject that request for payment. The remedies identified in this subsection do not limit or restrict the department's application of any other remedy available to it in the contract or under law. The remedies described in this subsection may be cumulative and may be assessed upon each separate failure to comply with instructions from the department to complete corrective action.

~~(8) The department shall develop standards of conduct and a range of disciplinary actions for its employees which are specifically related to carrying out contracting responsibilities.~~

(2)~~(9)~~ The *Agency for Persons with Disabilities* ~~department~~ must implement systems and controls to ensure financial integrity and service provision quality in the developmental services Medicaid waiver service system.

~~(10) If a provider fails to meet the performance standards established in the contract, the department may allow a reasonable period for the provider to correct performance deficiencies. If performance deficiencies are not resolved to the satisfaction of the department within the prescribed time, and if no extenuating circumstances can be documented by the provider to the department's satisfaction, the department must cancel the contract with the provider. The department may not enter into a new contract with that same provider for the services for which the contract was previously canceled for a period of at least 24 months after the date of cancellation. If an adult substance abuse services provider fails to meet the performance standards established in the contract, the department may allow a reasonable period, not to exceed 6 months, for the provider to correct performance deficiencies. If the performance deficiencies are not resolved to the satisfaction of the department within 6 months, the department must cancel the contract with the adult substance abuse provider, unless there is no other qualified provider in the service district.~~

(3)~~(11)~~ The department shall include in its standard contract document a requirement that any state funds provided for the purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of the state funds provided for at least 5 years from the date of purchase or the completion of the improvements or as further required by law. The contract must include a provision that, as a condition of receipt of state funding for this purpose, the provider agrees that, if it disposes of the property before the department's interest is vacated, the provider will refund the proportionate share of the state's initial investment, as adjusted by depreciation.

~~(12) The department shall develop and refine contracting and accountability methods that are administratively efficient and that provide for optimal provider performance.~~

~~(13) The department may competitively procure any contract when it deems it is in the best interest of the state to do so. The requirements described in subsection (1) do not, and may not be construed to, limit in any way the department's ability to competitively procure any contract it executes, and the absence of any or all of the criteria described in subsection (1) may not be used as the basis for an administrative or judicial protest of the department's determination to conduct competition, make an award, or execute any contract.~~

~~(14) A contract may include cost-neutral, performance-based incentives that may vary according to the extent a provider achieves or surpasses the performance standards set forth in the contract. Such incentives may be weighted proportionally to reflect the extent to which the provider has demonstrated that it has consistently met or exceeded the contractual requirements and the department's performance standards.~~

(4)~~(15)~~ Nothing contained in chapter 287 shall require competitive bids for health services involving examination, diagnosis, or treatment.

Section 3. Section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; *outsourcing* ~~privatization~~.—

(1)(a) It is the intent of the Legislature that the Department of Children and Family Services shall *outsource* ~~privatize~~ the provision of foster care and related services statewide. It is further the Legislature's intent to encourage communities and other stakeholders in the well-being of children to participate in assuring that children are safe and well-nurtured. However, while recognizing that some local governments are presently funding portions of certain foster care and related services programs and may choose to expand such funding in the future, the Legislature does not intend by its *outsourcing* ~~privatization~~ of foster care and related services that any county, municipality, or special district be required to assist in funding programs that previously have been funded by the state. Counties that provide children and family services with at least 40 licensed residential group care beds by July 1, 2003, and provide at least $2 million annually in county general revenue funds to supplement foster and family care services shall continue to contract directly with the state and shall be exempt from the provisions of this section. Nothing in this paragraph prohibits any county, municipality, or special district from future voluntary funding participation in foster care and related services. As used in this section, the term *"outsource"* ~~"privatize"~~ means to contract with competent, community-based agencies. The department shall submit a plan to accomplish *outsourcing* ~~privatization~~ statewide, through a competitive process, phased in over a 3-year period beginning January 1, 2000. This plan must be developed with local community participation, including, but not limited to, input from community-based providers that are currently under contract with the department to furnish community-based foster care and related services, and must include a methodology for determining and transferring all available funds, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract. The methodology must provide for the transfer of funds appropriated and budgeted for all services and programs that have been incorporated into the project, including all management, capital (including current furniture and equipment), and administrative funds to accomplish the transfer of these programs. This methodology must address expected workload and at least the 3 previous years' experience in expenses and workload. With respect to any district or portion of a district in which *outsourcing* ~~privatization~~ cannot be accomplished within the 3-year timeframe, the department must clearly state in its plan the reasons the timeframe cannot be met and the efforts that should be made to remediate the obstacles, which may include alternatives to total *outsourcing* ~~privatization~~, such as public-private partnerships. As used in this section, the term "related services" includes, but is not limited to, family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, foster care supervision, case management, postplacement supervision, permanent foster care, and family reunification. Unless otherwise provided for, the state attorney shall provide child welfare legal services, pursuant to chapter 39 and other relevant provisions, in Pinellas and Pasco Counties. When a private nonprofit agency has received case management responsibilities, transferred from the state under this section, for a child who is sheltered or found to be dependent and who is assigned to the care of the *outsourcing* ~~privatization~~ project, the agency may act as the child's guardian for the purpose of registering the child in school if a parent or guardian of the child is unavailable and his or her whereabouts cannot reasonably be ascertained. The private nonprofit agency may also seek emergency medical attention for such a child, but only if a parent or guardian of the child is unavailable, his or her whereabouts cannot reasonably be ascertained, and a court order for such emergency medical services cannot be obtained because of the severity of the emergency or because it is after normal working hours. However, the provider may not consent to sterilization, abortion, or termination of life support. If a child's parents' rights have been terminated, the nonprofit agency shall act as guardian of the child in all circumstances.

(b) It is the intent of the Legislature that the department will continue to work towards full *outsourcing* ~~privatization~~ in a manner that assures the viability of the community-based system of care and best provides for the safety of children in the child protection system. To this end, the department is directed to continue the process of *outsourcing* ~~privatizing~~ services in those counties in which signed startup contracts have been executed. The department may also continue to enter into

startup contracts with additional counties. However, no services shall be transferred to a community-based care lead agency until the department, in consultation with the local community alliance, has determined and certified in writing to the Governor and the Legislature that the district is prepared to transition the provision of services to the lead agency and that the lead agency is ready to deliver and be accountable for such service provision. In making this determination, the department shall conduct a readiness assessment of the district and the lead agency.

1. The assessment shall evaluate the operational readiness of the district and the lead agency based on:

a. A set of uniform criteria, developed in consultation with currently operating community-based care lead agencies and reflecting national accreditation standards, that evaluate programmatic, financial, technical assistance, training and organizational competencies; and

b. Local criteria reflective of the local community-based care design and the community alliance priorities.

2. The readiness assessment shall be conducted by a joint team of district and lead agency staff with direct experience with the start up and operation of a community-based care service program and representatives from the appropriate community alliance. Within resources available for this purpose, the department may secure outside audit expertise when necessary to assist a readiness assessment team.

3. Upon completion of a readiness assessment, the assessment team shall conduct an exit conference with the district and lead agency staff responsible for the transition.

4. Within 30 days following the exit conference with staff of each district and lead agency, the secretary shall certify in writing to the Governor and the Legislature that both the district and the lead agency are prepared to begin the transition of service provision based on the results of the readiness assessment and the exit conference. The document of certification must include specific evidence of readiness on each element of the readiness instrument utilized by the assessment team as well as a description of each element of readiness needing improvement and strategies being implemented to address each one.

(c) The Auditor General and the Office of Program Policy Analysis and Government Accountability (OPPAGA), in consultation with The Child Welfare League of America and the Louis de la Parte Florida Mental Health Institute, shall jointly review and assess the department's process for determining district and lead agency readiness.

1. The review must, at a minimum, address the appropriateness of the readiness criteria and instruments applied, the appropriateness of the qualifications of participants on each readiness assessment team, the degree to which the department accurately determined each district and lead agency's compliance with the readiness criteria, the quality of the technical assistance provided by the department to a lead agency in correcting any weaknesses identified in the readiness assessment, and the degree to which each lead agency overcame any identified weaknesses.

2. Reports of these reviews must be submitted to the appropriate substantive and appropriations committees in the Senate and the House of Representatives on March 1 and September 1 of each year until full transition to community-based care has been accomplished statewide, except that the first report must be submitted by February 1, 2004, and must address all readiness activities undertaken through June 30, 2003. The perspectives of all participants in this review process must be included in each report.

(d) In communities where economic or demographic constraints make it impossible or not feasible to competitively contract with a lead agency, the department shall develop an alternative plan in collaboration with the local community alliance, which may include establishing innovative geographical configurations or consortia of agencies. The plan must detail how the community will continue to implement community-based care through competitively procuring either the specific components of foster care and related services or comprehensive services for defined eligible populations of children and families from qualified licensed agencies as part of its efforts to develop the local capacity for a community-based system of coordinated care. The plan must ensure local control over the management and administration of the service provision in accordance with the intent of this section and may include recognized best business practices, including some form of public or private partnerships.

(e) As used in this section, the term "eligible lead community-based provider" means a single agency with which the department shall contract for the provision of child protective services in a community that is no smaller than a county. The secretary of the department may authorize more than one eligible lead community-based provider within a single county when to do so will result in more effective delivery of foster care and related services. To compete for *an outsourcing* ~~a privatization~~ project, such agency must have:

1. The ability to coordinate, integrate, and manage all child protective services in the designated community in cooperation with child protective investigations.

2. The ability to ensure continuity of care from entry to exit for all children referred from the protective investigation and court systems.

3. The ability to provide directly, or contract for through a local network of providers, all necessary child protective services. Such agencies should directly provide no more than 35 percent of all child protective services provided.

4. The willingness to accept accountability for meeting the outcomes and performance standards related to child protective services established by the Legislature and the Federal Government.

5. The capability and the willingness to serve all children referred to it from the protective investigation and court systems, regardless of the level of funding allocated to the community by the state, provided all related funding is transferred.

6. The willingness to ensure that each individual who provides child protective services completes the training required of child protective service workers by the Department of Children and Family Services.

7. The ability to maintain eligibility to receive all federal child welfare funds, including Title IV-E and IV-A funds, currently being used by the Department of Children and Family Services.

8. Written agreements with Healthy Families Florida lead entities in their community, pursuant to s. 409.153, to promote cooperative planning for the provision of prevention and intervention services.

9. A board of directors, of which at least 51 percent of the membership is comprised of persons residing in this state. Of the state residents, at least 51 percent must also reside within the service area of the lead community-based provider.

(f)1. The Legislature finds that the state has traditionally provided foster care services to children who have been the responsibility of the state. As such, foster children have not had the right to recover for injuries beyond the limitations specified in s. 768.28. The Legislature has determined that foster care and related services need to be *outsourced* ~~privatized~~ pursuant to this section and that the provision of such services is of paramount importance to the state. The purpose for such *outsourcing* ~~privatization~~ is to increase the level of safety, security, and stability of children who are or become the responsibility of the state. One of the components necessary to secure a safe and stable environment for such children is that private providers maintain liability insurance. As such, insurance needs to be available and remain available to nongovernmental foster care and related services providers without the resources of such providers being significantly reduced by the cost of maintaining such insurance.

2. The Legislature further finds that, by requiring the following minimum levels of insurance, children in *outsourced* ~~privatized~~ foster care and related services will gain increased protection and rights of recovery in the event of injury than provided for in s. 768.28.

(g) In any county in which a service contract has not been executed by December 31, 2004, the department shall ensure access to a model comprehensive residential services program as described in s. 409.1677 which, without imposing undue financial, geographic, or other barriers, ensures reasonable and appropriate participation by the family in the child's program.

1. In order to ensure that the program is operational by December 31, 2004, the department must, by December 31, 2003, begin the process of establishing access to a program in any county in which the department has not either entered into a transition contract or approved a community plan, as described in paragraph (d), which ensures full *outsourcing* ~~privatization~~ by the statutory deadline.

2. The program must be procured through a competitive process.

3. The Legislature does not intend for the provisions of this paragraph to substitute for the requirement that full conversion to community-based care be accomplished.

(h) Other than an entity to which s. 768.28 applies, any eligible lead community-based provider, as defined in paragraph (e), or its employees or officers, except as otherwise provided in paragraph (i), must, as a part of its contract, obtain a minimum of $1 million per claim/$3 million per incident in general liability insurance coverage. The eligible lead community-based provider must also require that staff who transport client children and families in their personal automobiles in order to carry out their job responsibilities obtain minimum bodily injury liability insurance in the amount of $100,000 per claim, $300,000 per incident, on their personal automobiles. In any tort action brought against such an eligible lead community-based provider or employee, net economic damages shall be limited to $1 million per liability claim and $100,000 per automobile claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such an eligible lead community-based provider, noneconomic damages shall be limited to $200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76. The lead community-based provider shall not be liable in tort for the acts or omissions of its subcontractors or the officers, agents, or employees of its subcontractors.

(i) The liability of an eligible lead community-based provider described in this section shall be exclusive and in place of all other liability of such provider. The same immunities from liability enjoyed by such providers shall extend as well to each employee of the provider when such employee is acting in furtherance of the provider's business, including the transportation of clients served, as described in this subsection, in privately owned vehicles. Such immunities shall not be applicable to a provider or an employee who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when such acts result in injury or death or such acts proximately cause such injury or death; nor shall such immunities be applicable to employees of the same provider when each is operating in the furtherance of the provider's business, but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by a provider shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his or her duties acts in a managerial or policymaking capacity and the conduct that caused the alleged injury arose within the course and scope of those managerial or policymaking duties. Culpable negligence is defined as reckless indifference or grossly careless disregard of human life.

(j) Any subcontractor of an eligible lead community-based provider, as defined in paragraph (e), which is a direct provider of foster care and related services to children and families, and its employees or officers, except as otherwise provided in paragraph (i), must, as a part of its contract, obtain a minimum of $1 million per claim/$3 million per incident in general liability insurance coverage. The subcontractor of an eligible lead community-based provider must also require that staff who transport client children and families in their personal automobiles in order to carry out their job responsibilities obtain minimum bodily injury liability insurance in the amount of $100,000 per claim, $300,000 per incident, on their personal automobiles. In any tort action brought against such subcontractor or employee, net economic damages shall be limited to $1 million per liability claim and $100,000 per automobile claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against such subcontractor, noneconomic damages shall be limited to $200,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76.

(k) The liability of a subcontractor of an eligible lead community-based provider that is a direct provider of foster care and related services as described in this section shall be exclusive and in place of all other liability of such provider. The same immunities from liability enjoyed by such subcontractor provider shall extend as well to each employee of the subcontractor when such employee is acting in furtherance of the subcontractor's business, including the transportation of clients served, as described in this subsection, in privately owned vehicles. Such immunities shall not be applicable to a subcontractor or an employee who acts in a culpably negligent manner or with willful and wanton disregard or unprovoked physical aggression when such acts result in injury or death or such acts proximately cause such injury or death; nor shall such immunities be applicable to employees of the same subcontractor when each is operating in the furtherance of the subcontractor's business, but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by a subcontractor shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his or her duties acts in a managerial or policymaking capacity and the conduct that caused the alleged injury arose within the course and scope of those managerial or policymaking duties. Culpable negligence is defined as reckless indifference or grossly careless disregard of human life.

(l) The Legislature is cognizant of the increasing costs of goods and services each year and recognizes that fixing a set amount of compensation actually has the effect of a reduction in compensation each year. Accordingly, the conditional limitations on damages in this section shall be increased at the rate of 5 percent each year, prorated from the effective date of this paragraph to the date at which damages subject to such limitations are awarded by final judgment or settlement.

(2)(a) The department may contract for the delivery, administration, or management of protective services, the services specified in subsection (1) relating to foster care, and other related services or programs, as appropriate. The department shall retain responsibility for the quality of contracted services and programs and shall ensure that services are delivered in accordance with applicable federal and state statutes and regulations. The department must adopt written policies and procedures for monitoring the contract for delivery of services by lead community-based providers. These policies and procedures must, at a minimum, address the evaluation of fiscal accountability and program operations, including provider achievement of performance standards, provider monitoring of subcontractors, and timely followup of corrective actions for significant monitoring findings related to providers and subcontractors. These policies and procedures must also include provisions for reducing the duplication of the department's program monitoring activities both internally and with other agencies, to the extent possible. The department's written procedures must ensure that the written findings, conclusions, and recommendations from monitoring the contract for services of lead community-based providers are communicated to the director of the provider agency as expeditiously as possible.

(b) Persons employed by the department in the provision of foster care and related services whose positions are being *outsourced under* ~~privatized pursuant to~~ this statute shall be given hiring preference by the provider, if provider qualifications are met.

(3)(a) In order to help ensure a seamless child protection system, the department shall ensure that contracts entered into with community-based agencies pursuant to this section include provisions for a case-transfer process to determine the date that the community-based agency will initiate the appropriate services for a child and family. This case-transfer process must clearly identify the closure of the protective investigation and the initiation of service provision. At the point of case transfer, and at the conclusion of an investigation, the department must provide a complete summary of the findings of the investigation to the community-based agency.

(b) The contracts must also ensure that each community-based agency shall furnish information on its activities in all cases in client case records.

(c) The contract between the department and community-based agencies must include provisions that specify the procedures to be used by the parties to resolve differences in interpreting the contract or to

resolve disputes as to the adequacy of the parties' compliance with their respective obligations under the contract.

(d) Each contract with an eligible lead community-based provider shall provide for the payment by the department to the provider of a reasonable administrative cost in addition to funding for the provision of services.

(e) Each contract with an eligible lead community-based provider must include all performance outcome measures established by the Legislature and that are under the control of the lead agency. The standards must be adjusted annually by contract amendment to enable the department to meet the legislatively established statewide standards.

(4)(a) The department, in consultation with the community-based agencies that are undertaking the *outsourced* ~~privatized~~ projects, shall establish a quality assurance program for privatized services. The quality assurance program shall be based on standards established by the Adoption and Safe Families Act as well as by a national accrediting organization such as the Council on Accreditation of Services for Families and Children, Inc. (COA) or CARF—the Rehabilitation Accreditation Commission. Each program operated under contract with a community-based agency must be evaluated annually by the department. The department shall, to the extent possible, use independent financial audits provided by the community-based care agency to eliminate or reduce the ongoing contract and administrative reviews conducted by the department. The department may suggest additional items to be included in such independent financial audits to meet the department's needs. Should the department determine that such independent financial audits are inadequate, then other audits, as necessary, may be conducted by the department. Nothing herein shall abrogate the requirements of s. 215.97. The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, and the Governor no later than January 31 of each year for each project in operation during the preceding fiscal year.

(b) The department shall use these findings in making recommendations to the Governor and the Legislature for future program and funding priorities in the child welfare system.

(5)(a) The community-based agency must comply with statutory requirements and agency rules in the provision of contractual services. Each foster home, therapeutic foster home, emergency shelter, or other placement facility operated by the community-based agency or agencies must be licensed by the Department of Children and Family Services under chapter 402 or this chapter. Each community-based agency must be licensed as a child-caring or child-placing agency by the department under this chapter. The department, in order to eliminate or reduce the number of duplicate inspections by various program offices, shall coordinate inspections required pursuant to licensure of agencies under this section.

(b) Substitute care providers who are licensed under s. 409.175 and have contracted with a lead agency authorized under this section shall also be authorized to provide registered or licensed family day care under s. 402.313, if consistent with federal law and if the home has met the requirements of s. 402.313.

(c) A dually licensed home under this section shall be eligible to receive both an out-of-home care payment and a subsidized child care payment for the same child pursuant to federal law. The department may adopt administrative rules necessary to administer this paragraph.

(6) Beginning January 1, 1999, and continuing at least through June 30, 2000, the Department of Children and Family Services shall *outsource* ~~privatize~~ all foster care and related services in district 5 while continuing to contract with the current model programs in districts 1, 4, and 13, and in subdistrict 8A, and shall expand the subdistrict 8A pilot program to incorporate Manatee County. Planning for the district 5 *outsourcing* ~~privatization~~ shall be done by providers that are currently under contract with the department for foster care and related services and shall be done in consultation with the department. A lead provider of the district 5 program shall be competitively selected, must demonstrate the ability to provide necessary comprehensive services through a local network of providers, and must meet criteria established in this section. Contracts with organizations responsible for the model programs must include the management and administration of all *outsourced* ~~privatized~~ services specified in subsection (1). However, the department may use funds for contract management only after obtaining written approval from the Executive Office of the Governor. The request for such approval must include, but is not limited to, a statement of the proposed amount of such funds and a description of the manner in which such funds will be used. If the community-based organization selected for a model program under this subsection is not a Medicaid provider, the organization shall be issued a Medicaid provider number pursuant to s. 409.907 for the provision of services currently authorized under the state Medicaid plan to those children encompassed in this model and in a manner not to exceed the current level of state expenditure.

(7) The Florida Coalition for Children, Inc., in consultation with the department, shall develop a plan based on an independent actuarial study regarding the long-term use and structure of a statewide community-based care risk pool for the protection of eligible lead community-based providers, their subcontractors, and providers of other social services who contract directly with the department. The plan must also outline strategies to maximize federal earnings as they relate to the community-based care risk pool. At a minimum, the plan must allow for the use of federal earnings received from child welfare programs to be allocated to the community-based care risk pool by the department, which earnings are determined by the department to be in excess of the amount appropriated in the General Appropriations Act. The plan must specify the necessary steps to ensure the financial integrity and industry-standard risk management practices of the community-based care risk pool and the continued availability of funding from federal, state, and local sources. The plan must also include recommendations that permit the program to be available to entities of the department providing child welfare services until full conversion to community-based care takes place. The final plan shall be submitted to the department and then to the Executive Office of the Governor and the Legislative Budget Commission for formal adoption before January 1, 2005. Upon approval of the plan by all parties, the department shall issue an interest-free loan that is secured by the cumulative contractual revenue of the community-based care risk pool membership, and the amount of the loan shall equal the amount appropriated by the Legislature for this purpose. The plan shall provide for a governance structure that assures the department the ability to oversee the operation of the community-based care risk pool at least until this loan is repaid in full.

(a) The purposes for which the community-based care risk pool shall be used include, but are not limited to:

1. Significant changes in the number or composition of clients eligible to receive services.

2. Significant changes in the services that are eligible for reimbursement.

3. Scheduled or unanticipated, but necessary, advances to providers or other cash-flow issues.

4. Proposals to participate in optional Medicaid services or other federal grant opportunities.

5. Appropriate incentive structures.

6. Continuity of care in the event of failure, discontinuance of service, or financial misconduct by a lead agency.

7. Payment for time-limited technical assistance and consultation to lead agencies in the event of serious performance or management problems.

8. Payment for meeting all traditional and nontraditional insurance needs of eligible members.

9. Significant changes in the mix of available funds.

(b) After approval of the plan in the 2004-2005 fiscal year and annually thereafter, the department may also request in its annual legislative budget request, and the Governor may recommend, that the funding necessary to carry out paragraph (a) be appropriated to the department. Subsequent funding of the community-based care risk pool shall be supported by premiums assessed to members of the community-based care risk pool on a recurring basis. The community-based care risk pool may invest and retain interest earned on these funds. In addition, the department may transfer funds to the community-based care risk pool

as available in order to ensure an adequate funding level if the fund is declared to be insolvent and approval is granted by the Legislative Budget Commission. Such payments for insolvency shall be made only after a determination is made by the department or its actuary that all participants in the community-based care risk pool are current in their payments of premiums and that assessments have been made at an actuarially sound level. Such payments by participants in the community-based care risk pool may not exceed reasonable industry standards, as determined by the actuary. Money from this fund may be used to match available federal dollars. Dividends or other payments, with the exception of legitimate claims, may not be paid to members of the community-based care risk pool until the loan issued by the department is repaid in full. Dividends or other payments, with the exception of legitimate claims and other purposes contained in the approved plan, may not be paid to members of the community-based care risk pool unless, at the time of distribution, the community-based care risk pool is deemed actuarially sound and solvent. Solvency shall be determined by an independent actuary contracted by the department. The plan shall be developed in consultation with the Office of Insurance Regulation.

1. Such funds shall constitute partial security for contract performance by lead agencies and shall be used to offset the need for a performance bond. Subject to the approval of the plan, the community-based care risk pool shall be managed by the Florida Coalition for Children, Inc., or the designated contractors of the Florida Coalition for Children, Inc. Nonmembers of the community-based care risk pool may continue to contract with the department but must provide a letter of credit equal to one-twelfth of the annual contract amount in lieu of membership in the community-based care risk pool.

2. The department may separately require a bond to mitigate the financial consequences of potential acts of malfeasance, misfeasance, or criminal violations by the provider.

(8) Notwithstanding the provisions of s. 215.425, all documented federal funds earned for the current fiscal year by the department and community-based agencies which exceed the amount appropriated by the Legislature shall be distributed to all entities that contributed to the excess earnings based on a schedule and methodology developed by the department and approved by the Executive Office of the Governor. Distribution shall be pro rata based on total earnings and shall be made only to those entities that contributed to excess earnings. Excess earnings of community-based agencies shall be used only in the service district in which they were earned. Additional state funds appropriated by the Legislature for community-based agencies or made available pursuant to the budgetary amendment process described in s. 216.177 shall be transferred to the community-based agencies. The department shall amend a community-based agency's contract to permit expenditure of the funds.

(9) Each district and subdistrict that participates in the model program effort or any future *outsourcing* ~~privatization~~ effort as described in this section must thoroughly analyze and report the complete direct and indirect costs of delivering these services through the department and the full cost of *outsourcing* ~~privatization~~, including the cost of monitoring and evaluating the contracted services.

(10) The lead community-based providers and their subcontractors shall be exempt from state travel policies as set forth in s. 112.061(3)(a) for their travel expenses incurred in order to comply with the requirements of this section.

Section 4. *The Office of Program Policy Analysis and Government Accountability shall conduct two reviews of the contract-management and accountability structures of the Department of Children and Family Services, including, but not limited to, whether the department is adequately monitoring and managing its outsourced or privatized functions and services. The office shall report its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, and the Auditor General by February 1 of 2006 and 2007, respectively.*

Section 5. *Notwithstanding section 287.057(14)(a), Florida Statutes, the Department of Children and Family Services may enter into agreements, not to exceed 23 years, with a private contractor to finance, design, and construct a secure facility, as described in section 394.917, Florida Statutes, of at least 600 beds and to operate all aspects of daily operations within the secure facility. The contractor may sponsor the issuance of tax-exempt certificates of participation or other securities to finance the project, and the state may enter into a lease-purchase agreement for the secure facility. The department shall begin the implementation of this privatization initiative by July 1, 2005. This section is repealed July 1, 2006.*

Section 6. *Section 402.72, Florida Statutes, is repealed.*

Section 7. This act shall take effect July 1, 2005.

And the title is amended as follows:

On page 1, line 1, remove: the entire title, and insert:

A bill to be entitled An act relating to the Department of Children and Family Services; providing definitions; requiring the department to allow all public postsecondary institutions to bid on contracts intended for any public postsecondary institution; authorizing the department to competitively procure and contract for systems of treatment or service that involve multiple providers; providing requirements if other governmental entities contribute matching funds; requiring that an entity providing matching funds must comply with certain procurement procedures; authorizing the department to independently procure and contract for treatment services; requiring multiyear contracts unless justification is provided; requiring that the department establish a contract management process; specifying the requirements for and components of the contract management process; providing requirements for resolving performance deficiencies and terminating a contract; requiring a corrective action plan under certain circumstances; requiring that the department establish contract monitoring units and a contract monitoring process; requiring written reports; requiring on site visits for contracts involving the provision of direct client services; amending s. 402.73, F.S.; authorizing the department to adopt incremental penalties by rule; requiring the Agency for Persons with Disabilities to implement systems to ensure quality and fiscal integrity of programs in the developmental services Medicaid waiver system; providing an exemption for health services from competitive bidding requirements; amending s. 409.1671, F.S.; conforming provisions to changes made by the act; requiring that the Office of Program Policy Analysis and Government Accountability conduct two reviews of the contract-management and accountability structures of the department and report to the Legislature and the Auditor General; authorizing the Department of Children and Family Services to enter into agreements with a private contractor to finance, design, and construct a secure facility; authorizing the contractor to sponsor issuance of certain financing certificates or securities; authorizing the state to enter into a lease-purchase agreement; requiring implementation by a time certain; providing for future repeal; repealing s. 402.72, F.S., relating to contract management requirements for the Department of Children and Family Services; providing an effective date.

On motion by Senator Campbell, the Senate concurred in the House amendment.

CS for CS for CS for SB 1476 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

COMMUNICATION

On motion by Senator Miller, the following communication was ordered spread upon the Journal:

May 5, 2005

Senator Les Miller
Minority Leader
The Florida Senate

Dear Senator Miller:

Thank you for your willingness to assist the Department of Children and Families in acquiring through competitive procurement a more secure facility for the Florida Civil Commitment Center (FCCC)—also known as the "Jimmy Ryce Facility"—that houses Florida's most dangerous sexual predators.

The purpose of this letter is to assure you and other members of the Florida Legislature that this department will specify in its procurement documents that the replacement facility and its program will meet standards for accreditation by the American Correctional Association and the Commission for Accreditation of Rehabilitation Facilities.

Upon completion of the new facility, residents of FCCC will be transferred from the current program site at the Desoto Correctional Institution so that it can be returned to the Department of Corrections.

Again, thank you for assisting DCF in enhancing the security of FCCC.

Sincerely,

Lucy D. Hadi
Secretary
Department of Children and Families

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SJR 2144, with amendment(s), by the required constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SJR 2144—A bill to be entitled A joint resolution proposing amendments to Section 19 of Article III of the State Constitution, relating to requirements for state budget planning, spending, and accountability.

House Amendment 1 (883407)—On page 3, line(s) 14-24, remove: all of said lines and insert:

financial outlook setting out recommended fiscal strategies for the state and its departments and agencies in order to assist the legislature in making budget decisions. The long-range financial outlook must include major workload and revenue estimates. In order to implement this paragraph, the joint legislative budget commission shall use current official consensus estimates and may request the development of additional official estimates.

(2) The joint legislative budget commission shall seek input from the public and from the executive and judicial branches when developing and recommending the long-range

On motion by Senator Atwater, the Senate concurred in the House amendment.

CS for SJR 2144 as amended was read in full as follows:

CS for SJR 2144—A joint resolution proposing amendments to Section 19 of Article III of the State Constitution, relating to requirements for state budget planning, spending, and accountability.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Section 19 of Article III of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE III

LEGISLATURE

SECTION 19. State Budgeting, Planning and Appropriations Processes.—

(a) ANNUAL BUDGETING.

(1) ~~Effective July 1, 1994,~~ General law shall prescribe the adoption of annual state budgetary and planning processes and require that detail reflecting the annualized costs of the state budget and reflecting the nonrecurring costs of the budget requests shall accompany state department and agency legislative budget requests, the governor's recommended budget, and appropriation bills.

(2) Unless approved by a three-fifths vote of the membership of each house, appropriations made for recurring purposes from nonrecurring general revenue funds for any fiscal year shall not exceed three percent of the total general revenue funds estimated to be available at the time such appropriation is made.

(3) As prescribed by general law, each state department and agency shall be required to submit a legislative budget request that is based upon and that reflects the long-range financial outlook adopted by the joint legislative budget commission or that specifically explains any variance from the long-range financial outlook contained in the request.

(4) For purposes of this *section* ~~subsection~~, the terms department and agency shall include the judicial branch.

(b) APPROPRIATION BILLS FORMAT. Separate sections within the general appropriation bill shall be used for each major program area of the state budget; major program areas shall include: education enhancement "lottery" trust fund items; education (all other funds); human services; criminal justice and corrections; natural resources, environment, growth management, and transportation; general government; and judicial branch. Each major program area shall include an itemization of expenditures for: state operations; state capital outlay; aid to local governments and nonprofit organizations operations; aid to local governments and nonprofit organizations capital outlay; federal funds and the associated state matching funds; spending authorizations for operations; and spending authorizations for capital outlay. Additionally, appropriation bills passed by the legislature shall include an itemization of specific appropriations that exceed one million dollars ($1,000,000.00) in 1992 dollars. For purposes of this subsection, "specific appropriation," "itemization," and "major program area" shall be defined by law. This itemization threshold shall be adjusted by general law every four years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics or its successor. Substantive bills containing appropriations shall also be subject to the itemization requirement mandated under this provision and shall be subject to the governor's specific appropriation veto power described in Article III, Section 8. ~~This subsection shall be effective July 1, 1994.~~

(c) APPROPRIATIONS ~~REVIEW~~ PROCESS.

(1) No later than September 15 of each year, the joint legislative budget commission shall issue a long-range financial outlook setting out fiscal strategies for the state and its departments and agencies in order to assist the legislature in making policy and budget decisions. The long-range financial outlook must include major workload and revenue estimates. In order to implement this paragraph, the joint legislative budget commission shall use current official consensus estimates and may request the development of additional official estimates.

(2) The joint legislative budget commission shall seek input from the public and from the executive and judicial branches when developing and implementing the long-range financial outlook.

(3) The legislature shall prescribe by general law conditions under which limited adjustments to the budget, as recommended by the governor or the chief justice of the supreme court, may be approved without the concurrence of the full legislature. ~~Effective July 1, 1993, general law shall prescribe requirements for each department and agency of state government to submit a planning document and supporting budget request for review by the appropriations committees of both houses of the legislature. The review shall include a comparison of the major issues in the planning document and budget requests to those major issues included in the governor's recommended budget. For purposes of this sub-~~

~~section, the terms department and agency shall include the judicial branch.~~

(d) SEVENTY-TWO HOUR PUBLIC REVIEW PERIOD. All general appropriation bills shall be furnished to each member of the legislature, each member of the cabinet, the governor, and the chief justice of the supreme court at least seventy-two hours before final passage by either house of the legislature of the bill in the form that will be presented to the governor.

(e) FINAL BUDGET REPORT. ~~Effective November 4, 1992,~~ A final budget report shall be prepared as prescribed by general law. The final budget report shall be produced no later than the *120th* ~~90th~~ day after the beginning of the fiscal year, and copies of the report shall be furnished to each member of the legislature, the head of each department and agency of the state, the auditor general, and the chief justice of the supreme court.

(f) TRUST FUNDS.

(1) No trust fund of the State of Florida or other public body may be created *or re-created* by law without a three-fifths ~~(3/5)~~ vote of the membership of each house of the legislature in a separate bill for that purpose only.

(2) ~~State trust funds in existence before the effective date of this subsection shall terminate not more than four years after the effective date of this subsection.~~ State trust funds ~~created after the effective date of this subsection~~ shall terminate not more than four years after the effective date of the act authorizing the *initial* creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.

(3) Trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions, whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the state transportation trust fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida retirement trust fund; trust funds for institutions under the management of the Board of *Governors* ~~Regents~~, where such trust funds are for auxiliary enterprises and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the chief financial officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by this Constitution, are not subject to the requirements set forth in paragraph (2) of this subsection.

(4) All cash balances and income of any trust funds abolished under this subsection shall be deposited into the general revenue fund.

~~(5) The provisions of this subsection shall be effective November 4, 1992.~~

(g) BUDGET STABILIZATION FUND. ~~Beginning with the 1994-1995 fiscal year, at least 1% of an amount equal to the last completed fiscal year's net revenue collections for the general revenue fund shall be retained in a budget stabilization fund. The budget stabilization fund shall be increased to at least 2% of said amount for the 1995-1996 fiscal year, at least 3% of said amount for the 1996-1997 fiscal year, at least 4% of said amount for the 1997-1998 fiscal year, and at least 5% of said amount for the 1998-1999 fiscal year.~~ Subject to the provisions of this subsection, ~~the budget stabilization fund shall be maintained at~~ an amount equal to at least 5% of the last completed fiscal year's net revenue collections for the general revenue fund *shall be retained in the budget stabilization fund*. The budget stabilization fund's principal balance shall not exceed an amount equal to 10% of the last completed fiscal year's net revenue collections for the general revenue fund. The legislature shall provide criteria for withdrawing funds from the budget stabilization fund in a separate bill for that purpose only and only for the purpose of covering revenue shortfalls of the general revenue fund or for the purpose of providing funding for an emergency, as defined by general law. General law shall provide for the restoration of this fund. The budget stabilization fund shall be comprised of funds not otherwise obligated or committed for any purpose.

(h) *LONG-RANGE* STATE PLANNING DOCUMENT AND DEPARTMENT AND AGENCY PLANNING DOCUMENT PROCESSES. *General law shall provide for a long-range state planning document.* The governor shall recommend to the legislature biennially any revisions to the *long-range* state planning document, as defined by law. General law shall require a biennial review and revision of the *long-range* state planning document~~, shall require the governor to report to the legislature on the progress in achieving the state planning document's goals,~~ and shall require all departments and agencies of state government to develop planning documents *that identify statewide strategic goals and objectives,* consistent with the *long-range* state planning document. The *long-range* state planning document and department and agency planning documents shall remain subject to review and revision by the legislature. *The long-range state planning document must include projections of future needs and resources of the state which are consistent with the long-range financial outlook.* The department and agency planning documents shall include a prioritized listing of planned expenditures for review and possible reduction in the event of revenue shortfalls, as defined by general law. ~~To ensure productivity and efficiency in the executive, legislative, and judicial branches, a quality management and accountability program shall be implemented by general law. For the purposes of this subsection, the terms department and agency shall include the judicial branch. This subsection shall be effective July 1, 1993.~~

(i) GOVERNMENT EFFICIENCY TASK FORCE. No later than January of 2007, and each fourth year thereafter, the president of the senate, the speaker of the house of representatives, and the governor shall appoint a government efficiency task force, the membership of which shall be established by general law. The task force shall be composed of members of the legislature and representatives from the private and public sectors who shall develop recommendations for improving governmental operations and reducing costs. Staff to assist the task force in performing its duties shall be assigned by general law, and the task force may obtain assistance from the private sector. The task force shall complete its work within one year and shall submit its recommendations to the joint legislative budget commission, the governor, and the chief justice of the supreme court.

(j) JOINT LEGISLATIVE BUDGET COMMISSION. There is created within the legislature the joint legislative budget commission composed of equal numbers of senate members appointed by the president of the senate and house members appointed by the speaker of the house of representatives. Each member shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment. From November of each odd-numbered year through October of each even-numbered year, the chairperson of the joint legislative budget commission shall be appointed by the president of the senate and the vice chairperson of the commission shall be appointed by the speaker of the house of representatives. From November of each even-numbered year through October of each odd-numbered year, the chairperson of the joint legislative budget commission shall be appointed by the speaker of the house of representatives and the vice chairperson of the commission shall be appointed by the president of the senate. The joint legislative budget commission shall be governed by the joint rules of the senate and the house of representatives, which shall remain in effect until repealed or amended by concurrent resolution. The commission shall convene at least quarterly and shall convene at the call of the president of the senate and the speaker of the house of representatives. A majority of the commission members of each house plus one additional member from either house constitutes a quorum. Action by the commission requires a majority vote of the commission members present of each house. The commission may conduct its meetings through teleconferences or similar means. In addition to the powers and duties specified in this subsection, the joint legislative budget commission shall exercise all other powers and perform any other duties not in conflict with paragraph (c)(3) and as prescribed by general law or joint rule.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE III, SECTION 19

STATE PLANNING AND BUDGET PROCESS.—Proposing amendments to the State Constitution to limit the amount of nonrecurring general revenue which may be appropriated for recurring purposes in any fiscal year to 3 percent of the total general revenue funds estimated to be available, unless otherwise approved by a three-fifths vote of the Legislature; to establish a Joint Legislative Budget Commission, which

shall issue long-range financial outlooks; to provide for limited adjustments in the state budget without the concurrence of the full Legislature, as provided by general law; to reduce the number of times trust funds are automatically terminated; to require the preparation and biennial revision of a long-range state planning document; and to establish a Government Efficiency Task Force and specify its duties.

—and **CS for SJR 2144** as amended passed by the required constitutional three-fifths vote of the membership and was ordered enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 2574, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 2574—A bill to be entitled An act relating to dentistry; amending s. 466.004, F.S.; limiting the time a member may serve on the Board of Dentistry; amending s. 466.006, F.S.; clarifying examination provisions; amending s. 466.007, F.S.; reducing the postsecondary education required to take the licensing examination; amending s. 466.0135, F.S.; authorizing the board to authorize a continuing education practice-management course; amending s. 466.021, F.S.; increasing the time that certain work orders must be retained; amending s. 466.025, F.S.; providing for the board to issue temporary certificates to certain unlicensed persons practicing in government facilities; providing an effective date.

House Amendment 1 (846159)(with title amendment)—On page 1, between line(s) 20 and 21, insert:

Section 1. Subsection (6) of section 466.002, Florida Statutes, is amended to read:

466.002 Persons exempt from operation of chapter.—Nothing in this chapter shall apply to the following practices, acts, and operations:

(6) Instructors in Florida schools of dentistry*, instructors in dental programs that prepare persons holding D.D.S. or D.M.D. degrees for certification by a specialty board and that are accredited in the United States by January 1, 2005, in the same manner as the board recognizes accreditation for Florida schools of dentistry that are not otherwise affiliated with a Florida school of dentistry, or instructors in Florida schools of* ~~or~~ dental hygiene or dental assistant educational programs, while performing regularly assigned *instructional* duties under the curriculum of such schools. A full-time dental instructor at a dental school *or dental program* approved by the board may be allowed to practice dentistry at the teaching facilities of such school *or program*, upon receiving a teaching permit issued by the board, in strict compliance with such rules as are adopted by the board pertaining to the teaching permit and with the established rules and procedures of the dental school *or program as recognized in this section*.

And the title is amended as follows:

On page 1, line(s) 2, remove: An act relating to dentistry; amending s. and insert:

An act relating to dentistry; amending s. 466.002, F.S.; revising an exemption from the application of ch. 466, F.S., to include certain instructors; amending s.

House Amendment 2 (925963) (with title amendment)—On page 2, between line(s) 14 and 15, insert:

(2) To advise the board, it is the intent of the Legislature that councils be appointed as specified in paragraphs (a), (b), and (c). The department shall provide administrative support to the councils and shall provide public notice of meetings and agenda of the councils. Councils shall include at least one board member who shall chair the council and shall include nonboard members. All council members shall be appointed by the board chair. Council members shall be appointed for 4-year terms, and all members shall be eligible for reimbursement of expenses in the manner of board members.

(a) A Council on Dental Hygiene shall be appointed by the board chair and shall include one dental hygienist member of the board, who shall chair the council, one dental member of the board, and three dental hygienists who are actively engaged in the practice of dental hygiene in this state. *In making the appointments, the chair shall consider recommendations from the Florida Dental Hygienists Association.* The council shall meet at the request of the board chair, a majority of the members of the board, or the council chair*; however, the council must meet at least three times a year*. The council is charged with the responsibility of and shall meet for the purpose of developing rules and policies for recommendation to the board, which the board shall consider, on matters pertaining to that part of dentistry consisting of educational, preventive, or therapeutic dental hygiene services; dental hygiene licensure, discipline, or regulation; and dental hygiene education. *Rule and policy recommendations of the council shall be considered by the board at its next regularly scheduled meeting in the same manner in which it considers rule and policy recommendations from designated subcommittees of the board. Any rule or policy proposed by the board pertaining to the specified part of dentistry defined by this subsection shall be referred to the council for a recommendation before final action by the board. The board may take final action on rules pertaining to the specified part of dentistry defined by this subsection without a council recommendation if the council fails to submit a recommendation in a timely fashion as prescribed by the board.*

And the directory language is amended as follows:

On page 1, line(s) 21 and 22, remove: all of said lines and insert:

Section 1. Subsection (1) and paragraph (a) of subsection (2) of section 466.004, Florida Statutes, are amended to read:

And the title is amended as follows:

On page 1, line 4, remove: all of said line and insert: serve on the Board of Dentistry; revising requirements for appointment to the Council on Dental Hygiene; revising meeting times for the council; revising requirements for the council's rule and policy recommendations; amending s.

On motion by Senator Atwater, the Senate concurred in the House amendments.

SB 2574 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2610, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2610—A bill to be entitled An act relating to the management of state financial matters; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism to advise and consult with the Consensus Estimating Conference principals concerning certain duties; amending s. 20.316, F.S., relating to the Department of Juvenile Justice information systems; correcting a reference; amending s. 45.062, F.S.; requiring that certain legislative officers and the Attorney General receive prior notice concerning settlement negotiations and presettlement agreements or orders; specifying that such notice is a condition precedent to an agency's authority to enter into such an agreement; providing certain exceptions; requiring that moneys paid in settlement of a legal action be placed unobligated into the General Revenue Fund or an appropriate trust fund; prohibiting payment outside the State Treasury except in settlement of a personal injury claim; requiring that certain legislative officers and the Attorney General receive prior notice concerning certain settlements involving a state agency or officer; correcting a reference; amending s. 110.1239, F.S.; correcting a cross-reference; amending s. 110.1245, F.S., relating to a savings sharing program; correcting a reference; amending s. 215.32, F.S.; providing for unallocated general revenue; revising a provision relating to the restoration of expenditures from the Budget Stabilization Fund; eliminating the Working Capital Fund as a fund type; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund; revising provisions governing appropriations to the fund; amending ss. 215.93 and 215.94, F.S., relating to the Florida Financial Management Information System; revising duties of the Financial Management Information Board and the functional owners of the information subsystems; requiring the Auditor General to provide technical advice; amending s. 215.97, F.S., relating to the Florida Single Audit Act; revising and providing definitions; revising the uniform state audit requirements for state financial assistance that is provided by state agencies to nonstate entities; requiring the Department of Financial Services to adopt rules and perform additional duties with respect to the provision of financial assistance to carry out state projects; specifying duties of coordinating agencies; exempting nonstate entities that act only as a conduit of state financial assistance from the requirements of the Florida Single Audit Act; amending s. 216.011, F.S.; revising definitions applicable to the fiscal affairs of the state; defining the terms "mandatory reserve," "budget reserve," "activity," and "statutorily authorized entity"; amending s. 216.013, F.S.; revising requirements for the long-range program plans developed by state agencies; providing for submitting such plans on an alternate date under certain circumstances; revising the date for making adjustments; amending s. 216.023, F.S., relating to legislative budget requests; providing alternate dates for submitting such requests under certain circumstances; providing requirements for a request to outsource or privatize agency functions; deleting certain requirements for performance-based program budget requests; amending s. 216.031, F.S.; revising requirements for target budget requests; repealing s. 216.052(2), (3), (8), and (9), F.S., relating to community budget requests and a revolving loan program; repealing s. 216.053(5), F.S., relating to summary information concerning performance-based program budgets; amending s. 216.065, F.S.; requiring that a fiscal impact statement provided to the legislative appropriations committees contain information concerning subsequent fiscal years; amending s. 216.081, F.S.; providing data requirements for the Governor's recommended budget under certain circumstances; amending s. 216.133, F.S.; deleting references to conform; amending s. 216.134, F.S.; stipulating that consensus estimating conferences are within the legislative branch; revising provisions relating to public meetings of consensus estimating conferences; amending s. 216.136, F.S.; deleting provisions for the Child Welfare System Estimating Conference and the Juvenile Justice Estimating Conference; amending s. 216.162, F.S.; revising the date for the Governor to submit the recommended budget for the state; amending s. 216.167, F.S.; deleting references to the Working Capital Fund to conform to changes made by the act; amending s. 216.168, F.S.; deleting provisions exempting the Governor from a requirement to submit amended recommendations; amending s. 216.177, F.S.; revising requirements for notifying the Legislature of actions taken under ch. 216, F.S., and funds expended in settlement of agency litigation; amending s. 216.181, F.S.; requiring approval of certain amendments to an approved operating budget by the Legislative Budget Commission; clarifying provisions with respect to the notice required for the transfer of lump-sum appropriations; revising requirements for determining salary rates; authorizing the Legislative Budget Commission to approve salary rates; deleting certain notice requirements; authorizing certain refunds, payments, and transfers pursuant to budget authority within the executive branch and the judicial branch; requiring notice to the chairs of the legislative committees responsible for developing the general appropriations acts; repealing ss. 216.1825 and 216.183, F.S., relating to the use of zero-based budgeting principles and performance-based program budgets; amending s. 216.192, F.S.; requiring an agency to submit an operational work plan for approval before funds or positions are released or transferred or spending authority is increased for information technology projects; providing requirements for the work plan; requiring that the agency submit project-status reports; requiring that the frequency of work plans and status reports be specified in the General Appropriations Act; deleting provisions authorizing the legislative appropriations committees to provide advice regarding the release of funds; authorizing the Executive Office of the Governor and the Chief Justice to place appropriations in mandatory reserve or budget reserve; amending s. 216.195, F.S.; deleting certain notice and review requirements for the impoundment of funds; amending s. 216.221, F.S.; authorizing the Legislature to direct the use of any state funds in an appropriations act; revising requirements for adjusting budgets in order to avoid or eliminate a deficit; revising procedures for certifying a budget deficit; revising requirements for the Governor and the Chief Justice in developing plans of action; requiring that the Legislative Budget Commission implement certain reductions in appropriations; revising requirements for resolving deficits; requiring that certain actions to resolve a deficit be approved by the Legislative Budget Commission; amending s. 216.231, F.S., relating to the release of classified appropriations; conforming provisions to changes made by the act; amending s. 216.235, F.S., relating to the Innovation Investment Program; correcting references; limiting the funding of certain proposals under the program; amending s. 216.241, F.S.; requiring that the initiation or commencement of new programs be approved by the Legislative Budget Commission; deleting certain notice requirements; limiting certain other actions and budget adjustments by a state agency or the judicial branch without the approval of the Legislature or the Legislative Budget Commission; amending s. 216.251, F.S.; correcting a reference; revising requirements for establishing certain salaries; amending s. 216.262, F.S.; requiring the Legislative Budget Commission to approve certain increases in the number of positions; deleting provisions authorizing an agency to retain salary dollars under certain circumstances; amending s. 216.292, F.S.; revising provisions limiting the transferability of appropriations; prohibiting spending fixed capital outlay for other purposes; prohibiting transferring appropriations except as otherwise provided by law; providing certain exceptions; amending s. 216.301, F.S.; revising requirements for continuing unexpended balances of appropriations for fixed capital outlay; requiring approval by the Executive Office of the Governor; authorizing the President of the Senate and the Speaker of the House of Representatives to provide for the retention of certain balances from legislative budget entities; repealing s. 218.60(3), F.S., relating to estimates made by the revenue estimating conference and provided to local governments; amending ss. 252.37 and 265.55, F.S.; deleting certain references to the Working Capital Fund to conform to changes made by the act; repealing s. 288.1234, F.S., relating to the Olympic Games Guaranty Account within the Economic Development Trust Fund; amending s. 288.7091, F.S.; correcting a cross-reference; amending s. 320.20, F.S.; providing duties of the Chief Financial Officer with respect to the deposit of certain trust fund moneys based on anticipated annual revenues; amending s. 339.135, F.S.; requiring that the Legislative Budget Commission approve certain extensions of spending authority; revising requirements for amending certain work programs; amending s. 381.0303, F.S.; authorizing the Department of Health to obtain reimbursement for special needs shelters from unappropriated moneys in the General Revenue Fund; amending s. 409.906, F.S.; deleting provisions authorizing the Department of Children and Family Services to transfer certain funds in excess of the amount specified in the General Appropriations Act; repealing s. 409.912(11)(b), F.S., relating to the transfer of certain funds from the Department of Elderly Affairs to the Agency for Health Care

Administration; amending ss. 468.392 and 475.484, F.S.; deleting provisions exempting funds in the Auctioneer Recovery Fund and the Real Estate Recovery Fund from limitations imposed by an appropriation act; amending s. 631.141, F.S.; clarifying provisions requiring the Legislative Budget Commission to approve certain appropriations; amending s. 921.001, F.S.; requiring the Legislature to make certain determinations with respect to legislation that affects the prison population; amending s. 943.61, F.S., relating to appropriations to the Capitol Police; deleting provisions requiring approval by the Governor and the Legislative Budget Commission; amending s. 1009.536, F.S.; deleting duties of the Workforce Estimating Conference with respect to certain career education programs; amending s. 1013.512, F.S.; requiring a recommendation by the Governor before placing certain school district funds in reserve; providing for references to the Working Capital Fund in certain appropriations and proviso language to be replaced with a reference to the General Revenue Fund; providing effective dates.

House Amendment 1 (114533)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (8) of section 14.2015, Florida Statutes, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.—

(8) The Office of Tourism, Trade, and Economic Development shall ensure that the contract between the Florida Commission on Tourism and the commission's direct-support organization contains a provision to provide the data on the visitor counts and visitor profiles used in revenue estimating, employing the same methodology used in fiscal year 1995-1996 by the Department of Commerce. The Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism must *advise and consult* ~~reach agreement~~ with the Consensus Estimating Conference principals before making any changes in methodology used or information gathered.

Section 2. Paragraph (b) of subsection (5) of section 20.19, Florida Statutes, is amended to read:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

(5) SERVICE DISTRICTS.—

(b)~~1.~~ The secretary shall appoint a district administrator for each of the service districts. The district administrator shall serve at the pleasure of the secretary and shall perform such duties as assigned by the secretary. ~~Subject to the approval of the secretary, such duties shall include transferring up to 10 percent of the total district budget, the provisions of ss. 216.292 and 216.351 notwithstanding.~~

~~2. For the 2003-2004 fiscal year only, the transfer authority provided in this subsection must be specifically appropriated in the 2003-2004 General Appropriations Act and shall be pursuant to the requirements of s. 216.292. This subparagraph expires July 1, 2004.~~

~~3. For the 2004-2005 fiscal year only, the transfer authority provided in this subsection is available to the department without further restriction other than as contained in this subsection. This subparagraph expires July 1, 2005.~~

Section 3. Paragraph (d) of subsection (4) of section 20.316, Florida Statutes, is amended to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(4) INFORMATION SYSTEMS.—

(d) The management information system shall, at a minimum:

1. Facilitate case management of juveniles referred to or placed in the department's custody.

2. Provide timely access to current data and computing capacity to support outcome evaluation, legislative oversight, ~~the Juvenile Justice Estimating Conference,~~ and other research.

3. Provide automated support to the quality assurance and program review functions.

4. Provide automated support to the contract management process.

5. Provide automated support to the facility operations management process.

6. Provide automated administrative support to increase efficiency, provide the capability of tracking expenditures of funds by the department or contracted service providers that are eligible for federal reimbursement, and reduce forms and paperwork.

7. Facilitate connectivity, access, and utilization of information among various state agencies, and other state, federal, local, and private agencies, organizations, and institutions.

8. Provide electronic public access to juvenile justice information, which is not otherwise made confidential by law or exempt from the provisions of s. 119.07(1).

9. Provide a system for the training of information system users and user groups.

Section 4. Effective July 1, 2006, section 45.062, Florida Statutes, is amended to read:

45.062 Settlements, conditions, or orders when an agency of the executive branch is a party.—

(1) In any civil action in which a state executive branch agency or officer is a party in state or federal court, the officer, agent, official, or attorney who represents or is acting on behalf of such agency or officer may not settle such action, consent to any condition, or agree to any order in connection therewith, if the settlement, condition, or order requires the expenditure of or the obligation to expend any state funds or other state resources *exceeding $1 million, the refund or future loss of state revenues exceeding $10 million*, or the establishment of any new program, unless:

(a) The expenditure is provided for by an existing appropriation or program established by law.~~; and~~

(b) At the time settlement negotiations have begun in earnest, written notification is given to the President of the Senate, the Speaker of the House of Representatives, the Senate and House of Representatives minority leaders, the chairs of the appropriations committees of the Legislature, and the Attorney General.

(c)~~(b)~~ Prior written notification is given *at least* ~~within~~ 5 business days*, or as soon thereafter as practicable, before* ~~of~~ the date the settlement or presettlement agreement or order is to be made final to the President of the Senate, the Speaker of the House of Representatives, the Senate and House *of Representatives* minority leaders, *the chairs of the appropriations committees of the Legislature,* and the Attorney General. Such notification shall specify how the agency involved will address the costs in future years within the limits of current appropriations.

1. The Division of Risk Management need not give the notification required by this paragraph when settling any claim covered by the state self-insurance program for an amount less than $250,000.

2. The notification specified in this paragraph is not required if:

a. The only settlement obligation of the state resulting from the claim is to pay court costs in an amount less than $10,000;

b. Notification would preclude the state's participation in multistate litigation;

c. Notification is precluded by federal law or regulation;

d. Notification is precluded by court rule or sanction;

e. The head of the primary state agency involved in the litigation certifies to the President of the Senate and the Speaker of the House of Representatives, in writing within 5 days after the settlement, the specific reasons prior notification could not be provided;

f. Settlement or presettlement negotiations are being conducted with fewer than all of the opposing parties; or

g. The President of the Senate and the Speaker of the House of Representatives or the chairs of the appropriations committees of the Legislature, acting in the best interest of the state, waive notification.

(2) The state executive branch agency or officer shall negotiate a closure date as soon as possible for the civil action.

(3) The state executive branch agency or officer may not pledge any current or future action of another branch of state government as a condition for settling the civil action.

(4) Any settlement that commits the state to spending in excess of current appropriations or to policy changes inconsistent with current state law shall be contingent upon and subject to legislative appropriation or statutory amendment. The state agency or officer may agree to use all efforts to procure legislative funding or statutory amendment.

(5) When a state agency or officer settles an action or legal claim in which the state asserted a right to recover money, all moneys paid to the state by a party in full or partial exchange for a release of the state's claim shall be placed into the General Revenue Fund or the appropriate trust fund.

(6)~~(5)~~ State executive branch agencies and officers shall report to each substantive and fiscal committee of the Legislature having jurisdiction over the reporting agency on all potential settlements that may commit the state to:

(a) Spend in excess of current appropriations; or

(b) Make policy changes inconsistent with current state law.

The state executive branch agency or officer shall provide periodic updates to the appropriate legislative committees on these issues during the settlement process.

Section 5. Subsection (1) of section 110.1239, Florida Statutes, is amended to read:

110.1239 State group health insurance program funding.—It is the intent of the Legislature that the state group health insurance program be managed, administered, operated, and funded in such a manner as to maximize the protection of state employee health insurance benefits. Inherent in this intent is the recognition that the health insurance liabilities attributable to the benefits offered state employees should be fairly, orderly, and equitably funded. Accordingly:

(1) The division shall determine the level of premiums necessary to fully fund the state group health insurance program for the next fiscal year. Such determination shall be made after each Self-Insurance Estimating Conference as provided in s. 216.136*(9)*~~(11)~~, but not later than December 1 and April 1 of each fiscal year.

Section 6. Paragraph (b) of subsection (1) of section 110.1245, Florida Statutes, is amended to read:

110.1245 Savings sharing program; bonus payments; other awards.—

(1)

(b) Each agency head shall recommend employees individually or by group to be awarded an amount of money, which amount shall be directly related to the cost savings realized. Each proposed award and amount of money must be approved by the Legislative *Budget* ~~Budgeting~~ Commission.

Section 7. Section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(1) All moneys received by the state shall be deposited in the State Treasury unless specifically provided otherwise by law and shall be deposited in and accounted for by the Chief Financial Officer within the following funds, which funds are hereby created and established:

(a) General Revenue Fund.

(b) Trust funds.

~~(c) Working Capital Fund.~~

(c)~~(d)~~ Budget Stabilization Fund.

(2) The source and use of each of these funds shall be as follows:

(a) The General Revenue Fund shall consist of all moneys received by the state from every source whatsoever, except as provided in paragraphs (b) and (c). Such moneys shall be expended pursuant to General Revenue Fund appropriations acts*,* ~~or~~ transferred as provided in paragraph (c)*, or maintained as unallocated general revenue. Unallocated general revenue shall be considered the working capital balance of the state and shall consist of moneys in the General Revenue Fund that are in excess of the amount needed to meet General Revenue Fund appropriations for the current fiscal year*. ~~Annually, at least 5 percent of the estimated increase in General Revenue Fund receipts for the upcoming fiscal year over the current year General Revenue Fund effective appropriations shall be appropriated for state-level capital outlay, including infrastructure improvement and general renovation, maintenance, and repairs.~~

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the

appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and *General Revenue* ~~Working Capital~~ Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the *State Board of Education* ~~Board of Regents~~, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

(c)1. The Budget Stabilization Fund shall consist of amounts equal to at least 5 percent of net revenue collections for the General Revenue Fund during the last completed fiscal year. The Budget Stabilization Fund's principal balance shall not exceed an amount equal to 10 percent of the last completed fiscal year's net revenue collections for the General Revenue Fund. As used in this paragraph, the term "last completed fiscal year" means the most recently completed fiscal year prior to the regular legislative session at which the Legislature considers the General Appropriations Act for the year in which the transfer to the Budget Stabilization Fund must be made under this paragraph.

2. By September 15 of each year, the Governor shall authorize the Chief Financial Officer to transfer, and the Chief Financial Officer shall transfer pursuant to appropriations made by law, to the Budget Stabilization Fund the amount of money needed for the balance of that fund to equal the amount specified in subparagraph 1., less any amounts expended and not restored. The moneys needed for this transfer may be appropriated by the Legislature from any funds.

3. Unless otherwise provided in this subparagraph, an expenditure from the Budget Stabilization Fund must be restored pursuant to a restoration schedule that provides for making five equal annual transfers from the General Revenue Fund, beginning in the *third* fiscal year following that in which the expenditure was made. For any Budget Stabilization Fund expenditure, the Legislature may establish by law a different restoration schedule and such change may be made at any time during the restoration period. Moneys are hereby appropriated for transfers pursuant to this subparagraph.

4. The Budget Stabilization Fund ~~and the Working Capital Fund~~ may be used as *a* revolving *fund* ~~funds~~ for transfers as provided in s. *215.18* ~~17.61~~; however, any interest earned must be deposited in the General Revenue Fund.

5. The Chief Financial Officer and the Department of Management Services shall transfer funds to water management districts to pay eligible water management district employees for all benefits due under s. 373.6065, as long as funds remain available for the program described under s. *110.152* ~~100.152~~.

~~(d) The Working Capital Fund shall consist of moneys in the General Revenue Fund which are in excess of the amount needed to meet General Revenue Fund appropriations for the current fiscal year. Each year, no later than the publishing date of the annual financial statements for the state by the Chief Financial Officer under s. 216.102, funds shall be transferred between the Working Capital Fund and the General Revenue Fund to establish the balance of the Working Capital Fund for that fiscal year at the amount determined pursuant to this paragraph.~~

Section 8. Paragraphs (a) and (f) of subsection (5) of section 215.5601, Florida Statutes, are amended to read:

215.5601 Lawton Chiles Endowment Fund.—

(5) AVAILABILITY OF FUNDS; USES.—

(a) Funds from the endowment which are available for legislative appropriation shall be transferred by the board to the Department of Financial Services Tobacco Settlement Clearing Trust Fund, created in s. 17.41, and disbursed in accordance with the legislative appropriation.

1. Appropriations by the Legislature to the Department of Health from endowment earnings from the principal set aside for biomedical research shall be from a category called the James and Esther King Biomedical Research Program and shall be deposited into the Biomedical Research Trust Fund in the Department of Health established in s. 20.435.

2. Appropriations by the Legislature to the Department of Children and Family Services, the Department of Health, or the Department of Elderly Affairs *from endowment earnings* for health and human services programs ~~shall be from a category called the Lawton Chiles Endowment Fund Programs and~~ shall be deposited into each department's respective Tobacco Settlement Trust Fund as appropriated.

~~(f) When advised by the Revenue Estimating Conference that a deficit will occur with respect to the appropriations from the tobacco settlement trust funds of the state agencies in any fiscal year, the Governor shall develop a plan of action to eliminate the deficit. Before implementing the plan of action, the Governor must comply with s. 216.177(2). In developing the plan of action, the Governor shall, to the extent possible, preserve legislative policy and intent, and, absent any specific directions to the contrary in the General Appropriations Act, any reductions in appropriations from the tobacco settlement trust funds of the state agencies for a fiscal year shall be prorated among the specific appropriations made from all tobacco settlement trust funds of the state agencies for that year.~~

Section 9. Subsection (3) of section 215.93, Florida Statutes, is amended to read:

215.93 Florida Financial Management Information System.—

(3) The Florida Financial Management Information System shall include financial management data and utilize the chart of accounts approved by the Chief Financial Officer. Common financial management data shall include, but not be limited to, data codes, titles, and definitions used by one or more of the functional owner subsystems. The Florida Financial Management Information System shall utilize common financial management data codes. The council shall recommend and the board shall adopt policies regarding the approval and publication of the financial management data. The Chief Financial Officer shall adopt policies regarding the approval and publication of the chart of accounts. The Chief Financial Officer's chart of accounts shall be consistent with the common financial management data codes established by the coordinating council. Further, all systems not a part of the Florida Financial Management Information System which provide information to the system shall use the common data codes from the Florida Financial Management Information System and the Chief Financial Officer's chart of accounts. Data codes that cannot be supplied by the Florida Financial Management Information System and the Chief Financial Officer's chart of accounts and that are required for use by the information subsystems shall be approved by the board upon recommendation of the coordinating council. ~~However, board approval shall not be required for those data codes specified by the Auditor General under the provisions of s. 215.94(6)(c).~~

Section 10. Subsection (6) of section 215.94, Florida Statutes, is amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(6)(a) *Consistent with the provisions of s. 215.86, the respective functional owner of each information subsystem shall be responsible for ensuring* ~~The Auditor General shall be advised by the functional owner of each information subsystem as to the date that the development or significant modification of its functional system specifications is to begin.~~

~~(b) Upon such notification, the Auditor General shall participate with each functional owner to the extent necessary to provide assurance~~ that:

1. The accounting information produced by the information subsystem adheres to generally accepted accounting principles.

2. The information subsystem contains the necessary controls to maintain its integrity, within acceptable limits and at an acceptable cost.

3. The information subsystem is auditable.

(b)~~(c)~~ The Auditor General shall *be advised by the functional owner of each information subsystem as to the date that the development or significant modification of its functional system specifications is to begin. The Auditor General shall provide technical advice, as allowed by professional auditing standards, on specific issues relating to the design, implementation, and operation of each information subsystem* ~~specify those additional features, characteristics, controls, and internal control measures deemed necessary to carry out the provisions of this subsection. Further, it shall be the responsibility of each functional owner to ensure installation and incorporation of such specified features, characteristics, controls, and internal control measures within each information subsystem~~.

Section 11. Section 215.97, Florida Statutes, is amended to read:

215.97 Florida Single Audit Act.—

(1) The purposes of the section are to:

(a) Establish uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities to carry out state projects.

(b) Promote sound financial management, including effective internal controls, with respect to state financial assistance administered by nonstate entities.

(c) Promote audit economy and efficiency by relying to the extent possible on already required audits of federal financial assistance provided to nonstate entities.

(d) Provide for identification of state financial assistance transactions in the appropriations act, state accounting records, and recipient organization records.

(e) Promote improved coordination and cooperation within and between affected state agencies providing state financial assistance and nonstate entities receiving state assistance.

(f) Ensure, to the maximum extent possible, that state agencies monitor, use, and followup on audits of state financial assistance provided to nonstate entities.

(2) Definitions; as used in this section, the term:

(a) "Audit threshold" means the *threshold* amount *used to determine* ~~to use in determining~~ when a state single audit *or project-specific audit* of a nonstate entity shall be conducted in accordance with this section. Each nonstate entity that expends a total amount of state financial assistance equal to or in excess of *$500,000* ~~$300,000~~ in any fiscal year of such nonstate entity shall be required to have a state single audit*, or a project-specific audit,* for such fiscal year in accordance with the requirements of this section. Every 2 years the Auditor General, after consulting with the Executive Office of the Governor, the *Department of Financial Services* ~~Chief Financial Officer~~, and all state *awarding* agencies ~~that provide state financial assistance to nonstate entities~~, shall review the *threshold* amount for requiring audits under this section and may adjust such *threshold* ~~dollar~~ amount consistent with the *purposes* ~~purpose~~ of this section.

(b) "Auditing standards" means the auditing standards as stated in the rules of the Auditor General as applicable to for-profit organizations, nonprofit organizations, or local governmental entities.

(c) "Catalog of State Financial Assistance" means a comprehensive listing of state projects. The Catalog of State Financial Assistance shall be issued by the *Department of Financial Services* ~~Executive Office of the Governor~~ after conferring with the *Executive Office of the Governor* ~~Chief Financial Officer~~ and all state *awarding* agencies ~~that provide state financial assistance to nonstate entities~~. The Catalog of State Financial Assistance shall include for each listed state project: the responsible state *awarding* agency; standard state project number identifier; official title; legal authorization; and description of the state project, including objectives, restrictions, application and awarding procedures, and other relevant information determined necessary.

(d) "Coordinating agency" means the state awarding agency that provides the predominant amount of state financial assistance expended by a recipient, as determined by the recipient's Schedule of Expenditures of State Financial Assistance. To provide continuity, the determination of the predominant amount of state financial assistance shall be based upon state financial assistance expended in the recipient's fiscal years ending in 2006, 2009, and 2012, and every third year thereafter.

(e)~~(d)~~ "Financial reporting package" means the nonstate entities' financial statements, Schedule of *Expenditures of*State Financial Assistance, auditor's reports, management letter, auditee's written responses or corrective action plan, correspondence on followup of prior years' corrective actions taken, and such other information determined by the Auditor General to be necessary and consistent with the purposes of this section.

(f)~~(e)~~ "Federal financial assistance" means financial assistance from federal sources passed through the state and provided to nonstate *organizations* ~~entities~~ to carry out a federal program. "Federal financial assistance" includes all types of federal assistance as defined in applicable United States Office of Management and Budget circulars.

(g)~~(f)~~ "For-profit organization" means any organization or sole proprietor *that* ~~but~~ is not a ~~local~~ governmental entity or a nonprofit organization.

(h)~~(g)~~ "Independent auditor" means an *independent* ~~external state or local government auditor or a~~ certified public accountant *licensed under chapter 473* ~~who meets the independence standards~~.

(i)~~(h)~~ "Internal control over state projects" means a process, effected by *a nonstate* ~~an~~ entity's management and other personnel, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations.

2. Reliability of financial operations.

3. Compliance with applicable laws and regulations.

(j)~~(i)~~ "Local governmental entity" means a county *as a whole* ~~agency~~, municipality, or special district or any other entity *excluding* ~~(other than~~ a district school board*, charter school,* ~~or~~ community college~~)~~*, or public university,* however styled, which independently exercises any type of governmental function *within the state*.

(k)~~(j)~~ "Major state project" means any state project meeting the criteria as stated in the rules of the *Department of Financial Services* ~~Executive Office of the Governor~~. Such criteria shall be established after consultation with *all* ~~the Chief Financial Officer and appropriate~~ state *awarding* agencies ~~that provide state financial assistance~~ and shall consider the amount of state project expenditures *and* ~~or~~ expenses or inherent risks. Each major state project shall be audited in accordance with the requirements of this section.

(l)~~(k)~~ "Nonprofit organization" means any corporation, trust, association, cooperative, or other organization that:

1. Is operated primarily for scientific, educational service, charitable, or similar purpose in the public interest.~~;~~

2. Is not organized primarily for profit.~~;~~

3. Uses net proceeds to maintain, improve, or expand the operations of the organization.~~; and~~

4. Has no part of its income or profit distributable to its members, directors, or officers.

(m)~~(l)~~ "Nonstate entity" means a local governmental entity, nonprofit organization, or for-profit organization that receives state *financial assistance* ~~resources~~.

(n)~~(m)~~ "Recipient" means a nonstate entity that receives state financial assistance directly from a state awarding agency.

(o)~~(n)~~ "Schedule of *Expenditures of* State Financial Assistance" means a document prepared in accordance with the rules of the *Department of Financial Services* ~~Chief Financial Officer~~ and included in each financial reporting package required by this section.

(p)~~(o)~~ "State awarding agency" means *a* ~~the~~ state agency*, as defined in s. 216.011,* that *is primarily responsible for the operations and outcomes of a state project, regardless of the state agency that actually provides* ~~provided~~ state financial assistance to *a* ~~the~~ nonstate entity.

(q)~~(p)~~ "State financial assistance" means ~~financial assistance from~~ state resources, not including federal financial assistance and state matching *on federal programs*, provided to *a*nonstate *entity* ~~entities~~ to carry out a state project. "State financial assistance" includes *the* ~~all~~ types of state *resources* ~~assistance as~~ stated in the rules of the *Department of Financial Services* ~~Executive Office of the Governor~~ established in consultation with *all* ~~the Chief Financial Officer and appropriate~~ state *awarding* agencies ~~that provide state financial assistance~~. ~~It includes~~ State financial assistance *may be* provided directly by state awarding agencies or indirectly by *nonstate entities* ~~recipients of state awards or subrecipients~~. *"State financial assistance"* ~~It~~ does not include procurement contracts used to buy goods or services from vendors *and*~~. Audits of such procurement contracts with vendors are outside of the scope of this section. Also, audits of~~ contracts to operate *state-owned* ~~state-government-owned~~ and contractor-operated facilities ~~are excluded from the audit requirements of this section~~.

(r)~~(q)~~ "State matching" means state resources provided to *a* nonstate *entity* ~~entities to be used~~ to meet federal financial participation matching requirements ~~of federal programs~~.

(s) "State program" means a set of special-purpose activities undertaken to realize identifiable goals and objectives in order to achieve a state agency's mission and legislative intent requiring accountability for state resources.

(t)~~(r)~~ "State project" means *a state program that provides* ~~all~~ state financial assistance to a nonstate *organization and that must be* ~~entity~~ assigned a ~~single~~ state project number identifier in the Catalog of State Financial Assistance.

(u)~~(s)~~ "State Projects Compliance Supplement" means a document issued by the *Department of Financial Services*~~Executive Office of the Governor~~, in consultation with ~~the Chief Financial Officer and~~ all state *awarding* agencies ~~that provide state financial assistance~~. The State Projects Compliance Supplement shall identify state projects, the significant compliance requirements, eligibility requirements, matching requirements, suggested audit procedures, and other relevant information determined necessary.

(v)~~(t)~~ "State project-specific audit" means an audit of one state project performed in accordance with the requirements of subsection *(10)*~~(9)~~.

(w)~~(u)~~ "State single audit" means an audit of a nonstate entity's financial statements and state financial assistance. Such audits shall be conducted in accordance with the auditing standards as stated in the rules of the Auditor General.

(x)~~(v)~~ "Subrecipient" means a nonstate entity that receives state financial assistance through another nonstate entity.

(y)~~(w)~~ "Vendor" means a dealer, distributor, merchant, or other seller providing goods or services that are required for the conduct of a state project. These goods or services may be for an organization's own use or for the use of beneficiaries of the state project.

(3) The Executive Office of the Governor *is responsible for notifying the Department of Financial Services of any actions during the budgetary process that impact the Catalog of State Financial Assistance.* ~~shall:~~

~~(a) Upon conferring with the Chief Financial Officer and all state awarding agencies, adopt rules necessary to provide appropriate guidance to state awarding agencies, recipients and subrecipients, and independent auditors of state financial assistance relating to the requirements of this section, including:~~

~~1. The types or classes of financial assistance considered to be state financial assistance which would be subject to the requirements of this section. This would include guidance to assist in identifying when the state agency or recipient has contracted with a vendor rather than with a recipient or subrecipient.~~

~~2. The criteria for identifying a major state project.~~

~~3. The criteria for selecting state projects for audits based on inherent risk.~~

~~(b) Be responsible for coordinating the initial preparation and subsequent revisions of the Catalog of State Financial Assistance after consultation with the Chief Financial Officer and all state awarding agencies.~~

~~(c) Be responsible for coordinating the initial preparation and subsequent revisions of the State Projects Compliance Supplement, after consultation with the Chief Financial Officer and all state awarding agencies.~~

(4) The *Department of Financial Services* ~~Chief Financial Officer~~ shall:

(a) Upon conferring with the Executive Office of the Governor and all state awarding agencies, adopt rules necessary to provide appropriate guidance to state awarding agencies, nonstate entities, and independent auditors of state financial assistance relating to the requirements of this section, including:

1. The types or classes of state resources considered to be state financial assistance that would be subject to the requirements of this section. This would include guidance to assist in identifying when the state awarding agency or a nonstate entity has contracted with a vendor rather than with a recipient or subrecipient.

2. The criteria for identifying a major state project.

3. The criteria for selecting state projects for audits based on inherent risk.

(b) Be responsible for coordinating revisions to the Catalog of State Financial Assistance after consultation with the Executive Office of the Governor and all state awarding agencies.

(c) Be responsible for coordinating with the Executive Office of the Governor actions affecting the budgetary process under paragraph (b).

(d) Be responsible for coordinating revisions to the State Projects Compliance Supplement, after consultation with the Executive Office of the Governor and all state awarding agencies.

(e)~~(a)~~ Make enhancements to the state's accounting system to provide for the:

1. Recording of state financial assistance and federal financial assistance appropriations and expenditures within the state awarding agencies' operating funds.

2. Recording of state project number identifiers, as provided in the Catalog of State Financial Assistance, for state financial assistance.

3. Establishment and recording of an identification code for each financial transaction, including *awarding* state agencies' disbursements of state financial assistance and federal financial assistance, as to the corresponding type or organization that is party to the transaction (e.g., other governmental agencies, nonprofit organizations, and for-profit organizations), and disbursements of federal financial assistance, as to whether the party to the transaction is or is not a *nonstate entity* ~~recipient or subrecipient~~.

(f)~~(b)~~ Upon conferring with the Executive Office of the Governor and all state awarding agencies, adopt rules necessary to provide appropriate guidance to state awarding agencies, *nonstate entities* ~~recipients and subrecipients~~, and independent auditors of state financial assistance relating to the format for the Schedule of *Expenditures of* State Financial Assistance.

(g)~~(c)~~ Perform any inspections, reviews, investigations, or audits of state financial assistance considered necessary in carrying out the *Department of Financial Services'* ~~Chief Financial Officer's~~ legal responsibilities for state financial assistance or to comply with the requirements of this section.

(5) Each state awarding agency shall:

(a) Provide to *each* ~~a~~ recipient information needed by the recipient to comply with the requirements of this section, including:

1. The audit and accountability requirements for state projects as stated in this section and applicable ~~rules of the Executive Office of the Governor,~~ rules of the *Department of Financial Services* ~~Chief Financial Officer,~~ and rules of the Auditor General.

2. Information from the Catalog of State Financial Assistance, including the standard state project number identifier; official title; legal authorization; and description of the state project including objectives, restrictions, and other relevant information determined necessary.

3. Information from the State Projects Compliance Supplement, including the significant compliance requirements, eligibility requirements, matching requirements, suggested audit procedures, and other relevant information determined necessary.

(b) Require the recipient, as a condition of receiving state financial assistance, to allow the state awarding agency, the *Department of Financial Services* ~~Chief Financial Officer~~, and the Auditor General access to the recipient's records and the recipient's independent auditor's working papers as necessary for complying with the requirements of this section.

(c) Notify the recipient that this section does not limit the authority of the state awarding agency to conduct or arrange for the conduct of additional audits or evaluations of state financial assistance or limit the authority of any state *awarding* agency inspector general, the Auditor General, or any other state official.

(d) Be provided one copy of each financial reporting package prepared in accordance with the requirement of this section.

(e) Review the *recipient's* ~~recipient~~ financial reporting package, including the management letters and corrective action plans, to the extent necessary to determine whether timely and appropriate corrective action has been taken with respect to audit findings and recommendations pertaining to state financial assistance *that are specific to* ~~provided by~~ the state *awarding*agency.

(f) Designate within the state awarding agency an organizational unit that will be responsible for reviewing financial reporting packages pursuant to paragraph (e).

If the state awarding agency is not the coordinating agency as defined in paragraph (2)(d), the state awarding agency's designated organizational unit shall communicate to the coordinating agency the state awarding agency's approval of the recipient's corrective action plan with respect to findings and recommendations that are not specific to the state awarding agency.

(6) Each coordinating agency shall:

(a) Review the recipient's financial reporting package, including the management letter and corrective action plan, to identify audit findings and recommendations that affect state financial assistance that are not specific to a particular state awarding agency.

(b) For any findings and recommendations identified pursuant to paragraph (a):

1. Determine whether timely and appropriate corrective action has been taken.

2. Promptly inform the state awarding agency, as provided in paragraph (5)(f), of actions taken by the recipient to comply with the approved corrective action plan.

(c) Maintain records of followup actions taken for the use of any succeeding coordinating agency.

(7)~~(6)~~ As a condition of receiving state financial assistance, each *nonstate entity* ~~recipient~~ that provides state financial assistance to a subrecipient shall:

(a) Provide to *each* ~~a~~ subrecipient information needed by the subrecipient to comply with the requirements of this section, including:

1. Identification of the state awarding agency.

2. The audit and accountability requirements for state projects as stated in this section and applicable ~~rules of the Executive Office of the Governor,~~ rules of the *Department of Financial Services* ~~Chief Financial Officer,~~ and rules of the Auditor General.

3. Information from the Catalog of State Financial Assistance, including the standard state project number identifier; official title; legal authorization; and description of the state project, including objectives, restrictions, and other relevant information.

4. Information from the State Projects Compliance Supplement including the significant compliance requirements, eligibility requirements, matching requirements, and suggested audit procedures, and other relevant information determined necessary.

(b) Review the *financial reporting package of the*subrecipient ~~audit reports~~, including the management *letter and corrective action plan* ~~letters~~, to the extent necessary to determine whether timely and appropriate corrective action has been taken with respect to audit findings and recommendations pertaining to state financial assistance provided by *a* ~~the~~ state *awarding* agency *or nonstate entity*.

(c) Perform *any* ~~such~~ other procedures ~~as~~ specified in terms and conditions of the written agreement with the state awarding agency *or nonstate entity,* including any required monitoring of the subrecipient's use of state financial assistance through onsite visits, limited scope audits, or other specified procedures.

(d) Require subrecipients, as a condition of receiving state financial assistance, to permit the independent auditor of the *nonstate entity* ~~recipient~~, the state awarding agency, the *Department of Financial Services* ~~Chief Financial Officer~~, and the Auditor General access to the subrecipient's records and the subrecipient's independent auditor's working papers as necessary to comply with the requirements of this section.

(8)~~(7)~~ Each recipient or subrecipient of state financial assistance shall comply with the following:

(a) Each nonstate entity that ~~receives state financial assistance and~~ meets *the* audit threshold requirements, in any fiscal year of the nonstate entity, ~~as~~ stated in the rules of the Auditor General, shall have a state single audit conducted for such fiscal year in accordance with the requirements of this act and with additional requirements established in ~~rules of the Executive Office of the Governor,~~ rules of the *Department of Financial Services* ~~Chief Financial Officer,~~ and rules of the Auditor General. If only one state project is involved in a nonstate entity's fiscal year, the nonstate entity may elect to have only a state project-specific audit ~~of the state project for that fiscal year~~.

(b) Each nonstate entity that ~~receives state financial assistance and~~ does not meet the *audit* threshold requirements, in any fiscal year of the nonstate entity, ~~as~~ stated in this law or the rules of the Auditor General is exempt for such fiscal year from the state single audit requirements of this section. However, such nonstate entity must meet terms and conditions specified in the written agreement with the state awarding agency *or nonstate entity*.

(c) If a nonstate entity has extremely limited or no required activities related to the administration of a state project, and only acts as a conduit of state financial assistance, none of the requirements of this section apply to the conduit nonstate entity. However, the nonstate entity that is provided state financial assistance by the conduit nonstate entity is subject to the requirements of this section.

(d)~~(c)~~ Regardless of the amount of the state financial assistance, ~~the provisions of~~ this section *does* ~~do~~ not exempt a nonstate entity from compliance with provisions of law relating to maintaining records concerning state financial assistance to such nonstate entity or allowing access and examination of those records by the state awarding agency,

the nonstate entity, the *Department of Financial Services* ~~Chief Financial Officer~~, or the Auditor General.

(e)~~(d)~~ Audits conducted pursuant to this section shall be performed annually.

(f)~~(e)~~ Audits conducted pursuant to this section shall be conducted by independent auditors in accordance with auditing standards ~~as~~ stated in rules of the Auditor General.

(g)~~(f)~~ Upon completion of the audit ~~as~~ required by this section, a copy of the recipient's financial reporting package shall be filed with the state awarding agency and the Auditor General. Upon completion of the audit ~~as~~ required by this section, a copy of the subrecipient's financial reporting package shall be filed with the *nonstate entity* ~~recipient~~ that provided the state financial assistance *and the Auditor General*. The financial reporting package shall be filed in accordance with the rules of the Auditor General.

(h)~~(g)~~ All financial reporting packages prepared pursuant to ~~the requirements of~~ this section shall be available for public inspection.

(i)~~(h)~~ If an audit conducted pursuant to this section discloses any significant audit findings relating to state financial assistance, including material noncompliance with individual state project compliance requirements or reportable conditions in internal controls of the nonstate entity, the nonstate entity shall submit as part of the *financial reporting*~~audit~~ package to the state awarding agency *or nonstate entity* a plan for corrective action to eliminate such audit findings or a statement describing the reasons that corrective action is not necessary.

(j)~~(i)~~ An audit conducted in accordance with this section is in addition to any audit of federal awards required by the federal Single Audit Act and other federal laws and regulations. To the extent that such federally required audits provide the state awarding agency *or nonstate entity* with information it requires to carry out its responsibilities under state law or other guidance, *the* ~~a~~ state *awarding* agency *or nonstate entity*shall rely upon and use that information.

(k)~~(j)~~ Unless prohibited by law, the *costs* ~~cost~~ of audits pursuant to this section *are* ~~is~~ allowable charges to state projects. However, any charges to state projects should be limited to those incremental costs incurred as a result of the audit requirements of this section in relation to other audit requirements. The nonstate entity should allocate such incremental costs to all state projects for which it expended state financial assistance.

(l)~~(k)~~ Audit costs may not be charged to state projects when audits required by this section have not been made or have been made but not in accordance with this section. If a nonstate entity fails to have an audit conducted consistent with this section, *a* state awarding *agency or nonstate entity* ~~agencies~~ may take appropriate corrective action to enforce compliance.

(m)~~(l)~~ This section does not prohibit the state awarding agency *or nonstate entity* from including terms and conditions in the written agreement which require additional assurances that state financial assistance meets the applicable requirements of laws, regulations, and other compliance rules.

(n)~~(m)~~ A state awarding agency *or nonstate entity* that ~~provides state financial assistance to nonstate entities and~~ conducts or arranges for audits of state financial assistance that are in addition to the audits conducted under this act*, including audits of nonstate entities that do not meet the audit threshold requirements,* shall, consistent with other applicable law, arrange for funding the full cost of such additional audits.

(9)~~(8)~~ The independent auditor when conducting a state single audit of *a nonstate entity* ~~recipients or subrecipients~~ shall:

(a) Determine whether the nonstate entity's financial statements are presented fairly in all material respects in conformity with generally accepted accounting principles.

(b) Determine whether state financial assistance shown on the Schedule of *Expenditures of* State Financial Assistance is presented fairly in all material respects in relation to the nonstate entity's financial statements taken as a whole.

(c) With respect to internal controls pertaining to each major state project:

1. Obtain an understanding of internal controls.~~;~~

2. Assess control risk.~~;~~

3. Perform tests of controls unless the controls are deemed to be ineffective.~~; and~~

4. Determine whether the nonstate entity has internal controls in place to provide reasonable assurance of compliance with the provisions of laws and rules pertaining to state financial assistance that have a material effect on each major state project.

(d) Determine whether each major state project complied with the provisions of laws, rules, and guidelines as identified in the State Projects Compliance Supplement, or otherwise identified by the state awarding agency, which have a material effect on each major state project. When major state projects are less than 50 percent of the nonstate entity's total expenditures for all state financial assistance, the auditor shall select and test additional state projects as major state projects as necessary to achieve audit coverage of at least 50 percent of the expenditures for all state financial assistance provided to the nonstate entity. Additional state projects needed to meet the 50-percent requirement may be selected on an inherent risk basis as stated in the rules of the *Department of Financial Services* ~~Executive Office of the Governor~~.

(e) Report on the results of any audit conducted pursuant to this section in accordance with the ~~rules of the Executive Office of the Governor,~~ rules of the *Department of Financial Services* ~~Chief Financial Officer,~~ and rules of the Auditor General. *Financial reporting packages shall* ~~Audit reports shall~~ include summaries of the auditor's results regarding the nonstate entity's financial statements; Schedule of *Expenditures of* State Financial Assistance; internal controls; and compliance with laws, rules, and guidelines.

(f) Issue a management letter as prescribed in the rules of the Auditor General.

(g) Upon notification by the nonstate entity, make available the working papers relating to the audit conducted pursuant to ~~the requirements of~~ this section to the state awarding agency, the *Department of Financial Services* ~~Chief Financial Officer~~, or the Auditor General for review or copying.

(10)~~(9)~~ The independent auditor, when conducting a state project-specific audit of *a nonstate entity* ~~recipients or subrecipients~~, shall:

(a) Determine whether the nonstate entity's schedule of *Expenditure of* State Financial Assistance is presented fairly in all material respects in conformity with stated accounting policies.

(b) Obtain an understanding of internal *controls* ~~control~~ and perform tests of internal *controls* ~~control~~ over the state project consistent with the requirements of a major state project.

(c) Determine whether or not the auditee has complied with applicable provisions of laws, rules, and guidelines ~~as~~ identified in the State Projects Compliance Supplement, or otherwise identified by the state awarding agency, which could have a direct and material effect on the state project.

(d) Report on the results of *the* ~~a~~ state project-specific audit consistent with the requirements of the state single audit and issue a management letter as prescribed in the rules of the Auditor General.

(e) Upon notification by the nonstate entity, make available the working papers relating to the audit conducted pursuant to ~~the requirements of~~ this section to the state awarding agency, the *Department of Financial Services* ~~Chief Financial Officer~~, or the Auditor General for review or copying.

(11)~~(10)~~ The Auditor General shall:

(a) Have the authority to audit state financial assistance provided to any nonstate entity when determined necessary by the Auditor General or when directed by the Legislative Auditing Committee.

(b) Adopt rules that state the auditing standards that independent auditors are to follow for audits of nonstate entities required by this section.

(c) Adopt rules that describe the contents and the filing deadlines for the financial reporting package.

(d) Provide technical advice upon request of the *Department of Financial Services* ~~Chief Financial Officer, Executive Office of the Governor,~~ and state *awarding* agencies relating to financial reporting and audit responsibilities contained in this section.

(e) Be provided one copy of each financial reporting package prepared in accordance with ~~the requirements of~~ this section.

(f) Perform ongoing reviews of a sample of financial reporting packages filed pursuant to ~~the requirements of~~ this section to determine compliance with the reporting requirements of this section and applicable ~~rules of the Executive Office of the Governor,~~ rules of the *Department of Financial Services* ~~Chief Financial Officer,~~ and rules of the Auditor General.

Section 12. Paragraphs (a), (b), (gg), (hh), and (jj) of subsection (1) of section 216.011, Florida Statutes, are amended, paragraphs (rr) and (ss) are added to said subsection, and paragraph (c) is added to subsection (3) of said section, to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(a) "Annual salary rate" means the monetary compensation authorized to be paid a position on an annualized basis. The term does not include moneys authorized for benefits associated with the position. ~~In calculating salary rate, a vacant position shall be calculated at the minimum of the pay grade for that position.~~

(b) "Appropriation" means a legal authorization to make expenditures for specific purposes within the amounts authorized *by law* ~~in the appropriations act~~.

(gg) *"Mandatory reserve" means the reduction of an appropriation by the Governor or the Legislative Budget Commission due to an anticipated deficit in a fund, pursuant to s. 216.221. Action may not be taken to restore a mandatory reserve either directly or indirectly.* ~~"Performance-based program appropriation" means the appropriation category used to fund a specific set of activities or classification of expenditure within an approved performance-based program.~~

(hh) *"Budget reserve" means the withholding, as authorized by the Legislature, of an appropriation, or portion thereof. The need for a budget reserve may exist until certain conditions set by the Legislature are met by the affected agency, or such need may exist due to financial or program changes that have occurred since, and were unforeseen at the time of, passage of the General Appropriations Act.* ~~"Performance-based program budget" means a budget that incorporates approved programs and performance measures.~~

(jj) "Program" means a set of *services and* activities undertaken in accordance with a plan of action organized to realize identifiable goals and objectives based on legislative authorization.

(rr) "Activity" means a unit of work that has identifiable starting and ending points, consumes resources, and produces outputs.

(ss) "Qualified expenditure category" means the appropriations category used to fund specific activities and projects which must be transferred to one or more appropriation categories for expenditure upon recommendation by the Governor or Chief Justice, as appropriate, and subject to approval by the Legislative Budget Commission.

(3) For purposes of this chapter, the term:

(c) "Statutorily authorized entity" means any entity primarily acting as an instrumentality of the state, any regulatory or governing body, or any other governmental or quasi-governmental organization that receives, disburses, expends, administers, awards, recommends expenditure of, handles, manages, or has custody or control of funds appropriated by the Legislature and:

1. Is created, organized, or specifically authorized to be created or established by general law; or

2. Assists a department, as defined in s. 20.03(2), or other unit of state government in providing programs or services on a statewide basis with a statewide service area or population.

Section 13. Effective July 1, 2006, paragraph (n) of subsection (1) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(n) "Expense" means the appropriation category used to fund the usual, ordinary, and incidental expenditures by an agency or the judicial branch, including such items as ~~contractual services,~~ commodities, ~~and~~ supplies of a consumable nature, current obligations, and fixed charges, and excluding expenditures classified as operating capital outlay. Payments to other funds or local, state, or federal agencies may be included in this category.

Section 14. Section 216.013, Florida Statutes, is amended to read:

216.013 Long-range program plan.—

~~(1)~~ State agencies *and the judicial branch* shall develop long-range program plans to achieve state goals using an interagency planning process that includes the development of integrated agency program service outcomes. *The plans shall be policy based, priority driven, accountable, and developed through careful examination and justification of all agency and judicial branch programs.* ~~The plan shall cover a period of 5 fiscal years and shall become effective July 1 each year.~~

(1) Long-range program plans shall provide the framework for the development of ~~agency~~ budget requests and shall *identify or update*:

(a) The mission of the agency or judicial branch.

(b) The goals established to accomplish the mission.

(c) The objectives developed to achieve state goals.

(d) The trends and conditions relevant to the mission, goals, and objectives.

(e)~~(a) Identify agency programs and address how agency~~ *The agency or judicial branch* programs *that* will be used to implement state policy and achieve state goals and ~~program component~~ objectives.~~;~~

(f) The program outcomes and standards to measure progress toward program objectives.

~~(b) Identify and describe agency functions and how they will be used to achieve designated outcomes;~~

~~(c) Identify demand, output, total costs, and unit costs for each function;~~

(g)~~(d) Provide~~ Information regarding performance measurement, which includes, but is not limited to, how data is collected, the methodology used to measure a performance indicator, the validity and reliability of a measure, the appropriateness of a measure, and whether *, in the case of agencies,* the agency inspector general has assessed the reliability and validity of agency performance measures, pursuant to s. 20.055(2).~~;~~

~~(e) Identify and justify facility and fixed capital outlay projects and their associated costs; and~~

~~(f) Identify and justify information technology infrastructure and applications and their associated costs for information technology projects or initiatives.~~

~~(2) All agency functions and their costs shall be carefully evaluated and justified by the agency. The justification must clearly demonstrate~~

~~the needs of agency customers and clients and why the agency is proposing functions and their associated costs to address the needs based on state priorities, the agency mission, and legislative authorization. Further, the justification must show how agency functions are integrated and contribute to the overall achievement of state goals. Facilities, fixed capital outlay and information technology infrastructure, and applications shall be evaluated pursuant to ss. 216.0158, 216.043, and 216.0446, respectively.~~

(2) Each long-range program plan shall cover a period of 5 fiscal years, be revised annually, and remain in effect until replaced or revised.

(3) Long-range program plans *or revisions* shall be *presented by state agencies and the judicial branch in a form, manner, and timeframe prescribed in written instructions prepared by* ~~submitted to~~ the Executive Office of the Governor *in consultation with* ~~by August 1 of each year in a form and manner prescribed by the Executive Office of the Governor and~~ the chairs of the legislative appropriations committees. ~~Such long-range program plans for the Judicial Branch shall be submitted by the Chief Justice of the Supreme Court to the President of the Senate and the Speaker of the House of Representatives, and a copy shall be provided to the Executive Office of the Governor.~~

~~(4) The Executive Office of the Governor shall review the long-range program plans for executive agencies to ensure that they are consistent with the state's goals and objectives and other requirements as specified in the written instructions and that they provide the framework and context for the agency's budget request.~~

~~(5) Executive agencies shall incorporate all revisions required by the Governor within 14 working days.~~

~~(6) Any differences between executive agencies regarding the programs, policies, or long-range program plans of such agencies shall be mediated by the Executive Office of the Governor.~~

(4)~~(7)~~ Each *state* executive agency *and the judicial branch*shall *post their long-range program plan on their Internet website* ~~transmit copies of its long-range program plan and all written comments on its plan to the President of the Senate and the Speaker of the House of Representatives~~ not later than *September 30th of each year, and provide written notice to the Governor and the Legislature that the plans have been posted* ~~60 days prior to the next regular session of the Legislature~~.

~~(8) Long-range program plans developed pursuant to this chapter are not rules and therefore are not subject to the provisions of chapter 120.~~

(5)~~(9)~~ *Following the adoption of the annual General Appropriations Act, the state* agencies and the judicial branch shall make appropriate adjustments to their long-range program plans to be consistent with the appropriations and performance measures in the General Appropriations Act and legislation implementing the General Appropriations Act. Agencies and the judicial branch have until June *30* ~~15~~ to make adjustments to their plans *as posted on their Internet websites* ~~and submit the adjusted plans to the Executive Office of the Governor for review~~.

(6) Long-range program plans developed pursuant to this chapter are not rules and therefore are not subject to the provisions of chapter 120.

Section 15. Section 216.023, Florida Statutes, is amended to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.—

(1) The head of each state agency, except as provided in subsection (2), shall submit a final legislative budget request to the Legislature and to the Governor, as chief budget officer of the state, in the form and manner prescribed in the budget instructions and at such time as specified by the Executive Office of the Governor, based on the agency's independent judgment of its needs. However, *a* ~~no~~ state agency *may not* ~~shall~~ submit its complete legislative budget request, including all supporting forms and schedules required by this chapter, later than *October* ~~September~~ 15 of each year *unless an alternative date is agreed to be in the best interest of the state by the Governor and the chairs of the legislative appropriations committees*.

(2) The judicial branch and the Division of Administrative Hearings shall submit their complete legislative budget requests directly to the Legislature with a copy to the Governor, as chief budget officer of the state, in the form and manner as prescribed in the budget instructions. However, the complete legislative budget requests, including all supporting forms and schedules required by this chapter, shall be submitted no later than *October* ~~September~~ 15 of each year *unless an alternative date is agreed to be in the best interest of the state by the Governor and the chairs of the legislative appropriations committees*.

(3) The Executive Office of the Governor and the appropriations committees of the Legislature shall jointly develop legislative budget instructions for preparing the exhibits and schedules that make up the agency budget from which each agency and the judicial branch shall prepare their budget request. The budget instructions shall be consistent with s. 216.141 and shall be transmitted to each agency and to the judicial branch no later than *July* ~~June~~ 15 of each year *unless an alternative date is agreed to be in the best interest of the state by the Governor and the chairs of the legislative appropriations committees*. In the event that agreement cannot be reached between the Executive Office of the Governor and the appropriations committees of the Legislature regarding legislative budget instructions, the issue shall be resolved by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(4)(a) The legislative budget request must contain for each program:

1. The constitutional or statutory authority for a program, a brief purpose statement, and approved program components.

2. Information on expenditures for 3 fiscal years (actual prior-year expenditures, current-year estimated expenditures, and agency budget requested expenditures for the next fiscal year) by appropriation category.

3. Details on trust funds and fees.

4. The total number of positions (authorized, fixed, and requested).

5. An issue narrative describing and justifying changes in amounts and positions requested for current and proposed programs for the next fiscal year.

6. Information resource requests.

7. Legislatively approved output and outcome performance measures and any proposed revisions to measures.

8. Proposed performance standards for each performance measure and justification for the standards and the sources of data to be used for measurement.

9. Prior-year performance data on approved performance measures and an explanation of deviation from expected performance. Performance data must be assessed for reliability in accordance with s. 20.055.

10. Proposed performance incentives and disincentives.

11. Supporting information, including applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards for any request to outsource or privatize agency functions.

12. An evaluation of any major outsourcing and privatization initiatives undertaken during the last 5 fiscal years having aggregate expenditures exceeding $10 million during the term of the contract. The evaluation shall include an assessment of contractor performance, a comparison of anticipated service levels to actual service levels, and a comparison of estimated savings to actual savings achieved. Consolidated reports issued by the Department of Management Services may be used to satisfy this requirement.

(b) It is the intent of the Legislature that total accountability measures, including unit-cost data, serve not only as a budgeting tool but also as a policymaking tool and an accountability tool. Therefore, each state agency and the judicial branch must submit a one-page summary of information for the preceding year in accordance with the legislative budget instructions. Each one-page summary must contain:

1. The final budget for the agency and the judicial branch.

2. Total funds from the General Appropriations Act.

3. Adjustments to the General Appropriations Act.

4. The line-item listings of all activities.

5. The number of activity units performed or accomplished.

6. Total expenditures for each activity, including amounts paid to contractors and subordinate entities. Expenditures related to administrative activities not aligned with output measures must consistently be allocated to activities with output measures prior to computing unit costs.

7. The cost per unit for each activity, including the costs allocated to contractors and subordinate entities.

8. The total amount of reversions and pass-through expenditures omitted from unit-cost calculations.

At the regular session immediately following the submission of the agency unit cost summary, the Legislature shall reduce in the General Appropriations Act for the ensuing fiscal year, by an amount equal to at least 10 percent of the allocation for the fiscal year preceding the current fiscal year, the funding of each state agency that fails to submit the report required under this paragraph.

~~(5) At the time specified in the legislative budget instructions and in sufficient time to be included in the Governor's recommended budget, the judicial branch is required to submit a performance-based program budget request. The Chief Justice of the Supreme Court shall identify and, after consultation with the Office of Program Policy Analysis and Government Accountability, submit to the President of the Senate and the Speaker of the House of Representatives a list of proposed programs and associated performance measures. The judicial branch shall provide documentation to accompany the list of proposed programs and performance measures as provided under subsection (4). The judicial branch shall submit a performance-based program agency budget request using the programs and performance measures adopted by the Legislature. The Chief Justice may propose revisions to approved programs or performance measures for the judicial branch. The Legislature shall have final approval of all programs and associated performance measures and standards for the judicial branch through the General Appropriations Act or legislation implementing the General Appropriations Act. By September 15, 2001, the Chief Justice of the Supreme Court shall submit to the President of the Senate and the Speaker of the House of Representatives a performance-based program budget request for programs of the judicial branch approved by the Legislature and provide a copy to the Executive Office of the Governor.~~

(5)~~(6)~~ Agencies must maintain a comprehensive performance accountability system and provide a list of performance measures maintained by the agency which are in addition to the measures approved by the Legislature.

(6)~~(7)~~ Annually, by June 30, executive agencies shall submit to the Executive Office of the Governor adjustments to their performance standards based on the amounts appropriated for each program by the Legislature. When such an adjustment is made, all performance standards, including any adjustments made, shall be reviewed and revised as necessary by the Executive Office of the Governor and, upon approval, submitted to the Legislature pursuant to the review and approval process provided in s. 216.177. The *Senate and the House of Representatives appropriations committees* ~~Senate Committee on Fiscal Policy and the House of Representatives Fiscal Responsibility Council~~ shall advise Senate substantive committees and House of Representatives substantive committees, respectively, of all adjustments made to performance standards or measures. The Executive Office of the Governor shall maintain ~~both~~ the official record of adjustments to the performance standards ~~as part of the agency's approved operating budget and the official performance ledger~~. As used in this section, *the term "official record"* ~~"performance ledger"~~ means the official compilation of information about state agency performance-based programs and measures, including approved programs, approved outputs and outcomes, baseline data, approved standards for each performance measure and any approved adjustments thereto, as well as actual agency performance for each measure.

(7)~~(8)~~ As a part of the legislative budget request, the head of each state agency and the Chief Justice of the Supreme Court for the judicial branch shall include an inventory of all litigation in which the agency is involved that may require additional appropriations to the agency, *that may significantly affect revenues received or anticipated to be received by the state, or that may require* ~~or~~ amendments to the law under which the agency operates. No later than March 1 following the submission of the legislative budget request, the head of the state agency and the Chief Justice of the Supreme Court shall provide an update of any additions or changes to the inventory. Such inventory shall include information specified annually in the legislative budget instructions *and, within the discretion of the head of the state agency or the Chief Justice of the Supreme Court, may contain only information found in the pleadings*.

(8)~~(9)~~ Annually, by June 30, the judicial branch shall make adjustments to any performance standards for approved programs based on the amount appropriated for each program, which shall be submitted to the Legislature pursuant to the notice and review process provided in s. 216.177. The *Senate and the House of Representatives appropriations committees* ~~Senate Committee on Fiscal Policy and the House Fiscal Responsibility Council~~ shall advise Senate substantive committees and House substantive committees, respectively, of all adjustments made to performance standards or measures.

(9)~~(10)~~ The Executive Office of the Governor shall review the legislative budget request for technical compliance with the budget format provided for in the budget instructions. The Executive Office of the Governor shall notify the agency or the judicial branch of any adjustment required. The agency or judicial branch shall make the appropriate corrections as requested. If the appropriate technical corrections are not made as requested, the Executive Office of the Governor shall adjust the budget request to incorporate the appropriate technical corrections in the format of the request.

(10)~~(11)~~ At any time after the Governor *submits his or her* ~~and the Chief Justice submit their~~ recommended *budget* ~~budgets~~ to the Legislature, the head of the agency or judicial branch may amend his or her request by transmitting to the Governor and the Legislature an amended request in the form and manner prescribed in the legislative budget instructions.

(11)~~(12)~~ The legislative budget request from each agency and from the judicial branch shall be reviewed by the Legislature. The review may allow for the opportunity to have information or testimony by the agency, the judicial branch, the Auditor General, the Office of Program Policy Analysis and Government Accountability, the Governor's Office of Planning and Budgeting, and the public regarding the proper level of funding for the agency in order to carry out its mission.

(12)~~(13)~~ In order to ensure an integrated state planning and budgeting process, the agency long-range plan should be reviewed by the Legislature.

Section 16. Section 216.031, Florida Statutes, is amended to read:

216.031 Target budget request.—Either chair of a legislative appropriations committee, or the Executive Office of the Governor for state agencies, may require the agency or the Chief Justice to address major issues separate from those outlined in s. 216.023, this section, and s. 216.043 for inclusion in the requests of the agency or of the judicial branch. The issues shall be submitted to the agency no later than July 30 of each year and shall be displayed in its requests as provided in the budget instructions. The Executive Office of the Governor may request an agency, or the chair of *an* ~~the~~ appropriations *committee* ~~committees~~ of the Senate or *the* House of Representatives may request any agency or the judicial branch, to submit ~~no later than September 30 of each year~~ a budget plan with respect to targets established by the Governor or either chair. The target budget shall require each entity to establish an order of priorities for its budget issues and may include requests for multiple options for the budget issues. ~~The target budget may also require each entity to submit a program budget or a performance-based budget in the format prescribed by the Executive Office of the Governor or either chair; provided, however,~~ The target budget format shall be compatible with the planning and budgeting system requirements set out in s. 216.141. Such a request shall not influence the agencies' or judicial branch's independent judgment in making legislative budget requests, as required by law.

Section 17. Section 216.052, Florida Statutes, is amended to read:

216.052 Community budget requests; appropriations~~; grants~~.—

(1) A local, county, or regional governmental entity, private organization, or nonprofit organization may submit a request for a state appropriation for a program, service, or capital outlay initiative that is local or regional in scope, is intended to meet a documented need, addresses a statewide interest, is intended to produce measurable results, and has tangible community support to members of the Legislature, a state agency, or the Governor.

~~(2) Each appropriation to a local government, a private organization, or a nonprofit organization made pursuant to a community budget request shall require that the community's support be tangibly demonstrated by evidence that the program or service will operate in a financially sound manner. Any appropriation to a local government, a private organization, or a nonprofit organization made pursuant to this section should require local matching funds. The match must be based on the size and scope of the project and the applicant's ability to provide the match. In addition, the granting of state funds shall be used to encourage the establishment of community-based partnerships between the public sector and the private sector.~~

~~(3) Each community budget request submitted pursuant to this section must receive a hearing before a body of duly elected public officials before being submitted for consideration.~~

(2)~~(4)~~ For requests submitted to members of the Legislature, community budget requests shall be submitted in the form and manner prescribed jointly by the President of the Senate and the Speaker of the House of Representatives. If the President of the Senate and the Speaker of the House of Representatives do not agree on a form and manner of submission to be used by both houses, each may prescribe a form and manner of submission to be used in his or her house.

(3)~~(5)~~ Community budget requests shall be submitted to the chairs of the legislative appropriations committees in accordance with the schedule established jointly by the President of the Senate and the Speaker of the House of Representatives. If the President of the Senate and the Speaker of the House of Representatives do not agree on a schedule to be used by both houses, each may prescribe a schedule to be used in his or her house.

(4)~~(6)~~ The Executive Office of the Governor shall prescribe the form and manner of submission of requests to state agencies and to the Governor.

(5)~~(7)~~ The retention of interest earned on state funds or the amount of interest income earned shall be applied against the state entity's obligation to pay the appropriated amount.

~~(8) Whenever possible, a loan must be made in lieu of a grant to a local government, a private organization, or a nonprofit organization. It is the intent of the Legislature that a revolving loan program shall be established so that the loan amount plus interest is paid back by the recipient to the state.~~

~~(9) Any private or nonprofit organization that is to receive funds through a community budget request shall, at the time of application for such funds, provide information regarding its organization, including a copy of its current budget, a list of its board of directors, and, if available, a copy of its most recent annual audit report prepared by an independent certified public accountant licensed in this state, including management letters or other documents associated with the audit report.~~

Section 18. Subsection (5) of section 216.053, Florida Statutes, is amended to read:

216.053 Summary Information in the General Appropriations Act; construction of such information.—

~~(5) For programs operating under performance-based program budgets, the General Appropriations Act shall contain summary information that covers specific appropriations and summarizes programs and performance.~~

Section 19. Section 216.065, Florida Statutes, is amended to read:

216.065 Fiscal impact statements on actions affecting the budget.—In addition to the applicable requirements of chapter 120, before the Governor*, or Governor* and Cabinet as a body, performing any constitutional or statutory duty, *or before any state agency or statutorily authorized entity takes* ~~take~~ any final action that will *affect revenues,* ~~directly~~ require a request for an increased or new appropriation in the following fiscal year*,* or ~~that will~~ transfer current year funds, *it* ~~they~~ shall first provide the legislative appropriations committees with a fiscal impact statement that details the effects of such action on the budget. *The fiscal impact statement must specify the estimated budget and revenue impacts for the current year and the 2 subsequent fiscal years at the same level of detail required to support a legislative budget request, including amounts by appropriation category and fund.*

Section 20. Subsection (3) is added to section 216.081, Florida Statutes, to read:

216.081 Data on legislative and judicial branch expenses.—

(3) If the Governor does not receive timely estimates of the financial needs of the legislative branch, the Governor's recommended budget shall include the amounts appropriated and budget entity structure established in the most recent General Appropriations Act.

Section 21. Subsection (1) of section 216.133, Florida Statutes, is amended to read:

216.133 Definitions; ss. 216.133-216.137.—As used in ss. 216.133-216.137:

(1) "Consensus estimating conference" includes the Economic Estimating Conference, the Demographic Estimating Conference, the Revenue Estimating Conference, the Education Estimating Conference, the Criminal Justice Estimating Conference, ~~the Juvenile Justice Estimating Conference, the Child Welfare System Estimating Conference,~~ the Occupational Forecasting Conference, the Early Learning Programs Estimating Conference, the Self-Insurance Estimating Conference, the Florida Retirement System Actuarial Assumption Conference, and the Social Services Estimating Conference.

Section 22. Subsections (4) and (5) of section 216.134, Florida Statutes, are amended to read:

216.134 Consensus estimating conferences; general provisions.—

(4) *Consensus estimating conferences are within the legislative branch.* The membership of each consensus estimating conference consists of principals and participants.

(a) A person designated by law as a principal may preside over conference sessions, convene conference sessions, request information, specify topics to be included on the conference agenda, agree or withhold agreement on whether information is to be official information of the conference, release official information of the conference, interpret official information of the conference, and monitor errors in official information of the conference.

(b) A participant is any person who is invited to participate in the consensus estimating conference by a principal. A participant shall, at the request of any principal before or during any session of the conference, develop alternative forecasts, collect and supply data, perform analyses, or provide other information needed by the conference. The conference shall consider information provided by participants in developing its official information.

(5) All sessions and meetings of a consensus estimating conference shall be open to the public ~~as provided in chapter 286~~. *The President of the Senate and the Speaker of the House of Representatives, jointly, shall be the sole judge for the interpretation, implementation, and enforcement of this subsection.*

Section 23. Subsections (7) through (12) of section 216.136, Florida Statutes, are amended to read:

216.136 Consensus Estimating Conferences; duties and principals.—

~~(7) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.—~~

~~(a) Duties.—The Child Welfare System Estimating Conference shall develop such official information relating to the child welfare system of~~

~~the state, including forecasts of child welfare caseloads, as the conference determines is needed for the state planning and budgeting system. Such official information may include, but is not limited to:~~

~~1. Estimates and projections of the number of initial and additional reports of child abuse, abandonment, or neglect made to the central abuse hotline maintained by the Department of Children and Family Services as established in s. 39.201(4). Projections may take into account other factors that may influence the number of future reports to the abuse hotline.~~

~~2. Estimates and projections of the number of children who are alleged to be victims of child abuse, abandonment, or neglect and are in need of emergency shelter, foster care, residential group care, adoptive services, or other appropriate care.~~

~~In addition, the conference shall develop other official information relating to the child welfare system of the state which the conference determines is needed for the state planning and budgeting system. The Department of Children and Family Services shall provide information on the child welfare system requested by the Child Welfare System Estimating Conference, or individual conference principals, in a timely manner.~~

~~(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff who have forecasting expertise from the Department of Children and Family Services, the Senate, and the House of Representatives, or their designees, are the principals of the Child Welfare System Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.~~

~~(8) JUVENILE JUSTICE ESTIMATING CONFERENCE.—~~

~~(a) Duties.—The Juvenile Justice Estimating Conference shall develop such official information relating to the juvenile justice system of the state as is determined by the conference principals to be needed for the state planning and budgeting system. This information shall include, but is not limited to: estimates of juvenile delinquency caseloads and workloads; estimates for secure, nonsecure, and home juvenile detention placements; estimates of workloads in the juvenile sections in the offices of the state attorneys and public defenders; estimates of mental health and substance abuse treatment relating to juveniles; and such other information as is determined by the conference principals to be needed for the state planning and budgeting system.~~

~~(b) Principals.—The Executive Office of the Governor, the Office of Economic and Demographic Research, and professional staff who have forecasting expertise from the Department of Juvenile Justice, the Department of Children and Family Services Substance Abuse and Mental Health Program Offices, the Department of Law Enforcement, the Senate Appropriations Committee staff, the House of Representatives Appropriations Committee staff, or their designees, are the principals of the Juvenile Justice Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals. To facilitate policy and legislative recommendations, the conference may call upon the appropriate legislative staff.~~

(7)~~(9)~~ WORKFORCE ESTIMATING CONFERENCE.—

(a) Duties.—

1. The Workforce Estimating Conference shall develop such official information on the workforce development system planning process as it relates to the personnel needs of current, new, and emerging industries as the conference determines is needed by the state planning and budgeting system. Such information, using quantitative and qualitative research methods, must include at least: short-term and long-term forecasts of employment demand for jobs by occupation and industry; entry and average wage forecasts among those occupations; and estimates of the supply of trained and qualified individuals available or potentially available for employment in those occupations, with special focus upon those occupations and industries which require high skills and have high entry wages and experienced wage levels. In the development of workforce estimates, the conference shall use, to the fullest extent possible, local occupational and workforce forecasts and estimates.

2. The Workforce Estimating Conference shall review data concerning the local and regional demands for short-term and long-term employment in High-Skills/High-Wage Program jobs, as well as other jobs, which data is generated through surveys conducted as part of the state's Internet-based job matching and labor market information system authorized under s. 445.011. The conference shall consider such data in developing its forecasts for statewide employment demand, including reviewing the local and regional data for common trends and conditions among localities or regions which may warrant inclusion of a particular occupation on the statewide occupational forecasting list developed by the conference. Based upon its review of such survey data, the conference shall also make recommendations semiannually to Workforce Florida, Inc., on additions or deletions to lists of locally targeted occupations approved by Workforce Florida, Inc.

3. During each legislative session, and at other times if necessary, the Workforce Estimating Conference shall meet as the Workforce Impact Conference for the purpose of determining the effects of legislation related to the state's workforce and economic development efforts introduced prior to and during such legislative session. In addition to the designated principals of the impact conference, nonprincipal participants of the impact conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The impact conference shall use both quantitative and qualitative research methods to determine the impact of introduced legislation related to workforce and economic development issues.

4. Notwithstanding subparagraph 3., the Workforce Estimating Conference, for the purposes described in subparagraph 1., shall meet no less than 2 times in a calendar year. The first meeting shall be held in February and the second meeting shall be held in August. Other meetings may be scheduled as needed.

(b) Principals.—The Commissioner of Education, the Executive Office of the Governor, the director of the Office of Tourism, Trade, and Economic Development, the director of the Agency for Workforce Innovation, the executive director of the Commission for Independent Education, the Chancellor of the State University System, the chair of Workforce Florida, Inc., the coordinator of the Office of Economic and Demographic Research, or their designees, and professional staff from the Senate and the House of Representatives who have forecasting and substantive expertise, are the principals of the Workforce Estimating Conference. In addition to the designated principals of the conference, nonprincipal participants of the conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The principal representing the Executive Office of the Governor shall preside over the sessions of the conference.

(8)~~(10)~~ EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

(a) Duties.—

1. The Early Learning Programs Estimating Conference shall develop estimates and forecasts of the unduplicated count of children eligible for school readiness programs in accordance with the standards of eligibility established in s. 411.01(6), and of children eligible for the Voluntary Prekindergarten Education Program in accordance with s. 1002.53(2), as the conference determines are needed to support the state planning, budgeting, and appropriations processes.

2. The Agency for Workforce Innovation shall provide information on needs and waiting lists for school readiness programs, and information on the needs for the Voluntary Prekindergarten Education Program, as requested by the Early Learning Programs Estimating Conference or individual conference principals in a timely manner.

(b) Principals.—The Executive Office of the Governor, the Director of Economic and Demographic Research, and professional staff who have forecasting expertise from the Agency for Workforce Innovation, the Department of Children and Family Services, the Department of Education, the Senate, and the House of Representatives, or their designees, are the principals of the Early Learning Programs Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

(9)~~(11)~~ SELF-INSURANCE ESTIMATING CONFERENCE.—

(a) Duties.—The Self-Insurance Estimating Conference shall develop such official information on self-insurance related issues as the conference determines is needed by the state planning and budgeting system.

(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and *professional* staff ~~directors of the committees~~ of the Senate and the House of Representatives *who have forecasting and substantive experience* ~~which have primary responsibility for legislation dealing with taxation~~, or their designees, are the principals of the Self-Insurance Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.

(10)~~(12)~~ FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION CONFERENCE.—

(a) Duties.—The Florida Retirement System Actuarial Assumption Conference shall develop official information with respect to the economic and noneconomic assumptions and funding methods of the Florida Retirement System necessary to perform the system actuarial study undertaken pursuant to s. 121.031(3). Such information shall include: an analysis of the actuarial assumptions and actuarial methods used in the study and a determination of whether changes to the assumptions or methods need to be made due to experience changes or revised future forecasts.

(b) Principals.—The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting *and substantive* expertise, or their designees, are the principals of the Florida Retirement System Actuarial Assumption Conference. The Executive Office of the Governor shall have the responsibility of presiding over the sessions of the conference. The State Board of Administration and the Division of Retirement shall be participants in the conference.

Section 24. Subsection (1) of section 216.162, Florida Statutes, is amended to read:

216.162 Governor's recommended budget to be furnished Legislature; copies to members.—

(1) At least *30* ~~45~~ days before the scheduled annual legislative session, the Governor shall furnish each senator and representative a copy of his or her recommended balanced budget for the state, based on the Governor's own conclusions and judgment; ~~provided,~~ however, ~~that~~ in his or her first year in office a new Governor may request, subject to approval of the President of the Senate and the Speaker of the House of Representatives, that his or her recommended balanced budget be submitted at a later time prior to the Governor's first regular legislative session.

Section 25. Subsection (2) and paragraph (b) of subsection (4) of section 216.163, Florida Statutes, are amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(2) The Governor's recommended budget shall also include:

(a) The Governor's recommendations for operating each state agency, and those of the Chief Justice of the Supreme Court for operating the judicial branch, for the next fiscal year. These recommendations shall be displayed by appropriation category within each budget entity and shall also include the legislative budget request of the corresponding agency. *In order to present a balanced budget as required by s. 216.162, the Governor's recommendations for operating appropriations may include an alternative recommendation to that of the Chief Justice.*

(b)1. The Governor's recommendations and those of the Chief Justice for fixed capital outlay appropriations for the next fiscal year. These recommendations shall be displayed by budget entity and shall also include the legislative budget request of the corresponding agency. *In order to present a balanced budget as required by s. 216.162, the Governor's recommendations for fixed capital outlay appropriations may include an alternative recommendation to that of the Chief Justice.*

2. For each specific fixed capital outlay project or group of projects or operating capital outlay requests recommended to be funded from a proposed state debt or obligation, he or she shall make available pursuant to s. 216.164(1)(a) the documents set forth in s. 216.0442(2).

(c) The evaluation of the fixed capital outlay request of each agency and the judicial branch and alternatives to the proposed projects as made by the Department of Management Services pursuant to s. 216.044.

(d) A summary statement of the amount of appropriations requested by each state agency and as recommended by the Governor and by the judicial branch.

(e) A distinct listing of all nonrecurring appropriations recommended by the Governor or the Chief Justice.

(f) The Governor's recommendations for high-risk information technology projects which should be subject to monitoring under s. 282.322. These recommendations shall include proviso language which specifies whether funds are specifically provided to contract for project monitoring, or whether the Auditor General will conduct such project monitoring. When funds are recommended for contracting with a project monitor, such funds may equal 1 percent to 5 percent of the project's estimated total costs. These funds shall be specifically appropriated and nonrecurring.

(g) Any additional information which the Governor or Chief Justice feels is needed to justify his or her recommendations.

(4) The Executive Office of the Governor shall review the findings of the Office of Program Policy Analysis and Government Accountability, to the extent they are available, request any reports or additional analyses as necessary, and submit a recommendation for executive agencies, which may include a recommendation regarding incentives or disincentives for agency performance. Incentives or disincentives may apply to all or part of a state agency. The Chief Justice shall review the findings of the Office of Program Policy Analysis and Government Accountability regarding judicial branch performance and make appropriate recommendations for the judicial branch.

(b) Disincentives may include, but are not limited to:

1. Mandatory quarterly reports to the Executive Office of the Governor and the Legislature on the agency's progress in meeting performance standards.

2. Mandatory quarterly appearances before the Legislature, the Governor, or the Governor and Cabinet to report on the agency's progress in meeting performance standards.

3. Elimination or restructuring of the program, which may include, but not be limited to, transfer of the program or outsourcing all or a portion of the program.

4. Reduction of total positions for a program.

5. Restriction on or reduction of the spending authority provided in s. 216.292(2)*(b)*.

6. Reduction of managerial salaries.

Section 26. Subsections (1) through (4) of section 216.167, Florida Statutes, are amended to read:

216.167 Governor's recommendations.—The Governor's recommendations shall include a financial schedule that provides:

(1) The Governor's estimate of the recommended recurring revenues available in the Budget Stabilization Fund~~, the Working Capital Fund,~~ and the General Revenue Fund.

(2) The Governor's estimate of the recommended nonrecurring revenues available in the Budget Stabilization Fund~~, the Working Capital Fund,~~ and the General Revenue Fund.

(3) The Governor's recommended recurring and nonrecurring appropriations from the Budget Stabilization Fund~~, the Working Capital Fund,~~ and the General Revenue Fund.

(4) The Governor's estimates of any interfund loans or temporary obligations of the Budget Stabilization Fund, the *General Revenue* ~~Working Capital~~ Fund, or trust funds, which loans or obligations are needed to implement his or her recommended budget.

Section 27. Subsection (4) of section 216.168, Florida Statutes, is amended to read:

216.168 Governor's amended revenue or budget recommendations; optional and mandatory.—

(4) If the Governor determines, at any time after he or she has furnished the Legislature with his or her recommendations or amended recommendations, that the revenue estimates upon which the Governor's recommendations were based are insufficient to fund these recommendations, the Governor shall amend his or her revenues or appropriations recommendations to bring the Governor's recommended budget into balance. ~~On or after March 1, if the Governor determines that there is insufficient time to provide the information for the amended recommendations required in ss. 216.164 and 216.166, he or she shall be exempt from such requirement.~~

Section 28. Subsections (2), (3), and (4) of section 216.177, Florida Statutes, are amended to read:

216.177 Appropriations acts, statement of intent, violation, notice, review and objection procedures.—

(2)(a) Whenever notice of action to be taken by the Executive Office of the Governor or the Chief Justice of the Supreme Court is required by this chapter, such notice shall be given to the chair and vice chair of the Legislative Budget Commission in writing, and shall be delivered at least 14 days prior to the action referred to, unless a shorter period is approved in writing by the chair *and vice chair*. If the action is solely for the release of funds appropriated by the Legislature, the notice shall be delivered at least 3 days before the effective date of the action. Action shall not be taken on any budget item for which this chapter requires notice to the Legislative Budget Commission or the appropriations committees without such notice having been provided, even though there may be good cause for considering such item.

(b) If the chair and vice chair of the Legislative Budget Commission or the President of the Senate and the Speaker of the House of Representatives timely advise, in writing, the Executive Office of the Governor or the Chief Justice of the Supreme Court that an action or a proposed action, *including any expenditure of funds resulting from the settlement of litigation involving a state agency or officer,* whether subject to the notice and review requirements of this chapter or not, exceeds the delegated authority of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, respectively, or is contrary to legislative policy and intent, the Governor or the Chief Justice of the Supreme Court shall void such action and instruct the affected state agency or entity of the judicial branch to change immediately its spending action or spending proposal until the Legislative Budget Commission or the Legislature addresses the issue. The written documentation shall indicate the specific reasons that an action or proposed action exceeds the delegated authority or is contrary to legislative policy and intent.

(c) The House of Representatives and the Senate shall provide by rule that any member of the House of Representatives or Senate may request, in writing, of either the President of the Senate or the Speaker of the House of Representatives to initiate the procedures of paragraph (b).

(3) The Legislature may annually specify any incentives and disincentives for agencies operating programs under performance-based ~~program~~ budgets pursuant to this chapter in the General Appropriations Act or legislation implementing the General Appropriations Act.

~~(4) Notwithstanding the 14-day notice requirements of this section, the Department of Children and Family Services is required to provide notice of proposed transfers submitted pursuant to s. 20.19(5)(b) to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 3 working days prior to their implementation.~~

Section 29. Subsections (1), (2), (4), (6), (8), (9), (10), (12), and (16) of section 216.181, Florida Statutes, are amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(1) The General Appropriations Act and any other acts containing appropriations shall be considered the original approved operating budgets for operational and fixed capital expenditures. Amendments to the approved operating budgets for operational and fixed capital outlay expenditures from state agencies may be requested only through the Executive Office of the Governor and approved by the Governor and the Legislative Budget Commission as provided in this chapter. Amendments from the judicial branch may be requested only through~~, and approved by,~~ the Chief Justice of the Supreme Court *and must be approved by the Chief Justice and the Legislative Budget Commission as provided in this chapter*. This includes amendments which are necessary to implement the provisions of s. 216.212 or s. 216.221.

(2) Amendments to the original approved operating budgets for operational and fixed capital outlay expenditures must comply with the following guidelines in order to be approved by the Governor and the Legislative Budget Commission ~~as provided in this chapter~~ for the executive branch and the Chief Justice *and the Legislative Budget Commission* for the judicial branch:

(a) The amendment must be consistent with legislative policy and intent.

(b) The amendment may not initiate or commence a new program, except as authorized by this chapter, or eliminate an existing program.

(c) Except as authorized in s. 216.292 or other provisions of this chapter, the amendment may not provide funding or increased funding for items which were funded by the Legislature in an amount less than that requested by the agency ~~or Governor~~ in the legislative budget request *or recommended by the Governor,* or which were vetoed by the Governor.

(d) For amendments that involve trust funds, there must be adequate and appropriate revenues available in the trust fund and the amendment must be consistent with the laws authorizing such trust funds and the laws relating to the use of the trust funds. However, a trust fund shall not be increased in excess of the original approved budget, except as provided in subsection (11).

(e) The amendment shall not conflict with any provision of law.

(f) The amendment must not provide funding for any issue which was requested by the agency or branch in its legislative budget request and not funded in the General Appropriations Act.

(g) The amendment must include a written description of the purpose of the proposed change, an indication of why interim budget action is necessary, and the intended recipient of any funds for contracted services.

(h) The amendment must not provide general salary increases which the Legislature has not authorized in the General Appropriations Act or other laws.

(4) To the extent possible, individual members of the Senate and the House of Representatives should be advised of budget amendments requested by the executive branch *and judicial branch*.

(6)(a) The Executive Office of the Governor or the Chief Justice of the Supreme Court may require the submission of a detailed plan from the agency or entity of the judicial branch affected, consistent with the General Appropriations Act, special appropriations acts, and *statements* ~~the statement~~ of intent before transferring and releasing the balance of a lump-sum appropriation. ~~The provisions of this paragraph are subject to the notice and review procedures set forth in s. 216.177.~~

(b) The Executive Office of the Governor and the Chief Justice of the Supreme Court may amend, without approval of the Legislative Budget Commission, state agency and judicial branch entity budgets, respectively, to reflect the transferred funds *and to provide the associated increased salary rate* based on the approved plans for lump-sum appropriations. *This paragraph is subject to the procedures set forth in s. 216.177.*

The Executive Office of the Governor shall transmit to each state agency and the Chief Financial Officer, and the Chief Justice shall transmit to each judicial branch component and the Chief Financial Officer, any approved amendments to the approved operating budgets.

(8) As part of the approved operating budget, the Executive Office of the Governor shall furnish to each state agency, and the Chief Justice of the Supreme Court shall furnish to the entity of the judicial branch, an approved annual salary rate for each budget entity containing a salary appropriation. This rate shall be based upon the actual salary

rate and shall be consistent with the General Appropriations Act or special appropriations acts. The annual salary rate shall be:

(a) *Determined by* ~~Calculated based on~~ the ~~actual~~ salary rate ~~in effect on June 30, and the salary policy and the number of authorized positions as~~ specified in the General Appropriations Act and *adjusted for reorganizations authorized by law, for any other appropriations made by law, and, subject to s. 216.177, for distributions of lump-sum appropriations and administered funds* ~~special appropriations acts, or as provided pursuant to s. 216.177~~ .

(b) Controlled by department or agency; except for the Department of Education, which shall be controlled by division and for the judicial branch, which shall be controlled at the branch level.

(c) Assigned to the number of authorized positions.

~~(9)(a) The calculation for the annual salary rate for vacant and newly authorized positions shall be at no more than the midpoint of the range of the pay grade for the position or as provided in the General Appropriations Act.~~

~~(b)~~ No agency or the judicial branch may exceed its maximum approved annual salary rate for the fiscal year. However, at any time during the fiscal year, an agency or entity of the judicial branch may exceed its approved rate for all budget entities by no more than 5 percent, provided that, by June 30 of every fiscal year, the agency or entity of the judicial branch has reduced its salary rate so that the salary rate for each *department* ~~budget entity~~ is within the approved rate limit for that *department* ~~budget entity~~.

(10)(a) The *Legislative Budget Commission* ~~Executive Office of the Governor and the Chief Justice of the Supreme Court~~ may *authorize increases or decreases in* ~~increase or decrease~~ the approved salary rate for positions ~~for the purpose of implementing the General Appropriations Act, special appropriations acts, and actions pursuant to s. 216.262 consistent with legislative intent and policy. Other adjustments to approved salary rate must be approved by the Legislative Budget Commission~~ pursuant to the request of the agency filed with the Executive Office of the Governor or pursuant to the request of an entity of the judicial branch filed with the Chief Justice of the Supreme Court, if deemed necessary and in the best interest of the state and consistent with legislative policy and intent. ~~The provisions of this paragraph are subject to the notice and review procedures set forth in s. 216.177.~~

(b) Lump-sum salary bonuses may be provided only if specifically appropriated or provided pursuant to s. 110.1245 or s. 216.1815.

(c) State agencies and the judicial branch shall report, each fiscal quarter, the number of filled positions, the number of vacant positions, and the salary rate associated with each category to the Legislative Budget Commission in a form and manner prescribed by the commission.

(d) The salary rate provisions of subsections (8) and (9) and this subsection do not apply to the general office program of the Executive Office of the Governor.

(12) There is appropriated nonoperating budget for refunds, payments to the United States Treasury, *and* payments of the service charge to the General Revenue Fund~~, and transfers of funds specifically required by law~~. Such authorized budget, together with related releases, shall be transmitted by the state agency or by the judicial branch to the Chief Financial Officer for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Chief Financial Officer. A copy of such authorized budgets shall be furnished to the Executive Office of the Governor or the Chief Justice, the chairs of the legislative committees responsible for developing the general appropriations acts, and the Auditor General. *Notwithstanding the duty specified for each state agency in s. 17.61(3),* the Governor may withhold approval of nonoperating investment authority for certain trust funds when deemed in the best interest of the state. The Governor for the executive branch, and the Chief Justice for the judicial branch, may establish nonoperating budgets*, with the approval of the chairs of the Senate and the House of Representatives appropriations committees,* for transfers, purchase of investments, special expenses, distributions, *transfers of funds specifically required by law,*and any other nonoperating budget categories they deem necessary and in the best interest of the state and consistent with legislative intent and policy. ~~The provisions of this subsection are subject to the notice, review, and objection procedures set forth in s. 216.177.~~ For purposes of this section, the term "nonoperating budgets" means nonoperating disbursement authority for purchase of investments, refunds, payments to the United States Treasury, transfers of funds specifically required by law, distributions of assets held by the state in a trustee capacity as an agent of fiduciary, special expenses, and other nonoperating budget categories, as determined necessary by the Executive Office of the Governor *and the chairs of the Senate and the House of Representatives appropriations committees*, not otherwise appropriated in the General Appropriations Act. *The establishment of nonoperating budget authority shall be deemed approved by a chair of a legislative committee if written notice of the objection is not provided to the Governor or Chief Justice, as appropriate, within 14 days of the chair receiving notice of the action pursuant to the provisions of s. 216.177.*

(16)(a) Funds provided in any specific appropriation in the General Appropriations Act may be advanced if the General Appropriations Act specifically so provides.

(b) Any agency, or the judicial branch, that has been authorized by the General Appropriations Act or expressly authorized by other law to make advances for program startup or advances for contracted services, in total or periodically, shall limit such disbursements to other governmental entities and not-for-profit corporations. The amount *that* ~~which~~ may be advanced shall not exceed the expected cash needs of the contractor or recipient within the initial 3 months. Thereafter, disbursements shall only be made on a reimbursement basis. Any agreement that provides for advancements may contain a clause that permits the contractor or recipient to temporarily invest the proceeds, provided that any interest income shall either be returned to the agency or be applied against the agency's obligation to pay the contract amount. This paragraph does not constitute lawful authority to make any advance payment not otherwise authorized by laws relating to a particular agency or general laws relating to the expenditure or disbursement of public funds. The Chief Financial Officer may, after consultation with the legislative appropriations committees, advance funds beyond a 3-month requirement if it is determined to be consistent with the intent of the approved operating budget.

~~(c) Unless specifically prohibited in the General Appropriations Act, funds appropriated to the Department of Children and Family Services and the Department of Health may be advanced for those contracted services that were approved for advancement by the Comptroller in fiscal year 1993-1994, including those services contracted on a fixed-price or unit-cost basis.~~

Section 30. Section 216.192, Florida Statutes, is amended to read:

216.192 Release of appropriations; revision of budgets.—

(1) Unless otherwise provided in the General Appropriations Act, on July 1 of each fiscal year, up to 25 percent of the original approved operating budget of each agency and of the judicial branch may be released until such time as annual plans for quarterly releases for all appropriations have been developed, approved, and furnished to the Chief Financial Officer by the Executive Office of the Governor for state agencies and by the Chief Justice of the Supreme Court for the judicial branch. The plans, including appropriate plans of releases for fixed capital outlay projects that correspond with each project schedule, shall attempt to maximize the use of trust funds and shall be transmitted to the Chief Financial Officer by August 1 of each fiscal year. Such releases shall at no time exceed the total appropriations available to a state agency or to the judicial branch, or the approved budget for such agency or the judicial branch if less. The Chief Financial Officer shall enter such releases in his or her records in accordance with the release plans prescribed by the Executive Office of the Governor and the Chief Justice, unless otherwise amended as provided by law. The Executive Office of the Governor and the Chief Justice shall transmit a copy of the approved annual releases to the head of the state agency, the chair and vice chair of the Legislative Budget Commission, and the Auditor General. The Chief Financial Officer shall authorize all expenditures to be made from the appropriations on the basis of such releases and in accordance with the approved budget, and not otherwise. Expenditures shall be authorized only in accordance with legislative authorizations. Nothing herein precludes periodic reexamination and revision by the Executive Office of the Governor or by the Chief Justice of the annual plans for release of appropriations and the notifications of the parties of all such revisions.

(2) Any department under the direct supervision of a member of the Cabinet or of a board consisting of the Governor and members of the Cabinet which contends that the plan for releases of funds appropriated to it is contrary to the approved operating budget shall have the right to have the issue reviewed by the Administration Commission which shall decide such issue by majority vote. ~~The appropriations committees of the Legislature may advise the Administration Commission on the issue.~~

(3) The Executive Office of the Governor shall make releases within the amounts appropriated and as requested for all appropriations to the legislative branch, and the provisions of subsections (1) and (2) shall not apply to the legislative branch.

~~(4) The legislative appropriations committees may advise the Chief Financial Officer, the Executive Office of the Governor, or the Chief Justice relative to the release of any funds under this section.~~

(4)~~(5)~~ The annual plans of releases authorized by this section may be considered by the Revenue Estimating Conference in preparation of the statement of financial outlook.

(5) In order to implement directives contained in the General Appropriations Act or to prevent deficits pursuant to s. 216.221, the Executive Office of the Governor for the executive branch and the Chief Justice for the judicial branch may place appropriations in budget reserve or mandatory reserve.

(6) *All budget actions taken pursuant to* the provisions of this section are subject to the notice and review procedures set forth in s. 216.177.

Section 31. Section 216.195, Florida Statutes, is amended to read:

216.195 Impoundment of funds; restricted.—The Executive Office of the Governor, the Chief Justice of the Supreme Court, any member of the Cabinet, or any state agency shall not impound any appropriation except as necessary to avoid or eliminate a deficit pursuant to the provisions of s. 216.221. As used in this section, the term "impoundment" means the omission of any appropriation or part of an appropriation in the approved operating plan prepared pursuant to s. 216.181 or in the schedule of releases prepared pursuant to s. 216.192 or the failure of any state agency or the judicial branch to spend an appropriation for the stated purposes authorized in the approved operating budget. ~~The provisions of this section are subject to the notice and review procedures of s. 216.177.~~ The Governor or either house of the Legislature may seek judicial review of any action or proposed action which violates ~~the provisions of~~ this section.

Section 32. Subsections (2), (3), (5), (7), (9), and (10) of section 216.221, Florida Statutes, are amended to read:

216.221 Appropriations as maximum appropriations; adjustment of budgets to avoid or eliminate deficits.—

(2) The Legislature may annually provide direction in the General Appropriations Act regarding use of *any state funds* ~~the Budget Stabilization Fund and Working Capital Fund~~ to offset General Revenue Fund deficits.

(3) For purposes of preventing a deficit in the General Revenue Fund, all branches and agencies of government ~~that receive General Revenue Fund appropriations~~ shall participate in deficit reduction efforts. Absent specific *legislative* direction ~~in the General Appropriations Act~~, when budget reductions are required in order to prevent a deficit under the provisions of subsection (7), each branch shall reduce its General Revenue Fund appropriations by a proportional amount.

(5)(a) If, in the opinion of the Governor, after consultation with the Revenue Estimating Conference, a deficit will occur in the General Revenue Fund, he or she shall so certify to the commission and to the Chief Justice of the Supreme Court. No more than 30 days after certifying that a deficit will occur in the General Revenue Fund, the Governor shall develop for the executive branch, and the Chief Justice of the Supreme Court shall develop for the judicial branch, and provide to the commission and to the Legislature plans of action to eliminate the deficit.

(b) If, in the opinion of the President of the Senate and the Speaker of the House of Representatives, after consultation with the Revenue Estimating Conference, a deficit will occur in the General Revenue Fund and the Governor has not certified the deficit, the President of the Senate and the Speaker of the House of Representatives shall so certify. Within 30 days after such certification, the Governor shall develop for the executive branch and the Chief Justice of the Supreme Court shall develop for the judicial branch and provide to the commission and to the Legislature plans of action to eliminate the deficit.

(c)~~(b)~~ In developing a plan of action to prevent deficits in accordance with subsection (7), the Governor and Chief Justice shall, to the extent possible, preserve legislative policy and intent, and, absent any specific direction to the contrary in the General Appropriations Act, the Governor and Chief Justice shall comply with the following guidelines for reductions in the approved operating budgets of the executive branch and the judicial branch:

~~1. Entire statewide programs previously established by the Legislature should not be eliminated.~~

1.~~2.~~ Education budgets should not be reduced more than provided for in s. 215.16(2).

2.~~3.~~ The use of nonrecurring funds to solve recurring deficits should be minimized.

3.~~4.~~ Newly created programs that are not fully implemented and programs with critical audits*, evaluations, and reviews* should receive first consideration for reductions.

4.~~5.~~ No agencies or branches of government receiving appropriations should be exempt from reductions.

5.~~6.~~ When reductions in positions are required, the focus should be initially on vacant positions.

~~7. Any reductions applied to all agencies and branches should be uniformly applied.~~

6.~~8.~~ Reductions that would cause substantial losses of federal funds should be minimized.

~~9. To the greatest extent possible, across-the-board, prorated reductions should be considered.~~

7.~~10.~~ Reductions to statewide programs should occur only after review of programs that provide only local benefits.

8.~~11.~~ Reductions in administrative and support functions should be considered before reductions in direct-support services.

9.~~12.~~ Maximum reductions should be considered in budgets for expenses including travel and in budgets for equipment replacement, outside consultants, and contracts.

10.~~13.~~ Reductions in salaries for elected state officials should be considered.

11.~~14.~~ Reductions that adversely affect the public health, safety, and welfare should be minimized.

12.~~15.~~ The Budget Stabilization Fund should not be reduced to a level that would impair the financial stability of this state.

13.~~16.~~ Reductions in programs that are traditionally funded by the private sector and that may be assumed by private enterprise should be considered.

14.~~17.~~ Reductions in programs that are duplicated among state agencies or branches of government should be considered.

(7) Deficits in the General Revenue Fund that do not meet the amounts specified by subsection (6) shall be resolved by the *Governor* ~~commission~~ for the executive branch and the Chief Justice of the Supreme Court for the judicial branch. The *Governor* ~~commission~~ and Chief Justice shall implement any directions provided in the General Appropriations Act related to eliminating deficits and to reducing agency and judicial branch budgets, including the use of those legislative appropriations voluntarily placed in reserve. In addition, the *Governor and Chief Justice* ~~commission~~ shall implement any directions in the General Appropriations Act relating to the resolution of deficit situations. When

reducing state agency or judicial branch budgets, the *Governor* ~~commission~~ or the Chief Justice, respectively, shall use the guidelines prescribed in subsection (5). The Executive Office of the Governor ~~for the commission~~, and the Chief Justice for the judicial branch, shall implement the deficit reduction plans through amendments to the approved operating budgets in accordance with s. 216.181.

(9) If, in the opinion of the Chief Financial Officer, after consultation with the Revenue Estimating Conference, a deficit will occur, he or she shall report his or her opinion to the Governor*, the President of the Senate, and the Speaker of the House of Representatives* in writing. In the event the Governor does not certify a deficit*, or the President of the Senate and the Speaker of the House of Representatives do not certify a deficit* within 10 days after the Chief Financial Officer's report, the Chief Financial Officer shall report his or her findings and opinion to the commission and the Chief Justice of the Supreme Court.

(10) When advised by the Revenue Estimating Conference, the Chief Financial Officer, or any agency responsible for a trust fund that a deficit will occur with respect to the appropriations from a specific trust fund in the current fiscal year, the Governor for the executive branch, or the Chief Justice for the judicial branch, shall develop a plan of action to eliminate the deficit. Before implementing the plan of action, the Governor or the Chief Justice must comply with the provisions of s. 216.177(2)*, and actions to resolve deficits in excess of $1 million must be approved by the Legislative Budget Commission*. In developing the plan of action, the Governor or the Chief Justice shall, to the extent possible, preserve legislative policy and intent~~, and, absent any specific directions to the contrary in the General Appropriations Act, any reductions in appropriations from the trust fund for the fiscal year shall be prorated among the specific appropriations made from the trust fund for the current fiscal year~~.

Section 33. Subsection (2) of section 216.231, Florida Statutes, is amended to read:

216.231 Release of certain classified appropriations.—

(2) The release of appropriated funds classified as "deficiency" shall be approved only when a General Revenue Fund appropriation for operations of a state agency or of the judicial branch is inadequate because the workload or cost of the operation exceeds that anticipated by the Legislature and a determination has been made by the *Governor* ~~commission~~ that the deficiency will result in an impairment of the activities of an agency or of the judicial branch to the extent that the agency is unable to carry out its program as provided by the Legislature in the general appropriations acts. These funds may not be used for creation of any new agency or program, for increases of salary, or for the construction or equipping of additional buildings.

Section 34. Subsections (3), (6), and (11) of section 216.235, Florida Statutes, are amended to read:

216.235 Innovation Investment Program.—

(3) For purposes of this section:

(a) "Agency" means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of the executive branch.

~~(b) "Commission" means the Information Resource Commission.~~

(b)~~(c)~~ "Committee" means the State Innovation Committee.

(c)~~(d)~~ "Office" means the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor.

(d)~~(e)~~ "Review board" means a nonpartisan board composed of private citizens and public employees who evaluate the projects and make funding recommendations to the committee.

(6) Any agency developing an innovative investment project proposal that involves information technology resources may consult with and seek technical assistance from the *State Technology Office* ~~commission~~. The office shall consult with the *State Technology Office* ~~commission~~ for any project proposal that involves information resource technology. The *State Technology Office* ~~commission~~ is responsible for evaluating these projects and for advising the committee and review board of the technical feasibility and any transferable benefits of the proposed technology. In addition to the requirements of subsection (5), the agencies shall provide to the *State Technology Office* ~~commission~~ any information requested by the *State Technology Office* ~~commission~~ to aid in determining that the proposed technology is appropriate for the project's success.

(11) Funds appropriated for the Innovation Investment Program shall be distributed by the Executive Office of the Governor subject to notice, review, and objection procedures set forth in s. 216.177. The office may transfer funds from the annual appropriation as necessary to administer the program. *Proposals considered but not funded by the Legislature as part of an agency legislative budget request or the Governor's budget recommendation are not eligible to receive funding under the Innovation Investment Program.*

Section 35. Section 216.241, Florida Statutes, is amended to read:

216.241 Initiation or commencement of new programs; approval; expenditure of certain revenues.—

(1) A state agency or the judicial branch may not initiate or commence any new program, including any new federal program or initiative, or make changes in its current programs, as provided for in the appropriations act, that require additional financing unless funds have been specifically appropriated by the Legislature or unless the *Legislative Budget* Commission ~~or the Chief Justice of the Supreme Court~~ expressly approves such new program or changes. ~~The commission and the Chief Justice shall give notice as provided in s. 216.177 prior to approving such new program or changes.~~

(2) ~~No~~ Changes *that* ~~which~~ are inconsistent with the approved ~~operating~~ budget *may not* ~~shall~~ be made to existing programs *unless such changes are recommended to the Legislative Budget Commission by the Governor or the Chief Justice and the Legislative Budget Commission expressly approves such program changes*. ~~The provisions of~~ This subsection *is* ~~are~~ subject to the notice, review, and objection procedures set forth in s. 216.177.

(3) Any revenues generated by any tax or fee imposed by amendment to the State Constitution after October 1, 1999, shall not be expended by any agency, as defined in s. 120.52(1), except pursuant to appropriation by the Legislature.

Section 36. Subsection (2) of section 216.251, Florida Statutes, is amended to read:

216.251 Salary appropriations; limitations.—

(2)(a) The salary for each position not specifically indicated in the appropriations acts shall be as provided in one of the following subparagraphs:

1. Within the classification and pay plans provided for in chapter 110.

2. Within the classification and pay plans established by the Board of Trustees for the Florida School for the Deaf and the Blind of the Department of Education and approved by the State Board of Education for academic and academic administrative personnel.

3. Within the classification and pay plan approved and administered by the *State Board of Education and the Board of Governors* ~~Board of Regents~~ for those positions in the State University System.

4. Within the classification and pay plan approved by the President of the Senate and the Speaker of the House of Representatives, as the case may be, for employees of the Legislature.

5. Within the approved classification and pay plan for the judicial branch.

~~6. The salary of all positions not specifically included in this subsection shall be set by the commission or by the Chief Justice for the judicial branch.~~

(b) Salary payments shall be made only to employees filling established positions included in the agency's or in the judicial branch's approved budgets and amendments thereto as may be provided by law; provided, however:

1. Reclassification of established positions may be accomplished when justified in accordance with the established procedures for reclassifying positions; or

2. When the Division of Risk Management of the Department of Financial Services has determined that an employee is entitled to receive a temporary partial disability benefit or a temporary total disability benefit pursuant to the provisions of s. 440.15 and there is medical certification that the employee cannot perform the duties of the employee's regular position, but the employee can perform some type of work beneficial to the agency, the agency may return the employee to the payroll, at his or her regular rate of pay, to perform such duties as the employee is capable of performing, even if there is not an established position in which the employee can be placed. Nothing in this subparagraph shall abrogate an employee's rights under chapter 440 or chapter 447, nor shall it adversely affect the retirement credit of a member of the Florida Retirement System in the membership class he or she was in at the time of, and during, the member's disability.

Section 37. Paragraphs (a) and (c) of subsection (1) of section 216.262, Florida Statutes, are amended to read:

216.262 Authorized positions.—

(1)(a) Unless otherwise expressly provided by law, the total number of authorized positions may not exceed the total provided in the appropriations acts. In the event any state agency or entity of the judicial branch finds that the number of positions so provided is not sufficient to administer its authorized programs, it may file an application with the Executive Office of the Governor or the Chief Justice; and, if the Executive Office of the Governor or Chief Justice certifies that there are no authorized positions available for addition, deletion, or transfer within the agency as provided in paragraph (c) and recommends an increase in the number of positions, the Governor or the Chief Justice may *recommend*~~, after a public hearing, authorize~~ an increase in the number of positions for the following reasons only:

1. To implement or provide for continuing federal grants or changes in grants not previously anticipated.~~;~~

2. To meet emergencies pursuant to s. 252.36.~~;~~

3. To satisfy new federal regulations or changes therein.~~;~~

4. To take advantage of opportunities to reduce operating expenditures or to increase the revenues of the state or local government.~~; and~~

5. To authorize positions *that* ~~which~~ were not fixed by the Legislature through error in drafting the appropriations acts.

Actions recommended pursuant to ~~The provisions of~~ this paragraph are subject to *approval by the Legislative Budget Commission.* ~~the notice and review procedures set forth in s. 216.177. A copy of the application,~~ The certification~~,~~ and the final authorization shall be *provided to* ~~filed with~~ the Legislative Budget Commission, the appropriations committees, and ~~with~~ the Auditor General.

(c)1. The Executive Office of the Governor, under such procedures and qualifications as it deems appropriate, shall, upon agency request, delegate to any state agency authority to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity within the same division, and may approve additions and deletions of authorized positions or transfers of authorized positions within the state agency when such changes would enable the agency to administer more effectively its authorized and approved programs. The additions or deletions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and must not conflict with specific spending policies specified in the General Appropriations Act.

2. The Chief Justice of the Supreme Court shall have the authority to establish procedures for the judicial branch to add and delete authorized positions or transfer authorized positions from one budget entity to another budget entity, and to add and delete authorized positions within the same budget entity, when such changes are consistent with legislative policy and intent and do not conflict with spending policies specified in the General Appropriations Act.

~~3.a. A state agency may be eligible to retain salary dollars for authorized positions eliminated after July 1, 2001. The agency must certify the eliminated positions to the Legislative Budgeting Commission.~~

~~b. The Legislative Budgeting Commission shall authorize the agency to retain 20 percent of the salary dollars associated with the eliminated positions and may authorize retention of a greater percentage. All such salary dollars shall be used for permanent salary increases.~~

Section 38. Section 216.292, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 216.292, F.S., for present text.)

216.292 Appropriations nontransferable; exceptions.—

(1)(a) Funds provided in the General Appropriations Act or as otherwise expressly provided by law shall be expended only for the purpose for which appropriated, except that such moneys may be transferred as provided in this section when it is determined to be in the best interest of the state. Appropriations for fixed capital outlay may not be expended for any other purpose. Appropriations may not be transferred between state agencies, or between a state agency and the judicial branch, unless specifically authorized by law.

(b)1. Authorized revisions of the original approved operating budget, together with related changes in the plan for release of appropriations, if any, shall be transmitted by the state agency or by the judicial branch to the Executive Office of the Governor or the Chief Justice, respectively, the chairs of the Senate and the House of Representatives appropriations committees, the Office of Program Policy Analysis and Government Accountability, and the Auditor General. Such authorized revisions shall be consistent with the intent of the approved operating budget, shall be consistent with legislative policy and intent, and may not conflict with specific spending policies specified in the General Appropriations Act.

2. Authorized revisions, together with related changes, if any, in the plan for release of appropriations shall be transmitted by the state agency or by the judicial branch to the Chief Financial Officer for entry in the Chief Financial Officer's records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Chief Financial Officer.

3. The Executive Office of the Governor or the Chief Justice shall forward a copy of the revisions within 7 working days to the Chief Financial Officer for entry in his or her records in the manner and format prescribed by the Executive Office of the Governor in consultation with the Chief Financial Officer.

(2) The following transfers are authorized to be made by the head of each department or the Chief Justice of the Supreme Court whenever it is deemed necessary by reason of changed conditions:

(a) The transfer of appropriations funded from identical funding sources, except appropriations for fixed capital outlay, and the transfer of amounts included within the total original approved budget and plans of releases of appropriations as furnished pursuant to ss. 216.181 and 216.192, as follows:

1. Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or $250,000, whichever is greater, by all action taken under this subsection.

2. Between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or $250,000, whichever is greater, by all action taken under this subsection.

3. Any agency exceeding salary rate established pursuant to s. 216.181(8) on June 30th of any fiscal year shall not be authorized to make transfers pursuant to subparagraphs 1. and 2. in the subsequent fiscal year.

4. Notice of proposed transfers under subparagraphs 1. and 2. shall be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 3 days prior to agency implementation in order to provide an opportunity for review. The review shall be limited to ensuring that the transfer is in compliance with the requirements of this paragraph.

(b) After providing notice at least 5 working days prior to implementation:

1. The transfer of funds within programs identified in the General Appropriations Act from identical funding sources between the following appropriation categories without limitation so long as such a transfer does not result in an increase, to the total recurring general revenue or trust fund cost of the agency or entity of the judicial branch in the subsequent fiscal year: other personal services, expenses, operating capital outlay, food products, state attorney and public defender operations, data processing services, operating and maintenance of patrol vehicles, overtime payments, salary incentive payments, compensation to retired judges, law libraries, and juror and witness payments.

2. The transfer of funds and positions from identical funding sources between salaries and benefits appropriation categories within programs identified in the General Appropriations Act. Such transfers must be consistent with legislative policy and intent and may not adversely affect achievement of approved performance outcomes or outputs in any program.

(c) The transfer of funds appropriated to accounts established for disbursement purposes upon release of such appropriation upon request of a department and approval by the Chief Financial Officer. Such transfer may only be made to the same appropriation category and the same funding source from which the funds are transferred.

(d) The transfer of funds by the Executive Office of the Governor from appropriations for public school operations to a fixed capital outlay appropriation for class size reduction based on recommendations of the Florida Education Finance Program Appropriation Allocation Conference or the Legislative Budget Commission pursuant to s. 1003.03(4)(a). Actions by the Governor under this subsection are subject to the notice and review provisions of s. 216.177.

(3) The following transfers are authorized with the approval of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, subject to the notice and review provisions of s. 216.177:

(a) The transfer of appropriations for operations from trust funds in excess of those provided in subsection (2), up to $1 million.

(b) The transfer of positions between budget entities.

(4) The following transfers are authorized with the approval of the Legislative Budget Commission. Unless waived by the chair and vice chair of the commission, notice of such transfers must be provided 14 days before the commission meeting:

(a) The transfer of appropriations for operations from the General Revenue Fund in excess of those provided in this section but within a state agency or within the judicial branch, as recommended by the Executive Office of the Governor or the Chief Justice of the Supreme Court.

(b) The transfer of appropriations for operations from trust funds in excess of those provided in this section that exceed the greater of 5 percent of the original approved budget or $1 million, as recommended by the Executive Office of the Governor or the Chief Justice of the Supreme Court.

(c) The transfer of the portion of an appropriation for a named fixed capital outlay project found to be in excess of that needed to complete the project to another project for which there has been an appropriation in the same fiscal year from the same fund and within the same department where a deficiency is found to exist, at the request of the Executive Office of the Governor for state agencies or the Chief Justice of the Supreme Court for the judicial branch. The scope of a fixed capital outlay project may not be changed by any transfer of funds made pursuant to this subsection.

(d) The transfers necessary to accomplish the purposes of reorganization within state agencies or the judicial branch authorized by the Legislature when the necessary adjustments of appropriations and positions have not been provided in the General Appropriations Act.

(5) A transfer of funds may not result in the initiation of a fixed capital outlay project that has not received a specific legislative appropriation, except that federal funds for fixed capital outlay projects for the Department of Military Affairs, which do not carry a continuing commitment on future appropriations by the Legislature, may be approved by the Executive Office of the Governor for the purpose received, subject to the notice, review, and objection procedures set forth in s. 216.177.

(6) The Chief Financial Officer shall transfer from any available funds of an agency or the judicial branch the following amounts and shall report all such transfers and the reasons therefor to the legislative appropriations committees and the Executive Office of the Governor:

(a) The amount due to the Unemployment Compensation Trust Fund which is more than 90 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund. The amount transferred shall be that certified by the state agency providing unemployment tax collection services under contract with the Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.

(b) The amount due to the Division of Risk Management which is more than 90 days delinquent in payment to the Division of Risk Management of the Department of Financial Services for insurance coverage. The amount transferred shall be that certified by the division.

(c) The amount due to the Communications Working Capital Trust Fund from moneys appropriated in the General Appropriations Act for the purpose of paying for services provided by the state communications system in the Department of Management Services which is unpaid 45 days after the billing date. The amount transferred shall be that billed by the department.

Section 39. Section 216.301, Florida Statutes, is amended to read:

216.301 Appropriations; undisbursed balances.—

(1)(a) Any balance of any appropriation, except an appropriation for fixed capital outlay, which is not disbursed but which is expended or contracted to be expended shall, at the end of each fiscal year, be certified by the head of the affected state agency or the judicial or legislative branches, on or before August 1 of each year, to the Executive Office of the Governor, showing in detail the obligees to whom obligated and the amounts of such obligations. On or before September 1 of each year, the Executive Office of the Governor shall review and approve or disapprove, consistent with legislative policy and intent, any or all of the items and amounts certified by the head of the affected state agency and shall approve all items and amounts certified by the Chief Justice of the Supreme Court for the judicial branch and by the legislative branch and shall furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a detailed listing of the items and amounts approved as legal encumbrances against the undisbursed balance of such appropriation. The review shall assure that trust funds have been fully maximized. Any such encumbered balance remaining undisbursed on December 31 of the same calendar year in which such certification was made shall revert to the fund from which appropriated*, except as provided in subsection (3),* and shall be available for reappropriation by the Legislature. In the event such certification is not made and an obligation is proven to be legal, due, and unpaid, then the obligation shall be paid and charged to the appropriation for the current fiscal year of the state agency or the legislative or judicial branch affected.

(b) Any balance of any appropriation, except an appropriation for fixed capital outlay, for any given fiscal year remaining after charging against it any lawful expenditure shall revert to the fund from which appropriated and shall be available for reappropriation by the Legislature.

(c) Each department and the judicial branch shall maintain the integrity of the General Revenue Fund. Appropriations from the General Revenue Fund contained in the original approved budget may be transferred to the proper trust fund for disbursement. Any reversion of appropriation balances from programs which receive funding from the General Revenue Fund and trust funds shall be transferred to the General Revenue Fund within 15 days after such reversion, unless otherwise provided by federal or state law, including the General Appropriations Act. The Executive Office of the Governor or the Chief Justice of the Supreme Court shall determine the state agency or judicial branch programs which are subject to this paragraph. This determination shall be subject to the legislative consultation and objection process in this chapter. The Education Enhancement Trust Fund shall not be subject to the provisions of this section.

(2)(a) The balance of any appropriation for fixed capital outlay which is not disbursed but expended, contracted, or committed to be expended prior to February 1 of the second fiscal year of the appropriation, or the third fiscal year if it is for an educational facility as defined in chapter 1013 or for a construction project of a state university, shall be certified

by the head of the affected state agency or the legislative or judicial branch on February 1 to the Executive Office of the Governor, showing in detail the commitment or to whom obligated and the amount of the commitment or obligation. The Executive Office of the Governor for the executive branch and the Chief Justice for the judicial branch shall review and approve or disapprove, consistent with criteria jointly developed by the Executive Office of the Governor and the legislative appropriations committees, the continuation of such unexpended balances. The Executive Office of the Governor shall, no later than February 20 of each year, furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a report listing in detail the items and amounts reverting under the authority of this subsection, including the fund to which reverted and the agency affected.

(b) The certification required in this subsection shall be in the form and on the date approved by the Executive Office of the Governor. Any balance that is not certified shall revert to the fund from which it was appropriated and be available for reappropriation.

(c) The balance of any appropriation for fixed capital outlay certified forward under paragraph (a) which is not disbursed but expended, contracted, or committed to be expended prior to the end of the second fiscal year of the appropriation, or the third fiscal year if it is for an educational facility as defined in chapter 1013 or for a construction project of a state university, and any subsequent fiscal year, shall be certified by the head of the affected state agency or the legislative or judicial branch on or before August 1 of each year to the Executive Office of the Governor, showing in detail the commitment or to whom obligated and the amount of such commitment or obligation. On or before September 1 of each year, the Executive Office of the Governor shall review and approve or disapprove, consistent with legislative policy and intent, any or all of the items and amounts certified by the head of the affected state agency and shall approve all items and amounts certified by the Chief Justice of the Supreme Court and by the legislative branch and shall furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a detailed listing of the items and amounts approved as legal encumbrances against the undisbursed balances of such appropriations. If such certification is not made and the balance of the appropriation has reverted and the obligation is proven to be legal, due, and unpaid, the obligation shall be presented to the Legislature for its consideration.

(3) The President of the Senate and the Speaker of the House of Representatives may notify the Executive Office of the Governor to retain certified-forward balances from legislative budget entities until June 30 of the following fiscal year.

~~(2)(a) Any balance of any appropriation for fixed capital outlay not disbursed but expended or contracted or committed to be expended shall, at the end of each fiscal year, be certified by the head of the affected state agency or the legislative or judicial branch, on or before August 1 of each year, to the Executive Office of the Governor, showing in detail the commitment or to whom obligated and the amount of such commitment or obligation. On or before September 1 of each year, the Executive Office of the Governor shall review and approve or disapprove, consistent with legislative policy and intent, any or all of the items and amounts certified by the head of the affected state agency and shall approve all items and amounts certified by the Chief Justice of the Supreme Court and by the legislative branch and shall furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a detailed listing of the items and amounts approved as legal encumbrances against the undisbursed balances of such appropriations. In the event such certification is not made and the balance of the appropriation has reverted and the obligation is proven to be legal, due, and unpaid, then the same shall be presented to the Legislature for its consideration.~~

~~(b) Such certification as herein required shall be in the form and on the date approved by the Executive Office of the Governor. Any balance not so certified shall revert to the fund from which appropriated and shall be available for reappropriation.~~

~~(3) Notwithstanding the provisions of subsection (2), the unexpended balance of any appropriation for fixed capital outlay subject to but not under the terms of a binding contract or a general construction contract prior to February 1 of the second fiscal year, or the third fiscal year if it is for an educational facility as defined in chapter 1013 or a construction project of a state university, of the appropriation shall revert on February 1 of such year to the fund from which appropriated and shall be available for reappropriation. The Executive Office of the Governor shall, not later than February 20 of each year, furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a report listing in detail the items and amounts reverting under the authority of this subsection, including the fund to which reverted and the agency affected.~~

Section 40. Effective July 1, 2006, subsection (1) of section 216.301, Florida Statutes, as amended by this act, is amended to read:

216.301 Appropriations; undisbursed balances.—

(1)(a) Any balance of any appropriation, except an appropriation for fixed capital outlay, which is not disbursed but which is expended ~~or contracted to be expended~~ shall, at the end of each fiscal year, be certified by the head of the affected state agency or the judicial or legislative branches, on or before August 1 of each year, to the Executive Office of the Governor, showing in detail the obligees to whom obligated and the amounts of such obligations. ~~On or before September 1 of each year, the Executive Office of the Governor shall review and approve or disapprove, consistent with legislative policy and intent, any or all of the items and amounts certified by the head of the affected state agency and shall approve all items and amounts certified by the Chief Justice of the Supreme Court for the judicial branch and by the legislative branch and shall furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a detailed listing of the items and amounts approved as legal encumbrances against the undisbursed balance of such appropriation. The review shall assure that trust funds have been fully maximized.~~ Any such encumbered balance remaining undisbursed on *September 30* ~~December 31~~ of the same calendar year in which such certification was made shall revert to the fund from which appropriated, except as provided in subsection (3), and shall be available for reappropriation by the Legislature. In the event such certification is not made and an obligation is proven to be legal, due, and unpaid, then the obligation shall be paid and charged to the appropriation for the current fiscal year of the state agency or the legislative or judicial branch affected.

(b) Any balance of any appropriation, except an appropriation for fixed capital outlay, for any given fiscal year remaining after charging against it any lawful expenditure shall revert to the fund from which appropriated and shall be available for reappropriation by the Legislature.

(c) Each department and the judicial branch shall maintain the integrity of the General Revenue Fund. Appropriations from the General Revenue Fund contained in the original approved budget may be transferred to the proper trust fund for disbursement. Any reversion of appropriation balances from programs which receive funding from the General Revenue Fund and trust funds shall be transferred to the General Revenue Fund within 15 days after such reversion, unless otherwise provided by federal or state law, including the General Appropriations Act. The Executive Office of the Governor or the Chief Justice of the Supreme Court shall determine the state agency or judicial branch programs which are subject to this paragraph. This determination shall be subject to the legislative consultation and objection process in this chapter. The Education Enhancement Trust Fund shall not be subject to the provisions of this section.

Section 41. Subsection (3) of section 218.60, Florida Statutes, is amended to read:

218.60 Definitions.—

~~(3) All estimates of moneys provided pursuant to this part utilized by participating units of local government in the first year of participation shall be equal to 95 percent of those projections made by the revenue estimating conference and provided to local governments by the Office of Economic and Demographic Research, in consultation with the Department of Revenue.~~

Section 42. Subsection (2) of section 252.37, Florida Statutes, is amended to read:

252.37 Financing.—

(2) It is the legislative intent that the first recourse be made to funds regularly appropriated to state and local agencies. If the Governor finds that the demands placed upon these funds in coping with a particular

disaster declared by the Governor as a state of emergency are unreasonably great, she or he may make funds available by transferring and expending moneys appropriated for other purposes, by transferring and expending moneys out of any unappropriated surplus funds, or from the Budget Stabilization Fund ~~or Working Capital Fund~~. Following the expiration or termination of the state of emergency, the Governor may process a budget amendment under the notice and review procedures set forth in s. 216.177 to transfer moneys to satisfy the budget authority granted for such emergency.

Section 43. Subsection (3) of section 265.55, Florida Statutes, is amended to read:

265.55 Claims.—

(3) The authorization for payment delineated in subsection (2) shall be forwarded to the Chief Financial Officer. The Chief Financial Officer shall take appropriate action to execute authorized payment of the claim from *unobligated, unappropriated moneys in* the *General Revenue* ~~Working Capital~~ Fund, as defined in s. 215.32.

Section 44. Subsection (5) of section 288.7091, Florida Statutes, is amended to read:

288.7091 Duties of the Florida Black Business Investment Board, Inc.—The Florida Black Business Investment Board, Inc., shall:

(5) Include in the criteria for loan decisions, occupational forecasting results set forth in s. 216.136*(7)*~~(9)~~ which target high growth jobs;

Section 45. Subsection (5) of section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(5)(a) Except as provided in paragraph (c), the remainder of such revenues must be deposited in the State Transportation Trust Fund.

(b) The Chief Financial Officer each month shall deposit in the State Transportation Trust Fund an amount, drawn from other funds in the State Treasury which are not immediately needed or are otherwise in excess of the amount necessary to meet the requirements of the State Treasury, which when added to such remaining revenues each month will equal one-twelfth of the amount of the anticipated annual revenues to be deposited in the State Transportation Trust Fund under paragraph (a) as *determined by the Chief Financial Officer after consultation with the* ~~estimated by the most recent~~ revenue estimating conference held pursuant to s. 216.136(3). The transfers required hereunder may be suspended by action of the Legislative Budget Commission in the event of a significant shortfall of state revenues.

(c) In any month in which the remaining revenues derived from the registration of motor vehicles exceed one-twelfth of those anticipated annual remaining revenues as determined by the *Chief Financial Officer after consultation with the* revenue estimating conference, the excess shall be credited to those state funds in the State Treasury from which the amount was originally drawn, up to the amount which was deposited in the State Transportation Trust Fund under paragraph (b). A final adjustment must be made in the last months of a fiscal year so that the total revenue deposited in the State Transportation Trust Fund each year equals the amount derived from the registration of motor vehicles, less the amount distributed under subsection (1). For the purposes of this paragraph and paragraph (b), the term "remaining revenues" means all revenues deposited into the State Transportation Trust Fund under paragraph (a) and subsections (2) and (3). In order that interest earnings continue to accrue to the General Revenue Fund, the Department of Transportation may not invest an amount equal to the cumulative amount of funds deposited in the State Transportation Trust Fund under paragraph (b) less funds credited under this paragraph as computed on a monthly basis. The amounts to be credited under this and the preceding paragraph must be calculated and certified to the Chief Financial Officer by the Executive Office of the Governor.

Section 46. Section 337.023, Florida Statutes, is amended to read:

337.023 Sale of building; acceptance of replacement building.—Notwithstanding the provisions of s. 216.292*(2)(b)2.*~~(4)(b)~~, if the department sells a building, the department may accept the construction of a replacement building, in response to a request for proposals, totally or partially in lieu of cash, and may do so without a specific legislative appropriation. Such action is subject to the approval of the Executive Office of the Governor, and is subject to the notice, review, and objection procedures under s. 216.177. The replacement building shall be consistent with the current and projected needs of the department as agreed upon by the department and the Department of Management Services.

Section 47. Paragraph (a) of subsection (2), paragraphs (c) and (f) of subsection (6), and subsection (7) of section 339.135, Florida Statutes, are amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(2) SUBMISSION OF LEGISLATIVE BUDGET REQUEST AND REQUEST FOR LIST OF ADDITIONAL TRANSPORTATION PROJECTS.—

(a) The department shall file the legislative budget request in the manner required by chapter 216, setting forth the department's proposed revenues and expenditures for operational and fixed capital outlay needs to accomplish the objectives of the department in the ensuing fiscal year. The right-of-way, construction, preliminary engineering, maintenance, and all grants and aids programs of the department shall be set forth only in program totals. The legislative budget request must include a balanced 36-month forecast of cash and expenditures and a 5-year finance plan. The legislative budget request shall be amended to conform to the tentative work program. *Prior to the submission of the tentative work program pursuant to s. 339.135(4)(f),* the department may amend its legislative budget request and the tentative work program *for* ~~based on~~ the most recent estimating conference estimate of revenues and the most recent federal aid apportionments.

(6) EXECUTION OF THE BUDGET.—

(c) Notwithstanding the provisions of ss. 216.301*(2)*~~(3)~~ and 216.351, any unexpended balance remaining at the end of the fiscal year in the appropriations to the department for special categories; aid to local governments; lump sums for project phases which are part of the adopted work program, and for which contracts have been executed or bids have been let; and for right-of-way land acquisition and relocation assistance for parcels from project phases in the adopted work program for which appraisals have been completed and approved, may be certified forward as fixed capital outlay *at the end of each fiscal year, to be certified by the head of the state agency on or before August 1 of each year to the Executive Office of the Governor, showing in detail the commitment or to whom obligated and the amount of such commitment or obligation. On or before September 1 of each year, the Executive Office of the Governor shall review and approve or disapprove, consistent with legislative policy and intent, any or all of the items and amounts certified by the head of the state agency and shall furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a detailed listing of the items and amounts approved as legal encumbrances against the undisbursed balances of such appropriations. In the event such certification is not made and the balance of the appropriation has reverted and the obligation is proven to be legal, due, and unpaid, then the same shall be presented to the Legislature for its consideration. Such certification as herein required shall be in the form and on the date approved by the Executive Office of the Governor* ~~under the provisions of s. 216.301(2)(a)~~. Any project phases in the adopted work program not certified forward ~~under the provisions of s. 216.301(2)(a)~~ shall be available for roll forward for the next fiscal year of the adopted work program. Spending authority associated with such project phases may be rolled forward to the next fiscal year *upon approval by the Legislative Budget Commission* ~~pursuant to paragraph (f)~~. *Increases in spending authority shall be limited to amounts of unexpended balances by appropriation category.* Any project phase certified forward for which bids have been let but subsequently rejected shall be available for roll forward in the adopted work program for the next fiscal year. Spending authority associated with such project phases may be rolled forward into the current year from funds certified forward ~~pursuant to paragraph (f)~~. The amount certified forward may include contingency allowances for right-of-way acquisition and relocation, asphalt and petroleum product escalation clauses, and contract overages, which allowances shall be separately identified in the certification detail. Right-of-way acquisition and relocation and contract overages contingency allowances shall be based on

documented historical patterns. These contingency amounts shall be incorporated in the certification for each specific category, but when a category has an excess and another category has a deficiency, the Executive Office of the Governor is authorized to transfer the excess to the deficient account.

~~(f) Notwithstanding the provisions of ss. 216.181(1), 216.292, and 216.351, the Executive Office of the Governor may amend that portion of the department's original approved fixed capital outlay budget which comprises the work program pursuant to subsection (7). Increase in spending authority in paragraph (c) shall be limited to amounts of unexpended balances by appropriation category.~~

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(a) Notwithstanding the provisions of ss. ~~216.181(1),~~216.292~~,~~ and 216.351, the adopted work program may be amended only pursuant to the provisions of this subsection.

(b) The department may not transfer any funds for any project or project phase between department districts. However, a district secretary may agree to a loan of funds to another district, if:

1. The funds are used solely to maximize the use or amount of funds available to the state;

2. The loan agreement is executed in writing and is signed by the district secretaries of the respective districts;

3. Repayment of the loan is to be made within 3 years after the date on which the agreement was entered into; and

4. The adopted work program of the district loaning the funds would not be substantially impaired if the loan were made, according to the district secretary.

The loan constitutes an amendment to the adopted work program and is subject to the procedures specified in paragraph *(b)* ~~(c)~~ .

(c) The department may amend the adopted work program to transfer *fixed capital outlay* appropriations *for projects* within the *same appropriations category or between appropriations categories, including* ~~department, except that~~ the following amendments *which* shall be subject to the procedures in paragraph (d):

1. Any amendment which deletes any project or project phase;

2. Any amendment which adds a project estimated to cost over $150,000 in funds appropriated by the Legislature;

3. Any amendment which advances or defers to another fiscal year, a right-of-way phase, a construction phase, or a public transportation project phase estimated to cost over $500,000 in funds appropriated by the Legislature, except an amendment advancing or deferring a phase for a period of 90 days or less; or

4. Any amendment which advances or defers to another fiscal year, any preliminary engineering phase or design phase estimated to cost over $150,000 in funds appropriated by the Legislature, except an amendment advancing or deferring a phase for a period of 90 days or less.

(d)1. Whenever the department proposes any amendment to the adopted work program, which amendment is defined in subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or subparagraph (c)4., it shall submit the proposed amendment to the Governor for approval and shall immediately notify the chairs of the legislative appropriations committees, the chairs of the legislative transportation committees, each member of the Legislature who represents a district affected by the proposed amendment, each metropolitan planning organization affected by the proposed amendment, and each unit of local government affected by the proposed amendment. Such proposed amendment shall provide a complete justification of the need for the proposed amendment.

2. The Governor shall not approve a proposed amendment until 14 days following the notification required in subparagraph 1.

3. If either of the chairs of the legislative appropriations committees or the President of the Senate or the Speaker of the House of Representatives objects in writing to a proposed amendment within 14 days following notification and specifies the reasons for such objection, the Governor shall disapprove the proposed amendment ~~or shall submit the proposed amendment to the Administration Commission. The proposed amendment may be approved by the Administration Commission by a two-thirds vote of the members present with the Governor voting in the affirmative. In the absence of approval by the commission, the proposed amendment shall be automatically disapproved~~.

(e) Notwithstanding the requirements in *paragraphs* ~~paragraph~~ (d) *and (g)* and ss. 216.177(2) and 216.351, the secretary may request the Executive Office of the Governor to amend the adopted work program when an emergency exists, as defined in s. 252.34(3), and the emergency relates to the repair or rehabilitation of any state transportation facility. The Executive Office of the Governor may approve the amendment to the adopted work program and amend that portion of the department's approved budget in the event that the delay incident to the notification requirements in paragraph (d) would be detrimental to the interests of the state. However, the department shall immediately notify the parties specified in paragraph (d) and shall provide such parties written justification for the emergency action within 7 days of the approval by the Executive Office of the Governor of the amendment to the adopted work program and the department's budget. In no event may the adopted work program be amended under the provisions of this subsection without the certification by the comptroller of the department that there are sufficient funds available pursuant to the 36-month cash forecast and applicable statutes.

(f) The department may authorize the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to paragraph (b). Such investment shall be limited as provided in s. 288.9607(7).

(g) Any work program amendment which also requires the transfer of fixed capital outlay appropriations between categories within the department or the increase of an appropriation category is subject to the approval of the Legislative Budget Commission. If a meeting of the Legislative Budget Commission cannot be held within 30 days of the department submitting an amendment to the Legislative Budget Commission, then the chair and vice chair of the Legislative Budget Commission may authorize such amendment to be approved pursuant to the provisions of s. 216.177.

Section 48. Subsection (2) of section 373.6065, Florida Statutes, is amended to read:

373.6065 Adoption benefits for water management district employees.—

(2) The Chief Financial Officer and the Department of Management Services shall transfer funds to water management districts to pay eligible water management district employees for these child adoption monetary benefits in accordance with s. 215.32*(2)(c)5.*~~(1)(c)5.~~, as long as funds remain available for the program described under s. 110.152.

Section 49. Subsection (3) of section 381.0303, Florida Statutes, is amended to read:

381.0303 Health practitioner recruitment for special needs shelters.—

(3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.—The Department of Health shall reimburse, subject to the availability of funds for this purpose, health care practitioners, as defined in s. 456.001, provided the practitioner is not providing care to a patient under an existing contract, and emergency medical technicians and paramedics licensed pursuant to chapter 401 for medical care provided at the request of the department in special needs shelters or at other locations during times of emergency or major disaster. Reimbursement for health care practitioners, except for physicians licensed pursuant to chapter 458 or chapter 459, shall be based on the average hourly rate that such practitioners were paid according to the most recent survey of Florida hospitals conducted by the Florida Hospital Association. Reimbursement shall be requested on forms prepared by the Department of Health. If a Presidential Disaster Declaration has been made, and the Federal Government makes funds available, the department shall use such funds for reimbursement of eligible expenditures. In other situations, or if federal funds do not fully compensate the department for reimbursement made pursuant to this section, the department shall *process* ~~sub-~~

~~mit to the Cabinet or Legislature, as appropriate,~~ a budget amendment to obtain reimbursement from *unobligated, unappropriated moneys in* the *General Revenue* ~~working capital~~ Fund. Travel expense and per diem costs shall be reimbursed pursuant to s. 112.061.

Section 50. Subsection (3) of section 392.69, Florida Statutes, is amended to read:

392.69 Appropriation, sinking, and maintenance trust funds; additional powers of the department.—

(3) In the execution of its public health program functions, notwithstanding s. 216.292*(2)(b)2.*~~(4)(b)~~ , the department is hereby authorized to use any sums of money which it may heretofore have saved or which it may hereafter save from its regular operating appropriation, or use any sums of money acquired by gift or grant, or any sums of money it may acquire by the issuance of revenue certificates of the hospital to match or supplement any state or federal funds, or any moneys received by said department by gift or otherwise, for the construction or maintenance of additional facilities or improvement to existing facilities, as the department deems necessary.

Section 51. Subsection (5) of section 409.906, Florida Statutes, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(5) CASE MANAGEMENT SERVICES.—The agency may pay for primary care case management services rendered to a recipient pursuant to a federally approved waiver, and targeted case management services for specific groups of targeted recipients, for which funding has been provided and which are rendered pursuant to federal guidelines. The agency is authorized to limit reimbursement for targeted case management services in order to comply with any limitations or directions provided for in the General Appropriations Act. ~~Notwithstanding s. 216.292, the Department of Children and Family Services may transfer general funds to the Agency for Health Care Administration to fund state match requirements exceeding the amount specified in the General Appropriations Act for targeted case management services.~~

Section 52. Subsection (11) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency is authorized to seek federal waivers necessary to implement this policy.

(11) The agency, after notifying the Legislature, may apply for waivers of applicable federal laws and regulations as necessary to implement more appropriate systems of health care for Medicaid recipients and reduce the cost of the Medicaid program to the state and federal governments and shall implement such programs, after legislative approval, within a reasonable period of time after federal approval. These programs must be designed primarily to reduce the need for inpatient care, custodial care and other long-term or institutional care, and other high-cost services.

~~(a)~~ Prior to seeking legislative approval of such a waiver as authorized by this subsection, the agency shall provide notice and an opportunity for public comment. Notice shall be provided to all persons who have made requests of the agency for advance notice and shall be published in the Florida Administrative Weekly not less than 28 days prior to the intended action.

~~(b) Notwithstanding s. 216.292, funds that are appropriated to the Department of Elderly Affairs for the Assisted Living for the Elderly Medicaid waiver and are not expended shall be transferred to the agency to fund Medicaid-reimbursed nursing home care.~~

Section 53. Section 409.16745, Florida Statutes, is amended to read:

409.16745 Community partnership matching grant program.—It is the intent of the Legislature to improve services and local participation in community-based care initiatives by fostering community support and providing enhanced prevention and in-home services, thereby reducing the risk otherwise faced by lead agencies. There is established a community partnership matching grant program to be operated by the Department of Children and Family Services for the purpose of encouraging local participation in community-based care for child welfare. Any children's services council or other local government entity that makes a financial commitment to a community-based care lead agency is eligible for a grant upon proof that the children's services council or local government entity has provided the selected lead agency at least $250,000 from any local resources otherwise available to it. The total amount of local contribution may be matched on a two-for-one basis up to a maximum amount of $2 million per council or local government entity. Awarded matching grant funds may be used for any prevention or in-home services provided by the children's services council or other local government entity that meets temporary-assistance-for-needy-families' eligibility requirements and can be reasonably expected to reduce the number of children entering the child welfare system. ~~To ensure necessary flexibility for the development, start up, and ongoing operation of community-based care initiatives, the notice period required for any budget action authorized by the provisions of s. 20.19(5)(b), is waived for the family safety program; however, the Department of Children and Family Services must provide copies of all such actions to the Executive Office of the Governor and Legislature within 72 hours of their occurrence.~~ Funding available for the matching grant program is subject to legislative appropriation of nonrecurring funds provided for the purpose.

Section 54. Subsection (2) of section 468.392, Florida Statutes, is amended to read:

468.392 Auctioneer Recovery Fund.—There is created the Auctioneer Recovery Fund as a separate account in the Professional Regulation Trust Fund. The fund shall be administered by the Florida Board of Auctioneers.

(2) All payments and disbursements from the Auctioneer Recovery Fund shall be made by the Chief Financial Officer upon a voucher signed by the Secretary of Business and Professional Regulation or the secretary's designee. ~~Amounts transferred to the Auctioneer Recovery Fund shall not be subject to any limitation imposed by an appropriation act of the Legislature.~~

Section 55. Subsection (6) of section 475.484, Florida Statutes, is amended to read:

475.484 Payment from the fund.—

(6) All payments and disbursements from the Real Estate Recovery Fund shall be made by the Chief Financial Officer upon a voucher signed by the secretary of the department. ~~Amounts transferred to the Real Estate Recovery Fund shall not be subject to any limitation imposed by an appropriation act of the Legislature.~~

Section 56. Paragraph (b) of subsection (7) of section 631.141, Florida Statutes, is amended to read:

631.141 Conduct of delinquency proceeding; domestic and alien insurers.—

(7)

(b) In the event that initiation of delinquency proceedings does not result in appointment of the department as receiver, or in the event that the funds or assets of an insurer for which the department is appointed as receiver are insufficient to cover the cost of compensation to special agents, counsel, clerks, or assistants and all expenses of taking, or attempting to take, possession of the insurer, and of conducting the proceeding, there is appropriated, upon approval of the Chief Financial Officer and *of* the Legislative Budget Commission *pursuant to chapter 216*, from the Insurance Regulation Trust Fund to the Division of Rehabilitation and Liquidation a sum that is sufficient to cover the unreimbursed costs.

Section 57. Paragraph (b) of subsection (9) of section 921.001, Florida Statutes, is amended to read:

921.001 Sentencing Commission and sentencing guidelines generally.—

(9)

(b) On or after January 1, 1994, any legislation which:

1. Creates a felony offense;

2. Enhances a misdemeanor offense to a felony offense;

3. Moves a felony offense from a lesser offense severity level to a higher offense severity level in the offense severity ranking chart in s. 921.0012; or

4. Reclassifies an existing felony offense to a greater felony classification must provide that such a change result in a net zero sum impact in the overall prison population, as determined by the *Legislature, considering the most recent estimates of the* Criminal Justice Estimating Conference, unless the legislation contains a funding source sufficient in its base or rate to accommodate such change or a provision which specifically abrogates the application of this paragraph.

Section 58. Subsection (3) of section 943.61, Florida Statutes, is amended to read:

943.61 Powers and duties of the Capitol Police.—

(3) ~~Notwithstanding the provisions of chapter 216, no assets, personnel, or resources shall be taken from the Capitol Police, and no appropriation to the Capitol Police shall be reduced without the express approval of the Governor and the Legislative Budget Commission.~~ Nothing herein limits the ability of the Capitol Police to provide mutual aid to other law enforcement agencies as authorized by law unless such a limitation is expressly included in the operational security plans provided for herein.

Section 59. Paragraph (a) of subsection (4) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

(4) ACCOUNTABILITY.—

(a) Beginning in the 2003-2004 fiscal year, if the department determines for any year that a school district has not reduced average class size as required in subsection (2) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference, the Executive Office of the Governor shall transfer undistributed funds equivalent to the calculated amount from the district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected district pursuant to s. 216.292*(2)(d)*~~(13)~~. The amount of funds transferred shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class size reduction operating categorical. However, based upon a recommendation by the Commissioner of Education that the State Board of Education has reviewed evidence indicating that a district has been unable to meet class size reduction requirements despite appropriate effort to do so, the Legislative Budget Commission may approve an alternative amount of funds to be transferred from the district's class size reduction operating categorical to its approved fixed capital outlay account for class size reduction.

Section 60. Paragraph (a) of subsection (1) of section 1009.536, Florida Statutes, is amended to read:

1009.536 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Completes the secondary school portion of a sequential program of studies that requires at least three secondary school career credits taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the student must complete a job-preparatory career education program selected by ~~the Workforce Estimating Conference or~~ Workforce Florida, Inc., for its ability to provide high-wage employment in an occupation with high potential for employment opportunities. On-the-job training may not be substituted for any of the three required career credits.

Section 61. Subsection (2) of section 1013.512, Florida Statutes, is amended to read:

1013.512 Land Acquisition and Facilities Advisory Board.—

(2) If the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA) or the Auditor General determines in a review or examination that significant deficiencies exist in a school district's land acquisition and facilities operational processes, he or she shall certify to the President of the Senate, the Speaker of the House of Representatives, the Legislative Budget Commission, and the Governor that the deficiency exists. *Upon recommendation by the Governor,* the Legislative Budget Commission shall *approve or disapprove the placement of* ~~determine whether funds for the~~ school district *funds* ~~will be placed~~ in reserve until the deficiencies are corrected.

Section 62. *Any undisbursed appropriations made from the Working Capital Fund, previously created in section 215.32, Florida Statutes, are reappropriated from unallocated moneys in the General Revenue Fund; any appropriations made to the Working Capital Fund are reappropriated to the General Revenue Fund; and any references to the Working Capital Fund in SB 2600 or SB 2602, or similar legislation, shall be*

replaced with "the General Revenue Fund." It is the intent of the Legislature that the provisions of this section control in the event SB 2600 or SB 2602, or other similar legislation, are enacted subsequently during the 2005 Regular Session. This section expires July 1, 2006.

Section 63. *Sections 216.1825, 216.183, and 288.1234, Florida Statutes, are repealed.*

Section 64. Except as otherwise provided herein, this act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the management of state financial matters; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development and the Florida Commission on Tourism to advise and consult with the Consensus Estimating Conference principals concerning certain duties; amending s. 20.19, F.S.; eliminating certain transfer authority of district administrators in the Department of Children and Family Services; amending s. 20.316, F.S., relating to the Department of Juvenile Justice information systems; correcting a reference; amending s. 45.062, F.S.; limiting the ability of agencies to settle lawsuits in certain circumstances; requiring that certain legislative officers and the Attorney General receive prior notice concerning settlement negotiations and presettlement agreements or orders; providing certain exceptions; requiring that moneys paid in settlement of a legal action be placed into the General Revenue Fund or an appropriate trust fund; amending s. 110.1239, F.S.; correcting a cross-reference; amending s. 110.1245, F.S., relating to a savings sharing program; correcting a reference; amending s. 215.32, F.S.; providing for unallocated general revenue; revising a provision relating to the restoration of expenditures from the Budget Stabilization Fund; revising requirements and uses of Working Capital Fund moneys; amending s. 215.5601, F.S.; revising provisions relating to appropriations to and uses of the Lawton Chiles Endowment Fund; amending ss. 215.93 and 215.94, F.S.; revising duties of the Financial Management Information Board, the functional owners of information subsystems, and the Auditor General relating to the Florida Financial Management Information System; amending s. 215.97, F.S., relating to the Florida Single Audit Act; revising and providing definitions; revising the uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities; requiring the Department of Financial Services to adopt rules and perform additional duties with respect to the provision of financial assistance to carry out state projects; revising duties of the Executive Office of the Governor and Chief Financial Officer and specifying duties of coordinating agencies; exempting certain nonstate entities from the requirements of the Florida Single Audit Act; amending s. 216.011, F.S.; revising and providing definitions; amending s. 216.013, F.S.; revising requirements for the long-range program plans developed by state agencies and the judicial branch; providing for the preparation of form, manner, and timeframe instructions for such plans; revising the plan submission date; revising the date by which to submit adjustments to such plans; requiring the plans to be posted on the Internet; providing that long-range program plans are exempt from ch. 120; amending s. 216.023, F.S.; providing for alternate dates for agencies to submit legislative budget requests; changing the requirements for an annual inventory of certain litigation; requiring and specifying additional information in legislative budget requests; revising requirements of the judicial branch's legislative budget requests; revising duties of the Executive Office of the Governor, the Legislature, and the Chief Justice relating to legislative budget requests; amending s. 216.031, F.S.; revising requirements for target budget requests; amending s. 216.052, F.S.; deleting certain requirements relating to community budget requests; amending s. 216.053, F.S.; deleting the requirement that the General Appropriations Act contain summary information concerning performance-based program budgets; amending s. 216.065, F.S.; revising requirements relating to fiscal impact statements on actions affecting the budget; amending s. 216.081, F.S.; providing data requirements for the Governor's recommended budget under certain circumstances; amending s. 216.133, F.S.; deleting references to conform; amending s. 216.134, F.S.; stipulating that consensus estimating conferences are within the legislative branch; revising provisions relating to public meetings of consensus estimating conferences; amending s. 216.136, F.S.; deleting provisions for the Child Welfare System Estimating Conference and the Juvenile Justice Estimating Conference; revising provisions relating to the principals of the Self-Insurance Estimating Conference and the Florida Retirement System Actuarial Assumption Conference; amending s. 216.162, F.S.; revising the date for the Governor to submit the recommended budget to the Legislature; amending s. 216.163, F.S.; authorizing the Governor's budget recommendation to include an alternative recommendation for operating and fixed capital outlay appropriations to that of the Chief Justice; amending s. 216.167, F.S.; deleting references to the Working Capital Fund, to conform; amending s. 216.168, F.S.; deleting provisions exempting the Governor from a requirement to submit amended recommendations; amending s. 216.177, F.S.; revising notice and review requirements for actions taken under ch. 216, F.S., to provide for funds expended in settlement of agency litigation; deleting an obsolete provision; amending s. 216.181, F.S.; requiring approval of certain amendments to an approved operating budget by the Legislative Budget Commission; revising requirements for determining salary rates; authorizing the Legislative Budget Commission to approve salary rates; revising provisions relating to how the annual salary rate is determined and controlled; deleting certain notice requirements; requiring that the legislative appropriations committees approve certain nonoperating budgets; deleting the authority to advance certain contracted services funds in the Department of Children and Family Service and the Department of Health; amending s. 216.192, F.S.; deleting provisions authorizing the legislative appropriations committees to provide advice regarding the release of funds; authorizing the Executive Office of the Governor and the Chief Justice to place appropriations in mandatory reserve or budget reserve; amending s. 216.195, F.S.; deleting certain notice and review requirements for the impoundment of funds; amending s. 216.221, F.S.; authorizing the Legislature to direct the use of any state funds in an appropriations act to offset General Revenue Fund deficits; revising requirements for adjusting budgets in order to avoid or eliminate a deficit; revising procedures for certifying a budget deficit; revising requirements for the Governor and the Chief Justice in developing plans of action; requiring that the Legislative Budget Commission implement certain reductions in appropriations; revising requirements for resolving deficits; requiring that certain actions to resolve a deficit be approved by the Legislative Budget Commission; amending s. 216.231, F.S., relating to the release of classified appropriations, to conform; amending s. 216.235, F.S.; limiting the funding of certain proposals under the Innovation Investment Program; correcting references; amending s. 216.241, F.S.; requiring that the initiation or commencement of new programs be approved by the Legislative Budget Commission; deleting certain notice requirements; amending s. 216.251, F.S.; correcting a reference; revising requirements for establishing certain salaries; amending s. 216.262, F.S.; requiring the Legislative Budget Commission to approve certain increases in the number of positions for authorized programs; deleting provisions authorizing an agency to retain salary dollars under certain circumstances; amending s. 216.292, F.S.; revising provisions relating to the transferability of appropriations; revising limitations on the transferability of appropriations; prohibiting spending fixed capital outlay for other purposes; providing notice and review requirements prior to implementation of certain transfers; prohibiting transferring appropriations except as otherwise provided by law; providing certain exceptions; amending s. 216.301, F.S.; revising requirements for continuing unexpended balances of appropriations for fixed capital outlay; requiring approval by the Executive Office of the Governor; authorizing the President of the Senate and the Speaker of the House of Representatives to provide for the retention of certain balances from legislative budget entities; revising the certification forward process for operating appropriations; amending s. 218.60, F.S.; deleting an obsolete provision; amending ss. 252.37 and 265.55, F.S.; deleting certain references to the Working Capital Fund, to conform; amending s. 288.7091, F.S.; correcting a cross-reference; amending s. 320.20, F.S.; providing duties of the Chief Financial Officer with respect to the deposit of certain trust fund moneys; amending s. 337.023, F.S.; correcting a cross-reference; amending s. 339.135, F.S.; revising requirements for the tentative work programs submitted by the Department of Transportation; specifying procedures by which unexpended balances in certain appropriations may be certified forward as fixed capital outlay; requiring that the Legislative Budget Commission approve certain extensions of spending authority; revising requirements for amending certain work programs; requiring approval of the Legislative Budget Commission for certain work program amendments; amending 373.6065, F.S.; correcting a cross-reference; amending s. 381.0303, F.S.; authorizing the Department of Health to obtain reimbursement for special needs shelters from unappropriated moneys in the General Revenue Fund; amending s. 392.69, F.S.; correcting a cross-reference; amending s. 409.906, F.S.; deleting provisions authorizing the Department of Children and Family Services to transfer certain funds in excess of the amount specified in the General Appropriations Act; amending s.

409.912, F.S., relating to the transfer of certain funds from the Department of Elderly Affairs to the Agency for Health Care Administration, to conform; amending s. 409.16745, F.S.; eliminating 72-hour notification for transfer of budget authority for the community partnership matching grant program; amending ss. 468.392 and 475.484, F.S.; deleting provisions exempting funds in the Auctioneer Recovery Fund and the Real Estate Recovery Fund from limitations imposed by an appropriation act; amending s. 631.141, F.S.; clarifying provisions requiring the Legislative Budget Commission to approve certain appropriations; amending s. 921.001, F.S.; requiring the Legislature to make certain determinations with respect to legislation affecting the prison population; amending s. 943.61, F.S.; deleting a provision requiring approval by the Governor and the Legislative Budget Commission for appropriations to the Capitol Police; amending s. 1003.03, F.S.; correcting a cross-reference; amending s. 1009.536, F.S.; deleting duties of the Workforce Estimating Conference with respect to certain career education programs; amending s. 1013.512, F.S.; requiring a recommendation by the Governor before placing certain school district funds in reserve; providing for references to the Working Capital Fund in certain legislation to be replaced with a reference to the General Revenue Fund; repealing s. 216.1825, F.S., relating to zero-based budgeting; repealing s. 216.183, F.S., relating to entities using performance-based program budgets; repealing s. 288.1234, F.S., relating to the guaranty of state obligations and the Olympic Games Guaranty Account; providing effective dates.

On motion by Senator Pruitt, the Senate concurred in the House amendment.

CS for SB 2610 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 662, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 662—A bill to be entitled An act relating to hospitals; creating a commission to study the effect of the 2004 hurricane season on certain hospitals and identify hospitals unable to comply with the Florida Building Code or located in flood-prone areas; providing for membership, reimbursement, and duties of the study commission; requiring the Department of Community Affairs to provide staff for the study commission; requiring the commission to submit a report and recommendations to the Governor and the Legislature; creating a high-deductible-health-insurance plan study group; specifying membership; requiring the study group to investigate certain issues relating to high-deductible health insurance plans; requiring the group to meet and submit recommendations to the Governor and Legislature; directing the Office of Program Policy Analysis and Government Accountability to conduct a study to evaluate whether the State of Florida should join the Nurse Licensure Compact; providing an effective date.

House Amendment 1 (404121)(with title amendment)—On page 2, between lines 24 and 25, insert:

Section 1. Subsection (2) of section 627.638, Florida Statutes, is amended to read:

627.638 Direct payment for hospital, medical services.—

(2) Whenever, in any health insurance claim form, an insured specifically authorizes payment of benefits directly to any recognized hospital, ~~or~~ physician, *or dentist,* the insurer shall make such payment to the designated provider of such services, unless otherwise provided in the insurance contract. *The insurance contract may not prohibit, and claims forms must provide option for, the payment of benefits directly to a licensed hospital, physician, and dentist for care provided pursuant to s. 395.1041. The insurer may require written attestation of assignment of benefits. Payment to the provider from the insurer shall be no more than the amount that the insurer would otherwise have paid without the assignment.*

And the title is amended as follows:

On page 1, line 2, remove all of said line, and insert:

An act relating to health care; amending s. 627.638, F.S.; proscribing insurance contracts from prohibiting payment of benefits directly to licensed hospitals, physicians, and dentists for certain care; providing a claims form requirement; authorizing insurers to make certain requirements; providing a limitation on certain payments to providers; creating a

House Amendment 2 (352175)(with title amendment)—On page 6, between line(s) 24 and 25, insert:

Section 4. *No later than January 1, 2006, the Office of Program Policy Analysis and Government Accountability, in consultation with the Agency for Health Care Administration, shall submit a report to the Legislature analyzing the impact of hospices on the delivery of care to terminally ill patients. The Office of Program Policy Analysis and Government Accountability shall consult with appropriate legislative committees to identify issues to address from among the following:*

(1) A comprehensive statistical analysis of hospice care in this state from January 1, 1999, to June 30, 2005.

(2) A comprehensive analysis of the scope of services provided by hospices in this state and a comparison of those services to the minimum service requirements of Medicare and Medicaid.

(3) An analysis of hospice service areas and penetration rates of hospice services by hospice service area, including a discussion of reasons for the existence of regional monopolies.

(4) An analysis of the services provided to and quality of care experienced by patients of for-profit hospices in this state and other states.

(5) An analysis of potential changes in the competitive marketplace in this state which may be produced by the introduction of additional for-profit hospices.

(6) An analysis of the effect that the presence of for-profit hospices has had on hospice service delivery and quality in other states.

(7) The projected cost of an introduction of additional for-profit hospices in this state to the Medicaid program.

(8) Any other relevant information.

And the title is amended as follows:

On page 1, line 24, remove: all of said line and insert: Licensure Compact; requiring the Office of Program Policy Analysis and Government Accountability to submit a report relating to hospice care; providing issues to be addressed in the report; providing an effective date.

On motion by Senator Clary, the Senate refused to concur in **House Amendment 1** and the House was requested to recede.

Senator Carlton offered the following amendment which was moved by Senator Clary and adopted:

Senate Amendment 1 (254858) (with title amendment) to House Amendment 2—On line 35, insert:

Section 5. *The study commission created in this act to address the effects of the 2004 hurricane season on certain hospitals must submit a report to the Legislative Budget Commission by December 1, 2005, regarding the types of structural damage caused by hurricanes in 2004 to not-for-profit hospitals' facilities and the cost of each type of damage suffered by each facility.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 44, following the semicolon (;) insert: requiring a report to the Legislative Budget Commission;

On motion by Senator Clary, the Senate concurred in **House Amendment 2** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for SB 662 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Geller	Rich
Atwater	Haridopolos	Saunders
Baker	Hill	Sebesta
Bennett	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 758, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 758—A bill to be entitled An act relating to child protective investigations; amending s. 39.202, F.S.; providing staff of a children's advocacy center with access to records of child abuse and neglect; amending s. 39.301, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect for purposes that adversely affect the interests of persons who are not identified as responsible for such abuse, abandonment, or neglect; amending s. 39.302, F.S.; prohibiting the use of information contained in reports of child abuse, abandonment, or neglect in institutional investigations for purposes that adversely affect the interests of persons not identified as responsible; providing circumstances under which the Department of Children and Family Services may rely on such information in a decision to renew or revoke a license; providing an effective date.

House Amendment 1 (868739) (with directory and title amendments)—On page 1, line(s) 24, insert:

Section 1. Subsection (47) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(47) "Other person responsible for a child's welfare" includes the child's legal guardian, legal custodian, or foster parent; an employee of *any* ~~a private~~ school, public or private child day care center, residential home, institution, facility, or agency; or any other person legally responsible for the child's welfare in a residential setting; and also includes an adult sitter or relative entrusted with a child's care. For the purpose of departmental investigative jurisdiction, this definition does not include law enforcement officers, or employees of municipal or county detention facilities or the Department of Corrections, while acting in an official capacity.

And the title is amended as follows:

On page 1, line(s) 3, remove: all of said lines and insert: investigations; amending s. 39.01, F.S.; revising the definition of the term "other person responsible for a child's welfare" to include employees of any school; amending s. 39.202, F.S.;

On motion by Senator Wise, the Senate refused to concur in the House amendment to **CS for CS for SB 758** and the House was requested to recede. The action of the Senate was certified to the House.

LOCAL BILL CALENDAR

SB 2668—A bill to be entitled An act relating to the Homosassa Special Water District, Citrus County; providing for annexation of specified areas; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **SB 2668** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 2680—A bill to be entitled An act relating to Hillsborough County; providing for a fee to be paid by felony offenders in the county; providing for an accounting of such fees and remission of the fee revenues collected by the Department of Corrections; providing the duties of the clerk of the court in connection with the fee revenues remitted; providing for the use of the funds by the board of county commissioners; providing for costs of administration; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **CS for SB 2680** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SB 2774—A bill to be entitled An act relating to Broward County; creating the Broward County Council for Services for Seniors and Adults with Developmental Disabilities; creating an independent special dis-

trict to provide funding for services for seniors and adults with developmental disabilities; requiring approval by a majority vote of electors to annually levy ad valorem taxes not to exceed a certain maximum; creating a governing board for the district; specifying criteria for membership to the governing board; providing terms of office; specifying the powers and functions of the council; requiring the council to appoint a chair and vice chair and elect officers, to identify and assess the needs of seniors and adults with developmental disabilities, to provide training and orientation to new members of the council, to make and adopt bylaws and rules for the council's operation and governance, and to provide an annual report to the Broward County Board of County Commissioners; requiring the council to maintain minutes of each meeting and to serve without compensation; requiring the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget; requiring that all tax moneys collected be paid directly to the council by the Broward County Tax Collector and deposited in qualified public depositories; specifying expenditures of funds; requiring the council to prepare and file a financial report to the Broward County Board of County Commissioners; providing that the district may be amended or dissolved by a special act of the Legislature; authorizing the Broward County Board of County Commissioners to fund the budget of the council from its own funds after or during the council's first year of operation; requiring the district to comply with statutory requirements related to the filing of a financial or compliance report; authorizing the district to seek grants and accept donations from public and private sources; providing legislative intent with respect to the use of funds collected by the council; prohibiting the council from requiring certain matching funds; requiring a referendum; providing a ballot statement; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **SB 2774** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SB 2778—A bill to be entitled An act relating to Pasco County; providing that a resolution of the District School Board of Pasco County which provides for receipt of proceeds from the local government infrastructure surtax authorized under s. 212.055(2), F.S., may include a covenant to decrease capital local school property taxes or to discontinue the surtax in certain circumstances; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (743136)—On page 2, delete line 4 and insert: law but shall ratify and confirm the referendum held in Pasco County in March, 2004.

On motion by Senator Fasano, by two-thirds vote **SB 2778** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Atwater	Bullard
Argenziano	Baker	Campbell
Aronberg	Bennett	Carlton
Clary	Hill	Pruitt
Constantine	Jones	Rich
Crist	King	Saunders
Dawson	Klein	Sebesta
Diaz de la Portilla	Lawson	Siplin
Dockery	Lynn	Smith
Fasano	Margolis	Villalobos
Garcia	Miller	Webster
Geller	Peaden	Wilson
Haridopolos	Posey	Wise

Nays—None

Consideration of **HB 225** was deferred.

HB 619—A bill to be entitled An act relating to the Ocean Highway and Port Authority, Nassau County; codifying, reenacting, amending, and repealing special acts of the Ocean Highway and Port Authority; providing for its membership, terms of office, officers, quorum, and meetings; defining the powers and duties of the authority; providing for compensation of authority members; authorizing the issuance of bonds and other instruments of indebtedness; providing for road and other projects; repealing chapters 21418 (1941), 24733 (1947), 26048 (1949), 27763 (1951), 30290 (1955), 67-1737, 67-1739, 67-1748, 69-1328, 83-471, 83-474, 84-486, 86-371, 87-439, and 91-347, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 619** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 669—A bill to be entitled An act relating to Pinellas County; amending chapter 90-403, Laws of Florida; increasing a civil penalty imposed under the Pinellas County Environmental Enforcement Act; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 669** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 721—A bill to be entitled An act relating to the Pine Tree Water Control District, Palm Beach County; providing that the Pine Tree Water Control District shall become a dependent district of the Village of Wellington; providing that the Village of Wellington Council members shall act as the board of supervisors of said district; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 721** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 723—A bill to be entitled An act relating to the Braden River Fire Control and Rescue District, Manatee County; amending chapter 2000-404, Laws of Florida; revising the district charter to rename the district, provide it with specified statutory powers and authority, and delete unnecessary or redundant provisions relating to the district board of commissioners, special powers of the district, and taxes, non-ad valorem assessments, impact fees, and user charges; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 723** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 725—A bill to be entitled An act relating to the Cedar Hammock Fire Control District, Manatee County; amending chapter 2000-391, Laws of Florida; conforming the district charter to chapter 191, Florida Statutes, relating to impact fees; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 725** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 733—A bill to be entitled An act relating to the Immokalee Water and Sewer District, Collier County; amending chapter 98-495, Laws of Florida; revising district boundaries; raising the threshold requiring disbursement of district funds to be by signed warrant or check; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 733** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 749—A bill to be entitled An act relating to the Holley-Navarre Fire District, Santa Rosa County; amending chapter 2004-463, Laws of Florida; providing for impact fees; providing legislative intent; providing application; requiring fee proceeds to be kept separate from other funds; providing a definition; providing that fees shall not be used for the acquisition, purchase, or construction of facilities which must be obtained in any event; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 749** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 753—A bill to be entitled An act relating to the Sebring Airport Authority, Highlands County; codifying, amending, reenacting, and repealing special acts relating to the authority; defining the powers and duties of said authority; granting to the authority power to acquire, lease, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate airport and other facilities; providing for the issuance of bonds of the authority, payable solely from funds provided therefor under the act, to pay the cost of acquiring, constructing, or reconstructing any facilities and the cost of improvements, extensions, enlargements, and equipment; granting to the authority power to acquire necessary real and personal property and to exercise the power of eminent domain; providing for the imposition and collection of charges for the use of and for the services furnished by any such facilities; authorizing the City of Sebring to make grants and conveyances to the authority; prescribing the powers and duties of the authority in connection with the foregoing and the rights and remedies of the holders of any bonds or revenue certificates issued under the provisions of this act; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 753** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 755—A bill to be entitled An act relating to the City of Lake Butler, Union County; amending chapter 63-1499, Laws of Florida, as amended; providing for numbered commission seats; providing for qualifications for office; providing for filling of seat when only one candidate qualifies; revising the qualifying period; providing an effective date.

—was read the second time by title. On motion by Senator Smith, by two-thirds vote **HB 755** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 765—A bill to be entitled An act relating to Polk County; abolishing the Peace Creek Drainage District; amending the charter of the Lake Region Lakes Management District, as reenacted and amended by chapter 2004-393, Laws of Florida; redefining the territorial boundaries of the district; clarifying eligibility to vote for members of the board of commissioners of the district; revising the authority of the district to perform certain works on its property; limiting tax assessments; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 765** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 767—A bill to be entitled An act relating to the Northern Palm Beach County Improvement District; amending chapter 2000-467, Laws of Florida; increasing terms of office of members of the board of supervisors; revising procedures for election of board members; providing a definition; providing qualifications of board members; providing for filling of vacancies; providing certain exemption from campaign financing requirements; authorizing and providing conditions for compensation of board members; revising the time for holding annual meetings; precluding use of certain publicly owned property for voting shares; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 767** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 777—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; revising provisions relating to the West Palm Beach Firefighters Pension Fund; revising definition of the term "final average salary"; revising provisions relating to permissible investments; revising provisions relating to the BackDROP; providing for loans from the BackDROP; clarifying provisions relating to benefits of the surviving spouse of a member who dies in line of duty; providing an effective date.

—was read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 777** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 783—A bill to be entitled An act relating to the Sarasota County Public Hospital District; amending chapter 2003-359, Laws of Florida; authorizing the Sarasota County Public Hospital Board to establish, operate, and maintain facilities and services outside the boundaries of the district; restricting the use of ad valorem tax funds to facilities and services within the district; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 783** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 801—A bill to be entitled An act relating to the Ponte Vedra Zoning District, St. Johns County; codifying, amending, reenacting, and repealing special acts relating to the district; providing boundaries; providing for continued merger of the Ponte Vedra Zoning Board and the Ponte Vedra Board of Adjustment into the Ponte Vedra Zoning and Adjustment Board appointed by the St. Johns County Board of County Commissioners from residents and electors of the district; providing for membership of the Ponte Vedra Zoning and Adjustment Board; providing for the powers, functions, and duties of the board; providing that the board in place of the local planning agency established pursuant to chapter 163, F.S., shall have the authority to make recommendations to the board of county commissioners in certain circumstances within the district; providing a location for hearings of the board; providing for funding; providing for frequency and calling of meetings by the board; providing severability; repealing chapters 65-2171 and 95-527, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 801** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Atwater	Bullard
Argenziano	Baker	Campbell
Aronberg	Bennett	Carlton
Clary	Hill	Pruitt
Constantine	Jones	Rich
Crist	King	Saunders
Dawson	Klein	Sebesta
Diaz de la Portilla	Lawson	Siplin
Dockery	Lynn	Smith
Fasano	Margolis	Villalobos
Garcia	Miller	Webster
Geller	Peaden	Wilson
Haridopolos	Posey	Wise

Nays—None

HB 803—A bill to be entitled An act relating to the Sanford Airport Authority, Seminole County; amending chapter 71-924, Laws of Florida; authorizing the authority to enter into contracts, leases, franchises, or other arrangements with any person or persons granting the privilege of using or improving any project of the authority, or any portion thereof of space therein, for commercial purposes; providing requirements and limitations with respect thereto; providing an effective date.

—was read the second time by title. On motion by Senator Constantine, by two-thirds vote **HB 803** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 857—A bill to be entitled An act relating to the Pal-Mar Water Control District, Palm Beach and Martin Counties; codifying, amending, reenacting, and repealing special acts relating to the district; providing boundaries; providing for a board of supervisors; providing membership, terms of office, removal from office, and powers of the board; repealing chapters 82-356 and 85-483, Laws of Florida; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 857** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 859—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry Counties; amending chapter 2000-423, Laws of Florida; authorizing the district to sell, lease, or otherwise encumber surplus real property owned by the district; providing an exception; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 859** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 899—A bill to be entitled An act relating to the Ranger Drainage District, Orange County; amending chapter 99-453, Laws of Florida; providing additional authority for limited fire control and prevention; providing for maintenance of passive recreation areas and facilities, environmental mitigation, security services, signage, and maintenance of common areas; increasing the membership of the governing board; providing for staggered terms of members; providing for a referendum; providing a ballot statement; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 899** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 923—A bill to be entitled An act relating to the St. Lucie County Fire District; establishing an exemption from payment to redevelopment trust funds created by community redevelopment agencies; providing for the St. Lucie County Fire District to appropriate to the redevelopment trust fund to the extent funds are insufficient to cover debt service on any bonds authorized and issued before the effective date of the act but not after the effective date of the act; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 923** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

HB 939—A bill to be entitled An act relating to the Panama City-Bay County Airport and Industrial District, an independent special district in Bay County; codifying, amending, reenacting, and repealing chapter 98-527, Laws of Florida, relating to the district; providing definitions; providing boundaries of the district; providing restrictions with respect to certain real estate; providing for a board of directors and its membership, quorum, travel expenses, and per diem; providing purposes of the district; providing powers of the board; providing for the issuance of bonds; exempting district property from taxation; providing severability; repealing chapter 98-527, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 939** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 957—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending ch. 24981 (1947), Laws of Florida, as amended; revising provisions applicable to the West Palm Beach Police Pension Fund; amending the definitions of "final average salary," "salary," and "service"; revising the provisions for membership; revising the member's contributions; allowing the purchase of permissive service; clarifying provisions related to credit for intervening military service; providing an effective date.

—was read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 957** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 969—A bill to be entitled An act relating to the City of Daytona Beach, Volusia County; amending chapter 2001-316, Laws of Florida, to provide that the act does not preclude the City of Daytona Beach from subleasing submerged lands underlying the historic pier; providing an effective date.

—was read the second time by title. On motion by Senator Lynn, by two-thirds vote **HB 969** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 987—A bill to be entitled An act relating to the Lake County Water Authority district; amending, codifying, reenacting, and repealing special acts relating to the district in conformity to s. 189.429, F.S.; providing district boundaries; providing purposes; providing for a governing body and prescribing its powers, duties, functions, membership, and organization; providing for partisan election of board members; providing duties of constitutional officers in Lake County with respect to the authority; providing a limit on the amount the authority may spend to educate the public regarding water issues; providing maximum millage limit; repealing chapters 29222 (1953), 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of Florida, relating to the district; providing for a referendum on whether elections to the authority shall be partisan; providing a ballot statement; providing effective dates.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **HB 987** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 999—A bill to be entitled An act relating to the Lake Shore Hospital Authority, Columbia County; amending, codifying, reenacting, and repealing chapters 24443 (1947), 25736 (1949), 30264 (1955), 61-2048, 63-1247, 65-1414, 72-509, 90-409, and 92-229, Laws of Florida, relating to the authority; providing definitions; providing for a governing body; providing for the governing body's purposes, powers, duties, and responsibilities; authorizing the issuance of revenue bonds, incidental powers, and refunding bonds; providing remedies for any holder of bonds or trustee; providing exemption of property from taxation; providing that bonds shall constitute legal investments; providing that act is complete and additional authority; providing taxing authority, including authority to levy ad valorem taxes; providing construction of act; providing severability; repealing special acts relating to the authority; providing an effective date.

—was read the second time by title. On motion by Senator Argenziano, by two-thirds vote **HB 999** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1043—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending, reenacting, repealing, and codifying chapters 63-661, 82-273, 85-385, 94-428, and 97-370, Laws of Florida, relating to the North Lauderdale Water Control District; revising district boundaries; revising the powers of the district to provide that the district may borrow money at a rate not exceeding that which is provided by law; providing that the members of the board of supervisors shall be the "city commission," rather than the "city council," of the City of North Lauderdale and that a board chair and vice chair shall be elected at each annual meeting and as necessary to fill vacancies; providing meeting notice requirements and requiring that meetings be held at a public place; providing that the City Clerk of the City of North Lauderdale shall serve as the district secretary; providing for reimbursement of supervisors for travel expenses pursuant to s. 112.061, F.S.; providing that the interest rate on bonds issued by the board not exceed the maximum rate allowed by law; providing that the interest rates on tax anticipation notes issued by the board shall not exceed the maximum rate allowed by law; deleting provision relating to payment of taxes not authorized in advance; providing for the use of non-ad valorem assessments; updating references to ch. 298, F.S.; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1043** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 1045—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Town of Davie; providing for annexation of the unincorporated area known as Pine Island Ridge; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1045** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1047—A bill to be entitled An act relating to Broward County; amending chapter 75-350, Laws of Florida, as amended; revising timeframe for municipal elections; providing dates for candidates to file paperwork; providing dates of municipal primary and general elections; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1047** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1053—A bill to be entitled An act relating to St. Lucie County; creating the St. Lucie County Research and Education Authority, an independent special district in St. Lucie County; providing definitions; providing for a governing board and powers; providing for a research and educational facilities benefit assessment; providing minimum charter requirements; providing for a referendum; providing for construction and severability; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 1053** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1077—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida; amending the powers and duties of the Canaveral Port District, an independent special district in Brevard County, to authorize the district to sell or otherwise dispose of certain real property; providing the procedure for such sale or other disposition; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1077** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1079—A bill to be entitled An act relating to the Merritt Island Public Library District, Brevard County; codifying, amending, reenacting, and repealing chapters 65-1289, 72-477, 76-330, 82-263, and 94-449, Laws of Florida, relating to the district; providing boundaries; providing for appointment of a library board; prescribing its duties, powers, and authority; providing for raising funds by taxation; providing a method of levying, collecting, and disbursing such funds; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1079** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 1153—A bill to be entitled An act relating to Pasco County Mosquito Control District, Pasco County; ratifying and confirming the creation of Pasco County Mosquito Control District pursuant to chapter 390, Florida Statutes (1951), as an independent mosquito control district; providing for a special act charter for the district pursuant to section 189.429, Florida Statutes; providing legislative intent; providing for applicability of chapters 388 and 189, Florida Statutes, and other general laws; providing for district boundaries; providing for officers, powers, rules, and a district budget; providing for liability and group insurance; providing construction; providing for severability; repealing chapter 71-839, Laws of Florida, relating to salary of board members; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 1153** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1167—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending ch. 92-341, Laws of Florida, as amended; authorizing the waiver of payment and performance bonds for the construction of a public building, for the prosecution and completion of a public work, or for repair upon a public building or public work when the cost of the project is $500,000 or less and the contract for the construction, completion, or repair is awarded pursuant to an economic development program established to encourage local small businesses to participate in City of Jacksonville procurement programs; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote **HB 1167** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1183—A bill to be entitled An act relating to the Orange County Civic Facilities Authority; codifying, reenacting, amending, and repealing chapters 71-803, 72-625, 73-569, 77-611, and 78-575, Laws of Florida, relating to the authority; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1183** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1203—A bill to be entitled An act relating to the Acme Improvement District, Palm Beach County; providing for annexation of specified area; transferring land from the Lake Worth Drainage District to the Acme Improvement District; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 1203** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1243—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising the definition of "salaries or wages" to provide for an employer pickup so that the employees in Division A may make pension contributions on a pre-tax basis; revising longevity retirement provisions to provide for a multiplier of 1.15 percent for employees in Division B; providing an effective date.

—was read the second time by title. On motion by Senator Sebesta, by two-thirds vote **HB 1243** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Dawson
Atwater	Carlton	Diaz de la Portilla
Baker	Clary	Dockery

Fasano	Lawson	Saunders
Garcia	Lynn	Sebesta
Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise

Nays—None

HB 1245—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation to issue an alcoholic beverage license to the Arts Council of Hillsborough County for use within the Tampa Theatre; providing that the license may be used for special events only; providing for payment of the license fee by the council; providing for sale of beverages for consumption within the theatre; prohibiting sales for consumption off the premises; providing that purchasers may remove partially consumed, open containers from the premises; providing for temporary transfer of the license; providing an effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 1245** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Dockery	Miller
Argenziano	Fasano	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Pruitt
Bennett	Haridopolos	Rich
Bullard	Hill	Saunders
Campbell	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lynn	Wilson
Diaz de la Portilla	Margolis	Wise

Nays—3

Baker	Carlton	Webster

HB 1253—A bill to be entitled An act relating to the Jacksonville Airport Authority, Consolidated City of Jacksonville, Duval County; amending chapter 2004-464, Laws of Florida; renaming the authority as the Jacksonville Aviation Authority; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 1253** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

Consideration of **HB 1291** was deferred.

HB 1309—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended; revising provisions of Article 22 of the charter of the City of Jacksonville, relating to the Jacksonville Police and Fire Pension Board of Trustees; revising trustees' terms of office; providing authority of the board with regard to assets of the plan; revising provisions relating to the investment and reinvestment of assets in the pension fund; providing for applicability of state law; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 1309** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1321—A bill to be entitled An act relating to the Dorcas Fire District, Okaloosa County; codifying the district's ordinances; providing intent; re-creating and providing a charter for the district; providing district boundaries; providing purposes; providing definitions; providing for the election of a district board of commissioners; providing for terms of office; providing for officers and meetings of the board; providing for commissioners' compensation and expenses; requiring a bond; providing for records; providing general and special powers of the district; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for enforcement; providing for requirements and procedures for issuance of bonds; providing for expansion and merger of the district boundaries; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1321** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1329—A bill to be entitled An act relating to the Tampa Port Authority, Hillsborough County; amending chapter 95-488, Laws of Florida; providing definitions; revising provisions relating to member-

ship of and appointment to the port authority; revising provisions relating to appointment of the port director and employment of other persons; providing an effective date.

—was read the second time by title. On motion by Senator Miller, by two-thirds vote **HB 1329** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1335—A bill to be entitled An act relating to the City of Melbourne, Brevard County; providing for extending the corporate limits of the City of Melbourne; providing for annexation of two unincorporated areas known and described as Aurora Road Area A and Aurora Road Area B; providing for elections; providing for effective dates of annexation; providing for the effects of annexation; providing for transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1335** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1355—A bill to be entitled An act relating to Broward County; amending chapter 94-429, Laws of Florida, as amended; authorizing expenditures for the purposes enumerated therein, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering goodwill toward its seaport, Port Everglades; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1355** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Dawson
Atwater	Carlton	Diaz de la Portilla
Baker	Clary	Dockery
Fasano	Lawson	Saunders
Garcia	Lynn	Sebesta
Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise

Nays—None

HB 1359—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Coral Springs and the City of Parkland; providing for the annexation of specified unincorporated areas; providing for annexation of the unincorporated area known as Country Acres; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1359** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1361—A bill to be entitled An act relating to the Performing Arts Center Authority, Broward County; codifying, reenacting, amending, and repealing special acts relating to the authority; providing that the authority is a public body, corporate and politic; providing purposes; providing membership and organization; providing definitions; providing for the method and manner of the appointment of the authority and terms of the authority's membership; providing for reimbursement of members' expenses; providing for removal of members; providing for the organization, powers, functions, financing, privileges, duties, and responsibilities of the authority; providing for competitive bidding in certain instances; authorizing the acquisition of certain property acquired by eminent domain; providing for budget approval by the Broward County Commission and the Fort Lauderdale City Commission; providing for the issuance of revenue bonds by the authority to carry out the purposes of this act; providing for sources of revenues for paying for the construction of facilities, the administrative expenses of the authority, and said revenue bonds; authorizing appropriations by the county, the city, and other governmental units in Broward County for operation and maintenance of said facilities; providing for public or private subscriptions; providing for the issuance of a license to sell alcoholic beverages for on-premise consumption; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1361** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett

Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

HB 1381—A bill to be entitled An act relating to Lee County; creating the Sanibel Public Library District, an independent special district for public library purposes in the county; providing legislative intent; providing a charter for the district; fixing boundaries of the district; providing powers; providing for a governing body, officers, budget and taxing authority, and indebtedness; providing for planning; providing for construction and severability; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1381** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1419—A bill to be entitled An act relating to Indian River Mosquito Control District, Indian River County; codifying, amending, reenacting, and repealing special acts relating to the district; fixing and prescribing the boundaries of said district; providing for the government and administration of the district; naming the commissioners thereof and providing for election of their successors; providing and defining the powers and purposes of such district and of the board of commissioners thereof; authorizing and empowering said board to construct and maintain canals, ditches, drains, and dikes and to fill depressions, lakes, ponds, or marshes in order to eliminate breeding places of mosquitoes and sandflies and to control and eradicate mosquitoes and sandflies; providing for spraying or otherwise disbursing substances and materials over the area of such district for the purpose of controlling and eradicating mosquitoes and sandflies and diseases transmitted by the same; authorizing said board to do any and all acts or things necessary for the control and complete elimination of mosquitoes and sandflies in said district; authorizing and providing for the levy and collection of taxes upon all the real and personal taxable property in said district for carrying out the purposes of this act; authorizing the borrowing by the board of commissioners of said district in any one tax year of a sum not to exceed 80 percent of the estimated taxes to be collected on behalf of said district within such year and to evidence the indebtedness represented by any money so borrowed by written obligation of the district and providing for the payment of interest thereon and for the repayment thereof prior to the borrowing of any further sums in any subsequent year; limiting the amount of taxes that may be so levied by said board upon the taxable property within such district; prohibiting injury to any works controlled under or in pursuance of this act, to be punishable as provided by general law; legalizing and validating the acts of the Indian River Mosquito Control District herewith abolished and making all contracts of said Indian River Mosquito Control District so abolished binding upon the new Indian River Mosquito Control District; authorizing and prescribing generally the powers and duties of the Board of Commissioners of said new Indian River Mosquito Control District; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1419** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1421—A bill to be entitled An act relating to Indian River Farms Water Control District, Indian River County; codifying, amending, reenacting, and repealing special acts relating to the district; providing territorial boundaries of the district; making the provisions of ch. 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; providing that the approval of the board of drainage commissioners is not required to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that water is a common enemy; providing for compensation of the board of supervisors; providing for fines for introducing pollutants into the waters of the district; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1421** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1423—A bill to be entitled An act relating to the St. Johns Water Control District, Indian River County; codifying, amending, and reenacting special acts relating to the district; fixing and prescribing boundaries

of said district; making the provisions of chapter 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the county and tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; providing that the approval of the board of drainage commissioners is not required to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that the board may enter into certain covenants and agreements with holders of bonds; providing that water is a common enemy; providing for compensation of the board of supervisors; providing for the levy of fines for the introduction of pollutants into the waters of the district; providing additional powers of the board; providing for severability of the provisions of the act; repealing chapters 65-812 and 69-1162, Laws of Florida, relating to the district; providing an effective date.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1423** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1425—A bill to be entitled An act relating to the Technological Research and Development Authority, Brevard County; codifying, amending, reenacting, and repealing special acts relating to the district; providing purposes of the authority; setting a commission to govern the authority; prescribing the duties and responsibilities of the commission and terms of office; providing a procedure for the appointment of the commission; providing for liberal construction; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Posey, by two-thirds vote **HB 1425** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1429—A bill to be entitled An act relating to Manatee and Sarasota Counties; creating within portions of such counties the "Lakewood Ranch Stewardship District Act"; providing a popular name; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing that the exercise of the special powers by the district within Manatee and Sarasota Counties is limited until such time as the district enters into an interlocal agreement with the respective county; providing for required notices to purchasers of residential units within the district; providing severability; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 1429** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1433—A bill to be entitled An act relating to the Hobe-St. Lucie Conservancy District, Martin County; codifying, amending, reenacting, and repealing chapter 88-514, Laws of Florida, relating to the district; providing legislative intent; providing boundaries; providing powers; providing for a referendum to expand territorial boundaries; providing effective dates.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 1433** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1477—A bill to be entitled An act relating to Broward County; providing for the extension of corporate limits of the City of Cooper City and the Town of Davie; providing for annexation of the unincorporated area known as "United Ranches"; providing for annexation of the area known as "Rio Ranches Neighborhood"; providing for an election; providing for an effective date of annexation; providing for interlocal agreement; providing for continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1477** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1479—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; codifying, amending, reenacting, and repealing chapters 71-580, 84-398, 85-387, 87-505, 89-440, 91-353, 92-245, 94-445, and 96-537, Laws of Florida, relating to the district; providing legislative intent; deleting gender-specific references; providing a district charter; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (224188)—On lines 1128 and 1129, delete those lines and insert: *therefrom shall be expended, the rate or rates of interest which may not exceed the rate allowed by general law, the denomination of the bonds,*

On motion by Senator Campbell, by two-thirds vote **HB 1479** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1487—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; providing for codification of special laws relating to the Spring Lake Improvement District, a special tax district; providing legislative intent; codifying, reenacting, amending, and repealing chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida,; providing for minimum charter requirements; providing for provision of other laws made applicable; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 1487** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1515—A bill to be entitled An act relating to the Board of Trustees of Bay Medical Center, Bay County; codifying, amending, reenacting, and repealing chapters 23183 (1945), 27396 (1951), 30578 (1955), 57-1140, 59-1073, 61-1871, 61-1876, 93-375, and 95-510, Laws of Florida, relating to the Board of Trustees of Bay Medical Center, an independent special district of the State of Florida; providing legislative intent for the ratification and confirmation of the establishment of the district; ratifying the appointments and terms of existing members of the board; deleting obsolete language; providing alternative methods for disbursing and receiving funds of the board; confirming inapplicability of the Administrative Procedure Act; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1515** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1537—A bill to be entitled An act relating to Walton County; creating the Glendale Fire District, an independent special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing powers, duties, and responsibilities of the board; preserving the authority to levy non-ad valorem special assessments; providing for impact fees; authorizing the board to levy special assessments; providing legislative intent; providing duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow

money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for construction and effect; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1537** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1555—A bill to be entitled An act relating to the Hastings Drainage District, Putnam and St. Johns Counties; codifying, amending, reenacting, and repealing chapters 7969 (1919), 8880 (1921), 10671 (1925), 13654 (1929), 15616 (1931), 17978 (1937), 27310 (1951), 28382 (1953), 81-481, 88-511, and 89-514, Laws of Florida, relating to the district; providing for the continuation without interruption of the district and its boundaries as previously created and established; providing for membership of the Hastings Drainage District Board; providing for the powers, functions, and duties of the district; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote **HB 1555** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1657—A bill to be entitled An act relating to the Downtown Development Authority of the City of Fort Lauderdale, Broward County; codifying, amending, reenacting, and repealing chapters 65-1541, 67-1385, 69-1056, 75-371, 80-501, 85-393, 87-507, 89-431, 92-247, 93-392, and 95-531, Laws of Florida; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 1657** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1677—A bill to be entitled An act relating to the Avalon Beach-Mulat Fire Protection District, Santa Rosa County; codifying, amending, reenacting, and repealing the special acts pertaining to the Avalon Beach-Mulat Fire Protection District; providing definitions; requiring the board to make annual reports; repealing chapters 80-608, 82-378, 82-379, and 91-392, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1677** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1685—A bill to be entitled An act relating to the Bay County Law Library; codifying, amending, reenacting, and repealing chapters 69-835, 75-328, 96-464, and 96-530, Laws of Florida, relating to the Bay County Law Library; providing legislative intent; providing a governing body; providing that the district is a dependent district; providing a district charter; eliminating obsolete provisions; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1685** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 1705—A bill to be entitled An act relating to Lake County; amending chapter 93-358, Laws of Florida; revising provisions governing career service with the Lake County Sheriff's Office; revising definitions; deleting provisions relating to the establishment of divisions within the office; providing effect of voluntary and involuntary termination of employment on career service status; authorizing demotion of certain employees without cause; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **HB 1705** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1707—A bill to be entitled An act relating to Trailer Estates Fire Control District, Manatee County; amending, codifying, reenacting, and repealing chapters 63-1587, 65-1894, 65-1895, 72-613, 80-534, 82-323, 84-473, 94-373, and 95-503, Laws of Florida, relating to the district; providing boundaries of the district; providing for a board of commissioners; providing for election and organization of the board; providing powers and duties of the board; providing for a special assessment; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the board; providing for filling vacancies; providing for bonds; providing for severability; amending chapter 93-352, Laws of Florida, to remove a reference; providing an effective date.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 1707** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1793—A bill to be entitled An act relating to Alligator Point Water Resources District, Franklin County; codifying, amending, reenacting, and repealing chapters 63-1350 and 85-414, Laws of Florida; providing legislative intent; providing definitions; providing that the district may provide sewer and wastewater collection and disposal services; providing severability; providing construction; providing for annexation; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Lawson, by two-thirds vote **HB 1793** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1829—A bill to be entitled An act relating to Holmes County; amending chapter 30843, Laws of Florida (1955), as amended, relating to the Holmes County Hospital Corporation; revising provisions relating to the corporation's issuance of bonds to construct and erect a new hospital facility in Holmes County; repealing various provisions of said chapter; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1829** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1291—A bill to be entitled An act relating to the Key Largo Fire Rescue and Emergency Medical Services District, Monroe County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of district personnel; providing for election of board officers; providing for compensation, oath, and bonds of commissioners; providing for powers, duties, and responsibilities of the board; providing for ad valorem taxes; providing a cap on the rate of taxation; providing for user charges; providing for impact fees; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances; authorizing the district to appoint a fire marshal; authorizing the district to conduct inspections, establish and operate fire, rescue, and emergency medical services; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability

for officers, agents, and employees; providing for district expansion; providing for construction and effect; providing for an exclusive charter; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 1291** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 225—A bill to be entitled An act relating to the Florida Keys Aqueduct Authority, Monroe County; providing for codification of special laws relating to the Florida Keys Aqueduct Authority; providing legislative intent; codifying, repealing, amending, and reenacting chapters 76-441, 77-604, 77-605, 80-546, 83-468, 84-483, 84-484, 86-419, 87-454, 98-519, 2003-304, and 2003-327, Laws of Florida; providing for liberal construction; providing a savings clause in the event any provision of the act is deemed invalid; providing for a referendum; providing, subject to referendum approval, for the board of directors to be elected; providing effective dates.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 225** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

HB 1659—A bill to be entitled A bill to be entitled An act relating to parental notification of termination of a minor's pregnancy; amending s. 390.01115, F.S.; providing a popular name; providing definitions; providing that actual notice shall be given by the physician who will perform the termination of pregnancy procedure; providing for written notice in certain circumstances; specifying information required to be included in notices; providing circumstances in which prior notice is not required; providing that violation of the notice requirements by physicians shall be considered medical malpractice; providing procedures for judicial waiver of notice; providing circumstances under which certain circuit courts may grant a petition for a judicial waiver of notice; providing for the appointment of a guardian ad litem and counsel; providing time requirements for court proceedings; requiring written transcripts of certain proceedings; providing for confidentiality; providing for the availability of an appeal under certain circumstances; waiving filing fees and court costs for certain minors; relieving counties of certain counsel costs; requiring the Supreme Court to ensure certain proceedings are conducted expeditiously and lawfully; providing an effective date.

—which was previously considered May 4 with pending **Amendment 1 (245870)** by Senator Dockery and **Amendment 1A (480528)** by Senator Dockery.

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senators Campbell, Smith and Dockery offered the following substitute amendment for **Amendment 1A** which was moved by Senator Campbell and adopted by two-thirds vote:

Amendment 1B (090914)—On page 1, line 25 through page 2, line 1, delete those lines and insert:

(a) "Actual notice" means notice that is given directly, in person or by telephone, to a parent or legal guardian of a minor, by a physician, at least 48 hours before the inducement or performance of a termination of pregnancy, and documented in the minor's files.

(b) "Child abuse" has the same meaning as s. 39.0015(3).

(c) "Constructive notice" means notice that is given in writing, signed by the physician, and mailed at least 72 hours before the inducement or performance of the termination of pregnancy, to the last known address of the parent or legal guardian of the minor, by certified mail, return receipt requested, and delivery restricted to the parent or legal guardian. After the 72 hours have passed, delivery is deemed to have occurred .

Senator Dockery moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1C (435316)(with title amendment)—On page 2, lines 13-25, delete those lines and insert:

(a) Actual notice shall be provided by the physician performing or inducing the termination of pregnancy before the performance or inducement of the termination of the pregnancy of a minor. The notice may be given by a referring physician. The physician who performs or induces the termination of pregnancy must receive the written statement of the referring physician certifying that the referring physician has given notice. If actual notice is not possible after a reasonable effort has been made, the physician performing or inducing the termination of pregnancy or the referring physician must give constructive notice. Notice given under this subsection by the physician performing or inducing the termination of pregnancy must include the name and address of the facility providing the termination of pregnancy, the name of the physician providing notice. Notice given under this subsection by a referring physician must include the name and address of the facility where he or she is referring the minor and the name of the physician providing notice. If actual notice is provided by telephone, the physician must actually speak with the parent or guardian, and must record in the minor's medical file the name of the parent or guardian provided notice, the phone number dialed, and the date and time of the call. If constructive notice is given, the physician must document that notice by placing copies of any document related to the constructive notice, including, but not limited to, a copy of the letter and the return receipt, in the minor's medical file.

And the title is amended as follows:

On page 6, delete line 22 and insert: requiring certain information to be recorded in the medical file of the minor; providing exceptions to the notice requirements; prescribing a procedure

Senator Dockery moved the following amendment to **Amendment 1**:

Amendment 1D (674990)—On page 3, delete line 14 and insert:

(a) A minor may petition any circuit court in the judicial circuit in which she resides for a

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following substitute amendment for **Amendment 1D** which was adopted by two-thirds vote:

Amendment 1E (303116)—On page 3, delete line 14 and insert:

(a) A minor may petition any circuit court in a judicial circuit within the jurisdiction of the District Court of Appeal in which she resides for a

MOTION

On motion by Senator Dockery, the rules were waived to allow the following amendment to be considered:

Senator Dockery moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1F (083178)—On page 5, lines 19-24, delete those lines and insert: *consistent with this act. The Supreme Court is also requested to adopt rules to ensure that the hearings protect the minor's confidentiality and the confidentiality of the proceedings.*

MOTION

On motion by Senator Dawson, the rules were waived to allow the following amendment to be considered:

Senator Dawson moved the following amendment to **Amendment 1** which failed to receive the required two-thirds vote:

Amendment 1G (910976)(with title amendment)—On page 5, after line 31, insert:

(7) No provision in this section may be superseded by a rule or action of the executive branch, including but not limited to any state executive agency.

And the title is amended as follows:

On page 7, line 5, after the semicolon (;) insert: prohibiting executive actions in contravention of s. 390.01114, F.S.

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Dockery, **HB 1659** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Miller
Aronberg	Dockery	Peaden
Atwater	Fasano	Posey
Baker	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	King	Villalobos
Constantine	Klein	Webster
Crist	Lawson	Wise

Nays—3

Margolis	Rich	Wilson

Vote after roll call:

Yea to Nay—Dawson

RECONSIDERATION OF BILL

On motion by Senator Argenziano, the Senate reconsidered the vote by which—

HB 315—A bill to be entitled An act relating to home inspection services; creating s. 501.935, F.S.; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting from duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; providing an effective date.

—as amended passed this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Argenziano, the rules were waived and the Senate reconsidered the vote by which **Amendment 3** and **Amendment 3A** were adopted on May 4. **Amendment 3A** was withdrawn.

Senator Bennett moved the following amendment to **Amendment 3** which was adopted by two-thirds vote:

Amendment 3B (881062)—On page 6, line 31 through page 7, line 2, delete those lines and insert:

(8) ENFORCEMENT OF VIOLATIONS.—Subject to the exceptions set forth in s. 501.212, a violation of this section may constitute a deceptive and unfair trade practice, which may be remedied as provided in part II of this chapter.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment to **Amendment 3** which was adopted by two-thirds vote:

Amendment 3C (870468)—On page 10, lines 20-22, delete those lines and insert:

(7) ENFORCEMENT OF VIOLATIONS.—Subject to the exceptions set forth in s. 501.212, a violation of this section may constitute a deceptive and unfair trade practice, which may be remedied as provided in part II of this chapter.

Amendment 3 as amended was adopted by two-thirds vote.

On motion by Senator Argenziano, **HB 315** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Senate resumed consideration of—

HB 1717—A bill to be entitled An act relating to agriculture; amending s. 193.451, F.S.; clarifying the value for purpose of assessment for ad valorem taxes of certain property leased by the Department of Agriculture and Consumer Services; providing intent for retroactive application; amending ss. 372.921 and 372.922, F.S.; conforming provisions relating to regulatory authority over the possession, control, care, and maintenance of bison; creating s. 450.175, F.S.; providing a part title; repealing s. 450.211, F.S., relating to the advisory committee for the Legislative Commission on Migrant Labor; amending s. 487.2031, F.S.; revising definition of the term "material safety data sheet" for purposes

of the Florida Agricultural Worker Safety Act; creating s. 487.2042, F.S.; providing for investigation of complaints; providing criteria for the commencement of an investigation; providing for exemption from civil liability under certain circumstances; providing penalties for making a false complaint; amending s. 502.014, F.S.; deleting a duty of the department relating to issuance of a temporary marketing permit for milk and milk products and a fee therefor; amending s. 502.091, F.S.; deleting reference to a milk type no longer produced; amending s. 503.011, F.S.; updating a reference in the definition of "frozen desserts"; amending s. 531.39, F.S.; deleting an outdated reference relating to state standards for weights and measures; amending s. 531.47, F.S.; revising provisions relating to packages on which information is required; amending s. 531.49, F.S.; revising provisions relating to advertising packaged commodities; amending s. 570.07, F.S.; clarifying the power of the department relating to standards and fines; providing an additional power of the department; creating s. 570.076, F.S.; authorizing the department to adopt rules establishing the Environmental Stewardship Certification Program; providing program standards; providing requirements for receipt of an agricultural certification; authorizing the Soil and Water Conservation Council to develop and recommend additional criteria; authorizing the department and the Institute of Food and Agricultural Sciences at the University of Florida to develop, deliver, and certify completion of a curriculum; authorizing agreements with third-party providers to administer or implement the program; amending s. 570.9135, F.S.; correcting a reference; amending s. 570.952, F.S.; revising the membership of the Florida Agriculture Center and Horse Park Authority; providing criteria for expiration of terms; deleting requirement of submission of information to the Legislature; amending s. 581.011, F.S.; defining the term "invasive plant"; amending s. 581.083, F.S.; prohibiting the cultivation of nonnative plants for purposes of fuel production or purposes other than agriculture in plantings greater than a specified size, except under a special permit issued by the department; providing an exemption; requiring application for a special permit and a fee therefor; requiring an applicant to show proof of security through a bond or certificate of deposit; defining the term "certificate of deposit"; requiring removal and destruction of plants under certain circumstances; specifying circumstances under which the department may issue a final order for plant removal and destruction; requiring reimbursement of costs and expenses for plant removal and destruction by the department; providing requirements for maintenance of a bond or certificate of deposit by a permitholder; providing requirements relating to assignment and cancellation of a bond or certificate of deposit; authorizing requirement for an annual bond or certificate of deposit and an increase or decrease in the amount of security required; authorizing the department to verify statements and accounts with respect to cultivated acreage; providing for suspension or revocation of a special permit under certain circumstances; amending s. 585.002, F.S.; providing for department regulatory authority over the possession, control, care, and maintenance of bison; providing an exception; amending s. 590.125, F.S.; clarifying liability with respect to prescribed burning; providing severability; providing an effective date.

—which was previously considered this day. Pending **Amendment 2 (702180)** by Senator Argenziano was adopted by two-thirds vote.

On motion by Senator Smith, **HB 1717** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1697—A bill to be entitled An act relating to motor vehicles; amending s. 61.13016, F.S.; revising provisions for suspension of the driver's license of certain support obligors who are delinquent in payment; providing for set-aside of the suspension upon a showing of good cause; defining "good cause"; amending s. 261.03, F.S.; redefining the term "off-highway vehicle" to include a two-rider ATV; defining the term "two-rider ATV"; amending s. 316.003, F.S.; defining the term "traffic signal preemption system"; amending s. 316.006, F.S.; providing for interlocal agreements between municipalities and counties transferring traffic regulatory authority; amending s. 316.074, F.S.; requiring hearing for violations of traffic control devices resulting in a crash; amending s. 316.075, F.S.; requiring hearing for specified violations of traffic control signal devices resulting in a crash; amending s. 316.0775, F.S.; providing that the unauthorized use of a traffic signal preemption device is a moving violation; amending s. 316.122, F.S.; providing for the right-of-way for certain passing vehicles; creating s. 316.1576, F.S.; prohibiting driving through a railroad-highway grade crossing that does not have sufficient space or clearance; providing a penalty; creating s. 316.1577, F.S.; prohibiting employer from allowing, requiring, permitting, or authorizing certain violations pertaining to railroad-highway grade crossings; providing a penalty; amending s. 316.183, F.S.; increasing the minimum speed limit on interstate highways under certain circumstances; amending s. 316.1932, F.S.; revising the requirements for printing the notice of consent for sobriety testing on a driver's license; amending s. 316.1936, F.S., relating to possession of open containers of alcohol; removing an exemption provided for passengers of a vehicle operated by a driver holding a Class D driver's license; amending s. 316.194, F.S.; authorizing traffic accident investigation officers to remove vehicles under certain circumstances; amending s. 316.1967, F.S.; providing that an owner of a leased vehicle is not responsible for a parking ticket violation in certain circumstances; amending s. 316.2074, F.S.; redefining the term "all-terrain vehicle" to include a two-rider ATV; amending s. 316.2095, F.S.; revising equipment requirements for operating motorcycles; providing penalties; amending s. 316.212, F.S.; authorizing local governments to enact more restrictive golf cart equipment and operation regulations; requiring public notification; providing for enforcement jurisdiction; providing penalties; amending s. 316.2126, F.S.; providing for application of local golf cart equipment and operation regulations to golf cart and utility vehicle use by municipalities; amending s. 316.302, F.S.; updating a reference to the Code of Federal Regulations relating to commercial motor vehicles; amending s. 316.3045, F.S.; revising restrictions on the operation of radios or other soundmaking devices in motor vehicles; providing penalties; amending s. 316.605, F.S.; clarifying that portion of a license plate which must be clear and plainly visible; amending s. 316.613, F.S.; eliminating authorization for the Department of Highway Safety and Motor Vehicles to expend certain funds for promotional purposes; creating s. 316.6131, F.S.; authorizing the department to expend certain funds for public information and education campaigns; amending s. 316.650, F.S.; providing exceptions to a prohibition against using citations as evidence in a trial; amending s. 317.0003, F.S.; defining the term "off-highway vehicle" to include a two-rider ATV; providing a definition; amending ss. 317.0004, 317.0005, and 317.0006, F.S.; conforming references; amending s. 317.0007, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue a validation sticker as an additional proof of title for an off-highway vehicle; providing for the replacement of lost or destroyed off-highway vehicle validation stickers; providing for disposition of fees; repealing s. 317.0008(2), F.S., relating to the expedited issuance of duplicate certificates of title for off-highway vehicles; amending ss. 317.0010, 317.0012, and 317.0013, F.S.; conforming references; creating s. 317.0014, F.S.; establishing procedures for the issuance of a certificate of title for an off-highway vehicle; providing duties of the Department of Highway Safety and Motor Vehicles; providing for a notice of lien and lien satisfaction; creating s. 317.0015, F.S.; providing for the applicability of certain provisions of law to the titling of off-highway vehicles; creating s. 317.0016, F.S.; providing for the expedited issuance of titles for off-highway vehicles; creating s. 317.0017, F.S.; prohibiting specified actions relating to the issuance of titles for off-highway vehicles; providing a penalty; creating s. 317.0018, F.S.; prohibiting the transfer of an off-highway vehicle without delivery of a certificate of title; prescribing other violations; providing a penalty; amending s. 318.1215, F.S.; clarifying that funds from the Dori Slosberg Driver Education Safety Act be used for driver education programs in schools; requiring that funds be used for enhancement of driver education program funds; providing program requirements; amending s. 318.14, F.S.; authorizing the department to modify certain actions to suspend or revoke a driver's license following notice of final disposition; providing that certain citation procedures and proceedings apply to persons who do not hold a commercial driver's license;

providing penalties for certain traffic infractions requiring a mandatory hearing; providing for distribution of moneys collected; requiring audit of certain funds; amending s. 318.21, F.S.; providing for distribution of specified civil penalties by county courts; amending s. 319.23, F.S.; requiring a licensed motor vehicle dealer to notify the Department of Highway Safety and Motor Vehicles of a motor vehicle or mobile home taken as a trade-in; requiring the department to update its title record; amending s. 319.27, F.S.; correcting an obsolete cross-reference; amending s. 320.02, F.S.; authorizing the department to withhold motor vehicle registration or renewal of registration when notified by a dealer of unpaid registration and titling fees; requiring the motor vehicle dealer to maintain certain signed evidence and information; providing for dispute of dealer's claim of unpaid fees; amending s. 320.06, F.S.; providing for a credit or refund when a registrant is required to replace a license plate under certain circumstances; amending s. 320.0601, F.S.; requiring that a registration or renewal of a long-term leased motor vehicle be in the name of the lessee; amending s. 320.0605, F.S.; exempting a vehicle registered as a fleet vehicle from the requirement that the certificate of registration be carried in the vehicle at all times; amending s. 320.08058, F.S.; revising distribution and authorized uses of revenues from the United We Stand and Animal Friend specialty license plates; amending s. 320.0843, F.S.; requiring that an applicant's eligibility for a disabled parking plate be noted on the certificate; amending s. 320.089, F.S.; allowing retired members of the United States Armed Forces Reserve to be issued U.S. Reserve license plates; amending s. 320.131, F.S.; authorizing the department to provide for an electronic system for motor vehicle dealers to use in issuing temporary license plates; providing a penalty; authorizing the department to adopt rules; amending s. 320.18, F.S.; authorizing the department to cancel the vehicle or vessel registration, driver's license, or identification card of a person who pays certain fees or penalties with a dishonored check; amending s. 320.27, F.S.; requiring dealer principals to provide certification of completing continuing education under certain circumstances; requiring motor vehicle dealers to maintain records for a specified period; providing for denial, suspension, or revocation of a motor vehicle dealer's license for failure to maintain evidence of notification to the owner or coowner of a vehicle regarding unpaid registration and titling fees; providing certain penalties; amending s. 320.77, F.S.; providing that mobile home dealers may provide a cash bond or letter of credit in lieu of a required surety bond; creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature; amending s. 322.01, F.S.; redefining the terms "commercial motor vehicle" and "out-of-service order"; providing the definition of conviction applicable to offenses committed in a commercial motor vehicle; amending s. 322.05, F.S.; removing requirements for a Class D driver's license; amending s. 322.051, F.S.; revising provisions relating to the application for an identification card; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.07, F.S.; removing requirements for a Class D driver's license; amending s. 322.08, F.S.; providing that a United States passport is an acceptable proof of identity for purposes of obtaining a driver's license; providing that a naturalization certificate issued by the United States Department of Homeland Security is an acceptable proof of identity for such purpose; providing that specified documents are acceptable as proof of nonimmigrant classification; removing prescribed purpose of funds collected from a voluntary contribution option on driver's license applications associated with hearing research; amending s. 322.09, F.S.; requiring the signature of a secondary guardian on a driver's license application for a minor under certain circumstances; amending s. 322.11, F.S.; providing for notice to a minor before canceling the minor's license due to the death of the person who cosigned the initial application; amending s. 322.12, F.S.; removing requirements for a Class D driver's license; amending s. 322.135, F.S.; revising requirements for the deposit of certain fees for a driver's license; revising requirements for the tax collector in directing a licensee for examination or reexamination; requiring county officers to pay certain funds to the State Treasury by electronic funds transfer within a specified period; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver's license may not be waived under ch. 761, F.S.; amending s. 322.161, F.S.; removing requirements for a Class D driver's license; amending s. 322.17, F.S., relating to duplicate and replacement certificates; conforming a cross-reference; amending s. 322.18, F.S.; revising the expiration period for driver's licenses issued to specified persons; conforming cross-references; amending s. 322.19, F.S., relating to change of address or name; conforming cross-references; amending s. 322.21, F.S.; removing requirements for a Class D driver's license; requiring the department to set a fee for a hazardous-materials endorsement; providing maximum fee amount; authorizing the department to adopt rules; amending s. 322.212, F.S.; providing an additional penalty for giving false information when applying for a commercial driver's license; amending s. 322.22, F.S.; authorizing the department to cancel any identification card, vehicle or vessel registration, or fuel-use decal of a licensee who pays certain fees or penalties with a dishonored check; amending s. 322.251, F.S.; removing requirements for a Class D driver's license; amending s. 322.2615, F.S.; revising provisions related to notice and review procedures for administrative suspension of driver's licenses; revising notice information; clarifying review procedures; amending s. 322.27, F.S.; correcting a cross-reference relating to points assigned for littering violations; assigning point value for a conviction of specified violations of a traffic control device or traffic control signal device resulting in a crash; amending s. 322.30, F.S.; removing the requirements for a Class D driver's license; amending s. 322.53, F.S.; removing requirements for a Class D driver's license; removing a requirement that certain operators of a commercial motor vehicle obtain a specified license; amending s. 322.54, F.S.; revising the classification requirements for certain driver's licenses; deleting requirements for a Class D driver's license; amending s. 322.57, F.S.; providing testing requirements for school bus drivers; removing certain license restriction requirements; amending s. 322.58, F.S.; deleting requirements for a Class D driver's license and changing those requirements to a Class E driver's license; amending and reenacting s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; providing an exception; removing requirements for a Class D driver's license; amending s. 322.63, F.S.; clarifying provisions governing alcohol and drug testing for commercial motor vehicle operators; amending s. 322.64, F.S., and reenacting s. 322.64(14), F.S., relating to citation procedures and proceedings, to incorporate the amendment to s. 322.61, F.S., in a reference thereto; providing for a temporary permit issued following certain DUI offenses to apply only to the operation of noncommercial vehicles; amending s. 338.155, F.S.; exempting from payment of toll any person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty; creating s. 549.102, F.S.; authorizing temporary overnight parking during a motorsports event at a motorsports entertainment complex; exempting such parking from regulations relating to recreational vehicle parks; providing for application of health agency requirements; amending s. 713.78, F.S.; revising provisions relating to the placement of a wrecker operator's lien against a motor vehicle; amending s. 768.28, F.S.; providing that certain medical professionals volunteering for Florida Highway Patrol service are considered employees of the state for sovereign immunity purposes; amending s. 843.16, F.S.; prohibiting the transportation of radio equipment that receives signals on frequencies used by this state's law enforcement officers or fire rescue personnel; redefining the term "emergency vehicle" to include any motor vehicle designated as such by the fire chief of a county or municipality; revising penalties; providing effective dates.

—as amended May 4 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Sebesta, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (950742)** as amended was adopted on May 4.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senators Webster and King offered the following amendment to **Amendment 1** which was moved by Senator Webster and adopted by two-thirds vote:

Amendment 1B (465312)—On page 11, line 10, after the period (.) insert: *An ordinance referred to in this section must apply only to an unlicensed driver.*

MOTION

On motion by Senator Sebesta, the rules were waived to allow the following amendment to be considered:

Senator Sebesta moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1C (765394)(with title amendment)—On page 109, line 8 through page 113, line 31, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 133, lines 8-12, delete those lines

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Sebesta, **HB 1697** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

SB 1820—A bill to be entitled An act relating to golf cart regulations; amending s. 316.212, F.S.; granting local jurisdictions the authority to enact ordinances governing the use of golf carts which are more restrictive than state law; amending s. 316.2126, F.S.; requiring that the use of golf carts upon any state, county, or municipal road located within a local jurisdiction be in compliance with local ordinances governing the use of golf carts; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senators Webster and King offered the following amendment which was moved by Senator Webster and adopted by two-thirds vote:

Amendment 1 (124618)—On page 4, line 9, after the period (.) insert: *An ordinance referred to in this section must apply only to an unlicensed driver.*

On motion by Senator Klein, **SB 1820** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1231—A bill to be entitled An act relating to dealers in agricultural products; amending s. 604.15, F.S.; revising definitions; expanding the list of products covered by the law; defining the terms "negotiating broker" and "producer's agent"; amending s. 604.16, F.S.; revising exceptions to provisions regulating dealers; amending s. 604.18, F.S., relating to applications for dealer licensure; requiring dealers to provide mailing and location address information; requiring dealers to provide certain information relating to the dollar amount of business done or to be done; amending s. 604.19, F.S.; providing requirements relating to cancellation of a bond or certificate of deposit; increasing license fees and delinquent renewal penalties; amending s. 604.20, F.S.; increasing the minimum amount of a bond or certificate of deposit for licensure; providing a calculation for the amount of a bond or certificate of deposit; adding requirements relating to bond or certificate of deposit assignment or agreement; authorizing the Department of Agriculture and Consumer Services to issue a conditional license under certain conditions; amending s. 604.21, F.S.; increasing the minimum claim amount and requiring a complaint filing fee; providing requirements for submission of a complaint and payment for multiple claims; authorizing a dealer in agricultural products to file a complaint against another dealer in agricultural products; limiting the time a complaint may be held in abeyance; authorizing review of a final order; clarifying distribution of bond or certificate of deposit proceeds; amending s. 604.22, F.S.; revising recordkeeping requirements of licensees; clarifying application of provisions; amending ss. 604.23 and 604.25, F.S.; clarifying application of provisions; amending s. 604.30, F.S.; clarifying that a violator of provisions regulating dealers in agricultural products may be a person, partnership, corporation, or other business entity; increasing the maximum administrative fine and the fine for continued violation of an administrative order; providing an appropriation and authorizing full-time equivalent positions; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **HB 1231** was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

RECESS

On motion by Senator Pruitt, the Senate recessed at 2:38 p.m. to reconvene at 3:08 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 4:02 p.m. A quorum present—40:

Mr. President	Constantine	King
Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders

Sebesta Villalobos Wilson
Siplin Webster Wise
Smith

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Conference Committee on Growth Management was granted permission to meet this day from 5:00 p.m. until completion to consider **CS for CS for CS for SB 360**.

MOTIONS

On motion by Senator Pruitt, the rules were waived to allow the Conference Committee Report on **CS for CS for CS for SB 360** to be considered two hours after copies are made available.

BILLS ON THIRD READING, continued

CS for CS for SB 2542—A bill to be entitled An act relating to the state judicial system; amending s. 27.40, F.S., relating to circuit registries for court-appointed counsel; requiring that an attorney enter into a contract to be included on the registry; revising requirements for private court-appointed counsel; requiring that data be compiled on the race, sex, and ethnicity of attorneys within a specified circuit for a limited time; requiring the Justice Administrative Commission to approve uniform procedures and forms for use in billing for an attorney's fees, costs, and related expenses; requiring that a withdrawal order be filed with the commission; providing that withdrawal from a case creates a rebuttable presumption of nonentitlement to the entire flat fee; authorizing the Justice Administrative Commission to review certain records; amending s. 27.42, F.S.; requiring that the circuit Article V indigent services committee establish the compensation rates for court-appointed counsel or in cases of indigency; providing a limitation on the rates; requiring each committee to establish a schedule of allowances for due-process expenses; authorizing alternate models for providing criminal and civil due-process representation; requiring that the expenses for representing indigent persons be appropriated in a separate category within the Justice Administrative Commission rather than paid from funds appropriated for use by the public defenders; amending s. 27.52, F.S., relating to the determination of indigent status; providing for application to the clerk of court for such a determination and appointment of a public defender; prescribing duties of the clerk and the public defender relating to an application; prescribing application requirements and review criteria; providing for review by the court of a clerk's determination; authorizing the court to determine a person indigent for costs and eligible for payment of due-process expenses; requiring certain parents or legal guardians to furnish legal services and costs; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for the provision of false information; amending s. 27.5304, F.S.; providing that court-appointed counsel use uniform contract, procedures, and forms in certain circumstances; authorizing the Justice Administrative Commission to pay attorney's fees without court approval under certain conditions; requiring the attorney to provide the commission with advance notice of a court hearing on payment of fees and costs; authorizing the commission to participate in such hearings telephonically; eliminating a requirement for the Article V Indigent Services Advisory Board to make recommendations on compensation of private court-appointed counsel; providing that private court-appointed counsel is entitled to compensation upon final disposition of the case; providing exceptions; specifying intervals other than final disposition of a case at which private court-appointed counsel may request payment; clarifying a prohibition against allowing an attorney who is not on the registry to appear; restricting the reimbursement allowed for the preparation of invoices; requiring the Justice Administrative Commission to develop a schedule to provide partial payment for attorney fees under certain circumstances; amending s. 27.54, F.S.; requiring that the county or municipality pay certain costs for due-process services; prescribing assessment of fees to recover such costs; amending s. 28.24, F.S.; requiring that the clerk of the court provide copies to public guardians, attorneys ad litem, and court-appointed counsel paid by the state; requiring clerks of the court to participate in the Comprehensive Case Information System by a certain date; designating the custodian of official records; providing that official records are county property; amending s. 28.2402, F.S.; prohibiting the circuit court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions from the filing fee; excluding unincorporated areas of certain consolidated governments from the term "municipality" for purposes of sharing with the clerk certain fines from local ordinance violations; amending s. 28.245, F.S.; requiring that the clerks of the court remit collections to the Department of Revenue within a specified period; amending s. 28.246, F.S.; conforming a reference; revising provisions authorizing an individual to enter into a payment plan for the payment of fees, costs, or fines; providing for the court to review the payment plan; amending s. 28.345, F.S.; exempting certain court staff, public guardians, attorneys ad litem, and court-appointed counsel from the payment of fees and charges assessed by the clerk of the circuit court; amending s. 28.35, F.S.; requiring the Florida Clerks of Court Operations Committee to report on additional budget funding authority provided to a clerk; amending s. 28.36, F.S.; revising the date for the county clerk to submit a proposed budget; conforming a reference to the Florida Clerks of Court Operations Corporation; conforming a reference to the Chief Financial Officer; conforming a cross-reference; providing for identification of ineligible expenditures by the clerks of court; requiring the clerks to reimburse ineligible expenditures to the Clerks of Court Trust Fund; authorizing legislative budget commission to approve adjustments to the clerk's budget for court-related duties under certain conditions; amending s. 28.37, F.S.; expanding the types of excess funds that clerks of the court must remit to the Department of Revenue over the amount needed to meet approved budgets; creating s. 28.44, F.S.; providing a method by which the clerk of court may discontinue or substantially modify court-related functions; providing a definition; amending s. 29.004, F.S.; providing for state appropriations to be used for expert witnesses who are appointed by the court rather than requested by any party; amending s. 29.007, F.S.; providing for state funds to be used in providing mental health professionals in certain civil cases; clarifying the use of state funds at the trial or appellate level to pay certain costs on behalf of a litigant who is indigent; amending s. 29.008, F.S.; requiring that the county where the appellate district is located fund the appellate division of the public defender's office; expanding the definition of the term "facility" to include items necessary for court-reporting services; narrowing a limitation on the application of certain requirements to specified facilities; including hearing rooms within those facilities funded by the county as a court-related function; including audio equipment within county-funded communications services; creating s. 29.0081, F.S.; authorizing counties and judicial circuits to agree to the funding of personnel positions for the circuit; providing requirements for such agreements; providing for the effect and limitation of such agreements; amending s. 29.015, F.S.; authorizing the Justice Administrative Commission to transfer funds to address budget deficits relating to due-process services; requiring notice of the transfer; amending s. 29.018, F.S.; eliminating the authority for court-appointed counsel to contract to share in court and due-process costs; providing that the Justice Administrative Commission may contract for such cost-sharing on behalf of court-appointed counsel; creating s. 29.0185, F.S.; specifying conditions under which state-funded due-process services are provided; amending s. 34.045, F.S.; prohibiting the county court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions from the filing fee; expanding conditions under which the county or municipality is the prevailing party; requiring an assessment for a filing fee; amending s. 34.191, F.S.; excluding certain consolidated governments from the term municipality for purposes of remitting certain fines and forfeitures; amending s. 39.0132, F.S.; authorizing the Justice Administrative Commission to inspect certain court dockets; amending s. 39.821, F.S.; requiring that the Guardian Ad Litem Program rather than the chief judge request the federal criminal records check for purposes of certifying guardians ad litem; amending s. 39.822, F.S.; directing agencies, persons, and other organizations to provide a guardian ad litem access to certain records related to the best interests of a child; amending s. 40.29, F.S.; clarifying procedures for the payments made by the state to the clerk of the court for the costs of witnesses; creating s. 40.355, F.S.; requiring the clerk of the court to report on, and refund to the state attorneys and public defenders, certain moneys collected for payment of jurors and due-process costs; amending s. 43.16, F.S.; providing that the Justice Administrative Commission is not subject to the Administrative Procedure Act; amending s. 43.26, F.S.; prescribing responsibilities of the chief judge and the clerk of court relating to the administration of justice and provision of court-related functions; amending s. 44.102, F.S.; revising conditions under which nonvolunteer court mediators may be compensated by the county or parties; amending s. 44.103, F.S.; limiting the amount of per diem expenses that an arbitrator may charge; amending s. 44.108, F.S.; clarifying the fees charged for

scheduled mediation services provided by a circuit court's mediation program; requiring the clerk of the court to report to the chief judge the amount of such fees collected; amending s. 57.081, F.S.; adding a cross-reference to conform; creating s. 57.082, F.S., relating to the determination of civil indigent status; providing for application to the clerk of court for such a determination; prescribing duties of the clerk relating to an application; prescribing application requirements and review criteria; providing for an interim determination by the court and appointment of counsel; providing for review by the court of the clerk's determination; providing for enrollment in a payment plan by a person determined indigent; providing for reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for providing false information; amending s. 92.142, F.S.; deleting a provision that provides for payment of per diem and travel expenses for a witness in a criminal case at the discretion of the court; amending s. 92.231, F.S.; removing references to the Article V Indigent Services Advisory Board and the provision of recommendations on expert witness fees; amending s. 110.205, F.S.; providing that officers and employees of the Justice Administrative Commission and specified related organizations are not career service positions; amending s. 116.01, F.S.; providing procedures for the clerk of the court to remit funds to the Department of Revenue; amending s. 116.21, F.S.; providing for the disposition of unclaimed moneys collected in the course of court-related activities by the clerk of the court; requiring the clerk to pay certain publication costs; amending s. 119.07, F.S.; extending the time period during which certain social security numbers and other data included in court or official county records may be available for public inspection unless redaction is requested; extending the deadline by which court clerks and county recorders must keep such data confidential; amending s. 142.01, F.S.; clarifying those moneys to be included within the fine and forfeiture fund of the clerk of the circuit court; amending s. 213.13, F.S.; requiring that the funds remitted by the clerk to the state be transmitted electronically within a specified period; amending s. 219.07, F.S.; clarifying the distributions that the clerk is required to make as part of his or her court-related functions; amending s. 219.075, F.S.; exempting funds collected by the clerk from the requirements for the investment of surplus funds of a county; amending s. 318.121, F.S.; clarifying that certain court costs and surcharges are added to civil traffic penalties; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing for administration by the clerk of the circuit court; authorizing the clerk of the court to retain a specified percentage of the assessments collected as income to the clerk of the court; requiring the teen court to account for all funds deposited into the teen court account; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to operate and administer a teen court program; prohibiting teen courts in counties adopting an ordinance from recovering court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; amending s. 318.18, F.S.; authorizing a portion of certain surcharge revenues to be used for local law libraries; requiring that the clerk of the court report the amount of certain surcharges collected to the chief judge, the Governor, and the Legislature; authorizing local governments to assess a surcharge on noncriminal offenses; restricting the use of surcharge proceeds; amending s. 318.21, F.S.; providing for the disposition of traffic-infraction penalties for violations occurring in unincorporated areas of certain consolidated governments; amending s. 318.31, F.S.; deleting provisions concerning the appointment of a civil traffic infraction hearing officer; amending s. 318.32, F.S.; prohibiting a hearing officer from suspending a defendant's driver's license; amending s. 318.325, F.S.; deleting provisions specifying the funding of such hearing officer; amending s. 322.29, F.S.; increasing the fees charged for reinstating a driver's license; amending s. 372.72, F.S.; requiring that the proceeds from unclaimed bonds be deposited into the clerk's fine and forfeiture fund; amending s. 903.26, F.S.; revising the procedure for determining the amount of the costs incurred in returning a defendant to the county of jurisdiction; amending s. 903.28, F.S.; revising certain notice requirements following the surrender or apprehension of a defendant for purposes of remission of a forfeiture; authorizing the clerk of the circuit court to enter into certain contracts for purposes of representation in an action for the remission of a forfeiture; providing that the clerk is the real party in interest for all appeals arising from such an action; authorizing the clerk to withhold unpaid fines, fees, costs, and charges under certain circumstances; amending s. 916.115, F.S.; providing requirements for the payment of experts; specifying those fees which are paid by the state, the office of the public defender, the office of the state attorney, or the Justice Administrative Commission; amending s. 916.12, F.S.; revising the procedures under which the court may take action following a finding that the defendant is incompetent to proceed; amending s. 916.301, F.S.; requiring the court to pay for certain court-appointed retardation and autism experts; amending s. 939.185, F.S.; authorizing certain local governments to assess a surcharge on criminal offenses; restricting the use of surcharge proceeds; amending s. 938.29, F.S.; providing for a judgment lien for the payment of certain attorney's fees to be filed without cost; amending s. 939.06, F.S.; clarifying that an acquitted defendant is not liable for certain fees; providing a procedure for such a defendant to request a refund from the Justice Administrative Commission of costs or fees paid; amending s. 985.05, F.S.; authorizing the Justice Administrative Commission to have access to certain court records; authorizing circuit courts to share certain juvenile delinquency restitution orders; amending s. 985.201, F.S.; revising the manner in which a court may retain jurisdiction over a child and the child's parent when the court has ordered restitution for certain delinquent acts; requiring entry of a restitution order; creating s. 92.152, F.S.; requiring that the party calling a witness in traffic court bear the costs; requiring that the office of the state attorney pay such costs if the witness is required to testify on behalf of the prosecution; directing the trial court administrator to recover expenditures for state-funded services if those services were furnished to a user possessing the ability to pay; providing that the rate may not exceed the cost of the service and recovery; revising the maximum annual budget amount for the Clerk of Court for the Eleventh Judicial Circuit; providing legislative intent for revisions to ss. 28.2402(2), 34.191, and 318.21, F.S.; repealing s. 29.005(4), F.S., relating to prosecution expenses for appointing mental health professionals; repealing s. 29.014, F.S., relating to the Article V Indigent Services Advisory Board; repealing s. 318.37, F.S., relating to funding for a Civil Traffic Infraction Hearing Officer Program; providing appropriations; providing effective dates.

—as amended April 29 was read the third time by title.

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendments to be considered:

Senator Smith moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (345500)—On page 15, lines 22-25, delete those lines and insert: ~~of each registry~~. *From October 1, 2005, through September 30, 2007, the report submitted by the Eleventh Judicial Circuit shall include the race, gender, and national origin of all attorneys listed in and appointed under the registry.*

Amendment 2 (561042)—On page 14, lines 11-14, delete those lines and insert: practice, by county and by category of cases. *From October 1, 2005, through September 30, 2007, the list of attorneys compiled by the Eleventh Judicial Circuit shall provide the race, gender, and national origin of assigned attorneys.* To be

Amendment 3 (343134)(with title amendment)—On page 19, lines 23-28, delete those lines.

And the title is amended as follows:

On page 1, line 29 through page 2, line 3, delete those lines and insert: due-process representation; amending s. 27.52, F.S.,

Amendment 4 (801120)(with title amendment)—On page 20, line 3, after the period (.) insert:

From October 1, 2005, through September 30, 2007, the Justice Administrative Commission shall also track and issue a report on the race, gender, and national origin of private court-appointed counsel for the Eleventh Judicial Circuit.

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: requiring the Justice Administrative Commission to track and issue a report containing certain information on court-appointed counsel in the Eleventh Judicial Circuit;

Amendment 5 (325718)—On page 24, line 23, after "*counsel*" insert: *in an amount that exceeds the limitations in s. 27.5304*

Amendment 6 (563218)—On page 28, line 8, delete "(4),"

Amendment 7 (223474)—On page 29, line 28, after the period (.) insert:

The attorney shall have the burden to prove the entitlement to attorney's fees, costs, or related expenses.

Amendment 8 (413948)—On page 30, line 17, delete "*(7) and (8)*" and insert: *(7), (8), and (10)*

Amendment 9 (975720)(with title amendment)—On page 30, line 29 through page 31, line 2, delete those lines

And the title is amended as follows:

On page 2, line 31 through page 3, line 4, delete those lines and insert: such hearings telephonically; providing that private court-appointed

Amendment 10 (472834)(with title amendment)—On page 38, lines 20-28, delete those lines and insert: records and official records are the property of the State of Florida, including any records generated as part of the Comprehensive Case Information System funded pursuant to this paragraph and the clerk of court is designated as the custodian of such records*, except in a county where the duty of maintaining official records exists in a county office other than the clerk of court or comptroller, such county office is designated the custodian of all official records, and the clerk of court is designated the custodian of all court records*. The clerk

And the title is amended as follows:

On page 3, lines 26-28, delete those lines and insert: certain dates; providing an exception to the designation of the clerk of court as custodian of official records; amending s.

Amendment 11 (793118)(with title amendment)—On page 44, line 14 through page 45, line 2, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, lines 19-22, delete those lines and insert: circuit court;

Amendment 12 (895106)—On page 99, lines 9-11, delete those lines and insert: *defendant or the state upon its own motion. If the defense or the state retains an*

Amendment 13 (332048)—On page 100, lines 1 and 2, delete those lines and insert: *shall be paid by the Justice Administrative Commission.*

Amendment 14 (894740)—On page 110, lines 18-31, delete those lines and redesignate subsequent sections.

Amendment 15 (372508)(with title amendment)—On page 82, between lines 23 and 24, insert:

Section 44. Effective July 1, 2006, subsection (3) of section 218.245, Florida Statutes, is amended to read:

218.245 Revenue sharing; apportionment.—

(3) Revenues attributed to the increase in distribution to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 212.20(6)(d)6. from 1.0715 percent to 1.3409 percent provided in chapter 2003-402, Laws of Florida, shall be distributed to each eligible municipality and any unit of local government which is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII, 1968 revised constitution, as follows: each eligible local government's allocation shall be based on the amount it received from the half-cent sales tax under s. 218.61 in the prior state fiscal year divided by the total receipts under s. 218.61 in the prior state fiscal year for all eligible local governments*; provided, however, for the purpose of calculating this distribution, the amount received from the half-cent sales tax under s. 218.61 in the prior state fiscal year by a unit of local government which is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as amended, and as preserved by s. 6(e), Art. VIII, of the Constitution as revised in 1968, shall be reduced by 50 percent for such local government and for the total receipts*. For eligible municipalities that began participating in the allocation of half-cent sales tax under s. 218.61 in the previous state fiscal year, their annual receipts shall be calculated by dividing their actual receipts by the number of months they participated, and the result multiplied by 12.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 9, line 22, after the semicolon (;) insert: amending s. 218.245, F.S.; revising the requirements for revenue sharing with respect to certain local governments;

Amendment 16 (580926)(with title amendment)—On page 46, line 19 through page 47, line 15, delete those lines and insert:

(6) The Legislative Budget Commission may approve increases to the maximum annual budgets approved for individual clerks of the court pursuant to s. 28.36 for court related duties, if either of the following conditions exist:

(a) The additional funding is necessary to pay the cost of performing new or additional functions required by changes in law or court rule. Before the Legislative Budget Commission may approve an increase in the maximum annual budget of any clerk under this paragraph, the Clerk of the Court Operations Corporation must provide the Legislative Budget Commission with a statement of the impact of the proposed budget changes on state revenues, and evidence that the respective clerk of the court is meeting or exceeding the established performance standards for measures on the fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs.

(b) The additional funding is necessary to pay the cost of supporting increases in the number of judges or magistrates authorized by the Legislature. Before the Legislative Budget Commission may approve an increase in the maximum annual budget of any clerk under this paragraph, the Clerk of the Court Operations Corporation must provide the Legislative Budget Commission with a statement of the impact of the proposed budget changes on state revenues; evidence that the respective clerk of the court is meeting or exceeding the established performance standards for measures on the fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs; and a proposed staffing model, including the cost and number of staff necessary to support each new judge or magistrate.

The total amount of increases approved by the Legislative Budget Commission for each county fiscal year shall not exceed an amount equal to 2 percent of the maximum annual budgets approved pursuant to s. 28.36 for all clerks, in the aggregate, for that same county fiscal year.

And the title is amended as follows:

On page 5, lines 1-4, delete those lines and insert: of Court Trust Fund; authorizing the Legislative Budget Commission to adjust the maximum annual budgets of the clerk of courts under certain circumstances; limiting such increases to 2 percent of the total amount of all clerk budgets; amending s. 28.37, F.S.;

Amendment 17 (552898)(with title amendment)—On page 98, lines 11-14, delete those lines and insert:

Section 58. Section 903.286, Florida Statutes, is created to read:

903.286 Return of cash bond; requirement to withhold unpaid fines, fees, and court costs.—Notwithstanding the provisions of s. 903.31(2), the clerk of the court shall withhold from the return of a cash bond posted on behalf of a criminal defendant by a person other than a bail bond agent licensed pursuant to chapter 648 sufficient funds to pay any unpaid court fees, court costs, and criminal penalties. In the event that sufficient funds are not available to pay all unpaid court fees, court costs, and criminal penalties, the clerk of the court shall immediately obtain payment from the defendant or enroll the defendant in a payment plan pursuant to s. 28.246. (Redesignate subsequent sections.)

And the title is amended as follows:

On page 11, line 30 through page 12, line 2, delete those lines and insert: arising from such an action; creating s. 903.286, F.S.; authorizing the clerk to withhold sufficient funds to pay any unpaid court fees,

court costs, and criminal penalties under certain circumstances; authorizing the clerk to obtain payment from the defendant or enroll the defendant in a payment plan under certain circumstances; amending s. 916.115, F.S.; providing

On motion by Senator Smith, further consideration of **CS for CS for SB 2542** as amended was deferred.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Constantine—

CS for SB 2070—A bill to be entitled An act relating to communications services; providing a short title; specifying the period during which the actual cost of operating a substitute communications system is exempt from such taxes; creating the Communications Service Tax Task Force; providing for the membership of the task force; providing a purpose; providing for staffing and administrative support; requiring a report to the Governor and the Legislature; amending s. 202.11, F.S.; providing that the definition of sales price for purposes of communication services tax does not include specified charges for Internet access services; amending s. 202.26, F.S.; prescribing methods of record keeping relating to bundled sales; amending s. 212.02, F.S.; providing that the definition of sales price for purposes of sales tax does not include specified charges for Internet access services; amending s. 202.13, F.S.; prescribing methods of record keeping relating to bundled sales; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendments to be considered:

Senators Constantine, Pruitt and Carlton offered the following amendments which were moved by Senator Constantine and adopted:

Amendment 1 (403570)(with title amendment)—On page 2, line 10 through page 3, line 20, delete those lines and insert:

Section 2. *(1) The Communications Service Tax Task Force is created and housed for administrative purposes within the Department of Revenue. The task force shall operate independently of the department.*

(2)(a) The task force shall consist of nine members, three appointed by the Governor, three appointed by the President of the Senate, and three appointed by the Speaker of the House of Representatives. Members shall serve at the pleasure of the appointing official. Any vacancy shall be filled in the same manner as the original appointment.

(b) All members shall possess expertise in state or national telecommunications policy, taxation, law, or technology. A member of the Legislature or a registered lobbyist may not be appointed to the task force.

(c) Members shall serve without compensation, but are entitled to reimbursement of travel and per diem expenses pursuant to section 112.061, Florida Statutes, relating to completing their duties and responsibilities under this section.

(3) The task force shall study:

(a) The national and state regulatory and tax policies relating to the communications industry, including the Internet Tax Freedom Act;

(b) The levels of tax revenue that have been generated by the communications services taxes imposed or administered pursuant to chapter 202, Florida Statutes, in the past and that are expected to be generated in the future, and their adequacy in funding government services and bonded indebtedness that rely on them;

(c) The impact of the communications services taxes on Florida's competitiveness;

(d) The impact of the diversity of communications technology and of changes in such technology on the state's ability to design tax laws, the applicability of which is reasonably clear to communications service providers and state administrators, and which are susceptible to efficient and fair administration by the state;

(e) The administrative burdens imposed on communications services providers; and

(f) To the extent that future revenues from the communications services tax are expected to be inadequate to fund government services and bonded indebtedness that rely on them, the options that are available for funding these services and bonded indebtedness.

(4) The task force shall hold its organizational meeting by July 15, 2006. It shall select a chair and vice chair and shall meet at the call of the chair at the time and place designated by the chair or as often as necessary to accomplish the purposes of this section. A quorum is necessary for the purpose of conducting official business of the task force. The task force shall use accepted rules of procedure to conduct its meetings and shall keep a complete record of each meeting.

(5) The Public Service Commission shall provide staff for the technical and regulatory issues addressed by the task force. The Department of Revenue shall provide administrative support and staff for the tax issues addressed by the task force.

(6) The task force shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2007. The task force shall be dissolved by December 31, 2007.

Section 3. *(1) The sum of $100,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of defraying the reimbursable travel and per diem expenses of the Communications Service Tax Task Force.*

(2) The sum of $500,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of retaining expert witnesses and consultant services in the areas of communications technology and computer telephony. The purpose of such services is to provide the Communications Service Tax Task Force with information, technical consulting services, analysis, and testimony regarding the current and future development of network and telecommunications architecture, products, and services and issues regarding the taxation of such products and services. These funds shall be appropriated for the 2005-2006 fiscal year in categories determined by the Department of Revenue which will best support the needs of the task force. Any unspent funds shall be reappropriated in future fiscal years until the work of the task force is complete.

And the title is amended as follows:

On page 1, line 11, after the first semicolon (;) insert: providing appropriations;

Amendment 2 (213594)(with title amendment)—On page 3, line 21 through page 5, line 24, delete those lines and insert:

Section 3. Subsections (3), (14), and (15) of section 202.11, Florida Statutes, are amended to read:

202.11 Definitions.—As used in this chapter:

(3) "Communications services" means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. *The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-Internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added.* The term does not include:

(a) Information services.

(b) Installation or maintenance of wiring or equipment on a customer's premises.

(c) The sale or rental of tangible personal property.

(d) The sale of advertising, including, but not limited to, directory advertising.

(e) Bad check charges.

(f) Late payment charges.

(g) Billing and collection services.

(h) Internet access service, electronic mail service, electronic bulletin board service, or similar on-line computer services.

(14) "Sales price" means the total amount charged in money or other consideration by a dealer for the sale of the right or privilege of using communications services in this state, including any property or other services that are part of the sale. The sales price of communications services shall not be reduced by any separately identified components of the charge that constitute expenses of the dealer, including, but not limited to, sales taxes on goods or services purchased by the dealer, property taxes, taxes measured by net income, and universal-service fund fees.

(a) The sales price of communications services shall include, whether or not separately stated, charges for any of the following:

1. The connection, movement, change, or termination of communications services.

2. The detailed billing of communications services.

3. The sale of directory listings in connection with a communications service.

4. Central office and custom calling features.

5. Voice mail and other messaging service.

6. Directory assistance.

7. The service of sending or receiving a document commonly referred to as a facsimile or "fax," except when performed during the course of providing professional or advertising services.

(b) The sales price of communications services does not include charges for any of the following:

1. Any excise tax, sales tax, or similar tax levied by the United States or any state or local government on the purchase, sale, use, or consumption of any communications service, including, but not limited to, any tax imposed under this chapter or chapter 203 which is permitted or required to be added to the sales price of such service, if the tax is stated separately.

2. Any fee or assessment levied by the United States or any state or local government, including, but not limited to, regulatory fees and emergency telephone surcharges, which is required to be added to the price of such service if the fee or assessment is separately stated.

3. Communications services paid for by inserting coins into coin-operated communications devices available to the public.

4. The sale or recharge of a prepaid calling arrangement.

5. The provision of air-to-ground communications services, defined as a radio service provided to purchasers while on board an aircraft.

6. A dealer's internal use of communications services in connection with its business of providing communications services.

7. Charges for property or other services that are not part of the sale of communications services, if such charges are stated separately from the charges for communications services.

8. To the extent required by federal law, charges for Internet access services which are not separately itemized on a customer's bill, but which can be reasonably identified from the selling dealer's books and records kept in the regular course of business. The dealer may support the allocation of charges with books and records kept in the regular course of business covering the dealer's entire service area, including territories outside this state.

(15) "Service address" means:

(a) Except as otherwise provided in this section:~~,~~

1. The location of the communications equipment from which communications services originate or at which communications services are received by the customer;~~.~~

2. In the case of a communications service paid through a credit or payment mechanism that does not relate to a service address, such as a bank, travel, debit, or credit card, and in the case of third-number and calling-card calls, the *term "service address" means* ~~service address is~~ the address of the central office, as determined by the area code and the first three digits of the seven-digit originating telephone number*; or*~~.~~

3. If the location of the equipment described in subparagraph 1. is not known and subparagraph 2. is inapplicable, the term "service address" means the location of the customer's primary use of the communications service. For purposes of this subparagraph, the location of the customer's primary use of a communications service is the residential street address or the business street address of the customer.

(b) In the case of cable services and direct-to-home satellite services, the location where the customer receives the services in this state.

(c) In the case of mobile communications services, the customer's place of primary use.

And the title is amended as follows:

On page 1, lines 12-15, delete those lines, and insert: redefining the term "communications services"; providing that the definition of sales price for purposes of communication services tax does not include specified charges for Internet access services; defining the term "service address" when the location of the equipment is unknown or under other circumstances; amending s. 202.26, F.S.;

Amendment 3 (311220)—On page 6, line 21 through page 7, line 27, delete those lines and insert:

(j) The types of books and records kept in the regular course of business which must be available during an audit of a dealer's books and records when the dealer has made an allocation or attribution pursuant to the definition of sales prices in s. 202.11(14)(b)8. and examples of methods for determining the reasonableness thereof. Books and records kept in the regular course of business include, but are not limited to, general ledgers, price lists, cost records, customer billings, billing system reports, tariffs, and other regulatory filings and rules of regulatory authorities. Such records may be required to be made available to the department in an electronic format when so kept by the dealer. The dealer may support the allocation of charges with books and records kept in the regular course of business covering the dealer's entire service area, including territories outside this state. During an audit, the department may reasonably require production of any additional books and records found necessary to assist in its determination.

Amendment 4 (715946)—On page 9, line 2, after the period (.) insert: *The dealer may support the allocation of charges with books and records kept in the regular course of business covering the dealer's entire service area, including territories outside this state.*

Amendment 5 (422006)(with title amendment)—On page 9, line 20 through page 11, line 2, delete those lines and insert: *prescribe by rule the books and records that must be made available during an audit of the dealer's books and records and examples of methods for determining the reasonableness thereof. Books and records kept in the regular course of business include, but are not limited to, general ledgers, price lists, cost records, customer billings, billing system reports, tariffs, and other regulatory filings and rules of regulatory authorities. Such record may be required to be made available to the department in an electronic format when so kept by the dealer. The dealer may support the allocation of charges with books and records kept in the regular course of business covering the dealer's entire service area, including territories outside this state. During an audit, the department may reasonably require production of any additional books and records found necessary to assist in its determination.*

Section 7. *The Executive Director of the Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under sections 120.563(1) and 120.54(4), Florida Statutes, to administer this act. Notwithstanding any other provision of law, the emergency rules*

shall remain effective for 6 months after the date of their adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

Section 8. Subsection (8) is added to section 202.17, Florida Statutes, to read:

202.17 Registration.—

(8) It is the intent of the Legislature to subject to the provisions of this chapter all sellers of communications services that have established a sufficient connection with this state to permit the state constitutionally to require compliance with this chapter. Activities of a seller of communications services that may subject such a seller to the provisions of this chapter include, but are not limited to:

(a) Maintaining an office or other place of business within this state.

(b) Solicitation of business from one or more Florida locations through employees, agents, independent contractors, or other representatives of such seller.

Section 9. This act shall take effect July 1, 2005.

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: providing for emergency rulemaking by the Department of Revenue; amending s. 202.17, F.S.; providing intent that all sellers of communications services must comply with ch. 202, F.S.;

Pursuant to Rule 4.19, **CS for SB 2070** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn—

CS for CS for SB 2480—A bill to be entitled An act relating to education; amending s. 1001.03, F.S., relating to the powers of the State Board of Education; requiring the State Board of Education to periodically review the Sunshine State Standards; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office within the Department of Education; providing duties of the office; amending s. 1001.42, F.S., relating to powers and duties of a district school board; revising the requirements for school improvement plans; creating s. 1002.385, F.S.; creating the Reading Compact Scholarships Program; providing scholarships to attend a public or private school to students who have scored at Level 1 on the reading portion of the Florida Comprehensive Assessment Test for 3 consecutive years; providing an opportunity for screening to identify reading disabilities; providing scholarship eligibility requirements; specifying scholarship obligations for participating public and private schools and parents and students; providing for scholarship funding and payment; directing the Department of Education and the Commissioner of Education to administer the scholarship program; limiting the liability of the state; providing rulemaking authority; creating s. 1002.421, F.S.; prescribing requirements of private schools participating in state school choice scholarship programs; requiring compliance with requirements relating to notice, student enrollment and attendance verification, fiscal soundness, academic assessment, and criminal-background checks and to applicable state and local health, safety, and welfare laws, codes, and rules; providing grounds for ineligibility to participate in certain scholarship programs; providing rulemaking authority to the State Board of Education; creating s. 1002.423, F.S.; prescribing obligations of the Department of Education for education scholarship programs; requiring the department to identify certain assessments; requiring the department to select a private research organization to which private schools report student scores; providing reporting requirements; amending s. 1003.03, F.S.; revising dates for implementation of class size maximums; creating s. 1003.035, F.S.; providing for the contingent application of the section upon the adoption of an amendment to the State Constitution; prescribing district average class size limitations for grades prekindergarten through 3, grades 4 through 8, and grades 9 through 12; requiring the Department of Education to annually calculate class size measures based on a specified student-membership survey; providing implementation options; providing for accountability and for transfer of funds in certain circumstances; providing for the department redrawing attendance zones in certain circumstances; amending s. 1003.05, F.S.; relating to military families; limiting certain enrollment opportunities; creating s. 1003.413, F.S.; requiring school districts to adopt certain reading policies in high schools; requiring that certain high schools offer specific support services for students scoring at Level 1 on the FCAT reading test; creating a high school task force; providing membership; providing reporting requirements; amending s. 1003.415, F.S., relating to the Middle School Grades Reform Act; revising legislative intent; deleting obsolete references; creating s. 1003.4155, F.S.; establishing a grading system for middle schools; creating s. 1003.4156, F.S.; establishing general requirements for promotion from middle school; requiring the successful completion of 12 academic credits in certain courses; requiring an intensive reading course under certain circumstances; defining a middle school academic credit for purposes of the section; requiring district school boards to adopt policies for alternatives to obtain credits; amending s. 1003.42, F.S., relating to required instruction; revising and increasing the requirements for studying U.S. history and free enterprise; providing rulemaking authority to the State Board of Education; amending s. 1003.52, F.S.; requiring the Department of Education to develop procedures for reporting performance and participation data of students in juvenile justice education programs; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; creating s. 1003.575, F.S.; requiring the Department of Education to devise an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; amending s. 1003.58, F.S.; conforming a cross-reference; amending s. 1004.04, F.S.; requiring the Council for Education Policy Research and Improvement to review and report on the effectiveness of the graduates of state-approved teacher preparation programs and alternative certification programs; creating s. 1004.64, F.S.; establishing the Florida Center for Reading Research; specifying duties of the center; amending s. 1008.22, F.S., relating to student assessment; expressing legislative intent; identifying grade levels for state assessment administration; eliminating obsolete references; requiring certain reports; amending s. 1008.25, F.S., relating to public school student progression; eliminating obsolete references; directing the Department of Education to establish a uniform format for reporting student progression information; requiring certain reports; amending s. 1008.31, F.S., relating to education accountability; expressing legislative intent relating to performance measures established by the Board of Governors with respect to the state universities; eliminating certain performance-based funding requirements; providing guiding principles for the accountability system; revising the goals of the accountability system; requiring certain reports; providing rulemaking authority to the State Board of Education; amending s. 1008.33, F.S., relating to the authority to enforce public school improvement; authorizing transfer of certain teachers to low-performing schools; amending s. 1008.34, F.S., relating to the school grading system; requiring all schools to receive a school grade except certain alternative schools; requiring that achievement scores and learning gains be calculated in alternative schools that provide certain services; requiring that student test scores be calculated in the alternative school in which the student is enrolled and in the school previously attended by the student; providing exceptions; requiring the Department of Education to develop a school report card; creating s. 1008.341, F.S.; requiring school improvement ratings for alternative schools; providing definitions; requiring that the Commissioner of Education prepare an annual report; specifying the data to be used in determining school improvement ratings; requiring the department to identify student learning gains annually; requiring that a school report card be delivered to parents; requiring the State Board of Education to adopt rules; amending s. 1008.36, F.S., relating to the Florida School Recognition Program; providing that certain feeder schools are eligible to participate in the program; providing a definition; requiring certain feeder schools to be subject to the Opportunity Scholarship Program, as defined in s. 1002.38, F.S.; providing for the disposition of school recognition funds; defining eligibility for the receipt of school recognition funds; amending s. 1011.62, F.S., relating to funds for the operation of schools; providing for additional funding for students enrolled in education programs for juveniles; providing a methodology to calculate full-time equivalent student membership of the Florida Virtual School; creating a research-based reading-instruction allocation for students in kindergarten through grade 12; providing for the use of the funds; providing for fund disbursement; amending ss. 1011.685, and 1011.71, F.S., to conform; creating s. 1011.6855, F.S.; providing for the contingent application of the section upon the adoption of an amendment to the State Constitution; establishing an operating categorical fund;

providing a minimum instructional personnel salary; requiring the use of certain funds for class size reduction; amending s. 1012.21, F.S., relating to the duties of the Department of Education; requiring the department to annually post school district collective bargaining agreements on-line; amending s. 1012.22, F.S., relating to public school personnel; requiring school boards to adopt differentiated-pay policies for school administrators and instructional personnel; specifying factors to be included in differentiated-pay policies; providing for the withholding of funds for failure to comply; creating s. 1012.2305, F.S.; expressing legislative intent regarding minimum instructional personnel pay; providing for contingent application of the section upon the adoption of an amendment to the State Constitution; establishing minimum pay for certain instructional personnel; creating s. 1012.2315, F.S.; establishing legislative findings; expressing legislative intent; providing criteria for the assignment of teachers to certain schools; authorizing certain salary incentives; limiting certain collective bargaining provisions relating to assignment of teachers at certain schools; amending s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; requiring that the Department of Education administer the Dale Hickam Excellent Teaching Program Trust Fund; requiring the Council for Education Policy Research and Improvement to evaluate the benefits and effectiveness of the program; creating s. 1012.986, F.S.; establishing a statewide system for the professional development of school leaders; providing a short title; providing program purposes and legislative intent; requiring the Department of Education to annually determine criteria for school leadership designations based on certain factors; requiring certain program components; providing for a program delivery system; providing rulemaking authority to the State Board of Education; amending s. 1013.512, F.S.; requiring the release of funds remaining in reserve relating to school district land acquisition and facilities operations; specifying when a Land Acquisition and Facilities Advisory Board shall be disbanded; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; repealing s. 1012.987, F.S., relating to education leadership development; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching Salary career ladder program; providing for severability; providing contingent effective dates.

—was read the second time by title.

SENATOR CLARY PRESIDING

Amendments were considered and failed and amendments were considered and adopted to conform **CS for CS for SB 2480** to **HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)**.

Pending further consideration of **CS for CS for SB 2480** as amended, on motion by Senator Lynn, by two-thirds vote **HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)** was withdrawn from the Committees on Education; and Education Appropriations.

On motion by Senator Lynn, the rules were waived and—

HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)—A bill to be entitled An act relating to education; amending s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education; amending s. 1000.01, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1001.03, F.S.; requiring the State Board of Education to review the Sunshine State Standards and provide a report evaluating the extent to which the standards are being taught; amending s. 1001.11, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; providing duties of the department relating to education goals; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties; amending s. 1001.41, F.S.; requiring district school boards to adopt policies to provide each student a complete education program; amending s. 1001.42, F.S.; providing requirements for each district school board's system of school improvement and student progression; providing components to increase student achievement; conforming provisions relating to deletion of a rigorous reading requirement and the designation of school grades; amending s. 1002.20, F.S.; conforming a cross-reference and provisions relating to educational choice; amending s. 1002.38, F.S.; conforming provisions relating to the designation of school grades and revising the date for request of an Opportunity Scholarship; creating s. 1002.385, F.S.; establishing the Reading Compact Scholarship Program to provide students with reading deficiencies the option to attend a public or private school of choice; providing eligibility requirements for receipt of a Reading Compact Scholarship to attend a private school and restricting use of such scholarship; providing for the term of a scholarship; providing school district obligation to notify parents of available options; providing Department of Education obligations, including establishment of a process for notification of violations, subsequent investigation, and certification of compliance by private schools and selection of a research organization to analyze student performance data; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school's participation in the scholarship program and procedures and timelines therefor; providing private school eligibility requirements and obligations, including compliance with specified laws and academic accountability to the parent; providing parent and student responsibilities for scholarship program participation, including compliance with the private school's published policies, participation in student academic assessment, and restrictive endorsement of scholarship warrants; prohibiting power of attorney for endorsing a scholarship warrant; providing funding and payment requirements, including calculation of scholarship amount, payment process, and Department of Financial Services review; providing for immunity; providing scope of authority; requiring adoption of rules; creating s. s. 1002.395, F.S.; establishing the K-12 GI Bill Program to provide educational options for dependents of an active-duty member of the Florida National Guard who is serving in Operation Enduring Freedom or Operation Iraqi Freedom; providing that a student may attend a public school in the school district other than the one to which assigned; providing that a student may receive a K-12 GI Bill to attend a public school in an adjacent school district or to attend a private school; amending s. 1002.20, F.S., relating to student and parent rights to educational choice, to conform; creating s. 1002.421, F.S., relating to rights and obligations of private schools participating in state school choice scholarship programs; providing requirements for participation in a scholarship program, including compliance with specified state, local, and federal laws and demonstration of fiscal soundness; requiring restrictive endorsement of checks and prohibiting a school from acting as attorney in fact; requiring employment of qualified teachers and background screening of individuals with direct student contact; requiring adoption of rules; amending s. 1003.01, F.S.; revising definition of the term "special education services"; amending s. 1003.03, F.S.; modifying implementation provisions relating to constitutional class size requirements; creating s. 1003.035, F.S.; providing class size requirements based on district average contingent upon constitutional amendment; providing implementation and calculation requirements; specifying options to meet class size requirements; authorizing transfer of funds for class size reduction; requiring certain actions by school districts not in compliance; requiring constitutional compliance plans in certain instances; amending s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs even if maximum enrollment has been reached; removing charter schools from the definition of special academic programs; creating s. 1003.413, F.S.; requiring each school district to establish policies to assist high school students to remain in school, graduate on time, and be prepared for postsecondary education and the workplace; directing the Commissioner of Education to create and implement the Challenge High School Recognition Program; creating the High School Reform Task Force and providing for appointment of members; requiring recommendation of a long-term plan relating to high school reform and specifying items to be addressed; providing for termination of the task force; amending s. 1003.415, F.S.; providing the mission of middle grades; deleting the rigorous reading requirement for middle grade students; deleting obsolete language relating to a department study; creating s. 1003.4155, F.S.; specifying the grading scale for grades 6 through 8; creating s. 1003.4156, F.S.; specifying general requirements for middle school promotion; requiring an intensive reading course under certain circumstances; defining an academic credit; requiring school district policies and authorizing alternative methods for progression; requiring adoption of rules for alternative promotion standards; amending s. 1003.42, F.S.; revising provisions relating to required instruction and courses of study in the public schools; including study of the history of the United States and free enterprise; amending s. 1003.43, F.S., relating to general requirements for high school graduation; including study of the Declaration of Independence in the credit requirement for American government; amending s. 1003.57, F.S.; providing guidelines for determining the residency of an exceptional student with a disability who resides in a residential facility and receives special instruction or services; requiring the placing authority in a parent's state of residence to pay the cost of such instruction, facilities, and services for a nonresident exceptional

student with a disability; providing requirements of the department and school districts with respect to financial obligations; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; defining the term "parent" for purposes of the section; authorizing adoption of rules; creating s. 1003.575, F.S.; requiring the department to coordinate the development of an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring the form to be available to school districts to facilitate the use of an individual education plan when a student transfers; amending s. 1003.58, F.S.; correcting a cross-reference; amending s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated-pay policies; amending ss. 1005.22 and 1007.33, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1008.22, F.S.; specifying grade level and subject area testing requirements; requiring the State Board of Education to conduct concordance studies to determine FCAT equivalencies for high school graduation; deleting a limitation on and specifying requirements for the use of alternative assessments to the grade 10 FCAT; requiring an annual report on student performance; amending s. 1008.25, F.S.; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours; requiring the department to establish a uniform format for reporting information relating to student progression; requiring an annual report; repealing s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation; amending s. 1008.31, F.S.; deleting provisions relating to performance-based funding; revising goals and measures of the K-20 performance accountability system and requiring data quality improvement; providing for development of reporting and data collection requirements; requiring adoption of rules; amending s. 1008.33, F.S.; conforming provisions relating to the designation of school grades and a cross-reference; authorizing district school boards to transfer teachers, faculty, and staff as needed; amending s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; specifying use of assessment data with respect to alternative schools; defining the term "home school"; requiring an annual school report card to be published by the department and distributed by school districts; creating s. 1008.341, F.S.; requiring improvement ratings for certain alternative schools; providing the basis for such ratings and requiring annual performance reports; providing for determination of school improvement ratings, identification of learning gains, and eligibility for school recognition awards; requiring an annual report card to be developed by the department and distributed by school districts; requiring adoption of rules; amending s. 1008.345, F.S.; conforming provisions relating to the designation of school grades and a cross-reference; amending s. 1008.36, F.S.; providing for assignment of school grades to certain feeder pattern schools that do not receive such a grade for purposes of participation in the Florida School Recognition Program; defining feeder school pattern; providing that a feeder pattern school shall be subject to the Opportunity Scholarship Program; modifying procedures for determination and use of school recognition awards; amending s. 1008.45, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; repealing s. 1008.51, F.S., relating to the Council for Education Policy Research and Improvement; amending s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in a specified education program; providing funding for supplemental educational services for certain students; conforming cross-references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation; amending s. 1011.64, F.S.; conforming terminology and cross-references; amending s. 1011.685, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; creating s. 1011.6855, F.S.; creating an operating categorical fund to fund minimum pay requirements for certain instructional personnel contingent upon constitutional amendment; amending s. 1011.71, F.S.; correcting a cross-reference; amending s. 1012.21, F.S.; requiring the department to annually post online school district collective bargaining contracts; amending s. 1012.22, F.S.; deleting a requirement that each district school board adopt a performance-pay policy; requiring each district school board to annually provide its negotiated collective bargaining contract to the department; creating s. 1012.2305, F.S.; establishing minimum pay for certain instructional personnel contingent upon constitutional amendment; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching salary career ladder program; creating s. 1012.2312, F.S.; requiring each district school board to adopt a differentiated-pay policy for instructional personnel; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2313, F.S.; requiring each district school board to have a differentiated-pay policy for school administrators; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and authorizing incentives; providing procedures for noncompliance; providing requirements relating to collective bargaining; amending s. 1012.27, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; amending s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement; creating s. 1012.986, F.S.; establishing the A+ Professional Development Program for School Leaders; defining the term "school leader"; establishing school leadership designations; providing program requirements and delivery systems; requiring adoption of rules; repealing s. 1012.987, F.S., relating to rules for a leadership designation; creating s. 1013.381, F.S.; requiring each district school board to adopt and implement an indoor environmental quality policy which provides for periodic surveys; providing that the policy may include certain requirements; providing for indemnification under certain circumstances; requiring display of indoor environmental quality training completion; requiring adoption of rules; amending s. 1013.512, F.S.; requiring the release of funds remaining in reserve relating to school district land acquisition and facilities operations; specifying when a Land Acquisition and Facilities Advisory Board shall be disbanded; establishing the Charter School Task Force and specifying composition and duties; requiring the department to provide staff support to the task force; providing severability; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2480** as amended and read the second time by title.

MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendment to be considered:

Senator Lynn moved the following amendment:

Amendment 1 (074810)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 1001.03, Florida Statutes, is amended to read:

1001.03 Specific powers of State Board of Education.—

(1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.—The State Board of Education shall approve the student performance standards known as the Sunshine State Standards in key academic subject areas and grade levels. *The board shall periodically review the standards to ensure adequate rigor, logical pupil progression, and articulation from grade to grade, and shall evaluate the extent to which the standards are being taught at each grade level.*

Section 2. Section 1001.215, Florida Statutes, is created to read:

1001.215 Just Read, Florida! Office.—There is created within the Department of Education the Just Read, Florida! Office. The office shall:

(1) Train professionally certified teachers to become certified reading coaches.

(2) Train K-12 teachers, school principals, and parents on research-based strategies for reading instruction.

(3) Provide technical assistance to districts in the development and implementation of, and annually review and approve district plans for use of, the Research-based Reading Instruction Allocation pursuant to s. 1011.62(9).

(4) Work with the Florida Center for Reading Research created under s. 1004.64 to provide information on research-based reading programs.

(5) Periodically review the Sunshine State Standards for reading at all grade levels.

(6) Periodically review the teacher certification examinations to ensure that they reflect proficiency in research-based strategies for reading instruction.

(7) Work with teacher preparation programs approved under s. 1004.04 to ensure the integration of research-based strategies for reading instruction into teacher preparation programs.

(8) Administer grants and perform other functions necessary to assist with meeting the goal that all students are reading on grade level.

Section 3. Subsection (16) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall include, but is not limited to, the following:

(a) School improvement plans.—Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district, except that a district school board may establish a district school improvement plan that includes all schools in the district operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Such plan shall be designed to achieve the state education priorities pursuant to s. 1000.03(5) and student performance standards. In addition, any school required to implement a rigorous reading requirement pursuant to s. 1003.415 must include such component in its school improvement plan. Each plan shall also address issues relative to budget, training, instructional materials, technology, staffing, student support services, specific school safety and discipline strategies, student health and fitness, including physical fitness, parental information on student health and fitness, and indoor environmental air quality, and other matters of resource allocation, as determined by district school board policy, and shall be based on an analysis of student achievement and other school performance data.

(b) Improvement plan requirements.—Each district school board's system of school improvement and student progression must be designed to provide frequent and accurate information to the teacher and student regarding each student's progress toward mastering the Sunshine State Standards. The system must demonstrate the alignment of the Sunshine State Standards, instructional strategies, assessment, and professional development. Each school's school improvement plan must identify the strategies for monitoring the progress of each student. The process used by each school to monitor student progression must, at a minimum, contain the following components that are aimed at increasing student achievement:

1. Disaggregated student achievement data related to student performance which are used to identify each individual student's strengths and weaknesses and to determine the effectiveness of the teaching and learning strategies that are being used in the classroom;

2. The Sunshine State Standards instructional calendar and timeline, using disaggregated student performance data to focus instruction on the Sunshine State Standards, manage instructional time, and allocate resources;

3. Prioritized instructional focus to facilitate explicit and systematic instruction using research-based effective practices in the classroom;

4. Mini-assessments of targeted Sunshine State Standards benchmarks to monitor students' progress and generate data to redesign instruction, if needed;

5. Alternative in-school, tutorial, remediation, or enrichment strategies for students which are based on each student's individual academic needs as defined by the mini-assessments; and

6. Systematic monitoring of each teacher's implementation of the comprehensive program for student progression as described in subparagraphs 1.-5.

(c)~~(b)~~ Approval process.—Develop a process for approval of a school improvement plan presented by an individual school and its advisory council. In the event a district school board does not approve a school improvement plan after exhausting this process, the Department of Education shall be notified of the need for assistance.

(d)~~(c)~~ Assistance and intervention.—

1. Develop a 2-year plan of increasing individualized assistance and intervention for each school in danger of not meeting state standards or making adequate progress, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan.

2. Provide assistance and intervention to a school that is identified as being in performance grade category "D" pursuant to s. 1008.34 and is in danger of failing.

3. Develop a plan to encourage teachers with demonstrated mastery in improving student performance to remain at or transfer to a school designated as performance grade category "D" or "F" or to an alternative school that serves disruptive or violent youths. If a classroom teacher, as defined by s. 1012.01(2)(a), who meets the definition of teaching mastery developed according to the provisions of this paragraph, requests assignment to a school designated as performance grade category "D" or "F" or to an alternative school that serves disruptive or violent youths, the district school board shall make every practical effort to grant the request.

4. Prioritize, to the extent possible, the expenditures of funds received from the supplemental academic instruction categorical fund under s. 1011.62(1)(f) to improve student performance in schools that receive a performance grade category designation of "D" or "F."

(e)~~(d)~~ After 2 years.—Notify the Commissioner of Education and the State Board of Education in the event any school does not make adequate progress toward meeting the goals and standards of a school improvement plan by the end of 2 years of failing to make adequate progress and proceed according to guidelines developed pursuant to statute and State Board of Education rule. School districts shall provide intervention and assistance to schools in danger of being designated as performance grade category "F," failing to make adequate progress.

(f)~~(e)~~ Public disclosure.—Provide information regarding performance of students and educational programs as required pursuant to ss. 1008.22 and 1008.385 and implement a system of school reports as required by statute and State Board of Education rule that shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, and for those schools, report on the elements specified in s. 1003.52(19). Annual public disclosure reports shall be in an easy-to-read report card format and shall include the school's student and school performance grade category designation and performance data as specified in state board rule.

(g)~~(f)~~ School improvement funds.—Provide funds to schools for developing and implementing school improvement plans. Such funds shall include those funds appropriated for the purpose of school improvement pursuant to s. 24.121(5)(c).

Section 4. *Each school district must observe November 11 of each year as the Veterans' Day holiday. Classes may not be held on such holiday for any reason except for a declared state emergency. If November 11 falls on a Saturday or Sunday, a school holiday shall be observed on a weekday immediately following or preceding that weekend so as to correspond with the date that Veterans' Day is observed as a federal holiday.*

Section 5. Section 1002.421, Florida Statutes, is created to read:

1002.421 Rights and obligations of private schools participating in state school choice scholarship programs.—The requirements imposed under this section on private schools that participate in state school choice scholarship programs are in addition to the requirements for private schools which are outlined in s. 1002.42, specific requirements under laws relating to various scholarship programs, and other laws of this state which apply to private schools.

(1) A private school in this state which participates in the Corporate Tax Credit Scholarship Program, as defined in s. 220.187, or in an educational scholarship program established under chapter 1002 must comply with all requirements of this section.

(2) A private school participating in a scholarship program in this state:

(a) Must be a Florida private school as defined in s. 1002.01(2).

(b) Must comply with all state laws pertaining to private schools.

(c) Must be a registered Florida private school in accordance with s. 1002.42.

(d) Must maintain a physical location in this state where each scholarship student regularly attends classes.

(e) May not be a correspondence school or distance learning school.

(f) May not direct or provide scholarship funds to a parent of a scholarship student who receives instruction under the program at home.

(g) May not be a home education program as defined in s. 1002.01(1).

(h) May not be a private tutoring program as described in s. 1002.43.

(i) Must comply with the anti-discrimination provisions of 42 U.S.C. s. 2000d.

(j) Must notify the department of its intent to participate in a scholarship program.

(k) Must notify the department of any change in the school's name, school director, mailing address, or physical location within 15 days after the change occurs.

(l) Must complete student-enrollment and attendance-verification requirements, including an on-line attendance-verification form, before a scholarship payment is made.

(m) Must annually complete and submit to the department a notarized scholarship compliance statement certifying compliance with state laws relating to the participation of private schools in the scholarship program.

(n) Must demonstrate fiscal soundness and accountability by:

1. Having been in operation for at least 3 school years or obtaining a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter and filing the surety bond or letter of credit with the department.

2. Requiring the parent of each scholarship student to personally restrictively endorse the scholarship warrant to the school. The school may not act as the attorney in fact for parents of a scholarship student under the authority of a power of attorney executed by the parents, or under any other authority, to endorse scholarship warrants on behalf of parents.

(o) Must meet applicable state and local laws, codes, and rules relating to health, safety, and welfare, including those relating to firesafety and building safety.

(p) Must employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have at least a high school diploma and special skills, knowledge, or expertise that qualifies them to provide instruction in the subjects that are being taught.

(q) Annually administer or make provisions for scholarship students to take one of the nationally norm-referenced tests identified by the State Board of Education under s. 1002.423. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. However, a private school must require each student with a disability, for whom standardized testing is not appropriate, to participate at least annually in a student assessment which, as determined by the private school in consultation with the student's parent, will demonstrate the student's skill level to the student's parent. A private school must report a student's scores to the parent and to the independent private research organization selected by the Department of Education under s. 1002.423.

(r) Must ensure that each individual who has unsupervised access to a scholarship student for whom the private school is responsible, prior to employment, engagement of services, or appointment, undergo background screening under s. 435.04 by filing with the Department of Education a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school who is trained to take fingerprints. However, the complete set of fingerprints for an owner of an eligible private school must be taken by an authorized law enforcement agency. These fingerprints must be submitted to the Department of Law Enforcement for state processing, which shall in turn submit the fingerprints to the Federal Bureau of Investigation for federal processing. The Department of Education shall screen the background results and report to the private school any person described in this paragraph who fails to meet level 2 screening standards under s. 435.04. Any individual described in this paragraph who fails the level 2 background screening under s. 435.04 may not have unsupervised access to a scholarship student. For purposes of this paragraph:

1. The cost of the fingerprinting and the background check shall not be borne by the state.

2. A private school that allows an individual to have unsupervised access to a scholarship student who failed the level 2 background screening under s. 435.04 is ineligible to participate in the scholarship program.

3. An individual holding a valid teaching certificate in this state who has been fingerprinted pursuant to s. 1012.32 need not comply with this paragraph.

(3) The inability of a private school to meet the requirements of this section constitutes a basis for the ineligibility of the private school to participate in a scholarship program as determined by the department.

(4)(a) The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.

(b) The inclusion of eligible private schools in the options available to public school students in this state does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulations upon private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

Section 6. Section 1002.423, Florida Statutes, is created to read:

1002.423 Department of Education; obligations for state school choice scholarship programs.—The requirements imposed under this section apply to all state choice scholarship programs, including the Corporate Tax Credit Scholarship Program, as defined in s. 220.187, or an educational scholarship program established under this chapter.

(a) The Department of Education must identify all nationally norm-referenced tests that are comparable to the norm-referenced test portions of the Florida Comprehensive Assessment Test (FCAT).

(b) The Department of Education must select an independent private research organization to which each participating private school must report the scores of participating students on the nationally norm-referenced tests administered by the private school. The independent private research organization must annually report to the Department of Education on the year-to-year improvements of the participating students. The independent private research organization must analyze and report student performance data in a manner that protects the rights of students and parents as mandated in the Family Educational Rights and Privacy Act requirements of 20 U.S.C. s. 1232g and must not disaggregate data to a level that will disclose the academic level of students. To the maximum extent possible, the independent private research organization must accumulate historical performance data for students from the Department of Education and private schools to describe baseline performance and to conduct longitudinal studies. To minimize costs and reduce the time required for third-party analysis and evaluation, the Department of Education shall conduct analyses of matched students from public school assessment data and calculate control group learning gains using an agreed-upon methodology outlined in the contract with

the third-party evaluator. The sharing of student data must be in accordance with the Family Educational Rights and Privacy Act requirements of 20 U.S.C. s. 1232g and must be for the sole purpose of conducting the evaluation. All parties must preserve the confidentiality of such information as otherwise required under state and federal law.

Section 7. Subsection (3) of section 1003.05, Florida Statutes, is amended to read:

1003.05 Assistance to transitioning students from military families.—

(3) Dependent children of active duty military personnel who otherwise meet the eligibility criteria for special academic programs offered through public schools shall be given first preference for admission to such programs even if the program is being offered through a public school other than the school to which the student would generally be assigned ~~and the school at which the program is being offered has reached its maximum enrollment~~. If such a program is offered through a public school other than the school to which the student would generally be assigned, the parent ~~or guardian~~ of the student must assume responsibility for transporting the student to that school. For purposes of this subsection, special academic programs include ~~charter schools,~~ magnet schools, advanced studies programs, advanced placement, dual enrollment, and International Baccalaureate.

Section 8. Section 1003.413, Florida Statutes, is created to read:

1003.413 High school reform.—

(1) This section may be cited as the "High School Reform Act."

(2) Beginning with the 2005-2006 school year, each school district shall establish policies to assist high school students to remain in school, graduate on time, and be prepared for postsecondary education and the workforce. The policies must address:

(a) Intensive reading remediation for students in grades 9 through 12 scoring below Level 3 on FCAT Reading.

(b) Credit recovery options and course scheduling designed to allow high school students to earn credit for failed courses so that they are able to graduate on time.

(c) Immediate and frequent notification to parents of students who are in danger of not graduating from high school.

(d) Placement in alternative programs, such as programs that emphasize applied integrated curricula, small learning communities, support services, increased discipline, or other strategies documented to improve student achievement.

(e) Summer reading institutes for rising ninth graders scoring below Level 3 on FCAT Reading.

A student's participation in an instructional or remediation program prior to or immediately following entering grade 9 for the first time shall not affect that student's classification as a first-time ninth grader for reporting purposes, including calculation of graduation and dropout rates.

Section 9. *High School Reform Task Force.—*

(1) There is created the High School Reform Task Force. The task force shall work in conjunction with the Southern Regional Education Board and shall be administratively supported by the office of the Chancellor for K-12 Public Schools in the Department of Education and the Just Read, Florida! Office. Appointments to the task force shall be coordinated to ensure that the membership reflects the geographic and cultural diversity of Florida's school age population. The task force shall be abolished upon submission of its report.

(2)(a) The Commissioner of Education shall appoint members of the task force from the following categories and shall appoint the chair of the task force from its membership.

1. Two district school superintendents, one who is from a large urban school district and one who is from a small, rural school district.

2. One school board member who is from a medium size school district.

3. Three public school principals, one from a large high performing high school, one from a vocational technical high school, and one from a lower performing high school.

4. Three public high school teachers, one who is an experienced reading teacher, one who is from a school graded "F," and one who is from a high performing school.

5. Three parents of public high school students who represent the demographic, racial, and ethnic diversity of the state.

6. Three public high school students who represent the demographic, racial and ethnic diversity of the state.

7. One representative of the business community.

8. One administrator from a charter high school serving students who are at risk of dropping out of school.

9. One expert on the subject of high school reform who does not otherwise fall inside one of the enumerated categories.

(b) The President of the Senate shall appoint one member of the Senate to serve on the task force and the Speaker of the House of Representatives shall appoint one member of the House of Representatives to serve on the task force.

(3) Not later than January 1, 2006, the task force shall vote on the final report incorporating recommendations and a long-term plan for high school reform.

(4) Not later than February 1, 2006, the task force shall recommend to the Governor, the President of the Senate, and the Speaker of the House of Representatives a long-term plan for revisions to statutes, rules, and policies that will improve Florida's grade 9 retention rate, graduation rate, dropout rate, and college remediation rate, and align high school requirements with the needs of Florida's employers and postsecondary educational institution requirements. The plan must address, but is not limited to addressing: graduation requirements; course redesign; remediation strategies; credit recovery; use of alternative programs including programs emphasizing applied integrated curricula, small learning communities, support services, or increased discipline; the use of technology; adjustments to the school grading system to reflect learning gains by high school students; middle school systemic alignment; transition from middle school to high school; alignment with postsecondary and workforce education requirements; and alignment with employer expectations.

Section 10. Subsection (6) of section 1003.415, Florida Statutes, is repealed, and subsection (2), paragraph (a) of subsection (5), and paragraph (a) of present subsection (7) of that section are amended, to read:

1003.415 The Middle Grades Reform Act.—

(2) PURPOSE AND INTENT.—

(a) The purpose of this section is to provide added focus and rigor to academics in the middle grades. Using reading as the foundation, all middle grade students should receive rigorous academic instruction through challenging curricula delivered by highly qualified teachers in schools with outstanding leadership, which schools are supported by engaged and informed parents.

(b) It is the intent of the Legislature that students promoted from the eighth grade will be ready for success in high school *and that the mission of the middle grades is to prepare students for the successful completion of rigorous courses in high school*.

(5) RIGOROUS READING REQUIREMENT.—

(a) ~~Beginning with the 2004-2005 school year,~~ Each public school serving middle grade students, including charter schools, with fewer than 75 percent of its students reading at or above grade level in grade 6, grade 7, or grade 8 as measured by a student scoring at Level 3 or above on the FCAT during the prior school year, must incorporate by October 1 a rigorous reading requirement for reading and language arts programs as the primary component of its school improvement plan. The department shall annually provide to each district school board by June 30 a list of its schools that are required to incorporate a rigorous reading requirement as the primary component of the school's improvement

plan. The department shall provide technical assistance to school districts and school administrators required to implement the rigorous reading requirement.

~~(6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC PERFORMANCE OF STUDENTS AND SCHOOLS.—~~

~~(a) The department shall conduct a study on how the overall academic performance of middle grade students and schools can be improved. The department must consult with the Florida Center for Reading Research at Florida State University, the Just Read, Florida! Office, and key education stakeholders, including district school board members, district school superintendents, principals, parents, teachers, district supervisors of curriculum, and students across the state, in the development of its findings and recommendations. The department shall review, at a minimum, each of the following elements:~~

~~1. Academic expectations, which include, but are not limited to:~~

~~a. Alignment of middle school expectations with elementary and high school graduation requirements.~~

~~b. Best practices to improve reading and language arts courses based on research-based programs for middle school students in alignment with the Sunshine State Standards.~~

~~c. Strategies that focus on improving academic success for low-performing students.~~

~~d. Rigor of curricula and courses.~~

~~e. Instructional materials.~~

~~f. Course enrollment by middle school students.~~

~~g. Student support services.~~

~~h. Measurement and reporting of student achievement.~~

~~2. Attendance policies and student mobility issues.~~

~~3. Teacher quality, which includes, but is not limited to:~~

~~a. Preparedness of teachers to teach rigorous courses to middle school students.~~

~~b. Teacher evaluations.~~

~~c. Substitute teachers.~~

~~d. Certification and recertification requirements.~~

~~e. Staff development requirements.~~

~~f. Availability of effective staff development training.~~

~~g. Teacher recruitment and vacancy issues.~~

~~h. Federal requirements for highly qualified teachers pursuant to the No Child Left Behind Act of 2001.~~

~~4. Identification and availability of diagnostic testing.~~

~~5. Availability of personnel and scheduling issues.~~

~~6. Middle school leadership and performance.~~

~~7. Parental and community involvement.~~

~~(b) By December 1, 2004, the Commissioner of Education shall submit to the President of the Senate, the Speaker of the House of Representatives, the chairs of the education committees in the Senate and the House of Representatives, and the State Board of Education recommendations to increase the academic performance of middle grade students and schools.~~

(6)~~(7)~~ PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.—

(a) ~~Beginning with the 2004-2005 school year,~~ Each principal of a school with a middle grade shall designate certified staff members at the school to develop and administer a personalized middle school success plan for each entering sixth grade student who scored below Level 3 in reading on the most recently administered FCAT. The purpose of the success plan is to assist the student in meeting state and school district expectations in academic proficiency and to prepare the student for a rigorous high school curriculum. The success plan shall be developed in collaboration with the student and his or her parent and must be implemented until the student completes the eighth grade or achieves a score at Level 3 or above in reading on the FCAT, whichever occurs first. The success plan must minimize paperwork and may be incorporated into a parent/teacher conference, included as part of a progress report or report card, included as part of a general orientation at the beginning of the school year, or provided by electronic mail or other written correspondence.

Section 11. Section 1003.4155, Florida Statutes, is created to read:

1003.4155 Middle school grading system.—The grading system and interpretation of letter grades used in grades 6 through 8 shall be as follows:

(1) Grade "A" equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."

(2) Grade "B" equals 80 percent through 89 percent, has a grade point average value of 3, and is defined as "above average progress."

(3) Grade "C" equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as "average progress."

(4) Grade "D" equals 60 percent through 69 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress."

(5) Grade "F" equals zero percent through 59 percent, has a grade point average value of zero, and is defined as "failure."

(6) Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete."

Section 12. Section 1003.4156, Florida Statutes, is created to read:

1003.4156 General requirements for middle school promotion.—

(1) Beginning with students entering grade 6 in the 2005-2006 school year, promotion from a middle school, grades 6 through 8, requires the successful completion of 12 academic credits, including:

(a) Three middle school or higher credits in English/language arts.

(b) Three middle school or higher credits in mathematics.

(c) Three middle school or higher credits in social studies.

(d) Three middle school or higher credits in science.

Other courses offered in middle school, including music, band, physical education, and art, shall be considered electives.

(2) In addition to the credits required under subsection (1), for each year a student scores at Level 1 or 2 on the reading portion of the FCAT, the student must be enrolled the following year in a full-year intensive reading course for which the student may earn up to three credits. The intensive reading course must be based on frameworks developed by the Florida Center for Reading Research, or a comparable course as identified by the Department of Education, which includes an emphasis on integration of core curriculum standards and incorporation of informational and expository text.

(3) In addition to the credits required under subsection (1), for each year a student scores at Level 3 on the reading portion of the FCAT, the student must be enrolled the following year in a one-semester intensive reading course. The reading course must be based on frameworks developed by the Florida Center for Reading Research, or a comparable course as identified by the Department of Education, which includes an emphasis on integration of core curriculum standards and incorporation of informational and expository text.

(4) One full credit must entail completing a minimum of 135 hours of instruction in a designated course of study which contains standards for student performance. For schools authorized by the district school board to implement block scheduling, one full credit must entail complet-

ing a minimum of 120 hours of instruction in a designated course of study which contains standards for student performance.

(5) District school boards shall establish policies to allow alternative methods for students to earn the credits required by this section. The alternative methods must include, but are not limited to, opportunities for students to:

(a) Recover credits;

(b) Be promoted on time to high school; and

(c) Be placed in programs that emphasize applied integrated curricula, small learning communities, support services, increased discipline, or other strategies documented to improve student achievement.

The district's policy, or amendments to the policy, shall be submitted to the State Board of Education for approval. If the State Board of Education does not take action within 60 days following receipt of the proposed policy, the policy shall stand approved.

(6) The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to provide for alternative middle school promotion standards for students in grade 6, grade 7, or grade 8 who are not enrolled in a school that has a grade 6 through grade 8 middle school configuration.

Section 13. Section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(1) Each district school board shall provide all courses required for high school graduation and appropriate instruction designed to ensure that students meet State Board of Education adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required *that meet the highest standards for professionalism and historic accuracy*, following the prescribed courses of study, and employing approved methods of instruction, the following:

(a) The *history and* content of the Declaration of Independence*, including national sovereignty, natural law, self-evident truth, equality of all persons, limited government, popular sovereignty, and inalienable rights of life, liberty, and property,* and how *they form* ~~it forms~~ the philosophical foundation of our government.

(b) The history, meaning, significance, and effect of the provisions of the Constitution of the United States and amendments thereto, with emphasis on each of the 10 amendments that make up the Bill of Rights and how the constitution provides the structure of our government.

(c)~~(b)~~ The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers.

~~(c) The essentials of the United States Constitution and how it provides the structure of our government.~~

(d) Flag education, including proper flag display and flag salute.

(e) The elements of civil government, including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts.

(f) The history of the United States, including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present. American history shall be viewed as factual, not as constructed, shall be viewed as knowable, teachable, and testable, and shall be defined as the creation of a new nation based largely on the universal principles stated in the Declaration of Independence.

(g)~~(f)~~ The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.

(h)~~(g)~~ The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society.

(i)~~(h)~~ The elementary principles of agriculture.

(j)~~(i)~~ The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.

(k)~~(j)~~ Kindness to animals.

(l)~~(k)~~ The history of the state.

(m)~~(l)~~ The conservation of natural resources.

(n)~~(m)~~ Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; nutrition; personal health; prevention and control of disease; and substance use and abuse.

(o)~~(n)~~ Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the State Board of Education and the district school board in fulfilling the requirements of law.

(p)~~(o)~~ The study of Hispanic contributions to the United States.

(q)~~(p)~~ The study of women's contributions to the United States.

(r) The nature and importance of free enterprise to the United States economy.

(s)~~(q)~~ A character-development program in the elementary schools, similar to Character First or Character Counts, which is secular in nature ~~and stresses such character qualities as attentiveness, patience, and initiative~~. Beginning in school year 2004-2005, the character-development program shall be required in kindergarten through grade 12. Each district school board shall develop or adopt a curriculum for the character-development program that shall be submitted to the department for approval. The character-development curriculum shall stress the qualities of patriotism*;*~~,~~ responsibility*;*~~,~~ citizenship*;*~~,~~ kindness*;*~~,~~ respect *for authority, life, liberty, and personal property;*~~,~~ honesty*; charity;*~~,~~ self-control*;*~~,~~ *racial, ethnic, and religious* tolerance*;*~~,~~ and cooperation.

(t)~~(r)~~ In order to encourage patriotism, the sacrifices that veterans have made in serving our country and protecting democratic values worldwide. Such instruction must occur on or before Veterans' Day and Memorial Day. Members of the instructional staff are encouraged to use the assistance of local veterans when practicable.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection.

(3) Any student whose parent makes written request to the school principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted may not be penalized by reason of that exemption. Course descriptions for comprehensive health education shall not interfere with the local determination of appropriate curriculum which reflects local values and concerns.

Section 14. Subsection (15) of section 1003.52, Florida Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(15)(a) *The Department of Education shall, for students in juvenile justice education programs, develop procedures to accurately report student academic performance data and the assessment participation rates*

that are used to determine adequate yearly progress under Pub. L. No. 107-110. The procedures must include an opportunity for validation of the data by schools that provide educational services to students in programs of the Department of Juvenile Justice.

(b) The Department of Education in consultation with the Department of Juvenile Justice, district school boards, and providers shall establish objective and measurable quality assurance standards for the educational component of residential and nonresidential juvenile justice facilities. These standards shall rate the district school board's performance both as a provider and contractor. The quality assurance rating for the educational component shall be disaggregated from the overall quality assurance score and reported separately.

(c)~~(b)~~ The Department of Education shall develop a comprehensive quality assurance review process and schedule for the evaluation of the educational component in juvenile justice programs. The Department of Juvenile Justice quality assurance site visit and the education quality assurance site visit shall be conducted during the same visit.

(d)~~(c)~~ The Department of Education, in consultation with district school boards and providers, shall establish minimum thresholds for the standards and key indicators for educational programs in juvenile justice facilities. If a district school board fails to meet the established minimum standards, it will be given 6 months to achieve compliance with the standards. If after 6 months, the district school board's performance is still below minimum standards, the Department of Education shall exercise sanctions as prescribed by rules adopted by the State Board of Education. If a provider, under contract with the district school board, fails to meet minimum standards, such failure shall cause the district school board to cancel the provider's contract unless the provider achieves compliance within 6 months or unless there are documented extenuating circumstances.

Section 15. Section 1003.57, Florida Statutes, is amended to read:

1003.57 Exceptional students instruction.—

(1) Each district school board shall provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the State Board of Education as acceptable, including provisions that:

(a)~~(1)~~ The district school board provide the necessary professional services for diagnosis and evaluation of exceptional students.

(b)~~(2)~~ The district school board provide the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved private schools or community facilities that meet standards established by the commissioner.

(c)~~(3)~~ The district school board annually provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a sensory-impaired student.

(d)~~(4)~~ The district school board, once every 3 years, submit to the department its proposed procedures for the provision of special instruction and services for exceptional students.

(e)~~(5)~~ *A* ~~No~~ student *may not* be given special instruction or services as an exceptional student until after he or she has been properly evaluated, classified, and placed in the manner prescribed by rules of the State Board of Education. The parent of an exceptional student evaluated and placed or denied placement in a program of special education shall be notified of each such evaluation and placement or denial. Such notice shall contain a statement informing the parent that he or she is entitled to a due process hearing on the identification, evaluation, and placement, or lack thereof. Such hearings shall be exempt from the provisions of ss. 120.569, 120.57, and 286.011, except to the extent that the State Board of Education adopts rules establishing other procedures and any records created as a result of such hearings shall be confidential and exempt from the provisions of s. 119.07(1). The hearing must be conducted by an administrative law judge from the Division of Administrative Hearings of the Department of Management Services. The decision of the administrative law judge shall be final, except that any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to bring a civil action in the circuit court. In such an action, the court shall receive the records of the administrative hearing and shall hear additional evidence at the request of either party. In the alternative, any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to request an impartial review of the administrative law judge's order by the district court of appeal as provided by s. 120.68. Notwithstanding any law to the contrary, during the pendency of any proceeding conducted pursuant to this section, unless the district school board and the parents otherwise agree, the student shall remain in his or her then-current educational assignment or, if applying for initial admission to a public school, shall be assigned, with the consent of the parents, in the public school program until all such proceedings have been completed.

(f)~~(6)~~ In providing for the education of exceptional students, the district school superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate. Segregation of exceptional students shall occur only if the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(g)~~(7)~~ In addition to the services agreed to in a student's individual education plan, the district school superintendent shall fully inform the parent of a student having a physical or developmental disability of all available services that are appropriate for the student's disability. The superintendent shall provide the student's parent with a summary of the student's rights.

(2)(a) An exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent or guardian is a resident. The cost of such instruction, facilities, and services for a nonresident student with a disability shall be provided by the placing authority in the student's state of residence, such as a public school entity, other placing authority, or parent. A nonresident student with a disability may not be reported by any school district for FTE funding in the Florida Education Finance Program.

(b) The Department of Education shall provide to each school district a statement of the specific limitations of the district's financial obligation for exceptional students with disabilities under federal and state law. The department shall also provide to each school district technical assistance as necessary for developing a local plan to impose on a student's home state the fiscal responsibility for educating a nonresident exceptional student with a disability.

(c) The Department of Education shall develop a process by which a school district must, before providing services to an exceptional student with a disability who resides in a residential facility in this state, review the residency of the student. The residential facility, not the district, is responsible for billing and collecting from a nonresidential student's home state payment for the student's educational and related services.

(d) This subsection applies to any nonresident student with a disability who resides in a residential facility and who receives instruction as an exceptional student with a disability in any type of residential facility in this state, including, but not limited to, a public school, a private school, a group home facility as defined in s. 393.063, an intensive residential treatment program for children and adolescents as defined in s. 395.002, a facility as defined in s. 394.455, an intermediate care facility for the developmentally disabled or ICF/DD as defined in s. 393.063 or s. 400.960, or a community residential home as defined in s. 419.001.

Section 16. Section 1003.575, Florida Statutes, is created to read:

1003.575 Individual education plans for exceptional students.—The Department of Education shall devise an individual education plan (IEP) form for use in developing and implementing individual education plans for exceptional students. The IEP form must have a streamlined format; and, to provide for the use of an existing IEP form when a student transfers from one school district to another, the IEP form developed by the department shall be used in each school district in the state.

Section 17. Section 1003.58, Florida Statutes, is amended to read:

1003.58 Students in residential care facilities.—Each district school board shall provide educational programs according to rules of the State Board of Education to students who reside in residential care facilities operated by the Department of Children and Family Services.

(1) The district school board shall not be charged any rent, maintenance, utilities, or overhead on such facilities. Maintenance, repairs, and remodeling of existing facilities shall be provided by the Department of Children and Family Services.

(2) If additional facilities are required, the district school board and the Department of Children and Family Services shall agree on the appropriate site based on the instructional needs of the students. When the most appropriate site for instruction is on district school board property, a special capital outlay request shall be made by the commissioner in accordance with s. 1013.60. When the most appropriate site is on state property, state capital outlay funds shall be requested by the Department of Children and Family Services as provided by s. 216.043 and shall be submitted as specified by s. 216.023. Any instructional facility to be built on state property shall have educational specifications jointly developed by the school district and the Department of Children and Family Services and approved by the Department of Education. The size of space and occupant design capacity criteria as provided by state board rules shall be used for remodeling or new construction whether facilities are provided on state property or district school board property. The planning of such additional facilities shall incorporate current Department of Children and Family Services deinstitutionalization plans.

(3) The district school board shall have full and complete authority in the matter of the assignment and placement of such students in educational programs. The parent of an exceptional student shall have the same due process rights as are provided under *s. 1003.57(1)(e)* ~~s. 1003.57(5)~~.

(4) The district school board shall have a written agreement with the Department of Children and Family Services outlining the respective duties and responsibilities of each party.

Notwithstanding the provisions herein, the educational program at the Marianna Sunland Center in Jackson County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public or duly accredited educational agencies approved by the Department of Education.

Section 18. Section 1004.64, Florida Statutes, is created to read:

1004.64 Florida Center for Reading Research.—There is created, as a joint project between the College of Arts and Sciences and the Learning Systems Institute (LSI) at the Florida State University, the Florida Center for Reading Research (FCRR). The center is administratively housed within the LSI and shall:

(1) Provide technical assistance and support to all school districts and schools in this state in the implementation of evidence-based literacy instruction, assessments, and programs.

(2) Conduct applied research that will have an immediate impact on policy and practices related to literacy instruction and assessment in this state.

(3) Conduct basic research on reading, reading growth, reading assessment, and reading instruction which will contribute to scientific knowledge about reading.

(4) Develop frameworks for comprehensive reading intervention courses for possible use in middle schools and secondary schools.

(5) Disseminate information about research-based practices related to literacy instruction, assessment, and programs for students in preschool through grade 12.

(6) Collect, manage, and report on assessment information from screening, progress monitoring, and outcome assessments through the Florida Progress Monitoring and Reporting Network. The network is a statewide resource that is operated to provide valid and timely reading assessment data for parents, teachers, principals, and district-level and state-level staff in the management of instruction at the individual, classroom, and school levels.

Section 19. Section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.—

(1) PURPOSE.—The primary purposes of the student assessment program are to provide information needed to improve the public schools by enhancing the learning gains of all students and to inform parents of the educational progress of their public school children. The program must be designed to:

(a) Assess the annual learning gains of each student toward achieving the Sunshine State Standards appropriate for the student's grade level.

(b) Provide data for making decisions regarding school accountability and recognition.

(c) Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school with a standard high school diploma.

(d) Assess how well educational goals and performance standards are met at the school, district, and state levels.

(e) Provide information to aid in the evaluation and development of educational programs and policies.

(f) Provide information on the performance of ~~Florida~~ students *in this state* compared with *other students* ~~others~~ across the United States.

(2) INTENT.—

(a) It is the intent of the Legislature that the Department of Education pursue innovations in technology and assessment to allow the Florida Comprehensive Assessment Test (FCAT) to be administered as late as possible in the school year with scores received before the end of the school year. The department shall pursue such innovations to the extent funded by the Legislature. Annually, the Commissioner of Education shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the state of the art in large-scale on-line assessment capabilities of the industry and of the capacity of the public schools in this state to implement a statewide program.

(b) It is the further intent of the Legislature that the Department of Education make accessible to the public copies of actual scored FCAT test items when sufficient items are available through the test-item databank to ensure the security and validity of the test. The department shall provide such FCAT test items to the extent that sufficient items are funded by the Legislature. However, this paragraph does not apply to those provisions of the FCAT to which the department does not hold the copyright.

(3)~~(2)~~ NATIONAL EDUCATION COMPARISONS.—It is Florida's intent to participate in the measurement of national educational goals. The Commissioner of Education shall direct Florida school districts to participate in the administration of the National Assessment of Educational Progress, or a similar national assessment program, both for the national sample and for any state-by-state comparison programs which may be initiated. Such assessments must be conducted using the data collection procedures, the student surveys, the educator surveys, and other instruments included in the National Assessment of Educational Progress or similar program being administered in Florida. The results of these assessments shall be included in the annual report of the Commissioner of Education specified in this section. The administration of the National Assessment of Educational Progress or similar program shall be in addition to and separate from the administration of the statewide assessment program.

(4)~~(3)~~ STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(a) Submit to the State Board of Education a list that specifies student skills and competencies to which the goals for education specified

in the state plan apply, including, but not limited to, reading, writing, science, and mathematics. The skills and competencies must include problem-solving and higher-order skills as appropriate and shall be known as the Sunshine State Standards as defined in s. 1000.21. The commissioner shall select such skills and competencies after receiving recommendations from educators, citizens, and members of the business community. The commissioner shall submit to the State Board of Education revisions to the list of student skills and competencies in order to maintain continuous progress toward improvements in student proficiency.

(b) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools. These indicators must include, without limitation, information gathered by the comprehensive management information system created pursuant to s. 1008.385 and student achievement information obtained pursuant to this section.

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program~~, to be administered annually in grades 3 through 10~~ to measure reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. *The assessment of reading and math shall be administered annually in grades 3 through 10. The assessment of writing and science shall be administered at least once at the elementary school level, at least once at the middle school level, and at least once at the high school level.* The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, mathematics, and science. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

2. The testing program will include a combination of norm-referenced and criterion-referenced tests and include, to the extent determined by the commissioner, questions that require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

3. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings that are then scored by appropriate methods.

4. A score is designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. Except as provided in s. 1003.43(11)(b), students must earn a passing score on the grade 10 assessment test described in this paragraph or on an alternate assessment as described in subsection (9) in reading, writing, and mathematics to qualify for a regular high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. ~~All students who took the grade 10 FCAT during the 2000-2001 school year shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2001 test administration. Such students who did not earn the established passing scores and must repeat the grade 10 FCAT are required to earn the passing scores established for the March 2001 test administration. All students who take the grade 10 FCAT for the first time in March 2002 shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2002 test administration.~~ The State Board of Education shall adopt rules *that* ~~which~~ specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall ~~only~~ apply *only* to students taking the grade 10 FCAT for the first time after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. If modifications are made in the student's instruction to provide accommodations that would not be permitted on the statewide assessment tests, the district must notify the student's parent of the implications of such instructional modifications. A parent must provide signed consent for a student to receive instructional modifications that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable.

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. If a student is provided with accommodations or modifications that are not allowable in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and math. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

9. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the skills and competencies established in the Florida Sunshine State Standards.

The commissioner may design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state.

(d) Conduct ongoing research to develop improved methods of assessing student performance, including, without limitation, the use of technology to administer tests, score, or report the results of, the use of electronic transfer of data, the development of work-product assessments, and the development of process assessments.

(e) Conduct ongoing research *into* and analysis of student achievement data, including, without limitation, monitoring trends in student achievement *by grade level and overall student achievement*, identifying school programs that are successful, and analyzing correlates of school achievement.

(f) Provide technical assistance to school districts in the implementation of state and district testing programs and the use of the data produced pursuant to such programs.

(5)~~(4)~~ DISTRICT TESTING PROGRAMS.—Each district school board shall periodically assess student performance and achievement within each school of the district. The assessment programs must be based upon local goals and objectives that are compatible with the state plan for education and that supplement the skills and competencies adopted by the State Board of Education. All school districts must participate in the statewide assessment program designed to measure annual student learning and school performance. All district school boards shall report assessment results as required by the state management information system.

(6)~~(5)~~ SCHOOL TESTING PROGRAMS.—Each public school shall participate in the statewide assessment program, unless specifically exempted by state board rule based on serving a specialized population for which standardized testing is not appropriate. Student performance data shall be analyzed and reported to parents, the community, and the state. Student performance data shall be used in developing objectives

of the school improvement plan, evaluation of instructional personnel, evaluation of administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance-based budgeting, and promotion and assignment of students into educational programs. The analysis of student performance data also must identify strengths and needs in the educational program and trends over time. The analysis must be used in conjunction with the budgetary planning processes developed pursuant to s. 1008.385 and the development of the programs of remediation.

(7)~~(6)~~ REQUIRED ANALYSES.—The commissioner shall provide, at a minimum, for the following analyses of data produced by the student achievement testing program:

(a) The statistical system for the annual assessments shall use measures of student learning, such as the FCAT, to determine teacher, school, and school district statistical distributions, which shall be determined using available data from the FCAT, and other data collection as deemed appropriate by the Department of Education, to measure the differences in student prior year achievement compared to the current year achievement for the purposes of accountability and recognition.

(b) The statistical system shall provide the best estimates of teacher, school, and school district effects on student progress. The approach used by the department shall be approved by the commissioner before implementation.

(c) The annual testing program shall be administered to provide for valid statewide comparisons of learning gains to be made for purposes of accountability and recognition. The commissioner shall establish a schedule for the administration of the statewide assessments. In establishing such schedule, the commissioner is charged with the duty to accomplish the latest possible administration of the statewide assessments and the earliest possible provision of the results to the school districts feasible within available technology and specific appropriation. District school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.

(8)~~(7)~~ LOCAL ASSESSMENTS.—Measurement of the learning gains of students in all subjects and grade levels other than subjects and grade levels required for the state student achievement testing program is the responsibility of the school districts.

(9)~~(8)~~ APPLICABILITY OF TESTING STANDARDS.—A student must meet the testing requirements for high school graduation that were in effect at the time the student entered 9th grade, provided the student's enrollment was continuous.

(10)~~(9)~~ EQUIVALENCIES FOR STANDARDIZED TESTS.—

(a) The Commissioner of Education shall approve the use of the SAT and ACT tests as alternative assessments to the grade 10 FCAT ~~for the 2003-2004 school year~~. Students who attain scores on the SAT or ACT which equate to the passing scores on the grade 10 FCAT for purposes of high school graduation shall satisfy the assessment requirement for a standard high school diploma as provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) ~~for the 2003-2004 school year~~ if the students meet the requirement in paragraph (b).

(b) A student shall be required to take the grade 10 FCAT a total of three times without earning a passing score in order to use the scores on an alternative assessment pursuant to paragraph (a). This requirement shall not apply to a student who is a new student to the public school system in grade 12.

(11)~~(10)~~ RULES.—The State Board of Education shall adopt rules *under* ~~pursuant to~~ ss. 120.536(1) and 120.54 to implement ~~the provisions of~~ this section.

Section 20. Subsection (8) of section 1008.25, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

1008.25 Public school student progression; remedial instruction; reporting requirements.—

(8) ANNUAL REPORT.—

(a) In addition to the requirements in paragraph (5)(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The district school board must report to the parent the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

(b) ~~Beginning with the 2001-2002 school year,~~ Each district school board must annually publish in the local newspaper, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

1. The provisions of this section relating to public school student progression and the district school board's policies and procedures on student retention and promotion.

2. By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT.

3. By grade, the number and percentage of all students retained in grades 3 through 10.

4. Information on the total number of students who were promoted for good cause, by each category of good cause as specified in paragraph (6)(b).

5. Any revisions to the district school board's policy on student retention and promotion from the prior year.

(c) The Department of Education shall establish a uniform format in which school districts must report such information. The department shall annually compile the information required under subparagraphs (b)2., 3., and 4., along with state-level summary information, and shall report the information to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(11) REPORTS.—The Department of Education shall annually provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on:

(a) The longitudinal performance of students in math and reading.

(b) The longitudinal performance of students by grade level in math and reading.

(c) The longitudinal performance regarding efforts to close the achievement gap.

(d) The longitudinal performance of students on the norm-referenced component of the FCAT.

(e) Other student performance data based on national norm-referenced and criterion-referenced tests, when available.

Section 21. Section 1008.31, Florida Statutes, is amended to read:

1008.31 Florida's K-20 education performance accountability system; legislative intent; *public accountability and reporting* ~~performance-based funding~~; mission, goals, and systemwide measures.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that:

(a) The performance accountability system implemented to assess the effectiveness of Florida's seamless K-20 education delivery system provide answers to the following questions in relation to its mission and goals:

1. What is the public receiving in return for funds it invests in education?

2. How effectively is Florida's K-20 education system educating its students?

3. How effectively are the major delivery sectors promoting student achievement?

4. How are individual schools and postsecondary education institutions performing their responsibility to educate their students as measured by how students are *exhibiting* ~~performing and~~ how much they are learning?

(b) The K-20 education performance accountability system be established as a single, unified accountability system with multiple components, including, but not limited to, measures of adequate yearly progress, individual student learning gains in public schools, school grades, and return on investment.

(c) The K-20 education performance accountability system comply with the accountability requirements of the "No Child Left Behind Act of 2001," Pub. L. No. 107-110.

(d) The State Board of Education recommend to the Legislature systemwide performance standards; the Legislature establish systemwide performance measures and standards; and the systemwide measures and standards provide Floridians with information on what the public is receiving in return for the funds it invests in education and how well the K-20 system educates its students.

(e) The State Board of Education establish performance measures and set performance standards for individual components of the public education system, including individual schools and *community colleges* ~~postsecondary educational institutions~~, with measures and standards based primarily on student achievement.

(f) The Board of Governors establish performance measures and set performance standards for state universities, with measures and standards based primarily on student access and achievement. Measures should encourage the seamless transition of students from one educational level to the next and be consistent with other educational accountability measures.

~~(2) PERFORMANCE-BASED FUNDING.—~~

~~(a) The State Board of Education shall cooperate with each delivery system to develop proposals for performance-based funding, using performance measures adopted pursuant to this section.~~

~~(b) The State Board of Education proposals must provide that at least 10 percent of the state funds appropriated for the K-20 education system are conditional upon meeting or exceeding established performance standards.~~

~~(c) The State Board of Education shall adopt guidelines required to implement performance-based funding that allow 1 year to demonstrate achievement of specified performance standards prior to a reduction in appropriations pursuant to this section.~~

~~(d) By December 1, 2003, the State Board of Education shall adopt common definitions, measures, standards, and performance improvement targets required to:~~

~~1. Use the state core measures and the sector-specific measures to evaluate the progress of each sector of the educational delivery system toward meeting the systemwide goals for public education.~~

~~2. Notify the sectors of their progress in achieving the specified measures so that they may develop improvement plans that directly influence decisions about policy, program development, and management.~~

~~3. Implement the performance-based budgeting system described in this section.~~

~~(e) During the 2003-2004 fiscal year, the Department of Education shall collect data required to establish progress, rewards, and sanctions.~~

~~(f) By December 1, 2004, the Department of Education shall recommend to the Legislature a formula for performance-based funding that applies accountability standards for the individual components of the public education system at every level, kindergarten through graduate school. Effective for the 2004-2005 fiscal year and thereafter, subject to annual legislative approval in the General Appropriations Act, performance-based funds shall be allocated based on the progress, rewards, and sanctions established pursuant to this section.~~

(2)~~(3)~~ MISSION, GOALS, AND SYSTEMWIDE MEASURES.—

(a) The mission of Florida's K-20 education system shall be to increase the proficiency of all students within one seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities.

(b) The ~~State Board of Education shall adopt~~ guiding principles for establishing state and sector-specific standards and measures *must assure that the process is:*~~.~~

1. Focused on student success;

2. Actionable, in that an educational entity can affect the outcomes through policy and program changes;

3. High-quality and efficient;

4. Measurable over time;

5. Simple to explain and display to the public; and

6. Aligned with other measures and other sectors to support a coordinated K-20 education system.

(c) The *Department* ~~State Board~~ of Education shall maintain an accountability system that measures student progress toward the following goals:

1. Highest student achievement, as *indicated by evidence of student learning gains at all levels* ~~measured by: student FCAT performance and annual learning gains; the number and percentage of schools that improve at least one school performance grade designation or maintain a school performance grade designation of "A" pursuant to s. 1008.34; graduation or completion rates at all learning levels; and other measures identified in law or rule~~.

2. Seamless articulation and maximum access, as measured by *evidence of progression and readiness and evidence of access by targeted groups of students identified by the commissioner*~~: the percentage of students who demonstrate readiness for the educational level they are entering, from kindergarten through postsecondary education and into the workforce; the number and percentage of students needing remediation; the percentage of Floridians who complete associate, baccalaureate, graduate, professional, and postgraduate degrees; the number and percentage of credits that articulate; the extent to which each set of exit-point requirements matches the next set of entrance-point requirements; the degree to which underserved populations access educational opportunity; the extent to which access is provided through innovative educational delivery strategies; and other measures identified in law or rule~~.

3. Skilled workforce and economic development, as measured by *evidence of employment and earnings*~~: the number and percentage of graduates employed in their areas of preparation; the percentage of Floridians with high school diplomas and postsecondary education credentials; the percentage of business and community members who find that Florida's graduates possess the skills they need; national rankings; and other measures identified in law or rule~~.

4. Quality efficient services, as measured by *evidence of return on investment*~~: cost per completer or graduate; average cost per noncompleter at each educational level; cost disparity across institutions offering the same degrees; the percentage of education customers at each educational level who are satisfied with the education provided; and other measures identified in law or rule~~.

(3)~~(4)~~ *K-20 EDUCATION DATA QUALITY IMPROVEMENT.—To provide data required to implement education performance accountability measures in state and federal law, the commissioner shall initiate and maintain strategies to improve data quality and timeliness.*

(a) ~~SYSTEMWIDE DATA COLLECTION.—~~School districts and public postsecondary educational institutions shall maintain information systems that will provide the State Board of Education*, the Board of Governors,* and the Legislature with information and reports necessary to address the specifications of the accountability system. ~~The State Board of Education shall determine the standards for the required data.~~ The level of comprehensiveness and quality shall be no less than that which was available as of June 30, 2001.

(b) The Commissioner of Education shall determine the standards for the required data, monitor data quality, and measure improvements. The commissioner shall report annually to the Legislature, the State Board of Education, and the Board of Governors data quality indicators and ratings for all public postsecondary education institutions and school districts.

(4) RULES.—The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to implement this section.

Section 22. Section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.—It is the intent of the Legislature that all public schools be held accountable for students performing at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education.

(1) Pursuant to Art. IX of the State Constitution prescribing the duty of the State Board of Education to supervise Florida's public school system and notwithstanding any other statutory provisions to the contrary, the State Board of Education shall intervene in the operation of a district school system when one or more schools in the school district have failed to make adequate progress for 2 school years in a 4-year period. For purposes of determining when a school is eligible for state board action and opportunity scholarships for its students, the terms "2 years in any 4-year period" and "2 years in a 4-year period" mean that in any year that a school has a grade of "F," the school is eligible for state board action and opportunity scholarships for its students if it also has had a grade of "F" in any of the previous 3 school years. The State Board of Education may determine that the school district or school has not taken steps sufficient for students in the school to be academically well served. Considering recommendations of the Commissioner of Education, the State Board of Education shall recommend action to a district school board intended to improve educational services to students in each school that is designated *with a grade of* ~~as performance grade category~~ "F." Recommendations for actions to be taken in the school district shall be made only after thorough consideration of the unique characteristics of a school, which shall include student mobility rates, the number and type of exceptional students enrolled in the school, and the availability of options for improved educational services. The state board shall adopt by rule steps to follow in this process. Such steps shall provide school districts sufficient time to improve student performance in schools and the opportunity to present evidence of assistance and interventions that the district school board has implemented.

(2) The State Board of Education may recommend one or more of the following actions to district school boards to enable students in schools designated *with a grade of* ~~as performance grade category~~ "F" to be academically well served by the public school system:

(a) Provide additional resources, change certain practices, and provide additional assistance if the state board determines the causes of inadequate progress to be related to school district policy or practice;

(b) Implement a plan that satisfactorily resolves the education equity problems in the school;

(c) Contract for the educational services of the school, or reorganize the school at the end of the school year under a new school principal who is authorized to hire new staff and implement a plan that addresses the causes of inadequate progress;

(d) Transfer high-quality teachers, faculty, and staff to improve the performance of students in any low-performing school;

(e)~~(d)~~ Allow parents of students in the school to send their children to another district school of their choice; or

(f)~~(e)~~ Other action appropriate to improve the school's performance.

(3) In recommending actions to district school boards, the State Board of Education shall specify the length of time available to implement the recommended action. The State Board of Education may adopt rules to further specify how it may respond in specific circumstances. ~~No~~ Action taken by the State Board of Education *does not* ~~shall~~ relieve a school from state accountability requirements.

(4) The State Board of Education may require the Department of Education or Chief Financial Officer to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with the action ordered to improve the district's low-performing schools. ~~Withholding~~ The transfer of funds *may be withheld* ~~shall occur~~ only after all other recommended actions for school improvement have failed to improve performance. The State Board of Education may impose the same penalty on any district school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified in s. 1001.42(16)(c).

Section 23. Section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; *school report cards;* district performance grade.—

(1) ANNUAL REPORTS.—The Commissioner of Education shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district, and each school. The commissioner shall prescribe the design and content of these reports, which must include, without limitation, descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the Commissioner of Education, and must also include the median scores of all eligible students who scored at or in the lowest 25th percentile of the state in the previous school year; ~~provided,~~ however, ~~that~~ the provisions of s. 1002.22 pertaining to student records apply to this section.

(2) SCHOOL *GRADES* ~~PERFORMANCE GRADE CATEGORIES~~.—The annual report shall identify schools as *having one of the following grades* ~~being in one of the following grade categories~~ defined according to rules of the State Board of Education:

(a) "A," schools making excellent progress.

(b) "B," schools making above average progress.

(c) "C," schools making satisfactory progress.

(d) "D," schools making less than satisfactory progress.

(e) "F," schools failing to make adequate progress.

Each school designated *with a grade of* ~~in performance grade category~~ "A," making excellent progress, or having improved at least two *grade levels* ~~performance grade categories~~, shall have greater authority over the allocation of the school's total budget generated from the FEFP, state categoricals, lottery funds, grants, and local funds, as specified in state board rule. The rule must provide that the increased budget authority shall remain in effect until the school's performance grade declines.

(3) DESIGNATION OF SCHOOL *GRADES* ~~PERFORMANCE GRADE CATEGORIES~~.—School *grades* ~~performance grade category designations~~ itemized in subsection (2) shall be based on the following:

(a) *Criteria* ~~Timeframes~~.—

~~1. School performance grade category designations shall be based on the school's current year performance and the school's annual learning gains.~~

~~2.~~ A school's *grade* ~~performance grade category designation~~ shall be based on a combination of:

1. Student achievement scores~~;~~,

2. Student learning gains as measured by annual FCAT assessments in grades 3 through 10~~;~~, and

3. Improvement of the lowest 25th percentile of students in the school in reading~~, math, or writing~~ on the FCAT, unless these students are *exhibiting* ~~performing~~ above satisfactory performance.

(b) Schools to be graded.—All schools shall receive a school grade except those alternative schools that receive a school improvement rating pursuant to s. 1008.341. Alternative schools may choose to receive a school grade pursuant to the provisions of this section in lieu of a school improvement rating described in s. 1008.341.

(c)~~(b)~~ Student assessment data.—Student assessment data used in determining school *grades* ~~performance grade categories~~ shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT, including Florida Writes, and who have scored at or in the lowest 25th percentile of students in the school in reading, math, or writing, unless these students are *exhibiting* ~~performing~~ above satisfactory performance.

3. The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53. The term "eligible students" as used in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, and who are in the programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in calculating the originating school's grade. For purposes of this section and s. 1008.341, the term "originating school" means the school that the student was attending when assigned to an alternative school. If an alternative school chooses to be graded pursuant to this section, student performance data for eligible students identified in this subparagraph may not be included in the originating school's grade, but shall be included only in the calculation of the alternative school's grade. School districts must ensure collaboration between the originating school and the alternative school in order to promote student success.

~~The Department of Education shall study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students.~~ The State Board of Education shall adopt appropriate criteria for each school *grade* ~~performance grade category~~. The criteria must also give added weight to student achievement in reading. Schools designated *with a grade of* ~~as performance grade category~~ "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading, math, or writing on the FCAT, including Florida Writes, unless these students are *exhibiting* ~~performing~~ above satisfactory performance.

(4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall identify each school's performance as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the current year's and previous year's student and school performance data. Schools that improve at least one performance grade category are eligible for school recognition awards pursuant to s. 1008.36.

(5) SCHOOL *REPORT CARD.—The Department of Education shall annually develop in collaboration with the school districts a school report card to be delivered to parents throughout each school district. The report card must include the school's grade, information regarding school improvement, an explanation of school performance as evaluated by the federal No Child Left Behind Act, and indicators of return on investment.* ~~PERFORMANCE GRADE CATEGORY AND IMPROVEMENT RATING REPORTS.—School performance grade category designations and improvement ratings shall apply to each school's performance for the year in which performance is measured.~~ Each school's *report card* ~~designation and rating~~ shall be published annually by the Department of Education *on the department's website,* and the school district *shall provide the report card to each parent.* ~~Parents shall be entitled to an easy-to-read report card about the designation and rating of the school in which their child is enrolled.~~

~~(6) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.~~

(6)~~(7)~~ PERFORMANCE-BASED FUNDING.—The Legislature may factor in the performance of schools in calculating any performance-based funding policy that is provided for annually in the General Appropriations Act.

(7)~~(8)~~ DISTRICT PERFORMANCE GRADE.—The annual report required by subsection (1) shall include district performance grades, which shall consist of weighted district average grades, by level, for all elementary schools, middle schools, and high schools in the district. A district's weighted average grade shall be calculated by weighting individual school grades determined pursuant to subsection (2) by school enrollment.

(8) The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 24. Section 1008.341, Florida Statutes, is created to read:

1008.341 School improvement rating for alternative schools.—

(1) ANNUAL REPORTS.—The Commissioner of Education shall prepare an annual report on the performance of each school receiving a school improvement rating pursuant to this section if the provisions of s. 1002.22 pertaining to student records apply.

(2) SCHOOL IMPROVEMENT RATING.—Alternative schools that provide dropout prevention and academic intervention services pursuant to s. 1003.53 may not receive a school grade as described in s. 1008.34, but shall receive a school improvement rating pursuant to this section. The school improvement rating shall identify schools as having one of the following ratings defined according to rules of the State Board of Education:

(a) "Improving" schools with students making more academic progress than when the students were served in their home school.

(b) "Maintaining" schools with students making the equivalent progress as when the students were served in their home school.

(c) "Declining" schools with students making less academic progress than when the students were served in their home school.

The school improvement rating shall be based on a comparison of the current year's and previous year's students and school performance data. Schools that improve at least one level pursuant to this section are eligible for school recognition awards pursuant to s. 1008.36.

(3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student assessment data used in determining an alternative school's school improvement rating shall include:

(a) The aggregate scores of all eligible students who were assigned to and enrolled in the school during the October or February FTE counts, who have been assessed on the FCAT, and who have FCAT or comparable scores for the preceding school year.

(b) The aggregate scores of all eligible students who were assigned to and enrolled in the school during the October or February FTE counts, who have been assessed on the FCAT, including Florida Writes, and who have scored at or in the lowest 25th percentile of students in the state on FCAT Reading.

The scores of students who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, and who are in programs operated and contracted by the Department of Juvenile Justice may not be included in an alternative school's improvement rating.

(4) IDENTIFICATION OF STUDENT LEARNING GAINS.—For all alternative schools receiving a school improvement rating, the Department of Education shall annually identify the percent of students making learning gains as compared to the percent of the same students making learning gains at their originating school in the year before being assigned to the alternative school.

(5) SCHOOL REPORT CARD.—The Department of Education shall annually develop, in collaboration with the school districts, a school report card for alternative schools to be delivered to parents through each school district. The report card shall include the school improvement rating, identification of student learning gains, information regarding school improvement, an explanation of school performance as evaluated by the federal No Child Left Behind Act of 2001, and indicators of return on investment.

(6) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of this section.

Section 25. Section 1008.36, Florida Statutes, is amended to read:

1008.36 Florida School Recognition Program.—

(1) The Legislature finds that there is a need for a performance incentive program for outstanding faculty and staff in highly productive schools. The Legislature further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.

(2) The Florida School Recognition Program is created to provide financial awards to public schools that:

(a) Sustain high performance by receiving a school grade of "A," making excellent progress; or

(b) Demonstrate exemplary improvement due to innovation and effort by improving a letter grade.

(3) All public schools, including charter schools, that receive a school grade pursuant to s. 1008.34 are eligible to participate in the program. *For purposes of this section, a school serving any combination of kindergarten through grade 3 students which does not receive a school grade under s. 1008.34 shall be assigned the school performance grade of the feeder pattern school designated by the Department of Education and verified by the school district and shall be eligible to participate in the program based upon that feeder. A feeder school pattern is defined where at least 60 percent of the students in the school or schools servicing a combination of kindergarten through grade 3 students are scheduled to be assigned to the school receiving the school grade. In addition, the feeder pattern school shall be subject to the Opportunity Scholarship Program as defined in s. 1002.38.*

(4) All selected schools shall receive financial awards depending on the availability of funds appropriated and the number and size of schools selected to receive an award. Funds must be distributed to the school's fiscal agent and placed in the school's account and must be used for purposes listed in subsection (5) as determined jointly by the school's staff and school advisory council. If school staff and the school advisory council cannot reach agreement by November 1, the awards must be equally distributed to all classroom teachers currently teaching in the school.

(5) School recognition awards must be used for the following:

(a) Nonrecurring bonuses to the faculty and staff *who presently are employed at the school or who were employed at the school during the year of improved performance*;

(b) Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or

(c) Temporary personnel for the school to assist in maintaining and improving student performance.

Notwithstanding statutory provisions to the contrary, incentive awards are not subject to collective bargaining.

Section 26. Paragraph (f) of subsection (1), paragraphs (a) and (b) of subsection (4), and subsection (8) of section 1011.62, Florida Statutes, are amended, and present subsection (9) of that section is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(f) Supplemental academic instruction; categorical fund.—

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the "Supplemental Academic Instruction Categorical Fund."

2. Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs *or in an education program for juveniles under s. 985.223*. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

4. The Florida State University School, as a lab school, is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.

5. Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 1003.52, 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in group 1 programs under subparagraph (d)3.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of *subparagraph (10)(a)2.* ~~subparagraph (9)(a)2.~~, shall use the most recent taxable value for the appropriate year.

(b) Final calculation.—

1. The Department of Revenue shall, upon receipt of the official final assessed value of property from each of the property appraisers, certify to the Commissioner of Education the taxable value total for school purposes in each school district, subject to the provisions of paragraph (d). The commissioner shall use the official final taxable value for school purposes for each school district in the final calculation of the annual Florida Education Finance Program allocations.

2. For the purposes of this paragraph, the official final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to part I of chapter 194. By September 1 of each year, the Department of Revenue shall certify to the commissioner the official prior year final taxable value for school purposes. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the official taxable value for school purposes. The certified value shall be the final taxable value for school purposes, and no further adjustments shall be made, except those made pursuant to *subparagraph (10)(a)2* ~~subparagraph (9)(a)2~~.

(8) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection *(10)*~~(9)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection *(10)* ~~(9)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(9) RESEARCH-BASED READING-INSTRUCTION ALLOCATION.—

(a) There is created the Research-Based Reading-Instruction Allocation to provide comprehensive reading instruction to students in kindergarten through grade 12.

(b) Funds for comprehensive, research-based reading instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. Each school district may be allocated a minimum amount as specified in the General Appropriations Act with the balance of funds being allocated by prorating on each district's share of Florida Education Finance Program base funding.

(c) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to students enrolled in K-12 programs, which may include the provision of:

1. Highly qualified reading coaches whose priority is building capacity on effective strategies to teach reading and enhance literacy. Reading coaches who are endorsed should, whenever possible, be involved in the instruction of students.

2. Professional development for district teachers in scientifically based reading instruction;

3. Summer reading camps for students who score at Level 1 on the FCAT;

4. Supplemental instructional materials that are grounded in scientifically based reading research; and

5. Intensive interventions for middle-school and secondary-school students who are reading below grade level.

(d) Annually, by a date determined by the Department of Education but before May 1, school districts shall submit a plan for the specific use of the research-based reading instruction allocation in the format prescribed by the department for review and approval by the Just Read, Florida! Office created pursuant to s. 1001.215. The plan annually submitted by school districts shall be deemed approved unless the department rejects the plan on or before June 1. If a school district and the Just Read, Florida! Office cannot agree on the contents of the plan, the school district may appeal to the State Board of Education. The plan format shall be developed with input from school district personnel, including teachers and principals, and shall allow courses in core, career, and alternative programs that deliver intensive reading remediation through integrated curricula. No later than July 1 annually, the department shall release the school district's allocation of appropriated funds to those districts with approved plans. A school district that spends 100 percent of this allocation on its approved plan shall be deemed to have been in compliance with the plan. The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan.

Section 27. Paragraph (b) of subsection (2) of section 1011.685, Florida Statutes, is amended to read:

1011.685 Class size reduction; operating categorical fund.—

(2) Class size reduction operating categorical funds shall be used by school districts for the following:

(b) For any lawful operating expenditure, if the district has met the constitutional maximums identified in s. 1003.03(1) or the reduction of two students per year required by s. 1003.03(2); however, priority shall be given to increase salaries of classroom teachers as defined in s. 1012.01(2)(a) and to implement the *differentiated-pay provisions detailed in s. 1012.22* ~~salary career ladder defined in s. 1012.231~~.

Section 28. Subsection (1) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by *s. 1011.62(10)* ~~s. 1011.62(9)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 1011.62(4), exclusive of millage levied pursuant to subsection (2).

Section 29. Subsection (6) is added to section 1012.21, Florida Statutes, to read:

1012.21 Department of Education duties; K-12 personnel.—

(6) REPORTING.—The Department of Education shall annually post on-line the collective bargaining contracts of each school district in the state which the department has received under s. 1012.22.

Section 30. Paragraph (c) of subsection (1) of section 1012.22, Florida Statutes, is amended read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(c) Compensation and salary schedules.—

1. The district school board shall adopt a salary schedule or salary schedules designed to furnish incentives for improvement in training and for continued efficient service to be used as a basis for paying all school employees and fix and authorize the compensation of school employees on the basis thereof.

2. A district school board, in determining the salary schedule for instructional personnel, must base a portion of each employee's compensation on performance demonstrated under s. 1012.34, must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States, and must consider prior professional experience in the field of education gained in positions in addition to district level instructional and administrative positions.

3. In developing the salary schedule, the district school board shall seek input from parents, teachers, and representatives of the business community.

4.*a.* ~~Beginning with the 2002-2003 fiscal year,~~ Each district school board must adopt a performance-pay policy for school administrators and instructional personnel. The district's performance-pay policy is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow school administrators and instructional personnel who demonstrate outstanding performance, as measured under s. 1012.34, to earn a 5-percent supplement in addition to their individual, negotiated salary. The supplements shall be funded from the performance-pay reserve funds adopted in the salary schedule. ~~Beginning with the 2004-2005 academic year,~~ The district's 5-percent performance-pay policy must provide for the evaluation of classroom teachers *based on the level of their responsibilities* ~~within each level of the salary career ladder provided in s. 1012.231~~.

b. The Commissioner of Education shall determine whether the district school board's adopted salary schedule complies with the requirement for performance-based pay. If the district school board fails to comply with this section, the commissioner shall *recommend to the State Board of Education that the board* withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified*, and the board may do so*.

5.a. Beginning with the 2005-2006 fiscal year, each district school board shall adopt a differentiated-pay policy for school administrators and instructional personnel. The policy with respect to instructional personnel is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow school administrators and instructional personnel to receive differentiated pay based upon factors including, but not limited to:

(I) The subject areas taught, with classroom teachers who teach in critical shortage areas receiving higher pay;

(II) The economic demographics of the school, with school administrators and instructional personnel in schools that have a majority of students who qualify for free or reduced-price lunches receiving higher pay;

(III) The performance of school administrators and instructional personnel as provided in subparagraph 4.; and

(IV) The responsibilities of the classroom teacher.

b. The district school board must hold a public hearing at which the board must present its proposed differentiated-pay policy and the rationale supporting the differentiated-pay classifications as proposed, consistent with this subparagraph's differentiated-pay factors.

c. The Commissioner of Education shall determine whether the district school board's adopted salary schedule complies with the requirement for differentiated pay. If the district school board does not adopt a differentiated-pay scale, the commissioner shall recommend to the State Board of Education that the board withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified, and the board may do so.

Section 31. Section 1012.2315, Florida Statutes, is created to read:

1012.2315 Assignment of teachers.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds disparity between teachers assigned to teach in a majority of "A" schools compared with those assigned to teach in a majority of "F" schools. The disparity can be found in the average years of experience, the median salary, and the performance of the teachers on teacher certification exams. It is the intent of the Legislature that district school boards have flexibility through the collective bargaining process to assign teachers more equitably to schools throughout the district.

(2) ASSIGNMENT TO "D" AND "F" SCHOOLS.—School districts may not assign a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools that have more than the school district average of minority and economically disadvantaged students or to schools that are graded "D" or "F." Each school district shall annually certify to the Commissioner of Education that this requirement has been met. If the commissioner determines that a school district is not in compliance with this section, the State Board of Education shall be notified and shall take action in the next regularly scheduled meeting to require compliance.

(3) SALARY INCENTIVES.—District school boards may provide salary incentives to meet this requirement.

(4) COLLECTIVE BARGAINING.—Notwithstanding chapter 447, no provision of collective bargaining may preclude a school district from assigning high-quality teachers to teach in low-performing schools.

Section 32. Section 1012.986, Florida Statutes, is created to read:

1012.986 Professional development for school leaders.—

(1) SHORT TITLE.—This section may be cited as the GASL (Golden Academy of School Leadership) Act.

(2) CREATION OF PROGRAM.—There is created the GASL Program which shall be administered by the Department of Education. The program shall be a high-quality, competency-based, customized, comprehensive, and coordinated statewide professional development program to provide leadership training opportunities for school leaders to enable them to be more effective instructional leaders, especially in the area of reading. The program shall provide school leaders with the opportunity to attain a school leadership designation pursuant to subsection (4).

(3) DEFINITION.—As used in this section, the term "school leader" means a school principal or assistant principal who holds a valid Florida certificate in educational leadership.

(4) LEADERSHIP DESIGNATIONS.—The Department of Education shall determine annually, in collaboration with school principals, thresholds for different leadership designations. Criteria for school leadership designations shall be based on the following point system:

(a) One point for each percent increase over the previous year, by grade, of students who score at or above FCAT Level 3 in reading;

(b) One point for each percent increase over the previous year, by grade, of students who score at or above FCAT Level 3 in math;

(c) One point for each percent increase over the previous year, by school, of students who score 3.5 or higher on FCAT writing;

(d) One point for each percent increase over the previous year of students making learning gains in reading;

(e) One point for each percent increase over the previous year of students making learning gains in math;

(f) One point for each percent increase over the previous year of the lowest quartile making learning gains in reading.

(5) GASL PROGRAM REQUIREMENTS.—

(a) The GASL Program shall be based upon the leadership standards adopted by the State Board of Education, the standards of the National Staff Development Council, and the federal requirements for high-quality professional development under the No Child Left Behind Act of 2001.

(b) The GASL Program shall provide a competency-based approach that uses prediagnostic and post-diagnostic evaluations that shall be used to create an individualized professional development plan approved by the district school superintendent. The plan must be structured to

support the school leader's attainment of the leadership standards adopted by the State Board of Education.

(c) The GASL Program shall incorporate training in instructional leadership and effective business practices for efficient school operations in school leadership training based on best practices of current effective leadership training in school districts.

(6) DELIVERY SYSTEM.—The Department of Education shall deliver the GASL Program through multiple delivery systems, including:

(a) Approved school district training programs;

(b) Interactive technology-based instruction; and

(c) State, regional, or local leadership academies.

(7) RULES.—The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 33. Subsection (6) of section 1013.512, Florida Statutes, is amended to read:

1013.512 Land Acquisition and Facilities Advisory Board.—

(6) Upon certification by the advisory board that corrective action has been taken, *the Legislative Budget Commission shall release all funds remaining in reserve. Upon such release,* each Land Acquisition and Facilities Advisory Board shall be disbanded.

Section 34. *Approval is granted for the endowment for the Appleton Museum of Art, currently held by the Appleton Cultural Center, Inc., to be transferred to the Central Florida Community College Foundation. The endowment to be transferred, which includes state matching funds, was established in 1987 through the Cultural Arts Endowment Program. By this provision, the Central Florida Community College Foundation is authorized to manage the endowment only for the support of the educational program at the Appleton Museum of Art and is released from all other provisions of the Trust Agreement dated July 17, 1987, by and between the State of Florida and the Appleton Cultural Center, Inc., and sections 265.601 through 265.607, Florida Statutes.*

Section 35. *Sections 1012.987 and 1012.231, Florida Statutes, are repealed.*

Section 36. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 37. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending s. 1001.03, F.S., relating to the powers of the State Board of Education; requiring the State Board of Education to periodically review the Sunshine State Standards; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office within the Department of Education; providing duties of the office; amending s. 1001.42, F.S., relating to powers and duties of a district school board; revising the requirements for school improvement plans; requiring school districts to observe Veterans' Day; prohibiting holding classes on that day; providing an exception; requiring the date of the Veterans' Day observance to correspond with the federal holiday; creating s. 1002.421, F.S.; prescribing requirements of private schools participating in state school choice scholarship programs; requiring compliance with requirements relating to notice, student enrollment and attendance verification, fiscal soundness, academic assessment, and criminal-background checks and to applicable state and local health, safety, and welfare laws, codes, and rules; providing grounds for ineligibility to participate in certain scholarship programs; providing rulemaking authority to the State Board of Education; creating s. 1002.423, F.S.; prescribing obligations of the Department of Education for education scholarship programs; requiring the department to identify certain assessments; requiring the department to select a private research organization to which private schools report student scores; providing reporting requirements; amending s. 1003.05, F.S.; relating to military families; limiting certain enrollment opportunities; creating s. 1003.413, F.S.; requiring school districts to adopt certain reading policies in high schools; requiring that certain high schools offer specific support services for students scoring at Level 1 on the FCAT reading test; creating a high school task force; providing membership; providing reporting requirements; amending s. 1003.415, F.S., relating to the Middle School Grades Reform Act; revising legislative intent; deleting obsolete references; creating s. 1003.4155, F.S.; establishing a grading system for middle schools; creating s. 1003.4156, F.S.; establishing general requirements for promotion from middle school; requiring the successful completion of 12 academic credits in certain courses; requiring an intensive reading course under certain circumstances; defining a middle school academic credit for purposes of the section; requiring district school boards to adopt policies for alternatives to obtain credits; amending s. 1003.42, F.S., relating to required instruction; revising and increasing the requirements for studying U.S. history and free enterprise; providing rulemaking authority to the State Board of Education; amending s. 1003.52, F.S.; requiring the Department of Education to develop procedures for reporting performance and participation data of students in juvenile justice education programs; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; creating s. 1003.575, F.S.; requiring the Department of Education to devise an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; amending s. 1003.58, F.S.; conforming a cross-reference; creating s. 1004.64, F.S.; establishing the Florida Center for Reading Research; specifying duties of the center; amending s. 1008.22, F.S., relating to student assessment; expressing legislative intent; identifying grade levels for state assessment administration; eliminating obsolete references; requiring certain reports; amending s. 1008.25, F.S., relating to public school student progression; eliminating obsolete references; directing the Department of Education to establish a uniform format for reporting student progression information; requiring certain reports; amending s. 1008.31, F.S., relating to education accountability; expressing legislative intent relating to performance measures established by the Board of Governors with respect to the state universities; eliminating certain performance-based funding requirements; providing guiding principles for the accountability system; revising the goals of the accountability system; requiring certain reports; providing rulemaking authority to the State Board of Education; amending s. 1008.33, F.S., relating to the authority to enforce public school improvement; authorizing transfer of certain teachers to low-performing schools; amending s. 1008.34, F.S., relating to the school grading system; requiring all schools to receive a school grade except certain alternative schools; requiring that achievement scores and learning gains be calculated in alternative schools that provide certain services; requiring that student test scores be calculated in the alternative school in which the student is enrolled and in the school previously attended by the student; providing exceptions; requiring the Department of Education to develop a school report card; creating s. 1008.341, F.S.; requiring school improvement ratings for alternative schools; providing definitions; requiring that the Commissioner of Education prepare an annual report; specifying the data to be used in determining school improvement ratings; requiring the department to identify student learning gains annually; requiring that a school report card be delivered to parents; requiring the State Board of Education to adopt rules; amending s. 1008.36, F.S., relating to the Florida School Recognition Program; providing that certain feeder schools are eligible to participate in the program; providing a definition; requiring certain feeder schools to be subject to the Opportunity Scholarship Program, as defined in s. 1002.38, F.S.; providing for the disposition of school recognition funds; defining eligibility for the receipt of school recognition funds; amending s. 1011.62, F.S., relating to funds for the operation of schools; providing for additional funding for students enrolled in education programs for juveniles; creating a research-based reading-instruction allocation for students in kindergarten through grade 12; providing for the use of the funds; providing for fund disbursement; amending ss. 1011.685, and 1011.71, F.S., to conform; amending s. 1012.21, F.S., relating to the duties of the Department of Education; requiring the department to annually post school district collective bargaining agreements on-line; amending s. 1012.22, F.S., relating to public school personnel; requiring school boards to adopt differentiated-pay policies for school administrators and instructional personnel; specifying factors to be included in differentiated-pay policies; providing for the withholding

of funds for failure to comply; creating s. 1012.2315, F.S.; establishing legislative findings; expressing legislative intent; providing criteria for the assignment of teachers to certain schools; authorizing certain salary incentives; limiting certain collective bargaining provisions relating to assignment of teachers at certain schools; creating s. 1012.986, F.S.; establishing a statewide system for the professional development of school leaders; providing a short title; providing program purposes and legislative intent; requiring the Department of Education to annually determine criteria for school leadership designations based on certain factors; requiring certain program components; providing for a program delivery system; providing rulemaking authority to the State Board of Education; amending s. 1013.512, F.S.; requiring the release of funds remaining in reserve relating to school district land acquisition and facilities operations; specifying when a Land Acquisition and Facilities Advisory Board shall be disbanded; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; repealing s. 1012.987, F.S., relating to education leadership development; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching Salary career ladder program; providing for severability; providing effective dates.

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senator Campbell moved the following amendment to **Amendment 1** which failed:

Amendment 1A (342514)(with title amendment)—On page 70, lines 26-28, delete those lines and insert: salaries of classroom teachers as defined in s. 1012.01(2)(a) ~~and to implement the salary career ladder defined in s. 1012.231~~.

And the title is amended as follows:

On page 83, lines 30 and 31, delete those lines and insert: for fund disbursement; amending s. 1011.71, F.S., to conform; amending s. 1011.685, F.S.; revising priority given to classroom teachers for salary increases; amending s.

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendments to be considered:

Senator Bennett offered the following amendments to **Amendment 1** which were moved by Senator Fasano and adopted:

Amendment 1B (495606)(with title amendment)—On page 71, between lines 21 and 22, insert:

(7) Notwithstanding subsections (2) and (5), a district school board may expend funds generated under this section to purchase the property and casualty insurance associated with the educational plant of the district. Any operating revenues made available through this section shall be expended only for nonrecurring operational expenditures of the school district.

And the title is amended as follows:

On page 83, line 31, after the semicolon (;) insert: amending s. 1011.71, F.S.; authorizing use of school board millage for payment of premiums for property and casualty insurance necessary to insure school district educational plants; limiting the use of certain operating revenues;

Amendment 1C (540758)—On page 70, delete line 30 and insert: Statutes, is amended, and subsection (7) is added to that section, to read:

MOTION

On motion by Senator Wise, the rules were waived to allow the following amendments to be considered:

Senator Wise moved the following amendments to **Amendment 1** which were adopted:

Amendment 1D (203230)(with title amendment)—On page 78, between lines 23 and 24, insert:

Section 37. Paragraph (c) of subsection (3) of section 1007.2615, Florida Statutes, is amended to read:

1007.2615 American Sign Language; findings; foreign-language credits authorized; teacher licensing.—

(3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN FOR POSTSECONDARY EDUCATION PROVIDERS.—

(c) An ASL teacher must be certified by the Department of Education by *July 1, 2009* ~~January 1, 2008, and must obtain current certification through the Florida American Sign Language Teachers' Association (FASLTA) by January 1, 2006. New FASLTA certification may be used by current ASL teachers as an alternative certification track~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 85, line 14, after the second semicolon (;) insert: amending s. 1007.2615, F.S.; establishing a deadline by which American Sign Language teachers must be certified;

Amendment 1E (712192)(with title amendment)—On page 78, between lines 23 and 24, insert:

Section 37. *Section 446.609, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 85, line 14, after the second semicolon (;) insert: repealing s. 446.609, F.S., relating to the Jobs for Florida's Graduates Act;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)** as amended was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for CS for SB 2542—A bill to be entitled An act relating to the state judicial system; amending s. 27.40, F.S., relating to circuit registries for court-appointed counsel; requiring that an attorney enter into a contract to be included on the registry; revising requirements for private court-appointed counsel; requiring that data be compiled on the race, sex, and ethnicity of attorneys within a specified circuit for a limited time; requiring the Justice Administrative Commission to approve uniform procedures and forms for use in billing for an attorney's fees, costs, and related expenses; requiring that a withdrawal order be filed with the commission; providing that withdrawal from a case creates a rebuttable presumption of nonentitlement to the entire flat fee; authorizing the Justice Administrative Commission to review certain records; amending s. 27.42, F.S.; requiring that the circuit Article V indigent services committee establish the compensation rates for court-appointed counsel or in cases of indigency; providing a limitation on the rates; requiring each committee to establish a schedule of allowances for due-process expenses; authorizing alternate models for providing criminal and civil due-process representation; requiring that the expenses for representing indigent persons be appropriated in a separate category within the Justice Administrative Commission rather than paid from funds appropriated for use by the public defenders; amending s. 27.52, F.S., relating to the determination of indigent status; providing for application to the clerk of court for such a determination and appointment of a public defender; prescribing duties of the clerk and the public defender

relating to an application; prescribing application requirements and review criteria; providing for review by the court of a clerk's determination; authorizing the court to determine a person indigent for costs and eligible for payment of due-process expenses; requiring certain parents or legal guardians to furnish legal services and costs; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for the provision of false information; amending s. 27.5304, F.S.; providing that court-appointed counsel use uniform contract, procedures, and forms in certain circumstances; authorizing the Justice Administrative Commission to pay attorney's fees without court approval under certain conditions; requiring the attorney to provide the commission with advance notice of a court hearing on payment of fees and costs; authorizing the commission to participate in such hearings telephonically; eliminating a requirement for the Article V Indigent Services Advisory Board to make recommendations on compensation of private court-appointed counsel; providing that private court-appointed counsel is entitled to compensation upon final disposition of the case; providing exceptions; specifying intervals other than final disposition of a case at which private court-appointed counsel may request payment; clarifying a prohibition against allowing an attorney who is not on the registry to appear; restricting the reimbursement allowed for the preparation of invoices; requiring the Justice Administrative Commission to develop a schedule to provide partial payment for attorney fees under certain circumstances; amending s. 27.54, F.S.; requiring that the county or municipality pay certain costs for due-process services; prescribing assessment of fees to recover such costs; amending s. 28.24, F.S.; requiring that the clerk of the court provide copies to public guardians, attorneys ad litem, and court-appointed counsel paid by the state; requiring clerks of the court to participate in the Comprehensive Case Information System by a certain date; designating the custodian of official records; providing that official records are county property; amending s. 28.2402, F.S.; prohibiting the circuit court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions from the filing fee; excluding unincorporated areas of certain consolidated governments from the term "municipality" for purposes of sharing with the clerk certain fines from local ordinance violations; amending s. 28.245, F.S.; requiring that the clerks of the court remit collections to the Department of Revenue within a specified period; amending s. 28.246, F.S.; conforming a reference; revising provisions authorizing an individual to enter into a payment plan for the payment of fees, costs, or fines; providing for the court to review the payment plan; amending s. 28.345, F.S.; exempting certain court staff, public guardians, attorneys ad litem, and court-appointed counsel from the payment of fees and charges assessed by the clerk of the circuit court; amending s. 28.35, F.S.; requiring the Florida Clerks of Court Operations Committee to report on additional budget funding authority provided to a clerk; amending s. 28.36, F.S.; revising the date for the county clerk to submit a proposed budget; conforming a reference to the Florida Clerks of Court Operations Corporation; conforming a reference to the Chief Financial Officer; conforming a cross-reference; providing for identification of ineligible expenditures by the clerks of court; requiring the clerks to reimburse ineligible expenditures to the Clerks of Court Trust Fund; authorizing legislative budget commission to approve adjustments to the clerk's budget for court-related duties under certain conditions; amending s. 28.37, F.S.; expanding the types of excess funds that clerks of the court must remit to the Department of Revenue over the amount needed to meet approved budgets; creating s. 28.44, F.S.; providing a method by which the clerk of court may discontinue or substantially modify court-related functions; providing a definition; amending s. 29.004, F.S.; providing for state appropriations to be used for expert witnesses who are appointed by the court rather than requested by any party; amending s. 29.007, F.S.; providing for state funds to be used in providing mental health professionals in certain civil cases; clarifying the use of state funds at the trial or appellate level to pay certain costs on behalf of a litigant who is indigent; amending s. 29.008, F.S.; requiring that the county where the appellate district is located fund the appellate division of the public defender's office; expanding the definition of the term "facility" to include items necessary for court-reporting services; narrowing a limitation on the application of certain requirements to specified facilities; including hearing rooms within those facilities funded by the county as a court-related function; including audio equipment within county-funded communications services; creating s. 29.0081, F.S.; authorizing counties and judicial circuits to agree to the funding of personnel positions for the circuit; providing requirements for such agreements; providing for the effect and limitation of such agreements; amending s. 29.015, F.S.; authorizing the Justice Administrative Commission to transfer funds to address budget deficits relating to due-process services; requiring notice of the transfer; amending s. 29.018, F.S.; eliminating the authority for court-appointed counsel to contract to share in court and due-process costs; providing that the Justice Administrative Commission may contract for such cost-sharing on behalf of court-appointed counsel; creating s. 29.0185, F.S.; specifying conditions under which state-funded due-process services are provided; amending s. 34.045, F.S.; prohibiting the county court from charging a county or municipality more than one filing fee for a single filing containing multiple allegations; exempting certain enforcement actions from the filing fee; expanding conditions under which the county or municipality is the prevailing party; requiring an assessment for a filing fee; amending s. 34.191, F.S.; excluding certain consolidated governments from the term municipality for purposes of remitting certain fines and forfeitures; amending s. 39.0132, F.S.; authorizing the Justice Administrative Commission to inspect certain court dockets; amending s. 39.821, F.S.; requiring that the Guardian Ad Litem Program rather than the chief judge request the federal criminal records check for purposes of certifying guardians ad litem; amending s. 39.822, F.S.; directing agencies, persons, and other organizations to provide a guardian ad litem access to certain records related to the best interests of a child; amending s. 40.29, F.S.; clarifying procedures for the payments made by the state to the clerk of the court for the costs of witnesses; creating s. 40.355, F.S.; requiring the clerk of the court to report on, and refund to the state attorneys and public defenders, certain moneys collected for payment of jurors and due-process costs; amending s. 43.16, F.S.; providing that the Justice Administrative Commission is not subject to the Administrative Procedure Act; amending s. 43.26, F.S.; prescribing responsibilities of the chief judge and the clerk of court relating to the administration of justice and provision of court-related functions; amending s. 44.102, F.S.; revising conditions under which nonvolunteer court mediators may be compensated by the county or parties; amending s. 44.103, F.S.; limiting the amount of per diem expenses that an arbitrator may charge; amending s. 44.108, F.S.; clarifying the fees charged for scheduled mediation services provided by a circuit court's mediation program; requiring the clerk of the court to report to the chief judge the amount of such fees collected; amending s. 57.081, F.S.; adding a cross-reference to conform; creating s. 57.082, F.S., relating to the determination of civil indigent status; providing for application to the clerk of court for such a determination; prescribing duties of the clerk relating to an application; prescribing application requirements and review criteria; providing for an interim determination by the court and appointment of counsel; providing for review by the court of the clerk's determination; providing for enrollment in a payment plan by a person determined indigent; providing for reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing criminal penalties for providing false information; amending s. 92.142, F.S.; deleting a provision that provides for payment of per diem and travel expenses for a witness in a criminal case at the discretion of the court; amending s. 92.231, F.S.; removing references to the Article V Indigent Services Advisory Board and the provision of recommendations on expert witness fees; amending s. 110.205, F.S.; providing that officers and employees of the Justice Administrative Commission and specified related organizations are not career service positions; amending s. 116.01, F.S.; providing procedures for the clerk of the court to remit funds to the Department of Revenue; amending s. 116.21, F.S.; providing for the disposition of unclaimed moneys collected in the course of court-related activities by the clerk of the court; requiring the clerk to pay certain publication costs; amending s. 119.07, F.S.; extending the time period during which certain social security numbers and other data included in court or official county records may be available for public inspection unless redaction is requested; extending the deadline by which court clerks and county recorders must keep such data confidential; amending s. 142.01, F.S.; clarifying those moneys to be included within the fine and forfeiture fund of the clerk of the circuit court; amending s. 213.13, F.S.; requiring that the funds remitted by the clerk to the state be transmitted electronically within a specified period; amending s. 219.07, F.S.; clarifying the distributions that the clerk is required to make as part of his or her court-related functions; amending s. 219.075, F.S.; exempting funds collected by the clerk from the requirements for the investment of surplus funds of a county; amending s. 318.121, F.S.; clarifying that certain court costs and surcharges are added to civil traffic penalties; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing for administration by the clerk of the circuit court; authorizing the clerk of the

court to retain a specified percentage of the assessments collected as income to the clerk of the court; requiring the teen court to account for all funds deposited into the teen court account; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to operate and administer a teen court program; prohibiting teen courts in counties adopting an ordinance from recovering court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; amending s. 318.18, F.S.; authorizing a portion of certain surcharge revenues to be used for local law libraries; requiring that the clerk of the court report the amount of certain surcharges collected to the chief judge, the Governor, and the Legislature; authorizing local governments to assess a surcharge on noncriminal offenses; restricting the use of surcharge proceeds; amending s. 318.21, F.S.; providing for the disposition of traffic-infraction penalties for violations occurring in unincorporated areas of certain consolidated governments; amending s. 318.31, F.S.; deleting provisions concerning the appointment of a civil traffic infraction hearing officer; amending s. 318.32, F.S.; prohibiting a hearing officer from suspending a defendant's driver's license; amending s. 318.325, F.S.; deleting provisions specifying the funding of such hearing officer; amending s. 322.29, F.S.; increasing the fees charged for reinstating a driver's license; amending s. 372.72, F.S.; requiring that the proceeds from unclaimed bonds be deposited into the clerk's fine and forfeiture fund; amending s. 903.26, F.S.; revising the procedure for determining the amount of the costs incurred in returning a defendant to the county of jurisdiction; amending s. 903.28, F.S.; revising certain notice requirements following the surrender or apprehension of a defendant for purposes of remission of a forfeiture; authorizing the clerk of the circuit court to enter into certain contracts for purposes of representation in an action for the remission of a forfeiture; providing that the clerk is the real party in interest for all appeals arising from such an action; authorizing the clerk to withhold unpaid fines, fees, costs, and charges under certain circumstances; amending s. 916.115, F.S.; providing requirements for the payment of experts; specifying those fees which are paid by the state, the office of the public defender, the office of the state attorney, or the Justice Administrative Commission; amending s. 916.12, F.S.; revising the procedures under which the court may take action following a finding that the defendant is incompetent to proceed; amending s. 916.301, F.S.; requiring the court to pay for certain court-appointed retardation and autism experts; amending s. 939.185, F.S.; authorizing certain local governments to assess a surcharge on criminal offenses; restricting the use of surcharge proceeds; amending s. 938.29, F.S.; providing for a judgment lien for the payment of certain attorney's fees to be filed without cost; amending s. 939.06, F.S.; clarifying that an acquitted defendant is not liable for certain fees; providing a procedure for such a defendant to request a refund from the Justice Administrative Commission of costs or fees paid; amending s. 985.05, F.S.; authorizing the Justice Administrative Commission to have access to certain court records; authorizing circuit courts to share certain juvenile delinquency restitution orders; amending s. 985.201, F.S.; revising the manner in which a court may retain jurisdiction over a child and the child's parent when the court has ordered restitution for certain delinquent acts; requiring entry of a restitution order; creating s. 92.152, F.S.; requiring that the party calling a witness in traffic court bear the costs; requiring that the office of the state attorney pay such costs if the witness is required to testify on behalf of the prosecution; directing the trial court administrator to recover expenditures for state-funded services if those services were furnished to a user possessing the ability to pay; providing that the rate may not exceed the cost of the service and recovery; revising the maximum annual budget amount for the Clerk of Court for the Eleventh Judicial Circuit; providing legislative intent for revisions to ss. 28.2402(2), 34.191, and 318.21, F.S.; repealing s. 29.005(4), F.S., relating to prosecution expenses for appointing mental health professionals; repealing s. 29.014, F.S., relating to the Article V Indigent Services Advisory Board; repealing s. 318.37, F.S., relating to funding for a Civil Traffic Infraction Hearing Officer Program; providing appropriations; providing effective dates.

—which was previously considered and amended this day.

Pending further consideration of **CS for CS for SB 2542** as amended, on motion by Senator Smith, by two-thirds vote **HB 1935** was withdrawn from the Committees on Judiciary; Government Efficiency Appropriations; and Justice Appropriations.

On motion by Senator Smith, the rules were waived and by two-thirds vote—

HB 1935—A bill to be entitled An act relating to the state judicial system; amending s. 27.40, F.S., relating to circuit registries for court-appointed counsel; requiring that a list of attorneys compiled by the Eleventh Judicial Circuit provide certain information on assigned attorneys; requiring that an attorney enter into a contract to be included on the registry; revising requirements for private court-appointed counsel; specifying certain information to be contained in a report by the Eleventh Judicial Circuit; requiring the Justice Administrative Commission to approve uniform procedures and forms for use in billing for attorney's fees, costs, and related expenses; requiring that a withdrawal order be filed with the commission; revising fee payment provisions; providing that withdrawal from a case creates a rebuttable presumption of nonentitlement to the entire flat fee; amending s. 27.42, F.S.; requiring the circuit Article V indigent services committee to establish the compensation rates for court-appointed counsel or in cases of indigency; requiring each committee to establish a schedule of allowances for due-process expenses; authorizing alternate models for providing criminal and civil due-process representation; requiring the Justice Administrative Commission to track and issue a report containing certain information on court-appointed counsel in the Eleventh Judicial Circuit; amending s. 27.52, F.S., relating to the determination of indigent status; providing for application to the clerk of court for such a determination and appointment of a public defender; providing application requirements; requiring an application fee; providing for transfer and deposit of such fees into the Indigent Criminal Defense Trust Fund to be used for certain purposes; authorizing clerks of courts to retain a portion of the fees for certain purposes; prescribing duties of the clerk of court and the public defender relating to an application; prescribing application requirements and review criteria; providing for determinations by a clerk on the basis of an applicant's indigency; providing criteria; providing for appointment of counsel on an interim basis; providing for review by the court of a clerk's determination; providing criteria; authorizing the court to determine a person indigent for costs and eligible for payment of due-process expenses; providing criteria and requirements for such determination; requiring certain parents or legal guardians to furnish legal services and costs to certain persons relating to delinquency proceedings or criminal prosecutions; providing for imposition of a lien for certain liabilities and lien enforcement; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing for recovery and disposition of certain amounts recovered; providing criminal penalties for the provision of false information; amending s. 27.5304, F.S.; requiring certain private court-appointed counsel to enter into a uniform contract with Justice Administrative Commission and use the commission's uniform procedures and form for certain billing purposes; authorizing the Justice Administrative Commission to pay attorney's fees without court approval under certain conditions; requiring the attorney to provide the commission with advance notice of a court hearing on payment of fees and costs; authorizing the commission to participate in such hearings using certain equipment; entitling private court-appointed counsel to compensation upon final disposition; providing exceptions; specifying intervals other than final disposition of a case at which private court-appointed counsel may request payment; clarifying a prohibition against allowing an attorney who is not on the registry to appear; restricting the reimbursement allowed for the preparation of invoices; requiring the Justice Administrative Commission to develop a schedule to provide partial payment for attorney fees under certain circumstances; amending s. 27.54, F.S.; requiring a county or municipality to pay certain costs for due-process services in local ordinance violation cases; prescribing assessment of fees to recover such costs; providing for determination and collection of such fees; amending s. 28.24, F.S.; requiring the clerk of the court to charge for certain recording services and performing certain duties; requiring the clerk of the court to provide without charge copies to court-appointed counsel paid by the state; requiring clerks of the court to participate in the Comprehensive Case Information System by a certain date; providing an exception to the designation of the clerk of court as custodian of official records; amending s. 28.2402, F.S.; prohibiting a county or municipality from being required to pay more than one filing fee for a single filing containing multiple allegations; prohibiting a filing fee for initiating certain enforcement proceedings; excluding certain counties having a consolidated government from the term "municipality"; amending s. 28.245, F.S.; requiring the clerks of the court to remit collections to the Department of Revenue within a specified period; amending s. 28.246, F.S.; conforming a reference to the Florida Clerks of Court Operations Corporation; revising provisions authorizing an individual to enter into a payment plan for the payment of fees, costs, or fines; requiring the clerk to enter into a payment plan with certain persons; providing payment plan criteria; providing for the court to review the payment plan;

amending s. 28.345, F.S.; exempting certain court staff and court-appointed counsel from the payment of fees and charges assessed by the clerk of the circuit court; amending s. 28.36, F.S.; revising the date for the county clerk to submit a proposed budget; conforming a reference to the Florida Clerks of Court Operations Corporation; conforming a cross-reference; conforming a reference to the Chief Financial Officer; providing conditions and requirements by which the Legislative Budget Commission may approve adjustments to the clerk's maximum annual budget for court-related duties; amending s. 28.37, F.S.; expanding the types of excess funds that clerks of the court must remit to the Department of Revenue over the amount needed to meet approved budgets; creating s. 28.44, F.S.; providing a method by which the clerk of court may discontinue or substantially modify court-related functions; providing a definition; amending s. 29.004, F.S.; providing for state appropriations to be used for expert witnesses who are appointed by the court rather than requested by any party; amending s. 29.005, F.S.; deleting certain appointed mental health professionals from elements of state attorneys' offices provided from state revenues; amending s. 29.007, F.S.; providing for state funds to be used in providing mental health professionals in certain civil cases; clarifying the use of state funds at the trial or appellate level to pay certain costs on behalf of a litigant who is indigent; amending s. 29.008, F.S.; requiring that the county where the appellate district is located fund the appellate division of the public defender's office; expanding the definition of the term "facility" to include items necessary for court-reporting services; narrowing a limitation on the application of certain requirements to specified facilities; including hearing rooms within those facilities funded by the county as a court-related function; including audio equipment within county-funded communications services; creating s. 29.0081, F.S.; authorizing counties and judicial circuits to agree to the funding of personnel positions for the circuit; providing requirements for such agreements; providing for the effect and limitation of such agreements; amending s. 29.015, F.S.; requiring the Justice Administrative Commission to adjust certain allocations of funds among circuits under certain circumstances; requiring notice of such adjustment; requiring the commission to request a budget amendment under certain circumstances to address budget deficits relating to due-process services; amending s. 29.018, F.S.; eliminating the authority for court-appointed counsel to contract to share in court and due-process services; providing that the Justice Administrative Commission may contract for such cost-sharing on behalf of court-appointed counsel; creating s. 29.0185, F.S.; prohibiting the provision of due process services with state revenues to individuals under certain circumstances; amending s. 34.045, F.S.; proscribing a county or municipality from being required to pay more than one filing fee for a single filing containing multiple allegations; prohibiting assessment of a filing fee for initiating certain enforcement proceedings in county court; expanding conditions under which the county or municipality is the prevailing party; requiring an assessment of a filing fee; amending s. 34.191, F.S.; excluding certain counties having a consolidated government from the term municipality; amending s. 39.0132, F.S.; authorizing the Justice Administrative Commission to inspect certain court dockets; authorizing the commission to petition the court for certain additional documentation; amending s. 39.821, F.S.; requiring the Guardian Ad Litem Program rather than the chief judge to request the federal criminal records check for purposes of certifying guardians ad litem; amending s. 39.822, F.S.; directing agencies, persons, and other organizations to provide a guardian ad litem access to certain records related to the best interests of a child; providing a definition; amending s. 40.29, F.S.; revising procedures for the payments made by the state to the clerk of the court for the costs of witnesses; creating s. 40.355, F.S.; requiring the clerk of the court to report on, and refund to the state attorneys and public defenders, certain moneys collected for payment of jurors and due-process costs; amending s. 43.16, F.S.; removing the Judicial Qualifications Commission from the duties of the Justice Administrative Commission and adding the Guardian ad Litem Program; providing that the Justice Administrative Commission is not subject to the Administrative Procedure Act; amending s. 43.26, F.S.; providing responsibilities of the chief judge of each circuit; amending s. 44.102, F.S.; revising conditions under which nonvolunteer court mediators may be compensated by the county or parties; amending s. 44.103, F.S.; limiting the amount of per diem expenses an arbitrator may charge; amending s. 44.108, F.S.; clarifying the fees charged for scheduled mediation services provided by a circuit court's mediation program; requiring the clerk of the court to report to the chief judge the amount of such fees collected; amending s. 57.081, F.S.; providing a cross-reference to conform; creating s. 57.082, F.S., relating to the determination of civil indigent status; providing for application to the clerk of court for such a determination and appointment of a private attorney in certain civil cases; providing application requirements; prescribing duties of the clerk of court relating to an application; prescribing application requirements and review criteria; providing for determinations by a clerk of the basis of an applicant's indigency; providing criteria; providing for appointment of counsel on an interim basis; providing for review by the court of a clerk's determination; providing criteria; authorizing a court to determine a person indigent and eligible for appointed counsel; providing criteria and requirements for such determination; requiring persons determined to be indigent for civil proceedings to be enrolled in a payment plan and charged an administrative processing charge; providing plan criteria; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing for recovery and disposition of certain amounts recovered; providing criminal penalties for the provision of false information; amending s. 92.142, F.S.; deleting a provision that provides for payment of per diem and travel expenses for a witness in a criminal case at the discretion of the court; amending s. 92.231, F.S.; removing a reference to the Article V Indigent Services Advisory Board; amending s. 110.205, F.S.; specifying that members, officers, and employees of the Justice Administrative Commission and certain related organizations are exempt positions under career service provisions; amending s. 116.01, F.S.; providing procedures for the clerk of the court to remit funds to the Department of Revenue; amending s. 116.21, F.S.; authorizing sheriffs and clerks of the courts to pay certain deposited or collected funds into a specific fine and forfeiture fund; requiring the clerk to pay for the cost of publication of the list of unclaimed court-related funds; requiring unclaimed funds to be deposited into the fine and forfeiture fund; amending s. 119.07, F.S.; extending the time period during which certain social security numbers and other data included in court or official county records may be available for public inspection unless redaction is requested; extending the deadline by which court clerks and county recorders must keep such data confidential; amending s. 142.01, F.S.; clarifying those moneys to be included within the fine and forfeiture fund of the clerk of the circuit court; amending s. 213.13, F.S.; requiring that the court-related collections remitted by the clerk to the state be transmitted electronically within a specified period; amending s. 218.245, F.S.; revising the requirements for revenue sharing with respect to certain local governments; amending s. 219.07, F.S.; revising disbursement requirements for the clerk as part of his or her court-related functions; amending s. 219.075, F.S.; exempting funds collected by the clerk from the requirements for the investment of surplus funds of a county; amending s. 318.121, F.S.; specifying that certain surcharges may not be added to civil traffic penalties; amending s. 318.18, F.S.; authorizing a portion of certain surcharge revenues to be used for local law libraries; requiring the clerk of the court to quarterly report the amount of certain surcharges collected to the chief judge, the Governor, and the Legislature; authorizing certain local governments to impose by ordinance a surcharge on any infraction or violation in addition to certain noncriminal traffic infractions and certain criminal violations; providing for transfer of revenues from such surcharge for certain purposes; prohibiting a court from waiving the surcharge; providing for repeal; amending s. 318.21, F.S.; providing for the disposition of traffic-infraction penalties for violations occurring in unincorporated areas of certain counties having a consolidated government or unincorporated areas of certain municipalities having a consolidated government; amending s. 318.31, F.S.; deleting provisions concerning the appointment of a civil traffic infraction hearing officer; amending s. 328.32, F.S.; providing additional limitation on a hearing officer's authority; amending s. 318.325, F.S.; deleting provisions specifying the funding of such hearing officer; amending s. 322.29, F.S.; increasing the fees charged for reinstating a driver's license; amending s. 372.72, F.S.; requiring that the proceeds from unclaimed bonds be deposited into the clerk's fine and forfeiture fund; amending s. 903.26, F.S.; revising the procedure for determining the amount of the costs incurred in returning a defendant to the county of jurisdiction; amending s. 903.28, F.S.; revising certain notice requirements following the surrender or apprehension of a defendant for purposes of remission of a forfeiture; authorizing clerks of circuit courts to enter into contracts or interagency agreements to represent the clerk in certain actions; providing that the clerk is the real party in interest for all appeals arising from such an action; creating s. 903.286, F.S.; authorizing the clerk to withhold sufficient funds to pay any unpaid court fees, court costs, and criminal penalties under certain circumstances; authorizing the clerk to obtain payment from the defendant or enroll the defendant in a payment plan under certain circumstances; amending s. 916.115, F.S.; revising requirements for the payment of experts; specifying which fees are to be paid by the state, the office of the public defender, the office of the state attorney, or the Justice Administrative Commission; amending s. 916.12, F.S.; revising

the procedures under which the court may take action following a finding that the defendant is incompetent to proceed; requiring evaluation of a defendant; providing criteria; authorizing a court to commit a defendant or take other action under certain circumstances; amending s. 916.301, F.S.; requiring the court to pay for certain expert witnesses appointed by the court; amending s. 938.29, F.S.; providing for a judgment lien for the payment of certain attorney's fees to be filed without cost; amending s. 939.06, F.S.; clarifying that an acquitted defendant is not liable for certain costs or fees; providing a procedure for such a defendant to request a refund from the Justice Administrative Commission of costs or fees paid; amending s. 939.185, F.S.; authorizing certain local governments to impose by ordinance in addition to certain court costs and other costs, fines, and penalties imposed by law a surcharge to be imposed by court on persons pleading guilty or nolo contendere to certain criminal offenses; providing for transfer of revenues from such surcharge for certain purposes; providing for repeal; amending s. 985.05, F.S.; authorizing the Justice Administrative Commission to have access to certain court records; authorizing circuit courts to share certain juvenile delinquency restitution orders; amending s. 985.201, F.S.; revising the manner in which a court may retain jurisdiction over a child and the child's parent when the court has ordered restitution for certain delinquent acts; requiring the party calling a witness in traffic court to bear the costs; requiring the office of the state attorney to pay such costs if the witness is required to testify on behalf of the prosecution; authorizing the trial court administrator to recover expenditures for state-funded services if those services were furnished to a user possessing the ability to pay; providing for deposit of such funds; authorizing the trial court administrator to recover certain costs under certain circumstances; requiring the chief judge to determine the rate, which may not exceed the cost of the service and recovery; providing legislative intent for revisions to ss. 28.2402, 34.191, and 318.21, F.S.; revising the maximum annual budget amount for the Clerk of the Circuit Court, Miami-Dade County; repealing s. 29.014, F.S., relating to the Article V Indigent Service Advisory Board; repealing s. 318.37, F.S., relating to funding for a Civil Traffic Infraction Hearing Officer Program; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing exceptions; providing for administration by the clerk of the circuit court; authorizing the clerk of the circuit court to retain a specified percentage of the assessments collected; requiring the teen court to account for all funds received; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to administer a teen court program; prohibiting teen courts in counties adopting an ordinance from receiving court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; providing appropriations; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2542** as amended and by two-thirds vote read the second time by title. On motion by Senator Smith, by two-thirds vote **HB 1935** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Webster—

CS for SB 2566—A bill to be entitled An act relating to negligence; creating s. 768.0755, F.S.; providing that if a person slips and falls on a transitory foreign substance in a retail establishment, the injured person must prove that the retail establishment had knowledge of the condition in that the condition existed for a sufficient time for the retail establishment to have taken action to remedy the condition; providing that constructive knowledge may be proven by circumstantial evidence; creating s. 812.18, F.S.; providing legislative intent relating to business parking lot security; providing an evidentiary presumption relating to determining whether there was adequate security to protect against a reasonably foreseeable and preventable criminal act that occurs in a commercial parking lot; providing for admissibility of evidence relating to compliance with this section; providing an exception to applicability of the section; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendments which were adopted:

Amendment 1 (444438)—On page 2, line 22; and on page 3, line 6, delete "*sales*" and insert: *sale*

Amendment 2 (572510)(with title amendment)—On page 3, lines 9-11, delete those lines and insert:

duty to provide adequate security to any person legally on the property in such parking lot, adjacent public walkways, common areas, or commercial business entrances or exists on the premises against criminal acts committed by third parties if the court finds

And the title is amended as follows:

On page 1, lines 14-19, delete those lines and insert: business premises security; providing an evidentiary presumption relating to determining whether there was adequate security to protect against a reasonably foreseeable and preventable criminal act that occurs in a parking lot, adjacent public walkway, common area, or commercial business entrance or exit; providing for

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment:

Amendment 3 (660092)(with title amendment)—On page 2, line 17 through page 5, line 28, delete those lines and insert:

Section 2. Subsection (4) of section 768.81, Florida Statutes, is amended to read:

768.81 Comparative fault.—

(4) APPLICABILITY.—

(a) This section applies to negligence cases. For purposes of this section, *the term* "negligence cases" includes, but is not limited to, civil actions for damages based upon theories of negligence, *including negligent security resulting in the commission of an intentional tort or criminal act;* strict liability*;*~~,~~ products liability*;*~~,~~ professional malpractice whether couched in terms of contract or tort*;*~~,~~ or breach of warranty and like theories. In determining whether a case falls within the term "negligence cases," the court shall look to the substance of the action and not the conclusory terms used by the parties.

(b) This section does not apply to any action brought by any person to recover actual economic damages resulting from pollution, to any action *in which an intentional tortfeasor seeks to apportion fault to a negligent tortfeasor* ~~based upon an intentional tort~~, or to any cause of action as to which application of the doctrine of joint and several liability is specifically provided by chapter 403, chapter 498, chapter 517, chapter 542, or chapter 895.

Section 3. *Section 768.0710, Florida Statutes, is repealed.*

Section 4. For the purpose of incorporating the amendment to section 768.81, Florida Statutes, in a reference thereto, section 25.077, Florida Statutes, is reenacted to read:

25.077 Negligence case settlements and jury verdicts; case reporting.—Through the state's uniform case reporting system, the clerk of court shall report to the Office of the State Courts Administrator, beginning in 2003, information from each settlement or jury verdict and final judgment in negligence cases as defined in s. 768.81(4), as the President of the Senate and the Speaker of the House of Representatives deem necessary from time to time. The information shall include, but need not be limited to: the name of each plaintiff and defendant; the verdict; the percentage of fault of each; the amount of economic damages and noneconomic damages awarded to each plaintiff, identifying those damages that are to be paid jointly and severally and by which defendants; and the amount of any punitive damages to be paid by each defendant.

(Redesignate subsequent sections)

And the title is amended as follows:

On page 1, lines 12-25, delete those lines and insert: circumstantial evidence; amending s. 768.81, F.S.; redefining the term "negligence cases" as it relates to comparative fault to include claims for negligent security in which the defendant is sued for failing to prevent the commission of an intentional tort; providing that the apportionment of damages does not apply to any action in which an intentional tortfeasor is sued and seeks to apportion fault to a negligent tortfeasor; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; reenacting s. 25.077, F.S., relating to the duty of the clerk of court to report certain information concerning negligence cases, to incorporate the amendment made to s. 768.81, F.S., in a reference hereto;

POINT OF ORDER

Senator Geller raised a point of order that pursuant to Rule 7.1, section 3(c), the amendment was the substance of Senate Bill 2566 which was brought up in committee. He stated that the amendment would insert into the bill the substance of Senate Bill 2566, which was brought up in committee and this provision was taken out of it, and that bill was then tabled when the committee reported a substitute for it.

RULING ON POINT OF ORDER

The President ruled the point not well taken. He then stated: "Senators, if Rule 7.1 is going to be so narrowly construed so as to prohibit members from deleting provisions in a piece of legislation and not being allowed to come back to the floor and reinsert them in similar form then we are going to largely shut down the opportunity for the full body to consider issues because committees are able to stop legislation, and I do not think that was the intent of the rule. I am going to rule that the point is not well taken."

The question recurred on **Amendment 3** which failed.

The vote was:

Yeas—16

Mr. President	Clary	Sebesta
Alexander	Dockery	Villalobos
Atwater	Fasano	Webster
Baker	Haridopolos	Wise
Bennett	Lynn	
Carlton	Pruitt	

Nays—24

Argenziano	Garcia	Miller
Aronberg	Geller	Peaden
Bullard	Hill	Posey
Campbell	Jones	Rich
Constantine	King	Saunders
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Margolis	Wilson

MOTION

On motion by Senator Pruitt, the rules were waived and time of recess was extended until completion of the Special Order Calendar, Bills on Third Reading, announcements and motions.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which failed:

Amendment 4 (385940)(with title amendment)—On page 2, line 17 through page 5, line 28, delete those lines and insert:

Section 2. Paragraph (b) of subsection (4) of section 768.81, Florida Statutes, is amended to read:

(4) APPLICABILITY.—

(b) This section does not apply to any action brought by any person to recover actual economic damages resulting from pollution, to any action based upon an intentional tort *that occurs in an indoor area of a business*, or to any cause of action as to which application of the doctrine of joint and several liability is specifically provided by chapter 403, chapter 498, chapter 517, chapter 542, or chapter 895.

Section 3. *Section 768.0710, Florida Statutes, is repealed.*

Section 4. For the purpose of incorporating the amendment made by this act to section 768.81, Florida Statutes, in references thereto, section 25.077, Florida Statutes, is reenacted to read:

25.077 Negligence case settlements and jury verdicts; case reporting.--Through the state's uniform case reporting system, the clerk of court shall report to the Office of the State Courts Administrator, beginning in 2003, information from each settlement or jury verdict and final judgment in negligence cases as defined in s. 768.81(4), as the President of the Senate and the Speaker of the House of Representatives deem necessary from time to time. The information shall include, but need not be limited to: the name of each plaintiff and defendant; the verdict; the percentage of fault of each; the amount of economic damages and noneconomic damages awarded to each plaintiff, identifying those damages that are to be paid jointly and severally and by which defendants; and the amount of any punitive damages to be paid by each defendant.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 12-25, delete those lines and insert:

circumstantial evidence; amending s. 768.81, F.S.; providing for the apportionment of damages to an intentional tortfeasor for intentional torts that occur in the outdoor areas of a business; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; reenacting s. 25.077, F.S., relating to the duty of the clerk of court to report certain information concerning negligence cases, to incorporate the amendment made to s. 768.81, F.S., in a reference thereto;

The vote was:

Yeas—17

Mr. President	Constantine	Pruitt
Alexander	Dockery	Sebesta
Baker	Fasano	Villalobos
Bennett	Haridopolos	Webster
Carlton	Lynn	Wise
Clary	Posey	

Nays—23

Argenziano	Crist	Hill
Aronberg	Dawson	Jones
Atwater	Diaz de la Portilla	King
Bullard	Garcia	Klein
Campbell	Geller	Lawson

Margolis	Rich	Smith
Miller	Saunders	Wilson
Peaden	Siplin	

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which was adopted:

Amendment 5 (112870)(with title amendment)—On page 2, line 17 through page 5, line 26, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 12-22, delete those lines and insert: circumstantial evidence;

Pending further consideration of **CS for SB 2566** as amended, on motion by Senator Webster, by two-thirds vote **HB 1931** was withdrawn from the Committees on Commerce and Consumer Services; and Judiciary.

On motion by Senator Webster, the rules were waived and—

HB 1931—A bill to be entitled An act relating to negligence; creating s. 768.0755, F.S.; providing that a person seeking damages for a slip and fall on a transitory foreign substance in a commercial establishment must prove that the commercial establishment had actual knowledge of the condition or constructive knowledge of the condition; defining "constructive knowledge"; providing that constructive knowledge may be proven by circumstantial evidence; amending s. 768.81, F.S.; redefining the term "negligence cases" as it relates to comparative fault to include claims for negligent security in which the defendant is sued for failing to prevent the commission of an intentional tort; providing that the apportionment of damages does not apply to any action in which an intentional tortfeasor is sued and seeks to apportion fault to a negligent tortfeasor; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; reenacting s. 25.077, F.S., relating to the duty of the clerk of court to report certain information concerning negligence cases, to incorporate the amendment made to s. 768.81, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 2566** as amended and read the second time by title.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which was adopted:

Amendment 1 (702196)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 768.0755, Florida Statutes, is created to read:

768.0755 Premises liability for transitory foreign substances in a retail establishment.—If a person slips and falls on a transitory foreign substance in a retail establishment, the injured person must prove that the retail establishment had actual or constructive knowledge of the dangerous condition in that the condition existed for a sufficient length of time so that, in the exercise of ordinary care, the retail establishment should have known of the dangerous condition and taken action to remedy it. Constructive knowledge may be proven by circumstantial evidence showing that:

(1) The dangerous condition existed for such a length of time that in the exercise of ordinary care, the retail establishment should have known of the condition; or

(2) The condition occurred with regularity and was therefore foreseeable.

Section 2. *Section 768.0710, Florida Statutes, is repealed.*

Section 3. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert:

An act relating to negligence; creating s. 768.0755, F.S.; providing that if a person slips and falls on a transitory foreign substance in a retail establishment, the injured person must prove that the retail establishment had knowledge of the condition in that the condition existed for a sufficient time for the retail establishment to have taken action to remedy the condition; providing that constructive knowledge may be proven by circumstantial evidence; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; providing an effective date.

Pursuant to Rule 4.19, **HB 1931** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 2568—A bill to be entitled An act relating to liability for products; creating s. 768.1259, F.S.; defining terms; providing that a seller of a product manufactured in the United States may be dismissed from an action for strict liability for harm caused by a product; providing exceptions; providing procedures related to dismissal; requiring an affidavit to accompany a motion to dismiss; prescribing the contents of the affidavit; providing for discovery and a hearing on the motion to dismiss; providing conditions under which a seller may be held liable as a manufacturer; providing an effective date.

—was read the second time by title.

Senator Webster moved the following amendments which were adopted:

Amendment 1 (850344)—On page 2, lines 15 and 16, delete those lines and insert: *(b) The seller altered, modified, installed, or failed to maintain the product in a manner that caused harm to the claimant;*

Amendment 2 (360110)—On page 3, lines 8 and 9, delete those lines and insert: *(d) The seller did not alter, modify, install, or fail to maintain the product in a manner that caused harm to the claimant;*

Senator Bennett moved the following amendment which was adopted:

Amendment 3 (735884)(with title amendment)—On page 4, between lines 11 and 12, insert:

(9) This section does not preclude claims for indemnification and contribution by a builder or manufacturer who is engaged in the business of construction and who obtains a product from a seller whereby such product is the subject of an action for strict liability for harm caused by the product.

And the title is amended as follows:

On page 1, line 14, following the semicolon (;) insert: authorizing certain claims for indemnification and contribution by builders;

Pursuant to Rule 4.19, **CS for SB 2568** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 2564—A bill to be entitled An act relating to class action lawsuits; creating s. 774.01, F.S.; providing requirements for capacity to file a class action; limiting actions to Florida residents; providing exceptions; providing requirements for monetary relief; eliminating private class action recovery of statutory penalties and other forms of monetary relief other than actual damages; providing monetary relief; providing for availability of nonmonetary relief; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendment:

Amendment 1 (395416)(with title amendment)—On page 1, line 19 through page 2, line 15, delete those lines and insert:

(1) In any action asserting the right to class action status, the claimant class with capacity to sue shall be limited to residents of this state at the time of the alleged misconduct, except as provided in subsection (2).

(2) Prior to issuance of the certification order, the court may expand a class to include any nonresident whose claim is recognized within the claimant's state of residence and is not time-barred, but whose rights cannot be asserted because the claimant's state of residence lacks personal jurisdiction over the defendant or defendants. In addition, the claimant class may include nonresidents if the conduct giving rise to the claim occurred in or emanated from this state.

And the title is amended as follows:

On page 1, lines 6-12, delete those lines and insert: providing exceptions; providing an effective date.

Senator Smith moved the following substitute amendment:

Amendment 2 (240980)(with title amendment)—On page 2, lines 1-15, delete those lines and insert:

(2) Notwithstanding any law to the contrary, in order to maintain a class action seeking monetary relief, the class must allege and prove actual or statutory damages. In any such class action, the monetary recovery shall be limited to the amount of actual, statutory, and punitive damages. Nothing in this section shall be construed to limit or restrict the ability of the Attorney General to bring a class action for the recovery of statutory penalties, if otherwise authorized by law. However, class action claimants may seek to obtain, if appropriate, nonmonetary relief, including injunctive relief and orders, declaratory relief and orders or judgments enjoining wrongful conduct, or equitable relief, regardless of whether the class action claimants can prove any actual monetary damages. Nothing in this section shall be construed to in any way limit or restrict the availability of such nonmonetary relief.

And the title is amended as follows:

On page 1, lines 7-10, delete those lines and insert: and limitations for monetary relief; providing requirements for allegations and proof;

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senators Smith and Saunders offered the following amendment to **Amendment 2** which was moved by Senator Smith and adopted:

Amendment 2A (405830)(with title amendment)—On page 1, line 15 through page 2, line 2, delete those lines and insert: On page 2, lines 1-15, delete those lines and insert:

(2) Notwithstanding any law to the contrary, in order to maintain a class action seeking monetary relief, the class must allege and prove actual damages. In any such class action, the monetary recovery shall be limited to equitable relief, if appropriate, and the amount of actual damages. Nothing in this section shall be construed to limit or restrict the ability of the Attorney General to bring a class action for the recovery of statutory penalties, if otherwise authorized by law. However, class action claimants may seek to obtain, if appropriate, nonmonetary relief, including injunctive relief and orders, declaratory relief and orders, judgments enjoining wrongful conduct, or equitable relief, regardless of whether the class action claimants can prove any actual monetary damages. Nothing in this section shall be construed to in any way limit or restrict the availability of such nonmonetary relief nor does this section limit any remedy available under chapter 501, 772, or 760, Florida Statutes.

And the title is amended as follows:

On page 2, line 7-11, delete those lines and insert: On page 1, line 9, after "than" insert: equitable relief and

Amendment 2 as amended failed.

The question recurred on **Amendment 1** which was withdrawn.

Senators Dawson, Siplin and Hill offered the following amendment which was moved by Senator Dawson and adopted:

Amendment 3 (150138)(with title amendment)—On page 2, between lines 15 and 16, insert:

Section 2. *This act does not affect any class action lawsuits involving federal or state civil rights laws.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: providing no effect on class action lawsuits involving civil rights laws;

Pursuant to Rule 4.19, **CS for SB 2564** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for CS for SB 1488—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the retention of losses for which an insurer is not entitled to reimbursement from the Florida Hurricane Catastrophe Fund; amending s. 215.559, F.S.; revising the allocation of funds appropriated to the Department of Community Affairs from the Florida Hurricane Catastrophe Fund for the Hurricane Loss Mitigation Program; requiring that the department establish a low-interest loan program and pilot project for hurricane loss mitigation; authorizing contractual agreements between the department and financial institutions; authorizing the Department of Community Affairs to adopt rules; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to submit a proposed plan to the Legislature establishing uniform rating territories to be used by insurers for residential property insurance rate filings; requiring a further act of the Legislature to implement the plan; limiting the recoupment by an insurer in its rates of the reimbursement premium it pays to the Florida Hurricane Catastrophe Fund; repealing provisions allowing an insurer to submit a rate filing to an arbitration panel; amending s. 627.0628, F.S.; restricting the admissibility and relevance in rate proceedings of findings of the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; lowering the percentage amount of a rate filing based on a computer model which requires a public hearing; creating s. 627.06291, F.S.; requiring residential property insurance and rating and advisory organizations to report hurricane loss data for development of a public hurricane model for hurricane loss projections; amending s. 627.351, F.S.; revising the appointments to the board and the approval of officers and employees of the corporation; creating a Market Accountability Advisory Committee to assist the corporation in developing awareness of it rates and service levels; providing for membership of the committee; providing terms of office; requiring the committee to report to the corporation at each board meeting; revising the criteria and standards for establishing the rates charged for coverage by the corporation; providing that rates may not be increased by more than a specified percentage; creating s. 627.40951, F.S.; providing legislative findings and intent; providing for an advisory committee; providing for membership; providing for recommendations to be submitted to the Legislature regarding standard residential property insurance policies; amending s. 627.411, F.S.; adding grounds for which the Office of Insurance Regulation must disapprove a form filed by an insurer; amending s. 627.4133, F.S.; prohibiting insurers from canceling or nonrenewing residential property insurance policies under certain emergency circumstances; providing exceptions; providing notice requirements; providing application to personal residential and commercial residential policies covering certain damaged property; amending s. 627.4143, F.S.; requiring insurers to provide personal lines property insurance policyholders with a checklist of items contained in policies; authorizing the Financial Services Commission to adopt rules; prescribing elements to be contained in the checklist; requiring the checklist and outline of insurance coverage to be sent with each renewal; clarifying that homeowners' insurance includes mobile homeowners', dwelling, and condominium unit owners' insurance for purposes of the outline of coverage; amending s. 627.701, F.S.; increasing the maximum allowable hurricane deductible for personal lines and certain commercial lines residential policies; requiring insurers to offer specified hurricane deductibles for such policies; requiring insurers to provide written notice explaining hurricane deductible options for such policies; amending s. 627.7011, F.S.; requiring insurers

to offer coverage for additional costs of repair due to laws and ordinances; requiring insurers to pay the replacement cost for a loss insured on that basis, whether or not the insured replaces or repairs the dwelling or property; amending s. 627.7015, F.S.; providing a penalty for an insurer that fails to notify a claimant of the availability of mediation procedures for resolving a disputed property insurance claim; amending s. 627.702, F.S.; providing legislative intent regarding the requirement that an insurer pay policy limits if there is a total loss of a building; amending s. 627.706, F.S., relating to sinkhole insurance; providing definitions; amending s. 627.707, F.S.; revising requirements for insurers in investigating sinkhole claims; requiring that the insurer provide certain notification to the policyholder; requiring that the insurer engage an engineer and professional geologist; providing requirements for the insurer if a claim is denied; providing requirements if a sinkhole loss is verified; creating s. 627.7072, F.S.; providing testing standards for sinkholes; creating s. 627.7073, F.S.; providing requirements for reports issued by engineers and professional geologists; requiring certain reports and certifications to be issued to the policyholder and the insurer; requiring that the insurer file a copy of the report and certification with the county property appraiser to be recorded with the parcel number for the property; providing that there is no cause of action or liability against an insurer for filing such report and certification; creating s. 627.711, F.S.; requiring insurers to provide written notice to applicants and policyholders of the amount of the premium discounts and credits for fixtures and construction techniques that reduce the amount of windstorm loss; authorizing the Financial Services Commission to adopt rules; creating s. 627.712, F.S.; requiring property insurers to pay or deny claims within certain time periods; providing that overdue payments bear interest; requiring the Office of the Auditor General to conduct an operational audit of Citizens Property Insurance Corporation; providing an appropriation and authorizing positions; providing effective dates.

—was read the second time by title.

SENATOR PRUITT PRESIDING

Senators Garcia and Alexander offered the following amendment which was moved by Senator Garcia and adopted:

Amendment 1 (361396)(with title amendment)—On page 10, line 21 through page 16, line 15, delete those lines and insert:

Section 3. Subsections (4) and (5) of section 627.062, Florida Statutes, are amended to read:

627.062 Rate standards.—

(4) The establishment of any rate, rating classification, rating plan or schedule, or variation thereof in violation of part IX of chapter 626 is also in violation of this section. *In order to enhance the ability of consumers to compare premiums and to increase the accuracy and usefulness of rate-comparison information provided by the office to the public, the office shall develop a proposed standard rating territory plan to be used by all authorized property and casualty insurers for residential property insurance. In adopting the proposed plan, the office may consider geographical characteristics relevant to risk, county lines, major roadways, existing rating territories used by a significant segment of the market, and other relevant factors. Such plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives by January 15, 2006. The plan may not be implemented unless authorized by further act of the Legislature.*

(5) With respect to a rate filing involving coverage of the type for which the insurer is required to pay a reimbursement premium to the Florida Hurricane Catastrophe Fund, the insurer may fully recoup in its property insurance premiums any reimbursement premiums paid to the Florida Hurricane Catastrophe Fund, together with reasonable costs of other reinsurance, but may not recoup reinsurance costs that duplicate coverage provided by the Florida Hurricane Catastrophe Fund. *An insurer may not recoup more than 1 year of reimbursement premium at a time. Any under-recoupment from the prior year may be added to the following year's reimbursement premium and any over-recoupment shall be subtracted from the following year's reimbursement premium.*

And the title is amended as follows:

On page 1, lines 26-28, delete those lines and insert: Catastrophe Fund; amending s. 627.0628, F.S.;

Senator Garcia moved the following amendments which were adopted:

Amendment 2 (893140)—On page 17, delete line 11 and insert: rate filing by the office or in any arbitration or

Amendment 3 (390484)(with title amendment)—On page 17, line 25 through page 18, line 5, delete those lines and insert:

Section 6. Section 627.06281, Florida Statutes, is created to read:

627.06281 Public hurricane loss projection model; reporting of data by insurers.—Within 30 days after a written request for loss data and associated exposure data by the office or a type I center within the State University System established to study mitigation, residential property insurers and licensed rating and advisory organizations that compile residential property insurance loss data shall provide loss data and associated exposure data for residential property insurance policies to the office or to a type I center within the State University System established to study mitigation, as directed by the office, for the purposes of developing, maintaining, and updating a public model for hurricane loss projections. The loss data and associated exposure data provided shall be in writing.

And the title is amended as follows:

On page 2, lines 4 and 5, delete those lines and insert: public hearing; creating s. 627.06281, F.S.; requiring residential property insurers and

Senator Garcia moved the following amendment:

Amendment 4 (552756)(with title amendment)—On page 18, line 6 through page 40, line 10, delete those lines and insert:

Section 7. Paragraphs (a), (c), (d), and (q) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a)1. The Legislature finds that actual and threatened catastrophic losses to property in this state from hurricanes have caused insurers to be unwilling or unable to provide property insurance coverage to the extent sought and needed. It is in the public interest and a public purpose to assist in assuring that property in the state is insured so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare; to the economy of the state; and to the revenues of the state and local governments needed to provide for the public welfare. It is necessary, therefore, to provide property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends by this subsection that property insurance be provided and that it continues, as long as necessary, through an entity organized to achieve efficiencies and economies, *while providing service to policyholders, applicants, and agents that is no less than the quality generally provided in the voluntary market,* all toward the achievement of the foregoing public purposes. Because it is essential for the corporation to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known, as of July 1, 2002, as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the office. The plan is subject to continuous review by the office. The office may, by order, withdraw approval of all or part of a plan if the office determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit

owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

(c) The plan of operation of the corporation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which forms must be approved by the office prior to use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

c. Commercial lines residential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

2.a. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the quota share primary insurance agreement, may not be altered by the inability of the other party to the agreement to pay its specified percentage of hurricane losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that neither the authorized insurer nor the corporation may be held responsible beyond its specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under quota share primary insurance agreements, the corporation and the authorized insurer shall maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by Florida Hurricane Catastrophe Fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of quota share agreements, pricing of quota share agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer shall be voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection*, including without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness*. The corporation may, but is not required to, seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4.*a.* Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of *8* ~~7~~ individuals who are residents of this state, from different geographical areas of this state~~, appointed by the Chief Financial Officer~~. *The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board, effective August 1, 2005. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance.* The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the *appointing officer* ~~Chief Financial Officer~~. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. Any board vacancy shall be filled for the unexpired term by the *appointing officer* ~~Chief Financial Officer~~. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board of governors in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by *the board, as recommended by* the Chief Financial Officer and serve at the pleasure of the *board* ~~Chief Financial Officer~~. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the *board and* ~~office of~~ the Chief Financial Officer.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage. The members of the advisory committee shall consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members must serve for 3-year terms and may serve for consecutive terms. The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to the provisions of s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus shall be available to defray deficits in that account as to future years and shall be used for

that purpose prior to assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the corporation shall make its best efforts to procure catastrophe reinsurance at reasonable rates, *to cover its projected 100-year probable maximum loss* as determined by the board of governors.

10. Must provide that in the event of regular deficit assessments under sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b., in the personal lines account, the commercial lines residential account, or the high-risk account, the corporation shall levy upon corporation policyholders in its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge arising from a regular assessment in such account in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for subject lines of business for the prior calendar year. Market equalization surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

11. The policies issued by the corporation must provide that, if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation.

12. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the corporation. The notice shall also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

13. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the corporation. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

14. Must provide that, with respect to the high-risk account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. In no event shall a limited apportionment company be required to participate in the portion of any assessment, within the high-risk account, pursuant to sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b. in the aggregate which exceeds $50 million after payment of available high-risk account funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan shall provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (g)4. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d.

15. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

(d)1. It is the intent of the Legislature that the rates for coverage provided by the corporation be actuarially sound and not competitive with approved rates charged in the admitted voluntary market, so that the corporation functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. Rates shall include an appropriate catastrophe loading factor that reflects the actual catastrophic exposure of the corporation.

2. For each county, the average rates of the corporation for each line of business for personal lines residential policies excluding rates for wind-only policies shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 20 insurers with the greatest total direct written premium in the state for that line of business in the preceding year, except that with respect to mobile home coverages, the average rates of the corporation shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 5 insurers with the greatest total written premium for mobile home owner's policies in the state in the preceding year.

3. Rates for personal lines residential wind-only policies must be actuarially sound and not competitive with approved rates charged by authorized insurers. ~~However, for personal lines residential wind-only policies issued or renewed between July 1, 2002, and June 30, 2003, the maximum premium increase must be no greater than 10 percent of the Florida Windstorm Underwriting Association premium for that policy in effect on June 30, 2002, as adjusted for coverage changes and seasonal occupancy surcharges. For personal lines residential wind-only policies issued or renewed between July 1, 2003, and June 30, 2004, the corporation shall use its existing filed and approved wind-only rating and classification plans, provided, however, that the maximum premium increase must be no greater than 20 percent of the premium for that policy in effect on June 30, 2003, as adjusted for coverage changes and seasonal occupancy surcharges.~~ Corporation rate manuals shall include a rate surcharge for seasonal occupancy. To ensure that personal lines residential wind-only rates ~~effective on or after July 1, 2004,~~ are not competitive with approved rates charged by authorized insurers, the corporation, in conjunction with the office, shall develop a wind-only ratemaking methodology, which methodology shall be contained in *each* ~~a~~ rate filing made by the corporation with the office ~~by January 1, 2004~~. If the office ~~thereafter~~ determines that the wind-only rates or rating factors filed by the corporation fail to comply with the wind-only ratemaking methodology provided for in this subsection, it shall so notify the corporation and require the corporation to amend its rates or rating factors to come into compliance within 90 days of notice from the office. ~~The office shall report to the Speaker of the House of Representatives and the President of the Senate on the provisions of the wind-only ratemaking methodology by January 31, 2004.~~

4. The provisions of subparagraph 2. do not apply to coverage provided by the corporation in any county for which the office determines that a reasonable degree of competition does not exist for personal lines residential policies. The provisions of subparagraph 3. do not apply to coverage provided by the corporation in any county for which the office determines that a reasonable degree of competition does not exist for personal lines residential policies in the area of that county which is eligible for wind-only coverage. In such counties, the rates for personal lines residential coverage shall be actuarially sound and not excessive, inadequate, or unfairly discriminatory and are subject to the other provisions of the paragraph and s. 627.062. The commission shall adopt rules establishing the criteria for determining whether a reasonable degree of competition exists for personal lines residential policies. Beginning October 1, 2005, and each 6 months thereafter, the office shall determine and identify those counties for which a reasonable degree of competition does not exist for purposes of subparagraphs 2. and 3., respectively.

5. Notwithstanding subparagraphs 2., 3., and 4., for personal lines residential policies and personal lines residential wind-only policies issued or renewed between July 1, 2005, and June 30, 2006, the maximum premium increase must be not greater than 5 percent of the premium for that policy in effect on June 30, 2005, as adjusted for coverage changes and seasonal-occupancy surcharges.

6.~~4.~~ Rates for commercial lines coverage shall not be subject to the requirements of subparagraph 2., but shall be subject to all other requirements of this paragraph and s. 627.062.

7.~~5.~~ Nothing in this paragraph shall require or allow the corporation to adopt a rate that is inadequate under s. 627.062.

8.~~6.~~ The corporation shall certify to the office at least twice annually that its personal lines rates comply with the requirements of *this paragraph* ~~subparagraphs 1. and 2~~. If any adjustment in the rates or rating factors of the corporation is necessary to ensure such compliance, the corporation shall make and implement such adjustments and file its revised rates and rating factors with the office. If the office thereafter determines that the revised rates and rating factors fail to comply with the provisions of *this paragraph* ~~subparagraphs 1. and 2.~~, it shall notify the corporation and require the corporation to amend its rates or rating factors in conjunction with its next rate filing. The office must notify the corporation by electronic means of any rate filing it approves for any insurer among the insurers referred to in subparagraph 2.

9.~~7.~~ In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

10.~~8.a.~~ To assist the corporation in developing additional ratemaking methods to assure compliance with *this paragraph* ~~subparagraphs 1. and 4.~~, the corporation shall appoint a rate methodology panel consisting of one person recommended by the Florida Association of Insurance Agents, one person recommended by the Professional Insurance Agents of Florida, one person recommended by the Florida Association of Insurance and Financial Advisors, one person recommended by the insurer with the highest voluntary market share of residential property insurance business in the state, one person recommended by the insurer with the second-highest voluntary market share of residential property insurance business in the state, one person recommended by an insurer writing commercial residential property insurance in this state, one person recommended by the Office of Insurance Regulation, and one board member designated by the board chairman, who shall serve as chairman of the panel.

~~b. By January 1, 2004, the rate methodology panel shall provide a report to the corporation of its findings and recommendations for the use of additional ratemaking methods and procedures, including the use of a rate equalization surcharge in an amount sufficient to assure that the total cost of coverage for policyholders or applicants to the corporation is sufficient to comply with subparagraph 1.~~

~~c. Within 30 days after such report, the corporation shall present to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of each house of the Legislature, and the chairs of the standing committees of each house of the Legislature having jurisdiction of insurance issues, a plan for implementing the additional ratemaking methods and an outline of any legislation needed to facilitate use of the new methods.~~

~~d. The plan must include a provision that producer commissions paid by the corporation shall not be calculated in such a manner as to include any rate equalization surcharge. However, without regard to the plan to be developed or its implementation, producer commissions paid by the corporation for each account, other than the quota share primary program, shall remain fixed as to percentage, effective rate, calculation, and payment method until January 1, 2004.~~

*11.*9. ~~By January 1, 2004,~~ The corporation shall develop a notice to policyholders or applicants that the rates of Citizens Property Insurance Corporation are intended to be higher than the rates of any admitted carrier *except when the provisions of subparagraph 4. apply* and providing other information the corporation deems necessary to assist consumers in finding other voluntary admitted insurers willing to insure their property.

(q) The corporation shall ~~not~~ require the securing of flood insurance as a condition of coverage if the *property risk of the* insured or applicant *is located in a Special Flood Hazard Area as defined by the Federal Emergency Management Agency for the National Flood Insurance Program.* ~~executes a form approved by the office affirming that~~ Flood insurance is not provided by the corporation and ~~that if flood insurance is not secured by the applicant or insured in addition to coverage by the corporation,~~ the risk will not be covered for flood damage. A corporation policyholder *that does* ~~electing~~ not ~~to~~ secure flood insurance and *makes a claim* ~~executing a form as provided herein making a claim~~ for water damage against the corporation shall have the burden of proving the damage was not caused by flooding. Notwithstanding other provisions of this subsection, the corporation may deny coverage *or refuse to issue or renew a policy* to an applicant or insured who refuses *to purchase flood insurance as required by this subsection* ~~to execute the form described herein~~.

And the title is amended as follows:

On page 2, lines 9-28, delete those lines and insert: amending s. 627.351, F.S.; revising the appointments to the board and the approval of officers and employees of the corporation; providing additional legislative intent relating to the Citizens Property Insurance Corporation; authorizing the corporation to issue bonds and incur indebtedness for certain purposes; requiring creation of a Market Accountability Advisory Committee to assist the corporation for certain purposes; providing for appointment of committee members; providing for terms; requiring reports to the corporation; revising requirements for the plan of operation of the corporation; deleting limitations on certain personal lines residential wind-only policies; deleting an obsolete reporting requirement; specifying nonapplication of certain policy requirements in counties lacking reasonable degrees of competition for certain policies under certain circumstances; specifying that rates may not be increased by more than a specified percentage; requiring the commission to adopt rules; deleting an obsolete rate methodology panel reporting requirement provision; requiring the corporation to require the securing of flood insurance as a condition of coverage under certain circumstances; providing requirements and limitations; amending s.

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following substitute amendment which was adopted:

Amendment 5 (793608)(with title amendment)—On page 18, line 6 through page 40, line 10, delete those lines and insert:

Section 7. Paragraphs (a), (c), and (q) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a)1. The Legislature finds that actual and threatened catastrophic losses to property in this state from hurricanes have caused insurers to be unwilling or unable to provide property insurance coverage to the extent sought and needed. It is in the public interest and a public purpose to assist in assuring that property in the state is insured so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare; to the economy of the state; and to the revenues of the state and local governments needed to provide for the public welfare. It is necessary, therefore, to provide property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends by this subsection that property insurance be provided and that it continues, as long as necessary, through an entity organized to achieve efficiencies and economies, *while providing service to policyholders, applicants, and agents that is no less than the quality generally provided in the voluntary market,* all toward the achievement of the foregoing public purposes. Because it is essential for the corporation to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known, as of July 1, 2002, as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the office. The plan is subject to continuous review by the office. The office may, by order, withdraw approval of all or part of a plan if the office determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

(c) The plan of operation of the corporation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which forms must be approved by the office prior to use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

c. Commercial lines residential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

2.a. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the quota share primary insurance agreement, may not be altered by the inability of the other party to the agreement to pay its specified percentage of hurricane losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that neither the authorized insurer nor the corporation may be held responsible beyond its specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under quota share primary insurance agreements, the corporation and the authorized insurer shall maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by Florida Hurricane Catastrophe Fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of quota share agreements, pricing of quota share agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer shall be voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection*, including without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness*. The corporation may, but is not required to, seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action

would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4.*a.* Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of *8* ~~7~~ individuals who are residents of this state, from different geographical areas of this state~~, appointed by the Chief Financial Officer~~. *The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board, effective August 1, 2005. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance.* The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the *appointing officer* ~~Chief Financial Officer~~. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. Any board vacancy shall be filled for the unexpired term by the *appointing officer* ~~Chief Financial Officer~~. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board of governors in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by *the board, as recommended by* the Chief Financial Officer and serve at the pleasure of the *board* ~~Chief Financial Officer~~. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the *board and* ~~office of~~ the Chief Financial Officer.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage. The members of the advisory committee shall consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members must serve for 3-year terms and may serve for consecutive terms. The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to the provisions of s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year

and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus shall be available to defray deficits in that account as to future years and shall be used for that purpose prior to assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the corporation shall make its best efforts to procure catastrophe reinsurance at reasonable rates, *to cover its projected 100-year probable maximum loss* as determined by the board of governors.

10. Must provide that in the event of regular deficit assessments under sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b., in the personal lines account, the commercial lines residential account, or the high-risk account, the corporation shall levy upon corporation policyholders in its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge arising from a regular assessment in such account in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for subject lines of business for the prior calendar year. Market equalization surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

11. The policies issued by the corporation must provide that, if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation.

12. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the corporation. The notice shall also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

13. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the corporation. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

14. Must provide that, with respect to the high-risk account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. In no event shall a limited apportionment company be required to participate in the portion of any assessment, within the high-risk account, pursuant to sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b. in the aggregate which exceeds $50 million after payment of available high-risk account funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan shall provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (g)4. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d.

15. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

(q) The corporation shall ~~not~~ require the securing of flood insurance as a condition of coverage if the *property risk of the* insured or applicant *is located in a Special Flood Hazard Area as defined by the Federal Emergency Management Agency for the National Flood Insurance Program.* ~~executes a form approved by the office affirming that~~ Flood insurance is not provided by the corporation and ~~that if flood insurance is not secured by the applicant or insured in addition to coverage by the corporation,~~ the risk will not be covered for flood damage. A corporation policyholder *that does* ~~electing~~ not ~~to~~ secure flood insurance and *makes a claim* ~~executing a form as provided herein making a claim~~ for water damage against the corporation shall have the burden of proving the damage was not caused by flooding. Notwithstanding other provisions of this subsection, the corporation may deny coverage *or refuse to issue or renew a policy* to an applicant or insured who refuses *to purchase flood insurance as required by this subsection* ~~to execute the form described herein~~.

And the title is amended as follows:

On page 2, lines 9-22, delete those lines and insert: amending s. 627.351, F.S.; revising the appointments to the board and the approval of officers and employees of the corporation; providing additional legislative intent relating to the Citizens Property Insurance Corporation; authorizing the corporation to issue bonds and incur indebtedness for certain purposes; requiring creation of a Market Accountability Advisory Committee to assist the corporation for certain purposes; providing for appointment of committee members; providing for terms; requiring reports to the corporation; revising requirements for the plan of operation of the corporation; requiring the corporation to require the securing of flood insurance as a condition of coverage under certain circumstances; providing requirements and limitations; creating s. 627.40951,

Senator Garcia moved the following amendments which were adopted:

Amendment 6 (621040)—On page 42, lines 11-22, delete those lines and insert:

(e) Is for residential property insurance and contains provisions that are unfair or inequitable or encourage misrepresentation.

(f)~~(e)~~ Is for health insurance, and:

1. Provides benefits that are unreasonable in relation to the premium charged.~~;~~

2. Contains provisions that are unfair or inequitable or contrary to the public policy of this state or that encourage misrepresentation.~~;~~

3. Contains provisions that apply rating practices that result in unfair discrimination pursuant to s. 626.9541(1)(g)2.

Amendment 7 (134912)(with title amendment)—On page 42, line 30 through page 44, line 21, delete those lines and insert:

Section 10. Paragraphs (d) and (e) are added to subsection (2) of section 627.4133, Florida Statutes, to read:

627.4133 Notice of cancellation, nonrenewal, or renewal premium.—

(2) With respect to any personal lines or commercial residential property insurance policy, including, but not limited to, any homeowner's, mobile home owner's, farmowner's, condominium association, condominium unit owner's, apartment building, or other policy covering a residential structure or its contents:

(d)1. Upon a declaration of an emergency pursuant to s. 252.36 and the filing of an order by the Commissioner of Insurance Regulation, an insurer may not cancel or nonrenew a personal residential or commercial residential property insurance policy covering a dwelling or residential property located in this state which has been damaged as a result of a hurricane or wind loss that is the subject of the declaration of emergency for a period of 90 days after the dwelling or residential property has been repaired. A structure is deemed to be repaired when substantially completed and restored to the extent that it is insurable by another authorized insurer that is writing policies in this state.

2. However, an insurer or agent may cancel or nonrenew such a policy prior to the repair of the dwelling or residential property:

a. Upon 10 days' notice for nonpayment of premium; or

b. Upon 45 days' notice:

(I) For a material misstatement or fraud related to the claim;

(II) If the insurer determines that the insured has unreasonably caused a delay in the repair of the dwelling; or

(III) If the insurer has paid policy limits.

3. If the insurer elects to nonrenew a policy covering a property that has been damaged, the insurer shall provide at least 90 days' notice to the insured that the insurer intends to nonrenew the policy 90 days after the dwelling or residential property has been repaired. Nothing in this paragraph shall prevent the insurer from canceling or nonrenewing the policy 90 days after the repairs are complete for the same reasons the insurer would otherwise have canceled or nonrenewed the policy but for the limitations of subparagraph 1. The Financial Services Commission may adopt rules, and the Commissioner of Insurance Regulation may issue orders, necessary to implement this paragraph.

4. This paragraph shall also apply to personal residential and commercial residential policies covering property that was damaged as the result of Tropical Storm Bonnie, Hurricane Charley, Hurricane Frances, Hurricane Ivan, or Hurricane Jeanne.

(e) If any cancellation or nonrenewal of a policy subject to this subsection is to take effect during the duration of a hurricane as defined in s. 627.4025(2)(c), the effective date of such cancellation or nonrenewal is extended until the end of the duration of such hurricane. The insurer may collect premium at the prior rates or the rates then in effect for the period of time for which coverage is extended. This paragraph does not apply to any property with respect to which replacement coverage has been obtained and which is in effect for a claim occurring during the duration of the hurricane.

And the title is amended as follows:

On page 3, line 7, following the semicolon (;) insert: extending the effective date of certain policies under certain hurricane circumstances; authorizing the insurer to collect premiums for the extended period; providing nonapplication;

Senator Garcia moved the following amendment:

Amendment 8 (113790)(with title amendment)—On page 49, line 15 through page 52, line 30, delete those lines and insert:

Section 12. Effective October 1, 2006, subsections (3), (4), (8), and (9) of section 627.701, Florida Statutes, as amended by section 4 of chapter 2004-480, Laws of Florida, are amended to read:

627.701 Liability of insureds; coinsurance; deductibles.—

(3)(a) A policy of residential property insurance shall include a deductible amount applicable to hurricane ~~or wind~~ losses no lower than $500 and no higher than 2 percent of the policy dwelling limits with respect to personal lines residential risks, and no higher than 3 percent of the policy limits with respect to commercial lines residential risks; however, if a risk was covered on August 24, 1992, under a policy having a higher deductible than the deductibles allowed by this paragraph, a policy covering such risk may include a deductible no higher than the deductible in effect on August 24, 1992. Notwithstanding the other provisions of this paragraph, a personal lines residential policy covering a risk valued at $50,000 or less may include a deductible amount attributable to hurricane ~~or wind~~ losses no lower than $250, and a personal lines residential policy covering a risk valued at $100,000 or more may include a deductible amount attributable to hurricane ~~or wind~~ losses no higher than *10* ~~5~~ percent of the policy limits unless subject to a higher deductible on August 24, 1992; however, no maximum deductible is required with respect to a personal lines residential policy covering a risk valued at more than $500,000. An insurer may require a higher deductible, provided such deductible is the same as or similar to a deductible program lawfully in effect on June 14, 1995. In addition to the deductible amounts authorized by this paragraph, an insurer may also offer policies with a copayment provision under which, after exhaustion of the deductible, the policyholder is responsible for 10 percent of the next $10,000 of insured hurricane ~~or wind~~ losses.

(b)1. Except as otherwise provided in this paragraph, prior to issuing a personal lines residential property insurance policy on or after *January 1, 2006* ~~April 1, 1996~~, or prior to the first renewal of a residential property insurance policy on or after *January 1, 2006* ~~April 1, 1996~~, the insurer must offer alternative deductible amounts applicable to hurricane ~~or wind~~ losses equal to $500*,* ~~and~~ 2 percent*, 5 percent, and 10 percent* of the policy dwelling limits, unless the *specific percentage* ~~2 percent~~ deductible is less than $500. The written notice of the offer shall specify the hurricane or wind deductible to be applied in the event that the applicant or policyholder fails to affirmatively choose a hurricane deductible. The insurer must provide such policyholder with notice of the availability of the deductible amounts specified in this paragraph in a form approved by the office in conjunction with each renewal of the policy. The failure to provide such notice constitutes a violation of this code but does not affect the coverage provided under the policy.

2. This paragraph does not apply with respect to a deductible program lawfully in effect on June 14, 1995, or to any similar deductible program, if the deductible program requires a minimum deductible amount of no less than 2 percent of the policy limits.

3. With respect to a policy covering a risk with dwelling limits of at least $100,000, but less than $250,000, the insurer may, in lieu of offering a policy with a $500 hurricane or wind deductible as required by subparagraph 1., offer a policy that the insurer guarantees it will not nonrenew for reasons of reducing hurricane loss for one renewal period and that contains up to a 2 percent hurricane or wind deductible as required by subparagraph 1.

4. With respect to a policy covering a risk with dwelling limits of $250,000 or more, the insurer need not offer the $500 hurricane ~~or wind~~ deductible as required by subparagraph 1., but must, except as otherwise provided in this subsection, offer the *other* ~~2 percent~~ hurricane *deductibles* ~~or wind deductible~~ as required by subparagraph 1.

~~(c) In order to provide for the transition from wind deductibles to hurricane deductibles as required by this subsection, an insurer is required to provide wind deductibles meeting the requirements of this subsection until the effective date of the insurer's first rate filing made after January 1, 1997, and is thereafter required to provide hurricane deductibles meeting the requirements of this subsection.~~

(4)*(a)* Any policy that contains a separate hurricane deductible must on its face include in boldfaced type no smaller than 18 points the following statement: "THIS POLICY CONTAINS A SEPARATE DEDUCTIBLE FOR HURRICANE LOSSES, WHICH MAY RESULT IN HIGH OUT-OF-POCKET EXPENSES TO YOU." A policy containing a coinsurance provision applicable to hurricane losses must on its face include in boldfaced type no smaller than 18 points the following statement: "THIS POLICY CONTAINS A CO-PAY PROVISION THAT MAY RESULT IN HIGH OUT-OF-POCKET EXPENSES TO YOU."

(b) Beginning October 1, 2005, for any personal lines residential property insurance policy containing a separate hurricane deductible, the

insurer shall compute and prominently display the actual dollar value of the hurricane deductible on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice.

(c) Beginning October 1, 2005, for any personal lines residential property insurance policy containing an inflation guard rider, the insurer shall compute and prominently display the actual dollar value of the hurricane deductible on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice. In addition, beginning October 1, 2005, for any personal lines residential property insurance policy containing an inflation guard rider, the insurer shall notify the policyholder of the possibility that the hurricane deductible may be higher than indicated when loss occurs due to application of the inflation guard rider. Such notification shall be made on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice.

And the title is amended as follows:

On page 3, line 26, following the semicolon (;) insert: providing for computation and display of the dollar value of hurricane deductibles; requiring insurers to compute and display actual dollar values of certain riders for certain policies;

Senator Garcia moved the following amendment to **Amendment 8** which was adopted:

Amendment 8A (193818)—On page 1, line 18, delete "2006" and insert: 2005

Amendment 8 as amended was adopted.

Senator Garcia moved the following amendments which were adopted:

Amendment 9 (762044)(with title amendment)—On page 54, between lines 2 and 3, insert:

Section 13. Subsection (5) of section 627.701, Florida Statutes, as amended by section 4 of chapter 2004-480, Laws of Florida, is amended to read:

627.701 Liability of Insureds; coinsurance; deductibles.—

(5)*(a)* The hurricane deductible of any *personal lines* residential property insurance policy *issued or renewed on or after May 1, 2005,* shall be applied as follows:

1.~~(a)~~ The hurricane deductible shall apply on an annual basis to all covered hurricane losses that occur during the calendar year for losses that are covered under one or more policies issued by the same insurer or an insurer in the same insurer group.

2.~~(b)~~ If a hurricane deductible applies separately to each of one or more structures insured under a single policy, the requirements of this *paragraph* ~~subsection~~ apply with respect to the deductible for each structure.

3.~~(c)~~ If there was a hurricane loss for a prior hurricane or hurricanes during the calendar year, the insurer may apply a deductible to a subsequent hurricane *which* ~~that~~ is the greater of the remaining amount of the hurricane deductible or the amount of the deductible that applies to perils other than a hurricane. Insurers may require policyholders to report hurricane losses that are below the hurricane deductible or to maintain receipts or other records of such hurricane losses in order to apply such losses to subsequent hurricane claims.

4.~~(d)~~ If there are hurricane losses in a calendar year on more than one policy issued by the same insurer or an insurer in the same insurer group, the hurricane deductible shall be the highest amount stated in any one of the policies. If a policyholder who had a hurricane loss under the prior policy is provided or offered a lower hurricane deductible under the new or renewal policy, the insurer must notify the policyholder, in writing, at the time the lower hurricane deductible is provided or offered, that the lower hurricane deductible will not apply until January 1 of the following calendar year.

(b) For commercial residential property insurance policies issued or renewed on or after January 1, 2006, the insurer must offer the policyholder the following alternative hurricane deductibles:

1. A hurricane deductible that applies on an annual basis as provided in paragraph (a); and

2. A hurricane deductible that applies to each hurricane.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 26, after the semicolon (;) insert: amending s. 627.701, F.S.; providing that the requirement for a hurricane deductible to apply on an annual basis applies to personal lines residential property insurance policies; requiring insurers that provide commercial residential property insurance to offer alternative hurricane deductibles that apply on an annual basis or to each hurricane;

Amendment 10 (961224)(with title amendment)—On page 56, delete line 10 and insert:

(4) Any homeowner's insurance policy issued or renewed on or after October 1, 2005, must include in bold type no smaller than 18 points the following statement:

"LAW AND ORDINANCE COVERAGE IS AN IMPORTANT COVERAGE THAT YOU MAY WISH TO PURCHASE. YOU MAY ALSO NEED TO CONSIDER THE PURCHASE OF FLOOD INSURANCE FROM THE NATIONAL FLOOD INSURANCE PROGRAM. WITHOUT THIS COVERAGE, YOU MAY HAVE UNCOVERED LOSSES. PLEASE DISCUSS THESE COVERAGES WITH YOUR INSURANCE AGENT."

The intent of this subsection is to encourage policyholders to purchase sufficient coverage to protect them in case events excluded from the standard homeowners policy, such as law and ordinance enforcement and flood, combine with covered events to produce damage or loss to the insured property. The intent is also to encourage policyholders to discuss these issues with their insurance agent.

(5)~~(3)~~ Nothing in this section shall be construed to

And the title is amended as follows:

On page 4, line 2, after the semicolon (;) insert: requiring certain homeowner's insurance policies to contain a specified statement; providing intent;

Amendment 11 (445952)(with title amendment)—On page 56, line 19 through page 57, line 8, delete those lines and insert:

Section 14. Effective July 1, 2005, subsections (1) and (7) of section 627.7015, Florida Statutes, are amended, and subsection (2) of that section is reenacted, to read:

627.7015 Alternative procedure for resolution of disputed property insurance claims.—

(1) PURPOSE AND SCOPE.—This section sets forth a nonadversarial alternative dispute resolution procedure for a mediated claim resolution conference prompted by the need for effective, fair, and timely handling of property insurance claims. There is a particular need for an informal, nonthreatening forum for helping parties who elect this procedure to resolve their claims disputes because most homeowner's *and commercial residential* insurance policies obligate insureds to participate in a potentially expensive and time-consuming adversarial appraisal process prior to litigation. The procedure set forth in this section is designed to bring the parties together for a mediated claims settlement conference without any of the trappings or drawbacks of an adversarial process. Before resorting to these procedures, insureds and insurers are encouraged to resolve claims as quickly and fairly as possible. This section is available with respect to claims under personal lines *and commercial residential* policies for all claimants and insurers prior to commencing the appraisal process, or commencing litigation. If requested by the insured, participation by legal counsel shall be permitted. Mediation under this section is also available to litigants referred to the department by a county court or circuit court. This section does not apply to commercial coverages, to private passenger motor vehicle insurance coverages, or to disputes relating to liability coverages in policies of property insurance.

(2) At the time a first-party claim within the scope of this section is filed, the insurer shall notify all first-party claimants of their right to

participate in the mediation program under this section. The department shall prepare a consumer information pamphlet for distribution to persons participating in mediation under this section.

(7) *If the insurer fails to comply with subsection (2) by failing to notify a first-party claimant of its right to participate in the mediation program under this section or* if the insurer requests the mediation, and the mediation results are rejected by either party, the insured shall not be required to submit to or participate in any contractual loss appraisal process of the property loss damage as a precondition to legal action for breach of contract against the insurer for its failure to pay the policyholder's claims covered by the policy.

And the title is amended as follows:

On page 4, lines 2-6, delete those lines and insert: property; amending s. 627.7015, F.S.; revising purpose and scope provisions relating to an alternative procedure for resolution of disputed property insurance claims; providing that failure of an insurer to notify a claimant of the availability of mediation excuses an insured from being required to submit to certain loss appraisal processes; amending s. 627.702, F.S.;

Senator Klein moved the following amendment:

Amendment 12 (561202)(with title amendment)—On page 57, lines 9-29, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 4, lines 6-9, delete those lines and insert: insurance claims;

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following substitute amendment which was adopted:

Amendment 13 (393700)(with title amendment)—On page 57, lines 12-29, delete those lines and insert:

(1)*(a)* In the event of the total loss of any building, structure, mobile home as defined in s. 320.01(2), or manufactured building as defined in s. 553.36(12), located in this state and insured by any insurer as to a covered peril, in the absence of any change increasing the risk without the insurer's consent and in the absence of fraudulent or criminal fault on the part of the insured or one acting in her or his behalf, the insurer's liability~~, if any,~~ under the policy for such total loss*, if caused by a covered peril,* shall be in the amount of money for which such property was so insured as specified in the policy and for which a premium has been charged and paid.

(b) The intent of this subsection is not to deprive an insurer of any proper defense under the policy, to create new or additional coverage under the policy, or to require an insurer to pay for a loss caused by a peril other than the covered peril. In furtherance of such legislative intent, when a loss was caused in part by a covered peril and in part by a noncovered peril, paragraph (a) does not apply. In such circumstances, the insurer's liability under this section shall be limited to the amount of the loss caused by the covered peril. However, if the covered perils alone would have caused the total loss, paragraph (a) shall apply. The insurer is never liable for more than the amount necessary to repair, rebuild, or replace the structure following the total loss, after considering all other benefits actually paid for the total loss.

(c) It is the intent of the Legislature that the amendment to this section shall not be applied retroactively and shall apply only to claims filed after effective date of such amendment.

And the title is amended as follows:

On page 4, line 9, after the semicolon (;) insert: providing nonapplication of certain insurer liability requirements under certain circumstances; limiting an insurer's liability to certain loss covered by a covered peril;

Senator Garcia moved the following amendment:

Amendment 14 (711894)(with title amendment)—On page 59, line 8 through page 64, line 14, delete those lines and insert: *sinkhole activity as well as other potential geologic causes of damage to the structure.*

(3)~~(4)~~ Every insurer authorized to transact property insurance in this state shall make a proper filing with the office for the purpose of extending the appropriate forms of property insurance to include coverage for ~~insurable~~ sinkhole losses.

Section 17. Section 627.7065, Florida Statutes, is created to read:

627.7065 Database of information relating to sinkholes; the Department of Financial Services and the Department of Environmental Protection.—

(1) The Legislature finds that there has been a dramatic increase in the number of sinkholes and insurance claims for sinkhole damage in the state during the past 10 years. Accordingly, the Legislature recognizes the need to track current and past sinkhole activity and to make the information available for prevention and remediation activities. The Legislature further finds that the Florida Geological Survey of the Department of Environmental Protection has created a partial database of some sinkholes identified in Florida, although the database is not reflective of all sinkholes or insurance claims for sinkhole damage. The Legislature determines that creating a complete electronic database of sinkhole activity serves an important purpose in protecting the public and in studying property claims activities in the insurance industry.

(2) The Department of Financial Services, including the employee of the Division of Consumer Services designated as the primary contact for consumers on issues relating to sinkholes, and the Office of the Insurance Consumer Advocate shall consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity identified in the state.

(3) Representatives of the Department of Financial Services, with the agreement of the Department of Environmental Protection, shall determine the form and content of the database. The content may include standards for reporting and investigating sinkholes for inclusion in the database and requirements for insurers to report to the departments the receipt of claims involving sinkhole loss and other similar activities. The Department of Financial Services may require insurers to report present and past data of sinkhole claims. The database also may include information of damage due to ground settling and other subsidence activity.

(4) The Department of Financial Services may manage the database or may contract for its management and maintenance. The Department of Environmental Protection shall investigate reports of sinkhole activity and include its findings and investigations in the database.

(5) The Department of Environmental Protection, in consultation with the Department of Financial Services, shall present a report of activities relating to the sinkhole database, including recommendations regarding the database and similar matters, to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Chief Financial Officer by December 31, 2005. The report may consider the need for the Legislature to create an entity to study the increase in sinkhole activity in the state and other similar issues relating to sinkhole damage, including recommendations and costs for staffing the entity. The report may include other information, as appropriate.

(6) The Department of Financial Services, in consultation with the Department of Environmental Protection, may adopt rules to implement this section.

Section 18. Section 627.707, Florida Statutes, is amended to read:

627.707 ~~Minimum~~ Standards for investigation of sinkhole claims by insurers; nonrenewals.—

~~(1)~~ Upon receipt of a claim for a sinkhole loss, an insurer must meet the following ~~minimum~~ standards in investigating a claim:

(1)~~(a) Upon receipt of a claim for a sinkhole loss,~~ The insurer must make an inspection of the insured's premises to determine if there has

been physical damage to the structure which *may* ~~might~~ be the result of sinkhole activity.

~~(b) If, upon the investigation pursuant to paragraph (a), the insurer discovers damage to a structure which is consistent with sinkhole activity or if the structure is located in close proximity to a structure in which sinkhole damage has been verified, then prior to denying a claim, the insurer must obtain a written certification from an individual qualified to determine the existence of sinkhole activity, stating that the cause of the claim is not sinkhole activity, and that the analysis conducted was of sufficient scope to eliminate sinkhole activity as the cause of damage within a reasonable professional probability. The written certification must also specify the professional discipline and professional licensure or registration under which the analysis was conducted.~~

(2) Following the insurer's initial inspection, the insurer shall engage an engineer or a professional geologist to conduct testing as provided in s. 627.7072 to determine the cause of the loss within a reasonable professional probability and issue a report as provided in s. 627.7073, if:

(a) The insurer is unable to identify a valid cause of the damage or discovers damage to the structure which is consistent with sinkhole loss; or

(b) The policyholder demands testing in accordance with this section or s. 627.7072.

(3) Following the initial inspection of the insured premises, the insurer shall provide written notice to the policyholder disclosing the following information:

(a) What the insurer has determined to be the cause of damage, if the insurer has made such a determination.

(b) A statement of the circumstances under which the insurer is required to engage an engineer or a professional geologist to verify or eliminate sinkhole loss and to engage an engineer to make recommendations regarding land and building stabilization and foundation repair.

(c) A statement regarding the right of the policyholder to request testing by an engineer or a professional geologist and the circumstances under which the policyholder may demand certain testing.

(4) If the insurer determines that there is no sinkhole loss, the insurer may deny the claim. If the insurer denies the claim, without performing testing under s. 627.7072, the policyholder may demand testing by the insurer under s. 627.7072. The policyholder's demand for testing must be communicated to the insurer in writing after the policyholder's receipt of the insurer's denial of the claim.

(5)(a) Subject to paragraph (b), if a sinkhole loss is verified, the insurer shall pay to stabilize the land and building and repair the foundation in accordance with the recommendations of the engineer as provided under s. 627.7073, and in consultation with the policyholder, subject to the coverage and terms of the policy. The insurer shall pay for other repairs to the structure and contents in accordance with the terms of the policy.

(b) The insurer may limit its payment to the actual cash value of the sinkhole loss until such time as expenses related to land and building stabilization and foundation repairs are incurred.

(6) Except as provided in subsection (7), the fees and costs of the engineer or the professional geologist shall be paid by the insurer.

(7)~~(c)~~ If the insurer obtains, pursuant to *s. 627.7073* ~~paragraph (b)~~, written certification that *there is no sinkhole loss or that* the cause of the *damage* ~~claim~~ was not sinkhole activity, and if the policyholder has submitted the sinkhole claim without good faith grounds for submitting such claim, the policyholder shall reimburse the insurer for 50 percent of the *actual costs* ~~cost~~ of the *analyses and services provided* ~~analysis~~ under *ss. 627.7072 and 627.7073* ~~paragraph (b)~~; however, a policyholder is not required to reimburse an insurer more than $2,500 with respect to any claim. A policyholder is required to pay reimbursement under this *subsection* ~~paragraph~~ only if the insurer, prior to ordering the analysis under *s. 627.7072* ~~paragraph (b)~~, informs the policyholder *in writing* of the policyholder's potential liability for reimbursement and gives the policyholder the opportunity to withdraw the claim.

(8)~~(2)~~ No insurer shall nonrenew any policy of property insurance on the basis of filing of claims for partial loss caused by sinkhole damage or clay shrinkage as long as the total of such payments does not exceed the current policy limits of coverage for property damage, and provided the insured has repaired the structure in accordance with the engineering recommendations upon which any payment or policy proceeds were based.

(9) The insurer may engage a structural engineer to make recommendations as to the repair of the structure.

Section 19. Section 627.7072, Florida Statutes, is created to read:

627.7072 Testing standards for sinkholes.—

(1) The engineer and professional geologist shall perform such tests as sufficient, in their professional opinion, to determine the presence or absence of sinkhole loss or other cause of damage within reasonable professional probability and for the engineer to make recommendations regarding necessary building stabilization, and foundation repair.

(2) Testing by a professional geologist shall be conducted in compliance with the Florida Geological Survey Special Publication No. 57 (2005).

Section 20. Section 627.7073, Florida Statutes, is created to read:

627.7073 Sinkhole reports.—

(1) Upon completion of testing as provided in s. 627.7072, the engineer and professional geologist shall issue a report and certification to the insurer and the policyholder as provided in this section.

(a) Sinkhole loss is verified if, based upon tests performed in accordance with s. 627.7072, an engineer and a professional geologist issue a written report and certification stating:

1. That the cause of the actual physical and structural damage is sinkhole activity within a reasonable professional probability.

2. That the analyses conducted were of sufficient scope to identify sinkhole activity as the cause of damage within a reasonable professional probability.

3. A description of the tests performed.

4. A recommendation by the engineer of methods for stabilizing the land and building and for making repairs to the foundation.

(b) If sinkhole activity is eliminated as the cause of damage to the structure, the engineer and professional geologist shall issue a written report and certification to the policyholder and the insurer stating:

1. That the cause of the damage is not sinkhole activity within a reasonable professional probability.

2. That the analyses and tests conducted were of sufficient scope to eliminate sinkhole activity as the cause of damage within a reasonable professional probability.

3. A statement of the cause of the damage within a reasonable professional probability.

4. A description of the tests performed.

(c) The respective findings, opinions, and recommendations of the engineer and professional geologist as to the verification or elimination of a sinkhole loss and the findings, opinions, and recommendations of the engineer as to land and building stabilization and foundation repair shall be presumed correct.

(2) Any insurer that has paid a claim for a sinkhole loss shall file a copy of the report and certification, prepared pursuant to subsection (1), with the county property appraiser who shall record the report and certification with the parcel number. The insurer shall bear the cost of filing and recording the report and certification. There shall be no cause of action or liability against an insurer for compliance with this section. The seller of real property upon which a sinkhole claim has been made shall disclose to the buyer of such property that a claim has been paid and

whether or not the full amount of the proceeds were used to repair the sinkhole damage.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 11 through page 5, line 1, delete those lines and insert: insurance; providing definitions; creating s. 627.7065, F.S.; providing legislative findings; requiring the Department of Financial Services and the Office of the Insurance Consumer Advocate to consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity; providing requirements for the form and content of the database; authorizing the Department of Financial Services to require insurers to provide certain information; providing for management of the database; requiring the department to investigate sinkhole activity reports and include findings and investigations in the database; requiring the Department of Environmental Protection to report on the database to the Governor, Legislature, and Chief Financial Officer; authorizing the Department of Financial Services to adopt implementing rules; amending s. 627.707, F.S.; revising standards for investigations of sinkhole claims by insurers; requiring an insurer to engage an engineer or professional geologist for certain purposes; requiring a report under certain circumstances; requiring an insurer to provide written notice to a policyholder disclosing certain information; authorizing an insurer to deny a claim under certain circumstances; authorizing a policyholder to demand certain testing; providing requirements; specifying required activities for insurers if a sinkhole loss is verified; specifying payment requirements for insurers; providing limitations; requiring the insurer to pay fees of the engineer and geologist; authorizing an insurer to engage a structural engineer for certain purposes; creating s. 627.7072, F.S.; specifying requirements for sinkhole testing by engineers and geologists; creating s. 627.7073, F.S.; providing reporting requirements for engineers and geologists after testing for sinkholes; specifying a presumption of correctness of certain findings; requiring an insurer paying a sinkhole loss claim to file a report and certification with the county property appraiser; requiring the property appraiser to record the report and certification; requiring the insurer to bear the cost of filing and recording; requiring a seller of certain property to make certain disclosures to property buyers under certain circumstances; creating s. 627.711, F.S.;

Senator Garcia moved the following substitute amendment:

Amendment 15 (310140)(with title amendment)—On page 58, line 15 through page 64, line 14, delete those lines and insert:

(b)~~(2)~~ "*Sinkhole* loss" means structural damage to the building*, including the foundation, caused by sinkhole activity*. Contents coverage shall apply only if there is structural damage to the building *caused by sinkhole activity*.

(c)~~(3)~~ "Sinkhole *activity* ~~loss~~" means ~~actual physical damage to the property covered arising out of or caused by sudden~~ settlement or *systematic weakening* ~~collapse~~ of the earth supporting such property only when such settlement or *systematic weakening* ~~collapse~~ results from *movement or raveling of soils, sediments, or rock materials into* subterranean voids created by the *effect* ~~action~~ of water on a limestone or similar rock formation.

(d) "Engineer" means a person, as defined in s. 471.005, who has a bachelor degree or higher in engineering with a specialty in the geotechnical engineering field. An engineer must have geotechnical experience and expertise in the identification of sinkhole activity as well as other potential causes of damage to the structure.

(e) "Professional geologist" means a person, as defined by s. 492.102, who has a bachelor degree or higher in geology or related earth science with expertise in the geology of Florida. A professional geologist must have geological experience and expertise in the identification of sinkhole activity as well as other potential geologic causes of damage to the structure.

(3)~~(4)~~ Every insurer authorized to transact property insurance in this state shall make a proper filing with the office for the purpose of extending the appropriate forms of property insurance to include coverage for ~~insurable~~ sinkhole losses.

Section 17. Section 627.7065, Florida Statutes, is created to read:

627.7065 Database of information relating to sinkholes; the Department of Financial Services and the Department of Environmental Protection.—

(1) The Legislature finds that there has been a dramatic increase in the number of sinkholes and insurance claims for sinkhole damage in the state during the past 10 years. Accordingly, the Legislature recognizes the need to track current and past sinkhole activity and to make the information available for prevention and remediation activities. The Legislature further finds that the Florida Geological Survey of the Department of Environmental Protection has created a partial database of some sinkholes identified in Florida, although the database is not reflective of all sinkholes or insurance claims for sinkhole damage. The Legislature determines that creating a complete electronic database of sinkhole activity serves an important purpose in protecting the public and in studying property claims activities in the insurance industry.

(2) The Department of Financial Services, including the employee of the Division of Consumer Services designated as the primary contact for consumers on issues relating to sinkholes, and the Office of the Insurance Consumer Advocate shall consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity identified in the state.

(3) Representatives of the Department of Financial Services, with the agreement of the Department of Environmental Protection, shall determine the form and content of the database. The content may include standards for reporting and investigating sinkholes for inclusion in the database and requirements for insurers to report to the departments the receipt of claims involving sinkhole loss and other similar activities. The Department of Financial Services may require insurers to report present and past data of sinkhole claims. The database also may include information of damage due to ground settling and other subsidence activity.

(4) The Department of Financial Services may manage the database or may contract for its management and maintenance. The Department of Environmental Protection shall investigate reports of sinkhole activity and include its findings and investigations in the database.

(5) The Department of Environmental Protection, in consultation with the Department of Financial Services, shall present a report of activities relating to the sinkhole database, including recommendations regarding the database and similar matters, to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Chief Financial Officer by December 31, 2005. The report may consider the need for the Legislature to create an entity to study the increase in sinkhole activity in the state and other similar issues relating to sinkhole damage, including recommendations and costs for staffing the entity. The report may include other information, as appropriate.

(6) The Department of Financial Services, in consultation with the Department of Environmental Protection, may adopt rules to implement this section.

Section 18. Section 627.707, Florida Statutes, is amended to read:

627.707 ~~Minimum~~ Standards for investigation of sinkhole claims by insurers; nonrenewals.—

~~(1)~~ Upon receipt of a claim for a sinkhole loss, an insurer must meet the following ~~minimum~~ standards in investigating a claim:

(1)~~(a) Upon receipt of a claim for a sinkhole loss,~~ The insurer must make an inspection of the insured's premises to determine if there has been physical damage to the structure which *may* ~~might~~ be the result of sinkhole activity.

~~(b) If, upon the investigation pursuant to paragraph (a), the insurer discovers damage to a structure which is consistent with sinkhole activity or if the structure is located in close proximity to a structure in which sinkhole damage has been verified, then prior to denying a claim, the insurer must obtain a written certification from an individual qualified to determine the existence of sinkhole activity, stating that the cause of the claim is not sinkhole activity, and that the analysis conducted was~~

~~of sufficient scope to eliminate sinkhole activity as the cause of damage within a reasonable professional probability. The written certification must also specify the professional discipline and professional licensure or registration under which the analysis was conducted.~~

(2) Following the insurer's initial inspection, the insurer shall engage an engineer or a professional geologist to conduct testing as provided in s. 627.7072 to determine the cause of the loss within a reasonable professional probability and issue a report as provided in s. 627.7073, if:

(a) The insurer is unable to identify a valid cause of the damage or discovers damage to the structure which is consistent with sinkhole loss; or

(b) The policyholder demands testing in accordance with this section or s. 627.7072.

(3) Following the initial inspection of the insured premises, the insurer shall provide written notice to the policyholder disclosing the following information:

(a) What the insurer has determined to be the cause of damage, if the insurer has made such a determination.

(b) A statement of the circumstances under which the insurer is required to engage an engineer or a professional geologist to verify or eliminate sinkhole loss and to engage an engineer to make recommendations regarding land and building stabilization and foundation repair.

(c) A statement regarding the right of the policyholder to request testing by an engineer or a professional geologist and the circumstances under which the policyholder may demand certain testing.

(4) If the insurer determines that there is no sinkhole loss, the insurer may deny the claim. If the insurer denies the claim, without performing testing under s. 627.7072, the policyholder may demand testing by the insurer under s. 627.7072. The policyholder's demand for testing must be communicated to the insurer in writing after the policyholder's receipt of the insurer's denial of the claim.

(5)(a) Subject to paragraph (b), if a sinkhole loss is verified, the insurer shall pay to stabilize the land and building and repair the foundation in accordance with the recommendations of the engineer as provided under s. 627.7073, and in consultation with the policyholder, subject to the coverage and terms of the policy. The insurer shall pay for other repairs to the structure and contents in accordance with the terms of the policy.

(b) The insurer may limit its payment to the actual cash value of the sinkhole loss, not including underpinning or grouting or any other repair technique performed below the existing foundation of the building, until the policyholder enters into a contract for the performance of building stabilization or foundation repairs. After the policyholder enters into the contract, the insurer shall pay the amounts necessary to begin and perform such repairs as the work is performed and the expenses are incurred. The insurer may not require the policyholder to advance payment for such repairs.

(6) Except as provided in subsection (7), the fees and costs of the engineer or the professional geologist shall be paid by the insurer.

(7)~~(c)~~ If the insurer obtains, pursuant to *s. 627.7073* ~~paragraph (b)~~, written certification that *there is no sinkhole loss or that* the cause of the *damage* ~~claim~~ was not sinkhole activity, and if the policyholder has submitted the sinkhole claim without good faith grounds for submitting such claim, the policyholder shall reimburse the insurer for 50 percent of the *actual costs* ~~cost~~ of the *analyses and services provided* ~~analysis~~ under *ss. 627.7072 and 627.7073* ~~paragraph (b)~~; however, a policyholder is not required to reimburse an insurer more than $2,500 with respect to any claim. A policyholder is required to pay reimbursement under this *subsection* ~~paragraph~~ only if the insurer, prior to ordering the analysis under *s. 627.7072* ~~paragraph (b)~~, informs the policyholder *in writing* of the policyholder's potential liability for reimbursement and gives the policyholder the opportunity to withdraw the claim.

(8)~~(2)~~ No insurer shall nonrenew any policy of property insurance on the basis of filing of claims for partial loss caused by sinkhole damage or clay shrinkage as long as the total of such payments does not exceed the current policy limits of coverage for property damage, and provided the insured has repaired the structure in accordance with the engineering recommendations upon which any payment or policy proceeds were based.

(9) The insurer may engage a structural engineer to make recommendations as to the repair of the structure.

Section 19. Section 627.7072, Florida Statutes, is created to read:

627.7072 Testing standards for sinkholes.—

(1) The engineer and professional geologist shall perform such tests as sufficient, in their professional opinion, to determine the presence or absence of sinkhole loss or other cause of damage within reasonable professional probability and for the engineer to make recommendations regarding necessary building stabilization, and foundation repair.

(2) Testing by a professional geologist shall be conducted in compliance with the Florida Geological Survey Special Publication No. 57 (2005).

Section 20. Section 627.7073, Florida Statutes, is created to read:

627.7073 Sinkhole reports.—

(1) Upon completion of testing as provided in s. 627.7072, the engineer and professional geologist shall issue a report and certification to the insurer and the policyholder as provided in this section.

(a) Sinkhole loss is verified if, based upon tests performed in accordance with s. 627.7072, an engineer and a professional geologist issue a written report and certification stating:

1. That the cause of the actual physical and structural damage is sinkhole activity within a reasonable professional probability.

2. That the analyses conducted were of sufficient scope to identify sinkhole activity as the cause of damage within a reasonable professional probability.

3. A description of the tests performed.

4. A recommendation by the engineer of methods for stabilizing the land and building and for making repairs to the foundation.

(b) If sinkhole activity is eliminated as the cause of damage to the structure, the engineer and professional geologist shall issue a written report and certification to the policyholder and the insurer stating:

1. That the cause of the damage is not sinkhole activity within a reasonable professional probability.

2. That the analyses and tests conducted were of sufficient scope to eliminate sinkhole activity as the cause of damage within a reasonable professional probability.

3. A statement of the cause of the damage within a reasonable professional probability.

4. A description of the tests performed.

(c) The respective findings, opinions, and recommendations of the engineer and professional geologist as to the verification or elimination of a sinkhole loss and the findings, opinions, and recommendations of the engineer as to land and building stabilization and foundation repair shall be presumed correct.

(2) Any insurer that has paid a claim for a sinkhole loss shall file a copy of the report and certification, prepared pursuant to subsection (1), with the county property appraiser who shall record the report and certification with the parcel number. The insurer shall bear the cost of filing and recording the report and certification. There shall be no cause of action or liability against an insurer for compliance with this section. The seller of real property upon which a sinkhole claim has been made shall disclose to the buyer of such property that a claim has been paid and whether or not the full amount of the proceeds were used to repair the sinkhole damage.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 11 through page 5, line 1, delete those lines and insert: insurance; providing definitions; creating s. 627.7065, F.S.; providing legislative findings; requiring the Department of Financial Services and the Office of the Insurance Consumer Advocate to consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity; providing requirements for the form and content of the database; authorizing the Department of Financial Services to require insurers to provide certain information; providing for management of the database; requiring the department to investigate sinkhole activity reports and include findings and investigations in the database; requiring the Department of Environmental Protection to report on the database to the Governor, Legislature, and Chief Financial Officer; authorizing the Department of Financial Services to adopt implementing rules; amending s. 627.707, F.S.; revising standards for investigations of sinkhole claims by insurers; requiring an insurer to engage an engineer or professional geologist for certain purposes; requiring a report under certain circumstances; requiring an insurer to provide written notice to a policyholder disclosing certain information; authorizing an insurer to deny a claim under certain circumstances; authorizing a policyholder to demand certain testing; providing requirements; specifying required activities for insurers if a sinkhole loss is verified; specifying payment requirements for insurers; providing limitations; requiring the insurer to pay fees of the engineer and geologist; authorizing an insurer to engage a structural engineer for certain purposes; creating s. 627.7072, F.S.; specifying requirements for sinkhole testing by engineers and geologists; creating s. 627.7073, F.S.; providing reporting requirements for engineers and geologists after testing for sinkholes; specifying a presumption of correctness of certain findings; requiring an insurer paying a sinkhole loss claim to file a report and certification with the county property appraiser; requiring the property appraiser to record the report and certification; requiring the insurer to bear the cost of filing and recording; requiring a seller of certain property to make certain disclosures to property buyers under certain circumstances; creating s. 627.711, F.S.;

Senator Smith moved the following amendment to **Amendment 15** which failed:

Amendment 15A (291212)(with title amendment)—On page 6, lines 9-26, delete those lines and insert:

(5) If a sinkhole loss is verified, the insurer shall pay to stabilize the land and building and repair the foundation in accordance with the recommendations of the engineer as provided under s. 627.7073, and in consultation with the policyholder, subject to the coverage and terms of the policy. The insurer shall pay for other repairs to the structure and contents in accordance with the terms of the policy.

And the title is amended as follows:

On page 11, delete line 10 and insert: insurers; requiring the

MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following amendment to **Amendment 15** which was adopted:

Amendment 15B (415094)—On page 6, line 26, after the period (.) insert: *If repair has begun and the engineer selected or approved by the insurer determines that the repair cannot be completed within the policy limits, the insurer must either complete the engineer's recommended repair or tender the policy limits to the policyholder without a reduction for the repair expenses incurred.*

Amendment 15 as amended was adopted.

Senator Garcia moved the following amendments which were adopted:

Amendment 16 (442314)(with title amendment)—On page 64, lines 19-29, delete those lines and insert: *mitigation.—Using a form prescribed by the Office of Insurance Regulation, the insurer shall clearly notify the applicant or policyholder of any personal lines residential property insurance policy, at the time of the issuance of the policy and at each renewal, of the availability and the range of each premium discount, credit, other rate differential, or reduction in deductibles for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm can or have been installed or implemented. The prescribed form shall describe generally what actions the policyholders may be able to take to reduce their windstorm premium. The prescribed form and a list of such ranges approved by the office for each insurer licensed in the state and providing such discounts, credits, other rate differentials, or reductions in deductibles for properties described in this subsection shall be available for electronic viewing and download from the Department of Financial Services' or the Office of Insurance Regulation's Internet website. The Financial Services Commission may adopt rules to implement this subsection.*

And the title is amended as follows:

On page 5, lines 2-7, delete those lines and insert: requiring insurers to notify applicants or policyholders of the availability and amounts of certain discounts, credits, rate differentials, or reductions in deductibles for properties on which certain fixtures have been installed or construction techniques have been implemented; requiring insurers to provide qualifying information; authorizing the Financial Services Commission to adopt rules;

Amendment 17 (382036)(with title amendment)—On page 65, between lines 26 and 27, insert:

Section 22. *The Office of Insurance Regulation shall, by January 1, 2006, submit a report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of the Senate and the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives having jurisdiction over matters relating to property and casualty insurance. The report shall include findings and recommendations on requiring residential property insurers to provide law and ordinance coverage for residential property insurance policies, the increase or decrease in insurance costs associated with requiring such coverage, and such other related information as the Office of Insurance Regulation determines is appropriate for the Legislature to consider.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 11, after the semicolon (;) insert: requiring the Office of Insurance Regulation to submit a report to the Legislature relating to residential property insurance; providing report requirements;

Amendment 18 (892816)(with title amendment)—On page 65, line 27 through page 66, line 2, delete those lines and insert:

Section 22. *Notwithstanding that revenues of Citizens Property Insurance Corporation are not state revenues, the Auditor General shall perform an operational audit, as defined in section 11.45(1), Florida Statutes, of the Citizens Property Insurance Corporation created under section 627.351(6), Florida Statutes. The scope of the audit shall also include:*

(1) An analysis of the corporation's infrastructure, customer service, claims handling, accessibility of policyholder information to the agent of record, take-out programs, take-out bonuses, and financing arrangements.

(2) An evaluation of costs associated with the administration and servicing of the policies issued by the corporation to determine alternatives by which costs can be reduced, customer service improved, and claims handling improved.

The audit shall contain policy alternatives for the Legislature to consider. The Auditor General shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than February 1, 2006.

Section 23. *The board of governors of the Citizens Property Insurance Corporation created under section 627.351(6), Florida Statutes, shall, by February 1, 2006, submit a report to the President of the Senate, the*

Speaker of the House of Representatives, the minority party leaders of the Senate and the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives having jurisdiction over matters relating to property and casualty insurance. The report shall include the board's findings and recommendations on the following issues:

(1) The number of policies and the aggregate premium of the Citizens Property Insurance Corporation, before and after enactment of this act, and projections for future policy and premium growth.

(2) Increases or decreases in availability of residential property coverage in the voluntary market and the effectiveness of this act in improving the availability of residential property coverage in the voluntary market in the state.

(3) The board's efforts to depopulate the corporation and the willingness of insurers in the voluntary market to avail themselves of depopulation incentives.

(4) Further actions that could be taken by the Legislature to improve availability of residential property coverage in the voluntary and residual markets.

(5) Actions that the board has taken to restructure the corporation and recommendations for legislative action to restructure the corporation, including, but not limited to, actions relating to claims handling and customer service.

(6) Projected surpluses or deficits and possible means of providing funding to ensure the continued solvency of the corporation.

(7) The corporation's efforts to procure catastrophe reinsurance to cover its projected 100-year probable maximum loss with specification as to what best efforts were made by the corporation to procure such reinsurance.

(8) Such other issues as the board determines are worthy of the Legislature's consideration.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 13, following the semicolon (;) insert: specifying audit requirements; requiring a report; requiring the board of governors of the Citizens Property Insurance Corporation to submit a report to the Legislature relating to property and casualty insurance; specifying report requirements;

Amendment 19 (164992)(with title amendment)—On page 66, between lines 8 and 9, insert:

Section 24. *The amendment to section 627.0628, Florida Statutes, and the creation of section 627.06281, Florida Statutes, as provided in this act shall take effect on the same date that House Bill 1939, Senate Bill 1478, or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 5, line 15, following the semicolon (;) insert: providing a contingent effective date;

Pursuant to Rule 4.19, **CS for CS for SB 1488** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia, by two-thirds vote **HB 1939** was withdrawn from the Committees on Banking and Insurance; Judiciary; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Garcia—

HB 1939—A bill to be entitled An act relating to public records and public meetings; creating s. 627.06292, F.S.; creating an exemption from public records requirements for reports of hurricane loss data and associated exposure data that are specific to a particular insurance company; providing a definition; providing for review and repeal; providing a statement of public necessity; amending s. 627.0628, F.S.; creating an exemption from public records requirements for trade secrets used in designing and constructing hurricane loss models; creating an exemption from public meetings requirements for that portion of a meeting of the Florida Commission on Hurricane Loss Projection Methodology or of a rate proceeding wherein confidential and exempt trade secrets are discussed; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 1478** and read the second time by title.

Pursuant to Rule 4.19, **HB 1939** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

MOTIONS

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, May 6.

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, May 6.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Thursday, May 5, 2005: SB 2668, CS for SB 2680, SB 2774, SB 2778, HB 225, HB 619, HB 669, HB 721, HB 723, HB 725, HB 733, HB 749, HB 753, HB 755, HB 765, HB 767, HB 777, HB 783, HB 801, HB 803, HB 857, HB 859, HB 899, HB 923, HB 939, HB 957, HB 969, HB 987, HB 999, HB 1043, HB 1045, HB 1047, HB 1053, HB 1077, HB 1079, HB 1153, HB 1167, HB 1183, HB 1203, HB 1243, HB 1245, HB 1253, HB 1291, HB 1309, HB 1321, HB 1329, HB 1335, HB 1355, HB 1359, HB 1361, HB 1381, HB 1419, HB 1421, HB 1423, HB 1425, HB 1429, HB 1433, HB 1477, HB 1479, HB 1487, HB 1515, HB 1537, HB 1555, HB 1657, HB 1677, HB 1685, HB 1705, HB 1707, HB 1793, HB 1829

Respectfully submitted,
Ken Pruitt, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1935 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Judiciary; and Representative Simmons and others—

HB 1935—A bill to be entitled An act relating to the state judicial system; amending s. 27.40, F.S., relating to circuit registries for court-appointed counsel; requiring that a list of attorneys compiled by the Eleventh Judicial Circuit provide certain information on assigned attorneys; requiring that an attorney enter into a contract to be included on the registry; revising requirements for private court-appointed counsel; specifying certain information to be contained in a report by the Eleventh Judicial Circuit; requiring the Justice Administrative Commission to approve uniform procedures and forms for use in billing for attorney's fees, costs, and related expenses; requiring that a withdrawal order be filed with the commission; revising fee payment provisions; providing

that withdrawal from a case creates a rebuttable presumption of nonentitlement to the entire flat fee; amending s. 27.42, F.S.; requiring the circuit Article V indigent services committee to establish the compensation rates for court-appointed counsel or in cases of indigency; requiring each committee to establish a schedule of allowances for due-process expenses; authorizing alternate models for providing criminal and civil due-process representation; requiring the Justice Administrative Commission to track and issue a report containing certain information on court-appointed counsel in the Eleventh Judicial Circuit; amending s. 27.52, F.S., relating to the determination of indigent status; providing for application to the clerk of court for such a determination and appointment of a public defender; providing application requirements; requiring an application fee; providing for transfer and deposit of such fees into the Indigent Criminal Defense Trust Fund to be used for certain purposes; authorizing clerks of courts to retain a portion of the fees for certain purposes; prescribing duties of the clerk of court and the public defender relating to an application; prescribing application requirements and review criteria; providing for determinations by a clerk on the basis of an applicant's indigency; providing criteria; providing for appointment of counsel on an interim basis; providing for review by the court of a clerk's determination; providing criteria; authorizing the court to determine a person indigent for costs and eligible for payment of due-process expenses; providing criteria and requirements for such determination; requiring certain parents or legal guardians to furnish legal services and costs to certain persons relating to delinquency proceedings or criminal prosecutions; providing for imposition of a lien for certain liabilities and lien enforcement; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing for recovery and disposition of certain amounts recovered; providing criminal penalties for the provision of false information; amending s. 27.5304, F.S.; requiring certain private court-appointed counsel to enter into a uniform contract with Justice Administrative Commission and use the commission's uniform procedures and form for certain billing purposes; authorizing the Justice Administrative Commission to pay attorney's fees without court approval under certain conditions; requiring the attorney to provide the commission with advance notice of a court hearing on payment of fees and costs; authorizing the commission to participate in such hearings using certain equipment; entitling private court-appointed counsel to compensation upon final disposition; providing exceptions; specifying intervals other than final disposition of a case at which private court-appointed counsel may request payment; clarifying a prohibition against allowing an attorney who is not on the registry to appear; restricting the reimbursement allowed for the preparation of invoices; requiring the Justice Administrative Commission to develop a schedule to provide partial payment for attorney fees under certain circumstances; amending s. 27.54, F.S.; requiring a county or municipality to pay certain costs for due-process services in local ordinance violation cases; prescribing assessment of fees to recover such costs; providing for determination and collection of such fees; amending s. 28.24, F.S.; requiring the clerk of the court to charge for certain recording services and performing certain duties; requiring the clerk of the court to provide without charge copies to court-appointed counsel paid by the state; requiring clerks of the court to participate in the Comprehensive Case Information System by a certain date; providing an exception to the designation of the clerk of court as custodian of official records; amending s. 28.2402, F.S.; prohibiting a county or municipality from being required to pay more than one filing fee for a single filing containing multiple allegations; prohibiting a filing fee for initiating certain enforcement proceedings; excluding certain counties having a consolidated government from the term "municipality"; amending s. 28.245, F.S.; requiring the clerks of the court to remit collections to the Department of Revenue within a specified period; amending s. 28.246, F.S.; conforming a reference to the Florida Clerks of Court Operations Corporation; revising provisions authorizing an individual to enter into a payment plan for the payment of fees, costs, or fines; requiring the clerk to enter into a payment plan with certain persons; providing payment plan criteria; providing for the court to review the payment plan; amending s. 28.345, F.S.; exempting certain court staff and court-appointed counsel from the payment of fees and charges assessed by the clerk of the circuit court; amending s. 28.36, F.S.; revising the date for the county clerk to submit a proposed budget; conforming a reference to the Florida Clerks of Court Operations Corporation; conforming a cross-reference; conforming a reference to the Chief Financial Officer; providing conditions and requirements by which the Legislative Budget Commission may approve adjustments to the clerk's maximum annual budget for court-related duties; amending s. 28.37, F.S.; expanding the types of excess funds that clerks of the court must remit to the Department of Revenue over the amount needed to meet approved budgets; creating s. 28.44, F.S.; providing a method by which the clerk of court may discontinue or substantially modify court-related functions; providing a definition; amending s. 29.004, F.S.; providing for state appropriations to be used for expert witnesses who are appointed by the court rather than requested by any party; amending s. 29.005, F.S.; deleting certain appointed mental health professionals from elements of state attorneys' offices provided from state revenues; amending s. 29.007, F.S.; providing for state funds to be used in providing mental health professionals in certain civil cases; clarifying the use of state funds at the trial or appellate level to pay certain costs on behalf of a litigant who is indigent; amending s. 29.008, F.S.; requiring that the county where the appellate district is located fund the appellate division of the public defender's office; expanding the definition of the term "facility" to include items necessary for court-reporting services; narrowing a limitation on the application of certain requirements to specified facilities; including hearing rooms within those facilities funded by the county as a court-related function; including audio equipment within county-funded communications services; creating s. 29.0081, F.S.; authorizing counties and judicial circuits to agree to the funding of personnel positions for the circuit; providing requirements for such agreements; providing for the effect and limitation of such agreements; amending s. 29.015, F.S.; requiring the Justice Administrative Commission to adjust certain allocations of funds among circuits under certain circumstances; requiring notice of such adjustment; requiring the commission to request a budget amendment under certain circumstances to address budget deficits relating to due-process services; amending s. 29.018, F.S.; eliminating the authority for court-appointed counsel to contract to share in court and due-process services; providing that the Justice Administrative Commission may contract for such cost-sharing on behalf of court-appointed counsel; creating s. 29.0185, F.S.; prohibiting the provision of due process services with state revenues to individuals under certain circumstances; amending s. 34.045, F.S.; proscribing a county or municipality from being required to pay more than one filing fee for a single filing containing multiple allegations; prohibiting assessment of a filing fee for initiating certain enforcement proceedings in county court; expanding conditions under which the county or municipality is the prevailing party; requiring an assessment of a filing fee; amending s. 34.191, F.S.; excluding certain counties having a consolidated government from the term municipality; amending s. 39.0132, F.S.; authorizing the Justice Administrative Commission to inspect certain court dockets; authorizing the commission to petition the court for certain additional documentation; amending s. 39.821, F.S.; requiring the Guardian Ad Litem Program rather than the chief judge to request the federal criminal records check for purposes of certifying guardians ad litem; amending s. 39.822, F.S.; directing agencies, persons, and other organizations to provide a guardian ad litem access to certain records related to the best interests of a child; providing a definition; amending s. 40.29, F.S.; revising procedures for the payments made by the state to the clerk of the court for the costs of witnesses; creating s. 40.355, F.S.; requiring the clerk of the court to report on, and refund to the state attorneys and public defenders, certain moneys collected for payment of jurors and due-process costs; amending s. 43.16, F.S.; removing the Judicial Qualifications Commission from the duties of the Justice Administrative Commission and adding the Guardian ad Litem Program; providing that the Justice Administrative Commission is not subject to the Administrative Procedure Act; amending s. 43.26, F.S.; providing responsibilities of the chief judge of each circuit; amending s. 44.102, F.S.; revising conditions under which nonvolunteer court mediators may be compensated by the county or parties; amending s. 44.103, F.S.; limiting the amount of per diem expenses an arbitrator may charge; amending s. 44.108, F.S.; clarifying the fees charged for scheduled mediation services provided by a circuit court's mediation program; requiring the clerk of the court to report to the chief judge the amount of such fees collected; amending s. 57.081, F.S.; providing a cross-reference to conform; creating s. 57.082, F.S., relating to the determination of civil indigent status; providing for application to the clerk of court for such a determination and appointment of a private attorney in certain civil cases; providing application requirements; prescribing duties of the clerk of court relating to an application; prescribing application requirements and review criteria; providing for determinations by a clerk of the basis of an applicant's indigency; providing criteria; providing for appointment of counsel on an interim basis; providing for review by the

court of a clerk's determination; providing criteria; authorizing a court to determine a person indigent and eligible for appointed counsel; providing criteria and requirements for such determination; requiring persons determined to be indigent for civil proceedings to be enrolled in a payment plan and charged an administrative processing charge; providing plan criteria; providing for a reevaluation of indigent status and referral to the state attorney upon evidence of financial discrepancies or fraud; providing for recovery and disposition of certain amounts recovered; providing criminal penalties for the provision of false information; amending s. 92.142, F.S.; deleting a provision that provides for payment of per diem and travel expenses for a witness in a criminal case at the discretion of the court; amending s. 92.231, F.S.; removing a reference to the Article V Indigent Services Advisory Board; amending s. 110.205, F.S.; specifying that members, officers, and employees of the Justice Administrative Commission and certain related organizations are exempt positions under career service provisions; amending s. 116.01, F.S.; providing procedures for the clerk of the court to remit funds to the Department of Revenue; amending s. 116.21, F.S.; authorizing sheriffs and clerks of the courts to pay certain deposited or collected funds into a specific fine and forfeiture fund; requiring the clerk to pay for the cost of publication of the list of unclaimed court-related funds; requiring unclaimed funds to be deposited into the fine and forfeiture fund; amending s. 119.07, F.S.; extending the time period during which certain social security numbers and other data included in court or official county records may be available for public inspection unless redaction is requested; extending the deadline by which court clerks and county recorders must keep such data confidential; amending s. 142.01, F.S.; clarifying those moneys to be included within the fine and forfeiture fund of the clerk of the circuit court; amending s. 213.13, F.S.; requiring that the court-related collections remitted by the clerk to the state be transmitted electronically within a specified period; amending s. 218.245, F.S.; revising the requirements for revenue sharing with respect to certain local governments; amending s. 219.07, F.S.; revising disbursement requirements for the clerk as part of his or her court-related functions; amending s. 219.075, F.S.; exempting funds collected by the clerk from the requirements for the investment of surplus funds of a county; amending s. 318.121, F.S.; specifying that certain surcharges may not be added to civil traffic penalties; amending s. 318.18, F.S.; authorizing a portion of certain surcharge revenues to be used for local law libraries; requiring the clerk of the court to quarterly report the amount of certain surcharges collected to the chief judge, the Governor, and the Legislature; authorizing certain local governments to impose by ordinance a surcharge on any infraction or violation in addition to certain noncriminal traffic infractions and certain criminal violations; providing for transfer of revenues from such surcharge for certain purposes; prohibiting a court from waiving the surcharge; providing for repeal; amending s. 318.21, F.S.; providing for the disposition of traffic-infraction penalties for violations occurring in unincorporated areas of certain counties having a consolidated government or unincorporated areas of certain municipalities having a consolidated government; amending s. 318.31, F.S.; deleting provisions concerning the appointment of a civil traffic infraction hearing officer; amending s. 328.32, F.S.; providing additional limitation on a hearing officer's authority; amending s. 318.325, F.S.; deleting provisions specifying the funding of such hearing officer; amending s. 322.29, F.S.; increasing the fees charged for reinstating a driver's license; amending s. 372.72, F.S.; requiring that the proceeds from unclaimed bonds be deposited into the clerk's fine and forfeiture fund; amending s. 903.26, F.S.; revising the procedure for determining the amount of the costs incurred in returning a defendant to the county of jurisdiction; amending s. 903.28, F.S.; revising certain notice requirements following the surrender or apprehension of a defendant for purposes of remission of a forfeiture; authorizing clerks of circuit courts to enter into contracts or interagency agreements to represent the clerk in certain actions; providing that the clerk is the real party in interest for all appeals arising from such an action; creating s. 903.286, F.S.; authorizing the clerk to withhold sufficient funds to pay any unpaid court fees, court costs, and criminal penalties under certain circumstances; authorizing the clerk to obtain payment from the defendant or enroll the defendant in a payment plan under certain circumstances; amending s. 916.115, F.S.; revising requirements for the payment of experts; specifying which fees are to be paid by the state, the office of the public defender, the office of the state attorney, or the Justice Administrative Commission; amending s. 916.12, F.S.; revising the procedures under which the court may take action following a finding that the defendant is incompetent to proceed; requiring evaluation of a defendant; providing criteria; authorizing a court to commit a defendant or take other action under certain circumstances; amending s. 916.301, F.S.; requiring the court to pay for certain expert witnesses appointed by the court; amending s. 938.29, F.S.; providing for a judgment lien for the payment of certain attorney's fees to be filed without cost; amending s. 939.06, F.S.; clarifying that an acquitted defendant is not liable for certain costs or fees; providing a procedure for such a defendant to request a refund from the Justice Administrative Commission of costs or fees paid; amending s. 939.185, F.S.; authorizing certain local governments to impose by ordinance in addition to certain court costs and other costs, fines, and penalties imposed by law a surcharge to be imposed by court on persons pleading guilty or nolo contendere to certain criminal offenses; providing for transfer of revenues from such surcharge for certain purposes; providing for repeal; amending s. 985.05, F.S.; authorizing the Justice Administrative Commission to have access to certain court records; authorizing circuit courts to share certain juvenile delinquency restitution orders; amending s. 985.201, F.S.; revising the manner in which a court may retain jurisdiction over a child and the child's parent when the court has ordered restitution for certain delinquent acts; requiring the party calling a witness in traffic court to bear the costs; requiring the office of the state attorney to pay such costs if the witness is required to testify on behalf of the prosecution; authorizing the trial court administrator to recover expenditures for state-funded services if those services were furnished to a user possessing the ability to pay; providing for deposit of such funds; authorizing the trial court administrator to recover certain costs under certain circumstances; requiring the chief judge to determine the rate, which may not exceed the cost of the service and recovery; providing legislative intent for revisions to ss. 28.2402, 34.191, and 318.21, F.S.; revising the maximum annual budget amount for the Clerk of the Circuit Court, Miami-Dade County; repealing s. 29.014, F.S., relating to the Article V Indigent Service Advisory Board; repealing s. 318.37, F.S., relating to funding for a Civil Traffic Infraction Hearing Officer Program; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing exceptions; providing for administration by the clerk of the circuit court; authorizing the clerk of the circuit court to retain a specified percentage of the assessments collected; requiring the teen court to account for all funds received; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to administer a teen court program; prohibiting teen courts in counties adopting an ordinance from receiving court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; providing appropriations; providing effective dates.

—was referred to the Committees on Judiciary; Government Efficiency Appropriations; and Justice Appropriations.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 360, with amendment, and acceded to the request of the Senate for the appointment of a conference committee for CS for CS for CS for SB 360.

The Speaker has appointed the following Representatives to the Conference Committee: Rep. Johnson, Chair, and Reps. Goodlette, Henriquez, and Russell.

John B. Phelps, Clerk

CS for CS for CS for SB 360—A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing for sanctions; requiring incorporation of selected water supply projects in the comprehensive plan; authorizing planning for multijurisdic-

tional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; providing for a waiver under certain circumstances; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; revising the requirements and criteria for establishing a rural land stewardship area; revising the requirements for designating a stewardship receiving area to address listed species; revising requirements for an ordinance adopting a plan amendment to create a rural land stewardship area; encouraging local governments to include a community vision and an urban service boundary as a component of their comprehensive plans; prescribing taxing authority of local governments doing so; providing an exception; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that the Department of Transportation be consulted regarding certain level-of-service standards; revising criteria and providing guidelines for transportation concurrency exception areas; requiring a local government to consider the transportation level-of-service standards of adjacent jurisdictions for certain roads; providing a process to monitor de minimis impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established on less than a districtwide basis within 5 years; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing for the adoption of a transportation concurrency management system by ordinance; providing requirements for proportionate fair-share mitigation; providing an exception; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for small scale plan amendment review under certain circumstances; providing exemptions; providing concurrency exemption for certain DRI projects; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 212.055, F.S.; revising permissible rates for charter county transit system surtax; revising methods for approving such a surtax; providing for a noncharter county to levy this surtax under certain circumstances; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising methods for approving a local government infrastructure surtax; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising a ceiling on rates of small county surtaxes; revising methods for approving a school capital outlay surtax; amending s. 336.021, F.S.; revising methods for approving such a fuel tax; limiting authority of a county to impose the ninth-cent fuel tax without adopting a community vision; amending s. 336.025, F.S.; limiting authority of a county to impose the local option fuel tax without adopting a community vision; revising methods for approving such a fuel tax; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; creating s. 339.2819, F.S.; creating the Transportation Regional Incentive Program within the Department of Transportation; providing matching funds for projects meeting certain criteria; amending s. 337.107, F.S.; allowing the inclusion of right-of-way services in certain design-build contracts; amending s. 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services and as part of design-build contracts under certain circumstances; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; deleting language allowing right-of-way services and design and construction phases to be combined for certain projects; deleting an exception; amending s. 380.06, F.S.; providing exceptions; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; amending s. 206.46, F.S.; increasing the threshold for maximum debt service for transfers in the State Transportation Trust Fund; amending s. 339.08, F.S.; providing for expenditure of moneys in the State Transportation Trust Fund; amending s. 339.155, F.S.; providing for the development of regional transportation plans in Regional Transportation Areas; amending s. 339.175, F.S.; making conforming changes to provisions of the act; amending s. 339.55, F.S.; providing for loans for certain projects from the state-funded infrastructure bank within the Department of Transportation; amending s. 1013.64, F.S.; providing for the expenditure of funds in the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.65, F.S.; providing funding for the Classrooms for Kids Program; amending s. 163.3174, F.S.; allowing municipalities in charter counties the option to exercise exclusive land use planning authority under certain circumstances; creating s. 166.31, F.S.; authorizing the governing authority of a municipality to levy a surtax on documents pursuant to an ordinance approved by the electors of the municipality; requiring that the proceeds from the surtax be expended for infrastructure improvements; requiring that an advisory board be created to recommend infrastructure projects; providing requirements for developing, amending, and adopting a list of infrastructure projects; requiring notice and public hearings; requiring that the advisory board monitor the expenditure of the surtax proceeds; requiring the governing authority to notify the Department of Revenue of the imposition of the surtax; authorizing the department to retain a portion of the proceeds for administrative costs; requiring that a municipality levying the surtax file certain financial reports; amending s. 201.15, F.S.; providing for the expenditure of certain excise taxes on documents; providing for appropriations for the 2005-2006 fiscal year on a nonrecurring basis for certain purposes; specifying the evidentiary standard a local government must meet when defending a challenge to an ordinance establishing an impact fee; requiring the Department of Transportation to amend the tentative work program and budget for 2005-2006; prohibits reversion of certain funds; providing a declaration of important state interest; providing effective dates.

Pursuant to Rule 7.6, **House Amendment 1 (882799)** constituted an entirely new bill and was not published in the Journal.

CONFEREES APPOINTED

The President appointed the following Senators to the conference committee on **CS for CS for CS for SB 360**: Senator Bennett, Chair, and Senators Dockery, Miller and Webster.

The action of the Senate was certified to the House.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1922 and CS for CS for SB 2502.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment(s) and passed HB 77, HB 113, HB 209, HB 233, HB 255, HB 385, HB 517, HB 835, HB 913, HB 925, HB

955, HB 977, HB 1001, HB 1019, HB 1041, HB 1389, HB 1527, HB 1589 and HB 1591, as amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 4 was corrected and approved.

CO-INTRODUCERS

Senators Dockery—CS for SB 798; Lynn—SB 308, CS for CS for SB 778, CS for CS for SB 2550; Posey—SB 96, SJR 362, SJR 364, SB 524, SB 668, SB 816, SB 980, SB 1124, SB 2008, CS for SB 2352; Wilson—CS for CS for SB 186,CS for SB 276, SB 288, CS for CS for SB 428, CS for SB 476, SB 642, CS for SB 768, CS for CS for SB 778, CS for SB 896, CS for SB 898

RECESS

On motion by Senator Pruitt, the Senate recessed at 8:46 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, May 6 or upon call of the President.

Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Lee at 10:48 a.m. A quorum present—40:

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

PRAYER

The following prayer was offered by the Rev. Tom Borland, Faith Presbyterian Church, Tallahassee:

Almighty and merciful God, we are grateful for the work accomplished so far during this session. Give these men and women a sense of peace about the results, even if they have not achieved what they intended, knowing, at any rate, that they did their best. Where mistakes have been made, grant forgiveness. Where hard words have been spoken, bring healing. Where deep differences have made strangers out of colleagues, help them recognize your image in one another and reach across the divide with the unconditional love of eternal friendship.

Grant them wisdom this day amid the pressures, emotions, and complexities of lawmaking. Instill in them a special concern, like yours, for the poor, the foreigner, the widow, and the orphan. Inspire them to be good stewards of your creation. Give them joy and exhilaration in their noble vocation, which shapes the lives of millions of Floridians, and sets the course of this state for generations to come.

In your most holy name, we pray. Amen.

PLEDGE

Senate Pages Michaelia N. Robinson and Ryan Spencer Powers of Tallahassee; Sharon R. Green of Orlando; and Juan T. Santiago of Winter Garden, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Walter B. Flesner III of North Miami Beach, sponsored by Senator Margolis, as doctor of the day. Dr. Flesner specializes in Family Practice.

By direction of the President, the Secretary read the following proclamation:

PROCLAMATION

HONORING MICHAEL O'FARRELL

for 27 years of hard work and dedication with the Florida Senate and wishing Dr. O'Farrell all the luck of the Irish in his retirement.

WHEREAS, Mike O'Farrell received his B.S. at Florida State University in 1962 and taught public school in Brevard County until 1966, and came back to Tallahassee to be awarded a Ph.D. in Administrative Education in 1971, and

WHEREAS, the luck of the Irish brought young O'Farrell to the Senate in 1978, where Mike proved to be an integral part of the Senate Committee on Education from the beginning, and

WHEREAS, after starting out as a Legislative Chief Analyst, in 1983 Mike became staff director of the Senate Committee on Education, and

WHEREAS, between games of golf and spending time with his wife, Nancy, and their two children, this Irish lad has managed to put in long hours at the Senate and earn the respect of all, and

WHEREAS, Mike's quick sense of humor and unflappable patience, in addition to his ability to stay calm in the most stressful moments of legislative turmoil, has earned him the title of "best boss ever" from his co-workers, and

WHEREAS, Mike adds to the Senate both by being perpetually professional in his demeanor and by being a wealth of institutional knowledge for all those in need of guidance, and

WHEREAS, after 27 years of being a part of the Senate family, Mike has decided to retire in order to make more time for golfing, traveling, and spending time with his other family, NOW, THEREFORE,

I, Senate President Tom Lee of the 10th Florida Senate District, do hereby, on this closing day of the 2005 Legislative Session, bid Michael O'Farrell goodbye and good luck in his retirement through the words of an old Irish blessing: May the road rise to meet you, may the wind be always at your back, may the sun shine warm upon your face, the rain fall soft upon your fields, and until we meet again, may God hold you in the palm of His hand.

ADOPTION OF RESOLUTIONS

At the request of Senator Aronberg—

By Senator Aronberg—

SR 2786—A resolution recognizing Congressman William "Bill" Marx Lehman, 1913-2005.

WHEREAS, William "Bill" Marx Lehman was born on October 5, 1913, in Selma, Alabama, and

WHEREAS, Bill Lehman had a privileged childhood, but realized early on that the world was filled with those less fortunate than himself and saw first-hand the good things that government could facilitate in their lives, and

WHEREAS, in the 1930's Bill Lehman graduated from the University of Alabama, moved to Miami, Florida, married Joan Feibelman in 1939, and spent 30 years selling used cars, then spent a short time as a school teacher, and

WHEREAS, Bill Lehman, a Democrat, first became involved in politics when he ran and was elected to the Dade County School Board in 1966, became chairman of the board in 1971, and was first elected to Congress in 1972, and

WHEREAS, Congressman Lehman represented Dade County for 20 years in the United States House of Representatives and was a member of the very influential Florida delegation that brought to South Florida billions of dollars in federal aid, especially in the area of transportation, and

WHEREAS, the highlights of Congressman Lehman's political career included serving as the Chairman of the powerful Subcommittee on Transportation Appropriations, advocating on behalf of Haitian refugees, and smuggling a synthetic heart valve to a young patient in the Soviet Union, and

WHEREAS, Congressman Lehman became a role model for countless young people, including Florida Senator Dave Aronberg, who served as his Congressional Page as a teenager in the 100th Congress and always strove to "make him proud," NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes not only the exemplary life that Congressman Bill Lehman led, but also recognizes the unforgettable legacy that he leaves behind.

—**SR 2786** was introduced, read and adopted by publication.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 348, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 348—A bill to be entitled An act relating to family court efficiency; creating s. 25.375, F.S.; authorizing the Supreme Court to create a system to identify cases relating to individuals and families within the court system; requiring the Supreme Court, the Criminal and Juvenile Justice Information System Council, the Article V Technology Board, and the Florida Association of State Court Clerks to provide recommendations regarding a personal identifier relating to individuals and families within the court system; amending s. 39.013, F.S.; providing for modifying a court order in a subsequent civil proceeding; amending s. 39.0132, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 39.521, F.S.; conforming provisions to s. 39.0132, F.S., regarding modification of a court order in a subsequent civil action or proceeding; amending s. 39.814, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 61.13, F.S.; providing for the court to determine matters relating to child support in any proceeding under ch. 61, F.S.; providing for equal contact in custody determinations in certain circumstances; eliminating provisions authorizing the court to award grandparents visitation rights; eliminating provisions giving grandparents equal standing as parents for evaluating custody arrangements; amending s. 61.21, F.S.; requiring the Department of Children and Family Services to approve parenting courses; establishing requirements relating to the provision of approved parenting courses; specifying timeframes for completing the course; amending s. 741.30, F.S.; providing for an order of temporary custody, visitation, or support to remain in effect until the court enters an order in a subsequent action; amending ss. 61.1827 and 409.2579, F.S., relating to information about applicants and recipients of child-support services; conforming cross-references; providing for severability; providing an effective date.

House Amendment 1 (639951)(with title amendment)—On page 16, line 19, through page 17, line 3, remove: all of said lines, and insert:

(b)1. The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

And the title is amended as follows:

On page 1, line(s) 27 and 28, remove: all of said lines and insert: F.S.;

On motion by Senator Lynn, the Senate concurred in the House amendment.

CS for SB 348 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 512, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 512—A bill to be entitled An act relating to protective injunctions; amending s. 784.046, F.S.; providing standing for a governmental employer to seek an injunction for protection against repeat violence on behalf of an employee; revising the application of evidentiary requirements with respect to injunctions for protection of minor children; providing an effective date.

House Amendment 1 (647497)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (4) of section 784.046, Florida Statutes, is amended to read:

784.046 Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; powers and duties of court and clerk of court; filing and form of petition; notice and hearing; temporary injunction; issuance; statewide verification system; enforcement.—

(4)(a) The sworn petition shall allege the incidents of repeat violence, sexual violence, or dating violence and shall include the specific facts

and circumstances that form the basis upon which relief is sought. With respect to a minor child who is living at home, the parent or legal guardian *seeking the protective injunction on behalf* of the minor child must*:*

1. Have been an eyewitness to, or have direct physical evidence or affidavits from eyewitnesses of, the specific facts and circumstances *that* ~~which~~ form the basis upon which relief is sought*, if the party against whom the protective injunction is sought is also a parent, stepparent, or legal guardian of the minor child; or*

2. Have reasonable cause to believe that the minor child is a victim of repeat, sexual, or dating violence to form the basis upon which relief is sought, if the party against whom the protective injunction is sought is a person other than a parent, stepparent, or legal guardian of the minor child.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to protective injunctions; amending s. 784.046, F.S.; limiting the application of an evidentiary requirement with respect to injunctions for protection of minor children; providing an effective date.

On motion by Senator Aronberg, the Senate concurred in the House amendment.

CS for SB 512 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 1784, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 1784—A bill to be entitled An act relating to professional services acquisition; amending s. 287.055, F.S.; revising certain definitions; defining the term "negotiate"; providing additional criteria for processing bids to purchase professional services which exceed certain threshold amounts; amending s. 287.17, F.S.; revising the limitation on the use of state aircraft; providing an effective date.

House Amendment 2 (942365)—On page 7, line 1, remove: *without* and insert: *with*

On motion by Senator Clary, the Senate concurred in the House amendment.

CS for CS for CS for SB 1784 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 1026, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 1026—A bill to be entitled An act relating to the aerospace industry; creating the Commission on the Future of Space in Florida; providing for membership and organization of the commission; providing procedures for action by the commission; authorizing the commission to appoint an executive director; providing for administrative and staff assistance from the Office of Tourism, Trade, and Economic Development; providing for compensation of consultants; providing duties of the commission; requiring the commission to identify, examine, and review certain information related to aerospace and the aerospace industry; authorizing the commission to appoint technical advisory committees; authorizing reimbursement of travel expenses; requiring a certain number of meetings in various regions of the state; directing certain agencies and requesting other agencies to render assistance and cooperation; requiring preliminary and final reports; requiring the Office of Tourism, Trade, and Economic Development to prepare legislative recommendations consistent with the report; abolishing the commission; providing an expiration date; providing appropriations; amending s. 331.405, F.S.; amending a definition; providing an effective date.

WHEREAS, the aerospace industry comprises an important segment of Florida's present and future economy, and

WHEREAS, intense nationwide and international competition for the future development of this industry is already underway, and

WHEREAS, the diversification of Florida's commercial, civil, and military aerospace industry and the strengthening of Florida's space-related research and development initiatives, including initiatives related to commercial, civil, and military space, are critical components of the future of Florida's aerospace industry, and

WHEREAS, Florida must ensure that the state is optimally positioned for NASA's new Vision for Space Exploration, and

WHEREAS, effective action and the necessary coordination of Florida's space-related resources must be based on a reliable assessment of the present climate for the aerospace industry in the state, and

WHEREAS, the Legislature finds there is a need to comprehensively consider the various options available for legislative action related to the multibillion-dollar aerospace industry in this state, NOW, THEREFORE,

House Amendment 1 (850255)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *Commission on the Future of Space in Florida.—*

(1) The Commission on the Future of Space in Florida is created. The commission shall be composed of 15 voting members, 9 of whom are

appointed by the Governor, 3 of whom are appointed by the President of the Senate, and 3 of whom are appointed by the Speaker of the House of Representatives. In consultation with the Florida Congressional Delegation, the Governor shall appoint two members of the delegation or their designees to serve as ex officio, nonvoting members of the commission. In addition, the Lieutenant Governor, Secretary of Transportation, executive director of the Florida Space Authority, and director of the Agency for Workforce Innovation or their designees shall serve as ex officio, nonvoting members of the commission. The Governor's appointments must include one appointment from each of the following groups:

(a) Aerospace manufacturing.

(b) Aerospace operations and maintenance.

(c) Aerospace finance.

(d) Aerospace research.

(e) Aerospace defense.

(f) Commercial aerospace services.

(g) An aerospace business with fewer than 250 employees.

(h) Enterprise Florida, Inc.

(i) An active member from a chapter of Students for the Exploration and Development of Space (SEDS) based at a Florida university.

The President of the Senate and the Speaker of the House of Representatives shall each select one appointee from three of the groups listed in paragraphs (a)-(i) and, in addition, shall each appoint one member from their respective chambers of the Legislature to serve as ex officio, nonvoting members. Appointments under this subsection shall be made before July 31, 2005, and the first meeting shall be held no later than September 1, 2005. The chair of the commission shall be elected from among the voting members by majority vote of the membership at its first meeting. Meetings shall be held upon the call of the chair but not less frequently than monthly. Any vacancy occurring in the membership of the commission shall be filled in the same manner as the original appointment.

(2) Each voting member of the commission is entitled to one vote, and action of the commission requires a majority vote of the voting members present. Action may not be taken if less than a majority of all voting members is present.

(3) The commission may appoint an executive director who shall report to the commission and serve at its pleasure. The Office of Tourism, Trade, and Economic Development shall provide the commission and the executive director with staff assistance. The Office of Tourism, Trade, and Economic Development may, upon the request of the commission, pay compensation to consultants if such costs can be funded from the appropriation provided for in this act.

(4) The commission shall:

(a) Identify the current and future opportunities in aerospace operations, aerospace transport, aerospace education, aerospace tourism, and other aerospace areas and make recommendations for how the state can capitalize on such opportunities.

(b) Review current federal, state, and local laws, ordinances, and rules that affect the aerospace industry in the state and recommend actions that will promote growth and diversification of the industry.

(c) Examine the state's space-related policies and programs and recommend needed changes, including the possible restructuring of state space-related entities.

(d) Examine the ways in which aerospace industries, including the component elements of manufacturing, assembly, marketing, servicing, maintenance, logistical support, human resources, and related research and development, can be attracted to locate permanently or expand in the state and recommend actions that can be taken by the state and local governments to accomplish this goal, including, but not limited to, possible financing alternatives.

(e) Review existing studies to evaluate aerospace in the state, identify underserved resources, and recommend actions that can be taken to improve the competitiveness, availability, efficiency, and economy of the aerospace industry of the state.

(f) Identify federal aid available to improve the state's aerospace infrastructure and services and recommend strategies to obtain such aid.

(g) Determine whether the state's secondary and postsecondary schools are producing graduates who meet the workforce needs of the state's aerospace industry and recommend strategies to improve meeting those needs.

(5) The commission may appoint technical advisory committees. Commission members and the members of any technical advisory committees may not receive remuneration for their services, but members other than public officers and employees are entitled to be reimbursed by the Office of Tourism, Trade, and Economic Development for travel and per diem expenses in accordance with section 112.061, Florida Statutes. Public officers and employees shall be reimbursed for travel and per diem expenses by their respective agencies in accordance with section 112.061, Florida Statutes.

(6) The commission must hold at least five public hearings in different regions of the state to solicit input from the public on the future of space in the state.

(7) All agencies under the control of the Governor are directed and all other agencies are requested to render assistance and cooperation to the commission.

(8) The commission shall prepare a preliminary report of its findings and recommendations by January 16, 2006, and a final report with specific recommendations by January 30, 2006. The Office of Tourism, Trade, and Economic Development shall prepare legislative recommendations consistent with the commission's reports for consideration by the Legislature at the 2006 Regular Session. Copies of the reports shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(9) The commission is abolished, and this section expires, on May 31, 2006.

Section 2. *The sum of $300,000 is appropriated from the State Transportation Trust Fund to the Department of Transportation for transfer into the Economic Development Trust Fund in the Executive Office of the Governor, Office of Tourism, Trade, and Economic Development for Fiscal Year 2005-2006. The sum of $100,000 is appropriated from the Economic Development Trust Fund to the Executive Office of the Governor, Office of Tourism, Trade, and Economic Development for Fiscal Year 2005-2006 for the purpose of implementing this act. The sum of $200,000 is appropriated from the Economic Development Trust Fund to the Executive Office of the Governor, Office of Tourism, Trade, and Economic Development for the Florida Aerospace Finance Corporation operating costs.*

Section 3. Section 68.066, Florida Statutes, is created to read:

68.066 Actions based upon use of a creation that is not protected under federal copyright law.—

(1) Except as provided in subsection (2), no use of an idea, procedure, process, system, method of operation, concept, principle, discovery, thought, or other creation that is not a work of authorship protected under federal copyright law may give rise to a claim or cause of action, in law or in equity, unless the parties to the claim or cause of action have executed a writing sufficient to indicate that a contract has been made between them governing such use.

(2) Nothing in subsection (1) shall affect or limit:

(a) Any cause of action based in copyright, trademark, patent, or trade secret; or

(b) Any defense raised in connection with a cause of action described in paragraph (a).

Section 3. Section 331.405, Florida Statutes, is amended to read:

331.405 Definitions.—As used in this part:

(1) "Account" means the account established pursuant to s. 331.415.

(2) "Aerospace" means the industry concerned with the design and manufacture of aircraft, rockets, missiles, spacecraft, satellites, space vehicles, space stations, space *and defense* facilities, or components thereof, and equipment, systems, facilities, simulators, programs, and activities related thereto.

(3) "Authority" means the Florida Space Authority created by s. 331.302.

(4) "Board" means the governing body of the corporation.

(5) "Corporation" means the Florida Aerospace Finance Corporation.

(6) "Domiciled in this state" means registered to do business in Florida.

(7) "Financial institution" has the same meaning as in s. 655.005(1)(h).

(8) "Financing agreement" has the same meaning as in s. 331.303(10).

(9) "Member" means an individual appointed to be a member of the board.

(10) "President" means the chief executive officer of the corporation.

Section 4. Effective July 1, 2005, and applying retroactively to January 1, 2005, section 196.1999, Florida Statutes, is created to read:

196.1999 Space laboratories and cargo carriers exemption.—Notwithstanding other provisions of this chapter, modules, pallets, racks, lockers, and their necessary associated hardware and subsystems owned by any person and intended to be used to transport or store cargo for space laboratories for the primary purpose of conducting scientific research in space are deemed to carry out a scientific purpose and are exempt from ad valorem taxation.

Section 5. Sections 331.3685, 331.3686, 331.3687, and 331.3688, Florida Statutes, are created to read:

331.3685 Institute for Advanced Space Computing Act; popular name.—Sections 331.3685-331.3688 may be cited as the "Institute for Advanced Space Computing Act."

331.3686 Legislative findings and intent.—The Legislature finds that there is a critical need to invest in the aerospace infrastructure in this state in order to provide new high-wage jobs and long-term revenues for this state. The establishment of an advanced space computing institute to articulate, coordinate, and focus industrial and academic research will forge a path toward applied technology and on to job growth and economic development. The Legislature further finds that enhancing aerospace infrastructure and establishing a focused and market- driven space computing capability for this state will lead to future economic development and diversification and a higher quality of life for its citizens.

331.3687 Institute for advanced space computing.—The term "institute for advanced space computing" or "institute" means an organization established at or in collaboration with one or more universities in this state to accomplish the purposes and objectives of the Institute for Advanced Space Computing Program of the Office of Tourism, Trade, and Economic Development and with which the Florida Space Research Institute has contracted to further those purposes and objectives.

331.3688 The Institute for Advanced Space Computing Program.—

(1) An advanced space computing program is created within the Office of Tourism, Trade, and Economic Development. The program shall have the following purposes and objectives:

(a) Identify and pursue opportunities for university scholars, research scientists and engineers, students, and private businesses to form collaborative partnerships which foster and promote the research required to develop commercially viable, advanced, and innovative technologies and to transfer those technologies to commercial sectors.

(b) Leverage public and private sector funds for personnel, facilities, equipment, and other resources which support the research required to develop commercially viable, advanced, and innovative technologies and to transfer those technologies to commercial sectors.

(c) Recruit and retain world class scholars, high-performing students, and leading scientists and engineers in technology disciplines to engage in research.

(d) Enhance and expand technology curricula and laboratory resources at universities in this state.

(e) Increase the number of high-performing students participating in related technological disciplines, graduating from Florida universities, and pursuing careers in this state.

(f) Stimulate and support the inception, growth, and diversification of technology-based businesses and ventures in this state and increasing employment opportunities for the workforce needed to support such businesses.

(g) Identify an articulation and coordination system for Florida aerospace industries, state government entities, and public and private universities in this state to develop new technologies that are responsive to market needs and to position the state for diversification of its space and defense industries.

(h) Position the state to participate in a growing national space and defense market through the development of technology that enhances mission capability, is responsive to market opportunities, and maintains emerging and embryonic research for long-term market positioning.

(2) The Office of Tourism, Trade, and Economic Development shall contract with the Florida Space Research Institute to assist in implementing the advanced space computing program.

(3) By December 15, 2005, the Florida Space Research Institute shall designate an institute for advanced space computing and develop the institute's plan which fulfills the purposes of ss. 331.3685-331.3688.

(4) The institute plan shall include performance and accountability measures that can be used to assess the progress of implementation, the success of the institute, and the use of state funds received via contract. By February 1, 2006, the Florida Space Research Institute shall provide a copy of the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(5) Beginning July 1, 2006, the Florida Space Research Institute shall prepare an advanced space computing report semiannually and submit it to the Office of Tourism, Trade, and Economic Development.

Section 6. Sections 331.501, 331.502, 331.503, 331.504, 331.505, 331.506, and 331.507, Florida Statutes, are created to read:

331.501 Florida Aerospace Infrastructure Act; popular name.—Sections 331.501-331.507 may be cited as the "Florida Aerospace Infrastructure Act."

331.502 Legislative findings and intent.—The Legislature finds that there is a critical need for capital assistance for aerospace business expansion, economic development, and financing of aerospace infrastructure. The aerospace industry in this state would be assisted by a program established to invest in projects proposed by state and private sector entities that provide clear economic benefit to the state and support the growth of the employment and technology base of the aerospace industry in Florida. It is the intention of the Legislature to provide funding to support the growth of the aerospace industry and related high-technology industries in this state.

331.503 Definitions.—For the purposes of ss. 331.501-331.507, the term:

(1) "Aerospace industry" means the industry concerned with the design and manufacture of aircraft, rockets, missiles, spacecraft, satellites, space vehicles, space stations, or space and defense facilities, or components thereof, and equipment, systems, facilities, simulators, programs, and activities related thereto.

(2) "Board" means the governing board of the Florida Aerospace Finance Corporation.

(3) "Committee" means the Independent Investment Committee created in s. 331.505 to provide investment recommendations to the corporation for implementation.

(4) "Corporation" means the Florida Aerospace Finance Corporation created by s. 331.407.

(5) "Program" means the Florida Aerospace Infrastructure Program created in s. 331.504.

331.504 Florida Aerospace Infrastructure Program.—

(1) The Florida Aerospace Infrastructure Program is created within the Florida Aerospace Finance Corporation to finance needed industry expansion and infrastructure projects which may be proposed by state aerospace-related organizations, the aerospace industry, or the sponsor of any aerospace-related economic development or technology investment activity involving aerospace business expansion and job retention. The program shall support the growth of the aerospace industry and related high-technology industries in this state.

(2) The corporation shall administer the program with recommendations from the committee and subject to adequate due diligence and adherence to investment policies and procedures of the corporation.

(3) The corporation shall ensure that:

(a) Investment recommendations are implemented in accordance with the board's policies and procedures.

(b) An investment account for future investments is established to receive deposits from the Office of Tourism, Trade, and Economic Development or other state, federal, or private entities and to make awards pursuant to program requirements.

(c) The investment portfolio is monitored and reported quarterly to the committee, the corporation, Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development.

(4)(a) The corporation may provide direct loans, loan guarantees, direct grants for advancement of intellectual property, and other investment participation as necessary to ensure success of total financings undertaken.

(b) Investment proposals may not be made for operating expenses for any state activity, but shall be directed to the development of aerospace infrastructure, technology, and intellectual property that advances the capabilities of the aerospace industry in this state.

(c) The corporation shall seek coinvestors in any investment transaction the corporation makes, ensuring that the corporation is not the sole investor in the transaction. The corporation may waive this provision if investment circumstances warrant such waiver.

(d) The corporation shall not commit more than 20 percent of the funds in the investment pool to any single investment.

(e) The corporation shall endeavor to leverage the investment account through use of loan guarantee capabilities of the Small Business Administration and other state and federal guarantee sources.

(f) The corporation shall be reimbursed for reasonable costs of investment and fund administration, including legal, accounting, and other costs necessary to carry out its responsibilities in conducting due diligence and which are not otherwise reimbursed by the companies seeking or receiving investment, as well as those administrative costs incurred by the corporation in providing administrative services to the committee.

(g) The corporation may not pledge or represent that the corporation is authorized to pledge the full faith and credit of the state.

(h) The corporation shall adopt policies and procedures necessary to carry out its responsibilities under ss. 331.501-331.507, particularly with respect to the board's responsibilities in direct lending, loan support, or direct grant or capital investment for projects approved for support by the program. These policies shall be adopted prior to granting awards.

(i) The corporation shall develop an application and review process for investment proposals submitted for consideration by the committee.

(j) The corporation shall ensure that the program is open to aerospace entities that are domiciled in this state or are establishing facilities and infrastructure in the state resulting in employment and economic benefit to this state.

331.505 Independent Investment Committee.—

(1) The Independent Investment Committee is created within the Florida Aerospace Finance Corporation.

(2)(a) The committee shall consist of five voting members as follows:

1. One representative or designee appointed by each of the following:

a. The board of supervisors of the Florida Space Authority.

b. The board of directors of Enterprise Florida, Inc.

c. The board of directors of the Florida Aerospace Finance Corporation.

2. Two representatives of the aerospace industry appointed by the Governor.

(b) Each voting member shall serve a 3-year term and, except for the initial terms which shall begin upon appointment and terminate on June 30, 2008, shall begin on July 1. Members appointed pursuant to subparagraph (a)1. shall serve at the pleasure of the appointing authority. Members appointed pursuant to subparagraph (a)2. shall serve at the pleasure of the Governor. Initial appointments shall be made no later than 60 days after July 1, 2005.

(c) Committee members, if employed full time by any entity that applies for financial support, must disclose their related interest and recuse themselves from voting on that project.

(d) All members must be residents of the state.

(e) All members must have an investment, banking, or aerospace industry background.

(f) Committee members shall serve without compensation but may be reimbursed for travel and per diem expenses incurred in the performance of board business and in accordance with policies and procedures established by the corporation's board and s. 112.061.

(3) The committee shall:

(a) Recommend evaluation criteria and monitoring requirements for proposals submitted to the program.

(b) Recommend investment guidelines which ensure each proposed project is judged on its merit, its perceived need, and the investment return, benefit, or overall value to the aerospace industry capability, employment, technology, or infrastructure.

(c) Receive proposals from any of the state aerospace entities, entities involved in economic development activities, or Florida-based aerospace corporations.

(d) Review proposals and make recommendations to the corporation.

(e) Review progress reports resulting from projects approved by the corporation.

(f) Recommend and assist the corporation in reviewing, drafting, and executing any contracts or other instruments necessary for the corporation to exercise its powers.

(g) Review whether appropriate investment and retention of the program's capital base or other benefits are realized through the investments of the program, except in the case of a grant or equity investment, which shall be made based on value received by the program.

331.506 Florida Aerospace Finance Corporation; tax-exempt status.—The Florida Aerospace Finance Corporation, as created by s. 331.407, is granted tax-exempt status. The corporation is not required to pay taxes on any project or other property owned by the corporation or upon any resulting income. All notes, mortgages, security agreements, letters of credit, or other instruments that arise out of or are given to

secure the payment of debt issued in conjunction with a project financed under the corporation's authority are also free from taxation by the state or any other local unit, political subdivision, or instrumentality of the state. The tax exemption granted is not applicable to taxes imposed on interest, income, or profits on debt obligations owned by the corporation.

331.507 Annual report.—By December 31 of each year, the corporation shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report on the Florida Aerospace Infrastructure Program in accordance with s. 331.419 and setting forth:

(1) An evaluation of its activities and recommendations for change.

(2) The program's impact on the participation of private banks and other private organizations and individuals in the corporation's financing programs, and other economic and social benefits to businesses in this state.

(3) The program's assets and liabilities at the end of its most recent fiscal year.

Section 7. *The Office of Tourism, Trade, and Economic Development is authorized to expend funds from Fiscal Year 2005-2006 appropriations to implement the provisions of this act.*

Section 8. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and, to this end, the provisions of this act are declared severable.*

Section 9. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the aerospace industry; creating the Commission on the Future of Space in Florida; providing for membership and organization of the commission; providing procedures for action by the commission; authorizing the commission to appoint an executive director; providing for administrative and staff assistance from the Office of Tourism, Trade, and Economic Development; providing for compensation of consultants; providing duties of the commission; requiring the commission to identify, examine, and review certain information related to aerospace and the aerospace industry; authorizing the commission to appoint technical advisory committees; authorizing reimbursement of travel expenses; requiring a certain number of meetings in various regions of the state; directing certain agencies and requesting other agencies to render assistance and cooperation; requiring preliminary and final reports; requiring the Office of Tourism, Trade, and Economic Development to prepare legislative recommendations consistent with the report; abolishing the commission; providing an expiration date; providing appropriations; creating s. 68.066, F.S.; providing requirements for actions based upon use of a creation that is not protected under federal copyright law; amending s. 331.405, F.S.; revising the definition of "aerospace" for purposes of provisions relating to the Florida Aerospace Finance Corporation; creating s. 196.1999, F.S.; providing for an exemption from ad valorem taxes for certain space laboratories and cargo carriers; providing for retroactive application; creating ss. 331.3685, 331.3686, 331.3687, and 331.3688, F.S.; providing a popular name; providing legislative findings and intent; providing a definition; creating the Institute for Advanced Space Computing Program within the Office of Tourism, Trade, and Economic Development; providing purposes and objectives; requiring the office to contract with the Florida Space Research Institute to assist in implementing the program; requiring the institute to designate an institute for advanced space computing and develop and approve a plan for allocating state appropriations for certain purposes; specifying plan requirements; requiring the institute to provide a copy of the plan to the Governor and Legislature; requiring a semiannual report to the office; creating ss. 331.501, 331.502, 331.503, 331.504, 331.505, 331.506, and 331.507, F.S.; providing a popular name; providing legislative findings and intent; providing definitions; creating the Florida Aerospace Infrastructure Investment Program within the Florida Aerospace Finance Corporation; providing purposes; providing for funding the program; requiring the corporation to administer the program; providing requirements; providing the corporation with investment authorizations, criteria, requirements, and limitations; creating the Independent Investment Committee within the corporation; providing purposes of the committee; providing for appointment of committee members and criteria; providing for terms; requiring members to serve without compensation; providing for reimbursement of per diem and travel expenses; providing committee responsibilities; specifying tax-exempt status of the corporation; exempting the corporation from all state and local taxes; providing an exception; requiring the corporation to prepare and submit annual reports; providing requirements for such reports; authorizing the Office of Tourism, Trade, and Economic Development to expend certain funds; providing for severability; providing an effective date.

On motion by Senator King, the Senate refused to concur in the House amendment to **CS for CS for CS for SB 1026** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1910, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1910—A bill to be entitled An act relating to workforce innovation; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determing eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; creating the Florida Youth Summer Jobs Pilot Program; providing eligibility requirements for program participants and public employers; requiring the program to be administered by a regional workforce board in consultation with Workforce Florida, Inc.; providing employment and educational requirements; requiring the regional workforce board to make an annual report; providing certain uses for program funds; providing an effective date.

House Amendment 1 (066877)(with title amendment)—On page 10, between lines 6 and 7, insert:

Section 3. Paragraph (d) is added to subsection (2) and paragraph (q) is added to subsection (3) of section 95.11, Florida Statutes, to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(2) WITHIN FIVE YEARS.—

(d) An action alleging a willful violation of s. 448.110.

(3) WITHIN FOUR YEARS.—

(q) An action alleging a violation, other than a willful violation, of s. 448.110.

Section 4. Section 448.110, Florida Statutes, is created to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(1) This section may be cited as the "Florida Minimum Wage Act."

(2) The purpose of this section is to provide measures appropriate for the implementation of s. 24, Art. X of the State Constitution, in accordance with authority granted to the Legislature pursuant to s. 24(f), Art. X of the State Constitution.

(3) Effective May 2, 2005, employers shall pay employees a minimum wage at an hourly rate of $6.15 for all hours worked in Florida. Only those individuals entitled to receive the federal minimum wage under the

federal Fair Labor Standards Act and its implementing regulations shall be eligible to receive the state minimum wage pursuant to s. 24, Art. X of the State Constitution and this section. The provisions of ss. 213 and 214 of the federal Fair Labor Standards Act, as interpreted by applicable federal regulations and implemented by the Secretary of Labor, are incorporated herein.

(4)(a) Beginning September 30, 2005, and annually on September 30 thereafter, the Agency for Workforce Innovation shall calculate an adjusted state minimum wage rate by increasing the state minimum wage by the rate of inflation for the 12 months prior to September 1. In calculating the adjusted state minimum wage, the agency shall use the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for the South Region, or a successor index as calculated by the United States Department of Labor. Each adjusted state minimum wage rate shall take effect on the following January 1, with the initial adjusted minimum wage rate to take effect on January 1, 2006.

(b) The Agency for Workforce Innovation and the Department of Revenue shall annually publish the amount of the initial and adjusted state minimum wage, as applicable, and the effective date. Publication shall occur by posting the adjusted state minimum wage rate and the effective date on the Internet home pages of the agency and the department by October 15 of each year. In addition, to the extent funded in the General Appropriations Act, the agency shall provide written notice of the rate and the effective date of the adjusted state minimum wage to all employers registered in the most current unemployment compensation database. Such notice shall be mailed by November 15 of each year using the addresses included in the database. Employers are responsible for maintaining current address information in the unemployment compensation database. The agency shall not be responsible for failure to provide notice due to incorrect or incomplete address information in the database. The agency shall provide the Department of Revenue with the state minimum wage rate information and effective date in a timely manner.

(5) It shall be unlawful for an employer or any other party to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected pursuant to s. 24, Art. X of the State Constitution. Rights protected include, but are not limited to, the right to file a complaint or inform any person of his or her potential rights pursuant to s. 24, Art. X of the State Constitution and to assist him or her in asserting such rights.

(6)(a) Any person aggrieved by a violation of this section may bring a civil action in a court of competent jurisdiction against an employer violating this section or a party violating subsection (5). However, prior to bringing any claim for unpaid minimum wages pursuant to this section, the person aggrieved shall notify the employer alleged to have violated this section, in writing, of an intent to initiate such an action. The notice must identify the minimum wage to which the person aggrieved claims entitlement, the actual or estimated work dates and hours for which payment is sought, and the total amount of alleged unpaid wages through the date of the notice.

(b) The employer shall have 15 calendar days after receipt of the notice to pay the total amount of unpaid wages or otherwise resolve the claim to the satisfaction of the person aggrieved. The statute of limitations for bringing an action pursuant to this section shall be tolled during this 15-day period. If the employer fails to pay the total amount of unpaid wages or otherwise resolve the claim to the satisfaction of the person aggrieved, then the person aggrieved may bring a claim for unpaid minimum wages, the terms of which must be consistent with the contents of the notice.

(c)1. Upon prevailing in an action brought pursuant to this section, aggrieved persons shall recover the full amount of any unpaid back wages unlawfully withheld plus the same amount as liquidated damages and shall be awarded reasonable attorney's fees and costs. As provided under the Fair Labor Standards Act, pursuant to s. 11 of the Portal-to-Portal Act of 1947, 29 U.S.C. s. 260, if the employer proves by a preponderance of the evidence that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that his or her act or omission was not a violation of s. 24, Art. X of the State Constitution, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed an amount equal to the amount of unpaid minimum wages. The court shall not award any economic damages on a claim for unpaid minimum wages not expressly authorized in this section.

2. Upon prevailing in an action brought pursuant to this section, aggrieved persons shall also be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement in employment and injunctive relief. However, any entitlement to legal or equitable relief in an action brought under s. 24, Art. X of the State Constitution shall not include punitive damages.

(d) Any civil action brought under s. 24, Art. X of the State Constitution and this section shall be subject to s. 768.79.

(7) The Attorney General may bring a civil action to enforce this section. The Attorney General may seek injunctive relief. In addition to injunctive relief, or in lieu thereof, for any employer or other person found to have willfully violated this section, the Attorney General may seek to impose a fine of $1,000 per violation, payable to the state.

(8) The statute of limitations for an action brought pursuant to this section shall be 4 years from the date the alleged violation occurred, except that in an action alleging a willful violation the statute of limitations shall be 5 years from the date the alleged violation occurred.

(9) Actions brought pursuant to this section may be brought as a class action pursuant to Rule 1.220, Florida Rules of Civil Procedure. In any class action brought pursuant to this section, the plaintiffs shall prove, by a preponderance of the evidence, the individual identity of each class member and the individual damages of each class member.

(10) This section shall constitute the exclusive remedy under state law for violations of s. 24, Art. X of the State Constitution.

(11) Except for calculating the adjusted state minimum wage and publishing the initial state minimum wage and any annual adjustments thereto, the authority of the Agency for Workforce Innovation in implementing s. 24, Art. X of the State Constitution, pursuant to this section, shall be limited to that authority expressly granted by the Legislature.

Section 5. *Sections 448.01-448.110, Florida Statutes, are designated as part I of chapter 448, Florida Statutes, and entitled "Terms and Conditions of Employment."*

Section 6. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect the other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

And the title is amended as follows:

On page 1, line 29, after the semicolon, insert:

amending s. 95.11, F.S.; providing periods of limitations on actions for violations of the Florida Minimum Wage Act; creating s. 448.110, F.S., the Florida Minimum Wage Act; providing legislative intent to implement s. 24, Art. X of the State Constitution in accordance with authority granted to the Legislature therein; requiring employers to pay certain employees a minimum wage for all hours worked in Florida; incorporating provisions of the federal Fair Labor Standards Act; requiring the minimum wage to be adjusted annually; providing a formula for calculating such adjustment; requiring the Agency for Workforce Innovation and the Department of Revenue to annually publish the amount of the initial and adjusted minimum wage; providing criteria for posting; requiring the agency to provide written notice to certain employers; providing a deadline for the notice to be mailed; providing that employers are responsible for maintaining their current addresses with the agency; requiring the agency to provide the department with certain information; prohibiting discrimination or adverse action against persons exercising constitutional rights under s. 24, Art. X of the State Constitution; providing for civil action by aggrieved persons; requiring aggrieved persons bringing civil actions to provide written notice to their employers alleged to have violated the act; providing information that must be included in the notice; providing a deadline by which an employer alleged to have violated the act must pay the unpaid wages in question or resolve the claim to the aggrieved person's satisfaction; providing a statute of limitations period; providing that aggrieved persons who prevail in their actions may be entitled to liquidated damages and reasonable attorney's fees and costs; authorizing additional legal or equitable relief for aggrieved persons who prevail in such actions; providing that punitive damages may not be awarded; providing that actions brought under the act are subject to s. 768.79, F.S.; authorizing the Attorney General to bring a civil action and seek injunctive relief; providing a fine;

providing statutes of limitations; authorizing class actions; declaring the act the exclusive remedy under state law for violations of s. 24, Art. X of the State Constitution; providing for implementation measures; designating ss. 448.01-448.110, F.S., as part I of ch. 448, F.S.; providing a part title; providing for severability;

On motion by Senator King, the Senate refused to concur in the House amendment to **CS for CS for SB 1910** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 926, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 926—A bill to be entitled An act relating to growth management; creating part II of ch. 171, F.S.; providing a popular name; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or independent special districts; specifying the procedures for initiating an agreement and responding to a proposal for agreements; identifying issues the agreement may address; requiring local governments that are a party to the agreement to amend their comprehensive plans; providing limitations on the review of certain ordinances; providing exception to the limitation on plan amendments; specifying those persons who may challenge a plan amendment required by the agreement; requiring that an agreement be adopted by resolution; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary area agreement on the parties to the agreement; providing for a transfer of powers; authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect on interlocal agreements and county charters; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; amending s. 171.042, F.S.; revising the time period for filing of a report; providing for a cause of action to invalidate an annexation; requiring municipalities to provide notice of proposed annexation to certain persons; amending s. 171.044, F.S.; revising the time period for providing a copy of a notice; providing for a cause of action to invalidate an annexation; creating s. 171.094, F.S.; providing for the effect of interlocal service boundary agreements adopted under the act; amending s. 171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; amending s. 163.01, F.S.; providing for the place of filing an interlocal agreement in certain circumstances; amending s. 164.1058, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; requesting the Division of Statutory Revision to designate parts I and II of ch. 171, F.S.; providing an effective date.

House Amendment 1 (551315)(with title amendment)—On page 3, before line 1, insert:

Section 1. Subsections (2) and (4) of section 171.044, Florida Statutes, are amended to read:

171.044 Voluntary annexation.—

(2) Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property *on an expedited basis* and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said notice shall be posted for 4 consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which *set forth verbatim* ~~provide for~~ an exclusive method *for expedited* ~~of~~ municipal annexation *or to municipalities in counties in which expedited annexation procedures in the county charter were approved by a countywide planning council consisting of representatives of local governments within the county prior to a referendum vote amending the charter to permit expedited annexation procedures to be established by county ordinance*.

And the title is amended as follows:

On page 1, line 2, remove: all of said line and insert:

An act relating to growth management; amending s. 171.044, F.S.; revising certain voluntary annexation provisions to specify adopting certain ordinances on an expedited basis; expanding an exception to certain application provisions to include certain municipalities with certain approved expedited annexation procedures; creating

House Amendment 2 (725521)—On page 7, remove line 18, and insert:

other municipality within the county, and the affected county sheriff. An initiating

House Amendment 3 (889529)—On page 7, remove lines 21-22 and insert:

the county, the invited municipality, if any, each other municipality within the county, and the affected county sheriff.

House Amendment 4 (185701)(with title amendment)—On page 25, lines 10 and 11, remove: all of said lines and insert:

Section 9. Subsection (6) of section 479.106, Florida Statutes, is amended to read:

479.106 Vegetation management *and view zone*.—

(6) Beautification projects*, trees, or other vegetation* shall not be *planted or* located in *the view zone of* ~~an area which will screen from view~~ legally erected and permitted outdoor advertising signs which have been permitted prior to the date of the beautification project *or other planting, where such planting will, at the time of planting or after future growth, screen such sign from view. For the State Highway System and expressways, whether or not annexed into the jurisdiction of a municipality, the view zone shall consist of 500 linear feet within the first 1,000 feet as measured along the edge of the pavement in the direction of approaching traffic from a point on the edge of the pavement perpendicular to the edge of the sign facing nearest the highway. For the State Highway System and expressways, whether or not annexed into the jurisdiction of a municipality, the view zone shall be a continuous 500 linear feet unless interrupted by existing, naturally occurring vegetation. The department and the sign owner may enter into an agreement identifying the specific location of the view zone for each sign facing. In the absence of such agreement, the view zone shall be defined as the first continuous 500 linear feet from the sign. Any governmental entity or other party violating this provision shall pay to the sign owner a penalty equal to the lesser of the revenue from the sign lost during the time of the screening or the fair market value of the sign*.

Section 10. Section 479.25, Florida Statutes, is amended to read:

479.25 Application of chapter*; local government permitting*.—*The owner of a lawfully erected sign that is governed by and conforms to state and federal requirements for land use, size, height, and spacing may increase the height above ground level of such sign* ~~This chapter does not prevent a governmental entity from entering into an agreement allowing the height above ground level of a lawfully erected sign to be increased~~ at its permitted location if a noise-attenuation barrier~~, visibility screen, or other highway improvement~~ is *permitted by or* erected *by any governmental entity* in such a way as to screen or block visibility of the sign. ~~However, if a nonconforming sign is located on the federal-aid primary~~

~~highway system, as such system existed on June 1, 1991, or on any highway that was not a part of such system as of that date but that is or becomes after June 1, 1991, a part of the National Highway System, the agreement must be approved by the Federal Highway Administration.~~ Any increase in height permitted under this section may only be the increase in height which is required to achieve the same degree of visibility from the right-of-way which the sign had prior to the construction of the noise-attenuation barrier, *notwithstanding the restrictions contained in s. 479.07(9)(b). A sign reconstructed under this section shall comply with the building standards and wind load requirements set forth in the Florida Building Code. A local government or local jurisdiction must issue the permits required for the reconstruction of a sign under this section, notwithstanding any provision to the contrary contained in the ordinances or land development regulations of the local government or local jurisdiction or, if the local government or local jurisdiction refuses to issue the required permits for reconstruction of a sign under this section, the sign may not be reconstructed and the local government or local jurisdiction must pay just compensation to the owner of the sign* ~~visibility screen, or other highway improvement~~.

Section 11. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 2, line 28, remove: all of said line and insert:

of ch. 171, F.S.; amending s. 479.106, F.S.; revising provisions relating to the proximity of vegetation and beautification projects to outdoor advertising signs; specifying distances which constitute a view zone on the State Highway System and expressways for outdoor advertising signs; authorizing the Department of Transportation and owners of outdoor advertising signs to enter into agreements identifying view zone locations; requiring governmental entities and other violators to pay for lost revenues or sign market values for violation of view zone requirements; amending s. 479.25, F.S.; allowing permitted, conforming, lawfully erected outdoor advertising signs to be increased in height if visibility is blocked due to construction of specified noise attenuation barriers; requiring sign reconstruction to meet Florida Building Code requirements; requiring the issuance of local permits for the reconstruction of signs notwithstanding local ordinances or land development regulations to the contrary; requiring local governments or local jurisdictions to pay just compensation for refusal to issue a reconstruction permit; providing an effective date.

On motion by Senator Constantine, the Senate concurred in **House Amendments 2** and **3** and refused to concur in **House Amendments 1** and **4** and the House was requested to recede.

CS for CS for SB 926 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for CS for SB 1520, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 1520—A bill to be entitled An act relating to consumer protection; amending s. 493.6303, F.S.; revising training requirements for obtaining a Class "D" license; requiring a minimum number of hours of training in terrorism awareness or other training prescribed by the Department of Agriculture and Consumer Services; providing a timeframe for submitting proof of having completed the training; revising the number of training hours required; amending s. 501.059, F.S.; prohibiting the transmission of facsimile documents under certain circumstances; amending s. 501.142, F.S.; providing that the regulation of refunds in retail sales establishments is preempted by the Department of Agriculture and Consumer Services; authorizing the department to adopt rules; authorizing the department to enter orders for certain violations; requiring that any moneys recovered by the department as a penalty be deposited in the General Inspection Trust Fund; authorizing a local government to impose penalties; amending s. 506.5131, F.S.; revising fees, fines, and costs assessed against the owner of a shopping cart; repealing s. 526.3135, F.S., relating to reports of the Division of Standards of the Department of Agriculture and Consumer Services; repealing ss. 546.001, 546.002, 546.003, 546.004, 546.006, and 546.008, F.S., relating to the "Amusement Ride and Attraction Insurance Act"; amending s. 559.801, F.S.; redefining the term "business opportunity" for purposes of the "Sale of Business Opportunities Act"; amending s. 559.920, F.S.; redefining actions by motor vehicle repair shops or employees which are unlawful; amending s. 559.927, F.S.; defining the term "travel club" for the purpose of part XI of ch. 559, F.S., relating to sellers of travel; amending s. 559.928, F.S.; revising information to be submitted for registration as a seller of travel and information submitted by independent agents; requiring the payment of an annual fee; amending s. 616.242, F.S.; exempting certain governmental entities from a requirement to maintain liability protection covering amusement rides; amending s. 849.094, F.S.; redefining the term "operator" for purposes of the regulation of game promotions; providing requirements relating to disclosure of the rules and regulations of a game promotion; amending s. 849.161, F.S.; providing that the chapter does not apply to amusement games or machines which operate by the insertion of a coin or other currency; directing the State Technology Office to integrate additional features into the state's official Internet website; directing the State Technology Office to integrate information concerning the Florida 211 Network into the state's official Internet website; amending s. 570.544, F.S.; designating the Division of Consumer Services within the Department of Agriculture and Consumer Services as the state clearinghouse for matters relating to consumer protection, consumer information, and consumer services; deleting reporting requirements; providing for implementation; providing effective dates.

House Amendment 1 (410325)(with title amendment)—On page 14, lines 12 through 14, remove: all of said lines and insert:

affidavit with the department prior to engaging in business in this state. This

And the title is amended as follows:

On page 2, line 13, remove: all of said line and insert: agents;

On motion by Senator Lynn, the Senate concurred in the House amendment.

CS for CS for CS for SB 1520 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith

Villalobos Wilson Wise
Webster

Nays—None

BILLS ON THIRD READING

On motion by Senator Peaden, by unanimous consent—

CS for CS for SB 838—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide a business case demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; allowing dispensing practitioners to participate in Medicaid; requiring that the agency implement a Medicaid prescription-drug-management system; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; authorizing the agency to pay for emergency mental health services provided through licensed crisis-stabilization facilities; creating s. 409.91211, F.S.; specifying waiver authority for the Agency for Health Care Administration to establish a Medicaid reform program contingent on federal approval to preserve the upper-payment-limit finding mechanism for hospitals and contingent on protection of the disproportionate share program authorized pursuant to ch. 409, F.S.; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency submit any waivers to the Legislature for approval before implementation; allowing the agency to develop rules; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation and authorizing positions to implement this act; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General and the Auditor General, to conduct a study to examine whether state and federal dollars are lost due to fraud and abuse in the Medicaid prescription drug program; providing duties; requiring that a report with findings and recommendations be submitted to the Governor and the Legislature by a specified date; providing an effective date.

—as amended May 3 was taken up out of order and read the third time by title.

SENATOR VILLALOBOS PRESIDING

Amendments were considered and adopted to conform **CS for CS for SB 838** to **HCB 6003 (for HB's 1869, 1871, 1873, 1875)**.

Pending further consideration of **CS for CS for SB 838** as amended, on motion by Senator Peaden, by two-thirds vote **HCB 6003 (for HB's 1869, 1871, 1873, 1875)** was withdrawn from the Committees on Health Care; Health and Human Services Appropriations; Ways and Means; and Rules and Calendar.

On motion by Senator Peaden, the rules were waived and by two-thirds vote—

HCB 6003 (for HB's 1869, 1871, 1873, 1875)—A bill to be entitled An act relating to Medicaid reform; providing a popular name; providing legislative findings and intent; providing waiver authority to the Agency for Health Care Administration; providing for implementation of demonstration projects; providing definitions; identifying categorical groups for eligibility under the waiver; establishing the choice counseling process; providing for disenrollment in a plan during a specified period of time; providing conditions for changes; requiring managed care plans to include mandatory Medicaid services; requiring managed care plans to provide a wellness and disease management program, pharmacy benefits, behavioral health care benefits, and a grievance resolution process; authorizing the agency to establish enhanced benefit coverage and providing procedures therefor; establishing flexible spending accounts; providing for cost sharing by recipients, and requirements; requiring the agency to submit a report to the Legislature relating to enforcement of Medicaid copayment requirements and other measures; providing for the agency to establish a catastrophic coverage fund or purchase stop-loss coverage to cover certain services; requiring a managed care plan to have a certificate of operation from the agency before operating under the waiver; providing certification requirements; providing for reimbursement of provider service networks; providing an exemption from competitive bid requirements for provider service networks under certain circumstances; providing for continuance of contracts previously awarded for a specified period of time; requiring the agency to have accountability and quality assurance standards; requiring the agency to establish a medical care database; providing data collection requirements; requiring certain entities certified to operate a managed care plan to comply with ss. 641.3155 and 641.513, F.S.; providing for the agency to develop a rate setting and risk adjustment system; authorizing the agency to allow recipients to opt out of Medicaid and purchase health care coverage through an employer-sponsored insurer; requiring the agency to apply and enforce certain provisions of law relating to Medicaid fraud and abuse; providing penalties; requiring the agency to develop a reimbursement system for school districts participating in the certified school match program; providing for integrated fixed payment delivery system for Medicaid recipients who are a certain age; authorizing the agency to implement the system in certain counties; providing exceptions; requiring the agency to provide a choice of managed care plans to recipients; providing requirements for managed care plans; requiring the agency to withhold certain funding contingent upon the performance of a plan; requiring the plan to rebate certain profits to the agency; authorizing the agency to limit the number of enrollees in a plan under certain circumstances; providing for eligibility determination and choice counseling for persons who are a certain age; requiring the agency to evaluate the medical loss ratios of certain managed care plans; authorizing the agency to adopt rules for minimum loss ratios; providing for imposition of liquidated damages; authorizing the agency to grant a modification of certificate-of-need conditions to nursing homes under certain circumstances; requiring integration of Medicare and Medicaid services; providing legislative intent; providing for awarding of funds for managed care delivery system development, contingent upon an appropriation; requiring the Office of Program Policy Analysis and Government Accountability conduct a study of the feasibility of establishing a Medicaid buy-in program for certain non-Medicaid eligible persons; requiring the office to submit a report to the Legislature; providing applicability; granting rulemaking authority to the agency; requiring legislative authority to implement the waiver; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the Medicaid reform waiver and issue reports; requiring the agency to submit

status reports; requiring the agency to contract for certain evaluation comparisons; providing for future review and repeal of the act; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation for the purpose of contracting to monitor and evaluate clinical practice patterns; providing an appropriation for the purpose of contracting for the database to review real-time utilization of Medicaid services; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing appropriations; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 838** as amended and read the second time by title.

MOTION

On motion by Senator Peaden, the rules were waived to allow the following amendment to be considered:

Senators Peaden, Carlton, Saunders, Atwater, Campbell and Rich offered the following amendment which was moved by Senator Peaden:

Amendment 1 (283104)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. *The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization.* The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. *The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care.* The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. *The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913.* The agency *may* ~~is authorized to~~ seek federal waivers necessary to *administer these policies* ~~implement this policy~~.

(1) The agency shall work with the Department of Children and Family Services to ensure access of children and families in the child protection system to needed and appropriate mental health and substance abuse services.

(2) The agency may enter into agreements with appropriate agents of other state agencies or of any agency of the Federal Government and

accept such duties in respect to social welfare or public aid as may be necessary to implement the provisions of Title XIX of the Social Security Act and ss. 409.901-409.920.

(3) The agency may contract with health maintenance organizations certified pursuant to part I of chapter 641 for the provision of services to recipients.

(4) The agency may contract with:

(a) An entity that provides no prepaid health care services other than Medicaid services under contract with the agency and which is owned and operated by a county, county health department, or county-owned and operated hospital to provide health care services on a prepaid or fixed-sum basis to recipients, which entity may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services entities must be licensed under parts I and III by January 1, 1998, and until then are exempt from the provisions of part I of chapter 641. An entity recognized under this paragraph which demonstrates to the satisfaction of the Office of Insurance Regulation of the Financial Services Commission that it is backed by the full faith and credit of the county in which it is located may be exempted from s. 641.225.

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must be licensed under chapter 624, chapter 636, or chapter 641 and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody prior to enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a managed care plan in an AHCA area. Each entity must offer sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph shall require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations, to be expended for the provision of behavioral health care services. In the event the managed care plan expends less than 80 percent of the capitation paid pursuant to this paragraph for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the managed care plan with a certification letter indicating the amount of capitation paid during each calendar year for the provision of behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations shall be eligible to compete. Managed care plans contracting with the agency under subsection (3) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider shall not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. For fiscal year 2004-2005, all Medicaid eligible children, except children in areas 1 and 6, whose cases are open for child welfare services in the HomeSafeNet system, shall be enrolled in MediPass or in Medicaid fee-for-service and all their behavioral health care services including inpatient, outpatient psychiatric, community mental health, and case management shall be reimbursed on a fee-for-service basis. Beginning July 1, 2005, such children, who are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies either through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms

to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency is authorized to seek any federal waivers to implement this initiative.

(c) A federally qualified health center or an entity owned by one or more federally qualified health centers or an entity owned by other migrant and community health centers receiving non-Medicaid financial support from the Federal Government to provide health care services on a prepaid or fixed-sum basis to recipients. Such prepaid health care services entity must be licensed under parts I and III of chapter 641, but shall be prohibited from serving Medicaid recipients on a prepaid basis, until such licensure has been obtained. However, such an entity is exempt from s. 641.225 if the entity meets the requirements specified in subsections (17) and (18).

(d) A provider service network may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. *Any contract previously awarded to a provider service network operated by a hospital pursuant to this subsection shall remain in effect for a period of 3 years following the current contract-expiration date, regardless of any contractual provisions to the contrary. A provider service network is a network established or organized and operated by a health care provider, or group of affiliated health care providers, which provides a substantial proportion of the health care items and services under a contract directly through the provider or affiliated group of providers and may make arrangements with physicians or other health care professionals, health care institutions, or any combination of such individuals or institutions to assume all or part of the financial risk on a prospective basis for the provision of basic health services by the physicians, by other health professionals, or through the institutions. The health care providers must have a controlling interest in the governing body of the provider service network organization.*

(e) An entity that provides only comprehensive behavioral health care services to certain Medicaid recipients through an administrative services organization agreement. Such an entity must possess the clinical systems and operational competence to provide comprehensive health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. Any contract awarded under this paragraph must be competitively procured. The agency must ensure that Medicaid recipients have available the choice of at least two managed care plans for their behavioral health care services.

(f) An entity that provides in-home physician services to test the cost-effectiveness of enhanced home-based medical care to Medicaid recipients with degenerative neurological diseases and other diseases or disabling conditions associated with high costs to Medicaid. The program shall be designed to serve very disabled persons and to reduce Medicaid reimbursed costs for inpatient, outpatient, and emergency department services. The agency shall contract with vendors on a risk-sharing basis.

(g) Children's provider networks that provide care coordination and care management for Medicaid-eligible pediatric patients, primary care, authorization of specialty care, and other urgent and emergency care through organized providers designed to service Medicaid eligibles under age 18 and pediatric emergency departments' diversion programs. The networks shall provide after-hour operations, including evening and weekend hours, to promote, when appropriate, the use of the children's networks rather than hospital emergency departments.

(h) An entity authorized in s. 430.205 to contract with the agency and the Department of Elderly Affairs to provide health care and social services on a prepaid or fixed-sum basis to elderly recipients. Such prepaid health care services entities are exempt from the provisions of part I of chapter 641 for the first 3 years of operation. An entity recognized under this paragraph that demonstrates to the satisfaction of the Office of Insurance Regulation that it is backed by the full faith and credit of one or more counties in which it operates may be exempted from s. 641.225.

(i) A Children's Medical Services Network, as defined in s. 391.021.

(5) *By December 1, 2005, the Agency for Health Care Administration, in partnership with the Department of Elderly Affairs, shall create an integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The Agency for Health Care Administration shall implement the integrated system initially on a pilot basis in two areas of the state. In one of the areas enrollment shall be on a voluntary basis. The program must transfer all Medicaid services for eligible elderly individuals who choose to participate into an integrated-care management model designed to serve Medicaid recipients in the community. The program must combine all funding for Medicaid services provided to individuals 60 years of age or older into the integrated system, including funds for Medicaid home and community-based waiver services; all Medicaid services authorized in ss. 409.905 and 409.906, excluding funds for Medicaid nursing home services unless the agency is able to demonstrate how the integration of the funds will improve coordinated care for these services in a less costly manner; and Medicare coinsurance and deductibles for persons dually eligible for Medicaid and Medicare as prescribed in s. 409.908(13).*

(a) Individuals who are 60 years of age or older and enrolled in the the developmental disabilities waiver program, the family and supported-living waiver program, the project AIDS care waiver program, the traumatic brain injury and spinal cord injury waiver program, the consumer-directed care waiver program, and the program of all-inclusive care for the elderly program, and residents of institutional care facilities for the developmentally disabled, must be excluded from the integrated system.

(b) The program must use a competitive-procurement process to select entities to operate the integrated system. Entities eligible to submit bids include managed care organizations licensed under chapter 641, including entities eligible to participate in the nursing home diversion program, other qualified providers as defined in s. 430.703(7), community care for the elderly lead agencies, and other state-certified community service networks that meet comparable standards as defined by the agency, in consultation with the Department of Elderly Affairs and the Office of Insurance Regulation, to be financially solvent and able to take on financial risk for managed care. Community service networks that are certified pursuant to the comparable standards defined by the agency are not required to be licensed under chapter 641.

(c) The agency must ensure that the capitation-rate-setting methodology for the integrated system is actuarially sound and reflects the intent to provide quality care in the least-restrictive setting. The agency must also require integrated-system providers to develop a credentialing system for service providers and to contract with all Gold Seal nursing homes, where feasible, and exclude, where feasible, chronically poor-performing facilities and providers as defined by the agency. The integrated system must provide that if the recipient resides in a noncontracted residential facility licensed under chapter 400 at the time the integrated system is initiated, the recipient must be permitted to continue to reside in the noncontracted facility as long as the recipient desires. The integrated system must also provide that, in the absence of a contract between the integrated-system provider and the residential facility licensed under chapter 400, current Medicaid rates must prevail. The agency and the Department of Elderly Affairs must jointly develop procedures to manage the services provided through the integrated system in order to ensure quality and recipient choice.

(d) Within 24 months after implementation, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, shall comprehensively evaluate the pilot project for the integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The evaluation must include assessments of cost savings; consumer education, choice, and access to services; coordination of care; and quality of care. The evaluation must describe administrative or legal barriers to the implementation and operation of the pilot program and include recommendations regarding statewide expansion of the pilot program. The office shall submit an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than June 30, 2008.

(e) The agency may seek federal waivers and adopt rules as necessary to administer the integrated system. The agency must receive specific authorization from the Legislature prior to implementing the waiver for the integrated system. ~~By October 1, 2003, the agency and the department shall, to the extent feasible, develop a plan for implementing new Medicaid procedure codes for emergency and crisis care, supportive residential services, and other services designed to maximize the use of Medicaid funds for Medicaid-eligible recipients. The agency shall include in the agreement developed pursuant to subsection (4) a provision that ensures that the match requirements for these new procedure codes are met by certifying eligible general revenue or local funds that are currently expended on these services by the department with contracted alcohol, drug abuse, and mental health providers. The plan must describe specific procedure codes to be implemented, a projection of the number of procedures to be delivered during fiscal year 2003-2004, and a financial analysis that describes the certified match procedures, and accountability mechanisms, projects the earnings associated with these procedures, and describes the sources of state match. This plan may not be implemented in any part until approved by the Legislative Budget Commission. If such approval has not occurred by December 31, 2003, the plan shall be submitted for consideration by the 2004 Legislature.~~

(6) The agency may contract with any public or private entity otherwise authorized by this section on a prepaid or fixed-sum basis for the provision of health care services to recipients. An entity may provide prepaid services to recipients, either directly or through arrangements with other entities, if each entity involved in providing services:

(a) Is organized primarily for the purpose of providing health care or other services of the type regularly offered to Medicaid recipients;

(b) Ensures that services meet the standards set by the agency for quality, appropriateness, and timeliness;

(c) Makes provisions satisfactory to the agency for insolvency protection and ensures that neither enrolled Medicaid recipients nor the agency will be liable for the debts of the entity;

(d) Submits to the agency, if a private entity, a financial plan that the agency finds to be fiscally sound and that provides for working capital in the form of cash or equivalent liquid assets excluding revenues from Medicaid premium payments equal to at least the first 3 months of operating expenses or $200,000, whichever is greater;

(e) Furnishes evidence satisfactory to the agency of adequate liability insurance coverage or an adequate plan of self-insurance to respond to claims for injuries arising out of the furnishing of health care;

(f) Provides, through contract or otherwise, for periodic review of its medical facilities and services, as required by the agency; and

(g) Provides organizational, operational, financial, and other information required by the agency.

(7) The agency may contract on a prepaid or fixed-sum basis with any health insurer that:

(a) Pays for health care services provided to enrolled Medicaid recipients in exchange for a premium payment paid by the agency;

(b) Assumes the underwriting risk; and

(c) Is organized and licensed under applicable provisions of the Florida Insurance Code and is currently in good standing with the Office of Insurance Regulation.

(8) The agency may contract on a prepaid or fixed-sum basis with an exclusive provider organization to provide health care services to Medicaid recipients provided that the exclusive provider organization meets applicable managed care plan requirements in this section, ss. 409.9122, 409.9123, 409.9128, and 627.6472, and other applicable provisions of law.

(9) The Agency for Health Care Administration may provide cost-effective purchasing of chiropractic services on a fee-for-service basis to Medicaid recipients through arrangements with a statewide chiropractic preferred provider organization incorporated in this state as a not-for-profit corporation. The agency shall ensure that the benefit limits and prior authorization requirements in the current Medicaid program shall apply to the services provided by the chiropractic preferred provider organization.

(10) The agency shall not contract on a prepaid or fixed-sum basis for Medicaid services with an entity which knows or reasonably should know that any officer, director, agent, managing employee, or owner of stock or beneficial interest in excess of 5 percent common or preferred stock, or the entity itself, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere, or guilty, to:

(a) Fraud;

(b) Violation of federal or state antitrust statutes, including those proscribing price fixing between competitors and the allocation of customers among competitors;

(c) Commission of a felony involving embezzlement, theft, forgery, income tax evasion, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or

(d) Any crime in any jurisdiction which directly relates to the provision of health services on a prepaid or fixed-sum basis.

(11) The agency, after notifying the Legislature, may apply for waivers of applicable federal laws and regulations as necessary to implement more appropriate systems of health care for Medicaid recipients and reduce the cost of the Medicaid program to the state and federal governments and shall implement such programs, after legislative approval, within a reasonable period of time after federal approval. These programs must be designed primarily to reduce the need for inpatient care, custodial care and other long-term or institutional care, and other high-cost services.

(a) Prior to seeking legislative approval of such a waiver as authorized by this subsection, the agency shall provide notice and an opportunity for public comment. Notice shall be provided to all persons who have made requests of the agency for advance notice and shall be published in the Florida Administrative Weekly not less than 28 days prior to the intended action.

(b) Notwithstanding s. 216.292, funds that are appropriated to the Department of Elderly Affairs for the Assisted Living for the Elderly Medicaid waiver and are not expended shall be transferred to the agency to fund Medicaid-reimbursed nursing home care.

(12) The agency shall establish a postpayment utilization control program designed to identify recipients who may inappropriately overuse or underuse Medicaid services and shall provide methods to correct such misuse.

(13) The agency shall develop and provide coordinated systems of care for Medicaid recipients and may contract with public or private entities to develop and administer such systems of care among public and private health care providers in a given geographic area.

(14)*(a)* The agency shall operate or contract for the operation of utilization management and incentive systems designed to encourage cost-effective use services.

(b) The agency shall develop a procedure for determining whether health care providers and service vendors can provide the Medicaid program using a business case that demonstrates whether a particular good or service can offset the cost of providing the good or service in an alternative setting or through other means and therefore should receive a higher reimbursement. The business case must include, but need not be limited to:

1. A detailed description of the good or service to be provided, a description and analysis of the agency's current performance of the service, and a rationale documenting how providing the service in an alternative setting would be in the best interest of the state, the agency, and its clients.

2. A cost-benefit analysis documenting the estimated specific direct and indirect costs, savings, performance improvements, risks, and qualitative and quantitative benefits involved in or resulting from providing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions that must be implemented to realize ex-

pected benefits. The Secretary of Health Care Administration shall verify that all costs, savings, and benefits are valid and achievable.

(c) If the agency determines that the increased reimbursement is cost-effective, the agency shall recommend a change in the reimbursement schedule for that particular good or service. If, within 12 months after implementing any rate change under this procedure, the agency determines that costs were not offset by the increased reimbursement schedule, the agency may revert to the former reimbursement schedule for the particular good or service.

(15)(a) The agency shall operate the Comprehensive Assessment and Review for Long-Term Care Services (CARES) nursing facility preadmission screening program to ensure that Medicaid payment for nursing facility care is made only for individuals whose conditions require such care and to ensure that long-term care services are provided in the setting most appropriate to the needs of the person and in the most economical manner possible. The CARES program shall also ensure that individuals participating in Medicaid home and community-based waiver programs meet criteria for those programs, consistent with approved federal waivers.

(b) The agency shall operate the CARES program through an interagency agreement with the Department of Elderly Affairs. The agency, in consultation with the Department of Elderly Affairs, may contract for any function or activity of the CARES program, including any function or activity required by 42 C.F.R. part 483.20, relating to preadmission screening and resident review.

(c) Prior to making payment for nursing facility services for a Medicaid recipient, the agency must verify that the nursing facility preadmission screening program has determined that the individual requires nursing facility care and that the individual cannot be safely served in community-based programs. The nursing facility preadmission screening program shall refer a Medicaid recipient to a community-based program if the individual could be safely served at a lower cost and the recipient chooses to participate in such program. *For individuals whose nursing home stay is initially funded by Medicare and Medicare coverage is being terminated for lack of progress towards rehabilitation, CARES staff shall consult with the person making the determination of progress toward rehabilitation to ensure that the recipient is not being inappropriately disqualified from Medicare coverage. If, in their professional judgment, CARES staff believes that a Medicare beneficiary is still making progress toward rehabilitation, they may assist the Medicare beneficiary with an appeal of the disqualification from Medicare coverage. The use of CARES teams to review Medicare denials for coverage under this section is authorized only if it is determined that such reviews qualify for federal matching funds through Medicaid. The agency shall seek or amend federal waivers as necessary to implement this section.*

(d) For the purpose of initiating immediate prescreening and diversion assistance for individuals residing in nursing homes and in order to make families aware of alternative long-term care resources so that they may choose a more cost-effective setting for long-term placement, CARES staff shall conduct an assessment and review of a sample of individuals whose nursing home stay is expected to exceed 20 days, regardless of the initial funding source for the nursing home placement. CARES staff shall provide counseling and referral services to these individuals regarding choosing appropriate long-term care alternatives. This paragraph does not apply to continuing care facilities licensed under chapter 651 or to retirement communities that provide a combination of nursing home, independent living, and other long-term care services.

(e) By January 15 of each year, the agency shall submit a report to the Legislature and the Office of Long-Term-Care Policy describing the operations of the CARES program. The report must describe:

1. Rate of diversion to community alternative programs;

2. CARES program staffing needs to achieve additional diversions;

3. Reasons the program is unable to place individuals in less restrictive settings when such individuals desired such services and could have been served in such settings;

4. Barriers to appropriate placement, including barriers due to policies or operations of other agencies or state-funded programs; and

5. Statutory changes necessary to ensure that individuals in need of long-term care services receive care in the least restrictive environment.

(f) The Department of Elderly Affairs shall track individuals over time who are assessed under the CARES program and who are diverted from nursing home placement. By January 15 of each year, the department shall submit to the Legislature and the Office of Long-Term-Care Policy a longitudinal study of the individuals who are diverted from nursing home placement. The study must include:

1. The demographic characteristics of the individuals assessed and diverted from nursing home placement, including, but not limited to, age, race, gender, frailty, caregiver status, living arrangements, and geographic location;

2. A summary of community services provided to individuals for 1 year after assessment and diversion;

3. A summary of inpatient hospital admissions for individuals who have been diverted; and

4. A summary of the length of time between diversion and subsequent entry into a nursing home or death.

(g) By July 1, 2005, the department and the Agency for Health Care Administration shall report to the President of the Senate and the Speaker of the House of Representatives regarding the impact to the state of modifying level-of-care criteria to eliminate the Intermediate II level of care.

(16)(a) The agency shall identify health care utilization and price patterns within the Medicaid program which are not cost-effective or medically appropriate and assess the effectiveness of new or alternate methods of providing and monitoring service, and may implement such methods as it considers appropriate. Such methods may include disease management initiatives, an integrated and systematic approach for managing the health care needs of recipients who are at risk of or diagnosed with a specific disease by using best practices, prevention strategies, clinical-practice improvement, clinical interventions and protocols, outcomes research, information technology, and other tools and resources to reduce overall costs and improve measurable outcomes.

(b) The responsibility of the agency under this subsection shall include the development of capabilities to identify actual and optimal practice patterns; patient and provider educational initiatives; methods for determining patient compliance with prescribed treatments; fraud, waste, and abuse prevention and detection programs; and beneficiary case management programs.

1. The practice pattern identification program shall evaluate practitioner prescribing patterns based on national and regional practice guidelines, comparing practitioners to their peer groups. The agency and its Drug Utilization Review Board shall consult with the Department of Health and a panel of practicing health care professionals consisting of the following: the Speaker of the House of Representatives and the President of the Senate shall each appoint three physicians licensed under chapter 458 or chapter 459; and the Governor shall appoint two pharmacists licensed under chapter 465 and one dentist licensed under chapter 466 who is an oral surgeon. Terms of the panel members shall expire at the discretion of the appointing official. The panel shall begin its work by August 1, 1999, regardless of the number of appointments made by that date. The advisory panel shall be responsible for evaluating treatment guidelines and recommending ways to incorporate their use in the practice pattern identification program. Practitioners who are prescribing inappropriately or inefficiently, as determined by the agency, may have their prescribing of certain drugs subject to prior authorization or may be terminated from all participation in the Medicaid program.

2. The agency shall also develop educational interventions designed to promote the proper use of medications by providers and beneficiaries.

3. The agency shall implement a pharmacy fraud, waste, and abuse initiative that may include a surety bond or letter of credit requirement for participating pharmacies, enhanced provider auditing practices, the use of additional fraud and abuse software, recipient management programs for beneficiaries inappropriately using their benefits, and other steps that will eliminate provider and recipient fraud, waste, and abuse.

The initiative shall address enforcement efforts to reduce the number and use of counterfeit prescriptions.

4. By September 30, 2002, the agency shall contract with an entity in the state to implement a wireless handheld clinical pharmacology drug information database for practitioners. The initiative shall be designed to enhance the agency's efforts to reduce fraud, abuse, and errors in the prescription drug benefit program and to otherwise further the intent of this paragraph.

5. By April 1, 2006, the agency shall contract with an entity to design a database of clinical utilization information or electronic medical records for Medicaid providers. This system must be web-based and allow providers to review on a real-time basis the utilization of Medicaid services, including, but not limited to, physician office visits, inpatient and outpatient hospitalizations, laboratory and pathology services, radiological and other imaging services, dental care, and patterns of dispensing prescription drugs in order to coordinate care and identify potential fraud and abuse.

6.~~5.~~ The agency may apply for any federal waivers needed to *administer* ~~implement~~ this paragraph.

(17) An entity contracting on a prepaid or fixed-sum basis shall, in addition to meeting any applicable statutory surplus requirements, also maintain at all times in the form of cash, investments that mature in less than 180 days allowable as admitted assets by the Office of Insurance Regulation, and restricted funds or deposits controlled by the agency or the Office of Insurance Regulation, a surplus amount equal to one-and-one-half times the entity's monthly Medicaid prepaid revenues. As used in this subsection, the term "surplus" means the entity's total assets minus total liabilities. If an entity's surplus falls below an amount equal to one-and-one-half times the entity's monthly Medicaid prepaid revenues, the agency shall prohibit the entity from engaging in marketing and preenrollment activities, shall cease to process new enrollments, and shall not renew the entity's contract until the required balance is achieved. The requirements of this subsection do not apply:

(a) Where a public entity agrees to fund any deficit incurred by the contracting entity; or

(b) Where the entity's performance and obligations are guaranteed in writing by a guaranteeing organization which:

1. Has been in operation for at least 5 years and has assets in excess of $50 million; or

2. Submits a written guarantee acceptable to the agency which is irrevocable during the term of the contracting entity's contract with the agency and, upon termination of the contract, until the agency receives proof of satisfaction of all outstanding obligations incurred under the contract.

(18)(a) The agency may require an entity contracting on a prepaid or fixed-sum basis to establish a restricted insolvency protection account with a federally guaranteed financial institution licensed to do business in this state. The entity shall deposit into that account 5 percent of the capitation payments made by the agency each month until a maximum total of 2 percent of the total current contract amount is reached. The restricted insolvency protection account may be drawn upon with the authorized signatures of two persons designated by the entity and two representatives of the agency. If the agency finds that the entity is insolvent, the agency may draw upon the account solely with the two authorized signatures of representatives of the agency, and the funds may be disbursed to meet financial obligations incurred by the entity under the prepaid contract. If the contract is terminated, expired, or not continued, the account balance must be released by the agency to the entity upon receipt of proof of satisfaction of all outstanding obligations incurred under this contract.

(b) The agency may waive the insolvency protection account requirement in writing when evidence is on file with the agency of adequate insolvency insurance and reinsurance that will protect enrollees if the entity becomes unable to meet its obligations.

(19) An entity that contracts with the agency on a prepaid or fixed-sum basis for the provision of Medicaid services shall reimburse any hospital or physician that is outside the entity's authorized geographic service area as specified in its contract with the agency, and that provides services authorized by the entity to its members, at a rate negotiated with the hospital or physician for the provision of services or according to the lesser of the following:

(a) The usual and customary charges made to the general public by the hospital or physician; or

(b) The Florida Medicaid reimbursement rate established for the hospital or physician.

(20) When a merger or acquisition of a Medicaid prepaid contractor has been approved by the Office of Insurance Regulation pursuant to s. 628.4615, the agency shall approve the assignment or transfer of the appropriate Medicaid prepaid contract upon request of the surviving entity of the merger or acquisition if the contractor and the other entity have been in good standing with the agency for the most recent 12-month period, unless the agency determines that the assignment or transfer would be detrimental to the Medicaid recipients or the Medicaid program. To be in good standing, an entity must not have failed accreditation or committed any material violation of the requirements of s. 641.52 and must meet the Medicaid contract requirements. For purposes of this section, a merger or acquisition means a change in controlling interest of an entity, including an asset or stock purchase.

(21) Any entity contracting with the agency pursuant to this section to provide health care services to Medicaid recipients is prohibited from engaging in any of the following practices or activities:

(a) Practices that are discriminatory, including, but not limited to, attempts to discourage participation on the basis of actual or perceived health status.

(b) Activities that could mislead or confuse recipients, or misrepresent the organization, its marketing representatives, or the agency. Violations of this paragraph include, but are not limited to:

1. False or misleading claims that marketing representatives are employees or representatives of the state or county, or of anyone other than the entity or the organization by whom they are reimbursed.

2. False or misleading claims that the entity is recommended or endorsed by any state or county agency, or by any other organization which has not certified its endorsement in writing to the entity.

3. False or misleading claims that the state or county recommends that a Medicaid recipient enroll with an entity.

4. Claims that a Medicaid recipient will lose benefits under the Medicaid program, or any other health or welfare benefits to which the recipient is legally entitled, if the recipient does not enroll with the entity.

(c) Granting or offering of any monetary or other valuable consideration for enrollment, except as authorized by subsection (24).

(d) Door-to-door solicitation of recipients who have not contacted the entity or who have not invited the entity to make a presentation.

(e) Solicitation of Medicaid recipients by marketing representatives stationed in state offices unless approved and supervised by the agency or its agent and approved by the affected state agency when solicitation occurs in an office of the state agency. The agency shall ensure that marketing representatives stationed in state offices shall market their managed care plans to Medicaid recipients only in designated areas and in such a way as to not interfere with the recipients' activities in the state office.

(f) Enrollment of Medicaid recipients.

(22) The agency may impose a fine for a violation of this section or the contract with the agency by a person or entity that is under contract with the agency. With respect to any nonwillful violation, such fine shall not exceed $2,500 per violation. In no event shall such fine exceed an aggregate amount of $10,000 for all nonwillful violations arising out of the same action. With respect to any knowing and willful violation of this section or the contract with the agency, the agency may impose a fine upon the entity in an amount not to exceed $20,000 for each such violation. In no event shall such fine exceed an aggregate amount of $100,000 for all knowing and willful violations arising out of the same action.

(23) A health maintenance organization or a person or entity exempt from chapter 641 that is under contract with the agency for the provision of health care services to Medicaid recipients may not use or distribute marketing materials used to solicit Medicaid recipients, unless such materials have been approved by the agency. The provisions of this subsection do not apply to general advertising and marketing materials used by a health maintenance organization to solicit both non-Medicaid subscribers and Medicaid recipients.

(24) Upon approval by the agency, health maintenance organizations and persons or entities exempt from chapter 641 that are under contract with the agency for the provision of health care services to Medicaid recipients may be permitted within the capitation rate to provide additional health benefits that the agency has found are of high quality, are practicably available, provide reasonable value to the recipient, and are provided at no additional cost to the state.

(25) The agency shall utilize the statewide health maintenance organization complaint hotline for the purpose of investigating and resolving Medicaid and prepaid health plan complaints, maintaining a record of complaints and confirmed problems, and receiving disenrollment requests made by recipients.

(26) The agency shall require the publication of the health maintenance organization's and the prepaid health plan's consumer services telephone numbers and the "800" telephone number of the statewide health maintenance organization complaint hotline on each Medicaid identification card issued by a health maintenance organization or prepaid health plan contracting with the agency to serve Medicaid recipients and on each subscriber handbook issued to a Medicaid recipient.

(27) The agency shall establish a health care quality improvement system for those entities contracting with the agency pursuant to this section, incorporating all the standards and guidelines developed by the Medicaid Bureau of the Health Care Financing Administration as a part of the quality assurance reform initiative. The system shall include, but need not be limited to, the following:

(a) Guidelines for internal quality assurance programs, including standards for:

1. Written quality assurance program descriptions.

2. Responsibilities of the governing body for monitoring, evaluating, and making improvements to care.

3. An active quality assurance committee.

4. Quality assurance program supervision.

5. Requiring the program to have adequate resources to effectively carry out its specified activities.

6. Provider participation in the quality assurance program.

7. Delegation of quality assurance program activities.

8. Credentialing and recredentialing.

9. Enrollee rights and responsibilities.

10. Availability and accessibility to services and care.

11. Ambulatory care facilities.

12. Accessibility and availability of medical records, as well as proper recordkeeping and process for record review.

13. Utilization review.

14. A continuity of care system.

15. Quality assurance program documentation.

16. Coordination of quality assurance activity with other management activity.

17. Delivering care to pregnant women and infants; to elderly and disabled recipients, especially those who are at risk of institutional placement; to persons with developmental disabilities; and to adults who have chronic, high-cost medical conditions.

(b) Guidelines which require the entities to conduct quality-of-care studies which:

1. Target specific conditions and specific health service delivery issues for focused monitoring and evaluation.

2. Use clinical care standards or practice guidelines to objectively evaluate the care the entity delivers or fails to deliver for the targeted clinical conditions and health services delivery issues.

3. Use quality indicators derived from the clinical care standards or practice guidelines to screen and monitor care and services delivered.

(c) Guidelines for external quality review of each contractor which require: focused studies of patterns of care; individual care review in specific situations; and followup activities on previous pattern-of-care study findings and individual-care-review findings. In designing the external quality review function and determining how it is to operate as part of the state's overall quality improvement system, the agency shall construct its external quality review organization and entity contracts to address each of the following:

1. Delineating the role of the external quality review organization.

2. Length of the external quality review organization contract with the state.

3. Participation of the contracting entities in designing external quality review organization review activities.

4. Potential variation in the type of clinical conditions and health services delivery issues to be studied at each plan.

5. Determining the number of focused pattern-of-care studies to be conducted for each plan.

6. Methods for implementing focused studies.

7. Individual care review.

8. Followup activities.

(28) In order to ensure that children receive health care services for which an entity has already been compensated, an entity contracting with the agency pursuant to this section shall achieve an annual Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Service screening rate of at least 60 percent for those recipients continuously enrolled for at least 8 months. The agency shall develop a method by which the EPSDT screening rate shall be calculated. For any entity which does not achieve the annual 60 percent rate, the entity must submit a corrective action plan for the agency's approval. If the entity does not meet the standard established in the corrective action plan during the specified timeframe, the agency is authorized to impose appropriate contract sanctions. At least annually, the agency shall publicly release the EPSDT Services screening rates of each entity it has contracted with on a prepaid basis to serve Medicaid recipients.

(29) The agency shall perform enrollments and disenrollments for Medicaid recipients who are eligible for MediPass or managed care plans. Notwithstanding the prohibition contained in paragraph (21)(f), managed care plans may perform preenrollments of Medicaid recipients under the supervision of the agency or its agents. For the purposes of this section, "preenrollment" means the provision of marketing and educational materials to a Medicaid recipient and assistance in completing the application forms, but shall not include actual enrollment into a managed care plan. An application for enrollment shall not be deemed complete until the agency or its agent verifies that the recipient made an informed, voluntary choice. The agency, in cooperation with the Department of Children and Family Services, may test new marketing initiatives to inform Medicaid recipients about their managed care options at selected sites. The agency shall report to the Legislature on the effectiveness of such initiatives. The agency may contract with a third party to perform managed care plan and MediPass enrollment and disenrollment services for Medicaid recipients and is authorized to adopt rules to implement such services. The agency may adjust the capitation rate only to cover the costs of a third-party enrollment and disenrollment contract, and for agency supervision and management of the managed care plan enrollment and disenrollment contract.

(30) Any lists of providers made available to Medicaid recipients, MediPass enrollees, or managed care plan enrollees shall be arranged alphabetically showing the provider's name and specialty and, separately, by specialty in alphabetical order.

(31) The agency shall establish an enhanced managed care quality assurance oversight function, to include at least the following components:

(a) At least quarterly analysis and followup, including sanctions as appropriate, of managed care participant utilization of services.

(b) At least quarterly analysis and followup, including sanctions as appropriate, of quality findings of the Medicaid peer review organization and other external quality assurance programs.

(c) At least quarterly analysis and followup, including sanctions as appropriate, of the fiscal viability of managed care plans.

(d) At least quarterly analysis and followup, including sanctions as appropriate, of managed care participant satisfaction and disenrollment surveys.

(e) The agency shall conduct regular and ongoing Medicaid recipient satisfaction surveys.

The analyses and followup activities conducted by the agency under its enhanced managed care quality assurance oversight function shall not duplicate the activities of accreditation reviewers for entities regulated under part III of chapter 641, but may include a review of the finding of such reviewers.

(32) Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the Florida Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. 435.03.

(33) The agency shall, by rule, develop a process whereby a Medicaid managed care plan enrollee who wishes to enter hospice care may be disenrolled from the managed care plan within 24 hours after contacting the agency regarding such request. The agency rule shall include a methodology for the agency to recoup managed care plan payments on a pro rata basis if payment has been made for the enrollment month when disenrollment occurs.

(34) The agency and entities *that* ~~which~~ contract with the agency to provide health care services to Medicaid recipients under this section or *ss. 409.91211 and* ~~s.~~ 409.9122 must comply with the provisions of s. 641.513 in providing emergency services and care to Medicaid recipients and MediPass recipients. *Where feasible, safe, and cost-effective, the agency shall encourage hospitals, emergency medical services providers, and other public and private health care providers to work together in their local communities to enter into agreements or arrangements to ensure access to alternatives to emergency services and care for those Medicaid recipients who need nonemergent care. The agency shall coordinate with hospitals, emergency medical services providers, private health plans, capitated managed care networks as established in s. 409.91211, and other public and private health care providers to implement the provisions of ss. 395.1041(7), 409.91255(3)(g), 627.6405, and 641.31097 to develop and implement emergency department diversion programs for Medicaid recipients.*

(35) All entities providing health care services to Medicaid recipients shall make available, and encourage all pregnant women and mothers with infants to receive, and provide documentation in the medical records to reflect, the following:

(a) Healthy Start prenatal or infant screening.

(b) Healthy Start care coordination, when screening or other factors indicate need.

(c) Healthy Start enhanced services in accordance with the prenatal or infant screening results.

(d) Immunizations in accordance with recommendations of the Advisory Committee on Immunization Practices of the United States Public Health Service and the American Academy of Pediatrics, as appropriate.

(e) Counseling and services for family planning to all women and their partners.

(f) A scheduled postpartum visit for the purpose of voluntary family planning, to include discussion of all methods of contraception, as appropriate.

(g) Referral to the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

(36) Any entity that provides Medicaid prepaid health plan services shall ensure the appropriate coordination of health care services with an assisted living facility in cases where a Medicaid recipient is both a member of the entity's prepaid health plan and a resident of the assisted living facility. If the entity is at risk for Medicaid targeted case management and behavioral health services, the entity shall inform the assisted living facility of the procedures to follow should an emergent condition arise.

(37) The agency may seek and implement federal waivers necessary to provide for cost-effective purchasing of home health services, private duty nursing services, transportation, independent laboratory services, and durable medical equipment and supplies through competitive bidding pursuant to s. 287.057. The agency may request appropriate waivers from the federal Health Care Financing Administration in order to competitively bid such services. The agency may exclude providers not selected through the bidding process from the Medicaid provider network.

(38) The agency shall enter into agreements with not-for-profit organizations based in this state for the purpose of providing vision screening.

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. Medicaid prescribed-drug coverage for brand-name drugs for adult Medicaid recipients is limited to the dispensing of four brand-name drugs per month per recipient. Children are exempt from this restriction. Antiretroviral agents are excluded from this limitation. No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, severe depression, or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available without restriction for persons with mental illnesses include atypical antipsychotic medications, conventional antipsychotic medications, selective serotonin reuptake inhibitors, and other medications used for the treatment of serious mental illnesses. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply. The agency shall continue to provide unlimited generic drugs, contraceptive drugs and items, and diabetic supplies. Although a drug may be included on the preferred drug formulary, it would not be exempt from the four-brand limit. The agency may authorize exceptions to the brand-name-drug restriction based upon the treatment needs of the patients, only when such exceptions are based on prior consultation provided by the agency or an agency contractor, but the agency must establish procedures to ensure that:

a. There will be a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation;

b. A 72-hour supply of the drug prescribed will be provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.; and

c. Except for the exception for nursing home residents and other institutionalized adults and except for drugs on the restricted formulary for which prior authorization may be sought by an institutional or community pharmacy, prior authorization for an exception to the brand-name-drug restriction is sought by the prescriber and not by the pharmacy. When prior authorization is granted for a patient in an institutional setting beyond the brand-name-drug restriction, such approval is authorized for 12 months and monthly prior authorization is not required for that patient.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus 15.4 percent, the wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease-management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers. *The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.*

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug formulary in accordance with 42 U.S.C. s. 1396r-8, and, pursuant to the establishment of such formulary, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug formulary. However, a pharmaceutical manufacturer is not guaranteed placement on the formulary by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

8. The agency shall establish an advisory committee for the purposes of studying the feasibility of using a restricted drug formulary for nursing home residents and other institutionalized adults. The committee shall be comprised of seven members appointed by the Secretary of Health Care Administration. The committee members shall include two physicians licensed under chapter 458 or chapter 459; three pharmacists licensed under chapter 465 and appointed from a list of recommendations provided by the Florida Long-Term Care Pharmacy Alliance; and two pharmacists licensed under chapter 465.

9. The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

10. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

11.a. The agency shall implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program shall include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

c. If the agency is unable to negotiate a contract with one or more manufacturers to finance and guarantee savings associated with a be-

havioral drug management program by September 1, 2004, the four-brand drug limit and preferred drug list prior-authorization requirements shall apply to mental health-related drugs, notwithstanding any provision in subparagraph 1. The agency is authorized to seek federal waivers to implement this policy.

12.a. The agency shall implement a Medicaid prescription-drug-management system. The agency may contract with a vendor that has experience in operating prescription-drug-management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug-management system must be designed to improve the quality of care and prescribing practices based on best-practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the development and adoption of best-practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best-practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best-practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best-practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

(V) Track spending trends for prescription drugs and deviation from best-practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement disease-management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.

13.~~12.~~ The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

14.~~13.~~ The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

15.~~14.~~ The agency may require prior authorization for the off-label use of Medicaid-covered prescribed drugs as specified in the General Appropriations Act. The agency may, but is not required to, preauthorize the use of a product for an indication not in the approved labeling. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the off-label use of a drug.

16.~~15.~~ The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a $5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. *The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more prescription drugs are not destroyed which could safely be reused. The agency's conclusion and recommendations shall be reported to the Legislature by December 1, 2005.*

(b) The agency shall implement this subsection to the extent that funds are appropriated to administer the Medicaid prescribed-drug spending-control program. The agency may contract all or any part of this program to private organizations.

(c) The agency shall submit quarterly reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives which must include, but need not be limited to, the progress made in implementing this subsection and its effect on Medicaid prescribed-drug expenditures.

(40) Notwithstanding the provisions of chapter 287, the agency may, at its discretion, renew a contract or contracts for fiscal intermediary services one or more times for such periods as the agency may decide; however, all such renewals may not combine to exceed a total period longer than the term of the original contract.

(41) The agency shall provide for the development of a demonstration project by establishment in Miami-Dade County of a long-term-care facility licensed pursuant to chapter 395 to improve access to health care for a predominantly minority, medically underserved, and medically complex population and to evaluate alternatives to nursing home care and general acute care for such population. Such project is to be located in a health care condominium and colocated with licensed facilities providing a continuum of care. The establishment of this project is not subject to the provisions of s. 408.036 or s. 408.039. The agency shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2003.

(42) The agency shall develop and implement a utilization management program for Medicaid-eligible recipients for the management of occupational, physical, respiratory, and speech therapies. The agency shall establish a utilization program that may require prior authorization in order to ensure medically necessary and cost-effective treatments. The program shall be operated in accordance with a federally approved waiver program or state plan amendment. The agency may seek a federal waiver or state plan amendment to implement this program. The agency may also competitively procure these services from an outside vendor on a regional or statewide basis.

(43) The agency may contract on a prepaid or fixed-sum basis with appropriately licensed prepaid dental health plans to provide dental services.

(44) The Agency for Health Care Administration shall ensure that any Medicaid managed care plan as defined in s. 409.9122(2)(h), whether paid on a capitated basis or a shared savings basis, is cost-effective. For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31 of each year. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(45) Subject to the availability of funds, the agency shall mandate a recipient's participation in a provider lock-in program, when appropriate, if a recipient is found by the agency to have used Medicaid goods or services at a frequency or amount not medically necessary, limiting the receipt of goods or services to medically necessary providers after the 21-day appeal process has ended, for a period of not less than 1 year. The

lock-in programs shall include, but are not limited to, pharmacies, medical doctors, and infusion clinics. The limitation does not apply to emergency services and care provided to the recipient in a hospital emergency department. The agency shall seek any federal waivers necessary to implement this subsection. The agency shall adopt any rules necessary to comply with or administer this subsection.

(46) The agency shall seek a federal waiver for permission to terminate the eligibility of a Medicaid recipient who has been found to have committed fraud, through judicial or administrative determination, two times in a period of 5 years.

(47) The agency shall conduct a study of available electronic systems for the purpose of verifying the identity and eligibility of a Medicaid recipient. The agency shall recommend to the Legislature a plan to implement an electronic verification system for Medicaid recipients by January 31, 2005.

(48) A provider is not entitled to enrollment in the Medicaid provider network. The agency may implement a Medicaid fee-for-service provider network controls, including, but not limited to, competitive procurement and provider credentialing. If a credentialing process is used, the agency may limit its provider network based upon the following considerations: beneficiary access to care, provider availability, provider quality standards and quality assurance processes, cultural competency, demographic characteristics of beneficiaries, practice standards, service wait times, provider turnover, provider licensure and accreditation history, program integrity history, peer review, Medicaid policy and billing compliance records, clinical and medical record audit findings, and such other areas that are considered necessary by the agency to ensure the integrity of the program.

(49) The agency shall contract with established minority physician networks that provide services to historically underserved minority patients. The networks must provide cost-effective Medicaid services, comply with the requirements to be a MediPass provider, and provide their primary care physicians with access to data and other management tools necessary to assist them in ensuring the appropriate use of services, including inpatient hospital services and pharmaceuticals.

(a) The agency shall provide for the development and expansion of minority physician networks in each service area to provide services to Medicaid recipients who are eligible to participate under federal law and rules.

(b) The agency shall reimburse each minority physician network as a fee-for-service provider, including the case management fee for primary care, or as a capitated rate provider for Medicaid services. Any savings shall be shared with the minority physician networks pursuant to the contract.

(c) For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(d) The agency may apply for any federal waivers needed to implement this subsection.

(50) To the extent permitted by federal law and as allowed under s. 409.906, the agency shall provide reimbursement for emergency mental health care services for Medicaid recipients in crisis-stabilization facilities licensed under s. 394.875 as long as those services are less expensive than the same services provided in a hospital setting.

Section 2. Section 409.91211, Florida Statutes, is created to read:

409.91211 Medicaid managed care pilot program.—

(1) The agency is authorized to seek experimental, pilot, or demonstration project waivers, pursuant to s. 1115 of the Social Security Act, to create a more efficient and effective service delivery system that enhances quality of care and client outcomes in the Florida Medicaid program pursuant to this section in two geographic areas. One demonstration site shall include only Broward County. A second demonstration site shall initially include Duval County and shall be expanded to include Baker, Clay, and Nassau Counties within 1 year after the Duval County program becomes operational. This waiver authority is contingent upon federal approval to preserve the upper-payment-limit funding mechanism for hospitals, including a guarantee of a reasonable growth factor, a methodology to allow the use of a portion of these funds to serve as a risk pool for demonstration sites, provisions to preserve the state's ability to use intergovernmental transfers, and provisions to protect the disproportionate share program authorized pursuant to this chapter.

(2) The Legislature intends for the capitated managed care pilot program to:

(a) Provide recipients in Medicaid fee-for-service or the MediPass program a comprehensive and coordinated capitated managed care system for all health care services specified in ss. 409.905 and 409.906.

(b) Stabilize Medicaid expenditures under the pilot program compared to Medicaid expenditures in the pilot area for the 3 years before implementation of the pilot program, while ensuring:

1. Consumer education and choice.

2. Access to medically necessary services.

3. Coordination of preventative, acute, and long-term care.

4. Reductions in unnecessary service utilization.

(c) Provide an opportunity to evaluate the feasibility of statewide implementation of capitated managed care networks as a replacement for the current Medicaid fee-for-service and MediPass systems.

(3) The agency shall have the following powers, duties, and responsibilities with respect to the development of a pilot program:

(a) To develop and recommend a system to deliver all mandatory services specified in s. 409.905 and optional services specified in s. 409.906, as approved by the Centers for Medicare and Medicaid Services and the Legislature in the waiver pursuant to this section. Services to recipients under plan benefits shall include emergency services provided under s. 409.9128.

(b) To recommend Medicaid-eligibility categories, from those specified in ss. 409.903 and 409.904, which shall be included in the pilot program.

(c) To determine and recommend how to design the managed care pilot program in order to take maximum advantage of all available state and federal funds, including those obtained through intergovernmental transfers, the upper-payment-level funding systems, and the disproportionate share program.

(d) To determine and recommend actuarially sound, risk-adjusted capitation rates for Medicaid recipients in the pilot program which can be separated to cover comprehensive care, enhanced services, and catastrophic care.

(e) To determine and recommend policies and guidelines for phasing in financial risk for approved provider service networks over a 3-year period. These shall include an option to pay fee-for-service rates that may include a savings-settlement option for at least 2 years. This model may be converted to a risk-adjusted capitated rate in the third year of operation. Federally qualified health centers may be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid primary care services.

(f) To determine and recommend provisions related to stop-loss requirements and the transfer of excess cost to catastrophic coverage that accommodates the risks associated with the development of the pilot program.

(g) To determine and recommend a process to be used by the Social Services Estimating Conference to determine and validate the rate of growth of the per-member costs of providing Medicaid services under the managed care pilot program.

(h) To determine and recommend program standards and credentialing requirements for capitated managed care networks to participate in the pilot program, including those related to fiscal solvency, quality of care, and adequacy of access to health care providers. It is the intent of the Legislature that, to the extent possible, any pilot program authorized by the state under this section include any federally qualified health center, federally qualified rural health clinic, county health department, or other federally, state, or locally funded entity that serves the geographic areas within the boundaries of the pilot program that requests to participate. This paragraph does not relieve an entity that qualifies as a capitated managed care network under this section from any other licensure or regulatory requirements contained in state or federal law which would otherwise apply to the entity. The standards and credentialing requirements shall be based upon, but are not limited to:

1. Compliance with the accreditation requirements as provided in s. 641.512.

2. Compliance with early and periodic screening, diagnosis, and treatment screening requirements under federal law.

3. The percentage of voluntary disenrollments.

4. Immunization rates.

5. Standards of the National Committee for Quality Assurance and other approved accrediting bodies.

6. Recommendations of other authoritative bodies.

7. Specific requirements of the Medicaid program, or standards designed to specifically meet the unique needs of Medicaid recipients.

8. Compliance with the health quality improvement system as established by the agency, which incorporates standards and guidelines developed by the Centers for Medicare and Medicaid Services as part of the quality assurance reform initiative.

9. The network's infrastructure capacity to manage financial transactions, recordkeeping, data collection, and other administrative functions.

10. The network's ability to submit any financial, programmatic, or patient-encounter data or other information required by the agency to determine the actual services provided and the cost of administering the plan.

(i) To develop and recommend a mechanism for providing information to Medicaid recipients for the purpose of selecting a capitated managed care plan. For each plan available to a recipient, the agency, at a minimum shall ensure that the recipient is provided with:

1. A list and description of the benefits provided.

2. Information about cost sharing.

3. Plan performance data, if available.

4. An explanation of benefit limitations.

5. Contact information, including identification of providers participating in the network, geographic locations, and transportation limitations.

6. Any other information the agency determines would facilitate a recipient's understanding of the plan or insurance that would best meet his or her needs.

(j) To develop and recommend a system to ensure that there is a record of recipient acknowledgment that choice counseling has been provided.

(k) To develop and recommend a choice counseling system to ensure that the choice counseling process and related material are designed to provide counseling through face-to-face interaction, by telephone, and in writing and through other forms of relevant media. Materials shall be written at the fourth-grade reading level and available in a language other than English when 5 percent of the county speaks a language other than English. Choice counseling shall also use language lines and other services for impaired recipients, such as TTD/TTY.

(l) To develop and recommend a system that prohibits capitated managed care plans, their representatives, and providers employed by or contracted with the capitated managed care plans from recruiting persons eligible for or enrolled in Medicaid, from providing inducements to Medicaid recipients to select a particular capitated managed care plan, and from prejudicing Medicaid recipients against other capitated managed care plans. The system shall require the entity performing choice counseling to determine if the recipient has made a choice of a plan or has opted out because of duress, threats, payment to the recipient, or incentives promised to the recipient by a third party. If the choice counseling entity determines that the decision to choose a plan was unlawfully influenced or a plan violated any of the provisions of s. 409.912(21), the choice counseling entity shall immediately report the violation to the agency's program integrity section for investigation. Verification of choice counseling by the recipient shall include a stipulation that the recipient acknowledges the provisions of this subsection.

(m) To develop and recommend a choice counseling system that promotes health literacy and provides information aimed to reduce minority health disparities through outreach activities for Medicaid recipients.

(n) To develop and recommend a system for the agency to contract with entities to perform choice counseling. The agency may establish standards and performance contracts, including standards requiring the contractor to hire choice counselors who are representative of the state's diverse population and to train choice counselors in working with culturally diverse populations.

(o) To determine and recommend descriptions of the eligibility assignment processes which will be used to facilitate client choice while ensuring pilot programs of adequate enrollment levels. These processes shall ensure that pilot sites have sufficient levels of enrollment to conduct a valid test of the managed care pilot program within a 2-year timeframe.

(p) To develop and recommend a system to monitor the provision of health care services in the pilot program, including utilization and quality of health care services for the purpose of ensuring access to medically necessary services. This system shall include an encounter data-information system that collects and reports utilization information. The system shall include a method for verifying data integrity within the database and within the provider's medical records.

(q) To recommend a grievance-resolution process for Medicaid recipients enrolled in a capitated managed care network under the pilot program modeled after the subscriber assistance panel, as created in s. 408.7056. This process shall include a mechanism for an expedited review of no greater than 24 hours after notification of a grievance if the life of a Medicaid recipient is in imminent and emergent jeopardy.

(r) To recommend a grievance-resolution process for health care providers employed by or contracted with a capitated managed care network under the pilot program in order to settle disputes among the provider and the managed care network or the provider and the agency.

(s) To develop and recommend criteria to designate health care providers as eligible to participate in the pilot program. The agency and capitated managed care networks must follow national guidelines for selecting health care providers, whenever available. These criteria must include at a minimum those criteria specified in s. 409.907.

(t) To develop and recommend health care provider agreements for participation in the pilot program.

(u) To require that all health care providers under contract with the pilot program be duly licensed in the state, if such licensure is available, and meet other criteria as may be established by the agency. These criteria shall include at a minimum those criteria specified in s. 409.907.

(v) To develop and recommend agreements with other state or local governmental programs or institutions for the coordination of health care to eligible individuals receiving services from such programs or institutions.

(w) To develop and recommend a system to oversee the activities of pilot program participants, health care providers, capitated managed care networks, and their representatives in order to prevent fraud or abuse, overutilization or duplicative utilization, underutilization or inappropriate denial of services, and neglect of participants and to recover overpayments as appropriate. For the purposes of this paragraph, the

terms "abuse" and "fraud" have the meanings as provided in s. 409.913. The agency must refer incidents of suspected fraud, abuse, overutilization and duplicative utilization, and underutilization or inappropriate denial of services to the appropriate regulatory agency.

(x) To develop and provide actuarial and benefit design analyses that indicate the effect on capitation rates and benefits offered in the pilot program over a prospective 5-year period based on the following assumptions:

1. Growth in capitation rates which is limited to the estimated growth rate in general revenue.

2. Growth in capitation rates which is limited to the average growth rate over the last 3 years in per-recipient Medicaid expenditures.

3. Growth in capitation rates which is limited to the growth rate of aggregate Medicaid expenditures between the 2003-2004 fiscal year and the 2004-2005 fiscal year.

(y) To develop a mechanism to require capitated managed care plans to reimburse qualified emergency service providers, including, but not limited to, ambulance services, in accordance with ss. 409.908 and 409.9128. The pilot program must include a provision for continuing fee-for-service payments for emergency services, including but not limited to, individuals who access ambulance services or emergency departments and who are subsequently determined to be eligible for Medicaid services.

(z) To develop a system whereby school districts participating in the certified school match program pursuant to ss. 409.908(21) and 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services as authorized in s. 1011.70, as provided for in s. 409.9071, regardless of whether the child is enrolled in a capitated managed care network. Capitated managed care networks must make a good-faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 must be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in a capitated managed care network. Capitated managed care networks must make a good-faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's capitated managed care network provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.

(aa) To develop and recommend a mechanism whereby Medicaid recipients who are already enrolled in a managed care plan or the Medi-Pass program in the pilot areas shall be offered the opportunity to change to capitated managed care plans on a staggered basis, as defined by the agency. All Medicaid recipients shall have 30 days in which to make a choice of capitated managed care plans. Those Medicaid recipients who do not make a choice shall be assigned to a capitated managed care plan in accordance with paragraph (4)(a). To facilitate continuity of care for a Medicaid recipient who is also a recipient of Supplemental Security Income (SSI), prior to assigning the SSI recipient to a capitated managed care plan, the agency shall determine whether the SSI recipient has an ongoing relationship with a provider or capitated managed care plan, and if so, the agency shall assign the SSI recipient to that provider or capitated managed care plan where feasible. Those SSI recipients who do not have such a provider relationship shall be assigned to a capitated managed care plan provider in accordance with paragraph (4)(a).

(bb) To develop and recommend a service delivery alternative for children having chronic medical conditions which establishes a medical home project to provide primary care services to this population. The project shall provide community-based primary care services that are integrated with other subspecialties to meet the medical, developmental, and emotional needs for children and their families. This project shall include an evaluation component to determine impacts on hospitalizations, length of stays, emergency room visits, costs, and access to care, including specialty care and patient, and family satisfaction.

(cc) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to persons with developmental disabilities sufficient to meet the medical, developmental, and emotional needs of these persons.

(dd) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to Medicaid-eligible children in foster care. These services must be coordinated with community-based care providers as specified in s. 409.1675, where available, and be sufficient to meet the medical, developmental, and emotional needs of these children.

(4)(a) A Medicaid recipient in the pilot area who is not currently enrolled in a capitated managed care plan upon implementation is not eligible for services as specified in ss. 409.905 and 409.906, for the amount of time that the recipient does not enroll in a capitated managed care network. If a Medicaid recipient has not enrolled in a capitated managed care plan within 30 days after eligibility, the agency shall assign the Medicaid recipient to a capitated managed care plan based on the assessed needs of the recipient as determined by the agency. When making assignments, the agency shall take into account the following criteria:

1. A capitated managed care network has sufficient network capacity to meet the need of members.

2. The capitated managed care network has previously enrolled the recipient as a member, or one of the capitated managed care network's primary care providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular capitated managed care network as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The capitated managed care network's primary care providers are geographically accessible to the recipient's residence.

(b) When more than one capitated managed care network provider meets the criteria specified in paragraph (3)(h), the agency shall make recipient assignments consecutively by family unit.

(c) The agency may not engage in practices that are designed to favor one capitated managed care plan over another or that are designed to influence Medicaid recipients to enroll in a particular capitated managed care network in order to strengthen its particular fiscal viability.

(d) After a recipient has made a selection or has been enrolled in a capitated managed care network, the recipient shall have 90 days in which to voluntarily disenroll and select another capitated managed care network. After 90 days, no further changes may be made except for cause. Cause shall include, but not be limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, inordinate or inappropriate changes of primary care providers, service access impairments due to significant changes in the geographic location of services, or fraudulent enrollment. The agency may require a recipient to use the capitated managed care network's grievance process as specified in paragraph (3)(g) prior to the agency's determination of cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, when used, must be completed in time to permit the recipient to disenroll no later than the first day of the second month after the month the disenrollment request was made. If the capitated managed care network, as a result of the grievance process, approves an enrollee's request to disenroll, the agency is not required to make a determination in the case. The agency must make a determination and take final action on a recipient's request so that disenrollment occurs no later than the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

(e) The agency shall apply for federal waivers from the Centers for Medicare and Medicaid Services to lock eligible Medicaid recipients into a capitated managed care network for 12 months after an open enrollment period. After 12 months of enrollment, a recipient may select another capitated managed care network. However, nothing shall prevent

a Medicaid recipient from changing primary care providers within the capitated managed care network during the 12-month period.

(f) The agency shall apply for federal waivers from the Centers for Medicare and Medicaid Services to allow recipients to purchase health care coverage through an employer-sponsored health insurance plan instead of through a Medicaid-certified plan. This provision shall be known as the opt-out option.

1. A recipient who chooses the Medicaid opt-out option shall have an opportunity for a specified period of time, as authorized under a waiver granted by the Centers for Medicare and Medicaid Services, to select and enroll in a Medicaid-certified plan. If the recipient remains in the employer-sponsored plan after the specified period, the recipient shall remain in the opt-out program for at least 1 year or until the recipient no longer has access to employer-sponsored coverage, until the employer's open enrollment period for a person who opts out in order to participate in employer-sponsored coverage, or until the person is no longer eligible for Medicaid, whichever time period is shorter.

2. Notwithstanding any other provision of this section, coverage, cost sharing, and any other component of employer-sponsored health insurance shall be governed by applicable state and federal laws.

(5) This section does not authorize the agency to implement any provision of s. 1115 of the Social Security Act experimental, pilot, or demonstration project waiver to reform the state Medicaid program in any part of the state other than the two geographic areas specified in this section unless approved by the Legislature.

(6) The agency shall develop and submit for approval applications for waivers of applicable federal laws and regulations as necessary to implement the managed care pilot project as defined in this section. The agency shall post all waiver applications under this section on its Internet website 30 days before submitting the applications to the United States Centers for Medicare and Medicaid Services. All waiver applications shall be provided for review and comment to the appropriate committees of the Senate and House of Representatives for at least 10 working days prior to submission. All waivers submitted to and approved by the United States Centers for Medicare and Medicaid Services under this section must be approved by the Legislature. Federally approved waivers must be submitted to the President of the Senate and the Speaker of the House of Representatives for referral to the appropriate legislative committees. The appropriate committees shall recommend whether to approve the implementation of any waivers to the Legislature as a whole. The agency shall submit a plan containing a recommended timeline for implementation of any waivers and budgetary projections of the effect of the pilot program under this section on the total Medicaid budget for the 2006-2007 through 2009-2010 state fiscal years. This implementation plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives at the same time any waivers are submitted for consideration by the Legislature.

(7) Upon review and approval of the applications for waivers of applicable federal laws and regulations to implement the managed care pilot program by the Legislature, the agency may initiate adoption of rules pursuant to ss. 120.536(1) and 120.54 to implement and administer the managed care pilot program as provided in this section.

Section 3. *The Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, shall comprehensively evaluate the two managed care pilot programs created under section 409.91211, Florida Statutes. The evaluation shall begin with the implementation of the managed care model in the pilot areas and continue for 24 months after the two pilot programs have enrolled Medicaid recipients and started providing health care services. The evaluation must include assessments of cost savings; consumer education, choice, and access to services; coordination of care; and quality of care by each eligibility category and managed care plan in each pilot site. The evaluation must describe administrative or legal barriers to the implementation and operation of each pilot program and include recommendations regarding statewide expansion of the managed care pilot programs. The office shall submit an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than June 30, 2008. The managed care pilot program may not be expanded to any additional counties that are not identified in this section without the authorization of the Legislature.*

Section 4. Paragraphs (a) and (j) of subsection (2) of section 409.9122, Florida Statutes, are amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)(a) The agency shall enroll in a managed care plan or MediPass all Medicaid recipients, except those Medicaid recipients who are: in an institution; enrolled in the Medicaid medically needy program; or eligible for both Medicaid and Medicare. Upon enrollment, individuals will be able to change their managed care option during the 90-day opt out period required by federal Medicaid regulations. The agency is authorized to seek the necessary Medicaid state plan amendment to implement this policy. However, to the extent permitted by federal law, the agency may enroll in a managed care plan or MediPass a Medicaid recipient who is exempt from mandatory managed care enrollment, provided that:

1. The recipient's decision to enroll in a managed care plan or MediPass is voluntary;

2. If the recipient chooses to enroll in a managed care plan, the agency has determined that the managed care plan provides specific programs and services which address the special health needs of the recipient; and

3. The agency receives any necessary waivers from the federal *Centers for Medicare and Medicaid Services* ~~Health Care Financing Administration~~.

The agency shall develop rules to establish policies by which exceptions to the mandatory managed care enrollment requirement may be made on a case-by-case basis. The rules shall include the specific criteria to be applied when making a determination as to whether to exempt a recipient from mandatory enrollment in a managed care plan or MediPass. School districts participating in the certified school match program pursuant to ss. 409.908(21) and 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services as authorized in s. 1011.70, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 shall be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's managed care plan or MediPass provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.

(j) The agency shall apply for a federal waiver from the *Centers for Medicare and Medicaid Services* ~~Health Care Financing Administration~~ to lock eligible Medicaid recipients into a managed care plan or MediPass for 12 months after an open enrollment period. After 12 months' enrollment, a recipient may select another managed care plan or MediPass provider. However, nothing shall prevent a Medicaid recipient from changing primary care providers within the managed care plan or MediPass program during the 12-month period.

Section 5. Subsection (2) of section 409.913, Florida Statutes, is amended, and subsection (36) is added to that section, to read:

409.913 Oversight of the integrity of the Medicaid program.—The agency shall operate a program to oversee the activities of Florida Medicaid recipients, and providers and their representatives, to ensure that fraudulent and abusive behavior and neglect of recipients occur to the minimum extent possible, and to recover overpayments and impose sanctions as appropriate. Beginning January 1, 2003, and each year thereafter, the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs shall submit a joint report to the Legislature documenting the effectiveness of the state's efforts to control Medicaid fraud and abuse and to recover Medicaid overpayments during the previous fiscal year. The report must describe the number of cases opened and investigated each year; the sources of the cases opened; the disposition

of the cases closed each year; the amount of overpayments alleged in preliminary and final audit letters; the number and amount of fines or penalties imposed; any reductions in overpayment amounts negotiated in settlement agreements or by other means; the amount of final agency determinations of overpayments; the amount deducted from federal claiming as a result of overpayments; the amount of overpayments recovered each year; the amount of cost of investigation recovered each year; the average length of time to collect from the time the case was opened until the overpayment is paid in full; the amount determined as uncollectible and the portion of the uncollectible amount subsequently reclaimed from the Federal Government; the number of providers, by type, that are terminated from participation in the Medicaid program as a result of fraud and abuse; and all costs associated with discovering and prosecuting cases of Medicaid overpayments and making recoveries in such cases. The report must also document actions taken to prevent overpayments and the number of providers prevented from enrolling in or reenrolling in the Medicaid program as a result of documented Medicaid fraud and abuse and must recommend changes necessary to prevent or recover overpayments.

(2) The agency shall conduct, or cause to be conducted by contract or otherwise, reviews, investigations, analyses, audits, or any combination thereof, to determine possible fraud, abuse, overpayment, or recipient neglect in the Medicaid program and shall report the findings of any overpayments in audit reports as appropriate. *At least 5 percent of all audits shall be conducted on a random basis.*

(36) The agency shall provide to each Medicaid recipient or his or her representative an explanation of benefits in the form of a letter that is mailed to the most recent address of the recipient on the record with the Department of Children and Family Services. The explanation of benefits must include the patient's name, the name of the health care provider and the address of the location where the service was provided, a description of all services billed to Medicaid in terminology that should be understood by a reasonable person, and information on how to report inappropriate or incorrect billing to the agency or other law enforcement entities for review or investigation.

Section 6. *The Agency for Health Care Administration shall submit to the Legislature by December 15, 2005, a report on the legal and administrative barriers to enforcing section 409.9081, Florida Statutes. The report must describe how many services require copayments, which providers collect copayments, and the total amount of copayments collected from recipients for all services required under section 409.9081, Florida Statutes, by provider type for the 2001-2002 through 2004-2005 fiscal years. The agency shall recommend a mechanism to enforce the requirement for Medicaid recipients to make copayments which does not shift the copayment amount to the provider. The agency shall also identify the federal or state laws or regulations that permit Medicaid recipients to declare impoverishment in order to avoid paying the copayment and extent to which these statements of impoverishment are verified. If claims of impoverishment are not currently verified, the agency shall recommend a system for such verification. The report must also identify any other cost-sharing measures that could be imposed on Medicaid recipients.*

Section 7. *The Agency for Health Care Administration shall submit to the Legislature by January 15, 2006, recommendations to ensure that Medicaid is the payer of last resort as required by section 409.910, Florida Statutes. The report must identify the public and private entities that are liable for primary payment of health care services and recommend methods to improve enforcement of third-party liability responsibility and repayment of benefits to the state Medicaid program. The report must estimate the potential recoveries that may be achieved through third-party liability efforts if administrative and legal barriers are removed. The report must recommend whether modifications to the agency's contingency-fee contract for third-party liability could enhance third-party liability for benefits provided to Medicaid recipients.*

Section 8. *By January 15, 2006, the Office of Program Policy Analysis and Government Accountability shall submit to the Legislature a study of the long-term care community diversion pilot project authorized under sections 430.701-430.709, Florida Statutes. The study may be conducted by staff of the Office of Program Policy Analysis and Government Accountability or by a consultant obtained through a competitive bid pursuant to the provisions of chapter 287, Florida Statutes. The study must use a statistically-valid methodology to assess the percent of persons served in the project over a 2-year period who would have required Medicaid nursing home services without the diversion services, which services are most frequently used, and which services are least frequently used. The study must determine whether the project is cost-effective or is an expansion of the Medicaid program because a preponderance of the project enrollees would not have required Medicaid nursing home services within a 2-year period regardless of the availability of the project or that the enrollees could have been safely served through another Medicaid program at a lower cost to the state.*

Section 9. *The Agency for Health Care Administration shall identify how many individuals in the long-term care diversion programs who receive care at home have a patient-responsibility payment associated with their participation in the diversion program. If no system is available to assess this information, the agency shall determine the cost of creating a system to identify and collect these payments and whether the cost of developing a system for this purpose is offset by the amount of patient-responsibility payments which could be collected with the system. The agency shall report this information to the Legislature by December 1, 2005.*

Section 10. *The Office of Program Policy Analysis and Government Accountability shall conduct a study of state programs that allow non-Medicaid eligible persons under a certain income level to buy into the Medicaid program as if it was private insurance. The study shall examine Medicaid buy-in programs in other states to determine if there are any models that can be implemented in Florida which would provide access to uninsured Floridians and what effect this program would have on Medicaid expenditures based on the experience of similar states. The study must also examine whether the Medically Needy program could be redesigned to be a Medicaid buy-in program. The study must be submitted to the Legislature by January 1, 2006.*

Section 11. *The Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General, Medicaid Fraud Control Unit and the Auditor General, shall conduct a study to examine issues related to the amount of state and federal dollars lost due to fraud and abuse in the Medicaid prescription drug program. The study shall focus on examining whether pharmaceutical manufacturers and their affiliates and wholesale pharmaceutical manufacturers and their affiliates that participate in the Medicaid program in this state, with respect to rebates for prescription drugs, are inflating the average wholesale price that is used in determining how much the state pays for prescription drugs for Medicaid recipients. The study shall also focus on examining whether the manufacturers and their affiliates are committing other deceptive pricing practices with regard to federal and state rebates for prescription drugs in the Medicaid program in this state. The study, including findings and recommendations, shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives by January 1, 2006.*

Section 12. *The sums of $7,129,241 in recurring General Revenue Funds, $9,076,875 in nonrecurring General Revenue Funds, $8,608,242 in recurring funds from the Administrative Trust Fund, and $9,076,874 in nonrecurring funds from the Administrative Trust Fund are appropriated and 11 full time equivalent positions are authorized for the purpose of implementing this act.*

Section 13. *The amendments made to section 393.0661, Florida Statutes, by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 are repealed.*

Section 14. *The amendments made to section 409.907, Florida Statutes, by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 are repealed.*

Section 15. *The amendments made to the introductory provision only of section 409.908, Florida Statutes, by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 are repealed.*

Section 16. *Section 409.9082, Florida Statutes, as created by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404, is repealed.*

Section 17. *Section 23 of the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 is repealed.*

Section 18. Subsection (2) of section 409.9124, F.S., as amended by section 18 of the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 is amended, and subsection (6) is added to that section, to read:

409.9124 Managed care reimbursement.—

(2) Each year prior to establishing new managed care rates, the agency shall review all prior year adjustments for changes in trend, and shall reduce or eliminate those adjustments which are not reasonable and which reflect policies or programs which are not in effect. In addition, the agency shall apply only those policy reductions applicable to the fiscal year for which the rates are being set, which can be accurately estimated and verified by an independent actuary, and which have been implemented prior to or will be implemented during the fiscal year. The agency shall pay rates at per-member, per-month averages that ~~equal, but~~ do not exceed~~,~~ the amounts allowed for in the General Appropriations Act applicable to the fiscal year for which the rates will be in effect.

(6) For the 2005-2006 fiscal year only, the agency shall make an additional adjustment in calculating the capitation payments to prepaid health plans, excluding prepaid mental health plans. This adjustment must result in an increase of 2.8 percent in the average per-member, per-month rate paid to prepaid health plans, excluding prepaid mental health plans, which are funded from Specific Appropriations 225 and 226 in the 2005-2006 General Appropriations Act.

Section 19. *The Senate Select Committee on Medicaid Reform shall study how provider rates are established and modified, how provider agreements and administrative rulemaking effect those rates, the discretion allowed by federal law for the setting of rates by the state, and the impact of litigation on provider rates. The committee shall issue a report containing recommendations by March 1, 2006, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 20. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide a business case demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; allowing dispensing practitioners to participate in Medicaid; requiring that the agency implement a Medicaid prescription-drug-management system; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; authorizing the agency to pay for emergency mental health services provided through licensed crisis-stabilization facilities; creating s. 409.91211, F.S.; specifying waiver authority for the Agency for Health Care Administration to establish a Medicaid reform program contingent on federal approval to preserve the upper-payment-limit finding mechanism for hospitals and contingent on protection of the disproportionate share program authorized pursuant to ch. 409, F.S.; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency submit any waivers to the Legislature for approval before implementation; allowing the agency to develop rules; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation and authorizing positions to implement this act; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General and the Auditor General, to conduct a study to examine whether state and federal dollars are lost due to fraud and abuse in the Medicaid prescription drug program; providing duties; requiring that a report with findings and recommendations be submitted to the Governor and the Legislature by a specified date; repealing the amendments made to ss. 393.0661, 409.907, and 409.9082, F.S., and the amendments made to the introductory provision of s. 409.908, F.S., by the Conference Committee Report on CS for CS for SB 404, relating to provider agreements and provider methodologies; repealing s. 23 of the Conference Committee Report on CS for CS for SB 404, relating to legislative intent; amending s. 409.9124, F.S., as amended by the Conference Committee Report on CS for CS for SB 404; revising provisions requiring the Agency for Health Care Administration to pay certain rates for managed care reimbursement; requiring that the agency make an additional adjustment in calculating the rates paid to prepaid health plans for the 2005-2006 fiscal year; requiring that the Senate Select Committee on Medicaid Reform study various issues concerning Medicaid provider rates and issue a report to the Governor and the Legislature; providing an effective date.

MOTION

On motion by Senator Smith, the rules were waived to allow the following amendment to be considered:

Senator Smith moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (674124)(with title amendment)—On page 68, between lines 1 and 2, insert:

Section 4. Section 409.9062, Florida Statutes, is amended to read:

409.9062 Lung transplant services for Medicaid recipients.—Subject to the availability of funds and subject to any limitations or directions provided for in the General Appropriations Act or chapter 216, the Agency for Health Care Administration Medicaid program shall pay for medically necessary lung transplant services for Medicaid recipients. *These payments must be used to reimburse approved lung transplant facilities a global fee for providing lung transplant services to Medicaid recipients.*

Section 5. *The sums of $401,098 from the General Revenue Fund and $593,058 from the Medical Care Trust Fund are appropriated to the Agency for Health Care Administration for the purpose of implementing section 4 during the 2005-2006 fiscal year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 79, line 30, following the semicolon (;) insert: amending s. 409.9062, F.S.; requiring the Agency for Health Care Administration to

reimburse lung transplant facilities a global fee for services provided to Medicaid recipients; providing an appropriation;

Amendment 1 as amended was adopted.

On motion by Senator Peaden, by two-thirds vote **HCB 6003 (for HB's 1869, 1871, 1873, 1875)** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	
Diaz de la Portilla	Peaden	

Nays—1

Jones

Vote after roll call:

Yea—Bennett

HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)—A bill to be entitled An act relating to education; amending s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education; amending s. 1000.01, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1001.03, F.S.; requiring the State Board of Education to review the Sunshine State Standards and provide a report evaluating the extent to which the standards are being taught; amending s. 1001.11, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; providing duties of the department relating to education goals; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties; amending s. 1001.41, F.S.; requiring district school boards to adopt policies to provide each student a complete education program; amending s. 1001.42, F.S.; providing requirements for each district school board's system of school improvement and student progression; providing components to increase student achievement; conforming provisions relating to deletion of a rigorous reading requirement and the designation of school grades; amending s. 1002.20, F.S.; conforming a cross reference and provisions relating to educational choice; amending s. 1002.38, F.S.; conforming provisions relating to the designation of school grades and revising the date for request of an Opportunity Scholarship; creating s. 1002.385, F.S.; establishing the Reading Compact Scholarship Program to provide students with reading deficiencies the option to attend a public or private school of choice; providing eligibility requirements for receipt of a Reading Compact Scholarship to attend a private school and restricting use of such scholarship; providing for the term of a scholarship; providing school district obligation to notify parents of available options; providing Department of Education obligations, including establishment of a process for notification of violations, subsequent investigation, and certification of compliance by private schools and selection of a research organization to analyze student performance data; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school's participation in the scholarship program and procedures and timelines therefor; providing private school eligibility requirements and obligations, including compliance with specified laws and academic accountability to the parent; providing parent and student responsibilities for scholarship program participation, including compliance with the private school's published policies, participation in student academic assessment, and restrictive endorsement of scholarship warrants; prohibiting power of attorney for endorsing a scholarship warrant; providing funding and payment requirements, including calculation of scholarship amount, payment process, and Department of Financial Services review; providing for immunity; providing scope of authority; requiring adoption of rules; creating s. s. 1002.395, F.S.; establishing the K-12 GI Bill Program to provide educational options for dependents of an active-duty member of the Florida National Guard who is serving in Operation Enduring Freedom or Operation Iraqi Freedom; providing that a student may attend a public school in the school district other than the one to which assigned; providing that a student may receive a K-12 GI Bill to attend a public school in an adjacent school district or to attend a private school; amending s. 1002.20, F.S., relating to student and parent rights to educational choice, to conform; creating s. 1002.421, F.S., relating to rights and obligations of private schools participating in state school choice scholarship programs; providing requirements for participation in a scholarship program, including compliance with specified state, local, and federal laws and demonstration of fiscal soundness; requiring restrictive endorsement of checks and prohibiting a school from acting as attorney in fact; requiring employment of qualified teachers and background screening of individuals with direct student contact; requiring adoption of rules; amending s. 1003.01, F.S.; revising definition of the term "special education services"; amending s. 1003.03, F.S.; modifying implementation provisions relating to constitutional class size requirements; creating s. 1003.035, F.S.; providing class size requirements based on district average contingent upon constitutional amendment; providing implementation and calculation requirements; specifying options to meet class size requirements; authorizing transfer of funds for class size reduction; requiring certain actions by school districts not in compliance; requiring constitutional compliance plans in certain instances; amending s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs even if maximum enrollment has been reached; removing charter schools from the definition of special academic programs; creating s. 1003.413, F.S.; requiring each school district to establish policies to assist high school students to remain in school, graduate on time, and be prepared for postsecondary education and the workplace; directing the Commissioner of Education to create and implement the Challenge High School Recognition Program; creating the High School Reform Task Force and providing for appointment of members; requiring recommendation of a long-term plan relating to high school reform and specifying items to be addressed; providing for termination of the task force; amending s. 1003.415, F.S.; providing the mission of middle grades; deleting the rigorous reading requirement for middle grade students; deleting obsolete language relating to a department study; creating s. 1003.4155, F.S.; specifying the grading scale for grades 6 through 8; creating s. 1003.4156, F.S.; specifying general requirements for middle school promotion; requiring an intensive reading course under certain circumstances; defining an academic credit; requiring school district policies and authorizing alternative methods for progression; requiring adoption of rules for alternative promotion standards; amending s. 1003.42, F.S.; revising provisions relating to required instruction and courses of study in the public schools; including study of the history of the United States and free enterprise; amending s. 1003.43, F.S., relating to general requirements for high school graduation; including study of the Declaration of Independence in the credit requirement for American government; amending s. 1003.57, F.S.; providing guidelines for determining the residency of an exceptional student with a disability who resides in a residential facility and receives special instruction or services; requiring the placing authority in a parent's state of residence to pay the cost of such instruction, facilities, and services for a nonresident exceptional student with a disability; providing requirements of the department and school districts with respect to financial obligations; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; defining the term "parent" for purposes of the section; authorizing adoption of rules; creating s. 1003.575, F.S.; requiring the department to coordinate the development of an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring the form to be available to school districts to facilitate the use of an individual education plan when a student transfers; amending s. 1003.58, F.S.; correcting a cross reference; amending s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated-pay policies; amending ss. 1005.22 and 1007.33, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; amending s. 1008.22, F.S.; specifying grade level and subject area testing requirements; requiring the State Board of Education to conduct concordance studies to determine FCAT equivalencies for high school graduation; deleting a limitation on and specifying requirements for the use of alternative assessments to the grade 10 FCAT; requiring an annual report on student performance; amending s.

1008.25, F.S.; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours; requiring the department to establish a uniform format for reporting information relating to student progression; requiring an annual report; repealing s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation; amending s. 1008.31, F.S.; deleting provisions relating to performance-based funding; revising goals and measures of the K-20 performance accountability system and requiring data quality improvement; providing for development of reporting and data collection requirements; requiring adoption of rules; amending s. 1008.33, F.S.; conforming provisions relating to the designation of school grades and a cross reference; authorizing district school boards to transfer teachers, faculty, and staff as needed; amending s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; specifying use of assessment data with respect to alternative schools; defining the term "home school"; requiring an annual school report card to be published by the department and distributed by school districts; creating s. 1008.341, F.S.; requiring improvement ratings for certain alternative schools; providing the basis for such ratings and requiring annual performance reports; providing for determination of school improvement ratings, identification of learning gains, and eligibility for school recognition awards; requiring an annual report card to be developed by the department and distributed by school districts; requiring adoption of rules; amending s. 1008.345, F.S.; conforming provisions relating to the designation of school grades and a cross reference; amending s. 1008.36, F.S.; providing for assignment of school grades to certain feeder pattern schools that do not receive such a grade for purposes of participation in the Florida School Recognition Program; defining feeder school pattern; providing that a feeder pattern school shall be subject to the Opportunity Scholarship Program; modifying procedures for determination and use of school recognition awards; amending s. 1008.45, F.S.; conforming provisions relating to the repeal of the Council for Education Policy Research and Improvement; repealing s. 1008.51, F.S., relating to the Council for Education Policy Research and Improvement; amending s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in a specified education program; providing funding for supplemental educational services for certain students; conforming cross references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation; amending s. 1011.64, F.S.; conforming terminology and cross references; amending s. 1011.685, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; creating s. 1011.6855, F.S.; creating an operating categorical fund to fund minimum pay requirements for certain instructional personnel contingent upon constitutional amendment; amending s. 1011.71, F.S.; correcting a cross reference; amending s. 1012.21, F.S.; requiring the department to annually post online school district collective bargaining contracts; amending s. 1012.22, F.S.; deleting a requirement that each district school board adopt a performance-pay policy; requiring each district school board to annually provide its negotiated collective bargaining contract to the department; creating s. 1012.2305, F.S.; establishing minimum pay for certain instructional personnel contingent upon constitutional amendment; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching salary career ladder program; creating s. 1012.2312, F.S.; requiring each district school board to adopt a differentiated-pay policy for instructional personnel; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2313, F.S.; requiring each district school board to have a differentiated-pay policy for school administrators; providing factors on which differentiated pay shall be based; authorizing funds to be withheld from school districts under certain circumstances; creating s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and authorizing incentives; providing procedures for noncompliance; providing requirements relating to collective bargaining; amending s. 1012.27, F.S.; conforming provisions relating to the repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; amending s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement; creating s. 1012.986, F.S.; establishing the A+ Professional Development Program for School Leaders; defining the term "school leader"; establishing school leadership designations; providing program requirements and delivery systems; requiring adoption of rules; repealing s. 1012.987, F.S., relating to rules for a leadership designation; creating s. 1013.381, F.S.; requiring each district school board to adopt and implement an indoor environmental quality policy which provides for periodic surveys; providing that the policy may include certain requirements; providing for indemnification under certain circumstances; requiring display of indoor environmental quality training completion; requiring adoption of rules; amending s. 1013.512, F.S.; requiring the release of funds remaining in reserve relating to school district land acquisition and facilities operations; specifying when a Land Acquisition and Facilities Advisory Board shall be disbanded; establishing the Charter School Task Force and specifying composition and duties; requiring the department to provide staff support to the task force; providing severability; providing effective dates.

—as amended May 5 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Lynn, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (074810)** was adopted on May 5.

Senator Lynn moved the following amendment to **Amendment 1** which failed to receive the required two-thirds vote:

Amendment 1F (523430)(with title amendment)—On page 7, line 7 through page 12, line 22, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 79, line 18 through page 80, line 7, delete those lines and insert: the federal holiday; amending s. 1003.05, F.S.;

The question recurred on **Amendment 1** which was adopted by two-thirds vote.

On motion by Senator Lynn, **HCB 6007 (for HB's 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 392

The Honorable Tom Lee May 4, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 392, same being:

An act relating to Water Quality Assurance Trust Fund; authorizes Department of Environmental Protection to use certain funds for brownfield activities.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton	*s/Nancy Argenziano*
Chair	*s/JD Alexander*
s/Dave Aronberg	*s/Carey Baker*
s/Michael S. "Mike" Bennett	*s/Larcenia J. Bullard*
s/Charlie Clary	*s/Lee Constantine*
s/Victor D. Crist	*s/M. Mandy Dawson*
s/Paula Dockery	*s/Mike Fasano*
s/Rudy Garcia	*s/Anthony C. "Tony" Hill, Sr.*
s/Dennis L. Jones	*s/James E. "Jim" King, Jr.*
s/Ron Klein	*s/Alfred "Al" Lawson, Jr.*
s/Evelyn J. Lynn	*s/Gwen Margolis*
s/Lesley "Les" Miller, Jr.	*s/Durell Peaden, Jr.*
s/Ken Pruitt	*s/Nan Rich*
s/Burt L. Saunders	*s/Jim Sebesta*
s/Gary Siplin	*s/Rod Smith*
s/J. Alex Villalobos	*s/Daniel Webster*
s/Frederica S. Wilson	*s/Stephen R. Wise*

Managers on the part of the Senate

s/Joe Negron	*s/Sandra "Sandy" Adams*
Vice Chair	*s/Thad Altman*
s/Rafael "Ralph" Arza	*s/Frank Attkisson*
s/Loranne Ausley	*s/Gustavo A. Barreiro*
s/Dennis K. Baxley	*s/Aaron P. Bean*
Dorothy Bendross-Mindingall	*s/Anna Holliday "Holly" Benson*
s/Kimberly Berfield	*s/Gus Michael Bilirakis*
s/Ellyn Setnor Bogdanoff	*s/Marsha L. "Marty" Bowen*
s/Donald D. "Don" Brown	*s/Frederick C. "Fred" Brummer*
s/Dean Cannon	*s/Jennifer "JC" Carroll*
s/Donna Clarke	*s/Joyce Cusack*
s/Don Davis	*s/Mike Davis*
s/Greg Evers	*s/Frank Farkas*
s/Anitere Flores	*s/Bill Galvano*
s/Anne M. "Annie" Gannon	*s/Rene Garcia*
s/Andy Gardiner	*s/Dan Gelber*
s/Hugh H. Gibson III	*s/J. Dudley Goodlette*
s/Ron L. Greenstein	*s/Adam Hasner*
s/Alan D. Hays	*s/Edward L. "Ed" Jennings, Jr.*
s/Arthenia L. Joyner	*s/Charlie Justice*
s/Will S. Kendrick	*s/Jeffrey D. "Jeff" Kottkamp*
Dick Kravitz	*s/Kenneth W. "Ken" Littlefield*
s/Marcelo Llorente	*s/Richard A. Machek*
s/Mark Mahon	*s/Stan Mayfield*
s/David J. Mealor	*s/Dave Murzin*
s/Mitch Needelman	*s/Pat Patterson*
s/Joe H. Pickens	*s/Juan-Carlos "J.C." Planas*
s/L. Ralph Poppell	*s/John "Q" Quinones*
s/Ron Reagan	*s/Curtis B. Richardson*
David Rivera	*s/Yolly Roberson*
s/Marco Rubio	*s/Timothy M. "Tim" Ryan*
s/Franklin Sands	*s/Ray Sansom*
s/John P. "Jack" Seiler	*s/David Simmons*
s/Eleanor Sobel	*s/Dwight Stansel*
s/A. Trey Traviesa	*s/Baxter G. Troutman*
s/Shelley Vana	*s/Leslie Waters*

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (f) is added to subsection (1) of section 376.307, Florida Statutes, to read:

376.307 Water Quality Assurance Trust Fund.—

(1) The Water Quality Assurance Trust Fund is intended to serve as a broad-based fund for use in responding to incidents of contamination that pose a serious danger to the quality of groundwater and surface water resources or otherwise pose a serious danger to the public health, safety, or welfare. Moneys in this fund may be used:

(f) For activities by the department to administer brownfield sites.

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Water Quality Assurance Trust Fund; amending s. 376.307, F.S.; authorizing the Department of Environmental Protection to use certain funds for brownfield activities; providing an effective date.

On motion by Senator Clary, the Conference Committee Report was adopted and **CS for SB 392** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 388

The Honorable Tom Lee May 5, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 388, same being:

An act relating to Student Financial Aid; authorizes deposit of funds appropriated by Legislature for student financial assistance into State Student Financial Assistance Trust Fund; eliminates requirement that funds appropriated for William L. Boyd, IV, Florida Resident Access Grant Program be deposited into such trust fund.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton	*s/Nancy Argenziano*
Chair	*s/JD Alexander*
s/Dave Aronberg	*s/Carey Baker*
s/Michael S. "Mike" Bennett	*s/Larcenia J. Bullard*
s/Charlie Clary	*s/Lee Constantine*
s/Victor D. Crist	*s/M. Mandy Dawson*
s/Paula Dockery	*s/Mike Fasano*
s/Rudy Garcia	*s/Anthony C. "Tony" Hill, Sr.*
s/Dennis L. Jones	*s/James E. "Jim" King, Jr.*
s/Ron Klein	*s/Alfred "Al" Lawson, Jr.*
s/Evelyn J. Lynn	*s/Gwen Margolis*
s/Lesley "Les" Miller, Jr.	*s/Durell Peaden, Jr.*
s/Ken Pruitt	*s/Nan Rich*
s/Burt L. Saunders	*s/Jim Sebesta*

s/Gary Siplin *s/Rod Smith*
s/J. Alex Villalobos *s/Daniel Webster*
s/Frederica S. Wilson *s/Stephen R. Wise*

Managers on the part of the Senate

s/Joe Negron *s/Sandra "Sandy" Adams*
Vice Chair
s/Rafael "Ralph" Arza *s/Thad Altman*
s/Loranne Ausley *s/Frank Attkisson*
s/Dennis K. Baxley *s/Gustavo A. Barreiro*
s/Dorothy Bendross-Mindingall *s/Aaron P. Bean*
s/Kimberly Berfield *s/Anna Holliday "Holly" Benson*
s/Ellyn Setnor Bogdanoff *s/Gus Michael Bilirakis*
s/Donald D. "Don" Brown *s/Marsha L. "Marty" Bowen*
s/Dean Cannon *s/Frederick C. "Fred" Brummer*
s/Donna Clarke *s/Jennifer "JC" Carroll*
s/Don Davis *s/Joyce Cusack*
s/Greg Evers *s/Mike Davis*
s/Anitere Flores *s/Frank Farkas*
s/Anne M. "Annie" Gannon *s/Bill Galvano*
s/Andy Gardiner *s/Rene Garcia*
s/Hugh H. Gibson III *s/Dan Gelber*
s/Ron L. Greenstein *s/J. Dudley Goodlette*
s/Alan D. Hays *s/Adam Hasner*
s/Arthenia L. Joyner *s/Edward L. "Ed" Jennings, Jr.*
s/Will S. Kendrick *s/Charlie Justice*
Dick Kravitz *s/Jeffrey D. "Jeff" Kottkamp*
s/Marcelo Llorente *s/Kenneth W. "Ken" Littlefield*
s/Mark Mahon *s/Richard A. Machek*
s/David J. Mealor *s/Stan Mayfield*
s/Mitch Needelman *s/Dave Murzin*
s/Joe H. Pickens *s/Pat Patterson*
s/L. Ralph Poppell *s/Juan-Carlos "J.C." Planas*
s/Ron Reagan *s/John "Q" Quinones*
David Rivera *s/Curtis B. Richardson*
s/Marco Rubio *s/Yolly Roberson*
s/Franklin Sands *s/Timothy M. "Tim" Ryan*
s/John P. "Jack" Seiler *s/Ray Sansom*
s/Eleanor Sobel *s/David Simmons*
s/A. Trey Traviesa *s/Dwight Stansel*
s/Shelley Vana *s/Baxter G. Troutman*
s/Leslie Waters

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (6) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(a) The school board in each county may levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

. . . . FOR THE . . . . CENTS TAX
. . . . AGAINST THE . . . . CENTS TAX

(c) The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses.

(d) Any school board imposing the surtax shall implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least 3 years from the date of imposition of the surtax. This provision shall not apply to existing debt service or ~~required state~~ taxes *authorized in the General Appropriations Act*.

(e) Surtax revenues collected by the Department of Revenue pursuant to this subsection shall be distributed to the school board imposing the surtax in accordance with law.

Section 2. Paragraph (a) of subsection (5) of section 411.01, Florida Statutes, as amended by section 2 of chapter 2004-484, Laws of Florida, is amended to read:

411.01 School readiness programs; early learning coalitions.—

(5) CREATION OF EARLY LEARNING COALITIONS.—

(a) Early learning coalitions.—

1. The Agency for Workforce Innovation shall establish the minimum number of children to be served by each early learning coalition through the coalition's school readiness program. The Agency for Workforce Innovation may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every early learning coalition and must:

a. Permit 30 or fewer coalitions to be established; and

b. Require each coalition to serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months.

The Agency for Workforce Innovation shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. Each early learning coalition must comply with the merger procedures and shall be organized in accordance with this subparagraph by April 1, 2005. By June 30, 2005, each coalition must complete the transfer of powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the successor coalition, if applicable.

2. If an early learning coalition would serve fewer children than the minimum number established under subparagraph 1., the coalition must merge with another county to form a multicounty coalition. However, the Agency for Workforce Innovation may authorize an early learning coalition to serve fewer children than the minimum number established under subparagraph 1., if:

a. The coalition demonstrates to the Agency for Workforce Innovation that merging with another county or multicounty region contiguous to the coalition would cause an extreme hardship on the coalition;

b. The Agency for Workforce Innovation has determined during the most recent annual review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(l), that the coalition has substantially implemented its plan and substantially met the performance standards and outcome measures adopted by the agency; and

c. The coalition demonstrates to the Agency for Workforce Innovation the coalition's ability to effectively and efficiently implement the Voluntary Prekindergarten Education Program.

If an early learning coalition fails or refuses to merge as required by this subparagraph, the Agency for Workforce Innovation may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the coalition is reestablished through resubmission of a school readiness plan and approval by the agency.

3. Notwithstanding the provisions of subparagraphs 1. and 2., the early learning coalitions in Sarasota, Osceola, and Santa Rosa Counties which were in operation on January 1, 2005, are established and authorized to continue operation as independent coalitions, and shall not be counted within the limit of 30 coalitions established in subparagraph 1.

4.~~3.~~ Each early learning coalition shall be composed of at least 18 members but not more than 35 members. The Agency for Workforce Innovation shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to an early learning coalition. These standards must include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

5.~~4.~~ The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as private-sector business members appointed by the coalition under subparagraph *7.* ~~6.~~

6.~~5.~~ Each early learning coalition must include the following members:

a. A Department of Children and Family Services district administrator or his or her designee who is authorized to make decisions on behalf of the department.

b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district, who shall be a nonvoting member.

c. A regional workforce board executive director or his or her designee.

d. A county health department director or his or her designee.

e. A children's services council or juvenile welfare board chair or executive director, if applicable, who shall be a nonvoting member if the council or board is the fiscal agent of the coalition or if the council or board contracts with and receives funds from the coalition.

f. An agency head of a local licensing agency as defined in s. 402.302, where applicable.

g. A president of a community college or his or her designee.

h. One member appointed by a board of county commissioners.

i. A central agency administrator, where applicable, who shall be a nonvoting member.

j. A Head Start director, who shall be a nonvoting member.

k. A representative of private child care providers, including family day care homes, who shall be a nonvoting member.

l. A representative of faith-based child care providers, who shall be a nonvoting member.

m. A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act, who shall be a nonvoting member.

7.~~6.~~ Including the members appointed by the Governor under subparagraph *5.* ~~4.~~, more than one-third of the members of each early learning coalition must be private-sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the coalition's school readiness program. To meet this requirement an early learning coalition must appoint additional members from a list of nominees submitted to the coalition by a chamber of commerce or economic development council within the geographic region served by the coalition. The Agency for Workforce Innovation shall establish criteria for appointing private-sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program.

8.~~7.~~ A majority of the voting membership of an early learning coalition constitutes a quorum required to conduct the business of the coalition.

9.~~8.~~ A voting member of an early learning coalition may not appoint a designee to act in his or her place, except as otherwise provided in this paragraph. A voting member may send a representative to coalition meetings, but that representative does not have voting privileges. When a district administrator for the Department of Children and Family Services appoints a designee to an early learning coalition, the designee is the voting member of the coalition, and any individual attending in the designee's place, including the district administrator, does not have voting privileges.

10.~~9.~~ Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists.

11.~~10.~~ For purposes of tort liability, each member or employee of an early learning coalition shall be governed by s. 768.28.

12.~~11.~~ An early learning coalition serving a multicounty region must include representation from each county.

13.~~12.~~ Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

Section 3. Subsection (1) and paragraph (a) of subsection (2) of section 1001.451, Florida Statutes, are amended to read:

1001.451 Regional consortium service organizations.—In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(1) School districts with 20,000 or fewer unweighted full-time equivalent students*, developmental research (laboratory) schools established pursuant to s. 1002.32, and the Florida School for the Deaf and the Blind* may enter into cooperative agreements to form a regional consortium service organization. Each regional consortium service organization shall provide, at a minimum, three of the following services: exceptional student education; teacher education centers; environmental education; federal grant procurement and coordination; data processing; health insurance; risk management insurance; staff development; purchasing; or planning and accountability.

(2)(a) Each regional consortium service organization that consists of four or more school districts is eligible to receive, through the Department of Education, an incentive grant of *$50,000* ~~$25,000~~ per school district *and eligible member* to be used for the delivery of services within the participating school districts.

Section 4. Subsection (3) of section 1002.71, Florida Statutes, as created by section 1 of chapter 2004-484, Laws of Florida, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(3)(a) The base student allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be provided in the General Appropriations Act and shall be equal for each student, regardless of whether the student is enrolled in a school-year prekindergarten program delivered by a private prekindergarten provider, a summer prekindergarten program delivered by a public school or private prekindergarten provider, or a school-year prekindergarten program delivered by a public school.

(b) Each county's allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated an-

nually by multiplying the base student allocation provided in the General Appropriations Act by the county's district cost differential provided in s. 1011.62(2). Each private prekindergarten provider and public school shall be paid in accordance with the county's allocation per full-time equivalent student.

(c) The initial allocation shall be based on estimated student enrollment in each coalition service area. The Agency for Workforce Innovation shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area.

Section 5. Subsection (5) of section 1009.50, Florida Statutes, is amended to read:

1009.50 Florida Public Student Assistance Grant Program; eligibility for grants.—

(5) Funds appropriated by the Legislature for state student assistance grants *may* ~~shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year *which* ~~that~~ has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

Section 6. Subsection (5) of section 1009.51, Florida Statutes, is amended to read:

1009.51 Florida Private Student Assistance Grant Program; eligibility for grants.—

(5) Funds appropriated by the Legislature for Florida private student assistance grants *may* ~~shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year *which* ~~that~~ has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

Section 7. Subsection (6) of section 1009.52, Florida Statutes, is amended to read:

1009.52 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(6) Funds appropriated by the Legislature for Florida postsecondary student assistance grants *may* ~~shall~~ be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year *which* ~~that~~ has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

Section 8. Subsection (6) of section 1009.89, Florida Statutes, is amended to read:

1009.89 The William L. Boyd, IV, Florida resident access grants.—

(6) ~~Funds appropriated by the Legislature for the William L. Boyd, IV, Florida Resident Access Grant Program shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year which has been allocated to the William L. Boyd, IV, Florida Resident Access Grant Program shall remain therein and shall be available for carrying out the purposes of this section.~~ If the number of eligible students exceeds the total authorized in the General Appropriations Act, an institution may use its own resources to assure that each eligible student receives the full benefit of the grant amount authorized.

Section 9. Section 1010.72, Florida Statutes, is amended to read:

1010.72 Dale Hickam Excellent Teaching Program Trust Fund.—The Dale Hickam Excellent Teaching Program Trust Fund is created to be administered by the Department of Education. Funds *may* ~~must~~ be credited to the trust fund as provided in chapter 98-309, Laws of Florida, to be used for the purposes set forth therein.

Section 10. Paragraph (c) of subsection (6) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(6) DETERMINATION OF SPARSITY SUPPLEMENT.—

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count.;

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count.;

3. A total potential funds per FTE for each district shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for each district by its FTE student count.

4. A state average total potential funds per FTE shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for all districts by the state total FTE student count.

5.~~3.~~ For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1. *However, no district shall have a sparsity wealth adjustment that, when applied to the total potential funds calculated in subparagraph 3., would cause the district's total potential funds per FTE to be less than the state average calculated in subparagraph 4.*;

6.~~4.~~ Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

Section 11. Subsection (1) of section 1011.94, Florida Statutes, is amended to read:

1011.94 Trust Fund for University Major Gifts.—

(1) There is established a Trust Fund for University Major Gifts. The purpose of the trust fund is to enable each university and New College to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments and sales tax exemption matching funds received pursuant to s. 212.08(5)(j), which must be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by the State Board of Education. All funds appropriated for the challenge grants, new donors, major gifts, sales tax exemption matching funds pursuant to s. 212.08(5)(j), or eminent scholars program *may* ~~must~~ be deposited into the trust fund and invested pursuant to s. 17.61 until the State Board of Education allocates the funds to universities to match private donations. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund which is not matched and distributed to universities must remain in the trust fund and be used to increase the total funds available for challenge grants. Funds deposited in the trust fund for the sales tax exemption matching program authorized in s. 212.08(5)(j), and interest earnings thereon, shall be maintained in a separate account within the Trust Fund for University Major Gifts, and may be used only to match qualified sales tax exemptions that a certified business designates for use by state universities and community colleges to support research and development projects requested by the certified business. The State Board of Education may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 1011.45.

Section 12. Subsections (1) and (3) of section 1013.79, Florida Statutes, are amended to read:

1013.79 University Facility Enhancement Challenge Grant Program.—

(1) The Legislature recognizes that the universities do not have sufficient physical facilities to meet the current demands of their instructional and research programs. It further recognizes that, to strengthen and enhance universities, it is necessary to provide facilities in addition to those currently available from existing revenue sources. It further recognizes that there are sources of private support that, if matched with state support, can assist in constructing much-needed facilities and strengthen the commitment of citizens and organizations in promoting excellence throughout the state universities. Therefore, it is the intent of the Legislature to establish a trust fund to provide the opportunity for each university to receive *support for* ~~and match~~ challenge grants for instructional and research-related capital facilities within the university.

(3) There is established the Alec P. Courtelis Capital Facilities Matching Trust Fund for the purpose of providing matching funds from private contributions for the development of high priority instructional and research-related capital facilities, including common areas connecting such facilities, within a university. The Legislature *may* ~~shall~~ appropriate funds to be transferred to the trust fund. The Public Education Capital Outlay and Debt Service Trust Fund, Capital Improvement Trust Fund, Division of Sponsored Research Trust Fund, and Contracts and Grants Trust Fund shall not be used as the source of the state match for private contributions. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 17.61. Interest income accruing to that portion of the trust fund shall increase the total funds available for the challenge grant program. Interest income accruing from the private donations shall be returned to the participating foundation upon completion of the project. The State Board of Education shall administer the trust fund and all related construction activities.

Section 13. *Subsection (2) of section 1008.31 and section 1012.231, Florida Statutes, are repealed.*

Section 14. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to education funding; amending s. 212.055, F.S., relating to the school capital outlay surtax; providing that a required freeze on certain taxes does not apply to taxes authorized in the General Appropriations Act; amending s. 411.01, F.S.; authorizing certain specified counties or school districts to operate early learning coalitions, notwithstanding other provisions of law; amending s. 1001.451, F.S.; authorizing developmental research schools and the Florida School for the Deaf and the Blind to enter into agreements to form a regional consortium service organization; revising the amount of the award of an incentive grant to a regional consortium service organization; amending s. 1002.71, F.S.; providing for the initial allocation of student funding for the Voluntary Prekindergarten Education Program to be based on estimated student enrollment; amending ss. 1009.50, 1009.51, and 1009.52, F.S.; authorizing the deposit of funds appropriated by the Legislature for student financial assistance into the State Student Financial Assistance Trust Fund; amending s. 1009.89, F.S.; eliminating a requirement that funds appropriated for the William L. Boyd, IV, Florida Resident Access Grant Program be deposited into such trust fund; amending s. 1010.72, F.S.; authorizing funds to be credited to the Dale Hickam Excellent Teaching Program Trust Fund; amending s. 1011.62, F.S., relating to funds for the operation of schools; revising provisions relating to the manner in which each school district's allocation of sparsity supplement funds shall be adjusted; amending s. 1011.94, F.S.; authorizing funds to be deposited in the Trust Fund for University Major Gifts; amending s. 1013.79, F.S.; authorizing the appropriation of funds to be transferred to the Alec P. Courtelis Capital Facilities Matching Trust Fund; repealing ss. 1008.31(2) and 1012.231, F.S., relating to performanced-based funding and the BEST Florida Teaching salary career ladder program; providing an effective date.

On motion by Senator Alexander, the Conference Committee Report was adopted and **CS for SB 388** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 394

The Honorable Tom Lee May 5, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 394, same being:

An act relating to Enforcement of Farm Labor Laws; requires that moneys to enforce farm labor laws be transferred to Professional Regulation Trust Fund from Workers' Compensation Administration Trust Fund within Financial Services Dept.; authorized appropriation of moneys for such purpose.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton	*s/Nancy Argenziano*
Chair	*s/JD Alexander*
s/Dave Aronberg	*s/Carey Baker*
s/Michael S. "Mike" Bennett	*s/Larcenia J. Bullard*
s/Charlie Clary	*s/Lee Constantine*
s/Victor D. Crist	*s/M. Mandy Dawson*
s/Paula Dockery	*s/Mike Fasano*
s/Rudy Garcia	*s/Anthony C. "Tony" Hill, Sr.*
s/Dennis L. Jones	*s/James E. "Jim" King, Jr.*
s/Ron Klein	*s/Alfred "Al" Lawson, Jr.*
s/Evelyn J. Lynn	*s/Gwen Margolis*
s/Lesley "Les" Miller, Jr.	*s/Durell Peaden, Jr.*
s/Ken Pruitt	*s/Nan Rich*
s/Burt L. Saunders	*s/Jim Sebesta*
s/Gary Siplin	*s/Rod Smith*
s/J. Alex Villalobos	*s/Daniel Webster*
s/Frederica S. Wilson	*s/Stephen R. Wise*

Managers on the part of the Senate

s/Joe Negron	*s/Sandra "Sandy" Adams*
Vice Chair	*s/Thad Altman*
s/Rafael "Ralph" Arza	*s/Frank Attkisson*
s/Loranne Ausley	*s/Gustavo A. Barreiro*
s/Dennis K. Baxley	*s/Aaron P. Bean*
s/Dorothy Bendross-Mindingall	*s/Anna Holliday "Holly" Benson*
s/Kimberly Berfield	*s/Gus Michael Bilirakis*
s/Ellyn Setnor Bogdanoff	*s/Marsha L. "Marty" Bowen*
s/Donald D. "Don" Brown	*s/Frederick C. "Fred" Brummer*

s/Dean Cannon *s/Jennifer "JC" Carroll*
s/Donna Clarke *s/Joyce Cusack*
s/Don Davis *s/Mike Davis*
s/Greg Evers *s/Frank Farkas*
s/Anitere Flores *s/Bill Galvano*
s/Anne M. "Annie" Gannon *s/Rene Garcia*
s/Andy Gardiner *s/Dan Gelber*
s/Hugh H. Gibson III *s/J. Dudley Goodlette*
s/Ron L. Greenstein *s/Adam Hasner*
s/Alan D. Hays *s/Edward L. "Ed" Jennings, Jr.*
s/Arthenia L. Joyner *s/Charlie Justice*
s/Will S. Kendrick *s/Jeffrey D. "Jeff" Kottkamp*
Dick Kravitz *s/Kenneth W. "Ken" Littlefield*
s/Marcelo Llorente *s/Richard A. Machek*
s/Mark Mahon *s/Stan Mayfield*
s/David J. Mealor *s/Dave Murzin*
s/Mitch Needelman *s/Pat Patterson*
s/Joe H. Pickens *s/Juan-Carlos "J.C." Planas*
s/L. Ralph Poppell *s/John "Q" Quinones*
s/Ron Reagan *s/Curtis B. Richardson*
s/David Rivera *s/Yolly Roberson*
s/Marco Rubio *s/Timothy M. "Tim" Ryan*
s/Franklin Sands *s/Ray Sansom*
s/John P. "Jack" Seiler *s/David Simmons*
s/Eleanor Sobel *s/Dwight Stansel*
s/A. Trey Traviesa *s/Baxter G. Troutman*
s/Shelley Vana *s/Leslie Waters*

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (8) is added to section 450.38, Florida Statutes, to read:

450.38 Enforcement of farm labor laws.—

(8) Moneys for the enforcement of the farm labor laws shall be transferred to the Professional Regulation Trust Fund from the Workers' Compensation Administration Trust Fund of the Department of Financial Services.

Section 2. *In addition to the purpose of the Workers' Compensation Administration Trust Fund specified in section 440.50(1)(a), Florida Statutes, moneys in the Workers' Compensation Administration Trust Fund in the Department of Financial Services may also be appropriated to fund the enforcement of farm labor laws by the Department of Business and Professional Regulation.*

Section 3. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the enforcement of farm labor laws; amending s. 450.38, F.S.; requiring that moneys to enforce farm labor laws be transferred to the Professional Regulation Trust Fund from the Workers' Compensation Administration Trust Fund within the Department of Financial Services; authorizing the appropriation of moneys for such purpose; providing an effective date.

On motion by Senator Clary, the Conference Committee Report was adopted and **CS for SB 394** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—39

Alexander	Clary	Haridopolos
Argenziano	Constantine	Hill
Aronberg	Crist	Jones
Atwater	Dawson	King
Baker	Diaz de la Portilla	Klein
Bennett	Dockery	Lawson
Bullard	Fasano	Lynn
Campbell	Garcia	Margolis
Carlton	Geller	Miller
Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 400

The Honorable Tom Lee May 4, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 400, same being:

An act relating to Procurement/Commodities/Contracts; requires that DMS compensate provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requires that provider report transaction data to dept.; requires that fees due to state on transactional basis or a fixed percentage of savings generated be deposited into State Treasury; requires vendor pay interest on balance of fees remaining due and unpaid.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton *s/Nancy Argenziano*
Chair *s/JD Alexander*
s/Dave Aronberg *s/Carey Baker*
s/Michael S. "Mike" Bennett *s/Larcenia J. Bullard*
s/Charlie Clary *s/Lee Constantine*
s/Victor D. Crist *s/M. Mandy Dawson*
s/Paula Dockery *s/Mike Fasano*
s/Rudy Garcia *s/Anthony C. "Tony" Hill, Sr.*
s/Dennis L. Jones *s/James E. "Jim" King, Jr.*
s/Ron Klein *s/Alfred "Al" Lawson, Jr.*
s/Evelyn J. Lynn *s/Gwen Margolis*
s/Lesley "Les" Miller, Jr. *s/Durell Peaden, Jr.*
s/Ken Pruitt *s/Nan Rich*
s/Burt L. Saunders *s/Jim Sebesta*
s/Gary Siplin *s/Rod Smith*
s/J. Alex Villalobos *s/Daniel Webster*
s/Frederica S. Wilson *s/Stephen R. Wise*

Managers on the part of the Senate

s/Joe Negron *s/Sandra "Sandy" Adams*
Vice Chair *s/Thad Altman*
s/Rafael "Ralph" Arza *s/Frank Attkisson*
s/Loranne Ausley *s/Gustavo A. Barreiro*
s/Dennis K. Baxley *s/Aaron P. Bean*
s/Dorothy Bendross-Mindingall *s/Anna Holliday "Holly" Benson*
s/Kimberly Berfield *s/Gus Michael Bilirakis*
s/Ellyn Setnor Bogdanoff *s/Marsha L. "Marty" Bowen*
s/Donald D. "Don" Brown *s/Frederick C. "Fred" Brummer*
s/Dean Cannon *s/Jennifer "JC" Carroll*
s/Donna Clarke *s/Joyce Cusack*
s/Don Davis *s/Mike Davis*
s/Greg Evers *s/Frank Farkas*
s/Anitere Flores *s/Bill Galvano*
s/Anne M. "Annie" Gannon *s/Rene Garcia*
s/Andy Gardiner *s/Dan Gelber*
s/Hugh H. Gibson III *s/J. Dudley Goodlette*
s/Ron L. Greenstein *s/Adam Hasner*
s/Alan D. Hays *s/Edward L. "Ed" Jennings, Jr.*
s/Arthenia L. Joyner *s/Charlie Justice*

s/Will S. Kendrick
Dick Kravitz
s/Marcelo Llorente
s/Mark Mahon
s/David J. Mealor
s/Mitch Needelman
s/Joe H. Pickens
s/L. Ralph Poppell
s/Ron Reagan
David Rivera
s/Marco Rubio
s/Franklin Sands
s/John P. "Jack" Seiler
s/Eleanor Sobel
s/A. Trey Traviesa
s/Shelley Vana
s/Jeffrey D. "Jeff" Kottkamp
s/Kenneth W. "Ken" Littlefield
s/Richard A. Machek
s/Stan Mayfield
s/Dave Murzin
s/Pat Patterson
s/Juan-Carlos "J.C." Planas
s/John "Q" Quinones
s/Curtis B. Richardson
s/Yolly Roberson
s/Timothy M. "Tim" Ryan
s/Ray Sansom
s/David Simmons
s/Dwight Stansel
s/Baxter G. Troutman
s/Leslie Waters

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (23) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(23)

(c)*1.* The department may *impose and shall* collect *all* fees for the use of the on-line procurement systems. *Such* ~~The~~ fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of such services, including administrative and project service costs in accordance with the policies of the department. *All fees and surcharges collected under this paragraph shall be deposited in the Grants and Donations Trust Fund as provided by law.*

2. If the department contracts with a provider for on-line procurement, the department, pursuant to appropriation, shall compensate the provider from such fees after the department has satisfied all ongoing costs. The provider shall report transaction data to the department each month so that the department may determine the amount due and payable to the department from each vendor.

3. All fees that are due and payable to the state on a transactional basis or as a fixed percentage of the cost savings generated are subject to s. 215.31 and must be remitted within 40 days after receipt of payment for which such fees are due. For any fees that are not remitted within 40 days, the vendor shall pay interest at the rate established under s. 55.03(1) on the unpaid balance from the expiration of the 40-day period until the fees are remitted. ~~For the purposes of compensating the provider, the department may authorize the provider to collect and retain a portion of the fees. The providers may withhold the portion retained from the amount of fees to be remitted to the department. The department may negotiate the retainage as a percentage of such fees charged to users, as a flat amount, or as any other method the department deems feasible. All fees and surcharges collected under this paragraph shall be deposited in the Grants and Donation Trust Fund as provided by law.~~

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

On motion by Senator Clary, the Conference Committee Report was adopted and **CS for SB 400** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR CS FOR SB 404

The Honorable Tom Lee
President of the Senate

May 5, 2005

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for CS for SB 404, same being:

An act relating to Health Care; delays provisions requiring nursing home staffing increase; revises guidelines re: reimbursement of Medicaid providers; revises Medicaid prescribed drug spending control program; directs AHCA to implement, & authorizes it to seek federal waivers for, program of all-inclusive care for children; requires AHCA to publish managed care reimbursement rates annually, etc.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton
Chair
s/Dave Aronberg
s/Michael S. "Mike" Bennett
s/Charlie Clary
s/Victor D. Crist
s/Paula Dockery
s/Rudy Garcia
s/Dennis L. Jones
s/Ron Klein
s/Evelyn J. Lynn
s/Lesley "Les" Miller, Jr.
s/Ken Pruitt
s/Burt L. Saunders
s/Gary Siplin
s/J. Alex Villalobos
s/Frederica S. Wilson
s/Nancy Argenziano
s/JD Alexander
s/Carey Baker
s/Larcenia J. Bullard
s/Lee Constantine
s/M. Mandy Dawson
s/Mike Fasano
s/Anthony C. "Tony" Hill, Sr.
s/James E. "Jim" King, Jr.
s/Alfred "Al" Lawson, Jr.
s/Gwen Margolis
s/Durell Peaden, Jr.
s/Nan Rich
s/Jim Sebesta
s/Rod Smith
s/Daniel Webster
s/Stephen R. Wise

Managers on the part of the Senate

s/Joe Negron
Vice Chair
s/Rafael "Ralph" Arza
s/Loranne Ausley
s/Dennis K. Baxley
s/Dorothy Bendross-Mindingall
s/Sandra "Sandy" Adams
s/Thad Altman
s/Frank Attkisson
s/Gustavo A. Barreiro
s/Aaron P. Bean
s/Anna Holliday "Holly" Benson

s/Kimberly Berfield
s/Ellyn Setnor Bogdanoff
s/Donald D. "Don" Brown
s/Dean Cannon
s/Donna Clarke
s/Don Davis
s/Greg Evers
s/Anitere Flores
s/Anne M. "Annie" Gannon
s/Andy Gardiner
s/Hugh H. Gibson III
s/Ron L. Greenstein
s/Alan D. Hays
s/Arthenia L. Joyner
s/Will S. Kendrick
Dick Kravitz
s/Marcelo Llorente
s/Mark Mahon
s/David J. Mealor
s/Mitch Needelman
s/Joe H. Pickens
s/L. Ralph Poppell
s/Ron Reagan
s/David Rivera
s/Marco Rubio
s/Franklin Sands
s/John P. "Jack" Seiler
s/Eleanor Sobel
s/A. Trey Traviesa
s/Shelley Vana
s/Gus Michael Bilirakis
s/Marsha L. "Marty" Bowen
s/Frederick C. "Fred" Brummer
s/Jennifer "JC" Carroll
s/Joyce Cusack
s/Mike Davis
s/Frank Farkas
s/Bill Galvano
s/Rene Garcia
s/Dan Gelber
s/J. Dudley Goodlette
s/Adam Hasner
s/Edward L. "Ed" Jennings, Jr.
s/Charlie Justice
s/Jeffrey D. "Jeff" Kottkamp
s/Kenneth W. "Ken" Littlefield
s/Richard A. Machek
s/Stan Mayfield
s/Dave Murzin
s/Pat Patterson
s/Juan-Carlos "J.C." Planas
s/John "Q" Quinones
s/Curtis B. Richardson
s/Yolly Roberson
s/Timothy M. "Tim" Ryan
s/Ray Sansom
s/David Simmons
s/Dwight Stansel
s/Baxter G. Troutman
s/Leslie Waters

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 393.0661, Florida Statutes, is amended to read:

393.0661 Home and community-based services delivery system; comprehensive redesign.—The Legislature finds that the home and community-based services delivery system for persons with developmental disabilities and the availability of appropriated funds are two of the critical elements in making services available. Therefore, it is the intent of the Legislature that the Agency for Persons with Disabilities shall develop and implement a comprehensive redesign of the system.

(1) The redesign of the home and community-based services system shall include, at a minimum, all actions necessary to achieve an appropriate rate structure, client choice within a specified service package, appropriate assessment strategies, an efficient billing process that contains reconciliation and monitoring components, a redefined role for support coordinators that avoids potential conflicts of interest, and ensures that family/client budgets are linked to levels of need.

(a) The agency shall use an assessment instrument that is reliable and valid. The agency may contract with an external vendor or may use support coordinators to complete client assessments if it develops sufficient safeguards and training to ensure ongoing inter-rater reliability.

(b) The agency, with the concurrence of the Agency for Health Care Administration, may contract for the determination of medical necessity and establishment of individual budgets.

(2) A provider of services rendered to persons with developmental disabilities pursuant to a federally approved waiver shall be reimbursed according to a rate methodology based upon an analysis of the expenditure history and prospective costs of providers participating in the waiver program, or under any other methodology developed by the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, and approved by the Federal Government in accordance with the waiver.

~~(3) Pending the adoption of rate methodologies pursuant to nonemergency rulemaking under s. 120.54, the Agency for Health Care Administration may, at any time, adopt emergency rules under s. 120.54(4) in order to comply with subsection (4). In adopting such emergency rules, the agency need not make the findings required by s. 120.54(4)(a), and such rules shall be exempt from time limitations provided in s. 120.54(4)(c) and shall remain in effect until replaced by another emergency rule or the nonemergency adoption of the rate methodology.~~

(3)~~(4)~~ Nothing in this section or in any administrative rule shall be construed to prevent or limit the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or from limiting enrollment, or making any other adjustment necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act. If at any time, based upon an analysis by the Agency for Health Care Administration in consultation with the Agency for Persons with Disabilities, the cost of home and community-based waiver services are expected to exceed the appropriated amount, the Agency for Health Care Administration may implement any adjustment, including provider rate reductions, within 30 days in order to remain within the appropriation.

Section 2. Paragraph (a) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)(a) The agency shall adopt rules providing ~~for the~~ minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.9 hours of direct care per resident per day beginning July 1, *2006* ~~2005~~. Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses ~~so recognized~~ are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted toward the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and ~~shall~~ not also be counted toward the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

Section 3. Subsection (4) of section 408.034, Florida Statutes, is amended to read:

408.034 Duties and responsibilities of agency; rules.—

(4) Prior to determining that there is a need for additional community nursing facility beds in any area of the state, the agency shall determine that the need cannot be met through the provision, enhancement, or expansion of home and community-based services. In determining such need, the agency shall examine nursing home placement patterns and demographic patterns of persons entering nursing homes and the availability of and effectiveness of existing home-based and community-based service delivery systems at meeting the long-term care needs of the population. The agency shall recommend to the *Legislature* ~~Office of Long-Term Care Policy~~ changes that could be made to existing home-based and community-based delivery systems to lessen the need for additional nursing facility beds.

Section 4. Subsection (5) of section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The agency shall make payments for medical assistance and related services on

behalf of the following persons who the department, or the Social Security Administration by contract with the Department of Children and Family Services, determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(5) A pregnant woman for the duration of her pregnancy and for the postpartum period as defined in federal law and rule, or a child under age 1, if either is living in a family that has an income which is at or below 150 percent of the most current federal poverty level, or, effective January 1, 1992, that has an income which is at or below 185 percent of the most current federal poverty level. Such a person is not subject to an assets test. Further, a pregnant woman who applies for eligibility for the Medicaid program through a qualified Medicaid provider must be offered the opportunity, subject to federal rules, to be made presumptively eligible for the Medicaid program. ~~Effective July 1, 2005, eligibility for Medicaid services is eliminated for women who have incomes above 150 percent of the most current federal poverty level.~~

Section 5. Subsections (1) and (2) of section 409.904, Florida Statutes, are amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1)*(a) From July 1, 2005, through December 31, 2005,* a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of federal poverty level, and whose assets do not exceed established limitations.

(b) Effective January 1, 2006, and subject to federal waiver approval, a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of the federal poverty level, whose assets do not exceed established limitations, and who is not eligible for Medicare or, if eligible for Medicare, is also eligible for and receiving Medicaid-covered institutional care services, hospice services, or home and community-based services. The agency shall seek federal authorization through a waiver to provide this coverage.

(2) A family, a pregnant woman, a child under age 21, a person age 65 or over, or a blind or disabled person, who would be eligible under any group listed in s. 409.903(1), (2), or (3), except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A family or person eligible under the coverage known as the "medically needy," is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled. ~~Effective July 1, 2005, the medically needy are eligible for prescribed drug services only.~~

Section 6. Paragraph (b) of subsection (1) of section 409.906, Florida Statutes, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(1) ADULT DENTAL SERVICES.—

(b) Beginning January 1, 2005, the agency may pay for dentures, the procedures required to seat dentures, and the repair and reline of dentures, provided by or under the direction of a licensed dentist, for a recipient who is 21 years of age or older. ~~This paragraph is repealed effective July 1, 2005.~~

Section 7. *Effective January 1, 2006, section 409.9065, Florida Statutes, is repealed.*

Section 8. Subsection (2) of section 409.907, Florida Statutes, is amended to read:

409.907 Medicaid provider agreements.—The agency may make payments for medical assistance and related services rendered to Medicaid recipients only to an individual or entity who has a provider agreement in effect with the agency, who is performing services or supplying goods in accordance with federal, state, and local law, and who agrees that no person shall, on the grounds of handicap, race, color, or national origin, or for any other reason, be subjected to discrimination under any program or activity for which the provider receives payment from the agency.

(2) Each provider agreement shall be a voluntary contract between the agency and the provider~~,~~ in which the provider agrees to comply with all laws and rules pertaining to the Medicaid program when furnishing a service or goods to a Medicaid recipient and the agency agrees to pay a sum~~,~~ determined by *the agency* ~~fee schedule, payment methodology, or other manner,~~ for the service or goods provided to the Medicaid recipient. *The agency may require a provider to be subject to a fee or rate schedule or other payment methodology, but a fee or rate schedule or any payment methodology shall not be incorporated into the provider agreement or any other agreement relating to the provision of Medicaid goods or services. The provider agreement and other agreement shall require that the provider agrees to accept the compensation established from time to time by the agency for Medicaid goods and services.* Each provider agreement shall be effective for a stipulated period of time, shall be terminable by either party after reasonable notice, and shall be renewable by mutual agreement. *Provider agreements and other agreements relating to the provision of Medicaid goods and services shall be renewed or amended only in writing. Any term of any provider agreement or other Medicaid agreement which is inconsistent with this section shall be amended by operation of law to conform to the requirements set forth in this subsection.*

Section 9. Section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to *published* methodologies ~~set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein~~. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. *The agency may adjust* ~~Further, nothing in this section shall be construed to prevent or limit the agency from adjusting~~ fees, reimbursement rates, lengths of stay, number of visits, or number of services, or *make* ~~making~~ any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(1) Reimbursement to hospitals licensed under part I of chapter 395 must be made prospectively or on the basis of negotiation.

(a) Reimbursement for inpatient care is limited as provided for in s. 409.905(5), except for:

1. The raising of rate reimbursement caps, excluding rural hospitals.

2. Recognition of the costs of graduate medical education.

3. Other methodologies recognized in the General Appropriations Act.

~~4. Hospital inpatient rates shall be reduced by 6 percent effective July 1, 2001, and restored effective April 1, 2002.~~

During the years funds are transferred from the Department of Health, any reimbursement supported by such funds shall be subject to certification by the Department of Health that the hospital has complied with s. 381.0403. The agency is authorized to receive funds from state entities, including, but not limited to, the Department of Health, local governments, and other local political subdivisions, for the purpose of making special exception payments, including federal matching funds, through the Medicaid inpatient reimbursement methodologies. Funds received from state entities or local governments for this purpose shall be separately accounted for and shall not be commingled with other state or local funds in any manner. The agency may certify all local governmental funds used as state match under Title XIX of the Social Security Act, to the extent that the identified local health care provider that is otherwise entitled to and is contracted to receive such local funds is the benefactor under the state's Medicaid program as determined under the General Appropriations Act and pursuant to an agreement between the Agency for Health Care Administration and the local governmental entity. The local governmental entity shall use a certification form prescribed by the agency. At a minimum, the certification form shall identify the amount being certified and describe the relationship between the certifying local governmental entity and the local health care provider. The agency shall prepare an annual statement of impact which documents the specific activities undertaken during the previous fiscal year pursuant to this paragraph, to be submitted to the Legislature no later than January 1, annually.

(b) Reimbursement for hospital outpatient care is limited to $1,500 per state fiscal year per recipient, except for:

1. Such care provided to a Medicaid recipient under age 21, in which case the only limitation is medical necessity.

2. Renal dialysis services.

3. Other exceptions made by the agency.

The agency is authorized to receive funds from state entities, including, but not limited to, the Department of Health, the Board of Regents, local governments, and other local political subdivisions, for the purpose of making payments, including federal matching funds, through the Medicaid outpatient reimbursement methodologies. Funds received from state entities and local governments for this purpose shall be separately accounted for and shall not be commingled with other state or local funds in any manner.

(c) Hospitals that provide services to a disproportionate share of low-income Medicaid recipients, or that participate in the regional perinatal intensive care center program under chapter 383, or that participate in the statutory teaching hospital disproportionate share program may receive additional reimbursement. The total amount of payment for disproportionate share hospitals shall be fixed by the General Appropriations Act. The computation of these payments must be made in compliance with all federal regulations and the methodologies described in ss. 409.911, 409.9112, and 409.9113.

(d) The agency is authorized to limit inflationary increases for outpatient hospital services as directed by the General Appropriations Act.

(2)(a)1. Reimbursement to nursing homes licensed under part II of chapter 400 and state-owned-and-operated intermediate care facilities for the developmentally disabled licensed under chapter 393 must be made prospectively.

2. Unless otherwise limited or directed in the General Appropriations Act, reimbursement to hospitals licensed under part I of chapter 395 for the provision of swing-bed nursing home services must be made on the basis of the average statewide nursing home payment, and reimbursement to a hospital licensed under part I of chapter 395 for the provision of skilled nursing services must be made on the basis of the average nursing home payment for those services in the county in which the hospital is located. When a hospital is located in a county that does not have any community nursing homes, reimbursement must be determined by averaging the nursing home payments, in counties that surround the county in which the hospital is located. Reimbursement to hospitals, including Medicaid payment of Medicare copayments, for skilled nursing services shall be limited to 30 days, unless a prior authorization has been obtained from the agency. Medicaid reimbursement may be extended by the agency beyond 30 days, and approval must be based upon verification by the patient's physician that the patient requires short-term rehabilitative and recuperative services only, in which case an extension of no more than 15 days may be approved. Reimbursement to a hospital licensed under part I of chapter 395 for the temporary provision of skilled nursing services to nursing home residents who have been displaced as the result of a natural disaster or other emergency may not exceed the average county nursing home payment for those services in the county in which the hospital is located and is limited to the period of time which the agency considers necessary for continued placement of the nursing home residents in the hospital.

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling, and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, ~~by~~ the target rate class ceiling, or ~~by~~ the individual provider target. ~~The agency shall adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.~~

3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, *minimum data set* ~~MDS~~, and care plan coordinators, staff development, and staffing coordinator.

4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

6. In order to offset the cost of general and professional liability insurance, the agency shall amend the plan to allow for interim rate adjustments to reflect increases in the cost of general or professional liability insurance for nursing homes. This provision shall be implemented to the extent existing appropriations are available.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(3) Subject to any limitations or directions provided for in the General Appropriations Act, the following Medicaid services and goods may be reimbursed on a fee-for-service basis. For each allowable service or goods furnished in accordance with Medicaid rules, policy manuals, handbooks, and state and federal law, the payment shall be the amount billed by the provider, the provider's usual and customary charge, or the maximum allowable fee established by the agency, whichever amount is less, with the exception of those services or goods for which the agency makes payment using a methodology based on capitation rates, average costs, or negotiated fees.

(a) Advanced registered nurse practitioner services.

(b) Birth center services.

(c) Chiropractic services.

(d) Community mental health services.

(e) Dental services, including oral and maxillofacial surgery.

(f) Durable medical equipment.

(g) Hearing services.

(h) Occupational therapy for Medicaid recipients under age 21.

(i) Optometric services.

(j) Orthodontic services.

(k) Personal care for Medicaid recipients under age 21.

(l) Physical therapy for Medicaid recipients under age 21.

(m) Physician assistant services.

(n) Podiatric services.

(o) Portable X-ray services.

(p) Private-duty nursing for Medicaid recipients under age 21.

(q) Registered nurse first assistant services.

(r) Respiratory therapy for Medicaid recipients under age 21.

(s) Speech therapy for Medicaid recipients under age 21.

(t) Visual services.

(4) Subject to any limitations or directions provided for in the General Appropriations Act, alternative health plans, health maintenance organizations, and prepaid health plans shall be reimbursed a fixed, prepaid amount negotiated, or competitively bid pursuant to s. 287.057, by the agency and prospectively paid to the provider monthly for each Medicaid recipient enrolled. The amount may not exceed the average amount the agency determines it would have paid, based on claims experience, for recipients in the same or similar category of eligibility. The agency shall calculate capitation rates on a regional basis and, beginning September 1, 1995, shall include age-band differentials in such calculations.

(5) An ambulatory surgical center shall be reimbursed the lesser of the amount billed by the provider or the Medicare-established allowable amount for the facility.

(6) A provider of early and periodic screening, diagnosis, and treatment services to Medicaid recipients who are children under age 21 shall be reimbursed using an all-inclusive rate stipulated in a fee schedule established by the agency. A provider of the visual, dental, and hearing components of such services shall be reimbursed the lesser of the amount billed by the provider or the Medicaid maximum allowable fee established by the agency.

(7) A provider of family planning services shall be reimbursed the lesser of the amount billed by the provider or an all-inclusive amount per type of visit for physicians and advanced registered nurse practitioners, as established by the agency in a fee schedule.

(8) A provider of home-based or community-based services rendered pursuant to a federally approved waiver shall be reimbursed based on an established or negotiated rate for each service. These rates shall be established according to an analysis of the expenditure history and prospective budget developed by each contract provider participating in the waiver program, or under any other methodology adopted by the agency and approved by the Federal Government in accordance with the waiver. Effective July 1, 1996, privately owned and operated community-based residential facilities which meet agency requirements and which formerly received Medicaid reimbursement for the optional intermediate care facility for the mentally retarded service may participate in the developmental services waiver as part of a home-and-community-based continuum of care for Medicaid recipients who receive waiver services.

(9) A provider of home health care services or of medical supplies and appliances shall be reimbursed on the basis of competitive bidding or for the lesser of the amount billed by the provider or the agency's established maximum allowable amount, except that, in the case of the rental of durable medical equipment, the total rental payments may not exceed the purchase price of the equipment over its expected useful life or the agency's established maximum allowable amount, whichever amount is less.

(10) A hospice shall be reimbursed through a prospective system for each Medicaid hospice patient at Medicaid rates using the methodology established for hospice reimbursement pursuant to Title XVIII of the federal Social Security Act.

(11) A provider of independent laboratory services shall be reimbursed on the basis of competitive bidding or for the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency.

(12)(a) A physician shall be reimbursed the lesser of the amount billed by the provider or the Medicaid maximum allowable fee established by the agency.

(b) The agency shall adopt a fee schedule, subject to any limitations or directions provided for in the General Appropriations Act, based on a resource-based relative value scale for pricing Medicaid physician services. Under this fee schedule, physicians shall be paid a dollar amount for each service based on the average resources required to provide the service, including, but not limited to, estimates of average physician time and effort, practice expense, and the costs of professional liability insurance. The fee schedule shall provide increased reimbursement for preventive and primary care services and lowered reimbursement for specialty services by using at least two conversion factors, one for cognitive services and another for procedural services. The fee schedule shall not increase total Medicaid physician expenditures unless moneys are available, and shall be phased in over a 2-year period beginning on July 1, 1994. The Agency for Health Care Administration shall seek the advice of a 16-member advisory panel in formulating and adopting the fee schedule. The panel shall consist of Medicaid physicians licensed under chapters 458 and 459 and shall be composed of 50 percent primary care physicians and 50 percent specialty care physicians.

(c) Notwithstanding paragraph (b), reimbursement fees to physicians for providing total obstetrical services to Medicaid recipients, which include prenatal, delivery, and postpartum care, shall be at least $1,500 per delivery for a pregnant woman with low medical risk and at least $2,000 per delivery for a pregnant woman with high medical risk. However, reimbursement to physicians working in Regional Perinatal Intensive Care Centers designated pursuant to chapter 383, for services to certain pregnant Medicaid recipients with a high medical risk, may be made according to obstetrical care and neonatal care groupings and rates established by the agency. Nurse midwives licensed under part I of chapter 464 or midwives licensed under chapter 467 shall be reimbursed at no less than 80 percent of the low medical risk fee. The agency

shall by rule determine, for the purpose of this paragraph, what constitutes a high or low medical risk pregnant woman and shall not pay more based solely on the fact that a caesarean section was performed, rather than a vaginal delivery. The agency shall by rule determine a prorated payment for obstetrical services in cases where only part of the total prenatal, delivery, or postpartum care was performed. The Department of Health shall adopt rules for appropriate insurance coverage for midwives licensed under chapter 467. Prior to the issuance and renewal of an active license, or reactivation of an inactive license for midwives licensed under chapter 467, such licensees shall submit proof of coverage with each application.

(13) Medicare premiums for persons eligible for both Medicare and Medicaid coverage shall be paid at the rates established by Title XVIII of the Social Security Act. For Medicare services rendered to Medicaid-eligible persons, Medicaid shall pay Medicare deductibles and coinsurance as follows:

(a) Medicaid shall make no payment toward deductibles and coinsurance for any service that is not covered by Medicaid.

(b) Medicaid's financial obligation for deductibles and coinsurance payments shall be based on Medicare allowable fees, not on a provider's billed charges.

(c) Medicaid will pay no portion of Medicare deductibles and coinsurance when payment that Medicare has made for the service equals or exceeds what Medicaid would have paid if it had been the sole payor. The combined payment of Medicare and Medicaid shall not exceed the amount Medicaid would have paid had it been the sole payor. The Legislature finds that there has been confusion regarding the reimbursement for services rendered to dually eligible Medicare beneficiaries. Accordingly, the Legislature clarifies that it has always been the intent of the Legislature before and after 1991 that, in reimbursing in accordance with fees established by Title XVIII for premiums, deductibles, and coinsurance for Medicare services rendered by physicians to Medicaid eligible persons, physicians be reimbursed at the lesser of the amount billed by the physician or the Medicaid maximum allowable fee established by the Agency for Health Care Administration, as is permitted by federal law. It has never been the intent of the Legislature with regard to such services rendered by physicians that Medicaid be required to provide any payment for deductibles, coinsurance, or copayments for Medicare cost sharing, or any expenses incurred relating thereto, in excess of the payment amount provided for under the State Medicaid plan for such service. This payment methodology is applicable even in those situations in which the payment for Medicare cost sharing for a qualified Medicare beneficiary with respect to an item or service is reduced or eliminated. This expression of the Legislature is in clarification of existing law and shall apply to payment for, and with respect to provider agreements with respect to, items or services furnished on or after the effective date of this act. This paragraph applies to payment by Medicaid for items and services furnished before the effective date of this act if such payment is the subject of a lawsuit that is based on the provisions of this section, and that is pending as of, or is initiated after, the effective date of this act.

(d) Notwithstanding paragraphs (a)-(c):

1. Medicaid payments for Nursing Home Medicare part A coinsurance shall be the lesser of the Medicare coinsurance amount or the Medicaid nursing home per diem rate.

2. Medicaid shall pay all deductibles and coinsurance for Medicare-eligible recipients receiving freestanding end stage renal dialysis center services.

3. Medicaid payments for general hospital inpatient services shall be limited to the Medicare deductible per spell of illness. Medicaid shall make no payment toward coinsurance for Medicare general hospital inpatient services.

4. Medicaid shall pay all deductibles and coinsurance for Medicare emergency transportation services provided by ambulances licensed pursuant to chapter 401.

(14) A provider of prescribed drugs shall be reimbursed the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency, plus a dispensing fee. The Medicaid maximum allowable fee for ingredient cost will be based on the lower of: average wholesale price (AWP) minus 15.4 percent, wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider. Medicaid providers are required to dispense generic drugs if available at lower cost and the agency has not determined that the branded product is more cost-effective, unless the prescriber has requested and received approval to require the branded product. The agency is directed to implement a variable dispensing fee for payments for prescribed medicines while ensuring continued access for Medicaid recipients. The variable dispensing fee may be based upon, but not limited to, either or both the volume of prescriptions dispensed by a specific pharmacy provider, the volume of prescriptions dispensed to an individual recipient, and dispensing of preferred-drug-list products. The agency may increase the pharmacy dispensing fee authorized by statute and in the annual General Appropriations Act by $0.50 for the dispensing of a Medicaid preferred-drug-list product and reduce the pharmacy dispensing fee by $0.50 for the dispensing of a Medicaid product that is not included on the preferred drug list. The agency may establish a supplemental pharmaceutical dispensing fee to be paid to providers returning unused unit-dose packaged medications to stock and crediting the Medicaid program for the ingredient cost of those medications if the ingredient costs to be credited exceed the value of the supplemental dispensing fee. The agency is authorized to limit reimbursement for prescribed medicine in order to comply with any limitations or directions provided for in the General Appropriations Act, which may include implementing a prospective or concurrent utilization review program.

(15) A provider of primary care case management services rendered pursuant to a federally approved waiver shall be reimbursed by payment of a fixed, prepaid monthly sum for each Medicaid recipient enrolled with the provider.

(16) A provider of rural health clinic services and federally qualified health center services shall be reimbursed a rate per visit based on total reasonable costs of the clinic, as determined by the agency in accordance with federal regulations.

(17) A provider of targeted case management services shall be reimbursed pursuant to an established fee, except where the Federal Government requires a public provider be reimbursed on the basis of average actual costs.

(18) Unless otherwise provided for in the General Appropriations Act, a provider of transportation services shall be reimbursed the lesser of the amount billed by the provider or the Medicaid maximum allowable fee established by the agency, except when the agency has entered into a direct contract with the provider, or with a community transportation coordinator, for the provision of an all-inclusive service, or when services are provided pursuant to an agreement negotiated between the agency and the provider. The agency, as provided for in s. 427.0135, shall purchase transportation services through the community coordinated transportation system, if available, unless the agency determines a more cost-effective method for Medicaid clients. Nothing in this subsection shall be construed to limit or preclude the agency from contracting for services using a prepaid capitation rate or from establishing maximum fee schedules, individualized reimbursement policies by provider type, negotiated fees, prior authorization, competitive bidding, increased use of mass transit, or any other mechanism that the agency considers efficient and effective for the purchase of services on behalf of Medicaid clients, including implementing a transportation eligibility process. The agency shall not be required to contract with any community transportation coordinator or transportation operator that has been determined by the agency, the Department of Legal Affairs Medicaid Fraud Control Unit, or any other state or federal agency to have engaged in any abusive or fraudulent billing activities. The agency is authorized to competitively procure transportation services or make other changes necessary to secure approval of federal waivers needed to permit federal financing of Medicaid transportation services at the service matching rate rather than the administrative matching rate.

(19) County health department services shall be reimbursed a rate per visit based on total reasonable costs of the clinic, as determined by the agency in accordance with federal regulations under the authority of 42 C.F.R. s. 431.615.

(20) A renal dialysis facility that provides dialysis services under s. 409.906(9) must be reimbursed the lesser of the amount billed by the

provider, the provider's usual and customary charge, or the maximum allowable fee established by the agency, whichever amount is less.

(21) The agency shall reimburse school districts which certify the state match pursuant to ss. 409.9071 and 1011.70 for the federal portion of the school district's allowable costs to deliver the services, based on the reimbursement schedule. The school district shall determine the costs for delivering services as authorized in ss. 409.9071 and 1011.70 for which the state match will be certified. Reimbursement of school-based providers is contingent on such providers being enrolled as Medicaid providers and meeting the qualifications contained in 42 C.F.R. s. 440.110, unless otherwise waived by the federal Health Care Financing Administration. Speech therapy providers who are certified through the Department of Education pursuant to rule 6A-4.0176, Florida Administrative Code, are eligible for reimbursement for services that are provided on school premises. Any employee of the school district who has been fingerprinted and has received a criminal background check in accordance with Department of Education rules and guidelines shall be exempt from any agency requirements relating to criminal background checks.

(22) The agency shall request and implement Medicaid waivers from the federal Health Care Financing Administration to advance and treat a portion of the Medicaid nursing home per diem as capital for creating and operating a risk-retention group for self-insurance purposes, consistent with federal and state laws and rules.

Section 10. Section 409.9082, Florida Statutes, is created to read:

409.9082 Medicaid rate-setting process.—The agency is authorized to adopt fees, rates, or other methods of payment for Medicaid goods and services which may be amended from time to time consistent with the needs of the state Medicaid program and any limitations or directions provided for in the General Appropriations Act. The agency is not required to comply with chapter 120 when setting rates and methods of payment. The substance of Medicaid rates are not subject to judicial review, except to the extent decisions setting rates or methods of payment violate the State Constitution or federal law.

(1) For determining rates of payment for hospital services, nursing facility services, and services for intermediate care facilities for the developmentally disabled:

(a) Notice of proposed rate methodologies and justifications for the proposed rate methodologies shall be published in the Florida Administrative Weekly.

1. The notice must generally describe the proposed changes in rate methodologies and the justification for change so as to put interested persons on reasonable notice of proposed changes of rates and methodologies and their justification.

2. The notice must state how or where proposed rate methodologies and justifications can be obtained.

3. The notice must state that comments will be received, the period of time during which they will be received, and the person to whom they should be sent.

(b) Providers, beneficiaries and their representatives, and other concerned state residents shall be given a reasonable opportunity to review and comment on the proposed rate methodologies and justifications.

(c) Notice of final rate methodologies and justifications for such final rate methodologies shall be published in the Florida Administrative Weekly. The notice must generally describe the final rate methodologies and the justification for change so as to put interested persons on reasonable notice of the substance of final rate methodologies and their justification.

(d) The notice must state how or where final rate methodologies and justifications can be obtained.

(2) For determining all other rates or methods of payment:

(a) Notice shall be published in the Florida Administrative Weekly at least 48 hours before the effective date of the rate.

(b) The notice must:

1. Generally describe the proposed changes in rates or methodologies and the justification for change so as to put interested persons on reasonable notice of proposed changes of rates and methodologies and their justification;

2. Estimate any changes in annual aggregate expenditures caused or anticipated by the change;

3. State how or where the proposed changes in rates or methodologies and the justification may be obtained; and

4. State where comments may be sent.

Section 11. Paragraphs (a) and (b) of subsection (2) and paragraph (b) of subsection (4) of section 409.911, Florida Statutes, are amended to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(2) The Agency for Health Care Administration shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the 1998, 1999, and 2000 audited *disproportionate share* data to determine each hospital's Medicaid days and charity care *for the 2004-2005 state fiscal year and the average of the 1999, 2000, and 2001 audited disproportionate share data to determine the Medicaid days and charity care for the 2005-2006 state fiscal year*.

(b) *If the Agency for Health Care Administration does not have the prescribed 3 years of audited disproportionate share data as noted in paragraph (a) for a hospital, the agency shall use the average of the years of the audited disproportionate share data as noted in paragraph (a) which is available.* ~~The average of the audited disproportionate share data for the years available if the Agency for Health Care Administration does not have the prescribed 3 years of audited disproportionate share data for a hospital.~~

(4) The following formulas shall be used to pay disproportionate share dollars to public hospitals:

(b) For non-state government owned or operated hospitals with 3,300 or more Medicaid days:

DSHP = [(.82 x HCCD/TCCD) + (.18 x HMD/TMD)]
x TAAPH
TAAPH = TAA - TAAMH

Where:

TAA = total available appropriation.

TAAPH = total amount available for public hospitals.

DSHP = disproportionate share hospital payments.

HMD = hospital Medicaid days.

TMD = total state Medicaid days for public hospitals.

HCCD = hospital charity care dollars.

TCCD = total state charity care dollars for public non-state hospitals.

1. For the 2005-2006 state fiscal year only, the DSHP for the public nonstate hospitals shall be computed using a weighted average of the disproportionate share payments for the 2004-2005 state fiscal year which uses an average of the 1998, 1999, and 2000 audited disproportionate share data and the disproportionate share payments for the 2005-2006 state fiscal year as computed using the formula above and using the average of the 1999, 2000, and 2001 audited disproportionate share data. The final DSHP for the public nonstate hospitals shall be computed as an average using the calculated payments for the 2005-2006 state fiscal year weighted at 65 percent and the disproportionate share payments for the 2004-2005 state fiscal year weighted at 35 percent.

2. The TAAPH shall be reduced by $6,365,257 before computing the DSHP for each public hospital. The $6,365,257 shall be distributed equally between the public hospitals that are also designated statutory teaching hospitals.

Section 12. Section 409.9112, Florida Statutes, is amended to read:

409.9112 Disproportionate share program for regional perinatal intensive care centers.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall design and implement a system of making disproportionate share payments to those hospitals that participate in the regional perinatal intensive care center program established pursuant to chapter 383. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the state fiscal year *2005-2006* ~~2004-2005~~, the agency shall not distribute moneys under the regional perinatal intensive care centers disproportionate share program~~, except as noted in subsection (2). In the event the Centers for Medicare and Medicaid Services do not approve Florida's inpatient hospital state plan amendment for the public disproportionate share program by January 1, 2005, the agency may make payments to hospitals under the regional perinatal intensive care centers disproportionate share program.~~

(1) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the regional perinatal intensive care center program:

TAE = HDSP/THDSP

Where:

TAE = total amount earned by a regional perinatal intensive care center.

HDSP = the prior state fiscal year regional perinatal intensive care center disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total regional perinatal intensive care center disproportionate share payments to all hospitals.

(2) The total additional payment for hospitals that participate in the regional perinatal intensive care center program shall be calculated by the agency as follows:

TAP = TAE x TA

Where:

TAP = total additional payment for a regional perinatal intensive care center.

TAE = total amount earned by a regional perinatal intensive care center.

TA = total appropriation for the regional perinatal intensive care center disproportionate share program.

(3) In order to receive payments under this section, a hospital must be participating in the regional perinatal intensive care center program pursuant to chapter 383 and must meet the following additional requirements:

(a) Agree to conform to all departmental and agency requirements to ensure high quality in the provision of services, including criteria adopted by departmental and agency rule concerning staffing ratios, medical records, standards of care, equipment, space, and such other standards and criteria as the department and agency deem appropriate as specified by rule.

(b) Agree to provide information to the department and agency, in a form and manner to be prescribed by rule of the department and agency, concerning the care provided to all patients in neonatal intensive care centers and high-risk maternity care.

(c) Agree to accept all patients for neonatal intensive care and high-risk maternity care, regardless of ability to pay, on a functional space-available basis.

(d) Agree to develop arrangements with other maternity and neonatal care providers in the hospital's region for the appropriate receipt and transfer of patients in need of specialized maternity and neonatal intensive care services.

(e) Agree to establish and provide a developmental evaluation and services program for certain high-risk neonates, as prescribed and defined by rule of the department.

(f) Agree to sponsor a program of continuing education in perinatal care for health care professionals within the region of the hospital, as specified by rule.

(g) Agree to provide backup and referral services to the department's county health departments and other low-income perinatal providers within the hospital's region, including the development of written agreements between these organizations and the hospital.

(h) Agree to arrange for transportation for high-risk obstetrical patients and neonates in need of transfer from the community to the hospital or from the hospital to another more appropriate facility.

(4) Hospitals which fail to comply with any of the conditions in subsection (3) or the applicable rules of the department and agency shall not receive any payments under this section until full compliance is achieved. A hospital which is not in compliance in two or more consecutive quarters shall not receive its share of the funds. Any forfeited funds shall be distributed by the remaining participating regional perinatal intensive care center program hospitals.

Section 13. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.—In addition to the payments made under ss. 409.911 and 409.9112, the Agency for Health Care Administration shall make disproportionate share payments to statutorily defined teaching hospitals for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the state fiscal year *2005-2006* ~~2004-2005~~, the agency shall not distribute moneys under the teaching hospital disproportionate share program~~, except as noted in subsection (2). In the event the Centers for Medicare and Medicaid Services do not approve Florida's inpatient hospital state plan amendment for the public disproportionate share program by January 1, 2005, the agency may make payments to hospitals under the teaching hospital disproportionate share program.~~

(1) On or before September 15 of each year, the Agency for Health Care Administration shall calculate an allocation fraction to be used for distributing funds to state statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the agency shall distribute to each statutory teaching hospital, as defined in s. 408.07, an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of three primary factors, divided by three. The primary factors are:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state

fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index that comprises three components:

1. The Agency for Health Care Administration Service Index, computed by applying the standard Service Inventory Scores established by the Agency for Health Care Administration to services offered by the given hospital, as reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total Agency for Health Care Administration Service Index values, where the total is computed for all state statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the Agency for Health Care Administration to the volume of each service, expressed in terms of the standard units of measure reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all state statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) By October 1 of each year, the agency shall use the following formula to calculate the maximum additional disproportionate share payment for statutorily defined teaching hospitals:

TAP = THAF x A

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

Section 14. Section 409.9117, Florida Statutes, is amended to read:

409.9117 Primary care disproportionate share program.—For the state fiscal year *2005-2006* ~~2004-2005~~, the agency shall not distribute moneys under the primary care disproportionate share program~~, except as noted in subsection (2)~~. ~~In the event the Centers for Medicare and Medicaid Services do not approve Florida's inpatient hospital state plan amendment for the public disproportionate share program by January 1, 2005, the agency may make payments to hospitals under the primary care disproportionate share program.~~

(1) If federal funds are available for disproportionate share programs in addition to those otherwise provided by law, there shall be created a primary care disproportionate share program.

(2) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the primary care disproportionate share program:

TAE = HDSP/THDSP

Where:

TAE = total amount earned by a hospital participating in the primary care disproportionate share program.

HDSP = the prior state fiscal year primary care disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total primary care disproportionate share payments to all hospitals.

(3) The total additional payment for hospitals that participate in the primary care disproportionate share program shall be calculated by the agency as follows:

TAP = TAE x TA

Where:

TAP = total additional payment for a primary care hospital.

TAE = total amount earned by a primary care hospital.

TA = total appropriation for the primary care disproportionate share program.

(4) In the establishment and funding of this program, the agency shall use the following criteria in addition to those specified in s. 409.911, payments may not be made to a hospital unless the hospital agrees to:

(a) Cooperate with a Medicaid prepaid health plan, if one exists in the community.

(b) Ensure the availability of primary and specialty care physicians to Medicaid recipients who are not enrolled in a prepaid capitated arrangement and who are in need of access to such physicians.

(c) Coordinate and provide primary care services free of charge, except copayments, to all persons with incomes up to 100 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, and to provide such services based on a sliding fee scale to all persons with incomes up to 200 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, except that eligibility may be limited to persons who reside within a more limited area, as agreed to by the agency and the hospital.

(d) Contract with any federally qualified health center, if one exists within the agreed geopolitical boundaries, concerning the provision of primary care services, in order to guarantee delivery of services in a nonduplicative fashion, and to provide for referral arrangements, privileges, and admissions, as appropriate. The hospital shall agree to provide at an onsite or offsite facility primary care services within 24 hours to which all Medicaid recipients and persons eligible under this paragraph who do not require emergency room services are referred during normal daylight hours.

(e) Cooperate with the agency, the county, and other entities to ensure the provision of certain public health services, case management, referral and acceptance of patients, and sharing of epidemiological data, as the agency and the hospital find mutually necessary and desirable to promote and protect the public health within the agreed geopolitical boundaries.

(f) In cooperation with the county in which the hospital resides, develop a low-cost, outpatient, prepaid health care program to persons who are not eligible for the Medicaid program, and who reside within the area.

(g) Provide inpatient services to residents within the area who are not eligible for Medicaid or Medicare, and who do not have private health insurance, regardless of ability to pay, on the basis of available space, except that nothing shall prevent the hospital from establishing bill collection programs based on ability to pay.

(h) Work with the Florida Healthy Kids Corporation, the Florida Health Care Purchasing Cooperative, and business health coalitions, as

appropriate, to develop a feasibility study and plan to provide a low-cost comprehensive health insurance plan to persons who reside within the area and who do not have access to such a plan.

(i) Work with public health officials and other experts to provide community health education and prevention activities designed to promote healthy lifestyles and appropriate use of health services.

(j) Work with the local health council to develop a plan for promoting access to affordable health care services for all persons who reside within the area, including, but not limited to, public health services, primary care services, inpatient services, and affordable health insurance generally.

Any hospital that fails to comply with any of the provisions of this subsection, or any other contractual condition, may not receive payments under this section until full compliance is achieved.

Section 15. Section 409.91195, Florida Statutes, is amended to read:

409.91195 Medicaid Pharmaceutical and Therapeutics Committee.—There is created a Medicaid Pharmaceutical and Therapeutics Committee within the agency ~~for Health Care Administration~~ for the purpose of developing a *Medicaid* preferred drug *list* ~~formulary pursuant to 42 U.S.C. s. 1396r-8~~.

(1) The ~~Medicaid Pharmaceutical and Therapeutics~~ committee shall be *composed* ~~comprised as specified in 42 U.S.C. s. 1396r-8 and consist~~ of 11 members appointed by the Governor. Four members shall be physicians, licensed under chapter 458; one member licensed under chapter 459; five members shall be pharmacists licensed under chapter 465; and one member shall be a consumer representative. The members shall be appointed to serve for terms of 2 years from the date of their appointment. Members may be appointed to more than one term. The agency ~~for Health Care Administration~~ shall serve as staff for the committee and assist them with all ministerial duties. The Governor shall ensure that at least some of the members of the ~~Medicaid Pharmaceutical and Therapeutics~~ committee represent Medicaid participating physicians and pharmacies serving all segments and diversity of the Medicaid population, and have experience in either developing or practicing under a preferred drug *list* ~~formulary~~. At least one of the members shall represent the interests of pharmaceutical manufacturers.

(2) Committee members shall select a chairperson and a vice chairperson each year from the committee membership.

(3) The committee shall meet at least quarterly and may meet at other times at the discretion of the chairperson and members. The committee shall comply with rules adopted by the agency, including notice of any meeting of the committee pursuant to the requirements of the Administrative Procedure Act.

(4) Upon recommendation of the ~~Medicaid Pharmaceutical and Therapeutics~~ committee, the agency shall adopt a preferred drug list *as described in s. 409.912(39)*. To the extent feasible, the committee shall review all drug classes included *on* ~~in~~ the *preferred drug list* ~~formulary at least~~ every 12 months, and may recommend additions to and deletions from the *preferred drug list* ~~formulary~~, such that the *preferred drug list* ~~formulary~~ provides for medically appropriate drug therapies for Medicaid patients which achieve cost savings contained in the General Appropriations Act.

(5) Except for ~~mental health-related drugs,~~ antiretroviral drugs, ~~and drugs for nursing home residents and other institutional residents,~~ reimbursement of drugs not included *on the preferred drug list* ~~in the formulary~~ is subject to prior authorization.

(5)~~(6)~~ The agency ~~for Health Care Administration~~ shall publish and disseminate the preferred drug *list* ~~formulary~~ to all Medicaid providers in the state *by Internet posting on the agency's website or in other media*.

(6)~~(7)~~ The committee shall ensure that interested parties, including pharmaceutical manufacturers agreeing to provide a supplemental rebate as outlined in this chapter, have an opportunity to present public testimony to the committee with information or evidence supporting inclusion of a product on the preferred drug list. Such public testimony shall occur prior to any recommendations made by the committee for inclusion or exclusion from the preferred drug list. Upon timely notice, the agency shall ensure that any drug that has been approved or had any of its particular uses approved by the United States Food and Drug Administration under a priority review classification will be reviewed by the ~~Medicaid Pharmaceutical and Therapeutics~~ committee at the next regularly scheduled meeting *following 3 months of distribution of the drug to the general public*. ~~To the extent possible, upon notice by a manufacturer the agency shall also schedule a product review for any new product at the next regularly scheduled Medicaid Pharmaceutical and Therapeutics Committee.~~

~~(8) Until the Medicaid Pharmaceutical and Therapeutics Committee is appointed and a preferred drug list adopted by the agency, the agency shall use the existing voluntary preferred drug list adopted pursuant to s. 72, chapter 2000-367, Laws of Florida. Drugs not listed on the voluntary preferred drug list will require prior authorization by the agency or its contractor.~~

(7)~~(9)~~ The ~~Medicaid Pharmaceutical and Therapeutics~~ committee shall develop its preferred drug list recommendations by considering the clinical efficacy, safety, and cost-effectiveness of a product. ~~When the preferred drug formulary is adopted by the agency, if a product on the formulary is one of the first four brand-name drugs used by a recipient in a month the drug shall not require prior authorization.~~

(8) Upon timely notice, the agency shall ensure that any therapeutic class of drugs which includes a drug that has been removed from distribution to the public by its manufacturer or the United States Food and Drug Administration or has been required to carry a black box warning label by the United States Food and Drug Administration because of safety concerns is reviewed by the committee at the next regularly scheduled meeting. After such review, the committee must recommend whether to retain the therapeutic class of drugs or subcategories of drugs within a therapeutic class on the preferred drug list and whether to institute prior authorization requirements necessary to ensure patient safety.

(9)~~(10)~~ The Medicaid Pharmaceutical and Therapeutics Committee may also make recommendations to the agency regarding the prior authorization of any prescribed drug covered by Medicaid.

(10)~~(11)~~ Medicaid recipients may appeal agency preferred drug formulary decisions using the Medicaid fair hearing process administered by the Department of Children and Family Services.

Section 16. Paragraph (b) of subsection (4), paragraphs (e) and (f) of subsection (15), paragraph (a) of subsection (39), and subsections (44) and (49) of section 409.912, Florida Statutes, are amended, and subsection (50) is added to that section, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic

characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency is authorized to seek federal waivers necessary to implement this policy.

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must be licensed under chapter 624, chapter 636, or chapter 641 and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody prior to enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a managed care plan in an AHCA area. Each entity must offer sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph shall require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations, to be expended for the provision of behavioral health care services. In the event the managed care plan expends less than 80 percent of the capitation paid pursuant to this paragraph for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the managed care plan with a certification letter indicating the amount of capitation paid during each calendar year for the provision of behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations shall be eligible to compete. Managed care plans contracting with the agency under subsection (3) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. *In AHCA Area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts shall be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in Area 11 who are assigned to MediPass under the provisions of s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in Area 11 for their behavioral care.*

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider shall not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. For fiscal year 2004-2005, all Medicaid eligible children, except children in areas 1 and 6, whose cases are open for child welfare services in the HomeSafeNet system, shall be enrolled in MediPass or in Medicaid fee-for-service and all their behavioral health care services including inpatient, outpatient psychiatric, community mental health, and case management shall be reimbursed on a fee-for-service basis. Beginning July 1, 2005, such children, who are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies either through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall

be developed by the agency and the Department of Children and Family Services. The agency is authorized to seek any federal waivers to implement this initiative.

(15)

(e) By January 15 of each year, the agency shall submit a report to the Legislature ~~and the Office of Long-Term-Care Policy~~ describing the operations of the CARES program. The report must describe:

1. Rate of diversion to community alternative programs;

2. CARES program staffing needs to achieve additional diversions;

3. Reasons the program is unable to place individuals in less restrictive settings when such individuals desired such services and could have been served in such settings;

4. Barriers to appropriate placement, including barriers due to policies or operations of other agencies or state-funded programs; and

5. Statutory changes necessary to ensure that individuals in need of long-term care services receive care in the least restrictive environment.

(f) The Department of Elderly Affairs shall track individuals over time who are assessed under the CARES program and who are diverted from nursing home placement. By January 15 of each year, the department shall submit to the Legislature ~~and the Office of Long-Term-Care Policy~~ a longitudinal study of the individuals who are diverted from nursing home placement. The study must include:

1. The demographic characteristics of the individuals assessed and diverted from nursing home placement, including, but not limited to, age, race, gender, frailty, caregiver status, living arrangements, and geographic location;

2. A summary of community services provided to individuals for 1 year after assessment and diversion;

3. A summary of inpatient hospital admissions for individuals who have been diverted; and

4. A summary of the length of time between diversion and subsequent entry into a nursing home or death.

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. *A Medicaid preferred drug list, which shall be a listing of cost-effective therapeutic options recommended by the Medicaid Pharmacy and Therapeutics Committee established pursuant to s. 409.91195 and adopted by the agency for each therapeutic class on the preferred drug list. At the discretion of the committee, and when feasible, the preferred drug list should include at least two products in a therapeutic class.* ~~Medicaid prescribed-drug coverage for brand-name drugs for adult Medicaid recipients is limited to the dispensing of four brand-name drugs per month per recipient. Children are exempt from this restriction.~~ Antiretroviral agents are excluded from *the preferred drug list* ~~this limitation~~. ~~No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, severe depression, or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available without restriction for persons with mental illnesses include atypical antipsychotic medications, conventional antipsychotic medications, selective serotonin reuptake inhibitors, and other medications used for the treatment of serious mental illnesses.~~ The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply *unless the drug products' smallest marketed package is greater than a 34-day supply, or the drug is determined by the agency to be a maintenance drug in which case a 100-day maximum supply may be authorized. The agency is authorized to seek any federal waivers necessary to implement these cost-control programs and to continue participation in the federal Medicaid rebate program, or alternatively to negotiate state-only manufacturer rebates. The agency may adopt rules to implement this subparagraph.* The agency shall continue to provide unlimited ~~generic drugs,~~ contraceptive drugs and items~~, and diabetic supplies. Although a drug may be included on the preferred drug formulary, it would not be exempt from the four-brand limit. The agency may authorize exceptions to the brand-name-drug restriction based upon the treatment needs of the patients, only when such exceptions are based on prior consultation provided by the agency or an agency contractor, but~~ The agency must establish procedures to ensure that:

a. There will be a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation; *and*

b. A 72-hour supply of the drug prescribed will be provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.~~; and~~

~~c. Except for the exception for nursing home residents and other institutionalized adults and except for drugs on the restricted formulary for which prior authorization may be sought by an institutional or community pharmacy, prior authorization for an exception to the brand-name-drug restriction is sought by the prescriber and not by the pharmacy. When prior authorization is granted for a patient in an institutional setting beyond the brand-name-drug restriction, such approval is authorized for 12 months and monthly prior authorization is not required for that patient.~~

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus 15.4 percent, the wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease-management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers.

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug *list as described in this subsection* ~~formulary in accordance with 42 U.S.C. s. 1396r-8~~, and, pursuant to the establishment of such *preferred drug list* ~~formulary~~, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as

defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug *list* ~~formulary~~. However, a pharmaceutical manufacturer is not guaranteed placement on the *preferred drug list* ~~formulary~~ by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

~~8. The agency shall establish an advisory committee for the purposes of studying the feasibility of using a restricted drug formulary for nursing home residents and other institutionalized adults. The committee shall be comprised of seven members appointed by the Secretary of Health Care Administration. The committee members shall include two physicians licensed under chapter 458 or chapter 459; three pharmacists licensed under chapter 465 and appointed from a list of recommendations provided by the Florida Long-Term Care Pharmacy Alliance; and two pharmacists licensed under chapter 465.~~

8.~~9.~~ The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

9.~~10.~~ The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

10.a.~~11.a.~~ The agency *may* ~~shall~~ implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program *may* ~~shall~~ include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

~~c. If the agency is unable to negotiate a contract with one or more manufacturers to finance and guarantee savings associated with a behavioral drug management program by September 1, 2004, the four-brand drug limit and preferred drug list prior-authorization requirements shall apply to mental health-related drugs, notwithstanding any provision in subparagraph 1. The agency is authorized to seek federal waivers to implement this policy.~~

11.~~12.~~ The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

12.~~13.~~ The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

13.~~14.~~ The agency may require prior authorization for ~~the off-label use of~~ Medicaid-covered prescribed drugs ~~as specified in the General Appropriations Act~~. The agency may, but is not required to, *prior-authorize* ~~preauthorize~~ the use of a product*:*

a. For an indication not approved in labeling;

b. To comply with certain clinical guidelines; or

c. If the product has the potential for overuse, misuse, or abuse ~~for an indication not in the approved labeling~~.

The agency ~~Prior authorization~~ may require the prescribing professional to provide information about the rationale and supporting medical evidence for the ~~off-label~~ use of a drug. *The agency may post prior-authorization criteria and protocol and updates to the list of drugs that are subject to prior authorization on an Internet website without amending its rule or engaging in additional rulemaking.*

14. The agency, in conjunction with the Pharmaceutical and Therapeutics Committee, may require age-related prior authorizations for certain prescribed drugs. The agency may preauthorize the use of a drug for a recipient who may not meet the age requirement or may exceed the length of therapy for use of this product as recommended by the manufacturer and approved by the Food and Drug Administration. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug.

15. The agency shall implement a step-therapy-prior authorization-approval process for medications excluded from the preferred drug list. Medications listed on the preferred drug list must be used within the previous 12 months prior to the alternative medications that are not listed. The step-therapy-prior authorization may require the prescriber to use the medications of a similar drug class or for a similar medical indication unless contraindicated in the Food and Drug Administration labeling. The trial period between the specified steps may vary according to the medical indication. The step-therapy-approval process shall be developed in accordance with the committee as stated in s. 409.91195(7) and (8). A drug product may be approved without meeting the step-therapy-prior-authorization criteria if the prescribing physician provides the agency with additional written medical or clinical documentation that the product is medically necessary because:

a. There is not a drug on the preferred drug list to treat the disease or medical condition which is an acceptable clinical alternative;

b. The alternatives have been ineffective in the treatment of the beneficiary's disease; or

c. Based on historic evidence and known characteristics of the patient and the drug, the drug is likely to be ineffective, or the number of doses have been ineffective.

The agency shall work with the physician to determine the best alternative for the patient. The agency may adopt rules waiving the requirements for written clinical documentation for specific drugs in limited clinical situations.

16.~~15.~~ The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a $5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner.

(44) The Agency for Health Care Administration shall ensure that any Medicaid managed care plan as defined in s. 409.9122(2)(h), whether paid on a capitated basis or a shared savings basis, is cost-effective. For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, *if any*, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31 of each year. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(49) The agency shall contract with established minority physician networks that provide services to historically underserved minority patients. The networks must provide cost-effective Medicaid services, comply with the requirements to be a MediPass provider, and provide their primary care physicians with access to data and other management tools necessary to assist them in ensuring the appropriate use of services, including inpatient hospital services and pharmaceuticals.

(a) The agency shall provide for the development and expansion of minority physician networks in each service area to provide services to Medicaid recipients who are eligible to participate under federal law and rules.

(b) The agency shall reimburse each minority physician network as a fee-for-service provider, including the case management fee for primary care*, if any*, or as a capitated rate provider for Medicaid services. Any savings shall be shared with the minority physician networks pursuant to the contract.

(c) For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees*, if any*, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(d) The agency may apply for any federal waivers needed to implement this subsection.

(50) The agency shall implement a program of all-inclusive care for children. The program of all-inclusive care for children shall be established to provide in-home hospice-like support services to children diagnosed with a life-threatening illness and enrolled in the Children's Medical Services network to reduce hospitalizations as appropriate. The agency, in consultation with the Department of Health, may implement the program of all-inclusive care for children after obtaining approval from the Centers for Medicare and Medicaid Services.

Section 17. Paragraph (k) of subsection (2) of section 409.9122, Florida Statutes, is amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)

(k) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan, except in those counties in which there are fewer than two managed care plans accepting Medicaid enrollees, in which case assignment shall be to a managed care plan or a MediPass provider. Medicaid recipients in counties with fewer than two managed care plans accepting Medicaid enrollees who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 40 percent in MediPass and 60 percent in managed care plans is achieved. Once that enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 40 percent and 60 percent proportion, respectively. In *service areas 1 and 6 of the Agency for Health Care Administration* ~~geographic areas~~ where the agency is contracting for the provision of comprehensive behavioral health services through a capitated prepaid arrangement, recipients who fail to make a choice shall be assigned equally to MediPass or a managed care plan. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes exclusive provider organizations, provider service networks, Children's Medical Services Network, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

5. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

Section 18. Section 409.9124, Florida Statutes, is amended to read:

409.9124 Managed care reimbursement.—

~~(1)~~ The agency shall develop and adopt by rule a methodology for reimbursing managed care plans.

(1)~~(2)~~ Final *managed care* rates shall be published annually prior to September 1 of each year, based on methodology that:

(a) Uses Medicaid's fee-for-service expenditures.

(b) Is certified as an actuarially sound computation of Medicaid fee-for-service expenditures for comparable groups of Medicaid recipients and includes all fee-for-service expenditures, including those fee-for-service expenditures attributable to recipients who are enrolled for a portion of a year in a managed care plan or waiver program.

(c) Is compliant with applicable federal laws and regulations, including, but not limited to, the requirements to include an allowance for administrative expenses and to account for all fee-for-service expenditures, including fee-for-service expenditures for those groups enrolled for part of a year.

(2)~~(3)~~ Each year prior to establishing new managed care rates, the agency shall review all prior year adjustments for changes in trend, and shall reduce or eliminate those adjustments which are not reasonable and which reflect policies or programs which are not in effect. *In addition, the agency shall apply only those policy reductions applicable to the fiscal year for which the rates are being set, which can be accurately estimated and verified by an independent actuary, and which have been implemented prior to or will be implemented during the fiscal year. The agency shall pay rates at per-member, per-month averages that equal, but do not exceed, the amounts allowed for in the General Appropriations Act applicable to the fiscal year for which the rates will be in effect.*

(3)~~(4)~~ The agency shall by rule prescribe those items of financial information which each managed care plan shall report to the agency, in the time periods prescribed by rule. In prescribing items for reporting and definitions of terms, the agency shall consult with the Office of Insurance Regulation of the Financial Services Commission wherever possible.

(4)~~(5)~~ The agency shall quarterly examine the financial condition of each managed care plan, and its performance in serving Medicaid patients, and shall utilize examinations performed by the Office of Insurance Regulation wherever possible.

(5) The agency shall develop two rates for children under 1 year of age. One set of rates shall cover the month of birth through the second complete month subsequent to the month of birth, and a separate set of rates shall cover the third complete month subsequent to the month of birth through the eleventh complete month subsequent to the month of birth. The agency shall amend the payment methodology for participating Medicaid-managed health care plans to comply with this subsection.

Section 19. *Section 430.041, Florida Statutes, is repealed.*

Section 20. Subsection (1) of section 430.502, Florida Statutes, is amended to read:

430.502 Alzheimer's disease; memory disorder clinics and day care and respite care programs.—

(1) There is established:

(a) A memory disorder clinic at each of the three medical schools in this state;

(b) A memory disorder clinic at a major private nonprofit research-oriented teaching hospital, and may fund a memory disorder clinic at any of the other affiliated teaching hospitals;

(c) A memory disorder clinic at the Mayo Clinic in Jacksonville;

(d) A memory disorder clinic at the West Florida Regional Medical Center;

(e) The East Central Florida Memory Disorder Clinic at the Joint Center for Advanced Therapeutics and Biomedical Research of the Florida Institute of Technology and Holmes Regional Medical Center, Inc.;

(f) A memory disorder clinic at the Orlando Regional Healthcare System, Inc.;

(g) A memory disorder center located in a public hospital that is operated by an independent special hospital taxing district that governs multiple hospitals and is located in a county with a population greater than 800,000 persons;

(h) A memory disorder clinic at St. Mary's Medical Center in Palm Beach County;

(i) A memory disorder clinic at Tallahassee Memorial Healthcare;

(j) A memory disorder clinic at Lee Memorial Hospital created by chapter 63-1552, Laws of Florida, as amended;

(k) A memory disorder clinic at Sarasota Memorial Hospital in Sarasota County; ~~and~~

(l) A memory disorder clinic at Morton Plant Hospital, Clearwater, in Pinellas County*; and*~~,~~

(m) A memory disorder clinic at Florida Atlantic University, Boca Raton, in Palm Beach County,

for the purpose of conducting research and training in a diagnostic and therapeutic setting for persons suffering from Alzheimer's disease and related memory disorders. However, memory disorder clinics funded as of June 30, 1995, shall not receive decreased funding due solely to subsequent additions of memory disorder clinics in this subsection.

Section 21. Paragraph (d) of subsection (15) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(15)

(d) "Employee" does not include:

1. An independent contractor who is not engaged in the construction industry.

a. In order to meet the definition of independent contractor, at least four of the following criteria must be met:

(I) The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

(II) The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal regulations;

(III) The independent contractor receives compensation for services rendered or work performed and such compensation is paid to a business rather than to an individual;

(IV) The independent contractor holds one or more bank accounts in the name of the business entity for purposes of paying business expenses or other expenses related to services rendered or work performed for compensation;

(V) The independent contractor performs work or is able to perform work for any entity in addition to or besides the employer at his or her own election without the necessity of completing an employment application or process; or

(VI) The independent contractor receives compensation for work or services rendered on a competitive-bid basis or completion of a task or a set of tasks as defined by a contractual agreement, unless such contractual agreement expressly states that an employment relationship exists.

b. If four of the criteria listed in sub-subparagraph a. do not exist, an individual may still be presumed to be an independent contractor and not an employee based on full consideration of the nature of the individual situation with regard to satisfying any of the following conditions:

(I) The independent contractor performs or agrees to perform specific services or work for a specific amount of money and controls the means of performing the services or work.

(II) The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform.

(III) The independent contractor is responsible for the satisfactory completion of the work or services that he or she performs or agrees to perform.

(IV) The independent contractor receives compensation for work or services performed for a commission or on a per-job basis and not on any other basis.

(V) The independent contractor may realize a profit or suffer a loss in connection with performing work or services.

(VI) The independent contractor has continuing or recurring business liabilities or obligations.

(VII) The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

c. Notwithstanding anything to the contrary in this subparagraph, an individual claiming to be an independent contractor has the burden of proving that he or she is an independent contractor for purposes of this chapter.

2. A real estate licensee, if that person agrees, in writing, to perform for remuneration solely by way of commission.

3. Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish the necessary motor vehicle equipment and all costs incidental to the performance of the contract, including, but not limited to, fuel, taxes, licenses, repairs, and hired help; and the owner-operator is paid a commission for transportation service and is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term "volunteer" includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the department; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Unless otherwise prohibited by this chapter, any officer of a corporation who elects to be exempt from this chapter. Such officer is not an employee for any reason under this chapter until the notice of revocation of election filed pursuant to s. 440.05 is effective.

8. An officer of a corporation that is engaged in the construction industry who elects to be exempt from the provisions of this chapter, as otherwise permitted by this chapter. Such officer is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

9. An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

10. A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

11. A person who performs services as a sports official for an entity sponsoring an interscholastic sports event or for a public entity or private, nonprofit organization that sponsors an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term "sports official" means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.

12. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Home and Community-Based *or the Family and Supported Living* Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage.

Section 22. Section 21 of chapter 2004-270, Laws of Florida, is amended to read:

Section 21. Notwithstanding s. 430.707, Florida Statutes, no later than September 1, 2005, *or* subject to federal approval of the application to be a Program of All-inclusive Care for the Elderly site, the agency shall contract with one private, not-for-profit hospice organization located in Lee County and one such organization in Martin County, such an entity shall be exempt from the requirements of chapter 641 Florida Statutes, each of which provides comprehensive services, including hospice care for frail and elderly persons. The agency shall approve ~~100 initial~~ enrollees in the Program of All-inclusive Care for the Elderly *for the* ~~in~~ Lee and Martin *programs, subject to an appropriation by the Legislature* ~~counties~~. *The organization in Lee County shall serve eligible residents in Lee County and in the counties contiguous to Lee County. The organization in Martin County shall serve eligible residents in Martin County and in the counties contiguous to Martin County. Each program may continue to enroll eligible residents when the Agency for Health Care Administration determines such residents to be eligible for nursing home confinement. Residents currently designated by the agency as eligible for nursing home confinement are automatically eligible for PACE program enrollment.* ~~There shall be 50 initial enrollees in each county.~~

Section 23. *Sections 8, 9, and 10 of this act are remedial in nature and it is the intent of the Legislature that the provisions of those sections apply to contracts, fees, rates, and other methods of payment in existence before, on, or after the effective date of this act.*

Section 24. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 25. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; amending s. 393.0661, F.S.; deleting provisions authorizing the Agency for Health Care Administration to adopt emergency rules governing the home and community-based services delivery system; amending s. 400.23, F.S.; delaying provisions requiring a nursing home staffing increase; amending s. 408.034, F.S.; deleting references to the Office of Long-Term Care Policy; requiring the Agency for Health Care Administration to make recommendations to the Legislature relating to the need for nursing facility beds; amending ss. 409.903, 409.904, F.S.; deleting certain limitations on services to the medically needy; amending s. 409.906, F.S., relating to optional Medicaid services; providing for adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.907, F.S., relating to Medicaid provider agreements; prohibiting the incorporation of a fee or rate schedule into a provider agreement; requiring that such agreements be renewed or amended only in writing; amending s. 409.908, F.S.; requiring that the agency reimburse providers according to published methodologies; authorizing adjustments in fees, rates, and other requirements under certain circumstances; removing obsolete provisions; creating s. 409.9082, F.S.; providing a Medicaid rate-setting process; providing that the agency need not comply with ch. 120, F.S., when setting such rates; limiting judicial review of such rates; providing notice requirements or proposed and final rate methodologies; amending ss. 409.911, 409.9112, 409.9113, 409.9117, F.S., relating to the hospital disproportionate share program; revising the method for calculating the disproportionate share payment; deleting obsolete provisions; amending s. 409.91195, F.S.; revising provisions relating to the

Medicaid Pharmaceutical and Therapeutics Committee and its duties with respect to developing a preferred drug list; amending s. 409.912, F.S.; authorizing the agency to contract with comprehensive behavioral health care providers in a specified service area for the purpose of demonstrating the cost-effectiveness of quality mental health services through a public hospital-operated managed care model; providing requirements for the contract; revising the Medicaid prescribed drug spending control program; eliminating case management fees; directing the Agency for Health Care Administration to implement, and authorizing it to seek federal waivers for, the program of all-inclusive care for children; authorizing the agency to adopt rules; amending s. 409.9122, F.S.; revising a provision governing assignment to a managed care option for a Medicaid recipient who does not choose a plan or provider in certain geographic areas where the Agency for Health Care Administration contracts for comprehensive behavioral health services; amending s. 409.9124, F.S.; requiring the Agency for Health Care Administration to publish managed care reimbursement rates annually; limiting the application of certain rates and rate reductions; providing for rates applicable to children under 1 year of age; repealing s. 430.041, F.S., relating to establishing the Office of Long-Term Care Policy; amending s. 430.502, F.S.; establishing a memory disorder clinic at Florida Atlantic University; amending s. 440.02, F.S.; excluding from the term "employee" as used in ch. 440, F.S., certain Medicaid-enrolled clients served under the Family and Supported Living Medicaid Waiver program; amending s. 21, ch. 2004-270, Laws of Florida; providing criteria for clientele to be served by organizations in Lee County and Martin County under the Program of All-inclusive Care for the Elderly; providing legislative intent with respect to the applicability of provisions of the act governing contracts, fees, rates, and other methods of payment; providing for severability; providing effective dates.

On motion by Senator Saunders, the Conference Committee Report was adopted and **CS for CS for SB 404** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—37

Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Wilson
Constantine	Lawson	Wise
Crist	Lynn	
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Webster

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 408

May 4, 2005

The Honorable Tom Lee
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 408, same being:

An act relating to Children and Family Services Dept.; revises penalties imposed by DCFS against participant who is receiving temporary cash assistance and who fails to comply with work requirements; revises certain requirements for determining eligibility for temporary cash assistance in order to conform to federal requirements; repeals provision re disqualification from food stamp program for arrearage in child support payments, etc.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton	*s/Nancy Argenziano*
Chair	*s/JD Alexander*
s/Dave Aronberg	*s/Carey Baker*
s/Michael S. "Mike" Bennett	*s/Larcenia J. Bullard*
s/Charlie Clary	*s/Lee Constantine*
s/Victor D. Crist	*s/M. Mandy Dawson*
s/Paula Dockery	*s/Mike Fasano*
s/Rudy Garcia	*s/Anthony C. "Tony" Hill, Sr.*
s/Dennis L. Jones	*s/James E. "Jim" King, Jr.*
s/Ron Klein	*s/Alfred "Al" Lawson, Jr.*
s/Evelyn J. Lynn	*s/Gwen Margolis*
s/Lesley "Les" Miller, Jr.	*s/Durell Peaden, Jr.*
s/Ken Pruitt	*s/Nan Rich*
s/Burt L. Saunders	*s/Jim Sebesta*
s/Gary Siplin	*s/Rod Smith*
s/J. Alex Villalobos	*s/Daniel Webster*
s/Frederica S. Wilson	*s/Stephen R. Wise*

Managers on the part of the Senate

s/Joe Negron	*s/Sandra "Sandy" Adams*
Vice Chair	*s/Thad Altman*
s/Rafael "Ralph" Arza	*s/Frank Attkisson*
s/Loranne Ausley	*s/Gustavo A. Barreiro*
s/Dennis K. Baxley	*s/Aaron P. Bean*
s/Dorothy Bendross-Mindingall	*s/Anna Holliday "Holly" Benson*
s/Kimberly Berfield	*s/Gus Michael Bilirakis*
s/Ellyn Setnor Bogdanoff	*s/Marsha L. "Marty" Bowen*
s/Donald D. "Don" Brown	*s/Frederick C. "Fred" Brummer*
s/Dean Cannon	*s/Jennifer "JC" Carroll*
s/Donna Clarke	*s/Joyce Cusack*
s/Don Davis	*s/Mike Davis*
s/Greg Evers	*s/Frank Farkas*
s/Anitere Flores	*s/Bill Galvano*
s/Anne M. "Annie" Gannon	*s/Rene Garcia*
s/Andy Gardiner	*s/Dan Gelber*
s/Hugh H. Gibson III	*s/J. Dudley Goodlette*
s/Ron L. Greenstein	*s/Adam Hasner*
s/Alan D. Hays	*s/Edward L. "Ed" Jennings, Jr.*
s/Arthenia L. Joyner	*s/Charlie Justice*
s/Will S. Kendrick	*s/Jeffrey D. "Jeff" Kottkamp*
Dick Kravitz	*s/Kenneth W. "Ken" Littlefield*
s/Marcelo Llorente	*s/Richard A. Machek*
s/Mark Mahon	*s/Stan Mayfield*
s/David J. Mealor	*s/Dave Murzin*
s/Mitch Needelman	*s/Pat Patterson*
s/Joe H. Pickens	*s/Juan-Carlos "J.C." Planas*
s/L. Ralph Poppell	*s/John "Q" Quinones*
s/Ron Reagan	*s/Curtis B. Richardson*
David Rivera	*s/Yolly Roberson*
s/Marco Rubio	*s/Timothy M. "Tim" Ryan*
s/Franklin Sands	*s/Ray Sansom*
s/John P. "Jack" Seiler	*s/David Simmons*
s/Eleanor Sobel	*s/Dwight Stansel*
s/A. Trey Traviesa	*s/Baxter G. Troutman*
s/Shelley Vana	*s/Leslie Waters*

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (12) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.—

(12) The Title IV-D agency shall review child support orders in IV-D cases at least every 3 years upon request by either party, or the agency in cases where there is an assignment of support to the state under *s. 414.095(7)* ~~s. 414.095(8)~~, and may seek adjustment of the order if appropriate under the guidelines established in s. 61.30. Not less than once every 3 years the IV-D agency shall provide notice to the parties subject to the order informing them of their right to request a review and, if appropriate, an adjustment of the child support order. Said notice requirement may be met by including appropriate language in the initial support order or any subsequent orders.

Section 2. Subsections (5) through (19) of section 414.095, Florida Statutes, are renumbered as subsections (4) through (18), respectively, and paragraph (a) of subsection (2), present subsection (4), paragraphs (c) and (e) of present subsection (15), and present subsection (17) of that section are amended to read:

414.095 Determining eligibility for temporary cash assistance.—

(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—

(a) To be eligible for services or temporary cash assistance and Medicaid:

1. An applicant must be a United States citizen, or a qualified noncitizen, as defined in this section.

2. An applicant must be a legal resident of the state.

3. Each member of a family must provide to the department the member's social security number or shall provide proof of application for a social security number. An individual who fails to provide ~~to the department~~ a social security number, or proof of application for a social security number, is not eligible to participate in the program.

4. A minor child must reside with a custodial parent or parents*,* ~~or~~ with a relative caretaker who is within the specified degree of blood relationship as defined *by 45 C.F.R. part 233* ~~under this chapter~~, or*, if the minor is a teen parent with a child,* in a setting approved by the department *as provided in subsection (14)*.

5. Each family must have a minor child and meet the income and resource requirements of the program. All minor children who live in the family, as well as the parents of the minor children, shall be included in the eligibility determination unless specifically excluded.

~~(4) STEPPARENTS.—A family that contains a stepparent has the following special eligibility options if the family meets all other eligibility requirements:~~

~~(a) A family that does not contain a mutual minor child has the option to include or exclude a stepparent in determining eligibility if the stepparent's monthly gross income is less than 185 percent of the federal poverty level for a two-person family.~~

~~1. If the stepparent chooses to be excluded from the family, temporary cash assistance, without shelter expense, shall be provided for the child. The parent of the child must comply with work activity requirements as provided in s. 445.024. Income and resources from the stepparent may not be included in determining eligibility; however, any income and resources from the parent of the child shall be included in determining eligibility.~~

~~2. If a stepparent chooses to be included in the family, the department shall determine eligibility using the requirements for a nonstepparent family. A stepparent whose income is equal to or greater than 185 percent of the federal poverty level for a two-person family does not have the option to be excluded from the family, and all income and resources of the stepparent shall be included in determining the family's eligibility.~~

~~(b) A family that contains a mutual minor child does not have the option to exclude a stepparent from the family, and the income and resources from the stepparent shall be included in determining eligibility.~~

~~(c) A family that contains two stepparents, with or without a mutual minor child, does not have the option to exclude a stepparent from the family, and the income and resources from each stepparent must be included in determining eligibility.~~

(14)~~(15)~~ PROHIBITIONS AND RESTRICTIONS.—

(c) The teen parent is not required to live with a parent, legal guardian, or other adult caretaker relative if the department determines that:

1. The teen parent has suffered or might suffer harm in the home of the parent, legal guardian, or adult caretaker relative.

2. The requirement is not in the best interest of the teen parent or the child. If the department determines that it is not in the best interest of the teen parent or child to reside with a parent, legal guardian, or other adult caretaker relative, the department shall provide or assist the teen parent in finding a suitable home, a second-chance home, a maternity home, or other appropriate adult-supervised supportive living arrangement. Such living arrangement may include a shelter obligation in accordance with subsection *(10)* ~~(11)~~.

The department may not delay providing temporary cash assistance to the teen parent through the alternative payee designated by the department pending a determination as to where the teen parent should live and sufficient time for the move itself. A teen parent determined to need placement that is unavailable shall continue to be eligible for temporary cash assistance so long as the teen parent cooperates with the department and the Department of Health. The teen parent shall be provided with counseling to make the transition from independence to supervised living and with a choice of living arrangements.

(e) If a parent or caretaker relative does not assign any rights a family member may have to support from any other person as required by subsection *(7)* ~~(8)~~, temporary cash assistance to the entire family shall be denied until the parent or caretaker relative assigns the rights to the department.

(16)~~(17)~~ PROPORTIONAL REDUCTION.—If the Social Services Estimating Conference forecasts an increase in the temporary cash assistance caseload and there is insufficient funding, a proportional reduction as determined by the department shall be applied to the levels of temporary cash assistance in subsection *(10)* ~~(11)~~.

Section 3. Section 414.105, Florida Statutes, is amended to read:

414.105 Time limitations of temporary cash assistance.—*Except as* ~~Unless~~ otherwise ~~expressly~~ provided in this *section* ~~chapter~~, an applicant or current participant shall receive temporary cash assistance for *no* ~~episodes of not more than 24 cumulative months in any consecutive 60-month period that begins with the first month of participation and for not~~ more than a lifetime cumulative total of 48 months ~~as an adult~~, unless otherwise provided by law.

~~(1) The time limitation for episodes of temporary cash assistance may not exceed 36 cumulative months in any consecutive 72-month period that begins with the first month of participation and may not exceed a lifetime cumulative total of 48 months of temporary cash assistance as an adult, for cases in which the participant:~~

~~(a) Has received aid to families with dependent children or temporary cash assistance for any 36 months of the preceding 60 months; or~~

~~(b) Is a custodial parent under the age of 24 who:~~

~~1. Has not completed a high school education or its equivalent; or~~

~~2. Had little or no work experience in the preceding year.~~

~~(2) A participant who is not exempt from work activity requirements may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the participant is fully complying with the work activities of the WAGES Program through subsidized or unsubsidized public or private sector employment. The period for which extended temporary cash assistance is granted shall be based upon compliance with WAGES Program requirements beginning October 1, 1996.~~

~~(3) A WAGES participant who is not exempt from work activity requirements and who participates in a recommended mental health or substance abuse treatment program may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the individual fully complies with the requirements of the treatment program. This treatment credit may be~~

~~awarded only upon the successful completion of the treatment program and only once during the 48-month time limit.~~

(1)~~(4) A participant may not receive temporary cash assistance under this subsection, in combination with other periods of temporary cash assistance for longer than a lifetime limit of 48 months.~~ Hardship exemptions to the time limitations *provided in this section* ~~of this chapter~~ shall be limited to 20 percent of the average monthly caseload, as determined by the department in cooperation with Workforce Florida, Inc. Criteria for hardship exemptions include:

(a) Diligent participation in activities, combined with inability to obtain employment.

(b) Diligent participation in activities, combined with extraordinary barriers to employment, including the conditions which may result in an exemption to work requirements.

(c) Significant barriers to employment, combined with a need for additional time.

(d) Diligent participation in activities and a need by teen parents for an exemption in order to have 24 months of eligibility beyond receipt of the high school diploma or equivalent.

(e) A recommendation of extension for a minor child of a participating family that has reached the end of the eligibility period for temporary cash assistance. The recommendation must be the result of a review which determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care. ~~Temporary cash assistance shall be provided through a protective payee. Staff of the Child Care Services Program Office of the department shall conduct all assessments in each case in which it appears a child may require continuation of temporary cash assistance through a protective payee.~~

(2)~~(5) In addition to the exemptions listed in subsection (3),~~ A victim of domestic violence may be granted a hardship exemption if the effects of such domestic violence delay or otherwise interrupt or adversely affect the individual's participation in the program.

(3)~~(6)~~ The department, in cooperation with Workforce Florida, Inc., shall establish a procedure for approving hardship exemptions and for reviewing hardship cases at least once every 2 years. Regional workforce boards may assist in making these determinations. ~~The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.~~

(4)~~(7)~~ For individuals who have moved from another state, the months in which temporary cash assistance was received under a block grant program that provided temporary assistance for needy families in any state shall count towards the cumulative 48-month benefit limit for temporary cash assistance.

(5)~~(8)~~ For individuals subject to a time limitation under the Family Transition Act of 1993, that time limitation shall continue to apply. Months in which temporary cash assistance was received through the family transition program shall count towards the time limitations under this *section* ~~chapter~~.

(6)~~(9)~~ Except when temporary cash assistance was received through the family transition program, the calculation of the time limitation for temporary cash assistance shall begin with the first month of receipt of temporary cash assistance after the effective date of this act.

(7)~~(10)~~ Child-only cases are not subject to time limitations, and temporary cash assistance received while an individual is a minor child shall not count towards time limitations.

(8)~~(11)~~ An individual who receives benefits under the Supplemental Security Income (SSI) program or the Social Security Disability Insurance (SSDI) program is not subject to time limitations. An individual who has applied for supplemental security income (SSI) or supplemental security disability income (SSDI)~~,~~ but has not yet received a determination must be granted an extension of time limits until the individual receives a final determination on the SSI *or SSDI* application. Determination shall be considered final once all appeals have been exhausted, benefits have been received, or denial has been accepted without any appeal. While awaiting a final determination, *the* ~~such~~ individual must continue to meet all program requirements assigned to the participant based on medical ability to comply. If a final determination results in the denial of benefits for supplemental security income (SSI) or supplemental security disability income (SSDI), any period during which the recipient received assistance under this *section* ~~chapter~~ shall *be counted in* ~~count against~~ the recipient's 48-month lifetime limit.

(9)~~(12)~~ A person who is totally responsible for the personal care of a disabled family member is not subject to time limitations if the need for the care is verified and alternative care is not available for the family member. The department shall annually evaluate an individual's qualifications for this exemption.

(10)~~(13)~~ A member of the staff of the regional workforce board shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the *48-month* ~~24-month~~ time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit time limit for temporary cash assistance and, if appropriate, shall refer the participant for services that could facilitate employment.

Section 4. Subsections (3) through (5) of section 414.32, Florida Statutes, are renumbered as subsections (2) through (4), respectively, and present subsection (2) of that section is amended to read:

414.32 Prohibitions and restrictions with respect to food stamps.—

~~(2) DISQUALIFICATION FOR CHILD SUPPORT ARREARS. An individual is ineligible to participate in the food stamp program as a member of a food stamp assistance group during any month in which the individual is delinquent in any payment due under a court order for the support of a child. This subsection does not apply if the court is allowing the individual to delay payment for the support of a child or if the individual is complying with a payment plan approved by the court or the state agency that administers the child support enforcement program.~~

Section 5. Subsection (3) of section 445.048, Florida Statutes, as amended by chapter 2004-269, Laws of Florida, is amended to read:

445.048 Passport to Economic Progress demonstration program.—

(3) INCOME DISREGARD.—In order to provide an additional incentive for employment, and notwithstanding the amount specified in *s. 414.095(11)* ~~s. 414.095(12)~~, for individuals residing in the areas designated for this demonstration program, the first $300 plus one-half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of *s. 414.095(11)* ~~s. 414.095(12)~~ shall continue to apply to such individuals.

Section 6. *Section 114 of chapter 2004-267, Laws of Florida, is repealed.*

Section 7. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic eligibility services; amending s. 409.2564, F.S.; correcting a cross-reference; amending s. 414.095, F.S.; clarifying eligibility for temporary cash assistance for teen parents; deleting additional eligibility options relating to families containing a stepparent; correcting cross-references; amending s. 414.105, F.S.; aligning time limitations for temporary cash assistance with federal requirements; deleting provisions relating to review panels; amending s. 414.32, F.S.; deleting food stamp sanctions for persons who are delinquent on child support payments; amending s. 445.048, F.S.; correcting a cross-reference; repealing s. 114 of ch. 2004-267, Laws of Florida, relating to the eligibility determination functions of the Economic Self-Sufficiency Services program; providing an effective date.

On motion by Senator Saunders, the Conference Committee Report was adopted and **CS for SB 408** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 410

The Honorable Tom Lee May 4, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 410, same being:

An act relating to Health Department; eliminates requirement that dept. issue wall certificates; provides for retired-status license; requires Board of Nursing to adopt rules specifying scope of practice and level of supervision required for certified nursing assistants; requires biennial renewal of certification as nursing assistant; reduces number of required hours of inservice training for certified nursing assistants, etc.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton	*s/Nancy Argenziano*
Chair	*s/JD Alexander*
s/Dave Aronberg	*s/Carey Baker*
s/Michael S. "Mike" Bennett	*s/Larcenia J. Bullard*
s/Charlie Clary	*s/Lee Constantine*
s/Victor D. Crist	*s/M. Mandy Dawson*
s/Paula Dockery	*s/Mike Fasano*
s/Rudy Garcia	*s/Anthony C. "Tony" Hill, Sr.*
s/Dennis L. Jones	*s/James E. "Jim" King, Jr.*
s/Ron Klein	*s/Alfred "Al" Lawson, Jr.*
s/Evelyn J. Lynn	*s/Gwen Margolis*
s/Lesley "Les" Miller, Jr.	*s/Durell Peaden, Jr.*
s/Ken Pruitt	*s/Nan Rich*
s/Burt L. Saunders	*s/Jim Sebesta*
s/Gary Siplin	*s/Rod Smith*
s/J. Alex Villalobos	*s/Daniel Webster*
s/Frederica S. Wilson	*s/Stephen R. Wise*

Managers on the part of the Senate

s/Joe Negron	*s/Sandra "Sandy" Adams*
Vice Chair	*s/Thad Altman*
s/Rafael "Ralph" Arza	*s/Frank Attkisson*
s/Loranne Ausley	*s/Gustavo A. Barreiro*
s/Dennis K. Baxley	*s/Aaron P. Bean*
s/Dorothy Bendross-Mindingall	*s/Anna Holliday "Holly" Benson*
s/Kimberly Berfield	*s/Gus Michael Bilirakis*
s/Ellyn Setnor Bogdanoff	*s/Marsha L. "Marty" Bowen*
s/Donald D. "Don" Brown	*s/Frederick C. "Fred" Brummer*
s/Dean Cannon	*s/Jennifer "JC" Carroll*
s/Donna Clarke	*s/Joyce Cusack*
s/Don Davis	*s/Mike Davis*
s/Greg Evers	*s/Frank Farkas*
s/Anitere Flores	*s/Bill Galvano*
s/Anne M. "Annie" Gannon	*s/Rene Garcia*
s/Andy Gardiner	*s/Dan Gelber*
s/Hugh H. Gibson III	*s/J. Dudley Goodlette*
s/Ron L. Greenstein	*s/Adam Hasner*
s/Alan D. Hays	*s/Edward L. "Ed" Jennings, Jr.*
s/Arthenia L. Joyner	*s/Charlie Justice*
s/Will S. Kendrick	*s/Jeffrey D. "Jeff" Kottkamp*
Dick Kravitz	*s/Kenneth W. "Ken" Littlefield*
s/Marcelo Llorente	*s/Richard A. Machek*
s/Mark Mahon	*s/Stan Mayfield*
s/David J. Mealor	*s/Dave Murzin*
s/Mitch Needelman	*s/Pat Patterson*
s/Joe H. Pickens	*s/Juan-Carlos "J.C." Planas*
s/L. Ralph Poppell	*s/John "Q" Quinones*
s/Ron Reagan	*s/Curtis B. Richardson*
David Rivera	*s/Yolly Roberson*
s/Marco Rubio	*s/Timothy M. "Tim" Ryan*
s/Franklin Sands	*s/Ray Sansom*
s/John P. "Jack" Seiler	*s/David Simmons*
s/Eleanor Sobel	*s/Dwight Stansel*
s/A. Trey Traviesa	*s/Baxter G. Troutman*
s/Shelley Vana	*s/Leslie Waters*

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 456.013, Florida Statutes, is amended to read:

456.013 Department; general licensing provisions.—

(2) Before the issuance of any license, the department shall charge an initial license fee as determined by the applicable board or, if *there is* no ~~such~~ board ~~exists~~, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. The license shall consist of a wallet-size identification card and a wall card measuring 6½ inches by 5 inches. ~~In addition to the two-part license, the department, at the time of initial licensure, shall issue a wall certificate suitable for conspicuous display, which shall be no smaller than 8½ inches by 14 inches.~~ The licensee shall surrender to the department the wallet-size identification card *and*~~,~~ the wall card~~, and the wall certificate, if one has been issued by the department,~~ if the licensee's license *is issued in error or* is revoked.

Section 2. Paragraph (c) of subsection (1) and subsection (2) of section 456.017, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

456.017 Examinations.—

(1)

(c)~~1.~~ The board, or the department when there is no board, shall approve by rule the use of one or more national examinations *that* ~~which~~ the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules.

1. Providers of examinations seeking certification ~~by the department~~ shall pay the actual costs incurred by the department in making a determination regarding the certification. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by a board, or the depart-

ment when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.

2. ~~The board, or the department when there is no board, shall approve and begin administering a national examination no later than December 31, 2001.~~ Neither the board nor the department may administer a state-developed written examination *if a national examination has been certified by the department* ~~after December 31, 2001, notwithstanding any other provision of law~~. The examination may be administered electronically if adequate security measures are used, as determined by rule of the department.

3. The board, or the department when there is no board, may administer a state-developed practical or clinical examination, as required by the applicable practice act, if all costs of development, purchase, validation, administration, review, and defense are paid by the examination candidate prior to the administration of the examination. If a national practical or clinical examination is available and certified by the department pursuant to this section, the board, or the department when there is no board, may administer the national examination.

4. It is the intent of the Legislature to reduce the costs associated with state examinations and to encourage the use of national examinations whenever possible.

(2) For each examination developed by the department or a contracted vendor, the board, or the department when there is no board, shall adopt rules providing for reexamination of any applicants who failed an examination developed by the department or a contracted vendor. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which the applicant failed to achieve a passing grade, if the applicant successfully passes that portion within a reasonable time, as determined by rule of the board, or the department when there is no board, of passing the other portion. Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of the applicant's examination grades. Notwithstanding any other provisions, only candidates who fail an examination *with a score that is* ~~by~~ less than 10 percent *below the minimum score required to pass the examination* shall be entitled to challenge the validity of the examination at hearing.

(7) The department may post examination scores electronically on the Internet in lieu of mailing the scores to each applicant. The electronic posting of the examination scores meets the requirements of chapter 120 if the department also posts along with the examination scores a notification of the rights set forth in chapter 120. The date of receipt for purposes of chapter 120 is the date the examination scores are posted electronically. The department shall also notify the applicant when scores are posted electronically of the availability of post-examination review, if applicable.

Section 3. Subsections (1), (2), (4), (10), (11), (12), and (13) of section 456.036, Florida Statutes, are amended to read:

456.036 Licenses; active and inactive status; delinquency.—

(1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession *with an inactive status license, a retired status license, or a delinquent* ~~without an active status~~ license is in violation of this section and s. 456.072, and the board, or the department if there is no board, may impose discipline on the licensee.

(2) Each board, or the department if there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active*,* ~~or~~ inactive*, or retired* status.

(4) Notwithstanding any other provision of law to the contrary, a licensee may change licensure status at any time.

(a) Active status licensees choosing inactive status at the time of license renewal must pay the inactive status renewal fee, and, if applicable, the delinquency fee and the fee to change licensure status. Active status licensees choosing inactive status at any other time than at the time of license renewal must pay the fee to change licensure status.

(b) An active status licensee or an inactive status licensee who chooses retired status at the time of license renewal must pay the retired-status fee, which may not exceed $50 as established by rule of the board or the department if there is no board. An active status licensee or inactive status licensee who chooses retired status at any time other than at the time of license renewal must pay the retired-status fee plus a change-of-status fee.

(c)~~(b)~~ An inactive status licensee may change to active status at any time, if the licensee meets all requirements for active status. Inactive status licensees choosing active status at the time of license renewal must pay the active status renewal fee, any applicable reactivation fees as set by the board, or the department if there is no board, and, if applicable, the delinquency fee and the fee to change licensure status. Inactive status licensees choosing active status at any other time than at the time of license renewal must pay the difference between the inactive status renewal fee and the active status renewal fee, if any exists, any applicable reactivation fees as set by the board, or the department if there is no board, and the fee to change licensure status.

(10) Each board, or the department if there is no board, may by rule impose reasonable conditions, including full reexamination to assess current competency, in order to ensure that a licensee who has been on retired status for more than 5 years, or a licensee from another state who has not been in active practice within the past 5 years, and who applies for active status is able to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Requirements for reactivation of a license may differ depending on the length of time a licensee has been retired.

(11)~~(10)~~ Before reactivation, an inactive status licensee or a delinquent licensee who was inactive prior to becoming delinquent must meet the same continuing education requirements, if any, imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent.

(12) Before the license of a retired status licensee is reactivated, the licensee must meet the same requirements for continuing education, if any, and pay any renewal fees imposed on an active status licensee for all biennial licensure periods during which the licensee was on retired status.

(13)~~(11)~~ The status or a change in status of a licensee does not alter in any way the right of the board, or of the department if there is no board, to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, *retired,* or delinquent.

(14)~~(12)~~ This section does not apply to a business establishment registered, permitted, or licensed by the department to do business.

(15)~~(13)~~ The board, or the department when there is no board, may adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement this section.

Section 4. Present subsection (5) of section 464.201, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

464.201 Definitions.—As used in this part, the term:

(5) "Practice of a certified nursing assistant" means providing care and assisting persons with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, postmortem care, patient socialization and reality orientation, end-of-life care, cardiopulmonary resuscitation and emergency care, residents' or patients' rights, documentation of nursing-assistant services, and other tasks that a certified nurse assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by a registered nurse. This subsection does not restrict the ability of any person who is otherwise trained and educated from performing such tasks.

Section 5. Section 464.202, Florida Statutes, is amended to read:

464.202 Duties and powers of the board.—The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by board rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The board shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants *and specifying the scope of practice authorized and the level of supervision required for the practice of certified nursing assistants* ~~to enforce this part~~. The board may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall pay all reasonable costs and expenses incurred by the board in evaluating the provider's application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

Section 6. Subsections (5) and (7) of section 464.203, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

464.203 Certified nursing assistants; certification requirement.—

(5) Certification as a nursing assistant, in accordance with this part, *may be renewed* ~~continues in effect~~ until such time as the nursing assistant allows a period of 24 consecutive months to pass during which period the nursing assistant fails to perform any nursing-related services for monetary compensation. When a nursing assistant fails to perform any nursing-related services for monetary compensation for a period of 24 consecutive months, the nursing assistant must complete a new training and competency evaluation program or a new competency evaluation program.

(7) A certified nursing assistant shall complete *12* ~~18~~ hours of inservice training during each calendar year. The certified nursing assistant shall be responsible for maintaining documentation demonstrating compliance with these provisions. The Council on Certified Nursing Assistants, in accordance with s. 464.2085(2)(b), shall propose rules to implement this subsection.

(8) The department shall renew a certificate upon receipt of the renewal application and imposition of a fee of not less than $20 and not more than $50 biennially. The department shall adopt rules establishing a procedure for the biennial renewal of certificates. Any certificate that is not renewed by July 1, 2006, is void.

Section 7. Subsection (1) of section 456.041, Florida Statutes, as amended by Committee Substitute for Senate Bill 940 enacted in the 2005 Regular Session of the Legislature, is amended to read:

456.041 Practitioner profile; creation.—

(1)(a) The Department of Health shall compile the information submitted pursuant to s. 456.039 into a practitioner profile of the applicant submitting the information, except that the Department of Health shall develop a format to compile uniformly any information submitted under s. 456.039(4)(b). Beginning July 1, 2001, the Department of Health may compile the information submitted pursuant to s. 456.0391 into a practitioner profile of the applicant submitting the information.

(b) Beginning July 1, 2005, the department shall verify the information submitted by the applicant under s. 456.039 concerning disciplinary history and medical malpractice claims at the time of initial licensure and license renewal using the National Practitioner Data Bank. The physician profiles shall reflect the disciplinary action and medical malpractice claims as reported by the National Practitioner Data Bank*, and shall include information relating to liability and disciplinary actions obtained as a result of a search of the National Practitioner Data Bank*.

(c) Within 30 calendar days after receiving an update of information required for the practitioner's profile, the department shall update the practitioner's profile in accordance with the requirements of subsection (7).

Section 8. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Health; amending s. 456.013, F.S.; eliminating a requirement that the department issue wall certificates; amending s. 456.017, F.S.; prohibiting the use of a state-developed examination if a national examination has been certified by the department; revising the criteria under which an applicant may challenge the validity of an examination; authorizing the department to post examination scores on the Internet in lieu of mailing the scores to each applicant; amending s. 456.036, F.S.; providing for a retired-status license; providing a fee for changing to retired status at the time of license renewal; requiring an additional fee if retired status is chosen at any time other than at the time of license renewal; authorizing each board or the department to reexamine a licensee who has been retired or inactive for a specified period in order to assess the licensee's competency; amending s. 464.201, F.S.; defining the phrase "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules specifying the scope of practice and level of supervision required for certified nursing assistants; amending s. 464.203, F.S.; requiring the biennial renewal of certification as a nursing assistant; reducing the number of required hours of inservice training for certified nursing assistants; providing a fee for certification renewal; amending s. 456.041, F.S.; requiring that information relating to liability and disciplinary actions be included in the practitioner profile; providing an effective date.

On motion by Senator Saunders, the Conference Committee Report was adopted and **CS for SB 410** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 424

The Honorable Tom Lee May 4, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS for SB 424, same being:

An act relating to Collective Bargaining/Employees; provides for resolution of certain collective bargaining issues at impasse between State of Florida and certified bargaining units of state employees.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton	s/Nancy Argenziano
Chair	s/JD Alexander
s/Dave Aronberg	s/Carey Baker
s/Michael S. "Mike" Bennett	s/Larcenia J. Bullard
s/Charlie Clary	s/Lee Constantine
s/Victor D. Crist	s/M. Mandy Dawson
s/Paula Dockery	s/Mike Fasano
s/Rudy Garcia	s/Anthony C. "Tony" Hill, Sr.
s/Dennis L. Jones	s/James E. "Jim" King, Jr.
s/Ron Klein	s/Alfred "Al" Lawson, Jr.
s/Evelyn J. Lynn	s/Gwen Margolis
s/Lesley "Les" Miller, Jr.	s/Durell Peaden, Jr.
s/Ken Pruitt	s/Nan Rich
s/Burt L. Saunders	s/Jim Sebesta
s/Gary Siplin	s/Rod Smith
s/J. Alex Villalobos	s/Daniel Webster
s/Frederica S. Wilson	s/Stephen R. Wise

Managers on the part of the Senate

s/Joe Negron	s/Sandra "Sandy" Adams
Vice Chair	s/Thad Altman
s/Rafael "Ralph" Arza	s/Frank Attkisson
s/Loranne Ausley	s/Gustavo A. Barreiro
s/Dennis K. Baxley	s/Aaron P. Bean
s/Dorothy Bendross-Mindingall	s/Anna Holliday "Holly" Benson
s/Kimberly Berfield	s/Gus Michael Bilirakis
s/Ellyn Setnor Bogdanoff	s/Marsha L. "Marty" Bowen
s/Donald D. "Don" Brown	s/Frederick C. "Fred" Brummer
s/Dean Cannon	s/Jennifer "JC" Carroll
s/Donna Clarke	s/Joyce Cusack
s/Don Davis	s/Mike Davis
s/Greg Evers	s/Frank Farkas
s/Anitere Flores	s/Bill Galvano
s/Anne M. "Annie" Gannon	s/Rene Garcia
s/Andy Gardiner	s/Dan Gelber
s/Hugh H. Gibson III	s/J. Dudley Goodlette
s/Ron L. Greenstein	s/Adam Hasner
s/Alan D. Hays	s/Edward L. "Ed" Jennings, Jr.
s/Arthenia L. Joyner	s/Charlie Justice
s/Will S. Kendrick	s/Jeffrey D. "Jeff" Kottkamp
Dick Kravitz	s/Kenneth W. "Ken" Littlefield
s/Marcelo Llorente	s/Richard A. Machek
s/Mark Mahon	s/Stan Mayfield
s/David J. Mealor	s/Dave Murzin
s/Mitch Needelman	s/Pat Patterson
s/Joe H. Pickens	s/Juan-Carlos "J.C." Planas
s/L. Ralph Poppell	s/John "Q" Quinones
s/Ron Reagan	s/Curtis B. Richardson
s/David Rivera	s/Yolly Roberson
s/Marco Rubio	s/Timothy M. "Tim" Ryan
s/Franklin Sands	s/Ray Sansom
s/John P. "Jack" Seiler	s/David Simmons
s/Eleanor Sobel	s/Dwight Stansel
s/A. Trey Traviesa	s/Baxter G. Troutman
s/Shelley Vana	s/Leslie Waters

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) Collective bargaining issues at impasse between the Florida Lottery and the Federation of Public Employees for the Lottery Administrative and Support Unit employees shall be resolved as follows:*

(a) All collective bargaining issues at impasse regarding Article 9 "Union Dues Deductions," Article 11 "Work Week," and Article 19 "Holidays" shall be resolved pursuant to the state's last offer dated February 4, 2005.

(b) All mandatory collective bargaining issues at impasse regarding Article 14 "Seniority" shall be resolved pursuant to the state's last offer dated February 4, 2005, for the period July 1, 2005, through May 31, 2006. Beginning June 1, 2006, the issues shall be resolved by reverting to the status quo under the language of the current collective bargaining agreement.

(2) All mandatory collective bargaining issues at impasse between the State of Florida and the International Union of Police Associations for Law Enforcement Bargaining Unit employees regarding Article 5 "Employee Representation," Article 14 "Performance Review," Article 18 "Hours of Work, Leave, Job-connected Disability," and Article 24 "On-call assignment - Call back - Court Appearance" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(3) All mandatory collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists for Selected Exempt Service Physicians Unit employees shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(4) All mandatory collective bargaining issues at impasse between the State of Florida and the Police Benevolent Association for the Special Agents Bargaining Unit employees regarding Article 7 "Internal Investigations and Disciplinary Actions," Article 16 "Employment Outside State Government," Article 17 "Department Vehicles," Article 18 "Leave," and Article 23 "Workday, Workweek, and Overtime" shall be resolved by maintaining the status quo under the language of the current collective bargaining agreement.

(5) All mandatory collective bargaining issues at impasse between the State of Florida and AFSCME, Council 79, Master Contract Units, for career service employees regarding Article 6 "Grievance Procedure," Article 7 "Discipline and Discharge," Article 8 "Workforce Reduction and Privatization," Article 9 "Reassignment, Transfer, Change in Duty Station," Article 10 "Promotion," Article 12 "Personnel Records," Article 14 "Performance Review," Article 18 "Leaves of Absence, Hours of Work, and Disability," Article 20 "Training," Article 21 "Out of Title Work," Article 22 "Disability Leave," and Article 23 "Hours of Work/Overtime" shall be resolved pursuant to the state's last offer.

(6) All mandatory collective bargaining issues at impasse between the State of Florida and the Florida State Fire Service Association regarding Article 23 "Hours of Work and Overtime" shall be resolved pursuant to the state's last offer.

(7) All mandatory collective bargaining issues at impasse between the State of Florida and the Federation of Physicians and Dentists for Selected Exempt Service Supervisory Nonprofessional Unit employees regarding Article 7 "Employee Standards of Conduct" shall be resolved pursuant to the state's last offer.

(8) All mandatory collective bargaining issues at impasse between the State of Florida and the State Employees Attorneys Guild shall be resolved pursuant to the state's last offer dated February 1, 2005.

(9) All other mandatory collective bargaining issues at impasse for the 2005-2006 fiscal year which are not addressed by this act or the General Appropriations Act for the 2005-2006 fiscal year shall be resolved consistent with the personnel rules in effect on May 2, 2005, and by otherwise maintaining the status quo under the language of the current collective bargaining agreements.

Section 2. *(1) For the period January 1, 2006, through December 31, 2006, the Department of Management Services shall establish within the State Group Insurance Program a State Group Health Insurance Standard Plan, a State Group Health Insurance High Deductible Health Plan, a state-contracted Health Maintenance Organization Standard Plan, and a state-contracted Health Maintenance Organization High Deductible Health Plan. The state-contracted Health Maintenance High Deductible Health Plan may be offered by each of the health maintenance organizations under contract with the Department of Management Services for the 2006 plan year.*

(2) The State Group Health Insurance High Deductible Plan and the state-contracted Health Maintenance Organization High Deductible Plan shall include a health savings account feature. Such plans and accounts shall be administered in accordance with the requirements and

limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. The benefit attributes offered under the State Group Health Insurance High Deductible Plan and the state-contracted Health Maintenance Organization High Deductible Plan shall be as determined in the General Appropriations Act.

(3)(a) For the period January 1, 2006, through June 30, 2006, a COBRA participant participating in a high deductible plan shall pay $325.88 per month for single coverage and $710.82 for family coverage.

(b) For the period January 1, 2006, through June 30, 2006, an "early retiree" participant participating in a high deductible plan shall pay $319.48 per month for single coverage and $696.88 for family coverage.

Section 3. Paragraph (i) is added to subsection (5) of section 110.123, Florida Statutes, and subsection (12) is added to that section, to read:

110.123 State group insurance program.—

(5) DEPARTMENT POWERS AND DUTIES.—The department is responsible for the administration of the state group insurance program. The department shall initiate and supervise the program as established by this section and shall adopt such rules as are necessary to perform its responsibilities. To implement this program, the department shall, with prior approval by the Legislature:

(i) Contract with a single custodian to provide services necessary to implement and administer the health savings accounts authorized in subsection (12).

Final decisions concerning enrollment, the existence of coverage, or covered benefits under the state group insurance program shall not be delegated or deemed to have been delegated by the department.

(12) HEALTH SAVINGS ACCOUNTS.—The department is authorized to establish health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature and conforming to the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

(a)1. A member participating in this health insurance plan option shall be eligible to receive an employer contribution into the employee's health savings account from the State Employees Health Insurance Trust Fund in an amount to be determined by the Legislature. A member is not eligible for an employer contribution upon termination of employment. For the 2005-2006 fiscal year, the state's monthly contribution for employees having individual coverage shall be $41.66 and the monthly contribution for employees having family coverage shall be $83.33.

2. A member participating in this health insurance plan option shall be eligible to deposit the member's own funds into a health savings account.

(b) The monthly premiums paid by the employer for a member participating in this health insurance plan option shall include an amount equal to the monthly employer contribution authorized by the Legislature for that fiscal year.

(c) The health savings accounts shall be administered in accordance with the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

Section 4. Subsection (7) of section 110.12315, Florida Statutes, is amended to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(7) Under the state employees' prescription drug program copayments must be made as follows:

(a) Effective January 1, 2004*, through December 31, 2005*:

1. For generic drug with card . . . . . $10.

2. For preferred brand name drug with card . . . . . $25.

3. For nonpreferred brand name drug with card . . . . . $40.

4. For generic mail order drug . . . . . $20.

5. For preferred brand name mail order drug . . . . . $50.

6. For nonpreferred brand name *mail order* drug . . . . . $80.

(b) Effective January 1, 2006, through December 31, 2006, for the State Group Health Insurance Standard Plan:

1. For generic drug with card . . . . . $10.

2. For preferred brand name drug with card . . . . . $25.

3. For nonpreferred brand name drug with card . . . . . $40.

4. For generic mail order drug . . . . . $20.

5. For preferred brand name mail order drug . . . . . $50.

6. For nonpreferred brand name mail order drug . . . . . $80.

(c) Effective January 1, 2006, through December 31, 2006, for the State Group Health Insurance High Deductible Plan:

1. Retail coinsurance for generic drug with card . . . . . 30%.

2. Retail coinsurance for preferred brand name drug with card . . . . . 30%.

3. Retail coinsurance for nonpreferred brand name drug with card . . . . . 50%.

4. Mail order coinsurance for generic drug . . . . . 30%.

5. Mail order coinsurance for preferred brand name drug . . . 30%.

6. Mail order coinsurance for nonpreferred brand name drug . . . . . 50%.

(d)~~(b)~~ The Department of Management Services shall create a preferred brand name drug list to be used in the administration of the state employees' prescription drug program.

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to employee benefits; providing for resolving various collective bargaining issues that are at impasse between the State of Florida and the respective employee unit; requiring the Department of Management Services to establish certain insurance plans within the state group insurance program; requiring that certain high deductible plans include a health savings account; providing for the benefit attributes to be determined under the General Appropriations Act; specifying the monthly payment amounts for certain types of coverage; amending s. 110.123, F.S., relating to the state group insurance program; authorizing the department to establish health savings accounts for full-time and part-time state employees; providing for employer contributions into an employee's health savings account from the State Employees Health Insurance Trust Fund; amending s. 110.12315, F.S.; providing additional copayment amounts under the state employees' prescription drug program; providing an effective date.

On motion by Senator Carlton, the Conference Committee Report was adopted and **CS for SB 424** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—36

Alexander	Atwater	Bullard
Argenziano	Baker	Campbell
Aronberg	Bennett	Carlton

Clary	Jones	Rich
Constantine	King	Saunders
Dawson	Klein	Sebesta
Diaz de la Portilla	Lynn	Siplin
Dockery	Margolis	Smith
Fasano	Miller	Villalobos
Garcia	Peaden	Webster
Geller	Posey	Wilson
Haridopolos	Pruitt	Wise

Nays—3

Crist	Hill	Lawson

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1494, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1494—A bill to be entitled An act relating to information technology management; providing legislative intent that each state agency use a governance process and structure for managing its information technology operations and investments in order to ensure alignment with the business needs and policy requirements of the agency; providing definitions; providing a governance process for information technology which includes management of the agency's information technology portfolio along with project management; specifying the purpose of information technology portfolio management; requiring each agency to submit its information technology portfolio as part of its legislative budget request; requiring that agencies implement and administer a project management methodology; requiring that each agency implement a management process; amending s. 20.22, F.S.; renaming an office within the Department of Management Services; repealing s. 110.205(2)(e) and (w), F.S., relating to personnel of the State Technology Office; repealing s. 186.022, F.S., relating to information technology strategic plans; repealing s. 216.292(1)(c), F.S., relating to transfer of positions or appropriations for fiscal year 2001-2002; amending s. 282.0041, F.S.; revising definitions; repealing s. 282.005, F.S., relating to legislative findings and intent concerning information technology; creating s. 282.0055, F.S.; prohibiting the Department of Management Services and the Florida Technology Council from taking certain actions with respect to the information technology personnel of cabinet officers; amending s. 282.102, F.S.; eliminating the State Technology Office and transferring responsibilities of the office to the Department of Management Services; revising various responsibilities relating to information technology; amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S.; transferring responsibilities relating to the SUNCOM Network from the State Technology Office to the Department of Management Services; amending ss. 282.1095 and 282.111, F.S.; transferring responsibilities relating to various law enforcement radio systems from the office to the department; amending s. 282.20, F.S.; revising the duties of the Technology Resource Center; amending s. 282.21, F.S.; transferring authorization to collect fees for provision of remote electronic access services from the office to the department; amending s. 282.22, F.S.; transferring responsibilities relating to production, dissemination, and ownership of various materials or products from the office to the department; repealing s. 282.23, F.S., relating to the State Strategic Information Technology Alliance; creating s. 282.3025, F.S.; creating the Florida Technology Council within the Department of Management Services; providing for the State Technology Officer to head the council; requiring that the council develop a statewide information technology strategic plan, in consultation with the Agency Chief Information Officers Council; providing requirements for the plan; requiring that the council assist state agencies in implementing the information technology portfolio management process; requiring the council to provide status reports to the Administration Commission; amending s. 282.3031, F.S.; deleting provisions assigning responsibility for information resources management to the State Technology Office; repealing s. 282.3055, F.S., relating to personnel of the State Technology Office; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; revising certain duties of the Agency Chief Information Officers Council; specifying an additional responsibility; amending s. 282.318, F.S.; transferring various responsibilities relating to security of data and information technology resources from the State Technology Office to each agency head or the Department of Management Services; repealing s. 282.322(2), F.S., relating to information technology projects identified as high-risk; amending s. 287.042, F.S.; transferring responsibilities from the State Technology Office to the Department of Management Services; deleting provisions requiring consultation between the department and the office; repealing s. 287.057(24), F.S., relating to strategic information technology alliances; amending s. 445.049, F.S.; transferring responsibilities relating to the Digital Divide Council from the State Technology Office to the Department of Management Services or the secretary of the department; providing an appropriation and authorizing positions; requiring that certain notice with respect to budget actions be given to the Legislative Budget Commission; providing an effective date.

House Amendment 1 (314307)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 282.0051, Florida Statutes, is created to read:

282.0051 Information technology management.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that the state needs an information technology architecture to support the business needs of individual agencies while optimizing the state's collective use of information technology through integration, coordination, consolidation, and sharing. It is the intent of the Legislature that:

(a) The state shall make governmental information and services more accessible to citizens by developing a statewide internet portal presence, a state e-mail system, and state security protocols.

(b) Each state agency shall develop and implement information technology in the best interest of the state by whatever means are cost effective and efficient, are nonvendor specific systems, and maximize use of shared data and resources.

(c) Agency information technology investments must be governed responsibly, consistent with fiscal and substantive policies established by the Legislature, and aligned with business needs.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Agency information technology investment management" means an analytical decisionmaking process that is used to systematically prioritize, select, and manage information technology investments for the agency.

(b) "Information technology investment" means the cost associated with agency resources, hardware, software, or contracted services that are required to provide information technology services and to initiate approved information technology projects.

(c) "Information technology portfolio" means the aggregate list of information technology investments aligned with agency business needs.

(d) "Information technology services" means the strategic and nonstrategic information technology services used to enable agency business processes and as further defined in the legislative budget instructions developed pursuant to s. 216.023.

(e) "Information technology services catalog" means a report defining and describing each information technology service.

(f) "Project management" means a set of disciplines required for planning, organizing, managing, implementing, and controlling organizational and fiscal resources in order to complete information technology projects.

(g) "Service level agreement" means a written agreement between a service provider and the agency which describes each service to be provided and documents the required service objectives and service levels for

a service. Service providers include external providers, internal providers, and other agency providers.

(3) AGENCY INFORMATION TECHNOLOGY INVESTMENT MANAGEMENT PROCESS.—The agency information technology investment management process shall be used as the primary tool to support the information technology investment decisions of each agency. The agency shall adopt the model portfolio management process developed pursuant to s. 282.3025(2)(d) and may adjust the model to meet agency-specific organizational needs subject to the approval of the Agency Chief Information Officers Council.

(a) The investment management process shall:

1. Be administered by the agency head and include executive managers from across the agency's program areas.

2. Define initiatives using a comprehensive, uniform format.

3. Evaluate initiatives using an objective framework.

4. Prioritize initiatives and match initiatives to resources.

5. Manage the portfolio and the process proactively.

(b) Agency-approved initiatives which become information technology projects are subject to the requirements of subsection (4). New initiatives requiring funding shall be submitted in the agency's legislative budget request pursuant to s. 216.023.

(c) The agency shall prepare an information technology portfolio in a format prescribed in the legislative budget instructions pursuant to s. 216.023. The portfolio shall include, but need not be limited to:

1. A summary statement of the agency's mission, goals, and objectives for information technology which are supported through the agency's information technology portfolio.

2. Identification of projects and resources required to meet the objectives of the portfolio.

3. The agency information technology services catalog with services linked to business processes or business needs.

4. Implementation schedules estimating the time and funding required to implement information technology projects.

5. Funding needed to implement information technology services identified in the information technology services catalog.

(d) The agency shall submit its information technology portfolio as part of its legislative budget request in the manner and form prescribed in the legislative budget request instructions as provided in s. 216.023.

(4) INFORMATION TECHNOLOGY PROJECT MANAGEMENT.—

(a) Each agency shall implement the project management methodology developed pursuant to s. 282.3025(2)(c). The agency may make adjustment based on their specific organizational needs and subject to the approval of the Agency Chief Information Officers Council.

(b) Information technology projects shall be administered according to the following requirements:

1. Projects that refresh desktop units or infrastructure equipment with new technology that is similar to the technology currently in use are exempt from the project planning and reporting requirements in this section unless otherwise specified in the General Appropriations Act.

2. For projects with a total cost ranging from $500,000 to $1,999,999, the agency must appoint a project manager to ensure that needed project planning and management requirements are fulfilled.

3. For projects with a total cost ranging from $500,000 to $2 million which involve routine hardware or software upgrades for a single agency, the agency must appoint a project manager to timely deploy and implement the upgrade. Should the project be considered high-risk, the project manager shall ensure that needed project planning and management requirements are fulfilled.

4. For projects with a total cost ranging from $2 million to $10 million, the agency must appoint a project manager to ensure that needed project planning and management requirements are fulfilled. For projects in this range which are determined to impact the general public or which affect an agency's organizational structure, business processes, or service delivery model, the agency must appoint a dedicated project manager and project management team to ensure that all project planning and management requirements are fulfilled.

5. For any project with a total cost greater than $10 million, the agency must appoint a dedicated project manager and project management team to ensure that all project planning and management requirements are fulfilled.

Section 2. Section 20.22, Florida Statutes, is amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(1) The head of the Department of Management Services is the Secretary of Management Services, who shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor.

(2) The following divisions and programs within the Department of Management Services are established:

(a) Facilities Program.

(b) ~~State~~ Technology *Program* ~~Office~~.

(c) Workforce Program.

(d)1. Support Program.

2. Federal Property Assistance Program.

(e) Administration Program.

(f) Division of Administrative Hearings.

(g) Division of Retirement.

(h) Division of State Group Insurance.

(i) Florida Technology Council.

~~(3) The State Technology Office shall operate and manage the Technology Resource Center.~~

(3)~~(4)~~ The duties of the Chief Labor Negotiator shall be determined by the Secretary of Management Services, and must include, but need not be limited to, the representation of the Governor as the public employer in collective bargaining negotiations pursuant to the provisions of chapter 447.

Section 3. *Section 186.022, Florida Statutes, is repealed.*

Section 4. Section 216.0446, Florida Statutes, is amended to read:

216.0446 Review of information resources management needs.—

(1) There is created within the Legislature the Technology Review Workgroup. The workgroup ~~and the State Technology Office~~shall ~~independently~~ review and make recommendations with respect to the portion of agencies' long-range program plans which pertains to information *technology* ~~resources management~~ needs and with respect to agencies' legislative budget requests for information technology and related resources. The Technology Review Workgroup shall report such recommendations, together with the findings and conclusions on which such recommendations are based, to the Legislative Budget Commission. ~~The State Technology Office shall report such recommendations, together with the findings and conclusions on which such recommendations are based, to the Executive Office of the Governor and to the chairs of the legislative appropriations committees.~~

(2) In addition to its primary duty specified in subsection (1), the Technology Review Workgroup shall have powers and duties that include, but are not limited to, the following:

(a) To evaluate the information resource management needs identified in the agency long-range program plans for consistency with the *Statewide Information Technology Strategic Plan* ~~State Annual Report on Enterprise Resource Planning and Management~~ and statewide policies recommended by the State Technology Office, and make recommendations to the Legislative Budget Commission.

(b) To review and make recommendations to the Legislative Budget Commission on proposed budget amendments and agency transfers associated with information technology initiatives or projects that involve more than one agency, that have an outcome that impacts another agency, that exceed $500,000 in total cost over a 1-year period, or that are requested by the Legislative Budget Commission to be reviewed.

Section 5. *Pursuant to section 216.351, Florida Statutes, paragraph (c) of subsection (1) of section 216.292, Florida Statutes, is repealed.*

Section 6. Section 282.0041, Florida Statutes, is amended to read:

282.0041 Definitions.—For the purposes of this part, the term:

(1) "Agency" means those entities described in s. 216.011(1)(qq).

~~(2) "Agency Annual Enterprise Resource Planning and Management Report" means the report prepared by each agency chief information officer as required by s. 282.3063.~~

(2)~~(3)~~ "Agency chief information officer" means the person appointed by the *agency head* ~~State Technology Office~~ to coordinate and manage the information technology policies and activities applicable to that agency.

(3)~~(4)~~ "Agency Chief Information Officers Council" means the council created in s. 282.315 to facilitate the sharing and coordination of information technology issues and initiatives among the agencies.

(4) "Department" means the Department of Management Services.

(5) "Florida Technology Council" or "council" means the organization created in s. 282.3025.

(6)~~(7)~~ "Information technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.

(7)~~(5)~~ "*Information technology* ~~Enterprise resources management~~ infrastructure" means the hardware, software, networks, data, human resources, policies, standards, facilities, maintenance, and related materials and services that are required to support the business processes of an agency or state enterprise.

(8)~~(6)~~ "*Information technology* ~~Enterprise resource~~ planning and management" means the planning, budgeting, acquiring, developing, organizing, directing, training, control, and related services associated with government information technology. The term encompasses information and related resources, as well as the controls associated with their acquisition, development, dissemination, and use.

(9)~~(8)~~ "Project" means an undertaking directed at the *implementation* ~~accomplishment~~ of *information technology to achieve* a strategic objective ~~relating to enterprise resources management~~ or a specific appropriated program.

~~(9) "State Annual Report on Enterprise Resource Planning and Management" means the report prepared by the State Technology Office as defined in s. 282.102.~~

(10) "Standards" means the *generally accepted definitions for information technology which promotes the* use of current *and*~~, open, nonproprietary, or~~ non-vendor-specific technologies.

~~(11) "State Technology Office" or "office" means the office created in s. 282.102.~~

~~(12) "Total cost" means all costs associated with information technology projects or initiatives, including, but not limited to, value of hardware, software, service, maintenance, incremental personnel, and facilities. Total cost of a loan or gift of information technology resources to an agency includes the fair market value of the resources, except that the total cost of loans or gifts of information technology to state universities to be used in instruction or research does not include fair market value.~~

Section 7. *Section 282.005, Florida Statutes, is repealed.*

Section 8. Section 282.0055, Florida Statutes, is created to read:

282.0055 Limitation with respect to cabinet personnel.—The Florida Technology Council and the department may not take action affecting the supervision, control, management, or coordination of information technology and information technology personnel that any cabinet officer listed in s. 4, Art. IV of the State Constitution deems necessary for the exercise of his or her statutory or constitutional duties.

Section 9. Section 282.102, Florida Statutes, is amended to read:

282.102 ~~Creation of the State Technology Office;~~ Powers and duties *of the department*.—~~There is created a State Technology Office within~~ The *powers and duties of the department include* ~~Department of Management Services. The office shall be a separate budget entity, and shall be headed by a Chief Information Officer who is appointed by the Governor and is in the Senior Management Service. The Chief Information Officer shall be an agency head for all purposes. The Department of Management Services shall provide administrative support and service to the office to the extent requested by the Chief Information Officer. The office may adopt policies and procedures regarding personnel, procurement, and transactions for State Technology Office personnel. The office shall have the following powers, duties, and functions~~:

(1) To publish electronically the portfolio of services available from the *department* ~~office~~, including pricing information; the policies and procedures of the *department* ~~office~~ governing usage of available services; and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years.

~~(2) To adopt rules implementing policies and procedures providing best practices to be followed by agencies in acquiring, using, upgrading, modifying, replacing, or disposing of information technology.~~

~~(3) To perform, in consultation with an agency, the enterprise resource planning and management for the agency.~~

(2)~~(4)~~ To advise and render aid to state agencies and political subdivisions of the state as to systems or methods to be used for organizing and meeting *communications* ~~information technology~~ requirements efficiently and effectively.

~~(5) To integrate the information technology systems and services of state agencies.~~

(3)~~(6)~~ To adopt technical standards for the state *communications* ~~information technology~~ system which will assure the interconnection of computer networks and information systems of agencies.

(4)~~(7)~~ To assume management responsibility for any *consolidated communications system* ~~integrated information technology system~~ or service when determined *jointly* by the *department and the agency* ~~office~~ to be economically efficient or performance-effective.

(5)~~(8)~~ To enter into agreements ~~related to information technology~~ with state agencies and political subdivisions of the state *for services provided herein*.

(6)~~(9)~~ To use and acquire, with agency concurrence, *communications facilities* ~~information technology~~ now owned or operated by any agency.

(7)~~(10)~~ To purchase from or contract with information technology providers for *communications facilities and services* ~~information technology~~ , including private line services.

(8)~~(11)~~ To apply for, receive, and hold, and to assist agencies in applying for, receiving, or holding, such authorizations, patents, copyrights, trademarks, service marks, licenses, and allocations or channels and frequencies to carry out the purposes of this part.

(9)~~(12)~~ To purchase, lease, or otherwise acquire and to hold, sell, transfer, license, or otherwise dispose of real, personal, and intellectual

property, including, but not limited to, patents, trademarks, copyrights, and service marks.

(10)~~(13)~~ To cooperate with any federal, state, or local emergency management agency in providing for emergency communications services.

(11)~~(14)~~ To delegate, as necessary, to state agencies the authority to purchase, lease, or otherwise acquire and to use *communications equipment, facilities, and services* ~~information technology~~ or, as necessary, to control and approve the purchase, lease, or acquisition and the use of all *communications equipment, services, and facilities* ~~information technology~~ , including, but not limited to, communications services provided as part of any other total system to be used by the state or any of its agencies.

(12)~~(15)~~ To acquire ownership, possession, custody, and control of existing communications equipment and facilities, including all right, title, interest, and equity therein, as necessary, to carry out the purposes of this part. However, the provisions of this subsection shall in no way affect the rights, title, interest, or equity in any such equipment or facilities owned by, or leased to, the state or any state agency by any telecommunications company.

(13)~~(16)~~ To adopt rules pursuant to ss. 120.536(1) and 120.54 relating to information technology ~~and~~ to administer the provisions of this part.

(14)~~(17)~~ To provide a means whereby political subdivisions of the state may use state information technology systems upon such terms and under such conditions as the *department* ~~office~~ may establish.

(15)~~(18)~~ To apply for and accept federal funds for any of the purposes of this part as well as gifts and donations from individuals, foundations, and private organizations.

(16)~~(19)~~ To monitor issues relating to communications facilities and services before the Florida Public Service Commission and, when necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commission.

(17)~~(20)~~ Unless delegated to the agencies ~~by the Chief Information Officer~~, to manage and control, but not intercept or interpret, communications within the SUNCOM Network by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how communications are transmitted within the SUNCOM Network.

(c) Controlling the routing of communications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for access to the SUNCOM Network.

(e) Ensuring orderly and reliable communications services in accordance with the service level agreements executed with state agencies.

(18)~~(21)~~ To plan, design, and conduct experiments for information technology services, equipment, and technologies, and to implement enhancements in the state information technology system when in the public interest and cost-effective. Funding for such experiments shall be derived from SUNCOM Network service revenues and shall not exceed 2 percent of the annual budget for the SUNCOM Network for any fiscal year or as provided in the General Appropriations Act. New services offered as a result of this subsection shall not affect existing rates for facilities or services.

(19)~~(22)~~ To enter into contracts or agreements, with or without competitive bidding or procurement, to make available, on a fair, reasonable, and nondiscriminatory basis, property and other structures under *department* ~~office~~ control for the placement of new facilities by any wireless provider of mobile service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any telecommunications company as defined in s. 364.02 when it is determined to be practical and feasible to make such property or other structures available. The *department* ~~office~~ may, without adopting a rule, charge a just, reasonable, and nondiscriminatory fee for the placement of the facilities, payable annually, based on the fair market value of space used by comparable communications facilities in the state. The *department* ~~office~~ and a wireless provider or telecommunications company may negotiate the reduction or elimination of a fee in consideration of services provided to the *department* ~~office~~ by the wireless provider or telecommunications company. All such fees collected by the *department* ~~office~~ shall be deposited directly into the Law Enforcement Radio Operating Trust Fund, and may be used by the *department* ~~office~~ to construct, maintain, or support the system.

(20)~~(23)~~ To provide an integrated electronic system for deploying government products, services, and information to individuals and businesses *which reflects cost-effective deployment strategies in keeping with industry standards and practices and includes protections and security of private information as well as maintenance of public records*.

~~(a) The integrated electronic system shall reflect cost-effective deployment strategies in keeping with industry standards and practices, including protections and security of private information as well as maintenance of public records.~~

~~(b) The office shall provide a method for assessing fiscal accountability for the integrated electronic system and shall establish the organizational structure required to implement this system.~~

~~(24) To provide administrative support to the Agency Chief Information Officers Council and other workgroups created by the Chief Information Officer.~~

~~(25) To facilitate state information technology education and training for senior management and other agency staff.~~

~~(26) To prepare, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information resources management, when requested.~~

~~(27) To prepare, publish, and disseminate the State Annual Report on Enterprise Resource Planning and Management under s. 282.310.~~

~~(28) To study and make a recommendation to the Governor and Legislature on the feasibility of implementing online voting in this state.~~

~~(29) To facilitate the development of a network access point in this state, as needed.~~

~~(30) To designate a State Chief Privacy Officer who shall be responsible for the continual review of policies, laws, rules, and practices of state agencies which may affect the privacy concerns of state residents.~~

Section 10. Section 282.103, Florida Statutes, is amended to read:

282.103 SUNCOM Network; exemptions from the required use.—

(1) There is created within the *Department of Management Services* ~~State Technology Office~~ the SUNCOM Network which shall be developed to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, state universities, and nonprofit corporations pursuant to ss. 282.101-282.111. The SUNCOM Network shall be developed to transmit all types of communications signals, including, but not limited to, voice, data, video, image, and radio. State agencies shall cooperate and assist in the development and joint use of communications systems and services.

(2) The *department* ~~State Technology Office~~ shall design, engineer, implement, manage, and operate through state ownership, commercial leasing, or some combination thereof, the facilities and equipment providing SUNCOM Network services, and shall develop a system of equitable billings and charges for communication services.

(3) All state agencies and state universities are required to use the SUNCOM Network for agency and state university communications services ~~as the services become available~~; however, no agency or university is relieved of responsibility for maintaining communications services necessary for effective management of its programs and functions. If a SUNCOM Network service does not meet the communications requirements of an agency or university, the agency or university shall notify the *department* ~~State Technology Office~~ in writing and detail the

requirements for that communications service. If the *department* ~~office~~ is unable to meet an agency's or university's requirements by enhancing SUNCOM Network service, the *department* ~~office~~ may grant the agency or university an exemption from the required use of specified SUNCOM Network services.

Section 11. Section 282.104, Florida Statutes, is amended to read:

282.104 Use of state SUNCOM Network by municipalities.—Any municipality may request the *department* ~~State Technology Office~~ to provide any or all of the SUNCOM Network's portfolio of communications services upon such terms and under such conditions as the *department* ~~office~~ may establish. The requesting municipality shall pay its share of installation and recurring costs according to the published rates for SUNCOM Network services and as invoiced by the *department* ~~office~~. Such municipality shall also pay for any requested modifications to existing SUNCOM Network services, if any charges apply.

Section 12. Section 282.105, Florida Statutes, is amended to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.—

(1) The *department* ~~State Technology Office~~ shall provide a means whereby private nonprofit corporations under contract with state agencies or political subdivisions of the state may use the state SUNCOM Network, subject to the limitations in this section. In order to qualify to use the state SUNCOM Network, a nonprofit corporation shall:

(a) Expend the majority of its total direct revenues for the provision of contractual services to the state, a municipality, or a political subdivision of the state; and

(b) Receive only a small portion of its total revenues from any source other than a state agency, a municipality, or a political subdivision of the state during the period of time SUNCOM Network services are requested.

(2) Each nonprofit corporation seeking authorization to use the state SUNCOM Network pursuant to this section shall provide to the *department* ~~office~~, upon request, proof of compliance with subsection (1).

(3) Nonprofit corporations established pursuant to general law and an association of municipal governments which is wholly owned by the municipalities shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the *department* ~~office~~.

(4) Institutions qualified to participate in the William L. Boyd, IV, Florida Resident Access Grant Program pursuant to s. 1009.89 shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the *department* ~~office~~. Such entities shall not be required to satisfy the other criteria of this section.

(5) Private, nonprofit elementary and secondary schools shall be eligible for rates and services on the same basis as public schools, providing these nonpublic schools do not have an endowment in excess of $50 million.

Section 13. Section 282.106, Florida Statutes, is amended to read:

282.106 Use of SUNCOM Network by libraries.—The *department* ~~State Technology Office~~ may provide SUNCOM Network services to any library in the state, including libraries in public schools, community colleges, state universities, and nonprofit private postsecondary educational institutions, and libraries owned and operated by municipalities and political subdivisions.

Section 14. Section 282.1065, Florida Statutes, is created to read:

282.1065 Use of SUNCOM Network by hospitals.—The department may provide SUNCOM Network services to hospitals or other facilities licensed under chapter 395 and their state associations who currently contract with or provide services on behalf of state or local governments.

Section 15. Section 282.107, Florida Statutes, is amended to read:

282.107 SUNCOM Network; criteria for usage.—

(1) The *department* ~~State Technology Office~~ shall periodically review the qualifications of subscribers using the state SUNCOM Network and shall terminate services provided to any facility not qualified pursuant to ss. 282.101-282.111 or rules adopted hereunder. In the event of nonpayment of invoices by subscribers whose SUNCOM Network invoices are paid from sources other than legislative appropriations, such nonpayment represents good and sufficient reason to terminate service.

(2) The *department* ~~State Technology Office~~ shall adopt rules setting forth its procedures for withdrawing and restoring authorization to use the state SUNCOM Network. Such rules shall provide a minimum of 30 days' notice to affected parties prior to termination of voice communications service.

(3) Nothing in this section shall be construed to limit or restrict the ability of the Florida Public Service Commission to set jurisdictional tariffs of telecommunications companies.

Section 16. Section 282.1095, Florida Statutes, is amended to read:

282.1095 State agency law enforcement radio system and interoperability network.—

(1) The *department* ~~State Technology Office~~ may acquire and implement a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies through mutual aid channels. The Joint Task Force on State Agency Law Enforcement Communications is established in the *department* ~~State Technology Office~~ to advise the *department* ~~office~~ of member-agency needs for the planning, designing, and establishment of the joint system. The State Agency Law Enforcement Radio System Trust Fund is established in the *department* ~~State Technology Office~~. The trust fund shall be funded from surcharges collected under ss. 320.0802 and 328.72.

(2)(a) The Joint Task Force on State Agency Law Enforcement Communications shall consist of eight members, as follows:

1. A representative of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation who shall be appointed by the secretary of the department.

2. A representative of the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles who shall be appointed by the executive director of the department.

3. A representative of the Department of Law Enforcement who shall be appointed by the executive director of the department.

4. A representative of the Fish and Wildlife Conservation Commission who shall be appointed by the executive director of the commission.

5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.

6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.

7. A representative of the Division of State Fire Marshal of the Department of Financial Services who shall be appointed by the State Fire Marshal.

8. A representative of the Department of Transportation who shall be appointed by the secretary of the department.

(b) Each appointed member of the joint task force shall serve at the pleasure of the appointing official. Any vacancy on the joint task force shall be filled in the same manner as the original appointment. Any joint task force member may, upon notification to the chair prior to the beginning of any scheduled meeting, appoint an alternative to represent the member on the task force and vote on task force business in his or her absence.

(c) The joint task force shall elect a chair from among its members to serve a 1-year term. A vacancy in the chair of the joint task force must be filled for the remainder of the unexpired term by an election of the joint task force members.

(d) The joint task force shall meet as necessary, but at least quarterly, at the call of the chair and at the time and place designated by him or her.

(e) The per diem and travel expenses incurred by a member of the joint task force in attending its meetings and in attending to its affairs shall be paid pursuant to s. 112.061, from funds budgeted to the state agency that the member represents.

(f) The *department* ~~State Technology Office~~ is hereby authorized to rent or lease space on any tower under its control. The *department* ~~office~~ may also rent, lease, or sublease ground space as necessary to locate equipment to support antennae on the towers. The costs for use of such space shall be established by the *department* ~~office~~ for each site, when it is determined to be practicable and feasible to make space available. The *department* ~~office~~ may refuse to lease space on any tower at any site. All moneys collected by the *department* ~~office~~ for such rents, leases, and subleases shall be deposited directly into the Law Enforcement Radio Operating Trust Fund and may be used by the *department* ~~office~~ to construct, maintain, or support the system.

(g) The *department* ~~State Technology Office~~ is hereby authorized to rent, lease, or sublease ground space on lands acquired by the *department* ~~office~~ for the construction of privately owned or publicly owned towers. The *department* ~~office~~ may, as a part of such rental, lease, or sublease agreement, require space on said tower or towers for antennae as may be necessary for the construction and operation of the state agency law enforcement radio system or any other state need. The positions necessary for the *department* ~~office~~ to accomplish its duties under this paragraph and paragraph (f) shall be established in the General Appropriations Act and shall be funded by the Law Enforcement Radio Operating Trust Fund or other revenue sources.

(h) The *department* ~~State Technology Office~~ may make the mutual aid channels in the statewide radio communications system available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security. The *department* ~~office~~ shall exercise its powers and duties, as specified in this chapter, to plan, manage, and administer the mutual aid channels. The *department* ~~office~~ shall, in implementing such powers and duties, act in consultation and conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, and shall manage and administer the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.

(3) Upon appropriation, moneys in the trust fund may be used by the *department* ~~office~~ to acquire by competitive procurement the equipment; software; and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund collected as a result of the surcharges set forth in ss. 320.0802 and 328.72 shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the *department* ~~office~~ to provide for payment of the recurring maintenance costs of the system.

(4)(a) The *department* ~~office~~ shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, establish policies, procedures, and standards which shall be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(b) The joint task force, in consultation with the *department* ~~office~~, shall have the authority to permit other state agencies to use the communications system, under terms and conditions established by the joint task force.

(5) The *department* ~~office~~ shall provide technical support to the joint task force and shall bear the overall responsibility for the design, engineering, acquisition, and implementation of the statewide radio communications system and for ensuring the proper operation and maintenance of all system common equipment.

(6)(a) The *department* ~~State Technology Office~~ may create and implement an interoperability network to enable interoperability between various radio communications technologies and to serve federal agencies, state agencies, and agencies of political subdivisions of the state for the purpose of public safety and domestic security. The *department* ~~office~~ shall, in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, exercise its powers and duties pursuant to this chapter to plan, manage, and administer the interoperability network. The *department* ~~office~~ may:

1. Enter into mutual aid agreements among federal agencies, state agencies, and political subdivisions of the state for the use of the interoperability network.

2. Establish the cost of maintenance and operation of the interoperability network and charge subscribing federal and local law enforcement agencies for access and use of the network. The *department* ~~State Technology Office~~ may not charge state law enforcement agencies identified in paragraph (2)(a) to use the network.

3. In consultation with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, amend and enhance the statewide radio communications system as necessary to implement the interoperability network.

(b) The *department* ~~State Technology Office~~, in consultation with the Joint Task Force on State Agency Law Enforcement Communications, and in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, shall establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of the interoperability network.

Section 17. Section 282.111, Florida Statutes, is amended to read:

282.111 Statewide system of regional law enforcement communications.—

(1) It is the intent and purpose of the Legislature that a statewide system of regional law enforcement communications be developed whereby maximum efficiency in the use of existing radio channels is achieved in order to deal more effectively with the apprehension of criminals and the prevention of crime generally. To this end, all law enforcement agencies within the state are directed to provide the *department* ~~State Technology Office~~ with any information the *department* ~~office~~ requests for the purpose of implementing the provisions of subsection (2).

(2) The *department* ~~State Technology Office~~ is hereby authorized and directed to develop and maintain a statewide system of regional law enforcement communications. In formulating such a system, the *department* ~~office~~ shall divide the state into appropriate regions and shall develop a program which shall include, but not be limited to, the following provisions:

(a) The communications requirements for each county and municipality comprising the region.

(b) An interagency communications provision which shall depict the communication interfaces between municipal, county, and state law enforcement entities which operate within the region.

(c) Frequency allocation and use provision which shall include, on an entity basis, each assigned and planned radio channel and the type of operation, simplex, duplex, or half-duplex, on each channel.

(3) The *department* ~~office~~ shall adopt any necessary rules and regulations for implementing and coordinating the statewide system of regional law enforcement communications.

(4) The *secretary of the Department of Management Services* ~~Chief Information Officer of the State Technology Office~~ or his or her designee is designated as the director of the statewide system of regional law enforcement communications and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with other interested state agencies and local law enforcement agencies.

(5) No law enforcement communications system shall be established or present system expanded without the prior approval of the *department* ~~State Technology Office~~.

(6) Within the limits of its capability, the Department of Law Enforcement is encouraged to lend assistance to the *department* ~~State Technology Office~~ in the development of the statewide system of regional law enforcement communications proposed by this section.

Section 18. Section 282.20, Florida Statutes, is amended to read:

282.20 Technology Resource Center.—

(1)(a) The *Department of Management Services* ~~State Technology Office~~ shall operate and manage the Technology Resource Center.

(b) For the purposes of this section, the term:

1. "Information-system utility" means a full-service information-processing facility offering hardware, software, operations, integration, networking, and consulting services.

2. "Customer" means a state agency or other entity which is authorized to utilize the SUNCOM Network pursuant to this part.

(2) The Technology Resource Center shall:

(a) Serve the *department* ~~office~~ and other customers as an information-system utility.

(b) Cooperate with customers to offer, develop, and support a wide range of services and applications needed by users of the Technology Resource Center.

(c) Cooperate with the Florida Legal Resource Center of the Department of Legal Affairs and other state agencies to develop and provide access to repositories of legal information throughout the state.

(d) Cooperate with the *department* ~~office~~ to facilitate interdepartmental networking and integration of network services for its customers.

(e) Assist customers in testing and evaluating new and emerging technologies that could be used to meet the needs of the state.

(3) The *department* ~~office~~ may contract with customers to provide any combination of services necessary for agencies to fulfill their responsibilities and to serve their users.

(4) The Technology Resource Center may plan, design, establish pilot projects for, and conduct experiments with information technology resources, and may implement enhancements in services when such implementation is cost-effective. Funding for experiments and pilot projects shall be derived from service revenues and may not exceed 5 percent of the service revenues for the Technology Resource Center for any single fiscal year. Any experiment, pilot project, plan, or design must be approved by the *secretary of the department* ~~Chief Information Officer~~.

(5) Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend funds in the reserve account of the Technology Enterprise Operating Trust Fund for enhancements to center operations or for information technology resources. Any expenditure of reserve account funds must be approved by the *secretary of the department* ~~Chief Information Officer~~. Any funds remaining in the reserve account at the end of the fiscal year may be carried forward and spent as approved by the *secretary* ~~Chief Information Officer~~, provided that such approval conforms to any applicable provisions of chapter 216.

Section 19. Section 282.21, Florida Statutes, is amended to read:

282.21 ~~The State Technology Office's~~ Electronic access services *of the department*.—The *department* ~~State Technology Office~~ may collect fees for providing remote electronic access pursuant to s. 119.07(2). The fees may be imposed on individual transactions or as a fixed subscription for a designated period of time. All fees collected under this section shall be deposited in the appropriate trust fund of the program or activity that made the remote electronic access available.

Section 20. Section 282.22, Florida Statutes, is amended to read:

282.22 ~~State Technology Office;~~ Production, dissemination, and ownership of materials and products.—

(1) It is the intent of the Legislature that when materials, products, information, and services are acquired or developed by or under the direction of the *department* ~~State Technology Office~~, through research and development or other efforts, including those subject to copyright, patent, or trademark, they shall be made available for use by state and local government entities at the earliest practicable date and in the most economical and efficient manner possible and consistent with chapter 119.

(2) To accomplish this objective the *department may* ~~office is authorized to~~ publish or partner with private sector entities to produce or have produced materials and products and to make them readily available for appropriate use. The *department may* ~~office is authorized to~~ charge an amount or receive value-added services adequate to cover the essential cost of producing and disseminating such materials, information, services, or products and is authorized to sell services.

(3) *If* ~~In cases in which~~ the materials or products are of such nature, or the circumstances are such, that it is not practicable or feasible for the *department* ~~office~~ to produce or have produced materials and products so developed, it is authorized, after review and approval by the Executive Office of the Governor, to license, lease, assign, sell, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof, on a royalty basis, or for such other consideration as the *department deems* ~~office shall deem~~ proper and in the best interest of the state; the *department shall* ~~office is authorized and directed to~~ protect same against improper or unlawful use or infringement ~~and~~ to enforce the collection of any sums due for the manufacture or use thereof by any other party.

(4) All proceeds from the sale of such materials and products or other money collected pursuant to this section shall be deposited into the Grants and Donations Trust Fund of the *department* ~~office~~ and, when properly budgeted as approved by the Legislature and the Executive Office of the Governor, used to pay the cost of producing and disseminating materials and products to carry out the intent of this section.

Section 21. *Section 282.23, Florida Statutes, is repealed.*

Section 22. Section 282.3025, Florida Statutes, is created to read:

282.3025 Florida Technology Council; powers and duties.—

(1) There is created a Florida Technology Council within the Department of Management Services. The council shall be headed by a State Chief Information Officer who is appointed by the Governor. The Department of Management Services shall provide administrative support and services to the council.

(2) The council shall have the following powers, duties, and functions:

(a) Develop and submit by January 15, 2006, a Statewide Information Technology Strategic Plan consistent with the provisions of s. 282.0051(1), and in consultation with the Agency Chief Information Officers Council. The plan must include, but need not be limited to, a description and recommendations as to how the state can deploy information technology that:

1. Aligns state information technology resources and assets to achieve an enterprise perspective and focus state investments on initiatives that provide significant improvements in statewide service delivery and business operations.

2. Makes state governmental information and services more accessible to residents and the state's clients.

3. Improves governmental efficiency and cost-effectiveness.

4. Improves security and performance of the state's information technology infrastructure.

5. Makes recommendations for changes to the statutes which promote the findings of the report.

(b) Develop enterprise information technology policies, standards, guidelines, and procedures in consultation with and subject to the approval of the Agency Chief Information Officers Council and the department, and in consultation with the Technology Review Workgroup, relating to enterprise architecture, enterprise Internet portal, business continuity and disaster recovery, security, computing, networks, desktop equipment, and communications.

(c) Recommend, in consultation with the Agency Chief Information Officers Council and the Technology Review Workgroup, and subject to

the approval of the Agency Chief Information Officers Council, a project management methodology for use by the agencies to meet the provisions of s. 282.0051. The methodology shall be adopted by September 30, 2005, for distribution to the agencies.

(d) Develop, in consultation with the Agency Chief Information Officers Council and the Technology Review Workgroup, and subject to the approval of the Agency Chief Information Officers Council, a model agency information technology investment management process and an information technology investment portfolio. The model process shall be adopted by September 30, 2005, for distribution to the agencies.

(e) Review recommendations made by the Agency Chief Information Officers Council for improving information technology in agencies or the state and make recommendations to the Governor and the Legislature for consideration during legislative session.

(f) Review each agency information technology investment portfolio and make recommendations to the Governor and the Legislature regarding opportunities consistent with s. 282.0051(1).

(g) Prepare, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information technology, when requested.

(3) The Florida Technology Council may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of this section.

Section 23. Section 282.3031, Florida Statutes, is amended to read:

282.3031 Assignment of information *technology planning and* ~~resources~~ management responsibilities.—For purposes of ss. *282.3032-282.322* ~~282.303-282.322~~, to ensure the best management of state information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information *technology planning and* ~~resources~~ management are assigned to the university boards of trustees for the development and implementation of planning, management, rulemaking, standards, and guidelines for the state universities; to the community college boards of trustees for establishing and developing rules for the community colleges; to the Supreme Court for the judicial branch; to each state attorney and public defender; and to the *agency head* ~~State Technology Office~~ for the agencies within the executive branch of state government.

Section 24. *Section 282.3032, Florida Statutes, is repealed.*

Section 25. Section 282.3055, Florida Statutes, is amended to read:

282.3055 Agency chief information officer; appointment; duties.—

(1)(a) To assist the *agency head* ~~State Technology Officer~~ in carrying out *information technology* ~~the enterprise resource~~ planning and management responsibilities, the *agency head* ~~Chief Information Officer~~ may appoint or contract for an agency chief information officer. This position may be full time or part time.

(b) The agency chief information officer must, at a minimum, have knowledge and experience in both management and information technology resources.

(2) The duties of the agency chief information officer include, but are not limited to:

(a) Coordinating and facilitating agency *information technology* ~~enterprise resource~~ planning and management projects and initiatives.

(b) Preparing *the* ~~an~~ agency ~~annual~~ *information technology investment portfolio* ~~report on enterprise resource planning and management~~ pursuant to *the provisions of s. 282.0051* ~~s. 282.3063~~.

(c) Developing and implementing agency *information technology* ~~enterprise resource~~ planning and management policies, procedures, *guidelines,* and standards *consistent with statewide policies, procedures, guidelines, and standards*~~, including specific policies and procedures for review and approval of the agency's purchases of information technology resources in accordance with the office's policies and procedures~~.

(d) Advising agency senior management as to the *information technology* ~~enterprise resource~~ planning and management *and the information technology investment* needs of the agency ~~for inclusion in planning documents required by law~~.

(e) Staffing and supporting an agency information technology investment management process.

~~(e) Assisting in the development and prioritization of the enterprise resource planning and management schedule of the agency's legislative budget request.~~

Section 26. *Section 282.3063, Florida Statutes, is repealed.*

Section 27. *Section 282.310, Florida Statutes, is repealed.*

Section 28. Section 282.315, Florida Statutes, is amended to read:

282.315 Agency Chief Information Officers Council; creation.—The Legislature finds that enhancing communication, consensus building, coordination, and facilitation of statewide enterprise *information technology* ~~resource~~ planning and management issues *are* ~~is~~ essential to improving state management of such resources.

(1) There is created an Agency Chief Information Officers Council to:

(a) Enhance communication among the agency chief information officers *and the Florida Technology Council* ~~by sharing enterprise resource planning and management experiences and exchanging ideas~~.

(b) *Identify and recommend* ~~Facilitate the sharing of~~ best practices that are characteristic of highly successful technology organizations, as well as exemplary information technology applications of state agencies*, and assist the Florida Technology Council in the development of policies, standards, guidelines, and procedures for use by all state agencies*.

(c) Identify efficiency opportunities among state agencies *to fulfill the guidelines in s. 282.3032 and make recommendations for action to the Florida Technology Council*.

(d) Serve as an educational forum for enterprise *information technology* ~~resource~~ planning and management issues.

(e) *Identify* ~~Assist the State Technology Office in identifying~~ critical statewide issues and, when appropriate, make recommendations *to the Florida Technology Council* for solving *information technology* ~~enterprise resource planning and management~~ deficiencies.

(2) Members of the council shall include the agency chief information officers, including the chief information officers of the agencies and governmental entities enumerated in s. 282.3031, except that there shall be one chief information officer selected by the state attorneys and one chief information officer selected by the public defenders. The chairs, or their designees, of the Florida Financial Management Information System Coordinating Council, the Criminal and Juvenile Justice Information Systems Council, and the Health Information Systems Council shall represent their respective organizations on the *Agency* Chief Information Officers Council as voting members. *The council shall appoint a chair, a vice chair, and a secretary from its members to serve a 1-year term each. The council shall establish procedures to govern council business.*

(3) The *Florida Technology Council* ~~State Technology Office~~ shall provide administrative support to the council.

Section 29. Section 282.318, Florida Statutes, is amended to read:

282.318 Security of data and information technology resources.—

(1) This section may be cited as the "Security of Data and Information Technology *Infrastructure* ~~Resources~~ Act."

(2)(a) ~~The State Technology Office, in consultation with~~ Each agency head~~,~~ is responsible and accountable for assuring an adequate level of security for all data and information technology *infrastructure* ~~resources~~ of each agency and, to carry out this responsibility, shall, at a minimum:

1. Designate an information security manager who shall administer the security program of each agency for its data and information technology resources.

2. Conduct, and periodically update, a comprehensive risk analysis to determine the security threats to the data and information technology *infrastructure* ~~resources~~ of each agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

3. Develop, and periodically update, written internal policies and procedures to assure the security of the data and information technology *infrastructure* ~~resources~~ of each agency. The internal policies and procedures which, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology *infrastructure* ~~resources~~ are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

4. Implement appropriate cost-effective safeguards to reduce, eliminate, or recover from the identified risks to the data and information technology *infrastructure* ~~resources~~ of each agency.

5. Ensure that periodic internal audits and evaluations of each security program for the data and information technology *infrastructure* ~~resources~~ of the agency are conducted. The results of such internal audits and evaluations are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her postauditing duties.

6. Include appropriate security requirements, as determined by the *agency* ~~State Technology Office~~, in consultation with *the Department of Law Enforcement* ~~each agency head~~, in the written specifications for the solicitation of information technology resources.

(b) In those instances in which the *department* ~~State Technology Office~~ develops state contracts for use by state agencies, the *department* ~~office~~ shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology *infrastructure* ~~resources~~.

Section 30. Section 282.322, Florida Statutes, is amended to read:

282.322 Special monitoring process for designated information resources management projects.—

~~(1)~~ For each information resources management project which is designated for special monitoring in the General Appropriations Act, with a proviso requiring a contract with a project monitor, the Technology Review Workgroup established pursuant to s. 216.0446, in consultation with each affected agency, shall be responsible for contracting with the project monitor. Upon contract award, funds equal to the contract amount shall be transferred to the Technology Review Workgroup upon request and subsequent approval of a budget amendment pursuant to s. 216.292. With the concurrence of the Legislative Auditing Committee, the office of the Auditor General shall be the project monitor for other projects designated for special monitoring. However, nothing in this section precludes the Auditor General from conducting such monitoring on any project designated for special monitoring. In addition to monitoring and reporting on significant communications between a contracting agency and the appropriate federal authorities, the project monitoring process shall consist of evaluating each major stage of the designated project to determine whether the deliverables have been satisfied and to assess the level of risks associated with proceeding to the next stage of the project. The major stages of each designated project shall be determined based on the agency's information systems development methodology. Within 20 days after an agency has completed a major stage of its designated project or at least 90 days, the project monitor shall issue a written report, including the findings and recommendations for correcting deficiencies, to the agency head, for review and comment. Within 20 days after receipt of the project monitor's report, the agency head shall submit a written statement of explanation or rebuttal concerning the findings and recommendations of the project monitor, including any corrective action to be taken by the agency. The project monitor shall include the agency's statement in its final report, which shall be forwarded, within 7 days after receipt of the agency's statement, to the agency head, the inspector general's office of the agency, the Executive Office of the Governor, the appropriations committees of the Legislature, the Joint Legislative Auditing Committee, the Technology Review Workgroup, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability. The Auditor General shall also receive a copy of the project monitor's report for those projects in which the Auditor General is not the project monitor.

~~(2) The Enterprise Project Management Office of the State Technology Office shall report any information technology projects the office identifies as high-risk to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriations committees. Within the limits of current appropriations, the Enterprise Project Management Office shall monitor and report on such high-risk information technology projects, and assess the levels of risks associated with proceeding to the next stage of the project.~~

Section 31. Paragraph (a) of subsection (3), subsections (4), (5), (7), (9), (10), and (12), and paragraph (a) of subsection (13) of section 365.171, Florida Statutes, are amended to read:

365.171 Emergency telephone number "911."—

(3) DEFINITIONS.—As used in this section:

(a) "*Department* ~~Office~~" means the *Department of Management Services* ~~State Technology Office~~.

(4) STATE PLAN.—The *department* ~~office~~ shall develop a statewide emergency telephone number "911" system plan. The plan shall provide for:

(a) The establishment of the public agency emergency telephone communications requirements for each entity of local government in the state.

(b) A system to meet specific local government requirements. Such system shall include law enforcement, firefighting, and emergency medical services and may include other emergency services such as poison control, suicide prevention, and emergency management services.

(c) Identification of the mutual aid agreements necessary to obtain an effective "911" system.

(d) A funding provision which shall identify the cost necessary to implement the "911" system.

(e) A firm implementation schedule which shall include the installation of the "911" system in a local community within 24 months after the designated agency of the local government gives a firm order to the telephone utility for a "911" system.

The *department* ~~office~~ shall be responsible for the implementation and coordination of such plan. The *department* ~~office~~ shall adopt any necessary rules and schedules related to public agencies for implementing and coordinating such plan, pursuant to chapter 120. The public agency designated in the plan shall order such system within 6 months after publication date of the plan if the public agency is in receipt of funds appropriated by the Legislature for the implementation and maintenance of the "911" system. Any jurisdiction which has utilized local funding as of July 1, 1976, to begin the implementation of the state plan as set forth in this section shall be eligible for at least a partial reimbursement of its direct cost when, and if, state funds are available for such reimbursement.

(5) SYSTEM DIRECTOR.—The *secretary* ~~director~~ of the *department* ~~office~~ or his or her designee is designated as the director of the statewide emergency telephone number "911" system and, for the purpose of carrying out the provisions of this section, is authorized to coordinate the activities of the system with state, county, local, and private agencies. The *secretary* ~~director~~ is authorized to employ not less than five persons, three of whom will be at the professional level, one at the secretarial level, and one to fill a fiscal position, for the purpose of carrying out the provisions of this section. The *secretary* ~~director~~ in implementing the system shall consult, cooperate, and coordinate with local law enforcement agencies.

(7) TELEPHONE INDUSTRY COORDINATION.—The *department* ~~office~~ shall coordinate with the Florida Public Service Commission which shall encourage the Florida telephone industry to activate facility modification plans for a timely "911" implementation.

(9) SYSTEM APPROVAL.—No emergency telephone number "911" system shall be established and no present system shall be expanded without prior approval of the *department* ~~office~~.

(10) COMPLIANCE.—All public agencies shall assist the *department* ~~office~~ in their efforts to carry out the intent of this section, and such agencies shall comply with the developed plan.

(12) FEDERAL ASSISTANCE.—The secretary of the *department* ~~office~~ or his or her designee may apply for and accept federal funding assistance in the development and implementation of a statewide emergency telephone number "911" system.

(13) "911" FEE.—

(a) Following approval by referendum as set forth in paragraph (b), or following approval by a majority vote of its board of county commissioners, a county may impose a "911" fee to be paid by the local exchange subscribers within its boundaries served by the "911" service. Proceeds from the "911" fee shall be used only for "911" expenditures as set forth in subparagraph 6. The manner of imposing and collecting said payment shall be as follows:

1. At the request of the county subscribing to "911" service, the telephone company shall, insofar as is practicable, bill the "911" fee to the local exchange subscribers served by the "911" service, on an individual access line basis, at a rate not to exceed 50 cents per month per line (up to a maximum of 25 access lines per account bill rendered). However, the fee may not be assessed on any pay telephone in this state. A county collecting the fee for the first time may collect the fee for no longer than 36 months without initiating the acquisition of its "911" equipment.

2. Fees collected by the telephone company pursuant to subparagraph 1. shall be returned to the county, less the costs of administration retained pursuant to paragraph (c). The county shall provide a minimum of 90 days' written notice to the telephone company prior to the collection of any "911" fees.

3. Any county that currently has an operational "911" system or that is actively pursuing the implementation of a "911" system shall establish a fund to be used exclusively for receipt and expenditure of "911" fee revenues collected pursuant to this section. All fees placed in said fund, and any interest accrued thereupon, shall be used solely for "911" costs described in subparagraph 6. The money collected and interest earned in this fund shall be appropriated for "911" purposes by the county commissioners and incorporated into the annual county budget. Such fund shall be included within the financial audit performed in accordance with s. 218.39. A report of the audit shall be forwarded to the *department* ~~office~~ within 60 days of its completion. A county may carry forward on an annual basis unspent moneys in the fund for expenditures allowed by this section, or it may reduce its fee. However, in no event shall a county carry forward more than 10 percent of the "911" fee billed for the prior year. The amount of moneys carried forward each year may be accumulated in order to allow for capital improvements described in this subsection. The carryover shall be documented by resolution of the board of county commissioners expressing the purpose of the carryover or by an adopted capital improvement program identifying projected expansion or replacement expenditures for "911" equipment and service features, or both. In no event shall the "911" fee carryover surplus moneys be used for any purpose other than for the "911" equipment, service features, and installation charges authorized in subparagraph 6. Nothing in this section shall prohibit a county from using other sources of revenue for improvements, replacements, or expansions of its "911" system. A county may increase its fee for purposes authorized in this section. However, in no case shall the fee exceed 50 cents per month per line. All current "911" fees shall be reported to the *department* ~~office~~ within 30 days of the start of each county's fiscal period. Any fee adjustment made by a county shall be reported to the *department* ~~office~~. A county shall give the telephone company a 90-day written notice of such fee adjustment.

4. The telephone company shall have no obligation to take any legal action to enforce collection of the "911" fee. The telephone company shall provide quarterly to the county a list of the names, addresses, and telephone numbers of any and all subscribers who have identified to the telephone company their refusal to pay the "911" fee.

5. The county subscribing to "911" service shall remain liable to the telephone company for any "911" service, equipment, operation, or maintenance charge owed by the county to the telephone company.

~~As used in this paragraph, "telephone company" means an exchange telephone service provider of "911" service or equipment to any county within its certificated area.~~

6. It is the intent of the Legislature that the "911" fee authorized by this section to be imposed by counties will not necessarily provide the total funding required for establishing or providing the "911" service. For purposes of this section, "911" service includes the functions of database management, call taking, location verification, and call transfer. The following costs directly attributable to the establishment and/or provision of "911" service are eligible for expenditure of moneys derived from imposition of the "911" fee authorized by this section: the acquisition, implementation, and maintenance of Public Safety Answering Point (PSAP) equipment and "911" service features, as defined in the Florida Public Service Commission's lawfully approved "911" and related tariffs and/or the acquisition, installation, and maintenance of other "911" equipment, including call answering equipment, call transfer equipment, ANI controllers, ALI controllers, ANI displays, ALI displays, station instruments, "911" telecommunications systems, teleprinters, logging recorders, instant playback recorders, telephone devices for the deaf (TDD) used in the "911" system, PSAP backup power systems, consoles, automatic call distributors, and interfaces (hardware and software) for computer-aided dispatch (CAD) systems; salary and associated expenses for "911" call takers for that portion of their time spent taking and transferring "911" calls; salary and associated expenses for a county to employ a full-time equivalent "911" coordinator position and a full-time equivalent staff assistant position per county for the portion of their time spent administrating the "911" system; training costs for PSAP call takers in the proper methods and techniques used in taking and transferring "911" calls; expenses required to develop and maintain all information (ALI and ANI databases and other information source repositories) necessary to properly inform call takers as to location address, type of emergency, and other information directly relevant to the "911" call-taking and transferring function; and, in a county defined in s. 125.011(1), such expenses related to a nonemergency "311" system, or similar nonemergency system, which improves the overall efficiency of an existing "911" system or reduces "911" emergency response time for a 2-year pilot project that ends June 30, 2003. However, no wireless telephone service provider shall be required to participate in this pilot project or to otherwise implement a nonemergency "311" system or similar nonemergency system. The "911" fee revenues shall not be used to pay for any item not listed, including, but not limited to, any capital or operational costs for emergency responses which occur after the call transfer to the responding public safety entity and the costs for constructing buildings, leasing buildings, maintaining buildings, or renovating buildings, except for those building modifications necessary to maintain the security and environmental integrity of the PSAP and "911" equipment rooms.

7. It is the goal of the Legislature that enhanced "911" service be available throughout the state. Expenditure by counties of the "911" fees authorized by this section should support this goal to the greatest extent feasible within the context of local service needs and fiscal capability. Nothing in this section shall be construed to prohibit two or more counties from establishing a combined emergency "911" telephone service by interlocal agreement and utilizing the "911" fees authorized by this section for such combined "911" service.

As used in this paragraph, "telephone company" means an exchange telephone service provider of "911" service or equipment to any county within its certificated area.

Section 32. Paragraph (d) of subsection (2), paragraph (f) of subsection (3), subsection (4), paragraph (a) of subsection (5), and paragraphs (c) and (d) of subsection (6) of section 365.172, Florida Statutes, are amended to read:

365.172 Wireless emergency telephone number "E911."—

(2) FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.—The Legislature finds and declares that:

(d) The revenues generated by the E911 fee imposed under this section are required to fund the efforts of the counties, the Wireless 911 Board under the *Department of Management Services* ~~State Technology Office~~, and commercial mobile radio service providers to improve the public health, safety, and welfare and serve a public purpose by providing emergency telephone assistance through wireless communications.

(3) DEFINITIONS.—As used in this section and ss. 365.173 and 365.174, the term:

(f) "*Department* ~~Office~~" means the *Department of Management Services* ~~State Technology Office~~.

(4) POWERS AND DUTIES OF THE *DEPARTMENT* ~~OFFICE~~.—The *department* ~~office~~ shall oversee the administration of the fee imposed on subscribers of statewide E911 service under subsection (8).

(5) THE WIRELESS 911 BOARD.—

(a) The Wireless 911 Board is established to administer, with oversight by the *department* ~~office~~, the fee imposed under subsection (8), including receiving revenues derived from the fee; distributing portions of such revenues to providers, counties, and the *department* ~~office~~; accounting for receipts, distributions, and income derived by the funds maintained in the fund; and providing annual reports to the Governor and the Legislature for submission by the *department* ~~office~~ on amounts collected and expended, the purposes for which expenditures have been made, and the status of wireless E911 service in this state. In order to advise and assist the *department* ~~office~~ in carrying out the purposes of this section, the board, which shall have the power of a body corporate, shall have the powers enumerated in subsection (6).

(6) AUTHORITY OF THE BOARD; ANNUAL REPORT.—

(c) By February 28 of each year, the board shall prepare a report for submission by the *department* ~~office~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives which reflects, for the immediately preceding calendar year, the quarterly and annual receipts and disbursements of moneys in the fund, the purposes for which disbursements of moneys from the fund have been made, and the availability and status of implementation of E911 service in this state.

(d) By February 28, 2001, the board shall undertake and complete a study for submission by the *department* ~~office~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives which addresses:

1. The total amount of E911 fee revenues collected by each provider, the total amount of expenses incurred by each provider to comply with the order, and the amount of moneys on deposit in the fund, all as of December 1, 2000.

2. Whether the amount of the E911 fee and the allocation percentages set forth in s. 365.173 should be adjusted to comply with the requirements of the order, and, if so, a recommended adjustment to the E911 fee.

3. Any other issues related to providing wireless E911 services.

Section 33. Subsections (2), (5), (6), and (9) of section 445.049, Florida Statutes, are amended to read:

445.049 Digital Divide Council.—

(2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is created in the *Department of Management Services* ~~State Technology Office~~. The council shall consist of:

(a) The *Secretary of Management Services or his or her designee* ~~chief information officer in the State Technology Office~~.

(b) The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor.

(c) The president of Workforce Florida, Inc.

(d) The director of the Agency for Workforce Innovation.

(e) The chair of itflorida.com, Inc.

(f) The Commissioner of Education.

(g) The chair of the Network Access Point of the Americas.

(h) A representative of the information technology industry in this state appointed by the Speaker of the House of Representatives.

(i) A representative of the information technology industry in this state appointed by the President of the Senate.

(j) Two members of the House of Representatives, who shall be ex officio, nonvoting members of the council, appointed by the Speaker of the House of Representatives, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

(k) Two members of the Senate, who shall be ex officio, nonvoting members of the council, appointed by the President of the Senate, one of whom shall be a member of the Republican Caucus and the other of whom shall be a member of the Democratic Caucus.

(5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF SUPPORT COSTS.—The *Department of Management Services* ~~State Technology Office~~ shall provide such administrative and technical support to the council as is reasonably necessary for the council to effectively and timely carry out its duties and responsibilities. All direct and indirect costs of providing such support and performing the other duties assigned to the *Department of Management Services* ~~State Technology Office~~ related to design and implementation of the programs authorized by this section may be paid from appropriations authorized to be used for such purposes.

(6) POWERS AND DUTIES OF COUNCIL.—The council, through the *Department of Management Services* ~~State Technology Office~~, is authorized and empowered to facilitate the design and implementation of programs that are aimed at achieving the objectives and goals stated in this section. The *Department of Management Services* ~~State Technology Office~~ shall present and demonstrate to the council the design characteristics and functional elements of each program proposed to be implemented to achieve the objectives and goals stated in this section and each such program shall be reviewed and approved by the council before being implemented. Such programs shall initially be implemented as pilot programs in a minimum of six different areas of the state to develop model programs that are likely to be successful if implemented throughout the state. The areas of the state where the pilot programs are implemented shall be selected by the council with the objectives of testing the merits of the programs in each geographic region of the state and providing equal exposure of the programs to urban and rural communities alike. Implementation of all such pilot and model programs shall be administered by and through the local workforce development boards and each such board shall coordinate and confirm the ready availability and timely delivery of all elements of such programs to ensure the highest probability of such programs achieving their intended results.

(9) ANNUAL REPORT.—By March 1 *each year*, ~~2002,~~ the council, through the *Department of Management Services* ~~State Technology Office~~, shall report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate the results of the council's monitoring, reviewing, and evaluating such programs since their inception and the council's recommendations as to whether such programs should be continued and expanded to achieve the objectives and goals stated in this section.

Section 34. *For fiscal year 2005-2006, 16 positions are authorized and $2.0 million are appropriated from recurring General Revenue to the Florida Technology Council in the Department of Management Services to provide for personnel and other expenses necessary to implement the provisions of this act. The Executive Office of the Governor shall place these positions and funds in reserve until such time as the Department of Management Services submits an expenditure plan for approval to the Executive Office of the Governor, the House Fiscal Council, and the Senate Ways and Means Committee, pursuant to the provisions of s. 216.177, Florida Statutes.*

Section 35. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to information technology management; creating s. 282.0051, F.S.; providing legislative findings and intent; providing definitions; providing each agency use an information technology investment management process to support investment decisions; requiring each agency to submit its information technology portfolio as part of its legislative budget request; requiring that agencies

implement and administer a project management methodology; providing requirements for project administration; amending s. 20.22, F.S.; establishing the Technology Program in the Department of Management Services; creating the Florida Technology Council; removing duty of the State Technology Office to operate and manage the Technology Resource Center; repealing s. 186.022, F.S., relating to Information technology strategic plans; amending s. 216.0446, F.S.; revising duties of the legislative Technology Review Workgroup to remove participation of the State Technology Office; conforming reference to a report; repealing s. 216.292(1)(c), F.S., relating to provisions authorizing transfer of positions and appropriations in fiscal year 2001-2002 for the purpose of consolidating information technology resources; amending s. 282.0041, F.S.; revising definitions for purposes of information resources management; defining the terms "department" and "Florida Technology Council"; deleting the Agency Annual Enterprise Resource Planning and Management Report; deleting the State Annual Report on Enterprise Resource Planning and Management; providing for appointment of an agency chief information officer by the agency head; repealing s. 282.005, F.S., relating to Legislative findings and intent; creating s. 282.0055, F.S.; limiting actions by the Florida Technology Council and the department which affect a Cabinet officer; amending s. 282.102, F.S.; removing provisions for the creation, powers, and duties of the State Technology Office; removing provisions for a Chief Information Officer and a State Chief Privacy Officer; removing provisions relating to information technology and enterprise resource management; providing powers, duties, and functions of the Department of Management Services for operating the statewide communications system; transferring powers and duties relating to communications systems from the State Technology Office to the Department of Management Services; authorizing the department to adopt rules; authorizing the department to set a fee for placement of certain telecommunications facilities on state property; creating s. 282.1065, F.S.; authorizing the department to provide SUNCOM services to hospitals or other facilities licensed under ch. 395, F.S.; amending ss. 282.103, 282.104, 282.105, 282.106, 282.107, 282.1095, and 282.111, F.S., relating to the SUNCOM Network, the state agency law enforcement radio system and interoperability network, and the statewide system of regional law enforcement communications to conform references to changes made by the act; amending s. 282.20, F.S.; providing for operation and management of the Technology Resource Center by the Department of Management Services; amending s. 282.21, F.S.; authorizing the department to collect fees for providing remote electronic access; removing provisions for collection of such fees by the State Technology Office; amending s. 282.22, F.S.; providing for dissemination of materials, products, information, and services acquired or developed by or under the direction of the department; removing reference to the State Technology Office with respect to such materials, products, information, and services; repealing s. 282.23, F.S., relating to establishment of a State Strategic Information Technology Alliance for the acquisition and use of information technology and related material; creating s. 282.3025, F.S.; providing for creation, powers, and duties of the Florida Technology Council within the Department of Management Services; providing for a State Chief Information Officer appointed by the Governor; providing for development of a Statewide Information Technology Strategic Plan, enterprise information technology policies, standards, guidelines, and procedures, a model agency information technology investment management process and an information technology investment portfolio, and memoranda on recommended guidelines and best practices for information technology; providing for review and recommendations to the Governor and the Legislature regarding agency information technology projects and plans; providing for preparation of state reports and memoranda; providing rulemaking authority; amending s. 282.3031, F.S.; deleting assignment of certain information technology functions to the State Technology Office; conforming terminology; repealing s. 282.3032, F.S., relating to guiding principles for development and implementation of information systems; amending s. 282.3055, F.S.; providing for appointment of the agency chief information officer by the agency head; providing for staffing and supporting of an agency information technology investment board; conforming terminology; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; revising duties of the Agency Chief Information Officers Council; providing for the council to assist the Florida Technology Council for certain purposes, identify opportunities to meet specified information technology guidelines, and make certain recommendations to the Florida Technology Council; providing for the appointment and terms of officers; amending s. 282.318, F.S.; changing the popular name; removing responsibility of the State Technology Office; providing that each agency head is responsible and accountable for ensuring an adequate level of security for data and information; providing for certain security requirements to be determined by the department; conforming terminology; amending s. 282.322, F.S., removing a procedure to monitor certain information resources management projects; amending ss. 365.171 and 365.172, F.S., relating to statewide emergency telephone number systems; designating duties of the State Technology Office as duties of the Department of Management Services; conforming requirements with respect thereto; amending s. 445.049, F.S., relating to the Digital Divide Council; designating duties of the State Technology Office as duties of the Department of Management Services; providing an appropriation and authorizing positions; requiring certain notice with respect to budget actions; providing an effective date.

On motion by Senator Argenziano, the Senate concurred in the House amendment.

CS for CS for SB 1494 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed HB 989 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

House Amendment 1 (924653) to Senate Amendment 1 (634986) (with title amendment)—On page 1, between lines 16 and 17, insert:

Section 1. Section 327.803, Florida Statutes, is amended to read:

327.803 Boating Advisory Council.—

(1) The Boating Advisory Council is created within the Fish and Wildlife Conservation Commission and shall be composed of *18* ~~17~~ members. The members include:

(a) One representative from the Fish and Wildlife Conservation Commission, who shall serve as the chair of the council.

(b) One representative each from the Department of Environmental Protection, the United States Coast Guard Auxiliary, the United States Power Squadron, and the inland navigation districts.

(c) One representative of manatee protection interests, one representative of the marine industries, *one representative* ~~two representatives~~ of water-related environmental groups, *one representative of canoe or kayak enthusiasts,* one representative of marine manufacturers, one representative of commercial vessel owners or operators, one representative of *marine special events* ~~sport boat racing~~, one representative actively involved and working full-time in the scuba diving industry who has experience in recreational boating, *one representative of either the commercial fishing industry or the commercial shellfishing industry,* and two representatives of the boating public, each of whom shall be nominated by the executive director of the Fish and Wildlife Conservation

Commission and appointed by the Governor to serve staggered *3-year* ~~2-year~~ terms. *Members appointed by the Governor may serve no more than two full consecutive terms.*

(d) One member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives.

(e) One member of the Senate, who shall be appointed by the President of the Senate.

(2) The council shall meet at the call of the chair, at the request of a majority of its membership, or at such times as may be prescribed by rule.

(3) The purpose of the council is to make recommendations to the Fish and Wildlife Conservation Commission and the Department of Community Affairs regarding issues affecting the boating community, including, but not limited to, issues related to:

(a) Boating and diving safety education.

(b) Boating-related facilities, including marinas and boat testing facilities.

(c) Boat usage.

(d) Boat access.

(e) Working waterfronts.

(4) Members of the council shall serve without compensation *but are entitled to reimbursement of expenses as provided in s. 112.061.*

(5) A vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Members whose terms have expired may continue to serve until replaced or reappointed.

(6) Members of the council may be removed for cause.

Section 2. Paragraphs (d) and (e) of subsection (2) of section 370.06, Florida Statutes, are amended to read:

370.06 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

(d) A saltwater products license may be issued in the name of an individual or a valid *commercial vessel* ~~boat~~ registration number. *However, a firm or corporation may only receive a license issued to a valid commercial vessel registration number. A saltwater products license may not be transferred by the licenseholder to another individual, firm, or corporation.* ~~Such license is not transferable.~~ A decal shall be issued with each saltwater products license issued to a valid *commercial vessel* ~~boat~~ registration number. The saltwater products license decal shall be the same color as the vessel registration decal issued each year pursuant to s. 328.48(5) and shall indicate the period of time such license is valid. The saltwater products license decal shall be placed beside the vessel registration decal and, in the case of an undocumented vessel, shall be placed so that the vessel registration decal lies between the *commercial* vessel registration number and the saltwater products license decal. Any saltwater products license decal for a previous year shall be removed from a vessel operating on the waters of the state.

(e) *The annual fee for a saltwater products license is:*

1. For a license issued in the name of an individual which authorizes only that individual to engage in commercial fishing activities from the shore or a vessel: a resident must pay $50; a nonresident must pay $200; or an alien must pay $300.

2. For a license issued in the name of an individual which authorizes that named individual to engage in commercial fishing activities from the shore or a vessel and also authorizes each person who is fishing with the named individual aboard a vessel to engage in such activities: a resident must pay $150; a nonresident must pay $600; or an alien must pay $900.

3. For a license issued to a valid commercial vessel registration number which authorizes each person aboard such registered vessel to engage in commercial fishing activities: a resident, or a resident firm or corporation, must pay $100; a nonresident, or a nonresident firm or corporation, must pay $400; or an alien, or an alien firm or corporation, must pay $600. For purposes of this subparagraph, a resident firm or corporation means a firm or corporation formed under the laws of this state; a nonresident firm or corporation means a firm or corporation formed under the laws of any state other than Florida; and an alien firm or corporation means a firm or corporation organized under any laws other than laws of the United States, any United States territory or possession, or any state of the United States. ~~A resident shall pay an annual license fee of $50 for a saltwater products license issued in the name of an individual or $100 for a saltwater products license issued to a valid boat registration number. A nonresident shall pay an annual license fee of $200 for a saltwater products license issued in the name of an individual or $400 for a saltwater products license issued to a valid boat registration number. An alien shall pay an annual license fee of $300 for a saltwater products license issued in the name of an individual or $600 for a saltwater products license issued to a valid boat registration number.~~

Section 3. Paragraph (b) of subsection (1) of section 370.13, Florida Statutes, is amended to read:

370.13 Stone crab; regulation.—

(1) FEES AND EQUITABLE RENT.—

(b) Certificate fees.—

1. For each trap certificate issued by the commission under the requirements of the stone crab trap limitation program established by commission rule, there is an annual fee of $.50 per certificate. Replacement tags for lost or damaged tags cost $.50 each, except that tags lost in the event of a major natural disaster declared as an emergency disaster by the Governor shall be replaced for the cost of the tag as incurred by the commission.

2. *The fee for transferring trap certificates is $1 per certificate transferred, except that the fee for eligible crew members is 50 cents per certificate transferred.* ~~Except for transfers to~~ Eligible crew members *shall be* ~~as~~ determined according to criteria established by rule of the commission~~, the fee for transferring certificates is $2 per certificate transferred to be paid by the purchaser of the certificate or certificates. The transfer fee for eligible crew members is $1 per certificate.~~ Payment must be made by money order or cashier's check, submitted with the certificate transfer form developed by the commission.

3. In addition to the transfer fee, a surcharge of *$1* ~~$2~~ per certificate transferred, or 25 percent of the actual value of the transferred certificate, whichever is greater, will be assessed the first time a certificate is transferred outside the original holder's immediate family.

4. Transfer fees and surcharges only apply to the actual number of certificates received by the purchaser. A transfer of a certificate is not effective until the commission receives a notarized copy of the bill of sale as proof of the actual value of the transferred certificate or certificates, which must also be submitted with the transfer form and payment.

5. A transfer fee will not be assessed or required when the transfer is within a family as a result of the death or disability of the certificate owner. A surcharge will not be assessed for any transfer within an individual's immediate family.

6. The fees and surcharge amounts in this paragraph apply in the 2005-2006 license year and subsequent years.

Section 4. *Section 372.674, Florida Statutes, is repealed.*

Section 5. Paragraph (d) of subsection (2) of section 372.672, Florida Statutes, is amended to read:

372.672 Florida Panther Research and Management Trust Fund.—

(2) Money from the fund shall be spent only for the following purposes:

~~(d) To fund and administer education programs authorized in s. 372.674.~~

And the title is amended as follows:

On page 2, lines 24 and 25, remove said lines and insert:

An act relating to regulating natural resources; amending s. 327.803, F.S.; revising the membership of the Boating Advisory Council; increasing the terms of office of members appointed by the Governor and limiting the number of consecutive terms they may serve; adding issues upon which the council makes recommendations to the commission and the Department of Community Affairs; authorizing reimbursement of expenses for members of the council; providing for the filling of vacancies; providing for members of the council to be removed for cause; amending s. 370.06, F.S.; providing for receipt of a saltwater products license issued by the commission to a firm or corporation; revising a provision barring transfer of a saltwater products license; revising a provision regarding the annual fee that an individual, firm, or corporation must pay for a license; providing for an increase in annual saltwater products license fees; providing definitions; amending s. 370.13, F.S.; reducing stone crab trap certificate transfer fees; reducing surcharge fees; repealing s. 372.674, F.S., relating to environmental education and the Advisory Council on Environmental Education; amending s. 372.672, F.S., relating to the Florida Panther Research and Management Trust Fund, to conform; amending s. 373.118, F.S.;

House Amendment 2 (913859) to Senate Amendment 1 (634986) (with directory and title amendments)—On page 1, lines 17 through 20, remove said lines and insert:

Section 1. Subsection (5) is added to section 373.118, Florida Statutes, to read:

373.118 General permits; delegation.—

(5) The department shall adopt by rule one or more

And the title is amended as follows:

On page 2, line 25, remove all of said line and insert:

boat ramps; amending s. 373.118, F.S.;

On motion by Senator Bennett, the Senate concurred in the House amendments to the Senate amendment.

HB 989 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 370, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 370—A bill to be entitled An act relating to procedures for the satisfaction of debts; amending s. 55.141, F.S.; revising provisions relating to satisfaction of judgments and decrees; eliminating the authority of judges to act under these provisions when there is no clerk of court; revising requirements of the clerk when accepting payment for satisfaction of a judgment and executing and recording a satisfaction of judgment; providing a sample form to be used by a clerk when recording a satisfaction of judgment; revising provisions relating to notification of satisfaction of judgment to a judgment holder; amending s. 55.202, F.S.; revising procedures for acquiring a judgment lien; authorizing the court to file a judgment lien certificate before a judgment becomes final under certain circumstances; providing that an improperly filed certificate is of no effect; amending s. 55.204, F.S.; revising provisions relating to the continuation of judgment liens; revising provisions requiring the Department of State to maintain certain files and information; amending s. 55.205, F.S.; deleting a provision authorizing certain creditors to bring certain actions against the property of a debtor; amending ss. 55.602, 55.603, 55.604, 55.605, and 55.606, F.S.; revising provisions relating to foreign judgments to apply only to out-of-country foreign judgments; amending s. 56.21, F.S.; revising requirements for notices of a levy and execution sale; amending s. 56.27, F.S.; clarifying provisions relating to payment of money received under execution; amending s. 56.29, F.S.; revising requirements regarding supplementary proceedings for unsatisfied judgments; amending s. 77.03, F.S.; deleting the provision that a garnishing creditor must believe that execution would be unavailing; amending s. 77.04, F.S.; specifying a time period for a garnishee to serve an answer to a writ; amending s. 77.041, F.S.; increasing the time period during which a garnishing creditor may object to the debtor's claim of exemption and request a hearing; amending s. 77.07, F.S.; providing for automatic dissolution of a writ and discharge of a garnishee of liability under certain circumstances; granting a plaintiff the right to extend a writ for a certain time period; providing procedures; amending s. 222.01, F.S.; revising provisions relating to the designation of homestead property by the owner prior to levy to include foreign judgments; amending s. 319.27, F.S.; correcting a cross-reference; amending s. 679.1021, F.S.; redefining the term "lien creditor"; amending s. 701.02, F.S.; providing that chapters 670-680 of the Uniform Commercial Code govern the attachment and perfection of a security interest in a mortgage upon real property and in a promissory note or other right to payment or performance secured by that mortgage; providing that the assignment of such a mortgage need not be recorded under s. 701.02, F.S., in order for a security interest in the mortgage to attach or be perfected under the Uniform Commercial Code; providing that a creditor or subsequent purchaser of real property or of any interest therein may rely on a full or partial release, discharge, consent, joinder, subordination, satisfaction, or assignment of a mortgage upon the property which was made by the mortgagee of record, without regard to the filing of certain Uniform Commercial Code financing statements; providing that the filing of such a financing statement does not constitute notice for the purposes of s. 701.02, F.S.; defining the term "mortgagee of record"; providing effective dates.

House Amendment 1 (683879)(with title amendment)—On page 30, between lines 9 and 10, insert:

Section 21. Subsection (2) of section 817.801, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

817.801 Definitions.—As used in this part:

(2) "Debt management services" means services provided to a debtor by a credit counseling organization for a fee to:

(a) Effect the adjustment, compromise, *negotiation, settlement,* or discharge of any unsecured account, note, or other indebtedness of the debtor; or

(b) Receive from the debtor and disburse to a creditor any money or other thing of value.

(5) "Creditor contribution" means any sum that a creditor agrees to contribute to a credit counseling agency, whether directly or by setoff to amounts otherwise payable to the creditor on behalf of debtors. However, a creditor contribution may not reduce any sums to be credited to the account of a debtor making a payment to the credit counseling agency for further payment to the creditor.

Section 22. Section 817.802, Florida Statutes, is amended to read:

817.802 Unlawful fees and costs.—

(1) It is unlawful for any person, while engaging in debt management services or credit counseling services, to charge or accept from a debtor *residing in this state*, directly or indirectly, a fee or contribution greater than $50 for the initial setup or initial consultation. Subsequently, the person may not charge or accept a fee or contribution from

a debtor *residing in this state* greater than $120 per year for additional consultations or, alternatively, if debt management services as defined in s. 817.801(2)(b) are provided, the person may charge the greater of *12* ~~7.5~~ percent of the amount paid monthly by the debtor to the person or *$25* ~~$35~~ per month*, not to exceed a total of $50 per month*.

(2) ~~No provision of~~ This section *does not prohibit* ~~prohibits~~ any person, while engaging in debt management or credit counseling services, from imposing upon and receiving from a debtor a reasonable and separate charge or fee for insufficient funds transactions.

Section 23. Paragraph (a) of subsection (1) of section 817.804, Florida Statutes, is amended to read:

817.804 Requirements; disclosure and financial reporting.—

(1) Any person engaged in debt management services or credit counseling services shall:

(a) Obtain from a certified public accountant licensed under s. 473.308 an annual audit *that shall include* ~~of~~ all accounts of such person in which the funds of debtors are deposited and from which payments are made to creditors on behalf of debtors.

Section 24. Section 817.805, Florida Statutes, is amended to read:

817.805 Disbursement of funds.—Any person engaged in debt management or credit counseling services shall disburse to the appropriate creditors all funds received from a debtor, less any fees permitted by s. 817.802 *and any creditor contributions*, within 30 days after receipt of such funds. Further, any person engaged in such services shall maintain a separate trust account for the receipt of any funds from *debtors* ~~each debtor~~ and the disbursement of such funds on behalf of such *debtors* ~~debtor~~.

And the title is amended as follows:

On page 3, line 19, after the semicolon, insert:

amending s. 817.801, F.S.; revising the definition of debt management services; defining the term "creditor contribution"; amending s. 817.802, F.S.; revising the amount of fees or contributions that a debt manager or credit counselor may charge to certain debtors; amending s. 817.804, F.S.; revising an audit requirement for debt managers and credit counselors; amending s. 817.805, F.S.; excluding creditor contributions from certain funds disbursement requirements for debt managers and credit counselors;

On motion by Senator Campbell, the Senate refused to concur in the House amendment to **CS for CS for SB 370** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 484, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 484—A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; prescribing conditions applicable to requests by nursing home residents or their representatives for bed placement that is not in compliance with building codes; amending s. 400.461, F.S.; revising the purpose of part IV of ch. 400, F.S., to include the licensure of nurse registries; amending s. 400.462, F.S.; revising definitions; defining the terms "admission," " advanced registered nurse practitioner," "direct employee," and " physician assistant" for purposes of part IV of ch. 400, F.S.; amending s. 400.464, F.S., relating to licensure of home health agencies; revising the licensure period; revising and providing additional administrative fines; increasing penalties; amending s. 400.471, F.S.; revising requirements for license application by a home health agency; authorizing the Agency for Health Care Administration to revoke a license under certain circumstances; authorizing administrative fines; amending s. 400.487, F.S.; revising requirements for home health agency service agreements and treatment orders; amending s. 400.491, F.S., relating to clinical records; revising the ownership of patient records generated by a home health agency; changing the timeframe for a home health agency to retain patient records; providing for the disposition of patient records when a home health agency ceases business; deleting a requirement for a service provision plan pertaining to nonskilled care; deleting requirements for maintaining such records; amending s. 400.494, F.S.; providing for the continued confidentiality of patient information in compliance with federal law; providing for disclosure in accordance with certain specified state laws; deleting a requirement for written consent of the patient or the patient's guardian for disclosure of confidential patient information; amending s. 400.506, F.S.; revising requirements governing nurse registries; increasing license fee; increasing the period of licensure; authorizing administrative penalties; providing criminal penalties and sanctions; revising certain requirements pertaining to health care professionals that provide services on behalf of a nurse registry; amending s. 400.512, F.S., relating to employment screening; revising the date in which an annual affidavit must be signed which verifies that certain personnel of a home health agency, a nurse registry, or homemaker service have been screened; amending s. 400.515, F.S.; providing additional circumstances under which the agency may petition for an injunction; providing an effective date.

House Amendment 1 (410947)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 400.461, Florida Statutes, is amended to read:

400.461 Short title; purpose.—

(2) The purpose of this part is to provide for the licensure of every home health agency *and nurse registry* and to provide for the development, establishment, and enforcement of basic standards that will ensure the safe and adequate care of persons receiving health services in their own homes.

Section 2. Section 400.462, Florida Statutes, is amended to read:

400.462 Definitions.—As used in this part, the term:

(1) "Administrator" means a direct employee*, as defined in subsection (9)* ~~of the home health agency or a related organization, or of a management company that has a contract to manage the home health agency, to whom the governing body has delegated the responsibility for day-to-day administration of the home health agency~~. The administrator must be a licensed physician, physician assistant, or registered nurse licensed to practice in this state or an individual having at least 1 year of supervisory or administrative experience in home health care or in a facility licensed under chapter 395 or under part II or part III of this chapter. An administrator may manage a maximum of five licensed home health agencies located within one agency service district or within an immediately contiguous county. If the home health agency is licensed under this chapter and is part of a retirement community that provides multiple levels of care, an employee of the retirement community may administer the home health agency and up to a maximum of four entities licensed under this chapter that are owned, operated, or managed by the same corporate entity. An administrator shall designate, in writing, for each licensed entity, a qualified alternate administrator to serve during absences.

(2) "Admission" means a decision by the home health agency, during or after an evaluation visit to the patient's home, that there is reasonable expectation that the patient's medical, nursing, and social needs for skilled care can be adequately met by the agency in the patient's place of residence. Admission includes completion of an agreement with the patient or the patient's legal representative to provide home health services as required in s. 400.487(1).

(3) "Advanced registered nurse practitioner" means a person licensed in this state to practice professional nursing and certified in advanced or specialized nursing practice, as defined in s. 464.003.

(4)~~(2)~~ "Agency" means the Agency for Health Care Administration.

(5)~~(3)~~ "Certified nursing assistant" means any person who has been issued a certificate under part II of chapter 464. The licensed home health agency or licensed nurse registry shall ensure that the certified nursing assistant employed by or under contract with the home health agency or licensed nurse registry is adequately trained to perform the tasks of a home health aide in the home setting.

(6)~~(4)~~ "Client" means an elderly, handicapped, or convalescent individual who receives ~~personal care services,~~companion services~~,~~ or homemaker services in the individual's home or place of residence.

(7)~~(5)~~ "Companion" or "sitter" means a person who *spends time with or* cares for an elderly, handicapped, or convalescent individual and accompanies such individual on trips and outings and may prepare and serve meals to such individual. A companion may not provide hands-on personal care to a client.

(8)~~(6)~~ "Department" means the Department of Children and Family Services.

(9) "Direct employee" means an employee for whom one of the following entities pays withholding taxes: a home health agency; a management company that has a contract to manage the home health agency on a day-to-day basis; or an employee leasing company that has a contract with the home health agency to handle the payroll and payroll taxes for the home health agency.

(10)~~(7)~~ "Director of nursing" means a registered nurse *who is a* ~~and~~ direct employee*, as defined in subsection (9),* of the agency *and* ~~or related business entity~~ who is a graduate of an approved school of nursing and is licensed in this state; who has at least 1 year of supervisory experience as a registered nurse ~~in a licensed home health agency, a facility licensed under chapter 395, or a facility licensed under part II or part III of this chapter~~; and who is responsible for overseeing the professional nursing and home health aid delivery of services of the agency. *A director of nursing* ~~An employee~~ may be the director ~~of nursing~~ of a maximum of five licensed home health agencies operated by a related business entity and located within one agency service district or within an immediately contiguous county. If the home health agency is licensed under this chapter and is part of a retirement community that provides multiple levels of care, an employee of the retirement community may serve as the director of nursing of the home health agency and of up to four entities licensed under this chapter which are owned, operated, or managed by the same corporate entity. ~~A director of nursing shall designate, in writing, for each licensed entity, a qualified alternate registered nurse to serve during the absence of the director of nursing.~~

(11)~~(8)~~ "Home health agency" means an organization that provides home health services and staffing services.

(12)~~(9)~~ "Home health agency personnel" means persons who are employed by or under contract with a home health agency and enter the home or place of residence of patients at any time in the course of their employment or contract.

(13)~~(10)~~ "Home health services" means health and medical services and medical supplies furnished by an organization to an individual in the individual's home or place of residence. The term includes organizations that provide one or more of the following:

(a) Nursing care.

(b) Physical, occupational, respiratory, or speech therapy.

(c) Home health aide services.

(d) Dietetics and nutrition practice and nutrition counseling.

(e) Medical supplies, restricted to drugs and biologicals prescribed by a physician.

(14)~~(11)~~ "Home health aide" means a person *who is trained or qualified, as provided by rule, and* who provides hands-on personal care, performs simple procedures as an extension of therapy or nursing services, assists in ambulation or exercises, or assists in administering medications as permitted in rule and for which the person has received training established by the agency under s. 400.497(1). *The licensed home health agency or licensed nurse registry shall ensure that the home health aide employed by or under contract with the home health agency or licensed nurse registry is adequately trained to perform the tasks of a home health aide in the home setting.*

(15)~~(12)~~ "Homemaker" means a person who performs household chores that include housekeeping, meal planning and preparation, shopping assistance, and routine household activities for an elderly, handicapped, or convalescent individual. A homemaker may not provide hands-on personal care to a client.

(16)~~(13)~~ "Home infusion therapy provider" means an organization that employs, contracts with, or refers a licensed professional who has received advanced training and experience in intravenous infusion therapy and who administers infusion therapy to a patient in the patient's home or place of residence.

(17)~~(14)~~ "Home infusion therapy" means the administration of intravenous pharmacological or nutritional products to a patient in his or her home.

(18)~~(15)~~ "Nurse registry" means any person that procures, offers, promises, or attempts to secure health-care-related contracts for registered nurses, licensed practical nurses, certified nursing assistants, home health aides, companions, or homemakers, who are compensated by fees as independent contractors, including, but not limited to, contracts for the provision of services to patients and contracts to provide private duty or staffing services to health care facilities licensed under chapter 395 or this chapter or other business entities.

(19)~~(16)~~ "Organization" means a corporation, government or governmental subdivision or agency, partnership or association, or any other legal or commercial entity, any of which involve more than one health care professional discipline*;* ~~or~~ a health care professional and a home health aide or certified nursing assistant*; more than one home health aide; more than one certified nursing assistant; or a home health aide and a certified nursing assistant*. The term does not include an entity that provides services using only volunteers or only individuals related by blood or marriage to the patient or client.

(20)~~(17)~~ "Patient" means any person who receives home health services in his or her home or place of residence.

(21)~~(18)~~ "Personal care" means assistance to a patient in the activities of daily living, such as dressing, bathing, eating, or personal hygiene, and assistance in physical transfer, ambulation, and in administering medications as permitted by rule.

(22)~~(19)~~ "Physician" means a person licensed under chapter 458, chapter 459, chapter 460, or chapter 461.

(23) "Physician assistant" means a person who is a graduate of an approved program or its equivalent, or meets standards approved by the boards, and is licensed to perform medical services delegated by the supervising physician, as defined in s. 458.347 or s. 459.022.

(24)~~(20)~~ "Skilled care" means nursing services or therapeutic services *required by law to be* delivered by a health care professional who is licensed under part I of chapter 464; part I, part III, or part V of chapter 468; or chapter 486 and who is employed by or under contract with a licensed home health agency or is referred by a licensed nurse registry.

(25)~~(21)~~ "Staffing services" means services provided to a health care facility or other business entity on a temporary basis by licensed health care personnel *and by*~~, including~~ certified nursing assistants and home heath aides who are employed by, or work under the auspices of, a licensed home health agency or who are registered with a licensed nurse registry. *Staffing services may be provided anywhere within the state.*

Section 3. Subsections (1) and (4) of section 400.464, Florida Statutes, are amended to read:

400.464 Home health agencies to be licensed; expiration of license; exemptions; unlawful acts; penalties.—

(1) Any home health agency must be licensed by the agency to operate in this state. A license issued to a home health agency, unless sooner suspended or revoked, expires *2 years* ~~1 year~~ after its date of issuance.

(4)(a) An organization may not provide, offer, or advertise home health services to the public unless the organization has a valid license or is specifically exempted under this part. An organization that offers or advertises to the public any service for which licensure or registration is required under this part must include in the advertisement the license number or *registration* ~~regulation~~ number issued to the organization by the agency. The agency shall assess a fine of not less than $100 to any licensee or registrant who fails to include the license or registration number when submitting the advertisement for publication, broadcast, or printing. *The fine for a second or subsequent offense is $500.* The

holder of a license issued under this part may not advertise or indicate to the public that it holds a home health agency or nurse registry license other than the one it has been issued.

(b) The operation or maintenance of an unlicensed home health agency or the performance of any home health services in violation of this part is declared a nuisance, inimical to the public health, welfare, and safety. The agency or any state attorney may, in addition to other remedies provided in this part, bring an action for an injunction to restrain such violation, or to enjoin the future operation or maintenance of the home health agency or the provision of home health services in violation of this part, until compliance with this part or the rules adopted under this part has been demonstrated to the satisfaction of the agency.

(c)~~(b)~~ A person who violates paragraph (a) is subject to an injunctive proceeding under s. 400.515. A violation of paragraph (a) is a deceptive and unfair trade practice and constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act *under part II of chapter 501.*

(d)~~(c)~~ A person who violates the provisions of paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Each day of continuing violation constitutes a separate offense.

(e) Any person who owns, operates, or maintains an unlicensed home health agency and who, within 10 working days after receiving notification from the agency, fails to cease operation and apply for a license under this part commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day of continued operation is a separate offense.

(f) Any home health agency that fails to cease operation after agency notification may be fined $500 for each day of noncompliance.

Section 4. Section 400.471, Florida Statutes, is amended to read:

400.471 Application for license; fee; provisional license; temporary permit.—

(1) Application for an initial license or for renewal of an existing license must be made under oath to the agency on forms furnished by it and must be accompanied by the appropriate license fee as provided in subsection *(10)* ~~(8)~~. The agency must take final action on an initial licensure application within 60 days after receipt of all required documentation.

(2) The *initial* applicant must file with the application satisfactory proof that the home health agency is in compliance with this part and applicable rules, including:

(a) A listing of services to be provided, either directly by the applicant or through contractual arrangements with existing providers.~~;~~

(b) The number and discipline of professional staff to be employed.~~;~~ ~~and~~

(c) Proof of financial ability to operate.

(d) Completion of questions concerning volume data on the renewal application as determined by rule.

(3) An applicant for initial licensure must demonstrate financial ability to operate by submitting a balance sheet and income and expense statement for the first 2 years of operation which provide evidence of having sufficient assets, credit, and projected revenues to cover liabilities and expenses. The applicant shall have demonstrated financial ability to operate if the applicant's assets, credit, and projected revenues meet or exceed projected liabilities and expenses. All documents required under this subsection must be prepared in accordance with generally accepted accounting principles~~,~~ and *must be compiled* ~~the financial statement must be signed~~ by a certified public accountant.

(4) Each applicant for licensure must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening of the applicant, in accordance with the level 2 standards for screening set forth in chapter 435. As used in this subsection, the term "applicant" means the administrator, or a similarly titled person who is responsible for the day-to-day operation of the licensed home health agency, and the financial officer, or similarly titled individual who is responsible for the financial operation of the licensed home health agency.

(b) The agency may require background screening for a member of the board of directors of the licensee or an officer or an individual owning 5 percent or more of the licensee if the agency reasonably suspects that such individual has been convicted of an offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of paragraph (a). Proof of compliance with background screening which has been submitted within the previous 5 years to fulfill the requirements of the Financial Services Commission and the Office of Insurance Regulation pursuant to chapter 651 as part of an application for a certificate of authority to operate a continuing care retirement community is acceptable in fulfillment of the Department of Law Enforcement and Federal Bureau of Investigation background check.

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard license may be granted to the licensee upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(e) Each applicant must submit to the agency, with its application, a description and explanation of any exclusions, permanent suspensions, or terminations of the licensee or potential licensee from the Medicare or Medicaid programs. Proof of compliance with the requirements for disclosure of ownership and control interest under the Medicaid or Medicare programs may be accepted in lieu of this submission.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization if the director serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation or organization's board of directors, and has no financial interest and has no family members with a financial interest in the corporation or organization, provided that the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A license may not be granted to an applicant if the applicant, administrator, or financial officer has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

(h) The agency may deny or revoke licensure if the applicant~~:~~

~~1. Has falsely represented a material fact in the application required by paragraph (e) or paragraph (f), or has omitted any material fact from the application required by paragraph (e) or paragraph (f); or~~

~~2.~~ has been or is currently excluded, suspended, terminated from, or has involuntarily withdrawn from participation in ~~this state's Medicaid~~

~~program, or the Medicaid program of any other state, or from participation in the Medicare program or~~ any ~~other~~ governmental or private health care or health insurance program.

(i) An application for license renewal must contain the information required under paragraphs (e) and (f).

(5) The agency may deny or revoke licensure if the applicant has falsely represented a material fact, or has omitted any material fact, from the application required by this section.

(6)~~(5)~~ The home health agency must also obtain and maintain the following insurance *coverage* ~~coverages~~ in an amount of not less than $250,000 per claim, and the home health agency must submit proof of coverage with an initial application for licensure and with each ~~annual~~ application for license renewal:

(a) Malpractice insurance as defined in s. 624.605(1)(k)*.;*

(b) Liability insurance as defined in s. 624.605(1)(b).

(7)~~(6)~~ *Sixty* ~~Ninety~~ days before the expiration date, an application for renewal must be submitted to the agency under oath on forms furnished by it, and a license must be renewed if the applicant has met the requirements established under this part and applicable rules. The home health agency must file with the application satisfactory proof that it is in compliance with this part and applicable rules. If there is evidence of financial instability, the home health agency must submit satisfactory proof of its financial ability to comply with the requirements of this part. *The agency shall impose an administrative fine of $50 per day for each day the home health agency fails to file an application within the timeframe specified in this subsection. Each day of continuing violation is a separate violation; however, the aggregate of such fines may not exceed $500.*

(8)~~(7)~~ When transferring the ownership of a home health agency, the transferee must submit an application for a license at least 60 days before the effective date of the transfer. *If the application is filed late, an administrative fine shall be imposed in the amount of $50 per day. Each day of continuing violation is a separate violation; however, the aggregate of such fines may not exceed $500.* If the home health agency is being leased, a copy of the lease agreement must be filed with the application.

(9) The agency shall accept, in lieu of its own periodic licensure survey, submission of the survey of an accrediting organization that is recognized by the agency if the accreditation of the licensed home health agency is not provisional and if the licensed home health agency authorizes release of, and the agency receives the report of, the accrediting organization.

(10)~~(8)~~ The license fee and ~~annual~~ renewal fee required of a home health agency are nonrefundable. The agency shall set the *license* fees in an amount that is sufficient to cover its costs in carrying out its responsibilities under this part, but not to exceed *$2,000* ~~$1,000~~. However, state, county, or municipal governments applying for licenses under this part are exempt from the payment of license fees. All fees collected under this part must be deposited in the Health Care Trust Fund for the administration of this part.

(11)~~(9)~~ The license must be displayed in a conspicuous place in the administrative office of the home health agency and is valid only while in the possession of the person to which it is issued. The license may not be sold, assigned, or otherwise transferred, voluntarily or involuntarily, and is valid only for the home health agency and location for which originally issued.

(12)~~(10)~~ A home health agency against whom a revocation or suspension proceeding is pending at the time of license renewal may be issued a provisional license effective until final disposition by the agency of such proceedings. If judicial relief is sought from the final disposition, the court that has jurisdiction may issue a temporary permit for the duration of the judicial proceeding.

(13)~~(11)~~ The agency may not issue a license designated as certified to a home health agency that fails to satisfy the requirements of a Medicare certification survey from the agency.

(14)~~(12)~~ The agency may not issue a license to a home health agency that has any unpaid fines assessed under this part.

Section 5. Section 400.487, Florida Statutes, is amended to read:

400.487 Home health service agreements; physician's*, physician assistant's, and advanced registered nurse practitioner's* treatment orders; patient assessment; establishment and review of plan of care; provision of services; orders not to resuscitate.—

(1) Services provided by a home health agency must be covered by an agreement between the home health agency and the patient or the patient's legal representative specifying the home health services to be provided, the rates or charges for services paid with private funds, and the *sources* ~~method~~ of payment*, which may include Medicare, Medicaid, private insurance, personal funds, or a combination thereof*. A home health agency providing skilled care must make an assessment of the patient's needs within 48 hours after the start of services.

(2) When required by the provisions of chapter 464; part I, part III, or part V of chapter 468; or chapter 486, the attending physician*, physician assistant, or advanced registered nurse practitioner, acting within his or her respective scope of practice, shall* ~~for a patient who is to receive skilled care must~~ establish treatment orders *for a patient who is to receive skilled care*. The treatment orders must be signed by the physician*, physician assistant, or advanced registered nurse practitioner before a claim for payment for the skilled services is submitted by the home health agency. If the claim is submitted to a managed care organization, the treatment orders must be signed within the time allowed under the provider agreement. The treatment orders shall* ~~within 30 days after the start of care and must~~ be reviewed, as frequently as the patient's illness requires, by the physician*, physician assistant, or advanced registered nurse practitioner* in consultation with *the* home health agency ~~personnel that provide services to the patient~~.

(3) A home health agency shall arrange for supervisory visits by a registered nurse to the home of a patient receiving home health aide services in accordance with the patient's direction*,* ~~and~~ approval*, and agreement to pay the charge for the visits*.

(4) Each patient has the right to be informed of and to participate in the planning of his or her care. Each patient must be provided, upon request, a copy of the plan of care established and maintained for that patient by the home health agency.

(5) When nursing services are ordered, the home health agency to which a patient has been admitted for care must provide the initial admission visit, all service evaluation visits, and the discharge visit by *a direct employee* ~~qualified personnel who are on the payroll of, and to whom an IRS payroll form W-2 will be issued by, the home health agency~~. Services provided by others under contractual arrangements to a home health agency must be monitored and managed by the admitting home health agency. The admitting home health agency is fully responsible for ensuring that all care provided through its employees or contract staff is delivered in accordance with this part and applicable rules.

(6) The skilled care services provided by a home health agency, directly or under contract, must be supervised and coordinated in accordance with the plan of care.

(7) Home health agency personnel may withhold or withdraw cardiopulmonary resuscitation if presented with an order not to resuscitate executed pursuant to s. 401.45. The agency shall adopt rules providing for the implementation of such orders. Home health personnel and agencies shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation pursuant to such an order and rules adopted by the agency.

Section 6. Subsection (1) of section 400.491, Florida Statutes, is amended to read:

400.491 Clinical records.—

(1) The home health agency must maintain for each patient who receives skilled care a clinical record that includes pertinent past and current medical, nursing, social and other therapeutic information, the treatment orders, and other such information as is necessary for the safe and adequate care of the patient. When home health services are terminated, the record must show the date and reason for termination. Such records are considered patient records under *s. 400.494* ~~s. 456.057,~~ and must be maintained by the home health agency for *6*~~5~~ years following

termination of services. If a patient transfers to another home health agency, a copy of his or her record must be provided to the other home health agency upon request.

Section 7. Section 400.494, Florida Statutes, is amended to read:

400.494 Information about patients confidential.—

~~(1)~~ Information about patients received by persons employed by, or providing services to, a home health agency or received by the licensing agency through reports or inspection shall be confidential and exempt from the provisions of s. 119.07(1) and shall *only* ~~not~~ be disclosed to any person*,* other than the patient*, as permitted under the provisions of 45 C.F.R. ss. 160.102, 160.103, and 164, subpart A, commonly referred to as the HIPAA Privacy Regulation; except that clinical records described in ss. 381.004, 384.29, 385.202, 392.65, 394.4615, 395.404, 397.501, and 760.40 shall be disclosed as authorized in those sections* ~~without the written consent of that patient or the patient's guardian~~.

~~(2) This section does not apply to information lawfully requested by the Medicaid Fraud Control Unit of the Department of Legal Affairs.~~

Section 8. Subsections (3), (5), (7), (8), (10), (13), (14), and (17) of section 400.506, Florida Statutes, are amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(3) Application for license must be made to the Agency for Health Care Administration on forms furnished by it and must be accompanied by the appropriate licensure fee, as established by rule and not to exceed the cost of regulation under this part. The licensure fee for nurse registries may not exceed *$2,000* ~~$1,000~~ and must be deposited in the Health Care Trust Fund.

(5) A license issued for the operation of a nurse registry, unless sooner suspended or revoked, expires *2 years* ~~1 year~~ after its date of issuance. Sixty days before the expiration date, an application for renewal must be submitted to the Agency for Health Care Administration on forms furnished by it. The Agency for Health Care Administration shall renew the license if the applicant has met the requirements of this section and applicable rules. A nurse registry against which a revocation or suspension proceeding is pending at the time of license renewal may be issued a conditional license effective until final disposition by the Agency for Health Care Administration of such proceedings. If judicial relief is sought from the final disposition, the court having jurisdiction may issue a conditional license for the duration of the judicial proceeding.

(7) A person that *provides,* offers*,* or advertises to the public ~~that it provides~~ any service for which licensure is required under this section must include in such advertisement the license number issued to it by the Agency for Health Care Administration. *The agency shall assess a fine of not less than $100 against any licensee who fails to include the license number when submitting the advertisement for publication, broadcast, or printing. The fine for a second or subsequent offense is $500.*

(8)*(a)* It is unlawful for a person to *provide,* offer*,* or advertise to the public services as defined by rule without obtaining a valid license from the Agency for Health Care Administration. It is unlawful for any holder of a license to advertise or hold out to the public that he or she holds a license for other than that for which he or she actually holds a license. A person who violates this subsection is subject to injunctive proceedings under s. 400.515.

(b) A person who violates the provisions of paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day of continuing violation is a separate offense.

(c) Any person who owns, operates, or maintains an unlicensed nurse registry and who, within 10 working days after receiving notification from the agency, fails to cease operation and apply for a license under this part commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day of continued operation is a separate offense.

(d) If a nurse registry fails to cease operation after agency notification, the agency may impose a fine of $500 for each day of noncompliance.

(10)(a) A nurse registry may refer for contract in private residences registered nurses and licensed practical nurses registered and licensed under part I of chapter 464, certified nursing assistants certified under part II of chapter 464, home health aides who present documented proof of successful completion of the training required by rule of the agency, and companions or homemakers for the purposes of providing those services authorized under s. 400.509(1). Each person referred by a nurse registry must provide current documentation that he or she is free from communicable diseases.

(b) A certified nursing assistant or home health aide may be referred for a contract to provide care to a patient in his or her home only if that patient is under a physician's care. A certified nursing assistant or home health aide referred for contract in a private residence shall be limited to assisting a patient with bathing, dressing, toileting, grooming, eating, physical transfer, and those normal daily routines the patient could perform for himself or herself were he or she physically capable. A certified nursing assistant or home health aide may not provide medical or other health care services that require specialized training and that may be performed only by licensed health care professionals. The nurse registry shall obtain the name and address of the attending physician and send written notification to the physician within 48 hours after a contract is concluded that a certified nursing assistant or home health aide will be providing care for that patient.

(c) *When a certified nursing assistant or home health aide is referred to a patient's home by a nurse registry, the nurse registry shall advise the patient, the patient's family, or any other person acting on behalf of the patient at the time the contract for services is made that registered nurses are available to make visits to the patient's home for an additional cost.* ~~A registered nurse shall make monthly visits to the patient's home to assess the patient's condition and quality of care being provided by the certified nursing assistant or home health aide.~~ Any condition which*,* in the professional judgment of the *certified nursing assistant or home health aide,* ~~nurse~~ requires further medical attention shall be reported to the *registered nurse or* attending physician and the nurse registry. *A record of the nurse's visit* ~~The assessment~~ shall become a part of the patient's file with the nurse registry and may be reviewed by the agency during their survey procedure.

(13) Each nurse registry must comply with the procedures set forth in s. 400.512 for maintaining records of the *work* ~~employment~~ history of all persons referred for contract and is subject to the standards and conditions set forth in that section. However, an initial screening may not be required for persons who have been continuously registered with the nurse registry since *October 1, 2000* ~~September 30, 1990~~.

(14) The nurse registry must maintain the application on file, and that file must be open to the inspection of the Agency for Health Care Administration. The nurse registry must maintain on file the name and address of the *patient or* client to whom ~~the nurse or other~~ nurse registry personnel *are referred* ~~is sent~~ for contract and the amount of the fee received by the nurse registry. A nurse registry must maintain the file that includes the application and other applicable documentation for 3 years after the date of the last file entry of *patient-related or* client-related information.

(17) All persons referred for contract in private residences by a nurse registry must comply with the following requirements for a plan of treatment:

(a) When, in accordance with the privileges and restrictions imposed upon a nurse under part I of chapter 464, the delivery of care to a patient is under the direction or supervision of a physician or when a physician is responsible for the medical care of the patient, a medical plan of treatment must be established for each patient receiving care or treatment provided by a licensed nurse in the home. The original medical plan of treatment must be timely signed by the physician*, physician assistant, or advanced registered nurse practitioner, acting within his or her respective scope of practice,* and reviewed ~~by him or her~~ in consultation with the licensed nurse at least every 2 months. Any additional order or change in orders must be obtained from the physician*, physician assistant, or advanced registered nurse practitioner* and reduced to writing and timely signed by the physician*, physician assistant, or advanced registered nurse practitioner*. The delivery of care under a medical plan of treatment must be substantiated by the appropriate nursing notes or documentation made by the nurse in compliance with nursing practices established under part I of chapter 464.

(b) Whenever a medical plan of treatment is established for a patient, the initial medical plan of treatment, any amendment to the plan, additional order or change in orders, and copy of nursing notes must be filed in the office of the nurse registry.

Section 9. Subsection (2) of section 400.512, Florida Statutes, is amended to read:

400.512 Screening of home health agency personnel; nurse registry personnel; and companions and homemakers.—The agency shall require employment or contractor screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home health agency personnel; persons referred for employment by nurse registries; and persons employed by companion or homemaker services registered under s. 400.509.

(2) The administrator of each home health agency, the managing employee of each nurse registry, and the managing employee of each companion or homemaker service registered under s. 400.509 must sign an affidavit annually, under penalty of perjury, stating that all personnel hired *or*~~,~~ contracted with~~,~~or registered on or after *October 1, 2000* ~~October 1, 1994~~, who enter the home of a patient or client in their service capacity have been screened ~~and that its remaining personnel have worked for the home health agency or registrant continuously since before October 1, 1994~~.

Section 10. Section 400.515, Florida Statutes, is amended to read:

400.515 Injunction proceedings.—*In addition to the other powers provided under this chapter, the agency may institute injunction proceedings in a court of competent jurisdiction to restrain or prevent the establishment or operation of a home health agency or nurse registry that does not have a license or that is in violation of any provision of this part or any rule adopted pursuant to this part.* The agency ~~for Health Care Administration~~ may *also* institute injunction proceedings in a court of competent jurisdiction when violation of this part or of applicable rules constitutes an emergency affecting the immediate health and safety of a patient or client.

Section 11. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to health care; amending s. 400.461, F.S.; revising the purpose of part IV of ch. 400, F.S., to include the licensure of nurse registries; amending s. 400.462, F.S.; revising definitions; defining the terms "admission," "advanced registered nurse practitioner," "direct employee," and "physician assistant" for purposes of part IV of ch. 400, F.S.; amending s. 400.464, F.S., relating to licensure of home health agencies; revising the licensure period; revising and providing additional administrative, civil, and criminal penalties, sanctions, and fines; amending s. 400.471, F.S.; revising requirements for license application by a home health agency; authorizing the Agency for Health Care Administration to revoke a license under certain circumstances; authorizing administrative fines; amending s. 400.487, F.S.; revising requirements for home health agency service agreements and treatment orders; amending s. 400.491, F.S., relating to clinical records; changing the timeframe for a home health agency to retain patient records; changing a reference; amending s. 400.494, F.S.; providing for the continued confidentiality of patient information in compliance with federal law; providing for disclosure in accordance with certain specified state laws; deleting a requirement for written consent of the patient or the patient's guardian for disclosure of confidential patient information; deleting an exemption provided for the Medicaid Fraud Control Unit of the Department of Legal Affairs; amending s. 400.506, F.S.; revising requirements governing nurse registries; increasing license fee; increasing the period of licensure; authorizing administrative penalties; revising criminal penalties and sanctions; revising certain requirements pertaining to health care professionals that provide services on behalf of a nurse registry; amending s. 400.512, F.S., relating to employment screening; revising the date on which an annual affidavit must be signed which verifies that certain personnel of a home health agency, a nurse registry, or homemaker service have been screened; amending s. 400.515, F.S.; providing additional circumstances under which the agency may petition for an injunction; providing an effective date.

Senator Peaden moved the following amendments which were adopted:

Senate Amendment 1 (775626) (with title amendment) to House Amendment 1 (410947)—On page 20, lines 529-543, delete those lines and insert:

(1) Information about patients received by persons employed by, or providing services to, a home health agency or received by the licensing agency through reports or inspection shall be confidential and exempt from the provisions of s. 119.07(1) and shall *only* ~~not~~ be disclosed to any person*,* other than the patient*, as permitted under the provisions of 45 C.F.R. ss. 160.102, 160.103, and 164, subpart A, commonly referred to as the HIPAA Privacy Regulation; except that clinical records described in ss. 381.004, 384.29, 385.202, 392.65, 394.4615, 395.404, 397.501, and 760.40 shall be disclosed as authorized in those sections* ~~without the written consent of that patient or the patient's guardian~~.

(2) This section does not apply to information lawfully requested by the Medicaid Fraud Control Unit of the Department of Legal Affairs.

And the title is amended as follows:

On page 28, lines 751-753, delete those lines and insert: confidential patient information; amending s. 400.506, F.S.;

Senate Amendment 2 (320432) to House Amendment 1 (410947)—Lines 636-638, delete those lines and insert: of the nurse requires further medical attention shall be reported to the attending physician and the nurse registry.

On motion by Senator Peaden, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

CS for SB 484 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed HB 1813 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

House Amendment 1 (898813) to Senate Amendment 1 (552744) (with title amendment)—On page 20, line 14, through page 23, line 17, remove all of said lines, and insert:

Section 16. Effective July 1, 2005, paragraph (ccc) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representa-

tive or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(ccc) Advertising materials distributed by mail in an envelope.—Likewise exempt are materials consisting exclusively of advertising that are distributed by mail in an envelope, such as individual coupons or other individual cards, sheets, or pages of printed advertising, for ten or more persons, that are distributed free of charge on a monthly, bimonthly, or other regular basis.

Section 17. Paragraph (a) of subsection (2) of section 212.12, Florida Statutes, is amended, present paragraph (e) of that subsection is redesignated as paragraph (f), present paragraph (f) of that subsection is redesignated as paragraph (g) and amended, and a new paragraph (e) is added to that subsection, to read:

212.12 Dealer's credit for collecting tax; penalties for noncompliance; powers of Department of Revenue in dealing with delinquents; brackets applicable to taxable transactions; records required.—

(2)

(a) When any person required hereunder to make any return or to pay any tax or fee imposed by this chapter either fails to timely file such return or fails to pay the tax or fee shown due on the return within the time required hereunder, in addition to all other penalties provided herein and by the laws of this state in respect to such taxes or fees, a specific penalty shall be added to the tax or fee in the amount of 10 percent of either the tax or fee shown on the return that is not timely filed or any tax or fee not paid timely. The penalty may not be less than $50 for failure to timely file a tax return required by s. 212.11(1) or timely pay the tax or fee shown due on the return except as provided in s. 213.21*(11)*~~(10)~~. If a person fails to timely file a return required by s. 212.11(1) and to timely pay the tax or fee shown due on the return, only one penalty of 10 percent, which may not be less than $50, shall be imposed.

(e) A person who willfully attempts in any manner to evade any tax, surcharge, or fee imposed under this chapter or the payment thereof is, in addition to any other penalties provided by law, liable for a specific penalty in the amount of 100 percent of the tax, surcharge, or fee and commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(g)~~(f)~~ *A dealer who files* ~~Dealers filing~~ a consolidated return pursuant to s. 212.11(1)(e) *is* ~~shall be~~ subject to the penalty established in paragraph *(f)* ~~(e)~~ unless the dealer has paid the required estimated tax for his or her consolidated return as a whole without regard to each location. If the dealer fails to pay the required estimated tax for his or her consolidated return as a whole, each filing location shall stand on its own with respect to calculating penalties pursuant to paragraph *(f)* ~~(e)~~ .

Section 18. Paragraph (l) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(l) Information relative to chapter 212 *and the Bill of Lading Program* to the Office of Agriculture Law Enforcement of the Department of Agriculture and Consumer Services in the conduct of *its official duties* ~~the Bill of Lading Program. This information is limited to the business name and whether the business is in compliance with chapter 212.~~

Section 19. Paragraph (b) of subsection (5) of section 212.13, Florida Statutes, is amended to read:

212.13 Records required to be kept; power to inspect; audit procedure.—

(5)

(b) Such written notification shall contain:

1. The approximate date on which the auditor is scheduled to begin the audit.

2. A reminder that all of the records, receipts, invoices, resale certificates, and related documentation of the taxpayer must be made available to the auditor.

3. A notification of the availability of having the audit conducted pursuant to s. 213.285 by a qualified practitioner instead of the department.

4.~~3.~~ Any other requests or suggestions the department may deem necessary.

Section 20. Subsection (8) of section 213.21, Florida Statutes, is amended, subsection (9) of said section is renumbered as subsection (10), subsection (10) of said section is renumbered as subsection (11) and amended, and a new subsection (9) is added to said section, to read:

213.21 Informal conferences; compromises.—

(8) In order to determine whether certified audits are an effective tool in the overall state tax collection effort, the executive director of the department or the executive director's designee shall settle or compromise penalty liabilities of taxpayers who participate in the certified audits project *before the department issues a notice of intent to audit*. As further incentive for participating in the program *before the department issues a notice of intent to audit*, the department shall abate the first $25,000 of any interest liability and 25 percent of any interest due in excess of the first $25,000. A settlement or compromise of penalties or interest pursuant to this subsection shall not be subject to the provisions of paragraph (3)(a), except for the requirement relating to confidentiality of records. The department may consider an additional compromise of tax or interest pursuant to the provisions of paragraph (3)(a). This subsection does not apply to any liability related to taxes collected but not remitted to the department.

(9) For taxpayers that participate in the certified audit program after a written notification of intent to audit has been issued by the department, the department shall only compromise penalty based upon reasonable cause pursuant to s. 213.21 and shall abate the first $10,000 of any interest liability and 10 percent of any interest due in excess of the first $10,000.

(11)~~(10)~~(a) ~~Effective July 1, 2003,~~ Notwithstanding any other provision of law and solely for the purpose of administering the *taxes* ~~tax~~ imposed by *ss. 125.0104 and 125.0108 and* chapter 212, *except s. 212.0606,* under the circumstances set forth in this subsection, the department shall settle or compromise a taxpayer's liability for penalty without requiring the taxpayer to submit a written request for compromise or settlement.

(b) For taxpayers who file returns and remit tax on a monthly basis:

1. Any penalty related to a noncompliant filing event shall be settled or compromised if the taxpayer has:

a. No noncompliant filing event in the immediately preceding 12-month period and no unresolved ~~chapter 212~~ liability *under s. 125.0104, s. 125.0108, or chapter 212* resulting from a noncompliant filing event; or

b. One noncompliant filing event in the immediately preceding 12-month period, resolution of the current noncompliant filing event through payment of tax and interest and the filing of a return within 30 days after notification by the department, and no unresolved ~~chapter 212~~ liability *under s. 125.0104, s. 125.0108, or chapter 212* resulting from a noncompliant filing event.

2. If a taxpayer has two or more noncompliant filing events in the immediately preceding 12-month period, the taxpayer shall be liable, absent a showing by the taxpayer that the noncompliant filing event was

due to extraordinary circumstances, for the penalties provided in *s. 125.0104 or s. 125.0108 and* s. 212.12, including loss of collection allowance, and shall be reported to a credit bureau.

(c) For taxpayers who file returns and remit tax on a quarterly basis, any penalty related to a noncompliant filing event shall be settled or compromised if the taxpayer has no noncompliant filing event in the immediately preceding 12-month period and no unresolved ~~chapter 212~~ liability *under s. 125.0104, s. 125.0108, or chapter 212* resulting from a noncompliant filing event.

(d) For purposes of this subsection:

1. "Noncompliant filing event" means a failure to timely file a complete and accurate return required under *s. 125.0104, s. 125.0108, or* chapter 212 or a failure to timely pay the amount of tax reported on a return required by *s. 125.0104, s. 125.0108, or* chapter 212.

2. "Extraordinary circumstances" means the occurrence of events beyond the control of the taxpayer, such as, but not limited to, the death of the taxpayer, acts of war or terrorism, natural disasters, fire, or other casualty, or the nonfeasance or misfeasance of the taxpayer's employees or representatives responsible for compliance with *s. 125.0104, s. 125.0108, or* ~~the provisions of~~ chapter 212. With respect to the acts of an employee or representative, the taxpayer must show that the principals of the business lacked actual knowledge of the noncompliance and that the noncompliance was resolved within 30 days after actual knowledge.

Section 21. *The amendment to s. 213.21(10), Florida Statutes, made by this act, shall operate retroactively to July 1, 2003.*

Section 22. Paragraph (d) of subsection (1), paragraph (b) of subsection (2), paragraphs (b) and (c) of subsection (4), and subsection (7) of section 213.285, Florida Statutes, are amended to read:

213.285 Certified audits.—

(1) As used in this section, the term:

(d) "Qualified practitioner" means a certified public accountant who is licensed to practice in Florida and who has completed the certification program. *For certified audits entered into after the department issues a notice of intent to audit, a qualified practitioner cannot have performed accounting, auditing, management consulting, or tax services for the taxpayer or person that is a subsidiary, parent, sister, or other affiliate of the taxpayer during the 60-month period immediately preceding the written notice of intent to conduct an audit. Furthermore, for certified audits entered into after the department issues a notice of intent to audit, the qualified practitioner may not perform accounting, auditing, management consulting, or tax services for any taxpayer or person that is a subsidiary, parent, sister, or other affiliate of the taxpayer for a period of 36 months after the department's approval of the certified audit report.*

(2)

(b)*1.* As an incentive for taxpayers to incur the costs of a certified audit, the department shall compromise penalties and abate interest due on any tax liabilities revealed by a certified audit as provided in s. 213.21. This authority to compromise penalties or abate interest shall not apply to any liability for taxes that were collected by the participating taxpayer but that were not remitted to the department.

2. If the taxpayer's request to participate in the certified audit program is submitted after the taxpayer has been issued a written notice of intent to conduct an audit, the department shall compromise penalties on any tax liabilities revealed by a certified audit as provided in s. 213.21. This authority to compromise penalties shall not apply to any liability for taxes that were collected by the participating taxpayer but that were not remitted to the department.

(4)

(b)*1.* If the taxpayer has not been issued a written notice of intent to conduct an audit, the taxpayer shall be a participating taxpayer and the department shall so advise the qualified practitioner in writing within 10 days after receipt of the engagement notice. However, the department may exclude a taxpayer from a certified audit or may limit the taxes or periods subject to the certified audit on the basis that the department has previously conducted an audit, that it is in the process of conducting an investigation or other examination of the taxpayer's records, or for just cause determined solely by the department.

2. If the taxpayer has been issued a written notice of intent to conduct an audit and the department has not begun its field audit work, the taxpayer may be a participating taxpayer, and the department shall so advise the qualified practitioner in writing within 10 days after receipt of the engagement notice. An engagement notice must be submitted within 45 days after the written notice of intent to conduct an audit.

(c)*1.* Notice of the qualification of a taxpayer for a certified audit shall toll the statute of limitations provided in s. 95.091 with respect to the taxpayer for the tax and periods covered by the engagement.

2. If the taxpayer's request to participate in the certified audit program is submitted after the taxpayer has been issued a written notice of intent to conduct an audit, the written notice of intent to conduct an audit issued by the department shall toll the statute of limitations provided in s.95.091.

(7) To implement the certified audits project, the department shall have authority to adopt rules relating to:

(a) The availability of the certification program required for participation in the project;

(b) The requirements and basis for establishing just cause for approval or rejection of participation by taxpayers;

(c) The requirements and basis for establishing just cause for suspension, rejection, or cancellation of the department's certification of a qualified practitioner.

(d)~~(c)~~ Procedures for assessment, collection, and payment of liabilities or refund of overpayments and provisions for taxpayers to obtain informal and formal review of certified audit results;

(e)~~(d)~~ The nature, frequency, and basis for the department's review of certified audits conducted by qualified practitioners, including the requirements for documentation, work-paper retention and access, and reporting; and

(f)~~(e)~~ Requirements for conducting certified audits and for review of agreed-upon procedures.

(g) Requirements to prevent the qualified practitioner who conducted the certified audit after the department issued a notice of intent to audit from representing the taxpayer in the informal conference procedures provided in s. 213.21.

And the title is amended as follows:

On page 49, lines 15-18, remove all of said lines, and insert:

amending s. 212.08, F.S.; exempting certain advertising materials distributed by mail in an envelope; amending s. 212.13, F.S.; specifying an additional audit notification notice requirement; amending s. 213.21, F.S.; clarifying application of certain certified audit program procedures; providing limitations on department authorization to compromise penalties and abate interest for certain taxpayers; specifying which taxes qualify for the automatic penalty compromise or settlement of liability; providing for retroactivity; amending s. 213.285, F.S.; revising provisions relating to certified audits; revising a definition, department authority to compromise penalties, participation by a taxpayer in certain audits, statutes of limitation, and department authority to adopt rules for the certified audits project; amending s.

On motion by Senator Atwater, the Senate refused to concur in the House amendment to the Senate amendment to **HB 1813** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1322, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1322—A bill to be entitled An act relating to the Public Service Commission; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; specifying that the Governor has no planning or budgetary authority with respect to the commission; specifying that the Governor and the Department of Management Services have no authority over the commission's employees; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide a nominee for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; prohibiting a commissioner from soliciting any thing of value, either directly or indirectly, from any public utility, its affiliate, or any party; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; amending s. 120.80, F.S.; requiring that the commission refer certain matters affecting the substantial interest of a utility to the Division of Administrative Hearings so that an administrative judge may be assigned to conduct a hearing and enter a recommended order; providing an effective date.

House Amendment 1 (506825)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *Committee on Public Service Commission Oversight; creation; membership; powers and duties.—*

(1) There is created a standing joint committee of the Legislature, designated the Committee on Public Service Commission Oversight, and composed of twelve members appointed as follows: six members of the Senate appointed by the President of the Senate, two of whom must be members of the minority party; and six members of the House of Representatives appointed by the Speaker of the House of Representatives, two of whom must be members of the minority party. The terms of members shall be for 2 years and shall run from the organization of one Legislature to the organization of the next Legislature. The President shall appoint the chair of the committee in even-numbered years and the vice chair in odd-numbered years, and the Speaker of the House of Representatives shall appoint the chair of the committee in odd-numbered years and the vice chair in even-numbered years, from among the committee membership. Vacancies shall be filled in the same manner as the original appointment. Members shall serve without additional compensation, but shall be reimbursed for expenses.

(2) The committee shall be governed by joint rules of the Senate and the House of Representatives which shall remain in effect until repealed or amended by concurrent resolution.

(3) The committee shall:

(a) Recommend to the Governor nominees to fill a vacancy on the Public Service Commission, as provided by general law; and

(b) Appoint a Public Counsel as provided by general law.

(4) The committee is authorized to file a complaint with the Commission on Ethics alleging a violation of chapter 350, Florida Statutes, by a commissioner, former commissioner, former commission employee, or member of the Public Service Commission Nominating Council.

(5) The committee will not have a permanent staff, but the President of the Senate and the Speaker of the House of Representatives shall select staff members from among existing legislative staff, when and as needed.

Section 2. Section 350.001, Florida Statutes, is amended to read:

350.001 Legislative intent.—The Florida Public Service Commission has been and shall continue to be an arm of the legislative branch of government. *The Public Service Commission shall perform its duties independently.* It is the desire of the Legislature that the Governor participate in the appointment process of commissioners to the Public Service Commission. The Legislature accordingly delegates to the Governor a limited authority with respect to the Public Service Commission by authorizing him or her to participate in the selection of members only ~~from the list provided by the Florida Public Service Commission Nominating Council~~ in the manner prescribed by s. 350.031.

Section 3. Section 350.031, Florida Statutes, is amended to read:

350.031 Florida Public Service Commission Nominating Council.—

(1) There is created a Florida Public Service Commission Nominating Council consisting of nine members. At least one member of the council must be 60 years of age or older. Three members, including one member of the House of Representatives, shall be appointed by and serve at the pleasure of the Speaker of the House of Representatives; three members, including one member of the Senate, shall be appointed by and serve at the pleasure of the President of the Senate; and three members shall be selected and appointed by a majority vote of the other six members of the council. All terms shall be for 4 years except those members of the House and Senate, who shall serve 2-year terms concurrent with the 2-year elected terms of House members. Vacancies on the council shall be filled for the unexpired portion of the term in the same manner as original appointments to the council. A member may not be reappointed to the council, except for a member of the House of Representatives or the Senate who may be appointed to two 2-year terms or a person who is appointed to fill the remaining portion of an unexpired term.

(2)(a) No member or spouse shall be the holder of the stocks or bonds of any company, other than through ownership of shares in a mutual fund, regulated by the commission, or any affiliated company of any company regulated by the commission, or be an agent or employee of, or have any interest in, any company regulated by the commission or any affiliated company of any company regulated by the commission, or in any firm which represents in any capacity either companies which are regulated by the commission or affiliates of companies regulated by the commission. As a condition of appointment to the council, each appointee shall affirm to the Speaker and the President his or her qualification by the following certification: "I hereby certify that I am not a stockholder, other than through ownership of shares in a mutual fund, in any company regulated by the commission or in any affiliate of a company regulated by the commission, nor in any way, directly or indirectly, in the employment of, or engaged in the management of any company regulated by the commission or any affiliate of a company regulated by the commission, or in any firm which represents in any capacity either companies which are regulated by the commission or affiliates of companies regulated by the commission."

This certification is made as condition to appointment to the Florida Public Service Commission Nominating Council.

(b) A member of the council may be removed by the Speaker of the House of Representatives and the President of the Senate upon a finding by the Speaker and the President that the council member has violated any provision of this subsection or for other good cause.

(c) If a member of the council does not meet the requirements of this subsection, the President of the Senate or the Speaker of the House of Representatives, as appropriate, shall appoint a legislative replacement.

(3) A majority of the membership of the council may conduct any business before the council. All meetings and proceedings of the council shall be staffed by the Office of Legislative Services and shall be subject to the provisions of ss. 119.07 and 286.011. Members of the council are entitled to receive per diem and travel expenses as provided in s. 112.061, which shall be funded by the Florida Public Service Regulatory Trust Fund. Applicants invited for interviews before the council may, in the discretion of the council, receive per diem and travel expenses as provided in s. 112.061, which shall be funded by the Florida Public Service Regulatory Trust Fund. The council shall establish policies and procedures to govern the process by which applicants are nominated.

(4) The council may spend a nominal amount, not to exceed $10,000, to advertise a vacancy on the council, which shall be funded by the Florida Public Service Regulatory Trust Fund.

(5)~~(4)~~ A person may not be nominated to the *Committee on Public Service Commission Oversight* ~~Governor~~ until the council has determined that the person is competent and knowledgeable in one or more fields, which shall include, but not be limited to: public affairs, law, economics, accounting, engineering, finance, natural resource conservation, energy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the above-stated fields. Recommendations of the council shall be nonpartisan.

(6)~~(5)~~ It is the responsibility of the council to nominate to the *Committee on Public Service Commission Oversight* ~~Governor not fewer than~~ *six* ~~three~~ persons for each vacancy occurring on the Public Service Commission. The council shall submit the recommendations to the *committee* ~~Governor~~ by *August 1* ~~October 1~~ of those years in which the terms are to begin the following January, or within 60 days after a vacancy occurs for any reason other than the expiration of the term.

(7)~~(6)~~ The *Committee on Public Service Commission Oversight* ~~Governor~~ shall *select from the list of nominees provided by the nominating council three or more nominees for recommendation to the Governor for appointment to the commission. The recommendations must be provided to the Governor within 45 days after receipt of the list of nominees. The Governor shall* fill a vacancy occurring on the Public Service Commission by appointment of one of the applicants nominated by the *committee* ~~council~~ only after a background investigation of such applicant has been conducted by the Florida Department of Law Enforcement. If the Governor has not made an appointment *within 30 days after the receipt of the recommendation* ~~by December 1 to fill a vacancy for a term to begin the following January~~, ~~then~~ the *committee* ~~council~~, by majority vote, shall appoint*, within 30 days after the expiration of the Governor's time to make an appointment,* ~~by December 31~~ one person from the applicants previously nominated to the Governor to fill the vacancy. ~~If the Governor has not made the appointment to fill a vacancy occurring for any reason other than the expiration of the term by the 60th day following receipt of the nominations of the council, the council by majority vote shall appoint within 30 days thereafter one person from the applicants previously nominated to the Governor to fill the vacancy.~~

(8)~~(7)~~ Each appointment to the Public Service Commission shall be subject to confirmation by the Senate *during the next regular session after the vacancy occurs*. If the Senate refuses to confirm or rejects the Governor's appointment, the council shall initiate, in accordance with this section, the nominating process within 30 days.

Section 4. Subsection (2) of section 350.041, Florida Statutes, is amended to read:

350.041 Commissioners; standards of conduct.—

(2) STANDARDS OF CONDUCT.—

(a) A commissioner may not accept anything from any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, from any public utility regulated by the commission, or from any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission. *A commissioner may attend conferences and associated meals and events that are generally available to all conference participants without payment of any fees in addition to the conference fee. Additionally, while attending a conference, a commissioner may attend meetings, meals, or events that are not sponsored, in whole or in part, by any representative of any public utility regulated by the commission and that are limited to commissioners only, committee members, or speakers if the commissioner is a member of a committee of the association of regulatory agencies that organized the conference or is a speaker at the conference. It is not a violation of this paragraph for a commissioner to attend a conference for which conference participants who are employed by a utility regulated by the commission have paid a higher conference registration fee than the commissioner, or to attend a meal or event that is generally available to all conference participants without payment of any fees in addition to the conference fee and that is sponsored, in whole or in part, by a utility regulated by the commission. If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person giving or providing the prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.*

(b) A commissioner may not accept any form of employment with or engage in any business activity with any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, any public utility regulated by the commission, or any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission.

(c) A commissioner may not have any financial interest, other than shares in a mutual fund, in any public utility regulated by the commission, in any business entity which, either directly or indirectly, owns or controls any public utility regulated by the commission, or in any business entity which, either directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission. If a commissioner acquires any financial interest prohibited by this section during his or her term of office as a result of events or actions beyond the commissioner's control, he or she shall immediately sell such financial interest or place such financial interest in a blind trust at a financial institution. A commissioner may not attempt to influence, or exercise any control over, decisions regarding the blind trust.

(d) A commissioner may not accept anything from a party in a proceeding currently pending before the commission. *If, during the course of an investigation by the Commission on Ethics into an alleged violation of this paragraph, allegations are made as to the identity of the person giving or providing the prohibited gift, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person gave or provided a prohibited gift, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.*

(e) A commissioner may not serve as the representative of any political party or on any executive committee or other governing body of a political party; serve as an executive officer or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; engage on behalf of any candidate for public office in the solicitation of votes or other activities on behalf of such candidacy; or become a candidate for election to any public office without first resigning from office.

(f) A commissioner, during his or her term of office, may not make any public comment regarding the merits of any proceeding under ss. 120.569 and 120.57 currently pending before the commission.

(g) A commissioner may not conduct himself or herself in an unprofessional manner at any time during the performance of his or her official duties.

(h) A commissioner must avoid impropriety in all of his or her activities and must act at all times in a manner that promotes public confidence in the integrity and impartiality of the commission.

(i) A commissioner may not directly or indirectly, through staff or other means, solicit any thing of value from any public utility regulated by the commission, or from any business entity that, whether directly or indirectly, is an affiliate or subsidiary of any public utility regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

Section 5. Subsection (7) of section 350.042, Florida Statutes, is amended to read:

350.042 Ex parte communications.—

(7)(a) It shall be the duty of the Commission on Ethics to receive and investigate sworn complaints of violations of this section pursuant to the procedures contained in ss. 112.322-112.3241.

(b) If the Commission on Ethics finds that there has been a violation of this section by a public service commissioner, it shall provide the Governor and the Florida Public Service Commission Nominating Council with a report of its findings and recommendations. The Governor is

authorized to enforce the findings and recommendations of the Commission on Ethics, pursuant to part III of chapter 112.

(c) If a commissioner fails or refuses to pay the Commission on Ethics any civil penalties assessed pursuant to the provisions of this section, the Commission on Ethics may bring an action in any circuit court to enforce such penalty.

(d) If, during the course of an investigation by the Commission on Ethics into an alleged violation of this section, allegations are made as to the identity of the person who participated in the ex parte communication, that person must be given notice and an opportunity to participate in the investigation and relevant proceedings to present a defense. If the Commission on Ethics determines that the person participated in the ex parte communication, the person may not appear before the commission or otherwise represent anyone before the commission for a period of 2 years.

Section 6. Subsection (1) of section 350.061, Florida Statutes, is amended to read:

350.061 Public Counsel; appointment; oath; restrictions on Public Counsel and his or her employees.—

(1) The *Committee on Public Service Commission Oversight* ~~Joint Legislative Auditing Committee~~ shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission. The Public Counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the ~~Joint Legislative Auditing~~ Committee *on Public Service Commission Oversight*, subject to *biennial* ~~annual~~ reconfirmation by the committee. *The Public Counsel shall perform his or her duties independently.* Vacancies in the office shall be filled in the same manner as the original appointment.

Section 7. Subsection (2) of section 350.0614, Florida Statutes, is amended to read:

350.0614 Public Counsel; compensation and expenses.—

(2) The Legislature ~~hereby~~ declares and determines that the Public Counsel is under the legislative branch of government within the intention of the legislation as expressed in chapter 216, and no power shall be in the Executive Office of the Governor or its successor to release or withhold funds appropriated to it, but the same shall be available for expenditure as provided by law and the rules or decisions of the ~~Joint Auditing~~ Committee *on Public Service Commission Oversight*.

Section 8. *Communications services offered by governmental entities.—*

(1) As used in this section, the term:

(a) "Advanced service" means high-speed-Internet-access-service capability in excess of 200 kilobits per second in the upstream or the downstream direction, including any service application provided over the high-speed-access service or any information service as defined in 47 U.S.C. s. 153(20).

(b) "Cable service" has the same meaning as in 47 U.S.C. s. 522(6).

(c) "Communications services" includes any "advanced service," "cable service," or "telecommunications service" and shall be construed in the broadest sense.

(d) "Enterprise fund" means a separate fund to account for the operation of communications services by a local government, established and maintained in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board.

(e) "Governmental entity" means any political subdivision as defined in section 1.01, Florida Statutes, including any county, municipality, special district, school district, utility authority or other authority or any instrumentality, agency, unit or department thereof. The term does not include an independent special district created before 1970 which has been granted express legislative authority to provide a communications service and which does not sell a communications service outside its district boundaries.

(f) "Provide," "providing," "provision," or "provisioning" means offering or supplying a communications service for a fee or other consideration to a person, including any portion of the public or private provider, but does not include service by an entity to itself or to any governmental law enforcement agency or governmental emergency services entity.

(g) "Subscriber" means a person who receives a communications service.

(h) "Telecommunications services" means the transmission of signs, signals, writing, images, sounds, messages, data, or other information of the user's choosing, by wire, radio, light waves, or other electromagnetic means, without change in the form or content of the information as sent and received by the user and regardless of the facilities used, including, without limitation, wireless facilities.

(2)(a) A governmental entity that proposes to provide a communications service shall hold no less than two public hearings, which shall be held not less than 30 days apart. At least 30 days before the first of the two public hearings, the governmental entity must give notice of the hearing in the predominant newspaper of general circulation in the area considered for service. At least 40 days before the first public hearing, the governmental entity must electronically provide notice to the Department of Revenue and the Public Service Commission, which shall post the notice on the department's and the commission's website to be available to the public. The Department of Revenue shall also send the notice by United States Postal Service to the known addresses for all dealers of communications services registered with the department under chapter 202, Florida Statutes, or provide an electronic notification, if the means are available, within 10 days after receiving the notice. The notice must include the time and place of the hearings and must state that the purpose of the hearings is to consider whether the governmental entity will provide communications services. The notice must include, at a minimum, the geographic areas proposed to be served by the governmental entity and the services, if any, which the governmental entity believes are not currently being adequately provided. The notice must also state that any dealer who wishes to do so may appear and be heard at the public hearings.

(b) At a public hearing required by this subsection, a governmental entity must, at a minimum, consider:

1. Whether the service that is proposed to be provided is currently being offered in the community and, if so, whether the service is generally available throughout the community.

2. Whether a similar service is currently being offered in the community and, if so, whether the service is generally available throughout the community.

3. If the same or similar service is not currently offered, whether any other service provider proposes to offer the same or a similar service and, if so, what assurances that service provider is willing or able to offer regarding the same or similar service.

4. The capital investment required by the government entity to provide the communications service, the estimated realistic cost of operation and maintenance and, using a full cost-accounting method, the estimated realistic revenues and expenses of providing the service and the proposed method of financing.

5. The private and public costs and benefits of providing the service by a private entity or a governmental entity, including the affect on existing and future jobs, actual economic development prospects, tax-base growth, education, and public health.

(c) At one or more of the public hearings under this subsection, the governmental entity must make available to the public a written business plan for the proposed communications service venture containing, at a minimum:

1. The projected number of subscribers to be served by the venture.

2. The geographic area to be served by the venture.

3. The types of communications services to be provided.

4. A plan to ensure that revenues exceed operating expenses and payment of principal and interest on debt within 4 years.

5. Estimated capital and operational costs and revenues for the first 4 years.

6. Projected network modernization and technological upgrade plans, including estimated costs.

(d) After making specific findings regarding the factors in paragraphs (b) and (c), the governmental entity may authorize providing a communications service by a majority recorded vote and by resolution, ordinance, or other formal means of adoption.

(e) The governing body of a governmental entity may issue one or more bonds to finance the capital costs for facilities to provide a communications service. However:

1. A governmental entity may only pledge revenues in support of the issuance of any bond to finance providing a communications service:

a. Within the county in which the governmental entity is located;

b. Within an area in which the governmental entity provides electric service outside its home county under an electric service territorial agreement approved by the Public Service Commission before the effective date of this act; or

c. If the governmental entity is a municipality or special district, within its corporate limits or in an area in which the municipality or special district provides water, wastewater, electric, or natural gas service, or within an urban service area designated in a comprehensive plan, whichever is larger, unless the municipality or special district obtains the consent by formal action of the governmental entity within the boundaries of which the municipality or special district proposes to provide service. For consent to be effective, any governmental entity from which consent is sought shall be located within the county in which the governmental entity is located or that county.

2. Revenue bonds issued in order to finance providing a communications service are not subject to the approval of the electors if the revenue bonds mature within 15 years. Revenue bonds issued to finance providing a communications service that does not mature within 15 years must be approved by the electors. The election must be conducted as specified in chapter 100, Florida Statutes.

(f) A governmental entity providing a communications service may not price any service below the cost of providing the service by subsidizing the communications service with moneys from rates paid by subscribers of a noncommunications services utility or from any other revenues. The cost standard for determining cross-subsidization is whether the total revenue from the service is less than the total long-run incremental cost of the service. Total long-run incremental cost means service-specific volume and nonvolume-sensitive costs.

(g) A governmental entity providing a communications service must comply with the requirements of section 218.32, Florida Statutes, and shall keep separate and accurate books and records, maintained in accordance with generally accepted accounting principles, of a governmental entity's communication service, and they shall be made available for any audits of the books and records conducted under applicable law. To facilitate equitable distribution of indirect costs, a local government shall develop and follow a cost-allocation plan, which is a procedure for allocating direct and indirect costs and which is generally developed in accordance with OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Government, published by the United States Office of Management and Budget.

(h) The governmental entity shall establish an enterprise fund to account for its operation of communications services.

(i) The governmental entity shall adopt separate operating and capital budgets for its communications services.

(j) A governmental entity may not use its powers of eminent domain under chapter 73, Florida Statutes, solely or primarily for the purpose of providing a communications service.

(k) The governmental entity shall conduct an annual review at a formal public meeting to consider the progress the governmental entity is making toward reaching its business plan goals and objectives for providing communication services. At the public meeting the governmental entity shall review the related revenues, operating expenses, and payment of interest on debt.

(l) If, after 4 years following the initiation of the provision of communications services by a governmental entity or 4 years after the effective date of this act, whichever is later, revenues do not exceed operating expenses and payment of principal and interest on the debt for a governmental entity's provision of communications services, no later than 60 days following the end of the 4-year period a governmental entity shall hold a public hearing at which the governmental entity shall do at least one of the following:

1. Approve a plan to cease providing communications services;

2. Approve a plan to dispose of the system the governmental entity is using to provide communications services and, accordingly, to cease providing communications services;

3. Approve a plan to create a partnership with a private entity in order to achieve operations in which revenues exceed operating expenses and payment of principal and interest on debt; or

4. Approve the continuing provision of communications services by a majority vote of the governing body of the governing authority.

(3)(a) A governmental entity that provides a cable service shall comply with the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq., the regulations issued by the Federal Communications Commission under the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq., and all applicable state and federal rules and regulations, including, but not limited to, section 166.046, Florida Statutes, and those provisions of chapters 202, 212, and 337, Florida Statutes, which apply to a provider of the services.

(b) A governmental entity that provides a telecommunications service or advanced service must comply, if applicable, with chapter 364, Florida Statutes, and rules adopted by the Public Service Commission; chapter 166, Florida Statutes; and all applicable state and federal rules and regulations, including, but not limited to, those provisions of chapters 202, 212, and 337, Florida Statutes, which apply to a provider of the services.

(c) A governmental entity may not exercise its power or authority in any area, including zoning or land use regulation, to require any person, including residents of a particular development, to use or subscribe to any communication service of a governmental entity.

(d) A governmental entity shall apply its ordinances, rules, and policies, and exercise any authority under state or federal laws, including, but not limited to, those relating to the following subjects and without discrimination as to itself when providing a communications service or to any private provider of communications services:

1. Access to public rights-of-way; and

2. Permitting, access to, use of, and payment for use of governmental entity-owned poles. The governmental entity is subject to the same terms, conditions, and fees, if any, for access to government-owned poles which the governmental entity applies to a private provider for access.

(4)(a) If a governmental entity was providing, as of April 1, 2005, advanced services, cable services, or telecommunications services, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), or paragraph (2)(k) in order to continue to provide advanced services, cable services, or telecommunications services, respectively, but it must comply with and be subject to all other provisions of this section.

(b) If a governmental entity, as of April 1, 2005, had issued debt pledging revenues from an advanced service, cable service, or telecommunications service, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), or paragraph (2)(k) in order to provide advanced services, cable services, or telecommunications services, respectively, but it must comply with and be subject to all other provisions of this section.

(c) If a governmental entity, as of April 1, 2005, has purchased equipment specifically for the provisioning of advanced service, cable service,

or telecommunication service, and, as of May 6, 2005, has a population of less than 7500, and has authorized by formal action the providing of an advanced service, cable service, or telecommunication service, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), or paragraph (2)(k) in order to provide advanced service, cable service, or telecommunication service, respectively, but it must comply with and be subject to all other provisions of this section.

This subsection does not relieve a governmental entity from complying with subsection (5).

(5) Notwithstanding section 542.235, Florida Statutes, or any other law, a governmental entity that provides a communications service is subject to the same prohibitions applicable to private providers under sections 542.18 and 542.19, Florida Statutes, as it relates to providing a communications service. Nothing in this section confers state action immunity, or any other antitrust immunity or exemption, on any governmental entity providing communications services.

(6) To ensure the safe and secure transportation of passengers and freight through an airport facility, as defined in section 159.27(17), Florida Statutes, an airport authority or other governmental entity that provides or is proposing to provide communications services only within the boundaries of its airport layout plan, as defined in section 333.01(6), Florida Statutes, to subscribers which are integral and essential to the safe and secure transportation of passengers and freight through the airport facility, is exempt from this section. An airport authority or other governmental entity that provides or is proposing to provide shared-tenant service under section 364.339, Florida Statutes, but not dial tone enabling subscribers to complete calls outside the airport layout plan, to one or more subscribers within its airport layout plan which are not integral and essential to the safe and secure transportation of passengers and freight through the airport facility is exempt from this section. An airport authority or other governmental entity that provides or is proposing to provide communications services to one or more subscribers within its airport layout plan which are not integral and essential to the safe and secure transportation of passengers and freight through the airport facility, or to one or more subscribers outside its airport layout plan, is not exempt from this section. By way of example and not limitation, the integral, essential subscribers may include airlines and emergency service entities, and the nonintegral, nonessential subscribers may include retail shops, restaurants, hotels, or rental car companies.

(7) This section does not alter or affect any provision in the charter, code, or other governing authority of a governmental entity that impose additional or different requirements on provision of communications service by a governmental entity. Any such provisions shall apply in addition to the applicable provisions in this section.

Section 9. Section 364.01, Florida Statutes, is amended to read:

364.01 Powers of commission, legislative intent.—

(1) The Florida Public Service Commission shall exercise over and in relation to telecommunications companies the powers conferred by this chapter.

(2) It is the legislative intent to give exclusive jurisdiction in all matters set forth in this chapter to the Florida Public Service Commission in regulating telecommunications companies, and such preemption shall supersede any local or special act or municipal charter where any conflict of authority may exist. However, the provisions of this chapter shall not affect the authority and powers granted in s. 166.231(9) or s. 337.401.

(3) *Communications activities that are not regulated by the Florida Public Service Commission, including, but not limited to, VoIP, wireless, and broadband, are subject to this state's generally applicable business regulation and deceptive trade practices and consumer protection laws, as enforced by the appropriate state authority or through actions in the judicial system. This chapter does not limit the availability to any party of any remedy or defense under state or federal antitrust laws.* The Legislature finds that the competitive provision of telecommunications services, including local exchange telecommunications service, is in the public interest and will provide customers with freedom of choice, encourage the introduction of new telecommunications service, encourage technological innovation, and encourage investment in telecommunications infrastructure. The Legislature further finds that the transition from the monopoly provision of local exchange service to the competitive provision thereof will require appropriate regulatory oversight to protect consumers and provide for the development of fair and effective competition, but nothing in this chapter shall limit the availability to any party of any remedy under state or federal antitrust laws. The Legislature further finds that changes in regulations allowing increased competition in telecommunications services could provide the occasion for increases in the telecommunications workforce; therefore, it is in the public interest that competition in telecommunications services lead to a situation that enhances the high-technological skills and the economic status of the telecommunications workforce. The Legislature further finds that the provision of voice-over-Internet protocol (VOIP) free of unnecessary regulation, regardless of the provider, is in the public interest.

(4) The commission shall exercise its exclusive jurisdiction in order to:

(a) Protect the public health, safety, and welfare by ensuring that basic local telecommunications services are available to all consumers in the state at reasonable and affordable prices.

(b) Encourage competition through flexible regulatory treatment among providers of telecommunications services in order to ensure the availability of the widest possible range of consumer choice in the provision of all telecommunications services.

(c) Protect the public health, safety, and welfare by ensuring that monopoly services provided by telecommunications companies continue to be subject to effective price, rate, and service regulation.

(d) Promote competition by encouraging *innovation and investment in* ~~new entrants into~~ telecommunications markets and by allowing a transitional period in which new *and emerging technologies* ~~entrants~~ are subject to a *reduced* ~~lesser~~ level of regulatory oversight ~~than local exchange telecommunications companies~~.

(e) Encourage all providers of telecommunications services to introduce new or experimental telecommunications services free of unnecessary regulatory restraints.

(f) Eliminate any rules *or* ~~and/or~~ regulations which will delay or impair the transition to competition.

(g) Ensure that all providers of telecommunications services are treated fairly, by preventing anticompetitive behavior and eliminating unnecessary regulatory restraint.

(h) Recognize the continuing emergence of a competitive telecommunications environment through the flexible regulatory treatment of competitive telecommunications services, where appropriate, if doing so does not reduce the availability of adequate basic local telecommunications service to all citizens of the state at reasonable and affordable prices, if competitive telecommunications services are not subsidized by monopoly telecommunications services, and if all monopoly services are available to all competitors on a nondiscriminatory basis.

(i) Continue its historical role as a surrogate for competition for monopoly services provided by local exchange telecommunications companies.

Section 10. Section 364.011, Florida Statutes, is created to read:

364.011 Exemptions from commission jurisdiction.—The following services are exempt from oversight by the commission, except to the extent delineated in this chapter or specifically authorized by federal law:

(1) Intrastate interexchange telecommunications services.

(2) Broadband services, regardless of the provider, platform, or protocol.

(3) VoIP.

(4) Wireless telecommunications, including commercial mobile radio service providers.

Section 11. Section 364.012, Florida Statutes, is created to read:

364.012 Consistency with federal law.—

(1) In order to promote commission coordination with federal policymakers and regulatory agencies, the commission shall maintain continuous liaisons with appropriate federal agencies whose policy decisions and rulemaking authority affect those telecommunications companies over which the commission has jurisdiction. The commission is encouraged to participate in the proceedings of federal agencies in cases in which the state's consumers may be affected and to convey the commission's policy positions and information requirements in order to achieve greater efficiency in regulation.

(2) This chapter does not limit or modify the duties of a local exchange carrier to provide unbundled access to network elements or the commission's authority to arbitrate and enforce interconnection agreements to the extent that those elements are required under 47 U.S.C. ss. 251 and 252, and under any regulations issued by the Federal Communications Commission at rates determined in accordance with the standards established by the Federal Communications Commission pursuant to 47 C.F.R. ss. 51.503-51.513, inclusive of any successor regulation or successor forbearance of regulation.

Section 12. Section 364.013, Florida Statutes, is created to read:

364.013 Emerging and advanced services.—Broadband service and the provision of voice-over-Internet-protocol (VoIP) shall be free of state regulation, except as delineated in this chapter or as specifically authorized by federal law, regardless of the provider, platform, or protocol.

Section 13. Section 364.02, Florida Statutes, is amended to read:

364.02 Definitions.—As used in this chapter:

(1) "Basic local telecommunications service" means voice-grade, flat-rate residential, and flat-rate single-line business local exchange services which provide dial tone, local usage necessary to place unlimited calls within a local exchange area, dual tone multifrequency dialing, and access to the following: emergency services such as "911," all locally available interexchange companies, directory assistance, operator services, relay services, and an alphabetical directory listing. For a local exchange telecommunications company, *the* ~~such~~ term shall include any extended area service routes, and extended calling service in existence or ordered by the commission on or before July 1, 1995.

(2) "Broadband service" means any service that consists of or includes the offering of the capability to transmit or receive information at a rate that is not less than 200 kilobits per second and either:

(a) Is used to provide access to the Internet; or

(b) Provides computer processing, information storage, information content, or protocol conversion in combination with the service.

The definition of broadband service does not include any intrastate telecommunications services that have been tariffed with the commission on or before January 1, 2005.

(3)~~(2)~~ "Commercial mobile radio service provider" means a commercial mobile radio service provider as defined by and pursuant to 47 U.S.C. ss. 153(n) and 332(d).

(4)~~(3)~~ "Commission" means the Florida Public Service Commission.

(5)~~(4)~~ "Competitive local exchange telecommunications company" means any company certificated by the commission to provide local exchange telecommunications services in this state on or after July 1, 1995.

(6)~~(5)~~ "Corporation" includes a corporation, company, association, or joint stock association.

(7)~~(6)~~ "Intrastate interexchange telecommunications company" means any entity that provides intrastate interexchange telecommunications services.

(8)~~(7)~~ "Local exchange telecommunications company" means any company certificated by the commission to provide local exchange telecommunications service in this state on or before June 30, 1995.

(9)~~(8)~~ "Monopoly service" means a telecommunications service for which there is no effective competition, either in fact or by operation of law.

(10)~~(9)~~ "Nonbasic service" means any telecommunications service provided by a local exchange telecommunications company other than a basic local telecommunications service, a local interconnection arrangement described in s. 364.16, or a network access service described in s. 364.163.

(11)~~(10)~~ "Operator service" includes, but is not limited to, billing or completion of third-party, person-to-person, collect, or calling card or credit card calls through the use of a live operator or automated equipment.

(12)~~(11)~~ "Operator service provider" means a person who furnishes operator service through a call aggregator.

(13)~~(12)~~ "Service" is to be construed in its broadest and most inclusive sense. The term "service" does not include *broadband service or* voice-over-Internet protocol service for purposes of regulation by the commission. Nothing herein shall affect the rights and obligations of any entity related to the payment of switched network access rates or other intercarrier compensation, if any, related to voice-over-Internet protocol service. *Notwithstanding s. 364.013, and the exemption of services pursuant to this subsection, the commission may arbitrate, enforce, or approve interconnection agreements, and resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or any other applicable federal law or regulation. With respect to the services exempted in this subsection, regardless of the technology, the duties of a local exchange telecommunications company are only those that the company is obligated to extend or provide under applicable federal law and regulations.*

(14)~~(13)~~ "Telecommunications company" includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political subdivision in the state, offering two-way telecommunications service to the public for hire within this state by the use of a telecommunications facility. The term "telecommunications company" does not include:

(a) An entity which provides a telecommunications facility exclusively to a certificated telecommunications company;

(b) An entity which provides a telecommunications facility exclusively to a company which is excluded from the definition of a telecommunications company under this subsection;

(c) A commercial mobile radio service provider;

(d) A facsimile transmission service;

(e) A private computer data network company not offering service to the public for hire;

(f) A cable television company providing cable service as defined in 47 U.S.C. s. 522; or

(g) An intrastate interexchange telecommunications company.

However, each commercial mobile radio service provider and each intrastate interexchange telecommunications company shall continue to be liable for any taxes imposed *under* ~~pursuant to~~ chapters 202, 203, and 212 and any fees assessed *under* ~~pursuant to~~ ss. 364.025 and 364.336. Each intrastate interexchange telecommunications company shall continue to be subject to ss. 364.04, 364.10(3)(a) and (d), 364.163, 364.285, 364.501, 364.603, and 364.604, shall provide the commission with such current information as the commission deems necessary to contact and communicate with the company, shall continue to pay intrastate switched network access rates or other intercarrier compensation to the local exchange telecommunications company or the competitive local exchange telecommunications company for the origination and termination of interexchange telecommunications service, and shall reduce its intrastate long distance toll rates in accordance with s. 364.163(2).

(15)~~(14)~~ "Telecommunications facility" includes real estate, easements, apparatus, property, and routes used and operated to provide two-way telecommunications service to the public for hire within this state.

(16) "VoIP" means the voice-over-Internet protocol as that term is defined in federal law.

Section 14. Section 364.0361, Florida Statutes, is amended to read:

364.0361 Local government authority; nondiscriminatory exercise.—A local government shall treat each telecommunications company in a nondiscriminatory manner when exercising its authority to grant franchises to a telecommunications company or to otherwise establish conditions or compensation for the use of rights-of-way or other public property by a telecommunications company. A local government may not directly or indirectly regulate the terms and conditions, including, but not limited to, the operating systems, qualifications, services, service quality, service territory, and prices, applicable to or in connection with the provision of any *voice-over-Internet protocol, regardless of the platform, provider, or protocol,* broadband or information service. This section does not relieve a provider from any obligations under s. 166.046 or s. 337.401.

Section 15. Section 364.10, Florida Statutes, is amended to read:

364.10 Undue advantage to person or locality prohibited; Lifeline service.—

(1) A telecommunications company may not make or give any undue or unreasonable preference or advantage to any person or locality or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(2)*(a)* The prohibitions of subsection (1) notwithstanding, *an eligible telecommunications carrier* ~~a telecommunications company serving as carrier of last resort~~ shall provide a Lifeline Assistance Plan to qualified residential subscribers, as defined in a commission-approved tariff *or price list,* and a preferential rate to eligible facilities as provided for in part II. *For the purposes of this section, the term "eligible telecommunications carrier" means a telecommunications company, as defined by s. 364.02, which is designated as an eligible telecommunications carrier by the commission pursuant to 47 C.F.R. s. 54.201.*

(b) An eligible telecommunications carrier shall offer a consumer who applies for or receives Lifeline service the option of blocking all toll calls or, if technically capable, placing a limit on the number of toll calls a consumer can make. The eligible telecommunications carrier may not charge the consumer an administrative charge or other additional fee for blocking the service.

(c) An eligible telecommunications carrier may not collect a service deposit in order to initiate Lifeline service if the qualifying low-income consumer voluntarily elects toll blocking or toll limitation. If the qualifying low-income consumer elects not to place toll blocking on the line, an eligible telecommunications carrier may charge a service deposit.

(d) An eligible telecommunications carrier may not charge Lifeline subscribers a monthly number-portability charge.

(e)1. An eligible telecommunications carrier must notify a Lifeline subscriber of impending termination of Lifeline service if the company has a reasonable basis for believing that the subscriber no longer qualifies. Notification of pending termination must be in the form of a letter that is separate from the subscriber's bill.

2. An eligible telecommunications carrier shall allow a subscriber 60 days following the date of the pending termination letter to demonstrate continued eligibility. The subscriber must present proof of continued eligibility. An eligible telecommunications carrier may transfer a subscriber off of Lifeline service, pursuant to its tariff, if the subscriber fails to demonstrate continued eligibility.

3. The commission shall establish procedures for such notification and termination.

(f) An eligible telecommunications carrier shall timely credit a consumer's bill with the Lifeline Assistance credit as soon as practicable, but no later than 60 days following receipt of notice of eligibility from the Office of Public Counsel or proof of eligibility from the consumer.

(3)(a) Effective September 1, 2003, any local exchange telecommunications company authorized by the commission to reduce its switched network access rate pursuant to s. 364.164 shall have tariffed and shall provide Lifeline service to any otherwise eligible customer or potential customer who meets an income eligibility test at *135* ~~125~~ percent or less of the federal poverty income guidelines for Lifeline customers. Such a test for eligibility must augment, rather than replace, the eligibility standards established by federal law and based on participation in certain low-income assistance programs. Each intrastate interexchange telecommunications company shall, effective September 1, 2003, file a tariff providing at a minimum the intrastate interexchange telecommunications carrier's current Lifeline benefits and exemptions to Lifeline customers who meet the income eligibility test set forth in this subsection. The Office of Public Counsel shall certify and maintain claims submitted by a customer for eligibility under the income test authorized by this subsection.

(b) Each *eligible telecommunications carrier* ~~local exchange telecommunications company~~ subject to this subsection shall provide to each state and federal agency providing benefits to persons eligible for Lifeline service applications, brochures, pamphlets, or other materials that inform *the* ~~such~~ persons of their eligibility for Lifeline, and each state agency providing *the* ~~such~~ benefits shall furnish the materials to affected persons at the time they apply for benefits.

(c) Any local exchange telecommunications company customer receiving Lifeline benefits shall not be subject to any residential basic local telecommunications service rate increases authorized by s. 364.164 until the local exchange telecommunications company reaches parity as defined in s. 364.164(5) or until the customer no longer qualifies for the Lifeline benefits established by this section or s. 364.105, or unless otherwise determined by the commission upon petition by a local exchange telecommunications company.

(d) An eligible telecommunications carrier may not discontinue basic local exchange telephone service to a subscriber who receives Lifeline service because of nonpayment by the subscriber of charges for nonbasic services billed by the telecommunications company, including long-distance service. A subscriber who receives Lifeline service shall be required to pay all applicable basic local exchange service fees, including the subscriber line charge, E-911, telephone relay system charges, and applicable state and federal taxes.

(e) An eligible telecommunications carrier may not refuse to connect, reconnect, or provide Lifeline service because of unpaid toll charges or nonbasic charges other than basic local exchange service.

(f) An eligible telecommunications carrier may require that payment arrangements be made for outstanding debt associated with basic local exchange service, subscriber line charges, E-911, telephone relay system charges, and applicable state and federal taxes.

(g) An eligible telecommunications carrier may block a Lifeline service subscriber's access to all long-distance service, except for toll-free numbers, and may block the ability to accept collect calls when the subscriber owes an outstanding amount for long-distance service or amounts resulting from collect calls. However, the eligible telecommunications carrier may not impose a charge for blocking long-distance service. The eligible telecommunications carrier shall remove the block at the request of the subscriber without additional cost to the subscriber upon payment of the outstanding amount. An eligible telecommunications carrier may charge a service deposit before removing the block.

(h)~~(d)~~ By December 31, 2003, each state agency that provides benefits to persons eligible for Lifeline service shall undertake, in cooperation with the Department of Children and Family Services, *the Department of Education,* the commission, *the Office of Public Counsel,* and telecommunications companies providing Lifeline services, the development of procedures to promote Lifeline participation.

(i)~~(e)~~ The commission shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 each year on the number of customers who are subscribing to Lifeline service and the effectiveness of any procedures to promote participation.

(j) The commission shall adopt rules to administer this section.

Section 16. *Section 364.502, Florida Statutes, is repealed.*

Section 17. Subsection (1) of section 364.335, Florida Statutes, is amended to read:

364.335 Application for certificate.—

(1) Each applicant for a certificate shall:

(a) Provide all information required by rule or order of the commission, which may include a detailed inquiry into the ability of the appli-

cant to provide service, a detailed inquiry into the territory and facilities involved, and a detailed inquiry into the existence of service from other sources within geographical proximity to the territory applied for.

(b) File with the commission schedules showing all rates for service of every kind furnished by it and all rules and contracts relating to such service.

(c) File the application fee required by the commission in an amount not to exceed *$500* ~~$250~~. Such fees shall be deposited in accordance with s. 350.113.

(d) Submit an affidavit that the applicant has caused notice of its application to be given to such persons and in such manner as may be prescribed by commission rule.

Section 18. Section 364.336, Florida Statutes, is amended to read:

364.336 Regulatory assessment fees.—Notwithstanding any provisions of law to the contrary, each telecommunications company licensed or operating under this chapter, for any part of the preceding 6-month period, shall pay to the commission, within 30 days following the end of each 6-month period, a fee that may not exceed 0.25 percent annually of its gross operating revenues derived from intrastate business, except, for purposes of this section and the fee specified in s. 350.113(3), any amount paid to another telecommunications company for the use of any telecommunications network shall be deducted from the gross operating revenue for purposes of computing the fee due. *The commission shall by rule assess a minimum fee in an amount up to $1,000. The minimum amount may vary depending on the type of service provided by the telecommunications company, and shall, to the extent practicable, be related to the cost of regulating such type of company.* Differences, if any, between the amount paid in any 6-month period and the amount actually determined by the commission to be due shall, upon motion by the commission, be immediately paid or refunded. Fees under this section may not be less than $50 annually. Such fees shall be deposited in accordance with s. 350.113. The commission may by rule establish criteria for payment of the regulatory assessment fee on an annual basis rather than on a semiannual basis.

Section 19. Subsection (6) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(6) Governmental, municipal, or public purpose or function shall be deemed to be served or performed when the lessee under any leasehold interest created in property of the United States, the state or any of its political subdivisions, or any municipality, agency, special district, authority, or other public body corporate of the state is demonstrated to perform a function or serve a governmental purpose which could properly be performed or served by an appropriate governmental unit or which is demonstrated to perform a function or serve a purpose which would otherwise be a valid subject for the allocation of public funds. For purposes of the preceding sentence, an activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as an aviation area on an airport layout plan which has been approved by the Federal Aviation Administration and which real property is used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed base operation which provides goods and services to the general aviation public in the promotion of air commerce shall be deemed an activity which serves a governmental, municipal, or public purpose or function. Any activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as a public airport as defined in s. 332.004(14) by municipalities, agencies, special districts, authorities, or other public bodies corporate and public bodies politic of the state, a spaceport as defined in s. 331.303(19), or which is located in a deepwater port identified in s. 403.021(9)(b) and owned by one of the foregoing governmental units, subject to a leasehold or other possessory interest of a nongovernmental lessee that is deemed to perform an aviation, airport, aerospace, maritime, or port purpose or operation shall be deemed an activity that serves a governmental, municipal, or public purpose. The use by a lessee, licensee, or management company of real property or a portion thereof as a convention center, visitor center, sports facility with permanent seating, concert hall, arena, stadium, park, or beach is deemed a use that serves a governmental, municipal, or public purpose or function when access to the property is open to the general public with or without a charge for admission. If property deeded to a municipality by the United States is subject to a requirement that the Federal Government, through a schedule established by the Secretary of the Interior, determine that the property is being maintained for public historic preservation, park, or recreational purposes and if those conditions are not met the property will revert back to the Federal Government, then such property shall be deemed to serve a municipal or public purpose. The term "governmental purpose" also includes a direct use of property on federal lands in connection with the Federal Government's Space Exploration Program or spaceport activities as defined in s. 212.02(22). Real property and tangible personal property owned by the Federal Government or the Florida Space Authority and used for defense and space exploration purposes or which is put to a use in support thereof shall be deemed to perform an essential national governmental purpose and shall be exempt. "Owned by the lessee" as used in this chapter does not include personal property, buildings, or other real property improvements used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed based operation which provides goods and services to the general aviation public in the promotion of air commerce provided that the real property is designated as an aviation area on an airport layout plan approved by the Federal Aviation Administration. For purposes of determination of "ownership," buildings and other real property improvements which will revert to the airport authority or other governmental unit upon expiration of the term of the lease shall be deemed "owned" by the governmental unit and not the lessee. Providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in *s. 364.02(15)* ~~s.364.02(14)~~, and for which a certificate is required under chapter 364 does not constitute an exempt use for purposes of s. 196.199, unless the telecommunications services are provided by the operator of a public-use airport, as defined in s. 332.004, for the operator's provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, or unless the telecommunications services are provided by a public hospital. However, property that is being used to provide such telecommunications services on or before October 1, 1997, shall remain exempt, but such exemption expires October 1, 2004.

Section 20. Paragraph (b) of subsection (1) of section 199.183, Florida Statutes, is amended to read:

199.183 Taxpayers exempt from annual and nonrecurring taxes.—

(1) Intangible personal property owned by this state or any of its political subdivisions or municipalities shall be exempt from taxation under this chapter. This exemption does not apply to:

(b) Property related to the provision of two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in *s. 364.02(15)* ~~s. 364.02(14)~~, and for which a certificate is required under chapter 364, when *the* ~~such~~ service is provided by any county, municipality, or other political subdivision of the state. Any immunity of any political subdivision of the state or other entity of local government from taxation of the property used to provide telecommunication services that is taxed as a result of this paragraph is hereby waived. However, intangible personal property related to the provision of ~~such~~ telecommunications services provided by the operator of a public-use airport, as defined in s. 332.004, for the operator's provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, and intangible personal property related to the provision of ~~such~~ telecommunications services provided by a public hospital, are exempt from taxation under this chapter.

Section 21. Subsection (6) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—There are also exempt from the tax imposed by this chapter sales made to the United States Government, a state, or any county, municipality, or political

subdivision of a state when payment is made directly to the dealer by the governmental entity. This exemption shall not inure to any transaction otherwise taxable under this chapter when payment is made by a government employee by any means, including, but not limited to, cash, check, or credit card when that employee is subsequently reimbursed by the governmental entity. This exemption does not include sales of tangible personal property made to contractors employed either directly or as agents of any such government or political subdivision thereof when such tangible personal property goes into or becomes a part of public works owned by such government or political subdivision. A determination whether a particular transaction is properly characterized as an exempt sale to a government entity or a taxable sale to a contractor shall be based on the substance of the transaction rather than the form in which the transaction is cast. The department shall adopt rules that give special consideration to factors that govern the status of the tangible personal property before its affixation to real property. In developing these rules, assumption of the risk of damage or loss is of paramount consideration in the determination. This exemption does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in the generation, transmission, or distribution of electrical energy by systems owned and operated by a political subdivision in this state for transmission or distribution expansion. Likewise exempt are charges for services rendered by radio and television stations, including line charges, talent fees, or license fees and charges for films, videotapes, and transcriptions used in producing radio or television broadcasts. The exemption provided in this subsection does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in *s. 364.02(15)* ~~s. 364.02(14)~~, and for which a certificate is required under chapter 364, which facility is owned and operated by any county, municipality, or other political subdivision of the state. Any immunity of any political subdivision of the state or other entity of local government from taxation of the property used to provide telecommunication services that is taxed as a result of this section is hereby waived. However, the exemption provided in this subsection includes transactions taxable under this chapter which are for use by the operator of a public-use airport, as defined in s. 332.004, in providing such telecommunications services for the airport or its tenants, concessionaires, or licensees, or which are for use by a public hospital for the provision of such telecommunications services.

Section 22. Subsection (8) of section 290.007, Florida Statutes, is amended to read:

290.007 State incentives available in enterprise zones.—The following incentives are provided by the state to encourage the revitalization of enterprise zones:

(8) Notwithstanding any law to the contrary, the Public Service Commission may allow public utilities and telecommunications companies to grant discounts of up to 50 percent on tariffed rates for services to small businesses located in an enterprise zone designated pursuant to s. 290.0065. Such discounts may be granted for a period not to exceed 5 years. For purposes of this subsection, the term "public utility" has the same meaning as in s. 366.02(1) and the term "telecommunications company" has the same meaning as in *s. 364.02(14)* ~~s. 364.02(13)~~.

Section 23. Subsection (3) of section 350.0605, Florida Statutes, is amended to read:

350.0605 Former commissioners and employees; representation of clients before commission.—

(3) For a period of 2 years following termination of service on the commission, a former member may not accept employment by or compensation from a business entity which, directly or indirectly, owns or controls a public utility regulated by the commission, from a public utility regulated by the commission, from a business entity which, directly or indirectly, is an affiliate or subsidiary of a public utility regulated by the commission or is an actual business competitor of a local exchange company or public utility regulated by the commission and is otherwise exempt from regulation by the commission under ss. *364.02(14)* ~~364.02(13)~~ and 366.02(1), or from a business entity or trade association that has been a party to a commission proceeding within the 2 years preceding the member's termination of service on the commission. This subsection applies only to members of the Florida Public Service Commission who are appointed or reappointed after May 10, 1993.

Section 24. Subsection (4) of section 364.602, Florida Statutes, is amended to read:

364.602 Definitions.—For purposes of this part:

(4) "Originating party" means any person, firm, corporation, or other entity, including a telecommunications company or a billing clearinghouse, that provides any telecommunications service or information service to a customer or bills a customer through a billing party, except the term "originating party" does not include any entity specifically exempted from the definition of "telecommunications company" as provided in *s. 364.02(14)* ~~s. 364.02(13)~~ .

Section 25. Subsection (5) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(5) Public utilities, including special gas districts as defined in chapter 189, telecommunications companies as defined in *s. 364.02(14)* ~~s. 364.02(13)~~, and natural gas transmission companies as defined in s. 368.103(4), on construction, maintenance, and development work performed by their employees, which work, including, but not limited to, work on bridges, roads, streets, highways, or railroads, is incidental to their business. The board shall define, by rule, the term "incidental to their business" for purposes of this subsection.

Section 26. *This act may not be construed to limit the rights of local government or the duties of providers of cable service to comply with any and all requirements of federal, state, or local law, including, but not limited to, 47 U.S.C. s.541, s. 166.046, and s. 337.401.*

Section 27. Subsection (4) of section 364.051, Florida Statutes, is amended to read:

364.051 Price regulation.—

(4)*(a)* Notwithstanding ~~the provisions of~~ subsection (2), any local exchange telecommunications company that believes circumstances have changed substantially to justify any increase in the rates for basic local telecommunications services may petition the commission for a rate increase, but the commission shall grant *the* ~~such~~ petition only after an opportunity for a hearing and a compelling showing of changed circumstances. The costs and expenses of any government program or project required in part II *may* ~~shall~~ not be recovered under this subsection unless *the* ~~such~~ costs and expenses are incurred in the absence of a bid and subject to carrier-of-last-resort obligations as provided for in part II. The commission shall act upon *the* ~~any such~~ petition within 120 days *after* ~~of~~ its filing.

(b) For purposes of this section, evidence of damage occurring to the lines, plants, or facilities of a local exchange telecommunications company that is subject to the carrier-of-last-resort obligations, which damage is the result of a tropical system occurring after June 1, 2005, and named by the National Hurricane Center, constitutes a compelling showing of changed circumstances.

1. A company may file a petition to recover its intrastate costs and expenses relating to repairing, restoring, or replacing the lines, plants, or facilities damaged by a named tropical system.

2. The commission shall verify the intrastate costs and expenses submitted by the company in support of its petition.

3. The company must show and the commission shall determine whether the intrastate costs and expenses are reasonable under the circumstances for the named tropical system.

4. A company having a storm-reserve fund may recover tropical-system-related costs and expenses from its customers only in excess of any amount available in the storm-reserve fund.

5. The commission may determine the amount of any increase that the company may charge its customers, but the charge per line item may not exceed 50 cents per month per customer line for a period of not more than 12 months.

6. The commission may order the company to add an equal line-item charge per access line to the billing statement of the company's retail basic local telecommunications service customers, its retail nonbasic telecommunications service customers, and, to the extent the commission determines appropriate, its wholesale loop unbundled network element customers. At the end of the collection period, the commission shall verify that the collected amount does not exceed the amount authorized by the order. If collections exceed the ordered amount, the commission shall order the company to refund the excess.

7. In order to qualify for filing a petition under this paragraph, a company with one million or more access lines, but fewer than three million access lines, must have tropical-system-related costs and expenses exceeding $1.5 million, and a company with three million or more access lines must have tropical-system-related costs and expenses of $5 million or more. A company with fewer than one million access lines is not required to meet a minimum damage threshold in order to qualify to file a petition under this paragraph.

8. A company may file only one petition for storm recovery in any 12-month period for the previous storm season, but the application may cover damages from more than one named tropical system.

This paragraph is not intended to adversely affect the commission's consideration of any petition for an increase in basic rates to recover costs related to storm damage which was filed before the effective date of this act.

Section 28. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 29. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to regulation of communications; creating the Committee on Public Service Commission Oversight as a standing joint committee of the Legislature; providing for its membership, powers, and duties; amending s. 350.001, F.S.; requiring that the commission perform its duties independently; amending s. 350.031, F.S.; authorizing the Florida Public Service Commission Nominating Council to make expenditures to advertise a vacancy on the council or the commission; requiring that the Committee on Public Service Commission Oversight provide nominees for recommendation to the Governor for appointment to the Public Service Commission; providing procedures; amending s. 350.041, F.S.; clarifying the prohibition against accepting gifts with respect to its application to commissioners attending conferences; requiring that a penalty be imposed against a person who gives a commissioner a prohibited gift; requiring that commissioners avoid impropriety and act in a manner that promotes confidence in the commission; prohibiting a commissioner from soliciting any thing of value, either directly or indirectly, from any public utility, its affiliate, or any party; amending s. 350.042, F.S.; requiring that a penalty be imposed against a person involved in a prohibited ex parte communication with a commissioner; amending s. 350.061, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee appoint the Public Counsel; providing for biennial reconfirmation rather than annual; requiring that the Public Counsel perform his or her duties independently; amending s. 350.0614, F.S.; requiring that the Committee on Public Service Commission Oversight rather than the Joint Legislative Auditing Committee oversee expenditures of the Public Counsel; providing definitions; providing for notice of public hearings to consider whether the local government will provide a communications service; requiring a governmental entity to take certain action before a communications service is provided; providing certain restrictions on revenue bonds to finance provisioning of communications services; requiring a local government to make available a written business plan; providing criteria for the business plan; setting pricing standards; providing for accounting and books and records; requiring the governmental entity to establish an enterprise fund; requiring the governmental entity to maintain separate operating and capital budgets; limiting the use of eminent-domain powers; requiring a governmental entity to hold a public hearing to consider certain factors if the business plan goals are not met; requiring compliance with certain federal and state laws; requiring local government to treat itself the same as it treats other providers of similar communications services; exempting certain governmental entities from specified provisions of the act; requiring a local government provider of communications services to follow the same prohibitions as other providers of the same services; providing an exemption for airports under certain conditions; recognizing preemption of a charter, code, or other governmental authority; providing for severability; repealing s. 364.502, F.S., which provides for regulation of video programming; amending s. 364.01, F.S.; specifying the exclusive jurisdiction of the Florida Public Service Commission to regulate telecommunications companies; providing that state laws governing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; requiring the commission to coordinate with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service remain free of state and local regulation; requiring that voice-over-Internet protocol remain free of regulation, except as specifically provided in ch. 364, F.S., or by federal law; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; redefining the term "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating voice-over-Internet protocol regardless of the platform or provider; amending s. 364.10, F.S.; transferring applicability from telecommunications companies serving as carriers of last resort to eligible telecommunications carriers; defining the term "eligible telecommunications carrier"; providing requirements for eligible telecommunications carriers; requiring the Public Service Commission to establish procedures for notification and termination of the Lifeline Assistance credit; providing criteria for connection, reconnection, and discontinuation of basic local telecommunications service for Lifeline Assistance subscribers; providing criteria for blocking access to long-distance service; adding the Department of Education and the Office of Public Counsel to those agencies that are directed to cooperate in developing procedures for promoting Lifeline participation; requiring the commission to adopt rules; repealing s. 364.502, F.S., relating to video programming services; amending s. 364.335, F.S.; increasing to $500 from $250 the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; authorizing the Public Service Commission to establish a minimum fee of up to $1,000; authorizing different fees for different types of services provided by telecommunications companies; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross-references; providing clarification of rights of local governments and duties of cable service providers to comply with certain laws and regulations; amending s. 364.051, F.S.; providing that damage to the equipment and facilities of a local exchange telecommunications as a result of a named tropical system constitutes a compelling showing of changed circumstances to justify a rate increase; allowing such companies to petition for recovery of such costs and expenses; requiring the Public Service Commission to verify the intrastate costs and expenses for repairing, restoring, or replacing damaged lines, plants, or facilities; requiring the commission to determine whether the intrastate costs and expenses are reasonable; requiring a company to exhaust any storm-reserve funds prior to recovery from customers; providing that the commission may authorize adding an equal line-item charge per access line for certain customers; providing for a rate cap and providing the maximum number of months the rate may be imposed; providing a 12-month limit for the application; allowing recovery for more than one storm within the limit; providing for severability; providing an effective date.

Senator Constantine moved the following amendments which were adopted:

Senate Amendment 1 (345828) to House Amendment 1 (506825)—On page 6, line 148, delete "*or more*"

Senate Amendment 2 (575642) to House Amendment 1 (506825)—On page 14, lines 359-360, delete those lines and insert: *entity to itself or to any other governmental entity.*

Senate Amendment 3 (083994) to House Amendment 1 (506825)—On page 23, lines 598-600, delete those lines and insert: *communications service. This section does not limit the availability to any party of any remedy or defense under state or federal anti-trust laws.*

Senate Amendment 4 (941016) (with title amendment) to House Amendment 1 (506825)—On page 25, between lines 634-635, insert:

Section 9. Paragraph (a) of subsection (3) and subsection (9) of section 202.19, Florida Statutes, are amended to read:

202.19 Authorization to impose local communications services tax.—

(3)(a) The tax authorized under this section includes *and is in lieu of* any fee or other consideration*, including, but not limited to, application fees, transfer fees, renewal fees, or claims for related costs,* to which the municipality or county is otherwise entitled for granting permission to dealers of communications services, including, but not limited to, providers of cable television services, as authorized in 47 U.S.C. s. 542, to use or occupy its roads or rights-of-way for the placement, construction, and maintenance of poles, wires, and other fixtures used in the provision of communications services.

(9) The revenues raised by any tax imposed under subsection (1) or s. 202.20(1)*, or distributed to a local government pursuant to s. 202.18,* may be used by a municipality or county for any public purpose, including, but not limited to, pledging such revenues for the repayment of current or future bonded indebtedness. Revenues raised by a tax imposed under subsection (5) shall be used for the same purposes as the underlying discretionary sales surtax imposed by the county or school board under s. 212.055.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 55, line 1456, after "programming", insert: amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; authorizing municipalities or counties to use certain revenues distributed to a local government for certain purposes;

On motion by Senator Constantine, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendments to the House amendment.

CS for CS for SB 1322 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Alexander	Diaz de la Portilla	Posey
Aronberg	Dockery	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Lawson	Villalobos
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Crist	Miller	
Dawson	Peaden	

Nays—2

Argenziano	Fasano

Vote after roll call:

Yea—Hill

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendment(s) to HB 395 and requests the Senate to recede.

John B. Phelps, Clerk

HB 395—A bill to be entitled An act relating to recreational licenses and permits; amending s. 372.57, F.S.; providing for a military gold sportsman's license; providing for an annual fee; providing authorizations allowed under license; providing eligibility requirements; amending ss. 372.5712, 372.5715, and 372.573, F.S.; providing for uses of specified pro rata portions of revenue generated from the military gold sportsman's license; amending s. 372.661, F.S.; exempting patrons of licensed hunting preserves from the license and permit requirements of the military gold sportsman's license while hunting on the licensed preserve property; providing an effective date.

On motion by Senator Atwater, the Senate receded from **Senate Amendment 1 (144848)** to **HB 395**.

HB 395 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed HB 879 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

House Amendment 1 (636279) to Senate Amendment 1 (172566) (with title amendment)—On page 2, between lines 18 and 19, insert:

Section 5. Paragraph (a) of subsection (5) of section 411.01, Florida Statutes, as amended by chapter 2004-484, Laws of Florida, is amended to read:

411.01 School readiness programs; early learning coalitions.—

(5) CREATION OF EARLY LEARNING COALITIONS.—

(a) Early learning coalitions.—

1. The Agency for Workforce Innovation shall establish the minimum number of children to be served by each early learning coalition through the coalition's school readiness program. The Agency for Workforce Innovation may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every early learning coalition and must:

a. Permit 30 or fewer coalitions to be established; and

b. Require each coalition to serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months.

The Agency for Workforce Innovation shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. Each early learning coalition must comply with the merger procedures and shall be organized in accordance with this subparagraph by April 1, 2005. By June 30, 2005, each coalition must complete the transfer of powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the successor coalition, if applicable. *Notwithstanding the provisions of this subsection , the early learning coalition that includes Jefferson, Liberty, Madison, Wakulla, and Taylor counties currently in operation is established and authorized to continue operation as an independent coalition and shall not be counted toward the limit of 30 coalitions pursuant to this subsection.*

2. If an early learning coalition would serve fewer children than the minimum number established under subparagraph 1., the coalition must merge with another county to form a multicounty coalition. However, the Agency for Workforce Innovation may authorize an early learning coalition to serve fewer children than the minimum number established under subparagraph 1., if:

a. The coalition demonstrates to the Agency for Workforce Innovation that merging with another county or multicounty region contiguous to the coalition would cause an extreme hardship on the coalition;

b. The Agency for Workforce Innovation has determined during the most recent annual review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(l), that the coalition has substantially implemented its plan and substantially met the performance standards and outcome measures adopted by the agency; and

c. The coalition demonstrates to the Agency for Workforce Innovation the coalition's ability to effectively and efficiently implement the Voluntary Prekindergarten Education Program.

If an early learning coalition fails or refuses to merge as required by this subparagraph, the Agency for Workforce Innovation may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the coalition is reestablished through resubmission of a school readiness plan and approval by the agency.

3. Each early learning coalition shall be composed of at least 18 members but not more than 35 members. The Agency for Workforce Innovation shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to an early learning coalition. These standards must include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

4. The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as private-sector business members appointed by the coalition under subparagraph 6.

5. Each early learning coalition must include the following members:

a. A Department of Children and Family Services district administrator or his or her designee who is authorized to make decisions on behalf of the department.

b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district, who shall be a nonvoting member.

c. A regional workforce board executive director or his or her designee.

d. A county health department director or his or her designee.

e. A children's services council or juvenile welfare board chair or executive director, if applicable, who shall be a nonvoting member if the council or board is the fiscal agent of the coalition or if the council or board contracts with and receives funds from the coalition.

f. An agency head of a local licensing agency as defined in s. 402.302, where applicable.

g. A president of a community college or his or her designee.

h. One member appointed by a board of county commissioners.

i. A central agency administrator, where applicable, who shall be a nonvoting member.

j. A Head Start director, who shall be a nonvoting member.

k. A representative of private child care providers, including family day care homes, who shall be a nonvoting member.

l. A representative of faith-based child care providers, who shall be a nonvoting member.

m. A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act, who shall be a nonvoting member.

6. Including the members appointed by the Governor under subparagraph 4., more than one-third of the members of each early learning coalition must be private-sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the coalition's school readiness program. To meet this requirement an early learning coalition must appoint additional members from a list of nominees submitted to the coalition by a chamber of commerce or economic development council within the geographic region served by the coalition. The Agency for Workforce Innovation shall establish criteria for appointing private-sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program.

7. A majority of the voting membership of an early learning coalition constitutes a quorum required to conduct the business of the coalition.

8. A voting member of an early learning coalition may not appoint a designee to act in his or her place, except as otherwise provided in this paragraph. A voting member may send a representative to coalition meetings, but that representative does not have voting privileges. When a district administrator for the Department of Children and Family Services appoints a designee to an early learning coalition, the designee is the voting member of the coalition, and any individual attending in the designee's place, including the district administrator, does not have voting privileges.

9. Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists.

10. For purposes of tort liability, each member or employee of an early learning coalition shall be governed by s. 768.28.

11. An early learning coalition serving a multicounty region must include representation from each county.

12. Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

And the title is amended as follows:

On page 3, line 15, remove: all of said line and insert:

education and arts instructors; amending s. 411.01, F.S.; providing that specified counties continue to operate as an independent early learning coalition for certain purposes;

House Amendment 2 (023123) to Senate Amendment 1 (172566) (with title amendment)—On page 2, between lines 18 and 19, insert:

Section 5. Paragraphs (e) and (f) are added to subsection (2) of section 1006.20, Florida Statutes, to read:

1006.20 Athletics in public K-12 schools.—

(2) ADOPTION OF BYLAWS.—

(e) The organization shall adopt bylaws in consultation with the Florida School Boards Association and the Florida Association of District School Superintendents specifying that, in order to qualify for membership in the organization, a school must abide by district school board procedure or private school procedure that requires:

1. Instruction in physical education or health classes on the dangers of steroid use.

2. Instruction by head coaches to the members of their teams on the dangers of steroid use.

3. Inclusion of a prohibition against steroid use in the student code of conduct.

4. Inclusion of steroid effects in drug suspicion criteria.

(f) The organization shall adopt bylaws requiring adherence to the Florida Coaches Code of Ethics, including penalties for noncompliance. The Florida Coaches Code of Ethics shall be developed by October 1, 2005.

Section 6. *Not later than October 1, 2005, the Florida High School Athletic Association shall make recommendations to the Speaker of the House of Representatives and the President of the Senate for a pilot drug testing program to test for performance-enhancing drugs. The pilot program must involve statewide testing of a random sample of the student athletes in a selected sport.*

And the title is amended as follows:

On page 3, line 15, remove: all of said line and insert:

education and arts instructors; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to adopt bylaws relating to steroid use and the adherence to a coaches code of ethics; requiring development of such code; requiring the Florida High School Athletic Association to make recommendations for a pilot drug testing program to test for performance-enhancing drugs;

House Amendment 3 (824419) to Senate Amendment 1 (172566) (with title amendment)—On page 2, line(s) 19, insert:

Section 5. Paragraph (b) of subsection (2) of section 287.055, Florida Statutes, is amended, and paragraph (e) is added to subsection (4) of said section, to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(b) "Agency" means the state, a state agency, a municipality, a political subdivision, a school district, ~~or~~ a school board*, or a regional consortium service organization formed under s. 1001.451*. The term "agency" does not extend to a nongovernmental developer that contributes public facilities to a political subdivision under s. 380.06 or ss. 163.3220-163.3243.

(4) COMPETITIVE SELECTION.—

(e) A member of a regional consortium service organization, formed under s. 1001.451, may make purchases under contracts procured pursuant to this section.

Section 6. Section 1001.453, Florida Statutes, is amended to read:

1001.453 Direct-support organization; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) "~~District school board~~ Direct-support organization" means *a district school board direct-support organization or a regional consortium service organization direct-support* ~~an~~ organization that:

1. Is approved by the district school board *or regional consortium service organization board of directors*;

2. Is a Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State; and

3. Is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public kindergarten through 12th grade education and adult career and community education programs in this state.

(b) "Personal services" includes full-time or part-time personnel, as well as payroll processing.

(c) "Regional consortium service organization" means an organization formed under s. 1001.451.

(2) USE OF PROPERTY.—A district school board *or regional consortium service organization board of directors*:

(a) Is authorized to permit the use of property, facilities, and personal services of the district *or regional consortium service organization* by a direct-support organization, subject to the provisions of this section.

(b) Shall prescribe by rule conditions with which a ~~district school board~~ direct-support organization must comply in order to use property, facilities, or personal services of the district *or regional consortium service organization*. Adoption of such rules shall be coordinated with the Department of Education. The rules shall provide for budget and audit review and oversight by the district school board *or regional consortium service organization board of directors* and the department.

(c) Shall not permit the use of property, facilities, or personal services of a direct-support organization if such organization does not provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or national origin.

(3) BOARD OF DIRECTORS.—The board of directors of the ~~district school board~~ direct-support organization shall be approved by the district school board *or the regional consortium service organization board of directors*.

(4) ANNUAL AUDIT.—Each direct-support organization with more than $100,000 in expenditures or expenses shall provide for an annual ~~financial~~ audit of its *financial statements in order to express an opinion on the fairness with which the financial statements are presented in conformance with generally accepted accounting principles. The audit is* ~~accounts and records,~~ to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the Commissioner of Education. The annual audit report shall be submitted *to the Auditor General and the district school board or regional consortium service organization board of directors for review* within 9 months after the *end of the* fiscal *year or by the date established by* ~~year's end to~~ the district school board *or regional consortium service organization board of directors* and the Auditor General*, whichever is earlier*. The Commissioner of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability have the authority to require and receive from the organization or the district auditor *or regional consortium service organization auditor* any records relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors are confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of chapter 119.

Section 7. Section 1010.09, Florida Statutes, is amended to read:

1010.09 Direct-support organizations.—School district, *regional consortium service organization,* community college, and university direct-support organizations shall be organized and conducted under the provisions of ss. 1001.453, 1004.28, and 1004.70 and rules of the State Board of Education, as applicable.

Section 8. Section 1011.765, Florida Statutes, is amended to read:

1011.765 Florida Academic Improvement Trust Fund matching grants.—

(1) MATCHING GRANTS.—The Florida Academic Improvement Trust Fund shall be utilized to provide matching grants to the Florida School for the Deaf and the Blind Endowment Fund*,* ~~and to~~any public school district education foundation*, and any regional consortium service organization education foundation*that meets the requirements of this section and is recognized by the local school district as *a* ~~its~~ designated K-12 education foundation. *For purposes of this section, "regional consortium service organization" means an organization formed under s. 1001.451.*

(a) The State Board of Education shall adopt rules for the administration, submission, documentation, evaluation, and approval of requests for matching funds and for maintaining accountability for matching funds.

(b) Donations, state matching funds, or proceeds from endowments established pursuant to this section shall be used at the discretion of the

public school district education foundation*, the regional consortium service organization education foundation,* or the Florida School for the Deaf and the Blind for academic achievement within the school district*, school districts,* or school, and shall not be expended for the construction of facilities or for the support of interscholastic athletics. *A* ~~No~~ public school district education foundation*, a regional consortium service organization education foundation,*or the Florida School for the Deaf and the Blind shall *not*accept or purchase facilities for which the state will be asked for operating funds unless the Legislature has granted prior approval for such acquisition.

(2) ALLOCATION OF THE TRUST FUND.—Funds appropriated to the Florida Academic Improvement Trust Fund shall be allocated by the Department of Education in the following manner:

(a) For every year in which there is a legislative appropriation to the trust fund, an equal amount of the annual appropriation, to be determined by dividing the total legislative appropriation by the number of local education foundations *and regional consortium service organization education foundations,* as well as the Florida School for the Deaf and the Blind, must be reserved for each public school district education foundation*, each regional consortium service organization education foundation,* and the Florida School for the Deaf and the Blind Endowment Fund to provide each foundation and the Florida School for the Deaf and the Blind with an opportunity to receive and match appropriated funds. Trust funds that remain unmatched by contribution on April 1 of any year shall be made available for matching by any public school district education foundation*, by any regional consortium service organization education foundation,* and by the Florida School for the Deaf and the Blind which shall have an opportunity to apply for excess trust funds prior to the award of such funds.

(b) Matching grants shall be proportionately allocated from the trust fund on the basis of matching each $4 of state funds with $6 of private funds. To be eligible for matching, a minimum of $4,500 must be raised from private sources.

(c) Funds sufficient to provide the match shall be transferred from the state trust fund to the public school education foundation*, to the regional consortium service organization education foundation,* or to the Florida School for the Deaf and the Blind Endowment Fund upon notification that a proportionate amount has been received and deposited by the foundation or school into its own trust fund.

(d) If the total of the amounts to be distributed in any quarter pursuant to this subsection exceeds the amount of funds remaining from specific appropriations made for the implementation of this section, all grants shall be proportionately reduced so that the total of matching grants distributed does not exceed available appropriations.

(3) GRANT ADMINISTRATION.—

(a) Each public school district education foundation*, each regional consortium service organization education foundation,* and the Florida School for the Deaf and the Blind participating in the Florida Academic Improvement Trust Fund shall separately account for all funds received pursuant to this section, and may establish its own academic improvement trust fund as a depository for the private contributions, state matching funds, and earnings on investments of such funds. State matching funds shall be transferred to the public school district education foundation*, to the regional consortium service organization education foundation,* or to the Florida School for the Deaf and the Blind Endowment Fund upon notification that the foundation or school has received and deposited private contributions that meet the criteria for matching as provided in this section. The public school district education foundations*, the regional consortium service organization education foundations,* and the Florida School for the Deaf and the Blind are responsible for the maintenance, investment, and administration of their academic improvement trust funds.

(b) The public school district education foundations*, the regional consortium service organization education foundations,* and the Florida School for the Deaf and the Blind shall be responsible for soliciting and receiving contributions to be deposited and matched with grants for academic achievement within the school district*, school districts,* or school.

(c) Each public school district education foundation*, each regional consortium service organization education foundation,* and the Florida School for the Deaf and the Blind shall be responsible for proper expenditure of the funds received pursuant to this section.

And the title is amended as follows:

On page 3, line(s) 15, after the semicolon, insert:

amending s. 287.055, F.S.; including regional consortium service organizations under provisions relating to procurement and competitive selection of certain professional services; amending 1001.453, F.S.; revising definition of direct-support organization to include a regional consortium service organization direct-support organization; authorizing use of property and requiring rules; providing for approval of a board of directors and requiring audits; amending s. 1010.09, F.S.; conforming a provision relating to direct-support organizations; amending s. 1011.765, F.S.; providing that the Florida Academic Improvement Trust Fund shall be utilized to provide matching grants to regional consortium service organization education foundations;

House Amendment 4 (279229) to Senate Amendment 1 (172566) (with title amendment)—On page 2, line 19, insert:

Section 5. Subsections (6) and (7) are added to section 401.107, Florida Statutes, to read:

401.107 Definitions.—As used in this part, the term:

(6) "Youth athletic organization" means a private not-for-profit organization that promotes and provides organized athletic activities to youth.

(7) "Automated external defibrillator device" means a device as defined in s. 768.1325(2)(b).

Section 6. Section 401.111, Florida Statutes, is amended to read:

401.111 Emergency medical services grant program; authority.—The department is hereby authorized to make grants to local agencies*,* ~~and~~ emergency medical services organizations*, and youth athletic organizations* in accordance with any agreement entered into pursuant to this part. These grants shall be designed to assist *local* ~~said~~ agencies and *emergency medical services* organizations in providing emergency medical services, including emergency medical dispatch*, and to assist youth athletic organizations that work in conjunction with local emergency medical services organizations to expand the use of automated external defibrillator devices in the community*. The cost of administering this program shall be paid by the department from funds appropriated to it.

Section 7. Paragraphs (a) and (b) of subsection (2) of section 401.113, Florida Statutes, are amended to read:

401.113 Department; powers and duties.—

(2) The department shall annually dispense funds contained in the Emergency Medical Services Trust Fund as follows:

(a) Forty-five percent of such moneys must be divided among the counties according to the proportion of the combined amount deposited in the trust fund from the county. These funds may not be used to match grant funds as identified in paragraph (b). An individual board of county commissioners may distribute these funds to emergency medical service organizations *and youth athletic organizations* within the county, as it deems appropriate.

(b) Forty percent of such moneys must be used by the department for making matching grants to local agencies, municipalities, ~~and~~ emergency medical services organizations*, and youth athletic organizations* for the purpose of conducting research, increasing existing levels of emergency medical services, evaluation, community education, injury-prevention programs, and training in cardiopulmonary resuscitation and other lifesaving and first aid techniques.

1. At least 90 percent of these moneys must be made available on a cash matching basis. A grant made under this subparagraph must be contingent upon the recipient providing a cash sum equal to 25 percent of the total department-approved grant amount.

2. No more than 10 percent of these moneys must be made available to rural emergency medical services, and notwithstanding the restrictions specified in subsection (1), these moneys may be used for improve-

ment, expansion, or continuation of services provided. A grant made under this subparagraph must be contingent upon the recipient providing a cash sum equal to no more than 10 percent of the total department-approved grant amount.

The department shall develop procedures and standards for grant disbursement under this paragraph based on the need for emergency medical services, the requirements of the population to be served, and the objectives of the state emergency medical services plan.

Section 8. *The Department of Health shall implement an educational campaign to inform any person who acquires an automated external defibrillator device that his or her immunity from liability under s. 768.1325, Florida Statutes, for harm resulting from the use or attempted use of the device, does not apply if he or she fails to:*

(1) Properly maintain and test the device; or

(2) Provide appropriate training in the use of the device to his or her employee or agent when the employee or agent was the person who used the device on the victim, except as provided in s. 768.1325, Florida Statutes.

And the title is amended as follows:

On page 2, line 28, through page 3, line 15, remove: all of said lines and insert:

An act relating to public school educational instruction and youth fitness; requiring the Department of Education to evaluate the extent to which the Sunshine State Standards in the arts are being taught; requiring a report to the Governor and the Legislature; amending s. 1003.455, F.S.; requiring each school district to submit a copy of its wellness policy to the Department of Education; requiring the department to post each policy on its website; encouraging each school district to review its level of participation and evaluate the success of its wellness programs; encouraging school districts to solicit public input regarding their policies on nutritional offerings and wellness plans; requiring certain public high schools to have a defibrillator on the school grounds; encouraging public and private partnerships to cover the costs associated with the defibrillator; encouraging school boards to review research with regard to how physical movement can enhance learning in academic subjects; requiring certain content to be included in staff development of physical education and arts instructors; amending s. 401.107, F.S.; defining the terms "youth athletic organization" and "automated external defibrillator device"; amending s. 401.111, F.S.; providing for grants to local agencies, emergency medical services organizations, and youth athletic organizations to expand the use of automated external defibrillator devices; amending s. 401.113, F.S.; providing for disbursement of funds from the Emergency Medical Services Trust Fund; requiring the Department of Health to implement an educational campaign to inform the public about the lack of immunity from liability regarding the use of automated external defibrillator devices under certain conditions;

On motion by Senator Margolis, the Senate refused to concur in the House amendments to the Senate amendment to **HB 879** and the House was requested to recede. The action of the Senate was certified to the House.

BILLS ON THIRD READING, continued

Consideration of **HB 1325** was deferred.

SB 342—A bill to be entitled An act relating to jai alai; amending s. 550.002, F.S.; redefining the term "full schedule of live racing or games" for certain jai alai permitholders; amending s. 550.09511, F.S.; providing the amount of license fees and taxes for a jai alai permitholder that conducts fewer than a certain number of live performances in any calendar year; providing an effective date.

—as amended May 5 was read the third time by title.

MOTION

On motion by Senator Argenziano, the rules were waived to allow the following amendment to be considered:

Senator Argenziano moved the following amendment:

Amendment 1 (560374)(with title amendment)—On page 3, between lines 3 and 4, insert:

Section 3. Subsections (1), (4), (7), and (10) of section 550.334, Florida Statutes, are amended to read:

550.334 Quarter horse racing; substitutions.—

(1) Subject to all the applicable provisions of this chapter, any person who possesses the qualifications prescribed in this chapter may apply to the division for a permit to conduct quarter horse race meetings and racing under this chapter. The applicant must demonstrate that the location or locations where the permit will be used are available for such use and that she or he has the financial ability to satisfy the reasonably anticipated operational expenses of the first racing year following final issuance of the permit. If the racing facility is already built, the application must contain a statement, with reasonable supporting evidence, that the permit will be used for quarter horse racing within 1 year after the date on which it is granted; if the facility is not already built, the application must contain a statement, with reasonable supporting evidence, that substantial construction will be started within 1 year after the issuance of the permit. After receipt of an application, the division shall convene to consider and act upon permits applied for. The division shall disapprove an application if it fails to meet the requirements of this chapter. Upon each application filed and approved, a permit shall be issued setting forth the name of the applicant and a statement showing qualifications of the applicant to conduct racing under this chapter. If a favorable referendum on a pari-mutuel facility has not been held previously within the county, then, before a quarter horse permit may be issued by the division, a referendum ratified by a majority of the electors in the county is required on the question of allowing quarter horse races within that county~~; but if there is an extraordinary vote of the board of county commissioners of that county to allow quarter horse racing, the requirement for a referendum does not apply~~.

(4) *Section* ~~Sections~~ 550.054 *is*~~, 550.0651, and 550.175 are~~ inapplicable to quarter horse racing as permitted under this section. All other provisions of this chapter apply to, govern, and control such racing, and the same must be conducted in compliance therewith.

(7)(a) Any quarter horse racing permitholder operating under a valid permit issued by the division is authorized to substitute ~~other~~ races of other breeds of horses*, except thoroughbreds,* which are, respectively, registered with the American Paint Horse Association, Appaloosa Horse Club, Arabian Horse Registry of America, ~~Jockey Club,~~ Palomino Horse Breeders of America, or United States Trotting Association, for no more than 50 percent of the quarter horse races daily*, and may substitute races of thoroughbreds registered with the Jockey Club for no more than 50 percent of the quarter horse races daily with the written consent of all greyhound, harness, and thoroughbred permitholders whose pari-mutuel facilities are located within 50 air miles of such quarter horse racing permitholder's pari-mutuel facility*.

(b) Any permittee operating within an area of 50 air miles of a licensed thoroughbred track may not substitute thoroughbred races under this section while a thoroughbred horse race meet is in progress within that 50 miles. Any permittee operating within an area of 125 air miles of a licensed thoroughbred track may not substitute live thoroughbred races under this section while a thoroughbred permittee who pays taxes under s. 550.09515(2)(a) is conducting a thoroughbred meet within that 125 miles. These mileage restrictions do not apply to any permittee that holds a nonwagering permit issued pursuant to s. 550.505. ~~Races comprised of thoroughbred horses under this section registered with the Jockey Club may not be permitted during the period beginning September 1 and ending January 5 of each year in any county where there are one or more licensed dog tracks conducting race meets. This section does not affect the competitive award of matinee performances to jai alai frontons or dog tracks in opposition to races comprised of thoroughbred horses registered with the Jockey Club under this section.~~

(10) Intertrack wagering shall not be authorized for any quarter horse permitholder *without the written consent of all greyhound, harness, and thoroughbred permitholders whose pari-mutuel facilities are* located within 50 *air* miles of *such quarter horse permitholder's pari-mutuel facility* ~~an existing greyhound track unless such quarter horse permitholder has incurred a minimum capital expenditure of at least $7.5 million~~. ~~"Capital expenditure" means an expenditure, including an expenditure for a construction project undertaken by a quarter horse~~

~~permitholder as its own contractor, which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance; and includes the cost, in current value, of the studies, surveys, designs, plans, working drawings, specifications, refinancing costs, and other activities essential to the acquisition, improvement, expansion, or replacement of the plant and equipment.~~

Section 4. Paragraph (a) of subsection (5) and paragraph (a) of subsection (17) of section 849.086, Florida Statutes, are amended to read:

849.086 Cardrooms authorized.—

(5) LICENSE REQUIRED; APPLICATION; FEES.—No person may operate a cardroom in this state unless such person holds a valid cardroom license issued pursuant to this section.

(a) Only those persons holding a valid cardroom license issued by the division may operate a cardroom. A cardroom license may only be issued to a licensed pari-mutuel permitholder and an authorized cardroom may only be operated at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities. ~~Cardroom licenses are not transferable.~~

(17) CHANGE OF LOCATION; REFERENDUM.—

(a) Notwithstanding any provisions of this section, no cardroom gaming license issued under this section shall be transferred, or reissued when such reissuance is in the nature of a transfer, so as to permit or authorize a licensee to change the location of the cardroom except upon proof in such form as the division may prescribe that a referendum election has been held:

1. If the proposed new location is within the same county as the already licensed location, in the county where the licensee desires to conduct cardroom gaming and that a majority of the electors voting on the question in such election voted in favor of the transfer of such license. *However, the division shall transfer, without the requirement of a referendum election, the cardroom license of any permitholder that relocated its permit pursuant to s. 550.0555.*

2. If the proposed new location is not within the same county as the already licensed location, in the county where the licensee desires to conduct cardroom gaming and that a majority of the electors voting on that question in each such election voted in favor of the transfer of such license.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-12, delete those lines and insert: An act relating to pari-mutuel permitholders; amending s. 550.002, F.S.; redefining the term "full schedule of live racing or games" for certain jai alai permitholders; amending s. 550.09511, F.S.; providing for license fees and taxes for certain jai alai permitholders; assessing a fee for a jai alai permitholder that fails to apply for and be issued an annual license to conduct performances; providing for disposition of the fee by rule of the division; amending s. 550.334, F.S.; revising permitting and operational requirements for quarter horse permitholders; amending s. 849.086, F.S.; removing a prohibition on the transfer of cardroom licenses; providing for transfer of the cardroom license when a permit is relocated within a county under certain conditions; providing an effective date.

POINT OF ORDER

Senator Jones raised a point of order that pursuant to rule 7.1 **Amendment 1 (560374)** contained language of a bill not reported favorably by all committees of reference and was therefore out of order.

The President referred the point of order and the amendment to Senator Pruitt, Chair of the Committee on Rules and Calendar.

On motion by Senator Argenziano, further consideration of **SB 342** with pending **Amendment 1 (560374)** and pending point of order was deferred.

CS for CS for SB 486—A bill to be entitled An act relating to phosphate mine reclamation; amending s. 378.034, F.S.; deleting an obsolete provision relating to the use of reclamation funds; amending s. 378.035, F.S.; deleting an obsolete provision authorizing the Department of Environmental Protection to expend certain funds; amending s. 373.414, F.S.; requiring financial responsibility for wetlands mitigation; specifying the financial responsibility demonstration for permitted activities occurring over a period of 3 years or more of mining activities; extending the due date of the Peace River Basin study; providing an effective date.

—was read the third time by title.

Senators Dockery and Pruitt offered the following amendment which was moved by Senator Pruitt and adopted by two-thirds vote:

Amendment 1 (133260)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 290.00710, Florida Statutes, is created to read:

290.00710 Enterprise zone designation for the City of Lakeland.—The City of Lakeland may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone for an area within the City of Lakeland, which zone shall encompass an area up to 10 square miles. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055. Notwithstanding s. 290.0065, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 2. Section 290.0073, Florida Statutes, is created to read:

290.0073 Enterprise zone designation for Indian River County, the City of Vero Beach, and the City of Sebastian.—Indian River County, the City of Vero Beach, and the City of Sebastian may jointly apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing an area not to exceed 10 square miles. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 3. Section 290.0074, Florida Statutes, is created to read:

290.0074 Enterprise zone designation for Sumter County.—Sumter County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone encompassing an area not to exceed 10 square miles. The application must be submitted by December 31, 2005. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 4. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to enterprise zones; creating s. 290.00710, F.S.; authorizing the City of Lakeland to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; creating s. 290.0073, F.S.; authorizing Indian River County, the City of Vero Beach, and the City of Sebastian to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone in Indian River County; providing requirements with respect thereto; requiring the office to establish the initial effective date of the enterprise zone; creating s. 290.0074, F.S.; authorizing Sumter County to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an

effective date for the designated enterprise zone; providing an effective date.

On motion by Senator Pruitt, **CS for CS for SB 486** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Senate resumed consideration of—

SB 342—A bill to be entitled An act relating to jai alai; amending s. 550.002, F.S.; redefining the term "full schedule of live racing or games" for certain jai alai permitholders; amending s. 550.09511, F.S.; providing the amount of license fees and taxes for a jai alai permitholder that conducts fewer than a certain number of live performances in any calendar year; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (560374)** by Senator Argenziano and pending point of order by Senator Jones. The pending point of order was withdrawn.

POINT OF ORDER

Senator Haridopolos raised a point of order that pursuant to Rule 7.1 **Amendment 1 (560374)** was not germane to the bill.

The President referred the point of order and the amendment to Senator Pruitt, Chair of the Committee on Rules and Calendar.

On motion by Senator Argenziano, further consideration of **SB 342** with pending **Amendment 1 (560374)** and pending point of order was deferred.

RECESS

The President declared the Senate in recess at 1:48 p.m. to reconvene upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 6:59 p.m. A quorum present—40:

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Villalobos	Wilson	Wise
Webster		

MOTION

On motion by Senator Pruitt, the rules were waived and time of recess was extended until the order of business of the Florida Senate is complete.

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2600

The Honorable Tom Lee May 4, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2600, same being:

An act relating to appropriations; provides monies for annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay-buildings, and other improvements, and for other specified purposes of various agencies of State Government.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton	*s/Nancy Argenziano*
Chair	*s/JD Alexander*
s/Dave Aronberg	*s/Carey Baker*
s/Michael S. "Mike" Bennett	*s/Larcenia J. Bullard*
s/Charlie Clary	*s/Lee Constantine*
s/Victor D. Crist	*s/M. Mandy Dawson*
s/Paula Dockery	*s/Mike Fasano*
s/Rudy Garcia	*s/Anthony C. "Tony" Hill, Sr.*
s/Dennis L. Jones	*s/James E. "Jim" King, Jr.*
s/Ron Klein	*s/Alfred "Al" Lawson, Jr.*
s/Evelyn J. Lynn	*s/Gwen Margolis*
s/Lesley "Les" Miller, Jr.	*s/Durell Peaden, Jr.*
s/Ken Pruitt	*s/Nan Rich*
s/Burt L. Saunders	*s/Jim Sebesta*
s/Gary Siplin	*s/Rod Smith*
s/J. Alex Villalobos	*s/Daniel Webster*
s/Frederica S. Wilson	*s/Stephen R. Wise*

Managers on the part of the Senate

s/Joe Negron	*s/Sandra "Sandy" Adams*
Vice Chair	*s/Thad Altman*
s/Rafael "Ralph" Arza	*s/Frank Attkisson*
s/Loranne Ausley	*s/Gustavo A. Barreiro*
s/Dennis K. Baxley	*s/Aaron P. Bean*
s/Dorothy Bendross-Mindingall	*s/Anna Holliday "Holly" Benson*
s/Kimberly Berfield	*s/Gus Michael Bilirakis*
s/Ellyn Setnor Bogdanoff	*s/Marsha L. "Marty" Bowen*
s/Donald D. "Don" Brown	*s/Frederick C. "Fred" Brummer*
s/Dean Cannon	*s/Jennifer "JC" Carroll*
s/Donna Clarke	*s/Joyce Cusack*
s/Don Davis	*s/Mike Davis*
s/Greg Evers	*s/Frank Farkas*
s/Anitere Flores	*s/Bill Galvano*
s/Anne M. "Annie" Gannon	*s/Rene Garcia*
s/Andy Gardiner	*s/Dan Gelber*
s/Hugh H. Gibson III	*s/J. Dudley Goodlette*
s/Ron L. Greenstein	*s/Adam Hasner*
s/Alan D. Hays	*s/Edward L. "Ed" Jennings, Jr.*
s/Arthenia L. Joyner	*s/Charlie Justice*
s/Will S. Kendrick	*s/Jeffrey D. "Jeff" Kottkamp*
Dick Kravitz	*s/Kenneth W. "Ken" Littlefield*

s/Marcelo Llorente *s/Richard A. Machek*
s/Mark Mahon *s/Stan Mayfield*
s/David J. Mealor *s/Dave Murzin*
s/Mitch Needelman *s/Pat Patterson*
s/Joe H. Pickens *s/Juan-Carlos "J.C." Planas*
s/L. Ralph Poppell *s/John "Q" Quinones*
s/Ron Reagan *s/Curtis B. Richardson*
s/David Rivera *s/Yolly Roberson*
s/Marco Rubio *s/Timothy M. "Tim" Ryan*
s/Franklin Sands *s/Ray Sansom*
s/John P. "Jack" Seiler *s/David Simmons*
s/Eleanor Sobel *s/Dwight Stansel*
s/A. Trey Traviesa *s/Baxter G. Troutman*
s/Shelley Vana *s/Leslie Waters*

Managers on the part of the House of Representatives

Conference Committee Amendment 1—Delete everything before and after the enacting clause and insert:

A bill to be entitled

An act making appropriations; providing monies for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

The monies contained herein are appropriated from the named funds for the 2005-2006 fiscal year, except as otherwise provided herein, to the state agency indicated, as the amounts to be used to pay the salaries and other operational expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Florida Statutes.

Approved performance measures and standards for the 2005-2006 fiscal year are incorporated by reference in the act implementing the 2005-2006 General Appropriations Act. Such performance measures and standards are directly linked to the appropriations made herein, as required by the Government Performance and Accountability Act of 1994. State agencies are expected to revise their long-range program plans required under section 216.013, Florida Statutes, to be consistent with these performance measures and standards.

The expenditure for salaries made from appropriations provided in this act for Fiscal Year 2005-2006 by the judicial branch and each department or agency of the executive branch shall be limited by the sum of the approved salary rates specified for the budget entities in the respective branch, department or agency.

SECTION 1 - EDUCATION ENHANCEMENT "LOTTERY" TRUST FUND

The monies contained herein are appropriated from the Education Enhancement "Lottery" Trust Fund to the state agencies indicated.

EDUCATION, DEPARTMENT OF

Funds provided in Specific Appropriations 3 through 154A as Grants and Aids-Special Categories or as Grants and Aids-Aid to Local Governments may be advanced quarterly throughout the fiscal year based on projects, grants, contracts and allocation conference documents. Of the funds provided in Specific Appropriations 3, 4, 56, 61, 63 through 71, and 152 for student financial assistance, 60 percent shall be released at the beginning of the first quarter and the balance at the beginning of the third quarter.

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

1 FIXED CAPITAL OUTLAY
CLASSROOMS FIRST AND 1997 SCHOOL CAPITAL OUTLAY BOND PROGRAMS - OPERATING FUNDS AND DEBT SERVICE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 169,000,000

SECTION 1
SPECIFIC
APPROPRIATION

The funds in Specific Appropriation 1 are for the cash and debt service requirements of the Classrooms First and 1997 School Capital Outlay Bond Programs established in chapter 97-384, Laws of Florida.

2 FIXED CAPITAL OUTLAY
DEBT SERVICE - CLASS SIZE REDUCTION LOTTERY CAPITAL OUTLAY PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 43,902,077

TOTAL: PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY
FROM TRUST FUNDS 212,902,077

TOTAL ALL FUNDS 212,902,077

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

3 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA'S BRIGHT FUTURES SCHOLARSHIP PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 311,772,580

Funds in Specific Appropriation 3 include $1,282,580 for an increase in the community college capital improvement fee, contingent upon SB 670 or similar legislation becoming law.

4 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 18,127,420

The funds in Specific Appropriation 4 and 67 are for the Florida Student Assistance Grant (FSAG) public full-time and part-time student grant program.

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM TRUST FUNDS 329,900,000

TOTAL ALL FUNDS 329,900,000

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

5 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 75,718,007

Funds in Specific Appropriations 5 and 74 are provided to implement the requirements of sections 1003.03 and 1011.685, Florida Statutes. The class size reduction allocation factor for grades pre-kindergarten to grade 3 shall be $539.94, for grades 4 to 8 shall be $515.45, and for grades 9 to 12 shall be $516.90. The class size reduction allocation shall be recalculated based on enrollment through the October 2005 FTE survey. If the total class size reduction allocation is greater than the appropriation in Specific Appropriations 5 and 74, funds shall be prorated to the level of the appropriation based on each district's calculated amount.

Funds in Specific Appropriations 5 and 74 shall be distributed to school districts that have provided sufficient information for the Commissioner of Education to set annual district class size reduction goals. The Commissioner of Education may withhold disbursement of these funds until a district is in compliance with reporting information required for class size reduction implementation.

6 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT LOTTERY AND SCHOOL RECOGNITION PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 263,449,842

Funds provided in Specific Appropriation 6 are enhancement funds for school districts and shall be allocated as follows:

SECTION 1
SPECIFIC
APPROPRIATION

(a) to provide financial awards pursuant to provisions of section 1008.36, Florida Statutes, relating to the Florida School Recognition Program. Funds for the Florida School Recognition Program shall be awarded by the Commissioner in the amount of $100 per student in each qualifying school, and

(b) funds remaining after the obligations in paragraph (a) have been fully met shall be allocated to all school districts by prorating the amount of the appropriation on each district's K-12 base funding. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2005, at least $10 per unweighted FTE student to be used at the discretion of the school advisory council pursuant to sections 24.121(5) and 1001.452, Florida Statutes. Council funds must be accounted for and are subject to being audited on a yearly basis.

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP
FROM TRUST FUNDS 339,167,849

TOTAL ALL FUNDS 339,167,849

PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP

6A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 821,249

Funds provided in Specific Appropriation 6A are provided for an electronic web-based library pilot project for high schools. The pilots shall consist of school districts: large, medium, and small. All districts shall be provided information about this pilot project and shall be given the opportunity to indicate whether they wish to participate. From the districts expressing a desire to participate, the Department of Education shall make the final selection of the pilot districts. The department shall request providers of electronic online libraries for high school students to submit proposals for conducting the pilots which include, but are not limited, to full-text books and staff development activities for teachers utilizing the pilot. From the proposals received, representatives from the participating school districts and the department shall jointly agree which of the proposals are deemed to be most appropriate to be piloted in Florida's high schools. The pilot project shall be designed to include an independent assessment of the cost effectiveness of electronic online library services for high school student instruction. Representatives of the school districts and the department shall provide to the Governor and the Legislature, by December 31, 2006, a report containing a summary of the pilot project; conclusions about its impact on student instruction; recommendations for funding the web-based library; and guidance for any school district that may wish to consider providing its students access to online library services.

PROGRAM: WORKFORCE EDUCATION

7A AID TO LOCAL GOVERNMENTS
CRITICAL JOBS INITIATIVE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 4,706,750

From funds provided in Specific Appropriation 7A and 114, $6,000,000 shall be allocated to the SUCCEED, Florida - Career Paths program for secondary and postsecondary career education programs offered by public schools, school district operated career centers, or the Florida Virtual School to establish career and professional academies. Schools or career centers must enter into a partnership with one or more businesses, industries, industry economic development agencies, or postsecondary institutions to establish an academy. Academies must correlate directly with careers and industry certifications with high growth, high demand, and high pay. Academies must provide a rigorous and relevant standards-based academic curriculum through a career-based theme. The Department of Education shall establish application procedures, guidelines, accountability measures, and timelines for implementation of the program. A minimum of 50 percent of the funds shall be provided to programs in underserved communities. Underserved communities are those educational regions of the state which have

SECTION 1
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below-average per capita public workforce education funding for the population aged 15 to 49. Funds must be used to establish career and professional academies or to redesign career education programs to meet the rigorous and relevant academic standards of a career and professional academy and not to supplant current funding. Programs receiving grants must submit periodic reports to the Department of Education documenting compliance with the performance measures established by the department.

The Commissioner of Education may request a budget amendment to realign funds provided for the SUCCEED, Florida programs in Specific Appropriations 7A, 7B, 114, 119, and 144B to reflect the results of the competitive awards authorized under the programs.

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: COMMUNITY COLLEGE PROGRAMS

7B AID TO LOCAL GOVERNMENTS
CRITICAL JOBS INITIATIVE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 5,700,000

A total of $10,000,000, comprised of $5,000,000 from funds provided in Specific Appropriation 7B and $5,000,000 from funds provided in Specific Appropriation 144B, shall be allocated to the SUCCEED, Florida - Crucial Professionals program to increase the capacity of nursing programs approved by the Board of Nursing at public and private postsecondary educational institutions to produce more nurses to enter the workforce in Florida. The Department of Education shall establish application procedures, guidelines, accountability measures, and timelines for implementation of the program and advise all Board of Nursing approved programs accordingly. Funds must be used to support new students and not to supplant current funding or students. Institutions applying for funds shall not reduce funding or the current level of enrollment in its existing program. Any such reduction will result in a pro rata reduction in funding. Programs receiving grants must submit periodic reports to the Department of Education documenting compliance with the performance measures established by the department.

The State Board of Education must review proposals, determine funding to be provided, and monitor compliance with accountability requirements. The State Board of Education shall coordinate its review of proposals with representatives of the Board of Governors and the Independent Colleges and Universities of Florida.

The Commissioner of Education may request a budget amendment to realign funds provided for the SUCCEED, Florida programs in Specific Appropriations 7A, 7B, 114, 119, and 144B to reflect the results of the competitive awards authorized under the programs.

From funds in Specific Appropriation 7B, $700,000 is provided for the Jobs for Florida's Future program allocated in Specific Appropriation 119.

8 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE
LOTTERY FUNDS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 101,100,000

Funds provided in Specific Appropriation 8 shall be allocated as follows:

Brevard Community College	3,911,249
Broward Community College	7,032,451
Central Florida Community College	1,840,779
Chipola College	909,158
Daytona Beach Community College	4,842,956
Edison College	2,347,523
Florida Community College at Jacksonville	7,963,028
Florida Keys Community College	683,463
Gulf Coast Community College	1,780,952
Hillsborough Community College	4,826,346
Indian River Community College	4,936,431

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Lake City Community College	1,212,747
Lake-Sumter Community College	892,261
Manatee Community College	2,081,958
Miami-Dade College	16,224,640
North Florida Community College	714,613
Okaloosa-Walton College	1,723,291
Palm Beach Community College	5,370,112
Pasco-Hernando Community College	1,641,107
Pensacola Junior College	3,598,715
Polk Community College	1,630,469
St. Johns River Community College	1,560,092
St. Petersburg Community College	5,695,869
Santa Fe Community College	3,811,916
Seminole Community College	3,401,338
South Florida Community College	1,419,860
Tallahassee Community College	2,838,310
Valencia Community College	6,208,366

TOTAL: PROGRAM: COMMUNITY COLLEGE PROGRAMS
FROM TRUST FUNDS 106,800,000

TOTAL ALL FUNDS 106,800,000

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

Funds in Specific Appropriations 10 through 14A shall be expended in accordance with operating budgets which must be approved by each university's board of trustees.

10 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EDUCATION AND GENERAL ACTIVITIES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 122,286,758

Funds in Specific Appropriation 10 shall be allocated as follows:

University of Florida	23,631,417
Florida State University	18,677,855
Florida A&M University	7,684,371
University of South Florida	18,061,327
University of South Florida, St. Petersburg	322,326
University of South Florida, Sarasota/Manatee	157,997
Florida Atlantic University	10,289,357
University of West Florida	4,099,992
University of Central Florida	16,870,221
Florida International University	14,116,547
University of North Florida	5,007,827
Florida Gulf Coast University	3,277,099
New College of Florida	90,422

11 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - IFAS (INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE)
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 8,720,592

12 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,698,719

13 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF FLORIDA HEALTH CENTER
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 4,490,799

14 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA STATE UNIVERSITY MEDICAL SCHOOL
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 3,132

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14A SPECIAL CATEGORIES
CHALLENGE GRANTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 6,500,000

TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES
FROM TRUST FUNDS 144,700,000

TOTAL ALL FUNDS 144,700,000

TOTAL OF SECTION 1

FROM TRUST FUNDS 1138,997,925

TOTAL ALL FUNDS 1138,997,925

SECTION 2 - EDUCATION (ALL OTHER FUNDS)

The monies contained herein are appropriated from the named funds to the Department of Education as the amounts to be used to pay salaries, other operational expenditures and fixed capital outlay.

EDUCATION, DEPARTMENT OF

PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY

The Legislature hereby finds and determines that the items and sums designated in Specific Appropriations 15 through 27 shall constitute authorized capital outlay projects within the meaning and as required by section 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the monies in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each project is the maximum sum to be expended for each specified phase of the project from funds accruing under section 9(a)(2), Article XII of the State Constitution. The scope of each project shall be planned so that the amounts specified shall not be exceeded, or any excess in costs shall be funded by sources other than this appropriation. Such excess costs may be funded from the Public Education Capital Outlay and Debt Service Trust Fund only as the result of fund transfers pursuant to section 216.292(5)(c), Florida Statutes. Each project shall be constructed on the site specified. If existing facilities and acquisition of new sites are a part of these projects, each such building and site must be certified to be free of contamination, asbestos, and other hazardous materials before the facility or site may be acquired. The provisions of section 216.301(3), Florida Statutes, shall apply to all capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the Fiscal Year 2005-2006 appropriation, and shall also apply to funds appropriated in Specific Appropriations 15 through 27.

The Governor's Office of Policy and Budget shall establish Fixed Capital Outlay budget authority within appropriate accounts to enable expenditure of funds appropriated for the state universities, the Florida School for the Deaf and the Blind, public school districts, community colleges, public broadcasting, and the Division of Blind Services.

15 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CAPITAL IMPROVEMENT FEE PROJECTS
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 103,722,927

Funds are provided in Specific Appropriation 15 for the following SUS Capital Improvement Fee Projects:

FAMU Recreation Building Phase II	3,432,458
FAU Wellness Center - Boca Raton	6,087,478
FAU Student Activity Center - Davie	2,639,249
FAU Outdoor Site Improvements - Davie	106,846
FAU Digital Marquee - Davie	218,900
FAU Built-In Technology - Davie	45,000
FAU Student Indoor Meeting Area - Davie	6,150

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FAU Joint-Use Child Care Center Improvements - Davie	10,000
FAU Vending/Outdoor Student Area - Davie	17,011
FAU Student Space Modification - Downtown	70,000
FAU Recreation Fields and Area Improvements - MacArthur	104,942
FAU Wellness Center Improvements - Treasure Coast	282,484
FGCU Student Union Addition	2,677,353
FIU Graham Center Conference Addition	6,713,527
FIU Resident Student Dining Facility	3,050,000
FIU Auxiliary Trust Fund Loan Repayment	2,800,000
FSU Student Affairs Facility	8,135,938
FSU Intramural Field Complex	8,135,938
FSU Barron Building Remodeling	500,000
NEWC Hamilton Center Roofing	310,000
NEWC Student Facilities Repair, Renovation, Remodeling	41,780
UCF Recreation Fields Loan Repayment	3,250,000
UCF Alumni House	300,000
UCF Career Resource Center	1,000,000
UCF Recreation Fields Improvements	2,800,000
UCF Recreation and Wellness Center Expansion	11,799,839
UCF Student Union Expansion	1,498,000
UF Campus Security Lighting	1,250,000
UF Broward Courts Outdoor Recreation Complex	720,000
UF Environmental Stewardship Improvements	500,000
UF Band Shell Replacement	1,500,000
UF Student Health Service Facility Expansion and Renovation	7,692,717
UF Academic Technology Center Renovation	2,000,000
UNF Student Union	5,206,467
USF Marshall Center Enhancement Phase I - Tampa	13,063,536
USF Multi-Purpose Student Center - St. Petersburg	1,247,942
USF SGA Offices - Sarasota	375,014
USF Student Resource Area - Sarasota	49,375
USF Student Study and Seating Area - Sarasota	21,417
USF Cyber Cafe - Sarasota	25,841
USF Swimming Pool Renovation and Resurfacing - Sarasota	51,353
USF Hamilton Center Repair and Renovation - Sarasota	25,841
USF Child Care Joint-Use Facility - Lakeland	200,000
USF Student Parking Area Lighting - Lakeland	104,869
UWF Fieldhouse Building 54 Renovation - Phase I	679,238
UWF Health, Leisure, and Sports Facility Rock Climbing Wall	156,500
UWF Child Care Center	2,819,924

16 FIXED CAPITAL OUTLAY
VOCATIONAL-TECHNICAL FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 2,244,988

Funds are provided in Specific Appropriation 16 for the following projects:

Manatee County Technical Institute	2,244,988

17 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 228,100,000

Funds in Specific Appropriation 17 from the Public Education Capital Outlay and Debt Service Trust Fund shall be allocated in accordance with section 1013.64(1), Florida Statutes, as follows:

Public Schools	148,889,804
Community Colleges	19,429,057
State University System	32,081,139
Charter Schools	27,700,000

18 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 113,345,571

From the funds in Specific Appropriation 18, $3,341,169 shall be distributed to developmental research schools and allocated in accordance with section 1002.32(9)(e), Florida Statutes. The remaining funds shall be allocated to school districts and developmental research schools in accordance with section 1013.64(3), Florida Statutes.

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19 FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM GENERAL REVENUE FUND 12,647,021
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 212,004,518

Funds in Specific Appropriation 19 are for the following projects:

BREVARD COMMUNITY COLLEGE	
Gen ren/rem, Fac's 4 Cocoa and 5 & 6 Melbourne, site imprv	3,005,487
Rem/ren Tech Bldg Fac 17 - Cocoa	1,421,174
BROWARD COMMUNITY COLLEGE	
Gen ren/rem, HVAC, fire alarm sys, ADA roofs, Bldgs 3-31, site improvements	3,507,518
Major ren/rem, fire alarms, failing HVAC, UG Utilities M complete	2,000,000
Rem/ren Classrooms/Labs in Bldgs 50 & 51 - North partial	3,510,009
Rem/ren Library Bldg 72 to Classrooms/Labs - South partial	1,015,049
Classrooms/Labs/Stu Svcs w/City - Town Ctr - Miramar complete (ce)	1,080,000
CENTRAL FLORIDA COMMUNITY COLLEGE	
Gen ren/rem, HVAC, mech/elec, ADA, roofs, EMS, site improvements	978,474
CHIPOLA COLLEGE	
Gen ren/rem telcom sys utilities, road, site improvements, Bldg 410	788,445
Performing Arts Building 600 Replacement	3,500,000
Rem/ren Bldg 100 Admin/Stu Svcs w/ addition	200,000
Adjacent land acquisition & road development - Main (spc)	500,000
DAYTONA BEACH COMMUNITY COLLEGE	
Gen ren/rem, underground utilities, site improvements, thermal storage fac	2,406,888
Hospitality Mgt Bldg w/local match - Main partial (spc)	1,005,321
EDISON COMMUNITY COLLEGE	
Gen ren/rem, energy mgt, Bldgs system renewal, utilities, road, site improvements	1,316,815
Rem/ren Classrooms/Labs Bldgs - Lee & Collier partial	1,300,000
FLORIDA COMMUNITY COLLEGE at JACKSONVILLE	
Classrooms/Labs/Commerce Education Ctr - Cecil Field partial (ce)	9,542,950
Gen ren/rem, ADA, HVAC, lights utilities, roofs, floors, site improvements	3,743,606
Rem/ren Stu Svcs & Bldgs A, B, C, D & F Clsrms/Labs - Kent	2,404,379
Rem/ren Bldgs A, B, C, D, E, & K Classrooms/Labs/Sup Svcs - North partial	4,716,495
Rem/ren Bldgs A, Mainstreet & URC - Downtown partial	3,446,377
Rem/ren New space - Deerwood partial	3,497,880
Land & facilities acquisition - Downtown & Deerwood (spc)	1,000,000
FLORIDA KEYS COMMUNITY COLLEGE	
Gen ren/rem, chiller Bldg, EMS, telecom, HVAC, dive lagoon, site imprv	471,478
GULF COAST COMMUNITY COLLEGE	
Gen ren/rem, HVAC, Health Sci Labs, security sys, site improvements	1,132,424
Rem/ren Technology Building w/Tech Lab additions - Main partial	420,000
Adjacent land acquisition - Main (spc)	2,000,000
HILLSBOROUGH COMMUNITY COLLEGE	
Gen ren/rem, HVAC, ADA, utilities, comm & security sys, site improvements	1,629,225
Rem/ren Admin Crim Jus, Arts Bldgs - Ybor City partial	3,644,000
Rem/ren Admin/Sci/Stu Svcs Bldgs - Plant City partial	3,054,218
Land & facilities acquisition - Collegewide (spc)	2,000,000
INDIAN RIVER COMMUNITY COLLEGE	
Gen ren/rem, roofs, ADA, HVAC, utilities, alarms, site imprv	1,430,365
Rem/ren Clsrms/Labs Bldgs 1,3,5,6,10,12,18,20,22 - Main partial	5,150,000
Adj land acq - Main, Chastain (spc)	1,000,000
Public Services Bldg - Main partial (spc)	1,850,000

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LAKE CITY COMMUNITY COLLEGE	
Gen ren/rem, HVAC, roofs, fire & sec sys, utilities, road, site improvements	997,392
Major ren/rem, failing HVAC, Underground Utilities partial	2,000,000
Rem/ren old Voc Bldgs 16 - 18 & 21 to Classrooms - Main partial	2,125,000
LAKE-SUMTER COMMUNITY COLLEGE	
Gen ren/rem, ADA, HVAC, comm sys, roofs, site imprv	754,000
Rem/ren Admin & Liberal Arts Bldgs - Main	804,156
Rem/ren Math-Sci Bldg 5 & Corp Training Bldg - Main partial	539,445
JOINT - Clsrms/Health/Sci Prototype Bldg - Consortia of Lake-Sumter (Fiscal Agent), Palm Beach (Scripps), St Johns River & South FL partial (spce)	32,000,000
MANATEE COMMUNITY COLLEGE	
Gen ren/rem, utilities, water sys, HVAC, roofs soffits, ADA, site improvements	1,522,107
Rem/ren, Clsrms/Labs Graphic Technology/Arts Bldg 10-Main partial	2,908,406
MIAMI-DADE COLLEGE	
Environmental (Env) Science (Sci)/Criminal Justice (CJ) Science Lab Facility Bldg Phase (Ph) II w/chiller, cooling tower & new utilities lines - N partial (ce)	1,376,646
Gen ren/rem - Collegewide	7,200,022
Major ren/rem, Fac's 15 & 40 Restart Swim Complex health/ safety issues and Law Enforcement Training partial	1,500,000
Major ren/rem, Life-Safety Handrails replace Collegewide & Fire Marshal Corrections partial	3,000,000
Rem/ren Clsrms/Labs/Multimedia/Sup Svcs - Wolfson partial	5,166,298
Prototype Clsrm Bldg w/local Match - Collegewide partial (spc)	2,000,000
Adj land & facilities acquisition - Collegewide partial (spc)	2,848,604
Land & facilities acquisition w/remodeling - West partial (spc)	4,000,000
Land & Fire House acq w/Rem/ren/demolition - Wolfson (spc)	3,800,000
NORTH FLORIDA COMMUNITY COLLEGE	
Sci Labs Replacement/Environmental condition partial (ce)	3,350,586
Gen ren/rem, HVAC, site imp, roofing, handicap access, ADA	443,997
Rem/ren old Sci Bldg & Annex to Dev Ed/Math & Inst Tech partial	362,810
Land & Facilities acq w/demolition, driving & firing ranges (spc)	350,000
OKALOOSA-WALTON COLLEGE	
Gen ren/rem, utilities, energy mgt, parking, site imprv safety, elec	1,770,248
Rem/ren Science Bldg 40 w/IAQ repair - Main partial	1,014,608
PALM BEACH COMMUNITY COLLEGE	
Gen ren/rem, EMS, roofs, parking utilities, HVAC,lights, rds	2,879,196
Rem/ren Clsrms/Labs, Bus, Stu Svcs, Admin Bldgs - South	1,466,821
Sci Bldg Ph II Scripps Sup Facility - Palm Bch Gardens partial (spc)	1,500,000
PASCO-HERNANDO COMMUNITY COLLEGE	
Clsrms/Labs/Univ Cen w/Library addition complete (ce)	2,543,953
Gen ren/rem, Bldg 2 E, roofs, utilities, fire safety, HVAC, ADA	643,364
Rem/ren Gymnasium to Classrooms - North partial	2,343,651
Clsrms/Labs/Sup Svcs - Spring Hill partial (spc)	1,612,275
Clsrms/Labs/Sup Svcs - Wesley Chapel Center partial (spc)	496,548
PENSACOLA JUNIOR COLLEGE	
Gen ren/rem, indoor a/c, HVAC, LCR Bldg, roofs, site imprv, lights	2,306,953
Rem/ren Library w/addition - Main partial	550,000
POLK COMMUNITY COLLEGE	
Gen ren/rem, roofs, comm sys, ADA, chiller, HVAC, EMS	1,163,673
Rem/ren old Jt-Use Voc Labs to Sci Labs - Lakeland partial	307,687
ST. JOHNS RIVER COMMUNITY COLLEGE	
Gen ren/rem, HVAC, roofs, ADA, fire & sec sys, utilities, site improvements	792,408
Rem/ren Tech Bldg Clsrms w/Arts Bldg Sup addition - Main	501,000
ST. PETERSBURG COLLEGE	
Gen ren/rem, roofs, HVAC, ADA, firing range, site imprv	3,598,514
Rem/ren Library to Stu Svcs w/addition - SP/G partial	350,000
Rem/ren Clsrms/Labs/Inst. Supp/Site Dev Ph II - Downtown partial	3,800,000

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Rem/ren Clsrms/Labs Olympia Annex w/match - Tarpon partial	2,000,000
Remodel Annex	4,666,400
Library Clsrms w/match - Seminole complete (pce)	830,492
Adj land & facilities acq - Collegewide partial (spc)	1,804,954
SANTE FE COMMUNITY COLLEGE	
WF/Nursing/Health Science Bldg - Main partial (ce)	7,372,579
Gen ren/rem, Bldg B, drainage, panels, HVAC, utilities sys, roofs	1,966,220
SEMINOLE COMMUNITY COLLEGE	
WF/Clsrms, Tech Labs Bldg w/land - I-4 SP Ctr complete (ce)	2,815,817
Gen ren/rem, EMS, road, driving pad, utilities, comm sys, parking, site dev	2,301,236
Rem/ren Voc Ed Bldg I & Fac Offices E - Main partial	309,852
Rem/ren Bldg K Voc Labs to Teaching Labs - Main partial	1,110,459
SOUTH FLORIDA COMMUNITY COLLEGE	
Gen ren/rem, roofing, utilities, drainage, ADA, site imprv	643,077
TALLAHASSEE COMMUNITY COLLEGE	
Gen ren/rem, roofs infrastructure, utilities, comm sys, HVAC, ADA	1,202,853
Rem/ren Law Enforcement Admin Bldg - CJ Academy	1,757,477
Adjacent land acquisition(spc)	750,000
VALENCIA COMMUNITY COLLEGE	
Gen ren/rem, parking, elev, clsrms/labs int finish, telecom system	2,170,963
Rem/ren Gymnasium to Classrooms w/addition - West	250,000
Land acquisition - Southwest Campus partial (spc)	2,500,000
Allied Health Bldg 10 - West Partial (spc)	1,840,215

20 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM GENERAL REVENUE FUND 28,491,039
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 219,441,004

Funds in Specific Appropriation 20 are for the following projects:

FL A&M UNIVERSITY	
School of Journalism (E)	1,200,000
Campus Elec Upgrades, Technology, Infrastructure (P,C,E)	7,702,280
Developmental Research School (C,E)	5,085,684
Multi-Purpose Center Teaching Gymnasium (C,E)	14,457,738
University Commons Renovation Planning (P)	1,164,500
FL ATLANTIC UNIVERSITY	
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)	4,100,000
FAU/Scripps Joint Use Facility-Jupiter (P,C,E)	2,000,000
Expansion/Remodel Computer Center #22 (C)	7,864,300
Center for Marine Science and Biology Planning (P)	2,000,000
FL GULF COAST UNIVERSITY	
Roads/Parking/Infrastructure/Mitigation (P,C,E)	5,000,000
Classrooms/Offices/Labs Academic 6 (P)	705,000
FL INTERNATIONAL UNIVERSITY	
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)	5,000,000
Molecular Biology, UP (P,C)	8,418,634
Social Science (International Studies), UP (P,C)	13,466,710
FL STATE UNIVERSITY	
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)	6,100,000
Life Sciences Teaching & Research Center (C)	14,200,000
Building Envelope Improvements - Phase II (C)	2,350,000
Panama City Campus Academic Building (C, E)	17,750,000
PCC Administrative Services Center (C, E)	2,525,000
NEW COLLEGE	
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)	2,443,372
Land Purchase (S)	1,000,000
UNIVERSITY OF CENTRAL FL	
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)	4,000,000
Bio-Medical Science Center (P,C)	10,031,048
Psychology Building Equipment (E)	1,500,000
UNIVERSITY OF FL	
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)	6,901,000
Multidisciplinary Nanosystems Facility (C,E)	22,733,300
Health Science Center Emergency Power (P,C,E)	3,000,000
Life Sciences Research Facility (P,C,E)	17,968,612
Indian River REC Repairs, Renovations, and Reconstruction (P,C,E)	4,989,396

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UNIVERSITY OF NORTH FL
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)..... 2,880,862
Education Building (P,C)..... 12,000,000
Allied Health Facility - Building #46 (C,E)..... 5,076,500
UNIVERSITY OF SOUTH FL
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)..... 8,000,000
Sarasota/Manatee Utilities & Infrastructure (P,C,E)..... 1,500,000
USF St. Pete. Utilities/Infrastructure(P,C,E)..... 825,000
USF St. Pete. Science & Tech GenAca Fac (P)..... 2,574,416
Tampa Biotech Research Park Acquisition (P,C.E)..... 7,000,000
Visual and Performing Arts Teaching Facility (P)..... 1,000,000
Lakeland Campus Phase I (P,C)..... 3,700,000
HMS Building Remodeling (P,C,E)..... 1,887,143
UNIVERSITY OF WEST FL
Utilities/Infrastructure/Capital Renewal/Roofs (P,C,E)..... 4,250,000
Archeology Institute Facility (P)..... 225,000
Science and Technology, Phase I (P)..... 1,356,548

21 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 54,970,000

Funds in Specific Appropriation 21 shall be allocated in accordance with section 1013.64(2), Florida Statutes, for the following projects:

Hardee - New K-8 School (complete)..... 17,250,000
Levy - New Bronson 6-12 School (complete)..... 8,450,000
Gadsden- New 6-12 School West (complete)..... 10,050,000
Franklin - New K-12 School (partial)..... 13,150,000
Suwannee - New K-5 School (partial)..... 6,070,000

22 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 27,000,000
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 756,520,000
FROM SCHOOL DISTRICT AND COMMUNITY
COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT
SERVICE TRUST FUND 100,000,000

23 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SCHOOL DISTRICT AND
COMMUNITY COLLEGE
FROM SCHOOL DISTRICT AND COMMUNITY
COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT
SERVICE TRUST FUND 30,000,000

23A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - COMMUNITY COLLEGES
FACILITIES MATCHING PROGRAM
FROM GENERAL REVENUE FUND 25,701,377

Funds provided in Specific Appropriation 23A shall be allocated to the Board of Trustees of the named community college as matching funds for the Community College Facilities Matching Grant Program as follows:

BREVARD
King Cntr Auditorium Renovations-Melbourne..... 645,000
BROWARD
Automotive Technology Facility - Miramar..... 200,000
Aviation Institute - South..... 49,995
Buehler Planetarium - Central..... 415,450
Teaching Auditorium/Performing Arts Center - South..... 25,000
CENTRAL FL
Student Svcs Bldg Remodel/Renovate w/addition..... 75,000
DAYTONA BEACH
Advance Technology Cntr Equipment Enhancement..... 104,062
Construct Corporate and Cultural Training Center..... 5,800,000
FL COMMUNITY COLLEGE @ JACKSONVILLE
Critical Care Training Nursing Lab Equipment..... 150,000
FL KEYS
Tennessee Williams Theatre Renovations..... 150,630

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HILLSBOROUGH
Multipurpose Facility Furnishings - Plant City..... 250,000
INDIAN RIVER
Technology Bldg Enhanced Infrastructure and Equipment..... 500,000
Construct and Equip Technology Clsroom/Labs-Mueller Campus.. 1,000,000
Joint -Use Library-Mueller Campus/Vero Bch..... 4,300,000
Remodel/ren Admin/Clsrm Bldg-Chastain Cntr/Stuart..... 500,000
MIAMI-DADE
Land and Facilities Acquisition - Collegewide..... 9,500,000
NORTH FLORIDA
Construct Health Education Lab Suite - Madison..... 100,000
ST. PETERSBURG
Renovate, Construct and Equip Orthotics & Prosthetics Bldg.. 573,800
Construct Clsrooms/Service Facility-Seminole Campus..... 100,000
Rem/Ren Classrooms/Labs-Phase II-Downtown Cntr..... 1,012,440
SEMINOLE
Public Safety and Driving Track Complex - Geneva..... 250,000

24 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND -
CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 10,403,700

Funds are provided in Specific Appropriation 24 for the following projects:

Campus Safety and Code Compliance..... 184,800
Building Maintenance..... 1,086,100
Campuswide Systems Maintenance..... 1,326,300
Major Renovations & New Construction..... 7,800,000
Master Plan Update..... 6,500

25 FIXED CAPITAL OUTLAY
DIVISION OF BLIND SERVICES - CAPITAL
PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 2,550,000

Funds are provided in Specific Appropriation 25 for the following project:

New Construction, Repairs & Renovations - Daytona Bch..... 2,550,000
Rehab Cntr

26 FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 1,340,219

Funds are provided in Specific Appropriation 26 for the following project:

WMFE-TV/FM Orlando - Planning & Construction..... 175,500
WUSF-TV/FM Tampa - Construction..... 158,211
WKGC-FM - Planning..... 12,700
WXEL-TV/FM Palm Beach - Construction..... 431,808
WEDU-TV Tampa - Construction..... 173,000
WMNF-FM Tampa - Equipment..... 250,000
WJCT-TV/FM Jacksonville - Planning and Construction..... 139,000

26A FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM FACILITY
ENHANCEMENT CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 14,142,393

Funds provided in Specific Appropriation 26A shall be allocated to the Board of Trustees of the named university as matching funds for the Courtelis Facilities Matching Grant Program as follows:

FL GULF COAST UNIV
Engineering (P,C,E)..... 5,000,000
FL INTERNATIONAL UNIV

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Art Museum (C,E)	1,062,056
College of Law (C,E)	164,725
Hospitality Management (C,E)	200,000
Graduate School of Business (C,E)	1,890,500
FL STATE UNIV	
Cntr for Advanced Power System Laboratory (E)	35,000
School of Music Laboratory (P,C,E)	350,000
UNIV OF CENTRAL FL	
Engineering III Enhancement (P,C,E)	114,501
Academic Performance Center (C)	54,960
Alumni Center-John & Martha Hitt Library (P,C,E)	93,050
Psychology Building (P,C,E)	10,000
UNIV OF FL	
Proton Beam Phase III (P,C,E)	1,218,127
Randell Research Center Phase II (P,C,E)	148,103
Citrus Pathology Laboratory Phase II (P,C,E)	100,000
Fifield Hall Reading Room /Library (P,C,E)	110,000
McGuire Hall Phase II (P,C,E)	100,000
Whitney Marine Laboratory (P,C,E)	485,009
Law School Library Phase IV (P,C,E)	103,647
Construction Yard Rinker Hall (P,C,E)	300,000
UNIV OF NORTH FL	
Fine Arts Building (E)	60,898
Science & Engineering Building (E)	460,062
Multi-Purpose Education (E)	8,993
Carpenter Library (E)	2,000
UNIV OF SOUTH FL	
College of Business, Tampa (P,C,E)	25,937
Academic Facility Sarasota-Manatee (C,E)	2,044,825

27 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CONCURRENCY REQUIREMENTS
FROM STATE UNIVERSITY SYSTEM CONCURRENCY TRUST FUND 5,400,000

TOTAL: PROGRAM: EDUCATION - FIXED CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 80,981,830
FROM TRUST FUNDS 1867,042,927

TOTAL ALL FUNDS 1948,024,757

VOCATIONAL REHABILITATION

APPROVED SALARY RATE 32,742,455

29 SALARIES AND BENEFITS POSITIONS 1,013.50
FROM GENERAL REVENUE FUND 8,530,434
FROM FEDERAL REHABILITATION TRUST FUND . . 32,073,632
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 3,787,052

For funds in Specific Appropriations 29 through 39A for the Vocational Rehabilitation Program, the Department of Education is the designated state agency for purposes of compliance with the Federal Rehabilitation Act of 1973, as amended.

If the department identifies additional resources that may be used to maximize federal matching funds for the Vocational Rehabilitation Program, the department shall submit a budget amendment prior to the expenditure of the funds, in accordance with the provisions of chapter 216, Florida Statutes.

30 OTHER PERSONAL SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 819,103
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 123,132

31 EXPENSES
FROM FEDERAL REHABILITATION TRUST FUND . . 11,503,357
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 915,345

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32 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULTS WITH DISABILITIES
FUNDS
FROM GENERAL REVENUE FUND 18,508,431

Funds provided in Specific Appropriation 32 shall be distributed to community colleges and school districts for programs serving adults with disabilities. Programs that were funded in Fiscal Year 2004-2005 will be eligible for continuation funding if the program has made satisfactory progress and the application reflects effective use of resources as defined by the Department of Education. The department has the authority to redistribute any funds due to unsatisfactory progress, ineffective use of resources, or discontinued programs.

From the funds in Specific Appropriation 32, provided that satisfactory progress was made during the 2004-2005 fiscal year, $17,124,144 is provided for school district adult handicapped programs and shall be allocated as follows:

Alachua	49,151
Baker	215,827
Bay	192,895
Bradford	70,029
Brevard	600,685
Broward	1,827,855
Charlotte	69,553
Citrus	150,171
Collier	51,787
Columbia	51,621
De Soto	321,324
Escambia	293,265
Flagler	1,063,077
Gadsden	539,678
Gulf	42,236
Hardee	59,821
Hernando	100,541
Hillsborough	569,106
Jackson	2,021,934
Jefferson	76,408
Lake	35,555
Leon	1,141,675
Martin	409,403
Miami-Dade	2,232,136
Monroe	103,677
Orange	554,555
Osceola	43,756
Palm Beach	1,508,606
Pasco	18,617
Pinellas	742,591
Polk	324,559
St. Johns	135,385
Santa Rosa	49,104
Sarasota	868,659
Sumter	17,228
Suwannee	94,786
Taylor	93,710
Union	103,224
Wakulla	45,579
Washington	234,375

From the funds provided in Specific Appropriation 32, provided that satisfactory progress was made during the 2004-2005 fiscal year, $1,384,287 is provided for community college adult handicapped programs and shall be allocated as follows:

Central Florida Community College	39,105
Daytona Beach Community College	333,273
Florida Community College at Jacksonville	288,168
Indian River Community College	152,600
Pensacola Community College	42,236
St. Johns River Community College	50,682
Santa Fe Community College	83,064
Seminole Community College	73,209
South Florida Community College	276,405
Tallahassee Community College	45,545

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32A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FLORIDA ENDOWMENT FOUNDATION FOR VOCATIONAL REHABILITATION FROM GENERAL REVENUE FUND	500,000	

Funds in Specific Appropriation 32A are provided to expand the ABLE Trust High School/High Tech Program in ten additional sites serving 200 disabled students for the purpose of training them for high tech jobs.

33	OPERATING CAPITAL OUTLAY FROM FEDERAL REHABILITATION TRUST FUND . . FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		480,986 49,601
34	SPECIAL CATEGORIES CONTRACTED SERVICES FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL REHABILITATION TRUST FUND . . FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND	519,446	5,124,245 3,213,708
35	SPECIAL CATEGORIES INDEPENDENT LIVING SERVICES FROM FEDERAL REHABILITATION TRUST FUND . .		4,596,504
36	SPECIAL CATEGORIES PURCHASED CLIENT SERVICES FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL REHABILITATION TRUST FUND . .	24,087,899	86,597,035

From the funds in Specific Appropriation 36, $800,000 in general revenue funding from the base allocation for the Centers for Independent Living shall be used as match for the Basic Support Program. Funding from Social Security reimbursements (program income), in an amount of up to $3,755,868, shall be allocated to the Centers for Independent Living, providing that the Social Security reimbursements are available.

37	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM FEDERAL REHABILITATION TRUST FUND . . FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		616,855 55,011
38	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL REHABILITATION TRUST FUND . . FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND	360,335	1,310 29,566
39	DATA PROCESSING SERVICES STATE TECHNOLOGY OFFICE FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL REHABILITATION TRUST FUND . . FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND	216,845	765,876 515,903
39A	DATA PROCESSING SERVICES EDUCATION TECHNOLOGY AND INFORMATION SERVICES FROM FEDERAL REHABILITATION TRUST FUND . .		248,000
TOTAL:	VOCATIONAL REHABILITATION FROM GENERAL REVENUE FUND . . . . . FROM TRUST FUNDS	52,723,390	151,516,221
	TOTAL POSITIONS	1,013.50	
	TOTAL ALL FUNDS		204,239,611

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BLIND SERVICES, DIVISION OF			
	APPROVED SALARY RATE 9,337,225		
40	SALARIES AND BENEFITS POSITIONS 306.00 FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL REHABILITATION TRUST FUND . .	3,789,185	8,321,700
41	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL REHABILITATION TRUST FUND . . FROM GRANTS AND DONATIONS TRUST FUND . . .	87,591	95,354 105,047
42	EXPENSES FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL REHABILITATION TRUST FUND . . FROM GRANTS AND DONATIONS TRUST FUND . . .	395,951	2,299,577 45,000
43	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - COMMUNITY REHABILITATION FACILITIES FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL REHABILITATION TRUST FUND . . FROM GRANTS AND DONATIONS TRUST FUND . . .	818,498	4,281,584 240,623
44	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL REHABILITATION TRUST FUND . .	58,590	235,198
45	FOOD PRODUCTS FROM FEDERAL REHABILITATION TRUST FUND . .		200,000
46	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM FEDERAL REHABILITATION TRUST FUND . .		100,000
47	SPECIAL CATEGORIES GRANTS AND AIDS - CLIENT SERVICES FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL REHABILITATION TRUST FUND . . FROM GRANTS AND DONATIONS TRUST FUND . . .	7,537,602	11,279,226 763,277

Specific Appropriation 47 includes $937,600 from the General Revenue Fund for the Blind Babies Program.

48	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL REHABILITATION TRUST FUND . .	25,822	76,048
49	SPECIAL CATEGORIES LIBRARY SERVICES FROM GENERAL REVENUE FUND . . . . . FROM GRANTS AND DONATIONS TRUST FUND . . .	50,000	100,000
50	SPECIAL CATEGORIES VENDING STANDS - EQUIPMENT AND SUPPLIES FROM FEDERAL REHABILITATION TRUST FUND . . FROM GRANTS AND DONATIONS TRUST FUND . . .		1,100,000 895,000
51	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM GENERAL REVENUE FUND . . . . . FROM FEDERAL REHABILITATION TRUST FUND . .	40,238	77,878
53	DATA PROCESSING SERVICES OTHER DATA PROCESSING SERVICES FROM FEDERAL REHABILITATION TRUST FUND . . FROM GRANTS AND DONATIONS TRUST FUND . . .		123,280 1,000,000

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54 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM GENERAL REVENUE FUND 4,162
FROM FEDERAL REHABILITATION TRUST FUND . . 115,838

54A DATA PROCESSING SERVICES
EDUCATION TECHNOLOGY AND INFORMATION SERVICES
FROM FEDERAL REHABILITATION TRUST FUND . . 150,576

TOTAL: BLIND SERVICES, DIVISION OF
FROM GENERAL REVENUE FUND 12,807,639
FROM TRUST FUNDS 31,605,206

TOTAL POSITIONS 306.00
TOTAL ALL FUNDS 44,412,845

PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES

55 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY
FROM GENERAL REVENUE FUND 2,900,000

56 SPECIAL CATEGORIES
ABLE GRANTS (ACCESS TO BETTER LEARNING AND EDUCATION)
FROM GENERAL REVENUE FUND 3,600,000

Funds in Specific Appropriation 56 are provided to support 3,115 students at $1,155.69 per student and shall be administered pursuant to section 1009.891, Florida Statutes. The Office of Student Financial Assistance may prorate the award and provide a lesser amount in the second term in the event more than 3,115 students are deemed to be eligible.

57 SPECIAL CATEGORIES
HISTORICALLY BLACK PRIVATE COLLEGES
FROM GENERAL REVENUE FUND 11,000,000

Funds in Specific Appropriation 57 shall be allocated as follows:

Bethune Cookman College..... 4,098,034
Edward Waters College..... 3,185,332
Florida Memorial College..... 3,548,592
Library Resources..... 168,042

Each college president shall submit a proposed expenditure plan to the Department of Education prior to the release of these funds.

Funds in Specific Appropriation 57 for Library Resources shall be used for the purchase of books and other related library materials, such as audio and media resources, pursuant to section 1006.59, Florida Statutes. Funds shall be allocated equally to Florida Memorial College, Bethune-Cookman College, and Edward Waters College. Funds shall not be expended on promotional materials or on staff development. Each college shall provide an exact accounting of expenditures to the Department of Education.

58 SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 11,226,657

The funds in Specific Appropriation 58 shall be allocated as follows:

Cancer Research..... 1,875,200
PhD Program in Biomedical Science..... 1,076,200
College of Medicine..... 8,275,257

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Funds provided for the University of Miami, College of Medicine are for 500 attending Florida residents.

58A SPECIAL CATEGORIES
GRANTS AND AIDS - ACCELERATED BACHELORS IN NURSING PROGRAM AT THE UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 500,000

59 SPECIAL CATEGORIES
ACADEMIC PROGRAM CONTRACTS
FROM GENERAL REVENUE FUND 1,052,768

Funds in Specific Appropriation 59 shall be allocated by the Department of Education to the following private colleges and universities:

University of Miami.....591,370
Florida Institute of Technology.....207,172
Barry University.....162,858
Nova/Southeastern University.....91,368

These funds shall be allocated for the following programs:

University of Miami: Rosenstiel Marine Science and no less than $349,897 for the BS and MFA in Motion Pictures.

Florida Institute of Technology: $207,172 for BS Engineering and Science Education.

Barry University: BS Nursing, MSW Social Work.

Nova/Southeastern University: MS in Speech Pathology.

Each university president shall submit a proposed expenditure plan to the Department of Education, for each program, prior to the release of these funds. The Department of Education shall review each plan for compliance and shall identify corrective actions to be taken by an institution not meeting the prescribed standards.

60 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL DIABETES CENTER - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 596,094

61 SPECIAL CATEGORIES
FLORIDA RESIDENT ACCESS GRANT
FROM GENERAL REVENUE FUND 93,990,150

Funds in Specific Appropriation 61 shall be used for tuition assistance for qualified Florida residents. Funds are provided to support 32,979 students at $2,850 per student. The Office of Student Financial Assistance may prorate the award and provide a lesser amount in the second term payment in the event more than 32,979 students are deemed to be Florida residents.

62 SPECIAL CATEGORIES
NOVA SOUTHEASTERN UNIVERSITY - HEALTH PROGRAMS
FROM GENERAL REVENUE FUND 5,990,750

From funds provided in Specific Appropriation 62, $5,065,750 is to support Florida residents enrolled in the Osteopathic Medicine, Optometry, and Pharmacy programs. The university shall submit student enrollment information, by program. The amount of $125,000 is to support rural and unmet needs in these programs, and $800,000 is provided for the Nova Southeastern Nursing School.

62A SPECIAL CATEGORIES
LECOM / FLORIDA - HEALTH PROGRAMS
FROM GENERAL REVENUE FUND 325,111

Funds provided in Specific Appropriation 62A shall be used to support Florida residents in student rotation in public health units that are

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enrolled in the Florida branch of the Lake Erie College of Osteopathic Medicine. The college shall submit enrollment information for Florida residents to the Department of Education, prior to January 1, 2006.

TOTAL: PROGRAM: PRIVATE COLLEGES AND UNIVERSITIES
FROM GENERAL REVENUE FUND 131,181,530

TOTAL ALL FUNDS 131,181,530

OFFICE OF STUDENT FINANCIAL ASSISTANCE

PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE

63 SPECIAL CATEGORIES
PREPAID TUITION SCHOLARSHIPS
FROM GENERAL REVENUE FUND 5,200,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 400,000
FROM STUDENT LOAN OPERATING TRUST FUND . . 375,000

64 SPECIAL CATEGORIES
GRANTS AND AIDS - MINORITY TEACHER SCHOLARSHIP PROGRAM
FROM GENERAL REVENUE FUND 2,109,600

65 SPECIAL CATEGORIES
ETHICS IN BUSINESS SCHOLARSHIPS
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 500,000

66 FINANCIAL ASSISTANCE PAYMENTS
MARY MCCLEOD BETHUNE SCHOLARSHIP
FROM GENERAL REVENUE FUND 235,328
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 444,000

67 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM GENERAL REVENUE FUND 66,998,300
FROM STUDENT LOAN OPERATING TRUST FUND . . 17,025,000

The funds in Specific Appropriations 4 and 67 are provided in the amounts specified for each scholarship and grant program listed below.

Florida Student Assistance Grant - Public Full & Part Time.	79,303,560
Florida Student Assistance Grant - Private.....	12,618,522
Florida Student Assistance Grant - Postsecondary.....	6,935,900
Children of Deceased/Disabled Veterans.....	383,250
Florida Work Experience.....	1,069,922
Critical Teacher Shortage Program.....	1,739,566
Rosewood Family Scholarships.....	100,000

From the funds provided in Specific Appropriations 4 and 67, the maximum grant to any student from the Florida Public, Private, and Postsecondary Assistance Grant Programs shall be $1,672.

68 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM GENERAL REVENUE FUND 100,000
FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND 196,000

69 FINANCIAL ASSISTANCE PAYMENTS
TRANSFER TO THE FLORIDA EDUCATION FUND
FROM GENERAL REVENUE FUND 1,260,000

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - STATE
FROM GENERAL REVENUE FUND 75,903,228
FROM TRUST FUNDS 18,940,000

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TOTAL ALL FUNDS 94,843,228

PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL

70 FINANCIAL ASSISTANCE PAYMENTS
STUDENT FINANCIAL AID
FROM EDUCATIONAL AIDS TRUST FUND 2,563,089

71 FINANCIAL ASSISTANCE PAYMENTS
ROBERT C. BYRD HONORS SCHOLARSHIP
FROM EDUCATIONAL AIDS TRUST FUND 2,145,000

TOTAL: PROGRAM: STUDENT FINANCIAL AID PROGRAM - FEDERAL
FROM TRUST FUNDS 4,708,089

TOTAL ALL FUNDS 4,708,089

EARLY LEARNING

PREKINDERGARTEN EDUCATION

72 SPECIAL CATEGORIES
TRANSFER VOLUNTARY PREKINDERGARTEN FUNDS TO AGENCY FOR WORKFORCE INNOVATION
FROM GENERAL REVENUE FUND 387,137,762

Funds in Specific Appropriation 72 are provided to implement the Voluntary Prekindergarten Education Program as provided in chapter 2004-484, Laws of Florida.

PUBLIC SCHOOLS, DIVISION OF

PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP

The calculations of the Florida Education Finance Program (FEFP) for the 2005-2006 fiscal year are incorporated by reference in the act implementing the 2005-2006 General Appropriations Act. The calculations are the basis for the appropriations made in the General Appropriations Act.

73 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM
FROM GENERAL REVENUE FUND 6651,330,138
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 72,186,968

Funds provided in Specific Appropriation 73 shall be allocated using a base student allocation of $3,742.42 for the FEFP.

From the funds in Specific Appropriation 73, charter schools shall be provided an allocation pursuant to section 1002.33(17), Florida Statutes. However, for those charter schools that were in operation prior to July 1, 1999, funds per student shall be no less than they received in Fiscal Year 1998-1999.

From the funds provided in Specific Appropriation 73, all juvenile justice students in juvenile justice educational programs shall receive no less than the funds per student in Fiscal Year 1998-1999.

A minimum guaranteed level of funding shall be calculated to provide each school district a 1.0 percent increase per unweighted full-time equivalent student over the amount per unweighted full-time equivalent student funded in the 2004-2005 FEFP. The calculation of this minimum funding shall compare total state and local formula and categorical funds, discretionary lottery, and actual discretionary local revenue for 2004-2005 with total state and local formula and categorical funds, discretionary lottery, and maximum potential discretionary local revenue for 2005-2006 and shall include the additional funds required for the increased Florida Retirement System contribution. Funds for the School Recognition Program shall not be included in the calculation of the Minimum Guarantee.

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The district cost differential (DCD) for each district shall be calculated pursuant to the provisions of section 1011.62(2), Florida Statutes.

From the funds provided in Specific Appropriation 73, $35,000,000 is provided for the Sparsity Supplement as defined in section 1011.62(6), Florida Statutes, for school districts of 20,000 and fewer FTE in 2005-2006. Distribution of Sparsity Supplement funds provided for the Flagler County School District is contingent upon the construction of the new high school being totally completed, officially accepted for occupancy, and having an enrollment of high school students large enough to support a fully functioning high school instructional program not later than the opening day of school for the 2005-2006 school year. The Department of Education shall visit the district and verify that the school meets all requirements to be designated as an operating high school center for the 2005-2006 school year. If these requirements are not met, the Sparsity funds provided for the Flagler County School District in this appropriation shall be reallocated to the other Sparsity-eligible districts at the time of the third calculation of the FEFP.

Total required local effort for 2005-2006 shall be $6,262,823,920. The total amount shall include adjustments made for the calculation required in sections 1011.62(4)(a) and (c), Florida Statutes. The maximum nonvoted discretionary millage which may be levied pursuant to the provisions of section 1011.71(1), Florida Statutes, by district school boards in 2005-2006 shall be:

1) 0.51 mills, and

2) An additional levy, not to exceed 0.25 mills, that will raise an amount not to exceed $100 per full-time equivalent student (FTE).

District school boards that levy the entire additional 0.25 mills and raise less than $100 per K-12 FTE shall receive, from the funds provided in Specific Appropriation 73, an amount that, combined with funds raised by the 0.25 mills, will provide $100 per K-12 FTE. To be eligible for state funds provided in this paragraph, a district must levy the full 0.25 mills and the full 0.51 mills.

In addition, if a school board's 0.51 mill levy provides funds per unweighted FTE that are less than $200, the school district shall receive an amount from the funds provided in Specific Appropriation 73, which, when added to the funds generated by the district's 0.51 mill levy, is equivalent to $200.

Funds provided in Specific Appropriation 73 are based upon program cost factors for 2005-2006 as follows:

1. Basic Programs
   A. K-3 Basic.....1.018
   B. 4-8 Basic.....1.000
   C. 9-12 Basic.....1.113

2. Programs for Exceptional Students
   A. Support Level 4.....3.818
   B. Support Level 5.....5.190

3. English for Speakers of Other Languages 1.318

4. Programs for Grades 9-12 Career Education.....1.193

From the funds in Specific Appropriation 73, $1,030,409,927 is provided to school districts as an Exceptional Student Education (ESE) Guaranteed Allocation to provide educational programs and services for exceptional students. The ESE Guaranteed Allocation funds are provided in addition to the funds for each exceptional student in the per FTE student calculation. Each district's ESE Guaranteed Allocation for the 2005-2006 appropriation shall not be recalculated during the school year. School districts that have provided educational services in 2004-2005 for exceptional students who are residents of other districts

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shall not discontinue providing such services without the prior approval of the Department of Education. Expenditure requirements for the ESE Guaranteed Allocation shall be as prescribed in section 1010.20 (3), Florida Statutes, for programs for exceptional students.

From the funds provided in Specific Appropriation 73, the value of 43.35 weighted FTE students is provided to supplement the funding for severely handicapped students served in ESE programs 254 and 255 when a school district has less than 10,000 FTE student enrollment and less than 3 FTE eligible students per program. The Commissioner of Education shall allocate the value of the supplemental FTE based on documented evidence of the difference in the cost of the service and the amount of funds received in the district's FEFP allocations for the students being served. The supplemental value shall not exceed 3 FTE.

A student in cooperative education or other types of programs incorporating on-the-job training shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership, as provided in section 1011.61, Florida Statutes, for funding pursuant to section 1011.62, Florida Statutes.

From the funds in Specific Appropriation 73, $75,350,000 is provided for Safe Schools activities and shall be allocated as follows: $50,000 shall be distributed to each district, and the remaining balance shall be allocated as follows: two-thirds based on the latest official Florida Crime Index provided by the Department of Law Enforcement and one-third based on each district's share of the state's total unweighted student enrollment. Safe Schools activities include: (1) after school programs for middle school students; (2) other improvements to enhance the learning environment, including implementation of conflict resolution strategies; (3) alternative school programs for adjudicated youth; and (4) other improvements to make the school a safe place to learn. Each district shall determine, based on a review of its existing programs and priorities, how much of its total allocation to use for each authorized Safe Schools activity.

From the funds in Specific Appropriation 73, $670,341,490 is for Supplemental Academic Instruction to be provided throughout the school year pursuant to section 1011.62(1)(f), Florida Statutes. First priority for use of these funds shall be the provision of supplemental intensive instruction, consistent with the Sunshine State Standards, including summer school and intensive English immersion instruction, for students in grades 3 and 10 who scored FCAT Level I. Each district's Supplemental Academic Instruction allocation for the 2005-2006 appropriation shall not be recalculated during the school year.

From the funds in Specific Appropriation 73, $89,000,000 is provided for a K-12 comprehensive, district-wide system of research-based reading instruction. The amount of $50,000 shall be allocated to each district and the remaining balance shall be allocated based on each district's proportion of the state total K-12 base funding. By July 1, 2005, districts shall submit a plan in a format prescribed by the Department of Education's Just Read, Florida! Office. Upon approval of a district's plan by the Just Read, Florida! Office, the department shall release the district's allocation of these funds.

Districts may charge a fee for grades K-12 voluntary, non-credit summer school enrollment in basic program courses. The amount of any student's fee shall be based on the student's ability to pay and the student's financial need as determined by district school board policy.

No funds are provided in Specific Appropriation 73 for charter school FTE student enrollment for on-line instruction received by students principally in their own homes. However, charter schools may serve students who are temporarily homebound or who receive a portion of their instruction on-line.

Funds in Specific Appropriation 73 for dual enrollment instruction of public school students provided at the Daytona Beach Advanced Technology Center shall be provided in an amount equal to the hours of instruction which would be necessary to earn the FTE and the funding for an equivalent course if it were taught in the school district.

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74 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CLASS SIZE REDUCTION
FROM GENERAL REVENUE FUND 1448,367,054
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 4,313,032

Funds in Specific Appropriations 5 and 74 are provided to implement the requirements of section 1003.03 and section 1011.685, Florida Statutes. The class size reduction allocation factor for grades pre-kindergarten to grade 3 shall be $539.94, for grades 4 to 8 shall be $515.45, and for grades 9 to 12 shall be $516.90. The class size reduction allocation shall be recalculated based on enrollment through the October 2005 FTE survey. If the total class size reduction allocation is greater than the appropriation in Specific Appropriations 5 and 74, funds shall be prorated to the level of the appropriation based on each district's calculated amount.

Funds in Specific Appropriation 74 shall be distributed to school districts that have provided sufficient information for the Commissioner of Education to set annual district class size reduction goals. The Commissioner of Education may withhold disbursement of these funds until a district is in compliance with reporting information required for class size reduction implementation.

75 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 247,999,489

From the funds provided in Specific Appropriation 75, the growth allocation per FTE shall be $331.29 for Fiscal Year 2005-2006.

From the funds provided in Specific Appropriation 75, school districts shall pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in section 1011.62(1)(i), Florida Statutes.

From the funds provided in Specific Appropriation 75, $15,000,000 is provided for Library Media Materials, and $4,100,000 is provided for purchase of science lab materials and supplies.

76 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PUBLIC SCHOOL TECHNOLOGY
FROM GENERAL REVENUE FUND 49,914,766

Funds provided in Specific Appropriation 76 shall be allocated by prorating the total on each district's share of the state total K-12 FTE.

77 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 451,431,961

Funds provided in Specific Appropriation 77 shall be used to transport students as provided in section 1011.68, Florida Statutes.

78 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TEACHER TRAINING
FROM GENERAL REVENUE FUND 18,000,000

Funds provided in Specific Appropriation 78 are for in-service training of instructional personnel.

Funds provided in Specific Appropriation 78 shall be prorated among all districts based on each district's proportion of the state total unweighted full-time equivalent student enrollment.

79 AID TO LOCAL GOVERNMENTS
FLORIDA TEACHERS LEAD PROGRAM
FROM GENERAL REVENUE FUND 17,877,200

Funds provided in Specific Appropriation 79 shall be given to teachers pursuant to section 1012.71, Florida Statutes, and shall not be recalculated during the school year.

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TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - FEFP
FROM GENERAL REVENUE FUND 8884,920,608
FROM TRUST FUNDS 76,500,000

TOTAL ALL FUNDS 8961,420,608

PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP

79A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISTRICT COST DIFFERENTIAL (DCD) TRANSITION SUPPLEMENT
FROM GENERAL REVENUE FUND 22,700,000

Non-recurring funds provided in Specific Appropriation 79A shall be allocated as follows:

Bay	125,464
Broward	4,477,252
Charlotte	361,305
Citrus	177,086
Columbia	69,041
Miami-Dade	13,005,362
DeSoto	63,144
Dixie	88,264
Escambia	118,374
Flagler	287,606
Franklin	15,364
Gilchrist	6,109
Glades	2,819
Gulf	98,927
Hamilton	59,357
Highlands	194,748
Holmes	153,507
Jackson	67,296
Lafayette	17,770
Manatee	156,362
Martin	127,214
Monroe	406,466
Okaloosa	6,272
Okeechobee	51,283
Palm Beach	379,284
Pinellas	232,446
Sarasota	25,215
Sumter	23,093
Suwannee	120,669
Taylor	48,520
Volusia	1,489,920
Walton	94,036
Washington	123,704
Washington Special	9,501
FAU Lab School	1,452
FSU Lab School (Broward)	12,820
Florida Virtual School	2,948

80 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 3,078,240

The funds provided in Specific Appropriation 80 shall be allocated as follows:

Instructional Materials for Partially Sighted Pupils	200,000
Sunlink Uniform Library Database	878,240
Learning Through Listening	1,000,000
Panhandle Area Educational Consortium (PAEC) for Distance Learning Teacher Training	1,000,000

81 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EXCELLENT TEACHING
FROM GENERAL REVENUE FUND 60,053,702
FROM EXCELLENT TEACHING PROGRAM TRUST FUND 15,349,688
FROM PRINCIPAL STATE SCHOOL TRUST FUND . . 8,200,000

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82 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 3,507

83 SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO PUBLIC SCHOOLS
FOR READING PROGRAMS
FROM GENERAL REVENUE FUND 10,000,000
FROM EDUCATIONAL AIDS TRUST FUND 58,043,873

The funds in Specific Appropriation 83 are provided to continue "Just Read, Florida" to achieve Florida's reading goal for all students to be reading on grade level or higher by 2012.

84 SPECIAL CATEGORIES
EDUCATION INNOVATION INITIATIVES
FROM GENERAL REVENUE FUND 7,605,269

Funds in Specific Appropriation 84 are provided for the A+ Plus Initiative and are contingent on CS for CS for Senate Bill 2480 or similar legislation becoming law.

85 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE TO LOW
PERFORMING SCHOOLS
FROM GENERAL REVENUE FUND 7,125,480

Funds in Specific Appropriation 85 shall be used to contract for the operation of the Florida Partnership for Minority and Underrepresented Student Achievement and to achieve the partnership's mission as provided in section 1007.35, Florida Statutes.

86 SPECIAL CATEGORIES
GRANTS AND AIDS - MENTORING/STUDENT
ASSISTANCE INITIATIVES
FROM GENERAL REVENUE FUND 16,730,000

Funds provided in Specific Appropriation 86 shall be allocated as follows:

Take Stock in Children	4,460,000
Governor's Mentoring Initiative	875,000
Partnership to Advance School Success (PASS)	920,000
Big Brothers, Big Sisters	2,200,000
Boys and Girls Clubs	2,300,000
Learning for Life	2,000,000
Communities in Schools	1,000,000
Girl Scouts of Florida	700,000
Black Male Explorers	500,000
Best Buddies	875,000
Junior Achievement	500,000
Positive Leaders	300,000
Miami Museum of Science Youth Mentoring Program	100,000

87 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATION PARTNERSHIPS
FROM GENERAL REVENUE FUND 6,000,000

Funds in Specific Appropriation 87 are provided for Education Partnerships. A school district may apply for funding for an educational program to serve disruptive and low performing students in grades 6-12. Programs funded must provide proof of educational progress, as assessed by the FCAT, in reading and mathematics demonstrated in existing programs with similar student populations. The program may operate in a separate school facility provided by the education provider. Any provider of this program must have at least five years successfully serving this student population. The district school board may contract with a nonprofit or for-profit entity to operate the program including the provision of personnel, supplies, equipment and/or facilities.

The Department of Education shall allocate $5,000,000 to programs that serve a minimum of 300 or more students (large programs). Existing programs in their second or third year of implementation shall be funded prior to the awarding of additional grants. Up to three large programs may be provided up to $75,000 for one year of program planning.

The Department of Education shall allocate $1,000,000 to programs that serve a minimum of 75 or more students (small programs) in districts with fewer than 20,000 full time equivalent students. Up to three small programs may be provided up to $50,000 for one year of program planning. Any funds not obligated to small district programs may be transferred to the large school district program allocation on or after January 1, 2006.

School districts are eligible to receive program grants for a total of three fiscal years, subject to legislative appropriations. For districts that received initial grants in Fiscal Year 2004-05, but did not implement a program, the Department of Education shall make a corresponding reduction of the amount of program funds for Fiscal Year 2005-06 and these districts shall be considered in their first year of implementation. For Fiscal Year 2005-06, grants shall be limited to no more than $1,750 per student in the first year of implementation of the program, no more than $1,500 per student in year two, and no more than $1,250 per student in year three. The Department of Education shall notify school districts of the amount of the grant awards by November 15, 2005.

87A SPECIAL CATEGORIES
INNOVATIVE READING PILOT PROGRAMS
FROM GENERAL REVENUE FUND 2,500,000

The funds provided in Specific Appropriation 87A shall be allocated as follows:

Innovative Reading Pilot	1,500,000
LEP Student Reading Pilot Program	1,000,000

The Innovative Reading Pilot Program shall use internet delivered technology to teach reading to children in kindergarten through third grade. The program shall be developed using scientifically-based reading research and have the ability to explicitly and systematically differentiate instruction in the key areas of phonemic awareness, phonics, vocabulary, comprehension, and fluency. The program shall have tiered skill teaching cycles. Each cycle shall include teaching skills and skill practices that incorporate reading connected text in decodable books that cumulatively review previously taught skills. The program shall have the ability to assess students prior to each cycle to determine each child's skill level and the skills to be acquired within the upcoming cycle. The program must provide real-time student assessment reports which are accessible to the teachers via the internet. The program shall be provided at a cost not to exceed $95 per child per year exclusive of professional development training, and shall be implemented by grants administered by the Department of Education in schools in at least one small district, one medium district, and one large district.

The LEP Student Reading Pilot Program shall use internet delivered technology to teach reading to Limited English Proficiency (LEP) students in grades four through ten. The pilot program must be interactive, self-paced, and contain multimedia and multicultural content. It must be adaptable for students at various levels of English proficiency. It must be available to students 24 hours a day and be accessible via the internet. It must be designed to align with the Florida Sunshine State Standards for reading and literature. It must be designed to utilize literature from various genres to provide the vocabulary and background necessary for LEP students' success in other subjects. The pilot program must provide teachers with on-line assessment tools to monitor daily and weekly individual student and class performance in vocabulary and reading comprehension. It must also provide teachers with on-line and printable lesson plans. The program shall be provided at a cost not to exceed $70 per child per year including professional development training, and shall be implemented by grants administered by the Department of Education in schools in at least one small district, one medium district, and one large district.

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88 SPECIAL CATEGORIES
KINDERGARTEN THROUGH GRADE EIGHT VIRTUAL EDUCATION
FROM GENERAL REVENUE FUND 4,800,000

From the funds in Specific Appropriation 88, the Department of Education shall provide for the continuation of two pilot K-8 virtual schools. The pilot K-8 virtual schools shall be funded with grants of up to $4,800 per student. Eligibility is limited to students who: (1) were previously in either of the two pilot K-8 virtual schools; (2) were enrolled and in attendance at a Florida public school in the October and February FTE enrollment surveys during the prior school year; (3) are eligible to enter kindergarten or first grade; or (4) are siblings of students who were previously enrolled in either of the K-8 virtual schools. The K-8 virtual schools are authorized to enroll students throughout the year.

Eligible pilot K-8 virtual schools shall be created as independent public schools that use on-line and distance learning technology in order to deliver instruction to full-time students in kindergarten and grades 1 through 8. To be eligible to participate in the pilot program, a K-8 virtual school must: (1) conform all curriculum and course content to the Sunshine State Standards; (2) administer the Florida Comprehensive Assessment Test (FCAT) or, for those students in grades that are not required to take the FCAT, local assessments and the K-3 state-approved assessment for reading adopted by "Just Read, Florida"; and (3) employ on-line teachers who are certified in Florida.

89 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM
FROM GENERAL REVENUE FUND 3,199,990

90 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 3,039,494

Funds provided in Specific Appropriation 90 shall be allocated to the Multidisciplinary Educational Services Centers as follows:

University of Florida	633,344
University of Miami	596,381
Florida State University	594,558
University of South Florida	621,637
University of Florida Health Science Center at Jacksonville.	593,574

Each center shall provide a report to the Department of Education by September 1, 2005, for the 2004-2005 fiscal year that shall include the following: 1) the number of children served, 2) the number of parents served, 3) the number of persons participating in in-service education activities, 4) the number of districts served, and 5) specific services provided.

92 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND 1,128,445

93 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL DISTRICT MATCHING GRANTS PROGRAM
FROM GENERAL REVENUE FUND 2,000,000

Funds in Specific Appropriation 93 are provided as challenge grants to public school district education foundations for programs that serve low-performing students. The amount of each grant shall be equal to the private contribution made to a qualifying public school district education foundation. In-kind contributions shall not be considered for matching purposes. Before any funds provided in Specific Appropriation 93 may be released to any public school district education foundation, the public school district foundation must certify to the Commissioner of Education that private cash has actually been received

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by the public school district education foundation seeking state matching funds. The Consortium of Florida Education Foundations shall be the fiscal agent for this program. Administrative costs for the program shall not exceed five percent.

94 SPECIAL CATEGORIES
EDUCATOR PROFESSIONAL LIABILITY INSURANCE
FROM GENERAL REVENUE FUND 1,330,000

Funds in Specific Appropriation 94 are provided for Educator Professional Liability Insurance. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study of the insurance program since its inception in the 2001-2002 fiscal year. The study shall include the number and amount of claims, any potential limitations of the coverage, any duplication of claims filed against school boards, and the benefit to educators and administrators.

95 SPECIAL CATEGORIES
TEACHER AND SCHOOL ADMINISTRATOR DEATH BENEFITS
FROM GENERAL REVENUE FUND 165,000

96 SPECIAL CATEGORIES
GRANTS AND AIDS - AUTISM PROGRAM
FROM GENERAL REVENUE FUND 5,218,000

Funds provided in Specific Appropriation 96 shall be allocated as follows:

University of South Florida/Florida Mental Health Institute.	966,666
University of Florida (College of Medicine)	736,666
University of Central Florida	726,666
University of Miami (Department of Pediatrics) including $182,000 for activities in Broward County through Nova Southeastern University	834,670
Florida Atlantic University	400,000
University of Florida (Jacksonville)	736,666
Florida State University (College of Communications)	816,666

Summaries of achievements for the prior fiscal year shall be submitted to the Department of Education by September 1, 2005.

97 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL EDUCATION CONSORTIUM SERVICES
FROM GENERAL REVENUE FUND 1,700,000

From the funds provided in Specific Appropriation 97, each regional consortium service organization is eligible to receive, through the Department of Education, an incentive grant of $50,000 for each school district and each eligible member to be used for the delivery of services within the participating school districts.

98 SPECIAL CATEGORIES
TEACHER PROFESSIONAL DEVELOPMENT
FROM GENERAL REVENUE FUND 667,951
FROM EDUCATIONAL AIDS TRUST FUND 134,559,389

Funds provided in Specific Appropriation 98 from the General Revenue Fund shall be allocated as follows:

Florida Association of District School Superintendents Training	290,400
Florida School Boards Association Training	290,400
Principal of the Year	35,000
Teacher of the Year	39,208
School Related Personnel of the Year	12,943

99 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL ENHANCEMENTS
FROM GENERAL REVENUE FUND 10,427,634

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Funds in Specific Appropriation 99 shall be allocated as follows:

Instructional Materials Management	105,634
State Science Fair	60,000
Academic Tourney	100,000
Arts for a Complete Education	300,000
Florida Holocaust Museum	560,000
Florida State Alliance of YMCAs	1,500,000
Orange County YMCA Project FYT	325,000
Bay High Magnet Programs	100,000
Putnam County - Crescent City Junior-Senior High Emergency Preparation Program	450,000
Florida Aquarium Teacher Program	250,000
Prekindergarten Demonstration Pilot Project	850,000
Sunshine State Scholars Program	50,000
Seminole High School Reading Initiative	250,000
Mathematics and Science Commission	230,000
Holocaust Memorial	50,000
Holocaust Teacher Training and Resources	150,000
Science Comes to Life at Metro Zoo	547,000
Embry-Riddle Engineering/Physics Career Launch	300,000
Florida Space Authority Student Launch Program	200,000
Project Child	500,000
Rio Grande Charter School	125,000
SeaTrek Distance Learning	275,000
WPPB-TV BECON Educational Programming	250,000
FCAT Recovery Program	400,000
Miami Beach After School Programs	100,000
Pre-K Digital Academy	50,000
Creating Opportunities that Result in Excellence (CORE)	200,000
School Safety/Emergency Preparedness System	500,000
Florida Council on Economic Education	500,000
Monroe District Schools Special Academic Incentive Grant	1,000,000
Youth Build Outreach	50,000
Russell Reading Room	100,000

Funds provided in Specific Appropriation 99 for a School Safety/Emergency Preparedness System are for pilot implementation of an immediate response information system in one or more school districts. The system will serve to enhance the safety of school children in emergency situations, such as impending hurricane and severe weather, fire, bomb, homeland security and other critical school safety events. The system must be real-time and multi-lingual with the ability to notify parents of emergency and non-emergency situations in at least ten different languages through email, telephone, PDAs, and other communications devices. To allow for early implementation, all funds shall be under contract no later than September 15, 2005.

100 SPECIAL CATEGORIES
GRANTS AND AIDS - EXCEPTIONAL EDUCATION
FROM GENERAL REVENUE FUND 2,643,604
FROM EDUCATIONAL AIDS TRUST FUND 2,333,354

101 SPECIAL CATEGORIES
FLORIDA SCHOOL FOR THE DEAF AND THE BLIND
FROM GENERAL REVENUE FUND 36,630,047
FROM EDUCATIONAL AIDS TRUST FUND 2,400,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,665,648

From the funds in Specific Appropriation 101, $579,000 is provided to contract with the University of Florida for health, medical, pharmaceutical and dental screening services for students. The school shall develop a collaborative service agreement for medical services and shall maximize the recovery of all legally available funds from Medicaid and private insurance coverage. The school shall report to the Legislature by June 30, 2006, information describing the agreement, services provided, budget and expenditures, including the amounts and sources of all funding used for the collaborative medical program and any other student health services during the 2005-2006 fiscal year.

From the funds in Specific Appropriation 101, $150,000 is provided to the Florida School for the Deaf and Blind (FSDB) to develop an early reading intervention program for hearing impaired children that can be

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implemented in public schools. The project shall be based upon the knowledge gained from reading development in hearing impaired children obtained from the hearing impaired learning study conducted by the FSDB funded in Specific Appropriation 5C of chapter 2003-397, Laws of Florida.

101A SPECIAL CATEGORIES
GRANTS AND AIDS - 2004 HURRICANES - PASS THROUGH OF STATE AND FEDERAL FUNDS TO LOCAL GOVERNMENTS
FROM GENERAL REVENUE FUND 3,904,188

Funds in Specific Appropriation 101A are provided as non-recurring allocations for hurricane recovery to the following school districts:

Charlotte	1,965,019
De Soto	68,556
Escambia	743,825
Hardee	186,554
Indian River	71,766
Martin	236,935
Osceola	159,386
St. Lucie	278,388
Santa Rosa	193,759

TOTAL: PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP
FROM GENERAL REVENUE FUND 212,650,551
FROM TRUST FUNDS 222,551,952

TOTAL ALL FUNDS 435,202,503

PROGRAM: FEDERAL GRANTS K/12 PROGRAM

102 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,099,420

103 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FEDERAL GRANTS AND AIDS
FROM EDUCATIONAL AIDS TRUST FUND 1411,312,755

104 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM FOOD AND NUTRITION SERVICES TRUST FUND 538,364,671

105 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM - STATE MATCH
FROM GENERAL REVENUE FUND 16,886,046

Funds provided in Specific Appropriation 105 for the School Breakfast Program shall be allocated as provided in section 1006.06, Florida Statutes.

TOTAL: PROGRAM: FEDERAL GRANTS K/12 PROGRAM
FROM GENERAL REVENUE FUND 16,886,046
FROM TRUST FUNDS 1953,776,846

TOTAL ALL FUNDS 1970,662,892

PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES

106 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 90,944

107 SPECIAL CATEGORIES
GRANTS AND AIDS - INSTRUCTIONAL TECHNOLOGY
FROM GENERAL REVENUE FUND 2,714,290

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From the funds in Specific Appropriation 107, $500,000 is provided to the Northeast Florida Educational Consortium (NEFEC) for a web-based instructional program that meets the Sunshine State Standards. The cost of the web-based instructional program, including textbooks, cannot exceed $200 per student with a maximum of 5,000 students enrolled. The Department of Education must complete the award of the grant to NEFEC by September 1, 2005. This program may operate as a dropout recovery program for students who have been suspended or expelled from school or as a summer school program.

From the funds in Specific Appropriation 107, $500,000 is provided to the Northeast Florida Educational Consortium (NEFEC) to implement professional development activities in research based mathematics strategies in grades K-8. The content will be aligned to the achievement gaps identified in FCAT performance data. The Department of Education must complete the award of the grant by September 1, 2005.

From the funds in Specific Appropriation 107, $1,500,000 is provided for Online Support of the Sunshine State Standards/FCAT Explorer.

108 SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND 198,315

109 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION RESOURCE NETWORK
FROM GENERAL REVENUE FUND 5,649,779
FROM EDUCATIONAL AIDS TRUST FUND 7,850,221

The funds provided in Specific Appropriation 109 shall be used to continue the Florida Information Resource Network (FIRN) and shall be used for no other purpose.

110 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 11,176,611

The funds provided in Specific Appropriation 110 shall be allocated as follows:

Statewide Governmental and Cultural Affairs Programming	609,207
Florida Channel Closed Captioning	438,250
Florida Channel Year Round Coverage	1,600,000
Public Television and Radio Stations	8,529,154

From the funds provided in Specific Appropriation 110, "Governmental Affairs for Public Television" shall be produced by the same contractor selected by the Legislature to produce "The Florida Channel".

Funds provided in Specific Appropriation 110 for public television and radio stations shall be allocated in the amount of $557,675 each for public television stations and $106,614 each for public radio stations recommended by the Commissioner of Education. In approving the transfer of any public broadcasting entity, the State Board of Education shall give priority consideration to in-state public postsecondary institutions.

111 SPECIAL CATEGORIES
FETPIP/WORKFORCE DEVELOPMENT MANAGEMENT INFORMATION SYSTEMS
FROM GENERAL REVENUE FUND 190,000

112 SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES FOR THE BLIND
FROM GENERAL REVENUE FUND 407,914

TOTAL: PROGRAM: EDUCATIONAL MEDIA & TECHNOLOGY SERVICES
FROM GENERAL REVENUE FUND 20,427,853
FROM TRUST FUNDS 7,850,221
TOTAL ALL FUNDS 28,278,074

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PROGRAM: WORKFORCE EDUCATION

113 AID TO LOCAL GOVERNMENTS
PERFORMANCE BASED INCENTIVES
FROM GENERAL REVENUE FUND 5,000,000

The funds provided in Specific Appropriation 113 shall be allocated as follows:

Alachua	18,880
Baker	2,949
Bay	51,920
Bradford	13,657
Brevard	45,669
Broward	660,150
Calhoun	1,186
Charlotte	49,909
Citrus	52,308
Clay	16,147
Collier	76,637
Columbia	6,400
Miami-Dade	1,141,303
De Soto	9,329
Dixie	2,569
Duval	0
Escambia	59,625
Flagler	29,186
Franklin	510
Gadsden	5,927
Gilchrist	0
Glades	326
Gulf	1,470
Hamilton	881
Hardee	1,887
Hendry	4,362
Hernando	10,220
Highlands	0
Hillsborough	512,996
Holmes	0
Indian River	17,939
Jackson	5,519
Jefferson	1,096
Lafayette	1,256
Lake	72,699
Lee	121,996
Leon	74,762
Levy	0
Liberty	1,761
Madison	0
Manatee	108,649
Marion	59,580
Martin	31,443
Monroe	6,142
Nassau	4,000
Okaloosa	28,399
Okeechobee	0
Orange	452,236
Osceola	60,752
Palm Beach	269,941
Pasco	56,572
Pinellas	395,291
Polk	129,821
Putnam	10,542
St. Johns	69,182
St. Lucie	0
Santa Rosa	25,062
Sarasota	97,073
Seminole	0
Sumter	3,392
Suwannee	24,902
Taylor	32,460
Union	2,223

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Volusia	0
Wakulla	8,237
Walton	3,625
Washington	46,938
Washington Special	107

114 AID TO LOCAL GOVERNMENTS
CRITICAL JOBS INITIATIVE
FROM GENERAL REVENUE FUND 1,293,250

Funds provided in Specific Appropriation 114 are allocated in Specific Appropriation 7A.

The Commissioner of Education may request a budget amendment to realign funds provided for the SUCCEED, Florida programs in Specific Appropriations 7A, 7B, 114, 119, and 144B to reflect the results of the competitive awards authorized under the programs.

115 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT BASIC EDUCATION
FEDERAL FLOW-THROUGH FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 41,552,472

116 AID TO LOCAL GOVERNMENTS
WORKFORCE DEVELOPMENT
FROM GENERAL REVENUE FUND 393,695,114

From the funds in Specific Appropriation 116, $393,695,114 is provided for school district workforce education programs as defined in section 1004.02 (26), Florida Statutes, and is allocated to school districts as follows:

Alachua	1,400,419
Baker	178,004
Bay	3,506,559
Bradford	925,150
Brevard	2,855,013
Broward	68,022,335
Calhoun	178,169
Charlotte	2,912,988
Citrus	2,722,660
Clay	684,792
Collier	7,080,372
Columbia	336,888
Miami-Dade	100,289,884
DeSoto	909,646
Dixie	61,770
Duval	0
Escambia	5,168,919
Flagler	2,651,705
Franklin	58,417
Gadsden	625,210
Gilchrist	3,405
Glades	7,447
Gulf	168,266
Hamilton	75,781
Hardee	294,832
Hendry	380,675
Hernando	511,196
Highlands	0
Hillsborough	31,672,767
Holmes	0
Indian River	841,758
Jackson	546,227
Jefferson	191,794
Lafayette	44,799
Lake	4,602,434
Lee	10,839,974
Leon	5,945,160
Levy	0
Liberty	19,314
Madison	0
Manatee	6,507,950
Marion	3,089,578

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Martin	2,252,883
Monroe	769,169
Nassau	157,238
Okaloosa	2,491,928
Okeechobee	0
Orange	34,751,549
Osceola	4,761,881
Palm Beach	15,443,391
Pasco	3,570,656
Pinellas	26,694,595
Polk	11,347,521
Putnam	415,560
Saint Johns	6,057,220
Saint Lucie	0
Santa Rosa	1,792,664
Sarasota	10,187,137
Seminole	0
Sumter	276,374
Suwannee	1,028,382
Taylor	1,415,960
Union	168,721
Volusia	0
Wakulla	287,667
Walton	98,388
Washington	3,401,289
Washington Special	12,684

School districts shall increase the established workforce education resident and non-resident tuition fees specified in section 1009.22, Florida Statutes, by 5 percent. Funds in Specific Appropriation 116 are provided for school district workforce education programs as defined in section 1004.02(26), Florida Statutes.

Pursuant to the provisions of section 1009.26 (1), Florida Statutes, school districts may grant fee waivers for programs funded through Workforce Development Education appropriations for up to 8 percent of the fee revenues that would otherwise be collected.

The funds provided in Specific Appropriation 116 are not to be used to support K-12 programs or the district K-12 administrative indirect costs. The Auditor General shall verify compliance with this requirement during scheduled audits of these institutions.

117 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 77,144,852

117A SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL AND INSTRUCTIONAL ENHANCEMENTS
FROM GENERAL REVENUE FUND 800,000

From the funds provided in Specific Appropriation 117A, $300,000 is for the SABER Nursing Program.

From the funds provided in Specific Appropriation 117A, $500,000 shall be used by the department to support school-to-career transition programs for high school students available through one or more non-profit statewide organizations in the food service industry. Such programs shall be designed to prepare students for progressive careers in the food service industry. In making its selection from among competitive sealed proposals, the department shall consider, among other factors, the provider's experience in representing the food service industry, the provider's experience in providing and supporting food service training for high school students, and the provider's ability to provide a statewide program with broad industry support and participation.

TOTAL: PROGRAM: WORKFORCE EDUCATION
FROM GENERAL REVENUE FUND 400,788,364
FROM TRUST FUNDS 118,697,324

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TOTAL ALL FUNDS 519,485,688

COMMUNITY COLLEGES, DIVISION OF

PROGRAM: COMMUNITY COLLEGE PROGRAMS

118 AID TO LOCAL GOVERNMENTS
PERFORMANCE BASED INCENTIVES
FROM GENERAL REVENUE FUND 18,075,996

Funds in Specific Appropriation 118 are provided as performance incentive awards, and shall be distributed as follows:

Brevard Community College	813,103
Broward Community College	1,497,849
Central Florida Community College	289,943
Chipola College	128,553
Daytona Beach Community College	690,125
Edison Community College	445,205
Florida Community College at Jacksonville	1,243,115
Florida Keys Community College	49,812
Gulf Coast Community College	304,316
Hillsborough Community College	918,353
Indian River Community College	704,834
Lake City Community College	173,712
Lake-Sumter Community College	128,892
Manatee Community College	397,832
Miami Dade College	2,363,837
North Florida Community College	64,622
Okaloosa-Walton College	355,944
Palm Beach Community College	966,046
Pasco-Hernando Community College	396,463
Pensacola Community College	610,719
Polk Community College	309,051
St. Johns River Community College	227,373
St. Petersburg College	988,497
Santa Fe Community College	841,683
Seminole Community College	706,866
South Florida Community College	162,259
Tallahassee Community College	625,795
Valencia Community College	1,671,197

119 AID TO LOCAL GOVERNMENTS
CRITICAL JOBS INITIATIVE
FROM GENERAL REVENUE FUND 14,300,000

A total of $10,000,000, comprised of $9,300,000 from funds provided in Specific Appropriation 119 and $700,000 from funds provided in Specific Appropriation 7B, are provided as non-recurring capitalization grants to the named institutions to assist with the implementation of programs identified in the State Board of Education's Jobs for Florida's Future budget request. These funds shall be allocated as follows:

Brevard Community College	561,303
Broward Community College	362,749
Daytona Beach Community College	362,748
Edison Community College	561,303
Florida Community College at Jacksonville	561,303
Florida Keys Community College	444,158
Gulf Coast Community College	301,688
Hillsborough Community College	241,734
Indian River Community College	361,297
Lake-Sumter Community College	561,302
Manatee Community College	349,160
Miami Dade College	362,749
North Florida Community College	561,303
Okaloosa-Walton College	432,027
Palm Beach Community College	561,303
Pasco-Hernando Community College	143,095
Pensacola Junior College	538,851
Polk Community College	561,303
St. Johns River Community College	371,405
St. Petersburg College	362,749

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Santa Fe Community College	362,749
Seminole Community College	561,302
South Florida Community College	362,749
Valencia Community College	149,670

From funds provided in Specific Appropriation 119, $5,000,000 shall be allocated to the SUCCEED, Florida - Crucial Professionals program to increase the capacity of teacher certification programs at public and private postsecondary educational institutions to produce more teachers to enter the workforce in Florida. The Department of Education shall establish application procedures, guidelines, accountability measures, and timelines for implementation of the program and advise all approved programs accordingly. Funds must be used to support new students and not to supplant current funding or students. Institutions applying for funds shall not reduce funding or the current level of enrollment in its existing program. Any such reduction will result in a pro rata reduction in funding. Programs receiving grants must submit periodic reports to the Department of Education documenting compliance with the performance measures established by the department.

The State Board of Education must review proposals, determine funding to be provided, and monitor compliance with accountability requirements. The State Board of Education shall coordinate its review of proposals with representatives of the Board of Governors and the Independent Colleges and Universities of Florida.

The Commissioner of Education may request a budget amendment to realign funds provided for the SUCCEED, Florida programs in Specific Appropriations 7A, 7B, 114, 119, and 144B to reflect the results of the competitive awards authorized under the programs.

120 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGES
PROGRAM FUND
FROM GENERAL REVENUE FUND 885,356,016

The sum of the technology fee and the average resident tuition specified in section 1009.23 (3), Florida Statutes, is hereby established for Fiscal Year 2005-2006 as follows:

Program	Amount Per Credit Hour
Advanced and Professional	$47.72
Postsecondary Vocational	$47.72
College Preparatory	$47.72
Educator Preparatory	$47.72

The sum of the technology fee and the average nonresident tuition specified in section 1009.23 (4), Florida Statutes, is hereby established for 2005-2006 as follows:

Program	Amount Per Credit Hour
Advanced & Professional	$143.22
Postsecondary Vocational	$143.22
College Preparatory	$143.22
Educator Preparatory	$143.22

Community college boards of trustees may increase established workforce education resident and non-resident tuition fees specified in section 1009.22, Florida Statutes, up to 5 percent.

The funds in Specific Appropriation 120 shall be allocated as follows:

Brevard Community College	34,132,673
Broward Community College	61,373,547
Central Florida Community College	17,631,370
Chipola College	7,941,221
Daytona Beach Community College	42,750,030
Edison Community College	20,474,187

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Florida Community College at Jacksonville	69,708,524
Florida Keys Community College	5,169,051
Gulf Coast Community College	15,540,806
Hillsborough Community College	42,107,579
Indian River Community College	38,712,909
Lake City Community College	10,577,185
Lake-Sumter Community College	7,786,123
Manatee Community College	18,660,382
Miami Dade College	141,267,130
North Florida Community College	5,362,196
Okaloosa-Walton College	15,038,033
Palm Beach Community College	46,857,021
Pasco-Hernando Community College	14,321,206
Pensacola Community College	31,409,882
Polk Community College	15,225,285
St. Johns River Community College	12,653,547
St. Petersburg College	49,719,531
Santa Fe Community College	30,891,259
Seminole Community College	29,671,752
South Florida Community College	12,389,829
Tallahassee Community College	25,775,812
Valencia Community College	54,185,130
College Center for Library Automation	8,022,816

No funds in Specific Appropriation 120 are provided for instruction of state or federal inmates.

Pursuant to the provisions of section 1009.26(1), Florida Statutes, community colleges may grant fee waivers for programs funded through Workforce Development Education appropriations for up to 8 percent of the fee revenues that would otherwise be collected.

In compliance with section 1011.84(1)(f), Florida Statutes, from the funds appropriated in Specific Appropriation 120, community colleges shall not report any full time equivalent (FTE) enrollment for the instruction of students funded in the state grant and aid program for Adults with Disabilities in Specific Appropriation 32.

From the funds provided for Miami Dade College, $150,000 is provided for a Physician Assistant Training Program.

120A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGE BACCALAUREATE PROGRAMS
FROM GENERAL REVENUE FUND 7,957,947

The funds provided in Specific Appropriation 120A shall be allocated to the following colleges:

Chipola College	662,440
Miami Dade College	721,056
Okaloosa-Walton College	338,902
St. Petersburg College	6,235,549

The maximum sum of the technology fee and the tuition for baccalaureate programs per credit hour is hereby established for 2005-06 as follows:

Resident Baccalaureate.....$ 60.84

Out of state fees for baccalaureate courses shall be no more than 85 percent of the cost of the tuition and out of state fees at the public university nearest the community college.

Prior to the disbursement of funds in Specific Appropriation 120A, colleges shall submit an operating budget for the expenditure of these funds as provided in section 1011.30, Florida Statutes.

The funds appropriated in Specific Appropriation 120A shall not be expended to support lower division courses and instruction. Lower division college credit courses in community colleges shall be funded and supported in the Community Colleges Program Fund.

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120B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROGRAM CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 37,736,481

Brevard Community College	154,644
Broward Community College	3,447,275
Central Florida Community College	2,464,476
Chipola College	491,346
Daytona Beach Community College	1,152,017
Edison Community College	2,460,089
Florida Community College at Jacksonville	921,221
Florida Keys Community College	83,713
Gulf Coast Community College	921,932
Hillsborough Community College	262,546
Indian River Community College	4,089,974
Lake City Community College	638,767
Lake-Sumter Community College	1,738,571
Manatee Community College	3,769,582
Miami Dade College	3,573,506
North Florida Community College	442,658
Okaloosa-Walton College	656,634
Palm Beach Community College	949,260
Pasco-Hernando Community College	604,621
Pensacola Community College	502,537
Polk Community College	1,316,306
St. Johns River Community College	491,009
St. Petersburg College	1,154,005
Santa Fe Community College	551,880
Seminole Community College	665,558
South Florida Community College	411,716
Tallahassee Community College	658,179
Valencia Community College	3,060,175
Foundation for Florida's Community Colleges	102,284

122 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 559,261

123 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTANCE LEARNING
FROM GENERAL REVENUE FUND 315,397

123A SPECIAL CATEGORIES
GRANTS AND AIDS - 2004 HURRICANES - PASS THROUGH OF STATE AND FEDERAL FUNDS TO LOCAL GOVERNMENTS
FROM GENERAL REVENUE FUND 7,842,848

Funds in Specific Appropriation 123A are provided as non-recurring allocations for hurricane recovery to the following colleges:

Brevard Community College	80,954
Daytona Beach Community College	302,719
Edison Community College	190,219
Indian River Community College	442,072
Okaloosa-Walton College	274,867
Pensacola Community College	439,219
Polk Community College	295,675
Seminole Community College	573,250
South Florida Community College	34,099

In addition, $5,209,774 is provided for partial reimbursement of the hurricane deductible of the community college risk management fund.

TOTAL: PROGRAM: COMMUNITY COLLEGE PROGRAMS
FROM GENERAL REVENUE FUND 972,143,946

TOTAL ALL FUNDS 972,143,946

STATE BOARD OF EDUCATION

APPROVED SALARY RATE 54,488,748

No funds provided or authorized in Specific Appropriations 1 through 154F shall be expended or obligated for costs associated with Sunshine

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Connections: The Teacher Tool (Department of Education ITN 2004-22) beyond existing staff and existing resources without prior legislative authorization.

Funds provided in Specific Appropriations 124 through 144A for the Working Capital Trust Fund shall be cost-recovered from funds used to pay data processing services rendered in accordance with section 216.272, Florida Statutes. The Working Capital Trust Fund shall support 104.0 FTE. The data processing services rendered shall be paid from funds provided in Specific Appropriation 144A. Any budget amendments made to the Working Capital Trust Fund may be correspondingly requested as appropriate in Specific Appropriation 144A. In addition, the Department of Education may, through the budget amendment process to the Executive Office of the Governor, transfer budget authority between trust funds as needed for the payment of data processing services from the Education Technology and Information Services category.

From the funds provided in Specific Appropriations 124 through 144A, the Commissioner of Education shall prepare and provide to the chair of the Senate Ways and Means Committee, the chair of the House Fiscal Council, and the Executive Office of the Governor on or before October 1, 2005, a report containing the following: the federal indirect cost rate(s) approved to be used for the 12 month period of the 2005-2006 fiscal year and the data on which the rate(s) was established; the estimated amount of funds the approved rate(s) will generate; the proposed expenditure plan for the amount generated; and the June 30, 2005 balance of all unexpended federal indirect cost funds.

Funds provided in Specific Appropriations 124 through 127, 144, and 144A for the State Board of Education are contingent upon the Department of Education continuing to provide support to the Board of Governors for services provided in Fiscal Year 2004-2005 that are not transferred to the Board of Governors within the funds provided in Specific Appropriations 154B through 154F. At a minimum, support services provided to the Board of Governors shall include accounting, printing, computer and internet support, personnel and human resources support, and support for accountability initiatives.

124	SALARIES AND BENEFITS POSITIONS	1,253.00	
	FROM GENERAL REVENUE FUND	23,852,713	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		3,243,182
	FROM EDUCATIONAL AIDS TRUST FUND		19,327,335
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		2,135,733
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		2,731,946
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		1,047,150
	FROM STUDENT LOAN OPERATING TRUST FUND		8,976,226
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		587,082
	FROM WORKING CAPITAL TRUST FUND		5,830,612
125	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,208,787	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		641,328
	FROM EDUCATIONAL AIDS TRUST FUND		1,683,490
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		146,832
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		136,850
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		196,134
	FROM STUDENT LOAN OPERATING TRUST FUND		596,540
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		104,988
	FROM WORKING CAPITAL TRUST FUND		54,299
126	EXPENSES		
	FROM GENERAL REVENUE FUND	6,373,305	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		1,272,241
	FROM EDUCATIONAL AIDS TRUST FUND		12,040,908
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		897,190
	FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		233,302
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		1,191,034
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		858,407
	FROM STUDENT LOAN OPERATING TRUST FUND		5,334,871
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		231,527
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		819,061
	FROM WORKING CAPITAL TRUST FUND		1,806,532

From the funds in Specific Appropriation 126, the Commissioner of Education is authorized to contract with a state university to implement the common course numbering system.

127	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	496,018	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		143,440
	FROM EDUCATIONAL AIDS TRUST FUND		968,928
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND		15,000
	FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		80,000
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		82,438
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		16,375
	FROM STUDENT LOAN OPERATING TRUST FUND		696,496
	FROM WORKING CAPITAL TRUST FUND		47,921
128	SPECIAL CATEGORIES		
	ASSESSMENT AND EVALUATION		
	FROM GENERAL REVENUE FUND	45,368,400	
	FROM EDUCATIONAL AIDS TRUST FUND		19,472,464
	FROM EDUCATIONAL MEDIA AND TECHNOLOGY TRUST FUND		471,710
	FROM STUDENT LOAN OPERATING TRUST FUND		63,181
	FROM SOPHOMORE LEVEL TEST TRUST FUND		148,162
	FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND		2,453,093

From funds provided in Specific Appropriation 128, $1,600,000 from the General Revenue Fund is for the statewide administration to all tenth grade students of the preliminary SAT or ACT college entrance examinations. Test results will provide each high school with a database of student assessment data to be used by guidance counselors to identify students who are ready or who need additional work to be prepared to enroll and be successful in advanced placement and other higher level college preparatory courses. Each school district shall choose either the PSAT or ACT. School districts shall submit documentation of the number of students taking examinations to the Commissioner of Education. The department shall pay the cost of the preliminary college entrance examinations directly to the providers.

Funds provided in Specific Appropriation 128 shall be used for the administration of statewide kindergarten screening as provided in section 1002.69, Florida Statutes as enacted by chapter 2004-484, Laws of Florida.

129	SPECIAL CATEGORIES		
	COMMISSION FOR INDEPENDENT EDUCATION		
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND		952,000
131	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	506,166	
132	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	400,000	
	FROM STUDENT LOAN OPERATING TRUST FUND		11,800,038

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133	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHOICES PRODUCT SALES		
	FROM EDUCATIONAL MEDIA AND TECHNOLOGY TRUST FUND		400,000
135	SPECIAL CATEGORIES		
	TRANSFER TO GRANTS AND DONATIONS TRUST FUND FOR THE FLORIDA ACADEMIC COUNSELING AND TRACKING SYSTEM FOR STUDENTS (FACTS)		
	FROM GENERAL REVENUE FUND	4,277,633	
136	SPECIAL CATEGORIES		
	LITIGATION EXPENSES		
	FROM GENERAL REVENUE FUND	23,029	
137	SPECIAL CATEGORIES		
	EDUCATIONAL FACILITIES RESEARCH AND DEVELOPMENT PROJECTS		
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		200,000
138	SPECIAL CATEGORIES		
	PROVISION OF CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	375,000	
139	SPECIAL CATEGORIES		
	STUDENT FINANCIAL ASSISTANCE MANAGEMENT INFORMATION SYSTEM		
	FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		1,264,691
140	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	988,751	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		62,724
	FROM EDUCATIONAL AIDS TRUST FUND		179,076
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		31,082
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		17,149
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		20,041
	FROM STUDENT LOAN OPERATING TRUST FUND . .		121,770
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		2,794
	FROM WORKING CAPITAL TRUST FUND		63,198
142	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	220,341	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		32,338
	FROM EDUCATIONAL AIDS TRUST FUND		62,302
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		15,296
	FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		1,933
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		8,959
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		27,274
	FROM STUDENT LOAN OPERATING TRUST FUND . .		34,972
	FROM WORKING CAPITAL TRUST FUND		52,755
142A	SPECIAL CATEGORIES		
	CENTRALIZED TECHNOLOGY RESOURCES		
	FROM WORKING CAPITAL TRUST FUND		650,900
142B	SPECIAL CATEGORIES		
	EDUCATION DATA WAREHOUSE		
	FROM GENERAL REVENUE FUND	1,000,000	

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144	DATA PROCESSING SERVICES		
	REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM		
	FROM GENERAL REVENUE FUND	802,266	
	FROM EDUCATIONAL AIDS TRUST FUND		134,169
144A	DATA PROCESSING SERVICES		
	EDUCATION TECHNOLOGY AND INFORMATION SERVICES		
	FROM GENERAL REVENUE FUND	3,518,230	
	FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND		585,126
	FROM EDUCATIONAL AIDS TRUST FUND		2,798,645
	FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND .		573,090
	FROM STATE STUDENT FINANCIAL ASSISTANCE TRUST FUND		333,191
	FROM FOOD AND NUTRITION SERVICES TRUST FUND		122,694
	FROM INSTITUTIONAL ASSESSMENT TRUST FUND .		27,309
	FROM STUDENT LOAN OPERATING TRUST FUND . .		81,927
	FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND		67,429
TOTAL: STATE BOARD OF EDUCATION			
	FROM GENERAL REVENUE FUND	89,410,639	
	FROM TRUST FUNDS		117,508,880
	TOTAL POSITIONS	1,253.00	
	TOTAL ALL FUNDS		206,919,519

UNIVERSITIES, DIVISION OF

PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES

Funds in Specific Appropriations 10 through 14A, 144B, and 146 through 151 are provided as grants and aids to support the operation of state universities. Funds provided to each university are contingent upon that university following the provisions of chapters 1000 through 1013, Florida Statutes, which relate to state universities. Any withholding of funds pursuant to this provision shall be subject to the approval of the Legislative Budget Commission.

State universities and state university direct support organizations shall not pledge or use any revenues provided in Specific Appropriations 10 through 14A, 144B, and 146 through 153 from state general revenue operating appropriations, state trust fund operating appropriations, or tuition for the financing of any fixed capital outlay project through any financing mechanism, including, but not limited to, revenue bonds, promissory notes, certificates of participation, lease-purchase agreements or any other form of indebtedness.

144B	AID TO LOCAL GOVERNMENTS		
	CRITICAL JOBS INITIATIVE		
	FROM GENERAL REVENUE FUND	5,000,000	

Funds provided in Specific Appropriation 144B are allocated in Specific Appropriation 7B.

The Commissioner of Education may request a budget amendment to realign funds provided for the SUCCEED, Florida programs in Specific Appropriations 7A, 7B, 114, 119, and 144B to reflect the results of the competitive awards authorized under the programs.

145	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - MOFFITT CANCER CENTER AND RESEARCH INSTITUTE		
	FROM GENERAL REVENUE FUND	13,440,335	

Funds in Specific Appropriation 145 are provided to continue funding to the H. Lee Moffitt Cancer Center and Research Institute. These funds may be used as state matching funds for Moffitt's participation in the Special Medicaid Payment program, which provides payments to hospitals

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providing enhanced services to low-income individuals. In the event that enhanced Medicaid funding is not implemented by the Agency for Health Care Administration, these funds shall remain appropriated to the H. Lee Moffitt Cancer Center and Research Institute to continue the original purpose of providing research in cancer center operations.

146 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EDUCATION AND GENERAL ACTIVITIES
FROM GENERAL REVENUE FUND 1616,026,592
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 844,961,058
FROM PHOSPHATE RESEARCH TRUST FUND 6,646,722

The appropriations provided in Specific Appropriations 146, 148, 149, and 151 from the Education and General Student and Other Fees Trust Fund are the only budget authority provided in this act for the 2005-2006 fiscal year to the named universities to expend tuition and fees that are collected during the 2005-2006 fiscal year and carried forward from the prior fiscal year and that are appropriated into local accounts pursuant to section 1011.4106, Florida Statutes. The expenditure of tuition and fee revenues from local accounts by each university shall not exceed the authority provided by these specific appropriations, unless approved pursuant to the provisions of chapter 216, Florida Statutes. If a court of competent jurisdiction finds that the restriction above is invalid, the appropriation made by section 1011.4106, Florida Statutes, is hereby repealed for the 2005-2006 fiscal year and the moneys described in that section shall be deposited in the state treasury for expenditure only pursuant to appropriations made by law.

General revenue funds provided in Specific Appropriations 146, 148, 149, and 151 to each of the named universities are contingent upon each university complying with the tuition and fee policies established in the proviso language attached to Specific Appropriation 146, and with the tuition and fee policies for state universities included in Part II of chapter 1009, Florida Statutes. However, the funds appropriated to a specific university shall not be affected by the failure of another university to comply with this provision.

Funds in Specific Appropriations 10 through 14A, 144B, and 146 through 151 shall be expended in accordance with operating budgets which must be approved by each university's board of trustees.

Funds in Specific Appropriation 146 from the General Revenue Fund shall be allocated as follows:

University of Florida..... 331,933,069
Florida State University..... 256,584,636
Florida A&M University..... 98,984,269
University of South Florida..... 195,432,410
University of South Florida, St. Petersburg..... 25,563,742
University of South Florida, Sarasota/Manatee..... 10,211,197
Florida Atlantic University..... 133,613,904
University of West Florida..... 59,369,039
University of Central Florida..... 217,617,074
Florida International University..... 169,043,519
University of North Florida..... 67,818,538
Florida Gulf Coast University..... 37,906,613
New College of Florida..... 11,948,582

From funds provided in Specific Appropriation 146 to the University of West Florida, $500,000 from non-recurring general revenue is for the Institute of Human and Machine Cognition.

Funds in Specific Appropriation 146 from the Education and General Student and Other Fees Trust Fund shall be allocated as follows:

University of Florida..... 171,502,670
Florida State University..... 132,867,459
Florida A&M University..... 58,185,516
University of South Florida..... 98,873,813
University of South Florida, St. Petersburg..... 5,274,515

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University of South Florida, Sarasota/Manatee..... 1,884,719
Florida Atlantic University..... 68,775,509
University of West Florida..... 24,183,614
University of Central Florida..... 116,272,685
Florida International University..... 110,278,582
University of North Florida..... 33,641,796
Florida Gulf Coast University..... 18,804,368
New College of Florida..... 4,415,812

Funds provided in Specific Appropriation 146 shall not be used by the University of Central Florida to create, expand, further, or otherwise fund directly or indirectly any non-accredited graduate degree or certificate program associated with Project E or the Florida Interactive Entertainment Academy but may only be used on programs accredited by the Southern Association of Colleges and Schools.

From general revenue funds in Specific Appropriation 146 for the University of Central Florida, $150,000 is provided to increase funding for the UCF Campus at Daytona Beach Community College by at least $150,000 above the level of funding provided for Fiscal Year 2004-2005.

Funds in Specific Appropriation 146 from the Phosphate Research Trust Fund are provided for the University of South Florida.

Funds in Specific Appropriation 146 are based upon the following full-time equivalent (FTE) enrollment:

Lower Level..... 63,643
Upper Level..... 83,730
Graduate..... 31,379
Total..... 178,752

Funding for each university is based upon the following full-time equivalent (FTE) enrollment:

University of Florida;
Lower Level..... 11,394
Upper Level..... 13,465
Graduate..... 9,065
Total..... 33,924

Florida State University;
Lower Level..... 9,867
Upper Level..... 11,700
Graduate..... 4,890
Total..... 26,457

Florida Agricultural & Mechanical University;
Lower Level..... 4,235
Upper Level..... 3,604
Graduate..... 1,325
Total..... 9,164

University of South Florida;
Lower Level..... 8,764
Upper Level..... 11,490
Graduate..... 4,506
Total..... 24,760

Florida Atlantic University;
Lower Level..... 4,514
Upper Level..... 7,896
Graduate..... 2,140
Total..... 14,550

University of West Florida;
Lower Level..... 2,074
Upper Level..... 3,358
Graduate..... 646
Total..... 6,078

University of Central Florida;
Lower Level..... 9,616

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Upper Level	13,905
Graduate	3,803
Total	27,324
Florida International University;	
Lower Level	7,951
Upper Level	11,652
Graduate	3,539
Total	23,142
University of North Florida;	
Lower Level	3,391
Upper Level	4,433
Graduate	969
Total	8,793
Florida Gulf Coast University;	
Lower Level	1,656
Upper Level	1,783
Graduate	496
Total	3,935
New College;	
Lower Level	181
Upper Level	444
Total	625

From the funds provided in Specific Appropriations 146 and 148, each university may shift enrollment by level in a manner which is revenue neutral, but shall not increase the number of lower level FTEs. For planning and enrollment shifting purposes, the University of South Florida may combine lower, upper, and graduate FTE identified in Specific Appropriations 146 and 148.

The Chancellor of the Board of Governors shall submit a revised 5-year state university enrollment plan by lower, upper, graduate I and graduate II levels, by university, to the Florida Board of Governors by September 1, 2005. This revised 5-year enrollment plan must be developed with input from each state university. The State Board of Education shall include funding recommendations in its Fiscal Year 2006-2007 Legislative Budget Request to implement the revised 5-year state university enrollment plan.

The enrollment policy adopted by the Legislature does not limit the number of students admitted from out-of-state under the profile admissions policy; however, no state university may receive general revenue funding associated with the enrollment of out-of-state students admitted under this policy. For the purposes of implementing this policy, the Chancellor shall segregate these FTEs and not count them toward the 2005-2006 enrollment plan for the State University System.

The maximum resident undergraduate tuition per credit hour is hereby established for the 2005-2006 fiscal year as follows:

	2005 Summer Term	2005-2006 Fall/Spring Terms
Lower Level Coursework	$ 68.16	$ 71.57
Upper Level Coursework	$ 68.16	$ 71.57

Except as otherwise provided by law, each board of trustees shall set university tuition and fees for graduate, graduate professional, and nonresident students. Tuition and fees for graduate, graduate professional, and nonresident students may not exceed the average full-time tuition and fees for corresponding programs at public institutions that are members of the Association of American Universities. The annual percentage increase in tuition and fees established by each board of trustees pursuant to this paragraph for students enrolled prior to the fall of 2005 shall not exceed five percent.

Each university board of trustees is authorized to waive tuition and out-of-state fees for purposes which support and enhance the mission of the university. All fee waivers must be based on policies which are

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adopted by university boards of trustees. Each university shall report the purpose, number and value of all fee waivers granted annually in a format which shall be prescribed and reviewed by the Florida Board of Governors.

Funds provided in Specific Appropriation 146 for the University of Florida include no more than that amount which the State Board of Education and the City of Gainesville agree represents the cost of service for water provided by the city to the University of Florida. The amount charged shall reflect a cost-based rate only and shall be determined through a cost of service study completed annually by the city and reviewed by the university. The costs of any General Fund transfer to the City of Gainesville from Gainesville Regional Utilities or any profit to the city or utility shall be specifically excluded as costs allocable to the university. The cost-based rate shall include charges for only those water services actually provided by the city to the university and shall not include charges for services furnished by the university.

In order to provide New College and USF Sarasota/Manatee with sufficient up-front operating capital to support shared services functions and to eliminate the significant current accounting inefficiencies, a total of $5,000,000 from the funds in Specific Appropriation 146 shall be released in equal amounts to New College and USF/USF Sarasota-Manatee as part of the first cash distribution in the fiscal year. The remaining appropriated funds for these two institutions shall be distributed in accordance with normal release protocol, beginning with the first cash distribution in the fiscal year. New College and USF/USF Sarasota-Manatee are authorized to make lump sum budget transfers between the two institutions, as appropriate, to facilitate management of shared services.

147 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - IFAS (INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE)
FROM GENERAL REVENUE FUND 115,639,730

From the funds in Specific Appropriation 147 and any other funds available to the state university system, there shall be no expenditures made pursuant to the consent order, effective April 15, 1986, and amended on June 8, 1987, and as subsequently amended by the joint plan submitted by the Chancellor and the Secretary of the Department of Environmental Protection on October 1, 1993, between the Institute of Food and Agricultural Sciences and the Department of Environmental Protection; provided; however, that funds from the Water Quality Assurance Trust Fund provided specifically for site investigation and clean-up activities may continue to be spent for that purpose.

148 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER
FROM GENERAL REVENUE FUND 50,021,399
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 16,894,760

Funds in Specific Appropriation 148 are based upon the following total full-time equivalent enrollment:

Lower Level	52
Upper Level	333
Graduate	660
M.D.	422

149 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - UNIVERSITY OF FLORIDA HEALTH CENTER
FROM GENERAL REVENUE FUND 82,807,756
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 17,151,439

Funds in Specific Appropriation 149 are based upon the following total full-time equivalent enrollment:

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Dentistry	330
Veterinary Medicine	336
M.D.	474

151 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA STATE UNIVERSITY MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 30,915,640
FROM EDUCATION AND GENERAL STUDENT AND OTHER FEES TRUST FUND 5,116,194

Funds in Specific Appropriation 151 are based upon the following full-time equivalent enrollment:

M.D.	260

152 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT FINANCIAL ASSISTANCE
FROM GENERAL REVENUE FUND 20,229,207

A minimum of 71 percent of the funds provided in Specific Appropriation 152 shall be allocated for need-based financial aid.

Funds in Specific Appropriation 152 shall be allocated as follows:

University of Florida	4,922,123
Florida State University	4,158,006
Florida A&M University	1,769,020
University of South Florida	2,411,988
Florida Atlantic University	1,132,259
University of West Florida	446,963
University of Central Florida	2,431,925
Florida International University	1,531,744
University of North Florida	568,227
Florida Gulf Coast University	277,849
New College of Florida	579,103

153 SPECIAL CATEGORIES
CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 44,692,260

Funds provided in Specific Appropriations 14A and 153 shall be allocated as follows:

University of Florida	26,392,398
Florida State University	2,496,102
Florida A&M University	774,140
University of South Florida	5,312,988
Florida Atlantic University	3,086,202
University of West Florida	270,039
University of Central Florida	4,095,310
Florida International University	1,540,002
University of North Florida	4,033,973
New College of Florida	204,321
Florida Gulf Coast University	2,631,921
Division of Colleges & Universities - Johnson Scholarship	354,864

Funds in Specific Appropriations 14A and 153 shall be fully released in the first quarter of the fiscal year.

154 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 15,092,350
FROM PHOSPHATE RESEARCH TRUST FUND 2,116

154A SPECIAL CATEGORIES
GRANTS AND AIDS - 2004 HURRICANES - PASS THROUGH OF STATE AND FEDERAL FUNDS TO LOCAL GOVERNMENTS
FROM GENERAL REVENUE FUND 900,000

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TOTAL: PROGRAM: EDUCATIONAL AND GENERAL ACTIVITIES
FROM GENERAL REVENUE FUND 1994,765,269
FROM TRUST FUNDS 890,772,289

TOTAL ALL FUNDS 2885,537,558

BOARD OF GOVERNORS

APPROVED SALARY RATE 3,487,025

154B SALARIES AND BENEFITS POSITIONS 62.00
FROM GENERAL REVENUE FUND 4,078,908
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . 544,340

The positions included in Specific Appropriation 154B shall report to the Board of Governors.

154C OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 40,114
FROM OPERATIONS AND MAINTENANCE TRUST FUND 25,567

154D EXPENSES
FROM GENERAL REVENUE FUND 1,065,807
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 11,657
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . 263,816
FROM OPERATIONS AND MAINTENANCE TRUST FUND 26,429

154E OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 51,236

154F SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 37,509
FROM DIVISION OF UNIVERSITIES FACILITY CONSTRUCTION ADMINISTRATIVE TRUST FUND . 1,945

TOTAL: BOARD OF GOVERNORS
FROM GENERAL REVENUE FUND 5,273,574
FROM TRUST FUNDS 873,754

TOTAL POSITIONS 62.00
TOTAL ALL FUNDS 6,147,328

TOTAL OF SECTION 2 POSITIONS 2,634.50

FROM GENERAL REVENUE FUND 13338,002,229

FROM TRUST FUNDS 5462,343,709

TOTAL ALL FUNDS 18800,345,938

SECTION 3 - HUMAN SERVICES

The monies contained herein are appropriated from the named funds to the Agency for Health Care Administration, Department of Children and Family Services, Department of Elder Affairs, Department of Health, Agency for Persons with Disabilities, and the Department of Veterans' Affairs as the amounts to be used to pay salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGENCY FOR HEALTH CARE ADMINISTRATION

PROGRAM: ADMINISTRATION AND SUPPORT

APPROVED SALARY RATE 13,778,455

155 SALARIES AND BENEFITS POSITIONS 313.00
FROM GENERAL REVENUE FUND 3,759,098

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FROM HEALTH CARE TRUST FUND		10,303,972
FROM ADMINISTRATIVE TRUST FUND		3,195,937
156 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	173,917	
FROM HEALTH CARE TRUST FUND		430,857
FROM ADMINISTRATIVE TRUST FUND		369,181
157 EXPENSES		
FROM GENERAL REVENUE FUND	2,037,455	
FROM HEALTH CARE TRUST FUND		4,635,971
FROM ADMINISTRATIVE TRUST FUND		1,414,900

From the funds in Specific Appropriation 157, $150,000 from the General Revenue Fund is provided to fund the Amelia Park Telemedicine Demonstration Project.

From the funds in Specific Appropriations 155, 157 and 158, $247,682 from the Health Care Trust Fund is provided for the document management system project.

158 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	229,961	
FROM HEALTH CARE TRUST FUND		226,342
FROM ADMINISTRATIVE TRUST FUND		537,352
159 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	27,215	
FROM HEALTH CARE TRUST FUND		156,597
FROM ADMINISTRATIVE TRUST FUND		22,679
160 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	13,567	
FROM HEALTH CARE TRUST FUND		63,156
FROM ADMINISTRATIVE TRUST FUND		19,895
161 DATA PROCESSING SERVICES		
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES		
FROM HEALTH CARE TRUST FUND		390,603
FROM ADMINISTRATIVE TRUST FUND		23,840
TOTAL: PROGRAM: ADMINISTRATION AND SUPPORT		
FROM GENERAL REVENUE FUND	6,241,213	
FROM TRUST FUNDS		21,791,282
TOTAL POSITIONS	313.00	
TOTAL ALL FUNDS		28,032,495

PROGRAM: HEALTH CARE SERVICES

CHILDREN'S SPECIAL HEALTH CARE

162 EXPENSES		
FROM GENERAL REVENUE FUND	2,091,587	
FROM TOBACCO SETTLEMENT TRUST FUND		704,548
FROM MEDICAL CARE TRUST FUND		6,924,463

Funds in Specific Appropriations 162 through 166 are provided to operate the Florida KidCare Program. The Executive Office of the Governor may authorize movement of these resources between programs or agencies pursuant to chapter 216, Florida Statutes, based on projections from the Social Services Estimating Conference.

From the funds in Specific Appropriation 162, not more than $40,000 from the General Revenue Fund may be used to print information about the Florida KidCare Program for distribution to students on the first day of the 2005-06 school year.

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163 SPECIAL CATEGORIES		
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION		
FROM GENERAL REVENUE FUND	32,589,724	
FROM TOBACCO SETTLEMENT TRUST FUND		68,419,651
FROM MEDICAL CARE TRUST FUND		245,197,167

Funds in Specific Appropriations 163 and 164 are provided to contract with the Florida Healthy Kids Corporation to provide comprehensive health insurance coverage, including dental services, to Title XXI children eligible under the Florida KidCare Program and pursuant to section 624.91, Florida Statutes. The corporation shall use at least $7,000,000 from local funds and no more than $1,900,000 from corporate cash reserves to serve non-Title XXI eligible children. The corporation may also use funds in this appropriation category for administrative expenses to operate the program and related eligibility system enhancements.

164 SPECIAL CATEGORIES		
GRANTS AND AIDS - FLORIDA HEALTHY KIDS CORPORATION DENTAL SERVICES		
FROM GENERAL REVENUE FUND	15,304,541	
FROM MEDICAL CARE TRUST FUND		33,052,773

Funds in Specific Appropriation 164 are provided for Florida Healthy Kids Dental services to be paid a monthly premium of no more than $12 per member per month.

165 SPECIAL CATEGORIES		
MEDIKIDS		
FROM GENERAL REVENUE FUND	7,083,923	
FROM TOBACCO SETTLEMENT TRUST FUND		8,170,634
FROM GRANTS AND DONATIONS TRUST FUND . . .		5,405,472
FROM MEDICAL CARE TRUST FUND		37,767,498
166 SPECIAL CATEGORIES		
CHILDREN'S MEDICAL SERVICES NETWORK		
FROM GENERAL REVENUE FUND	9,228,213	
FROM TOBACCO SETTLEMENT TRUST FUND		10,251,578
FROM GRANTS AND DONATIONS TRUST FUND . . .		878,485
FROM MEDICAL CARE TRUST FUND		48,228,903
TOTAL: CHILDREN'S SPECIAL HEALTH CARE		
FROM GENERAL REVENUE FUND	66,297,988	
FROM TRUST FUNDS		465,001,172
TOTAL ALL FUNDS		531,299,160

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 28,688,691

167 SALARIES AND BENEFITS POSITIONS 724.50		
FROM GENERAL REVENUE FUND	12,388,784	
FROM HEALTH CARE TRUST FUND		317,374
FROM ADMINISTRATIVE TRUST FUND		23,825,198

Any requests pursuant to chapter 216, Florida Statutes, by the Agency for Health Care Administration to increase budget authority to expand existing programs using increased federal reimbursement through Upper Payment Limit (UPL) provisions shall be contingent upon the availability of state match from existing state funds or local sources that do not increase the current requirement for state general revenue or tobacco settlement trust funds. The agency is authorized to seek federal Medicaid waivers as necessary to implement this provision.

168 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	1,515,006	
FROM HEALTH CARE TRUST FUND		237,668
FROM ADMINISTRATIVE TRUST FUND		22,882,320
FROM GRANTS AND DONATIONS TRUST FUND . . .		303,125

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169 EXPENSES
FROM GENERAL REVENUE FUND 15,933,719
FROM HEALTH CARE TRUST FUND 21,946
FROM ADMINISTRATIVE TRUST FUND 48,489,519
FROM TOBACCO SETTLEMENT TRUST FUND 1,200,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,135,189

From the funds in Specific Appropriation 169, $1,700,000 from the General Revenue Fund and $1,700,000 from the Administrative Trust Fund are provided for the continuation of the Medicaid wireless handheld drug information database program. The agency may continue the contract for the program with the existing provider.

From the funds in Specific Appropriation 169, $128,000 from the General Revenue Fund and $128,000 from the Administrative Trust Fund are provided to conduct an assessment and feasibility study of using Florida's Medicaid Management Information System (FMMIS) to support the development of electronic medical records and provide guidance to the most effective way Florida Medicaid can interface with statewide efforts in developing electronic medical information.

From the funds in Specific Appropriation 169, $2,412,000 from the General Revenue Fund and $2,412,000 from the Administrative Trust Fund are provided for a demonstration project to reduce geriatric falls among community-based Medicaid beneficiaries at risk of falls and who reside in Broward and Miami-Dade counties.

From the funds in Specific Appropriation 169, $1,000,000 from the Tobacco Settlement Trust Fund and $1,000,000 from the Administrative Trust Fund are provided for a demonstration project to reduce geriatric falls among community-based Medicaid beneficiaries at risk of falls and who reside in Hillsborough, Palm Beach, Pasco, Pinellas and Polk counties.

From the funds in Specific Appropriation 169, $1,131,621 from the General Revenue Fund and $1,131,620 from the Administrative Trust Fund may be used by the agency to continue the existing contract for an independent estimate of the growth in Medicaid expenditures for Fiscal Years 2005-2006 and 2006-2007. This spending authority shall allow for an updated projection of Medicaid expenditures and a comparison of the initial projection to actual Medicaid expenditures using six months of actual claims.

From the funds in Specific Appropriation 169, $200,000 in non-recurring tobacco settlement funds are provided to the Health Planning Council of Southwest Florida for the purpose of an uninsured health care study in Charlotte, Collier and Lee counties. The appropriation is eligible for matching funds from a not-for-profit private foundation.

From the funds in Specific Appropriation 169, $101,929 from the General Revenue Fund is provided for JaxCare to provide services to uninsured, low-income individuals.

170 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 45,391
FROM ADMINISTRATIVE TRUST FUND 221,266

172 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 77,684
FROM ADMINISTRATIVE TRUST FUND 77,683

173 SPECIAL CATEGORIES
CONTRACT NURSING HOME AUDIT PROGRAM
FROM GENERAL REVENUE FUND 827,653
FROM ADMINISTRATIVE TRUST FUND 1,129,095

174 SPECIAL CATEGORIES
MEDICAID FISCAL CONTRACT
FROM GENERAL REVENUE FUND 25,099,593
FROM ADMINISTRATIVE TRUST FUND 64,408,234
FROM REFUGEE ASSISTANCE TRUST FUND 134,674

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175 SPECIAL CATEGORIES
MEDICAID PEER REVIEW
FROM GENERAL REVENUE FUND 950,000
FROM ADMINISTRATIVE TRUST FUND 3,971,637

176 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 249,515
FROM ADMINISTRATIVE TRUST FUND 249,517

177 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 48,550
FROM HEALTH CARE TRUST FUND 2,256
FROM ADMINISTRATIVE TRUST FUND 223,032

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 57,135,895
FROM TRUST FUNDS 168,829,733

TOTAL POSITIONS 724.50
TOTAL ALL FUNDS 225,965,628

MEDICAID SERVICES TO INDIVIDUALS

178 SPECIAL CATEGORIES
CASE MANAGEMENT
FROM GENERAL REVENUE FUND 47,932,947
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,850,000
FROM MEDICAL CARE TRUST FUND 60,670,759
FROM REFUGEE ASSISTANCE TRUST FUND 6,334

From the funds in Specific Appropriations 178-180, 183, 185, 188, 190, 192-194, 197, 199, 203-206, 210 and 212, $161,434,236 from the General Revenue Fund, $231,269,802 from the Medical Care Trust Fund and $641,522 from the Grants and Donations Trust Fund are provided to restore the Medically Needy Program, effective July 1, 2005.

Funds in Specific Appropriations 178-181, 183, 185, 188, 190, 192, 194, 196, 198-200, 203, 204a, 208, 212, and 225 reflect a reduction of $64,368,718 from the General Revenue Fund and $20,330,839 from the Medical Care Trust Fund as a result of the elimination of Medicaid covered services for Medicare eligible non-institutionalized individuals in the Medicaid Elderly and Disabled (MEDS AD) Program as a result of the implementation of Medicare Part D. The Agency for Health Care Administration is authorized to seek federal Medicaid waivers as necessary to implement this provision.

179 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 50,930,991
FROM MEDICAL CARE TRUST FUND 95,844,335
FROM REFUGEE ASSISTANCE TRUST FUND 14,825

180 SPECIAL CATEGORIES
COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 14,526,672
FROM MEDICAL CARE TRUST FUND 23,717,746
FROM REFUGEE ASSISTANCE TRUST FUND 16,659

The agency is authorized to amend the Medicaid State Plan to include the following specialized substance abuse services: community based outpatient detoxification services, community based substance abuse intervention services, and comprehensive community support services for substance abuse.

The agency is authorized to work with the Department of Children and Family Services and Florida county governments to develop a local match program to fund these Medicaid specialized substance abuse services using local county tax funding. The public revenue funds required to match the Medicaid funds for these specialized substance abuse services

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are limited to those funds that are local public tax revenues and are made available to the state for this purpose. As required by Medicaid policy, participating counties shall make these services available to any qualified Florida Medicaid recipient regardless of county of residence. Payment for these services is contingent upon the local matching funds being provided by participating counties.

181 SPECIAL CATEGORIES
ADULT DENTAL SERVICES
FROM GENERAL REVENUE FUND 10,087,923
FROM MEDICAL CARE TRUST FUND 14,450,932
FROM REFUGEE ASSISTANCE TRUST FUND 174,002

From the funds in Specific Appropriation 181, $8,449,143 from the General Revenue Fund, $12,103,383 from the Medical Care Trust Fund and $144,884 from the Refugee Assistance Trust Fund are provided to restore adult denture services, effective July 1, 2005.

182 SPECIAL CATEGORIES
DEVELOPMENTAL EVALUATION AND INTERVENTION/ PART C
FROM MEDICAL CARE TRUST FUND 4,347,628

Funds in Specific Appropriation 182 shall be contingent on the availability of state match being provided in Specific Appropriation 562.

183 SPECIAL CATEGORIES
EARLY AND PERIODIC SCREENING OF CHILDREN
FROM GENERAL REVENUE FUND 54,952,230
FROM MEDICAL CARE TRUST FUND 78,781,919
FROM REFUGEE ASSISTANCE TRUST FUND 295,515

From the funds in Specific Appropriations 183, 185, 188, 190, 194, 196-198, 200, 202-204, 206, 208, 212, and 226, $24,590,495 from the General Revenue Fund, $35,603,220 from the Medical Care Trust Fund and $566,470 from the Grants and Donations Trust Fund are provided to restore Medicaid services for pregnant women with incomes between 150 and 185 percent of the federal poverty level, effective July 1, 2005.

By September 30, 2005, the agency shall issue an invitation to negotiate to contract for the delivery of comprehensive vision care services to Medicaid recipients under the age of 18 through a capitated, prepaid arrangement. As used in this paragraph, "vision care services" shall mean covered routine and medical/surgical vision care services available to Medicaid recipients.

Beginning July 1, 2005, the agency shall conduct an application process to obtain managed dental care providers for Medicaid recipients in Areas 9 and 10.

184 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HOSPITAL FINANCIAL ASSISTANCE PROGRAM
FROM GENERAL REVENUE FUND 1,220,185
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,754,751
FROM MEDICAL CARE TRUST FUND 6,768,358

Funds in Specific Appropriation 184 are provided for a federally matched Rural Hospital Disproportionate Share program and a state-funded Rural Hospital Financial Assistance program as provided in section 409.9116, Florida Statutes.

185 SPECIAL CATEGORIES
FAMILY PLANNING
FROM GENERAL REVENUE FUND 804,381
FROM MEDICAL CARE TRUST FUND 7,301,858
FROM REFUGEE ASSISTANCE TRUST FUND 21,992

187 SPECIAL CATEGORIES
HEALTHY START SERVICES
FROM MEDICAL CARE TRUST FUND 14,826,156

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188 SPECIAL CATEGORIES
HOME HEALTH SERVICES
FROM GENERAL REVENUE FUND 70,962,183
FROM MEDICAL CARE TRUST FUND 101,660,709
FROM REFUGEE ASSISTANCE TRUST FUND 143,002

From the funds in Specific Appropriation 188, the agency may implement accreditation requirements for Durable Medical Equipment and Consumable Medical Supply providers.

189 SPECIAL CATEGORIES
HOSPICE SERVICES
FROM GENERAL REVENUE FUND 104,041,271
FROM MEDICAL CARE TRUST FUND 148,858,932

Funds in Specific Appropriation 189 reflect a reduction of $3,433,746 from the General Revenue Fund and $5,098,834 from the Medical Care Trust Fund based on the effect on hospice rates as a result of modifying nursing home rates, effective July 1, 2005.

190 SPECIAL CATEGORIES
HOSPITAL INPATIENT SERVICES
FROM GENERAL REVENUE FUND 278,601,860
FROM GRANTS AND DONATIONS TRUST FUND . . . 442,895,892
FROM MEDICAL CARE TRUST FUND 1760,040,428
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 506,420,000
FROM REFUGEE ASSISTANCE TRUST FUND 2,410,421

From the funds in Specific Appropriation 190, $19,526,110 from the Grants and Donations Trust Fund and $27,971,115 from the Medical Care Trust Fund are provided for special Medicaid payments to statutory teaching hospitals, family practice teaching hospitals, hospitals providing primary care to low-income individuals, hospitals operating as designated or provisional trauma centers, and rural hospitals. Statutory teaching hospitals that received a special Medicaid payment in State Fiscal Year 2003-2004 shall be paid $12,203,921 distributed in the same proportion as the State Fiscal Year 2003-2004 special Medicaid payments to statutory teaching hospitals. Family practice teaching hospitals shall be paid $2,330,882 distributed equally among the hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program in State Fiscal Year 2003-2004 shall be paid $12,203,921 distributed in the same proportion as the Primary Care DSH payments for State Fiscal Year 2003-2004. Hospitals designated as provisional trauma centers shall be paid $12,375,000. Of this amount, $5,355,000 shall be distributed equally among hospitals that are a Level I trauma center; $4,500,000 shall be distributed equally among hospitals that are either a Level II or pediatric trauma center; and $2,520,000 shall be distributed equally among hospitals that are both a Level II and pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH Program shall be paid $8,383,500 distributed in the same proportion as the DSH payments. In the event the agency obtains approval of a Medicaid outpatient upper payment limit program, the special Medicaid payments to rural hospitals in Specific Appropriation 190 will be made through the Medicaid outpatient upper payment limit program in Specific Appropriation 194. The payments will be distributed to the rural hospitals using the same methodology as described above or as agreed upon with the Centers for Medicare and Medicaid Services.

From the funds in Specific Appropriation 190, $870,240 from the Grants and Donations Trust Fund and $1,246,617 from the Medical Care Trust Fund are provided for special Medicaid payments to hospitals providing low-income individuals access to primary care clinics. Hospitals that participated in the Primary Care DSH Program in State Fiscal Year 2003-2004 and are currently receiving special Medicaid payments for primary care are not eligible to receive funds under this section. At a minimum, a hospital qualifying to receive funds under this section must provide financial support to a freestanding clinic in the hospital's local community that provides primary care to individuals free of charge and/or on a sliding fee schedule based on the patient's income.

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From the funds in Specific Appropriation 190, $822,200 from the Grants and Donations Trust Fund and $1,177,800 from the Medical Care Trust Fund are for special Medicaid payments to specialty pediatric facilities. To qualify for a special Medicaid payment under this section a hospital must be licensed as a children's specialty hospital and its combined Medicaid managed care and fee for service days as a percentage to total inpatient days equals or exceeds 30 percent. The agency shall use the 2003 Financial Hospital Uniform Reporting System (FHURS) data to determine the combined Medicaid managed care and fee-for-service days. The total special Medicaid payments made shall be distributed equally to the qualifying hospitals.

From the funds in Specific Appropriation 190, $10,862,174 from the Grants and Donations Trust Fund and $15,560,044 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equal or exceed 11 percent. For State Fiscal Year 2005-2006 hospitals that qualify under this provision will only receive 50 percent of the amount available based on eliminating the inpatient reimbursement ceilings, except any public hospital that meets the 11 percent threshold using the average of the 1999, 2000 and 2001 audited DSH data will receive 92 percent of the amount available based on eliminating the inpatient reimbursement ceilings. If the prescribed three years of audited DSH data is not available for the public hospital, the agency shall use the average of the 1999, 2000 and 2001 audited DSH data that is available for the public hospital. However, these hospitals may receive up to the full amount available provided there is an increase in the available public hospital upper payment limit balance as described in the proviso language below. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000, and 2001 that are available. Any hospital that met the 11 percent threshold in State Fiscal Year 2004-2005 and was also exempt from the inpatient reimbursement ceilings shall remain exempt from the inpatient reimbursement ceilings for State Fiscal Year 2005-2006, subject to the payment limitations imposed in this paragraph.

From the funds in Specific Appropriation 190, $589,536 from the Grants and Donation Trust Fund and $844,510 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2. For State Fiscal Year 2005-2006, hospitals that qualify under this provision will only receive 50 percent of the amount available based on eliminating the inpatient reimbursement ceilings. However, these hospitals may receive up to the full amount available provided there is an increase in the available public hospital upper payment limit balance as described in the proviso language below.

From the funds in Specific Appropriation 190, $21,516,884 from the Grants and Donations Trust Fund and $30,822,897 from the Medical Care Trust Fund are provided to eliminate the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are a designated or provisional trauma center on July 1, 2005 and any hospitals that become a designated or provisional trauma center during State Fiscal Year 2005-2006. For State Fiscal Year 2005-2006, hospitals that qualify under this provision will only receive 92 percent of the amount available based on eliminating the inpatient reimbursement ceilings. However, these hospitals may receive up to the full amount available provided there is an increase in the available public hospital upper payment limit balance as described in the proviso language below. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available.

From the funds in Specific Appropriation 190, $43,617,052 from the Grants and Donations Trust Fund and $62,481,348 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals

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that serve as a safety net in providing emergency, specialized pediatric trauma services and inpatient hospital care to low-income individuals. Of these funds, $250,000 is being provided for Lee Memorial to conduct a pilot project for efficient management of providing care to the uninsured and $250,000 is provided for an emergency room diversion pilot project at Naples Community Hospital. These amounts shall be paid to the following:

Jackson Memorial Hospital	3,322,365
University Medical Center - Shands	46,121,019
All Children's Hospital	6,637,413
Shands Teaching Hospital	7,703,253
Tampa General Hospital	18,914,451
Orlando Regional Medical Center	5,560,262
Lee Memorial Hospital/CMS	1,200,000
St. Mary's Hospital	291,706
Miami Children's Hospital	5,400,229
Broward General Medical Center	330,366
Tallahassee Memorial Healthcare	54,402
St. Joseph's Hospital	52,835
Florida Hospital	55,072
Baptist Hospital of Pensacola	450,000
Mt. Sinai Medical Center	9,072,075
Bayfront Medical Center	215,975
Sacred Heart Hospital	466,977
Naples Community Hospital	250,000

From the funds in Specific Appropriation 190, $212,749,890 from the Grants and Donation Trust Fund, and $304,763,830 from the Medical Care Trust Fund are provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.

Funds provided in Specific Appropriation 190 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. In the event the state share provided through grants and donations is not available to fund the above special Medicaid payments and removal of inpatient ceilings for hospitals, the Agency for Health Care Administration shall submit a revised hospital reimbursement plan to the Legislative Budget Commission for approval.

The agency may increase hospital reimbursement rates and/or special Medicaid payments based on updated audit reports contingent upon the state receiving the entire amount of local match anticipated in the Grants and Donations Trust Fund. Local matching funds are defined as public funds from state, counties, local governments, districts or taxing authorities or public entities subject to sovereign immunity, governed by a publicly elected body, and recognized as a public entity by the state.

From the funds in Specific Appropriation 190, $4,083,045 from the Grants and Donations Trust Fund and $5,848,955 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals. These payments shall be used to pay approved liver transplant facilities a global fee for providing transplant services to Medicaid recipients.

From the funds in Specific Appropriation 190, $88,966,122 from the Grants and Donations Trust Fund and $127,443,807 from the Medical Care Trust Fund are provided to eliminate the inpatient reimbursement ceilings for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation. For State Fiscal Year 2005-2006 hospitals that qualify under this provision will only receive 92 percent of the amount available based on eliminating the inpatient reimbursement ceilings. However, these hospitals may receive up to the full amount available provided there is an increase in the available public hospital upper payment limit balance as described in the proviso language below.

From the funds in Specific Appropriation 190, $20,594,860 from the Grants and Donations Trust Fund and $29,502,101 from the Medical Care

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Trust Fund are provided to restore the reductions in the inpatient payments to hospitals, resulting from the projected deficit in the available public hospital upper payment limit balance. The hospitals qualifying for the restoration of their rates are the hospitals that qualified as teaching, Community Health Education Program hospitals, specialty, Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation, trauma centers where their Medicaid days as a percentage to total hospital days equals or exceeds 7.3 percent, hospitals whose Medicaid and charity care days as a percentage to total adjusted hospital days equals or exceeds 11 percent and hospitals with a minimum of ten licensed level II Neonatal Intensive Care Units located in Trauma Services Area 2. The restoration of the inpatient rates is contingent on new cost report data providing for an increase in the amount of public hospital upper payment limit for State Fiscal Year 2005-2006. Any allowable growth in the public hospital upper payment limit balance will first be used to restore the loss in inpatient rates experienced by Jackson Memorial Hospital. Upon the loss by Jackson Memorial Hospital being restored any remaining growth in the public upper payment limit balance will be applied to the remaining hospitals in the same proportion as their rate reduction. The agency will work with the Disproportionate Share Council to determine the methodology to restore the inpatient rates.

From the funds in Specific Appropriation 190, $1,308,537 from the Grants and Donations Trust Fund and $1,874,477 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals. These payments may be used, in collaboration with the Department of Health, to provide funding for hospitals providing poison control programs.

From the funds in Specific Appropriation 190, up to $1,027,750 from the Grants and Donations Trust Fund and $1,472,250 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals providing services to low-income working uninsured residents in Miami-Dade County. The agency shall seek approval of this provision from the Centers for Medicare and Medicaid Services in a state plan amendment subsequent to receiving approval for the State Fiscal Year 2005-2006 Medicaid upper payment limit program.

From the funds in Specific Appropriation 190, $3,000,000 from the Grants and Donations Trust Fund and $4,297,495 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals. These payments may be used, in collaboration with the Department of Health, to provide funding for hospitals supporting primary care services in medically underserved areas.

The agency may make special Medicaid payments to hospitals in an accelerated manner that is more frequent than on a quarterly basis, subject to the availability of state, local and federal funds.

From the funds in Specific Appropriation 190, $49,255,799 from the Medical Care Trust Fund is provided to the Agency for Health Care Administration to fund services for children in the Statewide Inpatient Psychiatric program. The program shall be designed to permit limits on services, prior authorization of services, and selective provider enrollment. The program must also include monitoring and quality assurance, as well as discharge planning and continuing stay reviews, of all children admitted to the program. The funding is contingent upon the availability of state matching funds in the Department of Children and Family Services in Specific Appropriations 299 and 335.

From the funds in Specific Appropriation 190, the Agency for Health Care Administration, within existing resources, may contract with an integrative medical management provider to develop and implement a pilot integrated therapies program to improve the quality of care and cost-effectiveness of the MediPass disease management initiative. The disease management model may use the best practices of conventional and complementary and alternative medicine. The demonstration project shall be for three years from the date of implementation. The agency is authorized to seek federal Medicaid waivers and any state plan amendment necessary to implement this program. The agency shall report annually to

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the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council as to the cost-effectiveness of the pilot. The agency may expand the pilot based on favorable annual progress reports and federal approval.

From the funds in Specific Appropriation 190, the agency is authorized to test, on a pilot basis in one or more contiguous counties, a specialized, comprehensive obstetrical management program for high-risk pregnancies of Medicaid eligible women. The project may be designed to identify high-risk pregnancies of Medicaid eligible women, improve birth outcomes, and reduce costs associated with complicated pregnancies and pre-term births. The program may include the use of risk assessment, patient education, case management, home nursing visits, home uterine activity monitoring, telemedicine approaches, acuity-based clinical interventions for the management of pre-term labor, diabetes in pregnancy, pregnancy-induced hypertension, nausea and vomiting in pregnancy, and coagulation disorders, 24-hour telephone support, and patient management systems. The agency is authorized to seek federal Medicaid waivers as necessary to implement this program.

Funds in Specific Appropriation 190 reflect a cost savings of $41,281,450 from the General Revenue Fund, $59,155,584 from the Medical Care Trust Fund and $100,584 from the Refugee Assistance Trust Fund as a result of modifying the reimbursement methodology for inpatient hospital rates. The agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling, county ceiling target rate or rate for fixed costs to achieve the cost savings.

191 SPECIAL CATEGORIES
REGULAR DISPROPORTIONATE SHARE
FROM GRANTS AND DONATIONS TRUST FUND . . . 82,494,001
FROM MEDICAL CARE TRUST FUND 118,172,507

Funds in Specific Appropriation 191 shall be used for a Disproportionate Share Hospital Program as provided in section 409.911, Florida Statutes, and are contingent upon receipt of county contributions.

192 SPECIAL CATEGORIES
FREESTANDING DIALYSIS CENTERS
FROM GENERAL REVENUE FUND 6,798,805
FROM MEDICAL CARE TRUST FUND 9,741,739
FROM REFUGEE ASSISTANCE TRUST FUND 11,829

Funds in Specific Appropriation 192 are for the inclusion of freestanding dialysis clinics in the Medicaid program.

From the funds in Specific Appropriation 192, $1,133,823 from the General Revenue Fund and $1,626,663 from the Medical Care Trust Fund are provided to increase payments from $85.00 per visit to $125.00 per visit for each dialysis treatment.

193 SPECIAL CATEGORIES
HOSPITAL INSURANCE BENEFITS
FROM GENERAL REVENUE FUND 59,037,949
FROM MEDICAL CARE TRUST FUND 84,571,753

194 SPECIAL CATEGORIES
HOSPITAL OUTPATIENT SERVICES
FROM GENERAL REVENUE FUND 201,247,543
FROM GRANTS AND DONATIONS TRUST FUND . . . 62,391,482
FROM MEDICAL CARE TRUST FUND 377,737,837
FROM REFUGEE ASSISTANCE TRUST FUND 1,220,187

From the funds in Specific Appropriation 194, $26,429,379 from the Grants and Donations Trust Fund and $37,860,037 from the Medical Care Trust Fund are provided to increase the outpatient cap for adults from $1,000 to $1,500 per year and to eliminate the outpatient reimbursement ceilings for teaching, specialty, Community Health Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as

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regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation.

From the funds in Specific Appropriation 194, $1,999,793 from the Grants and Donations Trust Fund and $2,864,699 from the Medical Care Trust Fund are provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. For State Fiscal Year 2005-2006 hospitals that qualify under this provision will only receive 50 percent of the amount available based on eliminating the outpatient reimbursement ceilings, except any public hospital that meets the 11 percent threshold using an average of the 1999, 2000 & 2001 audited DSH data that is available shall not receive a reduction in the amount of their payments as a result of eliminating the outpatient reimbursement ceilings. However, these hospitals may receive up to the full amount available provided there is an increase in the available public hospital upper payment limit balance as described in the proviso language below. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available. Any hospital that met the 11 percent threshold in State Fiscal Year 2004-2005 and was also exempt from the outpatient reimbursement ceilings shall remain exempt from the outpatient reimbursement ceilings for State Fiscal Year 2005-2006, subject to the payment limitations imposed in this paragraph.

From the funds in Specific Appropriation 194, $110,543 from the Grants and Donation Trust Fund and $158,352 from the Medical Care Trust Fund are provided to eliminate the outpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2. For State Fiscal Year 2005-2006, hospitals that qualify under this provision will only receive 50 percent of the amount available based on eliminating the outpatient reimbursement ceilings. However, these hospitals may receive up to the full amount available provided there is an increase in the available public hospital upper payment limit balance as described in the proviso language below.

From the funds in Specific Appropriation 194, $3,572,592 from the Grants and Donations Trust Fund and $5,117,731 from the Medical Care Trust Fund are provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2005 or become a designated or provisional trauma center during State Fiscal Year 2005-2006. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available.

From the funds in Specific Appropriation 194, $3,446,457 from the Grants and Donations Trust Fund and $4,937,043 from the Medical Care Trust Fund are available for special Medicaid payments to rural hospitals under a Medicaid outpatient upper payment limit program. These payments are contingent on the agency obtaining approval from the Centers for Medicare and Medicaid Services of a Medicaid outpatient upper payment limit program. If the Medicaid outpatient upper payment limit program is approved, these payments will replace the special Medicaid payments paid to rural hospitals provided in Specific Appropriation 190.

From the funds in Specific Appropriation 194, $3,220,352 from the Grants and Donations Trust Fund and $4,613,149 from the Medical Care Trust Fund are provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals. These payments are contingent on the agency obtaining approval from the Centers for Medicare and Medicaid Services of a Medicaid outpatient upper payment limit program.

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Funds provided for the elimination of hospital outpatient ceilings in Specific Appropriation 194 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. The agency shall submit a revised hospital outpatient reimbursement plan to the Legislative Budget Commission for approval if the state share is not available to fund the removal of hospital outpatient ceilings or if the Centers for Medicare and Medicaid Services does not approve amendments to the Medicaid Hospital Outpatient Reimbursement Plan to eliminate the reimbursement ceilings for certain hospitals.

From the funds in Specific Appropriation 194, $6,166,500 from the Grants and Donations Trust Fund and $8,833,500 from the Medical Care Trust Fund are appropriated so that the agency may amend its current rules and/or contracts regarding the billing of Medicaid outpatient clinic facility fees and physician services to allow for payments to public hospitals for the cost of providing health care services to Medicaid recipients, where the public hospital assumed the fiscal and operating responsibilities for one or more primary care centers previously operated by the Florida Department of Health or the local county government. Any payments made to public hospitals because of this change will be contingent on the state share being provided through grants and donations from counties, local governments, districts or taxing authorities.

From the funds in Specific Appropriation 194, $1,860,926 from the Grants and Donations Trust Fund and $2,665,774 from the Medical Care Trust Fund are provided to restore the reductions in the outpatient payments to hospitals, resulting from the projected deficit in the available public hospital upper payment limit balance. The hospitals qualifying for the restoration of their rates are the hospitals that qualified as hospitals whose Medicaid and charity care days as a percentage to total adjusted hospital days equals or exceeds 11 percent and hospitals with a minimum of ten licensed level II Neonatal Intensive Care Units located in Trauma Services Area 2. The restoration of the inpatient rates are contingent on new cost report data providing for an increase in the amount of public hospital upper payment limit for State Fiscal Year 2005-2006. Any allowable growth in the public hospital upper payment limit balance will first be used to restore the loss in outpatient rates experienced by Jackson Memorial Hospital. Upon the loss by Jackson Memorial Hospital being restored, any remaining growth in the public upper payment limit balance will be applied to the remaining hospitals in the same proportion as their rate reduction. The agency will work with the Disproportionate Share Council to determine the methodology to restore the outpatient rates.

Funds in Specific Appropriation 194 reflect a cost savings of $6,884,293 from the General Revenue Fund, $9,871,023 from the Medical Care Trust Fund and $41,491 from the Refugee Assistance Trust Fund as a result of modifying the reimbursement methodology for outpatient hospital rates. The agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling or county ceiling target rate to achieve the cost savings.

195	SPECIAL CATEGORIES		
	RESPIRATORY THERAPY SERVICES		
	FROM GENERAL REVENUE FUND	2,096,401	
	FROM MEDICAL CARE TRUST FUND		3,004,214
196	SPECIAL CATEGORIES		
	NURSE PRACTITIONER SERVICES		
	FROM GENERAL REVENUE FUND	2,442,729	
	FROM MEDICAL CARE TRUST FUND		3,499,379
	FROM REFUGEE ASSISTANCE TRUST FUND		2,421
197	SPECIAL CATEGORIES		
	BIRTHING CENTER SERVICES		
	FROM GENERAL REVENUE FUND	561,412	
	FROM MEDICAL CARE TRUST FUND		804,222
198	SPECIAL CATEGORIES		
	OTHER LAB AND X-RAY SERVICES		

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FROM GENERAL REVENUE FUND	19,214,180	
FROM MEDICAL CARE TRUST FUND		27,526,731
FROM REFUGEE ASSISTANCE TRUST FUND		539,789

From the funds in Specific Appropriation 198, the Agency for Health Care Administration shall continue a program to assess HIV drug resistance for cost-effective management of anti-retroviral drug therapy.

From the funds in Specific Appropriation 198, the agency may either complete the currently pending procurement of clinical laboratory services for Medicaid recipients required in the Fiscal Years 2003-2004 and 2004-2005 General Appropriations Acts or issue a new competitive procurement under chapter 287, Florida Statutes, for the most cost-effective laboratory services. The contract shall be risked-based, with Medicaid payment to be made on a per eligible per month basis; such contract or contracts shall not be subject to any requirements of the Florida Insurance Code. The procurement may provide for services to be delivered on a statewide or regional basis and the agency may contract with one or more vendors. The procurement shall include a proposal for a web-based reporting system that transmits the results of all lab tests provided to Medicaid recipients to the agency or its contractor, in a manner to be determined by the agency. Pursuant to existing law, the agency is authorized to seek federal Medicaid waivers or exemptions, and to amend the state Medicaid plan as necessary to implement this program.

If because of litigation or for other reasons, the agency has been unable to enter into risked-based contracts with independent laboratories where Medicaid payment is made on a per eligible per month basis, the agency shall continue the 10 percent reduction in Medicaid fees from Fiscal Year 2004-2005 for all independent laboratory procedures. The agency shall require, as a condition of enrollment in the Medicaid program as an independent laboratory, that all enrolled laboratories provide the results of all lab tests provided to Medicaid beneficiaries to the agency or its contractor in a real-time, web-based format.

From the funds in Specific Appropriation 198, the agency is authorized to implement a utilization management program for outpatient diagnostic services.

199 SPECIAL CATEGORIES
PATIENT TRANSPORTATION

FROM GENERAL REVENUE FUND	47,107,754	
FROM MEDICAL CARE TRUST FUND		67,488,696
FROM REFUGEE ASSISTANCE TRUST FUND		72,706

200 SPECIAL CATEGORIES
PHYSICIAN ASSISTANT SERVICES

FROM GENERAL REVENUE FUND	985,163	
FROM MEDICAL CARE TRUST FUND		1,411,783
FROM REFUGEE ASSISTANCE TRUST FUND		13,404

201 SPECIAL CATEGORIES
PERSONAL CARE SERVICES

FROM GENERAL REVENUE FUND	9,649,580	
FROM MEDICAL CARE TRUST FUND		13,827,959

202 SPECIAL CATEGORIES
PHYSICAL REHABILITATION THERAPY

FROM GENERAL REVENUE FUND	6,799,817	
FROM MEDICAL CARE TRUST FUND		9,742,870
FROM REFUGEE ASSISTANCE TRUST FUND		1,182

From the funds in Specific Appropriation 202, the agency may contract for the utilization management review and management or capitate the payments for physical, speech, occupational, and respiratory therapies for eligible Medicaid recipients.

203 SPECIAL CATEGORIES
PHYSICIAN SERVICES

FROM GENERAL REVENUE FUND	209,742,779	
FROM TOBACCO SETTLEMENT TRUST FUND		82,567,697
FROM MEDICAL CARE TRUST FUND		462,881,007
FROM REFUGEE ASSISTANCE TRUST FUND		3,480,146

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From the funds in Specific Appropriation 203, the agency is authorized to continue the physician lock-in-program for recipients who participate in the pharmacy lock-in program.

204 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS

FROM GENERAL REVENUE FUND	562,112,536	
FROM GRANTS AND DONATIONS TRUST FUND . . .		504,813,013
FROM MEDICAL CARE TRUST FUND		804,656,851
FROM REFUGEE ASSISTANCE TRUST FUND		4,832,672

From the funds provided in Specific Appropriation 204, the agency may continue the no-cost contract for a prescription drug education demonstration project in Miami-Dade county. The demonstration project may focus on mental health patients and HIV/AIDS patients, and must include an educational component to train individuals on how to properly take prescribed drugs, potential side effects, and possible drug interactions. Each participating pharmacist must provide space to ensure reasonable patient privacy, must have received special training on the new practice model from the University of Florida College of Pharmacy, and must provide clinical data and performance data as required at no cost to the state. The project shall be evaluated for actual cost savings by the agency by January 1, 2006. If savings are documented, the agency shall retain 40 percent of actual savings, 40 percent of the savings shall be paid to participating pharmacists and 20 percent of the savings shall be paid to the University of Florida College of Pharmacy, Department of Pharmacy Practice.

From the funds in Specific Appropriation 204, the agency may continue the no-cost contract to improve the quality of care and cost-effectiveness of the Medicaid Program in coordination with the Department of Health Hepatitis Program. The pilot shall serve the currently served counties of Miami-Dade, Broward, Pinellas, Polk, Collier, Monroe, Lee, Seminole and Escambia. The agency shall issue the RFP prior to September 30, 2005. The contract resulting from the RFP shall, at a minimum, include performance requirements, reporting requirements, requirements for utilization of current National Institute of Health guidelines regarding diagnostics for the treatment of Hepatitis C, and requirements to demonstrate compliance with evidence-based medical practice guidelines. The successful bidder shall demonstrate clinical compliance capability greater than 90 percent, and evidence of a historical capacity to serve a population greater than five thousand Hepatitis C recipients in a fiscal year. A provider selected to participate in the pilot must guarantee the state a reimbursement level of average wholesale price minus 16.15 percent on the cost of pharmaceuticals.

From the funds in Specific Appropriation 204 the agency shall contract for the provision of a web-based, real-time prescription tracking and dispensing system. The contract shall, at a minimum, include performance requirements, reporting requirements, system update standards and requirements, interface requirements with the Medicaid fiscal agent and provisions for payment, which may include transaction fees, enrollment fees, and cost-sharing arrangements.

Funds in Specific Appropriation 204 reflect a reduction of $1,174,284 from the General Revenue Fund and $1,862,854 from the Medical Care Trust Fund as a result of state pool purchasing for prescription drugs. The agency is not required to enter a state purchasing pool, but is authorized to seek partnerships with other state Medicaid programs to achieve these savings, including possible entry in the National Medicaid Pooling Initiative.

Funds in Specific Appropriation 204 reflect a reduction of $90,000,000 from the General Revenue Fund, $128,978,102 from the Medical Care Trust Fund and $72,992,701 from the Grants and Donations Trust Fund as a result of modifications to the preferred drug list, which include cost-effective therapeutic options, step therapies, and prior authorization of drugs not on the preferred drug list.

Funds in Specific Appropriation 204 reflect a reduction of $371,177 from the General Revenue Fund and $866,080 from the Medical Care Trust Fund as a result of implementing recipient age related prior authorization requirements as necessary for certain drugs.

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Funds in Specific Appropriation 204 reflect a reduction of $1,991,779 from the General Revenue Fund and $2,853,221 from the Medical Care Trust Fund as a result of providing a 100-day supply of prescription drugs when most cost-effective.

Funds in Specific Appropriation 204 reflect a reduction of $1,644,400 from the General Revenue Fund and $2,355,600 from the Medical Care Trust Fund as a result of increasing the wireless handheld drug information database program.

204A SPECIAL CATEGORIES
MEDICARE PART D PAYMENT
FROM GENERAL REVENUE FUND 197,138,041

205 SPECIAL CATEGORIES
PRIVATE DUTY NURSING SERVICES
FROM GENERAL REVENUE FUND 54,679,435
FROM MEDICAL CARE TRUST FUND 78,334,545

206 SPECIAL CATEGORIES
RURAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 25,847,796
FROM MEDICAL CARE TRUST FUND 37,043,439
FROM REFUGEE ASSISTANCE TRUST FUND 71,085

207 SPECIAL CATEGORIES
SPEECH THERAPY SERVICES
FROM GENERAL REVENUE FUND 11,284,861
FROM MEDICAL CARE TRUST FUND 16,167,236
FROM REFUGEE ASSISTANCE TRUST FUND 260

208 SPECIAL CATEGORIES
MEDIPASS SERVICES
FROM GENERAL REVENUE FUND 11,805,184
FROM MEDICAL CARE TRUST FUND 18,064,892
FROM REFUGEE ASSISTANCE TRUST FUND 116,496

209 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER DISPROPORTIONATE SHARE
FROM GENERAL REVENUE FUND 168,300

From the funds in Specific Appropriation 209, $168,300 from the General Revenue Fund shall be provided to Lee Memorial Hospital for the Regional Perinatal Intensive Care Center (RPICC) Program. This payment is not a payment under the RPICC Disproportionate Share Hospital Program.

210 SPECIAL CATEGORIES
SUPPLEMENTAL MEDICAL INSURANCE
FROM GENERAL REVENUE FUND 318,544,375
FROM MEDICAL CARE TRUST FUND 420,466,520

211 SPECIAL CATEGORIES
OCCUPATIONAL THERAPY SERVICES
FROM GENERAL REVENUE FUND 8,296,036
FROM MEDICAL CARE TRUST FUND 11,885,883
FROM REFUGEE ASSISTANCE TRUST FUND 1,763

212 SPECIAL CATEGORIES
CLINIC SERVICES
FROM GENERAL REVENUE FUND 37,724,058
FROM MEDICAL CARE TRUST FUND 54,050,833
FROM REFUGEE ASSISTANCE TRUST FUND 1,721,025

213 SPECIAL CATEGORIES
MEDICAID SCHOOL REFINANCING
FROM MEDICAL CARE TRUST FUND 50,000,000

TOTAL: MEDICAID SERVICES TO INDIVIDUALS
FROM GENERAL REVENUE FUND 2427,345,377
FROM TRUST FUNDS 6691,705,207

SECTION 3
SPECIFIC
APPROPRIATION
TOTAL ALL FUNDS 9119,050,584

MEDICAID LONG TERM CARE

214 SPECIAL CATEGORIES
ASSISTIVE CARE SERVICES
FROM MEDICAL CARE TRUST FUND 32,871,249

Funds in Specific Appropriation 214 are provided to implement Medicaid coverage for assistive care services and are contingent on the availability of state match being provided in Specific Appropriation 380.

215 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES
FROM GENERAL REVENUE FUND 12,534,162
FROM TOBACCO SETTLEMENT TRUST FUND 800,000
FROM MEDICAL CARE TRUST FUND 803,622,567

Funds in Specific Appropriations 215 and 224 for the Developmental Services Waiver, the Aged and Disabled Waiver, the Project AIDS Care Waiver, and the Nursing Home Diversion Waiver may be used for reimbursement for services provided through agencies licensed pursuant to section 400.506, Florida Statutes.

Funds in Specific Appropriation 215 include $400,000 from the Tobacco Settlement Trust Fund and $573,236 from the Medical Care Trust Fund to provide funding for the new hospice-based PACE program to serve eligible residents in Martin County and contiguous counties that were approved by the 2004 Legislature to open in 2005.

Funds in Specific Appropriation 215 include $400,000 from the Tobacco Settlement Trust Fund and $573,236 from the Medical Care Trust Fund to provide funding for the new hospice-based PACE program to serve eligible residents in Lee County and contiguous counties that was approved by the 2004 Legislature to open in 2005.

Funds in Specific Appropriation 215, reflect a reduction of $2,220,784 from the General Revenue Fund and $3,181,269 from the Medical Care Trust Fund as a result of the consolidation and implementation of a utilization management program for home and community based waiver services.

216 SPECIAL CATEGORIES
ASSISTED LIVING FACILITY WAIVER
FROM MEDICAL CARE TRUST FUND 32,561,929

217 SPECIAL CATEGORIES
INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - SUNLAND CENTER
FROM MEDICAL CARE TRUST FUND 127,438,179

218 SPECIAL CATEGORIES
INTERMEDIATE CARE FACILITIES/ DEVELOPMENTALLY DISABLED COMMUNITY
FROM GENERAL REVENUE FUND 83,457,749
FROM MEDICAL CARE TRUST FUND 119,553,072

Funds in Specific Appropriation 218 reflect a cost savings of $2,038,450 from the General Revenue Fund and $2,920,076 from the Medical Care Trust Fund as a result of reducing ICF/DD rate increases. The agency shall implement a recurring methodology in the Title XIX Intermediate Care Facility for the Developmentally Disabled Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling, county ceiling target rate or rate for fixed costs to achieve the cost savings.

219 SPECIAL CATEGORIES
NURSING HOME CARE
FROM GENERAL REVENUE FUND 1030,871,955
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,981,032
FROM MEDICAL CARE TRUST FUND 1493,803,755

SECTION 3
SPECIFIC
APPROPRIATION

From the funds in Specific Appropriation 219, $5,981,032 from the Grants and Donations Trust Fund and $8,567,818 from the Medical Care Trust Fund are provided for the purpose of maximizing federal revenues through the continuation of the Special Medicaid Payments Program for nursing home services using the Medicaid Upper Payment Limit (UPL) options for governmentally funded nursing homes. Any requests pursuant to chapter 216, Florida Statutes, by the Agency for Health Care Administration to increase budget authority to expand existing programs using increased federal reimbursement through Upper Payment Limit (UPL) provisions, shall be contingent upon the availability of state match from existing state funds or local sources that do not increase the current requirement for state general revenue funds. The agency is authorized to seek federal Medicaid waivers as necessary to implement this provision.

Funds in Specific Appropriation 219 reflect a reduction of $27,870,730 from the General Revenue Fund and $39,924,770 from the Medical Care Trust Fund as a result of delaying the nursing home staffing increase to 2.9 hours of direct care per resident per day until July 1, 2006.

The funds in Specific Appropriation 219 reflect a cost savings of $54,305,018 from the General Revenue Fund and $77,791,839 from the Medical Care Trust Fund as a result of modifying the reimbursement methodology for nursing home rates. The agency shall implement a recurring methodology in the Title XIX Long-Term Care Reimbursement Plan that may include, but is not limited to, the inflation factor, provider target, class ceiling, target rate class ceiling, new provider target, Medicaid Adjustment Rate, or any component of the Fair Rental Value System or property ceiling to effect this reduction in the reimbursement methodology for all components other than the direct patient care component. For the direct care component, the agency may reduce the class ceilings to help achieve the reduction.

Funds in Specific Appropriations 219 and 204 reflect a reduction of $31,757,505 from the General Revenue Fund and $45,492,570 from the Medical Care Trust Fund as a result of expanding the Nursing Home Diversion Program.

220 SPECIAL CATEGORIES
STATE MENTAL HEALTH HOSPITAL PROGRAM
FROM MEDICAL CARE TRUST FUND 8,698,489

221 SPECIAL CATEGORIES
MENTAL HEALTH HOSPITAL DISPROPORTIONATE SHARE
FROM MEDICAL CARE TRUST FUND 60,998,692

222 SPECIAL CATEGORIES
T.B. HOSPITAL DISPROPORTIONATE SHARE
FROM MEDICAL CARE TRUST FUND 2,444,444

223 SPECIAL CATEGORIES
COMMUNITY SUPPORTED LIVING WAIVER
FROM MEDICAL CARE TRUST FUND 28,543,900

224 SPECIAL CATEGORIES
CAPITATED NURSING HOME DIVERSION WAIVER
FROM GENERAL REVENUE FUND 86,324,264
FROM MEDICAL CARE TRUST FUND 123,659,353

From the funds in Specific Appropriation 224, $26,610,438 from the General Revenue Fund and $38,119,407 from the Medical Care Trust Fund are provided to expand the current Nursing Home Diversion Program by an additional 3,000 slots. The agency is authorized to seek the necessary federal waivers to implement this provision.

The Agency for Health Care Administration is authorized to transfer funds to the Assisted Living Facility Waiver in accordance with chapter 216, Florida Statutes, to transition the greatest number of appropriate eligible beneficiaries from skilled nursing facilities and to maximize the reduction in Medicaid nursing home occupancy.

SECTION 3
SPECIFIC
APPROPRIATION
TOTAL: MEDICAID LONG TERM CARE
FROM GENERAL REVENUE FUND 1213,188,130
FROM TRUST FUNDS 2840,976,661

TOTAL ALL FUNDS 4054,164,791

MEDICAID PREPAID HEALTH PLANS

225 SPECIAL CATEGORIES
PREPAID HEALTH PLANS--ELDERLY AND DISABLED
FROM GENERAL REVENUE FUND 359,729,513
FROM MEDICAL CARE TRUST FUND 515,236,833

226 SPECIAL CATEGORIES
PREPAID HEALTH PLANS--FAMILIES
FROM GENERAL REVENUE FUND 412,532,258
FROM MEDICAL CARE TRUST FUND 591,200,409
FROM REFUGEE ASSISTANCE TRUST FUND 7,121,110

Funds in Specific Appropriations 225 and 226 reflect a reduction of $30,545,512 from the General Revenue Fund, $44,167,500 from the Medical Care Trust Fund and $286,988 from the Refugee Assistant Trust Fund as a result of setting Medicaid HMO rates based on two infant groups.

Funds in Specific Appropriations 225 and 226 reflect a reduction of $46,470,408 from the General Revenue Fund, $66,608,848 from the Medical Care Trust Fund and $663,018 from the Refugee Assistance Trust Fund. Medicaid HMO rates shall be established on a per member per month basis at a level to achieve the reduction amounts.

TOTAL: MEDICAID PREPAID HEALTH PLANS
FROM GENERAL REVENUE FUND 772,261,771
FROM TRUST FUNDS 1113,558,352

TOTAL ALL FUNDS 1885,820,123

PROGRAM: HEALTH CARE REGULATION

HEALTH CARE REGULATION

APPROVED SALARY RATE 26,404,401

227 SALARIES AND BENEFITS POSITIONS 655.00
FROM GENERAL REVENUE FUND 1,694,173
FROM HEALTH CARE TRUST FUND 30,574,728
FROM ADMINISTRATIVE TRUST FUND 1,137,268
FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . . 73,913

228 OTHER PERSONAL SERVICES
FROM HEALTH CARE TRUST FUND 104,276

229 EXPENSES
FROM GENERAL REVENUE FUND 4,833,506
FROM HEALTH CARE TRUST FUND 8,380,027
FROM ADMINISTRATIVE TRUST FUND 3,972,270
FROM QUALITY OF LONG-TERM CARE FACILITY IMPROVEMENT TRUST FUND 1,000,000
FROM FLORIDA ORGAN AND TISSUE DONOR EDUCATION AND PROCUREMENT TRUST FUND . . 300,945

230 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 24,511
FROM HEALTH CARE TRUST FUND 91,370
FROM ADMINISTRATIVE TRUST FUND 6,173

231 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM HEALTH CARE TRUST FUND 858,123

232 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 625,000

SECTION 3
SPECIFIC
APPROPRIATION

233 SPECIAL CATEGORIES
EMERGENCY ALTERNATIVE PLACEMENT
FROM HEALTH CARE TRUST FUND 500,000
FROM RESIDENT PROTECTION TRUST FUND . . . 776,720

234 SPECIAL CATEGORIES
MEDICAID SURVEILLANCE
FROM HEALTH CARE TRUST FUND 111,820

235 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,748
FROM HEALTH CARE TRUST FUND 350,489
FROM ADMINISTRATIVE TRUST FUND 13,748

236 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 10,176
FROM HEALTH CARE TRUST FUND 266,642
FROM ADMINISTRATIVE TRUST FUND 12,392

237 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM HEALTH CARE TRUST FUND 250,000

TOTAL: HEALTH CARE REGULATION
FROM GENERAL REVENUE FUND 7,201,114
FROM TRUST FUNDS 48,780,904

TOTAL POSITIONS 655.00
TOTAL ALL FUNDS 55,982,018

CHILDREN AND FAMILIES, DEPARTMENT OF

Funds provided within the Department of Children and Family Services to carry out the requirements of the Temporary Assistance for Needy Families program (TANF) are contingent upon federal reauthorization or extension of the TANF program and award of the TANF Block Grant for federal Fiscal Year 2005-2006.

ADMINISTRATION

PROGRAM: EXECUTIVE LEADERSHIP

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 6,714,082

238 SALARIES AND BENEFITS POSITIONS 147.00
FROM GENERAL REVENUE FUND 6,622,106
FROM ADMINISTRATIVE TRUST FUND 406,980
FROM FEDERAL GRANTS TRUST FUND 1,341,067
FROM WELFARE TRANSITION TRUST FUND 155,789

239 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,202

240 EXPENSES
FROM GENERAL REVENUE FUND 1,002,909
FROM ADMINISTRATIVE TRUST FUND 62,207
FROM FEDERAL GRANTS TRUST FUND 235,368
FROM WELFARE TRANSITION TRUST FUND 20,343

241 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,628
FROM ADMINISTRATIVE TRUST FUND 1,500
FROM WELFARE TRANSITION TRUST FUND 333

242 SPECIAL CATEGORIES
LAWTON CHILES ENDOWMENT FUND PROGRAMS
FROM TOBACCO SETTLEMENT TRUST FUND 25,000

SECTION 3
SPECIFIC
APPROPRIATION

243 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 267,779

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM GENERAL REVENUE FUND 7,926,624
FROM TRUST FUNDS 2,248,587

TOTAL POSITIONS 147.00
TOTAL ALL FUNDS 10,175,211

PROGRAM: SUPPORT SERVICES

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 13,208,190

244 SALARIES AND BENEFITS POSITIONS 270.00
FROM WORKING CAPITAL TRUST FUND 16,448,980

245 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 769,272

246 EXPENSES
FROM WORKING CAPITAL TRUST FUND 4,616,483

247 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 74,011

248 SPECIAL CATEGORIES
COMPUTER RELATED EXPENSES
FROM WORKING CAPITAL TRUST FUND 64,896,604

249 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 92,347

TOTAL: INFORMATION TECHNOLOGY

FROM TRUST FUNDS 86,897,697

TOTAL POSITIONS 270.00
TOTAL ALL FUNDS 86,897,697

ASSISTANT SECRETARY FOR ADMINISTRATION

APPROVED SALARY RATE 9,827,734

250 SALARIES AND BENEFITS POSITIONS 214.50
FROM GENERAL REVENUE FUND 11,751,559
FROM ADMINISTRATIVE TRUST FUND 458,976
FROM FEDERAL GRANTS TRUST FUND 427,978
FROM WELFARE TRANSITION TRUST FUND 146,394

251 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 399,679
FROM ADMINISTRATIVE TRUST FUND 30,000
FROM FEDERAL GRANTS TRUST FUND 40,000

252 EXPENSES
FROM GENERAL REVENUE FUND 9,246,716
FROM ADMINISTRATIVE TRUST FUND 4,118,566
FROM FEDERAL GRANTS TRUST FUND 9,178,855
FROM WELFARE TRANSITION TRUST FUND 637,237

253 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,555
FROM ADMINISTRATIVE TRUST FUND 5,374

255 LUMP SUM
FLORIDA ON-LINE RECIPIENT INTEGRATED DATA

SECTION 3
SPECIFIC
APPROPRIATION

ACCESS (FLORIDA) SYSTEM
FROM GENERAL REVENUE FUND 578,281
FROM ADMINISTRATIVE TRUST FUND 209,568

256 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 221,574
FROM ADMINISTRATIVE TRUST FUND 151,106

257 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 71,470

258 SPECIAL CATEGORIES
STATE INSTITUTIONAL CLAIMS
FROM GENERAL REVENUE FUND 42,630

259 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,044,714
FROM ADMINISTRATIVE TRUST FUND 4,508,393

260 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 27,916,675
FROM ADMINISTRATIVE TRUST FUND 15,951,186
FROM FEDERAL GRANTS TRUST FUND 8,119,576
FROM WELFARE TRANSITION TRUST FUND 7,100,722
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 454,150

261 PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS
RELIEF/KIMBERLY GODWIN
FROM ADMINISTRATIVE TRUST FUND 760,000

TOTAL: ASSISTANT SECRETARY FOR ADMINISTRATION

FROM GENERAL REVENUE FUND 54,278,853
FROM TRUST FUNDS 52,298,081

TOTAL POSITIONS 214.50
TOTAL ALL FUNDS 106,576,934

DISTRICT ADMINISTRATION

APPROVED SALARY RATE 33,834,148

264 SALARIES AND BENEFITS POSITIONS 814.00
FROM GENERAL REVENUE FUND 18,130,355
FROM ADMINISTRATIVE TRUST FUND 27,542,374
FROM OPERATIONS AND MAINTENANCE TRUST FUND 606,770

265 EXPENSES
FROM GENERAL REVENUE FUND 4,092,974
FROM ADMINISTRATIVE TRUST FUND 1,388,954
FROM OPERATIONS AND MAINTENANCE TRUST FUND 93,246

266 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 4,791
FROM ADMINISTRATIVE TRUST FUND 125,242

267 SPECIAL CATEGORIES
FINGERPRINTING FOR DAY CARE EMPLOYEES
FROM GENERAL REVENUE FUND 135,513

268 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,641,967

SECTION 3
SPECIFIC
APPROPRIATION
TOTAL: DISTRICT ADMINISTRATION

FROM GENERAL REVENUE FUND 24,005,600
FROM TRUST FUNDS 29,756,586

TOTAL POSITIONS 814.00
TOTAL ALL FUNDS 53,762,186

SERVICES

PROGRAM: FAMILY SAFETY PROGRAM

CHILD CARE REGULATION AND INFORMATION

APPROVED SALARY RATE 4,212,637

269 SALARIES AND BENEFITS POSITIONS 109.50
FROM GENERAL REVENUE FUND 253,110
FROM FEDERAL GRANTS TRUST FUND 1,247,394
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 3,806,566

270 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 83,216
FROM FEDERAL GRANTS TRUST FUND 825,452

271 EXPENSES
FROM GENERAL REVENUE FUND 65,557
FROM FEDERAL GRANTS TRUST FUND 1,418,668

272 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD PROTECTION
FROM GENERAL REVENUE FUND 907,138
FROM FEDERAL GRANTS TRUST FUND 6,408,474
FROM OPERATIONS AND MAINTENANCE TRUST FUND 253,696

273 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 40,059

TOTAL: CHILD CARE REGULATION AND INFORMATION

FROM GENERAL REVENUE FUND 1,349,080
FROM TRUST FUNDS 13,960,250

TOTAL POSITIONS 109.50
TOTAL ALL FUNDS 15,309,330

ADULT PROTECTION

APPROVED SALARY RATE 20,694,954

274 SALARIES AND BENEFITS POSITIONS 604.50
FROM GENERAL REVENUE FUND 17,467,177
FROM DOMESTIC VIOLENCE TRUST FUND 213,133
FROM FEDERAL GRANTS TRUST FUND 4,892,383
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 3,795,666

275 EXPENSES
FROM GENERAL REVENUE FUND 2,341,973
FROM DOMESTIC VIOLENCE TRUST FUND 132,488
FROM FEDERAL GRANTS TRUST FUND 999,140
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 513,484

From the funds in Specific Appropriation 275, the Department of Children and Family Services is authorized to provide a vehicle insurance allowance in an amount not to exceed $900 annually to child protective investigators, family services counselors, adult protective investigators, and adult services counselors who are required to use their personal vehicle full time to provide direct client services.

SECTION 3 SPECIFIC APPROPRIATION			
276	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,768	
277	SPECIAL CATEGORIES		
	HOME CARE FOR DISABLED ADULTS		
	FROM GENERAL REVENUE FUND	2,219,860	
278	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS		
	FROM GENERAL REVENUE FUND	2,041,955	
279	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		13,354
280	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM		
	FROM GENERAL REVENUE FUND	1,335,000	
	FROM DOMESTIC VIOLENCE TRUST FUND		8,130,466
	FROM FEDERAL GRANTS TRUST FUND		9,751,998
	FROM WELFARE TRANSITION TRUST FUND		7,750,000
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,000,000
281	SPECIAL CATEGORIES		
	HOME AND COMMUNITY BASED SERVICES WAIVER		
	FROM GENERAL REVENUE FUND	3,210,173	
	FROM FEDERAL GRANTS TRUST FUND		5,091,918
282	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	415,634	
283	SPECIAL CATEGORIES		
	TEMPORARY EMERGENCY SHELTER SERVICES		
	FROM GENERAL REVENUE FUND	203,527	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		411,600
284	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	EMERGENCY SHELTER AND TRANSITIONAL HOUSING		
	FROM GENERAL REVENUE FUND	500,000	
TOTAL: ADULT PROTECTION			
	FROM GENERAL REVENUE FUND	29,737,067	
	FROM TRUST FUNDS		43,695,630
	TOTAL POSITIONS	604.50	
	TOTAL ALL FUNDS		73,432,697
CHILD ABUSE PREVENTION AND INTERVENTION			
285	OTHER PERSONAL SERVICES		
	FROM WELFARE TRANSITION TRUST FUND		83,999
286	EXPENSES		
	FROM WELFARE TRANSITION TRUST FUND		25,915
287	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE PREVENTION AND INTERVENTION		
	FROM GENERAL REVENUE FUND	16,400,000	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,794,625
	FROM FEDERAL GRANTS TRUST FUND		7,480,693
	FROM WELFARE TRANSITION TRUST FUND		18,129,328
288	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	665	

SECTION 3 SPECIFIC APPROPRIATION			
TOTAL: CHILD ABUSE PREVENTION AND INTERVENTION			
	FROM GENERAL REVENUE FUND	16,400,665	
	FROM TRUST FUNDS		27,514,560
	TOTAL ALL FUNDS		43,915,225
CHILD PROTECTION AND PERMANENCY			
	APPROVED SALARY RATE 121,431,962		
289	SALARIES AND BENEFITS POSITIONS	3,899.50	
	FROM GENERAL REVENUE FUND	73,286,424	
	FROM FEDERAL GRANTS TRUST FUND		13,117,421
	FROM WELFARE TRANSITION TRUST FUND		47,852,524
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		11,598,995
290	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,399,402	
	FROM FEDERAL GRANTS TRUST FUND		274,519
	FROM WELFARE TRANSITION TRUST FUND		76,072
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		17,159
291	EXPENSES		
	FROM GENERAL REVENUE FUND	16,180,263	
	FROM FEDERAL GRANTS TRUST FUND		6,131,853
	FROM WELFARE TRANSITION TRUST FUND		5,879,071
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,555,891

From the funds in Specific Appropriation 291, the Department of Children and Family Services is authorized to provide a vehicle insurance allowance in an amount not to exceed $900 annually to child protective investigators, family services counselors, adult protective investigators, and adult services counselors who are required to use their personal vehicles full time to provide direct client services.

292	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	23,903	
293	LUMP SUM		
	INSURANCE FUND FOR COMMUNITY BASED PROVIDERS OF CHILD WELFARE SERVICES		
	FROM FEDERAL GRANTS TRUST FUND		3,000,000
294	LUMP SUM		
	SHARED RISK FUND FOR COMMUNITY BASED PROVIDERS OF CHILD WELFARE SERVICES		
	FROM FEDERAL GRANTS TRUST FUND		7,500,000
295	SPECIAL CATEGORIES		
	GRANTS AND AIDS - GRANTS TO SHERIFFS FOR PROTECTIVE INVESTIGATIONS		
	FROM GENERAL REVENUE FUND	10,271,395	
	FROM TOBACCO SETTLEMENT TRUST FUND		7,523,631
	FROM WELFARE TRANSITION TRUST FUND		4,392,118
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		14,143,440

The funds in Specific Appropriation 295 shall be used by the Department of Children and Family Services to award grants to the sheriffs of Manatee, Pasco, Pinellas, Broward, and Seminole counties for the performance of child protective investigations as mandated in section 39.3065, Florida Statutes. The department shall provide the Sheriff of Hillsborough County a non-recurring start-up grant associated with the child protective investigation function. The appropriation shall be allocated as follows:

Manatee County Sheriff	3,619,941
Pasco County Sheriff	4,189,840
Pinellas County Sheriff	10,656,488

SECTION 3
SPECIFIC
APPROPRIATION

Broward County Sheriff	13,337,160
Seminole County Sheriff	3,527,155
Hillsborough County Sheriff	1,000,000

296 SPECIAL CATEGORIES
ADOPTION SERVICES AND SUBSIDY

FROM GENERAL REVENUE FUND	9,487,249	
FROM TOBACCO SETTLEMENT TRUST FUND		1,827,078
FROM FEDERAL GRANTS TRUST FUND		10,625,232
FROM WELFARE TRANSITION TRUST FUND		1,388,824

Funds in Specific Appropriation 296 shall not be used to increase subsidy payments during Fiscal Year 2005-2006.

297 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD PROTECTION

FROM GENERAL REVENUE FUND	12,141,414	
FROM TOBACCO SETTLEMENT TRUST FUND		13,553,031
FROM FEDERAL GRANTS TRUST FUND		26,067,474
FROM WELFARE TRANSITION TRUST FUND		4,559,313
FROM OPERATIONS AND MAINTENANCE TRUST FUND		499,944
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,621,366

Specific Appropriation 297 includes funds to continue the child welfare legal services contracts with the Attorney General's office and state attorneys.

From the funds in Specific Appropriation 297, $2,400,000 in Federal Grants Trust Fund shall be made available to Children's Home Society of Florida for the purpose of providing Title IV-E in-service and emergent needs training to community-based care providers responsible for the delivery of Title IV-E child welfare services. Before executing any contract, Children's Home Society of Florida must document that certified match for these funds is available from a local government entity or agency of instrumentality and that such funds have not been used as match for any other purpose. Adherence to federal cost allocation and reporting requirements is required to ensure the Title IV-E funds can be appropriately drawn.

In addition to any existing funding, the following projects from Specific Appropriation 297 are funded from non-recurring general revenue funds:

Howard Phillips Center for Children and Families - Orange, Osceola, Seminole	300,000
His House Children's Home - Miami-Dade	25,000

In addition to any existing funding, the following projects from Specific Appropriation 297 are funded from non-recurring Tobacco Settlement funds:

The Salvation Army - Children's Village - Hillsborough, Pinellas	100,000
Gulf Coast Children's Advocacy - Bay	500,000
One Church, One Child - Statewide	100,000
Children's Home Society's Capital Improvements - Baker, Clay, Duval, Nassau, St. Johns	200,000
Kids House of Seminole, Inc. Facility Expansion - Seminole	75,000

298 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	3,302,052	

299 SPECIAL CATEGORIES
GRANTS AND AIDS - FAMILY FOSTER CARE

FROM GENERAL REVENUE FUND	8,623,918	
FROM TOBACCO SETTLEMENT TRUST FUND		5,581,175
FROM FEDERAL GRANTS TRUST FUND		7,020,058
FROM WELFARE TRANSITION TRUST FUND		1,373,529
FROM OPERATIONS AND MAINTENANCE TRUST FUND		907,509
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,574,701

SECTION 3
SPECIFIC
APPROPRIATION

From the funds in Specific Appropriation 299, the Department of Children and Family Services is authorized to transfer up to $4 million from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children in Statewide Inpatient Psychiatric Program (SIPP) and Residential Group Care beds. The remaining funds shall be used to provide residential services to non-Medicaid eligible children.

300 SPECIAL CATEGORIES
GRANTS AND AIDS - RESIDENTIAL GROUP CARE

FROM GENERAL REVENUE FUND	1,978,205	
FROM TOBACCO SETTLEMENT TRUST FUND		2,778,422
FROM FEDERAL GRANTS TRUST FUND		2,164,760
FROM WELFARE TRANSITION TRUST FUND		435,688
FROM OPERATIONS AND MAINTENANCE TRUST FUND		513,286
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,520,636

301 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY SHELTER CARE

FROM GENERAL REVENUE FUND	1,177,329	
FROM TOBACCO SETTLEMENT TRUST FUND		1,241,575
FROM FEDERAL GRANTS TRUST FUND		3,481,212
FROM WELFARE TRANSITION TRUST FUND		1,161,729
FROM OPERATIONS AND MAINTENANCE TRUST FUND		545,489
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,261,178

302 SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIALIZED RESIDENTIAL GROUP CARE SERVICES

FROM GENERAL REVENUE FUND	18,752,394	
FROM FEDERAL GRANTS TRUST FUND		3,190,895
FROM WELFARE TRANSITION TRUST FUND		2,409,234

Specific Appropriation 302 includes funding for enhanced and model comprehensive residential group care services based on a statewide average rate of $120 per day per client.

303 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY BASED CARE FUNDS FOR PROVIDERS OF CHILD WELFARE SERVICES

FROM GENERAL REVENUE FUND	136,348,058	
FROM ADMINISTRATIVE TRUST FUND		1,861,503
FROM TOBACCO SETTLEMENT TRUST FUND		89,621,809
FROM FEDERAL GRANTS TRUST FUND		153,918,264
FROM WELFARE TRANSITION TRUST FUND		57,532,035
FROM OPERATIONS AND MAINTENANCE TRUST FUND		7,128,761
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		37,258,850

From the funds in Specific Appropriation 303, the sum of $10,500,000 is to be distributed to community-based care lead agencies and Department of Children and Family Services districts and regions to achieve improved equity with respect to the total foster care and related services funding. These funds shall be distributed to lead agencies, districts and regions receiving an amount below the statewide average budget per child to achieve a more equitable distribution of funds. Community-based care lead agencies and department districts and regions not meeting the criteria for receiving additional equity funds shall not receive additional funds from Specific Appropriation 303, but shall be held harmless from budget reductions.

TOTAL: CHILD PROTECTION AND PERMANENCY

FROM GENERAL REVENUE FUND	292,972,006	
FROM TRUST FUNDS		570,687,254
TOTAL POSITIONS	3,899.50	
TOTAL ALL FUNDS		863,659,260

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FLORIDA ABUSE HOTLINE

	APPROVED SALARY RATE	6,464,234		
304	SALARIES AND BENEFITS	POSITIONS	186.00	
	FROM GENERAL REVENUE FUND		549,430	
	FROM FEDERAL GRANTS TRUST FUND			201,226
	FROM WELFARE TRANSITION TRUST FUND			4,386,684
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			3,084,827
305	OTHER PERSONAL SERVICES			
	FROM WELFARE TRANSITION TRUST FUND			165,845
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			60,563
306	EXPENSES			
	FROM GENERAL REVENUE FUND		489,218	
	FROM WELFARE TRANSITION TRUST FUND			1,434,749
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			533,157
307	OPERATING CAPITAL OUTLAY			
	FROM FEDERAL GRANTS TRUST FUND			1,205
	FROM WELFARE TRANSITION TRUST FUND			14,749
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			10,974
308	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		35,788	
TOTAL: FLORIDA ABUSE HOTLINE				
	FROM GENERAL REVENUE FUND		1,074,436	
	FROM TRUST FUNDS			9,893,979
	TOTAL POSITIONS		186.00	
	TOTAL ALL FUNDS			10,968,415

PROGRAM MANAGEMENT AND COMPLIANCE

	APPROVED SALARY RATE	19,671,388		
309	SALARIES AND BENEFITS	POSITIONS	401.00	
	FROM GENERAL REVENUE FUND		13,965,003	
	FROM DOMESTIC VIOLENCE TRUST FUND			233,263
	FROM FEDERAL GRANTS TRUST FUND			3,657,685
	FROM WELFARE TRANSITION TRUST FUND			5,590,924
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			1,139,183
310	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		33,127	
	FROM FEDERAL GRANTS TRUST FUND			1,058,069
	FROM WELFARE TRANSITION TRUST FUND			358
311	EXPENSES			
	FROM GENERAL REVENUE FUND		4,377,911	
	FROM DOMESTIC VIOLENCE TRUST FUND			17,432
	FROM FEDERAL GRANTS TRUST FUND			2,569,456
	FROM WELFARE TRANSITION TRUST FUND			838,818
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND			570,684
312	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		3,051	
	FROM FEDERAL GRANTS TRUST FUND			11,250
313	SPECIAL CATEGORIES			
	GRANTS AND AIDS - CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND		19,000	
	FROM FEDERAL GRANTS TRUST FUND			19,000

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314	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD PROTECTION		
	FROM GENERAL REVENUE FUND	5,634,784	
	FROM CHILD WELFARE TRAINING TRUST FUND		4,000,000
	FROM FEDERAL GRANTS TRUST FUND		5,683,784
	FROM WELFARE TRANSITION TRUST FUND		1,798,771
315	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	3,776,953	
	FROM FEDERAL GRANTS TRUST FUND		133,130
TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE			
	FROM GENERAL REVENUE FUND	27,809,829	
	FROM TRUST FUNDS		27,321,807
	TOTAL POSITIONS	401.00	
	TOTAL ALL FUNDS		55,131,636

PROGRAM: MENTAL HEALTH PROGRAM

VIOLENT SEXUAL PREDATOR PROGRAM

	APPROVED SALARY RATE	721,875	
316	SALARIES AND BENEFITS	POSITIONS	13.00
	FROM GENERAL REVENUE FUND		877,662
317	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		81,814
318	EXPENSES		
	FROM GENERAL REVENUE FUND		320,004
319	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		1,345
321	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND		24,735,687
322	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		13,135
TOTAL: VIOLENT SEXUAL PREDATOR PROGRAM			
	FROM GENERAL REVENUE FUND		26,029,647
	TOTAL POSITIONS		13.00
	TOTAL ALL FUNDS		26,029,647

ADULT COMMUNITY MENTAL HEALTH SERVICES

323	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,335,544	
	FROM FEDERAL GRANTS TRUST FUND		306,211
	FROM WELFARE TRANSITION TRUST FUND		19,490
324	EXPENSES		
	FROM GENERAL REVENUE FUND	43,816	
	FROM WELFARE TRANSITION TRUST FUND		15,714
325	LUMP SUM		
	ADULTS WITH MENTAL ILLNESS		
	FROM GENERAL REVENUE FUND	6,400,000	

Funds in Specific Appropriation 325 shall be used to increase the capacity of adult and child crisis stabilization services to appropriately divert individuals with mental illness from civil and forensic state hospitals. Services to be provided from this funding include CSU beds and CSU bed equivalent services. Funds shall be targeted to districts with the highest level of unmet need.

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Funds in Specific Appropriation 325 shall not be released until the Department of Children and Family Services submits a plan for approval for the expenditure of these funds to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council, in accordance with the provisions of section 216.181(6)(a), Florida Statutes, and subject to legislative concurrence as set forth in section 216.177, Florida Statutes.

326 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 153,807,588
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 16,759,477
FROM TOBACCO SETTLEMENT TRUST FUND 15,964,419
FROM FEDERAL GRANTS TRUST FUND 13,044,373
FROM WELFARE TRANSITION TRUST FUND 7,658,585
FROM OPERATIONS AND MAINTENANCE TRUST FUND 450,000

In addition to any existing funding, the following projects from Specific Appropriation 326 are funded from non-recurring general revenue funds:

Camillus Life Center - Miami-Dade..... 200,000
Homeless Mental Health Project - Broward..... 425,000

In addition to any existing funding, the following projects from Specific Appropriation 326 are funded from non-recurring tobacco settlement funds:

Family Emergency Treatment Center - Sarasota..... 125,000
Ruth Cooper Center - Lee, Charlotte, Collier, Glades, Hendry 500,000
Community Crisis Response Team - Statewide..... 250,000
Crisis Stabilization and Support Services - Franklin,..... 500,000
Gadsden, Jefferson, Leon, Madison, Taylor, Wakulla
Regional Short - Term Residential Treatment - Alachua, ... 902,000
Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette Levy, Putnam, Suwannee, Union
Orange County Central Receiving Center - Orange 2,800,000
Fellowship House Residential Program Improvement - Miami Dade..... 200,000
Lifestream Short Term Residential Treatment Unit for DCF District 13 - Lake, Sumter 150,000
Coconut Grove Behavioral Health Services - Miami- Dade..... 200,000
Bay/Gulf Assertive Community Treatment Team - Bay..... 543,000
Charlotte Community Mental Health - Charlotte, Glades, Hendry, Lee..... 25,000
Lisa Merlin House - Orange, Osceola, Seminole..... 50,000
Wayne Densch Center - Orange..... 40,000
Family Emergency Treatment Center - Hillsborough..... 900,000

327 SPECIAL CATEGORIES
GRANTS AND AIDS - BAKER ACT SERVICES
FROM GENERAL REVENUE FUND 59,045,556
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,099,807

328 SPECIAL CATEGORIES
GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM
FROM GENERAL REVENUE FUND 6,780,276

329 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 354

TOTAL: ADULT COMMUNITY MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND 227,413,134
FROM TRUST FUNDS 55,318,076
TOTAL ALL FUNDS 282,731,210

CHILDREN'S MENTAL HEALTH SERVICES

330 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 933,849
FROM FEDERAL GRANTS TRUST FUND 278,795

331 EXPENSES
FROM GENERAL REVENUE FUND 25,091
FROM FEDERAL GRANTS TRUST FUND 10,476

332 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN'S MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 25,068,537
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 8,464,303
FROM TOBACCO SETTLEMENT TRUST FUND 812,772
FROM FEDERAL GRANTS TRUST FUND 7,633,869

In addition to any existing funding, the following projects from Specific Appropriation 332 are funded from non-recurring general revenue funds:

Children's Community Action Team (Cat Team) - Lee Manatee..... 912,500

This $912,500 from non-recurring general revenue funds is provided for a Children's Community Action Team (CAT TEAM) demonstration as an alternative to residential treatment for seriously emotional disturbed children. Through the CAT TEAMS, children ages 5-18 at risk of residential placement will receive intensive services from a team of psychiatrists, counselors, case-managers, and mentors who will be available seven days a week and twenty-four hours a day. The goal is to stabilize the mental illness so that they can continue to live in the community with their family. The demonstration project shall be established in Lee, and Manatee counties as an extension of current crisis stabilization units for children at a cost of $50 per day per child.

In addition to any existing funding, the following projects from Specific Appropriation 332 are funded from non-recurring tobacco settlement funds:

Kids Net Inc., - Baker, Clay..... 100,000
Mental Health Services for Indigent, Uninsurable Minority Children - Miami-Dade..... 100,000

333 SPECIAL CATEGORIES
THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 7,434,341
FROM FEDERAL GRANTS TRUST FUND 11,084,898

334 SPECIAL CATEGORIES
PURCHASE OF THERAPEUTIC SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 8,911,958
FROM FEDERAL GRANTS TRUST FUND 135,856

335 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 18,621,098

Specific Appropriation 335 includes an increase of $990,339 for twenty additional beds to reduce the wait list of seriously emotionally disturbed and mentally ill children and adolescents who meet the medical necessity criteria for mental health residential treatment services under the Statewide Inpatient Psychiatric Program (SIPP) waiver.

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The Department of Children and Family Services is authorized to transfer up to $16,244,374 million from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children in Statewide Inpatient Psychiatric Program (SIPP) and Residential Group Care beds. The remaining funds shall be used to provide residential services to non-Medicaid eligible children.

336	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILDREN'S BAKER ACT SERVICES		
	FROM GENERAL REVENUE FUND	11,456,600	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		725,193

In addition to any existing funding, the following projects from Specific Appropriation 336 are funded from non-recurring general revenue funds:

Children's Emergency Baker Act Services - Hernando, Pasco...	200,000

TOTAL: CHILDREN'S MENTAL HEALTH SERVICES

FROM GENERAL REVENUE FUND	72,451,474	
FROM TRUST FUNDS		29,146,162
TOTAL ALL FUNDS		101,597,636

PROGRAM MANAGEMENT AND COMPLIANCE

APPROVED SALARY RATE	5,509,074		
337 SALARIES AND BENEFITS	POSITIONS	112.00	
FROM GENERAL REVENUE FUND		6,272,127	
FROM ADMINISTRATIVE TRUST FUND			175,494
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND			286,241
FROM FEDERAL GRANTS TRUST FUND			200,761
338 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		139,357	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND			16,000
FROM FEDERAL GRANTS TRUST FUND			916,661

From the funds in Specific Appropriations 338, 339, 344, and 345, $250,000 is authorized to be spent to support the Florida Substance Abuse and Mental Health Corporation.

339	EXPENSES		
	FROM GENERAL REVENUE FUND	870,643	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		451,194
	FROM FEDERAL GRANTS TRUST FUND		300,746
340	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	458	
	FROM FEDERAL GRANTS TRUST FUND		13
341	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		6,500,000
	FROM FEDERAL GRANTS TRUST FUND		100,000
342	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,098,433	
342A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE CHARLEY - FEMA DECLARATION #1539 - STATE OPERATIONS		
	FROM FEDERAL GRANTS TRUST FUND		1,304,341

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342B	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE FRANCES - FEMA DECLARATION #1545 - STATE OPERATIONS		
	FROM FEDERAL GRANTS TRUST FUND		3,109,433
342C	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE IVAN - FEMA DECLARATION #1551 - STATE OPERATIONS		
	FROM FEDERAL GRANTS TRUST FUND		2,043,882

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	8,381,018	
FROM TRUST FUNDS		15,404,766
TOTAL POSITIONS	112.00	
TOTAL ALL FUNDS		23,785,784

PROGRAM: SUBSTANCE ABUSE PROGRAM

PROGRAM MANAGEMENT AND COMPLIANCE

APPROVED SALARY RATE	2,585,897		
343 SALARIES AND BENEFITS	POSITIONS	59.00	
FROM GENERAL REVENUE FUND		2,035,814	
FROM ADMINISTRATIVE TRUST FUND			133,120
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND			880,540
FROM FEDERAL GRANTS TRUST FUND			222,462
344 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		38,581	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND			505,845
FROM FEDERAL GRANTS TRUST FUND			311,577
345 EXPENSES			
FROM GENERAL REVENUE FUND		234,955	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND			319,438
FROM FEDERAL GRANTS TRUST FUND			151,435
346 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		239	
347 SPECIAL CATEGORIES			
GRANTS AND AIDS - CONTRACTED SERVICES			
FROM GENERAL REVENUE FUND		170,840	
FROM FEDERAL GRANTS TRUST FUND			2,963,776
348 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		34,341	

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	2,514,770	
FROM TRUST FUNDS		5,488,193
TOTAL POSITIONS	59.00	
TOTAL ALL FUNDS		8,002,963

CHILD SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

349	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	375,918	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		50,590

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FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		60,156
FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,221
350 EXPENSES		
FROM GENERAL REVENUE FUND	12,434	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		3,599
FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		4,284
FROM OPERATIONS AND MAINTENANCE TRUST FUND		106
351 SPECIAL CATEGORIES		
GRANTS AND AIDS - CHILDREN AND ADOLESCENT SUBSTANCE ABUSE SERVICES		
FROM GENERAL REVENUE FUND	28,878,593	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		31,004,814
FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		11,298,205
FROM TOBACCO SETTLEMENT TRUST FUND		3,660,907
FROM WELFARE TRANSITION TRUST FUND		640,000
FROM OPERATIONS AND MANIFESTATION TRUST FUND		85,673

In addition to any existing funding, the following projects from Specific Appropriation 351 are funded from non-recurring general revenue funds:

New Horizon's Children and Family Center - Miami-Dade	75,000
Mothers and Infants - Brevard, Indian River, St. Lucie	100,000

In addition to any existing funding, the following projects from Specific Appropriation 351 are funded from non-recurring tobacco settlement funds:

Parenting Wisely/Choices - Hillsborough	300,000
Drug Free Youth in Town - Miami-Dade	500,000

TOTAL: CHILD SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES		
FROM GENERAL REVENUE FUND	29,266,945	
FROM TRUST FUNDS		46,812,555
TOTAL ALL FUNDS		76,079,500

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

352 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	387,882	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		634,139
FROM OPERATIONS AND MAINTENANCE TRUST FUND		44,068
353 EXPENSES		
FROM GENERAL REVENUE FUND	18,476	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		25,636
FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,364
354 SPECIAL CATEGORIES		
GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES		
FROM GENERAL REVENUE FUND	26,798,600	
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		63,550,154
FROM CHILDREN AND ADOLESCENTS SUBSTANCE ABUSE TRUST FUND		581,386

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FROM TOBACCO SETTLEMENT TRUST FUND		6,241,766
FROM FEDERAL GRANTS TRUST FUND		6,023,802
FROM WELFARE TRANSITION TRUST FUND		14,097,500
FROM OPERATIONS AND MAINTENANCE TRUST FUND		243,998

In addition to any existing funding, the following projects from Specific Appropriation 354 are funded from non-recurring general revenue funds:

Alternative Therapies Program - Broward, Miami-Dade	50,000
Adult Addiction Detoxification Capacity Expansion - Charlotte, Glades, Hendry, Lee	40,000
Bridges of America's 25 Drug and Alcohol Beds for Women at the St. Petersburg Bridge - Pinellas	100,000
Davis-Bradley Family Substance Abuse Service Center - Pinellas	400,000

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES		
FROM GENERAL REVENUE FUND	27,204,958	
FROM TRUST FUNDS		91,444,813
TOTAL ALL FUNDS		118,649,771

PROGRAM: ECONOMIC SELF SUFFICIENCY PROGRAM

COMPREHENSIVE ELIGIBILITY SERVICES

APPROVED SALARY RATE	167,633,889	
355 SALARIES AND BENEFITS POSITIONS	6,135.50	
FROM GENERAL REVENUE FUND	107,814,527	
FROM FEDERAL GRANTS TRUST FUND		91,048,010
FROM GRANTS AND DONATIONS TRUST FUND		69,803
FROM WELFARE TRANSITION TRUST FUND		940,398
356 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	447,396	
FROM FEDERAL GRANTS TRUST FUND		372,287
FROM GRANTS AND DONATIONS TRUST FUND		33,600
FROM WELFARE TRANSITION TRUST FUND		34,498
357 EXPENSES		
FROM GENERAL REVENUE FUND	17,169,497	
FROM FEDERAL GRANTS TRUST FUND		13,267,167
FROM WELFARE TRANSITION TRUST FUND		1,409,810
358 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	347	
FROM FEDERAL GRANTS TRUST FUND		70,907
FROM WELFARE TRANSITION TRUST FUND		4,254
359 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	2,165,971	
FROM FEDERAL GRANTS TRUST FUND		1,235,424
FROM WELFARE TRANSITION TRUST FUND		382,799
360 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	822,608	
FROM FEDERAL GRANTS TRUST FUND		822,611

TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES		
FROM GENERAL REVENUE FUND	128,420,346	
FROM TRUST FUNDS		109,691,568
TOTAL POSITIONS	6,135.50	
TOTAL ALL FUNDS		238,111,914

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PROGRAM MANAGEMENT AND COMPLIANCE

	APPROVED SALARY RATE	7,495,018		
361	SALARIES AND BENEFITS	POSITIONS	155.00	
	FROM GENERAL REVENUE FUND		5,862,516	
	FROM FEDERAL GRANTS TRUST FUND			3,250,294
	FROM WELFARE TRANSITION TRUST FUND			563,765
362	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		112,105	
	FROM FEDERAL GRANTS TRUST FUND			88,350
	FROM WELFARE TRANSITION TRUST FUND			21,565
363	EXPENSES			
	FROM GENERAL REVENUE FUND		3,544,481	
	FROM FEDERAL GRANTS TRUST FUND			1,923,408
	FROM WELFARE TRANSITION TRUST FUND			642,158
364	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		1,047	
	FROM FEDERAL GRANTS TRUST FUND			9,817
	FROM WELFARE TRANSITION TRUST FUND			858
365	SPECIAL CATEGORIES			
	GRANTS AND AIDS - CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND		867,500	
	FROM FEDERAL GRANTS TRUST FUND			2,731,732
366	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		1,404,832	
	FROM FEDERAL GRANTS TRUST FUND			1,398,500
TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE				
	FROM GENERAL REVENUE FUND		11,792,481	
	FROM TRUST FUNDS			10,630,447
	TOTAL POSITIONS		155.00	
	TOTAL ALL FUNDS			22,422,928
FRAUD PREVENTION AND BENEFIT RECOVERY				
	APPROVED SALARY RATE	5,932,410		
367	SALARIES AND BENEFITS	POSITIONS	200.50	
	FROM GENERAL REVENUE FUND		2,480,331	
	FROM FEDERAL GRANTS TRUST FUND			3,116,210
	FROM WELFARE TRANSITION TRUST FUND			2,146,682
368	EXPENSES			
	FROM GENERAL REVENUE FUND		488,043	
	FROM FEDERAL GRANTS TRUST FUND			1,705,519
	FROM WELFARE TRANSITION TRUST FUND			576,485
369	SPECIAL CATEGORIES			
	PUBLIC ASSISTANCE FRAUD CONTRACT			
	FROM GENERAL REVENUE FUND		47,752	
	FROM FEDERAL GRANTS TRUST FUND			3,341,315
	FROM WELFARE TRANSITION TRUST FUND			1,106,437
370	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		32,081	
	FROM FEDERAL GRANTS TRUST FUND			32,085
TOTAL: FRAUD PREVENTION AND BENEFIT RECOVERY				
	FROM GENERAL REVENUE FUND		3,048,207	
	FROM TRUST FUNDS			12,024,733
	TOTAL POSITIONS		200.50	
	TOTAL ALL FUNDS			15,072,940

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SPECIAL ASSISTANCE PAYMENTS

	APPROVED SALARY RATE	187,508		
371	SALARIES AND BENEFITS	POSITIONS	3.00	
	FROM GENERAL REVENUE FUND		185,576	
	FROM FEDERAL GRANTS TRUST FUND			41,590
372	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		58,200	
	FROM GRANTS AND DONATIONS TRUST FUND			84,097
	FROM WELFARE TRANSITION TRUST FUND			84,095
373	EXPENSES			
	FROM GENERAL REVENUE FUND		217,225	
	FROM FEDERAL GRANTS TRUST FUND			42,525
	FROM GRANTS AND DONATIONS TRUST FUND			6,111
	FROM WELFARE TRANSITION TRUST FUND			6,111
374	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		202	
375	SPECIAL CATEGORIES			
	GRANTS AND AIDS - CHALLENGE GRANTS			
	FROM GENERAL REVENUE FUND		2,116,025	
376	SPECIAL CATEGORIES			
	GRANTS AND AIDS - FEDERAL EMERGENCY SHELTER GRANT PROGRAM			
	FROM GENERAL REVENUE FUND		1,185,990	
	FROM FEDERAL GRANTS TRUST FUND			3,034,474
	FROM GRANTS AND DONATIONS TRUST FUND			809,793
	FROM WELFARE TRANSITION TRUST FUND			809,793
377	SPECIAL CATEGORIES			
	GRANTS AND AIDS - HOMELESS HOUSING ASSISTANCE GRANTS			
	FROM GRANTS AND DONATIONS TRUST FUND			5,000,000
378	SPECIAL CATEGORIES			
	GRANTS AND AIDS - CONTRACTED SERVICES			
	FROM GENERAL REVENUE FUND		430,981	
	FROM TOBACCO SETTLEMENT TRUST FUND			250,000

In addition to any existing funding, the following projects from Specific Appropriation 378 are funded from non-recurring general revenue funds:

Florida Association of Food Banks - Broward	50,000

In addition to any existing funding, the following projects from Specific Appropriation 378 are funded from non-recurring tobacco settlement funds:

Interfaith Council for Community Improvement - Hillsborough.	100,000
Hillsborough County Community Voicemail	150,000

379	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		1,065	
380	FINANCIAL ASSISTANCE PAYMENTS			
	OPTIONAL STATE SUPPLEMENTATION PROGRAM			
	FROM GENERAL REVENUE FUND		26,533,020	
381	FINANCIAL ASSISTANCE PAYMENTS			
	PERSONAL CARE ALLOWANCE			
	FROM GENERAL REVENUE FUND		314,456	

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TOTAL: SPECIAL ASSISTANCE PAYMENTS

FROM GENERAL REVENUE FUND	31,042,740	
FROM TRUST FUNDS		10,168,589
TOTAL POSITIONS	3.00	
TOTAL ALL FUNDS		41,211,329

WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES)
AND EMPLOYMENT SUPPORTS

APPROVED SALARY RATE	315,800		
382 SALARIES AND BENEFITS	POSITIONS	8.00	
FROM FEDERAL GRANTS TRUST FUND			281,182
FROM WELFARE TRANSITION TRUST FUND			104,205
383 EXPENSES			
FROM FEDERAL GRANTS TRUST FUND			74,380
FROM WELFARE TRANSITION TRUST FUND			14,810
384 OPERATING CAPITAL OUTLAY			
FROM WELFARE TRANSITION TRUST FUND			3,865
385 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		3,168	
386 FINANCIAL ASSISTANCE PAYMENTS			
CASH ASSISTANCE			
FROM GENERAL REVENUE FUND		186,517,875	
FROM ADMINISTRATIVE TRUST FUND			44,020
FROM WELFARE TRANSITION TRUST FUND			32,104,504

TOTAL: WORK AND GAIN ECONOMIC SELF-SUFFICIENCY (WAGES)
AND EMPLOYMENT SUPPORTS

FROM GENERAL REVENUE FUND	186,521,043	
FROM TRUST FUNDS		32,626,966
TOTAL POSITIONS	8.00	
TOTAL ALL FUNDS		219,148,009

REFUGEES

APPROVED SALARY RATE	1,590,662		
387 SALARIES AND BENEFITS	POSITIONS	38.00	
FROM FEDERAL GRANTS TRUST FUND			1,960,873
388 OTHER PERSONAL SERVICES			
FROM FEDERAL GRANTS TRUST FUND			219,272
389 EXPENSES			
FROM FEDERAL GRANTS TRUST FUND			530,203
390 OPERATING CAPITAL OUTLAY			
FROM FEDERAL GRANTS TRUST FUND			22,125
391 SPECIAL CATEGORIES			
GRANTS AND AIDS - LOCAL SERVICES PROGRAM			
FROM GENERAL REVENUE FUND		100,000	
FROM FEDERAL GRANTS TRUST FUND			56,604,968

In addition to any existing funding, the following projects from Specific Appropriation 391 are funded from non-recurring general revenue funds:

Disadvantaged Immigrant Family Assistance Program - Miami Dade	100,000

392 SPECIAL CATEGORIES			
RISK MANAGEMENT INSURANCE			
FROM FEDERAL GRANTS TRUST FUND			12,839

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393 SPECIAL CATEGORIES			
SERVICES TO REPATRIATED AMERICANS			
FROM FEDERAL GRANTS TRUST FUND			40,380
394 FINANCIAL ASSISTANCE PAYMENTS			
REFUGEE/ENTRANT ASSISTANCE			
FROM FEDERAL GRANTS TRUST FUND			9,358,075

TOTAL: REFUGEES

FROM GENERAL REVENUE FUND	100,000	
FROM TRUST FUNDS		68,748,735
TOTAL POSITIONS	38.00	
TOTAL ALL FUNDS		68,848,735

PROGRAM: INSTITUTIONAL FACILITIES

ADULT MENTAL HEALTH TREATMENT FACILITIES

APPROVED SALARY RATE	144,899,297		

From the funds in Specific Appropriations 395 through 404, up to $24,287,090 shall be expended by the Department of Children and Family Services to contract for the operation and management of South Florida Evaluation and Treatment Center. The contract shall include the construction of a new facility, the location of which shall be subject to the department's approval. The annual cost of operating the facility and costs associated with maintenance and construction of a new facility may not exceed $24,287,090.

395 SALARIES AND BENEFITS	POSITIONS	4,270.50	
FROM GENERAL REVENUE FUND		108,598,420	
FROM ADMINISTRATIVE TRUST FUND			29,852,237
FROM FEDERAL GRANTS TRUST FUND			47,915,936
396 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		875,545	
397 EXPENSES			
FROM GENERAL REVENUE FUND		15,690,920	
FROM FEDERAL GRANTS TRUST FUND			939,295
FROM OPERATIONS AND MAINTENANCE TRUST FUND			392,316
398 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		198,985	
FROM FEDERAL GRANTS TRUST FUND			549,377
399 FOOD PRODUCTS			
FROM GENERAL REVENUE FUND		3,180,255	
400 SPECIAL CATEGORIES			
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES			
FROM GENERAL REVENUE FUND		32,879,760	
FROM FEDERAL GRANTS TRUST FUND			12,856,514

Specific Appropriation 400 includes $1,000,000 from the General Revenue Fund for rehabilitation and Baker Act beds for West Florida Community Care Center.

From the funds provided in Specific Appropriation 400, $31,644,815 in recurring funds, including $22,081,301 from the General Revenue Fund, and $9,563,514 from the Federal Grants Trust Fund are provided to the Department of Children and Family Services to fund the annual payments required by the management agreement with Atlantic Shores Healthcare, Inc. for the operation of South Florida State Hospital, and an additional $1,000,000 of recurring general revenue is provided to fund the annual cost of living adjustment for the management agreement. With the cost of living adjustment, the total recurring contract amount for Fiscal Year 2005-2006 is $32,644,815.

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From the funds in Specific Appropriation 400, $2,000,000 in non-recurring general revenue is provided to the Department of Children and Family Services for a one-time payment of unused annual and sick leave for eligible employees at the South Florida Evaluation and Treatment Center.

401	SPECIAL CATEGORIES		
	GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM		
	FROM GENERAL REVENUE FUND	2,146,394	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		20,330,318
402	SPECIAL CATEGORIES		
	PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	5,278,356	
	FROM FEDERAL GRANTS TRUST FUND		3,302,389
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		205,388
403	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	5,464,083	
404	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	90,969	
TOTAL: ADULT MENTAL HEALTH TREATMENT FACILITIES			
	FROM GENERAL REVENUE FUND	174,403,687	
	FROM TRUST FUNDS		116,343,770
	TOTAL POSITIONS	4,270.50	
	TOTAL ALL FUNDS		290,747,457

ELDER AFFAIRS, DEPARTMENT OF

PROGRAM: SERVICES TO ELDERS PROGRAM

COMPREHENSIVE ELIGIBILITY SERVICES

	APPROVED SALARY RATE 8,257,280		
405	SALARIES AND BENEFITS POSITIONS 236.00		
	FROM GENERAL REVENUE FUND	2,665,137	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		7,858,301
406	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	130,887	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		530,376
407	EXPENSES		
	FROM GENERAL REVENUE FUND	572,552	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,713,288
408	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	22,705	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		77,078
409	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	40,879	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		7,786
410	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	21,189	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		54,155
TOTAL: COMPREHENSIVE ELIGIBILITY SERVICES			
	FROM GENERAL REVENUE FUND	3,453,349	
	FROM TRUST FUNDS		10,240,984
	TOTAL POSITIONS	236.00	
	TOTAL ALL FUNDS		13,694,333

HOME AND COMMUNITY SERVICES

	APPROVED SALARY RATE 2,710,890		
411	SALARIES AND BENEFITS POSITIONS 58.50		
	FROM GENERAL REVENUE FUND	1,251,849	
	FROM FEDERAL GRANTS TRUST FUND		1,644,675
	FROM GRANTS AND DONATIONS TRUST FUND		12,753
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		632,289
412	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	171,543	
	FROM ADMINISTRATIVE TRUST FUND		55,000
	FROM FEDERAL GRANTS TRUST FUND		859,367
	FROM GRANTS AND DONATIONS TRUST FUND		10,360
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		158,635
413	EXPENSES		
	FROM GENERAL REVENUE FUND	536,723	
	FROM ADMINISTRATIVE TRUST FUND		61,180
	FROM FEDERAL GRANTS TRUST FUND		964,648
	FROM GRANTS AND DONATIONS TRUST FUND		259,777
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		401,313
414	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	15,400	
	FROM FEDERAL GRANTS TRUST FUND		5,000
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		10,400
415	SPECIAL CATEGORIES		
	AGING AND ADULT SERVICES TRAINING AND EDUCATION		
	FROM FEDERAL GRANTS TRUST FUND		119,493
416	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ALZHEIMER'S DISEASE PROJECTS/SERVICES		
	FROM GENERAL REVENUE FUND	6,232,571	
	FROM TOBACCO SETTLEMENT TRUST FUND		708,500

From the funds in Specific Appropriation 416, non-recurring Tobacco Settlement funds are provided for the following projects:

FGCU Center For Positive Aging (Charlotte)	50,000
Be Headsmart, Seniors! Brain Injury and Falls Prevention Project (Statewide)	25,000
Alzheimer's Services For Multi-Cultural Communities	75,000
Alzheimer's Mobile Services For Rural Areas, Minority and Under-Served Communities (Various)	100,000
Alzheimer's Services For Multi-Cultural Communities (Statewide)	333,500
Brain Bank (Dade)	25,000
Alzheimer's Dementia Day Care Center (St. Lucie)	100,000

417 SPECIAL CATEGORIES
GRANTS AND AIDS - ALZHEIMERS DISEASE

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RESPITE SERVICES
FROM GENERAL REVENUE FUND 7,651,454

418 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY
FROM GENERAL REVENUE FUND 40,877,657
FROM TOBACCO SETTLEMENT TRUST FUND 11,770,633
FROM FEDERAL GRANTS TRUST FUND 249,025
FROM OPERATIONS AND MAINTENANCE TRUST FUND 738,969

419 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM FEDERAL GRANTS TRUST FUND 1,384,367

420 SPECIAL CATEGORIES
GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM
FROM GENERAL REVENUE FUND 346,998
FROM FEDERAL GRANTS TRUST FUND 104,598,728

421 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,505,454
FROM ADMINISTRATIVE TRUST FUND 31,397
FROM FEDERAL GRANTS TRUST FUND 7,562,916
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,000,000

423 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 28,758,937
FROM TOBACCO SETTLEMENT TRUST FUND 8,000,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 51,810,826

From the funds in Specific Appropriation 423, $4,160,705 from the General Revenue Fund and $5,960,203 from the Operations and Maintenance Trust Fund are provided to increase the clients served in the Aged/Disabled Adult (ADA) Medicaid waiver.

424 SPECIAL CATEGORIES
ASSISTED LIVING FACILITY WAIVER
FROM GENERAL REVENUE FUND 8,133,693
FROM TOBACCO SETTLEMENT TRUST FUND 5,000,000
FROM FEDERAL GRANTS TRUST FUND 882,321
FROM OPERATIONS AND MAINTENANCE TRUST FUND 17,610,652

From the funds in Specific Appropriation 424, $527,982 from the General Revenue Fund and $756,333 from the Operations and Maintenance Trust Fund are provided to increase the clients served in the Assisted Living for the Frail Elderly (ALE) Medicaid waiver.

425 SPECIAL CATEGORIES
ALZHEIMER'S DEMENTIA SPECIFIC MEDICAID WAIVER
FROM GENERAL REVENUE FUND 2,069,832
FROM OPERATIONS AND MAINTENANCE TRUST FUND 2,968,977

426 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS
FROM GENERAL REVENUE FUND 7,608,784
FROM TOBACCO SETTLEMENT TRUST FUND 807,500

In addition to existing funding for recurring projects, the following projects from Specific Appropriation 426 are funded from non-recurring general revenue funds:

Marta Flores High Risk Nutritional Programs for the Elderly (Dade)..... 671,250
West Miami Community Center (Dade)..... 75,000

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Jewish Community Services - Miami Beach Senior Center(Dade). 170,391
Southwest Social Services (Dade)..... 605,000
Additional Congregate & Homebound Meals - Allapattah (Dade). 314,000
City of Sweetwater Elderly Activities Center (Dade)..... 450,000
Manolo Piniero Homebound Diabetes Services (Dade)..... 150,000
Hialeah Gardens Elderly (Dade)..... 50,000
Jewish Community Services - In-home Respite (Dade)..... 42,471
St. Ann's Nursing Center - Facility-based Respite (Dade).... 70,029
Neighborly Pharmacy Program (Pinellas)..... 90,000
DeHostas Senior Center Hot Meals Program (Dade)..... 75,000
Expanded Adult Day Care (PSAs 2, 3 and 5)..... 340,758
Michael Russell - Senior Wellness Program (Dade)..... 90,000
Howard C. Forman Affordable Senior Residences (Broward)..... 206,101
Little Havana Activities & Nutrition Centers Elderly Home Delivered Meals Program (Dade)..... 35,000
South Florida Naturally Occurring Retirement Communities (NORC) Demonstration Project (Dade, Broward, Palm Beach).. 900,000
North Miami Intergenerational Activity Center (Dade)..... 50,000
Bay County Council on Aging - Respite..... 217,350

In addition to existing funding for recurring projects, the following projects from Specific Appropriation 426 are funded from non-recurring tobacco settlement funds:

Southwest Focal Point Early Bird P.M. Nutrition Center (Broward)..... 25,000
Faith In Action (FIA) - Strong For Life (Pinellas)..... 7,500
Older Adult Planning Project (Bay, Hillsborough, Lee)..... 600,000
Feed The Elderly (Dade)..... 40,000
Little Havana Activities and Nutrition Centers - Respite Care (Dade)..... 10,000
Holocaust Survivors Assistance Program (Palm Beach)..... 100,000
Seymour Gelber Adult Day Care Program (Dade)..... 25,000

427 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 36,530
FROM FEDERAL GRANTS TRUST FUND 6,958

428 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 9,764
FROM ADMINISTRATIVE TRUST FUND 2,273
FROM FEDERAL GRANTS TRUST FUND 14,170
FROM OPERATIONS AND MAINTENANCE TRUST FUND 4,291

428A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIAL PROJECTS FOR THE ELDERLY
FROM GENERAL REVENUE FUND 300,000
FROM TOBACCO SETTLEMENT TRUST FUND 25,000

From the funds in Specific Appropriation 428A, non-recurring General Revenue funds are provided for the following projects:
Lifestyle Enrichment Center (Columbia)..... 50,000
Lauderdale Lakes Alzheimer Day Care (Broward)..... 250,000

From the funds in Specific Appropriation 428A, non-recurring Tobacco Settlement funds are provided for the following project:

Madison County Senior Services..... 25,000

TOTAL: HOME AND COMMUNITY SERVICES
FROM GENERAL REVENUE FUND 106,507,189
FROM TRUST FUNDS 234,372,393

TOTAL POSITIONS 58.50
TOTAL ALL FUNDS 340,879,582

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EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 3,520,862

429 SALARIES AND BENEFITS POSITIONS 76.50
FROM GENERAL REVENUE FUND 1,832,800
FROM FEDERAL GRANTS TRUST FUND 2,418,795
FROM OPERATIONS AND MAINTENANCE TRUST FUND 534,897

430 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 98,686
FROM FEDERAL GRANTS TRUST FUND 496,478
FROM OPERATIONS AND MAINTENANCE TRUST FUND 62,700

431 EXPENSES
FROM GENERAL REVENUE FUND 438,953
FROM ADMINISTRATIVE TRUST FUND 33,329
FROM FEDERAL GRANTS TRUST FUND 1,994,825
FROM OPERATIONS AND MAINTENANCE TRUST FUND 5,141

432 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 171,000
FROM FEDERAL GRANTS TRUST FUND 2,000

434 SPECIAL CATEGORIES
LAWTON CHILES ENDOWMENT FUND PROGRAMS
FROM TOBACCO SETTLEMENT TRUST FUND 25,000

435 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 45,154
FROM FEDERAL GRANTS TRUST FUND 7,968

436 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 12,730
FROM FEDERAL GRANTS TRUST FUND 15,008
FROM OPERATIONS AND MAINTENANCE TRUST FUND 715

437 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM OPERATIONS AND MAINTENANCE TRUST FUND 5,288

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,599,323
FROM TRUST FUNDS 5,602,144

TOTAL POSITIONS 76.50
TOTAL ALL FUNDS 8,201,467

CONSUMER ADVOCATE SERVICES

APPROVED SALARY RATE 780,885

438 SALARIES AND BENEFITS POSITIONS 20.50
FROM GENERAL REVENUE FUND 499,080
FROM FEDERAL GRANTS TRUST FUND 495,960

439 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 100
FROM FEDERAL GRANTS TRUST FUND 500,000

440 EXPENSES
FROM GENERAL REVENUE FUND 206,737
FROM ADMINISTRATIVE TRUST FUND 154,816
FROM FEDERAL GRANTS TRUST FUND 860

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441 SPECIAL CATEGORIES
PUBLIC GUARDIANSHIP CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,882,527

From the funds in Specific Appropriation 441, the Department of Elderly Affairs shall coordinate with local governments and the courts to explore options for the funding of public guardianship. The department shall report their findings to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council by January 31, 2006.

442 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,783
FROM FEDERAL GRANTS TRUST FUND 925

443 SPECIAL CATEGORIES
LONG TERM CARE OMBUDSMAN COUNCIL
FROM GENERAL REVENUE FUND 981,985
FROM FEDERAL GRANTS TRUST FUND 300,000

444 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 9,317
FROM FEDERAL GRANTS TRUST FUND 4,282

TOTAL: CONSUMER ADVOCATE SERVICES
FROM GENERAL REVENUE FUND 3,585,529
FROM TRUST FUNDS 1,456,843

TOTAL POSITIONS 20.50
TOTAL ALL FUNDS 5,042,372

HEALTH, DEPARTMENT OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT

ADMINISTRATIVE SUPPORT

APPROVED SALARY RATE 12,580,582

445 SALARIES AND BENEFITS POSITIONS 292.50
FROM GENERAL REVENUE FUND 4,096,357
FROM ADMINISTRATIVE TRUST FUND 10,887,922
FROM FEDERAL GRANTS TRUST FUND 1,044,242
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 56,987

446 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 406,013
FROM ADMINISTRATIVE TRUST FUND 88,963
FROM FEDERAL GRANTS TRUST FUND 139,680
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 10,557

447 EXPENSES
FROM GENERAL REVENUE FUND 3,467,586
FROM ADMINISTRATIVE TRUST FUND 2,831,052
FROM FEDERAL GRANTS TRUST FUND 561,746
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 62,097

448 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 194,870
FROM FEDERAL GRANTS TRUST FUND 31,500

449 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 50,936

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450 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 214,971

451 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 107,533
FROM ADMINISTRATIVE TRUST FUND 33,470
FROM FEDERAL GRANTS TRUST FUND 8,662
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 2,283

452 FIXED CAPITAL OUTLAY
HEALTH SERVICES SPACE NEEDS / STATEWIDE
FROM ADMINISTRATIVE TRUST FUND 800,000

TOTAL: ADMINISTRATIVE SUPPORT
FROM GENERAL REVENUE FUND 8,487,330
FROM TRUST FUNDS 16,610,097

TOTAL POSITIONS 292.50
TOTAL ALL FUNDS 25,097,427

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 4,032,288

453 SALARIES AND BENEFITS POSITIONS 86.00
FROM GENERAL REVENUE FUND 2,191,412
FROM ADMINISTRATIVE TRUST FUND 2,482,930
FROM FEDERAL GRANTS TRUST FUND 128,755

454 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 55,000
FROM ADMINISTRATIVE TRUST FUND 231,000
FROM FEDERAL GRANTS TRUST FUND 15,000

455 EXPENSES
FROM GENERAL REVENUE FUND 9,837,752
FROM ADMINISTRATIVE TRUST FUND 6,834,568
FROM FEDERAL GRANTS TRUST FUND 15,000

456 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 380,000
FROM FEDERAL GRANTS TRUST FUND 3,500

457 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 50,000

458 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,234

459 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 13,609
FROM ADMINISTRATIVE TRUST FUND 16,974
FROM FEDERAL GRANTS TRUST FUND 586

460 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM ADMINISTRATIVE TRUST FUND 3,801,305

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 12,111,007
FROM TRUST FUNDS 13,959,618

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TOTAL POSITIONS 86.00
TOTAL ALL FUNDS 26,070,625

PROGRAM: COMMUNITY PUBLIC HEALTH

FAMILY HEALTH OUTPATIENT AND NUTRITION SERVICES

APPROVED SALARY RATE 5,850,627

461 SALARIES AND BENEFITS POSITIONS 136.00
FROM GENERAL REVENUE FUND 1,800,806
FROM ADMINISTRATIVE TRUST FUND 155
FROM EPILEPSY SERVICES TRUST FUND 57,479
FROM FEDERAL GRANTS TRUST FUND 4,698,632
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,501
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 118,775
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 673,856

462 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 57,592
FROM FEDERAL GRANTS TRUST FUND 210,028
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 132,326
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 93,482

463 EXPENSES
FROM GENERAL REVENUE FUND 625,305
FROM ADMINISTRATIVE TRUST FUND 3,222
FROM EPILEPSY SERVICES TRUST FUND 30,508
FROM FEDERAL GRANTS TRUST FUND 1,908,673
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,273
FROM WELFARE TRANSITION TRUST FUND 750,000
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 12,102
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 1,464,792

464 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FAMILY PLANNING SERVICES
FROM GENERAL REVENUE FUND 5,631,269
FROM FEDERAL GRANTS TRUST FUND 1,094,283

465 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EPILEPSY SERVICES
FROM GENERAL REVENUE FUND 2,588,870
FROM EPILEPSY SERVICES TRUST FUND 150,000

466 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EPILEPSY PREVENTION AND EDUCATION ACTIVITIES
FROM EPILEPSY SERVICES TRUST FUND 1,340,000

467 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS
FROM FEDERAL GRANTS TRUST FUND 104,423,591

468 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 5,538,446

469 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PRIMARY CARE PROGRAM
FROM GENERAL REVENUE FUND 23,027,692

470 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLUORIDATION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 366,747

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471 AID TO LOCAL GOVERNMENTS
IMPROVED PREGNANCY OUTCOME PROGRAM
FROM GENERAL REVENUE FUND 28,011,904
FROM FEDERAL GRANTS TRUST FUND 17,000,000
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 2,239,146

From the funds in Specific Appropriation 471, $1.5 million in general revenue funds shall be used to fund statewide abstinence programs.

472 AID TO LOCAL GOVERNMENTS
MATERNAL AND CHILD HEALTH SERVICES
FROM GENERAL REVENUE FUND 901,969
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 4,500,265

473 AID TO LOCAL GOVERNMENTS
SCHOOL HEALTH SERVICES
FROM GENERAL REVENUE FUND 4,368,956
FROM TOBACCO SETTLEMENT TRUST FUND 9,902,925
FROM FEDERAL GRANTS TRUST FUND 7,000,000

From Specific Appropriation 473, funds are provided from the Federal Grants Trust Fund for school health services using Title XXI federal funding.

474 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND 22,000

475 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIMARY CARE CHALLENGE GRANT WAIVER
FROM GENERAL REVENUE FUND 309,300

476 SPECIAL CATEGORIES
GRANTS AND AIDS - OUNCE OF PREVENTION
FROM GENERAL REVENUE FUND 928,412
FROM WELFARE TRANSITION TRUST FUND 2,071,588

477 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 8,012,500
FROM ADMINISTRATIVE TRUST FUND 100,000
FROM RAPE CRISIS PROGRAM TRUST FUND . . . 917,000
FROM TOBACCO SETTLEMENT TRUST FUND 555,000
FROM FEDERAL GRANTS TRUST FUND 5,884,999
FROM WELFARE TRANSITION TRUST FUND 2,250,000
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 902,849

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring tobacco trust funds in Specific Appropriation 477:

Florida Council Against Sexual Violence for Distribution to Certified Rape Crisis Centers (Statewide)..... 250,000
Cervical Cancer Elimination Task Force (Statewide)..... 30,000
VisionQuest (Statewide)..... 200,000
Crohns and Colitis Study (Statewide)..... 75,000

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 477:

University of Florida, Cystic Fibrosis Program - Statewide.. 100,000
Enhancing Education Through Alachua Southwest Social Services - Alachua..... 150,000
Sickle Cell Disease Screening - Volusia..... 12,500
Community Health Advocacy - Hillsborough..... 50,000
Greenwood Community Health Resource Center - Pinellas..... 50,000
Primary Care Initiative - Dade..... 200,000
UM Breast Cancer Research - Dade..... 5,000,000

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478 SPECIAL CATEGORIES
GRANTS AND AIDS - HEALTHY START COALITIONS
FROM GENERAL REVENUE FUND 3,014,217
FROM FEDERAL GRANTS TRUST FUND 2,388,004

479 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 12,686

480 SPECIAL CATEGORIES
FULL SERVICE SCHOOLS - INTERAGENCY COOPERATION
FROM TOBACCO SETTLEMENT TRUST FUND 8,500,000

From the funds provided in Specific Appropriation 480, the Department of Health shall limit administrative costs to no more than 5 percent.

481 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 40,666

482 SPECIAL CATEGORIES
WOMEN, INFANTS AND CHILDREN (WIC)
FROM FEDERAL GRANTS TRUST FUND 236,212,190

483 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 16,341
FROM ADMINISTRATIVE TRUST FUND 1,156
FROM FEDERAL GRANTS TRUST FUND 34,969
FROM GRANTS AND DONATIONS TRUST FUND . . . 23
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 5,087

TOTAL: FAMILY HEALTH OUTPATIENT AND NUTRITION SERVICES
FROM GENERAL REVENUE FUND 84,874,245
FROM TRUST FUNDS 418,036,312

TOTAL POSITIONS 136.00
TOTAL ALL FUNDS 502,910,557

INFECTIOUS DISEASE CONTROL

APPROVED SALARY RATE 13,758,188

484 SALARIES AND BENEFITS POSITIONS 374.00
FROM GENERAL REVENUE FUND 5,955,682
FROM FEDERAL GRANTS TRUST FUND 7,794,604
FROM OPERATIONS AND MAINTENANCE TRUST FUND 4,007,057
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 165,097

485 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 54,696
FROM FEDERAL GRANTS TRUST FUND 596,922
FROM OPERATIONS AND MAINTENANCE TRUST FUND 57,211

486 EXPENSES
FROM GENERAL REVENUE FUND 3,822,145
FROM FEDERAL GRANTS TRUST FUND 11,445,395
FROM GRANTS AND DONATIONS TRUST FUND . . . 185,537
FROM OPERATIONS AND MAINTENANCE TRUST FUND 800,778
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 207,260

487 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - AIDS PATIENT CARE

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FROM GENERAL REVENUE FUND	12,728,792	
FROM FEDERAL GRANTS TRUST FUND		7,133,137

488 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - RYAN WHITE CONSORTIA
FROM FEDERAL GRANTS TRUST FUND 20,754,358

Funds in Specific Appropriation 488 from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for the federal Ryan White grant award. The Department of Health and the Department of Corrections shall collaborate in determining the amount of general revenue funds expended by the Department of Corrections for AIDS-related activities and services that qualify as state matching funds for the Ryan White grant.

489 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STATEWIDE ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORKS
FROM GENERAL REVENUE FUND 11,122,458

490 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS

FROM GENERAL REVENUE FUND	14,555,795	
FROM TOBACCO SETTLEMENT TRUST FUND		2,601,849

492 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	38,295	
FROM FEDERAL GRANTS TRUST FUND		178,326

493 FOOD PRODUCTS

FROM GENERAL REVENUE FUND	92,548	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		431,313

494 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM OPERATIONS AND MAINTENANCE TRUST FUND 136,156

495 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	1,333,673	
FROM FEDERAL GRANTS TRUST FUND		8,971,599
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		7,658

In addition to the recurring projects funded in the base budget, the following project is funded from non-recurring general revenue funds in Specific Appropriation 495:

Polk County AIDS Initiative..... 350,000

496 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 259,540

497 SPECIAL CATEGORIES
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) INSURANCE CONTINUATION PROGRAM

FROM GENERAL REVENUE FUND	3,494,685	
FROM FEDERAL GRANTS TRUST FUND		4,891,498

498 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 199,751

499 SPECIAL CATEGORIES
HOSPITAL REIMBURSEMENT
FROM GENERAL REVENUE FUND 452,801

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500 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 158,258

501 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 230,406

502 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	45,829	
FROM FEDERAL GRANTS TRUST FUND		60,924
FROM OPERATIONS AND MAINTENANCE TRUST FUND		33,845
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		1,286

503 SPECIAL CATEGORIES
OUTREACH FOR PREGNANT WOMEN
FROM GENERAL REVENUE FUND 500,000

TOTAL: INFECTIOUS DISEASE CONTROL

FROM GENERAL REVENUE FUND	54,845,603	
FROM TRUST FUNDS		70,661,561
TOTAL POSITIONS	374.00	
TOTAL ALL FUNDS		125,507,164

ENVIRONMENTAL HEALTH SERVICES

APPROVED SALARY RATE 8,420,072

504 SALARIES AND BENEFITS POSITIONS	200.50	
FROM GENERAL REVENUE FUND	1,708,091	
FROM ADMINISTRATIVE TRUST FUND		3,032,703
FROM FEDERAL GRANTS TRUST FUND		608,214
FROM GRANTS AND DONATIONS TRUST FUND . . .		186,793
FROM RADIATION PROTECTION TRUST FUND . . .		5,477,375
505 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	2,464	
FROM ADMINISTRATIVE TRUST FUND		71,060
FROM FEDERAL GRANTS TRUST FUND		131,791
FROM GRANTS AND DONATIONS TRUST FUND . . .		130,415
FROM RADIATION PROTECTION TRUST FUND . . .		33,393
506 EXPENSES		
FROM GENERAL REVENUE FUND	1,003,305	
FROM ADMINISTRATIVE TRUST FUND		1,306,569
FROM FEDERAL GRANTS TRUST FUND		837,407
FROM GRANTS AND DONATIONS TRUST FUND . . .		252,712
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		13,608
FROM RADIATION PROTECTION TRUST FUND . . .		1,815,962
507 AID TO LOCAL GOVERNMENTS		
CONTRIBUTION TO COUNTY HEALTH UNITS		
FROM GENERAL REVENUE FUND	4,179,722	
FROM ADMINISTRATIVE TRUST FUND		1,722,436
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,004,571
508 OPERATING CAPITAL OUTLAY		
FROM FEDERAL GRANTS TRUST FUND		8,248
FROM RADIATION PROTECTION TRUST FUND . . .		56,997
509 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM RADIATION PROTECTION TRUST FUND . . .		210,856

510 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

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FROM GENERAL REVENUE FUND	276,909	
FROM RADIATION PROTECTION TRUST FUND . . .		14,575
511 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	11,434	
FROM ADMINISTRATIVE TRUST FUND		19,807
FROM FEDERAL GRANTS TRUST FUND		3,891
FROM GRANTS AND DONATIONS TRUST FUND . . .		1,300
FROM RADIATION PROTECTION TRUST FUND . . .		42,169
512 SPECIAL CATEGORIES		
STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT		
FROM ADMINISTRATIVE TRUST FUND		434,775
TOTAL: ENVIRONMENTAL HEALTH SERVICES		
FROM GENERAL REVENUE FUND	7,181,925	
FROM TRUST FUNDS		17,417,627
TOTAL POSITIONS	200.50	
TOTAL ALL FUNDS		24,599,552

COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS

513 SALARIES AND BENEFITS		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		472,826,878
514 OTHER PERSONAL SERVICES		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		29,625,992
515 EXPENSES		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		139,964,080
516 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - FAMILY PLANNING SERVICES		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		2,200,000
517 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - AIDS PATIENT CARE		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		3,179,664
518 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - CONSTRUCTION AND RENOVATION OF COUNTY HEALTH UNIT FACILITIES		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		7,533,960

The funds from Specific Appropriation 518 provides a grant-in-aid of $250,000 from the County Health Department Trust Fund to Jefferson County for the purpose of purchasing the Tallahassee Memorial Hospital medical facility for expansion of the Jefferson County Health Department.

519 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - MINORITY HEALTH INITIATIVES		
FROM GENERAL REVENUE FUND	5,602,500	
520 AID TO LOCAL GOVERNMENTS		
CONTRIBUTION TO COUNTY HEALTH UNITS		
FROM GENERAL REVENUE FUND	157,205,015	
FROM TOBACCO SETTLEMENT TRUST FUND		4,000,000
521 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - PRIMARY CARE PROGRAM		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		11,548,687
522 AID TO LOCAL GOVERNMENTS		
COMMUNITY HEALTH INITIATIVES		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		500,000

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523 OPERATING CAPITAL OUTLAY		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		8,347,493
524 SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		445,800
525 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	4,165,600	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		27,500

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 525:

Graduate Medical Education - Sun Coast Hospital - Dade.....	575,000
Caridad Health Clinic - Palm Beach	100,000
Iset Cell Transplantation - Broward	400,000

526 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		3,605,173
526A SPECIAL CATEGORIES		
GRANTS AND AIDS - PEPIN HEART INSITUTE UNIVERSITY COMMUNITY HOSPITAL - HILLSBOROUGH		
FROM GENERAL REVENUE FUND	2,000,000	
527 FIXED CAPITAL OUTLAY		
CONSTRUCTION, RENOVATION, AND EQUIPMENT - COUNTY HEALTH DEPARTMENTS		
FROM GENERAL REVENUE FUND	9,000,000	
FROM COUNTY HEALTH DEPARTMENT TRUST FUND .		13,100,000

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 527:

Jackson County Health Department.....	500,000
Gulf County Health Department.....	500,000
Brevard County Health Department.....	3,000,000
Charlotte County Health Department.....	5,000,000

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring county health department trust funds in Specific Appropriation 527:

Gulf County Health Department.....	100,000
Manatee County Health Department.....	3,000,000
Brevard County Health Department.....	5,000,000
Walton County Health Department.....	5,000,000

527A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
FAMILY HEALTH FACILITIES		
FROM GENERAL REVENUE FUND	2,550,000	
FROM TOBACCO SETTLEMENT TRUST FUND		1,050,000

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 527A:

Tampa Health Center - Hillsborough.....	1,800,000
Zellwood Health Center - Orange.....	250,000
Miami Children's Hospital Pediatric Brain Tumor Institute - Dade.....	500,000

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring tobacco trust funds in Specific Appropriation 527A:

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Madison County Memorial Health Scan Renovation.....		25,000
Madison County Memorial Health Radiographic Room.....		25,000
Dover Health Center - Hillsborough.....		1,000,000
TOTAL: COUNTY HEALTH DEPARTMENTS LOCAL HEALTH NEEDS		
FROM GENERAL REVENUE FUND	180,523,115	
FROM TRUST FUNDS		697,955,227
TOTAL ALL FUNDS		878,478,342

STATEWIDE PUBLIC HEALTH SUPPORT SERVICES

APPROVED SALARY RATE 21,361,466

528	SALARIES AND BENEFITS POSITIONS	607.50	
	FROM GENERAL REVENUE FUND	10,392,333	
	FROM ADMINISTRATIVE TRUST FUND		387,315
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		1,419,080
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		2,566,720
	FROM FEDERAL GRANTS TRUST FUND		3,870,118
	FROM GRANTS AND DONATIONS TRUST FUND . . .		211,628
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		135,463
	FROM PLANNING AND EVALUATION TRUST FUND .		8,808,274
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		242,396
529	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,281	
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		6,704
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		149,583
	FROM FEDERAL GRANTS TRUST FUND		214,561
	FROM PLANNING AND EVALUATION TRUST FUND .		358,244
530	EXPENSES		
	FROM GENERAL REVENUE FUND	2,679,726	
	FROM ADMINISTRATIVE TRUST FUND		439,541
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		444,550
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,448,423
	FROM FEDERAL GRANTS TRUST FUND		5,116,517
	FROM FLORIDA CENTER FOR NURSING		42,506
	FROM GRANTS AND DONATIONS TRUST FUND . . .		233,414
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		57,365
	FROM PLANNING AND EVALUATION TRUST FUND .		10,934,419
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		32,800

From the funds in Specific Appropriation 530, $250,000 from the General Revenue Fund shall be used to support the Statewide Council on Deafness.

530A	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS	
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	6,461,675
530B	AID TO LOCAL GOVERNMENTS	
	GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS	
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	4,681,461
531	OPERATING CAPITAL OUTLAY	
	FROM GENERAL REVENUE FUND	180,000
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	1,932
	FROM FEDERAL GRANTS TRUST FUND	383,366
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND	6,000
	FROM PLANNING AND EVALUATION TRUST FUND .	128,302
532	SPECIAL CATEGORIES	
	ACQUISITION OF MOTOR VEHICLES	
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND	82,500
	FROM PLANNING AND EVALUATION TRUST FUND .	14,500
533	SPECIAL CATEGORIES	
	GRANTS AND AIDS - STRENGTHENING DOMESTIC SECURITY - BIOTERRORISM ENHANCEMENTS - HEALTH AND HOSPITALS	
	FROM FEDERAL GRANTS TRUST FUND	45,876,670
534	SPECIAL CATEGORIES	
	GRANTS AND AIDS - CONTRACTED SERVICES	
	FROM GENERAL REVENUE FUND	250,000
535	SPECIAL CATEGORIES	
	DRUGS, VACCINES AND OTHER BIOLOGICALS	
	FROM GENERAL REVENUE FUND	12,587,228
	FROM TOBACCO SETTLEMENT TRUST FUND	11,702,062
	FROM FEDERAL GRANTS TRUST FUND	91,631,606

Funds in Specific Appropriation 535 from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for the federal Ryan White grant award. The Department of Health and the Department of Corrections shall collaborate in determining the amount of state general revenue funds expended by the Department of Corrections for AIDS-related activities and services that qualify as state matching funds for the Ryan White grant.

536	SPECIAL CATEGORIES	
	JAMES AND ESTHER KING BIOMEDICAL RESEARCH PROGRAM	
	FROM BIOMEDICAL RESEARCH TRUST FUND . . .	10,100,000

From the funds in Specific Appropriation 536, up to $50,000 may be used for collaborative biomedical research projects within the state's historically black colleges and universities.

537	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM GENERAL REVENUE FUND	8,249,870
538	SPECIAL CATEGORIES	
	GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS	
	FROM FEDERAL GRANTS TRUST FUND	1,000,000
538A	SPECIAL CATEGORIES	
	GRANTS AND AIDS - TRAUMA CARE	
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	93,747
539	SPECIAL CATEGORIES	
	GRANTS AND AID - NURSING STUDENT LOAN REIMBURSEMENT/ SCHOLARSHIPS	
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND	3,150,194
540	SPECIAL CATEGORIES	
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT	
	FROM GENERAL REVENUE FUND	81,986
	FROM ADMINISTRATIVE TRUST FUND	3,389
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND	9,206

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	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		21,075
	FROM FEDERAL GRANTS TRUST FUND		7,818
	FROM GRANTS AND DONATIONS TRUST FUND		1,476
	FROM NURSING STUDENT LOAN FORGIVENESS TRUST FUND		1,137
	FROM PLANNING AND EVALUATION TRUST FUND		72,376
541	FIXED CAPITAL OUTLAY		
	HEALTH FACILITIES REPAIR AND MAINTENANCE - STATEWIDE		
	FROM GENERAL REVENUE FUND	2,016,337	
542	FIXED CAPITAL OUTLAY		
	HEALTH SERVICES SPACE NEEDS / STATEWIDE		
	FROM PLANNING AND EVALUATION TRUST FUND		503,800

In addition to the recurring projects funded in the base budget, the following project is funded from non-recurring planning and evaluation trust funds in Specific Appropriation 542:

Jacksonville Lab Warehouse - Duval..... 503,800

TOTAL:	STATEWIDE PUBLIC HEALTH SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	36,445,761	
	FROM TRUST FUNDS		213,053,913
	TOTAL POSITIONS	607.50	
	TOTAL ALL FUNDS		249,499,674

PROGRAM: CHILDREN'S MEDICAL SERVICES

CHILDREN'S SPECIAL HEALTH CARE

	APPROVED SALARY RATE 28,325,059		
543	SALARIES AND BENEFITS POSITIONS	751.00	
	FROM GENERAL REVENUE FUND	18,385,554	
	FROM DONATIONS TRUST FUND		12,545,370
	FROM FEDERAL GRANTS TRUST FUND		4,843,334
544	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,004,361	
	FROM DONATIONS TRUST FUND		89,063
	FROM FEDERAL GRANTS TRUST FUND		388,687
545	EXPENSES		
	FROM GENERAL REVENUE FUND	3,320,885	
	FROM DONATIONS TRUST FUND		3,071,714
	FROM FEDERAL GRANTS TRUST FUND		4,020,704
546	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	46,970	
547	SPECIAL CATEGORIES		
	CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM		
	FROM GENERAL REVENUE FUND	1,525,153	

In addition to the recurring projects funded in the base budget, the following project is funded from non-recurring general revenue funds in Specific Appropriation 547:

Joe Dimaggio Children's Hospital Craniofacial Program - Broward..... 200,000

548	SPECIAL CATEGORIES		
	REGIONAL GENETICS PROGRAM		
	FROM GENERAL REVENUE FUND	995,456	
549	SPECIAL CATEGORIES		
	SICKLE CELL EDUCATION AND SCREENING		
	FROM GENERAL REVENUE FUND	1,310,686	

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550	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN		
	FROM GENERAL REVENUE FUND	11,447,257	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		5,763,295
551	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PRIMARY CARE PROGRAM		
	FROM GENERAL REVENUE FUND	3,875,809	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		1,889,787
552	SPECIAL CATEGORIES		
	CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	4,440,340	
	FROM TOBACCO SETTLEMENT TRUST FUND		1,915,683
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		999,704
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		93,539

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 552:

Pediatric Cardiovascular Program of North Florida - Baker... 250,000
Pediatric Hematology, Children's Hospital of SW Florida Charlotte..... 50,000
Fetal Alcohol Spectrum Disorder (FADS) - Sarasota..... 280,000

553	SPECIAL CATEGORIES		
	MASTER CONTRACTS		
	FROM GENERAL REVENUE FUND	1,182,293	
	FROM TOBACCO SETTLEMENT TRUST FUND		4,280,856
554	SPECIAL CATEGORIES		
	GRANTS AND AIDS - INFANT/TODDLERS STEP-DOWN		
	FROM GENERAL REVENUE FUND	602,673	
555	SPECIAL CATEGORIES		
	KIDNEY DISEASE PROGRAM FOR CHILDREN		
	FROM GENERAL REVENUE FUND	1,163,077	
556	SPECIAL CATEGORIES		
	CHILDREN'S MEDICAL SERVICES NETWORK		
	FROM DONATIONS TRUST FUND		57,191,383
557	SPECIAL CATEGORIES		
	PURCHASED CLIENT SERVICE - CLINIC AND FIELD OPERATIONS		
	FROM GENERAL REVENUE FUND	4,539,181	
	FROM TOBACCO SETTLEMENT TRUST FUND		5,593,657
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		6,181,936
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,519,724
558	SPECIAL CATEGORIES		
	POISON CONTROL CENTER		
	FROM GENERAL REVENUE FUND	2,400,000	

In addition to the recurring projects funded in the base budget, the following project is funded from non-recurring general revenue funds in Specific Appropriation 558:

Florida Poison Information Center Network - Statewide..... 400,000

559	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	282,206	

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560 SPECIAL CATEGORIES
PEDIATRIC LIVER TRANSPLANT PROGRAM
FROM GENERAL REVENUE FUND 250,441

561 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL, EVALUATION AND INTERVENTION SERVICES
FROM GENERAL REVENUE FUND 10,534,202
FROM TOBACCO SETTLEMENT TRUST FUND 3,817,556
FROM FEDERAL GRANTS TRUST FUND 2,850,185
FROM WELFARE TRANSITION TRUST FUND 3,800,000

From the funds in Specific Appropriation 561, $450,000 in general revenue funds shall be transferred to the Agency for Health Care Administration for the purpose of providing matching funds to enable a special Medicaid payment to Mount Sinai Medical Center.

From the funds in Specific Appropriation 561, the Department of Health shall limit administrative costs to no more than 5 percent.

562 SPECIAL CATEGORIES
GRANTS AND AIDS - DEVELOPMENTAL EVALUATION AND INTERVENTION SERVICES/PART C
FROM GENERAL REVENUE FUND 1,234,850
FROM FEDERAL GRANTS TRUST FUND 18,000,748

From the general revenue funds in Specific Appropriation 562, $1,234,850 is provided as the state matching funds for Medicaid reimbursable early intervention services in Specific Appropriation 182.

563 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER/ PERINATAL SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,421,183
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 266,301

564 SPECIAL CATEGORIES
CHILDREN'S CARDIAC PROGRAM
FROM GENERAL REVENUE FUND 837,163

565 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 177,634
FROM DONATIONS TRUST FUND 87,844
FROM FEDERAL GRANTS TRUST FUND 28,166
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 7,998

566 SPECIAL CATEGORIES
GRANTS AND AIDS - PEDIATRIC ACQUIRED IMMUNE DEFICIENCY SYNDROME NETWORK
FROM GENERAL REVENUE FUND 2,119,231

TOTAL: CHILDREN'S SPECIAL HEALTH CARE
FROM GENERAL REVENUE FUND 74,096,605
FROM TRUST FUNDS 139,247,234

TOTAL POSITIONS 751.00
TOTAL ALL FUNDS 213,343,839

PROGRAM: HEALTH CARE PRACTITIONER AND ACCESS

MEDICAL QUALITY ASSURANCE

APPROVED SALARY RATE 19,553,615

567 SALARIES AND BENEFITS POSITIONS 575.50
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 25,744,567

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568 OTHER PERSONAL SERVICES
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 4,752,843

569 EXPENSES
FROM GENERAL REVENUE FUND 250,000
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 17,314,873

From the funds in Specific Appropriation 569, $250,000 in non-recurring general revenue funds is provided to contract with Palm Healthcare Foundation to conduct a three-year clinical study of nurse staffing models in health care facilities in Palm Beach County to determine the efficacy of those staffing models. The contract is contingent on Palm Healthcare providing a match for the state funding to be used in the second and third years of the study. The hospital facilities will provide in-kind support for the study. A report shall be submitted to the President of the Senate, the Speaker of the House and the Governor by March 1 of each year of the study.

570 OPERATING CAPITAL OUTLAY
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 50,604

571 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 268,254

572 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 2,416,633

573 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 2,458,415

574 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 499,983

575 SPECIAL CATEGORIES
DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 52,600

576 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 253,171

577 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM MEDICAL QUALITY ASSURANCE TRUST FUND 299,213

TOTAL: MEDICAL QUALITY ASSURANCE
FROM GENERAL REVENUE FUND 250,000
FROM TRUST FUNDS 54,111,156

TOTAL POSITIONS 575.50
TOTAL ALL FUNDS 54,361,156

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COMMUNITY HEALTH RESOURCES

APPROVED SALARY RATE 3,617,457

578 SALARIES AND BENEFITS POSITIONS 97.50
FROM GENERAL REVENUE FUND 880,239
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 281,793
FROM FEDERAL GRANTS TRUST FUND 625,542
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 2,688,827

579 OTHER PERSONAL SERVICES
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 10,000
FROM FEDERAL GRANTS TRUST FUND 119,770
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 24,000

580 EXPENSES
FROM GENERAL REVENUE FUND 148,554
FROM EMERGENCY MEDICAL SERVICES TRUST FUND 192,400
FROM FEDERAL GRANTS TRUST FUND 1,123,649
FROM GRANTS AND DONATIONS TRUST FUND . . . 33,310
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 1,115,837

581 AID TO LOCAL GOVERNMENTS
CONTRIBUTION TO COUNTY HEALTH UNITS
FROM GENERAL REVENUE FUND 94,440

582 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY HEALTH CENTERS
FROM GENERAL REVENUE FUND 2,050,000
FROM FEDERAL GRANTS TRUST FUND 4,299,270
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,500,000

The funds in Specific Appropriation 582 shall be contracted through a competitive bid process to federally qualified community health centers in rural and medically underserved areas. The federally qualified community health center shall be required to provide local matching funds in an amount equal to the state amount. The state and local matching funds shall be used to earn federal Medicaid Title XIX funding.

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 582:

Good Samaritan Clinic - Pasco..... 350,000
Beverly Press Center - Miami-Dade..... 200,000

583 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HEALTH COUNCILS
FROM TOBACCO SETTLEMENT TRUST FUND 744,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 906,000

586 OPERATING CAPITAL OUTLAY
FROM FEDERAL GRANTS TRUST FUND 2,850
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 9,000

587 SPECIAL CATEGORIES
AREA HEALTH EDUCATION CENTERS
FROM GENERAL REVENUE FUND 12,108,910

588 SPECIAL CATEGORIES
COMMUNITY HOSPITAL EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 14,500,000

589 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,778,623

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FROM TOBACCO SETTLEMENT TRUST FUND 1,100,000
FROM FEDERAL GRANTS TRUST FUND 279,867
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 500,000

In addition to the recurring projects funded in the base budget, the following project is funded from non-recurring tobacco trust funds in Specific Appropriation 589:

Healthy Smiles Community Preventive Outreach - Alachua..... 100,000

From the funds in Specific Appropriation 589, $1,000,000 in recurring tobacco settlement funds are provided for tobacco education programs. These funds shall not be used for radio, television, newspaper or other advertising of any type.

590 SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HEALTH NETWORK GRANTS
FROM GENERAL REVENUE FUND 500,000
FROM FEDERAL GRANTS TRUST FUND 574,305

591 SPECIAL CATEGORIES
GRANTS AND AIDS - SHANDS TEACHING HOSPITAL
FROM GENERAL REVENUE FUND 9,786,979

From the funds in Specific Appropriation 591, $9,786,979 in recurring general revenue funds is provided to continue funding to the Shands Teaching Hospital. These funds may be used as state matching funds for Shands' participation in the Special Medicaid Payment program, which provides payments to hospitals providing enhanced services to low-income individuals. In the event that enhanced Medicaid funding is not implemented by the Agency for Health Care Administration, these funds shall remain appropriated to the Shands Teaching Hospital to continue the original purpose of providing health care services to indigent patients through Shands Healthcare.

592 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 17,175,811

593 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 30,308

595 SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD RESEARCH
FROM GENERAL REVENUE FUND 1,426,000
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 1,000,000

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring general revenue funds in Specific Appropriation 595:

University of Miami Brain and Spinal Cord Research and Development (Dade)..... 926,000
University of Florida Brain and Spinal Cord Research and Development (Alachua)..... 500,000

596 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,691
FROM FEDERAL GRANTS TRUST FUND 3,259
FROM BRAIN AND SPINAL CORD INJURY REHABILITATION TRUST FUND 20,683

597 SPECIAL CATEGORIES
MEDICALLY FRAGILE ENHANCEMENT PAYMENT
FROM GENERAL REVENUE FUND 610,020

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597A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
RURAL HOSPITALS
FROM GENERAL REVENUE FUND 3,500,000

From the funds in Specific Appropriation 597A $3,500,000 from the General Revenue Fund is provided for the Rural Hospital Capital Improvement Grant Program and shall be allocated in accordance with the grant process in section 395.6061, Florida Statutes.

TOTAL: COMMUNITY HEALTH RESOURCES
FROM GENERAL REVENUE FUND 47,386,456
FROM TRUST FUNDS 34,360,481

TOTAL POSITIONS 97.50
TOTAL ALL FUNDS 81,746,937

PROGRAM: DISABILITY DETERMINATIONS

DISABILITY BENEFITS DETERMINATION

APPROVED SALARY RATE 763,097

598 SALARIES AND BENEFITS POSITIONS 24.00
FROM GENERAL REVENUE FUND 520,436
FROM FEDERAL GRANTS TRUST FUND 499,676
FROM U.S. TRUST FUND 42,980,010

599 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 83,500
FROM FEDERAL GRANTS TRUST FUND 83,500
FROM U.S. TRUST FUND 10,645,515

600 EXPENSES
FROM GENERAL REVENUE FUND 383,792
FROM FEDERAL GRANTS TRUST FUND 389,792
FROM U.S. TRUST FUND 39,153,741

601 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,000
FROM FEDERAL GRANTS TRUST FUND 5,000
FROM U.S. TRUST FUND 150,000

602 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,125
FROM FEDERAL GRANTS TRUST FUND 2,126
FROM U.S. TRUST FUND 367,635

603 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,121
FROM FEDERAL GRANTS TRUST FUND 3,958
FROM U.S. TRUST FUND 330,188

TOTAL: DISABILITY BENEFITS DETERMINATION
FROM GENERAL REVENUE FUND 998,974
FROM TRUST FUNDS 94,611,141

TOTAL POSITIONS 24.00
TOTAL ALL FUNDS 95,610,115

AGENCY FOR PERSONS WITH DISABILITIES

To implement Specific Appropriations 604 through 614, the Agency for Persons with Disabilities shall submit quarterly status reports to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council regarding the financial status of the Home and Community Based Services Waivers, including but not limited to the following: information about the number of current clients being served through the waivers and actual and projected cost information as compared with the appropriation available to the program. If at any time, based upon an analysis by the agency, the cost of waiver services are expected to exceed the appropriated amount, based on the current rates as implemented November 1, 2003, the agency shall implement any adjustment necessary pursuant to section 393.0661(4), Florida Statutes, to stay within the appropriation.

HOME AND COMMUNITY SERVICES

APPROVED SALARY RATE 9,033,920

From the funds in Specific Appropriations 604 through 614, the Agency for Persons with Disabilities, in consultation with the Agency for Health Care Administration, shall continue the implementation of the comprehensive redesign of the service delivery system for persons with developmental disabilities as authorized under section 393.0661, Florida Statutes. The agency shall monitor the implementation of rate standardization on a quarterly basis and provide updates to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council. Services received shall be reimbursed under the approved standardized reimbursement rate. The established rates shall be determined by the agency and the Agency for Health Care Administration, and operational requirements associated with the rates shall be monitored periodically.

To implement Specific Appropriations 604 through 614, the agency, in coordination with the Agency for Health Care Administration, shall continue to design and implement edits in the Florida Medicaid Management Information System, institute other system controls, and work to establish billing controls and claims reconciliation processes needed to properly manage the developmental services waivers. The agency shall work with the Agency for Health Care Administration, to seek federal approval or program waivers as necessary to implement these system controls.

604 SALARIES AND BENEFITS POSITIONS 286.00
FROM GENERAL REVENUE FUND 10,357,572
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,084,225
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 159,335

605 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 533,371
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 480,150

606 EXPENSES
FROM GENERAL REVENUE FUND 1,210,097
FROM FEDERAL GRANTS TRUST FUND 19,867
FROM OPERATIONS AND MAINTENANCE TRUST FUND 142,546
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 214,788

608 SPECIAL CATEGORIES
GRANT AND AID INDIVIDUAL AND FAMILY SUPPORTS
FROM GENERAL REVENUE FUND 2,720,600
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 16,856,771

Funds from Specific Appropriation 608 expended for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

609 SPECIAL CATEGORIES
ROOM AND BOARD PAYMENTS FOR DEVELOPMENTALLY DISABLED
FROM GENERAL REVENUE FUND 10,094,672
FROM OPERATIONS AND MAINTENANCE TRUST FUND 5,764,455

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610 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,797,500
FROM FEDERAL GRANTS TRUST FUND 182,000
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,083,312

In addition to the recurring projects funded in the base budget, the following projects are funded from non-recurring operations and maintenance trust funds in Specific Appropriation 610:

Early Intervention of Autism (Lake)..... 250,000
Special Olympics Florida Athlete Health (Statewide)..... 508,312
Applied Behavior Analysis Therapy (Miami-Dade)..... 150,000
Services for Adults with Developmental Disabilities (Miami-Dade)..... 100,000
Dream Oaks Camp (Statewide)..... 50,000
Noah's Ark (Polk)..... 25,000

611 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES WAIVER
FROM GENERAL REVENUE FUND 282,061,315
FROM TOBACCO SETTLEMENT TRUST FUND 22,609,461
FROM OPERATIONS AND MAINTENANCE TRUST FUND 443,478,904

Funds in Specific Appropriation 611 include an additional $2,817,283 from the General Revenue Fund and $4,042,427 from the Operations and Maintenance Trust Fund to serve up to 360 additional crisis clients per year.

Funds in Specific Appropriation 611 include an additional $2,569,375 from the General Revenue Fund and $3,680,625 from the Operations and Maintenance Trust Fund to serve additional clients from the developmental services wait list. The additional clients must be determined by the agency or a contracted entity through prior service authorization, to need nursing services not available on Medicaid state plan, residential waiver services in a licensed facility, or supported living services not available through the family and supported living home and community based waiver.

Funds in Specific Appropriation 611, include an additional $9,426,692 from the General Revenue Fund and $13,503,719 from the Operations and Maintenance Trust Fund to provide utilization increases of medically necessary services for current clients.

Funds in Specific Appropriation 611, expended for developmental training programs, shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.

The agency, in coordination with the Agency for Health Care Administration, shall expand the third party prior services authorization program to review all individual support and cost plans for Home and Community Based Waiver services for individuals with developmental disabilities. Recurring savings from the agency's Gatekeeper billing control system and prior service authorization shall be used to serve additional clients from the waitlist.

The agency shall implement cost containment measures for any new individual requesting supported living services after July 1, 2005, from funds in Specific Appropriation 611 for the Home and Community Based Services Waiver. These measures will include the total annual cost of the provision of supported living services as determined through the support plan process and shall not exceed the total annual cost of supports and services that would be provided if the consumer received equivalent services in an appropriate licensed residential facility. In addition, the agency will establish guidelines and a waiver process to address unique situations where supported living, even at a higher cost, is the most efficient and effective residential option available.

612 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 756,530

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613 SPECIAL CATEGORIES
START-UP FUNDS/GROUP HOMES
FROM GENERAL REVENUE FUND 72,960

614 SPECIAL CATEGORIES
COMMUNITY SUPPORTED LIVING WAIVER
FROM GENERAL REVENUE FUND 20,548,048
FROM OPERATIONS AND MAINTENANCE TRUST FUND 29,444,172

Funds in Specific Appropriation 614 include an additional $8,808,599 from the General Revenue Fund and $12,618,301 from the Operations and Maintenance Trust Fund to serve clients on the developmental disabilities wait list.

The agency shall seek modification to the state's federally-approved Family and Supported Living Home and Community based waiver to add children under the age of 18 and additional behavioral services. The agency, in consultation with the Agency for Health Care Administration, will seek federal waiver approval for any necessary modifications.

The agency shall implement cost containment measures for any new individual requesting supported living services after July 1, 2005, from funds in Specific Appropriation 614 for the Community Supported Living waiver. These measures will include the total annual cost of the provision of supported living services as determined through the support plan process and shall not exceed the total annual cost of supports and services that would be provided if the consumer received equivalent services in an appropriate licensed residential facility. In addition, the agency will establish guidelines and a waiver process to address unique situations where supported living, even at a higher cost, is the most efficient and effective residential option available.

TOTAL: HOME AND COMMUNITY SERVICES
FROM GENERAL REVENUE FUND 331,152,665
FROM TRUST FUNDS 521,519,986

TOTAL POSITIONS 286.00
TOTAL ALL FUNDS 852,672,651

PROGRAM MANAGEMENT AND COMPLIANCE

APPROVED SALARY RATE 9,972,739

615 SALARIES AND BENEFITS POSITIONS 260.50
FROM GENERAL REVENUE FUND 8,005,536
FROM ADMINISTRATIVE TRUST FUND 164,034
FROM OPERATIONS AND MAINTENANCE TRUST FUND 4,423,254

616 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,078
FROM FEDERAL GRANTS TRUST FUND 87,779

617 EXPENSES
FROM GENERAL REVENUE FUND 1,231,887
FROM ADMINISTRATIVE TRUST FUND 1,026
FROM FEDERAL GRANTS TRUST FUND 54,119
FROM OPERATIONS AND MAINTENANCE TRUST FUND 712,861

618 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5
FROM ADMINISTRATIVE TRUST FUND 13

619 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 639,753
FROM FEDERAL GRANTS TRUST FUND 141,816

620 SPECIAL CATEGORIES
GRANT AND AID COMMUNITY DEVELOPMENT SERVICES

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FROM GENERAL REVENUE FUND	80,261	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		35,799

621 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	101,674	

622 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

FROM GENERAL REVENUE FUND	854,096	
FROM ADMINISTRATIVE TRUST FUND		111,294

622A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIAL CATEGORIES - LOCAL RECREATIONAL DEVELOPMENT PROJECTS

FROM OPERATIONS AND MAINTENANCE TRUST FUND		500,000

In addition to the recurring projects funded in the base budget, the following project is funded from non-recurring operations and maintenance trust funds in Specific Appropriation 622A:

Billy Joe Rish Park (Gulf)..... 500,000

TOTAL: PROGRAM MANAGEMENT AND COMPLIANCE

FROM GENERAL REVENUE FUND	10,917,290	
FROM TRUST FUNDS		6,231,995
TOTAL POSITIONS	260.50	
TOTAL ALL FUNDS		17,149,285

DEVELOPMENTAL SERVICES PUBLIC FACILITIES

APPROVED SALARY RATE 94,955,541

623 SALARIES AND BENEFITS POSITIONS 3,156.50

FROM GENERAL REVENUE FUND	60,142,241	
FROM ADMINISTRATIVE TRUST FUND		35,683
FROM OPERATIONS AND MAINTENANCE TRUST FUND		58,232,418

624 OTHER PERSONAL SERVICES

FROM GENERAL REVENUE FUND	1,285,903	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,381,475

625 EXPENSES

FROM GENERAL REVENUE FUND	6,963,083	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		6,630,234

626 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	133,761	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		706,202

627 FOOD PRODUCTS

FROM GENERAL REVENUE FUND	1,301,889	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,452,769

628 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES

FROM GENERAL REVENUE FUND	3,142,412	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		4,033,670

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629 SPECIAL CATEGORIES
PRESCRIBED MEDICINE/DRUGS

FROM GENERAL REVENUE FUND	188,779	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		75,000

630 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

FROM GENERAL REVENUE FUND	5,552,131	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		118,545

630A FIXED CAPITAL OUTLAY
MARIANNA SUNLAND RENOVATION

FROM OPERATIONS AND MAINTENANCE TRUST FUND		500,000

In addition to any existing funding, the following project from Specific Appropriation 630A is funded from non-recurring operations and maintenance trust funds:

Marianna Sunland Autism Unit Expansion (Jackson)..... 500,000

TOTAL: DEVELOPMENTAL SERVICES PUBLIC FACILITIES

FROM GENERAL REVENUE FUND	78,710,199	
FROM TRUST FUNDS		73,165,996
TOTAL POSITIONS	3,156.50	
TOTAL ALL FUNDS		151,876,195

VETERANS' AFFAIRS, DEPARTMENT OF

PROGRAM: SERVICES TO VETERANS' PROGRAM

VETERANS' HOMES

APPROVED SALARY RATE 14,751,409

631 SALARIES AND BENEFITS POSITIONS 540.50

FROM GENERAL REVENUE FUND	2,176,656	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		17,968,165

632 OTHER PERSONAL SERVICES

FROM OPERATIONS AND MAINTENANCE TRUST FUND		871,819

633 EXPENSES

FROM GENERAL REVENUE FUND	1,468,926	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		17,226,332

634 OPERATING CAPITAL OUTLAY

FROM GENERAL REVENUE FUND	125,815	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		87,794

635 FOOD PRODUCTS

FROM GENERAL REVENUE FUND	135,947	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		2,907,039

636 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES

FROM GENERAL REVENUE FUND	57,400	

637 SPECIAL CATEGORIES
RECREATIONAL EQUIPMENT AND SUPPLIES

FROM GRANTS AND DONATIONS TRUST FUND		62,000

638 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE

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FROM GENERAL REVENUE FUND	130,766	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		567,309
639 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	15,522	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		197,447
640 FIXED CAPITAL OUTLAY		
STATE NURSING HOME FOR VETERANS - DMS MGD		
FROM GENERAL REVENUE FUND	700,000	

Funds in Specific Appropriation 640 are provided for the planning of the sixth state Veterans' Nursing Home and shall be used to begin Phase I of the project, which will include permitting fees, design costs, land surveys and inspection fees.

641 FIXED CAPITAL OUTLAY		
ADDITIONS AND IMPROVEMENTS TO THE VETERANS' HOMES		
FROM FEDERAL GRANTS TRUST FUND		650,000
FROM STATE HOMES FOR VETERANS TRUST FUND		300,000
642 FIXED CAPITAL OUTLAY		
MAINTENANCE AND REPAIR OF STATE-OWNED RESIDENTIAL FACILITIES FOR VETERANS		
FROM STATE HOMES FOR VETERANS TRUST FUND		710,775
TOTAL: VETERANS' HOMES		
FROM GENERAL REVENUE FUND	4,811,032	
FROM TRUST FUNDS		41,548,680
TOTAL POSITIONS	540.50	
TOTAL ALL FUNDS		46,359,712

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE	1,400,616	
643 SALARIES AND BENEFITS POSITIONS	27.00	
FROM GENERAL REVENUE FUND	1,691,539	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		162,618
644 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	19,765	
645 EXPENSES		
FROM GENERAL REVENUE FUND	675,341	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		321,942
646 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	69,302	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		38,200
647 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	5,311	
648 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	33,409	
FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,192

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TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	2,494,667	
FROM TRUST FUNDS		523,952
TOTAL POSITIONS	27.00	
TOTAL ALL FUNDS		3,018,619

VETERANS' BENEFITS AND ASSISTANCE

APPROVED SALARY RATE	2,860,554	
649 SALARIES AND BENEFITS POSITIONS	71.00	
FROM GENERAL REVENUE FUND	3,045,778	
FROM FEDERAL GRANTS TRUST FUND		480,498
650 EXPENSES		
FROM GENERAL REVENUE FUND	127,206	
FROM FEDERAL GRANTS TRUST FUND		94,218
651 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	19,099	
FROM FEDERAL GRANTS TRUST FUND		695
652 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	152	
FROM FEDERAL GRANTS TRUST FUND		7,062
TOTAL: VETERANS' BENEFITS AND ASSISTANCE		
FROM GENERAL REVENUE FUND	3,192,235	
FROM TRUST FUNDS		582,473
TOTAL POSITIONS	71.00	
TOTAL ALL FUNDS		3,774,708
TOTAL OF SECTION 3 POSITIONS	27,210.50	
FROM GENERAL REVENUE FUND	6988,440,597	
FROM TRUST FUNDS		15484,036,928
TOTAL ALL FUNDS		22472,477,525

SECTION 4 - CRIMINAL JUSTICE AND CORRECTIONS

The monies contained herein are appropriated from the named funds to the Department of Corrections, Florida Department of Law Enforcement, Department of Juvenile Justice, Parole Commission, Department of Legal Affairs/Attorney General and Justice Administration as the amounts to be used to pay salaries, other operational expenditures and fixed capital outlay of the named agencies.

The Office of Program Policy and Governmental Accountability (OPPAGA) shall conduct a comprehensive review of the Department of Law Enforcement and the Parole Commission. OPPAGA shall examine each department's mission and purpose, scope of services, and programs delivered to identify programs or services that fall outside the department's mission, or programs or services that should more appropriately be delivered within another state agency or local entity. OPPAGA shall make recommendations on appropriate transfers of existing Parole Commission activities in the event that the Parole Commission is abolished. In the course of the review, OPPAGA shall identify and report on specific organizational or programmatic deficiencies that diminish agency efficiency or effectiveness. The review shall include an examination of agency personnel deficiencies using pay scales, salaries, and benefits data. An assessment of all staffing levels within the departments shall be conducted to ensure levels are appropriate in fulfilling the department's statutory mission. The departments shall provide sufficient data to OPPAGA to conduct these studies. OPPAGA shall submit a report to the chair of the Senate Ways

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and Means Committee and the chair of the House Fiscal Council by January 1, 2006.

CORRECTIONS, DEPARTMENT OF

From the funds in Specific Appropriations 653 through 827, each provider contracting with the Department of Corrections must provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

The Department of Corrections shall develop and use a uniform format and uniform methodologies for the purpose of reporting annually to the Legislature on the state prison system. Such reports shall include a comprehensive plan for current facility use and any departures from planned facility use, including opening new facilities, renovating or closing existing facilities, and advancing or delaying the opening of new or renovated facilities. The report shall include the maximum capacity of currently operating facilities and the potential maximum capacity of facilities that the department could make operational within the fiscal year. The report shall also identify appropriate sites for future facilities and provide information to support specified locations, such as availability of personnel in local labor markets. Reports should include updated infrastructure needs for existing or future facilities. Each report should reconcile capacity figures to the immediate preceding report. For the purpose of this paragraph, maximum capacity shall be calculated and displayed pursuant to 944.023(1)(b). The department may provide additional analysis of current and future bed needs based on such factors as deemed necessary by the Secretary. The next report shall be due January 1, 2006.

PROGRAM: DEPARTMENT ADMINISTRATION

BUSINESS SERVICE CENTERS

	APPROVED SALARY RATE	12,696,423	
653	SALARIES AND BENEFITS	POSITIONS 343.00	
	FROM GENERAL REVENUE FUND	15,667,520	
	FROM GRANTS AND DONATIONS TRUST FUND		1,871,753
654	EXPENSES		
	FROM GENERAL REVENUE FUND	1,127,549	
	FROM GRANTS AND DONATIONS TRUST FUND		133,494
655	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	407,822	
TOTAL:	BUSINESS SERVICE CENTERS		
	FROM GENERAL REVENUE FUND	17,202,891	
	FROM TRUST FUNDS		2,005,247
	TOTAL POSITIONS	343.00	
	TOTAL ALL FUNDS		19,208,138

EXECUTIVE DIRECTION AND SUPPORT SERVICES

	APPROVED SALARY RATE	15,583,550	
656	SALARIES AND BENEFITS	POSITIONS 357.00	
	FROM GENERAL REVENUE FUND	17,811,491	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		76,792
	FROM GRANTS AND DONATIONS TRUST FUND		2,651,341

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From the funds in Specific Appropriation 656, the department shall issue an Invitation to Bid as defined in section 287.057, Florida Statutes for capitated payment for provision of health services in region IV. The department shall issue a new contract for health services in region IV to be effective no later than January 1, 2006. The department shall not expend funds from Specific Appropriations 653 through 827 for costs incurred under the existing region IV health services contract after December 31, 2005.

From the funds in Specific Appropriation 656, the department shall issue an Invitation to Bid as defined in section 287.057, Florida Statutes, for pharmaceutical repackaging services beginning July 1, 2006. The department shall forward the results of the Invitation to Bid to the Governor's Office of Policy and Budgeting, the Speaker of the House of Representatives and the President of the Senate prior to February 1, 2006.

657	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	24,545	
	FROM GRANTS AND DONATIONS TRUST FUND		42,906
658	EXPENSES		
	FROM GENERAL REVENUE FUND	3,520,358	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		1,378,672
	FROM GRANTS AND DONATIONS TRUST FUND		491,826
659	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	22,475	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		80,376
	FROM GRANTS AND DONATIONS TRUST FUND		30,160
660	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	3,858	
661	SPECIAL CATEGORIES		
	TRANSFER TO GENERAL REVENUE FUND		
	FROM GRANTS AND DONATIONS TRUST FUND		11,500,000

Funds in Specific Appropriation 661 are from reimbursements from the United States Government for incarcerating aliens in Florida's prisons. If total reimbursements exceed $11,500,000, the department shall submit a budget amendment in accordance with all applicable provisions of chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue Fund.

662	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	973,730	
663	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	10,523,239	
TOTAL:	EXECUTIVE DIRECTION AND SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	32,879,696	
	FROM TRUST FUNDS		16,252,073
	TOTAL POSITIONS	357.00	
	TOTAL ALL FUNDS		49,131,769

INFORMATION TECHNOLOGY

	APPROVED SALARY RATE	6,708,618	
664	SALARIES AND BENEFITS	POSITIONS 153.00	
	FROM GENERAL REVENUE FUND	7,111,215	
	FROM GRANTS AND DONATIONS TRUST FUND		842,124

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665 EXPENSES
FROM GENERAL REVENUE FUND 22,956
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,718

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 7,134,171
FROM TRUST FUNDS 844,842

TOTAL POSITIONS 153.00
TOTAL ALL FUNDS 7,979,013

PROGRAM: SECURITY AND INSTITUTIONAL OPERATIONS

From the funds provided in Specific Appropriations 676, 688, and 698, a total of $1,074,362 is provided as payment in lieu of ad valorem taxation for distribution to local government taxing authorities in accordance with section 957.04(8), Florida Statutes. Funding is provided as follows: $269,324 for the Bay Correctional Facility, $339,242 for the Moore Haven Correctional Facility, $275,560 for the South Bay Correctional Facility, $100,000 for the Gadsden Correctional Facility and $90,236 for the Lake City Correctional Facility. Distribution of these funds is contingent upon (1) the withdrawal of any outstanding claims or (2) the county commission of the county where the correctional facility is located stipulating by resolution and memorandum of understanding with the state that by the county commission's acceptance of payment in lieu of ad valorem taxation, the county commission waives any ad valorem tax claim for Fiscal Year 2005-2006 for the related facility, whichever is applicable. Distribution of these funds for each facility is further contingent upon the county commission canceling any outstanding tax certificate and quieting title to any tax deed, or portion thereof, that is based on unpaid ad valorem taxes for the relevant facility.

Funds in Specific Appropriations 666 through 751 and Specific Appropriations 797 through 827 include an increase of 343 FTEs and $23,242,751 from the General Revenue Fund which is sufficient to provide housing and security for 88,997 inmates when fully annualized. Variable expenses, maintenance, and health services funds are provided for an average daily population of 86,615 inmates.

ADULT MALE CUSTODY OPERATIONS

APPROVED SALARY RATE 305,483,005

666 SALARIES AND BENEFITS POSITIONS 9,242.00
FROM GENERAL REVENUE FUND 423,886,067
FROM GRANTS AND DONATIONS TRUST FUND . . . 305,685

From the funds in Specific Appropriations 666 through 827, support costs are provided for the following facilities:

Lowell Annex Compound (5 FTE)..... 154,149
Santa Rosa Annex (151 FTE)..... 6,782,036
Taylor Work Camp (39 FTE)..... 1,379,822
Reception and Medical Center Work Camp (38 FTE)..... 718,756
Washington Annex (171 FTE)..... 1,796,128

667 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 91,000

668 EXPENSES
FROM GENERAL REVENUE FUND 29,089,306
FROM GRANTS AND DONATIONS TRUST FUND . . . 546,260

669 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,087,126
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,000

670 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 47,135,840
FROM GRANTS AND DONATIONS TRUST FUND . . . 83,421

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672 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 2,786,016
FROM GRANTS AND DONATIONS TRUST FUND . . . 118,172

673 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 1,378,081

674 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,521,868
FROM GRANTS AND DONATIONS TRUST FUND . . . 847,068

675 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 6,792,987

676 SPECIAL CATEGORIES
PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION
FROM GENERAL REVENUE FUND 61,282,375
FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND 1,300,586

From the funds in Specific Appropriation 676, the Department of Management Services is authorized to modify the invitation to negotiate a contract for 1,280 beds for a new private correctional facility which will house medium and close custody inmates and will be located in Graceville, Florida pursuant to proviso following Specific Appropriation 667 of the 2004-2005 General Appropriations Act. Such modification shall increase the number of beds to 1,500. The procurement should be completed in a manner which allows sufficient time for new beds to become operational by September 2007. The Department of Management Services is authorized to enter into a lease-purchase agreement to finance the construction of the additional 220 beds authorized by Specific Appropriation 676.

From the funds in Specific Appropriation 676, pursuant to the requirements of section 287.057, Florida Statutes, the Department of Management Services shall issue an invitation to negotiate to contract for 235 additional beds for expansion at the Bay Correctional Facility to house medium and close custody inmates and an invitation to negotiate to contract for 235 additional beds at Moore Haven Correctional Facility to house medium and close custody inmates.

677 FIXED CAPITAL OUTLAY
CONTRACTED CORRECTIONAL INSTITUTIONS - LEASE PURCHASE
FROM GENERAL REVENUE FUND 3,445,024

678 FIXED CAPITAL OUTLAY
CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE
FROM GENERAL REVENUE FUND 9,584,028

TOTAL: ADULT MALE CUSTODY OPERATIONS
FROM GENERAL REVENUE FUND 597,988,718
FROM TRUST FUNDS 4,292,192

TOTAL POSITIONS 9,242.00
TOTAL ALL FUNDS 602,280,910

ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS

APPROVED SALARY RATE 37,400,592

679 SALARIES AND BENEFITS POSITIONS 1,109.00
FROM GENERAL REVENUE FUND 48,702,788
FROM GRANTS AND DONATIONS TRUST FUND . . . 108,439

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680	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,884
681	EXPENSES		
	FROM GENERAL REVENUE FUND	3,121,177	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		50,703
682	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	46,277	
683	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	3,556,972	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,841
684	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	183,717	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		22,509
685	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	979,308	
686	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,209,651	
687	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	407,715	
688	SPECIAL CATEGORIES		
	PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION		
	FROM GENERAL REVENUE FUND	20,642,763	
	FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND		597,359

From the funds in Specific Appropriation 688, pursuant to the requirements of section 287.057, Florida Statutes, the Department of Management Services shall issue an invitation to negotiate to contract for 384 additional beds for expansion at the Gadsden Correctional Facility to house medium custody female inmates.

689	FIXED CAPITAL OUTLAY		
	CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE		
	FROM GENERAL REVENUE FUND	1,576,182	
TOTAL: ADULT AND YOUTHFUL OFFENDER FEMALE CUSTODY OPERATIONS			
	FROM GENERAL REVENUE FUND	80,426,550	
	FROM TRUST FUNDS		827,735
	TOTAL POSITIONS	1,109.00	
	TOTAL ALL FUNDS		81,254,285

MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS

APPROVED SALARY RATE 26,825,453

690	SALARIES AND BENEFITS POSITIONS	796.00	
	FROM GENERAL REVENUE FUND	38,478,795	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		336,218
691	EXPENSES		
	FROM GENERAL REVENUE FUND	1,595,782	
692	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	24,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		500,000

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693	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	1,993,790	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		483,667
694	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	217,664	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		191,046
695	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	999,227	
696	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	1,214,159	
697	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	210,506	
698	SPECIAL CATEGORIES		
	PRIVATE INSTITUTIONS - CORRECTIONAL PRIVATIZATION COMMISSION		
	FROM GENERAL REVENUE FUND	25,438,081	
	FROM PRIVATELY OPERATED INSTITUTIONS INMATE WELFARE TRUST FUND		195,403
699	FIXED CAPITAL OUTLAY		
	CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE		
	FROM GENERAL REVENUE FUND	2,627,325	
TOTAL: MALE YOUTHFUL OFFENDER CUSTODY OPERATIONS			
	FROM GENERAL REVENUE FUND	72,799,329	
	FROM TRUST FUNDS		1,706,334
	TOTAL POSITIONS	796.00	
	TOTAL ALL FUNDS		74,505,663

SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS

APPROVED SALARY RATE 153,147,395

700	SALARIES AND BENEFITS POSITIONS	4,579.00	
	FROM GENERAL REVENUE FUND	206,401,861	
701	EXPENSES		
	FROM GENERAL REVENUE FUND	6,785,770	
702	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	129,712	
703	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	14,328,460	
704	SPECIAL CATEGORIES		
	FOOD SERVICE AND PRODUCTION		
	FROM GENERAL REVENUE FUND	1,158,876	
705	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	1,581,989	
706	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	8,843,520	
707	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	1,844,424	

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TOTAL: SPECIALTY CORRECTIONAL INSTITUTION OPERATIONS
FROM GENERAL REVENUE FUND 241,074,612

TOTAL POSITIONS 4,579.00
TOTAL ALL FUNDS 241,074,612

RECEPTION CENTER OPERATIONS

APPROVED SALARY RATE 62,138,771

708 SALARIES AND BENEFITS POSITIONS 1,866.00
FROM GENERAL REVENUE FUND 80,000,042
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,386

709 EXPENSES
FROM GENERAL REVENUE FUND 5,070,012
FROM GRANTS AND DONATIONS TRUST FUND . . . 31,090

710 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 222,657
FROM GRANTS AND DONATIONS TRUST FUND . . . 250,000

711 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 5,462,969
FROM GRANTS AND DONATIONS TRUST FUND . . . 32,449

712 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 370,703
FROM GRANTS AND DONATIONS TRUST FUND . . . 46,893

713 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 731,858

714 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,742,425

715 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 723,938

TOTAL: RECEPTION CENTER OPERATIONS
FROM GENERAL REVENUE FUND 94,324,604
FROM TRUST FUNDS 367,818

TOTAL POSITIONS 1,866.00
TOTAL ALL FUNDS 94,692,422

PUBLIC SERVICE WORKSQUADS AND WORK RELEASE
TRANSITION

APPROVED SALARY RATE 31,806,702

716 SALARIES AND BENEFITS POSITIONS 950.00
FROM GENERAL REVENUE FUND 30,082,319
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 16,550,709
FROM GRANTS AND DONATIONS TRUST FUND . . . 43,655

From the funds in Specific Appropriations 716 through 724, $1,400,000 from the Correctional Work Program Trust Fund is contingent upon increased collections from billings to state agencies, public community colleges and state universities to cover the cost of supervision of inmate work squads provided on their behalf.

717 EXPENSES
FROM GENERAL REVENUE FUND 7,204,124
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 839,267
FROM GRANTS AND DONATIONS TRUST FUND . . . 32,776

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718 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 113,907
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 4,169

719 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,091,012

720 LUMP SUM
CORRECTIONAL WORK PROGRAMS
POSITIONS 25.00
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 3,297,497

Funds and positions in Specific Appropriation 720 from the Correctional Work Program Trust Fund are provided for interagency contracted services funded by state agencies or local governments. These positions and funds shall be released as needed upon execution of interagency community service squad contract(s).

721 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM GENERAL REVENUE FUND 204,143

722 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 209,537

723 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 292,273

724 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 365,327
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 130,189

TOTAL: PUBLIC SERVICE WORKSQUADS AND WORK RELEASE
TRANSITION
FROM GENERAL REVENUE FUND 40,562,642
FROM TRUST FUNDS 20,898,262

TOTAL POSITIONS 975.00
TOTAL ALL FUNDS 61,460,904

ROAD PRISON OPERATIONS

APPROVED SALARY RATE 3,458,720

725 SALARIES AND BENEFITS POSITIONS 97.00
FROM GENERAL REVENUE FUND 6,169
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 4,847,491

726 EXPENSES
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 518,797

727 FOOD PRODUCTS
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 352,549

728 SPECIAL CATEGORIES
FOOD SERVICE AND PRODUCTION
FROM CORRECTIONAL WORK PROGRAM TRUST
FUND 53,567

729 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 107,641

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730 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM CORRECTIONAL WORK PROGRAM TRUST FUND 24,666

TOTAL: ROAD PRISON OPERATIONS
FROM GENERAL REVENUE FUND 113,810
FROM TRUST FUNDS 5,797,070

TOTAL POSITIONS 97.00
TOTAL ALL FUNDS 5,910,880

OFFENDER MANAGEMENT AND CONTROL

APPROVED SALARY RATE 40,348,045

731 SALARIES AND BENEFITS POSITIONS 1,265.00
FROM GENERAL REVENUE FUND 50,167,205
FROM CORRECTIONAL WORK PROGRAM TRUST FUND 57,095

732 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 376,454

733 EXPENSES
FROM GENERAL REVENUE FUND 3,064,435
FROM CORRECTIONAL WORK PROGRAM TRUST FUND 1,959

734 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 156,206

735 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 82,243
FROM CORRECTIONAL WORK PROGRAM TRUST FUND 1,655

TOTAL: OFFENDER MANAGEMENT AND CONTROL
FROM GENERAL REVENUE FUND 53,846,543
FROM TRUST FUNDS 60,709

TOTAL POSITIONS 1,265.00
TOTAL ALL FUNDS 53,907,252

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 8,969,078

736 SALARIES AND BENEFITS POSITIONS 188.00
FROM GENERAL REVENUE FUND 11,794,608

737 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 366,798
FROM GRANTS AND DONATIONS TRUST FUND . . . 75,000

738 EXPENSES
FROM GENERAL REVENUE FUND 6,728,866
FROM GRANTS AND DONATIONS TRUST FUND . . . 226,785

From the funds in Specific Appropriation 738, $1,000,000 is provided to continue the victim notification system (VINE).

739 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 308,200

740 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 121,301

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 19,319,773
FROM TRUST FUNDS 301,785

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TOTAL POSITIONS 188.00
TOTAL ALL FUNDS 19,621,558

CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR

APPROVED SALARY RATE 16,412,023

742 SALARIES AND BENEFITS POSITIONS 542.00
FROM GENERAL REVENUE FUND 20,486,209

743 EXPENSES
FROM GENERAL REVENUE FUND 71,515,270

744 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 610,713

745 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 620,258

751 FIXED CAPITAL OUTLAY
FACILITIES PROVIDING ADDITIONAL CAPACITY
FROM GENERAL REVENUE FUND 17,358,010
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,566,990

From the funds in Specific Appropriation 751, along with non-recurring funds of $3,169,530 from the General Revenue Fund provided in Section 24 of House Bill 1877 for additional prison bed capacity, $9,500,000 shall be used to begin construction of a 2,022 bed annex at the Wakulla Correctional Facility; $6,930,000 shall be used to construct a 320 bed secure housing unit at the Santa Rosa Correctional Institution; $5,264,530 shall be used for a 262 bed work camp at the Lowell Correctional Institution; and $1,400,000 shall be used for two 131 bed dormitories at the Taylor Correctional Institution work camp and the Regional Medical Center work camp, respectively.

TOTAL: CORRECTIONAL FACILITIES MAINTENANCE AND REPAIR
FROM GENERAL REVENUE FUND 110,590,460
FROM TRUST FUNDS 2,566,990

TOTAL POSITIONS 542.00
TOTAL ALL FUNDS 113,157,450

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 1,020,243

756 SALARIES AND BENEFITS POSITIONS 20.00
FROM GENERAL REVENUE FUND 1,378,681

757 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 15,000

758 EXPENSES
FROM GENERAL REVENUE FUND 6,680,813

759 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 231,581

760 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 226,334

761 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 923,243

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 9,455,652

TOTAL POSITIONS 20.00
TOTAL ALL FUNDS 9,455,652

SECTION 4
SPECIFIC
APPROPRIATION
PROGRAM: COMMUNITY CORRECTIONS

PROBATION SUPERVISION

APPROVED SALARY RATE 83,064,521

762 SALARIES AND BENEFITS POSITIONS 2,362.00
FROM GENERAL REVENUE FUND 114,147,415
FROM GRANTS AND DONATIONS TRUST FUND . . . 24,363

763 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 44,224

764 EXPENSES
FROM GENERAL REVENUE FUND 12,770,506
FROM GRANTS AND DONATIONS TRUST FUND . . . 14,108

765 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 364,629

767 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,821,413

768 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 340,286

TOTAL: PROBATION SUPERVISION
FROM GENERAL REVENUE FUND 130,488,473
FROM TRUST FUNDS 38,471

TOTAL POSITIONS 2,362.00
TOTAL ALL FUNDS 130,526,944

DRUG OFFENDER PROBATION SUPERVISION

APPROVED SALARY RATE 11,338,290

769 SALARIES AND BENEFITS POSITIONS 289.00
FROM GENERAL REVENUE FUND 16,262,658

770 EXPENSES
FROM GENERAL REVENUE FUND 1,375,693

771 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 19,233

773 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 70,035

TOTAL: DRUG OFFENDER PROBATION SUPERVISION
FROM GENERAL REVENUE FUND 17,727,619

TOTAL POSITIONS 289.00
TOTAL ALL FUNDS 17,727,619

PRE TRIAL INTERVENTION SUPERVISION

APPROVED SALARY RATE 2,694,188

774 SALARIES AND BENEFITS POSITIONS 76.00
FROM GENERAL REVENUE FUND 3,805,843

775 EXPENSES
FROM GENERAL REVENUE FUND 356,810

776 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 21,726

SECTION 4
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APPROPRIATION
TOTAL: PRE TRIAL INTERVENTION SUPERVISION
FROM GENERAL REVENUE FUND 4,184,379

TOTAL POSITIONS 76.00
TOTAL ALL FUNDS 4,184,379

COMMUNITY CONTROL SUPERVISION

APPROVED SALARY RATE 16,181,364

777 SALARIES AND BENEFITS POSITIONS 415.00
FROM GENERAL REVENUE FUND 23,282,855

778 EXPENSES
FROM GENERAL REVENUE FUND 2,165,037
FROM GRANTS AND DONATIONS TRUST FUND . . . 18,202

780 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 143,545

781 SPECIAL CATEGORIES
ELECTRONIC MONITORING
FROM GENERAL REVENUE FUND 3,464,075

Funds in Specific Appropriation 781 for electronic monitoring shall be expended pursuant to contracts that have been or shall be awarded on a competitive basis as defined in chapter 287.057, Florida Statutes.

TOTAL: COMMUNITY CONTROL SUPERVISION
FROM GENERAL REVENUE FUND 29,055,512
FROM TRUST FUNDS 18,202

TOTAL POSITIONS 415.00
TOTAL ALL FUNDS 29,073,714

POST PRISON RELEASE SUPERVISION

APPROVED SALARY RATE 15,773,622

782 SALARIES AND BENEFITS POSITIONS 354.00
FROM GENERAL REVENUE FUND 22,289,334
FROM GRANTS AND DONATIONS TRUST FUND . . . 21,300

783 EXPENSES
FROM GENERAL REVENUE FUND 1,858,551
FROM GRANTS AND DONATIONS TRUST FUND . . . 212,243

784A SPECIAL CATEGORIES
LOCAL COMMUNITY CORRECTIONS PROJECT
FROM GENERAL REVENUE FUND 550,000

From the funds in Specific Appropriation 784A, the following projects are funded from non-recurring general revenue funds:

Reentry Initiative Program..... 150,000
Bridges of America Post-Release Transitional Housing Program..... 400,000

785 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 83,019
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,030

TOTAL: POST PRISON RELEASE SUPERVISION
FROM GENERAL REVENUE FUND 24,780,904
FROM TRUST FUNDS 263,573

TOTAL POSITIONS 354.00
TOTAL ALL FUNDS 25,044,477

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

SECTION 4
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786 EXPENSES
FROM GENERAL REVENUE FUND 3,572,009

787 SPECIAL CATEGORIES
LOCAL COMMUNITY CORRECTIONS PROJECT
FROM GENERAL REVENUE FUND 2,250,000

From the funds in Specific Appropriation 787, the following projects are funded from non-recurring general revenue funds:

Pride and Jade Program	175,000
Treatment Services for Chronic Misdemeanor Offenders with Mental Illness and/or Substance Abuse	150,000
Project Reconnect/The Habitual Misdemeanor Offender Program.	150,000
Panama City Non-secure Residential Substance Abuse Treatment Beds	235,000
Phoenix House	150,000
Family Crisis Center for Families	100,000
Village Jail Diversion Program	100,000
Alternatives to Incarceration (ATI)	100,000

788 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED DRUG TREATMENT/REHABILITATION PROGRAMS
FROM GENERAL REVENUE FUND 24,180,492

From the funds in Specific Appropriation 788, $600,000 is provided from non-recurring general revenue for the Drug Abuse Comprehensive Coordinating Office, Inc. (DACCO) in Hillsborough County.

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES
FROM GENERAL REVENUE FUND 30,002,501

TOTAL ALL FUNDS 30,002,501

OFFENDER MANAGEMENT AND CONTROL

APPROVED SALARY RATE 1,318,809

789 SALARIES AND BENEFITS POSITIONS 41.00
FROM GENERAL REVENUE FUND 1,949,296

790 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,490

791 EXPENSES
FROM GENERAL REVENUE FUND 158,677

TOTAL: OFFENDER MANAGEMENT AND CONTROL
FROM GENERAL REVENUE FUND 2,126,463

TOTAL POSITIONS 41.00
TOTAL ALL FUNDS 2,126,463

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 668,010

792 SALARIES AND BENEFITS POSITIONS 17.00
FROM GENERAL REVENUE FUND 1,027,882

793 EXPENSES
FROM GENERAL REVENUE FUND 3,244,658

794 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 394,006

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 4,666,546

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TOTAL POSITIONS 17.00
TOTAL ALL FUNDS 4,666,546

COMMUNITY FACILITY OPERATIONS

APPROVED SALARY RATE 462,831

795 SALARIES AND BENEFITS POSITIONS 14.00
FROM GENERAL REVENUE FUND 1,119,607

796 EXPENSES
FROM GENERAL REVENUE FUND 2,800,390

Funds in Specific Appropriation 653 through 827 shall not be used to pay for unoccupied leased space currently being leased by the Department of Corrections in the event the leases are vacant on or after July 1, 2005 and for which it has been determined by the secretary that there is no longer a need.

TOTAL: COMMUNITY FACILITY OPERATIONS
FROM GENERAL REVENUE FUND 3,919,997

TOTAL POSITIONS 14.00
TOTAL ALL FUNDS 3,919,997

PROGRAM: HEALTH SERVICES

INMATE HEALTH SERVICES

APPROVED SALARY RATE 83,684,823

797 SALARIES AND BENEFITS POSITIONS 2,046.00
FROM GENERAL REVENUE FUND 108,735,105

798 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,595,711

799 EXPENSES
FROM GENERAL REVENUE FUND 7,876,515

800 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 323,029

801 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,506,604

802 SPECIAL CATEGORIES
INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 156,955,106

From the funds in Specific Appropriation 802, $100,000 is provided for Hepatitis B vaccinations for inmates.

803 SPECIAL CATEGORIES
TREATMENT OF INMATES - GENERAL DRUGS
FROM GENERAL REVENUE FUND 14,411,251

804 SPECIAL CATEGORIES
TREATMENT OF INMATES - PSYCHOTROPIC DRUGS
FROM GENERAL REVENUE FUND 12,493,009

TOTAL: INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 303,896,330

TOTAL POSITIONS 2,046.00
TOTAL ALL FUNDS 303,896,330

TREATMENT OF INMATES WITH INFECTIOUS DISEASES

APPROVED SALARY RATE 498,507

806 SALARIES AND BENEFITS POSITIONS 11.50
FROM GENERAL REVENUE FUND 92,394

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FROM GRANTS AND DONATIONS TRUST FUND . . . 457,591

807 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 184,207

808 EXPENSES
FROM GENERAL REVENUE FUND 179,547
FROM GRANTS AND DONATIONS TRUST FUND . . . 721,494

809 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 27,019

810 SPECIAL CATEGORIES
INMATE HEALTH SERVICES
FROM GENERAL REVENUE FUND 5,704,554

811 SPECIAL CATEGORIES
TREATMENT OF INMATES - INFECTIOUS DISEASE DRUGS
FROM GENERAL REVENUE FUND 19,723,578

TOTAL: TREATMENT OF INMATES WITH INFECTIOUS DISEASES
FROM GENERAL REVENUE FUND 25,700,073
FROM TRUST FUNDS 1,390,311

TOTAL POSITIONS 11.50
TOTAL ALL FUNDS 27,090,384

PROGRAM: EDUCATION AND PROGRAMS

ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES

APPROVED SALARY RATE 1,567,254

812 SALARIES AND BENEFITS POSITIONS 38.00
FROM GENERAL REVENUE FUND 1,066,792
FROM GRANTS AND DONATIONS TRUST FUND . . . 682,707

813 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,809

814 EXPENSES
FROM GENERAL REVENUE FUND 38,531
FROM GRANTS AND DONATIONS TRUST FUND . . . 622,865

815 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 73,600

816 SPECIAL CATEGORIES
CONTRACT DRUG ABUSE SERVICES
FROM GENERAL REVENUE FUND 1,678,432
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,072,341

TOTAL: ADULT SUBSTANCE ABUSE PREVENTION, EVALUATION AND TREATMENT SERVICES
FROM GENERAL REVENUE FUND 2,783,755
FROM TRUST FUNDS 4,456,322

TOTAL POSITIONS 38.00
TOTAL ALL FUNDS 7,240,077

BASIC EDUCATION SKILLS

APPROVED SALARY RATE 13,828,153

817 SALARIES AND BENEFITS POSITIONS 389.00
FROM GENERAL REVENUE FUND 14,981,030
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,476,913

818 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 771,542
FROM GRANTS AND DONATIONS TRUST FUND . . . 666,172

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819 EXPENSES
FROM GENERAL REVENUE FUND 3,383,659
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,149,353

820 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 27,605
FROM GRANTS AND DONATIONS TRUST FUND . . . 472,386

820A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 140,000

The funds in Specific Appropriation 820A are provided for Horizon Communities in Prison for reinvesting in prison education programs at the Tomoka and Wakulla Correctional institutions.

821 SPECIAL CATEGORIES
GRANTS AND AIDS - EVEN START FAMILY LITERACY PROJECT
FROM GRANTS AND DONATIONS TRUST FUND . . . 494,974

822 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 271,639

822A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 389

TOTAL: BASIC EDUCATION SKILLS
FROM GENERAL REVENUE FUND 19,575,864
FROM TRUST FUNDS 6,259,798

TOTAL POSITIONS 389.00
TOTAL ALL FUNDS 25,835,662

ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT

APPROVED SALARY RATE 5,395,247

823 SALARIES AND BENEFITS POSITIONS 148.00
FROM GENERAL REVENUE FUND 7,037,855
FROM GRANTS AND DONATIONS TRUST FUND . . . 401,281

824 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 182,290

825 EXPENSES
FROM GENERAL REVENUE FUND 2,246,503
FROM GRANTS AND DONATIONS TRUST FUND . . . 444,000

826 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,400
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,000

827 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 3,420,000

From funds in Specific Appropriation 827, $500,000 from non-recurring general revenue is provided for the Criminon Offender Training Program.

TOTAL: ADULT OFFENDER TRANSITION, REHABILITATION AND SUPPORT
FROM GENERAL REVENUE FUND 12,892,048
FROM TRUST FUNDS 848,281

TOTAL POSITIONS 148.00
TOTAL ALL FUNDS 13,740,329

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APPROPRIATION
JUSTICE ADMINISTRATION

PROGRAM: JUSTICE ADMINISTRATIVE COMMISSION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 3,872,881

828 SALARIES AND BENEFITS POSITIONS 111.00
FROM GENERAL REVENUE FUND 5,179,199
FROM GRANTS AND DONATIONS TRUST FUND . . . 34,924

829 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,600

830 EXPENSES
FROM GENERAL REVENUE FUND 968,756
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,825

From the funds in Specific Appropriation 830, $100,000 in non-recurring general revenue shall be used for the Cuban American Bar Association Pro Bono Project.

831 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 62,530

832 LUMP SUM
STATE ATTORNEY, PUBLIC DEFENDER CONTRACT/
GRANT POSITIONS
POSITIONS 11.50

The positions in Specific Appropriation 832 are provided for State Attorneys and Public Defenders to utilize with grants received during the 2005-2006 fiscal year that will recur for a minimum of 2 years. The Justice Administrative Commission may request the transfer of these positions to the offices of the State Attorneys and Public Defenders as needed. Such transfers are contingent upon the Commission notifying and providing documentation of the grant received to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council and the Governor's Office of Policy and Budget. Such notification is subject to the legislative objection provisions of chapter 216, Florida Statutes. Rate may be established for these positions at the amount of the starting salary of an assistant state attorney and assistant public defender. The rate must be placed in reserve pending transfer of positions.

832A LUMP SUM
STATE ATTORNEY AND PUBLIC DEFENDER
WORKLOAD
POSITIONS 55.00
FROM GENERAL REVENUE FUND 2,309,034

Funds in Specific Appropriation 832A are provided to the State Attorneys for workload and to support new judges. Each circuit shall be allocated one FTE and associated salary and expense funds per two new county and circuit judges authorized for the circuit, except that no circuit authorized for any new judges shall receive less than one FTE and associated salary and expense funds. Funds and FTE remaining after this initial allocation shall be allocated among the circuits as follows: (1) 50 percent shall be allocated based on each circuit's percentage of the state population as reported by the University of Florida, Bureau of Economic and Business Research, revised 12/16/03; and, (2) 50 percent shall be allocated among the circuits based on each circuit's percentage of the total number of cases opened during Fiscal Year 2002-2003 as reported in the Long Range Program Plan (LRPP).

833 SPECIAL CATEGORIES
GRANTS AND AIDS - FOSTER CARE CITIZEN
REVIEW PANEL
FROM GENERAL REVENUE FUND 231,681
FROM GRANTS AND DONATIONS TRUST FUND . . . 300,000

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From the funds in Specific Appropriation 833, $131,681 in non-recurring general revenue is provided for the Manatee Citizens Review Panel.

834 SPECIAL CATEGORIES
SEXUAL PREDATOR CIVIL COMMITMENT
LITIGATION COSTS
FROM GENERAL REVENUE FUND 3,429,194

Funds in Specific Appropriation 834 are provided for attorney fees and case-related expenses associated with prosecuting and defending sexual predator civil commitment cases. Case-related expenses are limited to expert witness fees, clinical evaluations, court reporter costs, and foreign language interpreters. The Justice Administrative Commission is authorized to pay up to $5,000 per case for case-related expenses incurred by the State Attorney and the Public Defender, or court appointed counsel where there is an ethical conflict, for a combined maximum of $10,000 for case-related expenses per case, unless the court orders payment of a greater amount. The Justice Administrative Commission shall submit quarterly reports to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council describing, by judicial circuit, requests for payments of case-related expenses received; court orders received directing payment of such expenses; and actual encumbrances and disbursements from this special appropriations category.

835 SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF MANAGEMENT
SERVICES FOR COPES
FROM GENERAL REVENUE FUND 90,125

836 SPECIAL CATEGORIES
PUBLIC DEFENDER DUE PROCESS COSTS
FROM GENERAL REVENUE FUND 16,500,000

Funds in Specific Appropriation 836 are provided for the Public Defenders' due process costs as specified in section 29.006, Florida Statutes. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.

1st Judicial Circuit	612,292
2nd Judicial Circuit	573,570
3rd Judicial Circuit	216,034
4th Judicial Circuit	1,328,614
5th Judicial Circuit	619,831
6th Judicial Circuit	1,103,500
7th Judicial Circuit	561,079
8th Judicial Circuit	439,552
9th Judicial Circuit	728,558
10th Judicial Circuit	738,289
11th Judicial Circuit	2,832,348
12th Judicial Circuit	566,240
13th Judicial Circuit	1,404,637
14th Judicial Circuit	323,281
15th Judicial Circuit	721,609
16th Judicial Circuit	155,944
17th Judicial Circuit	1,732,865
18th Judicial Circuit	508,562
19th Judicial Circuit	637,000
20th Judicial Circuit	696,195

From the funds credited for use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:

1st circuit	190,611
2nd circuit	323,698
3rd circuit	52,251
6th circuit	103,493
7th circuit	37,310

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8th circuit	83,798
9th circuit	481,878
10th circuit	68,975
11th circuit	121,996
12th circuit	153,205
13th circuit	784,106
14th circuit	134,089
15th circuit	93,646
16th circuit	74,983
17th circuit	60,851

837 SPECIAL CATEGORIES
CHILD DEPENDENCY AND CIVIL CONFLICT CASE
FROM GENERAL REVENUE FUND 19,771,856
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,500,000

Funds in Specific Appropriation 837 are provided for case fees and expenses of court-appointed counsel in civil conflict cases and child dependency cases. The Justice Administrative Commission shall apportion these funds for use in each circuit according to the number of projected dependency case filings in each judicial circuit, and is authorized to pay such fees and expenses, subject to all specifications and limitations as provided by law. The Justice Administrative Commission shall submit quarterly reports of these case payments to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council, by judicial circuit which shall include, but not be limited to, information on requests for payments received; court orders received directing payment; and actual encumbrances and disbursements from this special appropriations category.

838 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,608

839 SPECIAL CATEGORIES
CRIMINAL CONFLICT CASE COSTS
FROM GENERAL REVENUE FUND 37,436,867

Funds in Specific Appropriation 839 are provided for case fees as specified in section 27.5304, Florida Statutes, and expenses as specified in section 29.007, Florida Statutes, of court-appointed counsel for indigent criminal defendants in cases where the public defender has an ethical conflict and for due process costs for those individuals the court finds indigent for costs. The Justice Administrative Commission shall submit quarterly reports of criminal conflict case payments to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council by judicial circuit. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.

1st Judicial Circuit	1,174,270
2nd Judicial Circuit	1,289,083
3rd Judicial Circuit	370,961
4th Judicial Circuit	2,513,008
5th Judicial Circuit	1,122,783
6th Judicial Circuit	2,662,163
7th Judicial Circuit	1,882,035
8th Judicial Circuit	947,387
9th Judicial Circuit	3,228,734
10th Judicial Circuit	1,454,644
11th Judicial Circuit	4,477,525
12th Judicial Circuit	892,289
13th Judicial Circuit	2,332,546
14th Judicial Circuit	749,882
15th Judicial Circuit	2,907,965
16th Judicial Circuit	233,756
17th Judicial Circuit	4,895,785
18th Judicial Circuit	1,627,536
19th Judicial Circuit	905,045
20th Judicial Circuit	1,769,470

From the funds in Specific Appropriation 839, a total of $1,084,669 shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Courts Administrator on behalf of the circuit courts operating shared court reporting and interpreter services.

840 SPECIAL CATEGORIES
STATE ATTORNEY DUE PROCESS COSTS
FROM GENERAL REVENUE FUND 11,204,072

Funds in Specific Appropriation 840 are provided for the State Attorneys' due process costs as specified in section 29.005, Florida Statutes. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.

1st Judicial Circuit	690,005
2nd Judicial Circuit	358,948
3rd Judicial Circuit	131,052
4th Judicial Circuit	454,480
5th Judicial Circuit	363,604
6th Judicial Circuit	658,908
7th Judicial Circuit	487,930
8th Judicial Circuit	245,265
9th Judicial Circuit	500,028
10th Judicial Circuit	319,840
11th Judicial Circuit	2,351,440
12th Judicial Circuit	294,416
13th Judicial Circuit	635,738
14th Judicial Circuit	119,450
15th Judicial Circuit	764,940
16th Judicial Circuit	94,806
17th Judicial Circuit	1,380,088
18th Judicial Circuit	385,961
19th Judicial Circuit	280,449
20th Judicial Circuit	686,724

From the funds credited for the use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:

1st circuit	18,232
2nd circuit	16,650
3rd circuit	10,456
6th circuit	25,443
7th circuit	12,818
8th circuit	21,937
9th circuit	26,007
10th circuit	3,980
11th circuit	426,986
12th circuit	19,650
13th circuit	45,716
15th circuit	61,252
16th circuit	4,315
17th circuit	20,081

841 SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER
TRAINING
FROM GENERAL REVENUE FUND 35,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 262,803

842 SPECIAL CATEGORIES
DUE PROCESS CONTINGENCY FUND
FROM GENERAL REVENUE FUND 1,000,000

843 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,286,009
FROM CHILD SUPPORT TRUST FUND 83,128
FROM GRANTS AND DONATIONS TRUST FUND . . . 87,125

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From the funds provided in Specific Appropriation 843, the State Attorneys and Public Defenders shall transfer cash from their Grants and Donations Trust Fund and Child Support Enforcement Trust Fund in proportion to their positions funded from these sources to the Justice Administrative Commission to pay the Human Resources Services contract in the Department of Management Services.

844 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF FINANCIAL SERVICES FOR THE POSTCONVICTION CAPITAL COLLATERAL CASES - REGISTRY ATTORNEYS
FROM GENERAL REVENUE FUND 2,225,000

845 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 10,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 102,768,531
FROM TRUST FUNDS 4,272,805

TOTAL POSITIONS 177.50
TOTAL ALL FUNDS 107,041,336

PROGRAM: STATEWIDE GUARDIAN AD LITEM OFFICE

APPROVED SALARY RATE 14,223,991

846 SALARIES AND BENEFITS POSITIONS 418.00
FROM GENERAL REVENUE FUND 18,212,144

Funds and positions in Specific Appropriations 846 through 850 shall not be utilized to represent children in dissolution of marriage proceedings unless the child is also subject to dependency proceedings.

847 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 3,172,492
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,000

848 EXPENSES
FROM GENERAL REVENUE FUND 3,505,206
FROM GRANTS AND DONATIONS TRUST FUND . . . 250,000

848A OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 50,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,000

849 SPECIAL CATEGORIES
GRANTS AND AIDS - COURT SYSTEM SERVICES FOR CHILDREN AND YOUTH
FROM GENERAL REVENUE FUND 949,656

850 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 49,780

TOTAL: PROGRAM: STATEWIDE GUARDIAN AD LITEM OFFICE
FROM GENERAL REVENUE FUND 25,939,278
FROM TRUST FUNDS 320,000

TOTAL POSITIONS 418.00
TOTAL ALL FUNDS 26,259,278

STATE ATTORNEYS

The Prosecution Coordination Office's budgeting, training, and education needs may be funded by each State Attorney's office within the funds provided in Specific Appropriations 851 through 952. Funding for this office shall not exceed $360,000.

SECTION 4
SPECIFIC
APPROPRIATION
PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT

APPROVED SALARY RATE 8,883,479

851 SALARIES AND BENEFITS POSITIONS 212.00
FROM GENERAL REVENUE FUND 11,086,862
FROM GRANTS AND DONATIONS TRUST FUND . . . 371,594

852 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,080
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,000

852A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 140,000

853 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 1,040,556
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 40,447
FROM GRANTS AND DONATIONS TRUST FUND . . . 196,100

854 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 48,859

855 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,998

TOTAL: PROGRAM: STATE ATTORNEYS - FIRST JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 12,218,355
FROM TRUST FUNDS 768,141

TOTAL POSITIONS 212.00
TOTAL ALL FUNDS 12,986,496

PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,396,077

856 SALARIES AND BENEFITS POSITIONS 120.00
FROM GENERAL REVENUE FUND 6,363,558
FROM GRANTS AND DONATIONS TRUST FUND . . . 348,718

857 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 25,700
FROM GRANTS AND DONATIONS TRUST FUND . . . 141,480

857A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 68,304

858 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 363,987
FROM GRANTS AND DONATIONS TRUST FUND . . . 215,228

859 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 36,708

860 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 8,195

TOTAL: PROGRAM: STATE ATTORNEYS - SECOND JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,798,148
FROM TRUST FUNDS 773,730

SECTION 4
SPECIFIC
APPROPRIATION

	TOTAL POSITIONS	120.00	
	TOTAL ALL FUNDS		7,571,878

PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT

	APPROVED SALARY RATE	3,186,368	
861	SALARIES AND BENEFITS POSITIONS	69.50	
	FROM GENERAL REVENUE FUND	3,710,362	
	FROM GRANTS AND DONATIONS TRUST FUND		257,408
862	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	7,956	
	FROM GRANTS AND DONATIONS TRUST FUND		31,440
862A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND		16,000
863	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	232,119	
	FROM CIVIL RICO TRUST FUND		11,946
	FROM GRANTS AND DONATIONS TRUST FUND		98,311
864	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	12,312	
865	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,110	
TOTAL:	PROGRAM: STATE ATTORNEYS - THIRD JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	3,968,859	
	FROM TRUST FUNDS		415,105
	TOTAL POSITIONS	69.50	
	TOTAL ALL FUNDS		4,383,964

PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT

	APPROVED SALARY RATE	15,495,022	
866	SALARIES AND BENEFITS POSITIONS	361.00	
	FROM GENERAL REVENUE FUND	18,011,418	
	FROM GRANTS AND DONATIONS TRUST FUND		1,158,911
867	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	175,714	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		30,000
	FROM GRANTS AND DONATIONS TRUST FUND		425,140
867A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		116,088
868	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	323,809	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		137,616
	FROM GRANTS AND DONATIONS TRUST FUND		774,481
869	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	102,977	
870	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	11,547	

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL:	PROGRAM: STATE ATTORNEYS - FOURTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	18,625,465	
	FROM TRUST FUNDS		2,642,236
	TOTAL POSITIONS	361.00	
	TOTAL ALL FUNDS		21,267,701

PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT

	APPROVED SALARY RATE	9,608,165	
871	SALARIES AND BENEFITS POSITIONS	220.50	
	FROM GENERAL REVENUE FUND	11,956,010	
	FROM GRANTS AND DONATIONS TRUST FUND		324,070
872	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	25,225	
	FROM GRANTS AND DONATIONS TRUST FUND		79,194
872A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND		68,304
873	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	583,560	
	FROM CIVIL RICO TRUST FUND		1,000
	FROM GRANTS AND DONATIONS TRUST FUND		26,274
874	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	62,751	
875	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	15,938	
TOTAL:	PROGRAM: STATE ATTORNEYS - FIFTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	12,643,484	
	FROM TRUST FUNDS		498,842
	TOTAL POSITIONS	220.50	
	TOTAL ALL FUNDS		13,142,326

PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT

	APPROVED SALARY RATE	20,446,284	
876	SALARIES AND BENEFITS POSITIONS	464.00	
	FROM GENERAL REVENUE FUND	22,843,644	
	FROM GRANTS AND DONATIONS TRUST FUND		3,043,593
877	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	91,625	
	FROM GRANTS AND DONATIONS TRUST FUND		86,662
877A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND		68,304
878	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	571,847	
	FROM GRANTS AND DONATIONS TRUST FUND		742,787
879	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	123,353	
880	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	23,009	

SECTION 4
SPECIFIC
APPROPRIATION
TOTAL: PROGRAM: STATE ATTORNEYS - SIXTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 23,653,478
FROM TRUST FUNDS 3,941,346

TOTAL POSITIONS 464.00
TOTAL ALL FUNDS 27,594,824

PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 10,533,081

881 SALARIES AND BENEFITS POSITIONS 243.50
FROM GENERAL REVENUE FUND 12,090,853
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,220,134

882 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 41,424
FROM GRANTS AND DONATIONS TRUST FUND . . . 83,867

882A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 210,608

883 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 692,563
FROM GRANTS AND DONATIONS TRUST FUND . . . 515,314

884 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 168,917

885 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 6,171
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,000

TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 12,999,928
FROM TRUST FUNDS 2,049,923

TOTAL POSITIONS 243.50
TOTAL ALL FUNDS 15,049,851

PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,840,984

886 SALARIES AND BENEFITS POSITIONS 138.00
FROM GENERAL REVENUE FUND 7,085,153
FROM GRANTS AND DONATIONS TRUST FUND . . . 445,413

887 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 16,295
FROM GRANTS AND DONATIONS TRUST FUND . . . 96,184

887A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 70,552

888 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 296,316
FROM GRANTS AND DONATIONS TRUST FUND . . . 42,408

889 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 77,701

890 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 13,676

SECTION 4
SPECIFIC
APPROPRIATION
TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 7,489,141
FROM TRUST FUNDS 654,557

TOTAL POSITIONS 138.00
TOTAL ALL FUNDS 8,143,698

PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 13,947,760

891 SALARIES AND BENEFITS POSITIONS 318.50
FROM GENERAL REVENUE FUND 16,924,205
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 139,550
FROM GRANTS AND DONATIONS TRUST FUND . . . 268,130

892 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 112,847
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 63,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000

892A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 50,032
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,032

893 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 1,211,395
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 35,225
FROM GRANTS AND DONATIONS TRUST FUND . . . 79,288

894 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 109,815

895 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 27,936

TOTAL: PROGRAM: STATE ATTORNEYS - NINTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 18,386,198
FROM TRUST FUNDS 686,257

TOTAL POSITIONS 318.50
TOTAL ALL FUNDS 19,072,455

PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 9,081,518

896 SALARIES AND BENEFITS POSITIONS 218.00
FROM GENERAL REVENUE FUND 10,581,241
FROM GRANTS AND DONATIONS TRUST FUND . . . 914,900

897 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 31,581
FROM GRANTS AND DONATIONS TRUST FUND . . . 121,659

897A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 68,304

898 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 414,245
FROM GRANTS AND DONATIONS TRUST FUND . . . 339,641

SECTION 4 SPECIFIC APPROPRIATION			
899	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	58,752	
900	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	14,545	
TOTAL: PROGRAM: STATE ATTORNEYS - TENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	11,100,364	
	FROM TRUST FUNDS		1,444,504
	TOTAL POSITIONS	218.00	
	TOTAL ALL FUNDS		12,544,868
PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	49,649,041	
901	SALARIES AND BENEFITS POSITIONS	1,256.75	
	FROM GENERAL REVENUE FUND	44,062,541	
	FROM CHILD SUPPORT TRUST FUND		16,236,565
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,990,803
902	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	294,879	
	FROM CHILD SUPPORT TRUST FUND		868,300
	FROM GRANTS AND DONATIONS TRUST FUND . . .		61,692
902A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		138,800
903	SPECIAL CATEGORIES STATE ATTORNEY OPERATING EXPENDITURES FROM GENERAL REVENUE FUND	693,372	
	FROM CHILD SUPPORT TRUST FUND		3,682,412
	FROM CIVIL RICO TRUST FUND		82,000
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		203,700
	FROM GRANTS AND DONATIONS TRUST FUND . . .		542,517
904	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	745,407	
	FROM CHILD SUPPORT TRUST FUND		37,210
905	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	22,500	
TOTAL: PROGRAM: STATE ATTORNEYS - ELEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	45,818,699	
	FROM TRUST FUNDS		23,843,999
	TOTAL POSITIONS	1,256.75	
	TOTAL ALL FUNDS		69,662,698
PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	7,831,708	
906	SALARIES AND BENEFITS POSITIONS	181.00	
	FROM GENERAL REVENUE FUND	9,854,652	
907	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	23,502	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		7,500
SECTION 4 SPECIFIC APPROPRIATION			
907A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM GRANTS AND DONATIONS TRUST FUND . . .		47,784
908	SPECIAL CATEGORIES STATE ATTORNEY OPERATING EXPENDITURES FROM GENERAL REVENUE FUND	456,686	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		41,891
909	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	90,019	
910	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	9,580	
TOTAL: PROGRAM: STATE ATTORNEYS - TWELFTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	10,434,439	
	FROM TRUST FUNDS		97,175
	TOTAL POSITIONS	181.00	
	TOTAL ALL FUNDS		10,531,614
PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	14,484,837	
911	SALARIES AND BENEFITS POSITIONS	330.00	
	FROM GENERAL REVENUE FUND	17,587,254	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		173,828

From the positions and funds in Specific Appropriation 911, one full-time equivalent position and $55,026 from the Grants and Donations Trust Fund shall be initially placed in reserve by the Executive Office of the Governor. Upon receipt of funding from Hillsborough County, the positions and funding shall be released in accordance with applicable provisions of chapter 216, Florida Statutes.

912	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	120,725	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		115,122
913	SPECIAL CATEGORIES STATE ATTORNEY OPERATING EXPENDITURES FROM GENERAL REVENUE FUND	719,351	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		23,844
	FROM GRANTS AND DONATIONS TRUST FUND . . .		266,574
914	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	89,127	
915	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	6,913	
TOTAL: PROGRAM: STATE ATTORNEYS - THIRTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	18,523,370	
	FROM TRUST FUNDS		579,368
	TOTAL POSITIONS	330.00	
	TOTAL ALL FUNDS		19,102,738
PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT			

SECTION 4 SPECIFIC APPROPRIATION			
	APPROVED SALARY RATE	5,032,806	
916	SALARIES AND BENEFITS POSITIONS	120.50	
	FROM GENERAL REVENUE FUND	6,396,688	
	FROM GRANTS AND DONATIONS TRUST FUND		284,363
917	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	9,899	
	FROM GRANTS AND DONATIONS TRUST FUND		29,900
917A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	113,840	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		22,768
	FROM GRANTS AND DONATIONS TRUST FUND		22,768
918	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	405,182	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		13,797
	FROM GRANTS AND DONATIONS TRUST FUND		38,701
919	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	12,904	
920	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,794	
TOTAL: PROGRAM: STATE ATTORNEYS - FOURTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	6,946,307	
	FROM TRUST FUNDS		412,297
	TOTAL POSITIONS	120.50	
	TOTAL ALL FUNDS		7,358,604
PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	14,688,821	
921	SALARIES AND BENEFITS POSITIONS	332.00	
	FROM GENERAL REVENUE FUND	17,265,755	
	FROM GRANTS AND DONATIONS TRUST FUND		1,210,807
922	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	78,436	
	FROM GRANTS AND DONATIONS TRUST FUND		423,336
922A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		37,000
923	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	969,991	
	FROM GRANTS AND DONATIONS TRUST FUND		186,043
924	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	102,610	
925	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	10,702	
	FROM GRANTS AND DONATIONS TRUST FUND		1,000
SECTION 4 SPECIFIC APPROPRIATION			
TOTAL: PROGRAM: STATE ATTORNEYS - FIFTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	18,427,494	
	FROM TRUST FUNDS		1,858,186
	TOTAL POSITIONS	332.00	
	TOTAL ALL FUNDS		20,285,680
PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	2,856,540	
926	SALARIES AND BENEFITS POSITIONS	61.00	
	FROM GENERAL REVENUE FUND	3,422,502	
	FROM GRANTS AND DONATIONS TRUST FUND		202,881
927	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,350	
	FROM GRANTS AND DONATIONS TRUST FUND		76,054
927A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND		22,500
928	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	142,949	
	FROM GRANTS AND DONATIONS TRUST FUND		154,983
929	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	31,052	
930	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,129	
TOTAL: PROGRAM: STATE ATTORNEYS - SIXTEENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	3,625,982	
	FROM TRUST FUNDS		456,418
	TOTAL POSITIONS	61.00	
	TOTAL ALL FUNDS		4,082,400
PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	21,502,260	
931	SALARIES AND BENEFITS POSITIONS	494.00	
	FROM GENERAL REVENUE FUND	26,855,997	
	FROM GRANTS AND DONATIONS TRUST FUND		521,605
932	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	121,287	
	FROM GRANTS AND DONATIONS TRUST FUND		122,864
932A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GRANTS AND DONATIONS TRUST FUND		25,016
933	SPECIAL CATEGORIES		
	STATE ATTORNEY OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	1,461,009	
	FROM GRANTS AND DONATIONS TRUST FUND		130,381
934	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	130,942	

SECTION 4
SPECIFIC
APPROPRIATION

935 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 23,786

TOTAL: PROGRAM: STATE ATTORNEYS - SEVENTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 28,593,021
FROM TRUST FUNDS 799,866

TOTAL POSITIONS 494.00
TOTAL ALL FUNDS 29,392,887

PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 12,556,720

936 SALARIES AND BENEFITS POSITIONS 296.00
FROM GENERAL REVENUE FUND 14,805,123
FROM GRANTS AND DONATIONS TRUST FUND . . . 978,539

937 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 35,415
FROM GRANTS AND DONATIONS TRUST FUND . . . 32,500

937A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 72,132

938 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 878,114
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,290

939 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 61,317

940 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,707

TOTAL: PROGRAM: STATE ATTORNEYS - EIGHTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 15,789,676
FROM TRUST FUNDS 1,103,461

TOTAL POSITIONS 296.00
TOTAL ALL FUNDS 16,893,137

PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 6,981,801

941 SALARIES AND BENEFITS POSITIONS 163.50
FROM GENERAL REVENUE FUND 7,884,013
FROM GRANTS AND DONATIONS TRUST FUND . . . 628,701

942 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 28,741
FROM GRANTS AND DONATIONS TRUST FUND . . . 121,500

943 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 16,300
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,032

944 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 685,682
FROM GRANTS AND DONATIONS TRUST FUND . . . 91,500

SECTION 4
SPECIFIC
APPROPRIATION

945 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 159,895

946 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 8,874

TOTAL: PROGRAM: STATE ATTORNEYS - NINETEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 8,767,205
FROM TRUST FUNDS 908,033

TOTAL POSITIONS 163.50
TOTAL ALL FUNDS 9,675,238

PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT

APPROVED SALARY RATE 11,902,900

947 SALARIES AND BENEFITS POSITIONS 271.50
FROM GENERAL REVENUE FUND 13,805,736
FROM CIVIL RICO TRUST FUND 280,227
FROM GRANTS AND DONATIONS TRUST FUND . . . 623,303

948 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,503
FROM GRANTS AND DONATIONS TRUST FUND . . . 116,094

949 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CIVIL RICO TRUST FUND 20,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 136,608

950 SPECIAL CATEGORIES
STATE ATTORNEY OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 900,512
FROM CIVIL RICO TRUST FUND 57,102

951 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 146,094

952 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 21,288
FROM GRANTS AND DONATIONS TRUST FUND . . . 480

TOTAL: PROGRAM: STATE ATTORNEYS - TWENTIETH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 14,906,133
FROM TRUST FUNDS 1,233,814

TOTAL POSITIONS 271.50
TOTAL ALL FUNDS 16,139,947

PUBLIC DEFENDERS

The Public Defenders Coordination Office's budgeting needs may be funded by each Public Defender's office within the funds provided in Specific Appropriations 953 through 1049. The total funding for this office shall not exceed $360,000.

PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT

APPROVED SALARY RATE 5,195,226

953 SALARIES AND BENEFITS POSITIONS 120.00
FROM GENERAL REVENUE FUND 6,517,271
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 129,177

SECTION 4 SPECIFIC APPROPRIATION			
954	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,888	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		64,944
955	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	408,376	
	FROM GRANTS AND DONATIONS TRUST FUND		5,000
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		201,249
956	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	15,804	
TOTAL: PROGRAM: PUBLIC DEFENDERS - FIRST JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	6,964,339	
	FROM TRUST FUNDS		400,370
	TOTAL POSITIONS	120.00	
	TOTAL ALL FUNDS		7,364,709
PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	3,574,537	
957	SALARIES AND BENEFITS POSITIONS	85.75	
	FROM GENERAL REVENUE FUND	4,498,211	
	FROM GRANTS AND DONATIONS TRUST FUND		31,545
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		90,293
958	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	20,744	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		13,750
959	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	341,758	
	FROM GRANTS AND DONATIONS TRUST FUND		1,677
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		46,371
960	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	22,641	
TOTAL: PROGRAM: PUBLIC DEFENDERS - SECOND JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	4,883,354	
	FROM TRUST FUNDS		183,636
	TOTAL POSITIONS	85.75	
	TOTAL ALL FUNDS		5,066,990
PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	1,694,871	
961	SALARIES AND BENEFITS POSITIONS	33.00	
	FROM GENERAL REVENUE FUND	2,130,921	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		42,190
962	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,887	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		31,417

SECTION 4 SPECIFIC APPROPRIATION			
962A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		72,000
963	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	163,263	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		9,200
964	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,755	
TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRD JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	2,305,826	
	FROM TRUST FUNDS		154,807
	TOTAL POSITIONS	33.00	
	TOTAL ALL FUNDS		2,460,633
PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	7,220,839	
965	SALARIES AND BENEFITS POSITIONS	152.50	
	FROM GENERAL REVENUE FUND	8,950,471	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		178,803
966	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,277	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		114,395
966A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		58,500
967	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	343,473	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		144,083
968	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	20,692	
TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	9,336,913	
	FROM TRUST FUNDS		495,781
	TOTAL POSITIONS	152.50	
	TOTAL ALL FUNDS		9,832,694
PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	4,064,879	
969	SALARIES AND BENEFITS POSITIONS	97.50	
	FROM GENERAL REVENUE FUND	5,090,719	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		89,098
970	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,000	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		251,234

SECTION 4 SPECIFIC APPROPRIATION			
971	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	263,410	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		176,385
972	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	37,341	
TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	5,413,470	
	FROM TRUST FUNDS		516,717
	TOTAL POSITIONS	97.50	
	TOTAL ALL FUNDS		5,930,187
PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	9,819,407	
973	SALARIES AND BENEFITS POSITIONS	214.50	
	FROM GENERAL REVENUE FUND	11,651,096	
	FROM GRANTS AND DONATIONS TRUST FUND		466,173
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		232,952
974	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	82,867	
974A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		73,557
975	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	856,753	
	FROM GRANTS AND DONATIONS TRUST FUND		2,000
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		174,749
976	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	180,593	
TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	12,771,309	
	FROM TRUST FUNDS		949,431
	TOTAL POSITIONS	214.50	
	TOTAL ALL FUNDS		13,720,740
PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	5,216,012	
977	SALARIES AND BENEFITS POSITIONS	119.50	
	FROM GENERAL REVENUE FUND	6,525,617	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		126,098
978	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	34	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		3,230
979	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	218,701	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		84,638
SECTION 4 SPECIFIC APPROPRIATION			
980	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	21,466	
TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	6,765,818	
	FROM TRUST FUNDS		213,966
	TOTAL POSITIONS	119.50	
	TOTAL ALL FUNDS		6,979,784
PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	3,259,757	
981	SALARIES AND BENEFITS POSITIONS	71.50	
	FROM GENERAL REVENUE FUND	4,100,600	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		81,614
982	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,919	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		79,826
983	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	195,658	
	FROM GRANTS AND DONATIONS TRUST FUND		10,000
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		109,095
984	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	24,869	
TOTAL: PROGRAM: PUBLIC DEFENDERS - EIGHTH JUDICIAL CIRCUIT			
	FROM GENERAL REVENUE FUND	4,334,046	
	FROM TRUST FUNDS		280,535
	TOTAL POSITIONS	71.50	
	TOTAL ALL FUNDS		4,614,581
PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT			
	APPROVED SALARY RATE	7,064,673	
985	SALARIES AND BENEFITS POSITIONS	170.50	
	FROM GENERAL REVENUE FUND	8,234,095	
	FROM GRANTS AND DONATIONS TRUST FUND		616,955
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		152,165
986	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	25,000	
	FROM GRANTS AND DONATIONS TRUST FUND		7,500
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		141,200
986A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		66,000
987	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	1,400,664	
	FROM GRANTS AND DONATIONS TRUST FUND		2,000
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		743,027

SECTION 4
SPECIFIC
APPROPRIATION

988 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,358

TOTAL: PROGRAM: PUBLIC DEFENDERS - NINTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 9,676,117
FROM TRUST FUNDS 1,728,847

TOTAL POSITIONS 170.50
TOTAL ALL FUNDS 11,404,964

PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 4,905,494

989 SALARIES AND BENEFITS POSITIONS 112.00
FROM GENERAL REVENUE FUND 6,099,407
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 120,378

990 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,580
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 58,032

990A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 15,569

991 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 271,321
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 149,521

992 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 22,534

TOTAL: PROGRAM: PUBLIC DEFENDERS - TENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 6,405,842
FROM TRUST FUNDS 343,500

TOTAL POSITIONS 112.00
TOTAL ALL FUNDS 6,749,342

PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 18,821,972

993 SALARIES AND BENEFITS POSITIONS 415.50
FROM GENERAL REVENUE FUND 22,799,804
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 394,365

994 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 95,217
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 71,949

995 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 95,890

996 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 801,801
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 95,489

SECTION 4
SPECIFIC
APPROPRIATION

997 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 158,013

TOTAL: PROGRAM: PUBLIC DEFENDERS - ELEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 23,950,725
FROM TRUST FUNDS 561,803

TOTAL POSITIONS 415.50
TOTAL ALL FUNDS 24,512,528

PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 4,056,497

998 SALARIES AND BENEFITS POSITIONS 93.00
FROM GENERAL REVENUE FUND 5,033,913
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 104,390

999 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 38,699
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 47,840

1000 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 451,398
FROM GRANTS AND DONATIONS TRUST FUND . . . 58,400
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 233,000

1001 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,752

TOTAL: PROGRAM: PUBLIC DEFENDERS - TWELFTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 5,532,762
FROM TRUST FUNDS 443,630

TOTAL POSITIONS 93.00
TOTAL ALL FUNDS 5,976,392

PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 8,903,130

1002 SALARIES AND BENEFITS POSITIONS 206.25
FROM GENERAL REVENUE FUND 10,839,798
FROM GRANTS AND DONATIONS TRUST FUND . . . 74,856
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 214,961

1003 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 48,954
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 71,201

1004 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 44,000

1005 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 777,076
FROM GRANTS AND DONATIONS TRUST FUND . . . 107,844
FROM INDIGENT CRIMINAL DEFENSE TRUST
FUND 283,301

SECTION 4
SPECIFIC
APPROPRIATION
1006 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 52,933

TOTAL: PROGRAM: PUBLIC DEFENDERS - THIRTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 11,718,761
FROM TRUST FUNDS 796,163

TOTAL POSITIONS 206.25
TOTAL ALL FUNDS 12,514,924

PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 2,858,557

1007 SALARIES AND BENEFITS POSITIONS 58.50
FROM GENERAL REVENUE FUND 3,535,245
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 61,007

1008 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,101
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 77,071

1009 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 216,958
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 91,296

1010 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 54,286

TOTAL: PROGRAM: PUBLIC DEFENDERS - FOURTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,813,590
FROM TRUST FUNDS 244,374

TOTAL POSITIONS 58.50
TOTAL ALL FUNDS 4,057,964

PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 8,666,291

1011 SALARIES AND BENEFITS POSITIONS 204.50
FROM GENERAL REVENUE FUND 10,596,642
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 206,804

1012 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 248,199
FROM GRANTS AND DONATIONS TRUST FUND . . . 392,291
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 93,620

1013 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 637,985
FROM GRANTS AND DONATIONS TRUST FUND . . . 66,670
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 140,012

1014 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 82,013

SECTION 4
SPECIFIC
APPROPRIATION
TOTAL: PROGRAM: PUBLIC DEFENDERS - FIFTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 11,564,839
FROM TRUST FUNDS 899,397

TOTAL POSITIONS 204.50
TOTAL ALL FUNDS 12,464,236

PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,946,693

1015 SALARIES AND BENEFITS POSITIONS 45.50
FROM GENERAL REVENUE FUND 2,437,992
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 47,948

1016 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,468
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 24,369

1017 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 136,064
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,000
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 28,722

1018 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,325

TOTAL: PROGRAM: PUBLIC DEFENDERS - SIXTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,591,849
FROM TRUST FUNDS 108,039

TOTAL POSITIONS 45.50
TOTAL ALL FUNDS 2,699,888

PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 10,004,029

1019 SALARIES AND BENEFITS POSITIONS 213.50
FROM GENERAL REVENUE FUND 12,166,300
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 240,760

1020 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 86,757
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 66,000

1021 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 1,452,628
FROM INDIGENT CRIMINAL DEFENSE TRUST FUND 268,872

1022 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 61,945

TOTAL: PROGRAM: PUBLIC DEFENDERS - SEVENTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 13,767,630
FROM TRUST FUNDS 575,632

SECTION 4
SPECIFIC
APPROPRIATION

	TOTAL POSITIONS	213.50	
	TOTAL ALL FUNDS		14,343,262

PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT

	APPROVED SALARY RATE	4,527,163	
1023	SALARIES AND BENEFITS POSITIONS	107.00	
	FROM GENERAL REVENUE FUND	5,631,129	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		108,249
1024	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,953	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		24,000
1024A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		44,000
1025	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	393,384	
	FROM GRANTS AND DONATIONS TRUST FUND		5,000
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		402,695
1026	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	9,265	
TOTAL:	PROGRAM: PUBLIC DEFENDERS - EIGHTEENTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	6,046,731	
	FROM TRUST FUNDS		583,944
	TOTAL POSITIONS	107.00	
	TOTAL ALL FUNDS		6,630,675

PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT

	APPROVED SALARY RATE	3,151,923	
1027	SALARIES AND BENEFITS POSITIONS	74.50	
	FROM GENERAL REVENUE FUND	3,941,307	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		78,809
1028	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	20,143	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		93,910
1029	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	221,006	
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		203,591
1030	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	41,628	
TOTAL:	PROGRAM: PUBLIC DEFENDERS - NINETEENTH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	4,224,084	
	FROM TRUST FUNDS		376,310

SECTION 4
SPECIFIC
APPROPRIATION

	TOTAL POSITIONS	74.50	
	TOTAL ALL FUNDS		4,600,394

PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT

	APPROVED SALARY RATE	5,053,376	
1031	SALARIES AND BENEFITS POSITIONS	111.00	
	FROM GENERAL REVENUE FUND	5,912,435	
	FROM GRANTS AND DONATIONS TRUST FUND		218,049
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		94,836
1032	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,287	
	FROM GRANTS AND DONATIONS TRUST FUND		20,000
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		79,030
1032A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		51,610
1033	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	615,510	
	FROM GRANTS AND DONATIONS TRUST FUND		3,000
	FROM INDIGENT CRIMINAL DEFENSE TRUST FUND		83,740
1034	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	178,271	
TOTAL:	PROGRAM: PUBLIC DEFENDERS - TWENTIETH JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	6,721,503	
	FROM TRUST FUNDS		550,265
	TOTAL POSITIONS	111.00	
	TOTAL ALL FUNDS		7,271,768

PUBLIC DEFENDERS APPELLATE DIVISION

PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT

	APPROVED SALARY RATE	1,729,903	
1035	SALARIES AND BENEFITS POSITIONS	34.75	
	FROM GENERAL REVENUE FUND	2,157,962	
1036	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	7,500	
1037	SPECIAL CATEGORIES		
	PUBLIC DEFENDER OPERATING EXPENDITURES		
	FROM GENERAL REVENUE FUND	170,695	
TOTAL:	PROGRAM: PUBLIC DEFENDERS APPELLATE - SECOND JUDICIAL CIRCUIT		
	FROM GENERAL REVENUE FUND	2,336,157	
	TOTAL POSITIONS	34.75	
	TOTAL ALL FUNDS		2,336,157

PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT

SECTION 4
SPECIFIC
APPROPRIATION

APPROVED SALARY RATE 1,673,396

1038 SALARIES AND BENEFITS POSITIONS 33.00
FROM GENERAL REVENUE FUND 2,069,043

1039 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,400

1040 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 184,164

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - SEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 2,255,607

TOTAL POSITIONS 33.00
TOTAL ALL FUNDS 2,255,607

PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 2,392,817

1041 SALARIES AND BENEFITS POSITIONS 51.00
FROM GENERAL REVENUE FUND 3,001,863

1042 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 305,744

1043 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 153,095

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - TENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,460,702

TOTAL POSITIONS 51.00
TOTAL ALL FUNDS 3,460,702

PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 1,497,613

1044 SALARIES AND BENEFITS POSITIONS 24.00
FROM GENERAL REVENUE FUND 1,844,712

1045 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,165

1046 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 114,055

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - ELEVENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 1,967,932

TOTAL POSITIONS 24.00
TOTAL ALL FUNDS 1,967,932

PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH JUDICIAL CIRCUIT

APPROVED SALARY RATE 2,427,904

1047 SALARIES AND BENEFITS POSITIONS 38.00
FROM GENERAL REVENUE FUND 2,962,651

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1048 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,837

1049 SPECIAL CATEGORIES
PUBLIC DEFENDER OPERATING EXPENDITURES
FROM GENERAL REVENUE FUND 166,021

TOTAL: PROGRAM: PUBLIC DEFENDERS APPELLATE - FIFTEENTH JUDICIAL CIRCUIT
FROM GENERAL REVENUE FUND 3,136,509

TOTAL POSITIONS 38.00
TOTAL ALL FUNDS 3,136,509

CAPITAL COLLATERAL REGIONAL COUNSELS

PROGRAM: MIDDLE REGIONAL COUNSEL

PROVIDE STATE REQUIRED POST CONVICTION LEGAL REPRESENTATION TO DEATH-ROW INMATES

APPROVED SALARY RATE 2,046,947

1050 SALARIES AND BENEFITS POSITIONS 39.00
FROM GENERAL REVENUE FUND 2,594,447

1051 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 47,307

1052 EXPENSES
FROM GENERAL REVENUE FUND 625,234

1053 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,321

1054 SPECIAL CATEGORIES
CASE RELATED COSTS
FROM GENERAL REVENUE FUND 550,244

1055 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 75,000

1056 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 19,671

1057 SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSELS LAW LIBRARY
FROM GENERAL REVENUE FUND 10,000

1058 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,500

TOTAL: PROVIDE STATE REQUIRED POST CONVICTION LEGAL REPRESENTATION TO DEATH-ROW INMATES
FROM GENERAL REVENUE FUND 3,925,724

TOTAL POSITIONS 39.00
TOTAL ALL FUNDS 3,925,724

PROGRAM: SOUTHERN REGIONAL COUNSEL

PROVIDE STATE REQUIRED POST CONVICTION LEGAL REPRESENTATION TO DEATH-ROW INMATES

APPROVED SALARY RATE 1,603,976

1059 SALARIES AND BENEFITS POSITIONS 30.00
FROM GENERAL REVENUE FUND 2,019,597

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1060 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 41,544

1061 EXPENSES
FROM GENERAL REVENUE FUND 519,887

1062 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,038

1063 SPECIAL CATEGORIES
CASE RELATED COSTS
FROM GENERAL REVENUE FUND 664,303

1064 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 75,000

1065 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,812

1066 SPECIAL CATEGORIES
CAPITAL COLLATERAL REGIONAL COUNSELS LAW LIBRARY
FROM GENERAL REVENUE FUND 6,500

1067 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,500

TOTAL: PROVIDE STATE REQUIRED POST CONVICTION LEGAL REPRESENTATION TO DEATH-ROW INMATES
FROM GENERAL REVENUE FUND 3,332,181

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 3,332,181

JUVENILE JUSTICE, DEPARTMENT OF

From the funds in Specific Appropriations 1068 through 1150A, each provider who contracts with the Department of Juvenile Justice must provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.

From the funds in Specific Appropriations 1068 and 1150A, the Department of Juvenile Justice is directed to withhold funds from contract payments to any provider if that provider failed to comply with contract requirements that it maintain property insurance and if the failure to do so resulted in uninsured losses. The amount withheld shall not exceed the amount of the uninsured loss and may be reduced by other remedial actions agreed upon by the department and the provider.

Consistent with the provisions of section 216.311, Florida Statutes, no funds in Specific Appropriations 1068 through 1150A or in this act are provided for payments after September 30, 2005, for the current contract between the Department of Juvenile Justice and Lighthouse Care Center for the operation of the Florida Institute for Girls.

PROGRAM: JUVENILE DETENTION PROGRAM

DETENTION CENTERS

APPROVED SALARY RATE 59,185,292

1068 SALARIES AND BENEFITS POSITIONS 2,098.50
FROM GENERAL REVENUE FUND 10,776,541

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FROM GRANTS AND DONATIONS TRUST FUND . . . 52,221
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 67,267,819

1069 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 260,288
FROM GRANTS AND DONATIONS TRUST FUND . . . 235,767
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 2,139,035

1070 EXPENSES
FROM GENERAL REVENUE FUND 794,749
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,296,312
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 7,126,642

1071 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,444
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,293
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 219,973

1071A SPECIAL CATEGORIES
OUTSOURCED DETENTION CENTER OPERATIONS
FROM GENERAL REVENUE FUND 237,534
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,173,972

1072 SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 1,529,110
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 266,414

From the funds in Specific Appropriation 1072, $300,000 from non-recurring general revenue is provided for the Village Inn for Girls and $200,000 from non-recurring general revenue is provided for the Village Inn for Boys at the Miami-Dade detention center.

From the funds in Specific Appropriation 1072, $1,000,000 from recurring general revenue is provided for the Girls' Advocacy Program (GAP) Statewide Expansion.

1073 SPECIAL CATEGORIES
GRANTS AND AIDS - GRANTS TO FISCALLY CONSTRAINED COUNTIES FOR DETENTION CENTER COSTS
FROM GENERAL REVENUE FUND 5,529,581

1074 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,564,599
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,705,041
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 8,861,102

From the funds in Specific Appropriation 1074, $500,000 from the General Revenue Fund is provided for a contract with a private sector vendor to develop criteria and provide oversight for psychiatric testing for juveniles housed in the regional detention centers. The vendor must be a licensed third party administrator or a certified private review agent that is accredited by the National Committee for Quality Assurance and accredited by the Utilization Review Accreditation Committee. The contract must be awarded pursuant to a Request for Proposals as defined by section 287.057, Florida Statutes.

1075 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 476,195
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 4,036,436

1076 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT

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SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 85,090
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 738,073

TOTAL: DETENTION CENTERS
FROM GENERAL REVENUE FUND 21,257,131
FROM TRUST FUNDS 96,126,100

TOTAL POSITIONS 2,098.50
TOTAL ALL FUNDS 117,383,231

HOME DETENTION

1076A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 2,200,000
FROM SHARED COUNTY/STATE JUVENILE DETENTION TRUST FUND 500,000

Funds in Specific Appropriation 1076A are provided for electronic monitoring and may include traditional radio frequency monitoring and/or Global Positioning System (GPS) monitoring. Funds in Specific Appropriation 1076A shall be expended pursuant to contracts awarded on a regional basis pursuant to Requests for Proposals as defined in section 287.057, Florida Statutes.

TOTAL: HOME DETENTION
FROM GENERAL REVENUE FUND 2,200,000
FROM TRUST FUNDS 500,000

TOTAL ALL FUNDS 2,700,000

PROGRAM: PROBATION AND COMMUNITY CORRECTIONS
PROGRAM

AFTERCARE SERVICES - CONDITIONAL RELEASE

APPROVED SALARY RATE 756,680

1076B SALARIES AND BENEFITS POSITIONS 25.00
FROM GENERAL REVENUE FUND 953,878
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,277

1076C EXPENSES
FROM GENERAL REVENUE FUND 124,834
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,987

1076D SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 1,837,235

1076E SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 23,834,122
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,812,600
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 992

1076F SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 8,768

TOTAL: AFTERCARE SERVICES - CONDITIONAL RELEASE
FROM GENERAL REVENUE FUND 26,758,837
FROM TRUST FUNDS 1,831,856

TOTAL POSITIONS 25.00
TOTAL ALL FUNDS 28,590,693

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APPROVED SALARY RATE 48,255,768

1076G SALARIES AND BENEFITS POSITIONS 1,529.50
FROM GENERAL REVENUE FUND 53,126,010
FROM GRANTS AND DONATIONS TRUST FUND . . . 137,837
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 7,645,060

1076H OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 945,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 142,555

1076I EXPENSES
FROM GENERAL REVENUE FUND 10,100,294
FROM GRANTS AND DONATIONS TRUST FUND . . . 53,273
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 564,708

1076J OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 74,694

1076K SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 1,080,000

1076L SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 13,875,072
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,198,952

From the funds in Specific Appropriation 1076L, $1,321,783 from recurring general revenue is provided to continue the redirection program established during FY 2004-05 and $660,892 is provided to expand the redirection program to the 9th judicial circuit and to Brevard County in the 18th judicial circuit. As part of the treatment alternative, the redirection project shall include short-term residential placement sufficient to stabilize the youth and shall utilize electronic monitoring for a sufficient number of youth to allow for a statistically valid evaluation of electronic monitoring as an additional supervision tool. Treatment services shall include multi-systemic therapy or functional family therapy for youth for whom these services are appropriate.

Only youth who are before the court solely for a non-law violation of probation and who the judge determines would otherwise need long-term residential commitment to address treatment needs shall be eligible for placement into this program. Further, youth who have been adjudicated or convicted of a violent crime or first degree felony, or otherwise have a criminal history of such offenses, shall not be eligible for placement into this program. The department and each participating court shall agree on a protocol to identify youth appropriate for diversion into this program.

The department, in consultation with the Office of Program Policy Analysis and Governmental Accountability (OPPAGA), shall develop reporting protocols to gather and maintain the data necessary to allow OPPAGA to conduct a longitudinal evaluation of the program which shall include a comparison of the effectiveness of the various components of the program.

1076M SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,192,989

1076N SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 24,960

1076O SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT

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SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 573,212

TOTAL: JUVENILE PROBATION
FROM GENERAL REVENUE FUND 80,992,731
FROM TRUST FUNDS 9,742,385

TOTAL POSITIONS 1,529.50
TOTAL ALL FUNDS 90,735,116

NON-RESIDENTIAL DELINQUENCY REHABILITATION

1076P SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 200,000

1076Q SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 23,751,188
FROM GRANTS AND DONATIONS TRUST FUND . . . 832,184
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 81,003

1076R GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
PINELLAS MARINE INSTITUTE PANAMA KEY ISLAND POWER LINE PROJECT
FROM GENERAL REVENUE FUND 250,000

TOTAL: NON-RESIDENTIAL DELINQUENCY REHABILITATION
FROM GENERAL REVENUE FUND 24,201,188
FROM TRUST FUNDS 913,187

TOTAL ALL FUNDS 25,114,375

PROGRAM: OFFICE OF THE SECRETARY/ASSISTANT SECRETARY FOR ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 8,993,041

1105 SALARIES AND BENEFITS POSITIONS 243.50
FROM GENERAL REVENUE FUND 11,129,139
FROM GRANTS AND DONATIONS TRUST FUND . . . 344,017

1106 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 714,465
FROM ADMINISTRATIVE TRUST FUND 72,341
FROM JUVENILE JUSTICE TRAINING TRUST FUND 11,712

1107 EXPENSES
FROM GENERAL REVENUE FUND 3,132,546
FROM ADMINISTRATIVE TRUST FUND 550,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 749,413
FROM JUVENILE JUSTICE TRAINING TRUST FUND 685,709

1108 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 35,852

1109 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 450,000

1110 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 11,188

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1111 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 113,152
FROM JUVENILE JUSTICE TRAINING TRUST FUND 1,989,189

1112 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 213,286

1113 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 115,776

1114 FIXED CAPITAL OUTLAY
DEPARTMENT OF JUVENILE JUSTICE MAINTENANCE AND REPAIR - STATE OWNED BUILDINGS
FROM GENERAL REVENUE FUND 1,343,452

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 17,258,856
FROM TRUST FUNDS 4,402,381

TOTAL POSITIONS 243.50
TOTAL ALL FUNDS 21,661,237

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 2,745,277

1115 SALARIES AND BENEFITS POSITIONS 64.50
FROM GENERAL REVENUE FUND 3,303,148

1116 EXPENSES
FROM GENERAL REVENUE FUND 2,974,126
FROM ADMINISTRATIVE TRUST FUND 49,793
FROM GRANTS AND DONATIONS TRUST FUND . . . 29,111

1117 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 92,834

1118 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 19,028

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 6,389,136
FROM TRUST FUNDS 78,904

TOTAL POSITIONS 64.50
TOTAL ALL FUNDS 6,468,040

PROGRAM: RESIDENTIAL CORRECTIONS PROGRAM

From the funds in Specific Appropriations 1119 through 1139, the department shall provide monthly reports identifying all residential commitment beds in operation on the last day of the month and a detailed listing of facilities that opened, closed, or increased or decreased capacity during the reporting period.

NON-SECURE RESIDENTIAL COMMITMENT

APPROVED SALARY RATE 8,244,238

1119 SALARIES AND BENEFITS POSITIONS 297.00
FROM GENERAL REVENUE FUND 7,833,607
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,671,248

Funds are provided in Specific Appropriations 1119 through 1128A for the department to operate 262 general offender beds for 12 months and

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100 specialty beds for 12 months. The department may increase or decrease the number of beds provided that the department determines that the change will better serve taxpayers and the youth under its care. Prior to any change authorized herein, notification and justification must be provided to the Governor's Office of Policy and Budget, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council.

1120 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 112,066
FROM GRANTS AND DONATIONS TRUST FUND . . . 166,771

1121 EXPENSES
FROM GENERAL REVENUE FUND 1,929,775
FROM GRANTS AND DONATIONS TRUST FUND . . . 416,735
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 451,327

1122 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 21,231

1123 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 372,084
FROM GRANTS AND DONATIONS TRUST FUND . . . 138,468

1124 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 48,364

1124A SPECIAL CATEGORIES
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME
FROM GENERAL REVENUE FUND 450,000

From the funds in Specific Appropriation 1124A, the following projects are funded from non-recurring general revenue funds:

Project Craft..... 350,000
Twin Oaks Intensive Short-Term Pilot..... 100,000

1125 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 138,706,459
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,269,842
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,382,034

From the funds in Specific Appropriation 1125, $200,000 from non-recurring general revenue is provided for a per diem increase for the Polk County Boot Camp.

Funds in Specific Appropriation 1125 are provided to contract for the operation of 3,517 general offender beds and 552 specialty beds. In addition, funds are provided for 194 mental health overlay slots and 281 substance abuse overlay slots for youth in non-secure residential commitment programs. The department may increase or decrease the number of beds or overlay slots provided that the department determines that the change will better serve taxpayers and the youth under its care. Prior to any change authorized herein, notification and justification must be provided to the Governor's Office of Policy and Budget, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council.

1126 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 657,358

1127 SPECIAL CATEGORIES
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES
FROM GENERAL REVENUE FUND 6,979,927

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Funds in Specific Appropriation 1127 are provided to contract for the operation of 236 beds at the wilderness therapeutic services programs.

1128 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 174,653

1128A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
RENOVATIONS TO STATE-OWNED DJJ GIRLS COMMITMENT FACILITIES LOCATED AT STEWART-MARCHMAN TREATMENT CENTER
FROM GENERAL REVENUE FUND 258,000

1128B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FACILITY RENOVATIONS AND REPAIRS - ECKERD YOUTH ALTERNATIVES
FROM GENERAL REVENUE FUND 500,000

TOTAL: NON-SECURE RESIDENTIAL COMMITMENT
FROM GENERAL REVENUE FUND 158,022,293
FROM TRUST FUNDS 8,517,656

TOTAL POSITIONS 297.00
TOTAL ALL FUNDS 166,539,949

SECURE RESIDENTIAL COMMITMENT

APPROVED SALARY RATE 24,336,847

1129 SALARIES AND BENEFITS POSITIONS 747.00
FROM GENERAL REVENUE FUND 29,752,425
FROM GRANTS AND DONATIONS TRUST FUND . . . 292,290
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,254,825

Funds in Specific Appropriations 1129 through 1139 are provided for the department to operate 228 general offender beds and 266 specialty beds. The department may increase or decrease the number of beds provided that the department determines that the change will better serve taxpayers and the youth under its care. Prior to any change authorized herein, notification and justification must be provided to the Governor's Office of Policy and Budget, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council.

1130 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 895,236
FROM GRANTS AND DONATIONS TRUST FUND . . . 243,109

1131 EXPENSES
FROM GENERAL REVENUE FUND 4,572,276
FROM GRANTS AND DONATIONS TRUST FUND . . . 225,686

1132 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 33,861

1133 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 348,945
FROM GRANTS AND DONATIONS TRUST FUND . . . 57,637

1134 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTUAL SERVICES-DOZIER TRAINING SCHOOL
FROM GENERAL REVENUE FUND 447,787
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 105,187

1135 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTUAL SERVICES-OKEECHOBEE TRAINING SCHOOL

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FROM GENERAL REVENUE FUND	6,409,457	
FROM GRANTS AND DONATIONS TRUST FUND . . .		32,088
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,546,273

Funds in Specific Appropriation 1135 are provided to contract for the operation of 143 beds at the state-owned residential commitment facility in Okeechobee County.

1136 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES

FROM GENERAL REVENUE FUND	40,355,792	
FROM GRANTS AND DONATIONS TRUST FUND . . .		2,373,229
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		30,808,311

From the funds in Specific Appropriation 1136, $142,900 from recurring general revenue is provided to the City of Pahokee as a payment in lieu of taxes.

Funds in Specific Appropriation 1136 are provided to contract for the operation of 1,183 general offender beds and 434 specialty beds. In addition, funds are provided for 537 mental health overlay slots and 125 substance abuse overlay slots. The department may increase or decrease the number of beds or overlay slots provided that the department determines that the change will better serve taxpayers and the youth under its care. Prior to any change authorized herein, notification and justification must be provided to the Governor's Office of Policy and Budget, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council.

1137 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 984,979

1138 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 295,058

1139 FIXED CAPITAL OUTLAY
CORRECTIONS PRIVATIZATION COMMISSION - LEASE PURCHASE
FROM GENERAL REVENUE FUND 2,895,735

TOTAL: SECURE RESIDENTIAL COMMITMENT

FROM GENERAL REVENUE FUND	86,957,690	
FROM TRUST FUNDS		38,972,496
TOTAL POSITIONS	747.00	
TOTAL ALL FUNDS		125,930,186

PROGRAM: PREVENTION AND VICTIM SERVICES

DELINQUENCY PREVENTION AND DIVERSION

APPROVED SALARY RATE 795,821

1140 SALARIES AND BENEFITS	POSITIONS	17.00	
FROM GENERAL REVENUE FUND		415,032	
FROM GRANTS AND DONATIONS TRUST FUND . . .			448,208
1141 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		311,628	
FROM GRANTS AND DONATIONS TRUST FUND . . .			208,160
1142 EXPENSES			
FROM GENERAL REVENUE FUND		289,238	
FROM GRANTS AND DONATIONS TRUST FUND . . .			366,648

1143 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INVEST IN CHILDREN

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FROM JUVENILE CRIME PREVENTION AND EARLY INTERVENTION TRUST FUND		1,802,000
1144 OPERATING CAPITAL OUTLAY		
FROM GRANTS AND DONATIONS TRUST FUND . . .		24,900
1145 SPECIAL CATEGORIES		
PACE CENTERS		
FROM GENERAL REVENUE FUND	10,472,579	
1146 SPECIAL CATEGORIES		
LEGISLATIVE INITIATIVES TO REDUCE AND PREVENT JUVENILE CRIME		
FROM GENERAL REVENUE FUND	6,301,000	

From the funds in Specific Appropriation 1146, the following juvenile justice projects are funded from non-recurring general revenue funds, unless specifically noted.

PAR Adolescent Intervention Center (PAIC) Pasco County (Recurring)	725,000
Youth Advocate Programs, Inc	450,000
Youth Crime Watch Of Florida	200,000
Guys Program Expansion - The Grove Counseling Center	335,000
City Police Athletic League Programs In Brevard County	210,000
Program Smart	100,000
Seminole County Juvenile Drug Court	280,000
African American Female Delinquency Program	100,000
Intergenerational Mentoring	25,000
New Horizons	50,000
Aspira	75,000
The Village Inn Home Services	100,000
Youth Intervention And Diversion Program	260,000
Big Brothers/Big Sisters Program-Statewide	100,000
Peggy Mitchell Peterman Empowerment Center For Advanced Learning	100,000
Florida Christian Social Service Project	200,000
Helping Youth Promote Excellence	50,000
Journalism Arts & Music Program	100,000
Tutorial Educational Recreation Program	200,000
From Black Boy To Black Man	34,000
Regional Juvenile Crime Prevention Initiative	175,000
Vocational/Entrepreneurial Training Program For Juvenile Offenders	150,000
Pack Summer Camp	50,000
Boys And Girls Club Of Bay County	200,000
Reconnecting Youth	62,000
Community Youth Center	100,000
Dixie County District Four Community Center Program	100,000
5000 Role Models Of Excellence Project Expansion	200,000
Club FYT	75,000
Where You At Youth Program	90,000
After School Tutorial Program - City of Hallandale Beach	100,000
Child Development Community Policing (CD-CP)	100,000
Father Flanagan's Girls and Boys Town of Central Florida	100,000
POPS Program	245,000
Lowry Park Zoo Juvenile Program	250,000
Youth Build Outreach	200,000
Community Action Agency Youth Leadership Project	60,000

1147 SPECIAL CATEGORIES		
GRANTS AND AIDS - CONTRACTED SERVICES		
FROM GENERAL REVENUE FUND	1,198,000	
FROM GRANTS AND DONATIONS TRUST FUND . . .		12,938,414
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,639
1148 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	21,861	

1149 SPECIAL CATEGORIES
GRANTS AND AIDS - CHILDREN/FAMILIES IN

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NEED OF SERVICES
FROM GENERAL REVENUE FUND 28,579,336
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,000
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 383,858

From the funds in Specific Appropriation 1149, the Department of Juvenile Justice shall not expend more than $150,000 in recurring general revenue for physically secure placements for youths being served by the Children-In-Need of Services/Families-In-Need of Services (CINS/FINS) program.

1150 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 12,481

1150A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
CLEARWATER YOUTH CRISIS AND FAMILY COUNSELING CENTER
FROM GENERAL REVENUE FUND 250,000

TOTAL: DELINQUENCY PREVENTION AND DIVERSION
FROM GENERAL REVENUE FUND 47,851,155
FROM TRUST FUNDS 17,174,827

TOTAL POSITIONS 17.00
TOTAL ALL FUNDS 65,025,982

LAW ENFORCEMENT, DEPARTMENT OF

PROGRAM: EXECUTIVE DIRECTION AND SUPPORT

PROVIDE EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 6,003,629

1151 SALARIES AND BENEFITS POSITIONS 124.00
FROM GENERAL REVENUE FUND 3,259,132
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 445,457
FROM GRANTS AND DONATIONS TRUST FUND . . . 455,034
FROM OPERATING TRUST FUND 2,232,599

1152 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 38,190
FROM GRANTS AND DONATIONS TRUST FUND . . . 426,848
FROM OPERATING TRUST FUND 189,000

1153 EXPENSES
FROM GENERAL REVENUE FUND 964,235
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND 43,235
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 251,750
FROM GRANTS AND DONATIONS TRUST FUND . . . 240,692
FROM OPERATING TRUST FUND 399,509
FROM REVOLVING TRUST FUND 1,000,000

1154 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - STATE AGENCIES
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,683,102

1155 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP) - LOCAL GOVERNMENTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,529,434

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1156 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECT SAFE NEIGHBORHOODS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,263,483

1157 AID TO LOCAL GOVERNMENTS
BYRNE MEMORIAL LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 19,118,106

1158 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,933
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000
FROM OPERATING TRUST FUND 337

1159 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 9,650
FROM OPERATING TRUST FUND 402

1160 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,497,908

1161 SPECIAL CATEGORIES
REIMBURSE LAFAYETTE COUNTY FOR BACK PAY
FROM GENERAL REVENUE FUND 64,145

1162 SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT DARE
FROM GRANTS AND DONATIONS TRUST FUND . . . 508,302

1163 SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM OPERATING TRUST FUND 400,000

1164 SPECIAL CATEGORIES
TRANSFER TO EXECUTIVE OFFICE OF THE GOVERNOR - GRANTS AND DONATIONS TRUST FUND
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000

1165 SPECIAL CATEGORIES
OVERTIME
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 748

1166 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 18,250
FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND 10,275
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,989
FROM OPERATING TRUST FUND 25,909

1167 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 19,667

1168 SPECIAL CATEGORIES
BYRNE MEMORIAL STATE LAW ENFORCEMENT ASSISTANCE PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,412,678

1169 SPECIAL CATEGORIES
GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - LOCAL UNITS OF GOVERNMENT
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,247,724

1170 SPECIAL CATEGORIES
GRANTS AND AID - RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM - STATE AGENCY
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,675,511

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1171 SPECIAL CATEGORIES
GRANTS AND AID - LOCAL LAW ENFORCEMENT
BLOCK GRANT - LOCAL UNITS OF GOVERNMENT
FROM GRANTS AND DONATIONS TRUST FUND . . . 768,522

1172 SPECIAL CATEGORIES
GRANTS AND AID - VIOLENT OFFENDER
INCARCERATIONS AND TRUTH-IN- SENTENCING
INCENTIVE PROGRAM - STATE AGENCY
FROM GRANTS AND DONATIONS TRUST FUND . . . 42,804,137

1173 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 568,244
FROM CRIMINAL JUSTICE STANDARDS AND
TRAINING TRUST FUND 37,705
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,014
FROM OPERATING TRUST FUND 74,976

1174 SPECIAL CATEGORIES
VIOLENT CRIME INVESTIGATIVE EMERGENCIES
FROM GENERAL REVENUE FUND 1,300,000
FROM OPERATING TRUST FUND 1,700,000

TOTAL: PROVIDE EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 6,268,446
FROM TRUST FUNDS 96,601,386

TOTAL POSITIONS 124.00
TOTAL ALL FUNDS 102,869,832

PROGRAM: FLORIDA CAPITOL POLICE PROGRAM

CAPITOL POLICE SERVICES

APPROVED SALARY RATE 3,067,905

1175 SALARIES AND BENEFITS POSITIONS 88.00
FROM GENERAL REVENUE FUND 53,385
FROM OPERATING TRUST FUND 4,282,956

1176 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 15,000

1177 EXPENSES
FROM OPERATING TRUST FUND 634,483

1178 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 85,369

1178A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM OPERATING TRUST FUND 30,500

1179 SPECIAL CATEGORIES
CAPITOL COMPLEX SECURITY
FROM GENERAL REVENUE FUND 28,500

1180 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 65,567

1181 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM OPERATING TRUST FUND 38,064

1182 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 21,522

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1183 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF
MANAGEMENT SERVICES
FROM OPERATING TRUST FUND 6,969

TOTAL: CAPITOL POLICE SERVICES
FROM GENERAL REVENUE FUND 81,885
FROM TRUST FUNDS 5,180,430

TOTAL POSITIONS 88.00
TOTAL ALL FUNDS 5,262,315

PROGRAM: INVESTIGATIONS AND FORENSIC SCIENCE
PROGRAM

PROVIDE CRIME LAB SERVICES

APPROVED SALARY RATE 18,607,248

1184 SALARIES AND BENEFITS POSITIONS 415.00
FROM GENERAL REVENUE FUND 23,163,854
FROM CRIMINAL JUSTICE STANDARDS AND
TRAINING TRUST FUND 36,485
FROM GRANTS AND DONATIONS TRUST FUND . . . 346,668

1185 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 177,225
FROM GRANTS AND DONATIONS TRUST FUND . . . 500,000

1186 EXPENSES
FROM GENERAL REVENUE FUND 4,480,739
FROM FORFEITURE AND INVESTIGATIVE
SUPPORT TRUST FUND 439,978
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,963,549

From the funds in Specific Appropriation 1186, the Department of Law Enforcement is authorized to distribute 10,000 rape kits to local law enforcement agencies and rape crisis centers statewide at no cost. In addition, the Department of Law Enforcement is authorized to use additional federal funds and any other available funds contained in Specific Appropriation 1186 for the purpose of processing rape kits, including the backlog of non-suspect rape cases.

1187 AID TO LOCAL GOVERNMENTS
CRIMINAL INVESTIGATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,685,086
FROM OPERATING TRUST FUND 2,379,702

1188 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 425,378
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,007,900

1189 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 176,000

1190 SPECIAL CATEGORIES
PERFORMANCE ADJUSTMENTS
FROM GENERAL REVENUE FUND 418,646

1191 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 78,166

1192 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 7,780

TOTAL: PROVIDE CRIME LAB SERVICES
FROM GENERAL REVENUE FUND 28,849,622
FROM TRUST FUNDS 8,437,534

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	TOTAL POSITIONS	415.00	
	TOTAL ALL FUNDS		37,287,156

PROVIDE INVESTIGATIVE SERVICES

APPROVED SALARY RATE 34,533,363

1193	SALARIES AND BENEFITS POSITIONS	669.00	
	FROM GENERAL REVENUE FUND	46,778,566	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND		252,911
	FROM GRANTS AND DONATIONS TRUST FUND		221,377
	FROM OPERATING TRUST FUND		621,385
1194	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	751,271	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		66,879
	FROM GRANTS AND DONATIONS TRUST FUND		271,450
	FROM OPERATING TRUST FUND		36,000
1195	EXPENSES		
	FROM GENERAL REVENUE FUND	10,341,331	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		812,234
	FROM GRANTS AND DONATIONS TRUST FUND		532,758
	FROM OPERATING TRUST FUND		613,447

From the funds provided in Specific Appropriation 1195 from the Forfeiture and Investigative Support Trust Fund, up to $25,000 per case, but not exceeding $150,000 in total for all cases, may be expended for rewards leading to the capture of fugitives, if such funds are available.

1196	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	87,600	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		190,574
	FROM GRANTS AND DONATIONS TRUST FUND		64,509
1197	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	567,348	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		580,000
1198	SPECIAL CATEGORIES		
	PERFORMANCE ADJUSTMENTS		
	FROM GENERAL REVENUE FUND	117,000	
1199	SPECIAL CATEGORIES		
	FLORIDA SEAPORT SECURITY IMPROVEMENTS		
	FROM GRANTS AND DONATIONS TRUST FUND		409,406
1200	SPECIAL CATEGORIES		
	DOMESTIC SECURITY		
	FROM GENERAL REVENUE FUND	1,694,991	
	FROM GRANTS AND DONATIONS TRUST FUND		2,000,000
1201	SPECIAL CATEGORIES		
	GRANTS AND AIDS - SPECIAL PROJECTS		
	FROM GENERAL REVENUE FUND	2,710,800	
	FROM GRANTS AND DONATIONS TRUST FUND		100,000

From the funds in Specific Appropriation 1201, $2,610,800 in non-recurring general revenue, unless otherwise specifically noted, is provided as follows:

Miami Police International Training Center / Emergency Operations Center	250,000
Alzheimer's Safe Return Act (Law Enforcement Training)	250,000
Florida DARE Officers Association (Statewide)	75,000
Livescan Fingerprint Capture Machine	50,000

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Automated External Defibrillator in Law Enforcement Vehicles Grant Program	1,000,000
Focused Community Oriented Policing Program (FCOPP)	50,000
Ft. Lauderdale Airport Security	50,000
Communications Tower Coral Gables	250,000
One Stop Domestic Violence and Sexual Assault Center	25,000
Law Enforcement Live Scan	100,000
Miami Gardens Public Safety Initiative	75,000
Training Tower and Burn Building	50,000
Mobile Vehicle Repeater System	60,800
Escambia Sheriff Firing Range	125,000
Brevard County Traffic Enforcement Initiative	50,000
A Child is Missing (Recurring)	150,000

1202	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GRANTS AND DONATIONS TRUST FUND		377,223
	FROM FEDERAL EQUITABLE SHARING TRUST FUND		868,486
1203	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	559,529	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		2,985
	FROM OPERATING TRUST FUND		230,404
1204	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	504,158	
1205	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	1,556	
1206	FIXED CAPITAL OUTLAY		
	MINOR REPAIRS AND RENOVATIONS AT REGIONAL OPERATING FACILITIES		
	FROM GENERAL REVENUE FUND	500,000	
TOTAL:	PROVIDE INVESTIGATIVE SERVICES		
	FROM GENERAL REVENUE FUND	64,614,150	
	FROM TRUST FUNDS		8,252,028
	TOTAL POSITIONS	669.00	
	TOTAL ALL FUNDS		72,866,178

MUTUAL AID AND PREVENTION SERVICES

APPROVED SALARY RATE 864,781

1207	SALARIES AND BENEFITS POSITIONS	21.00	
	FROM GENERAL REVENUE FUND	1,440,691	
	FROM OPERATING TRUST FUND		29,076
1208	EXPENSES		
	FROM GENERAL REVENUE FUND	139,448	
1209	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,139	
TOTAL:	MUTUAL AID AND PREVENTION SERVICES		
	FROM GENERAL REVENUE FUND	1,582,278	
	FROM TRUST FUNDS		29,076
	TOTAL POSITIONS	21.00	
	TOTAL ALL FUNDS		1,611,354

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PUBLIC ASSISTANCE FRAUD INVESTIGATIONS

	APPROVED SALARY RATE	4,421,552		
1210	SALARIES AND BENEFITS	POSITIONS	108.00	
	FROM GENERAL REVENUE FUND		2,421,686	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			29,320
	FROM GRANTS AND DONATIONS TRUST FUND			3,292,066
1211	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		16,406	
	FROM GRANTS AND DONATIONS TRUST FUND			544
1212	EXPENSES			
	FROM GENERAL REVENUE FUND		571,394	
	FROM GRANTS AND DONATIONS TRUST FUND			475,996
1213	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		104,227	
1214	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		13,474	
1215	DATA PROCESSING SERVICES			
	OTHER DATA PROCESSING SERVICES			
	FROM GENERAL REVENUE FUND		114,204	
	FROM GRANTS AND DONATIONS TRUST FUND			109,722
TOTAL: PUBLIC ASSISTANCE FRAUD INVESTIGATIONS				
	FROM GENERAL REVENUE FUND		3,241,391	
	FROM TRUST FUNDS			3,907,648
	TOTAL POSITIONS		108.00	
	TOTAL ALL FUNDS			7,149,039

PROGRAM: CRIMINAL JUSTICE INFORMATION PROGRAM

PROVIDE INFORMATION NETWORK SERVICES TO THE LAW ENFORCEMENT COMMUNITY

	APPROVED SALARY RATE	5,915,456		
1216	SALARIES AND BENEFITS	POSITIONS	124.00	
	FROM GENERAL REVENUE FUND		1,087,174	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			249,320
	FROM GRANTS AND DONATIONS TRUST FUND			56,230
	FROM OPERATING TRUST FUND			5,239,602
1217	OTHER PERSONAL SERVICES			
	FROM GRANTS AND DONATIONS TRUST FUND			1,780,835
	FROM OPERATING TRUST FUND			1,164,000
1218	EXPENSES			
	FROM GENERAL REVENUE FUND		36,357	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			1,313,533
	FROM GRANTS AND DONATIONS TRUST FUND			95,309
	FROM OPERATING TRUST FUND			9,364,857
1219	OPERATING CAPITAL OUTLAY			
	FROM GRANTS AND DONATIONS TRUST FUND			457,399
	FROM OPERATING TRUST FUND			7,300,287
1220	SPECIAL CATEGORIES			
	OVERTIME			
	FROM OPERATING TRUST FUND			46,200
1221	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM OPERATING TRUST FUND			5,436

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1222	DATA PROCESSING SERVICES			
	TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES			
	FROM OPERATING TRUST FUND			26,740
TOTAL: PROVIDE INFORMATION NETWORK SERVICES TO THE LAW ENFORCEMENT COMMUNITY				
	FROM GENERAL REVENUE FUND		1,123,531	
	FROM TRUST FUNDS			27,099,748
	TOTAL POSITIONS		124.00	
	TOTAL ALL FUNDS			28,223,279

PROVIDE PREVENTION AND CRIME INFORMATION SERVICES

	APPROVED SALARY RATE	8,841,328		
1223	SALARIES AND BENEFITS	POSITIONS	263.00	
	FROM GENERAL REVENUE FUND		163,112	
	FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			181,517
	FROM GRANTS AND DONATIONS TRUST FUND			413,798
	FROM OPERATING TRUST FUND			10,572,200
1224	OTHER PERSONAL SERVICES			
	FROM GRANTS AND DONATIONS TRUST FUND			365,275
	FROM OPERATING TRUST FUND			635,195
1225	EXPENSES			
	FROM GENERAL REVENUE FUND		7,551	
	FROM GRANTS AND DONATIONS TRUST FUND			415,435
	FROM OPERATING TRUST FUND			1,927,749
1226	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		87	
	FROM OPERATING TRUST FUND			361,992
1227	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM GENERAL REVENUE FUND		402	
	FROM OPERATING TRUST FUND			141,168
1228	SPECIAL CATEGORIES			
	OVERTIME			
	FROM OPERATING TRUST FUND			218,946
1229	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM OPERATING TRUST FUND			45,981
1230	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM OPERATING TRUST FUND			5,160
1231	SPECIAL CATEGORIES			
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
	FROM OPERATING TRUST FUND			1,556
TOTAL: PROVIDE PREVENTION AND CRIME INFORMATION SERVICES				
	FROM GENERAL REVENUE FUND		171,152	
	FROM TRUST FUNDS			15,285,972
	TOTAL POSITIONS		263.00	
	TOTAL ALL FUNDS			15,457,124

PROGRAM: CRIMINAL JUSTICE PROFESSIONALISM

LAW ENFORCEMENT STANDARDS COMPLIANCE

	APPROVED SALARY RATE	2,546,460		
1232	SALARIES AND BENEFITS	POSITIONS	56.00	
	FROM GENERAL REVENUE FUND		31,741	

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FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			2,908,506
1233 OTHER PERSONAL SERVICES			
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			355,465
1234 EXPENSES			
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			453,232
FROM OPERATING TRUST FUND			500,000
1235 SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS			
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			156,634
1236 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE			
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			20,644
1237 SPECIAL CATEGORIES GRANTS AND AIDS - SPECIAL EDUCATION AND TECHNICAL TRAINING			
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			6,240,924
TOTAL: LAW ENFORCEMENT STANDARDS COMPLIANCE			
FROM GENERAL REVENUE FUND		31,741	
FROM TRUST FUNDS			10,635,405
TOTAL POSITIONS		56.00	
TOTAL ALL FUNDS			10,667,146
LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES			
APPROVED SALARY RATE	2,354,560		
1238 SALARIES AND BENEFITS	POSITIONS	56.00	
FROM GENERAL REVENUE FUND		306,973	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			2,793,254
FROM OPERATING TRUST FUND			193,155
1239 OTHER PERSONAL SERVICES			
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			1,042,618
FROM OPERATING TRUST FUND			33,000
1240 EXPENSES			
FROM GENERAL REVENUE FUND		21,368	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			1,679,420
FROM OPERATING TRUST FUND			52,208
1241 OPERATING CAPITAL OUTLAY			
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			203,819
1242 SPECIAL CATEGORIES DOMESTIC SECURITY			
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			611,986
1243 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE			
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			6,782

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1244 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS			
FROM GENERAL REVENUE FUND		4,290	
FROM CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND			5,070
TOTAL: LAW ENFORCEMENT TRAINING AND CERTIFICATION SERVICES			
FROM GENERAL REVENUE FUND		332,631	
FROM TRUST FUNDS			6,621,312
TOTAL POSITIONS		56.00	
TOTAL ALL FUNDS			6,953,943
LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL			
PROGRAM: OFFICE OF ATTORNEY GENERAL			
CIVIL ENFORCEMENT			
APPROVED SALARY RATE	24,808,613		
1245 SALARIES AND BENEFITS	POSITIONS	587.00	
FROM GENERAL REVENUE FUND		2,117,093	
FROM GRANTS AND DONATIONS TRUST FUND			13,598,449
FROM LEGAL SERVICES TRUST FUND			9,513,667
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			5,119,281
FROM MOTOR VEHICLE WARRANTY TRUST FUND			1,301,858
1246 OTHER PERSONAL SERVICES			
FROM GENERAL REVENUE FUND		20,000	
FROM GRANTS AND DONATIONS TRUST FUND			198,878
FROM LEGAL SERVICES TRUST FUND			252,901
FROM MOTOR VEHICLE WARRANTY TRUST FUND			150,000
1247 EXPENSES			
FROM GENERAL REVENUE FUND		58,502	
FROM GRANTS AND DONATIONS TRUST FUND			2,652,132
FROM LEGAL SERVICES TRUST FUND			2,091,821
FROM MOTOR VEHICLE WARRANTY TRUST FUND			428,077
1248 OPERATING CAPITAL OUTLAY			
FROM GENERAL REVENUE FUND		21,848	
FROM GRANTS AND DONATIONS TRUST FUND			473,663
FROM LEGAL SERVICES TRUST FUND			391,470
FROM MOTOR VEHICLE WARRANTY TRUST FUND			21,592
1249 SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES			
FROM GRANTS AND DONATIONS TRUST FUND			799,400
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			48,000
1250 SPECIAL CATEGORIES ANTITRUST INVESTIGATIONS			
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			1,468,359
1251 SPECIAL CATEGORIES ECONOMIC CRIME LITIGATION			
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			5,615,366
1252 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE			
FROM GENERAL REVENUE FUND		19,725	
FROM GRANTS AND DONATIONS TRUST FUND			93,855
FROM LEGAL SERVICES TRUST FUND			104,986
FROM LEGAL AFFAIRS REVOLVING TRUST FUND			39,659
FROM MOTOR VEHICLE WARRANTY TRUST FUND			11,205
1253 SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS			
FROM GRANTS AND DONATIONS TRUST FUND			130,215

SECTION 4
SPECIFIC
APPROPRIATION

1254 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 31,356
FROM GRANTS AND DONATIONS TRUST FUND . . . 74,300
FROM LEGAL SERVICES TRUST FUND 53,171
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 34,953
FROM MOTOR VEHICLE WARRANTY TRUST FUND . . 9,201

1255 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 7,448

1256 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 47,483
FROM LEGAL SERVICES TRUST FUND 192,081

TOTAL: CIVIL ENFORCEMENT
FROM GENERAL REVENUE FUND 2,268,524
FROM TRUST FUNDS 44,923,471

TOTAL POSITIONS 587.00
TOTAL ALL FUNDS 47,191,995

CONSTITUTIONAL LEGAL SERVICES

APPROVED SALARY RATE 1,483,603

1257 SALARIES AND BENEFITS POSITIONS 24.50
FROM GENERAL REVENUE FUND 1,727,994
FROM GRANTS AND DONATIONS TRUST FUND . . . 86,592

1258 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 20,000

1259 EXPENSES
FROM GENERAL REVENUE FUND 181,558

1260 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,510

1261 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,387

1262 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 3,193
FROM GRANTS AND DONATIONS TRUST FUND . . . 271

TOTAL: CONSTITUTIONAL LEGAL SERVICES
FROM GENERAL REVENUE FUND 1,957,642
FROM TRUST FUNDS 86,863

TOTAL POSITIONS 24.50
TOTAL ALL FUNDS 2,044,505

CRIMINAL AND CIVIL LITIGATION DEFENSE

APPROVED SALARY RATE 18,367,120

1263 SALARIES AND BENEFITS POSITIONS 389.00
FROM GENERAL REVENUE FUND 11,375,646
FROM LEGAL SERVICES TRUST FUND 11,369,799

From the funds and positions in Specific Appropriation 1263, at least one senior attorney and associated support staff shall be dedicated to fulfilling the duty of representing the State of Florida in cases brought pursuant to section 86.091, Florida Statutes. The Attorney General shall, by January 1, 2006, submit a report to the President of the Senate and the Speaker of the House of Representatives providing the names of attorneys assigned to represent the state as a party separate from the representation of any other state officer or agency in cases challenging the constitutionality of a state statute, the style of said cases, and the number of hours spent.

1264 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 19,582
FROM LEGAL SERVICES TRUST FUND 3,020,916

1265 EXPENSES
FROM GENERAL REVENUE FUND 1,506,182
FROM LEGAL SERVICES TRUST FUND 2,383,045

1266 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,302
FROM LEGAL SERVICES TRUST FUND 268,741

1267 LUMP SUM
ATTORNEY GENERAL RESERVE POSITIONS FOR AGENCY CONTRACTS
POSITIONS 50.00

The positions in Specific Appropriation 1267 shall be released as necessary to allow the Office of the Attorney General to contract with state agencies to provide legal representation. Rate may be established for these positions at an average of 30,000 per position. The rate must be placed in reserve pending transfer of positions.

1268 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM LEGAL SERVICES TRUST FUND 46,500

1269 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 49,604
FROM LEGAL SERVICES TRUST FUND 192,911

1270 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 44,719
FROM LEGAL SERVICES TRUST FUND 132,273

1271 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM LEGAL SERVICES TRUST FUND 30,972

TOTAL: CRIMINAL AND CIVIL LITIGATION DEFENSE
FROM GENERAL REVENUE FUND 13,002,035
FROM TRUST FUNDS 17,445,157

TOTAL POSITIONS 439.00
TOTAL ALL FUNDS 30,447,192

VICTIM SERVICES

APPROVED SALARY RATE 3,595,422

1272 SALARIES AND BENEFITS POSITIONS 89.00
FROM GENERAL REVENUE FUND 37,962
FROM CRIMES COMPENSATION TRUST FUND . . . 4,227,736
FROM CRIME STOPPERS TRUST FUND 41,830
FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND 286,606

1273 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 5,100
FROM CRIMES COMPENSATION TRUST FUND . . . 40,851

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	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		250,000
1274	EXPENSES		
	FROM GENERAL REVENUE FUND	1,205,530	
	FROM CRIMES COMPENSATION TRUST FUND . . .		793,435
	FROM CRIME STOPPERS TRUST FUND		6,496
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		216,532
1275	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	2,380	
	FROM CRIMES COMPENSATION TRUST FUND . . .		57,221
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		3,930
1276	SPECIAL CATEGORIES		
	AWARDS TO CLAIMANTS		
	FROM CRIMES COMPENSATION TRUST FUND . . .		29,746,788

From the funds in Specific Appropriation 1276, the Attorney General is directed to give priority to the payment of claims for forensic examinations for victims of sexual assault.

1276A	SPECIAL CATEGORIES		
	VICTIM SERVICES		
	FROM GENERAL REVENUE FUND	400,000	

Funds in Specific Appropriation 1276A are provided to the Florida Council Against Sexual Violence for distribution to certified rape crisis centers to provide increased services statewide for victims of sexual assault.

1277	SPECIAL CATEGORIES		
	GRANTS AND AIDS - MINORITY COMMUNITIES CRIME PREVENTION PROGRAMS		
	FROM GENERAL REVENUE FUND	4,929,163	
1278	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CRIME STOPPERS		
	FROM CRIME STOPPERS TRUST FUND		4,500,000
1279	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	16	
	FROM CRIMES COMPENSATION TRUST FUND . . .		51,242
	FROM CRIME STOPPERS TRUST FUND		607
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		1,770
1280	SPECIAL CATEGORIES		
	GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES		
	FROM CRIMES COMPENSATION TRUST FUND . . .		22,211,294
1281	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	2,765	
	FROM CRIMES COMPENSATION TRUST FUND . . .		30,146
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		2,003
TOTAL:	VICTIM SERVICES		
	FROM GENERAL REVENUE FUND	6,582,916	
	FROM TRUST FUNDS		62,468,487
	TOTAL POSITIONS	89.00	
	TOTAL ALL FUNDS		69,051,403

SECTION 4
SPECIFIC
APPROPRIATION
EXECUTIVE DIRECTION AND SUPPORT SERVICES

	APPROVED SALARY RATE 5,951,259		
1282	SALARIES AND BENEFITS POSITIONS 132.50		
	FROM GENERAL REVENUE FUND	5,712,571	
	FROM ADMINISTRATIVE TRUST FUND		2,073,290
1283	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	17,000	
	FROM ADMINISTRATIVE TRUST FUND		133,904
1284	EXPENSES		
	FROM GENERAL REVENUE FUND	543,521	
	FROM ADMINISTRATIVE TRUST FUND		981,261

From the funds in Specific Appropriation 1284, $150,000 in non-recurring general revenue is provided for the Council on the Social Status of Black Men and Boys. The council shall make a systematic study of conditions affecting African-American men and boys, including, but not limited to, homicide rates, arrest and incarceration rates, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary education, and health issues. The council shall submit a report, prior to the 2006 regular Legislative Session, to the Governor, President of the Senate, and Speaker of the House of Representatives on proposed measures to alleviate and correct underlying causes or conditions affecting African-American men and boys.

1285	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - DADE COUNTY HAITIAN REFUGEE CENTER		
	FROM GENERAL REVENUE FUND	10,000	
1286	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	304,683	
	FROM ADMINISTRATIVE TRUST FUND		472,801
	FROM CRIMES COMPENSATION TRUST FUND . . .		66,186
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		3,765
	FROM GRANTS AND DONATIONS TRUST FUND . . .		67,262
	FROM LEGAL SERVICES TRUST FUND		229,180
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND .		51,938
	FROM MOTOR VEHICLE WARRANTY TRUST FUND . .		22,522
1287	SPECIAL CATEGORIES		
	ATTORNEY GENERAL'S LAW LIBRARY		
	FROM GENERAL REVENUE FUND	306,728	
1288	SPECIAL CATEGORIES		
	COMMISSION ON THE STATUS OF WOMEN		
	FROM GENERAL REVENUE FUND	103,603	
1289	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM ADMINISTRATIVE TRUST FUND		7,716
1290	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	48,841	
	FROM ADMINISTRATIVE TRUST FUND		17,338
1291	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	35,736	
	FROM ADMINISTRATIVE TRUST FUND		12,502
1292	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	146,965	
	FROM ADMINISTRATIVE TRUST FUND		157,876

SECTION 4
SPECIFIC
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TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 7,229,648
FROM TRUST FUNDS 4,297,541

TOTAL POSITIONS 132.50
TOTAL ALL FUNDS 11,527,189

PROGRAM: OFFICE OF STATEWIDE PROSECUTION

PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME

APPROVED SALARY RATE 4,176,724

1293 SALARIES AND BENEFITS POSITIONS 71.00
FROM GENERAL REVENUE FUND 4,685,056
FROM GRANTS AND DONATIONS TRUST FUND . . . 407,312

1294 SPECIAL CATEGORIES
STATEWIDE PROSECUTION
FROM GENERAL REVENUE FUND 909,406
FROM GRANTS AND DONATIONS TRUST FUND . . . 406,216

1295 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 41,218
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,801

1296 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 30,434
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,258

TOTAL: PROSECUTION OF MULTI-CIRCUIT ORGANIZED CRIME
FROM GENERAL REVENUE FUND 5,666,114
FROM TRUST FUNDS 816,587

TOTAL POSITIONS 71.00
TOTAL ALL FUNDS 6,482,701

PROGRAM: FLORIDA ELECTIONS COMMISSION

CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT

APPROVED SALARY RATE 697,742

1297 SALARIES AND BENEFITS POSITIONS 16.00
FROM ELECTIONS COMMISSION TRUST FUND . . . 899,897

1298 OTHER PERSONAL SERVICES
FROM ELECTIONS COMMISSION TRUST FUND . . . 80,148

1299 EXPENSES
FROM ELECTIONS COMMISSION TRUST FUND . . . 232,643

1300 OPERATING CAPITAL OUTLAY
FROM ELECTIONS COMMISSION TRUST FUND . . . 10,000

1301 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ELECTIONS COMMISSION TRUST FUND . . . 9,436

1302 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ELECTIONS COMMISSION TRUST FUND . . . 6,523

TOTAL: CAMPAIGN FINANCE AND ELECTION FRAUD ENFORCEMENT
FROM TRUST FUNDS 1,238,647

SECTION 4
SPECIFIC
APPROPRIATION

TOTAL POSITIONS 16.00
TOTAL ALL FUNDS 1,238,647

PAROLE COMMISSION

PROGRAM: POST-INCARCERATION ENFORCEMENT AND VICTIMS RIGHTS

APPROVED SALARY RATE 5,713,661

1303 SALARIES AND BENEFITS POSITIONS 148.00
FROM GENERAL REVENUE FUND 7,340,167

1304 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 270,531

1305 EXPENSES
FROM GENERAL REVENUE FUND 1,143,660

From the funds in Specific Appropriation 1305, the Parole Commission shall conduct a study and provide the following to the Governor's Office of Policy and Budget, the President of the Senate and the Speaker of the House of Representatives by October 1, 2005:

1. A valid determination of the exact number of pending Restoration of Civil Rights (RCR) cases existing on July 1, 2005, along with a full explanation of the methodology used to determine the pending number of cases. Data must include total cases received for each of the past five years, the total number of cases processed for each of the past five years, and the total number of cases received or pending but not processed for each of the past five years;

2. A continuation plan including measures that continue to simplify application forms and processes by using readily available data from existing automated systems;

3. Identification of all existing resources, workload, job descriptions, and internal business procedures for clemency activities. This information must be reported in a manner that allows for isolation of resources allocated to the RCR process. The information must also be sufficient to account for each step in the 0.9 hour process to complete the review of RCR without a hearing; and

4. Proposed criteria, developed by case type, to use in defining and classifying case backlogs which shall be based upon a reasonable length of time for the normal processing of cases.

1306 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 79,930

1308 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 122,126

1309 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 59,209

1310 DATA PROCESSING SERVICES
LAW ENFORCEMENT DATA CENTER
FROM GENERAL REVENUE FUND 1,932

1311 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 317,924

TOTAL: PROGRAM: POST-INCARCERATION ENFORCEMENT AND VICTIMS RIGHTS
FROM GENERAL REVENUE FUND 9,335,479

SECTION 4
SPECIFIC
APPROPRIATION

	TOTAL POSITIONS	148.00	
	TOTAL ALL FUNDS		9,335,479
	TOTAL OF SECTION 4 POSITIONS	45,608.00	
	FROM GENERAL REVENUE FUND	3221,375,992	
	FROM TRUST FUNDS		620,950,309
	TOTAL ALL FUNDS		3842,326,301

SECTION 5 - NATURAL RESOURCES/ENVIRONMENT/GROWTH MANAGEMENT/TRANSPORTATION

The monies contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Community Affairs, Department of Environmental Protection, Fish and Wildlife Conservation Commission, and the Department of Transportation as the amounts to be used to pay salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

PROGRAM: OFFICE OF THE COMMISSIONER AND ADMINISTRATION

AGRICULTURAL LAW ENFORCEMENT

	APPROVED SALARY RATE	2,156,439		
1312	SALARIES AND BENEFITS	POSITIONS	40.50	
	FROM GENERAL REVENUE FUND		2,618,982	
	FROM CITRUS INSPECTION TRUST FUND			277,904
	FROM GENERAL INSPECTION TRUST FUND			56,405
1313	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		15,000	
1314	EXPENSES			
	FROM GENERAL REVENUE FUND		460,941	
	FROM CONTRACTS AND GRANTS TRUST FUND			375,000
	FROM GENERAL INSPECTION TRUST FUND			20,765
1315	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND			72,000
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND			450,000
1316	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		45,235	
1317	SPECIAL CATEGORIES			
	SALARY INCENTIVE PAYMENTS			
	FROM GENERAL REVENUE FUND		32,932	
	FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND			4,607
	FROM GENERAL INSPECTION TRUST FUND			881
1318	SPECIAL CATEGORIES			
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
	FROM GENERAL REVENUE FUND		14,963	
TOTAL:	AGRICULTURAL LAW ENFORCEMENT			
	FROM GENERAL REVENUE FUND		3,188,053	
	FROM TRUST FUNDS			1,257,562
	TOTAL POSITIONS		40.50	
	TOTAL ALL FUNDS			4,445,615

SECTION 5
SPECIFIC
APPROPRIATION
AGRICULTURAL WATER POLICY COORDINATION

	APPROVED SALARY RATE	1,879,664		
1319	SALARIES AND BENEFITS	POSITIONS	37.00	
	FROM GENERAL INSPECTION TRUST FUND			2,205,790
1320	EXPENSES			
	FROM GENERAL INSPECTION TRUST FUND			364,039
1320A	AID TO LOCAL GOVERNMENTS			
	GRANTS AND AIDS - SOIL AND WATER COST SHARING PROGRAM			
	FROM GENERAL REVENUE FUND		500,000	
1321	SPECIAL CATEGORIES			
	ANIMAL WASTE MANAGEMENT			
	FROM GENERAL INSPECTION TRUST FUND			200,000
1321A	SPECIAL CATEGORIES			
	WATER RESOURCES PROTECTION AND RESTORATION			
	FROM CONTRACTS AND GRANTS TRUST FUND			1,620,520
1322	SPECIAL CATEGORIES			
	NITRATE RESEARCH AND REMEDIATION			
	FROM GENERAL INSPECTION TRUST FUND			930,000
1323	SPECIAL CATEGORIES			
	BEST MANAGEMENT PRACTICES - COST SHARE			
	FROM GENERAL INSPECTION TRUST FUND			11,432,269
1324	SPECIAL CATEGORIES			
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
	FROM GENERAL REVENUE FUND		7,289	
	FROM GENERAL INSPECTION TRUST FUND			4,987
TOTAL:	AGRICULTURAL WATER POLICY COORDINATION			
	FROM GENERAL REVENUE FUND		507,289	
	FROM TRUST FUNDS			16,757,605
	TOTAL POSITIONS		37.00	
	TOTAL ALL FUNDS			17,264,894

EXECUTIVE DIRECTION AND SUPPORT SERVICES

	APPROVED SALARY RATE	8,881,979		
1325	SALARIES AND BENEFITS	POSITIONS	191.75	
	FROM GENERAL REVENUE FUND		7,271,310	
	FROM ADMINISTRATIVE TRUST FUND			3,944,053
	FROM CONTRACTS AND GRANTS TRUST FUND			3,126
1326	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		73,463	
	FROM ADMINISTRATIVE TRUST FUND			160,352
1327	EXPENSES			
	FROM GENERAL REVENUE FUND		581,737	
	FROM ADMINISTRATIVE TRUST FUND			1,820,065
	FROM GENERAL INSPECTION TRUST FUND			145,800
1328	OPERATING CAPITAL OUTLAY			
	FROM GENERAL REVENUE FUND		14,458	
1329	SPECIAL CATEGORIES			
	GRANTS AND AIDS - SMALL COUNTY TECHNICAL ASSISTANCE			
	FROM GENERAL REVENUE FUND		350,000	
1329A	SPECIAL CATEGORIES			
	ACQUISITION OF MOTOR VEHICLES			
	FROM ADMINISTRATIVE TRUST FUND			17,200

SECTION 5
SPECIFIC
APPROPRIATION

1330 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 17,848
FROM ADMINISTRATIVE TRUST FUND 45,037

1331 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 181,852
FROM ADMINISTRATIVE TRUST FUND 66,051
FROM GENERAL INSPECTION TRUST FUND 72,688

1332 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 4,000

1333 SPECIAL CATEGORIES
NORTH AMERICAN FREE TRADE AGREEMENT IMPACT
FROM GENERAL INSPECTION TRUST FUND 100,000

1334 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 66,790
FROM ADMINISTRATIVE TRUST FUND 22,449

1336 FIXED CAPITAL OUTLAY
MAYO BUILDING REFURBISHMENT AND REPAIRS
FROM ADMINISTRATIVE TRUST FUND 250,000

1339 FIXED CAPITAL OUTLAY
REPLACE CHILLER - MAYO BUILDING - DMS MGD
FROM GENERAL REVENUE FUND 1,504,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 10,065,458
FROM TRUST FUNDS 6,646,821

TOTAL POSITIONS 191.75
TOTAL ALL FUNDS 16,712,279

DIVISION OF LICENSING

APPROVED SALARY RATE 4,668,218

1340 SALARIES AND BENEFITS POSITIONS 139.00
FROM DIVISION OF LICENSING TRUST FUND . . 5,944,696

1341 OTHER PERSONAL SERVICES
FROM DIVISION OF LICENSING TRUST FUND . . 292,232

1342 EXPENSES
FROM DIVISION OF LICENSING TRUST FUND . . 5,318,141

1343 OPERATING CAPITAL OUTLAY
FROM DIVISION OF LICENSING TRUST FUND . . 197,427

1344 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM DIVISION OF LICENSING TRUST FUND . . 126,000

1345 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF LICENSING TRUST FUND . . 49,135

1346 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM DIVISION OF LICENSING TRUST FUND . . 52,359

SECTION 5
SPECIFIC
APPROPRIATION

TOTAL: DIVISION OF LICENSING
FROM TRUST FUNDS 11,979,990

TOTAL POSITIONS 139.00
TOTAL ALL FUNDS 11,979,990

PROGRAM: FOREST AND RESOURCE PROTECTION

LAND MANAGEMENT

APPROVED SALARY RATE 16,533,436

1347 SALARIES AND BENEFITS POSITIONS 493.00
FROM GENERAL REVENUE FUND 9,633,564
FROM CONTRACTS AND GRANTS TRUST FUND . . . 948,024
FROM INCIDENTAL TRUST FUND 1,645,041
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 8,295,798

1348 OTHER PERSONAL SERVICES
FROM CONTRACTS AND GRANTS TRUST FUND . . . 643,654
FROM INCIDENTAL TRUST FUND 375,769
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 668,000

1349 EXPENSES
FROM CONTRACTS AND GRANTS TRUST FUND . . . 2,204,385
FROM INCIDENTAL TRUST FUND 2,840,044
FROM RELOCATION AND CONSTRUCTION TRUST FUND 150,000
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 6,238,635

1350 AID TO LOCAL GOVERNMENTS
AMERICA THE BEAUTIFUL PROGRAM
FROM CONTRACTS AND GRANTS TRUST FUND . . . 1,747,538

1351 AID TO LOCAL GOVERNMENTS
STATE FOREST RECEIPT DISTRIBUTION
FROM INCIDENTAL TRUST FUND 700,050

1352 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 13,825
FROM CONTRACTS AND GRANTS TRUST FUND . . . 159,150
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 298,000

1352A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 799,000

1353 SPECIAL CATEGORIES
PRIVATE LAND OWNER COST SHARE ASSISTANCE PROGRAM
FROM CONTRACTS AND GRANTS TRUST FUND . . . 600,000

1354 SPECIAL CATEGORIES
OFF-HIGHWAY VEHICLE RECREATION PROGRAM
FROM INCIDENTAL TRUST FUND 700,000

1355 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 111,081
FROM INCIDENTAL TRUST FUND 26,561

1356 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,344,152

SECTION 5 SPECIFIC APPROPRIATION		
1357 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	101,026	
FROM CONTRACTS AND GRANTS TRUST FUND		2,325
FROM INCIDENTAL TRUST FUND		11,526
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		60,590
1357A SPECIAL CATEGORIES		
GRANTS AND AIDS - 2004 HURRICANES - STATE OPERATIONS		
FROM CONTRACTS AND GRANTS TRUST FUND		21,703,382
1358 FIXED CAPITAL OUTLAY		
LAND ACQUISITION		
FROM FLORIDA FOREVER PROGRAM TRUST FUND		4,500,000
1358A FIXED CAPITAL OUTLAY		
ROAD IMPROVEMENTS - BLACKWATER RIVER STATE FOREST		
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		700,000
1359 FIXED CAPITAL OUTLAY		
FORESTRY LAND ACQUISITION - STATEWIDE		
FROM INCIDENTAL TRUST FUND		110,000
TOTAL: LAND MANAGEMENT		
FROM GENERAL REVENUE FUND	9,859,496	
FROM TRUST FUNDS		57,471,624
TOTAL POSITIONS	493.00	
TOTAL ALL FUNDS		67,331,120
WILDFIRE PREVENTION AND MANAGEMENT		
APPROVED SALARY RATE 24,044,327		
1360 SALARIES AND BENEFITS POSITIONS	767.50	
FROM GENERAL REVENUE FUND	31,598,647	
FROM CONTRACTS AND GRANTS TRUST FUND		925,222
FROM INCIDENTAL TRUST FUND		1,701,570
1361 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	576,742	
FROM CONTRACTS AND GRANTS TRUST FUND		277,349
FROM INCIDENTAL TRUST FUND		120,000
1362 EXPENSES		
FROM GENERAL REVENUE FUND	4,256,651	
FROM CONTRACTS AND GRANTS TRUST FUND		2,136,265
FROM INCIDENTAL TRUST FUND		2,008,843
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,000,000
1363 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - VOLUNTEER FIRE ASSISTANCE		
FROM CONTRACTS AND GRANTS TRUST FUND		215,763
1364 AID TO LOCAL GOVERNMENTS		
GRANTS AND AIDS - RURAL COMMUNITY FIRE PROTECTION		
FROM CONTRACTS AND GRANTS TRUST FUND		72,589
1365 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	74,425	
FROM CONTRACTS AND GRANTS TRUST FUND		558,625
1365A SPECIAL CATEGORIES		
ACQUISITION OF MOTOR VEHICLES		
FROM INCIDENTAL TRUST FUND		806,000

SECTION 5 SPECIFIC APPROPRIATION		
1366 SPECIAL CATEGORIES		
FORESTRY WILDFIRE PROTECTION/SUPPRESSION EQUIPMENT		
FROM GENERAL REVENUE FUND	946,134	
FROM INCIDENTAL TRUST FUND		3,101,541
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		500,000
1367 SPECIAL CATEGORIES		
ON-CALL FEES		
FROM GENERAL REVENUE FUND	333,296	
FROM INCIDENTAL TRUST FUND		10,000
1368 SPECIAL CATEGORIES		
RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	999,728	
FROM INCIDENTAL TRUST FUND		239,053
1369 SPECIAL CATEGORIES		
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	287,329	
FROM INCIDENTAL TRUST FUND		15,608
1369A SPECIAL CATEGORIES		
GRANTS AND AIDS - 2004 HURRICANES - STATE OPERATIONS		
FROM CONTRACTS AND GRANTS TRUST FUND		4,894,400
1369B FIXED CAPITAL OUTLAY		
MAINTENANCE, REPAIRS AND CONSTRUCTION - STATEWIDE		
FROM GENERAL REVENUE FUND	250,000	
1369C FIXED CAPITAL OUTLAY		
RELOCATE WACCASASSA FORESTRY CENTER HEADQUARTERS - GAINESVILLE		
FROM RELOCATION AND CONSTRUCTION TRUST FUND		1,903,000
TOTAL: WILDFIRE PREVENTION AND MANAGEMENT		
FROM GENERAL REVENUE FUND	39,322,952	
FROM TRUST FUNDS		20,485,828
TOTAL POSITIONS	767.50	
TOTAL ALL FUNDS		59,808,780
PROGRAM: AGRICULTURE MANAGEMENT INFORMATION CENTER		
INFORMATION TECHNOLOGY		
APPROVED SALARY RATE 2,172,251		
1370 SALARIES AND BENEFITS POSITIONS	45.00	
FROM GENERAL REVENUE FUND	1,119,961	
FROM GENERAL INSPECTION TRUST FUND		1,562,050
1371 OTHER PERSONAL SERVICES		
FROM GENERAL REVENUE FUND	150,000	
1372 EXPENSES		
FROM GENERAL REVENUE FUND	1,646,756	
FROM ADMINISTRATIVE TRUST FUND		30,000
FROM DIVISION OF LICENSING TRUST FUND		116,125
FROM GENERAL INSPECTION TRUST FUND		2,745,006
1373 OPERATING CAPITAL OUTLAY		
FROM GENERAL REVENUE FUND	113,452	
FROM ADMINISTRATIVE TRUST FUND		307,043
FROM CONTRACTS AND GRANTS TRUST FUND		74,516
FROM GENERAL INSPECTION TRUST FUND		225,000

SECTION 5 SPECIFIC APPROPRIATION			
1374	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	8,698	
	FROM GENERAL INSPECTION TRUST FUND		8,442
TOTAL: INFORMATION TECHNOLOGY			
	FROM GENERAL REVENUE FUND	3,038,867	
	FROM TRUST FUNDS		5,068,182
	TOTAL POSITIONS	45.00	
	TOTAL ALL FUNDS		8,107,049
PROGRAM: FOOD SAFETY AND QUALITY			
DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT			
	APPROVED SALARY RATE 946,386		
1375	SALARIES AND BENEFITS POSITIONS	25.00	
	FROM GENERAL REVENUE FUND	1,285,958	
1376	EXPENSES		
	FROM GENERAL REVENUE FUND	228,753	
	FROM GENERAL INSPECTION TRUST FUND		20,000
1377	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	10,500	
1378	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	8,893	
1379	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	11,508	
TOTAL: DAIRY FACILITIES COMPLIANCE AND ENFORCEMENT			
	FROM GENERAL REVENUE FUND	1,545,612	
	FROM TRUST FUNDS		20,000
	TOTAL POSITIONS	25.00	
	TOTAL ALL FUNDS		1,565,612
FOOD SAFETY INSPECTION AND ENFORCEMENT			
	APPROVED SALARY RATE 10,512,557		
1380	SALARIES AND BENEFITS POSITIONS	285.00	
	FROM GENERAL REVENUE FUND	1,181,968	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		2,062,492
	FROM GENERAL INSPECTION TRUST FUND		10,191,680
1381	OTHER PERSONAL SERVICES		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		217,641
	FROM GENERAL INSPECTION TRUST FUND		23,000
1382	EXPENSES		
	FROM GENERAL REVENUE FUND	314,013	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		700,426
	FROM GENERAL INSPECTION TRUST FUND		1,373,216
1383	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	30,888	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		193,875
	FROM GENERAL INSPECTION TRUST FUND		60,813
1384	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
SECTION 5 SPECIFIC APPROPRIATION			
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		17,500
	FROM GENERAL INSPECTION TRUST FUND		48,750
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		17,500
1385	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	61,819	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		23,494
	FROM GENERAL INSPECTION TRUST FUND		67,837
1386	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	11,930	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		16,890
	FROM GENERAL INSPECTION TRUST FUND		77,588
TOTAL: FOOD SAFETY INSPECTION AND ENFORCEMENT			
	FROM GENERAL REVENUE FUND	1,600,618	
	FROM TRUST FUNDS		15,092,702
	TOTAL POSITIONS	285.00	
	TOTAL ALL FUNDS		16,693,320
PROGRAM: CONSUMER PROTECTION			
AGRICULTURAL ENVIRONMENTAL SERVICES			
	APPROVED SALARY RATE 7,860,808		
1387	SALARIES AND BENEFITS POSITIONS	211.00	
	FROM GENERAL REVENUE FUND	2,501,405	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		280,893
	FROM GENERAL INSPECTION TRUST FUND		4,995,418
	FROM PEST CONTROL TRUST FUND		2,464,815
1388	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	3,500	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		70,000
	FROM PEST CONTROL TRUST FUND		21,530
1389	EXPENSES		
	FROM GENERAL REVENUE FUND	797,814	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		720,185
	FROM GENERAL INSPECTION TRUST FUND		571,072
	FROM PEST CONTROL TRUST FUND		432,535
1390	AID TO LOCAL GOVERNMENTS		
	MOSQUITO CONTROL PROGRAM		
	FROM GENERAL INSPECTION TRUST FUND		2,160,000

From the funds provided in Specific Appropriation 1390, $250,000 from the General Inspection Trust Fund shall be used for research into practical methods of control to be used by local mosquito control agencies. The research shall be conducted by the Institute of Food and Agricultural Sciences (IFAS)/Florida Medical Entomology Laboratory and the Florida Agriculture and Mechanical University (FAMU)/Mulrennan Research Laboratory.

1391	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	6,052	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		51,000
1391A	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	445,000	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		842,889
	FROM PEST CONTROL TRUST FUND		80,635
1392	SPECIAL CATEGORIES		
	PESTICIDE COLLECTIONS		
	FROM GENERAL INSPECTION TRUST FUND		100,000

SECTION 5 SPECIFIC APPROPRIATION			
1393	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	66,763	
1394	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	23,150	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		2,563
	FROM GENERAL INSPECTION TRUST FUND		39,133
	FROM PEST CONTROL TRUST FUND		14,707
TOTAL: AGRICULTURAL ENVIRONMENTAL SERVICES			
	FROM GENERAL REVENUE FUND	3,843,684	
	FROM TRUST FUNDS		12,847,375
	TOTAL POSITIONS	211.00	
	TOTAL ALL FUNDS		16,691,059
CONSUMER PROTECTION			
	APPROVED SALARY RATE 4,172,358		
1395	SALARIES AND BENEFITS POSITIONS	125.00	
	FROM GENERAL REVENUE FUND	559,871	
	FROM GENERAL INSPECTION TRUST FUND		4,623,319
1396	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,216	
	FROM GENERAL INSPECTION TRUST FUND		38,513
1397	EXPENSES		
	FROM GENERAL REVENUE FUND	115,779	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		8,518
	FROM GENERAL INSPECTION TRUST FUND		1,134,086
1397A	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	3,600	
1398	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	34,595	
1399	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	6,918	
	FROM GENERAL INSPECTION TRUST FUND		39,137
TOTAL: CONSUMER PROTECTION			
	FROM GENERAL REVENUE FUND	732,979	
	FROM TRUST FUNDS		5,843,573
	TOTAL POSITIONS	125.00	
	TOTAL ALL FUNDS		6,576,552
STANDARDS AND PETROLEUM QUALITY INSPECTION			
	APPROVED SALARY RATE 6,274,362		
1400	SALARIES AND BENEFITS POSITIONS	188.00	
	FROM GENERAL REVENUE FUND	1,705,592	
	FROM GENERAL INSPECTION TRUST FUND		6,484,637
1401	OTHER PERSONAL SERVICES		
	FROM GENERAL INSPECTION TRUST FUND		59,572
1402	EXPENSES		
	FROM GENERAL REVENUE FUND	271,198	
	FROM GENERAL INSPECTION TRUST FUND		2,041,440

SECTION 5 SPECIFIC APPROPRIATION			
1403	OPERATING CAPITAL OUTLAY		
	FROM GENERAL INSPECTION TRUST FUND		101,750
1404	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL INSPECTION TRUST FUND		185,000
1405	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	14,960	
	FROM GENERAL INSPECTION TRUST FUND		113,826
1406	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	23,785	
	FROM GENERAL INSPECTION TRUST FUND		50,326
TOTAL: STANDARDS AND PETROLEUM QUALITY INSPECTION			
	FROM GENERAL REVENUE FUND	2,015,535	
	FROM TRUST FUNDS		9,036,551
	TOTAL POSITIONS	188.00	
	TOTAL ALL FUNDS		11,052,086
PROGRAM: AGRICULTURAL ECONOMIC DEVELOPMENT			
FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT			
	APPROVED SALARY RATE 7,946,370		
1407	SALARIES AND BENEFITS POSITIONS	257.00	
	FROM CITRUS INSPECTION TRUST FUND		7,998,501
	FROM GENERAL INSPECTION TRUST FUND		2,458,552
1408	OTHER PERSONAL SERVICES		
	FROM CITRUS INSPECTION TRUST FUND		800,000
	FROM GENERAL INSPECTION TRUST FUND		500,000
1409	EXPENSES		
	FROM CITRUS INSPECTION TRUST FUND		1,443,830
	FROM GENERAL INSPECTION TRUST FUND		446,024
1410	OPERATING CAPITAL OUTLAY		
	FROM CITRUS INSPECTION TRUST FUND		39,750
	FROM GENERAL INSPECTION TRUST FUND		65,000
1411	SPECIAL CATEGORIES		
	AUTOMATED TESTING EQUIPMENT		
	FROM CITRUS INSPECTION TRUST FUND		374,756
1412	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM CITRUS INSPECTION TRUST FUND		343,708
	FROM GENERAL INSPECTION TRUST FUND		39,791
1413	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM CITRUS INSPECTION TRUST FUND		98,221
	FROM GENERAL INSPECTION TRUST FUND		35,811
TOTAL: FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT			
	FROM TRUST FUNDS		14,643,944
	TOTAL POSITIONS	257.00	
	TOTAL ALL FUNDS		14,643,944

SECTION 5
SPECIFIC
APPROPRIATION
AGRICULTURAL PRODUCTS MARKETING

	APPROVED SALARY RATE	6,489,028		
1414	SALARIES AND BENEFITS	POSITIONS	192.00	
	FROM GENERAL REVENUE FUND		2,778,824	
	FROM CITRUS INSPECTION TRUST FUND			1,196,201
	FROM CONTRACTS AND GRANTS TRUST FUND			356,100
	FROM GENERAL INSPECTION TRUST FUND			1,106,851
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND			2,234,469
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND			756,198
	FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND			37,990
1415	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		15,000	
	FROM CITRUS INSPECTION TRUST FUND			233,597
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND			27,500
1416	EXPENSES			
	FROM GENERAL REVENUE FUND		847,680	
	FROM CITRUS INSPECTION TRUST FUND			339,352
	FROM CONTRACTS AND GRANTS TRUST FUND			1,927,219
	FROM GENERAL INSPECTION TRUST FUND			887,116
	FROM MARKET TRADE SHOW TRUST FUND			180,000
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND			791,858
	FROM QUARTER HORSE RACING PROMOTION TRUST FUND			2,500
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND			500,376
	FROM VITICULTURE TRUST FUND			7,800
	FROM FLORIDA AGRICULTURAL PROMOTION CAMPAIGN TRUST FUND			140,000
1417	OPERATING CAPITAL OUTLAY			
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND			10,500
1418	SPECIAL CATEGORIES			
	FLORIDA SEAFOOD PROMOTIONAL PROGRAM			
	FROM CONTRACTS AND GRANTS TRUST FUND			100,000
1419A	SPECIAL CATEGORIES			
	FLORIDA 4-H TRAINING INSTITUTE			
	FROM GENERAL REVENUE FUND		90,000	
1419B	SPECIAL CATEGORIES			
	STATEWIDE DISTANCE EDUCATION NETWORK			
	FROM GENERAL REVENUE FUND		525,000	
1420	SPECIAL CATEGORIES			
	GRANTS AND AIDS - VITICULTURE PROGRAM			
	FROM VITICULTURE TRUST FUND			300,000
1421	SPECIAL CATEGORIES			
	FLORIDA AGRICULTURE PROMOTION CAMPAIGN			
	FROM GENERAL REVENUE FUND		2,000,000	
1422	SPECIAL CATEGORIES			
	FEDERAL SUPPORT FOR FLORIDA AGRICULTURE PROMOTIONS			
	FROM CONTRACTS AND GRANTS TRUST FUND			1,250,000
1422A	SPECIAL CATEGORIES			
	SUPPORT FOR FOOD BANK			
	FROM GENERAL REVENUE FUND		475,000	

From the funds in Specific Appropriation 1422A, $300,000 is provided for the Florida Association of Food Banks.

SECTION 5
SPECIFIC
APPROPRIATION

1423	SPECIAL CATEGORIES			
	GRANTS AND AIDS - MARKETING ORDERS			
	FROM CITRUS INSPECTION TRUST FUND			2,500,000
	FROM GENERAL INSPECTION TRUST FUND			650,000
1424	SPECIAL CATEGORIES			
	FARM SHARE PROGRAM			
	FROM GENERAL REVENUE FUND		300,000	
1425	SPECIAL CATEGORIES			
	GRANTS AND AIDS - PROMOTIONAL AWARDS			
	FROM GENERAL INSPECTION TRUST FUND			300,000
	FROM QUARTER HORSE RACING PROMOTION TRUST FUND			5,900
1426	SPECIAL CATEGORIES			
	GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS			
	FROM CONTRACTS AND GRANTS TRUST FUND			1,864,640
1427	SPECIAL CATEGORIES			
	RISK MANAGEMENT INSURANCE			
	FROM GENERAL REVENUE FUND		31,197	
	FROM CITRUS INSPECTION TRUST FUND			8,766
	FROM CONTRACTS AND GRANTS TRUST FUND			7,852
	FROM GENERAL INSPECTION TRUST FUND			14,357
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND			32,279
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND			8,920
1428	SPECIAL CATEGORIES			
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT			
	FROM GENERAL REVENUE FUND		27,240	
	FROM CITRUS INSPECTION TRUST FUND			9,976
	FROM CONTRACTS AND GRANTS TRUST FUND			2,686
	FROM GENERAL INSPECTION TRUST FUND			9,207
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND			21,483
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND			5,757
1429	FIXED CAPITAL OUTLAY			
	CODE AND LIFE SAFETY - STATE FARMERS' MARKETS - STATEWIDE - DMS MGD			
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND			73,700
1430	FIXED CAPITAL OUTLAY			
	MAINTENANCE AND REPAIR, STATE FARMERS' MARKET FACILITIES STATEWIDE - DMS MGD			
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND			89,800
1430A	FIXED CAPITAL OUTLAY			
	REPAIRS AND RENOVATIONS - STATE FARMERS' MARKET - DMS MGD			
	FROM GENERAL REVENUE FUND		500,000	
TOTAL:	AGRICULTURAL PRODUCTS MARKETING			
	FROM GENERAL REVENUE FUND		7,589,941	
	FROM TRUST FUNDS			17,990,950
	TOTAL POSITIONS		192.00	
	TOTAL ALL FUNDS			25,580,891

AQUACULTURE

	APPROVED SALARY RATE	1,978,022		
1431	SALARIES AND BENEFITS	POSITIONS	52.50	
	FROM GENERAL REVENUE FUND		2,025,960	

SECTION 5
SPECIFIC
APPROPRIATION

	FROM GENERAL INSPECTION TRUST FUND		566,411
1432	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	30,000	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		16,700
	FROM GENERAL INSPECTION TRUST FUND		39,000
1433	EXPENSES		
	FROM GENERAL REVENUE FUND	480,977	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		9,000
	FROM GENERAL INSPECTION TRUST FUND		359,276
1434	OPERATING CAPITAL OUTLAY		
	FROM GENERAL INSPECTION TRUST FUND		50,400
1435	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		94,167
1437	SPECIAL CATEGORIES		
	OYSTER PLANTING		
	FROM GENERAL REVENUE FUND	350,000	
1438	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	39,659	
	FROM GENERAL INSPECTION TRUST FUND		6,073
1439	SPECIAL CATEGORIES		
	AQUACULTURE DEVELOPMENT		
	FROM GENERAL REVENUE FUND	719,959	

From the funds in Specific Appropriation 1439, $598,699 is provided to fund, in accordance with section 597.005(3)(c), Florida Statutes, the Florida Aquaculture Review Council's list of priority projects dated July 13, 2004, as included in the Department of Agriculture and Consumer Services' Legislative Budget Request.

1440	SPECIAL CATEGORIES		
	AQUACULTURE PROGRAM GRANTS		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		350,000
1441	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	17,269	
	FROM GENERAL INSPECTION TRUST FUND		5,120
1441A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - 2004 HURRICANES - STATE OPERATIONS		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		582,000
TOTAL:	AQUACULTURE		
	FROM GENERAL REVENUE FUND	3,663,824	
	FROM TRUST FUNDS		2,078,147
	TOTAL POSITIONS	52.50	
	TOTAL ALL FUNDS		5,741,971

AGRICULTURAL INTERDICTION STATIONS

APPROVED SALARY RATE 9,246,806

1442	SALARIES AND BENEFITS POSITIONS	239.00	
	FROM GENERAL REVENUE FUND	12,434,772	
	FROM GENERAL INSPECTION TRUST FUND		75,820
1443	EXPENSES		
	FROM GENERAL REVENUE FUND	883,890	
	FROM CITRUS INSPECTION TRUST FUND		25,987
	FROM GENERAL INSPECTION TRUST FUND		41,432

SECTION 5
SPECIFIC
APPROPRIATION

1444	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	22,990	
1445	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	14,580	
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		50,000
1446	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	66,885	
1447	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	78,015	
	FROM AGRICULTURAL LAW ENFORCEMENT TRUST FUND		18,428
1448	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	72,143	
1448A	FIXED CAPITAL OUTLAY		
	AGRICULTURAL LAW ENFORCEMENT INTERSTATE RAMP RENOVATIONS		
	FROM GENERAL REVENUE FUND	1,600,000	
TOTAL:	AGRICULTURAL INTERDICTION STATIONS		
	FROM GENERAL REVENUE FUND	15,173,275	
	FROM TRUST FUNDS		211,667
	TOTAL POSITIONS	239.00	
	TOTAL ALL FUNDS		15,384,942

ANIMAL PEST AND DISEASE CONTROL

APPROVED SALARY RATE 5,705,989

1449	SALARIES AND BENEFITS POSITIONS	151.50	
	FROM GENERAL REVENUE FUND	6,429,881	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		342,517
	FROM GENERAL INSPECTION TRUST FUND		439,988
1450	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,866	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		395,703
1451	EXPENSES		
	FROM GENERAL REVENUE FUND	579,742	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		958,452
	FROM GENERAL INSPECTION TRUST FUND		772,678
1452	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	203,797	
1453	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		94,166
1453A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA PORK PRODUCERS		
	FROM GENERAL REVENUE FUND	300,000	
	FROM ADMINISTRATIVE TRUST FUND		300,000

Funds in Specific Appropriation 1453A shall be used by the Department of Agriculture and Consumer Services to fund the Florida Pork Producers Transition Grant Program.

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1454	SPECIAL CATEGORIES		
	ANIMAL PEST AND DISEASE CONTROL		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,000,000
1455	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	75,942	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		27
1456	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	58,122	
	FROM GENERAL INSPECTION TRUST FUND		2,302
TOTAL: ANIMAL PEST AND DISEASE CONTROL			
	FROM GENERAL REVENUE FUND	7,659,350	
	FROM TRUST FUNDS		4,305,833
	TOTAL POSITIONS	151.50	
	TOTAL ALL FUNDS		11,965,183
PLANT PEST AND DISEASE CONTROL			
	APPROVED SALARY RATE 12,595,776		
1457	SALARIES AND BENEFITS POSITIONS	371.00	
	FROM GENERAL REVENUE FUND	10,634,845	
	FROM CITRUS INSPECTION TRUST FUND		726,068
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		2,698,524
	FROM PLANT INDUSTRY TRUST FUND		2,455,710
1458	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	217,017	
	FROM CITRUS INSPECTION TRUST FUND		7,800
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		586,568
	FROM GENERAL INSPECTION TRUST FUND		150,000
	FROM PLANT INDUSTRY TRUST FUND		808,560
1459	EXPENSES		
	FROM GENERAL REVENUE FUND	1,210,722	
	FROM CITRUS INSPECTION TRUST FUND		96,711
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		325,008
	FROM PLANT INDUSTRY TRUST FUND		788,347
1460	OPERATING CAPITAL OUTLAY		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		60,195
	FROM PLANT INDUSTRY TRUST FUND		51,525
1461	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM CITRUS INSPECTION TRUST FUND		153,000
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		94,167
1462	SPECIAL CATEGORIES		
	AGRICULTURAL EMERGENCIES (MEDFLY PROGRAM)		
	FROM GENERAL REVENUE FUND	1,000,000	
1463	SPECIAL CATEGORIES		
	GRANTS AND AIDS - BOLL WEEVIL ERADICATION		
	FROM PLANT INDUSTRY TRUST FUND		560,000
1464	SPECIAL CATEGORIES		
	APIARIAN INDEMNITIES		
	FROM GENERAL REVENUE FUND	36,000	
1465	SPECIAL CATEGORIES		
	ENDANGERED PLANT SPECIES		
	FROM PLANT INDUSTRY TRUST FUND		250,000
1466	SPECIAL CATEGORIES		
	PLANT, PEST AND DISEASE MONITORING AND CONTROL PROGRAM		
	FROM PLANT INDUSTRY TRUST FUND		300,000
1467	SPECIAL CATEGORIES		
	CITRUS CANKER ERADICATION		
	FROM GENERAL REVENUE FUND	15,800,000	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		27,117,771
	AGRICULTURAL EMERGENCY ERADICATION TRUST FUND		11,317,771
1468	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,039,365	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		509,293
	FROM PLANT INDUSTRY TRUST FUND		53,920
1469	SPECIAL CATEGORIES		
	TRANSFER TO UNIVERSITY OF FLORIDA/ INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES FOR INVASIVE EXOTICS QUARANTINE FACILITY		
	FROM PLANT INDUSTRY TRUST FUND		750,000
1469A	SPECIAL CATEGORIES		
	CITRUS CANKER TREE COMPENSATION PROGRAM		
	FROM GENERAL REVENUE FUND	1,800,000	
1469B	SPECIAL CATEGORIES		
	TREE REPLACEMENT PROGRAM FOR CITRUS CANKER		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		1,800,000
1470	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	110,288	
	FROM CITRUS INSPECTION TRUST FUND		6,140
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		161,529
	FROM PLANT INDUSTRY TRUST FUND		28,311
TOTAL: PLANT PEST AND DISEASE CONTROL			
	FROM GENERAL REVENUE FUND	32,848,237	
	FROM TRUST FUNDS		51,856,918
	TOTAL POSITIONS	371.00	
	TOTAL ALL FUNDS		84,705,155
COMMUNITY AFFAIRS, DEPARTMENT OF			
PROGRAM: OFFICE OF THE SECRETARY			
EXECUTIVE DIRECTION AND SUPPORT SERVICES			
	APPROVED SALARY RATE 3,881,663		
1473	SALARIES AND BENEFITS POSITIONS	87.00	
	FROM GENERAL REVENUE FUND	2,127,546	
	FROM ADMINISTRATIVE TRUST FUND		2,758,698
	FROM GRANTS AND DONATIONS TRUST FUND . . .		143,809
1474	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		317,344
1475	EXPENSES		
	FROM GENERAL REVENUE FUND	29,918	
	FROM ADMINISTRATIVE TRUST FUND		1,000,762
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,530
1476	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		93,608

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1477 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 640,038

1478 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,119
FROM ADMINISTRATIVE TRUST FUND 6,540
FROM GRANTS AND DONATIONS TRUST FUND . . . 154

1479 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 15,143
FROM ADMINISTRATIVE TRUST FUND 19,670
FROM GRANTS AND DONATIONS TRUST FUND . . . 903

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,818,764
FROM TRUST FUNDS 4,359,018

TOTAL POSITIONS 87.00
TOTAL ALL FUNDS 7,177,782

PROGRAM: COMMUNITY PLANNING

COMMUNITY PLANNING

APPROVED SALARY RATE 2,771,963

1480 SALARIES AND BENEFITS POSITIONS 66.00
FROM GENERAL REVENUE FUND 3,599,519

1481 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,650
FROM GRANTS AND DONATIONS TRUST FUND . . . 292,000

1482 EXPENSES
FROM GENERAL REVENUE FUND 453,946
FROM GRANTS AND DONATIONS TRUST FUND . . . 112,000

1483 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 500

1484 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PLANNING COUNCILS
FROM GENERAL REVENUE FUND 3,000,000

Funds in Specific Appropriation 1484 are provided to the Regional Planning Councils, 70 percent of which is to be divided equally to each council and 30 percent shall be allocated according to population. The funds shall be used to prepare and implement strategic regional policy plans, perform regional review and comment functions, and assist local governments in addressing problems of greater-than-local significance.

1485 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 11,944
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,340

1486 SPECIAL CATEGORIES
GRANTS AND AIDS - COASTAL MANAGEMENT REQUIREMENTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 75,000

1487 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 26,401

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1488 SPECIAL CATEGORIES
GRANTS AND AIDS - TECHNICAL AND PLANNING ASSISTANCE
FROM GENERAL REVENUE FUND 800,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 400,000
FROM OPERATING TRUST FUND 1,200,000

From funds in Specific Appropriation 1488, $300,000 in non-recurring general revenue funds is provided to incorporated municipalities for the development of Comprehensive Plans as required pursuant to the state mandated Growth Management & Land Development Regulation Act of 1985, chapter 163, Part II, Florida Statutes. These funds are allocated as follows:

Village of Palmetto Bay Comp Master Plan..... 100,000
City of Doral Transportation Master Plan..... 200,000

TOTAL: COMMUNITY PLANNING
FROM GENERAL REVENUE FUND 7,911,960
FROM TRUST FUNDS 2,094,840

TOTAL POSITIONS 66.00
TOTAL ALL FUNDS 10,006,800

PROGRAM: EMERGENCY MANAGEMENT

PRE-DISASTER MITIGATION

APPROVED SALARY RATE 405,756

1489 SALARIES AND BENEFITS POSITIONS 9.00
FROM GENERAL REVENUE FUND 68,834
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 57,232
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,129
FROM OPERATING TRUST FUND 3,576
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 385,212

1490 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 4,332

1491 EXPENSES
FROM GENERAL REVENUE FUND 15,253
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 11,006
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,367
FROM OPERATING TRUST FUND 4,718
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 51,245

1492 SPECIAL CATEGORIES
GRANTS AND AIDS - PREDISASTER MITIGATION
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 8,900,000

Funds in Specific Appropriation 1492 are provided for the pre-disaster mitigation program. The 25 percent match requirement for the federal funds shall be provided by local governments.

1493 SPECIAL CATEGORIES
FLOOD MITIGATION ASSISTANCE PROGRAM
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 4,600,000

1494 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 388
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 388

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FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		2,718
TOTAL: PRE-DISASTER MITIGATION		
FROM GENERAL REVENUE FUND	84,475	
FROM TRUST FUNDS		14,032,923
TOTAL POSITIONS	9.00	
TOTAL ALL FUNDS		14,117,398

EMERGENCY PLANNING

APPROVED SALARY RATE 1,846,351

1495 SALARIES AND BENEFITS POSITIONS	51.00	
FROM GENERAL REVENUE FUND	445,667	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		527,917
FROM GRANTS AND DONATIONS TRUST FUND		579,025
FROM OPERATING TRUST FUND		108,227
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		658,843
1496 OTHER PERSONAL SERVICES		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		190,331
FROM GRANTS AND DONATIONS TRUST FUND		65,000
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		645,000
1497 EXPENSES		
FROM GENERAL REVENUE FUND	73,688	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		212,058
FROM GRANTS AND DONATIONS TRUST FUND		237,816
FROM OPERATING TRUST FUND		12,486
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		323,842
1498 AID TO LOCAL GOVERNMENTS DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION		
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		2,389,944
1499 OPERATING CAPITAL OUTLAY		
FROM GRANTS AND DONATIONS TRUST FUND		35,000
1500 SPECIAL CATEGORIES GRANTS AND AIDS - PAYMENT FLORIDA WING/ CIVIL AIR PATROL		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		55,000
1501 SPECIAL CATEGORIES GRANTS AND AIDS - EMERGENCY MANAGEMENT PROGRAMS		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		7,089,061
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		83,438
1502 SPECIAL CATEGORIES GRANTS AND AIDS - STATE DOMESTIC PREPAREDNESS PROGRAM		
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		620,506
1503 SPECIAL CATEGORIES GRANTS AND AIDS - STATE, LOCAL AND PRIVATE PROJECTS		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		1,320,866

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1504 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
FROM GENERAL REVENUE FUND	27,380	
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		27,381
1505 SPECIAL CATEGORIES GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS - ADMINISTRATIVE		
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		589,849
1506 SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
FROM GENERAL REVENUE FUND	4,270	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		4,663
FROM GRANTS AND DONATIONS TRUST FUND		1,555
FROM OPERATING TRUST FUND		778
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		6,349
1507 SPECIAL CATEGORIES HAZARDOUS MATERIALS EMERGENCY PLANNING GRANT		
FROM GRANTS AND DONATIONS TRUST FUND		500,000
1508 SPECIAL CATEGORIES GRANTS AND AIDS - LOCAL EMERGENCY MANAGEMENT NEEDS		
FROM GRANTS AND DONATIONS TRUST FUND		3,000,000

Funds in Specific Appropriation 1508 from the Grants and Donations Trust Fund reflect the transfer of $3,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555(7)(c), Florida Statutes.

1508A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY LOCAL EMERGENCY MANAGEMENT FACILITIES		
FROM GENERAL REVENUE FUND	4,279,400	
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		8,740,897

The Department of Community Affairs shall certify that each emergency shelter, emergency operations center (EOC) or critical facility funded in Specific Appropriation 1508A complies with, or will comply with, the structural considerations of ARC 4496, Guidelines for Hurricane Evacuation Shelter Selection. The department is directed to assist recipients in determining whether the structural considerations are, or can be, met prior to execution of a project contract. By September 1, 2005, the department shall determine whether any recipient cannot pursue or complete any project, or portion thereof, due to structural, financial, or other considerations, and shall notify the chair of the Senate Ways and Means Committee, the chair of the House Fiscal Council and the Executive Office of the Governor. After such notification, the department may initiate a budget amendment pursuant to the legislative notice and review requirements set forth in section 216.177, Florida Statutes, to apply any remaining funds for other competitively reviewed projects.

From the funds in Specific Appropriation 1508A, $4,279,400 in non-recurring general revenue funds are provided for the following projects:

Osceola County Consolidated EOC/Communications Center	500,000
Putnam County Storm Shelter Retrofit	500,000
Indian River Emergency Operations Center	2,500,000
Graceville Emergency Power Supply	100,000
Hurricane Disaster Plan Special Needs Shelter	179,400
Johnson Family YMCA Gymnasium	500,000

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From the funds in Specific Appropriation 1508A, $8,740,897 in non-recurring funds is provided from the Emergency Management Preparedness and Assistance Trust Fund for the following projects:

Escambia County Sheriff - Generators	210,000
Starke Fire Dept. Garage/Storage	200,000
St. Lucie Special Needs Shelter	2,500,000
Emergency Operations Center Bay County	3,500,000
Chamber of Commerce - ADA Facilities Upgrade - Brevard Co...	25,000
Emergency Operations Center in Brevard County	25,000
Emergency Operations Center in Broward County	12,987
Hurricane Relief for Primrose Center, Inc	409,692
Windstorm Damage Mitigation Training & Demonstration Center.	750,000
Pasco Emergency Special Needs Shelter	565,000
Hernando County Emergency Special Needs Shelter	543,218

TOTAL: EMERGENCY PLANNING

FROM GENERAL REVENUE FUND	4,830,405	
FROM TRUST FUNDS		28,025,832
TOTAL POSITIONS	51.00	
TOTAL ALL FUNDS		32,856,237

EMERGENCY RECOVERY

APPROVED SALARY RATE 1,338,974

1509	SALARIES AND BENEFITS	POSITIONS 33.00	
	FROM GENERAL REVENUE FUND	216,496	
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		333,202
	FROM GRANTS AND DONATIONS TRUST FUND		79,431
	FROM OPERATING TRUST FUND		3,522
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		334,131
	FROM U.S. CONTRIBUTIONS TRUST FUND		714,031
1510	OTHER PERSONAL SERVICES		
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		4,331
	FROM GRANTS AND DONATIONS TRUST FUND		1,100
1511	EXPENSES		
	FROM GENERAL REVENUE FUND	18,000	
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		15,634
	FROM GRANTS AND DONATIONS TRUST FUND		26,604
	FROM OPERATING TRUST FUND		4,670
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		41,119
	FROM U.S. CONTRIBUTIONS TRUST FUND		46,487
1512	SPECIAL CATEGORIES		
	PUBLIC ASSISTANCE FOR 2004 HURRICANES - STATE OPERATIONS		
	FROM GRANTS AND DONATIONS TRUST FUND		4,645,502
	FROM U.S. CONTRIBUTIONS TRUST FUND		70,228,717
1513	SPECIAL CATEGORIES		
	HAZARD MITIGATION FOR 2004 HURRICANES - STATE OPERATIONS		
	FROM GRANTS AND DONATIONS TRUST FUND		1,417,200
	FROM U.S. CONTRIBUTIONS TRUST FUND		4,251,598
1514	SPECIAL CATEGORIES		
	PUBLIC ASSISTANCE FOR 2004 HURRICANES - PASS THROUGH		
	FROM GRANTS AND DONATIONS TRUST FUND		100,684,715
	FROM U.S. CONTRIBUTIONS TRUST FUND		823,604,843
1515	SPECIAL CATEGORIES		
	HAZARD MITIGATION FOR 2004 HURRICANES - PASS THROUGH		
	FROM U.S. CONTRIBUTIONS TRUST FUND		75,921,391

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1516	SPECIAL CATEGORIES	
	PUBLIC ASSISTANCE - STATE OPERATIONS	
	FROM GRANTS AND DONATIONS TRUST FUND	548,300
	FROM U.S. CONTRIBUTIONS TRUST FUND	3,288,890

Funds in Specific Appropriation 1516 through 1519 from the Grants and Donations Trust Fund are provided to meet the state portion of the match requirements for federally declared disasters that occurred prior to 2004. Funds shall be utilized for Public Assistance and Hazard Mitigation Programs as specified in section 252.37, Florida Statutes.

1517	SPECIAL CATEGORIES	
	HAZARD MITIGATION - STATE OPERATIONS	
	FROM GRANTS AND DONATIONS TRUST FUND	140,779
	FROM U.S. CONTRIBUTIONS TRUST FUND	974,424
1518	SPECIAL CATEGORIES	
	PUBLIC ASSISTANCE - PASS THROUGH	
	FROM GRANTS AND DONATIONS TRUST FUND	20,104,324
	FROM U.S. CONTRIBUTIONS TRUST FUND	120,592,630
1519	SPECIAL CATEGORIES	
	HAZARD MITIGATION - PASS THROUGH	
	FROM GRANTS AND DONATIONS TRUST FUND	725,736
	FROM U.S. CONTRIBUTIONS TRUST FUND	35,293,889

The state match requirement provided in Specific Appropriation 1519 from the Grants and Donations Trust Fund for Hazard Mitigation projects shall only be available for five years from the date of the original Governor's emergency declaration or notice of congressionally awarded supplemental federal funds. The local governments shall provide any subsequent match required to complete Hazard Mitigation projects in these appropriations at the end of the five year period. The Executive Office of the Governor may approve a waiver of the five year match limitation for certain projects, subject to legislative notice and review under section 216.177, Florida Statutes, if it is determined that the project must be extended to meet state environmental and permitting requirements, agency reviews pursuant to the national Environmental Policy Act and applicable state environmental laws, or other unique situations demonstrated by the local government, provided that the local government applies for the waiver no more than 30 days after the expiration of the five year match period.

1520	SPECIAL CATEGORIES	
	GRANTS AND AIDS - HURRICANE LOSS MITIGATION	
	FROM GRANTS AND DONATIONS TRUST FUND	6,921,764

Funds in Specific Appropriations 1509 in the amount of $57,782; 1510 in the amount of $1,100; 1511 in the amount of $19,354; and 1520 in the amount of $6,921,764, provided from the Grants and Donations Trust Fund, reflect the transfer of $7,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555(7), Florida Statutes. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in section 215.559(2)(a), Florida Statutes.

1521	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	1,552	
	FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND		2,329
	FROM GRANTS AND DONATIONS TRUST FUND		2,418
	FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND		1,745
	FROM U.S. CONTRIBUTIONS TRUST FUND		11,462
1521A	SPECIAL CATEGORIES		
	NON-FEDERAL REIMBURSEABLE DISASTER ACTIVITIES		
	FROM GRANTS AND DONATIONS TRUST FUND		928,759

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1521B SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL EMERGENCY MANAGEMENT NEEDS
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 50,000

Funds in Specific Appropriation 1521B are provided for the Institute for Human and Machine Cognition's campus at 40 South Alcaniz Street in Escambia County.

TOTAL: EMERGENCY RECOVERY
FROM GENERAL REVENUE FUND 236,048
FROM TRUST FUNDS 1271,945,677

TOTAL POSITIONS 33.00
TOTAL ALL FUNDS 1272,181,725

EMERGENCY RESPONSE

APPROVED SALARY RATE 678,882

1523 SALARIES AND BENEFITS POSITIONS 18.00
FROM GENERAL REVENUE FUND 438,917
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 112,966
FROM GRANTS AND DONATIONS TRUST FUND . . . 82,434
FROM OPERATING TRUST FUND 73,913
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 283,599

1524 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 4,331

1525 EXPENSES
FROM GENERAL REVENUE FUND 11,971
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 81,782
FROM GRANTS AND DONATIONS TRUST FUND . . . 48,231
FROM OPERATING TRUST FUND 13,975
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 228,996

1526 OPERATING CAPITAL OUTLAY
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 1,872
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,003,196
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 6,352

From the funds in Specific Appropriation 1526, $3,000,000 from the Grants and Donations Trust Fund is provided for the purchase of generators for emergency fuel supply and is contingent upon a like amount being transferred from the Department of Environmental Protection.

1527 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 65,000

1528 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 31,626
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 31,626

1529 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,718
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 778
FROM GRANTS AND DONATIONS TRUST FUND . . . 778
FROM OPERATING TRUST FUND 388
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 2,329

TOTAL: EMERGENCY RESPONSE
FROM GENERAL REVENUE FUND 485,232
FROM TRUST FUNDS 4,042,546

TOTAL POSITIONS 18.00
TOTAL ALL FUNDS 4,527,778

HAZARDOUS MATERIALS COMPLIANCE PLANNING

APPROVED SALARY RATE 850,138

1530 SALARIES AND BENEFITS POSITIONS 21.00
FROM GENERAL REVENUE FUND 92,796
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 60,925
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,822
FROM OPERATING TRUST FUND 857,871
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 50,828

1531 OTHER PERSONAL SERVICES
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 29,749

1532 EXPENSES
FROM GENERAL REVENUE FUND 14,668
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 12,977
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,645
FROM OPERATING TRUST FUND 273,170
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 19,841

1533 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 4,145

1534 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 388
FROM EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND 388
FROM OPERATING TRUST FUND 6,988
FROM FEDERAL EMERGENCY MANAGEMENT PROGRAMS SUPPORT TRUST FUND 388

1535 SPECIAL CATEGORIES
FLORIDA HAZARDOUS MATERIALS PLANNING PROGRAM
FROM OPERATING TRUST FUND 1,335,000

TOTAL: HAZARDOUS MATERIALS COMPLIANCE PLANNING
FROM GENERAL REVENUE FUND 107,852
FROM TRUST FUNDS 2,674,737

TOTAL POSITIONS 21.00
TOTAL ALL FUNDS 2,782,589

PROGRAM: HOUSING AND COMMUNITY DEVELOPMENT

AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT

APPROVED SALARY RATE 1,105,126

1536 SALARIES AND BENEFITS POSITIONS 25.00
FROM GENERAL REVENUE FUND 677,795

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	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		494,848
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		84,774
	FROM ENERGY CONSUMPTION TRUST FUND		21,805
	FROM FLORIDA COMMUNITIES TRUST FUND . . .		5,766
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		41,257
	FROM OPERATING TRUST FUND		135,999
1537	OTHER PERSONAL SERVICES		
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		693,252
1538	EXPENSES		
	FROM GENERAL REVENUE FUND	74,810	
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		1,139,689
	FROM OPERATING TRUST FUND		28,223
1539	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,000	
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		3,000
1541	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	794	
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		803
	FROM OPERATING TRUST FUND		474
1542	SPECIAL CATEGORIES		
	FRONT PORCH FLORIDA		
	FROM GENERAL REVENUE FUND	3,180,332	
1543	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	3,879	
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		3,834
	FROM OPERATING TRUST FUND		1,416
1543A	SPECIAL CATEGORIES		
	DEPT OF COMMUNITY AFFAIRS - INTRA-AGENCY TRANSFERS		
	FROM ENERGY CONSUMPTION TRUST FUND		440,000
	FROM STATE HOUSING TRUST FUND		2,900,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,600,000

The funds in Specific Appropriation 1543A represent unobligated cash balances which shall be transferred to the Emergency Management Preparedness and Assistance Trust Fund.

1544	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS		
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		39,942,131
1544A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	GRANTS AND AIDS - LOW INCOME EMERGENCY HOME REPAIR		
	FROM ENERGY CONSUMPTION TRUST FUND		500,000
TOTAL:	AFFORDABLE HOUSING AND NEIGHBORHOOD REDEVELOPMENT		
	FROM GENERAL REVENUE FUND	3,938,610	
	FROM TRUST FUNDS		48,037,271

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	TOTAL POSITIONS	25.00	
	TOTAL ALL FUNDS		51,975,881

BUILDING CODE COMPLIANCE AND HAZARD MITIGATION

APPROVED SALARY RATE 716,175

1545	SALARIES AND BENEFITS POSITIONS	17.00	
	FROM OPERATING TRUST FUND		950,585
1546	OTHER PERSONAL SERVICES		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		388,084
	FROM OPERATING TRUST FUND		1,501,255
1547	EXPENSES		
	FROM OPERATING TRUST FUND		337,569
1548	OPERATING CAPITAL OUTLAY		
	FROM OPERATING TRUST FUND		2,000
1549	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF HEALTH		
	FROM OPERATING TRUST FUND		294,414

In the event that the Building Permit Surcharge revenue collections are insufficient to fund the level of appropriation in Specific Appropriation 1549, this transfer shall be reduced to reflect the amount actually collected.

1550	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM OPERATING TRUST FUND		10,827
1551	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM OPERATING TRUST FUND		8,154
TOTAL:	BUILDING CODE COMPLIANCE AND HAZARD MITIGATION		
	FROM TRUST FUNDS		3,492,888
	TOTAL POSITIONS	17.00	
	TOTAL ALL FUNDS		3,492,888

PUBLIC SERVICE AND ENERGY INITIATIVES

APPROVED SALARY RATE 509,244

1552	SALARIES AND BENEFITS POSITIONS	13.00	
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		401,310
	FROM ENERGY CONSUMPTION TRUST FUND		220,954
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		181,384
1553	OTHER PERSONAL SERVICES		
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		338,247
	FROM ENERGY CONSUMPTION TRUST FUND		263
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		46,148
1554	EXPENSES		
	FROM FLORIDA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUND . .		3,056
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		152,014
	FROM ENERGY CONSUMPTION TRUST FUND		130,387
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		94,216

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1555 OPERATING CAPITAL OUTLAY
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 1,550
FROM ENERGY CONSUMPTION TRUST FUND 1,450
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 1,000

1556 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 17,876,599

1557 SPECIAL CATEGORIES
GRANTS AND AIDS - HOME ENERGY ASSISTANCE
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 25,864,000

1558 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 1,104
FROM ENERGY CONSUMPTION TRUST FUND 728
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 439

1559 SPECIAL CATEGORIES
COMMISSION ON COMMUNITY SERVICE
FROM GENERAL REVENUE FUND 175,000

1560 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 3,289
FROM ENERGY CONSUMPTION TRUST FUND 1,328
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 1,564

1560A SPECIAL CATEGORIES
CIVIL LEGAL ASSISTANCE
FROM GENERAL REVENUE FUND 5,000,000

Funds in Specific Appropriation 1560A are provided for the programs established pursuant to chapter 2002-288, Laws of Florida.

1561 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - WEATHERIZATION GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,800,000
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 3,400,000

1561A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
CENTER HILL AUDITORIUM RESTORATION
FROM ENERGY CONSUMPTION TRUST FUND 60,000

TOTAL: PUBLIC SERVICE AND ENERGY INITIATIVES
FROM GENERAL REVENUE FUND 5,175,000
FROM TRUST FUNDS 50,581,030

TOTAL POSITIONS 13.00
TOTAL ALL FUNDS 55,756,030

LAND ACQUISITION AND ADMINISTRATION

APPROVED SALARY RATE 714,239

1562 SALARIES AND BENEFITS POSITIONS 17.00
FROM FLORIDA COMMUNITIES TRUST FUND . . . 930,087

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1563 OTHER PERSONAL SERVICES
FROM FLORIDA COMMUNITIES TRUST FUND . . . 50,000

1564 EXPENSES
FROM FLORIDA COMMUNITIES TRUST FUND . . . 225,845

1565 OPERATING CAPITAL OUTLAY
FROM FLORIDA COMMUNITIES TRUST FUND . . . 2,000

1566 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA COMMUNITIES TRUST FUND . . . 4,775

1567 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM FLORIDA COMMUNITIES TRUST FUND . . . 6,603

1567A SPECIAL CATEGORIES
DEPT OF COMMUNITY AFFAIRS - INTRA-AGENCY TRANSFERS
FROM FLORIDA COMMUNITIES TRUST FUND . . . 923,802

The funds in Specific Appropriation 1567A represent an unobligated cash balance which shall be transferred to the Emergency Management Preparedness and Assistance Trust Fund.

1568 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM FLORIDA FOREVER PROGRAM TRUST FUND . 66,000,000

TOTAL: LAND ACQUISITION AND ADMINISTRATION
FROM TRUST FUNDS 68,143,112

TOTAL POSITIONS 17.00
TOTAL ALL FUNDS 68,143,112

PROGRAM: FLORIDA HOUSING FINANCE CORPORATION

AFFORDABLE HOUSING FINANCING

1570 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE CORPORATION (HFC) - AFFORDABLE HOUSING PROGRAMS
FROM STATE HOUSING TRUST FUND 55,906,623

1571 SPECIAL CATEGORIES
GRANTS AND AIDS - HOUSING FINANCE CORPORATION (HFC) - STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 130,886,000

1572 SPECIAL CATEGORIES
HOUSING FINANCE CORPORATION (HFC) - STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM - MONITORING
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 200,000

1573 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF CHILDREN AND FAMILIES (DCF) - HOMELESS PROGRAMS
FROM LOCAL GOVERNMENT HOUSING TRUST FUND . 5,900,000

TOTAL: AFFORDABLE HOUSING FINANCING
FROM TRUST FUNDS 192,892,623

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TOTAL ALL FUNDS 192,892,623

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 14,646,361

1574 SALARIES AND BENEFITS POSITIONS 312.50
FROM GENERAL REVENUE FUND 3,140,293
FROM ADMINISTRATIVE TRUST FUND 14,403,803
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 63,853
FROM INLAND PROTECTION TRUST FUND 187,227
FROM GRANTS AND DONATIONS TRUST FUND . . . 636,049

1575 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 79,500
FROM ADMINISTRATIVE TRUST FUND 465,659
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 487,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 324,879
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 2,000,000

From the funds in Specific Appropriation 1575, the Department of Environmental Protection shall submit to the chair of the Senate Ways and Means Committee, the chair of the House Fiscal Council, and to the Executive Office of the Governor a quarterly status report on the Apalachicola, Chattahoochee, and Flint rivers water allocation compact litigation. The report shall also provide quarterly expenditures and budget projections for the remainder of the fiscal year.

1576 EXPENSES
FROM GENERAL REVENUE FUND 73,875
FROM ADMINISTRATIVE TRUST FUND 3,363,044
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 28,500
FROM INLAND PROTECTION TRUST FUND 51,822
FROM GRANTS AND DONATIONS TRUST FUND . . . 785,089
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 900,000

1577 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 117,414
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,399

1578 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 804,774

1579 SPECIAL CATEGORIES
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM
FROM ADMINISTRATIVE TRUST FUND 30,813

1580 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 104,069
FROM GRANTS AND DONATIONS TRUST FUND . . . 204

1581 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 9,910

1582 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 357,407

1583 SPECIAL CATEGORIES
PETROLEUM CLEANUP AUDITS
FROM INLAND PROTECTION TRUST FUND 430,980

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1584 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 27,186
FROM ADMINISTRATIVE TRUST FUND 96,784
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 384
FROM INLAND PROTECTION TRUST FUND 2,442
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,540

1585 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FLORIDA COASTAL ZONE MANAGEMENT PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,778,004

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 3,320,854
FROM TRUST FUNDS 28,435,549

TOTAL POSITIONS 312.50
TOTAL ALL FUNDS 31,756,403

PROGRAM: STATE LANDS

INVASIVE PLANT CONTROL

APPROVED SALARY RATE 1,221,543

1586 SALARIES AND BENEFITS POSITIONS 29.50
FROM INVASIVE PLANT CONTROL TRUST FUND . . 1,565,994

1587 OTHER PERSONAL SERVICES
FROM INVASIVE PLANT CONTROL TRUST FUND . . 667,080

1588 EXPENSES
FROM INVASIVE PLANT CONTROL TRUST FUND . . 1,165,675

1589 OPERATING CAPITAL OUTLAY
FROM INVASIVE PLANT CONTROL TRUST FUND . . 26,782

1590 SPECIAL CATEGORIES
CONTROL OF INVASIVE EXOTICS
FROM INVASIVE PLANT CONTROL TRUST FUND . . 38,434,647
FROM GRANTS AND DONATIONS TRUST FUND . . . 800,000

1591 SPECIAL CATEGORIES
TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 329,044

1592 SPECIAL CATEGORIES
TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR ADMINISTRATIVE OVERHEAD
FROM INVASIVE PLANT CONTROL TRUST FUND . . 880,000

1593 SPECIAL CATEGORIES
TRANSFER TO THE UNIVERSITY OF FLORIDA - COOPERATIVE AQUATIC PLANT EDUCATION PROGRAM
FROM INVASIVE PLANT CONTROL TRUST FUND . . 25,000

1594 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES/ IFAS/INVASIVE EXOTIC PLANT RESEARCH
FROM INVASIVE PLANT CONTROL TRUST FUND . . 874,171

1595 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INVASIVE PLANT CONTROL TRUST FUND . . 13,557

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TOTAL: INVASIVE PLANT CONTROL
FROM TRUST FUNDS 44,781,950

TOTAL POSITIONS 29.50
TOTAL ALL FUNDS 44,781,950

LAND ADMINISTRATION

APPROVED SALARY RATE 1,960,046

1596 SALARIES AND BENEFITS POSITIONS 46.00
FROM GRANTS AND DONATIONS TRUST FUND . . . 404
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 2,481,001
FROM LAND ACQUISITION TRUST FUND 197,490
FROM WATER MANAGEMENT LANDS TRUST FUND . . 54,941

1597 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 120,000
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 524,921
FROM LAND ACQUISITION TRUST FUND 4,000

1598 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 390,005
FROM GRANTS AND DONATIONS TRUST FUND . . . 34,528
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 582,704
FROM LAND ACQUISITION TRUST FUND 18,394
FROM WATER MANAGEMENT LANDS TRUST FUND . . 6,553

1598A AID TO LOCAL GOVERNMENTS
INSTITUTE OF GOVERNMENT AT FLORIDA STATE UNIVERSITY
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 275,000

1599 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 38,737
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 42,550

1599A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 42,000

1600 SPECIAL CATEGORIES
NATURAL AREAS INVENTORY
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 445,895

1601 SPECIAL CATEGORIES
PAYMENT IN LIEU OF TAXES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,360,000

1602 SPECIAL CATEGORIES
FLORIDA FOREVER
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 150,000

1603 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 12,896
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,496
FROM INTERNAL IMPROVEMENT TRUST FUND . . . 23,817
FROM LAND ACQUISITION TRUST FUND 1,532
FROM WATER MANAGEMENT LANDS TRUST FUND . . 384

1605A FIXED CAPITAL OUTLAY
DEBT SERVICE - FLORIDA FOREVER BONDS - NEW SERIES
FROM LAND ACQUISITION TRUST FUND 3,467,500

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1606 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,000,000

1607 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM FLORIDA FOREVER TRUST FUND 105,000,000

1608 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 342,600,000

Funds provided in Specific Appropriation 1608 are for Fiscal Year 2005-2006 debt service on outstanding bonds authorized prior to July 1, 2005. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

1608A FIXED CAPITAL OUTLAY
DEBT SERVICE NEW ISSUES
FROM SAVE OUR EVERGLADES TRUST FUND . . . 5,865,833

1609 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
AID TO WATER MANAGEMENT DISTRICTS-LAND ACQUISITION
FROM FLORIDA FOREVER TRUST FUND 105,000,000
FROM WATER MANAGEMENT LANDS TRUST FUND . . 59,000,000

Funds provided in Specific Appropriation 1609 from the Water Management Lands Trust Fund shall be allocated in accordance with the provisions of section 373.59(8), Florida Statutes. First priority for the use of these funds shall be to meet outstanding debt service obligations, to meet statutory requirements for payments in lieu of taxes, and to provide management of water management lands as authorized in section 373.59(9), Florida Statutes. Management may include the control and removal of non-indigenous exotic vegetation.

After meeting the requirements in the above paragraph, the governing board of a water management district may request, and the Secretary of the Department of Environmental Protection shall release upon such request, funds provided in Specific Appropriation 1609 from the Water Management Lands Trust Fund for the purpose of carrying out the provisions of sections 373.451 - 373.4595, Florida Statutes.

1610 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
EVERGLADES RESTORATION
FROM SAVE OUR EVERGLADES TRUST FUND . . . 100,000,000

Funds in Specific Appropriation 1610 are for land acquisition, the design and construction of Comprehensive Everglades Restoration Plan projects approved by the Secretary of the Department of Environmental Protection pursuant to section 373.1501(5), Florida Statutes, and for the implementation of a Water Quality Feasibility Study as defined in the Comprehensive Everglades Restoration Plan.

TOTAL: LAND ADMINISTRATION
FROM TRUST FUNDS 732,744,581

TOTAL POSITIONS 46.00
TOTAL ALL FUNDS 732,744,581

LAND MANAGEMENT

APPROVED SALARY RATE 4,177,461

1611 SALARIES AND BENEFITS POSITIONS 103.00
FROM CONSERVATION AND RECREATION LANDS

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	TRUST FUND	756,727
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	4,489,841
1612	OTHER PERSONAL SERVICES	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	914,659
	FROM GRANTS AND DONATIONS TRUST FUND . . .	874,024
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	426,519
1613	EXPENSES	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	204,454
	FROM GRANTS AND DONATIONS TRUST FUND . . .	433,457
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	1,495,010
1614	OPERATING CAPITAL OUTLAY	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	33,111
	FROM GRANTS AND DONATIONS TRUST FUND . . .	150,000
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	87,363
1615	SPECIAL CATEGORIES	
	TRANSFER TO DEPARTMENT OF AGRICULTURE PLANT INDUSTRY TRUST FUND	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	250,000
1616	SPECIAL CATEGORIES	
	STATE LANDS STEWARDSHIP	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	375,000
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	400,000
1617	SPECIAL CATEGORIES	
	NATIONAL OCEAN SURVEY	
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	84,000
1618	SPECIAL CATEGORIES	
	RICO ACT- DISTRIBUTION OF PROCEEDS FROM PROPERTY SALES	
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	716,932
1619	SPECIAL CATEGORIES	
	RISK MANAGEMENT INSURANCE	
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	92,121
1620	SPECIAL CATEGORIES	
	TOPOGRAPHIC MAPPING	
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .	200,000
1620A	SPECIAL CATEGORIES	
	COASTAL AND AQUATIC MANAGED AREAS (CAMA) - CARL MANAGEMENT FUNDS	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	160,235
1620B	SPECIAL CATEGORIES	
	GREENWAYS CARL MANAGEMENT FUNDING	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	401,365
1621	SPECIAL CATEGORIES	
	INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	3,330,000
1622	SPECIAL CATEGORIES	
	TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND	18,458,643

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1623	SPECIAL CATEGORIES		
	TRANSFER TO FISH AND WILDLIFE CONSERVATION COMMISSION FOR MANAGEMENT OF CARL LANDS		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		16,119,051
1624	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF STATE FOR GRANTS AND DONATIONS TRUST FUND		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		6,313,406
1625	SPECIAL CATEGORIES		
	TRANSFER TO STATE GAME TRUST FUND		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		11,100,000
1626	SPECIAL CATEGORIES		
	WATER MANAGEMENT DISTRICT PROPERTY TAXES		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		50,000
1627	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		5,312
	FROM GRANTS AND DONATIONS TRUST FUND . . .		862
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		18,871
1628	FIXED CAPITAL OUTLAY		
	BELLE GLADE HAZARDOUS WASTE CLEANUP		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		250,000
1628A	FIXED CAPITAL OUTLAY		
	CASCADES PARK HAZARDOUS WASTE REMEDIATION		
	FROM GENERAL REVENUE FUND	1,500,000	
	FROM WATER QUALITY ASSURANCE TRUST FUND .		1,500,000
TOTAL: LAND MANAGEMENT			
	FROM GENERAL REVENUE FUND	1,500,000	
	FROM TRUST FUNDS		69,690,963
	TOTAL POSITIONS	103.00	
	TOTAL ALL FUNDS		71,190,963
PROGRAM: DISTRICT OFFICES			
WATER RESOURCE PROTECTION AND RESTORATION			
	APPROVED SALARY RATE 17,956,719		
1629	SALARIES AND BENEFITS POSITIONS	460.00	
	FROM GENERAL REVENUE FUND	12,525,473	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		3,473,670
	FROM GRANTS AND DONATIONS TRUST FUND . . .		446,458
	FROM LAND ACQUISITION TRUST FUND		1,171,427
	FROM PERMIT FEE TRUST FUND		5,368,048
1630	OTHER PERSONAL SERVICES		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		294,303
1631	EXPENSES		
	FROM GENERAL REVENUE FUND	153,288	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		1,543,978
	FROM GRANTS AND DONATIONS TRUST FUND . . .		35,196
	FROM LAND ACQUISITION TRUST FUND		216,899
	FROM PERMIT FEE TRUST FUND		309,893

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1633 SPECIAL CATEGORIES
WATER QUALITY MANAGEMENT/PLANNING GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 667,072

1634 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 30,215
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,304
FROM PERMIT FEE TRUST FUND 6,633

1635 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 102,353
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 19,767
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,353
FROM LAND ACQUISITION TRUST FUND 11,116
FROM PERMIT FEE TRUST FUND 31,819
FROM WATER QUALITY ASSURANCE TRUST FUND . 8,738

1635A FIXED CAPITAL OUTLAY
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION - NON POINT SOURCE GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 170,000

1636 FIXED CAPITAL OUTLAY
DEPARTMENT OF TRANSPORTATION MITIGATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 580,000

1637 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ESTUARY RESTORATION PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 585,000

TOTAL: WATER RESOURCE PROTECTION AND RESTORATION
FROM GENERAL REVENUE FUND 12,781,114
FROM TRUST FUNDS 14,976,889

TOTAL POSITIONS 460.00
TOTAL ALL FUNDS 27,758,003

AIR ASSESSMENT

APPROVED SALARY RATE 634,571

1638 SALARIES AND BENEFITS POSITIONS 17.00
FROM AIR POLLUTION CONTROL TRUST FUND . . 838,247
FROM GRANTS AND DONATIONS TRUST FUND . . . 160,257

1639 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 28,445
FROM GRANTS AND DONATIONS TRUST FUND . . . 60,000

1640 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 88,016
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,272

1641 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 9,572

1642 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM AIR POLLUTION CONTROL TRUST FUND . . 5,752
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,152

TOTAL: AIR ASSESSMENT
FROM TRUST FUNDS 1,231,713

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TOTAL POSITIONS 17.00
TOTAL ALL FUNDS 1,231,713

AIR POLLUTION PREVENTION

APPROVED SALARY RATE 3,449,238

1643 SALARIES AND BENEFITS POSITIONS 80.00
FROM AIR POLLUTION CONTROL TRUST FUND . . 4,199,039

1644 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 174,156

1645 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 519,966

1646 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 88,735

1647 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND . . 13,968

1648 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM AIR POLLUTION CONTROL TRUST FUND . . 32,341

TOTAL: AIR POLLUTION PREVENTION
FROM TRUST FUNDS 5,028,205

TOTAL POSITIONS 80.00
TOTAL ALL FUNDS 5,028,205

WASTE CONTROL

APPROVED SALARY RATE 6,616,004

1649 SALARIES AND BENEFITS POSITIONS 163.00
FROM INLAND PROTECTION TRUST FUND 2,380,507
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,103,529
FROM PERMIT FEE TRUST FUND 669,378
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,423,872
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,794,542

1650 OTHER PERSONAL SERVICES
FROM INLAND PROTECTION TRUST FUND 110,000

1651 EXPENSES
FROM INLAND PROTECTION TRUST FUND 258,495
FROM GRANTS AND DONATIONS TRUST FUND . . . 107,110
FROM PERMIT FEE TRUST FUND 39,001
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 152,160
FROM WATER QUALITY ASSURANCE TRUST FUND . 279,021

1652 OPERATING CAPITAL OUTLAY
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 60,919

1652A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INLAND PROTECTION TRUST FUND 420,000

1653 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 120,594

1654 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 85,445
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,356

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1655 SPECIAL CATEGORIES
RESEARCH, DEVELOPMENT AND TECHNICAL
ASSISTANCE - WASTE TIRE ABATEMENT PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 14,000

1656 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM INLAND PROTECTION TRUST FUND 17,517
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,436
FROM PERMIT FEE TRUST FUND 3,452
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 9,968
FROM WATER QUALITY ASSURANCE TRUST FUND . 23,131

TOTAL: WASTE CONTROL
FROM TRUST FUNDS 10,085,433

TOTAL POSITIONS 163.00
TOTAL ALL FUNDS 10,085,433

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 4,227,331

1657 SALARIES AND BENEFITS POSITIONS 98.00
FROM GENERAL REVENUE FUND 3,794,136
FROM ADMINISTRATIVE TRUST FUND 353,123
FROM AIR POLLUTION CONTROL TRUST FUND . . 944,735
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 274,668

1658 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 127,564
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 200,000

1659 EXPENSES
FROM GENERAL REVENUE FUND 1,207,482
FROM ADMINISTRATIVE TRUST FUND 582,724
FROM AIR POLLUTION CONTROL TRUST FUND . . 276,266
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 15,544
FROM LAND ACQUISITION TRUST FUND 27,923
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 39,739

1660 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 13,804

1661 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 96,598
FROM ADMINISTRATIVE TRUST FUND 31,973

1662 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 31,819
FROM ADMINISTRATIVE TRUST FUND 3,333
FROM AIR POLLUTION CONTROL TRUST FUND . . 1,916
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 173
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 1,532
FROM WATER QUALITY ASSURANCE TRUST FUND . 88

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 5,130,035
FROM TRUST FUNDS 2,895,105

TOTAL POSITIONS 98.00
TOTAL ALL FUNDS 8,025,140

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APPROPRIATION
WASTE CLEANUP

APPROVED SALARY RATE 41,463

1663 SALARIES AND BENEFITS POSITIONS 1.00
FROM WATER QUALITY ASSURANCE TRUST FUND . 98,507

1664 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 69,941

1665 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM WATER QUALITY ASSURANCE TRUST FUND . 384

TOTAL: WASTE CLEANUP
FROM TRUST FUNDS 168,832

TOTAL POSITIONS 1.00
TOTAL ALL FUNDS 168,832

PROGRAM: RESOURCE ASSESSMENT AND MANAGEMENT

FLORIDA GEOLOGICAL SURVEY

APPROVED SALARY RATE 1,646,833

1666 SALARIES AND BENEFITS POSITIONS 39.00
FROM MINERALS TRUST FUND 2,007,299
FROM WATER QUALITY ASSURANCE TRUST FUND . 128,259

1667 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 342,229
FROM MINERALS TRUST FUND 422,651

1668 EXPENSES
FROM GRANTS AND DONATIONS TRUST FUND . . . 326,068
FROM MINERALS TRUST FUND 367,713
FROM WATER QUALITY ASSURANCE TRUST FUND . 441,701

1669 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 46,000
FROM MINERALS TRUST FUND 117,273
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,078

1670 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM MINERALS TRUST FUND 20,223

1671 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,062
FROM MINERALS TRUST FUND 14,956
FROM WATER QUALITY ASSURANCE TRUST FUND . 768

TOTAL: FLORIDA GEOLOGICAL SURVEY
FROM TRUST FUNDS 4,249,280

TOTAL POSITIONS 39.00
TOTAL ALL FUNDS 4,249,280

LABORATORY SERVICES

APPROVED SALARY RATE 3,277,338

1672 SALARIES AND BENEFITS POSITIONS 82.00
FROM ADMINISTRATIVE TRUST FUND 433,097
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 3,831,615

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1673 OTHER PERSONAL SERVICES
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 1,254,590
FROM GRANTS AND DONATIONS TRUST FUND . . . 60,039

1674 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 42,755
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 1,640,970
FROM GRANTS AND DONATIONS TRUST FUND . . . 60,000

1675 OPERATING CAPITAL OUTLAY
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 262,500
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,002

1676 SPECIAL CATEGORIES
GROUND WATER QUALITY MONITORING NETWORK
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 125,000

1677 SPECIAL CATEGORIES
WATER MANAGEMENT DISTRICTS LABORATORY SUPPORT
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 519,764

1678 SPECIAL CATEGORIES
EVERGLADES LAB SUPPORT
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 494,180

1679 SPECIAL CATEGORIES
SPECIAL STUDIES
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 500,000

1680 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 357,000

1681 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 14,266
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 3,080

1682 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 1,292
FROM ENVIRONMENTAL LABORATORY TRUST FUND . 33,361
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 2,062
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,034

TOTAL: LABORATORY SERVICES
FROM TRUST FUNDS 9,649,607

TOTAL POSITIONS 82.00
TOTAL ALL FUNDS 9,649,607

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 2,836,548

1683 SALARIES AND BENEFITS POSITIONS 68.00
FROM WORKING CAPITAL TRUST FUND 3,625,987

1684 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 400,000

1685 EXPENSES
FROM WORKING CAPITAL TRUST FUND 3,093,009

1686 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 82,500

1688 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 10,483

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1689 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM WORKING CAPITAL TRUST FUND 27,357

1690 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM WORKING CAPITAL TRUST FUND 2,165,655

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 9,404,991

TOTAL POSITIONS 68.00
TOTAL ALL FUNDS 9,404,991

PROGRAM: WATER RESOURCE MANAGEMENT

BEACH MANAGEMENT

APPROVED SALARY RATE 2,802,867

1691 SALARIES AND BENEFITS POSITIONS 71.00
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 3,235,095
FROM PERMIT FEE TRUST FUND 375,482

1692 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 300,000
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 497,857

1693 EXPENSES
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 512,010
FROM PERMIT FEE TRUST FUND 307,101

1694 OPERATING CAPITAL OUTLAY
FROM PERMIT FEE TRUST FUND 18,389

1695 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 26,968
FROM PERMIT FEE TRUST FUND 1,532

1696 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
BEACH PROJECTS - STATEWIDE
FROM GENERAL REVENUE FUND 43,262,200
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 30,000,000

Funds in Specific Appropriation 1696 are provided to fund, in accordance with section 161.101, Florida Statutes, the Department of Environmental Protection Beach Management Funding Assistance Program for the 2005-2006 fiscal year and beach-related hurricane recovery and mitigation projects.

From the funds in Specific Appropriation 1696, $1,197,200 from the General Revenue Fund is provided to the department for ongoing costs associated with the evaluation, management and permitting of beach and dune restoration projects provided in the 2004 Hurricane Recovery Plan for Florida's Beach and Dune System dated November 30, 2004, and the Beach Management Funding Assistance Program.

TOTAL: BEACH MANAGEMENT
FROM GENERAL REVENUE FUND 43,562,200
FROM TRUST FUNDS 34,974,434

SECTION 5 SPECIFIC APPROPRIATION			
	TOTAL POSITIONS	71.00	
	TOTAL ALL FUNDS		78,536,634
WATER RESOURCE PROTECTION AND RESTORATION			
	APPROVED SALARY RATE 12,792,867		
1697	SALARIES AND BENEFITS POSITIONS	282.00	
	FROM GENERAL REVENUE FUND	2,511,539	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		394,809
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,234,857
	FROM LAND ACQUISITION TRUST FUND		579,040
	FROM MINERALS TRUST FUND		1,625,077
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		1,215,228
	FROM PERMIT FEE TRUST FUND		1,086,666
	FROM WATER QUALITY ASSURANCE TRUST FUND .		2,646,102
1698	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	20,994	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		520,000
	FROM LAND ACQUISITION TRUST FUND		2,454,271
	FROM MINERALS TRUST FUND		145,479
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		12,985
	FROM WATER QUALITY ASSURANCE TRUST FUND .		407,956
1699	EXPENSES		
	FROM GENERAL REVENUE FUND	245,743	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		85,081
	FROM LAND ACQUISITION TRUST FUND		54,791
	FROM MINERALS TRUST FUND		410,648
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		86,065
	FROM PERMIT FEE TRUST FUND		549,732
	FROM WATER QUALITY ASSURANCE TRUST FUND .		379,122
1700	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT - ENVIRONMENTAL RESOURCE PERMITTING		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		453,000
1701	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - WATER MANAGEMENT DISTRICT PERMITTING ASSISTANCE		
	FROM PERMIT FEE TRUST FUND		250,000
1701A	AID TO LOCAL GOVERNMENTS EVERGLADES FILM/MUSEUM OF SCIENCE AND INDUSTRY		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		500,000
1702	OPERATING CAPITAL OUTLAY		
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		22,830
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		40,125
1703	SPECIAL CATEGORIES GROUND WATER QUALITY MONITORING NETWORK		
	FROM LAND ACQUISITION TRUST FUND		5,000,000
	FROM WATER QUALITY ASSURANCE TRUST FUND .		1,798,745
1704	SPECIAL CATEGORIES WATER QUALITY MANAGEMENT/PLANNING GRANTS		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		6,510,605
SECTION 5 SPECIFIC APPROPRIATION			
1705	SPECIAL CATEGORIES NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM		
	FROM PERMIT FEE TRUST FUND		2,283,140
1706	SPECIAL CATEGORIES HAZARDOUS WASTE CLEANUP		
	FROM WATER QUALITY ASSURANCE TRUST FUND .		2,549,943
1707	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	75,700	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		28,377
1708	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF HEALTH FOR STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT		
	FROM INLAND PROTECTION TRUST FUND		1,285,197
1709	SPECIAL CATEGORIES HABITAT RESTORATION		
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		200,000
1710	SPECIAL CATEGORIES U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		78,500
	FROM WATER QUALITY ASSURANCE TRUST FUND .		214,897
1711	SPECIAL CATEGORIES UNDERGROUND STORAGE TANK CLEANUP		
	FROM INLAND PROTECTION TRUST FUND		300,000
1712	SPECIAL CATEGORIES WATER WELL CLEANUP		
	FROM WATER QUALITY ASSURANCE TRUST FUND .		1,581,061
1713	SPECIAL CATEGORIES TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURE SCIENCES (IFAS) - LAKEWATCH		
	FROM WATER QUALITY ASSURANCE TRUST FUND .		450,000
1713A	SPECIAL CATEGORIES TRANSFER TO ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		
	FROM GENERAL REVENUE FUND	80,785,583	
1714	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	14,695	
	FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND		2,684
	FROM GRANTS AND DONATIONS TRUST FUND . . .		53,145
	FROM LAND ACQUISITION TRUST FUND		3,581
	FROM MINERALS TRUST FUND		15,857
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		5,624
	FROM PERMIT FEE TRUST FUND		6,136
	FROM WATER QUALITY ASSURANCE TRUST FUND .		21,234
1715	SPECIAL CATEGORIES WETLANDS PROTECTION		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		284,459
1716	FIXED CAPITAL OUTLAY HAZARDOUS SITES CLEANUP - PHOSPHATE/ MULBERRY/PINEY POINT		
	FROM GENERAL REVENUE FUND	12,500,000	
	FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		5,000,000
	FROM WATER QUALITY ASSURANCE TRUST FUND .		2,000,000

SECTION 5
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1716A FIXED CAPITAL OUTLAY
NON-MANDATORY LAND RECLAMATION PROJECTS
FROM NON-MANDATORY LAND RECLAMATION
TRUST FUND 5,000,000

1717 FIXED CAPITAL OUTLAY
KEYS WASTEWATER MANAGEMENT PLAN
IMPLEMENTATION
FROM GENERAL REVENUE FUND 7,000,000

Funds in Specific Appropriation 1717 shall be allocated in the following manner:

$7,000,000 shall be appropriated to the City of Marathon for wastewater construction or design-build. No funds in Specific Appropriation 1717 shall be used for planning.

Any balance of funds remaining shall be allocated by the Council of Mayors to local governments for construction or design-build.

Local governments eligible to receive funds under this specific appropriation shall document that proposed wastewater projects: (1) Are designed to meet required wastewater treatment and disposal standards in chapter 99-395, Laws of Florida, as amended; (2) Involve construction or design-build; (3) Complete facilities or significant phases of facilities; (4) Are included in the Monroe County Sanitary Wastewater Master Plan or other legitimate planning document addressing engineering and financing; (5) Have been or will be openly procured among contractors qualified to build wastewater facilities in the unique physical environment of the Keys; (6) Will be ready to proceed with construction no later than May 31, 2006; (7) Leverage other moneys (local funds, including local bonding; Department of Environmental Protection State Revolving Fund loans; or other sources of money); and (8) Address wastewater service for low income residents, with provisions to ease the cost-burden of such residents.

All local governments receiving funds under this specific appropriation that are not ready to proceed with construction by May 31, 2006, shall forfeit their allocation provided herein, and those funds shall be redistributed by the Council of Mayors.

1717A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - WATER PROJECTS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 123,562,460

Funds in Specific Appropriation 1717A from the Ecosystems Management and Restoration Trust Fund shall be used for the following water projects:

Apalachicola River and Bay Surface Water Improvement and Management (SWIM) Project	500,000
Arcadia Wastewater Treatment Plant Improvements	1,000,000
Atlantic Beach Hopkins Creek Regional Retention Facility	400,000
Aventura Hospital District Stormwater Drainage System	440,000
Bay Harbor Islands Community Enhancement Program Phase III Stormwater Component	300,000
Beverly Beach and Wastewater System	500,000
Boca Raton Intercoastal Waterway Force Main	500,000
Bonifay Wastewater System Improvements	750,000
Brooksville Sewer Rehabilitation Project	1,000,000
Buenaventura Lakes Flood Control Improvement	330,000
C-139 Basin Initiative	250,000
Callahan Wastewater Treatment Plant	1,000,000
Canaveral Environmental Impacts of Desalination Effluents	250,000
Canaveral Port Authority Reclaimed Shallow Aquifer Storage and Recovery Project	150,000
Canoe Creek Road Flood Control Improvements	55,000
Capital Cascades Greenway/St. Augustine Branch Restoration Project	450,000
Carrabelle Stormwater Management System	100,000
Central Island Stormwater Improvements Project	400,000

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Charlotte Harbor Watershed Initiative	450,000
Chipley Wastewater Improvements	1,000,000
Clearwater - Oldsmar Reclaimed Water Interconnect	800,000
Cocoa Beach Reclaimed Water Distribution Control Valves	100,000
Coopers Pond Septic Tank Abatement	582,000
Coral Gables Conveyance Improvements to the C-3 Canal East of Control Structure G-93	2,200,000
Coral Gables Stormwater System Major Restoration	425,000
Davenport Phase 1 Wastewater Program	1,000,000
Daytona Beach Bay Street Stormwater Improvements - Phase I	500,000
Delray Beach Drainage Improvements	278,000
DeSoto County Wastewater Treatment Improvement Project	500,000
Doral Stormwater Drainage Improvements	500,000
Duck Pond Area Drainage Improvements	1,100,000
East Putnam County Regional Wastewater System	2,500,000
Edgewood/River Oaks Drainage	500,000
Ellisville I-75 Wastewater Collection	400,000
Facilitating Agricultural Management Systems (FARMS)	1,000,000
Fairlawn Storm Sewer Pump Station Project - Phase IIA, B-50702	250,000
Gainesville Downtown Stormwater Basin	1,100,000
Glades County Sewer System Expansion	900,000
Golden Beach Stormwater Improvements	200,000
Graceville Wastewater System Improvements	250,000
Grand Ridge Wastewater Treatment Project	1,500,000
Gretna Inflow/Infiltration Sewer	100,000
Gulf Beaches Sewer	2,000,000
Harbinwood/Lake Jackson Water Quality Improvements	500,000
Hardee County Bowling Green Wastewater Service Area	250,000
Hardee County Wauchula Hills Wastewater Service Area	300,000
Harris Chain of Lakes Restoration	300,000
Hendry County Stormwater Master Plan Implementation Phase III	500,000
Heritage Hills Master Re-pump Station and Transmission Main to Spencer's Crossing and Spencer's Advanced Water Treatment Plan Expansion	1,000,000
Hialeah Flood Prevention/Mitigation	1,000,000
Highland Village Stormwater Improvements	450,000
Hillsborough Stormwater Utility Pilot	350,000
Homestead Pump Stations Generators	250,000
Homestead Treatment Plant Generator	200,000
Homosassa Southfork Water Quality Improvement Project - Phase 4	250,000
Homosassa Wastewater Collection System Project - Phase 5	1,000,000
Indian River Lagoon Initiative	4,000,000
Indian River Lagoon South	2,401,300
Kissimmee Dakin Street Box Culvert Replacement	1,000,000
Kissimmee Upper Basin Restoration Initiative	500,000
Lake Griffin Access Dredging	1,000,000
Lake Mary Jess Stormwater Improvement Project	466,000
Lake Okeechobee Restoration	5,000,000
Lake Panasoffkee Restoration	450,000
Lake Region Water Treatment Plant	200,000
Lake Worth Lagoon Restoration	1,000,000
Lake Worth Reverse Osmosis Water Plant	500,000
Lantana Subaqueous Force Main Crossing	250,000
Lauderdale Lakes Comprehensive Stormwater Improvements	250,000
Lauderdale-by-the-Sea Stormwater & Sanitary Sewer Capital Improvement Projects	600,000
Little Lake Fairview Stormwater Retrofit	700,000
Live Oak Wastewater Plant Upgrade	600,000
Locklin Lake Restoration/Blackwater River	400,000
Lower St. Johns River Basin Initiative	3,000,000
Loxahatchee River Preservation Initiative	3,573,200
Loxahatchee Slough Pump Station Facilities	500,000
Madison Railroad and H&R Block Lift Stations	587,500
Marion County State Road 40 Stormwater Retrofit	100,000
Melbourne R.O. Concentrate Discharge	600,000
Miami Beach Stormwater Infrastructure Improvement Project	400,000
Miami Flagami/West End Storm Sewers Improvements Project - Phase II, B-50695	500,000
Miami Gardens Drainage Improvement NW 175 Street	230,000
Miami Lakes Stormwater Drainage Improvement	300,000
Miami River "Beyond the Federal Channel" Dredging Project	2,000,000

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Miami River Federal Channel Dredging Project	1,000,000
Middle St. Johns River Basin Initiative	2,750,000
Miramar Unidirectional Flushing Water System	200,000
Moore Haven Ranch Lakes Estates Stormwater	458,000
Mulberry Wastewater Treatment Plant Improvements and Sewer Main Rehabilitation	600,000
Naples Bay Watershed Initiative	1,000,000
NE Choctawhatchee Bay Restoration Project - Wastewater	500,000
New Smyrna Beach Julia Street Outfall Elimination Project	200,000
Noma Sewer Extension	138,600
North Bay Village - Storm Drainage Outfall Protection	100,000
North Miami Emergency Generators	400,000
North Palm Beach County Water Supply Implementation Initiative	450,000
North Pinellas Reclaimed Water Pump Station Rehabilitation	350,000
North Port Stormwater Quality	450,000
Northern Coastal Basin Initiative	1,000,000
Okeechobee Canal Clean-up Project	100,000
Okeechobee Wastewater Expansion & Improvements	450,000
Oldsmar Municipal Water Supply	500,000
Opa Locka NW 128th Street Stormwater Drainage/ Roadway Improvements	206,458
Opa Locka NW 139th Street Stormwater Drainage/ Roadway Improvements	48,547
Opa Locka Rutland Street Stormwater Drainage/ Roadway Improvements	105,514
Orange Creek Basin Initiative	750,000
Ormond Beach Expansion of Reuse Program on South Peninsula	350,000
Osceola Parkway Flood Control Improvement	240,000
Palm Bay NW Drainage Improvements	250,000
Palm Bay PMCC Unit 4 Stormwater Improvements	175,000
Palm Beach Chain of Lakes Restoration	800,000
Palm Grove Sewer Retrofit Project	200,000
Palmetto Bay Stormwater System Improvements	400,000
Parramore Central Pond	860,000
Pembroke Park Sanitary Sewerage Improvements	250,000
Pembroke Park Stormwater Improvements	550,000
Penney Farms Wastewater Treatment Facility	275,000
Pensacola Bay Removal of Wastewater Discharges from Mainstreet WWTP	3,000,000
Perdido Bay Restoration	500,000
Phillippi Creek Septic System Replacement Program	1,000,000
Plant City Wastewater Reclamation Facility (WRF) Expansion/Upgrade	2,000,000
Plantation Acres Improvement District Master Drainage Plan	250,000
Pompano Beach Rehab Storm Drain Pipe	300,000
Ponte Vedra Beach Vacuum Sewer System	1,035,000
Putnam County Comprehensive Stormwater Plan	150,000
Riviera Beach Lift Station Improvements - Phase 1	400,000
Safety Harbor Bishop Creek Erosion Control Measures	150,000
Sarasota Bay Restoration and Surface Water Improvement Plan Implementation	100,000
Shingle Creek Stormwater - Reuse	730,000
Sneads Lift Station Project	700,000
South Bay Wastewater Treatment Plant	200,000
South Broward Basins S-9 and S-10 Stormwater Improvement Project	800,000
South Miami Stormwater Improvements	1,000,000
South Walton - Sewer Improvements	1,500,000
Spring Hill Community Water, Sewer, Road, and Stormwater Infrastructure Improvements - Phase II	187,500
St. Andrews Bay Surface Water Improvement and Management (SWIM) Project	3,200,000
St. Cloud Grid Stormwater and Sanitary Sewer Improvements - Phase II	550,000
St. Johns River Utility, Inc. (Phase 3 Wastewater Collection and Transmission System)	500,000
St. Lucie River Issues Team	3,123,500
St. Lucie South 26th Street Sanitary Collection System	750,000
Starke Wastewater System Restoration	750,000
Stone Island Central Sewer System Expansion	582,975
Suwannee River Partnership (SRP) Water Quality Based Best Management Practices (BMP) Planning Implementation & Monitoring	500,000

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Sweetwater Drainage Improvements	600,000
Tamarac Stormwater Pump Station Replacements	550,000
Tampa Bay Regional Reclaimed Water and Downstream Augmentation Project	4,000,000
Tampa Bay Restoration Project	1,250,000
Tara Cay Channel Restoration	150,000
Treasure Coast Regional Biosolids Management Facility	2,000,000
Umatilla Wastewater Plant Project	500,000
United Ranches Water Supply	250,000
Upper Ocklawaha River Basin (including Lake Apopka) Initiative	1,300,000
Upper Peace River Restoration and Charlotte Harbor Preservation	600,000
Village of Biscayne Park Flood Program	175,000
Village of El Portal Seawall/Canal Bank Stabilization	575,000
Village of Key Biscayne Sanitary Sewer Project	1,000,000
Village of Key Biscayne Stormwater Project	200,000
Virginia Gardens Stormwater Master Plan Phase III	220,000
Walton County - Bay Loop Road Stormwater Restoration Project	1,500,000
Wares Creek (Cedar Hammock) Flood Control Project	500,000
Webster Stormwater Project	500,000
West Miami Stormwater Drainage Improvements	1,000,000
West Tampa Elementary School Stormwater Improvements	658,366

Local governments receiving funds in Specific Appropriation 1717A shall provide matching dollars as follows: a) 25 percent for wastewater projects; and b) 50 percent for stormwater and surface water restoration projects. Financially disadvantaged small local governments, as defined in section 403.885(4), Florida Statutes, shall be exempt from the match provision of this section. Local governmental entities, which have been declared in a state of financial emergency pursuant to section 218.503, Florida Statutes, shall be exempt from the match provision.

1718	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY GRANTS AND AID - NON-POINT SOURCE (NPS) MANAGEMENT PLANNING GRANTS		
	FROM GRANTS AND DONATIONS TRUST FUND		15,000,000
	FROM WATER QUALITY ASSURANCE TRUST FUND		8,500,000
1719	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY DRINKING WATER FACILITY CONSTRUCTION - STATE REVOLVING LOAN		
	FROM GENERAL REVENUE FUND	5,000,000	
	FROM DRINKING WATER REVOLVING LOAN TRUST FUND		44,210,000
1720	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY WASTEWATER TREATMENT FACILITY CONSTRUCTION		
	FROM GENERAL REVENUE FUND	8,500,000	
	FROM WASTEWATER TREATMENT AND STORMWATER MANAGEMENT REVOLVING LOAN TRUST FUND		92,699,737
1722	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY SMALL COUNTY WASTEWATER TREATMENT GRANTS		
	FROM GRANTS AND DONATIONS TRUST FUND		13,000,000
TOTAL:	WATER RESOURCE PROTECTION AND RESTORATION		
	FROM GENERAL REVENUE FUND	116,654,254	
	FROM TRUST FUNDS		351,799,246
	TOTAL POSITIONS	282.00	
	TOTAL ALL FUNDS		468,453,500

WATER SUPPLY

APPROVED SALARY RATE 685,546

1723	SALARIES AND BENEFITS	POSITIONS	14.00	
	FROM GENERAL REVENUE FUND		762,652	
	FROM GRANTS AND DONATIONS TRUST FUND			70,007

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1724 OTHER PERSONAL SERVICES
FROM WATER MANAGEMENT LANDS TRUST FUND . . 250,000

1725 EXPENSES
FROM GENERAL REVENUE FUND 194,827
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,339

1726 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS
FROM WATER MANAGEMENT LANDS TRUST FUND . . 1,044,926

1727 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION
FROM WATER MANAGEMENT LANDS TRUST FUND . . 547,000

1728 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,984
FROM GRANTS AND DONATIONS TRUST FUND . . . 384

TOTAL: WATER SUPPLY
FROM GENERAL REVENUE FUND 962,463
FROM TRUST FUNDS 1,913,656

TOTAL POSITIONS 14.00
TOTAL ALL FUNDS 2,876,119

PROGRAM: WASTE MANAGEMENT

WASTE CLEANUP

APPROVED SALARY RATE 4,035,376

1729 SALARIES AND BENEFITS POSITIONS 97.00
FROM INLAND PROTECTION TRUST FUND 3,590,001
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 20
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,554,719

1730 EXPENSES
FROM INLAND PROTECTION TRUST FUND 485,489
FROM WATER QUALITY ASSURANCE TRUST FUND . 190,347

1731 OPERATING CAPITAL OUTLAY
FROM INLAND PROTECTION TRUST FUND 29,787
FROM WATER QUALITY ASSURANCE TRUST FUND . 11,032

1732 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,167,417

1733 SPECIAL CATEGORIES
DRYCLEANING CONTAMINATION CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 100,000

1734 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 15,731
FROM WATER QUALITY ASSURANCE TRUST FUND . 6,101

1735 SPECIAL CATEGORIES
TRANSFER TO OTHER AGENCIES FOR IMPLEMENTATION OF HOUSE BILL 1671
FROM WATER QUALITY ASSURANCE TRUST FUND . 231,092

1736 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 11,197,668
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,600,048

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1737 SPECIAL CATEGORIES
LOCAL GOVERNMENT CLEANUP CONTRACTING
FROM INLAND PROTECTION TRUST FUND 10,000,000

1738 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INLAND PROTECTION TRUST FUND 30,964
FROM GRANTS AND DONATIONS TRUST FUND . . . 128
FROM WATER QUALITY ASSURANCE TRUST FUND . 10,864

1739 FIXED CAPITAL OUTLAY
DRY CLEANING SOLVENT CONTAMINATED SITE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 10,149,508

1740 FIXED CAPITAL OUTLAY
CLEANUP OF STATE OWNED LANDS
FROM INLAND PROTECTION TRUST FUND 2,500,000

1741 FIXED CAPITAL OUTLAY
WASTE TIRE ABATEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 50,000

1742 FIXED CAPITAL OUTLAY
PETROLEUM TANKS CLEANUP - PREAPPROVALS
FROM INLAND PROTECTION TRUST FUND 171,000,000

From the funds in Specific Appropriation 1742, up to $10,000,000 shall be used to clean up petroleum contaminated sites eligible in sections 376.305(6), 376.3071(9)(13) and 376.3072, Florida Statutes, which have been identified as viable housing sites by the Department of Community Affairs together with local governments, regardless of priority ranking. Excess funds from the $10,000,000 may be applied to the clean up program within the score range once the affordable housing sites are completed.

1743 FIXED CAPITAL OUTLAY
HAZARDOUS WASTE CONTAMINATED SITE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 4,200,000

TOTAL: WASTE CLEANUP
FROM TRUST FUNDS 219,120,916

TOTAL POSITIONS 97.00
TOTAL ALL FUNDS 219,120,916

WASTE CONTROL

APPROVED SALARY RATE 6,457,662

1744 SALARIES AND BENEFITS POSITIONS 154.00
FROM INLAND PROTECTION TRUST FUND 1,396,479
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,951,553
FROM PERMIT FEE TRUST FUND 45,244
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,325,609
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,580,690

1745 OTHER PERSONAL SERVICES
FROM INLAND PROTECTION TRUST FUND 23,780
FROM GRANTS AND DONATIONS TRUST FUND . . . 323,193
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 149,982
FROM WATER QUALITY ASSURANCE TRUST FUND . 12,000

1746 EXPENSES
FROM INLAND PROTECTION TRUST FUND 161,532
FROM GRANTS AND DONATIONS TRUST FUND . . . 626,583
FROM PERMIT FEE TRUST FUND 6,712
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 362,453
FROM WATER QUALITY ASSURANCE TRUST FUND . 281,040

1747 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SOUTHERN WASTE

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INFORMATION EXCHANGE CLEARING HOUSE
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 300,000

1748 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION
FROM WATER QUALITY ASSURANCE TRUST FUND . 509,994

1749 OPERATING CAPITAL OUTLAY
FROM INLAND PROTECTION TRUST FUND 9,928
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 44,094
FROM WATER QUALITY ASSURANCE TRUST FUND . 33,061

1749A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM WATER QUALITY ASSURANCE TRUST FUND . 29,000

1750 SPECIAL CATEGORIES
STORAGE TANK COMPLIANCE VERIFICATION
FROM INLAND PROTECTION TRUST FUND 10,000,000

1751 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF HEALTH FOR BIOMEDICAL WASTE REGULATION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 880,000

1751A SPECIAL CATEGORIES
SPECIAL CATEGORY - TRANSFER TO THE DEPARTMENT OF COMMUNITY AFFAIRS
FROM INLAND PROTECTION TRUST FUND 3,000,000

Funds in Specific Appropriation 1751A from the Inland Protection Trust Fund shall be transferred to the Department of Community Affairs in order to purchase generators for emergency fuel supply.

1752 SPECIAL CATEGORIES
FEDERAL WASTE PLANNING GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 743,050

1753 SPECIAL CATEGORIES
HAZARDOUS WASTE SITES RESTORATION
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,999,847

1754 SPECIAL CATEGORIES
HAZARDOUS WASTE COMPLIANCE ASSISTANCE AND EDUCATION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 200,000

1755 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 199,880

1756 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES - MOSQUITO CONTROL PROGRAM
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 2,160,000

1757 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 5,393
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 10,637
FROM WATER QUALITY ASSURANCE TRUST FUND . 13,130

1757A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION FOR LITTER PREVENTION GRANTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 846,000

1758 SPECIAL CATEGORIES
TRANSFER TO UNIVERSITY OF FLORIDA - RESEARCH AND TESTING
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

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1759 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 128
FROM ECOSYSTEM MANAGEMENT AND RESTORATION TRUST FUND 516
FROM INLAND PROTECTION TRUST FUND 9,200
FROM GRANTS AND DONATIONS TRUST FUND . . . 14,746
FROM LAND ACQUISITION TRUST FUND 4,038
FROM PERMIT FEE TRUST FUND 384
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 17,128
FROM WATER QUALITY ASSURANCE TRUST FUND . 19,552

1760 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES - OPERATION CLEAN SWEEP
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 100,000

1761 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SOLID WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 8,117,168

From the funds in Specific Appropriation 1761, $6,500,000 shall be used for Consolidated Solid Waste Management Grants in counties with a population of less than 100,000 to support waste tire, litter prevention, recycling and education, and general solid waste management programs; and $1,242,168 shall be used for Innovative Grants.

From the funds in Specific Appropriation 1761, $75,000 is provided for developing and implementing statewide recycling coordinator training for state and local government solid waste officials, $100,000 is provided for Best Management Practices for waste tires, and $200,000 is provided for the Agriculture Film Collection Pilot Project.

TOTAL: WASTE CONTROL
FROM TRUST FUNDS 40,013,724

TOTAL POSITIONS 154.00
TOTAL ALL FUNDS 40,013,724

PROGRAM: RECREATION AND PARKS

LAND MANAGEMENT

APPROVED SALARY RATE 1,687,838

1762 SALARIES AND BENEFITS POSITIONS 45.00
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 36,738
FROM LAND ACQUISITION TRUST FUND 2,087,816

1763 OTHER PERSONAL SERVICES
FROM LAND ACQUISITION TRUST FUND 1,168,822

1764 EXPENSES
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 4,417
FROM LAND ACQUISITION TRUST FUND 891,606

1765 OPERATING CAPITAL OUTLAY
FROM LAND ACQUISITION TRUST FUND 18,750

1766 SPECIAL CATEGORIES
MANAGEMENT OF WATER CONTROL STRUCTURES
FROM LAND ACQUISITION TRUST FUND 549,414

1767 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM LAND ACQUISITION TRUST FUND 80,981

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1768 SPECIAL CATEGORIES
GREENWAYS CARL MANAGEMENT FUNDING
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,419,604

1769 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 180,000

1770 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 256
FROM LAND ACQUISITION TRUST FUND 8,221

1770A SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE FRANCES - FEMA DECLARATION #1545 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,601

1770B SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE IVAN - FEMA DECLARATION #1551 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,877

1770C SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE JEANNE - FEMA DECLARATION #1561 STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,942

1771 FIXED CAPITAL OUTLAY
ACQUISITION OF RAILROAD RIGHTS OF WAY
FROM FLORIDA FOREVER TRUST FUND 4,500,000

1771A FIXED CAPITAL OUTLAY
LAKE OKEECHOBEE SCENIC TRAIL
FROM LAND ACQUISITION TRUST FUND 1,000,000

1771B FIXED CAPITAL OUTLAY
FLORIDA KEYS OVERSEAS HERITAGE TRAIL
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,000,000

1771C FIXED CAPITAL OUTLAY
INGLIS MAIN DAM - REPAIRS AND IMPROVEMENTS
FROM LAND ACQUISITION TRUST FUND 750,000

1771D FIXED CAPITAL OUTLAY
BUCKMAN'S WATER CONTROL STRUCTURES
FROM LAND ACQUISITION TRUST FUND 740,000

TOTAL: LAND MANAGEMENT
FROM TRUST FUNDS 19,486,045

TOTAL POSITIONS 45.00
TOTAL ALL FUNDS 19,486,045

RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS

APPROVED SALARY RATE 287,530

1772 SALARIES AND BENEFITS POSITIONS 6.00
FROM LAND ACQUISITION TRUST FUND 329,524

1773 OTHER PERSONAL SERVICES
FROM LAND ACQUISITION TRUST FUND 50,000

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1774 EXPENSES
FROM LAND ACQUISITION TRUST FUND 33,227

1775 SPECIAL CATEGORIES
TRANSFER TO THE DEPARTMENT OF COMMUNITY AFFAIRS - FLORIDA COMMUNITIES TRUST
FROM LAND ACQUISITION TRUST FUND 1,210,682

1776 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM LAND ACQUISITION TRUST FUND 3,072

1777 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FEDERAL LAND AND WATER CONSERVATION FUND GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,500,000

1778 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS
FROM FLORIDA FOREVER TRUST FUND 6,000,000
FROM LAND ACQUISITION TRUST FUND 37,687,396

1778A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
LOCAL PARKS
FROM LAND ACQUISITION TRUST FUND 2,000,000

Funds in Specific Appropriation 1778A are provided for the following local parks:

Baker County Recreational Facility Expansion	200,000
Boy Scout Hut Park - Delray Beach	200,000
Camp Matecumbe Building Renovation	200,000
Hialeah Gardens Water Park	175,000
Hillsboro Canal Linear Trail - Deerfield Beach	50,000
Lake Ida Park - Delray Beach	100,000
Melbourne Military Memorial Park	200,000
Miami Lakes Park Aquatic Center Enhancement	200,000
Municipal Park Improvement - Doral	200,000
Park Land Acquisition - City of Hialeah	200,000
Seawall Repair, Bicentennial/Sportsman's Park - Lantana	50,000
Southside School Revitalization - Broward	200,000
Sweetwater Parks Department Improvements	25,000

TOTAL: RECREATIONAL ASSISTANCE TO LOCAL GOVERNMENTS
FROM TRUST FUNDS 53,813,901

TOTAL POSITIONS 6.00
TOTAL ALL FUNDS 53,813,901

STATE PARK OPERATIONS

APPROVED SALARY RATE 30,931,587

1779 SALARIES AND BENEFITS POSITIONS 1,050.50
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 1,094,132
FROM STATE PARK TRUST FUND 40,349,306

1780 OTHER PERSONAL SERVICES
FROM STATE PARK TRUST FUND 4,112,847

1781 EXPENSES
FROM STATE PARK TRUST FUND 12,788,341

1782 OPERATING CAPITAL OUTLAY
FROM STATE PARK TRUST FUND 815,614

SECTION 5 SPECIFIC APPROPRIATION		
1782A	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM STATE PARK TRUST FUND	500,000
1783	SPECIAL CATEGORIES OPERATIONAL INCENTIVES PROGRAM FROM STATE PARK TRUST FUND	850,000
1784	SPECIAL CATEGORIES DISTRIBUTION OF SURCHARGE FEES FROM STATE PARK TRUST FUND	700,000
1785	SPECIAL CATEGORIES DISBURSE DONATIONS FROM GRANTS AND DONATIONS TRUST FUND . . . FROM STATE PARK TRUST FUND	310,000 250,000
1786	SPECIAL CATEGORIES LAND MANAGEMENT FROM CONSERVATION AND RECREATION LANDS TRUST FUND	1,593,307
1787	SPECIAL CATEGORIES AMERICORPS PROGRAM FROM GRANTS AND DONATIONS TRUST FUND . . .	850,000
1788	SPECIAL CATEGORIES OUTSOURCING/PRIVATIZATION FROM STATE PARK TRUST FUND	3,223,522
1789	SPECIAL CATEGORIES CONTROL OF INVASIVE EXOTICS FROM STATE PARK TRUST FUND	300,000
1790	SPECIAL CATEGORIES PURCHASES FOR RESALE FROM STATE PARK TRUST FUND	1,456,420
1791	SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM STATE PARK TRUST FUND	2,078,057
1792	SPECIAL CATEGORIES INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM FROM CONSERVATION AND RECREATION LANDS TRUST FUND	675,000
1793	SPECIAL CATEGORIES LAND USE PROCEEDS DISBURSEMENTS FROM STATE PARK TRUST FUND	575,000
1794	SPECIAL CATEGORIES TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT FROM STATE PARK TRUST FUND	503,441
1794A	SPECIAL CATEGORIES GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE CHARLEY - FEMA DECLARATION #1539 - STATE OPERATIONS FROM GRANTS AND DONATIONS TRUST FUND . . .	9,140
1794B	SPECIAL CATEGORIES GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE FRANCES - FEMA DECLARATION #1545 - STATE OPERATIONS FROM GRANTS AND DONATIONS TRUST FUND . . .	121,719
1794C	SPECIAL CATEGORIES GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE IVAN - FEMA DECLARATION #1551 - STATE OPERATIONS FROM GRANTS AND DONATIONS TRUST FUND . . .	65,017
1794D	SPECIAL CATEGORIES GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE JEANNE - FEMA DECLARATION #1561 STATE OPERATIONS FROM GRANTS AND DONATIONS TRUST FUND . . .	74,053
1795	FIXED CAPITAL OUTLAY HISTORIC STRUCTURE RENOVATIONS FROM CONSERVATION AND RECREATION LANDS TRUST FUND	1,000,000
1796A	FIXED CAPITAL OUTLAY NAVARRE BEACH STATE PARK 2004 HURRICANE REPAIRS FROM LAND ACQUISITION TRUST FUND	3,700,000
1796B	FIXED CAPITAL OUTLAY RESOURCE RESTORATION FROM CONSERVATION AND RECREATION LANDS TRUST FUND	2,000,000
1797	FIXED CAPITAL OUTLAY PARK DEVELOPMENT FROM CONSERVATION AND RECREATION LANDS TRUST FUND	4,000,000
1798	FIXED CAPITAL OUTLAY FORT MOSE HISTORIC SITE FROM CONSERVATION AND RECREATION LANDS TRUST FUND	1,000,000
1799	FIXED CAPITAL OUTLAY LAND ACQUISITION FROM FLORIDA FOREVER TRUST FUND	4,500,000
1800A	FIXED CAPITAL OUTLAY RAINBOW SPRINGS STATE PARK FROM CONSERVATION AND RECREATION LANDS TRUST FUND	1,500,000
1801	FIXED CAPITAL OUTLAY ATLANTIC RIDGE STATE PARK FROM CONSERVATION AND RECREATION LANDS TRUST FUND	500,000
1802	FIXED CAPITAL OUTLAY DISASTER RELATED REPAIRS FROM GRANTS AND DONATIONS TRUST FUND . . .	2,100,000
1803	FIXED CAPITAL OUTLAY SUWANNEE RIVER WILDERNESS TRAIL FROM CONSERVATION AND RECREATION LANDS TRUST FUND	1,000,000
1804	FIXED CAPITAL OUTLAY PARTNERSHIP IN PARKS/STATE MATCH FROM LAND ACQUISITION TRUST FUND	400,000
1805	FIXED CAPITAL OUTLAY REMOVE ACCESSIBILITY BARRIERS - STATEWIDE FROM CONSERVATION AND RECREATION LANDS TRUST FUND	1,000,000
1806	FIXED CAPITAL OUTLAY GRANTS AND DONATIONS SPENDING AUTHORITY FROM GRANTS AND DONATIONS TRUST FUND . . .	4,000,000
1807	FIXED CAPITAL OUTLAY FACILITY REPAIR NEEDS - STATEWIDE FROM CONSERVATION AND RECREATION LANDS TRUST FUND	10,738,400

SECTION 5
SPECIFIC
APPROPRIATION

1808 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 28,135,688

TOTAL: STATE PARK OPERATIONS
FROM TRUST FUNDS 138,869,004

TOTAL POSITIONS 1,050.50
TOTAL ALL FUNDS 138,869,004

COASTAL AND AQUATIC MANAGED AREAS

APPROVED SALARY RATE 3,453,233

1809 SALARIES AND BENEFITS POSITIONS 95.00
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 352,001
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,037,661
FROM LAND ACQUISITION TRUST FUND 3,109,754

1810 OTHER PERSONAL SERVICES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 130,186
FROM GRANTS AND DONATIONS TRUST FUND . . . 406,175
FROM LAND ACQUISITION TRUST FUND 543,100

1811 EXPENSES
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 150,276
FROM GRANTS AND DONATIONS TRUST FUND . . . 160,975
FROM LAND ACQUISITION TRUST FUND 997,804

1812 OPERATING CAPITAL OUTLAY
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 33,169
FROM GRANTS AND DONATIONS TRUST FUND . . . 432,850
FROM LAND ACQUISITION TRUST FUND 146,750

1813 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 141,135

1814 SPECIAL CATEGORIES
SUBMERGED RESOURCE DAMAGED RESTORATIONS
FROM ECOSYSTEM MANAGEMENT AND
RESTORATION TRUST FUND 57,834

1815 SPECIAL CATEGORIES
LITTLE PINE ISLAND MITIGATION BANK
FROM LAND ACQUISITION TRUST FUND 200,000

1816 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,540,663
FROM LAND ACQUISITION TRUST FUND 400,000

1817 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 17,646
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,834
FROM LAND ACQUISITION TRUST FUND 73,159

1818 SPECIAL CATEGORIES
COASTAL AND AQUATIC MANAGED AREAS (CAMA) -
CARL MANAGEMENT FUNDS
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 216,884

1819 SPECIAL CATEGORIES
INTERIM LAND MANAGEMENT OF CONSERVATION
AND RECREATION LANDS PROGRAM
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 315,000

SECTION 5
SPECIFIC
APPROPRIATION

1820 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM CONSERVATION AND RECREATION LANDS
TRUST FUND 12,672
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,707
FROM LAND ACQUISITION TRUST FUND 13,247

1821 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIRS AND CONSTRUCTION -
STATEWIDE
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,182,810
FROM LAND ACQUISITION TRUST FUND 1,151,213

1821A FIXED CAPITAL OUTLAY
PARTNERSHIP IN COASTAL AQUATIC MANAGED
AREAS (CAMA)
FROM LAND ACQUISITION TRUST FUND 250,000

TOTAL: COASTAL AND AQUATIC MANAGED AREAS
FROM TRUST FUNDS 16,082,505

TOTAL POSITIONS 95.00
TOTAL ALL FUNDS 16,082,505

PROGRAM: AIR RESOURCES MANAGEMENT

AIR ASSESSMENT

APPROVED SALARY RATE 1,565,349

1822 SALARIES AND BENEFITS POSITIONS 34.00
FROM AIR POLLUTION CONTROL TRUST FUND . . 1,951,338

1823 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 1,995,998

1824 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 905,851

1825 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 313,743

1825A SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM AIR POLLUTION CONTROL TRUST FUND . . 25,000

1826 SPECIAL CATEGORIES
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE
REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND . . 3,247,968

1827 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND . . 21,809

1828 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM AIR POLLUTION CONTROL TRUST FUND . . 14,449

TOTAL: AIR ASSESSMENT
FROM TRUST FUNDS 8,476,156

TOTAL POSITIONS 34.00
TOTAL ALL FUNDS 8,476,156

SECTION 5
SPECIFIC
APPROPRIATION
AIR POLLUTION PREVENTION

APPROVED SALARY RATE 2,363,671

1829 SALARIES AND BENEFITS POSITIONS 51.00
FROM AIR POLLUTION CONTROL TRUST FUND . . 2,966,184

1830 OTHER PERSONAL SERVICES
FROM AIR POLLUTION CONTROL TRUST FUND . . 3,662,810

1831 EXPENSES
FROM AIR POLLUTION CONTROL TRUST FUND . . 524,771

1832 OPERATING CAPITAL OUTLAY
FROM AIR POLLUTION CONTROL TRUST FUND . . 73,937

1833 SPECIAL CATEGORIES
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND . . 3,247,968

1834 SPECIAL CATEGORIES
ASBESTOS REMOVAL PROGRAM FEES
FROM AIR POLLUTION CONTROL TRUST FUND . . 150,000

1835 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM AIR POLLUTION CONTROL TRUST FUND . . 21,736

1836 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM AIR POLLUTION CONTROL TRUST FUND . . 22,619

TOTAL: AIR POLLUTION PREVENTION
FROM TRUST FUNDS 10,670,025

TOTAL POSITIONS 51.00
TOTAL ALL FUNDS 10,670,025

UTILITIES SITING AND COORDINATION

APPROVED SALARY RATE 655,375

1837 SALARIES AND BENEFITS POSITIONS 13.00
FROM GRANTS AND DONATIONS TRUST FUND . . . 425,986
FROM PERMIT FEE TRUST FUND 360,417

1838 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 250,340

1839 EXPENSES
FROM GRANTS AND DONATIONS TRUST FUND . . . 277,760
FROM PERMIT FEE TRUST FUND 44,444

1840 SPECIAL CATEGORIES
GRANTS AND AIDS - HYDROGEN ENERGY TECHNOLOGY
FROM GENERAL REVENUE FUND 815,725

Funds provided in Specific Appropriation 1840 shall be used to fund projects directly related to mobile or stationary applications fueled by hydrogen, hydrogen fueling infrastructure, or encouraging the expansion of hydrogen fuel cell or hydrogen internal combustion engine technologies in Florida.

1841 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,748

1842 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PERMIT FEE TRUST FUND 2,299

1843 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - ENERGY EFFICIENCY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,500,000

1844 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
UNITED STATES DEPARTMENT OF ENERGY SPECIAL PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,943,589

TOTAL: UTILITIES SITING AND COORDINATION
FROM GENERAL REVENUE FUND 815,725
FROM TRUST FUNDS 6,807,583

TOTAL POSITIONS 13.00
TOTAL ALL FUNDS 7,623,308

PROGRAM: LAW ENFORCEMENT

ENVIRONMENTAL INVESTIGATION

APPROVED SALARY RATE 3,099,311

1845 SALARIES AND BENEFITS POSITIONS 65.50
FROM GENERAL REVENUE FUND 2,961,885
FROM COASTAL PROTECTION TRUST FUND 717,782
FROM INLAND PROTECTION TRUST FUND 430,007

1846 OTHER PERSONAL SERVICES
FROM COASTAL PROTECTION TRUST FUND 120,000

1847 EXPENSES
FROM COASTAL PROTECTION TRUST FUND 195,090
FROM INLAND PROTECTION TRUST FUND 862,414

1848 OPERATING CAPITAL OUTLAY
FROM COASTAL PROTECTION TRUST FUND 67,178

1849 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM COASTAL PROTECTION TRUST FUND 201,350

1850 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM COASTAL PROTECTION TRUST FUND 17,558
FROM INLAND PROTECTION TRUST FUND 247,846

1851 SPECIAL CATEGORIES
OVERTIME
FROM COASTAL PROTECTION TRUST FUND 50,400
FROM INLAND PROTECTION TRUST FUND 50,400

1852 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 134,069
FROM INLAND PROTECTION TRUST FUND 114,413

1853 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM COASTAL PROTECTION TRUST FUND 21,465
FROM INLAND PROTECTION TRUST FUND 31,490

1854 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES

SECTION 5
SPECIFIC
APPROPRIATION
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 19,936
FROM COASTAL PROTECTION TRUST FUND 6,396
FROM GRANTS AND DONATIONS TRUST FUND . . . 389

1854A SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE FRANCES - FEMA DECLARATION #1545 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 185,458

1854B SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE IVAN - FEMA DECLARATION #1551 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 230,745

1855 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
CLEAN MARINA
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,970,000

TOTAL: ENVIRONMENTAL INVESTIGATION
FROM GENERAL REVENUE FUND 3,115,890
FROM TRUST FUNDS 6,520,381

TOTAL POSITIONS 65.50
TOTAL ALL FUNDS 9,636,271

PATROL ON STATE LANDS

APPROVED SALARY RATE 3,734,049

1856 SALARIES AND BENEFITS POSITIONS 94.00
FROM LAND ACQUISITION TRUST FUND 5,296,266

1857 OTHER PERSONAL SERVICES
FROM LAND ACQUISITION TRUST FUND 190,000

1858 EXPENSES
FROM LAND ACQUISITION TRUST FUND 221,024

1859 OPERATING CAPITAL OUTLAY
FROM LAND ACQUISITION TRUST FUND 137,350

1860 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM LAND ACQUISITION TRUST FUND 347,901

1861 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM LAND ACQUISITION TRUST FUND 361,218

1862 SPECIAL CATEGORIES
OVERTIME
FROM LAND ACQUISITION TRUST FUND 115,550

1863 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM LAND ACQUISITION TRUST FUND 258,876

1864 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM LAND ACQUISITION TRUST FUND 95,462

1865 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM LAND ACQUISITION TRUST FUND 34,119

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SPECIFIC
APPROPRIATION
1865A SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE CHARLEY - FEMA DECLARATION #1539 - STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 312,847

TOTAL: PATROL ON STATE LANDS
FROM TRUST FUNDS 7,370,613

TOTAL POSITIONS 94.00
TOTAL ALL FUNDS 7,370,613

EMERGENCY RESPONSE

APPROVED SALARY RATE 1,385,273

1866 SALARIES AND BENEFITS POSITIONS 28.00
FROM COASTAL PROTECTION TRUST FUND 1,191,363
FROM INLAND PROTECTION TRUST FUND 471,644

1867 OTHER PERSONAL SERVICES
FROM COASTAL PROTECTION TRUST FUND 205,411

1868 EXPENSES
FROM COASTAL PROTECTION TRUST FUND 192,174
FROM INLAND PROTECTION TRUST FUND 57,179

1869 OPERATING CAPITAL OUTLAY
FROM COASTAL PROTECTION TRUST FUND 7,818

1870 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM COASTAL PROTECTION TRUST FUND 88,594

1871 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM COASTAL PROTECTION TRUST FUND 1,071,027

1872 SPECIAL CATEGORIES
ON-CALL FEES
FROM COASTAL PROTECTION TRUST FUND 98,902

1873 SPECIAL CATEGORIES
PAYMENTS FOR RESTORATION AND DAMAGE
FROM COASTAL PROTECTION TRUST FUND 50,000

1874 SPECIAL CATEGORIES
ABANDONED DRUM REMOVAL AND DISPOSAL
FROM COASTAL PROTECTION TRUST FUND 150,000

1875 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INLAND PROTECTION TRUST FUND 208,083

1876 SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM INLAND PROTECTION TRUST FUND 284,759

1877 SPECIAL CATEGORIES
TRANSFER TO MARINE RESOURCES CONSERVATION TRUST FUND IN THE FISH AND WILDLIFE CONSERVATION COMMISSION
FROM COASTAL PROTECTION TRUST FUND 3,697,242

1878 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM COASTAL PROTECTION TRUST FUND 7,550
FROM INLAND PROTECTION TRUST FUND 3,068
FROM WATER QUALITY ASSURANCE TRUST FUND . 891

SECTION 5
SPECIFIC
APPROPRIATION

1878A SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE JEANNE - FEMA DECLARATION #1561
STATE OPERATIONS
FROM GRANTS AND DONATIONS TRUST FUND . . . 83,384

TOTAL: EMERGENCY RESPONSE
FROM TRUST FUNDS 7,869,089

TOTAL POSITIONS 28.00
TOTAL ALL FUNDS 7,869,089

FISH AND WILDLIFE CONSERVATION COMMISSION

PROGRAM: EXECUTIVE DIRECTION AND ADMINISTRATIVE SERVICES

OFFICE OF EXECUTIVE DIRECTION AND ADMINISTRATIVE SUPPORT SERVICES

APPROVED SALARY RATE 8,663,996

1879	SALARIES AND BENEFITS POSITIONS	217.50	
	FROM GENERAL REVENUE FUND	2,080,438	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,188,191
	FROM NON-GAME WILDLIFE TRUST FUND		925,409
	FROM SAVE THE MANATEE TRUST FUND		50,543
	FROM STATE GAME TRUST FUND		6,015,899
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		672,717
1880	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	28,625	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		209,000
	FROM NON-GAME WILDLIFE TRUST FUND		25,171
	FROM STATE GAME TRUST FUND		1,867,435
1881	EXPENSES		
	FROM GENERAL REVENUE FUND	129,187	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		676,921
	FROM NON-GAME WILDLIFE TRUST FUND		241,450
	FROM STATE GAME TRUST FUND		2,262,863
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		10,773
1882	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	20,000	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		8,400
	FROM NON-GAME WILDLIFE TRUST FUND		19,927
	FROM STATE GAME TRUST FUND		169,274
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		8,000
1883	SPECIAL CATEGORIES		
	ENHANCED WILDLIFE MANAGEMENT		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		591,130
1884	SPECIAL CATEGORIES		
	NON-CARL WILDLIFE MANAGEMENT		
	FROM STATE GAME TRUST FUND		173,205
1885	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM STATE GAME TRUST FUND		386
1886	SPECIAL CATEGORIES		
	PAYMENT OF REWARDS		
	FROM NON-GAME WILDLIFE TRUST FUND		5,000

SECTION 5
SPECIFIC
APPROPRIATION

1887	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	18,699	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		12,176
	FROM NON-GAME WILDLIFE TRUST FUND		5,100
	FROM STATE GAME TRUST FUND		79,185
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		6,862
1888	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM STATE GAME TRUST FUND		3,120
1889	SPECIAL CATEGORIES		
	INFORMATION TECHNOLOGY SERVICES - FISH AND WILDLIFE CONSERVATION COMMISSION		
	FROM GENERAL REVENUE FUND	295,791	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,393,335
	FROM STATE GAME TRUST FUND		486,524
1890	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	18,108	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		3,469
	FROM NON-GAME WILDLIFE TRUST FUND		6,533
	FROM STATE GAME TRUST FUND		46,135
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		3,466
1891	SPECIAL CATEGORIES		
	CONTRACT AND GRANT REIMBURSED ACTIVITIES		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		450,000
	FROM NON-GAME WILDLIFE TRUST FUND		1,034,500
	FROM STATE GAME TRUST FUND		212,500
1892	DATA PROCESSING SERVICES		
	STATE TECHNOLOGY OFFICE		
	FROM STATE GAME TRUST FUND		45,898
1893	FIXED CAPITAL OUTLAY		
	MAJOR REPAIRS OR IMPROVEMENTS STATEWIDE		
	FROM STATE GAME TRUST FUND		133,240

TOTAL: OFFICE OF EXECUTIVE DIRECTION AND ADMINISTRATIVE SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,590,848
FROM TRUST FUNDS 19,043,737

TOTAL POSITIONS 217.50
TOTAL ALL FUNDS 21,634,585

PROGRAM: LAW ENFORCEMENT

FISH, WILDLIFE AND BOATING LAW ENFORCEMENT

APPROVED SALARY RATE 36,904,154

1894	SALARIES AND BENEFITS POSITIONS	902.50	
	FROM GENERAL REVENUE FUND	34,382,883	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,236,954
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		11,038,877
	FROM NON-GAME WILDLIFE TRUST FUND		87,169
	FROM SAVE THE MANATEE TRUST FUND		413,227
	FROM STATE GAME TRUST FUND		1,760,441
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,837,146

SECTION 5 SPECIFIC APPROPRIATION			
1895	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	104,210	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		236,030
	FROM SAVE THE MANATEE TRUST FUND		1,953
	FROM STATE GAME TRUST FUND		10,004
1896	EXPENSES		
	FROM GENERAL REVENUE FUND	3,502,046	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		218,596
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		5,389,711
	FROM SAVE THE MANATEE TRUST FUND		12,841
	FROM STATE GAME TRUST FUND		1,938,054
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		310,040
1897	OPERATING CAPITAL OUTLAY		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		213,786
	FROM STATE GAME TRUST FUND		3,008,790
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		100,000
1898	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF PATROL VEHICLES		
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		45,510
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,570,915
	FROM STATE GAME TRUST FUND		615,778
1899	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,520,245
1900	SPECIAL CATEGORIES		
	ENHANCED WILDLIFE MANAGEMENT		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		272,166
1901	SPECIAL CATEGORIES		
	800 MHZ RADIO LAW ENFORCEMENT SYSTEM EQUIPMENT AND MAINTENANCE		
	FROM GENERAL REVENUE FUND	110,675	
	FROM STATE GAME TRUST FUND		294,155
1902	SPECIAL CATEGORIES		
	BOAT RAMP MAINTENANCE CATEGORY		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		331,878
	FROM STATE GAME TRUST FUND		575,000
1903	SPECIAL CATEGORIES		
	OVERTIME		
	FROM GENERAL REVENUE FUND	1,015,000	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,615,000
	FROM STATE GAME TRUST FUND		125,447
1904	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	957,253	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		784
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		276,730
	FROM NON-GAME WILDLIFE TRUST FUND		1,599
	FROM SAVE THE MANATEE TRUST FUND		692
	FROM STATE GAME TRUST FUND		54,420

SECTION 5 SPECIFIC APPROPRIATION			
1905	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	346,603	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		14,760
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		189,953
	FROM SAVE THE MANATEE TRUST FUND		5,040
	FROM STATE GAME TRUST FUND		57,540
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		20,160
1906	SPECIAL CATEGORIES		
	BOATING AND WATERWAYS ACTIVITIES		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,371,310
1907	SPECIAL CATEGORIES		
	BOATING AND WATERWAYS GRANTS		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		200,000
1908	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	281,271	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		11,858
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		43,290
	FROM NON-GAME WILDLIFE TRUST FUND		767
	FROM SAVE THE MANATEE TRUST FUND		283
	FROM STATE GAME TRUST FUND		20,682
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,529
1909	SPECIAL CATEGORIES		
	CONTRACT AND GRANT REIMBURSED ACTIVITIES		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,049,225
	FROM STATE GAME TRUST FUND		700,483
1910	SPECIAL CATEGORIES		
	BOATING SAFETY EDUCATION PROGRAM		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		550,000
1910A	FIXED CAPITAL OUTLAY		
	HURRICANE RELIEF - MARINAS		
	FROM GENERAL REVENUE FUND	5,000,000	

Funds from Specific Appropriation 1910A shall be used to provide grants to marinas that provide public access to waterways and suffered uninsured damages from named hurricanes during the 2004 hurricane season. The Fish and Wildlife Conservation Commission will administer this program as jointly developed between the commission and the marina industry.

1911	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	FLORIDA BOATING IMPROVEMENT PROGRAM		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		5,571,500
	FROM STATE GAME TRUST FUND		1,250,000
1911A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	LAW ENFORCEMENT TRAINING FACILITY - ESCAMBIA		
	FROM GENERAL REVENUE FUND	350,000	

Funds in Specific Appropriation 1911A are provided to construct a joint law enforcement training facility in Escambia County.

SECTION 5
SPECIFIC
APPROPRIATION
TOTAL: FISH, WILDLIFE AND BOATING LAW ENFORCEMENT
FROM GENERAL REVENUE FUND 46,049,941
FROM TRUST FUNDS 47,172,318

TOTAL POSITIONS 902.50
TOTAL ALL FUNDS 93,222,259

PROGRAM: WILDLIFE

HUNTING AND GAME MANAGEMENT

APPROVED SALARY RATE 1,901,304

1912 SALARIES AND BENEFITS POSITIONS 44.00
FROM STATE GAME TRUST FUND 1,855,558
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 399,546

1913 OTHER PERSONAL SERVICES
FROM STATE GAME TRUST FUND 327,303

1914 EXPENSES
FROM STATE GAME TRUST FUND 1,081,170
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,852

1915 OPERATING CAPITAL OUTLAY
FROM STATE GAME TRUST FUND 30,260

1916 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 48,015

1917 SPECIAL CATEGORIES
NON-CARL WILDLIFE MANAGEMENT
FROM STATE GAME TRUST FUND 122,500

1917A SPECIAL CATEGORIES
TRANSFER DEPARTMENT OF AGRICULTURE - ALLIGATOR MARKETING AND EDUCATION
FROM STATE GAME TRUST FUND 100,000

1918 SPECIAL CATEGORIES
PUBLIC DOVE FIELD DEVELOPMENT
FROM STATE GAME TRUST FUND 49,000

1919 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE GAME TRUST FUND 26,703
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 4,595

1920 SPECIAL CATEGORIES
WILDLIFE MANAGEMENT AREA USER PAY
FROM STATE GAME TRUST FUND 638,266

1921 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM STATE GAME TRUST FUND 21,271
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 2,702

1922 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM STATE GAME TRUST FUND 622,384

1923 SPECIAL CATEGORIES
WILD TURKEY PROJECTS
FROM STATE GAME TRUST FUND 100,000

SECTION 5
SPECIFIC
APPROPRIATION
TOTAL: HUNTING AND GAME MANAGEMENT
FROM TRUST FUNDS 5,431,125

TOTAL POSITIONS 44.00
TOTAL ALL FUNDS 5,431,125

PROGRAM: HABITAT AND SPECIES CONSERVATION

HABITAT AND SPECIES CONSERVATION

APPROVED SALARY RATE 11,175,558

1924 SALARIES AND BENEFITS POSITIONS 296.00
FROM GENERAL REVENUE FUND 22,344
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 196,542
FROM LAND ACQUISITION TRUST FUND 162,285
FROM MARINE RESOURCES CONSERVATION TRUST FUND 157,580
FROM NON-GAME WILDLIFE TRUST FUND 1,953,783
FROM SAVE THE MANATEE TRUST FUND 719,262
FROM STATE GAME TRUST FUND 6,555,472
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 4,517,124

1925 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,903
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 138,094
FROM LAND ACQUISITION TRUST FUND 214,035
FROM MARINE RESOURCES CONSERVATION TRUST FUND 110,000
FROM NON-GAME WILDLIFE TRUST FUND 212,191
FROM SAVE THE MANATEE TRUST FUND 176,047
FROM STATE GAME TRUST FUND 248,240
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 82,808

1926 EXPENSES
FROM GENERAL REVENUE FUND 12,902
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 226,700
FROM LAND ACQUISITION TRUST FUND 251,746
FROM MARINE RESOURCES CONSERVATION TRUST FUND 40,456
FROM NON-GAME WILDLIFE TRUST FUND 670,683
FROM SAVE THE MANATEE TRUST FUND 323,256
FROM STATE GAME TRUST FUND 1,288,370
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 1,300,664

1927 AID TO LOCAL GOVERNMENTS
MANATEE PROTECTION PLANNING GRANTS
FROM SAVE THE MANATEE TRUST FUND 68,185

1928 OPERATING CAPITAL OUTLAY
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 2,500
FROM LAND ACQUISITION TRUST FUND 44,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 10,000
FROM NON-GAME WILDLIFE TRUST FUND 30,464
FROM SAVE THE MANATEE TRUST FUND 13,800
FROM STATE GAME TRUST FUND 109,504
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 17,000

1929 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS
FROM STATE GAME TRUST FUND 38,854

1930 SPECIAL CATEGORIES
ENHANCED WILDLIFE MANAGEMENT

SECTION 5			
SPECIFIC			
APPROPRIATION			
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		5,156,917
1931	SPECIAL CATEGORIES		
	NON-CARL WILDLIFE MANAGEMENT		
	FROM STATE GAME TRUST FUND		6,107,551
1932	SPECIAL CATEGORIES		
	LAKE RESTORATION		
	FROM STATE GAME TRUST FUND		10,833,454
1933	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FEDERAL ENDANGERED SPECIES - SECTION 6		
	FROM NON-GAME WILDLIFE TRUST FUND		1,146,332
1934	SPECIAL CATEGORIES		
	LAND MANAGEMENT/SAVE OUR RIVERS		
	FROM STATE GAME TRUST FUND		325,751
1935	SPECIAL CATEGORIES		
	MARINE RESEARCH GRANTS		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		27,500
1936	SPECIAL CATEGORIES		
	DUCKS UNLIMITED MARSH PROJECT		
	FROM STATE GAME TRUST FUND		106,272
1937	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		844
	FROM LAND ACQUISITION TRUST FUND		2,445
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		2,114
	FROM NON-GAME WILDLIFE TRUST FUND		20,272
	FROM SAVE THE MANATEE TRUST FUND		9,154
	FROM STATE GAME TRUST FUND		120,380
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		67,500
1938	SPECIAL CATEGORIES		
	INTERIM LAND MANAGEMENT OF CONSERVATION AND RECREATION LANDS PROGRAM		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		2,375,000
1939	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,262
	FROM LAND ACQUISITION TRUST FUND		894
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,818
	FROM NON-GAME WILDLIFE TRUST FUND		13,775
	FROM SAVE THE MANATEE TRUST FUND		6,627
	FROM STATE GAME TRUST FUND		66,499
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		42,537
1940	SPECIAL CATEGORIES		
	HABITAT CONSERVATION PLAN LANDS ACQUISITION PROGRAM		
	FROM NON-GAME WILDLIFE TRUST FUND		2,500,000
1941	SPECIAL CATEGORIES		
	CONTRACT AND GRANT REIMBURSED ACTIVITIES		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		100,000
	FROM NON-GAME WILDLIFE TRUST FUND		2,781,152
	FROM STATE GAME TRUST FUND		3,487,000
SECTION 5			
SPECIFIC			
APPROPRIATION			
1942	FIXED CAPITAL OUTLAY		
	LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE		
	FROM FLORIDA FOREVER PROGRAM TRUST FUND .		4,500,000
1943	FIXED CAPITAL OUTLAY		
	MITIGATION PARK LAND ACQUISITION		
	FROM LAND ACQUISITION TRUST FUND		5,000,000
1944	FIXED CAPITAL OUTLAY		
	WILDLIFE MANAGEMENT AREA STORAGE FACILITY CONSTRUCTION - DMS MGD		
	FROM STATE GAME TRUST FUND		404,861
TOTAL:	HABITAT AND SPECIES CONSERVATION		
	FROM GENERAL REVENUE FUND	38,149	
	FROM TRUST FUNDS		65,087,556
	TOTAL POSITIONS	296.00	
	TOTAL ALL FUNDS		65,125,705
PROGRAM: FRESHWATER FISHERIES			
FRESHWATER FISHERIES MANAGEMENT			
	APPROVED SALARY RATE 2,604,886		
1945	SALARIES AND BENEFITS POSITIONS	69.50	
	FROM GENERAL REVENUE FUND	13,416	
	FROM STATE GAME TRUST FUND		3,174,933
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		114,835
1946	OTHER PERSONAL SERVICES		
	FROM STATE GAME TRUST FUND		67,254
1947	EXPENSES		
	FROM GENERAL REVENUE FUND	18,064	
	FROM STATE GAME TRUST FUND		813,531
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		20,000
1948	OPERATING CAPITAL OUTLAY		
	FROM STATE GAME TRUST FUND		67,822
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		25,000
1949	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS		
	FROM STATE GAME TRUST FUND		44,567
1950	SPECIAL CATEGORIES		
	ENHANCED WILDLIFE MANAGEMENT		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		68,635
1951	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM STATE GAME TRUST FUND		844
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,313
1951A	SPECIAL CATEGORIES		
	TRANSFER TO INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES		
	FROM GENERAL REVENUE FUND	500,000	

Funds in Specific Appropriation 1951A are provided for the Kids Fishing For Success Program.

SECTION 5
SPECIFIC
APPROPRIATION

1952 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM STATE GAME TRUST FUND 32,052
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 734

TOTAL: FRESHWATER FISHERIES MANAGEMENT
FROM GENERAL REVENUE FUND 531,480
FROM TRUST FUNDS 4,431,520

TOTAL POSITIONS 69.50
TOTAL ALL FUNDS 4,963,000

PROGRAM: MARINE FISHERIES

MARINE FISHERIES MANAGEMENT

APPROVED SALARY RATE 1,176,936

1953 SALARIES AND BENEFITS POSITIONS 26.00
FROM GENERAL REVENUE FUND 77,974
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,494,245

1954 OTHER PERSONAL SERVICES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 196,318

1955 EXPENSES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 438,128

1956 OPERATING CAPITAL OUTLAY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 846

1957 SPECIAL CATEGORIES
AQUATIC RESOURCES EDUCATION
FROM MARINE RESOURCES CONSERVATION TRUST FUND 341,599

1958 SPECIAL CATEGORIES
GULF STATES MARINE FISHERIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 22,500

1959 SPECIAL CATEGORIES
MARINE RESEARCH GRANTS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 274,413

1960 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,313
FROM MARINE RESOURCES CONSERVATION TRUST FUND 16,260

1961 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,149
FROM MARINE RESOURCES CONSERVATION TRUST FUND 15,498

1962 SPECIAL CATEGORIES
FISHERIES DISASTER RELIEF PROGRAM - MONROE COUNTY - HURRICANE GEORGES AND TROPICAL STORM MITCH
FROM MARINE RESOURCES CONSERVATION TRUST FUND 184,544

SECTION 5
SPECIFIC
APPROPRIATION

1963 SPECIAL CATEGORIES
FEDERAL FISHERIES DISASTER ASSISTANCE PROGRAMS
FROM MARINE RESOURCES CONSERVATION TRUST FUND 100,000

1964 SPECIAL CATEGORIES
CONTRACT AND GRANT REIMBURSED ACTIVITIES
FROM MARINE RESOURCES CONSERVATION TRUST FUND 200,000

1965 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND 600,000

TOTAL: MARINE FISHERIES MANAGEMENT
FROM GENERAL REVENUE FUND 80,436
FROM TRUST FUNDS 3,884,351

TOTAL POSITIONS 26.00
TOTAL ALL FUNDS 3,964,787

PROGRAM: RESEARCH

FISH AND WILDLIFE RESEARCH INSTITUTE

APPROVED SALARY RATE 12,744,933

1966 SALARIES AND BENEFITS POSITIONS 317.00
FROM GENERAL REVENUE FUND 3,347,822
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 166,845
FROM MARINE RESOURCES CONSERVATION TRUST FUND 7,880,055
FROM NON-GAME WILDLIFE TRUST FUND 1,076,323
FROM SAVE THE MANATEE TRUST FUND 823,799
FROM STATE GAME TRUST FUND 2,519,140
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 142,164

1967 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 856,000
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 60,867
FROM MARINE RESOURCES CONSERVATION TRUST FUND 4,477,475
FROM NON-GAME WILDLIFE TRUST FUND 659,737
FROM SAVE THE MANATEE TRUST FUND 735,000
FROM STATE GAME TRUST FUND 97,693

1968 EXPENSES
FROM GENERAL REVENUE FUND 570,375
FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND 56,958
FROM MARINE RESOURCES CONSERVATION TRUST FUND 2,867,113
FROM NON-GAME WILDLIFE TRUST FUND 394,027
FROM SAVE THE MANATEE TRUST FUND 426,104
FROM STATE GAME TRUST FUND 449,804
FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND 4,114

1968A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS-HARBOR BRANCH OCEANOGRAPHIC INSTITUTE
FROM GENERAL REVENUE FUND 2,000,000

From the funds in Specific Appropriation 1968A, $1,000,000 shall be transferred to the Grants and Donations Trust Fund in the Department of Environmental Protection for the Oceans Initiative.

SECTION 5 SPECIFIC APPROPRIATION			
1969	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	29,740	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		225,566
	FROM NON-GAME WILDLIFE TRUST FUND		11,736
	FROM SAVE THE MANATEE TRUST FUND		13,000
	FROM STATE GAME TRUST FUND		57,068
1970	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		50,000
1971	SPECIAL CATEGORIES		
	ACQUISITION AND REPLACEMENT OF BOATS, MOTORS, AND TRAILERS		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		84,434
	FROM SAVE THE MANATEE TRUST FUND		7,000
	FROM STATE GAME TRUST FUND		34,283
1972	SPECIAL CATEGORIES		
	ENHANCED WILDLIFE MANAGEMENT		
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		89,435
1974	SPECIAL CATEGORIES		
	MANATEE RESEARCH - MANATEE AVOIDANCE TECHNOLOGY		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		200,000
1975	SPECIAL CATEGORIES		
	REEF GROUNDING SETTLEMENT		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		41,912
1976	SPECIAL CATEGORIES		
	MARINE RESEARCH GRANTS		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		8,311,530
1977	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	37,677	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		4,179
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		120,469
	FROM NON-GAME WILDLIFE TRUST FUND		23,997
	FROM SAVE THE MANATEE TRUST FUND		13,256
	FROM STATE GAME TRUST FUND		61,893
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		3,477
1978	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	19,827	
	FROM FLORIDA PANTHER RESEARCH AND MANAGEMENT TRUST FUND		1,161
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		83,928
	FROM NON-GAME WILDLIFE TRUST FUND		8,011
	FROM SAVE THE MANATEE TRUST FUND		8,687
	FROM STATE GAME TRUST FUND		21,742
	FROM CONSERVATION AND RECREATION LANDS PROGRAM TRUST FUND		1,158
1978A	SPECIAL CATEGORIES		
	HARMFUL ALGAL BLOOM		
	FROM GENERAL REVENUE FUND	500,000	

SECTION 5 SPECIFIC APPROPRIATION			
1979	SPECIAL CATEGORIES		
	RED TIDE RESEARCH		
	FROM GENERAL REVENUE FUND	1,000,000	
1980	SPECIAL CATEGORIES		
	CONTRACT AND GRANT REIMBURSED ACTIVITIES		
	FROM NON-GAME WILDLIFE TRUST FUND		283,112
	FROM STATE GAME TRUST FUND		700,000
1981	FIXED CAPITAL OUTLAY		
	MAJOR REPAIRS OR IMPROVEMENTS STATEWIDE		
	FROM STATE GAME TRUST FUND		174,379
1981A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY		
	FISH AND WILDLIFE RESEARCH INSTITUTE - JACKSONVILLE		
	FROM GENERAL REVENUE FUND	1,250,000	
TOTAL:	FISH AND WILDLIFE RESEARCH INSTITUTE		
	FROM GENERAL REVENUE FUND	9,611,441	
	FROM TRUST FUNDS		33,472,631
	TOTAL POSITIONS	317.00	
	TOTAL ALL FUNDS		43,084,072

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 1989 through 2003, 2017 through 2019, 2021 through 2026, 2028 through 2038, and 2074 through 2084 are provided from the named funds to the department to fund the five-year Work Program developed pursuant to provisions of section 339.135, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

TRANSPORTATION SYSTEMS DEVELOPMENT

PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT

APPROVED SALARY RATE 96,085,999

1982	SALARIES AND BENEFITS	POSITIONS	1,787.00	
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND			117,083,510
	FROM TRANSPORTATION DISADVANTAGED TRUST FUND			798,259
1983	OTHER PERSONAL SERVICES			
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND			925,246
	FROM TRANSPORTATION DISADVANTAGED TRUST FUND			40,000
1984	EXPENSES			
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND			11,006,158
	FROM TRANSPORTATION DISADVANTAGED TRUST FUND			644,025
1985	OPERATING CAPITAL OUTLAY			
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND			1,415,114
	FROM TRANSPORTATION DISADVANTAGED TRUST FUND			10,000
1986	SPECIAL CATEGORIES			
	CONSULTANT FEES			
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND			2,916,342
1987	SPECIAL CATEGORIES			
	HUMAN RESOURCES DEVELOPMENT			
	FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND			1,271,969

SECTION 5
SPECIFIC
APPROPRIATION
1988 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 198,500

1989 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 35,185,568

1990 FIXED CAPITAL OUTLAY
AVIATION DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 115,973,722

From the funds in Specific Appropriation 1990, $250,000 is provided from the State Transportation (Primary) Trust Fund for the Immokalee Regional Airport/Florida Tradeport Infrastructure project.

1991 FIXED CAPITAL OUTLAY
PUBLIC TRANSIT DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 169,035,096

1992 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 324,480,744
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 182,976,992

From the funds in Specific Appropriation 1992, $10,635,000 from the State Transportation (Primary) Trust Fund is provided for the following project:

SR 52 Advanced Right-of-Way Acquisition in Pasco County

1993 FIXED CAPITAL OUTLAY
SEAPORT - ECONOMIC DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,000,000

1994 FIXED CAPITAL OUTLAY
SEAPORTS ACCESS PROGRAM
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,000,000

1995 FIXED CAPITAL OUTLAY
SEAPORT GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 33,183,000

From the funds in Specific Appropriation 1995, $5,000,000 is provided for a statewide Seaport Economic Development/Dredging Grant program. Funds appropriated for this program may be used to fund approved projects for the dredging or deepening of channels, turning basins, or harbors on a 50-50 matching basis with any port authority. Funding is contingent upon Senate Bill 1576 or similar legislation becoming law authorizing the program.

1996 FIXED CAPITAL OUTLAY
RAIL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 166,983,989

From funds in Specific Appropriation 1996, $3,500,000 is provided for the following projects:

Florida East Coast Railway - Generators & Generator Vaults for Railroad Crossings..... 3,000,000
Pedestrian Crossings at FEC Right-of-Way..... 500,000

SECTION 5
SPECIFIC
APPROPRIATION
1997 FIXED CAPITAL OUTLAY
INTERMODAL DEVELOPMENT/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 147,616,191

1998 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION DISADVANTAGED
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 37,721,278

1999 FIXED CAPITAL OUTLAY
GRANTS AND AIDS-TRANSPORTATION DISADVANTAGED-MEDICAID SERVICES
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 80,037,492

From the funds in Specific Appropriation 1999, $7,664,452 is contingent upon a renegotiated rate agreement between the Florida Commission for the Transportation Disadvantaged and the Florida Agency for Health Care Administration for the Commission for the Transportation Disadvantaged to serve as the vendor for the Florida Agency for Health Care Administration in the provision of non-emergency transportation services for eligible Medicaid beneficiaries.

2000 FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 527,039,062
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 329,988

From Funds in Specific Appropriation 2000, $6,300,000 is allocated from the State Transportation (Primary) Trust Fund for the following projects:

Preliminary Design and Environmental Study at I-95 and Oslo Road..... 1,000,000
US 1 Interchange at CR 210..... 4,300,000
SR 21 Widening Design - Clay County..... 1,000,000

2001 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 46,165,797
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 10,472,810

2002 FIXED CAPITAL OUTLAY
TRANSPORTATION PLANNING GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 18,078,762

2003 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 122,600,000

TOTAL: PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT
FROM TRUST FUNDS 2179,189,614

TOTAL POSITIONS 1,787.00
TOTAL ALL FUNDS 2179,189,614

TRANSPORTATION SYSTEMS OPERATIONS

PROGRAM: HIGHWAY OPERATIONS

APPROVED SALARY RATE 164,577,179

2004 SALARIES AND BENEFITS POSITIONS 4,204.00
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 214,651,589

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2005 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,873,552

2006 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 28,833,176

2007 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,246,036

2008 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,800,000

2009 SPECIAL CATEGORIES
FAIRBANKS HAZARDOUS WASTE SITE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 180,600

2010 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,510,047

2011 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,022,984

2012 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,659,903

2013 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 218,240

2014 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,469,516

2015 SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 653,874

2016 FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,369,531

2017 FIXED CAPITAL OUTLAY
STATE INFRASTRUCTURE BANK LOAN REPAYMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,600,000

2018 FIXED CAPITAL OUTLAY
SMALL COUNTY RESURFACE ASSISTANCE PROGRAM (SCRAP)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,000,000

2019 FIXED CAPITAL OUTLAY
SMALL COUNTY OUTREACH PROGRAM (SCOP)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,440,430

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2020 FIXED CAPITAL OUTLAY
RADIO COMMUNICATIONS PROGRAM (TOWERS/ ANTENNAES) - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 600,000

2021 FIXED CAPITAL OUTLAY
COUNTY TRANSPORTATION PROGRAMS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 21,767,801

2022 FIXED CAPITAL OUTLAY
BOND GUARANTEE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

2023 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 237,705,914

From funds in Specific Appropriation 2023, the Department of Transportation may contract with non-profit youth organizations in Florida to do work on the state highway system.

2024 FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1076,535,420

From the funds in Specific Appropriation 2024, $8,053,350 is provided for the following projects:

Modifications to SR 580 and SR 583 within the City of Temple Terrace..... 1,000,000
US 301 from Sun City Blvd. To Gibson Dr.- Widen to 4 lanes.. 4,924,350
SR 574 from Parsons Ave. to Kingsway Rd.- Widen to 4 lanes.. 822,000
SR 574 from Queen Palm Dr. to Williams Rd.-Widen bridge over I-75 to 6 lanes..... 807,000
US 1/I-95 Interchange and Ormond Crossings Business Park.... 500,000

2025 FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 720,956,728

From the funds in Specific Appropriation 2025, $15,633,650 is provided for the following projects:

Hoagland Boulevard Roadway Improvements - Osceola County.... 750,000
Restoration of Periwinkle Corridor - Lee County..... 970,000
Downtown Tarpon Springs Historic District Redevelopment - Pinellas County..... 3,788,000
Advancement of the Tampa Riverwalk Project..... 200,000
Palm Bay Parkway..... 4,100,000
441 and West Orange Trail Overpass..... 1,500,000
Crandon Blvd Improvement Project Phase III..... 2,800,000
Improvements to Church St. and N. White Cedar Road..... 1,100,000
State Road 40 Retrofit..... 425,650

2026 FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 236,597,746
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 1,931,934

2027 FIXED CAPITAL OUTLAY
ENVIRONMENTAL SITE RESTORATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,830,000

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2028 FIXED CAPITAL OUTLAY
HIGHWAY SAFETY CONSTRUCTION/GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 106,144,121

From funds in Specific Appropriation 2028, $10,000 is provided for traffic safety devices in Leon County.

2029 FIXED CAPITAL OUTLAY
RESURFACING
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 641,746,306

2030 FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 130,374,081
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 4,924,000

From the funds in Specific Appropriation 2030, $1,118,000 in funds from the State Transportation (Primary) Trust Fund is provided for the following projects:

Lighthouse Point Bridge Replacement - Broward County..... 300,000
Dunedin Causeway Bridges Repair - Pinellas County..... 818,000

2031 FIXED CAPITAL OUTLAY
CONTRACT MAINTENANCE WITH THE DEPARTMENT
OF CORRECTIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 16,033,000

2032 FIXED CAPITAL OUTLAY
HIGHWAY BEAUTIFICATION GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,846,000

From the funds in Specific Appropriation 2032, $846,000 is provided for the local Adopt-A-Highway Florida Certified Keep America Beautiful(KAB) System Grant Program, pursuant to section 403.4131(5), Florida Statutes, and the release of funds in the Department of Transportation is contingent on the transfer of funds from the Department of Environmental Protection.

2033 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - TRANSPORTATION
EXPRESSWAY AUTHORITIES
FROM TOLL FACILITIES REVOLVING TRUST
FUND 11,000,000

2034 FIXED CAPITAL OUTLAY
MATERIALS AND RESEARCH
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 13,334,200

2035 FIXED CAPITAL OUTLAY
TRANSFER TO EXEC OFFICE OF THE GOVERNOR,
OFFICE OF TOURISM, TRADE & ECONOMIC
DEVELOPMENT FOR TRANSPORTATION PROJECTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,000,000

2036 FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,424,000

2037 FIXED CAPITAL OUTLAY
TRAFFIC ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 31,338,686

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2038 FIXED CAPITAL OUTLAY
LOCAL GOVERNMENT REIMBURSEMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 43,716,852
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE
CONSTRUCTION TRUST FUND 59,800,000

TOTAL: PROGRAM: HIGHWAY OPERATIONS
FROM TRUST FUNDS 3707,636,267

TOTAL POSITIONS 4,204.00
TOTAL ALL FUNDS 3707,636,267

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 38,356,362

2040 SALARIES AND BENEFITS POSITIONS 797.00
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 46,162,406

2041 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,227,160

2042 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 14,324,788

2043 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 325,091

2044 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE
HEARINGS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 71,758

2045 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,502,810

2046 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 215,852

2047 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 111,820

2048 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,647,007

2049 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE - OTHER
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,188,903

2050 SPECIAL CATEGORIES
TRANSFER TO SOUTH FLORIDA WATER MANAGEMENT
DISTRICT FOR EVERGLADES RESTORATION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,000,000

2051 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE FOR
HIGHWAY TAX COMPLIANCE

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FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,000

2052 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,034,185
FROM TRANSPORTATION DISADVANTAGED TRUST FUND 3,869

2053 FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,234,829

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 84,250,478

TOTAL POSITIONS 797.00
TOTAL ALL FUNDS 84,250,478

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 12,332,066

2054 SALARIES AND BENEFITS POSITIONS 284.00
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,723,240

2055 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 100,000

2056 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 19,213,188

2057 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,029,728

2058 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,925,000

2059 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 69,003

2060 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 76,480

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 42,136,639

TOTAL POSITIONS 284.00
TOTAL ALL FUNDS 42,136,639

FLORIDA'S TURNPIKE SYSTEMS

FLORIDA'S TURNPIKE ENTERPRISE

APPROVED SALARY RATE 21,006,147

2061 SALARIES AND BENEFITS POSITIONS 494.00
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,839,039

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APPROPRIATION
2062 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,239,952

2063 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 27,007,023

2064 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 679,604

2065 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 490,000

2066 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 613,280

2067 SPECIAL CATEGORIES
TOLL OPERATION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 67,190,390

2068 SPECIAL CATEGORIES
PAYMENT TO EXPRESSWAY AUTHORITIES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,466,968

2069 SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 14,799,115

2070 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 250,245

2071 SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,000

2072 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,607,612

2073 FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 323,545

2074 FIXED CAPITAL OUTLAY
TRANSPORTATION HIGHWAY MAINTENANCE CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 35,814,276

2075 FIXED CAPITAL OUTLAY
INTRASTATE HIGHWAY CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT
TRUST FUND 9,011,238
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 310,562,635
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 829,875

2076 FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS

SECTION 5
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APPROPRIATION
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 7,182,688
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 41,105,634
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 251,750

2077 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 168,880,713

2078 FIXED CAPITAL OUTLAY
RESURFACING
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 42,098,663

2079 FIXED CAPITAL OUTLAY
BRIDGE CONSTRUCTION
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 8,416,099

2080 FIXED CAPITAL OUTLAY
PRELIMINARY ENGINEERING CONSULTANTS
FROM TURNPIKE RENEWAL AND REPLACEMENT TRUST FUND 12,031,965
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 127,734,714
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 6,646,040

From funds in Specific Appropriation 2080, $500,000 from the State Transportation (Primary) Trust Fund is provided for an interchange at Suncoast Parkway and Lutz.

2081 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY SUPPORT
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 1,204,175

2082 FIXED CAPITAL OUTLAY
BRIDGE INSPECTION
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,500,000

2083 FIXED CAPITAL OUTLAY
TURNPIKE SYSTEM EQUIPMENT AND DEVELOPMENT
FROM TURNPIKE GENERAL RESERVE TRUST FUND . 58,215,646

2084 FIXED CAPITAL OUTLAY
TOLLS SYSTEM EQUIPMENT AND DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 24,036,801

TOTAL: FLORIDA'S TURNPIKE ENTERPRISE
FROM TRUST FUNDS 1006,229,685

TOTAL POSITIONS 494.00
TOTAL ALL FUNDS 1006,229,685

TOTAL OF SECTION 5 POSITIONS 17,205.25

FROM GENERAL REVENUE FUND 414,988,346

FROM TRUST FUNDS 10999,014,066

TOTAL ALL FUNDS 11414,002,412

SECTION 6 - GENERAL GOVERNMENT

The monies contained herein are appropriated from the named funds to Administered Funds, Agency for Workforce Innovation, Department of Financial Services, Department of Business and Professional Regulation, Department of Citrus, Executive Office of the Governor, Department of Highway Safety and Motor Vehicles, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue, and the Department of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

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PROGRAM: ADMINISTERED FUNDS

2084A LUMP SUM
HURRICANE RELIEF FUNDING
FROM GENERAL REVENUE FUND 17,250,000

Funds in Specific Appropriation 2084A are provided to the following projects relating to relief and recovery from the 2004 hurricanes:

Okeechobee County Stormwater Pump Conveyance System.....	1,500,000
Institute for Human and Machine Cognition Hurricane Damage..	950,000
Hospice Hurricane Relief.....	300,000
Hurricane Damage: Grove Counseling Center, Inc.....	150,000
Removal of Wastewater Discharges from Pensacola Bay from Mainstreet Wastewater Treatment Plant.....	4,900,000
Non-FEMA/Insurance Reimbursement Expenses-Charlotte County School Board.....	1,500,000
Charlotte County Public Safety Complex.....	1,500,000
Emergency Ops Center-Palm Beach County.....	250,000
Building and road damage-Lake County.....	100,000
City of Ocoee Lake Shore Drive Repairs.....	100,000
Lake Wales Airport Economic Development.....	1,500,000
UWF Hurricane Damage Non-Reimbursable Expense.....	4,000,000
Hospital Damage Study.....	500,000

Funds provided above for the Hospital Damage Study are to support the study commission which addresses critical issues relating to hospitals serving indigent populations which sustained significant damage during the 2004 hurricane season. These funds are contingent upon Senate Bill 662 or similar legislation becoming law.

2085 LUMP SUM
PROJECT ASPIRE REMEDIATION
FROM GENERAL REVENUE FUND 4,872,889
FROM TRUST FUNDS 656,000

Funds provided in Specific Appropriation 2085 are to be placed in reserve. Each agency requesting remediation funds shall submit a funding proposal to the Executive Office of the Governor and the chair and vice chair of the Legislative Budget Commission. The funding proposal shall include a detailed description of the accounting and financial system functionality that is critically needed by the agency but which is not provided by the Aspire system. The Agency Chief Information Officers Council shall review each agency proposal and submit a recommendation to the Executive Office of the Governor and the chair and vice chair of the Legislative Budget Commission. Upon the submission of a recommendation by the council, an agency may request a budget amendment to transfer funds for implementation of the agency's funding proposal for approval by the Legislative Budget Commission.

2085A LUMP SUM
STATE BUILDING RENTAL INCREASE
FROM GENERAL REVENUE FUND 3,152,114
FROM TRUST FUNDS 3,152,115

Funds in Specific Appropriation 2085A are provided to implement increases in the state office-space rental rates in the Florida Facilities Pool. Implementation of the rate increases and distribution of funds to user agencies are contingent upon the completion of a detailed report, by the Department of Management Services, on the facilities pool and the department's Workspace Management Initiative. At a minimum, the report must: (1) provide an overview of the facilities pool assets and debt, capital deficiencies, rental revenues, and operations and maintenance costs; (2) address any proposed actions or recommendations to increase the occupancy rate in the pool, to reduce operation and maintenance costs, and to restructure or reduce bonded debt; and (3) address the anticipated impact the workspace initiative will have on the facilities pool, state agencies, and state funding. The department must submit the report to the Executive Office of the

SECTION 6
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Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council by August 15, 2005, and subsequently provide quarterly updates on both the facilities pool and the workspace initiative.

2086 LUMP SUM
SALARY INCREASES
FROM GENERAL REVENUE FUND 197,290,296
FROM TRUST FUNDS 77,104,962

2086A LUMP SUM
CASUALTY INSURANCE PREMIUM REDUCTION
FROM GENERAL REVENUE FUND . . . . . -10,100,000
FROM TRUST FUNDS . . . . . -4,000,000

2087 LUMP SUM
STATE HEALTH INSURANCE TRUST FUND DEFICIENCY
FROM GENERAL REVENUE FUND 23,072,076
FROM TRUST FUNDS 20,142,836

2088 LUMP SUM
EXECUTIVE AIRCRAFT POOL SUBSCRIPTIONS
FROM GENERAL REVENUE FUND 1,480,864
FROM TRUST FUNDS 300,000

2089 LUMP SUM
HUMAN RESOURCES OUTSOURCING CONTINGENCY
FROM GENERAL REVENUE FUND 300,000

2090A LUMP SUM
STRENGTHENING DOMESTIC SECURITY
FROM TRUST FUNDS 101,590,029

Funds are provided in Specific Appropriation 2090A to the following agencies for the listed projects:

Department of Agriculture and Consumer Services
Gamma Ray Equipment Maintenance Contracts..... 400,000
State Agricultural Response Team Equipment and Training..... 350,000
DACS Laboratory Equipment, Supplies, Accessories and Maintenance..... 243,000
High Security Tank Locks for Anhydrous Ammonia Storage Tanks 50,000
Training and Support for All Risk Incident Management Teams. 1,223,500

Department of Community Affairs
Enhance Local Domestic Security all Discipline Response Capabilities..... 775,275
State Coordinated Planning, Training, and Regional Exercises..... 2,200,000
Baseline Planning, Training, Exercises for Local and Regional Efforts..... 4,400,000
NIMS Resource Management Information System..... 2,000,000
State Emergency Operations Center MAPPER Maintenance..... 150,000
All discipline Multi Agency Coordination System Build-out in each Region..... 3,285,000
Citizen Corps..... 567,828
Metro Medical Response System (for distribution)..... 1,593,144
Urban Area Security Initiative (for distribution)..... 30,885,716
Jacksonville Transportation Authority (other rail)..... 300,000
Miami/Tri-county rail (commuter) and Miami-Dade Transit Authority (heavy/other rail)..... 1,800,000
Miami-Dade Transit Authority (Miami Intracity Bus)..... 600,000

Department of Environmental Protection
Planning and Equipment for State Environmental Response Team..... 140,000

Department of Financial Services
Sustain and Maintain Equipment for Regional Hazmat Response Teams..... 1,041,200
Equipment and Training for Urban Search and Rescue and Hazardous Material Teams..... 1,100,000

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Equipment for Specialty Teams for Multi-Day Deployment..... 375,000
Development of Hazardous Materials Decontamination Teams.... 572,660
Urban Search and Rescue/Hazardous Materials Training..... 3,626,500

Department of Highway Safety and Motor Vehicles
Florida Seaport Gate Control System..... 1,200,000
Expansion of Document Authentication System..... 261,440
Biometric Image Scan Capability..... 400,000

Department of Military Affairs
Radiological Monitoring and Advanced Chemical Detection Equipment for the 44th CST for Monitoring of Radiological Agents and Advanced Chemical Detection..... 40,095

Department of Education
Equipment and Planning to Enhance First Responder Communications in K-12 Schools..... 1,142,857
Notification/Alert Systems for University and Community College Campuses..... 857,143

Department of Health
Equipment for Statewide Triage System..... 590,000
Florida Emergency Mortuary Operations Response System (FEMORS) Equipment Mobile Unit..... 350,000
Security/Target Hardening for Hospitals..... 420,000
Hospital Surge Capacity - Conversion of Non-Clinical Space to Clinical Space for Surge Capacity..... 700,000
DOH Environmental Health Radiological Equipment..... 299,575
Health Medical ESF - County Health Department Radios..... 449,425
Enhance Local Domestic Security All Discipline Response Capabilities..... 268,984

Department of Law Enforcement
Equipment and Training for Regional SWAT and EOD Capabilities..... 4,915,800
Mobile Joint Information Center Packages..... 440,000
ThreatNet Enhancements and Integration..... 30,000
ThreatCom Domestic Security Task Forces Alert and Information System..... 51,180
Public Key Infrastructure Licenses for Secure Connectivity on CJNET..... 547,900
Two Additional Florida Law Enforcement Analyst Academies.... 211,223
Analyst Notebook Software Maintenance Fees..... 15,500
Additional Analyst Notebook Software Maintenance Fees..... 67,400
Secure Communications Packages..... 200,000
Threat Detection Equipment..... 454,000
Secure Intelligence Command Room Equipment..... 99,200
Analytic Tools to Investigate Terrorist Financing..... 24,704
Surveillance Platform with Interoperability for use by RDSTFs and Local Agencies..... 100,000
Capitol Police Radiation Detection Equipment..... 58,000
Capitol Police Infrastructure Protection Equipment..... 350,000
ODP Approved Training for Regional Specialty Teams..... 349,516
Domestic Security Management and Administration..... 407,523
Enhance Local Domestic Security Discipline Response Capabilities..... 2,455,741
Buffer Zone Protection Program (for distribution)..... 4,850,000
Regional Data Sharing Projects..... 9,410,000

Funds in Specific Appropriation 2090A, in the amount of $9,410,000, for Regional Data Sharing Projects are provided for law enforcement homeland security preparedness as follows:

Region 1 - Pensacola..... 510,000
Region 2 - Tallahassee..... 1,100,000
Region 3 - Jacksonville..... 500,000
Region 4 - Tampa..... 1,000,000
Region 5 - Orlando..... 1,600,000
Region 6 - Ft Myers..... 1,200,000
Region 7 - Miami..... 3,000,000
Connectivity Cost..... 500,000

Fish and Wildlife Conservation Commission
Deep Water Vessels for Waterborne Response Teams..... 427,000

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APPROPRIATION

Department of Management Services
Statewide Interoperable Communications Solution..... 10,767,000

Funds provided in Specific Appropriation 2090A for the Statewide Interoperable Communications Solution and reappropriated funds in sections 31 and 32 of this Act are contingent on the submission of a 5-year plan by the Department of Management Services to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council on the development and implementation of the state Interoperability Network and Mutual Aid Buildout including the proposed governance structure and progress on implementation. The plan shall be submitted by October 1, 2005, and include but not be limited to:

1. Detailed budget estimates for the project for the next five fiscal years beginning with Fiscal Year 2005-2006. The estimates shall segregate state costs from costs paid for by other project participants.

2. Identification of factors that may influence future costs including, but not limited to, equipment, maintenance, and replacement costs.

3. A funding strategy to address continued network operation following future reductions in federal funding and other unanticipated changes in available funding.

4. Detailed timelines noting major milestones and projected budget expenditures required to reach project completion by the target date.

5. Measures to assess project performance, timeliness, and cost efficiencies achieved.

The proposed governance structure shall include an outline of the current project components for which the department is responsible and those project functions that have been privately contracted. The governance structure shall specifically address oversight of project funding, operation, and administration, including contract management.

Hardening Critical Infrastructure - Shared Resource Center and State Emergency Operations Center..... 700,000

2091 LUMP SUM
RETIREMENT ADJUSTMENT
FROM GENERAL REVENUE FUND 12,119,072
FROM TRUST FUNDS 8,300,000

2091A SPECIAL CATEGORIES
INFORMATION TECHNOLOGY
FROM TRUST FUNDS 90,167,025

2092 SPECIAL CATEGORIES
ASSOCIATION DUES
FROM GENERAL REVENUE FUND 182,170

2093 SPECIAL CATEGORIES
DEFICIENCY
FROM GENERAL REVENUE FUND 400,000

2094 SPECIAL CATEGORIES
EMERGENCY
FROM GENERAL REVENUE FUND 250,000

2095 SPECIAL CATEGORIES
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION - ADMINISTRATIVE APPEALS
FROM GENERAL REVENUE FUND 4,756

2096 SPECIAL CATEGORIES
TRANSFER TO PLANNING AND BUDGETING SYSTEM TRUST FUND
FROM GENERAL REVENUE FUND 4,934,905

2096A SPECIAL CATEGORIES
STATE MATCH FOR DISASTERS
FROM GENERAL REVENUE FUND 141,681,130

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TOTAL: PROGRAM: ADMINISTERED FUNDS
FROM GENERAL REVENUE FUND 396,890,272
FROM TRUST FUNDS 297,412,967

TOTAL ALL FUNDS 694,303,239

AGENCY FOR WORKFORCE INNOVATION

From the funds in Specific Appropriations 2097 through 2162L, any expenditures from the Temporary Assistance for Needy Families (TANF) Block Grant must be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the Department of Children and Family Services, each provider shall identify the number of clients to be served and certify their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified.

The agency head shall certify that controls are in place to ensure that such funds are expended in accordance with the requirements and limitations of federal law and that reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

From the funds in Specific Appropriations 2097 through 2162L, no funds shall be used to pay for space being leased by the Agency for Workforce Innovation or a Regional Workforce Board if it has been determined that there is no longer a need for the leased space.

EXECUTIVE DIRECTION AND SUPPORT SERVICES

EXECUTIVE LEADERSHIP

APPROVED SALARY RATE 2,604,237

2097 SALARIES AND BENEFITS POSITIONS 46.00
FROM GENERAL REVENUE FUND 293,511
FROM ADMINISTRATIVE TRUST FUND 3,385,702
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 165,718

2098 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 20,000

2099 EXPENSES
FROM GENERAL REVENUE FUND 148,218
FROM ADMINISTRATIVE TRUST FUND 845,915
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 55,071

2100 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,600
FROM ADMINISTRATIVE TRUST FUND 23,463

2101 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 314
FROM ADMINISTRATIVE TRUST FUND 21,739
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 1,123

2102 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 677
FROM ADMINISTRATIVE TRUST FUND 15,416
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 1,229

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TOTAL: EXECUTIVE LEADERSHIP
FROM GENERAL REVENUE FUND 446,320
FROM TRUST FUNDS 4,535,376

TOTAL POSITIONS 46.00
TOTAL ALL FUNDS 4,981,696

AGENCY SUPPORT SERVICES

APPROVED SALARY RATE 7,574,528

2103 SALARIES AND BENEFITS POSITIONS 162.50
FROM GENERAL REVENUE FUND 390,826
FROM ADMINISTRATIVE TRUST FUND 5,074,566
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 453,527
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 2,912,730
FROM REVOLVING TRUST FUND 1,392,856

2104 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 270,295
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 86,149
FROM REVOLVING TRUST FUND 706,181

2105 EXPENSES
FROM GENERAL REVENUE FUND 361,341
FROM ADMINISTRATIVE TRUST FUND 2,103,316
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 90,141
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,104,906
FROM REVOLVING TRUST FUND 1,732,879

2106 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,600
FROM ADMINISTRATIVE TRUST FUND 72,029
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 387,470

2106A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 300,000
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 300,000

2107 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 471
FROM ADMINISTRATIVE TRUST FUND 52,867
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 2,247
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 24,269
FROM REVOLVING TRUST FUND 13,765

2108 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,403
FROM ADMINISTRATIVE TRUST FUND 31,881
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 2,458
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 18,260
FROM REVOLVING TRUST FUND 8,705

2109 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM ADMINISTRATIVE TRUST FUND 399,522

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2110 FIXED CAPITAL OUTLAY
REED ACT BUILDINGS PROJECTS - STATEWIDE
FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 360,000

2111 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM ADMINISTRATIVE TRUST FUND 88,130

TOTAL: AGENCY SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,057,641
FROM TRUST FUNDS 17,689,149

TOTAL POSITIONS 162.50
TOTAL ALL FUNDS 18,746,790

PROGRAM: WORKFORCE SERVICES

PROGRAM SUPPORT

APPROVED SALARY RATE 27,631,848

It is the intent of the Legislature that the administration and delivery of workforce services and programs that are currently provided by agency employees working in One Stop Career Centers operated by the Regional Workforce Boards may be transferred from the Agency for Workforce Innovation to the Regional Workforce Boards. Such transfers shall only occur if the agency determines that the Regional Workforce Boards would more effectively and efficiently deliver services and if such transfers comply with applicable federal regulations. For all transfers made, the agency shall submit budget amendments pursuant to chapter 216, Florida Statutes, to move positions to the Executive Office of the Governor's reserve and realign the budget into the appropriate operating budget appropriation categories to implement the transfer of programs and service delivery to the Regional Workforce Boards.

From the funds in Specific Appropriations 2112 through 2126, the Agency for Workforce Innovation shall determine whether any funds provided for specific workforce programs, projects or initiatives are not an allowable use of federal funds. If the agency finds that any project or initiative for which funds are specifically appropriated in this act is not an allowable use of federal funds, the agency shall notify the Executive Office of the Governor, the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council.

2112 SALARIES AND BENEFITS POSITIONS 806.49
FROM GENERAL REVENUE FUND 60,774
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 37,119,116
FROM WELFARE TRANSITION TRUST FUND 1,093,313

2113 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 5,476,885
FROM WELFARE TRANSITION TRUST FUND 65,313

2114 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 9,619,079
FROM WELFARE TRANSITION TRUST FUND 761,843
FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 50,000

2115 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 112,914
FROM WELFARE TRANSITION TRUST FUND 26,424
FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 425,880

2116 LUMP SUM
ONE STOP MANAGEMENT INFORMATION SYSTEM
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 1,800,000

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2117 LUMP SUM
RESERVE FOR FEDERAL FUNDING OPPORTUNITIES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 10,000,000

2118 SPECIAL CATEGORIES
NON CUSTODIAL PARENT PROGRAM
FROM WELFARE TRANSITION TRUST FUND 1,416,000

From the funds provided in Specific Appropriation 2118, $750,000 is provided for the Noncustodial Parent Program in Pinellas, Pasco and Hillsborough counties. The Pinellas Workforce Board (WorkNet) shall administer the funds, which shall be maintained as a single project for the three counties.

From the funds in Specific Appropriation 2118, $666,000 is provided to expand Gulf Coast Community Care's current Noncustodial Parent Program in Miami-Dade County, which shall be administered by the South Florida Workforce Board.

2119 SPECIAL CATEGORIES
CONTRACT PAYMENTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 15,422,834
FROM WELFARE TRANSITION TRUST FUND 575,000

2120 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 1,371,483
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 8,313,127

2121 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL WORKFORCE
BOARDS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 144,269,017
FROM WELFARE TRANSITION TRUST FUND 101,813,840

Funds provided in Specific Appropriation 2121 from the Welfare Transition Trust Fund shall be allocated for workforce services based on a plan approved by Workforce Florida, Inc. The plan shall identify funds provided for state-level and discretionary initiatives, and shall maximize funds distributed directly to the Regional Workforce Boards. The plan shall provide for equitable distribution of funds to the boards based on anticipated client caseload and the achievement of performance standards. Copies of the proposed allocation shall be provided to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council.

From the funds in Specific Appropriation 2121, $500,000 from the Employment Security Administration Trust Fund is provided for the Youth Summer Jobs Program in Broward County.

From the funds in Specific Appropriation 2121, $500,000 from Employment Security Administration Trust Fund is provided to continue and expand the Jobs For Our Students Program that was funded in Fiscal Year 2004-2005.

From the non-recurring Welfare Transition Trust Funds in Specific Appropriation 2121, $2,000,000 is provided to continue the Passport to Economic Progress programs in Hillsborough, Manatee, and Sarasota counties. Funds provided to the Regional Workforce Boards in Specific Appropriation 2121 may be used for Passport to Economic Progress programs in other counties contingent upon legislation authorizing statewide expansion becoming law.

2122 SPECIAL CATEGORIES
GRANTS AND AIDS - WORKFORCE SERVICES
FROM GENERAL REVENUE FUND 200,000
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 30,789,856

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2123 SPECIAL CATEGORIES
GRANTS AND AIDS - DISPLACED HOMEMAKERS
FROM GENERAL REVENUE FUND 23,676
FROM DISPLACED HOMEMAKER TRUST FUND . . . 2,060,024

2124 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,126,879
FROM WELFARE TRANSITION TRUST FUND 37,080

2125 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 537
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 328,138
FROM WELFARE TRANSITION TRUST FUND 11,426

2125A SPECIAL CATEGORIES
GRANTS AND AIDS - MAJOR DISASTER 2004-05 -
HURRICANE CHARLEY - FEMA DECLARATION #1539
- STATE OPERATIONS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 26,790,588

2126 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,825,866
FROM WELFARE TRANSITION TRUST FUND 200,000

TOTAL: PROGRAM SUPPORT
FROM GENERAL REVENUE FUND 1,656,470
FROM TRUST FUNDS 401,530,442

TOTAL POSITIONS 806.49
TOTAL ALL FUNDS 403,186,912

UNEMPLOYMENT COMPENSATION

APPROVED SALARY RATE 16,463,749

2127 SALARIES AND BENEFITS POSITIONS 461.00
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 22,379,316

2128 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 5,500,000

2129 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 7,500,000

2130 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 314,258

2131 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 26,692,426

2132 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 262,450

2133 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES

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PURCHASED PER STATEWIDE CONTRACT
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 236,888

2134 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 6,484,053

TOTAL: UNEMPLOYMENT COMPENSATION
FROM TRUST FUNDS 69,369,391

TOTAL POSITIONS 461.00
TOTAL ALL FUNDS 69,369,391

WORKFORCE FLORIDA, INC.

APPROVED SALARY RATE 768,680

2135 SALARIES AND BENEFITS POSITIONS 11.00
FROM ADMINISTRATIVE TRUST FUND 998,558

2137 SPECIAL CATEGORIES
WORKFORCE FLORIDA INC. OPERATIONS
FROM GENERAL REVENUE FUND 364,254
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 734,295
FROM WELFARE TRANSITION TRUST FUND 1,005,960
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 150,748

2138 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 393
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,433
FROM WELFARE TRANSITION TRUST FUND 1,084
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 162

2139 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 529
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,929
FROM WELFARE TRANSITION TRUST FUND 1,459
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 219

2140 SPECIAL CATEGORIES
QUICK RESPONSE TRAINING
FROM SPECIAL EMPLOYMENT SECURITY
ADMINISTRATION TRUST FUND 5,000,000

TOTAL: WORKFORCE FLORIDA, INC.
FROM GENERAL REVENUE FUND 365,176
FROM TRUST FUNDS 7,895,847

TOTAL POSITIONS 11.00
TOTAL ALL FUNDS 8,261,023

UNEMPLOYMENT APPEALS COMMISSION

APPROVED SALARY RATE 1,851,764

2141 SALARIES AND BENEFITS POSITIONS 30.00
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 2,261,200

2142 SPECIAL CATEGORIES
UNEMPLOYMENT APPEALS COMMISSION OPERATIONS

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FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 415,569

2143 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 8,832

2144 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 11,656

2145 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 4,050

TOTAL: UNEMPLOYMENT APPEALS COMMISSION
FROM TRUST FUNDS 2,701,307

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 2,701,307

EARLY LEARNING

EARLY LEARNING SERVICES

APPROVED SALARY RATE 3,005,312

2162A SALARIES AND BENEFITS POSITIONS 58.00
FROM GENERAL REVENUE FUND 3,355,399
FROM CHILD CARE AND DEVELOPMENT BLOCK
GRANT TRUST FUND 1,457,123

2162B OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 32,500
FROM CHILD CARE AND DEVELOPMENT BLOCK
GRANT TRUST FUND 35,000

2162C EXPENSES
FROM GENERAL REVENUE FUND 543,341
FROM CHILD CARE AND DEVELOPMENT BLOCK
GRANT TRUST FUND 872,508

2162D AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND
GRANTS
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,000,000

2162E OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 32,250
FROM CHILD CARE AND DEVELOPMENT BLOCK
GRANT TRUST FUND 15,000

2162F SPECIAL CATEGORIES
SCHOOL READINESS SERVICES
FROM GENERAL REVENUE FUND 166,400

From the funds in Specific Appropriation 2162F, $166,400 is provided for Parental Workforce Development Childcare Services.

2162G SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL READINESS
SERVICES
FROM GENERAL REVENUE FUND 172,474,148
FROM CHILD CARE AND DEVELOPMENT BLOCK
GRANT TRUST FUND 373,909,382
FROM EMPLOYMENT SECURITY ADMINISTRATION
TRUST FUND 1,200,000
FROM WELFARE TRANSITION TRUST FUND 111,727,724

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Funds in Specific Appropriation 2162G from the Child Care and Development Block Grant Trust Fund may be used to enhance the quality of child care through the Teacher Education and Compensation Helps Program (T.E.A.C.H.).

A minimum of $750,000 from the Welfare Transition Trust Fund in Specific Appropriation 2162G, along with $200,000 from the General Revenue Fund from Specific Appropriation 2162G, shall be used for the Home Instruction Program for Pre-School Youngsters (HIPPY) at the University of South Florida. From the Welfare Transition Trust Fund in Specific Appropriation 2162G, $150,000 shall be used for the HIPPY program in Desoto County, and $100,000 shall be used for the HIPPY program in Sarasota County.

Funds in Specific Appropriation 2162G from the Child Care and Development Block Grant Trust Fund may be used to provide a rate differential or stipend to programs which reach the Gold Seal Quality Care designation. The rate differential shall not exceed twenty percent of the reimbursement rate.

Funds in Specific Appropriation 2162G require a match from local sources for working poor eligible participants of six percent on child care slots. In-kind match is allowable provided there is not a reduction in the number of slots or level of services from the provision of in-kind match. The Agency for Workforce Innovation may adopt a policy to grant a waiver of the six percent match requirement to a rural county that demonstrates a significant hardship in meeting the match requirement.

From the funds in Specific Appropriation 2162G, the Agency for Workforce Innovation shall designate an amount to be used for the Child Care Executive Partnership Program as match to expand the provision of services to low income families at or below 200 percent of poverty as defined in section 409.178, Florida Statutes. Funds for this program may be used to match funds for statewide contracts.

2162H SPECIAL CATEGORIES
GRANTS AND AIDS - DATA SYSTEMS FOR SCHOOL READINESS
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 2,056,925

2162I SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 6,236
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 10,800

2162J SPECIAL CATEGORIES
GRANTS AND AIDS - VOLUNTARY PREKINDERGARTEN PROGRAM
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 387,137,762

Funds in Specific Appropriation 2162J shall be initially allocated to Early Learning Coalitions as indicated below to fund the voluntary prekindergarten education program established in chapter 1002, Part V, Florida Statutes. Pursuant to the provisions of section 1002.71 (3)(a), Florida Statutes, the base student allocation per full-time equivalent student in the program for the Fiscal Year 2005-2006 shall be $2,500. The allocation includes 5 percent in addition to the base student allocation to fund administrative and other program costs of the Early Learning Coalitions relating to the voluntary prekindergarten education program. The initial allocation is based on estimated student enrollment in each coalition service area. The Agency for Workforce Innovation shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area.

Funds in Specific Appropriation 2162J shall be allocated to the coalitions as follows:

Alachua..... 4,120,540
Bay, Calhoun, Gulf, Franklin, Washington, Holmes, Jackson... 5,638,970
Brevard..... 9,573,606
Broward..... 43,494,551
Charlotte, DeSoto, Highlands, Hardee..... 4,921,554
Clay, Nassau, Baker, Bradford..... 6,506,785
Columbia, Hamilton, Lafayette, Union, Suwannee..... 2,743,267
Dade, Monroe..... 63,250,365
Dixie, Gilchrist, Levy, Citrus, Sumter..... 4,182,575
Duval..... 21,636,624
Escambia..... 6,289,222
Hendry, Glades, Collier, Lee..... 17,394,671
Hillsborough..... 28,053,359
Jefferson, Liberty, Madison, Wakulla, Taylor..... 1,646,024
Lake..... 4,777,776
Leon, Gadsden..... 6,364,169
Manatee..... 5,973,000
Marion..... 5,422,779
Martin, Okeechobee, Indian River..... 5,116,731
Okaloosa, Walton..... 4,872,231
Orange..... 25,812,151
Osceola..... 5,894,537
Palm Beach..... 27,591,335
Pasco, Hernando..... 10,308,948
Pinellas..... 17,049,025
Polk..... 12,151,157
Putnam, St. Johns..... 4,628,989
St. Lucie..... 4,411,913
Santa Rosa..... 3,066,838
Sarasota..... 5,077,884
Seminole..... 9,752,203
Volusia, Flagler..... 9,413,983

2162K SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 14,061
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 8,256

2162L DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM CHILD CARE AND DEVELOPMENT BLOCK GRANT TRUST FUND 65,290

TOTAL: EARLY LEARNING SERVICES
FROM GENERAL REVENUE FUND 176,624,335
FROM TRUST FUNDS 879,495,770

TOTAL POSITIONS 58.00
TOTAL ALL FUNDS 1056,120,105

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY AND ADMINISTRATION

FLORIDA BOXING COMMISSION

APPROVED SALARY RATE 131,195

2163 SALARIES AND BENEFITS POSITIONS 3.00
FROM PROFESSIONAL REGULATION TRUST FUND . 209,305

2164 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 60,081

2165 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 94,149

2166 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 14,953

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2167 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . . . 1,119

TOTAL: FLORIDA BOXING COMMISSION
FROM TRUST FUNDS 379,607

TOTAL POSITIONS 3.00
TOTAL ALL FUNDS 379,607

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 7,952,561

2168 SALARIES AND BENEFITS POSITIONS 169.50
FROM ADMINISTRATIVE TRUST FUND 9,874,413

2169 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 677,920

2170 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 2,549,296

2171 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 77,346

2172 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 20,000

2173 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 504,623

2174 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 88,481

2175 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 1,560

2176 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 84,493

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 13,878,132

TOTAL POSITIONS 169.50
TOTAL ALL FUNDS 13,878,132

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 2,174,356

2177 SALARIES AND BENEFITS POSITIONS 44.00
FROM ADMINISTRATIVE TRUST FUND 2,783,032

2178 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 80,000

2179 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 1,961,230

2180 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 145,000

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From the funds in Specific Appropriation 2180, $120,000 from the Administrative Trust Fund is provided for the purchase and installation of emergency generators at the Customer Contact Center and Northwood Centre Server Room at the Department of Business and Professional Regulation. Prior to release of funds, the department must assess the current emergency power capacity needs and recovery time requirements for the Customer Contact Center and Northwood Centre Server Room. The department shall describe and itemize the type, capacity, and cost of the equipment to be purchased for the project and submit this documentation to the Executive Office of the Governor with the budget amendment requesting release of the funds pursuant to chapter 216, Florida Statutes.

2181 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 28,843

2182 SPECIAL CATEGORIES
TECHNOLOGY SOLUTIONS FOR DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FROM ADMINISTRATIVE TRUST FUND 5,107,608

Funds in Specific Appropriation 2182 shall be placed in reserve by the Executive Office of the Governor. Prior to the release of these funds for the benefit-share payments associated with the Reengineering and Technology Project for the On-Line Licensing System and Call Center Services, the Department of Business and Professional Regulation shall provide a report to the chair and vice chair of the Legislative Budget Commission that identifies and analyzes: the anticipated costs and benefits associated with additions, deletions, and transfers of positions; any adjustments in FTE savings derived from workload adjustments; and any system enhancements or continuous improvement initiatives relating to the Reengineering and Technology project for the On-Line Licensing System and Call Center Services for Fiscal Year 2005-2006. The analysis shall clearly describe the projected costs and prospective funding source(s), the projected savings and benefits and the plans for realizing these benefits, and the impact on the benefit-share payment. Upon submission of this information, the department shall request release approval pursuant to the provisions in chapter 216, Florida Statutes. The department shall provide to the Office of Policy & Budget, the chair and vice chair of the Legislative Budget Commission, and the Joint Legislative Auditing Committee immediate notification of any changes in the assumptions or methodology that may result in an adjustment of 10 percent or more in the semi-annual calculated benefit-share payment under Exhibit C of the contract for the Reengineering and Technology project for the On-Line Licensing System and Call Center Services.

2182A SPECIAL CATEGORIES
DEPARTMENT WIDE DOCUMENT MANAGEMENT SYSTEM
FROM ADMINISTRATIVE TRUST FUND 2,500,000

Funds in Specific Appropriation 2182A are provided for the implementation of a department-wide document management system. Of this amount, $2,400,000 shall be held in the Executive Office of the Governor reserve pending submission of a feasibility study. The study shall (1) perform a comprehensive analysis of the policies, processes, and work flows to identify ways of reducing the amount of paper required to be submitted for licensure and regulation, (2) develop clear requirements for management of documents, and (3) identify and quantify initial and ongoing costs and business benefits of a technology solution for the document management system to produce a positive return on investment. Based on the results of the study, the department is authorized to submit a release request in accordance with the provisions of chapter 216, Florida Statutes.

2183 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 18,238

2184 SPECIAL CATEGORIES
MAINTENANCE AND SUPPORT CONTRACT FOR

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SINGLE LICENSING SYSTEM
FROM ADMINISTRATIVE TRUST FUND 4,550,860

2185 DATA PROCESSING SERVICES
TECHNOLOGY RESOURCE CENTER - DEPARTMENT OF MANAGEMENT SERVICES
FROM ADMINISTRATIVE TRUST FUND 100,000

TOTAL: INFORMATION TECHNOLOGY
FROM TRUST FUNDS 17,274,811

TOTAL POSITIONS 44.00
TOTAL ALL FUNDS 17,274,811

PROGRAM: SERVICE OPERATION

CUSTOMER CONTACT CENTER

APPROVED SALARY RATE 2,491,707

2186 SALARIES AND BENEFITS POSITIONS 82.00
FROM ADMINISTRATIVE TRUST FUND 3,254,000

2187 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 225,000

2188 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 523,518

2189 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 3,000

2190 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 7,773

TOTAL: CUSTOMER CONTACT CENTER
FROM TRUST FUNDS 4,013,291

TOTAL POSITIONS 82.00
TOTAL ALL FUNDS 4,013,291

CENTRAL INTAKE

APPROVED SALARY RATE 3,156,162

2191 SALARIES AND BENEFITS POSITIONS 102.50
FROM ADMINISTRATIVE TRUST FUND 4,124,930

2192 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 540,600

2193 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 1,491,410

2194 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 3,000

2195 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 42,675

TOTAL: CENTRAL INTAKE
FROM TRUST FUNDS 6,202,615

TOTAL POSITIONS 102.50
TOTAL ALL FUNDS 6,202,615

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TESTING AND CONTINUING EDUCATION

APPROVED SALARY RATE 1,500,920

2196 SALARIES AND BENEFITS POSITIONS 46.00
FROM PROFESSIONAL REGULATION TRUST FUND . 1,954,428

2197 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 469,138

2198 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 3,000

2199 SPECIAL CATEGORIES
EXAMINATION TESTING SERVICES FOR PROFESSIONAL REGULATION
FROM PROFESSIONAL REGULATION TRUST FUND . 1,407,052

2200 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 2,837

TOTAL: TESTING AND CONTINUING EDUCATION
FROM TRUST FUNDS 3,836,455

TOTAL POSITIONS 46.00
TOTAL ALL FUNDS 3,836,455

PROGRAM: PROFESSIONAL REGULATION

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 7,194,175

2201 SALARIES AND BENEFITS POSITIONS 188.00
FROM PROFESSIONAL REGULATION TRUST FUND . 9,064,466

2202 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 18,750

2203 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,684,375

2204 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 8,340

2205 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND . 216,000

2206 SPECIAL CATEGORIES
UNLICENSED ACTIVITIES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,180,050

From the funds in Specific Appropriation 2206, up to $300,000 from the Professional Regulation Trust Fund is provided to the Department of Business and Professional Regulation to prevent, combat, and publicize the dangers of unlicensed real estate activity in Florida. The department shall develop, implement, and maintain an unlicensed activity campaign in consultation with a corporation registered under chapter 617, Florida Statutes, as a not-for-profit corporation registered under the Internal Revenue Service Code as a 501(c)(6) corporation that represents the largest number of licensed Florida real estate professionals. The campaign shall encompass media production, advertising, and other techniques that the department may wish to utilize after first consulting with the not-for-profit corporation. Special emphasis shall be placed on the investigation and prosecution of unlicensed real estate activities. To further the purpose of the unlicensed activity campaign, the department shall be authorized to accept in-kind contributions of services, media production, or advertising materials from the not-for-profit corporation. Any advertising, media, or materials produced as a result of contributions

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shall carry acknowledgements of joint production and sponsorship. The department may also coordinate its efforts with other state agencies, including those regulating the mortgage and title insurance industries.

From the funds in Specific Appropriation 2206, up to $200,000 from the Professional Regulation Trust Fund is provided to the Department of Business and Professional Regulation to institute an unlicensed activity campaign for the purpose of informing and educating the public: (1) that public accounting is a regulated profession with requirements of licensure pursuant to chapter 473, Florida Statutes; (2) that some services provided by unlicensed individuals, although legal, are regulated when provided by a licensed Florida Certified Public Accountant; and (3) that certain services may only be performed by a licensed Florida Certified Public Accountant. The department shall develop the campaign in consultation with a corporation registered under chapter 617, Florida Statutes, as a not-for-profit corporation and registered under the Internal Revenue Service Code as a 501 (c)(6) corporation and which represents the largest number of licensed Florida Certified Public Accountants. Any advertising, media, or materials produced as a result of contributions shall carry acknowledgements of joint production and sponsorship. The department may not allocate overhead charges to these unlicensed activity campaign funds.

2207 SPECIAL CATEGORIES
CLAIMS PAYMENTS FROM CONSTRUCTION RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 4,000,000

2208 SPECIAL CATEGORIES
CLAIMS PAYMENT/AUCTIONEER RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 100,000

2209 SPECIAL CATEGORIES
TRANSFER ARCHITECT & INTERIOR DESIGN ACTIVITIES CH. 2002-274
FROM PROFESSIONAL REGULATION TRUST FUND . 525,239

2210 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 213,327

2211 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . 77,630

2212 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 450,000

2213 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM PROFESSIONAL REGULATION TRUST FUND . 45,312

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 17,583,489

TOTAL POSITIONS 188.00
TOTAL ALL FUNDS 17,583,489

STANDARDS AND LICENSURE

APPROVED SALARY RATE 2,142,673

2214 SALARIES AND BENEFITS POSITIONS 48.00
FROM PROFESSIONAL REGULATION TRUST FUND . 2,617,016

2215 OTHER PERSONAL SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 532,177

2216 EXPENSES
FROM PROFESSIONAL REGULATION TRUST FUND . 1,793,158

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2217 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 14,660

2218 SPECIAL CATEGORIES
LEGAL SERVICES CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . 763,732

2219 SPECIAL CATEGORIES
CONTINUING EDUCATION
FROM PROFESSIONAL REGULATION TRUST FUND . 1,500

2220 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PROFESSIONAL REGULATION TRUST FUND . 38,416

2221 SPECIAL CATEGORIES
MINORITY SCHOLARSHIPS - CERTIFIED PUBLIC ACCOUNTING
FROM PROFESSIONAL REGULATION TRUST FUND . 100,000

2222 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PROFESSIONAL REGULATION TRUST FUND . 66,997

2223 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENGINEERING MANAGEMENT CORPORATION (FEMC) CONTRACTED SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 2,170,000

2224 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM PROFESSIONAL REGULATION TRUST FUND . 8,546,706

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 16,644,362

TOTAL POSITIONS 48.00
TOTAL ALL FUNDS 16,644,362

PROGRAM: PARI-MUTUEL WAGERING

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 405,231

2224A SALARIES AND BENEFITS POSITIONS 11.00
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 494,531

2224B EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 67,393

2224C SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 26,796

2224D SPECIAL CATEGORIES
PARI-MUTUEL LABORATORY CONTRACTED SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 2,360,000

2224E SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 4,467

2224F SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 3,284

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TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 2,956,471

TOTAL POSITIONS 11.00
TOTAL ALL FUNDS 2,956,471

STANDARDS AND LICENSURE

APPROVED SALARY RATE 1,235,576

2224G SALARIES AND BENEFITS POSITIONS 30.00
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,585,889

2224H OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,920,666

From the funds in Specific Appropriation 2224H, $300,000 from the Pari-mutuel Wagering Trust Fund is provided for research that will provide specific recommendations regarding the elimination of performance altering drugs in pari-mutuel industries.

2224I EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 406,179

2224J OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 18,032

2224K SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 24,802

2224L SPECIAL CATEGORIES
GRANTS AND AIDS - STATE UNIVERSITY SYSTEM (INDUSTRY RESEARCH)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 300,000

Funds in Specific Appropriation 2224L are provided for the pari-mutuel wagering funded research and development program. The University of Florida and the Department of Business and Professional Regulation shall jointly prioritize the programs or projects and administer the distribution of funds.

2224M SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 204,965

2224N SPECIAL CATEGORIES
REGULATION OF PARI-MUTUEL INDUSTRIES (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 167,959

2224O SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 41,816

2224P SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 9,851

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 4,680,159

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 4,680,159

TAX COLLECTION

APPROVED SALARY RATE 814,915

2224Q SALARIES AND BENEFITS POSITIONS 21.00
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 1,097,176

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2224R OTHER PERSONAL SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 115,000

2224S EXPENSES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 194,120

2224T AID TO LOCAL GOVERNMENTS
CARDROOM TAX REVENUE DISTRIBUTED TO LOCAL GOVERNMENTS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 231,231

2224U SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 3,197

2224V SPECIAL CATEGORIES
TAX COLLECTION (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 60,725

2224W SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 9,443

2224X SPECIAL CATEGORIES
CONTRACT FOR PARI-MUTUEL WAGERING COMPLIANCE AND AUDIT SYSTEM
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 296,476

2224Y SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 3,284

TOTAL: TAX COLLECTION
FROM TRUST FUNDS 2,010,652

TOTAL POSITIONS 21.00
TOTAL ALL FUNDS 2,010,652

PROGRAM: HOTELS AND RESTAURANTS

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 8,767,365

2239 SALARIES AND BENEFITS POSITIONS 257.00
FROM HOTEL AND RESTAURANT TRUST FUND . . . 11,738,748

2240 OTHER PERSONAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 9,500

2241 EXPENSES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 1,997,302

2242 OPERATING CAPITAL OUTLAY
FROM HOTEL AND RESTAURANT TRUST FUND . . . 8,500

2243 SPECIAL CATEGORIES
TRANSFERS TO DEPARTMENT OF HEALTH FOR EPIDEMIOLOGICAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 418,416

2244 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL-TO-CAREER
FROM HOTEL AND RESTAURANT TRUST FUND . . . 150,000

2245 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HOTEL AND RESTAURANT TRUST FUND . . . 696,955

2246 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT

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SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM HOTEL AND RESTAURANT TRUST FUND . . . 116,134

2247 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM HOTEL AND RESTAURANT TRUST FUND . . . 784,792

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 15,920,347

TOTAL POSITIONS 257.00
TOTAL ALL FUNDS 15,920,347

PROGRAM: ALCOHOLIC BEVERAGES AND TOBACCO

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 9,130,220

2248 SALARIES AND BENEFITS POSITIONS 205.75
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 12,559,219

2249 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 7,075

2250 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 1,670,097

2251 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 315,644

2252 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL
VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 400,081

2253 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 554,197

2254 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 235,176

2255 SPECIAL CATEGORIES
TRANSFER FOR CONTRACTED DISPATCH SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 140,000

2256 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 81,141

2257 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 117,338

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 16,079,968

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TOTAL POSITIONS 205.75
TOTAL ALL FUNDS 16,079,968

STANDARDS AND LICENSURE

APPROVED SALARY RATE 2,143,360

2258 SALARIES AND BENEFITS POSITIONS 61.00
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 2,845,513

2259 OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 800

2260 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 553,201

2261 AID TO LOCAL GOVERNMENTS
BEVERAGE LICENSE TO CITIES AND COUNTIES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 11,244,000

2262 OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 5,000

2263 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 12,564

2264 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT
SERVICES - HUMAN RESOURCES SERVICES
PURCHASED PER STATEWIDE CONTRACT
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 24,937

2265 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 352,014

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 15,038,029

TOTAL POSITIONS 61.00
TOTAL ALL FUNDS 15,038,029

TAX COLLECTION

APPROVED SALARY RATE 3,645,238

2266 SALARIES AND BENEFITS POSITIONS 106.00
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 4,812,726

2267 EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 803,010

2268 SPECIAL CATEGORIES
CIGARETTE TAX STAMPS
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 559,600

2269 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ALCOHOLIC BEVERAGE AND TOBACCO
TRUST FUND 10,636

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2270 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 46,900

2272 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 117,338

TOTAL: TAX COLLECTION
FROM TRUST FUNDS 6,350,210

TOTAL POSITIONS 106.00
TOTAL ALL FUNDS 6,350,210

PROGRAM: FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 3,193,781

2273 SALARIES AND BENEFITS POSITIONS 86.00
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 4,085,615

From the funds in Specific Appropriations 2273, 2275, 2276, and 2278, $49,497 and two positions are to be held in reserve pending certification of need by the Department of Business and Professional Regulation. The department shall submit reports on a quarterly basis to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, the chair of the House Fiscal Council, the Senate Regulated Industry Committee, the House Business Regulation Committee, and the Office of Program Policy Analysis and Government Accountability related to its responsibilities defined in section 718.501, Florida Statutes. The quarterly report shall include, but not be limited to the following data: the number of training programs provided for condominium association board members and unit owners; the number of complaints received by type; the number and percent of complaints acknowledged in writing within 30 days as required by section 718.501(1)(m), Florida Statutes; the number and percent of investigations acted upon within 90 days as required by section 718.501(1)(m), Florida Statutes; and the number of investigations that are continuing in excess of the 90-day requirement with reasons that cases required more than 90 days to close.

The department shall monitor caseloads, timeliness of responses to complaints and investigations, and prepare an analysis of the resources and staffing required by the Division of Land Sales, Condominiums, and Mobile Homes to maintain compliance with the requirements of section 718.501, Florida Statutes. In addition, the department shall evaluate core business processes associated with the complaint handling, in order to determine improvements in response time and efficiencies in the complaint review process.

In addition, the department shall evaluate non-jurisdictional complaints to determine if any categories of complaints warrant statutory changes providing additional authority for resolution. The department shall include any recommendations for making such statutory changes in its quarterly reports.

If the department determines that the workload justifies additional staffing, it shall request, through the Executive Office of the Governor, pursuant to section 216.181, Florida Statutes, authorization to release justified positions, associated salary rate, and appropriated funds.

From the funds in Specific Appropriations 2273, 2275, 2276, and 2278, six positions and $444,029 are provided for the Office of the Condominium Ombudsman. Beginning September 30, 2005, the Ombudsman shall provide to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of quarterly expenditures of the office. The report is due on or before the 15th day following the end of the quarter.

2274 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 29,869

2275 EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 860,733

From the funds provided in Specific Appropriation 2275, $50,000 from the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund shall be made available, contingent upon an equal match by private dollars, to support the Center for Timeshare Excellence at the Rosen College of Hospitality Management that will generate industry-based research as well as provide executive development seminars to industry professionals.

2276 OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 12,167

2277 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 35,577

2278 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 47,193

2279 SPECIAL CATEGORIES
GRANTS AND AIDS - CONDOMINIUM/COOPERATIVE ASSOCIATION MANAGEMENT EDUCATION
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 500,000

2280 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 56,260

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 5,627,414

TOTAL POSITIONS 86.00
TOTAL ALL FUNDS 5,627,414

STANDARDS AND LICENSURE

APPROVED SALARY RATE 1,092,000

2281 SALARIES AND BENEFITS POSITIONS 31.00
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 1,469,184

2282 OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 15,131

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2283 EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 323,006

2284 OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 4,898

2285 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 21,944

2286 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 12,690

2287 SPECIAL CATEGORIES
AID TO NONPROFIT ORGANIZATIONS - FLORIDA MOBILE HOME RELOCATION CORPORATION
FROM FLORIDA MOBILE HOME RELOCATION TRUST FUND 1,400,000

2288 SPECIAL CATEGORIES
SERVICE OPERATIONS
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 225,039

TOTAL: STANDARDS AND LICENSURE
FROM TRUST FUNDS 3,471,892

TOTAL POSITIONS 31.00
TOTAL ALL FUNDS 3,471,892

PROGRAM: CITRUS, DEPARTMENT OF

CITRUS RESEARCH

APPROVED SALARY RATE 1,507,591

2289 SALARIES AND BENEFITS POSITIONS 27.00
FROM CITRUS ADVERTISING TRUST FUND 1,866,997

2290 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 53,000

2291 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 4,057,455

2292 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 256,000

2293 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 232,000

2294 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS ADVERTISING TRUST FUND 11,618

TOTAL: CITRUS RESEARCH
FROM TRUST FUNDS 6,477,070

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TOTAL POSITIONS 27.00
TOTAL ALL FUNDS 6,477,070

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,867,809

2295 SALARIES AND BENEFITS POSITIONS 39.00
FROM CITRUS ADVERTISING TRUST FUND 2,534,283

2296 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 78,000

2297 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 2,008,484

2298 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 145,000

2299 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 75,000

2300 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CITRUS ADVERTISING TRUST FUND 40,167

2301 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS ADVERTISING TRUST FUND 17,427

2302 DATA PROCESSING SERVICES
REGIONAL DATA CENTERS - STATE UNIVERSITY SYSTEM
FROM CITRUS ADVERTISING TRUST FUND 8,000

2303 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM CITRUS ADVERTISING TRUST FUND 22,000

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 4,928,361

TOTAL POSITIONS 39.00
TOTAL ALL FUNDS 4,928,361

AGRICULTURAL PRODUCTS MARKETING

APPROVED SALARY RATE 1,552,888

2304 SALARIES AND BENEFITS POSITIONS 24.00
FROM CITRUS ADVERTISING TRUST FUND 2,103,617

2305 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 17,000

2306 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 1,524,245

From the funds provided in Specific Appropriation 2306, the Department of Citrus may contract to reimburse the Florida Commission on Tourism/Florida Tourism Industry Marketing Corporation for an amount not to exceed $240,000 for the cost of citrus juice dispensed at the Florida Welcome Stations.

From the funds in Specific Appropriation 2306, $500,000 is provided as payment for the equalization tax settlement agreement pursuant to Consolidated Case No. 2002-CA-4686 in the Circuit Court of the Tenth Judicial Circuit in Polk County. This payment represents the second of four annual installments.

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2307 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM CITRUS ADVERTISING TRUST FUND 55,457,441

2308 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM CITRUS ADVERTISING TRUST FUND 19,873

TOTAL: AGRICULTURAL PRODUCTS MARKETING
FROM TRUST FUNDS 59,122,176

TOTAL POSITIONS 24.00
TOTAL ALL FUNDS 59,122,176

FINANCIAL SERVICES, DEPARTMENT OF

From the funds in Specific Appropriations 2309 through 2444, any monies transferred to the Insurance Regulatory Trust Fund under chapter 2004-480, Laws of Florida, from the Florida Hurricane Catastrophe Fund which remain unexpended on December 31, 2005, shall revert to the Florida Hurricane Catastrophe Fund.

PROGRAM: OFFICE OF CHIEF FINANCIAL OFFICER AND ADMINISTRATION

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 6,682,809

2309 SALARIES AND BENEFITS POSITIONS 159.50
FROM GENERAL REVENUE FUND 137,275
FROM ADMINISTRATIVE TRUST FUND 1,198,843
FROM INSURANCE REGULATORY TRUST FUND . . . 7,775,673
FROM REGULATORY TRUST FUND 295,577
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 178,880

2310 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 9,980
FROM INSURANCE REGULATORY TRUST FUND . . . 300,356

2311 EXPENSES
FROM GENERAL REVENUE FUND 258,353
FROM ADMINISTRATIVE TRUST FUND 279,957
FROM ANTI-FRAUD TRUST FUND 59,100
FROM INSURANCE REGULATORY TRUST FUND . . . 1,322,457
FROM REGULATORY TRUST FUND 34,799
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 26,501

2312 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,500
FROM ADMINISTRATIVE TRUST FUND 3,319
FROM INSURANCE REGULATORY TRUST FUND . . . 19,247

2313 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 68,471

2314 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 5,957
FROM ADMINISTRATIVE TRUST FUND 8,227
FROM INSURANCE REGULATORY TRUST FUND . . . 112,502

2316 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 18,132
FROM ADMINISTRATIVE TRUST FUND 19,406
FROM INSURANCE REGULATORY TRUST FUND . . . 63,213

2317 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM INSURANCE REGULATORY TRUST FUND . . . 7,783

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 427,217
FROM TRUST FUNDS 11,784,291

TOTAL POSITIONS 159.50
TOTAL ALL FUNDS 12,211,508

LEGAL SERVICES

APPROVED SALARY RATE 4,149,711

2318 SALARIES AND BENEFITS POSITIONS 87.50
FROM GENERAL REVENUE FUND 327,609
FROM ADMINISTRATIVE TRUST FUND 582,507
FROM INSURANCE REGULATORY TRUST FUND . . . 3,286,370
FROM REGULATORY TRUST FUND 70,349
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 657,283
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 290,428

2319 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 269,068

2320 EXPENSES
FROM GENERAL REVENUE FUND 31,421
FROM ADMINISTRATIVE TRUST FUND 44,933
FROM INSURANCE REGULATORY TRUST FUND . . . 749,594
FROM REGULATORY TRUST FUND 9,743
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 59,396
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 39,577

2321 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 1,800
FROM INSURANCE REGULATORY TRUST FUND . . . 3,639
FROM REGULATORY TRUST FUND 1,800

2322 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM INSURANCE REGULATORY TRUST FUND . . . 334,302

2323 SPECIAL CATEGORIES
HOLOCAUST VICTIMS ASSISTANCE ADMINISTRATION
FROM INSURANCE REGULATORY TRUST FUND . . . 308,007

2324 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 15,377

2325 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 389
FROM INSURANCE REGULATORY TRUST FUND . . . 35,135

TOTAL: LEGAL SERVICES
FROM GENERAL REVENUE FUND 359,030
FROM TRUST FUNDS 6,759,697

TOTAL POSITIONS 87.50
TOTAL ALL FUNDS 7,118,727

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INFORMATION TECHNOLOGY

	APPROVED SALARY RATE 11,301,419		
2326	SALARIES AND BENEFITS POSITIONS	261.00	
	FROM GENERAL REVENUE FUND	7,664,645	
	FROM UNCLAIMED PROPERTY TRUST FUND		263,509
	FROM ADMINISTRATIVE TRUST FUND		354,022
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		44,875
	FROM INSURANCE REGULATORY TRUST FUND		4,088,150
	FROM REGULATORY TRUST FUND		687,403
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		328,230
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		977,913
2327	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	6,559	
	FROM UNCLAIMED PROPERTY TRUST FUND		37,268
	FROM ADMINISTRATIVE TRUST FUND		50,800
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		6,303
	FROM INSURANCE REGULATORY TRUST FUND		1,307,539
	FROM REGULATORY TRUST FUND		42,070
2328	EXPENSES		
	FROM GENERAL REVENUE FUND	6,623,830	
	FROM UNCLAIMED PROPERTY TRUST FUND		166,416
	FROM ADMINISTRATIVE TRUST FUND		312,161
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		34,827
	FROM INSURANCE REGULATORY TRUST FUND		4,151,117
	FROM REGULATORY TRUST FUND		273,629
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		40,313
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		683,860
2329	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	312,424	
	FROM UNCLAIMED PROPERTY TRUST FUND		89,912
	FROM ADMINISTRATIVE TRUST FUND		119,961
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		15,206
	FROM INSURANCE REGULATORY TRUST FUND		629,290
	FROM REGULATORY TRUST FUND		101,497
2330	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	18,646	
	FROM UNCLAIMED PROPERTY TRUST FUND		1,337
	FROM ADMINISTRATIVE TRUST FUND		2,207
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		280
	FROM INSURANCE REGULATORY TRUST FUND		26,195
	FROM REGULATORY TRUST FUND		1,869
2331	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND	35,816	
	FROM UNCLAIMED PROPERTY TRUST FUND		1,776
	FROM ADMINISTRATIVE TRUST FUND		2,933
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		372
	FROM INSURANCE REGULATORY TRUST FUND		31,101
	FROM REGULATORY TRUST FUND		2,481
TOTAL:	INFORMATION TECHNOLOGY		
	FROM GENERAL REVENUE FUND	14,661,920	
	FROM TRUST FUNDS		14,876,822
	TOTAL POSITIONS	261.00	
	TOTAL ALL FUNDS		29,538,742

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SPECIFIC
APPROPRIATION

PROGRAM: TREASURY

DEPOSIT SECURITY

	APPROVED SALARY RATE 1,133,478		
2332	SALARIES AND BENEFITS POSITIONS	30.00	
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		1,391,157
2333	OTHER PERSONAL SERVICES		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		11,129
2334	EXPENSES		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		362,258
2335	OPERATING CAPITAL OUTLAY		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		1,783
2336	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		108,975
2337	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		17,293
TOTAL:	DEPOSIT SECURITY		
	FROM TRUST FUNDS		1,892,595
	TOTAL POSITIONS	30.00	
	TOTAL ALL FUNDS		1,892,595

STATE FUNDS MANAGEMENT AND INVESTMENT

	APPROVED SALARY RATE 1,031,223		
2338	SALARIES AND BENEFITS POSITIONS	27.00	
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		1,347,288
2339	OTHER PERSONAL SERVICES		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		120,000
2340	EXPENSES		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		1,249,936
2341	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND		13,195
TOTAL:	STATE FUNDS MANAGEMENT AND INVESTMENT		
	FROM TRUST FUNDS		2,730,419
	TOTAL POSITIONS	27.00	
	TOTAL ALL FUNDS		2,730,419

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SUPPLEMENTAL RETIREMENT PLAN

APPROVED SALARY RATE 383,754

2342 SALARIES AND BENEFITS POSITIONS 11.50
FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND 527,158

2343 OTHER PERSONAL SERVICES
FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND 100

2344 EXPENSES
FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND 113,745

2345 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM TREASURY ADMINISTRATIVE AND INVESTMENT TRUST FUND 4,483

TOTAL: SUPPLEMENTAL RETIREMENT PLAN
FROM TRUST FUNDS 645,486

TOTAL POSITIONS 11.50
TOTAL ALL FUNDS 645,486

PROGRAM: FINANCIAL ACCOUNTABILITY FOR PUBLIC FUNDS

STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING

APPROVED SALARY RATE 6,786,384

2346 SALARIES AND BENEFITS POSITIONS 161.00
FROM GENERAL REVENUE FUND 7,938,895
FROM ADMINISTRATIVE TRUST FUND 378,178
FROM INSURANCE REGULATORY TRUST FUND . . . 310,555

2347 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 233,867

From the funds provided in Specific Appropriation 2347, up to $50,000 is to be used to contract for the independent verification of tobacco settlement receipts received by the state.

2348 EXPENSES
FROM GENERAL REVENUE FUND 1,146,256
FROM ADMINISTRATIVE TRUST FUND 147,317

2349 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 10,000
FROM ADMINISTRATIVE TRUST FUND 17,000

2350 SPECIAL CATEGORIES
POSTCONVICTION CAPITAL COLLATERAL CASES - REGISTRY ATTORNEYS
FROM ADMINISTRATIVE TRUST FUND 2,075,388

2351 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 3,000,000

2352 SPECIAL CATEGORIES
DEBT SERVICE - FLAIR ACCOUNTING AND CASH MANAGEMENT SYSTEM REPLACEMENT
FROM INSURANCE REGULATORY TRUST FUND . . . 17,139,722

2353 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,653

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2353A SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 700

2354 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 53,791
FROM ADMINISTRATIVE TRUST FUND 1,797

2355 SPECIAL CATEGORIES
FLORIDA CLERKS OF COURT OPERATIONS CORPORATION
FROM ADMINISTRATIVE TRUST FUND 2,000,000

TOTAL: STATE FINANCIAL INFORMATION AND STATE AGENCY ACCOUNTING
FROM GENERAL REVENUE FUND 9,400,162
FROM TRUST FUNDS 25,069,957

TOTAL POSITIONS 161.00
TOTAL ALL FUNDS 34,470,119

RECOVERY AND RETURN OF UNCLAIMED PROPERTY

APPROVED SALARY RATE 2,150,398

2356 SALARIES AND BENEFITS POSITIONS 58.00
FROM UNCLAIMED PROPERTY TRUST FUND 2,488,452

2357 OTHER PERSONAL SERVICES
FROM UNCLAIMED PROPERTY TRUST FUND 255,219

2358 EXPENSES
FROM UNCLAIMED PROPERTY TRUST FUND 816,908

2359 OPERATING CAPITAL OUTLAY
FROM UNCLAIMED PROPERTY TRUST FUND 7,500

2360 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM UNCLAIMED PROPERTY TRUST FUND 6,160

2361 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM UNCLAIMED PROPERTY TRUST FUND 25,185

TOTAL: RECOVERY AND RETURN OF UNCLAIMED PROPERTY
FROM TRUST FUNDS 3,599,424

TOTAL POSITIONS 58.00
TOTAL ALL FUNDS 3,599,424

PROGRAM: FIRE MARSHAL

COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 2,505,369

2362 SALARIES AND BENEFITS POSITIONS 70.50
FROM INSURANCE REGULATORY TRUST FUND . . . 3,172,001

2363 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 25,688

2364 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 609,809

2365 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 9,144

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2366 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND . . . 68,000

2367 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST FUND . . . 8,000

2368 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 28,138

TOTAL: COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 3,920,780

TOTAL POSITIONS 70.50
TOTAL ALL FUNDS 3,920,780

FIRE AND ARSON INVESTIGATIONS

APPROVED SALARY RATE 5,794,964

2369 SALARIES AND BENEFITS POSITIONS 131.00
FROM INSURANCE REGULATORY TRUST FUND . . . 7,810,961

2370 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 33,391

2371 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 1,785,958

2372 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 93,280

2373 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND . . . 233,984

2374 SPECIAL CATEGORIES
ON-CALL FEES
FROM INSURANCE REGULATORY TRUST FUND . . . 250,000

2375 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE REGULATORY TRUST FUND . . . 144,174

2376 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST FUND . . . 5,000

2377 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 64,132

TOTAL: FIRE AND ARSON INVESTIGATIONS
FROM TRUST FUNDS 10,420,880

TOTAL POSITIONS 131.00
TOTAL ALL FUNDS 10,420,880

PROFESSIONAL TRAINING AND STANDARDS

APPROVED SALARY RATE 1,064,336

2378 SALARIES AND BENEFITS POSITIONS 30.00
FROM INSURANCE REGULATORY TRUST FUND . . . 1,439,872

2379 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 261,367

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2380 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 733,439

2381 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 23,294

2382 SPECIAL CATEGORIES
DOMESTIC SECURITY
FROM INSURANCE REGULATORY TRUST FUND . . . 400,000

2383 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST FUND . . . 17,500

2384 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 20,752

2385 FIXED CAPITAL OUTLAY
HEATING VENTILATING AND AIR CONDITIONING REPLACEMENT - STATEWIDE
FROM INSURANCE REGULATORY TRUST FUND . . . 118,605

TOTAL: PROFESSIONAL TRAINING AND STANDARDS
FROM TRUST FUNDS 3,014,829

TOTAL POSITIONS 30.00
TOTAL ALL FUNDS 3,014,829

FIRE MARSHAL ADMINISTRATIVE AND SUPPORT SERVICES

APPROVED SALARY RATE 873,414

2386 SALARIES AND BENEFITS POSITIONS 22.00
FROM INSURANCE REGULATORY TRUST FUND . . . 1,188,214

2387 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 9,102

2388 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 541,711

2389 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 200,510

2390 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 336,784

2391 SPECIAL CATEGORIES
SUPPLEMENTAL FIREFIGHTERS COMPENSATION
FROM INSURANCE REGULATORY TRUST FUND . . . 7,500

2392 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 7,892

2393 FIXED CAPITAL OUTLAY
HEATING VENTILATING AND AIR CONDITIONING REPLACEMENT - STATEWIDE
FROM INSURANCE REGULATORY TRUST FUND . . . 270,000

TOTAL: FIRE MARSHAL ADMINISTRATIVE AND SUPPORT SERVICES
FROM TRUST FUNDS 2,561,713

TOTAL POSITIONS 22.00
TOTAL ALL FUNDS 2,561,713

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PROGRAM: STATE PROPERTY AND CASUALTY CLAIMS

STATE SELF-INSURED CLAIMS ADJUSTMENT

APPROVED SALARY RATE 3,469,300

2394 SALARIES AND BENEFITS POSITIONS 100.00
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 4,540,847

2395 OTHER PERSONAL SERVICES
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 273,640

2396 EXPENSES
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 1,069,759

2397 OPERATING CAPITAL OUTLAY
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 1,805

2398 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 10,871,000

2399 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 28,092

2400 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM FLORIDA CASUALTY INSURANCE RISK MANAGEMENT TRUST FUND 108,464

TOTAL: STATE SELF-INSURED CLAIMS ADJUSTMENT
FROM TRUST FUNDS 16,893,607

TOTAL POSITIONS 100.00
TOTAL ALL FUNDS 16,893,607

PROGRAM: LICENSING AND CONSUMER PROTECTION

INSURANCE COMPANY REHABILITATION AND LIQUIDATION

APPROVED SALARY RATE 479,923

2401 SALARIES AND BENEFITS POSITIONS 9.00
FROM INSURANCE REGULATORY TRUST FUND . . . 761,543

2402 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 241,666

2403 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 173,530

2404 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 1,120

2405 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 58,572

2406 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 3,885

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TOTAL: INSURANCE COMPANY REHABILITATION AND LIQUIDATION
FROM TRUST FUNDS 1,240,316

TOTAL POSITIONS 9.00
TOTAL ALL FUNDS 1,240,316

LICENSURE, SALES APPOINTMENT AND OVERSIGHT

APPROVED SALARY RATE 5,574,498

2407 SALARIES AND BENEFITS POSITIONS 161.00
FROM INSURANCE REGULATORY TRUST FUND . . . 7,003,925

2408 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 3,530,312

2409 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 1,342,817

2410 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 72,000

2411 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND . . . 46,750

2412 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 35,063

2413 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 31,710

TOTAL: LICENSURE, SALES APPOINTMENT AND OVERSIGHT
FROM TRUST FUNDS 12,062,577

TOTAL POSITIONS 161.00
TOTAL ALL FUNDS 12,062,577

INSURANCE FRAUD

APPROVED SALARY RATE 7,492,669

2414 SALARIES AND BENEFITS POSITIONS 171.00
FROM INSURANCE REGULATORY TRUST FUND . . . 9,645,916

2415 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 85,833

2416 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 1,805,237

2417 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 110,600

2418 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE REGULATORY TRUST FUND . . . 378,000

2418A SPECIAL CATEGORIES
TRANSFER TO JUSTICE ADMINISTRATION COMMISSION FOR PROSECUTION OF PIP FRAUD
FROM INSURANCE REGULATORY TRUST FUND . . . 132,465

Funds in Specific Appropriation 2418A are provided for transfer to the Miami-Dade State Attorney's Office for the purpose of hiring one attorney and one paralegal specialist to prosecute Personal Injury Protection (PIP) insurance fraud in South Florida.

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2419 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 320,040

2420 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE REGULATORY TRUST FUND . . . 208,660

2421 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 120,569

TOTAL: INSURANCE FRAUD
FROM TRUST FUNDS 12,807,320

TOTAL POSITIONS 171.00
TOTAL ALL FUNDS 12,807,320

CONSUMER ASSISTANCE

APPROVED SALARY RATE 7,036,618

2422 SALARIES AND BENEFITS POSITIONS 198.50
FROM GENERAL REVENUE FUND 83,837
FROM ADMINISTRATIVE TRUST FUND 17,612
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 213,034
FROM INSURANCE REGULATORY TRUST FUND . . . 7,070,648
FROM REGULATORY TRUST FUND 1,451,935

2423 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 966,200

2424 EXPENSES
FROM GENERAL REVENUE FUND 11,593
FROM ADMINISTRATIVE TRUST FUND 11,690
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 23,303
FROM INSURANCE REGULATORY TRUST FUND . . . 1,927,362
FROM REGULATORY TRUST FUND 163,125

2425 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 11,200

2426 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 30,945

2427 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 74,624

TOTAL: CONSUMER ASSISTANCE
FROM GENERAL REVENUE FUND 95,430
FROM TRUST FUNDS 11,961,678

TOTAL POSITIONS 198.50
TOTAL ALL FUNDS 12,057,108

FUNERAL AND CEMETERY SERVICES

2427A LUMP SUM
FUNERAL AND CEMETERIES REGULATION
POSITIONS 17.00
FROM REGULATORY TRUST FUND 1,521,075

Funds in Specific Appropriation 2427A shall not be released until the Department of Financial Services submits an expenditure plan for approval to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council, in accordance with the provisions of sections 216.181(6)(a) and 216.177, Florida Statutes.

PROGRAM: WORKERS' COMPENSATION

WORKERS' COMPENSATION

APPROVED SALARY RATE 12,555,616

2428 SALARIES AND BENEFITS POSITIONS 361.00
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 15,159,448
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 921,905

2429 OTHER PERSONAL SERVICES
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 2,660,039
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 243,597

2430 EXPENSES
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 5,587,917
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 247,195

2431 OPERATING CAPITAL OUTLAY
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 376,121
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 36,851

2431A SPECIAL CATEGORIES
TRANSFER TO GRANTS AND DONATIONS TRUST FUND
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 500,000

2432 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 292,976

2433 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND 77,545
FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND 6,502

TOTAL: WORKERS' COMPENSATION
FROM TRUST FUNDS 26,110,096

TOTAL POSITIONS 361.00
TOTAL ALL FUNDS 26,110,096

PROGRAM: FINANCIAL SERVICES COMMISSION

OFFICE OF INSURANCE REGULATION

COMPLIANCE AND ENFORCEMENT - INSURANCE

APPROVED SALARY RATE 11,355,977

2436 SALARIES AND BENEFITS POSITIONS 267.00
FROM INSURANCE REGULATORY TRUST FUND . . . 14,310,861

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2437 OTHER PERSONAL SERVICES
FROM INSURANCE REGULATORY TRUST FUND . . . 1,547,750

2438 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 2,605,147

2439 OPERATING CAPITAL OUTLAY
FROM INSURANCE REGULATORY TRUST FUND . . . 2,000

2440 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM INSURANCE REGULATORY TRUST FUND . . . 269,611

2441 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 67,801

TOTAL: COMPLIANCE AND ENFORCEMENT - INSURANCE

FROM TRUST FUNDS 18,803,170

TOTAL POSITIONS 267.00
TOTAL ALL FUNDS 18,803,170

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 2,124,678

2442 SALARIES AND BENEFITS POSITIONS 38.00
FROM INSURANCE REGULATORY TRUST FUND . . . 2,589,435

2443 EXPENSES
FROM INSURANCE REGULATORY TRUST FUND . . . 229,339

2444 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM INSURANCE REGULATORY TRUST FUND . . . 1,158

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM TRUST FUNDS 2,819,932

TOTAL POSITIONS 38.00
TOTAL ALL FUNDS 2,819,932

OFFICE OF FINANCIAL REGULATION

COMPLIANCE AND ENFORCEMENT - SECURITIES AND FINANCE

APPROVED SALARY RATE 5,749,766

2445 SALARIES AND BENEFITS POSITIONS 138.00
FROM GENERAL REVENUE FUND 2,935,437
FROM REGULATORY TRUST FUND 3,894,666

2446 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 3,038
FROM ANTI-FRAUD TRUST FUND 114,279
FROM REGULATORY TRUST FUND 51,091

2447 EXPENSES
FROM GENERAL REVENUE FUND 405,571
FROM ANTI-FRAUD TRUST FUND 119,358
FROM REGULATORY TRUST FUND 586,793

2448 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,000

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FROM ANTI-FRAUD TRUST FUND 21,201
FROM REGULATORY TRUST FUND 2,631

2449 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,637
FROM REGULATORY TRUST FUND 7,060

2450 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 23,791
FROM REGULATORY TRUST FUND 31,806

TOTAL: COMPLIANCE AND ENFORCEMENT - SECURITIES AND FINANCE
FROM GENERAL REVENUE FUND 3,374,474
FROM TRUST FUNDS 4,828,885

TOTAL POSITIONS 138.00
TOTAL ALL FUNDS 8,203,359

REGULATORY REVIEW - SECURITIES AND FINANCE

APPROVED SALARY RATE 1,663,444

2452 SALARIES AND BENEFITS POSITIONS 45.00
FROM GENERAL REVENUE FUND 1,507,444
FROM REGULATORY TRUST FUND 864,747

2453 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 5,928
FROM REGULATORY TRUST FUND 3,039,114

2454 EXPENSES
FROM GENERAL REVENUE FUND 239,815
FROM ANTI-FRAUD TRUST FUND 13,741
FROM REGULATORY TRUST FUND 1,168,712

From the funds in Specific Appropriation 2454, $800,000 from the Regulatory Trust Fund is provided for the Office of Financial Regulation within the Department of Financial Services to develop a feasibility study and document detailed functional and technical requirements for implementing a licensing enforcement system.

2455 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,566
FROM ANTI-FRAUD TRUST FUND 10,601

2456 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 12,811
FROM REGULATORY TRUST FUND 34,636

2457 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 15,304
FROM REGULATORY TRUST FUND 11,604

TOTAL: REGULATORY REVIEW - SECURITIES AND FINANCE

FROM GENERAL REVENUE FUND 1,782,868
FROM TRUST FUNDS 5,143,155

TOTAL POSITIONS 45.00
TOTAL ALL FUNDS 6,926,023

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APPROPRIATION
SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM

APPROVED SALARY RATE 5,275,033

2459 SALARIES AND BENEFITS POSITIONS 110.00
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 6,536,133

2460 OTHER PERSONAL SERVICES
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 1,423,822

2461 EXPENSES
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 1,189,587

2462 OPERATING CAPITAL OUTLAY
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 136,842

2463 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 21,823

2464 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND 44,232

TOTAL: SAFETY AND SOUNDNESS OF STATE BANKING SYSTEM

FROM TRUST FUNDS 9,352,439

TOTAL POSITIONS 110.00
TOTAL ALL FUNDS 9,352,439

FINANCIAL INVESTIGATIONS

APPROVED SALARY RATE 2,757,539

2465 SALARIES AND BENEFITS POSITIONS 64.00
FROM GENERAL REVENUE FUND 1,421,431
FROM ADMINISTRATIVE TRUST FUND 1,891,686

2466 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 5,321

2467 EXPENSES
FROM GENERAL REVENUE FUND 320,065
FROM ADMINISTRATIVE TRUST FUND 354,831
FROM FEDERAL EQUITABLE SHARING TRUST FUND 51,758

2468 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 10,600

2469 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,361
FROM ADMINISTRATIVE TRUST FUND 4,455

2470 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 10,398
FROM ADMINISTRATIVE TRUST FUND 13,627

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TOTAL: FINANCIAL INVESTIGATIONS

FROM GENERAL REVENUE FUND 1,755,255
FROM TRUST FUNDS 2,332,278

TOTAL POSITIONS 64.00
TOTAL ALL FUNDS 4,087,533

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 2,573,057

2471 SALARIES AND BENEFITS POSITIONS 47.00
FROM GENERAL REVENUE FUND 777,676
FROM ADMINISTRATIVE TRUST FUND 1,904,417
FROM REGULATORY TRUST FUND 366,250

2472 EXPENSES
FROM GENERAL REVENUE FUND 74,209
FROM ADMINISTRATIVE TRUST FUND 225,616
FROM REGULATORY TRUST FUND 93,377

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES

FROM GENERAL REVENUE FUND 851,885
FROM TRUST FUNDS 2,589,660

TOTAL POSITIONS 47.00
TOTAL ALL FUNDS 3,441,545

GOVERNOR, EXECUTIVE OFFICE OF THE

PROGRAM: GENERAL OFFICE

EXECUTIVE DIRECTION AND SUPPORT SERVICES

2473 SALARIES AND BENEFITS POSITIONS 119.00
FROM GENERAL REVENUE FUND 7,568,548
FROM GRANTS AND DONATIONS TRUST FUND . . . 191,635

2474 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION
FROM GENERAL REVENUE FUND 2,839,094
FROM GRANTS AND DONATIONS TRUST FUND . . . 488,236

2475 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - WASHINGTON OFFICE
FROM GENERAL REVENUE FUND 124,874

2476A SPECIAL CATEGORIES
GRANTS AND AIDS - CRISIS COUNSELING
FROM GENERAL REVENUE FUND 1,500,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 500,000

2478 SPECIAL CATEGORIES
CONTINGENT - DISCRETIONARY
FROM GENERAL REVENUE FUND 40,000

2479 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 51,153
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,920

2483 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 44,536
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,500

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TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 12,168,205
FROM TRUST FUNDS 1,188,291

TOTAL POSITIONS 119.00
TOTAL ALL FUNDS 13,356,496

DRUG CONTROL COORDINATION

2483A SALARIES AND BENEFITS POSITIONS 5.00
FROM GENERAL REVENUE FUND 377,727

2483B LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - EXECUTIVE/ADMINISTRATION
FROM GENERAL REVENUE FUND 82,048

2483C SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,423

2483D SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF JUVENILE JUSTICE
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,000

2483E SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY TRIALS INITIATIVE GRANTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 360,611

2483F SPECIAL CATEGORIES
ENFORCING UNDERAGE DRINKING LAWS - BLOCK GRANT
FROM GRANTS AND DONATIONS TRUST FUND . . . 89,052

2483G SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 2,319

TOTAL: DRUG CONTROL COORDINATION
FROM GENERAL REVENUE FUND 463,517
FROM TRUST FUNDS 1,449,663

TOTAL POSITIONS 5.00
TOTAL ALL FUNDS 1,913,180

LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND BUDGETING SUBSYSTEM

2484 SALARIES AND BENEFITS POSITIONS 43.00
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 3,568,758

2485 LUMP SUM
LEGISLATIVE APPROPRIATION SYSTEM/PLANNING AND BUDGETING SUBSYSTEM
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 1,263,267

2486 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 20,246

2487 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 14,084

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2488 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 24,000

2489 DATA PROCESSING SERVICES
DEPARTMENT OF FINANCIAL SERVICES DATA CENTER
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 44,550

TOTAL: LEGISLATIVE APPROPRIATIONS SYSTEM/PLANNING AND BUDGETING SUBSYSTEM
FROM TRUST FUNDS 4,934,905

TOTAL POSITIONS 43.00
TOTAL ALL FUNDS 4,934,905

EXECUTIVE PLANNING AND BUDGETING

2489A SALARIES AND BENEFITS POSITIONS 104.00
FROM GENERAL REVENUE FUND 8,314,880

2489B LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF PLANNING AND BUDGETING
FROM GENERAL REVENUE FUND 1,429,650

2489C SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 18,904

2489D SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 44,034

2489E SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 41,389

TOTAL: EXECUTIVE PLANNING AND BUDGETING
FROM GENERAL REVENUE FUND 9,848,857

TOTAL POSITIONS 104.00
TOTAL ALL FUNDS 9,848,857

PROGRAM: OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,120,427

2490 SALARIES AND BENEFITS POSITIONS 21.00
FROM GENERAL REVENUE FUND 650,489
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 436,624
FROM GRANTS AND DONATIONS TRUST FUND . . . 37
FROM TOURISM PROMOTION TRUST FUND 410,314

2491 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 543,699
FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND 250,000
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 96,012
FROM GRANTS AND DONATIONS TRUST FUND . . . 30,000
FROM TOURISM PROMOTION TRUST FUND 96,194

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2492 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 13,414
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 4,034
FROM TOURISM PROMOTION TRUST FUND 9,467

2493 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,957
FROM FLORIDA INTERNATIONAL TRADE AND PROMOTION TRUST FUND 3,274
FROM TOURISM PROMOTION TRUST FUND 3,274

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,212,559
FROM TRUST FUNDS 1,339,230

TOTAL POSITIONS 21.00
TOTAL ALL FUNDS 2,551,789

ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS

2494 LUMP SUM
EXECUTIVE OFFICE OF THE GOVERNOR - OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT
FROM GENERAL REVENUE FUND 79,525

2495 LUMP SUM
ECONOMIC DEVELOPMENT TOOLS
FROM GENERAL REVENUE FUND 21,505,000
FROM ECONOMIC DEVELOPMENT TRUST FUND . . . 4,876,250

Funds in Specific Appropriation 2495 shall be allocated as follows:

From non-recurring general revenue:
Economic Development Tools..... 21,505,000

From non-recurring trust funds:
Economic Development Tools - Local Match..... 4,876,250

Funds provided in Specific Appropriation 2495 for Economic Development Tools include funding for Qualified Targeted Industries, Qualified Defense Contractors, and High Impact Performance Incentives. These funds shall not be released for any other purpose and shall only be disbursed when projects meet the contracted performance requirements.

From the funds provided in Specific Appropriation 2495 for economic development tools, $3,000,000 from non-recurring general revenue funds shall be used exclusively for aerospace businesses and industries, except that the projected balance of these funds that cannot be expended during Fiscal Year 2005-2006 for Qualified Targeted Industries and Qualified Defense Contractors refunds may also be used for the State of Florida's efforts to help ensure that research, development, and production activities associated with NASA's Crew Exploration Vehicle (CEV), Systems Engineering & Integration (SE&I) activities and other space exploration initiatives occur within Florida.

2496 SPECIAL CATEGORIES
GRANTS AND AIDS - BLACK BUSINESS INVESTMENT BOARD
FROM GENERAL REVENUE FUND 2,051,210

Funds in Specific Appropriation 2496 shall be allocated as follows:

From non-recurring general revenue:
Black Business Investment Board (BBIB) - Operations..... 95,000
BBIB & Statewide BBIC Capitalization Program..... 1,200,000
Hispanic Business Initiative Fund Outreach Program..... 400,000

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From recurring general revenue:
Black Business Investment Board (BBIB) - Operations..... 356,210

Funds in Specific Appropriation 2496 for the Florida Black Business Investment Board (FBBIB) and Statewide Black Business Investment Corporation Capitalization Program shall be allocated equally among each of the Black Business Investment Corporations and the statewide Florida Black Business Investment Board. The release of capitalization funds to the FBBIB for distribution to each corporation is contingent on certification by the FBBIB that the corporations are meeting contractual obligations. The release of capitalization funds to the FBBIB is contingent on certification by the Office of Tourism, Trade and Economic Development that the FBBIB is meeting its statutory mission.

2497 SPECIAL CATEGORIES
QUICK ACTION CLOSING FUND
FROM GENERAL REVENUE FUND 10,000,000

2498 SPECIAL CATEGORIES
GRANTS AND AIDS - ADVOCATING INTERNATIONAL RELATIONSHIPS
FROM GENERAL REVENUE FUND 850,000

Funds provided in Specific Appropriation 2498 shall be allocated as follows:

FL Assoc. of Volunteer Action/Caribbean & Americas (FAVACA). 650,000
SE Japan Association/Florida Korea Economic Coop. Comm..... 150,000
Gulf of Mexico States Accord (GoMSA) Secretariat..... 50,000

2498A SPECIAL CATEGORIES
FLORIDA SMALL BUSINESS DEVELOPMENT CENTER NETWORK
FROM GENERAL REVENUE FUND 500,000

2498B SPECIAL CATEGORIES
ECONOMIC DEVELOPMENT PROJECTS
FROM GENERAL REVENUE FUND 4,165,000

The non-recurring general revenue funds provided in Specific Appropriation 2498B shall be allocated as follows:

Paws On: The Animal Study Zone..... 95,000
State Flag Manufacturing Initiative..... 100,000
Baker County Community Youth Center..... 150,000
Boys and Girls Club of Bay County..... 200,000
Three Servicemen Statue..... 150,000
Fresh Ministries..... 250,000
Boynton Beach Boundless Playground Initiative..... 150,000
Ray Charles Memorial..... 20,000
Enterprise FL- Rural Strategic Marketing Plan..... 2,000,000
Lauderdale Lakes Movie & Film Production Development..... 100,000
Community Advantage Center..... 250,000
Florida Sports Hall of Fame..... 500,000
West Palm Beach City Commons..... 200,000

2499 SPECIAL CATEGORIES
GRANTS AND AIDS - LIFE SCIENCE, INDUSTRY ENHANCEMENT AND PROMOTION
FROM GENERAL REVENUE FUND 2,750,000

From the funds in Specific Appropriation 2499, $250,000 is provided for the Bioscience Education Initiative for BioFlorida in West Palm Beach, and $2,500,000 is provided for the Andrews Institute of Orthopedic Science and Research.

2500 SPECIAL CATEGORIES
SUNSHINE STATE GAMES
FROM GENERAL REVENUE FUND 200,000

2501 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA SPORTS FOUNDATION

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FROM PROFESSIONAL SPORTS DEVELOPMENT
TRUST FUND 2,750,000

2502 SPECIAL CATEGORIES
GRANTS AND AIDS - ENTERPRISE FLORIDA
PROGRAM
FROM GENERAL REVENUE FUND 7,600,000
FROM FLORIDA INTERNATIONAL TRADE AND
PROMOTION TRUST FUND 4,400,000

Funds in Specific Appropriation 2502 shall be allocated as follows:

From non-recurring general revenue:
Expansion, Retention & Recruitment..... 3,400,000
National Marketing..... 2,100,000
Florida Trade and Exhibition Center..... 300,000
Special Needs..... 800,000
International Programs..... 1,000,000

From recurring trust funds:
International Programs..... 4,400,000

2503 SPECIAL CATEGORIES
GRANTS AND AIDS - MILITARY BASE PROTECTION
FROM GENERAL REVENUE FUND 4,400,000

Funds in Specific Appropriation 2503 shall be allocated as follows:

From non-recurring general revenue:
Military Base Protection..... 3,400,000
Defense Reinvestment..... 1,000,000

2504 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COMMISSION ON
TOURISM
FROM GENERAL REVENUE FUND 4,400,000
FROM TOURISM PROMOTION TRUST FUND 20,299,209

From the Tourism Promotion Trust Fund in Specific Appropriation 2504, $2,000,000 is provided to replenish the Economic Risk Recovery Fund used by Visit Florida to address the impacts of the 2004 hurricanes. This $2,000,000 shall be distributed to the Florida Tourism Industry Marketing Corporation established in section 288.1266, Florida Statutes, and held by the corporation in reserve to address marketing needs arising from future hurricanes or other state disasters.

2504A SPECIAL CATEGORIES
TRANSFER TO ENTERTAINMENT INDUSTRY
FINANCIAL INCENTIVE TRUST FUND
FROM GENERAL REVENUE FUND 10,653,296

Funds in Specific Appropriation 2504A are provided for the Entertainment Industry Financial Incentive Trust Fund, contingent upon Senate Bill 114 or similar legislation becoming law to create the Entertainment Industry Financial Incentive Trust Fund.

2505 SPECIAL CATEGORIES
FILM AND ENTERTAINMENT
ENTERTAINMENT INDUSTRY FINANCIAL
INCENTIVE TRUST FUND 10,653,296

Funds in Specific Appropriation 2505 shall be allocated as follows:

From non-recurring trust funds:
Film and Entertainment - Operations..... 653,296
Film and Entertainment - Incentives..... 10,000,000

Funds provided from the Entertainment Industry Financial Incentive Trust Fund in Specific Appropriation 2505 are contingent upon Senate Bill 114 or similar legislation becoming law to create the Entertainment Industry Financial Incentive Trust Fund. In the event that Senate Bill 114 or similar legislation does not become law to create the Entertainment Industry Financial Incentive Trust Fund, then general revenue funds in the same amount as appropriated from the trust fund in Specific Appropriation 2505 are hereby appropriated for Specific Appropriation 2505.

2506 SPECIAL CATEGORIES
GRANTS AND AIDS - BROWNFIELDS
REDEVELOPMENT PROJECT
FROM GENERAL REVENUE FUND 825,000
FROM ECONOMIC DEVELOPMENT TRUST FUND . . . 206,250

2507 SPECIAL CATEGORIES
GRANTS AND AIDS - SPACEPORT FLORIDA
AUTHORITY
FROM GENERAL REVENUE FUND 2,900,000

Funds in Specific Appropriation 2507 shall be allocated as follows:

From non-recurring general revenue:
Florida Space Authority - Operations..... 700,000
Florida Space Authority - Space Business Development..... 550,000
Florida Space Authority - Spaceport Planning and Development 550,000
Florida Commercial Space Financing Corporation..... 300,000
Florida Space Research Institute..... 800,000

2508 SPECIAL CATEGORIES
RURAL COMMUNITY DEVELOPMENT
FROM GENERAL REVENUE FUND 400,000
FROM ECONOMIC DEVELOPMENT TRUST FUND . . . 900,000

2509 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SPACE, DEFENSE, AND RURAL INFRASTRUCTURE
FROM GENERAL REVENUE FUND 5,700,000

Funds in Specific Appropriation 2509 shall be allocated as follows:

From non-recurring general revenue:
Defense Infrastructure..... 3,000,000
Rural Infrastructure..... 2,700,000

Funds in Specific Appropriation 2509 for rural infrastructure grants shall be awarded pursuant to section 288.0655, Florida Statutes.

2510 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ECONOMIC DEVELOPMENT TRANSPORTATION
PROJECTS
FROM ECONOMIC DEVELOPMENT TRANSPORTATION
TRUST FUND 10,000,000

A portion of the funds in Specific Appropriation 2510 is allocated as follows:

University Area Community- N. 22nd Main Street- Hillsborough 3,500,000
Platt Bridge - Hillsborough County..... 2,500,000

Funds for the University Area Community - N. 22nd Main Street in Hillsborough County are contingent upon the county providing an equal amount in matching funds.

TOTAL: ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS
FROM GENERAL REVENUE FUND 78,979,031
FROM TRUST FUNDS 54,085,005

SECTION 6
SPECIFIC
APPROPRIATION
TOTAL ALL FUNDS 133,064,036

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 10,042,239

2511 SALARIES AND BENEFITS POSITIONS 302.00
FROM GENERAL REVENUE FUND 4,803
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 13,002,671
FROM GRANTS AND DONATIONS TRUST FUND . . . 113,237
FROM LAW ENFORCEMENT TRUST FUND 126,935

2512 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 96,785
FROM GRANTS AND DONATIONS TRUST FUND . . . 50,000

2513 EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,374,294
FROM GRANTS AND DONATIONS TRUST FUND . . . 51,863
FROM LAW ENFORCEMENT TRUST FUND 7,516

2514 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 324,126

2515 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 7,562
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 68,054

2516 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 569,191

2517 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 233,617

2518 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,922,563

2519 FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 641,487

2520 FIXED CAPITAL OUTLAY
SPECIAL PROJECTS AND IMPROVEMENTS - ADMINISTRATIVE SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,231,353

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 12,365
FROM TRUST FUNDS 19,813,692

TOTAL POSITIONS 302.00
TOTAL ALL FUNDS 19,826,057

PROGRAM: FLORIDA HIGHWAY PATROL

HIGHWAY SAFETY

APPROVED SALARY RATE 94,655,987

2522 SALARIES AND BENEFITS POSITIONS 2,333.00
FROM GENERAL REVENUE FUND 111,167,312

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SPECIFIC
APPROPRIATION
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 24,620,271
FROM GAS TAX COLLECTION TRUST FUND 232,571
FROM GRANTS AND DONATIONS TRUST FUND . . . 105,083
FROM LAW ENFORCEMENT TRUST FUND 329,451

2523 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,500
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 8,629,469
FROM GRANTS AND DONATIONS TRUST FUND . . . 103,000
FROM LAW ENFORCEMENT TRUST FUND 345,000

2524 EXPENSES
FROM GENERAL REVENUE FUND 2,064,083
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 8,363,615
FROM GRANTS AND DONATIONS TRUST FUND . . . 793,726
FROM LAW ENFORCEMENT TRUST FUND 118,203
FROM FEDERAL EQUITABLE SHARING TRUST FUND 193,673

2525 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 169,331
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,233,284
FROM GRANTS AND DONATIONS TRUST FUND . . . 947,410
FROM LAW ENFORCEMENT TRUST FUND 203,113
FROM FEDERAL EQUITABLE SHARING TRUST FUND 263,100

2526 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 2,711,779
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 7,409,574

2527 SPECIAL CATEGORIES
800 MHZ RADIO LAW ENFORCEMENT SYSTEM EQUIPMENT AND MAINTENANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,100,000

2528 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 2,628,579
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 6,961,269
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,250

2529 SPECIAL CATEGORIES
AUXILLIARY UNIFORMS AND EQUIPMENT
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 150,000

2530 SPECIAL CATEGORIES
PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS
FROM HIGHWAY PATROL INSURANCE TRUST FUND . 152,000

2531 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,245,543
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,713,697

2532 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 1,074,060
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 702,106
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,600

2533 SPECIAL CATEGORIES
TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 152,000

2533A SPECIAL CATEGORIES
MOBILE DATA TERMINAL SYSTEM
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 4,592,902

2534 FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND

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APPROPRIATION
IMPROVEMENTS - STATEWIDE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 471,749

2534A FIXED CAPITAL OUTLAY
RENOVATE MIDDLEBURG CLAY COUNTY VEHICLE INSTALLATION FACILITY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 144,691

2534B FIXED CAPITAL OUTLAY
MAJOR DISASTER 2004-05 - HURRICANE CHARLEY - FEMA DECLARATION #1539 - AGENCY MANAGED
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 28,700

2534C FIXED CAPITAL OUTLAY
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE FRANCES - FEMA DECLARATION #1545 - AGENCY MANAGED
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 77,150

TOTAL: HIGHWAY SAFETY
FROM GENERAL REVENUE FUND 124,083,187
FROM TRUST FUNDS 70,172,657

TOTAL POSITIONS 2,333.00
TOTAL ALL FUNDS 194,255,844

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,645,527

2535 SALARIES AND BENEFITS POSITIONS 27.00
FROM GENERAL REVENUE FUND 2,097,486
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 99,183

2536 EXPENSES
FROM GENERAL REVENUE FUND 196,237
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 96,000

2537 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 8,000

2538 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 19,838

2539 SPECIAL CATEGORIES
OPERATION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 2,790
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 5,000

2540 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 63,858
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 5,109

2541 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 20,315

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,408,524
FROM TRUST FUNDS 205,292

TOTAL POSITIONS 27.00
TOTAL ALL FUNDS 2,613,816

PROGRAM: LICENSES, TITLES AND REGULATIONS

DRIVER LICENSURE

APPROVED SALARY RATE 34,807,815

2542 SALARIES AND BENEFITS POSITIONS 1,317.00
FROM GENERAL REVENUE FUND 441,814

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SPECIFIC
APPROPRIATION
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 45,658,408
FROM GRANTS AND DONATIONS TRUST FUND . . . 87,486

2543 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 546,768
FROM GRANTS AND DONATIONS TRUST FUND . . . 59,850

2544 EXPENSES
FROM GENERAL REVENUE FUND 49,082
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 11,884,444
FROM GRANTS AND DONATIONS TRUST FUND . . . 56,610

2545 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 55,720
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 1,827,137
FROM GRANTS AND DONATIONS TRUST FUND . . . 106,856

2546 SPECIAL CATEGORIES
DISTRIBUTION OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO STATE AGENCIES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 218,900

2547 SPECIAL CATEGORIES
DISTRIBUTIONS OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO NON-PROFIT AGY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 698,000

2548 SPECIAL CATEGORIES
AUTOMATED UNIFORM TRAFFIC ACCOUNTING SYSTEM
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 1,200,000

2549 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 1,103,179

2550 SPECIAL CATEGORIES
PURCHASE OF DRIVER LICENSES
FROM GENERAL REVENUE FUND 588,065
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 8,985,203

2551 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 901,018

2551A SPECIAL CATEGORIES
TRANSFER TO TRANSPORTATION SECURITY ADMINISTRATION AND FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR BACKGROUND CHECKS
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 6,671,000

2552 FIXED CAPITAL OUTLAY
MAJOR REPAIRS OR IMPROVEMENTS STATEWIDE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 1,752,140

2552A FIXED CAPITAL OUTLAY
ADDITION TO DRIVER LICENSES OFFICE - OSCEOLA COUNTY - DMS MGD
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 437,500

2552B FIXED CAPITAL OUTLAY
MAJOR DISASTER 2004-05 - HURRICANE CHARLEY - FEMA DECLARATION #1539 - AGENCY MANAGED
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 85,000

2552C FIXED CAPITAL OUTLAY
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE FRANCES - FEMA DECLARATION #1545 - AGENCY MANAGED
FROM HIGHWAY SAFETY OPERATING TRUST FUND . . . 213,000

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2552D FIXED CAPITAL OUTLAY
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE IVAN - FEMA DECLARATION #1551 - AGY MGD
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 28,200

2552E FIXED CAPITAL OUTLAY
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE JEANNE - FEMA DECLARATION #1561 AGY MGD
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 10,000

TOTAL: DRIVER LICENSURE
FROM GENERAL REVENUE FUND 1,134,681
FROM TRUST FUNDS 82,530,699

TOTAL POSITIONS 1,317.00
TOTAL ALL FUNDS 83,665,380

MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE

APPROVED SALARY RATE 1,472,239

2553 SALARIES AND BENEFITS POSITIONS 56.00
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 2,026,272

2554 EXPENSES
FROM GENERAL REVENUE FUND 2,367
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 282,365

2555 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 42,392

TOTAL: MOTORIST FINANCIAL RESPONSIBILITY COMPLIANCE
FROM GENERAL REVENUE FUND 2,367
FROM TRUST FUNDS 2,351,029

TOTAL POSITIONS 56.00
TOTAL ALL FUNDS 2,353,396

IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS

APPROVED SALARY RATE 6,454,249

2556 SALARIES AND BENEFITS POSITIONS 217.00
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 8,067,432
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 471,272
FROM GRANTS AND DONATIONS TRUST FUND . . . 87,944

2557 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 630,412
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 182,550
FROM GRANTS AND DONATIONS TRUST FUND . . . 490,917

From the Highway Safety Operating Trust Fund in Specific Appropriations 2557, 2558, and 2559, $215,000, $460,000, and $225,000, respectively, are appropriated for the Motorcycle Safety Education Program. However, such funds are appropriated only to the extent that they are not appropriated in House Bill 1697, or similar legislation, if such legislation becomes law and provides funds to the Motorcycle Safety Education Program or to the American Brotherhood Aimed Toward Education.

2558 EXPENSES
FROM GENERAL REVENUE FUND 31,477
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,135,781
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 128,540
FROM GRANTS AND DONATIONS TRUST FUND . . . 364,147

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2559 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 429,950
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 7,730
FROM GRANTS AND DONATIONS TRUST FUND . . . 405,428

2560 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 158,215
FROM DRIVING UNDER THE INFLUENCE (DUI) SCHOOL COORDINATION TRUST FUND 6,056

TOTAL: IDENTIFICATION AND CONTROL OF PROBLEM DRIVERS
FROM GENERAL REVENUE FUND 31,477
FROM TRUST FUNDS 12,566,374

TOTAL POSITIONS 217.00
TOTAL ALL FUNDS 12,597,851

MOBILE HOME COMPLIANCE AND ENFORCEMENT

APPROVED SALARY RATE 1,155,615

2561 SALARIES AND BENEFITS POSITIONS 38.00
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 1,516,417

2562 EXPENSES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 150,647

2563 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 55,000

2564 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 21,142

TOTAL: MOBILE HOME COMPLIANCE AND ENFORCEMENT
FROM TRUST FUNDS 1,743,206

TOTAL POSITIONS 38.00
TOTAL ALL FUNDS 1,743,206

VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES

APPROVED SALARY RATE 11,869,192

2565 SALARIES AND BENEFITS POSITIONS 413.00
FROM GENERAL REVENUE FUND 84,659
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 12,657,858
FROM GAS TAX COLLECTION TRUST FUND 2,901,774

2566 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 69,516
FROM GAS TAX COLLECTION TRUST FUND 11,438
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,000

2567 EXPENSES
FROM GENERAL REVENUE FUND 11,672
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 4,084,723
FROM GAS TAX COLLECTION TRUST FUND 576,155
FROM GRANTS AND DONATIONS TRUST FUND . . . 170,000

2568 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO SCHOOLS - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 10,500,000

2569 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 6,120,000

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2570 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO CITIES - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 4,880,000

2571 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 737,665
FROM GAS TAX COLLECTION TRUST FUND 65,001
FROM GRANTS AND DONATIONS TRUST FUND . . . 80,000

2572 SPECIAL CATEGORIES
DISTRIBUTION OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO STATE AGENCIES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 245,000

2573 SPECIAL CATEGORIES
DISTRIBUTIONS OF VOLUNTARY CONTRIBUTIONS OF DRIVER LICENSE APPLICATIONS AND MOTOR VEHICLE REGISTRATIONS TO NON-PROFIT AGY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 285,000

2574 SPECIAL CATEGORIES
PAYMENT TO OUTSIDE CONTRACTOR
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 2,109,750

2575 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF LICENSE PLATES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 10,632,936

From the funds provided in Specific Appropriation 2575, the Department of Highway Safety and Motor Vehicles shall provide free license plates to National Guard members pursuant to section 320.0846, Florida Statutes, if that section is created by law.

2576 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 193,060
FROM GAS TAX COLLECTION TRUST FUND 35,608

2576A SPECIAL CATEGORIES
TRANSFER TO TRANSPORTATION SECURITY ADMINISTRATION AND FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR BACKGROUND CHECKS
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 143,350

2577 FIXED CAPITAL OUTLAY
MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 306,157

2578A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - MAJOR DISASTER 2004-05 - HURRICANE FRANCES - FEMA DECLARATION #1545 - AGENCY MANAGED
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 3,500

TOTAL: VEHICLE AND VESSEL TITLE AND REGISTRATION SERVICES
FROM GENERAL REVENUE FUND 96,331
FROM TRUST FUNDS 56,848,491

TOTAL POSITIONS 413.00
TOTAL ALL FUNDS 56,944,822

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 1,990,589

2579 SALARIES AND BENEFITS POSITIONS 40.00
FROM GENERAL REVENUE FUND 138,245
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 2,438,383

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2580 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 40,000

2581 EXPENSES
FROM GENERAL REVENUE FUND 2,667
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 173,789

2582 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 75,323

2583 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 28,183

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 140,912
FROM TRUST FUNDS 2,755,678

TOTAL POSITIONS 40.00
TOTAL ALL FUNDS 2,896,590

PROGRAM: KIRKMAN DATA CENTER

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 7,388,488

2584 SALARIES AND BENEFITS POSITIONS 192.00
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 9,316,548
FROM GRANTS AND DONATIONS TRUST FUND . . . 51,654

2585 OTHER PERSONAL SERVICES
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 327,708
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,830

2586 EXPENSES
FROM GENERAL REVENUE FUND 2,527,019
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 7,291,221
FROM GAS TAX COLLECTION TRUST FUND 230,598
FROM LAW ENFORCEMENT TRUST FUND 3,752

2587 OPERATING CAPITAL OUTLAY
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 630,529

2588 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 53,648

2589 SPECIAL CATEGORIES
TAX COLLECTOR NETWORK - COUNTY SYSTEMS
FROM HIGHWAY SAFETY OPERATING TRUST FUND . 9,290,647

From the funds in Specific Appropriation 2589, the Department of Highway Safety and Motor Vehicles is authorized to procure and replace, by installment purchase, all equipment statewide that comprises the Florida Real-time Vehicle Information System (FRVIS). This system provides computer hardware, software, services, and data circuits to each of the offices maintained by Florida Tax Collectors for the issuance of motor vehicle titles and registrations.

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 2,527,019
FROM TRUST FUNDS 27,205,135

TOTAL POSITIONS 192.00
TOTAL ALL FUNDS 29,732,154

LEGISLATIVE BRANCH

SENATE

2590 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND 36,626,167

SECTION 6 SPECIFIC APPROPRIATION		
HOUSE OF REPRESENTATIVES		
2591 LUMP SUM HOUSE FROM GENERAL REVENUE FUND	57,505,476	
LEGISLATIVE SUPPORT SERVICES		
2592 LUMP SUM LEGISLATIVE SUPPORT SERVICES - SENATE FROM GENERAL REVENUE FUND	22,697,605	
FROM LEGISLATIVE LOBBYIST REGISTRATION TRUST FUND		127,677
2593 LUMP SUM LEGISLATIVE SUPPORT SERVICES - HOUSE FROM GENERAL REVENUE FUND	22,748,747	
FROM LEGISLATIVE LOBBYIST REGISTRATION TRUST FUND		128,054
2594 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	406,702	
FROM LEGISLATIVE LOBBYIST REGISTRATION TRUST FUND		213
2594A SPECIAL CATEGORIES ARTICLE V TECHNOLOGY BOARD FROM GENERAL REVENUE FUND	500,000	
TOTAL: LEGISLATIVE SUPPORT SERVICES FROM GENERAL REVENUE FUND	46,353,054	
FROM TRUST FUNDS		255,944
TOTAL ALL FUNDS		46,608,998
ADMINISTRATIVE PROCEDURES COMMITTEE		
2595 LUMP SUM ADMINISTRATIVE PROCEDURES FROM GENERAL REVENUE FUND	1,232,008	
INTERGOVERNMENTAL RELATIONS, LEGISLATIVE COMMITTEE ON		
2596 LUMP SUM LEGISLATIVE COMMITTEE ON INTERGOVERNMENTAL RELATIONS FROM GENERAL REVENUE FUND	868,044	
OFFICE OF PUBLIC COUNSEL		
2600 LUMP SUM PUBLIC COUNSEL FROM GENERAL REVENUE FUND	2,193,074	
ETHICS, COMMISSION ON		
2601 LUMP SUM LOBBY REGISTRATION FROM EXECUTIVE BRANCH LOBBY REGISTRATION TRUST FUND		120,628
2602 LUMP SUM ETHICS COMMISSION FROM GENERAL REVENUE FUND	2,170,305	
2603 SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM GENERAL REVENUE FUND	42,726	

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2604 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM EXECUTIVE BRANCH LOBBY REGISTRATION TRUST FUND		134
TOTAL: ETHICS, COMMISSION ON FROM GENERAL REVENUE FUND	2,213,031	
FROM TRUST FUNDS		120,762
TOTAL ALL FUNDS		2,333,793
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS		
2605 EXPENSES FROM GENERAL REVENUE FUND	75,474	
PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF		
2606 LUMP SUM PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY FROM GENERAL REVENUE FUND	8,265,359	
2607 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	6,394	
TOTAL: PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY, OFFICE OF FROM GENERAL REVENUE FUND	8,271,753	
TOTAL ALL FUNDS		8,271,753
AUDITOR GENERAL		
2608 LUMP SUM AUDITOR GENERAL FROM GENERAL REVENUE FUND	37,692,129	
2608A SPECIAL CATEGORIES CONTRACTED SERVICES FROM GRANTS AND DONATIONS TRUST FUND . . .		1,453,250
2609 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	305,347	
TOTAL: AUDITOR GENERAL FROM GENERAL REVENUE FUND	37,997,476	
FROM TRUST FUNDS		1,453,250
TOTAL ALL FUNDS		39,450,726
AUDITING COMMITTEE		
2610 LUMP SUM AUDITING COMMITTEE FROM GENERAL REVENUE FUND	357,865	
2611 SPECIAL CATEGORIES RISK MANAGEMENT INSURANCE FROM GENERAL REVENUE FUND	269	
TOTAL: AUDITING COMMITTEE FROM GENERAL REVENUE FUND	358,134	

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APPROPRIATION
TOTAL ALL FUNDS 358,134

LOTTERY, DEPARTMENT OF THE

PROGRAM: LOTTERY OPERATIONS

APPROVED SALARY RATE 17,257,786

2612 SALARIES AND BENEFITS POSITIONS 440.00
FROM ADMINISTRATIVE TRUST FUND 23,762,184

2613 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,073,296

2614 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 12,152,846

From the funds provided in Specific Appropriation 2614, the Department of Lottery is directed to continue to develop a plan to consolidate its lease of office space where economical and sublet excess office and warehouse space to suitable tenants. In addition, the department shall continue to report its progress, at least annually, to the President of the Senate, the Speaker of the House of Representatives, the Office of Program Policy Analysis and Government Accountability, and the Joint Legislative Auditing Committee.

2615 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 154,461

The Department of Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2615 in the event a draw machine becomes inoperable and must be replaced.

2616 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 200,000

2617 SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM ADMINISTRATIVE TRUST FUND 46,429,100

The Department of Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2617 in the event instant ticket sales are greater than the projected sales used to calculate the amount appropriated.

2618 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM ADMINISTRATIVE TRUST FUND 34,869,453

From the funds in Specific Appropriation 2618, the Department of Lottery is authorized to utilize up to $1,300,000 for the purpose of contracting with an appropriate Florida organization to conduct a compulsive gambling program.

2619 SPECIAL CATEGORIES
ONLINE GAMES CONTRACT
FROM ADMINISTRATIVE TRUST FUND 26,073,587

The Department of Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2619 in the event on-line sales are greater than the projected sales used to calculate the amount appropriated.

The Department of Lottery is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriation 2619 to acquire up to 1,000 additional gaming system terminals to increase the size of the lottery retailer network and generate additional sales.

2620 SPECIAL CATEGORIES
RETAILER INCENTIVES
FROM ADMINISTRATIVE TRUST FUND 2,500,000

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2621 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 350,469

2622 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 23,400

2622A SPECIAL CATEGORIES
TRANSFER TO EDUCATIONAL ENHANCEMENT TRUST FUND
FROM ADMINISTRATIVE TRUST FUND 60,000,000

Specific Appropriation 2622A provides for the transfer of the unencumbered cash which has accumulated in the Administrative Trust Fund during Fiscal Year 2004-2005. From the funds provided, $40,000,000 shall be transferred by July 30, 2005. Any remaining unencumbered cash balance shall be transferred by December 31, 2005. In the event the June 30, 2005, unencumbered cash balance exceeds $60,000,000, the Department of Lottery shall submit a budget amendment in accordance with chapter 216, Florida Statutes, and, upon approval, transfer the remaining balance by December 31, 2005.

2623 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 169,976

TOTAL: PROGRAM: LOTTERY OPERATIONS
FROM TRUST FUNDS 207,758,772

TOTAL POSITIONS 440.00
TOTAL ALL FUNDS 207,758,772

MANAGEMENT SERVICES, DEPARTMENT OF

PROGRAM: ADMINISTRATION PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 3,904,103

2624 SALARIES AND BENEFITS POSITIONS 81.50
FROM ADMINISTRATIVE TRUST FUND 5,054,070

2625 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 8,700

2626 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 700,121

2627 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 71,240

2628 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM ADMINISTRATIVE TRUST FUND 27,981

2629 SPECIAL CATEGORIES
MAIL SERVICES
FROM ADMINISTRATIVE TRUST FUND 200,016

2630 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 27,132

2631 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 33,729

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2632 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM ADMINISTRATIVE TRUST FUND 447,080

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM TRUST FUNDS 6,570,069

TOTAL POSITIONS 81.50
TOTAL ALL FUNDS 6,570,069

STATE EMPLOYEE LEASING

APPROVED SALARY RATE 454,274

2633 SALARIES AND BENEFITS POSITIONS 7.00
FROM ADMINISTRATIVE TRUST FUND 653,677

2634 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 3,596

TOTAL: STATE EMPLOYEE LEASING
FROM TRUST FUNDS 657,273

TOTAL POSITIONS 7.00
TOTAL ALL FUNDS 657,273

PROGRAM: FACILITIES PROGRAM

FACILITIES MANAGEMENT

APPROVED SALARY RATE 9,490,854

2635 SALARIES AND BENEFITS POSITIONS 308.50
FROM SUPERVISION TRUST FUND 12,374,305

2636 OTHER PERSONAL SERVICES
FROM SUPERVISION TRUST FUND 17,000

2637 EXPENSES
FROM SUPERVISION TRUST FUND 11,651,098

2638 OPERATING CAPITAL OUTLAY
FROM SUPERVISION TRUST FUND 80,000

2639 SPECIAL CATEGORIES
TRANSFER TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT - CAPITOL POLICE
FROM SUPERVISION TRUST FUND 5,047,733

2640 SPECIAL CATEGORIES
DEPARTMENT OF MANAGEMENT SERVICES PROVISIONS FOR FACILITIES SECURITY
FROM SUPERVISION TRUST FUND 1,472,854

2640A SPECIAL CATEGORIES
INTERIOR REFURBISHMENT - LEASE SPACE
FROM SUPERVISION TRUST FUND 1,397,385

2640B SPECIAL CATEGORIES
MASTER LEASE SPACE TENANT IMPROVEMENT FUNDS
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,629,130

Funds in Specific Appropriation 2640B are contingent upon the development of a project plan by the Department of Management Services in conjunction with each agency for which an improvement project is proposed. The department is authorized to request release of the funds pursuant to the provisions of chapter 216, Florida Statutes. The release request shall be accompanied by the plan including, but not limited to, all expenditures related to the proposed projects, the associated funding sources, and if applicable, a plan for ensuring continuity of service operations. The plan shall also include a prioritization of all outstanding requests by agencies for improvement projects in spaces leased under the Tallahassee area private sector master leases and identify out-year projects required to improve and maintain the leased space for the duration of the 15-year leases.

2641 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM SUPERVISION TRUST FUND 325,705

2642 SPECIAL CATEGORIES
STATE UTILITY PAYMENTS
FROM SUPERVISION TRUST FUND 14,224,461

2643 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM SUPERVISION TRUST FUND 169,862

2644 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM SUPERVISION TRUST FUND 72,452

2644A FIXED CAPITAL OUTLAY
PLANNING AND DESIGN - CAPITAL CIRCLE OFFICE COMPLEX - LEON COUNTY - DMS MGD
FROM PUBLIC FACILITIES FINANCING TRUST FUND 1,000,000

Funds in Specific Appropriation 2644A are provided for the Department of Management Services to initiate the planning and design phase of an office building at the Capital Circle Office Complex. The expenditure of such funds must be used toward fulfilling the requirements of the April 16, 1999, Special Warranty Deed, that prevents the automatic reversion of Parcels 3 and 4 to the St. Joe Company by commencing construction of an office building on Parcel 2 on or before January 1, 2008.

2645 FIXED CAPITAL OUTLAY
COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT
FROM SUPERVISION TRUST FUND 32,000

2646 FIXED CAPITAL OUTLAY
LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE - DMS MGD
FROM SUPERVISION TRUST FUND 408,673

2648 FIXED CAPITAL OUTLAY
ENVIRONMENTAL PROJECTS - DMS MGD
FROM SUPERVISION TRUST FUND 416,680

2649 FIXED CAPITAL OUTLAY
STATEWIDE CAPITAL DEPRECIATION - GENERAL - DMS MGD
FROM SUPERVISION TRUST FUND 7,166,482

Funds provided in Specific Appropriation 2649 are for projects identified in the Department of Management Services' Capital Improvements Program Plan submitted March 2005 to the Executive Office of the Governor. In the event the department receives reimbursement for any of the projects on the list, the department shall use the funds to address deferred projects in the September 2004 Capital Improvements Program Plan.

2649A FIXED CAPITAL OUTLAY
CAPITOL FIRE ALARM RENOVATION - DMS MGD
FROM GENERAL REVENUE FUND 1,190,305
FROM SUPERVISION TRUST FUND 182,695

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2650 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM FLORIDA FACILITIES POOL CLEARING TRUST FUND 30,738,731

TOTAL: FACILITIES MANAGEMENT
FROM GENERAL REVENUE FUND 1,190,305
FROM TRUST FUNDS 88,407,246

TOTAL POSITIONS 308.50
TOTAL ALL FUNDS 89,597,551

BUILDING CONSTRUCTION

APPROVED SALARY RATE 527,677

Funds in Specific Appropriations 2651 through 2656 from the Architects Incidental Trust Fund are based on an assessment against each fixed capital outlay appropriation in which the Department of Management Services serves as the owner-representative on behalf of the state. The assessments for appropriations made for the 2005-2006 fiscal year shall be calculated in accordance with the formula submitted by the department to the Executive Office of the Governor on October 7, 1991, as required by chapter 91-193, Laws of Florida.

2651 SALARIES AND BENEFITS POSITIONS 11.00
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 824,821

2652 EXPENSES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 235,196

2652A AID TO LOCAL GOVERNMENTS
CITY OF MIAMI BEACH - PROJECT MANAGEMENT SERVICES
FROM GENERAL REVENUE FUND 139,239

From the funds in Specific Appropriation 2652A, $139,239 from the General Revenue Fund is provided to the City of Miami Beach for project management services.

2653 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 50,000

2654 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 1,113

2655 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 11,577

2656 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 33,951

2657 FIXED CAPITAL OUTLAY
SUPPLEMENTAL CONTRACTS - PROJECTS LESS THAN $100,000 STATEWIDE - DMS MGD
FROM ARCHITECTS INCIDENTAL TRUST FUND . . 700,000

TOTAL: BUILDING CONSTRUCTION
FROM GENERAL REVENUE FUND 139,239
FROM TRUST FUNDS 1,856,658

TOTAL POSITIONS 11.00
TOTAL ALL FUNDS 1,995,897

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PROGRAM: SUPPORT PROGRAM

AIRCRAFT MANAGEMENT

APPROVED SALARY RATE 836,922

2658 SALARIES AND BENEFITS POSITIONS 15.00
FROM BUREAU OF AIRCRAFT TRUST FUND 932,358

2659 OTHER PERSONAL SERVICES
FROM BUREAU OF AIRCRAFT TRUST FUND 39,420

2660 EXPENSES
FROM GENERAL REVENUE FUND 71,000
FROM BUREAU OF AIRCRAFT TRUST FUND 1,315,506

2661 OPERATING CAPITAL OUTLAY
FROM BUREAU OF AIRCRAFT TRUST FUND 551,200

2662 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM BUREAU OF AIRCRAFT TRUST FUND 2,831

2663 SPECIAL CATEGORIES
AIRCRAFT PURCHASE
FROM GENERAL REVENUE FUND 3,188,193

2664 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM BUREAU OF AIRCRAFT TRUST FUND 6,391

2665 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM BUREAU OF AIRCRAFT TRUST FUND 9,494

TOTAL: AIRCRAFT MANAGEMENT
FROM GENERAL REVENUE FUND 3,259,193
FROM TRUST FUNDS 2,857,200

TOTAL POSITIONS 15.00
TOTAL ALL FUNDS 6,116,393

FEDERAL PROPERTY ASSISTANCE

APPROVED SALARY RATE 167,318

2666 SALARIES AND BENEFITS POSITIONS 5.00
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 205,292

2667 EXPENSES
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 65,489

2668 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 2,365

2670 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 2,446

2671 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM SURPLUS PROPERTY REVOLVING TRUST FUND 5,280

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TOTAL: FEDERAL PROPERTY ASSISTANCE
FROM TRUST FUNDS 280,872

TOTAL POSITIONS 5.00
TOTAL ALL FUNDS 280,872

MOTOR VEHICLE AND WATERCRAFT MANAGEMENT

APPROVED SALARY RATE 438,567

2672 SALARIES AND BENEFITS POSITIONS 9.00
FROM GRANTS AND DONATIONS TRUST FUND . . . 698,551

2673 EXPENSES
FROM GRANTS AND DONATIONS TRUST FUND . . . 232,750

2674 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,491

2675 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,596

2676 SPECIAL CATEGORIES
PAYMENT OF EXPENSES FROM SALE OF AGENCY VEHICLES
FROM GRANTS AND DONATIONS TRUST FUND . . . 650,000

2677 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM GRANTS AND DONATIONS TRUST FUND . . . 262,500

TOTAL: MOTOR VEHICLE AND WATERCRAFT MANAGEMENT
FROM TRUST FUNDS 1,852,888

TOTAL POSITIONS 9.00
TOTAL ALL FUNDS 1,852,888

PURCHASING OVERSIGHT

APPROVED SALARY RATE 2,668,975

2678 SALARIES AND BENEFITS POSITIONS 57.00
FROM GENERAL REVENUE FUND 565,305
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,864,229

From the funds in Specific Appropriations 2678, 2680, and 2684, five positions and $220,659 from the Grants and Donations Trust Fund shall be held in reserve pending the Department of Management Services' justification for increased staffing to provide statewide purchasing oversight. If the department determines that additional staffing is necessary, it is authorized to request, through the Executive Office of the Governor, pursuant to chapter 216, Florida Statutes, release of justified positions, associated salary rate, and appropriated funds.

2679 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,956
FROM GRANTS AND DONATIONS TRUST FUND . . . 35,000

2680 EXPENSES
FROM GENERAL REVENUE FUND 404,418
FROM GRANTS AND DONATIONS TRUST FUND . . . 549,865

From the funds in Specific Appropriation 2680, $100,000 in non-recurring general revenue is provided to the Department of Management Services to contract with a private entity to develop a business case proposal that compares the operating costs of state and privately operated prison beds. The study shall also include an analysis of both the state and private prison per diem rates to determine the cost differences. In addition, the Department of Corrections and all private prison vendors shall furnish the private entity conducting the study with all the data needed to complete this project.

2681 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 76,000

2683 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 2,938
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,876

2683A SPECIAL CATEGORIES
3RD PARTY MONITORING - WEB-BASED E-PROCUREMENT SYSTEM CONTRACT
FROM GRANTS AND DONATIONS TRUST FUND . . . 238,500

2683B SPECIAL CATEGORIES
WEB-BASED E-PROCUREMENT SYSTEM
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,457,000

Funds provided in Specific Appropriation 2683B are contingent upon the deposit into the Department of Management Services' Grants and Donations Trust Fund of the transaction fee authorized under section 287.057(23)(c), Florida Statutes, collected subsequent to the date of this act and the amount of transaction fee revenue available for payment of the MyFloridaMarketPlace contract after all expenditures for the department's purchasing functions have been satisfied. The department may request release of funds pursuant to the provisions of chapter 216, Florida Statutes. Such a request shall document that transaction fee revenues are available for payment of the contract. Should revenues available for payment under the contract exceed the amount of budget authority appropriated, the department is authorized to request a budget amendment pursuant to the provisions of chapter 216, Florida Statutes.

2684 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 3,112
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,036

2685 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM GRANTS AND DONATIONS TRUST FUND . . . 400,128

TOTAL: PURCHASING OVERSIGHT
FROM GENERAL REVENUE FUND 984,729
FROM TRUST FUNDS 19,646,634

TOTAL POSITIONS 57.00
TOTAL ALL FUNDS 20,631,363

OFFICE OF SUPPLIER DIVERSITY

APPROVED SALARY RATE 753,509

2686 SALARIES AND BENEFITS POSITIONS 19.00
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,001,064

2687 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000

2688 EXPENSES
FROM GRANTS AND DONATIONS TRUST FUND . . . 292,213

2689 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,809

2690 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT

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SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,598

TOTAL: OFFICE OF SUPPLIER DIVERSITY
FROM TRUST FUNDS 1,306,684

TOTAL POSITIONS 19.00
TOTAL ALL FUNDS 1,306,684

WORKFORCE PROGRAMS

PROGRAM: HUMAN RESOURCE MANAGEMENT

APPROVED SALARY RATE 2,306,265

2691 SALARIES AND BENEFITS POSITIONS 45.00
FROM GENERAL REVENUE FUND 367,444
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 2,692,362

Funds in Specific Appropriations 2691 through 2702 from the State Personnel System Trust Fund are based upon a human resources services assessment to state entities at the following rates:

FTE	$392.82
OPS	$131.22
Justice Administrative Commission	$287.14
State Court System	$249.07
County Health Department	$287.14

2692 OTHER PERSONAL SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 180,000
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 10,000

2693 EXPENSES
FROM GENERAL REVENUE FUND 308,930
FROM GRANTS AND DONATIONS TRUST FUND . . . 533,002
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 516,937

2694 OPERATING CAPITAL OUTLAY
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 5,000

2695 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 150,000

2696 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 600
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 3,340

2696A SPECIAL CATEGORIES
HUMAN RESOURCES OUTSOURCING PROJECT MANAGEMENT
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 450,000

2697 SPECIAL CATEGORIES
SPECIAL NEEDS ADOPTION INCENTIVES
FROM GENERAL REVENUE FUND 888,623

2699 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,200
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 16,378

2700 SPECIAL CATEGORIES
HUMAN RESOURCES SERVICES / STATEWIDE CONTRACT
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 44,153,424

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APPROPRIATION
The Department of Management Services shall submit a report on the performance of the PeopleFirst System to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 15, 2005, and quarterly thereafter. At a minimum, the report shall include the system's compliance with the performance metrics, the progress of key system enhancements, the performance of the customer service center, a description of the department's efforts to improve project management and oversight, and the extent to which the department is continuing to use the Insurance Benefits Administration Program and the Cooperative Personnel Employment Subsystem (COPES) programming staff that were previously anticipated to be eliminated.

2701 SPECIAL CATEGORIES
STATE EMPLOYEE'S CHARITABLE CAMPAIGN
FROM GENERAL REVENUE FUND 17,000

2702 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 39,999

TOTAL: PROGRAM: HUMAN RESOURCE MANAGEMENT
FROM GENERAL REVENUE FUND 1,583,797
FROM TRUST FUNDS 48,750,442

TOTAL POSITIONS 45.00
TOTAL ALL FUNDS 50,334,239

PROGRAM: INSURANCE BENEFITS ADMINISTRATION

APPROVED SALARY RATE 2,244,001

2703 SALARIES AND BENEFITS POSITIONS 53.00
FROM PRETAX BENEFITS TRUST FUND 742,174
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 51,880
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 2,265,268
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 24,695

2704 OTHER PERSONAL SERVICES
FROM PRETAX BENEFITS TRUST FUND 385,866
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 423,107

2705 EXPENSES
FROM PRETAX BENEFITS TRUST FUND 89,973
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 17,647
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 559,534
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 28,049

2706 OPERATING CAPITAL OUTLAY
FROM PRETAX BENEFITS TRUST FUND 67,482
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 44,773

2707 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 6,773

2708 SPECIAL CATEGORIES
ADMINISTRATIVE SERVICES ONLY CONTRACT FOR HEALTH INSURANCE
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 38,600,000

2709 SPECIAL CATEGORIES
PRESCRIPTION DRUG CLAIMS ADMINISTRATION

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FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 73,864

2710 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM PRETAX BENEFITS TRUST FUND 8,165
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 1,361
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 25,854
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 680

2711 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM PRETAX BENEFITS TRUST FUND 1,200
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 6,786

2712 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM PRETAX BENEFITS TRUST FUND 152,760
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 14,107
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 340,842
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 26,136

TOTAL: PROGRAM: INSURANCE BENEFITS ADMINISTRATION
FROM TRUST FUNDS 43,958,976

TOTAL POSITIONS 53.00
TOTAL ALL FUNDS 43,958,976

PROGRAM: RETIREMENT BENEFITS ADMINISTRATION

APPROVED SALARY RATE 7,240,677

2713 SALARIES AND BENEFITS POSITIONS 194.00
FROM OPERATING TRUST FUND 8,811,346
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 91,143
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 599,487
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 36,224

Funds in Specific Appropriations 2713 through 2722 from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.

2714 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 6,029
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 100

2715 EXPENSES
FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND 14,766
FROM OPERATING TRUST FUND 3,564,011
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 49,133
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 139,286
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 11,370

2716 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 179,697

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FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 4,000
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 2,500

2717 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM OPERATING TRUST FUND 68,173

2718 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM OPERATING TRUST FUND 2,660,000

2719 SPECIAL CATEGORIES
OVERTIME
FROM OPERATING TRUST FUND 133,000

2720 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM OPERATING TRUST FUND 56,162

2721 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM OPERATING TRUST FUND 73,785
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 800
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 3,596
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 400

2722 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM OPERATING TRUST FUND 10,000
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 20,000
FROM POLICE AND FIREFIGHTER'S PREMIUM TAX TRUST FUND 12,416

2723 PENSIONS AND BENEFITS
DISABILITY BENEFITS TO JUSTICES AND JUDGES
FROM GENERAL REVENUE FUND 1,133,000

2724 PENSIONS AND BENEFITS
FLORIDA NATIONAL GUARD
FROM GENERAL REVENUE FUND 11,360,000

2725 PENSIONS AND BENEFITS
SPECIAL PENSIONS AND RELIEF ACTS
FROM GENERAL REVENUE FUND 3,864

2726 PENSIONS AND BENEFITS
STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)
FROM GENERAL REVENUE FUND 1,550,000

2727 PENSIONS AND BENEFITS
TEACHER'S SPECIAL PENSIONS
FROM GENERAL REVENUE FUND 8,600

TOTAL: PROGRAM: RETIREMENT BENEFITS ADMINISTRATION
FROM GENERAL REVENUE FUND 14,055,464
FROM TRUST FUNDS 16,547,424

TOTAL POSITIONS 194.00
TOTAL ALL FUNDS 30,602,888

SECTION 6
SPECIFIC
APPROPRIATION
PROGRAM: TECHNOLOGY PROGRAM

TELECOMMUNICATIONS SERVICES

APPROVED SALARY RATE 3,633,301

2728 SALARIES AND BENEFITS POSITIONS 76.00
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 4,109,771

2729 OTHER PERSONAL SERVICES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 31,995

2730 EXPENSES
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,101,153
FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND 731,207

2731 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO COUNTIES - WIRELESS 911 TELEPHONE SYSTEMS
FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND 31,552,068

2732 AID TO LOCAL GOVERNMENTS
DISTRIBUTIONS TO SERVICE PROVIDERS - WIRELESS 911 TELEPHONE SYSTEMS
FROM WIRELESS EMERGENCY TELEPHONE SYSTEM TRUST FUND 36,298,597

2733 OPERATING CAPITAL OUTLAY
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 100,000

2734 SPECIAL CATEGORIES
CENTREX AND SUNCOM PAYMENTS
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 129,663,826

2736 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 9,030

2736A SPECIAL CATEGORIES
SUNCOM THIRD PARTY MONITOR
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 450,000

2737 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 30,962

2738 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 1,028,162

TOTAL: TELECOMMUNICATIONS SERVICES
FROM TRUST FUNDS 205,106,771

TOTAL POSITIONS 76.00
TOTAL ALL FUNDS 205,106,771

WIRELESS SERVICES

APPROVED SALARY RATE 904,338

2739 SALARIES AND BENEFITS POSITIONS 16.00
FROM GENERAL REVENUE FUND 346,237
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 172,782
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 716,150

2740 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 4,000

2741 EXPENSES
FROM GENERAL REVENUE FUND 19,000
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 12,517
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 484,810

2741A AID TO LOCAL GOVERNMENTS
PINELLAS COUNTY MOBILE COMMAND AND COMMUNICATIONS VEHICLE
FROM GENERAL REVENUE FUND 500,000

2742 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,000
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 20,000

2743 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 3,321,857

2744 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 57
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 915
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 884

2745 SPECIAL CATEGORIES
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM CONTRACT PAYMENT
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 18,220,000

Second quarter release of funds provided in Specific Appropriation 2745 is contingent upon the Department of Management Services providing a quarterly status report on the Statewide Law Enforcement Radio System Project and a plan for transitioning, reducing, and reassigning project staff and resources upon project completion. The project shall be completed in December 2005 with the replacement of the original Phase 1 and Phase 2 Motorola radios. The plan shall describe the roles and responsibilities of the remaining staff in the ongoing management and administration of the statewide law enforcement radio system contract. The plan shall be submitted to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council no later than September 30, 2005.

2746 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,691
FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND 2,307
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 3,613

TOTAL: WIRELESS SERVICES
FROM GENERAL REVENUE FUND 872,985
FROM TRUST FUNDS 22,955,835

TOTAL POSITIONS 16.00
TOTAL ALL FUNDS 23,828,820

SECTION 6
SPECIFIC
APPROPRIATION
INFORMATION SERVICES

APPROVED SALARY RATE 2,981,338

The rates charged to Shared Resource Data Center customers shall be reduced to reflect administrative efficiencies. The Department of Management Services shall submit a report no later than September 30, 2005, to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council containing the reduced data center rates for Fiscal Year 2005-2006, a comparison of the rates charged in Fiscal Year 2004-2005, an itemization of overhead charges, and a listing of customers by application supported and the associated estimated billings.

2747 SALARIES AND BENEFITS POSITIONS 61.00
FROM GENERAL REVENUE FUND 197,005
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,116
FROM WORKING CAPITAL TRUST FUND 4,954,136

2748 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 700,549

The Department of Management Services is authorized to submit budget amendments in accordance with chapter 216, Florida Statutes, to increase Specific Appropriations 2748, 2749, 2750, 2752, 2754A, and 2754B, from the Working Capital Trust Fund, in order to provide services to user agencies. Budget amendment requests must be justified with signed service level agreements from the user agencies.

2749 EXPENSES
FROM GENERAL REVENUE FUND 19,534
FROM WORKING CAPITAL TRUST FUND 6,529,899

2750 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 238,088

2751 SPECIAL CATEGORIES
SECURE ACCESS FOR FLORIDA'S ENTERPRISE RESOURCES SYSTEM CONTRACTUAL LIABILITY
FROM GENERAL REVENUE FUND 529,214

Funds in Specific Appropriation 2751 are provided to liquidate an outstanding contractual liability incurred by the State Technology Office in 2003.

2752 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,369,831
FROM WORKING CAPITAL TRUST FUND 877,716

2753 SPECIAL CATEGORIES
STATE PORTAL DEVELOPMENT
FROM GENERAL REVENUE FUND 363,000

By December 1, 2005, the Department of Management Services shall prepare a detailed three-year plan for the portal describing the business objectives, expected outcomes, project milestones, deliverables, and anticipated expenditures for the project. The plan shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

No funds in Specific Appropriation 2753 shall be used to implement the outsourced development or operation of an enterprise portal service.

2754 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM WORKING CAPITAL TRUST FUND 44,070

2754A SPECIAL CATEGORIES
APPLICATIONS MANAGEMENT CONTRACT FOR DATA CENTER
FROM WORKING CAPITAL TRUST FUND 3,500,000

SECTION 6
SPECIFIC
APPROPRIATION

2754B SPECIAL CATEGORIES
DATA PROCESSING CONTRACTS FOR DATA CENTER
FROM WORKING CAPITAL TRUST FUND 2,500,000

2754C SPECIAL CATEGORIES
DISASTER RECOVERY SERVICES CONTRACT
FROM WORKING CAPITAL TRUST FUND 456,468

2755 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,166
FROM WORKING CAPITAL TRUST FUND 36,903

2756 SPECIAL CATEGORIES
HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) IMPLEMENTATION
FROM GENERAL REVENUE FUND 87,000

2757 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM WORKING CAPITAL TRUST FUND 1,000

TOTAL: INFORMATION SERVICES
FROM GENERAL REVENUE FUND 1,196,919
FROM TRUST FUNDS 21,210,776

TOTAL POSITIONS 61.00
TOTAL ALL FUNDS 22,407,695

PROGRAM: PUBLIC EMPLOYEES RELATIONS COMMISSION

PUBLIC EMPLOYEES RELATIONS

APPROVED SALARY RATE 2,086,525

2764 SALARIES AND BENEFITS POSITIONS 35.00
FROM GENERAL REVENUE FUND 1,496,583
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND 1,159,983

2765 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 40,777
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND 55,863

2766 EXPENSES
FROM GENERAL REVENUE FUND 202,871
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND 265,084

2767 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,399
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND 5,721

2768 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 1,561
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND 1,560

2769 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 8,243
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND 6,674

2770 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE

SECTION 6
SPECIFIC
APPROPRIATION
FROM GENERAL REVENUE FUND 22,630
FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND 17,498

TOTAL: PUBLIC EMPLOYEES RELATIONS
FROM GENERAL REVENUE FUND 1,780,064
FROM TRUST FUNDS 1,512,383

TOTAL POSITIONS 35.00
TOTAL ALL FUNDS 3,292,447

PROGRAM: COMMISSION ON HUMAN RELATIONS

From the funds provided in Specific Appropriations 2771 through 2779, the Commission on Human Relations shall provide information and data to the Office of Program Policy Analysis and Government Accountability (OPPAGA) as requested by OPPAGA and sufficient to allow OPPAGA to conduct a performance review of the commission. The purpose of the review is to determine the effectiveness of the commission and whether the program duplicates or overlaps other related programs. The review shall consider the consequences of eliminating the commission and its related responsibilities. OPPAGA shall submit a report on this review to the Speaker of the House of Representatives, the President of the Senate, and the Executive Office of the Governor by December 31, 2005.

HUMAN RELATIONS

APPROVED SALARY RATE 2,508,218

2771 SALARIES AND BENEFITS POSITIONS 71.00
FROM GENERAL REVENUE FUND 2,664,998
FROM GRANTS AND DONATIONS TRUST FUND . . . 720,337

2772 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 37,800
FROM GRANTS AND DONATIONS TRUST FUND . . . 77,040

2773 EXPENSES
FROM GENERAL REVENUE FUND 467,141
FROM GRANTS AND DONATIONS TRUST FUND . . . 167,514

2774 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,736

2775 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 656,851
FROM GRANTS AND DONATIONS TRUST FUND . . . 261,814

2776 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 36,000

2777 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,534
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,991

2778 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 24,637
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,391

2779 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000

TOTAL: HUMAN RELATIONS
FROM GENERAL REVENUE FUND 3,869,697
FROM TRUST FUNDS 1,371,087

SECTION 6
SPECIFIC
APPROPRIATION
TOTAL POSITIONS 71.00
TOTAL ALL FUNDS 5,240,784

ADMINISTRATIVE HEARINGS

PROGRAM: ADJUDICATION OF DISPUTES

APPROVED SALARY RATE 5,345,446

2780 SALARIES AND BENEFITS POSITIONS 71.00
FROM ADMINISTRATIVE TRUST FUND 6,603,784

2781 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 476,742

2782 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 1,181,287

2783 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 71,550

2784 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 43,521

2785 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 30,656

TOTAL: PROGRAM: ADJUDICATION OF DISPUTES
FROM TRUST FUNDS 8,407,540

TOTAL POSITIONS 71.00
TOTAL ALL FUNDS 8,407,540

PROGRAM: WORKERS' COMPENSATION APPEALS - JUDGES OF COMPENSATION CLAIMS

APPROVED SALARY RATE 9,529,480

2786 SALARIES AND BENEFITS POSITIONS 214.00
FROM ADMINISTRATIVE TRUST FUND 13,136,229

From the funds in Specific Appropriations 2786, 2788, 2789, and 2791, the Office of the Judges of Compensation Claims is provided twenty additional positions and $1,637,461 for claims workload. Beginning September 30, 2005, the office shall submit a quarterly report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives showing the improvement to workers' compensation dispute resolution resulting from these new positions.

2787 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 999,362

2788 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 3,556,612

2789 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 68,396

2790 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 279,338

2791 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM ADMINISTRATIVE TRUST FUND 88,224

SECTION 6
SPECIFIC
APPROPRIATION

TOTAL: PROGRAM: WORKERS' COMPENSATION APPEALS - JUDGES OF COMPENSATION CLAIMS
FROM TRUST FUNDS 18,128,161

TOTAL POSITIONS 214.00
TOTAL ALL FUNDS 18,128,161

MILITARY AFFAIRS, DEPARTMENT OF

From the funds in Specific Appropriation 2819, any expenditures from the Temporary Assistance for Needy Families (TANF) Block Grant must be expended in accordance with the requirements and limitations of Part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation. Before any funds are released by the Department of Children and Family Services, each provider shall identify the number of clients to be served and certify their eligibility under Part A of Title IV of the Social Security Act. Funds may not be released for services to any clients except those so identified and certified.

The agency head or a designee shall certify that controls are in place to ensure that such funds are expended in accordance with the requirements and limitations of federal law and that any reporting requirements of federal law are met. It shall be the responsibility of any entity to which such funds are appropriated to obtain the required certification prior to any expenditure of funds.

PROGRAM: READINESS AND RESPONSE

DRUG INTERDICTION AND PREVENTION

2792 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND 49,750

2793 EXPENSES
FROM GENERAL REVENUE FUND 148,250
FROM COOPERATIVE AGREEMENT TRUST FUND . . 5,075,000
FROM FEDERAL EQUITABLE SHARING TRUST FUND 425,000

2794 OPERATING CAPITAL OUTLAY
FROM FEDERAL EQUITABLE SHARING TRUST FUND 100,000

TOTAL: DRUG INTERDICTION AND PREVENTION
FROM GENERAL REVENUE FUND 198,000
FROM TRUST FUNDS 5,600,000

TOTAL ALL FUNDS 5,798,000

MILITARY READINESS AND RESPONSE

APPROVED SALARY RATE 2,991,646

2795 SALARIES AND BENEFITS POSITIONS 93.00
FROM GENERAL REVENUE FUND 2,819,473
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 952,994

From the general revenue funds in Specific Appropriations 2795, 2797 and 2798, 3 FTE positions, $119,302 in Salaries and Benefits, $2,875,298 in Expenses, and $5,400 in Operating Capital Outlay are provided to reimburse Florida National Guard service members for the life insurance payments that are deducted from their military salaries for Service Member's Group Life Insurance, obtained through the United States Department of Defense. Of these funds, $2,800,000 provided in Specific Appropriation 2797 is for the payment of the insurance premiums. If the amount provided is insufficient to cover the entire cost of the premium for each service member participating in the program, then the amount provided may be prorated. The three positions shall be used to administer the quarterly payments for the service members who would benefit from this program.

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APPROPRIATION

2796 OTHER PERSONAL SERVICES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 118,172

2797 EXPENSES
FROM GENERAL REVENUE FUND 7,020,744
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 896,425

2798 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 7,477
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 186,853

2799 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 303,000

2800 SPECIAL CATEGORIES
NATIONAL GUARD TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 3,481,900

2801 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 1,701

2802 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 57,297

2803 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 31,010
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 12,406

2804 FIXED CAPITAL OUTLAY
FLORIDA READINESS CENTERS REVITALIZATION PLAN - STATEWIDE
FROM GENERAL REVENUE FUND 7,295,000

Funds in Specific Appropriation 2804 include $195,000 for the Florida National Guard 146th Signal Battalion Building, Normandy Boulevard, Jacksonville, Florida. The Florida National Guard is to develop memorandums of understanding with appropriate postsecondary institutions to ensure that the renovated buildings are used for training programs that can be translated into college credit or certification for civilians.

If life insurance benefits comparable to those provided with the $2,800,000 of funds in Specific Appropriation 2797 are provided by the federal government, then the unexpended balance of the $2,800,000 from the General Revenue Fund in Specific Appropriation 2797 is hereby reverted and reappropriated to Specific Appropriation 2804 for the Readiness Centers Revitalization Plan. The Department of Military Affairs shall notify the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council of the amount of funds reverted and reappropriated.

TOTAL: MILITARY READINESS AND RESPONSE
FROM GENERAL REVENUE FUND 20,655,604
FROM TRUST FUNDS 2,528,848

TOTAL POSITIONS 93.00
TOTAL ALL FUNDS 23,184,452

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 2,494,709

2805 SALARIES AND BENEFITS POSITIONS 51.00
FROM GENERAL REVENUE FUND 3,151,842
FROM COOPERATIVE AGREEMENT TRUST FUND . . 287,001

SECTION 6
SPECIFIC
APPROPRIATION

2806 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 94,525

2807 EXPENSES
FROM GENERAL REVENUE FUND 1,655,415
FROM COOPERATIVE AGREEMENT TRUST FUND . . 13,054
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 23,030

2808 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 189,424
FROM COOPERATIVE AGREEMENT TRUST FUND . . 15,000
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 48,000

2809 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM GENERAL REVENUE FUND 45,770

2810 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 6,994

2811 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 225,330

2812 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 21,563

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 5,390,863
FROM TRUST FUNDS 386,085

TOTAL POSITIONS 51.00
TOTAL ALL FUNDS 5,776,948

FEDERAL/STATE COOPERATIVE AGREEMENTS

APPROVED SALARY RATE 5,408,676

2813 SALARIES AND BENEFITS POSITIONS 174.00
FROM COOPERATIVE AGREEMENT TRUST FUND . . 6,901,596

2814 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 150,000
FROM COOPERATIVE AGREEMENT TRUST FUND . . 2,047,000

2815 EXPENSES
FROM GENERAL REVENUE FUND 168,400
FROM COOPERATIVE AGREEMENT TRUST FUND . . 15,434,478

2816 OPERATING CAPITAL OUTLAY
FROM COOPERATIVE AGREEMENT TRUST FUND . . 449,450

2817 FOOD PRODUCTS
FROM COOPERATIVE AGREEMENT TRUST FUND . . 250,000

2818 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM COOPERATIVE AGREEMENT TRUST FUND . . 10,209

2819 SPECIAL CATEGORIES
GRANTS AND AIDS - WAGES CONTRACTING WITH MILITARY AFFAIRS
FROM GENERAL REVENUE FUND 1,250,000
FROM WELFARE TRANSITION TRUST FUND 3,800,000

2820 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM COOPERATIVE AGREEMENT TRUST FUND . . 63,947

TOTAL: FEDERAL/STATE COOPERATIVE AGREEMENTS
FROM GENERAL REVENUE FUND 1,568,400
FROM TRUST FUNDS 28,956,680

TOTAL POSITIONS 174.00
TOTAL ALL FUNDS 30,525,080

PUBLIC SERVICE COMMISSION

PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE

APPROVED SALARY RATE 16,501,857

2821 SALARIES AND BENEFITS POSITIONS 349.00
FROM REGULATORY TRUST FUND 20,694,228

2822 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 400,588

2823 EXPENSES
FROM REGULATORY TRUST FUND 4,322,990

2824 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 387,546

2825 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM REGULATORY TRUST FUND 72,055

2826 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM REGULATORY TRUST FUND 2,315

2827 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM REGULATORY TRUST FUND 102,864

2828 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM REGULATORY TRUST FUND 141,250

2829 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM REGULATORY TRUST FUND 76,708

TOTAL: PROGRAM: UTILITIES REGULATION/CONSUMER ASSISTANCE
FROM TRUST FUNDS 26,200,544

TOTAL POSITIONS 349.00
TOTAL ALL FUNDS 26,200,544

REVENUE, DEPARTMENT OF

PROGRAM: ADMINISTRATIVE SERVICES PROGRAM

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 14,794,785

2830 SALARIES AND BENEFITS POSITIONS 331.00
FROM GENERAL REVENUE FUND 11,002,116
FROM ADMINISTRATIVE TRUST FUND 2,338,628
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,416,553

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2831 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 230,558
FROM ADMINISTRATIVE TRUST FUND 207,182

2832 EXPENSES
FROM GENERAL REVENUE FUND 1,526,226
FROM ADMINISTRATIVE TRUST FUND 1,342,138
FROM GRANTS AND DONATIONS TRUST FUND . . . 742,754

2833 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 106,929
FROM ADMINISTRATIVE TRUST FUND 120,235

2834 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM GENERAL REVENUE FUND 264,265
FROM ADMINISTRATIVE TRUST FUND 189,433

2835 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 280,673
FROM ADMINISTRATIVE TRUST FUND 221,553
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,270

2836 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 1,040,854
FROM ADMINISTRATIVE TRUST FUND 349,062
FROM GRANTS AND DONATIONS TRUST FUND . . . 738,689

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 14,451,621
FROM TRUST FUNDS 11,679,497

TOTAL POSITIONS 331.00
TOTAL ALL FUNDS 26,131,118

PROGRAM: PROPERTY TAX ADMINISTRATION PROGRAM

COMPLIANCE DETERMINATION

APPROVED SALARY RATE 5,188,556

2837 SALARIES AND BENEFITS POSITIONS 124.75
FROM GENERAL REVENUE FUND 6,490,675

2838 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 37,170

2839 EXPENSES
FROM GENERAL REVENUE FUND 1,368,100

2840 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 46,012

2841 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 45,933

TOTAL: COMPLIANCE DETERMINATION
FROM GENERAL REVENUE FUND 7,987,890

TOTAL POSITIONS 124.75
TOTAL ALL FUNDS 7,987,890

SECTION 6
SPECIFIC
APPROPRIATION
COMPLIANCE RESOLUTION

APPROVED SALARY RATE 550,799

2842 SALARIES AND BENEFITS POSITIONS 13.20
FROM GENERAL REVENUE FUND 714,623

2843 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 205,000

2844 EXPENSES
FROM GENERAL REVENUE FUND 121,167

2845 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 4,835

TOTAL: COMPLIANCE RESOLUTION
FROM GENERAL REVENUE FUND 1,045,625

TOTAL POSITIONS 13.20
TOTAL ALL FUNDS 1,045,625

COMPLIANCE ASSISTANCE

APPROVED SALARY RATE 1,587,208

2846 SALARIES AND BENEFITS POSITIONS 39.05
FROM GENERAL REVENUE FUND 2,189,227

2847 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 250,000

2848 EXPENSES
FROM GENERAL REVENUE FUND 365,118

2849 AID TO LOCAL GOVERNMENTS
AERIAL PHOTOGRAPHY AND MAPPING
FROM GENERAL REVENUE FUND 1,516,266

2850 AID TO LOCAL GOVERNMENTS
COUNTY TAX FORMS
FROM GENERAL REVENUE FUND 175,000

2851 SPECIAL CATEGORIES
PROPERTY APPRAISER AND TAX COLLECTOR CERTIFICATION PROGRAM
FROM CERTIFICATION PROGRAM TRUST FUND . . 450,000

2852 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 14,337

TOTAL: COMPLIANCE ASSISTANCE
FROM GENERAL REVENUE FUND 4,509,948
FROM TRUST FUNDS 450,000

TOTAL POSITIONS 39.05
TOTAL ALL FUNDS 4,959,948

PROGRAM: CHILD SUPPORT ENFORCEMENT PROGRAM

CASE PROCESSING

APPROVED SALARY RATE 42,378,027

2853 SALARIES AND BENEFITS POSITIONS 1,402.00
FROM GENERAL REVENUE FUND 10,909,345
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 6,696,607
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 638,355
FROM GRANTS AND DONATIONS TRUST FUND . . . 35,414,912

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2854 OTHER PERSONAL SERVICES
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 59,699
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 119,398
FROM GRANTS AND DONATIONS TRUST FUND . . . 477,771

2855 EXPENSES
FROM GENERAL REVENUE FUND 3,229,734
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 1,211,584
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,636,894

2856 OPERATING CAPITAL OUTLAY
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 94,312
FROM GRANTS AND DONATIONS TRUST FUND . . . 183,073

2857 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND 5,342,757
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 587,858
FROM GRANTS AND DONATIONS TRUST FUND . . . 19,489,554

2858 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 233,769
FROM GRANTS AND DONATIONS TRUST FUND . . . 453,779

2859 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 978,045
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 1,186,799
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,205,148

TOTAL: CASE PROCESSING
FROM GENERAL REVENUE FUND 20,693,650
FROM TRUST FUNDS 79,455,743

TOTAL POSITIONS 1,402.00
TOTAL ALL FUNDS 100,149,393

REMITTANCE AND DISTRIBUTION

APPROVED SALARY RATE 1,337,041

2860 SALARIES AND BENEFITS POSITIONS 48.00
FROM GENERAL REVENUE FUND 429,131
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 261,289
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 24,914
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,388,536

2861 OTHER PERSONAL SERVICES
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 8,298
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 16,596
FROM GRANTS AND DONATIONS TRUST FUND . . . 48,322

2862 EXPENSES
FROM GENERAL REVENUE FUND 126,924
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 47,509
FROM GRANTS AND DONATIONS TRUST FUND . . . 338,846

2863 OPERATING CAPITAL OUTLAY
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 3,283
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,372

2864 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND 6,513,289

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FROM CHILD SUPPORT INCENTIVE TRUST FUND . 1,350,721
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND 1,800,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 22,596,097

2865 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 8,152
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,826

2866 FINANCIAL ASSISTANCE PAYMENTS
CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 750,000

2867 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 838,775
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 1,173,648
FROM CLERK OF THE COURT CHILD SUPPORT ENFORCEMENT COLLECTION SYSTEM TRUST FUND 10,022
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,899,052

TOTAL: REMITTANCE AND DISTRIBUTION
FROM GENERAL REVENUE FUND 7,916,271
FROM TRUST FUNDS 33,739,331

TOTAL POSITIONS 48.00
TOTAL ALL FUNDS 41,655,602

ESTABLISHMENT

APPROVED SALARY RATE 12,878,782

2868 SALARIES AND BENEFITS POSITIONS 444.00
FROM GENERAL REVENUE FUND 3,424,708
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 2,085,339
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 198,887
FROM GRANTS AND DONATIONS TRUST FUND . . . 11,081,838

2869 OTHER PERSONAL SERVICES
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 17,162
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 34,324
FROM GRANTS AND DONATIONS TRUST FUND . . . 99,944

2870 EXPENSES
FROM GENERAL REVENUE FUND 988,854
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 365,043
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,630,002

2871 OPERATING CAPITAL OUTLAY
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 29,955
FROM GRANTS AND DONATIONS TRUST FUND . . . 58,148

2872 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND 3,931,582
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 3,758,524
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 308,934
FROM GRANTS AND DONATIONS TRUST FUND . . . 21,869,926

2873 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 74,722
FROM GRANTS AND DONATIONS TRUST FUND . . . 145,047

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2874 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 9,875

2875 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 1,624,570
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 153,418
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,453,692

TOTAL: ESTABLISHMENT
FROM GENERAL REVENUE FUND 10,054,311
FROM TRUST FUNDS 46,290,183

TOTAL POSITIONS 444.00
TOTAL ALL FUNDS 56,344,494

COMPLIANCE

APPROVED SALARY RATE 12,126,165

2876 SALARIES AND BENEFITS POSITIONS 439.00
FROM GENERAL REVENUE FUND 3,504,651
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 2,134,061
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 203,665
FROM GRANTS AND DONATIONS TRUST FUND . . . 11,340,795

2877 OTHER PERSONAL SERVICES
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 16,841
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 33,682
FROM GRANTS AND DONATIONS TRUST FUND . . . 98,072

2878 EXPENSES
FROM GENERAL REVENUE FUND 1,240,342
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 464,269
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,311,299

2879 OPERATING CAPITAL OUTLAY
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 29,531
FROM GRANTS AND DONATIONS TRUST FUND . . . 57,326

2880 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND 2,557,604
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 2,327,293
FROM CHILD SUPPORT ENFORCEMENT APPLICATION AND PROGRAM REVENUE TRUST FUND 171,449
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,085,762

2881 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 74,293
FROM GRANTS AND DONATIONS TRUST FUND . . . 144,218

2882 DATA PROCESSING SERVICES
CHILDREN AND FAMILIES DATA CENTER
FROM GENERAL REVENUE FUND 1,628,102
FROM CHILD SUPPORT INCENTIVE TRUST FUND . 153,756
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,461,207

TOTAL: COMPLIANCE
FROM GENERAL REVENUE FUND 9,004,992
FROM TRUST FUNDS 37,033,226

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TOTAL POSITIONS 439.00
TOTAL ALL FUNDS 46,038,218

PROGRAM: GENERAL TAX ADMINISTRATION PROGRAM

TAX PROCESSING

APPROVED SALARY RATE 13,214,175

2883 SALARIES AND BENEFITS POSITIONS 468.00
FROM GENERAL REVENUE FUND 15,954,654
FROM ADMINISTRATIVE TRUST FUND 2,991,730
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,747,248

2884 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 85,099
FROM ADMINISTRATIVE TRUST FUND 98,314
FROM GRANTS AND DONATIONS TRUST FUND . . . 39,404

2885 EXPENSES
FROM GENERAL REVENUE FUND 3,460,287
FROM ADMINISTRATIVE TRUST FUND 1,619,391
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,051,380

2886 AID TO LOCAL GOVERNMENTS
GRANTS AND AID TO LOCAL GOVERNMENT/ DISTRIBUTION TO CLERKS OF COURT
FROM THE DEPARTMENT OF REVENUE CLERKS OF THE COURT TRUST FUND 30,000,000

2887 AID TO LOCAL GOVERNMENTS
EMERGENCY DISTRIBUTIONS
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND 16,407,042

2888 AID TO LOCAL GOVERNMENTS
INMATE SUPPLEMENTAL DISTRIBUTION
FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND 592,958

2889 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 241,988
FROM ADMINISTRATIVE TRUST FUND 190,466
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,377

2890 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COLLECTION AGENCIES
FROM ADMINISTRATIVE TRUST FUND 97,049

2891 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 86,572
FROM ADMINISTRATIVE TRUST FUND 33,398

TOTAL: TAX PROCESSING
FROM GENERAL REVENUE FUND 19,828,600
FROM TRUST FUNDS 55,873,757

TOTAL POSITIONS 468.00
TOTAL ALL FUNDS 75,702,357

TAXPAYER AID

APPROVED SALARY RATE 6,547,949

2892 SALARIES AND BENEFITS POSITIONS 188.00
FROM GENERAL REVENUE FUND 6,409,909
FROM ADMINISTRATIVE TRUST FUND 1,201,946
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,103,724

2893 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 34,198
FROM ADMINISTRATIVE TRUST FUND 28,255
FROM GRANTS AND DONATIONS TRUST FUND . . . 15,835

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2894 EXPENSES
FROM GENERAL REVENUE FUND 1,509,235
FROM ADMINISTRATIVE TRUST FUND 652,721
FROM GRANTS AND DONATIONS TRUST FUND . . . 422,503

2895 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 54,485
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,161

2896 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COLLECTION AGENCIES
FROM ADMINISTRATIVE TRUST FUND 39,000

2897 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 34,788
FROM ADMINISTRATIVE TRUST FUND 13,422

TOTAL: TAXPAYER AID
FROM GENERAL REVENUE FUND 7,988,130
FROM TRUST FUNDS 3,534,052

TOTAL POSITIONS 188.00
TOTAL ALL FUNDS 11,522,182

COMPLIANCE DETERMINATION

APPROVED SALARY RATE 48,992,679

2898 SALARIES AND BENEFITS POSITIONS 1,204.00
FROM GENERAL REVENUE FUND 41,029,923
FROM ADMINISTRATIVE TRUST FUND 7,679,891
FROM GRANTS AND DONATIONS TRUST FUND . . . 7,072,977

2899 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 219,130
FROM ADMINISTRATIVE TRUST FUND 181,052
FROM GRANTS AND DONATIONS TRUST FUND . . . 101,463

2900 EXPENSES
FROM GENERAL REVENUE FUND 9,637,098
FROM ADMINISTRATIVE TRUST FUND 4,212,755
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,707,077

2901 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 350
FROM ADMINISTRATIVE TRUST FUND 318,788
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,845

2902 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COLLECTION AGENCIES
FROM ADMINISTRATIVE TRUST FUND 249,900

2903 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 222,920
FROM ADMINISTRATIVE TRUST FUND 86,001

TOTAL: COMPLIANCE DETERMINATION
FROM GENERAL REVENUE FUND 51,109,421
FROM TRUST FUNDS 22,623,749

TOTAL POSITIONS 1,204.00
TOTAL ALL FUNDS 73,733,170

COMPLIANCE RESOLUTION

APPROVED SALARY RATE 17,711,785

2904 SALARIES AND BENEFITS POSITIONS 551.00
FROM GENERAL REVENUE FUND 18,752,203
FROM ADMINISTRATIVE TRUST FUND 3,516,326
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,228,973

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2905 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 100,006
FROM ADMINISTRATIVE TRUST FUND 82,631
FROM GRANTS AND DONATIONS TRUST FUND . . . 46,308

2906 EXPENSES
FROM GENERAL REVENUE FUND 4,366,869
FROM ADMINISTRATIVE TRUST FUND 1,958,808
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,235,734

2907 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 22,218
FROM ADMINISTRATIVE TRUST FUND 109,342
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,318

2908 SPECIAL CATEGORIES
PURCHASE OF SERVICES - COLLECTION AGENCIES
FROM ADMINISTRATIVE TRUST FUND 114,051

2909 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 101,736
FROM ADMINISTRATIVE TRUST FUND 39,251

TOTAL: COMPLIANCE RESOLUTION
FROM GENERAL REVENUE FUND 23,343,032
FROM TRUST FUNDS 10,337,742

TOTAL POSITIONS 551.00
TOTAL ALL FUNDS 33,680,774

PROGRAM: INFORMATION SERVICES PROGRAM

INFORMATION TECHNOLOGY

APPROVED SALARY RATE 7,160,343

2910 SALARIES AND BENEFITS POSITIONS 181.00
FROM GENERAL REVENUE FUND 6,644,043
FROM ADMINISTRATIVE TRUST FUND 2,008,260
FROM GRANTS AND DONATIONS TRUST FUND . . . 580,709

2911 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 328,260
FROM ADMINISTRATIVE TRUST FUND 483,408

2912 EXPENSES
FROM GENERAL REVENUE FUND 3,303,861
FROM ADMINISTRATIVE TRUST FUND 4,153,313
FROM GRANTS AND DONATIONS TRUST FUND . . . 996,539

2913 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 312,664
FROM ADMINISTRATIVE TRUST FUND 426,872
FROM GRANTS AND DONATIONS TRUST FUND . . . 34,094

2914 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 14,573
FROM ADMINISTRATIVE TRUST FUND 9,913

2915 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 154,714
FROM ADMINISTRATIVE TRUST FUND 229,286

2916 DATA PROCESSING SERVICES
STATE TECHNOLOGY OFFICE
FROM GENERAL REVENUE FUND 167,761
FROM ADMINISTRATIVE TRUST FUND 186,812

TOTAL: INFORMATION TECHNOLOGY
FROM GENERAL REVENUE FUND 10,925,876
FROM TRUST FUNDS 9,109,206

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TOTAL POSITIONS	181.00	
TOTAL ALL FUNDS		20,035,082

STATE, DEPARTMENT OF

PROGRAM: OFFICE OF THE SECRETARY AND ADMINISTRATIVE SERVICES

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 2,743,534

2917	SALARIES AND BENEFITS	POSITIONS	57.00
	FROM GENERAL REVENUE FUND		3,313,795
	FROM GRANTS AND DONATIONS TRUST FUND . . .		82,383
2918	EXPENSES		
	FROM GENERAL REVENUE FUND		467,734
2919	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		5,000
2920	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND		4,630
2921	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		8,622
2922	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND		14,235
2923	DATA PROCESSING SERVICES		
	OTHER DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND		43,173

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES		
FROM GENERAL REVENUE FUND	3,857,189	
FROM TRUST FUNDS		82,383
TOTAL POSITIONS	57.00	
TOTAL ALL FUNDS		3,939,572

PROGRAM: ELECTIONS

ELECTIONS

APPROVED SALARY RATE 1,444,390

2924	SALARIES AND BENEFITS	POSITIONS	59.00
	FROM GENERAL REVENUE FUND		1,529,401
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,362,189
2925	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND		87,150
2926	EXPENSES		
	FROM GENERAL REVENUE FUND		1,184,258
	FROM GRANTS AND DONATIONS TRUST FUND . . .		541,066
2927	AID TO LOCAL GOVERNMENTS		
	PETITION SIGNATURE VERIFICATION		
	FROM GENERAL REVENUE FUND		75,000
2928	AID TO LOCAL GOVERNMENTS		
	SPECIAL ELECTIONS		
	FROM GENERAL REVENUE FUND		200,000

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2929	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND		73,086
	FROM GRANTS AND DONATIONS TRUST FUND . . .		12,500
2930	SPECIAL CATEGORIES		
	VOTER INFORMATION		
	FROM GENERAL REVENUE FUND		75,000
2931	SPECIAL CATEGORIES		
	VOTING SYSTEMS ASSISTANCE		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,525,000

From the funds in Specific Appropriation 2931, $17,000,000 shall be distributed to reimburse counties that have already purchased voting systems that meet Help America Vote Act accessibility requirements for voters with disabilities.

2933	SPECIAL CATEGORIES		
	LITIGATION EXPENSES		
	FROM GENERAL REVENUE FUND		100,000
2934	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND		52,757
2936	SPECIAL CATEGORIES		
	ELECTION FRAUD PREVENTION		
	FROM GENERAL REVENUE FUND		600,000
2937	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT		
	FROM GENERAL REVENUE FUND		14,542
2938	SPECIAL CATEGORIES		
	VOTER EDUCATION		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,000,000

The funds in Specific Appropriation 2938 shall be distributed to county supervisors of elections for the following purposes relating to voter education: mailing or publishing sample ballots; conducting activities pursuant to the Standards for Nonpartisan Voter Education as provided in Rule 1S-2.033, F.A.C.; print, radio, or television advertising to voters; and other innovative voter education programs, as approved by the Department of State. No supervisor of elections shall receive any funds until the supervisor of elections provides to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented.

The department shall distribute an amount to each eligible county supervisor equal to the funding level per voter multiplied by the number of registered voters in the county for the 2004 General Election. The department shall determine the funding level per voter based on the number of registered voters in the state for the 2004 General Election.

In order for a county supervisor of elections to be eligible to receive state funding for voter education, the county must certify to the Division of Elections that the county will provide matching funds for voter education in the amount equal to fifteen percent of the amount to be received from the state. Additionally, to be eligible, a county must segregate state voter education distributions and required county matching dollars in a separate account established to hold only such funds. Funds in this account must be used only for the activities for which the funds were received. Any funds remaining in the fund at the end of the fiscal year shall remain in the account to be used for the same purposes for subsequent years or until such funds are expended.

2939	SPECIAL CATEGORIES		
	GRANTS AND AIDS - POLL WORKER RECRUITMENT AND TRAINING		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,000,000

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From the funds in Specific Appropriation 2939, $3,000,000 shall be distributed to county supervisors of elections to assist with recruiting and training individuals as poll workers. These funds shall be distributed to each eligible county supervisor in an amount equal to the funding level per voter multiplied by the number of registered voters in the county for the 2004 General Election. The Division of Elections shall determine the funding level per voter based on the number of registered voters in the state for the 2004 General Election. The county must certify to the Division of Elections that the county will provide matching funds for poll worker recruitment and training in the amount equal to fifteen percent of the amount to be received from the state. The county must also submit training plans to the department for approval to ensure consistency of training across the state.

From the funds in Specific Appropriation 2939, $1,000,000 shall be used by the Department of State for oversight of poll worker training to ensure uniformity in the training of poll workers statewide. This oversight will include developing a curriculum to be used by each county supervisor of elections for the training of poll workers and the training of Department of State staff to assist with this training.

TOTAL: ELECTIONS
FROM GENERAL REVENUE FUND 3,991,194
FROM TRUST FUNDS 26,440,755

TOTAL POSITIONS 59.00
TOTAL ALL FUNDS 30,431,949

PROGRAM: HISTORICAL RESOURCES

HISTORICAL RESOURCES PRESERVATION AND EXHIBITION

APPROVED SALARY RATE 2,940,828

2940 SALARIES AND BENEFITS POSITIONS 88.00
FROM GENERAL REVENUE FUND 2,589,060
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,128,809
FROM OPERATING TRUST FUND 288,401

2941 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 34,516
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,452,614
FROM OPERATING TRUST FUND 506,051

2942 EXPENSES
FROM GENERAL REVENUE FUND 1,549,502
FROM GRANTS AND DONATIONS TRUST FUND . . . 607,592
FROM OPERATING TRUST FUND 518,423

2943 OPERATING CAPITAL OUTLAY
FROM GRANTS AND DONATIONS TRUST FUND . . . 150,000
FROM OPERATING TRUST FUND 22,500

2944 SPECIAL CATEGORIES
GRANTS AND AIDS - HISTORIC MUSEUM GRANTS
FROM GENERAL REVENUE FUND 1,750,000

2945 SPECIAL CATEGORIES
GRANTS AND AIDS - HISTORIC PRESERVATION GRANTS
FROM GENERAL REVENUE FUND 2,000,000
FROM OPERATING TRUST FUND 85,870

2946 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 14,667
FROM OPERATING TRUST FUND 15,521

2947 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 29,165

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FROM GRANTS AND DONATIONS TRUST FUND . . . 5,645
FROM OPERATING TRUST FUND 4,835

2948 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 34,746

2948A FIXED CAPITAL OUTLAY
ARCHAEOLOGY AND HISTORICAL FACILITIES - DMS MGD
FROM GENERAL REVENUE FUND 300,000

Funds in Specific Appropriation 2948A are provided for the planning and designing of a state Archaeology Curation and Conservation Facility.

2949 FIXED CAPITAL OUTLAY
MISSION SAN LUIS FORT CONSTRUCTION
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,381,100

The funds in Specific Appropriation 2949 shall be used to complete construction of the seventeenth century Spanish Fort at Mission San Luis. The Department of State shall contract with the Department of Management Services for administration of this project.

2949A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIAL CATEGORIES - ACQUISITION, RESTORATION OF HISTORIC PROPERTIES
FROM GENERAL REVENUE FUND 12,804,000

From the funds in Specific Appropriation 2949A, $12,500,000 is provided to fund the historical preservation projects that were selected in accordance with chapter 1A-35.007, Florida Administrative Code.

From the funds in Specific Appropriation 2949A, $304,000 is provided for the Cuban Club Rehabilitation Project in Hillsborough County.

2949B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIFIC CULTURAL AND HISTORIC PROJECTS
FROM GENERAL REVENUE FUND 872,000

Funds in Specific Appropriation 2949B from the General Revenue Fund shall be allocated as follows:

Florida African American Heritage..... 250,000
Myrtle Ave Landmark Jacksonville..... 122,000
Digitize University Museum Collections..... 500,000

TOTAL: HISTORICAL RESOURCES PRESERVATION AND EXHIBITION
FROM GENERAL REVENUE FUND 21,977,656
FROM TRUST FUNDS 8,167,361

TOTAL POSITIONS 88.00
TOTAL ALL FUNDS 30,145,017

PROGRAM: CORPORATIONS

COMMERCIAL RECORDINGS AND REGISTRATIONS

APPROVED SALARY RATE 5,284,772

2950 SALARIES AND BENEFITS POSITIONS 160.00
FROM GENERAL REVENUE FUND 7,219,794

2951 EXPENSES
FROM GENERAL REVENUE FUND 4,369,996

2952 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 30,000

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2953 SPECIAL CATEGORIES
RICO ACT - ALIEN CORPORATIONS
FROM GENERAL REVENUE FUND 200,000

2954 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 75,116

2955 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 71,112

2956 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 249,361

TOTAL: COMMERCIAL RECORDINGS AND REGISTRATIONS
FROM GENERAL REVENUE FUND 12,215,379

TOTAL POSITIONS 160.00
TOTAL ALL FUNDS 12,215,379

PROGRAM: LIBRARY AND INFORMATION SERVICES

LIBRARY, ARCHIVES AND INFORMATION SERVICES

APPROVED SALARY RATE 3,820,074

2957 SALARIES AND BENEFITS POSITIONS 114.00
FROM GENERAL REVENUE FUND 2,479,280
FROM LIBRARY SERVICES TRUST FUND 1,266,073
FROM RECORDS MANAGEMENT TRUST FUND 1,218,542

2958 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 169,916
FROM LIBRARY SERVICES TRUST FUND 302,826
FROM RECORDS MANAGEMENT TRUST FUND 52,412

2959 EXPENSES
FROM GENERAL REVENUE FUND 2,147,225
FROM LIBRARY SERVICES TRUST FUND 826,379
FROM RECORDS MANAGEMENT TRUST FUND 650,785

2960 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HISTORICAL RECORDS GRANTS
FROM LIBRARY SERVICES TRUST FUND 25,000

2961 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY COOPERATIVES
FROM GENERAL REVENUE FUND 1,800,000

2962 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY GRANTS
FROM GENERAL REVENUE FUND 31,849,233
FROM LIBRARY SERVICES TRUST FUND 3,641,637

2963 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS COMMUNITY LIBRARIES IN CARING
FROM GENERAL REVENUE FUND 200,000

2964 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,000
FROM LIBRARY SERVICES TRUST FUND 7,522
FROM RECORDS MANAGEMENT TRUST FUND 47,848

2965 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 611,389
FROM LIBRARY SERVICES TRUST FUND 1,773,197

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2966 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 16,820

2967 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 27,922
FROM LIBRARY SERVICES TRUST FUND 6,915
FROM RECORDS MANAGEMENT TRUST FUND 15,806

2967A FIXED CAPITAL OUTLAY
LIBRARY CONSTRUCTION GRANTS
FROM GENERAL REVENUE FUND 7,500,000

Funds in Specific Appropriation 2967A from the General Revenue Fund are provided for library construction projects that are in compliance with section 257.191, Florida Statutes. Of the funds in Specific Appropriation 2967A, $6,500,000 is provided for the thirteen highest ranked projects that have been priority ranked under chapter 1B-2.011, Florida Administrative Code, and $1,000,000 is provided for projects that had previously been awarded a library construction grant but were subsequently withdrawn or vacated.

2967B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
LIBRARY PROJECTS
FROM GENERAL REVENUE FUND 3,081,779

Funds in Specific Appropriation 2967B shall be allocated as follows:

Library/Renovation Expansion Project in Bay County..... 2,500,000
Library Construction - Trinity, Pasco County..... 431,779
Lauderdale Lakes Educational & Cultural Resource Center..... 150,000

TOTAL: LIBRARY, ARCHIVES AND INFORMATION SERVICES
FROM GENERAL REVENUE FUND 49,909,564
FROM TRUST FUNDS 9,834,942

TOTAL POSITIONS 114.00
TOTAL ALL FUNDS 59,744,506

PROGRAM: CULTURAL AFFAIRS

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 720,918

2968 SALARIES AND BENEFITS POSITIONS 19.00
FROM GENERAL REVENUE FUND 588,999
FROM FINE ARTS COUNCIL TRUST FUND 282,835

2969 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 59,750
FROM FINE ARTS COUNCIL TRUST FUND 20,600

2970 EXPENSES
FROM GENERAL REVENUE FUND 176,881
FROM FINE ARTS COUNCIL TRUST FUND 195,891

From the funds in Specific Appropriation 2970, the Department of State shall study and make recommendations to the 2006 legislature regarding a methodology for financing a master plan expansion for Florida zoos. The criteria for such methodology shall include local support, a demonstrable impact on the local economy and accreditation by the American Zoological Parks and Aquarium Association.

2971 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,000

2972 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 3,658

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2973 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 4,774
FROM FINE ARTS COUNCIL TRUST FUND 2,727

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 837,062
FROM TRUST FUNDS 502,053

TOTAL POSITIONS 19.00
TOTAL ALL FUNDS 1,339,115

CULTURAL SUPPORT AND DEVELOPMENT GRANTS

2974 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ARTS GRANTS
FROM GENERAL REVENUE FUND 2,718,750
FROM FINE ARTS COUNCIL TRUST FUND 200,279

2975 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCIENCES GRANTS
FROM GENERAL REVENUE FUND 500,000

2976 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ARTS IN EDUCATION GRANTS
FROM GENERAL REVENUE FUND 550,000

2977 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL ARTS AGENCIES/ STATE SERVICE ORGANIZATIONS
FROM GENERAL REVENUE FUND 400,000

2978 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - YOUTH AND CHILDREN'S MUSEUMS GRANTS
FROM GENERAL REVENUE FUND 250,000

2978A SPECIAL CATEGORIES
GRANTS AND AIDS - FINE ARTS ENDOWMENT
FROM GENERAL REVENUE FUND 960,000

Funds in Specific Appropriation 2978A are provided for the Cultural Endowment Program in accordance with sections 265.601-606, Florida Statutes and chapter 1T-1.001, Florida Administrative Code and shall be allocated as follows:

Murray Dranoff Foundation..... 240,000
Zoological Society of the Palm Beaches..... 240,000
Dunedin Fine Arts and Cultural Center..... 240,000
Tampa Bay Performing Arts Center..... 240,000

2978B SPECIAL CATEGORIES
GRANTS AND AIDS - CHALLENGE GRANTS
FROM GENERAL REVENUE FUND 280,776

Funds in Specific Appropriation 2978B are provided for Challenge Grants that are in compliance with section 265.286, Florida Statutes, and are priority ranked under chapter 1T-1.001, Florida Administrative Code.

2979 SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL EXCHANGE PROGRAM
FROM GENERAL REVENUE FUND 250,000

2980 SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL INSTITUTIONS
FROM GENERAL REVENUE FUND 6,495,872

2981 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES
FROM GENERAL REVENUE FUND 215,000

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2982 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE TOURING PROGRAM
FROM GENERAL REVENUE FUND 200,000

2982A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIAL CATEGORIES - CULTURAL FACILITIES PROGRAM
FROM GENERAL REVENUE FUND 11,738,950

Funds in Specific Appropriation 2982A are provided for the cultural facility projects that were selected in accordance with chapter 1T-1.001, Florida Administrative Code, and section 265.701, Florida Statutes.

2982B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - REGIONAL CULTURAL FACILITIES
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 2982B are provided for a regional cultural facility project that is in compliance with section 265.702, Florida Statutes, and is priority ranked under chapter 1T-1.001, Florida Administrative Code.

2982C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SPECIFIC CULTURAL AND HISTORIC PROJECTS
FROM GENERAL REVENUE FUND 350,000

Funds in Specific Appropriation 2982C shall be allocated as follows:

Rhoda L. Martin Cultural Heritage Museum..... 200,000
Bay of Pigs Museum..... 100,000
Lauderhill Performing Arts Center..... 50,000

2982D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SALVADOR DALI MUSEUM RELOCATION (#2818)
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000,000

Funds in Specific Appropriation 2982D shall not be released until the Salvador Dali Museum provides the Department of State sufficient evidence that the Salvador Dali Museum has raised $4,000,000 from private sources to match the state appropriation by January 1, 2006. Any contract for the use of funds appropriated for the Salvador Dali Museum shall require the recordation of a restrictive covenant by the owners of the facility housing the Salvador Dali Museum to ensure that the facility continues to be used as a cultural facility for a period of 10 years following the receipt of the Fiscal Year 2005-2006 appropriation. If the facility ceases to be used as a cultural facility during the 10 years following the receipt of the Fiscal Year 2005-2006 appropriation, the owners of the facility housing the Salvador Dali Museum shall repay the appropriated funds to the Department of State.

TOTAL: CULTURAL SUPPORT AND DEVELOPMENT GRANTS
FROM GENERAL REVENUE FUND 25,409,348
FROM TRUST FUNDS 4,200,279

TOTAL ALL FUNDS 29,609,627

TOTAL OF SECTION 6 POSITIONS 19,545.24

FROM GENERAL REVENUE FUND 1400,353,196

FROM TRUST FUNDS 3602,038,251

TOTAL ALL FUNDS 5002,391,447

SECTION 7 - JUDICIAL BRANCH

SECTION 7
SPECIFIC
APPROPRIATION
STATE COURT SYSTEM

PROGRAM: SUPREME COURT

COURT OPERATIONS - SUPREME COURT

APPROVED SALARY RATE 5,119,315

2983 SALARIES AND BENEFITS POSITIONS 91.00
FROM GENERAL REVENUE FUND 6,320,608

2984 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 132,585

2985 EXPENSES
FROM GENERAL REVENUE FUND 959,676

2986 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,478

2987 SPECIAL CATEGORIES
DISCRETIONARY FUNDS OF THE CHIEF JUSTICE
FROM GENERAL REVENUE FUND 20,000

Funds in Specific Appropriation 2987 may be spent at the discretion of the Chief Justice to carry out the official duties of the court. These funds shall be disbursed by the Chief Financial Officer upon receipt of vouchers authorized by the Chief Justice.

2988 SPECIAL CATEGORIES
SUPREME COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 267,215

2988A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 744

2988B FIXED CAPITAL OUTLAY
VOLTAGE SYSTEM CONVERSION - DMS MGD
FROM GENERAL REVENUE FUND 240,000

2989A FIXED CAPITAL OUTLAY
SUPREME COURT - COURT ROOM RENOVATION - DMS MGD
FROM GENERAL REVENUE FUND 200,000

2989B FIXED CAPITAL OUTLAY
AIR CONDITIONING SYSTEM REFRESH - DMS MGD
FROM GENERAL REVENUE FUND 223,000

2989C FIXED CAPITAL OUTLAY
SITE HARDENING - DMS MGD
FROM GENERAL REVENUE FUND 1,814,000

2989D FIXED CAPITAL OUTLAY
GENERATOR REPLACEMENT-SUPREME COURT BUILDING - DMS MGD
FROM GENERAL REVENUE FUND 350,000

2989E FIXED CAPITAL OUTLAY
ELEVATOR RENOVATION - SUPREME COURT BUILDING - DMS MGD
FROM GENERAL REVENUE FUND 65,000

2989F FIXED CAPITAL OUTLAY
EMERGENCY DOOR REPLACEMENT - DMS MGD
FROM GENERAL REVENUE FUND 98,000

2989G FIXED CAPITAL OUTLAY
ACCESS/SURVEILLANCE SYSTEM REPLACEMENT - DMS MGD
FROM GENERAL REVENUE FUND 160,000

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2989H FIXED CAPITAL OUTLAY
ROOF MAINTENANCE - SUPREME COURT BUILDING - DMS MGD
FROM GENERAL REVENUE FUND 105,000

2989I FIXED CAPITAL OUTLAY
SUB-BASEMENT REMEDIATION-SUPREME COURT BUILDING - DMS MGD
FROM GENERAL REVENUE FUND 130,000

2989J FIXED CAPITAL OUTLAY
LEGAL RESEARCH FACILITY - SUPREME COURT - DMS MGD
FROM GENERAL REVENUE FUND 65,000

2989K FIXED CAPITAL OUTLAY
WATER INTRUSION - SUPREME COURT - DMS MGD
FROM GENERAL REVENUE FUND 550,000

TOTAL: COURT OPERATIONS - SUPREME COURT
FROM GENERAL REVENUE FUND 11,727,306

TOTAL POSITIONS 91.00
TOTAL ALL FUNDS 11,727,306

EXECUTIVE DIRECTION AND SUPPORT SERVICES

APPROVED SALARY RATE 7,487,410

2990 SALARIES AND BENEFITS POSITIONS 153.50
FROM GENERAL REVENUE FUND 7,380,308
FROM COURT EDUCATION TRUST FUND 895,840
FROM MEDIATION AND ARBITRATION TRUST FUND 380,920
FROM GRANTS AND DONATIONS TRUST FUND . . . 630,566

2991 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 144,296
FROM COURT EDUCATION TRUST FUND 208,577
FROM MEDIATION AND ARBITRATION TRUST FUND 265,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 171,664

2992 EXPENSES
FROM GENERAL REVENUE FUND 1,668,668
FROM COURT EDUCATION TRUST FUND 1,611,740
FROM MEDIATION AND ARBITRATION TRUST FUND 270,207
FROM GRANTS AND DONATIONS TRUST FUND . . . 368,371

2993 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 673,555
FROM COURT EDUCATION TRUST FUND 41,587
FROM MEDIATION AND ARBITRATION TRUST FUND 103,600
FROM GRANTS AND DONATIONS TRUST FUND . . . 33,303

2994 SPECIAL CATEGORIES
FLORIDA CASES SOUTHERN 2ND REPORTER
FROM GENERAL REVENUE FUND 476,035

2995 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 61,068

2996 SPECIAL CATEGORIES
COMPUTER SUBSCRIPTION SERVICES
FROM GENERAL REVENUE FUND 189,010

2997 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT

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FROM GENERAL REVENUE FUND 819,539
FROM COURT EDUCATION TRUST FUND 500
FROM MEDIATION AND ARBITRATION TRUST FUND 248

2998 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 924,088
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,000

Funds in Specific Appropriation 2998 from the General Revenue Fund along with recurring funds of $509,500 and non-recurring funds of $2,520,500 from other data processing services from the General Revenue Fund as provided for in Section 26 of House Bill 1877, may be used by the Office of State Courts Administrator (OSCA) to accomplish the statewide deployment of the Judicial Inquiry System. The purpose of these funds is to provide for network access to the Department of Corrections, each county clerk database, and circuit and county courts. OSCA shall submit to the chairs of the Senate Ways and Means Committee and House Fiscal Council by August 15, 2005, a plan detailing how the deployment will be accomplished. The plan shall include a projected timeline and expenditure for each deliverable. OSCA shall submit to the chairs of the Senate Ways and Means Committee and House Fiscal Council a quarterly project status report describing the progress made to date, actual completion dates, actual costs incurred and current issues and risks being managed. Where appropriate, the status reports should address how the Judicial Inquiry System will comply with any applicable recommendations identified in the Article V Technology Board reports provided to the Legislature.

TOTAL: EXECUTIVE DIRECTION AND SUPPORT SERVICES
FROM GENERAL REVENUE FUND 12,336,567
FROM TRUST FUNDS 5,022,123

TOTAL POSITIONS 153.50
TOTAL ALL FUNDS 17,358,690

ADMINISTERED FUNDS - JUDICIAL

COURT OPERATIONS - ADMINISTERED FUNDS

2998A AID TO LOCAL GOVERNMENTS
SMALL COUNTY COURTHOUSE FACILITIES
FROM GENERAL REVENUE FUND 5,500,000

Funds in Specific Appropriation 2998A from non-recurring general revenue are provided for renovations and repairs to court facilities in the following counties:

Dixie	250,000
Franklin	300,000
Gilchrist	250,000
Glades	250,000
Gulf	300,000
Hamilton Courthouse and Annex	250,000
Hardee	350,000
Hendry	200,000
Holmes	300,000
Jackson	500,000
Jefferson Courthouse and Annex	500,000
Levy	250,000
Liberty Justice Complex	850,000
Nassau	150,000
Okeechobee	300,000
Putnam	500,000

2999 SPECIAL CATEGORIES
DUE PROCESS CONTINGENCY FUND
POSITIONS 33.00
FROM GENERAL REVENUE FUND 774,334

Funds in Specific Appropriation 2999 are provided as contingency funds pursuant to section 29.016, Florida Statutes.

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Upon certification by the Office of State Courts Administrator that sufficient surplus funds are available that will not be needed by the courts, funds in Specific Appropriation 2999 may be transferred to the Justice Administrative Commission to address shortfalls for due process costs, including court appointed counsel, if the contingency fund provided in the Justice Administrative Commission is insufficient to cover all unanticipated shortfalls.

The positions authorized in Specific Appropriation 2999 shall be held in reserve as a contingency in the event the state courts determine that some portion of Article V due process services needs to be shifted from a contractual basis to an employee model in one or more judicial circuits. The Chief Justice of the Supreme Court may request transfer of these positions to the salaries and benefits appropriation category within any of the state courts budget entities, consistent with requests for transfers of funds into those same budget entities. Such transfers are subject to the notice, review, and objection provisions of section 216.177, Florida Statutes.

TOTAL: COURT OPERATIONS - ADMINISTERED FUNDS
FROM GENERAL REVENUE FUND 6,274,334

TOTAL POSITIONS 33.00
TOTAL ALL FUNDS 6,274,334

PROGRAM: DISTRICT COURTS OF APPEAL

COURT OPERATIONS - APPELLATE COURTS

APPROVED SALARY RATE 27,264,551

3000 SALARIES AND BENEFITS POSITIONS 438.00
FROM GENERAL REVENUE FUND 34,208,526

3001 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 488,321

3002 EXPENSES
FROM GENERAL REVENUE FUND 2,599,852

3003 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 168,520

3004 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND 173,480

3005 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 116,266

3006 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 600,188

3007 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 992

3007A FIXED CAPITAL OUTLAY
1ST DISTRICT COURT OF APPEALS - ARCHITECT SERVICES FOR BUILDING EXPANSION - DMS MGD
FROM GENERAL REVENUE FUND 100,000

3007B FIXED CAPITAL OUTLAY
3RD DISTRICT COURT OF APPEALS - COURT ROOF REPAIRS DMS MDG - DMS MGD
FROM GENERAL REVENUE FUND 204,782

3007C FIXED CAPITAL OUTLAY
4TH DISTRICT COURT OF APPEALS - AIR

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APPROPRIATION
CONDITIONING DUCT RENOVATIONS - DMS MGD
FROM GENERAL REVENUE FUND 45,000

3007D FIXED CAPITAL OUTLAY
BUILDING, FACILITIES MAINTENANCE AND OPERATIONAL UPKEEP - DISTRICT COURT OF APPEALS - DMS MGD
FROM GENERAL REVENUE FUND 119,420

TOTAL: COURT OPERATIONS - APPELLATE COURTS
FROM GENERAL REVENUE FUND 38,825,347

TOTAL POSITIONS 438.00
TOTAL ALL FUNDS 38,825,347

PROGRAM: TRIAL COURTS

COURT OPERATIONS - CIRCUIT COURTS

APPROVED SALARY RATE 168,003,540

3008 SALARIES AND BENEFITS POSITIONS 2,751.00
FROM GENERAL REVENUE FUND 204,640,126
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,928,914

3009 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 727,871

3010 EXPENSES
FROM GENERAL REVENUE FUND 20,710,375
FROM GRANTS AND DONATIONS TRUST FUND . . . 395,164

3011 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 136,600
FROM GRANTS AND DONATIONS TRUST FUND . . . 33,600

3013 SPECIAL CATEGORIES
CIVIL TRAFFIC INFRACTION HEARING OFFICERS
FROM GENERAL REVENUE FUND 2,892,848

3013A SPECIAL CATEGORIES
GRANTS AND AIDS - CHILD ADVOCACY CENTERS
FROM GENERAL REVENUE FUND 150,000

3014 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND 2,664,927

3015 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO JURORS AND WITNESSES
FROM GENERAL REVENUE FUND 4,536,910

3016 SPECIAL CATEGORIES
MEALS AND LODGING FOR JURORS
FROM GENERAL REVENUE FUND 215,825

3017 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 767,639

3018 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND 157,914

3019 SPECIAL CATEGORIES
MEDIATION/ARBITRATION SERVICES
FROM GENERAL REVENUE FUND 739,040
FROM MEDIATION AND ARBITRATION TRUST FUND 2,229,292

3020 SPECIAL CATEGORIES
STATE COURTS DUE PROCESS COSTS
FROM GENERAL REVENUE FUND 16,852,621

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Funds in Specific Appropriation 3020 are provided for state courts due process costs, as specified in section 29.004, Florida Statutes. The Trial Court Budget Commission shall apportion these funds for use in each judicial circuit, and the Office of State Courts Administrator is authorized to pay such fees and expenses, subject to all specifications and limitations as provided by law. The Office of State Courts Administrator shall submit quarterly reports of these due process payments to the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council, which shall include, but not be limited to, information on requests for payments received, court orders received directing payment, and actual encumbrances and disbursements from this special appropriations category. These reports shall provide this information by judicial circuit.

3021 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF MANAGEMENT SERVICES - HUMAN RESOURCES SERVICES PURCHASED PER STATEWIDE CONTRACT
FROM GENERAL REVENUE FUND 243,075
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,843

3022 DATA PROCESSING SERVICES
OTHER DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 108,500

TOTAL: COURT OPERATIONS - CIRCUIT COURTS
FROM GENERAL REVENUE FUND 255,544,271
FROM TRUST FUNDS 13,600,813

TOTAL POSITIONS 2,751.00
TOTAL ALL FUNDS 269,145,084

COURT OPERATIONS - COUNTY COURTS

APPROVED SALARY RATE 43,618,232

3022A SALARIES AND BENEFITS POSITIONS 560.00
FROM GENERAL REVENUE FUND 56,847,067

3022B EXPENSES
FROM GENERAL REVENUE FUND 4,144,128

3022C SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND 275,855

Funds are provided in Specific Appropriation 3022C for county judges assigned to active judicial service in any of the courts created by Article V of the State Constitution. Such funds shall be paid as additional compensation for such service, and shall be computed based on the salary paid to a judge of the court to which the assignment is made, and shall be computed on the basis of an eight hour day, or major fraction thereof.

3022D SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM GENERAL REVENUE FUND 54,423

3022E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
DADE COUNTY COURTHOUSE COURTROOM RESTORATION PROJECT
FROM GENERAL REVENUE FUND 75,000

TOTAL: COURT OPERATIONS - COUNTY COURTS
FROM GENERAL REVENUE FUND 61,396,473

TOTAL POSITIONS 560.00
TOTAL ALL FUNDS 61,396,473

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PROGRAM: JUDICIAL QUALIFICATIONS COMMISSION

JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS

	APPROVED SALARY RATE	168,515	
3023	SALARIES AND BENEFITS	POSITIONS 3.00	
	FROM GENERAL REVENUE FUND	216,333	
3024	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	224,522	
3025	EXPENSES		
	FROM GENERAL REVENUE FUND	151,735	
3026	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,706	
3027	SPECIAL CATEGORIES		
	RISK MANAGEMENT INSURANCE		
	FROM GENERAL REVENUE FUND	2,114	
3028	SPECIAL CATEGORIES		
	LITIGATION EXPENSES		
	FROM GENERAL REVENUE FUND	223,300	

Funds in Specific Appropriation 3028 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorneys fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process.

TOTAL: JUDICIAL QUALIFICATIONS COMMISSION OPERATIONS			
	FROM GENERAL REVENUE FUND	819,710	
	TOTAL POSITIONS	3.00	
	TOTAL ALL FUNDS		819,710
	TOTAL OF SECTION 7	POSITIONS 4,029.50	
	FROM GENERAL REVENUE FUND	386,924,008	
	FROM TRUST FUNDS		18,622,936
	TOTAL ALL FUNDS		405,546,944

SECTION 8. COMPENSATION AND BENEFITS - Fiscal Year 2005-2006

Statement of Purpose

This section provides instructions for implementing the Fiscal Year 2005-2006 salary and benefit increases provided in Specific Appropriation 2086. All allocations and distributions of these funds are to be made in strict accordance with the provisions of this act. For the purpose of calculating and distributing allocations to agencies, all references to "base salary" in this section refer to the base rate of pay as of July 1, 2004, modified to include the 2004-2005 fiscal year appropriated salary increases. References to "eligible" employees refer to employees who are, at a minimum, meeting their required performance standards. If an ineligible employee achieves performance standards subsequent to the salary increase implementation date but on or before the end of the fiscal year, the employee may receive an increase; however, such increase shall be effective on the date the employee becomes eligible but not retroactively.

Pay Grade Adjustments

It is the intent of the Legislature that, effective August 1, 2005, the minimums for each pay grade and pay band shall be increased by 2.0 percent and the maximums for each pay grade and pay band shall be increased by 5.0 percent. After the maximum of the pay grade or pay band is increased, if an employee's base rate of pay is equal to or

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greater than the adjusted maximum of the employee's pay grade and pay band, the employee will be granted a one-time, lump-sum payment in lieu of an increase to the employee's base rate of pay. When an employee's base rate of pay is less than the adjusted maximum of the employee's pay grade or pay band and the increase to the base rate of pay will be greater than the adjusted maximum, the employee's salary will be increased to the adjusted maximum and the portion of the increase that exceeds the adjusted maximum shall be granted instead in a one-time lump-sum payment.

(1) SALARY INCREASES

(a) CAREER SERVICE AND EMPLOYEES SUBJECT TO THE CAREER SERVICE

Funds are provided in Specific Appropriation 2086 for pay increases for all eligible employees represented by: (1) the Florida Police Benevolent Association, (2) the International Union of Police Associations, (3) the Florida Nurses Association, (4) the American Federation of State, County, and Municipal Employees, Council 79, and (5) the Florida State Fire Service Association, as well as all other eligible Career Service employees not included in a represented collective bargaining unit. Funds are to be distributed as follows:

Effective August 1, 2005, for all eligible unit and non-unit Career Service employees, funds are provided to grant a competitive pay adjustment of 3.6 percent on each employee's July 31, 2005, base rate of pay.

(b) FLORIDA BOARD OF EDUCATION AND BOARD OF GOVERNORS

1. Generally

Effective August 1, 2005, from the funds in Specific Appropriation 2086, funds are provided to grant each eligible employee of the State University System a competitive pay adjustment of 3.6 percent on each employee's July 31, 2005, base rate of pay. No funds in Specific Appropriation 2086 have been provided for salary increases for personnel employed by the developmental research schools associated with the universities.

2. Graduate Assistants and House Staff

Effective August 1, 2005, from the funds in Specific Appropriation 2086, funds are provided to grant each eligible graduate assistant and graduate health profession assistant a 3.6 percent competitive pay adjustment on each employee's July 31, 2005, base rate of pay.

(c) EXEMPT FROM CAREER SERVICE

1. Elected officers and full-time members of commissions:

Specific Appropriation 2086 includes funding to provide salary increases on base salary, effective August 1, 2005. The following officers shall be paid at the annual rate shown below for the period indicated; however, these salaries may be reduced on a voluntary basis:

	7/1/05	8/1/05
Governor	$124,575	129,060
Lieutenant Governor	119,390	123,688
Chief Financial Officer	123,331	127,771
Attorney General	123,331	127,771
Agriculture, Commissioner of	123,331	127,771
Supreme Court Justice	155,150	160,735
Judges-District Courts of Appeal	143,363	148,524
Judges-Circuit Courts	134,650	139,497
Judges-County Courts	121,325	130,693
Commissioner-Public Service Commission	124,348	128,825
Public Employees Relations Commission Chair	91,599	94,897
Public Employees Relations Commission Commissioners	86,755	89,878
Commissioner-Parole and Probation	86,755	89,878

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State Attorneys:		
Circuits with 1,000,000 Population or less.....	138,586	148,524
Circuits over 1,000,000 Population.....	143,363	148,524
Public Defenders:		
Circuits with 1,000,000 Population or less.....	133,096	148,524
Circuits over 1,000,000 Population.....	137,684	148,524

None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

2. Senior Management Service and Selected Exempt Service:

Effective August 1, 2005, funds are provided in Specific Appropriation 2086 to grant each eligible employee of the Senior Management Service and each eligible unit and non-unit employee of the Selected Exempt Service a competitive pay adjustment of 3.6 percent on each employee's July 31, 2005, base rate of pay.

(d) CAREER SERVICE EXEMPT AND THE FLORIDA NATIONAL GUARD:

Effective August 1, 2005, funds in Specific Appropriation 2086 are provided to grant each eligible employee a competitive pay adjustment of 3.6 percent on each employee's July 31, 2005, base rate of pay.

(e) JUDICIAL

Effective August 1, 2005, funds provided in Specific Appropriation 2086 are to grant each eligible employee a competitive pay adjustment of 3.6 percent on each employee's July 31, 2005, base rate of pay.

(f) LOTTERY EXECUTIVE MANAGEMENT SERVICE AND LOTTERY EXEMPT SERVICE

Effective August 1, 2005, from funds provided in Specific Appropriation 2086, funds are provided to grant each eligible Lottery Executive Management Service employee and each unit and non-unit Lottery Exempt Service employee a competitive pay adjustment of 3.6 percent on each employee's July 31, 2005, base rate of pay.

(g) FLORIDA SCHOOL FOR THE DEAF AND THE BLIND:

Effective August 1, 2005, funds are provided in Specific Appropriation 2086 for non-career service employees of the School for the Deaf and the Blind to receive competitive pay adjustments of 3.6 percent on each employee's July 31, 2005, base rate of pay. Distribution of the funds for unit employees shall be pursuant to the negotiated collective bargaining agreement, and distribution of the funds for non-unit employees shall be at the discretion of the Board of Trustees.

(h) SPECIAL PAY ISSUES

Increases authorized in this paragraph shall not be included in any employee's July 31, 2005, base rate of pay.

a. Effective August 1, 2005, from funds in Specific Appropriation 2086, $52,189 from the General Revenue Fund is provided to the judicial branch to fund competitive pay adjustments to deputy clerk personnel as described in the judicial branch's legislative budget request (issue code 4400A10).

b. Effective August 1, 2005, from funds in Specific Appropriation 2086, $81,742 from the General Revenue Fund is provided to the judicial branch to fund competitive pay adjustments to court security personnel as described in the judicial branch's legislative budget request (issue code 4400A10).

c. Effective August 1, 2005, from funds in Specific Appropriation 2086, $19,646 from the General Revenue Fund is provided to the judicial branch to fund competitive pay adjustments to maintenance personnel as described in the judicial branch's legislative budget request (issue code 4400A10).

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d. Effective August 1, 2005, from funds in Specific Appropriation 2086, $32,712 from the General Revenue Fund is provided to the judicial branch to fund competitive pay adjustments to library personnel as described in the judicial branch's legislative budget request (issue code 4400A10).

e. Effective August 1, 2005, from funds in Specific Appropriation 2086, $151,748 from the General Revenue Fund is provided to the judicial branch to fund competitive pay adjustments to Supreme Court staff attorney personnel as described in the judicial branch's legislative budget request (issue code 4400A10).

f. Effective August 1, 2005, from funds in Specific Appropriation 2086, $5,977,525 from the General Revenue Fund and $2,199,220 from trust funds are provided to fund critical class adjustments and retention adjustments for unit and non-unit personnel within the professional health care pay plan consistent with the agreement between the State of Florida and the professional health care bargaining unit. To be eligible to receive a salary increase from these funds, the employee must have been in a professional health care position continuously between July 1, 2005, and August 1, 2005.

g. Effective August 1, 2005, from funds in Specific Appropriation 2086, $1,446,969 from the General Revenue Fund and $508,395 from the Administrative Trust Fund are provided to the Department of Revenue to implement the pay enhancements requested by the department as a result of its study "Business Case for Technology-Based Pay Package" dated January 14, 2005.

h. From funds in Specific Appropriation 2086, $500,000 from the General Revenue Fund is provided to the Florida School for the Deaf and Blind to be used to supplement salaries of instructional personnel at the school.

i. From funds in Specific Appropriation 2086, $1,226,042 from the General Revenue Fund and $246,583 from the Highway Safety Operating Trust Fund are provided to the Department of Highway Safety to implement a salary compression adjustment for the unit and non-unit employees of the law enforcement collective bargaining unit serving in the Florida Highway Patrol, effective August 1, 2005. The adjustments shall be a $600 adjustment to the annual base rate of pay for each eligible employee with at least 5 years of service but not more than 8 years of service, a $900 adjustment to the annual base rate of pay for each eligible employee with at least 8 years of service but not more than 12 years of service, and a $1200 adjustment to the annual base rate of pay for each eligible employee with more than 12 years of service. No employee shall receive more than one compression adjustment during the fiscal year.

j. From funds in Specific Appropriation 2086, $8,250,000 from the General Revenue Fund is provided to implement a retention adjustment for the unit and non-unit employees of the security services collective bargaining unit, effective August 1, 2005. Each eligible employee with at least 5 years of service shall receive an increase of 2 percent to the employee's July 31, 2005, base rate of pay.

(2) BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE

(a) LIFE INSURANCE AND DISABILITY INSURANCE - Funds are provided in each agency's budget to continue paying the current state share of life and disability insurance premiums. Additionally, $4,400,000 shall be transferred from the State Employees' Disability Insurance Trust Fund to the State Employees Life Insurance Trust Fund.

(b) HEALTH INSURANCE FOR THE PERIOD OF JULY 1, 2005, THROUGH DECEMBER 31, 2005

1. For the period of July 1, 2005, through December 31, 2005, all benefits as provided in the current State Employees' PPO Plan Group Health Insurance Plan Booklet and Benefit Document, current Health Maintenance Organization contracts, and other such health insurance benefits as approved by the Legislature shall remain in effect.

2. For the period of July 1, 2005, through December 31, 2005, the state share of the State Group Health Insurance Plan premiums and the state

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share of the state-contracted health maintenance organization premiums to the executive, legislative and judicial branch agencies shall continue at $322.44 per month for individual coverage and $666.84 per month for family coverage.

3. For the period of July 1, 2005, through December 31, 2005, the employee's share of health insurance premiums shall continue at $48.68 per month for individual coverage and $175.14 per month for family coverage.

4. For the period of July 1, 2005, through December 31, 2005, premiums for COBRA, Medicare, and early retiree participant's shall continue at the premium levels in effect on May 1, 2005.

(c) HEALTH INSURANCE FOR THE PERIOD OF JANUARY 1, 2006, THROUGH JUNE 30, 2006

1. For the period January 1, 2006, through June 30, 2006, the Department of Management Services shall establish within the State Group Insurance Program a State Group Health Insurance Standard Plan, a State Group Health Insurance High Deductible Health Plan, a state-contracted Health Maintenance Organization Standard Plan, and a state-contracted Health Maintenance Organization High Deductible Health Plan. The state-contracted Health Maintenance High Deductible Health Plan may be offered by each of the health maintenance organizations under contract with the Department of Management Services for the 2006 plan year.

2. The benefits provided under the State Group Health Insurance Standard Plan and the state-contracted Health Maintenance Organization Standard Plan, as appropriate, shall be those benefits as provided in the current State Employees' PPO Plan Group Health Insurance Plan Booklet and Benefit Document, current Health Maintenance Organization contracts, and other such health insurance benefits as approved by the Legislature.

3. The State Group Health Insurance High Deductible Plan and the state-contracted Health Maintenance Organization High Deductible Plan shall include a health savings account feature. Such plans and accounts shall be administered in accordance with the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. The state shall make a monthly contribution to an employee's health savings account equal to $41.66 for individual coverage and $83.33 for family coverage.

4. The benefit attributes offered under the State Group Health Insurance High Deductible Plan shall include:

In-Network Deductible - $1,250 for individual and $2,500 for family
Out-of-Network Deductible - $2,500 for individual and $5,000 for family
In-Network Coinsurance - 20 percent
Out-of-Network Coinsurance - 40 percent
In-Network Physician Office Visit Coinsurance - 20% Primary/20 percent Specialist
Out-of-Network Physician Office Visit Coinsurance - 40% Primary/40 percent Specialist
In-Network Emergency Room Visit Coinsurance - 20 percent
Out-of-Network Emergency Room Visit Coinsurance - 40 percent
In-Network Per Hospital Per Admission Coinsurance - 20 percent
Out-of-Network Per Hospital Per Admission Co-payment - $1,000, then coinsurance
In-Network Out-of-Pocket Maximum - $3,000 individual/$6,000 family
Out-of-Network Out-of-Pocket Maximum - $7,500 individual/$15,000 family
Retail Coinsurance for Generic Drugs with Card - 30 percent
Retail Coinsurance for Preferred Brand Name Drugs with Card - 30 percent
Retail Coinsurance for Non-Preferred Brand Name Drugs with Card - 50 percent
Mail Order Coinsurance for Generic Drugs - 30 percent
Mail Order Coinsurance for Preferred Brand Name Drugs - 30 percent
Mail Order Coinsurance for Non-Preferred Brand Name Drugs - 50 percent

Pharmacy coinsurance is applied after the individual or family deductible has been satisfied.

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5. The benefit attributes offered under the state-contracted Health Maintenance Organization High Deductible Plan shall include:

In-Network Deductible - $1,250 individual/$2,500 family
In-Network Coinsurance - 20 percent
In-Network Physician Office Visit Coinsurance - 20 percent Primary/ 20 percent Specialist
In-Network Emergency Room Visit Coinsurance - 20 percent
In-Network Per Hospital Per Admission Coinsurance - 20 percent
In-Network Out-of-Pocket Maximum - $3,000 individual / $6,000 family
Retail Coinsurance for Generic Drugs - 30 percent
Retail Coinsurance for Preferred Brand Name Drugs - 30 percent
Retail Coinsurance for Non-Preferred Brand Name Drugs - 50 percent
Mail Order Coinsurance for Generic Drugs - 30 percent
Mail Order Coinsurance for Preferred Brand Name Drugs - 30 percent
Mail Order Coinsurance for Non-Preferred Brand Name Drugs - 50 percent

Pharmacy coinsurance is applied after the individual or family deductible has been satisfied.

(d) PREMIUMS FOR HEALTH INSURANCE COVERAGE DURING THE 2006 PLAN YEAR

1. State Paid Premiums

a. For the period January 1, 2006, through June 30, 2006, funds are provided in Specific Appropriation 2087 to pay the state share of the State Group Health Insurance Program premiums to the executive, legislative and judicial branch agencies which shall increase, effective January 1, 2006, from $322.44 per month to $346.16 per month for individual coverage and from $666.84 per month to $715.92 per month for family coverage.

b. The agencies shall continue to pay premiums on behalf of employees exempt from making contributions, including those employees participating in the Spouse Program in accordance with section 60P-2.0036, Florida Administrative code, and those employees filling positions with "agency pay all" benefits.

2. Premiums paid by Employees

a. For the period January 1, 2006, through June 30, 2006, the employee's share of health insurance premiums for the standard plans shall increase from $48.68 per month to $50 per month for individual coverage and from $175.14 per month to $180 per month for family coverage.

b. For the period January 1, 2006, through June 30, 2006, the employee's share of the health insurance premiums for the high deductible plans shall be $15 per month for individual coverage and $64.30 per month for family coverage.

c. An employee participating in a pay plan class which is not required to make contributions towards health insurance coverage, including participants of the Spouse Program in accordance with section 60P-2.0036, Florida Administrative Code, effective January 1, 2006, will continue to be exempt from making contributions.

3. Premiums paid by Medicare Participants

a. For the period January 1, 2006, through June 30, 2006, the monthly premiums for Medicare participants participating in the State Group Health Insurance Standard Plan shall be $210.34 for "one eligible", $606.50 for "one under/one over", and $420.69 for "both eligible".

b. For the period January 1, 2006, through June 30, 2006, it is the intent of the Legislature that the premiums for Medicare participants participating in the Health Maintenance Organization Standard Plan shall increase by no more than 12 percent over the 2005 plan year premiums. If the Department of Management Services is not able to limit such increases to less than 12 percent, the Secretary of the Department of Management Services shall notify the presiding officers of the Legislature in writing of the circumstances.

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c. For the period January 1, 2006, through June 30, 2006, the monthly premiums for Medicare participants participating in the State Group Health Insurance High Deductible Plan shall be $154.16 for "one eligible", $515.32 for "one under/one over", and $308.32 for "both eligible".

d. For the period January 1, 2006, through June 30, 2006, the monthly premiums for Medicare participants participating in the Health Maintenance Organization High Deductible Plan shall be equal to the amounts specified for such coverage by the selected health maintenance organization.

4. Premiums paid by Other Participants

a. For the period January 1, 2006, through June 30, 2006, a COBRA participant participating in a standard plan shall continue to pay a monthly premium equal to 102 percent of the total premium charged (state and employee contributions) for an active employee participating in the standard plan.

b. For the period January 1, 2006, through June 30, 2006, a COBRA participant participating in a high deductible plan shall pay $325.88 per month for single coverage and $710.82 for family coverage.

c. For the period January 1, 2006, through June 30, 2006, an "early retiree" participant participating in a standard plan shall pay a monthly premium equal to 100 percent of the total premium charged (state and employee contributions) for an active employee participating in the standard plan.

d. For the period January 1, 2006, through June 30, 2006, an "early retiree" participant participating in a high deductible plan shall pay $319.48 per month for single coverage and $696.88 for family coverage.

(e) STATE EMPLOYEES' PRESCRIPTION DRUG PROGRAM

Under the State Employees' Prescription Drug Program, the following shall apply:

1. Supply limits shall continue as provided in section 110.12315, Florida Statutes.

2. Co-payments and coinsurance shall be charged as provided in section 110.12315(7), Florida Statutes.

3. The Department of Management Services shall maintain the preferred brand name drug list to be used in the administration of the State Employees' Prescription Drug Program.

(f) OTHER PROVISIONS

1. Any proposed changes in the benefits provided under the State Group Health Insurance Program shall be accompanied by a statement signed by an actuary indicating the amount by which monthly premiums would need to change if the proposal were enacted and the benefit changes were to be exclusively funded by a change in plan premiums, unless both the chair of the Senate Ways and Means Committee and the chair of the House Fiscal Council determine that such a statement is not necessary.

2. The sum of $1 million is appropriated from the State Employees Health Insurance Trust Fund to develop and implement a state employee education and awareness campaign directed to actively advise state employees of changes to the state employee health insurance program including high deductible health insurance options with health savings accounts. The education and awareness campaign shall be implemented no later than September 19, 2005.

3. The Department of Management Services may contract with a Tricare Supplement vendor offering such a product on a group basis with group rates. Such benefit offering is to be considered part of the State Group Health Insurance Program. Enrollment is to be in lieu of the State Group Health Insurance Standard Plan, the State Group Health Insurance High Deductible Health Plan, the state-contracted Health Maintenance

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Organization Standard Plan or the state-contracted Health Maintenance Organization High Deductible Health Plan. Eligibility and administration is to be consistent with other offerings under the State Health Insurance Program. To fund the premium charged for the supplement, the employing agency shall contribute an amount equal to the contribution paid by the employing agency for other state-sponsored health insurance benefits to the State Employee Health Insurance Trust Fund. The employee shall be responsible for any premium in excess of the contribution paid by the employing agency.

(3) OTHER PROVISIONS

The following items shall be implemented in accordance with the provisions of this act and with the negotiated collective bargaining agreements:

(a) The state shall provide up to six (6) credit hours of tuition-free courses per term at a state university or community college to full-time employees on a space available basis as authorized by law.

(b) Continue to reimburse employees, at current levels, for replacement of personal property.

(c) Continue to provide, at current levels, clothing allowances and uniform maintenance and shoe allowances.

(d) Continue to pay employees on-call fees at the current level.

(4) COLLECTIVE BARGAINING ISSUES AT IMPASSE

(a) Collective bargaining issues at impasse between the State of Florida and AFSCME Council 79, the Federation of Public Employees, the International Union of Police Associations, the Federation of Physicians and Dentists, the Florida State Fire Service Association, the Police Benevolent Association, and the State Employees Attorney Guild relating to wages shall be resolved herein pursuant to the instructions provided under Item "(1) SALARY INCREASES".

(b) Collective bargaining issues at impasse between the State of Florida and AFSCME Council 79, the Federation of Public Employees, the International Union of Police Associations, the Federation of Physicians and Dentists, the Florida State Fire Service Association, the Police Benevolent Association, and the State Employees Attorney Guild relating to insurance shall be resolved herein pursuant to the instructions provided under Item "(2) BENEFITS: HEALTH, LIFE, AND DISABILITY INSURANCE" and the relevant provisions of any legislation enacted to implement this act.

(5) STUDIES, REPORTS AND OTHER PROVISIONS

(a) All state branches, departments, and agencies which have established or approved personnel policies for employees relating to the payment of accumulated and unused annual leave shall not provide payment which exceeds a maximum of 480 hours of actual payment to each employee for accumulated and unused annual leave.

(b) Upon termination of employees in the Senior Management Service, Selected Exempt Service, or positions with comparable benefits, payment for unused annual leave credits accrued on the member's last anniversary date shall be prorated at the rate of one-twelfth (1/12) of the last annual amount credited for each month, or portion thereof, worked subsequent to the member's last anniversary date.

(c) Effective July 1, 2005, the Legislature ratifies the minimum and maximum pay grades and pay bands established by the Department of Management Services and in effect on May 1, 2005. The Department of Management Services is directed to adjust the minimums and maximums of the pay grades and pay bands, effective August 1, 2005, as directed in this act.

(d) Funds in this act may be expended for bar dues and for legal education courses for attorneys employed by the State as legal staff.

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(e) From the funds in Specific Appropriation 2091, $500,000 is appropriated from the General Revenue Fund to the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida to fund the increased employer contribution for the IFAS retirement plan.

SECTION 9. The unexpended balance of funds provided to Tallahassee Community College in Specific Appropriation 22 of chapter 2004-268, Laws of Florida, relating to Student Services and Cafeteria Building - Criminal Justice Institute complete (ce) for $1,761,316, is hereby reverted and reappropriated for the conversion of the old administration building into a defensive tactics training facility, provide roadwork to the Academy firing range, and other general renovations.

SECTION 10. The unexpended balance of funds provided to Valencia Community College in Specific Appropriation 9G of chapter 2000-166, Laws of Florida, relating to Classrooms, Vocational and Technical Labs Building 8 - East w/local match complete (ce) for $6,000,000, is hereby reverted and reappropriated for needed general renovation/ remodeling Collegewide.

SECTION 11. The unexpended balance of funds provided to Valencia Community College in Specific Appropriation 12D of chapter 2003-397, Laws of Florida, relating to Technical Sciences Building 3 IT/WF - Osceola complete (ce) for $1,487,441, is hereby reverted and reappropriated for use in the Gymnasium conversion to Classrooms project on West Campus and the Workforce Development Building 9 on East Campus.

SECTION 12. Funds provided to Broward Community College in Specific Appropriation 12C of chapter 2003-397, Laws of Florida, relating to Remodeling/Renovation of Building 7 for changing the Student Services to the Sciences Building - Central partial for $5,713,141, may be used for an addition to the Building during remodeling as recommended by the architect for space efficiency.

SECTION 13. The unexpended balance of funds provided to Miami-Dade College in Specific Appropriation 25A of chapter 2004-268, Laws of Florida, relating to land & facilities acquisition - Hialeah for $9,500,000 is hereby reverted and reappropriated to acquire land/facilities and/or construct/remodel/renovate facilities of classrooms, labs, office, support facilities and parking for the State Board of Education approved West Campus.

SECTION 14. The unexpended balances of funds provided to Central Florida Community College in Specific Appropriation 17 of chapter 2001-253, Laws of Florida, relating to Workforce Technical Building with remodeling and renovation - Hampton Special Purpose Center complete (pce) for $1,942,000, and Specific Appropriation 12C of chapter 2003-397, Laws of Florida, relating to Workforce Instructional Building 40 (known as Century Center Project) - Main complete (ce) for $2,191,618, is hereby reverted and reappropriated for the Remodeling/Renovation of Building 5, Bryant Union Project on Main Campus.

SECTION 15. The unexpended balance of funds up to $1,000,000 provided to Miami Dade College in Specific Appropriation 12C of chapter 2003-397, Laws of Florida, relating to Remodeling /Renovation Labs/classrooms, support facilities, & building systems Facility 5 & 15 - North partial (ce) for $5,980,602 is hereby reverted and reappropriated to remodel and renovate Facility 1, Scott Hall to provide new testing suite areas on North Campus.

SECTION 16. The funds provided to Broward Community College in the Specific Appropriation 25A of chapter 2004-268, Laws of Florida, relating to Automotive Technology Facility for $225,000, are hereby reverted and reappropriated for matching funds for the named project in the amount of $200,000 for remodeling and equipment and for the Teaching Auditorium/Performing Arts Theatre-South Campus in the amount of $25,000 for remodeling and equipment.

SECTION 17. Funds provided in Specific Appropriation 21B of chapter 2002-394, Laws of Florida, to The Florida State University and allocated by the Board of Trustees of The Florida State University to match funds

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appropriated to the West Coast Symphony Hall and reverted and reappropriated in section 17 of chapter 2003-397, Laws of Florida, are hereby reverted and are appropriated to the Florida State University for maintenance, renovations, and repairs associated with the Florida State University/Asolo Center for the Performing Arts Building.

SECTION 18. Pursuant to section 1013.40, Florida Statutes, the specified community colleges are authorized to acquire or construct the following facilities from non-PECO sources. This authorization does not obligate the Legislature to provide general revenue funds to operate or maintain these facilities. If existing facilities are part of these projects, each such building or site must be certified to be free of asbestos or other hazardous materials before the stated community college may acquire or expend construction funds on the facility. If the property to be acquired is not adjacent to an existing approved center or campus, then all necessary approvals from the State Board of Education must be received before any funds may be expended to acquire the property.

1. Tallahassee Community College - Acquire and/or construct facilities of classrooms, labs, offices, support facilities and parking for a Special Purpose Center in Quincy.

2. Daytona Community College - Acquire adjacent land and facilities for future development of classrooms, labs, offices, support facilities and parking at the Daytona Campus.

3. Daytona Community College - Acquire land for the State Board of Education approved proposed Special Purpose Center in Southwest Volusia County for future development of classrooms, labs, offices, support facilities and parking for corporate and cultural training center.

4. Daytona Community College - Acquire additional facilities space through a joint venture agreement with the Flagler County School District to build classrooms for dual enrollment programs and other College and District enrollment needs at the Flagler Palm Coast Center.

5. Polk Community College - Acquire land and/or facilities for the State Board of Education approved proposed Northeast Center (North Ridge Center) in Polk County for future development of classrooms, labs, offices, support facilities and parking.

6. Hillsborough Community College - Acquire land and facilities to house the Ybor City Campus Auto Collision Repair program at a new Special Purpose Center.

7. Miami Dade College - Acquire land/facilities and/or construct/ remodel/renovate facilities of classrooms, labs offices, support facilities and parking for the State Board of Education approved West Campus.

8. Miami Dade College - Acquire land/facilities and/or construct/ remodel/renovate facilities of classrooms, labs, offices, support facilities and parking for the State Board of Education approved Hialeah Campus.

9. Miami Dade College - Acquire land/facilities and/or construct/ remodel/renovate facilities of classrooms, labs, offices, support facilities and parking for the State Board of Education approved North Campus.

10. Miami Dade College - Acquire land/facilities and/or construct/ remodel/renovate facilities of classrooms, labs, offices, support facilities and parking for the State Board of Education approved Kendall Campus.

11. Miami Dade College - Acquire land/facilities and/or construct/ remodel/renovate facilities of classrooms, labs, offices, support facilities and parking for the State Board of Education approved Entrepreneurial Education Center.

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12. Central Florida Community College - Acquire additional facilities for the Ewers Century Center project to build the Enterprise Center for additional classrooms, labs, offices, support facilities and conference space on the Ocala Campus.

SECTION 19. Pursuant to sections 1013.74 and 1013.78, Florida Statutes, the following facilities may be constructed or acquired from non-appropriated sources. This authorization does not obligate the Legislature to provide general revenue funds to operate and maintain these facilities. If existing sites are a part of these projects, each site must be certified to be free of hazardous materials before it is accepted by the university.

1. UF - Minor Projects for UF Facilities
2. UF/HSC - Minor Projects for HSC Facilities
3. UF/IFAS - Minor Projects for IFAS Facilities
4. FSU - Student Services Building
5. FSU - Landis Hall
6. FSU - Master Craftsman Studio
7. FSU - Classroom Building
8. FSU - President's Residence
9. USF - Health Care and Education Center
10 USF - Athletic Facility
11. USF - Center for Aging and Brain Repair
12. UCF - Convocation Center
13. UCF - University Tower
14. UCF - Bio-Molecular Annex
15. UCF - Career Resource Center
16. FAU - Aristotle Center
17. FAU - Alumni Center
18. FIU - EC Classroom Expansion
19. FIU - Artist Studio
20. FGCU - North Lake Swimming Pool

SECTION 20. Pursuant to sections 1004.28(6), 1001.74 (5), 1013.78, 1013.171, 1013.15, 1013.74, 1013.16, 1013.17 and 1010.60 (2), Florida Statutes, the following fixed capital outlay projects may be constructed, acquired, and financed by a university certified direct support organization. Projects which do not receive specific legislative approval such as provided herein may not be financed by or on behalf of a university or its direct support organization through any financing mechanism, including, but not limited to, revenue bonds, promissory notes, certificates of participation, lease-purchase agreements or any other form of indebtedness. This authorization does not obligate the Legislature to provide general revenue funds to operate and maintain these facilities.

1. UF - Baseball/Football Locker Room Facilities and Lemerand Center Renovations
2. FSU - Campus Landscaping Improvements
3. FSU - Research and Development Facility Number Three
4. FSU - Research and Development Facility Number Four
5. FSU - French Study Center
6. FSU - Spanish Study Center
7. FSU - Panama Study Center
8. FSU - Italian Study Center
9. FSU - South Africa Student Center
10. FSU - President's Residence
11. USF - Parking Structure IV
12. USF - Health Care and Education Center
13. USF - Marshall Center
14. USF - Student Health Center
15. USF - Residence Hall Renovation
16. USF - Student Residence Facility Phase IV
17. USF - Office Building
18. USF/St. Petersburg - Residential Facilities
19. USF/St. Petersburg - Parking Structure
20. USF/St. Petersburg - Multi-Purpose Student Center
21. USF/Sarasota/Manatee - Multi-Purpose Facility
22. UCF - Intercollegiate Athletic Node
23. UCF - Alumni Center
24. UCF - Convocation Center
25. UCF - Student Housing Phase I
26. UCF - Student Housing Phase II

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27. UCF - Parking Garage I
28. UCF - Parking Garage II
29. UCF - Retail Facility
30. UCF - Career Resource Center
31. FAU - Pine Jog Environmental Educational Center
32. FAU - Aristotle Center
33. FAU - Alumni Center
34. FIU - Community Stadium Renovation and Expansion
35. FIU - General Office Building
36. UNF - Housing Facility
37. UNF - Student Life Building
38. UNF - Parking Garage
39. FGCU - Student Housing Phase VII
40. FGCU - Parking Garage
41. FGCU - Research Center
42. FGCU - Charter School
43. FGCU - Conference Center
44. FGCU - Asian Studies Facility
45. NC - Residence Halls and Student Activity Center
46. UCF - Athletic Stadium

SECTION 21. Pursuant to Article VII, Section 11(d) of the Florida Constitution, and sections 1010.60 through 1010.619, Florida Statutes, bonds supported by Student Building Fees and Capital Improvement Fees may be issued to finance all or a portion of projects authorized by the 2005-2006 General Appropriations Act in Specific Appropriation 15. This bond issue is authorized to be subsequently refinanced through the issuance of refunding bonds.

SECTION 22. The Board of Governors is hereby authorized to approve the construction or acquisition of the following projects which are to be financed entirely or partially from revenue bonds issued pursuant to section 11(d), Art. VII of the State Constitution and are hereby authorized to be subsequently refinanced through the issuance of refunding bonds:

1. UF - Baseball/Football Locker Room Facilities and Lemerand Center Renovations
2. FSU - Parking Improvements
3. FSU - Parking Garage No. 4
4. FSU - French Study Center
5. FSU - Spanish Study Center
6. FSU - Panama Study Center
7. FSU - Italian Study Center
8. FSU - South Africa Study Center
9. FSU - Landis Hall Renovation
10. FSU - Food Service Improvements
11. FSU - New Residence Hall
12. FSU - Parking Garage No. 5
13. FSU - New Residence Hall
14. FSU - Health and Wellness Center
15. FSU - Research and Development Facility Number Three
16. FSU - Research and Development Facility Number Four
17. FAMU - Bragg Stadium Renovation
18. FAMU - Housing Phase IV
19. FAMU - Foundation Building
20. FAMU - Housing Facilities Renovation
21. FAMU - Housing Phase V
22. USF - Parking Structure IV
23. USF - Health Care and Education Center
24. USF - Marshall Center
25. USF - Student Health Center
26. USF - Residence Hall Renovation
27. USF - Student Resident Facility Phase IV
28. USF - Office Building
29. USF/St. Petersburg - Residential Facilities
30. USF/St. Petersburg - Parking Structure
31. USF/St. Petersburg - Multi-Purpose Student Center
32. USF/Sarasota-Manatee - Multi-Purpose Facility
33. UCF - Parking Garage V
34. UCF - Marketplace Addition
35. UCF - Food Court
36. UCF - Special Purpose Housing and Parking Garage
37. UCF - Parking Garage VI

SECTION 22
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APPROPRIATION
38. UCF - Parking Garage VII
39. UCF - Parking Deck Academic Villages
40. UCF - Parking Deck Athletics Complex
41. FAU - Parking Garage
42. FAU - Jupiter Housing Phase III
43. FAU - Student Housing Boca Raton Campus
44. FIU - Lakeview Housing
45. FIU - Parking Garage V
46. FIU - Parking Garage VI
47. UNF - Housing Facility
48. UNF - Student Life Building
49. UNF - Parking Garage
50. FGCU - Student Housing Phase VII
51. FGCU - Parking Garage
52. FGCU - Research Center
53. FGCU - Charter School
54. FGCU - Conference Center
55. FGCU - Asian Studies Facility
56. NC - Residence Halls and Student Activity Center

SECTION 23. Funds provided in Specific Appropriation 12B of chapter 2003-397, Laws of Florida, and allocated to the Miami-Dade County School Board that remain in reserve are hereby reverted and reappropriated to the Miami-Dade County School Board for survey recommended needs pursuant to section 1013.64, Florida Statutes.

SECTION 24. The unexpended balance in the separate account for the sales tax exemption matching program authorized in section 212.08(5)(j), Florida Statutes, within the Trust Fund for University Major Gifts, is transferred to the General Revenue Fund.

SECTION 25. The Department of Children and Family Services may transfer up to $3,500,000 from the department's unrestricted cash in the Administrative Trust Fund to the Grants and Donations Trust Fund in the Justice Administration Commission for the purpose of funding the Dependency Counsel Program.

SECTION 26. There is hereby appropriated the sum of $132,178,638 in non-recurring general revenue, $202,922,964 from the Medical Care Trust Fund, and $62,012,199 from the Grants and Donations Trust Fund to the Agency for Health Care Administration to cover Fiscal Year 2004-2005 Medicaid program costs. This section shall take effect upon becoming law.

SECTION 27. The unexpended balances of $807,031 from the General Revenue Fund and $998,988 from the Grants and Donations Trust Fund appropriated in Specific Appropriation 1197 of chapter 2004-269, Laws of Florida, provided for the Integrated Criminal History System (ICHS) shall revert and are reappropriated.

SECTION 28. The Chief Financial Officer is hereby authorized to transfer $92,000,000 in general revenue funds to the Budget Stabilization Fund for Fiscal Year 2005-2006 as required in section 19(g), Article III of the Constitution of the State of Florida.

SECTION 29. The unexpended balance of funds provided to the Department of Financial Services in Specific Appropriation 2070A of chapter 2004-268, Laws of Florida, and placed in the Insurance Regulatory Trust Fund of the Professional Training and Standards budget entity, within the State Fire Marshal Program, on August 12, 2004, by approved budget amendment EOG# 0059, for strengthening Domestic Security support by State Fire Marshal response teams shall revert and is hereby reappropriated to the Department of Financial Services.

SECTION 30. The unexpended balance of funds provided to the Department of Financial Services in Specific Appropriation 1949B of chapter 2003-397, Laws of Florida, and placed in the Insurance Regulatory Trust Fund of the Professional Training and Standards budget entity, within the State Fire Marshal Program, approved by the Legislative Budget Commission on September 22, 2004, by approved budget amendment EOG# 0133, for strengthening Domestic Security support by State Fire Marshal response teams shall revert and is hereby reappropriated to the Department of Financial Services.

SECTION 31
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SECTION 31. The unexpended balances of funds provided to the Department of Management Services/State Technology Office in Specific Appropriation 2070A of chapter 2004-268, Laws of Florida, and placed in the Grants and Donations Trust Fund of the Wireless Services budget entity on August 12, 2004, by approved budget amendment EOG #0059, for standardization of communications equipment in state and local mobile command posts, shall revert and is reappropriated to the Department of Management Services to continue this project.

SECTION 32. The unexpended balance of funds provided to the Department of Management Services/State Technology Office in Specific Appropriation 2070A of chapter 2004-268, Laws of Florida, and placed in the Grants and Donations Trust Fund of the Wireless Services budget entity on August 12, 2004, by approved budget amendment EOG #0059, for statewide infrastructure build out of mutual aid emergency communication channels, shall revert and is reappropriated to the Department of Management Services to continue this project.

SECTION 33. Effective upon this act becoming law, $297,280 from the Marine Resources Conservation Trust Fund in Specific Appropriation 1941S of chapter 2004-268, Laws of Florida, is hereby reverted. Further, $297,280 is appropriated in Fixed Capital Outlay to the Fish and Wildlife Conservation Commission to replace two modular buildings for office and laboratory space.

SECTION 34. The Department of Environmental Protection is authorized to request a budget amendment pursuant to section 216.181, Florida Statutes, to transfer up to $12,500,000 from the Working Capital Fund to the Internal Improvement Trust Fund in the department. The department is authorized to request up to $12,500,000 in budget authority from the Internal Improvement Trust Fund. These monies shall be used to settle all related claims with the Coastal Petroleum Company for leases of sovereignty submerged lands in the Gulf of Mexico, and shall require specific approval by the Legislative Budget Commission.

SECTION 35. The Department of Agriculture and Consumer Services is authorized to request a budget amendment pursuant to section 216.181, Florida Statutes, to transfer up to $10,000,000 from the Working Capital Fund to the Agricultural Emergency Eradication Trust Fund in the department. The department is authorized to request up to $10,000,000 in budget authority from the Agricultural Emergency Eradication Trust Fund. These monies shall be used to pay for such citrus canker eradication, control and prevention pursuant to section 581.184, Florida Statutes, and to fund the department's efforts through the end of the 2005-06 fiscal year. This transfer and budget authority shall require specific approval by the Legislative Budget Commission.

SECTION 36. The Department of Agriculture and Consumer Services is authorized to request a budget amendment pursuant to section 216.181, Florida Statutes, to transfer up to $10,000,000 from the Working Capital Fund to the General Inspection Trust Fund in the department. The department is authorized to request up to $10,000,000 in budget authority from the General Inspection Trust Fund. These monies shall be used for compensation pursuant to section 581.1845, Florida Statutes, for trees removed from residential property prior to July 1, 2005, and for which no other compensation has been appropriated. This transfer and budget authority shall require specific approval by the Legislative Budget Commission.

SECTION 37. The unexpended balance of funds provided in Specific Appropriation 2377A, of the 2003-2004 General Appropriations Act, chapter 2003-397, Laws of Florida, is hereby reverted and reappropriated for the purpose of the original appropriation within the Department of Highway Safety and Motor Vehicles.

SECTION 38. There is hereby appropriated to the Agency for Workforce Innovation $5,529,274 from the Special Employment Security Administration Trust Fund, to be transferred to the Employment Security Administration Trust Fund for Fiscal Year 2004-2005. This section shall be effective upon this act becoming law.

SECTION 39. If the Agency for Workforce Innovation is required during Fiscal Year 2005-2006 to reimburse the federal government for disallowed

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expenditures, either through a negotiated settlement or a judicial order, the Agency, through the Executive Office of the Governor, may submit a budget amendment for consideration by the Legislative Budget Commission to authorize the appropriation, release and expenditure of funds from the Working Capital Fund to reimburse the federal government.

SECTION 40. The unexpended balance of funds provided to the Department of Community Affairs for domestic security issues in Specific Appropriation 2070A and section 26 of Chapter 2004-268, Laws of Florida, and subsequently distributed to the Department of Community Affairs pursuant to budget amendments EOG# 0059 and EOG #0005 respectively, are hereby reverted and reappropriated for the purpose of the original appropriations within the Department of Community Affairs.

SECTION 41. In the event that a Florida location is selected as the site for an engineering center for work on aircraft previously sold to U.S. airlines, the Office of Tourism, Trade and Economic Development is authorized to request a budget amendment to transfer up to $17 million from the Working Capital Fund to the Grants and Donations Trust Fund in the Executive Office of the Governor. Such transfer, along with the associated budget authority from the Grants and Donations Trust Fund to award these funds, shall require specific approval by the Legislative Budget Commission.

SECTION 42. For the information technology projects listed in this section, the named agencies are authorized to request budget amendments for Legislative Budget Commission approval. The amendments may utilize trust funds provided in Specific Appropriation 2091A, as well as general revenue funds transferred from the Working Capital Fund, pursuant to section 216.292(7), Florida Statutes, in the indicated amounts. However, the agencies are authorized to process amendments for the first two months operating expenses, which shall be subject to fourteen day consultation as provided in section 216.177, Florida Statutes.

DEPARTMENT/PROJECT	TRUST FUNDS	GENERAL REVENUE
Dept. Financial Services		
Aspire	$40,981,776	
Dept. Children and Family Services		
HomeSafenet	$ 7,139,829	$4,213,802
FLORIDA	$ 3,794,788	
Office of Insurance Regulation		
Workflow Companies and Related Entities Project	$ 1,950,000	
Dept. of Revenue		
Child Support Automated Management System-Phase I	$17,942,242	
Child Support Automated Management System-Phase II	$ 2,500,000	
Dept. of Environmental Protection		
Integrated Database for Regulatory Applications	$2,237,325	
Dept. of Highway Safety and Motor Vehicles		
Commercial Vehicle Info System and Networks Electronic Credentialing	$ 613,547	
Agency for Workforce Innovation		
One-Stop Management Information System	$ 681,417	
Early Learning Info System - Development of Functional Requirements and Implementation Processes		$1,000,000
Early Learning Info System - Implementation		$4,987,000
Dept. of State		
Help America Vote Act Info System	$9,826,022	
Agency for Health Care Administration		
Florida Health Information Network (FHIN)		$1,531,737

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Dept. of Law Enforcement
Integrated Criminal History System-ICHS $2,500,079

From the funds provided in Section 42, $20,306,620 for the Aspire Project is a reappropriation of funds provided in Specific Appropriation 2321 of chapter 2004-268, Laws of Florida. The reappropriation is contingent upon appropriation reversions on June 30, 2005, of $20,056,620 from the Administrative Trust Fund and $250,000 from the Insurance Regulatory Trust Fund.

Funds provided to the Department of Financial Services in Section 42 and Specific Appropriation 2352 are specifically for the replacement of the state accounting and cash management system, Aspire Project, and the department is prohibited from making budgetary transfers to provide this funding for any other purpose or program of the department.

The funds provided in Section 42 for the Workflow Companies and Related Entities Project, $1,950,000, represent a reappropriation of funds provided in Fiscal Year 2004-2005. The reappropriation is contingent upon appropriation reversions on June 30, 2005, from the Insurance Regulatory Trust Fund.

From the funds provided in Section 42, for the Child Support Automated Management System - Phase I, $4,930,630 is a reappropriation of funds provided in Fiscal Year 2004-2005. The reappropriation is contingent upon appropriation reversions on June 30, 2005, of $1,676,414 in the Child Support Incentive Trust Fund and $3,254,216 in the Grants and Donations Trust Fund.

SECTION 43. From the general revenue funds provided in sections 5 and 7 of chapter 2004-474, Laws of Florida, the following amounts from unexpended balances are reverted: $7 million from the funds provided in section 5, and $8 million from the funds provided in section 7. This total of $15 million is reappropriated from the General Revenue Fund to reimburse the following local governments for revenue losses resulting from the 2004 hurricanes:

Brevard County	364,065
Charlotte County	2,829,123
DeSoto County	674,465
Escambia County	5,522,439
Hardee County	632,043
Highlands County	402,277
Indian River County	1,173,715
Martin County	305,717
Okeechobee County	86,087
Polk County	505,057
Santa Rosa County	1,209,694
St. Lucie County	1,295,318

SECTION 44. Any section of this act, or any appropriation herein contained, if found to be invalid shall in no way affect other sections or specific appropriations contained in this act.

SECTION 45. Except as otherwise provided herein, this act shall take effect July 1, 2005, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2005, then it shall operate retroactively to July 1, 2005.

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS 116,232.99

FROM GENERAL REVENUE FUND 25750,084,368

FROM TRUST FUNDS 37326,004,124

TOTAL ALL FUNDS 63076,088,492

On motion by Senator Carlton, the Conference Committee Report was adopted and **SB 2600** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 2602

The Honorable Tom Lee May 4, 2005
President of the Senate

The Honorable Allan Bense
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on SB 2602, same being:

An act relating to appropriations implementing bill; provides legislative intent; provides for use of specified calculations relating to the Florida Education Finance Program; provides for budget of Council for Education Policy Research and Improvement to be administered by Auditor General; provides that council is otherwise independent; authorizes Department of Children and Family Services to transfer funds within family safety program; requires that Workforce Florida, Inc., offer incentive bonuses; provides requirements for same, etc.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

s/Lisa Carlton
Chair
s/Dave Aronberg
s/Michael S. "Mike" Bennett
s/Charlie Clary
s/Victor D. Crist
s/Paula Dockery
s/Rudy Garcia
s/Dennis L. Jones
s/Ron Klein
s/Evelyn J. Lynn
s/Lesley "Les" Miller, Jr.
s/Ken Pruitt
s/Burt L. Saunders
s/Gary Siplin
s/J. Alex Villalobos
s/Frederica S. Wilson

s/Nancy Argenziano
s/JD Alexander
s/Carey Baker
s/Larcenia J. Bullard
s/Lee Constantine
s/M. Mandy Dawson
s/Mike Fasano
s/Anthony C. "Tony" Hill, Sr.
s/James E. "Jim" King, Jr.
s/Alfred "Al" Lawson, Jr.
s/Gwen Margolis
s/Durell Peaden, Jr.
s/Nan Rich
s/Jim Sebesta
s/Rod Smith
s/Daniel Webster
s/Stephen R. Wise

Managers on the part of the Senate

s/Joe Negron
Vice Chair
s/Rafael "Ralph" Arza
s/Loranne Ausley
s/Dennis K. Baxley

s/Sandra "Sandy" Adams
s/Thad Altman
s/Frank Attkisson
s/Gustavo A. Barreiro
s/Aaron P. Bean

s/Dorothy Bendross-Mindingall
s/Kimberly Berfield
s/Ellyn Setnor Bogdanoff
s/Donald D. "Don" Brown
s/Dean Cannon
s/Donna Clarke
s/Don Davis
s/Greg Evers
s/Anitere Flores
s/Anne M. "Annie" Gannon
s/Andy Gardiner
s/Hugh H. Gibson III
s/Ron L. Greenstein
s/Alan D. Hays
s/Arthenia L. Joyner
s/Will S. Kendrick
Dick Kravitz
s/Marcelo Llorente
s/Mark Mahon
s/David J. Mealor
s/Mitch Needelman
s/Joe H. Pickens
s/L. Ralph Poppell
s/Ron Reagan
s/David Rivera
s/Marco Rubio
s/Franklin Sands
s/John P. "Jack" Seiler
s/Eleanor Sobel
s/A. Trey Traviesa
s/Shelley Vana

s/Anna Holliday "Holly" Benson
s/Gus Michael Bilirakis
s/Marsha L. "Marty" Bowen
s/Frederick C. "Fred" Brummer
s/Jennifer "JC" Carroll
s/Joyce Cusack
s/Mike Davis
s/Frank Farkas
s/Bill Galvano
s/Rene Garcia
s/Dan Gelber
s/J. Dudley Goodlette
s/Adam Hasner
s/Edward L. "Ed" Jennings, Jr.
s/Charlie Justice
s/Jeffrey D. "Jeff" Kottkamp
s/Kenneth W. "Ken" Littlefield
s/Richard A. Machek
s/Stan Mayfield
s/Dave Murzin
s/Pat Patterson
s/Juan-Carlos "J.C." Planas
s/John "Q" Quinones
s/Curtis B. Richardson
s/Yolly Roberson
s/Timothy M. "Tim" Ryan
s/Ray Sansom
s/David Simmons
s/Dwight Stansel
s/Baxter G. Troutman
s/Leslie Waters

Managers on the part of the House of Representatives

Conference Committee Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 2005-2006.*

Section 2. *In order to implement Specific Appropriations 5, 6, and 73-79 of the 2005-2006 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2005-2006 fiscal year in the document entitled "Public School Funding The Florida Education Finance Program" dated May 3, 2005, and filed with the Secretary of the Senate are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program.*

Section 3. In order to implement section 20 of the 2005-2006 General Appropriations Act, section 1004.065, Florida Statutes, is created to read:

1004.065 Limitation on university and direct-support organization financings.—No project may be financed by or on behalf of a university or a direct-support organization pursuant to s. 1001.74(5), s. 1004.28(6), s. 1010.60(2), s. 1013.15, s. 1013.16, s. 1013.17, s. 1013.171, s. 1013.74, or s. 1013.78, or through any financing mechanism, including, but not limited to, revenue bonds, promissory notes, certificates of participation, lease-purchase agreements, or any other form of indebtedness, without prior approval of the project by the Legislature by an act relating to appropriations or general law. This section expires July 1, 2006.

Section 4. *In order to implement Section 23 of the 2005-2006 General Appropriations Act, and notwithstanding section 1013.512(6), Florida Statutes, the Miami-Dade Land Acquisition and Facilities Maintenance Operations Advisory Board is hereby disbanded.*

Section 5. In order to implement Specific Appropriations 296, 299, and 301 of the 2005-2006 General Appropriations Act, subsection (12) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(12) For the *2005-2006* ~~2004-2005~~ fiscal year only and notwithstanding the other provisions of this section, the Department of Children and Family Services may transfer funds within the family safety program

identified in the General Appropriations Act from identical funding sources between the following appropriation categories without limitation as long as such a transfer does not result in an increase to the total recurring general revenue or trust fund cost of the agency in the subsequent fiscal year: adoption services and subsidy; family foster care; and emergency shelter care. Such transfers must be consistent with legislative policy and intent and must not adversely affect achievement of approved performance outcomes or outputs in the family safety program. Notice of proposed transfers under this authority must be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 5 working days before their implementation. This subsection expires July 1, *2006* ~~2005~~.

Section 6. In order to implement Specific Appropriations 395-404 of the 2005-2006 General Appropriations Act, subsection (14) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(14)(a) Contracts for commodities or contractual services may be renewed for a period that may not exceed 3 years or the term of the original contract, whichever period is longer. Renewal of a contract for commodities or contractual services shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract. If the commodity or contractual service is purchased as a result of the solicitation of bids, proposals, or replies, the price of the commodity or contractual service to be renewed shall be specified in the bid, proposal, or reply. A renewal contract may not include any compensation for costs associated with the renewal. Renewals shall be contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds. Exceptional purchase contracts pursuant to paragraphs (5)(a) and (c) may not be renewed.

(b) Notwithstanding paragraph (a), the Department of Children and Family Services may enter into agreements, not to exceed 20 years, with a private provider to finance, design, and construct a *forensic* treatment facility, as defined in *s. 916.106(8)* ~~s. 394.455~~, of at least 200 beds and to operate all aspects of daily operations within the *forensic* treatment facility. The selected contractor is authorized to sponsor the issuance of tax-exempt certificates of participation or other securities to finance the project, and the state is authorized to enter into a lease-purchase agreement for the *forensic* treatment facility. ~~The Department of Children and Family Services shall begin the implementation of this privatization initiative by January 1, 2005.~~ This paragraph expires July 1, *2006* ~~2005~~.

Section 7. In order to implement Specific Appropriation 272 of the 2005-2006 General Appropriations Act, paragraph (g) of subsection (2) of section 402.305, Florida Statutes, is amended to read:

402.305 Licensing standards; child care facilities.—

(2) PERSONNEL.—Minimum standards for child care personnel shall include minimum requirements as to:

(g) The Department of Children and Family Services shall provide at least one Child Care Competency Exam in Spanish during the *2005-2006* ~~2004-2005~~ fiscal year. This paragraph expires July 1, *2006* ~~2005~~.

Section 8. In order to implement Specific Appropriations 238-404 of the 2005-2006 General Appropriations Act, subsection (10) of section 402.33, Florida Statutes, is amended to read:

402.33 Department authority to charge fees for services provided.—

(10)(a) Unless otherwise specified by the Legislature, fee collections, including third-party reimbursements, in excess of fee-supported appropriations may be used in conformance with the provisions of chapter 216 to fund nonrecurring expenditures for direct client services and to fund administrative costs of improving the fee collection program of the department. No more than one-sixth of the amount of collections in excess of the amount of appropriations may be used to fund such improvements to the program. Priority consideration for the expenditure of excess collections shall be given to those districts and programs most responsible for the excess. A plan for the use of excess collections not spent in the fiscal year in which collected shall be subject to approval by the Executive Office of the Governor within 90 days from the end of the state fiscal year in which the excess occurs.

(b) For the *2005-2006* ~~2004-2005~~ fiscal year only, the provisions of paragraph (a) shall not apply. This paragraph expires July 1, *2006* ~~2005~~.

Section 9. In order to implement Specific Appropriations 325, 327, and 336 of the 2005-2006 General Appropriations Act, paragraph (b) of subsection (3) of section 394.76, Florida Statutes, is amended to read:

394.76 Financing of district programs and services.—If the local match funding level is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, such funding level shall be provided as follows:

(3) The state share of financial participation shall be determined by the following formula:

(b)*1.* Residential and case management services which are funded as part of a deinstitutionalization project shall not require local matching funds and shall not be used as local matching funds. The state and federal financial participation portions of Medicaid earnings pursuant to Title XIX of the Social Security Act, except for the amount of general revenue equal to the amount appropriated in 1985-1986 plus all other general revenue that is shifted from any other alcohol, drug abuse, and mental health appropriation category after fiscal year 1986-1987 or substance abuse and mental health appropriation category after fiscal year 2000-2001, shall not require local matching funds and shall not be used as local matching funds. Local matching funds are not required for general revenue transferred by the department into substance abuse and mental health appropriations categories during a fiscal year to match federal funds earned from Medicaid services provided for mental health clients in excess of the amounts initially appropriated. Funds for children's services which were provided through the Children, Youth, and Families Services budget which did not require local match prior to being transferred to the Substance Abuse and Mental Health Services budget shall be exempt from local matching requirements. All other contracted community alcohol and mental health services and programs, except as identified in s. 394.457(3), shall require local participation on a 75-to-25 state-to-local ratio.

2. For the 2005-2006 fiscal year, notwithstanding the conflicting requirement of this paragraph or of s. 394.457, all other contracted community alcohol and mental health services and programs shall require local participation on a 75-to-25 state-to-local ratio. This subparagraph expires July 1, 2006.

Section 10. Effective upon this act becoming a law, in order to implement Specific Appropriations 1512 and 1514 of the 2005-2006 General Appropriations Act, section 215.18, Florida Statutes, is amended to read:

215.18 Transfers between funds; limitation.—Whenever there exists in any fund provided for by s. 215.32 a deficiency which would render such fund insufficient to meet its just requirements, and there shall exist in the other funds in the State Treasury moneys which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds, the Governor may order a temporary transfer of moneys from one fund to another in order to meet temporary deficiencies in a particular fund without resorting to the necessity of borrowing money and paying interest thereon.

(1) Except as otherwise provided in s. 216.222(1)(a)2., the fund from which any money is temporarily transferred shall be repaid the amount transferred from it not later than the end of the fiscal year in which such transfer is made, the date of repayment to be specified in the order of the Governor.

(2) Notwithstanding subsection (1) and for the 2005-2006 fiscal year only, the repayment period for funds temporarily transferred in fiscal year 2004-2005 to meet deficiencies resulting from hurricanes striking this state in 2004 may be extended until grants awarded by the Federal Emergency Management Agency for FEMA Disaster Declarations 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, and 1561-DR-FL are received. This subsection expires July 1, 2006.

Section 11. *In order to implement Specific Appropriations 604 through 614 of the 2005-2006 General Appropriations Act, the Agency for Persons with Disabilities shall submit quarterly status reports to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council regarding the financial status of the Home and Community Based Services Waiver, including but not limited to information about the number of current clients being served through the waiver and actual and projected cost information as compared with the appropriation available to the program. If at any time, based upon an analysis by the agency, the cost of*

waiver services is expected to exceed the appropriated amount, based upon the current rates as implemented November 1, 2003, the agency shall implement any adjustment necessary pursuant to section 393.0661(4), Florida Statutes, to stay within the appropriation. This section expires July 1, 2006.

Section 12. In order to implement Specific Appropriation 614 of the 2005-2006 General Appropriations Act, paragraph (d) of subsection (15) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(15)

(d) "Employee" does not include:

1. An independent contractor who is not engaged in the construction industry.

a. In order to meet the definition of independent contractor, at least four of the following criteria must be met:

(I) The independent contractor maintains a separate business with his or her own work facility, truck, equipment, materials, or similar accommodations;

(II) The independent contractor holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal regulations;

(III) The independent contractor receives compensation for services rendered or work performed and such compensation is paid to a business rather than to an individual;

(IV) The independent contractor holds one or more bank accounts in the name of the business entity for purposes of paying business expenses or other expenses related to services rendered or work performed for compensation;

(V) The independent contractor performs work or is able to perform work for any entity in addition to or besides the employer at his or her own election without the necessity of completing an employment application or process; or

(VI) The independent contractor receives compensation for work or services rendered on a competitive-bid basis or completion of a task or a set of tasks as defined by a contractual agreement, unless such contractual agreement expressly states that an employment relationship exists.

b. If four of the criteria listed in sub-subparagraph a. do not exist, an individual may still be presumed to be an independent contractor and not an employee based on full consideration of the nature of the individual situation with regard to satisfying any of the following conditions:

(I) The independent contractor performs or agrees to perform specific services or work for a specific amount of money and controls the means of performing the services or work.

(II) The independent contractor incurs the principal expenses related to the service or work that he or she performs or agrees to perform.

(III) The independent contractor is responsible for the satisfactory completion of the work or services that he or she performs or agrees to perform.

(IV) The independent contractor receives compensation for work or services performed for a commission or on a per-job basis and not on any other basis.

(V) The independent contractor may realize a profit or suffer a loss in connection with performing work or services.

(VI) The independent contractor has continuing or recurring business liabilities or obligations.

(VII) The success or failure of the independent contractor's business depends on the relationship of business receipts to expenditures.

c. Notwithstanding anything to the contrary in this subparagraph, an individual claiming to be an independent contractor has the burden of proving that he or she is an independent contractor for purposes of this chapter.

2. A real estate licensee, if that person agrees, in writing, to perform for remuneration solely by way of commission.

3. Bands, orchestras, and musical and theatrical performers, including disk jockeys, performing in licensed premises as defined in chapter 562, if a written contract evidencing an independent contractor relationship is entered into before the commencement of such entertainment.

4. An owner-operator of a motor vehicle who transports property under a written contract with a motor carrier which evidences a relationship by which the owner-operator assumes the responsibility of an employer for the performance of the contract, if the owner-operator is required to furnish the necessary motor vehicle equipment and all costs incidental to the performance of the contract, including, but not limited to, fuel, taxes, licenses, repairs, and hired help; and the owner-operator is paid a commission for transportation service and is not paid by the hour or on some other time-measured basis.

5. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer.

6. A volunteer, except a volunteer worker for the state or a county, municipality, or other governmental entity. A person who does not receive monetary remuneration for services is presumed to be a volunteer unless there is substantial evidence that a valuable consideration was intended by both employer and employee. For purposes of this chapter, the term "volunteer" includes, but is not limited to:

a. Persons who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency or, if such agency does not have salaried employees who receive mileage and per diem, then such volunteers who receive no compensation other than expenses in an amount less than or equivalent to the customary mileage and per diem paid to salaried workers in the community as determined by the department; and

b. Volunteers participating in federal programs established under Pub. L. No. 93-113.

7. Unless otherwise prohibited by this chapter, any officer of a corporation who elects to be exempt from this chapter. Such officer is not an employee for any reason under this chapter until the notice of revocation of election filed pursuant to s. 440.05 is effective.

8. An officer of a corporation that is engaged in the construction industry who elects to be exempt from the provisions of this chapter, as otherwise permitted by this chapter. Such officer is not an employee for any reason until the notice of revocation of election filed pursuant to s. 440.05 is effective.

9. An exercise rider who does not work for a single horse farm or breeder, and who is compensated for riding on a case-by-case basis, provided a written contract is entered into prior to the commencement of such activity which evidences that an employee/employer relationship does not exist.

10. A taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues.

11. A person who performs services as a sports official for an entity sponsoring an interscholastic sports event or for a public entity or private, nonprofit organization that sponsors an amateur sports event. For purposes of this subparagraph, such a person is an independent contractor. For purposes of this subparagraph, the term "sports official" means any person who is a neutral participant in a sports event, including, but not limited to, umpires, referees, judges, linespersons, scorekeepers, or timekeepers. This subparagraph does not apply to any person employed by a district school board who serves as a sports official as required by the employing school board or who serves as a sports official as part of his or her responsibilities during normal school hours.

12. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Home and Community-Based Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage.

13. Medicaid-enrolled clients under chapter 393 who are excluded from the definition of employment under s. 443.1216(4)(d) and served by Adult Day Training Services under the Family and Supported Living Medicaid Waiver program in a sheltered workshop setting licensed by the United States Department of Labor for the purpose of training and earning less than the federal hourly minimum wage. This subparagraph expires July 1, 2006.

Section 13. *In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 676, 688, 698, and 1136 of the 2005-2006 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county. This section expires July 1, 2006.*

Section 14. In order to implement Specific Appropriations 666-761 and 797-811 of the 2005-2006 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the *2005-2006* ~~2004-2005~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the *February 14, 2005* ~~February 16, 2004~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from the General Revenue Fund or the Working Capital Fund sufficient to provide for essential staff*, fixed capital improvements,* and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to the authority granted in this subsection shall be subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, *2006* ~~2005~~.

Section 15. In order to implement Specific Appropriations 676 and 688 of the 2005-2006 General Appropriations Act, subsection (25) is added to section 287.057, Florida Statutes, to read:

287.057 Procurement of commodities or contractual services.—

(25) For the 2005-2006 fiscal year only, notwithstanding any specific provision of this chapter or chapter 255 to the contrary, the Department of Management Services is authorized to issue an invitation to negotiate to contract for 384 additional beds for expansion at the Gadsden Correctional Facility to house medium-custody female inmates and for 235 additional beds for expansion at the Bay Correctional Facility and 235 additional beds at Moore Haven Correctional Facility to house medium-custody and close-custody inmates. Any such invitation to negotiate shall be limited to modifications of existing contracts between the Department of Management Services and firms currently operating private correctional facilities and shall be for design, financing, acquisition, leasing, construction, and operation of the additional beds. By October 1, 2005, and quarterly thereafter, the department shall report to the President of the Senate and the Speaker of the House of Representatives on the specific activities completed and remaining to be completed, along with timeframes for each activity, to add the additional beds. Procurement should be completed in a manner that allows sufficient time for the new beds to become operational by July 2007. This subsection expires July 1, 2006.

Section 16. *In order to implement Specific Appropriations 842 and 2999 of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of section 216.177, Florida Statutes, funds in Specific Appropriation 2999 of the 2005-2006 General Appropriations Act may be transferred from the courts to the Justice Administrative Commission in order to address unanticipated shortfalls in due process services appropriations in excess of the contingency fund provided in Specific Appropriation 842 of the 2005-2006 General Appropriations Act. This section expires July 1, 2006.*

Section 17. *In order to implement Specific Appropriations 836, 837, 839, 840, and 3020 of the 2005-2006 General Appropriations Act, if a deficit is projected by the Justice Administrative Commission or the state courts in any specific appropriation provided for due process services, the Governor or the Chief Justice of the Supreme Court, respectively, may submit a budget amendment for consideration by the Legislative Budget Commission to authorize the expenditure of funds from the Working Capital Fund to offset such deficiency. Any budget amendment submitted by the Governor to the Legislative Budget Commission shall contain certification by the Justice Administrative Commission that all actions required by section 29.015, Florida Statutes, have been completed and that no funds exist in any contingency fund appropriation available to the entity projected to experience the deficiency. Any budget amendment submitted by the Supreme Court shall contain certification that the court has completed all actions required by section 29.016, Florida Statutes, and that no funds exist in any contingency fund available to the state courts system. This section expires July 1, 2006.*

Section 18. *In order to implement Specific Appropriations 1274 and 1277 of the 2005-2006 General Appropriations Act, the Department of Legal Affairs is authorized to expend appropriated funds in Specific Appropriations 1274 and 1277 on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years.*

Section 19. In order to implement Specific Appropriation 1201 of the 2005-2006 General Appropriations Act, paragraph (d) is added to subsection (4) of section 932.7055, Florida Statutes, to read:

932.7055 Disposition of liens and forfeited property.—

(4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:

(d) Notwithstanding any other provision of this subsection, and for the 2005-2006 fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001. This paragraph expires July 1, 2006.

Section 20. *In order to implement Specific Appropriations 1442 and 1444 of the 2005-2006 General Appropriations Act and notwithstanding any provision of chapter 287 or chapter 337, Florida Statutes, from the funds appropriated to the Department of Agriculture and Consumer Services for the 2002-2003, 2003-2004, 2004-2005, and 2005-2006 fiscal years for the purpose of constructing and operating an agricultural interdiction station on Interstate 10 in Escambia County, the Department of Agriculture and Consumer Services shall enter into an agreement with the Department of Transportation wherein the Department of Transportation, on behalf of the Department of Agriculture and Consumer Services, shall proceed with the construction of the station under the authority established in chapter 337, Florida Statutes. The Department of Agriculture and Consumer Services shall be authorized to execute all contracts resulting from such Department of Transportation selection of contractors in compliance with chapter 337, Florida Statutes. This section expires July 1, 2006.*

Section 21. *In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of section 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2005-2006 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2006.*

Section 22. *In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of section 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2005-2006 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2006.*

Section 23. In order to implement sections 2-7 of the 2005-2006 General Appropriations Act, paragraph (c) of subsection (5) and paragraph (d) of subsection (6) of section 112.061, Florida Statutes, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.—For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(c) For the *2005-2006* ~~2004-2005~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, *2006* ~~2005~~.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are divided into the following groups and rates:

(d) For the *2005-2006* ~~2004-2005~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, *2006* ~~2005~~.

Section 24. In order to implement Specific Appropriations 2088 and 2658-2665 of the 2005-2006 General Appropriations Act, paragraph (a) of subsection (3) and subsection (7) of section 287.17, Florida Statutes, are amended to read:

287.17 Limitation on use of motor vehicles and aircraft.—

(3)(a) The term "official state business" may not be construed to permit the use of a motor vehicle ~~or aircraft~~ for commuting purposes, unless special assignment of a motor vehicle is authorized as a perquisite by the Department of Management Services, required by an employee after normal duty hours to perform duties of the position to which assigned, or authorized for an employee whose home is the official base of operation.

(7) It is the intention of the Legislature that persons traveling on state aircraft for purposes consistent with, but not necessarily constituting, official state business may travel only when accompanying persons who are traveling on official state business and that such persons shall pay the state for all costs associated with such travel. *Notwithstanding paragraph (3)(a),* a person traveling on state aircraft for purposes other than official state business shall pay for any trip not exclusively for state business by paying a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft.

Section 25. *The amendment of section 287.17, Florida Statutes, shall expire July 1, 2006, and the text of that section shall revert to that in existence on June 30, 2005, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.*

Section 26. *Notwithstanding section 403.7095, Florida Statutes, in order to implement Specific Appropriation 1761 of the 2005-2006 General Appropriations Act, the Department of Environmental Protection shall award:*

(1) $6,500,000 in grants equally to counties with populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.

(2) $1,242,168 in competitive innovative grants to cities and counties on the prioritized list of projects submitted by the Department of Environmental Protection to the Legislature.

This section expires July 1, 2006.

Section 27. In order to implement Specific Appropriation 1703 of the 2005-2006 General Appropriations Act, subsection (6) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(6) For the *2005-2006* ~~2004-2005~~ fiscal year only, funds allocated to the Land Acquisition Trust Fund may also be appropriated for water quality issues in the General Appropriations Act. This subsection expires July 1, *2006* ~~2005~~.

Section 28. In order to implement Specific Appropriation 1742 of the 2005-2006 General Appropriations Act, section 376.30715, Florida Statutes, is created to read:

376.30715 Innocent victim petroleum storage system restoration.—A contaminated site acquired prior to July 1, 1990, which ceased operating as a petroleum storage or retail business prior to January 1, 1985, is eligible for financial assistance pursuant to s. 376.305(6), notwithstanding s. 376.305(6)(a). Eligible sites shall be ranked in accordance with s. 376.3071(5). This section expires July 1, 2006.

Section 29. In order to implement Specific Appropriations 1742 and 1751A, subsection (14) is added to section 376.3071, Florida Statutes, to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(14) ADDITIONAL USES OF FUNDS FOR SPECIFIED FISCAL YEAR.—Notwithstanding subsection (4) and s. 376.30711, for the 2005-2006 fiscal year only funds from the Inland Protection Trust Fund may be used to clean up petroleum contaminated sites registered in a state-funded program that have been identified as viable affordable housing sites by the Department of Community Affairs together with local governments and may be used to purchase generators for emergency fuel supply. This subsection expires July 1, 2006.

Section 30. In order to implement Specific Appropriations 1697-1722 of the 2005-2006 General Appropriations Act, paragraph (c) of subsection (4) of section 373.4137, Florida Statutes, is amended to read:

373.4137 Mitigation requirements.—

(4) Prior to December 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. This plan shall also address significant invasive plant problems within wetlands and other surface waters. In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs and shall focus on activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) waterbodies and lands identified for potential acquisition for preservation, restoration, and enhancement, to the extent that such activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344. In determining the activities to be included in such plans, the districts shall also consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include such purchase as a part of the mitigation plan when such purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be preliminarily approved by the water management district governing board

and shall be submitted to the secretary of the Department of Environmental Protection for review and final approval. The preliminary approval by the water management district governing board does not constitute a decision that affects substantial interests as provided by s. 120.569. At least 30 days prior to preliminary approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy.

(c) Surface water improvement and management or invasive plant control projects undertaken using the $12 million advance transferred from the Department of Transportation to the Department of Environmental Protection in fiscal year 1996-1997 which meet the requirements for mitigation under this part and 33 U.S.C. s. 1344 shall remain available for mitigation until the $12 million is fully credited up to and including fiscal year *2006-2007* ~~2005-2006~~. When these projects are used as mitigation, the $12 million advance shall be reduced by $75,000 per acre of impact mitigated. For any fiscal year through and including fiscal year *2006-2007* ~~2005-2006~~, to the extent the cost of developing and implementing the mitigation plans is less than the amount transferred pursuant to subsection (3), the difference shall be credited towards the $12 million advance. Except as provided in this paragraph, any funds not directed to implement the mitigation plan should, to the greatest extent possible, be directed to fund invasive plant control within wetlands and other surface waters.

Section 31. In order to implement Specific Appropriation 1690 of the 2005-2006 General Appropriations Act, subsection (3) of section 120.551, Florida Statutes, is amended to read:

120.551 Internet publication.—

(3) This section is repealed effective July 1, *2006* ~~2005~~, unless reviewed and reenacted by the Legislature before that date.

Section 32. In order to implement Specific Appropriations 1629-1635 of the 2005-2006 General Appropriations Act and notwithstanding the repeal of subsections (1), (2), (3), and (4) of section 373.4145, Florida Statutes, scheduled for July 1, 2005, those subsections are reenacted, and subsection (6) of that section is amended, to read:

373.4145 Interim part IV permitting program for the Northwest Florida Water Management District.—

(1) Within the geographical jurisdiction of the Northwest Florida Water Management District, the permitting authority of the department under this part shall consist solely of the following, notwithstanding the rule adoption deadline in s. 373.414(9):

(a) Chapter 17-25, Florida Administrative Code, shall remain in full force and effect, and shall be implemented by the department. Notwithstanding the provisions of this section, chapter 17-25, Florida Administrative Code, may be amended by the department as necessary to comply with any requirements of state or federal laws or regulations, or any condition imposed by a federal program, or as a requirement for receipt of federal grant funds.

(b) Rules adopted pursuant to the authority of ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, in effect prior to July 1, 1994, shall remain in full force and effect, and shall be implemented by the department. However, the department is authorized to establish additional exemptions and general permits for dredging and filling, if such exemptions or general permits do not allow significant adverse impacts to occur individually or cumulatively. However, for the purpose of chapter 17-312, Florida Administrative Code, the landward extent of surface waters of the state identified in rule 17-312.030(2), Florida Administrative Code, shall be determined in accordance with the methodology in rules 17-340.100 through 17-340.600, Florida Administrative Code, as ratified in s. 373.4211, upon the effective date of such ratified methodology. In implementing s. 373.421(2), the department shall determine the extent of those surface waters and wetlands within the regulatory authority of the department as described in this paragraph. At the request of the petitioner, the department shall also determine the extent of surface waters and wetlands which can be delineated by the methodology ratified in s. 373.4211, but which are not subject to the regulatory authority of the department as described in this paragraph.

(c) The department may implement chapter 40A-4, Florida Administrative Code, in effect prior to July 1, 1994, pursuant to an interagency agreement with the Northwest Florida Water Management District adopted under s. 373.046(4).

(2) The authority of the Northwest Florida Water Management District to implement this part or to implement any authority pursuant to delegation by the department shall not be affected by this section. The rule adoption deadline in s. 373.414(9) shall not apply to said district.

(3) The division of permitting responsibilities in s. 373.046(4) shall not apply within the geographical jurisdiction of the Northwest Florida Water Management District.

(4) If the United States Environmental Protection Agency approves an assumption of the federal program to regulate the discharge of dredged or fill material by the department or the water management districts, or both, pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.; the United States Army Corps of Engineers issues one or more state programmatic general permits under the referenced statutes; or the United States Environmental Protection Agency or the United States Corps of Engineers approves any other delegation of regulatory authority under the referenced statutes, then the department may implement any permitting authority granted in this part within the Northwest Florida Water Management District which is prescribed as a condition of granting such assumption, general permit, or delegation.

(6) Subsections (1), (2), (3), and (4) shall be repealed effective July 1, *2006* ~~2005~~.

Section 33. *In order to implement Specific Appropriations 1315, 1384, 1435, 1445, 1453, and 1461 of the 2005-2006 General Appropriations Act, notwithstanding the limitations imposed on the Conservation and Recreation Lands Trust Fund by section 259.032, Florida Statutes, moneys in the Conservation and Recreation Lands Trust Fund may be appropriated for the 2005-2006 fiscal year to the Department of Agriculture and Consumer Services to pay for replacement of motor vehicles in programs other than forest and resource protection/land management. This section expires July 1, 2006.*

Section 34. *(1) In order to implement Specific Appropriation 1453A of the 2005-2006 General Appropriations Act, there is hereby created the Florida Pork Producers Transition Grant Program within the Department of Agriculture and Consumer Services to provide assistance to any person or persons or entities that were using farming methods described in Article X, Section 21 of the Florida Constitution on November 5, 2002. The purpose of the program is to assist Florida pork producers in reducing encumbered debt on stranded investment in equipment and in transitioning into other farming or agriculture activities.*

(2) Any person or persons or entities that were using farming methods described in Article X, Section 21 of the Florida Constitution on November 5, 2002, are entitled to apply for a grant from the program if that person or entity signs a letter of intent to cease or has ceased using farming methods described in Article X, Section 21 of the Florida Constitution on land within this state and agrees in writing to continue to use the land as actively engaged in an agricultural or farming activity other than pork production until at least November 2008.

(3) The department shall provide grants of not more than $275,000 to each person or persons or entities who meet the criteria for the program and who enter into such a letter of intent with the department, on a first-come first-served basis; provided that the application for the grant is made on or before December 29, 2005. The department may adopt rules to implement the Florida Pork Producers Transition Grant Program.

(4) This section expires July 1, 2006.

Section 35. In order to implement Specific Appropriations 2590 and 2591 of the 2005-2006 General Appropriations Act, section 11.151, Florida Statutes, is amended to read:

11.151 Annual legislative appropriation to contingency fund for use of Senate President and House Speaker.—

(1) There is established a legislative contingency fund consisting of $10,000 for the President of the Senate and $10,000 for the Speaker of the House of Representatives, which amounts shall be set aside annually from moneys appropriated for legislative expense. These funds shall be disbursed by the Chief Financial Officer upon receipt of vouchers authorized by the President of the Senate or the Speaker of the House of

Representatives. Such funds may be expended at the unrestricted discretion of the President of the Senate or the Speaker of the House of Representatives in carrying out their official duties during the entire period between the date of their election as such officers at the organizational meeting held pursuant to s. 3(a), Art. III of the State Constitution and the next general election.

(2) For the 2005-2006 fiscal year only, the contingency fund amounts in subsection (1) are increased to $20,000. This subsection expires July 1, 2006.

Section 36. In order to implement Specific Appropriation 2501 of the 2005-2006 General Appropriations Act, paragraph (b) of subsection (9) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. These funds must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used by the Florida Sports Foundation to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Office of Tourism, Trade, and Economic Development.

3. The Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

4. For the *2005-2006* ~~2004-2005~~ fiscal year only and notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games. This subparagraph expires July 1, *2006* ~~2005~~.

Section 37. In order to implement Specific Appropriation 2121 of the 2005-2006 General Appropriations Act, section 445.048, Florida Statutes, as amended by section 53 of chapter 2004-269, Laws of Florida, is amended to read:

445.048 Passport to Economic Progress ~~demonstration~~ program.—

(1) AUTHORIZATION.—Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and the Agency for Workforce Innovation, shall implement a Passport to Economic Progress ~~demonstration~~ program ~~by November 1, 2001,~~ consistent with the provisions of this section ~~in Hillsborough and Manatee counties~~. *Workforce Florida, Inc., may designate regional workforce boards to participate in the program. Expenses for the program may come from appropriated revenues or from funds otherwise available to a regional workforce board which may be legally used for such purposes.* Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the Department *of Children and Family Services* ~~which serve the demonstration areas~~ and must encourage community input into the implementation process.

(2) WAIVERS.—If Workforce Florida, Inc., in consultation with the Department of Children and Family Services, finds that federal waivers would facilitate implementation of the ~~demonstration~~ program, the department shall immediately request such waivers, and Workforce Florida, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives if any refusal of the federal government to grant such waivers prevents the implementation of the ~~demonstration~~ program. If Workforce Florida, Inc., finds that federal waivers to provisions of the Food Stamp Program would facilitate implementation of the ~~demonstration~~ program, the Department of Children and Family Services shall immediately request such waivers in accordance with s. 414.175.

~~(3) INCOME DISREGARD.—In order to provide an additional incentive for employment, and notwithstanding the amount specified in s. 414.095(12), for individuals residing in the areas designated for this demonstration program, the first $300 plus one-half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of s. 414.095(12) shall continue to apply to such individuals.~~

(3)~~(4)~~ TRANSITIONAL BENEFITS AND SERVICES.—In order to assist them in making the transition to economic self-sufficiency, former recipients of temporary cash assistance ~~residing within the areas designated for this demonstration program~~ shall be eligible for the following benefits and services:

(a) Notwithstanding the time period specified in s. 445.030, transitional education and training support services as specified in s. 445.030 for up to 4 years after the family is no longer receiving temporary cash assistance;

(b) Notwithstanding the time period specified in s. 445.031, transitional transportation support services as specified in s. 445.031 for up to 4 years after the family is no longer receiving temporary cash assistance; and

(c) Notwithstanding the time period specified in s. 445.032, transitional child care as specified in s. 445.032 for up to 4 years after the family is no longer receiving temporary cash assistance.

All other provisions of ss. 445.030, 445.031, and 445.032 shall apply to such individuals, as appropriate. This subsection does not constitute an entitlement to transitional benefits and services. If funds are insufficient to provide benefits and services under this subsection, the board of directors of Workforce Florida, Inc., *or its agent,* may limit such benefits and services or otherwise establish priorities for the provisions of such benefits and services.

(4)~~(5)~~ *INCENTIVES TO ECONOMIC SELF-SUFFICIENCY* ~~WAGE SUPPLEMENTATION~~.—

(a) The Legislature finds that:

1. There are former recipients of temporary cash assistance who are working full time but whose incomes are below the federal poverty level.

2. Having incomes below the federal poverty level makes such individuals particularly vulnerable to reliance on public assistance despite their best efforts to achieve or maintain economic independence through employment.

3. It is necessary to *implement a performance-based program that defines economic incentives for achieving specific benchmarks toward self-sufficiency while the individual is working full-time* ~~supplement the wages of such individuals for a limited period of time in order to assist them in fulfilling the transition to economic self-sufficiency~~.

(b) Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation,

shall *offer performance-based incentive bonuses* ~~create a transitional wage supplementation program by November 1, 2001,~~ as a component of the Passport to Economic Progress ~~demonstration~~ program ~~in the areas designated for the demonstration program. This wage supplementation program does not constitute an entitlement to wage supplementation~~. *The bonuses do not represent a program entitlement and shall be contingent on achieving specific benchmarks prescribed in the self-sufficiency plan.* If *the* funds appropriated *for this purpose* are insufficient to provide *this financial incentive* ~~wage supplementation~~, the board of directors of Workforce Florida, Inc., may *reduce or suspend the bonuses in order not to exceed the appropriation or may direct the regional boards to use resources otherwise given to the regional workforce to pay such bonuses if such payments comply with applicable state and federal laws* ~~limit wage supplementation or otherwise establish priorities for wage supplementation~~.

(c) To be eligible for *an incentive bonus* ~~wage supplementation~~ under this subsection, an individual must:

1. Be a former recipient of temporary cash assistance who last received such assistance on or after January 1, 2000;

2. Be employed full time, which for the purposes of this subsection means employment averaging at least 32 hours per week*, until the United States Congress enacts legislation reauthorizing the Temporary Assistance for Needy Families block grant and, after the reauthorization, means employment complying with the employment requirements of the reauthorization*; and

3. Have an average family income for the 6 months preceding the date of application for *an incentive bonus* ~~wage supplementation~~ which is less than *200* ~~100~~ percent of the federal poverty level.

~~(d) Workforce Florida, Inc., shall determine the schedule for the payment of wage supplementation under this subsection. An individual eligible for wage supplementation under this subsection may receive a payment that equals the amount necessary to bring the individual's total family income for the period covered by the payment to 100 percent of the federal poverty level. An individual may not receive wage supplementation payments for more than a total of 12 months.~~

~~(e) The wage supplementation program authorized by this subsection shall be administered through the regional workforce boards and the one-stop delivery system, under policy guidelines, criteria, and applications developed by Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation. To the maximum extent possible, the regional workforce boards shall use electronic debit card technologies to provide wage supplementation payments under this program.~~

(5)~~(6)~~ EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida, Inc., in conjunction with the Department of Children and Family Services, the Agency for Workforce Innovation, and the regional workforce boards ~~in the areas designated for this demonstration program~~, shall conduct a comprehensive evaluation of the effectiveness of the ~~demonstration~~ program operated under this section. *Evaluations and recommendations for the program shall be submitted by Workforce Florida, Inc., as part of its annual report to the Legislature.* ~~By January 1, 2003, Workforce Florida, Inc., shall submit a report on such evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include recommendations as to whether the demonstration program should be expanded to other service areas or statewide and whether the program should be revised to enhance its administration or effectiveness.~~

(6)~~(7)~~ CONFLICTS.—If there is a conflict between the implementation procedures described in this section and federal requirements and regulations, federal requirements and regulations shall control.

Section 38. *The amendment of section 445.048, Florida Statutes, by this act shall expire on July 1, 2006, and the text of that section shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.*

Section 39. In order to implement section 37 of the 2005-2006 General Appropriations Act, subsection (13) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(13) Notwithstanding the provisions of this section, funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach *County* ~~and Orange Counties~~ are authorized to be deposited into the Highway Safety Operating Trust Fund to facilitate the exchange as provided in the General Appropriations Act, provided that at the conclusion of both exchanges the values are equalized. This subsection expires July 1, *2006* ~~2005~~.

Section 40. In order to implement proviso language in Specific Appropriation 2162G of the 2005-2006 General Appropriations Act, section 402.3017, Florida Statutes, is amended to read:

402.3017 Teacher Education and Compensation Helps (TEACH) scholarship program.—

(1) The Legislature finds that the level of early child care teacher education and training is a key predictor for determining program quality. The Legislature also finds that low wages for child care workers prevent many from obtaining increased training and education and contribute to high turnover rates. The Legislature therefore intends to help fund a program which links teacher training and education to compensation and commitment to the field of early childhood education.

(2) The Department of Children and Family Services is authorized to contract for the administration of the Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes.

(3) The department shall adopt rules as necessary to implement this section.

(4) For the *2005-2006* ~~2004-2005~~ fiscal year only, the Agency for Workforce Innovation shall administer this section. This subsection expires July 1, *2006* ~~2005~~.

Section 41. In order to implement Specific Appropriation 2982D of the 2005-2006 General Appropriations Act, paragraph (g) is added to subsection (11) of section 259.032, Florida Statutes, to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(11)

(g) In addition to the purposes specified in paragraph (b), funds from the 1.5 percent of the cumulative total of funds ever deposited into the Florida Preservation 2000 Trust Fund and the Florida Forever Trust Fund may be appropriated for the 2005-2006 fiscal year for the construction of replacement museum facilities. This paragraph expires July 1, 2006.

Section 42. In order to implement Specific Appropriation 1995 of the 2005-2006 General Appropriations Act, section 311.22, Florida Statutes, is created to read:

311.22 Additional authorization for funding certain dredging projects.—

(1) The Florida Seaport Transportation and Economic Development Council shall establish a program to fund dredging projects in counties having a population of fewer than 300,000 according to the last official census. Funds made available under this program may be used to fund approved projects for the dredging or deepening of channels, turning basins, or harbors on a 50-50 matching basis with any port authority, as such term is defined in s. 315.02(2), which complies with the water quality provisions of s. 403.061 and the local financial management and reporting provisions of part III of chapter 218.

(2) The council shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an administrative review process by the council which is similar to the process contained in ss. 311.09(5)-(12), and provide for a review by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development of all projects submitted for funding under this section.

(3) This section expires July 1, 2006.

Section 43. In order to implement Specific Appropriations 1989-2003, 2017-2019, 2021-2026, 2028-2038, and 2074-2084 of the 2005-2006 General Appropriations Act, subsection (8) is added to section 339.135, Florida Statutes, to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(8) INCREASED APPROPRIATIONS.—Notwithstanding any requirement of subsections (4) and (5), s. 339.08, or s. 339.175, the Legislature may appropriate increased revenues identified by the March 4, 2005, consensus estimating conference for projects funded within the Department of Transportation. The funding for such projects may not be deducted from funds otherwise distributed to districts. This subsection expires July 1, 2006.

Section 44. In order to implement Specific Appropriation 2575 of the 2005-2006 General Appropriations Act, section 320.0846, Florida Statutes, is created to read:

320.0846 Free motor vehicle license plates to active members of the Florida National Guard.—

(1) Any owner or lessee of a motor vehicle who resides in this state and is an active member of the Florida National Guard may, upon application and proof of eligibility, be issued one standard license plate without charge. Applications for any additional license plates must be accompanied by appropriate fees established in this chapter.

(2) Eligible applicants of the Florida National Guard may apply for a specialty license plate as provided in s. 320.08056 upon payment of the fees required in that section. All other fees will be waived. Applications for any additional specialty license plates must be accompanied by all appropriate fees established in this chapter.

(3) This section expires July 1, 2006.

Section 45. In order to implement Specific Appropriations 1512 and 1514 of the 2005-2006 General Appropriations Act, paragraph (g) is added to subsection (5) of section 216.292, Florida Statutes, to read:

216.292 Appropriations nontransferable; exceptions.—

(5)

(g) Notwithstanding paragraph (d), and for the 2005-2006 fiscal year only, the Governor may recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Emergency Management Agency for FEMA Disaster Declarations 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, and 1561-DR-FL. All actions taken pursuant to the authority granted in this paragraph are subject to review and approval by the Legislative Budget Commission. This paragraph expires July 1, 2006.

Section 46. In order to implement Specific Appropriation 1567A of the 2005-2006 General Appropriations Act, subsection (3) of section 380.511, Florida Statutes, is amended to read:

380.511 Florida Communities Trust Fund.—

(3)*(a)* The trust may disburse moneys in the Florida Communities Trust Fund to pay all necessary expenses to carry out the purposes of this part, except as limited by s. 380.510(7).

(b) For the 2005-2006 fiscal year only, any unappropriated balance in the Florida Communities Trust Fund may be transferred by the General Appropriations Act to the Emergency Management Preparedness and Assistance Trust Fund. This paragraph expires July 1, 2006.

Section 47. In order to implement Specific Appropriation 1543A of the 2005-2006 General Appropriations Act, section 420.0005, Florida Statutes, is amended to read:

420.0005 State Housing Trust Fund; State Housing Fund.—

(1) There is hereby established in the State Treasury a separate trust fund to be named the "State Housing Trust Fund." There shall be deposited in the fund all moneys appropriated by the Legislature, or moneys received from any other source, for the purpose of this chapter, and all proceeds derived from the use of such moneys. The fund shall be administered by the Florida Housing Finance Corporation on behalf of the department, as specified in this chapter. Money deposited to the fund and appropriated by the Legislature must, notwithstanding the provisions of chapter 216 or s. 420.504(3), be transferred quarterly in advance, to the extent available, or, if not so available, as soon as received into the State Housing Trust Fund, and subject to the provisions of s. 420.5092(6)(a) and (b) by the Chief Financial Officer to the corporation upon certification by the Secretary of Community Affairs that the corporation is in compliance with the requirements of s. 420.0006. The certification made by the secretary shall also include the split of funds among programs administered by the corporation and the department as specified in chapter 92-317, Laws of Florida, as amended. Moneys advanced by the Chief Financial Officer must be deposited by the corporation into a separate fund established with a qualified public depository meeting the requirements of chapter 280 to be named the "State Housing Fund" and used for the purposes of this chapter. Administrative and personnel costs incurred in implementing this chapter may be paid from the State Housing Fund, but such costs may not exceed 5 percent of the moneys deposited into such fund. To the State Housing Fund shall be credited all loan repayments, penalties, and other fees and charges accruing to such fund under this chapter. It is the intent of this chapter that all loan repayments, penalties, and other fees and charges collected be credited in full to the program account from which the loan originated. Moneys in the State Housing Fund which are not currently needed for the purposes of this chapter shall be invested in such manner as is provided for by statute. The interest received on any such investment shall be credited to the State Housing Fund.

(2) For the 2005-2006 fiscal year only, any unappropriated balance in the State Housing Trust Fund in the Department of Community Affairs may be transferred by the General Appropriations Act to the Emergency Management Preparedness and Assistance Trust Fund. This subsection expires July 1, 2006.

Section 48. In order to implement Specific Appropriation 1543A of the 2005-2006 General Appropriations Act, subsection (4) of section 420.36, Florida Statutes, is amended to read:

420.36 Low-income Emergency Home Repair Program.—There is established within the Department of Community Affairs the Low-income Emergency Home Repair Program to assist low-income persons, especially the elderly and physically disabled, in making emergency repairs which directly affect their health and safety.

(4)(a) Funds appropriated to the department for the program shall be deposited in the Energy Consumption Trust Fund. Administrative and personnel costs incurred by the department in implementing the provisions of this section may be paid from the fund.

(b) The grantee may subgrant these funds to a subgrantee if the grantee is unable to serve all of the county or the target population. Grantee and subgrantee eligibility shall be determined by the department.

(c) Funds shall be distributed to grantees and subgrantees as follows:

1. For each county, a base amount of at least $3,000 shall be set aside from the total funds available, and such amount shall be deducted from the total amount appropriated by the Legislature.

2. The balance of the funds appropriated by the Legislature shall be divided by the total poverty population of the state, and this quotient shall be multiplied by each county's share of the poverty population. That amount plus the base of at least $3,000 shall constitute each county's share. A grantee which serves more than one county shall receive the base amount plus the poverty population share for each county to be served. Contracts with grantees may be renewed annually.

3. The funds allocated to each county shall be offered first to an existing weatherization assistance program grantee in good standing, as determined by the department, that can provide services to the target population of low-income persons, low-income elderly persons, and low-income physically disabled persons throughout the county.

4. If a weatherization assistance program grantee is not available to serve the entire county area, the funds shall be distributed through the following process:

a. An announcement of funding availability shall be provided to the county. The county may elect to administer the program.

b. If the county elects not to administer the program, the department shall establish rules to address the selection of one or more public or private not-for-profit agencies that are experienced in weatherization, rehabilitation, or emergency repair to administer the program.

5. If no eligible agency agrees to serve a county, the funds for that county shall be distributed to grantees having the best performance record as determined by department rule. At the end of the contract year, any uncontracted or unexpended funds shall be returned to the Energy Consumption Trust Fund and reallocated under the next year's contracting cycle.

(d) For the 2005-2006 fiscal year only, any unappropriated balance in the Energy Consumption Trust Fund may be transferred by the General Appropriations Act to the Emergency Management Preparedness and Assistance Trust Fund. This paragraph expires July 1, 2006.

Section 49. *In order to implement Specific Appropriation 1543A of the 2005-2006 General Appropriations Act, and for the 2005-2006 fiscal year only, any unappropriated balance in the Grants and Donations Trust Fund of the Department of Community Affairs may be transferred by the General Appropriations Act to the Emergency Management Preparedness and Assistance Trust Fund. This section expires July 1, 2006.*

Section 50. *In order to implement specific appropriations for salaries and benefits in the 2005-2006 General Appropriations Act, notwithstanding the provisions of section 110.1245(4), Florida Statutes, and for the 2005-2006 fiscal year only, agencies may additionally use funds for cash awards to state employees who demonstrate satisfactory service in the agency or to the state, in appreciation and recognition of such service. Awards may not exceed $100 each and will be allocated from an agency's existing budget. By March 1, 2006, agencies that elect to make cash awards will report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives the dollar value and number of such awards given. If available, any additional information concerning employee satisfaction and feedback should be provided. This section expires July 1, 2006.*

Section 51. In order to implement the transfer of moneys to the Working Capital Fund from trust funds in the 2005-2006 General Appropriations Act, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and Working Capital Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the Board of Regents, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 52. *In order to implement the issuance of new debt authorized in the 2005-2006 General Appropriations Act, and pursuant to the requirements of section 215.98, Florida Statutes, the Legislature determines that the authorization and issuance of debt for the 2005-2006 fiscal year is in the best interest of the state and should be implemented.*

Section 53. In order to implement Sections 34, 35, 36, 39, 41, and 42 of the 2005-2006 General Appropriations Act, subsection (19) is added to section 216.181, Florida Statutes, to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(19) In addition to the requirements of this chapter for amendments to the approved operating budgets for operational and fixed capital outlay expenditures from state agencies to be requested only through the Executive Office of the Governor and approved by the Governor and the Legislative Budget Commission, state agencies may request, and the Governor and the Legislative Budget Commission may approve, amendments authorizing the expenditure of moneys from the Working Capital Fund as specifically authorized in the General Appropriations Act. This subsection expires July 1, 2006.

Section 54. *A section of this act that implements a specific appropriation or specifically identified proviso language in the 2005-2006 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2005-2006 General Appro-*

priations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 55. *If any other act passed in 2005 contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.*

Section 56. *The agency performance measures and standards in the document entitled "Performance Measures and Standards Approved by the Legislature for Fiscal Year 2005-2006" dated May 3, 2005, and filed with the Secretary of the Senate are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2005-2006, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their long-range program plans required under section 216.013, Florida Statutes, to be consistent with these performance measures and standards.*

Section 57. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 58. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act implementing the 2005-2006 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; creating s. 1004.065, F.S.; providing a limitation on university and direct-support organization financings; disbanding the Miami-Dade Land Acquisition and Facilities Maintenance Operation Advisory Board; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a forensic mental health treatment facility; amending s. 402.305, F.S.; providing for the child care competency examination to be given in Spanish; amending s. 402.33, F.S.; suspending authority of the Department of Children and Family Services to use funds in excess of fee collections; amending s. 394.76, F.S.; providing a local match ratio for contracted community alcohol and mental health services and programs funded through the Department of Children and Family Services; amending s. 215.18, F.S.; authorizing extension of repayment periods for moneys transferred between funds as a result of hurricanes striking the state in 2004; requiring the Agency for Persons with Disabilities to report to the Governor and the Legislature with respect to the financial status of the Home and Community Based Services Waiver; providing for budget adjustments; amending s. 440.02, F.S.; redefining the term "employee," for purposes of workers' compensation, to exclude certain Medicaid-enrolled clients enrolled in workshop settings for the purpose of training; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 287.057, F.S.; authorizing the Department of Management Services to issue an invitation to negotiate for additional beds at specified correctional facilities; providing guidelines on such negotiation; providing a time requirement for any additional bed procurement; requiring reports with respect to adding such additional beds; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due-process appropriations; providing for expenditure of funds from the Working Capital Fund to offset deficiencies in due-process services; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; amending s. 932.7055, F.S.; allowing municipalities to reimburse their general funds from moneys they advanced to their own special law enforcement trust funds; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction of an agricultural interdiction station in Escambia County; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 287.17, F.S.; authorizing the use of state aircraft for commuting; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; amending s. 375.041, F.S.; providing for use of funds allocated to the Land Acquisition Trust Fund for water quality issues; creating s. 376.30715, F.S.; providing conditions on state financial assistance in restoration of contaminated petroleum storage or retail sites; amending s. 376.3071, F.S.; providing for use of funds from the Inland Protection Trust Fund to clean up certain petroleum-contaminated sites and to purchase generators for emergency fuel supply; amending s. 373.4137, F.S.; providing for water management districts to use specified funds in certain surface water improvement and management or invasive plant control projects; amending s. 120.551, F.S.; continuing Internet publication of certain notices of the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund; amending s. 373.4145, F.S.; prescribing an interim permitting program for the Northwest Florida Water Management District; authorizing the appropriation of moneys in the Conservation and Recreation Lands Trust Fund to pay for replacement of motor vehicles for the Department of Agriculture and Consumer Services; creating the Florida Pork Producers Transition Grant Program within the Department of Agriculture and Consumer Services; entitling certain persons using farming methods described in the Florida Constitution on a certain date to apply for a grant; providing a cap on such grants and authorizing the department to adopt rules to implement the grant program; amending s. 11.151, F.S.; increasing the contingency fund for the legislative presiding officers; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determing eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 259.032, F.S.; providing for use of certain funds for constructing replacement museum facilities; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 339.135, F.S.; authorizing increased appropriations for certain projects in the Department of Transportation; creating s. 320.0846, F.S.; providing for free motor vehicle license plates for active members of the Florida National Guard; amending s. 216.292, F.S.; authorizing the Governor to recommend fixed capital outlay projects funded by Federal Emergency Management Agency grants; providing for review by the Legislative Budget Commission; amending s. 380.511, F.S.; providing for transfer of unappropriated balances from the Florida Communities Trust Fund to the Emergency Management Preparedness and Assistance Trust Fund; amending s. 420.0005, F.S.; providing for transfer of unappropriated balances from the State Housing Trust Fund in the Department of Community Affairs to the Emergency Management Preparedness and Assistance Trust Fund; amending s. 420.36, F.S.; providing for transfer of unappropriated balances from the Energy Consumption Trust Fund to the Emergency Management Preparedness and Assistance Trust Fund; providing for transfer of unappropriated balances from the Grants and Donations Trust Fund of the Department of Community Affairs to the Emergency

Management Preparedness and Assistance Trust Fund; authorizing state agencies to make cash awards to state employees demonstrating satisfactory service to the agency or the state; providing limits on such awards; requiring a report with respect thereto; reenacting s. 215.32(2)(b), F.S., relating to the source and use of trust funds; providing finding of best interest of the state for authorization and issuance of certain debt; amending s. 216.181, F.S.; providing an additional procedure for requesting, and for approval of, budget amendments authorizing expenditures from the Working Capital Fund; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2005-2006 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing effective dates.

On motion by Senator Carlton, the Conference Committee Report was adopted and **SB 2602** passed as recommended and was certified to the House together with the Conference Committee Report.

The vote was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

BILLS ON THIRD READING, continued

On motion by Senator Webster, by unanimous consent—

HB 1931—A bill to be entitled An act relating to negligence; creating s. 768.0755, F.S.; providing that a person seeking damages for a slip and fall on a transitory foreign substance in a commercial establishment must prove that the commercial establishment had actual knowledge of the condition or constructive knowledge of the condition; defining "constructive knowledge"; providing that constructive knowledge may be proven by circumstantial evidence; amending s. 768.81, F.S.; redefining the term "negligence cases" as it relates to comparative fault to include claims for negligent security in which the defendant is sued for failing to prevent the commission of an intentional tort; providing that the apportionment of damages does not apply to any action in which an intentional tortfeasor is sued and seeks to apportion fault to a negligent tortfeasor; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; reenacting s. 25.077, F.S., relating to the duty of the clerk of court to report certain information concerning negligence cases, to incorporate the amendment made to s. 768.81, F.S., in a reference thereto; providing an effective date.

—as amended May 5 was taken up out of order and read the third time by title.

On motion by Senator Webster, **HB 1931** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Baker	Clary
Alexander	Bennett	Constantine
Argenziano	Bullard	Crist
Aronberg	Campbell	Dawson
Atwater	Carlton	Diaz de la Portilla
Dockery	Lawson	Sebesta
Fasano	Lynn	Siplin
Garcia	Margolis	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wilson
Jones	Pruitt	Wise
King	Rich	
Klein	Saunders	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Peaden the Senate reconsidered the vote by which—

HCB 6003 (for HB's 1869, 1871, 1873, 1875)—A bill to be entitled An act relating to Medicaid reform; providing a popular name; providing legislative findings and intent; providing waiver authority to the Agency for Health Care Administration; providing for implementation of demonstration projects; providing definitions; identifying categorical groups for eligibility under the waiver; establishing the choice counseling process; providing for disenrollment in a plan during a specified period of time; providing conditions for changes; requiring managed care plans to include mandatory Medicaid services; requiring managed care plans to provide a wellness and disease management program, pharmacy benefits, behavioral health care benefits, and a grievance resolution process; authorizing the agency to establish enhanced benefit coverage and providing procedures therefor; establishing flexible spending accounts; providing for cost sharing by recipients, and requirements; requiring the agency to submit a report to the Legislature relating to enforcement of Medicaid copayment requirements and other measures; providing for the agency to establish a catastrophic coverage fund or purchase stop-loss coverage to cover certain services; requiring a managed care plan to have a certificate of operation from the agency before operating under the waiver; providing certification requirements; providing for reimbursement of provider service networks; providing an exemption from competitive bid requirements for provider service networks under certain circumstances; providing for continuance of contracts previously awarded for a specified period of time; requiring the agency to have accountability and quality assurance standards; requiring the agency to establish a medical care database; providing data collection requirements; requiring certain entities certified to operate a managed care plan to comply with ss. 641.3155 and 641.513, F.S.; providing for the agency to develop a rate setting and risk adjustment system; authorizing the agency to allow recipients to opt out of Medicaid and purchase health care coverage through an employer-sponsored insurer; requiring the agency to apply and enforce certain provisions of law relating to Medicaid fraud and abuse; providing penalties; requiring the agency to develop a reimbursement system for school districts participating in the certified school match program; providing for integrated fixed payment delivery system for Medicaid recipients who are a certain age; authorizing the agency to implement the system in certain counties; providing exceptions; requiring the agency to provide a choice of managed care plans to recipients; providing requirements for managed care plans; requiring the agency to withhold certain funding contingent upon the performance of a plan; requiring the plan to rebate certain profits to the agency; authorizing the agency to limit the number of enrollees in a plan under certain circumstances; providing for eligibility determination and choice counseling for persons who are a certain age; requiring the agency to evaluate the medical loss ratios of certain managed care plans; authorizing the agency to adopt rules for minimum loss ratios; providing for imposition of liquidated damages; authorizing the agency to grant a modification of certificate-of-need conditions to nursing homes under certain circumstances; requiring integration of Medicare and Medicaid services; providing legislative intent; providing for awarding of funds for managed care delivery system development, contingent upon an appropriation; requiring the Office of Program Policy Analysis and Government Accountability conduct a study of the feasibility of establishing a Medicaid buy-in program for certain non-Medicaid eligible persons; requiring the office to submit a report to the Legislature; providing applicability; granting rulemaking authority to the agency; requiring legislative authority to implement the waiver; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the Medicaid reform waiver and issue reports; requiring the agency to submit

status reports; requiring the agency to contract for certain evaluation comparisons; providing for future review and repeal of the act; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation for the purpose of contracting to monitor and evaluate clinical practice patterns; providing an appropriation for the purpose of contracting for the database to review real-time utilization of Medicaid services; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing appropriations; providing an effective date.

—passed as amended this day.

On motion by Senator Peaden, the Senate reconsidered the vote by which engrossed **Senate Amendment 1 (841196)** was adopted this day.

Senators Peaden, Carlton, Saunders, Atwater, Campbell and Rich offered the following amendments to engrossed **Senate Amendment 1** which were moved by Senator Peaden and adopted by two-thirds vote:

Amendment 1A (792910)—On page 52, line 15 through page 53, line 2, delete those lines and insert:

(1) The agency is authorized to seek experimental, pilot, or demonstration project waivers, pursuant to s. 1115 of the Social Security Act, to create a statewide initiative to provide for a more efficient and effective service delivery system that enhances quality of care and client outcomes in the Florida Medicaid program pursuant to this section. Phase one of the demonstration shall be implemented in two geographic areas. One demonstration site shall include only Broward County. A second demonstration site shall initially include Duval County and shall be expanded to include Baker, Clay, and Nassau Counties within 1 year after the Duval County program becomes operational. This waiver authority is contingent upon federal approval to preserve the upper-payment-limit funding mechanism for hospitals, including a guarantee of a reasonable growth factor, a methodology to allow the use of a portion of these funds to serve as a risk pool for demonstration sites, provisions to preserve the state's ability to use intergovernmental transfers, and provisions to protect the disproportionate share program authorized pursuant to this chapter. Upon completion of the evaluation conducted under section 3 of this act, the agency may request statewide expansion of the demonstration projects. Statewide phase-in to additional counties shall be contingent upon review and approval by the Legislature.

Amendment 1B (921356)—On page 67, line 30 through page 68, line 1, delete those lines and insert: *2008.*

Engrossed **Senate Amendment 1 (841196)** as amended was adopted by two-thirds vote.

MOTION

On motion by Senator Peaden, the rules were waived and **CS for CS for SB 838** was removed from the table and the Senate reconsidered the vote by which **HCB 6003 (for HB's 1869, 1871, 1873, 1875)** was substituted for **CS for CS for SB 838** as amended this day.

Senators Peaden, Carlton, Saunders, Atwater, Campbell and Rich offered the following amendment which was moved by Senator Peaden and adopted by two-thirds vote:

Amendment 1 (653330)(with title amendment) to engrossed **CS for CS for SB 838**—Delete everything after the enacting clause and insert:

Section 1. Section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. *The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation*

with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. *The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care.* The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. *The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913.* The agency *may* ~~is authorized to~~ seek federal waivers necessary to *administer these policies* ~~implement this policy~~.

(1) The agency shall work with the Department of Children and Family Services to ensure access of children and families in the child protection system to needed and appropriate mental health and substance abuse services.

(2) The agency may enter into agreements with appropriate agents of other state agencies or of any agency of the Federal Government and accept such duties in respect to social welfare or public aid as may be necessary to implement the provisions of Title XIX of the Social Security Act and ss. 409.901-409.920.

(3) The agency may contract with health maintenance organizations certified pursuant to part I of chapter 641 for the provision of services to recipients.

(4) The agency may contract with:

(a) An entity that provides no prepaid health care services other than Medicaid services under contract with the agency and which is owned and operated by a county, county health department, or county-owned and operated hospital to provide health care services on a prepaid or fixed-sum basis to recipients, which entity may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services entities must be licensed under parts I and III by January 1, 1998, and until then are exempt from the provisions of part I of chapter 641. An entity recognized under this paragraph which demonstrates to the satisfaction of the Office of Insurance Regulation of the Financial Services Commission that it is backed by the full faith and credit of the county in which it is located may be exempted from s. 641.225.

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must be licensed under chapter 624, chapter 636, or chapter 641 and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody prior to enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a managed care plan in an AHCA area. Each entity must offer sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph shall require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations, to be expended for the provision of behavioral health care services. In the event the managed care plan expends less than 80 percent of the capitation paid pursuant to this paragraph for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the managed care plan with a certification letter indicating the amount of capitation paid during each calendar year for the provision of behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations shall be eligible to compete. Managed care plans contracting with the agency under subsection (3) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authoriza-

tion, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider shall not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. For fiscal year 2004-2005, all Medicaid eligible children, except children in areas 1 and 6, whose cases are open for child welfare services in the HomeSafeNet system, shall be enrolled in MediPass or in Medicaid fee-for-service and all their behavioral health care services including inpatient, outpatient psychiatric, community mental health, and case management shall be reimbursed on a fee-for-service basis. Beginning July 1, 2005, such children, who are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies either through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency is authorized to seek any federal waivers to implement this initiative.

(c) A federally qualified health center or an entity owned by one or more federally qualified health centers or an entity owned by other migrant and community health centers receiving non-Medicaid financial support from the Federal Government to provide health care services on a prepaid or fixed-sum basis to recipients. Such prepaid health care services entity must be licensed under parts I and III of chapter 641, but shall be prohibited from serving Medicaid recipients on a prepaid basis, until such licensure has been obtained. However, such an entity is exempt from s. 641.225 if the entity meets the requirements specified in subsections (17) and (18).

(d) A provider service network may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. *Any contract previously awarded to a provider service network operated by a hospital pursuant to this subsection shall remain in effect for a period of 3 years following the current contract-expiration date, regardless of any contractual provisions to the contrary. A provider service network is a network established or organized and operated by a health care provider, or group of affiliated health care providers, which provides a substantial proportion of the health care items and services under a contract directly through the provider or affiliated group of providers and may make arrangements with physicians or other health care professionals, health care institutions, or any combination of such individuals or institutions to assume all or part of the financial risk on a prospective basis for the provision of basic health services by the physicians, by other health professionals, or through the institutions. The health care providers must have a controlling interest in the governing body of the provider service network organization.*

(e) An entity that provides only comprehensive behavioral health care services to certain Medicaid recipients through an administrative services organization agreement. Such an entity must possess the clinical systems and operational competence to provide comprehensive health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. Any contract awarded under this paragraph must be competitively procured. The agency must ensure that Medicaid recipients have available the choice of at least two managed care plans for their behavioral health care services.

(f) An entity that provides in-home physician services to test the cost-effectiveness of enhanced home-based medical care to Medicaid recipients with degenerative neurological diseases and other diseases or disabling conditions associated with high costs to Medicaid. The program shall be designed to serve very disabled persons and to reduce Medicaid reimbursed costs for inpatient, outpatient, and emergency department services. The agency shall contract with vendors on a risk-sharing basis.

(g) Children's provider networks that provide care coordination and care management for Medicaid-eligible pediatric patients, primary care, authorization of specialty care, and other urgent and emergency care through organized providers designed to service Medicaid eligibles under age 18 and pediatric emergency departments' diversion programs. The networks shall provide after-hour operations, including evening and weekend hours, to promote, when appropriate, the use of the children's networks rather than hospital emergency departments.

(h) An entity authorized in s. 430.205 to contract with the agency and the Department of Elderly Affairs to provide health care and social services on a prepaid or fixed-sum basis to elderly recipients. Such prepaid health care services entities are exempt from the provisions of part I of chapter 641 for the first 3 years of operation. An entity recognized under this paragraph that demonstrates to the satisfaction of the Office of Insurance Regulation that it is backed by the full faith and credit of one or more counties in which it operates may be exempted from s. 641.225.

(i) A Children's Medical Services Network, as defined in s. 391.021.

(5) *By December 1, 2005, the Agency for Health Care Administration, in partnership with the Department of Elderly Affairs, shall create an integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The Agency for Health Care Administration shall implement the integrated system initially on a pilot basis in two areas of the state. In one of the areas enrollment shall be on a voluntary basis. The program must transfer all Medicaid services for eligible elderly individuals who choose to participate into an integrated-care management model designed to serve Medicaid recipients in the community. The program must combine all funding for Medicaid services provided to individuals 60 years of age or older into the integrated system, including funds for Medicaid home and community-based waiver services; all Medicaid services authorized in ss. 409.905 and 409.906, excluding funds for Medicaid nursing home services unless the agency is able to demonstrate how the integration of the funds will improve coordinated care for these services in a less costly manner; and Medicare coinsurance and deductibles for persons dually eligible for Medicaid and Medicare as prescribed in s. 409.908(13).*

(a) Individuals who are 60 years of age or older and enrolled in the the developmental disabilities waiver program, the family and supported-living waiver program, the project AIDS care waiver program, the traumatic brain injury and spinal cord injury waiver program, the consumer-directed care waiver program, and the program of all-inclusive care for the elderly program, and residents of institutional care facilities for the developmentally disabled, must be excluded from the integrated system.

(b) The program must use a competitive-procurement process to select entities to operate the integrated system. Entities eligible to submit bids

include managed care organizations licensed under chapter 641, including entities eligible to participate in the nursing home diversion program, other qualified providers as defined in s. 430.703(7), community care for the elderly lead agencies, and other state-certified community service networks that meet comparable standards as defined by the agency, in consultation with the Department of Elderly Affairs and the Office of Insurance Regulation, to be financially solvent and able to take on financial risk for managed care. Community service networks that are certified pursuant to the comparable standards defined by the agency are not required to be licensed under chapter 641.

(c) The agency must ensure that the capitation-rate-setting methodology for the integrated system is actuarially sound and reflects the intent to provide quality care in the least-restrictive setting. The agency must also require integrated-system providers to develop a credentialing system for service providers and to contract with all Gold Seal nursing homes, where feasible, and exclude, where feasible, chronically poor-performing facilities and providers as defined by the agency. The integrated system must provide that if the recipient resides in a noncontracted residential facility licensed under chapter 400 at the time the integrated system is initiated, the recipient must be permitted to continue to reside in the noncontracted facility as long as the recipient desires. The integrated system must also provide that, in the absence of a contract between the integrated-system provider and the residential facility licensed under chapter 400, current Medicaid rates must prevail. The agency and the Department of Elderly Affairs must jointly develop procedures to manage the services provided through the integrated system in order to ensure quality and recipient choice.

(d) Within 24 months after implementation, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, shall comprehensively evaluate the pilot project for the integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The evaluation must include assessments of cost savings; consumer education, choice, and access to services; coordination of care; and quality of care. The evaluation must describe administrative or legal barriers to the implementation and operation of the pilot program and include recommendations regarding statewide expansion of the pilot program. The office shall submit an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than June 30, 2008.

(e) The agency may seek federal waivers and adopt rules as necessary to administer the integrated system. The agency must receive specific authorization from the Legislature prior to implementing the waiver for the integrated system. ~~By October 1, 2003, the agency and the department shall, to the extent feasible, develop a plan for implementing new Medicaid procedure codes for emergency and crisis care, supportive residential services, and other services designed to maximize the use of Medicaid funds for Medicaid-eligible recipients. The agency shall include in the agreement developed pursuant to subsection (4) a provision that ensures that the match requirements for these new procedure codes are met by certifying eligible general revenue or local funds that are currently expended on these services by the department with contracted alcohol, drug abuse, and mental health providers. The plan must describe specific procedure codes to be implemented, a projection of the number of procedures to be delivered during fiscal year 2003-2004, and a financial analysis that describes the certified match procedures, and accountability mechanisms, projects the earnings associated with these procedures, and describes the sources of state match. This plan may not be implemented in any part until approved by the Legislative Budget Commission. If such approval has not occurred by December 31, 2003, the plan shall be submitted for consideration by the 2004 Legislature.~~

(6) The agency may contract with any public or private entity otherwise authorized by this section on a prepaid or fixed-sum basis for the provision of health care services to recipients. An entity may provide prepaid services to recipients, either directly or through arrangements with other entities, if each entity involved in providing services:

(a) Is organized primarily for the purpose of providing health care or other services of the type regularly offered to Medicaid recipients;

(b) Ensures that services meet the standards set by the agency for quality, appropriateness, and timeliness;

(c) Makes provisions satisfactory to the agency for insolvency protection and ensures that neither enrolled Medicaid recipients nor the agency will be liable for the debts of the entity;

(d) Submits to the agency, if a private entity, a financial plan that the agency finds to be fiscally sound and that provides for working capital in the form of cash or equivalent liquid assets excluding revenues from Medicaid premium payments equal to at least the first 3 months of operating expenses or $200,000, whichever is greater;

(e) Furnishes evidence satisfactory to the agency of adequate liability insurance coverage or an adequate plan of self-insurance to respond to claims for injuries arising out of the furnishing of health care;

(f) Provides, through contract or otherwise, for periodic review of its medical facilities and services, as required by the agency; and

(g) Provides organizational, operational, financial, and other information required by the agency.

(7) The agency may contract on a prepaid or fixed-sum basis with any health insurer that:

(a) Pays for health care services provided to enrolled Medicaid recipients in exchange for a premium payment paid by the agency;

(b) Assumes the underwriting risk; and

(c) Is organized and licensed under applicable provisions of the Florida Insurance Code and is currently in good standing with the Office of Insurance Regulation.

(8) The agency may contract on a prepaid or fixed-sum basis with an exclusive provider organization to provide health care services to Medicaid recipients provided that the exclusive provider organization meets applicable managed care plan requirements in this section, ss. 409.9122, 409.9123, 409.9128, and 627.6472, and other applicable provisions of law.

(9) The Agency for Health Care Administration may provide cost-effective purchasing of chiropractic services on a fee-for-service basis to Medicaid recipients through arrangements with a statewide chiropractic preferred provider organization incorporated in this state as a not-for-profit corporation. The agency shall ensure that the benefit limits and prior authorization requirements in the current Medicaid program shall apply to the services provided by the chiropractic preferred provider organization.

(10) The agency shall not contract on a prepaid or fixed-sum basis for Medicaid services with an entity which knows or reasonably should know that any officer, director, agent, managing employee, or owner of stock or beneficial interest in excess of 5 percent common or preferred stock, or the entity itself, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere, or guilty, to:

(a) Fraud;

(b) Violation of federal or state antitrust statutes, including those proscribing price fixing between competitors and the allocation of customers among competitors;

(c) Commission of a felony involving embezzlement, theft, forgery, income tax evasion, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or

(d) Any crime in any jurisdiction which directly relates to the provision of health services on a prepaid or fixed-sum basis.

(11) The agency, after notifying the Legislature, may apply for waivers of applicable federal laws and regulations as necessary to implement more appropriate systems of health care for Medicaid recipients and reduce the cost of the Medicaid program to the state and federal governments and shall implement such programs, after legislative approval, within a reasonable period of time after federal approval. These programs must be designed primarily to reduce the need for inpatient care, custodial care and other long-term or institutional care, and other high-cost services.

(a) Prior to seeking legislative approval of such a waiver as authorized by this subsection, the agency shall provide notice and an opportunity for public comment. Notice shall be provided to all persons who have made requests of the agency for advance notice and shall be published

in the Florida Administrative Weekly not less than 28 days prior to the intended action.

(b) Notwithstanding s. 216.292, funds that are appropriated to the Department of Elderly Affairs for the Assisted Living for the Elderly Medicaid waiver and are not expended shall be transferred to the agency to fund Medicaid-reimbursed nursing home care.

(12) The agency shall establish a postpayment utilization control program designed to identify recipients who may inappropriately overuse or underuse Medicaid services and shall provide methods to correct such misuse.

(13) The agency shall develop and provide coordinated systems of care for Medicaid recipients and may contract with public or private entities to develop and administer such systems of care among public and private health care providers in a given geographic area.

(14)*(a)* The agency shall operate or contract for the operation of utilization management and incentive systems designed to encourage cost-effective use services.

(b) The agency shall develop a procedure for determining whether health care providers and service vendors can provide the Medicaid program using a business case that demonstrates whether a particular good or service can offset the cost of providing the good or service in an alternative setting or through other means and therefore should receive a higher reimbursement. The business case must include, but need not be limited to:

1. A detailed description of the good or service to be provided, a description and analysis of the agency's current performance of the service, and a rationale documenting how providing the service in an alternative setting would be in the best interest of the state, the agency, and its clients.

2. A cost-benefit analysis documenting the estimated specific direct and indirect costs, savings, performance improvements, risks, and qualitative and quantitative benefits involved in or resulting from providing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions that must be implemented to realize expected benefits. The Secretary of Health Care Administration shall verify that all costs, savings, and benefits are valid and achievable.

(c) If the agency determines that the increased reimbursement is cost-effective, the agency shall recommend a change in the reimbursement schedule for that particular good or service. If, within 12 months after implementing any rate change under this procedure, the agency determines that costs were not offset by the increased reimbursement schedule, the agency may revert to the former reimbursement schedule for the particular good or service.

(15)(a) The agency shall operate the Comprehensive Assessment and Review for Long-Term Care Services (CARES) nursing facility preadmission screening program to ensure that Medicaid payment for nursing facility care is made only for individuals whose conditions require such care and to ensure that long-term care services are provided in the setting most appropriate to the needs of the person and in the most economical manner possible. The CARES program shall also ensure that individuals participating in Medicaid home and community-based waiver programs meet criteria for those programs, consistent with approved federal waivers.

(b) The agency shall operate the CARES program through an interagency agreement with the Department of Elderly Affairs. The agency, in consultation with the Department of Elderly Affairs, may contract for any function or activity of the CARES program, including any function or activity required by 42 C.F.R. part 483.20, relating to preadmission screening and resident review.

(c) Prior to making payment for nursing facility services for a Medicaid recipient, the agency must verify that the nursing facility preadmission screening program has determined that the individual requires nursing facility care and that the individual cannot be safely served in community-based programs. The nursing facility preadmission screening program shall refer a Medicaid recipient to a community-based program if the individual could be safely served at a lower cost and the recipient chooses to participate in such program. *For individuals whose nursing home stay is initially funded by Medicare and Medicare coverage is being terminated for lack of progress towards rehabilitation, CARES staff shall consult with the person making the determination of progress toward rehabilitation to ensure that the recipient is not being inappropriately disqualified from Medicare coverage. If, in their professional judgment, CARES staff believes that a Medicare beneficiary is still making progress toward rehabilitation, they may assist the Medicare beneficiary with an appeal of the disqualification from Medicare coverage. The use of CARES teams to review Medicare denials for coverage under this section is authorized only if it is determined that such reviews qualify for federal matching funds through Medicaid. The agency shall seek or amend federal waivers as necessary to implement this section.*

(d) For the purpose of initiating immediate prescreening and diversion assistance for individuals residing in nursing homes and in order to make families aware of alternative long-term care resources so that they may choose a more cost-effective setting for long-term placement, CARES staff shall conduct an assessment and review of a sample of individuals whose nursing home stay is expected to exceed 20 days, regardless of the initial funding source for the nursing home placement. CARES staff shall provide counseling and referral services to these individuals regarding choosing appropriate long-term care alternatives. This paragraph does not apply to continuing care facilities licensed under chapter 651 or to retirement communities that provide a combination of nursing home, independent living, and other long-term care services.

(e) By January 15 of each year, the agency shall submit a report to the Legislature and the Office of Long-Term-Care Policy describing the operations of the CARES program. The report must describe:

1. Rate of diversion to community alternative programs;

2. CARES program staffing needs to achieve additional diversions;

3. Reasons the program is unable to place individuals in less restrictive settings when such individuals desired such services and could have been served in such settings;

4. Barriers to appropriate placement, including barriers due to policies or operations of other agencies or state-funded programs; and

5. Statutory changes necessary to ensure that individuals in need of long-term care services receive care in the least restrictive environment.

(f) The Department of Elderly Affairs shall track individuals over time who are assessed under the CARES program and who are diverted from nursing home placement. By January 15 of each year, the department shall submit to the Legislature and the Office of Long-Term-Care Policy a longitudinal study of the individuals who are diverted from nursing home placement. The study must include:

1. The demographic characteristics of the individuals assessed and diverted from nursing home placement, including, but not limited to, age, race, gender, frailty, caregiver status, living arrangements, and geographic location;

2. A summary of community services provided to individuals for 1 year after assessment and diversion;

3. A summary of inpatient hospital admissions for individuals who have been diverted; and

4. A summary of the length of time between diversion and subsequent entry into a nursing home or death.

(g) By July 1, 2005, the department and the Agency for Health Care Administration shall report to the President of the Senate and the Speaker of the House of Representatives regarding the impact to the state of modifying level-of-care criteria to eliminate the Intermediate II level of care.

(16)(a) The agency shall identify health care utilization and price patterns within the Medicaid program which are not cost-effective or medically appropriate and assess the effectiveness of new or alternate methods of providing and monitoring service, and may implement such methods as it considers appropriate. Such methods may include disease management initiatives, an integrated and systematic approach for managing the health care needs of recipients who are at risk of or diagnosed with a specific disease by using best practices, prevention

strategies, clinical-practice improvement, clinical interventions and protocols, outcomes research, information technology, and other tools and resources to reduce overall costs and improve measurable outcomes.

(b) The responsibility of the agency under this subsection shall include the development of capabilities to identify actual and optimal practice patterns; patient and provider educational initiatives; methods for determining patient compliance with prescribed treatments; fraud, waste, and abuse prevention and detection programs; and beneficiary case management programs.

1. The practice pattern identification program shall evaluate practitioner prescribing patterns based on national and regional practice guidelines, comparing practitioners to their peer groups. The agency and its Drug Utilization Review Board shall consult with the Department of Health and a panel of practicing health care professionals consisting of the following: the Speaker of the House of Representatives and the President of the Senate shall each appoint three physicians licensed under chapter 458 or chapter 459; and the Governor shall appoint two pharmacists licensed under chapter 465 and one dentist licensed under chapter 466 who is an oral surgeon. Terms of the panel members shall expire at the discretion of the appointing official. The panel shall begin its work by August 1, 1999, regardless of the number of appointments made by that date. The advisory panel shall be responsible for evaluating treatment guidelines and recommending ways to incorporate their use in the practice pattern identification program. Practitioners who are prescribing inappropriately or inefficiently, as determined by the agency, may have their prescribing of certain drugs subject to prior authorization or may be terminated from all participation in the Medicaid program.

2. The agency shall also develop educational interventions designed to promote the proper use of medications by providers and beneficiaries.

3. The agency shall implement a pharmacy fraud, waste, and abuse initiative that may include a surety bond or letter of credit requirement for participating pharmacies, enhanced provider auditing practices, the use of additional fraud and abuse software, recipient management programs for beneficiaries inappropriately using their benefits, and other steps that will eliminate provider and recipient fraud, waste, and abuse. The initiative shall address enforcement efforts to reduce the number and use of counterfeit prescriptions.

4. By September 30, 2002, the agency shall contract with an entity in the state to implement a wireless handheld clinical pharmacology drug information database for practitioners. The initiative shall be designed to enhance the agency's efforts to reduce fraud, abuse, and errors in the prescription drug benefit program and to otherwise further the intent of this paragraph.

5. By April 1, 2006, the agency shall contract with an entity to design a database of clinical utilization information or electronic medical records for Medicaid providers. This system must be web-based and allow providers to review on a real-time basis the utilization of Medicaid services, including, but not limited to, physician office visits, inpatient and outpatient hospitalizations, laboratory and pathology services, radiological and other imaging services, dental care, and patterns of dispensing prescription drugs in order to coordinate care and identify potential fraud and abuse.

6.~~5.~~ The agency may apply for any federal waivers needed to *administer* ~~implement~~ this paragraph.

(17) An entity contracting on a prepaid or fixed-sum basis shall, in addition to meeting any applicable statutory surplus requirements, also maintain at all times in the form of cash, investments that mature in less than 180 days allowable as admitted assets by the Office of Insurance Regulation, and restricted funds or deposits controlled by the agency or the Office of Insurance Regulation, a surplus amount equal to one-and-one-half times the entity's monthly Medicaid prepaid revenues. As used in this subsection, the term "surplus" means the entity's total assets minus total liabilities. If an entity's surplus falls below an amount equal to one-and-one-half times the entity's monthly Medicaid prepaid revenues, the agency shall prohibit the entity from engaging in marketing and preenrollment activities, shall cease to process new enrollments, and shall not renew the entity's contract until the required balance is achieved. The requirements of this subsection do not apply:

(a) Where a public entity agrees to fund any deficit incurred by the contracting entity; or

(b) Where the entity's performance and obligations are guaranteed in writing by a guaranteeing organization which:

1. Has been in operation for at least 5 years and has assets in excess of $50 million; or

2. Submits a written guarantee acceptable to the agency which is irrevocable during the term of the contracting entity's contract with the agency and, upon termination of the contract, until the agency receives proof of satisfaction of all outstanding obligations incurred under the contract.

(18)(a) The agency may require an entity contracting on a prepaid or fixed-sum basis to establish a restricted insolvency protection account with a federally guaranteed financial institution licensed to do business in this state. The entity shall deposit into that account 5 percent of the capitation payments made by the agency each month until a maximum total of 2 percent of the total current contract amount is reached. The restricted insolvency protection account may be drawn upon with the authorized signatures of two persons designated by the entity and two representatives of the agency. If the agency finds that the entity is insolvent, the agency may draw upon the account solely with the two authorized signatures of representatives of the agency, and the funds may be disbursed to meet financial obligations incurred by the entity under the prepaid contract. If the contract is terminated, expired, or not continued, the account balance must be released by the agency to the entity upon receipt of proof of satisfaction of all outstanding obligations incurred under this contract.

(b) The agency may waive the insolvency protection account requirement in writing when evidence is on file with the agency of adequate insolvency insurance and reinsurance that will protect enrollees if the entity becomes unable to meet its obligations.

(19) An entity that contracts with the agency on a prepaid or fixed-sum basis for the provision of Medicaid services shall reimburse any hospital or physician that is outside the entity's authorized geographic service area as specified in its contract with the agency, and that provides services authorized by the entity to its members, at a rate negotiated with the hospital or physician for the provision of services or according to the lesser of the following:

(a) The usual and customary charges made to the general public by the hospital or physician; or

(b) The Florida Medicaid reimbursement rate established for the hospital or physician.

(20) When a merger or acquisition of a Medicaid prepaid contractor has been approved by the Office of Insurance Regulation pursuant to s. 628.4615, the agency shall approve the assignment or transfer of the appropriate Medicaid prepaid contract upon request of the surviving entity of the merger or acquisition if the contractor and the other entity have been in good standing with the agency for the most recent 12-month period, unless the agency determines that the assignment or transfer would be detrimental to the Medicaid recipients or the Medicaid program. To be in good standing, an entity must not have failed accreditation or committed any material violation of the requirements of s. 641.52 and must meet the Medicaid contract requirements. For purposes of this section, a merger or acquisition means a change in controlling interest of an entity, including an asset or stock purchase.

(21) Any entity contracting with the agency pursuant to this section to provide health care services to Medicaid recipients is prohibited from engaging in any of the following practices or activities:

(a) Practices that are discriminatory, including, but not limited to, attempts to discourage participation on the basis of actual or perceived health status.

(b) Activities that could mislead or confuse recipients, or misrepresent the organization, its marketing representatives, or the agency. Violations of this paragraph include, but are not limited to:

1. False or misleading claims that marketing representatives are employees or representatives of the state or county, or of anyone other than the entity or the organization by whom they are reimbursed.

2. False or misleading claims that the entity is recommended or endorsed by any state or county agency, or by any other organization which has not certified its endorsement in writing to the entity.

3. False or misleading claims that the state or county recommends that a Medicaid recipient enroll with an entity.

4. Claims that a Medicaid recipient will lose benefits under the Medicaid program, or any other health or welfare benefits to which the recipient is legally entitled, if the recipient does not enroll with the entity.

(c) Granting or offering of any monetary or other valuable consideration for enrollment, except as authorized by subsection (24).

(d) Door-to-door solicitation of recipients who have not contacted the entity or who have not invited the entity to make a presentation.

(e) Solicitation of Medicaid recipients by marketing representatives stationed in state offices unless approved and supervised by the agency or its agent and approved by the affected state agency when solicitation occurs in an office of the state agency. The agency shall ensure that marketing representatives stationed in state offices shall market their managed care plans to Medicaid recipients only in designated areas and in such a way as to not interfere with the recipients' activities in the state office.

(f) Enrollment of Medicaid recipients.

(22) The agency may impose a fine for a violation of this section or the contract with the agency by a person or entity that is under contract with the agency. With respect to any nonwillful violation, such fine shall not exceed $2,500 per violation. In no event shall such fine exceed an aggregate amount of $10,000 for all nonwillful violations arising out of the same action. With respect to any knowing and willful violation of this section or the contract with the agency, the agency may impose a fine upon the entity in an amount not to exceed $20,000 for each such violation. In no event shall such fine exceed an aggregate amount of $100,000 for all knowing and willful violations arising out of the same action.

(23) A health maintenance organization or a person or entity exempt from chapter 641 that is under contract with the agency for the provision of health care services to Medicaid recipients may not use or distribute marketing materials used to solicit Medicaid recipients, unless such materials have been approved by the agency. The provisions of this subsection do not apply to general advertising and marketing materials used by a health maintenance organization to solicit both non-Medicaid subscribers and Medicaid recipients.

(24) Upon approval by the agency, health maintenance organizations and persons or entities exempt from chapter 641 that are under contract with the agency for the provision of health care services to Medicaid recipients may be permitted within the capitation rate to provide additional health benefits that the agency has found are of high quality, are practicably available, provide reasonable value to the recipient, and are provided at no additional cost to the state.

(25) The agency shall utilize the statewide health maintenance organization complaint hotline for the purpose of investigating and resolving Medicaid and prepaid health plan complaints, maintaining a record of complaints and confirmed problems, and receiving disenrollment requests made by recipients.

(26) The agency shall require the publication of the health maintenance organization's and the prepaid health plan's consumer services telephone numbers and the "800" telephone number of the statewide health maintenance organization complaint hotline on each Medicaid identification card issued by a health maintenance organization or prepaid health plan contracting with the agency to serve Medicaid recipients and on each subscriber handbook issued to a Medicaid recipient.

(27) The agency shall establish a health care quality improvement system for those entities contracting with the agency pursuant to this section, incorporating all the standards and guidelines developed by the Medicaid Bureau of the Health Care Financing Administration as a part of the quality assurance reform initiative. The system shall include, but need not be limited to, the following:

(a) Guidelines for internal quality assurance programs, including standards for:

1. Written quality assurance program descriptions.

2. Responsibilities of the governing body for monitoring, evaluating, and making improvements to care.

3. An active quality assurance committee.

4. Quality assurance program supervision.

5. Requiring the program to have adequate resources to effectively carry out its specified activities.

6. Provider participation in the quality assurance program.

7. Delegation of quality assurance program activities.

8. Credentialing and recredentialing.

9. Enrollee rights and responsibilities.

10. Availability and accessibility to services and care.

11. Ambulatory care facilities.

12. Accessibility and availability of medical records, as well as proper recordkeeping and process for record review.

13. Utilization review.

14. A continuity of care system.

15. Quality assurance program documentation.

16. Coordination of quality assurance activity with other management activity.

17. Delivering care to pregnant women and infants; to elderly and disabled recipients, especially those who are at risk of institutional placement; to persons with developmental disabilities; and to adults who have chronic, high-cost medical conditions.

(b) Guidelines which require the entities to conduct quality-of-care studies which:

1. Target specific conditions and specific health service delivery issues for focused monitoring and evaluation.

2. Use clinical care standards or practice guidelines to objectively evaluate the care the entity delivers or fails to deliver for the targeted clinical conditions and health services delivery issues.

3. Use quality indicators derived from the clinical care standards or practice guidelines to screen and monitor care and services delivered.

(c) Guidelines for external quality review of each contractor which require: focused studies of patterns of care; individual care review in specific situations; and followup activities on previous pattern-of-care study findings and individual-care-review findings. In designing the external quality review function and determining how it is to operate as part of the state's overall quality improvement system, the agency shall construct its external quality review organization and entity contracts to address each of the following:

1. Delineating the role of the external quality review organization.

2. Length of the external quality review organization contract with the state.

3. Participation of the contracting entities in designing external quality review organization review activities.

4. Potential variation in the type of clinical conditions and health services delivery issues to be studied at each plan.

5. Determining the number of focused pattern-of-care studies to be conducted for each plan.

6. Methods for implementing focused studies.

7. Individual care review.

8. Followup activities.

(28) In order to ensure that children receive health care services for which an entity has already been compensated, an entity contracting with the agency pursuant to this section shall achieve an annual Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Service screening rate of at least 60 percent for those recipients continuously enrolled for at least 8 months. The agency shall develop a method by which the EPSDT screening rate shall be calculated. For any entity which does not achieve the annual 60 percent rate, the entity must submit a corrective action plan for the agency's approval. If the entity does not meet the standard established in the corrective action plan during the specified timeframe, the agency is authorized to impose appropriate contract sanctions. At least annually, the agency shall publicly release the EPSDT Services screening rates of each entity it has contracted with on a prepaid basis to serve Medicaid recipients.

(29) The agency shall perform enrollments and disenrollments for Medicaid recipients who are eligible for MediPass or managed care plans. Notwithstanding the prohibition contained in paragraph (21)(f), managed care plans may perform preenrollments of Medicaid recipients under the supervision of the agency or its agents. For the purposes of this section, "preenrollment" means the provision of marketing and educational materials to a Medicaid recipient and assistance in completing the application forms, but shall not include actual enrollment into a managed care plan. An application for enrollment shall not be deemed complete until the agency or its agent verifies that the recipient made an informed, voluntary choice. The agency, in cooperation with the Department of Children and Family Services, may test new marketing initiatives to inform Medicaid recipients about their managed care options at selected sites. The agency shall report to the Legislature on the effectiveness of such initiatives. The agency may contract with a third party to perform managed care plan and MediPass enrollment and disenrollment services for Medicaid recipients and is authorized to adopt rules to implement such services. The agency may adjust the capitation rate only to cover the costs of a third-party enrollment and disenrollment contract, and for agency supervision and management of the managed care plan enrollment and disenrollment contract.

(30) Any lists of providers made available to Medicaid recipients, MediPass enrollees, or managed care plan enrollees shall be arranged alphabetically showing the provider's name and specialty and, separately, by specialty in alphabetical order.

(31) The agency shall establish an enhanced managed care quality assurance oversight function, to include at least the following components:

(a) At least quarterly analysis and followup, including sanctions as appropriate, of managed care participant utilization of services.

(b) At least quarterly analysis and followup, including sanctions as appropriate, of quality findings of the Medicaid peer review organization and other external quality assurance programs.

(c) At least quarterly analysis and followup, including sanctions as appropriate, of the fiscal viability of managed care plans.

(d) At least quarterly analysis and followup, including sanctions as appropriate, of managed care participant satisfaction and disenrollment surveys.

(e) The agency shall conduct regular and ongoing Medicaid recipient satisfaction surveys.

The analyses and followup activities conducted by the agency under its enhanced managed care quality assurance oversight function shall not duplicate the activities of accreditation reviewers for entities regulated under part III of chapter 641, but may include a review of the finding of such reviewers.

(32) Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the Florida Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. 435.03.

(33) The agency shall, by rule, develop a process whereby a Medicaid managed care plan enrollee who wishes to enter hospice care may be disenrolled from the managed care plan within 24 hours after contacting the agency regarding such request. The agency rule shall include a methodology for the agency to recoup managed care plan payments on a pro rata basis if payment has been made for the enrollment month when disenrollment occurs.

(34) The agency and entities *that* ~~which~~ contract with the agency to provide health care services to Medicaid recipients under this section or *ss. 409.91211 and* ~~s.~~ 409.9122 must comply with the provisions of s. 641.513 in providing emergency services and care to Medicaid recipients and MediPass recipients. *Where feasible, safe, and cost-effective, the agency shall encourage hospitals, emergency medical services providers, and other public and private health care providers to work together in their local communities to enter into agreements or arrangements to ensure access to alternatives to emergency services and care for those Medicaid recipients who need nonemergent care. The agency shall coordinate with hospitals, emergency medical services providers, private health plans, capitated managed care networks as established in s. 409.91211, and other public and private health care providers to implement the provisions of ss. 395.1041(7), 409.91255(3)(g), 627.6405, and 641.31097 to develop and implement emergency department diversion programs for Medicaid recipients.*

(35) All entities providing health care services to Medicaid recipients shall make available, and encourage all pregnant women and mothers with infants to receive, and provide documentation in the medical records to reflect, the following:

(a) Healthy Start prenatal or infant screening.

(b) Healthy Start care coordination, when screening or other factors indicate need.

(c) Healthy Start enhanced services in accordance with the prenatal or infant screening results.

(d) Immunizations in accordance with recommendations of the Advisory Committee on Immunization Practices of the United States Public Health Service and the American Academy of Pediatrics, as appropriate.

(e) Counseling and services for family planning to all women and their partners.

(f) A scheduled postpartum visit for the purpose of voluntary family planning, to include discussion of all methods of contraception, as appropriate.

(g) Referral to the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

(36) Any entity that provides Medicaid prepaid health plan services shall ensure the appropriate coordination of health care services with an assisted living facility in cases where a Medicaid recipient is both a member of the entity's prepaid health plan and a resident of the assisted living facility. If the entity is at risk for Medicaid targeted case management and behavioral health services, the entity shall inform the assisted living facility of the procedures to follow should an emergent condition arise.

(37) The agency may seek and implement federal waivers necessary to provide for cost-effective purchasing of home health services, private duty nursing services, transportation, independent laboratory services, and durable medical equipment and supplies through competitive bidding pursuant to s. 287.057. The agency may request appropriate waivers from the federal Health Care Financing Administration in order to competitively bid such services. The agency may exclude providers not selected through the bidding process from the Medicaid provider network.

(38) The agency shall enter into agreements with not-for-profit organizations based in this state for the purpose of providing vision screening.

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. Medicaid prescribed-drug coverage for brand-name drugs for adult Medicaid recipients is limited to the dispensing of four brand-

name drugs per month per recipient. Children are exempt from this restriction. Antiretroviral agents are excluded from this limitation. No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, severe depression, or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available without restriction for persons with mental illnesses include atypical antipsychotic medications, conventional antipsychotic medications, selective serotonin reuptake inhibitors, and other medications used for the treatment of serious mental illnesses. The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply. The agency shall continue to provide unlimited generic drugs, contraceptive drugs and items, and diabetic supplies. Although a drug may be included on the preferred drug formulary, it would not be exempt from the four-brand limit. The agency may authorize exceptions to the brand-name-drug restriction based upon the treatment needs of the patients, only when such exceptions are based on prior consultation provided by the agency or an agency contractor, but the agency must establish procedures to ensure that:

a. There will be a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation;

b. A 72-hour supply of the drug prescribed will be provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.; and

c. Except for the exception for nursing home residents and other institutionalized adults and except for drugs on the restricted formulary for which prior authorization may be sought by an institutional or community pharmacy, prior authorization for an exception to the brand-name-drug restriction is sought by the prescriber and not by the pharmacy. When prior authorization is granted for a patient in an institutional setting beyond the brand-name-drug restriction, such approval is authorized for 12 months and monthly prior authorization is not required for that patient.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus 15.4 percent, the wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease-management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers. *The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.*

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug formulary in accordance with 42 U.S.C. s. 1396r-8, and, pursuant to the establishment of such formulary, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug formulary. However, a pharmaceutical manufacturer is not guaranteed placement on the formulary by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

8. The agency shall establish an advisory committee for the purposes of studying the feasibility of using a restricted drug formulary for nursing home residents and other institutionalized adults. The committee shall be comprised of seven members appointed by the Secretary of Health Care Administration. The committee members shall include two physicians licensed under chapter 458 or chapter 459; three pharmacists licensed under chapter 465 and appointed from a list of recommendations provided by the Florida Long-Term Care Pharmacy Alliance; and two pharmacists licensed under chapter 465.

9. The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

10. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

11.a. The agency shall implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program shall include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

c. If the agency is unable to negotiate a contract with one or more manufacturers to finance and guarantee savings associated with a behavioral drug management program by September 1, 2004, the four-brand drug limit and preferred drug list prior-authorization requirements shall apply to mental health-related drugs, notwithstanding any provision in subparagraph 1. The agency is authorized to seek federal waivers to implement this policy.

12.a. The agency shall implement a Medicaid prescription-drug-management system. The agency may contract with a vendor that has experience in operating prescription-drug-management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug-management system must be designed to improve the quality of care and prescribing practices based on best-practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the development and adoption of best-practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best-practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best-practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best-practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

(V) Track spending trends for prescription drugs and deviation from best-practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement disease-management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.

13.~~12.~~ The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

14.~~13.~~ The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

15.~~14.~~ The agency may require prior authorization for the off-label use of Medicaid-covered prescribed drugs as specified in the General Appropriations Act. The agency may, but is not required to, preauthorize the use of a product for an indication not in the approved labeling. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the off-label use of a drug.

16.~~15.~~ The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a $5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. *The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more prescription drugs are not destroyed which could safely be reused. The agency's conclusion and recommendations shall be reported to the Legislature by December 1, 2005.*

(b) The agency shall implement this subsection to the extent that funds are appropriated to administer the Medicaid prescribed-drug spending-control program. The agency may contract all or any part of this program to private organizations.

(c) The agency shall submit quarterly reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives which must include, but need not be limited to, the progress made in implementing this subsection and its effect on Medicaid prescribed-drug expenditures.

(40) Notwithstanding the provisions of chapter 287, the agency may, at its discretion, renew a contract or contracts for fiscal intermediary services one or more times for such periods as the agency may decide; however, all such renewals may not combine to exceed a total period longer than the term of the original contract.

(41) The agency shall provide for the development of a demonstration project by establishment in Miami-Dade County of a long-term-care facility licensed pursuant to chapter 395 to improve access to health care for a predominantly minority, medically underserved, and medically complex population and to evaluate alternatives to nursing home care and general acute care for such population. Such project is to be located in a health care condominium and colocated with licensed facilities providing a continuum of care. The establishment of this project is not subject to the provisions of s. 408.036 or s. 408.039. The agency shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2003.

(42) The agency shall develop and implement a utilization management program for Medicaid-eligible recipients for the management of

occupational, physical, respiratory, and speech therapies. The agency shall establish a utilization program that may require prior authorization in order to ensure medically necessary and cost-effective treatments. The program shall be operated in accordance with a federally approved waiver program or state plan amendment. The agency may seek a federal waiver or state plan amendment to implement this program. The agency may also competitively procure these services from an outside vendor on a regional or statewide basis.

(43) The agency may contract on a prepaid or fixed-sum basis with appropriately licensed prepaid dental health plans to provide dental services.

(44) The Agency for Health Care Administration shall ensure that any Medicaid managed care plan as defined in s. 409.9122(2)(h), whether paid on a capitated basis or a shared savings basis, is cost-effective. For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31 of each year. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(45) Subject to the availability of funds, the agency shall mandate a recipient's participation in a provider lock-in program, when appropriate, if a recipient is found by the agency to have used Medicaid goods or services at a frequency or amount not medically necessary, limiting the receipt of goods or services to medically necessary providers after the 21-day appeal process has ended, for a period of not less than 1 year. The lock-in programs shall include, but are not limited to, pharmacies, medical doctors, and infusion clinics. The limitation does not apply to emergency services and care provided to the recipient in a hospital emergency department. The agency shall seek any federal waivers necessary to implement this subsection. The agency shall adopt any rules necessary to comply with or administer this subsection.

(46) The agency shall seek a federal waiver for permission to terminate the eligibility of a Medicaid recipient who has been found to have committed fraud, through judicial or administrative determination, two times in a period of 5 years.

(47) The agency shall conduct a study of available electronic systems for the purpose of verifying the identity and eligibility of a Medicaid recipient. The agency shall recommend to the Legislature a plan to implement an electronic verification system for Medicaid recipients by January 31, 2005.

(48) A provider is not entitled to enrollment in the Medicaid provider network. The agency may implement a Medicaid fee-for-service provider network controls, including, but not limited to, competitive procurement and provider credentialing. If a credentialing process is used, the agency may limit its provider network based upon the following considerations: beneficiary access to care, provider availability, provider quality standards and quality assurance processes, cultural competency, demographic characteristics of beneficiaries, practice standards, service wait times, provider turnover, provider licensure and accreditation history, program integrity history, peer review, Medicaid policy and billing compliance records, clinical and medical record audit findings, and such other areas that are considered necessary by the agency to ensure the integrity of the program.

(49) The agency shall contract with established minority physician networks that provide services to historically underserved minority patients. The networks must provide cost-effective Medicaid services, comply with the requirements to be a MediPass provider, and provide their primary care physicians with access to data and other management tools necessary to assist them in ensuring the appropriate use of services, including inpatient hospital services and pharmaceuticals.

(a) The agency shall provide for the development and expansion of minority physician networks in each service area to provide services to Medicaid recipients who are eligible to participate under federal law and rules.

(b) The agency shall reimburse each minority physician network as a fee-for-service provider, including the case management fee for primary care, or as a capitated rate provider for Medicaid services. Any savings shall be shared with the minority physician networks pursuant to the contract.

(c) For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(d) The agency may apply for any federal waivers needed to implement this subsection.

(50) To the extent permitted by federal law and as allowed under s. 409.906, the agency shall provide reimbursement for emergency mental health care services for Medicaid recipients in crisis-stabilization facilities licensed under s. 394.875 as long as those services are less expensive than the same services provided in a hospital setting.

Section 2. Section 409.91211, Florida Statutes, is created to read:

409.91211 Medicaid managed care pilot program.—

(1) The agency is authorized to seek experimental, pilot, or demonstration project waivers, pursuant to s. 1115 of the Social Security Act, to create a statewide initiative to provide for a more efficient and effective service delivery system that enhances quality of care and client outcomes in the Florida Medicaid program pursuant to this section. Phase one of the demonstration shall be implemented in two geographic areas. One demonstration site shall include only Broward County. A second demonstration site shall initially include Duval County and shall be expanded to include Baker, Clay, and Nassau Counties within 1 year after the Duval County program becomes operational. This waiver authority is contingent upon federal approval to preserve the upper-payment-limit funding mechanism for hospitals, including a guarantee of a reasonable growth factor, a methodology to allow the use of a portion of these funds to serve as a risk pool for demonstration sites, provisions to preserve the state's ability to use intergovernmental transfers, and provisions to protect the disproportionate share program authorized pursuant to this chapter. Upon completion of the evaluation conducted under section 3 of this act, the agency may request statewide expansion of the demonstration projects. Statewide phase-in to additional counties shall be contingent upon review and approval by the Legislature.

(2) The Legislature intends for the capitated managed care pilot program to:

(a) Provide recipients in Medicaid fee-for-service or the MediPass program a comprehensive and coordinated capitated managed care system for all health care services specified in ss. 409.905 and 409.906.

(b) Stabilize Medicaid expenditures under the pilot program compared to Medicaid expenditures in the pilot area for the 3 years before implementation of the pilot program, while ensuring:

1. Consumer education and choice.

2. Access to medically necessary services.

3. Coordination of preventative, acute, and long-term care.

4. Reductions in unnecessary service utilization.

(c) Provide an opportunity to evaluate the feasibility of statewide implementation of capitated managed care networks as a replacement for the current Medicaid fee-for-service and MediPass systems.

(3) The agency shall have the following powers, duties, and responsibilities with respect to the development of a pilot program:

(a) To develop and recommend a system to deliver all mandatory services specified in s. 409.905 and optional services specified in s. 409.906, as approved by the Centers for Medicare and Medicaid Services and the Legislature in the waiver pursuant to this section. Services to recipients under plan benefits shall include emergency services provided under s. 409.9128.

(b) To recommend Medicaid-eligibility categories, from those specified in ss. 409.903 and 409.904, which shall be included in the pilot program.

(c) To determine and recommend how to design the managed care pilot program in order to take maximum advantage of all available state and federal funds, including those obtained through intergovernmental transfers, the upper-payment-level funding systems, and the disproportionate share program.

(d) To determine and recommend actuarially sound, risk-adjusted capitation rates for Medicaid recipients in the pilot program which can be separated to cover comprehensive care, enhanced services, and catastrophic care.

(e) To determine and recommend policies and guidelines for phasing in financial risk for approved provider service networks over a 3-year period. These shall include an option to pay fee-for-service rates that may include a savings-settlement option for at least 2 years. This model may be converted to a risk-adjusted capitated rate in the third year of operation. Federally qualified health centers may be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid primary care services.

(f) To determine and recommend provisions related to stop-loss requirements and the transfer of excess cost to catastrophic coverage that accommodates the risks associated with the development of the pilot program.

(g) To determine and recommend a process to be used by the Social Services Estimating Conference to determine and validate the rate of growth of the per-member costs of providing Medicaid services under the managed care pilot program.

(h) To determine and recommend program standards and credentialing requirements for capitated managed care networks to participate in the pilot program, including those related to fiscal solvency, quality of care, and adequacy of access to health care providers. It is the intent of the Legislature that, to the extent possible, any pilot program authorized by the state under this section include any federally qualified health center, federally qualified rural health clinic, county health department, or other federally, state, or locally funded entity that serves the geographic areas within the boundaries of the pilot program that requests to participate. This paragraph does not relieve an entity that qualifies as a capitated managed care network under this section from any other licensure or regulatory requirements contained in state or federal law which would otherwise apply to the entity. The standards and credentialing requirements shall be based upon, but are not limited to:

1. Compliance with the accreditation requirements as provided in s. 641.512.

2. Compliance with early and periodic screening, diagnosis, and treatment screening requirements under federal law.

3. The percentage of voluntary disenrollments.

4. Immunization rates.

5. Standards of the National Committee for Quality Assurance and other approved accrediting bodies.

6. Recommendations of other authoritative bodies.

7. Specific requirements of the Medicaid program, or standards designed to specifically meet the unique needs of Medicaid recipients.

8. Compliance with the health quality improvement system as established by the agency, which incorporates standards and guidelines developed by the Centers for Medicare and Medicaid Services as part of the quality assurance reform initiative.

9. The network's infrastructure capacity to manage financial transactions, recordkeeping, data collection, and other administrative functions.

10. The network's ability to submit any financial, programmatic, or patient-encounter data or other information required by the agency to determine the actual services provided and the cost of administering the plan.

(i) To develop and recommend a mechanism for providing information to Medicaid recipients for the purpose of selecting a capitated managed care plan. For each plan available to a recipient, the agency, at a minimum shall ensure that the recipient is provided with:

1. A list and description of the benefits provided.

2. Information about cost sharing.

3. Plan performance data, if available.

4. An explanation of benefit limitations.

5. Contact information, including identification of providers participating in the network, geographic locations, and transportation limitations.

6. Any other information the agency determines would facilitate a recipient's understanding of the plan or insurance that would best meet his or her needs.

(j) To develop and recommend a system to ensure that there is a record of recipient acknowledgment that choice counseling has been provided.

(k) To develop and recommend a choice counseling system to ensure that the choice counseling process and related material are designed to provide counseling through face-to-face interaction, by telephone, and in writing and through other forms of relevant media. Materials shall be written at the fourth-grade reading level and available in a language other than English when 5 percent of the county speaks a language other than English. Choice counseling shall also use language lines and other services for impaired recipients, such as TTD/TTY.

(l) To develop and recommend a system that prohibits capitated managed care plans, their representatives, and providers employed by or contracted with the capitated managed care plans from recruiting persons eligible for or enrolled in Medicaid, from providing inducements to Medicaid recipients to select a particular capitated managed care plan, and from prejudicing Medicaid recipients against other capitated managed care plans. The system shall require the entity performing choice counseling to determine if the recipient has made a choice of a plan or has opted out because of duress, threats, payment to the recipient, or incentives promised to the recipient by a third party. If the choice counseling entity determines that the decision to choose a plan was unlawfully influenced or a plan violated any of the provisions of s. 409.912(21), the choice counseling entity shall immediately report the violation to the agency's program integrity section for investigation. Verification of choice counseling by the recipient shall include a stipulation that the recipient acknowledges the provisions of this subsection.

(m) To develop and recommend a choice counseling system that promotes health literacy and provides information aimed to reduce minority health disparities through outreach activities for Medicaid recipients.

(n) To develop and recommend a system for the agency to contract with entities to perform choice counseling. The agency may establish standards and performance contracts, including standards requiring the contractor to hire choice counselors who are representative of the state's diverse population and to train choice counselors in working with culturally diverse populations.

(o) To determine and recommend descriptions of the eligibility assignment processes which will be used to facilitate client choice while ensuring pilot programs of adequate enrollment levels. These processes shall ensure that pilot sites have sufficient levels of enrollment to conduct a valid test of the managed care pilot program within a 2-year timeframe.

(p) To develop and recommend a system to monitor the provision of health care services in the pilot program, including utilization and quality of health care services for the purpose of ensuring access to medically necessary services. This system shall include an encounter data-information system that collects and reports utilization information. The system shall include a method for verifying data integrity within the database and within the provider's medical records.

(q) To recommend a grievance-resolution process for Medicaid recipients enrolled in a capitated managed care network under the pilot program modeled after the subscriber assistance panel, as created in s. 408.7056. This process shall include a mechanism for an expedited review of no greater than 24 hours after notification of a grievance if the life of a Medicaid recipient is in imminent and emergent jeopardy.

(r) To recommend a grievance-resolution process for health care providers employed by or contracted with a capitated managed care network under the pilot program in order to settle disputes among the provider and the managed care network or the provider and the agency.

(s) To develop and recommend criteria to designate health care providers as eligible to participate in the pilot program. The agency and capitated managed care networks must follow national guidelines for selecting health care providers, whenever available. These criteria must include at a minimum those criteria specified in s. 409.907.

(t) To develop and recommend health care provider agreements for participation in the pilot program.

(u) To require that all health care providers under contract with the pilot program be duly licensed in the state, if such licensure is available, and meet other criteria as may be established by the agency. These criteria shall include at a minimum those criteria specified in s. 409.907.

(v) To develop and recommend agreements with other state or local governmental programs or institutions for the coordination of health care to eligible individuals receiving services from such programs or institutions.

(w) To develop and recommend a system to oversee the activities of pilot program participants, health care providers, capitated managed care networks, and their representatives in order to prevent fraud or abuse, overutilization or duplicative utilization, underutilization or inappropriate denial of services, and neglect of participants and to recover overpayments as appropriate. For the purposes of this paragraph, the terms "abuse" and "fraud" have the meanings as provided in s. 409.913. The agency must refer incidents of suspected fraud, abuse, overutilization and duplicative utilization, and underutilization or inappropriate denial of services to the appropriate regulatory agency.

(x) To develop and provide actuarial and benefit design analyses that indicate the effect on capitation rates and benefits offered in the pilot program over a prospective 5-year period based on the following assumptions:

1. Growth in capitation rates which is limited to the estimated growth rate in general revenue.

2. Growth in capitation rates which is limited to the average growth rate over the last 3 years in per-recipient Medicaid expenditures.

3. Growth in capitation rates which is limited to the growth rate of aggregate Medicaid expenditures between the 2003-2004 fiscal year and the 2004-2005 fiscal year.

(y) To develop a mechanism to require capitated managed care plans to reimburse qualified emergency service providers, including, but not limited to, ambulance services, in accordance with ss. 409.908 and 409.9128. The pilot program must include a provision for continuing fee-for-service payments for emergency services, including but not limited to, individuals who access ambulance services or emergency departments and who are subsequently determined to be eligible for Medicaid services.

(z) To develop a system whereby school districts participating in the certified school match program pursuant to ss. 409.908(21) and 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services as authorized in s. 1011.70, as provided for in s. 409.9071, regardless of whether the child is enrolled in a capitated managed care network. Capitated managed care networks must make a good-faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 must be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in a capitated managed care network. Capitated managed care networks must make a good-faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's capitated managed care network provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.

(aa) To develop and recommend a mechanism whereby Medicaid recipients who are already enrolled in a managed care plan or the Medi-Pass program in the pilot areas shall be offered the opportunity to change to capitated managed care plans on a staggered basis, as defined by the agency. All Medicaid recipients shall have 30 days in which to make a choice of capitated managed care plans. Those Medicaid recipients who do not make a choice shall be assigned to a capitated managed care plan in accordance with paragraph (4)(a). To facilitate continuity of care for a Medicaid recipient who is also a recipient of Supplemental Security Income (SSI), prior to assigning the SSI recipient to a capitated managed care plan, the agency shall determine whether the SSI recipient has an ongoing relationship with a provider or capitated managed care plan, and if so, the agency shall assign the SSI recipient to that provider or capitated managed care plan where feasible. Those SSI recipients who do not have such a provider relationship shall be assigned to a capitated managed care plan provider in accordance with paragraph (4)(a).

(bb) To develop and recommend a service delivery alternative for children having chronic medical conditions which establishes a medical home project to provide primary care services to this population. The project shall provide community-based primary care services that are integrated with other subspecialties to meet the medical, developmental, and emotional needs for children and their families. This project shall include an evaluation component to determine impacts on hospitalizations, length of stays, emergency room visits, costs, and access to care, including specialty care and patient, and family satisfaction.

(cc) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to persons with developmental disabilities sufficient to meet the medical, developmental, and emotional needs of these persons.

(dd) To develop and recommend service delivery mechanisms within capitated managed care plans to provide Medicaid services as specified in ss. 409.905 and 409.906 to Medicaid-eligible children in foster care. These services must be coordinated with community-based care providers as specified in s. 409.1675, where available, and be sufficient to meet the medical, developmental, and emotional needs of these children.

(4)(a) A Medicaid recipient in the pilot area who is not currently enrolled in a capitated managed care plan upon implementation is not eligible for services as specified in ss. 409.905 and 409.906, for the amount of time that the recipient does not enroll in a capitated managed care network. If a Medicaid recipient has not enrolled in a capitated managed care plan within 30 days after eligibility, the agency shall assign the Medicaid recipient to a capitated managed care plan based on the assessed needs of the recipient as determined by the agency. When making assignments, the agency shall take into account the following criteria:

1. A capitated managed care network has sufficient network capacity to meet the need of members.

2. The capitated managed care network has previously enrolled the recipient as a member, or one of the capitated managed care network's primary care providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular capitated managed care network as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The capitated managed care network's primary care providers are geographically accessible to the recipient's residence.

(b) When more than one capitated managed care network provider meets the criteria specified in paragraph (3)(h), the agency shall make recipient assignments consecutively by family unit.

(c) The agency may not engage in practices that are designed to favor one capitated managed care plan over another or that are designed to influence Medicaid recipients to enroll in a particular capitated managed care network in order to strengthen its particular fiscal viability.

(d) After a recipient has made a selection or has been enrolled in a capitated managed care network, the recipient shall have 90 days in which to voluntarily disenroll and select another capitated managed care network. After 90 days, no further changes may be made except for cause. Cause shall include, but not be limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, inordinate or inappropriate changes of primary care providers, service access impairments due to significant changes in the geographic location of services, or fraudulent enrollment. The agency may require a recipient to use the capitated managed care network's grievance process as specified in paragraph (3)(g) prior to the agency's determination of cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, when used, must be completed in time to permit the recipient to disenroll no later than the first day of the second month after the month the disenrollment request was made. If the capitated managed care network, as a result of the grievance process, approves an enrollee's request to disenroll, the agency is not required to make a determination in the case. The agency must make a determination and take final action on a recipient's request so that disenrollment occurs no later than the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

(e) The agency shall apply for federal waivers from the Centers for Medicare and Medicaid Services to lock eligible Medicaid recipients into a capitated managed care network for 12 months after an open enrollment period. After 12 months of enrollment, a recipient may select another capitated managed care network. However, nothing shall prevent a Medicaid recipient from changing primary care providers within the capitated managed care network during the 12-month period.

(f) The agency shall apply for federal waivers from the Centers for Medicare and Medicaid Services to allow recipients to purchase health care coverage through an employer-sponsored health insurance plan instead of through a Medicaid-certified plan. This provision shall be known as the opt-out option.

1. A recipient who chooses the Medicaid opt-out option shall have an opportunity for a specified period of time, as authorized under a waiver granted by the Centers for Medicare and Medicaid Services, to select and enroll in a Medicaid-certified plan. If the recipient remains in the employer-sponsored plan after the specified period, the recipient shall remain in the opt-out program for at least 1 year or until the recipient no longer has access to employer-sponsored coverage, until the employer's open enrollment period for a person who opts out in order to participate in employer-sponsored coverage, or until the person is no longer eligible for Medicaid, whichever time period is shorter.

2. Notwithstanding any other provision of this section, coverage, cost sharing, and any other component of employer-sponsored health insurance shall be governed by applicable state and federal laws.

(5) This section does not authorize the agency to implement any provision of s. 1115 of the Social Security Act experimental, pilot, or demonstration project waiver to reform the state Medicaid program in any part of the state other than the two geographic areas specified in this section unless approved by the Legislature.

(6) The agency shall develop and submit for approval applications for waivers of applicable federal laws and regulations as necessary to implement the managed care pilot project as defined in this section. The agency shall post all waiver applications under this section on its Internet website 30 days before submitting the applications to the United States Centers for Medicare and Medicaid Services. All waiver applications shall be provided for review and comment to the appropriate committees of the Senate and House of Representatives for at least 10 working days prior to submission. All waivers submitted to and approved by the United States Centers for Medicare and Medicaid Services under this section must be approved by the Legislature. Federally approved waivers must be submitted to the President of the Senate and the Speaker of the House of Representatives for referral to the appropriate legislative committees. The appropriate committees shall recommend whether to approve the implementation of any waivers to the Legislature as a whole. The agency shall submit a plan containing a recommended timeline for implementation of any waivers and budgetary projections of the effect of the pilot program under this section on the total Medicaid budget for the 2006-2007 through 2009-2010 state fiscal years. This implementation plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives at the same time any waivers are submitted for consideration by the Legislature.

(7) Upon review and approval of the applications for waivers of applicable federal laws and regulations to implement the managed care pilot program by the Legislature, the agency may initiate adoption of rules pursuant to ss. 120.536(1) and 120.54 to implement and administer the managed care pilot program as provided in this section.

Section 3. *The Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, shall comprehensively evaluate the two managed care pilot programs created under section 409.91211, Florida Statutes. The evaluation shall begin with the implementation of the managed care model in the pilot areas and continue for 24 months after the two pilot programs have enrolled Medicaid recipients and started providing health care services. The evaluation must include assessments of cost savings; consumer education, choice, and access to services; coordination of care; and quality of care by each eligibility category and managed care plan in each pilot site. The evaluation must describe administrative or legal barriers to the implementation and operation of each pilot program and include recommendations regarding statewide expansion of the managed care pilot programs. The office shall submit an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than June 30, 2008.*

Section 4. Section 409.9062, Florida Statutes, is amended to read:

409.9062 Lung transplant services for Medicaid recipients.—Subject to the availability of funds and subject to any limitations or directions provided for in the General Appropriations Act or chapter 216, the Agency for Health Care Administration Medicaid program shall pay for medically necessary lung transplant services for Medicaid recipients. *These payments must be used to reimburse approved lung transplant facilities a global fee for providing lung transplant services to Medicaid recipients.*

Section 5. *The sums of $401,098 from the General Revenue Fund and $593,058 from the Medical Care Trust Fund are appropriated to the Agency for Health Care Administration for the purpose of implementing section 4 during the 2005-2006 fiscal year.*

Section 6. Paragraphs (a) and (j) of subsection (2) of section 409.9122, Florida Statutes, are amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)(a) The agency shall enroll in a managed care plan or MediPass all Medicaid recipients, except those Medicaid recipients who are: in an institution; enrolled in the Medicaid medically needy program; or eligible for both Medicaid and Medicare. Upon enrollment, individuals will be able to change their managed care option during the 90-day opt out period required by federal Medicaid regulations. The agency is authorized to seek the necessary Medicaid state plan amendment to implement this policy. However, to the extent permitted by federal law, the agency may enroll in a managed care plan or MediPass a Medicaid recipient who is exempt from mandatory managed care enrollment, provided that:

1. The recipient's decision to enroll in a managed care plan or MediPass is voluntary;

2. If the recipient chooses to enroll in a managed care plan, the agency has determined that the managed care plan provides specific

programs and services which address the special health needs of the recipient; and

3. The agency receives any necessary waivers from the federal *Centers for Medicare and Medicaid Services* ~~Health Care Financing Administration~~.

The agency shall develop rules to establish policies by which exceptions to the mandatory managed care enrollment requirement may be made on a case-by-case basis. The rules shall include the specific criteria to be applied when making a determination as to whether to exempt a recipient from mandatory enrollment in a managed care plan or MediPass. School districts participating in the certified school match program pursuant to ss. 409.908(21) and 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services as authorized in s. 1011.70, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 shall be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's managed care plan or MediPass provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.

(j) The agency shall apply for a federal waiver from the *Centers for Medicare and Medicaid Services* ~~Health Care Financing Administration~~ to lock eligible Medicaid recipients into a managed care plan or MediPass for 12 months after an open enrollment period. After 12 months' enrollment, a recipient may select another managed care plan or MediPass provider. However, nothing shall prevent a Medicaid recipient from changing primary care providers within the managed care plan or MediPass program during the 12-month period.

Section 7. Subsection (2) of section 409.913, Florida Statutes, is amended, and subsection (36) is added to that section, to read:

409.913 Oversight of the integrity of the Medicaid program.—The agency shall operate a program to oversee the activities of Florida Medicaid recipients, and providers and their representatives, to ensure that fraudulent and abusive behavior and neglect of recipients occur to the minimum extent possible, and to recover overpayments and impose sanctions as appropriate. Beginning January 1, 2003, and each year thereafter, the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs shall submit a joint report to the Legislature documenting the effectiveness of the state's efforts to control Medicaid fraud and abuse and to recover Medicaid overpayments during the previous fiscal year. The report must describe the number of cases opened and investigated each year; the sources of the cases opened; the disposition of the cases closed each year; the amount of overpayments alleged in preliminary and final audit letters; the number and amount of fines or penalties imposed; any reductions in overpayment amounts negotiated in settlement agreements or by other means; the amount of final agency determinations of overpayments; the amount deducted from federal claiming as a result of overpayments; the amount of overpayments recovered each year; the amount of cost of investigation recovered each year; the average length of time to collect from the time the case was opened until the overpayment is paid in full; the amount determined as uncollectible and the portion of the uncollectible amount subsequently reclaimed from the Federal Government; the number of providers, by type, that are terminated from participation in the Medicaid program as a result of fraud and abuse; and all costs associated with discovering and prosecuting cases of Medicaid overpayments and making recoveries in such cases. The report must also document actions taken to prevent overpayments and the number of providers prevented from enrolling in or reenrolling in the Medicaid program as a result of documented Medicaid fraud and abuse and must recommend changes necessary to prevent or recover overpayments.

(2) The agency shall conduct, or cause to be conducted by contract or otherwise, reviews, investigations, analyses, audits, or any combination thereof, to determine possible fraud, abuse, overpayment, or recipient neglect in the Medicaid program and shall report the findings of any overpayments in audit reports as appropriate. *At least 5 percent of all audits shall be conducted on a random basis.*

(36) The agency shall provide to each Medicaid recipient or his or her representative an explanation of benefits in the form of a letter that is mailed to the most recent address of the recipient on the record with the Department of Children and Family Services. The explanation of benefits must include the patient's name, the name of the health care provider and the address of the location where the service was provided, a description of all services billed to Medicaid in terminology that should be understood by a reasonable person, and information on how to report inappropriate or incorrect billing to the agency or other law enforcement entities for review or investigation.

Section 8. *The Agency for Health Care Administration shall submit to the Legislature by December 15, 2005, a report on the legal and administrative barriers to enforcing section 409.9081, Florida Statutes. The report must describe how many services require copayments, which providers collect copayments, and the total amount of copayments collected from recipients for all services required under section 409.9081, Florida Statutes, by provider type for the 2001-2002 through 2004-2005 fiscal years. The agency shall recommend a mechanism to enforce the requirement for Medicaid recipients to make copayments which does not shift the copayment amount to the provider. The agency shall also identify the federal or state laws or regulations that permit Medicaid recipients to declare impoverishment in order to avoid paying the copayment and extent to which these statements of impoverishment are verified. If claims of impoverishment are not currently verified, the agency shall recommend a system for such verification. The report must also identify any other cost-sharing measures that could be imposed on Medicaid recipients.*

Section 9. *The Agency for Health Care Administration shall submit to the Legislature by January 15, 2006, recommendations to ensure that Medicaid is the payer of last resort as required by section 409.910, Florida Statutes. The report must identify the public and private entities that are liable for primary payment of health care services and recommend methods to improve enforcement of third-party liability responsibility and repayment of benefits to the state Medicaid program. The report must estimate the potential recoveries that may be achieved through third-party liability efforts if administrative and legal barriers are removed. The report must recommend whether modifications to the agency's contingency-fee contract for third-party liability could enhance third-party liability for benefits provided to Medicaid recipients.*

Section 10. *By January 15, 2006, the Office of Program Policy Analysis and Government Accountability shall submit to the Legislature a study of the long-term care community diversion pilot project authorized under sections 430.701-430.709, Florida Statutes. The study may be conducted by staff of the Office of Program Policy Analysis and Government Accountability or by a consultant obtained through a competitive bid pursuant to the provisions of chapter 287, Florida Statutes. The study must use a statistically-valid methodology to assess the percent of persons served in the project over a 2-year period who would have required Medicaid nursing home services without the diversion services, which services are most frequently used, and which services are least frequently used. The study must determine whether the project is cost-effective or is an expansion of the Medicaid program because a preponderance of the project enrollees would not have required Medicaid nursing home services within a 2-year period regardless of the availability of the project or that the enrollees could have been safely served through another Medicaid program at a lower cost to the state.*

Section 11. *The Agency for Health Care Administration shall identify how many individuals in the long-term care diversion programs who receive care at home have a patient-responsibility payment associated with their participation in the diversion program. If no system is available to assess this information, the agency shall determine the cost of creating a system to identify and collect these payments and whether the cost of developing a system for this purpose is offset by the amount of patient-responsibility payments which could be collected with the system. The agency shall report this information to the Legislature by December 1, 2005.*

Section 12. *The Office of Program Policy Analysis and Government Accountability shall conduct a study of state programs that allow non-Medicaid eligible persons under a certain income level to buy into the*

Medicaid program as if it was private insurance. The study shall examine Medicaid buy-in programs in other states to determine if there are any models that can be implemented in Florida which would provide access to uninsured Floridians and what effect this program would have on Medicaid expenditures based on the experience of similar states. The study must also examine whether the Medically Needy program could be redesigned to be a Medicaid buy-in program. The study must be submitted to the Legislature by January 1, 2006.

Section 13. *The Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General, Medicaid Fraud Control Unit and the Auditor General, shall conduct a study to examine issues related to the amount of state and federal dollars lost due to fraud and abuse in the Medicaid prescription drug program. The study shall focus on examining whether pharmaceutical manufacturers and their affiliates and wholesale pharmaceutical manufacturers and their affiliates that participate in the Medicaid program in this state, with respect to rebates for prescription drugs, are inflating the average wholesale price that is used in determining how much the state pays for prescription drugs for Medicaid recipients. The study shall also focus on examining whether the manufacturers and their affiliates are committing other deceptive pricing practices with regard to federal and state rebates for prescription drugs in the Medicaid program in this state. The study, including findings and recommendations, shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives by January 1, 2006.*

Section 14. *The sums of $7,129,241 in recurring General Revenue Funds, $9,076,875 in nonrecurring General Revenue Funds, $8,608,242 in recurring funds from the Administrative Trust Fund, and $9,076,874 in nonrecurring funds from the Administrative Trust Fund are appropriated and 11 full time equivalent positions are authorized for the purpose of implementing this act.*

Section 15. *The amendments made to section 393.0661, Florida Statutes, by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 are repealed.*

Section 16. *The amendments made to section 409.907, Florida Statutes, by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 are repealed.*

Section 17. *The amendments made to the introductory provision only of section 409.908, Florida Statutes, by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 are repealed.*

Section 18. *Section 409.9082, Florida Statutes, as created by the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404, is repealed.*

Section 19. *Section 23 of the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 is repealed.*

Section 20. Subsection (2) of section 409.9124, F.S., as amended by section 18 of the Conference Committee Report on Committee Substitute for Committee Substitute for Senate Bill 404 is amended, and subsection (6) is added to that section, to read:

409.9124 Managed care reimbursement.—

(2) Each year prior to establishing new managed care rates, the agency shall review all prior year adjustments for changes in trend, and shall reduce or eliminate those adjustments which are not reasonable and which reflect policies or programs which are not in effect. In addition, the agency shall apply only those policy reductions applicable to the fiscal year for which the rates are being set, which can be accurately estimated and verified by an independent actuary, and which have been implemented prior to or will be implemented during the fiscal year. The agency shall pay rates at per-member, per-month averages that ~~equal, but~~ do not exceed~~,~~ the amounts allowed for in the General Appropriations Act applicable to the fiscal year for which the rates will be in effect.

(6) For the 2005-2006 fiscal year only, the agency shall make an additional adjustment in calculating the capitation payments to prepaid health plans, excluding prepaid mental health plans. This adjustment must result in an increase of 2.8 percent in the average per-member, per-month rate paid to prepaid health plans, excluding prepaid mental health plans, which are funded from Specific Appropriations 225 and 226 in the 2005-2006 General Appropriations Act.

Section 21. *The Senate Select Committee on Medicaid Reform shall study how provider rates are established and modified, how provider agreements and administrative rulemaking effect those rates, the discretion allowed by federal law for the setting of rates by the state, and the impact of litigation on provider rates. The committee shall issue a report containing recommendations by March 1, 2006, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

Section 22. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; requiring the Office of Program Policy Analysis and Government Accountability to conduct an evaluation; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide a business case demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; allowing dispensing practitioners to participate in Medicaid; requiring that the agency implement a Medicaid prescription-drug-management system; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; authorizing the agency to pay for emergency mental health services provided through licensed crisis-stabilization facilities; creating s. 409.91211, F.S.; specifying waiver authority for the Agency for Health Care Administration to establish a Medicaid reform program contingent on federal approval to preserve the upper-payment-limit finding mechanism for hospitals and contingent on protection of the disproportionate share program authorized pursuant to ch. 409, F.S.; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency submit any waivers to the Legislature for approval before implementation; allowing the agency to develop rules; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9062, F.S.; requiring the Agency for Health Care Administration to reimburse lung transplant facilities a global fee for services provided to Medicaid recipients; providing an appropriation; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the

Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation and authorizing positions to implement this act; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Office of Attorney General and the Auditor General, to conduct a study to examine whether state and federal dollars are lost due to fraud and abuse in the Medicaid prescription drug program; providing duties; requiring that a report with findings and recommendations be submitted to the Governor and the Legislature by a specified date; repealing the amendments made to ss. 393.0661, 409.907, and 409.9082, F.S., and the amendments made to the introductory provision of s. 409.908, F.S., by the Conference Committee Report on CS for CS for SB 404, relating to provider agreements and provider methodologies; repealing s. 23 of the Conference Committee Report on CS for CS for SB 404, relating to legislative intent; amending s. 409.9124, F.S., as amended by the Conference Committee Report on CS for CS for SB 404; revising provisions requiring the Agency for Health Care Administration to pay certain rates for managed care reimbursement; requiring that the agency make an additional adjustment in calculating the rates paid to prepaid health plans for the 2005-2006 fiscal year; requiring that the Senate Select Committee on Medicaid Reform study various issues concerning Medicaid provider rates and issue a report to the Governor and the Legislature; providing an effective date.

On motion by Senator Peaden, **CS for CS for SB 838** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—1

Jones

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2646, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 2646—A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the terms "compensation" and "lobbying firm"; amending definitions for the terms "lobbying" and "principal"; requiring each principal upon the registration of the principal's designated lobbyist to identify the principal's main business; requiring each lobbying firm and principal to maintain certain records and documents for a specified period; specifying judicial jurisdiction for enforcing the right to inspect certain documents and records; conditionally prohibiting convicted felons from registering as a legislative lobbyist; modifying the aggregate reporting categories on lobbying expenditure reporting forms; requiring lobbying expenditure reporting forms to include the name and address of each person to whom an expenditure for food and beverages was made, date of the expenditure, and the name and title of the legislator or employee for whom the expenditure was made; requiring each lobbyist to report the general areas of the principal's legislative interest and specific issues lobbied; requiring each lobbying firm to file quarterly compensation reports; requiring each lobbying firm to report certain compensation information in dollar categories and specific dollar amounts; requiring certain lobbying firms to report the name and address of the principal originating lobbying work; providing for certification of compensation reports; requiring the Division of Legislative Information Services to aggregate certain compensation information; revising the period for filing compensation and expenditure reporting statements; prescribing procedures for determining late-filing fines for compensation reports; prescribing fines and penalties for compensation-reporting violations; providing exceptions; prohibiting lobbying expenditures, except for certain food and beverages and novelty items; prohibiting principals from providing lobbying compensation to any individual or business entity other than a lobbying firm; providing for the Legislature to adopt rules to maintain and make publicly available all advisory opinions and reports relating to lobbying firms, to conform; providing for the Legislature to adopt rules authorizing legislative committees to investigate certain person and entities engaged in legislative lobbying; requiring compensation and expenditure reports to be filed electronically; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists and lobbying firms filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be certified as accurate and complete; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to certain data; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the compensation reports filed by legislative and executive lobbyists; prescribing conditions for the random selection; directing the Auditor General to adopt audit and field investigation guidelines; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that legislative lobbying audit reports be forwarded to the Legislature and executive lobbying audit reports be sent to the Florida Commission on Ethics; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report as required; defining the terms "compensation" and "lobbying firm"; amending definitions for the terms "lobbies" and "principal"; conditionally prohibiting convicted felons from registering as an executive branch lobbyist; requiring each principal upon the registration of the principal's designated lobbyist to identify the principal's main business; modifying the aggregate reporting categories on lobbying expenditure reporting forms; requiring lobbying expenditure reporting forms to include the name and address of each person to whom an expenditure for food and beverages was made, date of the expenditure, and the name and title of the agency official, member, or employee for whom the expenditure was made; requiring each lobbyist to report the general areas of the principal's lobbying interest and specific issues lobbied; requiring each lobbying firm to file quarterly compensation reports; requiring each lobbying firm to report certain compensation information in dollar categories and specific dollar amounts; requiring certain lobbying firms to report the name and address of the principal originating lobbying work; providing for certification of compensation reports; requiring the Florida Commission on Ethics to aggregate certain compensation information; revising the period for filing compensation and expenditure reporting statements; authorizing the commission to adopt procedural rules for determining late-filing fines for compensation reports; prescribing fines and penalties for compensation-reporting violations; providing exceptions; requiring each lobbying firm and principal to maintain certain records and documents for a specified period; specifying judicial jurisdiction for enforcing the right of inspection; prohibiting lobbying expenditures, except for certain food and beverages and novelty items; prohibiting principals from providing lobbying compensation to any individual or business entity other than a lobbying firm; providing for the commission to investigate certain lobbying firms for compensation-reporting violations; providing procedures for disposing of compensation-reporting investigations and proceedings; providing penalties; providing for public access to certain records; authorizing the commission to adopt administration rules and forms relating to compensation reporting; requiring compensation and

expenditure reports to be filed electronically; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists and lobbying firms filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be certified as accurate and complete; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to certain data; specifying the initial reporting period that is subject to the requirements of the act; providing an effective date.

WHEREAS, restoring the public's trust in government is a top priority of the Florida Legislature, and

WHEREAS, it is a fundamental right for people to redress their government for grievances, and,

WHEREAS, in many cases, lobbyists assist people in the exercise of this fundamental right, and,

WHEREAS, lobbyists can add value to the system by introducing informed perspectives and alternative points of view, and,

WHEREAS, despite the value added by such lobbyists, the public's confidence has been shaken by a perceived culture of improper influence promulgated in Tallahassee and elsewhere in the State by lobbyists representing powerful special interests, and,

WHEREAS, that public perception is grounded in lobbyist advocacy that is cloaked in secrecy and conducted out of the sunshine, and,

WHEREAS, Floridians have a right to know what the Legislature and executive agencies are doing and with whom, so that they can gauge the influence and the role of special interests in the development and implementation of public policy, and,

WHEREAS, the Florida Legislature believes that fuller, fairer, and more open disclosure will help restore the public trust in government,

WHEREAS, the Florida Legislature has fashioned a narrowly-tailored system for furthering the State's compelling governmental interest in regulating lobbying before the Florida Legislature and administrative agencies, employing the least intrusive means available, NOW, THEREFORE,

House Amendment 1 (751873)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 11.045, Florida Statutes, is amended to read:

11.045 Lobbyists; registration and reporting; exemptions; penalties.—

(1) As used in this section, unless the context otherwise requires:

(a) "Committee" means the committee of each house charged by the presiding officer with responsibility for ethical conduct of lobbyists.

(b) "Compensation" means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal.

(c)~~(b)~~ "Division" means the Division of Legislative Information Services within the Office of Legislative Services.

(d)~~(c)~~ "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. *A contribution made to a political party regulated under chapter 103 is not deemed an expenditure for purposes of this section.*

(e)~~(d)~~ "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(f)~~(e)~~ "Lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature. *Food and beverages paid for or provided, directly or indirectly, by a lobbyist or principal to, or for the benefit of, a member or employee of the Legislature is deemed an attempt to obtain the goodwill of the member or employee unless the lobbyist or principal is the member's or employee's parent, spouse, child, or sibling.*

(g) "Lobbying firm" means any business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(h)~~(f)~~ "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

(i)~~(g)~~ "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist*, including a lobbying firm that subcontracts work*.

(2) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, for the registration of lobbyists who lobby the Legislature. The rule may provide for the payment of a registration fee. The rule may provide for exemptions from registration or registration fees. The rule shall provide that:

(a) Registration is required for each principal represented.

(b) Registration shall include a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal.

(c) A registrant shall promptly send a written statement to the division canceling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the division may remove the name of a registrant from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal.

(d) Every registrant shall be required to state the extent of any direct business association or partnership with any current member of the Legislature.

(e)*1.* Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the Legislature. The right of inspection may be enforced *in circuit court* ~~by appropriate writ issued by any court of competent jurisdiction~~.

2. Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation.

(f) All registrations shall be open to the public.

(g) Any person who is exempt from registration under the rule shall not be considered a lobbyist for any purpose.

(3) Each house of the Legislature shall provide by rule the following reporting requirements:

(a) Statements shall be filed by all registered lobbyists two times per year, which must disclose all lobbying expenditures by the lobbyist and the principal and the source of funds for such expenditures. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be made on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures

made by the lobbyist. Expenditures made must be reported *in the aggregate in either the category "food and beverages" or "novelty items."* ~~by the category of the expenditure, including, but not limited to, the categories of food and beverages, entertainment, research, communication, media advertising, publications, travel, and lodging.~~ Lobbying expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The designated lobbyist's expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist. Each lobbyist shall file an expenditure report for each period during any portion of which he or she was registered, and each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(c)1. Each lobbyist, including a designated lobbyist, shall identify on the expenditure report all general areas of the principal's legislative interest that were lobbied during the reporting period.

2. For each general area of legislative interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.

(d)1. Each lobbying firm shall file a compensation statement with the division for each reporting period during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm; and

b. Name of each of the firm's lobbyists.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation for lobbying in this state provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: $0; less than $25,000; $25,001 to $50,000; 50,001 to $75,000; $75,001 to $100,000; $100,001 to $125,000; $125,001 to $150,000; $150,001 or more. If the category "$150,001 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest $1,000; and

c. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e)~~(c)~~ For each reporting period the division shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Further, the division shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. *For each principal represented by more than one lobbying firm, the division shall also aggregate the reporting-period compensation reported as provided or owed by the principal.*

(f)~~(d)~~ The *compensation and expenditure* reporting statements shall be filed no later than 45 days after the end of *each* ~~the~~ reporting period. The first report shall include the *compensation and* expenditures for the period from January 1 through June 30. The second report shall disclose expenditures for the period from July 1 through December 31. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements may be filed by electronic means, when feasible.

~~(e) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.~~

(g)~~(f)~~ Each house of the Legislature shall provide by rule, or both houses may provide by joint rule, a procedure by which a *lobbying firm or* lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the *lobbying firm or* lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day, not to exceed $5,000 per report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

4. A fine shall not be assessed against a *lobbying firm or*lobbyist the first time any reports for which the *lobbying firm or* lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the *lobbying firm or* lobbyist is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any *lobbying firm or* lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the *lobbying firm or* lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.

6. A lobbyist~~, a lobbyist's legal representative,~~ or the principal of a lobbyist may request that the filing of an expenditure report be waived upon good cause shown, based on unusual circumstances. *A lobbying firm may request that the filing of a compensation report be waived upon good cause shown, based on unusual circumstances.* The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request.

7. The registration of a lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid or waived. *All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically*

suspended until the fine is paid or waived; the division shall promptly notify all affected principals of any suspension or reinstatement.

8.~~7.~~ The person designated to review the timeliness of reports shall notify the director of the division of the failure of a *lobbying firm or* lobbyist to file a report after notice or of the failure of a *lobbying firm or* lobbyist to pay the fine imposed.

(4)(a) Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any lobbying expenditure, except for:

1. Food and beverages:

a. Consumed at a single sitting or meal;

b. Paid for solely by lobbyists or principals who are present for the duration of the sitting or meal;

c. Where the actual value attributable to members and employees of the Legislature is determinable;

d. Provided that the actual gross value attributable to a member or employee of the Legislature from all lobbyists and principals paying for the food and beverages, including any value attributable pursuant to paragraph (b), does not exceed $100.

2. Novelty items having an individual retail value of $25 or less provided to members of the Senate or House of Representatives during any regular or special session, or provided during any week during which the Senate or House has scheduled committee meetings. Such novelty items may also be distributed to the staff of either or both houses, subject to the same timing constraints.

(b) The value of any food and beverages provided to a spouse or child of a member or employee of the Legislature shall be attributed to the member or employee, as appropriate.

(c) No principal shall provide compensation for lobbying to any individual or business entity that is not a lobbying firm.

(5)~~(4)~~ Each house of the Legislature shall provide by rule a procedure by which a person, when in doubt about the applicability and interpretation of this section in a particular context, may submit in writing the facts for an advisory opinion to the committee of either house and may appear in person before the committee. The rule shall provide a procedure by which:

(a) The committee shall render advisory opinions to any person who seeks advice as to whether the facts in a particular case would constitute a violation of this section.

(b) The committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions.

(c) All advisory opinions of the committee shall be numbered, dated, and open to public inspection.

(6)~~(5)~~ Each house of the Legislature shall *provide by rule for keeping* ~~keep~~ all advisory opinions of the committees relating to *lobbying firms,* lobbyists*,* and lobbying activities.~~, as well as~~ *The rule shall also provide that each house keep* a current list of registered lobbyists and their respective reports required under this section, *along with reports required of lobbying firms under this section,* all of which shall be open for public inspection.

(7)~~(6)~~ *Each house of the Legislature shall provide by rule that* the committee of either house ~~shall~~ investigate any *lobbying firm or lobbyist* ~~person engaged in legislative lobbying~~ upon receipt of a sworn complaint alleging a violation of this section, s. 112.3148, or s. 112.3149 by such person. Such proceedings shall be conducted pursuant to the rules of the respective houses. If the committee finds that there has been a violation of this section, s. 112.3148, or s. 112.3149, it shall report its findings to the President of the Senate or the Speaker of the House of Representatives, as appropriate, together with a recommended penalty, to include a fine of not more than $5,000, reprimand, censure, probation, or prohibition from lobbying for a period of time not to exceed 24 months. Upon the receipt of such report, the President of the Senate or the Speaker of the House of Representatives shall cause the committee report and recommendations to be brought before the respective house and a final determination shall be made by a majority of said house.

(8)~~(7)~~ Any person required to be registered or to provide information pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to disclose any material fact required by this section or by rules established in conformity with this section, or who knowingly provides false information on any report required by this section or by rules established in conformity with this section, commits a noncriminal infraction, punishable by a fine not to exceed $5,000. Such penalty shall be in addition to any other penalty assessed by a house of the Legislature pursuant to subsection *(7)*~~(6)~~.

(9)~~(8)~~ There is hereby created the Legislative Lobbyist Registration Trust Fund, to be used for the purpose of funding any office established for the administration of the registration of lobbyist lobbying the Legislature, including the payment of salaries and other expenses, and for the purpose of paying the expenses incurred by the Legislature in providing services to lobbyists. The trust fund is not subject to the service charge to general revenue provisions of chapter 215. Fees collected pursuant to rules established in accordance with subsection (2) shall be deposited into the Legislative Lobbyist Registration Trust Fund.

Section 2. Effective August 1, 2006, section 11.0455, Florida Statutes, is created to read:

11.0455 Electronic filing of compensation and expenditure reports.—

(1) As used in this section, the term "electronic filing system" means an Internet system for recording and reporting lobbying compensation, expenditures, and other required information by reporting period.

(2) Each lobbying firm or lobbyist who is required to file reports with the Division of Legislative Information Services pursuant to s. 11.045 must file such reports with the division by means of the division's electronic filing system.

(3) A report filed pursuant to this section must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in s. 11.045. A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under s. 11.045(3).

(4) Each report filed pursuant to this section is considered to be certified to the best of the filer's knowledge as accurate and complete by the lobbyist, the lobbying firm, or the designated lobbyist and principal, whichever is applicable, and such persons are subject to the provisions of s. 11.045(7) and s. 11.045(8). Persons given a secure sign-on to the electronic filing system are responsible for protecting it from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.

(5) The electronic filing system developed by the division must:

(a) Be based on access by means of the Internet.

(b) Be accessible by anyone with Internet access using standard web-browsing software.

(c) Provide for direct entry of compensation-report and expenditure-report information as well as upload of such information from software authorized by the division.

(d) Provide a method that prevents unauthorized access to electronic filing system functions.

(6) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, procedures to implement and administer this section, including, but not limited to:

(a) Alternate filing procedures in case the division's electronic filing system is not operable.

(b) The issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.

(7) Each house of the Legislature shall provide by rule that the division make all the data filed available on the Internet in an easily under-

stood and accessible format. The Internet website shall also include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, the affiliations between lobbyists and principals.

Section 3. Section 112.3215, Florida Statutes, is amended to read:

112.3215 *Lobbying* ~~Lobbyists~~ before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(1) For the purposes of this section:

(a) "Agency" means the Governor, Governor and Cabinet, or any department, division, bureau, board, commission, or authority of the executive branch. In addition, "agency" shall mean the Constitution Revision Commission as provided by s. 2, Art. XI of the State Constitution.

(b) "Compensation" means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal.

(c)~~(b)~~ "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. *A contribution made to a political party regulated under chapter 103 is not deemed an expenditure for purposes of this section.*

(d)~~(c)~~ "Fund" means the Executive Branch Lobby Registration Trust Fund.

(e)1.~~(d)~~ "Lobbies" means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee. "Lobbies" also means influencing or attempting to influence, on behalf of another, the Constitution Revision Commission's action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Constitution Revision Commission.

2. Food and beverages paid for or provided, directly or indirectly, by a lobbyist or principal to, or for the benefit of, an agency official or employee or a member or employee of the Constitution Revision Commission is deemed an attempt to obtain such person's goodwill unless the lobbyist or principal is the person's parent, spouse, child, or sibling.

(f) "Lobbying firm" means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(g)~~(e)~~ "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. "Lobbyist" does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.

2. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.

3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.

4. A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017(1)(a).

(h)~~(f)~~ "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist*, including a lobbying firm that subcontracts work*.

(2) The Executive Branch Lobby Registration Trust Fund is hereby created within the commission to be used for the purpose of funding any office established to administer the registration of lobbyists lobbying an agency, including the payment of salaries and other expenses. The trust fund is not subject to the service charge to General Revenue provisions of chapter 215. All annual registration fees collected pursuant to this section shall be deposited into such fund.

(3) A person may not lobby an agency until such person has registered as a lobbyist with the commission. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar year basis thereafter. Upon registration the person shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. The registration shall require *each* ~~the~~ lobbyist to disclose, under oath, the following information:

(a) Name and business address;

(b) The name and business address of each principal represented;

(c) His or her area of interest;

(d) The agencies before which he or she will appear; and

(e) The existence of any direct or indirect business association, partnership, or financial relationship with any employee of an agency with which he or she lobbies, or intends to lobby, as disclosed in the registration.

(4) The annual lobbyist registration fee shall be set by the commission by rule, not to exceed $40 for each principal represented.

(5)(a) A registered lobbyist must also submit to the commission, biannually, a signed expenditure report summarizing all lobbying expenditures by the lobbyist and the principal for each 6-month period during any portion of which the lobbyist is registered. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported *in the aggregate in either the category "food and beverages" or "novelty items."* ~~by the category of the expenditure, including, but not limited to, the categories of food and beverages, entertainment, research, communication, media advertising, publications, travel, and lodging.~~ Lobby expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) A principal who is represented by two or more lobbyists shall designate one lobbyist whose expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist.

(c)1. Each lobbyist, including a designated lobbyist, shall identify on the expenditure report all general areas of the principal's lobbying interest that were lobbied during the reporting period.

2. For each general area of lobbying interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.

(d)1. Each lobbying firm shall file a compensation statement with the commission for each reporting period during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm; and

b. Name of each of the firm's lobbyists.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall also include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation for lobbying in this state provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: $0; less than $25,000; $25,001 to $50,000; 50,001 to $75,000; $75,001 to $100,000; $100,001 to $125,000; $125,001 to $150,000; $150,001 or more. If the category "$150,001 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest $1,000; and

c. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e)~~(e)~~ For each reporting period the commission shall aggregate the expenditures of all lobbyists for a principal represented by more than one lobbyist. Further, the commission shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. *For each principal represented by more than one lobbying firm, the commission shall also aggregate the reporting-period compensation reported as provided or owed by the principal.*

(f)~~(d)~~ The *compensation and expenditure* reporting statements shall be filed no later than 45 days after the end of each reporting period. ~~and shall include the expenditures for the period~~ *The first report shall include the compensation and expenditures for the period* from January 1 through June 30, and July 1 through December 31, respectively.

(g)~~(e)~~ Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(h)~~(f)~~ The commission shall provide by rule a procedure by which a *lobbying firm or* lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the *lobbying firm or* lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day up to a maximum of $5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a *lobbying firm or* lobbyist the first time any reports for which the *lobbying firm or* lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the *lobbying firm or* lobbyist is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any *lobbying firm or* lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the *lobbying firm or* lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

6. The person designated to review the timeliness of reports shall notify the commission of the failure of a *lobbying firm or* lobbyist to file a report after notice or of the failure of a *lobbying firm or* lobbyist to pay the fine imposed.

7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the *lobbying firm's or* lobbyist's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

(i)~~(g)~~ The commission shall adopt a rule which allows reporting statements to be filed by electronic means, when feasible.

(j)1.~~(h)~~ Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the commission. The right of inspection may be enforced *in circuit court* ~~by appropriate writ issued by any court of competent jurisdiction~~.

2. Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation.

(6)(a) Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no agency official, member, or employee shall knowingly accept, directly or indirectly, any lobbying expenditure, except for:

1. Food and beverages:

a. Consumed at a single sitting or meal;

b. Paid for solely by lobbyists or principals who are present for the duration of the sitting or meal;

c. Where the actual value attributable to officials, members, and employees of the agency or commission is determinable;

d. Provided that the actual gross value attributable to an agency official, member, or employee from all lobbyists and principals paying for the food and beverages, including any value attributable pursuant to paragraph (b), does not exceed $100.

(b) The value of any food and beverages provided to a spouse or child of an agency official, member, or employee shall be attributed to such official, member, or employee.

(c) No principal shall provide compensation for lobbying to any individual or business entity that is not a lobbying firm.

(7)~~(6)~~ A lobbyist shall promptly send a written statement to the commission canceling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the commission may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal. Each lobbyist

is responsible for filing an expenditure report for each period during any portion of which he or she was registered, and each principal is responsible for seeing that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(8)(a)~~(7)~~ The commission shall investigate every sworn complaint that is filed with it alleging that a person covered by this section has failed to register, has failed to submit *a compensation or* ~~an~~ expenditure report, or has knowingly submitted false information in any report or registration required in this section.

(b) All proceedings, the complaint, and other records relating to the investigation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any meetings held pursuant to an investigation are exempt from the provisions of s. 286.011(1) and s. 24(b), Art. I of the State Constitution either until the alleged violator requests in writing that such investigation and associated records and meetings be made public or until the commission determines, based on the investigation, whether probable cause exists to believe that a violation has occurred.

(9)~~(8)~~ If the commission finds no probable cause to believe that a violation of this section occurred, it shall dismiss the complaint, whereupon the complaint, together with a written statement of the findings of the investigation and a summary of the facts, shall become a matter of public record, and the commission shall send a copy of the complaint, findings, and summary to the complainant and the alleged violator. If the commission finds probable cause to believe that a violation occurred, it shall report the results of its investigation to the Governor and Cabinet and send a copy of the report to the alleged violator by certified mail. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the Governor and Cabinet in writing, any person whom the commission finds probable cause to believe has violated any provision of this section shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification. However, the Governor and Cabinet may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

(10)~~(9)~~ If the Governor and Cabinet finds that a violation occurred, it may reprimand the violator, censure the violator, or prohibit the violator from lobbying all agencies for a period not to exceed 2 years. *If the violator is a lobbying firm, the Governor and Cabinet may also assess a fine of not more than $5,000 to be deposited in the Executive Branch Lobby Registration Trust Fund.*

(11)~~(10)~~ Any person, when in doubt about the applicability and interpretation of this section to himself or herself in a particular context, may submit in writing the facts of the situation to the commission with a request for an advisory opinion to establish the standard of duty. An advisory opinion shall be rendered by the commission and, until amended or revoked, shall be binding on the conduct of the person who sought the opinion, unless material facts were omitted or misstated in the request.

(12)~~(11)~~ Agencies shall be diligent to ascertain whether persons required to register pursuant to this section have complied. An agency may not knowingly permit a person who is not registered pursuant to this section to lobby the agency.

(13)~~(12)~~ Upon discovery of violations of this section an agency or any person may file a sworn complaint with the commission.

(14)~~(13)~~ The commission shall adopt rules to administer this section, which shall prescribe forms for registration*, compensation,* and expenditure reports, procedures for registration, and procedures that will prevent disclosure of information that is confidential as provided in this section.

Section 4. Effective August 1, 2006, subsection (5) of section 112.3215, Florida Statutes, as amended by this act, is amended to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(5)(a) A registered lobbyist must also submit to the commission, quarterly, a signed expenditure report summarizing all lobbying expenditures by the lobbyist and the principal for each 3-month period during any portion of which the lobbyist is registered. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported in the aggregate in either the category "food and beverages" or "novelty items." Lobby expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) A principal who is represented by two or more lobbyists shall designate one lobbyist whose expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist.

(c)1. Each lobbyist, including a designated lobbyist, shall identify on the expenditure report all general areas of the principal's lobbying interest that were lobbied during the reporting period.

2. For each general area of lobbying interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.

(d)1. Each lobbying firm shall file a compensation statement with the commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm; and

b. Name of each of the firm's lobbyists.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall also include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation for lobbying in this state provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: $0; less than $25,000; $25,001 to $50,000; 50,001 to $75,000; $75,001 to $100,000; $100,001 to $125,000; $125,001 to $150,000; $150,001 or more. If the category "$150,001 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest $1,000; and

c. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e) For each reporting period the commission shall aggregate the expenditures of all lobbyists for a principal represented by more than one lobbyist. Further, the commission shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. For each principal represented by more than one lobbying firm, the division shall also aggregate the reporting-period compensation reported as provided or owed by the principal.

(f) The compensation and expenditure reporting statements shall be filed no later than 45 days after the end of each reporting period. The first report shall include the compensation and expenditures for the period from January 1 through June 30, and July 1 through December 31, respectively. *Reporting statements must be filed by electronic means as provided in s. 112.32155.*

~~(g) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.~~

(g)~~(h)~~ The commission shall provide by rule a procedure by which a lobbying firm or lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm or lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be $50 per day per report for each late day up to a maximum of $5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. *When the electronic receipt issued pursuant to s. 112.32155 is dated.* ~~When the report is postmarked.~~

~~c. When the certificate of mailing is dated.~~

~~d. When the receipt from an established courier company is dated.~~

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm or lobbyist the first time any reports for which the lobbying firm or lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm or lobbyist is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm or lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm or lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

6. The person designated to review the timeliness of reports shall notify the commission of the failure of a lobbying firm or lobbyist to file a report after notice or of the failure of a lobbying firm or lobbyist to pay the fine imposed.

7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the lobbying firm's or lobbyist's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

~~(i) The commission shall adopt a rule which allows reporting statements to be filed by electronic means, when feasible.~~

(h)~~(j)~~1. Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the commission. The right of inspection may be enforced in circuit court.

2. Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation.

Section 5. Effective August 1, 2006, section 112.32155, Florida Statutes, is created to read:

112.32155 Electronic filing of compensation and expenditure reports.—

(1) As used in this section, the term "electronic filing system" means an Internet system for recording and reporting lobbying compensation, expenditures, and other required information by reporting period.

(2) Each lobbying firm or lobbyist who is required to file reports with the Commission on Ethics pursuant to s. 112.3215 must file such reports with the commission by means of the electronic filing system.

(3) A report filed pursuant to this section must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in s. 112.3215. A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under s. 112.3215(5).

(4) Each report filed pursuant to this section is considered to be certified to the best of the filer's knowledge as accurate and complete by the lobbyist, the lobbying firm, or the designated lobbyist and principal, whichever is applicable. Persons given a secure sign-on to the electronic filing system are responsible for protecting it from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.

(5) The electronic filing system must:

(a) Be based on access by means of the Internet.

(b) Be accessible by anyone with Internet access using standard web-browsing software.

(c) Provide for direct entry of compensation-report and expenditure-report information as well as upload of such information from software authorized by the commission.

(d) Provide a method that prevents unauthorized access to electronic filing system functions.

(6) The commission shall provide by rule procedures to implement and administer this section, including, but not limited to:

(a) Alternate filing procedures in case the electronic filing system is not operable.

(b) The issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.

(7) The commission shall make all the data filed available on the Internet in an easily understood and accessible format. The Internet web site shall also include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, affiliations between lobbyists and principals.

Section 6. *The first compensation and expenditure reports subject to the amended reporting requirements in this act must be filed by August 14, 2006 and encompass the reporting period from January 1, 2006, through June 30, 2006.*

Section 7. Except as otherwise provided, this act shall take effect January 1, 2006.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the terms "compensation" and "lobbying firm"; amending definitions for the terms "lobbying", "expenditure", and "principal"; requiring each lobbying firm and principal to maintain certain records and documents for a specified period; specifying judicial jurisdiction for enforcing the right to inspect certain documents and records; modifying the aggregate reporting categories on lobbying expenditure reporting forms; requiring each lobbyist to report the general areas of the principal's legislative interest and specific issues lobbied; requiring each lobbying firm to file compensation reports for each reporting period; requiring certain lobbying firms to report the name and address of the principal originating lobbying work; providing for certification of compensation reports; requiring the Division of Legislative Information Services to aggregate certain compensation information; removing a provision relating to timely filed reports; prescribing procedures for determining late-filing fines for compensation reports; prescribing fines and penalties for compensation-reporting violations; providing exceptions; prohibiting lobbying expenditures, except for certain food and beverages and novelty items; prohibiting principals from providing lobbying compensation to any individual or business entity other than a lobbying firm; providing for the Legislature to adopt rules to maintain and make publicly available all advisory opinions and reports relating to lobbying firms, to conform; providing for the Legislature to adopt rules authorizing legislative committees to investigate certain persons and entities engaged in legislative lobbying; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists and lobbying firms filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be certified as accurate and complete; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to certain data; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report as required; defining the terms "compensation" and "lobbying firm"; amending definitions for the terms "expenditure", "lobbies", and "principal"; modifying the aggregate reporting categories on lobbying expenditure reporting forms; requiring each lobbyist to report the general areas of the principal's lobbying interest and specific issues lobbied; requiring each lobbying firm to file compensation reports for each reporting period; requiring certain lobbying firms to report the name and address of the principal originating lobbying work; providing for certification of compensation reports; requiring the Florida Commission on Ethics to aggregate certain compensation information; authorizing the commission to adopt procedural rules for determining late-filing fines for compensation reports; prescribing fines and penalties for compensation-reporting violations; providing exceptions; requiring each lobbying firm and principal to maintain certain records and documents for a specified period; specifying judicial jurisdiction for enforcing the right of inspection; prohibiting lobbying expenditures, except for certain food and beverages and novelty items; prohibiting principals from providing lobbying compensation to any individual or business entity other than a lobbying firm; providing penalties; providing for public access to certain records; authorizing the commission to adopt administration rules and forms relating to compensation reporting; requiring compensation and expenditure reports to be filed electronically; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists and lobbying firms filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be certified as accurate and complete; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to certain data; specifying the initial reporting period that is subject to the requirements of the act; providing effective dates.

WHEREAS, restoring the public's trust in government is a top priority of the Florida Legislature, and

WHEREAS, it is a fundamental right for people to redress their government for grievances, and

WHEREAS, in many cases, lobbyists assist people in the exercise of this fundamental right, and

WHEREAS, lobbyists can add value to the system by introducing informed perspectives and alternative points of view, and

WHEREAS, despite the value added by such lobbyists, the public's confidence has been shaken by a perceived culture of improper influence promulgated in Tallahassee and elsewhere in the State by lobbyists representing powerful special interests, and

WHEREAS, that public perception is grounded in lobbyist advocacy that is cloaked in secrecy and conducted out of the sunshine, and

WHEREAS, Floridians have a right to know what the Legislature and executive agencies are doing and with whom, so that they can gauge the influence and the role of special interests in the development and implementation of public policy, and

WHEREAS, the Florida Legislature believes that fuller, fairer, and more open disclosure will help restore the public trust in government, and

WHEREAS, the Florida Legislature has fashioned a narrowly-tailored system for furthering the State's compelling governmental interest in regulating lobbying before the Florida Legislature and administrative agencies, employing the least intrusive means available, NOW, THEREFORE,

On motion by Senator Sebesta, the Senate refused to concur in the House amendment to **CS for SB 2646** and the House was requested to recede. The action of the Senate was certified to the House.

BILLS ON THIRD READING, continued

HJR 1723—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution to require that any proposed amendment to or revision of the State Constitution be approved by at least 60 percent of the electors voting on the measure.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 5 of Article XI of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2006:

ARTICLE XI

AMENDMENTS

Section 1. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) A proposed amendment or revision of this constitution, or any part of it, by initiative shall be submitted to the electors at the general election provided the initiative petition is filed with the custodian of state records no later than February 1 of the year in which the general election is held.

(c) The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment proposed by initiative pursuant to section 3.

(d) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(e) *Unless otherwise specifically provided for elsewhere in this constitution,* if the proposed amendment or revision is approved by vote of *at least sixty percent of* the electors *voting on the measure*, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

BE IT FURTHER RESOLVED that the title and substance of the amendment proposed herein shall appear on the ballot as follows:

REQUIRING BROADER PUBLIC SUPPORT FOR

CONSTITUTIONAL AMENDMENTS OR REVISIONS

Proposes an amendment to Section 5 of Article XI of the State Constitution to require that any proposed amendment to or revision of the State Constitution, whether proposed by the Legislature, by initiative, or by any other method, must be approved by at least 60 percent of the voters of the state voting on the measure, rather than by a simple majority. This proposed amendment would not change the current requirement that a proposed constitutional amendment imposing a new state tax or fee be approved by at least 2/3 of the voters of the state voting in the election in which such an amendment is considered.

—was read the third time in full.

On motion by Senator King, **HJR 1723** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Peaden
Alexander	Diaz de la Portilla	Posey
Argenziano	Dockery	Pruitt
Aronberg	Fasano	Rich
Atwater	Garcia	Saunders
Baker	Geller	Sebesta
Bennett	Haridopolos	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wise
Constantine	Lynn	
Crist	Margolis	

Nays—3

Hill	Miller	Wilson

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

CS for CS for CS for SB 1174—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.2415, F.S.; requiring the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation to maintain certain records regarding injuries and the disposition of greyhounds that race in this state; providing guidelines and requirements for injury and disposition report forms; providing for the adoption of rules; providing penalties; creating ch. 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by a local referendum; providing definitions; providing powers and duties of the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; clarifying the authority of local law enforcement agencies; providing for licensure to conduct slot machine gaming; providing for slot machine licensure renewal; providing for a license fee, machine fee, and tax rate; providing for a local supplemental tax; requiring occupational licenses and application fees; prohibiting certain business relationships; prohibiting certain acts and providing penalties; providing an exception to prohibitions relating to slot machines; providing for the exclusion of certain persons from facilities; prohibiting minors under 21 years of age from playing slot machines; designating slot machine gaming areas; prohibiting automated teller machines on the property of a slot machine licensee; providing for days and hours of operation; providing penalties; providing a compulsive gambling treatment program; providing for a fee; providing for a caterer's license; providing for rulemaking; providing for the conduct of a referendum election for slot machines; providing for elections for ratification of slot machine licensing; authorizing additional positions and providing appropriations; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 1174** to **HB 1901**.

Pending further consideration of **CS for CS for CS for SB 1174** as amended, on motion by Senator Jones, by two-thirds vote **HB 1901** was withdrawn from the Committees on Regulated Industries; Judiciary; and Ways and Means.

On motion by Senator Jones, the rules were waived and—

HB 1901—A bill to be entitled An act relating to pari-mutuel wagering; creating the Keep the Promise Act of 2005 to implement s. 23, Art. X of the State Constitution; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; amending s. 20.165, F.S.; establishing a Division of Slot Machines in the Department of Business and Professional Regulation; amending s. 550.5251, F.S.; revising licensing and permit requirements relating to required operating days for certain thoroughbred racing permitholders; revising timeframe for application of certain requirements; deleting requirement that certain thoroughbred permitholders operate the full number of days; providing for validity of certain permits; creating chapter 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by local referendum; providing for administration and regulation by the Division of Slot Machines of the Department of Business and Professional Regulation; providing definitions; providing legislative intent; providing powers and duties of the division; providing for construction of such provisions; directing the division to adopt rules necessary to implement, administer, and regulate slot machine gaming; requiring such rules to include application procedures, certain technical requirements, procedures relating to revenue, certain regulation and management and auditing procedures, certain bond requirements, and requirements for record maintenance, and payouts; providing for investigations by the division, the Department of Law Enforcement, and local law enforcement; providing for the investigation of violations in conjunction with other agencies; providing specified law enforcement powers to the division; providing for access to slot machine licensee facilities by the division, the Department of Law Enforcement, or local law enforcement; authorizing the division, the Department of Law Enforcement, or local law enforcement to make certain inspections and examinations; authorizing the division to collect certain monies and deny, revoke, suspend, or place conditions on the license under certain circumstances; providing for suspension or revocation of the license of an unqualified applicant or licensee; authorizing the division to adopt emergency rules for the regulation of slot machine gaming; providing for licensure to conduct slot machine gaming; prohibiting the division from accepting applications or issuing slot machine licenses prior to adoption of rules; providing for application for licensure; providing conditions for conducting slot machine gaming; providing requirements for receiving and maintaining a license which include compliance with slot machine regulations and regulations relating to pari-mutuel wagering, maintaining the pari-mutuel permit and license, conducting a certain number of live races or games, allowing access by the division, and submission of security plans; requiring prior approval by the division of certain changes in ownership of slot machine licenses; requiring notice to the division of certain changes in ownership; requiring permitholders to submit certain information and certification relating to games to the division and the Department of Law Enforcement; requiring review and approval of games by division; requiring a slot machine licensee to submit internal control procedures to the division for review and approval; authorizing the amendment of a pari-mutuel license within a specified time; providing for a reduction in the required number of live races or games under certain circumstances; prohibiting transfer of a license; providing a limit on the number of slot machines at a facility; requiring slot machine licensees to maintain certain reports for submission to the

division; providing for an audit by an independent certified public accountant of the receipt and distribution of slot machine revenues; providing for annual renewal of the license; providing for a renewal application and procedures for approval; requiring corporate slot machine licensees to apply for and be issued a certificate of status; specifying the payment of state and local taxes as a condition for a slot machine license; requiring certification by the Department of Revenue of the payment of certain state and local taxes by a slot machine licensee; directing the division to revoke, suspend, or refuse to renew the license for failure to pay such taxes; requiring the slot machine licensee pay to the division an initial and annual license fee; providing for deposit of the fee into the Slot Machine Administrative Trust Fund for certain purposes; requiring the division to evaluate the license fee and make recommendations to the Legislature; providing for a tax on slot machine revenues to be deposited into the Educational Enhancement Trust Fund; requiring that slot machine taxes shall be used to supplement and not supplant public education dollars; requiring tax proceeds be first used to fund a grant program for laptop computers for certain students; directing the State Board of Education to adopt rules to implement such program; providing payment procedures; providing penalties for failure to make payments; providing for submission of funds by electronic funds transfer; providing for general, professional, and business occupational licenses; prohibiting transfer of such licenses; prohibiting a slot machine licensee from employing or doing business with persons or businesses unless such person or business is properly licensed; requiring occupational licensees to display identification cards under certain circumstances; providing for application forms, fees, and procedures; authorizing the division to adopt rules relating to applications, licensure, and renewal of licensure and fees therefor; requiring slot machine licensee to pay licensure fees of general occupational licensees; providing for reciprocal disciplinary actions with other jurisdictions; providing for disciplinary actions against a licensee for certain violations of regulations or laws; requiring fingerprints and criminal records checks of applicants or licensees; requiring certain costs of the records check be borne by the applicant or licensee; requiring licensees to provide equipment for electronic submission of fingerprints; authorizing the retention of fingerprints for the purposes of entering fingerprints into the statewide automated fingerprint identification system by a certain date; requiring licensees to inform the division of conviction of disqualifying criminal offenses; requiring certain racetracks and frontons to pay an annual fee; authorizing the Department of Law Enforcement to adopt rules relating to fingerprinting costs and procedures; requiring periodic additional criminal history checks for purposes of screening following issuance of a license; providing for distribution of funds into the Slot Machine Administrative Trust Fund; prohibiting certain relationships between employees of the division or board and licensees of the division; prohibiting division employees and occupational licensees and certain of their relatives from wagering on slot machines at certain facilities; prohibiting contracts that provide for revenue sharing between a manufacturer or distributor and slot machine licensees; prohibiting ownership or financial interests in slot machine licensees by certain manufacturers or distributors; prohibiting licensees or any entity conducting business on or within a licensed slot operation from employing employees of certain law enforcement or regulatory agencies; prohibiting certain false statements, exclusion of revenue for certain purposes, cheating, and theft of proceeds; providing penalties; providing for arrest and recovery; limiting liability for arrest and detention; providing penalties for resisting recovery efforts; authorizing manufacture, sale, distribution, possession, and operation of slot machines under certain circumstances; authorizing the division to exclude any person from licensed facilities under certain circumstances; directing the division to require certain signage in designated gaming areas and require certain equipment or facilities relating to races or games within the gaming area; requiring permitholder to provide office space; prohibiting a licensee and employees and agents of the licensee from allowing a person under a certain age to operate slot machines or to have access to the gaming area; prohibiting complimentary alcoholic beverages, loans or credit, acceptance or cashing of third-party checks, and automatic teller machines; authorizing the suspension of play of slot machines by the division or the Department of Law Enforcement for suspicion of tampering or manipulation; limiting linkage of operating systems; prohibiting certain player enticements; providing for the hours of operation of slot machines; providing that the slot machine licensee is eligible for a caterer license under specified provisions; requiring the slot machine licensee maintain certain purchasing and hiring policies, use a certain job listing service provided by the Agency for Workforce Innovation, and implement certain equal employment opportunities; providing penalties for certain violations by a licensee; providing for deposit of fines collected; creating the State Slot Machine Gaming Board within the division; providing that the board is not a state entity; providing for public meetings and records of the board; providing for offices and personnel of the board; requiring the board comply with specified ethics provisions; providing for expenditures of state funds derived from regulatory fees; requiring the division provide administrative support for the board; providing purpose of the board; providing for membership of the board; providing for appointment and confirmation and terms of members; requiring financial disclosure; prohibiting interests in any slot machine licensee or the gambling industry; providing that members are state officers for specified purposes; authorizing per diem and travel expenses; providing for removal of members; providing for organization and meetings of the board; providing powers and duties of the board; authorizing the board to receive certain information and testimony; providing for evaluations, recommendations, and reports; directing the division to provide the board with certain proposed rules for review and response; requiring the board to prepare an annual report to be submitted to the Governor and Legislature; providing for content of the report; directing the Office of Program Policy Analysis and Government Accountability to conduct an annual performance audit of the board, the division, and slot machine licensees; providing for content of the audit; directing that office to submit the audit's findings and recommendations to the Governor and the Legislature; requiring the chief law enforcement officer of certain counties and municipalities to annually execute and transmit to the board an affidavit relating to certain funding; requiring the governing body of certain counties and municipalities and tourist development councils to annually adopt and transmit to the board a resolution relating to the operations of slot machine gaming; authorizing other governing bodies to transmit such a resolution to the board; authorizing the division to contract for a compulsive gambling treatment and prevention program; amending s. 849.15, F.S.; providing for transportation of certain gaming devices in accordance with federal law; amending s. 895.02, F.S.; providing that specified violations related to slot machine gaming constitute racketeering activity; providing that certain debt incurred in violation of specified provisions relating to slot machine gaming constitutes unlawful debt; preempting slot machine regulation to the state; providing for referenda deauthorizing slot machine operations as an undue burden; authorizing referenda declaring slot machine operations an undue burden; requiring a petition for a referendum; providing for ratification of tribal-state compacts by the Legislature; directing the Department of Transportation to conduct a study on the access roads to pari-mutuel facilities and Indian reservation lands where gaming activities occur; providing for content of the study; requiring a report to the Governor and the Legislature; providing appropriations for the Department of Business and Professional Regulation, the Department of Law Enforcement, and the Office of the State Attorney to carry out the provisions of the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1174** as amended and read the second time by title.

Senators Jones, Geller and Posey offered the following amendment which was moved by Senator Jones:

Amendment 1 (873066)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective July 1, 2005, subsection (6) of section 550.2415, Florida Statutes, is amended to read:

550.2415 Racing of animals under certain conditions prohibited; penalties; exceptions.—

(6)(a) It is the intent of the Legislature that animals that participate in races in this state on which pari-mutuel wagering is conducted and animals that are bred and trained in this state for racing be treated humanely, both on and off racetracks, throughout the lives of the animals.

(b) The division shall, by rule, establish the procedures for euthanizing greyhounds. However, a greyhound may not be put to death by any means other than by lethal injection of the drug sodium pentobarbital. A greyhound may not be removed from this state for the purpose of being destroyed.

(c) It is a violation of this chapter for an occupational licensee to train a greyhound using live or dead animals. A greyhound may not be taken from this state for the purpose of being trained through the use of live or dead animals.

(d) A conviction of cruelty to animals pursuant to s. 828.12 involving a racing animal constitutes a violation of this chapter.

(e) The division shall maintain accurate records and statistics regarding injuries incurred by greyhounds that race in this state. The division shall adopt rules requiring the reporting of injuries incurred by greyhounds while racing in this state, including schooling races. Such reports must include:

1. The greyhound's registered name and right and left ear tattoo numbers.

2. The name, business address, and telephone number of the greyhound owner, trainer, and kennel operator.

3. The color, weight, and sex of the greyhound.

4. The specific type of injury, the cause of the injury, the estimated recovery time, and the location of the injury on the greyhound.

5. Where the injury occurred, whether on a racing track or in another area.

6. If the injury occurred while the greyhound was racing, the racetrack where the injury occurred; the distance, grade, race, and post position when the injury occurred; and the weather conditions, time, temperature, and track condition at the time of the injury.

7. A certification by the racetrack veterinarian that the form is correct.

(f) The division shall maintain accurate records and statistics regarding the disposition of greyhounds that participate in racing in this state. The division shall adopt rules requiring the reporting of the disposition of greyhounds that race in this state, including schooling races. As used in the reporting requirement, the term "disposition" means death, transfer to another jurisdiction, retirement, adoption, sale, or donation for medical research or another purpose. Such reports must include:

1. The greyhound's registered name and right and left ear tattoo numbers; the name, business address, and telephone number of the greyhound owner, trainer, and kennel operator; and the name and address of the race track where the greyhound last raced prior to disposition.

2. If the greyhound was transferred to another track, the name and address of the track that received the greyhound and the name, business address, telephone number, and driver's license number and state of issuance of the person who received the greyhound on behalf of that track.

3. If the greyhound was retired for breeding, the name and address of the facility that received the greyhound and the name, business address, telephone number, and driver's license number and state of issuance of the person who received the greyhound on behalf of that facility.

4. If the greyhound was adopted or placed for adoption, the name and address of the person that received the greyhound and, if applicable, the name, business address, telephone number, and driver's license number and state of issuance of the person who received the greyhound on behalf of the adoption facility.

5. If the greyhound was euthanized, the name, address, professional title, professional affiliation of the person performing the euthanasia, method of euthanasia, and reason the greyhound was euthanized rather than adopted.

6. If the greyhound was sold or donated, the name of the person to whom the greyhound was sold or donated, and if donated, the name, business address, telephone number, and driver's license number and state of issuance of the person who received the greyhound on behalf of the donee.

7. If the disposition of the greyhound does not fit into any of the above categories, the name of the person to whom the greyhound was transferred, and the name, business address, telephone number, and driver's license number and state of issuance of the person who received the greyhound.

8. Certification by the owner, trainer, and kennel operator that the disposition forms are correct.

(g) The division shall maintain injury and disposition records for 7 years.

(h) In addition to other penalties imposed by law, a person who knowingly makes a false statement on an injury or disposition form commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who knowingly makes a false statement on an injury or disposition form on a second or subsequent occasion commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Chapter 551, Florida Statutes, consisting of sections 551.101, 551.102, 551.103, 551.104, 551.105, 551.106, 551.107, 551.108, 551.109, 551.110, 551.111, 551.112, 551.113, 551.114, 551.116, 551.117, 551.118, 551.119, 551.120, and 551.121, is created to read:

CHAPTER 551

SLOT MACHINES

551.101 Slot machine gaming authorized.—Any existing, licensed pari-mutuel facility located in Miami-Dade County or Broward County at the time of adoption of s. 23, Art. X of the State Constitution which has conducted live racing or games during calendar years 2002 and 2003 may possess slot machines and conduct slot machine gaming at the location where the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder's valid pari-mutuel permit provided a majority of voters in a countywide referendum have approved the possession of slot machines at such facility in the respective county. Notwithstanding any other provision of law, it is not a crime for a person to participate in slot machine gaming at a pari-mutuel facility licensed to possess and conduct slot machine gaming or to participate in slot machine gaming described in this chapter.

551.102 Definitions.—As used in this chapter, the term:

(1) "Central control computer" means a central site computer controlled and accessible by the division to which all slot machines at a gaming facility communicate for the purposes of auditing capacity; real-time information retrieval of the details of any financial event that occurs in the operation of a slot machine, including, but not limited to, coin in, coin out, ticket in, ticket out, jackpots, machine door openings and power failure; daily collection of taxes, and remote machine activation and disabling of slot machines.

(2) "Designated slot machine gaming area" means the areas of an eligible facility, which may include any addition, alteration, or new structure located on the premises described in the pari-mutuel permit issued by the division for the conduct of pari-mutuel wagering, in which slot machine gaming may be conducted in accordance with the provisions of this chapter.

(3) "Distributor" means any person that sells, leases, or offers, or otherwise provides, distributes, or services, any slot machine or associated equipment for use or play of slot machines in this state. A manufacturer may be a distributor within the state.

(4) "Division" means the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation.

(5) "Eligible facility" means any existing licensed pari-mutuel facility located in Miami-Dade County or Broward County at the time of adoption of s. 23, Art. X of the State Constitution which has conducted live racing or games during calendar years 2002 and 2003 and has been approved by a majority of voters in a countywide referendum to have slot machines at such facility in the respective county.

(6) "Independent testing laboratory" means a laboratory of national reputation which is demonstrably competent and qualified to scientifically test and evaluate slot machines for compliance with this chapter and to otherwise perform the functions assigned to it in this chapter. An independent testing laboratory shall not be owned or controlled by a licensee. The use of an independent testing laboratory for any purpose related to the conduct of slot machine gaming by a licensee under this chapter shall be made from a list of one or more laboratories approved by the division.

(7) "Manufacturer" means any person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or otherwise

makes modifications to any slot machine or associated equipment for use or play of slot machines in this state for gaming purposes. A manufacturer may be a distributor within the state.

(8) "Progressive system" means a computerized system linking slot machines in one or more licensed facilities within this state and offering one or more common progressive payouts based on the amounts wagered.

(9) "Slot machine" means any mechanical or electrical contrivance, terminal, machine, or other device that, upon insertion of a coin, bill, ticket, token, or similar object or upon payment of any consideration whatsoever, including the use of any electronic payment system except a credit card or debit card, is available to play or operate, the play or operation of which, whether by reason of skill or application of the element of chance or both, may deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually. A slot machine:

(a) May use spinning reels or video displays or both.

(b) May or may not dispense coins, tickets, or tokens to winning patrons.

(c) May use an electronic credit system for receiving wagers and making payouts.

(d) May use a progressive system.

The term includes associated equipment necessary to conduct the operation of the contrivance, terminal, machine, or other device. A slot machine is not a "coin-operated amusement machine" as defined in s. 212.02(24), and slot machines are not subject to the tax imposed by s. 212.05(1)(h).

(10) "Slot machine license" means a license issued by the division authorizing an slot machine licensee to place and operate slot machines as required by the provisions of this chapter and the rules.

(11) "Slot machine licensee" means a pari-mutuel permitholder who holds a license issued by the division pursuant to this chapter which authorizes such person to possess a slot machine within facilities specified in s. 23, Art. X of the State Constitution and allows slot machine gaming.

(12) "Slot machine operator" means a person employed or contracted by the owner of an eligible facility to conduct slot machine gaming at that eligible facility.

(13) "Slot machine owner" means a person who holds a material interest in the slot machines.

(14) "Slot machine revenues" means the total of all cash and property received by the slot machine licensee from slot machine gaming operations less the amount of cash, cash equivalents, credits, and prizes paid to winners of slot machine gaming.

551.103 Powers and duties.—

(1) The division shall adopt, pursuant to the provisions of ss. 120.536(1) and 120.54, all rules necessary to implement, administer, and regulate slot machine gaming as authorized in this chapter. Such rules shall include:

(a) Procedures for applying for a license and renewal of a license.

(b) Procedures for establishing technical requirements in addition to the qualifications that are necessary to receive a slot machine license or slot machine occupational license.

(c) Procedures relating to slot machine revenues, including verifying and accounting for such revenues, auditing, and collecting taxes and fees consistent with this chapter.

(d) Procedures for regulating, managing, and auditing the operation, financial data, and program information relating to slot machines through the central control computer that shall allow the division and the Florida Department of Law Enforcement to audit the operation, financial data, and program information of a slot machine licensee, as required by the division or the Florida Department of Law Enforcement and shall provide the division and the Florida Department of Law Enforcement with the ability to monitor on a real-time basis at any time wagering patterns, payouts, tax collection, and compliance with any rules adopted by the division for the regulation and control of slot machines operated under this section. Such continuous and complete access on a real-time basis at any time shall include the ability to immediately suspend play on particular slot machines if monitoring of the computer operating system indicates possible tampering or manipulation of those slot machines or the entire operation if the tampering or manipulation is of the computer operating system itself.

(e) Procedures for requiring each licensee at his or her own cost and expense to supply the division with a bond having the penal sum not to exceed $2 million payable to the Governor and his or her successors in office for the licensee's first year of slot machine operations to cover incidental tax collections. Any bond shall be issued by a surety or sureties to be approved by the division and the Chief Financial Officer, conditioned to faithfully make the payments to the Chief Financial Officer in his or her capacity as treasurer of the division. The licensee shall be required to keep its books and records and make reports as provided in this chapter and to conduct its slot machine operations in conformity with this chapter and all other provisions of law. The division may review the bond for adequacy and require adjustments each fiscal year. Such bond shall be separate and distinct from the bond required in s. 550.125.

(f) Procedures for requiring licensees to maintain specified records and submit any data, information, record, or report, including financial and income records, required by this chapter or determined by the division to be necessary to the proper implementation and enforcement of this chapter.

(g) Procedures for requiring that the payout percentage of a slot machine shall be no less than 85 percent per facility.

(2) The division shall conduct such investigations as the division determines necessary to fulfill its responsibilities under the provisions of this chapter.

(3) The division, the Department of Law Enforcement, and local law enforcement agencies shall have concurrent jurisdiction to investigate criminal violations of this chapter and may investigate any other criminal violation of law occurring on the facilities of a slot machine licensee, and such investigations may be conducted in conjunction with the appropriate state attorney. The division and its employees and agents shall have such other law enforcement powers as specified in ss. 943.04 and 943.10.

(4)(a) The division, the Department of Law Enforcement, and local law enforcement agencies shall have unrestricted access to the slot machine licensee facility at all times and shall require of each slot machine licensee strict compliance with the laws of this state relating to the transaction of such business. The division, the Department of Law Enforcement, and local law enforcement agencies:

1. May inspect and examine premises where slot machines are offered for play.

2. May inspect slot machines and related equipment and supplies.

(b) In addition, the division:

1. May collect taxes, assessments, fees, and penalties.

2. May deny, revoke, suspend, or place conditions on the license of a person who violates any provision of this chapter or rule adopted pursuant thereto.

(5) The division shall revoke or suspend the license of any person who is no longer qualified or who is found, after receiving a license, to have been unqualified at the time of application for the license.

(6) Nothing in this section shall be construed to:

(a) Prohibit the Department of Law Enforcement or any law enforcement authority whose jurisdiction includes a slot machine licensee facility from conducting criminal investigations occurring on the facilities of the slot machine licensee;

(b) Restrict access to the slot machine licensee facility by the Department of Law Enforcement or any local law enforcement authority whose jurisdiction includes the slot machine licensee facility; or

(c) Restrict access to information and records necessary to the investigation of criminal activity that is contained within the slot machine licensee facility by the Department of Law Enforcement or local law enforcement authorities.

551.104 License to conduct slot machine gaming.—

(1) Upon application and a finding by the division after investigation that the application is complete and the applicant is qualified and payment of the initial license fee, the division shall issue a license to conduct slot machine gaming in the designated slot machine gaming area of the slot machine licensee's facility. Once licensed, slot machine gaming may be conducted subject to the requirements of this chapter and rules adopted pursuant thereto.

(2) An application may be approved by the division only after the voters of the county where the applicant's facility is located have authorized by referendum slot machines within pari-mutuel facilities in that county as specified in s. 23, Art. X of the State Constitution.

(3) A slot machine license may be issued only to a licensed pari-mutuel permitholder, and slot machine gaming may be conducted only at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities.

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(a) Continue to be in compliance with this chapter.

(b) Continue to be in compliance with chapter 550, where applicable, and maintain the pari-mutuel permit and license in good standing pursuant to the provisions of chapter 550. Notwithstanding any contrary provision of law and in order to expedite the operation of slot machines at eligible facilities, any eligible facility shall be entitled within 60 days after the effective date of this act to amend its 2005-2006 license issued by the Division of Pari-mutuel Wagering and shall be granted the requested changes in its authorized performances pursuant to such amendment. The Division of Pari-mutuel Wagering shall issue a new license to the eligible facility to effectuate an amendment.

(c) Conduct no less than the greater number of live races or games which were conducted at that pari-mutuel facility in calendar year 2002 or calendar year 2003. However, a permitholder's failure to conduct such number of live races or games in any year shall be reduced by the number of such races or games which cannot be conducted due to the direct result of fire, war, or other disaster or event beyond the ability of the permitholder to control.

(d)1. Upon approval of any changes relating to the pari-mutuel permit by the division, be responsible for providing appropriate current and accurate documentation on a timely basis to the division in order to continue the slot machine license in good standing.

2. Changes in ownership or interest of a slot machine gaming license of 5 percent or more of the stock or other evidence of ownership or equity in the slot machine license or any parent corporation or other business entity that in any way owns or controls the slot machine license shall be approved by the division prior to such change, unless the owner is an existing holder of that license who was previously approved by the division. Changes in ownership or interest of a slot machine license of less than 5 percent shall be reported to the division within 20 days after the change. The division may then conduct an investigation to ensure that the license is properly updated to show the change in ownership or interest. No reporting is required if the person is holding five percent or less equity or securities of a corporate owner of the slot machine licensee which has its securities registered pursuant to s. 12 of the security exchange act of 1934, 15. U.S.C. ss. 78a-78kk, and if such corporation or entity files with the United States Securities and Exchange Commission the reports required by s. 13 of that act or if the securities of the corporation or entity are regularly traded on an established securities market in the United States.

(e) Allow unrestricted access and right of inspection by the division to facilities of a slot machine licensee in which any activity relative to the conduct of slot machine gaming is conducted.

(f) Submit a security plan, including a slot machine floor plan, location of security cameras, and the listing of security equipment that is capable of observing and electronically recording activities being conducted in the designated slot machine gaming area.

(g) The slot machine licensee shall create and file with the division a written policy for:

1. Creating opportunities to purchase from vendors in this state;

2. Creating opportunities to purchase from minority vendors;

3. Creating opportunities for employment of residents of this state;

4. Creating opportunities for employment of minorities; and

5. Ensuring that opportunities for employment are offered on an equal non-discriminatory basis.

The slot machine licensee shall use the internet-based job listing system of the Agency for Workforce Innovation in advertising employment opportunities.

(5) A slot machine license is not transferable.

(6) A slot machine licensee shall keep and maintain permanent daily records of its slot machine operation and shall maintain such records for a period of not less than 5 years. These records shall include all financial transactions and contain sufficient detail to determine compliance with the requirements of this section. All records shall be available for audit and inspection by the division, the Department of Law Enforcement, or other law enforcement agencies during the licensee's regular business hours. The information required in such records shall be determined by division rule.

(7) A slot machine licensee shall file with the division a report containing the required records of such slot machine operation. A slot machine licensee shall file such report monthly. The required reports shall be submitted on forms prescribed by the division and shall be due at the same time as the monthly pari-mutuel reports are due to the Division of Pari-mutuel Wagering, and the reports shall be deemed public records once filed.

(8) A slot machine licensee shall file with the division an audit of the receipt and distribution of all slot machine revenues provided by an independent certified public accountant verifying compliance with all statutes and regulations imposed by this chapter and the rules promulgated hereunder. The audit shall include verification of compliance with all statutes and regulations regarding all required records of slot machine operations. Such audit shall be filed within 60 days after the completion of the permitholder's pari-mutuel meet.

(9) The division may share any information with the Department of Law Enforcement or any other law enforcement agency having jurisdiction over slot machine gaming or pari-mutuel activities. Any law enforcement agency having jurisdiction over slot machine gaming or pari-mutuel activities may share any information obtained or developed by it with the division.

551.105 Slot machine license renewal.—

(1) Slot machine licenses shall be renewed annually. The application for renewal shall contain all revisions to the information submitted in the prior year's application which is necessary to maintain such information as both accurate and current.

(2) The applicant for renewal shall attest that any information changes do not affect the applicant's qualifications for license renewal.

(3) Upon determination by the division that the application for renewal is complete and qualifications have been met, including payment of the renewal fee, the slot machine license shall be renewed annually.

551.106 License fee; tax rate.—

(1) Upon approval of the application for a slot machine license, the licensee must pay to the division a license fee of $4 million. The license

fee shall be paid annually upon renewal of the slot machine license and shall be deposited into the Pari-mutuel Wagering Trust Fund in the Department of Business and Professional Regulation for the regulation of slot machine gaming under this chapter. These payments shall be accounted for separately for taxes or fees paid pursuant to the provisions of ch. 550.

(b) Prior to January 1, 2006, the division shall evaluate the license fee and shall make recommendations to the President of the Senate and the Speaker of the House of Representatives. The recommendations shall focus on the optimum level of slot machine license fees or a combination of fees in order to properly support the slot machine regulatory program.

(2) TAX ON SLOT MACHINE REVENUES.

(a) Within each fiscal year the tax rate on slot machine revenues on each facility shall be:

1. Thirty percent on revenue of $150 million or less;

2. Thirty-five percent on revenue greater than $150 million, but less than or equal to $300 million; and

3. Forty percent on all revenue greater than $300 million.

(b) The tax shall be collected on a daily basis and deposited into the Pari-Mutuel Wagering Trust Fund in the Department of Business and Professional Regulation for immediate transfer to the Educational Enhancement Trust Fund in the Department of Education. Any interest earnings on the tax revenues shall also be transferred to the Educational Enhancement Trust Fund.

(c) The division shall notify the eligible facility concerning the appropriate tax rate to apply to the slot machine revenues.

(3) PAYMENT PROCEDURES.—Tax payments shall be remitted daily, as determined by rule of the division. The slot machine licensee shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month which shall show all slot machine activities for the preceding calendar month and such other information as may be required by the division.

(4) FAILURE TO PAY TAX; PENALTIES.—A slot machine licensee who fails to make tax payments as required under this section is subject to an administrative penalty of up to $1,000 for each day the tax payment is not remitted. All administrative penalties imposed and collected shall be deposited into the Pari Mutuel Wagering Trust Fund in the Department of Business and Professional Regulation. If any slot machine licensee fails to pay penalties imposed by order of the division under this subsection, the division may suspend, revoke, or fail to renew the license of the slot machine licensee.

(5) FAILURE TO PAY TAX; GROUNDS TO SUSPEND, REVOKE, OR FAIL TO RENEW THE LICENSE.—In addition to the penalties imposed under subsection (4), any willful or wanton failure by a slot machine licensee to make payments of the tax constitutes sufficient grounds for the division to suspend, revoke, or fail to renew the license of the slot machine licensee.

(6) SUBMISSION OF FUNDS.—The division may require slot machine licensees to remit taxes, fees, fines, and assessments by electronic funds transfer.

551.107 Occupational license required; application; fee.—

(1) The individuals and entities that are licensed under this section require heightened state scrutiny, including the submission by the individual licensees or persons associated with the entities described in this chapter of fingerprints for a criminal records check.

(2)(a) The following licenses shall be issued to persons or entities having access to the designated slot machine gaming area or to persons who, by virtue of the position they hold, might be granted access to these areas or to any other person or entity in one of the following categories:

1. General occupational licenses for general employees, food service, maintenance, and other similar service and support employees having access to the designated slot machine gaming area. Service and support employees with a current pari-mutuel occupational license issued pursuant to chapter 550 and a current background check are not required to submit to an additional background check for a slot machine occupational license as long as the pari-mutuel occupational license remains in good standing.

2. Professional occupational licenses for any person, proprietorship, partnership, corporation, or other entity that is authorized by a slot machine licensee to manage, oversee, or otherwise control daily operations as a slot machine manager, floor supervisor, security personnel, or any other similar position of oversight of gaming operations.

3. Business occupational licenses for any slot machine management company or slot machine business associated with slot machine gaming or a person who manufactures, distributes, or sells slot machines, slot machine paraphernalia, or other associated equipment to slot machine licensees or any person not an employee of the slot machine licensee who provides maintenance, repair, or upgrades or otherwise services a slot machine or other slot machine equipment.

(b) Slot machine occupational licenses are not transferable.

(3) A slot machine licensee shall not employ or otherwise allow a person to work at a slot machine facility unless such person holds a valid occupational license. A slot machine licensee shall not contract or otherwise do business with a business required to hold a slot machine occupational license unless the business holds such a license. A slot machine licensee shall not employ or otherwise allow a person to work in a supervisory or management professional level at a slot machine facility unless such person holds a valid occupational license.

(4)(a) A person seeking a slot machine occupational license, or renewal thereof, shall make application on forms prescribed by the division and include payment of the appropriate application fee. Initial and renewal applications for slot machine occupational licenses shall contain all the information the division, by rule, may determine is required to ensure eligibility.

(b) The division shall establish, by rule, a schedule for the annual renewal of slot machine occupational licenses.

(c) Pursuant to rules adopted by the division, any person may apply for and, if qualified, be issued an occupational license valid for a period of 3 years upon payment of the full occupational license fee for each of the 3 years for which the license is issued. The occupational license shall be valid during its specified term at any slot machine facility where slot machine gaming is authorized to be conducted.

(d) The slot machine occupational license fee for initial application and annual renewal shall be determined by rule of the division but shall not exceed $50 for a general or professional occupational license for an employee of the slot machine licensee or $1,000 for a business occupational license for nonemployees of the licensee providing goods or services to the slot machine licensee. License fees for general occupational licensees shall be paid for by the slot machine licensee. Failure to pay the required fee shall be grounds for disciplinary action by the division against the slot machine licensee but shall not be considered a violation of this chapter or rules of the division by the general occupational licensee or a prohibition against the initial issuance or the renewal of the general occupational license.

(5) If the state gaming commission or other similar regulatory authority of another state or jurisdiction extends to the division reciprocal courtesy to maintain disciplinary control, the division may:

(a) Deny an application for or revoke, suspend, or place conditions or restrictions on a license of a person or entity who has been refused a license by any other state gaming commission or similar authority; or

(b) Deny an application for or suspend or place conditions on a license of any person or entity who is under suspension or has unpaid fines in another jurisdiction.

(6)(a) The division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the division governing the conduct of persons connected with slot machine gaming. In addition, the division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for such license has been convicted in this state, in any other state, or under the laws of the United States of a capital felony, a felony, or an offense in any other state which would be a felony

under the laws of this state involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; or a crime involving a lack of good moral character, or has had a slot machine gaming license revoked by this state or any other jurisdiction for an offense related to slot machine gaming.

(b) The division may deny, declare ineligible, or revoke any occupational license if the applicant for such license or the licensee has been convicted of a felony or misdemeanor in this state, in any other state, or under the laws of the United States, if such felony or misdemeanor is related to gambling or bookmaking as contemplated in s. 849.25.

(7) Fingerprints for all slot machine occupational license applications shall be taken in a manner approved by the division and shall be submitted to the Department of Law Enforcement and the Federal Bureau of Investigation for a level II criminal records check upon initial application and every 5 years thereafter. All persons as specified in s. 550.1815(1)(a), or employed by or working within a licensed premise, excluding division employees and law enforcement officers assigned by their employing agencies to work within the premises as part of their official duties, are required to not be convicted of any disqualifying criminal offenses as established by division rule. To facilitate the required review of criminal history information, each person listed in this subsection is required to submit fingerprints to the division. The division shall forward the fingerprints to the Department of Law Enforcement for state processing. The Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.

(a) Fingerprints shall be taken in a manner approved by the division and shall be submitted electronically to the Department of Law Enforcement and the Federal Bureau of Investigation for a criminal records check upon initial taking, or as required thereafter by rule of the division, and every 5 years thereafter. Licensees are required to provide necessary equipment approved by the Department of Law Enforcement to facilitate such electronic submission. The division may by rule require annual criminal history record checks of all persons required to submit to the fingerprint-based criminal records check. The division requirements under this subsection shall be instituted in consultation with the Department of Law Enforcement.

(b) The cost of processing fingerprints and conducting a records check shall be borne by the licensee or the person being checked. The Department of Law Enforcement may invoice the division for the fingerprints submitted each month.

(c) Beginning February 1, 2006, all fingerprints submitted to the Department of Law Enforcement and required by this section shall be retained by the Department of Law Enforcement in a manner provided by rule of the Department of Law Enforcement and entered into the statewide automated fingerprint identification system as authorized by s. 943.05(2)(b). Such fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprint cards entered into the statewide automated fingerprint identification system pursuant to s. 943.051.

(d) Beginning February 1, 2006, the Department of Law Enforcement shall search all arrest fingerprints received under s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under paragraph (c). Any arrest record that is identified with the retained fingerprints of a person subject to the criminal history screening requirements of this section shall be reported to the division. Each racetrack or fronton is required to participate in this search process by payment of an annual fee to the division which shall forward the payment to the Department of Law Enforcement. The division shall inform the Department of Law Enforcement of any change in the license status of licensees whose fingerprints are retained under subparagraph (c). The amount of the annual fee to be imposed upon each racetrack or fronton for performing these searches and the procedures for the retention of licensee fingerprints and the dissemination of search results shall be established by rule of the Department of Law Enforcement. The fee shall be borne by the person fingerprinted or the licensee.

(e) Every 5 years following issuance of a license or upon conducting a criminal history check as required herein, each person who is so licensed or who was so checked must meet the screening requirements as established by the division rule, at which time the division shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for a criminal records check. If, for any reason following initial licensure or criminal history check, the fingerprints of a person who is licensed or who was checked are not retained by the Department of Law Enforcement as provided in this section, the person must file a complete set of fingerprints with the division. Upon submission of fingerprints for this purpose, the division shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for a criminal records check, and the fingerprints shall be retained by the Department of Law Enforcement as authorized herein. The cost of the state and national criminal history check required herein shall be borne by the licensee or the person fingerprinted. Under penalty of perjury, each person who is licensed or who is checked as required by this section must agree to inform the division within 48 hours if he or she is convicted of any disqualifying offense while he or she is so licensed.

(8) All moneys collected pursuant to this section shall be deposited into the Pari-mutuel Wagering Trust Fund.

551.108 Prohibited relationships.—

(1) A person employed by or performing any function on behalf of the division shall not:

(a) Be an officer, director, owner, or employee of any person or entity licensed by the division.

(b) Have or hold any interest, direct or indirect, in or engage in any commerce or business relationship with any person licensed by the division.

(2) A manufacturer or distributor of slot machines shall not enter into any contract with a slot machine licensee which provides for any revenue sharing of any kind or nature which is, directly or indirectly, calculated on the basis of a percentage of slot machine revenues. Any maneuver, shift, or device whereby this provision is violated shall be a violation of this chapter and shall render any such agreement void.

(3) A manufacturer or distributor of slot machines or any equipment necessary for the operation of slot machines or an officer, director, or employee of any such manufacturer or distributor shall not have any ownership or financial interest in a slot machine license or in any business owned by the slot machine licensee.

(4) No licensee or any entity conducting business on or within a licensed slot operation shall employ any employee of a law enforcement or regulatory agency that has jurisdiction over the licensed premises in an off-duty or secondary employment capacity for work within any enclosure or area containing a slot machine or in any restricted area that supports slot machine operations that requires an occupational license to enter. If approved by the employee's primary employing agency, off-duty or secondary employment not prohibited by this section may be permitted.

551.109 Prohibited acts.—

(1) Except as otherwise provided by law and in addition to any other penalty, any person who intentionally makes or causes to be made or aids, assists, or procures another to make a false statement in any report, disclosure, application, or any other document required under this chapter or any rule adopted under this chapter is subject to an administrative fine or civil penalty of up to $10,000.

(2) Except as otherwise provided by law and in addition to any other penalty, any person who possesses a slot machine without the license required by this chapter or who possesses a slot machine at any location other than at the slot machine licensee facility is subject to an administrative fine or civil penalty of up to $10,000.

(3) Any person who intentionally excludes, or takes any action in an attempt to exclude, anything or its value from the deposit, counting, collection, or computation of revenues from slot machine activity or any person who by trick or sleight of hand performance, or by a fraud or fraudulent scheme, or device, for himself or herself or for another, wins or attempts to win money or property or a combination thereof or reduces a losing wager or attempts to reduce a losing wager in connection with slot machine gaming commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any person who, with intent to manipulate the outcome, payoff, or operation of a slot machine by physical tampering, or by use of any object,

instrument, or device, whether mechanical, electrical, magnetic, or involving other means, manipulates the outcome, payoff, or operation of a slot machine commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Theft of any slot machine proceeds or of property belonging to the slot machine operator or eligible facility by an employee of the operator or facility or by an employee of a person, firm, or entity that has contracted to provide services to the establishment constitutes a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(6)(a) Any law enforcement officer or slot machine operator who has probable cause to believe that a violation of subsections (3),(4), or (5) has been committed by a person and that the officer or operator can recover the lost proceeds from such activity by taking the person into custody may, for the purpose of attempting to effect such recovery or for prosecution, take the person into custody on the premises and detain the person in a reasonable manner and for a reasonable period of time. If the operator takes the person into custody, a law enforcement officer shall be called to the scene immediately. The taking into custody and detention by a law enforcement officer or slot machine operator, if done in compliance with this subsection, does not render such law enforcement officer or slot machine operator criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(b) Any law enforcement officer may arrest, either on or off the premises and without warrant, any person if there is probable cause to believe that person has violated subsections (3),(4), or (5).

(c) Any person who resists the reasonable effort of a law enforcement officer or slot machine operator to recover the lost slot machine proceeds that the law enforcement officer or slot machine operator had probable cause to believe had been stolen from the eligible facility, and who is subsequently found to be guilty of violating subsections (3),(4), or (5), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, unless such person did not know or did not have reason to know that the person seeking to recover the lost proceeds was a law enforcement officer or slot machine operator. For purposes of this section, the charge of theft and the charge of resisting apprehension may be tried concurrently.

(7) All penalties imposed and collected must be deposited into the Pari-mutuel Wagering Trust Fund in the department.

551.110 Legal devices.—Notwithstanding any provision of law to the contrary, no slot machine manufactured, sold, distributed, possessed, or operated according to the provisions of this chapter shall be considered unlawful.

551.111 Exclusions of certain persons.—

(1) In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the division may exclude any person from any facility of a slot machine licensee in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the division. The division may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state.

(2) This section shall not be construed to abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

(3) The division may authorize any person who has been ejected or excluded from a facility of a slot machine licensee in this state or another state to attend a facility of a slot machine licensee in this state upon a finding that the attendance of such person at a facility of a slot machine licensee would not be adverse to the public interest or to the integrity of the industry; however, this section shall not be construed to abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

551.112 Minors prohibited from playing slot machines.—

(1) A slot machine licensee or agent or employee of a slot machine licensee shall not:

(a) Allow a person who has not attained 21 years of age to play any slot machine.

(b) Allow a person who has not attained 21 years of age access to the designated slot machine gaming area of a facility of a slot machine licensee.

(c) Allow a person who has not attained 21 years of age to be employed in any position allowing or requiring access to the designated slot machine gaming area of a facility of a slot machine licensee.

(2) No person licensed under this chapter, or any agent or employee of a licensee under this chapter, shall intentionally allow a person who has not attained 21 years of age to play or operate a slot machine or have access to the designated slot machine area of a facility of a slot machine licensee.

(3) The eligible facility shall post clear and conspicuous signage within the designated slot machine gaming areas that states the following:

THE PLAYING OF SLOT MACHINES BY PERSONS UNDER THE AGE OF 21 IS AGAINST FLORIDA LAW (SECTION 551.112, FLORIDA STATUTES).

PROOF OF AGE MAY BE REQUIRED AT ANYTIME A PERSON IS WITHIN THIS AREA.

551.113 Designated slot machine gaming areas.—

(1) A slot machine licensee may make available for play slot machines within its designated slot machine gaming areas.

(2) A slot machine licensee shall not allow any automated teller machine or similar device designed to provide credit or dispense cash to be located on the property of the facilities of the slot machine licensee.

(3) A slot machine licensee shall not make any loan or provide credit or advance cash to enable a person to play a slot machine.

(4) The slot machine licensee shall display pari-mutuel races or games within the designated slot machine gaming areas and offer within the designated slot machine gaming areas the ability for patrons to engage in pari-mutuel wagering on live, intertrack, and simulcast races conducted or offered to patrons of the eligible facility.

(5) No complimentary alcoholic beverages shall be served to patrons within the designated slot machine gaming areas.

(6) The slot machine licensee shall offer training to employees on responsible gaming and shall work with the compulsive or addictive gambling prevention program to recognize problem gaming situations and to implement responsible gaming programs and practices.

(7) Each slot machine approved for use in this state shall be protected against manipulation or tampering to affect the random probabilities of winning plays, and the centralized computer management system shall enable the division or the Department of Law Enforcement to suspend play upon suspicion of any manipulation or tampering. When play has been suspended on any slot machine, the division or the Department of Law Enforcement may examine any slot machine to determine whether the machine has been tampered with or manipulated and whether the machine should be returned to operation.

(8) No outcome of play or continuation of play may be manipulated, through programming or otherwise, to display a result that appears to be a near win, gives the impression that the player is getting close to a win, or in any way gives a false impression that the chance to win is improved by another play; however, this subsection does not apply to general promotional enticements such as graphic displays and sound effects that do not falsely imply that the chance of winning improves by continued play.

(9) The division shall require the posting of signs in the designated slot machine gaming areas warning of the risks and dangers of gambling, showing the odds of winning, and informing patrons of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling.

(10) The division shall establish standards of approval for the physical layout and construction of any facility or building devoted to slot

machine operations. The standards shall require that the slot machine gaming area be connected to and contiguous within the operation of the live gaming facility. It is the intent of the Legislature that each facility:

(a) Possess superior consumer amenities and conveniences to encourage and attract the patronage of tourists and other visitors from across the region, state, and nation.

(b) Have adequate motor vehicle parking facilities to satisfy patron requirements.

(c) Have a physical layout and location that facilitates access to the pari-mutuel portion of the facility.

(11) The permitholder shall provide adequate office space at no cost to the division and the Department of Law Enforcement for the oversight of slot machines operations. The division shall adopt rules setting the criteria for adequate space, configuration, and location and needed electronic and technological requirements for office space required by this subsection.

551.114 Days and hours of operation.—Slot machine gaming areas may be open 365 days a year. The slot machine gaming areas may be open for a maximum of 16 hours per day.

551.116 Penalties.—The division may revoke or suspend any license issued under this chapter upon the willful violation by the licensee of any provision of this chapter or of any rule adopted under this chapter. In lieu of suspending or revoking a license, the division may impose a civil penalty against the licensee for a violation of this chapter or any rule adopted by the division. Except as otherwise provided in this chapter, the penalty so imposed may not exceed $1,000 for each count or separate offense. All penalties imposed and collected must be deposited into the Pari-mutuel Wagering Trust Fund in the department.

551.117 Compulsive or addictive gambling prevention program.—The division may, subject to competitive bidding, contract for provision of services related to the prevention of compulsive and addictive gambling. The terms of any contract for the provision of such services shall include accountability standards that must be met by any private provider. The failure of any private provider to meet any material terms of the contract, including the accountability standards, shall constitute a breach of contract or grounds for nonrenewal. The division may consult with the Department of the Lottery in the development of the program and the development and analysis of any procurement for contractual services for the compulsive or addictive gambling prevention program. The compulsive or addictive gambling prevention program shall be funded from the annual nonrefundable regulatory fee provided for in s. 551.106.

551.118 Catering license.—A slot machine licensee is entitled to a caterer's license pursuant to s. 565.02 on days in which the pari-mutuel facility is open to the public for slot machine game play as authorized by this chapter.

551.119 Rulemaking.—

(1) The division may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

(2) In order to expedite the licensing requirements of this chapter, the division may adopt emergency rules pursuant to s. 120.54. The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to benefit the public. The Legislature further finds that the unique nature of legalized gambling requires, from time to time, that the division respond as quickly as is practicable to changes in the marketplace and changes in technology that may affect legalized gambling conducted at pari-mutuel facilities in this state. Therefore, in adopting such emergency rules, the division need not make the findings required by s. 120.54(4)(a).

551.120 Conduct of referendum election for slot machines.—

(1) Any person who possesses the qualifications prescribed by s. 23, Art. X, State Constitution may, apply to the division for a license to conduct slot machine operations under this chapter. Applications for a license to conduct slot machine operations shall be subject to the provisions of this chapter. Such license does not authorize any operation of slot machines until approved by the majority of electors participating in a referendum election in the county approving the conduct of slot machine activities.

(2) Each referendum held under the provisions of this section shall be held in accordance with the provisions of chapter 97-106, except as otherwise provided in this chapter. The expense of such referendum shall be borne equally by all eligible facilities. For purposes of this section, the expense of conducting a referendum is the incremental expense in excess of routine operating expenses that are incurred by the governing body, the supervisor of elections, and other essential governmental entities in conducting the election.

551.121 Elections for ratification of slot machine licenses.—

(1) The question as to whether slot machine operations shall be approved or rejected pursuant to s. 23, Art. X, State Constitution shall be submitted to the electors for approval or rejection at a special, primary, or general election. Any eligible facility may present a written application to the governing body of the county that requests a referendum election in that county pursuant to s. 551.120 and this section. Within 30 days of receipt of the application the governing body shall order a special referendum election. Set election shall be scheduled for no sooner than 21 days nor more than 90 days from the date on which it is ordered. Provided, the referendum election will be held in conjunction with the primary election if the application is received within not more than 90 nor less than 60 days of such election or in conjunction with the general election if the application is received not more than 90 nor less than 60 days prior to that election. The governing body shall give notice of the referendum election by publishing notice once each week for 2 consecutive weeks in one or more newspapers of general circulation in the county.

(2)(a) If the majority of the electors voting on the questions of ratification or rejection of the slot machine operations vote for such ratification, slot machine operations shall become effective immediately, and the eligible facility thereof may conduct slot machine operations upon complying with the other provisions of this chapter. If the majority of electors voting on the question of ratification or rejection of any slot machine operations ratify the slot machine operations, such eligible facility shall be eligible for licensing, and the licensee shall pay to the division within 10 days the license fee set out in this chapter.

(b) If the majority of electors voting on the question of ratification or rejection of any slot machine operations reject the ratification of the slot machine operations, such eligible facility shall not be entitled to conduct slot machine operations. The governing board of the county shall immediately certify the results of the election to the division.

Section 3. *Office of Program Policy Analysis and Government Accountability; Program Evaluation.—*

(a) Before January 1, 2008, and annually thereafter, the Office of Program Policy Analysis and Government Accountability shall conduct a performance audit of the division, and slot machine licensees relating to the provisions of this chapter. The audit shall assess the implementation and outcomes of activities under this chapter. At a minimum, the audit shall address:

1. Performance of the slot machine licensees in operating slot machine gaming and complying with the rules under this chapter.

2. Economic activity generated through slot machine operations by the slot machine licensees.

3. The expenditure of slot machine taxes and whether these expenditures supplemented or supplanted public eduction dollars.

(b) A report of each audit's findings and recommendations shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 4. Section 849.15, Florida Statutes, is amended to read:

849.15 Manufacture, sale, possession, etc., of coin-operated devices prohibited.—

(1) It is unlawful:

(a)~~(1)~~ To manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to

offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of, or for any person to permit to be placed, maintained, or used or kept in any room, space, or building owned, leased or occupied by the person or under the person's management or control, any slot machine or device or any part thereof; or

(b)~~(2)~~ To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value.

(2) Pursuant to section 2 of that certain chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce", approved January 2, 1951, being c. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. 1171-1177, the State of Florida, acting by and through its duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida, within which slot machine gaming is authorized pursuant to chapter 551 is exempt from the provisions of section 2 of that certain chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce", designated U.S.C. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551, the registering, recording, and labeling of which have been duly done by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that certain chapter of the Congress of the United States entitled, "An act to prohibit transportation of gaming devices in interstate and foreign commerce", approved January 2, 1951, being c. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. 1171-1177, shall be deemed legal shipments thereof into any such county provided the destination of such shipments is to a eligible facility as defined s. 551.102.

Section 5. Subsections (1) and (2) of section 895.02, Florida Statutes, are amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 403.727(3)(b), relating to environmental control.

3. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

4. Section 414.39, relating to public assistance fraud.

5. Section 440.105 or s. 440.106, relating to workers' compensation.

6. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

7. Sections 499.0051, 499.0052, 499.00535, 499.00545, and 499.0691, relating to crimes involving contraband and adulterated drugs.

8. Part IV of chapter 501, relating to telemarketing.

9. Chapter 517, relating to sale of securities and investor protection.

10. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.

11. Chapter 550, relating to jai alai frontons.

12. Section 551.109, relating to slot machine gaming.

13.~~12.~~ Chapter 552, relating to the manufacture, distribution, and use of explosives.

14.~~13.~~ Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

15.~~14.~~ Chapter 562, relating to beverage law enforcement.

16.~~15.~~ Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

17.~~16.~~ Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

18.~~17.~~ Chapter 687, relating to interest and usurious practices.

19.~~18.~~ Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

20.~~19.~~ Chapter 782, relating to homicide.

21.~~20.~~ Chapter 784, relating to assault and battery.

22.~~21.~~ Chapter 787, relating to kidnapping.

23.~~22.~~ Chapter 790, relating to weapons and firearms.

24.~~23.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.

25.~~24.~~ Chapter 806, relating to arson.

26.~~25.~~ Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

27.~~26.~~ Chapter 812, relating to theft, robbery, and related crimes.

28.~~27.~~ Chapter 815, relating to computer-related crimes.

29.~~28.~~ Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

30.~~29.~~ Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

31.~~30.~~ Section 827.071, relating to commercial sexual exploitation of children.

32.~~31.~~ Chapter 831, relating to forgery and counterfeiting.

33.~~32.~~ Chapter 832, relating to issuance of worthless checks and drafts.

34.~~33.~~ Section 836.05, relating to extortion.

35.~~34.~~ Chapter 837, relating to perjury.

36.~~35.~~ Chapter 838, relating to bribery and misuse of public office.

37.~~36.~~ Chapter 843, relating to obstruction of justice.

38.~~37.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

39.~~38.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

40.~~39.~~ Chapter 874, relating to criminal street gangs.

41.~~40.~~ Chapter 893, relating to drug abuse prevention and control.

42.~~41.~~ Chapter 896, relating to offenses related to financial transactions.

43.~~42.~~ Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.

44.~~43.~~ Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

(b) Any conduct defined as "racketeering activity" under 18 U.S.C.. s. 1961(1).

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 551.109, relating to slot machine gaming.

4.~~3.~~ Chapter 687, relating to interest and usury.

5.~~4.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

(b) In gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law.

Section 6. *The Legislature has exclusive authority over the conduct of all wagering occurring at a slot machine facility in this state. Only the division and other authorized state agencies shall administer chapter 551, Florida Statutes, and regulate the slot machine gaming industry, including operation of slot machine facilities, games, slot machines, and centralized computer management systems authorized in chapter 551 and the rules adopted by the division.*

Section 7. *Any tribal-state compact relating to slot machine or other class III gaming activities which is entered into by an Indian tribe in this state and the Governor pursuant to the Indian Gaming Regulatory Act, 25 U.S.C.. ss. 2701 et seq., must be conditioned upon ratification by the Legislature.*

Section 8. *(1) Fifty-four full-time equivalent positions are authorized and the sums of $3,798,199 in recurring and $3,951,431 in nonrecurring funds are hereby appropriated from the Pari-mutuel Wagering Trust Fund in the Department of Business and Professional Regulation for the purpose of carrying out all regulatory activities provided herein. The Executive Office of the Governor shall place these funds and positions in reserve until such time as the Department of Business and Professional Regulation submits an expenditure plan for approval to the Executive Office of the Governor, and the chair and vice chair of the Legislative Budget Commission in accordance with the provisions of section 216.177, Florida Statutes.*

(2) The sums of $2,634,349 in recurring and $1,814,916 in nonrecurring funds are hereby appropriated from the Pari-mutuel Wagering Trust Fund in the Department of Business and Professional Regulation for transfer to the Department of Law Enforcement for the purpose of investigations, intelligence gathering, background investigations, and any other responsibilities as provided for herein. Fifty-seven full-time equivalent positions are authorized and the sums of $2,634,349 in recurring and $1,814,916 in nonrecurring funds are hereby appropriated from the Operating Trust Fund in the Department of Law Enforcement for the purpose of investigations, intelligence gathering, background investigations, an any other responsibilities as provided for herein. The Executive Office of the Governor shall place these funds and positions in reserve until such time as the Department of Law Enforcement submits an expenditure plan for approval to the Executive Office of the Governor and the chair and vice chair of the Legislative Budget Commission in accordance with the provisions of section 216.177, Florida Statutes.

(4) The sum of $1 million is hereby appropriated from the Pari-mutuel Wagering Trust Fund from revenues received pursuant to section 551.117, Florida Statutes, in the Department of Business and Professional Regulation for contract services related to the prevention of compulsive and addictive gambling.

Section 9. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.2415, F.S.; requiring the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation to maintain certain records regarding injuries and the disposition of greyhounds that race in this state; providing guidelines and requirements for injury and disposition report forms; providing for the adoption of rules; providing penalties; creating ch. 551, F.S.; implementing s. 23, Art. X of the State Constitution; authorizing slot machines and slot machine gaming within certain pari-mutuel facilities located in Miami-Dade and Broward Counties upon approval by a local referendum; providing definitions; providing powers and duties of the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation; clarifying the authority of the Department of Law Enforcement and local law enforcement agencies; providing for licensure to conduct slot machine gaming; providing for slot machine licensure renewal; providing for a license fee, and tax rate; providing for payment procedures; providing penalties; requiring occupational licenses and application fees; providing penalties; prohibiting certain business relationships; prohibiting certain acts and providing penalties; providing an exception to prohibitions relating to slot machines; providing for the exclusion of certain persons from facilities; prohibiting minors under 21 years of age from playing slot machines; designating slot machine gaming areas; prohibiting automated teller machines on the property of a slot machine licensee; providing for days and hours of operation; providing penalties; providing a compulsive or addictive gambling prevention program; providing for a fee; providing for a caterer's license; providing for rulemaking; providing for the conduct of a referendum election for slot machines; providing for elections for ratification of slot machine licensing; providing for program evaluations; amending s. 849.15, F.S.; providing for transportation of certain gaming devices in accordance with federal law; amending s. 895.02, F.S.; providing that specified violations related to slot machine gaming constitute racketeering activity; providing that certain debt incurred in violation of specified provisions relating to slot machine gaming constitutes unlawful debt; providing for preemption; providing ratification of tribal-state compacts by the Legislature; authorizing additional positions and providing appropriations; providing effective dates.

Senator Posey moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (224858)—On page 17, lines 16-20, delete those lines and insert:

1. Thirty-five percent on revenue of $125 million or less;

2. Forty percent on revenue greater than $125 million, but less than or equal to $250 million;

3. Forty-five percent on revenue greater than $250 million, but less than or equal to $500 million; and

4. Fifty-five percent on all revenue greater than $500 million.

Amendment 1 as amended was adopted.

On motion by Senator Jones, by two-thirds vote **HB 1901** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Alexander	Hill	Pruitt
Aronberg	Jones	Rich
Bennett	King	Saunders
Bullard	Klein	Sebesta
Campbell	Lawson	Siplin
Clary	Lynn	Smith
Dawson	Margolis	Villalobos
Diaz de la Portilla	Miller	Wilson
Dockery	Peaden	
Geller	Posey	

Nays—10

Mr. President	Constantine	Haridopolos
Atwater	Fasano	Webster
Baker	Garcia	Wise
Carlton		

Vote after roll call:

Yea—Argenziano

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

The Senate resumed consideration of—

SB 342—A bill to be entitled An act relating to jai alai; amending s. 550.002, F.S.; redefining the term "full schedule of live racing or games" for certain jai alai permitholders; amending s. 550.09511, F.S.; providing the amount of license fees and taxes for a jai alai permitholder that conducts fewer than a certain number of live performances in any calendar year; providing an effective date.

—which was previously considered this day. Pending point of order by Senator Haridopolos was withdrawn and pending **Amendment 1 (560374)** by Senator Argenziano was adopted by two-thirds vote.

Pending further consideration of **SB 342** as amended, on motion by Senator Argenziano, by two-thirds vote **HB 181** was withdrawn from the Committees on Regulated Industries; and Government Efficiency Appropriations.

On motion by Senator Argenziano, the rules were waived and by two-thirds vote—

HB 181—A bill to be entitled An act relating to pari-mutuel permitholders; amending s. 550.002, F.S.; revising the definition of "full schedule of live racing or games" for certain jai alai permitholders; amending s. 550.09511, F.S.; providing for license fees and taxes for certain jai alai permitholders; amending s. 550.334, F.S.; revising permitting and operational requirements for quarter horse permitholders; deleting a provision to allow quarter horse racing by vote of the county commission in lieu of referendum approval of such racing within a county; providing that specified provisions relating to elections to ratify permits and elections to revoke permits shall apply to quarter horse racing; revising requirements for substitution of thoroughbred horse racing for quarter horse racing; removing certain restrictions on such substitutions and requiring written consent from other permitholders within a certain area; revising restrictions on intertrack wagering for quarter horse permitholders and requiring written consent from other permitholders within a certain area; amending s. 849.086, F.S.; removing a prohibition on transfer of cardroom licenses; providing for transfer of the cardroom license when a permit is relocated within a county under certain conditions; providing an effective date.

—a companion measure, was substituted for **SB 342** as amended and read the second time by title.

On motion by Senator Argenziano, by two-thirds vote **HB 181** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Geller	Pruitt
Atwater	Haridopolos	Rich
Bennett	Hill	Saunders
Bullard	Jones	Sebesta
Campbell	King	Siplin
Clary	Klein	Smith
Constantine	Lawson	Wilson
Crist	Lynn	
Dawson	Margolis	

Nays—6

Baker	Garcia	Webster
Carlton	Villalobos	Wise

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1964, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1964—A bill to be entitled An act relating to compensation for wrongfully incarcerated persons; creating s. 961.01, F.S.; providing a short title; creating s. 961.02, F.S.; defining the term "wrongfully incarcerated person"; requiring courts to determine whether certain persons are wrongfully incarcerated persons; authorizing petitions to the court for a determination of wrongful conviction; creating s. 961.03, F.S.; authorizing compensation for certain wrongfully incarcerated persons; providing exceptions and limitations; creating s. 961.04, F.S.; providing procedures to apply to the Attorney General for compensation; providing for presuit negotiation of compensation; authorizing lawsuits against the state for determination of compensation; requiring a settlement offer and providing for recovery of certain fees and costs; providing for determination of such fees and costs; limiting total compensation; providing for the manner of payment of compensation; providing restrictions on use of compensation; providing timeframes for applying for compensation; creating s. 961.05, F.S.; providing rulemaking authority; providing an effective date.

WHEREAS, the Legislature finds that wrongfully incarcerated persons have been deprived of their liberty, and

WHEREAS, the Legislature finds that innocent persons who have been wrongfully incarcerated should have the opportunity to lead normal lives, and

WHEREAS, wrongfully incarcerated persons or their families may have expended large sums of money and encumbered real property to defend against wrongful incarceration, and

WHEREAS, the Legislature finds that the incarceration of an innocent person is a taking of a person's liberty for which compensation is due, and

WHEREAS, the Legislature has a responsibility to manage state resources for the benefit of all residents of the state, NOW, THEREFORE,

House Amendment 3 (362603) (with title amendments)—Remove everything after the enacting clause and insert:

Section 1. Section 961.01, Florida Statutes, is created to read:

961.01 Short title.—Sections 961.01-961.07 may be cited as the "Wrongful Incarceration Compensation Act."

Section 2. Section 961.02, Florida Statutes, is created to read:

961.02 Definition; finding of wrongful incarceration upon release from incarceration for felony offenses.—

(1) As used in ss. 961.01-961.07, a wrongfully incarcerated person means a person who is actually innocent and who has been ordered released from incarceration for a felony conviction. As used in this act, "actually innocent" means:

(a) The person was charged, by indictment or information, with the commission of an offense classified as a felony; and

(b) The person did not plead guilty or no contest to the offense charged or to any lesser included offense, unless the person was charged with a capital offense; and

(c) The person was convicted of the offense; and

(d) The person was sentenced to incarceration for a term of imprisonment as a result of the conviction; and

(e) The person was imprisoned solely on the basis of the conviction for the offense; and

(f) The person did not, by his or her misconduct or neglect, bring about the prosecution; and

(g) The person's acts did not constitute a crime; and

(h) A court of competent jurisdiction found by clear and convincing evidence that the offense for which the person was convicted, sentenced, and imprisoned, including any lesser included offenses, was not committed by the person and issued an order vacating, dismissing, or reversing the conviction and sentence and providing that no further proceedings can be or will be held against the person on any facts and circumstances alleged in the proceedings which had resulted in the conviction.

Section 3. Section 961.03, Florida Statutes, is created to read:

961.03 Compensation for wrongful incarceration.—

(1) Except as otherwise provided in this section, and subject to the limitations and procedures prescribed in s. 961.04, a person who is found to be a wrongfully incarcerated person may petition the Legislature for reasonable compensation. In determining reasonable compensation, the Legislature may consider the following options:

(a) Loss of wages, salary, or other earned income;

(b) The amount of any fine or court costs imposed and paid;

(c) The amount of any fees paid to the Department of Corrections for any required goods or services received during incarceration;

(d) Loss of assets due to foreclosure, repossession, or other methods of recovery by a creditor;

(e) Loss of savings and interest;

(f) Lost earnings capacity;

(g) The value of services performed for the state while incarcerated;

(h) The reasonable cost of future psychological counseling; and

(i) The reasonable amount of any other losses.

(2) Compensation to a wrongfully incarcerated person may not include punitive or exemplary damages or compensation for pain and suffering, humiliation, loss of consortium, emotional distress, or similar damages. It is the intent of the Legislature to limit compensation of a wrongfully incarcerated person to the compensation and reimbursement of expenses authorized in subsection (1) directly resulting from the wrongful incarceration.

(3) A claimant shall not be eligible for compensation if the claimant was also serving a concurrent felony sentence.

(4) Any person awarded compensation pursuant to this Act who is subsequently convicted of a felony shall, immediately upon such conviction, not be eligible to receive any unpaid amounts or benefits from any compensation awarded. Any amount from an annuity that is forfeited pursuant to this section shall revert to the state General Revenue Fund.

Section 4. Section 961.04, Florida Statutes, is created to read:

961.04 Petition for compensation for wrongful incarceration.—

(1) A wrongfully incarcerated person may petition the Legislature for compensation for losses caused by the incarceration. The petition, at a minimum, must include:

(a) A certified copy of the order finding the applicant to be a wrongfully incarcerated person;

(b) Documentation of the length of the sentence served;

(c) Available documentation of employment prior to incarceration;

(d) Documentation of education attained prior to and during incarceration;

(e) Available documentation of income earned prior to incarceration;

(f) Documentation of encumbrances placed on real property or loans used to pay attorney's fees to defend against or seek release from incarceration;

(g) Documentation of real property in which the applicant owned an interest which has been foreclosed upon due to the incarceration;

(h) Documentation of family status prior to incarceration;

(i) Documentation of criminal history;

(j) Other documentation that the applicant believes should be considered for determining compensation; and

(k) Other documentation, evidence, or information required or requested by the Special Master or the Legislature.

Section 5. Section 961.05, Florida Statutes, is created to read:

961.05 Holistic relief.-The Legislature may make an award of compensation that includes, but is not limited to, any of the following:

(1) HEALTH CARE PLAN.-The Legislature may direct the appropriate state agency to purchase a comprehensive health care plan, including dental and mental health coverage.

(2) EDUCATIONAL ASSISTANCE.-The Legislature may waive tuition and fees for up to a total of 4 years of instruction at any career center established pursuant to section 1001.44, Florida Statutes, at any community college established under part III of chapter 1004, Florida Statutes, or any state university. The Legislature shall require that for any educational benefit made, the person shall be required to meet and maintain the regular admission requirements of, and be registered at, such career center, community college, or state university and make satisfactory academic progress as defined by the educational institution in which the person is enrolled.

(3) JOB PREFERENCE.-The Legislature may award first preference in employment by the state and its political subdivisions.

(a) If awarded, the Legislature must require that the person must be otherwise eligible for employment with the hiring agency or political subdivision.

(b) If awarded, the Legislature must require that the job preference benefits awarded do not apply to positions that are exempt from the State Career Service System under section 110.205(2), Florida Statutes, positions which are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices, members of boards and commissions, persons employed on a temporary basis without benefits, heads of departments, and positions that require licensure as a physician, osteopathic physician, chiropractic physician, engineer, or membership in The Florida Bar.

(4) WAIVER OF FEES.-The Legislature may waive any statutory fees required to expunge any arrest or court records as otherwise subject to expunction by law or court rule and shall waive any fees for copying costs or other costs of obtaining public records in furtherance of such expunction.

(5) MONETARY COMPENSATION.—Reasonable compensation as provided in s. 961.03, may be provided in an amount to be determined by the Legislature.

(6) Any compensation computed pursuant to subsection (5) may be awarded in a lump sum or may be paid in an initial lump sum equal to 20 percent of the compensation award with the remaining 80 percent of the principal of the compensation award to be used by the Chief Financial Officer to purchase an annuity. If the Legislature directs that an annuity be purchased, the Legislature must provide for the following:

(a) That any annuity purchased shall be purchased from any A+ rated company, to provide equal monthly installments to the claimant for a period certain of a stated number of years commencing no later than 1 year after the effective date of the appropriation;

(b) That the annuity shall provide that it shall not be sold, discounted, or used as security for loans and mortgages by the claimant; and

(c) That the annuity shall contain beneficiary provisions providing for the annuity's continued disbursement in the event of the death of the claimant, subject to the provisions of s. 961.03(4).

(7) An applicant for compensation under this section must apply for compensation by July 1, 2007, or within 2 years after he or she is ordered released from incarceration, whichever occurs later.

Section 6. Section 961.06, Florida Statutes, is created to read:

961.06 Sovereign immunity; limits of liability; release and waiver; collateral sources.-

(1) Any award of relief pursuant to this Act shall not be deemed to have waived any defense of sovereign immunity or to have increased the limits of liability on behalf of the state or any person or entity subject to the provisions of s. 768.28, Florida Statutes.

(2) As a condition of receiving any compensation under this Act, a person shall execute a release and waiver on behalf of the person or his or her heirs, successors, and/or assigns forever releasing the State of Florida or any agency, instrumentality, officer, employee, or political subdivision thereof, or any other entity subject to the provisions of s. 768.28, Florida Statutes, from any and all present or future claims the person or his or her heirs, successors, and/or assigns may have against such enumerated entities and arising out of the factual situation in connection with the conviction for which the compensation is being sought under this Act.

(3) The person is not eligible for compensation if the person was awarded a final judgment in a court of law, or has received any funds pursuant to a settlement agreement for compensation or damages arising out of the factual situation in connection with the conviction for which compensation is sought under this Act.

Section 7. Section 961.07, Florida Statutes, is created to read:

961.07 Attorney's and Lobbyist's Fees.—

Attorney's and lobbyist's fees are subject to the provisions of section 768.28(8), Florida Statutes. No compensation shall be made for attorney's fees charged for legal services relating to a finding of actual innocence as defined by this Act.

Section 8. This act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to compensation for wrongfully incarcerated persons; creating s. 961.01, F.S.; providing a short title; creating s. 961.02, F.S.; defining the term "actually innocent"; requiring court findings; creating s. 961.03, F.S.; authorizing petitions to the Legislature for reasonable compensation; authorizing compensation for certain wrongfully incarcerated persons; providing exceptions and limitations; creating s. 961.04, F.S.; providing procedures to petition the Legislature for compensation; creating s. 961.05, F.S.; providing for nonmonetary and monetary relief; providing for the manner of payment of compensation; providing timeframes for applying for compensation; creating s. 961.06, F.S.; providing for the preservation of sovereign immunity; providing for release and waiver; providing for collateral sources; creating s. 961.07, F.S.; providing for attorney's and lobbyist's fees; providing an effective date.

On motion by Senator Webster, the Senate refused to concur in the House amendment to **CS for CS for SB 1964** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendment(s) to HB 291 and requests the Senate to recede.

John B. Phelps, Clerk

HB 291—A bill to be entitled An act relating to condominiums; amending s. 718.301, F.S.; providing for the effect of actions taken by members of the board of administration of an association designated by the developer; requiring examination and certification of certain defects by certain licensed individuals or entities; providing an effective date.

On motion by Senator Clary, the Senate receded from **Senate Amendment 1 (502692)**.

HB 291 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in the same as amended, and passed HB 1917 as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

House Amendment 1 (105381) to Senate Amendment 1 (500116) (with title amendment)—On page 17, line 24, through page 44, line 3 remove: all of said lines and insert:

perimeter fencing and locking doors *or are environmentally secure*. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for this level of placement require close supervision in a structured residential setting. Placement in programs at this level is prompted by a concern for public safety that outweighs placement in programs at lower commitment levels. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility may provide for single cell occupancy.

(e)~~(d)~~ Maximum-risk residential.—Programs or program models at this commitment level include juvenile correctional facilities and juvenile prisons. The programs are long-term residential and *do* ~~shall~~ not allow youth to have access to the community. Facilities are maximum-custody hardware-secure with perimeter security fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility shall provide for single cell occupancy, except that youth may be housed together during prerelease transition. Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting. Placement in a program at this level is prompted by a demonstrated need to protect the public.

(47)~~(46)~~ "Respite" means a placement that is available for the care, custody, and placement of a youth charged with domestic violence as an alternative to secure detention or for placement of a youth when a shelter bed for a child in need of services or a family in need of services is unavailable.

(48)~~(47)~~ "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

(49)~~(48)~~ "Serious or habitual juvenile offender," for purposes of commitment to a residential facility and for purposes of records retention, means a child who has been found to have committed a delinquent act or a violation of law, in the case currently before the court, and who meets at least one of the following criteria:

(a) The youth is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;

2. Sexual battery;

3. Robbery;

4. Kidnapping;

5. Aggravated child abuse;

6. Aggravated assault;

7. Aggravated stalking;

8. Murder;

9. Manslaughter;

10. Unlawful throwing, placing, or discharging of a destructive device or bomb;

11. Armed burglary;

12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The youth is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least two times to a delinquency commitment program.

(c) The youth is at least 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(50)~~(49)~~ "Serious or habitual juvenile offender program" means the program established in s. 985.31.

(51)~~(50)~~ "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be delinquent.

(52)~~(51)~~ "Shelter hearing" means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.

(53)~~(52)~~ "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.

(54)~~(53)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(55)~~(54)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, detention, placement, or other disposition as authorized by law.

(56)~~(55)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(57)~~(56)~~ "Temporary release" means the terms and conditions under which a child is temporarily released from a *residential* commitment facility or allowed home visits. If the temporary release is from a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a conditional release program or a period during which the child is supervised by a juvenile probation officer or other nonresidential staff of the department or staff employed by an entity under contract with the department.

(58)~~(57)~~ "Training school" means one of the following facilities: the Arthur G. Dozier School or the Eckerd Youth Development Center.

(59)~~(58)~~ "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(60)~~(59)~~ "Waiver hearing" means a hearing provided for under s. 985.226(3).

Section 2. Paragraph (d) of subsection (1) of section 985.207, Florida Statutes, is amended, and paragraph (e) is added to said subsection, to read:

985.207 Taking a child into custody.—

(1) A child may be taken into custody under the following circumstances:

(d) By a law enforcement officer who has probable cause to believe that the child is in violation of the conditions of the child's probation, home detention, postcommitment probation, or conditional release supervision*, has absconded from nonresidential commitment,* or has escaped from *residential* commitment.

(e) When a law enforcement officer has probable cause to believe that a child, who is awaiting disposition, has violated conditions imposed by the court under s. 985.228(5) in his or her order of adjudication of delinquency.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 985.215.

Section 3. Section 985.208, Florida Statutes, is amended to read:

985.208 Detention of escapee *or absconder* on authority of the department.—

(1) If an authorized agent of the department has reasonable grounds to believe that any delinquent child committed to the department has escaped from a *residential commitment* facility ~~of the department~~ or from being lawfully transported thereto or therefrom*, or has absconded from a nonresidential commitment facility*, the agent may take the child into active custody and may deliver the child to the facility or, if it is closer, to a detention center for return to the facility. However, a child may not be held in detention longer than 24 hours, excluding Saturdays, Sundays, and legal holidays, unless a special order so directing is made by the judge after a detention hearing resulting in a finding that detention is required based on the criteria in s. 985.215(2). The order shall state the reasons for such finding. The reasons shall be reviewable by appeal or in habeas corpus proceedings in the district court of appeal.

(2) Any sheriff or other law enforcement officer, upon the request of the secretary of the department or duly authorized agent, shall take a child who has escaped ~~or absconded~~ from a *residential commitment* ~~department~~ facility ~~for committed delinquent children,~~ or from being lawfully transported thereto or therefrom, *or has absconded from a nonresi-*

dential commitment facility, into custody and deliver the child to the appropriate juvenile probation officer ~~of the department~~.

Section 4. Subsections (2) and (10) and paragraphs (d) and (g) of subsection (5) of section 985.215, Florida Statutes, are amended to read:

985.215 Detention.—

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee *from a residential commitment program,* or an absconder from a *nonresidential* commitment program, a probation program, or conditional release supervision, or is alleged to have escaped while being lawfully transported to or from *a residential commitment* ~~such~~ program ~~or supervision~~.

(b) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony.

(c) The child is charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his or her personal safety.

(d) The child is charged with committing an offense of domestic violence as defined in s. 741.28 and is detained as provided in s. 985.213(2)(b)3.

(e) The child is charged with possession or discharging a firearm on school property in violation of s. 790.115.

(f) The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve a violation of chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm.

(g) The child is charged with any second degree or third degree felony involving a violation of chapter 893 or any third degree felony that is not also a crime of violence, and the child:

1. Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;

2. Has a record of law violations prior to court hearings;

3. Has already been detained or has been released and is awaiting final disposition of the case;

4. Has a record of violent conduct resulting in physical injury to others; or

5. Is found to have been in possession of a firearm.

(h) The child is alleged to have violated the conditions of the child's probation or conditional release supervision. However, a child detained under this paragraph may be held only in a consequence unit as provided in s. 985.231(1)(a)1.c. If a consequence unit is not available, the child shall be placed on home detention with electronic monitoring.

(i) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, for an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(j) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, at two or more court hearings of any nature on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(k) The child at his or her adjudicatory hearing has been found to have committed a delinquent act or violation of law and has previously willfully failed to appear, after proper notice, for other delinquency court proceedings of any nature regardless of the results of the risk assessment instrument. A child may be placed in secure detention, or at the discretion of the court and if available, on home detention with electronic monitoring until the child's disposition order is entered in his or her case. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

A child who meets any of these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he or she is charged and the need for continued detention*, except where the child is alleged to have absconded from a nonresidential commitment program in which case the court, at the detention hearing, shall order that the child be released from detention and returned to his or her nonresidential commitment program*. Unless a child is detained under paragraph (d)*,* ~~or~~ paragraph (e), *or paragraph (k)* the court shall *use* ~~utilize~~ the results of the risk assessment performed by the juvenile probation officer and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement. Except as provided in s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted pursuant to paragraph (5)(f).

(5)

(d) Except as provided in *paragraph (2)(k),* paragraph (g), *or s. 985.228(5),* a child may not be held in secure, nonsecure, or home detention care for more than 15 days following the entry of an order of adjudication.

(g) Upon good cause being shown that the nature of the charge requires additional time for the prosecution or defense of the case, the court may extend the time limits for detention specified in paragraph (c) *or (d)* an additional 9 days if the child is charged with an offense that would be, if committed by an adult, a capital felony, a life felony, a felony of the first degree, or a felony of the second degree involving violence against any individual.

(10)(a)1. When a child is committed to the Department of Juvenile Justice awaiting dispositional placement, removal of the child from detention care shall occur within 5 days, excluding Saturdays, Sundays, and legal holidays. Any child held in secure detention during the 5 days must meet detention admission criteria pursuant to this section. If the child is committed to a moderate-risk residential program, the department may seek an order from the court authorizing continued detention for a specific period of time necessary for the appropriate residential placement of the child. However, such continued detention in secure detention care may not exceed 15 days after commitment, excluding Saturdays, Sundays, and legal holidays, and except as otherwise provided in this subsection.

2. The court must place all children who are adjudicated and awaiting placement in a ~~residential~~ commitment program in detention care. Children who are in home detention care or nonsecure detention care may be placed on electronic monitoring.

(b) A child who is placed in home detention care, nonsecure detention care, or home or nonsecure detention care with electronic monitoring, while awaiting placement in a *minimum-risk,* low-risk, or moderate-risk program, may be held in secure detention care for 5 days, if the child violates the conditions of the home detention care, the nonsecure detention care, or the electronic monitoring agreement. For any subsequent violation, the court may impose an additional 5 days in secure detention care.

(c) If the child is committed to a high-risk residential program, the child must be held in detention care until placement or commitment is accomplished.

(d) If the child is committed to a maximum-risk residential program, the child must be held in detention care until placement or commitment is accomplished.

(e) Upon specific appropriation, the department may obtain comprehensive evaluations, including, but not limited to, medical, academic, psychological, behavioral, sociological, and vocational needs of a youth with multiple arrests for all level criminal acts or a youth committed to a minimum-risk or low-risk commitment program.

(f) Regardless of detention status, a child being transported by the department to a *residential* commitment facility of the department may be placed in secure detention overnight, not to exceed a 24-hour period, for the specific purpose of ensuring the safe delivery of the child to his or her *residential* commitment program, court, appointment, transfer, or release.

Section 5. *Notwithstanding s. 985.2155, Florida Statutes, as amended by ch. 2004-473, Laws of Florida, the state, subject to appropriation, shall pay all costs of detention care for juveniles for Highlands County, Sumter County, and Wakulla County for fiscal year 2005-2006.*

Section 6. Subsection (5) of section 985.228, Florida Statutes, is amended to read:

985.228 Adjudicatory hearings; withheld adjudications; orders of adjudication.—

(5)*(a)* If the court finds that the child named in a petition has committed a delinquent act or violation of law, but elects not to proceed under subsection (4), it shall incorporate that finding in an order of adjudication of delinquency entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to deal with the child as adjudicated.

(b) The order of adjudication of delinquency under paragraph (a) shall also include conditions that must be followed by the child until a disposition order is entered in his or her case. These conditions must include, but are not limited to, specifying that the child, during any period of time that he or she:

1. Is not in secure detention, must comply with a curfew; must attend school or another educational program, if eligible; and is prohibited from engaging in ungovernable behavior.

2. Is in secure detention, is prohibited from engaging in ungovernable behavior.

(c) For purposes of this subsection, the term "ungovernable behavior" shall mean:

1. Failing to obey the reasonable and lawful demands of the child's parent or legal guardian and, where applicable, of a person responsible for supervising the child while he or she is in school, another educational program, or secure detention.

2. Engaging in behavior that evidences a risk that the child may fail to appear for future court proceedings or may inflict harm upon others or the property of others.

3. Other behavior as specified in writing by the court in the order of adjudication of delinquency.

(d) If a child willfully violates a condition contained in his or her order of adjudication of delinquency, the court may find the child in direct or indirect contempt of court under s. 985.216; however, notwithstanding s. 985.216 and the results of the risk assessment instrument, the child's sanctions for such contempt of court shall be placement in secure detention, or at the discretion of the court and if available, on home detention with electronic monitoring until the child's disposition order is entered in his or her case, except the court may order a different sanction if recommended by the department.

Section 7. Paragraphs (a) and (d) of subsection (1) and subsection (2) of section 985.231, Florida Statutes, are amended to read:

985.231 Powers of disposition in delinquency cases.—

(1)(a) The court that has jurisdiction of an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

1. Place the child in a probation program or a postcommitment probation program under the supervision of an authorized agent of the department ~~of Juvenile Justice~~ or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct. A probation program for an adjudicated delinquent child must include a penalty component such as restitution in money or in kind, community service, a curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or other educational program. If the child is attending or is eligible to attend public school and the court finds that the victim or a sibling of the victim in the case is attending or may attend the same school as the child, the court placement order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d). Upon the recommendation of the department at the time of disposition, or subsequent to disposition pursuant to the filing of a petition alleging a violation of the child's conditions of postcommitment probation, the court may order the child to submit to random testing for the purpose of detecting and monitoring the use of alcohol or controlled substances.

a. A ~~restrictiveness level~~ classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to probation supervision requirements to reasonably ensure the public safety. Probation programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs must include, but are not limited to, structured or restricted activities as described in this subparagraph, and shall be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense, except that the duration of such supervision or program for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months. When restitution is ordered by the court, the amount of restitution may not exceed an amount the child and the parent or guardian could reasonably be expected to pay or make. A child who participates in any work program under this part is considered an employee of the state for purposes of liability, unless otherwise provided by law.

b. The court may conduct judicial review hearings for a child placed on probation for the purpose of fostering accountability to the judge and compliance with other requirements, such as restitution and community service. The court may allow early termination of probation for a child who has substantially complied with the terms and conditions of probation.

c. If the conditions of the probation program or the postcommitment probation program are violated, the department or the state attorney may bring the child before the court on a petition alleging a violation of the program. Any child who violates the conditions of probation or postcommitment probation must be brought before the court if sanctions are sought. A child taken into custody under s. 985.207 for violating the conditions of probation or postcommitment probation shall be held in a consequence unit if such a unit is available. The child shall be afforded a hearing within 24 hours after being taken into custody to determine the existence of probable cause that the child violated the conditions of

probation or postcommitment probation. A consequence unit is a secure facility specifically designated by the department for children who are taken into custody under s. 985.207 for violating probation or postcommitment probation, or who have been found by the court to have violated the conditions of probation or postcommitment probation. If the violation involves a new charge of delinquency, the child may be detained under s. 985.215 in a facility other than a consequence unit. If the child is not eligible for detention for the new charge of delinquency, the child may be held in the consequence unit pending a hearing and is subject to the time limitations specified in s. 985.215. If the child denies violating the conditions of probation or postcommitment probation, the court shall appoint counsel to represent the child at the child's request. Upon the child's admission, or if the court finds after a hearing that the child has violated the conditions of probation or postcommitment probation, the court shall enter an order revoking, modifying, or continuing probation or postcommitment probation. In each such case, the court shall enter a new disposition order and, in addition to the sanctions set forth in this paragraph, may impose any sanction the court could have imposed at the original disposition hearing. If the child is found to have violated the conditions of probation or postcommitment probation, the court may:

(I) Place the child in a consequence unit in that judicial circuit, if available, for up to 5 days for a first violation, and up to 15 days for a second or subsequent violation.

(II) Place the child on home detention with electronic monitoring. However, this sanction may be used only if a residential consequence unit is not available.

(III) Modify or continue the child's probation program or postcommitment probation program.

(IV) Revoke probation or postcommitment probation and commit the child to the department.

d. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of any order placing a child in a probation program must be until the child's 19th birthday unless he or she is released by the court, on the motion of an interested party or on its own motion.

2. Commit the child to a licensed child-caring agency willing to receive the child, but the court may not commit the child to a jail or to a facility used primarily as a detention center or facility or shelter.

3. Commit the child to the department ~~of Juvenile Justice~~ at a *restrictiveness* ~~residential commitment~~ level defined in s. 985.03. Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, urine monitoring, and treatment of the child and release of the child *from residential commitment* into the community in a postcommitment nonresidential conditional release program. If the child is eligible to attend public school following ~~residential~~ commitment and the court finds that the victim or a sibling of the victim in the case is or may be attending the same school as the child, the commitment order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d). If the child is not successful in the conditional release program, the department may use the transfer procedure under s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of the commitment must be until the child is discharged by the department or until he or she reaches the age of 21.

4. Revoke or suspend the driver's license of the child.

5. Require the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to render community service in a public service program.

6. As part of the probation program to be implemented by the department ~~of Juvenile Justice~~, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment, order the child to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order the child or the child's parent or guardian to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. The clerk shall notify the court if restitution is not made, and the court shall take any further action that is necessary against the child or the child's parent or guardian. A finding by the court, after a hearing, that the parent or guardian has made diligent and good faith efforts to prevent the child from engaging in delinquent acts absolves the parent or guardian of liability for restitution under this subparagraph.

7. Order the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to participate in a community work project, either as an alternative to monetary restitution or as part of the rehabilitative or probation program.

8. Commit the child to the department ~~of Juvenile Justice~~ for placement in a program or facility for serious or habitual juvenile offenders in accordance with s. 985.31. Any commitment of a child to a program or facility for serious or habitual juvenile offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over such child until the child reaches the age of 21, specifically for the purpose of the child completing the program.

9. In addition to the sanctions imposed on the child, order the parent or guardian of the child to perform community service if the court finds that the parent or guardian did not make a diligent and good faith effort to prevent the child from engaging in delinquent acts. The court may also order the parent or guardian to make restitution in money or in kind for any damage or loss caused by the child's offense. The court shall determine a reasonable amount or manner of restitution, and payment shall be made to the clerk of the circuit court as provided in subparagraph 6.

10. Subject to specific appropriation, commit the juvenile sexual offender to the department ~~of Juvenile Justice~~ for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.308. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over a juvenile sexual offender until the juvenile sexual offender reaches the age of 21, specifically for the purpose of completing the program.

(d) Any commitment of a delinquent child to the department ~~of Juvenile Justice~~ must be for an indeterminate period of time, which may include periods of temporary release*; however*, ~~but~~ the *period of* time may not exceed the maximum term of imprisonment that an adult may serve for the same offense*, except that the duration of a minimum-risk nonresidential commitment for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months*. The duration of the child's placement in a ~~residential~~ commitment program of any *restrictiveness* level shall be based on objective performance-based treatment planning. The child's treatment plan progress and adjustment-related issues shall be reported to the court *quarterly, unless the court requests monthly reports* ~~each month~~. The child's length of stay in a ~~residential~~ commitment program may be extended if the child fails to comply with or participate in treatment activities. The child's length of stay in *the* ~~such~~ program shall not be extended for purposes of sanction or punishment. Any temporary release from such program must be approved by the court. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. The child's treatment plan progress and adjustment-related issues must be communicated to the court at the time the department requests the court to consider releasing the child from the ~~residential~~ commitment program. Notwithstanding s. 743.07 and this subsection, and except as provided in ss. 985.201 and 985.31, a child may not be held under a commitment from a court *under* ~~pursuant to~~ this section after becoming 21 years of age. The department shall give the court that committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment facility. The court that committed the child may thereafter accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted. This section does not limit the department's authority to revoke a child's temporary release status and return the child to a commitment facility for any violation of the terms and conditions of the temporary release.

(2) Following a delinquency adjudicatory hearing pursuant to s. 985.228 and a delinquency disposition hearing pursuant to s. 985.23 which results in a commitment determination, the court shall, on its own or upon request by the state or the department, determine whether the protection of the public requires that the child be placed in a program for serious or habitual juvenile offenders and whether the particular needs of the child would be best served by a program for serious or habitual juvenile offenders as provided in s. 985.31. The determination shall be made pursuant to ss. 985.03*(49)*~~(48)~~ and 985.23(3).

Section 8. Paragraph (a) of subsection (1) of section 985.2311, Florida Statutes, is amended to read:

985.2311 Cost of supervision; cost of care.—

(1) Except as provided in subsection (3) or subsection (4):

(a) When any child is placed into home detention, probation, or other supervision status with the department ~~of Juvenile Justice~~, *or is committed to the minimum-risk nonresidential restrictiveness level,* the court shall order the parent of such child to pay to the department a fee for the cost of the supervision of such child in the amount of $1 per day for each day that the child is in *such* ~~supervision~~ status.

Section 9. Subsection (3) of section 985.316, Florida Statutes, is amended to read:

985.316 Conditional release.—

(3) For juveniles referred or committed to the department, the function of the department may include, but shall not be limited to, assessing each ~~committed~~ juvenile *placed in a residential commitment program* to determine the need for conditional release services upon release from *the* ~~a commitment~~ program, supervising the juvenile when released into the community from a residential commitment facility of the department, providing such counseling and other services as may be necessary for the families and assisting their preparations for the return of the child. Subject to specific appropriation, the department shall provide for outpatient sexual offender counseling for any juvenile sexual offender released from a *residential* commitment program as a component of conditional release.

Section 10. *Section 985.403, Florida Statutes, is repealed.*

Section 11. *Task Force on Juvenile Sexual Offenders and their Victims.—*

(1) On or before August 1, 2005, there shall be created a task force to review and evaluate the state's laws that define and address juvenile sex offenders and the Department of Juvenile Justice's practices and procedures for serving these offenders and their victims. The task force shall make findings that include, but are not limited to: identification of statutes that address juvenile sexual offenders; a profile of the acts committed by each juvenile placed in juvenile sexual offender programming in this state between July 2000 and June 2005 and an assessment of the appropriateness of those placements based upon the acts committed; identification of community-based and residential commitment programming available for juvenile sexual offenders and an assessment of such programming's effectiveness; and identification of qualifications required for staff who serve juvenile sexual offenders. Based on its findings, the task force shall make recommendations for the improvement of the state's laws, policies, programs, and funding for juvenile sexual offenders, and such recommendations shall specifically include, but are not limited to, identification of criteria that should be satisfied prior to placement of a juvenile in juvenile sexual offender programming.

(2) The Governor shall appoint up to 12 members to the task force. The task force shall be composed of representatives who shall include, but are not limited to: a circuit court judge with at least 1 year's experience in the juvenile division, a state attorney with at least 1 year's experience in the juvenile division, a public defender with at least 1 year's experience in the juvenile division, one representative of the Department of Juvenile Justice, two representatives of providers of juvenile sexual offender services, one member of the Florida Juvenile Justice Association, one member of the Florida Association for the Treatment of Sexual Abusers, and one victim of a juvenile sexual offense.

(3) The task force shall submit a written report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2005.

(4) Administrative support for the task force shall be provided by the Department of Juvenile Justice. Members of the task force shall receive no salary from the state beyond the salary already received from their sponsoring agency, if any, and are not entitled to reimbursement for travel and per diem expenses.

(5) The task force shall be dissolved upon submission of its report.

Section 12. *Task force to study certification for juvenile justice provider staff.—*

(1) On or before August 1, 2005, there shall be created a task force to study the feasibility of establishing a certification process for staff employed by a provider under contract with the Department of Juvenile Justice to provide juvenile justice services to youth.

(2) The Governor shall appoint up to 12 members to the task force. The task force shall be composed of representatives who shall include, but are not limited to, the following: two representatives of the Department of Juvenile Justice, two representatives of providers of juvenile justice services, two members of the Florida Juvenile Justice Association, two provider employees who provide direct care services, and two representatives of the Florida Certification Board.

(3) The task force shall consider the feasibility of implementing and operating a certification system for staff who work in juvenile justice facilities, services, or programs. At a minimum, the task force shall consider and make recommendations concerning: per diem levels, the occupational levels of staff subject to certification, the criteria that may be used to certify staff, the levels of certification, and a process for testing and validating the effectiveness of any recommended staff certification system. In making its recommendations, the task force shall make findings regarding the benefits of a staff certification system for the state's juvenile justice programming and the cost to implement such a system.

(4) The task force shall submit a written report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2006.

(5) Administrative support for the task force shall be provided by the Department of Juvenile Justice. Members of the task force shall receive no salary from the state beyond the salary already received from their sponsoring agency, if any, and are not entitled to reimbursement for travel and per diem expenses.

(6) The task force shall be dissolved upon submission of its report.

Section 13. Subsection (4) of section 985.404, Florida Statutes, is amended to read:

985.404 Administering the juvenile justice continuum.—

(4) The department may transfer a child, when necessary to appropriately administer the child's commitment, from*:*

(a) A residential commitment ~~one~~ facility or program to another facility or program operated, contracted, subcontracted, or designated by the department, including a postcommitment nonresidential conditional release program. The department shall notify the court that committed the child to the *residential restrictiveness level* ~~department~~ and any attorney of record, in writing, of its intent to transfer the child from a *residential* commitment facility or program to another facility or program of a higher or lower restrictiveness level. The court that committed the child may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer of the child shall be deemed granted.

(b) A nonresidential commitment facility or program to another facility or program operated, contracted, subcontracted, or designated by the department, including a postcommitment nonresidential conditional release program. The department shall notify the court that committed the child to the nonresidential restrictiveness level and any attorney of record, in writing, of its intent to transfer the child from a nonresidential commitment facility or program to a residential commitment facility or program. Upon receipt of the notice, the court that committed the child may set a hearing to review the transfer, after which the court shall issue a written order granting or denying the transfer or may, without setting a hearing, issue a written order granting or denying the transfer. No child shall be transferred by the department from the nonresidential

restrictiveness level to a residential restrictiveness level prior to the department receiving a written court order granting the transfer.

Section 14. Subsections (2) and (10) of section 985.4135, Florida Statutes, are amended to read:

985.4135 Juvenile justice circuit boards and juvenile justice county councils.—

(2) Each juvenile justice county council shall*:*

(a) Develop a juvenile justice prevention and early intervention plan for the county and shall collaborate with the circuit board and other county councils assigned to that circuit in the development of a comprehensive plan for the circuit.

(b) Develop, with the cooperation of county commissioners, school board officials, representatives of governing bodies for local municipalities, and representatives of local law enforcement agencies, criteria to be considered by a law enforcement officer when determining whether to refer a youth to a juvenile assessment center.

(10) Membership of the juvenile justice county councils, or juvenile justice circuit boards established under subsection (9), *may* ~~must~~ include representatives from the following entities:

(a) Representatives from the school district, which may include elected school board officials, the school superintendent, school or district administrators, teachers, and counselors.

(b) Representatives of the board of county commissioners.

(c) Representatives of the governing bodies of local municipalities within the county.

(d) A representative of the corresponding circuit or regional entity of the Department of Children and Family Services.

(e) Representatives of local law enforcement agencies, including the sheriff or the sheriff's designee.

(f) Representatives of the judicial system.

(g) Representatives of the business community.

(h) Representatives of other interested officials, groups, or entities, including, but not limited to, a children's services council, public or private providers of juvenile justice programs and services, students, parents, and advocates. Private providers of juvenile justice programs may not exceed one-third of the voting membership.

(i) Representatives of the faith community.

(j) Representatives of victim-service programs and victims of crimes.

(k) Representatives of the Department of Corrections.

Section 15. Subsection (4) of section 985.407, Florida Statutes, is amended to read:

985.407 Departmental contracting powers; personnel standards and screening.—

(4)*(a) For any person employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs,* the department shall require*:*

1. A level 2 employment screening pursuant to chapter 435 *prior to employment*~~, using the level 1 standards for screening set forth in that chapter, for personnel in delinquency facilities, services, and programs~~.

2. A federal criminal records check by the Federal Bureau of Investigation every 5 years following the date of the person's employment.

(b) Except for law enforcement, correctional, and correctional probation officers, to whom s. 943.13(5) applies, the department shall electronically submit to the Department of Law Enforcement:

1. Fingerprint information obtained during the employment screening required by subparagraph (a)1.

2. Beginning on December 15, 2005, fingerprint information for all persons employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs if such fingerprint information has not previously been electronically submitted to the Department of Law Enforcement under this paragraph.

(c) All fingerprint information electronically submitted to the Department of Law Enforcement under paragraph (b) shall be retained by the Department of Law Enforcement and entered into the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). Thereafter, such fingerprint information shall be available for all purposes and uses authorized for arrest fingerprint information entered into the statewide automated fingerprint identification system pursuant to s. 943.051 until the fingerprint information is removed pursuant to paragraph (e). The Department of Law Enforcement shall search all arrest fingerprint information received pursuant to s. 943.051 against the fingerprint information entered into the statewide automated fingerprint system pursuant to this subsection. Any arrest records identified as a result of the search shall be reported to the department in the manner and timeframe established by the Department of Law Enforcement by rule.

(d) The department shall pay an annual fee to the Department of Law Enforcement for its costs resulting from the fingerprint information retention services required by this subsection. The amount of the annual fee and procedures for the submission and retention of fingerprint information and for the dissemination of search results shall be established by the Department of Law Enforcement by a rule that is applicable to the department individually pursuant to this subsection or that is applicable to the department and other employing agencies pursuant to rulemaking authority otherwise provided by law.

(e) The department shall notify the Department of Law Enforcement when a person whose fingerprint information is retained by the Department of Law Enforcement under this subsection is no longer employed by the department, or by a provider under contract with the department, in a delinquency facility, service, or program. This notice shall be provided by the department to the Department of Law Enforcement no later than 6 months after the date of the change in the person's employment status. Fingerprint information for persons identified by the department in the notice shall be removed from the statewide automated fingerprint system.

Section 16. *The sums of $36,834 in recurring funds and $86,407 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Juvenile Justice for expenses for the 2005-2006 fiscal year. The sum of $133,335 in recurring funds is appropriated from the Administrative Trust Fund to the Department of Juvenile Justice for expenses for the 2005-2006 fiscal year.*

Section 17. Section 784.075, Florida Statutes, is amended to read:

784.075 Battery on detention or commitment facility staff or a juvenile probation officer.—A person who commits a battery on a juvenile probation officer, as defined in s. 984.03 or s. 985.03, on other staff of a detention center or facility as defined in s. 984.03(19) or s. 985.03~~(19)~~, or on a staff member of a commitment facility as defined in s. 985.03~~(45)~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes persons employed by the Department of Juvenile Justice, persons employed at facilities licensed by the Department of Juvenile Justice, and persons employed at facilities operated under a contract with the Department of Juvenile Justice.

Section 18. Section 984.05, Florida Statutes, is amended to read:

984.05 Rules relating to habitual truants; adoption by State Board of Education and Department of Juvenile Justice.—The Department of Juvenile Justice and the State Board of Education shall work together on the development of, and shall adopt, rules as necessary for the implementation of ss. 984.03(27), 985.03*(26)*~~(25)~~, and 1003.27.

Section 19. Paragraph (e) of subsection (3) and paragraph (a) of subsection (4) of section 985.31, Florida Statutes, are amended, and for the purpose of incorporating the amendment to section 985.231, Florida Statutes, in references thereto, paragraph (k) of subsection (3) of said section is reenacted to read:

985.31 Serious or habitual juvenile offender.—

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(e) After a child has been adjudicated delinquent pursuant to s. 985.228, the court shall determine whether the child meets the criteria for a serious or habitual juvenile offender pursuant to s. 985.03*(49)*~~(48)~~. If the court determines that the child does not meet such criteria, the provisions of s. 985.231(1) shall apply.

(k) Any commitment of a child to the department for placement in a serious or habitual juvenile offender program or facility shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. Notwithstanding the provisions of ss. 743.07 and 985.231(1)(d), a serious or habitual juvenile offender shall not be held under commitment from a court pursuant to this section, s. 985.231, or s. 985.233 after becoming 21 years of age. This provision shall apply only for the purpose of completing the serious or habitual juvenile offender program pursuant to this chapter and shall be used solely for the purpose of treatment.

(4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(a) Pursuant to the provisions of this section, the department shall implement the comprehensive assessment instrument for the treatment needs of serious or habitual juvenile offenders and for the assessment, which assessment shall include the criteria under s. 985.03*(49)*~~(48)~~ and shall also include, but not be limited to, evaluation of the child's:

1. Amenability to treatment.

2. Proclivity toward violence.

3. Tendency toward gang involvement.

4. Substance abuse or addiction and the level thereof.

5. History of being a victim of child abuse or sexual abuse, or indication of sexual behavior dysfunction.

6. Number and type of previous adjudications, findings of guilt, and convictions.

7. Potential for rehabilitation.

Section 20. Subsection (2) of section 985.3141, Florida Statutes, is amended to read:

985.3141 Escapes from secure detention or residential commitment facility.—An escape from:

(2) Any residential commitment facility described in s. 985.03*(46)*~~(45)~~, maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or

constitutes escape within the intent and meaning of s. 944.40 and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 21. For the purpose of incorporating the amendment to section 985.231, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 985.201, Florida Statutes, is reenacted to read:

985.201 Jurisdiction.—

(4)(a) Notwithstanding ss. 743.07, 985.229, 985.23, and 985.231, and except as provided in ss. 985.31 and 985.313, when the jurisdiction of any child who is alleged to have committed a delinquent act or violation of law is obtained, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 19 years of age, with the same power over the child that the court had prior to the child becoming an adult.

Section 22. For the purpose of incorporating the amendment to section 985.231, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 985.233, Florida Statutes, is reenacted to read:

985.233 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(4) SENTENCING ALTERNATIVES.—

(b) Sentencing to juvenile sanctions.—For juveniles transferred to adult court but who do not qualify for such transfer pursuant to s. 985.226(2)(b) or s. 985.227(2)(a) or (b), the court may impose juvenile sanctions under this paragraph. If juvenile sentences are imposed, the court shall, pursuant to this paragraph, adjudge the child to have committed a delinquent act. Adjudication of delinquency shall not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction. The court shall impose an adult sanction or a juvenile sanction and may not sentence the child to a combination of adult and juvenile punishments. An adult sanction or a juvenile sanction may include enforcement of an order of restitution or probation previously ordered in any juvenile proceeding. However, if the court imposes a juvenile sanction and the department determines that the sanction is unsuitable for the child, the department shall return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions. Upon adjudicating a child delinquent under subsection (1), the court may:

1. Place the child in a probation program under the supervision of the department for an indeterminate period of time until the child reaches the age of 19 years or sooner if discharged by order of the court.

2. Commit the child to the department for treatment in an appropriate program for children for an indeterminate period of time until the child is 21 or sooner if discharged by the department. The department shall notify the court of its intent to discharge no later than 14 days prior to discharge. Failure of the court to timely respond to the department's notice shall be considered approval for discharge.

3. Order disposition pursuant to s. 985.231 as an alternative to youthful offender or adult sentencing if the court determines not to impose youthful offender or adult sanctions.

It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.234.

Section 23. For the purpose of incorporating the amendment to section 985.231, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 985.311, Florida Statutes, is reenacted to read:

985.311 Intensive residential treatment program for offenders less than 13 years of age.—

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(e) After a child has been adjudicated delinquent pursuant to s. 985.228(5), the court shall determine whether the child is eligible for an intensive residential treatment program for offenders less than 13 years of age pursuant to s. 985.03(7). If the court determines that the child does not meet the criteria, the provisions of s. 985.231(1) shall apply.

And the title is amended as follows:

On page 44, line 17, through page 46, line 12, remove: all of said lines and insert:

creating the minimum-risk nonresidential restrictiveness level; providing that temporary release may be granted under specified conditions to youth committed to the high-risk residential restrictiveness level; providing that high-risk residential facilities may be environmentally secure; amending s. 985.207, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; providing for a child to be taken into custody for a violation of adjudication order conditions; amending s. 985.208, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; amending s. 985.215, F.S.; permitting detention until disposition for adjudicated youth who have a history of failing to appear; providing for release from detention for a child who has absconded; providing exceptions that permit a child to be placed in detention postadjudication for more than 15 days; conforming a cross reference; providing for detention for committed children awaiting placement; providing secure detention for children awaiting minimum-risk placement who violate home or nonsecure detention or electronic monitoring; providing for limited secure detention for children being transported to residential commitment programs; requiring the state to pay certain detention care costs for

juveniles in certain counties for fiscal year 2005-2006; amending s. 985.228, F.S.; requiring the court to include specified conditions in an order of adjudication of delinquency that are applicable to a youth for the postadjudication and predisposition period; defining a term; providing for contempt of court proceedings for a violation of adjudication order conditions; providing sanctions; amending s. 985.231, F.S.; revising provisions relating to powers of disposition; providing the maximum length for a minimum-risk nonresidential commitment for a second degree misdemeanor; providing that the department or a provider report quarterly to the court the child's treatment plan progress; making conforming changes; amending s. 985.2311, F.S.; requiring parents to pay fees for costs of supervision related to minimum-risk nonresidential commitment; amending s. 985.316, F.S.; providing for assessment of residentially committed youth for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; creating a new task force on juvenile sexual offenders and their victims; providing powers and duties; providing membership; requiring a report; providing for administrative support; providing for dissolution of the task force; creating a task force to study the certification of professional staff working for a provider of juvenile justice services; providing membership; requiring the task force to consider the feasibility of implementing and operating a certification system for professional staff; requiring the task force to consider specified issues; directing the task force to recommend a process for testing and validating the effectiveness of the recommended staff development system; requiring the task force to prepare and submit a report of its deliberations and recommendations by a specified date; providing for administrative support; providing for dissolution of the task force; amending s. 985.404, F.S.; requiring the court to issue written orders granting or denying specified department requested transfers for youth committed to the minimum-risk restrictiveness level; permitting the court to conduct a hearing; prohibiting specified department-requested transfers prior to department receipt of a written court order granting the transfer; amending s. 985.4135, F.S.; requiring juvenile justice county councils to develop criteria for law enforcement referrals to juvenile assessment centers; providing for permissible representation on juvenile justice county councils or circuit boards; amending s. 985.407, F.S.; changing the level of background screening required for certain department and provider employees from level 1 to level 2; requiring federal criminal records checks every 5 years for certain department and provider employees; providing for electronic submission of specified fingerprint information; providing for retention of specified fingerprint information; providing for searches; requiring the adoption of rules; providing for an annual fee; providing for notice of changes in the employment status of persons whose fingerprint information is retained; requiring the removal of fingerprint information upon the occurrence of specified events; providing appropriations; amending ss. 784.075, 984.05, 985.31, and 985.3141, F.S.; conforming cross references; reenacting ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(k), and 985.311(3)(e), F.S., relating to jurisdiction, sentencing alternatives, commitment of serious or habitual juvenile offenders, and eligibility for an intensive residential treatment program for offenders less than 13 years of age, respectively, to incorporate the amendment to s. 985.231, F.S., in reference thereto; providing an

Senator Crist moved the following amendment to **House Amendment 1 (105381)** to **Senate Amendment 1 (500116)** which was adopted:

Senate Amendment 1 (653706)(with title amendment) to House Amendment 1 to Senate Amendment 1—On page 1, line 9, through page 32, line 823, delete those lines and insert: perimeter fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for this level of placement require close supervision in a structured residential setting. Placement in programs at this level is prompted by a concern for public safety that outweighs placement in programs at lower commitment levels. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility may provide for single cell occupancy.

(e)~~(d)~~ Maximum-risk residential.—Programs or program models at this commitment level include juvenile correctional facilities and juvenile prisons. The programs are long-term residential and *do* ~~shall~~ not allow youth to have access to the community. Facilities are maximum-custody hardware-secure with perimeter security fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility shall provide for single cell occupancy, except that youth may be housed together during prerelease transition. Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting. Placement in a program at this level is prompted by a demonstrated need to protect the public.

(47)~~(46)~~ "Respite" means a placement that is available for the care, custody, and placement of a youth charged with domestic violence as an alternative to secure detention or for placement of a youth when a shelter bed for a child in need of services or a family in need of services is unavailable.

(48)~~(47)~~ "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

(49)~~(48)~~ "Serious or habitual juvenile offender," for purposes of commitment to a residential facility and for purposes of records retention, means a child who has been found to have committed a delinquent act or a violation of law, in the case currently before the court, and who meets at least one of the following criteria:

(a) The youth is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;

2. Sexual battery;

3. Robbery;

4. Kidnapping;

5. Aggravated child abuse;

6. Aggravated assault;

7. Aggravated stalking;

8. Murder;

9. Manslaughter;

10. Unlawful throwing, placing, or discharging of a destructive device or bomb;

11. Armed burglary;

12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The youth is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least two times to a delinquency commitment program.

(c) The youth is at least 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(50)~~(49)~~ "Serious or habitual juvenile offender program" means the program established in s. 985.31.

(51)~~(50)~~ "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be delinquent.

(52)~~(51)~~ "Shelter hearing" means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.

(53)~~(52)~~ "Staff-secure shelter" means a facility in which a child is supervised 24 hours a day by staff members who are awake while on duty. The facility is for the temporary care and assessment of a child who

has been found to be dependent, who has violated a court order and been found in contempt of court, or whom the Department of Children and Family Services is unable to properly assess or place for assistance within the continuum of services provided for dependent children.

(54)~~(53)~~ "Substance abuse" means using, without medical reason, any psychoactive or mood-altering drug, including alcohol, in such a manner as to induce impairment resulting in dysfunctional social behavior.

(55)~~(54)~~ "Taken into custody" means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child's release, detention, placement, or other disposition as authorized by law.

(56)~~(55)~~ "Temporary legal custody" means the relationship that a juvenile court creates between a child and an adult relative of the child, adult nonrelative approved by the court, or other person until a more permanent arrangement is ordered. Temporary legal custody confers upon the custodian the right to have temporary physical custody of the child and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, and education, and ordinary medical, dental, psychiatric, and psychological care, unless these rights and duties are otherwise enlarged or limited by the court order establishing the temporary legal custody relationship.

(57)~~(56)~~ "Temporary release" means the terms and conditions under which a child is temporarily released from a *residential* commitment facility or allowed home visits. If the temporary release is from a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a conditional release program or a period during which the child is supervised by a juvenile probation officer or other nonresidential staff of the department or staff employed by an entity under contract with the department.

(58)~~(57)~~ "Training school" means one of the following facilities: the Arthur G. Dozier School or the Eckerd Youth Development Center.

(59)~~(58)~~ "Violation of law" or "delinquent act" means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(60)~~(59)~~ "Waiver hearing" means a hearing provided for under s. 985.226(3).

Section 2. Paragraph (d) of subsection (1) of section 985.207, Florida Statutes, is amended to read:

985.207 Taking a child into custody.—

(1) A child may be taken into custody under the following circumstances:

(d) By a law enforcement officer who has probable cause to believe that the child is in violation of the conditions of the child's probation, home detention, postcommitment probation, or conditional release supervision*, has absconded from nonresidential commitment,* or has escaped from *residential*commitment.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 985.215.

Section 3. Section 985.208, Florida Statutes, is amended to read:

985.208 Detention of escapee *or absconder* on authority of the department.—

(1) If an authorized agent of the department has reasonable grounds to believe that any delinquent child committed to the department has escaped from a *residential commitment* facility ~~of the department~~ or from being lawfully transported thereto or therefrom*, or has absconded from a nonresidential commitment facility*, the agent may take the child into active custody and may deliver the child to the facility or, if it is closer, to a detention center for return to the facility. However, a child may not be held in detention longer than 24 hours, excluding Saturdays, Sundays, and legal holidays, unless a special order so directing is made by the judge after a detention hearing resulting in a finding that detention is required based on the criteria in s. 985.215(2). The order shall state the reasons for such finding. The reasons shall be reviewable by appeal or in habeas corpus proceedings in the district court of appeal.

(2) Any sheriff or other law enforcement officer, upon the request of the secretary of the department or duly authorized agent, shall take a child who has escaped ~~or absconded~~ from a *residential commitment* ~~department~~ facility ~~for committed delinquent children,~~ or from being lawfully transported thereto or therefrom, *or has absconded from a nonresidential commitment facility,* into custody and deliver the child to the appropriate juvenile probation officer ~~of the department~~.

Section 4. Subsections (2) and (10) of section 985.215, Florida Statutes, are amended to read:

985.215 Detention.—

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee *from a residential commitment program,* or an absconder from a *nonresidential* commitment program, a probation program, or conditional release supervision, or is alleged to have escaped while being lawfully transported to or from *a residential commitment* ~~such~~ program ~~or supervision~~.

(b) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony.

(c) The child is charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his or her personal safety.

(d) The child is charged with committing an offense of domestic violence as defined in s. 741.28 and is detained as provided in s. 985.213(2)(b)3.

(e) The child is charged with possession or discharging a firearm on school property in violation of s. 790.115.

(f) The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve a violation of chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm.

(g) The child is charged with any second degree or third degree felony involving a violation of chapter 893 or any third degree felony that is not also a crime of violence, and the child:

1. Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;

2. Has a record of law violations prior to court hearings;

3. Has already been detained or has been released and is awaiting final disposition of the case;

4. Has a record of violent conduct resulting in physical injury to others; or

5. Is found to have been in possession of a firearm.

(h) The child is alleged to have violated the conditions of the child's probation or conditional release supervision. However, a child detained under this paragraph may be held only in a consequence unit as provided in s. 985.231(1)(a)1.c. If a consequence unit is not available, the child shall be placed on home detention with electronic monitoring.

(i) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, for an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where

the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(j) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, at two or more court hearings of any nature on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

A child who meets any of these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he or she is charged and the need for continued detention*, except where the child is alleged to have absconded from a nonresidential commitment program in which case the court, at the detention hearing, shall order that the child be released from detention and returned to his or her nonresidential commitment program*. Unless a child is detained under paragraph (d) or paragraph (e), the court shall *use* ~~utilize~~ the results of the risk assessment performed by the juvenile probation officer and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement. Except as provided in s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted pursuant to paragraph (5)(f).

(5)

(d) Except as provided in paragraph (g), a child may not be held in secure, nonsecure, or home detention care for more than 15 days following the entry of an order of adjudication.

(g) Upon good cause being shown that the nature of the charge requires additional time for the prosecution or defense of the case, the court may extend the time limits for detention specified in paragraph (c) an additional 9 days if the child is charged with an offense that would be, if committed by an adult, a capital felony, a life felony, a felony of the first degree, or a felony of the second degree involving violence against any individual.

(10)(a)1. When a child is committed to the Department of Juvenile Justice awaiting dispositional placement, removal of the child from detention care shall occur within 5 days, excluding Saturdays, Sundays, and legal holidays. Any child held in secure detention during the 5 days must meet detention admission criteria pursuant to this section. If the child is committed to a moderate-risk residential program, the department may seek an order from the court authorizing continued detention for a specific period of time necessary for the appropriate residential placement of the child. However, such continued detention in secure detention care may not exceed 15 days after commitment, excluding Saturdays, Sundays, and legal holidays, and except as otherwise provided in this subsection.

2. The court must place all children who are adjudicated and awaiting placement in a ~~residential~~ commitment program in detention care. Children who are in home detention care or nonsecure detention care may be placed on electronic monitoring.

(b) A child who is placed in home detention care, nonsecure detention care, or home or nonsecure detention care with electronic monitoring, while awaiting placement in a *minimum-risk,* low-risk*,* or moderate-risk program, may be held in secure detention care for 5 days, if the child violates the conditions of the home detention care, the nonsecure detention care, or the electronic monitoring agreement. For any subsequent violation, the court may impose an additional 5 days in secure detention care.

(c) If the child is committed to a high-risk residential program, the child must be held in detention care until placement or commitment is accomplished.

(d) If the child is committed to a maximum-risk residential program, the child must be held in detention care until placement or commitment is accomplished.

(e) Upon specific appropriation, the department may obtain comprehensive evaluations, including, but not limited to, medical, academic, psychological, behavioral, sociological, and vocational needs of a youth with multiple arrests for all level criminal acts or a youth committed to a minimum-risk or low-risk commitment program.

(f) Regardless of detention status, a child being transported by the department to a *residential* commitment facility of the department may be placed in secure detention overnight, not to exceed a 24-hour period, for the specific purpose of ensuring the safe delivery of the child to his or her *residential* commitment program, court, appointment, transfer, or release.

Section 5. *Notwithstanding s. 985.2155, Florida Statutes, as amended by ch. 2004-473, Laws of Florida, the state, subject to appropriation, shall pay all costs of detention care for juveniles for Highlands County, Sumter County, and Wakulla County for fiscal year 2005-2006.*

Section 6. Paragraphs (a) and (d) of subsection (1) and subsection (2) of section 985.231, Florida Statutes, are amended to read:

985.231 Powers of disposition in delinquency cases.—

(1)(a) The court that has jurisdiction of an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

1. Place the child in a probation program or a postcommitment probation program under the supervision of an authorized agent of the department ~~of Juvenile Justice~~ or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct. A probation program for an adjudicated delinquent child must include a penalty component such as restitution in money or in kind, community service, a curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or other educational program. If the child is attending or is eligible to attend public school and the court finds that the victim or a sibling of the victim in the case is attending or may attend the same school as the child, the court placement order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d). Upon the recommendation of the department at the time of disposition, or subsequent to disposition pursuant to the filing of a petition alleging a violation of the child's conditions of postcommitment probation, the court may order the child to submit to random testing for the purpose of detecting and monitoring the use of alcohol or controlled substances.

a. A ~~restrictiveness level~~ classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to probation supervision requirements to reasonably ensure the public safety. Probation programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs must include, but are not limited to, structured or restricted activities as described in this subparagraph, and shall be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense, except that the duration of such supervision or program for an offense

that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months. When restitution is ordered by the court, the amount of restitution may not exceed an amount the child and the parent or guardian could reasonably be expected to pay or make. A child who participates in any work program under this part is considered an employee of the state for purposes of liability, unless otherwise provided by law.

b. The court may conduct judicial review hearings for a child placed on probation for the purpose of fostering accountability to the judge and compliance with other requirements, such as restitution and community service. The court may allow early termination of probation for a child who has substantially complied with the terms and conditions of probation.

c. If the conditions of the probation program or the postcommitment probation program are violated, the department or the state attorney may bring the child before the court on a petition alleging a violation of the program. Any child who violates the conditions of probation or postcommitment probation must be brought before the court if sanctions are sought. A child taken into custody under s. 985.207 for violating the conditions of probation or postcommitment probation shall be held in a consequence unit if such a unit is available. The child shall be afforded a hearing within 24 hours after being taken into custody to determine the existence of probable cause that the child violated the conditions of probation or postcommitment probation. A consequence unit is a secure facility specifically designated by the department for children who are taken into custody under s. 985.207 for violating probation or postcommitment probation, or who have been found by the court to have violated the conditions of probation or postcommitment probation. If the violation involves a new charge of delinquency, the child may be detained under s. 985.215 in a facility other than a consequence unit. If the child is not eligible for detention for the new charge of delinquency, the child may be held in the consequence unit pending a hearing and is subject to the time limitations specified in s. 985.215. If the child denies violating the conditions of probation or postcommitment probation, the court shall appoint counsel to represent the child at the child's request. Upon the child's admission, or if the court finds after a hearing that the child has violated the conditions of probation or postcommitment probation, the court shall enter an order revoking, modifying, or continuing probation or postcommitment probation. In each such case, the court shall enter a new disposition order and, in addition to the sanctions set forth in this paragraph, may impose any sanction the court could have imposed at the original disposition hearing. If the child is found to have violated the conditions of probation or postcommitment probation, the court may:

(I) Place the child in a consequence unit in that judicial circuit, if available, for up to 5 days for a first violation, and up to 15 days for a second or subsequent violation.

(II) Place the child on home detention with electronic monitoring. However, this sanction may be used only if a residential consequence unit is not available.

(III) Modify or continue the child's probation program or postcommitment probation program.

(IV) Revoke probation or postcommitment probation and commit the child to the department.

d. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of any order placing a child in a probation program must be until the child's 19th birthday unless he or she is released by the court, on the motion of an interested party or on its own motion.

2. Commit the child to a licensed child-caring agency willing to receive the child, but the court may not commit the child to a jail or to a facility used primarily as a detention center or facility or shelter.

3. Commit the child to the department ~~of Juvenile Justice~~ at a *restrictiveness* ~~residential commitment~~ level defined in s. 985.03. Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, urine monitoring, and treatment of the child and release of the child *from residential commitment* into the community in a postcommitment nonresidential conditional release program. If the child is eligible to attend public school following ~~residential~~ commitment and the court finds that the victim or a sibling of the victim in the case is or may be attending the same school as the child, the commitment order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d). If the child is not successful in the conditional release program, the department may use the transfer procedure under s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of the commitment must be until the child is discharged by the department or until he or she reaches the age of 21.

4. Revoke or suspend the driver's license of the child.

5. Require the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to render community service in a public service program.

6. As part of the probation program to be implemented by the department ~~of Juvenile Justice~~, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment, order the child to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order the child or the child's parent or guardian to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. The clerk shall notify the court if restitution is not made, and the court shall take any further action that is necessary against the child or the child's parent or guardian. A finding by the court, after a hearing, that the parent or guardian has made diligent and good faith efforts to prevent the child from engaging in delinquent acts absolves the parent or guardian of liability for restitution under this subparagraph.

7. Order the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to participate in a community work project, either as an alternative to monetary restitution or as part of the rehabilitative or probation program.

8. Commit the child to the department ~~of Juvenile Justice~~ for placement in a program or facility for serious or habitual juvenile offenders in accordance with s. 985.31. Any commitment of a child to a program or facility for serious or habitual juvenile offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over such child until the child reaches the age of 21, specifically for the purpose of the child completing the program.

9. In addition to the sanctions imposed on the child, order the parent or guardian of the child to perform community service if the court finds that the parent or guardian did not make a diligent and good faith effort to prevent the child from engaging in delinquent acts. The court may also order the parent or guardian to make restitution in money or in kind for any damage or loss caused by the child's offense. The court shall determine a reasonable amount or manner of restitution, and payment shall be made to the clerk of the circuit court as provided in subparagraph 6.

10. Subject to specific appropriation, commit the juvenile sexual offender to the department ~~of Juvenile Justice~~ for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.308. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over a juvenile sexual offender until the juvenile sexual offender reaches the age of 21, specifically for the purpose of completing the program.

(d) Any commitment of a delinquent child to the department ~~of Juvenile Justice~~ must be for an indeterminate period of time, which may include periods of temporary release*; however*, ~~but~~ the *period of* time may not exceed the maximum term of imprisonment that an adult may serve for the same offense*, except that the duration of a minimum-risk nonresidential commitment for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months*. The duration of the child's placement in a ~~residential~~ commitment program of any *restrictiveness*

level shall be based on objective performance-based treatment planning. The child's treatment plan progress and adjustment-related issues shall be reported to the court *quarterly, unless the court requests monthly reports* ~~each month~~. The child's length of stay in a ~~residential~~ commitment program may be extended if the child fails to comply with or participate in treatment activities. The child's length of stay in *the* ~~such~~ program shall not be extended for purposes of sanction or punishment. Any temporary release from such program must be approved by the court. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. The child's treatment plan progress and adjustment-related issues must be communicated to the court at the time the department requests the court to consider releasing the child from the ~~residential~~ commitment program. Notwithstanding s. 743.07 and this subsection, and except as provided in ss. 985.201 and 985.31, a child may not be held under a commitment from a court *under* ~~pursuant to~~ this section after becoming 21 years of age. The department shall give the court that committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment facility. The court that committed the child may thereafter accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted. This section does not limit the department's authority to revoke a child's temporary release status and return the child to a commitment facility for any violation of the terms and conditions of the temporary release.

(2) Following a delinquency adjudicatory hearing pursuant to s. 985.228 and a delinquency disposition hearing pursuant to s. 985.23 which results in a commitment determination, the court shall, on its own or upon request by the state or the department, determine whether the protection of the public requires that the child be placed in a program for serious or habitual juvenile offenders and whether the particular needs of the child would be best served by a program for serious or habitual juvenile offenders as provided in s. 985.31. The determination shall be made pursuant to ss. 985.03*(49)*~~(48)~~ and 985.23(3).

Section 7. Paragraph (a) of subsection (1) of section 985.2311, Florida Statutes, is amended to read:

985.2311 Cost of supervision; cost of care.—

(1) Except as provided in subsection (3) or subsection (4):

(a) When any child is placed into home detention, probation, or other supervision status with the department ~~of Juvenile Justice~~, *or is committed to the minimum-risk nonresidential restrictiveness level,* the court shall order the parent of such child to pay to the department a fee for the cost of the supervision of such child in the amount of $1 per day for each day that the child is in *such* ~~supervision~~ status.

Section 8. Subsection (3) of section 985.316, Florida Statutes, is amended to read:

985.316 Conditional release.—

(3) For juveniles referred or committed to the department, the function of the department may include, but shall not be limited to, assessing each ~~committed~~ juvenile *placed in a residential commitment program* to determine the need for conditional release services upon release from *the* ~~a commitment~~ program, supervising the juvenile when released into the community from a residential commitment facility of the department, providing such counseling and other services as may be necessary for the families and assisting their preparations for the return of the child. Subject to specific appropriation, the department shall provide for outpatient sexual offender counseling for any juvenile sexual offender released from a *residential* commitment program as a component of conditional release.

Section 9. *Section 985.403, Florida Statutes, is repealed.*

Section 10. *Task Force on Juvenile Sexual Offenders and their Victims.—*

(1) On or before August 1, 2005, there shall be created a task force to review and evaluate the state's laws that define and address juvenile sex offenders and the Department of Juvenile Justice's practices and procedures for serving these offenders and their victims. The task force shall make findings that include, but are not limited to: identification of statutes that address juvenile sexual offenders; a profile of the acts committed by each juvenile placed in juvenile sexual offender programming in this state between July 2000 and June 2005 and an assessment of the appropriateness of those placements based upon the acts committed; identification of community-based and residential commitment programming available for juvenile sexual offenders and an assessment of such programming's effectiveness; and identification of qualifications required for staff who serve juvenile sexual offenders. Based on its findings, the task force shall make recommendations for the improvement of the state's laws, policies, programs, and funding for juvenile sexual offenders, and such recommendations shall specifically include, but are not limited to, identification of criteria that should be satisfied prior to placement of a juvenile in juvenile sexual offender programming.

(2) The Governor shall appoint up to 12 members to the task force. The task force shall be composed of representatives who shall include, but are not limited to: a circuit court judge with at least 1 year's experience in the juvenile division, a state attorney with at least 1 year's experience in the juvenile division, a public defender with at least 1 year's experience in the juvenile division, one representative of the Department of Juvenile Justice, two representatives of providers of juvenile sexual offender services, one member of the Florida Juvenile Justice Association, one member of the Florida Association for the Treatment of Sexual Abusers, and one victim of a juvenile sexual offense.

(3) The task force shall submit a written report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2005.

(4) Administrative support for the task force shall be provided by the Department of Juvenile Justice. Members of the task force shall receive no salary from the state beyond the salary already received from their sponsoring agency, if any, and are not entitled to reimbursement for travel and per diem expenses.

(5) The task force shall be dissolved upon submission of its report.

Section 11. *Task force to study certification for juvenile justice provider staff.—*

(1) On or before August 1, 2005, there shall be created a task force to study the feasibility of establishing a certification process for staff employed by a provider under contract with the Department of Juvenile Justice to provide juvenile justice services to youth.

(2) The Governor shall appoint up to 12 members to the task force. The task force shall be composed of representatives who shall include, but are not limited to, the following: two representatives of the Department of Juvenile Justice, two representatives of providers of juvenile justice services, two members of the Florida Juvenile Justice Association, two provider employees who provide direct care services, and two representatives of the Florida Certification Board.

(3) The task force shall consider the feasibility of implementing and operating a certification system for staff who work in juvenile justice facilities, services, or programs. At a minimum, the task force shall consider and make recommendations concerning: per diem levels, the occupational levels of staff subject to certification, the criteria that may be used to certify staff, the levels of certification, and a process for testing and validating the effectiveness of any recommended staff certification system. In making its recommendations, the task force shall make findings regarding the benefits of a staff certification system for the state's juvenile justice programming and the cost to implement such a system.

(4) The task force shall submit a written report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2006.

(5) Administrative support for the task force shall be provided by the Department of Juvenile Justice. Members of the task force shall receive no salary from the state beyond the salary already received from their sponsoring agency, if any, and are not entitled to reimbursement for travel and per diem expenses.

(6) The task force shall be dissolved upon submission of its report.

Section 12. Subsection (10) of section 985.4135, Florida Statutes, is amended to read:

985.4135 Juvenile justice circuit boards and juvenile justice county councils.—

And the title is amended as follows:

On page 42, line 1083, through page 44, line 1149, delete those lines and insert: risk residential restrictiveness level; amending s. 985.207, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; amending s. 985.208, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; amending s. 985.215, F.S.; providing for release from detention for a child who has absconded; providing for detention for committed children awaiting placement; providing secure detention for children awaiting minimum-risk placement who violate home or nonsecure detention or electronic monitoring; providing for limited secure detention for children being transported to residential commitment programs; requiring the state to pay certain detention care costs for juveniles in certain counties for fiscal year 2005-2006; amending s. 985.231, F.S.; revising provisions relating to powers of disposition; providing the maximum length for a minimum-risk nonresidential commitment for a second degree misdemeanor; providing that the department or a provider report quarterly to the court the child's treatment plan progress; making conforming changes; amending s. 985.2311, F.S.; requiring parents to pay fees for costs of supervision related to minimum-risk nonresidential commitment; amending s. 985.316, F.S.; providing for assessment of residentially committed youth for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; creating a new task force on juvenile sexual offenders and their victims; providing powers and duties; providing membership; requiring a report; providing for administrative support; providing for dissolution of the task force; creating a task force to study the certification of professional staff working for a provider of juvenile justice services; providing membership; requiring the task force to consider the feasibility of implementing and operating a certification system for professional staff; requiring the task force to consider specified issues; directing the task force to recommend a process for testing and validating the effectiveness of the recommended staff development system; requiring the task force to prepare and submit a report of its deliberations and recommendations by a specified date; providing for administrative support; providing for dissolution of the task force; amending s. 985.4135, F.S.;

On motion by Senator Crist, the Senate concurred in **House Amendment 1 to Senate Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

HB 1917 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

BILLS ON THIRD READING, continued

On motion by Senator Garcia, by unanimous consent—

HB 1939—A bill to be entitled An act relating to public records and public meetings; creating s. 627.06292, F.S.; creating an exemption from public records requirements for reports of hurricane loss data and associated exposure data that are specific to a particular insurance company; providing a definition; providing for review and repeal; providing a statement of public necessity; amending s. 627.0628, F.S.; creating an exemption from public records requirements for trade secrets used in designing and constructing hurricane loss models; creating an exemption from public meetings requirements for that portion of a meeting of the Florida Commission on Hurricane Loss Projection Methodology or of a rate proceeding wherein confidential and exempt trade secrets are discussed; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Garcia, **HB 1939** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Margolis

On motion by Senator Constantine, by unanimous consent—

CS for SB 2070—A bill to be entitled An act relating to communications services; providing a short title; specifying the period during which the actual cost of operating a substitute communications system is exempt from such taxes; creating the Communications Service Tax Task Force; providing for the membership of the task force; providing a purpose; providing for staffing and administrative support; requiring a report to the Governor and the Legislature; providing appropriations; amending s. 202.11, F.S.; redefining the term "communications services"; providing that the definition of sales price for purposes of communication services tax does not include specified charges for Internet access services; defining the term "service address" when the location of the equipment is unknown or under other circumstances; amending s. 202.26, F.S.; prescribing methods of record keeping relating to bundled sales; amending s. 212.02, F.S.; providing that the definition of sales price for purposes of sales tax does not include specified charges for Internet access services; amending s. 202.13, F.S.; prescribing methods of record keeping relating to bundled sales; providing for emergency rulemaking by the Department of Revenue; amending s. 202.17, F.S.; providing intent that all sellers of communications services must comply with ch. 202, F.S.; providing an effective date.

—as amended May 5 was taken up out of order and read the third time by title.

Senators Haridopolos, Constantine and Bennett offered the following amendment which was moved by Senator Haridopolos and adopted by two-thirds vote:

Amendment 1 (981638)(with title amendment)—On page 2, lines 3-15, delete those lines and insert:

Section 1. Sections (2) through (15) of section 202.11, Florida Statutes, are renumbered as subsections (1) through (14), respectively, subsections (17) through (25) of that section are renumbered as subsections (15) through (23), respectively, and present subsections (1) and (16) of that section are amended to read:

202.11 Definitions.—As used in this chapter:

~~(1) "Actual cost of operating a substitute communications system" includes, but is not limited to, depreciation, interest, maintenance, repair, and other expenses directly attributable to the operation of such system. For purposes of this chapter, the depreciation expense included~~

~~in actual cost is the depreciation expense claimed for federal income tax purposes. The total amount of any payment required by a lease or rental contract or agreement must be included within the actual cost of operating the substitute communications system.~~

~~(16) "Substitute communications system" means any telephone system, or other system capable of providing communications services, which a person purchases, installs, rents, or leases for his or her own use to provide himself or herself with services used as a substitute for any switched service or dedicated facility by which a dealer of communications services provides a communication path.~~

Section 2. Paragraphs (c), (d), and (e) of subsection (1) of section 202.12, Florida Statutes, are redesignated as paragraphs (b), (c), and (d), respectively, and present paragraph (b) of subsection (1) and subsection (2) of that section are amended to read:

202.12 Sales of communications services.—The Legislature finds that every person who engages in the business of selling communications services at retail in this state is exercising a taxable privilege. It is the intent of the Legislature that the tax imposed by chapter 203 be administered as provided in this chapter.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction, and the tax is due and payable as follows:

~~(b) At the rate set forth in paragraph (a) on the actual cost of operating a substitute communications system, to be paid in accordance with s. 202.15. This paragraph does not apply to the use by any dealer of his or her own communications system to conduct a business of providing communications services or any communications system operated by a county, a municipality, the state, or any political subdivision of the state. The gross receipts tax imposed by chapter 203 shall be applied to the same costs, and remitted with the tax imposed by this paragraph.~~

(2) A dealer of taxable communications services shall bill, collect, and remit the taxes on communications services imposed pursuant to chapter 203 and this section at a combined rate that is the sum of the rate of tax on communications services prescribed in chapter 203 and the applicable rate of tax prescribed in this section. ~~Each dealer subject to the tax provided in paragraph (1)(b) shall also remit the taxes imposed pursuant to chapter 203 and this section on a combined basis.~~ However, a dealer shall, in reporting each remittance to the department, identify the portion thereof which consists of taxes remitted pursuant to chapter 203. Return forms prescribed by the department shall facilitate such reporting.

Section 3. Paragraph (a) of subsection (1) of section 202.16, Florida Statutes, is amended to read:

202.16 Payment.—The taxes imposed or administered under this chapter and chapter 203 shall be collected from all dealers of taxable communications services on the sale at retail in this state of communications services taxable under this chapter and chapter 203. The full amount of the taxes on a credit sale, installment sale, or sale made on any kind of deferred payment plan is due at the moment of the transaction in the same manner as a cash sale.

(1)(a) ~~Except as otherwise provided in ss. 202.12(1)(b) and 202.15,~~ The taxes collected under this chapter and chapter 203 shall be paid by the purchaser of the communications service and shall be collected from such person by the dealer of communications services.

Section 4. Subsection (6) of section 202.17, Florida Statutes, is amended to read:

202.17 Registration.—

(6) In addition to the certificate of registration, the department shall provide to each newly registered dealer an initial resale certificate that is valid for the remainder of the period of issuance. The department shall provide to each active dealer~~, except persons registered pursuant to s. 202.15,~~ an annual resale certificate. As used in this section, *the term* "active dealer" means a person who is registered with the department and who is required to file a return at least once during each applicable reporting period.

Section 5. Subsections (1) and (2) of section 202.18, Florida Statutes, are amended to read:

202.18 Allocation and disposition of tax proceeds.—The proceeds of the communications services taxes remitted under this chapter shall be treated as follows:

(1) The proceeds of the taxes remitted under s. 202.12(1)(a) ~~and (b)~~ shall be divided as follows:

(a) The portion of such proceeds which constitutes gross receipts taxes, imposed at the rate prescribed in chapter 203, shall be deposited as provided by law and in accordance with s. 9, Art. XII of the State Constitution.

(b) The remaining portion shall be distributed according to s. 212.20(6).

(2) The proceeds of the taxes remitted under s. 202.12(1)*(b)*~~(c)~~ shall be divided as follows:

(a) The portion of such proceeds which constitutes gross receipts taxes, imposed at the rate prescribed in chapter 203, shall be deposited as provided by law and in accordance with s. 9, Art. XII of the State Constitution.

(b) Sixty-three percent of the remainder shall be allocated to the state and distributed pursuant to s. 212.20(6), except that the proceeds allocated pursuant to s. 212.20(6)(d)3. shall be prorated to the participating counties in the same proportion as that month's collection of the taxes and fees imposed pursuant to chapter 212 and paragraph (1)(b).

(c)1. During each calendar year, the remaining portion of such proceeds shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and shall be allocated in the same proportion as the allocation of total receipts of the half-cent sales tax under s. 218.61 and the emergency distribution under s. 218.65 in the prior state fiscal year.

2. The proportion of the proceeds allocated based on the emergency distribution under s. 218.65 shall be distributed pursuant to s. 218.65.

3. In each calendar year, the proportion of the proceeds allocated based on the half-cent sales tax under s. 218.61 shall be allocated to each county in the same proportion as the county's percentage of total sales tax allocation for the prior state fiscal year and distributed pursuant to s. 218.62.

4. The department shall distribute the appropriate amount to each municipality and county each month at the same time that local communications services taxes are distributed pursuant to subsection (3).

Section 6. Subsections (8) through (12) of section 202.19, Florida Statutes, are renumbered as subsections (7) through (11), respectively, and present subsection (7) of that section is amended to read:

202.19 Authorization to impose local communications services tax.—

~~(7) Any tax imposed by a municipality, school board, or county under this section also applies to the actual cost of operating a substitute communications system, to be paid in accordance with s. 202.15. This subsection does not apply to the use by any provider of its own communications system to conduct a business of providing communications services or to the use of any communications system operated by a county, a municipality, the state, or any political subdivision of the state.~~

Section 7. Paragraph (a) of subsection (1) of section 203.01, Florida Statutes, is amended to read:

203.01 Tax on gross receipts for utility and communications services.—

(1)(a)1. Every person that receives payment for any utility service shall report by the last day of each month to the Department of Revenue, under oath of the secretary or some other officer of such person, the total amount of gross receipts derived from business done within this state, or between points within this state, for the preceding month and, at the same time, shall pay into the State Treasury an amount equal to a percentage of such gross receipts at the rate set forth in paragraph (b). Such collections shall be certified by the Chief Financial Officer upon the request of the State Board of Education.

2. A tax is levied on communications services as defined in s. 202.11*(2)*~~(3)~~. Such tax shall be applied to the same services and transac-

tions as are subject to taxation under chapter 202, and to communications services that are subject to the exemption provided in s. 202.125(1). Such tax shall be applied to the sales price of communications services when sold at retail ~~and to the actual cost of operating substitute communications systems~~, as such terms are defined in s. 202.11, shall be due and payable at the same time as the taxes imposed pursuant to chapter 202, and shall be administered and collected pursuant to the provisions of chapter 202.

Section 8. Section 624.105, Florida Statutes, is amended to read:

624.105 Waiver of customer liability.—Any regulated company as defined in s. 350.111, any electric utility as defined in s. 366.02(2), any utility as defined in s. 367.021(12) or s. 367.022(2) and (7), and any provider of communications services as defined in s. 202.11*(2)*~~(3)~~ may charge for and include an optional waiver of liability provision in their customer contracts under which the entity agrees to waive all or a portion of the customer's liability for service from the entity for a defined period in the event of the customer's call to active military service, death, disability, involuntary unemployment, qualification for family leave, or similar qualifying event or condition. Such provisions may not be effective in the customer's contract with the entity unless affirmatively elected by the customer. No such provision shall constitute insurance so long as the provision is a contract between the entity and its customer.

Section 9. *The retroactive application of the provisions of this act are remedial in nature and shall not be construed to create a right to a refund or to require a refund by any governmental entity of any tax, penalty, or interest remitted to the Department of Revenue on substitute communications systems prior to the effective date of this act.*

Section 10. *Section 202.15, Florida Statutes, is repealed.*

Section 11. Sections 1 through 10 of this act shall take effect upon becoming a law and shall apply retroactively to October 1, 2001.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: amending s. 202.12, F.S.; deleting a provision relating to the manner in which the tax on gross receipts for communications services is applied to a substitute communications system; amending ss. 202.16, 202.17, and 202.18, F.S.; correcting cross-references; amending s. 202.19, F.S.; deleting a provision authorizing the imposition of a local communications services tax on substitute communications systems; amending s. 203.01, F.S.; deleting a provision authorizing the imposition of a gross receipts tax on actual costs of operating substitute communications systems; amending s. 624.105, F.S.; correcting a cross-reference; specifying that retroactive operation is remedial and does not create any right to or require any refunds; repealing s. 202.15, F.S., relating to special rules for users of substitute communications systems; providing for retroactive operation; providing an effective date; creating the Communications Service

On motion by Senator Constantine, **CS for SB 2070** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

By direction of the President, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 152, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 152—A bill to be entitled An act relating to alimony; amending s. 61.14, F.S.; authorizing a court to modify payment of alimony if there is proof by a preponderance of the evidence that the recipient former spouse is in a de facto marriage with a person of the opposite sex outside of the legal bond of matrimony; prescribing factors to be considered by the court; providing for application; providing an effective date.

House Amendment 1 (823941)(with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 61.14, Florida Statutes, is amended to read:

61.14 Enforcement and modification of support, maintenance, or alimony agreements or orders.—

(1)(a) When the parties enter into an agreement for payments for, or instead of, support, maintenance, or alimony, whether in connection with a proceeding for dissolution or separate maintenance or with any voluntary property settlement, or when a party is required by court order to make any payments, and the circumstances or the financial ability of either party changes or the child who is a beneficiary of an agreement or court order as described herein reaches majority after the execution of the agreement or the rendition of the order, either party may apply to the circuit court of the circuit in which the parties, or either of them, resided at the date of the execution of the agreement or reside at the date of the application, or in which the agreement was executed or in which the order was rendered, for an order decreasing or increasing the amount of support, maintenance, or alimony, and the court has jurisdiction to make orders as equity requires, with due regard to the changed circumstances or the financial ability of the parties or the child, decreasing, increasing, or confirming the amount of separate support, maintenance, or alimony provided for in the agreement or order. A finding that medical insurance is reasonably available or the child support guidelines in s. 61.30 may constitute changed circumstances. Except as otherwise provided in s. 61.30(11)(c), the court may modify an order of support, maintenance, or alimony by increasing or decreasing the support, maintenance, or alimony retroactively to the date of the filing of the action or supplemental action for modification as equity requires, giving due regard to the changed circumstances or the financial ability of the parties or the child.

(b)1. The court may reduce or terminate an award of alimony upon specific written findings by the court that since the granting of a divorce and the award of alimony a supportive relationship has existed between the obligee and a person with whom the obligee resides. On the issue of whether alimony should be reduced or terminated under this paragraph, the burden is on the obligor to prove by a preponderance of the evidence that a supportive relationship exists.

2. In determining whether an existing award of alimony should be reduced or terminated because of an alleged supportive relationship between an obligee and a person who is not related by consanguinity or affinity and with whom the obligee resides, the court shall elicit the nature and extent of the relationship in question. The court shall give consideration, without limitation, to circumstances, including, but not limited to, the following, in determining the relationship of an obligee to another person:

a. The extent to which the obligee and the other person have held themselves out as a married couple by engaging in conduct such as using the same last name, using a common mailing address, referring to each other in terms such as "my husband" or "my wife," or otherwise conduct-

ing themselves in a manner that evidences a permanent supportive relationship.

b. The period of time that the obligee has resided with the other person in a permanent place of abode.

c. The extent to which the obligee and the other person have pooled their assets or income or otherwise exhibited financial interdependence.

d. The extent to which the obligee or the other person has supported the other, in whole or in part.

e. The extent to which the obligee or the other person has performed valuable services for the other.

f. The extent to which the obligee or the other person has performed valuable services for the other's company or employer.

g. Whether the obligee and the other person have worked together to create or enhance anything of value.

h. Whether the obligee and the other person have jointly contributed to the purchase of any real or personal property.

i. Evidence in support of a claim that the obligee and the other person have an express agreement regarding property sharing or support.

j. Evidence in support of a claim that the obligee and the other person have an implied agreement regarding property sharing or support.

k. Whether the obligee and the other person have provided support to the children of one another, regardless of any legal duty to do so.

3. This paragraph does not abrogate the requirement that every marriage in this state be solemnized under a license, does not recognize a common law marriage as valid, and does not recognize a de facto marriage. This paragraph recognizes only that relationships do exist that provide economic support equivalent to a marriage and that alimony terminable on remarriage may be reduced or terminated upon the establishment of equivalent equitable circumstances as described in this paragraph. The existence of a conjugal relationship, though it may be relevant to the nature and extent of the relationship, is not necessary for the application of the provisions of this paragraph.

(c)~~(b)~~ For each support order reviewed by the department as required by s. 409.2564(12), if the amount of the child support award under the order differs by at least 10 percent but not less than $25 from the amount that would be awarded under s. 61.30, the department shall seek to have the order modified and any modification shall be made without a requirement for proof or showing of a change in circumstances.

(d)~~(c)~~ The department shall have authority to adopt rules to implement this section.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to alimony; amending s. 61.14, F.S.; authorizing a court to reduce or terminate an award of alimony if there is proof by a preponderance of the evidence that the obligee is in a supportive relationship with another person not related by consanguinity or affinity; prescribing factors to be considered by the court; providing construction; providing an effective date.

On motion by Senator Siplin, the Senate concurred in the House amendment.

CS for SB 152 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Atwater	Clary
Alexander	Baker	Constantine
Argenziano	Bennett	Crist
Aronberg	Campbell	Dawson
Diaz de la Portilla	Klein	Sebesta
Dockery	Lawson	Siplin
Garcia	Lynn	Smith
Geller	Miller	Villalobos
Haridopolos	Peaden	Webster
Hill	Posey	Wise
Jones	Pruitt	
King	Saunders	

Nays—6

Bullard	Fasano	Rich
Carlton	Margolis	Wilson

Vote after roll call:

Yea to Nay—Crist, Klein, Smith

Vote Recorded:

June 2, 2005: Yea to Nay—Aronberg

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 486, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 486—A bill to be entitled An act relating to enterprise zones; creating s. 290.00710, F.S.; authorizing the City of Lakeland to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; creating s. 290.0073, F.S.; authorizing Indian River County, the City of Vero Beach, and the City of Sebastian to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone in Indian River County; providing requirements with respect thereto; requiring the office to establish the initial effective date of the enterprise zone; creating s. 290.0074, F.S.; authorizing Sumter County to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish an effective date for the designated enterprise zone; providing an effective date.

House Amendment 1 (676961)(with title amendment)—On page 3, between line(s) 15 and 16, insert:

Section 4. Section 290.0077, Florida Statutes, is created to read:

290.0077 Enterprise zone designation for Orange County and the municipality of Apopka.—Orange County and the municipality of Apopka may jointly apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

And the title is amended as follows:

On page 1, between line(s) 23 and 24, insert:

creating s. 290.0077, F.S.; authorizing Orange County and the municipality of Apopka to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish the initial effective date of the enterprise zone;

House Amendment 2 (742729) (with directory and title amendments)—On page 3, between lines 15 and 16, insert:

Section 4. *The Office of Program Policy Analysis and Government Accountability shall conduct an evaluation of the tax incentives available*

to rural enterprise zones and the effectiveness of rural enterprise zones in creating jobs. In particular, the evaluation must consider whether existing tax and other financial incentives available under the Enterprise Zone Act are appropriate for businesses located in rural enterprise zones and whether incentives such as the transfer of unused tax credits would enhance the effectiveness of rural enterprise zones. The evaluation shall include an estimation of the costs of new tax incentives. The evaluation shall also identify obstacles faced by rural enterprise zones and recommend possible solutions. The Office of Program Policy Analysis and Government Accountability shall conduct its evaluation and make a report containing its findings and recommendations to the Legislature by December 1, 2005.

And the title is amended as follows:

On page 1, line 24, remove said line and insert:

requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of rural enterprise zone issues; providing an effective date.

On motion by Senator Dockery, the Senate concurred in the House amendments.

CS for CS for SB 486 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CONFEREES DISCHARGED ON CS FOR CS FOR CS FOR SB 360

By direction of the President, the conferees on the part of the Senate which were previously appointed on CS for CS for CS for SB 360 were discharged.

The Senate proceeded to consideration of—

CS for CS for CS for SB 360—A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing for sanctions; requiring incorporation of selected water supply projects in the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; encouraging local governments to include a community vision and an urban service boundary as a component of their comprehensive plans; prescribing taxing authority of local governments doing so; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that the Department of Transportation be consulted regarding certain level-of-service standards; revising criteria and providing guidelines for transportation concurrency exception areas; requiring a local government to consider the transportation level-of-service standards of adjacent jurisdictions for certain roads; providing a process to monitor de minimis impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established on less than a districtwide basis within 5 years; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing requirements for such proportionate fair-share mitigation; requiring the adoption of a transportation concurrency management system by ordinances; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for small scale plan amendment review under certain circumstances; providing an exemption; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 212.055, F.S.; revising permissible rates for charter county transit system surtax; revising methods for approving such a surtax; providing for a noncharter county to levy this surtax under certain circumstances; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising methods for approving a local government infrastructure surtax; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising a ceiling on rates of small county surtaxes; revising methods for approving a school capital outlay surtax; amending s. 206.41, F.S.; providing for annual adjustment of the ninth-cent fuel tax and local option fuel tax; amending s. 336.021, F.S.; revising methods for approving such a fuel tax; limiting authority of a county to impose the ninth-cent fuel tax without adopting a community vision; amending s. 336.025, F.S.; limiting authority of a county to impose the local option fuel tax without adopting a community vision; revising methods for approving such a fuel tax; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; creating s. 339.2819, F.S.; creating the Transportation Regional Incentive Program within the Department of Transportation; providing matching funds for projects meeting certain criteria; amending s. 337.107, F.S.; allowing the inclusion of right-of-way services in certain design-build contracts; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services as part of design-build contracts under certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; allowing design and construction phases to be combined for certain projects; deleting an exception; amending s. 380.06, F.S.; providing exceptions; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; amending s. 206.46, F.S.; increasing the threshold for maximum debt service for transfers in the State Transportation Trust Fund; amending s. 339.08, F.S.; providing for expenditure of moneys in the State Transportation Trust Fund; amending s. 339.155, F.S.; providing for the development of regional transportation plans in Regional Transportation Areas; amending s. 339.175, F.S.; making conforming changes to provisions of the act; amending s. 339.55, F.S.; providing for loans for certain projects from the state-funded infrastructure bank within the Department of Transportation; amending s.

1013.64, F.S.; providing for the expenditure of funds in the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.65, F.S.; providing funding for the Classrooms for Kids Program; amending s. 201.15, F.S.; providing for the expenditure of certain funds in the Land Acquisition Trust Fund; providing for appropriations for the 2005-2006 fiscal year on a nonrecurring basis for certain purposes; providing effective dates.

—as amended by the House.

House Amendment 1 (882799)—Remove everything after the enacting clause and insert:

Section 1. Subsection (32) is added to section 163.3164, Florida Statutes, to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed or planned funding sources available for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements and as otherwise identified within this act necessary to ensure that adopted level-of-service standards are achieved and maintained within the 5-year schedule of capital improvements. The requirement that level-of service standards be achieved and maintained shall not apply if the proportionate-share process set forth in ss. 163.3180(12), (16), and (17) is used.

Section 2. Subsection (3), paragraphs (a), (c), and (h) of subsection (6), paragraph (d) of subsection (11), and subsection (12) of section 163.3177, Florida Statutes, are amended, and subsections (13) and (14) are added to that section, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient utilization of such facilities and set forth:

1. A component which outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component which outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.

4. Standards for the management of debt.

5. A schedule of capital improvements which includes publicly funded projects, and which may include privately funded projects.

6. The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(7) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(6).

(b)*1.* The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 *in order to maintain a financially feasible 5-year schedule of capital improvements.* ~~, except that~~ Corrections~~, updates,~~ and modifications concerning costs; revenue sources; *or* acceptance of facilities pursuant to dedications which are consistent with the plan~~; or the date of construction~~ of any facility enumerated in the capital improvements *schedule* ~~element~~ may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. *A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule.* All public facilities shall be consistent with the capital improvements element. *Amendments to implement this section must be adopted and transmitted no later than December 1, 2007. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2007, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.*

2. Capital improvements element amendments adopted after the effective date of this act shall require at least two public hearings before the governing board, the last of which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6). All public comments submitted shall be forwarded to the department for consideration during the department's review. Amendments to the 5-year schedule of capital improvements adopted after the effective date of this act shall not be subject to challenge by an affected party. If the department determines that an amendment pursuant to this subparagraph is not in compliance, the local government may challenge that determination pursuant to s. 163.3184(10). An affected party may intervene in such challenge but may not maintain an independent action if the local government and the department enter into a compliance agreement.

(c) If the local government does not adopt the required annual update to the schedule of capital improvements or the annual update is found not in compliance, the state land planning agency must notify the Administration Commission. A local government that has a demonstrated lack of commitment to meeting its obligations identified in the capital improvement element may be subject to sanctions by the Administration Commission pursuant to s. 163.3184(11).

(d) If a local government adopts a long-term concurrency management system pursuant to s. 163.3180(9), it must also adopt a long-term capital improvements schedule covering up to a 10-year or 15-year period, and must update the long-term schedule annually. The long-term schedule of capital improvements must be financially feasible.

(6) In addition to the requirements of subsections (1)-(5) *and (12)*, the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of *water supplies,* public *facilities, and*services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the

local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. ~~All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999.~~ The failure by a local government to comply with these school siting requirements ~~by October 1, 1999~~, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use ~~or for adopting or amending the school siting maps pursuant to s. 163.31776(3)~~ are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2006.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks. *Within 18 months after the governing board approves an updated regional water supply plan* ~~By December 1, 2006~~, the element must *incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.0361(2)(a) or proposed by the local government under s. 373.0361(7)(b)* ~~consider the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361~~. *If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan.*The element must *identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction and*include a work plan, covering at least a 10-year planning period, for building *public, private, and regional* water supply facilities*, including development of alternative water supplies, which* ~~that~~ are identified in the element as necessary to serve existing and new development ~~and for which the local government is responsible~~. The work plan shall be updated, at a minimum, every 5 years within *18* ~~12~~ months after the governing board of a water management district approves an updated regional water supply plan. Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan. *Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of ground and surface water supplies.*

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards*, regional water supply authorities,* and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.0361, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 1013.30.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4.a. Local governments ~~adopting a public educational facilities element pursuant to s. 163.31776~~ must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities *pursuant to s. 163.31777*~~, as defined by s. 163.31776(1), which includes the items listed in s. 163.31777(2)~~. The local government shall amend the intergovernmental coordination element to provide that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement.

b. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).

5. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish

their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

6. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which:

a. Identifies all existing or proposed interlocal service-delivery agreements regarding the following: education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

b. Identifies any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

7. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

8. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 6. The report may be used as supporting data and analysis for the intergovernmental coordination element.

~~9. By February 1, 2003, Representatives of municipalities, counties, and special districts shall provide to the Legislature recommended statutory changes for annexation, including any changes that address the delivery of local government services in areas planned for annexation.~~

(11)

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:

a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;

b. Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and

c. Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship areas in smaller rural counties that do not have the staff or planning budgets to create a rural land stewardship area.

2. The *state land planning agency* ~~department~~ shall encourage participation by local governments of different sizes and rural characteristics in establishing and implementing rural land stewardship areas. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.

4. A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and rule 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses*, including adequate available work force housing, including low, very-low, and moderate income housing for the development anticipated in the receiving area* and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rule 9J-5.006(5)(l), Florida Administrative Code.

5. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government. *At the time of designation of a stewardship receiving area, a listed species survey will be performed. If listed species occur on the receiving area site, the developer shall coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the impacts to areas to be developed as receiving areas shall be considered together with the environmental benefits of areas protected as sending areas in fulfilling this criteria.*

6. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, *establish the methodology for the creation, conveyance, and use of transferable rural land use credits, otherwise referred to as stewardship credits, the application of* ~~assign to the area a certain number of credits, to be known as~~

~~"transferable rural land use credits,"~~ which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits *within* ~~assigned to~~ the rural land stewardship area must *enable the realization of the long-term vision and goals for* ~~correspond to~~ the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land*, or in locations where the retention of* ~~and a lesser number of credits to be assigned to~~ open space and agricultural land *is a priority, to such lands*.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

7. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.

8. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph.

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection. *Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.*

(a) The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5-year capital outlay full-time equivalent student growth rate is less than 10 percent. The state land planning agency may allow for a single school to exceed the 100-percent limitation if it can be demonstrated that the capacity rate for that single school is not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:

1. Whether the exceedance is due to temporary circumstances;

2. Whether the projected 5-year capital outlay full time equivalent student growth rate for the school district is approaching the 10-percent threshold;

3. Whether one or more additional schools within the school district are at or approaching the 100-percent threshold; and

4. The adequacy of the data and analysis submitted to support the waiver request.

(b) A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:

1. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

2. The municipality has not annexed new land during the preceding 5 years in land use categories that permit residential uses that will affect school attendance rates.

3. The municipality has no public schools located within its boundaries.

(b)~~(a)~~ A public school facilities element shall be based upon data and analyses that address, among other items, how level-of-service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: *the interlocal agreement adopted pursuant to s. 163.31777 and* the 5-year school district facilities work program adopted pursuant to s. 1013.35; the educational plant survey *prepared pursuant to s. 1013.31* and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long-term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning

periods; and anticipated educational and ancillary plants with land area requirements.

(c)~~(b)~~ The element shall contain one or more goals which establish the long-term end toward which public school programs and activities are ultimately directed.

(d)~~(c)~~ The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.

(e)~~(d)~~ The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.

(f)~~(e)~~ The objectives and policies shall address items such as:

1. The procedure for an annual update process;

2. The procedure for school site selection;

3. The procedure for school permitting;

4. Provision *for* ~~of supporting~~ infrastructure *necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization*;

5. Provision for colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools;

6. Provision for location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points;

7. Measures to ensure compatibility of school sites and surrounding land uses;

8. Coordination with adjacent local governments and the school district on emergency preparedness issues *, including the use of public schools to serve as emergency shelters*; and

9. Coordination with the future land use element.

(g)~~(f)~~ The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants*, including the general location of improvements to existing schools or new schools anticipated over the 5-year, or long-term planning period* . The maps will of necessity be general for the long-term planning period and more specific for the 5-year period. *Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.*

(h) The state land planning agency shall establish a phased schedule for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.31777. The schedule shall provide for each county and local government within the county to adopt the element and update to the agreement no later than December 1, 2008. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1).

(i) Failure to adopt the public school facility element, to enter into an approved interlocal agreement as required by subparagraph (6)(h)2. and 163.31777, or to amend the comprehensive plan as necessary to implement school concurrency, according to the phased schedule, shall result in a local government being prohibited from adopting amendments to the comprehensive plan which increase residential density until the necessary amendments have been adopted and transmitted to the state land planning agency.

(j) The state land planning agency may issue the school board a notice to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement the provisions of this act relating to public school concurrency. The school board may be subject to sanctions imposed by the Administration Commission directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.

(a) As part of the process of developing a community vision under this section, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.

(b) The local government must, at a minimum, discuss five of the following topics as part of the workshops and public meetings required under paragraph (a):

1. Future growth in the area using population forecasts from the Bureau of Economic and Business Research;

2. Priorities for economic development;

3. Preservation of open space, environmentally sensitive lands, and agricultural lands;

4. Appropriate areas and standards for mixed-use development;

5. Appropriate areas and standards for high-density commercial and residential development;

6. Appropriate areas and standards for economic-development opportunities and employment centers;

7. Provisions for adequate workforce housing;

8. An efficient, interconnected multimodal transportation system; and

9. Opportunities to create land use patterns that accommodate the issues listed in subparagraphs 1.-8.

(c) As part of the workshops and public meetings, the local government must discuss strategies for addressing the topics discussed under paragraph (b), including:

1. Strategies to preserve open space and environmentally sensitive lands, and to encourage a healthy agricultural economy, including innovative planning and development strategies, such as the transfer of development rights;

2. Incentives for mixed-use development, including increased height and intensity standards for buildings that provide residential use in combination with office or commercial space;

3. Incentives for workforce housing;

4. Designation of an urban service boundary pursuant to subsection (2); and

5. Strategies to provide mobility within the community and to protect the Strategic Intermodal System, including the development of a transportation corridor management plan under s. 337.273.

(d) The community vision must reflect the community's shared concept for growth and development of the community, including visual representations depicting the desired land-use patterns and character of the community during a 10-year planning timeframe. The community vision must also take into consideration economic viability of the vision and private property interests.

(e) After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the community vision as a component in the plan. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at public hearings of the governing body other than those identified in paragraph (a).

(f) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

Section 3. *Sections 163.31776 and 339.2817, Florida Statutes, is repealed.*

Section 4. Subsections (2), (5), (6), and (7) of section 163.31777, Florida Statutes, are amended to read:

163.31777 Public schools interlocal agreement.—

(2) At a minimum, the interlocal agreement must address *interlocal-agreement requirements in s. 163.3180(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address* the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools. The process must address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding *the effect of comprehensive plan amendments on* school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the district school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

~~A signatory to the interlocal agreement may elect not to include a provision meeting the requirements of paragraph (e); however, such a decision may be made only after a public hearing on such election, which may include the public hearing in which a district school board or a local government adopts the interlocal agreement. An interlocal agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan and land development regulations of any local government that is a signatory.~~

(5) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before *July 1, 2005,* ~~the effective date of this section~~ is not required to amend the element or any interlocal agreement to conform with the provisions of this section ~~if the element is adopted prior to or within 1 year after the effective date of this section and remains in effect~~.

(6) Except as provided in subsection (7), municipalities *meeting the exemption criteria in s. 163.3177(12)* ~~having no established need for a new school facility and meeting the following criteria~~ are exempt from the requirements of subsections (1), (2), and (3).~~:~~

~~(a) The municipality has no public schools located within its boundaries.~~

~~(b) The district school board's 5-year facilities work program and the long-term 10-year and 20-year work programs, as provided in s. 1013.35, demonstrate that no new school facility is needed in the municipality. In addition, the district school board must verify in writing that no new school facility will be needed in the municipality within the 5-year and 10-year timeframes.~~

(7) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under *s. 163.3177(12)* ~~subsection (6)~~. If the municipality continues to meet these criteria ~~and the district school board verifies in writing that no new school facilities will be needed within the 5-year and 10-year timeframes~~, the municipality shall continue to be exempt from the interlocal-agreement requirement. Each municipality exempt under *s. 163.3177(12)* ~~subsection (6)~~ must comply with the provisions of this section within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.

Section 5. Paragraph (a) of subsection (1), subsection (2), paragraph (c) of subsection (4), subsections (5), (7), (9), (10), (13), and (15) of section 163.3180, Florida Statutes, are amended, and subsections (16) and (17) are added to that section, to read:

163.3180 Concurrency.—

(1)(a) Sanitary sewer, solid waste, drainage, potable water, parks and recreation, *schools,* and transportation facilities, including mass transit, where applicable, are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without appropriate study and approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(2)(a) Consistent with public health and safety, sanitary sewer, solid waste, drainage, *adequate water supplies,* and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. *Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent.*

(b) Consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed *no later than* ~~prior to issuance by~~ the local *government's approval to commence construction* ~~government of a certificate of occupancy or its functional equivalent~~.

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities ~~designated as part of the Florida Intrastate Highway System~~ needed to serve new development shall be in place or under actual construction *within 3* ~~not more than 5~~ years after *the local government approves a building permit or its functional equivalent that results in traffic generation. For purposes of this paragraph, if the construction funding needed for facilities is in the first 3 years of the Department of Transportation's work program or the local government's schedule of capital improvements, the under-actual-construction requirements of this paragraph shall be deemed to have been met. However, a local government's concurrency management system may specify that the term "under-actual-construction" refers to the contents of the first 2 years of the local government's schedule of capital improvements or the Department of Transportation's work program* ~~issuance by the local government of a certificate of occupancy or its functional equivalent. Other transportation facilities needed to serve new development shall be in place or under actual construction no more than~~

~~3 years after issuance by the local government of a certificate of occupancy or its functional equivalent.~~

(4)

(c) The concurrency requirement, except as it relates to transportation facilities *and public schools*, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas.

(5)(a) The Legislature finds that under limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities and services be available concurrent with the impacts of such development. The Legislature further finds that often the unintended result of the concurrency requirement for transportation facilities is the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.

(b) A local government may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

1. Urban infill development,

2. Urban redevelopment,

3. Downtown revitalization, or

4. Urban infill and redevelopment under s. 163.2517.

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517 which pose only special part-time demands on the transportation system should be excepted from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(d) A local government shall establish guidelines *in the comprehensive plan* for granting the exceptions authorized in paragraphs (b) and (c) *and subsections (7) and (15) which must be consistent with and support a comprehensive strategy adopted in the plan to promote the purpose of the exceptions*.

(e) The local government shall adopt into the plan and implement strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment shall also demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided. In addition, the strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area shall be accompanied by data and analysis justifying the size of the area.

(f) Prior to the designation of a concurrency exception area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.28171. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9). ~~in the comprehensive plan. These guidelines must include consideration of the impacts on the Florida Intrastate Highway System, as defined in s. 338.001.~~ The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted.

(g) Transportation concurrency exception areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.

(h) It is a high state priority that urban infill and redevelopment be promoted and provide incentives. By promoting the revitalization of existing communities of this state, a more efficient maximization of space and facilities may be achieved and urban sprawl will be discouraged. If a local government creates a long-term vision pursuant to s. 163.3177(13)(a)-(d) for its community, the transportation facilities concurrency requirements of paragraph (2)(c) are waived for:

1.a. Urban infill development as designated in the comprehensive plan;

b. Urban redevelopment as designated in the comprehensive plan;

c. Downtown revitalization as designated in the comprehensive plan; or

d. Urban infill and redevelopment under s. 163.2517 as designated in the comprehensive plan.

Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9).

2. Municipalities that are at least 90 percent built-out. For purposes of this exemption:

a. The term "built-out" means that 90 percent of the property within the municipality's boundaries, excluding lands that are designated as conservation, preservation, recreation, or public facilities categories, have been developed, or are the subject of an approved development order that has received a building permit and the municipality has an average density of 5 units per acre for residential developments.

b. The municipality must have adopted an ordinance that provides the methodology for determining its built-out percentage, declares that transportation concurrency requirements are waived within its municipal boundary or within a designated area of the municipality, and addresses multimodal options and strategies, including alternative modes of transportation within the municipality. Prior to the adoption of the ordinance, the Department of Transportation shall be consulted by the local government to assess the impact that the waiver of the transportation concurrency requirements is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9).

c. If a municipality annexes any property, the municipality must recalculate its built-out percentage pursuant to the methodology set forth in its ordinance to verify whether the annexed property may be included within this exemption.

d. If transportation concurrency requirements are waived under this subparagraph, the municipality must adopt a comprehensive plan amendment pursuant to s. 163.3187(1)(c) which updates its transportation element to reflect the transportation concurrency requirements waiver and must submit a copy of its ordinance adopted in subparagraph b. to the state land planning agency.

3. The community vision created pursuant to s. 13.3177(13)(a)-(d) is not required to be adopted into the comprehensive plan for this transportation facilities concurrency waiver to apply.

(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level-of-service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. *Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.28171. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9). Transportation concurrency management areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.* The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.

(9)(a) Each local government may adopt as a part of its plan, ~~a~~ long-term transportation *and school* concurrency management *systems* ~~system~~ with a planning period of up to 10 years for specially designated districts *or areas* where significant backlogs exist. The plan may include interim level-of-service standards on certain facilities and *shall* ~~may~~ rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development *orders that authorize commencement of construction* ~~permits~~ in these *designated* districts *or areas. The concurrency management system*. ~~It~~ must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. *The concurrency management system* ~~It~~ must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

(b) If a local government has a transportation *or school facility* backlog for existing development which cannot be adequately addressed in a 10-year plan, the state land planning agency may allow it to develop a plan *and long-term schedule of capital improvements covering* ~~of~~ up to 15 years for good and sufficient cause, based on a general comparison between that local government and all other similarly situated local jurisdictions, using the following factors:

1. The extent of the backlog.

2. *For roads,* whether the backlog is on local or state roads.

3. The cost of eliminating the backlog.

4. The local government's tax and other revenue-raising efforts.

(c) The local government may issue approvals to commence construction notwithstanding s. 163.3180, consistent with and in areas that are subject to a long-term concurrency management system.

(d) If the local government adopts a long-term concurrency management system, it must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service or providing other methods of transportation.

(10) With regard to *roadway* facilities on the *Strategic Intermodal System designated in accordance with ss. 339.61, 339.62, 339.63, and 339.64* ~~Florida Intrastate Highway System as defined in s. 338.001, with concurrence from the Department of Transportation, the level-of-service standard for general lanes in urbanized areas, as defined in s. 334.03(36), may be established by the local government in the comprehensive plan. For all other facilities on the Florida Intrastate Highway System~~, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule. For all other roads on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation. *In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level-of-service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.*

(13) *In accordance with the schedule adopted pursuant to s. 163.3177(12)(h),* school concurrency~~, if imposed by local option,~~ shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area *unless exempt from the public school facilities element pursuant to s. 163.3177(12). This subsection shall not apply to the Florida School for the Deaf and Blind. The school concurrency requirement shall not be effective until the adoption of the public school facilities element*. The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). ~~School concurrency shall not become effective in a county until all local governments, except as provided in paragraph (f), have adopted the necessary plan amendments, which together with the interlocal agreement, are determined to be in compliance with the requirements of this part.~~ The minimum requirements for school concurrency are the following:

(a) Public school facilities element.—A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b). All local government public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.

(b) Level-of-service standards.—The Legislature recognizes that an essential requirement for a concurrency management system is the level of service at which a public facility is expected to operate.

1. Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level-of-service standards, as defined in chapter 9J-5, Florida Administrative Code, necessary to implement the adopted local government comprehensive plan, based on data and analysis.

2. Public school level-of-service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall apply districtwide to all schools of the same type. Types of schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet schools.

3. Local governments and school boards shall have the option to utilize tiered level-of-service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.

(c) Service areas.—The Legislature recognizes that an essential requirement for a concurrency system is a designation of the area within which the level of service will be measured when an application for a residential development permit is reviewed for school concurrency purposes. This delineation is also important for purposes of determining whether the local government has a financially feasible public school capital facilities program that will provide schools which will achieve and maintain the adopted level-of-service standards.

1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged to *initially* apply school concurrency to development *only* on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide.

To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency, local governments shall apply school concurrency on a less than districtwide basis, such as using school attendance zones or concurrency service areas, as provided in subparagraph 2.

2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified *and*~~,~~ included *as supporting data and analysis for*~~, and adopted as part of~~ the comprehensive plan. ~~Any subsequent change to the service area boundaries for purposes of a school concurrency system shall be by plan amendment and shall be exempt from the limitation on the frequency of plan amendments in s. 163.3187(1).~~

3. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the *local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a* development *on the basis of school concurrency, and if* ~~order shall be~~ issued*, development impacts shall be shifted to contiguous service areas with schools having available capacity* ~~and mitigation measures shall not be exacted~~.

(d) Financial feasibility.—The Legislature recognizes that financial feasibility is an important issue because the premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level-of-service standard. This part and chapter 9J-5, Florida Administrative Code, contain specific standards to determine the financial feasibility of capital programs. These standards were adopted to make concurrency more predictable and local governments more accountable.

1. A comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) and rule 9J-5.016, Florida Administrative Code. The capital improvements element shall set forth a financially feasible public school capital facilities program, established in conjunction with the school board, that demonstrates that the adopted level-of-service standards will be achieved and maintained.

2. Such amendments shall demonstrate that the public school capital facilities program meets all of the financial feasibility standards of this part and chapter 9J-5, Florida Administrative Code, that apply to capital programs which provide the basis for mandatory concurrency on other public facilities and services.

3. When the financial feasibility of a public school capital facilities program is evaluated by the state land planning agency for purposes of a compliance determination, the evaluation shall be based upon the service areas selected by the local governments and school board.

(e) Availability standard.—Consistent with the public welfare, a local government may not deny *an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of* a development ~~permit~~ authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local ~~option~~ school concurrency *management*system where adequate school facilities will be in place or under actual construction within 3 years after *the* ~~permit~~ issuance *of final subdivision or site plan approval, or the functional equivalent. School concurrency shall be satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subparagraph 1. Approval of a funding agreement shall not be unreasonably withheld. Any dispute shall be mediated pursuant to s. 120.573. Options for proportionate-share mitigation of impacts on public school facilities shall be established in the interlocal agreement pursuant to s. 163.31777.*

1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased overall residential density. Mitigation for development impact to public schools requires the concurrence of the local school board. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the interlocal agreement adopted pursuant to s. 163.317777 authorize a contribution of land; the construction, expansion, or payment for land acquisition; or the construction or expansion of a public school facility, or a portion thereof, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

3. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer's agreement.

4. An offer or agreement to pay a local government's proportionate share for a project's impact does not obligate a local government to approve a development that is not otherwise qualified for approval pursuant to a local government's comprehensive plan and land development regulations.

(f) Intergovernmental coordination.—

1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by *ss.* ~~s.~~163.3177(6)(h)2. *and 163.31777(6),* as a prerequisite for imposition of school concurrency, and as a nonsignatory, shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

a. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit residential uses that will affect school attendance rates.

c. The municipality has no public schools located within its boundaries.

d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.

2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria *pursuant to s. 163.31777(6).* If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by *ss.* ~~s.~~ 163.3177(6)(h)2. *and 163.31777*, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.

(g) Interlocal agreement for school concurrency.—When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement *that* ~~which~~ satisfies the requirements in *ss.* ~~s.~~ 163.3177(6)(h)1. and 2. *and 163.31777* and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of *ss.*~~s.~~ 163.3177(6)(h) *and 163.31777*, the interlocal agreement shall meet the following requirements:

1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's public school facilities element with each other and the plans of the school board to ensure a uniform districtwide school concurrency system.

~~2. Establish a process by which each local government and the school board shall agree and base their plans on consistent projections of the amount, type, and distribution of population growth and coordinate and share information relating to existing and planned public school facilities projections and proposals for development and redevelopment, and infrastructure required to support public school facilities.~~

2.~~3.~~ Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.

3.~~4.~~ Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards.

4.~~5.~~ Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.

5.~~6.~~ Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. The agreement shall also ensure the achievement and maintenance of the adopted level-of-service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.

6.~~7.~~ Establish a uniform districtwide procedure for implementing school concurrency which provides for:

a. The evaluation of development applications for compliance with school concurrency requirements*, including information provided by the school board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity*;

b. An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan; and

c. The monitoring and evaluation of the school concurrency system.

7.~~8.~~ Include provisions relating to ~~termination, suspension, and~~ amendment of the agreement. ~~The agreement shall provide that if the agreement is terminated or suspended, the application of school concurrency shall be terminated or suspended.~~

8. A process and uniform methodology for determining proportionate-share mitigation pursuant to subparagraph (e)1.

(h) This subsection does not limit the authority of a local government to grant or deny a development permit or its functional equivalent prior to the implementation of school concurrency.

(15)(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. *Prior to the designation of multimodal transportation districts, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed multimodal district area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.28171. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9). Multimodal transportation districts existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.*

(b) Community design elements of such a district include: a complementary mix and range of land uses, including educational, recreational, and cultural uses; interconnected networks of streets designed to encourage walking and bicycling, with traffic-calming where desirable; appropriate densities and intensities of use within walking distance of transit stops; daily activities within walking distance of residences, allowing independence to persons who do not drive; public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian, with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.

(c) Local governments may establish multimodal level-of-service standards that rely primarily on nonvehicular modes of transportation within the district, when justified by an analysis demonstrating that the existing and planned community design will provide an adequate level of mobility within the district based upon professionally accepted multimodal level-of-service methodologies. ~~The analysis must take into consideration the impact on the Florida Intrastate Highway System.~~ The analysis must also demonstrate that the capital improvements required to promote community design are financially feasible over the development or redevelopment timeframe for the district and that community design features within the district provide convenient interconnection for a multimodal transportation system. Local governments may issue development permits in reliance upon all planned community design capital improvements that are financially feasible over the development or redevelopment timeframe for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements. A determination of financial feasibility shall be based upon currently available funding or funding sources that could reasonably be expected to become available over the planning period.

(d) Local governments may reduce impact fees or local access fees for development within multimodal transportation districts based on the reduction of vehicle trips per household or vehicle miles of travel expected from the development pattern planned for the district.

(16)(a) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors through the use of proportionate-share mitigation contributions for development impacts on transportation facilities.

(b) By December 1, 2007, each local government shall adopt by ordinance a transportation concurrency management system that shall include a methodology for assessing proportionate-share mitigation op-

tions. By December 1, 2005, the Department of Transportation shall develop model transportation concurrency management ordinances with alternative methodologies for assessing proportionate-share mitigation options. The transportation concurrency management ordinances may assess concurrency impact areas by district or systemwide.

(c) By December 1, 2006, the Department of Transportation shall develop a process and uniform methodology for determining proportionate-share mitigation contributions for developments impacts to transportation facilities included in the Strategic Intermodal System. The department shall consult with local governments regarding the methodologies for impacts on transportation corridors.

(d) Transportation facilities concurrency shall be satisfied if the developer executes a legally binding commitment that provides proportionate-share mitigation contributions proportionate to the demand for transportation facilities to be created by actual development of the property. This may include, but shall not be limited to, the options for mitigation established in the transportation element or traffic circulation element. Appropriate transportation mitigation contribution may include public or private funds; the contribution of right-of-way; the construction of a transportation facility or payment for the right-of-way or construction of a transportation facility or service; or the provision of transit service. Such options shall include execution of an enforceable development agreement for project to be funded by a developer. Developer's proportionate-share mitigation contributions shall be used to satisfy the transportation concurrency requirements of this section and may be applied as a credit against impact fees.

(e) Approval of a development agreement shall not be unreasonably withheld by the local government. Any dispute shall be resolved through mediation or other alternative dispute resolution.

(f) A local government may not require a development to contribute more than its proportionate-share mitigation regardless of the method of mitigation.

(g) The local government shall notify the Department of Transportation of all proportionate-share mitigation contributions made for impacts on the transportation facilities included in the Strategic Intermodal System. In addition, the Department of Transportation is not authorized to arbitrarily charge a fee or require additional mitigation from a developer.

(h) Local governments may create mitigation banks for transportation facilities within its local government comprehensive plan to assist with the concurrency provisions of this section.

(i) The provisions of this subsection shall not apply to a development of regional impact using the provisions of s. 163.3180(12).

(17) Concurrency requirements imposed by a local comprehensive plan, a local government's land development regulations, and s. 380.06, shall be satisfied if a developer enters into a legally binding commitment to provide mitigation proportionate to the impact of the development on parks and recreation and stormwater. A local government may not require a development to pay more than its proportionate-share mitigation regardless of the method mitigation.

Section 6. Paragraph (b) of subsection (1), subsection (4), and paragraph (a) of subsection (6) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(1) DEFINITIONS.—As used in this section, the term:

(b) "In compliance" means consistent with the requirements of *s.* ~~ss.~~ 163.3177, ~~163.31776,~~ when a local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(4) INTERGOVERNMENTAL REVIEW.—The governmental agencies specified in paragraph (3)(a) shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. *163.3177* ~~163.31776~~, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(6) STATE LAND PLANNING AGENCY REVIEW.—

(a) The state land planning agency *may* ~~shall~~ review a proposed plan amendment upon request of a regional planning council, affected person, or local government transmitting the plan amendment. The request from the regional planning council or affected person must be received within 30 days after transmittal of the proposed plan amendment pursuant to subsection (3). A regional planning council or affected person requesting a review shall do so by submitting a written request to the agency with a notice of the request to the local government and any other person who has requested notice.

Section 7. Paragraphs (c) and (l) of subsection (1) of section 163.3187, Florida Statutes, are amended, and paragraph (o) is added to said subsection, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive

plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre, except that this limitation does not apply to *small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement or extended use agreement recorded in conjunction with the issuance of tax exempt bond financing or an allocation of federal tax credits issued through the Florida Housing Finance Corporation or a local housing finance authority authorized by the Division of Bond Finance of the State Board of Administration, or* small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

(l) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. *163.3177* ~~163.31776~~ and future land-use-map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.

(o)1. For municipalities that are more than 90 percent built-out, any municipality's comprehensive plan amendments may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan only if the proposed amendment involves a use of 100 acres or fewer and:

a. The cumulative annual effect of the acreage for all amendments adopted pursuant to this paragraph does not exceed 500 acres.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern.

2. For purposes of this paragraph, the term "built-out" means 90 percent of the property within the municipality's boundaries, excluding lands that are designated as conservation, preservation, recreation, or public facilities categories, have been developed, or are the subject of an approved development order that has received a building permit, and the municipality has an average density of 5 units per acre for residential development.

3.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions of s. 166.041(3)(c). If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

4. Amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

5. This paragraph shall not apply if a municipality annexes unincorporated property that decreases the percentage of build-out to an amount below 90 percent.

5. A municipality shall notify the state land planning agency in writing of its built-out percentage prior to the submission of any comprehensive plan amendments under this subsection.

Section 8. Subsections (2) and (10) of section 163.3191, Florida Statutes, are amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.

(b) The extent of vacant and developable land.

(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.

(d) The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.

(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.

(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report

shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.

(h) A brief assessment of successes and shortcomings related to each element of the plan.

(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.

(j) A summary of the public participation program and activities undertaken by the local government in preparing the report.

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. *For those counties or municipalities that do not have a public schools interlocal agreement or public school facility element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facility element, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system.* ~~If the issues are not relevant, the local government shall demonstrate that they are not relevant.~~

(l) *The extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction. The report must evaluate the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies,* ~~The evaluation must consider the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361. The potable water element must be revised to include a work plan, covering at least a 10-year planning period, for building any water supply facilities that are~~ identified in the element as necessary to serve existing and new development ~~and for which the local government is responsible~~.

(m) If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

(n) An assessment of whether the criteria adopted pursuant to s. 163.3177(6)(a) were successful in achieving compatibility with military installations.

(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal transportation district designated pursuant to s. 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180.

(p) An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).

(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. *Beginning July 1, 2006, failure to timely transmit update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report update amendments have been transmitted to the state land planning agency. The prohibition on plan amendments shall commence when the update amendments to the comprehensive plan are past due.* The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). *Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.*

Section 9. Paragraph (b) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(b)1. A tentative work program, including the ensuing fiscal year and the successive 4 fiscal years, shall be prepared for the State Transportation Trust Fund and other funds managed by the department, unless otherwise provided by law. The tentative work program shall be based on the district work programs and shall set forth all projects by phase to be undertaken during the ensuing fiscal year and planned for the successive 4 fiscal years. The total amount of the liabilities accruing in each fiscal year of the tentative work program may not exceed the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year.

2. The tentative work program shall be developed in accordance with the Florida Transportation Plan required in s. 339.155 and must comply with the program funding levels contained in the program and resource plan.

3. The department may include in the tentative work program proposed changes to the programs contained in the previous work program adopted pursuant to subsection (5); however, the department shall minimize changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years contained in the previous adopted work program and the tentative work program. The department, in the development of the tentative work program, shall advance by 1 fiscal year all projects included in the second year of the previous year's adopted work program, unless the secretary specifically determines that it is necessary, for specific reasons, to reschedule or delete one or more projects from that year. Such changes and adjustments shall be clearly identified, and the effect on the 4 common fiscal years contained in the previous adopted work program and the tentative work program shall be shown. It is the intent of the Legislature that ~~the first 5 years of the adopted work program for facilities designated as part of the Florida Intrastate Highway System and~~ the first 3 years of the adopted work program stand as the commitment of the state to undertake transportation projects that local governments may rely on for planning *and concurrency* purposes and in the development and amendment of the

capital improvements elements of their local government comprehensive plans.

4. The tentative work program must include a balanced 36-month forecast of cash and expenditures and a 5-year finance plan supporting the tentative work program.

Section 10. *The Office of Program Policy Analysis and Government Accountability shall perform a study on adjustments to the boundaries of Florida Regional Planning Councils, Florida Water Management Districts, and Department of Transportation Districts. The purpose of this study is to organize these regional boundaries, without eliminating any regional agency, to be more coterminous with one another, creating a more unified system of regional boundaries. This study must be completed by December 31, 2005, and submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor by January 15, 2006.*

Section 11. Section 163.3247, Florida Statutes, is created to read:

163.3247 Century Commission for a Sustainable Florida.—

(1) POPULAR NAME.—This section may be cited as the "Century Commission for a Sustainable Florida Act."

(2) FINDINGS AND INTENT.—The Legislature finds and declares that the population of this state is expected to more than double over the next 100 years, with commensurate impacts to the state's natural resources and public infrastructure. Consequently, it is in the best interests of the people of the state to ensure sound planning for the proper placement of this growth and protection of the state's land, water, and other natural resources since such resources are essential to our collective quality of life and a strong economy. The state's growth management system should foster economic stability through regional solutions and strategies, urban renewal and infill, and the continued viability of agricultural economies, while allowing for rural economic development and protecting the unique characteristics of rural areas, and should reduce the complexity of the regulatory process while carrying out the intent of the laws and encouraging greater citizen participation.

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.—The Century Commission for a Sustainable Florida is created as a standing body to help the citizens of this state envision and plan their collective future with an eye towards both 20-year and 50-year horizons.

(a) The commission shall consist of fifteen members, five appointed by the Governor, five appointed by the President of the Senate, and five appointed by the Speaker of the House of Representatives. Appointments shall be made no later than October 1, 2005. The membership must represent local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. One member shall be designated by the Governor as chair of the commission. Any vacancy that occurs on the commission must be filled in the same manner as the original appointment and shall be for the unexpired term of that commission seat. Members shall serve 4-year terms, except that, initially, to provide for staggered terms, three of the appointees, one each by the Governor, the President of the Senate, and the Speaker of the House of Representatives, shall serve 2-year terms, three shall serve 3-year terms, and three shall serve 4-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years.

(b) The first meeting of the commission shall be held no later than December 1, 2005, and shall meet at the call of the chair but not less frequently than three times per year in different regions of the state to solicit input from the public or any other individuals offering testimony relevant to the issues to be considered.

(c) Each member of the commission is entitled to one vote and actions of the commission are not binding unless taken by a three-fifths vote of the members present. A majority of the members is required to constitute a quorum, and the affirmative vote of a quorum is required for a binding vote.

(d) Members of the commission shall serve without compensation but shall be entitled to receive per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(4) POWERS AND DUTIES.—The commission shall:

(a) Annually conduct a process through which the commission envisions the future for the state and then develops and recommends policies, plans, action steps, or strategies to assist in achieving the vision.

(b) Continuously review and consider statutory and regulatory provisions, governmental processes, and societal and economic trends in its inquiry of how state, regional, and local governments and entities and citizens of this state can best accommodate projected increased populations while maintaining the natural, historical, cultural, and manmade life qualities that best represent the state.

(c) Bring together people representing varied interests to develop a shared image of the state and its developed and natural areas. The process should involve exploring the impact of the estimated population increase and other emerging trends and issues; creating a vision for the future; and developing a strategic action plan to achieve that vision using 20-year and 50-year intermediate planning timeframes.

(d) Focus on essential state interests, defined as those interests that transcend local or regional boundaries and are most appropriately conserved, protected, and promoted at the state level.

(e) Serve as an objective, nonpartisan repository of exemplary community-building ideas and as a source to recommend strategies and practices to assist others in working collaboratively to problem solve on issues relating to growth management.

(f) Annually, beginning January 16, 2007, and every year thereafter on the same date, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a written report containing specific recommendations for addressing growth management in the state, including executive and legislative recommendations. Further, the report shall contain discussions regarding the need for intergovernmental cooperation and the balancing of environmental protection and future development and recommendations on issues, including, but not limited to, recommendations regarding dedicated sources of funding for sewer facilities, water supply and quality, transportation facilities that are not adequately addressed by the Strategic Intermodal System, and educational infrastructure to support existing development and projected population growth.

(g) Beginning with the 2007 Regular Session of the Legislature, the President of the Senate and Speaker of the House of Representatives shall create a joint select committee, the task of which shall be to review the findings and recommendations of the Century Commission for a Sustainable Florida for potential action.

(5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.—

(a) The Secretary of Community Affairs shall select an executive director of the commission, and the executive director shall serve at the pleasure of the secretary under the supervision and control of the commission.

(b) The Department of Community Affairs shall provide staff and other resources necessary to accomplish the goals of the commission based upon recommendations of the Governor.

(c) All agencies under the control of the Governor are directed, and all other agencies are requested, to render assistance to, and cooperate with, the commission.

Section 12. Subsection (3) of section 215.211, Florida Statutes, is amended to read:

215.211 Service charge; elimination or reduction for specified proceeds.—

(3) Notwithstanding the provisions of s. 215.20(1), the service charge provided in s. 215.20(1), which is deducted from the proceeds of the local option fuel tax distributed under s. 336.025, shall be reduced as follows:

(a) For the period July 1, 2005, through June 30, 2006, the rate of the service charge shall be 3.5 percent.

(b) Beginning July 1, 2006, and thereafter, no service charge shall be deducted from the proceeds of the local option fuel tax distributed under s. 336.025.

The increased revenues derived from this subsection shall be deposited in the State Transportation Trust Fund and used to fund the *Transportation Incentive Program for a Sustainable Florida* ~~County Incentive Grant Program~~ and the Small County Outreach Program. Up to 20 percent of such funds shall be used for the purpose of implementing the Small County Outreach Program *created pursuant to s. 339.2818* ~~as provided in this act. Notwithstanding any other laws to the contrary, the requirements of ss. 339.135, 339.155, and 339.175 shall not apply to these funds and programs.~~

Section 13. Section 339.28171, Florida Statutes, is created to read:

339.28171 Transportation Incentive Program for a Sustainable Florida.—

(1) There is created within the Department of Transportation a Transportation Incentive Program for a Sustainable Florida, which may be cited as TRIP for a Sustainable Florida, for the purpose of providing grants to local governments to improve a transportation facility or system which addresses an identified concurrency management system backlog or relieve traffic congestion in urban infill and redevelopment areas. Bridge projects off of the State Highway System are eligible to receive funding from this program.

(2) To be eligible for consideration, projects must be consistent with local government comprehensive plans, the transportation improvement program of the applicable metropolitan organization, and the Strategic Intermodal System plan developed in accordance with s. 339.64.

(3) The funds shall be distributed by the department to each district in accordance with the statutory formula pursuant to s. 339.135(4). The district secretary shall use the following criteria to evaluate the project applications:

(a) The level of local government funding efforts.

(b) The level of local, regional, or private financial matching funds as a percentage of the overall project cost.

(c) The ability of local government to rapidly address project construction.

(d) The level of municipal and county agreement on the scope of the proposed project.

(e) Whether the project is located within and supports the objectives of an urban infill area, a community redevelopment area, an urban redevelopment area, or a concurrency management area.

(f) The extent to which the project would foster public-private partnerships and investment.

(g) The extent to which the project protects environmentally sensitive areas.

(h) The extent to which the project would support urban mobility, including public transit systems, the use of new technologies, and the provision of bicycle facilities or pedestrian pathways.

(i) The extent to which the project implements a regional transportation plan developed in accordance with s. 339.155(2)(c), (d), and (e).

(j) Whether the project is subject to a local ordinance that establishes corridor management techniques, including access management strategies, right-of-way acquisition and protection measures, appropriate land use strategies, zoning, and setback requirements for adjacent land uses.

(k) Whether or not the local government has adopted a vision pursuant to s. 163.3167(11) either prior to or after the effective date of this act.

(4) As part of the project application, the local government shall demonstrate how the proposed project implements a capital improvement element and a long-term transportation concurrency system, if applicable, to address the existing capital improvement element backlogs.

(5) The percentage of matching funds available to applicants shall be based on the following:

(a) For projects that provide capacity on the Strategic Intermodal System, the percentage shall be 35 percent.

(b) For projects that provide capacity on regionally significant transportation facilities identified in s. 339.155(2)(c), (d), and (e), the percentage shall be 50 percent or up to 50 percent of the nonfederal share of the eligible project costs for a public transportation facility project. For off-system bridges, the percentage match shall be 50 percent. Projects to be funded pursuant to this paragraph shall, at a minimum meet the following additional criteria:

1. Support those transportation facilities that serve national, statewide, or regional functions and function as an integrated regional transportation system.

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163, after the effective date of this act, or to implement a long-term concurrency management system adopted a local government in accordance with s. 163.3177(9).

3. Provide connectivity to the Strategic Intermodal System designated pursuant to s. 339.64.

4. Support economic development and the movement of goods in areas of critical economic concern designated pursuant to s. 288.0656(7).

5. Improve connectivity between military installations and the Strategic Highway Network or the Strategic Rail Corridor Network.

6. For off-system bridge projects to replace, rehabilitate, paint, or install scour countermeasures to highway bridges located on public roads, other than those on a federal-aid highway, such projects shall, at a minimum:

a. Be classified as a structurally deficient bridge with a poor condition rating for either the deck, superstructure, or substructure component, or culvert.

b. Have a sufficiency rating of 35 or below.

c. Have average daily traffic of at least 500 vehicles.

Special consideration shall be given to bridges that are closed to all traffic or that have a load restriction of less than 10 tons.

(c) For local projects that demonstrate capacity improvements in the urban service boundary, urban infill, or urban redevelopment area or provide such capacity replacement to the Strategic Intermodal System or regionally significant facilities, the percentage shall be 65 percent.

(6) The department may administer contracts at the request of a local government selected to receive funding for a project under this section. All projects funded under this section shall be included in the department's work program developed pursuant to s. 339.135.

Section 14. Section 337.107, Florida Statutes, is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities*, or the department may include right-of-way services as part of design-build contracts awarded under s. 337.11.* Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 15. Effective July 1, 2007, section 337.107, Florida Statutes, as amended by this act is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities~~, or the department may include right-of-way services as part of design-build contracts awarded under s. 337.11~~. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 16. Paragraph (a) of subsection (7) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the *right-of-way services and* design and construction phases of *a building, a major bridge, a limited access facility, or a rail corridor* ~~any~~ project into a single contract~~, except for a resurfacing or minor bridge project, the right-of-way services and design and construction phases of which may be combined under s. 337.025~~. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.

Section 17. Effective July 1, 2007, paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by this act, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the ~~right-of-way services and~~ design and construction phases of *a building, a major bridge, a limited access facility, or a rail corridor* ~~any~~ project into a single contract~~, except for a resurfacing or minor bridge project, the right-of-way services and design and construction phase of which may be combined under s. 337.025~~. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription.

Section 18. Section 373.19615, Florida Statutes, is created to read:

373.19615 Florida's Sustainable Water Supplies Program.—

(1) There is hereby created "Florida's Sustainable Water Supplies Program." The Legislature recognizes that alternative water supply projects are more expensive to develop compared to traditional water supply projects. As Florida's population continues to grow, the need for alternative water supplies is also growing as our groundwater supplies in portions of the state are decreasing. Beginning in fiscal year 2005-2006, the state shall annually appropriate $100 million for the purpose of providing funding assistance to local governments for the development of alternative water supply projects. At the beginning of each fiscal year, beginning with fiscal year 2005-2006, such revenues shall be distributed to the Department of Environmental Protection. The department shall then distribute the revenues into alternative water supply accounts created by the department for each district for the purpose of alternative water supply development under the following funding formula:

1. Forty percent to the South Florida Water Management District.

2. Twenty-five percent to the Southwest Florida Water Management District.

3. Twenty-five percent to the St. Johns River Water Management District.

4. Five percent to the Suwannee River Water Management District.

5. Five percent to the Northwest Florida Water Management District.

(2) For the purposes of this section, the following definitions shall apply:

(a) "Alternative water supplies" includes saltwater; brackish surface and groundwater; surface water captured predominantly during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater; water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; stormwater; and any other water supply source that is designated as non-traditional for a water supply planning region in the applicable regional water supply plan developed under s. 373.0361.

(b) "Capital costs" means planning, design, engineering, and project construction costs.

(c) "Local government" means any municipality, county, special district, regional water supply authority, or multijurisdictional entity, or an agency thereof, or a combination of two or more of the foregoing acting jointly with an alternative water supply project.

(3) To be eligible for assistance in funding capital costs of alternative water supply projects under this program, the water management district governing board must select those alternative water supply projects that will receive financial assistance. The water management district governing board shall establish factors to determine project funding.

(a) Significant weight shall be given to the following factors:

1. Whether the project provides substantial environmental benefits by preventing or limiting adverse water resource impacts.

2. Whether the project reduces competition for water supplies.

3. Whether the project brings about replacement of traditional sources in order to help implement a minimum flow or level or a reservation.

4. Whether the project will be implemented by a consumptive use permittee that has achieved the targets contained in a goal-based water conservation program approved pursuant to s. 373.227.

5. The quantity of water supplied by the project as compared to its cost.

6. Projects in which the construction and delivery to end users of reuse water are major components.

7. Whether the project will be implemented by a multijurisdictional water supply entity or regional water supply authority.

(b) Additional factors to be considered in determining project funding shall include:

1. Whether the project is part of a plan to implement two or more alternative water supply projects, all of which will be operated to produce water at a uniform rate for the participants in a multijurisdictional water supply entity or regional water supply authority.

2. The percentage of project costs to be funded by the water supplier or water user.

3. Whether the project proposal includes sufficient preliminary planning and engineering to demonstrate that the project can reasonably be implemented within the timeframes provided in the regional water supply plan.

4. Whether the project is a subsequent phase of an alternative water supply project underway.

5. Whether and in what percentage a local government or local government utility is transferring water supply system revenues to the local government general fund in excess of reimbursements for services received from the general fund including direct and indirect costs and legitimate payments in lieu of taxes.

(4)(a) All projects submitted to the governing board for consideration shall reflect the total cost for implementation. The costs shall be segregated pursuant to the categories described in the definition of capital costs.

(b) Applicants for projects that receive funding assistance pursuant to this section shall be required to pay 33 1/3 percent of the project's total capital costs.

(c) The water management district shall be required to pay 33 1/3 percent of the project's total capital costs.

(5) After conducting one or more meetings to solicit public input on eligible projects for implementation of alternative water supply projects, the governing board of each water management district shall select projects for funding assistance based upon the above criteria. The governing board may select a project identified or listed as an alternative water supply development project in the regional water supply plan, or may select an alternative water supply projects not identified or listed in the regional water supply plan but which are consistent with the goals of the plans.

(6) Once an alternative water supply project is selected by the governing board, the applicant and the water management district must, in writing, each commit to a financial contribution of 33 1/3 percent of the project's total capital costs. The water management district shall then submit a request for distribution of revenues held by the department in the district's alternative water supply account. The request must include the amount of current and projected water demands within the water management district, the additional water made available by the project, the date the water will be made available, and the applicant's and water management district's financial commitment for the alternative water supply project. Upon receipt of a request from a water management district, the department shall determine whether the alternative water supply project meets the department's criteria for financial assistance. The department shall establish factors to determine whether state financial assistance for an alternative water supply project shall be granted.

(a) Significant weight shall be given to the following factors:

1. Whether the project provides substantial environmental benefits by preventing or limiting adverse water resource impacts.

2. Whether the project reduces competition for water supplies.

3. Whether the project brings about replacement of traditional sources in order to help implement a minimum flow or level or a reservation.

4. Whether the project will be implemented by a consumptive use permittee that has achieved the targets contained in a goal-based water conservation program approved pursuant to s. 373.227.

5. The quantity of water supplied by the project as compared to its cost.

6. Projects in which the construction and delivery to end users of reuse water are major components.

7. Whether the project will be implemented by a multijurisdictional water supply entity or regional water supply authority.

(b) Additional factors to be considered in determining project funding shall include:

1. Whether the project is part of a plan to implement two or more alternative water supply projects, all of which will be operated to produce water at a uniform rate for the participants in a multijurisdictional water supply entity or regional water supply authority.

2. The percentage of project costs to be funded by the water supplier or water user.

3. Whether the project proposal includes sufficient preliminary planning and engineering to demonstrate that the project can reasonably be implemented within the timeframes provided in the regional water supply plan.

4. Whether the project is a subsequent phase of an alternative water supply project underway.

5. Whether and in what percentage a local government or local government utility is transferring water supply system revenues to the local government general fund in excess of reimbursements for services received from the general fund including direct and indirect costs and legitimate payments in lieu of taxes.

If the department determines that the project should receive financial assistance, the department shall distribute to the water management district 33 1/3 percent of the total capital costs from the district's alternative water supply account.

Section 19. Section 373.19616, Florida Statutes, is created to read:

373.19616 Water Transition Assistance Program.—

(1) The Legislature recognizes that as a result of Florida's increasing population, there are limited ground water resources in some portions of the state to serve increased water quantities demands. As a result, a transition from ground water supply to more expensive alternative water supply is necessary. The purpose of this section is to assist local governments by establishing a low-interest revolving loan program for infrastructure financing for alternative water supplies.

(2) For purposes of this section, the term:

(a) "Alternative water supplies" has the same meaning as provided in s. 373.19615(2).

(b) "Local government" has the same meaning as provided in s. 373.19615(2).

(3) The Department of Environmental Protection is authorized to make loans to local governments to assist them in planning, designing, and constructing alternative water supply projects. The department may provide loan guarantees, purchase loan insurance, and refinance local debt through issue of new loans for alternative water supply projects approved by the department. Local governments may borrow funds made available pursuant to this section and may pledge any revenues or other adequate security available to them to repay any funds borrowed.

(4) The term of loans made pursuant to this section shall not exceed 30 years. The interest rate on such loans shall be no greater than that paid on the last bonds sold pursuant to s. 14, Art. VII of the State Constitution.

(5) In order to ensure that public moneys are managed in an equitable and prudent manner, the total amount of money loaned to any local government during a fiscal year shall be no more than 25 percent of the total funds available for making loans during that year. The minimum amount of a loan shall be $75,000.

(6) The department may adopt rules that:

(a) Set forth a priority system for loans based on factors provided for in s. 373.19615(6)(a) and (b).

(b) Establish the requirements for the award and repayment of financial assistance.

(c) Require adequate security to ensure that each loan recipient can meet its loan payment requirements.

(d) Establish, at the department's discretion, a specific percentage of funding, not to exceed 20 percent, for financially disadvantaged communities for the development of alternative water supply projects. The department shall include within the rule a definition of the term "financially disadvantaged community," and the criteria for determining whether the project serves a financially disadvantaged community. Such criteria shall be based on the median household income of the service population or other reliably documented measures of disadvantaged status.

(e) Require each project receiving financial assistance to be cost-effective, environmentally sound, implementable, and self-supporting.

(7) The department shall prepare a report at the end of each fiscal year detailing the financial assistance provided under this section and outstanding loans.

(8) Prior to approval of a loan, the local government shall, at a minimum:

(a) Provide a repayment schedule.

(b) Submit evidence of the ability of the project proposed for financial assistance to be permitted and implemented.

(c) Submit plans and specifications, biddable contract documents, or other documentation of appropriate procurement of goods and services.

(d) Provide assurance that records will be kept using generally accepted accounting principles and that the department or its agent and the Auditor General will have access to all records pertaining to the loan.

(9) The department may conduct an audit of the loan project upon completion or may require that a separate project audit, prepared by an independent certified public accountant, be submitted.

(10) The department may require reasonable service fees on loans made to local governments to ensure that the program will be operated in perpetuity and to implement the purposes authorized under this section. Service fees shall not be more than 4 percent of the loan amount exclusive of the service fee. The fee revenues, and interest earnings thereon, shall be used exclusively to carry out the purposes of this section.

(11) All moneys available for financial assistance under this section shall be appropriated to the department exclusively to carry out this program. The principal and interest of all loans repaid and interest shall be used exclusively to carry out this section.

(12)(a) If a local government agency defaults under the terms of its loan agreement, the department shall certify the default to the Chief Financial Officer, shall forward the delinquent amount to the department from any unobligated funds due to the local government agency under any revenue-sharing or tax-sharing fund established by the state, except as otherwise provided by the State Constitution. Certification of delinquency shall not limit the department from pursuing other remedies available for default on a loan, including accelerating loan repayments, eliminating all or part of the interest rate subsidy on the loan, and court appointment of a receiver to manage alternative water supply project.

(b) The department may impose penalty for delinquent local payments in the amount of 6 percent of the amount due, in addition to charging the cost to handle and process the debt. Penalty interest shall accrue on any amount due and payable beginning on the 30th day following the date upon which payment is due.

(13) The department may terminate or rescind a financial assistance agreement when the local government fails to comply with the terms and conditions of the agreement.

Section 20. Paragraphs (l) and (m) are added to subsection (24) of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.—

(24) STATUTORY EXEMPTIONS.—

(l) Any proposed development or redevelopment within an area designated for:

1. Urban infill development as designated in the comprehensive plan;

2. Urban redevelopment as designated in the comprehensive plan;

3. Downtown revitalization as designated in the comprehensive plan; or

4. Urban infill and redevelopment under s. 163.2517 as designated in the comprehensive plan,

is exempt from the provisions of this section. However, a municipality with a population of 7,500 or fewer may adopt an ordinance imposing a fee upon an applicant for purposes of reimbursing the municipality for the reasonable costs that the municipality may incur in reviewing any project which is exempt under this subparagraph. The municipality may use all or part of this fee to employ professional expertise to ensure that the impacts of such projects are properly evaluated. Municipalities adopting such ordinances may not impose a fee on a project in excess of its actual out-of-pocket reasonable review costs. A copy of such ordinance shall be transmitted to the state land planning agency and the applicable regional planning council.

(m) Any proposed development within a rural land stewardship area created pursuant to s. 163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities and has adopted a proportionate-share methodology pursuant to s. 163.3180(16) and (17).

Section 21. Subsections (3), (7), and (8) of section 1013.33, Florida Statutes, are amended to read:

1013.33 Coordination of planning with local governing bodies.—

(3) At a minimum, the interlocal agreement must address *interlocal-agreement requirements in s. 163.3180(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address* the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new construction, proposed expansion, or redevelopment of existing schools. The process shall address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding *the effect of comprehensive plan amendments on* school capacity. The capacity reporting must be consistent with laws and rules regarding measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

~~A signatory to the interlocal agreement may elect not to include a provision meeting the requirements of paragraph (e); however, such a decision may be made only after a public hearing on such election, which may include the public hearing in which a district school board or a local government adopts the interlocal agreement. An interlocal agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan and land development regulations of any local government that is a signatory.~~

(7) Except as provided in subsection (8), municipalities *meeting the exemption criteria in s. 163.3177(12)* ~~having no established need for a new facility and meeting the following criteria~~ are exempt from the requirements of subsections (2), (3), and (4).~~:~~

~~(a) The municipality has no public schools located within its boundaries.~~

~~(b) The district school board's 5-year facilities work program and the long-term 10-year and 20-year work programs, as provided in s. 1013.35, demonstrate that no new school facility is needed in the municipality.~~

~~In addition, the district school board must verify in writing that no new school facility will be needed in the municipality within the 5-year and 10-year timeframes.~~

(8) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under *s. 163.3177(12)* ~~subsection (7)~~. If the municipality continues to meet these criteria ~~and the district school board verifies in writing that no new school facilities will be needed within the 5-year and 10-year timeframes~~, the municipality shall continue to be exempt from the interlocal-agreement requirement. Each municipality exempt under *s. 163.3177(12)* ~~subsection (7)~~ must comply with the provisions of subsections (2)-(8) within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.

Section 22. Section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of *size reduction; changes in guidelines and standards* ~~chs. 2002-20 and 2002-296~~.—

(1) *A change in a development of regional impact guideline or standard does not abridge or modify* ~~Nothing contained in this act abridges or modifies~~ any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact ~~on the effective date of this act~~. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but *would* ~~is~~ no longer *be* required to undergo development-of-regional-impact review by operation of *a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651* ~~this act~~, shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order *unless the developer or landowner has followed the procedures for rescission in paragraph (b)*. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.

(b) If requested by the developer or landowner, the development-of-regional-impact development order *shall* ~~may~~ be *rescinded by the local government with jurisdiction upon a showing by clear and convincing evidence that all required mitigation relating to the amount of development existing on the date of rescission has been completed* ~~abandoned pursuant to the process in s. 380.06(26)~~ .

(2) A development with an application for development approval pending, and determined sufficient pursuant to s. 380.06(10), on the effective date of *a change to the guidelines and standards* ~~this act~~, or a notification of proposed change pending on the effective date of *a change to the guidelines and standards* ~~this act~~, may elect to continue such review pursuant to s. 380.06. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, the resulting development order shall be governed by the provisions of subsection (1).

(3) A landowner that has filed an application for a development of regional impact review prior to the adoption of an optional sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan and any requested comprehensive plan amendments that accompany the application.

Section 23. Subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(a) To pay administrative expenses of the department, including administrative expenses incurred by the several state transportation districts, but excluding administrative expenses of commuter rail authorities that do not operate rail service.

(b) To pay the cost of construction of the State Highway System.

(c) To pay the cost of maintaining the State Highway System.

(d) To pay the cost of public transportation projects in accordance with chapter 341 and ss. 332.003-332.007.

(e) To reimburse counties or municipalities for expenditures made on projects in the State Highway System as authorized by s. 339.12(4) upon legislative approval.

(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.

(g) To lend or pay a portion of the operating, maintenance, and capital costs of a revenue-producing transportation project that is located on the State Highway System or that is demonstrated to relieve traffic congestion on the State Highway System.

(h) To match any federal-aid funds allocated for any other transportation purpose, including funds allocated to projects not located in the State Highway System.

(i) To pay the cost of county road projects selected in accordance with the Small County Road Assistance Program created in s. 339.2816.

(j) To pay the cost of county or municipal road projects selected in accordance with the County Incentive Grant Program created in s. 339.2817 and the Small County Outreach Program created in s. 339.2818.

(k) To provide loans and credit enhancements for use in constructing and improving highway transportation facilities selected in accordance with the state-funded infrastructure bank created in s. 339.55.

(l) To pay the cost of projects on the Florida Strategic Intermodal System created in s. 339.61.

(m) To pay the cost of transportation projects selected in accordance with the Transportation Incentive Program for a Sustainable Florida created in s. 339.28171.

(n)~~(m)~~ To pay other lawful expenditures of the department.

Section 24. Paragraphs (c), (d), and (e) are added to subsection (5) of section 339.155, Florida Statutes, to read:

339.155 Transportation planning.—

(5) ADDITIONAL TRANSPORTATION PLANS.—

(c) Regional transportation plans may be developed in regional transportation areas in accordance with an interlocal agreement entered into pursuant to s. 163.01 by the department and two or more contiguous metropolitan planning organizations; one or more metropolitan planning organizations and one or more contiguous counties, none of which is a member of a metropolitan planning organization; a multicounty regional transportation authority created by or pursuant to law; two or more contiguous counties that are not members of a metropolitan planning organization; or metropolitan planning organizations comprised of three or more counties.

(d) The department shall develop a model draft interlocal agreement that must, at a minimum, identify the entity that will coordinate the development of the regional transportation plan; delineate the boundaries of the regional transportation area; provide the duration of the agreement and specify how the agreement may be terminated, modified, or rescinded; describe the process by which the regional transportation plan will be developed; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the development or content of the regional transportation plan. The designated entity shall coordinate the adoption of the interlocal agreement using as its framework the department model. The designated entity shall record the executed interlocal agreement in the official public records of each county in the regional transportation area once a supermajority of the affected local governments within the delineated regional transportation area approve the interlocal agreement. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in the regional transportation area.

(e) The regional transportation plan developed pursuant to this section must, at a minimum, identify regionally significant transportation facilities located within a regional transportation area, and recommend a list of regionally significant projects to the department for prioritization. A project that is funded for construction within the Department of Transportation's 5-year work plan shall be adopted into the capital improvements schedule of the local government comprehensive plan pursuant to s. 163.3177(3).

Section 25. Section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic Intermodal System designated under s. 339.63 *and facilities for which projects have been identified pursuant to s. 339.28171.*

(1) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning area, which is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(2) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the Florida Space Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;

2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and

3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(3) APPORTIONMENT.—

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area and shall prescribe a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. An appointed alternate member must be an elected official serving the same governmental entity or a general-purpose local government with jurisdiction within all or part of the area that the regular member serves. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting members of the M.P.O. Nonvoting advisers may be appointed by the M.P.O. as deemed necessary. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (2).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (1)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of a county or city governing entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

(4) AUTHORITY AND RESPONSIBILITY.—The authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive transportation planning process that, based upon the prevailing principles provided in s. 334.046(1), results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan area of the M.P.O. An M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs required by subsections (5), (6), (7), and (8).

(5) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (6);

2. An annually updated transportation improvement program pursuant to the requirements of subsection (7); and

3. An annual unified planning work program pursuant to the requirements of subsection (8).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

2. Increase the safety and security of the transportation system for motorized and nonmotorized users;

3. Increase the accessibility and mobility options available to people and for freight;

4. Protect and enhance the environment, promote energy conservation, and improve quality of life;

5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

6. Promote efficient system management and operation; and

7. Emphasize the preservation of the existing transportation system.

(c) In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:

1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;

2. Assist the department in mapping transportation planning boundaries required by state or federal law;

3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;

4. Execute all agreements or certifications necessary to comply with applicable state or federal law;

5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and

6. Perform all other duties required by state or federal law.

(d) Each M.P.O. shall appoint a technical advisory committee that includes planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.

(e)1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

(f) The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

(g) Each M.P.O. may employ personnel or may enter into contracts with local or state agencies, private planning firms, or private engineer-

ing firms to accomplish its transportation planning and programming duties required by state or federal law.

(h) A chair's coordinating committee is created, composed of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(i)1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provide the purpose for which the entity is created; provide the duration of the agreement and the entity, and specify how the agreement may be terminated, modified, or rescinded; describe the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provide the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provide the manner in which funds may be paid to and disbursed from the entity; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. This paragraph does not require any M.P.O.'s to merge, combine, or otherwise join together as a single M.P.O.

(6) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.

(e) In addition to the requirements of paragraphs (a)-(d), in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the M.P.O. must coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(7) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State

Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O. *and include those projects programmed pursuant to s. 339.28171.*

(b) Each M.P.O. annually shall prepare a list of project priorities and shall submit the list to the appropriate district of the department by October 1 of each year; however, the department and a metropolitan planning organization may, in writing, agree to vary this submittal date. The list of project priorities must be formally reviewed by the technical and citizens' advisory committees, and approved by the M.P.O., before it is transmitted to the district. The approved list of project priorities must be used by the district in developing the district work program and must be used by the M.P.O. in developing its transportation improvement program. The annual list of project priorities must be based upon project selection criteria that, at a minimum, consider the following:

1. The approved M.P.O. long-range transportation plan;

2. The Strategic Intermodal System Plan developed under s. 339.64.

3. The priorities developed pursuant to s. 339.28171.

4.~~3.~~ The results of the transportation management systems; and

5.~~4.~~ The M.P.O.'s public-involvement procedures.

(c) The transportation improvement program must, at a minimum:

1. Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.

2. Include projects within the metropolitan area which are proposed for funding under 23 U.S.C. s. 134 of the Federal Transit Act and which are consistent with the long-range transportation plan developed under subsection (6).

3. Provide a financial plan that demonstrates how the transportation improvement program can be implemented; indicates the resources, both public and private, that are reasonably expected to be available to accomplish the program; identifies any innovative financing techniques that may be used to fund needed projects and programs; and may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available. Innovative financing techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing. The transportation improvement program may include a project or project phase only if full funding can reasonably be anticipated to be available for the project or project phase within the time period contemplated for completion of the project or project phase.

4. Group projects and project phases of similar urgency and anticipated staging into appropriate staging periods.

5. Indicate how the transportation improvement program relates to the long-range transportation plan developed under subsection (6), including providing examples of specific projects or project phases that further the goals and policies of the long-range transportation plan.

6. Indicate whether any project or project phase is inconsistent with an approved comprehensive plan of a unit of local government located within the jurisdiction of the M.P.O. If a project is inconsistent with an affected comprehensive plan, the M.P.O. must provide justification for including the project in the transportation improvement program.

7. Indicate how the improvements are consistent, to the maximum extent feasible, with affected seaport, airport, and spaceport master plans and with public transit development plans of the units of local government located within the jurisdiction of the M.P.O. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the transportation improvement program.

(d) Projects included in the transportation improvement program and that have advanced to the design stage of preliminary engineering may be removed from or rescheduled in a subsequent transportation improvement program only by the joint action of the M.P.O. and the department. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the 5th year of such program.

(e) During the development of the transportation improvement program, the M.P.O. shall, in cooperation with the department and any affected public transit operation, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

(f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to the district secretary and the Department of Community Affairs at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of Community Affairs at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of Community Affairs, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

(g) The Department of Community Affairs shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each M.P.O. and shall identify those projects that are inconsistent with such comprehensive plans. The Department of Community Affairs shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(h) The M.P.O. shall annually publish or otherwise make available for public review the annual listing of projects for which federal funds have been obligated in the preceding year. Project monitoring systems must be maintained by those agencies responsible for obligating federal funds and made accessible to the M.P.O.'s.

(8) UNIFIED PLANNING WORK PROGRAM.—Each M.P.O. shall develop, in cooperation with the department and public transportation providers, a unified planning work program that lists all planning tasks to be undertaken during the program year. The unified planning work program must provide a complete description of each planning task and an estimated budget therefor and must comply with applicable state and federal law.

(9) AGREEMENTS.—

(a) Each M.P.O. shall execute the following written agreements, which shall be reviewed, and updated as necessary, every 5 years:

1. An agreement with the department clearly establishing the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law.

2. An agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area.

3. An agreement with operators of public transportation systems, including transit systems, commuter rail systems, airports, seaports, and spaceports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, seaport, and aerospace planning and programming will be part of the comprehensive planned development of the metropolitan area.

(b) An M.P.O. may execute other agreements required by state or federal law or as necessary to properly accomplish its functions.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.

(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.

2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.

3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.

4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.

5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.

6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.

7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.

8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

(11) APPLICATION OF FEDERAL LAW.—Upon notification by an agency of the Federal Government that any provision of this section conflicts with federal laws or regulations, such federal laws or regulations will take precedence to the extent of the conflict until such conflict is resolved. The department or an M.P.O. may take any necessary action to comply with such federal laws and regulations or to continue to remain eligible to receive federal funds.

Section 26. Section 339.55, Florida Statutes, is amended to read:

339.55 State-funded infrastructure bank.—

(1) There is created within the Department of Transportation a state-funded infrastructure bank for the purpose of providing loans and credit enhancements to government units and private entities for use in constructing and improving transportation facilities.

(2) The bank may lend capital costs or provide credit enhancements for*:*

(a) A transportation facility project that is on the State Highway System or that provides for increased mobility on the state's transportation system or provides intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals, pursuant to s. 341.053, for the movement of people and goods.

(b) Projects of the Transportation Incentive Program for a Sustainable Florida which are identified pursuant to s. 339.28171.

(3) Loans from the bank may be subordinated to senior project debt that has an investment grade rating of "BBB" or higher.

(4)~~(3)~~ Loans from the bank may bear interest at or below market interest rates, as determined by the department. Repayment of any loan from the bank shall commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later, and shall be repaid in no more than 30 years.

(5)~~(4)~~ ~~Except as provided in s. 339.137,~~ To be eligible for consideration, projects must be consistent, to the maximum extent feasible, with local metropolitan planning organization plans and local government comprehensive plans and must provide a dedicated repayment source to ensure the loan is repaid to the bank.

(6) Funding awarded for projects under paragraph (2)(b) must be matched by a minimum of 25 percent from funds other than the state-funded infrastructure bank loan.

(7)~~(5)~~ The department may consider, but is not limited to, the following criteria for evaluation of projects for assistance from the bank:

(a) The credit worthiness of the project.

(b) A demonstration that the project will encourage, enhance, or create economic benefits.

(c) The likelihood that assistance would enable the project to proceed at an earlier date than would otherwise be possible.

(d) The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment.

(e) The extent to which the project would use new technologies, including intelligent transportation systems, that would enhance the efficient operation of the project.

(f) The extent to which the project would maintain or protect the environment.

(g) A demonstration that the project includes transportation benefits for improving intermodalism, cargo and freight movement, and safety.

(h) The amount of the proposed assistance as a percentage of the overall project costs with emphasis on local and private participation.

(i) The extent to which the project will provide for connectivity between the State Highway System and airports, seaports, rail facilities, and other transportation terminals and intermodal options pursuant to s. 341.053 for the increased accessibility and movement of people and goods.

(8)~~(6)~~ Loan assistance provided by the bank shall be included in the department's work program developed in accordance with s. 339.135.

(9)~~(7)~~ The department is authorized to adopt rules to implement the state-funded infrastructure bank.

Section 27. Subsection (2) of section 1013.64, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations

from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 3-year period. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts not eligible to participate in the program. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

3. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

4. The district must have selected and had approved a site for the construction project in compliance with s. 1013.36 and the rules of the State Board of Education.

5. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the State Requirements for Educational Facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

6. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6).

7. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.

8. The district shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as allowed in s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1.5 mills per year to the project to satisfy the annual participation requirement in the Special Facility Construction Account.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. The department shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

11. The district shall have on file with the department an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

12. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes prior to August 1.

(b) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "High Growth County Facility Construction Account." The account shall be used to provide necessary construction funds to high growth school districts which have urgent construction needs, but which lack sufficient resources at present and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue and local sources. A school district requesting funding from the account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 2-year period, provided that any grants received under this paragraph must be fully expended in order for a district to apply for additional funding under this paragraph and all Classrooms First funds have been allocated and expended by the district. The first year of the 2-year period shall be the first year a district receives an appropriation. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts not eligible to participate in the program. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth with priority given to those districts that have equaled or exceeded twice the statewide average in growth in capital outlay full-time equivalent students over the previous 4 fiscal years; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department with priority given to these districts with 20,000 or more capital outlay full-time equivalent students; the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

3. The construction project includes either a recreational facility or media center that will be jointly used with a local government.

4. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

5. The district must have selected and had approved a site for the construction project in compliance with the interlocal agreement with the appropriate local government, s. 1013.36, and the rules of the State Board of Education.

6. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the state requirements for educational facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

7. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6).

8. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days after receipt of its encumbrance authorization from the department.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes prior to August 1.

(c)~~(b)~~ The Special Facility Construction Committee shall be composed of the following: two representatives of the Department of Education, a representative from the Governor's office, a representative selected annually by the district school boards, and a representative selected annually by the superintendents.

(d)~~(c)~~ The committee shall review the requests submitted from the districts, evaluate the ability of the project to relieve critical needs, and rank the requests in priority order. This statewide priority list for special facilities construction shall be submitted to the Legislature in the commissioner's annual capital outlay legislative budget request at least 45 days prior to the legislative session. *For the initial year of the funding of the program outlined in paragraph (b), the Special Facility Construction Committee shall authorize the disbursement of funds appropriated by the Legislature for the purposes of the program funded by the High Growth County Facility Construction Account created in paragraph (b).*

(7) Moneys distributed to the Public Education Capital Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d) shall be expended to fund the Classrooms for Kids Program created in s. 1013.735 and shall be distributed as provided by that section.

Section 28. Paragraph (a) of subsection (2) of section 1013.65, Florida Statutes, is amended to read:

1013.65 Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.—

(2)(a) The Public Education Capital Outlay and Debt Service Trust Fund shall be comprised of the following sources, which are hereby appropriated to the trust fund:

1. Proceeds, premiums, and accrued interest from the sale of public education bonds and that portion of the revenues accruing from the gross receipts tax as provided by s. 9(a)(2), Art. XII of the State Constitution, as amended, interest on investments, and federal interest subsidies.

2. General revenue funds appropriated to the fund for educational capital outlay purposes.

3. All capital outlay funds previously appropriated and certified forward pursuant to s. 216.301.

4. Funds paid pursuant to s. 201.15(1)(d). Such funds shall be appropriated annually for expenditure to fund the Classrooms for Kids Program created in s. 1013.735 and shall be distributed as provided by that section.

Section 29. Subsection (1) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund for such purposes shall not exceed $300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and $300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds shall not exceed $30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional $30 million in each subsequent fiscal year, but shall not exceed a total of $300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2030. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a), shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619.

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund and may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used. Payments made under this paragraph shall continue until the cumulative amount credited to the Land Acquisition Trust Fund for the fiscal year under this paragraph and paragraph (2)(b) equals 70 percent of the current official forecast for distributions of taxes collected under this chapter pursuant to subsection (2). As used in this paragraph, the term "current official forecast" means the most recent forecast as determined by the Revenue Estimating Conference. If the current official forecast for a fiscal year changes after payments under this paragraph have ended during that fiscal year, no further payments are required under this paragraph during the fiscal year.

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of $541.75 million in each fiscal year, to be paid in quarterly installments and allocated for the following specified purposes notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. 5309 and specified in s. 341.051, $50 million for fiscal year 2005-2006, $70 million for fiscal years 2006-2007 through 2008-2009, $75 million for fiscal year 2009-2010 and each fiscal year thereafter;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, $30 million for fiscal years 2005-2006 through 2006-2007 and $35 million for fiscal year 2007-2008 and each fiscal year thereafter;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, all remaining funds after allocations pursuant to sub-subparagraphs a., b., and d.; and

d. For the purposes of the Transportation Incentive Program for a Sustainable Florida specified in s. 339.28171, $122 million for fiscal year 2005-2006, $85 million for fiscal year 2006-2007, $120 million for fiscal years 2007-2008 through 2010-2011, and $115 million for fiscal year 2011-2012 and each fiscal year thereafter.

2. The Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection in the amount of $100 million in each fiscal year, to be paid in quarterly installments and used as required by s. 403.890.

3. The Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education in the amount of $75 million in each fiscal year, to be paid in monthly installments and used to fund the Classrooms for Kids Program created in s. 1013.735. If required, new facilities constructed under the Classroom for Kids Program must meet the requirements of s. 1013.372.

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(e)~~(d)~~ The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), ~~and~~ (c), *and (d),* shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11).

Section 30. *School Concurrency Task Force.—*

(1) The School Concurrency Task Force is created to review the requirements for school concurrency in law and make recommendations regarding streamlining the process and procedures for establishing school concurrency. The task force shall also examine the methodology and processes used for the funding of construction of public schools and make recommendations on revisions to provisions of law and rules which will help ensure that schools are built and available when the expected demands of growth produce the need for new school facilities.

(2) The task force shall be composed of 11 members. The membership must represent local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. The task force shall include two members appointed by the Governor, two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives, one member appointed by the Florida School Boards Association, one member appointed by the Florida Association of Counties, and one member appointed by the Florida League of Cities. The Secretary of the Department of Community Affairs, or a senior management designee, and the Commissioner of Education, or a senior management designee, shall also be ex officio nonvoting members on the task force.

(3) The task force shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2005, with specific recommendations for revisions to provisions of law and rules.

Section 31. *Florida Impact Fee Review Task Force.—*

(1) The Legislature recognizes that impact fees have been an important source of revenues to local governments to fund new growth. Local governments have assumed this responsibility under their constitutional home rule authority. With the increased use of impact fees, questions have arisen about whether their use should be regulated by law.

(2) Effective upon this act becoming law, the Florida Impact Fee Review Task Force is created.

(3)(a) The task force is to be composed of 15 members, who shall be appointed within 30 days after the effective date of this section.

1. Five voting members selected by the President of the Senate and five voting members selected by the Speaker of the House of Representative, none of whom may be a member of the Legislature at the time of the appointment, as follows: one member of a county commission, one member of a city commission or council, one member of a local school board, one member of the development community, and one member of the homebuilding community. The Governor shall appoint two members, one of whom shall be an affordable housing advocate who shall have no current or past direct relationship to local government, school boards, or the development or homebuilding industries. The Governor shall designate one of his or her appointees as the chair.

2. One member of the Senate appointed by the President of the Senate, and one member of the House of Representatives appointed by the Speaker of the House of Representatives, who shall be ex officio, nonvoting members.

3. The Secretary of the Department of Community Affairs or his designee is to serve as an ex officio, nonvoting member.

(4)(a) The task force shall act as an advisory body to the Governor and the Legislature.

(b) The task force shall convene its initial meeting within 60 days after the effective date of this section and thereafter at the call of its chair.

(c) Task Force members shall not receive remuneration for their services, but are entitled to reimbursement by the Legislative Committee on Intergovernmental Relations for travel and per diem expenses in accordance with s. 112.061, Florida Statutes.

(5) The Task Force shall survey and review current use of impact fees as a method of financing local infrastructure to accommodate new growth and current case law controlling the use of impact fees. To the extent feasible, the review is to include consideration of the following:

(a) Local government criteria and methodology used for the determination of the amount of impact fees.

(b) Application and relative burden of impact fees in different areas of the state in relation to other methods of financing new infrastructure.

(c) The range of use of impact fees as a percentage of the total capital costs for infrastructure needs created by new development.

(d) The methods used by local governments for the accounting and reporting of the collection and expenditure of all impact fees.

(e) Notice provisions prior to adoption and the effective date of local ordinances creating a new impact fee or increasing an existing impact fee.

(f) Interlocal agreements between counties and cities to allocate impact fee proceeds between them.

(g) Requirements and options related to timing of impact fees payments.

(h) The importance of impact fees to the ability of local government to fund infrastructure needed to mitigate the impacts of development and meet statutory requirements for concurrency.

(i) Methods used by local governments to ameliorate the effect of impact fee costs on affordable housing.

(6) The task force shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2006. The report shall include the task force's recommendations regarding:

(a) Whether there is a need for statutory direction on the methodology and data used to calculate impact fees.

(b) Whether there should be statutory direction on payment, exemption, or waiver of impact fees for affordable housing.

(c) Whether there should be statutory direction on the accounting and reporting of the collection and expenditure of all impact fees.

(d) Whether there is a need for statutory direction on the notice given in advance of the effective date of a new or amended impact fee ordinance.

(e) Whether there is a need for statutory direction on the sharing of impact fees between counties and cities.

(f) Whether there is a need for statutory direction on the timing of payment of impact fees.

(g) Any other recommendation the Task Force deems appropriate.

If the task force makes a recommendation for statutory direction, the report shall also contain the task force's recommendation for statutory changes.

(7) The Legislative Committee on Intergovernmental Relations shall serve as staff to the task force and is authorized to employ technical support and expend funds appropriated to the committee for carrying out the official duties of the task force. All state agencies are directed to cooperate with and assist the task force to the fullest extent possible. All local governments are encouraged to assist and cooperate with the commission as necessary.

(8) Effective July 1, 2005, the sum of $50,000 is appropriated, for fiscal year 2005-2006 only, from the Department of Community Affairs' Grants and Donations Trust Fund to the Legislative Committee on Intergovernmental Relations to fund the per diem and travel expenses of the task force pursuant to s. 112.061, Florida Statutes.

Section 32. *Funding for Sustainable Schools.—In order to provide for innovative approaches to meet school capacity demands, effective July 1, 2005, the sum of $30 million from recurring funds in the Public Education Capital Outlay and Debt Service Trust Fund shall be transferred annually from the Public Education Capital Outlay and Debt Service Trust Fund to the High Growth County Facility Construction Account.*

Section 33. *(1) The following appropriations are made for the 2005-2006 fiscal year only from the General Revenue Fund, from revenues deposited into the fund pursuant to section 201.15(1)(e), Florida Statutes, on a nonrecurring basis and in quarterly installments:*

(a) To the State Transportation Trust Fund in the Department of Transportation, $576.25 million.

(b) To the Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection, $100 million.

(c) To the Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education, $73.75 million.

(2) The following appropriations are made for the 2005-2006 fiscal year only on a nonrecurring basis:

(a) From the State Transportation Trust Fund in the Department of Transportation:

1. The sum of $201.25 million for the purposes specified in sections 339.61, 339.62, 339.63, and 339.64, Florida Statutes.

2. The sum of $275 million for the purposes specified in section 339.28171, Florida Statutes.

3. The sum of $100 million for the purposes specified in section 339.55, Florida Statutes.

(b) From the Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection, $100 million for the purposes specified in section 403.890, Florida Statutes.

(c) From the Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education, the sum of $73.75 million for the purpose of funding the Classrooms for Kids Program created in section 1013.735, Florida Statutes. Notwithstanding the requirements of sections 1013.64 and 1013.65, Florida Statutes, these moneys may not be distributed as part of the comprehensive plan for the Public Education Capital Outlay and Debt Service Trust Fund. If required, new facilities constructed under the Classroom for Kids Program must meet the requirements of s. 1013.372.

Section 34. *Statewide Technical Assistance for a Sustainable Florida.—In order to assist local governments and school boards to implement the provisions of this act, effective July 1, 2005, the sum of $2.95 million for fiscal year 2005-2006 only, and $3 million is appropriated for each fiscal year therafter, from recurring general revenue to the Department of Community Affairs' Grants and Donations Trust Fund. The department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2006, on the progress made toward implementing this act and a recommendation of whether additional funds should be appropriated to provide additional technical assistance to implement this act.*

Section 35. *Effective July 1, 2005, the sum of $250,000 is appropriated from recurring general revenue to the Department of Community Affairs to provide the necessary staff and other assistance to the Century Commission for a Sustainable Florida required by section 11.*

Section 36. *Beginning in fiscal year 2005-2006, the Department of Transportation shall allocate sufficient funds to implement the provisions relating to transportation in this act. The department shall amend the tentative work program for 2005-2006. Before amending the tentative work program, the department shall submit a budget amendment pursuant to section 339.135(7), Florida Statutes. The department shall provide a report to the President of the Senate and the Speaker of the House of Representative by February 1, 2006, identifying the program adjustments the department has made consistent with the provisions of the Sustainable Florida Transportation Program. Notwithstanding the provisions of section 216.301(1), Florida Statutes, the funds appropriated from general revenue to the State Transportation Trust Fund in this act shall not revert at the end of fiscal year 2005-2006.*

Section 37. *The Legislature finds that planning for and adequately funding infrastructure is critically important for the safety and welfare of the residents of Florida. Therefore, the Legislature finds that the provisions of this act fulfill an important state interest.*

Section 38. *Unless the developer elects otherwise in writing, the provisions of this act amending chapters 163 and 380, Florida Statutes, shall not apply to any developments of regional impact for which a development order has been issued prior to the effective date of this act or for which a development of regional impact application has been submitted prior to May 1, 2005.*

Section 39. *The Department of Community Affairs shall conduct a study to determine:*

(1) Which counties have off-site environmental mitigation programs or ordinances and which counties do not.

(2) What types of off-site environmental mitigation programs have been adopted.

(3) How much in additional environmental preservation funds are generated through county off-site environmental mitigation ordinances or programs.

(4) Whether the acquisition of environmentally sensitive lands is slowed or impeded in counties that do not have off-site mitigation ordinances or plans.

The department shall prepare a report containing the results of the study and shall provide a copy of the report to President of the Senate and the Speaker of the House of Representatives on or before November 1, 2005.

Section 40. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 41. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing for sanctions; requiring incorporation of selected water supply projects in the comprehensive plan; authorizing

planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; revising requirements for rural land stewardship areas; exempting rural land stewardship areas from developments of regional impact provisions; requiring an interlocal agreement; providing for a waiver under certain circumstances; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; encouraging local governments to include a community vision and an urban service boundary as a component of their comprehensive plans; providing requirements; repealing s. 163.31776, F.S., relating to the public educational facilities element; repealing s. 339.2817, F.S., relating to the County Incentive Grant Program; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that the Department of Transportation be consulted regarding certain level-of-service standards; revising criteria and providing guidelines for transportation concurrency exception areas; requiring a local government to consider the transportation level-of-service standards of adjacent jurisdictions for certain roads; providing criteria for urban infill and redevelopment; providing for waiver of certain transportation facilities concurrency requirements under certain circumstances; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established on less than a districtwide basis within 5 years; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing for the adoption of a transportation concurrency management system by ordinance; providing requirements for proportionate-share mitigation; amending s. 163.3184, F.S.; correcting cross references; authorizing instead of requiring the state land planning agency to review plan amendments; amending s. 163.3187, F.S.; providing additional criteria for small scale amendments to adopted comprehensive plans; providing an additional exception to a limitation on amending an adopted comprehensive plan by certain municipalities; providing procedures and requirements; providing for notice and public hearings; correcting a cross reference; providing for nonapplication; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for a Sustainable Florida for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; amending s. 215.211, F.S.; providing for deposit of certain service charge revenues into the State Transportation Trust Fund to be used for certain purposes; creating s. 339.28171, F.S.; creating the Transportation Incentive Program for a Sustainable Florida; providing program requirements; requiring the Department of Transportation to develop criteria to assist local governments in evaluating concurrency management system backlogs; specifying criteria requirements; providing requirements for local governments; specifying percentages and requirements for apportioning matching funds among grant applicants; authorizing the department to administer contracts as requested by local governments; amending s. 337.107, F.S.; allowing the inclusion of right-of-way services in certain design-build contracts; amending s. 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services and as part of design-build contracts under certain circumstances; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; deleting language allowing right-of-way services and design and construction phases to be combined for certain projects; deleting an exception; creating s. 373.19615, F.S.; creating the Florida's Sustainable Water Supplies Program; providing funding requirements for local government development of alternative water supply projects; providing for allocation of funds to water management districts; providing definitions; specifying factors to consider in funding certain projects; providing funding requirements; requiring the Department of Environmental Protection to establish factors for granting financial assistance to eligible projects; creating s. 373.19616, F.S.; creating the Water Transition Assistance Program to establish a low-interest revolving loan program for infrastructure financing for alternative water supplies; providing legislative declarations; providing definitions; authorizing the Department of Environmental Protection to make loans to local governments for certain purposes; authorizing local governments to borrow funds and pledge revenues for repayment; providing loan limitations; authorizing the department to adopt certain rules; requiring the department to prepare an annual report on such financial assistance; providing loan approval requirements for local governments; authorizing the department to conduct or require audits; authorizing the department to require reasonable loan service fees; providing limitations; providing requirements for financial assistance funding; providing for enforcement of loan defaults; authorizing the department to impose penalties for delinquent loan payments; authorizing the department to terminate financial assistance agreements under certain circumstances; amending s. 380.06, F.S.; providing additional exemptions from development of regional impact provisions for certain projects in proposed developments or redevelopments within an area designated in a comprehensive plan and for proposed developments within certain rural land stewardship areas; authorizing certain municipalities to adopt an ordinance imposing a fee on certain applicants for certain purposes; specifying fee uses; providing a limitation; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; amending s. 339.08, F.S.; providing for expenditure of moneys in the State Transportation Trust Fund; amending s. 339.155, F.S.; providing for the development of regional transportation plans in Regional Transportation Areas; amending s. 339.175, F.S.; making conforming changes to provisions of the act; amending s. 339.55, F.S.; providing for loans for certain projects from the state-funded infrastructure bank within the Department of Transportation; amending s. 1013.64, F.S.; requiring the Department of Education to establish the High Growth County Facility Construction Account as a separate account within the Public Education Capital Outlay and Debt Service Trust Fund for certain purposes; specifying requirements for funding from the account; providing for the expenditure of funds in the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.65, F.S.; providing funding for the Classrooms for Kids Program; amending s. 201.15, F.S.; providing for the expenditure of certain funds in the Land Acquisition Trust Fund; creating the School Concurrency Task Force; providing purposes; providing for membership; requiring a report to the Governor and Legislature; creating the Florida Impact Fee Review Task Force; providing legislative findings; providing for membership; providing for meetings; providing duties and responsibilities of the task force; prohibiting compensation of the task force; providing for per diem and travel expenses; requiring a report to the Governor and Legislature; specifying report contents; requiring the Legislative Committee on Intergovernmental Relations to serve as staff; providing an appropriation; providing an appropriation to fund the High Growth County Facility Construction Account; providing for appropriations for the 2005-2006 fiscal year on a nonrecurring basis for certain purposes; requiring the Department of Transportation to amend the tentative work program and budget for 2005-2006; prohibits reversion of certain funds; providing a declaration of important state interest; providing for nonapplication of certain provisions of law to certain developments of regional impact under certain circumstances; requiring the Department of Community Affairs to conduct a study; specifying study criteria; requiring a report to the Legislature; providing severability; providing effective dates.

Senator Bennett moved the following amendment which was adopted:

Senate Amendment 1 (444308) to House Amendment 1 (882799)—Lines 4-4269, delete those lines and insert:

Section 1. Subsection (32) is added to section 163.3164, Florida Statutes, to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the 5-year schedule of capital improvements. The requirement that level-of-service standards be achieved and maintained shall not apply if the proportionate-share process set forth in s. 163.3180(12) and (16) is used.

Section 2. Subsections (2) and (3), paragraphs (a), (c), and (h) of subsection (6), paragraph (d) of subsection (11), and subsection (12) of section 163.3177, Florida Statutes, are amended, and subsections (13) and (14) are added to that section, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent, and the comprehensive plan shall be *financially* ~~economically~~ feasible. *Financial feasibility shall be determined using professionally accepted methodologies.*

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient utilization of such facilities and set forth:

1. A component which outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component which outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.

4. Standards for the management of debt.

5. A schedule of capital improvements which includes publicly funded projects, and which may include privately funded projects for which the local government has no fiscal responsibility, necessary to ensure that adopted level-of-service standards are achieved and maintained. For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement pursuant to paragraph (10)(h), or other enforceable agreement. These development agreements and interlocal agreements shall be reflected in the schedule of capital improvements if the capital improvement is necessary to serve development within the 5-year schedule. If the local government uses planned revenue sources that require referenda or other actions to secure the revenue source, the plan must, in the event the referenda are not passed or actions do not secure the planned revenue source, identify other existing revenue sources that will be used to fund the capital projects or otherwise amend the plan to ensure financial feasibility.

6. The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(7) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(6).

(b)*1.* The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 *in order to maintain a financially feasible 5-year schedule of capital improvements.*~~, except that~~ Corrections~~, updates,~~ and modifications concerning costs; revenue sources; *or* acceptance of facilities pursuant to dedications which are consistent with the plan~~; or the date of construction of any facility enumerated in the capital improvements element~~ may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. *A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule.* All public facilities shall be consistent with the capital improvements element. *Amendments to implement this section must be adopted and transmitted no later than December 1, 2007. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2007, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.*

2. Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6).

(c) If the local government does not adopt the required annual update to the schedule of capital improvements or the annual update is found not in compliance, the state land planning agency must notify the Administration Commission. A local government that has a demonstrated lack of commitment to meeting its obligations identified in the capital improvement element may be subject to sanctions by the Administration Commission pursuant to s. 163.3184(11).

(d) If a local government adopts a long-term concurrency management system pursuant to s. 163.3180(9), it must also adopt a long-term capital improvements schedule covering up to a 10-year or 15-year period, and must update the long-term schedule annually. The long-term schedule of capital improvements must be financially feasible.

(6) In addition to the requirements of subsections (1)-(5) *and (12)*, the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the future land use map. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives. The future land use plan shall be based upon surveys, studies, and data regarding the area, including the amount of land required to accommodate anticipated growth; the projected population of the area; the character of undeveloped land; the availability of *water supplies,* public *facilities, and* services; the need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community; the compatibility of uses on lands adjacent to or closely proximate to military installations; and, in rural communities, the need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this act. The future land use plan element shall include criteria to be used to achieve the compatibility of adjacent or closely proximate lands with military installations. In addition, for rural communities, the amount of land designated for future planned industrial use shall be based upon surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies, and shall not be limited solely by the projected population of the rural community. The future land use plan of a county may also designate areas for possible future municipal incorporation. The land use maps or map series

shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. The future land use element must clearly identify the land use categories in which public schools are an allowable use. When delineating the land use categories in which public schools are an allowable use, a local government shall include in the categories sufficient land proximate to residential development to meet the projected needs for schools in coordination with public school boards and may establish differing criteria for schools of different type or size. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use. ~~All comprehensive plans must comply with the school siting requirements of this paragraph no later than October 1, 1999.~~ The failure by a local government to comply with these school siting requirements ~~by October 1, 1999~~, will result in the prohibition of the local government's ability to amend the local comprehensive plan, except for plan amendments described in s. 163.3187(1)(b), until the school siting requirements are met. Amendments proposed by a local government for purposes of identifying the land use categories in which public schools are an allowable use ~~or for adopting or amending the school siting maps pursuant to s. 163.31776(3)~~ are exempt from the limitation on the frequency of plan amendments contained in s. 163.3187. The future land use element shall include criteria that encourage the location of schools proximate to urban residential areas to the extent possible and shall require that the local government seek to collocate public facilities, such as parks, libraries, and community centers, with schools to the extent possible and to encourage the use of elementary schools as focal points for neighborhoods. For schools serving predominantly rural counties, defined as a county with a population of 100,000 or fewer, an agricultural land use category shall be eligible for the location of public school facilities if the local comprehensive plan contains school siting criteria and the location is consistent with such criteria. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of adjacent or closely proximate lands with existing military installations in their future land use plan element shall transmit the update or amendment to the department by June 30, 2006.

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection requirements for the area. The element may be a detailed engineering plan including a topographic map depicting areas of prime groundwater recharge. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The element shall also include a topographic map depicting any areas adopted by a regional water management district as prime groundwater recharge areas for the Floridan or Biscayne aquifers, pursuant to s. 373.0395. These areas shall be given special consideration when the local government is engaged in zoning or considering future land use for said designated areas. For areas served by septic tanks, soil surveys shall be provided which indicate the suitability of soils for septic tanks. *Within 18 months after the governing board approves an updated regional water supply plan* ~~By December 1, 2006~~, the element must *incorporate the alternative water supply project or projects selected by the local government from those identified in the regional water supply plan pursuant to s. 373.0361(2)(a) or proposed by the local government under s. 373.0361(7)(b)* ~~consider the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361~~. *If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan.* The element must *identify such alternative water supply projects and traditional water supply projects and conservation and reuse necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction and* include a work plan, covering at least a 10 year planning period, for building *public, private, and regional* water supply facilities*, including development of alternative water supplies, which* ~~that~~ are identified in the element as necessary to serve existing and new development ~~and for which the local government is responsible~~. The work plan shall be updated, at a minimum, every 5 years within *18* ~~12~~ months after the governing board of a water management district approves an updated regional water supply plan. Amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan. *Local governments, public and private utilities, regional water supply authorities, special districts, and water management districts are encouraged to cooperatively plan for the development of multijurisdictional water supply facilities that are sufficient to meet projected demands for established planning periods, including the development of alternative water sources to supplement traditional sources of ground and surface water supplies.*

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards*, regional water supply authorities,* and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.0361, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for recognition of campus master plans prepared pursuant to s. 1013.30.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4.a. Local governments ~~adopting a public educational facilities element pursuant to s. 163.31776~~ must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities *pursuant to s. 163.31777*~~, as defined by s. 163.31776(1), which includes the items listed in s. 163.31777(2)~~. The local government shall amend the intergovernmental coordination element to provide that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement.

b. Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).

5. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

6. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which:

a. Identifies all existing or proposed interlocal service-delivery agreements regarding the following: education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

b. Identifies any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

7. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

8. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 6. The report may be used as supporting data and analysis for the intergovernmental coordination element.

~~9. By February 1, 2003, Representatives of municipalities, counties, and special districts shall provide to the Legislature recommended statutory changes for annexation, including any changes that address the delivery of local government services in areas planned for annexation.~~

(11)

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:

a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;

b. Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and

c. Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship areas in smaller rural counties that do not have the staff or planning budgets to create a rural land stewardship area.

2. The department shall encourage participation by local governments of different sizes and rural characteristics in establishing and implementing rural land stewardship areas. It is the intent of the Legislature that rural land stewardship areas be used to further the following broad principles of rural sustainability: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida. Rural land stewardship areas may be multicounty in order to encourage coordinated regional stewardship planning.

3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.

4. A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:

a. Criteria for the designation of receiving areas within rural land stewardship areas in which innovative planning and development strategies may be applied. Criteria shall at a minimum provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses; the establishment of receiving area service boundaries which provide for a separation between receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services; and connection of receiving areas with the rest of the rural land stewardship area using rural design and rural road corridors.

b. Goals, objectives, and policies setting forth the innovative planning and development strategies to be applied within rural land stewardship areas pursuant to the provisions of this section.

c. A process for the implementation of innovative planning and development strategies within the rural land stewardship area, including those described in this subsection and rule 9J-5.006(5)(l), Florida Administrative Code, which provide for a functional mix of land uses*, including adequate available work force housing, including low, very-low and moderate income housing for the development anticipated in the receiving area* and which are applied through the adoption by the local government of zoning and land development regulations applicable to the rural land stewardship area.

d. A process which encourages visioning pursuant to s. 163.3167(11) to ensure that innovative planning and development strategies comply with the provisions of this section.

e. The control of sprawl through the use of innovative strategies and creative land use techniques consistent with the provisions of this subsection and rule 9J-5.006(5)(l), Florida Administrative Code.

5. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government. *At the time of designation of a stewardship receiving area, a listed species survey will be performed. If listed species occur on the receiving area site, the developer shall coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the impacts to areas to be developed as receiving areas shall be considered together with the environmental benefits of areas protected as sending areas in fulfilling this criteria.*

6. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, *establish the methodology for the creation, conveyance, and use of transferable rural land use credits, otherwise referred to as stewardship credits, the application of* ~~assign to the area a certain number of credits, to be known as "transferable rural land use credits,"~~ which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits *within* ~~assigned to~~ the rural land stewardship area must *enable the realization of the long-term vision and goals for* ~~correspond to~~ the 25-year or greater projected population of the rural land stewardship area. Transferable rural land use credits are subject to the following limitations:

a. Transferable rural land use credits may only exist within a rural land stewardship area.

b. Transferable rural land use credits may only be used on lands designated as receiving areas and then solely for the purpose of implementing innovative planning and development strategies and creative land use planning techniques adopted by the local government pursuant to this section.

c. Transferable rural land use credits assigned to a parcel of land within a rural land stewardship area shall cease to exist if the parcel of land is removed from the rural land stewardship area by plan amendment.

d. Neither the creation of the rural land stewardship area by plan amendment nor the assignment of transferable rural land use credits by the local government shall operate to displace the underlying density of land uses assigned to a parcel of land within the rural land stewardship area; however, if transferable rural land use credits are transferred from a parcel for use within a designated receiving area, the underlying density assigned to the parcel of land shall cease to exist.

e. The underlying density on each parcel of land located within a rural land stewardship area shall not be increased or decreased by the local government, except as a result of the conveyance or use of transferable rural land use credits, as long as the parcel remains within the rural land stewardship area.

f. Transferable rural land use credits shall cease to exist on a parcel of land where the underlying density assigned to the parcel of land is utilized.

g. An increase in the density of use on a parcel of land located within a designated receiving area may occur only through the assignment or use of transferable rural land use credits and shall not require a plan amendment.

h. A change in the density of land use on parcels located within receiving areas shall be specified in a development order which reflects the total number of transferable rural land use credits assigned to the parcel of land and the infrastructure and support services necessary to provide for a functional mix of land uses corresponding to the plan of development.

i. Land within a rural land stewardship area may be removed from the rural land stewardship area through a plan amendment.

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land *or, in locations where the retention of* ~~and a lesser number of credits to be assigned to~~ open space and agricultural land *is a priority, to such lands*.

k. The use or conveyance of transferable rural land use credits must be recorded in the public records of the county in which the property is located as a covenant or restrictive easement running with the land in favor of the county and either the Department of Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

7. Owners of land within rural land stewardship areas should be provided incentives to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, and local governments to achieve mutually agreed upon conservation objectives. Such incentives may include, but not be limited to, the following:

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.

8. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph.

(e) The Legislature finds that mixed-use, high-density development is appropriate for urban infill and redevelopment areas. Mixed-use projects accommodate a variety of uses, including residential and commercial, and usually at higher densities that promote pedestrian-friendly, sustainable communities. The Legislature recognizes that mixed-use, high-density development improves the quality of life for residents and businesses in urban areas. The Legislature finds that mixed-use, high-density redevelopment and infill benefits residents by creating a livable community with alternative modes of transportation. Furthermore, the Legislature finds that local zoning ordinances often discourage mixed-use, high-density development in areas that are appropriate for urban infill and redevelopment. The Legislature intends to discourage single-use zoning in urban areas which often leads to lower-density, land-intensive development outside an urban service area. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to encourage mixed-use, high-density urban infill and redevelopment projects.

(f) The Legislature finds that a program for the transfer of development rights is a useful tool to preserve historic buildings and create public open spaces in urban areas. A program for the transfer of development rights allows the transfer of density credits from historic properties and public open spaces to areas designated for high-density development. The Legislature recognizes that high-density development is integral to the success of many urban infill and redevelopment projects. The Legislature intends to encourage high-density urban infill and redevelopment while preserving historic structures and open spaces. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to promote the transfer of development rights within urban areas for high-density infill and redevelopment projects.

(g) The implementation of this subsection shall be subject to the provisions of this chapter, chapters 186 and 187, and applicable agency rules.

(h) The department may adopt rules necessary to implement the provisions of this subsection.

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection. *Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.*

(a) The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5-year capital outlay full-time equivalent student growth rate is less than 10 percent. The state land planning agency may allow for a single school to exceed the 100-percent limitation if it can be demonstrated that the capacity rate for that single school is not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:

1. Whether the exceedance is due to temporary circumstances;

2. Whether the projected 5-year capital outlay full time equivalent student growth rate for the school district is approaching the 10-percent threshold;

3. Whether one or more additional schools within the school district are at or approaching the 100-percent threshold; and

4. The adequacy of the data and analysis submitted to support the waiver request.

(b) A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:

1. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

2. The municipality has not annexed new land during the preceding 5 years in land use categories that permit residential uses that will affect school attendance rates.

3. The municipality has no public schools located within its boundaries.

(c)~~(a)~~ A public school facilities element shall be based upon data and analyses that address, among other items, how level-of-service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: *the interlocal agreement adopted pursuant to s. 163.31777 and* the 5-year school district facilities work program adopted pursuant to s. 1013.35; the educational plant survey *prepared pursuant to s. 1013.31* and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long-term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning periods; and anticipated educational and ancillary plants with land area requirements.

(d)~~(b)~~ The element shall contain one or more goals which establish the long-term end toward which public school programs and activities are ultimately directed.

(e)~~(c)~~ The element shall contain one or more objectives for each goal, setting specific, measurable, intermediate ends that are achievable and mark progress toward the goal.

(f)~~(d)~~ The element shall contain one or more policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal.

(g)~~(e)~~ The objectives and policies shall address items such as:

1. The procedure for an annual update process;

2. The procedure for school site selection;

3. The procedure for school permitting;

4. Provision *for* ~~of supporting~~ infrastructure *necessary to support proposed schools, including potable water, wastewater, drainage, solid waste, transportation, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization*;

5. Provision for colocation of other public facilities, such as parks, libraries, and community centers, in proximity to public schools;

6. Provision for location of schools proximate to residential areas and to complement patterns of development, including the location of future school sites so they serve as community focal points;

7. Measures to ensure compatibility of school sites and surrounding land uses;

8. Coordination with adjacent local governments and the school district on emergency preparedness issues*, including the use of public schools to serve as emergency shelters*; and

9. Coordination with the future land use element.

(h)~~(f)~~ The element shall include one or more future conditions maps which depict the anticipated location of educational and ancillary plants*, including the general location of improvements to existing schools or new schools anticipated over the 5-year, or long-term planning period*. The maps will of necessity be general for the long-term planning period and more specific for the 5-year period. *Maps indicating general locations of future schools or school improvements may not prescribe a land use on a particular parcel of land.*

(i) The state land planning agency shall establish a phased schedule for adoption of the public school facilities element and the required updates to the public schools interlocal agreement pursuant to s. 163.31777. The schedule shall provide for each county and local government within the county to adopt the element and update to the agreement no later than December 1, 2008. Plan amendments to adopt a public school facilities element are exempt from the provisions of s. 163.3187(1).

(j) Failure to adopt the public school facility element, to enter into an approved interlocal agreement as required by subparagraph (6)(h)2. and s. 163.31777, or to amend the comprehensive plan as necessary to implement school concurrency, according to the phased schedule, shall result in a local government being prohibited from adopting amendments to the comprehensive plan which increase residential density until the necessary amendments have been adopted and transmitted to the state land planning agency.

(k) The state land planning agency may issue the school board a notice to show cause why sanctions should not be enforced for failure to enter into an approved interlocal agreement as required by s. 163.31777 or for failure to implement the provisions of this act relating to public school concurrency. The school board may be subject to sanctions imposed by the Administration Commission directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.

(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.

(a) As part of the process of developing a community vision under this section, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.

(b) The local government must, at a minimum, discuss five of the following topics as part of the workshops and public meetings required under paragraph (a):

1. Future growth in the area using population forecasts from the Bureau of Economic and Business Research;

2. Priorities for economic development;

3. Preservation of open space, environmentally sensitive lands, and agricultural lands;

4. Appropriate areas and standards for mixed-use development;

5. Appropriate areas and standards for high-density commercial and residential development;

6. Appropriate areas and standards for economic-development opportunities and employment centers;

7. Provisions for adequate workforce housing;

8. An efficient, interconnected multimodal transportation system; and

9. Opportunities to create land use patterns that accommodate the issues listed in subparagraphs 1.-8.

(c) As part of the workshops and public meetings, the local government must discuss strategies for addressing the topics discussed under paragraph (b), including:

1. Strategies to preserve open space and environmentally sensitive lands, and to encourage a healthy agricultural economy, including innovative planning and development strategies, such as the transfer of development rights;

2. Incentives for mixed-use development, including increased height and intensity standards for buildings that provide residential use in combination with office or commercial space;

3. Incentives for workforce housing;

4. Designation of an urban service boundary pursuant to subsection (2); and

5. Strategies to provide mobility within the community and to protect the Strategic Intermodal System, including the development of a transportation corridor management plan under s. 337.273.

(d) The community vision must reflect the community's shared concept for growth and development of the community, including visual representations depicting the desired land-use patterns and character of the community during a 10-year planning timeframe. The community vision must also take into consideration economic viability of the vision and private property interests.

(e) After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the community vision as a component in the plan. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at public hearings of the governing body other than those identified in paragraph (a).

(f) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

(g) A local government that has developed a community vision or completed a visioning process after July 1, 2000, and before July 1, 2005, which substantially accomplishes the goals set forth in this subsection and the appropriate goals, policies, or objectives have been adopted as part of the comprehensive plan or reflected in subsequently adopted land development regulations and the plan amendment incorporating the community vision as a component has been found in compliance is eligible for the incentives in s. 163.3184(17).

(14) Local governments are also encouraged to designate an urban service boundary. This area must be appropriate for compact, contiguous urban development within a 10-year planning timeframe. The urban service area boundary must be identified on the future land use map or map series. The local government shall demonstrate that the land included within the urban service boundary is served or is planned to be served with adequate public facilities and services based on the local government's adopted level-of-service standards by adopting a 10-year facilities plan in the capital improvements element which is financially feasible. The local government shall demonstrate that the amount of land within the urban service boundary does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning timeframe.

(a) As part of the process of establishing an urban service boundary, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.

(b)1. After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the urban service boundary. This plan amendment must be transmitted and adopted pursuant to the procedures in ss. 163.3184 and 163.3189 at meetings of the governing body other than those required under paragraph (a).

2. This subsection does not prohibit new development outside an urban service boundary. However, a local government that establishes an urban service boundary under this subsection is encouraged to require a full-cost accounting analysis for any new development outside the boundary and to consider the results of that analysis when adopting a plan amendment for property outside the established urban service boundary.

(c) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

(d) A local government that has adopted an urban service boundary before July 1, 2005, which substantially accomplishes the goals set forth in this subsection is not required to comply with paragraph (a) or subparagraph 1. of paragraph (b) in order to be eligible for the incentives under s. 163.3184(17). In order to satisfy the provisions of this paragraph, the local government must secure a determination from the state land planning agency that the urban service boundary adopted before July 1, 2005, substantially complies with the criteria of this subsection, based on data and analysis submitted by the local government to support this determination. The determination by the state land planning agency is not subject to administrative challenge.

Section 3. *Section 163.31776, Florida Statutes, is repealed.*

Section 4. Subsections (2), (5), (6), and (7) of section 163.31777, Florida Statutes, are amended to read:

163.31777 Public schools interlocal agreement.—

(2) At a minimum, the interlocal agreement must address *interlocal-agreement requirements in s. 163.3180(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address* the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new, proposed expansion, or redevelopment of existing schools. The process must address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding *the effect of comprehensive plan amendments on* school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the district school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

~~A signatory to the interlocal agreement may elect not to include a provision meeting the requirements of paragraph (e); however, such a decision may be made only after a public hearing on such election, which may include the public hearing in which a district school board or a local government adopts the interlocal agreement. An interlocal agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan and land development regulations of any local government that is a signatory.~~

(5) Any local government transmitting a public school element to implement school concurrency pursuant to the requirements of s. 163.3180 before the effective date of this section is not required to amend the element or any interlocal agreement to conform with the provisions of this section if the element is adopted prior to or within 1 year after the effective date of this section and remains in effect *until the county conducts its evaluation and appraisal report and identifies changes necessary to more fully conform to the provisions of this section*.

(6) Except as provided in subsection (7), municipalities *meeting the exemption criteria in s. 163.3177(12)* ~~having no established need for a new school facility and meeting the following criteria~~ are exempt from the requirements of subsections (1), (2), and (3).~~:~~

~~(a) The municipality has no public schools located within its boundaries.~~

~~(b) The district school board's 5-year facilities work program and the long-term 10-year and 20-year work programs, as provided in s. 1013.35, demonstrate that no new school facility is needed in the municipality. In addition, the district school board must verify in writing that no new school facility will be needed in the municipality within the 5-year and 10-year timeframes.~~

(7) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under *s. 163.3177(12)* ~~subsection (6)~~. If the municipality continues to meet these criteria ~~and the district school board verifies in writing that no new school facilities will be needed within the 5-year and 10-year timeframes~~, the municipality shall continue to be exempt from the interlocal-agreement requirement. Each municipality exempt under *s. 163.3177(12)* ~~subsection (6)~~ must comply with the provisions of this section within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.

Section 5. Paragraph (a) of subsection (1), subsection (2), paragraph (c) of subsection (4), subsections (5), (6), (7), (9), (10), (13), and (15) of section 163.3180, Florida Statutes, are amended, and subsections (16) and (17) are added to that section, to read:

163.3180 Concurrency.—

(1)(a) Sanitary sewer, solid waste, drainage, potable water, parks and recreation, *schools,* and transportation facilities, including mass transit, where applicable, are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without appropriate study and approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

(2)(a) Consistent with public health and safety, sanitary sewer, solid waste, drainage, *adequate water supplies,* and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. *Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent.*

(b) Consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed *no later than* ~~prior to issuance by~~ the local *government's approval to commence construction* ~~government of a certificate of occupancy or its functional equivalent~~.

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities ~~designated as part of the Florida Intrastate Highway System~~ needed to serve new development shall be in place or under actual construction *within 3* ~~not more than 5~~ years after *the local government approves a building permit or its functional equivalent that results in traffic generation* ~~issuance by the local government of a certificate of occupancy or its functional equivalent~~. ~~Other transportation facilities needed to serve new development shall be in place or under actual construction no more than 3 years after issuance by the local government of a certificate of occupancy or its functional equivalent.~~

(4)

(c) The concurrency requirement, except as it relates to transportation facilities *and public schools*, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas.

(5)(a) The Legislature finds that under limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities and services be available concurrent with the impacts of such development. The Legislature further finds that often the unintended result of the concurrency requirement for transportation facilities is the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.

(b) A local government may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

1. Urban infill development,

2. Urban redevelopment,

3. Downtown revitalization, or

4. Urban infill and redevelopment under s. 163.2517.

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517 which pose only special part-time demands on the transportation system should be excepted from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

(d) A local government shall establish guidelines *in the comprehensive plan* for granting the exceptions authorized in paragraphs (b) and (c) *and subsections (7) and (15) which must be consistent with and support a comprehensive strategy adopted in the plan to promote the purpose of the exceptions*.

(e) The local government shall adopt into the plan and implement strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment shall also demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided. In addition, the strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area shall be accompanied by data and analysis justifying the size of the area.

(f) Prior to the designation of a concurrency exception area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on

the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9). ~~in the comprehensive plan. These guidelines must include consideration of the impacts on the Florida Intrastate Highway System, as defined in s. 338.001.~~ The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted.

(g) Transportation concurrency exception areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.

(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. ~~Local governments are encouraged to adopt methodologies to encourage de minimis impacts on transportation facilities within an existing urban service area.~~ Further, no impact will be de minimis if it would exceed the adopted level-of-service standard of any affected designated hurricane evacuation routes. *Each local government shall maintain sufficient records to ensure that the 110-percent criterion is not exceeded. Each local government shall submit annually, with its updated capital improvements element, a summary of the de minimis records. If the state land planning agency determines that the 110-percent criterion has been exceeded, the state land planning agency shall notify the local government of the exceedance and that no further de minimis exceptions for the applicable roadway may be granted until such time as the volume is reduced below the 110 percent. The local government shall provide proof of this reduction to the state land planning agency before issuing further de minimis exceptions.*

(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level-of-service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. *Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9). Transportation concurrency management areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.* The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection.

(9)(a) Each local government may adopt as a part of its plan, ~~a~~ long-term transportation *and school* concurrency management *systems* ~~system~~ with a planning period of up to 10 years for specially designated districts *or areas* where significant backlogs exist. The plan may include interim level-of-service standards on certain facilities and *shall* ~~may~~ rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development *orders that authorize commencement of construction* ~~permits~~ in these *designated* districts *or areas. The concurrency management system.* ~~It~~ must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities. *The concurrency management system* ~~It~~ must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

(b) If a local government has a transportation *or school facility* backlog for existing development which cannot be adequately addressed in a 10-year plan, the state land planning agency may allow it to develop a plan *and long-term schedule of capital improvements covering* ~~of~~ up to 15 years for good and sufficient cause, based on a general comparison between that local government and all other similarly situated local jurisdictions, using the following factors:

1. The extent of the backlog.

2. *For roads,* whether the backlog is on local or state roads.

3. The cost of eliminating the backlog.

4. The local government's tax and other revenue-raising efforts.

(c) The local government may issue approvals to commence construction notwithstanding s. 163.3180, consistent with and in areas that are subject to a long-term concurrency management system.

(d) If the local government adopts a long-term concurrency management system, it must evaluate the system periodically. At a minimum, the local government must assess its progress toward improving levels of service within the long-term concurrency management district or area in the evaluation and appraisal report and determine any changes that are necessary to accelerate progress in meeting acceptable levels of service.

(10) With regard to *roadway* facilities on the *Strategic Intermodal System designated in accordance with ss. 339.61, 339.62, 339.63, and 339.64, the* Florida Intrastate Highway System as defined in s. 338.001, *and roadway facilities funded in accordance with s. 339.2819* ~~with concurrence from the Department of Transportation, the level-of-service standard for general lanes in urbanized areas, as defined in s. 334.03(36), may be established by the local government in the comprehensive plan. For all other facilities on the Florida Intrastate Highway System~~, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule. For all other roads on the State Highway System, local governments shall establish an adequate level-of-service standard that need not be consistent with any level-of-service standard established by the Department of Transportation. *In establishing adequate level-of-service standards for any arterial roads, or collector roads as appropriate, which traverse multiple jurisdictions, local governments shall consider compatibility with the roadway facility's adopted level-of-service standards in adjacent jurisdictions. Each local government within a county shall use a professionally accepted methodology for measuring impacts on transportation facilities for the purposes of implementing its concurrency management system. Counties are encouraged to coordinate with adjacent counties, and local governments within a county are encouraged to coordinate, for the purpose of using common methodologies for measuring impacts on transportation facilities for the purpose of implementing their concurrency management systems.*

(13) School concurrency~~, if imposed by local option,~~ shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area *unless exempt from the public school facilities element pursuant to s. 163.3177(12)*. The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). ~~School concurrency shall not become effective in a county until all local governments, except as provided in paragraph (f), have adopted the necessary plan amendments, which together with the interlocal agreement, are determined to be in compliance with the requirements of this part.~~ The minimum requirements for school concurrency are the following:

(a) Public school facilities element.—A local government shall adopt and transmit to the state land planning agency a plan or plan amendment which includes a public school facilities element which is consistent with the requirements of s. 163.3177(12) and which is determined to be in compliance as defined in s. 163.3184(1)(b). All local government public school facilities plan elements within a county must be consistent with each other as well as the requirements of this part.

(b) Level-of-service standards.—The Legislature recognizes that an essential requirement for a concurrency management system is the level of service at which a public facility is expected to operate.

1. Local governments and school boards imposing school concurrency shall exercise authority in conjunction with each other to establish jointly adequate level-of-service standards, as defined in chapter 9J-5, Florida Administrative Code, necessary to implement the adopted local government comprehensive plan, based on data and analysis.

2. Public school level-of-service standards shall be included and adopted into the capital improvements element of the local comprehensive plan and shall apply districtwide to all schools of the same type. Types of schools may include elementary, middle, and high schools as well as special purpose facilities such as magnet schools.

3. Local governments and school boards shall have the option to utilize tiered level-of-service standards to allow time to achieve an adequate and desirable level of service as circumstances warrant.

(c) Service areas.—The Legislature recognizes that an essential requirement for a concurrency system is a designation of the area within which the level of service will be measured when an application for a residential development permit is reviewed for school concurrency purposes. This delineation is also important for purposes of determining whether the local government has a financially feasible public school capital facilities program that will provide schools which will achieve and maintain the adopted level-of-service standards.

1. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments are encouraged to *initially* apply school concurrency to development *only* on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide. *To ensure that development is coordinated with schools having available capacity, within 5 years after adoption of school concurrency, local governments shall apply school concurrency on a less than districtwide basis, such as using school attendance zones or concurrency service areas, as provided in subparagraph 2.*

2. For local governments applying school concurrency on a less than districtwide basis, such as utilizing school attendance zones or larger school concurrency service areas, local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified *and*~~,~~ included *as supporting data and analysis for*~~, and adopted as part of~~ the comprehensive plan. ~~Any subsequent change to the service area boundaries for purposes of a school concurrency system shall be by plan amendment and shall be exempt from the limitation on the frequency of plan amendments in s. 163.3187(1).~~

3. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the *local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a* development *on the basis of school concurrency, and if* ~~order shall be~~ issued*, development impacts shall be shifted to contiguous service areas with schools having available capacity* ~~and mitigation measures shall not be exacted~~.

(d) Financial feasibility.—The Legislature recognizes that financial feasibility is an important issue because the premise of concurrency is that the public facilities will be provided in order to achieve and maintain the adopted level-of-service standard. This part and chapter 9J-5, Florida Administrative Code, contain specific standards to determine the financial feasibility of capital programs. These standards were adopted to make concurrency more predictable and local governments more accountable.

1. A comprehensive plan amendment seeking to impose school concurrency shall contain appropriate amendments to the capital improvements element of the comprehensive plan, consistent with the requirements of s. 163.3177(3) and rule 9J-5.016, Florida Administrative Code. The capital improvements element shall set forth a financially feasible public school capital facilities program, established in conjunction with the school board, that demonstrates that the adopted level-of-service standards will be achieved and maintained.

2. Such amendments shall demonstrate that the public school capital facilities program meets all of the financial feasibility standards of this part and chapter 9J-5, Florida Administrative Code, that apply to capital programs which provide the basis for mandatory concurrency on other public facilities and services.

3. When the financial feasibility of a public school capital facilities program is evaluated by the state land planning agency for purposes of a compliance determination, the evaluation shall be based upon the service areas selected by the local governments and school board.

(e) Availability standard.—Consistent with the public welfare, a local government may not deny *an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of* a development ~~permit~~ authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local ~~option~~ school concurrency *management* system where adequate school facilities will be in place or under actual construction within 3 years after *the* ~~permit~~ issuance *of final subdivision or site plan approval, or the functional equivalent. School concurrency shall be satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subparagraph 1. Options for proportionate-share mitigation of impacts on public school facilities shall be established in the public school facilities element and the interlocal agreement pursuant to s. 163.31777.*

1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquistion or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased overall residential density. The district school board shall be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquistion; or the construction or expansion of a public school facility, or a portion thereof, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

3. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer's agreement.

4. This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home-rule regulatory powers, except as provided in this part.

(f) Intergovernmental coordination.—

1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by *ss.* ~~s.~~ 163.3177(6)(h)2. *and 163.31777(6),* as a prerequisite for imposition of school concurrency, and as a nonsignatory, shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

a. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.

b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit residential uses that will affect school attendance rates.

c. The municipality has no public schools located within its boundaries.

d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.

2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria *pursuant to s. 163.31777(6)*. If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by *ss.* ~~s.~~ 163.3177(6)(h)2. *and 163.31777*, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.

(g) Interlocal agreement for school concurrency.—When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement *that* ~~which~~ satisfies the requirements in *ss.* ~~s.~~ 163.3177(6)(h)1. and 2. *and 163.31777* and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In addition to the requirements of *ss.* ~~s.~~ 163.3177(6)(h) *and 163.31777*, the interlocal agreement shall meet the following requirements:

1. Establish the mechanisms for coordinating the development, adoption, and amendment of each local government's public school facilities element with each other and the plans of the school board to ensure a uniform districtwide school concurrency system.

~~2. Establish a process by which each local government and the school board shall agree and base their plans on consistent projections of the amount, type, and distribution of population growth and coordinate and share information relating to existing and planned public school facilities projections and proposals for development and redevelopment, and infrastructure required to support public school facilities.~~

2.~~3.~~ Establish a process for the development of siting criteria which encourages the location of public schools proximate to urban residential areas to the extent possible and seeks to collocate schools with other public facilities such as parks, libraries, and community centers to the extent possible.

3.~~4.~~ Specify uniform, districtwide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards.

4.~~5.~~ Establish a process for the preparation, amendment, and joint approval by each local government and the school board of a public school capital facilities program which is financially feasible, and a process and schedule for incorporation of the public school capital facilities program into the local government comprehensive plans on an annual basis.

5.~~6.~~ Define the geographic application of school concurrency. If school concurrency is to be applied on a less than districtwide basis in the form of concurrency service areas, the agreement shall establish criteria and standards for the establishment and modification of school concurrency service areas. The agreement shall also establish a process and schedule for the mandatory incorporation of the school concurrency service areas and the criteria and standards for establishment of the service areas into the local government comprehensive plans. The agreement shall ensure maximum utilization of school capacity, taking into account transportation costs and court-approved desegregation plans, as well as other factors. The agreement shall also ensure the achievement and maintenance of the adopted level-of-service standards for the geographic area of application throughout the 5 years covered by the public school capital facilities plan and thereafter by adding a new fifth year during the annual update.

6.~~7.~~ Establish a uniform districtwide procedure for implementing school concurrency which provides for:

a. The evaluation of development applications for compliance with school concurrency requirements*, including information provided by the school board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity*;

b. An opportunity for the school board to review and comment on the effect of comprehensive plan amendments and rezonings on the public school facilities plan; and

c. The monitoring and evaluation of the school concurrency system.

7.~~8.~~ Include provisions relating to ~~termination, suspension, and~~ amendment of the agreement. ~~The agreement shall provide that if the agreement is terminated or suspended, the application of school concurrency shall be terminated or suspended.~~

8. A process and uniform methodology for determining proportionate-share mitigation pursuant to subparagraph (e)1.

(h) This subsection does not limit the authority of a local government to grant or deny a development permit or its functional equivalent prior to the implementation of school concurrency.

(15)(a) Multimodal transportation districts may be established under a local government comprehensive plan in areas delineated on the future land use map for which the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system. *Prior to the designation of multimodal transportation districts, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed multimodal district area is expected to have on the adopted level of service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including the development of a long-term concurrency management system pursuant to ss. 163.3177(3)(d) and 163.3180(9). Multimodal transportation districts existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.*

(b) Community design elements of such a district include: a complementary mix and range of land uses, including educational, recreational, and cultural uses; interconnected networks of streets designed to encourage walking and bicycling, with traffic-calming where desirable; appropriate densities and intensities of use within walking distance of transit stops; daily activities within walking distance of residences, allowing independence to persons who do not drive; public uses, streets, and squares that are safe, comfortable, and attractive for the pedestrian,

with adjoining buildings open to the street and with parking not interfering with pedestrian, transit, automobile, and truck travel modes.

(c) Local governments may establish multimodal level-of-service standards that rely primarily on nonvehicular modes of transportation within the district, when justified by an analysis demonstrating that the existing and planned community design will provide an adequate level of mobility within the district based upon professionally accepted multimodal level-of-service methodologies. ~~The analysis must take into consideration the impact on the Florida Intrastate Highway System.~~ The analysis must also demonstrate that the capital improvements required to promote community design are financially feasible over the development or redevelopment timeframe for the district and that community design features within the district provide convenient interconnection for a multimodal transportation system. Local governments may issue development permits in reliance upon all planned community design capital improvements that are financially feasible over the development or redevelopment timeframe for the district, without regard to the period of time between development or redevelopment and the scheduled construction of the capital improvements. A determination of financial feasibility shall be based upon currently available funding or funding sources that could reasonably be expected to become available over the planning period.

(d) Local governments may reduce impact fees or local access fees for development within multimodal transportation districts based on the reduction of vehicle trips per household or vehicle miles of travel expected from the development pattern planned for the district.

(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation under this section shall be as provided for in s. 163.3180(12).

(a) By December 1, 2006, each local government shall adopt by ordinance a methodology for assessing proportionate fair-share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate fair-share mitigation options.

(b)1. In its transportation concurrency management system, a local government shall, by December 1, 2006, include methodologies that will be applied to calculate proportionate fair-share mitigation. A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5-year schedule of capital improvements in the capital improvements element of the local plan or the long-term concurrency management system or if such contributions or payments to such facilities or segments are reflected in the 5-year schedule of capital improvements in the next regularly scheduled update of the capital improvements element. Updates to the 5-year capital improvements element which reflect proportionate fair-share contributions may not be found not in compliance based on s. 163.3177(3) and s. 163.164(32) if additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

2. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance.

(c) Proportionate fair-share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. The fair market value of the proportionate fair-share mitigation shall not differ based on the form of mitigation. A local government may not require a development to pay more than its proportionate fair-share contribution regardless of the method of mitigation.

(d) Nothing in this subsection shall require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

(e) Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation.

(f) In the event the funds in an adopted 5-year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may still enter into a binding proportionate share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate share component must be adopted into the 5-year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update.

(g) Except as provided in subparagraph (b)1., nothing in this section shall prohibit the Department of Community Affairs from finding other portions of the capital improvements element amendments not in compliance as provided in this chapter.

(h) The provisions of this subsection do not apply to a multiuse development of regional impact satisfying the requirements of subsection (12).

Section 6. Subsections (17) and (18) are added to section 163.3184, Florida Statutes, to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(17) A local government that has adopted a community vision and urban service boundary under s. 163.31773(13) and (14) may adopt a plan amendment related to map amendments solely to property within an urban service boundary in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

(18) A municipality that has a designated urban infill and redevelopment area under s. 163.2517 may adopt a plan amendment related to map amendments solely to property within a designated urban infill and redevelopment area in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

Section 7. Paragraph (c) of subsection (1) is amended and paragraph (o) is added to section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres annually of property outside the designated areas listed in this sub-sub-subparagraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-subparagraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre *or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category*, except that this limitation does not apply to *small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement or extended use agreement recorded in conjunction with the issuance of tax exempt bond financing or an allocation of federal tax credits issued through the Florida Housing Finance Corporation or a local housing finance authority authorized by the Division of Bond Finance of the State Board of Administration, or* small scale amendments described in sub-sub-subparagraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

4. If the small scale development amendment involves a site within an area that is designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) for the duration of such designation, the 10-acre limit listed in subparagraph 1. shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.

(d) Any comprehensive plan amendment required by a compliance agreement pursuant to s. 163.3184(16) may be approved without regard to statutory limits on the frequency of adoption of amendments to the comprehensive plan.

(e) A comprehensive plan amendment for location of a state correctional facility. Such an amendment may be made at any time and does not count toward the limitation on the frequency of plan amendments.

(f) Any comprehensive plan amendment that changes the schedule in the capital improvements element, and any amendments directly related to the schedule, may be made once in a calendar year on a date different from the two times provided in this subsection when necessary to coincide with the adoption of the local government's budget and capital improvements program.

(g) Any local government comprehensive plan amendments directly related to proposed redevelopment of brownfield areas designated under s. 376.80 may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan.

(h) Any comprehensive plan amendments for port transportation facilities and projects that are eligible for funding by the Florida Seaport Transportation and Economic Development Council pursuant to s. 311.07.

(i) A comprehensive plan amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517 may be approved without regard to the statutory limits on the frequency of amendments to the comprehensive plan.

(j) Any comprehensive plan amendment to establish public school concurrency pursuant to s. 163.3180(13), including, but not limited to, adoption of a public school facilities element and adoption of amendments to the capital improvements element and intergovernmental coordination element. In order to ensure the consistency of local government public school facilities elements within a county, such elements shall be prepared and adopted on a similar time schedule.

(k) A local comprehensive plan amendment directly related to providing transportation improvements to enhance life safety on Controlled Access Major Arterial Highways identified in the Florida Intrastate Highway System, in counties as defined in s. 125.011, where such roadways have a high incidence of traffic accidents resulting in serious injury or death. Any such amendment shall not include any amendment modifying the designation on a comprehensive development plan land use map nor any amendment modifying the allowable densities or intensities of any land.

(l) A comprehensive plan amendment to adopt a public educational facilities element pursuant to s. 163.31776 and future land-use-map amendments for school siting may be approved notwithstanding statutory limits on the frequency of adopting plan amendments.

(m) A comprehensive plan amendment that addresses criteria or compatibility of land uses adjacent to or in close proximity to military installations in a local government's future land use element does not count toward the limitation on the frequency of the plan amendments.

(n) Any local government comprehensive plan amendment establishing or implementing a rural land stewardship area pursuant to the provisions of s. 163.3177(11)(d).

(o) A comprehensive plan amendment that is submitted by an area designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) and that meets the economic development objectives may be approved without regard to the statutory limits on the frequency of adoption of amendments to the comprehensive plan.

Section 8. Subsections (2) and (10) of section 163.3191, Florida Statutes, are amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.

(b) The extent of vacant and developable land.

(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address infrastructure backlogs and meet the demands of growth on public services and facilities.

(d) The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.

(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.

(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.

(h) A brief assessment of successes and shortcomings related to each element of the plan.

(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.

(j) A summary of the public participation program and activities undertaken by the local government in preparing the report.

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. *For those counties or municipalities that do not have a public schools interlocal agreement or public school facility element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facility element, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system.* ~~If the issues are not relevant, the local government shall demonstrate that they are not relevant.~~

(l) *The extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction. The report must evaluate the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies,* ~~The evaluation must consider the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361. The potable water element must be revised to include a work plan, covering at least a 10-year planning period, for building any water supply facilities that are~~ identified in the element as necessary to serve existing and new development ~~and for which the local government is responsible~~.

(m) If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

(n) An assessment of whether the criteria adopted pursuant to s. 163.3177(6)(a) were successful in achieving compatibility with military installations.

(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal transportation district designated pursuant to s. 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180.

(p) An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).

(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted *during a single amendment cycle* within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. *Beginning July 1, 2006, failure to timely*

adopt and transmit update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency. The prohibition on plan amendments shall commence when the update amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). *Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.*

Section 9. Paragraph (b) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(b)1. A tentative work program, including the ensuing fiscal year and the successive 4 fiscal years, shall be prepared for the State Transportation Trust Fund and other funds managed by the department, unless otherwise provided by law. The tentative work program shall be based on the district work programs and shall set forth all projects by phase to be undertaken during the ensuing fiscal year and planned for the successive 4 fiscal years. The total amount of the liabilities accruing in each fiscal year of the tentative work program may not exceed the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year.

2. The tentative work program shall be developed in accordance with the Florida Transportation Plan required in s. 339.155 and must comply with the program funding levels contained in the program and resource plan.

3. The department may include in the tentative work program proposed changes to the programs contained in the previous work program adopted pursuant to subsection (5); however, the department shall minimize changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years contained in the previous adopted work program and the tentative work program. The department, in the development of the tentative work program, shall advance by 1 fiscal year all projects included in the second year of the previous year's adopted work program, unless the secretary specifically determines that it is necessary, for specific reasons, to reschedule or delete one or more projects from that year. Such changes and adjustments shall be clearly identified, and the effect on the 4 common fiscal years contained in the previous adopted work program and the tentative work program shall be shown. It is the intent of the Legislature that ~~the first 5 years of the adopted work program for facilities designated as part of the Florida Intrastate Highway System and~~ the first 3 years of the adopted work program stand as the commitment of the state to undertake transportation projects that local governments may rely on for planning *and concurrency* purposes and in the development and amendment of the capital improvements elements of their local government comprehensive plans.

4. The tentative work program must include a balanced 36-month forecast of cash and expenditures and a 5-year finance plan supporting the tentative work program.

Section 10. *The Office of Program Policy Analysis and Government Accountability shall perform a study on adjustments to the boundaries of Florida Regional Planning Councils, Florida Water Management Districts, and Department of Transportation Districts. The purpose of this study is to organize these regional boundaries to be more coterminous with one another, creating a more unified system of regional boundaries. This study must be completed by December 31, 2005, and submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor by January 15, 2006.*

Section 11. Section 163.3247, Florida Statutes, is created to read:

163.3247 Century Commission for a Sustainable Florida.—

(1) POPULAR NAME.—This section may be cited as the "Century Commission for a Sustainable Florida Act."

(2) FINDINGS AND INTENT.—The Legislature finds and declares that the population of this state is expected to more than double over the next 100 years, with commensurate impacts to the state's natural resources and public infrastructure. Consequently, it is in the best interests of the people of the state to ensure sound planning for the proper placement of this growth and protection of the state's land, water, and other natural resources since such resources are essential to our collective quality of life and a strong economy. The state's growth management system should foster economic stability through regional solutions and strategies, urban renewal and infill, and the continued viability of agricultural economies, while allowing for rural economic development and protecting the unique characteristics of rural areas, and should reduce the complexity of the regulatory process while carrying out the intent of the laws and encouraging greater citizen participation.

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.—The Century Commission for a Sustainable Florida is created as a standing body to help the citizens of this state envision and plan their collective future with an eye towards both 25-year and 50-year horizons.

(a) The commission shall consist of fifteen members, five appointed by the Governor, five appointed by the President of the Senate, and five appointed by the Speaker of the House of Representatives. Appointments shall be made no later than October 1, 2005. The membership must represent local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. One member shall be designated by the Governor as chair of the commission. Any vacancy that occurs on the commission must be filled in the same manner as the original appointment and shall be for the unexpired term of that commission seat. Members shall serve 4-year terms, except that, initially, to provide for staggered terms, the Governor, the President of the Senate, and the Speaker of the House of Representatives, shall each appoint one member to serve a 2-year term, two members to serve 3-year terms, and two members to serve 4-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years.

(b) The first meeting of the commission shall be held no later than December 1, 2005, and shall meet at the call of the chair but not less frequently than three times per year in different regions of the state to solicit input from the public or any other individuals offering testimony relevant to the issues to be considered.

(c) Each member of the commission is entitled to one vote and actions of the commission are not binding unless taken by a three-fifths vote of the members present. A majority of the members is required to constitute a quorum, and the affirmative vote of a quorum is required for a binding vote.

(d) Members of the commission shall serve without compensation but shall be entitled to receive per diem and travel expenses in accordance with s. 112.061 while in performance of their duties.

(4) POWERS AND DUTIES.—The commission shall:

(a) Annually conduct a process through which the commission envisions the future for the state and then develops and recommends policies, plans, action steps, or strategies to assist in achieving the vision.

(b) Continuously review and consider statutory and regulatory provisions, governmental processes, and societal and economic trends in its inquiry of how state, regional, and local governments and entities and citizens of this state can best accommodate projected increased populations while maintaining the natural, historical, cultural, and manmade life qualities that best represent the state.

(c) Bring together people representing varied interests to develop a shared image of the state and its developed and natural areas. The process should involve exploring the impact of the estimated population increase and other emerging trends and issues; creating a vision for the future; and developing a strategic action plan to achieve that vision using 25-year and 50-year intermediate planning timeframes.

(d) Focus on essential state interests, defined as those interests that transcend local or regional boundaries and are most appropriately conserved, protected, and promoted at the state level.

(e) Serve as an objective, nonpartisan repository of exemplary community-building ideas and as a source to recommend strategies and practices to assist others in working collaboratively to problem solve on issues relating to growth management.

(f) Annually, beginning January 16, 2007, and every year thereafter on the same date, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a written report containing specific recommendations for addressing growth management in the state, including executive and legislative recommendations. Further, the report shall contain discussions regarding the need for intergovernmental cooperation and the balancing of environmental protection and future development and recommendations on issues, including, but not limited to, recommendations regarding dedicated sources of funding for sewer facilities, water supply and quality, transportation facilities that are not adequately addressed by the Strategic Intermodal System, and educational infrastructure to support existing development and projected population growth.

(g) Beginning with the 2007 Regular Session of the Legislature, the President of the Senate and Speaker of the House of Representatives shall create a joint select committee, the task of which shall be to review the findings and recommendations of the Century Commission for a Sustainable Florida for potential action.

(5) EXECUTIVE DIRECTOR; STAFF AND OTHER ASSISTANCE.—

(a) The Secretary of Community Affairs shall select an executive director of the commission, and the executive director shall serve at the pleasure of the secretary under the supervision and control of the commission.

(b) The Department of Community Affairs shall provide staff and other resources necessary to accomplish the goals of the commission based upon recommendations of the Governor.

(c) All agencies under the control of the Governor are directed, and all other agencies are requested, to render assistance to, and cooperate with, the commission.

Section 12. Section 339.2819, Florida Statutes, is created to read:

339.2819 Transportation Regional Incentive Program.—

(1) There is created within the Department of Transportation a Transportation Regional Incentive Program for the purpose of providing funds to improve regionally significant transportation facilities in regional transportation areas created pursuant to s. 339.155(5).

(2) The percentage of matching funds provided from the Transportation Regional Incentive Program shall be 50 percent of project costs, or up to 50 percent of the nonfederal share of the eligible project cost for a public transportation facility project.

(3) The department shall allocate funding available for the Transportation Regional Incentive Program to the districts based on a factor derived from equal parts of population and motor fuel collections for eligible counties in regional transportation areas created pursuant to s. 339.155(5).

(4)(a) Projects to be funded with Transportation Regional Incentive Program funds shall, at a minimum:

1. Support those transportation facilities that serve national, statewide, or regional functions and function as an integrated regional transportation system.

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163, after July 1, 2005, or to implement a long-term concurrency management system adopted by a local government in accordance with s. 163.3177(9). Further, the project shall be in compliance with local government comprehensive plan policies relative to corridor management.

3. Be consistent with the Strategic Intermodal System Plan developed under s. 339.64.

4. Have a commitment for local, regional, or private financial matching funds as a percentage of the overall project cost.

(b) In allocating Transportation Regional Incentive Program funds, priority shall be given to projects that:

1. Provide connectivity to the Strategic Intermodal System developed under s. 339.64.

2. Support economic development and the movement of goods in rural areas of critical economic concern designated under s. 288.0656(7).

3. Are subject to a local ordinance that establishes corridor management techniques, including access management strategies, right-of-way acquisition and protection measures, appropriate land use strategies, zoning, and setback requirements for adjacent land uses.

4. Improve connectivity between military installations and the Strategic Highway Network or the Strategic Rail Corridor Network.

(5) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15(1)(d) for the purposes of the Transportation Regional Incentive Program are hereby annually appropriated for expenditure to support that program.

Section 13. Section 337.107, Florida Statutes, is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities*, or the department may include right-of-way services as part of design-build contracts awarded under s. 337.11*. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 14. Effective July 1, 2007, section 337.107, Florida Statutes, as amended by this act is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities~~, or the department may include right-of-way services as part of design-build contracts awarded under s. 337.11~~. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 15. Paragraph (a) of subsection (7) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the *right-of-way services and* design and construction phases of *any* ~~a building, a major bridge, a limited access facility, or a rail corridor~~ project into a single contract*, except for a resurfacing or minor bridge project, the right-of-way services and design and construction phases of which may be combined under s. 337.025*. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.

Section 16. Effective July 1, 2007, paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by this act, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the ~~right-of-way services and~~ design and construction phases of *a building, a major bridge, a limited access facility, or a rail corridor* ~~any~~ project into a single contract~~, except for a resurfacing or minor bridge project, the right-of-way services and design and construction phase of which may be combined under s. 337.025~~. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription.

Section 17. Paragraphs (l), (m), and (n) are added to subsection (24) of section 380.06, Florida Statutes, to read:

380.06 Developments of regional impact.—

(24) STATUTORY EXEMPTIONS.—

(l) Any proposed development within an urban service boundary established under s. 163.3177(14) is exempt from the provisions of this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary and has entered into a binding agreement with adjacent jurisdictions and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(m) Any proposed development within a rural land stewardship area created under s. 163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(n) Any proposed development or redevelopment within an area designated as an urban infill and redevelopment area under s. 163.2517 is exempt from the provisions of this section if the local government has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

Section 18. Subsections (3), (7), and (8) of section 1013.33, Florida Statutes, are amended to read:

1013.33 Coordination of planning with local governing bodies.—

(3) At a minimum, the interlocal agreement must address *interlocal-agreement requirements in s. 163.3180(13)(g), except for exempt local governments as provided in s. 163.3177(12), and must address* the following issues:

(a) A process by which each local government and the district school board agree and base their plans on consistent projections of the amount, type, and distribution of population growth and student enrollment. The geographic distribution of jurisdiction-wide growth forecasts is a major objective of the process.

(b) A process to coordinate and share information relating to existing and planned public school facilities, including school renovations and closures, and local government plans for development and redevelopment.

(c) Participation by affected local governments with the district school board in the process of evaluating potential school closures, significant renovations to existing schools, and new school site selection before land acquisition. Local governments shall advise the district school board as to the consistency of the proposed closure, renovation, or new site with the local comprehensive plan, including appropriate circumstances and criteria under which a district school board may request an amendment to the comprehensive plan for school siting.

(d) A process for determining the need for and timing of onsite and offsite improvements to support new construction, proposed expansion, or redevelopment of existing schools. The process shall address identification of the party or parties responsible for the improvements.

(e) A process for the school board to inform the local government regarding *the effect of comprehensive plan amendments on* school capacity. The capacity reporting must be consistent with laws and rules regarding measurement of school facility capacity and must also identify how the district school board will meet the public school demand based on the facilities work program adopted pursuant to s. 1013.35.

(f) Participation of the local governments in the preparation of the annual update to the school board's 5-year district facilities work program and educational plant survey prepared pursuant to s. 1013.35.

(g) A process for determining where and how joint use of either school board or local government facilities can be shared for mutual benefit and efficiency.

(h) A procedure for the resolution of disputes between the district school board and local governments, which may include the dispute resolution processes contained in chapters 164 and 186.

(i) An oversight process, including an opportunity for public participation, for the implementation of the interlocal agreement.

~~A signatory to the interlocal agreement may elect not to include a provision meeting the requirements of paragraph (e); however, such a decision may be made only after a public hearing on such election, which may include the public hearing in which a district school board or a local government adopts the interlocal agreement. An interlocal agreement entered into pursuant to this section must be consistent with the adopted comprehensive plan and land development regulations of any local government that is a signatory.~~

(7) Except as provided in subsection (8), municipalities *meeting the exemption criteria in s. 163.3177(12)* ~~having no established need for a new facility and meeting the following criteria~~ are exempt from the requirements of subsections (2), (3), and (4).~~:~~

~~(a) The municipality has no public schools located within its boundaries.~~

~~(b) The district school board's 5-year facilities work program and the long-term 10-year and 20-year work programs, as provided in s. 1013.35, demonstrate that no new school facility is needed in the municipality. In addition, the district school board must verify in writing that no new school facility will be needed in the municipality within the 5-year and 10-year timeframes.~~

(8) At the time of the evaluation and appraisal report, each exempt municipality shall assess the extent to which it continues to meet the criteria for exemption under *s. 163.3177(12)* ~~subsection (7)~~. If the municipality continues to meet these criteria ~~and the district school board verifies in writing that no new school facilities will be needed within the 5-year and 10-year timeframes~~, the municipality shall continue to be exempt from the interlocal-agreement requirement. Each municipality exempt under *s. 163.3177(12)* ~~subsection (7)~~ must comply with the provisions of subsections (2)-(8) within 1 year after the district school board proposes, in its 5-year district facilities work program, a new school within the municipality's jurisdiction.

Section 19. Subsection (2) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(2) Notwithstanding any other provisions of law, from the revenues deposited into the State Transportation Trust Fund a maximum of 7 percent in each fiscal year shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605, as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be issued under ss. 215.605 and 337.276 or at a minimum amount sufficient to pay for the debt service coverage requirements of outstanding bonds. Notwithstanding the 7 percent annual transfer authorized in this subsection, the annual amount transferred under this subsection shall not exceed an amount necessary to provide the required debt service coverage levels for a maximum debt

service not to exceed *$275* ~~$200~~ million. Such transfer shall be payable primarily from the motor and diesel fuel taxes transferred to the State Transportation Trust Fund from the Fuel Tax Collection Trust Fund.

Section 20. Subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(a) To pay administrative expenses of the department, including administrative expenses incurred by the several state transportation districts, but excluding administrative expenses of commuter rail authorities that do not operate rail service.

(b) To pay the cost of construction of the State Highway System.

(c) To pay the cost of maintaining the State Highway System.

(d) To pay the cost of public transportation projects in accordance with chapter 341 and ss. 332.003-332.007.

(e) To reimburse counties or municipalities for expenditures made on projects in the State Highway System as authorized by s. 339.12(4) upon legislative approval.

(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.

(g) To lend or pay a portion of the operating, maintenance, and capital costs of a revenue-producing transportation project that is located on the State Highway System or that is demonstrated to relieve traffic congestion on the State Highway System.

(h) To match any federal-aid funds allocated for any other transportation purpose, including funds allocated to projects not located in the State Highway System.

(i) To pay the cost of county road projects selected in accordance with the Small County Road Assistance Program created in s. 339.2816.

(j) To pay the cost of county or municipal road projects selected in accordance with the County Incentive Grant Program created in s. 339.2817 and the Small County Outreach Program created in s. 339.2818.

(k) To provide loans and credit enhancements for use in constructing and improving highway transportation facilities selected in accordance with the state-funded infrastructure bank created in s. 339.55.

(l) To pay the cost of projects on the Florida Strategic Intermodal System created in s. 339.61.

(m) To pay the cost of transportation projects selected in accordance with the Transportation Regional Incentive Program created in s. 339.2819.

(n)~~(m)~~ To pay other lawful expenditures of the department.

Section 21. Paragraphs (c), (d), and (e) are added to subsection (5) of section 339.155, Florida Statutes, to read:

339.155 Transportation planning.—

(5) ADDITIONAL TRANSPORTATION PLANS.—

(c) Regional transportation plans may be developed in regional transportation areas in accordance with an interlocal agreement entered into pursuant to s. 163.01 by two or more contiguous metropolitan planning organizations; one or more metropolitan planning organizations and one or more contiguous counties, none of which is a member of a metropolitan planning organization; a multicounty regional transportation authority created by or pursuant to law; two or more contiguous counties that are not members of a metropolitan planning organization; or metropolitan planning organizations comprised of three or more counties.

(d) The interlocal agreement must, at a minimum, identify the entity that will coordinate the development of the regional transportation plan; delineate the boundaries of the regional transportation area; provide the duration of the agreement and specify how the agreement may be terminated, modified, or rescinded; describe the process by which the regional transportation plan will be developed; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the development or content of the regional transportation plan. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in the regional transportation area.

(e) The regional transportation plan developed pursuant to this section must, at a minimum, identify regionally significant transportation facilities located within a regional transportation area and contain a prioritized list of regionally significant projects. The level-of-service standards for facilities to be funded under this subsection shall be adopted by the appropriate local government in accordance with s. 163.3180(10). The projects shall be adopted into the capital improvements schedule of the local government comprehensive plan pursuant to s. 163.3177(3).

Section 22. Section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic Intermodal System designated under s. 339.63 *and facilities for which projects have been identified pursuant to s. 339.2819(4).*

(1) DESIGNATION.—

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning area, which is the

existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(2) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the Florida Space Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;

2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and

3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(3) APPORTIONMENT.—

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area and shall prescribe a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. An appointed alternate member must be an elected official serving the same governmental entity or a general-purpose local government with jurisdiction within all or part of the area that the regular member serves. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting members of the M.P.O. Nonvoting advisers may be appointed by the M.P.O. as deemed necessary. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (2).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (1)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of a county or city governing entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

(4) AUTHORITY AND RESPONSIBILITY.—The authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive transportation planning process that, based upon the prevailing principles provided in s. 334.046(1), results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan area of the M.P.O. An M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs required by subsections (5), (6), (7), and (8).

(5) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (6);

2. An annually updated transportation improvement program pursuant to the requirements of subsection (7); and

3. An annual unified planning work program pursuant to the requirements of subsection (8).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

2. Increase the safety and security of the transportation system for motorized and nonmotorized users;

3. Increase the accessibility and mobility options available to people and for freight;

4. Protect and enhance the environment, promote energy conservation, and improve quality of life;

5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

6. Promote efficient system management and operation; and

7. Emphasize the preservation of the existing transportation system.

(c) In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:

1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;

2. Assist the department in mapping transportation planning boundaries required by state or federal law;

3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;

4. Execute all agreements or certifications necessary to comply with applicable state or federal law;

5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and

6. Perform all other duties required by state or federal law.

(d) Each M.P.O. shall appoint a technical advisory committee that includes planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.

(e)1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

(f) The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

(g) Each M.P.O. may employ personnel or may enter into contracts with local or state agencies, private planning firms, or private engineering firms to accomplish its transportation planning and programming duties required by state or federal law.

(h) A chair's coordinating committee is created, composed of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(i)1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provide the purpose for which the entity is created; provide the duration of the agreement and the entity, and specify how the agreement may be terminated, modified, or rescinded; describe the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provide the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provide the manner in which funds may be paid to and disbursed from the entity; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. This paragraph does not require any M.P.O.'s to merge, combine, or otherwise join together as a single M.P.O.

(6) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range

transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.

(e) In addition to the requirements of paragraphs (a)-(d), in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the M.P.O. must coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(7) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O. *and include those projects programmed pursuant to s. 339.2819(4).*

(b) Each M.P.O. annually shall prepare a list of project priorities and shall submit the list to the appropriate district of the department by October 1 of each year; however, the department and a metropolitan planning organization may, in writing, agree to vary this submittal date. The list of project priorities must be formally reviewed by the technical and citizens' advisory committees, and approved by the M.P.O., before it is transmitted to the district. The approved list of project priorities must be used by the district in developing the district work program and must be used by the M.P.O. in developing its transportation improvement program. The annual list of project priorities must be based upon project selection criteria that, at a minimum, consider the following:

1. The approved M.P.O. long-range transportation plan;

2. The Strategic Intermodal System Plan developed under s. 339.64.

3. The priorities developed pursuant to s. 339.2819(4).

4.~~3.~~ The results of the transportation management systems; and

5.~~4.~~ The M.P.O.'s public-involvement procedures.

(c) The transportation improvement program must, at a minimum:

1. Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.

2. Include projects within the metropolitan area which are proposed for funding under 23 U.S.C. s. 134 of the Federal Transit Act and which are consistent with the long-range transportation plan developed under subsection (6).

3. Provide a financial plan that demonstrates how the transportation improvement program can be implemented; indicates the resources, both public and private, that are reasonably expected to be available to accomplish the program; identifies any innovative financing techniques that may be used to fund needed projects and programs; and may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available. Innovative financing techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing. The transportation improvement program may include a project or project phase only if full funding can reasonably be anticipated to be available for the project or project phase within the time period contemplated for completion of the project or project phase.

4. Group projects and project phases of similar urgency and anticipated staging into appropriate staging periods.

5. Indicate how the transportation improvement program relates to the long-range transportation plan developed under subsection (6), including providing examples of specific projects or project phases that further the goals and policies of the long-range transportation plan.

6. Indicate whether any project or project phase is inconsistent with an approved comprehensive plan of a unit of local government located within the jurisdiction of the M.P.O. If a project is inconsistent with an affected comprehensive plan, the M.P.O. must provide justification for including the project in the transportation improvement program.

7. Indicate how the improvements are consistent, to the maximum extent feasible, with affected seaport, airport, and spaceport master plans and with public transit development plans of the units of local government located within the jurisdiction of the M.P.O. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the transportation improvement program.

(d) Projects included in the transportation improvement program and that have advanced to the design stage of preliminary engineering may be removed from or rescheduled in a subsequent transportation improvement program only by the joint action of the M.P.O. and the department. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the 5th year of such program.

(e) During the development of the transportation improvement program, the M.P.O. shall, in cooperation with the department and any affected public transit operation, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

(f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to the district secretary and the Department of Community Affairs at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of Community Affairs at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of Community Affairs, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

(g) The Department of Community Affairs shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each M.P.O. and shall identify those projects that are inconsistent with such comprehensive plans. The Department of Community Affairs shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(h) The M.P.O. shall annually publish or otherwise make available for public review the annual listing of projects for which federal funds have been obligated in the preceding year. Project monitoring systems must be maintained by those agencies responsible for obligating federal funds and made accessible to the M.P.O.'s.

(8) UNIFIED PLANNING WORK PROGRAM.—Each M.P.O. shall develop, in cooperation with the department and public transportation providers, a unified planning work program that lists all planning tasks to be undertaken during the program year. The unified planning work program must provide a complete description of each planning task and an estimated budget therefor and must comply with applicable state and federal law.

(9) AGREEMENTS.—

(a) Each M.P.O. shall execute the following written agreements, which shall be reviewed, and updated as necessary, every 5 years:

1. An agreement with the department clearly establishing the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law.

2. An agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area.

3. An agreement with operators of public transportation systems, including transit systems, commuter rail systems, airports, seaports, and spaceports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, seaport, and aerospace planning and programming will be part of the comprehensive planned development of the metropolitan area.

(b) An M.P.O. may execute other agreements required by state or federal law or as necessary to properly accomplish its functions.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.

(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.

2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.

3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.

4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.

5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.

6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.

7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.

8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

(11) APPLICATION OF FEDERAL LAW.—Upon notification by an agency of the Federal Government that any provision of this section

conflicts with federal laws or regulations, such federal laws or regulations will take precedence to the extent of the conflict until such conflict is resolved. The department or an M.P.O. may take any necessary action to comply with such federal laws and regulations or to continue to remain eligible to receive federal funds.

Section 23. Section 339.55, Florida Statutes, is amended to read:

339.55 State-funded infrastructure bank.—

(1) There is created within the Department of Transportation a state-funded infrastructure bank for the purpose of providing loans and credit enhancements to government units and private entities for use in constructing and improving transportation facilities.

(2) The bank may lend capital costs or provide credit enhancements for*:*

(a) A transportation facility project that is on the State Highway System or that provides for increased mobility on the state's transportation system or provides intermodal connectivity with airports, seaports, rail facilities, and other transportation terminals, pursuant to s. 341.053, for the movement of people and goods.

(b) Projects of the Transportation Regional Incentive Program which are identified pursuant to s. 339.2819(4).

(3) Loans from the bank may be subordinated to senior project debt that has an investment grade rating of "BBB" or higher.

(4)~~(3)~~ Loans from the bank may bear interest at or below market interest rates, as determined by the department. Repayment of any loan from the bank shall commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later, and shall be repaid in no more than 30 years.

(5)~~(4)~~ ~~Except as provided in s. 339.137,~~ To be eligible for consideration, projects must be consistent, to the maximum extent feasible, with local metropolitan planning organization plans and local government comprehensive plans and must provide a dedicated repayment source to ensure the loan is repaid to the bank.

(6) Funding awarded for projects under paragraph (2)(b) must be matched by a minimum of 25 percent from funds other than the state-funded infrastructure bank loan.

(7)~~(5)~~ The department may consider, but is not limited to, the following criteria for evaluation of projects for assistance from the bank:

(a) The credit worthiness of the project.

(b) A demonstration that the project will encourage, enhance, or create economic benefits.

(c) The likelihood that assistance would enable the project to proceed at an earlier date than would otherwise be possible.

(d) The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment.

(e) The extent to which the project would use new technologies, including intelligent transportation systems, that would enhance the efficient operation of the project.

(f) The extent to which the project would maintain or protect the environment.

(g) A demonstration that the project includes transportation benefits for improving intermodalism, cargo and freight movement, and safety.

(h) The amount of the proposed assistance as a percentage of the overall project costs with emphasis on local and private participation.

(i) The extent to which the project will provide for connectivity between the State Highway System and airports, seaports, rail facilities, and other transportation terminals and intermodal options pursuant to s. 341.053 for the increased accessibility and movement of people and goods.

(8)~~(6)~~ Loan assistance provided by the bank shall be included in the department's work program developed in accordance with s. 339.135.

(9)~~(7)~~ The department is authorized to adopt rules to implement the state-funded infrastructure bank.

(10) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15(1)(d) for the purposes of the State Infrastructure Bank are hereby annually appropriated for expenditure to support that program.

Section 24. Subsection (7) is added to section 1013.64, Florida Statutes, to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(7) Moneys distributed to the Public Education Capital Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d) to fund the Classrooms for Kids Program created in s. 1013.735 and the High Growth County District Capital Outlay Assistance Grant Program created in s. 1013.738, shall be distributed as provided by those sections.

Section 25. Paragraph (a) of subsection (2) of section 1013.65, Florida Statutes, is amended to read:

1013.65 Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.—

(2)(a) The Public Education Capital Outlay and Debt Service Trust Fund shall be comprised of the following sources, which are hereby appropriated to the trust fund:

1. Proceeds, premiums, and accrued interest from the sale of public education bonds and that portion of the revenues accruing from the gross receipts tax as provided by s. 9(a)(2), Art. XII of the State Constitution, as amended, interest on investments, and federal interest subsidies.

2. General revenue funds appropriated to the fund for educational capital outlay purposes.

3. All capital outlay funds previously appropriated and certified forward pursuant to s. 216.301.

4.a. Funds paid pursuant to s. 201.15(1)(d).

b. The sum of $41.75 million of such funds shall be appropriated annually for expenditure to fund the Classrooms for Kids Program created in s. 1013.735 and shall be distributed as provided by that section.

c. Thirty million dollars of such funds are hereby annually appropriated for expenditure to fund the High Growth County District Capital Outlay Assistance Grant Program created in s. 1013.738 and shall be distributed as provided in that section.

Section 26. Subsection (1) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund for such purposes shall not exceed $300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and

bonds issued to refund Preservation 2000 bonds, and $300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds shall not exceed $30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional $30 million in each subsequent fiscal year, but shall not exceed a total of $300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2030. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds shall be equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, except to the extent specifically provided otherwise by the documents authorizing the issuance of the bonds. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a), shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619.

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund and may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used. Payments made under this paragraph shall continue until the cumulative amount credited to the Land Acquisition Trust Fund for the fiscal year under this paragraph and paragraph (2)(b) equals 70 percent of the current official forecast for distributions of taxes collected under this chapter pursuant to subsection (2). As used in this paragraph, the term "current official forecast" means the most recent forecast as determined by the Revenue Estimating Conference. If the current official forecast for a fiscal year changes after payments under this paragraph have ended during that fiscal year, no further payments are required under this paragraph during the fiscal year.

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of $541.75 million in each fiscal year, to be paid in quarterly installments and used for the following specified purposes notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.

2. The Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection in the amount of $100 million in each fiscal year, to be paid in quarterly installments and used as required by s. 403.890.

3. The Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education in the amount of $105 million in each fiscal year, to be paid in monthly installments with $75 million used to fund the Classrooms for Kids Program created in s. 1013.735, and $30 million to be used to fund the High Growth County District Capital Outlay Assistance Grant Program created in s. 1013.738. If required, new facilities constructed under the Classroom for Kids Program must meet the requirements of s. 1013.372.

4. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of $3.25 million in each fiscal year to be paid in monthly installments, with $3 million to be used to fund technical assistance to local governments and school boards on the requirements and implementation of this act and $250,000 to be used to fund the Century Commission established in s. 163.3247.

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(e)~~(d)~~ The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), ~~and~~ (c)*, and (d)*, shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund or to the Marine Resources Conservation Trust Fund as provided in subsection (11).

Section 27. *(1) The following appropriations are made for the 2005-2006 fiscal year only from the General Revenue Fund, from revenues deposited into the fund pursuant to section 201.15(1)(e), Florida Statutes, on a nonrecurring basis and in quarterly installments:*

(a) To the State Transportation Trust Fund in the Department of Transportation, $575 million.

(b) To the Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection, $100 million or if the Water Protection and Sustainability Trust Fund is not created, to the Ecosystem Management and Restoration Trust Fund in the Department of Environmental Protection.

(c) To the Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education, $71.65 million.

(d) To the Grants and Donations Trust Fund in the Department of Community Affairs, $3.35 million.

(2) The following appropriations are made for the 2005-2006 fiscal year only on a nonrecurring basis:

(a) From the State Transportation Trust Fund in the Department of Transportation:

1. Two hundred million dollars for the purposes specified in sections 339.61, 339.62, 339.63, and 339.64, Florida Statutes.

2. Two hundred seventy-five million dollars for the purposes specified in section 339.2819, Florida Statutes.

3. One hundred million dollars for the purposes specified in section 339.55, Florida Statutes.

4. Twenty-five million for the purposes specified in section 339.2817, Florida Statutes.

(b) From the Water Protection and Sustainability Program Trust Fund or, if that trust fund is not created, from the Ecosystem Management and Restoration Trust Fund, in the Department of Environmental Protection, $100 million for the purposes specified in section 403.890, Florida Statutes.

(c) From the Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education, the sum of $71.65 million with $41.65 million for the purpose of funding the Classrooms for Kids Program created in section 1013.735, Florida Statutes and $30 million to be used to fund the High Growth County District Capital Outlay Assistance

Grant Program created in section 1013.738, Florida Statutes. Notwithstanding the requirements of sections 1013.64 and 1013.65, Florida Statutes, these moneys may not be distributed as part of the comprehensive plan for the Public Education Capital Outlay and Debt Service Trust Fund. If required, new facilities constructed under the Classroom for Kids Program must meet the requirements of section 1013.372, Florida Statutes.

(d) From the Grants and Donations Trust Fund in the Department of Community Affairs:

1. Three million dollars to provide technical assistance to local governments and school boards on the requirements and implementation of this act. The department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2006, on the progress made toward implementing this act and a recommendation on whether additional funds should be appropriated to provide additional technical assistance.

2. Two hundred and fifty thousand dollars to support the Century Commission, created by section 163.3247, Florida Statutes.

3. Fifty thousand dollars to support the School Concurrency Task Force.

4. Fifty thousand dollars to support the Impact Fee Task Force.

Section 28. *Beginning in fiscal year 2005-2006, the Department of Transportation shall allocate sufficient funds to implement the provisions relating to transportation in this act. The department shall amend the tentative work program for 2005-2006. Before amending the tentative work program, the department shall submit a budget amendment pursuant to section 339.135(7), Florida Statutes. Notwithstanding the provisions of section 216.301(1), Florida Statutes, the funds appropriated from general revenue to the State Transportation Trust Fund in this act shall not revert at the end of fiscal year 2005-2006.*

Section 29. *The Legislature finds that planning for and adequately funding infrastructure is critically important for the safety and welfare of the residents of Florida. Therefore, the Legislature finds that the provisions of this act fulfill an important state interest.*

Section 30. *School Concurrency Task Force.—*

(1) The School Concurrency Task Force is created to review the requirements for school concurrency in law and make recommendations regarding streamlining the process and procedures for establishing school concurrency. The task force shall also examine the methodology and processes used for the funding of construction of public schools and make recommendations on revisions to provisions of law and rules which will help ensure that schools are built and available when the expected demands of growth produce the need for new school facilities.

(2) The task force shall be composed of 11 members. The membership must represent local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. The task force shall include two members appointed by the Governor, two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives, one member appointed by the Florida School Boards Association, one member appointed by the Florida Association of Counties, and one member appointed by the Florida League of Cities. The Secretary of the Department of Community Affairs, or a senior management designee, and the Commissioner of Education, or a senior management designee, shall also be ex officio nonvoting members on the task force.

(3) The task force shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2005, with specific recommendations for revisions to provisions of law and rules.

Section 31. *Florida Impact Fee Review Task Force.—*

(1) The Legislature recognizes that impact fees have been an important source of revenues to local governments to fund new growth. Local governments have assumed this responsibility under their constitutional home rule authority. With the increased use of impact fees, questions have arisen about whether their use should be regulated by law.

(2) Effective upon this act becoming law, the Florida Impact Fee Review Task Force is created.

(3)(a) The task force is to be composed of 15 members, who shall be appointed within 30 days after the effective date of this section.

1. Five voting members selected by the President of the Senate and five voting members selected by the Speaker of the House of Representative, none of whom may be a member of the Legislature at the time of the appointment, as follows: one member of a county commission, one member of a city commission or council, one member of a local school board, one member of the development community, and one member of the homebuilding community. The Governor shall appoint two members, one of whom shall be an affordable housing advocate who shall have no current or past direct relationship to local government, school boards, or the development or homebuilding industries. The Governor shall designate one of his or her appointees as the chair.

2. One member of the Senate appointed by the President of the Senate, and one member of the House of Representatives appointed by the Speaker of the House of Representatives, who shall be ex officio, nonvoting members.

3. The Secretary of the Department of Community Affairs or his designee is to serve as an ex officio, nonvoting member.

(4)(a) The task force shall act as an advisory body to the Governor and the Legislature.

(b) The task force shall convene its initial meeting within 60 days after the effective date of this section and thereafter at the call of its chair.

(c) Task Force members shall not receive remuneration for their services, but are entitled to reimbursement by the Legislative Committee on Intergovernmental Relations for travel and per diem expenses in accordance with section 112.061, Florida Statutes.

(5) The Task Force shall survey and review current use of impact fees as a method of financing local infrastructure to accommodate new growth and current case law controlling the use of impact fees. To the extent feasible, the review is to include consideration of the following:

(a) Local government criteria and methodology used for the determination of the amount of impact fees.

(b) Application and relative burden of impact fees in different areas of the state in relation to other methods of financing new infrastructure.

(c) The range of use of impact fees as a percentage of the total capital costs for infrastructure needs created by new development.

(d) The methods used by local governments for the accounting and reporting of the collection and expenditure of all impact fees.

(e) Notice provisions prior to adoption and the effective date of local ordinances creating a new impact fee or increasing an existing impact fee.

(f) Interlocal agreements between counties and cities to allocate impact fee proceeds between them.

(g) Requirements and options related to timing of impact fees payments.

(h) The importance of impact fees to the ability of local government to fund infrastructure needed to mitigate the impacts of development and meet statutory requirements for concurrency.

(i) Methods used by local governments to ameliorate the effect of impact fee costs on affordable housing.

(6) The task force shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2006. The report shall include the task force's recommendations regarding:

(a) Whether there is a need for statutory direction on the methodology and data used to calculate impact fees.

(b) Whether there should be statutory direction on payment, exemption, or waiver of impact fees for affordable housing.

(c) Whether there should be statutory direction on the accounting and reporting of the collection and expenditure of all impact fees.

(d) Whether there is a need for statutory direction on the notice given in advance of the effective date of a new or amended impact fee ordinance.

(e) Whether there is a need for statutory direction on the sharing of impact fees between counties and cities.

(f) Whether there is a need for statutory direction on the timing of payment of impact fees.

(g) Any other recommendation the Task Force deems appropriate.

If the task force makes a recommendation for statutory direction, the report shall also contain the task force's recommendation for statutory changes.

(7) The Legislative Committee on Intergovernmental Relations shall serve as staff to the task force and is authorized to employ technical support and expend funds appropriated to the committee for carrying out the official duties of the task force. All state agencies are directed to cooperate with and assist the task force to the fullest extent possible. All local governments are encouraged to assist and cooperate with the commission as necessary.

(8) Effective July 1, 2005, the sum of $50,000 is appropriated, for fiscal year 2005-2006 only, from the Department of Community Affairs' Grants and Donations Trust Fund to the Legislative Committee on Intergovernmental Relations to fund the per diem and travel expenses of the task force pursuant to section 112.061, Florida Statutes.

Section 32. Subsection (4) of section 339.2817, Florida Statutes, is amended to read:

339.2817 County Incentive Grant Program.—

(4) The *department shall provide 50 percent of project costs for eligible projects.* ~~percentage of matching funds provided from the County Incentive Grant Program to the eligible county will be based on the following:~~

~~(a) For projects on the Florida Intrastate Highway System the department shall provide 60 percent of project costs.~~

~~(b) For projects on the State Highway System the department shall provide 50 percent of project costs.~~

~~(c) For local projects which are demonstrated to relieve traffic congestion on the State Highway System the department shall provide 35 percent of project costs.~~

Section 33. Subsection (6) is added to section 339.2818, Florida Statutes, to read:

339.2818 Small County Outreach Program.—

(6) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15(1)(d) for the purposes of the Small County Outreach Program are hereby annually appropriated for expenditure to support the Small County Outreach Program.

Section 34. Subsection (6) is added to section 341.051, Florida Statutes, to read:

341.051 Administration and financing of public transit and intercity bus service programs and projects.—

(6) ANNUAL APPROPRIATION.—Funds paid into the State Transportation Trust Fund pursuant to s. 201.15(1)(d) for the New Starts Transit Program are hereby annually appropriated for expenditure to support the New Starts Transit Program.

For purposes of this section, the term "net operating costs" means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 35. Subsection (3) is added to section 339.61, Florida Statutes, to read:

339.61 Florida Strategic Intermodal System; legislative findings, declaration, and intent.—

(3) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15(1)(d) for the purposes of the Florida Strategic Intermodal System are hereby annually appropriated for expenditure to support that program.

Section 36. Section 403.891, Florida Statutes, is created to read:

403.891 Annual appropriation from the Water Protection and Sustainability Trust Fund.—

(1) Funds paid into the Water Protection and Sustainability Trust Fund pursuant to s. 201.15(1)(d) are hereby annually appropriated for expenditure for the purposes for which the Water Protection and Sustainability Trust Fund is established.

(2) If the Water Protection and Sustainability Trust Fund is not created, such funds are hereby annually appropriated for expenditure from the Ecosystem Management and Restoration Trust Fund solely for the purposes established in s. 403.890.

Section 37. Section 1013.738, Florida Statutes, is created to read:

1013.738 High Growth District Capital Outlay Assistance Grant Program.—

(1) Subject to funds provided in the General Appropriations Act, the High Growth District Capital Outlay Assistance Grant Program is hereby established. Funds provided pursuant to this section may only be used to construct new student stations.

(2) In order to qualify for a grant, a school district must meet the following criteria:

(a) The district must have levied the full 2 mills of nonvoted discretionary capital outlay millage authorized in s. 1011.71(2), for each of the past 4 fiscal years.

(b) Fifty percent of the revenue derived from the 2-mill nonvoted discretionary capital outlay millage for the past 4 fiscal years, when divided by the district's growth in capital outlay FTE students over this period, produces a value that is less than the average cost per student station calculated pursuant to s. 1013.72(2), and weighted by statewide growth in capital outlay FTE students in elementary, middle, and high schools for the past 4 fiscal years.

(c) The district must have equaled or exceeded twice the statewide average of growth in capital outlay FTE students over this same 4-year period.

(d) The Commissioner of Education must have released all funds allocated to the district from the Classrooms First Program authorized in s. 1013.68, and these funds were fully expended by the district as of February 1 of the current fiscal year.

(e) The total capital outlay FTE students of the district is greater than 15,000 students.

(3) The funds provided in the General Appropriations Act shall be allocated pursuant to the following methodology:

(a) For each eligible district, the Department of Education shall calculate the value of 50 percent of the revenue derived from the 2-mill nonvoted discretionary capital outlay millage for the past 4 fiscal years divided by the increase in capital outlay FTE students for the same period.

(b) The Department of Education shall determine, for each eligible district, the amount that must be added to the value calculated pursuant to paragraph (a) to produce the weighted average value per student station calculated pursuant to paragraph (2)(b).

(c) The value calculated for each eligible district pursuant to paragraph (b) shall be multiplied by the average increase in capital outlay FTE students for the past 4 fiscal years to determine the maximum amount of a grant that may be awarded to a district pursuant to this section.

(d) In the event the funds provided in the General Appropriations Act are insufficient to fully fund the maximum grants calculated pursuant to paragraph (c), the Department of Education shall allocate the funds based on each district's prorated share of the total maximum award amount calculated for all eligible districts.

(4) Moneys distributed to the Public Education Capital Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d) for the High Growth District Capital Outlay Assistance Grant Program created in this section shall be distributed as provided by this section.

Section 38. Subsection (3) is added to section 380.115, Florida Statutes, to read:

380.115 Vested rights and duties; effect of chs. 2002-20 and 2002-296.—

(3) A landowner that has filed an application for a development of regional impact review prior to the adoption of an optional sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan and any requested comprehensive plan amendments that accompany the application.

Section 39. *Unless the developer elects otherwise in writing, the provisions of this act amending chapters 163 and 380, Florida Statutes, shall not apply to any developments of regional impact for which a development order has been issued prior to the effective date of this act or for which a development of regional impact application has been submitted prior to May 1, 2005.*

Section 40. *From the funds paid into the Grants and Donations Trust Fund of the Department of Community Affairs pursuant to section 201.15(1)(d), Florida Statutes, $3 million is hereby annually appropriated to provide technical assistance to local governments and school boards concerning the requirements and implementation of this act, and $250,000 is hereby annually appropriated to support the Century Commission, created by section 163.3247, Florida Statutes.*

Section 41. This act shall take effect July 1, 2005.

And the title is amended as follows:

Lines 4272 through 2279 delete those lines and insert: A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing for sanctions; requiring incorporation of selected water supply projects in the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; providing for a waiver under certain circumstances; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; revising the requirements and criteria for establishing a rural land stewardship area; revising the requirements for designating a stewardship receiving area to address listed species; revising requirements for an ordinance adopting a plan amendment to create a rural land stewardship area; encouraging local governments to include a community vision and an urban service boundary as a component of their comprehensive plans; providing an exception; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that the Department of Transportation be consulted regarding certain level-of-service standards; revising criteria and providing guidelines for transportation concurrency exception areas; requiring a local government to consider the transportation level-of-service standards of adjacent jurisdictions for certain roads; providing a process to monitor de minimis impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established on less than a districtwide basis within 5 years; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing for the adoption of a transportation concurrency management system by ordinance; providing requirements for proportionate fair-share mitigation; providing an exception; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for small scale plan amendment review under certain circumstances; providing exemptions; providing concurrency exemption for certain DRI projects; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; creating s. 339.2819, F.S.; creating the Transportation Regional Incentive Program within the Department of Transportation; providing matching funds for projects meeting certain criteria; amending s. 337.107, F.S.; allowing the inclusion of right-of-way services in certain design-build contracts; amending s. 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services and as part of design-build contracts under certain circumstances; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; deleting language allowing right-of-way services and design and construction phases to be combined for certain projects; deleting an exception; amending s. 380.06, F.S.; providing exceptions; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; amending s. 206.46, F.S.; increasing the threshold for maximum debt service for transfers in the State Transportation Trust Fund; amending s. 339.08, F.S.; providing for expenditure of moneys in the State Transportation Trust Fund; amending s. 339.155, F.S.; providing for the development of regional transportation plans in Regional Transportation Areas; amending s. 339.175, F.S.; making conforming changes to provisions of the act; amending s. 339.55, F.S.; providing for loans for certain projects from the state-funded infrastructure bank within the Department of Transportation; amending s. 1013.64, F.S.; providing for the expenditure of funds in the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.65, F.S.; providing funding for the Classrooms for Kids Program; amending s. 201.15, F.S.; providing for the expenditure of certain excise taxes on documents; providing for appropriations for the 2005-2006 fiscal year on a nonrecurring basis for certain purposes; specifying the evidentiary standard a local government must meet when defending a challenge to an ordinance establishing an impact fee; requiring the Department of Transportation to amend the tentative work program and budget for 2005-2006; prohibits reversion of certain funds; providing a declaration of important state interest; creating s. 1013.789, F.S.; establishing the High Growth County Construction Account program; amending s. 339.2818, F.S.; providing for an annual appropriation from the State Transportation Trust Fund for purposes of funding the Small County Outreach Program; amending s. 341.051, F.S.; providing for an annual appropriation from the State Transportation Trust Fund for purposes of funding the New Starts Transit Program; amending s. 339.61, F.S.; providing for appropriations from the State Transportation Trust Fund; creating s. 403.891, F.S.; appropriating funds to the Water Protection and Sustainability Trust Fund; creating s. 1013.78, F.S.; creating the High Growth District Capital Outlay Assistance Grant Program; providing for grants to school districts meeting certain criteria; Amending s. 380.115, F.S.; allowing an applicant under the development-of-regional impact program to proceed under that program after an optional sector plan is adopted; grandfathering certain developments

of regional impact from the provisions of this act relating to chs. 163 and 380, F.S.; providing annual appropriations from the Grants and Donations Trust Fund for purposes of implementing the act and supporting the Century Commission; providing an effective date.

On motion by Senator Bennett, the Senate concurred in **House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for CS for SB 360 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1486, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1486—A bill to be entitled An act relating to property insurance; amending s. 627.701, F.S.; providing that the requirement for a hurricane deductible to apply on an annual basis applies to personal lines residential property insurance policies; requiring insurers that provide commercial residential property insurance to offer alternative hurricane deductibles that apply on an annual basis or to each hurricane; providing an effective date.

House Amendment 1 (865571) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Effective June 1, 2005, paragraph (e) of subsection (2) of section 215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(2) DEFINITIONS.—As used in this section:

(e) "Retention" means the amount of losses below which an insurer is not entitled to reimbursement from the fund. An insurer's retention shall be calculated as follows:

1. The board shall calculate and report to each insurer the retention multiples for that year. For the contract year beginning June 1, *2005* ~~2004~~, the retention multiple shall be equal to $4.5 billion divided by the total estimated reimbursement premium for the contract year; for subsequent years, the retention multiple shall be equal to $4.5 billion, adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since *2004* ~~2003~~, divided by the total estimated reimbursement premium for the contract year. Total reimbursement premium for purposes of the calculation under this subparagraph shall be estimated using the assumption that all insurers have selected the 90-percent coverage level.

2. The retention multiple as determined under subparagraph 1. shall be adjusted to reflect the coverage level elected by the insurer. For insurers electing the 90-percent coverage level, the adjusted retention multiple is 100 percent of the amount determined under subparagraph 1. For insurers electing the 75-percent coverage level, the retention multiple is 120 percent of the amount determined under subparagraph 1. For insurers electing the 45-percent coverage level, the adjusted retention multiple is 200 percent of the amount determined under subparagraph 1.

3. An insurer shall determine its provisional retention by multiplying its provisional reimbursement premium by the applicable adjusted retention multiple and shall determine its actual retention by multiplying its actual reimbursement premium by the applicable adjusted retention multiple.

4. For insurers who experience multiple covered events causing loss during the contract year, beginning June 1, 2005, each insurer's full retention shall be applied to each of the covered events causing the two largest losses for that insurer. For each other covered event resulting in losses, the insurer's retention shall be reduced to one-third of the full retention. The reimbursement contract shall provide for the reimbursement of losses for each covered event based on the full retention with adjustments made to reflect the reduced retentions after January 1 of the contract year provided the insurer reports its losses as specified in the reimbursement contract.

Section 2. Effective July 1, 2005, section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—

(1) There is created a Hurricane Loss Mitigation Program. The Legislature shall annually appropriate $10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the Department of Community Affairs for the purposes set forth in this section.

(2)(a) Seven million dollars in funds provided in subsection (1) shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(b) Three million dollars in funds provided in subsection (1) shall be used to retrofit existing facilities used as public hurricane shelters. The department must prioritize the use of these funds for projects included in the September 1, 2000, version of the Shelter Retrofit Report prepared in accordance with s. 252.385(3), and each annual report thereafter. The department must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize use of state funds.

(3) By the 2006-2007 fiscal year, the Department of Community Affairs shall develop a low-interest loan program for homeowners and mobile home owners to retrofit their homes with fixtures or apply construction techniques that have been demonstrated to reduce the amount of damage or loss due to a hurricane. Funding for the program shall be used to subsidize or guaranty private-sector loans for this purpose to qualified homeowners by financial institutions chartered by the state or Federal Government. The department may enter into contracts with financial institutions for this purpose. The department shall establish criteria for determining eligibility for the loans and selecting recipients, standards for retrofitting homes or mobile homes, limitations on loan subsidies and loan guaranties, and other terms and conditions of the program, which must be specified in the department's report to the Legislature on January 1, 2006, required by subsection (8). For the 2005-2006 fiscal year, the Department of Community Affairs may use up to $1 million of the funds appropriated pursuant to paragraph (2)(a) to begin the low-interest loan program as a pilot project in one or more counties. The Department of Financial Services, the Office of Financial Regulation, the Florida Housing Finance Corporation, and the Office of Tourism, Trade, and Economic Development shall assist the Department of Community Affairs in establishing the program and pilot project. The department may use up to 2.5 percent of the funds appropriated in any given fiscal year for administering the loan program. The department may adopt rules to implement the program.

(4)~~(3)~~ Forty percent of the total appropriation in paragraph (2)(a) shall be used to inspect and improve tie-downs for mobile homes. Within 30 days after the effective date of that appropriation, the department shall contract with a public higher educational institution in this state

which has previous experience in administering the programs set forth in this subsection to serve as the administrative entity and fiscal agent pursuant to s. 216.346 for the purpose of administering the programs set forth in this subsection in accordance with established policy and procedures. The administrative entity working with the advisory council set up under subsection *(6)*~~(5)~~ shall develop a list of mobile home parks and counties that may be eligible to participate in the tie-down program.

(5)~~(4)~~ Of moneys provided to the Department of Community Affairs in paragraph (2)(a), 10 percent shall be allocated to a Type I Center within the State University System dedicated to hurricane research. The Type I Center shall develop a preliminary work plan approved by the advisory council set forth in subsection *(6)* ~~(5)~~ to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the Department of Community Affairs and assist the department with the report required under subsection *(8)* ~~(7)~~.

(6)~~(5)~~ ~~Except for the program set forth in subsection (3),~~ The Department of Community Affairs shall develop the programs set forth in this section in consultation with an advisory council consisting of a representative designated by the Chief Financial Officer, a representative designated by the Florida Home Builders Association, a representative designated by the Florida Insurance Council, a representative designated by the Federation of Manufactured Home Owners, a representative designated by the Florida Association of Counties, and a representative designated by the Florida Manufactured Housing Association.

(7)~~(6)~~ Moneys provided to the Department of Community Affairs under this section are intended to supplement other funding sources of the Department of Community Affairs and may not supplant other funding sources of the Department of Community Affairs.

(8)~~(7)~~ On January 1st of each year, the Department of Community Affairs shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate.

(9)~~(8)~~ This section is repealed June 30, 2011.

Section 3. Subsections (4) and (5) of section 627.062, Florida Statutes, are amended to read:

627.062 Rate standards.—

(4) The establishment of any rate, rating classification, rating plan or schedule, or variation thereof in violation of part IX of chapter 626 is also in violation of this section. *In order to enhance the ability of consumers to compare premiums and to increase the accuracy and usefulness of rate-comparison information provided by the office to the public, the office shall develop a proposed standard rating territory plan to be used by all authorized property and casualty insurers for residential property insurance. In adopting the proposed plan, the office may consider geographical characteristics relevant to risk, county lines, major roadways, existing rating territories used by a significant segment of the market, and other relevant factors. Such plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives by January 15, 2006. The plan may not be implemented unless authorized by further act of the Legislature.*

(5) With respect to a rate filing involving coverage of the type for which the insurer is required to pay a reimbursement premium to the Florida Hurricane Catastrophe Fund, the insurer may fully recoup in its property insurance premiums any reimbursement premiums paid to the Florida Hurricane Catastrophe Fund, together with reasonable costs of other reinsurance, but may not recoup reinsurance costs that duplicate coverage provided by the Florida Hurricane Catastrophe Fund. *An insurer may not recoup more than 1 year of reimbursement premium at a time. Any under-recoupment from the prior year may be added to the following year's reimbursement premium and any over-recoupment shall be subtracted from the following year's reimbursement premium.*

Section 4. Paragraph (c) of subsection (1) and paragraph (c) of subsection (3) of section 627.0628, Florida Statutes, are amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(c) It is the intent of the Legislature to create the Florida Commission on Hurricane Loss Projection Methodology as a panel of experts to provide the most actuarially sophisticated guidelines and standards for projection of hurricane losses possible, given the current state of actuarial science. It is the further intent of the Legislature that such standards and guidelines must be used by the State Board of Administration in developing reimbursement premium rates for the Florida Hurricane Catastrophe Fund, and*, subject to paragraph (3)(c),* may be used by insurers in rate filings under s. 627.062 unless the way in which such standards and guidelines were applied by the insurer was erroneous, as shown by a preponderance of the evidence.

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

(c) With respect to a rate filing under s. 627.062, an insurer may employ actuarial methods, principles, standards, models, or output ranges found by the commission to be accurate or reliable to determine hurricane loss factors for use in a rate filing under s. 627.062. *Such*~~,~~ ~~which~~ findings and factors are admissible and relevant in consideration of a rate filing by the office or in any arbitration or administrative or judicial review *only if the office and the consumer advocate appointed pursuant to s. 627.0613 have access to all of the assumptions and factors that were used in developing the actuarial methods, principles, standards, models, or output ranges, and are not precluded from disclosing such information in a rate proceeding*.

Section 5. Subsection (7) of section 627.0629, Florida Statutes, is amended to read:

627.0629 Residential property insurance; rate filings.—

(7) Any rate filing that is based in whole or part on data from a computer model may not exceed *15* ~~25~~ percent unless there is a public hearing.

Section 6. Section 627.06281, Florida Statutes, is created to read:

627.06281 Public hurricane loss projection model; reporting of data by insurers.—Within 30 days after a written request for loss data and associated exposure data by the office or a type I center within the State University System established to study mitigation, residential property insurers and licensed rating and advisory organizations that compile residential property insurance loss data shall provide loss data and associated exposure data for residential property insurance policies to the office or to a type I center within the State University System established to study mitigation, as directed by the office, for the purposes of developing, maintaining, and updating a public model for hurricane loss projections. The loss data and associated exposure data provided shall be in writing.

Section 7. Paragraphs (a), (c), and (d) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a)1. The Legislature finds that actual and threatened catastrophic losses to property in this state from hurricanes have caused insurers to be unwilling or unable to provide property insurance coverage to the extent sought and needed. It is in the public interest and a public purpose to assist in assuring that property in the state is insured so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare; to the economy of the state; and to the revenues of the state and local governments needed to provide for the public welfare. It is necessary, therefore, to provide property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends by this subsection that property insurance be provided and that it continues, as long as necessary, through an entity organized to achieve efficiencies and economies, *while providing service to policyholders, applicants, and agents that is no less than the*

quality generally provided in the voluntary market, all toward the achievement of the foregoing public purposes. Because it is essential for the corporation to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known, as of July 1, 2002, as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the office. The plan is subject to continuous review by the office. The office may, by order, withdraw approval of all or part of a plan if the office determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

(c) The plan of operation of the corporation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which forms must be approved by the office prior to use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

c. Commercial lines residential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

2.a. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the quota share primary insurance agreement, may not be altered by the inability of the other party to the agreement to pay its specified percentage of hurricane losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that neither the authorized insurer nor the corporation may be held responsible beyond its specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under quota share primary insurance agreements, the corporation and the authorized insurer shall maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by Florida Hurricane Catastrophe Fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of quota share agreements, pricing of quota share agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer shall be voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection*, including*

without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may, but is not required to, seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (g)2., in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4.*a.* Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of ~~8~~*7* individuals who are residents of this state, from different geographical areas of this state~~, appointed by the Chief Financial Officer~~ . *The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board, effective August 1, 2005. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance.* The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the *appointing officer* ~~Chief Financial Officer~~ . All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. Any board vacancy shall be filled for the unexpired term by the *appointing officer* ~~Chief Financial Officer~~. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board of governors in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by *the board, as recommended by* the Chief Financial Officer and serve at the pleasure of the *board* ~~Chief Financial Officer~~. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the *board and* ~~office of~~ the Chief Financial Officer.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage. The members of the advisory committee shall consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members must serve for 3-year terms and may serve for consecutive terms. The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to the provisions of s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is

entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-subparagraph (A).

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus shall be available to defray deficits in that account as to future years and shall be used for that purpose prior to assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the corporation shall make its best efforts to procure catastrophe reinsurance at reasonable rates, *to cover its projected 100-year probable maximum loss* as determined by the board of governors.

10. Must provide that in the event of regular deficit assessments under sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b., in the personal lines account, the commercial lines residential account, or the high-risk account, the corporation shall levy upon corporation policyholders in its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge arising from a regular assessment in such account in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for subject lines of business for the prior calendar year. Market equalization surcharges under this subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

11. The policies issued by the corporation must provide that, if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation.

12. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the corporation. The notice shall also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

13. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the corporation. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

14. Must provide that, with respect to the high-risk account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. In no event shall a limited apportionment company be required to participate in the portion of any assessment, within the high-risk account, pursuant to sub-subparagraph (b)3.a. or sub-subparagraph (b)3.b. in the aggregate which exceeds $50 million after payment of available high-risk account funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan shall provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (g)4. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d.

15. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

(d)1. It is the intent of the Legislature that the rates for coverage provided by the corporation be actuarially sound and not competitive with approved rates charged in the admitted voluntary market, so that the corporation functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. Rates shall include an appropriate catastrophe loading factor that reflects the actual catastrophic exposure of the corporation.

2. For each county, the average rates of the corporation for each line of business for personal lines residential policies excluding rates for wind-only policies shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 20 insurers with the greatest total direct written premium in the state for that line of business in the preceding year, except that with respect to mobile home coverages, the average rates of the corporation shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 5 insurers with the greatest total written premium for mobile home owner's policies in the state in the preceding year.

3. Rates for personal lines residential wind-only policies must be actuarially sound and not competitive with approved rates charged by authorized insurers. ~~However, for personal lines residential wind-only policies issued or renewed between July 1, 2002, and June 30, 2003, the maximum premium increase must be no greater than 10 percent of the Florida Windstorm Underwriting Association premium for that policy in effect on June 30, 2002, as adjusted for coverage changes and seasonal occupancy surcharges. For personal lines residential wind-only policies issued or renewed between July 1, 2003, and June 30, 2004, the corporation shall use its existing filed and approved wind-only rating and classification plans, provided, however, that the maximum premium increase must be no greater than 20 percent of the premium for that policy in effect on June 30, 2003, as adjusted for coverage changes and seasonal occupancy surcharges.~~ Corporation rate manuals shall include a rate surcharge for seasonal occupancy. To ensure that personal lines residential wind-only rates ~~effective on or after July 1, 2004,~~ are not competitive with approved rates charged by authorized insurers, the corporation, in conjunction with the office, shall develop a wind-only ratemaking methodology, which methodology shall be contained in *each* ~~a~~ rate filing made by the corporation with the office ~~by January 1, 2004~~. If the office ~~thereafter~~ determines that the wind-only rates or rating factors filed by the corporation fail to comply with the wind-only ratemaking methodology provided for in this subsection, it shall so notify the corporation and

require the corporation to amend its rates or rating factors to come into compliance within 90 days of notice from the office. ~~The office shall report to the Speaker of the House of Representatives and the President of the Senate on the provisions of the wind-only ratemaking methodology by January 31, 2004.~~

4. For the purposes of establishing a pilot program to evaluate issues relating to the availability and affordability of insurance in an area where historically there has been little market competition, the provisions of subparagraph 2. do not apply to coverage provided by the corporation in Monroe County if the office determines that a reasonable degree of competition does not exist for personal lines residential policies. The provisions of subparagraph 3. do not apply to coverage provided by the corporation in Monroe County if the office determines that a reasonable degree of competition does not exist for personal lines residential policies in the area of that county which is eligible for wind-only coverage. In this county, the rates for personal lines residential coverage shall be actuarially sound and not excessive, inadequate, or unfairly discriminatory and are subject to the other provisions of the paragraph and s. 627.062. The commission shall adopt rules establishing the criteria for determining whether a reasonable degree of competition exists for personal lines residential policies in Monroe County. By March 1, 2006, the office shall submit a report to the Legislature providing an evaluation of the implementation of the pilot program affecting Monroe County.

5.~~4.~~ Rates for commercial lines coverage shall not be subject to the requirements of subparagraph 2., but shall be subject to all other requirements of this paragraph and s. 627.062.

6.~~5.~~ Nothing in this paragraph shall require or allow the corporation to adopt a rate that is inadequate under s. 627.062.

7.~~6.~~ The corporation shall certify to the office at least twice annually that its personal lines rates comply with the requirements of subparagraphs 1. and 2. If any adjustment in the rates or rating factors of the corporation is necessary to ensure such compliance, the corporation shall make and implement such adjustments and file its revised rates and rating factors with the office. If the office thereafter determines that the revised rates and rating factors fail to comply with the provisions of subparagraphs 1. and 2., it shall notify the corporation and require the corporation to amend its rates or rating factors in conjunction with its next rate filing. The office must notify the corporation by electronic means of any rate filing it approves for any insurer among the insurers referred to in subparagraph 2.

8.~~7.~~ In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

9.~~8.~~a. To assist the corporation in developing additional ratemaking methods to assure compliance with subparagraphs 1. and 4., the corporation shall appoint a rate methodology panel consisting of one person recommended by the Florida Association of Insurance Agents, one person recommended by the Professional Insurance Agents of Florida, one person recommended by the Florida Association of Insurance and Financial Advisors, one person recommended by the insurer with the highest voluntary market share of residential property insurance business in the state, one person recommended by the insurer with the second-highest voluntary market share of residential property insurance business in the state, one person recommended by an insurer writing commercial residential property insurance in this state, one person recommended by the Office of Insurance Regulation, and one board member designated by the board chairman, who shall serve as chairman of the panel.

b. By January 1, 2004, the rate methodology panel shall provide a report to the corporation of its findings and recommendations for the use of additional ratemaking methods and procedures, including the use of a rate equalization surcharge in an amount sufficient to assure that the total cost of coverage for policyholders or applicants to the corporation is sufficient to comply with subparagraph 1.

c. Within 30 days after such report, the corporation shall present to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of each house of the Legislature, and the chairs of the standing committees of each house of the Legislature having jurisdiction of insurance issues, a plan for implementing the additional ratemaking methods and an outline of any legislation needed to facilitate use of the new methods.

d. The plan must include a provision that producer commissions paid by the corporation shall not be calculated in such a manner as to include any rate equalization surcharge. However, without regard to the plan to be developed or its implementation, producer commissions paid by the corporation for each account, other than the quota share primary program, shall remain fixed as to percentage, effective rate, calculation, and payment method until January 1, 2004.

10.~~9.~~ By January 1, 2004, the corporation shall develop a notice to policyholders or applicants that the rates of Citizens Property Insurance Corporation are intended to be higher than the rates of any admitted carrier and providing other information the corporation deems necessary to assist consumers in finding other voluntary admitted insurers willing to insure their property.

Section 8. Section 627.40951, Florida Statutes, is created to read:

627.40951 Standard personal lines residential insurance policy.—

(1) The Legislature finds that many consumers who filed property loss claims as a result of the hurricanes that struck this state in 2004 were inadequately insured due to the difficulty consumers encounter in trying to understand the complex nature of property insurance policies. The purpose and intent of this section is to have property and casualty insurers offer standard personal lines residential property insurance policies and standard checklists of policy contents, in accordance with s. 627.4143, to consumers and to ensure that these policies and checklists are written in a simple format with easily readable language that will enable most consumers to understand the principal benefits and coverage provided in the policy; the principal exclusions and limitations or reductions contained in the policy, including, but not limited to, deductibles, coinsurance, and any other limitations or reductions; and any additional coverage provided through any rider or endorsement that accompanies the policy and renewal or cancellation provisions.

(2) The Chief Financial Officer shall appoint an advisory committee composed of two representatives of insurers currently selling personal lines residential property insurance coverage, two representatives of property and casualty agents, two representatives of consumers, two representatives of the Commissioner of Insurance Regulation, and the Insurance Consumer Advocate or her or his designee. The Chief Financial Officer or her or his designee shall serve as chair of the committee. The committee shall develop policy language for coverage that represents general industry standards in the market for comprehensive coverage under personal lines residential insurance policies and shall develop a checklist to be used with each type of personal lines residential property insurance policy. The committee shall review policies and related forms written by Insurance Services Office, Inc. The committee shall file a report containing its recommendations to the President of the Senate and the Speaker of the House of Representatives by January 15, 2006. No insurer shall be required to offer the standard policy unless required by further act of the Legislature.

Section 9. Subsection (1) of section 627.411, Florida Statutes, is amended to read:

627.411 Grounds for disapproval.—

(1) The office shall disapprove any form filed under s. 627.410, or withdraw any previous approval thereof, only if the form:

(a) Is in any respect in violation of, or does not comply with, this code.

(b) Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

(c) Has any title, heading, or other indication of its provisions which is misleading.

(d) Is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible.

(e) Is for residential property insurance and contains provisions that are unfair or inequitable or encourage misrepresentation.

(f)~~(e)~~ Is for health insurance, and:

1. Provides benefits that are unreasonable in relation to the premium charged.~~;~~

2. Contains provisions that are unfair or inequitable or contrary to the public policy of this state or that encourage misrepresentation.~~;~~

3. Contains provisions that apply rating practices that result in unfair discrimination pursuant to s. 626.9541(1)(g)2.

(g)~~(f)~~ Excludes coverage for human immunodeficiency virus infection or acquired immune deficiency syndrome or contains limitations in the benefits payable, or in the terms or conditions of such contract, for human immunodeficiency virus infection or acquired immune deficiency syndrome which are different than those which apply to any other sickness or medical condition.

Section 10. Paragraphs (d) and (e) are added to subsection (2) of section 627.4133, Florida Statutes, to read:

627.4133 Notice of cancellation, nonrenewal, or renewal premium.—

(2) With respect to any personal lines or commercial residential property insurance policy, including, but not limited to, any homeowner's, mobile home owner's, farmowner's, condominium association, condominium unit owner's, apartment building, or other policy covering a residential structure or its contents:

(d)1. Upon a declaration of an emergency pursuant to s. 252.36 and the filing of an order by the Commissioner of Insurance Regulation, an insurer may not cancel or nonrenew a personal residential or commercial residential property insurance policy covering a dwelling or residential property located in this state which has been damaged as a result of a hurricane or wind loss that is the subject of the declaration of emergency for a period of 90 days after the dwelling or residential property has been repaired. A structure is deemed to be repaired when substantially completed and restored to the extent that it is insurable by another authorized insurer that is writing policies in this state.

2. However, an insurer or agent may cancel or nonrenew such a policy prior to the repair of the dwelling or residential property:

a. Upon 10 days' notice for nonpayment of premium; or

b. Upon 45 days' notice:

(I) For a material misstatement or fraud related to the claim;

(II) If the insurer determines that the insured has unreasonably caused a delay in the repair of the dwelling; or

(III) If the insurer has paid policy limits.

3. If the insurer elects to nonrenew a policy covering a property that has been damaged, the insurer shall provide at least 90 days' notice to the insured that the insurer intends to nonrenew the policy 90 days after the dwelling or residential property has been repaired. Nothing in this paragraph shall prevent the insurer from canceling or nonrenewing the policy 90 days after the repairs are complete for the same reasons the insurer would otherwise have canceled or nonrenewed the policy but for the limitations of subparagraph 1. The Financial Services Commission may adopt rules, and the Commissioner of Insurance Regulation may issue orders, necessary to implement this paragraph.

4. This paragraph shall also apply to personal residential and commercial residential policies covering property that was damaged as the result of Tropical Storm Bonnie, Hurricane Charley, Hurricane Frances, Hurricane Ivan, or Hurricane Jeanne.

(e) If any cancellation or nonrenewal of a policy subject to this subsection is to take effect during the duration of a hurricane as defined in s. 627.4025(2)(c), the effective date of such cancellation or nonrenewal is extended until the end of the duration of such hurricane. The insurer may collect premium at the prior rates or the rates then in effect for the period of time for which coverage is extended. This paragraph does not apply to any property with respect to which replacement coverage has been obtained and which is in effect for a claim occurring during the duration of the hurricane.

Section 11. Effective January 1, 2006, section 627.4143, Florida Statutes, is amended to read:

627.4143 Outline of coverage.—

(1) No private passenger automobile or basic homeowner's policy shall be delivered or issued for delivery in this state unless an appropriate outline of coverage has been delivered prior to issuance of the policy or accompanies the policy when issued.

(2) The outline of coverage *for a private passenger motor vehicle insurance policy* shall contain all of the following:

(a) A brief description of the principal benefits and coverage provided in the policy, broken down by each class or type of coverage provided under the policy for which a premium is charged, and itemization of the applicable premium.

(b) A summary statement of the principal exclusions and limitations or reductions contained in the policy by class or type, including, but not limited to, deductibles, coinsurance, and any other limitations or reductions.

(c) A summary statement of any renewal or cancellation provisions.

(d) A description of the credit or surcharge plan that is being applied. The description may display numerical or alphabetical codes on the declarations page or premium notice to enable the insured to determine the reason or reasons why her or his policy is being surcharged or is receiving a credit.

(e) A list of any additional coverage provided through any rider or endorsement which accompanies the policy. The list shall contain a descriptive reference to each additional coverage, rather than solely a reference to a form or code number.

(f) ~~For a private passenger motor vehicle insurance policy,~~ The extent of coverage provided to the insured in the event of collision damage to a rental vehicle rented by the insured. The proof-of-insurance card required by s. 316.646 must also specify whether rental car coverage is provided, and may refer to the outline of coverage as to the details or extent of coverage.

(3) A basic homeowners', mobile homeowners', dwelling, or condominium unit owners' policy may not be delivered or issued for delivery in this state unless a comprehensive checklist of coverage on a form adopted by the commission and an appropriate outline of coverage have been delivered prior to issuance of the policy or accompanies the policy when issued. The commission shall, by rule, adopt a form for the checklist for each type of policy to which this subsection applies. Each form shall indicate that it was adopted by the commission.

(a) The checklist must contain a list of the standard provisions and elements that may typically be included in these policies, whether or not they are included in the particular policy being issued, in a format that allows the insurer to place a check mark next to the provisions elements that are included so that the consumer can see both what is included and what is not included in the policy. As an alternative to checking the boxes on the checklist, an insurer may delete the check boxes from the form and replace them with text indicating whether the provision's elements are included or not. Limits of liability shall be listed for each item. The checklist must include, but is not limited to, the following:

1. Property coverage for the principal premises shown in the declarations.

2. Property coverage for other structures on the residence premises.

3. Whether the principal premises and other structures are insured against the following perils:

a. Fire.

b. Lightning.

c. Explosion.

d. Hurricane loss.

e. Nonhurricane wind loss.

f. Collapse.

g. Mold.

h. Sinkhole loss.

i. Vandalism.

4. Personal property coverage.

5. Whether personal property is insured against the following perils:

a. Fire.

b. Lightning.

c. Hurricane loss.

d. Nonhurricane wind loss.

e. Collapse.

f. Mold.

g. Sinkhole loss.

h. Theft.

6. The following additional coverages:

a. Debris removal.

b. Loss assessment.

c. Additional living expenses.

7. Personal liability coverage.

8. Medical payments coverage.

9. Discounts applied to the premium.

10. Deductibles for loss due to hurricane and loss to other perils.

11. Building ordinance or law coverage.

12. Replacement cost coverage.

13. Actual cash value coverage.

(b) The forms shall allow insurers to place other coverages on the checklists which may or may not be included in the insurer's policies.

(c) The outline of coverage must contain:

1. A brief description of the principal benefits and coverage provided in the policy, broken down by each class or type of coverage provided under the policy for which a premium is charged, and itemization of the applicable premium.

2. A summary statement of the principal exclusions and limitations or reductions contained in the policy by class or type, including, but not limited to, deductibles, coinsurance, and any other limitations or reductions.

3. A summary statement of any renewal or cancellation provisions.

4. A description of the credit or surcharge plan that is being applied. The description may display numerical or alphabetical codes on the declarations page or premium notice to enable the insured to determine the reason or reasons why her or his policy is being surcharged or is receiving a credit.

5. A summary of any additional coverage provided through any rider or endorsement that accompanies the policy.

(4)~~(3)~~ The outline of coverage *for a private passenger motor vehicle policy* is required only on the initial policy issued by an insurer. *The outline of coverage and the checklist for a basic homeowners', mobile homeowners', dwelling, or condominium unit owners' policy is required on the initial policy and each renewal thereof issued by an insurer.*

(5)~~(4)~~ An insurer must insert the following language on the outline of coverage:

"The following outline of coverage *or checklist* is for informational purposes only. Florida law prohibits this outline *or checklist* from changing any of the provisions of the insurance contract which is the subject of this outline. Any endorsement regarding changes in types of coverage, exclusions, limitations, reductions, deductibles, coinsurance, renewal provisions, cancellation provisions, surcharges, or credits will be sent separately."

(6)~~(5)~~ Neither this section nor the outline of coverage *or checklist* mandated by this section alters or modifies the terms of the insurance contract, creates a cause of action, or is admissible in any civil action.

Section 12. Effective October 1, 2005, subsections (3), (4), (8), and (9) of section 627.701, Florida Statutes, as amended by section 4 of chapter 2004-480, Laws of Florida, are amended to read:

627.701 Liability of insureds; coinsurance; deductibles.—

(3)(a) A policy of residential property insurance shall include a deductible amount applicable to hurricane ~~or wind~~ losses no lower than $500 and no higher than 2 percent of the policy dwelling limits with respect to personal lines residential risks, and no higher than 3 percent of the policy limits with respect to commercial lines residential risks; however, if a risk was covered on August 24, 1992, under a policy having a higher deductible than the deductibles allowed by this paragraph, a policy covering such risk may include a deductible no higher than the deductible in effect on August 24, 1992. Notwithstanding the other provisions of this paragraph, a personal lines residential policy covering a risk valued at $50,000 or less may include a deductible amount attributable to hurricane ~~or wind~~ losses no lower than $250, and a personal lines residential policy covering a risk valued at $100,000 or more may include a deductible amount attributable to hurricane ~~or wind~~ losses no higher than *10*~~5~~ percent of the policy limits unless subject to a higher deductible on August 24, 1992; however, no maximum deductible is required with respect to a personal lines residential policy covering a risk valued at more than $500,000. An insurer may require a higher deductible, provided such deductible is the same as or similar to a deductible program lawfully in effect on June 14, 1995. In addition to the deductible amounts authorized by this paragraph, an insurer may also offer policies with a copayment provision under which, after exhaustion of the deductible, the policyholder is responsible for 10 percent of the next $10,000 of insured hurricane ~~or wind~~ losses.

(b)1. Except as otherwise provided in this paragraph, prior to issuing a personal lines residential property insurance policy on or after *January 1, 2006* ~~April 1, 1996~~ , or prior to the first renewal of a residential property insurance policy on or after *January 1, 2006* ~~April 1, 1996~~, the insurer must offer alternative deductible amounts applicable to hurricane ~~or wind~~ losses equal to $500*,* ~~and~~ 2 percent*, 5 percent, and 10 percent*of the policy dwelling limits, unless the *specific percentage* ~~2 percent~~ deductible is less than $500. The written notice of the offer shall specify the hurricane or wind deductible to be applied in the event that the applicant or policyholder fails to affirmatively choose a hurricane deductible. The insurer must provide such policyholder with notice of the availability of the deductible amounts specified in this paragraph in a form approved by the office in conjunction with each renewal of the policy. The failure to provide such notice constitutes a violation of this code but does not affect the coverage provided under the policy.

2. This paragraph does not apply with respect to a deductible program lawfully in effect on June 14, 1995, or to any similar deductible program, if the deductible program requires a minimum deductible amount of no less than 2 percent of the policy limits.

3. With respect to a policy covering a risk with dwelling limits of at least $100,000, but less than $250,000, the insurer may, in lieu of offering a policy with a $500 hurricane or wind deductible as required by subparagraph 1., offer a policy that the insurer guarantees it will not nonrenew for reasons of reducing hurricane loss for one renewal period and that contains up to a 2 percent hurricane or wind deductible as required by subparagraph 1.

4. With respect to a policy covering a risk with dwelling limits of $250,000 or more, the insurer need not offer the $500 hurricane ~~or wind~~

deductible as required by subparagraph 1., but must, except as otherwise provided in this subsection, offer the *other* ~~2 percent~~ hurricane *deductibles* ~~or wind deductible~~ as required by subparagraph 1.

~~(c) In order to provide for the transition from wind deductibles to hurricane deductibles as required by this subsection, an insurer is required to provide wind deductibles meeting the requirements of this subsection until the effective date of the insurer's first rate filing made after January 1, 1997, and is thereafter required to provide hurricane deductibles meeting the requirements of this subsection.~~

(4)*(a)* Any policy that contains a separate hurricane deductible must on its face include in boldfaced type no smaller than 18 points the following statement: "THIS POLICY CONTAINS A SEPARATE DEDUCTIBLE FOR HURRICANE LOSSES, WHICH MAY RESULT IN HIGH OUT-OF-POCKET EXPENSES TO YOU." A policy containing a coinsurance provision applicable to hurricane losses must on its face include in boldfaced type no smaller than 18 points the following statement: "THIS POLICY CONTAINS A CO-PAY PROVISION THAT MAY RESULT IN HIGH OUT-OF-POCKET EXPENSES TO YOU."

(b) Beginning October 1, 2005, for any personal lines residential property insurance policy containing a separate hurricane deductible, the insurer shall compute and prominently display the actual dollar value of the hurricane deductible on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice.

(c) Beginning October 1, 2005, for any personal lines residential property insurance policy containing an inflation guard rider, the insurer shall compute and prominently display the actual dollar value of the hurricane deductible on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice. In addition, beginning October 1, 2005, for any personal lines residential property insurance policy containing an inflation guard rider, the insurer shall notify the policyholder of the possibility that the hurricane deductible may be higher than indicated when loss occurs due to application of the inflation guard rider. Such notification shall be made on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice.

~~(8)(a) The Legislature finds that property insurance coverage has become unaffordable for a significant number of mobile home owners, as evidenced by reports that up to 100,000 mobile home owners have terminated their insurance coverage because they cannot afford to pay approved rates charged in the voluntary or residual markets. The Legislature further finds that additional flexibility in available coverages will enable mobile home owners to obtain affordable insurance and increase capacity.~~

~~(b) Notwithstanding the provisions of subsection (3), with respect to mobile home policies:~~

~~1. The deductible for hurricane coverage may not exceed 10 percent of the property value if the property is not subject to any liens and may not exceed 5 percent of the property value if the property is subject to any liens.~~

~~2. The insurer need not make the offers required by paragraph (3)(b).~~

(8)~~(9)~~ Notwithstanding the other provisions of this section or of other law, but only as to hurricane coverage as defined in s. 627.4025 for commercial lines residential coverages, an insurer may offer a deductible in an amount not exceeding ~~5 percent of the insured value with respect to a condominium association or cooperative association policy, or in an amount not exceeding~~ 10 percent of the insured value ~~with respect to any other commercial lines residential policy,~~ if, at the time of such offer and at each renewal, the insurer also offers to the policyholder a deductible in the amount of 3 percent of the insured value. Nothing in this subsection prohibits any deductible otherwise authorized by this section. All forms by which the offers authorized in this subsection are made or required to be made shall be on forms that are adopted or approved by the commission or office.

Section 13. Subsection (5) of section 627.701, Florida Statutes, as amended by section 4 of chapter 2004-480, Laws of Florida, is amended to read:

627.701 Liability of Insureds; coinsurance; deductibles.—

(5)*(a)* The hurricane deductible of any *personal lines* residential property insurance policy *issued or renewed on or after May 1, 2005,* shall be applied as follows:

1.~~(a)~~ The hurricane deductible shall apply on an annual basis to all covered hurricane losses that occur during the calendar year for losses that are covered under one or more policies issued by the same insurer or an insurer in the same insurer group.

2.~~(b)~~ If a hurricane deductible applies separately to each of one or more structures insured under a single policy, the requirements of this *paragraph* ~~subsection~~ apply with respect to the deductible for each structure.

3.~~(c)~~ If there was a hurricane loss for a prior hurricane or hurricanes during the calendar year, the insurer may apply a deductible to a subsequent hurricane *which* ~~that~~ is the greater of the remaining amount of the hurricane deductible or the amount of the deductible that applies to perils other than a hurricane. Insurers may require policyholders to report hurricane losses that are below the hurricane deductible or to maintain receipts or other records of such hurricane losses in order to apply such losses to subsequent hurricane claims.

4.~~(d)~~ If there are hurricane losses in a calendar year on more than one policy issued by the same insurer or an insurer in the same insurer group, the hurricane deductible shall be the highest amount stated in any one of the policies. If a policyholder who had a hurricane loss under the prior policy is provided or offered a lower hurricane deductible under the new or renewal policy, the insurer must notify the policyholder, in writing, at the time the lower hurricane deductible is provided or offered, that the lower hurricane deductible will not apply until January 1 of the following calendar year.

(b) For commercial residential property insurance policies issued or renewed on or after January 1, 2006, the insurer must offer the policyholder the following alternative hurricane deductibles:

1. A hurricane deductible that applies on an annual basis as provided in paragraph (a); and

2. A hurricane deductible that applies to each hurricane.

Section 14. Effective October 1, 2005, section 627.7011, Florida Statutes, is amended to read:

627.7011 Homeowners' policies; offer of replacement cost coverage and law and ordinance coverage.—

(1) Prior to issuing a homeowner's insurance policy on or after *October 1, 2005* ~~June 1, 1994~~, or prior to the first renewal of a homeowner's insurance policy on or after *October 1, 2005* ~~June 1, 1994~~, the insurer must offer each of the following:

(a) A policy or endorsement providing that any loss which is repaired or replaced will be adjusted on the basis of replacement costs not exceeding policy limits as to the dwelling, rather than actual cash value, but not including costs necessary to meet applicable laws *and ordinances* regulating the construction, use, or repair of any property or requiring the tearing down of any property, including the costs of removing debris.

(b) A policy or endorsement providing that, subject to other policy provisions, any loss which is repaired or replaced at any location will be adjusted on the basis of replacement costs not exceeding policy limits as to the dwelling, rather than actual cash value, and also including costs necessary to meet applicable laws *and ordinances* regulating the construction, use, or repair of any property or requiring the tearing down of any property, including the costs of removing debris; however, such additional costs necessary to meet applicable laws *and ordinances* may be limited to *either* 25 percent *or 50 percent* of the dwelling limit, *as selected by the policyholder,* and such coverage shall apply only to repairs of the damaged portion of the structure unless the total damage to the structure exceeds 50 percent of the replacement cost of the structure.

An insurer is not required to make the offers required by this subsection with respect to the issuance or renewal of a homeowner's policy that contains the provisions specified in paragraph (b) *for law and ordinance coverage limited to 25 percent of the dwelling limit, except that the insurer must offer the law and ordinance coverage limited to 50 percent of*

the dwelling limit. This subsection does not prohibit the offer of a guaranteed replacement cost policy.

(2) Unless the insurer obtains the policyholder's written refusal of the policies or endorsements specified in subsection (1), any policy covering the dwelling is deemed to include the coverage specified in paragraph (1)(b). The rejection or selection of alternative coverage shall be made on a form approved by the office. The form shall fully advise the applicant of the nature of the coverage being rejected. If this form is signed by a named insured, it will be conclusively presumed that there was an informed, knowing rejection of the coverage or election of the alternative coverage on behalf of all insureds. Unless the policyholder requests in writing the coverage specified in this section, it need not be provided in or supplemental to any other policy that renews, insures, extends, changes, supersedes, or replaces an existing policy when the policyholder has rejected the coverage specified in this section or has selected alternative coverage. The insurer must provide such policyholder with notice of the availability of such coverage in a form approved by the office at least once every 3 years. The failure to provide such notice constitutes a violation of this code, but does not affect the coverage provided under the policy.

(3) In the event of a loss for which a dwelling or personal property is insured on the basis of replacement costs, the insurer shall pay the replacement cost without reservation or holdback of any depreciation in value, whether or not the insured replaces or repairs the dwelling or property.

(4) Any homeowner's insurance policy issued or renewed on or after October 1, 2005, must include in bold type no smaller than 18 points the following statement:

"LAW AND ORDINANCE COVERAGE IS AN IMPORTANT COVERAGE THAT YOU MAY WISH TO PURCHASE. YOU MAY ALSO NEED TO CONSIDER THE PURCHASE OF FLOOD INSURANCE FROM THE NATIONAL FLOOD INSURANCE PROGRAM. WITHOUT THIS COVERAGE, YOU MAY HAVE UNCOVERED LOSSES. PLEASE DISCUSS THESE COVERAGES WITH YOUR INSURANCE AGENT."

The intent of this subsection is to encourage policyholders to purchase sufficient coverage to protect them in case events excluded from the standard homeowners policy, such as law and ordinance enforcement and flood, combine with covered events to produce damage or loss to the insured property. The intent is also to encourage policyholders to discuss these issues with their insurance agent.

(5)~~(3)~~ Nothing in this section shall be construed to apply to policies not considered to be "homeowners' policies," as that term is commonly understood in the insurance industry. This section specifically does not apply to mobile home policies. Nothing in this section shall be construed as limiting the ability of any insurer to reject or nonrenew any insured or applicant on the grounds that the structure does not meet underwriting criteria applicable to replacement cost or law and ordinance policies or for other lawful reasons.

Section 15. Effective July 1, 2005, subsections (1) and (7) of section 627.7015, Florida Statutes, are amended, and subsection (2) of that section is reenacted, to read:

627.7015 Alternative procedure for resolution of disputed property insurance claims.—

(1) PURPOSE AND SCOPE.—This section sets forth a nonadversarial alternative dispute resolution procedure for a mediated claim resolution conference prompted by the need for effective, fair, and timely handling of property insurance claims. There is a particular need for an informal, nonthreatening forum for helping parties who elect this procedure to resolve their claims disputes because most homeowner's *and commercial residential* insurance policies obligate insureds to participate in a potentially expensive and time-consuming adversarial appraisal process prior to litigation. The procedure set forth in this section is designed to bring the parties together for a mediated claims settlement conference without any of the trappings or drawbacks of an adversarial process. Before resorting to these procedures, insureds and insurers are encouraged to resolve claims as quickly and fairly as possible. This section is available with respect to claims under personal lines *and commercial residential* policies for all claimants and insurers prior to commencing the appraisal process, or commencing litigation. If requested by the insured, participation by legal counsel shall be permitted. Mediation under this section is also available to litigants referred to the department by a county court or circuit court. This section does not apply to commercial coverages, to private passenger motor vehicle insurance coverages, or to disputes relating to liability coverages in policies of property insurance.

(2) At the time a first-party claim within the scope of this section is filed, the insurer shall notify all first-party claimants of their right to participate in the mediation program under this section. The department shall prepare a consumer information pamphlet for distribution to persons participating in mediation under this section.

(7) *If the insurer fails to comply with subsection (2) by failing to notify a first-party claimant of its right to participate in the mediation program under this section or* if the insurer requests the mediation, and the mediation results are rejected by either party, the insured shall not be required to submit to or participate in any contractual loss appraisal process of the property loss damage as a precondition to legal action for breach of contract against the insurer for its failure to pay the policyholder's claims covered by the policy.

Section 16. Subsection (1) of section 627.702, Florida Statutes, is amended to read:

627.702 Valued policy law.—

(1)*(a)* In the event of the total loss of any building, structure, mobile home as defined in s. 320.01(2), or manufactured building as defined in s. 553.36(12), located in this state and insured by any insurer as to a covered peril, in the absence of any change increasing the risk without the insurer's consent and in the absence of fraudulent or criminal fault on the part of the insured or one acting in her or his behalf, the insurer's liability~~, if any,~~ under the policy for such total loss*, if caused by a covered peril,* shall be in the amount of money for which such property was so insured as specified in the policy and for which a premium has been charged and paid.

(b) The intent of this subsection is not to deprive an insurer of any proper defense under the policy, to create new or additional coverage under the policy, or to require an insurer to pay for a loss caused by a peril other than the covered peril. In furtherance of such legislative intent, when a loss was caused in part by a covered peril and in part by a noncovered peril, paragraph (a) does not apply. In such circumstances, the insurer's liability under this section shall be limited to the amount of the loss caused by the covered peril. However, if the covered perils alone would have caused the total loss, paragraph (a) shall apply. The insurer is never liable for more than the amount necessary to repair, rebuild, or replace the structure following the total loss, after considering all other benefits actually paid for the total loss.

(c) It is the intent of the Legislature that the amendment to this section shall not be applied retroactively and shall apply only to claims filed after effective date of such amendment.

Section 17. Section 627.706, Florida Statutes, is amended to read:

627.706 Sinkhole insurance*; definitions*.—

(1) Every insurer authorized to transact property insurance in this state shall make available coverage for insurable sinkhole losses on any structure, including contents of personal property contained therein, to the extent provided in the form to which the sinkhole coverage attaches.

(2) As used in ss. 627.706-627.7074, and as used in connection with any policy providing coverage for sinkhole losses:

(a) "Sinkhole" means a landform created by subsidence of soil, sediment, or rock as underlying strata are dissolved by ground water. A sinkhole may form by collapse into subterranean voids created by dissolution of limestone or dolostone or by subsidence as these strata are dissolved.

(b)~~(2)~~ "*Sinkhole* loss" means structural damage to the building*, including the foundation, caused by sinkhole activity*. Contents coverage shall apply only if there is structural damage to the building *caused by sinkhole activity*.

(c)~~(3)~~ "Sinkhole *activity* ~~loss~~" means ~~actual physical damage to the property covered arising out of or caused by sudden~~ settlement or *systematic weakening* ~~collapse~~ of the earth supporting such property only

when such settlement or *systematic weakening* ~~collapse~~ results from *movement or raveling of soils, sediments, or rock materials into* subterranean voids created by the *effect* ~~action~~ of water on a limestone or similar rock formation.

(d) "Engineer" means a person, as defined in s. 471.005, who has a bachelor degree or higher in engineering with a specialty in the geotechnical engineering field. An engineer must have geotechnical experience and expertise in the identification of sinkhole activity as well as other potential causes of damage to the structure.

(e) "Professional geologist" means a person, as defined by s. 492.102, who has a bachelor degree or higher in geology or related earth science with expertise in the geology of Florida. A professional geologist must have geological experience and expertise in the identification of sinkhole activity as well as other potential geologic causes of damage to the structure.

(3)~~(4)~~ Every insurer authorized to transact property insurance in this state shall make a proper filing with the office for the purpose of extending the appropriate forms of property insurance to include coverage for ~~insurable~~ sinkhole losses.

Section 18. Section 627.7065, Florida Statutes, is created to read:

627.7065 Database of information relating to sinkholes; the Department of Financial Services and the Department of Environmental Protection.—

(1) The Legislature finds that there has been a dramatic increase in the number of sinkholes and insurance claims for sinkhole damage in the state during the past 10 years. Accordingly, the Legislature recognizes the need to track current and past sinkhole activity and to make the information available for prevention and remediation activities. The Legislature further finds that the Florida Geological Survey of the Department of Environmental Protection has created a partial database of some sinkholes identified in Florida, although the database is not reflective of all sinkholes or insurance claims for sinkhole damage. The Legislature determines that creating a complete electronic database of sinkhole activity serves an important purpose in protecting the public and in studying property claims activities in the insurance industry.

(2) The Department of Financial Services, including the employee of the Division of Consumer Services designated as the primary contact for consumers on issues relating to sinkholes, and the Office of the Insurance Consumer Advocate shall consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity identified in the state.

(3) Representatives of the Department of Financial Services, with the agreement of the Department of Environmental Protection, shall determine the form and content of the database. The content may include standards for reporting and investigating sinkholes for inclusion in the database and requirements for insurers to report to the departments the receipt of claims involving sinkhole loss and other similar activities. The Department of Financial Services may require insurers to report present and past data of sinkhole claims. The database also may include information of damage due to ground settling and other subsidence activity.

(4) The Department of Financial Services may manage the database or may contract for its management and maintenance. The Department of Environmental Protection shall investigate reports of sinkhole activity and include its findings and investigations in the database.

(5) The Department of Environmental Protection, in consultation with the Department of Financial Services, shall present a report of activities relating to the sinkhole database, including recommendations regarding the database and similar matters, to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Chief Financial Officer by December 31, 2005. The report may consider the need for the Legislature to create an entity to study the increase in sinkhole activity in the state and other similar issues relating to sinkhole damage, including recommendations and costs for staffing the entity. The report may include other information, as appropriate.

(6) The Department of Financial Services, in consultation with the Department of Environmental Protection, may adopt rules to implement this section.

Section 19. Section 627.707, Florida Statutes, is amended to read:

627.707 ~~Minimum~~ Standards for investigation of sinkhole claims by insurers; nonrenewals.—

~~(1)~~ Upon receipt of a claim for a sinkhole loss, an insurer must meet the following ~~minimum~~ standards in investigating a claim:

(1)~~(a) Upon receipt of a claim for a sinkhole loss,~~ The insurer must make an inspection of the insured's premises to determine if there has been physical damage to the structure which *may* ~~might~~ be the result of sinkhole activity.

~~(b) If, upon the investigation pursuant to paragraph (a), the insurer discovers damage to a structure which is consistent with sinkhole activity or if the structure is located in close proximity to a structure in which sinkhole damage has been verified, then prior to denying a claim, the insurer must obtain a written certification from an individual qualified to determine the existence of sinkhole activity, stating that the cause of the claim is not sinkhole activity, and that the analysis conducted was of sufficient scope to eliminate sinkhole activity as the cause of damage within a reasonable professional probability. The written certification must also specify the professional discipline and professional licensure or registration under which the analysis was conducted.~~

(2) Following the insurer's initial inspection, the insurer shall engage an engineer or a professional geologist to conduct testing as provided in s. 627.7072 to determine the cause of the loss within a reasonable professional probability and issue a report as provided in s. 627.7073, if:

(a) The insurer is unable to identify a valid cause of the damage or discovers damage to the structure which is consistent with sinkhole loss; or

(b) The policyholder demands testing in accordance with this section or s. 627.7072.

(3) Following the initial inspection of the insured premises, the insurer shall provide written notice to the policyholder disclosing the following information:

(a) What the insurer has determined to be the cause of damage, if the insurer has made such a determination.

(b) A statement of the circumstances under which the insurer is required to engage an engineer or a professional geologist to verify or eliminate sinkhole loss and to engage an engineer to make recommendations regarding land and building stabilization and foundation repair.

(c) A statement regarding the right of the policyholder to request testing by an engineer or a professional geologist and the circumstances under which the policyholder may demand certain testing.

(4) If the insurer determines that there is no sinkhole loss, the insurer may deny the claim. If the insurer denies the claim, without performing testing under s. 627.7072, the policyholder may demand testing by the insurer under s. 627.7072. The policyholder's demand for testing must be communicated to the insurer in writing after the policyholder's receipt of the insurer's denial of the claim.

(5)(a) Subject to paragraph (b), if a sinkhole loss is verified, the insurer shall pay to stabilize the land and building and repair the foundation in accordance with the recommendations of the engineer as provided under s. 627.7073, and in consultation with the policyholder, subject to the coverage and terms of the policy. The insurer shall pay for other repairs to the structure and contents in accordance with the terms of the policy.

(b) The insurer may limit its payment to the actual cash value of the sinkhole loss, not including underpinning or grouting or any other repair technique performed below the existing foundation of the building, until the policyholder enters into a contract for the performance of building stabilization or foundation repairs. After the policyholder enters into the contract, the insurer shall pay the amounts necessary to begin and perform such repairs as the work is performed and the expenses are incurred. The insurer may not require the policyholder to advance payment for such repairs. If repair has begun and the engineer selected or approved by the insurer determines that the repair cannot be completed within the policy limits, the insurer must either complete the engineer's recommended re-

pair or tender the policy limits to the policyholder without a reduction for the repair expenses incurred.

(6) Except as provided in subsection (7), the fees and costs of the engineer or the professional geologist shall be paid by the insurer.

(7)~~(c)~~ If the insurer obtains, pursuant to *s. 627.7073* ~~paragraph (b)~~, written certification that *there is no sinkhole loss or that* the cause of the *damage* ~~claim~~ was not sinkhole activity, and if the policyholder has submitted the sinkhole claim without good faith grounds for submitting such claim, the policyholder shall reimburse the insurer for 50 percent of the *actual costs* ~~cost~~ of the *analyses and services provided* ~~analysis~~ under *ss. 627.7072 and 627.7073* ~~paragraph (b)~~; however, a policyholder is not required to reimburse an insurer more than $2,500 with respect to any claim. A policyholder is required to pay reimbursement under this *subsection* ~~paragraph~~ only if the insurer, prior to ordering the analysis under *s. 627.7072* ~~paragraph (b)~~, informs the policyholder *in writing* of the policyholder's potential liability for reimbursement and gives the policyholder the opportunity to withdraw the claim.

(8)~~(2)~~ No insurer shall nonrenew any policy of property insurance on the basis of filing of claims for partial loss caused by sinkhole damage or clay shrinkage as long as the total of such payments does not exceed the current policy limits of coverage for property damage, and provided the insured has repaired the structure in accordance with the engineering recommendations upon which any payment or policy proceeds were based.

(9) The insurer may engage a structural engineer to make recommendations as to the repair of the structure.

Section 20. Section 627.7072, Florida Statutes, is created to read:

627.7072 Testing standards for sinkholes.—

(1) The engineer and professional geologist shall perform such tests as sufficient, in their professional opinion, to determine the presence or absence of sinkhole loss or other cause of damage within reasonable professional probability and for the engineer to make recommendations regarding necessary building stabilization, and foundation repair.

(2) Testing by a professional geologist shall be conducted in compliance with the Florida Geological Survey Special Publication No. 57 (2005).

Section 21. Section 627.7073, Florida Statutes, is created to read:

627.7073 Sinkhole reports.—

(1) Upon completion of testing as provided in s. 627.7072, the engineer and professional geologist shall issue a report and certification to the insurer and the policyholder as provided in this section.

(a) Sinkhole loss is verified if, based upon tests performed in accordance with s. 627.7072, an engineer and a professional geologist issue a written report and certification stating:

1. That the cause of the actual physical and structural damage is sinkhole activity within a reasonable professional probability.

2. That the analyses conducted were of sufficient scope to identify sinkhole activity as the cause of damage within a reasonable professional probability.

3. A description of the tests performed.

4. A recommendation by the engineer of methods for stabilizing the land and building and for making repairs to the foundation.

(b) If sinkhole activity is eliminated as the cause of damage to the structure, the engineer and professional geologist shall issue a written report and certification to the policyholder and the insurer stating:

1. That the cause of the damage is not sinkhole activity within a reasonable professional probability.

2. That the analyses and tests conducted were of sufficient scope to eliminate sinkhole activity as the cause of damage within a reasonable professional probability.

3. A statement of the cause of the damage within a reasonable professional probability.

4. A description of the tests performed.

(c) The respective findings, opinions, and recommendations of the engineer and professional geologist as to the verification or elimination of a sinkhole loss and the findings, opinions, and recommendations of the engineer as to land and building stabilization and foundation repair shall be presumed correct.

(2) Any insurer that has paid a claim for a sinkhole loss shall file a copy of the report and certification, prepared pursuant to subsection (1), with the county property appraiser who shall record the report and certification with the parcel number. The insurer shall bear the cost of filing and recording the report and certification. There shall be no cause of action or liability against an insurer for compliance with this section. The seller of real property upon which a sinkhole claim has been made shall disclose to the buyer of such property that a claim has been paid and whether or not the full amount of the proceeds were used to repair the sinkhole damage.

Section 22. Effective October 1, 2005, and applicable to policies issued or renewed on or after that date, section 627.711, Florida Statutes, is created to read:

627.711 Notice of premium discounts for hurricane loss mitigation.—Using a form prescribed by the Office of Insurance Regulation, the insurer shall clearly notify the applicant or policyholder of any personal lines residential property insurance policy, at the time of the issuance of the policy and at each renewal, of the availability and the range of each premium discount, credit, other rate differential, or reduction in deductibles for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm can or have been installed or implemented. The prescribed form shall describe generally what actions the policyholders may be able to take to reduce their windstorm premium. The prescribed form and a list of such ranges approved by the office for each insurer licensed in the state and providing such discounts, credits, other rate differentials, or reductions in deductibles for properties described in this subsection shall be available for electronic viewing and download from the Department of Financial Services' or the Office of Insurance Regulation's Internet website. The Financial Services Commission may adopt rules to implement this subsection.

Section 23. *(1)(a) Upon an insurer's receiving a communication with respect to a claim, the insurer shall, within 14 calendar days, review and acknowledge receipt of such communication unless payment is made within that period of time or unless the failure to acknowledge is caused by factors beyond the control of the insurer which reasonably prevent such acknowledgement. If the acknowledgement is not in writing, a notification indicating acknowledgement shall be made in the insurer's claim file and dated. A communication made to or by an agent of an insurer with respect to a claim shall constitute communication to or by the insurer.*

(b) As used in this subsection, the term "agent" means any person to whom an insurer has granted authority or responsibility to receive or make such communications with respect to claims on behalf of the insurer.

(c) This subsection shall not apply to claimants represented by counsel beyond those communications necessary to provide forms and instructions.

(2) Such acknowledgement shall be responsive to the communication. If the communication constitutes a notification of a claim, unless the acknowledgement reasonably advises the claimant that the claim appears not to be covered by the insurer, the acknowledgement shall provide necessary claim forms, and instructions, including an appropriate telephone number.

(3) Unless otherwise provided by the policy of insurance or by law, within 10 working days after an insurer receives proof of loss statements the insurer shall begin such investigation as is reasonably necessary unless the failure to begin such investigation is caused by factors beyond the control of the insurer which reasonably prevent the commencement of such investigation.

(4) For purposes of this section, the term "insurer" means any residential property insurer.

Section 24. *Task Force on Long-Term Solutions for Florida's Hurricane Insurance Market.—*

(1) TASK FORCE CREATED.—There is created the Task Force on Long-Term Solutions for Florida's Hurricane Insurance Market.

(2) ADMINISTRATION.—The task force shall be administratively housed within the Office of the Chief Financial Officer, but shall operate independently of any state officer or agency. The Office of the Chief Financial Officer shall provide such administrative support as the task force deems necessary to accomplish its mission and shall provide necessary funding for the task force within its existing resources. The Executive Office of the Governor, the Department of Financial Services, and the Office of Insurance Regulation shall provide substantive staff support for the task force.

(3) MEMBERSHIP.—The members of the task force shall be appointed as follows:

(a) The Governor shall appoint three members who have expertise in financial matters, one of whom is a representative of the mortgage lending industry, one of whom is a representative of the real estate or construction industry, and one of whom is a representative of insurance consumers.

(b) The Chief Financial Officer shall appoint three members who have expertise in financial matters, one of whom is a representative of a national property insurer or of a Florida-only subsidiary of a national property insurer, one of whom is a representative of a domestic property insurer in this state, and one of whom is a representative of insurance agents.

(c) The President of the Senate shall appoint three members.

(d) The Speaker of the House of Representatives shall appoint three members.

(e) The Commissioner of Insurance Regulation shall serve as an ex officio voting member of the task force.

Members of the task force shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in section 112.061, Florida Statutes.

(4) PURPOSE AND INTENT.—The Legislature recognizes that the continued availability of hurricane insurance coverage for property owners in this state is essential to the state's economic survival. The Legislature further recognizes that legislative efforts to resolve problems in the hurricane insurance market in 2005 may not be sufficient to address this state's long-term needs and that further action may be necessary in subsequent legislative sessions. The purpose of the task force is to make recommendations to the legislative and executive branches of this state's government relating to the creation and maintenance of insurance capacity in the private sector and public sector which is sufficient to ensure that all property owners in this state are able to obtain appropriate insurance coverage for hurricane losses, as further described in this section.

(5) SPECIFIC TASKS.—The task force shall conduct such research and hearings as it deems necessary to achieve the purposes specified in subsection (4) and shall develop information on relevant issues, including, but not limited to, the following issues:

(a) Whether this state currently has sufficient hurricane insurance capacity to ensure the continuation of a healthy, competitive marketplace, taking into consideration both private-sector resources and public-sector resources.

(b) Identifying the future demands on this state's hurricane insurance capacity, taking into account population growth, coastal growth, and anticipated future hurricane activity.

(c) Whether the Florida Hurricane Catastrophe Fund fulfilled its purpose of creating additional insurance capacity sufficient to ameliorate the current dangers to the state's economy and to the public health, safety, and welfare in its response to the 2004 hurricane season.

(d) The extent to which the growth in Citizens Property Insurance Corporation is attributable to insufficient insurance capacity.

(e) The extent to which the growth trends of Citizens Property Insurance Corporation create long-term problems for property owners, buyers, and sellers in this state and for other persons and businesses that depend on a viable market.

(f) The operation and role of Citizens Property Insurance Corporation, including:

1. How to ensure that the corporation operates as an insurer of last resort which does not compete with insurers in the voluntary market, but which charges rates that are not excessive, inadequate, or unfairly discriminatory;

2. Whether the bonuses paid by the corporation to carriers taking policies out of the corporation provide a cost-effective means of reducing the potential liability of the corporation;

3. Whether the "Consumer Choice" law should be repealed or amended to ensure that the corporation serves as the insurer of last resort;

4. Whether coverage amounts should be limited;

5. Whether the corporation has hired an adequate level of permanent claims and adjusting staff in addition to outsourcing its claims-adjusting functions to independent adjusting firms;

6. The effect of reducing or expanding the areas that are eligible for coverage in the high-risk, wind-only account;

7. Whether the corporation should purchase reinsurance or take other actions that reduce the potential for debt financing and deficit assessments; and

8. An evaluation of the infrastructure and administration of the corporation and how to improve customer service, claims handling, and communication and the exchange of information with agents of policyholders of the corporation.

(6) REPORT AND RECOMMENDATIONS.—By April 1, 2006, the task force shall provide a report containing findings relating to the tasks identified in subsection (5) and recommendations consistent with the purposes of this section and also consistent with such findings. The task force shall submit the report to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives. The task force may also submit such interim reports as it deems appropriate.

(7) ADDITIONAL ACTIVITIES.—The task force shall monitor the implementation of hurricane insurance-related legislation enacted during the 2005 Regular Session and shall make such additional recommendations as it deems appropriate for further legislative action during the 2004-2006 legislative biennium.

(8) EXPIRATION.—The task force shall expire at the end of the 2004-2006 legislative biennium.

Section 25. *The Office of Insurance Regulation shall, by January 1, 2006, submit a report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of the Senate and the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives having jurisdiction over matters relating to property and casualty insurance. The report shall include findings and recommendations on requiring residential property insurers to provide law and ordinance coverage for residential property insurance policies, the increase or decrease in insurance costs associated with requiring such coverage, and such other related information as the Office of Insurance Regulation determines is appropriate for the Legislature to consider.*

Section 26. *Notwithstanding that revenues of Citizens Property Insurance Corporation are not state revenues, the Auditor General shall perform an operational audit, as defined in section 11.45(1), Florida Statutes, of the Citizens Property Insurance Corporation created under section 627.351(6), Florida Statutes. The scope of the audit shall also include:*

(1) An analysis of the corporation's infrastructure, customer service, claims handling, accessibility of policyholder information to the agent of record, take-out programs, take-out bonuses, and financing arrangements.

(2) An evaluation of costs associated with the administration and servicing of the policies issued by the corporation to determine alternatives by which costs can be reduced, customer service improved, and claims handling improved.

The audit shall contain policy alternatives for the Legislature to consider. The Auditor General shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than February 1, 2006.

Section 27. *The board of governors of the Citizens Property Insurance Corporation created under section 627.351(6), Florida Statutes, shall, by February 1, 2006, submit a report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of the Senate and the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives having jurisdiction over matters relating to property and casualty insurance. The report shall include the board's findings and recommendations on the following issues:*

(1) The number of policies and the aggregate premium of the Citizens Property Insurance Corporation, before and after enactment of this act, and projections for future policy and premium growth.

(2) Increases or decreases in availability of residential property coverage in the voluntary market and the effectiveness of this act in improving the availability of residential property coverage in the voluntary market in the state.

(3) The board's efforts to depopulate the corporation and the willingness of insurers in the voluntary market to avail themselves of depopulation incentives.

(4) Further actions that could be taken by the Legislature to improve availability of residential property coverage in the voluntary and residual markets.

(5) Actions that the board has taken to restructure the corporation and recommendations for legislative action to restructure the corporation, including, but not limited to, actions relating to claims handling and customer service.

(6) Projected surpluses or deficits and possible means of providing funding to ensure the continued solvency of the corporation.

(7) The corporation's efforts to procure catastrophe reinsurance to cover its projected 100-year probable maximum loss with specification as to what best efforts were made by the corporation to procure such reinsurance.

(8) Such other issues as the board determines are worthy of the Legislature's consideration.

Section 28. *For the 2005-2006 fiscal year, there is appropriated $350,000 in recurring funds from the Insurance Regulatory Trust Fund and four positions are authorized to the Office of the Consumer Advocate within the Department of Financial Services for the purposes provided in section 627.0613, Florida Statutes.*

Section 29. *The amendment to section 627.0628, Florida Statutes, and the creation of section 627.06281, Florida Statutes, as provided in this act shall take effect on the same date that House Bill 1939, Senate Bill 1478, or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.*

Section 30. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the retention of losses for which an insurer is not entitled to reimbursement from the Florida Hurricane Catastrophe Fund; amending s. 215.559, F.S.; revising the allocation of funds appropriated to the Department of Community Affairs from the Florida Hurricane Catastrophe Fund for the Hurricane Loss Mitigation Program; requiring that the department establish a low-interest loan program and pilot project for hurricane loss mitigation; authorizing contractual agreements between the department and financial institutions; authorizing the Department of Community Affairs to adopt rules; amending s. 627.062, F.S.; requiring the Office of Insurance Regulation to submit a proposed plan to the Legislature establishing uniform rating territories to be used by insurers for residential property insurance rate filings; requiring a further act of the Legislature to implement the plan; limiting the recoupment by an insurer in its rates of the reimbursement premium it pays to the Florida Hurricane Catastrophe Fund; amending s. 627.0628, F.S.; restricting the admissibility and relevance in rate proceedings of findings of the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; lowering the percentage amount of a rate filing based on a computer model which requires a public hearing; creating s. 627.06281, F.S.; requiring residential property insurers and rating and advisory organizations to report hurricane loss data for development of a public hurricane model for hurricane loss projections; amending s. 627.351, F.S.; revising the appointments to the board and the approval of officers and employees of the corporation; providing additional legislative intent relating to the Citizens Property Insurance Corporation; authorizing the corporation to issue bonds and incur indebtedness for certain purposes; requiring creation of a Market Accountability Advisory Committee to assist the corporation for certain purposes; providing for appointment of committee members; providing for terms; requiring reports to the corporation; revising requirements for the plan of operation of the corporation; deleting an obsolete reporting requirement; establishing a pilot program; specifying nonapplication of certain policy requirements in a county lacking reasonable degrees of competition for certain policies under certain circumstances; requiring the commission to adopt rules; deleting an obsolete rate methodology panel reporting requirement provision; creating s. 627.40951, F.S.; providing legislative findings and intent; providing for an advisory committee; providing for membership; providing for recommendations to be submitted to the Legislature regarding standard residential property insurance policies; amending s. 627.411, F.S.; adding grounds for which the Office of Insurance Regulation must disapprove a form filed by an insurer; amending s. 627.4133, F.S.; prohibiting insurers from canceling or nonrenewing residential property insurance policies under certain emergency circumstances; providing exceptions; providing notice requirements; providing application to personal residential and commercial residential policies covering certain damaged property; extending the effective date of certain policies under certain hurricane circumstances; authorizing the insurer to collect premiums for the extended period; providing nonapplication; amending s. 627.4143, F.S.; requiring insurers to provide personal lines property insurance policyholders with a checklist of items contained in policies; authorizing the Financial Services Commission to adopt rules; prescribing elements to be contained in the checklist; requiring the checklist and outline of insurance coverage to be sent with each renewal; clarifying that homeowners' insurance includes mobile homeowners', dwelling, and condominium unit owners' insurance for purposes of the outline of coverage; amending s. 627.701, F.S.; increasing the maximum allowable hurricane deductible for personal lines and certain commercial lines residential policies; requiring insurers to offer specified hurricane deductibles for such policies; requiring insurers to provide written notice explaining hurricane deductible options for such policies; providing for computation and display of the dollar value of hurricane deductibles; requiring insurers to compute and display actual dollar values of certain riders for certain policies; amending s. 627.701, F.S.; providing that the requirement for a hurricane deductible to apply on an annual basis applies to personal lines residential property insurance policies; requiring insurers that provide commercial residential property insurance to offer alternative hurricane deductibles that apply on an annual basis or to each hurricane; amending s. 627.7011, F.S.; requiring insurers to offer coverage for additional costs of repair due to laws and ordinances; requiring insurers to pay the replacement cost for a loss insured on that basis, whether or not the insured replaces or repairs the dwelling or property; requiring certain homeowner's insurance policies to contain a specified statement; providing intent; amending s. 627.7015, F.S.; revising purpose and scope provisions relating to an alternative procedure for resolution of disputed property insurance claims; providing that failure of an insurer to notify a claimant of the availability of mediation excuses an insured from being required to submit to certain loss appraisal processes; amending s. 627.702, F.S.; providing legislative intent regarding the requirement that an insurer pay policy limits if there is a total loss of a building;

providing nonapplication of certain insurer liability requirements under certain circumstances; limiting an insurer's liability to certain loss covered by a covered peril; amending s. 627.706, F.S., relating to sinkhole insurance; providing definitions; creating s. 627.7065, F.S.; providing legislative findings; requiring the Department of Financial Services and the Office of the Insurance Consumer Advocate to consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity; providing requirements for the form and content of the database; authorizing the Department of Financial Services to require insurers to provide certain information; providing for management of the database; requiring the department to investigate sinkhole activity reports and include findings and investigations in the database; requiring the Department of Environmental Protection to report on the database to the Governor, Legislature, and Chief Financial Officer; authorizing the Department of Financial Services to adopt implementing rules; amending s. 627.707, F.S.; revising standards for investigations of sinkhole claims by insurers; requiring an insurer to engage an engineer or professional geologist for certain purposes; requiring a report under certain circumstances; requiring an insurer to provide written notice to a policyholder disclosing certain information; authorizing an insurer to deny a claim under certain circumstances; authorizing a policyholder to demand certain testing; providing requirements; specifying required activities for insurers if a sinkhole loss is verified; specifying payment requirements for insurers; providing limitations; requiring the insurer to pay fees of the engineer and geologist; authorizing an insurer to engage a structural engineer for certain purposes; creating s. 627.7072, F.S.; specifying requirements for sinkhole testing by engineers and geologists; creating s. 627.7073, F.S.; providing reporting requirements for engineers and geologists after testing for sinkholes; specifying a presumption of correctness of certain findings; requiring an insurer paying a sinkhole loss claim to file a report and certification with the county property appraiser; requiring the property appraiser to record the report and certification; requiring the insurer to bear the cost of filing and recording; requiring a seller of certain property to make certain disclosures to property buyers under certain circumstances; creating s. 627.711, F.S.; requiring insurers to notify applicants or policyholders of the availability and amounts of certain discounts, credits, rate differentials, or reductions in deductibles for properties on which certain fixtures have been installed or construction techniques have been implemented; requiring insurers to provide qualifying information; authorizing the Financial Services Commission to adopt rules; creating s. 627.712, F.S.; requiring property insurers to pay or deny claims within certain time periods; providing that overdue payments bear interest; creating the Task Force on Long-Term Solutions for Florida's Hurricane Insurance Market; requiring the Executive Office of the Governor, the Department of Financial Services, and the Office of Insurance Regulation to provide administrative support and staff support; providing membership; providing purpose and intent; providing for research and hearings on specified issues; requiring the task force to submit a report of findings and recommendations to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives; providing for additional activities; providing for expiration of the task force; requiring the Office of Insurance Regulation to submit a report to the Legislature relating to residential property insurance; providing report requirements; requiring the Office of the Auditor General to conduct an operational audit of Citizens Property Insurance Corporation; specifying audit requirements; requiring a report; requiring the board of governors of the Citizens Property Insurance Corporation to submit a report to the Legislature relating to property and casualty insurance; specifying report requirements; providing an appropriation and authorizing positions; providing a contingent effective date; providing effective dates.

On motion by Senator Garcia, the Senate concurred in the House amendment.

CS for SB 1486 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Baker	Constantine
Alexander	Bullard	Crist
Argenziano	Campbell	Dawson
Aronberg	Carlton	Diaz de la Portilla
Atwater	Clary	Dockery
Fasano	Lawson	Saunders
Garcia	Lynn	Sebesta
Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wise
Klein	Rich	

Nays—1

Wilson

Vote after roll call:

Yea—Bennett

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

Ms. Faye Blanton May 6, 2005
Secretary of the Florida Senate

Dear Madam Secretary:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Acupuncture		
Appointee:	Teisinger-Nicholson, Mary Katherine	10/31/2004
Florida Building Commission		
Appointee:	Parrino, Craig	07/26/2007
Florida Communities Trust		
Appointee:	Lindblad, Ellen L.	01/31/2005
Florida Development Finance Corporation		
Appointee:	Brooks, Theodore H., Jr.	05/02/2008
Harbormaster for the Port of Fort Pierce, Saint Lucie County		
Appointee:	Porter, Jesse Wayman	04/04/2005
Board of Nursing		
Appointee:	Braga, Eddie Dean	10/31/2007
Board of Pharmacy		
Appointee:	Mudri, John P.	10/31/2005
Apalachee Regional Planning Council, Region 2		
Appointee:	Scott, Michael A.	10/01/2006
North Central Florida Regional Planning Council, Region 3		
Appointees:	Donovan, Dixie	10/01/2004
	Haas, Sandra K.	10/01/2004
	Painter, James F. "Jim"	10/01/2004
Northeast Florida Regional Planning Council, Region 4		
Appointees:	Berry, Clare G.	10/01/2004
	Dungey, Mary Louise	10/01/2004
	Fleckenstein, Rea T.	10/01/2004
	Franklin, Deidra O.	10/01/2004
	Maxwell, Harry L.	10/01/2004
	Vallencourt, Carol	10/01/2004
Withlacoochee Regional Planning Council, Region 5		
Appointees:	Beard, Terrell E.	10/01/2006
	Gabriel, Patricia R.	10/01/2004
	Hammond, Terry L.	10/01/2004
	Poole, Eugene A.	10/01/2004
East Central Florida Regional Planning Council, Region 6		
Appointee:	Kane, Rita A.	10/01/2006
Central Florida Regional Planning Council, Region 7		

Office and Appointment		*For Term Ending*
Appointees:	Fields, Kay	10/01/2004
	Macias, Tomas	10/01/2004
Tampa Bay Regional Planning Council, Region 8		
Appointee:	Traviesa, A. Trey	10/01/2006
Southwest Florida Regional Planning Council, Region 9		
Appointee:	Messina, Andrea	10/01/2004
Treasure Coast Regional Planning Council, Region 10		
Appointees:	Baine, Herman	10/01/2004
	Hemphill, Nancy E.	10/01/2006
Florida Commission on Tourism		
Appointee:	Morrison, Robert B., Jr.	06/30/2008
Florida Transportation Commission		
Appointee:	Eddins, Heidi J.	09/30/2007
Manasota Basin Board of the Southwest Florida Water Management District		
Appointee:	Strelec, Frank	03/01/2005
Board of Directors, Enterprise Florida, Inc.		
Appointee:	McDonald, Brian A.	07/01/2008
Parole Commission		
Appointee:	Pate, Tena M.	06/30/2010
State Board of Education		
Appointees:	Callaway, Donna G.	12/31/2005
	Martinez, Roberto	12/31/2008
	Raulerson, Phoebe H.	12/31/2008
Board of Governors		
Appointees:	Albors, Rene	01/06/2006
	Desai, Akshay M.	01/06/2006
	Duncan, Ann W.	01/06/2012
	Marshall, J. Stanley	01/06/2012
	McCollum, Ira "Bill" William, Jr.	01/06/2012
	Pappas, M. Lynn	01/06/2012
Board of Trustees, Florida A & M University		
Appointees:	Allen, W. George	01/06/2010
	Benjamin, Regina	01/06/2010
	Branker, Laura	01/06/2010
	Griffin, David	01/06/2010
Board of Trustees, Florida Atlantic University		
Appointees:	Adams, Scott H.	01/06/2010
	Feder, David	01/06/2010
	Grossman, Armand W.	01/06/2006
	Gupta, Rajendra P.	01/06/2010
	Janke, Lalita M.	01/06/2010
	Tripp, Norman D.	01/06/2010
Board of Trustees, University of Central Florida		
Appointees:	Christiansen, Patrick T.	01/06/2010
	Perez, Hector "Tico" A.	01/06/2010
	Santiago, Conrad	01/06/2010
	Weiss, Allen R.	01/06/2010
Board of Trustees, Florida State University		
Appointees:	Brooks, Derrick	01/06/2010
	Furlow, Jessie V.	01/06/2010
	Knowles, Harold M.	01/06/2010
	McFarlain, Richard C.	01/06/2010
Board of Trustees, Florida Gulf Coast University		
Appointees:	Harrington, Lindsay	01/06/2006
	Lester, W. Bernard	01/06/2010
	Lucas, David	01/06/2010
	Whitcomb, Jaynie	01/06/2005
	Whitcomb, Jaynie M.	01/06/2010
Board of Trustees, Florida International University		
Appointees:	Atkins, Betsy S.	01/06/2010
	Frost, Patricia	01/06/2010
	Landon, R. Kirk	01/06/2010
	Parker, David R.	01/06/2010
Board of Trustees, New College of Florida		
Appointees:	Heiser, Rolland V.	01/06/2010
	Hudson, Warren P.	01/06/2010
	Mason, Raymond E., Jr.	01/06/2010
	Smiley, Jane T.	01/06/2010
Board of Trustees, University of Florida		
Appointees:	Cunningham, Courtney	01/06/2010
	Daniels, Roland C.	01/06/2010
	Merkel, Joelen K.	01/06/2010
	Powell, Earl W.	01/06/2010
Board of Trustees, University of North Florida		
Appointees:	Abdullah, Edythe M.	01/06/2010
	Coggin, Luther W.	01/06/2010
	Halverson, Steven T.	01/06/2010
	Taylor, R. Bruce	01/06/2010
Board of Trustees, University of South Florida		
Appointees:	Garcia, Sonja W.	01/06/2010
	Patel, Kiran C.	01/06/2010
	Soran, Robert	01/06/2010
	Tomasino, Sherrill M.	01/06/2010
Board of Trustees, University of West Florida		
Appointees:	Bell, Honor M.	01/06/2010
	Fetterman, Nancy A.	01/06/2006
	Herrick, Sharon Hess	01/06/2010
	Smith, Roy W., Jr.	01/06/2010
	Young, Jarl T.	01/06/2010
Environmental Regulation Commission		
Appointee:	Klena, Christine M.	07/01/2007
Governing Board of the Northwest Florida Water Management District		
Appointee:	Benson, Lois	03/01/2005
Governing Board of the South Florida Water Management District		
Appointees:	Carlson, Alice J.	03/01/2007
	Lindahl, Lennart E.	03/01/2009
	Wade, Malcolm S., Jr.	03/01/2009
Investment Advisory Council		
Appointee:	Dahl, James H.	12/12/2008
Secretary of Management Services		
Appointee:	Hosay, Robert H.	Pleasure of Governor
Secretary of Health Care Administration		
Appointee:	Levine, Alan M.	Pleasure of Governor
Secretary of Elderly Affairs		
Appointee:	Tucker, Susan M.	Pleasure of Governor

The Senate Committee on Ethics and Elections did not consider the following appointees because the terms of the appointees expired:

Herman Baine; Lois Benson; Clare G. Berry; Dixie Donovan; Mary Louise Dungey; Kay Fields; Rhea T. Fleckenstein; Deidra O. Franklin; Patricia R. Gabriel; Sandra Haas; Terry L. Hammond; Ellen L. Lindblad; Tomas Macias; Harry L. Maxwell; Andrea Messina; James F. "Jim" Painter; Eugene A. Poole; Jesse Wayman Porter; Frank Strelec; Mary Katherine Teisinger-Nicholson; Carol Vallencourt; Jaynie Whitcomb

The Senate Committee on Ethics and Elections did not consider the following appointees because the appointees resigned:

Rita A. Kane; Christine M. Klena; Michael A. Scott; Trey A. Traviesa

The Senate Committee on Ethics and Elections did not consider the following appointment because the appointee is deceased:

Theodore H. Brooks, Jr.

The Senate Committee on Ethics and Elections did not consider the following appointments and the appointees were left pending and were not acted on by the Senate upon adjournment of the 2005 Regular Session of the Florida Legislature:

Terrell E. Beard; Eddie Dean Braga; Heidi J. Eddins; Robert H. Hosay; Robert B. Morrison; John P. Mudri; Craig Parrino; Susan M. Tucker

The Senate Committee on Ethics and Elections did not consider the following appointment and the appointee was not acted on by the Senate upon adjournment of the 2005 Regular Session of the Florida Legislature because the appointee was removed by the Governor by Executive Order Number 05-35:

Nancy Hemphill

The following executive appointments were referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Education considered and recommended the confirmation of the executive appointments pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Ethics and Elections did not consider the following appointments during the 2005 Regular Session:

Edythe M. Abdullah; Donna G. Callaway; Warren P. Hudson; Roberto Martinez; Phoebe H. Raulerson; Conrad Santiago; Jane T. Smiley

The following executive appointment was referred to the Senate Committee on Criminal Justice and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Criminal Justice considered and recommended the confirmation of the executive appointment pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Ethics and Elections did not consider the following appointment during the 2005 Regular Session:

Tena M. Pate

The following executive appointment was referred to the Senate Committee on Health Care and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Health Care and the Senate Committee on Ethics and Elections did not consider the following appointment during the 2005 Regular Session:

Alan M. Levine

The following executive appointment was referred to the Senate Committee on Commerce and Consumer Services and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Commerce and Consumer Services and the Senate Committee on Ethics and Elections did not consider the following appointment during the 2005 Regular Session

Brian A. McDonald

The following executive appointments were referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Education and the Senate Committee on Ethics and Elections did not consider the following appointments during the 2005 Regular Session:

Scott H. Adams; Rene Albors; W. George Allen; Betsy S. Atkins; Honor M. Bell; Regina Benjamin; Laura Branker; Derrick Brooks; Patrick T. Christiansen; Luther W. Coggin; Courtney Cunningham; Roland C. Daniels; Akshay M. Desai; Ann W. Duncan; David Feder; Nancy A. Fetterman; Patricia Frost; Jessie V. Furlow; Sonja W. Garcia; David Griffin; Armand W. Grossman; Rajendra P. Gupta; Steven T. Halverson; Lindsay Harrington; Roland V. Heiser; Sharon Hess Herrick; Lalita M. Janke; Harold M. Knowles; R. Kirk Landon; W. Bernard Lester; David Lucas; Joelen K. Merkel; J. Stanley Marshall; Raymond E. Mason; Ira "Bill" William McCollum, Jr., Richard C. McFarlain; M. Lynn Pappas; David R. Parker; Karin C. Patel; Hector "Tico" A. Perez; Earl W. Powell; Roy W. Smith; Robert Soran; R. Bruce Taylor; Sherrill C. Tomasino; Norman D. Tripp; Allen R. Weiss; Jaynie M. Whitcomb; Jarl T. Young

The following executive appointment was referred to the Senate Committee on Governmental Oversight and Productivity and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Governmental Oversight and Productivity and the Senate Committee on Ethics and Elections did not consider the following appointment during the 2005 Regular Session:

James H. Dahl

The following executive appointments were referred to the Senate Committee on Environmental Preservation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7(1) of the Rules of the Florida Senate. The Senate Committee on Environmental Preservation and the Senate Committee on Ethics and Elections did not consider the following appointments during the 2005 Regular Session:

Alice J. Carlson; Lennart E. Lindahl; Malcolm S. Wade, Jr.

Respectfully submitted,
Bill Posey, Chair

Ms. Faye Blanton May 6, 2005
Secretary of the Florida Senate

Dear Madam Secretary:

Please be advised that the following appointments were not received by the Florida Senate for consideration in the 2005 Regular Session. Therefore, pursuant to s. 114.05(1)(e), F.S., the Senate took no action on these appointments during the regular session immediately following the effective date of the appointment.

Office and Appointment		*For Term Beginning*
Florida Gulf Coast University		
Appointee:	Plutarco Villalobos	02/04/2005
North Central Florida Regional Planning Council, Region 3		
Appointees:	John Carlson	12/20/2004
	Dixie Donovan	12/20/2004

Respectfully submitted,
Bill Posey, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 332 by the required constitutional three-fifths vote of the membership of the House; has passed CS for CS for CS for SB 442, CS for CS for CS for SB 444, SB 670, CS for SB 738, CS for SB 798, CS for CS for SB 838, CS for SB 1184, SB 1450, CS for CS for SB 1912, CS for CS for CS for SB 2048, CS for SB 2070, CS for CS for SB 2236 and CS for CS for SB 2264 and CS for SB 2348; and has receded from House Amendment 1 and passed CS for CS for SB 370, CS for CS for SB 758 and CS for CS for SB 1910.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Reports in their entirety and

passed CS for SB 388, CS for SB 392, CS for SB 394, CS for SB 400, CS for CS for SB 404, CS for SB 408, CS for SB 410, CS for SB 424, SB 2600 and SB 2602, as amended by the Conference Committee Reports; has concurred in Senate Amendment 1 to House Amendment 2 and receded from House Amendment 1 and passed CS for CS for SB 662 as amended; has concurred in Senate amendment(s) to House amendment(s) and passed CS for SB 484 and CS for CS for SB 1322 as further amended; and has discharged House conferees on CS for CS for CS for SB 360, concurred in Senate amendment(s) to House amendment(s), and passed CS for CS for CS for SB 360 as further amended.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed HB 315, HB 811, HB 1377, HB 1479, HB 1567, HB 1659, HB 1697, HB 1717, HB 1855, HB 1889 and HB 1907, as amended; has concurred in Senate amendment(s) and passed HB 1681 as further amended; has concurred in Senate amendment(s) to House Amendment 1 to Senate Amendment 1 and passed HB 1917 as further amended; and has receded from House Amendment 1 to Senate Amendment 1 and passed HB 1813 as previously amended.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 5 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—CS for CS for CS for SB 2; Baker—CS for SB 476, CS for CS for SB 1220, SB 2458; Bullard—CS for CS for SB 2502; Crist—CS for SB 1372; Haridopolos—CS for CS for SB 486; Lynn—CS for SJR 4, SB 332, CS for CS for SB 444, CS for CS for SB 838, CS for SB 1208, CS for CS for SB 1264, CS for SB 1542, SB 1612, SB 2118, CS for CS for SB 2176, CS for SJR 2200, CS for SB 2352, CS for CS for SB 2570; Margolis—SR 2786; Posey—CS for SJR 6, SB 48, SB 80, SB 116, SB 1216, CS for SB 1420, SB 1672, CS for CS for SB 1766, CS for SB 1864, SB 1932, SB 2046, SB 2148; Wilson—CS for SB 48, CS for SB 72, CS for SB 74, SB 1042, CS for CS for SB 1216, CS for SB 1232, CS for SB 1262, CS for CS for SB 1308, CS for SB 1592, CS for SB 1808, CS for SB 1884, SB 2148, CS for SB CS for SB 2214, CS for CS for SB 2426

ADJOURNMENT

On motion by Senator Pruitt, the Senate adjourned sine die at 11:49 p.m.

Journal of the Senate

Final Reports After Adjournment Sine Die — Regular Session 2005

ENROLLING REPORTS

SB 574 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 19, 2005.

SB 52, SB 106, SB 114, SB 166, SB 252, SB 266, CS for SB 276, SB 288, SB 300, SB 308, CS for CS for SB 334, SB 356, CS for SB 388, CS for SB 392, CS for SB 394, CS for SB 400, CS for CS for SB 404, CS for SB 408, CS for SB 410, CS for SB 424, CS for CS for SB 434, CS for CS for CS for CS for SB 442, SB 450, CS for SB 478, CS for CS for SB 492, CS for SB 530, SB 538, SB 550, CS for SB 552, CS for CS for SB 626, CS for SB 656, CS for SB 660, CS for CS for SB 662, SB 724, CS for SB 738, CS for SB 798, CS for CS for SB 838, SB 868, SB 904, SB 908, SB 1020, CS for CS for SB 1090, SB 1122, CS for SB 1154, CS for SB 1180, CS for SB 1244, CS for SB 1312, CS for CS for SB 1322, CS for SB 1354, CS for CS for CS for SB 1366, CS for SB 1368, CS for SB 1412, CS for SB 1436, CS for SB 1438, SB 1440, CS for SB 1486, SB 1502, CS for CS for CS for SB 1520, CS for SB 1662, SB 1798, CS for CS for SB 1910, SB 1980, CS for CS for CS for SB 2048, CS for SB 2196, SB 2268, CS for SB 2278, SB 2452, CS for CS for SB 2498, SB 2600, SB 2602 and CS for SB 2610 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 24, 2005.

CS for SB 152, CS for SB 474, CS for CS for SB 758, CS for SB 1318, CS for SB 1454, CS for SB 1922, CS for CS for SB 2550 and SB 2574 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 26, 2005.

CS for CS for SB 186, CS for CS for SB 328, CS for SB 822, CS for SB 1094, CS for SB 1330, CS for SB 1432, SB 1796 and CS for SB 2070 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 31, 2005.

CS for SJR 2144 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 1, 2005.

CS for SB 60, CS for SB 720, CS for SB 786, CS for SB 1118, CS for SB 1300, CS for CS for CS for SB 1314, CS for CS for SB 1348 and CS for SB 1602 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 2, 2005.

CS for CS for SB 652, SB 730, SB 878, CS for SB 1098, CS for SB 1184, SB 1450, CS for SB 2412 and CS for CS for SB 2502 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 7, 2005.

CS for CS for SB 620 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 8, 2005.

CS for SB 658, CS for SB 1056, CS for CS for SB 1168, CS for CS for CS for SB 1476, SB 1678, CS for SB 1722 and CS for CS for CS for SB 1784 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 9, 2005.

CS for CS for SB 202, CS for SB 348, CS for SB 366, CS for CS for SB 370, SB 470, CS for SB 484, CS for CS for SB 486, SB 498, CS for SB 512, CS for CS for SB 572, CS for CS for SB 874, CS for SB 938, CS for SB 940, CS for CS for CS for SB 1010, CS for SB 1012, CS for CS for SB 1114, CS for SB 1144, CS for SB 1194, CS for SB 1208, CS for CS for SB 1446, SB 1460, CS for CS for SB 1650, CS for SB 1868, CS for CS for SB 1912, CS for SB 2006, CS for SB 2228 and CS for SB 2348 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 14, 2005.

CS for CS for SB 332, CS for CS for CS for SB 360, CS for CS for CS for SB 444, SB 670, CS for CS for SB 2236 and CS for CS for SB 2264 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 16, 2005.

CS for CS for SB 1146, CS for CS for SB 1494 and CS for SB 2146 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 21, 2005.

Faye W. Blanton, Secretary

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State the following bills which he approved—

SB 574 on May 20, 2005.

SB 450, SB 550 and SB 868 on May 24 2005.

SB 288, CS for CS for SB 334, SB 356, CS for SB 388, CS for SB 392, CS for SB 394, CS for SB 400, CS for CS for SB 404, CS for SB 408, CS for SB 410, CS for CS for SB 434, SB 538, CS for CS for SB 1090, CS for SB 1154, CS for SB 1354, SB 1502, CS for SB 2278, SB 2600 and SB 2602 on May 26, 2005.

SB 300, SB 424, SB 478, SB 552, SB 656, SB 660, SB 724, SB 738, SB 798, SB 904, SB 908, SB 1366, SB 1368, SB 1436, SB 1440, SB 1486, SB 1798, SB 1980 and CS for SB 2196 on June 1, 2005.

CS for CS for SB 1322 on June 2, 2005.

SB 106, SB 252, SB 266, CS for CS for SB 492, CS for SB 530, SB 838, SB 1020, SB 1122, CS for SB 1312, CS for SB 1412, SB 1438 and CS for SB 1662 on June 3, 2005.

CS for CS for CS for SB 442, CS for SB 1244, CS for CS for SB 1910, CS for CS for CS for SB 2048, CS for CS for SB 2498 and CS for SB 2610 on June 8, 2005.

CS for SB 60, CS for SB 152, CS for CS for SB 186, CS for SB 474, CS for CS for SB 620, CS for SB 720, CS for CS for SB 758, CS for SB 786, CS for SB 822, CS for SB 1094, CS for SB 1118, CS for SB 1300, CS for CS for CS for SB 1314, CS for SB 1318, CS for SB 1330, CS for SB 1432, CS for SB 1454, CS for SB 1602, SB 1796, CS for SB 1922, CS for SB 2070, CS for CS for SB 2550 and SB 2574 on June 10, 2005.

CS for SB 1098, CS for SB 1184 and CS for CS for SB 2502 on June 13, 2005.

CS for CS for SB 652, SB 730, SB 878, SB 1450, CS for CS for SB 1476, CS for SB 1722 and CS for CS for SB 1784 on June 14, 2005.

CS for SB 2412 on June 15, 2005.

CS for SB 348, CS for SB 366, CS for CS for SB 370, SB 470, CS for SB 484, CS for CS for SB 486, SB 498, CS for SB 512, SB 670, CS for CS for SB 874, CS for SB 1012, CS for CS for SB 1114, CS for SB 1144, CS for SB 1208, CS for CS for SB 1446, SB 1460, CS for CS for SB

1650, CS for SB 1868, CS for CS for SB 1912 and CS for SB 2006 on June 17, 2005.

CS for SB 938, CS for SB 940, CS for SB 1056, CS for SB 1194, CS for SB 2228 and CS for SB 2348 on June 20, 2005.

CS for CS for SB 202 and CS for CS for SB 572 on June 22, 2005.

CS for CS for SB 332, CS for CS for CS for SB 360 and CS for CS for CS for SB 444 on June 24, 2005.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 1662, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida at the Thirty-seventh Regular Session of the Legislature convened under the Constitution as revised in 1968, held from March 8 through May 6, 2005. Additionally, there has been included a record of the transmittal of Acts and Resolutions and actions taken by the Governor subsequent to the sine die adjournment of the Regular Session.

Faye W. Blanton
Secretary of the Senate

Tallahassee, Florida
June 24, 2005

INDEX

TO THE

JOURNAL OF THE SENATE

MARCH 8 THROUGH MAY 6, 2005

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HOW TO FIND OR TRACE A BILL, RESOLUTION OR MEMORIAL

When the bill, resolution or memorial number is unknown, use the:

SUBJECT INDEX OF SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

The subject matter of each bill is indexed and cross-indexed in an alphabetical arrangement, using topics of catchwords related closely to the subject matter. This is followed by the number of the bill, resolution or memorial.

When the bill, resolution or memorial number is known, use the:

NUMERICAL INDICES OF SENATE AND HOUSE BILLS, RESOLUTIONS AND MEMORIALS.

Each bill is listed in numerical order. Opposite each bill number is the subject, the name of introducer, the page numbers where the bill involved appears in the journal, and the final status of the bill.

Tracing all Senate and House Actions

It is possible to trace the progress of legislation from introduction to final disposition, step by step, as it is recorded on the various pages of the Senate Journal by looking at the pages referred to in the numerical index.

To follow the progress of Senate legislation passed by the Senate and sent to the House, use the indices contained in the House Journal to trace House action.

MEMBERS OF THE SENATE, BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED, AND COMMITTEE ASSIGNMENTS

REGULAR SESSION
March 8 through May 6, 2005

[Source: Office of Legislative Services]

(Boldfaced bill numbers passed both houses.)

ALEXANDER, JD—17th District

Introduced: 376, 378, 380, 382, 384, 386, **388**, 472, 502, **516**, 1074, **1244**, 1356, 1364, **1678**, 1686, 1744, 1870, 1874, 1990, 1996, 1998, 2014, 2322, 2330, 2338, 2342, 2506, 2540, 2584, 2586, 2588, 2638

Co-introduced: **436**, 876, **1066**, **1168**, 1592, 1658, 1714, 1862, 1908, 2072, 2132, **2348**, **2700**, **2736**

Local Bills—Introduced: 1166, 2714, 2716

Committees: Education Appropriations, Chair; Banking and Insurance; Communications and Public Utilities; Environmental Preservation; Governmental Oversight and Productivity; Ways and Means; *Legislative Budget Commission*; *Joint Select Committee on Hurricane Insurance*

ARGENZIANO, NANCY—3rd District

Introduced: 342, **470**, 636, 716, 812, **1012**, 1014, 1016, 1134, 1136, 1138, 1140, 1142, **1144**, **1146**, 1152, 1216, **1446**, 1452, **1494**, 1594, 1596, 1830, 1832, 1836, **1912**, 1914, 2034, 2054, 2092, 2108, 2116, 2140, 2142, 2148, 2152, 2318, 2340, 2366, 2368, 2522, 2532, 2534, 2538, **2704**, **2784**

Co-introduced: 126, **436**, **444**, 524, 602, 608, 612, 696, 700, 734, 774, 778, 796, 818, 906, 966, **1066**, 1592, 1908, 1996, 2132, 2266, 2312, **2348**, **2700**, **2736**

Committees: Governmental Oversight and Productivity, Chair; Rules and Calendar, Vice Chair; Agriculture; Environmental Preservation; Ethics and Elections; Justice Appropriations; *Joint Select Committee on Collective Bargaining, Co-Chair*; *Administrative Procedures Committee*

ARONBERG, DAVE—27th District

Introduced: 162, **166**, 282, 284, 286, **512**, 760, 764, 1242, 1288, 1352, **1368**, 1512, 1568, 1614, 1842, 2050, 2350, **2452**, 2456, 2692, **2786**

Co-introduced: 2, 94, 102, 190, **436**, 558, 608, 818, 970, 978, 980, **1056**, **1066**, 1068, 1096, 1216, 1252, 1744, 1880, 1932, 2132, 2178, **2736**

Local Bill—Introduced: 40

Committees: Communications and Public Utilities, Vice Chair; Commerce and Consumer Services; Judiciary; Justice Appropriations; Regulated Industries; *Legislative Auditing Committee*

ATWATER, JEFFREY H. "JEFF"—25th District

Introduced: 302, 1072, 1102, 1104, 1106, 1108, 1110, 1112, 1162, 1186, 1258, **1330**, 1442, 1610, 1612, 1616, 1618, 1620, 1622, 1688, **1796**, **1798**, **1868**, 2032, 2118, 2120, **2144**, **2146**, 2172, 2198, 2200, 2202, 2204, 2230, **2264**, 2430, 2458, 2460, 2462, **2574**, 2578, **2768**

Co-introduced: 4, 6, 318, 524, 554, 608, 612, 818, **838**, 876, **1066**, 1070, 1082, 1096, 1324, 1572, 1592, **1662**, 1862, 1908, 1996, 2130, **2160**, **2348**, **2700**, **2736**

Committees: Government Efficiency Appropriations, Chair; Banking and Insurance; Communications and Public Utilities; Health Care; Ways and Means; *Select Committee on Medicaid Reform, Vice Chair*; *Legislative Budget Commission*; *Joint Select Committee on Hurricane Insurance*

BAKER, CAREY—20th District

Introduced: 358, 750, 820, 876, **878**, 880, 958, 1034, 1240, **1432**, 1462, 1466, 1522, 1526, 1566, **1602**, 1692, 1772, 1814, 2056, 2058, 2060, 2114, 2132, 2136, 2138, 2150, 2156, 2184, **2278**, 2282, **2684**

Co-introduced: **436**, 476, 524, 608, 610, **724**, 734, 770, 818, 966, **1066**, 1220, 1256, 1374, 1592, 1598, 1658, 1660, 1714, 1862, 1864, 1908, 1996, 2072, 2088, 2090, 2126, 2176, 2180, 2312, **2348**, 2458, 2480, **2736**

Local Bills—Introduced: 2660, 2670

Committees: Education, Vice Chair; Banking and Insurance; Environmental Preservation; General Government Appropriations; Judiciary; *Joint Select Committee on Hurricane Insurance*

BENNETT, MICHAEL S. "MIKE"—21st District

Introduced: 124, **360**, **442**, **492**, 494, 590, 592, **620**, 632, 634, 650, 704, 706, 708, 732, 834, 836, 862, 982, **1010**, 1032, **1194**, 1202, 1212, 1286, 1292, 1294, **1460**, 1572, 1702, 1712, 1714, 1848, 2072, 2284, 2286, 2288, 2290, 2292, 2294, 2296, 2300, 2302, 2332, 2336, **2698**

Co-introduced: 94, 102, 126, **328**, **334**, **436**, **550**, 554, 558, 608, 818, 876, 958, 960, 966, **1066**, 1116, 1252, 1324, 1592, 1608, 1734, 1908, 1996, 2088, 2090, 2130, 2132, 2312, **2348**, 2480, 2570, **2736**

Local Bills—Introduced: 36, 1752, 2720

Committees: Community Affairs, Chair; Agriculture; Health and Human Services Appropriations; Transportation; *Administrative Procedures Committee, Alternating Chair*

BULLARD, LARCENIA J.—39th District

Introduced: 560, 616, 1582, 1698, 1700, 1718, **1740**, **1742**, 2274, 2400, 2402, 2404, 2432, 2464, 2466, **2686**, **2730**

Co-introduced: 2, 94, 96, **114**, 126, 130, 132, **202**, 220, **266**, **348**, **436**, 524, 542, 558, 696, 700, **724**, 732, 752, 782, 958, **1066**, **1156**, 1288, **1314**, 1324, 1444, 1702, 1714, 1724, 1726, 1744, 1862, 1872, 1908, 2072, 2254, 2312, **2502**, **2654**, **2736**

Local Bills—Introduced: 1528, 2682

Committees: Agriculture, Vice Chair; Education; Education Appropriations; Transportation; *Administrative Procedures Committee*

CAMPBELL, WALTER G. "SKIP", JR.—32nd District

Introduced: 8, 10, 56, 58, **60**, 62, 64, 188, 190, 192, 238, 272, 278, 322, 344, **370**, 464, 532, 534, 646, 648, 678, 780, 782, 900, 902, 970, 978, 988, 1030, **1090**, 1176, **1180**, 1182, 1262, **1300**, 1462, **1476**, 1584, 1586, 1624, 1644, 1728, 1802, 1808, 1810, 1812, 1816, 1882, 1884, 2062, 2104, 2106, 2122, 2154, **2160**, 2390, 2428, **2498**

Co-introduced: 94, 130, 132, 228, 280, 284, 286, **436**, **442**, 524, 558, 608, **626**, 638, **656**, 778, 796, 818, **838**, 906, 958, **1056**, **1066**, 1068, 1070, 1096, 1216, **1314**, 1356, 1434, 1618, 1714, 1744, 1848, 1862, 2072, 2074, 2210, **2236**, **2348**, **2700**, **2736**, **2790**

Local Bills—Introduced: 22, 32, 42, 2726, 2744, 2746, 2748, 2750, 2762, 2764, 2774, 2776, 2788

Committees: Children and Families, Chair; Government Efficiency Appropriations, Vice Chair; Banking and Insurance; Judiciary; Rules and Calendar; Ways and Means; *Select Committee on Medicaid Reform*; *Joint Select Committee on Hurricane Insurance*

CARLTON, LISA—23rd District

Introduced: 422, **424**, 426, **660**, 1230, **1312**, **2610**, 2622

Co-introduced: 608, **838**, **1066**, **2736**

Committees: Ways and Means, Chair; Rules and Calendar; *Select Committee on Medicaid Reform, Chair*; *Legislative Budget Commission, Alternating Chair*

CLARY, CHARLIE—4th District

Introduced: 12, 390, **392**, **394**, 396, 398, **400**, 402, **478**, 482, **550**, **662**, 664, **786**, 788, 796, 1210, 1268, 1362, **1376**, **1378**, **1380**, **1382**, **1384**, **1386**, **1388**, **1390**, **1392**, **1394**, **1396**, **1398**, **1400**, **1402**, 1492, 1608, 1776, 1782, **1784**, 1788, 2242, 2426, 2490, 2492, 2494, 2518, 2616

Co-introduced: **436**, 476, **620**, 818, 876, **1066**, 1592, 1658, 1692, 1862, 2002, 2068, 2074, 2124, 2132, 2484, 2560, 2562, 2564, 2566, 2568, **2736**, **2790**

Committees: General Government Appropriations, Chair; Community Affairs; Judiciary; Rules and Calendar; Transportation; Ways and Means

CONSTANTINE, LEE—22nd District

Introduced: 66, 104, **106**, 108, 110, 112, **200**, 232, 234, **626**, **908**, 926, 1070, **1168**, 1254, 1296, **1366**, 1448, 1458, 1464, 1470, 1560, 1826, 1838, 1840, 1854, 2066, 2068, **2070**, 2072, 2074, 2232, **2236**, 2298, 2324, 2326, 2358, 2388, 2496, 2516, 2614

Co-introduced: 126, **436**, 526, 608, 748, **1066**, 1264, 1270, 1592, 1862, 1880, 2312, **2348**, **2700**, **2736**

Local Bill—Introduced: 2664

Committees: Communications and Public Utilities, Chair; Domestic Security; Education Appropriations; Environmental Preservation; Rules and Calendar; *Legislative Committee on Intergovernmental Relations*

CRIST, VICTOR D.—12th District

Introduced: 274, **276**, 346, 372, 374, 576, 600, **822**, 824, 826, 828, 870, 1042, 1044, **1046**, 1048, 1050, 1052, **1054**, 1130, 1132, 1474, 1626, 1628, 1736, 1766, 1768, 1864, 1932, 1942, **1960**, 1972, 1978, 1982, 1984, 2044, 2046, **2048**, 2192, 2194, **2196**, 2308, 2314, 2316, 2392, 2520, 2606, 2630

Co-introduced: 2, 62, 72, 74, **114**, 126, 190, **202**, 284, 316, **328**, 352, **436**, 476, 482, **492**, 494, **538**, **552**, **572**, 608, 630, 632, **656**, 664, **738**, 748, 752, 774, 778, 784, 788, 792, 818, 864, 890, **938**, **940**, 970, 1026, 1028, **1066**, 1082, **1090**, 1096, 1216, 1220, 1262, 1266, 1294, **1314**, 1372, 1448, 1458, 1466, **1510**, 1512, 1592, 1600, 1608, **1678**, 1714, **1722**, 1744, 1762, 1770, **1784**, 1830, 1850, 1872, 1884, **1910**, 1914, **2010**, 2056, 2072, 2190, 2220, 2266, 2312, **2348**, 2362, 2378, **2574**, 2624, 2638, **2736**

Local Bills—Introduced: 2676, 2680

Local Bills—Co-introduced: 2674, 2778

Committees: Justice Appropriations, Chair; Commerce and Consumer Services; Criminal Justice; Transportation; Ways and Means; *Legislative Auditing Committee*

DAWSON, M. MANDY—29th District

Introduced: 130, 132, 986, 996, 1040, 2558

Co-introduced: 94, 226, 446, **1018**, 1032, **1090**, **1156**, 1176, **1314**, 1324, 1524, 1714, 1726, 1792, 1848, 2072, 2190, **2736**

Local Bill—Introduced: 44

Committees: Health Care, Vice Chair; Health and Human Services Appropriations; Regulated Industries; *Select Committee on Medicaid Reform*

DIAZ DE LA PORTILLA, ALEX—36th District

Introduced: 1226, 1228, 2000

Co-introduced: 126, **436**, 608, 818, 876, **1066**, 1116, **1156**, 1592, 1608, 1862, 1908, 2254, **2348**, **2736**

Committees: Domestic Security, Chair; Communications and Public Utilities; Government Efficiency Appropriations; Rules and Calendar; Transportation

DOCKERY, PAULA—15th District

Introduced: 242, 244, 330, **332**, 338, 340, 440, **444**, **486**, 734, 772, 774, **868**, **904**, 906, **1154**, 1374, 1542, 1552, 1598, 1670, 1730, 1860, 1862, 1906, 1908, 1986, 2012, **2502**, **2626**, **2654**, **2700**, **2756**, **2760**

Co-introduced: 98, **292**, **334**, **436**, 480, 528, 788, **798**, 816, 818, 876, 880, 964, **1010**, 1050, **1066**, 1070, 1140, **1146**, 1260, 1296, 1324, **1366**, 1620, 1658, 1872, 2132, 2190, 2216, 2266, **2348**, 2378, **2736**

Committees: Environmental Preservation, Chair; Communications and Public Utilities; Domestic Security; Rules and Calendar; Transportation and Economic Development Appropriations

FASANO, MIKE—11th District

Introduced: 204, **252**, 306, **308**, 310, 312, 314, 316, 326, **328**, 416, 418, 420, 510, 580, 582, 588, 594, 598, 602, **628**, 710, **730**, **738**, 860, 864, **1184**, 1200, 1274, **1354**, 1358, 1496, **1502**, 1576, 1648, 1654, 1656, 1658, 1660, **1662**, **1690**, **1722**, 1872, **2042**, 2180, 2186, 2234, 2244, **2268**, 2364, 2376, 2378, 2440, 2504, 2514, 2536, 2548, 2608, 2624, **2736**

Co-introduced: 6, 58, **60**, 90, 96, 100, 124, 138, **166**, 178, 190, 192, 206, 210, 282, 284, 318, **334**, 358, 362, 364, **366**, 368, 430, **434**, **436**, 448, 476, 524, **550**, 554, 570, **572**, 608, 612, **656**, 668, 696, 700, **798**, 800, 806, 808, 810, 812, 818, 876, 880, 958, **1020**, 1052, 1060, **1066**, 1124, 1206, **1208**, 1216, 1220, 1222, 1224, **1236**, 1242, 1264, 1286, 1374, 1466, **1564**, 1566, 1592, 1604, 1610, 1618, 1632, 1800, 1862, 1908, 1958, 2312, **2348**, 2362, **2412**, 2542

Local Bills—Introduced: 18, 2666, 2668, 2778

Committees: Transportation and Economic Development Appropriations, Chair; Banking and Insurance; Children and Families; Health Care; Ways and Means; *Legislative Budget Commission*

GARCIA, RUDY—40th District

Introduced: 570, **572**, 608, 618, 790, 1170, 1192, 1306, 1478, 1480, 1482, 1484, **1486**, 1488, 1490, 1508, 1590, 1930, 1992, 1994, 2004, **2006**, 2038, 2040, 2052, **2412**, 2414, 2648

Co-introduced: **436**, 524, **656**, 818, 876, **1066**, **1156**, 1908, **2736**

Committees: Banking and Insurance, Chair; Communications and Public Utilities; General Government Appropriations; Governmental Oversight and Productivity; Rules and Calendar; *Joint Select Committee on Hurricane Insurance, Co-Chair*; *Joint Select Committee on Collective Bargaining*

GELLER, STEVEN A.—31st District

Introduced: 46, 48, 50, **52**, 54, 72, 74, 76, 78, 80, 82, 84, 86, 88, 134, 136, 138, 140, 228, 446, **450**, 692, 694, 1342, **1348**, **1436**, 1760, 1762, 1764, 1786, 2276, 2304, 2306, 2360, 2524, 2526, 2552, 2618, 2640

Co-introduced: 94, 130, 132, 610, 638, 818, **1066**, 1068, 1566, 1744, **2736**

Committees: Banking and Insurance, Vice Chair; Community Affairs; Government Efficiency Appropriations; Judiciary; Regulated Industries; Rules and Calendar; *Joint Select Committee on Hurricane Insurance*

HARIDOPOLOS, MIKE—26th District

Introduced: 362, 364, 554, **574**, 654, **656**, 762, 784, 792, 794, 816, 818, 866, 894, **1020**, **1066**, 1120, 1124, 1296, 1428, 1430, 1592, 1694, 1696, 1720, **1754**, 1758, **1818**, 2262, 2344, 2346, **2348**, 2424, 2546, 2576, 2634, **2742**

Co-introduced: 6, 116, 314, **434**, **436**, 438, **442**, 468, 476, **486**, 490, **516**, 524, **530**, 600, 608, 696, 700, 716, **738**, 796, 832, 876, 1216, 1374, 1598, 1658, 1714, 1862, 1908, 1964, 1996, 2072, 2088, 2090, 2216, 2480, **2736**

Local Bills—Introduced: 1530, 2672

Committees: Community Affairs, Vice Chair; Agriculture; Criminal Justice; Government Efficiency Appropriations; Regulated Industries; *Select Committee on Medicaid Reform*; *Joint Select Committee on Hurricane Insurance*

HILL, ANTHONY C. "TONY", SR.—1st District

Introduced: 194, 216, 246, **248**, **250**, 488, 496, 504, 506, 508, 520, 610, 612, 614, 1038, **1276**, **1278**, 1280, 1282, 1284, 1536, 1538, **1540**, 1792, 2406, 2408, 2416, 2418, 2420, **2738**, 2740

Co-introduced: 94, 472, 514, 524, 996, **1066**, **1156**, 1190, 1324, 1374, 1714, 1726, 1734, 1874, 2072, **2690**, **2736**

Local Bill—Introduced: 24

Committees: Regulated Industries, Vice Chair; Community Affairs; Domestic Security; Transportation and Economic Development Appropriations; *Legislative Auditing Committee*

JONES, DENNIS L., D.C.—13th District

Introduced: 38, 584, 586, 606, 668, **670**, 944, 946, 948, 950, 952, 954, 956, 972, 976, **994**, 1172, 1174, 1266, 1332, 1350, **1666**, **1668**, 2570, **2708**, **2724**, **2732**, **2752**, **2770**

Co-introduced: 126, **434**, **436**, 608, 610, 710, **1066**, 1086, 1116, 1566, 1592, 1658, 1908, 2130, **2278**, **2348**, **2736**

Local Bill—Introduced: 20

Committees: Regulated Industries, Chair; Ethics and Elections; Health and Human Services Appropriations; Health Care; *Legislative Committee on Intergovernmental Relations, Alternating Chair*

KING, JAMES E. "JIM", JR.—8th District

Introduced: 2, 4, 6, 430, 528, **624**, 766, 1058, 1064, **1114**, 1550, **1650**, 1652, **1910**, 1966, 2064, **2164**, 2220, 2222, 2254, **2658**, **2696**, **2702**, **2790**

Co-introduced: 210, **436**, 608, 632, 638, 734, 768, **1066**, 1592, 1714, 1872, 1908, 2072, 2200, 2216, 2312, **2348**, 2378, 2476, 2560, 2564, 2566, **2690**, **2736**

Committees: Commerce and Consumer Services, Chair; Education Appropriations, Vice Chair; Criminal Justice; Education; Regulated Industries; Ways and Means

KLEIN, RON—30th District

Introduced: 280, 526, 596, **754**, **1056**, 1158, 1444, **1450**, 1680, 1682, 1704, 1706, 1716, 1794, 1820, 2224, **2410**

Co-introduced: 2, 72, 74, 210, 284, **308**, **328**, 428, **436**, 612, **656**, 710, 752, 774, **1066**, 1096, **1208**, 1216, **1234**, 1264, **1314**, 1324, **1354**, 1458, 1466, 1488, 1604, 1872, 2036, 2216, 2266, **2736**

Committees: Transportation, Vice Chair; Commerce and Consumer Services; Criminal Justice; Education; Education Appropriations; Rules and Calendar; *Legislative Committee on Intergovernmental Relations*

LAWSON, ALFRED "AL", JR.—6th District

Introduced: 14, 16, 90, 206, 746, 778, 1178, 1422, 1424, 1434, 1456, 1968, 2266, 2354, 2356, 2508, 2510, 2512, 2544, 2628, **2652**, 2758

Co-introduced: 130, 132, 318, **436**, **470**, 514, 610, 776, 958, 966, 992, **1066**, **1156**, 1190, 1660, 1726, 1908, 2132, **2348**, **2736**

Committees: General Government Appropriations, Vice Chair; Governmental Oversight and Productivity, Vice Chair; Banking and Insurance; Community Affairs; Environmental Preservation; Ways and Means; *Joint Select Committee on Collective Bargaining*; *Joint Select Committee on Hurricane Insurance*

LEE, TOM—10th District

Co-introduced: **1066**, **2736**

Local Bills—Co-introduced: 2674, 2676, 2680

LYNN, EVELYN J.—7th District

Introduced: 146, 148, 168, 170, 172, 174, 176, 178, 180, 182, 184, **186**, 208, 210, 212, 214, 240, 258, 298, **348**, 350, 352, 354, **356**, 432, 438, 466, 490, 522, 622, 688, 690, 736, 768, 770, **1006**, 1036, 1100, 1232, **1234**, **1520**, 1556, 1558, 1578, 1600, 1604, 1606, 1672, 1888, 1890, 1892, 1894, 1896, 1898, 1900, 1902, 1920, 2088, 2090, 2096, 2098, 2100, 2102, 2468, 2470, 2472, 2474, 2476, 2478, 2480, 2482, 2484, 2486, 2488, 2604, 2612, **2694**, **2780**, **2782**

Co-introduced: 4, 48, 56, 62, 90, 94, 96, 100, 116, 122, 124, 126, 162, 192, 216, 274, 284, **308**, 312, 316, **328**, **332**, **334**, **366**, **436**, **444**, **450**, 454, 482, **484**, 510, **512**, 524, **538**, **550**, **572**, 608, 612, 618, **662**, 734, 748, 774, 776, 778, 794, 814, 816, 818, 830, **838**, 886, 976, 992, 1026, **1056**, 1064, **1066**, **1090**, **1098**, **1118**, 1124, **1146**, **1194**, **1208**, 1216, 1238, 1264, 1288, 1308, **1314**, 1324, 1344, **1354**, 1356, 1360, **1436**, 1448, **1476**, **1486**, **1494**, 1542, 1592, 1612, 1618, 1642, **1650**, 1652, **1678**, 1704, **1722**, 1744, 1748, 1874, 1884, 1908, **1910**, 1964, 1996, **2006**, 2118, 2176, 2200, 2216, 2220, 2312, 2340, **2348**, 2352, 2364, 2460, **2550**, 2566, 2570, 2630, 2638, **2700**, **2736**

Local Bills—Introduced: 26, 236, 1878

Committees: Education, Chair; Children and Families; Commerce and Consumer Services; Criminal Justice; Education Appropriations; *Legislative Committee on Intergovernmental Relations*

MARGOLIS, GWEN—35th District

Introduced: 28, 92, 94, 96, 126, 256, 270, 318, 320, **498**, 500, **552**, 604, 630, **724**, 756, 1246, 1304, **1588**, 1926, 2028, 2080, 2182, 2394, **2734**

Co-introduced: 90, 190, 818, **1066**, 1070, **1476**, 1508, 1534, 1620, 1924, 2304, 2312, 2388, **2736**, **2786**

Local Bill—Introduced: 34

Committees: Transportation and Economic Development Appropriations, Vice Chair; Commerce and Consumer Services; Communications and Public Utilities; Governmental Oversight and Productivity; Rules and Calendar; Transportation; Ways and Means

MILLER, LESLEY "LES", JR.—18th District

Introduced: **142**, 164, 748, 1076, **1078**, **1080**, 1082, **1126**, 1148, 1498, **1510**, **1518**, **1562**, 1674, 2130, 2170, **2766**

Co-introduced: 94, 130, 132, 198, 230, 284, 318, 514, 610, 642, **1018**, **1046**, 1060, **1066**, **1156**, 1216, 1324, **1460**, 1512, 1724, 1726, **1922**, **1960**, **2010**, 2528, **2736**, **2790**

Committees: Ways and Means, Vice Chair; Banking and Insurance; Communications and Public Utilities; Education Appropriations; Health Care; Rules and Calendar; *Legislative Budget Commission*

PEADEN, DURELL, JR.—2nd District

Introduced: **366**, **436**, **484**, 518, 524, 556, 702, 776, **838**, 840, 842, 844, 846, 848, 850, 852, 872, **874**, 928, 930, 932, 934, 936, **938**, **940**, 942, 1206, **1208**, **1236**, 1418, 1472, **1570**, 1664, 1850, 2352, 2372, 2374, 2384, 2386, 2554

Co-introduced: 608, **656**, 818, 876, 958, 966, 1060, **1066**, 1324, 1592, 1658, 1862, 1908, 2088, 2090, 2132, 2152, **2348**, 2480, 2518, **2736**

Committees: Health Care, Chair; Agriculture; Children and Families; Health and Human Services Appropriations; *Select Committee on Medicaid Reform*

POSEY, BILL—24th District

Introduced: 68, 70, 128, 268, 368, 448, 666, 814, 998, 1000, 1002, 1164, 1196, 1198, 1268, 1290, 1298, 1302, 1328, 1514, 1944, 1946, 1948, 1950, 1952, 1954, 1956, 1962, 1970, 1974, 1976, 2002, 2016, 2018, 2020, 2022, 2024, 2026, 2030, 2036, 2084, 2086, 2094, 2162, 2168, 2176, 2178, 2188, 2246, 2248, 2250, 2270, 2272, 2636, 2650, 2706, **2722**

Co-introduced: 6, 48, 80, 96, 116, 162, **166**, 362, 364, **436**, 454, 494, 510, 524, **550**, **574**, 608, 612, **656**, **660**, 668, 750, 816, 818, 864, 876, **878**, 980, **1066**, 1068, 1124, 1216, 1240, 1242, 1316, 1420, 1456, **1460**, 1512, 1526, 1592, 1658, 1672, 1702, 1714, 1766, 1854, 1862, 1864, 1908, 1932, 1964, 1996, 2008, 2046, 2056, 2072, 2074, 2126, 2130, 2148, 2156, 2184, 2190, 2288, 2312, 2332, **2348**, 2352, 2364, 2516, **2736**

Local Bills—Introduced: 2662, 2728

Committees: Ethics and Elections, Chair; Banking and Insurance; Government Efficiency Appropriations; Judiciary; Regulated Industries; *Legislative Auditing Committee*

PRUITT, KEN—28th District

Introduced: **1334**, **1336**, **1338**, **1340**, **2754**

Co-introduced: **436**, **1066**, 1592, 1670, 1862, 1908, 2074, 2254, **2700**, **2736**, **2790**

Committees: Rules and Calendar, Chair; Commerce and Consumer Services, Vice Chair; Health and Human Services Appropriations, Vice Chair; Community Affairs; Health Care; Ways and Means

RICH, NAN—34th District

Introduced: 428, 558, 640, 642, 898, 1022, 1068, 1188, **1314**, 1324, 1360, 1524, 1534, 1544, **1564**, 1734, 1774, 2110, 2112, 2166, 2500, **2710**

Co-introduced: 62, 94, 124, 226, 318, **348**, **434**, 610, 728, 778, 818, **838**, 1032, **1066**, **1156**, 1434, 1592, 1604, 1620, 1714, 1716, 1724, 1872, 1880, 2072, 2378, **2700**, **2704**, **2736**

Committees: Ethics and Elections, Vice Chair; Children and Families; Health and Human Services Appropriations; Health Care; *Select Committee on Medicaid Reform*

SAUNDERS, BURT L.—37th District

Introduced: 98, 100, 102, **114**, 116, 118, 120, 122, **144**, **202**, **254**, **260**, **262**, **264**, **266**, **334**, **404**, 406, **408**, **410**, 412, 414, **474**, 480, 562, 564, 566, 674, 676, 682, 684, 910, 912, 914, 916, 918, 920, 922, 924, 1116, **1118**, **1122**, 1150, 1252, 1264, 1270, **1326**, 1346, **1370**, 1372, **1404**, **1406**, **1408**, **1410**, **1412**, 1732, 1872, 1880, 1916, 1958, 1988, 2206, 2208, 2210, 2212, 2214, 2216, 2218, 2642, 2772

Co-introduced: **436**, 608, 610, **838**, **1066**, 1592, 1908, 1938, 2078, **2348**, **2736**

Local Bills—Introduced: 1904, 2678, 2688

Committees: Health and Human Services Appropriations, Chair; Commerce and Consumer Services; Health Care; Regulated Industries; Ways and Means; *Select Committee on Medicaid Reform*; *Legislative Budget Commission*

SEBESTA, JIM—16th District

Introduced: 304, 452, 454, 456, 458, 460, 462, **652**, **658**, 698, 718, 830, 1210, 1344, **1546**, 1918, **1922**, 1924, 1928, 1934, 1936, 1938, 1940, 1944, **1980**, 2008, **2010**, 2076, 2078, 2082, 2396, 2398, 2434, 2620, 2644, 2646

Co-introduced: **436**, **530**, 558, 608, 710, 818, 876, **1066**, **1510**, 1592, 1658, 1862, 1908, **1960**, 1996, 2090, 2130, **2348**, 2480, **2736**

Local Bill—Introduced: 2674

Local Bills—Co-introduced: 2676, 2680

Committees: Transportation, Chair; Domestic Security; Ethics and Elections; Governmental Oversight and Productivity; Transportation and Economic Development Appropriations

SIPLIN, GARY—19th District

Introduced: 150, **152**, 154, 156, 158, 160, 196, 198, 536, 740, 742, 744, 1004, 1084, 1574, 1822, 1834, 1876, 2226, 2238, 2240, 2258, 2260, 2280, 2320, 2328, 2334, 2436, 2438, 2442, 2444, 2446, 2448, 2450, 2528, 2530, 2580, 2582, 2632

Co-introduced: 130, 132, 488, **1066**, **1156**, 1374, 1456, 1726, 1862, **2736**

Local Bill—Introduced: 30

Committees: Environmental Preservation, Vice Chair; Domestic Security; General Government Appropriations; Health Care

SMITH, ROD—14th District

Introduced: **538**, 540, 542, 544, 546, 548, 696, 700, 832, 854, 856, 858, 960, 962, 964, 966, 968, 980, 984, 990, 992, **1094**, 1096, **1098**, 1204, 1630, 1632, 1636, 1638, 1640, 1642, 1780, 1824, 1866, 2310, 2312, 2362, 2370, 2382, 2422, 2542, **2718**

Co-introduced: 4, 6, 94, 124, 130, 132, 190, 210, **436**, 528, 608, **738**, 818, **1066**, 1216, **1314**, 1848, 1872, 2132, 2378, **2700**, **2736**

Committees: Agriculture, Chair; Criminal Justice, Vice Chair; Justice Appropriations, Vice Chair; Communications and Public Utilities; Environmental Preservation; Rules and Calendar; Ways and Means; *Legislative Budget Commission*

VILLALOBOS, J. ALEX—38th District

Introduced: 1708, 1856, 1858

Co-introduced: **436**, 524, 608, 876, **1066**, **1156**, 1324, 1592, 1714, 1862, 1906, 1908, 2054, 2072, **2736**, **2790**

Committees: Judiciary, Vice Chair; Community Affairs; Justice Appropriations; Rules and Calendar; Ways and Means; *Select Committee on Medicaid Reform*

WEBSTER, DANIEL—9th District

Introduced: 476, **798**, 800, 802, 804, 806, 808, 810, **1454**, 1634, 1964, **2228**, 2454, 2556, 2560, 2562, 2564, 2566, 2568, 2572

Co-introduced: **436**, 524, **738**, 818, 876, **1066**, 1592, 1862, 1908, 2270, **2348**, **2736**

Committees: Judiciary, Chair; Children and Families, Vice Chair; Education; Transportation and Economic Development Appropriations

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[Source: Office of Legislative Services]

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[Source: Office of Legislative Services]

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JOURNAL OF THE SENATE

SENATE BILLS, RESOLUTIONS AND MEMORIALS BY NUMBER WITH SUBJECT, SPONSOR AND DISPOSITION

REGULAR SESSION
March 8 through May 6, 2005

(To Obtain the Number of a Bill, see Subject Index)

Abbreviations:

BA — Bill Action
Ch. — Chapter Number, Bill Passed
CO — Co-Introducers
CR — Committee Report
CS — Committee Substitute
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MO — Motion
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Types of Bills:

SB/HB — Senate/House Bill
SCR/HCR — Senate/House Concurrent Resolution
SJR/HJR — Senate/House Joint Resolution
SM/HM — Senate/House Memorial
SR — Senate Resolution

Final Disposition:

Adopted
CSP — Companion or Similar Bill Passed
DCC — Died in Conference Committee
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DCS — Died on Senate Calendar
DHC — Died in House Committee
DM — Died in Messages
DNI — Died, Not Introduced
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152 Alimony (Judiciary) (FR)16, (CS)94, (CR)105, (BA)298, (CR)299, (BA)318, **319**, (BA)1587, **1588** Ch. 2005-168
154 Law Enforcement Officers/Salaries (Siplin) (FR)16 DSC
156 Sales Tax/Convention Centers (Siplin) (FR)16 DSC
158 Lifeline Telecommunications Service (Siplin) (FR)16 DSC/CSP-CS/CS/SB 1322
160 Student Assessment Instruments (Siplin) 16 WNI
162 Voyeurism (Aronberg and others) (FR)16, (CR)103, (CR)135, (BA)223, (CR)227, (CO)234, (BA)**236**, (CO)1075 DHC
164 Parks & Recreational Facilities (Miller) (FR)16 DSC
166 Child Support (Aronberg and others) (MO)3, (FR)16, (CR)102, (CR)103, (BA)130, (BA)**221**, (CO)1075, (BA)**1105** Vetoed/CSP-HB 1283
SB
168 County Correctional Facility/Youth (Lynn) (FR)16, (CR)102 DSC
170 Sentencing/Youthful Offenders (Lynn) (FR)16 DSC
172 Probation & Community Control (Criminal Justice) (FR)17, (CR)325, (CS)326 DSC/CSP-HB 1877
174 Probation & Community Control (Lynn) (FR)17 DSC
176 Fla. School Recognition Program (Lynn) (FR)17 DSC
178 Sales of Fireworks (Lynn and others) (FR)17 DSC
180 Self-storage Facility (Lynn) (FR)17 DSC
182 Community Behavioral Health Agencies (Children and Families) (FR)17, (CR)463, (CS)464 DSC
184 Substance Abuse Treatment (Judiciary and others) (FR)17, (CS)94, (CR)104, (CR)690, (CS/CS)692 DSC
186 Sexually Transmissible Disease (Judiciary and others) (FR)18, (CS)95, (CR)104, (CR)325, (CS/CS)327, (CR)419, (BA)506, (CR)523, (BA)**545**, 818, (CO)1230 Ch. 2005-169
188 Sexual Battery on Minor (Judiciary) (FR)18, (CR)524, (CR)690, (CS)693 DSC
190 Student Loans/Attorneys (Judiciary and others) (FR)18, (CS)95, (CR)103, (CR)104, (CO)596 DSC
192 Advertising for Legal Services (Commerce and Consumer Services and others) (FR)18, (CR)176, (CS)185, (CR)525, (CS/CS)526, (CO)596, (BA)620, (BA)621, (CR)638, (BA)**677** DHC
194 Juvenile Services (Hill) (FR)18 DSC
196 Patient's Rights (Siplin) (FR)18 DSC
198 Job Opportunities for Youths (Siplin and others) (FR)18, (CO)292 DSC
200 Hazardous Material Right-to-Know Act (Community Affairs) (MO)3, (FR)19, (CS)95, (CR)101, (CR)104, (BA)129, (BA)220, **221**, 322, 437, 460 Ch. 2005-5
202 Community Contribution Tax Credit (Government Efficiency Appropriations and others) (FR)19, (CS)95, (CR)101, (CR)104, (MO)553, (CR)567, (CS/CS)569, (BA)606, (CR)638, (BA)658, **659**, (CO)709, 1075 Ch. 2005-282
204 Not Used
206 Tax Exemptions/Widow/Disabled Person (Lawson and others) (FR)19 DSC
208 Child Care Facilities (Lynn) (FR)19, (CR)101, (CR)134, (MO)418 DCS
210 Suicide Prevention Statewide Office (Health and Human Services Appropriations and others) (FR)19, (CS)(CS/CS)95, (CR)104, (CO)219, (CO)354, (CR)567, (CS/CS/CS)569, (CO)1075 DCS
212 Residential Tenancies/Utilities (Lynn) (FR)19 DSC
214 Right to Speedy Trial (Judiciary) (FR)19, (CR)(MO)454, (CS)455, (CR)639, (BA)714, (CR)744 LTS/CSP-HB 285
216 Dori Slosberg Act of 2005 (Transportation and others) (FR)20, (CR)420, (CS)423, (CR)524, (BA)624, (BA)625, (BA)637, (CR)638, (BA)**680** DM/CSP-HB 1697
218 Teachers/Cost-of-Living Increase (Wilson) (FR)20 DSC
220 Independent Living (Children and Families and others) (FR)20, (CO)354, (CR)567, (CS)569 DSC
222 Schools/Student Assessment Program (Wilson) (FR)20, (CR)102 DSC
224 School Grading System (Wilson) (FR)20 DSC
226 Tuition/Resident Status (Wilson and others) (FR)20, (CR)102, (CO)175, (CO)219 DSC
SJR
228 Ad Valorem Tax/Valuing Property (Community Affairs and others) (FR)20, (CR)228, (CS)230 DSC
SB
230 HIV/AIDS Prevention (Wilson and others) (FR)20, (CR)102, (CR)187, (CO)313 DSC
232 Emergency Management (Domestic Security) (FR)20, (CS)95, (CR)103, (CR)104 DCS
234 Arcade Amusement Centers (Regulated Industries) (FR)20, (CR)300, (CS)310 DSC
236 New Smyrna Beach/Pension Plans (Lynn) 20 WNI
238 Personal Injury Protection Insurance (Campbell) (FR)20, (CR)103, (BA)223, (CR)227, (BA)**236** DHC
240 Nursing Homes/Electrical Service (Health Care) (FR)21, (CS)96, (CR)104 DSC
242 Rural Land Protection (Dockery) (FR)21, (CR)102 DSC
244 Rural Lands Program Trust Fund (Dockery) (FR)21, (CR)102 DSC
246 Child Safety (Children and Families) (MO)3, (FR)21, (CS)96, (CR)103, (CR)104, (BA)129, (BA)**221** DHC
SR
248 Legal Aid Day (Hill) (FR)**340** Adopted
250 Omega Psi Phi Fraternity (Hill) (FR)121, **122** Adopted

SB
252 FRS/Municipal Personnel/Annuities (Fasano) (FR)21, (CR)102, (CR)103, (CR)462, (BA)507, (BA)510, (CR)523, (BA)**547**, 909 Ch. 2005-135
SR
254 Oak Gators Flag Football Team (Saunders) (FR)**479** Adopted
SB
256 Childhood Obesity Prevention Act (Margolis) 21 WNI
258 Trauma Care & Rape Crisis Centers (Lynn) (FR)21 DSC/CSP-HB 1697
SR
260 Johnson, Janiqua (Saunders) (FR)479, **480** Adopted
262 Raven, Josh (Saunders) (FR)**480** Adopted
264 Preston, Darrius (Saunders) (FR)**480** Adopted
SB
266 Nursing Home Facilities (Saunders and others) (FR)22, (CR)101, (CR)135, (BA)223, (CR)227, (BA)**237**, (CO)240, 461 Ch. 2005-136
268 Elections/Early Voting (Posey) (FR)22, (CR)103 DCS
270 Weapons & Firearms (Margolis) (FR)22, (MO)743 WS
272 Consumer Call Center Services (Campbell) 22 WNI
274 Interstate Compact for Juveniles (Governmental Oversight and Productivity and others) (FR)22, (CR)135, (CR)187, (CR)(CS)455, (MO)553, (BA)609, (CR)638, (CO)709 LTS/CSP-HB 577
276 Wrecker Services (General Government Appropriations and others) (FR)22, (CR)101, (CR)102, (CR)135, (CR)187, (CR)299, (CR)567, (CS)569, (BA)625, (BA)626, (CR)638, (BA)680, **681**, (MO)711, 818, (CO)1230 Vetoed/CSP-HB 1697, CS/CS/SB 492
278 Study Commission/Outsourcing (Campbell) 23 WNI
280 Voting Systems (Klein and others) (FR)23 DSC
282 Criminal Acts/State of Emergency (Domestic Security and others) (FR)23, (CR)377, (CR)463, (CS)464, (CR)639, (BA)715, (CR)744, (BA)755, (BA)772 LTS
284 Consumer Protection (Judiciary and others) (FR)23, (CR)103, (CO)175, (CR)(CS)464, (CO)596, (BA)684, (BA)685, (CR)689, (CO)709, (BA)711, (BA)753, (BA)845, (CO)1075 LTS/CSP-HB 481
SJR
286 Primary Elections/Party Affiliation (Aronberg and others) (FR)23, (CR)300 DSC
SB
288 Seaport Security Plan/Pub. Rec. (Domestic Security and others) (FR)23, (CR)102, (CR)103, (MO)523, (BA)615, (CR)638, (BA)**667**, 1075, (CO)1230 Ch. 2005-53
290 Not Used
292 Citrus Canker Eradication (Agriculture and others) (MO)3, (FR)23, (CR)103, (BA)130, (CO)175, (BA)**221**, 337, 437, 460 Ch. 2005-26
294 Not Used
SR
296 STOP Day (Wilson) (FR)**480** Adopted
SB
298 Notaries Public (Governmental Oversight and Productivity) (FR)23, (CR)102, (CR)325, (CS)327 DCS
300 Taxation (Government Efficiency Appropriations) (FR)24, (CR)102, (CR)103, (BA)223, (CR)227, (BA)**236**, 656 Ch. 2005-96 CSP-HB 1813, SB 470
302 FRS/Purchase of Retirement Credit (Atwater) (FR)24 DSC
304 Financial Entities & Transactions (Criminal Justice) (FR)24, (CS)96, (CR)104, (CR)266, (CS/CS)284, (CR)454, (CS/CS/CS)455, (MO)811 DCS
306 Law Enforcement Officer/Pub. Rec. (Fasano) 25 WNI
308 Law Officer/Investigative Interview (Fasano and others) (FR)25, (CR)102, (CR)639, (BA)720, (CR)744, (BA)**757**, 909, (CO)1075, (CO)1230 Vetoed
310 Bingo Games (Fasano) (FR)25, (CR)103, (BA)245, (CR)246, (BA)**264** DHC
312 Prisoners/Sale of Literary Accounts (Fasano and others) (FR)25, (CR)102, (CR)135, (CO)478 DCS
314 The Seniors' Safety Act (Fasano and others) (FR)25 DSC
316 Criminal Punishment Code (Justice Appropriations and others) (FR)25, (CR)187, (CO)234, (CR)421, (CS)423, (BA)486, (BA)509, (BA)510, (CR)523, (CO)596 LTS/CSP-HB 411
318 Cystic Fibrosis Treatment/Insurance (Health Care and others) (FR)26, (CO)186, (CO)219, (CR)227, (CR)(CS)378 DSC
320 Nonemergency Telecommunications/911 (Margolis) 26 WNI
322 Outsourcing Contracts/Reporting (Campbell) (FR)26 DSC
324 Not Used
SB
326 FRS/Nurses/Co. Correctional Facility (Fasano) (FR)26 DSC
328 Automated External Defibrillators (Justice Appropriations and others) (FR)26, (CR)101, (CR)228, (CS)230, (CR)421, (CS/CS)424, (BA)507, (BA)510, (CR)523, (BA)**547**, (CO)909, 1075 Vetoed
330 Contamination Notice (Governmental Oversight and Productivity) (FR)26, (CR)300, (CS)310, (MO)348, (CR)420, (CS/CS)424, (MO)744, (MO)811, (BA)939, (CR)1074 LTS/CSP-HB 937
332 Water Protection & Sustainability TF (Ways and Means and others) (FR)26, (CR)420, (CS)424, (MO)523, (CR)524, (MO)637, (MO)658, (CR)(CS/CS)744, (BA)784, (CR)811, (BA)**1071**, 1661, (CO)1662 Ch. 2005-289 CSP-CS/CS/CS/SB 444, CS/CS/CS/SB 360
334 Public Housing (Governmental Oversight and Productivity and others) (FR)26, (CS)97, (CR)101, (CR)104, (CO)175, (CR)421, (CS/CS)424, (BA)504, (CR)523, (BA)542, (BA)599, **600**, 909 Ch. 2005-54
336 Family Day Care Homes (Wilson) (FR)26 DSC
338 Environmental Protection Dept. (Dockery) (FR)26 DSC
340 State Lands/Submerged Lands (Dockery) (FR)26 DSC
342 Jai Alai/Live Performances (Argenziano) (FR)27, (CR)102, (CR)103, (MO)811, (BA)911, (CR)1074, (BA)1077, (BA)1078, (BA)1326, (BA)1327, (BA)1328, (BA)1570 LTS/CSP-HB 181
344 Health Insurance/Infertility (Campbell) (FR)27 DSC
346 Death Sentence (Crist) (FR)27 DSC
348 Family Court Efficiency (Health and Human Services Appropriations and others) (FR)27, (CR)101, (CR)134, (CR)421, (CS)424, (BA)504, (CR)523, (BA)553, (CO)596, (BA)605, **606**, (BA)**1232** Ch. 2005-239
350 Jason A. Gucwa Act (Lynn) (FR)27 DSC
352 Zaniyah Hinson Act (Commerce and Consumer Services and others) (FR)27, (CS)97, (CR)101, (CR)104, (CO)175, (MO)637 DCS
354 Family Child Care Homes (Lynn) (FR)27, (CR)101, (CR)134 DSC
356 Substance Abuse Treatment (Lynn) (FR)28, (CR)102, (MO)246, (BA)295, (BA)296, (CR)299, (BA)**315**, 534 Ch. 2005-55
358 Florida Sales Tax Relief Act (Baker and others) 28 WNI/CSP-HB 101
360 Infrastructure Planning & Funding (Ways and Means) (FR)28, (MO)418, (CR)463, (CS)464, (CR)525, (CS/CS)526, (CR)690, (CS/CS/CS)693, (BA)782, (BA)787, (BA)790, (CR)811, (BA)1065, **1069**, (MO)1070, (MO)1179, (BA)1228, (BA)1229, (BA)1589, **1645**, 1662 Ch. 2005-290 CSP-CS/CS/SB 332, CS/CS/CS/SB 444
SJR
362 State Revenue Limitation (Haridopolos and others) (FR)28, (CO)1230 DSC
364 Legislative Power Limitation/Taxes (Haridopolos and others) (FR)28, (CO)1230 DSC
SB
366 Health Care Practitioners (Health Care and others) (FR)28, (CR)176, (CS)185, (BA)223, (BA)226, (CR)227, (BA)**237**, (CO)259, 461 Ch. 2005-240
368 Sales tax/Skybox/Luxury Box/Box Seat (Posey and others) (FR)28 DSC
370 Satisfaction of Debts (Justice Appropriations) (FR)28, (CS)97, (CR)104, (CR)349, (CS/CS)351, (BA)414, (BA)415, (CR)418, (BA)**451**, (BA)1303, (BA)1304, 1661 Ch. 2005-241
372 Justice Systems (Crist) (FR)28 DSC
374 Juvenile Justice (Crist) (FR)28 DSC
376 Education (Alexander) (FR)29 DSC
378 Higher Education/Florida State Univ. (Education Appropriations) (FR)29, (CR)266, (CS)285, (CR)325 DCS
380 Class Size (Alexander) (FR)29 DSC
382 Public School Funding (Alexander) (FR)29 DSC
384 School Readiness (Alexander) (FR)29 DSC
386 K-20 Performance (Alexander) (FR)29 DSC
388 Education Funding (Education Appropriations) (FR)29, (CR)266, (CS)285, (CR)325, (BA)371, **372**, (CR)377, (BA)391, 534, (BA)562, 1260, **1264**, 1662 Ch. 2005-56
390 Agriculture & Consumer Services (Clary) (FR)29 DSC
392 Water Quality Assurance Trust Fund (General Government Appropriations) (FR)29, (CR)266, (CS)285, (CR)325, (BA)**372**, (CR)377, (BA)395, 534, (BA)562, 1259, **1260**, 1662 Ch. 2005-57

SB
394 Enforcement of Farm Labor Laws (General Government Appropriations) (FR)29, (CR)266, (CS)285, (CR)325, (BA)**372**, (CR)377, (BA)395, 534, (BA)562, 1264, **1265**, 1662 Ch. 2005-58
396 State Revenues (Clary) (FR)29 DSC
398 Governmental Operations (Clary) (FR)29 DSC
400 Procurement/Commodities/Contracts (General Government Appropriations) (FR)29, (CR)266, (CS)285, (CR)325, (BA)**372**, (CR)377, (BA)395, 534, (BA)562, 1265, **1266**, 1662 Ch. 2005-59
402 Citrus (Clary) (FR)29 DSC
404 Health Care (Ways and Means) (FR)30, (CR)301, (CS)310, (CR)325, (CS/CS)327, (BA)**372**, (CR)377, (BA)396, 534, (BA)563, 1266, **1282**, 1662 Ch. 2005-60 CSP-CS/CS/SB 838, SB 2602
406 Medicaid Reform (Saunders) (FR)30 DSC
408 Economic Eligibility Services (Health and Human Services Appropriations) (FR)30, (CR)301, (CS)310, (CR)325, (BA)373, (BA)**376**, (CR)377, (BA)401, 534, (BA)563, 1282, **1284**, 1662 Ch. 2005-61
410 Health Department (Health and Human Services Appropriations) (FR)30, (CR)301, (CS)310, (CR)325, (BA)**373**, (CR)377, (BA)404, 534, (BA)563, 1285, **1287**, 1662 Ch. 2005-62
412 Elderly Affairs Department (Saunders) (FR)30 DSC
414 Agency for Persons With Disabilities (Saunders) (FR)30 DSC
416 Economic Development (Fasano) (FR)30 DSC
418 Governmental Organization (Fasano) (FR)30 DSC
420 Governmental Operations (Fasano) (FR)30 DSC
422 State Financial Matters (Carlton) (FR)30 DSC
424 Employee Benefits (Ways and Means) (FR)30, (CR)325, (CS)327, (BA)**373**, (CR)377, (BA)406, 534, 563, (BA)564, 1287, **1289**, 1662 Ch. 2005-97
426 Governmental Operations (Carlton) (FR)30 DSC
428 Developmental Disabilities (Health and Human Services Appropriations and others) (FR)30, (CS)97, (CR)102, (CR)104, (CR)640, (CS/CS)641, (BA)728, (CR)744, (BA)759, (BA)811, (CO)818, (CO)1230 LTS/CSP-HB 17
430 Nursing (King and others) (FR)30 DSC/CSP-CS/SB 410
432 Consumption of Alcohol (Lynn) (FR)31 DSC
434 Disabilities/Service Animals (Commerce and Consumer Services and others) (FR)31, (CS)98, (CR)102, (CR)104, (CR)135, (CS/CS)147, (CO)175, (BA)223, (BA)225, (CR)227, (BA)**237**, (BA)1106, **1108** Ch. 2005-63
436 Protection of Persons/Use of Force (Judiciary and others) (FR)31, (CS)(CS/CS)98, (CR)104, (CR)105, (BA)244, (CR)246, (BA)262, **263**, 388, 535 Ch. 2005-27
438 DUI Test Refusal (Lynn and others) (FR)31 DSC
440 Water Supply, Planning, & Production (Environmental Preservation) (FR)32, (CR)266, (CS)285, (CR)419, (MO)454 DCS/CSP-CS/CS/CS/SB 444
442 Building Safety (Government Efficiency Appropriations and others) (FR)32, (CS)98, (CR)104, (CR)(CS/CS)239, (CO)313, (CO)337, (CR)463, (CS/CS/CS)465, (CR)567, (CS/CS/CS/CS)570, (BA)777, (BA)781, (CR)811, (BA)1059, **1060**, 1661 Ch. 2005-147 CSP-HB 41, HB 567, HB 1267, HB 1697
444 Water Supplies (Ways and Means and others) (FR)32, (MO)348, (CR)378, (CS)379, (CO)478, (CR)567, (CS/CS)571, (MO)637, (MO)658, (CR)(CS/CS/CS)744, (BA)782, (BA)784, (CR)811, (BA)1070, **1071**, 1661, (CO)1662 Ch. 2005-291 CSP-CS/CS/SB 332, HB 1855, CS/CS/CS/SB 360, CS/CS/SB 2502
446 Parole for Juveniles (Geller and others) (FR)32, (CO)219 DSC
448 Sales Tax Exemption/Ostrich Feed (Posey and others) (FR)32, (CR)102 DSC
450 Motor Vehicle Ins. Increase/Military (Geller and others) (FR)32, (CR)101, (CR)187, (BA)346, (CR)348, (BA)**363**, (CO)478, 656 Ch. 2005-41
452 Highway Safety & Motor Vehicles (Sebesta) (FR)32 DSC
454 Highway Safety (Transportation and Economic Development Appropriations and others) (FR)32, (CR)239, (CS)240, (CR)320, (CO)337, (CR)567, (CS/CS)572, (CR)690, (CS/CS/CS)693, (CO)751, (MO)811, (BA)921, (BA)964, (BA)966, (CR)1074 LTS/CSP-HB 1697, CS/CS/CS/CS/SB 442
456 Highway Safety (Sebesta) (FR)32 DSC
458 Transportation Dept. (Sebesta) (FR)33 DSC
460 Transportation (Transportation and Economic Development Appropriations) (FR)33, (CR)325, (CS)327, (MO)418, (CR)567, (CS/CS)572, (CR)640, (CS/CS/CS)641, (BA)942, (BA)943, (CR)1074 LTS/CSP-HB 1029, HB 1681, SB 2602
462 Transportation (Sebesta) (FR)33 DSC
464 State Pharmaceutical Programs (Campbell) (FR)33 DSC
466 Supervised Visitation Programs (Lynn) (FR)33, (CR)103 DSC
468 Motor Vehicle Driving Privilege/DUI (Wise and others) (FR)33, (CR)101, (CR)134, (CR)462, (CR)554, (BA)619, (CR)638 LTS/CSP-HB 19
470 Indigent Care Surtax (Argenziano and others) (FR)33, (CR)102, (MO)246, (BA)297, (BA)(CR)299, (BA)**317**, 909 Ch. 2005-242
472 Alfredo Bahena Act (Alexander and others) (FR)33, (CR)103, (CO)219, (MO)299 DCS/CSP-HB 1717
474 Registered Nurses/Home Visits (Health Care) (FR)34, (CS)99, (CR)105, (BA)225, (CR)227, (BA)**238**, 1075 Ch. 2005-170 CSP-CS/SB 484, CS/SB 720
476 Florida Sales Tax Relief Act (Government Efficiency Appropriations and others) (FR)34, (CO)388, (MO)553, (CR)567, (CS)573, (BA)785, (BA)787, (CR)811, (CO)1075, (CO)1230, (CO)1662 LTS/CSP-HB 101
478 Podiatric Medicine (Health Care) (MO)3, (FR)34, (CS)99, (CR)105, (BA)129, (BA)220, (BA)**235**, 909 Ch. 2005-98
480 Direct Shipments of Wine (Saunders and others) (FR)34, (CO)175, (MO)637 WS
482 State Lottery/Public Education (Government Efficiency Appropriations and others) (FR)34, (CR)265, (CR)349, (CS)351, (CR)462, (BA)486, (CR)523, (CO)535, (CO)1075 LTS/CSP-HB 841
484 Health Care/Nursing (Health Care and others) (FR)34, (CR)300, (CS)310, (CR)419, (MO)553, (BA)614, (BA)615, (CR)638, (BA)666, **667**, (CO)709, (BA)1304, **1309**, 1662 Ch. 2005-243 CSP-CS/SB 474, CS/SB 720
486 Enterprise Zones (General Government Appropriations and others) (FR)34, (CR)378, (CS)380, (CR)421, (CS/CS)424, (BA)911, (BA)957, (CR)1074, (BA)1105, (BA)1327, **1328**, (BA)1588, **1589**, (CO)1662 Ch. 2005-244
488 Taser Use on Minors (Hill and others) (FR)34 DSC
490 State Lottery/Unclaimed Prize Money (Lynn and others) (FR)34 DSC
492 Vehicles/Recovery/Towing/Storage (Criminal Justice and others) (FR)35, (CR)103, (CR)176, (CS)185, (CR)325, (CS/CS)327, (MO)348, (BA)411, (BA)414, (CR)418, (BA)450, **451**, 656 Ch. 2005-137
494 Renewable Energy (Community Affairs and others) (FR)35, (CR)187, (CR)246, (CR)378, (CS)380, (BA)409, (CR)418, (CO)1075 LTS/CSP-HB 77
496 Voter Intimidation (Ethics and Elections) (FR)35, (CR)525, (CS)526 DSC/CSP-HB 1567
498 Immigrant Children/Residency Status (Margolis and others) (FR)35, (CR)103, (CR)134, (CR)554, (BA)622, (CR)638, (BA)**679**, 909 Ch. 2005-245
500 Assault Weapons/Detachable Magazine (Margolis) (FR)35, (MO)743 WS
502 Lake Okeechobee Protection Program (Environmental Preservation) (FR)35, (CS)99, (CR)103, (CR)134, (CR)324, (BA)407, (CR)418 LTS/CSP-HB 155
504 Electronic Voting Systems (Hill) (FR)35 DSC
506 Voting (Judiciary) (FR)35, (CR)103, (CR)301, (CS)311 DCS/CSP-HB 1567
508 African-American History Month (Hill) (FR)35 DSC
510 Temporary Custody of Child (Judiciary and others) (FR)36, (CS)99, (CR)103, (CR)247, (BA)622, (CR)638, (BA)**679**, (CO)709 DHC
512 Protective Injunctions (Children and Families and others) (FR)36, (CR)101, (CR)228, (CS)230, (BA)244, (CR)246, (BA)**262**, (BA)1232, **1233** Ch. 2005-246
514 Civil Rights Restoration/Prisoners (Criminal Justice and others) (FR)36, (CR)420, (CS)424, (MO)454, (MO)553, (BA)613, (CR)638, (BA)**665** DHC
516 Citrus Department/Districts (Alexander and others) (MO)3, (FR)36, (CR)102, (CR)103, (BA)129, (BA)**221**, 337, 437, 460 Ch. 2005-6
518 Health Professionals/Speech (Education) (FR)36, (CR)228, (CS)230, (CR)301, (CS/CS)311, (BA)617, (CR)638, (BA)**670** DHC
520 Pawnbroking (Hill) (FR)36 DSC
522 Moving Services (Lynn) (FR)36 DSC
524 Assisted Lvg./Nursing Home Resident (Peaden and others) (FR)36, (CO)175, (CO)1230 DSC

SB
526 Electric Utility Transmission (Governmental Oversight and Productivity and others) (FR)36, (CS)99, (CR)104, (CO)175, (CR)264, (CR)454, (CR)(CS/CS)555, (BA)940, (BA)941, (CR)1074, (BA)**1098** DM
528 Education Funding (Education Appropriations and others) (FR)37, (CR)135, (CS)147, (CO)175, (CR)567, (CS/CS)573 DSC
530 DUI/Ignition Interlock Device (Transportation and Economic Development Appropriations and others) (FR)37, (CR)134, (CR)187, (CR)325, (CS)327, (CO)337, (BA)621, (CR)638, (BA)678, (BA)711, (BA)**753**, 909 Ch. 2005-138
532 Court Orders/Payment Awards (Campbell) (FR)37, (CR)188, (BA)244, (CR)246, (BA)**263** DHC
534 Health Care Services (Campbell) (FR)37 DSC
536 Juvenile Proceedings/Restraints (Siplin) (FR)37 DSC
538 Sentencing/Victim Impact Evidence (Smith and others) (FR)37, (CR)187, (CO)259, (CR)265, (BA)296, (CR)299, (BA)**315**, 534, (CO)1075 Ch. 2005-64
540 Parole Commission (Criminal Justice) (FR)37, (CS)99, (CR)104, (CR)324 DCS
542 Community College/Transportation Fee (Education and others) (FR)37, (CS)100, (CR)104, (CR)419 DCS
544 Psychotherapist-patient Privilege (Smith) (FR)37, (CR)103, (CR)135, (BA)225, (CR)227, (BA)**238** DHC
546 Lung Transplant Services/Medicaid (Health and Human Services Appropriations and others) (FR)37, (CR)102, (CR)640, (CS)641, (BA)736, (CR)744, (BA)**765**, (CO)1075 DHC/CSP-CS/CS/SB 838
548 Karen Ardaman Act (Smith) (FR)37 DSC
550 Property Tax Exemption/Disabled Vets (Clary and others) (FR)38, (CR)102, (CR)176, (CO)186, (MO)553, (BA)606, (CR)638, (BA)**659**, (CO)709, 909 Ch. 2005-42
552 Game Promotion/Consumer Products (Commerce and Consumer Services and others) (FR)38, (CS)100, (CR)104, (CR)265, (BA)297, (BA)298, (CR)299, (BA)**318**, 565, (CO)1075 Ch. 2005-99
554 Property Taxes (Haridopolos and others) (FR)38, (CR)102, (CR)176 DCS
556 Documentary Stamp Tax (Peaden) (FR)38, (CR)102 DSC
558 Cruelty to Animals (Rich and others) (FR)38, (CR)134, (CO)259, (CR)265, (BA)297, (CR)299, (CO)313, (BA)**317**, (CO)437 DHC
560 Congenital Craniofacial Anomalies (Banking and Insurance) (FR)38, (CR)463, (CS)465, (CR)638 DSC
562 Prescribed Drugs Covered by Medicaid (Saunders) (FR)38 DSC
564 Medicaid Eligibility (Saunders) (FR)38 DSC
566 Medicaid Provided Institutional Care (Saunders) (FR)38 DSC
568 High School Graduation/FCAT (Wilson) (FR)38, (CR)103 USC/LTS
570 Burglary During State of Emergency (Garcia and others) 38 WNI
572 Consumer Protection/Emergencies (Criminal Justice and others) (FR)39, (CR)135, (CS)147, (CO)219, (CR)319, (CR)455, (CS/CS)457, (BA)505, (CR)523, (BA)**543**, 909, (CO)1075 Ch. 2005-283
574 Official Fruit of Florida (Haridopolos and others) (FR)39, (CR)102, (CR)103, (BA)509, (BA)(CR)523, (BA)548, (BA)600, (BA)**626**, 1075 Ch. 2005-38
576 Criminal Prosecutions (Crist) (FR)39 DSC
578 Performance Contracting Mgmt. Act (Wise) (FR)39 DSC
580 Mitigating Factors/Certain Offenses (Fasano) (FR)39, (CR)265 DSC
582 Sales Tax on Research or Development (Fasano) (FR)39 DSC
584 McKay Scholarships/Disabilities (Education) (FR)39, (CR)554, (CS)555, (MO)744 DSC
586 Acupuncture (Jones) 39 WNI
588 Voter Education (Fasano) (FR)39 DSC
590 Mold Assessment & Remediation (General Government Appropriations) (FR)39, (CR)135, (CS)147, (CR)266, (CS/CS)286, (CR)377, (CR)567, (CS/CS/CS)573 DCS
592 Alternative Energy (Governmental Oversight and Productivity) (FR)39, (CR)246, (CR)300, (CR)378, (CS)380 DSC
594 Health Ins./Surgical First Assistant (Health Care) (FR)40, (CR)525, (CS)526, (CR)640, (CS/CS)641, (BA)787, (CR)811, (BA)845, **846** DM
596 Electrical/Alarm System Contractors (Klein) (FR)40 DSC
598 Local Govt. Infrastructure Surtax (Fasano) (FR)40, (CR)324, (CR)462, (MO)637 DCS
SB
600 Judicial Circuits (Crist and others) 40 WNI/CSP-CS/CS/CS/SB 2048
602 Telecommunication Rates (Fasano and others) (FR)40 DSC
604 Motor Vehicle Dealers/Used Vehicles (Margolis) 40 WNI
606 Ad Valorem Tax/School Districts (Jones) (FR)40, (CR)102, (CR)227, (CR)554 DCS
608 Anti-Murder Act (Judiciary and others) (FR)40, (CO)219, (CO)313, (CO)354, (CR)420, (CS)424, (CR)638 DSC
610 Vehicle/National Guard/Contribution (Hill and others) (FR)40 DSC
612 Veterans' Day/Schools (Community Affairs and others) (FR)40, (CO)175, (CO)234, (CR)246, (CO)313, (CO)323, (CR)349, (CS)351, (BA)408, (BA)409, (CR)418, (BA)**448**, (CO)461 DM
614 Consumer Call Center Services (Hill) (FR)40 DSC
616 Tax Exemption/Machinery & Equipment (Bullard) (FR)41 DSC
618 Community Residential Homes (Children and Families and others) (FR)41, (CR)300, (CS)311, (CO)354, (CR)419, (MO)553 DCS
620 Wireless Emergency Telephone System (Governmental Oversight and Productivity and others) (FR)41, (CR)228, (CS)230, (CR)246, (CR)378, (CS/CS)380, (CO)437, (CR)462, (CR)553, (BA)609, (CR)638, (BA)**662**, (CO)1075 Ch. 2005-171
622 Community Mental Health Services (Lynn) (FR)41 DSC
SR
624 St. Johns County Day/March 15, 2005 (King) (FR)**122** Adopted
SB
626 Portable Restroom Contracting (Health and Human Services Appropriations and others) (FR)41, (CS)100, (CR)104, (CR)176, (CR)421, (CS/CS)425, (BA)509, (CR)523, (BA)**548**, 818 Vetoed
SR
628 Judson, Dr. Robert W. (Bob) (Fasano) (FR)**597** Adopted
SB
630 Corporate Income Tax (Margolis and others) (FR)41, (CR)102, (CO)1075 DSC
632 Construction Services/Prompt Payment (Regulated Industries and others) (FR)42, (CO)175, (CR)265, (CR)378, (CS)380, (CR)525, (CS/CS)526, (MO)637, (BA)785, (CR)811, (CO)1075 LTS/CSP-HB 509
634 Alarm System Contracting (Regulated Industries) (FR)42, (CR)265, (CR)421, (CS)425, (CR)525, (CS/CS)527, (BA)688, (BA)(CR)689 LTS/CSP-HB 41, CS/CS/CS/CS/SB 442
636 Career Service System (Argenziano) (FR)42 DSC
638 Title Insurance (Banking and Insurance and others) (FR)42, (CR)(CS)320, (CR)419, (MO)637, (BA)785, (BA)786, (CR)811 LTS/CSP-HB 75
640 Educational Facilities/Indoor Air (Rich) (FR)42 DSC
642 Mobility-impaired Pedestrians/Dogs (Rich and others) (FR)42, (CR)101, (CR)300, (CO)313, (BA)688, (CR)689, (CO)1230 LTS/CSP-HB 925
644 Parental Notification System/HSMV (Wise) (FR)42 DSC
646 Juvenile Offenders (Criminal Justice) (FR)42, (CR)266, (CS)286, (CR)324, (BA)408, (CR)418, (BA)**448** DHC
648 Hurricane Preparedness/Sales Tax (Campbell) (FR)42, (CR)320, (CS)321, (MO)553, (CR)567, (CS/CS)577, (BA)784, (CR)811 LTS/CSP-HCB 6001
650 Fishing Working Waterfronts (Bennett) (FR)42 DSC
652 Public Construction Bonds (Judiciary) (FR)43, (CR)378, (CS)381, (CR)567, (CS/CS)573, (BA)688, (CR)689, (BA)**712**, 1075 Ch. 2005-218
654 Expunction of Arrest Records (Haridopolos) (FR)43, (CR)135, (CR)187 DSC
656 Deputy James M. Weaver Act (Ways and Means and others) (FR)43, (CR)134, (CR)187, (CO)219, (CR)464, (CS)466, (BA)506, (BA)507, (CR)523, (BA)545, **546**, 909, (CO)1075 Ch. 2005-100
658 Univ. of South Fla. St. Petersburg (Education Appropriations and others) (FR)43, (CR)324, (CR)421, (CS)425, (MO)553, (BA)620, (CR)638, (BA)**673**, 909, (CO)1075 Vetoed
660 Assets Held in Benefit Plans (Banking and Insurance and others) (FR)43, (CR)101, (CR)266, (CS)286, (BA)406, (BA)407, (CR)418, (BA)445, **446**, (CO)1075 Ch. 2005-101
662 Hospitals/Hurricane Damage/Studies (Governmental Oversight and Productivity and others) (FR)43, (CR)265, (CR)378, (CS)381, (CR)(CS/CS)555, (BA)618, (CR)638,

SB
(BA)670, (BA)671, (BA)682, **683**, (CO)709, (BA)1157, **1158**, 1662 Vetoed
664 Acceleration Mechanisms (Education and others) (FR)43, (CR)135, (CS)147, (MO)811, (BA)912, (CR)1074, (CO)1075 LTS/CSP-HB 579
666 Alcoholic Beverages/Surcharges & Tax (Posey) (FR)44, (CR)134 DSC
668 Defibrillators in State Parks (Jones and others) (FR)44, (CR)102, (CR)554, (CO)1230 DSC
670 Community Colleges (Jones and others) (FR)44, (CR)102, (CR)419, (BA)509, (CR)523, (BA)**548**, (CO)656, 1661 Ch. 2005-247
672 Child's Welfare/Persons Responsible (Wilson) 44 WNI
674 Big Cypress Area/Critical Concern (Saunders) (FR)44, (CR)102, (MO)637 WS
676 Public Records & Meetings Exemptions (Governmental Oversight and Productivity) (FR)44, (CR)419, (CR)640, (CS)641, (MO)744, (BA)920, (CR)1074 LTS/CSP-HB 185
678 Registration & Protection/Trademarks (Campbell) (FR)44 DSC
680 OGSR Telecommunications/Cable/Info. (Governmental Oversight and Productivity) (FR)45, (CR)102, (CR)378, (CS)381, (MO)523, (BA)617, (CR)638 LTS/CSP-HB 1923
SJR
682 Adverse Medical Incidents (Saunders) (FR)45, (MO)637 WS
684 Medical Malpractice/Medical License (Saunders) (FR)45, (MO)637 WS
SB
686 Traffic Infractions/Disposition (Transportation) (FR)45, (CR)420, (CS)425 DSC
688 FRS/Local Government Employees (Governmental Oversight and Productivity) (FR)45, (CR)102, (CR)135, (CS)148, (CR)462 DCS/CSP-HB 1159
690 Immunizations/Mercury Contents (Health Care) (FR)45, (CR)176, (CS)185, (BA)343, (CR)348, (BA)**358** DHC
SCR
692 Sales & Use Tax Exemption Committee (Geller) (FR)45 DSC
SB
694 Sales & Use Tax Exemption Committee (Geller) (FR)45 DSC
696 Sales Tax Exemption/Farm Equipment (Government Efficiency Appropriations and others) (FR)45, (CR)102, (CR)640, (CS)641, (MO)743, (BA)911, (CR)1074 LTS/CSP-HB 643
698 Fla. Consumer Finance/Pub. Rec. (Governmental Oversight and Productivity) (FR)45, (CR)135, (CR)300, (CS)311, (CR)(CS/CS)555, (MO)811, (BA)941, (CR)1074 LTS
700 Sales Tax/Gas & Electricity/Farms (Smith and others) (FR)45, (CR)102 DSC
702 Area Health Education Center Network (Health and Human Services Appropriations) (FR)46, (CR)176, (MO)418, (CR)567, (CS)573 DCS
704 Revenue-generating Contract/DOC (Bennett) (FR)46, (MO)418 WS
706 Motor Vehicle Warranties (Bennett) (FR)46, (MO)418 WS
708 Workers' Compensation (Bennett) (FR)46, (MO)418 WS
710 Community Contribution Tax Credit (Fasano and others) (FR)46 DSC/CSP-CS/CS/SB 202
712 Florida Clean Elections Act (Wilson) (FR)46 DSC
714 Clean Money Trust Fund (Wilson) (FR)47 DSC
716 Agricultural Economic Development (Environmental Preservation and others) (FR)47, (CR)134, (CO)175, (CR)266, (CS)286, (CR)640, (CS/CS)642 DCS
718 Transportation Department (Transportation and Economic Development Appropriations) (FR)47, (CR)102, (CR)419, (CR)421, (CS)425, (BA)503, (CR)523, (BA)542, (BA)599, (BA)658, (BA)711, (BA)753, (BA)846, (BA)1038, (BA)1105 DCS/CSP-HB 1681, SB 2602
720 Health Care (Health and Human Services Appropriations) (FR)47, (CR)102, (CR)187, (CR)320, (CR)567, (CS)574, (BA)621, (CR)638, (BA)**677**, 909 Ch. 2005-172 CSP-CS/SB 474, CS/SB 484
722 Internet Screening in Public Library (Wise) (FR)47 DSC
724 Affordable Housing/Elderly (Margolis and others) (FR)47, (CR)103, (CR)135, (BA)244, (CR)246, (CO)259, (BA)**262**, 534 Ch. 2005-102
726 Interference with Custody/OGSR (Judiciary) (FR)47, (CR)102, (CR)103, (MO)523, (BA)612, (CR)638 LTS/CSP-HB 1699
SB
728 Sentencing Juveniles (Wilson and others) (FR)47 DSC
730 Prohibition on Prostitution (Fasano) (FR)48, (CR)135, (BA)244, (BA)245, (CR)246, (BA)**263**, 1075 Ch. 2005-219
732 Road Rage Reduction Act (Criminal Justice and others) (FR)48, (CO)219, (CR)227, (CR)325, (CS)328, (BA)347, (BA)(CR)348, (BA)364 LTS
734 School Buses/Safety Belts (Dockery and others) (FR)48, (CO)219, (CO)313 DSC
736 Private Security Services (Lynn) 48 WNI
738 Criminal Justice Standard Commission (Governmental Oversight and Productivity and others) (FR)48, (CR)265, (CR)421, (CS)425, (BA)738, (CR)744, (BA)**767**, 1661 Ch. 2005-103
740 Three Kings Day (Siplin) (FR)48, (CR)102 DSC
742 Lifeline Service (Siplin) (FR)48 DSC
744 Lifeline Assistance Services (Siplin) (FR)48 DSC
746 Fireworks (Lawson) (FR)48, (CR)566 DSC
748 Fire Hydrants (Community Affairs and others) (FR)48, (CR)227, (CO)292, (CR)320, (CS)321, (BA)344, (CR)348, (BA)**361**, (CO)535, (CO)1075 DHC
750 Talent Agencies (Criminal Justice and others) (FR)49, (CR)266, (CS)286, (CR)463, (CS/CS)466, (CR)639, (CS/CS/CS)642, (CO)1075 DSC
752 Ms. Willie Ann Glenn Act (Wise and others) (FR)49, (CR)101, (CR)246, (CO)388, (CR)554, (BA)622, (CR)638, (BA)678, (BA)711, (BA)743, (CO)909, (CO)1075 LTS/CSP-HB 227
SR
754 Jewish Federation/S. Palm Beach Co. (Klein) (FR)910, **911** Adopted
SB
756 Municipalities/Eminent Domain (Judiciary) (FR)49, (CS)100, (CR)104, (CR)187, (CR)690, (CS/CS)694 DCS
758 Child Protective Investigations (Judiciary) (FR)49, (CR)135, (CS)148, (CR)463, (CS/CS)466, (MO)553, (BA)626, (CR)638, (BA)**681**, (BA)1158, 1661 Ch. 2005-173 CSP-CS/SB 1098
760 District School Tax (Aronberg) (FR)49 DSC
762 Multitenant Access/Protocol Services (Haridopolos) (FR)49 DSC
764 Postdisaster Planning/Electric Power (Aronberg) (FR)50, (CR)524, (CR)638 DSC
766 Corporate Scholarship Program (King) (FR)50 DSC
768 Instruction for Exceptional Students (Children and Families and others) (FR)50, (CR)101, (CO)175, (CR)349, (CS)351, (CR)554, (BA)625, (CR)638, (BA)**680**, (CO)1230 DM
770 State Facility Designations (Transportation and others) (FR)50, (CR)421, (CS)425, (BA)508, (CR)523, (CO)535 LTS/CSP-HB 385
772 Inland Lakes & Canals (Dockery) (FR)50, (CR)134, (CR)247, (BA)298, (CR)299, (BA)319, (BA)342 LTS/CSP-HB 331
774 Greenways & Trails (General Government Appropriations and others) (FR)50, (CS)100, (CR)104, (CO)354, (CR)418, (CR)567, (CS/CS)574, (BA)683, (CR)689, (CO)709, (CO)818, (CO)1075 LTS/CSP-HB 1141
776 Leave Payout/Law Enforcement Officer (Peaden and others) (FR)51 DSC
778 Per Diem & Travel Expenses (Ways and Means and others) (FR)51, (CO)175, (CR)266, (CS)287, (CR)690, (CS/CS)694, (BA)825, (CR)886, (BA)**1037**, (CO)1075, (CO)1230 DHC
780 Used Motor Vehicle Warranty Act (Campbell) (FR)51 DSC
782 Chad Meredith Act (Justice Appropriations and others) (FR)51, (CR)324, (CO)354, (CR)420, (CS)426, (CR)640, (CS/CS)642, (BA)738, (CR)744 LTS/CSP-HB 193
784 School Districts/Paperwork Reduction (Haridopolos and others) (FR)51, (CR)102, (CR)187, (CR)265, (BA)298, (CR)299, (BA)411, (CR)418, (CO)1075 LTS/CSP-HB 281
786 Tires & Batteries/Govt. Entities/Fee (General Government Appropriations) (FR)51, (CR)102, (CR)134, (CR)421, (CS)426, (BA)716, (CR)744, (BA)**756**, 1075 Ch. 2005-174
788 School Personnel/Reemployment/DROP (Clary and others) (FR)51, (CO)219, (CO)337, (CR)638 DSC
790 Classrooms for Kids Program (Garcia) (FR)51, (MO)637 WS
792 Construction Contracting/Seals (Haridopolos and others) (FR)51, (CR)134, (CR)265, (MO)348, (BA)415, (CR)418, (CO)535 LTS/CSP-HB 213, HB 699
794 Alcoholic Beverages (Criminal Justice and others) (FR)52, (CR)266, (CS)287, (CR)553, (CR)640, (CS/CS)642 DSC
796 Dune Stabilization/Restoration (Clary and others) (FR)52, (CR)418, (MO)743 WS

SB
798 Minor/Termination/Pregnancy/Pub. Rec (Governmental Oversight and Productivity and others) (FR)52, (CR)566, (CR)640, (CS)642, (MO)689, (BA)833, (CR)886, (BA)**1038**, (CO)1230, 1661 Ch. 2005-104 CSP-HB 1659
800 State Courts System (Webster and others) (FR)52 DSC
802 Litigation (Webster) (FR)52 DSC
804 Artificially Provided Sustenance (Judiciary) (FR)52, (MO)124, (CR)188, (CS)218, (BA)222, (BA)226, (CR)227, (BA)235, (BA)261, **262** FPS
806 Constitutional Amendments (Webster and others) (FR)52 DSC
808 Constitutional Amendments (Webster and others) (FR)52 DSC
810 State Constitution (Webster and others) (FR)52 DSC
812 Correctional Probation Officer/FRS (Criminal Justice and others) (FR)52, (CR)639, (CS)643 DSC
814 Retired Law Enforcement/Reemployment (Posey and others) (FR)53, (CR)320, (CO)354 DSC
816 Contraband & Counterfeit Cigarettes (General Government Appropriations and others) (FR)53, (CR)135, (CS)148, (CR)187, (CO)240, (CR)265, (CR)567, (CS/CS)574, (BA)619, (CR)638, (CO)1230 LTS/CSP-HB 205
818 Tax/Substitute Communications System (Haridopolos and others) (FR)53, (CO)175, (CO)219, (CO)234, (CO)259, (CO)337, (CO)388, (CO)437, (CO)478, (CO)535 DSC/CSP-CS/SB 2070
820 Eric Ulysses Ramirez Hwy./Lake Co. (Baker) (FR)53 DSC/CSP-HB 385
822 State Group Insurance Program (Ways and Means) (FR)53, (CR)101, (CR)227, (CR)568, (CS)574, (BA)618, (BA)619, (CR)638, (BA)**671**, 1075 Ch. 2005-175
824 Waste-to-energy Facilities (Crist) (FR)53, (CR)134 DSC/CSP-HB 77
826 Florida Orchestra (Crist) (FR)53 DSC
828 Cosmetology (Crist) (FR)53 DSC
830 Misuse of Laser Lighting Devices (Justice Appropriations and others) (FR)54, (CR)102, (CR)187, (CO)234, (CR)567, (CS)574, (BA)911, (CR)1074 LTS/CSP-HB 1025
832 Obsolete Agricultural Equipment (Agriculture and others) (FR)54, (CS)100, (CR)104, (CR)228 DCS
834 Taxes/Governmental Entity Property (Bennett) (FR)54, (MO)418 WS
836 Community Affairs Department (Bennett) (FR)54 DSC
838 Medicaid (Ways and Means and others) (FR)54, (MO)348, (CR)421, (CS)426, (CO)478, (CR)568, (CS/CS)574, (BA)825, (BA)832, (CR)886, (BA)1062, (BA)1100, (BA)1241, (BA)1242, (BA)1534, **1550**, 1661, (CO)1662 Ch. 2005-133 CSP-CS/CS/SB 404
840 Medicaid Program (Peaden) (FR)54 DSC
842 Medicaid Program (Peaden) (FR)54 DSC
844 Medicaid Program (Peaden) (FR)54 DSC
846 Medicaid Program (Peaden) (FR)55 DSC
848 Medicaid Program (Peaden) (FR)55 DSC
850 Medicaid Program (Peaden) (FR)55 DSC
852 Medicaid Program (Peaden) (FR)55 DSC
854 Agriculture (Smith) (FR)55 DSC
856 Citrus (Smith) (FR)55 DSC
858 Agriculture (Judiciary) (FR)55, (CR)228, (CS)230, (CR)378, (CS/CS)381, (CR)690, (CS/CS/CS)694, (MO)811, (BA)915, (BA)916, (CR)1074 LTS/CSP-HB 1717
860 Controlled Substances (Fasano) (FR)55, (CR)638 DSC
862 Educational Loan Marketing Corp. (Education) (FR)55, (CR)554, (CS)555 DSC
864 Motor Vehicle Repair Shops (Banking and Insurance and others) (FR)55, (CR)101, (CR)463, (CS)466, (BA)552, (BA)(CR)553, (BA)**605**, (CO)1075 DHC
866 Student Financial Assistance (Education and others) (FR)55, (CR)554, (CS)555 DSC
868 E. R. Pipping, Jr., Memorial Act (Dockery) (FR)56, (CR)227, (CR)300, (BA)346, (CR)348, (BA)**363**, 656 Ch. 2005-43
870 Disabled Parking Permits (Crist) (FR)56, (CR)377, (CR)524, (BA)936, (BA)1037, (CR)1074 LTS/CSP-HB 63
872 Motor Vehicles/Mobile Homes (Peaden) (FR)56, (CR)377, (CR)462 DSC
874 Prescription Drugs (Health and Human Services Appropriations) (FR)56, (CR)455, (CS)457, (CR)567, (CS/CS)575, (BA)609, (CR)638, (BA)**663**, 1075 Ch. 2005-248
876 K-12 GI Bill Program/Educ. Choice (Education and others) (FR)56, (CO)175, (CR)690, (CS)695 DSC
878 Personal Property/Delinquent Tax/Ads (Baker and others) (FR)56, (CR)102, (CR)228, (BA)298, (CR)299, (BA)318, (BA)**342**, (CO)1075 Ch. 2005-220
SB
880 Intangible Personal Property Tax (Baker and others) 56 WNI
882 Sovereign Immunity in Tort Actions (Wise) (FR)56 DSC
884 Florida Caregiver Institute, Inc. (Children and Families) (FR)56, (CS)100, (CR)104, (CR)324 DSC
886 Prison Industries Task Force (Governmental Oversight and Productivity and others) (FR)56, (CS)100, (CR)104, (CO)175, (CR)554, (CS/CS)555, (MO)689 DCS
888 State Employees' Charitable Campaign (Wise) (FR)57 DSC
890 Students/Administering Epinephrine (Education and others) (FR)57, (CR)320, (CS)321, (CR)419, (MO)553, (BA)624, (CR)638, (CO)1075 LTS/CSP-HB 279
892 Faith-based Counseling Regulation (Wise) (FR)57 DSC
SJR
894 Homestead Property Assessments (Haridopolos) (FR)57, (CR)187, (CR)324 DSC
SB
896 Fla. Prepaid College Prog./Pub. Rec. (Governmental Oversight and Productivity and others) (FR)57, (CR)102, (MO)454, (CR)555, (CS)556, (BA)616, (CR)638, (CO)1230 LTS/CSP-HB 1729
898 Rabies Vaccination (Health Care and others) (FR)57, (CR)265, (CR)377, (CS)381, (CR)524, (BA)619, (CR)638, (CO)1230 LTS/CSP-HB 255
900 Health Care Services (Campbell) (FR)57 DSC
902 Nonjudicial Sale of Vessels (Transportation) (FR)58, (CR)525, (CS)527 DSC
904 Privatization of Foster Care (Dockery) (FR)58, (CR)134, (CR)188, (BA)297, (CR)299, (BA)**317**, 534 Ch. 2005-105
906 Beverage Law/Direct Shippers/Wine (Dockery and others) (FR)58 DSC
908 Wekiva Parkway & Protection Act (Constantine) (FR)58, (CR)101, (CR)187, (BA)243, (BA)244, (CR)246, (BA)**262**, (BA)**1108** Ch. 2005-106
910 Medicaid Program (Saunders) (FR)58 DSC
912 Medicaid Program (Saunders) (FR)58 DSC
914 Medicaid Program (Saunders) (FR)58 DSC
916 Medicaid Program (Saunders) (FR)58 DSC
918 Medicaid Program (Saunders) (FR)58 DSC
920 Medicaid Program (Saunders) (FR)58 DSC
922 Medicaid Program (Saunders) (FR)58 DSC
924 Medicaid Program (Saunders) (FR)59 DSC
926 Interlocal Svc. Boundary Agreement (Government Efficiency Appropriations) (FR)59, (CR)265, (CR)420, (CS)426, (CR)463, (CS/CS)466, (CR)553, (BA)612, (BA)613, (CR)638, (BA)**664**, (BA)1239, **1240** DM
928 Medicaid Program (Peaden) (FR)59 DSC
930 Medicaid Program (Peaden) (FR)59 DSC
932 Patient Safety (Peaden) (FR)59 DSC
934 Trauma Care (Peaden) (FR)59 DSC
936 Long-term Care (Peaden) (FR)59 DSC
938 Adverse Medical Incidents (Health Care and others) (FR)59, (MO)124, (CR)325, (CS)328, (MO)348, (CR)377, (BA)407, (BA)408, (CR)418, (BA)**447**, (CO)461, 656 Ch. 2005-265
940 Repeated Medical Malpractice (Health Care and others) (FR)59, (MO)124, (CR)325, (CS)328, (MO)348, (CR)377, (BA)408, (CR)418, (BA)**448**, (CO)461, 656 Ch. 2005-266
942 Public Records Exemption (Peaden) (FR)59 DSC
944 Regulation of Professions (Jones) (FR)59 DSC
946 Alcoholic Beverages (Jones) (FR)60 DSC
948 Community Associations (Regulated Industries) (FR)60, (CR)639, (CS)643 DSC
950 Day Cruise Industry (Jones) (FR)60 DSC
952 Lotteries (Jones) (FR)60 DSC
954 Mobile Homes (Jones) (FR)60 DSC
956 Pari-mutuel Industry (Jones) (FR)60 DSC
958 Animal Health Care Services (Agriculture and others) (FR)60, (CO)175, (CO)186, (CR)378, (CS)381 DSC
960 Community Supervision of Offenders (Smith and others) (FR)60 DSC
962 Florida Elections Commission (Smith) (FR)61 DSC
964 Coastal Property Sales/Disclosures (Regulated Industries and others) (FR)61, (CR)300, (CS)311, (CR)464, (CS/CS)467 DCS
966 Public Libraries/Construction Grants (Smith and others) (FR)61, (CR)101, (CR)187, (CO)461, (CO)909 DSC
968 Alcoholic Beverage Licenses/Lodges (Smith) (FR)61, (CR)462, (CR)566 DSC
970 Household Moving Services (Transportation and others) (FR)61, (CR)525, (CS)527, (CR)566, (CO)596, (CO)1075 DSC

SB
972 Physicians/Osteopathic Physicians (Jones) (FR)61 DSC
974 Domestic Violence Fatality Review (Governmental Oversight and Productivity) (FR)62, (CR)103, (CR)134, (CR)455, (CS)457, (MO)689, (BA)835, (BA)840, (CR)886 LTS/CSP-HB 1921
976 Coastal Redevelopment/Mitigation (Environmental Preservation and others) (FR)62, (CR)102, (CR)227, (CR)525, (CS)527, (CR)553, (BA)621, (CR)638, (BA)**677**, (CO)709 DHC
978 Unlawful Use of Personal ID Info. (Commerce and Consumer Services and others) (FR)62, (CO)437, (CR)462, (CS)467, (CR)639, (CS/CS)643, (MO)689 DSC/CSP-HB 481
980 Workers' Compensation Fraud (Smith and others) (FR)62, (CO)437, (CO)1230 DSC
982 Electrical/Alarm System Contracting (Bennett) (FR)62, (CR)299, (CR)638, (MO)689 DCS/CSP-CS/CS/CS/CS/SB 442
984 Retirement/Special Risk Class (Smith and others) (FR)62, (CO)909 DSC
986 Adoption (Dawson) (FR)62 DSC
988 Evidence/Deceased/Incompetent Person (Judiciary) (FR)63, (CR)690, (CS)695, (BA)785, (CR)811 LTS/CSP-HB 523
990 Sexual Offenses (Smith) (FR)63 DSC
992 Retirement (Governmental Oversight and Productivity and others) (FR)63, (CO)186, (CR)640, (CS)643 DSC

SR
994 Massage Therapy Awareness Days (Jones) (FR)**220** Adopted

SB
996 Child/Unattended in Motor Vehicle (Dawson and others) (FR)63, (CR)227, (CO)337, (CO)565 DSC
998 Victim's Rights (Posey) (FR)63, (MO)348 DSC
1000 Income Requirements/State Programs (Posey) (FR)63 DSC
1002 Insurance Field Representatives (Commerce and Consumer Services) (FR)63, (CR)300, (CS)311, (CR)525, (CS/CS)527, (MO)689, (BA)836, (CR)886 LTS/CSP-HB 501
1004 Wrongful Criminal Convictions (Siplin) (FR)63 DSC

SR
1006 Cherry, Charles W., Sr. (Lynn) (FR)657, **658** Adopted

SB
1008 HIV Infection/Testing of Inmates (Wilson) (FR)63 DSC
1010 Administrative Procedures (Ways and Means and others) (FR)64, (CR)188, (CS)218, (CR)325, (CS/CS)328, (CR)464, (CS/CS/CS)467, (BA)507, (BA)(CR)523, (BA)**546**, 1075 Vetoed
1012 Professions Regulated by DBPR (Regulated Industries) (FR)64, (CR)228, (CS)231, (BA)244, (CR)246, (BA)**263**, 461 Ch. 2005-249
1014 State Rights-of-Way Use (Argenziano) (FR)64 DSC
1016 Construction Contracting (Governmental Oversight and Productivity) (FR)64, (CR)266, (CS)287, (CR)377, (CR)421, (CS/CS)427, (BA)940, (CR)1074 LTS/CSP-HB 113

SR
1018 Alpha Kappa Alpha Sorority, Inc. (Wilson and others) (FR)122, **123** Adopted

SB
1020 Police, Fire, SAR Dogs/Police Horses (Haridopolos and others) (FR)64, (CR)135, (BA)296, (BA)297, (CR)299, (BA)**316**, 1075 Ch. 2005-139
1022 Local Occupational License Taxes (Community Affairs) (FR)64, (CR)455, (CS)457, (CR)566 DSC
1024 Certified Capital Company Act/OGSR (Government Efficiency Appropriations) (FR)64, (CR)134, (CR)265, (MO)454, (CR)524, (CR)640, (CS)643, (BA)737, (CR)744, (BA)767 LTS/CSP-HB 1817
1026 Future of Space in Florida (Transportation and Economic Development Appropriations and others) (FR)65, (CR)228, (CS)231, (CR)325, (CS/CS)328, (MO)454, (CR)567, (CS/CS/CS)575, (BA)608, (CR)638, (BA)**661**, (CO)709, (CO)1075, (BA)1233, (BA)1237 DM
1028 School Readiness Records/OGSR (Governmental Oversight and Productivity and others) (FR)65, (CR)134, (CR)246, (MO)454, (CR)455, (CS)457, (BA)550, (CR)553, (CO)1075 LTS/CSP-HB 1861
1030 Vehicles/Financial Responsibility (Judiciary) (FR)65, (CR)227, (CR)320, (CR)690, (CS)695, (BA)786, (CR)811, (BA)846, (BA)852, (BA)871 LTS/CSP-HB 551
1032 Health Care Act/Access/Poverty Level (Bennett and others) (FR)65, (CR)419, (MO)637, (BA)786, (CR)811, (CO)818 LTS/CSP-HB 151

SB
1034 Extracurricular Activities/Eligible (Education) (FR)65, (CR)378, (CS)382, (BA)409, (BA)415, (BA)416, (CR)418 LTS
1036 Driver's Licenses (Lynn) (FR)65 DSC
1038 Highway Designations (Hill) (FR)65 DSC/CSP-HB 385
1040 Bicycle Lanes/Pedestrian Ways (Dawson) (FR)65 DSC
1042 Physical Exams/Class "G" Applicants (Crist and others) (FR)65, (CR)134, (CR)639, (BA)731, (CR)744, (CO)1662 LTS/CSP-HB 307
1044 Juvenile/Adjudicatory Hearing (Judiciary) (FR)65, (CR)690, (CS)695 DSC

SR
1046 Lowry Park Zoo Day (Crist and others) (FR)**438** Adopted

SJR
1048 Courts (Crist) 66 WNI

SB
1050 Unlawful Taking of Personal Property (Crist and others) (FR)66, (CR)187 DSC
1052 Residence of Sexual Offenders (Crist and others) (FR)66, (CR)638 DSC

SR
1054 Relief Workers/Hurricanes of 2004 (Crist) (FR)819, **820** Adopted

SB
1056 Business Entities (Judiciary and others) (FR)66, (CR)227, (CO)234, (CO)323, (CR)325, (CS)328, (CR)462, (BA)550, (BA)552, (CR)553, (CO)596, (BA)603, (BA)605, (BA)626, **628**, 909 Ch. 2005-267
1058 Joseph Striska Fla. Welcome Center (King) (FR)67 DSC/CSP-HB 385
1060 Nursing Shortage (Education and others) (FR)67, (CO)175, (CR)176, (CR)300, (CS)311 DSC
1062 Seaport Security (Transportation and Economic Development Appropriations) (FR)67, (CR)135, (CS)148, (CR)319, (CR)555, (CS/CS)556, (CR)640, (CS/CS/CS)643, (BA)917, (CR)1074, (BA)**1094** DM
1064 Restitution & Court-Ordered Payments (King and others) (FR)67, (MO)124 WS

SR
1066 Ronald Reagan Day (Haridopolos and others) (FR)241, **242** Adopted

SB
1068 Theft of Property (Rich and others) (FR)68, (CO)234, (CR)265, (CO)292 DSC
1070 Economic Development Incentives (Constantine and others) (FR)68, (CO)175, (CO)219, (CR)319, (CO)337, (CR)524 DSC
1072 Auditor Selection Procedures (Governmental Oversight and Productivity) (FR)68, (CR)103, (CR)227, (CR)325, (CS)330, (MO)348, (BA)407, (CR)418 LTS/CSP-HB 349
1074 Retirement/Emergency Dispatchers (Alexander) (FR)68 DSC
1076 High School Graduation Requirements (Miller) (FR)68 DSC

SR
1078 PONY Baseball/Palma Ceia/Bayshore (Miller) (FR)**481** Adopted
1080 Hubbard, Coach Harry (Miller) (FR)**481** Adopted

SB
1082 H. Lee Moffitt Center/Pub. Rec. (Governmental Oversight and Productivity and others) (FR)68, (CR)102, (CR)187, (CO)219, (CR)455, (CS)457, (MO)637, (BA)775, (CR)811, (CO)1075 LTS/CSP-HB 449
1084 Pardo-Arambul Act/Notice/Next of Kin (Siplin) (FR)68 DSC
1086 Infant Eye Care (Wilson and others) (FR)68 DSC
1088 Early Learning (Wilson) (FR)69 DSC
1090 Minors/Psychotropic Medication (Judiciary and others) (FR)69, (CR)135, (CS)148, (CO)186, (CR)187, (CR)325, (CS/CS)330, (CR)554, (BA)732, (BA)733, (CR)744, (BA)**760**, (CO)1075 Ch. 2005-65
1092 Unemployment Compensation Records (Wise) 69 WNI
1094 Blood Donor Protection Act (Governmental Oversight and Productivity) (FR)69, (CR)324, (CR)421, (CS)427, (BA)506, (CR)523, (BA)**545**, 909 Ch. 2005-176
1096 Freedom to Worship Safely Act (Judiciary and others) (FR)69, (CR)265, (CO)337, (CO)437, (CR)455, (CS)457, (CO)461, (MO)637, (BA)784, (CR)811, (CO)1075 LTS/CSP-HB 319
1098 Child Abuse Cases/Guardian Ad Litem (Governmental Oversight and Productivity and others) (FR)69, (CR)227,

SB
(CO)234, (CR)455, (CS)457, (MO)637, (BA)786, (CR)811, (BA)846, (BA)**848**, (CO)1075 Ch. 2005-213 CSP-CS/CS/SB 758
1100 Theft (Transportation) (FR)69, (CR)419, (CR)640, (CS)644 DSC
1102 Relief of Persons/Tropical System (Atwater) (FR)69 DSC
1104 Communications Services Tax (Atwater) (FR)69 DSC
1106 Taxation (Atwater) (FR)70 DSC
1108 Interest & Trust Funds (Atwater) (FR)70 DSC
1110 Documentary Stamp Tax Revenue (Ways and Means) (FR)70, (CR)463, (CS)467, (CR)567, (CS/CS)575, (MO)637, (BA)716, (BA)717, (CR)744, (BA)757, (BA)1073, (BA)1105 DCS/CSP-HB 1889
1112 General Revenue Service Charges (Atwater) (FR)70 DSC
1114 Restaurants/Resealed Wine Containers (Transportation) (FR)70, (CR)228, (CS)231, (CR)301, (CS/CS)311, (BA)346, (BA)347, (CR)348, (BA)**364**, 1075 Ch. 2005-250
1116 Specialty Nursing (Saunders and others) (FR)70, (CO)234, (CO)259, (MO)637 WS
1118 Motor Vehicle Crash Reports (Transportation and others) (FR)70, (CO)313, (CR)377, (CS)382, (CR)419, (BA)507, (CR)523, (BA)**547**, 1075 Ch. 2005-177
1120 Financial Literacy Council (Governmental Oversight and Productivity) (FR)70, (CR)463, (CS)467, (CR)640, (CS/CS)644 DSC
1122 Third-party Liability (Saunders) (FR)70, (CR)134, (CR)319, (MO)418, (BA)507, (CR)523, (BA)**546**, 1075 Ch. 2005-140
1124 Mobile Homes (Regulated Industries and others) (FR)70, (CR)228, (CS)231, (CR)320, (CO)337, (CR)639, (BA)742, (CR)744, (CO)1230 LTS/CSP-HB 565

SR
1126 Armwood High School "Hawks" (Miller) (FR)293, **294** Adopted

SB
1128 Inmates/Parents of Minor Children (Wilson) (FR)71 DSC
1130 Abandonment of Roads (Transportation) (FR)71, (CR)135, (CS)149, (CR)247, (BA)298, (CR)299, (BA)318, (BA)341 LTS/CSP-HB 625
1132 Official State Flagship (Crist) (FR)71 DSC
1134 Governmental Effectiveness (Argenziano) (FR)71 DSC
1136 Governmental Effectiveness (Argenziano) (FR)71 DSC
1138 Governmental Effectiveness (Argenziano) (FR)71 DSC
1140 Executive Branch Collegial Bodies (Argenziano and others) (FR)71, (CO)337 DSC
1142 Trade Secrets/State Agency/Pub. Rec. (Governmental Oversight and Productivity) (FR)71, (CR)525, (CS)527, (CR)640, (CS/CS)644 DSC
1144 Public Records & Meetings (Governmental Oversight and Productivity) (FR)71, (CR)266, (CS)287, (MO)348, (MO)376, (BA)408, (CR)418, (BA)447, **448**, (BA)1108, **1109** Ch. 2005-251
1146 Procurement of Contractual Services (General Government Appropriations and others) (FR)72, (MO)246, (CR)266, (CS)287, (CR)325, (CS/CS)330, (CO)337, (BA)344, (CR)348, (BA)361, (BA)**365**, (CO)478, (BA)1109, **1115** Vetoed
1148 Adult Video Games (Miller) (FR)72 DSC
1150 Vehicle & Vessel Registration (Saunders) (FR)72 DSC
1152 FRS/Payroll Contribution Rates (Governmental Oversight and Productivity) (FR)72, (CR)325, (CS)330 DSC/CSP-HB 1907
1154 Enterprise Florida, Inc. (Commerce and Consumer Services) (FR)72, (CR)320, (CS)321, (CR)324, (CR)554, (BA)616, (CR)638, (BA)668, (BA)**682**, 818 Ch. 2005-66

SR
1156 Minority Cancer Awareness Week (Wilson and others) (FR)**481** Adopted

SB
1158 Property & Casualty Insurance (Klein) (FR)72, (CR)523 DSC/CSP-CS/SB 1486
1160 Comprehensive Planning & Land Dev. (Community Affairs) (FR)73, (CR)421, (CS)427 DCS
1162 Fla. Prepaid College Program (Governmental Oversight and Productivity) (FR)73, (CR)102, (CR)420, (CS)427 DSC
1164 Sexually Oriented Material/Minors (Posey) (FR)73 DSC
1166 Peace Creek Drainage Dist./Polk Co. (Alexander) (FR)73 DSC
1168 Transportation Disadvantaged (Criminal Justice and others) (FR)73, (CO)323, (CR)377, (CS)382, (CR)455, (CS/CS)457, (BA)549, (BA)550, (CR)553, (BA)600, **601**, (BA)1115, **1117** Vetoed
1170 Ramon Puig Way/Miami-Dade County (Garcia) (FR)73 DSC/CSP-HB 385

SB
1172 Birth-Related Neurological Injury (Jones) (FR)73, (CR)265, (BA)408, (CR)418, (CR)419, (BA)**448** DHC
1174 Pari-mutuel Wagering (Ways and Means) (FR)73, (MO)124, (MO)246, (CR)378, (CS)382, (MO)418, (MO)553, (CR)567, (CS/CS)575, (CR)640, (CS/CS/CS)644, (BA)957, (CR)1074, (BA)1078, (BA)1559, (BA)1560 LTS
1176 Safe Staffing for Quality Care Act (Campbell and others) (FR)73, (CO)234 DSC
1178 Gill or Entangling Nets/Mullet (Lawson) (FR)73 DSC
1180 Practice of Medicine (Health Care) (FR)74, (CR)640, (CS)644, (BA)787, (BA)802, (BA)803, (CR)811, (BA)846, **848**, (BA)**852**, (BA)1117, **1120** Vetoed
1182 Fla. Incentive-based Permitting Act (Environmental Preservation) (FR)74, (CR)420, (CS)427 DSC
1184 Transportation Access (Community Affairs) (FR)74, (CR)134, (CR)378, (CS)382, (BA)932, (BA)933, (CR)1074, (BA)**1093**, 1661 Ch. 2005-214
1186 Designations/State Universities (Education) (FR)74, (CR)554, (CS)556 DSC
1188 Prosperity Campaigns/Workforce Fla. (Commerce and Consumer Services) (FR)74, (CR)463, (CS)467, (CR)638 DSC

SJR
1190 Felons' Vote/Congress/Term Limits (Ethics and Elections and others) (FR)74, (CR)525, (CS)528, (CR)638 DSC/CSP-HJR 1177

SB
1192 Communications Services Sales Tax (Garcia) (FR)74, (MO)637 WS
1194 Homestead Assessments (Community Affairs and others) (FR)74, (CR)320, (CS)321, (CR)324, (BA)407, (CR)418, (BA)**447**, (CO)461, 1075 Ch. 2005-268
1196 Administrative Procedures (Governmental Oversight and Productivity) (FR)74, (CR)639, (CS)644 DSC
1198 Elections/Schools/Polling Places (Posey) (FR)74 DSC
1200 Sales Tax/Machinery & Equipment (Fasano) (FR)74 DSC
1202 Provision of Electric Power (Bennett) (FR)75, (MO)418 WS
1204 Enterprise Zones (Smith) (FR)75 DSC/CSP-HB 1725

SM
1206 Social Security Act (Peaden and others) (FR)75, (CO)437 DSC

SB
1208 Long-term Care Partnership Program (Health Care and others) (FR)75, (CR)228, (CS)231, (CO)437, (CR)462, (CR)639, (BA)720, (CR)744, (BA)**758**, (CO)818, 909, (CO)1662 Ch. 2005-252

SJR
1210 Term Limits for Legislative Office (Ethics and Elections) (FR)75, (MO)246, (CR)266, (CS)288, (CR)320, (BA)411, (BA)416, (CR)418 LTS/CSP-HJR 1177

SB
1212 Construction Contracting (Bennett) (FR)75, (MO)418 WS
1214 Public School Student Progression (Wilson) (FR)75 DSC
1216 High-Risk Offenders (Justice Appropriations and others) (FR)75, (CO)313, (MO)348, (CO)388, (MO)418, (CR)420, (CR)421, (CS)427, (CS/CS)428, (CO)478, (BA)487, (BA)503, (BA)510, (BA)511, (CR)523, (CO)535, (CO)656, (CO)1662 LTS/CSP-HB 1877
1218 Juvenile Defendants (Criminal Justice) (FR)75, (CR)420, (CS)428 DSC
1220 Electronic Monitoring (Judiciary and others) (FR)76, (CO)313, (CO)388, (CR)420, (CS)428, (CR)567, (CS/CS)576, (CO)1662 DSC/CSP-HB 1877
1222 Law Enforcement (Wise and others) (FR)76, (CO)313 DSC
1224 Parole (Wise and others) (FR)76, (CO)313 DSC
1226 Domestic Security (Diaz de la Portilla) (FR)76 DSC
1228 Emergency Preparedness (Domestic Security) (FR)76, (CR)135, (CS)149, (MO)418 DSC
1230 Voluntary Prekindergarten Education (Carlton) (FR)76 DSC
1232 Wind-protection/Fla. Building Code (Community Affairs and others) (FR)76, (CR)266, (CS)288, (CR)349, (MO)376, (CR)639, (BA)720, (BA)721, (BA)727, (CR)744, (CO)1662 LTS/CSP-CS/CS/CS/CS/SB 442

SR
1234 RESPECT of Florida (Lynn and others) (CO)388, (CO)535, (FR)**820** Adopted
1236 Osteopathic Medicine Day (Peaden and others) (FR)**340** Adopted

SB
1238 Drug Paraphernalia Abatement (Wise and others) (FR)76, (CR)134, (CR)320, (CO)337 DSC

SB
1240 Former Military Vehicles (Baker and others) (FR)76, (CR)462, (BA)552, (CR)553, (BA)605, (CO)1075 LTS/CSP-HB 623
1242 FRS/Prior Military Wartime Service (Aronberg and others) (FR)76, (CR)524, (CO)1075 DSC
1244 Tax/Gross Receipts for Utility Svcs. (Government Efficiency Appropriations) (FR)76, (CR)176, (CS)185, (CR)246, (CR)349, (CR)462, (BA)506, (CR)523, (BA)**544**, 1075 Ch. 2005-148
1246 Older Adults/Criminal Justice System (Health and Human Services Appropriations) (FR)77, (CR)135, (CS)149, (CR)265, (MO)418, (CR)567, (CS/CS)576 DCS
1248 School Health Services Program (Wilson) (FR)77, (CR)324 DSC
1250 Independent Postsecondary Education (Wise) (FR)77, (CR)102, (CR)187, (MO)637, (BA)781, (CR)811 LTS/CSP-HB 1089, HB 1091
1252 Fla. Gulf Coast University (Saunders and others) (FR)77, (CO)388, (CR)419, (MO)689, (MO)811, (MO)886 DCS/CSP-HB 517
1254 Deferred Compensation Programs (Ways and Means) (FR)77, (CR)134, (MO)418, (CR)568, (CS)576 DCS
1256 Student Financial Assistance (Education and others) (FR)77, (CO)259, (CR)454, (CS)457 DSC
1258 Mortgages/Certificates of Release (Judiciary) (FR)77, (CR)320, (CS)321, (CR)455, (CS/CS)458, (BA)505, (CR)523 LTS/CSP-HB 531
1260 Education (Education and others) (FR)77, (CR)690, (CS)695 DSC
1262 Child Support Enforcement (Judiciary and others) (FR)78, (CR)246, (CR)463, (CS)467, (MO)553, (BA)606, (CR)638, (CO)1075, (CO)1662 LTS/CSP-HB 775, HB 1283
1264 Velez Memorial Traffic Safety Act (Health and Human Services Appropriations and others) (FR)78, (CO)219, (CO)354, (CR)378, (CS)382, (CR)524, (CR)554, (CR)640, (CS/CS)644, (BA)716, (CR)744, (CO)818, (CO)1662 LTS/CSP-HB 497
1266 FRS/Public School Members (Jones and others) (FR)78, (CO)313 DSC
1268 Second Primary Election (Ethics and Elections) (FR)78, (CR)300, (CS)311, (CR)566, (BA)617, (CR)638 LTS/CSP-HB 1673
1270 Property Appraiser Assessments (Government Efficiency Appropriations and others) (FR)78, (CR)187, (CO)313, (CR)349, (CS)351, (BA)777, (CR)811 LTS
1272 Independent Education/Pub. Rec. (Governmental Oversight and Productivity) (FR)78, (CR)377, (CS)382, (CR)419, (CR)555, (CS/CS)556, (MO)637, (BA)781, (CR)811 LTS/CSP-HB 1091, HB 1089

SR
1274 DNI
1276 Aunts & Uncles Day (Hill) (FR)**598** Adopted
1278 Cesar Chavez Day (Hill) (BA)**294** Adopted

SB
1280 School Instruction/History of Labor (Hill) (FR)78 DSC
1282 Youth Athletics Programs (Hill) (FR)78 DSC
1284 Government Contracting (Hill) (FR)79 DSC
1286 Sparsity Supplement Funds/Schools (Bennett and others) (FR)79, (CO)259 DSC/CSP-CS/SB 388
1288 Labor Pools (Commerce and Consumer Services and others) (FR)79, (CR)228, (CS)231, (CO)437, (CR)524 DSC

SJR
1290 Citizen Initiative/Amendments (Posey) (FR)79 DSC
1292 Use of Public Funds/Sports Teams (Bennett) (FR)79, (CR)524 USC/LTS

SB
1294 School District Millage (Government Efficiency Appropriations and others) (FR)79, (CR)299, (CR)349, (CS)352, (MO)637, (CO)1075 DCS
1296 Tax on Communication Services (Community Affairs and others) (FR)79, (CR)227, (CR)525, (CS)528, (CR)640, (CS/CS)645 DSC/CSP-CS/CS/SB 1322
1298 C. Disman Melanoma Prevention Act (Posey) (FR)79 DSC
1300 Corporate Income Tax/Refund Claims (Government Efficiency Appropriations) (FR)79, (CR)349, (CS)352, (BA)622, (CR)638, (BA)**678**, 1075 Ch. 2005-178

SJR
1302 Practice & Procedure Rules/Courts (Posey) (FR)79 DSC

SB
1304 School Crossing Guard Protection Law (Margolis) (FR)79 DSC

SB
1306 Professional Sports Franchises (Commerce and Consumer Services) (FR)80, (MO)299, (CO)313, (CO)323, (CR)463, (CS)468, (CR)639 DSC
1308 Florida Clean Indoor Air Act (Criminal Justice and others) (FR)80, (CR)135, (CS)149, (CR)265, (MO)523, (CR)555, (CS/CS)556, (BA)614, (CR)638, (BA)**665**, (CO)709, (CO)1662 DM
1310 Cigarette Taxes (Regulated Industries) (FR)80, (CR)135, (CS)149, (CR)227 DSC/CSP-HB 205
1312 Recreational Vehicles (Commerce and Consumer Services) (FR)80, (CR)228, (CS)231, (CR)265, (MO)299, (BA)346, (CR)348, (BA)**363**, 1075 Ch. 2005-141
1314 Independent Living (Health and Human Services Appropriations and others) (FR)80, (CR)228, (CS)232, (CO)313, (CO)337, (CO)437, (CR)455, (CS/CS)458, (CR)640, (CS/CS/CS)645, (BA)742, (BA)743, (CR)744, (BA)771, **772**, (CO)818, 909, (CO)1075 Ch. 2005-179
1316 Waterfront Property (Environmental Preservation and others) (FR)80, (CR)378, (CS)382, (CR)525, (CS/CS)528, (MO)637, (MO)689, (BA)834, (BA)835, (CR)886, (CO)1075 LTS/CSP-HB 955
1318 Underground Petroleum Storage Tanks (General Government Appropriations) (FR)81, (CR)134, (CR)265, (CR)349, (CS)352, (CR)462, (BA)505, (CR)523, (BA)**544**, 1075 Ch. 2005-180 CSP-SB 2602
1320 Lifeline/Link-Up Assistance Program (Commerce and Consumer Services) (FR)81, (CR)299, (MO)348, (CR)463, (CS)468, (BA)486, (CR)523, (BA)538, **539** DM/CSP-CS/CS/SB 1322
1322 Regulation of Communication (Governmental Oversight and Productivity) (FR)81, (CR)300, (CS)312, (CR)378, (CS/CS)383, (BA)407, (CR)418, (BA)**446**, 1311, (BA)1312, **1322**, 1662 Ch. 2005-132
1324 Florida KidCare Program (Health Care and others) (FR)81, (CO)175, (CO)219, (CR)228, (CS)232, (CO)259, (CO)292, (CR)419, (CO)535, (BA)549, (CR)553, (CO)596, (BA)600 LTS/CSP-HB 569

SR
1326 Immokalee High School Football Team (Saunders) (FR)**537** Adopted

SB
1328 Civil Penalties/Guardianship Program (Posey) (FR)81 DSC
1330 Financial Institutions/Credit Unions (Judiciary) (FR)81, (CR)227, (BA)297, (CR)299, (CR)301, (CS)312, (BA)317, **318**, 1075 Ch. 2005-181
1332 Public Records (Jones) (FR)82, (MO)246 DSC
1334 Official Florida Statutes (Pruitt) (MO)3, (FR)82, (CR)103, (BA)**124**, 234, 323, 460 Ch. 2005-1
1336 Florida Statutes (Rules and Calendar) (MO)3, (FR)82, (CS)100, (CR)105, (BA)**124**, 234, 323, 460 Ch. 2005-2
1338 Florida Statutes (Pruitt) (MO)3, (FR)82, (CR)103, (BA)**124**, 234, 323, 460 Ch. 2005-3
1340 Florida Statutes (Pruitt) (MO)3, (FR)82, (CR)103, (BA)**125**, 234, 323, 460 Ch. 2005-4
1342 Slot Machines/Revenue Taxes (Geller) (FR)82 DSC
1344 Motor Vehicles (Transportation and Economic Development Appropriations and others) (FR)83, (CR)134, (CR)320, (CO)337, (MO)418, (CR)567, (CS)576, (BA)686, (BA)687, (CR)689, (BA)712, (BA)753, (BA)849, (BA)1038, (BA)1105 DCS/CSP-HB 1697
1346 Health Care Risk Management (Saunders) (FR)84 DSC
1348 Indoor Smoking Places (Commerce and Consumer Services) (FR)84, (CR)377, (CS)383, (CR)640, (CS/CS)645, (BA)688, (BA)(CR)689, (BA)**713**, 1075 Vetoed
1350 Trust Funds (Jones) (FR)84 DSC
1352 Fla. Inland Navigation District (Aronberg) (FR)84, (CR)227, (CR)300, (BA)346, (BA)347, (CR)348, (BA)364 LTS/CSP-HB 655
1354 Sexual Offenders (Children and Families and others) (FR)84, (CR)264, (CO)313, (CR)421, (CS)429, (CO)478, (BA)728, (CR)744, (BA)**759**, 1075 Ch. 2005-67
1356 Retail Leases (Alexander and others) (FR)84, (CR)462, (BA)686, (CR)689, (BA)713, (BA)721, (CO)818 LTS/CSP-HB 853
1358 Workforce Education (Fasano) (FR)84 DSC
1360 Adult Protective Services (Rich and others) (FR)84, (CR)227, (CO)234, (MO)454, (CR)553, (BA)609, (CR)638, (BA)**662** DM

SJR
1362 Term Limits/Constitutional Officers (Clary) (FR)84, (MO)246, (CR)266, (CS)288, (CR)320, (BA)411, (BA)416, (CR)418 LTS/CSP-HJR 1177

SB
1364 Water Policy (Alexander) (FR)85 DSC
1366 Storm Infrastructure Recovery (Transportation and Economic Development Appropriations and others) (FR)85, (CR)188, (CS)218, (CR)265, (CR)349, (CS/CS)352, (CR)567, (CS/CS/CS)577, (BA)614, (CR)638, (BA)**666**, 1075 Ch. 2005-107
1368 Disclaimer of Property Interests Act (Judiciary) (FR)85, (CR)188, (CS)218, (BA)245, (BA)(CR)246, (BA)**264**, 656 Ch. 2005-108

SR
1370 Ovarian Cancer Awareness Month (Saunders) (FR)537, **538** Adopted

SB
1372 Economic Development/Entertainment (Commerce and Consumer Services and others) (FR)85, (CR)266, (CS)288, (MO)553, (MO)744, (BA)918, (CR)1074, (CO)1662 LTS/CSP-HB 1129
1374 School Capital Outlay Funding (Dockery and others) (FR)85, (CO)175, (CO)186, (CO)219, (CO)240, (CO)313, (CR)524 DSC/CSP-CS/CS/CS/SB 360
1376 Dedicated License Trust Fund/FWC (Clary) (MO)3, (FR)85, (CR)103, (BA)**125**, 337, 437, 460 Ch. 2005-7
1378 Fla. Panther Research & Mgmt. TF (Clary) (MO)3, (FR)86, (CR)103, (BA)**125**, 337, 437, 460 Ch. 2005-8
1380 Fla. Forever Program Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)**125**, 337, 437, 460 Ch. 2005-9
1382 Land Acquisition Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)**125**, 337, 437, 460 Ch. 2005-10
1384 Lifetime Fish & Wildlife Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)**126**, 337, 437, 460 Ch. 2005-11
1386 Marine Resources Conservation TF (Clary) (MO)3, (FR)86, (CR)103, (BA)**126**, 337, 437, 460 Ch. 2005-12
1388 Nongame Wildlife Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)**126**, 337, 437, 460 Ch. 2005-13
1390 Save the Manatee Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)**126**, 337, 437, 460 Ch. 2005-14
1392 State Game Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)126, **127**, 337, 437, 460 Ch. 2005-15
1394 Conservation & Recreation Lands TF (Clary) (MO)3, (FR)86, (CR)103, (BA)**127**, 337, 437, 460 Ch. 2005-16
1396 Trust Funds/Termination/F&WCC (General Government Appropriations) (MO)3, (FR)86, (CS)101, (CR)105, (BA)**127**, 337, 437, 460 Ch. 2005-17
1398 Administrative TF/Fish & Wildlife (Clary) (MO)3, (FR)86, (CR)103, (BA)**127**, 337, 437, 460 Ch. 2005-18
1400 Federal Grants Trust Fund (Clary) (MO)3, (FR)86, (CR)103, (BA)**127**, 337, 437, 460 Ch. 2005-19
1402 Grants & Donations Trust Fund (Clary) (MO)3, (FR)87, (CR)103, (BA)127, **128**, 337, 437, 460 Ch. 2005-20
1404 Administrative Trust Fund (Saunders) (MO)3, (FR)87, (CR)103, (BA)**128**, 337, 437, 460 Ch. 2005-21
1406 Federal Grants Trust Fund (Health and Human Services Appropriations) (MO)3, (FR)87, (CS)101, (CR)105, (BA)**128**, 337, 437, 460 Ch. 2005-22
1408 Operations & Maintenance Trust Fund (Health and Human Services Appropriations) (MO)3, (FR)87, (CS)101, (CR)105, (BA)**128**, 337, 437, 460 Ch. 2005-23
1410 Social Services Block Grant TF (Health and Human Services Appropriations) (MO)3, (FR)87, (CS)101, (CR)105, (BA)**128**, 337, 437, 460 Ch. 2005-24
1412 Tobacco Settlement Trust Fund (Health and Human Services Appropriations) (MO)3, (FR)87, (CS)101, (CR)105, (BA)**129**, (BA)**1120** Ch. 2005-142
1414 Domestic Security (Governmental Oversight and Productivity) (FR)87, (CR)265, (CR)554, (CS)556, (MO)689, (BA)832, (BA)833, (CR)886 LTS/CSP-HB 1715, HB 1801
1416 Domestic Security Oversight/Pub. Rec (Domestic Security) (FR)87, (CR)266, (CS)288, (CR)419, (MO)523, (CR)524, (BA)833, (CR)886 LTS/CSP-HB 1801, HB 1715
1418 Health Issues Concerning Women (Peaden) (FR)87 DSC
1420 School Events/Inspirational Message (Education and others) (FR)87, (CR)378, (CS)383, (CR)639, (CO)1662 DCS
1422 FRS/Special Risk Class (Lawson) (FR)88 DSC
1424 FRS/Normal Retirement Date & Age (Lawson) (FR)88 DSC
1426 Motor Vehicle Service Agreement Co. (Wise) (FR)88 DSC/CSP-CS/SB 2006

SB
1428 Motor Vehicle Speed Competitions (Judiciary) (FR)88, (CR)265, (CR)455, (CS)458, (MO)637, (BA)786, (CR)811 LTS/CSP-HB 71

SJR
1430 Homestead/Assessed Value/Elderly (Haridopolos) (FR)88, (CR)299 DSC

SB
1432 Insurance Administrators (Banking and Insurance) (FR)88, (CR)266, (CS)288, (BA)297, (CR)299, (BA)**318**, 1075 Ch. 2005-182
1434 Control of Students (Lawson and others) (FR)88, (CO)175 DSC
1436 Automated External Defibrillators (Community Affairs and others) (FR)88, (CR)187, (CO)234, (CR)320, (CS)321, (BA)(CR)348, (BA)**365**, 1075 Ch. 2005-109
1438 Repossession Services (Criminal Justice) (FR)88, (CR)227, (CR)349, (CR)421, (CS)429, (BA)506, (CR)523, (BA)**545**, 1075 Ch. 2005-143
1440 Time Limitations/Criminal Offenses (Criminal Justice) (FR)88, (CR)187, (CR)265, (BA)296, (CR)299, (BA)**316**, 534 Ch. 2005-110
1442 Self-Insurers Guaranty/Pub. Rec. (Governmental Oversight and Productivity) (FR)89, (CR)320, (CS)321, (CR)555, (CS/CS)557, (MO)744, (BA)919, (CR)1074 LTS/CSP-HB 729
1444 Centers of Excellence/Technology (Klein and others) (FR)89, (CR)324, (CO)437, (CR)524, (CR)638 DSC
1446 Public Employee Optional Retirement (Ways and Means) (FR)89, (CR)228, (CS)232, (CR)464, (CS/CS)468, (BA)503, (CR)523, (BA)**542**, 1075 Ch. 2005-253
1448 Redevelopment of Brownfields (Constantine and others) (FR)89, (CR)134, (CR)227, (CO)234, (CR)324, (CR)566, (BA)619, (CR)638, (BA)**672**, (CO)1075 DM
1450 Arthritis Prevention & Education Act (Klein) (FR)89, (CR)324, (CR)419, (MO)811, (BA)912, (CR)1074, (BA)**1100**, 1661 Ch. 2005-221
1452 Health Care Practitioners (Argenziano) (FR)89 DSC
1454 Tourist Safety Act of 2005 (Judiciary) (FR)89, (CR)135, (BA)296, (CR)299, (CR)301, (CS)312, (BA)**316**, 1075 Ch. 2005-183
1456 Paternity (Children and Families and others) (FR)89, (CR)420, (CS)429, (CR)567, (CS/CS)577, (MO)811, (CO)909, (BA)941, (CR)1074, (CO)1075, (BA)**1104** DM
1458 Child's Education/Deceased Veteran (Community Affairs and others) (FR)89, (CR)228, (CS)232, (CO)596, (CR)639, (MO)743, (BA)913, (BA)916, (CR)1074, (CO)1075 LTS/CSP-HB 1189
1460 Vehicle Registration/Contribution (Bennett and others) (FR)90, (CO)186, (CR)227, (CR)300, (CR)324, (BA)411, (CR)418, (BA)**450**, (CO)1075 Ch. 2005-254
1462 Sales Tax/Hurricane Preparedness (Government Efficiency Appropriations) (FR)90, (CR)320, (CS)321, (MO)553, (CR)567, (CS/CS)577, (BA)784, (CR)811 LTS/CSP-HCB 6001
1464 Renewable Energy (Environmental Preservation) (FR)90, (CR)187, (CR)247, (CS)259 DCS
1466 Justice For Justin Act (Transportation and others) (FR)90, (CO)175, (CR)525, (CS)528, (CR)638, (CO)909, (CO)1075 DSC

SCR
1468 OPPAGA Director/Gary VanLandingham (Wise) (FR)90, (CR)320, (BA)(CR)348 LTS/CSP-HCR 1127

SB
1470 Alternative Plan Review & Inspection (Regulated Industries) (FR)90, (CR)349, (CR)640, (CS)645, (BA)785, (CR)811 LTS/CSP-HB 567, CS/CS/CS/CS/SB 442
1472 Critical Access Hospitals (Health and Human Services Appropriations) (FR)90, (CR)176, (CS)186, (CR)421, (CS/CS)429, (BA)505, (CR)523 LTS/CSP-HB 763, CS/SB 1868
1474 Correctional Facilities/Contraband (Crist) (FR)90 DSC
1476 CFS Dept./Contracts/Service Provider (Health and Human Services Appropriations and others) (FR)90, (CR)228, (CS)232, (CR)266, (CS/CS)288, (MO)299, (CR)325, (CS/CS/CS)330, (BA)344, (BA)345, (CR)348, (BA)361, **362**, (CO)478, (BA)1120, **1127** Ch. 2005-222
1478 Public Records & Meetings (Governmental Oversight and Productivity) (FR)91, (MO)376, (CR)378, (CS)383, (CR)640, (CS/CS)645, (CR)886, (BA)957, (BA)1078, (BA)1226 LTS/CSP-HB 1939, CS/SB 1486

SB
1480 Insurance (Banking and Insurance) (FR)91, (CR)639, (CS)646 DSC
1482 Insurance (Garcia) (FR)91 DSC
1484 Insurance (Garcia) (FR)91 DSC
1486 Property Insurance (Banking and Insurance and others) (FR)91, (MO)124, (CR)135, (CS)149, (BA)222, (CR)227, (BA)**235**, (CO)354, (BA)1645, **1659** Ch. 2005-111 CSP-HB 1939, HB 9-A
1488 Property Insurance (General Government Appropriations and others) (FR)91, (MO)246, (MO)348, (CR)378, (CS)383, (CR)567, (CS/CS)577, (CR)886, (BA)957, (BA)1078, (BA)1210, (BA)1226 DCS/CSP-CS/SB 1486, HB 1939
1490 Property Insurance (Garcia) (FR)91, (MO)246 DSC
1492 Condominiums/Administration Board (Regulated Industries) (FR)91, (CR)420, (CS)429, (CR)639, (BA)734, (CR)744 LTS/CSP-HB 291
1494 Information Technology Management (General Government Appropriations and others) (FR)91, (CR)266, (CS)289, (MO)299, (CR)325, (CS/CS)331, (BA)345, (CR)348, (BA)**362**, (CO)478, (BA)1290, **1301** Vetoed
1496 Fla. Public Service Regulatory TF (Fasano) (FR)92, (CR)299, (CR)324, (CR)419 DSC
1498 Lead Poisoning Prevention (Health and Human Services Appropriations and others) (FR)92, (CR)265, (CR)419, (CR)640, (CS)646, (BA)714, (BA)721, (CR)744, (BA)**754**, (CO)1075 DM
1500 Medicaid Eligibility/Pregnancy (Wilson) (FR)92 DSC
1502 Driver's License Applications (Fasano and others) (FR)92, (CR)300, (CR)419, (CR)554, (BA)617, (CR)638, (BA)**670**, (CO)1075 Ch. 2005-68

SR
1504 Chronic Kidney Disease Awareness Day (Wilson) (FR)**123** Adopted

SB
1506 Mandatory School Attendance/Age (Wilson) (FR)92 DSC
1508 Life Insurance & Annuity Contracts (Banking and Insurance and others) (FR)92, (CR)135, (CS)149, (CR)324, (BA)409, (BA)415, (CR)418, (BA)449, (BA)483 LTS/CSP-HB 105

SR
1510 Columbia Restaurant (Miller and others) (FR)**389** Adopted

SB
1512 Drug Abuse Prevention/Libraries (Aronberg and others) (FR)92, (CO)186, (CR)377, (CR)419, (CO)461, (BA)487, (CR)523, (BA)**540**, (CO)1075 DHC
1514 DROP/Special Risk Class of FRS (Posey) (FR)92 DSC
1516 Intergenerational Respite Care (Health Care) (FR)135, (CR)567, (CS)578, (MO)689, (BA)835, (CR)886 LTS/CSP-HB 1559

SR
1518 Jefferson HS Varsity Football Team (Miller) (FR)**356** Adopted

SB
1520 Consumer Protection (General Government Appropriations) (FR)135, (CR)266, (CS)289, (CR)463, (CS/CS)468, (CR)690, (CS/CS/CS)695, (BA)731, (BA)732, (CR)744, (BA)**760**, (BA)**1240** Vetoed
1522 Medicaid Eligibility/Asset Transfers (Baker) (FR)136 DSC
1524 Mental Health Care Services (Rich and others) (FR)136 DSC
1526 Homicide of Unborn Quick Child (Justice Appropriations and others) (FR)136, (CR)325, (CS)331, (CR)419, (CR)567, (CS/CS)578, (BA)620, (CR)638, (BA)673, (CO)1075 LTS/CSP-HB 233
1528 Keys Aqueduct Authority/Monroe Co. (Bullard) (FR)136 DSC
1530 Canaveral Port District/Brevard Co. (Haridopolos) (FR)136 DSC/CSP-HB 1077
1532 Medicaid/Influenza Virus & Drugs (Wilson) (FR)136 DSC
1534 Adoption (Rich and others) (FR)136 DSC
1536 Health Care Disclosure (Hill) (FR)137 DSC
1538 Wage Discrimination (Hill) (FR)137 DSC

SR
1540 Workers' Memorial Day/April 28, 2005 (Hill) (FR)**658** Adopted

SB
1542 Reuse & Recycling of Campaign Signs (Environmental Preservation and others) (FR)137, (CR)247, (CS)259, (CR)566, (MO)744, (BA)918, (CR)1074, (CO)1662 LTS/CSP-HB 1031

SM
1544 FEMA Reorganization (Rich) (FR)137 DSC

SR
1546 Aviation Day/April 12, 2005 (Sebesta) (FR)**357** Adopted

SB
1548 Racial Profiling (Wilson) (FR)137 DSC
1550 Bicycle Regulation/Helmets/Safety (King) (FR)137, (CR)247 DSC
1552 Phosphate Mining (Dockery) (FR)137 DSC
1554 Contracting for Efficiency/State (Governmental Oversight and Productivity) (FR)137, (CR)555, (CS)557 DSC
1556 Workforce Education (Lynn) (FR)137 DSC
1558 Enterprise Zones (Lynn) (FR)137 DSC/CSP-HB 1725
1560 FCAT/Students/Limited English (Constantine) (FR)138 DSC

SR
1562 Marshall, Phyllis (Miller) (FR)481, **482** Adopted
1564 Cancer Society's Relay For Life (Rich and others) (FR)314, **315** Adopted

SB
1566 Student Progression/Social Studies (Baker and others) (FR)138, (CO)292, (CO)337 DSC
1568 Florida Retirement System (Governmental Oversight and Productivity and others) (FR)138, (CR)524, (CO)656, (CR)690, (CS)695 DSC

SR
1570 National Nutrition Month in Florida (Peaden) (FR)**122** Adopted

SB
1572 Scripps Funding Corporation (Commerce and Consumer Services and others) (FR)138, (CO)186, (CR)377, (CS)384, (CR)419, (CR)554 DSC
1574 Use of Tasers/Minors (Siplin) (FR)138 DSC
1576 Funding of Dredging Projects (Transportation and Economic Development Appropriations) (FR)138, (CR)377, (CR)524, (CR)567, (CS)578, (BA)626, (CR)638 LTS/CSP-HB 1029, HB 1681, SB 2602
1578 Court Costs/Drug Court Program (Lynn) (FR)138 DSC
1580 Miccosukee Tribe of Indians of Fla. (Wilson) (FR)138 DSC
1582 Corporate Income Tax Credit (Bullard) (FR)138, (CR)187 DSC
1584 Firefighter Training Certification (Campbell) (FR)138 DSC
1586 Procurement (Campbell) (FR)139 DSC

SR
1588 Endometriosis Awareness Month (Margolis) (FR)**242** Adopted

SB
1590 Joint Underwriters & Reinsurers (General Government Appropriations) (FR)139, (CR)265, (CR)324, (CR)421, (CS)429 DCS
1592 Military Affairs Dept./Insurance (Community Affairs and others) (FR)139, (CR)266, (CS)289, (CR)324, (CO)596, (BA)719, (BA)720, (CR)744, (CO)1662 LTS/CSP-HB 1069
1594 Public Records & Meetings (Argenziano) (FR)139 DSC
1596 Public Records & Meetings (Argenziano) (FR)139 DSC
1598 Enterprise Zones (Government Efficiency Appropriations and others) (FR)139, (CR)265, (CS)290, (CO)354, (CR)378, (CS/CS)384, (CO)437, (CR)640, (CS/CS/CS)646, (MO)744 DCS/CSP-CS/CS/SB 486
1600 Child Care (Children and Families and others) (FR)139, (CR)300, (CS)312, (MO)418, (BA)486, (BA)487, (CR)523, (BA)539, **540**, (CO)596 DM
1602 State Tax Funds (Commerce and Consumer Services) (FR)139, (CR)454, (CS)458, (CR)554, (BA)618, (CR)638, (BA)**671**, 1075 Ch. 2005-184
1604 Florida 211 Network (Community Affairs and others) (FR)139, (CR)265, (CR)320, (CS)321, (CO)437, (CO)1075 DSC
1606 Dr. John M. Haile Memorial Boulevard (Lynn) (FR)140 DSC/CSP-HB 385
1608 Architecture & Interior Design Svcs. (Regulated Industries and others) (FR)140, (CO)337, (CR)525, (CS)528, (CR)566, (BA)686, (CR)689 LTS/CSP-HB 699, HB 213
1610 Recreational Licenses & Permits (Government Efficiency Appropriations and others) (FR)140, (CR)462, (CR)567, (CS)578, (MO)689, (BA)835, (CR)886 LTS/CSP-HB 395
1612 Water Management District Security (Atwater and others) (FR)140, (CR)246, (CR)462, (CR)524, (MO)689, (BA)833, (CR)886, (CO)1662 LTS/CSP-HB 473
1614 National Guard Member/Life Insurance (Aronberg) (FR)140 DSC
1616 Insurable Interests (Banking and Insurance) (FR)140, (CR)525, (CS)529 DSC

SB
1618 Autism Spectrum Disorder/Medicaid (Atwater and others) (FR)140, (CR)246, (CO)292, (CR)419 DSC
1620 Sales Tax Exemption (Atwater and others) (FR)140, (CO)219, (CO)234, (CR)246, (CO)437, (CR)462, (CO)535, (CR)639, (BA)836, (CR)886 LTS/CSP-HB 805
1622 Hospices (Health and Human Services Appropriations) (FR)140, (CR)300, (CS)313, (CR)567, (CS/CS)579 DCS
1624 Firefighters' Pensions (Community Affairs) (FR)141, (CR)349, (CS)352, (CR)524, (CR)638, (MO)743, (BA)917, (CR)1074 LTS/CSP-HB 1159
1626 Capital Collateral Regional Counsels (Criminal Justice) (FR)141, (CR)639, (CS)646 DSC
1628 Public Records (Criminal Justice) (FR)141, (CR)325, (CS)331, (CR)638, (MO)689 DCS
1630 Construction/Demolition Materials (Smith) (FR)141 DSC
1632 DUI Programs (Smith and others) (FR)141, (CR)246 DSC
1634 Fla. Retirement System/Special Risk (Webster and others) (FR)141, (CO)709 DSC
1636 Liability/In-home Services Companies (Smith) (FR)141 DSC
1638 Youth Custody Officers (Smith) (FR)141 DSC
1640 Attorney's Fee/Eminent Domain Action (Smith) (FR)141 DSC
1642 Driving or Boating Under Influence (Smith and others) (FR)141, (CO)259, (CR)320, (CR)566 DSC
1644 Economic-development Incentives (Campbell) (FR)142, (CR)319, (CR)524 DSC
1646 One School, One Nurse Act (Wilson) (FR)142 DSC
1648 Highway Signs/College & University (Fasano) (FR)142 DSC
1650 Workforce Innovation (Governmental Oversight and Productivity and others) (FR)142, (CR)228, (CS)233, (CO)259, (CR)455, (CS/CS)458, (CR)554, (BA)613, (CR)638, (BA)664, **665**, 1075 Ch. 2005-255
1652 Unemployment Compensation (Criminal Justice and others) (FR)142, (CR)228, (CS)233, (CO)259, (CR)325, (CS/CS)331, (CR)419, (BA)738, (BA)739, (CR)744 LTS/CSP-HB 1693, HB 1813
1654 Limited Veterinary Drug Wholesaler (Health Care) (FR)142, (CR)420, (CS)429, (CR)640, (CS/CS)646 DCS
1656 Water or Wastewater Utilities/Rates (Fasano) (FR)143, (CR)299 DSC
1658 Alcoholic Beverages/Taxation (Fasano and others) (FR)143, (CR)300, (CO)535, (CO)596, (CO)656, (CO)709 DSC
1660 Health Insurance (Ways and Means and others) (FR)143, (MO)454, (CR)463, (CS)468, (CR)690, (CS/CS)695, (BA)936, (BA)1029, (BA)1030, (CR)1074 LTS/CSP-HB 811
1662 Insurance (Judiciary and others) (FR)143, (CR)227, (CO)292, (CR)325, (CS)332, (BA)409, (CR)418, (BA)**449**, 656 Ch. 2005-144
1664 Contaminated Drycleaning Facilities (Judiciary) (FR)143, (CR)349, (CR)690, (CS)696 DSC

SR
1666 Rotary Day in Florida (Jones) (FR)**123** Adopted
1668 Craniosacral Therapy Awareness Month (Jones) (FR)**294** Adopted

SB
1670 Oceans & Coastal Resource Management (General Government Appropriations and others) (FR)143, (CR)300, (CS)313, (CR)377, (CR)567, (CS/CS)579 DCS/CSP-HB 1855
1672 Termination Of Parental Rights (Lynn and others) (FR)143, (CO)1662 DSC
1674 Certified Capital Companies (Miller) (FR)144 DSC
1676 Substance Abuse Services (Wise) (FR)144 DSC
1678 Public School Class Size (Alexander and others) (FR)144, (CR)324, (CR)419, (BA)505, (CR)523, (CO)535, (BA)543, (BA)**548**, (CO)1075 Vetoed
1680 Firefighters/Cancer Coverage (Klein) (FR)144 DSC
1682 Elections (Klein) (FR)144 DSC/CSP-HB 1567
1684 Consumer Services (Commerce and Consumer Services) (FR)144, (CR)266, (CS)290 DSC
1686 Fla. Self-Insurance Guaranty Assn. (Alexander) (FR)144 DSC
1688 Trusts & Other Agency Relationships (Judiciary) (FR)145, (CR)454, (CR)690, (CS)696, (BA)728, (CR)744 LTS/CSP-HB 897

SR
1690 Greyhound Adoption Month (Fasano) (FR)**598** Adopted

SB
1692 Medical Tort Reform (Baker and others) (FR)145, (CO)388 DSC
1694 Swimming Pool Service Technicians (Regulated Industries) (FR)145, (CR)420, (CS)429 DSC
1696 Immunizations (Education) (FR)145, (CR)418, (CR)554, (CS)557, (MO)637 DCS
1698 Driver License Restrictions/Age (Bullard) (FR)145 DSC
1700 R. H. Christophe & C. Summer Blvds. (Bullard) (FR)145 DSC/CSP-HB 385
1702 Teen Courts (Justice Appropriations and others) (FR)145, (CO)219, (CR)377, (CR)419, (CR)690, (CS)696, (BA)721, (CR)744, (BA)758, **759**, (CO)1075 DHC/CSP-HB 1935
1704 Assistive Technology Council (Education and others) (FR)146, (CR)377, (CS)384, (CR)524, (CO)565, (MO)811, (BA)921, (BA)964, (CR)1074 LTS/CSP-HB 1099
1706 Scholarships for Military Personnel (Klein) (FR)146 DSC
1708 Juvenile Detention/Maximum-risk (Villalobos) (FR)146 DSC
1710 Charter Schools (Education) (FR)146, (CR)266, (CS)290, (CR)418 DSC
1712 Appropriations/Scripps Fla. Funding (Bennett) (FR)146, (MO)418 WS
1714 Communication Services (Bennett and others) (FR)146, (CO)186, (CO)219, (CO)240, (CO)259, (CO)313, (CO)323, (CR)420, (CS)433, (CO)437, (CR)524, (CR)640, (CS/CS)648, (BA)835, (CR)886, (BA)954 LTS/CSP-CS/CS/SB 1322
1716 Regional Autism Centers (Children and Families and others) (FR)146, (CR)377, (CS)384, (CR)463, (CS/CS)469, (MO)637, (BA)957, (CR)1074, (CO)1075 LTS/CSP-HB 885
1718 Crisis Intervention Team Program (Bullard) (FR)176 DSC
1720 Sales Tax/Textbooks (Education) (FR)176, (CR)463, (CS)469 DSC
1722 Multiservice Senior Centers (Health Care and others) (FR)176, (CR)300, (CO)313, (CR)455, (CS)458, (BA)507, (BA)510, (CR)523, (BA)**546**, (CO)1075 Ch. 2005-223
1724 Discounted Computers/Students (Education and others) (FR)177, (CO)313, (CO)656, (CR)690, (CS)696, (MO)811 DSC
1726 Social Status of Black Men & Boys (Governmental Oversight and Productivity and others) (FR)177, (CR)349, (CO)354, (CR)690, (CS)696, (MO)811, (MO)886 DCS
1728 Sexual & Career Offenders (Criminal Justice) (FR)177, (CR)554, (CS)557 DSC
1730 Environmental Permitting Programs (General Government Appropriations) (FR)177, (CR)246, (CR)421, (CS)430, (BA)911, (BA)957, (CR)1074 LTS/CSP-HB 759, SB 2602
1732 Ad Valorem Taxes/Space Laboratories (Commerce and Consumer Services) (FR)177, (CR)463, (CS)469, (CR)524, (CR)639, (MO)744 DCS/CSP-HB 1813
1734 Children's Health Programs (Rich and others) (FR)177, (CO)259 DSC
1736 Adam Arnold Act/Vehicular Accident (Criminal Justice) (FR)177, (CR)639, (CS)646 DSC
1738 Juvenile Home Detention (Criminal Justice) (FR)177, (CR)554, (CS)557 DSC

SR
1740 Fathers (Bullard) (FR)**1077** Adopted
1742 Mothers (Bullard) (FR)**820** Adopted

SB
1744 Workers' Comp. for First Responders (Banking and Insurance and others) (FR)177, (CO)219, (CR)463, (CS)469, (CR)638 DSC
1746 Capitol Police (Wise) (FR)178, (CR)320, (CR)524, (MO)744, (BA)936, (CR)1074 LTS/CSP-HB 345
1748 Agricultural Water Conservation (Agriculture and others) (FR)178, (CR)228, (CS)233, (CR)418, (MO)553, (BA)616, (BA)617, (CR)638, (BA)**668**, (CO)709 DM/CSP-CS/CS/CS/SB 444

SR
1750 Merit Shop Construction Week (Wise) (FR)294, **295** Adopted

SB
1752 East Co. Water Control District (Bennett) (FR)178 DSC/CSP-HB 859

SR
1754 Stetson University Day (Haridopolos) (FR)242, **243** Adopted

SB
1756 Early Learning (Transportation and Economic Development Appropriations) (FR)178, (CR)264, (CR)349, (CR)566, (CR)640, (CS)646 DCS
1758 Indian River Co./Enterprise Zones (Haridopolos) (FR)178 DSC/CSP-CS/CS/SB 486

SB
1760 Automated External Defibrillators (Geller) (FR)179, (CR)553 DSC
1762 Drawbridges (Geller and others) (FR)179, (CO)388 DSC
1764 Veterans Definition (Geller) (FR)179 DSC
1766 School Students/Psychotropic Med (Health Care and others) (FR)179, (CO)354, (CO)478, (CR)554, (CS)557, (CR)640, (CS/CS)647, (BA)737, (BA)738, (CR)744, (BA)767, (BA)849, (BA)871, (BA)872, (BA)1038, (CO)1662 LTS/CSP-CS/CS/SB 1090
1768 Online Dating Services (Commerce and Consumer Services) (FR)179, (CR)463, (CS)469, (CR)639 DCS
1770 Fla. Enterprise Zone Act (Government Efficiency Appropriations and others) (FR)179, (CR)265, (CS)290, (CR)420, (CS/CS)430, (MO)553, (CR)567, (CS/CS/CS)579, (BA)737, (CR)744, (CO)1075 LTS/CSP-HB 1725
1772 Sunshine Security Act (Baker) (FR)180 DSC
1774 Florida Litter Law/Increased Fines (Government Efficiency Appropriations) (FR)180, (CR)246, (CR)349, (CS)352, (BA)504, (CR)523, (BA)542 LTS/CSP-HB 913
1776 State Homeland Security TF/DCA (Clary) (FR)180, (MO)743 WS
1778 DOT/Strategic Planning Regions (Transportation) (FR)180, (CR)377 DSC
1780 Agricultural Products Dealers (Judiciary) (FR)180, (CR)264, (CR)349, (CR)690, (CS)696, (MO)811, (BA)921, (BA)1000, (CR)1074 LTS/CSP-HB 1231
1782 Fla. Bright Futures Scholarship (Clary) (FR)180, (MO)743 WS
1784 Professional Services Acquisition (General Government Appropriations and others) (FR)180, (CR)266, (CS)291, (CO)337, (CR)378, (CS/CS)385, (CR)421, (CS/CS/CS)430, (BA)608, (CR)638, (BA)**661**, (BA)**1233** Ch. 2005-224
1786 Charter Schools (Geller) (FR)181 DSC
1788 Terrorist Nations/Travel/Commerce (Clary) (FR)181, (CR)567 USC/LTS
1790 Street Lighting (Judiciary) (FR)181, (MO)376, (CR)418, (CR)524, (BA)843, (CR)886 LTS/CSP-HB 135
1792 Minimum Wage (Hill and others) (FR)181, (CO)313 DSC
1794 Law Enforcement Officers/Firearms (Klein) (FR)181 DSC
1796 Property Tax Administration (Atwater) (FR)181, (CR)265, (CR)324, (BA)411, (CR)418, (BA)**449**, 656 Ch. 2005-185
1798 Corporate Income Tax/2005 IRS Code (Atwater) (FR)181, (CR)265, (BA)(CR)299, (BA)**319**, 656 Ch. 2005-112
1800 Health Maintenance Organizations (Banking and Insurance and others) (FR)181, (CR)524, (CR)639, (CO)656 DCS
1802 Capital Collateral Representation (Judiciary) (FR)182, (CR)455, (CS)458, (CR)690, (CS/CS)697 DSC
1804 Solvency of Insurers (Banking and Insurance) (FR)182 DSC
1806 Employee Leasing Companies (Banking and Insurance) (FR)182 DSC
1808 Airport Regulation/Security Plans (Transportation and others) (FR)182, (CR)377, (CS)385, (CR)524, (BA)615, (CR)638, (CO)1662 LTS/CSP-HB 977
1810 Court Monitors/Pub. Rec. (Governmental Oversight and Productivity) (FR)182, (CR)455, (CS)459, (CR)640, (CS/CS)647, (MO)744 DCS
1812 Pediatric Skilled Nursing Facilities (Campbell) (FR)182 DSC
1814 Franchised Motor Vehicle Dealers (Transportation) (FR)182, (CR)420, (CS)431 DSC
1816 Motor Vehicle Repairs (Campbell) (FR)182, (CR)320 DSC
SR
1818 APPRENTICESHIP Day (Haridopolos) (FR)**243** Adopted
SB
1820 Golf Cart Regulations (Klein) (FR)183, (CR)299, (CR)524, (BA)936, (CR)1074, (BA)1098, (BA)**1178** DHC/CSP-HB 1697
1822 Paintball Guns & Markers (Siplin) (FR)183 DSC
1824 State Reserves (Smith) (FR)183 DSC
1826 Property Appraiser Assessments (Constantine) (FR)183 DSC
1828 Legislators/Confidential Info./DCFS (Wilson) (FR)183 DSC
1830 Home Inspection Services (Regulated Industries and others) (FR)183, (CR)639, (CS)647, (MO)744, (BA)936, (CR)1074, (CO)1075 LTS
1832 DOC/Federal Govt. Prisoners (Argenziano) (FR)183, (CR)187 DSC
1834 Tourist Development Tax (Siplin) (FR)183 DSC
1836 Assisted Care Communities (Children and Families) (FR)183, (CR)420, (CS)431 DSC
SB
1838 Construction Contracting/Pools/Spas (Constantine) (FR)183 DSC
1840 Transportation Disadvantaged (Constantine) (FR)184 DSC
1842 Pharmaceutical Purchasing Practices (Aronberg) (FR)184 DSC
1844 School-entry Health & Vision Exams (Wilson) (FR)184 DSC
1846 Public Schools/Required Instruction (Wilson) (FR)184 DSC
1848 Student Safety & Campus Violence (Bennett and others) (FR)184, (CO)292, (CO)313, (CO)323, (MO)418 WS
1850 Outdoor Advertising (Community Affairs and others) (FR)184, (CR)525, (CS)529, (CR)690, (CS/CS)697, (CO)1075 DSC
1852 Mental Health Services Providers (Health Care) (FR)184, (CR)246, (CR)567, (CS)580 DSC
1854 Building Permit/Electronic Submittal (Regulated Industries and others) (FR)184, (CR)419, (CR)567, (CS)580, (CO)1075 DSC
1856 Commission on Ethics (Villalobos) (FR)185, (MO)246, (CR)265, (BA)296, (CR)299, (BA)**316** DHC
1858 Public Officers/Standards of Conduct (Villalobos) (FR)185, (MO)246, (CR)265, (CR)300, (BA)345, (CR)348, (BA)362, **363** DHC/CSP-HB 1001
1860 Initiative Petitions/Violations (Dockery) (FR)185, (CR)419 DSC
1862 Women's Health & Safety Act (Judiciary and others) (CO)175, (FR)188, (CO)313, (CO)388, (CR)419, (CO)437, (CR)567, (CS)580, (CO)596, (MO)689, (BA)842, (CR)886, (CO)1075 LTS/CSP-HB 1041
1864 Secondhand Dealers (Banking and Insurance and others) (FR)188, (CR)462, (CS)469, (CR)566, (CO)1662 DSC
1866 Fish & Wildlife Conservation Comm. (Government Efficiency Appropriations) (FR)188, (CR)300, (MO)553, (CR)639, (CS)647, (MO)744 DCS/CSP-HB 989
1868 Health Care/Poison Control Centers (Health Care and others) (FR)188, (CR)325, (CS)332, (BA)503, (CR)523, (BA)**541**, (CO)1075 Ch. 2005-256 CSP-HB 763
SJR
1870 Fla. Hurricane Catastrophe Fund (General Government Appropriations) (FR)189, (CR)319, (CR)421, (CS)431 DSC
SB
1872 Biomedical Research (Health and Human Services Appropriations and others) (FR)189, (CO)240, (CO)292, (CR)325, (CS)332, (MO)418, (CR)421, (CS/CS)431, (BA)609, (BA)612, (CR)638, (BA)663, (BA)**682**, (CO)709, (CO)1075 DHC/CSP-CS/CS/SB 404
1874 Farm Labor Vehicles (Commerce and Consumer Services and others) (FR)189, (CR)420, (CS)431, (CR)525, (CS/CS)529, (CO)535 DSC
1876 Fla. Commercial Anti-Pornography Act (Siplin) (FR)189 DSC
1878 Daytona Beach/Volusia Co. (Lynn) (FR)189 DSC/CSP-HB 969
1880 Save Our Everglades Trust Fund/DEP (Saunders and others) (CO)186, (FR)189 DSC
1882 Motor Vehicle Weights (Campbell) (FR)189 DSC
1884 Child Support (Judiciary and others) (FR)189, (CR)349, (CR)463, (CS)469, (MO)553, (BA)606, (BA)608, (CR)638, (BA)661, (CO)709, (CO)1075, (CO)1662 LTS/CSP-HB 1283, HB 775
1886 Local Government (Community Affairs) (FR)190 DSC
1888 Postsecondary Education (Lynn) (FR)191 DSC
1890 Exceptional Student Education (Lynn) (FR)191 DSC
1892 Fla. Comprehensive Assessment Test (Lynn) (FR)191 DSC
1894 Trust Funds (Lynn) (FR)191 DSC
1896 Public Records (Lynn) (FR)191 DSC
1898 Public Records (Lynn) (FR)191 DSC
1900 Postsecondary Education (Lynn) (FR)191 DSC
1902 Teacher Education (Lynn) (FR)191 DSC
1904 Immokalee Water & Sewer District (Saunders) (FR)191 DSC/CSP-HB 733
1906 Construction & Demolition Debris (Environmental Preservation and others) (FR)191, (CO)354, (CR)420, (CS)431, (MO)637 DCS/CSP-HB 1031
1908 Parental Notice of Abortion Act (Judiciary and others) (FR)192, (CR)324, (CR)421, (CS)431, (BA)550, (CR)553, (BA)601, (BA)602, (CO)1075 LTS/CSP-CS/SB 798, HB 1659
1910 Workforce Innovation (Transportation and Economic Development Appropriations and others) (FR)192, (CR)264, (CR)421, (CS)(CS/CS)432, (CO)535, (BA)613, (MO)**614**,

SB
(CR)638, (CO)1075, (BA)1237, (BA)1239, 1661
Ch. 2005-149 CSP-SB 2602
1912 Insurance Agents & Agencies (Judiciary) (FR)192, (CR)320, (CS)321, (CR)463, (CS/CS)471, (MO)811, (BA)916, (BA)957, (BA)958, (CR)1074, (BA)**1095**, 1661 Ch. 2005-257
1914 Juvenile Justice/Personnel (Justice Appropriations and others) (FR)192, (CR)420, (CS)432, (CR)567, (CS/CS)580, (BA)622, (CR)638, (CO)656, (BA)**678** DHC/CSP-HB 1917
1916 Medical Malpractice Insurance (Health Care) (FR)192, (MO)553, (CR)567, (CS)580 DSC
1918 Highway Designations (Sebesta) (FR)193, (CR)419
DCS/CSP-HB 385
1920 State Universities/Bd. of Governors (Education) (FR)193, (MO)348, (CR)463, (CS)471, (CR)554, (BA)622, (CR)638
LTS/CSP-HB 1001
1922 Public Records/Meetings Exemptions (Community Affairs and others) (FR)193, (CR)525, (CS)529, (CR)638, (CO)656, (MO)689, (BA)836, (CR)886, (BA)**1039**, 1229 Ch. 2005-186
1924 Child Support Guidelines (Sebesta and others) (FR)193, (CR)419, (CO)596 DSC
1926 Inflammatory Bowel Disease Research (Health Care and others) (FR)193, (CR)567, (CS)581, (CR)639, (BA)739, (CR)744, (CO)1075 LTS/CSP-HB 869
1928 Riding on Exterior/Vehicles (Sebesta) (FR)194, (CR)418, (CR)523 DSC
1930 Law & Correctional Officers/FRS (Governmental Oversight and Productivity) (FR)194, (CR)419, (CR)567, (CS)581
DSC
1932 Juveniles/Electronic Monitoring (Crist and others) (FR)194, (CO)1662 DSC

SJR
1934 Primary Elections/Party Affiliation (Sebesta) (FR)194, (CR)300 DSC

SB
1936 Emergency Services & Care Access (Sebesta) (FR)194 DSC
1938 Aerospace (Commerce and Consumer Services and others) (FR)194, (CO)337, (CR)463, (CS)471 DSC/CSP-HB 1813
1940 County Roads/Local Option Fuel Tax (Sebesta) (FR)194, (CR)299 DSC

SJR
1942 Judicial System/Practice/Procedure (Crist) (FR)194 DSC

SB
1944 Ethics/Public Officers & Employees (Judiciary) (FR)194, (CR)420, (CS)432, (CR)690, (CS/CS)697, (MO)744, (MO)811, (BA)917, (BA)918, (BA)958, (BA)959, (CR)1074 LTS
1946 Ethics Violations/Pub. Rec. (Posey) (FR)195 DSC
1948 Code of Ethics/Legislators (Posey) (FR)195 DSC
1950 Legislative Lobbying (Posey) (FR)195 DSC
1952 Insurance Field Representatives (Posey) (FR)195 DSC
1954 Line of Ordinary High Water (Posey) (FR)195 DSC
1956 Second Primary Election (Posey) (FR)195, (CR)300, (CS)311, (CR)566, (BA)617, (CR)638 LTS/CSP-HB 1673
1958 Guardianship (Children and Families and others) (FR)195, (CO)240, (CR)454, (CS)459, (CR)567, (CS/CS)581
DSC/CSP-HB 1935

SR
1960 Tampa Bay Lightning/Stanley Cup (Crist and others) (FR)**439**, (CO)478 Adopted

SB
1962 Appointed State Officers (Posey) (FR)196 DSC
1964 Wrongful Incarceration Act (Criminal Justice and others) (FR)196, (MO)348, (CO)437, (CR)(MO)454, (CS)459, (CO)478, (CR)640, (CS/CS)647, (BA)785, (BA)(MO)805, (CR)811, (CO)818, (BA)1038, **1039**, (BA)1570, (BA)1572
DM
1966 College Savings Program (King) (FR)196 DSC
1968 Building Designations (Governmental Oversight and Productivity and others) (FR)196, (CR)525, (CS)529, (CR)690, (CS/CS)697, (BA)733, (CR)744, (BA)761, **762**, (CO)1075
DHC
1970 Fla. Space Research Institute (Posey) (FR)197, (CR)454, (CR)638 DSC
1972 Death Penalty Reform Act (Crist) (FR)197, (CR)524 DSC
1974 Prenatal Death Caused by Negligence (Judiciary) (FR)197, (CR)567, (CS)582 DSC
1976 Foster Care/Permanency Planning (Posey) (FR)197 DSC
1978 Juvenile Justice (Children and Families) (FR)197, (CR)325, (CS)332, (CR)420, (CS/CS)432, (CR)639, (BA)921, (BA)922, (CR)1074 LTS/CSP-HB 1917
1980 Florida Commission on Tourism (Sebesta) (FR)198, (CR)265, (CR)349, (BA)411, (CR)418, (BA)**449**, 656 Ch. 2005-113

SB
1982 Financial Investigations/Pub. Rec. (Banking and Insurance) (FR)198, (CR)525, (CS)529 DSC
1984 Commercial & Consumer Collection (Banking and Insurance) (FR)198, (CR)525, (CS)529 DSC
1986 Pretrial Release (Dockery) (FR)198 DSC
1988 Water Management Activities (Regulated Industries) (FR)199, (CR)349, (CR)567, (CS)582, (BA)742, (CR)744
LTS/CSP-HB 1289
1990 Attorney's Fees/Vehicle No-Fault Law (Alexander) (FR)199 DSC
1992 Inspection of Perishable Items (Garcia) (FR)199, (MO)637
WS
1994 Medicaid (Health Care) (FR)199, (CR)420, (CS)432 DSC
1996 Petition Fraud/Voter Protection Act (Judiciary and others) (FR)199, (CR)299, (CR)455, (CS)459, (MO)637, (CO)656, (MO)743, (CR)744, (CS/CS)745, (BA)774, (BA)775, (CR)811 LTS/CSP-HB 1589
1998 Investment of Public Funds (Alexander) (FR)199, (CR)349, (CR)524, (MO)689, (BA)835, (CR)886 LTS/CSP-HB 871
2000 Domestic Security (Diaz de la Portilla) (FR)199, (CR)265, (CR)377, (CR)524, (BA)833, (CR)886, (BA)957, (BA)1078
DCS/CSP-HB 1715
2002 Sovereign Immunity (Judiciary and others) (FR)199, (CO)388, (CR)524, (CR)690, (CS)697 DCS
2004 Thoroughbred Racing (Garcia) (FR)199 DSC
2006 Warranty Associations (Banking and Insurance and others) (FR)199, (CR)320, (CS)322, (CR)524, (BA)621, (CR)638, (CO)656, (BA)678, (BA)**683**, 1075 Ch. 2005-258
CSP-CS/CS/SB 2498
2008 Ethics/Public Officers & Employees (Sebesta and others) (FR)200, (CR)420, (CS)432, (CR)690, (CS/CS)697, (MO)744, (MO)811, (BA)917, (BA)918, (BA)958, (BA)959, (CR)1074, (CO)1230 LTS

SR
2010 Hillsborough Co. Day/April 14, 2005 (Sebesta and others) (CO)313, (FR)**439** Adopted

SB
2012 Transportation & Sale of Cigarettes (Dockery) (FR)200, (CR)454 DSC/CSP-HB 205
2014 Property Insurance (Alexander) (FR)200 DSC
2016 Ethics in Government (Posey) (FR)200 DSC
2018 Ethics in Government (Posey) (FR)200 DSC
2020 Ethics in Government (Posey) (FR)201 DSC
2022 Constitutional Amendments (Judiciary) (FR)201, (CR)378, (CS)385, (CR)744, (CS/CS)745 DSC/CSP-HB 1589

SCR
2024 Legislative Lobbying (Ethics and Elections) (FR)201, (CR)639, (CS)647, (MO)811, (BA)**911**, (CR)1074 DM

SB
2026 Elections (Posey) (FR)201 DSC
2028 Publicly Owned Football Facilities (Margolis) (FR)201
DSC
2030 Ethics in Government (Posey) (FR)201 DSC
2032 Tax Administration (General Government Appropriations) (FR)201, (CR)265, (CR)349, (CR)524, (CR)567, (CS)582, (MO)744, (BA)914, (BA)915, (CR)1074, (BA)1079
LTS/CSP-HB 1813, HB 1693, SB 300, CS/SB 2070
2034 Public Records Exemptions (Argenziano) (FR)201 DSC
2036 Commercial Real Estate Liens (Regulated Industries and others) (FR)202, (CR)525, (CS)530, (CR)639, (BA)741, (CR)744, (CO)818 LTS/CSP-HB 1459
2038 Hospital County Reimbursement (Garcia) (FR)202, (MO)637 WS
2040 Driver Licenses/Foreign Nationals (Transportation) (FR)202, (CR)525, (CS)530, (CR)566 DSC
2042 Welfare Transition TF/Military (Fasano) (FR)202, (CR)265, (BA)(CR)299, (BA)**319**, 337, 437, 460 Ch. 2005-25
2044 Motor Vehicle & Motorcycle Insurance (Crist) (FR)202, (CR)454 DSC
2046 Violation of Probation (Crist and others) (FR)202, (CO)1662 DSC
2048 Judges (Ways and Means) (FR)202, (CR)300, (CS)313, (CR)349, (CS/CS)352, (CR)568, (CS/CS/CS)582, (BA)785, (CR)811, (BA)833, (BA)954, (BA)1034, **1037**, 1661
Ch. 2005-150
2050 Land Surveying & Mapping (Judiciary and others) (FR)202, (CR)300, (CR)690, (CS)698, (BA)777, (CR)811, (CO)1075
LTS/CSP-HB 1417
2052 Motorcycles & Motor-driven Cycles (Garcia) (FR)202, (MO)637 WS/CSP-HB 1697
2054 Paralegal Profession Act (Argenziano and others) (FR)202
DSC

SB
2056 Offender & Murderer Registration (Criminal Justice and others) (FR)203, (CR)420, (CS)433, (CO)461, (CR)638, (CO)1075 DSC
2058 Hearing/Speech/Merging Boards (Baker) (FR)203 DSC
2060 Community Redevelopment Agencies (Baker) (FR)203 DSC
2062 Community Associations (Regulated Industries) (FR)203, (CR)639, (CS)647 DSC
2064 Postsecondary Athletics (King) (FR)203 DSC
2066 Tax on Communication Services (Government Efficiency Appropriations) (FR)203, (CR)462, (CS)471, (CR)525, (CS)528, (CR)640, (CS/CS)645 DSC/CSP-CS/CS/SB 1322
2068 Telecommunications (Government Efficiency Appropriations and others) (FR)203, (CR)349, (CS)352, (CO)388, (MO)418, (CR)525, (CS/CS)530, (CR)640, (CS/CS/CS)648, (BA)836, (CR)886, (BA)912, (BA)1078 DCS/CSP-CS/CS/SB 1322
2070 Communications Services (Communications and Public Utilities) (FR)204, (CR)420, (CS)433, (CR)566, (MO)637, (MO)743, (BA)916, (CR)1074, (BA)1078, (BA)1182, (BA)1184, (BA)1585, **1587**, 1661 Ch. 2005-187 CSP-HB 1813
2072 Local Governments (General Government Appropriations and others) (FR)204, (CR)420, (CS)433, (CR)524, (CR)640, (CS/CS)648, (BA)835, (CR)886, (BA)954 LTS/CSP-CS/CS/SB 1322
2074 Hydrogen Energy Technologies Act (Commerce and Consumer Services and others) (FR)204, (CR)246, (CR)299, (CO)313, (CO)388, (CR)525, (CS)530, (CO)1075 DSC
2076 Commercial Parasailing (Sebesta) (FR)204, (CR)299, (CR)524 DSC
2078 Fla. Aerospace Infrastructure TF (Commerce and Consumer Services and others) (FR)204, (CO)337, (CR)463, (CS)472 DSC
2080 Community Redevelopment Agency/Fire (Margolis) (FR)204 DSC
2082 Driver Licenses & I.D. Cards (Transportation) (FR)204, (CR)421, (CS)433 DSC
2084 Elections (Posey) (FR)205 DSC
2086 Elections (Judiciary) (FR)205, (CR)463, (CS)472, (MO)689, (CR)(MO)744, (CS/CS)745, (BA)919, (BA)920, (BA)933, (BA)935, (BA)1000, (BA)1003, (CR)1074 LTS/CSP-HB 1567, HB 1589
2088 Special Election/September 6, 2005 (Lynn and others) (FR)205, (CO)437, (CR)454, (CO)596 DSC

SJR
2090 School Classroom Size/Teachers' Pay (Education Appropriations and others) (FR)205, (MO)418, (CO)437, (CR)454, (CS)460, (CO)596, (CR)640, (CS/CS)648, (BA)957, (BA)1037, (CR)1074 LTS

SB
2092 Emergency Management (Argenziano) (FR)205 DSC
2094 Elections (Posey) (FR)205 DSC
2096 High School Graduation/Accelerated (Lynn) (FR)205 DSC
2098 Career Education (Lynn) (FR)205 DSC
2100 Juvenile Justice Education Programs (Lynn) (FR)205 DSC
2102 Apprenticeship Programs (Lynn) (FR)205 DSC
2104 Line of Ordinary High Water (Campbell) (FR)205, (MO)418 WS
2106 Court Interpreters (Campbell) (FR)206 DSC
2108 Economic Development (Argenziano) (FR)206 DSC
2110 Human & Civil Rights/Discrimination (Banking and Insurance) (FR)206, (CR)319, (CR)523, (CR)567, (CS)582 DSC
2112 Emergency Medical Services (Rich) (FR)206, (CR)553, (CR)566 DSC
2114 Grades K-12/Pupil Progression (Baker) (FR)206 DSC
2116 Enterprise Zones/Taylor County (Argenziano) (FR)206 DSC
2118 Worker's Compensation (Atwater and others) (FR)206, (CR)454, (CR)639, (BA)742, (CR)744, (CO)1662 LTS/CSP-HB 423
2120 Opportunity Scholarship Program (Education) (FR)206, (CR)639, (CS)648 DSC
2122 Slot Machines/Revenue Taxes (Campbell) (FR)206 DSC
2124 Medical Negligence (Wise and others) (FR)206, (CO)388 DSC
2126 Student & Faculty Academic Freedom (Wise and others) (FR)207, (CO)388, (CO)596 DSC
2128 Withholding Nutrition or Hydration (Wise) (FR)207 DSC
2130 Cigarette Tax Proceed/H. Lee Moffitt (Miller and others) (FR)207, (CO)313, (CO)354, (CR)419, (CR)524 DSC
2132 Fiscally Constrained Counties (Baker and others) (FR)207, (CO)337, (CR)349, (CO)388, (CO)461, (CR)462, (CO)1075 DSC

SB
2134 Diana Kautz Student Safety Sponsors (Education) (FR)207, (CR)299, (CR)690, (CS)698 DSC
2136 Administration of Medication (Children and Families) (FR)207, (CR)264, (CR)349, (CS)353 DCS
2138 Career Educ./Sunshine State Standard (Education) (FR)207, (CR)690, (CS)698 DSC
2140 Home Health Services (Argenziano) (FR)207 DSC
2142 Public Records Exemptions (Governmental Oversight and Productivity) (FR)207, (CR)554, (CS)557, (CR)566 DSC/CSP-HB 1305

SJR
2144 State Budget Planning & Spending (Ways and Means) (FR)92, (CR)227, (CR)325, (CS)332, (BA)343, (CR)348, (BA)359, **360**, (BA)1128, **1130** Passed

SB
2146 State Planning & Budgeting (Ways and Means) (FR)93, (CR)227, (CR)325, (CS)332, (BA)343, (BA)344, (CR)348, (BA)360, **361**, 1075 Vetoed/CSP-CS/SB 2610
2148 Bingo (Argenziano and others) (FR)208, (CR)348, (CR)524, (CR)639, (BA)733, (CR)744, (BA)761, (BA)766, **767**, (CO)1662 DHC
2150 Charter Schools (Baker) (FR)208 DSC
2152 Department of State (Governmental Oversight and Productivity and others) (FR)208, (CR)325, (CS)333, (CO)337, (CR)462, (CR)566, (CR)639, (BA)941, (CR)1074 LTS/CSP-HB 1305
2154 Adoption (Campbell) (FR)209 DSC
2156 Vessels (Transportation and others) (FR)209, (CR)378, (CS)385, (CR)462, (MO)689, (CO)1075 DSC
2158 School Facilities/Construction Costs (Wilson) (FR)210 DSC

SR
2160 Broward Days Day (Campbell and others) (FR)339, **340**, (CO)437 Adopted

SB
2162 Internet Computer Fraud (Posey) (FR)210, (CR)299 DSC

SR
2164 Florida Goodwill Association (King) (FR)**339** Adopted

SB
2166 Residential Tenancies (Criminal Justice) (FR)210, (CR)554, (CS)557 DSC
2168 Local Govt. Infrastructure Surtax (Posey) (FR)210 DSC
2170 Prostate Cancer/Insurance Coverage (Miller) (FR)210 DSC
2172 Religious Property/Robbery (Atwater) (FR)210 DSC
2174 Seaport Security (Wilson) (FR)210 DSC
2176 Electors & Elections (Transportation and Economic Development Appropriations and others) (FR)210, (CR)300, (CO)535, (CR)555, (CS)557, (CR)690, (CS/CS)698, (BA)837, (BA)840, (BA)853, (BA)854, (CR)886, (CO)1662 LTS/CSP-HB 1589, HB 1567, HB 1591
2178 Voting/Public Records (Governmental Oversight and Productivity and others) (FR)211, (CR)378, (CS)385, (MO)523, (CR)555, (CS/CS)558, (BA)841, (CR)886, (CO)909 LTS/CSP-HB 1589, HB 1591
2180 Public K-12 Education Instruction (Fasano and others) (FR)211, (CO)240 DSC
2182 Clinical Laboratories (Margolis) (FR)211 DSC
2184 Insurer Insolvency (Banking and Insurance and others) (FR)211, (CR)463, (CS)473, (CR)566, (CO)1075 DSC
2186 Clean Energy Technology Center (Fasano) (FR)212, (CR)246, (CR)348 DSC
2188 Daylight Saving Time (Posey) (FR)212 DSC
2190 Education (Education and others) (FR)212, (CO)259, (CO)461, (CO)535, (CR)639, (CS)648, (CO)1075 DSC
2192 Enterprise Zones (Crist) (FR)212 DSC
2194 Federal Grants Trust Fund (Crist) (FR)212, (CR)324, (BA)415, (CR)418 LTS/CSP-HB 1765
2196 Trust Funds/Juvenile Justice Dept. (Justice Appropriations) (FR)212, (CR)349, (CS)353, (MO)418, (BA)503, (CR)523, (BA)**541**, 1075 Ch. 2005-114
2198 Constitutional Amendments (Atwater) (FR)212 DSC

SJR
2200 State Taxes or Fees (Ethics and Elections and others) (FR)147, (CO)219, (CR)228, (CS)233, (MO)246, (CR)319, (CR)324, (BA)773, (CR)811, (CO)1662 LTS

SB
2202 Constitutional Amendments (Atwater) (FR)212 DSC
2204 Constitutional Amendments (Atwater) (FR)212 DSC
2206 Fla. Aerospace Infrastructure TF (Saunders) (FR)212 DSC
2208 Aerospace (Saunders) (FR)213 DSC/CSP-HB 1813
2210 Nurse Licensure Compact (Saunders and others) (FR)213, (CO)234 DSC/CSP-CS/SB 410

SB
2212 Economic Development (Commerce and Consumer Services) (FR)213, (MO)299, (CR)320, (CS)322, (CR)418 DSC
2214 Discount Medical Plan Organizations (Banking and Insurance and others) (FR)213, (CR)463, (CS)473, (CR)639, (BA)720, (CR)744, (CO)1662 LTS/CSP-HB 1081
2216 Tax Refund/Defense Contractors (Transportation and Economic Development Appropriations and others) (FR)213, (CO)313, (CR)319, (CO)323, (CO)337, (CR)418, (MO)454, (CR)567, (CS)583, (BA)616, (CR)638, (CO)709 LTS/CSP-HB 1483, CS/SB 1154
2218 Adverse Medical Incidents Act (Saunders) (FR)214, (MO)637 WS/CSP-CS/SB 938
2220 Voluntary Pre-K Education/Pub. Rec. (Governmental Oversight and Productivity and others) (FR)214, (CR)265, (CR)324, (MO)454, (CR)555, (CS)558, (BA)614, (CR)638, (CO)1075 LTS/CSP-HB 1695
2222 Economic Development (Government Efficiency Appropriations) (FR)214, (CR)454, (MO)553, (CR)567, (CS)583, (CR)639, (BA)733, (CR)744, (BA)**762** DHC
2224 Genetic Counseling Practice Act (Klein) (FR)214, (CR)554 DSC
2226 Enterprise Zones/Orange/Osceola (Siplin) (FR)214 DSC
2228 Asbestos-related Claims (Judiciary) (FR)214, (CR)319, (MO)348, (CR)455, (CS)460, (BA)503, (CR)523, (BA)**541**, 818 Ch. 2005-269
2230 Dentistry (Health Care) (FR)214, (CR)640, (CS)648 DCS/CSP-SB 2574
2232 Public Service Commission (Commerce and Consumer Services) (FR)214, (CR)349, (CS)353, (CR)525, (CS/CS)531, (BA)728, (BA)731, (CR)744, (BA)759, (BA)1039, (BA)1040 LTS/CSP-CS/CS/SB 1322
2234 Mobile Home Parks/Sale (Fasano) (FR)215 DSC
2236 Tuition Rates/State Universities (Education Appropriations and others) (FR)215, (CR)300, (CS)313, (CR)324, (CR)690, (CS/CS)699, (BA)715, (BA)716, (BA)721, (CR)744, (BA)**756**, 1661 Vetoed
2238 FDLE Officers/Taser Gun Use/Training (Siplin) (FR)215 DSC
2240 Dart-firing Stun Guns (Criminal Justice) (FR)215, (CR)554, (CS)558 DSC
2242 Arbitration (Clary) (FR)215, (CR)419 DCS
2244 Cardrooms (Fasano) (FR)215, (CR)418, (CR)554 DCS
2246 Private Donations/Public Programs (Posey) (FR)215 DSC
2248 Public Records/Private Donations (Posey) (FR)215 DSC
2250 Private Donations TF/DFS (Posey) (FR)215 DSC
2252 Mark Wandall Traffic Safety Act (Wise) (FR)215 DSC
2254 Community Colleges (Education Appropriations and others) (FR)216, (CO)354, (CR)377, (CS)385, (CR)690, (CS/CS)699, (BA)939, (BA)940, (CR)1074, (BA)1102, **1103** DM
2256 Fla. Faith-based Advisory Board (Governmental Oversight and Productivity) (FR)216, (CR)640, (CS)648 DSC
2258 Early Release/Sexual Offenders (Siplin) (FR)216 DSC
2260 Below-Waist Underwear (Siplin) (FR)216 DSC
2262 Student Athletes/Drug Testing (Education) (FR)216, (CR)554, (CS)558, (CR)638 DSC
2264 Students/Instructional Costs (Education Appropriations) (FR)216, (MO)299, (CR)300, (CS)313, (MO)418, (CR)690, (CS/CS)699, (BA)716, (CR)744, (BA)**756**, 1661 Vetoed
2266 Retiree Health Insurance Subsidy (Governmental Oversight and Productivity and others) (FR)217, (CO)313, (CR)325, (CS)333, (CO)909 DSC
2268 Athletic Trainers (Fasano) (FR)217, (CR)418, (CR)524, (BA)626, (CR)638, (BA)**681**, 1075 Vetoed
2270 Elections (Posey and others) (FR)217 DSC/CSP-HB 1589
2272 Emergency Medical Services (Posey) (FR)217 DSC
2274 Students First Act (Bullard) (FR)217 DSC
2276 Prevention First Act (Geller) (FR)217 DSC
2278 Private Security Officer/Firearms (Criminal Justice and others) (FR)217, (CR)319, (CR)455, (CS)460, (CO)478, (CR)553, (BA)617, (CR)638, (BA)**669**, 1075 Ch. 2005-69
2280 Student Assessment Instruments (Siplin) (FR)247 DSC
2282 Public Right/Beach Access & Use (Baker) (FR)247 DSC
2284 Small Cities Community Development (Community Affairs) (FR)247, (CR)378, (CS)386, (CR)419, (BA)503, (BA)504, (CR)523, (BA)542 LTS/CSP-HB 951
2286 Building Permit Applications (Community Affairs) (FR)247, (CR)378, (CS)386, (CR)462, (CR)639 DCS/CSP-CS/CS/CS/CS/SB 442
2288 Public Marinas/Boat Ramps/DEP (Bennett and others) (FR)247, (CR)348, (CR)418, (CR)566, (MO)637, (BA)787, (CR)811, (CO)1075 LTS/CSP-HB 989
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2290 Sales Tax/K-12 School (Bennett) (FR)247, (MO)418 WS
2292 Foster Children/Residential Services (Bennett) (FR)247 DSC
2294 Citizens Property Insurance Corp. (Bennett) (FR)247 DSC
2296 Pharmacy Practice (Bennett) (FR)248, (CR)324, (CR)454, (BA)504, (BA)505, (CR)523, (BA)**543** DHC
2298 Everglades Oversight (Constantine) (FR)248 DSC
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2302 Local Government Land Development (Regulated Industries) (FR)248, (CR)320, (CS)322, (CR)420, (CS/CS)433 DSC
2304 Stem Cell Research (Geller and others) (FR)248, (CO)337 DSC
2306 Prescription Drug Reimportation (Geller) (FR)248 DSC
2308 Health Care Advance Directives (Crist) (FR)248 DSC
2310 Death Penalty (Smith) (FR)249, (CR)377 DSC
2312 Sales Tax/Machinery & Equipment (Smith and others) (FR)249, (CO)292, (CO)313, (CR)319, (CO)337, (CO)354, (CO)388, (CO)461, (CO)909 DSC
2314 Victims Voice Council (Criminal Justice) (FR)249, (CR)455, (CS)460 DSC
2316 Medical Screening/Children (Crist) (FR)249 DSC/CSP-CS/CS/SB 1090
2318 State Funding/Agriculture Education (Argenziano) (FR)249 DSC
2320 Community Reinvestment Plans (Siplin) (FR)249 DSC
2322 Total Maximum Daily Loads (Agriculture) (FR)249, (CR)418, (CR)525, (CS)531, (MO)689 DCS/CSP-HB 1855, CS/CS/CS/SB 444
2324 Telecommunications (Constantine) (FR)250 DSC
2326 Telecommunications (Constantine) (FR)251 DSC
2328 Private Schools (Siplin) (FR)251 DSC
2330 Offenses Involving Insurance (Criminal Justice) (FR)251, (CR)378, (CS)386, (CR)553, (CR)639, (CS/CS)649 DSC/CSP-CS/SB 1662
2332 Fraud (Criminal Justice and others) (FR)251, (CR)639, (CS)649, (CO)1075 DSC
2334 Substance Abuse Treatment Programs (Siplin) (FR)251 DSC
2336 Tax Benefit/Catastrophic Emergencies (Bennett) (FR)251, (CR)462 DSC
2338 Motor Vehicle Insurance (Alexander) (FR)251 DSC
2340 Private Investigators/Services (Argenziano and others) (FR)252, (CR)524, (CO)656 DSC/CSP-CS/SB 1438
2342 Mobile Home & Recreational Vehicles (Alexander) (FR)252 DSC
2344 Funeral, Cemetery, & Consumer Svcs. (Governmental Oversight and Productivity) (FR)253, (CR)418, (MO)454, (CR)524, (CR)640, (CS)649, (BA)739, (CR)744 LTS/CSP-HB 1469, HB 529
2346 Funeral & Cemetery Industry (Criminal Justice) (FR)253, (CR)420, (CS)433, (CR)525, (CS/CS)531, (MO)553, (CR)640, (CS/CS/CS)649, (BA)739, (BA)740, (BA)741, (CR)744 LTS/CSP-HB 529, HB 1469
2348 Intangible Personal Property Tax (Government Efficiency Appropriations and others) (FR)254, (CO)437, (CR)639, (CS)650, (CO)656, (MO)744, (BA)911, (CR)1074, (BA)**1095**, 1661 Ch. 2005-270
2350 Domestic Violence (Aronberg) (FR)254 DSC
2352 Controlled Substances (Criminal Justice and others) (FR)254, (CR)418, (CR)554, (CS)559, (MO)744, (BA)921, (CR)1074, (CO)1230, (CO)1662 LTS/CSP-HB 1347
2354 State Lands/Fla. Capitol Center (Lawson) (FR)255 DSC
2356 Procurement/Personal Property (Lawson) (FR)255 DSC
2358 Citizens Property Insurance Corp. (Constantine) (FR)255 DSC
2360 Condominiums (Regulated Industries) (FR)255, (CR)639, (CS)650 DSC
2362 Research & Development Costs (Education and others) (FR)256, (CO)313, (CR)320, (CS)322, (CR)554, (CS/CS)559 DSC
2364 Elderly Affairs (Health Care and others) (FR)256, (CR)455, (CS)460, (CR)554, (BA)615, (CR)638, (BA)667, (CO)709, (CO)1075 LTS/CSP-HB 1525
2366 Students with Disabilities/FCAT (Argenziano) (FR)256 DSC
2368 Minimum Flows/Surface Watercourses (Environmental Preservation) (FR)256, (CR)420, (CS)434 DSC
2370 All-terrain Vehicles/Public Lands (Smith) (FR)256 DSC
2372 Clinical Perfusionists (Health Care) (FR)256, (CR)690, (CS)699 DSC

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2374 Enterprise Zones/Okaloosa/Crestview (Peaden) (FR)256 DSC
2376 Cancer Research & Treatment TF (Fasano) (FR)257, (CR)324 DSC
2378 Cancer Research & Treatment Act (Fasano and others) (FR)257, (CO)292, (CR)325, (CS)332, (MO)418, (CR)421, (CS/CS)431, (BA)609, (BA)612, (CR)638, (BA)663, (BA)**682**, (CO)1075 LTS-refer to combined CS/CS/SB 1872
2380 Juvenile Just./Staff Workgroup Study (Wise) (FR)257 DSC/CSP-HB 1917
2382 Guardians Ad Litem/ID Info/Pub. Rec. (Smith) (FR)257, (CR)349 DSC/CSP-CS/SB 1098
2384 Fla. Health Insurance Plan (Peaden) (FR)257, (CR)566 DSC
2386 Persons with Disabilities Agency (Peaden) (FR)257 DSC
2388 Grades Pre-K-12/Education (Constantine and others) (FR)258, (CO)354 DSC
2390 Nursing Home Facilities (Campbell) (FR)258 DSC/CSP-SB 266, CS/CS/SB 404
2392 Florida-Faith Based Initiative (Crist) (FR)259 DSC
2394 Urban Revitalization Tax-free Zones (Margolis) (FR)266 DSC
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2398 Designation/Heller Hall/Curran Ctr. (Governmental Oversight and Productivity) (FR)267, (CR)419, (CR)640, (CS)650 DCS
2400 Dori Slosberg Road Safety Act (Bullard) (FR)267 DSC
2402 Abuse of Children (Bullard) (FR)267 DSC
2404 Anti-gang Education/Miami-Dade Co. (Bullard) (FR)267 DSC
2406 Sexual Offenders (Hill) (FR)267 DSC
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2410 Florida Atlantic University (Klein) (FR)123, **124** Adopted
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2412 Viatical Settlements (Banking and Insurance and others) (FR)267, (CR)378, (CS)386, (MO)553, (BA)618, (BA)628, (BA)637, (CR)638, (BA)670, (BA)678, **679**, (CO)751, 818 Ch. 2005-237
2414 Insurance (Garcia) (FR)268, (MO)637 WS/CSP-CS/SB 1486
2416 Workers' Compensation (Hill) (FR)268 DSC
2418 Enterprise Zones/Jacksonville (Hill) (FR)268 DSC
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2428 Residential Foreclosure Proceedings (Campbell) (FR)269 DSC
2430 Funding Sources/Growth Management (Atwater) (FR)269 DSC
2432 Cardrooms/Games of Dominoes (Regulated Industries and others) (FR)269, (CR)420, (CS)435, (CR)554, (BA)782, (CR)811, (BA)849, (BA)1050, (CO)1075, (BA)**1104** DS
2434 Florida Driver Responsibility Law (Government Efficiency Appropriations) (FR)269, (CR)378, (CS)387, (CR)554, (CR)690, (CS/CS)700 DSC
2436 Central Fla. Regional Transportation (Siplin) (FR)269 DSC
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2440 Alcoholic Beverages/Direct Shipments (Fasano) (FR)270 DSC
2442 Osceola County Transportation (Siplin) (FR)270, (CR)638 DSC
2444 Conventions & Tourism (Siplin) (FR)270 DSC
2446 Lending Practices (Banking and Insurance) (FR)270, (CR)567, (CS)583 DSC
2448 Stun Guns (Siplin) (FR)270 DSC
2450 Paternity Testing (Siplin) (FR)270 DSC
2452 Pharmacy Technicians (Aronberg) (FR)270, (CR)639, (BA)741, (CR)744, (BA)**770**, 1075 Vetoed
2454 Transient Rental Accommodations/Tax (Webster) (FR)270 DSC
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2462 WMD Planning & Reporting (Government Efficiency Appropriations) (FR)271, (CR)378, (CS)387, (CR)463, (CS/CS)473, (BA)549, (CR)553, (BA)600 LTS/CSP-HB 727
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2488 DOT Contracts (Transportation) (FR)274, (CR)639, (CS)650 DSC
2490 Rural Area/Critical Economic Concern (Community Affairs) (FR)274, (CR)420, (CS)435, (CR)462 DSC
2492 Insurance Rates & Contracts (Clary) (FR)274, (MO)743 WS
2494 Disposition of Unclaimed Property (Judiciary) (FR)274, (CR)463, (CS)475, (CR)690, (CS/CS)700, (BA)775, (CR)811 LTS/CSP-HB 1527
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2502 Water Management Districts (Governmental Oversight and Productivity and others) (FR)275, (CR)378, (CS)387, (CR)554, (CS/CS)559, (MO)689, (MO)811, (BA)921, (CR)1074, (BA)**1090**, 1229, (CO)1662 Ch. 2005-215 CSP-HB 759, CS/CS/CS/SB 444
2504 Pretrial Release (Fasano) (FR)275, (CR)638 DSC
2506 Transportation Funding (Alexander) (FR)275 DSC
2508 Higher Education (Lawson) (FR)275 DSC
2510 Natural Resources (Environmental Preservation) (FR)275, (CR)525, (CS)532, (CR)566, (BA)920, (BA)992, (CR)1074 LTS/CSP-HB 1855
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2516 Highway Safety (Transportation and others) (FR)276, (CR)420, (CS)435, (CR)524, (CR)638, (CO)1075 DSC/CSP-HB 497
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